

AGENDA
Jefferson County Planning Commission
Tuesday, January 8, 2019 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. Approval of Meeting Minutes: 12-11-2018.
2. 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.
3. Request for postponement.
4. **Public Hearing:** Request by applicant Jeffrey and Robin Smith for an approval of a waiver from Section 20.201 (A or B) to reduce the required access easement width of Firefly Lane from 50' to 40' for the creation of one (1) new residential lot (PCW 18-17). Firefly Lane was created as part of the Mariani Minor Subdivision (PC File #91-36). The property is designated as Tax District: Harpers Ferry (04); Tax Map: 6; Parcel: 9.1. Zoned: Rural; Size: 11.24 acres.
5. **Public Hearing:** Request by applicant Garnett Catrow & Harry Catrow, Jr.) for an approval of a waiver 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 be part of the residue or remaining property. The applicant is requesting Lot 1 of the Catrow Minor Subdivision (PC File #09-27) be permitted to utilize a separate driveway onto Sandpiper Lane (PCW 18-18). The property is designated as Tax District: Shepherdstown (09); Tax Map: 7; Parcel 32.15; Zone: Residential Growth; Size: 22.8 acres.

There is no public comment for the following items.

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

Meeting Minutes
Jefferson County Planning Commission
December 11, 2018

The Jefferson County Planning Commission met on December 11, 2018 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Mr. Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Mike Shepp, J Ware, Mr. Ron Thomas and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Assistant Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.

Mr. Fisher called the meeting to order at 7:02 PM.

1. The meeting minutes from the November 13, 2018 meeting were approved with no objections.
2. Approval of the 2019 Planning Commission Meeting Schedule. Mr. Mike Shepp moved to approve the schedule. Mr. Jack Hefestay seconded the motion, which carried unanimously.
3. Citizen Communications. None.
4. Request for postponement. None
5. **Public Hearing: Approval of the preliminary plat for Magnolia Springs, a proposed 300 Lot Major Residential Subdivision, in accordance with the Sections 24.114 and 24.115 of the Subdivision Regulations. Owner/Applicant: Belvedere Family Trust, C/O Walter J. III & William K. Truettner. Location: Tax District: Charles Town (02); Tax Map: 10; Parcels 8 & 8.6. Zoned: Residential Growth; Size: 127.58 acres. File #18-05.**

Ms. Jennifer Brockman presented an overview of the history of the project. Ms. Brockman provided the Commission with a memorandum that outlined the Subdivision Regulation requirements for approving a preliminary plat. Ms. Brockman noted that the project met the related criteria, provided the West Virginia Department of Highways (WVDOH) approved encroachment permit and approved Traffic Impact Study (TIS) are submitted and all other outstanding staff comments are addressed.

Mr. Todd Heck, consultant with Gordon, and Mr. Hunter Wilson, owner and developer of the project, were present to address the Commission. Mr. Heck gave a brief synopsis of the 300 lot residential subdivision proposal. In response to Mr. Shepp's inquiry, Mr. Heck confirmed that they had received approval of the TIS from the WVDOH. Mr. Heck described some of the revisions to the plans they had made as a result of the approved TIS. Mr. Hunter explained that they would be contributing money towards the installation of on offsite roundabout to be constructed by the WVDOH.

Mr. Donnie Fisher opened the floor to Public Comment.

Mr. Lewis Brown, adjoining resident, expressed concern regarding potential plans to open Hale Road as a thoroughfare; and, how local services could be impacted by the development.

Mr. Heck and Mr. Hunter responded to Mr. Brown's concerns by stating that the current project would not be affecting Hale Road. Mr. Brown was encouraged to contact the City of Charles Town to determine if they had any future plans for Hale Road. In response to Mr. Lewis' concerns regarding utility services, Mr. Hunter explained that they would

constructing a pump station for the development that would be given to the Charles Town Utility Board, which would also help alleviate current problems with their system.

Mr. Donnie Fisher closed the floor to Public Comment.

Mr. Shepp moved to approve the preliminary plat for Magnolia Springs Subdivision contingent upon the West Virginia Department of Highways (WVDOH) approved encroachment permit and approved Traffic Impact Study (TIS) being submitted and all other outstanding staff comments being addressed. Mr. Stolipher seconded the motion. Mr. Fisher called for a vote, which passed 8 in support and 1 abstention (Mr. Lorenzetti as he is a new member to the Commission and not familiar with the project).

7. Reports from Legal Counsel and legal advice to the Planning Commission. None.
8. Planner's Memo.
 - Ms. Jennifer Brockman reviewed the pending Zoning Ordinance and Subdivision Regulation Text Amendments which staff hopes to have the time to re-initiate in early 2019.
 - Mr. Mike Shepp asked about a potential amendment regarding future development potential of the greenspace requirement found in the Cluster provisions of the Zoning Ordinance that had been mentioned in a previous meeting. Ms. Brockman stated that this would be added to the future amendment list.
 - The next meeting will be January 8, 2019.
9. President's Report. None.
10. Actionable Correspondence.
 - Letter from Piedmont Design Group: Bob Barrick Re: US340 Mixed Use Development. Mr. Bob Barrick was present to address the Commission. Ms. Brockman explained the purpose of the letter was to obtain clarification on the Commission's motion to approve the US 340 Mixed Use Development Concept Plan (October 9, 2018) and the subsequent minutes which included this motion (November 13, 2018). Ms. Brockman stated that the request for clarification was specific to the spacing requirements for the lighting.

The Planning Commission confirmed that the intent was to require the applicant to use the Charles Town street lighting and bus shelter design but be permitted to utilize the County's spacing requirement for the street lighting (similar to the approval for Magnolia Springs).
11. Non-Actionable Correspondence. None.

Mr. Donnie Fisher closed the meeting at 9:17pm.

