PLANNING COMMISSION MINUTES

December 3, 2009
Attendees:

Dan Talbot/Chair	Cole McGregor/Vice Chair
Vic Corbo	Charlotte Shifflett/Administrative Secretary
Madelyn Dixon	Cathy Morrison/Secretary
Goldie Helsley	
Margretta Isom/Council Representative	

Guests:
Pete Bonavita
Diane Bowling

The meeting began at 7:00 pm with Dan Talbot presiding.

Cathy Morrison made a motion to accept the Oct 27, 2009 minutes, seconded by Cole McGregor.
Voice vote 6-0 (Margretta excused 1st hr.)
Motion Carried
Old Business:
Discussion:

- January 12, 2010 has been set as the joint Public Hearing date.
- Attorney Sigler revised the proposed amendment discussed at the Oct 27, 2009 meeting . She did not like the reference it made to the old Public Hearing date of April, 2007.
  (Old) B. Permitted Uses
  ~~(_____) Single family detached dwelling, provided that (a) the single family detached dwelling was existing as a conforming use as of April 2007 and (b) there shall be no more than one single-family detached dwelling per lot.~~
- Chairman Talbot cautioned the members not to forget about the large house on the corner of Wirt/Shenandoah Ave which is now abandoned. The language should be written clearly so that the former residence, which is located in a B 2 Zoning district, may not be occupied as a residence at any time in the future. The house located at S First St/Wirt Ave. does not meet codes either. The permits were pulled and other issues exist with these 2 houses.
- Charlotte will assemble a list showing the existing residences that qualify.

Amendment to the Elkton Town Code
As approved by the Planning Commission
December 3, 2009

§110-610. Downtown Business District B-1

§110-611. General Business District B-2

§110-613. Light Industrial M-1

- ***(Revised)* B.** Permitted uses.
  (___) Single-family detached dwelling, provided that the single-family detached dwelling is existing and otherwise conforms with all other requirements in Chapter 110 as of the date of the adoption of this ordinance and there shall be no more than one single-family detached dwelling per lot.

2009-059
Subdivision of lot on 235 Fairfax Avenue
Tax map 131B3-(5)- B 7 L 2 R 4
Mrs. Bowling submitted a request to divide her existing lot into (2) conforming lots which will be in compliance with the Town Code. After viewing the lot on the GIS it was determined both lots would contain over 9,000 sq. ft. each, would have the required frontage, and meet other setbacks.
Vic Corbo made a motion to recommend the subdivision of lot **131B3-(5)- B 7 L 2** per plat by Newman Surveying dated November 17, 2009 . Cole seconded the motion.
Voice vote 6-0 (Margretta excused 1st hr.)
Motion Carried

2009-062
Vacation of lot lines and sub division of property located on 334 Fairfax Ave.
Tax map 131B3-(6)- lot 11 R 4 Lot requirement is 6,250 sq. ft.
Parties are requesting the property be divided into two lots, both of which will be in compliance with the town ordinances.

Vic Corbo made a motion that the Planning Commission recommend vacating all lot lines as noted on preliminary plat by Bobby Owens dated for November 25, 2009.; Project #09-091 and create (1) plat. In addition, once lot lines are vacated sub divide the property into (2) separate lots as noted on the preliminary plat by Bobby Owens dated for November 25, 2009.; Project #09-091. The motion was seconded by Cole.
Voice vote 6-0 (Margretta excused 1st hr.)
Motion Carried

Margaretta joined the meeting at this point.
Rezoning:
- The map is missing several lots going North on Shenandoah Avenue and west of the river on Millbank Ln.
- Lauri had a map displayed of the Mt Crawford annexation.
- A similar map would show the areas to be rezoned in more detail.
- When revising the Comprehensive Plan the maps were printed thru Rockingham County GIS system. It would be good to have tax map numbers displayed.
- Property owners and adjacent land owners receive letters in advance of the joint Public Hearing. These should be mailed 5 weeks before the advertisement is published.
- Charlotte will accept responsibility to have the proposed area highlighted. It should show the current zoning versus the proposed zoning change. An advertisement will be placed twice in advance of the public hearing.

New Business:
A realtor approached Charlotte and inquired if a duplex could be owned by (2) people? The zoning districts in question were R 4 vs. R 5.
- The current Town Code does not allow (2) persons to own a duplex-*could not be sold as separate units*

- Current Town Code does not allow duplexes in R 4
  a. Density is a major concern
  b. May allow code to be written in concept.
  c. Duplex would share a common wall on (2) separate lots.
  d. This would make a zero setback on (1) side yard.
  e. Lot size requirement is 6,250 sq. ft. 1st unit/3000 sq. ft. for the additional unit.
  f. Duplexes, individually owned, are known as shared housing. In current code a duplex is owned by one person.
  g. Reference:
     Dwelling, Single Family Attached-A group of two or more single-family dwelling units which are joined to one another by a common party wall, a common floor/ceiling and/or connecting permanent structures such as breezeways, carports, garages, or screening fences or walls, whether or not such group is located on a single parcel of ground or on adjoining individual lots. Each unit shall have its own outside entrance (s); architectural facades or treatment of materials shall be varied from one unit to another; and no more than three abutting units in a row shall have the same front and rear setbacks, with a minimum offset being one foot. (Dwellings such as a semi-detached, garden court, patio house, and townhouse are single family attached dwellings.) **{Amended 12-18-2000}**

Vic Corbo made a motion to allow single-family attached dwellings, provided that no more than two dwelling units shall be permitted in each single-family attached dwelling in R 4; seconded by Madelyn Dixon.
Voice vote 7-0
Motion Carried
§110-606. Residential District R-4
To be added as a Permitted Use under subsection B - (7).

