

MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
SEPTEMBER 28, 2004

The Jefferson County Planning & Zoning Commission met on Tuesday, September 28, 2004 with Arnie Dailey, President, presiding. Other Planning Commission members present were: Renny Smith, Russell Roper, Dan Marken, John Sims, Rusty Morgan and Thomas Kane. Staff members present were Paul Raco, Roger Goodwin, Mason Carter and Sherry Cole.

Rosella Kern and Bill Lewandowski were absent with notification.

Mr. Dailey called the meeting to order at 7:00 p.m. Mr. Morgan motioned to accept the Minutes of the September 14, 2004 regular meeting. Mr. Kane seconded the motion which carried unanimously.

1. Declaration of violation for Ms. Katherine Smith of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 66 on Tax Map 3 of the Harpers Ferry District as found in Deed Book 845 at Page 590. Mason Carter stated that Ms. Smith is in compliance. There was no action taken.

2. Declaration of violation for Mr. Daniel Ryals of the Jefferson County Improvement Location Permit Ordinance for construction of a foundation on property designated as Parcel 66 on Tax Map 3C of the Harpers Ferry District as found in Deed Book 955 at Page 55. Mason Carter presented the violation. Mr. Ryals was not present at the meeting. Ms. Smith and Mr. Roper arrived at 7:02 p.m. Mr. Marken motioned to declare Daniel Ryals in violation. Ms. Smith seconded the motion which carried unanimously.

3. Declaration of violation for JDC Enterprises, LLC of the Jefferson County Improvement Location Permit Ordinance for construction of a storage container on property designated as Parcel 44.2 on Tax Map 11 of the Harpers Ferry District as found in Deed Book 974 at Page 376. Mason Carter stated that JDC Enterprises, LLC is in compliance. There was no action taken.

4. Declaration of violation for Mrs. Karen S. Manuel of the Jefferson County Improvement Location Permit Ordinance for placement of construction of a storage shed on property designated as Parcel 13.1 on Tax Map 16 of the Charles Town District as found in Deed Book 673 at Page 666. Mason Carter asked that this item on the agenda be tabled until after the Zoning Board of Appeals Meeting on November 18, 2004. Karen Manuel spoke. Staff stated that Ms. Manuel is represented by counsel and her counsel is not present. Ms. Smith motioned to table this item until after the Zoning Board of Appeals Meeting on November 18, 2004. Mr. Marken seconded the motion which carried unanimously.

5. Postponed from the September 14, 2004 meeting. Final Plat Public Hearing for the Gordon E. Jones and Drinda Franzen Minor Subdivision. Staff stated that Alpha Associates asked for postponement until the October 12, 2004 meeting. Staff recommended postponement of the final plat public hearing until the October 12, 2004 meeting because a letter from the Health Department has not been received. There was no public comment. The public hearing was closed. Mr. Roper motioned to postpone the final plat public hearing until the October 12, 2004 meeting and that the public hearing will be open prior to final action. Mr. Marken seconded the motion which carried unanimously.

6. Final Plat Public Hearing for the Michael F. Simons Minor Subdivision. Staff and engineer recommended approval of the final plat with the necessary original signed copies being submitted and recordation within 90 days. Mr. Morgan motioned to approve the final plat with staff contingencies. Mr. Kane seconded the motion which carried unanimously.

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7. Multi-Use Variance request for Greenspace Preservation Group, LLC for construction of a second dwelling on a single tract of land without processing a subdivision plat. Staff recommended approval for family only and non-rental. Ms. Smith motioned to approve the variance request without conditions. Mr. Morgan seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Marken).

8. Postponed from the September 14, 2004 meeting. Community Impact Statement Review for the Crofts at Shepherdstown. Peter Corum presented the project. Sandy White with Greenway Engineering spoke. Staff stated that the developer asked for a postponement of this Community Impact Statement Review until the September 28, 2004 meeting so present staff could review the Community Impact Statement. Staff recommended acceptance of the Community Impact Statement contingent upon the developer receiving a variance for lot 4 and 5 regarding the 3:1 depth to ratio or compliance with the same. The staff stated that the project won't go forward if the encroachment on lot 1 is not rectified. Ms. Smith motioned to accept the Community Impact Statement with staff contingencies. Mr. Roper seconded the motion which carried unanimously.

9. Postponed from the September 14, 2004 meeting. Request by Peter Chakmakian on behalf of the Daniels Forest Subdivision to toll the time requirements for as many days as it will take to finish the appellate process. Staff read letter from Mr. Cassell. Staff stated that the Daniels Forest file is closed. Mr. Chakmakian presented the request. There was no action taken.

10. Postponed from the September 14, 2004 meeting. Request by Peter Chakmakian on behalf of the Forest View Subdivision to toll the time requirements for as many days as it will take to finish the appellate process. Mr. Chakmakian presented the request. Mr. Morgan motioned to grant an extension of 18 months (April 8, 2006). Mr. Kane seconded the motion which carried unanimously.

