

Minutes
Jefferson County Zoning Board of Appeals

- 1 Meeting Date: December 8, 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; Jeffrey Bannon, Matt Knott, and
5 Jeff Bresee, Alternate
6 Absent members: Ted Schiltz and Craig Foster, Alternate (with notification)
7 Staff members present: Alexandra Beaulieu, Zoning Administrator; Lydia Lehman, Assistant
8 Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk
9

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

11 Mr. Bresee moved to call the meeting to order at 2:04 p.m. The motion carried unanimously.

12 Ms. Hartman swore in members of the public who indicated they would be providing testimony.

13 1. Approval of the minutes from the November 10, 2016 meeting.

14 Mr. Bannon moved to approve the November 10, 2016 meeting minutes. The motion carried
15 unanimously.

16 2. Request by David and Laura Humphreys, property owners, for an eighteen (18) month
17 extension of the approved Conditional Use Permit (CUP) for Whispering Wind Farms Bed
18 and Breakfast, which expires on February 2, 2017. The approved CUP consists of a 3-unit
19 (5 bedrooms) bed & breakfast with no proposed changes to the existing home. The proposal
20 included five (5) parking spaces to utilize the existing driveway area and a 16 sq. ft. sign
21 located at the entrance of the property. If granted, the CUP would expire on August 2, 2018.
22 Property location: 290 Falling Springs Rd, Shepherdstown, WV; District: Shepherdstown (09);
23 Map: 13; Parcel: 29.41; Zone: Residential Growth; Size: 20.21 acres; File #CP15-02.

24 Mr. David Humphreys was present to address the Board. Ms. Beaulieu presented her staff
25 report and addressed the Board's questions. Mr. Humphreys explained the nature of his
26 request to the Board and addressed their questions.

27 Mr. Knott moved to approve the extension request, which carried three (3) in support and one
28 (1) in opposition (Mr. Bannon).

29 3. Variance from Section 9.7 to reduce the rear setback from 50' to 5' to allow for the construction
30 of a new home outside of the floodway/floodplain areas. Owners: Michael and Lori De Celie.
31 Property location: Tulip Hill Subdivision, Lot G, John Rissler Road, Charles Town. District:
32 Charles Town (02); Map: 22; Parcel: 32; Zone: Rural; Size: 2.109 ac; File: ZV16-25.

33 Michael De Celie was present to address the Board. Ms. Beaulieu presented her staff report and
34 addressed the Board's questions. Mr. De Celie explained the nature of his request to the Board
35 and addressed their questions. Mr. Quynn opened the public hearing. Ms. Kathryn Thomas
36 and Ms. Mamie Burton spoke in opposition to the request on behalf of Seven Springs Inc. of
37 West Virginia. Ms. Thomas read a letter of objection into the record on behalf of Ms. Ellen
38 Blackwell, President of Seven Springs Inc. of West Virginia. Mr. DeCelie responded to the
39 neighbor's concerns and the Board's questions. Mr. Quynn closed the public hearing.

1 4. Request for a Special Exception to operate a Rural Reception / Event Facility to host weddings,
2 gatherings and agricultural & equestrian related functions up to 16/month. Events will be
3 located inside a 40' x 72' barn, a 48' x 72' barn, and a 40' x 60' temporary tent. Grass parking
4 for 140 vehicles is proposed. Anna and Jacob Binkley. Property location: 6229 Flowing Springs
5 Road, Shenandoah Jct. District: Shepherdstown (09); Map: 20; Parcel: 4.1; Zone: Rural; Size:
6 47.374 ac; File: SE16-01.

7 Mr. and Mrs. Jacob and Anna Binkley, property owners, and Ms. Kristen Stolipher, consultant
8 with Gordon, were present to address the Board. Ms. Beaulieu explained the rationale behind her
9 interpretation of the term "existing" to the Board then proceeded with the remainder of her staff
10 report. While referring to a PowerPoint presentation, Ms. Stolipher explained the nature of the
11 request to the Board and addressed their questions. Mr. Binkley provided additional information
12 on the proposed use and background on the existing farm. Mr. Mark Dyck, consultant with
13 Gordon provided additional information pertaining to the definition of the word "existing".
14 Mr. Quynn opened the public hearing. There were no public comments. Mr. Quynn closed the
15 public hearing.

16 Mr. Bannon moved to go into deliberative session at 3:43 p.m. Mr. Knott seconded the motion
17 which carried unanimously. Mr. Knott moved to come out of deliberative session at 3:58 p.m.,
18 which carried unanimously.

19 3. Variance from Section 9.7 to reduce the rear setback from 50' to 5' to allow for the construction
20 of a new home outside of the floodway/floodplain areas. Property owner: Michael and Lori De
21 Celie. Property location: Tulip Hill Subdivision, Lot G, John Rissler Road, Charles Town.
22 District: Charles Town (02); Map: 22; Parcel: 32; Zone: Rural; Size: 2.109 ac; File: ZV16-25.

23 Mr. Bresee moved to approve a reduction in the rear setback from 50' to 12' for the construction
24 of a new home located at the above reference property. The motion carried unanimously.

25 4. Request for a Special Exception to operate a Rural Reception / Event Facility to host weddings,
26 gatherings and agricultural & equestrian related functions up to 16/month. Events will be
27 located inside a 40' x 72' barn, a 48' x 72' barn, and a 40' x 60' temporary tent. Grass parking
28 for 140 vehicles is proposed. Anna and Jacob Binkley. Property location: 6229 Flowing Springs
29 Road, Shenandoah Jct. District: Shepherdstown (09); Map: 20; Parcel: 4.1; Zone: Rural; Size:
30 47.374 ac; File: SE16-01.

31 Mr. Knott moved to approve the above referenced request, allowing the use of both barns noted
32 in the application. The motion carried unanimously. Mr. Knott noted for the record that the
33 Board concurred with Ms. Beaulieu's interpretation of the term "existing" as noted in her staff
34 report; however, felt that they had the discretion to approve the Special Exception as requested.

35 5. Zoning Administrator's Report.

36 a) Monthly Zoning Certificate Activity Report

37 Ms. Beaulieu updated the Board on the status of various pending amendments. Ms. Beaulieu
38 stated that the office had received an appeal and suggested that the Board call a special
39 meeting for January 12, 2017 in order to meet the deadline requirements in Section 3.4 of the
40 Zoning Ordinance. Upon confirming that there would be no advertising conflicts, the Board
41 agreed to move their regularly scheduled meeting from January 26, 2017 to January 12, 2017.

- 1 6. Legal Update. Ms. Lehman did not have any information for the Board.
- 2 a) Possible executive session on pending lawsuits: None.
- 3 b) Discussion with possible deliberative session and signing of draft findings/decisions.
- 4 Mr. Bannon signed the following Findings as he presided over the October 27, 2016 meeting.
- 5 i. Variance request from Section 5.7(b) by Michael Coffman. File ZV16-20.
- 6 ii. Variance request from Section 4.18 by Beallair Homes LLC. File: ZV16-21.
- 7 iii. Variance request by Bernadine Somers on behalf of Morgan Academy from
- 8 Section 10.4C File #ZV16-22.
- 9 Mr. Quynn reviewed the following Finding as he presided over the November 10, 2016
- 10 meeting.
- 11 i. Variance request from Sec. 4.11A (includes reference to App B), Sec. 5.4D.2; and,
- 12 App B by Bavarian Inn. File ZV16-23.
- 13 Mr. Bresee moved to adjourn the meeting at 4:00 p.m. The motion carried unanimously.