



Jefferson County
Board of Zoning Appeals
Thursday, September 22, 2016, 2:00 p.m.

Members
Tyler Quynn, Chair
Jeffrey Bannon, Vice Chair
Christy Huddle
Matt Knott
Ted Schiltz
Jeff Bresee, Alternate
Craig Foster, Alternate

The Jefferson County Board of Zoning Appeals will meet in the Charles Town Library Conference Room located at 200 East Washington Street, at the side entrance on Samuel Street, in Charles Town, West Virginia.

Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Approval of the minutes from the July 28, 2016 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Variance request by The Bavarian Inn, represented by Richard Klein, Alpha Associated, Inc. from Section 4.6B.2 to reduce the side distance requirement for a commercial use adjacent to a residential use from 75' to 57' to allow for the construction of an addition to the existing Bavarian Inn. Property Owner: Asam Family Limited Partnership; Property Location: 164 Shepherd Grade Rd, Shepherdstown, WV. District: Shepherdstown Corp. (10); Map: 1; Parcel: 1; Zone: Residential Growth; Size: ~6.15 ac. (2.45 acres in the County); File #ZV16-17.
4. Variance request by McGee Civil Construction, LLC, owner, represented by Jason Gerhart of Gordon, from the following:
 - a) Section 4.11A.2: All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.
 - b) Section 4.11E.1: Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.
 - c) Section 4.11J: Required landscape buffers for a non-residential use are indicated in Appendix B.
 - d) Section 5.6D.1: Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
 - e) Section 8.9A.10: All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.
 - f) Appendix B All commercial development adjacent to all other uses must maintain ten (10) foot screened side and rear yard landscape buffers.

The applicant is proposing to accommodate the landscaping buffer requirements along the rear and southern side property lines by permitting a six (6) foot tall chain link fence with a mesh screen and existing vegetation

The applicant is proposed to accommodate the northern side property line landscape buffer requirements by utilizing the existing six (6) foot tall chain link fence with a mesh screen and the installation of one deciduous shade tree for every 100' of property line, which will alternate with the adjacent property's existing buffer trees to meet the combined 1 tree per 50' requirement.

Property Location: Lot 40, Burr Business Park; District: Charles Town (02); Map: 1; Parcel 140; Zone: Industrial Commercial; Size: 1.22 ac. (File #ZV16-18)

5. Variance request by David Leighton, owner, from Section 9.7 to reduce the rear setback from 12' to 6' to allow for the construction of a 36' x 14' deck. Property Location: Blue Ridge Acres, Lot 42, 88 Rock Lane, Harpers Ferry WV. District: Harpers Ferry (04); Map: 12D; Parcel: 118; Zone: Rural; Size: .64 ac. (File #ZV16-19)

6. Zoning Administrator's Report.
 - a) Monthly Zoning Certificate Activity Report
7. Legal Update.
 - a) Possible executive session on the follow pending lawsuits: None.
 - b) Discussion with possible deliberative session and signing of draft findings/decisions.

Meeting date July 28, 2016:

- i. Variance request by Beallair Homes, LLC from Sec. 5.4B1 (ZV16-12); Sec. 4.18 (ZV16-13).
- ii. Variance request by the JC Development Authority, owner, from Sections 4.11A.1, 4.11B.2 and 3, 4.11E.1(a-d), 4.11J, 5.6D.1 and App. B (ZV16-14).
- iii. Variance request by the JC Convention and Visitor's Bureau, applicant, on behalf of the Jefferson County Commission, owner, from Appendix B (ZV16-15 and ZV16-16).