

July 12, 2016

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, JULY 12, 2016  
BEGINNING AT 7:30 P.M. IN THE COUNTY MEETING ROOM.

Present were: Bill Martin, Chairman  
Michelle Flynn, Vice Chairman  
David Cox, Member  
Jim Frydl, Member  
Dale Herring, Member

Staff present: John C. Barkley, County Administrator  
Ray Clarke, County Attorney  
Patti Vogt, Deputy Clerk

RE: PUBLIC MEETING

The Chairman opened the meeting with the Pledge of Allegiance followed by a moment of silence.

RE: MATTERS FROM THE PUBLIC

Mr. Eddie Deane was present to voice his concern regarding a civil action the County has taken against Melissa Andryczyk, Rummage 33. This is frivolous on the part of the County. He knew many of the statements in the document are not true as he attended that meeting of Board of Zoning Appeals. The BZA was very well balanced with great dialogue and agreed that food could not be served but did not agree with prohibiting music. Mr. Deane sees corruption and hypocrisy in this. Why is the County dealing with this frivolous thing when you know they are not breaking the law? Why making a molehill into a mountain? There is a deeper agenda here that the community will not overlook. Encouraged the Board to reverse this decision or we will fight to unseat you next year.

RE: PUBLIC HEARING – RONALD SNODDY – AMEND SPECIAL USE PERMIT

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Mr. Ronald Snoddy to amend an existing special use permit (SUP#14-009) in order to revise the approved conditions for a home business for auto restoration on a 2.27 acre tract zoned R-1, Residential, located on Matthew Mill Road and identified on County Tax Maps as 66D-(3)-X. (SUP#16-002)

The conditions of SUP#14-009 included:

- a. All activities shall remain within the proposed 60'x100' one story structure, as shown on the site sketch submitted by the applicant.
- b. The home business shall be located in the one story frame structure, as shown on the site sketch submitted by the applicant.
- c. Outdoor storage is prohibited.
- d. All buffers/screenings will comply with ordinance requirements for commercial uses.

The applicant is requesting to amend the Special Use Permit to authorize the use of the existing buildings for the auto restoration business rather than the proposed 60' x 100' building as approved in 2014. The applicant is also requesting an additional accessory structure to be utilized for the storage of equipment associated with the home business.

The Planning Commission recommended denial of Special Use Permit Amendment SUP#16-002 due to the fact that if the original Special Use Permit conditions from 2014 had been followed, then the issues that are present today would likely not exist.

Mr. Ronald Snoddy, applicant, spoke briefly on his request to amend Special Use Permit #14-009 which was approved with the 60' x 100' building approved in 2014. He said he is trying to incorporate all business into existing buildings and would rather have this approved than build a new building in front of his house. He did not realize, when installing the paint booth, that his neighbors would have problems with noise and fumes. He is addressing that and he and the installer of the paint booth has spoken with Mr. Forbes. The noise had not been addressed. He has tried to address the issues of fumes first by changing the type of filter. He will work on the noise issue if this is approved. No need to spend money to address noise if this is not approved. Mr. Snoddy said he wants to know he can use this booth before he spends a lot of money to do it.

Opened floor for public comments.

Michael Dubil – Adjoining property owner. Spoke in opposition of request. Commercial paint booth will adversely affect and change the area. Complaints about noise and odor from paint booth. There are reasons for residential and commercial areas. Dirt and noise go with this type operation that is usually located in industrial area. He encouraged Mr. Snoddy to pursue plans to build facility somewhere else.

Terry Lynn – Said all existing building facades match. The approval in 2014 would have the paint booth in metal building at front of property which would not match anything on the property. Request by Mr. Snoddy is actually more cohesive with Comprehensive Plan not to mention financially prudent. Have not heard any expert suggest there is any danger from odors or noise that exceeds what would be acceptable from any other home business.

Public hearing was closed..

Mrs. Flynn said she is familiar with area and the challenge for her surrounds the expectation of adherence to conditions for the approved Special Use Permit. The use was approved to be located in new separate building. Mr. Snoddy moved forward with the plan without that building in place which is not in keeping with the original Special Use Permit.

