

Town of Lovettsville

Planning Commission Minutes of Public Hearing and Regular Meeting, June 6, 2012

PUBLIC HEARING

The Public Hearing of the Lovettsville Planning Commission was called to order by Chairwoman Mari Bushway on Wednesday, June 6, 2012 at 7:30 PM at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.

Present at Meeting

- Chairwoman Mari Bushway
- Commissioner Lorraine Bauer
- Commissioner Jennifer Jones
- Commissioner Tony Quintana
- Town Manager Keith Markel
- Zoning Administrator Melissa Hynes
- Town Clerk Harriet West

Absent

- Commissioner Elaine Fischer
- Commissioner Rodney Gray
- Commissioner Deborah Summitt

Explanation of Procedures and Opening of the Hearing

Chairwoman Bushway read the Public Notice of this Public Hearing as it appeared in the *Purcellville Gazette* (Attachment I: Public Notice).

Presentation

Administrator Hynes made a presentation on LVCU 2012-0001. The Planning Commission is being asked to consider a request for a Conditional Use Permit to allow the newly created front room of the principle structure located at 31 East Broad Way to remain in the required front yard setback after it was converted from an unenclosed porch.

Administrator Hynes reviewed the background of this case. In October 2010, Mr. and Mrs. Frye were found to be in the process of enclosing their front porch without a zoning permit or building permit. By enclosing the porch they were creating a new room which became part of the footprint of the house. This resulted in the house being 6.3 feet from the front property line. The former Zoning Administrator determined this was a room being built without a zoning permit and gave the Fryes the option of either undoing the work or seeking an appeal before the Lovettsville Board of Zoning Appeals. Mr. and Mrs. Frye applied to the Lovettsville Board of Zoning Appeals in September 2011. The Board of Zoning Appeals determined that the structure was a room.

Administrator Hynes stated the house is located in the R-2 Zoning District where the minimum setback is 20 feet from the front property line. Now that the room has been determined to be part of the house, the structure is 6.3 feet from the property line; however, this is compatible with other homes in the neighborhood which were built closer to the front yard setback. She noted the following considerations:

- 1) The house was constructed in 1900 with a setback of 13.3 feet from the front property line, while the Zoning Ordinance that exists today requires all new houses in the R-2 Zoning District to be built at a minimum of 20 feet from the property line.

- 2) There are six properties within 400 feet of 31 East Broad Way that are zoned C-1 Community Commercial, which allows buildings to be constructed five feet from the front property line, including one existing building that is across the street from 31 East Broad Way. In relation to the adjacent properties in the C-1 District, the five feet front yard setback requirement is comparable in distance to this Conditional Use request for 6.5 feet.
- 3) On the same side of the street, there are five properties to the right of 31 East Broad Way, and four properties to the left, that do not meet the 20 foot front yard setback requirement and average 15 feet for their non-conforming front yard setbacks. These houses are similar in design and nature as 31 East Broad Way as they are considered historic houses and pre-date the Zoning Ordinance.
- 4) The new room addition was created within the original porch. This means that the entire footprint of the house, prior to the new room addition, was not changed. The existing porch was already 6.2 to 6.5 feet from the property line.

Administrator Hynes stated the Fries violated the Town's zoning ordinance because they did the work without a zoning permit. She provided an example of another case in 2008 where a home was constructed into the required front yard setback. In this case, the Town Council approved the home owner's Conditional Use Permit and imposed a fine of \$1,500.

She noted that the Town's East Broadway Streetscape Project will affect 31 East Broad Way and will actually help address some of the drainage issues. Staff's recommendation is to approve the enclosed front porch and allow it to remain. In lieu of a fine, the Town is seeking the conveyance of easements for the property as part of the Streetscape improvements. She stated that she, Manager Markel, and Project Manager Fellers met with Mr. and Mrs. Frye at their property last week to conduct a site-visit. They walked the property, marked where the easements will go, and discussed the challenges the Frye's have with the property. Many of the concerns they have with trees, their driveway, and flooding will be solved with the Streetscape project. Mr. and Mrs. Frye made some design suggestions, which staff has begun working on incorporating into that portion of the East Broad Way Streetscape improvements.

Chairwoman Bushway asked the applicants if they had any comments. Mr. Frye stated everything was fine as presented by Administrator Hynes, he just needs his driveway. Mrs. Frye stated there will not be any parking on either side of the street so they really need to have the driveway widened. Manager Markel stated he had taken the Frye's recommendations and he is working with the Town's engineer to redesign the location of the storm inlet and to get VDOT approval to widen the single-car driveway to a full two-car driveway.

Daniel Travostino, representing Mr. and Mrs. Frye, stated he had given Mr. Markel some letters from neighbors in support of the Fries (Written Submissions 1 and 2).

Public Speakers

Chairwoman Bushway stated no one had signed up for public comment but asked if anyone else wished to speak. Tim Keena stated it sounded like everything would work out.

