

## Minutes

### Jefferson County Board of Zoning Appeals

1 Meeting Date: February 24, 2022  
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 (via ZOOM); Deirdre Catterton, Vice Chair,  
6 Steve Guier, Matthew McKinney, and Mikala Shremshock, Alternate  
7 Board Members Absent: Leeds Corbin was absent with notice  
8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator, Stephen Groh, Assistant  
9 Prosecuting Attorney, Jennilee Hartman, Zoning Clerk

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

11 Ms. Catterton presided over the meeting as she was in attendance in person.

12 Mr. McKinney moved to call the meeting to order at 2:00 pm. Ms. Catterton called for a vote,  
13 which carried unanimously.

14 Ms. Catterton reviewed meeting protocol for those in attendance.

#### 15 **Approval of Minutes: January 27, 2022**

16 Mr. McKinney moved to approve the minutes with the condition that staff review the record to verify  
17 who made the motion noted on Page 4, Line 35. Mr. Guier seconded the motion, which carried  
18 unanimously.

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

#### 20 **ITEM #1 FILE #: 22-5-ZV**

21 Request: Variance from Section 5.7B of the Zoning Ordinance (as amended 02/11/98) to reduce  
22 the front setback from 40' to 10'; and the rear setback from 50' to 10' to allow for the  
23 replacement of an existing singlewide mobile home with a new ~2,200 square foot home.

24 Owner: Timmy and Sherry Britton

25 Parcel Info: Sharp Minor Subdivision, Lot 2, 153 Cardinal Knoll Lane, Shenandoah Junction, WV  
26 Parcel ID: 09002000060004; Size: 1.46 ac; Zoning District: Rural

27 Mr. Jonathan Drabnis, contractor for the property owner, was present to address the Board. Ms.  
28 Beaulieu provided an overview of her staff report noting that the subject parcel's buildable area was  
29 limited due to the lot dimensions and required setbacks. Mr. Drabnis explained the nature of the  
30 request to the Board.

31 Ms. Catterton opened the public hearing. No members of the public provided testimony. Ms. Catterton  
32 closed the public hearing.

33 Mr. Guier moved to approve the variance with the following conditions:

34 1. That the applicant be bound by their testimony.

35 2. No vehicles shall be parked in the existing access easement.

36 Mr. McKinney seconded the motion, which carried unanimously.

#### 37 **ITEM #2 FILE #: 22-6-ZV**

38 Request: Variance from Section 5.4B of the Zoning Ordinance (as amended 05/01/03) to reduce  
39 the front setback from 25 to 20' to construct a front porch.

40 Owner: Marc Saccucci

1 Parcel Info: Maddex Farm Subdivision, Lot 185, 290 Maddex Dr., Shepherdstown, WV  
2 Parcel ID: 09008C02270000; Size: .196 ac;  
3 Zoning District: Residential-Light Industrial-Commercial

4 Mr. Marc Saccucci, property owner, was present to address the Board via ZOOM. Ms. Beaulieu  
5 provided an overview of her staff report noting that the impact of the requested addition appears  
6 minimal as it was unlikely that the existing road right-of-way would be expanded. Mr. Saccucci  
7 explained the nature of the request to the Board noting that the intent of the proposed porch was to  
8 mitigate the impact of poor weather conditions on the existing home. Mr. McKinney informed the  
9 applicant that the proposed porch may still need approval from the homeowner's association.

10 Ms. Catterton opened the public hearing. No members of the public provided testimony. Ms. Catterton  
11 closed the public hearing.

12 Ms. Shremshock moved to approve the variance with the following condition:

13 1. That the applicant be bound by their testimony.

14 Mr. McKinney seconded the motion, which carried unanimously.

15 **ITEM #3 FILE #: 22-7-ZV and 22-8-ZV**

16 Request 1: Variance from Section 9.7 to reduce the side setback along the northern boundary  
17 from 12' to 5' for a 26' x 31' detached garage with covered breezeway (22-7-ZV).