Mr. Frydl agreed. The original location would be further away from neighborhood homes and has some natural tree buffering around it. Another condition was the use would also comply with buffers and screenings that are part of ordinance requirements for commercial uses. Not only was building to be further away but also to be screened as a commercial use.

Mr. Frydl referred to the definition of a home business in the Zoning Ordinance, bullet (g) which states in part "...a resident may use certain equipment peculiar and customary to the practice of such occupation so long as there is no exterior indication by noise, glare, odor or vibration of the operation of such equipment." Neighbors and Mr. Snoddy himself said there is a problem with noise and odor. Mr. Frydl said he did not feel the paint booth at the current location fits the requirements for a home business occupation and certainly doesn't comply with the existing Special Use Permit. He did not see based on observation of operation and location that there would be a reason to move from what was originally proposed and approved.

Mr. Herring said he attended the Planning Commission meeting when this was discussed. The proposed building would be geographically lower and would offer some natural barrier between business and neighbors. Original Special Use Permit should have been followed. Neighbors are voicing concerns about noise and odor.

Mr. Cox asked for clarification of the process. Mr. Svoboda said options the Board can consider include modifying existing conditions. If this request is denied, the original Special Use Permit would still be valid.

Mr. Cox said he visited the site last week and the fan was started so he could hear it. There is some turbulence noise. Mr. Cox felt this has to be the best commercial or resident lot with a home business that requires screening he has seen with natural screening completely around the entire parcel. He said he would want to have the operation in the existing building if he were in this position. While he said he understands neighbors being upset with the noise, he felt Mr. Snoddy went above and beyond in 2014 in contacting neighbors. Mr. Snoddy is trying to do so now.

Mr. Martin, who was on the Board when this Special Use Permit was originally approved, said he also was pleased that Mr. Snoddy had done his homework with his neighbors. While we do not have data on the noise or odor, we have neighbors complaining which counts for something especially in the R-1 zone. Mr. Martin said he would question if there are other conditions of the existing Special Use Permit that are not being followed as well. He referred to Article 16-2 of the Zoning Ordinance, bullet (a) The use shall not tend to adversely change the character and established pattern of development of the area or community in which it wishes to locate and (b) the use shall be in harmony with the uses permitted by right under a Zoning Permit in the zoning district and shall not affect adversely the use of neighboring property and (d) (in part) Due consideration shall be given to.....the effect of the proposed use upon the community. Regardless of the location of the parcel, the applicant must control the noise and fumes. Mr. Martin was in favor of the analysis and assessment by the Planning Commission.

Mr. Snoddy said the biggest problem in approving this seemed to be the concerns of the neighbors. He said he would like to address the concerns of neighbors and would like to defer the vote on this if it would more likely be approved if neighbors are satisfied.

Mrs. Flynn said the existing Special Use Permit was approved with certain conditions and those conditions have not been followed which places the applicant in violation of those conditions. The expectation is for guidelines and conditions of a Special Use Permit to be followed. She also referred to the definition of a home business.

Mr. Snoddy said he just moved the operation to another area on the property. The same equipment would have been in the new building. He tried to make business more profitable by using existing buildings rather than spend hundreds of thousands on new building. Mr. Snoddy said he found a paint booth that would fit in existing building.

Mr. Frydl asked if Mr. Snoddy was formally requesting a deferral noting the Board does not have to approve such request. The current operation is not in compliance with the Special Use Permit and is an illegal operation.

Mr. Frydl said a key point is that the use is special because the home business is an industrial style use in a neighborhood. Care has to be taken and special conditions placed because the use doesn't necessarily fit in a neighborhood development. He felt the conditions of the existing Special Use Permit were there because the building would be further away from neighbors. Mr. Snoddy said further from some but not from others.

Mr. Martin said the assumption would be, regardless of location, those issues with noise and fumes would be resolved so neighbors would not be bothered.

