

Minutes  
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: October 26, 2017
- 2 Meeting Location: Jefferson County Maintenance Building Conference Room  
3 128 Industrial Blvd, Kearneysville, West Virginia 25430
- 4 Board members present: Jeffrey Bannon, Vice Chair; Matt Knott, and Deirdre Catterton, Alternate
- 5 Absent members: Tyler Quynn, Chair, Jeff Bresee, and Ted Schiltz (with notification)
- 6 Staff members present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant  
7 Prosecuting Attorney; and, Jennilee Hartman, Zoning Clerk
- 8 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.
- 9 Mr. Bannon presided over the meeting. Mr. Knott moved to call the meeting to order at 2:00 p.m.
- 10 The motion carried unanimously.
- 11 1. Approval of the September 28, 2017 meeting minutes.
- 12 Ms. Catterton moved to approve the September 28, 2017 minutes. Mr. Bannon called for a vote,  
13 which carried two (2) in support and one (1) abstention (Mr. Knott did not attend the September  
14 meeting).
- 15 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 16 3. Postponed from the September 28, 2017 meeting. Variance request from Section 5.4(b) to reduce  
17 the front setback for the townhome lots from 25' to 10' along a one-way alley (Clover Lea Way).  
18 Owner: Beallair Homes, LLC. Location: Beallair Subdivision, Lots 50 – 67 fronting on Lewis  
19 Washington Dr. & Claymont Hill St. & utilize Clover Lea Way for their access. District: Harpers  
20 Ferry (04); Map: 10A; Parcel: RESB / 50; Combined acreage: ~3.00 ac; Zone: Residential  
21 Growth; File: ZV17-14.
- 22 As Items# 3 and #4 were submitted by the same applicant, they were addressed simultaneously.
- 23 4. Postponed from the September 28, 2017 meeting. Variance from Section 5.4(b) to reduce the  
24 front setback from 25' to 10' along the southern boundary for Lots 283 through 289; to reduce  
25 the front setback from 25' to 10' along the eastern boundary for Lot 283; to reduce the front  
26 setback from 25' to 10' along the northern boundary for Lots 290 through 296; to reduce the  
27 front setback from 25' to 10' along the eastern boundary for Lot 296; to reduce the front setback  
28 distance from 25' to 10' along the southern boundary for Lots 297 through 304; and to reduce  
29 the front setback distance from 25' to 18' along the eastern boundary for Lot 297. Owner:  
30 Beallair Homes, LLC. Location: Beallair Subdivision. District: Harpers Ferry (04); Map: 10A;  
31 Parcel: RESA; Current acreage: ~72 ac; Zone: Residential Growth; File: ZV17-15.
- 32 As Items# 3 and #4 were submitted by the same applicant they were addressed simultaneously.
- 33 Mr. Mike Wiley and Mr. Todd Abe, representatives for Beallair Homes, LLC, were present to  
34 address the Board. Ms. Beaulieu provided an overview of the staff report, combining Items #3  
35 and #4 during her presentation, and addressed questions from the Board. Mr. Wiley and Mr. Abe  
36 presented the request and answered questions from the Board. Mr. Bannon opened the public  
37 hearing. There was no public comment. Mr. Bannon closed the public hearing.
- 38 Mr. Knott moved to approve both of the above referenced variances, as requested. Mr. Bannon  
39 called for a vote, which carried unanimously.

1 5. Postponed from the September 28, 2017 meeting. Request for a Conditional Use Permit to add  
2 tobacco, beer, and wine sales to the existing Dollar General as a Retail Sales, Limited land use.  
3 Owner: SAGA Holdings, LLC. Applicant: Dolgencorp, LLC: Location: 4735 Middleway Pike,  
4 Kearneysville, WV 25430. District: Middleway (07); Map: 19; Parcel: 16.6; Size: 1.59 ac;  
5 Zone: Rural; File: CUP17-04.

6 Mr. Casey Usmani, representative for Dolgencorp, LLC was present to address the Board.  
7 Ms. Beaulieu presented the staff report, noting that the existing Dollar General was previously  
8 approved under a conditional use permit. Ms. Beaulieu explained that because the original  
9 conditional use permit application did not include alcohol sales that a new conditional use  
10 permit was required. Ms. Beaulieu addressed questions from the Board. Mr. Usmani presented  
11 the request and answered questions from the Board. Mr. Bannon opened the public hearing.  
12 There was no public comment. Mr. Bannon closed the public hearing. The Board agreed that a  
13 deliberative session was not necessary.

14 Mr. Knott moved to grant the Conditional Use Permit to add tobacco, beer, and wine sales to the  
15 existing Dollar General as a Retail Sales, Limited land use. Mr. Bannon called for a vote, which  
16 carried unanimously.

