CITY OF CHARLES TOWN
PLANNING COMMISSION
AGENDA • JANUARY 27, 2025

Commission/Board Meeting **CITY HALL** **7:00 PM**

101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

2. APPROVAL OF MINUTES

2.1 : Draft Minutes of December 23, 2024
12.23.24 PC MINUTES_DRAFT.pdf

3. UNFINISHED BUSINESS

3.1 : **WV2024-04**: Baylor Street Driveway Waiver
1. Staff Report.pdf
2. Application.pdf
3. Plat.pdf
4. DoH Letter.pdf

4. NEW BUSINESS

4.1 : **Election of Officers:**
-President
-Vice-President
-Secretary

5. ADJOURNMENT

6. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at:

https://www.charlestownwv.us/government/agendas-and-minutes/

Planning Commission
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

Meeting: 01/27/25
Department: Planning Commission
Category: Report
Initiator:

AGENDA ITEM (ID #)

Draft Minutes of December 23, 2024

ATTACHMENTS:

- 12.23.24 PC MINUTES_DRAFT.pdf

CITY OF CHARLES TOWN

PLANNING COMMISSION
AGENDA • December 23, 2024

Committee Meeting **CITY HALL** **7:00 PM**

101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

Present: Jessica Derr – Acting Chair
Zakhary Dunning
Jeff Hynes

Ann Paonessa - Absent
Kevin Long - Absent

James Newman, City Staff - Zoning Administrator

2. APPROVAL OF MINUTES

2.1: Regular Session Minutes of November 25, 2024

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Dunning
AYES:	Derr, Dunning, Hynes

2.2: Work Session Minutes of November 25, 2024

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Dunning
AYES:	Derr, Dunning, Hynes

3. UNFINISHED BUSINESS

None

4. NEW BUSINESS

4.1: BR2024-14 – Norborne Glebe Pool Bond Release

Staff gave presentation

PC Discussion. Requested a checklist showing completion of the project.

DRAFT

Motion to open public hearing

RESULT:	**Approved**
MOVER:	Dunning
SECONDER:	Hynes
AYES:	Derr, Dunning, Hynes,

No comments.

Motion to close public hearing.

RESULT:	**Approved**
MOVER:	Dunning
SECONDER:	Hynes
AYES:	Derr, Dunning, Hynes,

Applicant Mike Hummel spoke briefly about the project.

Motion to recommend approval of BR2024-14 to City Council:

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Dunning
AYES:	Derr, Dunning, Hynes

4.2: SLD2024-02 Tri-State Preliminary Plan

Staff gave presentation. PC discussion, questions about stormwater management pond fence.

Motion to open public hearing

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Dunning
AYES:	Derr, Dunning, Hynes

No Comments.

Motion to close public hearing.

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Dunning
AYES:	Derr, Dunning, Hynes

PC Discussion, questions.

Motion to approve subject to conditions:
1. Removal of the 10 Star Magnolias from the road frontage along Willow Springs Drive
2. Replacement of the chain link fence with a different material conforming to the Zoning Ordinance.

DRAFT

RESULT:	**Approved**
MOVER:	Dunning
SECONDER:	Hynes
AYES:	Derr, Dunning, Hynes

4.3: 2025 Calendar

Staff gave presentation

PC Discussion and questions

Motion to approve the 2025 Calendar

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Dunning
AYES:	Derr, Dunning, Hynes

Meeting adjourned at 7:21 pm.

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Dunning
AYES:	Hynes, Derr, Dunning

DRAFT

Planning Commission
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/27/25
Department: Planning Commission
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SCHEDULED

AGENDA ITEM (ID #)

