

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: October 25, 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 and Deirdre Catterton
- 5 Members absent: None
- 6 Staff members present: Alexandra Beaulieu, Zoning Administrator; and Jennilee Hartman,
7 Zoning Clerk. Nathan Cochran, Assistant Prosecuting Attorney was
8 available by phone for legal counsel; however, the Board determined
9 they did not need his counsel.
- 10 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.
- 11 Mr. Bannon moved to call the meeting to order at 2:02 pm, which carried unanimously. Mr. Quynn
12 explained to the public how the meeting would be conducted.
- 13 1. Approval of Minutes – September 27, 2018. Mr. Bannon moved to approve the minutes. The
14 following edits were requested:
- 15 a) Page 1, line 17, add parenthesis around “Mr. Bannon...meeting”
- 16 b) Page 1, line 19, change 30’ to 25’.
- 17 c) Page 1, line 28, change *are* to *area*.
- 18 Mr. Quynn called for a vote on the revised minutes, which carried unanimously.
- 19 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 20 3. Public Hearing. Variance from Section 5.4B.1 to reduce the side setback from 12’ to 10’; and,
21 the rear setback from 20’ to 10’ to install an 18’ x 36’ inground pool. Owner: David and Jean
22 Nedorostek. Location: 511 Gap View Blvd., Harpers Ferry; District: Harpers Ferry (04); Map:
23 5D; Parcel: 113; Size: .75 ac; Zone: Residential Growth. File: ZV18-17.
- 24 David and Jean Nedorostek were present to address the Board. Ms. Beaulieu provided an
25 overview of her staff report to the Board. Mr. Nedorostek explained the nature of the request
26 and described the encumbrances on the property, which limited the property’s buildable area.
27 Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the
28 public hearing. Ms. Catterton moved to approve the variance as requested, which carried
29 unanimously.
- 30 4. Public Hearing. Request for a Conditional Use Permit for A-Zone Environmental Services
31 Office to allow a Professional Office as defined in Article 2. The proposal consists of renovating
32 an historic building into a professional office space for up to 12 employees; with approximately
33 4-6 people working on-site. Office hours: 8:00 am - 4:00 pm. The proposal includes the
34 construction of a 1,188 square foot addition. File: CUP18-02.
- 35 5. Public Hearing. Variance from Section 11.1 to reduce the required number of parking spaces
36 from 10 to 6 spaces for A-Zone Environmental Services Office, a Professional Office per
37 Conditional Use Permit application CUP18-02. Applicant: Jesse Morgan. Property Owner:
38 Wheatlands Property Management LLC. Property Location: 2153 Berryville Pike, Charles
39 Town, WV. Intersection of Route 340 & Withers Larue Rd, Rippon. District: Kabletown (06);
40 Map: 10A; Parcel: 24; Size: .69 acres; Zone: Village; File: ZV18-16.

1 Jesse and Adrienne Morgan, owners of Wheatlands Property Management LLC, were present to
2 address the Board. Ms. Beaulieu noted that the applicants were also seeking a variance from the
3 required number of parking spaces for the requested land use. The Board agreed to hear both
4 requests simultaneously.

5 Ms. Beaulieu provided a brief overview of the property's history, which included the approved
6 farm brewery located in the mill and the residential apartment located in a portion of the main
7 home. Ms. Beaulieu explained that the proposed land use would be in addition to the existing land
8 uses. Ms. Beaulieu explained that the applicant would need additional parking spaces to
9 accommodate the proposed professional office and noted that this would necessitate a site plan.

10 Mr. and Ms. Morgan provided an overview of the request to the Board. Mr. Morgan explained
11 the type of environmental services the company provided. The Morgans explained that
12 approximately half of their employees would work in the field, thus additional parking would
13 not be necessary. Mr. Morgan also noted that he presently works in the office and at the farm
14 brewery so the parking areas are technically shared. The Board questioned the location of the
15 signage as to whether it would create sight distance issues. Ms. Beaulieu stated that she had
16 conducted a site visit and felt that the proposed location would not create an issue. Mr. Morgan
17 directed the Board to the pictures in the staff report and stated that the sign would be located at
18 level with the awning, near the corner of the building.

19 Mr. Quynn opened the public hearing. Mr. Andy Anders, neighbor, questioned where the
20 proposed office would be located and voiced concerns regarding the amount of water the
21 additional business would require. Ms. Liz Mancuso, neighbor, expressed concerns regarding
22 how stormwater management would be addressed with the proposed addition. Ms. Mansuco
23 explained that there is currently significant pooling of water at the corner of the property, at the
24 intersection of Route 340 and Withers LaRue Rd. Mr. Quynn closed the public hearing.

25 In rebuttal, Mr. Morgan stated that he is working with the Health Department to ensure
26 compliance with their regulations. Ms. Morgan stated that they would be providing bottled
27 water for the employees. With regard to stormwater issues, Mr. Morgan stated that he has
28 removed approximately 1000 square feet from the existing building, as well as an accessory
29 structure, thus reducing the impervious area of the property. Therefore the proposed 1,200
30 square foot structure should have minimal impact. Mr. Morgan further noted that the flooding is
31 located within the Department of Highways right-of-way and not on the subject parcel.

