

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: March 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; Leeds Corbin, Matt McKinney, Steve Guier,
5 Mikala Shremshock, Alternate; and Danesia Chicchirichi, Alternate
6 Board Members Absent: Deirdre Catterton, Vice Chair (with notice)
7 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
8 Prosecuting Attorney; Jennilee Hartman, Zoning Clerk

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

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

12 Ms. Chicchirichi sat as a voting member in Ms. Catterton's absence.

13 **Approval of Minutes: February 25, 2021**

14 Mr. Corbin moved to approve the February 25, 2021 meeting minutes as presented. Mr. Quynn called
15 for a vote, which carried unanimously.

16 **ITEM #1 FILE #: 21-6-ZV**

17 Request: Variance from Section 8.10 to allow a sales trailer on a lot that is not part of the
18 originally platted Harvest Hills Subdivision.

19 Owner: Arcadia Land Inc

20 Applicant: Greenway Engineering

21 Parcel Info: Henderson Minor Subdivision, Lot 2, Shenandoah Junction, WV

22 Vacant parcel on the northeast corner of Flowing Springs Road and Brass Harness

23 Drive. Parcel ID: 09002400120002; Size: 1.62 ac; Zoning District: Rural

24 Mr. Cochran recused himself from this item, as the property owner, Arcadia Land, Inc., was a
25 former client.

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

27 Ms. Jamie MacLean with Greenway Engineering was present to address the Board. Ms. Beaulieu
28 provided an overview of her staff report noting that while the subject parcel is not located within
29 the Harvest Hills Subdivision, it was under the same ownership. Ms. MacLean explained the nature
30 of the request to the Board and confirmed that she was amiable to the conditions outlined in the
31 staff report.

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

33 Mr. McKinney moved to approve the variance as requested with the following conditions:

- 34 1. The sales trailer shall only be utilized for sales of lots within the Harvest Hills Subdivision;
35 2. Once all of the lots have sold, the sales trailer shall be removed or a building permit shall be
36 applied for to convert to a residential dwelling unit; and,
37 3. The applicant be bound by their testimony.

38 Mr. Quynn called for a vote, which carried unanimously.

39 Mr. Cochran rejoined the meeting.

1 **ITEM #2 FILE #: 21-7-ZV**

2 Request: Variance request from Section 10.4B.3 to reduce the front setback from 25' to 0' for
3 a 4' x 5' (8' tall) Freestanding Business Sign; and Section 10.4B.4 to allow the
4 proposed sign to face a residence.

5 Owner: Potomac Crossroads Counseling, LLC

6 Applicant: Kathy Morotti

7 Parcel Info: 4781 Kearneysville, Pike, Shepherdstown, WV

8 Parcel ID: 09000800230007; Size: .71 ac; Zoning District: Residential Growth

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

10 Ms. Kathy Morotti, property owner, was present to address the Board. Ms. Beaulieu provided an
11 overview of her staff report noting that the West Virginia Division of Highways requires all signage
12 to be a minimum of one (1) foot from the edge of the right-of-way. Ms. Morotti explained the
13 nature of the request noting that the proposed sign would be double-sided to allow oncoming traffic
14 to view the sign from both directions. Ms. Morotti also confirmed that a floodlight would be
15 installed to illuminate the sign.

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

17 Mr. Corbin moved to approve the variance to reduce the front setback from 25' to 1' with the
18 condition that the sign shall be located a minimum of one (1) foot from the edge of the right-of-way
19 and that the applicant be bound by her testimony. Mr. Guier seconded the motion, which carried
20 unanimously.

21 **ITEM #3 FILE #: 21-1-CUP and 21-9-ZV**

22 Request 1: Request for a Conditional Use Permit to operate as a Contractor with Outdoor Storage,
23 as defined in Article 2. The proposal consists of converting an existing, vacant
24 structure into a contractor's office with outdoor storage to include associated parking
25 and a 10' x 2'-6" (25 square feet) attached business sign. Potential future expansion to
26 include addition of a 1,000 square foot storage building.

27 Request 2: Variance request from Section 4.6B and Appendix B to reduce the distance
28 requirement and commercial setbacks as follows from 75' and 25' down to 15' along
29 the north-eastern boundary line. The request includes conversion of an existing
30 structure to a Contractor Office with Outdoor Storage and a future 1,000 square foot
31 storage building.

32 Owner: West Group Holding LLC

33 Applicant: Jeff Whitten, Jefferson Group LLC

34 Parcel Info: Formerly 1508 Cloverdale Road, Charles Town WV (currently vacant / no address)

35 Parcel ID: 02001600100000; Size: .5 ac; Zoning District: Rural

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

37 Mr. Jeff Whitten, applicant, was present to address the Board. Ms. Beaulieu reviewed the
38 conditional use permit criteria as outlined in her staff report. Mr. Whitten explained the nature of
39 the business and provided clarification on the type of materials/vehicles that would be stored
40 outside. Mr. Whitten confirmed that the proposed sign would be illuminated by a hanging light
41 above the sign.

