

# PLANNING COMMISSION March 7, 2023

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## **\*\* Present:**

** Daniel Talbot / Chairman	** Donna Mowbray
** Roy Gene Davis	** Dwight Gene Kite
Dorenda Flick / Secretary	** Wesley Walls
** Jennifer McDonald	

**Admin:** Delores Hammer/ Zoning Administrator

Wesley Walls called the meeting to order with the Pledge of Allegiance

### **I. Minutes**

**Dwight "Gene" Kite made a motion to approve September 19, 2022 and January 31, 2023 minutes**

Donna Mowbray seconded the motion

Voice Vote: 6-0 in favor

Daniel Talbot, Wesley Walls, Dwight "Gene" Kite, Donna Mowbray, Jennifer McDonald, Roy Gene Davis

**Motion Carries**

### **II. Short-term rental request: 101 Tamarack Lane**

Mark Reny – 216 N. Stuart Avenue, Elkton spoke in favor of short-term rentals. Mr. Reny emphasized that it is about how the short term rentals are managed that is important. He uses short term rentals and asked if Elkton does not allow them are they planning to build a motel/hotel?

Jennifer McDonald made a motion to recommend approval to Elkton Town Council for a special exception request for a short term rental at 101 Tamarack in Elkton, VA.

Dwight "Gene" Kite seconded the motion

Voice Vote: 6-0 in favor

Daniel Talbot, Wesley Walls, Dwight "Gene" Kite, Donna Mowbray, Jennifer McDonald, Roy Gene Davis

**Motion Carries**

**A recommendation will be given to Elkton Town Council**

### **III. Short-term rental request: 101 Hill Avenue**

Tiffany Shepherd spoke regarding her request for a short term rental at 101 Hill Avenue

Commissioner Dwight "Gene" Kite asked about the proximity to the Elkton Elementary School. Mrs. Shepherd said that she has family members that attend the Elementary school and every precaution will be taken to ensure safety. She will be installing cameras around

the home to properly monitor. The number of occupants will be six. Mr. Shepherd spoke and stated that a long term rental could have the same issues.

Jennifer McDonald made a motion to recommend approval to Elkton Town Council for a special exception request for a short term rental at 101 Hill Avenue provided rules were in place and awareness made of the proximity to Elkton Elementary School.

Roy Gene Davis seconded the motion

Voice Vote: 5-1 in favor

Yeas: Daniel Talbot, Wesley Walls, Donna Mowbray, Jennifer McDonald, Roy Gene Davis

Nays: Dwight "Gene" Kite

**Motion Carries**

**A recommendation will be given to Elkton Town Council**

**IV. Short-term rental request 252 Kensington Drive**

Sean Gorman spoke on his request for a short term rental at 252 Kensington Drive. Mr. Gorman stated that this was his Father's property who had unexpectedly passed. Mr. Gorman lives in Colorado but would like to retain ownership of the property. He plans to visit the area and would like the home to be available when he chooses to do so. A short term rental would allow him to choose when individuals could rent the home. Mr. Gorman stated that a long term rental can lead to complications. Should you rent to an individual that becomes difficult for any number of reasons it is very difficult to remove them from the home. It requires court proceedings and is a lengthy process. This would not be a favorable outcome for Mr. Gorman nor the neighborhood.

Chairman Talbot referred to the Woodbridge Covenants section 3.19 regarding single family homes and ask if Mr. Gorman would be willing to amend his contract to address? Mr. Gorman said he would consider but that he was under the impression the covenants were not enforceable because a HOA did not exist.

Mr. James Jenkins of 303 Woodbridge spoke and said that the covenants do exist and do not allow for a short term rental.

Chairman Talbot asked Mr. Jenkins if the residents of Woodbridge voted on officers for the HOA? He also asked if dues were paid to maintain roads, etc.?

Mr. Jenkins said that the HOA had officers but that he had not been asked to vote nor does he pay a homeowners association fee.

Lisa Jenkins of 303 Woodbridge spoke and said she has nothing against short term rentals in fact her husband and her own one but that it is not in a subdivision. She enjoys Woodbridge because of the sense of community. She feels rules can be broken and has concerns for the young children in the area.

Wayne Shifflett of Grottoes who owns a vacant lot adjacent to 252 Kensington spoke against the short term rental. Mr. Shifflett stated he owns a short term rental in another location but does not feel a short term rental is appropriate for Woodbridge.

Tom and Sally Pettite of 259 Kensington liked the protective covenants that were in place when they chose a lot to build a home. Mr. and Mrs. Pettite own a short term rental in Canaan Valley not a subdivision. They do not support short term rentals in Woodbridge.

Commissioner Kite stated security is the number one concern, children and traffic. He mentioned short-term rental vs. long term rental.

Dan Chapman of 234 Kensington stated that Woodbridge does not have an active HOA, they did not vote for officers nor do they pay dues. Therefore he feels a person can short-term rental or long term rental there property if they choose.

Miriam Ellis of 251 Kensington Drive spoke and said she did not receive covenants when she purchased her home. In fact she had to go and ask an attorney for a copy when told about them. She does not feel that an HOA exist in Woodbridge.

