

Jefferson County Planning Commission
July 10, 2018

The Jefferson County Planning Commission met on July 10, 2018 with the following Commission members present: Steve Stolipher, Vice President; Wade Louthan, Secretary; Peter Onoszko, County Commission Liaison; Jack Hefestay, Mike Shepp, Ron Thomas and Ray Bruning. Staff members present included Jennifer Brockman, County Planner, and Rhonda Greenholtz, Planning Clerk.

Mr. Donnie Fisher was absent with prior notification. Mr. J Ware arrived at 7:21 PM.

Mr. Steve Stolipher presided over the meeting in Mr. Fisher's absence and called the meeting to order at 7:00 PM.

1. The minutes from the June 12, 2018 meeting were approved with no objections.
2. Citizen Communications. None
3. Request for postponement. A request made to postpone Item # 6 on the Agenda until the August 14, 2018 meeting.
4. A Public Hearing was held for a Final Plat Amendment in accordance with Section 24.202A of the *Subdivision Regulations*. The request was made by applicants Emil M. Kosko, Jr. & Christopher K. Kosko and Gary & Cathy Stanhope to lift the single family restriction from the Harold E. & Suella M. Jewell Minor Subdivision, Lots 1 & 2-Residue (PC File #90-34) for the purpose of operating a farm winery.

Ms. Jennifer Brockman provided an overview of the proposed request. The two lots make up the entirety of the Harold E. & Suella M Jewell MSD. The Plat contains a single family restriction note that was a required for minor subdivisions at the time of approval. The applicant wishes to operate a farm winery on the properties. The operation of a farm winery is a permitted use in any district in that it is considered an "agricultural use".

Mr. Kosko, applicant, stated that he and his father currently own one of the properties and are in the process of purchasing the adjoining property. They would like to merge the properties to be able to create a parcel on which they can grow the grapes for the farm winery. Mr. Kosko then proceeded to explain the process of wine making and that this would be the first "Estate" winery in the Eastern Panhandle.

A discussion ensued between the Planning Commission members and the applicant regarding the operation of a farm winery. It was suggested that Mr. Kosko get in contact with the Jefferson County Development Authority to aid in this endeavor.

Mr. Steve Stolipher opened the floor to Public Comment.

No Public comment was made.

Mr. Stolipher closed the floor to Public Comment

Mr. Mike Shepp made a motion to approve the request to lift the single family restriction on Lots 1 & 2 Residue Harold E. & Suella M. Jewell subdivision. Mr. Peter Onoszko seconded the motion. A vote was taken which carried unanimously.

5. A Public Hearing was held for a waiver request by applicants Garnett & Harry Catrow from Section 20.201 and 20.202(C) of the *2008 Subdivision Regulations* (adopted 10/9/08) that required all lots to face on an access easement having a width of 50 feet and that the easement shall be part of the residue or remaining property (PC File #09-26, Lots 1, 2 & 3 Catrow Minor Subdivision). The applicant is requesting that Lot 2 of the Catrow Minor Subdivision be permitted to utilize a separate driveway to have direct access onto Sandpiper Lane.

Ms. Jennifer Brockman provided an overview of the request. In the *2008 Subdivision Regulations* the 50' access easement was required to remain with the residue portion of a minor subdivision. The Catrow Minor Subdivision, Lots 1, 2, & 3-Residue, approved in 2010, was the resubdivision of a lot in Section D of Mecklenburg Heights, which was approved prior to the adoption of a *Subdivision Ordinance* in Jefferson County. The request is for Lot 2 to be permitted to access directly onto Sandpiper Lane. Two (2) letters in support of the waiver have been submitted. One (1) was received from the Mecklenburg Maintenance Association, Inc., and the other was received from R. Kelly, an adjoining property owner.

Mr. Catrow was asked if he would like to speak. He declined but was willing to answer any questions.

No questions were asked.

Mr. Steve Stolipher opened the floor to Public Comment.

No Public Comment was made.

Mr. Steve Stolipher closed the floor to Public Comment.

Mr. Mike Shepp made a motion to approve the request as presented. Mr. Wade Louthan seconded the motion. A vote was taken which passed unanimously.

6. Reports from Legal Counsel and legal advice to the Planning Commission.

Mr. Nathan Cochran was not present at the meeting. Ms. Jennifer Brockman updated the Planning Commission members on an Appeal that was presented at the June 28, 2018 Board of Zoning Appeals meeting regarding a decision made by Alex Beaulieu, Zoning Administrator regarding Magnolia Springs and the Historic Landmark Commission. Ms. Beaulieu's decision was upheld by the Board of Zoning Appeals (BZA). An appeal may be made to the Circuit Court within 30 days of the Findings of Facts. The Findings of Facts are typically approved at the following BZA meeting which would be on July 26, 2018. At this time it is not known if an appeal to the Circuit Court will be made.

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7. Planners Memo.

Ms. Brockman provided an overview of the progress and changes to the upcoming text amendments to the Zoning Ordinance and the Subdivision Regulations.

She also informed the members about a Land Use Law/Planning conference she attended which included a session on a new provision in the WV Code related to the definition of Agri-tourism. She briefed them on the content of this new law and informed them that there are newly created draft rules on Agro-Tourism which are available for public comment. Ms. Brockman will forward these draft rules to the Planning Commission members for review and comment.

The next scheduled Planning Commission meeting will be held on August 14, 2018.

8. President's Report. None

9. Actionable Correspondence. None

10. Non-Actionable Correspondence. None

Mr. Stolipher motioned to adjourn the meeting at 7:22 PM with no objections.