Staff Report
 Jefferson County Planning Commission Meeting
 January 8, 2019

In 1991, the applicant created 2 lots and a 5.602 acre residue via the Jeffrey L. Smith Minor Subdivision (PC File #90-59). At that time, subdivisions involving 2 lots and a residue could be off a single 40' access point, without requiring upgrades to the access road. Additional lots would have required an upgrade to a 50' access easement. The access point for the Smith Minor Subdivision is Smith Manor Drive (Figure 1). Smith Manor Drive is the current access point for the parcel proposed to be subdivided.

In 1992, an adjacent property owner created the Luigi and Loida Mariani Minor Subdivision (PC File #91-36), also consisting of 2 lots and a 5.557 acre residue with a 40' access easement. (Figure 2). The access point for this minor subdivision is Firefly Lane, which is the subject of this waiver request.

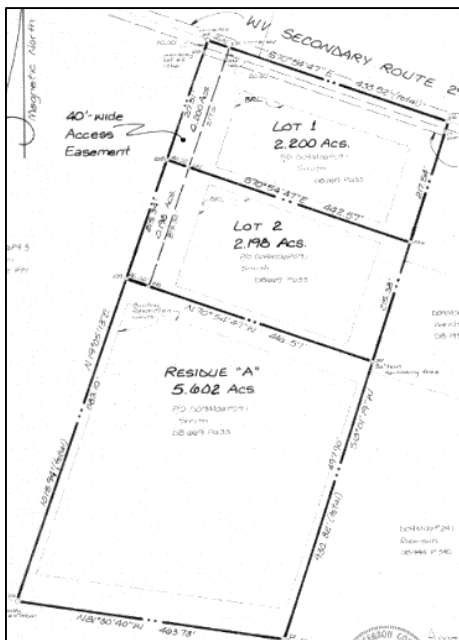


Figure 1

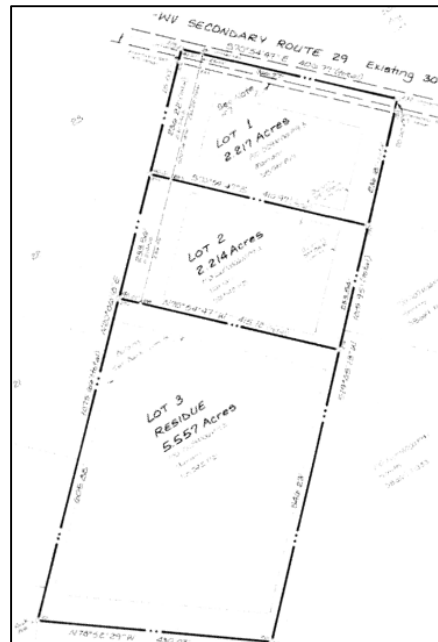


Figure 2

The current applicant purchased the residue of both of the Minor Subdivisions and in July, 1995 merged the two residues into the single 11.24 acre parcel which exists today (below). This is the parcel that is proposed to be divided into two lots with each lot accessing the original 40' access easements that were created when the original separate lots were created.

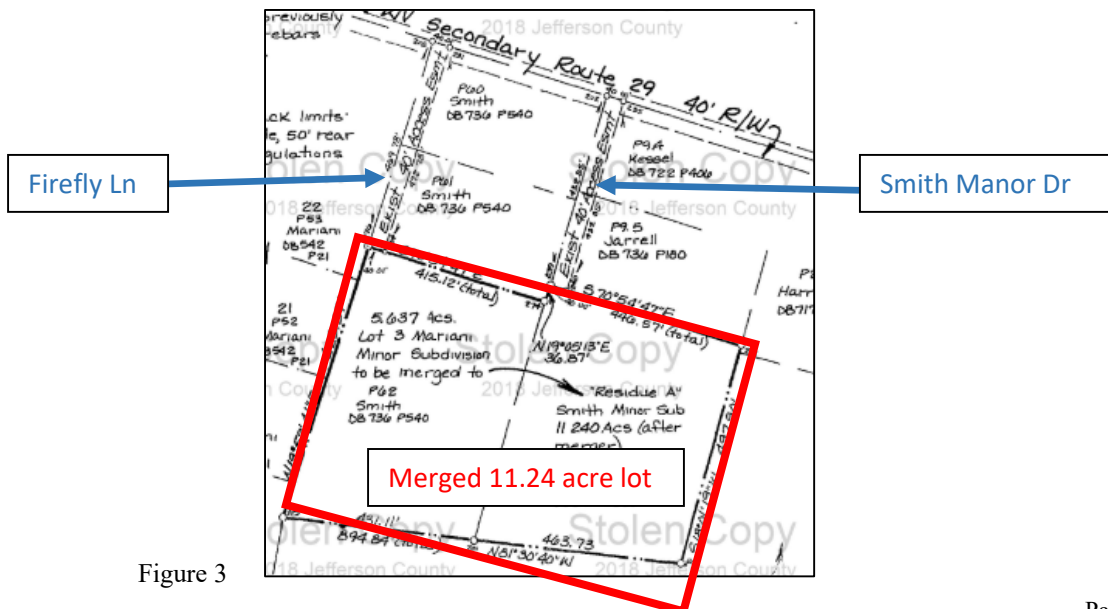


Figure 3

Staff Report
Jefferson County Planning Commission Meeting
January 8, 2019

In 2008, a new set of Subdivision Regulations were adopted. These Regulations permit up to 4 lots and a residue on a 50 foot access easement, versus the 1979 Subdivision Ordinance which permitted 2 lots and a residue on a 40 foot right-of-way. Under the 1979 Subdivision Ordinance, once an applicant exceeded the 2 lots and a residue on a 40 foot right-of-way, the development was classified as a major subdivision and the right-of-way was required to be improved to a 50 foot right-of-way, as well as construction of a County grade road.

