



**Town of Gordonsville, Virginia
Agenda Item Summary
October 19, 2020**

<u>AGENDA ITEM 12d</u> New Business <u>AGENDA TITLE:</u> Consideration of CUP2020-01 for Two-family Dwelling at 315 N. Main Street. <u>PRESENTER:</u> Mayor Robert Coiner	<u>DISPOSITION:</u> <input checked="" type="checkbox"/> Action Required <input type="checkbox"/> For Discussion <input type="checkbox"/> Consent Agenda <input type="checkbox"/> Closed Session <input type="checkbox"/> Informational <u>ATTACHMENTS:</u> <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
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BACKGROUND:

The subject property has been used as a two-family dwelling for a number of years; however, the Town has no record that this use was legally permitted. The property owner wishes to continue to use the home on the property as a duplex and wants to do so in accordance with the Town's zoning regulations. In accordance with Section 601.03-7 of the Land Development Ordinance, a two-family dwelling (duplex) is allowed only by conditional use permit in the R-1 Residential zoning district.

Attached for Council's review is the staff report and application submitted by the property owner.

The Town of Gordonsville Planning Commission reviewed the request for a conditional use permit at their meeting on September 14, 2020 and voted unanimously to recommend approval.

STAFF RECOMMENDATION:

Issuance of a conditional use permit for the use of the property as a two-family dwelling allows an established use to continue legally. Staff recommends that Council approve the application as presented.

MOTION FOR CONSIDERATION:

“Motion to [approve/approve with conditions/table/deny] the request for a Conditional Use Permit filed by Clayton Poffenberger to use the property located at 315 N. Main Street as a two-family dwelling, as presented, as the desired use is compatible with surrounding property uses and is consistent with the Housing Goal of the Town's 2035 Comprehensive Plan which states ‘to provide safe and affordable housing for all residents of the Town of Gordonsville’ as well as objective A of the Housing Goal which states, ‘Promote a wide variety of housing types that provide for the needs of all residents while recognizing that the single-family dwelling defines the character of housing within the Town.’”



CONDITIONAL USE PERMIT REQUEST

315 N. Main Street Duplex

Application #CUP2020-01

STAFF REPORT

September 8, 2020

Applicant: Clayton Poffenberger
Location: 315 N. Main Street
Tax Map: 068A2012700030

Current Zoning: R-1 Residential
Requested Use: Duplex
Acreage: 0.253 Ac

Background

The subject property has been used as a two-family dwelling for a number of years; however, the Town has no record that this use was legally permitted. The property owner wishes to continue to use the home on the property as a duplex and wants to do so in accordance with the Town's zoning regulations. In accordance with Section 601.03-7 of the Land Development Ordinance, a two-family dwelling (duplex) is allowed only by conditional use permit in the R-1 Residential zoning district.

Attached for review is the application submitted by the property owner (see Attachment A).

Property, Location and Zoning

Subject Property

The subject property is located on the western side of N. Main Street just south of the intersection of North Main and W. Baker Streets and is presently zoned R-1 Residential.

Permitted Uses

A duplex is permitted in R-1 through the issuance of a conditional use permit.

Surrounding Properties

The zoning of properties surrounding the subject parcel is R-1 Residential, and the predominant use is single family homes.

Attached for reference is a map that shows the zoning of the subject parcel and surrounding properties (see Attachment B).

Analysis

Section 601.06 of the Town's Land Development Ordinance states that the following issues are to be considered by the Planning Commission in the deliberation of a request for a conditional use permit.

Compatibility with Surrounding Uses

The subject property is surrounded by other residential uses. While most are single family dwellings, the properties located at 205, 207, 210 and 308 N. Main Street are duplexes.

Consistency with the Comprehensive Plan

The Housing Goal of the Town of Gordonsville Comprehensive Plan 2035 states, “*To provide safe and affordable housing for all residents of the Town of Gordonsville.*”¹ More specifically, Objective A of the Housing Goal states, “*Promote a wide variety of housing types that provide for the needs of all residents while recognizing that the single-family dwelling defines the character of housing within the town.*” Allowing the subject property to continue to be used as a two-family dwelling would be consistent with the Housing Goal of the comprehensive plan, particularly given the structure resembles a single-family dwelling.

