

Haymarket Town Council
15000 Washington Street, Suite 100~Haymarket, VA 20169
Monday September 25, 2006 continued from September 11, 2006
Mayor Pamela E. Stutz

Roll Call: Sikorsky, Cole, Stutz, Weir
Absent: Shuryn, Vazquez, Jarboe

Mayor opens the public hearing for the Town Council

First public hearing is for a Special Use Permit Application filed by the Town of Haymarket for an office trailer to be located at 15000 Washington Street, Haymarket

In favor of office trailer: None
Opposed to Office trailer: None

Second public hearing is for zoning text amendments to expand the definition of home occupations and add home occupations to the special use for the R2 zone, also to strike home occupations as a by right use in the R1 and add as a special use in the R1.

In favor of ZTAs: None
Sherrie Collins in favor of the changes to the home business

Opposed to ZTAs: None

**Clerk to add vote to October agenda for a Council Vote

Vazquez enters meeting.

**JCB will need a certificate of title from Engle Homes

**Engle to get all the paper work together and submit to the clerk

Sikorsky motions to approve construction permit applications for footing and foundations only for 14700, 14701, 14704, and 14705 Keavy Ridge Court, Cole seconds;
Sikorsky-Yes, Cole-Yes, Vazquez-Yes, Weir-Yes,

For the Record: The Mayor notes that Haymarket Day was fantastic.

Vazquez motions to authorize Councilman Weir to proceed with the trade-marking of "Haymarket Day" with an expenditure of up to \$375 from the budget line item Dues and subscriptions, Sikorsky seconds;

Roll Call: Sikorsky-Yes, Cole-Yes, Vazquez-Yes, Weir-Yes

Cole motions to appoint Jason S. Collins to the ARB, Vazquez seconds;

Ayes: 4

Nays: 0

Absent: Shuryn & Jarboe

Councilwoman Sikorsky announces there will be a scarecrow making contest and that all information will be forwarded to clerk on the details.

Holiday party planning set for October 5 at 7:00 here at Town Hall.

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Bryerton Estates is one of the re-zoning applications that was deferred by the applicant last year. Weir will remind the BOS of the council's position on Bryerton Estates.

**Clerk to have all items ready for council regarding street issues.

Comprehensive Plan

Landwehr brings up goal that are priorities are a section that she needs from each council member goals and how to meet those goals. Due by council on October 16, 2006.

Weir motions to enter into closed session in accordance with provision 2.2-3711 A(3) and A(7) matter requiring specific legal advise namely the request for a zoning administrators opinion by Expert cleaners and discussions of publicly held real estate, Sikorsky seconds;

Ayes: 4

Nays: 0

Absent: Shuryn & Jarboe

Weir motions certification of closed session that the only items discussed were those noted in the motion to enter, Sikorsky seconds; By a Roll Call Vote:

Sikorsky-Yes, Cole-Yes, Stutz-Yes, Vazquez-Yes, Weir-Yes, Jarboe-Absent, Shuryn-Absent

Cole motions to respond to Mr. Kenndy's offer on the Town Center Property, with the proposed letter of response, noting no 2nd Trust will be held by the Town, there will be no closing cost contribution by the Town, and the purchase price offer is not adequate, Sikorsky seconds;
Sikorsky-Yes, Cole-Yes, Vazquez-Yes, Weir-Yes, Jarboe-Absent, Shuryn-Absent

Weir motions to request the Town Attorney to respond to the attorney representing Expert Cleaners, Cole seconds;

Ayes: 4

Nays: 0

Absent: Shuryn & Jarboe

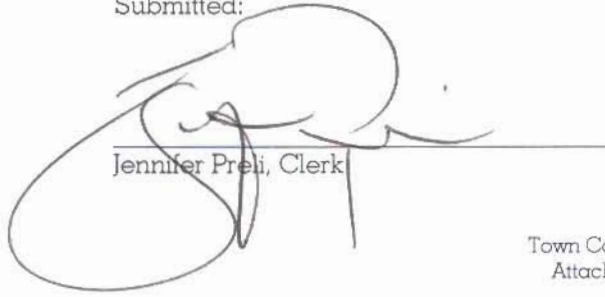
Cole motions to adjourn to the regularly scheduled meeting of the Town Council, Sikorsky seconds;

