

Minutes
Jefferson County Zoning Board of Appeals

1 Meeting Date: January 28, 2016
2 Meeting Location: Charles Town Library Conference Room
3 200 East Washington Street, West Virginia
4
5 Board members present: Tyler Quynn, Chair; Jeffrey Bannon, Vice Chair; Ted Schiltz,
6 Craig Foster, Alternate, and Jeff Bresee, Alternate
7 Board members absent: Matt Knott and Christy Huddle (with notification)
8 Staff members present: Jennifer M. Brockman, Acting Zoning Administrator/Director of
9 Planning and Zoning; David Simon, County Planner; Jennilee Hartman,
10 Zoning Clerk

11
12 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.
13

14 Mr. Bresee and Mr. Foster filled Mr. Knott and Ms. Huddle's vacancy.
15

16 At 2:00 p.m. Mr. Quynn explained how the meeting would be conducted to the public.
17

18 Ms. Hartman swore in members of the public who indicated they would be providing testimony
19

20 Mr. Bannon moved to begin the meeting at 2:04 p.m. Mr. Quynn called for a vote, which carried
21 unanimously.
22

23 1. Approval of the minutes from the December 10, 2015 meeting.
24

25 The minutes were not available for the Board to approve. The Board will take action on the
26 minutes at the February 25, 2016 meeting.
27

28 2. Swearing in of members of the public intending to provide testimony.
29

30 Ms. Hartman swore in members of the public who indicated they would be providing testimony at
31 the beginning of the meeting.
32

33 3. Variance request from Section 8.2 to reduce the distance requirement for barns from the
34 75' to 47'. Applicant: Jessica Howard. Owner: Joann Conte. Location: 148 David Court,
35 Kearneysville. District: 07; Map: 8; Parcel: 2; Size: 3 ac; Zone: R; File: ZV16-01.
36

37 Ms. Howard was present to address the Board. Mr. Simon gave a brief synopsis of the request.
38 Ms. Howard explained the purpose of the request, noting that the property was encumbered by
39 a septic field, a septic reserve area and a storm water management area. Ms. Howard explained
40 that the stormwater management area would need to be relocated should the variance be
41 approved, and that she was working with a surveyor and the County's Engineering Department
42 to process a minor plat change. Mr. Quynn opened the public hearing.
43

44 Mr. William Snelson, neighbor, addressed the Board stating he was concerned about the
45 relocation of the stormwater management area and the potential for fecal runoff from the
46 proposed barn. Mr. Quynn noted that a barn is a permitted agricultural use and that the
47 potential runoff from housing animals would occur regardless of the location of the barn.

1 Discussion ensued regarding the dimensions of the property and the location of the stormwater
2 management area.
3

4 David and Roberta Miller, neighbors, spoke in opposition to the request stating the structure
5 would not be in conformance with the subdivision's covenants. Mr. Quynn stated the Board
6 did not have the authority to enforce covenants. Ms. Miller also wished to note for the record
7 her objection to a statement made in the variance application, which claimed that the
8 covenants did not apply to the lot in question. Ms. Miller argued that the covenants did apply
9 to Lot 8 and stated that she did not want an application to be on file without some sort of
10 opposition to the statement.
11

12 Ms. Howard and Patrick Schneble, realtor, rebutted by stating an attorney had researched
13 the deed and covenant and believed Lot 8 to be exempt from the covenants. Mr. Schneble
14 explained that the current topography of the property made the location of the stormwater
15 management area impractical and that they would be relocating it to an area that is lower
16 than its present location. Ms. Howard addressed the Board's questions regarding the
17 potential for siting the barn in an alternative location. Mr. Schneble stated that the portion
18 of the structure that would be nearest to the property line would not house animals and
19 would be in conformance with the required setbacks for accessory structures and noted that
20 the attached stables located towards the rear of the structure may likely meet the 75'
21 distance requirement. Mr. Schneble confirmed that before any construction takes place the
22 relocation of the stormwater management area will have to be approved by the County.
23

- 24 4. Variance request from Section 4.11A.2, 4.11E and Appendix B to remove the side and rear
25 landscape/screening buffer for a private commercial warehouse/garage. Owner: Daniel
26 McGinn. Location: Burr Business Park, Lot 11, Northeast corner of Clendening Dr. & James
27 Burr Blvd., Kearneysville, WV. District: 02; Map: 1; Parcel: 111; Size: 1.75 ac; Zone: IC;
28 File: ZV16-02.
29

30 The applicant was not available to present the request. Mr. Foster moved to postpone the
31 request until the February 25, 2016 meeting. Mr. Quynn called for a vote, which carried
32 unanimously.
33

34 Mr. Bannon moved to go into deliberative session at 2:37 p.m.. Mr. Schiltz moved to go back into
35 public session at 2:54 p.m..
36

- 37 3. Variance request from Section 8.2 to reduce the distance requirement for barns from the
38 75' to 47'. Applicant: Jessica Howard. Owner: Joann Conte.
39

40 Mr. Foster moved to approve the aforementioned variance with the condition that the storm-
41 water management area be relocated. Mr. Bannon offered an amendment to include the
42 condition that the approval of the variance is contingent upon the property being purchased
43 by the Howards (the applicant). Mr. Quynn called for a vote on the amendment, which
44 carried unanimously. Mr. Quynn called for a vote on the original motion, including the
45 amendment, which carried unanimously.
46

- 1 4. Variance request from Section 4.11A.2, 4.11E and Appendix B to remove the side and rear
2 landscape/screening buffer for a private commercial warehouse/garage. Owner: Daniel McGinn.
3
4 Mr. Simon stated he spoke with the Consultant and as they were unable to attend the
5 meeting, requested that the Item be postponed until the next regularly scheduled meeting.
6 The Board agreed to postponed the Item until the February 25, 2016 meeting.
7
8 5. Director's Report.
9 a) Monthly Zoning Certificate Activity Report
10
11 Ms. Brockman provided the Board with an update on pending text amendments:
12 1) Campgrounds: CC held public hearing 01/21/16
13 2) Major/Minor Subdivision & Site Plan Process: Approved by CC 12/17/15,
14 effective 1/1/16
15 3) Mass Events (#ZTA 14-02): PC recommended to the CC as revised at their
16 1/12/16 mtg; 2/4/16 CC mtg
17 4) Article 12 (ZO): PC recommended to the CC at their 1/12/16 mtg; 2/4/16 CC mtg
18 5) Pending amendments: LESA/Conditional Use and Cluster Subdivision Provision
19 Modifications – top priority for 2016, Historic Resource Demolition and Adaptive
20 Reuse, Parking Standards, Landscape Standards, Signage
21
22 6. Legal Update. None.
23 a) William Neufeld Pending Litigation CA #14-C-394
24 b) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73
25 c) Whistling Farms Bed & Breakfast Litigation CA # 15-C-209 (possible executive session)
26
27 7) Discussion with possible deliberative session and signing of draft findings/decisions. None.
28 Meeting Date: September 24, 2015 and October 22, 2015 (*see agenda for full item description*)
29
30 Mr. Schiltz moved to adjourn the meeting at 3:05 p.m. Mr. Quynn called for a vote, which carried
31 unanimously.