

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: July 25, 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 Deirdre Catterton; and Leeds Corbin
6 Members absent: None
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 2:01 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: June 27, 2019**

15 Mr. Corbin moved to approve the minutes as presented. With no objections, the minutes were
16 approved unanimously.

17 ITEM #1 FILE #: 19-14-ZV

18 Request: Variance from Section 4.9 to decrease the site distance requirement from 35' to 5';
19 and, Section 10.4B.3 to reduce the required front setback from 25' to 5' for a 2' x 12'
20 monument sign along Martinsburg Pike (Route 45) and the proposed entrance to
21 Seneca Crossing.
22 Owner: SAB Real Estate 2
23 Parcel Info: 8272 Martinsburg Pike, Shepherdstown, WV
24 Parcel ID: 09008A00190000; 09008A00210000; 09008A00230000Size: 3.56
25 combined ac; Zone: Residential- Light Industrial- Commercial

26 Mr. Ryan Perks with Gordon was present to address the Board. Ms. Beaulieu provided an overview
27 of her staff report, noting that the applicant had provided a handout to document existing signage
28 along Route 45 and sight distance calculations. Ms. Beaulieu suggested that should the Board choose
29 to grant the variance, a possible condition of approval could be to stipulate that landscaping around
30 the sign be limited to small plants to prevent additional visual barriers that larger shrubs may create.
31 Mr. Perks explained the nature of the request stating that a monument sign was proposed in response
32 to public input during the Concept Plan phase. Mr. Perks stated that the Ordinance did not address
33 monument signs, which are typically lower to the ground and located closer to the property line in
34 order to be visible to oncoming traffic. Mr. Perks addressed the Board's concerns regarding sight
35 distance and noted that the Division of Highways had approved the design and location. Mr. Quynn
36 opened the public hearing. There was no public comment. Mr. Quynn closed the public hearing.

37 Mr. McKinney moved to approve the variance as requested. Mr. Bannon stated that he would
38 support the motion provided that it is amended to reflect that the applicant is bound by his testimony
39 and that the proposed sign must comply with the Ordinance on electronic signs. Mr. McKinney
40 agreed with Mr. Bannon's amendment and added that any landscaping surrounding the signage
41 remain low profile. Mr. Corbin seconded the motion, which carried unanimously.

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1 ITEM #2 FILE #: 19-16-ZV

2 Request: Variance from Section 10.4B.2 to increase the permitted freestanding
3 nonresidential sign height from 35' to 65'.
4 Applicant: Holtzman Oil Corp
5 Owner: EPIC at Burr Park, LLC
6 Parcel Info: Burr Industrial Park Subdivision, Lots 16A and 16B, Vacant. Southeast corner of
7 Wiltshire Rd and War Admiral Blvd. Charles Town WV
8 Parcel ID: 02000100690000 and 02000100690001; Size: 5.02 ac combined; Zone:
9 Industrial Commercial

10 Mr. Jason Gerhart with Gordon was present to address the Board. Ms. Beaulieu provided an overview
11 of her staff report, noting that the maximum height for a building is 75' and a sign has less visual
12 impact than a building. Mr. Gerhart explained the nature of the request, noting that the requested
13 increase in height was due to the expectation that the majority of customers would be coming off of
14 Route 9 and a taller sign would address safety concerns by providing better site visibility and
15 ensuring sufficient time to take the exit. He stated that the height was determined based on the
16 elevation of Route 9, which is approximately 35' higher than the property, with consideration to the
17 maximum building height permitted by the Zoning Ordinance. Mr. Quynn opened the public hearing.
18 Ms. Lyn Goodwin with the Jefferson County Development Authority spoke in opposition to the
19 request stating that the JCDA Board members voted unanimously to recommend that the sign height
20 be limited to 35' in accordance with the Zoning Ordinance. Mr. Quynn closed the public hearing.

21 Mr. Quynn requested to continue with the next variance.

22 ITEM #3 FILE #: 19-17-ZV

23 Request: Variance from Appendix B and Section 4.11E to allow the proposed modified
24 planting standard from a previous variance for lots within the Burr Industrial Park
25 which was granted in 2016 (ZV16-14); and from Section 8.9A.10 to allow the street
26 tree standard in lieu of the required 50' landscape buffer strip for lots along or .5
27 miles from a limited access highway.
28 Applicant: Holtzman Oil Corp
29 Owner: EPIC at Burr Park, LLC
30 Parcel Info: Burr Industrial Park Subdivision, Lots 16A and 16B, Vacant. Southeast corner of
31 Wiltshire Rd and War Admiral Blvd. Charles Town WV
32 Parcel ID: 02000100690000 and 02000100690001; Size: 5.02 ac combined; Zone:
33 Industrial Commercial

34 Mr. Gerhart explained the nature of the request, noting that the JCDA did not include the subject
35 parcel as part of the 2016 blanket variance because it was not under the ownership of the JCDA. He
36 stated that the basis of the request was to reflect conformance with the surrounding lots in the Park.
37 Mr. Quynn requested that Staff present their report. Ms. Beaulieu provided a summary of her staff
38 report, bringing attention to the map which reflects the lots that were granted a variance in 2016.

39 Mr. Bannon moved to go into deliberative session at 3:09 p.m., which carried unanimously.

40 Ms. Catterton moved to reconvene at 3:40 p.m., which carried unanimously.

41 Mr. McKinney moved to approve file #19-16-ZV as requested due to the unique characteristics of
42 the lots, noting that it was in the best interest of the public's safety and wellbeing to permit the sign
43 at an increased height of 65', and also noting that the applicant is bound by his testimony and that

1 all signs are subject to Article 10. Ms. Catterton seconded the motion, which carried with four in
2 favor and one opposed (Mr. Bannon).

3 Mr. Bannon moved to approve file #19-17-ZV as presented, noting that the applicant is bound by
4 his testimony. Ms. Catterton seconded the motion, which carried unanimously.

5 **Zoning Administrator Report**

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

7 Ms. Beaulieu provided the Board with an overview of pending text amendments. Ms. Beaulieu
8 informed the Board that their next meeting would be August 22, 2019.

9 **Legal Update**

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

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

12 Meeting: June 27, 2019

13 1. Variance from Section 9.6C & 9.7. Owners: Frank and Sandy Kovach. File: 19-11-ZV

14 2. Variance from Appendix B. Owners: Saint James Lutheran Church. File: 19-12-ZV.

15 3. Variance from Appendix B. Owners: Fellowship Bible Church. File: 19-13-ZV.

16 Mr. Quynn reviewed the above referenced Findings.

17 Ms. Catterton moved to adjourn the meeting at 3:47 pm, which carried unanimously.