

Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: June 22, 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; and Jeff Bresee.

5 Absent members: Matt Knott and Ted Schiltz (with notification)
6 Deirdre Catterton, Alternate (without 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. Bannon 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 May 25, 2017 meeting minutes.

13 Mr. Bresee moved to approve the May 25, 2017 minutes. Mr. Quynn called for a vote, which
14 carried unanimously.

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

16 3. Variance request from the following requirements to allow for the construction of a new church:

17 a. Section 4.11A(1) & 4.11D: to allow the existing parking & access drive to remain within
18 the 50' unscreened green space buffer yard along the eastern boundary; and,

19 b. Appendix B: to reduce the western side setback from 50' to 15' for Phases 1 and 2 of the
20 church building.

21 Owner/Applicant: Dr. Craig Bush, Pastor, Grace Baptist Church. Location: 4272 Charles Town
22 Road, Kearneysville; District: Middleway (07); Map: 2; Parcel: 2.6; Size: 3.917 acres;
23 Zone: Rural; File: ZV17-10.

24 Ms. Lisa McCauley, representative with Allegheny Surveys, and Dr. Craig Bush, Pastor with
25 Grace Baptist Church, were present to address the Board. Ms. Beaulieu delivered an overview
26 of the staff report and addressed questions from the Board. Ms. McCauley provided the Board
27 with letters of support from the surrounding property owners. Ms. McCauley briefly explained
28 the nature of the request to the Board noting that the church wished to retain some of the
29 existing parking and the storm water management pond from the previous land use, which
30 was Walls Nursery. Dr. Bush explained that the church would save money by utilizing the
31 existing infrastructure. Mr. Quynn opened the public hearing. There was no public comment.
32 Mr. Quynn closed the public hearing.

33 Mr. Bresee moved to approve the variance request from Sections 4.11A(1), 4.11D, and
34 Appendix B. Mr. Bannon seconded the motion, which carried unanimously.

35 4. Variance request from Section 5.4(B) [of the Zoning and Land Development Review Ordinance,
36 as amended 11/07/02] to reduce the rear setback from 20' to 8' to construct a 12' x 12' deck.

37 Owner: Collis Holdings, LLC and F Squared, LLC. Location: Deerfield Village, Lot 46,
38 Deerfield Village Dr., Shepherdstown; District: Shepherdstown (09); Map: 14B; Parcel 46;
39 Size: .239 acres; Zone: Rural; File: ZV17-11.

1 Mr. Joseph Collis, property owner, was present to address the Board. Ms. Beaulieu delivered
2 an overview of the staff report informing the Board that the recorded final plat included a note
3 which stated, "Although this subdivision is in technical compliance with Jefferson County
4 Land Development Ordinance, several lots have geometry that may limit future construction
5 of decks, pools, sheds, and other accessory structures." Mr. Collis briefly explained the nature
6 of the request to the Board noting that he owned the adjacent vacant parcels and stated that he
7 believed having a larger deck would help maintain the property value. Mr. Collis addressed
8 questions from the Board. Mr. Quynn opened the public hearing. There was no public
9 comment. Mr. Quynn closed the public hearing.

10 Mr. Bannon moved to approve the variance, which carried unanimously.

11 5. Variance request from Section 9.7 to reduce the rear setback from 50' to 30' for a 30' x 45'
12 accessory structure. Owner: Patricia Dunn. Location: 923 Gardners Ln, Shepherdstown;
13 District: Shepherdstown (09); Map: 17; Parcel: 1; Size: 2.5 ac; Zone: R; File: ZV17-12.

14 Mr. Gary Dunn, husband of the property owner, was present to address the Board. Ms. Beaulieu
15 delivered an overview of the staff report informing the Board that compliance with the Ordinance
16 was feasible; however, there were several features on the property which limited the buildable
17 area. Ms. Beaulieu further stated that the adjacent parcel was over 200 acres and therefore did not
18 believe granting the request would adversely impact the neighbor. Mr. Dunn addressed questions
19 from the Board. Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn
20 closed the public hearing.

