

## **Shawneeland Sanitary District Advisory Committee - Minutes of February 8, 2021**

The meeting was called to order at 7:00pm.

Those in attendance were Jimmy Smith, Barry Van Meter, Jeff Stevens, Jason Croasdale, Ken Baker, Kevin Alderman, and Director of Public Works, Joe Wilder. Supervisor Shawn Graber and Michelle Springer were absent.

Due to the Coronavirus pandemic social distancing guidelines, residents were unable to sit in on the meeting but could wait outside till their turn to enter the building and speak on their concerns.

Jimmy called for approval/correction of the November meeting minutes. The minutes passed unanimously.

### **Manager's Report:**

See Attached Manager's Report. (Attachment A)

### **New Business:**

#### **Tiny Homes:**

- Ken Baker spoke on the concern of tiny homes in Shawneeland. He has been approached by 4 different families with questions about tiny homes. As of right now there are as many as 25 maybe more tiny homes in Shawneeland. There is a certain process and procedure to go through to put any type of structure in Shawneeland. We could compose a list of questions and present it to the Public Works Department we can get those answers. The biggest concern are the ones who are living here full-time and not paying the improved lot fee. Some of these homes are going in with no well nor septic. A list of questions was presented to the Public Works Department.

**\*\*Please see attachment for the list of questions and answers. (Attachment B)**

#### **Mailhouse Issues:**

- The mailhouse's are having some issues with the lighting. The bulbs have been replaced so many times that the connections are getting wore out. The bulbs are burning out fairly quickly. Kevin suggested to look at a different type of lighting and have a contractor come and replace the lighting system. Jimmy suggested that with the budget coming up to get 4 estimates to get the repairs done.
- The Bowman mailhouse ceiling needs some attention. The mailhouse has been there since 2006/2007 and the ceiling is starting to crumble due to the material that was used. We will get the bids and go with the lowest bid to get the repairs completed.

#### **Open House:**

- The open house was previously scheduled for the fall but was canceled due to the Covid-19. Jimmy said he hopes that the event will still happen, and he will be available to help with whatever he can. He feels it is important for the residents to understand the daily functions and how things are done. The North Mountain Fire Department and

Frederick County Sheriff's Office were asked to be part of the event to answer questions and hear concerns.

**Facebook Page:**

- Today marks our 3<sup>rd</sup> facebook live video. We have had anywhere from 343 views up to 577 views, we have 343 followers and 365 views of the page. Some videos have been shared 10 times. The page is used for informational purposes regarding Shawneeland and Frederick County. Jimmy thanked Jason Croasdale for operating the live video.

**Public Comments:**

- George Bishop introduced himself as the new committee member replacing Jimmy Smith. He looks forward to working with the committee. He thanked everyone for the opportunity.

**SSDAC Chairman for 2021:**

- Ken Baker will be the chairman for 2021. Ken said he looks forward to working with the committee in the upcoming year. He thinks there are some good things to be done. Ken also thanked Jimmy for what he has done for the committee and the community.

Jimmy made the following statement:

This evening marks my last meeting as your chairman and as a committee member. The Back Creek Supervisor, Mr. Graber has chosen to change the committee members out. With my seat on the committee to be the first. I want to thank the committee to be the chairman for 2020. Last year was very challenging for us all. When I said I would do my best, I feel I did that. With having our meetings as we could, setting up a form of communication through email. I posted all the agendas at the mailbox and for the first time the agendas, minutes, and budget were posted on the county website. When it came to budget time, I worked with Kevin so we could present the budget to the residents of Shawneeland. Before the December public works committee meeting. In the fall I was planning an open house. At that time, I had the staff of Shawneeland, North Mountain Fire Department, and the Sheriff's Department to attend the meeting. Where we would discuss the concerns of the lake, traffic, and clear insight of Shawneeland duties. I had to postpone until April of 2021. In another way to create a open communication and information for the residents I made a new Facebook page. I linked important information there that concerned the county and/or Shawneeland. With the help of committee member, Jason we had 2 facebook lives which turned out to work well with an increase from 224-570 views in the 2 times we have gone live. I still want to be involved, come to meetings, and help anyway I can. I live here and care about this neighborhood, which is not just Shawneeland, it's what we call home. Thank you again.

Jimmy adjourned the meeting.

## FREDERICK COUNTY SANITARY DISTRICT OF SHAWNEELAND MANAGER'S REPORT – JANUARY 2021

### **Covid-19:**

Over the past few months, the Shawneeland staff has been hampered at times by the Covid-19 virus. This of course is very typical of most workplaces throughout the country. We will continue to do the best job we can do under the circumstances while staying within the guidelines set forth by Frederick County.

### **Tree Removal:**

The staff is currently working on removing dead or dying trees from the right of ways throughout Shawneeland. We have numerous trees that will be removed during the winter months. The wood from all the trees will be left on the right of way where it is safe to do so. The wood is available for any Shawneeland resident to take. I hope the citizens will take advantage of this free resource.

We also have a licensed and insured tree contractor that will be removing several trees from the right of way that staff cannot safely remove. This wood will also be left on the right of way for citizens to take. If you have any questions, please call the office for assistance.

### **Winter Weather:**

The first substantial snow fell on December 16<sup>th</sup> into the early morning hours of the 17<sup>th</sup>. The Shawneeland staff was on duty throughout this event. A total of 10" of snow was recorded here at the office while 14" of snow was recorded on top of the mountain. The staff did an outstanding job during the snow event as they always do. We also had staff working on Christmas morning during that small event and again on New Years Day for the ice event. The equipment held up with very few problems.

