

## Minutes

Jefferson County Board of Zoning Appeals  
Thursday, January 20, 2011

The Jefferson County Board of Zoning Appeals met on Thursday, January 20, 2011 at 3:00 pm. The meeting was held in the Charles Town Library meeting room located at 200 East Washington Street, at the side entrance on Samuel Street in Charles Town, West Virginia. Board members Jeff Bresee, Chairman, Christy Huddle, Vice Chairman, Ed Kelly and Jon Brusco were present. Staff members present were: Jennifer Brockman, Director; Steve Barney, Zoning Administrator; Stephen Groh, Assistant Prosecuting Attorney, Julie Quodala, Office Manager and Jennilee Hartman, Zoning Clerk.

Board members Tiffany Hine and Tyler Quynn were absent with notification.

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

1. Election of Officers.

Mr. Kelly nominated Mr. Bresee as Chairman and Ms. Huddle as Vice Chairman. Mr. Brusco seconded the nominations. The Board unanimously approved the nominations.

2. Approval of Minutes from the December 29, 2010 meeting.

Ms. Huddle motioned to approve the minutes with corrections. Mr. Brusco seconded the motion.

Page 1, seventh paragraph, change, "*Boards*" to "*Board's*."

Page 3, second paragraph, change, "*timeline*" to "*deadline*."

The motion to approve the minutes with corrections carried unanimously.

Christine Chalmers, Office Assistant, swore in individuals who indicated they would be giving testimony.

Mr. Bresee expressed that it was unnecessary to recuse himself, as no substantive action had been taken at the previous meeting regarding a variance request by property owner Herb Jonkers relating to Highland Farms and a variance request by property owner Christopher Zanella relating to Hillbrook Inn.

3. Postponed from the December 29, 2010 meeting. Variance request by property owner, Herb Jonkers, Highland Farms, LLC from Section 5.7(d)2.b.7 to modify the maximum lot size for two lots: #19 and #21. The property is located on Charles Town Road approximately 300' west of John Rissler Road in Charles Town, West Virginia. (District: Charles Town; Map: 19; Parcels: 33, 38, 39 & 41; Size: 270 acres; Zoned: Rural, File: #ZV10-24)

Mr. Groh stated that the technical issue for which this item was postponed has been resolved.

John Sekerak with Greenhorne & O'Mara Consulting Engineers was present on behalf of the applicant to address the Board. Mr. Sekerak referred to an aerial photograph to show the Board the proposed subdivision layout. Mr. Sekerak explained the purpose of the variance was to allow for the layout to coincide with the existing topographical features and land use. Ms. Huddle

questioned the availability of the proposed equestrian use on lot 21. Mr. Sekerak explained this use would be for the lot owner and not for the use of the public. Additionally, Mr. Sererak clarified that there will be equestrian uses available to the subdivision residents in the proposed open space areas of the development.

Mr. Bresee called for public comment. Susan Rissler Sheely spoke in favor of the proposal.

Mr. Barney reiterated that he believed the subdivision, even with the variances from lot sizes, would meet the intent of the Clustering provision of the Ordinance.

4. Postponed from the December 29, 2010 meeting. Variance Request by property owner, Christopher Zanella, Hillbrook Inn from Section 4.3(d) to permit additional expansion (over 35%) of the existing nonconforming use to allow for the construction of a 3,600 sq. ft. deck and from Section 4.10 to waive the requirement for a Site Plan. The property is located at 4490 Summit Point Road in Charles Town, West Virginia. (District: Kabletown; Map: 14; Parcel: 10; Size: 17.010 acres; Zoned: Rural; File: #ZV10-25)

Christopher Zanella, applicant, was present to address the Board. Mr. Zanella explained the proposed deck would allow them to simplify hosting events at Hillbrook Inn by providing a proper party space that is close to the Inn's kitchen versus having a mobile kitchen.

Mr. Bresee called for public comment. There was no public comment.

Mr. Kelly asked if Mr. Zanella planned to cover the deck. Mr. Zanella stated that the deck would not be covered, although a temporary tent could be used on the deck at a customer's request. Mr. Barney stated that allowing the proposed deck would expand the seating of the existing restaurant, which would require additional parking. The applicant stated that the proposed deck would only be used for special events, therefore adding additional parking would not be necessary.

