PLANNING COMMISSION MINUTES

October 9, 2000

Planning Commission Members Present: Thomas Weyrick, Rick Workman, Dan Talbot, Wake Gooden and Michael O'Neill

Staff Present: Donna Gooden, Kenny Flick and J. Burns Earle

Call to Order

Mr. Weyrick called the meeting to order.

MINUTES

D. Talbot moved, second by R. Workman to approve the minutes for September 11, 2000.

YEAS: R. Workman, D. Talbot, W. Gooden, M. O'Neill

The motion carried 4-0

K. Flick passed out the Town Code Books to all the members present. K. Flick explained to the commission some of the changes that had been made and why these changes were made. The commission members were asked to look the Code Books over and see if there were any additional changes that needed to be made before the books were approved. There will be a Public Hearing on this on Monday, October16, 2000 which will be considered a First Reading.

K. Flick gave an update on the progress of Annexation. Surveying is being done at this time and is almost completed on the outer boundary of the west side of town. There is still some questions being asked on where the first phase should end either at Food Line or at East Rockingham Health Center. Overall seems to be progressing on schedule and should have the annexation in place by the July 1 effect date. More information will be coming in the next meetings.

In other business D. Talbot will continue to work on the Comprehensive Plan.

Mr. Weyrick welcomed the two newest members to the commission. Mike O,Neill who will be the council representative and Wake Gooden who replaces Bill Holt.

Betty Fridley is attending a Virginia Planning Commission Certification Class.

Adjournment

As there was no further business, Mr. Weyrick adjourned the meeting.

Signature - Chairman

Signature - Secretary

RANMAR/JACK RIMER SUBDIVISION

1) RANMAR wishes to subdivide a 10,405 sf. portion off of their property, which is lot 4 on tax map page 131B1, subdivision 10, and convey ownership of said property to Jack Rimer, owner of JACO, which is lot 3 on tax map 131B1, subdivision 10. Both properties are located on Shenandoah Avenue and are zoned M-1/Light Business which has the same setback requirements as B-2. In B-2 there are no sideyard requirements. The current property line between lots 3 & 4 will need to be moved from its existing place to a point 5' from existing building located on the RANMAR property as shown on attached survey prepared by Newman Surveying.

TOWN OF ELKTON

APPLICATION FOR SUBDIVISIONS
LOT LINE REVISIONS AND VACATIONS

Please Mark Box:

Lot Line Revision [ ] Lot Line Vacation [ ]

Subdivision [✓] Ranmar/Jack Rimer Sub.

Preliminary Plat [✓] Final Plat [ ]

FEE: $85.00 (To be filled in by the zoning administration)

DATE: 11/9/00 PHONE: (540) 298-2741

NAME: Ranmar Corporation
LAST FIRST MI

ADDRESS: 504 Shenandoah Avenue, ELKTON, Va. 22827
ROUTE BOX # CITY / TOWN STATE ZIP

LOT: 4 BLOCK: ——— SECTION: 1

LAND MAP: 13B1 PARCEL: ((10)) Zoned - M-1/Light Busines

Subdivide 10,405 sf. portion off of lot 4 and convey to Lot 3 which is owned by Mr. Jack Rimer

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Please See Section 2-6-5 Through Section 2-6-7 For All Applicable Fees Relating To This Application.

PAID
NOV - 9 2000
TREASURER
TOWN OF ELKTON, VA.

Permit Granted:

_____ Date: _____

TOWN OF ELKTON

APPLICATION FOR SUBDIVISIONS
LOT LINE REVISIONS AND VACATIONS

Please Mark Box:

Lot Line Revision [ ] Lot Line Vacation [ ]

Subdivision [✓] Ranmar/Jack Rimer Sub.

Preliminary Plat [ ] Final Plat [✓]

FEE: $325.00 (To be filled in by the zoning administration)

DATE: 11/9/00 PHONE: (540) 298-

NAME: Ranmar Corporation
LAST FIRST MI

ADDRESS: 504 Shenandoah Avenue, ELKTON, Va. 22827
ROUTE BOX # CITY / TOWN STATE ZIP

LOT: 4 (Portion of) BLOCK: — SECTION: 1

LAND MAP: 131B1 PARCEL: ((10)) Zoned M-1/Light Business

Subdivide 10,405 sf. portion of land off of lot 4 and convey to Lot 3 which is owned by Mr. Jack Rimer.

