



## PLANNING COMMISSION

AGENDA for January 14<sup>th</sup> 2025

### AGENDA

#### **PUBLIC HEARING**

1. Conditional Use Permit - 2056 and 2068 Chestnut Avenue
2. Conditional Use Permit - Tax Map 9-A---5, to be addressed 120/122 Sunset Ridge

#### **REGULAR MEETING**

##### **Call to Order by Chairman and Roll Call**

##### **Public Comment on Items Not on the Agenda**

##### **Review and Adoption of Minutes**

- 1) Minutes not yet ready

##### **Old Business**

- 1) Conditional Use Permit – 2056 and 2068 Chestnut Ave

##### **New Business**

- 1) Conditional Use Permit - Tax Map 9-A---5, to be addressed 120/122 Sunset Ridge
- 2) Zoning Text Amendment discussion – Side Setback Special Cases

##### **Report of Secretary**

- Have put out RFP for a consultant to prepare a historic building report and economic feasibility study of the library building (old City hall).
- Have put out RFP for consultant to prepare a Resilience Plan for the City, primarily dealing with hydrological analysis of the creeks and flood hazard mitigation.

##### **Adjournment**

**Members and Term Expirations**

Dennis Hawes, Chairman, 7/31/2028

Harold Kidd, 6/30/2026

Justin Wiseman, 8/31/2025

Marolyn Cash, 6/30/2028

Sarah Henson, 9/30/2027

Melvin Henson, City Council Representative,  
9/30/2027

Kristie Gibbons, 12/31/2024

Timothy Petrie, 12/31/2024

Jason Tyree, Ex Officio member

**Staff**

Tom Roberts, Director of Community Development

City Hall, 2039 Sycamore Avenue, Buena Vista VA 24416

(540) 261-8607 | [troberts@bvcity.org](mailto:troberts@bvcity.org) | [buenvistava.org/planning](http://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 2<sup>nd</sup> 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 Staff Report**

Conditional Use Permit

2056-2068 Chestnut Ave Bed & Breakfast Inn

1/9/2025

**Synopsis**

Applicant Daniel DeSouza proposes two adjacent Bed & Breakfast Inns at 2056 and 2068 Chestnut Ave. A Bed & Breakfast Inn requires a Conditional Use Permit.

**Site Information**

<b>Address/Tax Map:</b>	2056 Chestnut Ave (34-1-2-57-3 and 34-1-2-57-5) and 2068 Chestnut Ave (34-1-2-57-7)	
<b>Existing zoning:</b>	R3 Residential Limited	
<b>Existing land use:</b>	Multifamily residential (2056 Chestnut) and Single-family residential (2068)	
<b>Proposed zoning:</b>	R3 Residential Limited with CUP for B&B	
<b>Proposed land use:</b>	Bed & Breakfast	
<b>Surrounding zoning and land use:</b> Single family residential		
<b>Size:</b>	37,500 sf land	
<b>Staff Recommendation:</b>	Approve	
<b>Tentative Timeline</b>	Preliminary Commission Discussion	11/12/2024
	Commission Discussion	12/10/2024
	Planning Commission Public Hearing	1/14/2024
	<b>City Council Public Hearing</b>	<b>1/16/2024</b>
	City Council Adoption	TBD

**Overview**

2068 Chestnut Ave is a grand single-family frame home with nine bedrooms. 2056 Chestnut Ave is two-story brick garage with apartments above and is architecturally and functionally accessory to 2068 Chestnut, although they are on separate parcels. Mr. DeSouza is applying for two Bed & Breakfast Inns on behalf of two business partners who will be owner-occupants of the premises.

*Bed & Breakfast Zoning*

Bed & Breakfast establishments are governed by Section 714 Residential Transient Occupancy of the Land Development regulations, which also governs short-term rentals and which was updated in 2022. The key difference between bed & breakfast establishments and short-term rentals is that B&Bs offer breakfast and are regulated by the Virginia Department of Health. Under the City’s long-standing B&B regulatory regime, those with 1-2 guest rooms (bed &

breakfast homestay) are by right uses in residential zone, whereas those with 3-5 guest rooms (bed & breakfast inn) require a conditional use permit. Section 302.02-4 reads, “*Bed and breakfast inn* means a single-family dwelling occupied by the owner which provides more than two, but no more than five bedroom accommodations and meals to transients.”

