

## MEETING #34– October 2

At a Joint Meeting of the Madison County Board of Supervisor and the Madison County Planning Commission held on Wednesday, October 2, 2013 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: J. Dave Allen, Chairman  
Doris G. Lackey, Vice-Chair  
Jerry J. Butler, Member  
Pete J. Elliott, Member  
Jonathon Weakley, Member  
V. R. Shackelford, III, County Attorney  
Betty Grayson, Zoning Administrator

### 1. Call to Order/Determine the Presence of a Quorum:

Chairman Allen called the meeting to order and advised that all members are present and a quorum was established.

### 2. *Pledge of Allegiance & Moment of Silence*

The Board of Supervisors and the Madison County Planning Commission commenced their meeting with the Pledge of Allegiance and a moment of silence.

### 3. Adoption of Agenda:

Chairman Allen requested that an item be added following Case No. SP-09-13-14 regarding an issue concerning fees for a home-based business. There were no additional changes requested.

On motion of Supervisor Butler, seconded by Supervisor Lackey, the Board adopted the Agenda as amended, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye



#### 4. Agenda:

Mr. Brockman provided an overview of tonight's meeting process. Minutes of the July 3, 2013 Joint Meeting were corrected and approved as amended.

#### Cases:

Case No. SU-09-13-12: Request by Jennifer Dowling for an indefinite special use permit to operate a bed and breakfast out of her home. This property is located on Route 741 (88 Rapidan Church Lane) at Wolftown and contains .933 of an acre of land (lot of record in 1968), zoned Residential, R-1. (Pending a variance request for two uses on less than 3 acres of land.) The final plat has been approved by the Virginia Department of Transportation; a Letter has been received from Dwayne Dixon of the Madison Health Department dated September 16, 2013 approving the request for an occupancy of six (6) persons (maximum of two [2]); the applicant will not be serving food at this time.

Ms. Dowling was present and advised the special use permit is being requested for the property located on Route 741; she'd like to operate a guest house - bed & breakfast with no food being provided; pictures were provided for review and assessment.

Betty Grayson, Zoning Administrator, advised the Commission previously discussed the following possible conditions:

- Approval by Dwayne Dixon, Madison Health Department concerning the limit of six (6) occupants (because of the existing drain field)
- No food being served
- Whether the permit will go with the land and/or the applicant
- Pending the variance by the Madison Board of Zoning Appeals

After discussion, it was the consensus of the Commission to request the permit go with the property and not the person.

William (Bill) Campbell questioned if the variance would be waived.

Concerns verbalized by the Board pertained to:

- The wording for the request notes "bed & breakfast" although the conditions advise there will be no serving of food
- Does an R-1 zone require one (1) acre of land for one (1) use



Ms. Dowling advised this issue was discussed during the workshop by the Madison Health Department.

Ms. Grayson advised the category under which the applicant is seeking tonight's proposal is "Lodge-Inn-Hotel with/without interior meals."

William (Bill) Campbell verbalized concerns pertaining to a prior request that involved a smaller portion of land where the applicant wasn't required to apply for a variance.

Ms. Grayson also advised the current Ordinance does allow two (2) uses on a property that is less than three (3) acres in size; tonight's request calls for 1.5 acres per use (in and R-1 zone), but three (3) acres will be needed; the applicant's property is only .9 acres - an application has been presented to the Madison Board of Zoning Appeals for a variance that will be heard on Monday, October 21, 2013 for discussion and/or action.

After discussion, Supervisor Weakley moved that Case No. SU-09-13-12, be approved, as recommended by the Madison County Planning Commission, seconded by Supervisor Butler.

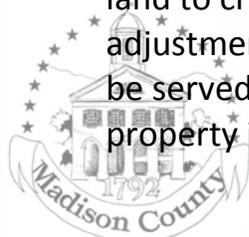
After continued discussion, Supervisor Weakley amended his motion to include approval of Case No. SU-09-13-12 with the following conditions:

- No more than six (6) people will reside at the residence
- No food be served therein
- The indefinite special use permit will be for the property only (not the person)

As recommended by the Madison County Planning Commission, seconded by Supervisor Butler, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

Case No. S-09-13-13: Request by J. H. Henshaw, II, et. als. for a plat of a subdivision of land to create two (2) lots with residue and a boundary adjustment. The two (2) lots and the residue of TM 23-87 will be served by a new 50 foot right-of-way off Route 609. This property is located off Route 609 (West Hoover Road), zoned A-



1. The final plat has approval from the Virginia Department of Transportation; signatures have also been received from all the heirs.