5. Variance request by property owner Ebenezer Mt. Calvary Holy Church from Section 4.10 to waive the requirement of a site plan to construct a handicap ramp and entrance. The property is located at 408 Shirley Road in Summit Point, West Virginia. (District: Kabletown; Map: 15A; Parcels: 12, 12.1 & 13; Size: .9999 acres; Zoned: Rural; File: ZV11-01)

Charles Hunter, Church Pastor, was present to address the Board. Mr. Hunter explained that the church has a number of handicapped members that cannot use the facility because it is not handicap accessible. Ms. Huddle was concerned about snow accumulating by the entrance. Mr. Hunter said members of the congregation get together to shovel the snow as needed. Alice Hunter, Church Co-pastor, addressed the Board. Ms. Huddle asked staff if covering the handicap ramp would require a site plan. Staff stated there were a number of items that would need to be considered, however, a minor site plan may be necessary. Mr. Barney explained to the Board that the church currently had a site plan under review, although the ramp is not included as part of the proposal because of the time constraints of completing a site plan. The Board discussed the possibility of including a cover over the handicap ramp as part of their

motion. Mr. Groh stated that the site plan the applicant is processing would have to take into account all the existing features of the property, including the ramp.

Mr. Bresee called for public comment. There was no public comment.

Mr. Brusco motioned to go into deliberative session at 3:47 p.m. Ms. Huddle seconded the motion, which carried unanimously.

Mr. Brusco motioned to come out of deliberative session at 3:55 p.m. Ms. Huddle seconded the motion, which carried unanimously.

### **Board of Zoning Appeals Rulings**

3. Postponed from the December 29, 2010 meeting. Variance request by property owner, Herb Jonkers, Highland Farms, LLC from Section 5.7(d)2.b.7 to modify the maximum lot size for two lots: #19 and #21.

Mr. Kelly motioned to approve the above referenced request, noting that the approval was for the maximum size shown on the submission. Mr. Brusco seconded the motion, which carried unanimously.

4. Postponed from the December 29, 2010 meeting. Variance Request by property owner, Christopher Zanella, Hillbrook Inn from Section 4.3(d) to permit additional expansion (over 35%) of the existing nonconforming use to allow for the construction of a 3,600 sq. ft. deck and from Section 4.10 to waive the requirement for a Site Plan.

Mr. Brusco motioned to approve the above referenced request, with the condition that no additional tables may be located on the deck during regularly-scheduled meals, other than those meals served as part of a special event. Ms. Huddle seconded the motion, which carried unanimously.

5. Variance request by property owner Ebenezer Mt. Calvary Holy Church from Section 4.10 to waive the requirement of a site plan to construct a handicap ramp and entrance. The property is located at 408 Shirley Road in Summit Point, West Virginia (District: Kabletown; Map: 15A; Parcels: 12, 12.1 & 13; Size: .9999 acres; Zoned: Rural; File: ZV11-01)

Ms. Huddle motioned to approve the above referenced request, with the condition that the proposed improvements must be shown on site plan S10-06, and the site plan must account for all impacts such as stormwater management. Mr. Kelly seconded the motion, which carried unanimously.

6. Monthly Address by Director Jennifer M. Brockman
7. Legal Update

- a) Discussion on drafting a Contingency Plan for emergency meetings.

The Board agreed to allow Steve Groh to file blanket appeals on its behalf if in litigation. Mr. Groh will announce such action at the Board of Zoning Appeals meeting following the filing. The Board reserves the right to withdraw the appeal at the following meeting or the Chairman can call a special meeting to discuss the appeal.

- b) Discussion on announcement for alternate Board members. Ms. Brockman stated that staff will provide an update on the status of this announcement.

- 8. Vote on written decisions from prior Board of Zoning Appeals meetings.
- 9. Correspondence. None.

Ms. Huddle motioned to adjourn the meeting at 4:16 p.m. Mr. Brusco seconded the motion, which carried unanimously.

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