PLANNING COMMISSION MINUTES

OCTOBER 13, 1997

Planning Commission Members Present: Andy Dixon, Benny King, Phillip Workman, Gene Kite and Tom Weyrick

Absent Commission Members: Larry Baugher

Staff Present: Gerald Monger, Kenny Flick and Julia Smith

Council Present: Lee Dearing and Fred Bennett

Mr. Weyrick called the meeting to order at 6:40 P.M..

Minutes were reviewed. Gene Kite motioned to approve minutes; Phillip Workman second. Minutes were approved.

Mr. Weyrick asked for recommendations for Barry Ream replacement. No recommendations were made at this time. Mr. Weyrick asked that it be discussed at the next meeting.

As there was no other business the meeting was adjourned at 6:44 P.M.. Meeting was scheduled to resume after the Public Hearing at 7:00 P.M..

Planning Commission resumed at 7:34 P.M.

After much discussing Gene Kite moved, second by Andy Dixon to recommend to the Town Council to object the Special Exception Permit.

Nays - Phillip Workman
Yeas - Benny King, Gene Kite and Andy Dixon

Motion was passed 3 to 1.

Meeting was adjourned at 7:55 P.M.

JOINT PUBLIC HEARING TOWN COUNCIL AND PLANNING COMMISSION

OCTOBER 13, 1997

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Absent Commission Members: Larry Baugher

Staff Present: Gerald Monger, Kenny Flick and Julia Smith

Council Present: Lee Dearing, Fred Bennett, Randell Snow, Wayne Printz and Mayor Dean

Mr. Weyrick called the public hearing to order at 7:03 P.M. Special Exception request by Cheryl Hutchinson and Joe Sowinski to have a cabinet shop used as a home occupation located in the garage adjacent to their house at 515 East Rockingham Street. This residence also has been granted a Limited Bed and Breakfast Permit.

PUBLIC COMMENTS

Joe Sowinski - Mr. Sowinski stated that this would be a one man cabinet shop with no employees. Stated that if he quit his business for six months the permit would expire. Mr. Sowinski stated the tools he used consisted of one table saw, a dust collection system, air compressor and various hand tools. Mr. Sowinski said he had spoken to neighbors and had not received any complaints about loud noise. Mr. Sowinski stated he was going to restore the carriage house to its original design and insulate the walls. Mr. Sowinski said he hoped to have the Bed and Breakfast open within the next two years. At this time the cabinet shop would be more of a hobby. If he decides to expand his business he will look for a location downtown. Trash from his work would be swept up and taken to the dump on a regular basis. There would be no sign advertising his cabinet shop. Traffic would not be a problem because there would be no display of his work and no premade items for people to view. Mr. Sowinski said he would only be making custom pieces. The deliveries he would need would be made once a week.

Bobby Horne - 114 Clark - Has family at 603 Spotswood. Mrs. Horne wrote a letter which covers what she spoke on. (See attached)

Mable House - 105 Lewis Ave. - Opposed since this will be in a residential area.

L.D. Horne - 114 Clark - Mr. Horne stated he was opposed to any business, chemicals and noise. Stated that with all the downtown revitalization that the town has been doing that businesses belonged downtown. He stated a concern over the three-phase electric that had been hooked to the carriage house because it was not approved by the Town Council nor the Planning Commission for business. Mr. Horne played a recording of a planer with nothing going through it to demonstrate the noise.

Elaine Austin - 328 Rockingham - Ms. Austin is not opposed to the Bed and Breakfast. Stated that if you were going to be staying at the Bed and Breakfast, the noise from the cabinet shop would be unfavorable. Ms. Austin also stated that there is not suppose to be any thru-trucks on Rockingham Street and that this law is already being violated.

Lois Morris - 542 Spotswood Avenue - Ms. Morris is concerned with the noise and the traffic being that this is a residential area.

Rick Mondale - 111 Ashby - Mr. Mondale stated that he does not live in the neighbor the proposed cabinet shop would be located. He stated that he met Joe and Cheryl and that to fix their home up will require a lot of carpentry. In order to set the house up as a Bed and Breakfast Mr. Sowinski will need to maintain an income.

Jeff Nemoytin - Against the business being in a residential area. Stated that we have a business district and that the cabinet shop could be located there.

Alan Thompson - 101 Morgan Avenue - Mr. Thompson stated that he did not want to be negative, but there should not be any businesses in a residential area. Once you begin to allow this others will want to do the same thing. Hopes Mr. Sowinski will decide to move downtown.

Hazel Crider - 114 Hillside - Ms. Crider stated that she has an interest in our town. The Planning Commission and the Town Council should stop this situation of businesses in residential areas. It is ruining our residential sections of town. We need to draw a line. Rockingham Street is one of our nicest streets in town. Years ago a funeral home wanted to locate on Rockingham Street and was turned down flat.