The host of a B&B must be the owner of the property. The owners of 2056 Chestnut Ave will be Mason and Brook Ludgate, and the owners of 2068 Chestnut Ave will be Kevin and Claudia Kleinman.

### *Site and Operation*

1. Overall Layout & function
  - a. 2056 and 2068 will each have five guest rooms. With separate owner-occupants, they are thus separate B&Bs. However, they will operate jointly and breakfast will be served in the dining room of 2068.
2. Vehicular Circulation and Parking – This is a large corner site with sweeping paved driveways and a large grassy lawn. There are nine off-street spaces and 16-18 on-street spaces.
  - a. 2056 offers seven off-street parking spaces, four in front of the main building and three under a covered carport. Although the driveway has two entrances and a deep space in front of the buildings, the capacity is realistically seven vehicles without blocking in vehicles.
  - b. 2068 offers two off-street parking spaces in the semi-circular driveway off 21<sup>st</sup> Street. The driveway is wide enough only to accommodate one vehicle, only two can be parked without one being blocked in.
  - c. There are 16-18 on-street parking spaces on the 21<sup>st</sup> St and Chestnut Ave frontages of this property.
  - d. B&Bs are required to provide one space per guest room, but this is not required to be off-site (See 714.03-10). In this case, the ample on-street parking should be considered.
  - e. The layout of the site and the driveways lends itself to expanding off-street parking easily if needed.
3. Trash Collection
  - a. Trash collection is at the rear of the property on the alley. There are several existing trash can clusters (they happen to be overflowing when photos were taken but this is not a reflection on the future owners or proposed B&B operation). These can be used and expanded to accommodate additional cans as needed with minimal impact.
4. Water and Sewer – no changes to the utilities proposed.
5. Signage

- a. A freestanding post & panel sign is proposed near the corner of 21<sup>st</sup> St and Chestnut Ave. It will measure 30” tall x 42” wide. This sign meets sign regulations of Section 706.
6. Special events – Per 714.03-6, if a B&B desires to host special events such as receptions, parties, weddings, concerts, etc. this must be included in a CUP application. This B&B proposes to host occasional events with the following parameters:
- a. Events will only be held outdoors. (Indoor space is not conducive to events.)
  - b. Maximum of 50 event attendees
  - c. Two bathrooms are available inside buildings for event attendees. Additional portable toilets will be brought in if required by Health Department based on number of attendees, food service, etc.
  - d. Events will not be held between the hours of 10:00 PM and 8:00 AM.
  - e. Amplified sound permitted. Staff recommend placing some parameters on this and are researching options.
  - f. If more parking than street and site parking is needed, B & B will provide shuttle to nearby parking lot(s).

## **Analysis and Recommendation**

Section 714 provides criteria for Planning Commission & City Council’s review of CUP applications for B&Bs:

714.08-2.1 On- and off-street parking available.

As noted above, there should be adequate off- and on-street parking to accommodate the residents and guests.

714.08-2.2 Suitability of the buildings and grounds for the proposed use.

The home at 2068 is one of the City’s grandest Victorian houses, with numerous bedrooms. The building and setting lend themselves to a B&B in the opinion of staff. Additionally, the size and scale of the property makes it challenging to afford purchase and upkeep as a single-family home.

714.08-2.3 Impact of vehicular and pedestrian traffic.

The site is within a couple blocks of downtown on the main east-west street (21<sup>st</sup> St).

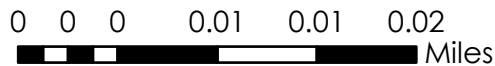
714.08-2.4 Impact on visual and functional character of the neighborhood.

The visual character will remain the same. There will be additional activity at the property as guests arrive and depart.

