Planning Commission

October 12-2006

In Attendance:

Dan Talbot, Chairman
Madelyn Dixon, Secretary
Charlotte Shifflett, Town Clerk
Harry Armbruster,Vice-Chairman
Theo Pence, Council Rep

Absent:

Jeremy Ream

Agenda:

Approval of Minutes –Harry made a motion to accept the minutes, seconded by Theo Pence.
Motion Carried- 4-0 (voice vote)

Zoning Permit:

Dan has not received any information regarding Phase 5, Quail Run. Tom Miller is addressing this issue.

The group reviewed permit numbers:

2006-61	Storage shed
2006-62	Electrical upgrade
2006-63	Addition on existing home

A map was posted defining results of the September 28, 2006 meeting addressing urban growth areas. This map will be a recommendation to be included in the draft of the Town's Comprehensive Plan. It includes future predicted growth areas for 5 years, 15 years and out to 25 years.

Dan Talbot, Chairman, pointed out the areas marked for predicted growth. It is the Commissioner's intent to establish these guidelines for successors, including future Town Council members. The goal was to make it close as possible when growth occurs.

The map is not ready to present to the Council yet. The current Comprehensive Plan is an adequate history of Elkton due to the fact it does not go into detail as to where we are today.

Planning Commission members need to take a last look before forwarding to Council. Marty needs to take another attempt at it

The floor was opened for further discussion but no comments were made.

Opening:

An opening exists on the Planning Commission created by Wake Gooden's resignation. No official statement was received from Wake but members were asked if they had any ideas whom they may seek as a replacement?

Revisit:

634 Wirt Avenue

Reviewed a copy of the November 5, 2003 minutes addressing issuance of zoning permit for property located at 634 Wirt Avenue. What the acting Zoning Administrator signed a permit for, at that time, is not what the Planning Commission passed!

1) On November 5, 2003 the planning commission agreed that the property in question was suited for a home up to 25ft X 65ft in dimension with the 25ft facing Wirt Ave.

and acting as the front of the house (an entrance needed to face Wirt Ave). Kenny Crawford was in attendance at this meeting and participated in the conversation.

2) On November 6, 2003 Town Superintendent Todd McCoy signed a permit for a 24ft X 60ft Modular home to be built on this site using a simple sketch oriented as described above. A modular home is a permitted use for this zoning.
3) At the September 13, 2006 meeting of the Planning Commission Town attorney Tom Miller informed the commission that the residence in question was not supported or equipped with a permanent chassis and therefore meets the definition of Modular home as set forth in the code book.

The structure sits on (2) 25 foot lots located at the corner lot of 1St Street/Wirt Avenue. The following are the commissioner's recommendations:

1) The council should consider ordering a survey of the lot in question with a detailed drawing of where the structure is situated in regards to the lot lines. This will allow all parties to understand the exact nature of the potential infractions and hence make the path for resolution clearer.

2) In addition to whatever modifications may be required, based on the finding of the survey, the council should consider that an entrance to the structure be located on the side facing Wirt Ave.

3) The council should consider other potential zoning volitions that exist in town by reviewing all permits issued since 2002 and having a town official field verify that all permits were executed to the code that existed at the time of signing for each permit. This would assure that the Council is not singling out one individual due to the high visibility of the location of the lot in question.

4) The council should consider changing the zoning permit approval process so that the property owner is required to stake the corners of the proposed structure & find and mark the corner pins of the property prior to applying for a permit. The zoning administrator would then field verify that the stakes meet all set back requirements prior to approving the permit. There should also be a method for reviewing the structure prior to the final occupancy permit.

The Planning Commission believes this issue, and others like it that have arisen over the years are evidence of the need for a trained zoning administrator in the town that has the policies, procedures and backing to enforce the code. We look forward to working with the Council and future zoning administrators to help put these things in place for the future benefit of the town.

446 Wirt Avenue:
A zoning permit was issued to allow an addition to the existing structure located at 446 Wirt Avenue in a B 2 zoning district. By observation it appears the structure has been altered to more than 50% of square footage of the dwelling.

- Is this addition in compliance for codes existing in B 2 zoning?

504 Wirt Avenue:
A fence and porch roof have been constructed at this location in R 5 zoning.

- Questioned if the resident applied for a zoning permit?

The Planning Commission may make a recommendation that Council needs to be aware of other non-compliances occurring in town.

Discussion:

- Town Code does not allow residential in business zones.
- Special Exception Permit:
  - An apartment was in existence on Wirt Avenue property when Chapter VI was adopted in 1979. It was noted that it may be allowed by issuing a Special Exception Permit. This needs further investigation.

Pathforward:

- Tom Miller will consult with Benny King regarding Phase 5 in Quail Run.
  - Awaiting resolution.
- Urban growth recommendations
  - Marty will take a last look at the updated map and bring to the work session for clarification on establishing urban growth areas. Need to make sure all suggestions are included in addition to being marked correctly.
- Dan Talbot
  - Write a letter to Council addressing the issue of the property on Wirt Avenue.

Daniel Talbot/Chairman

Madelyn Dixon/ Secretary

TOWN OF ELKTON

173 WEST SPOTSWOOD AVENUE
ELKTON, VIRGINIA 22827
298-1951

To: Elkton Town Council
From: Dan Talbot Chairman Elkton Planning Commission
Date: October 12, 2006
SUBJECT: 634 Wirt Ave properties

Per your request, the planning commission reviewed the matter of the state of compliance of the home being erected at 634 Wirt Ave.
The following are the commission observations:

1) On November 5, 2003 the planning commission agreed that the property in question was suited for a home up to 25ft X 65ft in dimension with the 25ft facing Wirt Ave. and acting as the front of the house (an entrance needed to face Wirt Ave). Kenny Crawford was in attendance at this meeting and participated in the conversation.

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Sincerely,

Daniel R. Talbot