

**REGULAR MEETING OF  
LURAY PLANNING COMMISSION  
NOVEMBER 13, 2013**

The Luray Planning Commission met on Wednesday, November 13, 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:

Larry Hakel  
Ronald Good – Vice Chairman  
Mark Malone  
Brian Sours  
Grace Nowak  
Jerry Dofflemyer

Absent: Clifton Campbell

Others Present:

Bryan Chrisman, Assistant Town Manager  
Ligon Webb, Town Planner  
Jason Spitler  
Bob Borgie (Applicant for a Bed & Breakfast)

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

**APPROVAL OF MINUTES:**

Commissioner Hakel moved that the minutes of October 16, 2013 be approved as presented. Motion seconded by Commissioner Sours with the vote as follows: YEA: Commissioners Hakel, Good, Malone, Sours, Nowak, Dofflemyer. **Approved 6-0**

**PUBLIC HEARINGS:**

(1) Apartment House:

Mr. Webb stated there was an issue with Ms. Custer's Special Use Permit that she applied for. The definition of apartment houses didn't quite fit with what she was proposing to do even though we had the hearing. Mr. Webb stated that the most important thing was that the neighbors understand what she wanted to do and that was clear. However, I felt to be on the safe side we should make sure her situation would fit with the definitions in our code. The elements of the old definition is that the one unit can be considered an

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apartment house as long as it is part of several other buildings on a commercially zoned lot that would fit her situation. The Town Council heard it and there was no objection. My perspective from a planning point, everyone around her is aware of what's going on. That's really the most important thing. People usually don't worry about zoning definitions but you still have to have a justifiable definition of what she was doing. That's why I asked the Town Council after hearing, to table it and then let's re-examine this definition. This is the public hearing from that. I did have one call on it just to clarify why we were doing this and I explained it to them.

Commissioner Malone asked if this covered the building in the back which is part of this. Mr. Webb stated it would be easier if we called it an accessory dwelling unit but the problem is when we adopted the accessory dwelling units, it sort of narrowed it down and put several conditions on it. One thing is that in order to be an accessory dwelling unit the owner has to live in one of the units, either the accessory dwelling or the primary structure. She is not planning on doing that. That's the first thing that makes it problematic for her case. It is in B-1; there are a couple different buildings so it wouldn't be subject to an accessory dwelling units' provisions in the Code to basically say this is a B-1 zoned lot; it's one single unit and that it could be considered an apartment unit as well.

Mr. Chrisman stated you and I had a conversation about duplexes and a two unit apartment house. With an apartment house, those units are typically intended to be rentals, whereas a duplex is typically owned by its occupants. Do you think we need to say anything about that because that would be a further differentiation between a duplex facility or do you think this is broad enough. Mr. Webb stated I think it is broad enough because actually when it comes to a duplex or apartment, when it comes to ownership, an apartment can be converted into condos and sold. If you wanted to make that delineation because of ownership issues, I wouldn't do it because we have no control as a Planning Commission over whether someone owns a unit or rents it. You could say our definition of apartment houses is almost similar to our definition of duplex units. I don't think that is a problem.

Mr. Chrisman stated under the middle sentence where it says "A building containing one (1) apartment unit may be considered an apartment house provides" add a "d" there. Continuing with that sentence "with other apartment houses containing two or more apartment units" does that mean each or does that mean two more units. I guess I can see like those old motor courts where you had one unit things on the same lot. Would that be considered an apartment? Mr. Webb stated that is actually considered an inn. Mr. Chrisman stated so those other apartment houses would have to have at least one or more units each inside of it. Mr. Webb stated even though that one place in town, I know they

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rent those places for longer than 30 days. Mr. Webb asked if there were any questions for him on this.

Vice Chairman Good opened the public hearing for any comments. There being no comments, the public hearing was closed.

Vice Chairman Good noted that as we usually do, it was advertised in the *Page News* on October 31<sup>st</sup> and November 7<sup>th</sup> and we mentioned at a previous meeting that improvements to this property would be a good thing.

