TOWN OF ELKTON

173 WEST SPOTSWOOD AVENUE
Elkton, Virginia 22827
540-713-4062

PLANNING COMMISSION MINUTES
April 28, 2008

Talbot, Dan – Chair
Armbruster, Harry – Vice-Chair
Laurie Sigler- Town Attorney
Morrison, Cathy – Commissioner*
Shifflett, Charlotte – Admin Rep
Dixon, Madelyn – Secretary
Ream, Jeremy – Commissioner*
Pence, Theodore – Council Rep

(*) denotes absence of member
Guest:
Mr. Johnson
George Hensley
The meeting was called to order at 7:00 pm by Chair, Dan Talbot. The minutes from the last meeting were reviewed. Harry Armbruster made a motion to accept the minutes dated March 31, 2008 and Madelyn Dixon seconded.
Voice Vote 4-0
Motion carried

Members:
We are short two members but volunteers are very hard to recruit. An ad will be placed in the Valley Banner.

- Charlotte forwarded a confirmation to the Clerk of Council noting that the members voted and sent a recommendation to Council that Marty Shifflett would be an acceptable volunteer.
- It was unsure if Steve Kite lives within Town limits. He was the second candidate mentioned for a vacant seat.

Old Business:
George Hensley Permanent Street Closure Request:
Mr. Hensley submitted a request to close the section of Henry Street that lies on his property between "C" and Terrace Avenue so he could combine his four lots into one property.

A. Zoning Administrator should make the call as to whether should be closed.
B. The Elkton Fire Chief needs to comment and sign.
C. Chief Morris needs to make a comment.
D. The next step is to schedule a Public Hearing with Council.
E. Charlotte will check the width of the lot to the West of Henry Avenue.
F. Charlotte will get measurements for the lot size before Public Hearing.

- If this passes Planning Commission and Council a lot line vacation may be requested before the final survey is performed. However, an additional Public Hearing is <u>not required</u> for a lot line vacation.

  - On April 28, 2008 a motion was made by Harry Armbruster and seconded by Theo Pence that the Planning Commission will recommend that a joint Public Hearing be scheduled for Mr. George Hensley to present his request for the closure of that section of Henry Avenue which lies on his property located between "C" Street and Terrace Avenue.

  Voice Vote 4-0
  Motion carried

Code Updates:

Dan Talbot inquired as to who is responsible for submitting new and/or revised ordinances to General Code Publishers for printing and distribution to those in possession of Code Books?

- Clerk of Council, Denise Monger and Town Attorney, Lauri Sigler are accepting responsibility to forward these to the publisher.
- Lauri will inform members at next month's meeting of progress regarding this issue.
- A system is in place to be sure that all issued Code Books are updated when the printers return the copies.

Barbara Will Lot:

Chris Seal, Contractor attended the meeting on behalf of Mrs. Will. Pete Bonavita, Realtor was also in attendance.

- Mrs. Will purchased a corner lot on North Stuart but unknowingly to all involved the additional 15 feet for a corner lot was not considered an issue.
- Members reviewed the drawing in addition to the house profile.
- Legal clarification will be required since the dwelling will be in excess of the 25 ft code width—by 2' 6" ft in width. (front of house facing N Stuart Ave)
- The application to apply for a variance will be forwarded to the Board of Zoning Appeals (BZA) for the following:
  - Does not meet required code.
  - Allow the BZA to give an opinion after looking at drawings and where the house will actually sit.
  - The back has extra footage which would allow the house to be moved back another 5 ft. if necessary

Harry Armbruster made a motion to forward the recommendation for a variance, based on plans and the application as presented at this meeting, to BZA. The motion was seconded by Madelyn Dixon.

Voice Vote 4-0

Motion carried

Pete Bonavita:

- Mr. Bonavita noted that most all the homes along the street are built on double lots and meet the 25 foot average in that area. He was interested in preventing Mrs. Will's dilemma from reoccurring in the future. One resolution may have been to request the owner to move the lot line before attempting to sell the property.
- Chairman Talbot suggested that in the future when corner lots are up for sale the owner could do a lot line adjustment.
- Another point to remember is the front door must face the street on the narrow side.

Pathforward:

Charlotte will seek Rick Carey's assistance in scheduling a Public Hearing date for the BZA to hear Mrs. Will's request.

R 3 Zoning:

Language needs to be clarified

Chapter 110-604

Ref: page 11038

(d) Side Yard

4. Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same blocks and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the existing side yards on the developed lots.

♦ ***Should be revised to read as follows:***

(d) Side Yard

Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same blocks and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the

existing side yards on the developed lots ***plus 15 extra feet for corner lots***. (Add bold words to code.)

