

Town of Lovettsville

Planning Commission Minutes of the January 8, 2014 Regular Meeting and Public Hearings

Call to Order/Welcome

Chairwoman Miller called the Regular Meeting of the Lovettsville Planning Commission to order at 7:32 p.m. on January 8, 2014 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Present at Meeting

- Chairwoman Deborah Miller
- Vice Chair Joseph Mueller
- Commissioner Lorraine Bauer
- Commissioner Jennifer Jones
- Commissioner Frank McDonough
- Commission Anthony Quintana

Absent

- Commissioner Robert Gentile

Staff Present

- Zoning Administrator Melissa Hynes
- Town Clerk Harriet West

Audience

- Former Mayor Elaine Walker

Public Comment

Chairwoman Miller called for comments from the public. There were none.

Additions/Deletions/Modifications to the Agenda

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

Approval of Planning Commission Minutes

No minutes were presented.

Staff Reports

Zoning Administrator Hynes presented her staff report for December 2013. She noted that Staff met with representative from Loudoun County regarding the Conditional Use Permit for the new Community Center.

Public Hearings

A. LVRZ 2013-0002: 5 North Berlin Pike Proffer Amendment Application

Chairwoman Miller recessed the regular meeting at 7:35 p.m. and opened the public hearing for LVRZ 2013-0002 5 North Berlin Pike Proffer Amendment Application. She read the public notice (Attachment 1) and rules for public comments.

Zoning Administrator Hynes presented this item. The Planning Commission is being asked to consider a request from the Applicants, Malcolm and Pamela Baldwin, to amend the approved proffers associated with the April 25, 2013 rezoning of the 0.74 acre parcel located at 5 North Berlin Pike from R-1

(Residential) to C-1 (Community Commercial). Specifically, the Applicants are seeking approval of a proffer modification to reduce the front yard setback from 30 feet to 20 feet. Following the Zoning Administrator's presentation the Commissioners discussed the impact on the future bike path, parking spaces, the driveway easement, neighboring property owners, and landscaping.

Pamela Baldwin said the proffer modification request came about, in part, due to a misunderstanding about the Town's setback requirements.

Chairwoman Miller called for comments from the public. Hearing none, she closed the public hearing for LVRZ 2013-0002 at 8:06 p.m.

B. LVZA 2013-0005: Amendments to Fence Regulations

Chairwoman Miller opened the public hearing for LVZA 2013-0005 Amendments to the Fence Requirements at 8:06 p.m. She read the notice of public hearing (Attachment 1) and the rules for public comment.

Zoning Administrator Hynes presented this item. The Planning Commission is being asked to consider an amendment Section 4-6, Section 4-7, and Section 13 of the Town of Lovettsville Zoning Ordinance to modify fence requirements (Attachment 2). The proposed modifications include:

1. Defining "secondary front yard."
2. Allowing fence height to increase in the secondary front yard of a corner lot to four (4) feet.
3. Allowing fence height to increase on commercial property adjacent to residential property.
4. Limiting the use of temporary fence materials.
5. Amending the visibility requirements to meet Virginia Department of Transportation (VDOT) standards.

Zoning Administrator Hynes noted that they will not be addressing the VDOT standards at tonight's meeting because she has not been able to get clarification on their requirements.

Following Zoning Administrator Hynes' presentation, Chairwoman Miller called for comments from the public. Hearing none, Chairwoman Summit closed the public hearing for LVZA 2013-0005 at 8:18 p.m. and reopened the regular meeting.

Action/Discussion Items

A. LVRZ 2013-0002: 5 North Berlin Pike Proffer Amendment Application

Motion: I move that the Lovettsville Planning Commission recommend approval of Proffer Amendment LVRZ 2013-0002 to the Lovettsville Town Council.

By: Vice Chair Mueller

Second: Commissioner Quintana

Chairwoman Miller asked if the Applicants have proffered the design for the rear of the building, which will face North Berlin Turnpike. Zoning Administrator Hynes said this is something the Applicants could proffer and that she will work with them on this before the item goes to the Town Council.

Aye: Commissioner Bauer, Jones, McDonough, Miller, Mueller, and Quintana

Nay: None

Abstain: None

Absent: Commissioner Gentile

B. LVZA 2013-0005: Amendments to Fence Regulations

Motion: I move that the Lovettsville Planning Commission recommend that the Lovettsville

Town Council approve Zoning Ordinance Amendment LVZA 2013-0005.
By: Vice Chair Mueller
Second: Commissioner Quintana
Aye: Commissioner Bauer, Jones, McDonough, Miller, Mueller, and Quintana
Nay: None
Abstain: None
Absent: Commissioner Gentile

Information Items

Zoning Administrator Hynes gave an update on the Berserkle on the Squirkle event held on January 1, 2014.

Comments from the Mayor and Commissioners

There were none.

Adjournment

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Approved: March 19, 2014

Attachments:

1. Notice of Public Hearing
2. Proposed Amendments to Section 4-6, 4-7, and 13 of the Town of Lovettsville Zoning Ordinance

Pet Parade

Meet Qtip!

Qtip, the cat, recently celebrated her 16th birthday. She lives in Purcellville with the Jung family. Qtip got her name because she has a black tail with a white tip on the end. Qtip was rescued in an old tobacco barn when she was four weeks old. Qtip is friendly and is not afraid of anything.



Notice of Public Hearing Town of Lovettsville Planning Commission

The Lovettsville Planning Commission will hold a public hearing on the following items at their meeting on January 8, 2014 at 7:30pm at the Lovettsville Town Hall, 6 East Pennsylvania Avenue:

LVA-2013-0005 Amendments to the Fence Requirements:

To amend Section 4-6, Section 4-7 and Section 13 of the Town of Lovettsville Zoning Ordinance to modify fence requirements. Modifications includes the following: to define secondary front yard; to allow fence height to increase in the secondary front yard of a corner lot to four (4) feet; to allow fence height to increase on commercial property adjacent to residential property; to limit the use of temporary fence materials; and to amend the visibility requirements to meet Virginia Department of Transportation standards.