Declaration to Close the Public Hearing

There being no further speakers, Chairwoman Bushway declared the hearing closed at 7:44 PM.

REGULAR MEETING

Chairwoman Bushway called the Regular Meeting of the Lovettsville Planning Commission to order at 7:44 PM.

Present at Meeting

- Chairwoman Mari Bushway
- Commissioner Lorraine Bauer
- Commissioner Jennifer Jones
- Commissioner Tony Quintana

- Town Manager Keith Markel
- Zoning Administrator Melissa Hynes
- Town Clerk Harriet West

Absent

- Commissioner Elaine Fischer
- Commissioner Rodney Gray
- Commissioner Deborah Summitt

Public Comment

Chairwoman Bushway called for public comments. There were none.

Additions/Deletions/Modifications to the Agenda

Chairwoman Bushway called for changes to the agenda. There were none.

Approval of Planning Commission Minutes

No minutes were submitted.

Staff Reports

Administrator Hynes presented her written report for May 2012. She noted the following:

- There are several houses under construction in Lovettsville Town Center, Section 2.
- The Lovettsville Cooperative (Co-Op) has applied for a Conversion of Use permit to temporarily convert the parking lot of 2 North Light Street (Dr. Johnson's office) into a farmer's market on Sunday mornings. There were initial concerns about parking but Light Street is wide enough for on-street parking and the Co-Op is working with the Library for additional parking, if necessary.
- The Town Council has approved staff's recommendation to explore public parking options and she will be reporting back to the Planning Commission with recommendations.
- There will be two Conditional Use Permits coming before the Planning Commission in July from AT&T and Sprint for the installation of new antennas on the Town's water tower. Commissioner Quintana asked the reason for the new antennas. Administrator Hynes stated it was for 4G. Manager Markel stated the carriers will be taking existing equipment off the tank temporarily and reattaching the it in a more appropriate fashion. Existing equipment will be re-attached and new equipment will be mounted on brackets welded to the tank. The Conditional Use Permits are to make sure the Town is comfortable with the equipment that will be installed. The carriers will also provide letters stating that the tank is structurally able to support the equipment.
- Due to the 4th of July holiday, staff proposes that the Commission meet on July 11 and 25.
- A new boutique/spa will be going into the space below Bennie's Restaurant.
- She and Manager Markel attended a workshop on May 17, 2012 where they learned about new legislation from the Virginia General Assembly.
- The Small Business Form held on May 21, 2012 was a success. There were 43 participants, including new and current business owners. There is interest in keeping the Lovettsville Business Association alive.

Action Items

A. LVCU 2012-0001 31 East Broad Way Building Setback

Motion: I move that the Lovettsville Planning Commission vote to recommend approval of the Condition Use Permit to modify the required front yard setback to the distance shown in the Boundary Survey by Horton and Taylor, Inc. dated April 25, 2012, on the condition of conveyance by the Applicants at no charge to the Town (other than deed preparation and recordation) of all easements reasonably required for construction of the East Broad Way streetscape improvements along the frontage of their property by deed approved in form by the Town Attorney. Such deed shall be fully executed and delivered to the Town for acceptance and recordation not later than [30] days after the

Town notifies Mr. and Mrs. Frye that the deed is ready for signature.

By: Commissioner Quintana
Second: Commissioner Jones
Aye: Commissioners Bauer, Bushway, Jones, and Quintana
Nay: None
Abstain: None
Absent: Commissioners Fischer, Gray, and Summitt

Manager Markel stated this case now goes to the Town Council for their consideration at the June 21, 2012 meeting.

B. LVSU 2012-0002 Keena Development Preliminary Plat

Manager Markel presented this item. The Planning Commission is being asked to review the updated Preliminary Plat request and related variation requests for possible approval. He stated the developer has made modifications to the plan based on the last discussion with the Planning Commission, staff recommendations, and communication with some of the neighbors. The modifications include the following enhancements:

- Wider asphalt surface along Pennsylvania Avenue and Stone Jail Street which will allow for on-street parking. It also gives them the opportunity for two-way traffic if VDOT permits that. They can also explore one-way traffic if they find that would be more advantageous.
- Curb and gutter along both sections of these streets which will convey water through the underground storm drainage.
- Sidewalks inside the public right-of-way. This means VDOT will be maintaining the sidewalk so it is less of a burden on the Home Owners Association.

The other major modification is the dedication of public right-of-way along the lot frontages on Locust Street and Loudoun Street. This will allow for future street improvements without having to negotiate individually with the future three property owners. The developer has also made provisions to reserve, for future dedication, the areas where existing builds currently encroach on the public right-of-way. The property would be gifted to the Town, if and when the building ceases to occupy the space, and used for future sidewalk improvements. Manager Markel stated that, at the last meeting, the Planning Commission granted two of the three variations requested by the developer. The developer has resolved the third variation regarding underground storm drainage and curb/gutter so it is no longer needed as part of this project. Staff recommends approval of this plat. Manager Markel thanked the developer and his engineer for making the modifications which are nice enhancements to the project.

