

Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: January 24, 2019
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; 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, which carried unanimously. Mr. Quynn
10 explained to the public how the meeting would be conducted.

11 Election of Officers

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

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

18 Approval of Minutes: December 13, 2018

19 Mr. Bannon moved to approve the minutes as presented. Mr. Quynn called for a vote, which carried
20 unanimously.

21 Public Hearing – Administer Oath

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

23 Mr. Quynn noted that Item #3 was withdrawn by the applicant. Mr. Quynn stated that the agenda
24 would be reorganized and called for the applicant of Item #2.

25 ITEM #2 FILE #: ZV18-23

26 Request: Variance from Section 9.6B to reduce the rear setback from 36' to 10' for a
27 26' x 36' accessory structure.

28 Applicant: Same as Owner

29 Parcel Info: Daniel Beans
30 2757 Flowing Springs Rd, Shenandoah Junction, WV
31 Parcel ID: 02000300090003; Size: 1 ac; Zone: Rural

32 Dana Reiter, contractor and representative for the property owner, was present to address the Board.
33 Ms. Beaulieu provided an overview of her staff report to the Board and explained the structure
34 originally met the setbacks established in Section 9.6B; however, the request to attach an awning onto
35 the building resulted in the structure no longer complying with this section. Ms. Beaulieu noted that
36 the rear of the property was sufficiently buffered by an existing landscape buffer provided by the
37 adjacent church. Mr. Ritter explained the nature of the request noting that the proposed addition would
38 be a carport for the property owner. Mr. Quynn opened the public hearing. There was no public
39 comment. Mr. Quynn closed the public hearing. Mr. Bannon moved to approve the variance as
40 requested with the condition that Mr. Reiter was bound by his testimony. Mr. Quynn called for a vote,
41 which carried unanimously.

1 ITEM #1 FILE #: ZV18-22

2 Request: Variance request per Section 4.3H to reestablish a nonconforming use. The
3 applicant is requesting to retain the nonconforming commercial land use for
4 future development after demolition of the existing building.

5 Applicant: Michael Smith

6 Parcel Info: Peggy Ann Triplett Foundation

7 6746 Charles Town Rd., Kearneysville, WV

8 Parcel ID: 07004A03040000; Size: 4.65 ac; Zone: Rural

9 Neal Snyder, representative for the request, was present to address the Board. Ms. Beaulieu noted
10 for the record that the staff report listed the agenda item incorrectly; however, the legal
11 advertisement and agenda accurately reflected the applicant's request. Ms. Beaulieu proceeded with
12 an overview of her staff report explaining the history of the property to the Board. Ms. Beaulieu
13 noted that the building could only be used for service related businesses unless the applicant
14 submits another request for a change in nonconforming use for the BZA to consider. Ms. Beaulieu
15 concluded her presentation by referring to the suggested conditions of approval listed in her report.
16 Mr. Snyder explained the nature of the request noting that the property has existed as a commercial
17 land use for a number of years. Addressing the Board's concerns, Mr. Snyder confirmed that the
18 property would no longer be utilized as an adult use.

19 Mr. Quynn opened the public hearing. Ms. Sharon Wilt, Ms. Donna Westbrook, Ms. Amy
20 Piedrahita, Ms. Kirsten Lee, Ms. Ilsa Gregg, Ms. Jennifer King, and Mr. David Tabb, local
21 residents, spoke in opposition to the request. The residents stated that while they were in favor of
22 the dilapidated building being demolished that they were concerned that the applicant had not
23 divulged the intended land use for the new building. The residents noted that it would better for the
24 community if the property reverted back to its rural status. Mr. Bucky Chapman, resident, was in
25 support of the old building being removed and expressed satisfaction that the new building would
26 not consist of an adult use or bar. Ms. Beaulieu reiterated that the new building would be limited to
27 a service industry and that any other land use, such as retail, would necessitate a public hearing
28 before the Board. Mr. Quynn closed the public hearing.

29 Mr. Snyder addressed the resident's concerns by stating that the building would only be used for a
30 service business, as currently permitted, and that any other use would be back before the Board.
31 Mr. Snyder explained that the current owner did not have an intended buyer for the property.
32 Mr. Snyder stated that all debris from the demolition would be removed from the site and be
33 cleaned up by a certified company. Mr. Snyder further explained that if the variance were denied
34 the property owner would not demolish the building and would be renovating the building to avoid
35 losing the nonconforming use status.

36 Mr. Bannon moved to go into deliberative session at 2:51 p.m. Mr. Quynn called for a vote, which
37 carried unanimously. Ms. Catterton moved to go back into regular session at 3:19 p.m. Mr. Quynn
38 called for a vote, which carried unanimously.

39 Mr. Bannon moved to approve the variance as requested with the following conditions:

- 40 1. The applicant is bound by his testimony;
- 41 2. The applicant will install a landscaping buffer along the rear property line according to
42 Jefferson County Standard Detail M-54;
- 43 3. The new building will meet the required 75' distance requirement (per Section 4.6).

- 1 4. The applicant will remove the existing freestanding sign and new signage associated with any
2 future development shall comply with Article 10 of the Zoning Ordinance.

3 Ms. Catterton seconded the motion, which carried unanimously.

4 **Zoning Administrator Report**

5 a. Monthly Zoning Certificate Activity Report. This report was provided in the packet.

6 b. Ms. Beaulieu informed the Board of the new software the Department implemented and
7 began using on January 2. She stated that the new software allows for electronic submission
8 and review of projects and would hopefully improve efficiency. Ms. Beaulieu informed the
9 Board that their next meeting would be February 28, 2019 and provided a summary of the
10 pending applications.

11 **Legal Update**

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

13 b. Discussion with possible deliberative session and sign of draft Findings/Decisions
14 Meeting: December 13, 2018.

15 1. Variance from Section 5.4B.1. Owner: David and Jean Nedorostek. File: ZV18-17.

16 2. Conditional Use Permit for A-Zone Environmental Services Office. Owner:
17 Wheatlands Property Management LLC. File: CUP18-02.

18 3. Variance from Section 11.1. Owner: Wheatlands Property Management LLC. File:
19 ZV18-16.

20 4. Request for a Special Exception Permit for an Electronic Sign. Owner: Shepherdstown
21 Volunteer Fire Dept. File: SE18-02.

22 Mr. Quynn signed the above referenced Findings.

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