

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: May 25, 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 2:02 p.m. The motion carried unanimously.
- 11 Mr. Quynn explained to the public how the meeting would be conducted.
- 12 1. Approval of the April 27, 2017 meeting minutes.
- 13 Mr. Bresee moved to approve the April 27, 2017 minutes. Mr. Bannon requested the following edit:
14 Page 1, line 25, insert the word **is** after the word **that**. Mr. Quynn asked Mr. Bresee if he accepted
15 the suggested amendment to the minutes. Mr. Bresee accepted the amendment. Mr. Quynn called
16 for a vote on the amended minutes, which carried unanimously.
- 17 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 18 Mr. Quynn stated the Board would review Item #7 on the Agenda (ZV17-09, Suzin and
19 Laurence Wright) as the first item.
- 20 3. Variance from Section 5.7(B)1 to reduce the side setback from 15' to 3' for a 20' x 32' accessory
21 structure. Owner: Suzin & Laurence Wright. Location: 947 Hostler Rd., Harpers Ferry. Tax
22 District: Harpers Ferry (04); Tax Map: 15; Parcel: 19.1; Size: 1.18 ac; Zone: R; File: ZV17-09.
- 23 Ms. Suzin Wright was present to address the Board. Ms. Beaulieu delivered an overview of the
24 staff report and addressed questions from the Board. Ms. Wright briefly explained the nature of
25 the request to the Board noting that she owned the adjacent property. Mr. Quynn opened the
26 public hearing. There was no public comment. Mr. Quynn closed the public hearing.
- 27 Mr. Bresee moved to approve the variance, which carried unanimously.
- 28 4. Variance from Section 9.7 to reduce the side and rear setback from 6' to 1' for a 7' tall fence.
29 Owner: Kathleen A. Holsinger. Location: 50 Garden Pl., Charles Town. Tax District: Charles
30 Town (02); Tax Map: 10B; Parcel: 73; Size: .21 ac; Zone: RG; File: ZV17-06.
- 31 Ms. Kathleen Holsinger was present to address the Board. Mr. Quynn stated for the record that
32 he has lived in close proximity to the subject parcel for 8-10 years and noted that he did not
33 believe there was any conflict in making a clear decision on the application. The Board members
34 did not object to Mr. Quynn's statement pertaining to the request. Mr. Cochran asked Mr. Quynn
35 if he believed he could be objective with regard to the variance request. Mr. Quynn agreed.
- 36 Ms. Beaulieu delivered an overview of the staff report and addressed questions from the Board.
37 Ms. Holsinger briefly described the nature of the request to the Board explaining that the purpose
38 of the taller fence is to help contain her large dog that habitually escapes her yard. Mr. Quynn
39 opened the public hearing. There was no public comment. Mr. Quynn closed the public hearing.
- 40 Mr. Knott moved to approve the variance. Mr. Schiltz seconded the motion, which carried
41 unanimously.

