

Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: August 27, 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; Leeds Corbin and
5 Matt McKinney
6 Board Members Absent: Deirdre Catterton with notification
7 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran,
8 Assistant Prosecuting Attorney; and, Jennilee Hartman, Zoning Clerk
9 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.

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

12 **Approval of Minutes: July 23, 2020**

13 Mr. Corbin moved to approve the July 23, 2020 meeting minutes as presented. Mr. Bannon called
14 for a vote, which carried unanimously.

15 **Public Oath**

16 Due to technical issues with ZOOM, Ms. Hartman swore in members of the public who indicated
17 they would be providing testimony at the beginning of each item.

18 **ITEM #1 FILE #: 20-25-ZV**

19 Request: Variance from Section 9.7 to reduce the front setback from 40' to 20' to construct a
20 single-family dwelling unit.

21 The applicant was not present at the onset of the meeting; however, was available to address the
22 Board after Item #4.

23 **ITEM #2 FILE #: 20-26-ZV**

24 Request: Variance from Section 9.7 to reduce the side setback for proposed Lot 11A from 8'
25 to 5.4'; and, to reduce the front setback for proposed Lot 12A from 20' to 2' to allow
26 for a proposed boundary line adjustment.

27 The applicant was not present at the onset of the meeting; however, was available to address the
28 Board after Item #5.

29 **ITEM #3 FILE #: 20-5-CUP**

30 Request: Request by Valley Used Cars for a Conditional Use Permit to operate an Automobile
31 Repair, Sales, and Service business, to include the repair and sale of used cars. No
32 new buildings or additions are proposed at this time. Site improvements include
33 expansion of gravel area and replacement of existing sign in the same location.

34 Owner: I & K Farms, LLC

35 Applicant: Clarence Haymaker

36 Parcel Info: 5409 Charles Town Road, Kearneysville, WV; Parcel ID: 07000300010001;

37 Size: 5.35 acres; Zoning District: Village

38 Mr. Clarence Haymaker, real estate agent for the property owner, was present to address the Board.
39 Ms. Beaulieu provided an overview of her staff report explaining the history of the property and
40 reviewed the conditional use permit criteria. Ms. Beaulieu reviewed various conditions of approval
41 should the Board grant the request. Mr. Haymaker concurred with Ms. Beaulieu's representation of
42 the request.

1 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
2 public hearing.

3 Mr. Corbin moved to approve the conditional use permit as requested with the following conditions:

- 4 1. A 20' wide buffer screen be retained along the perimeter of the subject two acres.
- 5 2. A 15' wide front setback applies to any customer/employee parking and inventory.
- 6 3. The applicant is bound by his testimony.

7 Mr. Quynn seconded the motion and amended the motion to include that the applicant is
8 required to come back before the Board to evaluate the signage.

9 Mr. Corbin seconded the amendment.

10 Mr. Bannon called for a vote, which carried unanimously.

11 **ITEM #4 FILE #: 20-6-CUP**

12 Request: Request by Andrew and Nariman Main for a Conditional Use Permit to operate a
13 catering business, to include the distribution of baked goods to off-site vendors, as
14 well as the preparation and on-site sale of grab-and-go items (such as sandwiches,
15 salads, and baked goods). Seating is not proposed. The applicant is proposing to
16 construct a 40' x 80' accessory structure, a portion of which is to be utilized for the
17 proposed business. The proposed use includes a customer parking area and a modest
18 sign. Land use classification in Appendix C: Restaurant.

19 Owner: Andrew & Nariman Main

20 Parcel Info: Grove Minor Subdivision, Lot 3; Vacant parcel located directly behind 2945
21 Lewisville Road, Summit Point, WV; Parcel ID: 06001900180006; Size: .71 acre
22 Zoning District: Rural

23 Mr. Andrew and Ms. Nariman Main, property owners, were present to address the Board. Ms.
24 Beaulieu provided an overview of her staff report and reviewed the conditional use permit criteria.
25 Mr. and Ms. Main provided a detailed overview of their request.

26 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
27 public hearing.

28 Mr. McKinney moved to approve the conditional use permit as requested with the condition that the
29 applicants are bound by their testimony. Mr. Bannon called for a vote, which carried unanimously.

30 Noting that the applicant for Item # 1 was available, Mr. Bannon called on the applicant to address
31 the request.

32 **ITEM #1 FILE #: 20-25-ZV**

33 Request: Variance from Section 9.7 to reduce the front setback from 40' to 20' to construct a
34 single-family dwelling unit.

35 Owner: Joseph R Lee

36 Parcel Info: 206 Meadow Bluff Ln, Kearneysville, WV; Parcel ID: 07000600010021; Size: 8.88
37 ac.; Zoning District: Rural

38 Mr. Joseph Lee, property owner, was present to address the Board. Ms. Beaulieu provided an
39 overview of her staff report noting that the intent of the request was to ensure sufficient distance and
40 elevation from the existing floodplain. Mr. Lee explained the nature of the request to the Board and
41 reiterated Ms. Beaulieu's summary of the request.

1 Mr. Bannon opened the public hearing. Ms. Maryanne Caruso spoke in opposition to the request.

2 Ms. Caruso argued that the reduction in the front setback would place the proposed home too close
3 to her existing home on the other side of Meadow Bluff Lane.

