

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
MAY 27, 2003

The Jefferson County Planning & Zoning Commission met on Tuesday, May 27, 2003 with Arnold Dailey, President, presiding. Other Planning Commission members present were: Rosella Kern, Renny Smith, William Lewandowski, Russell Roper, Sam Donley, Rusty Morgan and Richard Childs. Staff members present were Paul Raco, Roger Goodwin, Michael Stevens, Mason Carter and Sherry Cole.

Mark Schiavone, Barbara Humes and David Mills were absent with notification. Clark Draper and Douglas Vaira and David Kemnitzer were absent without notification.

Mr. Dailey called the meeting to order at 7:00 P.M.

Mr. Lewandowski motioned to amend and accept the minutes of the May 13, 2003 regular meeting changing item #10. Comprehensive Plan to: Mr. Morgan stated the County Commission is still reviewing and editing the Comprehensive Plan. Mr. Childs seconded the motion which carried unanimously.

Ms. Smith arrived at 7:02 P.M.

1. Postponed from the February 25, 2003 meeting. Declaration of violation for Mr. Donald Rockwell/Rockwell s Moving & Storage of the Jefferson County Improvement Location Permit Ordinance for numerous storage bins and outside storage on property designated as Parcel 17.6 on Tax Map 1 of the Charles Town District as found in Deed Book 841 at Page 77. Mr. Carter presented the violation. There was no one present to represent Mr. Rockwell. Mr. Donley motioned to declare Mr. Rockwell in violation. Mr. Childs seconded the motion which carried unanimously.

2. Declaration of violation for Mr. Bruce Moler of the Jefferson County Improvement Location Permit Ordinance for two sheds on property designated as Parcel 108 on Tax Map 10A of the Charles Town District as found in Deed Book 928 at Page 480. Mr. Carter presented the violation. Tom Ash spoke on Mr. Moler s behalf asking for a 60 day extension to remove the sheds. Ms. Smith motioned to give Mr. Moler a 90 day extension to remove the sheds from the property. Mr. Morgan seconded the motioned which passed with a vote of 6 for and 2 opposed (Mr. Dailey and Mr. Childs).

3. Declaration of violation for Mr. Robert Florence and Ms. Linda Statler of the Jefferson County Improvement Location Permit Ordinance for a placement of a sign on property designated as Parcel 304 on Tax Map 4A of the Middleway District as found in Deed Book 772 at Page 529. Mr. Carter stated that Mr. Florence & Ms. Statler are now in compliance. Staff recommended postponement of this item and remove it from docket if the permit is issued. Mr. Morgan motioned to postpone this item and remove it from the docket if the permit is issued. Ms. Kern seconded the motion which carried unanimously.

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4. Declaration of violation for Mr. and Mrs. Timothy Baxter of the Jefferson County Zoning and Development Review Ordinance for construction of a barn that violates setback requirements on property designated as Parcel 32 on Tax Map 19 of the Shepherdstown District as found in Deed Book 932 at Page 746. Mr. Donley recused himself from this item on the agenda, as he is Mr. Baxter's neighbor. Mr. Carter presented the violation. Mr. Baxter represented himself asking for an extension of time. Staff recommended 75 days extension to obtain a survey and application to the Zoning Board of Appeals. Ms. Smith motioned to give Mr. Baxter the 75 day extension. Ms. Kern seconded the motion which carried unanimously. Mr. Donley returned to the meeting room for the rest of the meeting.

5. Postponed from the May 13, 2003 meeting. Final Plat Public Hearing for the Lawrence J. Slebodnick, Jr. Minor Subdivision, Lots 1 & 2-Residue. Staff recommended denial because the parcel had no subdivision rights. Staff stated the Slebodnicks decided to do a Child to Parent transfer. County Commission agreed to give the final plat fees back to Mr. Slebodnick. There was no public comment. Mr. Childs motioned to deny the final plat subject to the staff's recommendation. Mr. Lewandowski seconded the motion which carried unanimously.

6. Final Plat Public Hearing for the Richard B. Noland Minor Subdivision. Patricia Sanderson represented Mr. Noland. There was no public comment. Staff recommended approval of the final plat with a total of a 25' road improvement easement and an updated Highway Entrance Permit for the existing lot. Mr. Morgan recommended approval of the final plat with staff contingencies. Mr. Childs seconded the motion which carried unanimously.

7. Final Plat Public Hearing for the Harold Barlow Minor Subdivision. Staff recommended approval of the final plat with the submission of Highway Entrance Permits for the existing driveways and recordation within 90 days. There was no public comment. Ms. Kern motioned to approve the final plat with staff contingencies. Mr. Childs seconded the motion which carried unanimously.

8. Final Plat Public Hearing for the Miller Station Commercial Subdivision. Staff recommended approval with bonding and recording within 90 days. Dick Klein presented the project. There was public comment from Paul Burke. Ms. Smith motioned to approve the final plat with staff contingencies. Mr. Donley seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Morgan).

9. Final Plat Public Hearing for the R. Dale Nelson Subdivision, Lots 1 & 2-Residue. Staff recommended approval of the final plat with an updated Highway Entrance Permit and recording in 90 days. There was no public comment. Ms. Kern motioned to approve the final plat with staff contingencies. Mr. Childs seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Morgan).

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10. Request by Leona and Randy Cook for a variance from the single family restriction of Lot 2 of the James E. Burke Minor Subdivision to allow a 2-family dwelling. Leona Cook presented the variance. Ms. Smith motioned to approve the variance with the condition that Ms. Cook presents a letter from the owner of the Residue lot stating they have no objection to this variance. Ms. Kern seconded the motion which carried unanimously.

11. Request by David and Theresa Payne for a variance from the 5 year restriction for parent to children lots (Article 2, Section 2.1b of the Jefferson County Subdivision Ordinance). Staff recommended denial of this variance request. Mr. Morgan motioned to approve the variance. Mr. Lewandowski seconded the motion which carried unanimously.

12. Request by Robert P. Rankin for permission to replace an existing house with a single wide mobile home without processing a subdivision. Staff recommended approval with the submission of Health Department approval on well and septic and meeting building codes. Mr. Morgan motioned to approve the request. Mr. Childs seconded the motion which carried unanimously.

13. Comprehensive Plan. Mr. Morgan stated the County Commission is still reviewing and editing the Comprehensive Plan.

14. Correspondence. Memorandum dated May 27, 2003 from Paul Raco the CIS Policy. Letter from John Laughland with Facility Design Group, Inc. regarding traffic level of service computations methodology. No action was taken.

Mr. Dailey advised the County Commission wants him to appoint a committee to serve with Ms. Tabb and Mr. Morgan regarding the adult uses. Ms. Smith and Mr. Lewandowski volunteered.

The meeting adjourned at 8:23 p.m. on May 27, 2003. A detailed transcript of this meeting can be found on Tape #63. These minutes were prepared by Sherry Cole.