- 1 5. Request for a conditional use permit by Alisha's Child Care to operate a child care facility
2 within an existing home. The facility will provide services for up to 12-children, the existing
3 driveway will be utilized for parking and a 2' x 4' free standing sign will advertise the location.
4 Owner: James Shimp. Location: 130 Maple Ave, Harpers Ferry. Tax District: Harpers Ferry
5 (04); Tax Map: 3A; Parcel: 12; Size: .5 ac; Zone: V; File: CUP17-03.
- 6 Mr. Paul Raco, land use consultant with P.J. Raco Consulting, and Ms. Alisha Shimp, owner,
7 were present to address the Board. Ms. Beaulieu provided an overview of the staff report and
8 addressed questions from the Board. Mr. Raco presented the request and answered the Board's
9 questions. Mr. Raco stated that Ms. Shimp's Child Care had obtained all the necessary State
10 approvals. He explained that due to the fact that Ms. Shimp accepted MountainHeart, she was
11 unable to restrict or limit her clientele base. Mr. Raco stated that the site consisted of an existing
12 paved parking area to be used by clients and noted that Ms. Shimp did not believe parking
13 would be an issue because the employees of Alisha's Child Care resided on the property and
14 utilized a separate private parking area. Ms. Shimp addressed questions from the Board.
- 15 Mr. Quynn opened the public hearing. Allyson Stewart, Chris Foreman, and Angela Hough
16 spoke in favor of the conditional use permit. Additionally, letters of support were submitted
17 for the record by the Christner family, David and Cynthia Funkhouser, J. Evan and Christine
18 Barnes, Erica Dunn, and Christina Costello. Mr. Lewis Lloyd expressed concerns regarding the
19 sanitary conditions of the property in relation to the chickens and hogs and the septic capacity
20 for a childcare facility. Ms. Beaulieu informed the Board of an anonymous email that the office
21 received just before the meeting stating an objection to the request. She also noted that the
22 email would be included in the file but did not believe the Board was required to consider the
23 comment as part of their review due to the late submission and the individual not being present
24 for the meeting. Mr. Quynn closed the public hearing.
- 25 Mr. Raco's rebuttal included testimony explaining that a recent text amendment inadvertently
26 made processing commercial uses in existing structures within the Village zoning district more
27 cumbersome. Mr. Raco highlighted the fact that there had been no verbal testimony in opposition
28 to the proposed day care. In response to Mr. Lloyd's concerns regarding the hogs, Ms. Shimp
29 stated that the hogs would be removed from the property within the next two weeks.
- 30 Mr. Bannon moved to approve the conditional use permit for Alisha's Child Care (#CUP17-03),
31 to operate a child care facility within an existing home providing services for up to 12-children.
32 The existing driveway will be utilized for parking for clients and a 2' x 4' freestanding sign will
33 identify the business location. Mr. Bresee seconded the motion, which carried unanimously.
- 34 6. Request for a conditional use permit by Middleway Antique Shop and Information Center for a
35 proposed antique shop and information center to be located in an existing building. The business
36 would utilize an existing gravel parking lot located in the rear of the property and is proposing an
37 18 sq. ft. sign. Owner: Timothy Johnson. Location: 7279 Queen St., Kearneysville. Tax District:
38 Middleway (07); Tax Map: 22A; Parcel: 33; Size: .266 ac; Zone: V; File: CUP17-02.
- 39 This item was addressed in conjunction with Item #7. See below.
- 40 7. Variance from Section 4.10A to waive the requirement of a site plan due to the need for a
41 paved parking lot. Applicant is requesting to utilize the existing gravel parking lot as part of
42 conditional use permit application for the Middleway Antique Shop and Information Center
43 (#CUP17-02). Owner: Timothy Johnson. Property location: 7279 Queen St., Kearneysville.
44 Tax District: Middleway (07); Map: 22A; Parcel: 33; Size: .266 ac; Zone: V; File: ZV17-07.

1 Mr. Paul Raco, land use consultant with P.J. Raco Consulting, and Mr. Timothy Johnson,
2 owner, were present to address the Board. Ms. Beaulieu provided an overview of the staff
3 report, noting that the application included a request to include an 18 square foot sign, but that
4 the location and design had not been included in the application. Ms. Beaulieu addressed
5 questions from the Board. Mr. Raco presented the request on behalf of his client and answered
6 the Board's questions. Mr. Raco presented a general design for the proposed 18 square foot
7 sign. He requested that the Board not limit the sign to the general design presented, but limit it
8 to what the Middleway Conservancy approves to avoid possible conflict and the possible need
9 to seek additional variances. Regarding the variance request, Mr. Raco explained that requiring
10 a paved parking area would take away from the historic character of the area, which is why
11 Mr. Johnson is requesting to waive the requirement of a site plan. Mr. Quynn opened the public
12 hearing. There was no public comment. Mr. Quynn closed the public hearing.

13 Mr. Schiltz moved to approve the conditional use permit for Middleway Antique Shop and
14 Information Center, which is to consist of an antique shop and information center to be located
15 in an existing building. The business would utilize an existing gravel parking lot located in the
16 rear of the property and is proposing an 18 sq. ft. sign. Mr. Bresee seconded the motion, which
17 carried unanimously.

18 Mr. Bresee moved to approve the variance request from Section 4.10A to waive the requirement
19 of a site plan due to the need for a paved parking lot for conditional use permit application
20 #CUP17-02, Middleway Antique Shop and Information Center. The motion carried unanimously.

21 Owner: Timothy Johnson. Property location: 7279 Queen St., Kearneysville. Tax District:
22 Middleway (07); Map: 22A; Parcel: 33; Size: .266 ac; Zone: V; File: ZV17-07.

23 Mr. Knott left the meeting at 3:19 p.m.

24 8. 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 reported on the status of pending text amendments.

28 Mr. Schiltz stated he would not be at the June 22, 2017 meeting. Mr. Schiltz also stated he
29 did not receive an emailed packet. Ms. Beaulieu stated she would look into it.

30 9. Legal Update.

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

32 b. Discussion with possible deliberative session and signing of draft findings/decisions.

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34 i. Variance from Section 9.7. Owner: David Young. File: ZV17-04.

35 ii. Request for a CUP for a Popeye's. Owner: Sharp Best & Brown LLC. File: CUP17-01.

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

37 Mr. Schiltz moved to adjourn the meeting at 3:25 p.m. Mr. Quynn called for a vote, which carried
38 unanimously.