

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
OCTOBER 9, 2007

The Jefferson County Planning Commission met on Tuesday, October 9, 2007 with John Sidor, President presiding. Lynne Deming, Ellen May, Todd Baldau, Ed Dunleavy, Robert Reynolds, , Tom Kane and Jim Surkamp were present. Staff members present were Sherry Kelly, Roger Goodwin, Tony Redman and Sherry Cole.

Arnie Dailey was absent with notification.

Mr. Sidor called the meeting to order at 7:00 p.m.

1. Minutes: Mr. Dunleavy motioned to approve the September 25, 2007 minutes with the following amendment: Page 2, Item #5, Mr. Dunleavy moved to approve the variance for an alternative system with the condition that the applicant provides an approval of the subdivision by the Health Department and/or West Virginia Health Department permit for the proposed "alternative" wastewater treatment system before ownership is transferred or a building permit is issued and that a note be put on the final plat to that effect. Mr. Kane seconded the motion. Mr. Baldau motioned to amend the minutes by adding on page one the following: Ms. May was absent with notification. Mr. Sidor stated at the September 9, 2007 meeting that Ms. May had informed him prior to the September 11, 2007 meeting that she would be unable to attend. Ms. May seconded the amendments to the motion which carried unanimously.

2. Requests for postponement. Shane Rauch with Ace Surveying asked for a postpone of the final plat Public Hearing for the Thelma F. Musgrove Minor Subdivision (Item #4 on the agenda) and the Mark Stolipher Minor Subdivision (Item #5 on the agenda) until October 23, 2007. Mr. Kane motioned to postpone the final plat public hearings until the October 23, 2007 meeting. Ms. Deming seconded the motion which carried unanimously.

3. Final Plat Public Hearing for the William C. Donley Subdivision. Staff and engineer recommended approval. Mike Shepp/Dewberry was present for any questions. Mr. Sidor opened the public hearing. There was no public comment. Mr. Sidor closed the public hearing. Mr. Reynolds motioned to approve the final plat. Mr. Surkamp seconded the motion which carried unanimously.

6. Request by Lou Athey for a variance from providing a bus shelter in the approved Spruce Hill Subdivision, Section 1 for Lots 6 through 28. Mr. Baldau recused himself from Item #6 & Item #7 because he is involved in civil litigation against Mr. Athey. Mr. Baldau left the meeting room. Staff and engineer recommended granting the variance. Attorney Mike Cassell spoke. Lou Athey was present for any questions. There was no public comment. Mr. Reynolds motioned to approve the variance. Mr. Kane seconded the motion which passed with a vote of 6 for and 1 opposed (Mr. Dunleavy).

7. Request by Lou Athey for a variance from providing a bus shelter in the approved Spruce Hill Subdivision, Section 1 for Lots 58 through 94. There was no public comment. Mr. Reynolds motioned to approve the variance. Mr. Kane seconded the motion. The motion passed with a vote of 6 for and 1 opposed (Mr. Dunleavy).

Mr. Baldau returned to the meeting room at 7:32 p.m. for the rest of the meeting.

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8. Request by Nuannit Vasuvat for a variance from upgrading an existing right of way to add two additional lots and for advancement to the final plat. Staff recommended granting the variance. County Engineer recommended denial of the variance. Ms. Vasuvat presented the variance request along with additional information. Ms. Vasuvat answered questions from the Planning Commission. Robert Kramer was present and answered questions regarding the existing road. There was no public comment. Mr. Baldau motioned to grant the variance from 18' road width. The motioned died for lack of a second. Mr. Dunleavy motioned to deny the variance. Ms. Deming seconded the motioned which passed with a vote of 6 for and 2 opposed (Mr. Sidor and Mr. Baldau). Mr. Surkamp and Mr. Baldau stated they would like Ms. Vasuvat to notify adjacent property owners, find a mechanism for maintaining the road - new lot owners and an agreement to road standards.

8:22 p.m. Break and changed cd. Restarted at 8:26 p.m.

9. Request by Kevin Weaver for a variance to allow the unmerging of Lot #1 and Lot #3. Staff recommended granting the variance. Mr. Kane had to leave the meeting at 8:37 p.m. and did not return for the rest of the meeting. There was no public comment. Mr. Weaver spoke. Mr. Baldau motioned to deny the variance. Ms. Deming seconded the motion which carried unanimously. Mr. Baldau asked Attorney James Casimiro if the assessor should recognize mergers. Attorney Casimiro stated he would research same. Mr. Surkamp motioned to ask Mr. Casimiro to research the issue of a single merger deed being taxed as two lots and asked staff to provide the response to Mr. Weaver. Mr. Reynolds seconded the motion which carried unanimously.

10. Request by Don Orser for a variance from Section 2.1a of the Subdivision Ordinance to allow the merger of parcels to substandard lots in order to split up a residual strip of land in Blue Ridge Acres. Staff recommended granting the variance. The County Engineer deferred to the Planner. Mr. Orser made a presentation. Mr. Reynolds motioned to approve the variance. Mr. Dunleavy seconded the motion which carried unanimously.

11. Discussion with Todd Fagan of digital plat submission requests. Tony Redman, Director, stated that Todd is not present. Mr. Redman handed out a document titled "Jefferson County, West Virginia Digital File Submission Standards" setting standards for documents (PDF) on the computer in the future. Mr. Redman stated this will help to build GIS files. Mr. Sidor stated that Hampshire County has a good website.

12. Director's Report on office activities and questions. Mr. Redman passed out a document titled "Visual Assessment, Jefferson County, West Virginia" to the Planning Commission.

13. Planning Commission Exchange. Ms. May gave a report of the October 1, 2007 PSD meeting. Mr. Redman stated that he met with Sue Lawton/PSD and Joe Hankins.

14. Reports from Legal Counsel. Attorney Casimiro passed out a copy of the Revised By-Laws to the Planning Commission and asked that the Planning Commission review same and email comments/suggestions to him before the October 23, 2007 meeting. Attorney Casimiro requested placing Revised By-Laws on the October 23, 2007 meeting agenda.

Mr. Surkamp stated that he would like the consensus of the Planning Commission that Attorney Casimiro will be the Planning Commission's sole legal advisor. Ms. Deming stated that the Planning Commission adopted Attorney Casimiro. Mr. Dunleavy stated that this was already

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discussed in a previous meeting. Mr. Surkmamp stated he wanted Attorney Casimiro to be available in the rewriting of the ordinances, working with Tony Redman and working with Mr. Redman regarding the provision of PSD water and sewer - zoning issues.

21. Actionable Correspondence. None.

22. Non-Actionable Correspondence. None.

Ms. Deming motioned to adjourn the meeting at 9:50 p.m. on October 9, 2007. Mr. Dunleavy seconded the motion which carried unanimously. A detailed transcript of this meeting can be found on CD # . These minutes were prepared by Sherry Cole.

