

## Minutes

### Jefferson County Board of Zoning Appeals

- 1 Meeting Date: March 22, 2018
- 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
- 5 Members absent: Deirdre Catterton and Jeff Bresee (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 2:04 pm, which carried unanimously. Mr. Quynn  
10 explained to the public how the meeting would be conducted. Ms. Hartman swore in members of  
11 the public who indicated they would be providing testimony.

12 1. Election of Officers. Postponed from the February 22, 2018.

13 Mr. Quynn called for a nomination for the position of Chair for the Board. Mr. Bannon  
14 nominated Mr. Quynn as Chair. Mr. Knott seconded the nomination. Mr. Quynn called for a  
15 vote, which carried unanimously.

16 Mr. Quynn called for a nomination for the position of Vice Chair for the Board. Mr. Knott  
17 nominated Mr. Bannon as Vice Chair. Mr. Quynn seconded the nomination. Mr. Quynn called  
18 for a vote, which carried unanimously.

19 2. Approval of Minutes – February 22, 2018. Mr. Bannon moved to approve the minutes with no  
20 corrections, which carried unanimously.

21 3. Public Hearing. Variance from Section 5.4b of the 2005 Zoning Ordinance to reduce the rear  
22 setback from 20' to 11' for the construction of a 20' x 16' pavilion. Property Owner: Nelson  
23 Benavides. Property Location: Sheridan Estates, Lot 156, 43 Wilderness Ct. Harpers Ferry. Tax  
24 District: Harpers Ferry (04); Tax Map: 9D; Parcel: 156; Size: .33 ac; Zone: Residential Growth;  
25 File: ZV18-04.

26 Nelson Benavides, property owner, and Robert Hattler, representative, were present to address  
27 the Board. Ms. Beaulieu presented her staff report to the Board. Ms. Beaulieu confirmed that the  
28 pavilion would be constructed at the bottom of the slope. Mr. Benavides explained the nature of  
29 the request. The Board questioned if the pavilion could go in an alternate location. Mr. Benavides  
30 and Mr. Hattler noted that if the pavilion were to conform to the required setbacks that it would  
31 be located close to the existing deck and, considering the excessive slope, the applicant would  
32 not have a useable backyard. Mr. Benavides confirmed that the pavilion would not be enclosed.  
33 Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the  
34 public hearing.

35 Mr. Bannon moved to approve the variance as requested with the condition that the applicants  
36 were bound by their testimony, which carried unanimously.

37 4. Zoning Administrator's Report

38 a. Monthly Zoning Certificate Activity Report. This report was provided to the Board in their  
39 mailed packet.

- 1 Ms. Beaulieu updated the Board on the status of the pending text amendments and reminded the  
2 Board that the next meeting would be on April 26, 2018.
- 3 5. Legal Update
- 4 a. Possible executive session on the following pending lawsuits. None.
- 5 b. Discussion with possible deliberative session and signing of draft findings/decisions.
- 6 Meeting: February 22, 2018
- 7 i. Variance from App. B. Owner: Jefferson County Commission. Applicant: Jefferson  
8 County Convention and Visitors Bureau (JCCVB). File: ZV18-01.
- 9 ii. Variance from Sec. 4.11A.1 & App. B. Owner: SPARC LLC. File: ZV18-02.
- 10 iii. Variance from Sec. 5.7D.3. Owner: S. Knott & M. Ogg. Applicant: D. Lutman.  
11 File: ZV18-03.
- 12 Mr. Cochran provided the draft Findings to Mr. Quynn to review and sign.
- 13 Mr. Knott moved to adjourn the meeting at 2:22 pm. Mr. Quynn called for a vote, which carried  
14 unanimously.