



# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor; P.O. Box 716

Charles Town, WV 25414

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

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### MEMO

**TO:** Planning Commission of Jefferson County  
**FROM:** Jennifer M. Brockman, AICP, Chief County Planner  
**DATE:** April 9, 2024  
**RE:** PUBLIC HEARING for Proposed Amendment to Division 24.300 of the Subdivision Regulations (STA24-01)

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At their March 12, 2024, the Planning Commission scheduled a Public Hearing on the following proposed amendment to the Subdivision Regulations to open up waiver applications to public comment. The Planning Commission will need to forward the final amendment language to the County Commission for their own Public Hearing and adoption.

**Note that WV Code 8A-4-2(a)(13) only states** “(13) The process for granting waivers from the minimum standards of the subdivision and land development ordinance;” and does not include the criteria or process noted below:

#### “Division 24.300 Waivers

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) that 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) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- (4) that the waiver if granted will result in a project of better quality and/or character.

Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

- A. **Applicant.** An application for a waiver may be made by anyone with a financial interest in a property. The owner is responsible for providing all information and justification for the waiver request.
- B. **Application.** An application for a waiver shall be filed with the Planning Commission. An application for the waiver shall be submitted, along with the required fee, on the appropriate form. In addition to that basic information, the following information shall be submitted to support the application:

1. Plat or plan of the property depicting parcel information, proposed layout, and, where applicable, all proposed modifications;
2. A description of the physical features of the property, total acreage, present use, the use of the property at the time of the adoption of these Regulations, and any known prior uses;
3. A description of the specific portions of these Regulations for which relief is being sought;
4. A narrative describing how the proposed waiver will improve the public benefits; and
5. An accurate list of all properties and owners' addresses adjoining the subject property.

**C. Public Notice.** The applicant shall post the property fourteen (14) days prior to the scheduled ~~meeting~~**Public Hearing**. The adjoining property owners shall be noticed by staff via mailed letter fourteen (14) days prior to the scheduled ~~meeting~~**Public Hearing**.

**D. On the date of the scheduled Public Hearing, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed waiver to the Subdivision Regulations. The scope of this public hearing shall be limited to whether the application meets the criteria to modify the requirements of these Regulations and may be approved with conditions.**

**E. Action.** The Planning Commission shall make a decision within 30 days of the receipt of the request for waiver.

**F. Conditions of Approval.** In granting a waiver, the Planning Commission may prescribe any conditions and safeguards that it finds are appropriate and in conformity with these Regulations.

**G.** All waivers and/or conditions of approval associated with the waiver shall be documented on all subsequent plats or plans.”

If the Planning Commission chooses to move forward with this proposed text amendment, a Public Hearing will be required before both the Planning commission and the County Commission.