

Minutes  
Jefferson County Board of Zoning Appeals  
Thursday, March 27, 2014

1 The Jefferson County Board of Zoning Appeals met on Thursday, March 27, 2014 at 2:00 p.m..  
2 The meeting was at 200 East Washington Street, Charles Town, West Virginia, in the Conference  
3 Room of the Old Charles Town Library. Unless otherwise noted, all requests are pursuant to the  
4 Jefferson County Zoning and Land Development Ordinance.

5

6 Board members present: Christy Huddle, Vice Chair; Tyler Quynn, Jeffrey Bannon, Matt Knott  
7 and Ted Schiltz, Alternate. Ed Kelly resigned as a member of the Board on March 18, 2014.  
8 Staff present: Jennifer M. Brockman, Acting Zoning Administrator/Director of Planning and  
9 Zoning; Stephen Groh, Assistant Prosecuting Attorney and Jennilee Hartman, Zoning Clerk

10

11 Ms. Hartman swore in the individuals who indicated they would be giving testimony.

12

13 Ms. Huddle chaired the meeting as Vice Chair. Mr. Quynn motioned to commence the meeting  
14 at 2:19 p.m. Mr. Knott seconded the motion, which carried unanimously.

15

16 1. Election of Officers. Mr. Knott nominated Mr. Quynn as Chair. Mr. Knott nominated Mr. Bannon as  
17 Vice Chair. Each member accepted the nomination. There were no objections to the nominations;  
18 therefore, the nominations were accepted. Mr. Quynn Chaired the remainder of the meeting.

19

20 2. Approval of the minutes from the November 14, 2013, December 18, 2013 and January 23, 2014  
21 meetings. Due to the amount of time it would take to review the minutes the Board agreed to  
22 address the minutes after hearing Item #4.

23

24 Mr. Quynn explained the proceedings of the meeting to those in attendance.

25

26 3. Swearing in of the public intending to provide testimony. Ms. Hartman swore in the public  
27 prior to Item #1.

28

29 4. Action on the Conditional Use Permit (CUP) for Sustainable Solutions, LLC. The applicant is  
30 proposing to use the existing expired nonconforming use of commercial buildings for the operation  
31 of a business that helps private landowners, state & federal agencies and non-profits manage their  
32 land for ecological, economic and social returns. The business would include a 12' x 12' company  
33 office within Building A (as shown on Figure 1. Site Map). The remaining portion of Building A  
34 and Buildings B and C would be used as shop space for storage, maintenance and repair of  
35 company equipment and vehicles. Two alternate sign locations were proposed a) on the existing  
36 canopy; or, b) on Building A. Additional landscaping in the form of native trees, shrubs and  
37 flowers were also proposed. Property owner: Steve Wandless. Purchaser/Developer: James  
38 Remuzzi. Location: 4419 Kearneysville Pk., Shepherdstown, WV. District: Shepherdstown (09);  
39 Map 8; Parcel: 9.3; Zone: Residential Growth; Size: 1.79 ac; File: CP13-01.

40

41 Mr. Quynn stated for the record that because there were no unresolved issues at the Compatibility  
42 Assessment Meeting (CAM) for this item that it would not be open for public comment.

43 Ms. Brockman reviewed her staff report with the Board explaining that the site passed the Land  
44 Evaluation and Soils Assessment (LESA) points system. Ms. Brockman stated that the CAM was  
45 held on January 31, 2014 at 10:00 a.m. and that no members of the public had been in attendance  
46 and therefore there were no unresolved issues. Ms. Brockman added that the applicant had not yet  
47 processed an application with the Department of Highways to utilize the double entrance onto

48 Route 480/Kearneysville Pike. Ms. Brockman also explained Section 10.4E to the Board, which  
49 specifically regulates signs for projects that process under the Development Review System.  
50 James Remuzzi, applicant, provided the Board with a company brochure and briefly explained  
51 how they would operate. Mr. Remuzzi asked the Board to approve both of the proposed sign  
52 locations as shown in the CUP application (see file for pictures) since he had not chosen a specific  
53 location yet.

54

55 Ms. Huddle motioned to go into deliberation session at 2:36 p.m. Mr. Knott seconded the motion,  
56 which carried unanimously.

57

58 Mr. Bannon motioned to come out of deliberative session at 2:44 p.m. Mr. Knott seconded the  
59 motion, which carried unanimously.

60

#### 61 **Board of Zoning Appeals Rulings**

62

63 4. Action on the Conditional Use Permit for Sustainable Solutions, LLC. The applicant is  
64 proposing to use the existing expired nonconforming use of commercial buildings for the  
65 operation of a business that helps private landowners, state & federal agencies and non-  
66 profits manage their land for ecological, economic and social returns. The business will  
67 include a 12' x 12' company office within Building A (as shown on Figure 1. Site Map). The  
68 remaining portion of Building A and Buildings B and C would be used as shop space for  
69 storage, maintenance and repair of company equipment and vehicles. Two alternate sign  
70 locations were proposed a) on the existing canopy; or, b) on Building A. Additional  
71 landscaping in the form of native trees, shrubs and flowers were also proposed.

72

73 Mr. Knott motioned to approve the Conditional Use Permit for Sustainable Solutions, LLC,  
74 including the ability to use either proposed sign location and to permit the applicant to reroof  
75 the canopy with the condition that the applicant is bound by their testimony and that they abide  
76 by any other Subdivision and Land Development Regulations and receive Department of  
77 Highway's approval for their entrance(s). Mr. Bannon seconded the motion. Ms. Huddle  
78 requested that the motion be amended to include that there were no unresolved issues as a  
79 result of the Compatibility Assessment Meeting. Mr. Quynn seconded the amendment, which  
80 carried unanimously. Mr. Quynn called for a vote of the original motion, to include the  
81 amendment, which carried unanimously.

