



# TOWN OF OCCOQUAN

Circa 1734 | Chartered 1804 | Incorporated 1874

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## PLANNING COMMISSION MEETING

### May 20, 2025 | 7 PM

1. **Call to Order**
2. **Public Hearing**
  - a. Joint Planning Commission and Town Council Public Hearing on Certain Short-term Recurring Zoning Offenses
3. **Action Items**
  - a. Request to Make Recommendation to Town Council on Ordinance O-2025-06 Relating to Certain Short-term Recurring Zoning Offenses
4. **Adjournment**

Eliot Perkins  
Chair, Planning Commission



# TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

<b>2. Public Hearing</b>	<b>Meeting Date:</b> May 20, 2025
<b>2A: Joint Planning Commission and Town Council Public Hearing on Certain Short-term Recurring Zoning Offenses</b>	

**Attachments:**

- a. Draft Ordinance O-2025-06
- b. Public Hearing Advertisement

**Submitted by:** Adam C. Linn  
Town Manager

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This is a public hearing on a zoning text amendment on shortening the appeal period for certain short-term recurring zoning offenses. The draft ordinance is attached. This is a joint public hearing held between the Planning Commission and the Town Council.

The objective of the amendments is to provide for more efficient and timely enforcement of certain zoning offenses that occur for non-permanent, short durations of time. These include offenses related to temporary sign permits, temporary trailers for sales, temporary seasonal displays, and home occupation certificate regulations restricting commercial vehicle parking.

This public hearing is intended to provide the public with the opportunity to comment on the proposed zoning text amendment. This public hearing was advertised in the Washington Times on May 6 and May 13, 2025 as well as on the Town website and at locations around the town.

**Town Staff's Recommendation:** Recommend closing the public hearing.

**Cost and Financing:** N/A

**Account Number:** N/A

**Proposed/Suggested Motion:**

"I move to close the public hearing."

OR

Other action Council deems appropriate.

**ORDINANCE # O-2025-06**

**AN ORDINANCE TO AMEND SECTION 33.20, BOARD OF ZONING APPEALS, AND SECTION 157.014, TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION, OF THE TOWN CODE TO PROVIDE FOR A SHORTENED APPEAL PERIOD**

**WHEREAS**, the Town Council initiated a zoning text amendment to shorten the appeal period for certain short-term zoning offenses by Resolution R-2025-04; and

**WHEREAS**, by authority granted in §15.2-2286(A)(7) of the Code of Virginia, the Town Council may in such cases amend, supplement, or change the zoning regulations, and

**WHEREAS**, the Town Planning Commission and Town Council have advertised and held a joint public hearing on the proposed amendment to the Town zoning ordinance; and

**WHEREAS**, after receiving public input and the recommendation of the Planning Commission, the Town Council desires to amend the zoning ordinance to shorten the appeal period for certain short-term zoning offenses, in order to accomplish the objectives of Virginia Code § 15.2-2200 and serve the public health, safety and welfare.

**NOW, THEREFORE BE IT ORDAINED** by the Council for the Town of Occoquan, Virginia meeting in regular session this \_\_\_\_ day of \_\_\_\_\_, 2025:

1. That the Town Council hereby amends the Town Code as presented in the attached; and
2. That this ordinance is effective upon passage.

**BY ORDER OF THE TOWN COUNCIL**

**Meeting Date:** \_\_\_\_\_, 2025

**Town Council Meeting**

**Ord No. O-2025-06**

**RE: AN ORDINANCE TO AMEND SECTION 33.20, BOARD OF ZONING APPEALS, AND SECTION 157.014, TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION, OF THE TOWN CODE TO PROVIDE FOR A SHORTENED APPEAL PERIOD**

**MOTION:**  
**SECOND:**  
**ACTION:**

**Votes:**  
**Ayes:**  
**Nays:**

**Absent from Vote:**  
**Absent from Meeting:**

**CERTIFIED COPY** \_\_\_\_\_  
**Town Clerk**

**DRAFT**

§ 33.30 APPEALS TO BOARD.

~~(A)~~ ~~(A)~~ Generally. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the town affected by any decision of the Zoning Administrator or from any order, requirement, decision, or determination made by any other administrative officer (a "Decision") in the administration or enforcement of VA Code §§ 15.2-2280 et seq., or Chapter 157 of this code. ~~Notwithstanding any Charter provision to the contrary~~ Except as provided for in subsection (A) (i) of this section, any ~~Decision~~ written notice of a zoning violation or a written order of the Zoning Administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he or she may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the ~~d~~Decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given.

- i. A notice of violation concerning a temporary trailer for sales and construction office during construction, temporary seasonal displays, or parking of a marked company vehicle in connection with a home occupancy certificate shall state that the appeal must be brought to the Board of Zoning Appeals (BZA) within ten (10) days from the date of the decision.