The Request

The applicant has requested a waiver from Section 20.201 (A or B) of the Subdivision and Land Development Regulations which states in subsection 2:

“All lots, regardless of the zoning district, shall have motor vehicle access via a 50’ access easement, provided that the access easement serves no more than 5 lots to either:

- a. A WV DOH road right-of-way or easement; or
- b. A road in a major subdivision that meets county roadway design standards (Table 2.2-1)

However, in the Rural District, lots having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet.”

This section of the Subdivision Regulations requires a 50 foot wide access easement from which all lots take access. Currently, Firefly Lane, which is proposed to be the access to the new lot, is only 40 feet wide for the proposed three (3) lots.

The applicant is not able to upgrade Firefly Lane from the existing 40 foot right-of-way to the required 50 feet easement because there are different property owners along the existing access easement.

Waiver Criteria

The applicant has provided a brief response to each of the following requirements found in “Division 24.300 Waivers” of the amended 2008 Subdivision Regulations in their attached application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.

In this instance, the County does not maintain any of the roads and no open space or parkland will increase or decrease from the request. The waiver has no effect.

The waiver, if granted, will not adversely affect the public health, safety or welfare or the rights of adjacent property owners or residents.

It does not appear that adjacent property owners will have their property impeded by granting of the waiver.

Staff Report
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The waiver, if granted, will be in keeping with the intent and purpose of these Regulations.

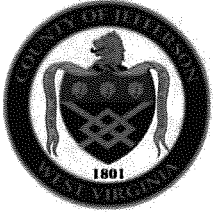
The purpose of this requirement in the Regulations is to provide adequate and quality access that can be upgraded as the number of lots increase. Because the subdivision being proposed is creating a development similar to the original minor subdivisions in which adjoining minor subdivisions each have two lots and a residue utilizing a 40 foot access easement, the proposed division is in keeping with the purpose of the Regulations.

The waiver, if granted, will result in a project of better quality and/or character.

In this instance, the quality and/or character will not be affected in any significant way. The waiver has no effect.

Staff Recommendation

Staff recommends granting the waiver. The applicant is able to adequately address the four criteria as outlined above. If the Planning Commission is inclined to approve the waiver, staff recommends a condition that it shall only be for the creation of this one (1) lot. Future divisions should be based on the unique characteristics that exist at that time. Any further subdivision of the residue will require requesting an additional waiver, which will be considered on its own merits.



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: PCW18-17
 Mtg Date: 01/08/19
 Date Rec'd: 12/12/18
 Fees Paid: 100 -
 Staff Int: GAH
 List of Adjoiners:

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
 Fax: (304) 728-8126

Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: Jeffrey L Smith
 Business Name: JL Smith Construction
 Mailing Address: 161 Smith Manor Dr Harper Ferry WV 25428
 Phone Number: 304-671-1013 Email: JLSmith1001@comcast.net

Applicant Contact Information

Applicant Name: Same as above Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

Name: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: Residue A Lot 3 161 Smith Manor, H.F. WV GAH Vacant Lot:
 Tax District: 04 Map No: 6 Parcel No: 91
 Parcel Size: 11.24 Deed Book: 813 Page No: 205
 Zoning District: Rural

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?

Section 20.201 A2 dated Feb, 2018

Briefly Describe the Nature of Your Waiver Request:

Requesting to use existing 40' Right of way (Firefly Lane) to access a new lot to be created for my daughter.

Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

N/A

Explain how the waiver, if granted, will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents.

Road initially was placed to access this proposed parcel. All utilities are already existing along the current 40' right of way.

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

It is in keeping with the ordinance in that no other lots, except this one, will be added to use this 40' right of way. This meets the original intent of having a maximum of 3 lots use a 40' right of way.

Explain how the waiver, if granted, will result in a project of better quality and/or character.

The road & groundworks are currently in place, so there will be no further/additional disruption or inconvenience to current users of 40' right of way.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

[Signature] 12-10-18
Property Owner/Applicant Signature Date

[Signature] 12-10-18
Property Owner/Applicant Signature Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

01/08/19
Public Hearing Date

12/25/18
Date Placard Posted

12/21/18
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___/___/___

12/6/18

We are in agreement with the use of Firefly Lane, the existing 40' right-of-way, to access a new lot to be located on Firefly Lane. This new lot is adjacent to property we currently own on Firefly Lane.

Keith Grove

Keith Grove

Andrea Grove

Andrea Grove

RECEIVED

DEC 12 2018

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

AREA TABULATION		LEGEND
LOT 3A	3.59 acres	□ FOUND 5' REBAR
LOT 3B	7.65 acres	○ SET 5' REBAR
TOTAL AREA 11.24 acres		