Use is in the Public Interest

Issuance of a conditional use permit for the use of the property as a two-family dwelling allows an established use to continue legally.

Compliance with All Provisions of Law and Town Ordinances

Because the property has been consistently used as a two-family dwelling, both on-street and off-street parking is available for use by the tenants. Issuance of a conditional use permit for the use of the property as a two-family dwelling will bring a previously unpermitted use into conformance with the Town’s Land Development Ordinance.

¹ Town of Gordonsville Comprehensive Plan 2035, page 91.



Town of Gordonsville, Virginia

Town Zoning Administrator
Post Office Box 276, 112 West Main Street
Gordonsville, Virginia 22942
Phone - (540) 832-2233 / Fax - (540) 832-2449
E-mail dkendall@gordonsville.org

CONDITIONAL USE PERMIT APPLICATION FORM

Date: 8/07/20

Tax Map Identification #: 068A2012700030

Property location and Identification

Physical Address of site: 315 N Main St. Gordonsville, VA. 22942
Name of Property Owner: Clayton Poffenberger
Mailing Address of Owner: 315 N Main St. Gordonsville, VA. 22942
Phone Number: (757) 439-3876 Fax: _____ Email: poffenct@gmail.com

Applicant's Name: Clayton Poffenberger
Phone Number: (757) 439-3876 Fax: _____ Email: poffenct@gmail.com
Mailing Address: 315 N Main St. Gordonsville, VA. 22942

Present Use & Zoning Classification (Check one)

- ☒ R-1 (Residential) ☐ R-2 (Multi-Family/Town House) ☐ R-3 (Professional/Residential) ☐ R-4 (Low Density Residential)
☐ B-1 (General Business) ☐ B-2 (Restricted Business) ☐ M-1 (General Industrial) ☐ Ag (Agricultural)
☐ PUD (Planned Unit Development)

Current Use of Property Has been used as duplex unit A+B

Requested Conditional Use

To use this residence as a Duplex unit A+B

Clayton Poffenberger
Signature of Property Owner

8/7/20
Date

Attachment A
Conditional Use Permit - Town Requirements

Site Plan Requirements:

- ☒ 1. Existing lot dimensions, density and setbacks.
- ☒ 2. Topography of the area.
- ☒ 3. Streets bounding and intersecting the area with right-of-way lines and street names.
- ☒ 4. Parking and site access plan.
- ☒ 5. Location, size, height, and use of existing & proposed structure[s].
- ☐ 6. Water and sewer systems layouts (*sewer requirements per Rapidan Service Authority*).
- ☐ 7. Drainage plan (*meeting requirements of the Orange County Community Development & VDOT*).
- ☐ 8. Location of private and public easements.
- ☐ 9. Location of water courses.
- ☐ 10. Grading plan.
- ☐ 11. Location and percentage of open space.
- ☐ 12. Location and size of recreation areas.
- ☐ 13. Outdoor lighting plan.
- ☐ 14. Pedestrian circulation plan.
- ☐ 15. Landscaping & Screening Plan.
- ☐ 16. Fencing Plan.
- ☐ 17. Natural amenities protection plan.
- ☐ 18. Community facility plan.
- ☐ 19. Recognized historic resources.
- ☒ 20. Land use and zoning classification of the area.
- ☒ 21. Location, zoning, name and address of abutting properties.

Support Documentation Required:

- ☒ 1. Written explanation of the conditional use that the applicant is seeking, including anticipated effects upon properties within the district(s) and a statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed conditional use.

