

City of Lewisburg
Planning Commission Working Session
Meeting Minutes ~ February 3, 2022, 5:30 p.m.
942 Washington Street West, Lewisburg, WV
Paul R. Cooley Council Chambers

PRESENT: Chair John Little, Margaret Gossard, Planning and Zoning Officer Marsha Cunningham, Valerie Pritt (via ZOOM), Davis Lewis (via ZOOM), Tia Bouman (via ZOOM), Dan Stevenson (via ZOOM), Recorder Sarah Richardson

ABSENT: Helen Harless, City Manager Misty Hill

VISITORS: Christy DeMuth of WVU Law (via ZOOM)

CALL TO ORDER: The meeting was called to order at 5:30 p.m. by Chair John Little.

APPROVAL OF MINUTES: The minutes of January 6, 2022 meeting were approved with a motion from Margaret Gossard and a second from Valerie Pritt. With all in favor and one (1) absent, the motion carried.

PUBLIC COMMENT: None

Discuss: Permissible Use Table

Christy DeMuth began in saying that the commission needs finalize the portion of the table that has to do with general regulations, including various public health and general wellness and safety. She said she has gone through the city's zoning ordinance to see what topics are not covered currently. In 2018 some parts were discussed but not finalized.

The first topic is Accessory Uses, Buildings, and Structures (Section 319.03). She said there is currently no side setback in the ordinance, but there is a rear setback. DeMuth said if the current regulation is working there is no need to change it. Margaret Gossard agreed there is no reason to alter it "arbitrarily." DeMuth explained Accessory Buildings v. Principal Buildings, and said some of her other communities limit the size and height of accessory buildings, among other details, if they don't want them to overpower the principal structures. Dan Stevenson said they should include "some, if not all" of the proposed restrictions. John Little asked if Section "C" prevented someone from building a garage apartment, DeMuth said that is Conditional in R1 and Permitted in R2 and OR, so this proposed provision would apply everywhere except in these three zones.

DeMuth said the example language says an accessory building can't be over 600 sq. ft., but some communities limit by square footage, others go by basing it off the size of the principal structure. Davis Lewis said that would be the direction he would lean in, so it's not as limited as a square foot limit. Valerie Pritt agreed. Dan Stevenson said he would lean toward putting "some number on it" rather than just saying it can't be larger than the principal structure. John Little noted that somebody could put a

short-term rental in one of these structures. Marsha Cunningham asked if they could perhaps go off of a percentage relating to the size of the principal structure, for example, not larger than 75% of the home, to keep things “proportional.” Dan Stevenson asked about the percent of the lot that would be covered, with DeMuth saying that there are already lot coverage requirements. Structures are not to exceed 40% of the lot. Stevenson said that addresses his concern. John Little said allowing accessory buildings that are 50% of the size of the home would be reasonable, for example, if a house is 2,000 sq. ft. that would allow for a 1,000 sq. ft. accessory building. DeMuth asked about height limits, and suggested perhaps a limit of 75% of the principal structure’s height. Margaret Gossard noted there are single-story homes. DeMuth alternately suggested an accessory building cannot be taller than a principal structure, which was met with agreement.

DeMuth explained that Section “F” pertains to situations where someone operates a business out of a home (ex. a daycare, home office with clients that come and go, etc.), and a limit to how much of the home can be used as a business prevents people from making a residence, essentially, entirely a business. She suggests a 25% limit on the home’s space for business operations. Tia Bouman said that it depends on the person and the business. John Little instead suggests a 50% limit, such as hypothetically an upstairs with living space and a downstairs business space. Dan Stevenson said 50% is “realistic,” and Davis Lewis said it sounded “reasonable.” The percentage was updated to 50%.

Moving on to Section 319.05, Yard Requirements, DeMuth said that when requiring setbacks they have to be unobstructed except for steps, fire escapes, chimneys, or something under 24 sq. ft. such as a landing that projects out into the yard that are usually just part of the structure. DeMuth listed an example in Pittsburgh where a couple had to ask to add a small awning over a small step outside of their side door, and they had to acquire a variance. Adding this is “common zoning language” according to DeMuth. There were no objections to this proposal. Dan Stevenson said it appeared “reasonable” and Valerie Pritt said, “I’m good with that.”

For Section 319.07, Additional Principal Buildings, “A” is residential and “B” is non-residential. DeMuth said this prevents someone from installing a large amount of residences without subdividing. There were no objections to including this language.

For Section 319.09, it states that the front door must face the street. DeMuth said this helps emergency responders. John Little asked what about houses that are on the corner of two streets, DeMuth said you could use the mailing address. Tia Bouman said she is “not pro” this idea. Marsha Cunningham said that previously someone has wanted to build a house with a door facing to the side, and the fire department said no. DeMuth said if the fire department is reviewing these instances then it doesn’t necessarily need to be in the table. Margaret Gossard said if a strange lot may require a different front door placement. John Little said it’s subjective. Tia Bouman said most houses do face the road but topography might make

some places hypothetically difficult, but most residents will build a house facing the road. John Little said he agreed. Dan Stevenson said he is leaning toward including this language, and Marsha Cunningham said she is also in favor, so the language stays.

Section 319.11, Height Restrictions, DeMuth said this deals with “special industrial structures” to comply with state and federal statutes and regulations. “This is common zoning language,” DeMuth explained. There were no objections to including this language.