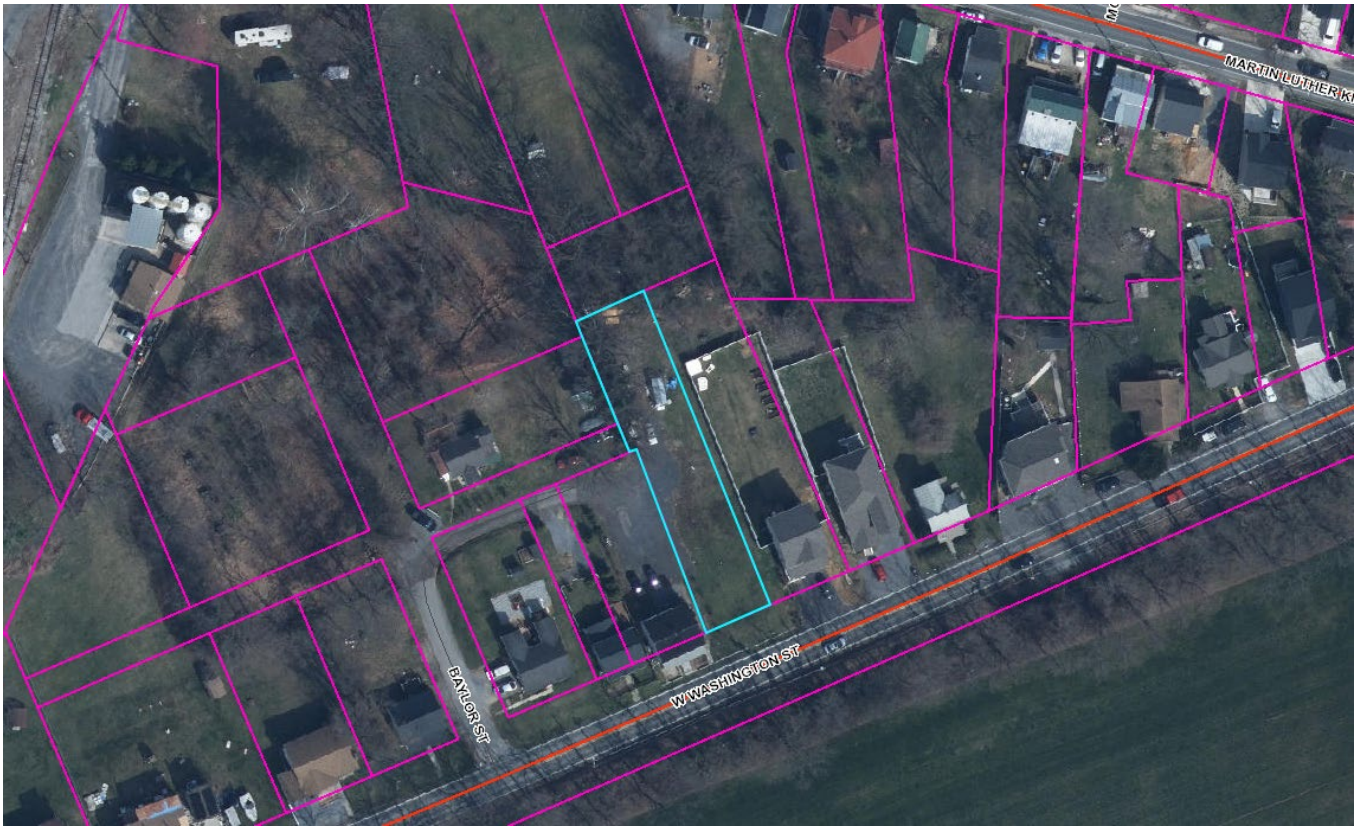
WV2024-04: Baylor Street Driveway Waiver

ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. Plat.pdf
- 4. DoH Letter.pdf