Please See Section 2-6-5 Through Section 2-6-7 For All Applicable Fees Relating To This Application.

PAID
NOV - 9 2000
TREASURER
TOWN OF ELKTON, VA.

Permit Granted:

_____ Date: _____

A Portion of
Tax Map No.

131B1-10-4

THIS DEED, made this 25th day of September, 2000, by and between RANMAR CORPORATION, a Virginia corporation, Grantor, and JACK D. RIMER, Grantee,

WITNESSETH:

That for and in consideration of the sum of Ten Dollars ($10.00), cash in hand paid by the Grantee to the Grantor, before the execution and delivery hereof and of other good and valuable consideration given, the receipt of all of which is hereby acknowledged, the Grantor does hereby grant and convey with General Warranty and English Covenants of Title, unto Jack D. Rimer, Grantee, all that certain tract or parcel of land containing 10,405 square feet, together with all improvements thereon, and all rights, privileges, easements, appurtenances, and rights of way, thereunto belonging or in anywise appertaining, located in the Town of Elkton, Stonewall District, Rockingham County, Virginia, and described according to a survey plat made by Randall K. Newman, L.S., dated May 30, 2000, which is attached hereto and made a part hereof.

The real estate herein conveyed is a portion of the property acquired by the Grantor herein by deed dated October 1, 1982, from Randal R. Dean and Marguerite M. Dean, which said deed is duly of record in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 667, page 312.

This conveyance is made subject to all recorded easements, conditions, restrictions and agreements as they may lawfully apply to the real estate hereby conveyed or any part thereof.

LAYMAN & NICHOLS
A PROFESSIONAL CORP
ATTORNEYS AT LAW
268 NEWMAN AVENUE
HA NBURG, VIRGINIA
22801

Reference is hereby made to the aforesaid deed and survey plat for further description and derivation of title to the property described herein.

WITNESS the following signature and seal:

RANMAR CORPORATION

By:_____(SEAL)
Its:_____

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this _____ day of _____, 2000, by _____ on behalf of RANMAR CORPORATION, a Virginia corporation.

My commission expires: _____.

_____
Notary Public

Grantee's Address:

