

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
AUGUST 12, 2003

The Jefferson County Planning & Zoning Commission met on Tuesday, August 12, 2003 with Arnold Dailey, President, presiding. Other Planning Commission members present were: Rosella Kern, Renny Smith, William Lewandowski, Russell Roper, Sam Donley, Mark Schiavone, Rusty Morgan, Barbara Humes and Richard Childs. Staff members present were Paul Raco, Roger Goodwin, Mason Carter and Sherry Cole.

David Mills was absent with notification. Clark Draper, Douglas Vaira and David Kemnitzer were absent without notification.

Mr. Dailey called the meeting to order at 7:02 P.M.

5. Community Impact Statement Review for the Blue Ridge View Subdivision. Staff stated the developer asked for a postponement until the August 26, 2003 meeting. Mr. Donley motioned to postpone the Community Impact Statement until the August 26, 2003 meeting. Mr. Childs seconded the motion which carried unanimously.

6. Community Impact Statement Review for the Breckenridge East Subdivision. Staff stated the developer asked for a postponement until the August 26, 2003 meeting. Ms. Smith motioned to postpone the Community Impact Statement until the August 26, 2003 meeting. Ms. Kern seconded the motion which carried unanimously.

Ms. Smith motioned to accept the Minutes of the July 22, 2003 regular meeting. Mr. Childs seconded the motion which carried unanimously.

1. Postponed from the May 27, 2003 meeting. 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 excused himself from this item on the agenda as he is a neighbor. Staff stated that Mr. Baxter has filed for a variance through the Zoning Board of Appeals. Staff withdrew the declaration at this time. The Commission took no action.

2. Declaration of violation for Mr. Stephen M. Wandless of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 9.3 on Tax Map 8 of the Middleway District as found in Deed Book 934 at Page 474. Mr. Lewandowski motioned to find Mr. Wandless in violation. Mr. Childs seconded the motion which carried unanimously.

3. Final Plat Public Hearing for the Scott Henry Minor Subdivision, Lots 1, 2 & 3 Residue. Staff recommended approval with Rt. number added, ingress/egress "only" added, signed copies of final plat and recordation within 90 days. There was public comment from James Blotner, Teresa Blotner and James Henry. The public hearing was closed. Mr. Lewandowski motioned to postpone action on this item until staff could seek the advice of counsel regarding the effect of restrictive covenants in the Planning Commission's decision making process. Ms. Smith seconded the motion which carried unanimously. Mr. Schiavone motioned that counsel be presented with the existing deed and a copy of the letter stating Mr. Henry could subdivide also so counsel can consider facts in the case. Mr. Morgan seconded the motion which carried unanimously.

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4. Final Plat Public Hearing for the Alice Ann Wilt Minor Subdivision, Lot 1 Residue and Lot 2. Staff recommended approval with recordation within 90 days. There was no public comment. Mr. Childs motioned to approve the Final Plat with staff contingencies. Mr. Schiavone seconded the motion which carried unanimously.

7. Request by Braun Hamstead on behalf of Charles G. and Tamie L. Butera for determination of whether or not a site plan is required for a cottage industry consisting of a part-time chiropractic office (Article 4, Section 4.1.3.i of the Jefferson County Improvement Location Permit Ordinance). Mr. Dailey recused himself from this item on the agenda as he is Dr. Butera's neighbor. Mr. Lewandowski recused himself from this item on the agenda as Mr. Hamstead is his attorney. Mr. Hamstead and Dr. Butera presented the request. Staff recommended approval contingent on all existing structures having building permits, any structural conversion after September 1, 2001 meets building code requirements, Health Department approval for the additional commercial use on the septic, and current highway entrance permits on both driveways. Mr. Roper motioned to waive the site plan with staff contingencies. Mr. Schiavone seconded the motion which carried unanimously. Mr. Dailey returned to the meeting room. Mr. Lewandowski did not return to the meeting room.

9. Correspondence. Letter from J. Michael Cassell with the Order entered by Judge Silver in the Shepherdstown Men's Club case. Ms. Smith recused herself from this item on the agenda as she is a party to the lawsuit and her husband is a member of the Shepherdstown Men's Club. Mr. Lewandowski recused himself from this item on the agenda as he testified in the original Public Hearing. Mr. Morgan motioned to schedule a Special Meeting on Tuesday, September 2, 2003 at 7:00 P.M. with Mr. Cassell (if he's available) to discuss how to proceed with the Gene Henry townhouse case based on the judge's decision. Ms. Kern seconded the motion which carried unanimously. Ms. Smith and Mr. Lewandowski returned to the meeting room.

8. Comprehensive Plan. According to Mr. Morgan the County Commission is still reviewing the Comprehensive Plan.

Staff was asked to verify that the Blue Ridge View lawsuit was withdrawn.

The meeting adjourned at 8:40 p.m on August 12, 2003. A detailed transcript of this meeting can be found on Tapes # 83. These minutes were prepared by Sherry Cole.