

Town of Lovettsville

Minutes of Joint Public Hearing, November 13, 2008

The Joint Public Hearing of the Lovettsville Town Council and the Lovettsville Planning Commission on LVCU 2008-0002 Conditional Use Permit Steven Combs-LaFleur: 29 S. Church St was called to order by Mayor Elaine Walker at 8:01 P.M. at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

Welcomes and Introductions

Mayor Walker welcomed the citizens attending the meeting and thanked them for attending.

The Mayor introduced Vice Mayor Robert Zoldos II, Council Members Charlotte Coleman, Michael Senate and Shaun Staley. Planning Commission Chair Robert Zachritz introduced Planning Commissioners DiJon Jones, Mari Bushway, Rodney Gray and Jack Burden. The Mayor also introduced the town staff, including Town Manager Keith Markel, Zoning Administrator Steve McGregor, and Town Clerk Judy Kromholz.

Absent:

Council Member Scott Dockum

Explanation of Procedures and Opening of the Hearing

Mayor Walker and Cub Scout Bobbie Zoldos, Jr. led the attendees in the Pledge of Allegiance.

Mayor Walker read the notice of the Public Hearing as it appeared in the Washington Post (Attachment I).

Presentation

Zoning Administrator McGregor made a presentation on the Conditional Use Permit application (Attachment II).

The Mayor asked the applicant for comments. Mr. Combs-Lafleur stated that he had been misinformed and mistaken from the beginning and thought the front wall of the house was 22' from the boundary line as indicated in the original application. It wasn't until August of this year that he realized the mistake when, after many requests, Huntley-Nyce re-staked the property. He is asking Council to please approve this Conditional Use Permit, noting that, the housing market being what it is, he is already taking a large loss on the house.

Public Speakers

Mayor Walker introduced each speaker in the order in which they had signed up to speak.

- 1 TJ DeLitta a) Prospective buyer of the property. Requests that this Conditional Use Permit be approved so that his family can move in tomorrow. Mr. Combs-Lafleur has bent over backwards to get this done for them.

Mayor Walker asked if there were any further speakers. There were none. She asked if any communications had been submitted to Town Hall for presentation at the Hearing and the Clerk stated there were none as of close of business today.

Closing Comments

Mayor Walker again asked if there were any additional speakers and there were none.

Declaration to Close the Joint Public Hearing

Mayor Walker and Planning Chairman Zachritz declared this Joint Public Hearing closed at 8:21 P.M.

Respectfully submitted,


Judy L. Kromholz, Town Clerk

Dates Approved:

Town Council:	May 28, 2009
Planning Commission:	February 4, 2009

Attachment I: Washington Post Notice of Public Hearing

Attachment II: LVCU 2008-0002 Conditional Use Permit Steven Combs-LaFleur: 29 S. Church St.

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 PM. PCTCO 443-8222

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 Fairfax, VA 22030



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820 Official Notices

**Public Hearing Notice
 Lovettsville Town
 Council and Planning
 Commission**

The Lovettsville Town Council and
 Planning Commission will hold a
 joint public hearing at 8:00 PM
 Thursday, November 13, 2008, to
 hear comments on the following:

LVCL 2008-0002, Steven Corbis
 Lafleur, for a condition use permit
 pursuant to Lovettsville Zoning
 Ordinance section 3-3(d)(b) to per-
 mit reduction of the minimum front
 yard from twenty (20) feet to not
 less than 18.4 feet for existing con-
 struction at 29 S. Church Street,
 MCP# 372387363

The hearing will take place at the
 Town Office, 6 E. Pennsylvania
 Avenue, Lovettsville, Virginia 20180.
 The text and map being considered
 is available at the Town Office
 between the hours of 9AM and 3PM
 weekdays, holidays excepted. Call
 540-822-5788.

By Order of Elaine Walker, Mayor

**AIRPORTS AUTHORITY
 CONTRACTING OPPORTUNITIES**

The Metropolitan Washington Air-
 ports Authority has issued Requests
 for Proposals for the following
 projects:

**RFP 1-08-C192: Task-Type
 Environmental Services, National
 and Dulles Airports**
 Estimated Value:
 \$250,000 - \$500,000 annually

**RFP 1-08-C282: Uninterruptible
 Power Supply Replacement,
 National Airport**
 Estimated Value:
 \$100,000 - \$250,000

**RFP 1-09-C004: Custodial Services,
 National Airport**
 Estimated Value:
 \$4,000,000 - \$6,000,000 annually

Additional information regarding
 these projects can be obtained from
 the Authority's website at
<http://www.mwa.com/contracting>
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LVCU 2008-0002
Conditional Use Permit
Steven Combs-LaFleur
29 S. Church St.

STAFF REPORT

Town Council and Planning Commission Public Hearing

November 13, 2008

8:00 PM at the Lovettsville Community Center 57 E. Broad Way Town Office 6 E.
Pennsylvania Avenue Lovettsville, Virginia

PROPERTY DESCRIPTION and APPLICANT: The subject property address is 29 South Church Street. It is zoned R-1. The PIN is 370387363. The property owner is the applicant, Steven Combs-LaFleur, 38910 Lime Kiln Road, Leesburg, Virginia 20175.

PROPOSAL: The applicant mistakenly built a small portion of a residential dwelling unit inside the front yard setback in such a manner that there is only an 18.5 foot setback for a portion of the dwelling instead of a 20 foot setback. Mr. Steve Combs-LaFleur is requesting a conditional use permit, per Section 3-3 (d)(x), to have the Council allow this encroachment of a portion of the dwelling so that he may keep the dwelling situated on the site as constructed.

ISSUES AND ANALYSIS: Section 3-3 (d)(x) of the Ordinance states:

“...The...required yards standards may be reduced by the Town Council in conjunction with a Conditional Use Permit. Such application shall specifically outline the ...yard standards and define the need. Permitted uses...and unit density shall not be modified by this provision.”

The applicant has specified the yard standards that have been violated and his need for allowing the standard to be excepted: part of the house would have to be deconstructed and reconstructed. The Town approved a zoning permit where the building was properly situated outside the front yard setback (22 feet).

It is assumed that the applicant had the dwelling constructed in good faith to be outside the required setback, as shown on the building location permit. However, this violates the Ordinance regulation. If a violation were invoked in this case the penalty would be \$200 for the first violation and \$500 every ten days the violation remained with a fine limit of \$5,000. Such a violation, whether established inadvertently or not, should incur some form of penalty, in the opinion of the Zoning Administrator. Because the violation was voluntarily reported by the permit holder, I do not advocate that the highest penalty be

incurred. The Ordinance stipulation that a yard requirement may be reduced by a Conditional Use Permit assumed that this situation would be anticipated by the applicant before any construction occurred and that the request for a conditional use permit would be justified by some irregular or unique aspect of the property or its development. This situation has been brought to the attention of the Town after the fact and the Town would like to deter people from making this kind of mistake and will seek to enhance its process in the future to require wall checks at the time foundations are staked.

RECOMMENDATION: I propose the following development conditions for Steven Combs-LaFleur for his property at 29 S. Church Street:

- 1) The building shall conform to all applicable Zoning Ordinance regulations, except that it may encroach approximately 47.25 square feet (dwelling: 17.25 sq. ft.; porch: 30 sq. ft.), upon the front yard setback up to 1.5 feet.
- 2) The applicant shall pay a violation fine of \$1,500.

ATTACHMENTS: 1) Steven Combs LaFleur application for a conditional use permit,