

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: July 22, 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; Deirdre Catterton, Vice Chair; Leeds Corbin,
6 Steve Guier, and Matt McKinney.
- 7 Board Members Absent: Mikala Shremshock was absent with notice.
- 8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; and
9 Nathan Cochran, Assistant Prosecuting Attorney.

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

11 Mr. Corbin moved to call the meeting to order at 2:03 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: June 24, 2021**

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

16 **ITEM #1 FILE #: 21-26-ZV**

17 Request: Variance request from Section 5.4B of the Zoning Ordinance, as amended on May 1,
18 2003, to reduce the side setback from 12' to 10' and the rear setback from 20' to 10'
19 for a 38' x 30' in-ground swimming pool and surrounding concrete patio.

20 Owner: Barbara & Thomas Yeager

21 Parcel Info: Demory Farm Subdivision, Lot 51, 157 Victoria Lane, Charles Town, WV
22 Parcel ID: 02009B00510000; Size: .23 ac; Zoning District: Residential Growth

23 Ms. Beaulieu swore in the applicant.

24 Mr. Thomas Yeager, owner, was present to address the Board. Ms. Beaulieu provided an overview
25 of her staff report, noting that the adjoining Lots 50 and 52 had provided written consent to the
26 request as part of the HOA's architectural review and that Mr. Yeager had represented that the
27 property owner for Lot 32 had provided verbal consent to the request. Mr. Yeager explained the
28 nature of the request, noting that he used to be a swimmer and selected the proposed size based on it
29 being approximately half the size of a lap pool used in swim competitions. Mr. Yeager confirmed
30 that following an extensive conversation about the proposed location of the pool, the property owner
31 of Lot 32 had no objection to the requested setback reduction. Mr. Guier inquired as to whether the
32 existing fence surrounded the entire property. Mr. Yeager verified that the fence surrounded the
33 entire backyard and that the fence was an opaque, vinyl fence.

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

35 Mr. Guier moved to approve the variance with the condition that the applicant be bound by their
36 testimony. Mr. Quynn called for a vote, which carried unanimously.

37 **Zoning Administrator's Report**

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

39 Ms. Beaulieu noted that the file numbers for the proposed text amendments were incorrect in her
40 Report and clarified that the correct file numbers were ZTA21-01 (Short Term Rentals) and
41 ZTA21-02 (Residential Growth Setbacks). Ms. Beaulieu stated that the next Board meeting would
42 be on August 26, 2021.

1 **Legal Update**

2 a) Discussion of the following pending lawsuit:

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 Mr. McKinney moved to go into executive session at 2:17 pm to receive legal advice
6 regarding the pending lawsuit noted above. Mr. Guier seconded the motion, which
7 carried unanimously.

8 Mr. McKinney moved to come out of executive session at 3:14 pm, which carried
9 unanimously.

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

11 **Meeting: June 24, 2021**

12 1. Variance from Sec. 9.6C and 9.7. Owner/Applicant: Chad and Kimberly McGarrah.
13 File: 21-16-ZV.

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

15 Mr. Guier inquired about the email from Josh Nimetz that was included in the Board's packet. Ms.
16 Beaulieu explained that the email was addressed to the Board, so it was included under nonactionable
17 correspondence. Ms. Beaulieu stated that she explained to Mr. Nimetz that a text amendment
18 regarding short term rentals was pending and would process before the Planning Commission. Ms.
19 Beaulieu concluded that there was no action required from the Board.

20 Mr. Guier moved to adjourn the meeting at 3:18 pm. Mr. Quynn called for a vote, which carried
21 unanimously.