

# Town of Lovettsville

## Minutes of the Planning Commission Regular Meeting September 2, 2015

### **Call to Order/Pledge of Allegiance**

Chairman Frank McDonough called the Regular Meeting of the Lovettsville Planning Commission to order at 7:30 p.m. on August 5, 2015 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### **Pledge of Allegiance**

Chairman McDonough led those present in the Pledge of Allegiance.

### **Present at Meeting**

- Chairman Frank McDonough
- Vice Chair Robert Gentile
- Commissioner Thomas Ciolkosz (arrived at 7:35 p.m.)
- Commissioner Joseph Mueller
- Commissioner Buchanan Smith (arrived at 7:40 p.m.)
- Commissioner Nate Fontaine

### **Commissioners Absent**

- Commissioner Anthony Quintana

### **Staff Present**

- Zoning Administrator Joshua Bateman
- Town Manager Laszlo Palko
- Town Clerk Harriet West

### **Public Comment**

Chairman McDonough called for comments from the public. There were none.

### **Additions/Deletions/Modifications to the Agenda**

There were none.

### **Approval of Planning Commission Minutes**

No minutes were presented.

### **Staff Reports**

There was no report from the Zoning Administrator.

### **Action/Discussion Item**

- A. Draft Zoning Amendment to Modify Lot Coverage Requirements and Garage Setbacks in Residential Zoning Districts

Mr. Bateman presented this item. The Planning Commission is being asked to consider a zoning amendment eliminating the alternative absolute maximum lot coverage requirements in the CR-1, R-1, R-2, R-3 and PIDD zoning districts, reducing the maximum lot coverage percentage in those districts and increasing it in the T-C District, and clarifying the setback requirement for private garages in the CR-1, R-1, R-2, and R-3 districts. Mr. Bateman asked whether any of the commissioners had brought a plat of

their property to the meeting as discussed at the previous meeting, and no one answered in the affirmative. Mr. Bateman proceeded to give a PowerPoint presentation showing examples of lot coverages for parcels located in various residential zoning districts in Town. He stated that he has encountered cases during the issuance of zoning permits in which the footprint area of the house and the accessory structures comes close to the maximum lot coverage requirement, particularly in the Town Center District. He explained that the maximum lot coverage in the other residential districts, measured as a percentage of the lot covered by buildings, is high and needs to be reduced, and that the alternative maximum expressed as the total square footage of the lot covered by buildings does not make much sense.

Mr. Ciolkosz stated that he believes the reason why that is happening in Town Center is because the larger footprint houses are older and that structures built more recently tend to have a smaller footprint area. Mr. Fontaine stated that one of the houses shown in the presentation is located on Eisentown Drive and was constructed within the last year and a half. Mr. Bateman indicated that Richmond American Homes tended to build houses that have a larger footprint area, but that even when he was reviewing occupancy permits for those built by Ryan Homes in Phase 3, he was alarmed by how many were approaching the maximum lot coverage. A discussion ensued about the houses in Town Center and the typical lot coverage in that neighborhood. In response to a question from Mr. Ciolkosz about whether staff is recommending that the maximum lot coverage remain at 30 percent in the Town Center District, Mr. Bateman indicated that the draft amendment presented to the Commission proposes that it be increased to 45 percent. Mr. Ciolkosz stated that 45 percent is way too permissive. Mr. Bateman said that the maximum lot coverage in the other districts is as high as 75 percent, so staff is proposed that it be lowered in those districts. A discussion followed about the number of lots remaining in the Town Center and what the maximum lot coverage requirement should be in that district.

Mr. Gentile asked whether uncovered structures such as decks are included in the lot coverage requirement. In response to a question from Mr. Mueller about whether Mr. Ciolkosz has a problem with the proposed 45 percent lot coverage requirement, Mr. Ciolkosz reiterated his view that 45 percent was way too large. Mr. Bateman responded to Mr. Gentile's original question by reading the definition of lot coverage in the zoning ordinance and determining that all buildings and structures are included in the calculation. Mr. Smith asked whether the setback requirements guard against the potential for buildings covering too much of a parcel, and Mr. Bateman stated that one issue with that is that accessory buildings can be constructed to within 5 feet of the side and rear lot lines and so are not subject to the setback requirements for the main building.