18 Request 2: Variance from Section 9.7 to reduce the side setback along the southern boundary  
19 from 12' to 6' for a 30' x 33' addition to the existing home (22-8-ZV).

20 Owner: Cheryle Rapattoni

21 Applicant: Charles Rapattoni

22 Parcel Info: Riverside Subdivision, Sec. 1, Lot 100A, 267 Riverside Dr., Harpers Ferry, WV

23 Parcel ID: 06002600240000; Size: 1.08 ac; Zoning District: Rural

24 Mr. Charles Rapattoni, representative for the property owner, was present to address the Board.  
25 Ms. Beaulieu provided an overview of her staff report for both requests (22-7-ZV and 22-8-ZV).  
26 Ms. Beaulieu noted that the subject parcel's buildable area was limited due to the lot dimensions,  
27 floodplain, septic reserve area, and required setbacks. Mr. Rapattoni explained the nature of each  
28 request to the Board noting that he had obtained a letter of support from each neighbor affected by  
29 the requests. Mr. Guier inquired as to whether the proposed additions would be single story. Mr.  
30 Rappattoni stated that the garage would be single story and that the addition would include a  
31 basement.

32 Ms. Catterton opened the public hearing. No members of the public provided testimony. Ms. Catterton  
33 closed the public hearing.

34 Mr. McKinney moved to approve variance request 22-7-ZV with the following condition:

35 1. That the applicant be bound by their testimony.

36 Mr. Guier seconded the motion, which carried unanimously.

37 Mr. McKinney moved to approve variance request 22-8-ZV with the following condition:

38 1. That the applicant be bound by their testimony.

39 Mr. Guier seconded the motion, which carried unanimously.

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1 **Zoning Administrator's Report**

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

3 Ms. Beaulieu noted that the next meeting was scheduled for March 24, 2022.

4 **Legal Update**

5 a) Discussion of the following pending lawsuit: None.

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

7 **Meeting: January 27, 2022**

8 1. Variance from App. B and Sec. 10.4B. Owner: Stephen Patrick Snyder, Snyder's  
9 Property Squad, LLC. Files: 21-37-ZV and 21-38-ZV

10 2. Variance from Sec. 9.6C and 9.7. Owner: Brandon and Alexi Darr. File: 21-39-ZV.

11 3. Variance from Sec. 11.1A. Owner: Historic Landmarks Commission. File: 21-40-ZV.

12 4. Variance from Sec. 9.6C and 9.7. Owner: Kelly Mahoney (Nolder). File: 21-41-ZV.

13 5. Variance from Sec. 9.6C and 9.7. Owner: Tommy & Kimberlin Staubs. File: 22-1-ZV.

14 • Mr. Groh advised that the Board did not have to revisit this request as the applicant  
15 had met the condition of approval to re-advertise the request due to the setback  
16 discrepancy that was noted during the January 27, 2022 meeting. The Board  
17 concurred with Mr. Groh's advice.

18 6. Variance from Sec. 5.4B. Owner: Joel Menges. File: 22-2-ZV.

19 7. Variance from Sections 9.5(b) and 5.7(b). Owner: Donald Pine. File: 22-3-ZV.

20 8. Request for a CUP for a Contractor with Outdoor Storage. Owner: Raymond & Kerry  
21 Muth, Executive Emergency Lighting LLC. File: 22-1-CUP.

22 9. Variance from Sec. 4.10A. Owner: Raymond & Kerry Muth, Executive Emergency  
23 Lighting LLC. File: 22-4-ZV.

24 Ms. Catterton was provided a copy of the draft Findings for her review. Ms. Catterton stated  
25 she would return the signed findings to the office.

26 Mr. McKinney moved to adjourn the meeting at 2:32 pm. Ms. Catterton called for a vote, which  
27 carried unanimously.