

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
OCTOBER 28, 2003

The Jefferson County Planning & Zoning Commission met on Tuesday, October 28, 2003 with Arnold Dailey, President, presiding. Other Planning Commission members present were: Renny Smith, William Lewandowski, Russell Roper, Sam Donley, Rusty Morgan, Richard Childs and Barbara Humes. Staff members present were Roger Hunter, Roger Goodwin and Sherry Cole.

David Mills was absent with notification. Rosella Kern, Douglas Vaira and David Kemnitzer were absent without notification.

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

Mr. Morgan motioned to accept the Minutes of the September 23, 2003 regular meeting. Mr. Schiavone seconded the motion which carried unanimously.

Ms. Smith and Mr. Donley arrived at 7:03 p.m.

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. Lewandowski motioned to find Mr. and Mrs. Baxter in violation. Mr. Schiavone seconded the motion which carried unanimously.

2. Postponed from the January 14, 2003 meeting. Mr. Mike Shepp represented the owner of the property. Mr. Lewandowski motioned to give Mr. Chakmakian a 30 day extension with an automatic violation if the storage bins are not removed from the property within the 30 days. Mr. Roper seconded the motion which passed with a vote of 6 to 2 (Mr. Schiavone and Mr. Morgan).

3. Declaration of violation for Ms. Tamela Bier of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 32 on Tax Map 4C of the Charles Town District as found in Deed Book 707 at Page 340. Mr. Donley motioned to declare Ms. Bier in violation. Mr. Schiavone seconded the motion which carried unanimously.

4. Declaration of violation for Mr. Phil McIntosh of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 9 on Tax Map 21 of the Kabletown District as found in Deed Book 944 at Page 332. Staff stated that Mr. McIntosh is in compliance. No action was taken by the Commission.

5. Declaration of violation for Mr. Andrew Seaman of the Jefferson County Salvage Yard Ordinance for property designated as Parcel 145 on Tax Map 23 of the Middleway District as found in Deed Book 925 at Page 39. Staff presented violation. Mr. Seaman asked for a 3 month extension. Mr. Donley motioned to grant Mr. Seaman a 6 month extension with an automatic violation if the property is not in compliance with the 3 month time frame. Ms. Smith seconded the motion which failed with a vote of 4 to 4. Mr. Schiavone motioned to grant Mr. Seaman a 3 months extension with an automatic violation if the property is not in compliance. Mr. Morgan seconded the motion which carried unanimously.

6. Final Plat Public Hearing for the Albert & Peggy Glascock Minor Subdivision. Staff

was closed. Mr. Schiavone motioned to approve the Final Plat. Mr. Morgan seconded the motion which carried unanimously.

7. Final Plat Public Hearing for the Martin's Food Store Fueling Station, Lot 5-Residue & Lot 6. Staff recommended approval with recordation within 90 days. There was no public comment. The Public Hearing was closed. Mr. Morgan motioned to approve the Final Plat with staff contingencies. Mr. Childs seconded the motion which carried unanimously.

8. Site Plan approval and issuance of the Improvement Location Permit for Martin's Food Store Fueling Station, Lot 6. Staff recommended approval of the site plan and issuance of the Improvement Location Permit subject to bonding. Mr. Schiavone motioned to approve the Site Plan and issuance of the Improvement Location Permit. Ms. Smith seconded the motion which carried unanimously.

9. Postponed from the September 23, 2003 meeting. Discussion and/or action by the Planning Commission and Staff on the Community Statement for the Breckenridge East Subdivision. Mr. Lewandowski motioned to deny the Community Impact Statement based on 8-24-30 of the State Code for lack of roads, schools, police and fire services. The plan may get favorable action if there was a lower density and a longer period of time for build out and providing letters from various services on supporting plans on how to accommodate growth. Mr. Schiavone seconded the motion which carried unanimously.

Ms. Humes left the meeting at 8:37 p.m.

