

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: December 14, 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 Ted Schiltz
- 5 Absent members: Jeff Bresee, Matt Knott, and Deirdre Catterton, Alternate (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 moved to call the meeting to order at 2:00 pm. The motion carried unanimously. Mr. Quynn
10 explained to the public how the meeting would be conducted
- 11 1. Approval of the November 9, 2017 meeting minutes.
- 12 Mr. Bannon moved to approve the November 9, 2017 minutes. Mr. Quynn called for a vote, which
13 carried unanimously.
- 14 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 15 3. Request for a Special Exception to allow an outdoor advertising sign for Grace Episcopal
16 Church. The dimensions of the sign are as follows: a 24" x 36" sign hanging from an 11.5' tall
17 post. File: SE17-01.
- 18 4. Variance from Section 10.4F to allow an outdoor advertising sign to be located closer than 100'
19 to an intersection; and, from Section 10.4G to reduce the required front yard setback for an
20 outdoor advertising sign from 25' to 3'. Property Owner: Karen Ashby-Bowers and Larry V.
21 Bowers. Applicant: Bill Grantham, Trustee for Grace Episcopal Church. Property Location: 112
22 King Street, at the intersection of Grace Street and Queen Street in Middleway. Tax District:
23 Middleway (07); Tax Map: 22A; Parcel: 29; Size: .76 ac; Zone: Village; File: ZV17-18.
- 24 Items #3 and #4 were addressed simultaneously.
- 25 William Grantham, Trustee for Grace Episcopal Church, was present to address the Board.
26 Ms. Beaulieu presented her staff report to the Board and confirmed that replacement of the face of
27 the sign would not have required additional processing. Mr. Grantham explained the nature of the
28 request noting that while the current sign is located within the Division of Highway's right-of-way
29 that the new sign would be approximately 3' from the right-of-way. Mr. Grantham also stated that
30 the new location would be landscaped courtesy of the Wizard Clip Garden Club. Mr. Quynn
31 opened the public hearing. There was no public comment. Mr. Quynn closed the public hearing.
- 32 Mr. Bannon moved to approve Special Exception SE17-01 for the placement of an outdoor
33 advertising sign; and to approve zoning variance ZV17-18 for a reduction of the front setback
34 from 25' to 3' for said sign on the above referenced parcel conditioned upon the applicant being
35 bound by their testimony and that all other Local, State, and Federal regulations be met.
36 Mr. Schiltz seconded the motion, which carried unanimously.
- 37 5. Variance from Section 5.7(b) to reduce the front setback from 40' to 23' for a proposed 24' x 26'
38 detached garage; and from Section 9.6(c) to allow an accessory structure in the required front
39 yard. Property Owner: Brian and Angela Wilt. Property Location: 38 John Brown Farm Road,
40 Harpers Ferry, WV 25425. Tax District: Kabletown (06); Tax Map: 7; Parcel: 4.24; Size: 2.96 ac;
41 Zone: Rural; File: ZV17-19.

1 Mr. Brian and Ms. Angela Wilt, property owners, were present to address the Board. Ms.
2 Beaulieu presented her staff report to the Board. Mr. Wilt explained the nature of his request and
3 submitted written documentation from the superintendent of the power company noting that the
4 proposed garage would be located outside of the existing powerline easement. Mr. Quynn opened
5 the public hearing. Ms. Beaulieu stated for the record that the office had received a letter from Mr.
6 Robert Dubourg, neighbor, in opposition to the request. Ms. Beaulieu stated that in the letter, Mr.
7 Dubourg expressed concerns for an adjacent landlocked parcel owned by the Wilt's and noted that
8 she conducted limited research as to the legal point of access because it did not have any bearing
9 on the proposed request. Mr. and Mrs. Wilt addressed the concerns noted in the letter by
10 acknowledging that an adjacent parcel they owned had been landlocked when they purchased it;
11 however, the parcel has since received a legal access point from the Division of Highways. Mr.
12 Wilt also explained why the garage could not be located elsewhere on the parcel. Mr. Quynn
13 closed the public hearing.