_____

_____

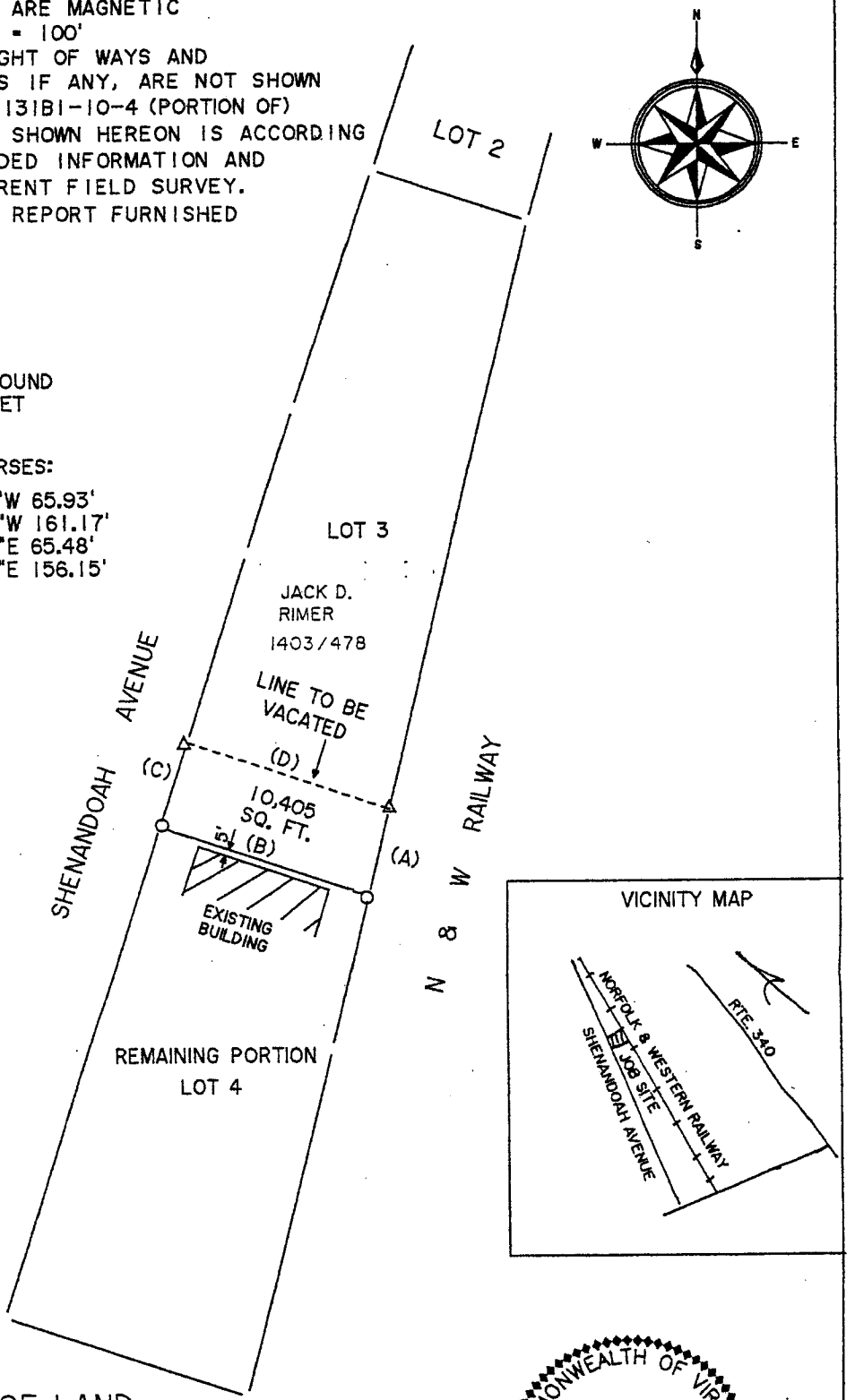
LAYMAN & NICHOLS
A PROFESSIONAL CORP
ATTORNEYS AT LAW
EWMAN AVENUE
H. ONBURG, VIRGINIA
22801

C:\CLIENT.DEED\RANMAR TO RIMER.DEE

1 = BEARINGS ARE MAGNETIC
2 = SCALE 1" = 100'
3 = OTHER RIGHT OF WAYS AND EASEMENTS IF ANY, ARE NOT SHOWN
4 = TAX MAP 131B1-10-4 (PORTION OF)
5 = DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND IS A CURRENT FIELD SURVEY.
6 = NO TITLE REPORT FURNISHED

LEGEND
△ = POINT
● = IRON PIN FOUND
○ = IRON PIN SET

LETTERED COURSES:
(A) = S13°33'32"W 65.93'
(B) = N71°28'53"W 161.17'
(C) = N17°55'15"E 65.48'
(D) = S71°33'23"E 156.15'



DIVISION OF LAND

BOUNDARY SURVEY OF A 10,405 SQUARE FOOT TRACT OF LAND.

LOCATED IN THE TOWN OF ELKTON, IN THE STONEWALL DISTRICT OF ROCKINGHAM COUNTY, VIRGINIA.

COMMONWEALTH OF VIRGINIA
5-30-00
RANDALL K. NEWMAN
NO. 1627
LAND SURVEYOR

OWNER: RANMAR CORPORATION

REFERENCE: DEED BOOK #996, PAGE #283
DEED BOOK 667, PAGE 312

JOB NO. 131B1-10-4 DATE: MAY 30, 2000

NEWMAN SURVEYING
Licensed Land Surveyor
Mt. Jackson, Virginia 22842
(540) 477-3730

