

**Northumberland County Planning Commission
August 15, 2013
Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on August 15, 2013 at 7:00 p.m. in the Courthouse at Heathsville, VA with the following attendance:

Chris Cralle	Present	Garfield Parker	Present
Kevin Elmore	Absent	Albert Penley, Jr.	Present
Alfred Fisher	Present	Charles Williams	Present
Ed King	Present		
Bill Kling	Absent		

Others in attendance:

Richard Haynie (Board of Supervisor Liaison)
Luttrell Tadlock (Assistant County Administrator)
W.H. Shirley (Zoning Administrator)

RE: CALL TO ORDER

The meeting was called to order by Garfield Parker, Chairman.

Ed King gave the invocation.

Albert Penley led the Commission in the Pledge of Allegiance to the Flag.

RE: AGENDA APPROVAL

With a motion from Albert Penley, seconded by Charles Williams, and approved by all, the August 15, 2013 agenda was approved. The vote was as follows:

Chris Cralle	AYE	Garfield Parker	AYE
Kevin Elmore	Absent	Albert Penley, Jr.	AYE
Alfred Fisher	AYE	Charles Williams	AYE
Ed King	AYE		
Bill Kling	Absent		

RE: MINUTES- July 18, 2013

With a motion from Albert Penley, seconded by Al Fisher, and approved by all, the July 18, 2013 minutes were approved. The vote was as follows:

Chris Cralle	AYE	Garfield Parker	AYE
Kevin Elmore	Absent	Albert Penley, Jr.	AYE
Alfred Fisher	AYE	Charles Williams	AYE
Ed King	AYE		

Bill Kling

Absent

RE: COMMISSIONERS' COMMENTS

There were no Commissioners' comments.

RE: STAFF MEMBERS' COMMENTS

There were no Staff comments.

RE: CITIZENS' COMMENTS

There were no Citizens' comments..

RE: PUBLIC HEARINGS

1. An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article XVI, Section 148-166; Conditional use permit, to allow the Zoning Administrator to issue a cease and desist order upon determination that one or more conditions set forth in the Conditional Use Permit have been violated, and if not corrected, a hearing will be held by the Board of Supervisors to determine if the permit should be revoked.

Luttrell Tadlock explained the public hearing.

Albert Penley asked what happens in the event there is no front door on which to post the cease and desist order, and he questioned if the language shouldn't be clarified.

Alfred Fisher stated he believed in having conditional uses; however, without this language there are really no controls on such permits.

Garfield Parker opened the Public Hearing.

Ron Herring noted this is a great idea, so everyone, even the contractors, knows what is going on during the construction process.

Luttrell Tadlock noted this was not so much for the construction phase of a project but more for the actual conditions placed on a particular conditional use permit. However, he continued by saying if one of the conditions placed on the conditional use permit involved construction, and such condition was violated, then yes, that would fall under this proposed amendment.

Kaz Kazenske commented he would have the same concern as Mr. Penley regarding the language of posting the cease and desist order on the front door in the event there is no door. What happens in the event there is a kennel or a use that does not have a door? He suggested that the language be modified to "... posted on the front door where applicable ...".

W.H. Shirley noted the notice would be placed in a conspicuous place on the property if there is not a front door. He did not believe that the language needed to be modified.

With no further public comments, Garfield Parker closed the public hearing.

With a motion from Ed King, seconded by Alfred Fisher, and approved by all, the Commission is recommending to the Board of Supervisors to adopt the proposed amendment to the Zoning Ordinance. The amendment to the Northumberland County Zoning Ordinance Chapter 148 Article XVI, Section 148-166; Conditional Use Permit, includes; “D. In addition to any other remedies provided by law, the Zoning Administrator or designee, upon his/her determination that one or more of the conditions set forth in the Conditional Use Permit have been violated, may issue a cease and desist order. Said order shall require the owner/operator to immediately cease operation thereunder and shall be mailed to the owner and operator and posted on the front door of the property. The order shall advise that the permitted activity may not be restarted until the violations are corrected within the specified time period as verified by the Zoning Administrator, and if not corrected, a hearing will be held by the Board of Supervisors on the earliest regular meeting date that complies with the advertisement requirements of 15.2-2204 of the Code of Virginia, to determine whether the permit should be revoked.”

The vote was as follows:

Chris Cralle	AYE	Garfield Parker	AYE
Kevin Elmore	Absent	Albert Penley, Jr.	AYE
Alfred Fisher	AYE	Charles Williams	AYE
Ed King	AYE		
Bill Kling	Absent		

2. Section 148-3; An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article I, Definition of “Tourist Home” to read as follows: “A dwelling where only lodging is provided, for compensation, for 14 or fewer persons (in contradiction to hotels and boardinghouses) and open to transients, defined hereunder as individuals who will occupy the dwelling for less than 30 days.”

Luttrell Tadlock explained the next public hearing.

Garfield Parker opened the public hearing.

Kaz Kazenske commented he was representing Tides on the Chesapeake. He noted they support the proposed language and how “transient” is being defined. The 30 days is pretty standard language across other states and counties.

Colston Newton stated instead of the word contradiction in the definition, the language should read “distinct from”.

Charles Williams asked Mr. Kazenske what some of the negative aspects of a tourist home were.

Kaz Kazenske noted, in their subdivision, they had a situation where the house was rented out, and the renters packed approximately 30 people into one house. There was a lot of profanity said out loud next to a house that had young children playing outside. They also had an issue with a dog. He stated he was glad to see the Board of Supervisors include some of the conditions the Tides on the Chesapeake Homeowners Association suggested to them earlier on recent tourist home applications. He commented Tides on the Chesapeake has now made their covenants and restrictions more restrictive so that tourist homes are no longer allowed in the subdivision.

With no further public comments, Garfield Parker closed the public hearing.

With a motion from Ed King, seconded by Albert Penley, and approved by all, the Commission is recommending to the Board of Supervisors to adopt the proposed amendment to the Zoning Ordinance. The amendment to the Northumberland County Zoning Ordinance Chapter 148 Article I, Section 148-3A; definitions, includes modifying the definition of Tourist House to include the following underlined language “A dwelling where only lodging is provided, for compensation, for 14 or fewer persons (in contradiction to hotels and boardinghouses) and open to transients, defined hereunder as individuals who will occupy the dwelling for less than 30 days.” The Commission also is recommending to the Board of Supervisors to amend the language from “(in contradiction to...)” to “(as distinguished...)”.

The vote was as follows:

Chris Cralle	AYE	Garfield Parker	AYE
Kevin Elmore	Absent	Albert Penley, Jr.	AYE
Alfred Fisher	AYE	Charles Williams	AYE

Alfred Fisher
Ed King
Bill Kling

AYE
AYE
Absent

Charles Williams

AYE