# *PLANNING COMMISSION MINUTES*

## May 5, 2009

**Attendees:**

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|---|---|
| Dan Talbot/Chair | Cole McGregor |
| Vic Corbo | Charlotte Shifflett/Secretary |
| Lauri Sigler/Attorney | Margretta Isom/Council Representative |
| Madelyn Dixon | Cathy Morrison |

**Guests:**
Bertha Williams

Dan Talbot/ Chairman called the meeting to order at 7:00 pm.

- **Minutes:**
  - Cathy Morrison made a motion to accept the April minutes, seconded by Cole McGregor.
    **Voice Vote: 6-0**
    **Motion Carried**
- **110-610 Land Development**
  **Downtown Business District B-1**
  **Ref. B- Permitted Uses**
  - (4) Living and/or sleeping quarters shall be a permitted use when constructed above the ground and basement floors. No living and/or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot of any building.

Bertha Williams, W Washington St. addressed the Planning Commission regarding a letter she received from the Zoning Administrator dated Apr 7, 2009 informing her of the Code, which may place her as non-conforming at her business on 120 W Spotswood Avenue/**Tax Map # 131B1-(4)-B 25 L 4**

Mrs. Williams noted that an efficiency apartment exists in the back and her last tenant had used it as living quarters. She appeared before the Commission to request that a Grandfather clause be granted for use as living quarters since it had been occupied as such and she was unaware of the public hearing held to change Code as referenced in **110-610, B, (4)**

In an attempt to resolve the issue the following inquires were made:

- Do you have a lease or contract signed by the last tenant?
- Do you have a copy of rent receipts?
- Did your last renter, Jackie Dovel, operate a beauty parlor in the front area of the building?
  1) Upstairs apartment is not in question.
- Are you able to contact Ms. Dovel?

Mrs. Williams was advised that as rules change, a Grandfathered clause remains in effect only as long as a continuous use exists. The first attempt to amend the Code was December 15, 2005. An actual Public Hearing was advertised and held on April 18, 2007. Evidence is needed that someone actually occupied the efficiency apartment before April 18, 2007.

Dan Talbot questioned if the current renter is living in both downstairs apartments? If so, he needs to be made aware the front was business and he cannot live there!

The issue will be ongoing with the following specification for Mrs. Williams:

- Have Ms. Dovel call Charlotte and confirm that she occupied the efficiency apartment.

- In the event that Ms. Dovel does not place a call, Mrs. Williams will have a witness to state that Ms. Dovel occupied the efficiency apartment as her residence.

□ **Lohman Request**

Arthur and Wanda Lohman, 614 N Stuart Avenue appeared before the Planning Commission to request finalization of an issue dating back to December 10, 2004. Mr. Lohman read a letter dated and signed by Dennis Donachy noting the closure of an alley on their property in exchange for an easement to run sewer to (2) new dwellings on N Stuart Avenue with driveways entering off of Lucas Ln. It was acknowledged by Mrs. Lohman that they have been patiently waiting for action since that time.

After reviewing plats some observations were made:

- Lucas Ln, is an alley, which sometimes is referred to as a street.
- The closure would effect Randell Snow property.
- No permanent alley and/or street closure ordinance was available at the time of tentative transaction.
- The existing Code does not give an entire alley to (1) adjoining owner.
- Most alleys in Town are from 15 to 20 feet wide.
- Once the exact location of requested closure is established a public hearing would be required.
- The Town must not impede the Hemmin's driveway.
- Measurements need to taken once a description is presented.
  1) Charlotte will send maintenance personnel to measure. from the end of pavement to North St. and mark the exact location of the sewer line. **Attachment 1**

Cathy Morrison made a motion to hold a Public Hearing on permanent closure of Lucas Ln alley from the ending pavement to North St and the Town will retain sewer easement along that alley. The motion was seconded by Cole.
**Voice Vote = 6-0**
**Motion carried**

Charlotte will check with a 911 Systems Coordinator to be sure the North Stuart Avenue residents are clearly identified as entering on the back side of their property (Lucas ln).

□ **Henry Clyde Hisey**
**2009-012**

Mr. Hisey did not attend the May 5, 2009 meeting but did submit a second plat to the Zoning Office. The first plat met the criteria for a single lot division for the purpose of sale or gift to an immediate family member. The plat only created one new lot-the .0354 parcel to the west of Right of Way. The existing parcel 115-9-3 was made larger by 2 adjacent transfers or lot line revisions to increase that parcel with additional acreage and made it conforming by adding the road frontage (which did not exist on the first plat.)

