

Minutes  
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: April 27, 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 and Jeff Bresee.
- 6 Absent members: Deirdre Catterton, Alternate (with notification)
- 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 March 23, 2017 meeting minutes.
- 13 Mr. Bannon moved to approve the March 23, 2017 minutes with the following edits:
- 14 1) Page 2, line 2, capitalize the Property Safety [Enforcement Agency] Board
- 15 Mr. Quynn called for a vote, which carried unanimously.
- 16 Ms. Beaulieu informed the Board that Ms. Suzin Wright contacted the office requesting that Item #5  
17 be withdrawn.
- 18 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 19 3. Variance request from Section 9.7 to reduce side setback from 8' to 6" for a 28' x 20' deck.  
20 Owner: David Young. Location: 62 Briar Patch Lane, Harpers Ferry. District: Harpers Ferry  
21 (04); Map: 2; Parcel: 29; Size: 4,592 sf; Zone: R; File: ZV17-04.
- 22 Mr. David Young, applicant, was present to address the Board. Ms. Beaulieu delivered an  
23 overview of the staff report and addressed questions from the Board. Ms. Beaulieu explained that  
24 as the existing home is a nonconforming structure, it is permitted to expand up to 35% along the  
25 subject property line; therefore, the only area that is subject to the request is the area shaded peach  
26 in the diagram on page 3 of the staff report. This area, which is approximately 71 square feet,  
27 exceeds the 35% expansion provision. Mr. Young presented pictures to the Board and addressed  
28 their questions. Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn  
29 closed the public hearing.
- 30 Mr. Bresee moved to approve the variance, which carried unanimously.
- 31 4. Request for a conditional use permit for a 3,400 square foot, 60-seat, drive through restaurant  
32 (Popeye's) with associated parking and signage. The existing site is to be demolished. Property  
33 Owner: Sharp Best & Brown LLC; Jonathon Friedlander, Applicant. Location: 805 E.  
34 Washington St. Charles Town. District: Charles Town (02); Map: 8; Parcel: 19; Size: 1.15 ac;  
35 Zone: RLIC; File: CUP17-01.
- 36 Mr. Jonathon Friedlander, applicant, and Lisa McCauley, consultant with Allegheny Surveys,  
37 were present to address the Board. Ms. Beaulieu provided an overview of the staff report and  
38 addressed questions from the Board. Ms. McCauley explained the nature of the request and  
39 answered the Board's questions. It was noted that the restaurant would be able to accommodate  
40 up to 64 patrons as opposed to 60 stated in the application. When reviewing the details for

1 proposed signage, Ms. McCauley and Mr. Friedlander clarified that they would like to utilize the  
2 largest sign detail included in the packet. The Board expressed concern regarding the location of  
3 the proposed handicap parking and inquired as to why it was located further away than other  
4 parking spaces. The applicant explained that while relocating the handicap spaces would make  
5 them physically closer to the building, it would require the disabled person to cross traffic and  
6 the drive through stacking lanes. The applicant stated they felt the longer distance was preferable  
7 to requiring the disabled person to cross traffic; however, if the Board required the relocation of  
8 the handicap spaces, they would make necessary revisions. Mr. Quynn opened the public  
9 hearing. Mr. Ronnie Marcus, adjacent property owner, spoke in favor of the request noting that  
10 the proposed use would improve the area. Mr. Quynn closed the public hearing.

11 Mr. Bannon motioned to go into deliberative session at 2:45 p.m. Mr. Quynn seconded the  
12 motion, which carried unanimously. Mr. Bresee motioned to come out of deliberative session  
13 at 3:06 p.m., which carried unanimously.

14 Mr. Knott motioned to approve Conditional Use Permit #CUP17-01, which consists of a  
15 3,400 square foot, 64-seat, drive through restaurant (Popeye's) with associated parking and  
16 signage with the following conditions:

- 17 a) The applicant/consultant shall reevaluate the proposed handicap parking space location  
18 to determine if it is the safest and most efficient location.
- 19 b) The signage will be similar in size (height and width) to the existing signs located on  
20 Washington Street.

21 Property Location: 805 E. Washington St. Charles Town. District: Charles Town (02); Map: 8;  
22 Parcel: 19; Size: 1.15 ac; Zone: Residential - Light Industrial- Commercial.

23 Mr. Bresee seconded Mr. Knott's motion, which carried unanimously.

24 5. Zoning Administrator's Report

25 a. Monthly Zoning Certificate Activity Report. This report was provided to the Board in the  
26 mailed packet.

27 Ms. Beaulieu referred to the list of zoning text amendments that was approved by the  
28 County Commission at their March 16, 2017 meeting. The Board requested paper and  
29 electronic copies of the changes. Ms. Beaulieu also informed the Board of the status of  
30 pending text amendments.

31 6. Legal Update.

32 a. Possible executive session on the follow pending lawsuits: None.

33 b. Discussion with possible deliberative session and signing of draft findings/decisions.  
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35 i. Variance request from Section 4.18. Owner: Beallair Homes, LLC. File: ZV17-02.

36 ii. Variance request from Section 9.7. Owner: Richard Pauley. File: ZV17-03.

37 Mr. Cochran provided the Board with a draft copy of the Findings for each request.

38 Mr. Knott moved to adjourn the meeting at 3:11 p.m. Mr. Quynn called for a vote, which  
39 carried unanimously.