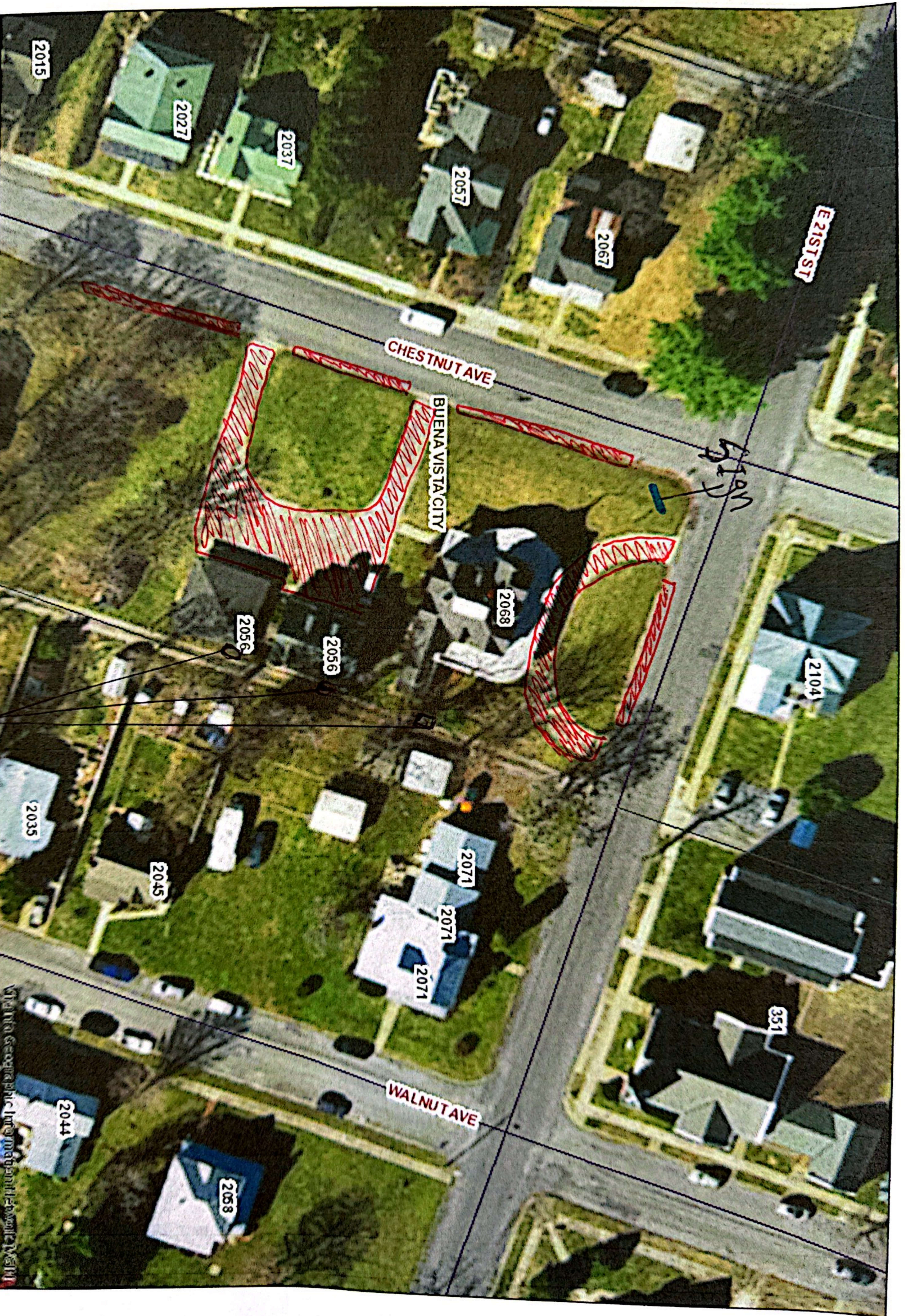
714.08-2.5 Availability of similar establishments in the neighborhood and the area.

The City lacks transient occupancy options, and has set as an economic development goal establishment of a hotel. This proposed B&B will meaningfully enhance accommodation options in the City.

Staff recommend approval of this proposal.