42 Mr. Quynn asked the applicant if he would be agreeable to screening any proposed equipment
43 storage area from the front view of the property. Mr. Whitten stated he would provide screening of
44 the storage area.

1 Mr. Quynn also inquired about providing screening from the northern property line that is adjacent
2 to a residential dwelling. Mr. Whitten stated that he would be willing to provide additional
3 screening along the northern property line from any proposed equipment should the existing
4 treeline be removed. Mr. Whitten confirmed that the proposed storage building and storage area
5 would be located within the existing clearing. Mr. Whitten acknowledged that while some trees
6 would be removed from the clearing, that the northern treeline would be maintained.

7 Mr. Quynn reviewed the conditional use permit criteria with the Board members and ensured that
8 they agreed the application met the criteria as outlined in Section 6.3 of the Zoning Ordinance.

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

10 Mr. Corbin moved to approve the conditional use permit as requested. Mr. Quynn suggested a
11 friendly amendment to include that the applicant will provide appropriate screening for any heavy
12 equipment and storage areas from the front of the property and the northern property line.

13 Mr. Corbin was agreeable to the amendment. Mr. Guier seconded the motion, which carried
14 unanimously.

15 Mr. Corbin moved to approve the variance as requested with the condition that the applicant be
16 bound by his testimony. Mr. Guier seconded the motion, which carried unanimously.

17 **ITEM #4 FILE #: 21-8-ZV – POSTPONED UNTIL 04/22/21**

18 Request: Variance request from Section 10.4B.3 to reduce the front setback from 25' to 1' for
19 an 8.5' x 3' (25.5 square feet) Freestanding Electronic Business Sign; and, Section
20 10.7G to reduce the distance requirement of an Electronic Sign from a traffic light
21 from 300' to approximately 190'.

22 Owner: Steve Petropouleas

23 Applicant: Mountain View Diner

24 Parcel Info: 811 Willow Spring Drive, Charles Town, WV

25 Parcel ID: 02001000090004; Size: 1.21 ac;

26 Zoning District: Residential-Light Industrial-Commercial

27 Due to insufficient placard posting, this item was postponed until April 22, 2021.

28 **Zoning Administrator's Report**

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

30 Ms. Beaulieu updated the Board on the status of the ZTA19-03 Solar Energy Facilities text
31 amendment. Ms. Beaulieu stated that the next Board meeting would be on April 22, 2021.

32 **Rules of Procedure** – discussion with possible action to amend the Rules of Procedure (RoP) to
33 create a process to allow for a summary approval by unanimous consent for variance applications
34 where no one has filed written opposition and no one but the applicant appears to testify.

35 Ms. Beaulieu provided the final version of the Summary Order and revised Rules of Procedure for
36 the Board, which they voted to approve during their February 25, 2021 meeting.

37 The Board discussed conducting meetings in-person along with a hybrid/virtual option.

38 **Legal Update**

39 a) Discussion of the following pending lawsuits:

40 1. Discussion/Action: Neighbors Against River Chase Event Center v BZA re: 20-8-CUP
41 (Civil Action No.: CC-2021-C-22.

1 At the advice of legal counsel, Mr. Corbin moved to go into executive session at 2:58 pm
2 and requested that Ms. Beaulieu join the executive session. Ms. Chicchirichi seconded
3 the motion, which carried unanimously.

4 Mr. McKinney moved to come out of executive session at 3:49 pm. Mr. Quynn called for
5 a vote, which carried unanimously.

6 Mr. McKinney moved to authorize Mr. Cochran to proceed with filing a response to the
7 pending litigation; and, to authorize the Chair to sign any necessary legal documents on
8 behalf of the Board. Mr. Quynn called for a vote, which carried unanimously.

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

10 **Meeting: February 25, 2021**

11 1. Variance from Sec. 9.6C and 9.7. Owner: P. Mathias. File: 21-4-ZV.

12 2. Variance from Sec. 9.6C and 9.7. Owner: K. Cranford. File: 21-5-ZV.

13 Mr. Quynn stated he would sign the Findings and deliver them to the Office.

14 The Board agreed to begin conducting meetings in-person along with a hybrid/virtual option
15 beginning with the April 22, 2021 meeting. Mr. Quynn stated that six (6) foot, social distancing
16 guidelines and masks would be required.

17 Mr. McKinney moved to adjourn the meeting at 3:52pm. Mr. Quynn called for a vote, which carried
18 unanimously.