14 Mr. Schiltz moved to approve the above reference request conditioned upon the applicants being
15 bound by their testimony and any other Local, State, and Federal regulations. Mr. Quynn called
16 for a vote, which carried unanimously.

17 Mr. Quynn reorganized the agenda to hear Items #7 and #8 prior to Item #6.

18 6. Variance from Section 9.7 to reduce the side setback from 12' to 3' for a 44' x 16' greenhouse.
19 Property Owner: Alicia McCormick. Property Location: 2659 Engle Molers Road, Harpers Ferry.
20 Tax District: Shepherdstown (09); Tax Map: 18; Parcel: 15; Size: ~1.2 ac; Zone: Rural; File:
21 ZV17-21.

22 Ms. Alicia McCormick, property owner, was present to address the Board. Ms. Beaulieu
23 presented her staff report to the Board. Ms. McCormick explained the nature of her request and
24 informed the Board of the surrounding land uses. Mr. Quynn opened the public hearing. There
25 was no public comment. Mr. Quynn closed the public hearing.

26 Mr. Bannon moved to approve the above referenced request conditioned upon the applicant being
27 bound by her testimony and that the greenhouse is for personal use only. Mr. Quynn called for a
28 vote, which carried unanimously.

29 7. Request for a Conditional Use Permit for a dine-in and drive through coffee shop (Starbucks) with
30 parking and signage. Proposed use as defined by Article 2: Restaurant, Fast Food, Drive Through.
31 Property Owner: Kentland Foundation, Inc. Applicant: Ryan Perks with Gordon. Property
32 Location: Somerset Village Shopping Center, 58 Somerset Blvd, Charles Town. Tax District:
33 Charles Town (02); Tax Map: 9; Parcel: 8.9; Proposed site: ~1 ac; Total Site: 15 ac; Zone:
34 Residential- Light Industrial-Commercial; File: CUP17-06.

35 Ms. Helene McCarron with Kentland Foundation, Inc., property owner, and Randy Kepler with
36 Greenway Engineering were present to address the Board. Ms. Beaulieu presented an overview of
37 her staff report to the Board noting that a conditional use permit was required because the
38 restaurant included a drive through component. Ms. Beaulieu stated that the applicant had
39 addressed all the criteria required for a conditional use permit application with the exception of
40 having a specific sign detail. Ms. Beaulieu explained that because the shopping center already had
41 a pylon sign that another freestanding/monument sign would not be permitted, unless the Board
42 chose to include it as part of the conditional use permit approval. Ms. Beaulieu further noted that
43 because the application did not include details about the sign, such as definite dimensions and
44 location, the Board could place a condition on the request requiring compliance with Article 10.

1 Should the applicant be unable to comply with Article 10 they would be able to seek a variance.
2 The Board may also choose to grant approval conditioned upon a minimum distance between the
3 monument sign and the existing gas station sign and/or the dimensions of the proposed monument
4 sign.

5 Ms. McCarron and Mr. Kepler presented the request stating that the proposed Starbucks would
6 be replacing the existing Cone Zone. Ms. McCarron noted that they understood variances may
7 be required and that the purpose of the current application was to have the land use approved
8 before they continued with the site plan. Mr. Kepler confirmed that the overall design would be
9 similar to the sketch submitted with the application with respect to approximate building and
10 drive through locations. Mr. Kepler noted that sign details are generally broad at this stage in
11 development. Considerable discussion ensued regarding the location of existing signage,
12 possible dimensions and location of the proposed sign, and the necessity for a separate sign
13 from the shopping center's pylon sign.

14 Mr. Quynn moved to go into deliberative session at 3:03 pm. Mr. Schiltz seconded the motion,
15 which carried unanimously. Mr. Bannon moved to come out of deliberative session at 3:14 pm.
16 Mr. Quynn seconded the motion, which carried unanimously.

