

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: May 24, 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, Matt Knott, and Deirdre Catterton
- 5 Members absent: Jeffrey Bannon, Vice Chair 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 Ms. Catterton moved to call the meeting to order at 2:05 pm, which carried unanimously. Mr. Quynn
10 explained to the public how the meeting would be conducted.
- 11 1. Approval of Minutes – April 26, 2018. Mr. Knott moved to approve the minutes, which carried
12 unanimously.
- 13 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 14 3. Public Hearing. Variance from Section 9.7 to reduce the rear setback from 50’ to 10’ to
15 construct a 40’ x 48’ pole barn. Property Owners: Michael and Whitney Spry. Property
16 Location: John Day Farm Subdivision, Lot D, 3953 Shepherd Grade Rd., Shepherdstown, WV.
17 Tax District: Shepherdstown (09); Tax Map: 2; Parcel: 10.5; Size 10 ac; Zone: Rural. File:
18 ZV18-06.
- 19 Michael and Whitney Spry, property owners, were present to address the Board. Ms. Beaulieu
20 presented her staff report to the Board. Mr. Spry explained the nature of the request to the Board
21 and verified that he had confirmed the location of the property corners. Mr. Quynn opened the
22 public hearing. There was no public comment. Mr. Quynn closed the public hearing. Mr. Knott
23 moved to approve the variance as requested, which carried unanimously.
- 24 4. Public Hearing. Request for a Conditional Use Permit for Imam Abdel Salam to reestablish an
25 automobile sales and repair shop utilizing the existing buildings and parking areas. Signage is
26 addressed in the application. The proposed land use is defined in Article 2 as Automobile
27 Repair, Sales and Service. Property Owner: Willard A. & Dorothy Daniels (in care of Pricilla
28 Cameron). Applicant: Imam Abdel Salam. Property Location: 5383 & 5409 Charles Town Rd.
29 Kearneysville, WV. Tax District: Middleway (07); Tax Map: 3; Parcel: 1.1; Size: 5.34 ac; Zone:
30 Village. File: CUP18-01.
- 31 Mohammad Aly, applicant, and Celia Lainez, real estate agent, were present to address the Board.
32 Ms. Beaulieu presented her staff report to the Board. Ms. Beaulieu noted that the property had
33 historically been used as a commercial property and that it had operated as an automobile sales
34 and repair business in the past. Ms. Beaulieu explained that the applicant was informed of the
35 potential to reestablish the previous land use as a nonconforming use if documentation could be
36 provided to prove it had not been abandoned; however, the applicant chose to apply for a
37 conditional use permit instead. Mr. Aly and Ms. Lainez explained the request to the Board.
38 Mr. Aly stated he would like to utilize the entire 5 acre parcel for the business so as to comply
39 with all setback and safety regulations. Mr. Aly answered the Board’s questions stating the
40 business may contain up to 100 vehicles on site. The Board expressed concern that the application
41 and legal ad implied the land use would be reestablished within the existing buildings and
42 conducted on the existing parking lot and did not clearly explain the intent to expand the proposed
43 use into the entire 5 acre parcel.

