

Minutes
Jefferson County Zoning Board of Appeals

- 1 Meeting Date: July 28, 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, Jeffrey Bannon,
5 Craig Foster, Alternate, and Jeffrey Bresee, Alternate
6 Absent members: Ted Schiltz (with notification)
7 Staff members present: Alexandra Beaulieu, Zoning Administrator; Jennifer M. Brockman,
8 County Planner; Lydia Lehman, Assistant Prosecuting Attorney
9

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

11 Mr. Quynn called the meeting to order at 2:05 PM.

12 1. Approval of the minutes from the June 23, 2016 meeting.

13 Ms. Huddle moved to approve the June 23, 2016 minutes. The minutes were approved
14 unanimously.

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

16 Ms. Brockman swore in members of the public who indicated they would be providing
17 testimony.

18 3. Variance request by Beallair Homes, LLC, owner, from the following:

19 a) Section 5.4B1 to reduce the rear setback from 20' to 12' for any residential structures on
20 Lots 112, 127, and 128 (ZV16-12).

21 b) Section 4.18 to allow a staffed model home on Lot 111, which is located within the
22 interior of the subdivision (ZV16-13).

23 Location: Beallair Subdivision, Lots 112, 127, 128, and Lot 111, Beallair Manor Dr. &
24 Lafayette St., Charles Town, WV. District: 04; Map: 10A; Parcels: 112, 127, 128 (.88 acres
25 total), and 111 (.33 acres); Zone: Residential Growth.

26 Mr. Mike Wiley and Mr. Todd Abey were present to address the Board. Ms. Beaulieu provided
27 an overview of the staff report, noting that staff was in support of both requests. Mr. Wiley
28 stated that the purpose of the first request, to reduce the rear setback distance from 20' to 12',
29 was to accommodate new product types which would not be able to fit on the lots as they are
30 currently configured. He stated that the second request was to allow a staffed model home on
31 Lot 111 as the previous model home had been sold. There was no public comment.

32 Ms. Huddle moved to approve both requests as presented by the applicant. The motion carried
33 unanimously.

34 4. Variance request by the Jefferson County Development Authority, owner, from the following:

35 a) Section 5.6D.1 and Appendix B to reduce the required front, side, and rear building
36 setbacks to 25' for all lots;

37 b) Section 4.11A.1, 4.11B.2 and 3, 4.11E.1(a-d), 4.11J, & Appendix B to reduce the
38 required side and rear landscape buffer to 10' and to allow a modified planting standard;
39 and to allow existing vegetation in lieu of the aforementioned modified planting standard.

40

1 The proposed modified planting standard is as follows:

2 Front: Street trees per Section 4.11I / Side: 10' / Rear: 10'

3 Without outside storage: 1 evergreen tree planted every 50' along the property line.
4 Should an adjacent use have existing landscaping meeting this standard, trees shall
5 be planted in an alternating pattern.

6 With outside storage: 1 evergreen tree planted every 50' along the property line.
7 Should an adjacent use have existing landscaping meeting this standard, trees shall be
8 planted in an alternating pattern. Additionally, a fence approved by the Jefferson
9 County Development Authority Board shall be installed. A letter indicating this
10 approval shall be submitted with the site plan.

11 Vegetation existing along the length of the property line may be used in lieu of the
12 required plantings provided,

13 A) A letter of support from the Jefferson County Development Authority Board
14 is submitted to the Department. A letter indicating this approval shall be
15 submitted with the site plan.

16 B) Documentation that the existing vegetation is comprised of hardwood and/or
17 evergreen trees.

18 C) A 10' landscape buffer is delineated on the required site plan noting that the
19 buffer is to remain undisturbed.

20 Should any existing vegetation be removed within the buffer, except for general
21 landscape maintenance, the applicant shall replant the affected area per the landscaping
22 standards noted above.

23 c) Section 8.9A.10 to allow the street tree standard or modified planting standard in lieu of
24 the required 50' landscape buffer strip for lots along or .5 miles from a limited access
25 highway; and,

26 d) Appendix B to reduce the parking and drive aisle setbacks for a proposed industrial use
27 to Front: 15', Side: 10', and Rear: 10'.

