

Minutes  
Jefferson County Board of Zoning Appeals  
Thursday, April 18, 2013

The Jefferson County Board of Zoning Appeals met on Thursday, April 18, 2013. The meeting was held in the Charles Town Library Conference Room, located at 200 East Washington Street, in the City of Charles Town, West Virginia. Unless otherwise noted, all requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

Board members Jeff Bresee, Chairman; Christy Huddle, Vice Chair; Tyler Quynn and Ed Kelly were present. Staff members present were: Steve Barney, Zoning Administrator; Stephen Groh, Assistant Prosecuting Attorney; Jennilee Hartman, Zoning Clerk; and Alex Beaulieu, Planning Clerk.

Ms. Huddle motioned to commence the meeting. Mr. Quynn seconded the motion, which carried unanimously. Mr. Bresee called the meeting to order at 3:00 p.m.

1. Approval of the minutes from the March 21, 2013 meeting.

Ms. Huddle motioned to approve the minutes. Mr. Quynn seconded the motion. The following edits were requested:

- a) Page 3, item 7, line 5, change the word *on* to *in*

Mr. Bresee called for a vote which carried unanimously.

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

Ms. Hartman swore in the individuals who indicated they would be giving testimony.

Mr. Bresee explained to the public how the meeting would be conducted.

3. Variance request represented by applicants, Les Bowman and Alice James of Jumbo Seafood, LLC, from the following sections:

- 1) Section 5.6.D: to reduce the front and rear setback distances from 25' to 0' to allow a market truck to remain parked on the property for the purpose of selling seafood during daylight hours on Friday-Sunday, from April to December; and,
- 2) Section 10.4.C: to reduce the setback from a street right-of-way from 25' to 0' for a sign-supporting structure; and, to reduce the setback for a sign from 5' to 0'.

Alice James presented the request to the Board and explained the company's prior location and activities. Ms. James provided a handout of customer testimonials. Ms. Huddle concurred with Ms. James statement that the proposed location would be safer than the previous site. Ms. James answered Mr. Groh's questions regarding the sign stating that it would be constructed of plywood and could be up only during hours of operation. Mr. Barney added that while the applicant had been in violation that it had been unintentional and that they had been working towards compliance. Mr. Barney explained that while a vehicle is not identified as a structure the land use itself must abide by the setback regulations. Mr. Barney brought to the Boards' attention that the Department of Highways' right-of-way was particularly wide adjacent to the store and its exact location was unknown and therefore the applicant is seeking a 0' setback to accommodate the uncertainty. Mr. Kelly asked the applicant if they felt comfortable with the conditions suggested by Staff within the staff report should the variance be granted. Lester Bowman, property owner, stated the conditions are fine. Mr. Barney stated the sign would need a building permit.

Mr. Bresee called for public comment. There was no public comment.

## Minutes

Board of Zoning Appeals

April 18, 2013

Page 2 of 3

4. Variance request by applicant, Patrick Joseph Beirne, from Section 5.4(B) for a reduction of the rear setback distance from 25' to 13 ½' to allow for the construction of a deck with a corresponding concrete patio situated beneath. Property location: 33 Don Quixote Drive; Charles Town, WV. District: Charles Town (02); Map: 9C; Parcel: 143; Zoned: Residential-Light Industrial-Commercial; Size: 2000 sq. ft.; File: #ZV13-14.

Mr. Beirne presented his request to the Board stating he would like to expand his deck. Mr. Kelly asked if there was an easement behind the property. Mr. Barney confirmed that there was a 50' open space easement along the rear property line.

Mr. Bresee called for public comment. There was no public comment.

Mr. Kelly motioned to go into deliberative session at 3:25 p.m. Ms. Huddle seconded the motion, which carried unanimously.

Ms. Huddle motioned to come out of deliberative session at 3:27 p.m. Mr. Kelly seconded the motion, which carried unanimously.

### **Board of Zoning Appeals Rulings**

3. Variance request represented by applicants, Les Bowman and Alice James of Jumbo Seafood, LLC, from the following sections:

- 1) Section 5.6.D: to reduce the front and rear setback distances from 25' to 0' to allow a market truck to remain parked on the property for the purpose of selling seafood during daylight hours on Friday-Sunday, from April to December; and,
- 2) Section 10.4.C: to reduce the setback from a street right-of-way from 25' to 0' for a sign-supporting structure; and, to reduce the setback for a sign from 5' to 0'.

Mr. Kelly moved to approve the variance request with the condition that the variance is specifically limited to the usage stated in the application that temporary signage, including flags and similar devices associated with the freestanding sign is limited to Thursday through Sunday, that the size of the sign is limited to 4' x 8' and the height including the supporting structure is limited to eight feet, and that a sign permit be obtained. Ms. Huddle seconded the motion, which carried unanimously.

4. Variance request by applicant, Patrick Joseph Beirne, from Section 5.4(B) for a reduction of the rear setback distance from 25' to 13 ½' to allow for the construction of a deck with a corresponding concrete patio situated beneath.

Mr. Quynn motioned to approve the above referenced request. Ms. Huddle seconded the motion, which carried unanimously.

5. Director's Report.

Mr. Barney spoke in Ms. Brockman's absence introducing Alex Beaulieu as the new Planning Clerk. Mr. Barney updated the Board on the Comprehensive Plan and the continuing Lunch and Learn educational sessions. Mr. Barney informed the Board that Ms. Brockman had attended the National APA Conference that week.

6. Legal Update. None.

Minutes

Board of Zoning Appeals

April 18, 2013

Page 3 of 3

7. Signing of written decisions from prior Board of Zoning Appeals meetings.
  - a) Variance request by applicant, Peter Corum (Twin Oaks Subdivision, LLC), from Sections 4.10 and 11.1 to waive Site Plan and Parking Requirements for a 1,200 sq. ft. tent structure to be used for a Farm Market. Property location: 3988 Kearneysville Pike; Shepherdstown, West Virginia. District: Shepherdstown (09); Map: 13; Parcels: 26.1, 26.2, 26.3, 26.4; Zoned: Rural; Size: 13.69 acres; File: #ZV13-13. Signed by Mr. Breese after changes were made.
8. Correspondence. The Board briefly addressed the correspondence received by Fred Blackmer regarding the grading plan for Morgan's Grove Market.

Ms. Huddle motioned to adjourn the meeting at 3:43 p.m. Mr. Kelly seconded the motion, which carried unanimously.

An audio transcript of this meeting can be found at the Department of Zoning and on the Department's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). These minutes were prepared by Jennilee Hartman, Zoning Clerk.