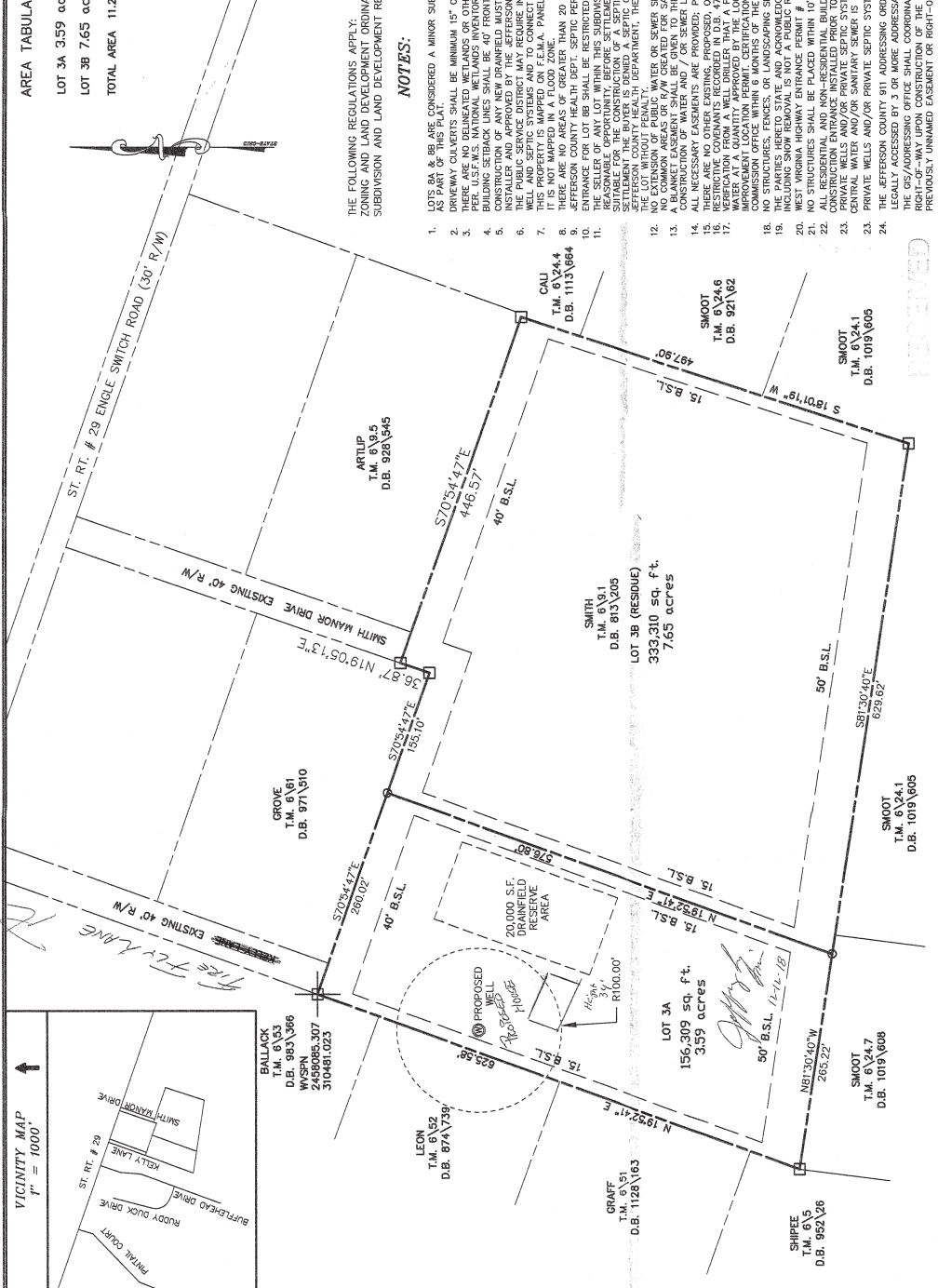
SECTION OF ORDINANCE	DATE GRANTED
NONE	

JEFFERSON COUNTY PLANNING COMMISSION - WAIVERS
(TABLE 1.2-2)

THE FOLLOWING REGULATIONS APPLY.
ZONING AND LAND DEVELOPMENT ORDINANCE, ADOPTED 7/7/88 AMENDED 10/18/18.
SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, ADOPTED 10/9/08, AMENDED 2/1/18

NOTES:

