PUBLIC HEARING
April 18, 1994

The Elkton Town Council held a Public Hearing Monday, April 18, 1994 at 7:00 p.m. in the council chambers with the Mayor Charles E. Dean presiding. The roll call is recorded as follows:

PRESENT

F. A. Bennett
R. C. Davis
M. B. Fuller
W. E. Printz
R. L. Snow
T. R. Whitfield III

Norma Leap, Clerk and Gerald Monger Superintendent were also present. Chief Pence was present later in the hearing.

Mayor Dean stated the purpose of the hearing was to hear comments regarding consideration of a special use permit at 96 Ashby Avenue to allow for a home occupation. Business is to be television repair and small appliance related services and will be operated by Mr. Sherman W. Stover.

Mr. Stover of 96 Ashby Avenue asked that council vote on the original recommendation of the Town Planning Commission which was to approve his request to operate a small business on his property at 96 Ashby Avenue. He feels the second meeting on the issue was uncalled for and done deliberately to kill his business. He pointed out that this business would in no way disrupt the neighborhood or the community. There are other businesses being operated in the town with and without council's approval and he is asking for the same consideration received by the others.

Mr. Thomas Weyrick, Chairman of the Planning Commission, responded to Mr. Stover's comments. The Planning Commission had voted to recommend the approval of Mr. Stover's request at the first meeting but there were some reservations. At the following meeting, the Planning Commission received a copy of a letter to Mr. Monger from the Town Attorney pointing out that there were some inconsistencies in the zoning ordinances regarding home occupation. After considering Mr. Davenport's letter, the Planning Commission came to the conclusion that there was no way for them to recommend approval of Mr. Stover's request.

Mr. Weyrick, 99 Ashby Avenue, stated he would like to speak as a citizen of the town and living in the neighborhood. He pointed out that he personally has reservations about businesses in residential areas. He could see working out of your house for small consulting businesses but if you are doing extensive business, of the kind that would generate traffic into and out of your home, then he would have some very serious reservations.

Mr. Benny King stated the decision made by the Planning Commission to reverse their original recommendation was based on law and not emotions. There were no vendettas. They received a notice that they had erred and he feels they may have done Mr. Stover a great service by correcting their mistake before he had already set up his business at that location.

Mr. James Ridenour of 534 Spotswood Avenue was present to try to understand what the definition of the ordinance is. He questioned why this request was approved and then disapproved. He wondered why the inconsistencies were not found to begin with. He also expressed concern that changes might be made in the future that might affect his business in the home.

Mr. Monger read the definition of Home Occupation. He read the following paragraph from Mr. Davenport's letter:

"As we have discussed, Section 302.02 of the Elkton Zoning Ordinance requires that a Home Occupation occur under the same roof of the dwelling unit. Even though Section 705.01-3 implies that the occupation activity may occur out of the dwelling unit, or at least partially out of the dwelling unit, the more restrictive section should control."

Mayor Dean stated that, in answer to Mr. Ridenour's question, it seems the definition wasn't read before the first meeting with Mr. Stover. Mr. Monger stated that usually under the special sections you don't worry that much about definitions because it should tell you right there what you are able to do, but in this case it is a bad place in the book.

Mr. Richard Mondale of 111 Ashby Avenue stated that he had talked with the Downtown Revitalization Committee's architect that was drawing up plans for the revitalization. He asked him if there was some way he could include some feature that would lower entrance barriers for small businesses so that people would not have to have a main street store front in order to open a business. Small businesses have to get started before they can become medium size businesses and occupy a store front. The architect did this by putting in some little vendor sheds on the plan. He wondered if this couldn't be extended to foster small businesses throughout the town by allowing people to run some sort of little business which would not necessarily take place in the dwelling unit. He suggested the changing of the wording of the ordinance to "place of residence" and the phrase "dwelling unit" be dropped as this would be more applicable and would let small businesses get started; then possibly some of the empty store fronts may be filled with businesses as they grow.

Mr. Gary Monger of "B" Street stated he feels there are other people in town in violation of this ordinance and would like to see it addressed as to what is going to happen to these people. He has no problem with Mr. Stover's request as he does not feel it will generate a lot of traffic.

Mr. Ridenour stated he agreed with Mr. Mondale's statement regarding small businesses needing a place to start. It would be beneficial to the town for small businesses to thrive and eventually become store front businesses. He read in a newspaper article that either the law or ordinance would have to be strictly enforced or be changed to allow for more easement in this regard. He suggested it be changed to allow what Mr. Mondale suggested and possibly set a trial period in questionable cases.

As there was no further comments, the Public Hearing adjourned.

MAYOR: Charles E. Dean
Charles E. Dean, Mayor

RECORDER: Norma R. Leap
Norma R. Leap, Clerk