(B) Application and fees. Any person aggrieved by a Decision of the Zoning Administrator may appeal to the Board of Zoning Appeals (BZA) by filing on the form provided, a notice of appeal with the Zoning Administrator and the Board of Zoning Appeals, which appeal shall specify the grounds of the appeal, together with the fees as established in the current fee schedule. For a notice of violation concerning temporary trailer for sales and construction office during construction under Town Code § 157.014; temporary seasonal displays under Town Code §§ 157.041 (A)(8), 157.061 (A) (7), 157.081 (A)(9), 157.101 (A)(4), or 157.121 (A)(21); or parking of a marked company vehicle in connection with a home occupancy certificate under Town Code § 157.010, the appeal must be filed within 10 days from the date of the notice of violation. An appeal must be taken within 30 days after the decision appealed from by filing, on the form provided, a notice of appeal with the Zoning Administrator and the Board of Zoning Appeals, which appeal shall specify the grounds of the appeal, together with the fees as established in the current fee schedule. For all other Decisions, the appeal must be filed within 30 days from the date of the Decision. The application and accompanying maps, plans, and other documentation constituting the record upon which the action appealed from was taken shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docket. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his or her opinion cause

imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

(C) Notice and hearing required; Planning Commission recommendation. After entering the appeal on the docket, the Secretary of the Board shall advertise a public hearing, give written notice to the parties in interest, and request the Zoning Administrator to transmit a copy of the application and his or her staff report to the Planning Commission; the Planning Commission may send a written recommendation to the Board to appear as a party at the public hearing.

(D) Burden of proof. The applicant for a variance has the burden of proving that denial of a variance will result in unnecessary hardship, of proving that his or her hardship is due to Chapter 157 of this code itself, and of proving, to the satisfaction of the Board, requirements for a variance stipulated in the VA Code.

(E) Findings required. The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice as well as due notice to the parties in interest, and make its decision within 90 days of the filing of the application or appeal. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from. The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under Chapter 157 of this code or to effect any variance from Chapter 157 of this code. The decision of the Board must be based on the evidence adduced at a public hearing and must include findings of fact disclosing the evidence relied upon by the Board and otherwise state the business and grounds for its decision to assure that the provisions of the VA Code and this subchapter have been met.

(F) Board to issue order. Whenever the Board shall grant a variance, the Secretary of the Board shall cause an order to be issued evidencing the grant and furnish copies of the order to the applicant, to the Zoning Administrator, to the Town Clerk, and to such other parties as deemed necessary.

(G) Limitation on change. In no event shall a written order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer be subject to change, modification, or reversal by any Zoning Administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision, or determination where the person aggrieved has materially changed his or her position in good faith reliance on the action of the Zoning Administrator or other administrative officer unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The 60-day

limitation period shall not apply in any case where, with the concurrence of the Town Attorney, modification is required to correct clerical or other nondiscretionary errors.

(1998 Code, § 2-281) (Ord. O-2023-15, passed 9-19-2023)

§ 157.014 TEMPORARY TRAILER FOR SALES AND CONSTRUCTION OFFICE DURING CONSTRUCTION.

(A) The Zoning Administrator shall issue a zoning permit for a temporary trailer to be used for sales and/or construction purposes:

(1) During construction of a residential or mixed-use development; or

(2) During construction, renovation, or reconstruction of a primary permanent structure for commercial or residential uses, if the following criteria are met:

(a) For a trailer permitted under division (A)(1) above, there is an approved, valid final site plan or subdivision plat that remains under bond, for the site on which the temporary trailer will be located;

(b) For a trailer permitted under division (A)(2) above, there is a valid building permit in place;

(c) The applicant has submitted a sketch of the site identifying the location of the temporary trailer and construction plans. This sketch need not be sealed by an engineer but must show scale, north arrow, distance from the trailer to the nearest property lines, the location of at least two parking spaces, the hours of operation, and the location, type, and wattage of any temporary site lighting for the temporary trailer;

(d) The temporary trailer shall be subject to the minimum setbacks of the zoning district in which it is located;

(e) The temporary trailer shall be located within the boundary of the project in which lots or units are to be sold or rented;

(f) No sleeping accommodations shall be provided within the temporary trailer;

(g) The temporary trailer shall be securely attached and underpinned. Foundations for the office shall be screened from public view;

(h) Outdoor lighting meeting the standards set forth in §§ 157.285 through 157.288 of this chapter shall be provided for hours of operation after sunset or before sunrise;

(i) Each temporary trailer shall not exceed one story in height and 625 square feet of floor area;

(j) Sanitary facilities are connected to public water and sewer or have been approved by the health department. A copy of the health department approval must be submitted with the application;

(k) All temporary trailers located in the Old and Historic Occoquan District shall be exempted from the certificate of appropriateness requirement as set forth in §§ 157.175 through 157.182 of this chapter;

(l) Prior to issuance of any permit, the applicant shall execute a guarantee of removal after termination of the permit and the Zoning Administrator shall require a reasonable bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the Town Attorney, to ensure that measures could be taken by the town at the applicant's expense should they fail, after proper notice, to remove the temporary trailer from the location or fail to take such other action to meet the aforementioned conditions. If the town takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.

