

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: December 13, 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; 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. Quynn explained to the public how the meeting would be conducted. Mr. Bannon moved to call
10 the meeting to order at 2:04 pm, which carried unanimously.

11 1. Approval of Minutes – October 25, 2018. Mr. Bannon moved to approve the minutes. The
12 following edits were requested:

- 13 a) Page 1, line 22, add Withers LaRue **Road**.
14 b) Page 3, line 26, change Bannon to **Bannon's**

15 Mr. Quynn called for a vote on the revised minutes, which carried unanimously.

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

17 3. Public Hearing. Variance request per Section 4.3H to reestablish a nonconforming use. The
18 applicant is requesting to install two (2) fueling stations that were removed at the request of the
19 Department of Environmental Protection. Owner: Mary Schreyer. Applicant: Mohammad
20 Ghuman; c/o: Clarence Haymaker. Location: 5437 Charles Town Rd., Kearneysville, WV.
21 District: Middleway (07); Map: 3B; Parcel: 45; Size: .70+ ac; Zone: Village. File: ZV18-18.

22 Clarence Haymaker, representative for the request, was present to address the Board. Ms.
23 Beaulieu provided a brief overview of her staff report to the Board noting the property's history.
24 Mr. Haymaker further explained that the property had historically been a service station and that
25 the applicant would like to continue the land use as such, which requires the installation of new
26 gas pumps. Mr. Quynn opened the public hearing. Paul Henderson stated that before Sheetz
27 was in the subject location, there was a small grocery store with gas pumps. Mr. Henderson
28 resides across the street from the subject parcel at 94 Bitner Lane. Mr. Henderson stated he has
29 no objection to the project. Mr. Quynn closed the public hearing. Mr. Bannon moved to approve
30 the variance as requested. Ms. Catterton seconded the motion, which carried unanimously.

31 4. Public Hearing. Variance from Section 9.7 to reduce the side setback from 8' to 6' for a 12' x 15'
32 addition to an existing home. Owners: Jack & Barbara Manuputy. Location: 26 Quarter Horse
33 Place, Charles Town, WV. District: Kabletown (06); Map: 3A; Parcel: 121; Size: 21,225 sf;
34 Zone: Rural. File: ZV18-19.

35 Barbara Manuputy was present to address the Board. Ms. Beaulieu provided a brief overview of
36 her staff report to the Board. Ms. Manuputy explained the nature of the request to the Board.
37 Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the
38 public hearing. Ms. Catterton moved to approve the variance as requested. Mr. Bannon
39 seconded the motion, which carried unanimously.

- 1 5. Public Hearing. Variance from Section 5.4B to reduce the rear setback from 20' to 2' for a
2 10' x 20' accessory structure. Owners: Chad and Kimberly Prezzi. Location: 949 Eastland Dr.,
3 Charles Town, WV. District: Charles Town (02); Map: 16; Parcel: 115; Size: 1.86 ac; Zone:
4 Residential Growth. File: ZV18-20.
- 5 Chad and Kimberly Prezzi were present to address the Board. Ms. Beaulieu provided a brief
6 overview of her staff report to the Board. Mr. and Ms. Prezzi explained the nature of the request
7 to the Board. Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn
8 closed the public hearing. Mr. Bannon moved to approve the variance as requested. Ms. Catterton
9 seconded the motion, which carried unanimously.
- 10 Mr. Quynn called for a recess at 2:31 pm to review a written comment that was submitted.
11 Mr. Bannon motioned to come out of deliberative session at 2:35 pm, which carried unanimously.
- 12 6. Public Hearing. Variance from Section 4.6B to reduce the distance requirement from 75' to 25' to
13 allow proposed commercial uses adjacent to the Residential Growth District. Owner: Seneca
14 Crossing LLC. Location: Vacant parcel approximately 530' West of the Shepherd University
15 campus entrance located on Martinsburg Pike, Shepherdstown WV. District: Shepherdstown (09);
16 Map: 8; Parcel: 50; Size: 4.5 ac; Zone: Residential-Light Industrial-Commercial. File: ZV18-21.
- 17 Eric Lewis, property owner, and Steve Cvijanovich consultant with Fox Associates, were present
18 to address the Board. Ms. Beaulieu provided a brief overview of her staff report to the Board
19 noting that the proposed plan would vacate a previously approved subdivision. Ms. Beaulieu
20 explained that the property was in the mixed use zone and that commercial development was a
21 permitted land use. Mr. Lewis and Mr. Cvijanovich explained the nature of the request to the
22 Board stating that one of the potential commercial uses would be a medical facility and that the
23 land use for the two other lots remained undetermined. Mr. Lewis argued that without the
24 variance the property would not be viable for commercial development. Mr. Quynn opened the
25 public hearing. Tony Zelenka and Garland Nagy representatives with Berkeley Medical Center,
26 confirmed that they had a contract with Mr. Lewis pending the development of this site. David
27 Levine, representative with Smart Growth Syndicate, spoke in opposition to the request.
28 Mr. Levine expressed concern that the proposed commercial development would replace the
29 affordable housing that Seneca South Subdivision would potentially offer. Mr. Levine also noted
30 that there was no guarantee that a medical facility would be located within the proposed
31 commercial development. Mr. Quynn closed the public hearing. Ms. Beaulieu informed the
32 Board that the Seneca South Subdivision was pending dissolution as a result of a proposed
33 adjacent development and that the current proposal would not appear to impact the plans to
34 dissolve the subdivision. Mr. Lewis reiterated that the medical facility would be located within
35 the proposed development as they have a signed contract. It was also noted that the previously
36 approved townhome development had not been slated as affordable housing.
- 37 Mr. Bannon moved to go into deliberative session at 3:11 pm, which carried unanimously.
38 Mr. Bannon moved to come out of deliberative session at 3:23 pm, which carried unanimously.
- 39 Ms. Catterton moved to approve the variance as requested. Mr. Bannon seconded the motion,
40 which carried unanimously.

1 7. Zoning Administrator Report

2 a. Monthly Zoning Certificate Activity Report

3 b. Approval of the Draft 2019 Board of Zoning Appeals Meeting Schedule

4 Mr. Bannon moved to approve the meeting schedule as presented. Mr. Quynn called for
5 vote, which carried unanimously. Ms. Beaulieu informed the Board that the next meeting
6 would be January 24, 2019.

7 8. Legal Update

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

9 b. Discussion with possible deliberative session and sign of draft Findings/Decisions

10 Meeting: October 25, 2018

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

12 ii. Conditional Use Permit for A-Zone Environmental Services Office. Owner:
13 Wheatlands Property Management LLC. File: CUP18-02.

14 iii. Variance from Section 11.1. Owner: Wheatlands Property Management LLC. File:
15 ZV18-16.

16 iv. Request for a Special Exception Permit for an Electronic Sign. Owner:
17 Shepherdstown Volunteer Fire Dept. File: SE18-02.

18 Mr. Quynn signed the above referenced Findings.

19 Ms. Catterton moved to adjourn the meeting at 3:30 pm. Mr. Quynn called for a vote, which carried
20 unanimously.