Waiver Request
WV2024-04

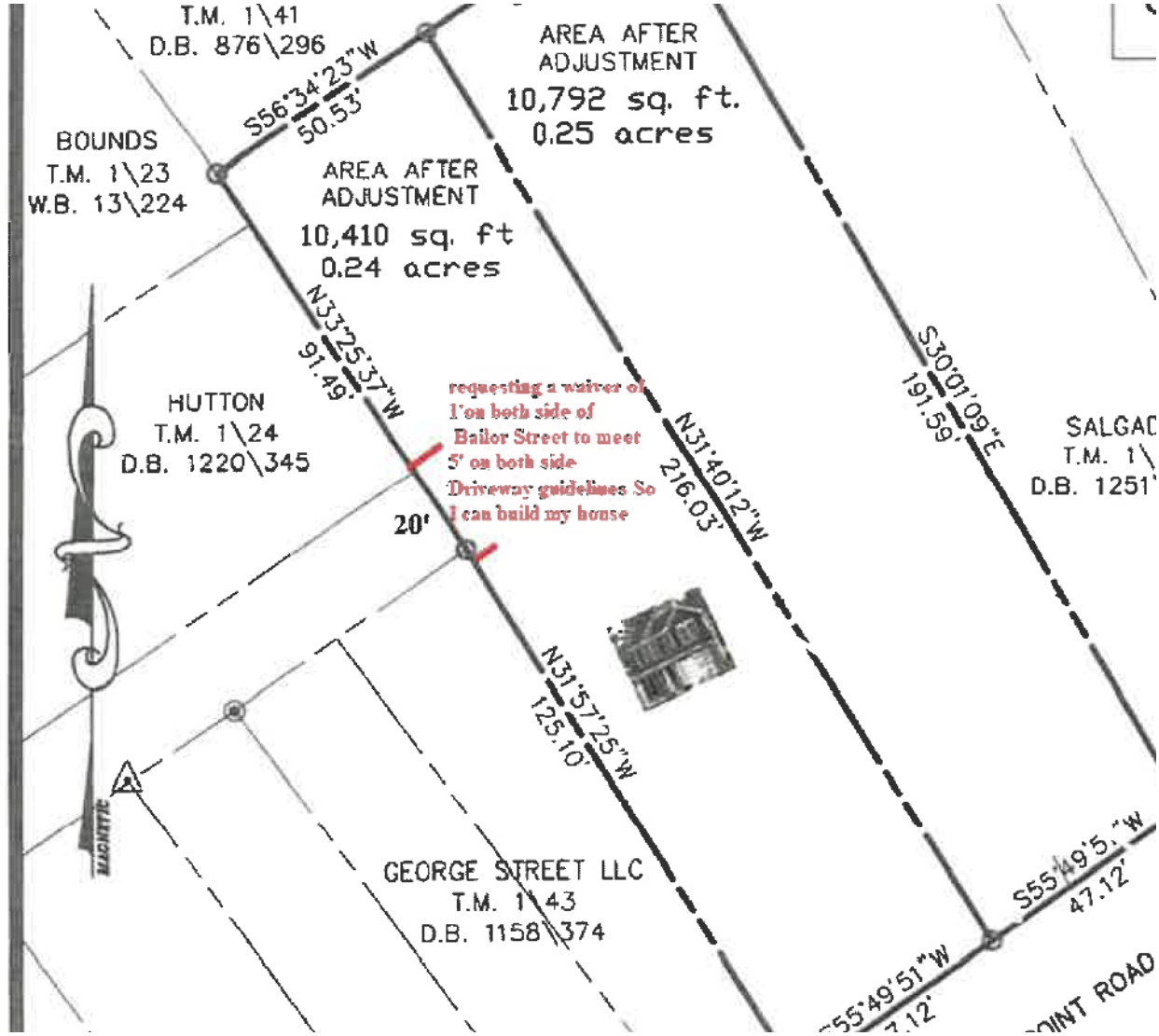
Date: For the January 27, 2025 Planning Commission meeting
Applicant: Alexander Salgado
Property Owner: MENDOZA ALEXANDER S & CHRISTINA M SALGADO
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: Waiver request from driveway requirements
Property Location: W. Washington/Baylor Streets
Current Zoning: Old Town Residential



PROJECT OVERVIEW
Request for a waiver from driveway requirements.

PROPOSAL
The applicant proposes to build develop the lot for a single family detached home/ The West Virginia Division of Highways will not grant him access for a driveway onto W. Washington Street; the only remaining access point is from Baylor Street.

DRIVEWAY LOCATION



The applicant is specifically requesting a waiver from subsection *(D) Driveways shall not be located less than five (5) feet from an adjoining property…*

The applicant is prohibited by the West Virginia Department of Highways from building a driveway onto W. Washington St. The only other point of access is from Baylor Street. The applicant's property has 20 ft of width. As driveways are required to be 12 ft wide and also be 5 ft. from adjacent properties, the applicant requires 22 ft. The applicant is requesting a waiver to reduce the distance from adjacent properties from 5 ft. to 4 ft.

WAIVER REQUIREMENTS

Subdivision and Land Development Ordinance Section 1331.12.B provides the criteria for reviewing a waiver request. There are four criteria:

a. That the design of the project will provide public benefit such as a reduction in City maintenance cost, greater open space, parkland consistent with the City parks plan, or benefits of a similar nature;

The provision of a driveway for a private residence does not impact the City's open space, parkland, or maintenance costs.

b. The waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;

The proposed driveway will be 4ft. from adjacent properties rather than 5ft. The one foot difference on each side of the driveway will not adversely impact public health or safety.

c. That the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance; and

The intent of the Ordinance is to provide for the "*improvement of the health, safety, comfort, morals, and general public welfare of Charles Town citizens*."

