

Minutes  
Jefferson County Zoning Board of Appeals

1 Meeting Date: March 24, 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, Matt Knott  
6 and Christy Huddle, Craig Foster, Alternate and Jeff Bresee, Alternate.  
7

8 Staff members present: Jennifer M. Brockman, Acting Zoning Administrator/Director of Planning and  
9 Zoning; Lydia Lehman, Assistant Prosecuting Attorney; Rhonda Greenholtz,  
10 Planning Clerk.  
11

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

13 Mr. Quynn explained how the meeting will be conducted to the public. Ms. Lydia Lehman  
14 requested that agenda Items 5 and 6 be heard before Items 3 and 4 as she needs to excuse herself  
15 from the meeting at 3:00 PM. Ms. Greenholtz swore in members of the public who indicated they  
16 would be providing testimony

17 1. Approval of the minutes from the February 24, 2016 meeting.

18 The minutes were not available for the Board to approve. The Board will take action on the  
19 minutes at the April 28, 2016 meeting.

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

21 Ms. Greenholtz swore in members of the public who indicated they would be providing  
22 testimony at the beginning of the meeting.

23 Mr. Quynn noted the representative or applicant for Items 5 and 6 was not in attendance.

24 Mr. Quynn requested the representative be contacted.

25 Ms. Huddle motioned to commence the meeting at 2:04 PM. Mr. Quynn called for a vote, which  
26 carried unanimously.

27 Mr. Quynn called for a 5 minute recess at 2:05 PM while Ms. Greenholtz contacted the consultant.

28 Ms. Huddle made a motion to call the meeting into session at 2:08 PM. Mr. Quynn called for a vote,  
29 which carried unanimously.

30 As the consultant was not present, the agenda order was heard in the original order.

31 Items 3 and 4 were addressed simultaneously.

32 3. Variance request by United Methodist Church from Section 10.4C to reduce the required setback  
33 of 25' to 0' to allow for the replacement of the existing freestanding sign. File: ZV16-03.

34 4. Variance request by United Methodist Church from the following:

35 a) Section 4.10A to waive the requirement of a site plan for the installation of a 1000 square  
36 foot gravel parking lot. File: ZV16-04

37 b) Appendix B to reduce the front parking setback from 15' to 0'. File: ZV16-04

38 Owner: United Methodist Church Trustees. Location: 289 Potomac Ave. Shenandoah Junction.  
39 District: 02; Map: 1A; Parcel: 62; Size: .21 ac; Zone: V.

40 Mr. Schiltz recused himself from this Item citing that he is a member of this church. Alternate  
41 Mr. Craig Foster filled Mr. Schiltz's vacancy for this agenda item.

1 Ms. Faye Thompson, President of the Trustees for Williams United Methodist Church addressed  
2 the Board.

3 Ms. Brockman presented the staff report for ZV16-03 stating that the existing sign is a non-  
4 conforming use. Ms. Brockman explained that the existing sign sits parallel to the Church  
5 and the proposed sign will be perpendicular to the Church. Ms. Brockman noted during the  
6 preparation of the staff report for ZV16-03, staff discovered that the grass area located in  
7 front of the church had been converted to a gravel parking lot without processing through  
8 the Department thus prompting the second variance request (ZV16-04).

9 Ms. Brockman explained that the gravel parking area overlaps into the West Virginia  
10 Department of Highway's right-of-way (ROW) and that staff had advised the applicant to  
11 contact the WVDOH regarding this issue. Ms. Brockman noted that as the graveled area  
12 extends to the furthest projection of the front and side property lines; thus necessitating a  
13 reduction of the required parking setbacks to 0'.

14 Staff's suggested conditions of approval for the requests are as follows:

- 15 a) The sign setback variance applies only to this particular free standing sign utilizing  
16 the same base as the existing nonconforming sign. (ZV16-03)
- 17 b) The variance of a site plan waiver or parking area setbacks apply only as already  
18 constructed. If any future expansion is proposed to the parking area a Site Plan must  
19 be processed through the Departments of Planning and Zoning. (ZV16-04)

20 Ms. Thompson explained the need for the new sign was due to the age of the current sign and  
21 that the existing sign is 4'11" tall and the mount is 2' ½" wide. Ms. Thompson explained the  
22 sign would utilize the existing foundation and would be approximately 6' in width.

23 Mr. Ronnie Henderson and Ms. Thompson presented pictures of the old sign and the proposed  
24 sign to the Board Members using an iPad and stated they would submit the pictures to the  
25 Zoning Department.

