

Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: June 25, 2020
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
3 virtually via ZOOM.
4 Board Members Present: Jeffrey Bannon, Chair; Tyler Quynn, Vice Chair; and Matt McKinney
5 Board Members Absent: Deirdre Catterton and Leeds Corbin (absent with notification)
6 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran,
7 Assistant Prosecuting Attorney; and, Rachael Burke, Planning Clerk
8 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.

9 Mr. Quynn called the meeting to order at 2:00 pm. Mr. Bannon called for a vote, which carried
10 unanimously.

11 **Approval of Minutes: May 28, 2020**

12 Mr. Bannon requested the following edit to the May 28, 2020 meeting minutes:

- 13 a) Page 3, Line 24: change *vacant* to **vacate**.
14 b) Page 4, Line 25: remove the language that says the item was withdrawn.

15 Mr. Quynn moved to accept the minutes with Mr. Bannon's edits. Mr. Bannon called for a vote,
16 which carried unanimously.

17 Ms. Beaulieu swore in members of the public who indicated they would be providing testimony.

18 **ITEM #1 FILE #: 20-21-ZV**

19 Request: Variance request from Section 5.4(b) for a reduction of the rear setback requirement
20 from 20' to 10' for the construction of a 12' x 10' deck.
21 Owner: Todd Landis
22 Parcel Info: Lot 22, Crosswinds Subdivision; 423 Crosswinds Drive, Charles Town, WV
23 Parcel ID: 02018A00220000; Size: .19 acre; Zoning District: Residential Growth

24 Mr. Todd Landis, property owner, was present to address the Board. Ms. Beaulieu provided an
25 overview of her staff report noting that the rear of the parcel abuts a 35' wide open space parcel of
26 the adjoining Norborne Glebe Subdivision, which would mitigate any potential impact from the
27 deck. Mr. Landis explained the nature of the request stating that the proposed location for the deck
28 was based on an existing sliding glass door which would allow him to utilize the proposed deck
29 without creating another doorway. Mr. Landis provided an image that showed a tree line in the rear
30 of the parcel that would offer a natural buffer.

31 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
32 public hearing.

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

35 **ITEM #2 FILE #: 20-22-ZV**

36 Request: Variance request from Section 5.4(b) for a reduction of the rear setback requirement
37 from 20' to 10' for the construction of a 14' x 12' sunroom.
38 Owner: Scott and Kelly Meisenzahl
39 Parcel Info: Locust Hill Subdivision, Lot 111, 473 Spyglass Hill Drive, Charles Town, WV
40 Parcel ID: 02013A02430000; Size: .24 ac.; Zoning District: Rural

1 Mr. Scott Meisenzahl, property owner, was present to address the Board. Ms. Beaulieu provided an
2 overview of her staff report noting that the rear of the parcel abuts the subdivision's open space
3 area. Ms. Beaulieu stated that the applicants had received a similar variance in 2003 to reduce the
4 rear setback to 12' for the construction of a deck. Ms. Beaulieu explained that the proposed
5 sunroom would be constructed where the existing deck is located but would be slightly larger and
6 encroach further into the setback area. Mr. Meisenzahl explained the nature of the request and stated
7 that beyond the common area was a large farm. He clarified that only the corner of the sunroom
8 would be located further into the setback area due to the dimensions of the parcel.

9 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
10 public hearing.

11 Mr. Quynn moved to approve the variance as requested. Mr. Bannon called for a vote, which
12 carried unanimously.

13 **Zoning Administrator's Report**

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

15 Ms. Beaulieu updated the Board on the status of the solar energy facilities text amendment stating
16 that the Planning Commission made a few revisions to the proposed text and forwarded the
17 amendment to the County Commission to schedule another public hearing. Ms. Beaulieu provided a
18 status update on the proposed reorganization of the Zoning Ordinance and the Subdivision
19 Regulations that is being drafted by Greenway Engineering. Ms. Beaulieu also noted that the
20 Planning Commission accepted a petition to begin drafting new text amendment pertaining to
21 commercial cemeteries into their work plan. Ms. Beaulieu stated that the next Board meeting would
22 be on July 23, 2020.

23 **Legal Update**

24 a) Possible executive session on the following pending lawsuits.

25 b) Discussion with possible deliberative session and signing of draft Findings/Decisions

26 **Meeting: June 25, 2020**

- 27 1. Variance from Sec. 5.7(b). Owner: Matthew Gorsuch and Anna Kent. File: 20-11-ZV.
- 28 2. Variance from Sec. 4.10. Owner: Rolling Ridge Foundation. File: 20-12-ZV.
- 29 3. Variance from Sec. 5.4(b). Owner: Jocelyn Stokes and Ezra Hall. File: 20-13-ZV.
- 30 4. Request by Efstathia Fragogiannis and Jamie Schatteman for a Conditional Use Permit to
31 operate a Homebased Federal Firearms Business [custom manufacturing]. Owner: Gary
32 Eisner, et al. File: 20-3-CUP.
- 33 5. Variance from Sec. 4.6B. Applicant: Efstathia Fragogiannis and Jamie Schatteman.
34 Owner: Gary Eisner, et al. File: 20-19-ZV.
- 35 6. Variance from Sec. 4.6B and App. B. Owner: Mohammad Murtaza. File: 20-15-ZV
- 36 7. Variance from Sec. 4.6B, 8.9A.8, and App. B. Owner: 270 LLC. File: 20-17-ZV
- 37 8. Variance from Sec. 9.7. Owner: Rodney Smith. File #20-18-ZV.

38 Regarding signing the Findings, Mr. Bannon requested that Mr. Cochran research whether electronic
39 signatures could be implemented. Mr. Cochran stated he would review state law and inform the
40 Board at their next meeting.

41 Mr. Quynn moved to adjourn the meeting at 2:17 pm. Mr. Bannon called for a vote, which carried
42 unanimously.