### **Mowing:**

Because of the Covid-19 setbacks, we are running behind on the final mowing on top of the mountain. We are working on finishing up all the gravel and dirt roads currently. We will continue this task until all the trails are complete. I understand that it seems somewhat off to mow this time of year, but the problem

## Attachment A

is that it's not just grass we are cutting. Because we did not do a spring cutting on these trails the underbrush started growing and needs to be cut now.

### **Cherokee Lake:**

The lake level was dropping at an alarming rate over the past few months. On August 3<sup>rd</sup> the lake level was -41.0". On December 3<sup>rd</sup> the lake level had fallen to -129.0". During this time span we received a total of 14.2 inches of rain.

Over the last 5 weeks the lake level has rebound somewhat and is at -41.0" as of January 15<sup>th</sup>. During this time span we received 5.6" of rain and 10" of snow. At this point the lake is holding its own.

### **Fishing Derby:**

The fishing derby is an annual event that take's place every year on the Saturday before Mother's Day. This event has taken place for at least the last 25 years. I will be ordering the fish for the derby in the next week or two. We will stock the two ponds as well as the two lakes if the water level is safe to do so.

We do ask that anyone who partakes in the event continue to practice social distancing.

### **Driveway Permits:**

During 2019 a total of 26 driveway permits were approved and during 2020 a total of 25 driveway permits were approved.

I currently have 30 driveway permits in a folder on my desk for future driveway's.

## Attachment B

MEMORANDUM FOR Frederick County, VA, Public Works Department

SUBJECT: Resident's and Shawneeland Sanitary District Advisory Committee concerns regarding Tiny Homes in Shawneeland

1. **Background.** Several resident's have expressed their concerns to the Shawneeland Sanitary District Advisory Committee (SSDAC) members regarding the increase in the number of tiny homes that are being constructed, and/or placed within the Shawneeland community. In order to better understand what is allowed and to better advise the community, the following inquiries are being submitted to the FCVA Public Works Department for evaluation and response.

### 2. Inquiries:

#### General:

a. What is Frederick County's definition of a Tiny Home?

Frederick County does not have a definition of a tiny home in the Virginia Uniform Statewide Building Code. All livable structures must meet the Building Code of Virginia.

b. Is it legal to reside in a dwelling (RV, Building, etc.) if there is no Septic/Sewer or running water? What Agency enforces this? What is the difference between this and a resident camping in a tent on their property?

An RV is regulated by the DMV. You cannot reside in a building unless it has been properly permitted, inspected and meets all requirements under the building code as a residence. All livable structures must have water and septic. Shawneeland is located in the R5 Zoning District which does not allow camping of any kind. The Planning and Development Department and the Building Inspections Department handle all violations.

c. Are lots with Tiny Homes (Wheeled or otherwise) considered "improved" as far as tax revenue purposes are concerned?

You will need to contact the Commissioner of the Revenue for all questions related to tax revenue.

d. If there are perceived zoning and/or building code violations identified within the community, what options are available to the advisory committee or the community in general in getting these violations officially addressed by the applicable Frederick County board?

Frederick County acts on violations of the Zoning Ordinance and Building Code by complaint only.

e. If I am a resident and have a Tiny Home that may be in violation of current building or zoning code(s), what options do I have? Do I ignore a potential violation and hope I don't get

**Attachment B**

caught? Or do I bring this to the attention of a specific Frederick county office?

All Violations of the Zoning Ordinance are criminal offences. The property has thirty (30) days to abate the violation or appeal the violation to the Frederick County Board of Zoning Appeals. The last course if a violation that is not abated or appealed is criminal court. Note: A Zoning violation may take between 30-180 days to be abated.

Any Building Code violations will require the property to be vacated until proper permits are applied for and issued or the structure is removed.

**Zoning / Local Building Codes:**

a. If a Tiny Home is on wheels, is it considered an RV? And if it is being lived in, is it allowed in Shawneeland, or is it required to be in an official RV lot?

Yes, if it is on wheels it would be considered an RV and all RV's are regulated by the Virginia DMV and is treated as a motor vehicle and has to be tagged. An RV cannot be lived in permanently in Shawneeland.

b. If a non-wheeled Tiny Home is constructed on a foundation, is it considered an accessory structure, and only allowed as a secondary dwelling unit located on a single-family lot?

A tiny home is a small single family dwelling that will be required to go through the permitting process and be issued a Certificate of Occupancy before it can be occupied. An accessory building is not a livable structure and cannot be occupied. Secondary dwellings are not allowed in the R5 zoning district.

c. Is there a minimum size (Square Footage) requirement for a Tiny Home?

This would be determined on a case by case basis determined by the number of occupants.

d. What is the maximum size (Square Footage) allowed for construction of a Tiny Home before a building permit is required?

A tiny home is considered a single family dwelling and therefore has no minimum requirement.

e. Are there minimum set-backs from property boundaries, and/or roads required for Tiny Homes on wheels?

Yes, the minimum setbacks in the R5 zoning district are as follows:

Front: 35'	Back: 25'
Right: 10'	Left: 10'

f. Is there a difference in temporary occupancy standards, vice permanent occupancy

## Attachment B

standards for residents of a Tiny Home?

There is no temporary occupancy standards for small single family dwellings. All homes regardless of the size must meet the requirements of the Virginia Uniform Statewide Building Code.

3. Respectfully request a written response to the above inquiries be provided to the SSDAC members, and the Shawneeland Manager no later than 25 February, 2021, through the Manager and SSDAC POC's found at the following website: <https://www.fcva.us/departments/public-works/shawneeland-sanitary-district>.

Respectfully,

Shawneeland Sanitary District  
Advisory Committee