

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

1 The Jefferson County Board of Zoning Appeals met on Thursday, July 24, 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,
7 Matt Knott. Staff present: Jennifer M. Brockman, Acting Zoning Administrator/Director of Planning
8 and Zoning, Steve Groh, Assistant Prosecuting Attorney, Rhonda Greenholtz, Planning Clerk and
9 Jennilee Hartman, Zoning Clerk.

10

11 Ted Schiltz was absent with notification.

12

13 Ms. Huddle motioned to commence the meeting at 2:03 p.m. Mr. Knott seconded the motion,
14 which carried unanimously.

15

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

17

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

19

20 1. Approval of the minutes from the May 22, 2014 meeting. The following edits were suggested:

21

22 a) Page 3, line 26, change Markey to Market.

23

24 b) Page 3, line 41, change sentence to read, The Board took action on this item immediately
25 following the applicant's testimony. The Board did not deliberate on this Item. The action
26 previously taken for Item #4 prior to deliberation was, "Mr. Knott motioned to approve the
27 variance request. Ms. Huddle seconded the motion, which carried unanimously."

28

29 Ms. Huddle motioned to approve the minutes as corrected. Mr. Bannon seconded the motion,
30 which carried unanimously.

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32 Approval of the minutes from the June 26, 2014 meeting. The following edits were suggested:

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34 a) Page 1, line 15, change *motioned postpone the* to moved to postpone action on the.

35

36 b) Page 2, line 5, change "Mr. Frey stated that depending on financing and other matters
37 that their Board would need to review, they anticipated submitting a concept plan to the
38 Department by August and site plan approval by the end of the year." to "Mr. Frey stated
39 that depending on financing and other matters that their Board would need to review, they
40 anticipated submitting a concept plan to the Department by August and that they would
41 submit a site plan for review a couple of months after concept plan approval."

42

43 c) Page 3, line 42, insert that after *asked*.

44

45 d) Page 4, line 5, be sure to include the revised Rules of Procedure.

46

47 Ms. Huddle motioned to approve the minutes as corrected. Mr. Knott seconded the motion,
which carried unanimously.

48

49 2. Swearing in of the public intending to provide testimony. Ms. Hartman swore in the individuals
50 who indicated they would be giving testimony at the beginning of the meeting.

51

- 1 3. Variance request by owner, Leetown United Methodist Church, from Section 10.2I to permit
2 an animated sign & Section 10.4C to allow more than 1 sign along the road frontage & to
3 reduce the front setback from 25' to 12', measured from Leetown Rd., for a 4' x 5' sign.
4 Location: 11133 Leetown Rd. Kearneysville, WV. District: Middleway (07); Map 12;
5 Parcel: 14; Size: 1.69 ac; Zone: Rural; File: ZV14-10.

6

7 The Board decided to hear Item #6 because the applicant was not available to speak on behalf
8 of their request. Ms. Brockman stated she had information to share with the Board and
9 requested that they come back to Item #3 after addressing Item #6. The Board agreed.

10

- 11 4. Request postponed until August 28, 2014. Variance request by owner, Jose I. Osorio,
12 from Section 4.10A to waive the requirement of a site plan to operate a monthly rodeo
13 event with food vendors and grass parking for 100 vehicles on an active farm. Location:
14 1196 Van Cleavesville Rd., Kearneysville, WV. Shepherdstown (09); Map 15; Parcel: 1.7;
15 Size: 80.15 ac; Zone: Rural; File: ZV14-11.

16 This item was postponed until August 28, 2014.

- 17 5. Request postponed until August 28, 2014. Variance request by applicant, Sara Lambert, on
18 behalf of the owner, Childs Road Church of God, from Sections 4.11A.1 & 4.11J to reduce
19 the landscaping buffer from 15' to 11'6" and Section 5.7B.2 & Appendix B to reduce the side
20 setback from 50' to 11'6" to construct a 40' x 35' addition. Church contact: Harold Newsome.
21 Location: 3066 South Childs Rd., Kearneysville, WV. District: Middleway (07); Map 21;
22 Parcel: 5.14; Size: 1.61 ac; Zone: Rural; File: ZV14-12.

23 This item was postponed until August 28, 2014.

- 24 6. Variance request by applicant, Kevin Clark on behalf of the owners, Elsa and Harold Everling,
25 from Section 5.4B.1 to reduce the rear setback from 20' to 3' for a 15'5" x 21'10" deck on grade.
26 Location: 34 Blakeley Ridge Dr., Charles Town, WV. District: Harpers Ferry (04); Map 10A;
27 Parcel: 41; Size: 3,996 sq. ft.; Zone: Residential Growth; File: ZV14-13.