## 2056 - 2068 Chestnut Ave



PLAN

Parking in Red

Trash Locations  
in Trash Bins

Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate but accuracy is not guaranteed.

Approx. Scale 1:887  
0 74 ft 148 ft



**PLANNING COMMISSION Staff Report**

Conditional Use Permit  
 120-122 Sunset Ridge  
 1/9/2025

**Synopsis**

CUP to waive side setback requirement in R4 zone to allow duplex to straddle property line.

**Site Information**

<b>Address/Tax Map:</b>	9-A---5, to be addressed 120-122 Sunset Ridge	
<b>Existing zoning:</b>	R4 Medium Density Residential	
<b>Existing land use:</b>	Vacant/undeveloped	
<b>Proposed zoning:</b>	R4 Medium Density Residential with CUP to waive side setback	
<b>Proposed land use:</b>	Duplex with each unit on separate lot	
<b>Surrounding zoning and land use:</b> Single-family residential		
<b>Size:</b>	2.748 acres	
<b>Staff Recommendation:</b>	Approve	
<b>Tentative Timeline</b>	<b>Planning Commission Public Hearing</b>	<b>1/14/2025</b>
	City Council Public Hearing	2/6/2025
	City Council Adoption	2/20/2025

**Discussion**

Applicant Mike Bowling proposes to divide a large lot in Sunset Ridge and to build a duplex with each unit on a separate fee simple lot, i.e. an attached single-family residential structure. Each unit would be sold separately but share a party wall. A Conditional Use Permit is required to waive the side setback requirement in R4.

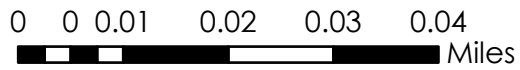
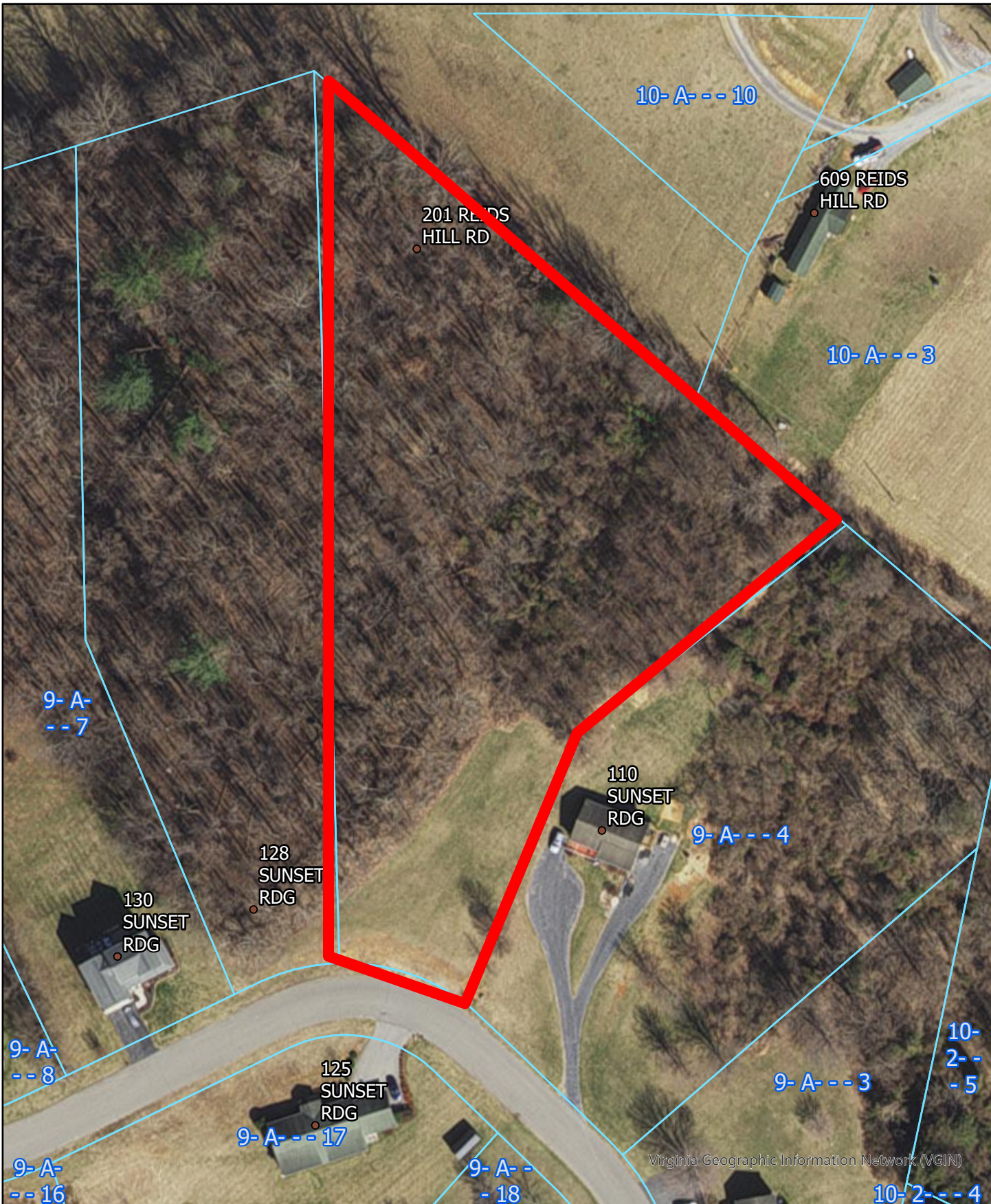
*Zoning and Permitting*

