

# Patrick County Planning Commission

Meeting of September 20, 2004

Present: Leon Holt, Chairman; Michael Burnette; Cleve Lawson; Johnny Marion; Roger Martin; Jeannie Frisco, Secretary; Nancy Lindsey, The Enterprise; and Jamie Clark, WHEO

Absent: Bill Clark and Hansford Alderman

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A meeting of the Patrick County Planning Commission was held on September 20, 2004, at 7:30 PM, in the Second Floor Conference Room of the Patrick County Administration building.

Mr. Leon Holt, Chairman, called the meeting to order. The minutes of the August 9, 2004, meeting were presented for approval. On motion by Mr. Johnny Marion and seconded by Mr. Roger Martin, the minutes were approved as read.

Mr. Holt opened the floor to discussion regarding the current subdivision ordinance. Mr. Holt directed members to Article 5, Section C stating “No subdivider shall transfer or sell with reference to a plat any lot contained within a subdivision lying in the County’s jurisdiction nor shall the County issue a building or construction permit until such subdivision and plat have been granted final approval by the Planning Commission or Board of Supervisors, in accordance with the procedure set forth in this Ordinance, and such plat has been duly recorded by the Clerk of the Circuit Court of Patrick County.” Mr. Martin added that he agreed this section should be reworded so that the understanding of the ordinance is that approval lies with the Planning Commission but may be appealed by going to the Board of Supervisors. This would also prevent applicants coming before the Board of Supervisors before coming before the Planning Commission. Mr. Holt discussed the fact that anywhere it says “Planning Commission or Board of Supervisors” needs to be reviewed. Mr. Holt suggested that Jeannie Frisco, Secretary, speak with Eric Monday to see if there is legal purpose for the wording of “or”.

Mr. Holt addressed Article 9 (a) – “Authority: The Planning Commission or the Board of Supervisors may authorize a variance from any provision of this ordinance in cases where it is determined that: 1. Strict adherence to the provision of this ordinance would result in substantial hardship or injustice; 2. The authorization of the variance will not be of substantial detriment to adjacent or nearby property; 3. The authorization of the variance will not be detrimental to the public safety, health, or welfare; 4. The variance will not substantially compromise the intent of this Ordinance. Any variance authorized will be recorded in the minutes, together with an explanation of the reasons for granting the variance” should be worded to say applicants must submit a variance request to the Planning Commission and if denied, the applicant can at that point appeal to the Board of Supervisors. Also under Article 9 (a), it was suggested that consideration be given as to whether all four reasons must be met for a variance or only one out of the four would justify a variance.

Mr. Holt also directed the members of the Planning Commission to the procedural part of when a public hearing should be held. He felt the Commission should clarify this section and provide a chronological order so that applicants can follow and understand procedures. Discussion was held that a petition for variance must be submitted at least 14 days prior to an initial meeting of the Commission where the request is to be discussed and that the County Administrator will forward the variance request to all Commission members at least 10 days prior to this initial meeting. At the initial meeting, the Commission would listen to comments from the applicant as well as from the public and after the commission discusses what is presented, at that time the Commission would determine whether or not the application should proceed to public hearing. If the Commission feels the application should be considered for a variance, a public hearing will at that point be advertised. Notice of hearings on petitions for variances shall be published in a newspaper with general circulation at least 5 days and no more than 14 days prior to the hearing. After the hearing, the Commission will discuss any public input and then approve, deny, or table the application or, at the Commission's discretion, may request additional information. If the Commission declines the application, the applicant can then appeal the decision before the Patrick County Board of Supervisors. The Planning Commission will send written documentation to the Board of Supervisors, as well as the applicant, indicating what action occurred and why. This letter will contain the Planning Commission Chairman's signature as well as the Commission's Secretary signature. Mr. Martin commented that the Commission needed to use the ordinance and not let it use them and a variance should be granted if it is reasonable. Mr. Holt indicated that the Commission should not destroy the integrity of the ordinance. Mr. Martin proceeded with discussion that the Commission do what they can in the interest of the people of the county and to use the ordinance as a tool. Mr. Holt informed Mr. Martin that whenever a variance was denied, a member or members of the Commission went to the applicant to discuss what could possibly be changed in the application in order to work together to resolve the issue. Mr. Holt concurred that the ordinance should assist the citizens but should also protect the interests of the County.

Mr. Burnette suggested that a form be devised so that an applicant knows what is required at the time an application is submitted (ie plans, permits, etc). Mr. Burnette also suggested that a check list of some sort be part of the application process so that the Commission will have all required information at one time to review.

Mr. Marion indicated his main concern is with the chronological chain of events and that it should be addressed and the whole Commission should stick to it.

Mr. Holt indicated that he would have liked to have heard what people had to say regarding The Reserve's variance before a decision was made as to whether to approve it or not.

Mr. Holt addressed Mr. Martin as to how the Board of Supervisors held public hearings. Discussion proceeded regarding this issue. Mr. Holt continued by stating if someone comes before the Commission and is not turned down initially then the Commission should proceed to a public hearing but that the Commission should have the right to deny a variance without a public hearing.

Mr. Marion interceded asking “what is the purpose of the hearing after you voted and approved a variance”. Mr. Holt felt a variance should not be approved without input during a public hearing. Mr. Burnette clarified the discussion by stating that the new policy of the Commission should be that no variance request would be approved without going to public hearing. By general consensus, the Commission agreed.

Discussion was also held regarding appropriate timeframes and how limited should the Planning Commission be as far as the process. Mr. Burnette indicated that he wanted to make sure the Commission could not tie up a variance indefinitely due to the fact there is no time limits indicated. Mr. Holt proceeded by saying that the applicant should complete a checklist and this information would be submitted to the Commission and due process would start at least 14 days from the date the Commission receives the information.

Mr. Holt asked Ms. Frisco to provide Commission members enough space under each issue so that recommendations could be written and brought back to the Commission at their next meeting.

Mr. Holt also felt the application should be handled by someone in the County Administrator’s office.

The next meeting of the Planning Commission was slated for October 25<sup>th</sup> at 7:00 PM in the second floor conference room.

Mr. Holt commended Ms. Frisco on her work.

With no further business to discuss, Mr. Martin made the motion and was seconded by Mr. Burnette to adjourn.

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Chairman

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Date