LVR-2013-0002 Rezoning Profiter Amendment

To consider a request by Malcolm & Pamela Bolwin to modify rezoning profilers for 5 North Berlin Pike. The property is identified as Loudoun County, PN 369-20-67-41. The proposed modification, if approved, would reduce the front yard setback from 30 feet to 20 feet.

The items being considered are available for review at the Town Hall between the hours of 8:30am and 4:30pm weekdays or by special appointment, holidays excepted. Call 540-822-5788 for more information or visit www.lovettsvilleva.gov. In the event the meeting is cancelled due to inclement weather, the public hearing will be convened on January 15 or the next regular scheduled meeting at the same time and place.

SHAVE AND A HAIRCUT
Bring the Family!
540-338-2189

144 N. 21st St.
Old Town Purcellville

Washburn
540-338-1037
540-338-1520-1525

LOUDOUN COUNTY ADULT DAY CENTERS

For Seniors with Physical Limitations or Memory Loss

Our licensed adult day centers provide:

- A safe, social environment with therapeutic activities
- Respite for caregivers needing support & free time
- Reasonable sliding scale fees



Offering engaging activities, individualized personal care, nutritious lunch and snacks, exercise, medication administration, health monitoring and limited transportation. Open weekdays from 7:30AM - 5:30PM

<p>Purcellville Carver Center (off S. 20th St.) 200 Willis Palmer Way 571-258-3402</p>	<p>Ashburn (off George Washington Blvd.) 45140 Riverside Parkway 571-258-3232</p>	<p>Leesburg (near Leesburg Airport) 16501 Meadowview Ct. 703-771-5334</p>
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Video online at: www.loudoun.gov/adultday

Administered by Loudoun County Area Agency on Aging, Loudoun County Department of Parks, Recreation & Community Services



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4-7 USES AND STRUCTURES PERMITTED IN REQUIRED YARDS

Structures, including walls, accessory structures, decks, porches, overhangs, architectural features, balconies, air conditioners, heat pumps, satellite dishes, except for fences, shall not be located on or over any type of easement, whether in public or private or homeowners association ownership, except as provided by the express terms of the instrument creating the easement or approved in writing by the party that holds the easement.

A property owner is responsible for repairing or reinstalling a fence in an easement when the fence is damaged, removed or destroyed by the party holding the easement, unless the express terms of the instrument creating the easement or approved in writing by the party that holds the easement states otherwise.

No structure shall be allowed in any yard of any district that does not comply with the Virginia Department of Transportation (VDOT) sight distance standards, regulations or requirements and visibility requirements, as contained in Section 4-6.

(a) Fences and Walls. Fences and walls in yards are subject to the following stipulations:

(i) Front Yard. Fences and walls shall not exceed three (3) feet in height.

a. For non-residential lots, where a commercial use adjoins a residential use, a fence may be located within the front yard along the side property line and may increase in height by one-half (0.5) foot increments for every three (3) feet of distance from the sidewalk or property line (whichever is greater), not to exceed six (6) feet in height in any case.

(ii) "Secondary Front Yard on Corner Lots. Fences and walls shall not exceed four (4) feet in height."

a. For residential corner lots, where the secondary front yard is adjacent to a public street, a wall or fence may be four (4) feet in height if it is one (1) foot from the property line or public access easement (whichever is greater)

(iii) Side Yards. Fences and walls in residential districts shall not exceed six (6) feet in height. Fences and walls in non-residential districts shall not exceed eight (8) feet in height."

(iv) Rear Yards. Fences and walls located on regular lots, other than "through lots", in residential districts shall not exceed six (6) feet in height. For residential "through lots" where the rear yard is adjacent to a public street, a wall or fence may not exceed three (3) feet in height at the public right-of-way and may increase in height by one-half (0.5) foot increments for every five (5) feet of distance from the right-of-way, not to exceed six (6) feet in height in any case. Fences and walls on non-residential regular, "through lots" or corner lots, may be located within the required rear yard with a height not to exceed eight (8) feet.

- (v) When elements such as columns, finials, pillars or posts are part of a wall, they may extend to no more than one (1) foot above the fence itself if these features are no larger than two (2) feet on any one side and such elements are no closer than three (3) feet apart.”
- (vi) Exceptions to Height Limit. Fences in required side and rear yards of public playgrounds, institutions or schools located in residential districts may not exceed eight (8) feet in height. Fences or walls may exceed the height limit where required to comply with screening provisions of this ordinance or the safety standards of other government regulations.
- (vii) Prohibited Fencing Material in Residential Areas. No barbed wire, electrical elements or other hazardous materials, no fragile or unduly flammable materials and no unfinished concrete or cinder block or other similar unfinished materials shall be maintained as a fence or part of a fence or wall in residential district or abutting a residential district or use, except, however, that underground “invisible” fencing shall be permitted. Fences shall not be of temporary or semi-temporary materials, such as a silt fence, snow fence or construction fence, except for erosion or siltation controls during construction.
- (viii) Fences shall not create a hazard, impede traffic visibility or be installed within three (3) feet of a fire hydrant
- (ix) Fences must be kept in good condition, properly maintained and may not contain any signs, writing or graffiti

Section 13: Definitions

Yard, Secondary Front (corner lots): The front yard of a corner lot which contains a building's architectural main entrance shall be considered a front yard and shall occupy the area between the front property line and the main building line. The other front yard on a corner lot shall be considered a secondary front yard.