

Minutes
Jefferson County Board of Zoning Appeals
Thursday, June 26, 2014

1 The Jefferson County Board of Zoning Appeals met on Thursday, June 26, 2014 at 2:00 p.m.. The
2 meeting was at 200 East Washington Street, Charles Town, West Virginia, in the Conference Room
3 of the Old Charles Town Library. Unless otherwise noted, all requests are pursuant to the Jefferson
4 County Zoning and Land Development Ordinance.

5

6 Board members present: Tyler Quynn, Chair, Jeffrey Bannon, Vice Chair; Christy Huddle, Matt Knott
7 and Ted Schiltz. Staff present: Jennifer M. Brockman, Acting Zoning Administrator/Director of
8 Planning and Zoning and Jennilee Hartman, Zoning Clerk.

9

10 Mr. Quynn explained the proceedings of the meeting to those in attendance. The meeting commenced
11 at 2:06 p.m.

12

13 1. Approval of the minutes from the May 22, 2014 meeting.

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15 Mr. Knott moved to postpone action on the May 22, 2014 minutes until the next meeting.

16

17 Mr. Bannon seconded the motion, which carried 4 for and 1 abstention (Mr. Quynn was not
18 present at the May 22, 2014 meeting).

18

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

21

22 3. Variance request by Woody Beddow, Deacon, on behalf of the Owner, from Section 4.10A to
23 waive the requirement of a site plan for a 336 square foot addition to include new restrooms
24 plus an ADA compliant access ramp. The proposed addition is 86 square feet larger than
25 what is allowed to be built without a site plan. Owner: Allen Sullivan, Trustee, Bakerton
26 Church of God/Bakerton Bible Church. Location: 662 Carter Ave., Harpers Ferry, WV.
27 District: Harpers Ferry (04); Map 3; Parcel: 57; Size: 1.69 ac; Zone: Village; File: ZV14-06.

28

29 Ms. Brockman outlined the request for the Board and provided them highlights from her staff
30 report. Ms. Brockman explained that the church site was previously considered a non-conforming
31 use; however, the newly adopted text amendments to the zoning ordinance, which went into effect
32 on June 1, 2014, now made the church a permitted use. Allen Sullivan, representative for the
33 Bakerton Church, explained that the proposed expansion would not be increasing the seating
34 capacity of the sanctuary and that the sole purpose for the expansion was to provide ADA
35 accessibility and ADA compliant restroom facilities to the existing church members. Mr. Schiltz
36 had questions regarding the existing parking. Ms. Brockman stated that since the expansion was
37 not increasing the sanctuary/seating area of the church that a review of the parking standards was
38 not necessary. Mr. Quynn called for public comment. There was no public comment.

39

40 4. Variance request by owner, Fellowship Bible Church, from Section 4.10A to waive the
41 requirement of a site plan for four (4) 20' x 60' modular classrooms (5,760 sq. ft.) for children's
42 ministries and request an extension of time for the previous variance request (ZV12-13) for the
43 existing modular classrooms until the site plan for Phase II is completed. Location: 160 Daniel
44 Rd, Charles Town, WV. District: Charles Town (02); Map 3; Parcel: 4.5; Size: 50 ac; Zone:
45 Rural; File: ZV14-07.

46

1 Ms. Brockman presented her staff report to the Board. Richard Beddow was present to
2 address the Board and answer their questions. Mr. Gary Frey stated that he was an elder for
3 the church and would be the consulting surveyor for the project. Mr. Frey addressed the
4 Board's questions concerning the anticipated length of time it would take to process a site
5 plan. Mr. Frey stated that depending on financing and other matters that their Board would
6 need to review, they anticipated submitting a concept plan to the Department by August and
7 that they would submit a site plan for review a couple of months after concept plan approval.
8 Mr. Quynn called for public comment. There was no public comment.

9
10 5. Variance request by owner, Jose Manzo, from Section 8.2 to reduce the front and side setback
11 from 75' to 5' for an existing 16' x 16' shed to be utilized as a small barn; and, from Section
12 9.6C to permit the existing shed/small barn to be located within the required front yard.