William (Bill) Campbell was present and questioned division rights.

Charles McGuire and Mr. Greg Henshaw (heir) were present and advised that Mr. David Henshaw has passed.

Concerns from the Board pertained to whether there needed to be any mention of the boundary adjustment.

Ms. Grayson advised if tonight's request is approved, the plat and deed will need to be recorded at the Clerk's Office; once recorded and returned for documentation, the applicant will be able to move forward with a boundary adjustment and family divisions.

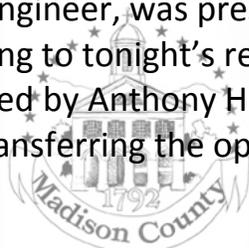
The County Attorney advised the aforementioned suggestion can be added, should the Board so desire.

After discussion, Supervisor Butler motioned that Case No. SU-09-13-13 be approved as recommended by the Madison County Planning Commission, pending a variance, and that upon recordation of the plat/deed, and that a boundary adjustment be done in accordance with County guidelines, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

Case No. SP-09-13-14: Request by Nicholas S. or Marjorie S. Spencer for a site plan for the construction of a 1500 square foot building for retail floral shop. This property is located on Route 29 Business (1694 N. Main Street) near the Town of Madison and contains 1.306 of an acre of land, zoned Conditional Business, B-1.

Marvin Hinchey, Engineer, was present on behalf of the applicant to answer any questions pertaining to tonight's request. Mr. Hinchey advised that a site plan has been prepared and signed by Anthony Hurlock of the Virginia Department of Transportation. The applicant is transferring the operation of the business to the new building and out of



the house; a letter was provided to denote the current amount of water usage – no drastic changes in water or sewer uses were evident.

Ms. Grayson advised the site plan has been signed and a letter has been submitted by Brian Daniel, Erosion & Sedimentation Technician.

After discussion, Supervisor Elliott motioned that Case No SP-09-13-14 be approved as recommended by the Madison County Planning Commission, seconded by Supervisor Lackey, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

Chairman Allen advised there is a request for a bond of \$6,703.13.

The County Attorney suggested the bond amount be rounded up (or down).

After discussion, Supervisor Elliott recommended the Madison County Board of Supervisors approve a bond in the amount of \$6,700.00, seconded by Supervisor Butler, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

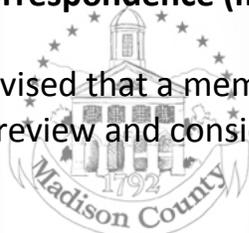
Mr. Brockman, Chair, advised October 16, 2013 workshop will be held and may include discussions about applications and the Route 29 Study.

With no further action being required by the Commission, Mr. Brockman called for adjournment of their portion of tonight’s meeting.

## **5. Information/Correspondence (if any)**

### **Citizen Request:**

Chairman Allen advised that a memorandum has been provided to the County Administrator for review and consideration by the Madison County Board of Supervisors.



Mrs. Campbell was present and provided a copy of a memorandum for review and discussion; she and her husband reside in an A-1 zone and would like to open an inn in their log cabin home; she asked the County to consider lowering the associated permit fees for folks who would like to start a home business. In closing, she advised there are no plans to have a bed & breakfast, but only an 'inn'; she feels if the fees are lowered, this will help other citizens within the County who may be considering opening a home business similar to what she and her husband are proposing, which she feels, will provide additional revenue for the County in the long run.

Ms. Grayson advised the special use permit fee is \$500.00 and the variance application fee is \$200.00; those fees were adopted by the Madison County Board of Supervisors on July 8, 2008.

Ms. Grayson advised the previous Board (from 2008) had asked the former County Administrator to review the fee schedule; the schedules for the surrounding localities were reviewed and then compiled/aligned for Madison County.

Concerns were verbalized by the Board as to whether the fees could be lowered for anyone desiring to start a business here.

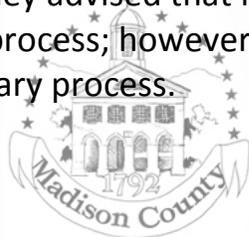
The County Attorney advised the County doesn't have categories 'by use' of a special use permit; the Board can alter this factor if desired. In closing, most localities have a uniform fee for a particular zoning/planning issue – he's unsure of any locality that has a different fee for a special use permit depending on the nature of the use.

