

## Minutes

### Jefferson County Board of Zoning Appeals

- 1 Meeting Date: December 12, 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 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. McKinney moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which  
10 carried unanimously. Mr. Quynn explained to the public how the meeting would be conducted.

#### 11 **Approval of Minutes: November 14, 2019**

12 Ms. Catterton moved to approve the minutes. Mr. Quynn called for a vote. Mr. Bannon abstained  
13 from voting as he was not in attendance at the November meeting. The motion carried four in  
14 support and one abstention.

#### 15 **Public Hearing – Administer Oath**

16 Ms. Hartman swore in members of the public who indicated they would be providing testimony.  
17 Mr. Quynn called for File #19-36-ZV as the applicant for File #19-33-ZV was not yet in attendance.

#### 18 ITEM #1      FILE #: 19-36-ZV

19 Request: Variance from Section 5.7B and 9.6C to reduce the front setback from 40' to 22' for a  
20 24' x 41' accessory structure.  
21 Owner: Joseph Costello  
22 Parcel Info: 115 Leyland Ln., Harpers Ferry, WV; Parcel ID: 09001800190003; Size: 2.81 ac;  
23 Zoning District: Rural

24 Mr. Joseph Costello was present to address the Board. Ms. Beaulieu presented her staff report to the  
25 Board noting that the subject property line was buffered by a tree line comprised of mature trees and  
26 that the applicant had submitted a letter of support from the neighbor. Mr. Costello explained the  
27 nature of the request stating that the purpose of the structure was to house large equipment used for  
28 his business. Mr. Costello confirmed that he had received a letter of support from his neighbor  
29 [Jennifer Wilkerson]. Mr. Costello noted that the structure would not be visible due to the dense tree  
30 line as shown in the application. Mr. Costello further argued that the location of the existing septic  
31 field prohibited him from placing the structure adjacent to the home and that any other location on  
32 the property would require a new driveway to be installed. Mr. Quynn opened the public hearing.  
33 There was no public comment. Mr. Quynn closed the public hearing.

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

36 Mr. Quynn called for File #19-35-ZV as the applicant for File #19-33-ZV was not yet in attendance.

#### 37 ITEM #2      FILE #: 19-35-ZV

38 Request: Variance from Section 10.4B.3 to reduce the front setback from 25' to 5' along  
39 Route 480 and along Route 115 for a 20' tall Freestanding Sign with a 5' (W) x 8'  
40 (H) [sign face].  
41 Owner: I & K Farms, LLC

1 Applicant: Clarence Haymaker  
2 Parcel Info: 5437 Charles Town Rd., Kearneysville, WV; Parcel ID: 0703B00450000;  
3 Size: .70+ ac; Zoning District: Village

4 Mr. Clarence Haymaker was present to address the Board. Ms. Beaulieu presented her staff report  
5 to the Board noting that the Board had previously approved reestablishing the nonconforming gas  
6 station on the subject parcel. Ms. Beaulieu explained that the purpose of this request was to erect a  
7 sign in the same location as the previous sign. Ms. Beaulieu informed the Board that due to the  
8 existing power lines the Board may wish to note as a condition of approval that the applicant should  
9 confirm that the sign will be located outside of any utility easements. Mr. Haymaker explained the  
10 nature of the request to the Board confirming that the proposed sign would be erected in the same  
11 location as the old sign. Mr. Haymaker stated that the sign would not create traffic visibility issues  
12 and confirmed that they would consult with the power company to ensure that the sign would not  
13 be in any utility easements. Mr. Quynn opened the public hearing. There was no public comment.  
14 Mr. Quynn closed the public hearing.

15 Mr. McKinney moved to approve the variance as requested with the following conditions:

- 16 1. The applicant is bound by his testimony.
- 17 2. The sign shall comply with the zoning ordinance provisions.
- 18 3. The applicant shall confirm and comply with any existing utility easements.

19 Mr. Quynn called for a vote, which carried unanimously.

20 ITEM #1      FILE #: 19-33-ZV

21 Request: Variance from Section 5.4B.1 and Appendix A to reduce the rear setbacks from 20'  
22 to 15'; the front setbacks from 25' to 20'; and the side setback from 12' to 10' for  
23 the proposed Phase 3A, Lots 134-159.

24 Parcel Info: Beallair Homes LLC, Unplatted section of Beallair Subdivision along Beallair  
25 Manor Drive, proposed Phase 3A, Lots 134-159, Parcel ID: 04010ARESA0000;  
26 Lot Sizes Average: 8,500-13,000 sf; Zoning District: Residential Growth

27 Ms. Beaulieu informed the Board that she had received notice from Staff back in the Office that the  
28 applicant called after the start of the meeting and requested that their application be postponed until  
29 the January meeting. Mr. Bannon moved to postpone the public hearing until the January 23, 2020  
30 meeting. Mr. Quynn called for a vote, which carried unanimously.

### 31 **Zoning Administrator Report**

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

33 Ms. Beaulieu informed the Board of the following:

- 34 1. On 11/21/19 the County Commission adopted the revised text amendment (ZTA19-01)  
35 related to special events facilities.
- 36 2. On 12/10/19 the Planning Commission scheduled a work session on solar facilities for  
37 01/14/19.
- 38 3. On 12/10/19 the Planning Commission agreed to forward the Mass Event text amendment  
39 on to Greenway Engineering to incorporate into the ordinance rewrite work plan.
- 40 4. Ms. Beaulieu informed the Board that per their request, Mr. Goodwin would be  
41 attending their January meeting to provide an overview of the purpose of a site plan.
- 42 5. Ms. Beaulieu informed the Board that their next meeting would be January 23, 2020.

1 **Legal Update**

- 2 a. Possible executive session on the following pending lawsuits. None  
3 b. Discussion with possible deliberative session and signing of draft Findings/Decisions

4 **Meeting: October 24, 2019**

- 5 1. Variance from Sec. 9.6B. Owner: Preston Barger. Files: 19-26-ZV and 19-27-ZV.  
6 2. Conditional Use Permit for a Church. Owner: Burr Park, LLC. Applicant: Ascension  
7 Church. File: 19-2- CUP.  
8 3. Variance from Sec. 4.11A.2 & 4.11E.1 and App. B. Owner: JCDA. Applicant: McGee  
9 Civil Construction. File: 19-28-ZV.  
10 4. Variance from App. A. Owner: Keith Cranford. File: 19-29-ZV.  
11 5. Variance from Sec. 9.7. Owner: Thomas Custer. File: 19-30-ZV.  
12 6. Conditional Use Permit for a Restaurant. Owner: Wheatlands Property Management.  
13 Applicant: Jesse Morgan. File: 19-3-CUP.  
14 7. Variance from Sec. 4.10A. Owner: Wheatlands Property Management. Applicant:  
15 Jesse Morgan. File: 19-31-ZV.

16 Mr. Cochran provided the Findings for Mr. Bannon to review and sign.

17 **Meeting: November 14, 2019**

- 18 1. Variance from Sec. 4.11A.2, 4.11E and App. B. Owner: Seneca Crossing LLC.  
19 File: 19-32-ZV.

20 Mr. Cochran provided the Findings for Mr. Quynn to review and sign.

21 Mr. Bannon moved to adjourn the meeting at 2:33 pm, which carried unanimously.