13
14 6. Variance request by owner, Jose Manzo, from Section 5.7B.1 to reduce the front (40'), side
15 (15') and rear (5') setback requirements for an existing 7' tall fence erected around the
16 perimeter of the property; and, from Section 9.6C to permit the existing 7' tall fence to be
17 located within the required front yard. Location: 83 Hyde Park Ln., Charles Town, WV.
18 District: Kabletown (06); Map 9; Parcel: 21.2; Size: 1.28 ac; Zone: Rural; File: ZV14-09.

19
20 The Board addressed Items # 5 and #6 together.

21
22 Ms. Brockman outlined the request for the Board and provided them highlights from her staff
23 report. Ms. Brockman explained that the septic reserve area was located toward the rear of the
24 property and that neither the fence nor the shed would be permitted within 10' of this area. In
25 addition, the heavily wooded lot would reduce the applicant's buildable area. Mr. Jose Manzo
26 explained that when he replaced both the dilapidated fence and shed and built the new structures
27 that he was not aware that a building permit was necessary. Mr. Manzo provided a letter of
28 support from an adjacent neighbor. Mr. Quynn called for public comment. John Tenant,
29 adjacent neighbor, spoke in support of the request saying that Mr. Manzo has worked diligently
30 to clean up the property since purchasing it a few years ago. Mr. Tenant stated that he believed
31 Mr. Manzo was an asset to the neighborhood.

32
33 Ms. Huddle motioned to go into deliberative session at 2:48 p.m. Mr. Bannon seconded the
34 motion, which carried unanimously. Mr. Knott motioned to come out of deliberative session
35 at 2:56 p.m. Mr. Schiltz seconded the motion, which carried unanimously.

36
37 **Board of Zoning Appeals Rulings**

38
39 3. Variance request by Woody Beddow, Deacon, on behalf of the Owner, from Section 4.10A
40 to waive the requirement of a site plan for a 336 square foot addition to include new
41 restrooms plus an ADA compliant access ramp. The proposed addition is 86 square feet
42 larger than what is allowed to be built without a site plan. Owner: Allen Sullivan, Trustee,
43 Bakerton Church of God/Bakerton Bible Church.

44
45 Mr. Schiltz motioned to approve the above referenced request. Ms. Huddle seconded the
46 motion, which carried unanimously.

1
2 4. Variance request by owner, Fellowship Bible Church, from Section 4.10A to waive the
3 requirement of a site plan for four (4) 20' x 60' modular classrooms (5,760 sq. ft.) for
4 children's ministries and request an extension of time for the previous variance request
5 (ZV12-13) for the existing modular classrooms until the site plan for Phase II is completed.
6

7 Ms. Huddle motioned to approve the above referenced request with the following conditions:

- 8 a. The variance request is limited to no more than four modular classrooms.
9 b. The total square footage of the modular classrooms installed as part of this request shall
10 not exceed 5,760 square feet.
11 c. The modular classrooms shall be located as depicted on the sketch submitted with the
12 variance application, dated May 30, 2014. Should it be necessary to vary the location
13 slightly due to unforeseen site conditions, the Zoning Administrator may approve the
14 change administratively. The modular classrooms shall not extend beyond the parking
15 lot either towards Daniel Road (west) or towards Parcel 9.1 (east).
16 d. All modular buildings have access via an accessible route meeting the standards of the
17 Americans with Disabilities Act.
18 e. The proposed modular classrooms, including the existing units and all accessory
19 decking, shall be removed from the site one year from the date of this BZA meeting or
20 shall be included on an approved site plan.
21 f. The Applicant is bound by their testimony, which included having a Concept Plan
22 submitted to the Department no later than August 2014.

