

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
MARCH 9, 2004

The Jefferson County Planning & Zoning Commission met on Tuesday, March 9, 2004 with Rosella Kern, Vice President, presiding. Other Planning Commission members present were: Renny Smith, Russell Roper, Sam Donley, Rusty Morgan and Richard Childs. Staff members present were Roger Hunter, Michael Stevens and Sherry Cole.

Arnie Dailey, John Sims, Barbara Humes and David Mills were absent with notification. William Lewandowski, Douglas Vaira and David Kemnitzer were absent without notification.

Ms. Kern called the Meeting to order at 7:01 p.m. Renny Smith arrived at 7:03 p.m.

Mr. Morgan requested that the motion he made at the February 24, 2004 meeting on the variance request for Burch Manor be so noted in the minutes. In response to a question, Mr. Hunter advised that the legal opinion he obtained was that a tie vote is not a refusal, but is considered by the courts to be a "non-decision". As such a new motion could have been accepted once the tie vote was cast.

Mr. Morgan motioned to accept the Minutes of the February 24, 2004 regular meeting. Mr. Roper seconded the motion which carried unanimously.

1. Declaration of violation for Mr. James V. Fillinger of the Jefferson County Flood Plain Management Ordinance for placement of fill and debris in the designated flood plain on property designated as Parcel 22 on Tax Map 4 of the Harpers Ferry District as found in Deed Book 936 at Page 169. Ms. Smith motioned to find Mr. Fillinger in violation of the Jefferson County Flood Plain Management Ordinance. Mr. Morgan seconded the motion which carried unanimously.

2. Final Plat Public Hearing for the Keron E. Psillas Minor Subdivision, Lots 1 & 2-Residue. Staff recommended approval of the Final Plat. There was no comment from the public. The public hearing was closed. Mr. Donley motioned to approve the Final Plat. Mr. Childs seconded the motion which carried unanimously.

3. Final Plat Public Hearing for the John W. Shetter, Jr. And M. Christine Shetter Minor Subdivision, Lots 1 & 2-Residue. Staff recommended approval of the final plat. There was no comment from the public. The public hearing was closed. Ms. Smith motioned to approve the final plat with staff contingencies. Mr. Childs seconded the motion which carried unanimously.

4. Final Plat Public Hearing for the Cambridge Manufactured Home Development, Section 1, Phase 3, Lots 74-75 & 87-90 & Section 4, Phase 1, Lots 111-114 & 134-143. Staff recommended approval of the final plat. Mr. Morgan motioned to approve the final plat. Mr. Roper seconded the motion which carried unanimously.

5. Request by Greenspace Preservation Group, LLC on behalf McMurrans Farms Subdivision, Lots 1-9 & Lot 10-Residue for a variance from 3' gravel shoulder widening requirements (Article 8, Section 8.2.a.20(e)(4) of the Jefferson County Subdivision Ordinance). Mr. Morgan motioned to approve the variance. Mr. Childs seconded the motion which carried unanimously.

6. Comprehensive Plan. Mr. Hunter stated that the letter was signed by Mr. Dailey and sent to the County Commission. Mr. Morgan stated that the County Commission has not taken any action yet.

7. Correspondence. None.

The meeting adjourned at 8:17 p.m. on March 9, 2004. A detailed transcript of this meeting can be found on Tape #18. These minutes were prepared by Sherry Cole.

