

Minutes
Jefferson County Board of Zoning Appeals
Thursday, April 24, 2014

1 The Jefferson County Board of Zoning Appeals met on Thursday, April 24, 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.

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6 Board members present: Tyler Quynn, Chair; Jeffrey Bannon, Vice Chair; Christy Huddle,
7 and Ted Schiltz, Alternate. Staff present: Jennifer M. Brockman, Acting Zoning Administrator/
8 Director of Planning and Zoning; Stephen Groh, Assistant Prosecuting Attorney and Jennilee Hartman,
9 Zoning Clerk. Matt Knott was absent with notification.

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11 Mr. Quynn explained the proceedings of the meeting to those in attendance off record while Staff
12 corrected technical difficulties that arose.

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14 Ms. Huddle motioned to commence the meeting at 2:10 p.m. Mr. Bannon seconded the motion,
15 which carried unanimously.

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17 1. Approval of the minutes from the March 27, 2014 meeting.

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19 Ms. Huddle motioned to approve the minutes. The follow edits were requested:

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- 21 1) Lines 30 and 65, insert *use of* after *nonconforming*.
- 22 2) Lines 31, 32, 66 and 67, edit as follows, ~~L~~andowners, ~~S~~state & ~~F~~federal ~~A~~gencies and
23 ~~N~~on-~~P~~rofits manage their land for ~~E~~cological, ~~E~~conomic and ~~S~~social returns.
- 24 3) Lines 34 and 69, insert *and* after *Building A*, and remove the comma after **B**;
- 25 4) Line 136, insert *to* after *correction*.

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27 Mr. Bannon seconded the motion to approve the minutes as corrected, which carried unanimously.

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29 2. Swearing in of the public intending to provide testimony. Ms. Hartman swore in the individuals
30 who indicated they would be giving testimony.

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32 3. Variance request by applicant, William S. Bondurant II, from Section 5.4B-1 for a reduction
33 of the rear setback from 20' to 5' for a 650 square foot kidney shaped inground pool.
34 Location: 93 Killian Lane, Charles Town, WV. District: Charles Town (02); Map 9B;
35 Parcel: 19; Size: .23 ac; Zone: Residential Growth; File: ZV14-02.

36

37 Mr. William Bondurant presented the request, stating the reason for the variance was to set the
38 pool back further from the home to prevent his children from jumping into it from their second
39 story deck. Mr. Bondurant explained that the subdivision's common area was behind his
40 property and that his adjacent neighbors had signed a letter of support. Ms. Brockman clarified
41 that the agenda referenced 5.4-1; however, the ad and staff report referenced 5.4B, which was
42 all inclusive, and stated that she felt this covered the applicant's request. Mr. Quynn called for
43 public comment. There was no public comment.

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45 Ms. Huddle stated that since there were no other items on the agenda that she believed it was
46 unnecessary for the Board to deliberate. The Board concurred. Ms. Huddle motioned to approve
47 the variance request, based on the facts found in the *Motion Regarding a Variance Request by*

- 1 *William S. Bondurant, II* (#ZV14-02) (attached) and contingent upon the conditions listed
2 therein. Mr. Quynn offered a friendly amendment to include a condition that required the
3 applicant to apply for a building permit. Ms. Huddle accepted the amendment. Mr. Bannon
4 seconded the amended motion, which carried unanimously.
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- 6 4. Director's Report. Ms. Brockman updated the Board on the status of *Envision Jefferson 2035*,
7 recent and upcoming County Commission actions that may be relevant to Planning and Zoning
8 endeavors and current office staffing issues.
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- 10 5. Discussion on the proposed amendments to the Board of Zoning Appeals Rules of Procedure,
11 Effective July 21, 2011, (Draft 2). A draft was not available for the Board to review.
12 Mr. Quynn asked Mr. Groh to have a draft of the Procedures prepared for the May meeting
13 and to have a clean version available so that they can compare the two documents.
14
- 15 6. Legal Update. Ms. Brockman informed Mr. Groh that Mr. Knott had requested that the Board
16 discuss and revise their Rules of Procedure to allow members to participate in a meeting via
17 teleconference. Mr. Groh provided a brief overview why he believed this was not a plausible
18 means of assembly for a quasi-judicial body. Mr. Groh stated he would research the topic for the
19 next meeting. Mr. Schiltz argued that if teleconferencing were permitted the Alternate positions
20 would seem unnecessary.
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- 22 7. Signing of written decisions from prior Board of Zoning Appeals meetings. None.
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- 24 Ms. Huddle motioned to adjourn the meeting at 2:35 p.m. Mr. Schiltz seconded the motion,
25 which carried unanimously.
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- 27 An audio transcript of this meeting can be found at the Department of Zoning and on the Department's
28 website at www.jeffersoncountywv.org. These minutes were prepared by Jennilee Hartman,
29 Zoning Clerk.