

Minutes

Jefferson County Board of Zoning Appeals
Thursday, October 18, 2012

The Jefferson County Board of Zoning Appeals met on Thursday, October 18, 2012. The meeting was held in the second floor Conference Room located at 116 East Washington Street, of the Mason Building 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.

Ms. Huddle motioned to commence the meeting. Mr. Quynn seconded the motion, which carried unanimously. Mr. Bresee called the meeting to order at 3:02 p.m.

1. Approval of the minutes from the September 20, 2012 meeting.

Mr. Kelly motioned to approve the minutes. Mr. Quynn seconded the motion, which carried unanimously.

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

Ms. Hartman swore in Mr. Rusty Morgan, as he indicated that he would be giving testimony.

3. **Postponed at the request of the Applicant.** *Variance request by property owners, John and Jo Wynn, from Section 9.7 for a reduction of the front setback distance from 20' to 15' and Section 9.6.C to allow for a 24' x 26' garage, an accessory structure, to be situated in the front yard. Property location: 1333 Avon Bend Road, Charles Town, West Virginia. District: Kabletown (06); Map: 9F; Parcel: 35; Zoned: Rural; Size: .77 acres; File: #ZV12-29.*

This request was postponed by the applicant. Mr. Barney stated that the applicant had indicated that he would be bringing the application back to the Board in December.

4. Request by Rusty Morgan, applicant, for an eighteen (18) month extension of the Conditional Use Permit for Rippon Brewing, LLC that consists of a micro-brewery with a tasting room, a future pub/restaurant, a store, a country inn and an office to be situated on 2 acres. The current CUP will expire on December 1, 2012. Property location: at the intersection of Route 340 and Withers Larue Road in the District: Kabletown; Map: 10A & 12; Parcel: 24 & 17; Zoned: Rural & Village; Proposed Size: 2 acres; File: Z11-01.

Mr. Morgan presented the request to the Board. Mr. Morgan explained that the startup costs to begin construction were higher than anticipated. Mr. Morgan stated that the 2009 International Building Code required the existing residential home to be brought up to commercial standards which meant that a significant amount of money would have to be spent in the restoration of the older home. Ms. Huddle asked if there was a way for the County to 'opt out' of certain codes pertaining to older homes within the building code and explained that Harpers Ferry is currently doing so. Staff stated that it was their understanding that once the County adopts a building code they are required to enforce the building code in its entirety and that they did not have the authority to waive or 'opt out' of any sections within the building code. The Board agreed that a deliberative session was not necessary. Ms. Huddle motioned to approve the above referenced request for the full eighteen (18) months. Mr. Quynn seconded the motion, which carried unanimously.

6. Legal Update. Mr. Groh provided a copy of the *Motion to Dismiss* regarding the Black Bear Camp & RV lawsuit to the Board members. The Board briefly discussed the filing of the lawsuit.
5. Director's Report. Ms. Brockman informed the Board that the office had received a number of resumes for the 2-year Planner position and that Staff was in the process of reviewing them. Ms. Brockman directed the Board's attention to the *Director's Report, October 18, 2012, Board of Zoning Appeals Meeting* document that was in the Board's packet. Ms. Brockman reviewed each item under the subheadings:
 - 2014 Comprehensive Plan Update
 - Recent CC Meetings relevant to Planning
 - Upcoming CC Actions

Ms. Brockman then reviewed *2012 Comp Plan Time Frame* that was also included in the Board's packet of which Ms. Brockman briefly described the following phases:

- Phase 1: 2014 Plan Start Up/Organization
 - Phase 2: Existing Conditions Data Collection, Mapping and Trends Analysis
 - Phase 3: Issues Analysis/Visioning
 - Phase 4: Goals and Objectives
 - Phase 5: Plan Recommendations and Implementation Strategies
6. Signing of written decisions from prior Board of Zoning Appeals meetings.
 - a) Signing of the Findings of Fact and Conclusions of Law for the Appeal by property owner, Clinton Blevins, of the Zoning Administrator's decision to deny Zoning Certificate Application #ZC12-08 for a Home Occupation Level I involving internet sales of self-defense items including firearms, knives, and tactical clothing, in addition to firearm transfer, gun cleaning/repair, and off-site training services. Property location: 805 Leetown Road, Summit Point, West Virginia. District: Kabletown (6); Map: 17; Parcel: 8.22; Zoned: Rural; Size: 1.85 acres; File: #AP12-02. This case was heard by the Board on September 20, 2012. Additional changes to the draft Findings of Fact needed to be made. It was determined that once prepared, Mr. Bresee would sign on the Board's behalf.
 7. Correspondence. None.

Ms. Huddle motioned to adjourn the meeting at 3:49 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. These minutes were prepared by Jennilee Hartman, Zoning Clerk.