The applicant has a developable lot. Off-street parking for single family detached homes is two spaces; these spaces can be met by driveway and garage parking.

d. That the waiver, if granted, will result in a project of better quality and/or character.

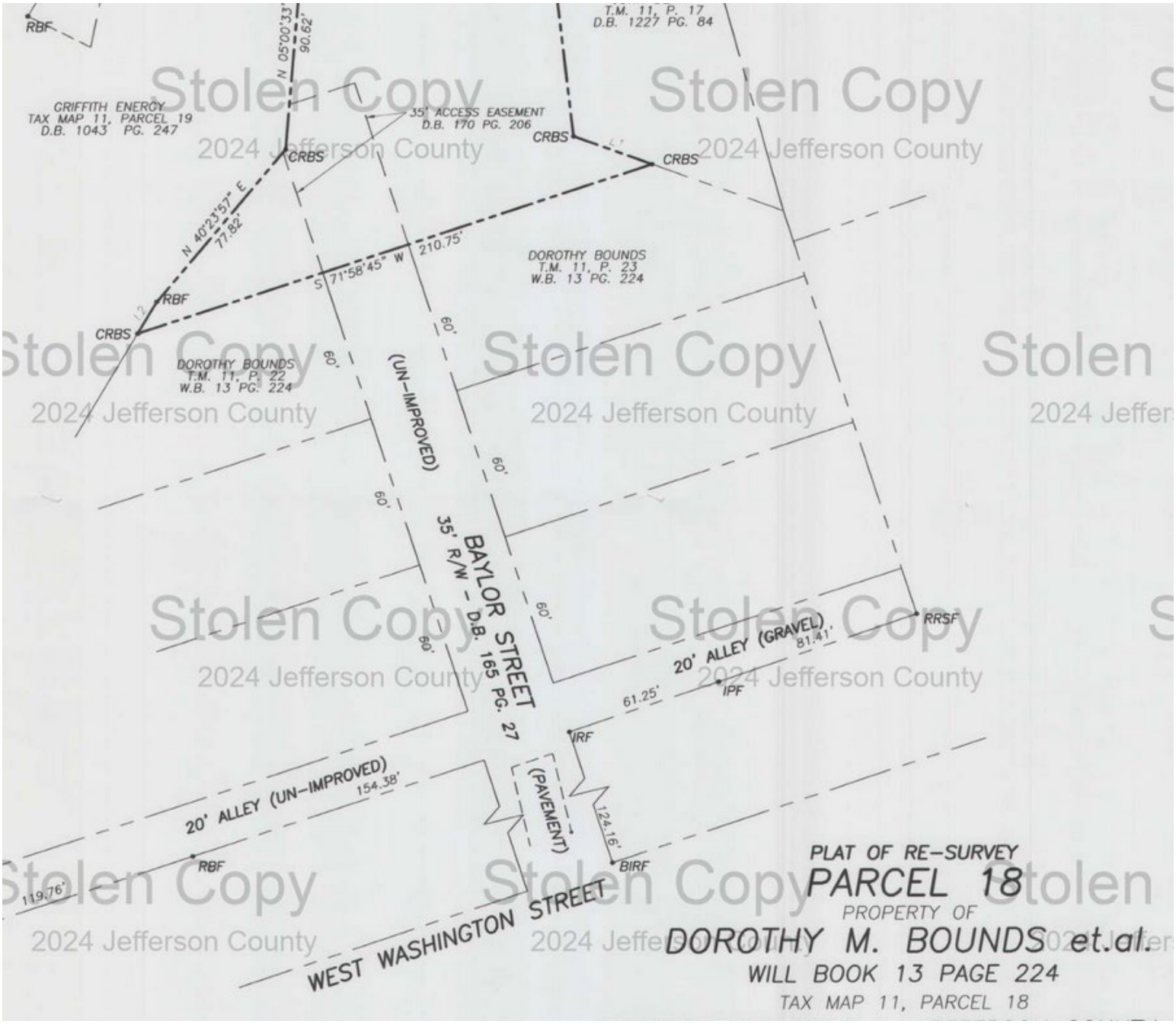
The waiver will allow for vehicle access to this property. A difference of two feet will not result in a project of lesser quality or character.