32 Ms. Catterton moved to go into deliberative session at 3:00, which carried unanimously.

33 Mr. Bannon moved to come out of deliberative session at 3:20, which carried unanimously.

34 Mr. Bannon moved to approve the request for a Conditional Use Permit for A-Zone
35 Environmental Services Office to allow a Professional Office as defined in Article 2. The
36 proposal consists of renovating an historic building into a professional office space for up to
37 12 employees; with approximately 4-6 people working on-site. Office hours: 8:00 am - 4:00 pm.
38 The proposal includes the construction of a 1,188 square foot addition. File: CUP18-02.
39 Mr. Bannon noted that approval was conditioned upon the applicants being bound by their
40 testimony. Mr. Quynn called for a vote, which carried unanimously.

41 Ms. Catterton moved to approve the variance request from Section 11.1 to reduce the required
42 number of parking spaces from 10 to 6 spaces for A-Zone Environmental Services Office, a
43 Professional Office per Conditional Use Permit application CUP18-02. Ms. Catterton noted that
44 approval was conditioned upon the applicants being bound by their testimony. Mr. Quynn called
45 for a vote, which carried unanimously.

1 6. Public Hearing. Request for a Special Exception Permit for an Electronic Sign. Total Sign
2 Size: 108” W x 69” H, including an LED matrix display area of 96” W x 36” H, to replace the
3 existing sign. Total Sign Height: 11’. The following deviations are proposed: to allow a sign to
4 face a residential structure; and, to allow the sign to remain on continuously (24 hours). Property
5 Owner: Shepherdstown Volunteer Fire Department. Property Location: 8052 Martinsburg Pike,
6 Shepherdstown. District: Shepherdstown (09); Map: 8; Parcel: 10.5; Size: ~ 7.14 acres; Zone:
7 Residential Growth. File: SE18-02.

8 Peter Pentony, attorney for the Shepherdstown Volunteer Fire Department, and Dennis Barron,
9 President of the Board of the Shepherdstown Volunteer Fire Department, were present to address
10 the Board. Ms. Beaulieu provided an overview of her staff report to the Board. Ms. Beaulieu
11 noted that while the application included letters of support from all surrounding property owners,
12 the information provided to the neighbors did not appear to include the fact that the sign would
13 remain on for 24 hours.

14 Mr. Pentony explained the history of the subject parcel to the Board, noting that they have
15 operated from this location since 1992. Mr. Pentony cited the main purpose for the sign, and the
16 request for the extended hours, is for public safety and awareness. Mr. Pentony explained that
17 during an emergency it is difficult for the trucks to exit the property and that the sign would be
18 used to alert oncoming traffic of the need to stop for the fire trucks. Mr. Pentony stated that the
19 sign would also be used for other community alerts such as changing batteries in smoke
20 detectors, school closings, amber alerts, and the Fire Department’s fundraising events such as
21 Apple Butter. Mr. Pentony confirmed that the sign would not be used to sell advertising space.
22 Mr. Pentony further noted that there are two other electronic signs in the area that are on 24
23 hours a day, so the requested sign would not be out of character for the area. Mr. Bannon
24 expressed concern regarding the 24 hour aspect of the request. Mr. Bannon stated he may be in
25 favor of such a request; however, questioned what constituted an “emergency”? The Board
26 concurred with Mr. Bannon’s line of questioning and discussed which type of events may fall
27 under this term. Mr. Pentony and Mr. Barron acknowledged the Board’s concerns.

28 Mr. Quynn opened the public hearing. Liz Mancuso, county resident, stated that she is a public
29 safety worker and is favor the request. Mr. Quynn closed the public hearing.

30 Further discussion ensued regarding the extended hours of operation. The option of limiting the
31 hours of operation with only specific safety alerts shown during certain hours was ultimately
32 agreed upon.

33 Mr. Bannon moved to approve the request for a Special Exception Permit for an Electronic Sign.
34 Total Sign Size: 108” W x 69” H, including an LED matrix display area of 96” W x 36” H, to
35 replace the existing sign. Total Sign Height: 11’. Mr. Bannon noted the following deviations,

- 36 a) To allow a sign to face a residential structure with the Board acknowledging the letter of
37 support from said neighbor; and,
38 b) To allow the sign to be on for 24 hours subject to the condition that from 10 p.m. to 6 a.m.
39 the sign will only show notice of emergency traffic’s ingress and egress from the property.

40 Mr. Bannon noted that approval was conditioned upon the applicants being bound by their
41 testimony.

42 Mr. Quynn called for a vote, which carried unanimously.

1 7. Zoning Administrator Report

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

4 Ms. Beaulieu informed the Board that the Pet and Livestock Crematorium text amendment
5 had passed and that one application had processed. Ms. Beaulieu reviewed other possible
6 upcoming text amendments to the Zoning Ordinance. Ms. Beaulieu stated that the deadline
7 for the November 8, 2018 meeting had passed and that the office had not received any
8 applications. The Board agreed to cancel the November meeting due to there not being any
9 actionable items.

10 8. Legal Update

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

12 b. Discussion with possible deliberative session and sign of draft Findings/Decisions
13 Meeting: September 27, 2018

14 i. Variance from Sec. 9.7. Owner: Patricia and Gary Dunn. File: ZV18-13.

15 ii. Variance from Sec. 5.4B.1. Owner: Beallair Homes, LLC. File: ZV18-14.

16 iii. Variance from App. B. Owner: Fellowship Bible Church. File: ZV18-15.

17 Mr. Quynn signed the above referenced Findings.

18 Mr. Bannon moved to adjourn the meeting at 3:57 pm. Mr. Quynn called for a vote, which carried
19 unanimously.