28 District: Charles Town (02); Map: 1; Lot/Parcel below: Burr Business Park: L: 1/P: 101, L:
29 4/P: 104, L: 5/P: 105, L: 6/P: 106, L: 7/P: 107, L: 9/P: 109, L: 10/P: 110, L: 12/P: 112; L:
30 13/P: 113; Lot 14/P: 114, L: 15/P: 115, L: 16/P: 116, L: 17/P: 117, L: 18/P: 118, L: 19/P:
31 119, L: 20/P: 120, L: 21, P: 121, L: 22/P: 122, L: 23/P: 123, L: 25/P: 125, L: 27, P: 127, L:
32 28/P: 128, L: 29/P: 129, L: 30/P: 130, L: 31, P: 131, L: 32/P: 132, L: 33/P: 133, L: 34/P:
33 134, L: 35/P: 135, L: 36/P: 136; Burr Industrial Park, Ph. I: L: 12/P: 65; James Burr
34 Technology Center: L: 3/P: 16.4; Zone: Industrial Commercial; File: ZV16-14.

35 Mr. John Reisenweber, Executive Director, was present to address the Board. Ms. Beaulieu
36 provided an overview of the staff report, noting that staff was in support of the requests.
37 She stated that several of the developed lots within the Burr Parks had received variances
38 pertaining to reduced building and parking setbacks, as well as reduced landscape buffers and
39 modified planting standards. She noted that in requesting a blanket variance for internal lot
40 lines on the remaining vacant lots, the JCDA could simplify the process for future
41 development. Mr. Reisenweber provided an overview of the request. He stated that Ms.
42 Brockman had advised that the JCDA apply for a blanket variance for the remaining vacant
43 lots. He stated that the request would simplify the process and be more cost efficient for
44 future development. There was no public comment.

- 1 Mr. Knott moved to approve the requests as presented by the applicant. The motion carried
2 unanimously.
- 3 5. Variance request by the Jefferson County Convention and Visitor's Bureau, applicant, on
4 behalf of the Jefferson County Commission, owner, from the following:
- 5 a) Appendix B to reduce the front setbacks from 40' to 19.97' (ZV16-15); and,
6 b) Appendix B to reduce the front parking setback from 15' to 0'; and Section 11.1A
7 to allow on-street parking (ZV16-16).
- 8 Location: 37 Washington Ct. Harpers Ferry; District: Harpers Ferry (04); Map: 7; Parcel: N/A;
9 Size: .64 ac; Zone: Rural
- 10 Mr. Knott recused himself from this request stating there was a conflict of interest since he
11 was a member of the CVB's board of directors.
- 12 Ms. Annette Gavin, CEO of Jefferson County Convention & Visitor's Bureau, was present to
13 address the Board. Ms. Beaulieu provided an overview of the staff report, noting that staff
14 supported the requests. Ms. Gavin provided an overview of the history of the property. She
15 stated that granting the variances would allow the CVB to construct the proposed second
16 structure on a uniquely shaped parcel. Ms. Gavin noted for the record that the WV Division of
17 Highways granted a waiver from the current requirements which prevents backing maneuvers
18 within a State highway right-of-way and also supported the request for right angle parking.
19 She submitted a copy of the letter from the WVDOH as part of her application. There was no
20 public comment.
- 21 Ms. Huddle moved to approve the request as presented. The motion carried unanimously.
- 22 6. Zoning Administrator's Report
- 23 a) Monthly Zoning Certificate Activity Report
- 24 Ms. Beaulieu stated that she had been appointed Zoning Administrator effective July 1, 2016.
25 She stated that she had been given direction to shorten the staff reports and requested input
26 from the Board. It was the consensus of the Board that the staff reports provided in the July
27 packets were satisfactory.
- 28 7. Legal Update.
- 29 a) Discussion with possible deliberative session and signing of draft findings/decisions.
- 30 Ms. Lehman inquired of the Board as to whether they would prefer to receive the draft Findings
31 of Fact and Conclusions of Law (FFCL) by email prior to their meeting, or if they would prefer
32 to continue receiving the FFCL in paper format the day of the meeting. The Board agreed to
33 receive the draft FFCL by email.
- 34 Ms. Huddle moved to adjourn the meeting at 3:25 p.m. The motion carried unanimously.