

## MINUTES

### CALLED JOINT MEETING WITH COVINGTON PLANNING COMMISSION

SEPTEMBER 20, 2021, 4:30 p.m.

A called meeting of the Council for the City of Covington conducted jointly with the Covington Planning Commission was held on Tuesday, September 20, 2021, at 4:30 p.m., from the Council Chambers of City Hall located at 333 W. Locust Street, Covington, Virginia.

The meeting was called to order by Planning Commission Chairman Tad Robertson, with the following members present: Vice Chairman Steve Wilson, Jerry Morgan, and Wayne Lamb. Max Shawver and Mike Wickline were absent.

Mayor Thomas H. Sibold, Jr. called the City Council meeting to order with the following members present as follows: Mayor Sibold, Councilman William E. Carson, Jr, and Councilman S. Allan Tucker. Vice Mayor David S. Crosier and Councilman Raymond C. Hunter were absent.

City Manager/ Interim Zoning Administrator: Krystal Onaitis

Also present was property owner William P. Broughman, and two of his neighbors, Larry Deacon and Harvey Thompson.

Chairman Robertson read the Special Use Permit, which is for William P. Broughman to consider permitting use for a garage with minor work on vehicles like oil and antifreeze changes. This property is described as 719 N. Pocahontas Avenue, MCA #3, Lot 19 Blk. 91, Tax Map # - 9---291--19-. Mr. Broughman explained he had worked with his father in that garage years ago, and now that his father is deceased and he is ready to retire, he would like to reopen the garage. He plans to complete oil and antifreeze changes, battery installation, and minor repairs, "nothing major" such as rebuilding motors. He stated that no cars would be left sitting outside and that the repairs would be done by appointment only on a part-time basis during the day. Mr. Morgan ascertained again that he would only repair cars by appointment and also that no additional outside security lighting would be added. Mr. Lamb asked how many bays were in the garage, and Mr. Broughman said it was a two-bay garage with one large door. The garage isn't high enough to allow a lift for cars, so he can't complete any major repairs.

Chairman Robertson opened the Public Hearing for a Special Use Permit. No citizens spoke for or against it, so Chairman Robertson closed the Public Hearing and asked Planning Commission members for their input. Mr. Morgan asked if Special Use Permits lasted for three years, stating that there offer recourse if problems occur during that time. He expressed concern over parking on the narrow street, and Mr. Lamb concurred because of potential drop-in visitors. However, Mr. Lamb liked that the garage was by appointment only, which could help to limit the parking issue. Mr. Robertson reminded members that the Commission tried to stay away from nonconforming use permits, which keeps businesses located together and residential areas intact, according to the Comprehensive Plan. He had consulted with City Attorney Mark Popovich, who stated that this was not allowable even by Special Permit Use. A copy of Mr. Popovich's opinion was circulated to members, which stated in part, "...this lot is zoned R-3, which is a higher density residential district. However, according to Zoning Ordinance, Article VI, Sec. 2, the permitted uses of property in this district are residential, and Sec. 3 says the permitted uses by special exception are family day home care operations serving more than five children. Asking to operate a business out of his garage is not a permitted use, nor is it contemplated as a permitted use by special exception."

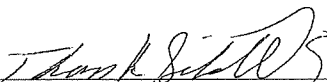
Vice Chairman Wilson made the motion to deny the Special Use Permit because it didn't conform to the Comprehensive Plan and to recommend such to Council, and Mr. Morgan seconded. Mr. Lamb asked if the Planning Commission had the option of pulling the Special Use Permit if issues occurred. Ms. Onaitis said they may impose conditions that limit the hours and number of clients, and read part of City Attorney Popovich's statement. Roll call vote showed a 3-1 decision: Mr. Lamb: Against; Mr. Morgan: For; Vice Chairman Wilson: For; and Chairman Robertson: For. Mr. Shawver and Mr. Wickline were absent.

Mayor Sibold thanked the Planning Commission and reminded Council that the Commission had voted to deny the request. He did state, however, that in his opinion minor vehicle repairs occurred part-time all over the City without permits. Mr. Tucker made a motion to accept the Planning Commission's recommendation to deny the Special Use Permit to Mr. Broughman for the garage, and Mr. Carson seconded. Roll call vote showed two members for the motion and one against: Mr. Carson: For; Mr. Tucker: For; Mayor Sibold: Against. Vice Mayor Crosier and Mr. Hunter were absent.

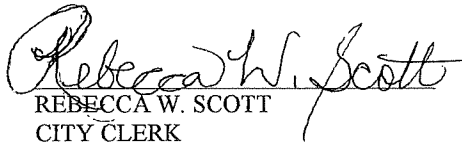
Mr. Carson asked for clarification concerning the vote just taken. Ms. Onaitis explained that Council had voted to accept the Planning Commission's recommendation to deny the Special Use Permit; however, he could make another motion to disregard the Planning Commission's recommendation and a motion to accept with stringent guidelines and time frames. Mayor Sibold said he was uncomfortable with a motion to list these guidelines as a full Council and the City Attorney were not present, stating that he believed more time was need to consult with Mr. Popovich. Ms. Onaitis stated that they may also continue the request to another Council meeting, with a Called Meeting at the beginning of the October Work Session and another Public Hearing. Mr. Tucker made a motion to table this until the October Work Session; Mr. Carson seconded, and Council agreed by consensus.

Ms. Onaitis informed members that interviews of three candidates for the Development Services Director were conducted last week. Pending reference checks, the group will reconvene and make a final selection and a conditional offer soon.

With no further business to come before Council, the meeting was adjourned by consensus after a motion from Mr. Tucker, seconded by Mr. Carson.

  
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THOMAS H. SIBOLD, JR., MAYOR  
PRESIDENT OF THE CITY COUNCIL AND,  
AS SUCH, EX-OFFICIO OFFICER OF THE  
CITY OF COVINGTON, VIRGINIA

ATTEST:

  
REBECCA W. SCOTT  
CITY CLERK