The County Attorney also advised the fees are also designed to cover the cost to the County for advertising; this was an issue when the fees were being reviewed in 2008.

Supervisor Lackey suggested the Madison County Planning Commission be asked to consider changes to the fee structure and make a recommendation to the Madison County Board of Supervisors for review/consideration.

Ms. Grayson advised that waiving fees is usually a Board function (i.e. fee schedule); this concern has never been presented before the Madison County Planning Commission in the past, to which the County Attorney concurred.

The County Attorney advised that in the past, the County normally assesses fees as a part of the budgetary process; however, this factor has been reviewed at times other than during the budgetary process.



In closing, it was suggested the Board look into this request at a workshop session and discuss the possibility of implementing some changes.

The County Administrator advised the business being proposed by Mrs. Campbell is very small and will consist of one (1) bedroom; the Board could possibly develop a definition for the small business and perhaps classify that a 'home business/lodging with less than two (2) bedrooms' be governed under a different, lower fee schedule that be sufficient to cover any hard costs associated with the request.

After discussion, it was the consensus of the Board to request the County Administrator to:

- Review the existing fee schedule to determine if there's a way the County can help potential small business development and assess if there's a way the County can help any potential small business
- Determine the amount of any hard costs that may be involved
- Provide input for discussion at the next workshop session.

## 6. Adjournment

With no further action being required by the Board, on motion of Supervisor Weakley, seconded by Supervisor Lackey, Chairman Allen adjourned the meeting, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

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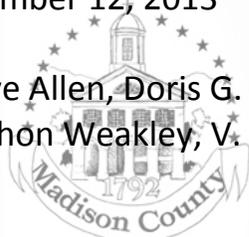
J. Dave Allen, Chairman  
Madison County Board of Supervisors

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Jacqueline S. Frye, Clerk of the Board

Adopted on: November 12, 2013

Copies: J. Dave Allen, Doris G. Lackey, Jerry J. Butler, Pete J. Elliott,  
Jonathon Weakley, V. R. Shackelford, III & Constitutional Officers



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**Madison County Board of Supervisors**  
**Joint Meeting Agenda**  
**Wednesday, October 2, 2013 at 7:00 p.m.**  
**Madison Administration Center Auditorium**  
**414 N. Main Street**

**Agenda:**

1. Call to Order/Determine Presence of a Quorum
2. *Pledge of Allegiance & Moment of Silence*
3. Adoption of Agenda
4. Action Items:

**Case No. SU-09-13-12:** Request by Jennifer Dowling for an indefinite special use permit to operate a bed and breakfast out of her home. This property is located on Route 741 (88 Rapidan Church Lane) at Wolftown and contains .933 of an acre of land (lot of record in 1968), zoned Residential, R-1. (Pending a variance request for two uses on less than 3 acres of land.)

**Case No. S-09-13-13:** Request by J. H. Henshaw, II, et. als. for a plat of a subdivision of land to create two (2) lots with residue and a boundary adjustment. The two (2) lots and the residue of TM 23-87 will be served by a new 50 foot right-of-way off Route 609. This property is located off Route 609 (West Hoover Road), zoned A-1.

**Case No. SP-09-13-14:** Request by Nicholas S. or Marjorie S. Spencer for a site plan for the construction of a 1500 square foot building for retail floral shop. This property is located on Route 29 Business (1694 N. Main Street) near The Town of Madison and contains 1.306 of an acre of land, zoned Conditional Business, B-1.

5. Information/Correspondence (if any)
  - a. **Citizen Request (Campbell) (ITEM ADDED)**



6. Adjournment

**\*AMENDMENT(S) DENOTED IN BLUE AND YELLOW HIGHLIGHT\***



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JOINT MEETING

MADISON COUNTY PLANNING COMMISSION & BOARD OF SUPERVISORS

TIME: WEDNESDAY, OCTOBER 2, 2013 AT 7:00 P. M.

PLACE: MADISON COUNTY ADMINISTRATIVE CENTER AUDITORIUM

MR. CHAIRMAN:

\*\*Case No. SU-09-13-12: Request by Jennifer Dowling for an indefinite special use permit to operate a bed and breakfast out of her home. This property is located on Route 741 (88 Rapidan Church Lane) at Wolfstown and contains .933 of an acre of land (lot of record in 1968), zoned Residential, R-1. (Pending a variance request for two uses on less than 3 acres of land.) MS. Dowling will not be serving food at this time.  
46-82  
Has Highway Dept. approval. Have letter from Dwayne dated 9-16-13 approved for an occupancy of 6 persons maximum.