28 Harold Everling was present to address the Board and answer their questions. Ms. Brockman
29 presented her staff report to the Board specifically drawing their attention to the pictures.
30 Ms. Huddle had questions regarding the dimensions of the deck. Ms. Brockman stated the
31 deck would not impede the visibility of the traffic entering into the alley. Ms. Huddle
32 suggested that a text amendment should be drafted to address setback issues for these types
33 of lots. Mr. Everling stated their block contains the only units affected by this design issue.
34 Ms. Brockman stated any additional text amendments would have to wait until the adoption of
35 Comprehensive Plan. Mr. Quynn called for public comment. There was no public comment.

36

37 The Board agreed that a deliberative session was not necessary. Mr. Knott motioned to
38 approve the above referenced request. Ms. Huddle seconded the motion. Mr. Quynn
39 suggested the motion include that the applicant is bound by their testimony and that a building
40 permit be applied for. Mr. Knott and Ms. Huddle agreed. The Board approved the motion as
41 amended unanimously.

1 7. Request postponed until August 28, 2014. Request for a Special Exception by owners,
2 Jacob and Tia Collis, under Section 10.5B.3 for a Rural Reception/Event Facility to host
3 farm weddings between March and October for Deerfield Farm Weddings. The applicant is
4 seeking permission to operate the venue outdoors with rental tents during the event only; field
5 parking would be provided for up to 75 cars, with an optional 10 handicap spaces in existing
6 gravel lot; each event will cease by 11:00 p.m. Location: 6732 Scrabble Rd., Shepherdstown,
7 WV. Shepherdstown (09); Map 3; Parcel: 8; Size: 10 ac; Zone: Rural; File: SE14-01.

8 4. Variance request by owner, Leetown United Methodist Church, from Section 10.2I to permit
9 an animated sign & Section 10.4C to allow more than 1 sign along the road frontage & to
10 reduce the front setback from 25' to 12', measured from Leetown Rd., for a 4' x 5' sign.

11

12 The applicant was not present to address the Board. Ms. Brockman informed the Board that
13 when staff conducted a site visit it appeared that the advertised 12' setback was not an accurate
14 measurement and that the proposed sign would be approximately 8' 8" from the edge of the
15 road right-of-way. Ms. Brockman stated that from the painted white line of Leetown Road to
16 the stoop of the church was 12', which as depicted on the sketch submitted by the applicant,
17 would be in alignment with the sign.

18

19 Ms. Brockman further explained that due to a recent interpretation change she believed that a
20 zoning variance request was no longer the appropriate application for seeking an animated
21 sign from the Board. Ms. Brockman explained this was due to the change in the definition of
22 variance. Ms. Brockman stated that a Conditional Use Permit would be a more appropriate
23 application. Discussion ensued regarding this change.

24

25 Ms. Huddle motioned to have Staff contact the applicant and request that they withdraw
26 their application and resubmit a new zoning variance application citing the more accurate
27 8' 8" front setback for the new legal ad, for Staff to waive the application fee and to
28 remove the animated sign request from the application. Mr. Knott seconded the motion,
29 which carried unanimously.

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31 8. Director's Report. Ms. Brockman introduce Rhonda Greenholtz, the office's new Planning
32 Clerk. Ms. Brockman updated the Board on the status of a pending rezoning request before
33 the County Commission, an upcoming public hearing for an extension related to the County
34 Commission's policy on SB595, the outcome of the public hearing for the Comprehensive
35 Plan and the status of the Mass Events amendment, which Ms. Brockman stated she would
36 forward to the Board as they would be the body addressing the requests.

37

38 9. Legal Update. None.

39

40 10. Signing of written decisions from prior Board of Zoning Appeals meetings.

41

42 a) Action on the Conditional Use Permit for Middleway Market. The applicant is proposing
43 to lift the nonconforming status from the following existing uses by granting said uses
44 permanent legal status: convenience store, which includes incidental propane service, ABC
off-premises packaged alcohol sales, video lottery/game room area & ABC on-premises

1 alcohol service, office/storage area, counter & deli service. The applicant is also seeking to
2 expand and/or add the following: increase the buildable area from 4,841.75 sq. ft. to 6,000
3 sq. ft.; to include a residential rental unit, to expand from counter & deli service to a
4 restaurant service with alcohol sales and delivery service; and, to permit gas pumps either
5 on-site or in conjunction with a partnership agreement with an adjacent neighbor. Owner:
6 Jefferson Reality, LLC. Location: 4843 Middleway Pike, Kearneysville, WV 25430.
7 District: Middleway (07); Map 19A; Parcels: 14 & 14.16; Size: 1.70 ac; Zone: Rural; File:
8 CP14-01. Meeting date 05/22/14. *Mr. Bannon signed Findings submitted by Mr. Groh.*
9
10 Ms. Huddle motioned to adjourn the meeting at 2:52 p.m. Mr. Knott seconded the motion, which
11 carried unanimously.
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13 An audio transcript of this meeting can be found at the Department of Zoning and on the Department's
14 website at www.jeffersoncountywv.org. These minutes were prepared by Jennilee Hartman,
15 Zoning Clerk.