DIDI HENSLEY SUBDIVISION

1) DIDI wishes to subdivide the property that was once owned by Buelah Hensley. The property is located on North Street and is on tax map 131B3, Lot 2, Subdivision 5, and is zoned R-5. The lot is a large parcel with enough square footage to create two building lots that will conform to our zoning requirements. The front lot will be lot 2 and the second lot which will be located in the rear will be called lot 2a. The existing dwelling will be demolished so that the new one can be built in its place on lot 2. An easement will need to be granted to lot 2a crossing lot 2 which will allow for access and installation of the owners utilities. The utilities will be installed from lot 2 property line to lot 2a at the owners expense. The Town will extend utilities from the main lines to the property line at lot 2. Ownership of the property that the easement is located on will stay with lot 2. See the attached papers that offer the support for the approval to be based on. This subdivision request has been reviewed by Town Attorney Nathan Miller and on November 6, 2000 he said that he feels that this request is acceptable and will comply with the Town's zoning ordinances as long as the new homes can meet the setback requirements. Also the question of weather a lot can be created that does not immediately abut on a street was raised. The definition of a street does allow the use of a driveway to satisfy this consideration as agreed by Nathan Miller on November 9, 2000. See attached information regarding streets.

TOWN OF ELKTON

APPLICATION FOR SUBDIVISIONS
LOT LINE REVISIONS AND VACATIONS

Please Mark Box:

Lot Line Revision [ ] Lot Line Vacation [ ]

Subdivision [✓]

Preliminary Plat [✓] Final Plat [ ]

FEE: $85.00 (To be filled in by the zoning administration)

DATE: 11/9/00 PHONE: (540) 298-2242

NAME: Hensley, DIDIER
LAST FIRST MI

ADDRESS: 144 North Street, ELKTON, Va. 22827
ROUTE BOX # CITY / TOWN STATE ZIP

LOT: 2 BLOCK: 1 SECTION: 3

LAND MAP: 18B3 PARCEL: ((5))

Subdivision of Lot 2 into two seperate lots. The new lot will be called lot 2A. An easement will be given to lot 2A which crosses lot 2. See attached written description of the subdivision.

Please See Section 2-6-5 Through Section 2-6-7 For All Applicable Fees Relating To This Application.

Permit Granted:

_____ Date: _____

PAID
NOV - 9 2000
TREASURER
TOWN OF ELKTON, VA.

TOWN OF ELKTON

APPLICATION FOR SUBDIVISIONS
LOT LINE REVISIONS AND VACATIONS

Please Mark Box:

Lot Line Revision [ ] Lot Line Vacation [ ]

Subdivision [✓]

Preliminary Plat [ ] Final Plat [✓]

FEE: $420.00 (To be filled in by the zoning administration)

DATE: 11/9/00 PHONE: (540) 298-2242

NAME: Hensley, DIDIER
LAST FIRST MI

ADDRESS: 144 North Street, ELKTON, Va. 22827
ROUTE BOX # CITY / TOWN STATE / ZIP

LOT: 2 BLOCK: 1 SECTION: 3

LAND MAP: 13B3 PARCEL: ((5))

Subdivision of Lot 2 into two seperate lots. The new lot will be called lot 2A. An easement will be given to lot 2A which crosses lot 2. See attached written description of subdivision.