PLANNING COMMISSION

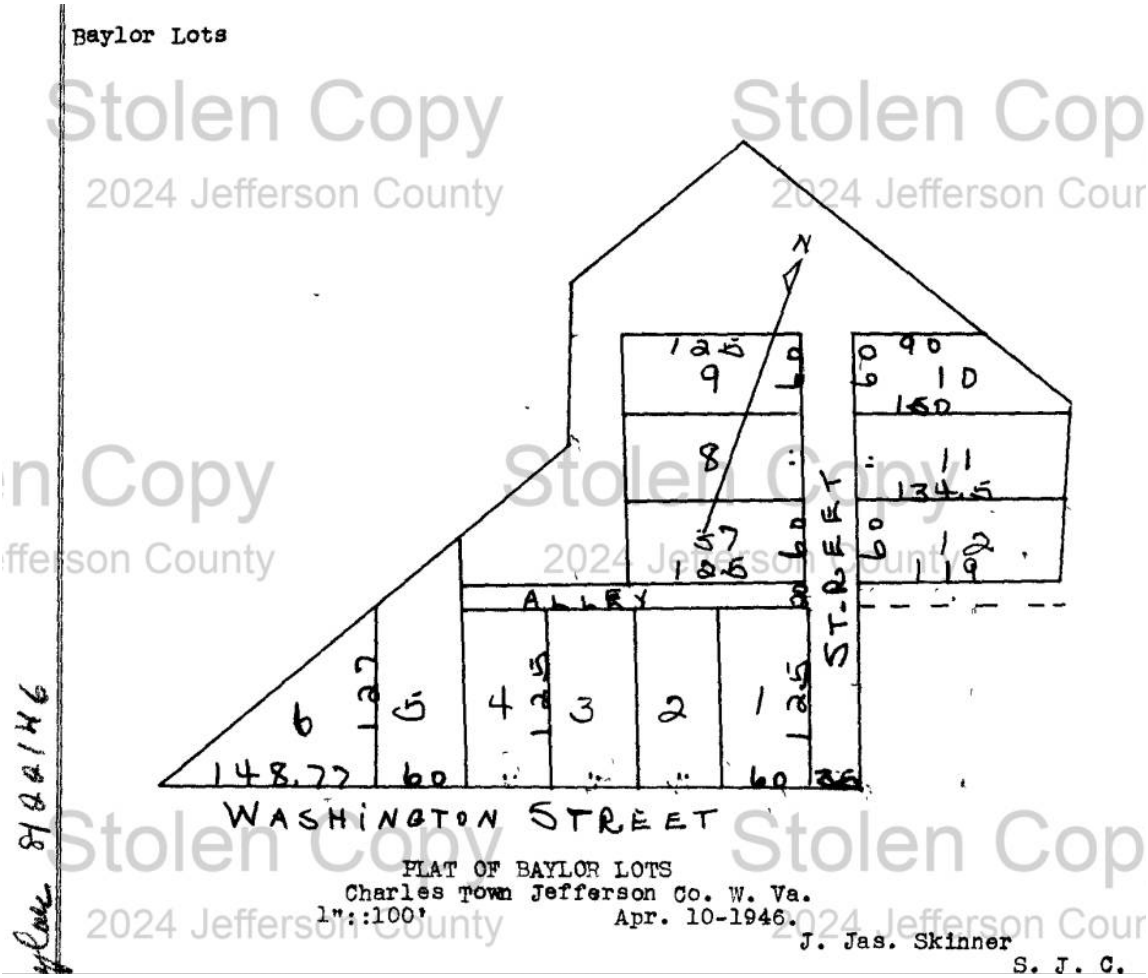
The Commission discussed this at their November 25, 2024 meeting. There was one member of the public who spoke about the Street and Alley. The Commissioners had concerns and questions about the status of Baylor Street and motioned to tabled action until staff could obtain more information about the roadway.

BAYLOR STREET STATUS

City staff have confirmed that Baylor Street runs north-south and is a City-maintained road; during the recent snow storms it was plowed by the Maintenance Dept. The alleyway that would provide access to this property is not Baylor Street proper, and the City does not maintain alleyways. The length of the alleyway from Baylor Street to the subject parcel is approximately 140 feet. See images from the Jeferson County Clerk's Office:



Stolen Copy 2024 Jefferson County



Stolen Copy 2024 Jefferson County

CITY CODE – COUNCIL ABILITIES

Per City Code Section 21, The Council shall have power to open and grade new streets and extend, widen, straighten, repair and grade old streets and **alleys**; to curb and pave streets, sidewalks and gutters for public use, and to alter, improve and light the same, and shall have control of all the avenues for public use in said Town; to have the same kept in good order and free from obstructions on or over them; to regulate and determine the width of all streets, sidewalks and **public alleys;** to order and direct the curbing and paving of all sidewalks and footways for public use in said town, to be done and kept in good order by the owners or occupants of the adjacent property.

