



AGENDA
Jefferson County Planning Commission
Tuesday, August 28, 2018 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.

1. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
2. Request for postponement.
3. **Public Hearing:** Request by property owners, Ty and Brandy Allinger, for a Final Plat Amendment in accordance with Section 24.202A of the Subdivision Regulations. The request is to lift the single family restriction from Lot 17 in the Schaeffers Crossroad Subdivision, Section II Lots 1 – 20 & Lot A Residue (PC File #89-19) to construct an "In-law suite". Location: 41 Louise Court, Charles Town, WV. Tax District: Harpers Ferry (04); Tax Map: 11C; Parcel: 17; Size: .94 ac; Zone: Residential - Light Industrial - Commercial.

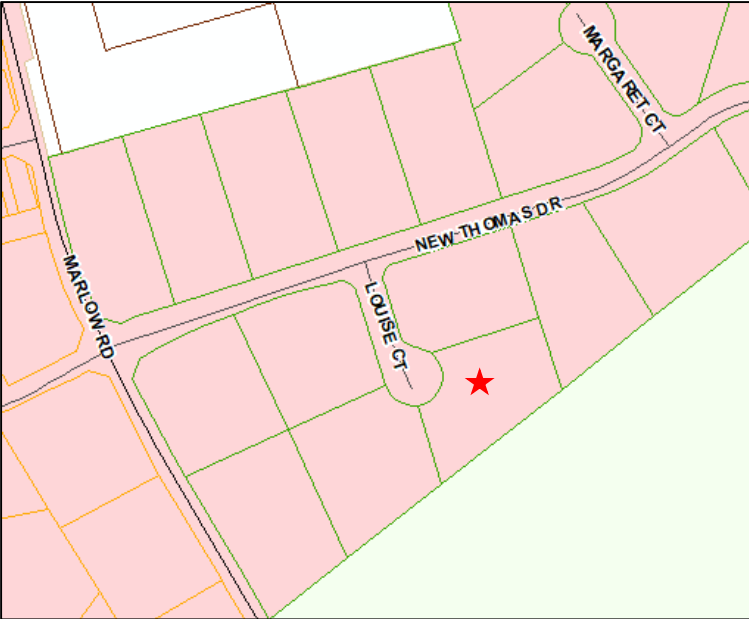
There is no public comment for the following items.

4. Reports from Legal Counsel and legal advice to the Planning Commission.
5. Planner's Memo.
6. President's Report.
7. Actionable Correspondence:
8. Non-Actionable Correspondence

Staff Report
 Jefferson County Planning Commission Meeting
 August 28, 2018

Allinger Property (PC File #89-19)

Public Hearing: Request by applicant Ty and Brandy Allinger for a Final Plat Amendment to the Schaeffers Crossroad Subdivision, Lots 1 – 20, Section II & Lot A-Residue (PC File #89-19) for the purpose of lifting the Single Family restriction from Lot 17 in accordance with Section 24.202.A of the Subdivision Regulations.

APPLICANT:	Ty and Brandy Allinger
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	41 Louise Court, Charles Town, WV 25414
LEGAL DESCRIPTION & ZONING MAP DESIGNATION:	<p>Tax District: Harpers Ferry (04); Tax Map: 11C; Parcel: 17; Size: 0.94 ac; Zone: Residential - Light Industrial - Commercial</p> 
SURROUNDING PROPERTIES:	<p style="text-align: center;">Zoning Designation:</p> <p style="text-align: center;">North: RLIC East: RLIC South: Rural West: RLIC</p>
APPROVED ACTIVITY:	Single Family Residence
APPROVALS:	<p>04/27/90: Plat received PC approval under the 1979 Subdivision Ordinance; recorded in Plat Book 9, Page 23</p> <p>06/17/10: BZA approved a variance to reduce the rear setback from 12' to 9' to allow for a 3' walkway around an in-ground pool (ZV10-07).</p>

Background

On April 27 1990, a major subdivision plat known as Schaeffers Crossroads was recorded that created 20 lots, a stormwater tract, and a 5.933 acre Residue (attached). While this property is zoned Residential-Light Industrial-Commercial (R-LI-C) which permits various densities of residential uses,

Staff Report
Jefferson County Planning Commission Meeting
August 28, 2018

the subdivision was recorded with a number of Subdivision Notes including note #2 which states “Each parcel shown on this plat shall be restricted to a single family residence only unless otherwise approved by the Planning Commission in conformance with the prevailing county land development laws.” This note is the subject of this plat amendment request. It should be noted that there is also a covenant note to this effect (note #7); however, covenants are not enforced by the County and this would require approval of the appropriate HOA.

The applicants live on the referenced 0.94 acre property. The applicants would like to build an attached self-sufficient in-law suite adjacent to their home for their father. Two-family dwellings are a principal permitted use in the R-LI-C zoning district.

Zoning Ordinance Requirements

If the Planning Commission approves this minor plat amendment lifting the single family restriction for Lot 17, the applicant can process under the zoning requirements for two-family dwellings in the R-LI-C District. A two-family dwelling is defined as “A building located on one zoning lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.”

Plat Amendment Requirements

Section 24.202A of the Jefferson County Subdivision and Land Development Regulations, “Amendment, Modification, and the Vacating of Subdivision Plats”, states that the Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

1. All of the property that is affected by the amendment is under the ownership of the applicant;
2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment is required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the Spirit of Jefferson newspaper.

Recommendation

Staff recommends approving the requested plat amendment to include deleting Note #2 as it relates to Lot 17 of Schaeffers Crossroads found on PB 9, PG 23 as specified in the request. Staff also recommends that the Planning Commission authorize the staff to review and approve the plat amendment reflecting the requested change prior to recordation.