

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL MEETING OF:** 11/25/14 (work session)  
12/09/14 (regular mtg)

**CUT OFF DATE:** 11/19/14

**RESOLUTION** \_\_\_ **ORDINANCE** \_\_\_ **PUBLIC HEARING** X

**ITEM TITLE:**

**CU-14-638** Request of James Testa of Testa, Inc. for a conditional use permit single family detached dwelling at 2905 Shawnee Drive (Map Number 332-03- - 89) zoned Highway Commercial District (B-2).

**STAFF RECOMMENDATION:**

Approval with conditions.

**PUBLIC NOTICE AND HEARING:**

Public hearing for 12/09/14 Council mtg

**ADVISORY BOARD RECOMMENDATION:**

Planning Commission recommended approval with conditions

**FUNDING DATA:** N/A

**INSURANCE:** N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Zoning & Inspections	<u>AMG</u>	_____	<u>11/19/14</u>
2. City Attorney	<u>[Signature]</u>	_____	<u>11/19/2014</u>
3. City Manager	<u>[Signature]</u>	_____	<u>19 NOV 2014</u>
4. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature:  
(Planning Dept)

[Signature]

11/19/14



**APPROVED AS TO FORM:**

[Signature]  
CITY ATTORNEY

11/19/2014

APPROVED AS TO FORM



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CHATTANOOGA

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council

**From:** Tim Youmans, Planning Director

**Date:** November 19, 2014

**Re:** **CU-14-638** Request of James Testa of Testa, Inc. for a conditional use permit single family detached dwelling at 2905 Shawnee Drive (Map Number 332-03- - 89) zoned Highway Commercial District (B-2).

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**THE ISSUE:**

The applicant is requesting a conditional use permit (CUP) to allow for the use of a single-family detached dwelling at 2905 Shawnee Drive.

**RELATIONSHIP TO STRATEGIC PLAN:**

Create a More Livable City for All

**BACKGROUND:**

See attached staff report

**BUDGET IMPACT:**

N/A

**OPTIONS:**

1. Approve with conditions as recommended by Planning Commission
2. Approve with modified conditions
3. Deny

**RECOMMENDATIONS:**

Recommend Option 1



City Council Work Session  
November 25, 2014

**CU-14-638** Request of James Testa of Testa, Inc. for a conditional use permit single family detached dwelling at 2905 Shawnee Drive (Map Number 332-03- - 89) zoned Highway Commercial District (B-2).

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#### REQUEST DESCRIPTION

The request is for a conditional use permit (CUP) for a single-family detached dwelling on the subject property.

#### AREA DESCRIPTION

The subject property is located east of the intersection of Shawnee Drive and Papermill Road. An existing single family detached dwelling has existed on the property. The property is zoned B-2. Surrounding zoning includes Medium Density Residential (MR), Limited Industrial (M-1) and B-2. Surrounding Uses include residential dwellings, industrial, and a religious institution.



#### STAFF COMMENTS

As stated in the applicant's letter dated October 6, 2014, the property has been zoned B-2 since his purchase of the existing residence and property in 2011. The applicant had originally planned to develop the subject property into a commercial use and demolish the existing dwelling. The applicant now wishes to utilize the existing dwelling as a residential rental property. The proposed use as a single-family detached dwelling requires a CUP within the B-2 District under section 8-2-11 of the Zoning Ordinance. There will be no upgrades or modifications to this property associated with this CUP.

#### RECOMMENDATION:

In order for a CUP to be issued, a finding must be made that the proposal as submitted or modified will not adversely affect the health, safety or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood.

At the 11/18/14 meeting, the Planning Commission forwarded **CU-14-638** to City Council recommending approval because the use, as proposed, should not adversely affect the health, safety, or welfare of residents and workers in the neighborhood nor be injurious to adjacent properties or improvements in the neighborhood.