- LOTS 3A & 3B ARE CONSIDERED A MINOR SUBDIVISION AND ARE CREATED AS PART OF THIS PLAT.
- DRIVEWAY CULVERTS SHALL BE MINIMUM 15" C.M.P. @ 0.50% SLOPE, UNLESS OTHERWISE NOTED.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ASBESTOS ABATEMENT ACT AND THE ASBESTOS ABATEMENT REGULATIONS. PER USE WAS NATIONAL METALS INVENTORY (www.asbestos.com/faq/hopper.html)
- BUILDING SETBACK LINES SHALL BE 40' FRONT, 15' SIDE, AND 50' REAR.
- CONSTRUCTION OF ANY NEW DRAINFIELD MUST BE PERFORMED BY A CERTIFIED CONTRACTOR AND SHALL BE IN ACCORDANCE WITH THE ASBESTOS ABATEMENT ACT AND THE ASBESTOS ABATEMENT REGULATIONS.
- THE PUBLIC SERVICE DISTRICT MAY REQUIRE IN THE FUTURE EACH PROPERTY OWNER TO ABANDON EXISTING WELL AND SEPTIC SYSTEMS AND TO CENTRALIZE TO A CENTRALIZED SYSTEM WHEN AND IF IT BECOMES AVAILABLE.
- IT IS NOT MAPPED IN PLAT BOOK PANEL # 54037C ZONE X.
- THERE ARE NO AREAS OF GREATER THAN 20% SLOPE.
- JEFFERSON COUNTY HEALTH DEPT. SEPTIC PERMIT IS SDA-ENTRANCE FOR LOT 3B SHALL BE RESTRICTED TO THE APPROVED DRIVEWAY ENTRANCE.
- CONSTRUCTION OF LOT 3B SHALL BE RESTRICTED TO THE APPROVED DRIVEWAY ENTRANCE.
- REASONABLE OPPORTUNITY, BEFORE SETTLEMENT, TO DETERMINE THAT THE LOT IS SUITABLE FOR THE CONSTRUCTION OF A SEPTIC DISPOSAL SYSTEM. IF, BEFORE SETTLEMENT, THE BUYER DETERMINES THAT THE LOT IS NOT SUITABLE FOR THE CONSTRUCTION OF A SEPTIC DISPOSAL SYSTEM, THE BUYER MAY REFUSE TO PURCHASE THE PROPERTY.
- NO EXPOSITION OF PUBLIC WATER OR SEWER SERVICE ARE REQUIRED FOR THIS SUBDIVISION.
- NO COMMON AREAS OR R/W CREATED FOR SAID SERVICES.
- CONSTRUCTION OF WATER AND/OR SEWER LINES AND FACILITIES.
- ALL NECESSARY EASEMENTS ARE PROVIDED; PER SECTION 21.402 A.
- THERE ARE NO OTHER EXISTING, PROPOSED, OR FUTURE EASEMENTS ON LOTS 1 AND 2 OTHER THAN SHOWN ON PLAT.
- VERIFICATION FROM A WELL DRILLER THAT A PRESSURE GROUTED WELL HAS BEEN DRILLED AND IS PRODUCING WATER IN A QUANTITY APPROVED BY THE LOCAL OR STATE HEALTH DEPARTMENT PRIOR TO THE ISSUANCE OF AN EASEMENT IS A CONDITION OF THE EASEMENT. THE EASEMENT SHALL BE LIMITED TO THE PLANNING COMMISSION OFFICE WITHIN 6 MONTHS OF THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT.
- NO STRUCTURES, FENCES, OR LANDSCAPING SHALL BE LOCATED IN ANY RIGHT OF WAY, OR EASEMENTS.
- INCLUDING SNOW REMOVAL IS NOT A PUBLIC RESPONSIBILITY OR THE RESPONSIBILITY OF JEFFERSON COUNTY, WV.
- WEST VIRGINIA HIGHWAY ENTRANCE PERMIT # _____
- NO STRUCTURES SHALL BE PLACED WITHIN 10' OF ANY SEPTIC DRAINFIELD RESERVE AREA.
- NO STRUCTURES SHALL BE PLACED WITHIN 10' OF ANY SEPTIC DRAINFIELD RESERVE AREA.
- CONSTRUCTION ENTRANCES INSTALLED PRIOR TO BEGINNING CONSTRUCTION ON THE LOT.
- PRIVATE WELLS AND/OR PRIVATE SEPTIC SYSTEMS FOR DOMESTIC USE ARE PROHIBITED WHEN CENTRAL WATER AND/OR SANITARY SEWER IS AVAILABLE.
- PRIVATE WELLS AND/OR PRIVATE SEPTIC SYSTEMS FOR DOMESTIC USE ARE PROHIBITED WHEN THE JEFFERSON COUNTY 911 ADDRESSING ORDINANCE STATES THAT ANY EASEMENT OR RIGHT-OF-WAY THE GS/ADDRESSING OFFICE SHALL COORDINATE AND OVERSEE THE NAMING OF THE COMMON EASEMENT OR RIGHT-OF-WAY UPON CONSTRUCTION OF THE 3RD ADDRESSABLE STRUCTURE THAT ACCESSES THE PREVIOUSLY PREVIOUSLY UNNAMED EASEMENT OR RIGHT-OF-WAY.



DEC 12 2018

APPROVED MINOR SUBDIVISION

JEFFERSON COUNTY OFFICE OF PLANNING & ZONING

STATEMENT OF ACCEPTANCE
THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON

ROBIN A. SMITH OWNER/DEVELOPER

STATEMENT OF ACCEPTANCE
THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON

JEFFREY L. SMITH OWNER/DEVELOPER

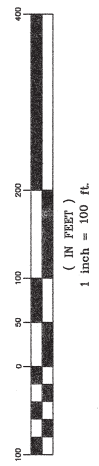
SKETCH PLAT

**PROPOSED LOTS 3A & 3B (RESIDUE)
LOT 3 SMITH MANOR MINOR SUBDIVISION**

T.M. 6 PARCEL 9.1 DEED BOOK 813 PAGE 205.
HARRERS FERRY DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.
PROPERTY STANDING IN THE NAME OF JEFFREY L. & ROBIN A. SMITH, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 813 PAGE 205.
SURVEYOR: PETER H. LORENZEN - P.O. BOX BOX 316, SUMMIT POINT, WV. 25446.
(304)728-6093
JEFFREY L. AND ROBIN A. SMITH 161 SMITH MANOR DRIVE, HARRERS FERRY, WV. 25425

THIS IS TO CERTIFY THAT ALL THE MONUMENTATION AS SHOWN ON THIS PLAT HAS BEEN FOUND OR SET BY ME AND THAT IT HAS AN ACCURACY OF CLOSURE THAT IS EQUAL TO OR GREATER THAN 1 PART IN 7,500.

