

Minutes  
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: November 9, 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, and Deirdre  
5 Catterton, Alternate
- 6 Absent members: Jeff Bresee and Ted Schiltz (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 moved to call the meeting to order at 2:00 PM. The motion carried unanimously.
- 11 1. Approval of the October 26, 2017 meeting minutes.
- 12 Ms. Beaulieu stated for the record that Mr. Greg Mason, who provided Public Comment during the  
13 October 26 public hearing, requested that his comment requesting Blossman Gas locate to another  
14 vacant lot in the Park be included in the minutes.
- 15 Mr. Bannon moved to approve the October 26, 2017 minutes with Staff's recommended revision.  
16 Mr. Quynn called for a vote, which carried unanimously.
- 17 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 18 The Board agreed to hear Item #4 Middleway United Methodist Church (ZV17-17) prior to item  
19 #3 Blossman Gas Conditional Use Permit (CUP17-05).
- 20 3. Postponed from the October 26, 2017 meeting. Action on the request for a Conditional Use  
21 Permit to allow for a propane distribution facility to consist of two (2) 30,000 gallon propane  
22 storage tanks for distribution to residential, commercial, and industrial properties; a 2,500  
23 square foot structure to house an office, a warehouse and retail sales area; vehicle tank storage  
24 area; and associated customer/employee parking. Blossman Gas intends to employ  
25 approximately 20 people. Owner: Jefferson County Development Authority. Applicant:  
26 Blossman Gas. Location: Burr Industrial Park, Lot 12, fronts along War Admiral Blvd.,  
27 Kearneysville, WV 25430. District: Charles Town (02); Map: 1; Parcel: 65; Size: 2.31 acres;  
28 Zone: Industrial-Commercial. File: CUP17-05.
- 29 Mr. Bannon made a motion to go into executive session at 2:12 PM, which carried unanimously.
- 30 Mr. Knott made a motion to come out of deliberative session at 2:26 PM, which carried  
31 unanimously.
- 32 Mr. Quynn recused himself from this portion of the meeting due to being absent during the  
33 October 26, 2017 presentation and public hearing.
- 34 Mr. Bannon presided over the remainder of the meeting.
- 35 Mr. John Reisenweber, representative for the Jefferson County Development Authority, property  
36 owner; Mr. Ellis Chapman; Mr. Scott Weatherford, Director of Safety; Mr. Steve McCoy,  
37 Regional Manager, and Mr. Gary Frye, Director of Technical Services, representatives for  
38 Blossman Gas, LLC, were present to address the Board. Ms. Beaulieu presented supplemental  
39 documentation in response to public comment made on October 26, 2017 including the required  
40 landscaping standards if the variance to reduce the standards had not been granted in 2016; a

1 merger plat reflecting the current boundaries for Children First Child Development Center; and  
2 aerial imagery depicting the distance of the AMS building and daycare center from the proposed  
3 Blossman Gas property and the 200 foot distance requirement for Blossman Gas from the  
4 daycare center.

5 Mr. McCoy and Mr. Weatherford presented an overview of the requested information from the  
6 Board for information pertaining to State and Federal Regulations for propane storage tanks; the  
7 blast radius for propane storage tanks; and other relevant safety information. Mr. McCoy and  
8 Mr. Weatherford addressed questions from the Board. Mr. Bannon invited Ms. Melissa Hynes  
9 and Mr. Greg Mason to make comment based on the information provided.

10 Ms. Tasha Demco, Director of Children First Child Development Center, and Ms. Melissa Hynes,  
11 President of the Parent Committee for Children First Child Development Center provided the  
12 following comments:

- 13 • Most incidents occur during delivery. Is it feasible for Blossman Gas to receive deliveries  
14 at night?
- 15 • How often are tanks inspected in West Virginia?
- 16 • Can Blossman provide educational materials for the daycare to distribute to parents?  
17 Would Blossman be willing to meet with parents during the construction phase?
- 18 • Will architectural design be a condition of approval?
- 19 • Will there be security cameras monitoring the facility? If so, will there be cameras pointed  
20 in the direction of the propane tanks?
- 21 • Can people steal propane?
- 22 • When do the controlled releases occur? Can the controlled releases be conducted after  
23 hours for the Child Care Center when the children are not on the property?
- 24 • Maintaining a buffer of existing vegetation is very important to the center.