Such statement must include the effect that the proposed use will have on existing and projected traffic volumes in the neighborhood; the current and future need for the proposed use in the Town of Gordonsville; the character of the existing neighborhood and the effect of the proposed use on existing property values; the impact of the proposed use on the health, safety, and welfare of the neighborhood.
- ☒ 2. The approximate time schedule for the beginning and completion of any development proposed.
- ☒ 3. A conceptual development plan indicating existing lot dimensions, proposed or existing locations of structures together with plans thereof, areas for off-street parking and loading, site access, names and right-of-way widths of the streets bounding and intersecting the area, topography, location of utilities, open spaces, public and private easements, water courses, fences, recreation areas, and recognized historic resources, and the land use and zoning classification of abutting properties.
- ☒ 4. A list of all adjoining property owners with their names and mailing addresses, including property located directly across the street.

Conditional Use Permit Application

Please see the attached survey for the site plan requirements.

1. I am seeking a conditional use permit for 315 N Main Street to allow for the home to legally be conforming as a duplex. I recently purchased this property, and while getting it appraised, found that it did not have the necessary permit to be used as it had been for years as a multifamily.

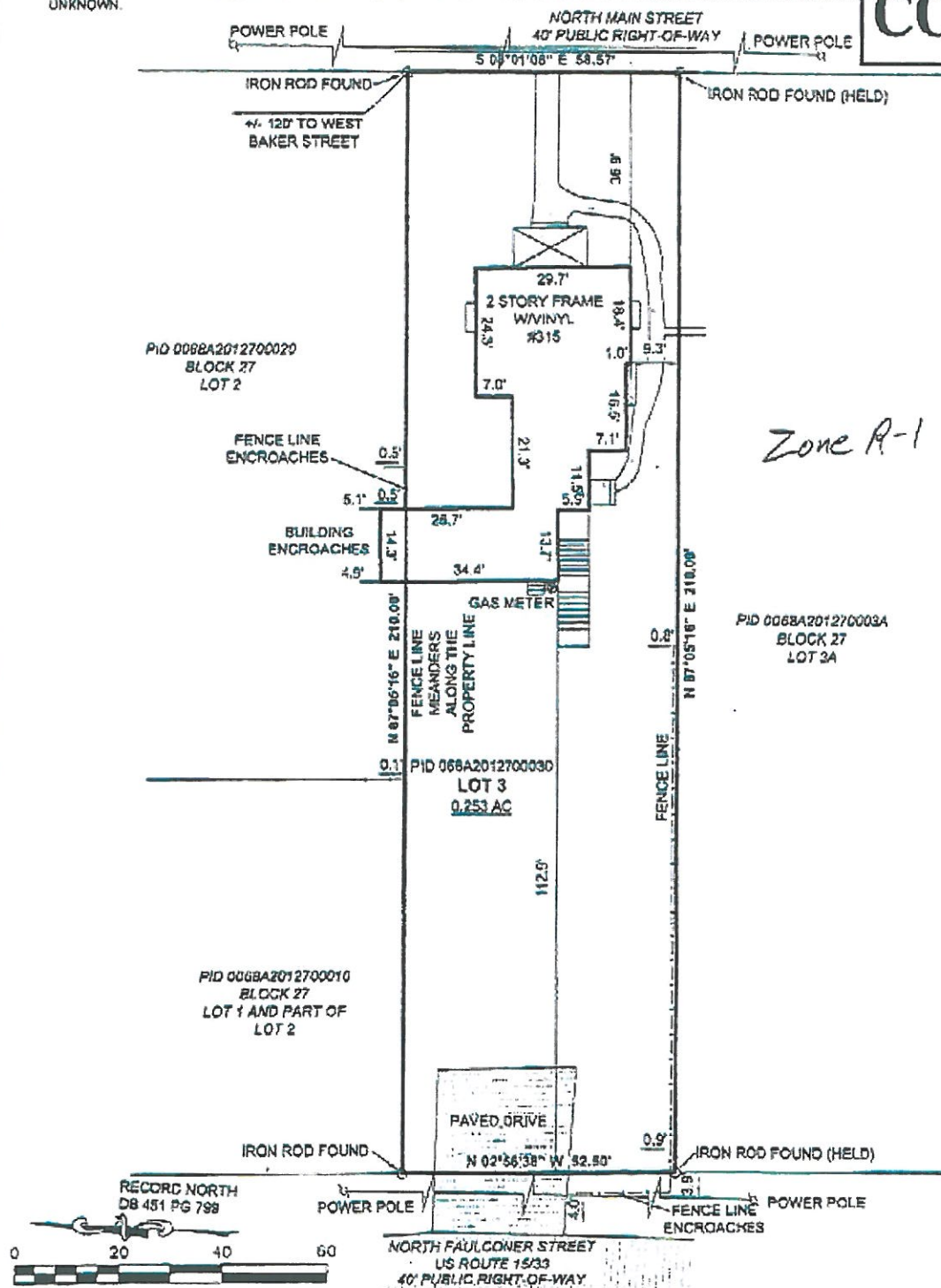
I would like to apply for the conditional use on this R-1 home in order to keep it as an over under multi-family. I bought this as my first home to rent out the upper unit while living in the bottom and want to make sure that I can legally do so. I have started to remodel the bottom unit and have been in touch with the Orange county building inspector Mr. Grey and walked with him around the home while discussing how to make this duplex up to code. After our conversation I am to install smoke detectors in all of the bedrooms and outside in the halls with both units connected on one circuit. I have been also instructed to install a firewall on the ceiling and surrounding the entryway. The appearance of this historic home will keep its character, because nothing on the exterior is going to change. I have actually already started giving the property some much needed care by having the exterior repainted, including the roof, siding, and porches. I would really like to make this house my home by living in one of the units.