PETER H. LORENZEN P.S.
GRAPHIC SCALE



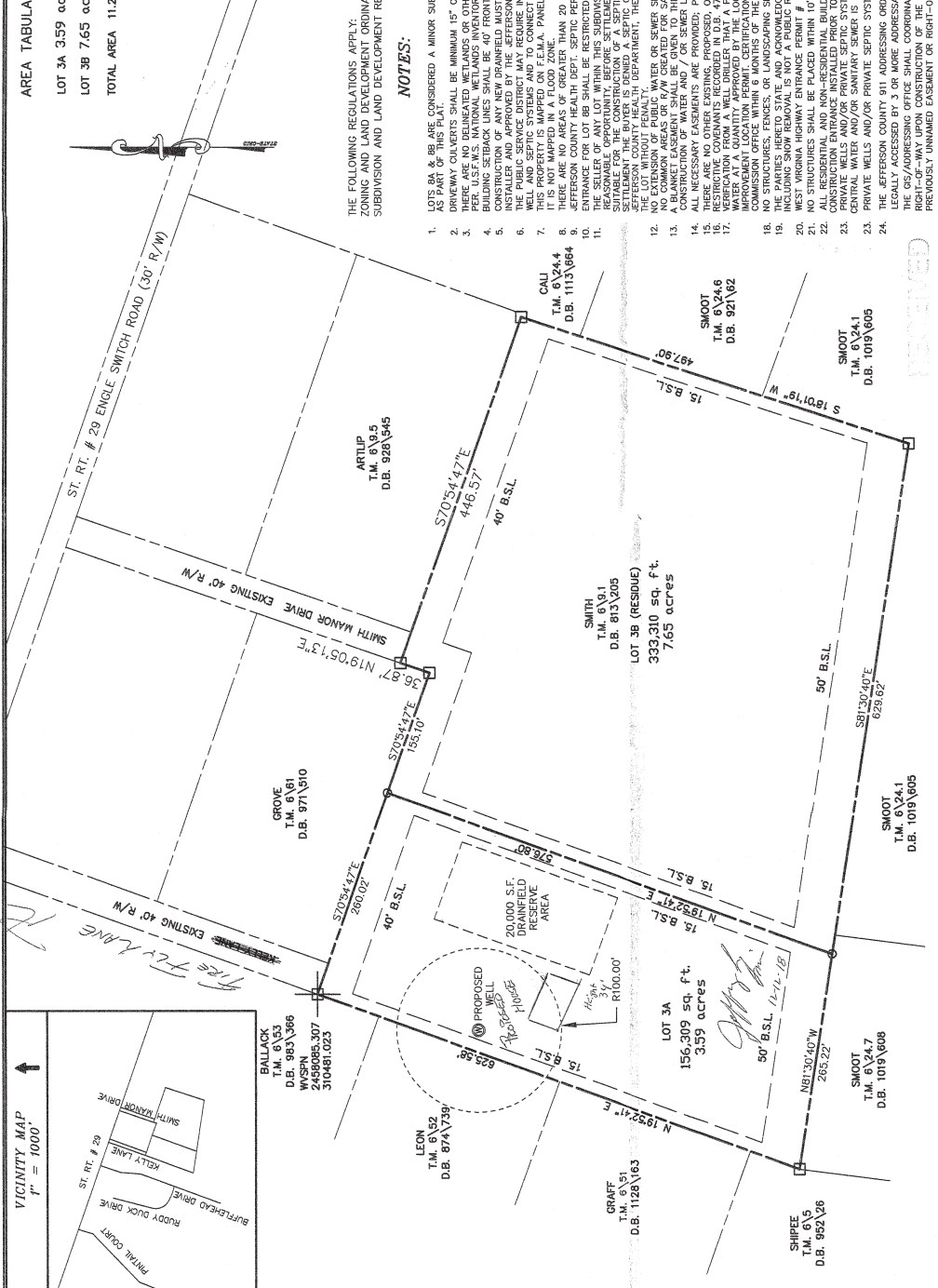
AREA TABULATION		LEGEND	
LOT 3A	3.59 acres	<input type="checkbox"/>	FOUND 5' REBAR
LOT 3B	7.65 acres	<input type="checkbox"/>	SET 5/8" REBAR
TOTAL AREA 11.24 acres			

SECTION OF ORDINANCE	DATE GRANTED
JEFFERSON COUNTY PLANNING COMMISSION - WAIVERS (TABLE 1.2-2)	
NONE	

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DEC 12 2018

APPROVED MINOR SUBDIVISION

JEFFERSON COUNTY OFFICE OF PLANNING & ZONING

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SKETCH PLAT

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T.M. 6 PARCEL 9.1 DEED BOOK 813 PAGE 205

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PROPERTY STANDING IN THE NAME OF JEFFREY L. & ROBIN A. SMITH, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 813 PAGE 205.

SURVEYOR: PETER H. LORENZEN - P.O. BOX BOX 316, SUMMIT POINT, WV. 25446. (304)728-6093

JEFFREY L. AND ROBIN A. SMITH 161 SMITH MANOR DRIVE, HARRERS FERRY, WV. 25425

DWG # SMITH MANOR

DATE 12-12-18

THIS IS TO CERTIFY THAT ALL THE MONUMENTATION AS SHOWN ON THIS PLAT HAS BEEN FOUND OR SET BY ME AND THAT IT HAS AN ACCURACY OF CLOSURE THAT IS EQUAL TO OR GREATER THAN 1 PART IN 7,500.

PETER H. LORENZEN P.S.

GRAPHIC SCALE

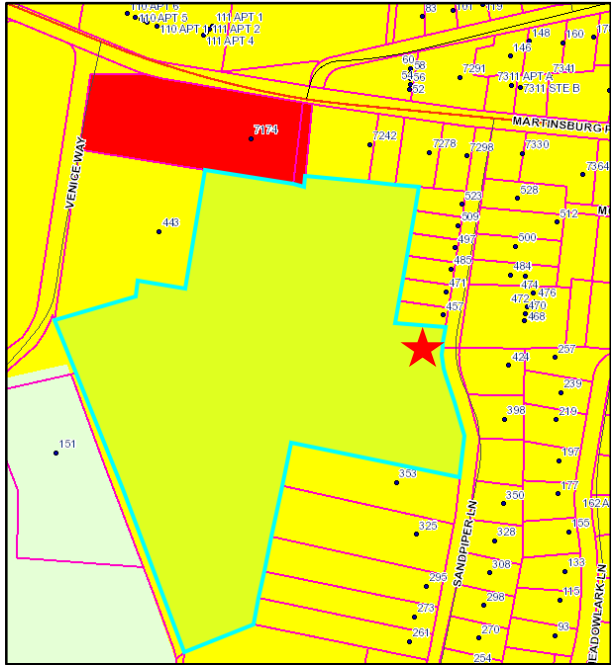


PGLW18-17

Staff Report
 Jefferson County Planning Commission Meeting
 January 8, 2019

Agenda Item #5 (PCW18-18)

Public Hearing: Request by applicant for an approval of a waiver from Sections 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 be part of the residue or remaining property. Applicant is requesting Lot 1 of the Catrow Minor Subdivision (PC File #09-27) be permitted to utilize a separate driveway onto Sandpiper Lane.