Mr. Snoddy said he would ask for a sixty (60) day deferral but he does not want to spend the money if his request is still going to be denied. He tries to do this between 10 a.m. and 4 p.m. when most people are at work. He said Mr. Forbes, who is closest to the operation, is willing to sign off on it if issues with noise and fumes are resolved.

Mrs. Flynn said the Board cannot guarantee approval. Mr. Frydl agreed and felt it better to give Mr. Snoddy a yes or no answer. Mr. Martin also agreed.

Mr. Herring said he was not opposed to the deferral but could not guarantee future approval. Mr. Cox said agreed with Mr. Herring.

Mr. Clarke asked Mr. Snoddy to clarify if he still requested a deferral, understanding that the likelihood of approval cannot be given?

Mr. Snoddy and Ms. Lynn stepped into the hallway for a private discussion. Upon returning to the meeting, Mr. Snoddy said he wanted an unconditional deferral for 60 days (September 27, 2016).

Mrs. Flynn said she understands there is appeal process that has to go forward. Based on existing concerns and fact that the original Special Use Permit has not been followed, she would not be in favor of deferring this decision. She would be uncomfortable with precedent it may set.

Mr. Martin agreed saying the Board tries to be consistent in the treatment of all applicants for requested and received Special Use Permits.

Upon motion by Jim Frydl and affirmative vote, the Board denied the request by the applicant for deferral to September 27, 2016.

Recorded vote:	Bill Martin	-	Yes
	Michelle Flynn	-	Yes
	David Cox	-	No
	Jim Frydl	-	Yes
	Dale Herring	-	No

Motion carried.

Upon motion by Jim Frydl and affirmative vote, the Board denied the request for amendment SUP#16-002 for the reasons stated.

Recorded vote:	Bill Martin	-	Yes
	Michelle Flynn	-	Yes
	David Cox	-	No
	Jim Frydl	-	Yes
	Dale Herring	-	Yes

Motion carried.

It was noted the existing Special Use Permit remains active.

RE: PUBLIC HEARING – AMEND ZONING ORDINANCE – TRANSIENT LODGING -  
OR#15-001

Mr. Svoboda reviewed the proposed amendments to the Greene County Zoning Ordinance (OR#15-001) pertaining to bed and breakfasts, tourist lodging, transient lodging, and related uses as uses permitted by right or by Special Use Permit in the C-1 and Z-1 zoning districts and revisions to temporary events, definitions and all applicable references to define bed and breakfasts, tourist lodging, transient lodging and related terms. The current zoning ordinance allows lodging house and bed and breakfasts by Special Use Permit only.

Mr. Svoboda briefly went over the background of the proposed amendments. The Limited Residential Lodging Act legislation is pending a review by the Housing Commission sometime in December 2016 and possible reenactment during the 2017 session of the General Assembly.

The Planning Commission recommended approval of ordinance revision OR#15-001 as submitted.

Opened floor for public comment.

Keith Bourne – Spoke in opposition of proposed amendments which would allow transient lodging in A-1 zoned subdivision by-right. He lives in subdivision that has struggled with the illegal operation of a couple transient lodging businesses that has completely destroyed the harmony of the neighborhood. He asked the Board to consider changing language slightly to protect their neighborhood.

Barbara Hayes – Owns a bed and breakfast on 180 acre farm. Performs a service for others which brings money to the community. If there are problems in neighborhoods, let them deal with it. Come to Board as individuals.

Janet Pitt – Neutral on revisions. Asked about level of quality control the County will manage without any kind of permit. There are regulations in place that need to be followed. Questioned collection of taxes if no process for tracking is in place.

Kathy Doerr – Riverdale – Only sees positive effects of B & B's in her area. Supports proposed amendments.

Robert Doerr – Riverdale – Also supports proposed amendments.

Patrick Moctezuma – Thanks for web site which is asset to residents and businesses. Spoke in favor of ordinance amendments. State has passed statute that will be effective next year. Air B&B will have to collect taxes. County would be in noncompliance and would have to pass ordinance in accordance with law at that time. Twin Lakes enforce their own covenants and have no problem with passing rule against something they don't want.

Paul Harrington – This is simply allowing the overnight rental of a room in a home. Use a residence as such and will help economy. Supports amendment.