Mr. Bateman proposed reducing the maximum lot coverage requirement by 5 percent across the board to 35, 40, and 45 percent and asked whether the Planning Commission would be comfortable with that change. A discussion followed about lot coverage requirements in the Town Center and other residential zoning districts. Mr. Bateman explained that the requirement would be 35 percent in the R-1 and CR-1, 40 percent in the R-2 and T-C, and 45 percent in the R-3 and PIDD. Mr. Ciolkosz stated that he felt 45 is too high; Mr. Gentile disagreed. Mr. Mueller stated that he is comfortable with the proposed change. Mr. Bateman reiterated his belief that the alternative maximum needs to be eliminated and that the amendment provides legal clarification as well. Chairman McDonough asked whether there was any objection to the change proposed by staff. In response to a question from Chairman McDonough about whether he was comfortable with the change, Mr. Ciolkosz replied that he still has an issue with the 40 percent maximum in Town Center, but that there are only 30 houses remaining to be constructed in the subdivision and he believes they will have smaller footprints.

Chairman McDonough asked Mr. Bateman to explain the second part of the proposed amendment, and Mr. Bateman explained that it was intended to address the fact that the zoning ordinance currently does not clearly specify whether the additional front setback for private garages applies to detached garages only or both detached and attached garages. Mr. McDonough asked for clarification as to whether staff was recommending the enclosed amendment to paragraph (d) (3) in each of the residential districts, and

Mr. Bateman responded yes, for each district except the Town Center District, which does not have such a requirement.

Chairman McDonough asked whether anyone had any questions; there were none. Mr. Bateman clarified that he was requesting that the Commission authorize a public hearing on the amendment and schedule the same on October 7<sup>th</sup>. Chairman McDonough requested a motion to that effect.

**Motion:** To schedule a public hearing on October 7, 2015 on the draft amendment to the Zoning Ordinance modifying maximum lot coverage requirements and clarifying setbacks applicable to private garages in the Town's residential zoning districts.  
**By:** Commissioner Mueller  
**Second:** Commissioner Smith  
**Aye:** Commissioners Ciolkosz, Fontaine, Gentile, McDonough, Mueller, and Smith  
**Nay:** None  
**Abstain:** None  
**Absent:** Commissioner Quintana

#### B. Staff Presentation on Robert's Rules of Order

Chairman McDonough introduced this item and explained that he would soon be bringing proposed changes to the rules of procedure modifying the responsibilities of the vice chair and parliamentarian. Mr. Bateman delivered a presentation regarding Robert's Rules of Order to provide an overview of the rules of conduct and decorum to follow during Planning Commission and committee meetings. He explained that Robert's Rules are not intended to govern the proceedings of meetings, but are intended rather to be highly persuasive. He provided the history and background of Robert's Rules and their purpose, and explained that anyone can effectively lead a meeting by being correct with respect to what Robert's Rules requires. He described the different types of motions and their purpose, and which take precedence. He explained voting procedures and methods and which types of actions require a two-thirds vote versus a majority vote. He asked whether there were any questions regarding the presentation.

Mr. Ciolkosz stated that the information was good, and noted that he was a believer in raising his hand and getting recognized by the chair before speaking. He further stated that, in terms of the person to whom remarks should be directed, he believed that remarks should be directed to the individual who is the subject of those remarks. A discussion followed about how strictly the Commission should adhere to Robert's Rules in the interests of efficiently conducting business during meetings.

Mr. Mueller brought up the issue of time limits in the Commission's currently-adopted rules of procedure and the extent to which following Robert's Rules can curtail the length of some of their discussions. The Commission discussed the extent to which the group discusses items on the agenda and whether questions for staff should be held to the end of the staff presentation. Mr. Gentile stated that the Commission should be the most formal during a public meeting and when deciding what action to take on an item, and less formal when discussing an item in draft form during a work session. Mr. Mueller agreed, but noted that raising hands and waiting to be recognized by the chair can cut down on some of the side discussions that took place when he was chairman. Chairman McDonough stated that he would remember to wait until members finish speaking before recognizing the next speaker. Mr. Ciolkosz added that, as it relates to the public, there are some things like engaging directly with the audience that should not occur, but believes that the additional structure will be good.

#### Information Items

Chairman McDonough asked whether there were any information items. There were none.

#### Next Meeting

Chairman McDonough noted that the next Planning Commission meeting will be held on September 16<sup>th</sup>, at which time the Housing and Residential Land Use Committee will meet for the first time. Chairman

McDonough asked Mr. Bateman whether he anticipated that there would be three meetings of that committee. Mr. Bateman responded that the schedule included three meetings.

**Comments from the Mayor and Commissioners**

There were none.

**Adjournment**

There being no further business before the Planning Commission the meeting was adjourned at 8:38 p.m.

Respectfully submitted,



---

Harriet West, Town Clerk

Date Approved: October 4, 2017

Attachments:  
None