The only element of this proposal requiring a CUP is the side setback. The lot division is by right. Duplexes are allowed by right in R4. Other duplexes and townhouses recently approved in the R4 zone have been under single ownership, i.e. multifamily, rather than attached single-family, and so this issue has not come up previously.

The side setback in R4 is 10'. This CUP would waive that side setback on one side of each property. All other setbacks and dimensional regulations would remain in force.

## **Analysis and Recommendation**

As noted, duplexes (as well as townhouses and apartments) are already permitted by right at this location. The neighborhood was zoned R4 intentionally when it was approved to allow duplexes and multifamily, although to date all development has been single-family. Allowing attached single-family that could more easily be owner-occupied than a duplex under single ownership would be consistent with the rest of the houses in the neighborhood. Staff recommend approval.



# 120-122 Sunset Ridge

**NOTES:**

1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY. SOURCE OF TITLE AND ADJOINING INFORMATION OBTAINED THROUGH CITY OF BUENA VISTA TAX RECORDS.
2. THIS PLAT HAS BEEN PREPARED FROM A CURRENT FIELD SURVEY PER THE DATE OF THIS PLAT.
3. PROPERTY LINES ALONG SUNSET DRIVE ARE INTENDED TO ADJOIN PUBLIC RIGHT OF WAY.
4. THE SOLE PURPOSE OF THIS PLAT IS TO DIVIDE LOT 5 AS SHOWN AND PROVIDE A UTILITY EASEMENT TO THE PROPOSED TOWNHOME.
5. UTILITIES TO THE PROPOSED TOWNHOME SHALL BE PROVIDED ACROSS EITHER OR BOTH LOTS. LOCATION OF EASEMENT(S) TO BE DETERMINED AT A LATER DATE.
6. TOWNHOME DIMENSIONS SHOWN ARE APPROXIMATE.
7. THIS PROPERTY IS LOCATED IN ZONE "X" UNSHADED (AREA OUTSIDE OF THE 100-YEAR FLOOD HAZARD ZONE) AS DETERMINED BY FEMA AND SHOWN ON PANEL #51163C0290 C DATED APRIL 6, 2000.

THE PLATTING AND SUBDIVISION OF TM# 9-A-5 AS SHOWN HEREON, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER.

OWNER: WINDING RIVER CONSTRUCTION LLC \_\_\_\_\_ DATE \_\_\_\_\_

COMMONWEALTH AT LARGE TO WIT:  
STATE OF VIRGINIA

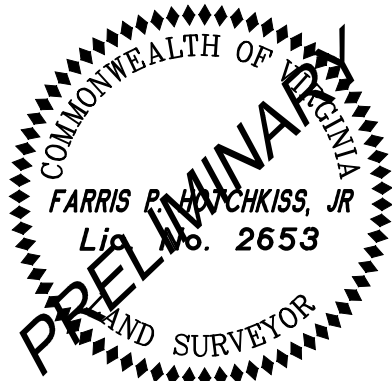
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ A NOTARY PUBLIC  
IN AND FOR THE AFORESAID STATE, DO  
HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED  
ABOVE HAVE ACKNOWLEDGED THE  
SAME BEFORE ME.

MY COMMISSION EXPIRES: \_\_\_\_\_

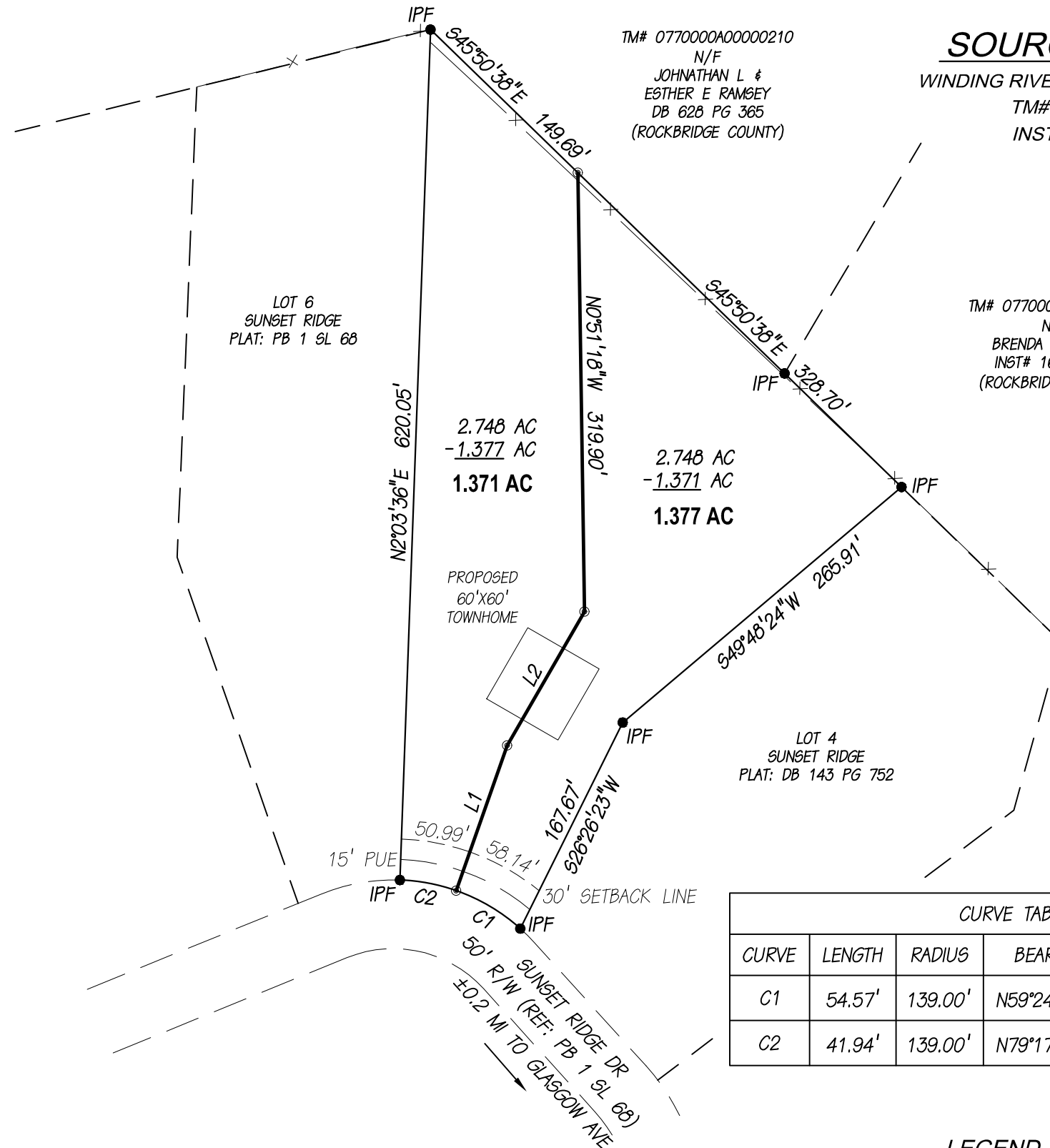
NOTARY PUBLIC \_\_\_\_\_ DATE \_\_\_\_\_