CONCLUSION

The applicant is requesting a waiver from driveway standards requiring a 5ft. distance from adjacent properties, so that the driveway will be 4 ft. away from them instead. The request is reasonable and only comes about as the Division of Highways will not permit the placement of a driveway onto W. Washington St. Driveways are permitted to access alleys.

RECOMMENDATION

Approval.

Waiver Application No._____

RECEIVED
OCT 29 2024
BY: VB

WAIVER APPLICATION

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
SECTION 1331.12, (V) REQUIREMENTS

To assist staff in the review of a waiver application to the Planning Commission (PC), the applicant must supply all of the information contained in this application form. This application must be signed by all owners of the real estate which is the subject of the application. The owners may designate one or more professional agents to represent them in the application process using the spaces provided on this form.

Incomplete applications will be subject to scheduling delay. Applicants are encouraged to meet with staff prior to filing. A public hearing will be scheduled within 45 days of the receipt of a completed application.

Approval of a waiver by the Planning Commission does not relieve the applicant from other requirements including, but not limited to, signs(s), building, zoning and use permits or site plans.

As part of this application, the following must be provided:

1. $150.00 Application Fee.
2. A Completed Application.
3. As applicable, supporting documents included, but not limited to site plan or depiction of the requested Waiver.

It is the applicant's responsibility to make a good-faith effort to provide the Subdivision Administrator, as applicable, with a current list containing the accurate names and mailing addresses of all interested parties. For purposes of this provision, "interested parties" shall mean Landowners of Adjacent Property. The applicant shall provide the addresses in order to comply with Section 1331.12.B of the Subdivision Ordinance

Legal Notices

The following shall occur at least 15 days prior to the Public Hearing: notice of the hearing shall be advertised by the Planning Commission as a Class I legal advertisement in the local newspaper, posting of a sign upon the property, and letters to adjacent and confronting land owners within 100 feet of the subject property.

Definition of a Waiver

Adjustments that may be made to the requirements of this Ordinance to unusual site conditions in order to achieve a better design. Waivers may not be used to circumvent the process requirements of this Ordinance.

The Charles Town Subdivision Ordinance

To grant a Waiver as permitted in the Subdivision Ordinance, the Planning Commission makes findings as specified in Section 1331.12(B)(2).

In order to issue a Waiver, the Commission must make the following written findings regarding the Waiver sought and all of the following can be met:

A waiver request may be granted by the Planning Commission only when it shall be determined that:

1. That the design of the project will provide public benefit such as a reduction in City maintenance cost, greater open space, parkland consistent with the City parks plan, or benefits of a similar nature;
2. The waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
3. That the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance; and
4. That the waiver, if granted, will result in a project of better quality and/or character.

Note:

Additional exhibits may be required by the Subdivision Administrator or Planning Commission such as a lot location survey or site plan showing existing and proposed Structures, easements, watercourses, curb cuts and description of the uses of adjacent property that are necessary to describe existing or proposed conditions.

1. DATE 10-21-2024, 2024

2. APPLICANT'S NAME* Alexander Mendoza Salgado

Address: 659 Waterside Drive Harper Ferry WV 25425

Telephone Number (703) 675-6193 Fax Number ( )

Email Address alexsalgato@gmail.com

3. PROPERTY OWNER'S NAME Alexander Mendoza Salgado

Address:

Telephone Number (703) 675-6193 Fax Number ( )

Email Address alexsalgato@gmail.com

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (list all parcels that apply)

Property Address: Lot 45 West Washington Stree Charles Town WV 25414

Tax Map # and Parcel: 03 1004500000000

Deed Book and Page #: 1259/705

Property Area in Square Feet or Acres: .24 acres

5. DESCRIPTION OF THE EXISTING (OR FORMER) USE(S) OF THE PROPERTY AND CURRENT ZONING:

empty lot and old town Residential zoning

6. DESCRIPTION OF PROJECT AND PROPOSED USE(S) OF THE PROPERTY:

I would like to build a 1600SQF 2 story house and it use to live in

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

7. DESCRIPTION OF ANY PROPOSED WORK TO BE DONE TO THE PROPERTY:

I would like to build a 1600SQF 2 story house and it use to live in

8. DESCRIPTION OF THE WAIVER REQUEST:

Be able to use Baylor Street 20 Ft wide so I can access my home to be build

each side of Baylor Street would require a ~~5ft~~ 1Ft waiver (1 Ft)