With one of the adjoining properties being the town library, there will be little to no effect on the traffic on North Faulconer Street, the access road to the back of the property's paved drive and parking. Not to mention the fact the previous two owners used it as a duplex for at least the past 10 years after speaking to Nancy, the tenant that had lived in the lower unit for that time. As far as property values of the neighboring properties, they should increase with this home being remodeled and appraised upon completion. The safety and welfare should also increase with the remodeled units because the rented unit will rent for more, and since I will be living below them I will screen the tenant well.

2. I am currently in the demolition phase of the project and the electrician is in the process of installing the necessary wiring. Since I am adding an HVAC and they suggested two zones, the electrician recommends that I add an additional meter and panel box to the upstairs unit to account for the load. This will also assist in making this a legally conforming duplex, because each unit will have its own power meter. Completion of this and the firewall is subject to the orange county permits, which have been applied for. I am hoping for a completion date of September 1st to be able to move in.
3. See attached survey
4. Adjoining Property Owners
 - a. 313 N Main St, Owner: Fitzgerald, Stephen Lois ID: 068A201270003A
 - b. 317 N Main St, Owner: Borders, Sherry L ID: 068A20012700020
 - c. 319 N Main St, Owner: County of Orange ID: 068A2012700010
 - d. 312 N Main St, Owner: Schwind, Ann F ID: 068A2013400020

NOTES:

1. THIS PHYSICAL SURVEY IS BASED UPON COMPILED RECORD INFORMATION. THE BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM A PLAT PREPARED BY KERDON AND GRIMES ENTITLED "PHYSICAL SURVEY - THE ROMAN CATHOLIC DIOCESE OF ARLINGTON PROPERTY," DATED SEPTEMBER 5, 1950 AND IS RECORDED IN DEED BOOK 451 AT PAGE 799.
2. ON JULY 6, 2020 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THE TITLE LINES AND WALLS OF THE BUILDINGS ARE SHOWN HEREON.
3. THE SUBJECT PROPERTY APPEARS TO BE SITUATED WITHIN FLOOD ZONE "X" (UNSHADED) AS SHOWN ON COMMUNITY PANEL NO. 51127C02990 WITH AN EFFECTIVE DATE OF JANUARY 2, 2008.
4. NO TITLE REPORT FURNISHED IN THE PREPARATION OF THIS PLAT. THUS EASEMENTS AND ENCUMBRANCES MAY EXIST THAT ARE WITH THIS UNKNOWN.