4 Mr. Lee stated that he had to leave the meeting; however, his wife was now in attendance to
5 represent the request. In closing, Mr. Lee stated that by locating the home an additional 10' from the
6 floodplain that it would increase the home's overall elevation and reduce the chance of flooding.

7 Ms. Amanda Lee, property owner, addressed the Board's questions. Ms. Beaulieu assisted in
8 answering questions regarding the site's elevation utilizing the County's mapping software and
9 clarified that Meadow Bluff Lane is 30' wide.

10 Mr. Young, the former property owner of Ms. Caruso's property, spoke in opposition to the request.

11 Mr. McKinney moved to approve the variance with the condition that the applicants were bound by
12 their testimony. Mr. Bannon called for a vote, which carried three (3) in support and one (1)
13 opposed (Mr. Corbin).

14 **ITEM #5 FILE #: 20-27-ZV**

15 Request: Variance from Section 4.16 of the Zoning Ordinance, as amended 03/10/11 to
16 reduce the side landscape buffer and the side setback from 50' to 25' for a 1,200 sf
17 storage building.

18 Owner: Asbury United Methodist Church

19 Applicant: Arturo Gales, Head Trustee

20 Parcel Info: 4257 Kearneysville Pike, Shepherdstown, WV. Parcel ID: 09000800070002;
21 Size: 4.98 ac.; Zoning District: Residential Growth

22 Mr. Arturo Gales, Mr. Vernon Hunter, Mr. Carl Fask, representatives for Asbury Church, and Mr.
23 Corey Jackson, contractor with Minghini's General Contractor, were present to address the Board.

24 Ms. Beaulieu provided an overview of her staff report. Ms. Beaulieu explained that the current
25 Ordinance would allow the structure to be located 25' from the property line; however, the
26 previously approved site plan (S11-05) delineated a 50' unscreened buffer. Ms. Beaulieu clarified
27 that the request was to allow the proposed structure to be located within the platted 50' unscreened
28 buffer. Mr. Gales and Mr. Jackson explained the nature of request and argued that the proposed
29 location was optimal for the type of storage intended for the structure.

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

32 Mr. Quynn moved to approve the variance as requested with the condition that the applicants were
33 bound by their testimony. Mr. Bannon called for a vote, which carried unanimously.

34 Noting that the applicant for Item #2 was available, Mr. Bannon called on the applicant to address
35 the request.

36 **ITEM #2 FILE #: 20-26-ZV**

37 Request: Variance from Section 9.7 to reduce the side setback for proposed Lot 11A from 8'
38 to 5.4'; and, to reduce the front setback for proposed Lot 12A from 20' to 2' to allow
39 for a proposed boundary line adjustment.

40 Owner: Cage, LLC

41 Parcel Info: 171 Euclid Avenue, Charles Town, WV; Parcel ID: 02010A00920000; Size: 15,000
42 square feet; Zoning District: Residential Growth

1 Mr. Geremey Engle, property owner, was present to address the Board. Ms. Beaulieu provided an
2 overview of her staff report. Ms. Beaulieu explained that the existing garage had been converted
3 into a dwelling unit without obtaining a building permit by the previous property owner. Ms.
4 Beaulieu stated that the purpose of the boundary line adjustment was to reconfigure the lot lines to
5 allow the existing house and converted garage apartment to be located on individual lots. Mr. Engle
6 explained the nature of the request and reiterated that the subject parcel currently consists of two
7 legal lots and that there would still be two legal lots after the boundary line adjustment.

8 Mr. Bannon opened the public hearing. Ms. Sandra Sokol stated she was in support of the request
9 after gaining a better understanding of the request from the presentation. Mr. Bannon closed the
10 public hearing.

11 Mr. Quynn moved to go into deliberative session at 4:00 pm. Mr. Bannon called for a vote, which
12 carried unanimously.

13 Mr. Quynn moved to go back into regular session at 4:15 pm. Mr. Bannon called for a vote, which
14 carried unanimously.

15 Mr. McKinney moved to approve the variance with the condition that the applicant is bound by his
16 testimony. Mr. Bannon called for a vote, which carried unanimously.

17 **Zoning Administrator's Report**

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

19 Ms. Beaulieu updated the Board on the status of the following amendments: Solar Energy Facilities
20 (ZTA19-03), the Reorganization of the Zoning Ordinance and the Subdivision Regulations by
21 Greenway Engineering, and Commercial Cemeteries (ZTA20-01).

22 Ms. Beaulieu stated that the next Board meeting would be on September 24, 2020.

23 **Legal Update**

24 a) Possible executive session on the following pending lawsuits. None.

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

26 **Meeting: July 23, 2020**

27 1. Variance from Section 4.3H. Owner: I&K Farms, LLC. File: 20-23-ZV.

28 2. Request by Richalie Demaine for a CUP to operate a Homebased Federal Firearms
29 Business [custom manufacturing]. Owner: Richalie Demaine. File: 20-4-CUP.

30 3. Variance from Section 4.6B. Owner: Richalie Demaine. File: 20-24-ZV.

31 Mr. Bannon stated he had signed the Findings and would deliver them to the Office.

32 Mr. Quynn moved to adjourn the meeting at 4:19 pm. Mr. Bannon called for a vote, which carried
33 unanimously.