

Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: October 22, 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,
5 Matt McKinney and Deirdre Catterton
6 Board Members Absent: None
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. Quynn moved to called the meeting to order at 2:00 pm. Mr. Bannon called for a vote, which
11 carried unanimously.

12 **Approval of Minutes: September 24, 2020**

13 Mr. Bannon suggested the following edit:

14 a) Page 1, Line 9: after Mr. Quynn add the words **moved to**.

15 Mr. Corbin moved to approve the September 24, 2020 meeting minutes as amended. Mr. Bannon
16 called for a vote, which carried four (4) in support and one (1) abstention (Mr. McKinney was not
17 present for this meeting).

18 **Public Oath**

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

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

21 Request: Variance from Section 10.4B.3 to reduce the front setback from 25' to 1.5' for a 64" W
22 x 84" H (38 sf) double-sided pylon (monument) sign.
23 Owner: HDW, LLC
24 Parcel Info: Whale of a Wash, 104 Maddex Square Dr., Shepherdstown, WV
25 Parcel ID: 09000800150006; Size: .73 ac;
26 Zoning District: Residential-Light Industrial-Commercial

27 Mr. Paul Raco with P.J. Raco Consulting, LLC, was present to address the Board. Ms. Beaulieu
28 provided an overview of her staff report noting that should the Board approve the request that a
29 possible condition of approval could be to retain the existing street trees that were required as part
30 of the original site plan approval. Mr. Raco explained the nature of the request. Mr. Raco stated that
31 the lower level of the existing tree canopy may be tall enough to accommodate the proposed sign.
32 Mr. Raco proffered to raise the canopy should the sign not fit as proposed; or, that new trees would
33 be planted per approval from the Zoning Administrator.

34 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
35 public hearing.

36 Mr. Quynn moved to approve the variance as requested, noting that the applicant is bound by his
37 testimony. Mr. Bannon called for a vote, which carried unanimously.

38 **ITEM #2 FILE #: 20-33-ZV**

39 Request: Variance from Section 4.6B.2 to reduce the distance requirement from 75' to 65'
40 along the rear property line for an 8' x 12' (96 sf) accessory structure (storage shed).
41 Owner: HDW, LLC

1 Parcel Info: Whale of a Wash, 104 Maddex Square Dr., Shepherdstown, WV
2 Parcel ID: 09000800150006; Size: .73 ac;
3 Zoning District: Residential-Light Industrial-Commercial

4 Mr. Paul Raco with P.J. Raco Consulting, LLC, was present to address the Board. Ms. Beaulieu
5 provided an overview of her staff report. Mr. Raco explained the nature of the request, noting that
6 the accessory structure would have a minimal impact on the adjacent property.

7 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
8 public hearing.

9 Mr. Corbin moved to approve the variance as requested, noting that the applicant is bound by his
10 testimony. Mr. Bannon called for a vote, which carried unanimously.

11 **Zoning Administrator's Report**

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

13 Ms. Beaulieu updated the Board on the status of the following amendments: Solar Energy Facilities
14 (ZTA19-03); the Reorganization of the Zoning Ordinance and the Subdivision Regulations by
15 Greenway Engineering; Commercial Cemeteries (ZTA20-01); and change in classification for Drive-
16 Through Restaurants in the Residential-Light Industrial-Commercial zoning district (ZTA20-02).

17 Ms. Beaulieu stated that the next Board meeting would be on November 12, 2020.

18 **Request from Board Chair**

19 a) Discussion with possible action to amend the Rules of Procedure to create a process to allow
20 for a summary judgment for applications that do not have public comment.

21 Referring to a document drafted by the Chair, Mr. Bannon explained that the purpose of
22 the proposed amendment to the Rules of Procedure would be to streamline the approval
23 process, provided the variance application met certain criteria. Board members were
24 amiable to the suggested amendment. Mr. Cochran stated he would research the proposed
25 amendment for the next meeting. Ms. Beaulieu stated she would create a sample draft
26 motion for the Board to evaluate for such applications. The Board agreed to review this
27 item at their November 12, 2020 meeting.

28 **Legal Update**

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

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

31 **Meeting: September 24, 2020**

32 1. Variance from Section 5.4B. Owner: Lance and Michelle Paul. File: 20-28-ZV.

33 2. Variance from Section 5.4B. Owner: Kimberly Purvis. File: 20-29-ZV.

34 3. Variance from Section 5.4B. Owner: Sharon Neubauer. File: 20-30-ZV.

35 4. Request for a CUP for Automotive Repair, Sales and Service shop.

36 Owner: Bret de Pedro. File: 20-7-CUP.

37 5. Variance from Section 5.7D.2.b.i(b). Owner: Lutman Land Development, LLC.

38 File: 20-31-ZV.

39 Mr. Bannon stated he would sign the Findings and deliver them to the Office.

- 1 Mr. Cochran informed the Board that he was in the process of drafting a decommissioning plan for
- 2 solar energy facilities per the County Commission's request.
- 3 Mr. Quynn moved to adjourn the meeting at 2:37 pm. Mr. Bannon called for a vote, which carried
- 4 unanimously.