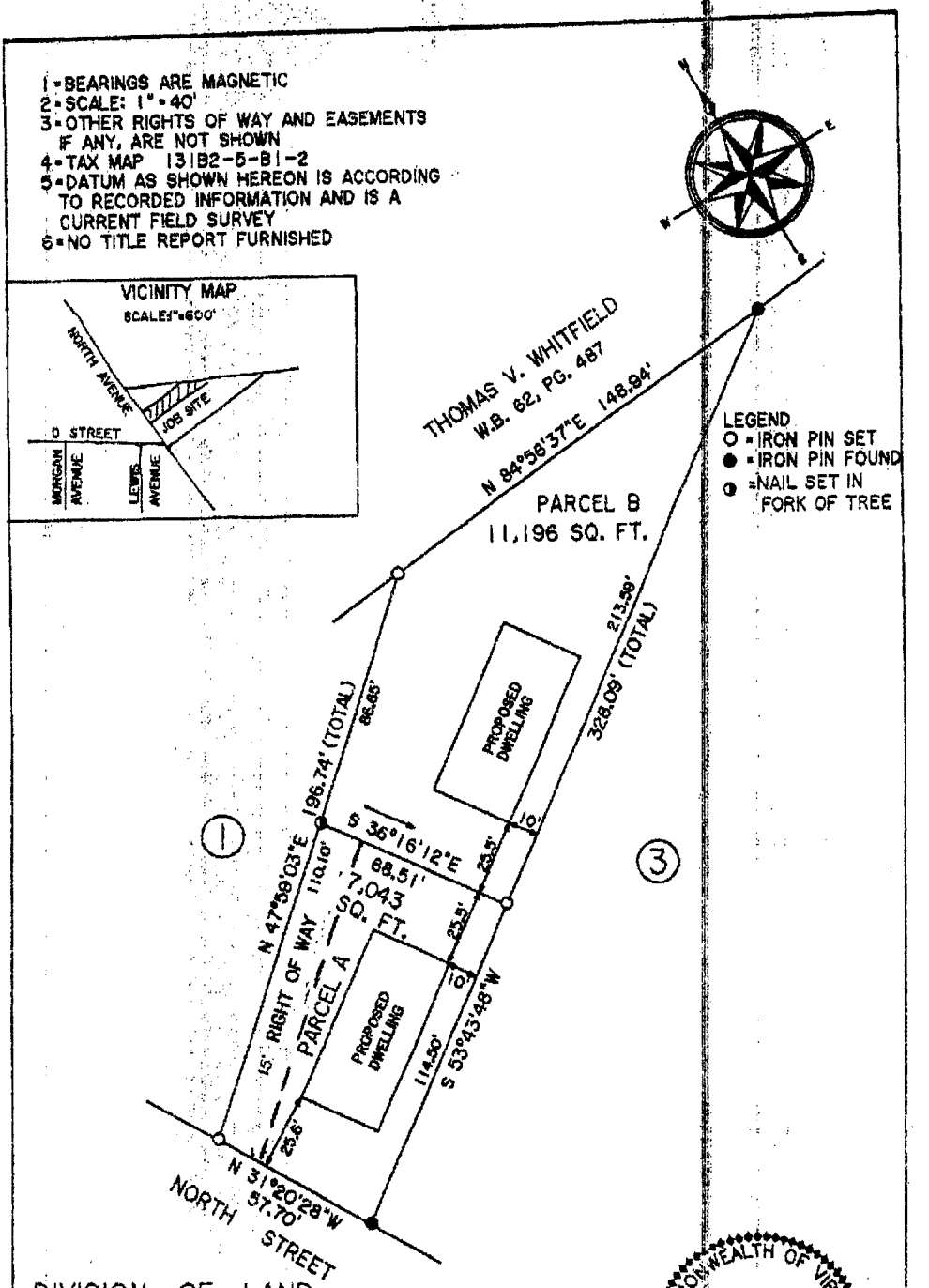
Please See Section 2-6-5 Through Section 2-6-7 For All Applicable Fees Relating To This Application.

Permit Granted:

Date:

PAID
NOV 9 2000
TREASURER
TOWN OF ELKTON, VA.

1 = BEARINGS ARE MAGNETIC
2 = SCALE: 1" = 40'
3 = OTHER RIGHTS OF WAY AND EASEMENTS IF ANY, ARE NOT SHOWN
4 = TAX MAP 131B2-5-B1-2
5 = DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND IS A CURRENT FIELD SURVEY
6 = NO TITLE REPORT FURNISHED



COMMONWEALTH OF VIRGINIA
RANDALL K. NEWMAN
NO. 1627
LAND SURVEYOR

DIVISION OF LAND

BOUNDARY SURVEY OF LOT 2, BLOCK 1 OF THE LANDS OF W.L. DECHERT.

LOCATED IN THE TOWN OF ELKTON, IN THE STONEWALL DISTRICT OF ROCKINGHAM COUNTY, VIRGINIA.

