

Morgan County Planning Commission
Meeting Minutes
Morgan County Commission Meeting Chambers
August 25, 2020 – 7:00 p.m.

I. OPEN MEETING

Meeting was opened at 7:04 p.m. via a Zoom Conference Call.

Members present: Jack Soronen, Justin Andrews, Scott Swaim, Susan Parker, George Didawick, Lori Hansroth, Ken Reed and Eric LaRue.

Members absent: Wayne Omps, Carl Cowgill, and Robert White.

Others present: Amy Schumaker, County Planning/GIS Director, Alex Moore, County Planning/GIS, Cindy Born and Mr. & Mrs. Fleegle for the waiver request.

II. MEETING MINUTES

On a S. Parker/G. Didawick motion, the Morgan County Planning Commission unanimously approved the July 28, 2020 meeting minutes with corrections.

III. MORGAN COUNTY ORDINANCE REGULATING THE ESTABLISHMENT OF REAL ESTATE SUBDIVISIONS. SECTION 11.2 SINGLE FAMILY HOUSING

Property Owner: James Fleegle
2512 Fairview Dr
Berkeley Springs, WV 25411
Allen District, Map 8, Parcel 33

Waiver Request: Applicant is requesting a waiver of the minimum lot size set forth in the Morgan County Ordinance Regulating the Establishment of Real Estate Subdivisions 11.2: Single Family Housing.

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Prepared by A. Schumaker

August 17, 2020

Applicant is requesting a waiver of the minimum lot size of 2 acres for a single-family house on a well and septic system.

Waiver request: Applicant is requesting a waiver of the minimum lot size set forth in the Morgan County Ordinance Regulating the Establishment of Real Estate Subdivisions 11.2: Single-Family Housing.

Project History:

Property is described as Allen District, Map-8, Parcel-Part of 33
2512 Fairview Drive, Berkeley Springs WV 25411.

In 1940 the house, well and septic were established.

On April 5, 1983 two lots were established for out sale, a 9.12-acre lot and a 3-acre lot. The 3-acre lot has separated Parcel 33 map 8 in the Allen District since its establishment.

In 2006 Charles P. Dawson surveyed the portion of land detached from where the house sits and was found to contain 5.18 acres.

On July 16, 2020 the portion of 1-8-33, where the Fleegle house sets, was surveyed by Cynthia Born and is shown to contain .940 acres.

On July 23, 2020 Cynthia Born, on behalf of Mr. Fleegle, submitted documents requesting the waiver of the lot size so the portion of the parcel that is separate may be sold.

The 5.18-acre lot is to be sold to Devin & Kristen Lucas and merged with their 3-acre tract (1-8-69) adjacent to it.

Findings of Facts/Conclusions:

Public Notice was posted as required by the Ordinance in the Morgan Messenger on August 5, 2020.

The waiver request meets all of the requirements set forth in Section 6.1 of the Subdivision Ordinance.

Staff Recommendation:

I recommend to approve the waiver request for this project, because all of the subdivision waiver conditions listed on page 9 of the subdivision ordinance Article 6: Waivers Section 6.1 Conditions are met.

On an E. LaRue/S. Parker motion, the Morgan County Planning Commission voted for a conditional approval upon receiving a deeded right of way or easement to the other 5 acres, or new area, with approved perk tests for a future drain field site.

Motion passed unanimously.

IV. DEFINITIONS

The Morgan County Planning Commission agreed on working definitions of “Permanent Structure” being that a structure cannot remain in one spot for more than 180 days without being considered permanent, and “Agricultural Building” being on a property defined as farm land by the Morgan County Assessor and Tax office.

V. ADJOURNMENT

On a S. Parker/E. LaRue motion, the meeting adjourned at 8: 25 p.m.