

## Minutes

### Jefferson County Board of Zoning Appeals

- 1 Meeting Date: September 27, 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: Jennifer Brockman, Acting Zoning Administrator; Nathan Cochran,  
7 Assistant Prosecuting Attorney; and, Jennilee Hartman, Zoning Clerk  
8 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

9 Mr. Quynn explained to the public how the meeting would be conducted. Mr. Bannon moved to call  
10 the meeting to order at 2:00 pm, which carried unanimously.

11 1. Approval of Minutes – August 23, 2018. Ms. Catterton moved to approve the minutes. The  
12 following edits were requested:

- 13 a) Page 2, line 37, remove the sentence, “Mr. Cochran provided a copy of the Findings that  
14 had been drafted by Attorney Richard Gay.”  
15 b) Page 2, line 38, complete the sentence with the words *drafted by the Board*.

16 Mr. Quynn called for a vote on the revised minutes, which carried two (2) in support and one (1)  
17 abstention (Mr. Bannon did not attend the August 23, 2018 meeting).

18 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.

19 3. Public Hearing. Variance from Section 9.7 to reduce the rear setback from 50’ to 25’ for a 21’  
20 above ground swimming pool. Owner: Patricia and Gary Dunn. Location: 923 Gardners Ln,  
21 Shepherdstown; District: Shepherdstown (09); Map: 17; Parcel: 1; Size: 2.5 ac; Zone: Rural;  
22 File: ZV18-13.

23 Mr. Gary Dunn was present to address the Board. Ms. Brockman reviewed her staff report  
24 noting that the Board had heard a similar variance by Mr. Dunn the previous year in which he  
25 had requested a reduction of the rear setback for a detached garage. Ms. Brockman explained  
26 that the buildable area surrounding the home was limited due to the triangular shape of the  
27 property. Mr. Dunn explained the nature of the request and described the locations of the well  
28 and septic areas, which also limited the buildable area surrounding the home. Mr. Quynn  
29 opened the public hearing. There was no public comment. Mr. Quynn closed the public hearing.  
30 Mr. Bannon moved to approve the variance as requested. Ms. Catterton seconded the motion,  
31 which carried unanimously.

32 4. Public Hearing. Variance from Section 5.4B.1 to reduce the rear setback from 20’ to 18’ to  
33 allow for the inadvertent encroachment of a home under construction. Property Owner: Beallair  
34 Homes, LLC. Property Location: Beallair Subdivision, Phase II, Lot 125, Southwest intersection  
35 of Potomac Crossing & Beallair Manor. District: Harpers Ferry (04); Map: 10A; Parcel: 125;  
36 Size: 9,500 sf; Zone: Residential Growth. Files: ZV18-14.

37 Mr. Paul Raco, consultant with P.J. Raco Consulting, was present to address the Board.  
38 Ms. Brockman reviewed her staff report noting that the subject parcel is a corner lot and therefore  
39 has greater setbacks than a typical lot within the community. Ms. Brockman informed the Board  
40 that the office had received a letter of support from the adjacent property, the Spiess, and that  
41 Michael Hamilton, a Beallair resident, had sent an email listing a number of concerns pertaining to  
42 the development. Mr. Raco explained the nature of the request clarifying that only a portion of the  
43 home is in need of the two (2) foot reduction. Mr. Raco further explained that this situation

1 occurred as a result of the homeowner deciding to purchase a different lot after choosing a housing  
2 type. Mr. Raco confirmed that construction on the property has ceased. Mr. Raco stated the  
3 developer of Beallair is aware of Mr. Hamilton's concerns and is currently working to address  
4 them. Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the  
5 public hearing. Ms. Catterton moved to approve the variance noting that the request meets the  
6 variance criteria. Mr. Bannon seconded the motion, which carried unanimously.

7 5. Public Hearing. Variance from Appendix B to reduce the side setback from 50' to 34' for the  
8 expansion of a church. Property Owner: Fellowship Bible Church. Property Location: 160  
9 Daniel Rd., Shenandoah Junction, WV. District: Charles Town (02); Map: 3; Parcel: 4.5; Size:  
10 50 ac; Zone: Rural. File: ZV18-15.

11 Richard Beddow, property supervisor, was present to address the Board. Ms. Brockman reviewed  
12 her staff report with the Board providing a brief history of the property. Ms. Brockman stated that  
13 the new addition would require a site plan and noted that the applicant would be required to  
14 replace any landscaping that may be damaged as a result of the construction. Mr. Beddow  
15 explained the nature of the request the Board and confirmed that the new addition would allow  
16 the church to remove some of the modular units. Mr. Quynn opened the public hearing. There was  
17 no public comment. Mr. Quynn closed the public hearing. Mr. Bannon moved to approve the  
18 variance with the condition that the variance applies only to this expansion. Ms. Catterton  
19 seconded the motion, which carried unanimously.

20 6. Acting Zoning Administrator Report

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

23 Ms. Brockman informed the Board of the status of the proposed Zoning Ordinance text  
24 amendment for Pet and Livestock Crematoriums. Ms. Brockman stated the next regularly  
25 meeting would be October 25, 2018.

26 7. Legal Update

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

28 b. Discussion with possible deliberative session and sign of draft Findings/Decisions  
29 Meeting: August 23, 2018

30 i. Postponed from the 08-09-18. Variance from Sec. 5.7D3. Owner: Cynthia B. Rider.  
31 File: ZV18-09.

32 ii. Variance from App. B. Owner: Kearneysville Community Baptist Church. File: ZV18-11.

33 iii. Variance from App. A. Owner: Marion and Barbara Barrow. File: ZV18-12.

34 Mr. Quynn signed the above referenced Findings.

35 Mr. Bannon moved to adjourn the meeting at 2:42 pm. Mr. Quynn called for a vote, which carried  
36 unanimously.