9. LIST THE APPLICABLE SECTION(S) OF THE SUBDIVISION ORDINANCE FROM WHICH THE WAIVER IS REQUESTED:

10. JUSTIFICATION FOR THE REQUEST:

A) Explain how the design of the project will provide public benefit such as a reduction in City maintenance costs, greater open space, parkland consistent with the City Parks Plan or benefits of a similar nature;

Building a home in this empty lot will allow for affordable house and house to consistent with other neighbors housing

B) Explain how the waiver, if granted, will not adversely affect the public health, safety, welfare or the rights of adjacent property owners or residents;

Having access through Bailor Street does not hinder any way, such as safety, or surrounding public, but rather it will create a house that most resident will afford and be part of downtown

C) Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance; and;

If granted entrance through Baylor Street house will be able to be build and blend with the rest of surrounding community

D) Explain how the waiver, if granted, will result in a project of better quality and/or character.

it will create a house that most resident will be able to afford and be part of downtown this house will blend in easy with the other sou round homes

11. INTERESTED PARTY ADDRESSES, FOR PUBLIC NOTICE (including across street) (Interested parties are defined as adjacent properties within 100 feet).

Owner	# and Street	City, State, Zip

12. PARCEL HISTORY (List all pending or previously approved applications on the subject parcels inventoried above, including previous site plan applications if this application is a site plan amendment)

Application No.	Project Name and Phase	Status	Approval Date

13. HAS THE PROPERTY BEEN THE SUBJECT OF ANY COURT ACTION?

☐ Yes (Please specify nature of all proceedings and current status and attach any documents showing court decisions, etc.)

_____

_____

_____

_____

_____

☑ No

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Section 1331.12 of the Charles Town S/LD Ordinance and relevant provisions of the Charles Town City Code.

Signature of Applicant

_____ Date 10-21-2024

Signature of Property Owner (If different than Applicant)

_____ Date _____

Please submit an original completed Application and specified number of Site Plan copies to the following:

Subdivision Administrator
City of Charles Town
101 E. Washington Street
Charles Town, WV 25414