COPY

**COMMONWEALTH
LAND
SURVEYING, LLC**

1484 GREENBRIER PLACE
CHARLOTTEVILLE, VIRGINIA 22901
PH: 434-973-0513

**PHYSICAL SURVEY
LOT 3
BLOCK 27**

TOWN OF GORDONSVILLE
COUNTY OF ORANGE, VIRGINIA
SCALE: 1" = 20'
DATE: JULY 28, 2020
PREPARED BY: CAJ



DocuSigned by:

Clayton Poff

E: 8268AC5D0347C

PREPARED BY:
Richard E. Carter, VSB #12325
Zunka, Milnor & Carter, Ltd.
414 Park Street, Charlottesville, VA 22902

Tax Map 068A2012700030
Underwriter of Title Insurance for Instrument: Chicago Title Insurance Company
Assessed value: \$154,200.00
Consideration: \$160,000.00

THIS DEED, made this 31st day of July, 2020, by and between **HIVE PROPERTIES LLC**,
a Virginia limited liability company, hereinafter referred to as Grantor, and **CLAYTON**
POFFENBERGER, hereinafter referred to as Grantee, whose address is 315 N. Main Street,
Gordonsville, VA 22942

WITNESSETH:

That for and in consideration of the sum of One Hundred Sixty Thousand and 00/100
Dollars (\$160,000.00), cash in hand paid, the receipt of which is hereby acknowledged, Grantor does
hereby **GRANT, BARGAIN, SELL and CONVEY with GENERAL WARRANTY AND**
ENGLISH COVENANTS OF TITLE unto Clayton Poffenberger the property described on
Schedule A, attached hereto and made a part hereof.

This conveyance is made subject to all easements, conditions, restrictions and reservations
contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the
chain of title to the property hereby conveyed, which have not expired by a limitation of time
contained therein or have not otherwise become ineffective.

✓ return to TGB

WITNESS the following signature and seal:

HIVE PROPERTIES LLC
a Virginia limited liability company

by: [Signature] (SEAL)
Elliott J. Jennings, Manager

STATE OF TN

CITY/COUNTY OF Sevier, to-wit:

The foregoing instrument was acknowledged before me this 3 day of August, 2020 by Elliott J. Jennings, Manager of Hive Properties LLC, a Virginia limited liability company, on behalf of said company.

My commission expires: 10-19-2021

Notary Public Registration Number (if applicable):



