

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: February 23, 2017
- 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, Vice Chair; Matt Knott, Ted Schiltz,
5 Jeff Bresee, and Deirdre Catterton, Alternate
- 6 Absent members: None
- 7 Staff members present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
8 Prosecuting Attorney; and, Jennilee Hartman, Zoning Clerk
- 9 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.
- 10 Mr. Schiltz moved to call the meeting to order at 2:00 p.m. The motion carried unanimously.
- 11 Mr. Quynn explained to the public how the meeting would be conducted.
- 12 1. Approval of the January 12, 2017 meeting minutes.
- 13 Mr. Bannon requested that his name be corrected on page one, line 4. Mr. Bresee moved to
14 approve the January 12, 2017 minutes with Mr. Bannon's correction. The motion carried
15 unanimously.
- 16 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 17 3. Variance request by Michael Witteried, applicant, from Section 9.7, Appendix A and B to
18 reduce the building setbacks for a lot that is greater than 2 acres (40' Front, 15' Side, 50' Rear)
19 to the setbacks required for a lot that is 40,000 sq. ft. to 2 acres (25' Front, 12' Side, 12' Rear).
20 Property Owners: Linda P. Conn & Marshall T. Campbell. Property Location: Properties
21 located on the east & west side of War Admiral Blvd at its intersection with Currie Road.
22 District: Charles Town (02); Map: 2; Parcel: 18.1; Size: 2.21; Zone: Rural; File: ZV17-01.
- 23 Mr. Michael Witteried, applicant, was present to address the Board. Ms. Beaulieu delivered
24 an overview of the staff report and addressed questions from the Board. Mr. Witteried stated
25 that staff had presented most of the facts regarding the request and had only a few additional
26 comments to share with the Board. Mr. Witteried requested that the Board not impose the
27 following staff suggested condition of approval, "The variance applies only to residential
28 structures." but rather allow the variance to apply to any permitted use in the rural district.
29 Mr. Witteried explained that his variance also requested that the Board consider the property
30 line that bordered the controlled access ramp along Route 9 to be designated as a side yard (to
31 allow a 12' setback). The Board acknowledged the intent of his request. Mr. Witteried
32 answered questions from the Board. Mr. Quynn opened the public hearing.
- 33 Mr. Richard Wilson, concerned resident, had questions regarding the difference between rural
34 and residential designations and expressed concern that a commercial operation may be
35 permitted as a result of the request. Mr. Knott explained that the applicant would only be
36 allowed to conduct land uses listed as permitted uses in the Zoning Ordinance. Ms. Beaulieu
37 confirmed that any other land use would require a public hearing and potentially a rezoning
38 depending on the proposed land use. Mr. Quynn advised Mr. Wilson on land use processes.
39 Mr. Wilson thanked the Board for their time. Mr. Quynn closed the public hearing.
- 40 Mr. Knott moved to approve the request as presented and stated that the applicant was bound by
41 his testimony. Mr. Bresee seconded the motion, which carried unanimously.

- 1 4. Zoning Administrator's Report
- 2 a. Monthly Zoning Certificate Activity Report. This report was provided to the Board in the
- 3 mailed packet.
- 4 Ms. Beaulieu updated the Board on the status of the outstanding text amendments.
- 5 5. Legal Update. Mr. Cochran informed the Board that Ms. Lehman took a position with the
- 6 Berkeley County Prosecuting Office and that, in addition to serving the County Commission,
- 7 he would also serve as the Board's legal counsel for the time being. The Board noted that they
- 8 appreciated the counsel Ms. Lehman provided and remarked on her excellent performance
- 9 while serving the Board.
- 10 a. Possible executive session on the follow pending lawsuits: None.
- 11 b. Discussion with possible deliberative session and signing of draft findings/decisions
- 12 Meeting January 12, 2017
- 13 i. Appeal of the Zoning Administrator's determination by Thomas Hayden, President of
- 14 the Runnymede Homeowners Association, to permit Lisa and James Boyer to operate a
- 15 dog kennel (#ZC16-37) located at 5404 Kabletown Rd. in Charles Town. File: AP16-02.
- 16 ii. Variance request by CTSS, LLC, property owner, from Section 4.11A.2 & 8.9A.10 and
- 17 Appendix B File: ZV16-27.
- 18 iii. Variance by Alex Arneson and Christina Firaben from Section 5.7(b). File: ZV16-28.
- 19 Mr. Cochran provided the Board with a draft copy of the Findings for each request. Mr. Quynn
- 20 will sign the Findings once the suggested edits are completed.
- 21 Mr. Knott moved to adjourn the meeting at 2:36 p.m. Mr. Quynn called for a vote, which
- 22 carried unanimously.