\*\*Case No. S-09-13-13: Request by J. H. Henshaw, II, et. als. for a plat of a subdivision of land to create two (2) lots with residue and a boundary adjustment. The two (2) lots and the residue of TM 23-87 will be served by a new 50 foot right-of-way off Route 609. This property is located off Route 609 (West Hoover Road), zoned A-1.  
23-87 Final Plat  
Has Health and Highway Dept. approval. Also, has signatures of all the heirs.

\*\*Case No. SP-09-13-14: Request by Nicholas S. or Marjorie S. Spencer for a site plan for the construction of a 1500 square foot building for retail floral shop. This property is located on Route 29 Business (1694 N. Main Street) near The Town of Madison and contains 1.306 of an acre of land, zoned Conditional Business, B-1.  
39-85  
① Anthony Hurlock from VDOT signed revised site plan dated Sept. 27, 2013. His signature was also on Sept. 27, 2013.

② Have letter from Lynn Clements from m RSA dated Oct. 1, 2013 stating they are currently served by public water + sewer.  
Betty C. Grayson  
Zoning Administrator

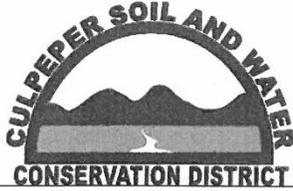
\*\*Action to be taken by the Board of Supervisors.

- ③ Received approval letter from Richard Jacobs today. Copy attached.
- ④ Letter received from Brian Daniel today @ 5:15 P.M. approving Erosion and Sediment Control Plan for Pat's Floral Designs building.

Board of Supervisors only:

Bond needs to be set at \$6,703.13





## Culpeper Soil & Water Conservation District

*Serving Culpeper, Greene, Madison, Orange, & Rappahannock*

351 Lakeside Drive  
Culpeper, Va. 22701  
(540) 825-8591 Culp  
(540) 825-8637 fax  
(540) 672-1638 Orange  
(540) 672-2455fax

October 2, 2013

Brian Daniel  
Madison County Erosion & Sediment Control Administrator  
PO Box 1206  
Madison, Va. 22727

Dear Mr. Daniel,

I have reviewed the September 24, 2013 revised Erosion and Sediment Control Plan for Pat's Floral Design located on the North Main Street north of the intersection with Blue Ridge Turnpike (Route 231) in the Town of Madison. The site plan as presented does meet the minimum standards to prevent erosion and sedimentation from the project activities.

Please feel free to contact me if you have any questions.

Sincerely,

Richard Jacobs  
Conservation Specialist



Cc: Brad Jarvis, Madison (Extension Agent)  
Lynn Graves, Madison County Director  
Bob Kane, Madison County Director  
James Byrne, Madison County Associate Director



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Madison County Inspections Department  
Erosion and Sediment Control  
PO Box 1206, Madison, VA 22727  
Telephone: (540) 948-6102

October 2, 2013

Marvin Hinchey  
Hinchey & Baines PLS  
125 E. Davis St., Suite 201  
Culpeper VA 22701



Dear Mr. Hinchey,

Madison County has approved the Erosion and Sediment Control Plan for the Pat's Floral Designs Building located at Tax Map 39-85, revised 9-27-13. Based on the recommendation of Culpeper Soil and Water Conservation District and myself, if implemented as show, the site plan does meet the minimum standards to prevent erosion and sedimentation from the project activities and complies with Virginia Erosion and Sediment Control Law and the Madison County Erosion and Sedimentation Control Ordinance.

Sincerely,

Brian Daniel  
Erosion and Sediment Control Administrator

Encl

Cc: Richard Jacobs, CSWCD  
Wes Smith, Building Official



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Pats Floral Design

	cost	qty	total
Construction Entrance	\$ 1,500.00	1	\$ 1,500.00
Silt Fence	\$ 2.50	425	\$ 1,062.50
Gravel	\$ 24.00	50	\$ 1,200.00
Seed/mulch	\$ 600.00	1	\$ 600.00
Mobilization	\$ 1,000.00	1	\$ 1,000.00
			\$ 5,362.50 Sub-total
			\$ 1,340.63 Contingency
			\$ 6,703.13 Total