[Signature]
Notary Public

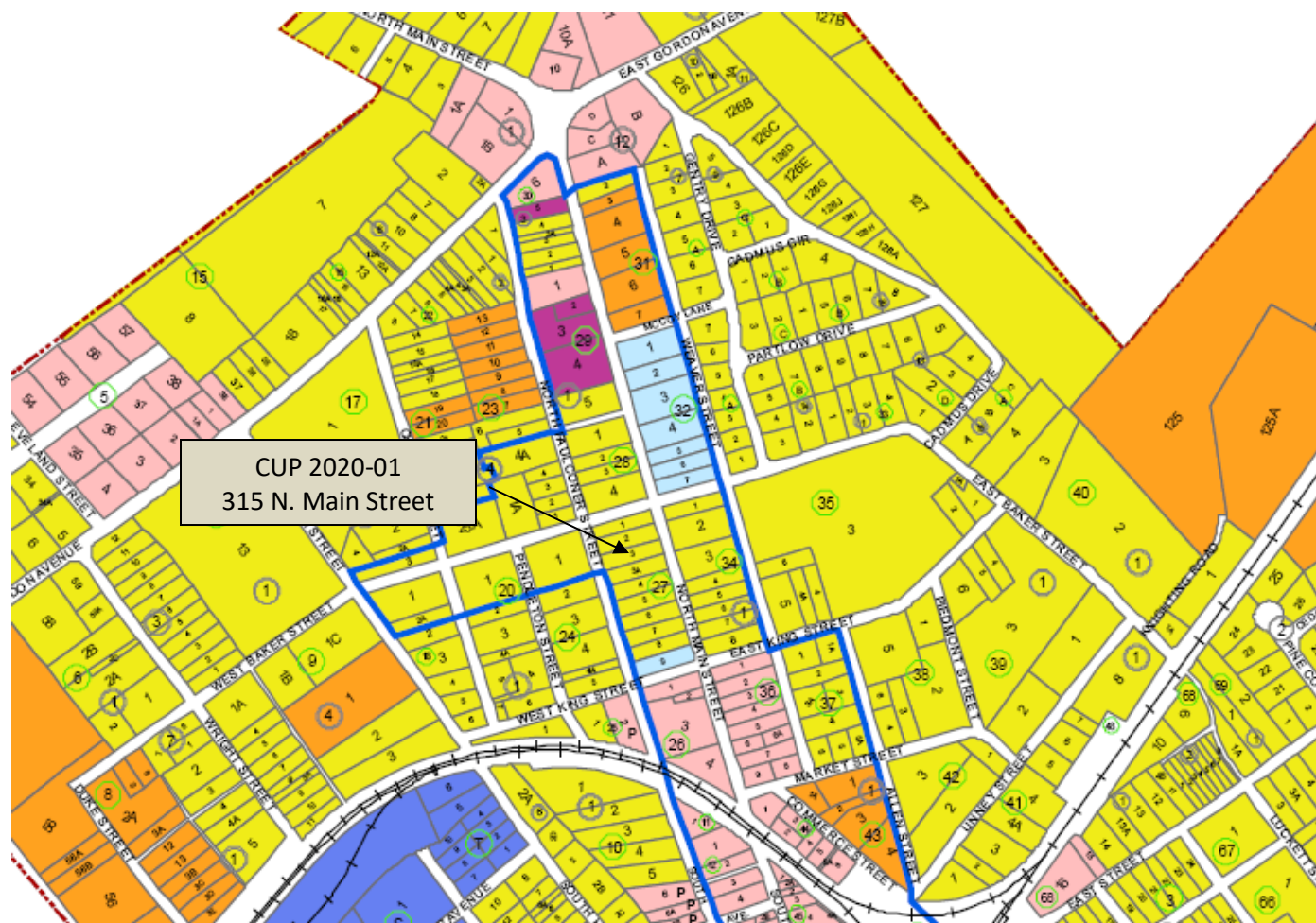
SCHEDULE A

All that certain tract or parcel of land, with improvements thereon, situated in the Town of Gordonsville, Orange County, Virginia, fronting 52.50 feet on the western margin of North Main Street and fronting 52.50 feet on the eastern margin of Faulconer Street, containing 0.253 acre, more or less, shown as Tax Parcel 68A2-27-3, on a plat by Herndon and Grymes, Land Surveyors, dated September 5, 1990, and recorded in the Clerk's Office of the Circuit Court of Orange County, Virginia, in Deed Book 451, page 799.

BEING the same property conveyed to Hive Properties, LLC, a Virginia limited liability company, by deed from Ann P. Sheridan, Successor Trustee, under the John P. Patina Revocable Living Trust Agreement dated January 21, 2011, deed dated January 5, 2018, and recorded January 5, 2018, in the Clerk's Office of the Circuit Court of Orange County, Virginia, in as Instrument No. 180000053.

INSTRUMENT 200003941
RECORDED IN THE CLERK'S OFFICE OF
ORANGE CIRCUIT COURT ON
AUGUST 5, 2020 AT 03:44 PM
\$160.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$80.00 LOCAL: \$80.00
TERESA T. CARROLL, CLERK
RECORDED BY: LNM

Zoning Map for CUP2020-01 – 315 N. Main Street



Source: Town of Gordonsville Zoning Map, Adopted 10-26-2009
 Map prepared by Town of Gordonsville staff
 Map not to scale.

**Zoning**

R1	B1	Town Boundary
R2	B2	Historic Overlay District
R3	M1	Railroad
R4		Proffer