

Minutes
Jefferson County Zoning Board of Appeals

- 1 Meeting Date: June 23, 2016
2 Meeting Location: Charles Town Library Conference Room
3 200 East Washington Street, Charles Town West Virginia
4 Board members present: Tyler Quynn, Chair; Matt Knott, Christy Huddle, Ted Schiltz, Craig Foster,
5 Alternate, and Jeffrey Bresee, Alternate.
6 Absent members: Jeffrey Bannon (with notification)
7 Staff members present: Jennifer M. Brockman, Acting Zoning Administrator/Director of Planning and
8 Zoning and Alexandra Beaulieu, Office/Project Manager.
9

10 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

11 Mr. Tyler Quynn arrived late to the meeting at 2:21 p.m. Mr. Jeffrey Bresee presided over the
12 meeting.

13 Mr. Bresee called the meeting to order at 2:03 PM.

14 1. Approval of the minutes from the May 26, 2016 meeting.

15 The following corrections were requested of the May 26, 2016 minutes:

- 16 a) Page 1, Line 6, Change ~~None~~ to reflect that Mr. Jeffrey Bresee was absent with
17 notification.
18 b) Page 1, Line 14, delete to after “Mr. Quynn explained”.
19 c) Page 1, Line 25, add minutes to the end of the sentence, before the colon.

20 Ms. Huddle moved to approve the May 26, 2016 minutes as amended. Mr. Knott seconded
21 the motion, which carried unanimously.

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

23 Ms. Beaulieu swore in members of the public who indicated they would be providing testimony.

24 3. Variance from Section 10.4B to increase the maximum square footage of two proposed
25 business signs from 144 square feet to 264 square feet (Washington St.) and from 192 square
26 feet to 264 square feet. (Euclid Ave.); and, to allow signage to face a residential property.
27 Bret Skirvin, Site Enhancement Services, Inc., Applicant. Primax Properties, LLC, Owner.
28 Location: Corner of Washington and Euclid St. Charles Town (future Advanced Auto Parts).
29 District: 02; Map: 10A; Parcel: 76; Size: 1.04 ac; Zone: RLIC; File: ZV16-11.

30 Mr. Bret Skirvin, representative with Site Enhancement Services, was present to address the
31 Board. Ms. Brockman provided an overview of the request and explained to the Board that
32 because the signage included the red architectural panels, the entire panel was considered a part
33 of the signage area calculation.

34 Mr. Skirvin distributed a supplemental handout to the Board which provided additional
35 information on the proposed sign. Mr. Skirvin stated that the red architectural panels
36 contribute to the aesthetics of the surrounding area. Mr. Skirvin stated that the applicant
37 would be agreeable to terms requiring the illuminated sign to be turned off during non-
38 business hours. He noted that the sign on the side of the building facing Euclid Avenue
39 assisted in identifying the business to truck drivers for deliveries and reduced the possibility
40 of trucks missing the entrance. Mr. Skirvin provided some examples of similar signs in
41 Jefferson County including Burger King, Staples, Shell Gas Station, and Auto Zone.