OWNER: BEULAH M. AND NELLIE MAE HENSLEY
REFERENCE: DEED BOOK #1780, PAGE #54

JOB NO. R131B2-5-B1-2 NOVEMBER 7, 2000

NEWMAN SURVEYING
Professional Land Surveyor
Mt. Jackson, Virginia 22842
(540) 477-3730

MH

OWNER'S CONSENT

Know all men by these present that the lot line revisions on the lands of Beulah M. and Nellie Mae Hensley as shown on this plat situated in the town of Elkton, Virginia is with the free consent and in accordance with the desires of the undersigned owners thereof. The said 18,239 square foot tract of land having been conveyed to Beulah M. and Nellie Mae Hensley by Beulah M. Hensley in a deed dated February 12, 2000 and recorded in Deed Book #1780, Page #54 in the Clerk's Office of Rockingham County, Virginia.

Given under our hands this _____ day of _____, 2000.

_____

_____

STATE OF VIRGINIA, COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me in the Jurisdiction aforesaid, this _____ day of _____, 2000.

_____ NOTARY PUBLIC

MY COMMISSION EXPIRES _____

CERTIFICATE OF APPROVAL

This lot line revision is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.

_____ DATE

_____
CHAIRMAN, TOWN OF ELKTON
PLANNING COMMISSION

_____ DATE

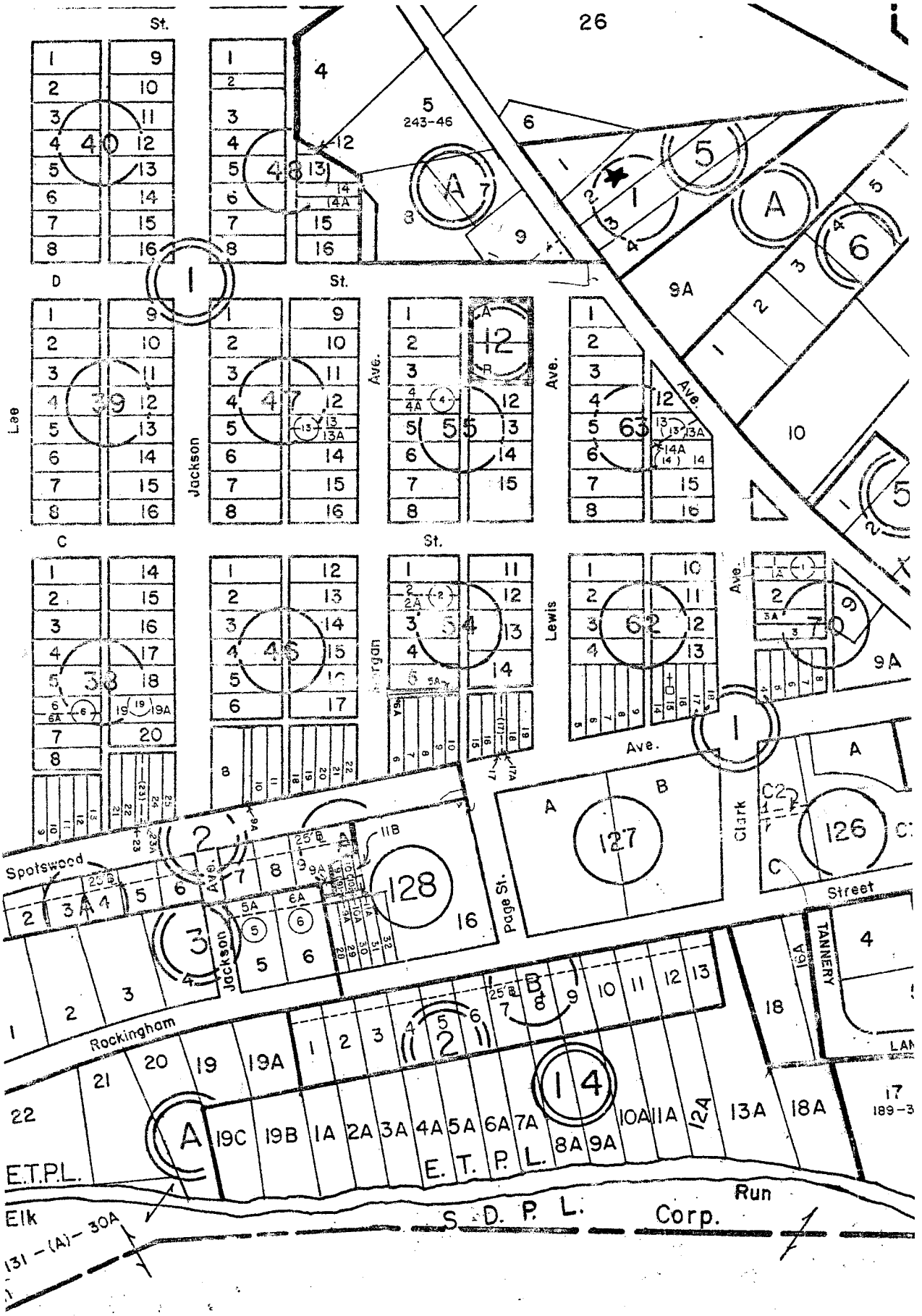
_____
MAYOR OR AGENT, ELKTON
TOWN COUNCIL

