

**Town of Broadway
Planning Commission
Joint Public Hearing with Town Council
Meeting Minutes
Tuesday, May 20, 2025**

The Broadway Planning Commission met in the Council Chambers of the Broadway Town Hall on Tuesday, May 20, 2025, for a joint public hearing with the Broadway Town Council. Planning Commission members present were Eddie Long, Tim Schmoyer, Scott Campbell, Liz Fawley and Joan Shifflett.

Joint Public Hearing – Zoning Text Amendment regarding parking of certain vehicles in residential and conservation districts

At 7:10 p.m., Mayor Jordan opened the joint public hearing to receive public comment regarding the zoning text amendment.

Mr. Woody Brown asked if the ordinance says “truck or commercial vehicle over 10,000 pounds”. Mr. Light answered in the affirmative.

Mr. Brown then asked if a ¾ or 1-ton pickup truck, privately owned, cannot be parked in a residential driveway.

Mr. Light advised that the intention is a truck or commercial vehicle, either one, has to be in excess of 10,000 pounds.

Mr. Brown clarified that it says “a truck OR commercial vehicle.” He stated that a 1-ton truck weighs more than 10,000 pounds so a private citizen that uses it to pull their camper or anything like that for personal use, according to this, because it says a truck OR commercial vehicles. That means a private citizen can’t have a one-ton truck in their driveway according to this.

Mr. Light asked if a one-ton truck weighs more than 10,000 pounds.

Mr. Brown responded in the affirmative and added that some ¾-ton trucks weigh more than 10,000 pounds.

Mr. Light advised that perhaps the weight limit should be set at a different level if that is not what the Town Council intends.

Mr. Brown suggested not including the verbiage “a truck or” and just leaving in the words “commercial vehicle”.

Ms. Bonnie Caplinger asked about people who bring home work-vehicles, as a benefit of employment. She stated that those trucks may have material on them which would cause them to exceed the 10,000-pound limit.

Ms. Beverly London suggested using the term “road tractor”.

Mr. Eddie Long stated that a tandem axle dump truck would not be included as a “road tractor”, but it is just as big and heavy as a road tractor.

Mr. Brown stated that if you review DOT’s definition of commercial, it has to do with transporting personnel, or product down an interstate highway. So, whatever the legal DOT or Virginia law defines as commercial is ok, but his concern was the wording “a truck or commercial”.

Mr. Light advised that the intention and the concern was the big, long trailer, so how do we catch those without catching all the other items that you don’t want to catch.

Discussion ensued regarding commercial vehicles currently parked on various streets in town.

Mr. David Emswiler asked if he understood correctly that the cause of concern had been addressed by a letter sent to the individual.

Mr. Light advised that a letter had been sent and the concern had been addressed, but the home occupation ordinance had to be used to address it, and that was possible in this instance because the individual owned the truck himself. It would not be possible to use this in a situation where the employer owns the truck, rather than the resident in question. This is where the potential issue is in the future. Mr. Light advised that the problem has been articulated and he is open to suggestions on how to word the text amendment. If residents or members of the Council or Planning Commission have suggestions, it can be changed since it is only in draft form.

Ms. Shifflett advised that she has heard from several residents who are against it because it would include school buses, utility trucks, and essential vehicles. She asked, "What does it say if we don't allow our residents to park the vehicles that are part of their livelihood on their own property?" Ms. Shifflett further advised that this issue came up as a result of noise, lights, and fumes in the middle of the night. She suggested that perhaps this could be approached another way, unless there are other concerns or instances where there are large tractor trailers parked in residential neighborhoods. She asked if there is a way to address what the actual issue is – noise, lights & fumes.

Mr. Light responded that it is a good question. The Town does have a noise ordinance which is not a zoning ordinance but rather is a part of the Town's police power so the violation of the noise ordinance is a crime and not a violation of the zoning ordinance. It is possible to use the noise ordinance to address the issue if proof can be produced of the level of the noise and that it was violated. There is currently no ordinance relating to lights and fumes.