William Sypher – Spoke in support of amendments. Transient lodging will continue to fit seamlessly into our lives. This is not a complex issue.

David VanDerveer – Has lived in Riverdale Subdivision for 34 years. As President of subdivision for fifteen (15) years, he said he never got a complaint about overnight transient rentals. He did receive lots of calls about ATVs, loud music, barking dogs, driving fast, etc. Feels this will be real asset for community. Revenue without smoke stacks. No brainer.

Scott Winslow – In favor of proposed changes to the Zoning Ordinance. This will be beneficial and bring in lodging tax which should go up if this is approved.

Nathan Abse – Currently lives in D.C. - In favor of proposal. Has stayed in this area and hopes to continue to do so.

Ilija Arsenovic –Riverdale – In favor of amendments. Feels the Board stalled this issue because of “feeling the pain” of opposition by Riverdale residents.

Alex Arsenovic – Also spoke in favor of amendments.

Phil Jaderborg – Referred to Explore Greene website. Greene is “the gateway to the Blue Ridge Mountains”. Visitors here spend discretionary vacation money. “If the sound and smell do not offend, then I suggest you must amend.”

Phillip Anderson – Albemarle County – Source of all wealth is nature and ecological systems are collapsing. Fossil fuels are running out and we’re entering a period of wealth contraction. Could have hard times coming and people must be resourceful. In favor of amendments. Suggested a review of sites be done and if there are complaints, reconsider that specific location.

Closed public hearing.

Mr. Cox said he supports the amendments as proposed.

Mr. Frydl referred to legislation approved by the State that allows this use by right across all zoning districts. The County will be able to collect taxes. There are many operating currently in Greene but they are not paying taxes.

Mr. Frydl felt 16-25-1.3 creates some confusion and suggested the language “excluding those regulations set out in Article 16-1.6” be changed to “one dwelling per parcel is permitted and shall be accordance with all applicable zoning district requirements (yards, setbacks, heights, etc.)

Mr. Svoboda said Section 16-1-6 of the Zoning Ordinance allows an another single family dwelling, in addition to the principal dwelling, on every additional sixteen (16) acres in the A-1 and C-1 zones. He suggested clarifying the change with “one dwelling per parcel for tourist lodging”.

Mr. Herring said he was in favor of the amendment. This will bring people and business to the community.

Upon motion by Michelle Flynn and unanimous vote, the Board approved ordinance revision OR#15-001 as presented to the Board of Supervisors on July 12, 2016 for all the aforementioned reasons and with the revision as discussed. (See Planning Department for text.)

Recorded vote:	Bill Martin	-	Yes
	Michelle Flynn	-	Yes
	David Cox	-	Yes
	Jim Frydl	-	Yes
	Dale Herring	-	Yes

Motion carried.

Mr. Martin said this issue was more complex than it seemed. The Board of Supervisors and Planning Commission were trying to accommodate everyone including those in A-1 subdivisions. He said he was looking forward to increased tax revenue and units coming “out of the closet”.

RE: COUNTY ADMINISTRATOR'S REPORT

See Attachment "A" for County Administrator's report. Mr. Barkley added working with auditors to have audit of business license process for coming year and to make this part of the routine audit process.

RE: OTHER MATTERS FROM BOARD MEMBERS

Mrs. Flynn commented on the recent 4<sup>th</sup> of July festivities which had rave reviews.

Mrs. Flynn also said JABA has recently closed at least two programs that did not meet the core mission of agency.

Mrs. Flynn expressed appreciation to all first responders for the service they provide to the community.

Mr. Herring noted there will be a meeting of the Planning Commission on July 20 and the Comprehensive Plan revision will be discussed.

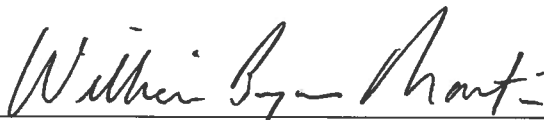
Mr. Frydl said the year to-date spending at the CVRJ is 17% less than the amount budgeted.