**CUP-14-638**

**Testa Inc  
4 Weems Lane #286  
Winchester, VA 22601**

**October 6, 2014**

**City of Winchester  
Planning & Zoning Committee  
Rouss City Hall  
15 N Cameron Street  
Winchester, VA 22601**

**To whom it may Concern:**

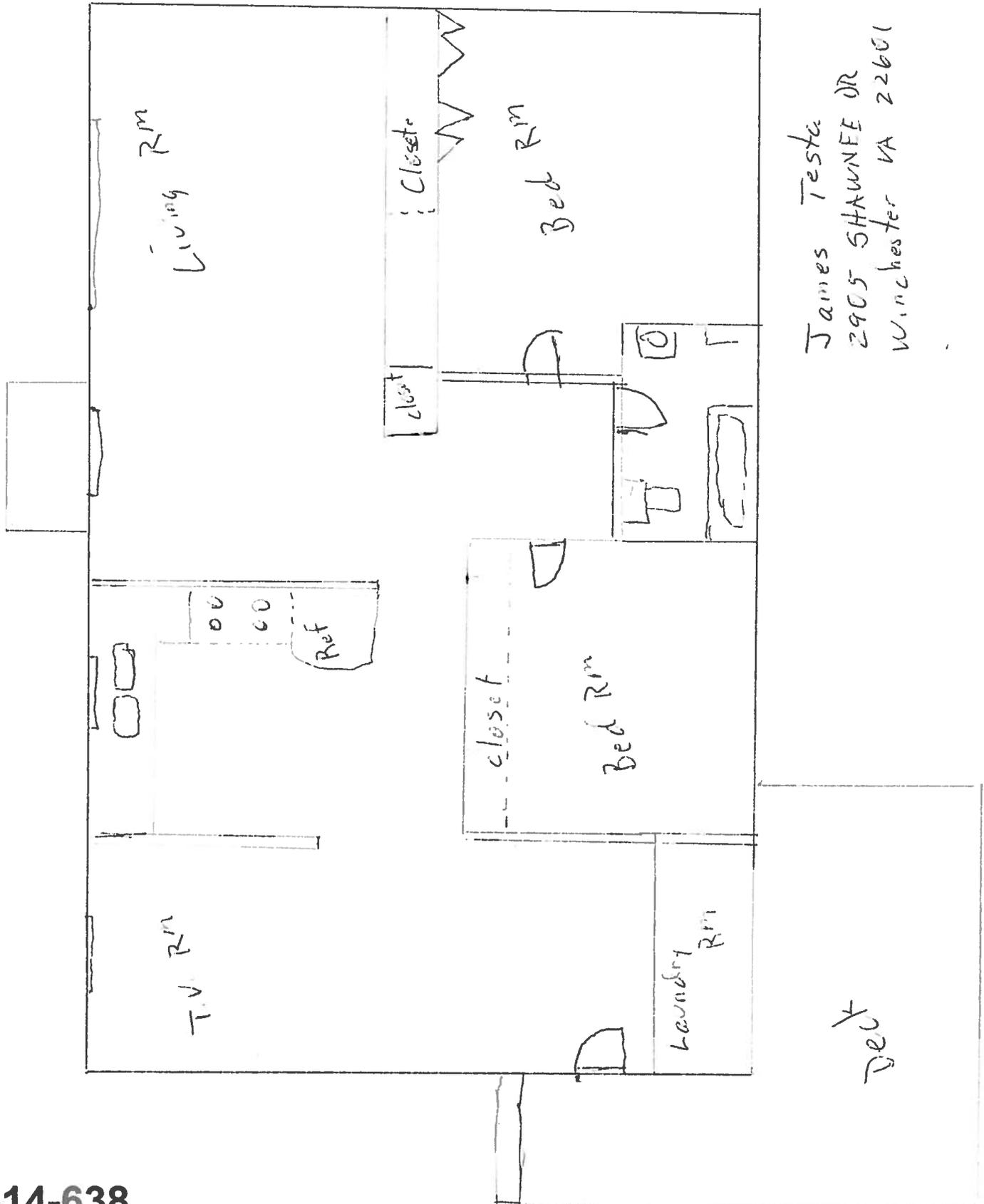
**The conditional use application enclosed for the property located at 2905 Shawnee Drive, Winchester VA will comply with section 18-2 of the city ordinance. There will be no need for upgrades, changes or modifications to comply with section 18-2 of the city ordinance.**

**Currently the property is zoned B-2 and was zoned as B-2 when I purchased the residence/property. The house has approximately 900 square feet, two bedrooms and one full bath.**