For Section 319.13, Lot Lines and Irregular Lots, DeMuth said this helps “figure out lot lines” such as corner lots having no rear lot line, flag lots with a “handle,” pie shaped lots, irregular rear lots, etc. She said this language is also standard. John Little said “it seems pretty simple to me.” There were no objections to including this language.

For Section 319.15, Swimming Pools, DeMuth said some communities regulate pools to they may only be installed in the backyard of a home. John Little said he was in favor of that. DeMuth said that according to the zoning ordinances they only have to meet the side yard setbacks, but the ordinance doesn’t mention pools specifically. Marsha Cunningham said there is currently someone with an AirBnB wanting to install a pool in a side yard on Jefferson Street and will be discussing it this spring. John Little reiterated he was in favor of rear yard only. Valerie Pritt agreed and cited it has “more privacy.” Davis Lewis said he is “struggling on this” but is also in favor of backyard. Margaret Gossard mentioned fences and privacy, with DeMuth responding that a six foot fence is already required depending on if it’s above or in-ground. John Little said that his suggestion is to “leave the language in” and noted that their decision will not affect the person on Jefferson Street as the Permissible Use Table updates won’t be passed by that time. “We aren’t trying to change anything for that person,” said Little. There were no objections to including this language.

For Section 319.17, Fences, Landscaping, and Screening, DeMuth said the city has this covered “pretty well” compared to most communities. She recommended using the language currently in place. She mentioned the sight distance protection written as it is currently, where it designates “hazards,” and said in the clinic’s template they offer a height restriction on such objects of 3.5 feet, but keeping as it stands is fine. Since the language is currently working, Little voted to keep it as is, which was met with agreement from the other commissioners.

DeMuth discussed fence heights, John Little said the HLC also limits this to 4 foot fences in the front and 6 foot fences in the back of a property. It was discussed and decided to keep these measurements consistent within the Permissible Use Table. DeMuth noted new language specifying that fences cannot be constructed of items including junk vehicles, tanks, barrels, fabric, appliances, barbed wire, razor wire, electric fencing (not including invisible fencing), and other assorted materials. It also notes the fence but not be in disrepair and the finished side of the fence will be oriented to face adjacent property. There were no objections to including this language.

DeMuth discussed Screening, saying the city currently does have some “pretty good screening requirements already.” This is mainly for parking lots and loading areas. She said if the current language is working it “is fine to leave.” Monument Signs and Ground Signs also already have established language. It was decided to leave this as is.

For Section 319.19, Lighting, DeMuth mentioned adding language specifying details about the direction and containments of lighting (such as no shining lights onto adjacent properties, etc.) It was decided to include this updated, more specific language.

For Section 319.23, Parking, DeMuth said the commission reviewed this in November 2018. She said some new language updates parking requirements in the CC district, and the current ordinance doesn’t have details for drive-through businesses. It was decided to include this new language.

Section 319.29, Storage, adds language stating no lot may be used as a storage area for inoperable vehicles or appliances, a dead animal rendering plant, manure, “garbage dumps,” etc. There were no objections to including this language.

Also, Section 319.31, Storage of Campers and Recreational Equipment, deals with RVs, boats, utility trailers, etc. DeMuth said the current ordinance says that the storage of travel or utility trailers is prohibited in the front of residential. Dan Stevenson said the language should specify between a powered and unpowered boat as they vary greatly. John Little said it would be “odd” to require this storage in a backyard, as most people store these items in their driveway. “It could ultimately lead to more mess in the backyard,” said Little. DeMuth said they could keep the current language and add the other definition language. DeMuth said Section “C” will prohibit hooking up RVs and travel trailers to utilities for the purpose of residing in them. John Little said that some people hook up their RV battery to keep it charged, not live in it, so to specify the difference between that and hooking them to power for living in. DeMuth said she will rework this section.

Section 319.33, Satellite Signal Receiving Structure, Dan Stevenson said that “they are so small these days” that it’s not as much of a concern as it might have been previously. DeMuth said the current language could just be left.

Section 319.35, Temporary Uses, includes roadside vendor stands. DeMuth said there are two types, roadside vendor stands (a location, trailer, truck bed, or similar facility offering agricultural products for sale that are not produced on the immediate premise.) DeMuth said this is permanent use, so it can be up year-round, more than four weeks. In the draft of the use table roadside vendors are not permitted in any zoning district, so it was removed from the table. The second type is temporary use, which is not operating for more than four weeks in a calendar year. This can be seasonal sales of pumpkins, Christmas trees, fireworks, etc., in whatever zoning district. DeMuth said the commission needs to decide if they will allow temporary ag products to be sold, where they can be sold, and for how long. DeMuth said the

four week timeframe is just a “starting point.” Dan Stevenson said, “I like that, I think that’s good to limit it to no more than that, no matter what else we do. They can’t be long-term.” John Little said they will review this topic and “come back with a more unified response.”

COMMENTS from the COMMISSION: Marsha Cunningham said that there is a Wayfinding Meeting set for February 15, 2022, at 8:30 a.m. in council chambers, and everyone is invited to attend. There will also be a ZOOM meeting on February 17, 2022, at 6 p.m., if there is enough interest.

COMMENTS from the ZONING OFFICER: None.

The next Planning Commission Working Session was set for Thursday, March 3, 2022, at 5:30 p.m.

ADJOURNMENT: The meeting was adjourned at 6:54 p.m. in a motion by Margaret Gossard with a second from Dan Stevenson.

Respectfully submitted,
Sarah Richardson
Recording Officer