FOR CITY USE ONLY

Application Number:_____ Date Application Received:_____

Fee: $_____ Paid:$_____ Check No._____

Receipt No._____

Subdivision Administrator Approval:_____ Date:_____

Planning Commission Approval:_____ Date:_____

Comments/Conditions:_____

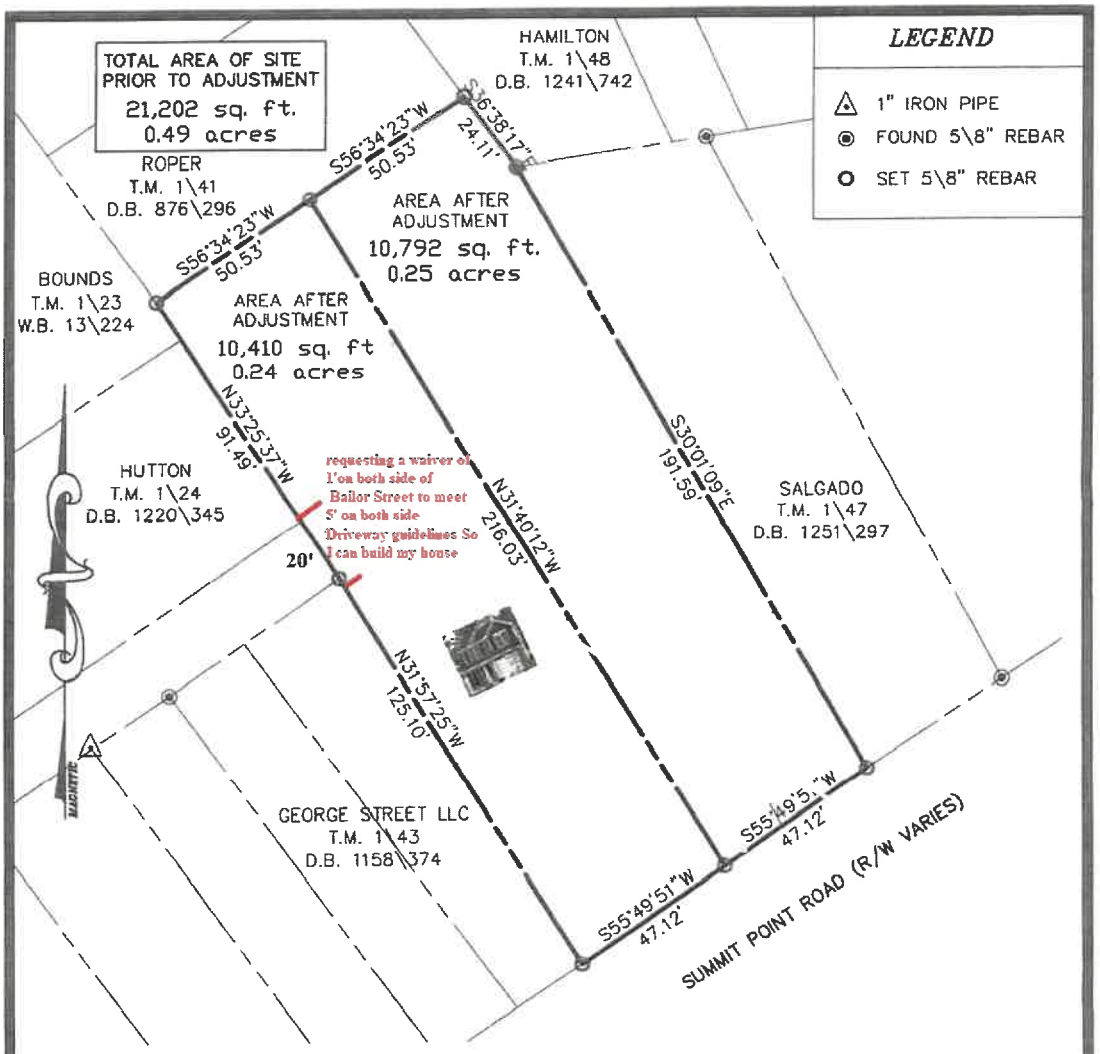
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NOTES:

THIS PROPERTY IS NOT MAPPED IN AN AREA DESIGNATED AS A SPECIAL FLOOD AREA, AS SHOWN ON FEMA PANEL 54037C0136E DATED 12\18\2009.

THE CHANGE TO THESE LOT LINES DOES NOT CREATE A SETBACK VIOLATION OR INCREACE THE NON-CONFORMITY OF ANY SETBACK VIOLATION.

PROPERTY IS CURRENTLY ZONED: OLD TOWN RESIDENTIAL.

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND (TAX MAP 1, PARCELS 42, 45, & 46) IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

ALEXANDER SALGADO MENDOZA

CHRISTINA M. SALGADO

BOUNDARY LINE ADJUSTMENT

PLAT SHOWING ADJUSTMENT TO TAX MAP 1 PARCELS 42, 45, AND 46. STANDING IN THE NAME OF ALEXANDER SALGADO MENDOSA & CHRISTINA M. SALGADO, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED DEED BOOK 1251\297 LOCATED IN CHARLES TOWN CORPORATION, JEFFERSON COUNTY, WV.

DWG # SALGADO DATE 4-26-21

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)

1 inch = 40 ft.

SURVEYED BY:

PETER H. LORENZEN P.S.

SUMMIT POINT, W.V. 728-6093

PETER H. LORENZEN LICENSED No. 948 STATE OF WEST VIRGINIA PROFESSIONAL SURVEYOR

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways
Office of the District Engineer/Manager
District Five
Post Office Box 99 · Burlington, West Virginia 26710-0099 · (304) 289-3521

October 15, 2022

Alex Salgado
601 Eagle Avenue
Charles Town WV, 25414

Mr. Salgado

An entrance permit application has been received by this office and a field review was conducted. Access to your property on W. Washington St. is currently provided by Baylor Street, as such, your application for access is denied.

If you have any questions, please contact this office at 681-320-2037 or 304-209-8495

Sincerely,

Jason L. Arnold
TRETT, Permit Reviewer

Planning Commission
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/27/25
Department: Planning Commission
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Election of Officers:
-President
-Vice-President
-Secretary

ATTACHMENTS: