

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
MAY 15, 2013**

The Luray Planning Commission met on Wednesday, May 15, 2013 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
Ronald Good
Larry Hakel
Mark Malone
Brian Sours
Grace Nowak

Others Present:

Ligon Webb, Town Planner

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

APPROVAL OF MINUTES:

Commissioner Hakel stated he was not present at the April 10, 2013 meeting. Mr. Webb stated he would strike his name from the minutes.

There being no additions or corrections to the minutes, they stand approved as presented.

NEW BUSINESS:

Mr. Webb introduced Larry and Donna Atkins of Stanley. Mr. Atkins recently inherited a piece of property here in town and they were inquiring about potentially looking at converting the accessory building. They want to inquire about meeting the Town Code to allow for a unit in R-1 and I explained to them how the Planning Commission and Town Council arrived at accessory building units and that we had limited them to just R-3 and R-4 in town. One issue is that it is not allowable in R-1 as it's written and the other issue is that they don't intend living in the property. One of the requirements of an ADU is that they actually have to live in the property. It might be one of the situations when they do move into the house eventually, then that might be a good time to make plans and have time before they move in to consider having us amend the Code to allow them in R-1.

MINUTES
MAY 15, 2013
PAGE 2

Donna Atkins stated we are thinking about ten years before Larry's retirement. We don't want to sell the property. We would be very particular if we do find renters. The main reason we want to do this is we have a son and daughter who live out of state and we also have friends that we have met during cruises and our children's college friends who often come in and visit. We thought even though we may not rent it, to have it accessible where if we have a full house, we still have another room that could be used. I looked through the restrictions and it looks like the main two things that might cause a problem would be of course that it's in R-1 which is not included and unless we ever did move there, we wouldn't be living there ourselves. The main house would be empty or if we find good renters that may be rented, but probably not the accessory dwelling. When the accessory building was built, there was drains put in, it has water; the upstairs room is what we would convert into a dwelling if we were allowed to. That's not a very big area; you saw the barn roof. The dimensions are 32' one way and the other way 12' to 14' so it would be enough for a small bathroom, small kitchen and living room and a bedroom. It would be for one or two people at the most. We thought it is worth checking into and see what the next steps would be.

Commissioner Nowak asked if the main house is empty now. Mrs. Atkins replied yes, his father passed away in March. Which lot is yours next to it; the fenced in lot or the lot with the tall trees. Mr. Atkins replied in between the two houses. Mrs. Atkins stated the gentleman has owned the lot next to the fence ever since Larry lived there and he does not intend to sell it. Commissioner Nowak stated the fenced in lot belongs to the house next door. Mrs. Atkins stated on the back side.

Mrs. Atkins asked why R-1 was not included in the ADU to begin with. Commissioner Campbell stated one of the main reasons is we have tried to keep R-1 as prime residential which does not include any type of business. Recently we did add electronic offices because it does not appear as a business. Rental property is a business. This was one of the main reasons. We do have some R-1 property that would probably qualify without interrupting the area. Mr. Webb stated I think that R-1 is the most restricted.

Mrs. Atkins asked if the home is not rented and the garage accessory is finished and used for personal use like for relatives and family, is there an issue with that. Commissioner Campbell stated according to the regulation, if the person who owns the property lives in the main building, they can have an ADU in anything but R-1. I'm not saying that we would not consider R-1. The major holdup then would be living in the main house.

MINUTES
MAY 15, 2013
PAGE 3

Mr. Webb stated that's a good question and I can find the answer to your question if you want to just get a building permit and get it ready. If they are personal guests and you were not entering into a rental contract with the people; I will have to ask our town attorney, but I don't see any reason as long as you are not in a contract, you are not advertising it and they are not living there for more than 30 days at a time, I'm pretty sure there would be no reason why we wouldn't give them a building permit. I will double check it with our town attorney but I feel pretty confident. Mrs. Atkins stated I feel like I don't see any difference in that and if the house is not rented like it is right now. If family or friends came in for the weekend or for a week, let them stay in the house and not charge them. Mr. Webb stated if you wanted to do some work to the garage and as long as it is not a contract rent, and they don't stay there longer than 30 days, I think you would be OK. When you do one day move in, then you can come back and say we live here now and we would like to rent it as a full time or if our in-laws want to live here full time, can we amend this code in R-1 and that might be a better time to ask that.

Commissioner Campbell stated I think you are wise if you feel like fixing the garage up and doing whatever. You can get a building permit and do what you want to as far as preparation. Commissioner Hakel asked is the restriction based on whether or not you are renting. Mr. Webb stated it's the use; the restriction is based on if that building is used as a habitation full time for someone outside of family. Mr. Webb stated he would run it by the town attorney to make sure if someone stays there for a couple of days or a week is there a violation of the town code. Commissioner Good stated if you have someone living there full time, then you are in violation of not having but one dwelling unit on one lot. Commissioner Nowak asked if they were to ask for a building permit, is that contingent on the restriction or does it have anything to do with it. Mr. Webb stated we need to talk to our town attorney to make sure that if they do the improvements, then they do basically have a dwelling on a lot. Commissioner Good stated we ran into this all the time. There were cases like you mentioned that if there was enough property, they could actually deed off and they were able to section off a separate building lot then you are fine; you have two lots and two houses.

Mr. Webb stated at this point the questions for Jason would be:

1. Can they do an improvement.
2. Since it is an allowable use as far as a dwelling in R-1, can anyone stay in there at any time.

MINUTES
MAY 15, 2013
PAGE 4

I will get back with you as to what Jason says.

OLD BUSINESS

Discuss and Review: Recent Revisions to the Town's updated Comprehensive Plan

The Commissioners went through the recent revisions to the Town's Comprehensive Plan and discussed corrections and additions to the Plan.

Mr. Webb stated what we will do is make the edits and bring it back for our June meeting and then we will do one more round of edits and if everybody's happy in June, we'll send it to Council for July and if they are happy with it, then we will come back and have a public hearing. We will put it out there, put on our Facebook page and have a public hearing. We will probably take July off.

There being no further business, the meeting was adjourned at 8:46 P.M.

Ligon Webb
Town Planner