

PUTNAM COUNTY PLANNING COMMISSION
Tuesday, October 24, 2017
Putnam County Courthouse Courtroom 202

MINUTES

The Putnam County Planning Commission met on Tuesday, October 24, 2017 at the Putnam County Courthouse, Second Floor Courtroom, Room 202.

Sarah McCallister, president, called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

Roll call was taken and a quorum was present.

Members present: Ron Foster, David Hobba, Vic Mays, Sarah McCallister, Thor Meeks, Jacob Pack, David Powell, and Greg Williamson.

Members absent: Jason Asbury, Wayne Bennett, Scott Chambers, John Dill, Jim Dodrill, Bryan Hoylman, and Steve Perry.

Staff present: Timothy Smith, Melissa Sargent, Tim Keaton, Judy Graley, and Lisa Powell.

Others present who signed in were: Cara Chaney, Peggy Deweese, Barb Jackson, Keith Jackson, Adam Mullins, Tammy Dowd, Tammy Cowan, Darlene Geyer, Charles Kuhl, Darla Minamyer, Gavin Minamyer, Darrell Lewis, Kelli Lewis, Charles Reynolds, Darla Reynolds, Darleen Caldwell, John Caldwell, Dana Jividen, Adam Moore, Jack Ramaley, Doug Jones, Jimmy Calhoun, B.N. Johnson, Cristy King, Eddy Shabdue, and Judy Shabdue.

APPROVAL OF MINUTES

The minutes of the October 3, 2017 special meeting were reviewed. Motion was made by David Powell and seconded by Greg Williamson to approve the minutes as presented. The motion carried unanimously.

PCDA REPORT

There was no report.

CITIZEN CONCERNS

There were no citizen concerns.

RIGHT OF WAY VARIANCE - SUMMERS

Georgia Summers requested a variance to subdivide a 1.62 acre lot from 3.74 acres off State Route 817 using the existing 40' right-of-way instead of the required 60' right of way. The property is located on Tax Map 184, Part of Parcel 25.9, Winfield, WV.

Public Hearing

Sarah McCallister opened the public hearing for the requested variance by Georgia Summers to subdivide a 1.62 acre lot from 3.74 acres off State Route 817 using the existing 40' right of way instead of the required 60' right-of-way. The property is located on Tax Map 184, Part of Parcel 25.9, Winfield, WV.

Disclosure of Conflict

No commissioner disclosed a conflict of interest.

Staff presented the Summary, a copy of which is attached and made a part of these minutes.

Applicant comments: Jimmy Calhoun, engineer for the applicant, made himself available for questions.

Public comments: There were no comments.

There being no further questions or comments, Sarah McCallister closed the public hearing and reconvened the regular meeting.

Deliberation and Action

Discussion ensued with a question and answer session.

Motion was made by Greg Williamson and seconded by Ron Foster to approve the variance request with the following conditions:

- The owner(s) of the 1.62 acre parcel shall be responsible for paying a pro-rata share of the access road maintenance.
- There shall be no further subdivision of land until the requirements of the Putnam County Subdivision Regulations are met.

The motion carried unanimously.

Findings of Fact in Support of Decision

The Planning Commission made the following Findings of Fact with regard to the specific criteria set forth in the Subdivision Regulations:

- A. The Board found that granting of the waiver or variance will not be detrimental to the public safety, health, welfare, or injurious to other property because no other properties will be affected and no further subdivision of the property will be allowed until the requirements of the Putnam County Subdivision Regulations are met.
- B. The Board found the conditions upon which the request for a waiver or variance are based arise from special conditions or attributes which pertain to the property for which a waiver or variance is sought and were not created by the person seeking the waiver or variance due to the fact that the current 40' right of way existed prior to the requested property subdivision.
- C. The Board found the waiver or variance would eliminate an unnecessary hardship, as distinguished from a mere inconvenience, and would allow the intent of the subdivision regulations to be observed and substantial justice done because a 60' right of way is not possible due to current structures on the property.
- D. The Board found the waiver or variance will not in any manner vary the provisions of any other regulations, ordinance, or plans adopted by the County because the variance will not affect any other properties.
- E. In approving waivers or variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards, or requirements of these regulations. The Board found this criterion to be met due to fact that conditions were made a part of the recommendation for approval.

- F. A petition for any such waiver or variance shall be submitted in writing by the applicant. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The Board found this criterion to be met as evidenced by the information submitted in the packet.

RIGHT OF WAY VARIANCE - MULLINS

Angelina Mullins requested a variance to subdivide a 6.54 acre lot from 29.2 acres off of County Route 44 to the existing 20' right-of-way on Arrow Head Drive instead of the required 40' right-of-way. The property is located on Tax Map 205, Part of Parcel 47, Winfield, WV.