23 Mr. Knott seconded the motion, which carried unanimously.
24

25 **Ms. Huddle's original motion inadvertently contained Site Plan instead of Concept Plan in*
26 *condition (f). This was rectified after Items #5 & 6 were addressed.*
27

28 5. Variance request by owner, Jose Manzo, from Section 8.2 to reduce the front and side setback
29 from 75' to 5' for an existing 16' x 16' shed to be utilized as a small barn; and, from Section
30 9.6C to permit the existing shed/small barn to be located within the required front yard.
31

32 6. Variance request by owner, Jose Manzo, from Section 5.7B.1 to reduce the front (40'), side
33 (15') and rear (5') setback requirements for an existing 7' tall fence erected around the
34 perimeter of the property; and, from Section 9.6C to permit the existing 7' tall fence to be
35 located within the required front yard.
36

37 Mr. Bannon motioned to approve the above referenced requests with the following conditions:

- 38 a. The variance for the fence is limited to the existing 7';
39 b. The Applicant must apply for a building permit within 45 days from the date of the meeting.

40 Ms. Huddle seconded the motioned, which carried unanimously.
41

42 Mr. Frey asked for clarification regarding Ms. Huddle's motion and asked that the motion reflect
43 the first step in their process by submittal of a Concept Plan in August. The Board agreed.
44

- 1 7. Discussion on the proposed amendments to the Board of Zoning Appeals Rules of Procedure,
2 Effective July 21, 2011, (Draft 2). The Board discussed revisions to the proposed Draft that
3 was included in the packet. Upon reviewing the edits discussed, Ms. Huddle motioned to
4 accept the Board of Zoning Appeals Rules of Procedure, Effective July 21, 2011, (Draft 2) as
5 revised. Mr. Bannon seconded the motion. (Revised document attached.)
6
- 7 8. Director's Report. Ms. Brockman updated the Board on the status of the Comprehensive Plan
8 and its July 22nd public hearing, a rezoning request that is to be heard by the County Commission
9 (date TBD) and the approval of the job offer for the vacant Planning Clerk position.
10
- 11 9. Legal Update. None.
12
- 13 10. Signing of written decisions from prior Board of Zoning Appeals meetings. None available.
 - 14 a) Action on the Conditional Use Permit (CUP) for Sustainable Solutions, LLC. The applicant
15 is proposing to use the existing expired nonconforming use of commercial buildings for the
16 operation of a business that helps private landowners, state & federal agencies and non-
17 profits manage their land for ecological, economic and social returns. The business would
18 include a 12' x 12' company office within Building A (as shown on Figure 1. Site Map).
19 The remaining portion of Building A and Buildings B and C would be used as shop space
20 for storage, maintenance and repair of company equipment and vehicles. Two alternate sign
21 locations were proposed a) on the existing canopy; or, b) on Building A. Additional
22 landscaping in the form of native trees, shrubs and flowers were also proposed. Property
23 owner: Steve Wandless. Purchaser/Developer: James Remuzzi. Location: 4419
24 Kearneysville Pk., Shepherdstown, WV. District: Shepherdstown (09); Map 8; Parcel: 9.3;
25 Zone: Residential Growth; Size: 1.79 ac; File: CP13-01. Meeting Date: 3/27/14.
 - 26 b) Action on the Conditional Use Permit for Middleway Market. The applicant is proposing
27 to lift the nonconforming status from the following existing uses by granting said uses
28 permanent legal status: convenience store, which includes incidental propane service,
29 ABC off-premises packaged alcohol sales, video lottery/game room area & ABC on-
30 premise alcohol service, office/storage area, counter & deli service. The applicant is also
31 seeking to expand and/or add the following: increase the buildable area from 4,841.75 sq.
32 ft. to 6,000 sq. ft.; to include a residential rental unit, to expand from counter & deli
33 service to a restaurant service with alcohol sales and delivery service; and, to permit gas
34 pumps either on-site or in conjunction with a partnership agreement with an adjacent
35 neighbor. Owner: Jefferson Reality, LLC. Location: 4843 Middleway Pike,
36 Kearneysville, WV 25430. District: Middleway (07); Map 19A; Parcels: 14 & 14.16;
37 Size: 1.70 ac; Zone: Rural; File: CP14-01. Meeting date 05/22/14.
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- 39 Ms. Huddle motioned to adjourn the meeting at 3:30 p.m. Mr. Knott seconded the motion, which
40 carried unanimously.
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- 42 An audio transcript of this meeting can be found at the Department of Zoning and on the
43 Department's website at www.jeffersoncountywv.org. These minutes were prepared by
44 Jennilee Hartman, Zoning Clerk.