

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: September 28, 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; Ted Schiltz and
5 Deirdre Catterton, Alternate
- 6 Absent members: Jeff Bresee and Matt Knott (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. Bannon presided over the meeting. Mr. Quynn moved to call the meeting to order at 2:00 p.m.
11 The motion carried unanimously.
- 12 1. Approval of the July 27, 2017 meeting minutes.
- 13 Mr. Quynn moved to approve the July 27, 2017 minutes. Mr. Schiltz seconded the motion, which
14 carried three (3) in support and one (1) abstention (Ms. Catterton did not attend the July meeting).
- 15 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 16 3. Variance request from Section 5.4(b) to reduce the front setback for the townhome lots from 25'
17 to 10' along a one-way alley (Clover Lea Way). Owner: Beallair Homes, LLC. Location:
18 Beallair Subdivision, Lots 50 – 67 fronting on Lewis Washington Dr. & Claymont Hill St. &
19 utilize Clover Lea Way for their access. District: Harpers Ferry (04); Map: 10A; Parcel: RESB /
20 50; Combined acreage: ~3.00 ac; Zone: Residential Growth; File: ZV17-14.
- 21 Ms. Beaulieu informed the Board that the applicant had requested a postponement of this item
22 due to a scheduling conflict. This item was postponed until the October 26, 2017 meeting.
- 23 4. Variance from Section 5.4(b) to reduce the front setback from 25' to 10' along the southern
24 boundary for Lots 283 through 289; to reduce the front setback from 25' to 10' along the eastern
25 boundary for Lot 283; to reduce the front setback from 25' to 10' along the northern boundary
26 for Lots 290 through 296; to reduce the front setback from 25' to 10' along the eastern boundary
27 for Lot 296; to reduce the front setback distance from 25' to 10' along the southern boundary for
28 Lots 297 through 304; and to reduce the front setback distance from 25' to 18' along the eastern
29 boundary for Lot 297. Owner: Beallair Homes, LLC. Location: Beallair Subdivision. District:
30 Harpers Ferry (04); Map: 10A; Parcel: RESA; Current acreage: ~72 ac; Zone: Residential
31 Growth; File: ZV17-15.
- 32 Ms. Beaulieu informed the Board that the applicant had requested a postponement of this item
33 due to a scheduling conflict. This item was postponed until the October 26, 2017 meeting.
- 34 The Board agreed to hear Item #6 Russell and Janet Lloyd (ZV17-16) prior to Item #5 Dollar General
35 Conditional Use Permit (CUP17-04).
- 36 5. Variance from Section 9.7 to reduce the side setback from 8' to 1' to construct a 28' x 30'
37 attached garage. Owners: Russell & Janet Lloyd. Location: Tuscawilla Hills Subdivision,
38 Lot 66, 1210 Tuscawilla Dr, Charles Town. District: Charles Town (02); Tax Map: 11A;
39 Parcel: 4; Size: .328 ac; Zone: Residential Growth; File: ZV17-16.

- 1 Mr. Russell Lloyd, owner, and daughter, Ms. Shelly Gustines, were present to address the Board.
2 Ms. Beaulieu presented the staff report, noting that a letter of support had been provided by the
3 neighbor most impacted by the request, and addressed questions from the Board. Mr. Lloyd
4 answered questions from the Board. Mr. Bannon opened the public hearing. Ms. Rebecca Burns,
5 neighbor, spoke in support of the request. Mr. Bannon closed the public hearing.
- 6 Mr. Quynn moved to approve the variance from Section 9.7, as requested, based upon the
7 testimony received. Mr. Bannon called for a vote, which carried unanimously.
- 8 6. Request for a Conditional Use Permit to add tobacco, beer, and wine sales to the existing
9 Dollar General as a Retail Sales, Limited land use. Owner: SAGA Holdings, LLC. Applicant:
10 Dolgencorp, LLC: Location: 4735 Middleway Pike, Kearneysville, WV 25430. District:
11 Middleway (07); Map: 19; Parcel: 16.6; Size: 1.59 ac; Zone: Rural; File: CUP17-04.
- 12 As the applicant was not in attendance the Board unanimously agreed to continue this item until
13 the October 26, 2017 meeting. Mr. Cochran noted for the record that there were no members of
14 the public present for this request.
- 15 7. Zoning Administrator's Report
- 16 a. Monthly Zoning Certificate Activity Report. This report was provided to the Board in the
17 mailed packet.
- 18 Ms. Beaulieu reported on the status of pending text amendments.
- 19 b. Notice of Ethics and Open Meetings Training offered by the Jefferson County Commission
20 Wednesday, October 18, 2017 at 7:00 PM – Charles Town Library Meeting Room
- 21 Ms. Beaulieu drew the Board's attention to the Ethics and Open Meetings Training Notice
22 included in the packet.
- 23 Ms. Beaulieu stated the next BZA meeting would be October 26, 2017.
- 24 8. Legal Update.
- 25 a. Possible executive session on the follow pending lawsuits: None.
- 26 b. Discussion with possible deliberative session and signing of draft findings/decisions.
27 Meeting June 22, 2017
- 28 i. Variance from Sec. 9.7 & App. A. Owner: Bernard DeMartini & Terry Tucker.
29 Mr. Cochran provided the Board with a draft copy of the Findings for the request.
- 30 Mr. Schiltz informed the Board that he would not be attending the October and November meetings.
- 31 Mr. Quynn moved to adjourn the meeting at 2:17 p.m. Mr. Bannon called for a vote, which carried
32 unanimously.