Public Hearing

Sarah McCallister opened the public hearing for the requested variance by Angelina Mullins to subdivide a 6.54 acre lot from 29.2 acres off of County Route 44 to the existing 20' right-of-way on Arrow Head Drive instead of the required 40' right-of-way. The property is located on Tax Map 205, Part of Parcel 47, Winfield, WV.

Disclosure of Conflict

No commissioner disclosed a conflict of interest.

Staff presented the Summary, a copy of which is attached and made a part of these minutes.

Applicant Comments: Jimmy Calhoun, engineer for the applicant, stated there are currently two homes on the 29.2 acre parcel and Ms. Mullins desires to deed the additional home and 6.54 tract to her son. Mr. Calhoun further stated that there would be no additional homes or increase in traffic.

Public Comments: There were no comments.

Deliberation and Action

Discussion ensued with a question and answer session.

Motion was made by Vic Mays and seconded by Jacob Pack to approve the variance request with the following conditions:

- The owner(s) of the 6.54 acre parcel and the 29.2 acre parcel shall be responsible for paying a pro-rata share of the access road maintenance.
- There shall be no further subdivision of land until the requirements of the Putnam County Subdivision Regulations are met.

The motion carried unanimously.

Findings of Fact in Support of Decision

The Planning Commission made the following Findings of Fact with regard to the specific criteria set forth in the Subdivision Regulations:

- A. The Board found that granting of the waiver or variance will not be detrimental to the public safety, health, welfare, or injurious to other property because of information in the letter submitted by Jimmy Calhoun, P.E. found in Attachment G of the Summary.
- B. The Board found the conditions upon which the request for a waiver or variance are based arise from special conditions or attributes which pertain to the property for which a waiver or variance is sought

and were not created by the person seeking the waiver or variance because of information in the letter submitted by Jimmy Calhoun, P.E. found in Attachment G of the Summary.

- C. The Board found the waiver or variance would eliminate an unnecessary hardship, as distinguished from a mere inconvenience, and would allow the intent of the subdivision regulations to be observed and substantial justice done because of information in the letter submitted by Jimmy Calhoun, P.E. found in Attachment G of the Summary.
- D. The Board found the waiver or variance will not in any manner vary the provisions of any other regulations, ordinance, or plans adopted by the County because of information in the letter submitted by Jimmy Calhoun, P.E. found in Attachment G of the Summary
- E. In approving waivers or variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards, or requirements of these regulations. The Board found this criterion to be met due to fact the variance was approved with the two conditions as recommended by staff.
- F. A petition for any such waiver or variance shall be submitted in writing by the applicant. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The Board found this criterion to be met as evidenced by the information submitted in the packet.

REZONING –YOUNG, SLATER, SMITH

Michael N. Young, Lois L. Slater, and Patsy P. Smith have submitted a Zoning Amendment Application for Rezoning for property located on Tax Map 151, Parcels 14.5, 15 and 15.3 which are located 0.3 miles south of the Buffalo Bridge, Fraziers Bottom, WV 25082, to rezone from an “R-R” Rural Residential District and “C-1” Suburban Commercial District to a “C-2” High Density Commercial District.

Public Hearing

Sarah McCallister opened the public hearing for the requested rezoning for property located on Tax Map 151, Parcels 14.5, 15 and 15.3 which are located 0.3 miles south of the Buffalo Bridge, Fraziers Bottom, WV 25082, to rezone from an “R-R” Rural Residential District and “C-1” Suburban Commercial District to a “C-2” High Density Commercial District.

Disclosure of Conflict

No commissioner disclosed a conflict of interest.

Staff presented the Summary, a copy of which is attached and made a part of these minutes.

Applicant comments: Jimmy Calhoun, representative for the applicant, made himself available for questions.

Public comments: Tammy Dowd - 19435 Winfield Road, Winfield - mentioned the nearby industrial park that currently has available space, stated concerns with a possible increase in traffic, and expressed concern with unknown future businesses that may be constructed.

Darlene Geyer - 16 Hazel Circle, Winfield - expressed concern with how the requested rezoning could affect her property.

Ernest Shabdue – 19577 Winfield Road, Winfield – stated that he was opposed to the rezoning and had questions regarding road changes, possible public sewer installation, and the timeline for any new construction if the rezoning is approved.

There being no further questions or comments, Sarah McCallister closed the public hearing and reconvened the regular meeting.

Deliberation and Action

Discussion ensued with a question and answer session.

Motion was made by David Hobba and seconded by Jacob Pack to recommend that County Commission approve the rezoning request as presented. The motion carried unanimously.

Findings of Fact in Support of Decision

The Planning Commission made the following Findings of Fact with regard to the specific criteria set forth in the Zoning Ordinance:

- A. The Board found the proposed amendment will protect and promote the public health, safety, convenience, morals, and general welfare due to the fact that the property is near or currently abuts C-1 and C-2 commercial districts and any future commercial development would expedite the process of public sewer lines being installed.