NOTARY REGISTRATION NUMBER: \_\_\_\_\_



APPROVED: \_\_\_\_\_

\_\_\_\_\_  
SUBDIVISION AGENT  
CITY OF BUENA VISTA, VIRGINIA  
DATE \_\_\_\_\_



TM# 0770000A00000210  
N/F  
JOHNATHAN L &  
ESTHER E RAMSEY  
DB 628 PG 365  
(ROCKBRIDGE COUNTY)

**SOURCE OF TITLE:**  
WINDING RIVER CONSTRUCTION LLC  
TM# 9-A-5 (LOT 5)  
INST# 202300515

TM# 0770001000000000  
N/F  
BRENDA C CULLEN  
INST# 160000132  
(ROCKBRIDGE COUNTY)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N19°20'54"E	112.14'
L2	N29°59'35"E	112.52'

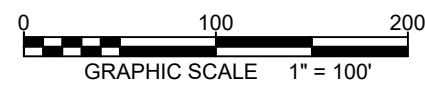
CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	54.57'	139.00'	N59°24'15"W	54.22'	22°29'42"
C2	41.94'	139.00'	N79°17'45"W	41.78'	17°17'17"

- LEGEND**
- ⊙ IRON PIN SET (IPS)
  - IRON PIN FOUND (IPF)
  - SURVEY POINT
  - N/F NOW OR FORMERLY
  - ⊕ UTILITY POLE
  - ↓ — OVERHEAD UTILITIES
  - X — FENCE

PLAT SHOWING DIVISION  
OF  
LOT 5 SUNSET RIDGE  
CITY OF BUENA VISTA, VIRGINIA

17 W. Nelson Street  
Lexington, VA 24450

Office: 540-464-9001  
Fax: 540-464-5009  
E-Mail: pno@perkins-orrison.com  
WEBSITE - <http://www.perkins-orrison.net/>



DATE: 11/26/2024

PRJ#: 23304  
DWG: V-SP-23304.dwg  
DWN: PMC



## **PLANNING COMMISSION Staff Report**

Zoning Text Amendment  
Side Setback Special Cases  
1/9/2025

### **Background**

In the last few months two “special cases” have arisen regarding side setbacks. I’d like to consider changing the zoning text to build in more flexibility should these arise in the future. Below are the issues for preliminary feedback before I draft text.

#### **1. Side setbacks for attached single-family dwellings**

Duplexes and townhouses are permitted in multiple zones throughout the City. Two of those zones where they are permitted by right also have side setback and minimum lot size requirements (R4 Medium Density Residential and MUC Mixed Use Corridor). In those zones, the side setback and minimum lot size requirements preclude individual units of a duplex or townhouse development being on separate lots. I don’t know if this was an oversight by previous planners—maybe it was assumed that those did not apply?—but the plain language of the text does not include an exception to the setback and lot area requirements.

The only attached single family units on separate fee-simple lots I know of in Buena Vista are the townhouses at 24<sup>th</sup> St & Pine Ave, although these happen to be under single ownership. Other townhouse or duplex developments are all under single ownership. Attached single-family properties, where structures share a party wall but are on separate lots, are very common throughout the country and do not present any particular legal challenges.

Changing the zoning text to make attached single-family by right where duplexes and townhouses are already allowed would give another option to builders, and could promote homeownership. One of the City’s goals is greater diversity of housing types, i.e. not just detached single-family, and giving buyers the option to purchase an attached unit gives them another option that may be a less expensive way to purchase their first home.