17 6. Request for a Conditional Use Permit to allow for a propane distribution facility to consist of two  
18 (2) 30,000 gallon propane storage tanks for distribution to residential, commercial, and industrial  
19 properties; a 2,500 square foot structure to house an office, a warehouse and retail sales area;  
20 vehicle tank storage area; and associated customer/employee parking. Blossman Gas intends to  
21 employ approximately 20 people. Owner: Jefferson County Development Authority. Applicant:  
22 Blossman Gas, LLC. Location: Burr Industrial Park, Lot 12, fronts along War Admiral Blvd.,  
23 Kearneysville, WV 25430. District: Charles Town (02); Map: 1; Parcel: 65; Size: 2.31 acres;  
24 Zone: Industrial-Commercial. File: CUP17-05.

25 Mr. John Reisenweber, representative for the Jefferson County Development Authority, and  
26 Mr. Ellis Chapman, representative for Blossman Gas, LLC, were present to address the Board.  
27 Ms. Beaulieu presented the staff report and provided the Board with an email from the Division  
28 of Highways tentatively approving access to War Admiral Boulevard. Ms. Beaulieu addressed  
29 questions from the Board. Mr. Reisenweber and Mr. Chapman presented the request and  
30 answered questions from the Board regarding the safety of the tanks. Mr. Bannon opened the  
31 public hearing.

32 Ms. Melissa Hynes, president of the Parent Committee for the neighboring Children First Child  
33 Development Center, spoke in opposition to the request. Ms. Hynes expressed concern regarding  
34 the negative impact the proposed use may have on attendance at the school with regard to parent's  
35 concerns as to the safety of the propane tanks. Ms. Hynes also questioned if the applicant would  
36 be able to meet the distance and landscaping requirement outlined in the Zoning Ordinance.  
37 Ms. Hynes suggested, should the Board approve the application, that Blossman Gas be required to  
38 provide the school with an educational pamphlet that could be distributed to concerned parents  
39 and that a natural buffer be retained along the shared property line as opposed to clear cutting the  
40 site to plant new trees that would take years to fully grow.

41 Mr. Greg Mason, representative for the neighboring AMS, Inc., spoke in opposition to the request.  
42 Mr. Mason concurred with Ms. Hynes' concerns. Mr. Mason added that he was concerned for the  
43 safety of his employees, noting that the proposed tanks would be approximately 100' from his  
44 parking lot and building. Mr. Mason was also concerned that the proposed land use would increase

- 1 his insurance rates and that the proposed entrance access would be a cost to taxpayers. Mr. Mason  
2 requested that the applicant consider one of the many other vacant lots in the Park.
- 3 Mr. Bannon closed the public hearing.
- 4 In rebuttal, Mr. Reisenweber explained that there is very little danger associated with storage  
5 tanks because they are not equipped with a pilot light. Mr. Reisenweber stated that they hoped  
6 to retain the existing trees to provide a sufficient buffer. Mr. Chapman explained that the storage  
7 tanks must meet many state and federal regulations and that federal standards require the tanks  
8 to be 50' from all buildings. Mr. Reisenweber noted that there were many businesses within the  
9 Park that had large propane tanks. Mr. Chapman stated he did not have information on a blast  
10 radius as the storage tanks do not have a history of exploding. Mr. Chapman explained that there  
11 is an evacuation requirement of approximately a half mile in the event of a tank breach.
- 12 Ms. Catterton motioned to go into deliberative session at 3:10 p.m., which carried unanimously.  
13 Mr. Knott motioned to come out of deliberative session at 3:42 p.m., which carried unanimously.
- 14 Ms. Catterton moved to postpone action on the Conditional Use Permit until the next Board  
15 meeting on November 9, 2017 for the purpose of obtaining additional information. Ms. Catterton  
16 stated that the Board requested the following information: 1) documentation of any State and  
17 Federal Regulations regarding propane storage tanks and how the proposed use would meet said  
18 regulations; and, 2) information on what the blast radius is for propane storage tanks. The motion  
19 carried unanimously.
- 20 7. Zoning Administrator's Report
- 21 a. Monthly Zoning Certificate Activity Report. This report was provided to the Board in the  
22 mailed packet.
- 23 Ms. Beaulieu reported on the status of pending text amendments and stated the next BZA  
24 meeting would be November 9, 2017.
- 25 8. Legal Update.
- 26 a. Possible executive session on the follow pending lawsuits: None.
- 27 b. Discussion with possible deliberative session and signing of draft findings/decisions.
- 28 Meeting September 28, 2017
- 29 i. Variance from Sec. 9.7. Owners: Russell & Janet Lloyd. File: ZV17-16.
- 30 Mr. Knott moved to adjourn the meeting at 3:53 p.m. Mr. Bannon called for a vote, which carried  
31 unanimously.