Dan "Thanked" the Planning Commission for their interest in his nomination that subsequently led to the announcement that he was the winner of the prestigious "Annual Planning Commissioner of the Year Award" by Central Shenandoah Planning District Commission.

Pathforward
Dan Talbot and Charlotte need to re-color code the map dated October 27, 2009, to reflect the voting at this meeting.

Zoning Administrator
A member voiced a concern that no one stops non conforming construction. Who has that authority, since it is not a practice in town involving issues?

Chairman Talbot noted that the Zoning Administrator retains the power to inspect construction sites and stop construction. Hopefully if the Survey Foundation and the Rezoning pass; a new power, never used before, will be given to the Zoning Administrator. This will place us in a position to answer the question "What should the Zoning Administrator do if it's wrong?" This will happen much earlier in the

process; once there's a hole in the ground with footers poured it is very little loss at this time to the owner. It may lessen the issues of the owner making claims they did not understand the instructions etc. It closes the gap as to what we do. We have the power but have not made a practice of using it in the past.

Another member felt we should have our own Inspectors. This action will probably not occur. The Zoning Administrator needs more collaboration with Rockingham County officials in order to call and have the project stopped.

Items to be listed on the agenda January 12, 2010 are:

Proposed Amendments to the Town of Elkton Code
Adding Section 713 to Chapter 110- Land Development,
Article VII, Use Regulations
June 2, 2009

§ **110-713** **Foundation Surveys**

A. A foundation survey shall be obtained for the following structures:

(1) New structures, renovations, or additions that require a foundation or footer inspection;
(2) Manufactured homes, decks or other additions over three (3) feet by three (3) feet within a manufactured home park or manufactured home subdivision established after 1995.

B. The foundation survey shall be prepared by a certified land surveyor licensed to practice in the commonwealth after the footer or foundation (whether existing or new construction) has been inspected and approved by the building inspector. Construction above the foundation, slab, or pier shall not commence until the survey has been approved.

C. The foundation survey shall document the location of the foundation, slab, or piers relative to property lines to confirm that the construction complies with setback regulations.

D. Exceptions. The following are exemptions from those requirements:

(1) The placement of manufactured homes on a manufactured home park lot that existed prior to 1995 does not require foundation, slab, or pier survey. County staff shall determine if sufficient space for the requested unit complies with the current building code.
(2) A new structure or the addition to an existing structure, on a tract of land that has a valid survey, does not require a foundation, slab, or pier survey if a certified land surveyor licensed to practice in the commonwealth confirms by letter that the construction is more than 40 feet from all property lines. This determination must be made by the surveyor after the approval of the footer inspection.

(3) Survey may be waived on parcels of 3 acres or larger if the owner of the land states in writing that the structure in question is more than 40 feet from all property lines.

(4) Survey may be waived for structures of record, at the time of adoption of this regulation, with non-conforming setbacks as long as the remodeling of an existing porch or deck does not further decrease setbacks. This situation applies to the creation on non-conforming structures resulting from widening or relocation of roads of the construction.

(5) If application is made for an addition to a structure, and the applicant presents a previous survey of the property that shows the existing structure meets setbacks, and it can be determined that the addition shall meet all setbacks, that survey may be used and a new foundation survey may not be required.

E. Exemptions; The following are exempted from these requirements:

(1) Storage building that is less than two hundred fifty six (256) square feet and not on a permanent foundation.

(2) Deck, stoop, or porch, without a roof and not located in a manufactured home park or manufactured home subdivision established after 1995.

§ 110-910 Lot Line Revisions and Vacations

A. A lot line on an existing parcel may be revised or vacated if the revision or vacation will not be in conflict with any provisions of this chapter.

B. **Vacation:** The property owner or proprietor of a tract of land in Elkton shall file a plat meeting the requirements of § 910-908. The Zoning Administrator shall review requests for lot line vacations for compliance with this chapter and shall approve the plat if he/she finds all to be in compliance with provisions of this chapter

C. **Revision:** The property owner or proprietor of a tract of land in Elkton shall file a plat meeting the requirements of § 910-908. The Planning Commission shall review the proposed revision and make recommendations to Town Council. Council consideration will follow the process outlined in § 110-909.

A motion was made by Vic Corbo to adjourn the meeting, seconded by Madelyn Dixon. The next meeting date is scheduled for January 12, 2010 at the Elkton Area Community Center at 6 pm. for a joint Public Hearing with the regular meeting following adjournment of the Public Hearing.

Submitted By:
Charlotte Shifflett

Dan Talbot/Chair
D.T.

Cathy Morrison/Secretary