- 1 Mr. Knott moved to go into deliberative session at 2:30 pm, which carried unanimously.
2 Mr. Knott moved to come out of deliberative session at 2:47 pm, which carried unanimously.
- 3 Mr. Knott moved to approve the Conditional Use Permit for Imam Abdel Salam to reestablish
4 an automobile sales and repair shop utilizing the existing buildings and parking areas. Mr. Knott
5 clarified that the conditional use permit was to reestablish the proposed land use on the
6 previously occupied 1 acre site and that any expansion of the business beyond the 1 acre area
7 will be required to come back before the Board. Ms. Catterton seconded the motion, which
8 carried unanimously.
- 9 5. Public Hearing. Variance from the following Sections for the construction of the proposed dine-
10 in and drive thru Starbucks (CUP17-06):
- 11 a) Section 11.1A: to eliminate the required 24 parking spaces for the proposed use and to
12 remove 58 existing parking spaces from the approved Somerset shopping center parking lot;
13 (File: ZV18-07);
- 14 b) Section 4.11 and App. B: to eliminate the required landscape buffer along the side/rear
15 property lines and to limit the street tree installation to immediately in front of the Starbucks
16 site (File: ZV18-08).
- 17 Property Owner Kentland Foundation, Inc. Property Location: Somerset Village Shopping Center,
18 58 Somerset Blvd, Charles Town, WV. Tax District: Charles Town (02); Tax Map: 9; Parcel: 8.7;
19 Proposed site: ~1 ac; Total Site: 15 ac; Zone: Residential-Light Industrial-Commercial.
- 20 Jamie MacLean, representative with Greenway Engineering, and Helene McCarron,
21 representative with Kentland Foundation, were present to address the Board. Ms. Beaulieu
22 provided an overview of each request to the Board and explained that the Board would need to
23 vote on each request separately. Ms. MacLean explained the nature of each request to the Board.
24 Ms. MacLean briefly described their analysis of the available parking spaces based on the
25 shopping center's current tenants and the proposed impact the Starbucks would have.
- 26 Ms. Catterton moved to approve Section 11.1A to eliminate the required 24 parking spaces for
27 the proposed use and to remove 58 existing parking spaces from the approved Somerset
28 shopping center parking lot (File: ZV18-07), which carried unanimously.
- 29 Ms. Catterton moved to approve Section 4.11 and Appendix B to eliminate the required
30 landscape buffer along the side/rear property lines and to limit the street tree installation to
31 immediately in front of the Starbucks site (File: ZV18-08), which carried unanimously.
- 32 6. Discussion and possible action regarding the Starbucks Drive-Through Coffee Shop Conditional
33 Use Permit (CUP17-06) Supplemental Signage Information submitted by Greenway Engineering
34 on behalf of The Kentland Foundation, Inc. This item is in response to a condition of approval for
35 the Starbucks CUP which was granted at the December 14, 2017 Board of Zoning Appeals
36 meeting. Property Owner Kentland Foundation, Inc. Location: Somerset Village Shopping Center,
37 58 Somerset Blvd, Charles Town, WV. Tax District: Charles Town (02); Tax Map: 9; Parcel: 8.7;
38 Proposed site: ~1 ac; Total Site: 15 ac; Zone: Residential-Light Industrial-Commercial.
- 39 Jamie MacLean, representative with Greenway Engineering, and Helene McCarron,
40 representative with Kentland Foundation, were present to address the Board. Ms. Beaulieu
41 presented her memorandum to the Board stating that this item was intended to be informational.
42 Ms. Beaulieu explained that during the conditional use permit (CUP) public hearing the Board
43 placed a condition of approval requiring that the signage be brought back before the Board by

1 way of a variance. Ms. Beaulieu noted that during the CUP public hearing, the applicant had
2 proposed a second free-standing sign on the property which exceeded the provisions of the
3 Ordinance. She noted that the applicant had revised the proposed signage so that it complies
4 with Article 10 and does not necessitate a variance from any provision of the Zoning Ordinance.
5 Ms. MacLean explained that the pictures provided in the packet were of the exact store and
6 signage designs that would be utilized at this location. The Board accepted the information as
7 presented and felt that no further action was necessary.

8 7. Zoning Administrator's Report

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

11 Ms. Beaulieu informed the Board that the text amendments to Article 10 regarding signage had
12 been adopted by the County Commission on May 17, 2018. Ms. Beaulieu also informed the
13 Board of an appeal that would be on the next regularly scheduled meeting, which would be held
14 on June 28, 2018.

15 8. Legal Update

16 a. Possible executive session on the following pending lawsuits. None.

17 b. Discussion with possible deliberative session and signing of draft findings/decisions.

18 Meeting: April 26, 2018

19 i. Variance from Section 9.6C. Owner: Robert & Geraldine Hanshew. File: ZV18-05.

20 Mr. Cochran provided the draft Findings to Mr. Quynn to review and sign.

21 Mr. Knott moved to adjourn the meeting at 3:16 pm. Mr. Quynn called for a vote, which carried
22 unanimously.