21 Mr. Bresee moved to approve the variance, which carried unanimously.

22 6. Request by applicant, The Middleway Conservancy Association Inc., for a Seasonal Use Permit
23 for "Reenactment of the Battle of Smithfield Crossing" to operate from September 8-10, 2017.
24 The event is to consist of a reenactment of civil war camp life, drills, educational activities and
25 public parking. Property and event information as follows: **SU17-01A:** William & Linda Chappell:
26 military drills & educational activities, reenactment; 175 East St., Kearneysville; D: 07; M: 22B;
27 P: 28; Size: .89 ac; Z: R & V; **SU17-01B:** Daniel & Anne Bowers: Reenactor parking; encampment
28 of 20 cavalry reenactors with horses, and educational activities; 272 Mason Farm Dr., Kearneysville;
29 D: 07; M: 22; P: 12.9; Size: 7.75 ac; Z: R; **SU17-01C:** Dorothea DeHart: military drills & educational
30 activities; reenactment of the battle 207 East St., Kearneysville; D: 07; M: 22B; P: 29 & 20; Size: 2.17
31 ac & .53 ac; Z: R & V; **SU17-01D:** Grace Episcopal Church: information center; living history
32 exhibits; educational activities; 112 East St., Kearneysville; D: 07; M: 22A; P: 70; Size: .33 ac; Z: V;
33 **SU17-01E:** Carmen Quinones: encampment of 150 reenactors; military drills & equipment; civil war
34 camp life & reenactment; 7513 Queen St., Kearneysville; D: 07; M: 22A; P: 18; Size: 2.45 ac; Z: V;
35 **SU17-01F:** James Stickles: Reenactor (50 cavalry) encampment with horses; military drills &
36 equipment; civil war camp life; 7316 Queen St., Kearneysville; D: 07; M: 22A; P: 61; Size: 2.6 ac;
37 Z: V; **SU17-01G:** Timothy Johnson: exhibition of Middleway/Smithfield records & artifacts;
38 7279 Queen St., Kearneysville; D: 07; M: 22A; P: 33; Size: .266 ac; Z: V; **SU17-01H:** Middleway
39 United Methodist Church Trustees: living history interpretations; educational activities; 328 King St.,
40 Kearneysville D: 07; M: 22A; P: 19; Size: .67 ac; Z: V; **SU17-01I:** Middleway United Methodist
41 Church Trustees: spectator parking; 7437 Queen St. Kearneysville; D: 07; M: 22A; P: 44; Size: .33 ac;
42 Z: V; Files: SU17-01(A – I).

43 Mr. William Chappell, representative with the Middleway Conservancy, was present to address
44 the Board. Ms. Beaulieu presented her staff report to the Board. Mr. Chappell described the nature
45 of the event to the Board and explained that they would not be utilizing cannons as part of the

1 reenactment this year as they were found to be disruptive during last year's event. Mr. Chappell
2 provided an additional 10 letters of support from the surrounding property owners. Mr. Chappell
3 stated that he had notified the West Virginia Division of Highways (WVDOH), the Jefferson
4 County Health Department, and the Jefferson County Sheriff's Office of the event. Noting the
5 success of the previous year's event, Mr. Chappell explained the event would be larger this year,
6 with additional participants in period costume. Mr. Quynn opened the public hearing. There was
7 no public comment. Mr. Quynn closed the public hearing.

8 Mr. Quynn moved to approve the requested Seasonal Use Permit applications for the properties
9 listed in files SU17-01 (A-I) contingent upon the applicant receiving a zoning certificate, and
10 submitting proof of liability insurance for the event, as well as receiving approvals from the WV
11 Division of Highways, the Jefferson County Health Department, and the Jefferson County
12 Sheriff's Office. Mr. Bresee seconded the motion, which carried unanimously.

13 7. Zoning Administrator's Report

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

16 Ms. Beaulieu reported on the status of pending text amendments and stated the next BZA
17 meeting was on July 27, 2017.

18 8. Legal Update.

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

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

21 Meeting April 27, 2017

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

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

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

25 Mr. Bannon moved to adjourn the meeting at 2:46 p.m. Mr. Quynn called for a vote, which carried
26 unanimously.