Mr. Frydl said the School Superintendent has a consulting engineer firm working on the issue of water loss at the schools. Several pump tests have been done. There is significant pressure loss at schools when there is small pressure loss at hydrant.

Mr. Martin said the at-large seat on the CVRJ Board that he has filled for the past year will be moving to Louisa County.

RE: ADJOURN MEETING

The meeting ended at 9:32 p.m. The next scheduled meeting of the Board of Supervisors will be on Tuesday, July 26, 2016.



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William Bryan Martin, Chairman  
Greene County Board of Supervisors



## County Administrator's Report

July 12, 2016

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- **White Run Reservoir** – Negotiations continue this week with the qualified bidder regarding the initial financial commitment, project timing and unit pricing associated with the streambank and wetlands mitigation phase of the project. The project team will then reconvene on July 25 to further discuss financing options.
- **Live Streaming/Recording Service – Board of Supervisors Meeting Room** – Staff is reviewing the estimates received and will make a recommendation to the Board July 26. The project will include flat panel displays and will feature a video system, with a master control system, audio mixing and recording system, and a wide shot camera mounted at the back of the Board room.
- **Central Virginia Regional Jail/Inmate Medical Invoice** – Staff has received another inmate medical invoice in the amount of \$30,092. We have requested documentation and an explanation of the circumstances.
- **Greene County Landfill/Waste Management Service** – Staff has received notice of an increase in the hauling rate charged by Waste Management. The company currently provides hauling service of solid waste from the Greene landfill to Amelia County, VA. The current contract ends December 2016. Staff will draft an RFP for future service and explore other locations.
- **Fire Apparatus Refinance/Purchase** - Staff has endorsed financing applications by RVFC (2012 engine refinance) and SVFC (tanker purchase) to refinance and/or purchase fire apparatus at preferable rates. County endorsement is required in order to comply with IRS guidelines for a non-profits. There is no additional financial commitment associated with the endorsement.
- **Greene County Customer Service Seminar** – The Greene County “Customer Service in Action” seminar will be presented July 29 at the Greene County Library. The seminar is free and open to all employees and officers of the County. The training session will focus on delivery of quality customer service and the value of positive communication in customer interactions.



- **Culpeper Soil and Water Conservation District Funding Request** – The Culpeper Soil and Water Conservation District has been approved by the Commonwealth to receive an additional \$4.6 million in “agriculture cost share” funds over the next 2 years in addition to the regular annual \$1.5 million program; approximately \$1.7 million of this is in Greene. The District has an estimated \$5 million worth of projects district-wide in the works for stream fencing/spring development/well drilling, pasture management projects; 24% of which are in Greene. The state is releasing all funds this year to be used for a 2 year period. CSWCD seeks additional financial support to help carry this workload for the 2 years. The actual service is program administration on behalf of the client, surveying, engineering design, construction management, and as built certifications. To accommodate this additional workload, CSWCD is in need of 1 full time employee and an additional vehicle to accomplish the work covered by the grant funding. At this time the district only has 2 farm ready vehicles spread across 6 staff and 5 jurisdictions. They propose to hire one more employee for 2 years at \$60,000 per year (total employee costs), and purchase a new vehicle on the state contract since the purchase rates for new are equivalent to what one would pay for used on the open market. With 111 additional contracts pending, 24.3 percent of which are in Greene County, CSWCD requests the following additional support:

- **FY 2017:** \$5,200 towards the vehicle purchase (represents 1/5 of price) \$14,580 towards a full time employee (represents 24.3 percent)
  - **TOTAL FY 2017 additional support request \$19,780**
- **FY 2018:** \$14,580 towards year 2 of the full time employee
  - **TOTAL FY 2018 additional support request \$14,580**

Staff will place the request on an upcoming Board meeting agenda for consideration.

- **Board Appeal/Rummage 33** – Staff has received certification from the Circuit Court that the Board of Supervisors’ Appeal of the BZA’s decision in the Rummage 33 matter has been filed and received by the court. The writ orders all transcripts, papers and materials related to the case to be submitted to the court within 30 days.