

Minutes  
Jefferson County Board of Zoning Appeals  
Thursday, December 11, 2014

1 The Jefferson County Board of Zoning Appeals met on Thursday, December 11, 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 Mr. Knott motioned to commence the meeting at 2:00 p.m. Mr. Quynn called for a vote, which  
12 carried unanimously.

13

14 Mr. Quynn explained the meeting proceedings.

15

16 1. Approval of the minutes from the November 13, 2014 meeting.

17

18 The following edits were suggested:

19

20 a) Page 3, line 5, replace ~~each of~~ with none and delete ~~not~~ before *landlocked*.

21

22 Ms. Huddle moved to approve the November 13, 2014 minutes with corrections. Mr. Quynn  
23 called for a vote to approve the minutes as corrected, which carried unanimously.

24

25 2. Adoption of "Procedures for Small Boards" from Robert's Rules of Order, Newly Revised, 1970.  
26 Mr. Quynn stated the Board would consider Item #2 after Item#6.

27

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

30

31 4. Variance request by Good Shepherd Interfaith Volunteer Caregivers, owner, from Section 4.10A  
32 to waive the requirement of a site plan due to off street parking standards. Location:  
33 7311 Martinsburg Pk, Shepherdstown, WV. District: 09; Map 7A; Parcel: 51.3; Size: .0234 ac;  
34 Zone: Residential Growth; File: ZV14-20.

35

36 Ms. Brockman presented her staff report to the Board. Pattie Wilmoth and Paula Marrone-Reese,  
37 representatives, explained the nature of the request to the Board and answered various questions  
38 from the Members. Mr. Quynn opened the public hearing. There was no public comment.  
39 Mr. Quynn closed the public hearing. The Board determined a deliberative session was  
40 unnecessary. Ms. Huddle moved to approve the aforementioned variance request with the  
41 following conditions:

42 a) This variance shall apply to the use of this property for a non-profit volunteer  
43 organization to operate a non-medical care giving business.

44 b) Should the property hook up to sewer lines in the future, alleviating the need for the  
45 septic field, the County will reevaluate the need for parking at that time.

46

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

2

3 5. Variance request by Pastor Derick Amsler, applicant, on behalf of Crossroads Church, owner,  
4 from Section 4.10A to waive the requirement of a site plan to allow the expansion of additional  
5 gravel parking lot. Location: 7595 Martinsburg Pk, Shepherdstown, WV. District: 09; Map: 7B;  
6 Parcels: 1; Size: 2.69 ac; Zone: Residential Growth; File: ZV14-21.

7

8 Ms. Brockman stated for the record that she was a member of the church applying for variance.  
9 Ms. Brockman presented her staff report to the Board. Mike Shepp, Consultant with Allegheny  
10 Surveys, explained the nature of the request to the Board and answered various questions from  
11 the Members. Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn  
12 closed the public hearing. The Board determined a deliberative session was not necessary.  
13 Mr. Knott moved to approve the aforementioned variance request with the following conditions:

- 14 a) The applicant shall work with the Board of Health to ascertain the exact location of the  
15 septic field prior to any construction of expanded parking in the rear of the church.  
16 b) The gravel parking lot must meet the current parking setback requirements at the time of  
17 construction.  
18 c) The applicant shall submit an Improvement Location Permit, accompanied by a sketch  
19 plan, to the Engineering Department. The sketch shall include the dimensions and  
20 location of the proposed gravel parking area, the required parking setbacks and the  
21 existing septic field.

22

23 6. Appeal of an Administrative Decision to deny Zoning Certificate #ZC14-39. The Appellant  
24 argues the Acting Zoning Administrator is “not allowing dual use [of] equipment on my land”.  
25 Location: 3 Sunstead Ln, Charles Town, WV. District: 07; Map: 16; Parcel: 2.12; Size: 10.05 ac;  
26 Zone: Rural; File: AP14-02.