10. Postponed from the September 9, 2003 meeting. Community Impact Statement Review for the Quarter Farm Subdivision. Mark Dyck presented the project. There was public comment from Clifford E. Starliper, Frank Roach, Kay Bresee, Elizabeth Moores, Billy Moores, Dr. Bob Jones, Jeff Bresee, and Danni Ball. The public hearing was closed. John Callow, Cindy Shepak or Mark Dyck rebutted. Staff recommended pushing the two lots over, provide an internal through road in the subdivision, deferral till the developer gets the identity of neighboring National Historic features, and obtain an agreement with the two neighbors regarding the existing easement and abandonment of the existing road subject to Planning Commission's review. Ms. Smith moved to defer until the developer can provide the identity of neighboring National Historical features, and obtain an agreement with the two neighbors regarding the existing easement and abandonment of the existing road subject to Planning Commission's review. Mr. Lewandowski seconded the motioned. Mr. Morgan made an amendment to the motion requesting a clear written statement from the developer stating what his future plans are for the residue. Mr. Schiavone seconded the motion which passed with a vote of 6 for and 2 opposed (Mr. Dailey and Mr. Childs). The original motion carried unanimously.

11. Motion for a Continuance by Braun A. Hamstead on behalf of the Shepherdstown Men's Club to continue the public hearing on the unresolved issues for Town Run's Common scheduled for the October 28, 2003 meeting. Staff stated that Judge Silver has issued a stay. No action was taken by the Commission.

12. Request by Kirk Norton on behalf of the Phyllis T. Seiders Estate for a variance from the 3:1 depth to width ratio for a proposed 2 lot subdivision and advancement to the final plat stage. Ms. Smith motioned to grant the request. Mr. Donley seconded the motion which carried

unanimously.

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13. Request by Wesley and Josephine Young for the following variances from the Jefferson County Subdivision Ordinance for a proposed 2 lot subdivision:

1. Right-of-way width from 40' to 30' - Article 8, Section 8.2.a.6;
2. Road width and standards - Article 8, Section 8.2.a.61; and,
3. Advancement to the final plat stage.

Staff recommended approval. Mr. Lewandowski motioned to grant the variances and advance to the Final Plat stage. Mr. Morgan seconded the motion which carried unanimously.

14. Request by MMD, LLC/Eugene L. and Margaret W. Olcott Living Trust for a variance from the definition of subdivision specifically the provision which includes easement. Staff recommended approval. Ms. Smith motioned to grant the variance. Mr. Schiavone seconded the motion which carried unanimously.

15. Request by Eugene L. and Margaret W. Olcott Living Trust/MMD, LLC, for a variance from the definition of subdivision specifically the provision which includes easement. Mr. Schiavone motioned to grant the variance. Mr. Morgan seconded the motion which carried unanimously.

16. Request by Richard Latterell on behalf of the Jefferson County Watersheds Coalition to address the Commission regarding the Evitts Run Watershed. Mr. Latterell gave a brief overview. Mr. Lewandowski motioned to postpone Mr. Latterell's presentation until the October 28, 2003 meeting and to invite the City of Charles Town, City of Ranson and the municipalities. Ms. Smith seconded the motion which carried unanimously.

17. Cancellation of November 11, 2003 meeting. Ms. Smith motioned to cancel the November 11, 2003 meeting as it is a holiday. Mr. Schiavone seconded the motion which carried unanimously.

18. Comprehensive Plan. Staff recommended holding a Public Hearing to approve the request to amend the 1994 Comprehensive Plan as stated in Ms. Tabb's letter dated October 9, 2003. Mr. Donley motioned to have a Public Hearing on Tuesday, November 18, 2003 at 7:00 p.m. regarding the County Commission's request to make a small modification to the 1994 Comprehensive Plan to clarify the role of the existing Comprehensive Plan in the potential implementation of Impact Fees. Ms. Smith seconded the motion which carried unanimously.

19. Correspondence. Mr. Lewandowski submitted a report regarding the proposed number of housing units as found on "Listener".

The meeting adjourned at 10:55 on October 14, 2003. A detailed transcript of this meeting can be found on Tapes #100, 101 and 102. These minutes were prepared by Sherry Cole.