PLANNING COMMISSION

August 15, 2011

Present: Goldie Helsley, Dan Talbot, Madelyn Dixon
Vic Corbo, Cole McGregor, Cathy Morrison
Margretta Isom
Staff: Charlotte Shifflett

The meeting began @ 7:15 pm, with Dan Talbot/ Chair Person residing, immediately following adjournment of a public hearing which was carried over from July 18, 2011until August 15, 2011. The joint public hearing was held to receive additional comments on a rezoning request submitted by Bible Holiness Church of Elkton to rezone approximately 8 acres from R 2 Residential to B 2 General Business.

Limited discussion took place and focused on the fact the church sits in a residential area and the neighbors reiterated the fact they want to keep this atmosphere in the future. Vic Corbo made a motion, seconded by Goldie Helsley to end the discussion and vote to approve or reject the proposal to rezone the property from R 2 to B 2.
Charlotte Shifflett recorded the vote as follows:

Voice vote 7-0 (no to rezoning of the parcel)
Dan Talbot, Margretta Isom, Goldie Helsley, Vic Corbo, Cole McGregor,
Madelyn Dixon, Cathy Morrison
Motion Carried

Dan Talbot returned to Council Chambers to advise Council that the Planning Commission voted *unanimously* to *reject* the rezoning proposal.

Vice Chair Person/ Cole McGregor resided over the meeting temporarily. Cathy Morrison made a motion to approve the minutes from the July 18, 2011 special meeting. It was seconded by Vic Corbo.

Voice vote 5-0
Goldie Helsley, Vic Corbo, Cole McGregor,
Madelyn Dixon, Cathy Morrison
Motion Carried

The next item on the agenda was a request by Melissa C Huddle to apply for a Home Occupation Permit to operate a hair shop out of rental property located at 109 N Stuart Avenue. The discussion was led by Vic Corbo, Commissioner assigned to lead the discussion relative to a Home Occupation Request.

[Amended 5-16-1994]
This chapter uses a permit approach to the control of home occupations to ensure compatibility of home occupations with surrounding residential uses. Custom or traditions are not to be considered as criteria for the evaluation of home occupations. The Zoning Administrator may request advice from the Planning Commission as appropriate.
A.
Uniform requirements. A home occupation, where permitted, must meet the following uniform requirements:

(1) The applicant shall be the owner of the property on which the home occupation is to be located or, if the applicant is a tenant, shall have written approval of the owner of the property.

(2) The home occupation shall be operated only by the members of the family residing on the premises.

(3) All substantive activity related to the home occupation shall occur within either the dwelling unit or an accessory building, and no evidence of the home occupation shall be visible from outside such building.

(4) The area used for the home occupation shall not exceed an amount equal to 25% of the floor area of the dwelling unit, whether such use occurs within the dwelling unit or in an accessory building.

(5) The home occupation shall not produce obnoxious odors, glare, noise, vibration, electrical disturbance, or other conditions detrimental to the character of the surrounding area and, in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates, as spelled out in § **110-706C(3)**.
[Amended 4-18-2005]

(6) The home occupation shall not generate more than three customer or vehicle arrivals on the premises during any twenty-four-hour period, including deliveries and couriers, but excluding the vehicle arrivals of those persons engaged in the home occupation.

(7) The building in which the home occupation is to be located shall be an existing structure ready for occupancy and not a proposed structure.

(8) Additional off-street parking may be required upon the recommendation of the Zoning Administrator.

(9) The applicant for a home occupation shall present the recommendation of the Elkton Fire Department with regard to the proposed use of the structure.

(10) Business licenses have been obtained for the activity and all business license taxes are paid within the time required under Article **VII**.

(11) Special requirements, reasonable to the preservation of the character of the surrounding area, may be imposed as conditions of the permit in addition to the requirements set forth in this subsection.

B.
Expiration and revocation. A special exception permit for home occupations shall expire or be revoked under the following conditions:

(1) A permit shall expire whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until such person shall have been issued a new permit after proper application.

(2) A permit shall expire whenever the holder fails to engage in a home occupation for any period of six consecutive months.

(3) Upon the request of the Zoning Administrator or upon its own motion, the Town Council may revoke a permit if it finds that the holder of the permit has failed to comply fully with the uniform requirements set forth above or with any special requirements of the permit. The permit holder shall be given reasonable notice of a hearing for the consideration of such revocation and shall have the opportunity to present facts and argument and to question witnesses supporting the revocation.

Mrs. Huddle was instructed to present the following before approval:

a. Attach a document from the landlord giving permission to operate out of the residence.
b. Contact the Elkton Fire Department and present a letter of approval to operate.
c. Prohibit use of alley parking for customers.
   - *Alley is any passage or way open to public travel, affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.*
d. Limit customers to 3 daily or within any 24 hour period.
e. Obtain a Business License and be assured all taxes are paid before issuance.
f. Bring a letter of consent from neighbors.
   - *This requirement is not included in Code and shall be done voluntarily by the Requestor if he/she so desires.*

Comprehensive Plan

Each member has a copy of the Plan but nothing further has been updated since the last meeting.

Pathforward:

- Charlotte was advised to see if the Town will cover costs for Central Shenandoah Valley Planning Commission's assistance with revising growth maps.
- Charlotte was requested to bring a draft of maps for discussion at next month's meeting.
- Have an update from Margretta Isom regarding any Council input on goals for the next 5 year period.

Committee:
Lead Members:

Category	Lead member
Residential 1-4, flood hazard, Yard Sales	*Madelyn Dixon*
Residential 5-6 (includes: Townhouse & Apts.) Agriculture	*Dan Talbot*
Residential 7-8, and Conservation	*Goldie Helsley*
Business, Industrial. Telecommunications	*Cathy Morrison*
Subdivisions	*Margretta Isom*
Sigs, Parking, Definitions, Streets and Alleys	*Cole McGregor*
Zoning Map, Annexation, Home Occupations, Non-conforming Uses, Fences and Exceptions	*Vic Corbo*

PLANNING COMMISSION

Zoning Permits Issued YTD

Month	*Bus*	*Res*	*Singe Family*	*2 single family attached*
January	**2**	**3**	**0**	**0**
February	2	0	0	0
March	4	5	0	0
April	1	5	0	0
May	2	3	0	0
June	6	5	0	0
July	4	3	0	0
August				
September				
October				
November				
December				

Dan Talbot/Chairman

Cathy Morrison/Secretary