

Meeting Minutes
Jefferson County Planning Commission
April 14, 2020

The Jefferson County Planning Commission met on April 14, 2020 with the following Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Ron Thomas, Steve Stolipher, and Ray Brunning. Staff members present included: Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; Rachael Burke, Planning Clerk.

Mr. Donnie Fisher, Vice President and J Ware were absent without prior notification.

Meeting was held via ZOOM Meeting Room and the public was invited to join via the agenda, posted to the County site.

Mr. Mike Shepp called the meeting to order at 7:02 pm.

Ms. Rachael Burke made an announcement in the meeting room chat function about sign-ups for agenda items and citizen communication.

1. Approval of the March 10, 2020 meeting minutes, approved as submitted.
2. Citizen Communications. None.
3. Request for postponement. None.
4. **Public Hearing:** Request by Roger and Sherley Channing for a Final Plat Amendment to lift the Single Family Restriction from Lot 20 of the Mission Ridge Subdivision (PC File #03-03) for the purpose of building an in-law suite above a detached garage. The property is designated as Tax District: Charles Town (02); Tax Map: 21F, Parcel: 20; Zoned: Rural; Size: 5.18 acres.

Ms. Jennifer Brockman provided an overview of the applicant's request to lift Note 11, requiring a single family restriction in the Mission Ridge Subdivision.

Mr. Roger Channing presented his request to be allowed to use the Zoning Ordinance provisions for an in-law suite. He plans to use it for family, due to health issues.

Mr. Michael Shepp opened the Public Hearing and the floor to public comment. No one signed up via chat, within the ZOOM Meeting Room. Mr. Shepp closed the Public Hearing.

Mr. Steve Stolipher made a motion to approve the request as presented. Mr. Jack Hefestay seconded the motion, which carried unanimously.

5. **Public Hearing:** Request by Joshua and Andrea Baddorf (File #06-34) for a Final Plat Amendment to lift the Single Family Restriction from Lot C of the Herpst-Gregory Land Minor Subdivision, recorded 01/03/07 (PB23/P87). The single family restriction is found in Note 12 on this subdivision plat. The property is designated as Tax District: Harpers Ferry (04); Tax Map: 11, Parcel: 12.2; Zoned: Rural; Size: 5.1 acres.

Ms. Jennifer Brockman provided an overview of the applicant's request.

Mr. Joshua Baddorf spoke about his reason for requesting to use the in-law suite Zoning Ordinance provision. He plans to convert an existing structure on the property into an accessory residence for use by his mother.

Mr. Michael Shepp opened the Public Hearing and the floor to public comment. No one signed up via chat, within the ZOOM Meeting Room. Mr. Shepp closed the Public Hearing.

Mr. Steve Stolipher made a motion to approve the waiver request. Mr. Ray Brunning seconded the motion, which carried unanimously.

6. **Public Hearing:** Request by Rodney & Stacy Smith (File #80-04) for a Final Plat Amendment to vacate the storm drainage easement located on Lot 1C of the Grainlands Subdivision, approved June 10, 1980. The property is designated as Tax District: Kabletown (06); Tax Map: 2; Parcel: 2.2; Zoned: Rural; Size: 5.1 acres.

Ms. Jennifer Brockman reviewed the applicants' request, location and why they are presenting their request to the Planning Commission. During the review of the Plat for the Grainlands Subdivision in 1980, the County Engineer at that time noted that Lot1C was bisected by a substantial swale that would impact the buildability of the lot. The Engineer asked for the area of the swale to be dimensioned on the plat and for building construction to be prohibited in that area. This resulted in the 50' wide storm drainage easement shown on the plat, with a note prohibiting building construction in this area.

Mr. Rodney Smith, property owner, explained the topography of the lot, the design of the drainage in this area and slope/gradient. He also stated there had not been an issue with standing water in this location over the years.

Mr. Mike Shepp opened the Public Hearing. Ms. Deana Thorsell, the applicant's realtor, mentioned that the platted setbacks need to be reduced and was hoping to include that variance in this request.

Mr. Mike Shepp explained that would require a separate variance request and would need to be properly noticed to the correct board. It could not be added during this meeting.

Mr. Steve Stolipher asked if the seller, buyer or realtor (all present) thought that an Engineering analysis should be required. Deana Thorsell, realtor; Rodney Smith, owner and Kelly Tiong, prospective buyer all agreed that it should not be required.

Mr. Mike Shepp closed the Public Hearing.

Mr. Steve Stolipher made a motion to approve the request by the applicant. He wanted it to be noted that we heard from the seller and purchaser, they do not wish to have to do the engineering analysis completed. Motion is to approve the request as applicant submitted. Mr. Jack Hefestay seconded the motion, which carried unanimously.