Ayes: 4


Nays: 0

Absent: Shuryn & Jarboe

Submitted:


Jennifer Preli, Clerk

Approved:


Pamela E. Stutz, Mayor

The Town of
HAYMARKET
-Established in 1799-

County of Prince William

Date: 8-7-06

Case #: _____

Special Use Permit Application

Business Name: TOWN of HAYMARKET Address: 15016 WASHINGTON ST.

Applicant's Information

Name: TOWN of HAYMARKET
Address: 15016 WASH ST, PO BOX 36
City: HAYMARKET
State/Zip: VA 20169
Phone: 703 753 2600

Property Owner's Information

Name: _____
Address: SHARPE
City: _____
State/Zip: _____
Phone: _____

Type of Structure: SFD Multi TH Zoning District: B1 Code Section: 58-178 (7) b

Name of Business: _____

Nature of Business: GOVT (LOCAL)

Number of employees working from site: 3

Number of vehicles: 600 Type: _____ GVH: _____

Number of parking spaces set aside for this activity: 85

Total floor area of structure devoted to activity: _____ sq. ft.

Will accessory storage be necessary? Yes No

If so, where will it be? _____

Will the activity require any special tools or structure improvements? NO

In the space provided, or on an attached sheet, please describe in detail your activity, including hours of operation, type of clientele, number of vehicles anticipated to visit the site in the average work day and any other changes that will affect the nature or appearance of the site.

OFFICE TRAILOR TO REPAIR FLOOD DAMAGE IN TENANT SPACE @ 15012 WASHINGTON ST. TENANT WILL MOVE INTO TRAILOR WHILE REPAIRS ARE COMPLETED

The above is a true representation of the activity and the method of operation upon approval:

Applicant Signature: [Signature]

Owner's Signature: [Signature]

Approved Rejected by Town Council Vote: _____ Date: _____

Conditions: TEMP - 180 DAYS Signature: _____

Fee: WAIVED Paid: _____ Date: _____

Proposed ZTA for Home Occupations
(revisions in bold italics)

Sec. 58-1. Definitions.

Family day-care home: The secondary use of a dwelling unit to provide care, protection and guidance for one (1) or more children during only a part of the twenty-four (24) hour day, excluding the provider's own children, meaning those related by blood, adoption or marriage to the provider who maintains the home, and those in foster care with the provider, or in the provider's permanent custody or already residing in the provider's dwelling, and which may employ at any one time not more than one (1) person not residing in the home, provided that such person shall be at least fourteen (14) years of age and shall be certified or otherwise meet the appropriate social service regulatory agency's approval. The term "family day-care home" is not intended to include baby sitting services of a casual, irregular nature in or outside of the child's own home. It is also not intended to include cooperative, reciprocal child care by a group of parents in their respective residences.

~~Home occupation means an occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display and where no person is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities and professional offices such as medical, dental, legal, engineering and architectural conducted within a dwelling by the occupant~~ *a business activity conducted entirely within a single-family detached dwelling unit by residents of that unit which is clearly incidental and secondary to its principal use as a dwelling unit. Home occupation allows customers to come to the house. The following uses, and no others, are home occupation uses:*

- 1. Administrative offices of business and/or trade.*
- 2. Arts and crafts activities.*
- 3. Baking/catering (off-premise service).*
- 4. Beauty salon (no tanning or toning equipment).*
- 5. Clerical/secretarial activities.*
- 6. Day-time adult care (no more than five (5) adults not residing in the home).*
- 7. Family day-care home*
- 8. Floral design.*
- 9. Interior design/decorating.*
- 10. Offices of a physician, therapist (including psychological, physical, and/or massage), dentist, lawyer, accountant, engineer, architect, desktop publishing, or similar professional.*
- 11. Seamstress, tailoring, upholstery activities.*
- 12. Tutoring, education or training (no more than five (5) children or two (2) adults at any one time).*

Sec. 58-16. Home Occupations.