26 The Board expressed concern regarding the orientation of the proposed sign potentially  
27 creating sight distance issues for oncoming traffic. Ms. Brockman explained that while the  
28 WVDOH ROW was nearly adjacent to the sign, the actual road surface was at least 13 feet from  
29 the base of the sign. Mr. Knott questioned if the sign is placed perpendicular from the Church  
30 would it be in the WVDOH ROW. Mr. Henderson stated that the base of the sign would be  
31 approximately 18" from the existing brick base. Ms. Brockman explained that if the variance  
32 was granted the new orientation of the sign should remain outside of the ROW. Ms. Huddle  
33 stated that the WVDOH would address any encroachment issues should the need arise.

34 Ms. Greenholtz swore in members of the public who indicated they would be providing testimony  
35 at the meeting but who were not present at the initial swearing in.

36 Ms. Brockman suggested hearing both Items 5 and 6 simultaneously as the requests were related to  
37 the overall concept proposed by the applicant. Note: the file numbers for these items were  
38 inadvertently switched on the agenda.

- 39 5. Variance from Section 4.11A.1 and Appendix B to reduce the side and rear setback from  
40 50' to 25'; and to eliminate the required residential landscape buffer to allow for the  
41 construction of a proposed 37,500 square foot self-storage facility. Owner: CTSS, LLC.

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- 1 Location: 257 Keyes Ferry Rd., Charles Town, District: 02; Map: 9; Parcel: 8.3; Size: 3.2 ac;  
2 Zone: RLIC; File: ZV16-06. (Correct File Number ZV16-05)
- 3 6. Variance from Appendix B to reduce the rear setback from 50' to 25' for the existing bowling  
4 alley to accommodate a proposed lot line adjustment. Owner: LSCG Fund LLC. Applicant:  
5 CTSS, LLC. Location: Portion of 107 Keyes Ferry Rd., Charles Town, District: 02; Map: 9;  
6 Parcel: 8.1; Size: 4.59 ac; Zone: RLIC; File: ZV16-05. (Correct File Number ZV16-06)
- 7 Ms. Kristen Stolipher with Gordon represented the applicant. Mr. John Reisenweber, Director  
8 of the Jefferson County Development Authority (JCDA) was also present to speak in support of  
9 the following variance requests.
- 10 Mr. Schiltz resumed his position as Board member.
- 11 Ms. Brockman presented the staff reports for ZV16-05 and ZV16-06 to the Board explaining  
12 both the current and proposed uses for the adjacent properties. Ms. Brockman noted that as the  
13 parcel to the east of the proposed construction is restricted to a single family residential dwelling  
14 unit and therefore the larger setback of 50' and a medium landscape buffer detail would be  
15 required. Ms. Brockman also explained that the same adjacent parcel contains a 55' wide storm  
16 drainage easement located along the entire rear property line (shown on page 5 of the staff  
17 report). Ms. Brockman stated that the variances were required due to the size of the building and  
18 the proposed division of the lot.
- 19 Ms. Stolipher stated that if the use was a commercial use adjacent to an industrial use, reducing  
20 the setback from 50' to 25' would be acceptable. Ms. Stolipher noted that due to the steep  
21 topography towards the rear of the proposed addition it would be difficult to plant any  
22 landscaping. Ms. Stolipher added that the area within the stormwater management facility  
23 contains dense vegetation.
- 24 Mr. Quynn opened for public comment. Mr. Risenweber expressed support of the requests  
25 on behalf of the JCDA. Mr. Quynn closed the public hearing.
- 26 The Board determined that a deliberative session was unnecessary.
- 27 3. Variance request by United Methodist Church from Section 10.4C to reduce the required setback  
28 of 25' to 0' to allow for the replacement of the existing freestanding sign. File: ZV16-03.
- 29 4. Variance request by United Methodist Church from the following:
- 30 a) Section 4.10A to waive the requirement of a site plan for the installation of a 1000 square  
31 foot gravel parking lot. File: ZV16-04
- 32 b) Appendix B to reduce the front parking setback from 15' to 0'. File: ZV16-04
- 33 Mr. Foster moved to approve the request for Item 3 (ZV16-03) to reduce the required 25'  
34 setback to 0' for the proposed sign. Ms. Huddle moved to make an amendment to the motion  
35 that the sign setback apply only to the requested free standing sign utilizing the same base as  
36 the existing nonconforming sign. Mr. Quynn called for a vote on the amendment, which  
37 carried unanimously. Mr. Foster reiterated his original motion and included the approved  
38 amendment. Mr. Quynn called for a vote on the motion, which carried unanimously.
- 39 Ms. Huddle moved to approve Item 4 (ZV16-04) to reduce the front parking setback from 15'  
40 to 0'; the side parking from 4' to 0'; and a waiver of the Site Plan with the condition that the

