

## Minutes

### Jefferson County Board of Zoning Appeals

1 Meeting Date: March 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, and Matthew McKinney.  
7 Board Members Absent: Leeds Corbin and Mikala Shremshock, alternate member, were absent  
8 with notice.  
9 Staff Members Present: Alexandra Beaulieu, Zoning Administrator, Stephen Groh, Assistant  
10 Prosecuting Attorney, Jennilee Hartman, Zoning Clerk

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

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

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

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

#### 16 **Approval of Minutes: February 24, 2022**

17 Mr. McKinney moved to approve the minutes. Ms. Catterton called for a vote, which carried  
18 unanimously.

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

#### 20 **ITEM #1 FILE #: 22-9-ZV**

21 Request: Variance request from Section 5.4B of the Zoning Ordinance, as amended on  
22 04/08/05, to reduce the side setback from 12' to 5'; and to reduce the rear setback  
23 from 20' to 5' for a 22' x 44' in-ground pool including surrounding concrete.

24 Owner: Melissa and Lucas Palmer

25 Parcel Info: Sheridan Subdivision, Lot 160, 68 Wilderness Ct., Harpers Ferry, WV  
26 Parcel ID: 04009D01600000; Size: 0.388 ac; Zoning District: Residential Growth

27 Mr. Lucas Palmer and Ms. Melissa Palmer, property owners, were present via ZOOM to address the  
28 Board. Ms. Beaulieu provided an overview of her staff report noting that the buildable area for the  
29 subject parcel was limited due to the shape of the lot and blanket drainage/utility easements pursuant  
30 to Note #15 of the Final Plat. Mr. Palmer explained the nature of the 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. The Planning Commission shall approve the placement of the pool in the easement.

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

#### 37 **ITEM #2 FILE: 22-10-ZV**

38 Request: Variance request from Section 8.9A.10 to modify the 50' landscape buffer  
39 requirement along a limited access highway for a proposed four (4) lot nonresidential  
40 subdivision. The request includes splitting the required buffer to allow for a portion of

1 the buffer along the north and south sides of the frontage road (as opposed to  
2 providing the full 50' on one side of the frontage road). The request also includes a  
3 maximum reduction from 50' to 37' for a small portion of the buffer at the narrowest  
4 point between the cul-de-sac and the property line.

5 Owner: B.C. Partners, Inc. / Contact: Dan Snyder, P.E.

6 Parcel Info: Northeast Corner of US Route 340 and WV Route 24, Old Country Club Road,

7 Charles Town; Parcel ID: 04001100110000; Size: 9.54 ac;

8 Zoning District: Residential-Light Industrial-Commercial

9 Mr. Dan Snyder, applicant and Mr. Paul Raco, land use consultant with P.J. Raco Consulting, were  
10 present to address the Board. Ms. Beaulieu provided an overview of her staff report noting that the  
11 proposed design appeared to meet the intent of the Zoning Ordinance. She stated that Staff did not  
12 have the administrative discretion to alter a standard in the Zoning Ordinance and any deviation  
13 from the required standards necessitated a variance. Ms. Beaulieu further stated that the applicant,  
14 as acknowledged in their application, would still be required to install the required street trees along  
15 the frontage. Mr. Raco explained the nature of the request to the Board. The Board asked questions  
16 pertaining to the design of the proposed development as well as for clarification as to the width of  
17 the Division of Highways buffer area within their right-of-way. Mr. Raco addressed the Board's  
18 questions, noting that the unscreened buffer area within the Division of Highways right-of-way  
19 varied between 50 feet – 80 feet.

20 Ms. Catterton opened the public hearing. No members of the public provided testimony. Ms. Catterton  
21 closed the public hearing.

22 Ms. McKinney moved to approve the variance with the following condition:

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

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

## 25 **Zoning Administrator's Report**

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

27 Ms. Beaulieu noted that the next meeting was scheduled for April 28, 2022.

## 28 **Legal Update**

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

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

## 31 **Meeting: February 24, 2022**

32 1. Variance from Section 5.7B. Owner: Timmy and Sherry Britton. File: 22-5-ZV.

33 2. Variance from Section 5.4B. Owner: Marc. Saccucci. File: 22-6-ZV.

34 3. Variance from Section 9.7. Owner: Cheryle Rapattoni. File: 22-7-ZV.

35 4. Variance from Section 9.7. Owner: Cheryle Rapattoni. File: 22-8-ZV.

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

38 Mr. Quynn moved to adjourn the meeting at 2:32 pm. Ms. Catterton called for a vote, which carried  
39 unanimously.