Jim Ridenour - 534 Spotswood - Mr. Ridenour is a joint property owner. He didn't object as long as the noise level didn't increase. After signing a paper stating that he didn't object the noise level started increasing. Noise is very much a concern. After hearing neighbors comments he must oppose this.

Lucky Sigafoose - 112 Rockingham Street - Mr. Sigafoose commented on the funeral home being refused several years ago. Stated that Ms. Brill cannot sit on her porch for the noise.

Mike O'Neill - 614 N. Stuart
Mrs. Brill - 425 Rockingham Street
Mr. O'Neill spoke that his families have lived on Rockingham Street for 40 years. The zoning laws should be adhered to uphold the zoning and integrity of the neighborhood. Stated concern over three phase industrial power being installed.

Elaine Austin - Stated that terminally ill people and the elderly were having trouble sleeping due to the noise.

Public Hearing closed at 7:35 P.M.

TO: Elkton Mayor - Town Council Members - Planning Commission Members

FROM: Bobbie Ann Horne (Mrs Larry Horne)

REGARDING: Special Exception Permit requested by Joe Sowinski & Cheryl Hutchens to operate a cabinet shop as a home business in a residential area.

As the spokes-person for our family who owns property at 603 East Spotswood Ave., & who would be directly effected by the granting of such permit, I would like to make the following statements:

It doesn't matter how small or what this business is called, the fact of the matter is, this is a commercial business that belongs in a business district, not a residential setting.

I was told by a spokesman at "DEQ" (Dept of Environmental Quality) that the request for a cabinet making home business can be called a small project, a part-time job, or a hobby; & it can be very small, but once a permit is issued, it then falls under their jurisdiction & is subject to the same laws & regulations as big companies. The only difference may be, instead of routine inspections, they will go in whenever a complaint is filed.

My understanding of criteria that must be met for a cabinet-making business is the following:

Under 'DEQ'

Disposal of chemicals which are labeled hazardous" must be disposed of properly & are subject to the guidelines of RCRA (Resource Conservation & Recovery Act). These products cannot be dumped on the ground, or put in the sewer system. Rockingham County Landfill cannot take any containers or cans that contain hazardous liquids, according to federal guidelines. This involves shellacs, lacquers, paints & thinners.

Also

There must be a system in place for sawdust & fumes. If it escapes from their property, such as thru open windows or doors, this becomes a violation of the Air Pollution Act.

Even though OSHA doesn't get involved except in the actual work place. I was told If we don't have zoning ordinances that regulate noise pollution, there are universal codes that tell you what decible level of noise is allowed at property lines. We can hear the equipment being run when we're sitting on mother's patio, & I've even heard it on my screened porch. The whining noise of a commercial saw, planer, sander etc is not a pleasant sound, believe me.

There are strict & serious state & federal laws that govern this type of business. Knowing this, I do not find a cabinet making business to be an appropriate home business for a residential setting?

In their letter to you & the citizens of Elkton, Joe Sowinski & Cheryl Hutchens indicated in order to have a workshop in the carriage house, it would need to be made livable. We're not disputing it being restored to its original shape, but it does not take a Special Exception permit to complete this project. I believe it can be restored & improved with a building permit, & meeting federal regulations, if asbestos involved.

I did not appear to oppose their request for a "bed & non-breakfast" permit, as I'm not against a small cottage-type home business. However, the request that is now being made has moved into a commercial aspect. We've heard about Downtown Revitalization for several years. Why is it needed, if you plan to allow this type of business to be run as a home business in a residential area?

Everyone loves the rural/home-town atmosphere we citizens of Elkton are fortunate to have. That's why so many people from other areas want to move here & be a part of us. However by wanting to change us to meet their needs, our town will lose the very aspect that drew them here.

The only thing I'm trying to do is preserve our residential neighborhoods. We've made some astronomical mistakes in the past that we now have to live with, I hope we'll be more careful in the future.

In view of this, I'm asking you to deny this request.

Sincerely,

Bobbie Ann Horne

Bobbie Ann Horne
October 13, 1997

TOWN OF ELKTON

VISITORS' REQUEST TO SPEAK BEFORE THE MAYOR AND COUNCIL

DATE: 10-13-97

ALL SPEAKERS WILL BE LIMITED TO FIVE MINUTES

Please Print

Speaker	Address	Topic of Discussion
Bobbie Horne	114 Clark Ave Elkton	Cabinet making Sp. Exception Request
Mabel House	105 Lewis St Elkton	"
Joe Sowinski	515 E Rockingham St	CABINET SHOP
L.D. HORNE	114 ~~CABINET SHOP~~ CLARK AVE	"
Lloyd Austin	528 E. Rockingham	"
Lois morris	542 E. Spotswood Ave.	"
Rick Mondale	111 Ashby Ave	CABINETTE SHOP
Hazel Linder	114 Hillside	" "
[illegible]		Cabinet Shop
Alan Thompson	101 Morgan Ave	" "