A home occupation, regardless of lot size, shall be subject to the following standards:

(a) No signs shall be permitted.

(b) No employees shall be permitted to work on the premises, except for family members residing in the dwelling unit.

(c) No outside storage shall be permitted. Commercial deliveries and pick-ups of supplies associated with the use shall be limited to not more than one (1) per day and shall be made only during business hours.

(d) The area devoted to the home occupation shall not exceed twenty-five (25) percent of the gross floor area of the dwelling unit.

(e) Use shall be conducted as an accessory use entirely within a single-family detached dwelling unit and shall not change the character of the dwelling unit nor have any exterior evidence of its use.

(f) Hours of operation, excluding tutoring, education or training, shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, 9:00 a.m. to 7:00 p.m. Saturday and Sunday. Hours of operation for tutoring, education or training shall be limited to between 7:00 a.m. and 9:00 p.m. Monday through Friday, 9:00 a.m. to 9:00 p.m. Saturday and Sunday.

(g) Customers shall be received by appointment only. No more than five (5) customers per day and no more than one (1) customer at a time shall be scheduled, however, this shall not apply to adult day care and tutoring. A customer shall be deemed:

an individual or a group of individuals that arrive as a single unit at a destination usually by means of a motor vehicle.

(h) Minimum lot size: Five thousand (4,000) square feet.

(i) The operator of a home employment use shall secure a business license, an application for a home employment, and certificate of occupancy in advance of commencing the use.

(j) An application for a home occupation use, in addition to other items that may be required for combined permits, shall include:

(1) A filing fee;

(2) A copy of the latest deed or lease agreement;

(3) A copy of the plat or house location survey;

(4) A drawing showing the floor area of the home and shall identify the total area that will be subject to the proposed home employment use;

(5) A statement identifying the proposed hours of operation, the estimated number of patrons, and any other information to help describe the proposed home employment use; and

(6) Any further information or documentation required to demonstrate compliance with the provisions of this section.

(k) Whenever a home occupation use is denied, the applicant may take any of the following actions in lieu of accepting the decision as final:

(1) Revise the application to satisfy the stated reason for denial, in which event it shall be handled as a new application;

(2) Appeal the denial to the Board of Zoning Appeals.

(l) Approval of a home occupation use shall be revocable at any time by the Town because of the failure of the owner or operator of the use covered by the approval to

observe all requirements of law with respect to the maintenance and conduct of the use and all conditions imposed in connection with the approval.

(m) Approval of a home employment use shall stand revoked, without any action by the Town, if the use authorized has been intentionally abandoned, has ceased for a period of one year, or has not commenced within one year of approval.

Sec. 58-52. Use regulations.

In residential district R-1, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings.
- (2) Group homes.
- (3) Schools, public and private.
- (4) Churches.
- (5) Parks and playgrounds.

~~(6) *Home occupations, in the main building of the lot.*~~

~~(7)~~(6) Off-street parking as required by this chapter.

~~(8)~~(7) Accessory buildings permitted as defined; however, garages or other accessory structures such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any property line.

~~(9)~~(8) Poles, distribution lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities. Transmission lines, transmission towers and electrical substations are not deemed necessary facilities under this section.

(Code 1989, § 12-37)

Sec. 58-53. Special uses.

The following uses shall be permitted in the R-1 district with a special use permit:

- (1) Estate/liquidation auction sale.
- (2) Outdoor craft and/or antique shows/sales.

- (3) Parades.
- (4) Lodging/bed and breakfast.
- (5) *Home occupations, in the main building of the lot.*

Sec. 58-98. Special uses.

The following uses shall be permitted in the R-2 district with a special use permit:

- (1) Townhouses.
- (2) Small lot detached single-family dwellings.
- (3) Estate/liquidation auction sale.
- (4) Outdoor craft and/or antique shows/sales.
- (5) Parades.
- (6) Lodging/bed and breakfast.
- (7) *Home occupations, in the main building of the lot.*