The revised plat (**dated April 21, 2009**) creates new parcels from the 115-9-6 tract-the .0354 acre tract and a new 1.368 acre tract. This no longer fits into the description of exceptions. The landlocked parcel is in conflict with the R 2 zoning which states all lots need 100 feet of road frontage.

**Pathforward:**
**Charlotte will check VDOT requirements on the width of streets. If road frontage is dedicated in the future it will need to meet the requirements.**

□ **Current Zoning vs. Rezoning**

All members were given an up to date town map and were requested to view the entire map and see if some of the Business Districts should be rezoned to Residential Districts.

With this in mind, consider the surrounding zoning while keeping the streets in mind. We are looking at areas where it is zoned business but is predominately residential.

**Example:**
The property located on 446 Wirt Avenue was once grandfathered as a house in the B 2 Zoning District. Since the house has set vacant over 2 years it is no longer recognized as a residence, in reality, it is abandoned.

**M I District:**
Include the M 1 zoning in the upcoming Public Hearing advertisement. The M 1 zoning should remain as established.

**B 1 Zoning Districts:**
The houses on West Rockingham Street, located across the street from Ciro's, are zoned correctly for that area.

**B 2 Zoning District:**

- □ Currently, the Carwash and Lawson's Garage are in operation on Wirt Avenue. Is the zoning correct for today's needs or may there be a future use of this area for business?
- □ It was determined that the South side of Wirt Avenue should be considered as **R 5** between 5th Street and Shenandoah Avenue.
- □ There are no businesses located along one side of Water St. Further determination decided that the South side of Water Street should be suited to **R 5.**
- □ Dr. Bompiani's lot, located on 207 Mill Bank Lane, was shown on the original map as being one plat, which included Peewee's Electric. This error should be corrected.
- □ West Spotswood Avenue, beyond Shenandoah Avenue crossing, has quite a few residences on both sides of the street, including Dr. Swallow's property which has been involved in non-compliance zoning issues.
  - Dr. Swallow is satisfied to be offered more zoning options.
- □ Review the land up Blue & Gold Drive.
- □ Residents living in Kite's Trailer Park are on town electric but do not pay taxes.

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The mentality of property owner's is to assume when going from B to an R; they may have been down zoned.

The way the rezoning process works is that the Planning Commission makes a recommendation after which the property owners will be notified. Advertisement occurs, followed by a Public Hearing.

We are very early in the process and each member is requested to follow these suggestions:

- □ Look at the areas in question.
- □ Consider the character of the neighborhood.
- □ What is the proper use or growth of the neighbor?
- □ Please keep in mind these issues are a lot to think about.
- □ Include all changes, boundary line adjustments etc.

**Pathforward**:
Charlotte will print maps with R 8 sections defined, including the Kite Property.

**Pathforward**:
Attorney, Lauri Sigler will work on a memo.

# *PLANNING COMMISSION MINUTES*

**Training:**
Rick Wodicka, Town Manager, has requested that Charlotte and one member of the Planning Commission take advantage of the opportunity to attend a training session with local Zoning Administrators and Planning Commissioners. The Town will cover the tuition for 2 people.

**New Member:**
Harry Armbruster has joined the Town Council as a member, thus, creating an opening on the Planning Commission. Our thanks go out to Harry for his dedication and willingness to serve on this committee, along with being Vice Chair. We wish him well in his new endeavor.

Dan Talbot/Chairman, acknowledged an expression of sympathy to the Leap family on the loss of Leroy. His death created an opening on the Board of Zoning Appeals.

**Pathforward:**
**BZA opening:**
Charlotte will make sure Council acts on this situation in a timely manner.

**Foundation Survey**:
Due to the lack of time, this item will be listed on next month's agenda.

With no further business, the meeting adjourned. The next regular meeting is scheduled for the first Tuesday, June 2, 2009 @ 7pm in the Elkton Area Community Center at 20593 Blue & Gold Dr.

Submitted By:
Charlotte Shifflett

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|---|---|
| Dan Talbot/Chair | Madelyn Dixon/Secretary |