

Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: December 8, 2022
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
3 in-person in the County Commission Meeting Room located in the
4 lower level of the Charles Town Library; and virtually via ZOOM.
5 Board Members Present: Tyler Quynn, Chair; Matthew McKinney, Secretary; Steve Guier,
6 and David Wiegand, were all present in person.
7 Board Members Absent: Mikala Shremshock, Alternate Member, with notification
8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; and Jennilee Hartman,
9 Zoning Clerk

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

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

13 Mr. Quynn reviewed meeting protocol for those in attendance. Mr. Quynn welcomed new Board
14 Member David Wiegand to the Board.

15 **Approval of Minutes: November 10, 2022**

16 Mr. McKinney moved to approve the minutes. Mr. Quynn called for a vote, which carried three in
17 support and one abstention (Mr. Wiegand).

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

19 **ITEM #1 FILE #: 22-39-ZV**

20 Request: Variance from Section 9.7 to reduce the rear setback from 50' to 13' along the southern
21 boundary line for an existing 24' x 24' accessory structure (storage shed) that was
22 constructed in 1999.

23 Parcel Info: Dawn and Ricki Hoffman, Property Owner
24 Walnut Hills Subdivision, Lot 8, 1871 Old Country Club Road, Charles Town WV;
25 Parcel ID: 02000400170003; Size: 5 ac; Zoning District: Rural

26 Mr. Ricki Hoffman, property owner, was present to address the Board. Ms. Beaulieu provided an
27 overview of her staff report, noting that the accessory structure had existed in this location since
28 1999 and had obtained a building permit. Ms. Beaulieu stated that the adjoining property owner to
29 the south, Mr. William Smith, provided a letter of support.

30 Mr. Hoffman explained the nature of the request to the Board stating they had been unaware that
31 the structure was not meeting setbacks until the property was recently surveyed for their proposed
32 minor subdivision. Mr. Hoffman acknowledged that the structure would not be used for a business.

33 No members of the public were signed up to speak on this item.

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

36 **ITEM #2 FILE #: 22-40-ZV**

37 Request: Variance from Section 4.11 and Appendix B to allow the use of existing vegetation in
38 lieu of a planted landscape buffer along the eastern and southern boundary lines for the
39 existing ROCS gas station and convenience store (File #S18-06).

40 Parcel Info: SAB Real Estate, Property Owner
41 28310 Martinsburg Pike, Shepherdstown, WV

1 Parcel IDs: 09008A00190000; 09008A00210000; 09008A00230000; Size: 3.56 acres
2 combined; Zoning District: Residential-Light Industrial-Commercial

3 Mr. Greg Kennedy, attorney for the property owner, was present to address the Board. Ms. Beaulieu
4 provided an overview of her staff report noting that the approved site plan for ROCS required a
5 continuous planted buffer along the eastern and southern property lines. Ms. Beaulieu stated that the
6 request to utilize existing vegetation where it existed on the property seemed reasonable and
7 appeared to meet the intent of the Ordinance. Ms. Beaulieu stated that in speaking with Mr.
8 Kennedy, the property owner was agreeable to planting the required buffer in any locations that did
9 not have existing vegetation in accordance with the approved site plan.

10 Mr. Kennedy explained the nature of the request to the Board stating that removing existing
11 vegetation seemed antithetical to the overall intent of the buffer requirements. Mr. Kennedy stated
12 that the property owner was ok with Staff's recommended conditions and acknowledged that
13 landscaping would be planted along the southern property line where existing vegetation was not
14 available.

15 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn
16 closed the public hearing.

17 Mr. McKinney moved to approve the variance with the condition that the applicant is bound by
18 their testimony. Mr. Quynn called for a vote, which carried unanimously.

19 **Zoning Administrator's Report**

20 Ms. Beaulieu noted the next meeting date was January 26, 2023.

- 21 a. Monthly Zoning Certificate Activity Report. The Report was included in the mailed packet.
- 22 b. Ms. Beaulieu welcomed new Board Member David Wiegand and noted that he was
23 fulfilling the remainder of Mr. Leeds Corbin's term, as well as the next term ending 2026.
- 24 c. Ms. Beaulieu noted that Ms. Deirdre Catterton resigned from the Board due to a schedule
25 conflict created by her new job.

26 Mr. Guier requested that Staff add a north arrow to aerial exhibits in staff reports. Ms. Beaulieu
27 stated she could add the north arrow to future exhibits.

28 **Legal Update**

29 a. Discussion of the following pending lawsuit:

- 30 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy
31 Facilities) Rockwell v. JCPC, JCBZA and JCCC.
- 32 2. Jefferson County Circuit Court Case #CC-19-2022-C-103 (RE: 22-4-CUP Blake Solar
33 Energy Facility) Stone v. JCBZA.
- 34 3. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy
35 Facility / File 22-9-CUP) Rockwell v. JCBZA.

36 No legal update was provided as Legal Counsel was not in attendance.

37 d. Discussion with possible deliberative session and signing of draft Findings/Decisions.

38 Meeting: November 10, 2022

- 39 1. Variance from Section 5.7B. Owner: Julia Reynes. File: 22-37-ZV.

- 1 Mr. Quynn was provided a copy of the draft Findings for review.
- 2 Mr. McKinney moved to adjourn the meeting at 2:27 pm. Mr. Quynn called for a vote, which carried
- 3 unanimously.