25 Mr. Weatherford and Mr. McCoy addressed the daycare's concerns:

- 26 • It is not feasible to restrict deliveries to nighttime. Transport trucks are subject to similar  
27 safety measures as the bulk facilities and are equipped with the same safety devices as  
28 bulk facilities. Transport trucks are regulated by the Department of Transportation (DOT).
- 29 • Inspections are required on an annual basis. Blossman conducts daily inspections, a record  
30 of which is submitted to the Department of DOT on a monthly basis. Blossman is also  
31 subject to no-notice inspections by both the DOT and the Department of Energy (DOE) at  
32 any time.
- 33 • Blossman Gas is more than happy to provide safety information to surrounding  
34 businesses.
- 35 • Security camera monitor the property 24-hours with surveillance of the storage lots and  
36 parking lots. Additionally, the storage tanks are surrounded by a 6' chain link fence with  
37 barbed wire along the top.
- 38 • Controlled releases occur as infrequently as possible. When a controlled release is  
39 scheduled, they are required to notify local authorities.
- 40 • It is feasible to retain a 50' buffer of existing vegetation.

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1 Mr. Greg Mason with Automated Merchandising Systems stated that he believed the size of the  
2 tanks in the pictures distributed by Mr. Reisenweber were exaggerated. He expressed concerns for  
3 the proximity of the storage tanks to the neighboring businesses and requested the applicant  
4 consider another location in the Park. Mr. Mason also expressed concerns for asphyxiation should  
5 a leak occur.

6 Mr. McCoy stated that propane can displace oxygen if in a confined space. He stated that  
7 asphyxiation is not possible in an open area.

8 Mr. Knott made a motion to go into executive session at 3:25 PM, which carried unanimously.

9 Mr. Knott made a motion to come out of deliberative session at 3:33 PM, which carried  
10 unanimously.

11 Ms. Catterton made a motion to approve the Conditional Use Permit for Blossman Gas, LLC  
12 with the following conditions:

13 Blossman Gas shall

- 14 1. Comply with all Federal, State, and Local Fire Regulations;
- 15 2. Retain a 50' natural buffer between the daycare and Blossman Gas comprised of existing,  
16 mature vegetation; and
- 17 3. Educate neighboring businesses.

18 Mr. Bannon seconded the motion, which carried unanimously.

19 4. Variance from Appendix B to reduce the side and rear setback from 50' to 6' to replace an  
20 existing 8' x 16' accessory structure with a 12' x 20' accessory structure. Owner: Middleway  
21 United Methodist Church. Applicant: Robert Brown, Trustee. Location: 7435 Queen Street,  
22 Kearneysville, WV 25430. District: Middleway (07); Map: 22A; Parcel: 43 & 44; Size: ~.78 ac  
23 (combined); Zone: Village; File: ZV17-17.

24 Mr. Robert Brown, Trustee for Middleway United Methodist Church, was present to address the  
25 Board. Ms. Beaulieu presented the staff report, noting that a similar request was granted by the  
26 BZA in 2002 for an accessory structure in the same location. She also noted that the reason the  
27 applicant was requesting a variance today was because the structure replacing the current  
28 accessory structure is slightly larger than what was approved in the original request. Mr. Brown  
29 answered questions from the Board. Mr. Quynn opened the public hearing. There was no public  
30 comment. Mr. Quynn closed the public hearing.

31 Mr. Knott moved to approve the variance as requested. The motion carried unanimously.

32 5. Zoning Administrator's Report

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

35 Ms. Beaulieu reported on the status of pending text amendments and stated the next BZA  
36 meeting would be December 14, 2017. She pointed out the 2018 BZA meeting schedule and  
37 noted that it would be in the December packet for action.

38 6. Legal Update.

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

- 1       b. Discussion with possible deliberative session and signing of draft findings/decisions.
- 2             Meeting November 9, 2017
- 3             i. Postponed from 09/28/17. Variance from Sec. 5.4(b). Owner: Beallair Homes, LLC.
- 4                 File: ZV17-14
- 5             ii. Postponed from 09/28/17. Variance from Sec. 5.4(b). Owner: Beallair Homes, LLC.
- 6                 Files: ZV17-15
- 7             iii. Postponed from 09/28/17. Request for a CUP for Dollar General. Owner: SAGA
- 8                 Holdings, LLC. Applicant: Dolgencorp, LLC. File: CUP17-04.
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- 10       Ms. Catterton moved to adjourn the meeting at 3:37 p.m., which carried unanimously.