Commissioner Hakel moved that we approve this and send it to the Council. Motion was seconded by Commissioner Dofflemyer. The vote was as follows: YEA: Commissioners Hakel, Good, Malone, Sours, Nowak, Dofflemyer. **Approved 6-0**

(2) Bed and Breakfast Home:

Mr. Webb stated we have talked about this on and off for a while. I apologize to Mr. Borgie because he had asked me about a year ago and we said we will change the ordinance and add Blue Ridge Avenue; we won't add all of R-2 which we could have. In R-2 we just decided to add Blue Ridge Avenue. Bed and breakfasts are allowed by special use permit in R-2, 3 & 4. Of course in R-2 it's just to Cave Street as written. Mr. Malone brought up one point in the ad that I need to add at the very end of this amendment or "Blue Ridge Avenue" which I will add when it goes to Town Council. Otherwise I did get one e-mail from a neighbor down the street and I told them that Mr. Borgie had requested that it be added and we didn't see any reason why it shouldn't be. You still have to get a special use permit and Mr. Borgie understands that and this is the first step and it seems appropriate that we add it to Blue Ridge. Commissioner Hakel stated there is a misspelled word; it's not "Blue Ride" Avenue; but "Blue Ridge Avenue". Vice Chairman Good stated in the second sentence where it says "Bed and Breakfast Homes, "are allowed only along the listed major street" should be "streets".

Vice Chairman Good opened the public hearing for the proposed regulations dealing with bed and breakfast homes and the addition of Blue Ridge Avenue.

Mr. Bob Borgie thanked the Commission for allowing him to speak on behalf of what he plans to do. I have lived at 7 Blue Ridge Avenue since March 1981. My wife has lived there longer than I have so to date she is the longest living resident on that street. It is a street that has a great history in this town; it has some wonderful people who are part of that history. The house, according to my personal historian, Paul Broyles, was built in

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1903. Because he is my personal historian, he said he watched the building being built and he knew what he was talking about and if you have ever met or have known Paul Broyles, you know he was a man of great character. In 1988 we built on a three bedroom, two bath addition to the rear of the home and so the historic part of the building is separateable from the add-on. The historic part of the building is what we plan on making the B&B portion; two bedrooms, an office area that will be locked, and one bath. Most of the traffic for this business will be on Deford Avenue from the rear of the building where we have parking for six or more vehicles. It's a beautiful, quiet street and very historic; part of the gardens for the old hotel that was visited many years ago lies down the street in the lower area of our street. It's a street that has great exposure for Luray. Having people to visit here would give them access to downtown, the park, library, and historic school house. We have a beautiful and quiet neighborhood except for the train coming through maybe once or twice a day and the fire whistle going off. I have great neighbors. I don't see that there would be any disruption. Up until a month ago we had two day care centers on Blue Ridge Avenue. Except for drop-off and pick-up time they didn't disrupt the neighborhood. I'm sure any business that we would have would not disrupt any more than they who are by law provided the opportunity to do that for child care. I know you have to represent everybody in town and I know we have confidence that you will. Do you have any questions about my intentions for a B&B in my location?

Commissioner Nowak stated I drove through the area and it's very nice. This seems very appropriate. Vice Chairman Good stated I think it's important to say that we are not essentially changing the ordinance; we are not redefining bed and breakfasts, we are not changing the number of rooms or anything like that. The only thing we are doing is saying should we add Blue Ridge Avenue from Cave Street to Luray Avenue.

Commissioner Malone stated at the previous discussions on this matter, we all agreed on positive things for Luray as well as Luray Caverns and perhaps other folks will take an interest in opening up their homes.

A motion was made by Commissioner Malone that we send a recommendation to the Town Council. Motion was seconded by Commissioner Sours and the vote was as follows: YEA: Commissioners Hakel, Good, Malone, Sours, Nowak, Dofflemyer.  
**Approved 6-0**

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**NEW BUSINESS:**

Commissioner Malone asked the group about the possibility of evaluating an ordinance in support of the Historic District. Mr. Webb said he would gather some information, specifically on town approval prior to demolition.

Mr. Chrisman indicated he had been requested to review the issue of older motels, motor courts, and similar structures evolving into apartments that create a “hybrid use” between transient and non-transient lodging. Commissioner Hakel suggested that we gather information on options from other communities. Mr. Webb agreed, and said he would have some information at the January meeting.

Mr. Webb reminded the Commissioner there would be no meeting in December.

There being no further business, a motion was made by Commissioner Hakel that the meeting be adjourned and seconded by Commissioner Malone. Motion carried.

Bryan Chrisman  
Assistant Town Manager

ATTEST:

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