7. **Public Hearing:** Request by Diana Townsend (File #90-46) for a Final Plat Amendment to change the platted setbacks of 30' front, 15' side and 40' rear to the setbacks required in the Zoning Ordinance in effect at the time the subdivision processed of 25' front, 12' side and 12' rear. This request is related to Duplex Lot 4 found on "Final Plat showing Locust Hill DP1-DP8 & Lots 48-64 and Residue B," (PB12/PG8-8D) and the note on PB12/PG8D. The property is designated as Tax District: Charles Town (02); Tax Map: 13A; Parcel: 70; Zoned: Rural; Size: 0.1947 acres.

Ms. Brockman provided an overview of the request. The Locust Hill Subdivision was approved as a Conditional Use Permit in 1992 for 387 single family residences, 200 townhomes and 60 duplexes (#Z92-7). This was a modification of a previously approved 1989 CUP which included the golf course and a mixture of single family and multi-family

lots. The final plat for this section, Locust Hill DP1-DP8 & Lots 48-64 and Residue B, which includes 8 duplex lots, was approved by the Planning Commission and recorded on March 1, 1994.

Mr. Lorenzetti inquired about the covenants and Ms. Brockman explained if it is also a covenant they will need to take that to the HOA.

Mr. Bill Curtis, contractor, spoke on behalf of Diana Townsend, applicant. He explained that he was hired to get a deck, which was built, permitted properly. He does not believe approval would affect any other residents and he is working with the HOA on her behalf as well.

Mr. Shepp opened the Public Hearing and the floor to public comment. None signed up via Zoom chat. Mr. Shepp closed public comment.

Mr. Wade Louthan made a motion to approve the motion to approve the final plat amendment. Mr. Ray Brunning seconded the motion, which carried unanimously.

8. **Public Hearing:** Subdivision Variance request by Roderick Planes, LLC., for Aspen Greens Phase IIB (File#20-1-PCV) for a variance from Article 6; Section 6.3 of the 1979 Subdivision Ordinance to extend, for an additional two years, the required Final Plat Public Hearing for Phase IIB, previously granted a three-year variance extension, which extended it to 6/10/20. The property is designated as Tax District: Charles Town (02); Tax Map: 4; Parcel: 19. Zoned: Rural; Size: 110 acres.

Ms. Brockman provided an overview of the 1979 Subdivision Ordinance that this project was processed under and the previous variance requests made.

Mr. Fred Gates, surveyor for the project, reminded the Commission that on April 9, 2019, the Planning Commission approved a variance request related to having more than 50 lots on the loop road for this same Phase. As a part of this variance request, the applicant presented to the Planning Commission the significant design issues related to a bridge that is required over the drainage canal that will need to be constructed in order to complete the loop road as proposed. Included in this variance application packet was documentation related to additional delays related to this bridge design and construction due to soils testing that slowed this submission.

Mr. Gladhill, property owner, also indicated that they wanted to ensure the bridge construction was done properly and it caused delays. He is hoping to be back in a couple months with a record plat and asked for the commission's support.

Mr. Mike Shepp opened the Public Hearing and the request for public comment. No one signed up in the ZOOM chat. Mr. Shepp closed the public hearing.

Mr. Steve Stolipher made a motion to approve the variance extension as proposed. Mr. Jack Hefestay seconded the motion, which carried unanimously.

9. **Discussion and Possible Action:** 3rd Quarter Report for review and approval to go to County Commission

Ms. Jennifer Brockman reviewed the report and explained that the staff would be glad to review any of the items in further detail. She also stated that the formatting can be changed if the Planning Commission believes that it would make the report more understandable.

Mr. Wade Louthan made a motion to forward this report to the County Commission. Mr. Ray Brunning seconded the motion, which carried unanimously.

10. Reports from Legal Counsel. None.

11. Planners Memo:

- Ms. Jennifer Brockman reviewed office of Engineering, Planning and Zoning operations at this time due to the COVID-19 restrictions in place. Most staff is working from home, voicemail is being returned in a timely manner, PPC meetings are being held via ZOOM, and project review and relevant research is continuing as staff works at home.
- Status of Greenway's review of the Subdivision Regulations and Solar Panel Committee's Zoning Ordinance Text Amendment, which may be on the May agenda.
- Reminded the Commission that the May meeting was previously changed to 5-5-20 due to the previous Primary Election date. She also stated that the June meeting will need to be changed from 6-9-20 to 6-2-2020 due to the new WV Primary Election date.
 - Mr. Shepp asked for a motion. Mr. Stolipher made a motion to move the June meeting to 6-2-20 and Mr. Hefestay seconded the motion, which was approved unanimously.

12. President's Report: Mr. Mike Shepp explained that the Solar Farms committee met and hoped to have a draft of the proposed text amendment for the Planning Commission's review at their May meeting.

13. Actionable Correspondence: None.

14. Non-Actionable Correspondence: None.

Mr. Shepp closed the meeting at 7:55pm.