

Morgan County Planning Commission
Meeting Minutes
December 6, 2011

I. CALL TO ORDER

Members present: Jack Soronen, Amy Lane, Wayne Omgs, Carl Cowgill, Mary Ellen Largent, Jim Hoyt, Brian Carter, Susan Parker, Brenda Hutchinson.

Meeting was opened at 7:07 p.m.

II. MEETING MINUTES

On a Mary Ellen Largent/Susan Parker motion, the Morgan County Planning Commission unanimously approved the minutes from the October 25, 2011 meeting.

III. APPEAL REQUEST

- A. Miller, Vernon & Doris – 232 Willey Lane, Great Cacapon
Property located in Cacapon District, Tax Map 8A, Parcels 321 & 32
Parcel 31-.8 acres (34,848 square feet), Parcel 32– 178x35 (6,230 sq. feet)
Total square footage for both parcels – 41,078 square feet/.94 acres

One single-wide mobile home and one residence are currently located at the site. Both are rental units served by public sewer and one private well. A second single-wide mobile home was removed from the lot approximately two years ago due to the condition of the home. (Three rental units were at this location when applicant purchased property.)

The Applicant requested approval for the placement of a second mobile home at the above mentioned location therefore requesting a waiver of the Mobile Home Park Requirements of the Subdivision Regulations at the September 27, 2011 meeting. Due to the lack of public water and the reduced size of the lot, the Planning Commission denied the request. The Applicant is now requesting an appeal of that decision.

Staff had prepared a handout for the members to review prior to the meeting. (See below).

***Morgan County Planning Commission
December 6, 2011 Meeting
Appeal Request for:***

*Miller, Vernon and Doris, 232 Willey Lane, Great Cacapon
Property Located in Cacapon District, Tax Map 8A, Parcels 31 & 32
Parcel 31 - .8 acres (34,848 square feet), Parcel 32 – 178x35 (6,230 square feet)
Total square footage of both parcels – 41,078 square feet/.94 acres*

Applicant requested approval for the placement of a second mobile on the above mentioned lots therefore requesting a waiver of the Mobile Home Park Requirements of the Subdivision Regulations at the September 27, 2011 meeting. This request was denied.

Existing Conditions on both lots:

One single wide mobile home used as rental
One residence used as rental
Both served by public sewer and one private well (pump house located in front of mobile home)
*2006 – removed second single wide mobile home due to condition of home
Access road installed off of Willey Lane for all units; separate entrance/parking area for existing mobile home off of Tonoloway Street.
2/3rd of lot is open space

Mobile Home Park Requirements

Ordinance Requirements

Public/central water and sewer
Road width of 20 feet

No open space required
Min. lot size of 1 acre

Existing Conditions

Public sewer, well serving three units
Entrance road width of 14 feet (This entrance would serve two units – existing mobile home has separate entrance off of Tonoloway)
2/3rd of lot open space
Lot size .94 acres (two lots combined)

**Note: Current subdivision regulations require that any new lots created that are to be served by public sewer and private well must be one (1) acre in size.

Commercial ILP Ordinance Requirements

Ordinance Requirements

Structures 15 feet from property line
30% of lot area must be open space
Screening around property line
Access road to be 20 feet wide
2 parking spaces per unit
No SWM required

Existing Conditions

Structures are approx. 25 feet from property line
2/3rd of lot is open space
Trees line the lot and are between the structures
Access road is 14 feet (see above note)
2 parking spaces available for each unit
No SWM – all grass except for structures

Deficiencies with existing conditions vs. Ordinance requirements:

1. Morgan County Subdivision Regulations – Mobile Home Park Section
 - a. Road width requirement of 20 feet
 - b. Lot size requirement
2. Commercial Improvement Location Permit Ordinance – Multi Family
 - a. Road width requirement

The placement of second mobile home requires compliance with the mobile home park requirements of the Subdivision Ordinance plus the Commercial permitting ordinance/multi family requirements when used as rentals (more than two dwelling units). Should the appeal request be approved, the applicant will then need to request a waiver of the Commercial ILP Ordinance and because part of this lot lies within the 100-year floodplain, a floodplain application would need to be submitted for review (see enclosed map).

The applicants, Vernon and Doris Miller, opened the discussion by providing the Commission the history of the property. They stated that the mobile homes were there when the property was purchased and the well was tested for water quality and quantity at that time. The well driller had indicated to them that there was an ample water supply for the three units. They also stated that they had never had any incidents where there was

not enough water or that the quality of the water was questioned by any of the tenants. There are public sewer hookups for all three units as well. The Millers had purchased the property for rental income and would like to utilize the infrastructure that is existing and place an additional single-wide mobile home on the property.

The Planning Commission had discussed other possible solutions such as the reconfiguration of the placement of the mobile homes so there would be only one mobile home located on each lot. This would involve some grading and relocating the existing infrastructure. Another possibility would be to have a survey realigning the lot lines so only one mobile home was located on each lot. These two recommendations would create an additional cost to the applicants.

Planning Commission member Wayne Omps stated that the placement of this mobile home does not meet the technical requirements of the ordinance, but he does believe that the intent of the ordinance is being met.

Planning Commission President Jack Soronen stated that there had been two legal ads placed in the local newspaper regarding the waiver and appeal requests and there has been no public opposition to the requests. He also stated that he did not see a potential for an issue with this request and that the placement of the second mobile home would not be out of harmony with the neighborhood. He also feels that the intent of the ordinance is being met and that outside of the technical issue with the lot size, he is not seeing a problem with the request.

On a Wayne Omps/Carl Cowgill motion, the Planning Commission moved to accept the appeal request and grant the original waiver of the Mobile Home Park Requirements of the Morgan County Subdivision Regulations, specifically the waiver of the lot size and road width requirements, to place a second mobile home on their property located on Willey Street in Great Cacapon.

Vote:

Four approved (Wayne Omps, Brian Carter, Mary Ellen Largent, Carl Cowgill)

None opposed.

Four abstained (Amy Lane, Brenda Hutchinson, Jim Hoyt, Susan Parker).

Motion carried.

Staff had stated that the applicant will now need to request a waiver of the Commercial and Industrial Improvement Location Permit road width requirement because the property, with three units, falls under the definition of multi-family. This can be advertised and considered at the January, 2012 meeting. When the applicant is prepared to obtain a building permit, a floodplain application will then be required as well.

Planning member Susan Parker requested that the Planning Commission discuss at a later date the rationale for the implementation of the one acre minimum lot size for lots served by public sewer and wells for it did not withstand this challenge which suggests that there may be a flaw with the requirement.

IV. DISCUSSION

A. Update on the Chesapeake Bay Accountability Grant Award

Arro Consulting engineer Richard Parks, who is the county engineer and heading the Chesapeake Bay Stormwater project, stated that he has started the research for our grant project and hopes to have a draft submittal for the Planning Commission to review at their January meeting. The draft will include an analysis and comparison of our existing stormwater regulations versus the model stormwater management ordinance prepared by Region 9 along with other EPA documents plus cost implications of any proposed best management practices and possible alternatives that the Commission may want to review.

B. Marcellus Shale Committee Update

County Commissioner Brenda Hutchinson informed the group that the Marcellus Shale Committee is preparing a preliminary draft of their report and will be bringing it before the County Commission in January, 2012.

C. Meeting Notice

There will be a Strategic Planning Session held on Thursday December 15, 2011 at the Ice House. This meeting is sponsored by the Streetscapes Committee and the Morgan County Chamber Office.

V. ADJOURNMENT

The meeting adjourned at 8:45 p.m.