

Minutes
Jefferson County Board of Zoning Appeals
Thursday, November 13, 2014

1 The Jefferson County Board of Zoning Appeals met on Thursday, November 13, 2014 at 2:00 p.m.
2 The meeting was held at 200 East Washington Street, Charles Town, West Virginia, in the
3 Conference Room of the Old Charles Town Library. Unless otherwise noted, all requests are
4 pursuant to the 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 Ted Schiltz, Matt Knott. Staff present: Jennifer M. Brockman, Acting Zoning Administrator/
8 Director of Planning and Zoning, Steve Groh, Assistant Prosecuting Attorney, Jennilee Hartman,
9 Zoning Clerk.

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11 Ms. Huddle motioned to commence the meeting at 2:00 p.m. Mr. Quynn called for a vote, which
12 carried unanimously.

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14 1. Approval of the minutes from the October 23, 2014 meeting.

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16 The following edits were suggested:

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18 a) Page 1, line 2, delete *special-called*.

19 b) Page 1, line 34, change all references of 15' access to 15' right-of-way (and remove
20 the term easement where it may be used subsequently).

21 c) Page 1, line 39, after *noted* insert on.

22 d) Page 1, line 44, replace ~~that a~~ with the.

23 e) Page 2, line 7, remove s from easementss.

24 f) Page 2, line 13, change the semicolon to a comma after the word therefore.

25 g) Page 2, line 24, add a d after placedd.

26 h) Page 2, line 23, after *his* insert the snow.

27 i) Page 2, line 27 and 30, replace ~~request~~ with appeal.

28 j) Page 2, line 35, replace ~~precedence~~ to precedent.

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30 Ms. Huddle moved to approve the October 23, 2014 minutes with corrections. Mr. Quynn
31 called for a vote to approve the minutes as corrected, which carried unanimously.

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33 2. Approval of the 2015 Board of Zoning Appeals Meeting Schedule. Ms. Huddle moved to
34 approve the 2015 meeting schedule as drafted. Mr. Quynn called for a vote, which carried
35 unanimously.

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37 3. Swearing in of members of the public intending to provide testimony. Ms. Hartman swore in
38 the individuals who indicated they would be giving testimony.

39

40 4. Variance request by owners, Frank and Donna Greenwalt, from Sections 9.6C and 9.7 to
41 permit an accessory structure in the required front yard and to reduce the front setback from
42 25' to 19' for an existing 13' x 30' carport, which was erected without a building permit, to
43 accommodate the mobility needs of his wife. Location: 182 Martin Payne Rd, Kearneysville,
44 WV. District: 07; Map 23; Parcel: 13; Size: 1.01 ac; Zone: Rural; File: ZV14-18.

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46 Mr. Frank Greenwalt presented his request to the Board. Due to the completeness of
47 Mr. Greenwalt's testimony, Ms. Brockman did not have additional information to present to

1 the Board; however, she noted that a letter of support from an adjacent property owner was
2 included in the packet. Mr. Greenwalt confirmed the carport was 20' in length and not 30', as
3 referenced in the agenda and staff report. Mr. Quynn opened the public hearing. There was
4 no public comment. Mr. Quynn closed the public hearing.

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6 The Board concurred that a deliberative session was not necessary.

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8 Ms. Huddle moved to approve the variance request by owners, Frank and Donna Greenwalt,
9 from Sections 9.6C and 9.7 to permit an accessory structure in the required front yard and to
10 reduce the front setback from 25' to 19' for an existing 13' x 20' carport, which was erected
11 without a building permit, to accommodate the mobility needs of his wife; citing the fact that
12 the applicant had met the four criteria of a variance request. Mr. Quynn called for a vote,
13 which carried unanimously.

- 14
15 5. Variance request by applicant, Mike Shepp with Allegheny Surveys, PLLC, from
16 Sections 4.11A, 5.8C.2 and Appendix B to eliminate the parking/drive aisle and building
17 setbacks and landscape buffer requirements for internal lot lines only for an All-Inclusive
18 Family Adventure Resort. A Concept Plan for the proposed Resort was approved by the
19 Planning Commission on February 25, 2014. Owners/Developers: Matt & Laura Knott, River
20 Riders, Inc. & Harpers Ferry Holdings, LLC. Location: 408 Alstadts Rd., Harpers Ferry, WV.
21 District: 04; Map 7; Parcels: 10 & 10.1; Map: 9; Parcels: 61, 62, 63, 63.1, 66.1, 69, 70, 72, 73,
22 71, 74, 75; Size: 45 ac (total); Zone: Residential-Light Industrial-Commercial; File: ZV14-19.

23
24 Mr. Knott recused himself for this item as he is the property owner and applicant; however,
25 Mr. Knott stayed in the meeting room to present the request.

