

**Minutes**  
Jefferson County Board of Zoning Appeals  
Thursday, August 16, 2012

The Jefferson County Board of Zoning Appeals met on Thursday, August 16, 2012. The meeting was held in the conference room on the second floor of the Mason Building located at 116 East Washington Street in Charles Town, West Virginia. Unless otherwise noted, all requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

Board members Jeff Bresee, Chairman; Christy Huddle, Vice Chair; Tyler Quynn and Ed Kelly were present. Staff members present were: Jennifer Brockman, Director of Planning and Zoning; Steve Barney, Zoning Administrator; Stephen Groh, Assistant Prosecuting Attorney and Jennilee Hartman, Zoning Clerk.

Mr. Kelly motioned to commence the meeting. Mr. Quynn seconded the motion, which carried unanimously. Mr. Bresee called the meeting to order at 3:00 p.m.

1. Approval of the minutes from the July 19, 2012 meeting.

Mr. Kelly motioned to approve the minutes. Mr. Quynn seconded the motion. The following edits were requested:

1. Page 1, paragraph 1, line 3, after the word *members* remove the comma.
2. Page 5, paragraph 1, line 3, remove the first "*the*".
3. Page 6, paragraph 1, line 3, change the word *no* to *now*.
4. Page 7, paragraph 3, line 6, remove the word *approved*.
5. Page 7, paragraph 5, line 2, remove the words *as follows*.

Mr. Bresee called for a vote which carried 3 in support and 1 abstention (Ms. Huddle).

2. Swearing in of members of the public intending to provide testimony.

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

3. Variance request by property owners, James Michael and Kari Lynn Somerville, from Section 5.4(B) for a reduction of the rear setback distance from 20' to 16' to allow for the construction of an 18' x 10' deck with stairs. Property location: Windmill Crossing Subdivision, 244 Monte Carlo Way, Charles Town, West Virginia. District: Charles Town (02); Map: 9C; Parcel: 16; Zoned: Residential-Light Industrial-Commercial; Size: 4,360 sq. ft.; File: #ZV12-25.

Mr. Somerville, applicant, presented his request to the Board. Mr. Kelly asked what was in the rear of the applicant's property. Mr. Somerville stated there was an easement in the rear of the property. Mr. Barney confirmed the applicant's statement. Mr. Bresee called for public comment. There was no public comment. Mr. Bresee asked the Board if they felt that a deliberative session was necessary as there were no other actionable items to address. The Board agreed a deliberative session was not necessary. Ms. Huddle motioned to approve the above referenced request. Mr. Quynn seconded the motion, which carried unanimously.

5. Director's Report. Ms. Brockman and Mr. Barney directed the Board's attention to the memorandum that was included in their packet regarding a draft zoning ordinance amendment pertaining to decks. The Board discussed their viewpoints with Staff.
6. Legal Update. None.
7. Signing of written decisions from prior Board of Zoning Appeals meetings.
  - a. Public hearing and action on the Conditional Use Permit application submitted by Wayne and Renee Moore, Developer, for the River Country Store and Deli to establish a general store, restaurant and space for recreational use. Intended uses are to consist of a country store providing general items, a restaurant serving hot and cold food with an ABC license, multiple recreational spaces for game and party rentals, children's play area, seasonal activities (i.e. volley ball, basketball and mini golf), and other associated uses as further described in the application. Property location: 2142 Mission Road, Harpers Ferry, WV. District: Kabletown (06); Map: 6; Parcel: 13; Zoned: Rural; Size: 2.002 acres; File: #CP12-03. Additional changes to the Findings of Fact draft needed to be made. It was determined that once prepared, Mr. Bresee would sign on the Board's behalf.
  - b. Public hearing and action on the Conditional Use Permit application submitted by property owners, Scott Bearup and Carroll Rice, for the Black Bear Camp and RV to establish a primitive camp-ground serving 50 campsites. Intended uses are to consist of primitive camping, hiking, horseback riding and stables, biking, fishing, hunting, tubing, canoeing, rafting, historic tourism, and other associated uses as further described in the application. Property location: 2128 Mission Road, Harpers Ferry, WV. District: Kabletown (06); Map: 6; Parcel: 4; Zoned: Rural; Size: 15.47 acres; File: #CP12-02. It was determined that once prepared, Mr. Bresee would sign the Findings of Fact once changes have been made.
8. Correspondence. None.

Mr. Kelly stated he would not be attending the next regularly scheduled meeting.

Ms. Huddle motioned to adjourn the meeting at 3:55 p.m. Mr. Quynn seconded the motion, which carried unanimously.

An audio transcript of this meeting can be found at the Department of Zoning and on the Department's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). These minutes were prepared by Jennilee Hartman, Zoning Clerk.