Commissioner Jones asked the developer to consider renaming Stone Jail Street. She understood it had historical significance but felt the name has negative connotations. She asked them to please consider another name.

Manager Markel stated the preliminary site plan does not have to go to the Town Council once it has been approved or denied by the Planning Commission. The next step in the process is for the developer to develop the site plan, which will be more detailed engineer drawings showing specific requirements for roads dimensions, storm water calculations, and other details for building the project. After that, the developer will bond all of the public improvements. The final step will be the final plat, which dedicates the easements and right-of-way to the Town and creates the lots of record.

Motion: I move that the Lovettsville Planning Commission approve the preliminary plat as presented.
By: Commissioner Bushway
Second: Commissioner Quintana
Aye: Commissioners Bauer, Bushway, Jones, and Quintana
Nay: None
Abstain: None

Absent: Commissioners Fischer, Gray, and Summitt

Chairwomen Bushway stated this will be a great project. She is glad they came to this agreement and she looks forward to seeing the development when it is done.

Discussion Items

None

Information Items

None

Comments from the Commissioners

Chairwoman Bushway called for comments from the Commissioners. There were none.

Chairwoman Bushway stated the Keena project will be an asset to Lovettsville.

Adjournment

Motion: To adjourn the Planning Commission meeting of June 6, 2012.

By: Commissioner Jones

Second: Commissioner Bushway

Aye: Commissioners Bauer, Bushway, Jones, and Quintana

Nay: None

Abstain: None

Absent: Commissioners Fischer, Gray, and Summitt

The meeting was adjourned at 8:00 PM.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: September 5, 2012

Attachment I: *Purcellville Gazette* Ad

Attachment II: Speaker Sign Up Sheet

Written Submissions to Commission:

1. Herb and Linda Russell
2. Robert and Courtney Merhaut

Treasurer

**Notice of Public Hearing
Town of Lovettsville Planning Commission**

The Lovettsville Planning Commission will hold a public hearing on the following item at their meeting on Wednesday, June 6, 2012 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

LVCU 2012-0001 31 East Broad Way

Consider a request by Oliver and Patsy Frye for a Conditional Use Permit to section 3-4 (d)(iii) and (x) of the Lovettsville Zoning Ordinance to allow the conversion of the front porch of the principle structure located at 31 East Broad Way into an enclosed room, fully located within the front yard setback. The front wall of the new room is located six feet, more or less, from the front property line. The parcel is identified as Loudoun County PIN 334-45-7168.

The application and related documents being considered are available for review at the Town Hall between the hours of 8:30am and 4:30pm weekdays or by special appointment. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov.

**PUBLIC HEARING NOTICE
TOWN OF PURCELLVILLE
PLANNING COMMISSION**

The Purcellville Planning Commission will hold a public hearing in the Council Chambers located at 221 South Nurse, Purcellville, Virginia on Thursday, June 7, 2012 at 7:00 the purpose of considering the following item:

The repeal of or amendments to the Purcellville Urban Growth Management Plan (PUGAMP) and the Town of Purcellville/County of Loudoun Annexation Agreement.

Information regarding these public hearings is available for review and copying at the Purcellville Town Hall, 221 S Nursery Avenue, Purcellville, Virginia from 8:00 AM to Monday-Friday, holidays excepted.

Hearing assistance is available for meetings in the Town Council Chambers. If you require any type of reasonable accommodation, as a result of a physical, sensory or mental disability, to participate in this meeting, contact the Department of Community Development at 540-338-2304. Please allow three days notice.

Dennis D. Beese,
Chairman, Purcellville Planning Commission

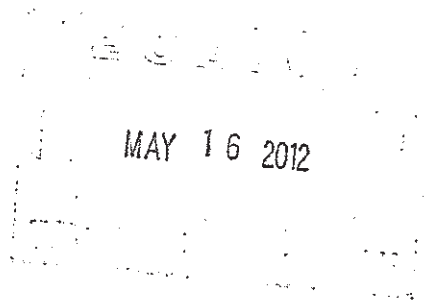
May 14, 2012

To whom it may concern,

We live at 36A East Broad Way across the street from Robert and Patsy Frye. We have no problem in the least with the enclosed front porch they are putting on their house. As a matter of fact I feel it is making a big improvement to their home. They did not enlarge it all they did was enclose it.

Thank you,

Hank Russell
Jinder Russell



To whom it may concern,

5/15/12

We are the Frye's neighbors - 33. East Broad way. and are unable to attend the meeting regarding their front porch. We support the Frye's keeping the addition they have built on their home as it looks appropriate on the home and benefits their family.

Sincerely,
Cathy Merchant
Paul M. Merchant

RECEIVED

MAY 16 2012