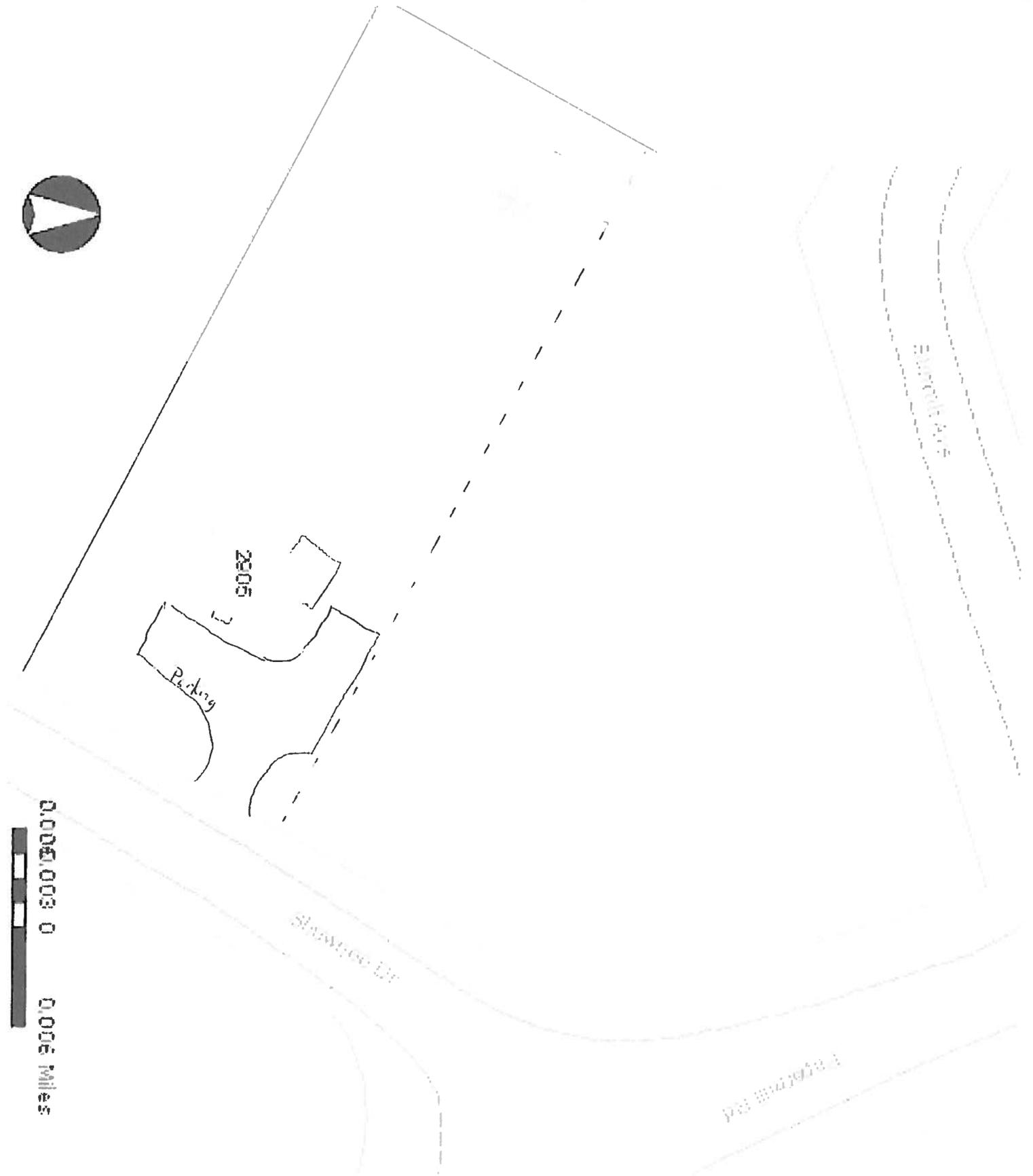
**The property was purchased while it was occupied as a residence. No changes were made to this property as I was going to demolish the house for space required to put in my commercial project. Since this project has never materialized, I would like to rent out this house to help offset the expenses of the taxes and insurance paid on this non-income producing property. The property will be kept neat and manicured as a residential property and always in compliance with city codes.**

**Sincerely,**

  
**James Testa**



James Testa  
 2905 SHAWNEE DR  
 Winchester VA 22601



CUP-14-638



**CUP-14-638**



**CUP-14-638**



**CUP-14-638**



**CUP-14-638**