17 Mr. Bannon moved to approve the conditional use permit for Starbuck's Coffee conditioned
18 upon the proposed signage being reevaluated by the Board at a subsequent meeting. Discussion
19 ensued regarding the condition. Mr. Bannon reaffirmed his motion to approve the conditional
20 use permit noting that once the dimensions and location of the signage is determined that the
21 Board have an opportunity to evaluate the proposed signage by way of a variance. Mr. Quynn
22 called for a vote, which carried unanimously.

23 8. Variance from Section 4.11A.1 & Appendix B of the current Zoning Ordinance; and Sec. 4.16 of
24 the 2009 Zoning Ordinance (setbacks) to allow a 50' unscreened buffer along the south & west
25 boundary lines; and to reduce the building setbacks and buffer to 0' along the north boundary line
26 between the properties commonly owned by SPARC LLC (Parcels 2, 3, and 3.1) for the purpose
27 of extending the existing shooting ranges as part of the approved Vocational and/or Training
28 Facility for Adults. Property Owner: SPARC LLC. Applicant: Ryan Perks with Gordon. Property
29 Location: 201 Motorsports Park Circle, Summit Point, WV. Tax District: Kabletown (06); Tax
30 Map: 17; Parcels: 2, 3, 3.1; Size: ~430 ac; Zone: Rural; File: ZV17-20.

31 Mr. Jason Gerhart and Mr. Ryan Perks, representatives with Gordon, and Mr. Doug Allison,
32 President of SPARC, were present to address the Board. Ms. Beaulieu presented her staff report
33 to the Board. Mr. Perks explained the nature of the request stating that the proposal was to allow a
34 50' unscreened buffer as opposed to removing an extensive, 100-year old tree line. Mr. Perks
35 explained that the Ordinance currently does not allow an applicant to utilize an existing vegetative
36 buffer. Mr. Perks noted that the existing tree line far exceeds the County's landscaping
37 requirements. Mr. Quynn called for public comment. Mr. Merle Anderson, Sr. and Mr. Merle
38 Anderson, Jr., neighbors, spoke in opposition to the request. The Andersons spoke of excessive
39 noise, traffic, and drainage concerns. Mr. Anderson Jr. presented pictures of recent flooding in the
40 area. Mr. Quynn closed the public hearing. Mr. Gerhart noted that stormwater management would
41 be addressed during the site plan process for the range extension.

42 Mr. Schiltz moved to approve the above referenced variance request with the condition that the
43 applicants were bound by their testimony. Mr. Bannon requested an amendment to the motion
44 to include staff's recommended conditions that,

- 1 a. The variance applies only to the use of the ranges as a local, state, and federal government
2 training facility; and,
- 3 b. No structures, materials, or vehicular parking shall be permitted within the 50' unscreened
4 buffer along the western and southern property lines.
- 5 Mr. Quynn called for a vote on Mr. Bannon's amendment to the original motion, which carried
6 unanimously.
- 7 Mr. Quynn called for a vote on the newly amended motion, which carried unanimously.
- 8 9. Zoning Administrator's Report
- 9 a. Monthly Zoning Certificate Activity Report. This report was provided to the Board in the
10 mailed packet.
- 11 b. Approval of the 2018 Board of Zoning Appeals Meeting Schedule. Mr. Schiltz moved to
12 approve the 2018 meeting schedule with the revised submission dates. Mr. Quynn called for
13 a vote, which carried unanimously.
- 14 10. Legal Update
- 15 a. Possible executive session on the following pending lawsuits: None.
- 16 b. Discussion with possible deliberative session and signing of draft findings/decisions.
17 Meeting November 9, 2017
- 18 i. Postponed from 10/26/17. A CUP for Blossman Gas. Owner: JCDA. File: CUP17-05.
19 ii. Variance from Appendix B. Owner: Middleway United Methodist Church. File: ZV17-17.
- 20 Mr. Cochran stated he had inadvertently left the draft Findings in his office. Mr. Quynn stated
21 he would stop by the office to review and sign the Findings.
- 22 Mr. Schiltz moved to adjourn the meeting at 4:15 p.m., which carried unanimously.