(B) The permit for a temporary trailer shall be for no more than 180 days, subject to a single renewal for up to 180 days, but in no circumstances may a single project have a temporary trailer for more than 360 days in any 24-month period. Upon the sale or rental of all marketed units on the property, the permit for the temporary trailer expires immediately. The Zoning Administrator may terminate the permit after giving 10 days notice of a violation of this section if the violation remains uncorrected upon expiration of the notice period. The holder of the permit may appeal the termination of the permit within 10 days to the Board of Zoning Appeals.

(C) Applicants shall apply for the permit with forms provided by the Zoning Administrator and pay the applicable fee as set by Town Council in the fee schedule. The Zoning Administrator shall grant or deny the permit within 30 days of application. If the Zoning Administrator grants the permit, the applicant shall keep and display the permit on the exterior of the temporary trailer until the trailer is removed from the site.

(D) The appeal period for a notice of violation under this Section is 10 days.

(Ord. O-2023-10, passed 6-6-2023)

**TOWN OF OCCOQUAN, VIRGINIA  
NOTICE OF JOINT PUBLIC HEARING OF  
PLANNING COMMISSION AND TOWN COUNCIL**

**May 20, 2025 – 7:00 PM**

Notice is hereby given pursuant to § 15.2-2204 of the Code of Virginia, as amended, that the Occoquan Town Planning Commission and Town Council will conduct a joint Public Hearing on proposed amendments to the Zoning Ordinance. The proposed amendments are to accomplish the following:

1. To amend § 33.20, Board of Zoning Appeals, and § 157.014, temporary trailer for sales and construction office during construction, of the Town Code to provide for a shortened appeal period.

The proposed amendments are available for review in Town Hall, 314 Mill Street, Occoquan, Virginia 22125 and online at [www.occoquanva.gov](http://www.occoquanva.gov).

The hearing is being held on May 20, 2025 at 7:00 p.m. at the Occoquan Town Hall, located at 314 Mill Street, Occoquan, Virginia 22125, by the Occoquan Town Planning Commission and Town Council respectively. The location of the public hearing is believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Town Clerk by mail at PO Box 195, Occoquan, VA 22125, by email at [info@occoquanva.gov](mailto:info@occoquanva.gov), or by telephone at (703) 491-1918. Persons needing interpreter services for the hearing impaired and/or vision impaired should notify the Town Clerk no later than one week prior to the hearings.

**The Planning Commission and Town Council  
of the Town of Occoquan, Virginia**

Run Dates: May 6th, and May 13th, 2025

AD#92657



# TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

<b>3. Action Items</b>	<b>Meeting Date:</b> May 20, 2025
<b>3A:</b> Request to Make Recommendation to Town Council on Ordinance O-2025-06 on Certain Short-term Recurring Zoning Offenses	

**Attachments:** a. See public hearing item

**Submitted by:** Adam C. Linn  
Town Manager

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**Explanation and Summary:**

This is a request to make a recommendation to Town Council on O-2025-06 on shortening the appeal period for certain short-term recurring zoning offenses. The draft ordinance is attached. A joint public hearing was held on the proposed zoning text amendment earlier on the agenda.

The objective of the amendments is to provide for more efficient and timely enforcement of certain zoning offenses that occur for non-permanent, short durations of time. These include offenses related to temporary sign permits, temporary trailers for sales, temporary seasonal displays, and home occupation certificate regulations restricting commercial vehicle parking.

**Background**

Per § 15.2-2286(A)(4) of the Code of Virginia, the Town Council may shorten the appeal period for certain recurring violations. Currently, the § 33.20 of the Town Code sets a 30-day appeal period for all zoning violations.

At the February 4, 2025 meeting, the Town Council referred the draft ordinance to the Planning Commission for its review and recommendation.

At the February 25, 2025 meeting, the Planning Commission considered the draft ordinance and motioned to request that the Town Council set a joint public hearing on April 15, 2025 so that it may make its recommendation on the zoning text amendment. A joint meeting with the Planning Commission to review its annual report is already scheduled for April 15, 2025.

At the March 4, 2025 meeting, the Town Council set a joint public hearing date.

**Town Staff's Recommendation:** Recommend approval of the draft ordinance.

**Cost and Financing:** N/A

**Account Number:** N/A

**Proposed/Suggested Motion:**

"I move to recommend approval of the attached draft ordinance, O-2025-06, as presented."

OR

"I move to recommend approval of the attached draft ordinances with the following changes:\_\_\_\_\_."

OR

"I move to recommend disapproval of the attached draft ordinances because \_\_\_\_\_."

OR

Other action the Commission deems appropriate.