Commissioner Wesley Walls spoke and said he would abstain from the vote because he was a resident of Woodbridge. He also stated he is not in favor of a short-term rental in the Woodbridge Subdivision. He stated that he thinks a short term rental would have a negative effect on the Community. He agreed that some areas are acceptable for a short term rental however he does not think Woodbridge is one of those areas.

Jennifer McDonald made a motion to recommend to Elkton Town Council to deny a special exception request for a short term rental at 252 Kensington Drive

Roy Gene Davis seconded the motion

Voice Vote: 6-0 in favor to deny the special exception request for a short term rental

Daniel Talbot, Wesley Walls, Dwight "Gene" Kite, Donna Mowbray, Jennifer McDonald, Roy Gene Davis

### **Motion Carries**

### **A recommendation will be given to Elkton Town Council**

Chairman Talbot stated that the Planning Commission, the Zoning Administrator and the Town Attorney were in the process of working on the Town code to limit short term rentals in the Town of Elkton.

## **V. County of Rockingham zoning map amendment request: 20871 Blue and Gold Drive**

Roy Gene Davis made a motion to recommend to Elkton Town Council to approve a request from County of Rockingham to rezone one parcel containing 3.049 +/- acres located at 20871 Blue and Gold Drive, Elkton from R-8 Planned Unit Development to B-2 General Business District.

Wesley Walls seconded the motion

Voice Vote: 6-0 in favor

Daniel Talbot, Wesley Walls, Dwight "Gene" Kite, Donna Mowbray, Jennifer McDonald, Roy Gene Davis

### **Motion Carries**

**A recommendation will be given to Elkton Town Council**

**VI. Town of Elkton zoning map amendment Blue and Gold Drive**

Jerry Taylor of Mt. Pleasant Road spoke in favor of the rezoning however, he would like to see the Town rezone the 17 +/- acres across from his home to C-1 as well. His comments will be provided to Town Council.

Wayne Printz of 336 W. Washington Avenue spoke in favor of the C-1 rezoning.

Jennifer McDonald made a motion to recommend approval to Elkton Town Council on a request from the Town of Elkton to rezone the residue of tax map # 131-A-34 real estate consisting of one parcel containing 113 +/- acres located on Blue and Gold Drive, from R-8 Planned Unit Development to C-1 Conservation District. Also, 3.351 +/- acres located on Blue and Gold Drive, 20913, 20939 Blue and Gold Drive also identified as tax map no., 131-(A)-L31, 20995 Blue and Gold Drive also identified as tax map no., 131-(A)-L32, 21063 Blue and Gold Drive also identified as tax map 131-(A)-L33, rezone from R-8 Planned Unit Development to General Business District B-2.

Wesley Walls seconded the motion

Voice Vote: 6-0 in favor

Daniel Talbot, Wesley Walls, Dwight "Gene" Kite, Donna Mowbray, Jennifer McDonald, Roy Gene Davis

**Motion Carries**

**A recommendation will be given to Elkton Town Council**

**VII. 336 W. Washington Avenue short term rental request**

Wayne Printz of 336 W. Washington Avenue asked the Planning Commission about his home being utilized for a short term rental. Mr. Printz stated he had traveling nurses that may be interested in a short-term rental. It was explained that Mr. Printz's property is zoned B-3 therefore a short term rental is not a permitted or a special exception use.

**VIII. B-1 Code**

The commission reviewed the draft of ordinance to amend §110-610 Downtown Business District B-1 code. Chairman Talbot would like the amendment to read that all sections of the B-1 code are enforceable and apply to short term rental. Example: (4) Living and/or sleeping quarters shall be permitted use when constructed above the ground and basement floors. No living and/or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot of any building. The Zoning Administrator will contact the Town Attorney with the request.

**IX. Sign Code in Downtown B-1 District**

After discussion Chairman Talbot asked all Commissioners to review the sign code and how it related to the Downtown area. To also, review the downtown map that was included as an attachment in the code to consider if the map should be altered.

Dwight "Gene" Kite made a motion to adjourn

Wesley Walls seconded the motion

**Motion Carries meeting adjourned**

## PLANNING COMMISSION March 7, 2023

The next regular meeting is scheduled for April 4, 2023 at 7:00 pm. If a cancellation occurs you will be notified at least 48 hours prior to the meeting as written in By-Laws, Article VII 7-3.

Chairman

Daniel Talbot

Secretary

Dorenda Flick

Residential 1-4, flood hazard, Yard Sales	Roy Davis
Residential 5-6 (includes: Townhouse & Apts.) Agriculture	Daniel Talbot
Residential 7-8, and Conservation	Dorenda Flick
Business, Industrial. Telecommunications	Wesley Walls
Subdivisions, including Lot Line Adjustments, short term rentals	Jennifer McDonald
Signs, Parking, Definitions, Streets and Alleys	Dwight "Gene" Kite
Zoning Map, Annexation, Home Occupations, Non-conforming Uses, Fences and Exceptions	Donna Mowbray

*Please reference the above table when you receive your agenda each month*

### Track Permits issued for 2023

Month	Business	Residential	Single family	Duplex/Single family attached	Incomplete
Jan	10	6	3		
Feb	4		1		
Mar					
Apr					
May					
Jun					
Jul					
Aug					
Sep					
Oct					
Nov					
Dec					
YTD	10	6	3		