

# Town of Lovettsville

## Minutes of Town Council Reconvened Meeting, November 13, 2008

At 8:39 P.M. on Thursday, November 13, 2008 Mayor Elaine Walker called for a motion to reconvene the Town Council Meeting of October 23, 2008.

**Motion:** To reconvene the Lovettsville Town Council Meeting of October 23, 2008.  
**By:** Council Member Senate  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Dockum

### Present at Meeting

- Mayor Elaine Walker
- Council Members Charlotte Coleman, Michael Senate, Shaun Staley, Robert Zoldos
- Town Manager Keith Markel
- Town Attorney Liz Whiting
- Zoning Administrator Steve McGregor
- Town Clerk Judy L. Kromholz

### Absent

- Council Member Scott Dockum

### Audience

Among those present in the audience were Tracey Senate (*Brunswick Citizen*), Ed Spannaus (Lovettsville Historical Society) and Howard Williamson (Lovettsville Business Association), and others.

### Comments from the Public

Mayor Walker called for comments from the public. Ed Spannaus stated that the ceremony for the restoration of Luther Slater's headstone at Union Cemetery would be this coming Saturday at noon.

### Action Items

#### A. LVCU 2008-0002: 29 South Church Street

Administrator McGregor reported that the Planning Commission recommended approval of this Conditional Use Permit with the recommended conditions.

**Motion:** To approve 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 1.6 feet.  
2) The applicant shall pay a violation fine of \$1,500.  
**By:** Council Member Zoldos  
**Second:** Council Member Coleman

Mayor Walker called for discussion. Council member Zoldos expressed his concern that this would establish a precedent. However, he stated that there are two reasons he will vote to approve this CUP: the first is that the builder derived no benefit from placing the building in the setback and the second being that Mr. Combs-LaFleur brought the matter to the Town's attention himself.

Attorney Whiting noted that as a result of this incident, the Town has proactively addressed its part of the problem and is planning to initiate wall check reviews as part of the approval process. This will identify an encroachment much earlier in the building process. She believes this outcome is fair and puts in process a method that will keep this from happening again. Administrator McGregor stated that he is working with Manager Markel to bring the necessary Zoning Ordinance Amendment before the Council in December.

Council member Staley stated his agreement with the points made by Council member Zoldos.

Council member Senate stated that he wants to ensure that everyone understands this is not personal; the Town has had too many other situations where it was presented with a fait accompli and that he is glad we are putting a procedure in effect to make sure this will not happen again.

Council member Coleman asked if this CUP will convey to future property owners and Attorney Whiting said the CUP will travel with the land.

There being no additional comments from the Council, Mayor Walker called for the vote.

**Aye:** Council Members Coleman, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Dockum

Mayor Walker and the Council welcomed the DeLitta family to Town. Mr. Combs-LaFleur and the family thanked the Town for their speedy reaction to this situation.

#### **Comments from the Mayor and Town Council**

There were no comments at this time.

#### **Comments from the Public**

There were no comments from the public at this time.

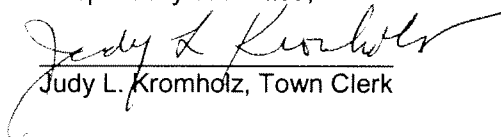
#### **Adjournment**

There being no further business before the Council, Mayor Walker asked for a motion.

**Motion:** To adjourn the November 13, 2008 meeting of the Lovettsville Town Council  
**By:** Council Member Staley  
**Second:** Council Member Coleman  
**Aye:** Council Members Coleman, Senate, Staley, Zoldos  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Member Dockum

The meeting was adjourned at 8:59 P.M.

Respectfully submitted,

  
Judy L. Kromholz, Town Clerk

Date Approved: May 28, 2009

No Attachments