82

83 2. Approval of the minutes from the November 14, 2013, December 18, 2013 and January 23, 2014  
84 meetings.

85

86 The following edits to the November 14, 2013 minutes were recommended:

87

- 88 1) Page 1, Item #3, paragraph 2, change ~~represent~~ to *present*.
- 89 2) Page 2, Item #5, paragraph 2, change ~~Fridely~~ to *Fridley*.
- 90 3) Page 2, Item #7, paragraph 3, line 4, change *minutes* to *minute*.
- 91 4) Page 3, third full paragraph, line 2, change ~~Father~~ to *father*.
- 92 5) Page 3, fourth full paragraph, line 2, change ~~of~~ to *and*.

- 93           6) Page 5, add statement in brackets after paragraph 1 to read the following, [Note:  
94           The use of the names *Stiles Family Partnership*<sup>3</sup> and *Stiles Family Partnership 3 LLC*,  
95           were incorrectly used interchangeably throughout the meeting by all parties.]  
96           7) Page 7, paragraph 3, line 4, change ~~were~~ to *was*.  
97           8) Page 7, paragraph 3, line 14, change *respond* to *responded*.  
98           9) Page 7, paragraph 3, line 16, change ~~will~~ to *would*.  
99           10) Page 7, paragraph 3, line 19, change ~~projecting~~ to *protected*.  
100          11) Page 7, paragraph 3, line 20, change *sale taxes* to *sales tax*.  
101          12) Page 7, paragraph 3, line 22, remove the ~~a~~ after *staff*.  
102          13) Page 7, paragraph 3, line 24, change ~~risen~~ to *raised*  
103          14) Page 7, paragraph 3, line 24, insert *that* after *stated*.  
104          15) Page 8, first paragraph, line 5, change *crowd* to *crowds*.  
105          16) Page 10, second paragraph after the excerpt, line 2, change *standard* to *standards*.  
106          17) Page 11, paragraph 4, remove the words ~~be approved~~.

107

108          Mr. Bannon motioned to approve the November 14, 2013 minutes as corrected. Mr. Knott  
109          seconded the motion, which passed 4 in support and one abstention (Mr. Schiltz was not a  
110          Board member at this time).

111

112          The following edits to the December 18, 2013 minutes were recommended:

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- 114           1) Page 3, paragraph 2, line 1, change *sated* to *stated that*.  
115           2) Page 3, paragraph 2, line 8, change *whole-sale* to *wholesale*.  
116           3) Page 3, last paragraph, line 4, change *must have* to *must require*  
117           4) Page 4, Item #6, paragraph 4, line 8, insert *of the* after *view*.  
118           5) Page 5, paragraph 1, line 2, change ~~stubs~~ to *stumps*.  
119           6) Page 5, paragraph 1, line 3, change ~~width~~ to *diameter*.  
120           7) Page 5, paragraph 31, line 1, change ~~represented the request;~~ *stated* to *presented, stating*.  
121           8) Change all references of *whole-sale* to *wholesale*.

122

123          Ms. Huddle motioned to approve the December 18, 2013 minutes as corrected. Mr. Knott  
124          seconded the motion, which passed 4 in support and one abstention (Mr. Schiltz was not a  
125          Board member at this time).

126

127          The following edits to the January 23, 2014 minutes were recommended:

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- 129           1) Page 1, paragraph 4, change ~~elected~~ to *nominated*.

130

131          Mr. Knott motioned to approve the January 23, 2014 minutes as corrected. Mr. Bannon seconded  
132          the motion, which passed 4 in support and one abstention (Ms. Huddle did not attend this meeting).

133

134          Note: Staff added the following correction to the January 23, 2014 minutes.

- 135           1) Page 5, under Item f), add *Mr. Knott motioned to adjourn the meeting at 4:17 p.m.*  
136           *Mr. Bannon seconded the motion, which carried unanimously.*

137

- 138 4. Director's Report. Ms. Brockman updated the Board on the status of *Envision Jefferson 2035*,  
139 Recent/Upcoming County Commission actions that may be relevant to Planning and Zoning  
140 endeavors and stated that the next BZA meeting date would be May 22, 2014.  
141
- 142 3. Discussion on the proposed amendments to the Board of Zoning Appeals Rules of Procedure,  
143 Effective July 21, 2011, (Draft 2). The Board, Staff and Mr. Groh discussed revising the  
144 definitions section of the document. Ms. Brockman offered to work with Mr. Groh to draft a  
145 new definition of the term Intervenor that would be more consistent with the Board's purposes.  
146
- 147 5. Legal Update. None.  
148
- 149 6. Signing of written decisions from prior Board of Zoning Appeals meetings. None.  
150
- 151 Mr. Quynn wished to thank Mr. Ed Kelly, a member of the Board who recently resigned, for his  
152 service and dedication to the Board.  
153
- 154 Ms. Huddle motioned to adjourn the meeting at 3:43 p.m. Mr. Bannon seconded the motion,  
155 which carried unanimously.  
156
- 157 An audio transcript of this meeting can be found at the Department of Zoning and on the  
158 Department's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). These minutes were prepared by  
159 Jennilee Hartman, Zoning Clerk.