

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: June 24, 2021
- 2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
3 in-person in the Charles Town Library Conference Room; and virtually
4 via ZOOM.
- 5 Board Members Present: Tyler Quynn, Chair; Steve Guier, Matt McKinney (via ZOOM), and
6 Mikala Shremshock, Alternate.
- 7 Board Members Absent: Leeds Corbin and Deirdre Catterton were absent with notice.
- 8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; and Nathan Cochran,
9 Assistant Prosecuting Attorney.

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

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

13 Mr. Quynn reviewed meeting protocol for those in attendance.

14 **Approval of Minutes: May 27, 2021**

15 Mr. McKinney moved to approve the minutes, which carried unanimously.

16 **ITEM #1 FILE #: 21-16-ZV - POSTPONED FROM 05/27/21**

17 Request: Variance request from Section 9.6C to allow an accessory structure in the required
18 front yard; and Section 9.7 to reduce the front setback from 25' to 2' for a 10' x 20'
19 accessory structure (shed).

20 Owner: Chad and Kimberly McGarrah

21 Parcel Info: Stone Brook Subdivision, Lot 16, 711 Apple Cross Drive, Harpers Ferry, WV
22 Parcel ID: 04005A00160000; Size: 1.04 ac.; Zoning District: Rural

23 Ms. Beaulieu swore in the applicant. Ms. Beaulieu noted that the postponement date was incorrect
24 on the agenda (06/24/21), but correct in the Staff report (05/27/21).

25 Mr. Chad McGarrah, owner, was present to address the Board. Ms. Beaulieu provided an overview
26 of her staff report, noting that the shed would be 2' from the privacy fence. Ms. Beaulieu noted that
27 both the applicant and a neighboring property owner, Mr. William Neufeld, represented that the
28 fence was actually 5' from the edge of the platted right-of-way. Ms. Beaulieu clarified that the
29 requested reduction would be from 25' to 7'. Ms. Beaulieu stated that a front setback standard
30 applies when adjacent to a platted right-of-way or easement. Ms. Beaulieu noted that the platted
31 right-of-way only serves one lot and is not expected to be widened. Mr. McGarrah explained the
32 nature of the request, noting that the selected location would create the least visual impact on
33 neighboring properties.

34 Mr. Quynn opened the public hearing.

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

36 Mr. Brett Williamson, president of the Stone Brook Homeowners Association (HOA), stated that the
37 HOA did not object to the requested placement of the shed.

38 Ms. Shremshock moved to approve the variance as requested. Mr. Quynn called for a vote, which
39 carried unanimously.

40 **Zoning Administrator's Report**

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

42 Ms. Beaulieu stated that the next Board meeting would be on July 22, 2021.

1 **Legal Update**

2 a) Discussion of the following pending lawsuits: None.

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

5 Ms. Shremshock moved to go into executive session at 2:24 pm. Mr. Guier seconded
6 the motion, which carried unanimously.

7 Mr. McKinney moved to come out of executive session at 3:05 pm, which carried
8 unanimously.

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

10 **Meeting: May 27, 2021**

11 1. Variance from Sec. 10.4B.3 and 10.7G. Owner: S. Petropouleas. Applicant: Mountain
12 View Diner. File: 21-8-ZV.

13 2. Variance from App. A. Owner: C. Beahm. Applicant: Mission Tabernacle Holiness
14 Church.

15 File: 21-17-ZV.

16 3. Variance from Sec. 5.4B. Owner: F. Sutton. File: 21-18-ZV.

17 4. Variance from Sec. 5.4B. Owner: R. Bounds. File: 21-19-ZV.

18 5. Variance from Sec. 9.6C and 8.2. Owner: C. Whisner. File: 21-20-ZV.

19 6. Variance from Sec. 9.6C and 9.7. Owner: R. Davis. File: 21-21-ZV.

20 7. Variance from Sec. 8.9A.9-10. Owner: G. Chicchirichi. Applicant: Sheetz, Inc. File: 21-
21 22-ZV.

22 8. Variance from Sec. 9.7. Owner: D. Shaffner. Applicant: E. Wilk. File: 21-20-ZV.

23 9. Variance from Appendix A. Owner: DR Acquisitions. File: 21-24-ZV.

24 10. Variance from Sec. 9.7. Owner: T. Phelps. File: 21-25-ZV.

25 Mr. Cochran provided Mr. Quynn a copy of the draft Findings for his review and signature.

26 Mr. McKinney moved to adjourn the meeting at 3:06 pm. Mr. Quynn called for a vote, which carried
27 unanimously. Noting that members of the public entered the room during the motion to come out of
28 executive session, Mr. Cochran requested that the Board clarify their motion. Mr. Quynn explained
29 that the Board came out of executive session and moved to come back into regular session. Mr.
30 Quynn stated that the Board moved to adjourn the meeting.