SURVEYOR'S CERTIFICATE

I hereby certify that to the best of my knowledge and belief all of the requirements of the town council and ordinances of the town of Elkton, Virginia, regarding the platting of lot line revisions within the town have been complied with.

Given under my hand this 7th day of November, 2000.

_____
Randall K. Newman, Licensed Land Surveyor


26
St.
D
St.
C
St.
Lee
Jackson
Ave.
Morgan
Lewis
Ave.
Ave.
Ave.
Spotswood
Ave.
Jackson
Page St.
Clark
Street
Rockingham
TANNERY
E.T.P.L.
Elk
Run
S. D. P. L.
Corp.
131 – (A) – 30A
243-46
189-3

TOWN OF ELKTON

173 WEST SPOTSWOOD AVENUE
ELKTON, VIRGINIA 22827

AREA CODE (540)

MANAGER	298-9480 Ext. 113
CLERK/TREASURER	298-1951 Ext. 110
POLICE	298-9441
PUBLIC WORKS	298-1330 Ext. 107
RECREATION	298-9860 Ext. 112
CEMETERY	298-9860 Ext. 112
FAX	298-1270

October 31, 2000

Dear Mr. Miller:

I have a pending zoning request that I need your opinion on. I will attempt to give all the details in this letter and attached sheets. I need a response as soon as possible so that the person requesting the information can make a decision on possibly purchasing the property in question.

The property is located on Map 131B3, Lot 2, Subdivision 5. See location of property on attached copy of Tax Map in upper right-hand corner. It is zoned R-5, and it is estimated that the lot has in excess of 14,000 sf.See attached sheet showing the current lot requirements for subdivided lots.

The potential purchaser wishes to subdivide the lot and create two building lots with a common easement crossing the front lot to serve the rear lot. According to my interpretation of the ordinance this would be allowed. See ordinance 110-702, (A), 2 on the attached sheet that I based the decision on. If the lot can be accessed this way, where would the setback start from. Would it start from the original property line or from the easement line?

I hope that this is enough information for you to form an opinion with. If not please do not hesitate to contact me at 298-1330, ext. 107.

Sincerely,

Kenneth H. Flick, Jr.
Interim Town Manager

Encl.

writing on the plat or sheets, unless authorization for such changes has been granted in writing on behalf of the Council.

F. Private contracts. This regulation is independent of any private easement, covenant, agreement, or restriction. The responsibility of enforcing such private easement, covenant, agreement or restriction is not the obligation of any public official. When this chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control.

§ 110-904. General requirements.

The general specifications and requirements set forth in this section shall be followed:

A. Lot size. Residential lot size shall be in accordance with the lot requirement of the zoning district in which the subdivision is to be located as prescribed in Article VII of this chapter.

B. Lot shape. The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to the topography, and conform to the requirements of these regulations. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage by adding area which would be unusable for normal purposes.

C. Lot side lines. Side lines of lots shall be approximately at right angles, or radial to the street line.

★ D. Lot shall abut on a street. Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street, or on a street which has become public by right of use. If the existing streets are not 50 feet in width, the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of said roads or streets to a width of 50 feet.