#### **2. Side setbacks for existing lots of record 25’ wide**

Some parts of the City, such as Sycamore Avenue, were platted with 25’ wide lots rather than the more standard 50’ wide lots. The residential zoning is based on a 50’ wide basic lot, so the side setbacks are calibrated to this width. The spatial pattern of home spacing this leads to is entirely appropriate for much of the City, but some of the neighborhoods with 25’ lots were originally developed based on a narrower lot pattern. Application of the current side setback requirements makes context-sensitive, historically-consistent infill development more difficult in these neighborhoods.

The code issue here for narrow lots is the side setbacks. Section 708 Nonconforming lots, buildings, and uses reads thus:

*708.01 Lots of record. Where a lot of record at the time of enactment of this ordinance does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this ordinance, the following provisions shall apply:*

*708.01-1 A single nonconforming lot of record at the time of enactment or amendment of this ordinance may be used as a building site, provided that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the board, as outlined in section 807.00 herein.*

Thus the lot size and lot width do not need to meet standards, but the side setbacks (as well as front and rear setbacks) must adhere to current regulations. In R3, the side setbacks must be no less than 5' and both sides combined must be 15'. On a 25' wide lot, that would only allow a 10' wide house.

The section above refers to a variance process. Since that code section was written, state code and case law has tightened down eligibility for a variance; however, I believe a side setback variance to build a house on a 25' lot may still be eligible. Essentially, a property is eligible for a variance only if it cannot be productively used without the variance. Variances are considered by the Board of Zoning Appeals.

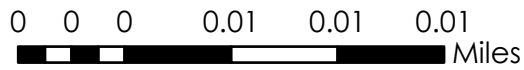
While a variance may be a viable route for someone to build a house on a 25' lot, I propose changing the text to automatically reduce the setbacks for 25' wide lots. The setbacks could be reduced to 3' on either side or something close to that. Attractive house plans are available even down to 15' widths, although more plans are available for wider plans. The text change could be drafted into Section 630 Dimensional Regulations; or into Section 708 Nonconforming lots, buildings, and uses; or even into Section 604 R3 Residential Limited (since most of these lots are located in R3). Given the width constraint, the text change could also reduce or waive the minimum dwelling unit square footage. Many of the historic homes in these neighborhoods do not meet the 960 sf minimum in place today.

#### *Case Study*

Consider the south end of the 2400 block of Sycamore Ave. On the west side of this block of Sycamore, there are at least four houses that were built with narrow dimensions to fit on 25' wide lots. A fifth similar house (2411 Sycamore Ave) was demolished six or seven years ago, and there is some evidence that there was at least one more house next to 2411 Sycamore historically. There are five 25'-wide lots between 24<sup>th</sup> Street and the first house on the west side. Thus, under current R3 zoning there could only be two houses built here, and one would have a large yard.

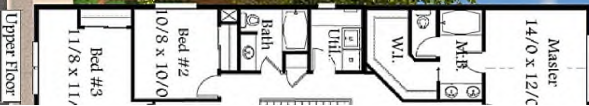
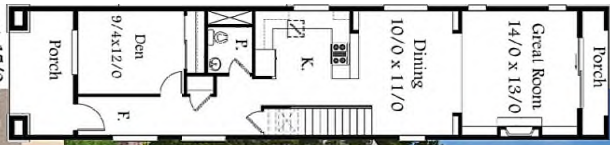
#### *Example house designs*

Included are examples found on the web of houses that are between 16' – 18' wide.



# 2400 Block Sycamore Ave





Main- 860 sq. ft.  
 Upper 966 sq. ft.  
 Total 1826 sq. ft.

15/0 w



**INNSKEEP**

Perfect infill house plan with three full bedrooms and a den. We have a detached garage that goes with this home as well. Good looking, affordable to build and a blessing to the neighborhood.

M-1826-CD  
 15/0 x 67/6  
 Main floor 860 sq ft  
 Upper floor 966 sq ft  
 Total 1826 sq. ft.