11. Postponed from the August 24, 2004 meeting. Violation Notice Sheridan LLC, for the Sheridan Subdivision (PC File #00-33). Roger Goodwin, Chief County Engineer recommended dismissing the violation as the requirements have been met, conditioned upon the developer providing maintenance and repair to the sediment and erosion control after the rain has stopped. Mr. Smith motioned to remove the violation notice with staff contingencies. Mr. Roper seconded the motion which carried unanimously.

12. Request by Gene Henry for consideration by the Planning Commission to redocket the Conditional Use Permit for Town Run Commons. Mr. Morgan left the meeting room as he is involved in the lawsuit. Ms. Smith left the meeting room as she is a member of the Shepherdstown Men's Club. Linda Gutsell presented the request. Staff recommended postponement of this item on the agenda with no discussion by PC members until an opinion is sought from the County's Federal counsel and the County's local counsel. Mr. Kane motioned to postpone this item until representation of counsel from both sides are present. Mr. Marken seconded the motion which carried unanimously. Ms. Smith and Mr. Morgan returned to the meeting room for the rest of the meeting.

13. Request by Permelynn of Westchester, Inc., for a variance from length requirements for parking spaces for Long John Silver's/A&W Rootbeer Restaurant (Article 11, Section 11.2.d.1 of the Jefferson County Subdivision Ordinance). Mark Morelock with Bowman's Consulting presented the variance request. Staff and engineer recommended granting the variance since the whole plan improved the current situation. Ms. Smith motioned to grant the variance request. Mr. Marken seconded the motion which carried unanimously.

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14. Request by Richard S. Crum to submit a limited site plan for the use of one room within his existing home for conversion to a retail art gallery (Article 4 of the Jefferson County Improvement Location Permit Ordinance). Mr. Crum was not in attendance at the meeting. Staff recommended postponing this item until the October 12, 2004 meeting. Ms. Smith motioned to postpone this item until the October 12, 2004 meeting. Mr. Marken seconded the motion which carried unanimously.

15. Request by Shepherdstown Volunteer Fire Department for advancement to the final plat stage for a one lot subdivision (Article 6, Section 6.0 & 6.1 of the Jefferson County Subdivision Ordinance). Mr. Marken left the meeting room for this item on the agenda as he is an officer of the Shepherdstown Volunteer Fire Department. Dick Klein presented the request. Staff recommended denying the request as presented. However, staff recommended approval contingent upon the user coming back and processing a Community Impact Statement and site plan for the proposed use. Ms. Smith motioned to grant the advancement to the final plat stage for the one lot subdivision. Mr. Morgan seconded the motion which passed with a vote of 5 to 1 opposed (Mr. Dailey). Mr. Marken returned to the meeting room for the rest of the meeting.

16. Request by Urban Engineering & Associates, Inc., on behalf of R&M Properties, LLC Minor Subdivision, Lot 3-Residue to not be restricted to a single family dwelling (Article 5, Section 5.1.a.4 of the Jefferson Subdivision Ordinance). There was no one present to present this request. Staff recommended tabling until the October 12, 2004 meeting. Ms. Smith motioned to postpone this item until the October 12, 2004 meeting. Mr. Marken seconded the motion which carried unanimously.

17. Request by Mike Shepp on behalf of Premier Bank for a variance to allow shared parking spaces with the Maddex Square Shopping Center (Article 11, Section 11.2.d.4 & 5 of the Jefferson County Subdivision Ordinance). Mike Shepp presented the request. Staff recommended granting the variance to allow shared parking spaces conditioned upon a letter from the shopping center. Ms. Smith motioned to grant the variance to allow parking without shared parking on the shopping center lot as shown on the site plan. Mr. Marken seconded the motion which carried unanimously.

18. Ordinance revisions. Mr. Morgan motioned that upon passage of a motion shall be immediately actionable. Mr. Marken seconded the motion which carried unanimously.

19. Staffing. Mr. Dailey signed a letter to County Commission regarding the former Chief Planner.

20. Correspondence. Letter to Roger Hunter from Paul J. Raco dated August 10, 2004 regarding the Firearm and Tactical Training Division of the United States Customs. Staff was instructed to contact Mr. Randy J. Greenstein, Supervisory Special Agent, to invite Mr. Greenstein to speak at an upcoming Planning Commission meeting that suits his schedule.

Letter dated September 22, 2004 from Paul J. Raco to Ms. Suzanne Lawton with the Public Service District regarding Sheridan Subdivision's sewer issues. Letter dated September 17, 2004 from the Shepherdstown Men's Club. Letter from Mike Shepp dated September 15, 2004.

The meeting adjourned at 9:00 p.m. on September 28, 2004. A detailed transcript of this meeting can be found on CD #72 and #73. These minutes were prepared by Sherry Cole.