APPLICANT	Garnett & Harry Catrow
OWNER	Same as Applicant
DEVELOPER	Same as Applicant
CONSULTANT	Same as Applicant
PROPERTY LOCATION	Catrow Minor Subdivision, Lot 1
LEGAL DESCRIPTION & ZONING DISTRICT	<p style="text-align: center;">Tax District: Shepherdstown (09); Tax Map: 7; Parcel 32.15; Size: 22.8 acres; Zone: Residential Growth</p> 
ZONING MAP DESIGNATION SURROUNDING PROPERTIES	<i>Northwest:</i> Residential Growth/General Commercial <i>Southwest:</i> Rural <i>Northeast and East:</i> Residential Growth <i>South:</i> Residential Growth
APPROVED USE	Single Family Residential
PARCEL HISTORY	Lots 1, 2 & 3 Catrow Minor Subdivision (PC File #09-27) recorded in Courthouse: 03/04/10

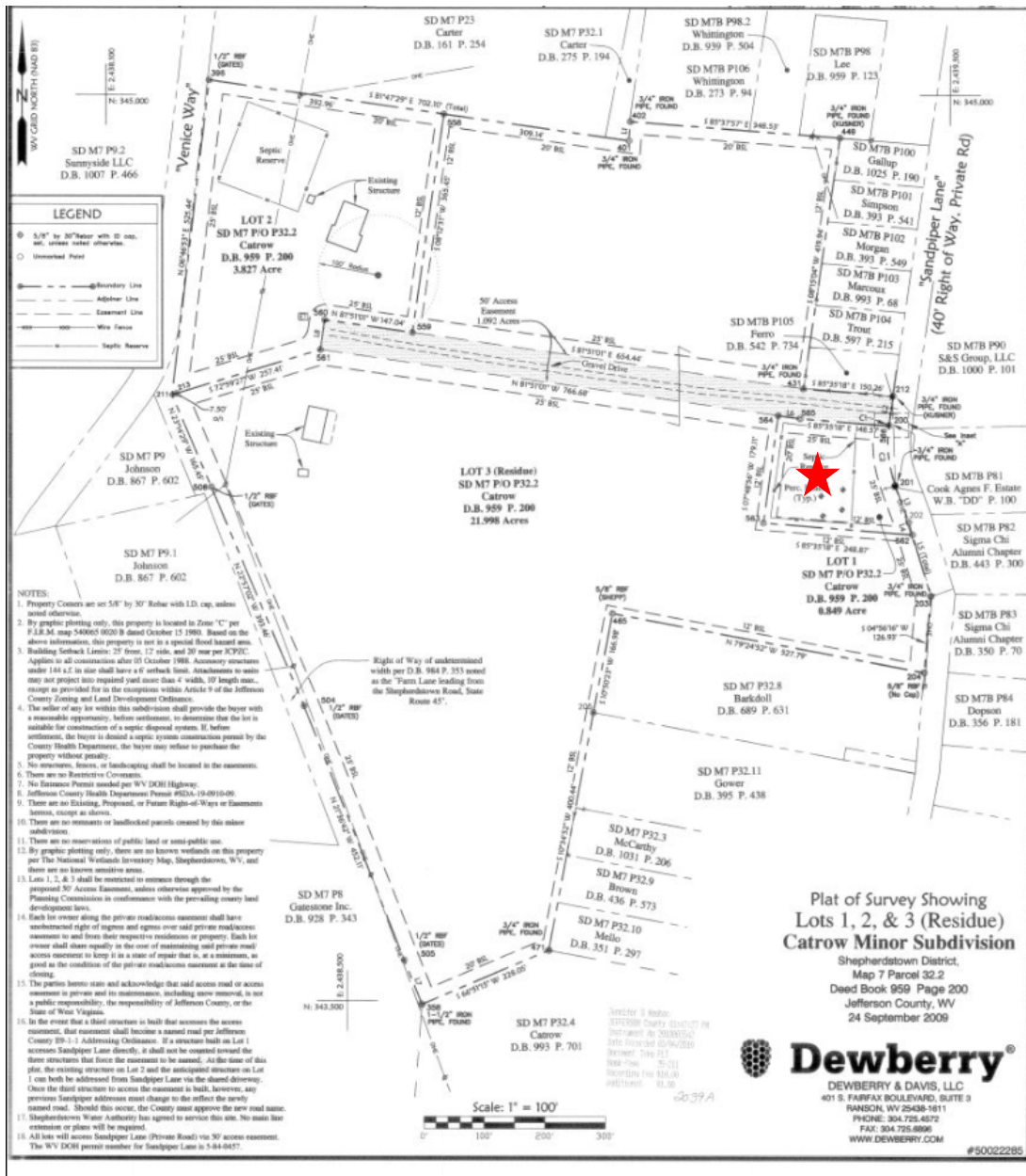
Staff Report

Jefferson County Planning Commission Meeting

January 8, 2019

1. Background:

The Catrow Minor Subdivision, Lots 1, 2, & 3-Residue (PC File #09-27, below), approved in 2010, was the resubdivision of a lot in Section D of Mecklenburg Heights, which was approved in 1971 prior to the adoption of a Subdivision Ordinance in Jefferson County. Catrow Minor Subdivision is a three-lot Minor Subdivision off a private right-of-way, Sandpiper Lane. The 2008 Subdivision and Land Development Regulations (adopted 10/9/08) contained the rules that were in effect when the Catrow Minor Subdivision was approved. The current Subdivision Regulations are based on these 2008 Subdivision Regulations and were amended 2/1/18. Both versions of the Regulations require that all lots in a minor subdivision, regardless of the zoning district, have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots. In 2010, this easement was required to be retained with the residue lot.



