

Minutes

Jefferson County Board of Zoning Appeals

1 Meeting Date: February 25, 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, Matt McKinney, Mikala Shremshock, Alternate; and
6 Danesia Chicchirichi, Alternate
7 Board Members Absent: None
8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
9 Prosecuting Attorney; Jennilee Hartman, Zoning Clerk

10 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.

11 Mr. Bannon moved to call the meeting to order at 2:01 pm. Mr. Quynn called for a vote, which
12 carried unanimously.

13 **Approval of Minutes: January 28, 2021**

14 Mr. Bannon moved to approve the January 28, 2021 meeting minutes with the following correction:

15 1. Page 2, Line 43: change *Mr. Bannon* to *Mr. Quynn*.

16 Mr. Quynn called for a vote, which carried three (3) in support and one (1) abstention (Mr. McKinney)
17 as he was not in attendance at this meeting.

18 **FILE #: 21-4-ZV**

19 Request: Variance from Section 9.6C to allow an accessory structure in the required front yard;
20 and, Section 9.7 to reduce the front setback along Happy Creek Dr. from 30' to 20'
21 and the front setback along Cedar Dr. from 30' to 5' for an existing 24' x 24' garage.
22 Owner: Patricia Mathias
23 Applicant: Eugene Campbell
24 Parcel Info: Hidden River Farm, Happy Creek Section, Part One, Lot 38
25 209 Cedar Drive, Kearneysville, WV
26 Parcel ID: 07002300710000; Size: 1.30 ac; Zoning District: Rural

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

28 Ms. Patricia Mathias, property owner, and Mr. Eugene Campbell, applicant, were present to address
29 the Board. Ms. Beaulieu provided an overview of her staff report noting that the garage had been
30 built without a building permit and the applicant had been working with the Department to come into
31 compliance. Ms. Beaulieu informed the Board that the applicant had submitted a letter from Potomac
32 Edison, which confirmed that the garage was outside of the platted utility easement. Mr. Campbell
33 explained the nature of the request to the Board noting that they had built the garage without a
34 building permit as they believed the Office had been closed during the COVID-19 lockdown.
35 Mr. Campbell stated that their contractor had advised them that the current location of the garage
36 would be suitable. The Board expressed concerns that the garage may be located within the Division
37 of Highways' right-of-way.

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

39 Ms. Catterton moved to go into deliberative session at 2:37 pm. Mr. Quynn called for a vote, which
40 carried unanimously.

41 Mr. Bannon moved to come out of deliberative session at 3:00 pm. Mr. Quynn called for a vote,
42 which carried unanimously.

1 Mr. McKinney moved to approve the variance as requested with the condition that the applicant
2 obtain approval from the Division of Highways. Mr. Quynn requested an amendment to add the
3 condition that the applicants be bound by their testimony. Mr. McKinney accepted the amendment.
4 Mr. Quynn called for a vote, which passed with a vote of 4 in favor and 1 opposed (Ms. Catterton).

5 **FILE #: 21-5-ZV**

6 Request: Variance from Section 9.6C to allow an accessory structure in the required front
7 yard; and, Section 9.7 to reduce the front setback along First Street (an undeveloped
8 right-of-way) from 20' to 6' for a 24' x 40' garage.

9 Owner: Keith Cranford

10 Applicant: Same as owner

11 Parcel Info: Charles Town City Boom, Block 1, Lots 22 & 23, 438 Euclid Ave., Charles Town
12 Parcel ID: 02010A01020001; Size: .31 ac;

13 Zoning District: Residential- Light Industrial-Commercial

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

15 Mr. Keith Cranford, property owner, was present to address the Board. Ms. Beaulieu provided an
16 overview of her staff report noting that the subject right-of-way was currently undeveloped.

17 Mr. Cranford explained the nature of his request to the Board and confirmed that the proposed
18 structure would be for storage only.

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

20 Mr. McKinney moved to approve the variance as requested with the condition that the applicant be
21 bound by his testimony. Mr. Quynn called for a vote, which carried unanimously.

22 **Zoning Administrator's Report**

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

24 Ms. Beaulieu updated the Board on the status of the ZTA19-03 Solar Energy Facilities text
25 amendment. Ms. Beaulieu stated that the next Board meeting would be on March 25, 2021.

26 **Rules of Procedure** – discussion with possible action to amend the Rules of Procedure (RoP) to
27 create a process to allow for a summary approval by unanimous consent for variance applications
28 where no one has filed written opposition and no one but the applicant appears to testify. Continued
29 from 01/28/2021 meeting.

30 The Board discussed the Summary Approval order with Mr. Cochran. The Board requested that for
31 consistency the term Zoning Administrator/Staff Report be used throughout the RoP and the
32 Summary Approval order.

33 Mr. Bannon moved to amend the Rules of Procedure to create a process to allow for a summary
34 approval by unanimous consent for variance applications where no one has filed written opposition
35 and no one but the applicant appears to testify. Ms. Catterton seconded the motion, which carried
36 unanimously.

37 **Legal Update**

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

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

40 **Meeting: January 28, 2021**

41 1. Variance from Sec. 5.4B. Owner: David Groom. File: 21-1-ZV.

42 2. Variance from Sec. 4.11A and App. B. Owner: Federal Group Inc. File: 21-2-ZV.

- 1 3. Variance from Sec. 4.6, Sec. 4.11A and App. B. Owner: Federal Group Inc. File: 21-3-ZV.
- 2 Mr. Quynn stated he would sign the Findings and deliver them to the Office.
- 3 As it was Mr. Bannon's last meeting, the Board thanked Mr. Bannon for his years of public service.
- 4 Mr. Bannon moved to adjourn the meeting at 3:04 pm. Mr. Quynn called for a vote, which carried
- 5 unanimously.