26
27 Mr. Shepp asked Mr. Schiltz if he would be participating in this Item. Mr. Schiltz inquired
28 under what grounds Mr. Shepp believed he should recuse himself. Mr. Shepp stated he was not
29 an attorney and did not feel he should argue that point; however, he provided a letter drafted by
30 Michael Scales, an attorney representing Mr. Knott; previously sent to Mr. Schiltz, which
31 outlined the alleged conflict. Mr. Shepp stated he was requested to present the letter to preserve
32 the record. In response, Mr. Schlitz stated that under the Rules of Procedure for the Board he
33 had no interest in the application being presented; that he had no contract or relationship with
34 what was being presented; that he was capable of making an impartial decision; that this Item
35 had not been previously presented to the Board; therefore, there were no ground rules to ask
36 him to recuse himself. Mr. Schiltz concluded by stating that he would be participating on this
37 Item. The BZA asked some questions of Mr. Knott, Mr. Shepp, and Mr. Schiltz. Discussion
38 regarding this matter ensued among the Board and Mr. Groh. Mr. Knott and Mr. Shepp stated
39 they wished only to go on record as stating their objection regarding Mr. Schiltz presence.
40 Mr. Schiltz did not recuse himself for this Item.

41
42 Ms. Brockman presented a summary of her staff report. Ms. Brockman highlighted the fact
43 that had the applicant been able to merge the subject properties together, the variances would
44 be unnecessary. Ms. Brockman stated that among other possible conditions, Staff would
45 suggest an easement plat or deed be recorded that would legally document cross access
46 between the subject parcels. Mr. Shepp presented two exhibits that delineated the interior lot

1 lines and the proposed improvements, which would either be adjacent to or would cross the
2 interior lot lines. Mr. Shepp explained that the lots were purchased separately and had not
3 been subdivided by Mr. Knott. The Board asked Mr. Knott if he would be agreeable to the
4 conditions suggested by Staff. Mr. Knott asked that the suggested deed or plat be addressed
5 at a later time as none of the lots in question are landlocked. Staff did not support this
6 request. Mr. Quynn opened the public hearing. There were no public comments.
7 Mr. Quynn closed the public comment.

8
9 The Board concurred that a deliberative session was not necessary.

10
11 Ms. Huddle moved to approve the variance request by applicant, Mike Shepp with Allegheny
12 Surveys, PLLC, from Sections 4.11A, 5.8C.2 and Appendix B to eliminate the parking/drive
13 aisle and building setbacks and landscape buffer requirements for internal lot lines only for
14 an All-Inclusive Family Adventure Resort with the following conditions:

- 15 a) The variances for the reduced parking and access drive setbacks, reduced landscape
16 buffer between properties, and reduced building setbacks as described above and
17 reflected in in the Concept Plan (PC File #S13-07) apply only to internal lot lines;
- 18 b) No buildings shall cross lot lines; and,
- 19 c) The applicant was bound by their testimony.

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21 Mr. Quynn called for a vote, which carried unanimously.

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23 Mr. Knott rejoined the Board.

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25 7. Director's Report. Monthly Activity Report (in the packet). Ms. Brockman explained that
26 the office would be readvertising for the Zoning Administrator position; gave a status update
27 on the Comprehensive Plan; commented on the positive turnout for the November 5, 2014
28 Ethics Training; and, a reminder that the next meeting would be held on December 11th due
29 to the holiday season.

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31 8. Legal Update. None.

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33 9. Signing of written decisions from prior Board of Zoning Appeals meetings. Mr. Groh
34 brought a copy of each required Finding to the meeting. The Board requested that Mr. Groh
35 email them so they could review and suggest edits as necessary. Mr. Quynn will sign the
36 final version when they are made available.

- 37
38 a) Request for a Special Exception by Jacob and Tia Collis, owners, under Section 10.5B.3
39 for a Rural Reception/Event Facility to host farm weddings between March & October
40 for Deerfield Farm Weddings. The applicant is seeking permission to operate the venue
41 outdoors with rental tents during the event only; field parking would be provided for up
42 to 75 cars, with an optional 10 handicap spaces in existing gravel lot; each event will
43 cease by 11:00 p.m. Location: 6732 Scrabble Rd, Shepherdstown, WV. Shepherdstown
44 (09); Map 3; Parcel: 8; Size: 10 ac; Zone: Rural; File: SE14-01.

1 b) Correspondence from Peter S. Corum, owner/applicant, on behalf of Morgan's Grove
2 Market (#S12-06) requesting the Board to clarify the available uses for the existing
3 residential rental property located at 3988 Kearneysville Pk., Shepherdstown, WV,
4 without changing the Conditional Use Permit (#CP12-01). The applicant is requesting
5 to temporarily change the use of the residence to a nonresidential, private K-8 school
6 (Morgan Academy) and seeks the Board's determination on the following issues:
7 (a) Under the current CUP, can Morgan Academy use the house as a nonresidential use
8 K-8 school? (b) If yes, can Morgan Academy use the existing well and septic for this
9 use? District: Shepherdstown (09); Map 13; Parcels: 26.1, 26.2, 26.3, 26.4; Size: 13.69 ac
10 (combined); Zoned: Rural; File: ZC14-37.

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12 Ms. Huddle moved to adjourn the meeting at 3:05 p.m. Mr. Quynn called for a vote, which carried
13 unanimously.

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15 An audio transcript of this meeting can be found at the Department of Zoning and on the Department's
16 website at www.jeffersoncountywv.org. These minutes were prepared by Jennilee Hartman,
17 Zoning Clerk.