- B. The Board found the amendment to be consistent with the adopted comprehensive plan due to fact there is currently commercial zoning in the area.

REZONING –JOHNSON PROPERTIES, SMITH, JACKSON, LOWEN, JUNO REAL ESTATE

Johnson Properties, LLC, Patsy P. Smith, Keith H. & Barbara L. Jackson, Joseph & Patricia Lowen, and Juno Real Estate, LLC submitted a Zoning Amendment Application for Rezoning for property located on Tax Maps 223, Parcel 87 and 88; Tax Map 223E, Parcel 4; and Tax Map 223H, Parcels 74.2, 84, 84.3, 84.5, and 84.6; which are located approximately 0.3 mile east of the Scott Depot post office on Teays Valley Road, Scott Depot, WV, 25560 to rezone the property from “R-1” Single Family Residential District to a “C-1” Suburban Commercial District.

Public Hearing

Sarah McCallister opened the public hearing for the rezoning request by Johnson Properties, LLC, Patsy P. Smith, Keith H. & Barbara L. Jackson, Joseph & Patricia Lowen, and Juno Real Estate, LLC for property located on Tax Maps 223, Parcel 87 and 88; Tax Map 223E, Parcel 4; and Tax Map 223H, Parcels 74.2, 84, 84.3, 84.5, and 84.6; which are located approximately 0.3 mile east of the Scott Depot post office on Teays Valley Road, Scott Depot, WV, 25560 to rezone the property from “R-1” Single Family Residential District to a “C-1” Suburban Commercial District.

Disclosure of Conflict

No commissioner disclosed a conflict of interest.

Staff presented the Summary, a copy of which is attached and made a part of these minutes.

Applicant comments: Jimmy Calhoun stated he had prepared the applications for the five property owners requesting rezoning. Mr. Calhoun further stated that although his business pre-existed the zoning ordinance, there were restrictions regarding improvements that could be made to his property.

Keith Jackson - 226 Maplewood Estates - stated that he purchased his property prior to zoning and used the home as a professional office building for several years. After his former tenant vacated the property, Mr. Jackson stated the property remained vacant for three years; during which time the interior of the building was remodeled at considerable expense. Mr. Jackson further stated that after the remodel was completed; he was informed that the property must revert back to a residential use since it had been vacant for more than one year. Additionally, he stated there would be no negative impact along Teays Valley Road due to the rezoning.

Public comments: Adam Mullins – 1 Hillcrest Drive – stated he was opposed to the rezoning and expressed concern with a decrease in property values.

Charles Kuhl – 101 Litton Heights – stated that Litton Heights is a private road and had questions regarding access to the Johnson property.

Darla Minamyer – 103 Brookside Drive – had concerns with additional noise and lighting as well as a possible increase in traffic on Teays Valley Road.

Darrell Lewis – 109 Litton Heights – expressed concern regarding access to the Johnson property. Mr. Lewis also stated that he was opposed to additional businesses along Teays Valley Road which would cause an increase in traffic.

Jack Ramaley – 165 Maplewood Estates – stated that his property abuts the Smith property and expressed concern with the possibility of a business being located next to his home. Mr. Ramaley had concerns regarding a decrease in his property value as well as floodplain issues on the adjoining property.

Cristy King – 3 Hillcrest Drive – expressed concern with an increase in traffic and safety issues as well decreased property values. Ms. King requested that the parcels be considered individually for rezoning.

There being no further questions or comments, Sarah McCallister closed the public hearing and reconvened the regular meeting.

Deliberation and Action

Discussion ensued with a question and answer session.

Sarah McCallister closed the public hearing.

Motion was made by Ron Foster and seconded by Greg Williamson to consider each parcel individually. The motion carried unanimously.

Motion was made by Ron Foster to recommend for approval the following parcels: Johnson Properties, LLC (TM 223H; P 84, 84.3, 84.6), Keith and Barbara Jackson (TM 223; P 88), and Juno Real Estate, LLC (TM 223H; P 84.5). It was brought to the attention of the board that approving these parcels would be spot zoning and Mr. Foster withdrew his motion.

Motion was made by David Hobba and seconded by Greg Williamson to group together the two parcels owned by Patsy Smith (TM 223; P 87 & 223E; P 4) and the parcel owned by Keith and Barbara Jackson (TM 223; P 88) for recommendation for approval. The motion carried unanimously.

While reviewing the facts to be determined for rezoning, a roll call vote was taken for each criterion. The votes were as follows:

1. Will the proposed amendment protect and promote the public health, safety, convenience, moral and general welfare?

Ron Foster	“Aye”
David Hobba	“Aye”
Vic Mays	“Nay”
Thor Meeks	“Aye”
Jacob Pack	“Aye”
David Powell	“Nay”
Greg Williamson	“Nay”
Sarah McCallister	“Nay”

As president, Ms. McCallister chose to vote causing the vote for criterion #1 to fail by creating a tie.