Ms. Shifflett advised that the other concern she is hearing from residents is regarding enforcement. It was discussed at the Planning Commission meeting that enforcement may only occur if someone complains about it. Ms. Shifflett advised that she is unsure if that is appropriate governance, and does the Town want to go down a road that allows residents to complain against each other. It also opens up questions regarding what the law is, and whether it is ok to break the law as long as no one complains.

Mr. Light advised that "if only if someone complains" is a practical statement, more than a legal statement. The State Code says that when the zoning administrator receives a citizen's complaint about any violation of the zoning ordinance, the zoning administrator is supposed to investigate that complaint. The zoning administrator also retains the authority to investigate anything he notices that he wants to investigate that may violate the zoning ordinance. Mr. Light advised that it sounds as if the Planning Commission would like to talk about the text amendment some more and decide if they want to leave it as is or do something to generate a list of things that they would like prohibited so they can narrow in on that a little more.

Mr. Jewett Hulvey advised that if the weight limit was increased, it would solve the issue. He suggested the weight limit be increased to between 26,000 – 28,000 pounds.

Mr. Woody Brown mentioned one of the requirements of the Department of Transportation is a single accommodation for vehicles with a gross vehicle weight rating of 26,001 pounds or more. That would eliminate from the ordinance the residential one-ton trucks and most of the utility vehicles that people drive home.

Discussion ensued regarding the weight limit.

Mr. Brown summarized that the text amendment should include commercial vehicles of 26,001 pounds and leave out the verbiage "a truck" and that would take care of it.

With no further comments from the public, Mayor Jordan closed the public hearing at 7:25 p.m.

Chairman Eddie Long opened the Planning Commission meeting at 7:25 p.m.

Discussion and consideration of a zoning text amendment to prohibit the parking of certain vehicles in residential and conservation districts, and enacting a new section 707.04 of such land-development regulations

He called the Planning Commission meeting to order and established a quorum with all members present. Mr. Long advised that it is important to be aware that when a regulation is adopted that anything existing would be grandfathered so whatever is here would be legal and would be considered a legal, non-conforming use. Mr. Long also stated that with anything in the land-use regulations, there is an appeals process and there is a time issue in resolving a situation where if someone is creating a lot of noise, it may potentially not be resolved quickly. Mr. Long asked if changes can be made to the proposed ordinance since they will differ from what was advertised. Mr. Light responded that as long as it is related to the advertised topic, changes could be made. Mr. Light responded that the Planning Commission is also free to table this item.

Ms. Fawley stated that she believes there are a lot of unanswered questions and further research needs to be done. She advised that this item should be tabled.

Mr. Scott Campbell stated that good suggestions were brought up in the public hearing and those suggestions should be reviewed. He cautioned that it is important to not be too restrictive.

Mr. Tim Schmoyer stated that he wonders if there aren't other ways to deal with the situation without adding regulations that will affect everybody if the wording isn't done correctly. He believes it is very important to get the wording correct on this.


Ms. Shifflett remarked that she believes the wording is currently too restrictive. She asked if there is really a need for this ordinance or could the issue have been addressed in a different way. She advised that she does not want to create an issue, if there isn't one. She stated that she'd like to know what the residents would think of the ordinance if the weight tonnage was changed to 26,001 pounds.

With no further discussion on the matter, **Ms. Liz Fawley made a motion to table the proposed zoning text amendment, as presented. Mr. Scott Campbell seconded the motion which passed on the following roll call vote of Planning Commission members:**

Tim Schmoyer	Aye	Joan Shifflett	Aye
Scott Campbell	Aye	Eddie Long	Aye
Liz Fawley	Aye		

Mr. Long advised Ms. Shifflett that she can report to the Town Council that the Planning Commission has tabled the proposed zoning text amendment for further investigation.

With no further business to conduct, Mr. Long adjourned the Planning Commission meeting at 7:32 p.m.



Donna Lohr, Town Clerk/
Secretary to the Planning Commission