

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: January 28, 2021
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
3 virtually via ZOOM.
4 Board Members Present: Tyler Quynn, Chair; Deirdre Catterton, Vice Chair; Jeffrey Bannon,
5 Leeds Corbin, Mikala Shremshock, Alternate; and Danesia Chicchirichi,
6 Alternate
7 Board Members Absent: Matt McKinney (with notice)
8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
9 Prosecuting Attorney

10 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance. Due
11 to a technical disturbance, the audio/video record of this meeting is not available on the County's
12 webpage. A copy of the audio/video record will be made available upon request.

13 Mr. Quynn moved to call the meeting to order at 2:03 pm. Mr. Bannon called for a vote, which
14 carried unanimously.

15 As one member of the Board was absent, Ms. Shremshock participated in the meeting as a voting
16 member.

17 Election of Officers

18 Ms. Catterton nominated Mr. Quynn as Chair. Mr. Corbin seconded the nomination, which carried
19 unanimously.

20 Mr. Quynn presided over the remainder of the meeting as Chair.

21 Mr. Bannon nominated Ms. Catterton as Vice Chair. Mr. Quynn called for a vote, which carried
22 unanimously.

23 Mr. Quynn provided an outline of the meeting protocol.

24 Approval of Minutes: December 10, 2020

25 Mr. Bannon moved to approve the December 10, 2020 meeting minutes. Mr. Quynn called for a
26 vote, which carried three (3) in support and two (2) abstentions (Mr. Quynn and Ms. Catterton) as
27 they were not in attendance at this meeting.

28 ITEM #1 FILE #: 21-1-ZV

29 Request: Variance from Section 5.4B of the Zoning Ordinance, as amended 10/04/99 to
30 reduce the rear setback from 20' to 10' for a 26' x 30' accessory structure.

31 Owner: David Groom

32 Applicant: Same

33 Parcel Info: Quail Ridge Subdivision, Lot 112, 294 Sundance Ln, Charles Town, WV

34 Parcel ID: 07002A01120000; Size: .55 acres; Zoning District: Rural

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

36 Mr. David Groom was present to address the Board. Ms. Beaulieu provided an overview of her staff
37 report. Mr. Groom explained the nature of his request to the Board. Mr. Groom stated that he had
38 spoken to the adjacent property owners and that no one had voiced their objections to the proposal.

39 Mr. Quynn confirmed there were no members of the public signed up to speak for this item.

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

1 **ITEM #2** **FILE #: 21-2-ZV**

2 Request: Variance from Section 4.11.A. and Appendix B to utilize the 50' unscreened buffer
3 option in lieu of a vegetative screened buffer.

4 Owner: Federal Group Inc.

5 Applicant: P.J. Raco Consulting, LLC

6 Parcel Info: 233 Lowe Dr., Shepherdstown, WV

7 Parcel ID: 09000800100009; Size: 29.84 acres; Zoning District: Residential Growth

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

9 Mr. Paul Raco with P.J. Raco Consulting, LLC was present to address the Board. Ms. Beaulieu
10 provided an overview of her staff report. Ms. Beaulieu clarified that the landscaping text amendment
11 appeared to have occurred in 2014 as opposed to 2011 as noted in her report. Ms. Beaulieu confirmed
12 that when the subject parcel was originally developed, a 50' unscreened buffer was allowed by-right.

13 Mr. Raco noted for the record that this request is entirely separate from Item #3. Mr. Raco explained
14 the nature of this request to the Board, noting that the proposed parking lot will be solely used by the
15 federal government.

16 Mr. Bannon moved to approve the requested variance. Mr. Quynn confirmed there were no
17 members of the public signed up to speak for this item. Mr. Quynn called for a vote, which carried
18 unanimously.

19 **ITEM #3** **FILE #: 21-3-ZV**

20 Request: Variance from Section 4.6 to reduce the distance requirement from 75' to 0'; Section
21 4.11.A to reduce the buffer requirement of 20' to 0'; and, Appendix B to reduce the
22 building setback from 25' to 0' and access/parking lot setback from 10' to 0' along
23 the interior property line of a proposed subdivision. The proposed subdivision will
24 divide the existing hotel from the conference center.

25 Owner: Federal Group Inc.

26 Applicant: P.J. Raco Consulting, LLC

27 Parcel Info: 233 Lowe Dr., Shepherdstown, WV

28 Parcel ID: 09000800100009; Size: 29.84 acres; Zoning District: Residential Growth

29 Mr. Paul Raco with P.J. Raco Consulting, LLC was present to address the Board. Ms. Beaulieu
30 provided an overview of her staff report. Ms. Beaulieu noted that the variance would allow for the
31 proposed division of the existing hotel from the conference center. Ms. Beaulieu stated that the
32 subject request was specific to the proposed internal lot line. Ms. Beaulieu noted the following
33 conditions of approval recommended in her staff report:

- 34 1. The variance applies only to the new internal lot lines created; and,
35 2. The Final Plat shall include a note granting cross access and cross parking for both lots and
36 shall also state that should either lot be conveyed to another entity, an access easement and
37 parking agreement shall be dedicated and recorded. A copy of the parking agreement shall
38 be submitted to the Office of Planning and Zoning for their files.

39 Mr. Raco explained the nature of this request to the Board, noting that the subject request only
40 applies to the proposed interior property lines. Mr. Raco explained that the distance and setback
41 requirements would still exist along the western property line adjacent to Colonial Hills.

42 Mr. Quynn confirmed there were no members of the public signed up to speak for this item.

43 Ms. Catterton moved to approve the requested variance. Mr. Quynn called for a vote, which carried
44 unanimously.

1 **Zoning Administrator's Report**

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

3 Ms. Beaulieu updated the Board on the status of the following amendments:

4 a) ZTA19-03 Solar Energy Facilities: The Planning Commission will hold a public hearing on
5 02/09/21. Ms. Beaulieu clarified which version of the text amendment would be reviewed.

6 b) ZTA20-01 Commercial Cemeteries: The County Commission denied the text amendment.

7 c) ZTA20-02 Drive-Through Restaurants in the Residential-Light Industrial-Commercial zoning
8 district: The County Commission approved the text amendment.

9 Ms. Beaulieu stated that the next Board meeting would be on February 25, 2021.

10 **Rules of Procedure** – discussion with possible action to amend the Rules of Procedure to create a
11 process to allow for a summary approval by unanimous consent for variance applications where no
12 one has filed written opposition and no one but the applicant appears to testify. Continued from
13 12/10/2020 meeting.

14 The Board discussed the summary approval order with Mr. Cochran. Mr. Cochran suggested edits
15 to the draft summary approval order. Mr. Corbin moved to continue this item until the next meeting
16 to allow for the draft summary approval order to be revised per the suggested edits. Mr. Quynn
17 called for a vote, which carried unanimously.

18 **Legal Update**

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

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

21 **Meeting: December 10, 2020**

22 1. Request for a CUP to operate River Chase Wedding Venue. Owner: Nancy Stevens.
23 Applicant: Charles Stevens. File: 20-8-CUP.

24 2. Variance from Sec. 9.7. Owner: Deirdre Eychner-Raduns. File: 20-38-ZV.

25 3. Variance from Sec. 9.7. Owner: Scott and Margie Brown. File: 20-39-ZV.

26 4. Variance from Sec. 4B.7J.2.a. Owner: Potomac Edison Company. File: 20-40-ZV.

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

28 Mr. Bannon moved to adjourn the meeting at 3:04 pm. Mr. Quynn called for a vote, which carried
29 unanimously.