

**Special Meeting Minutes
Town of Davis Planning Commission
Thursday, April 20, 2023**

**Davis Town Hall
505 William Avenue
Davis, WV 26260**

PRESENT PLANNING COMMISSION: Samantha Gravelle, Jeannette Tekavec Ware (also from Town Council), Al Tomson (also Mayor of Davis), Cheryl Ball, Judy Cronauer

PRESENT TOWN COUNCIL: Jennie Helmick, Jess Tucker, Doug Martin

The meeting convened at 4:39 pm.

The schedule for the advertisement and public meetings for the draft Study and Report were discussed. Public meeting advertisement would run early in May. Several aspects of the draft zoning ordinance were discussed, including the number of allowable short term rentals, lot widths, and the zoning map.

Two public meetings are required for the Study and Report, one during the day and one in the evening. The goal is to advertise for the public meetings in early May and hold two public meetings at the end of May or beginning of June.

The following comments regarding the draft Study and Report were discussed:

- Page 3, Second Paragraph under “Enactment of the Zoning Ordinance” – Al will check on the wording regarding whether to enact the Zoning Ordinance or hold an election.
- Page 3, First Paragraph under “Evaluating the Existing Conditions” – Add the BAD Buildings Group after “Planning Commission” in first sentence.
- Page 4, First Paragraph – Use the term “concerns” rather than “issues.”
- Page 4, First Paragraph, Last Sentence – add the word “where” in front of “the community responds....”
- Page 4, First Paragraph under “Strengths”, Fourth Sentence – Replace the words “The Town” with “Thomas Avenue.”
- Page 4, First Paragraph under “Challenges” – Delete second sentence.
- Page 4, Second Paragraph under “Challenges”, third sentence – Delete the words “designed and constructed to be” form the sentence.
- Page 5, Last Paragraph under “Top Priorities” – Add a period after the last sentence.
- Page 6, First Paragraph under “Character of the Buildings and Lots” – Delete first sentence. Add “and the Industrial Park” to the end of the second sentence. Change the term “infield” in the third sentence to “infill.”

- Page 6, Second Paragraph under “Character of the Buildings and Lots” – “William” is misspelled in the first sentence.
- Page 7, First Paragraph – Delete the word “nuanced.”
- Page 7, Fourth Paragraph, Last Sentence – Delete “, provisions for conversion of single family units to short term rentals. Add “and” before “two distinct commercial districts.”
- Page 12, under list of articles, rearrange order of list so that Definitions is Article II.
- Page 15, Remove reference to Article 21-0A, leave as Article 1. General Provisions.
- Page 15 under Section 21-3 (a), replace “is” with “are.”
- Page 15 under Section 21-3 (b), replace “is” with “are.”
- Page 15 under Section 21-4, Second Paragraph, Second Sentence, place a semi-colon after the word “individuals” rather than a colon.
- Page 17, under Section 21-13, revise sentence as follows: “There shall be a schedule of fees associated with the zoning permit process.”
- Page 18, under Section 21-15 (c), remove the word “Davis” in front of Board of Zoning Appeals.
- Page 18, under Section 21-17 (b), First Sentence, change “three (3)” to “five (5).”
- Page 19, under Section 21-17 (g), First Sentence, change “semi-annually” to “monthly”, and add the words “or less” after “may meet more.”
- Page 19, under Section 21-17 (h), add advisory role of Planning Commission (AI will work on language for this.)
- Page 22, under Section 21-20 (c), remove paragraph break.
- Page 22, under Section 21-21 (b) (6), add the word “Volunteer” before the words “Fire Department.”
- Page 24, under Section 21-24 (e), wording is confusing, not apparent why this right exists for industries and manufacturers. AI will check into the purpose of this language.

There was an in-depth discussion regarding the sections on nonconforming uses and structures, and confusion. It appears that Section 21-25 (d) is in conflict with Section 21-29. AI was going to check on this language.

There was a discussion regarding whether or not an existing condition of nonconformance (Section 21-26 (e)) would be allowed to continue, if the structure was damaged by a disaster. The current wording of this section suggests that only if the structure was damaged by no greater than 50%. Otherwise, the structure would have to be rebuilt to comply with the zoning ordinance. Three issues were raised around this section:

- Should the existing nonconformance be perpetually “grandfathered” for the lot regardless of why the structure is remodeled or rebuilt?
- Should the existing nonconformance be “grandfathered” only if its removal/damage is caused by a disaster?
- Should the “no greater than 50% damaged be a criteria for grandfathering?

There was a discussion about simplifying the document as much as possible since it is the first Zoning Ordinance for Davis. There are currently a lot of uses discussed and definitions in the document that may never be applicable or come before the Board of Zoning Appeals.

The sections on permitted uses and conditional uses for each zoning district could be incorporated into a table to consolidate the document and make it easier for someone to determine whether or not a specific use is allowed in a zoning district.

There was a discussion regarding single-family and two-family dwellings and whether they include factory-built homes. Currently, factory-built homes are less expensive to build than stick-built homes. Factory-built homes include both modular and mobile homes.

It was decided to schedule a second special meeting for April 27, 2023 at 4:30 pm to continue our discussion regarding the Study and Report.

Jeannette made a motion to adjourn the meeting at 7:00 pm. Al seconded it. All agreed.

ABSENT

Acting President (Gravelle)

Date Approved

Jeannette A. Cronauer

5/1/2023

Secretary (Cronauer)

Date Approved