R 5 Zoning

This page contains an error.
Chapter 110-604
Ref: page 11044
E. Lot regulations.
(1) Main building:
(a) Minimum lot size:
[1] 6,250 square feet with public water and sewer. If two-family dwelling, 6,250 square feet for first unit and 3,000 square feet for each additional attached unit.
21,000 square feet with other facilities.
Maximum density is eight units per acre.
See § 110-709 for townhouses.
Setback: 25 feet.
Frontage at setback: 50 feet.
(d) Side yard:
One side: Change to read 5 feet 10 feet. (delete)
Two sides: change to read 10 feet. 20 feet. (delete)
Add 15 feet for corner lots.
[4] Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the average of the existing side yards on the existing developed lots.
(e) Rear yard: 25 feet.
(f) Maximum height: 35 feet.
[1] The height limit for dwellings may be increased up to a maximum of 45 feet and up to three stories, provided that each side yard is 20 feet, plus one foot or more of side yard for each additional foot of building height over 35 feet.
[2] A public or semipublic building, such as a school, church, or library, may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

R 1 thru R 6

R 1	R 2	R 3	R 4	R 5	R 6
110-602	110-603	110-604	110-605	110-606	110-607
E: Lot Regs.	**E:** Lot Regs.	**E:** Lot Regs.	**E:** Lot Regs.	**E:** Lot Regs.	**E:** Lot Regs.
d. side yard	**d.** Side yard	**d.** Side yard	**d.** Side yard	**d.** Side yard	**d.** Side yard
(1) side = 15ft	(1) side = 5 ft	(1) side = 5 ft	(1) side = 5 ft	(1) side = 5 ft	(1) side = 5 ft
(2) sides = 30 ft	(2) sides = 15 ft	(2) sides = 15 ft	(2) sides = 15 ft	(2) sides = 15 ft	(2) sides = 15 ft
(3) add 15 ft for corner lots	(3) add 15 ft for corner lots	(3) add 15 ft for corner lots	(3) add 15 ft for corner lots	(3) add 15 ft for corner lots	(3) add 15 ft for corner lots
Pg 11032	Pg 11034	Pg 11038	Pg 11041	Pg 11044	Pg 11047

Flood Ordinance/FEMA

- The Flood Ordinance has been reviewed by FEMA and needs to be heard at a Public Hearing.

Madelyn Dixon made a motion to recommend that a Public Hearing be held to incorporate lot line issue and flood ordinances for discussion at the same meeting; to change language to plus 15 ft. for a corner lot in R 5 and review 110-615 as promulgated in a Flood Hazard District. The motion was seconded by Harry.

Voice Vote 4-0
Motion carried

Discussion /Accessory Buildings

- Mr. Johnson came in discuss the status of his detached garage which falls under accessory buildings. It was noted that several buildings in town do not meet the current code.
- The code defining accessory buildings covers all buildings from the old style metal buildings to guest quarters, pool houses etc. This is a wide range of diversified buildings to be covered under the same definition. The enhancements made in today's structures needs to be taken into consideration.
- The Town Code specifies that all accessory buildings sit at least 10 feet from the main dwelling with the exception of business districts. The Rockingham County Fire Marshall does not care about the specified footage as long as the Town has a building code in place.
- Mr. Johnson's original plan that was submitted along with his Zoning Application only noted 6 feet.
    - The Johnson structure does not fall under the definition of a detached garage. Any building not attached to the house is an accessory building.
    - The Planning Commission has a challenge ahead in an attempt to identify what is the right code for this current interval of time and for the Town of Elkton...
    - The existing issue is the structure is non-compliant on both sides.
    - The structure does not fit the definition of a variance! In order to meet standards for a variance the lot itself must be difficult to build a home, be something very unusual, present a unique characteristic and/or create a "hardship".

Questions?

a. How much of the lot should the building encumber?
b. Does it really matter how far the building sits from the main dwelling?
c. What makes a 1-1/2 story building?
d. What percentage of green space should be required?
e. How large should the accessory building be in relationship to the size of the house?
f. The material used in construction should be associated with the exterior of the house?
g. What would happen if the code eliminated the 10 foot or lowered the set-back requirement from the main dwelling and kept the remaining set-backs?

The meeting was opened for discussion:

- The first step is to research the definition of a storage shed.
- **Pathforward:**
  Lauri and Charlotte will research some similar town codes and find out some information relative to accessory buildings.
- **Pathforward:**
  Charlotte will advertise any meeting dates which need to be rescheduled in the future.

With no further business, the meeting adjourned. The next meeting is scheduled for Tuesday June 3, 2008 at 7:00pm at the Elkton Area Community Center.
**Please note the meeting date is subject to change due to Public Hearings to be scheduled in the future.

Submitted By:
Charlotte Shifflett

Daniel Talbot/Chair

Madelyn Dixon/Secretary