

## Minutes

Jefferson County Board of Zoning Appeals  
Thursday, March 17, 2011

The Jefferson County Board of Zoning Appeals met on Thursday, March 17, 2011 at 3:00 pm. The meeting was held in the upper level Conference Room of the Departments of Planning & Zoning. Board members Jeff Bresee, Chairman, Christy Huddle, Vice Chairman, Ed Kelly, Jon Brusco and Tyler Quynn, Alternate, were present. Staff members present were: Jennifer Brockman, Director; Steve Barney, Zoning Administrator; Stephen Groh, Assistant Prosecuting Attorney and Jennilee Hartman, Zoning Clerk.

Board member Tiffany Hine was absent with notification.

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 Minutes from the January 20, 2011 meeting.

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

Mr. Quynn requested the following amendments:

- (a) Page 1, change minutes to reflect that Tyler Quynn was absent with notification.
- (b) Page 1, third paragraph, change minutes to reflect *Mr. Brusco* motioned to commence the meeting and *Ms. Huddle* seconded the motion.

Ms. Huddle requested the following amendments:

- (a) Page 2, Item #5, second paragraph; remove the word, "*are.*"
- (b) Page 3, Item #5, remove the period after the word Virginia.

Mr. Brusco motioned to approve the minutes as amended. Mr. Kelly seconded the motion, which carried unanimously.

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

2. Variance request by property owner, David Kidwell Jr. from Section 5.7(b) and 9.6(b) to allow for a lot line adjustment that would not meet minimum lot size requirements and to allow for a reduced rear setback from 21' to 14' for an existing shed. The property is located on at 953 Jefferson Orchard Road in Kearneysville, West Virginia. (District: Middleway; Map: 11; Parcel: 26.4; Size: 1 acre; Zoned: Rural; File: #ZV11-03)

Mr. Kidwell, applicant, was present to address the Board. Mr. Kidwell explained that as a result of the proposed lot line adjustment the septic area for the mobile home park would be located on the same parcel as the park. The remaining property would include the house, its existing septic system and a shed. Adjusting the lot line would create a setback issue for the shed that was built in the 1970s. The size of parcel 26.4 would be reduced from 43,547 square feet to approximately 31,087 square feet. The minimum lot size in the Rural district is 40,000 square feet. Mr. Bresee called for public comment. There was no public comment.

3. Variance request by property owners, Frank and Kathi Katzenberger from Section 5.4(b) to reduce the side setback from 12' to 4' for a proposed 10' x 16' shed. The property is located at 43 General Anderson Court in Harpers Ferry, West Virginia. (District: Harpers Ferry; Map: 5D; Parcel: 61; Size: 3/4 acres; Zoned: Residential Growth; File: #ZV11-04)

Ms. Katzenberger, applicant, was present to address the Board. Ms. Katzenberger explained that the septic reserve is located in the rear and there is a hillside on the opposite side of the property. Additionally, if the shed were to abide by the 12' setback, the owners would not be able to drive their truck behind the house for maintenance without crossing over the existing septic field. Mr. Bresee called for public comment. There was no public comment.

4. Item has been rescheduled for April 21, 2011. Board of Zoning Appeals action on the Conditional Use Permit application submitted by Rusty Morgan on behalf of Rippon Brewery, LLC as a result of the Compatibility Assessment meeting held on February 25, 2011. This project is to consist 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 property is located at the intersection of Route 340 and Withers Larue Road in the Kabletown District on Map 10A designated as Parcel 24.

Mr. Bresee announced this item was rescheduled for April 21, 2011.

Ms. Huddle motioned to go into deliberative session at 3:18 p.m. Mr. Brusco seconded the motion, which carried unanimously.

Mr. Kelly motioned to come out of deliberative session at 3:20 p.m. Mr. Brusco seconded the motion, which carried unanimously.

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

2. Variance request by property owner, David Kidwell Jr. from Section 5.7(b) and 9.6(b) to allow for a lot line adjustment that would not meet minimum lot size requirements and to allow for a reduced rear setback from 21' to 14' for an existing shed.

Mr. Quynn motioned to approve the above referenced request. Ms. Huddle seconded the motion, which carried unanimously.

3. Variance request by property owner, Frank and Kathi Katzenberger from Section 5.4(b) to reduce the side setback from 12' to 4' for a proposed 10' x 16' shed. Mr. Kelly motioned to approve the above referenced request.

Mr. Kelly motioned to approve the above referenced request. Ms. Huddle seconded the motion, which carried unanimously.

4. Item has been rescheduled for April 21, 2011. Board of Zoning Appeals action on the Conditional Use Permit application submitted by Rusty Morgan on behalf of Rippon Brewery, LLC as a result of the Compatibility Assessment meeting held on February 25, 2011.

This item was rescheduled for April 21, 2011.

5. Discussion on existing animated signs. Mr. Barney notified the Board that Victory Freewill Baptist Church had submitted a variance for their animated sign to be heard on April 21, 2011. Mr. Barney informed the Board that the Cliffside/Quality Inn electronic sign did not have any conditions of approval as part of the issuance of the building permit. This is due, in part, to the application being submitted during the brief period of time in which the now rescinded zoning ordinance was in effect.

The Board discussed the possibility of proposing an amendment that would limit the brightness of existing and new signs provided it would be at no cost to the business.

Mr. Brusco stated the Victory Church's sign is still on and sometimes appears to be broken. It was the Board's understanding that the sign was to cease operations until the violation was addressed.

The Board also discussed the brightness of the existing sign at Asbury United Methodist Church. Mr. Barney stated that he and Mr. Carter would go on a site visit to check the sign's settings.

6. Monthly Address by Director Jennifer M. Brockman. Ms. Brockman informed the Board of the following:
  - a. The status of the policy neutral text amendments to the zoning ordinance.
  - b. The Roundtable Discussion held on March 1, 2011, regarding Article 4A of the zoning ordinance.
  - c. The 340 Corridor Kick-Off meeting is to be held on March 26, 2011.
  - d. Applicants for the Paynes Ford Subdivision have submitted a concept plan which has been reviewed by the Planning Commission.
7. Legal Update. None.
8. Vote on written decisions from prior Board of Zoning Appeals meetings. None.
9. Correspondence. None.

Ms. Huddle motioned to adjourn the meeting at 4:10 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.