E. Remnants. Land subject to flooding, land deemed to be topographically unsuitable for residential occupancy and all remnants of lots below minimum size left over after subdividing a tract must be added to adjacent lots, or become the property of a homeowners' association rather than allowed to remain as unusable parcels.

F. Block length. The maximum length of blocks shall be 1,200 feet, and the minimum length of blocks upon which lots have frontage shall be 500 feet.

G. Block width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets, unless prevented by topographical conditions or size of the property. In either case, the agent may approve a single tier of lots of minimum depth.

H. Block orientation. Where a proposed subdivision adjoins a major road, the town may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

I. Street design and standards.

applying to a seasonal or other brief activity, such as but not limited to summer camps, horse shows, auctions, sale of land, or community events. **[Amended 9-20-1993]**

SIGN, WALL — A sign affixed directly to or painted on, or otherwise inscribed on, an exterior wall or parapet and confined within the limits thereof of any building and which projects from that surface less than 12 inches at all points.

SITE PLAN — A sketch of the site drawn to scale, showing the dimensions of the property, the approximate location of buildings, roads, parking areas, and landscaping, the number of dwelling units or commercial or other types of building, and other information essential for determining whether the provisions of this chapter are being observed.

SPECIAL EXCEPTION — A use which, by its nature, can have undue impact upon or be incompatible with other uses of land within a given zoning district. The uses which are described in this chapter may be allowed to locate within a given designated district under the controls, limitations, and regulations of a special exception permit.

SPECIAL EXCEPTION PERMIT — A permit issued by the Town Council for a special exception or use, pursuant to Article VIII, in a designated district after evaluation of the impact and compatibility of such use; restrictions and conditions, to insure the use being compatible with the neighborhood in which it is to be located.

STANDING SPACE — A space by its nature used as an area for the temporary stopping of a motor vehicle, while under the control of its driver, for the purpose of embarking or discharging passengers, baggage, or merchandise, or for the purpose of utilizing special motor vehicle-oriented services, including but not limited to drive-in banks, car washes, and gasoline filling stations. Such spaces shall be a minimum of 10 feet in width and 20 feet in length.

STORY — That portion of a building, other than the cellar, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, it is defined as the space between the floor and ceiling next above it.

STORY, HALF — A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 2/3 of the floor area is finished for use. A half story containing independent apartment or living quarters shall be counted a full story.

★ STREET — The means of access to butting properties including any road, lane, drive, place, avenue, highway, boulevard, or any other thoroughfare.

STREET, HALF — A street that does not meet the minimum right-of-way width requirements set forth or referenced in this chapter.

STREET, INTERNAL — A private street providing access to lots within a development, but not including driveways.

STREET LINE — A dividing line between a lot, tract, or parcel of land and a contiguous street.

STREET, MAJOR — Any existing or future street designated as a major street on the adopted Elkton Comprehensive Plan or any heavily traveled thoroughfare or highway that carries a volume of through traffic exceeding 500 vehicles per day.

§ 110-702. Additional buildings and structures on a single lot.

The Town Council may permit additional buildings on the same lot or parcel as follows:

A. Additional dwellings. Additional dwellings on a single lot may be permitted, provided that:

(1) The arrangement of such additional dwellings is in such a manner that all requirements of the Virginia Highway Department, Virginia Department of Health, or this chapter are fulfilled, with the exception of area requirement.

(2) On lots having more land than required for two structures, the arrangements of such additional dwellings are in such a manner so that if the lot or parcel of land is ever subdivided no substandard lots are created. Provision of access open to the sky at least 15 feet in width is required.

May 9, 1997

PROPOSED ORDINANCE CHANGE OF LINE G TO FOOTNOTES FOR MINIMUM LOT REQUIREMENTS IN SECTION 7

g. Existing lots of 6250 square feet may be developed in the R-3 Residential Single Family, R-4 Residential, and R-5 Residential Districts. All subdivision of parcels into 6250 square feet lots shall be prohibited in all districts, except for the R-4 and R-5 Residential Districts. The R-1 and R-2 Districts will remain the same but the R-3 Residential Single Family District will require lot sizes of a minimum of 10,000 square feet.