

To: New Market Planning Commission
Larry Hale, Chairman
Sherri Erbaugh, Vice Chairman
George Daugharty
Tom Linski, Jr.
Sonny Mongold
Bob King
Harry Wine, Jr.

In accordance with Planning Commission Bylaws, a regular meeting of the New Market Planning Commission will be held in the Council Chambers of the Arthur L. Hildreth, Jr., Municipal Building on Monday, December 4, 2023, at 6:30 p.m. Full attendance is respectfully requested.

Nathan Garrison
Zoning Administrator

TENTATIVE AGENDA-

Consideration of:

Call to Order and Establishment of Quorum

II Approval of Minutes from November 6th, 2023

III Public Hearings - A joint public hearing with the New Market Town Council to consider whether to recommend, a text amendment to Article V. Medium Density Residential, District R-2, Section 70-35 (a3) to allow for a minimum of five (5) feet side yard on each side of the lot for Courtyard homes.

IV Old Business

A. Planning Department Report – Nathan Garrison

V New Business

A. Discussion and consideration to recommend a text amendment to Article V. Medium Density Residential, District R-2, Section 70-35 (a3) to allow for a minimum of five (5) feet side yard on each side of the lot for Courtyard homes.

VI Adjournment

1 **New Market Planning Commission**

2 **November 6, 2023**

3 **CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

4 The regular meeting of the New Market Planning Commission was held on Monday, November 6, 2023
5 at 6:30 p.m. The following Planning Commission members were in attendance: Chairman Larry Hale,
6 Sonny Mongold, Sherri Erbaugh, Bob King, and Harry Wine, Jr. Commission members George Daugharty,
7 and Tom Linski, Jr. were absent.

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9 Mr. Hale opened the meeting at 6:30 p.m. and established a quorum with four members present.

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11 **APPROVAL OF MINUTES:**

12 Mr. Hale entertained a motion to approve the minutes. Mrs. Erbaugh noted that there were some
13 corrections that needed to be made in reference to the spelling of a council member's name and a
14 couple of mistyped words. She noted that the corrections were given to the secretary. Mrs. Erbaugh
15 made a motion to pass the minutes with the revisions given to the secretary, Mrs. Smoot. Mr. Wine
16 seconded the motion. The motion passed with a unanimous vote 4-0.

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18 **PUBLIC HEARING:**

19 Mr. Hale opened the Planning Commission's joint public hearing meeting at 6:35 p.m. to receive public
20 comment on a text amendment recommendation to Article XIV-Supplementary District Regulations,
21 Section 70-128 (d) to decrease the setbacks for accessory buildings for districts R-1, R-2, R2-A, and R-3.

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23 At 6:36 p.m., Vice Mayor Harkness opened the Special Called meeting of the New Market Town Council
24 and established a quorum with four members present and opened the Town Council's joint public
25 hearing.

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27 Mr. Hale opened the floor for public comment in regards to the proposed text amendment that would
28 allow accessory building setbacks to be decreased to five foot from the property line. There were no
29 public comments.

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31 At 6:37 p.m., Vice Mayor Harkness closed the Town Council's joint public hearing. Mr. Hale closed the
32 joint public hearing at 6: 38 p.m.

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35 **OLD BUSINESS**

36 Mr. Garrison gave a report on permits that have been processed. The following permits were approved:
37 a porch roof for 154 Confederate Street, a renovation, expansion, and patio for the Miller Grille at
38 Shenvalee Golf Resort, a change in use for 296 Periwinkle Lane, and a permit to subdivide lot 7 at
39 Fairway Manor to create two lots. A permit was denied for 469 W. Old Cross Rd, due to the request
40 being for an accessory structure that would not meet front setbacks. A permit was just submitted for a
41 new construction of a single family home on Pleasant View Drive.

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46 **NEW BUSINESS**

47 The first action item on the agenda was the discussion and consideration to recommend a text
48 amendment to Article XIV-Supplementary District Regulations, Section 70-128 (d) to decrease the
49 setbacks for accessory buildings for districts R-1, R-2, R2-A, and R-3. Mr. King made a motion for the
50 Planning Commission to recommend a text amendment to decrease the accessory building setbacks, as
51 stated on the agenda, to the Town Council. Mr. Wine seconded the motion. The motion passed with a
52 unanimous 4-0 vote.

53 The second action item on the agenda was to discuss the request by Mr. Todd Carr, Village Creek
54 Investments, for a text amendment allowing for 5 foot side setbacks for courtyard homes. Mr. Garrison
55 explained that the current setback for courtyard homes allow one side of the structure to be on the
56 property line with a zero foot side setback, but the other side there would have to be a minimum of ten
57 foot side setback. Mr. Carr has an interested developer, but the developer was concerned about
58 building directly on the property line. Mr. Hale inquired about the dimensions of the structure to be
59 built in reference to the lot. Mr. Garrison informed the commission that the product that could be built
60 is a 40 foot wide home, and the lots are 50 foot wide. The text amendment would allow for there to be a
61 5 foot side setback on both sides which also allows more room on each side of the structure. Mr.
62 Mongold made a motion to allow Mr. Garrison to move forward with implementing the change in the
63 regulations to allow 5 foot side setbacks for courtyard homes with the next step being a joint public
64 hearing. Mr. Wine seconded the motion. The motion passed with a unanimous 4-0 vote.

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66 **ADJOURNMENT**

67 **With no further business to discuss, at 6:49 p.m., Mr. King made a motion to adjourn the**
68 **meeting. Mrs. Erbaugh seconded the motion which passed on a unanimous 4-0 voice vote.**

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Amber Smoot, Secretary



Notice is hereby given in accordance with Section 15.2-2204 of the Code of Virginia that the New Market Town Council will consider whether to approve and the New Market Planning Commission will consider a text amendment to Article V. Medium Density Residential, District R-2, Section 70-35 (a3) to allow for a minimum of five (5) feet side yard on each side of the lot for **Courtyard homes**. No other district regulations are proposed to change. A joint public hearing will be held in the Council Chambers of the Arthur L. Hildreth Municipal Building, 9418 John Sevier Road New Market, Virginia, on Monday, December 4th, 2023, at 6:30 p.m., or as soon thereafter as the matter may be heard, at which time interested persons will have the opportunity to speak and be heard concerning the text amendment. The details of the text amendment are as follows:

Article V. Medium Density Residential, District R-2

Section 70-35 (a3)-Yard Regulations

3. Courtyard homes – ***A courtyard home lot may use one type of side yard setbacks as defined below:***

a.) A zero (0) feet side yard on one side of the lot only. The minimum side yard for the side of the lot opposite the zero (0) feet side yard shall be ten (10) feet. Dwellings shall not be configured to allow the zero (0) feet side yards of adjoining lots to be on the common line between the lots.

b.) A minimum five (5) feet side yard on each side of the lot. Dwellings must be a minimum of ten (10) feet away from any adjacent dwelling.

In no case shall a courtyard home be closer than ten (10) feet from an existing dwelling.

Copies of the article being considered are available for public review during regular business hours at the New Market Town Office, 9418 John Sevier Road, New Market, Virginia. Copies are also available for review online at <https://www.newmarketvirginia.com/mayor-council/page/codes-ordinances>.

All public meetings are intended to be accessible to persons with disabilities in accordance with the Americans with Disabilities Act. A person requiring accommodation and/or auxiliary aids shall notify the Zoning Administrator at least five days prior to the scheduled meeting.

Nathan Garrison, Zoning Administrator



FRONT ELEVATION



REAR ELEVATION