- 1 setback variance applies only to the gravel parking area as constructed; and, any expansion of  
2 the parking area will require an application for a Site Plan. Mr. Quynn called for a vote, which  
3 carried unanimously.
- 4 5. Variance from Section 4.11A.1 and Appendix B to reduce the side and rear setback from  
5 50' to 25'; and, to eliminate the required residential landscape buffer to allow for the  
6 construction of a proposed 37,500 square foot self-storage facility. Owner: CTSS, LLC.  
7 Location: 257 Keyes Ferry Rd., Charles Town, District: 02; Map: 9; Parcel: 8.3; Size: 3.2 ac;  
8 Zone: RLIC; File: ZV16-06. (Correct File Number ZV16-05)
- 9 Mr. Knott moved to approve the variance request to reduce the side and rear setbacks from  
10 50' to 25' and to eliminate the required residential landscape buffer to allow for the construction  
11 of a 37,500 sq. ft. self-storage facility conditioned upon preserving the existing vegetation and  
12 the required 10' setback along the southern property line when possible. Ms. Huddle seconded  
13 the motion. Mr. Quynn called for a vote, which carried unanimously.
- 14 6. Variance from Appendix B to reduce the rear setback from 50' to 25' for the existing bowling  
15 alley to accommodate a proposed lot line adjustment. Owner: LSCG Fund LLC. Applicant:  
16 CTSS, LLC. Location: Portion of 107 Keyes Ferry Rd., Charles Town, District: 02; Map: 9;  
17 Parcel: 8.1; Size: 4.59 ac; Zone: RLIC; File: ZV16-05. (Correct File Number ZV16-06)
- 18 Mr. Quynn made a motion to reduce the rear setback from 50' to 25' for the existing bowling  
19 alley to accommodate a proposed lot line adjustment. Ms. Huddle moved to amend the  
20 motion that the approval be contingent upon the approval of the proposed lot line adjustment.  
21 Mr. Quynn called for a vote on the amendment, which carried unanimously. Mr. Quynn  
22 called for a vote on the amended motion, which carried unanimously.
- 23 7. Legal Update. Due to Ms. Lehman's necessary early departure the Board allowed her to address  
24 this Item prior to the Director's Report. Ms. Lehman noted there were no updates to present.
- 25 a) Whistling Farms Bed & Breakfast Litigation CA # 15-C-209 (possible executive session).  
26 None.
- 27 8. Director's Report. Ms. Brockman provided the Board with an update on the following:
- 28 a) County Commission budget discussion.  
29 b) LESA/Conditional Use and Cluster Subdivision Provision Modifications.  
30 c) Status updates on additional pending Zoning Ordinance and Subdivision Regulation  
31 Amendments.  
32 d) The next regular BZA meeting is scheduled for April 28, 2016.
- 33 Mr. Schiltz noted that he would not be in attendance at the April 28, 2016 meeting.
- 34 9. Discussion with possible deliberative session and signing of draft findings/decisions.  
35 Meeting Date: 12/10/15, 01/28/16 and 02/25/16 meetings. (*see agenda for full item description*)
- 36 a) An Appeal of the Acting Zoning Administrator's determination to enforce a 2013 Memo,  
37 which restricted shipping containers from being used as residential accessory structures.  
38 Appellant: Brian Billey. File: AP15-03. Not addressed.

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- 1           b) Variance from Sec. 9.7 and App. A to reduce the front setback on S. Church St. from  
2           20' to 7' for a 12' x 15' breezeway, a 25' x 28' attached garage with a 5' x 25' attached  
3           porch. Owner: Elena Mestre and Eric Hyman. File: ZV15-29. Not addressed.
- 4           c) Variance request from Sec. 8.2 to reduce the distance requirement for barns from the 75'  
5           to 47'. Applicant: Jessica Howard. Owner: Joann Conte. File: ZV16-01. Not addressed.
- 6           d) Postponed from the 01/28/16 meeting. Variance request from Sec. 4.11A.2, 4.11E and  
7           App. B to remove the side and rear landscape/screening buffer for a private, commercial  
8           warehouse/garage. Owner: Daniel McGinn. Not addressed.
- 9 Mr. Knott moved to adjourn the meeting at 3:02 p.m. Mr. Quynn called for a vote, which carried  
10 uinanimously.