

MINUTES
LURAY PLANNING COMMISSION
May 11, 2011
7:00 P.M.

The Luray Planning Commission met on Wednesday, May 11, 2011. The meeting was held in the Luray Town Council Chambers at 45 East Main Street, Luray, Virginia.

Board Members Present:

Larry Hakel
Clifton Campbell
Pam Flasch
John Meaney
Ronnie Good
Tom Potts

Absent: Joey Sours

Others Present:

Ligon Webb, Town Planner

Mr. Tom Potts, Chairman, called the meeting to order at 7:00 P.M. and a quorum was present.

APPROVAL OF MINUTES:

The Chairman, Tom Potts, stated a copy of the draft minutes of April 13, 2011 were in the Planning Commission packets. Are there any corrections or comments on the minutes, if not we need your approval to make them official. A motion was made by Larry Hakel that the minutes be approved as submitted, and this motion was seconded by John Meaney. The vote was as follows: YEA: Potts, Flasch, Campbell, Meaney, Hakel, and Good. **APPROVED: 6-0**

Town Planner, Ligon Webb, opened the meeting by stating that he'd like for the Planning Commission to consider the memo in the packet discussing allowing for attached decks to encroach into the side and rear yard setbacks in certain zoning districts. Mr. Webb stated this is being presented to the Planning Commission due to a recent recommendation by the Town's Board of Zoning Appeals (BZA). The BZA recently approved a variance allowing an attached rear deck to encroach into a rear setback in an R3 zoning district. Mr. Webb said in the R3 zoning district a house/structure must be at minimum setback 25 feet from the rear property line; although some communities do not consider decks to be part of the main structure (and therefore not calculated in the setback). Since his arrival in Luray, the Town staff has considered decks to be part of the principal structure, and thus they must also meet setback requirements. Mr. Webb said the Town Code is essentially "silent" on this very issue, and the Town's current interpretation is appropriate. However, during the recent BZA variance request, members of the BZA questioned if this practice was too restrictive, and recommended

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that the Town's Planning Commission consider including definitive language in the Town Code to allow for decks to encroach into the rear and side yard provided certain criteria are met. Mr. Webb indicated that the reason for setbacks is for the passage of "air and light" between properties, a deck – provided it didn't go over a certain height – would not impede the passage of air and light between adjacent properties. Commissioner Potts asked Mr. Webb what's wrong with the current arrangement in which property owners who want to encroach into a setback simply continues to apply for variances through the Town's BZA? Mr. Webb said this is a fine arrangement; however, if a specific variance request is expected to be reoccurring in nature, as a general rule the Town and/or municipality should consider amending the zoning code.

Commissioner Campbell asked how many variances concerning this issue have been heard in the past? Mr. Webb said he knows of two other variances in the past few years related to decks, but he has received several inquiries about rear and side setbacks as related to decks and other similar attachments, but he would not consider it to be a substantial amount of inquiries, or variances for that matter. However, Mr. Webb feels that the BZAs' recommendation is logical, especially considering some of the specifics of the case that prompted this recommendation. For instance, Mr. Webb indicated that the applicant for the variance (to construct a deck setback 15 feet from the property line, as opposed to the 25 feet required in the R3 zoning district) could have simply chosen to build an elevated patio and this would not have been subject to setback rules. Mr. Webb said he understands the Planning Commission's reluctance to change this portion of the code, and he asked if this was the general feeling of Commission members? The Planning Commission indicated that this was indeed their feeling related to setbacks; therefore Mr. Webb stated that the issue will not be considered in the immediate future.

The next portion of the meeting was dedicated to "old business" and Mr. Webb asked the Planning Commission to review their packets for information related to "electronic offices, Home Occupations and Professional Offices". Mr. Webb also stated that he included an informational sheet related to home offices that was provided by the American Planning Association.

Commissioner Campbell stated that he found this particular piece of information (provided by the American Planning Association) very useful and informative. Mr. Webb said that electronic and home offices are handled and administered in a variety of ways throughout the country, and he hoped that this informational sheet provided the Commission with information about what other local governments do. He also stated that he would advertise the public hearing for July's meeting for home offices. Mr. Webb asked for Planning Commission members to again review the proposed changes (as indicated in the packets) to be sure everyone is clear about the proposed changes. Commissioner Potts stated that the changes are the same ones that we have discussed in the past, and that he has no issues with the proposed changes. Being that, Mr. Webb stated that the Commission would reconvene again in July, and he would advertise for a public hearing for that meeting.

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There being no other items to discuss, Commissioner Potts made a motion to adjourn the meeting, and it was unanimously seconded. The meeting officially adjourned at 7.44 p.m.

Respectfully submitted,

Ligon Webb
Zoning Administrator