27

28 Mr. Quynn requested a summary of the appeal. Ms. Brockman summarized the events leading  
29 up to the appeal, including the complaints from the neighbors, the code enforcement process and  
30 the ultimate determination made by the Acting Zoning Administrator that the land use activity  
31 occurring on site was a Contractor’s Storage Yard, as defined by the Zoning Ordinance, which is  
32 not a permitted use the Rural Zoning District.

33

34 Ben Thompson, Appellant and property owner, and Thomas Ashley, business owner, were  
35 present to address the Board. Mr. Thompson argued that Section 4.6 of the Zoning Ordinance  
36 states that nothing could prohibit agricultural uses. Mr. Thompson explained that the equipment  
37 stored on his property was used for his personal farm operation as well as Mr. Ashley’s personal  
38 business. Mr. Thompson explained to the Board that the dump trucks were used to assist in the  
39 construction of a farm building, for which he obtained a permit. Mr. Thompson stated that he  
40 operated a three (3) hive bee farm. Mr. Thompson expressed his concern regarding the County’s  
41 interest in the types of vehicles he used in his personal farm operation. Mr. Ashley provided an  
42 accounting of the vehicles/equipment that were owned by him, but stored on Mr. Thompson’s  
43 property. Mr. Thompson reiterated that all the equipment listed by Mr. Ashley had been used in  
44 one way or another in his farming operation. Mr. Quynn called for public comment.

- 1  
2 Ms. Mary Edgar read a letter from Frances Scott into the record, which opposed the appeal.  
3 Ms. Lorraine Dillman, Mr. Robert Dillman, Mr. Charles Edgar, Aron Dailey, neighbors of the  
4 Appellant, spoke in opposition to the appeal citing traffic and safety concerns on their privately  
5 maintained subdivision road.  
6  
7 Mr. Thompson responded in rebuttal by reiterating Section 4.6's objective, which states that  
8 nothing can prohibit agricultural uses from occurring. Mr. Thompson addressed the public's  
9 concerns explaining that only Mr. Ashley held a Commercial Driver's License (CDL);  
10 therefore, the trips per day utilizing the heavy equipment was minimal. Mr. Thompson  
11 requested that if the Board were to deny the appeal that they provide a detailed description of  
12 the activity permitted on site so that he may be in compliance.  
13  
14 Mr. Bannon moved to go into deliberative session at 3:32 p.m. Mr. Quynn called for a vote,  
15 which carried unanimously. Ms. Huddle moved to come out of deliberative session at 4:02 p.m.  
16 called for a vote, which carried unanimously.  
17  
18 Ms. Huddle moved to deny the appeal of the administrative decision, which was to not allow  
19 dual use of equipment on land and to not allow a contractor's storage yard in the Rural zone at 3  
20 Sunstead Ln, Charles Town, WV as the Appellant did not provide adequate testimony to  
21 outweigh the administrative decision. Mr. Quynn called for a vote, which carried unanimously.  
22  
23 7. Director's Report. Monthly Activity Report (in the packet). Ms. Brockman updated the Board  
24 on the open Zoning Administrator's position, the status of the Comprehensive Plan and the  
25 mass events text amendment.  
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27 2. Adoption of "Procedures for Small Boards" from Robert's Rules of Order, Newly Revised, 1970.  
28 Mr. Quynn stated that the Board believed their current Rules of Procedure governed their  
29 meeting process and that adoption of the "Procedures for Small Boards" was unnecessary.  
30  
31 8. Legal Update. No discussion took place.  
32 a) All Good Music Festival Litigation  
33  
34 9. Signing of written decisions from prior Board of Zoning Appeals meetings. None.  
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36 Ms. Huddle stated that she would be submitting a letter to the County Commission informing  
37 them that she would be willing to stay on the Board. Ms. Huddle was thanked for her dedication  
38 to the Board.  
39  
40 As there were no objections, Mr. Quynn adjourned the meeting at 4:11 p.m.  
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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](http://www.jeffersoncountywv.org). These minutes were prepared by  
44 Jennilee Hartman, Zoning Clerk.