

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: August 22, 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; Matthew McKinney;
5 and Leeds Corbin
6 Members absent: Deirdre Catterton (with notice)
7 Staff members present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
8 Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.
9 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

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

12 **Public Hearing – Administer Oath**

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

14 **Approval of Minutes: July 25, 2019**

15 Mr. Corbin moved to approve the minutes as presented. Mr. Quynn called for a vote, which carried
16 unanimously.

17 ITEM #1 FILE #: 19-18-ZV

18 Request: Variance from Appendix A to reduce the side setback from 15' to 0' for an existing
19 15' x 28' garage.

20 Owner: Howard and Patricia Quynn

21 Parcel Info: Howard and Patricia Quynn Minor Subdivision, Lot 5,
22 7017 Flowing Springs Rd, Shenandoah Junction, WV

23 Parcel ID: 09001700040012; Size: 1.29 ac; Zone: Rural

24 Mr. Quynn recused himself from this item as he is related to the property owner. Mr. Bannon
25 presided as Vice Chair.

26 Ms. Patricia Quynn was present to address the Board. Ms. Beaulieu provided an overview of her staff
27 report explaining that the garage was originally proposed to be removed after an easement was platted
28 as part of an approved subdivision. Ms. Beaulieu explained that no time limit had been in place for
29 removal of the garage. Ms. Quynn explained the nature of the request noting that the existing garage
30 was of sound construction and that the other side of the parcel contained a septic area so constructing
31 a new garage would not be feasible on that side. Additionally, Ms. Quynn stated that they were
32 planning on selling the property and that the garage would increase the property value. Mr. Bannon
33 opened the public hearing. There was no public comment. Mr. Bannon closed the public hearing.

34 Mr. Corbin moved to approve the variance as requested. Mr. Bannon called for a vote, which carried
35 unanimously.

36

37 Mr. Quynn returned to the room at 2:08 p.m. and resumed his position as Chair.

38

1 ITEM #2 FILE #: 19-20-ZV

2 Request: Variance from Section 4.10 to waive the requirement of a site plan to install a
3 maximum 1,600 square foot gravel parking lot and from Appendix B to reduce the
4 required parking setback from 15' to 5'. The parking is required as part of the
5 applicant's proposal to convert an existing barn to increase the number of stalls
6 available as part of an existing dog kennel (Tri-State Pet Care).

7 Applicant: Andrea Garza, Tri State Pet Care, LLC

8 Owner: Robert C & Delia M Garza

9 Parcel Info: 10045 Leetown Rd, Kearneysville WV

10 Parcel ID: 07001400070000; Size: 24.25 ac; Zone: Rural

11 Ms. Beaulieu informed the Board that this item had been withdrawn by the property owner.

12 ITEM #3 FILE #: 19-20-ZV

13 Request: Variance from Section 10.2C to allow a 9' (horizontal/long) x 2' (wide) x 8' (high)
14 subdivision/monument sign in the right-of-way (McClaine Way).

15 Owner: Seneca Crossing LLC

16 Parcel Info: Vacant parcel approx. 530' West of the Shepherd University campus entrance located
17 on Martinsburg Pike, Shepherdstown WV

18 Parcel ID: 09000800500000; Size: 4.5 ac; Zone: Residential-Light Industrial-
19 Commercial

20 Mr. Paul Raco with P.J. Raco, Consulting, LLC was present to address the Board. Ms. Beaulieu
21 provided an overview of her staff report. Ms. Beaulieu explained that while a subdivision sign is
22 permitted within the right-of-way, the Ordinance did not define a "subdivision" sign. As such,
23 Ms. Beaulieu had determined that the type of sign proposed met the definition of a Pylon Sign and
24 therefore needed a variance to be located within a right-of-way. Mr. Raco explained the nature of
25 the request noting the site limitations. Mr. Raco stated the proposed sign would not negatively
26 impact traffic visibility, would be externally lit, would not be electronic, and that the applicant is
27 only proposing one sign along Route 45, although they are permitted to have two signs by-right.
28 Mr. Quynn opened the public hearing. There were no members of the public present to make
29 comment. A letter had been submitted by Mr. Stephen Ayraud for the record; however, it did not
30 speak for or against the subject request. Mr. Quynn closed the public hearing.

31 Mr. McKinney motioned to approve the variance request with the condition that the applicant is
32 bound by his testimony and that no additional signs shall be placed on the parcel. Mr. Corbin
33 seconded the motion, which carried unanimously.

34 ITEM #3 FILE #: 19-21-ZV

35 Request: Variance from Section 10.4B.3 to reduce the front setback from 25' to 15' for a
36 9' (horizontal/long) x 2' (wide) x 27" (high) base of a monument sign.

37 Applicant: Berkeley Medical Center

38 Owner: Seneca Crossing LLC

39 Parcel Info: Vacant parcel approx. 530' West of the Shepherd University campus entrance located
40 on Martinsburg Pike, Shepherdstown WV

41 Parcel ID: 09000800500000; Size: 4.5 ac; Zone: Residential-Light Industrial-
42 Commercial

1 Mr. Paul Raco with P.J. Raco, Consulting, LLC was present to address the Board. Ms. Beaulieu
2 provided an overview of her staff report explaining that the proposed lot is an interior lot to a
3 commercial subdivision that is not yet platted. Mr. Raco explained the nature of the request noting
4 that the request to reduce the required setback was to accommodate a monument style sign as
5 opposed to the permitted 35' high pole sign. Mr. Raco also noted that the Ordinance allows the sign
6 face to be as close as 5' to the property line if a pole structure is utilized.

7 Mr. Quynn opened the public hearing. There were no members of the public present to make
8 comment. A letter had been submitted by Mr. Stephen Aryaud for the record, which stated that an
9 internally lit sign is not consistent with the Shepherdstown standard of externally illuminated signs.
10 Mr. Quynn closed the public hearing.

11 Mr. Corbin motioned to approve the variance with the following conditions:

- 12 1. The sign shall adhere to Section 10.2I
- 13 2. Landscaping around the monument sign should consist of small plants to avoid additional
14 visual barriers that larger shrubs may create; and,
- 15 3. The applicant is bound his testimony.

16 Mr. McKinney seconded the motion, which carried unanimously.

17 **Zoning Administrator Report**

18 a. Monthly Zoning Certificate Activity Report. The Report was included in the mailed packet.

19 Ms. Beaulieu provided the Board with an overview of pending text amendments. Ms. Beaulieu
20 informed the Board that their next meeting would be September 26, 2019.

21 **Legal Update**

22 a. Possible executive session on the following pending lawsuits. Mr. Cochran stated that he
23 received notice of a petition for writ certiorari pertaining the March campground variance.
24 The judge wrote an order on August 19, 2019; however, an official service notice has not
25 been filed.

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

27 Meeting: July 25, 2019

- 28 1. Variance from Section 4.9 & 10.4B.3. Owner: SAB Real Estate 2. File: 19-14-ZV
- 29 2. Variance from Section 10.4B.2 Owner: EPIC at Burr Park, LLC. Applicant: Holtzman
30 Oil Corp. File 19-16-ZV.
- 31 3. Variance from Appendix B, Section 4.11E, and 839A.10. Owner: EPIC at Burr Park,
32 LLC. Applicant: Holtzman Oil Corp. File 19-17-ZV.

33 Mr. Quynn reviewed the above referenced Findings.

34 Mr. Bannon moved to adjourn the meeting at 2:43 pm, which carried unanimously.