2. Is the amendment consistent with the adopted Comprehensive Plan and US 35 Corridor Management Plan?

Ron Foster	“Aye”
David Hobba	“Aye”
Vic Mays	“Nay”
Thor Meeks	“Aye”
Jacob Pack	“Aye”
David Powell	“Aye”
Greg Williamson	“Aye”

The vote for criterion #2 was 6 to 1 in the affirmative.

Due to the fact there was not a majority voting in the affirmative for both criteria, rezoning of the two parcels owned by Patsy Smith (TM 223; P 87 & 223E; P 4) and the parcel owned by Keith and Barbara Jackson (TM 223; P 88) could not be approved.

Motion was made by Thor Meeks and seconded by Jacob Pack to approve all the parcels excluding the parcel owned by Joseph and Patricia Lowen (TM 223H; P 74.2). A roll call vote was taken thereon and the results were as follows:

Ron Foster	“Aye”
David Hobba	“Aye”
Vic Mays	“Nay”
Thor Meeks	“Aye”
Jacob Pack	“Aye”
David Powell	“Nay”
Greg Williamson	“Nay”
Sarah McCallister	“Nay”

As president, Ms. McCallister chose to vote causing the motion to fail by creating a tie.

Motion was made by Vic Mays and seconded by Ron Foster to table the rezoning request. The motion carried unanimously.

REZONING - WEHRLE

Arnold Wehrle, Jr. submitted a Zoning Amendment Application for Rezoning for property located on Tax Map 151A, Parcel 1, located at 278 Staves Branch Road, Fraziers Bottom, WV to rezone the property from “R-2” Mixed Residential District to “R-R” Rural Residential District.

Sarah McCallister opened the public hearing for the rezoning request for property located on Tax Map 151A, Parcel 1, located at 278 Staves Branch Road, Fraziers Bottom, WV to rezone the property from “R-2” Mixed Residential District to “R-R” Rural Residential District.

Disclosure of Conflict

Sarah McCallister disclosed a conflict of interest and vacated the Chair to vice president, David Powell.

Mr. Powell stated that due to the fact Sarah McCallister had recused herself, there was no longer a quorum and the rezoning request could not be heard. He further stated the request would be placed on the next available agenda.

David Powell, vice president returned the Chair to Sarah McCallister, president.

REZONING –HOBBA

G. David Hobba submitted a Zoning Amendment Application for Rezoning for property located on Tax Map 162, Parcel 90, located at 18140 Winfield Road, Fraziers Bottom, WV, to rezone the property from “R-2” Mixed Residential District to “C-1” Suburban Commercial District.

Public Hearing

Sarah McCallister opened the public hearing for the rezoning request by G. David Hobba for property located on Tax Map 162, Parcel 90, located at 18140 Winfield Road, Fraziers Bottom, WV, to rezone the property from “R-2” Mixed Residential District to “C-1” Suburban Commercial District.

Disclosure of Conflict

David Hobba disclosed a conflict of interest and recused himself.

Ms. McCallister stated that due to the fact David Hobba had recused himself, there was no longer a quorum and the rezoning request could not be heard. She further stated the request would be placed on the next available agenda.

VIOLATIONS REPORT – FRUTH PHARMACY

Fruth Pharmacy has a changeable copy sign in the zoned area of Putnam County at 4012 Teays Valley Road, Scott Depot on Tax Map 223, Parcels 28 and 28.3. Ms. Fruth did not obtain a permit for the digital changeable copy sign.

Staff reported that a sign permit application has been received from Fruth Pharmacy for the existing sign, but the size of the sign exceeds what is currently allowed. The applicant was informed that a variance could be requested; however, no further communication has been received from the applicant at this time.

ADMINISTRATIVE SUBDIVISION REPORT

Staff presented a summary of the administrative subdivision approvals for September. There were no comments or questions.

FINANCIAL REPORT

Staff presented financial reports for June through September. There were no questions or comments.

MONTHLY REPORTS

Staff presented the monthly reports for September summarizing the building/zoning permit approvals. There were no comments or questions.

STAFF REPORT

The next meeting will be November 28.

OLD BUSINESS

Staff reported the ruling from the county attorney regarding liability insurance for applicants was received and forwarded to all board members.

NEW BUSINESS

Staff stated that board members would be contacted regarding how they wished to receive monthly packets for future meetings.

ADJOURNMENT

Motion was made and seconded to adjourn. Motion carried unanimously. The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Signed: _____, Lisa Powell, Secretary

Attest: _____, Presiding Officer

Minutes were approved: _____