- 1 Discussion ensued regarding the dimensions of the proposed sign and the historical
2 significance of Charles Town.
- 3 Mr. Knott inquired as to the closing time for Advance Auto Parts. Mr. Skirvin stated that it
4 varies by location but would likely not be open past 10:00 PM. Mr. Knott inquired as to
5 whether the signs remain illuminated once the business is closed. Mr. Skirvin stated that the
6 signs would be turned off when the business was closed.
- 7 Mr. Skirvin stated for the record that the red panels on the sign would not be illuminated and
8 that only the letters on the sign would be illuminated.
- 9 Mr. Schiltz inquired of staff that if the building were painted red, and the letters placed
10 directly on the building as opposed to the red panels, if that would be calculated into the sign
11 size. Ms. Brockman stated that only the letters would be calculated in that circumstance.
- 12 Mr. Bresee opened the public hearing.
- 13 Mr. Seth Rivard with the City of Charles Town spoke in opposition to the request. He
14 distributed a chart displaying the size requirements for signs in the City of Charles Town,
15 which is half of the size permitted in the County. He noted that the architectural design of a
16 building, including the color and shape, are types of branding which make the business stand
17 out; therefore, in his opinion, a larger sign was not necessary. Mr. Rivard also stated that
18 should any of the existing businesses, such as McDonald's, upgrade or change their signs,
19 they would be required to comply with the City's current sign ordinance. Mr. Rivard
20 requested that as part of the Board's conditions of approval, they consider requiring that the
21 lights be turned off when the business was closed.
- 22 Mr. Randolph Hilton, a longtime resident of Charles Town, spoke in opposition to the request.
- 23 Mr. Skirvin spoke in rebuttal stating that the panels would be more aesthetically pleasing. He
24 noted that paint would serve the same function as the panels, but that the panels are higher
25 quality and would improve the overall appearance. He stated that as a compromise, they could
26 decrease the letters by one size from 30" to 27", which would decrease the square footage of
27 the letters from 88 square feet to 71 square feet. He stated that they would prefer to keep the
28 panels as part of the final approved sign.
- 29 Ms. Huddle moved that the board go into deliberative session at 2:43 PM. Mr. Schiltz moved
30 that the board come out of deliberative session at 3:20 PM.
- 31 Mr. Schiltz moved to disapprove the request to increase the maximum square footage of the
32 two proposed business signs and to approve the request to allow signage to face a residential
33 property. Mr. Schiltz requested that the signs facing Euclid Avenue be turned off during non-
34 business hours. Mr. Bresee called for a vote. The motion passed with four in favor and one
35 opposed (Matt Knott).
- 36 Mr. Foster had another obligation and left the meeting at 3:27 PM.
- 37 4. Director's Report. Ms. Brockman provided the Board with an update on the following:
38 a) Monthly Zoning Certificate Activity Report.
39 b) Ms. Brockman provided the Board with an update on the following:

- 1 1) LESA/Conditional Use and Cluster Subdivision Provision Modifications:
2 06/14/16 PC reviewed all Public Hearing comments received. They made
3 recommended edits and voted to forward to the CC for their consideration and
4 approval, which will be on the 07/21/16 CC meeting agenda.
- 5 2) Pending Zoning Ordinance and Subdivision Regulation Amendments:
6 Campgrounds: County Commission followed up on the proposed revisions to
7 the draft amendment at their 06/16/16 meeting and requested an additional
8 workshop at their 07/21/16 meeting.
- 9 3) Mass Events (#ZTA 14-02): County Commission Public Hearing postponed
10 until summer 2016.
- 11 4) Pending amendments: Historic Resource Demolition and Adaptive Reuse staff
12 is collaborating with the HLC Board. Parking, Landscaping, and Signage
13 Standards- no action at this time.
- 14 5) Upcoming BZA meeting: July 28, 2016
- 15 6) Ms. Brockman stated that effective July 1 she would no longer be the Director
16 of Planning and Zoning. She did not have any additional information
17 regarding the Department reorganization.
- 18 5. Legal Update. There was no legal update as Ms. Lehman was absent.
- 19 6. Discussion with possible deliberative session and signing of draft findings/decisions.
20 No action was taken on this item.
- 21 a) Request by the Middleway Conservancy Association, Inc. for a Seasonal Use Permit
22 for 'The Battle of Smithfield Anniversary Re-enactment' to operate from August 12-14,
23 2016. The event is to consist of a re-enactment of civil war camp life, drills,
24 educational, activities, and public parking (SU16-01).
- 25 Ms. Huddle stated she would not be attending the July meeting. Mr. Schiltz stated he would not be
26 attending the July meeting.
- 27 Mr. Schiltz moved to adjourn the meeting at 3:31 p.m. Mr. Bresee called for a vote, which carried
28 unanimously.