Staff Report
Jefferson County Planning Commission Meeting
January 8, 2019

2. Summary of the Request:

The applicant is requesting a waiver from Sections 20.201 and 20.202(C) of the original 2008 Subdivision Regulations (adopted 10/9/08) which required all lots to face on an access easement having a width of 50 feet and that the easement be part of the residue or remaining property. Applicant is requesting that Lot 1 of the Catrow Minor Subdivision (PC File #09-27) be permitted to utilize a separate driveway onto Sandpiper Lane.

3. Staff Comments:

The provision that requires Minor Subdivision lots to access via a 50' access easement is intended to minimize the number of driveways intersecting state roads throughout the County. In this particular case, the Minor Subdivision is accessing a privately owned and maintained subdivision road. The Mecklenburg Maintenance Association, which maintains Sandpiper Lane as well as other roads in this subdivision, has written a letter, attached to the waiver application, supporting this request and requesting that Lot 1 be permitted to access directly on to Sandpiper Lane as the other lots in the neighborhood do. The nature of this development does not appear to be negatively affected by this waiver request.

4. Waiver Requirements:

The applicant is requesting a waiver of the requirement that all lots in a Minor Subdivision have access on a 50 foot wide access easement that is a part of the residue and that Lot 1 of the Catrow Minor Subdivision (PC File #09-27) be permitted to utilize a separate driveway onto Sandpiper Lane. The applicant has provided a brief response to each of the following requirements found in "Division 24.300 Waivers" of the 2008 Subdivision Regulations in their attached application.

Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- (1) *The design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;*
- (2) *The waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;*
- (3) *The waiver, if granted, will be in keeping with the intent and purpose of these Regulations;*
and
- (4) *The waiver if granted will result in a project of better quality and/or character.*

5. Staff Recommendation:

Staff does not object to the approval of this waiver that will allow Lot 1 to have direct access to Sandpiper Lane rather than accessing the internal 50' easement on the plat. Staff recommends that, if approved, the motion state that the applicant is not required to amend the recorded plat to reflect this waiver.



JEFFERSON COUNTY, WEST VIRGINIA
Dept. of Engineering, Planning, and Zoning
Office of Planning and Zoning
 116 East Washington Street, P.O. Box 716
 Charles Town, WV 25414
 www.jeffersoncountywv.org

File Number: PCW18-18
 Staff Initials: AB
 Sketch Received:
 List of Adjoiners: _____
 Fees Paid: \$100.00

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
 Fax: (304) 728-8126

Waiver Request

Note: Waivers from the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.

Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.

Property Owner Information

Name: Garnett Catrow Harry Catrow, Jr
 Mailing Address: PO Box 1223 Shepherdstown WV 25443
 Phone Number: 304-676-9349/304-676-8607 Email: lcatrow@gmail.com

Applicant Contact Information

Name: Garnett Catrow Harry Catrow, Jr
 Mailing Address: PO Box 1223 Shepherdstown, WV 25443
 Phone Number: 304-676-9349/304-676-8607 Email: lcatrow@gmail.com

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address Sandpiper Lane Shepherdstown, WV
 Tax District: Shepherdstown Map No: 7 Parcel No: 0032 0014 0000
 Parcel Size: .85 acre Deed Book: 1140 Page No: 145

Zoning District (please check one)

Residential Growth (RG) <input checked="" type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

RECEIVED
 DEC 14 2018
 JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING
 Place Date Stamp Here

What Section of the Subdivision Regulations are you Requesting to Waive?

Section 20.201 Minor Subdivisions

Briefly Describe the Nature of Your Waiver Request:

Requesting a driveway access off of Sandpiper Lane - instead of the 50' access easement

Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

Private subdivision

Explain how the waiver, if granted, will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents.

All of other residents on Sandpiper Lane and Mecklenburg Heights have access to their own driveway

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

Waiver will encourage the orderly flow of traffic, maximize safety, and further the objectives of the Mecklenburg Heights.

Explain how the waiver, if granted, will result in a project of better quality and/or character.

Conformance to the existing residences in the development
Property owner's privacy, avoidance of property owner disputes

Original signature is required. The information given is correct to the best of my knowledge.

Hay J Carter 12-13-18
Signature of Property Owner Date

Hay J Carter 12/15/2018
Signature of Property Owner Date

To Be Completed By Office

01-08-2019 Date of Public Meeting/Public Hearing

12-25-18 Date Property to be Posted By

PC Official/Administrative Body

12-21-18 Date Adjoiner Letters to be Mailed

Approved/Denied by a vote of _____ for and _____ against this _____ day of _____, _____

Approved *Denied*



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting January 8, 2019

1) Zoning Ordinance Text Amendments

a) WV45 Gateway Design Standards (ZTA17-02)

- Shepherdstown Planning Commission input received 4/4/18
- Staff to initiate effort in Spring 2019

b) Possible Amendments to Section 5.7D.2 "Clustering"

- Clarify whether or not the PC intended to exclude greenspace from the family transfer exemption. Currently, the greenspace area would be permitted to utilize the family transfer provision since family transfers are exempt from density;
- Modify Section 5.7D.2.b.iii(b) to clarify that the greenspace is not required to "be served by an internal road" and may have a separate access;
- Remove requirement in Sections 5.7D.2b.iv(a) that all cluster developments must process as a Major Subdivision (defer to Subdivision Regulations);
- Modify Sections 5.7D.2.a(i) and 5.7D.2.b.iv(c)(1) to broaden the purpose from preservation of farmland to include recommendations of Comp Plan and to reflect definition of cluster and greenspace.

c) Landscape Standards

d) Parking Standards

2) Subdivision Regulation Text Amendments

a) Incorporation of Improvement Location Permit Ordinance into Subdivision and Land Development Regulations

- Staff to initiate effort in Spring 2019

b) Subdivision and Land Development Regulations Amendments (STA18-01)

- Staff initiated effort on larger amendment including reorganization of Sub Reg. sections is underway.

3) Upcoming PC meetings

- #### a) Next Regular Meeting: February 12, 2019