

Minutes

Jefferson County Board of Zoning Appeals
Thursday, July 21, 2011

The Jefferson County Board of Zoning Appeals met on Thursday, July 21, 2011. 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, Tiffany Hine, Ed Kelly and Jon Brusco were present. Staff members present were: Steve Barney, Zoning Administrator; Stephanie Grove, Assistant Prosecuting Attorney and Jennilee Hartman, Zoning Clerk.

Christy Huddle and Tyler Quynn were absent with notification.

Mr. Brusco motioned to commence the meeting. Ms. Hine 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 May 19, 2011 meeting.

Due to a lack of a quorum of members present at the last meeting, action on the minutes was postponed until the next meeting.

Ms. Hine swore in individuals who indicated they would be giving testimony.

2. Variance request by property owner, Jonathan A. Shively, from Section 5.4(b) for a reduction of the rear setback distance requirement from 20' to 8' to allow for the installation of an inground pool that includes a 4' concrete surround. Property location: Maddex Farm Subdivision, 100 Monument Court, Shepherdstown, West Virginia. (District: Shepherdstown; Map: 8C; Parcel: 154; Size: 0.25 acres; Zoned: R-LI-C; File: ZV11-16)

Mr. Shively was present and provided handouts to the Board. Mr. Bresee called for public comment. There was no public comment. Mr. Barney noted that the pool's encroachment may not be as detrimental to the neighbors as the nearby shopping center and car wash, both visible from the street right-of-way adjacent to the subject property.

3. Variance request by property owners, Keith E. and Lisa Cranford, from Sections 5.4(b) for a reduction of the side setback distance requirement from 8' to 4' to allow for a lot boundary adjustment. Property location: 440 Euclid Avenue; Charles Town, WV. (District: Charles Town; Map: 10A; Parcel: 102; Size: 0.68 acres; Zoned: R-LI-C; File: ZV11-17)

Peter Lorenzen, land surveyor, was present to address the Board on behalf of Mr. Cranford. Mr. Bresee called for public comment. There was no public comment. Mr. Barney stated the variance request has the potential to improve an issue with a house located over a property line. Mr. Barney informed the Board that a zoning certificate had not yet been issued for the proposed commercial use for the garage and that this property is located in the Residential-Light Industrial-Commercial district.

4. Variance request by Adam Link, III, on behalf of the St. James Lutheran Church (Congregation) at Uvilla, from Section 4.10 to waive the requirement of a site plan and Section 5.7(b) for a reduction of the 50' side setback distance requirement for a church to 5' to allow for the construction of a 640 sq. ft. addition. Property location: 4328 Shepherdstown Pike,

Shepherdstown, West Virginia. (District: Shepherdstown; Map: 20; Parcel: 16; Size: 3.7 acres; Zoned: Rural; File: ZV11-18)

Ed Fitzpatrick, Chairperson for St. James Lutheran Church Long Range Planning, was present to address the Board. Mr. Fitzpatrick explained the need for the expansion. Mr. Kelly asked questions concerning parking needs. Mr. Fitzpatrick explained the church currently has adequate parking and the requested expansion will require no additional parking. Adam Link, President of St. James Lutheran Church, addressed the Board. Mr. Link explained to the Board the property has large, old oak trees that the church did not want to remove in order to build the expansion and that is the reason for the request to reduce the side setback distance requirement. Mr. Bresee called for public comment. There was no public comment. Mr. Barney stated staff concurred with the calculations the applicant submitted for the parking. Mr. Barney suggested a possible condition of approval would be that a handicapped accessible parking space shall be installed prior to the issuance of a certificate of occupancy for the proposed addition. The Board discussed possible stormwater management issues that may arise from the construction of the addition.

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

Ms. Hine motioned to come out of deliberative session 3:30 p.m. Mr. Brusco seconded the motion, which carried unanimously.

Board of Zoning Appeals Rulings

2. Variance request by property owner, Jonathan A. Shively, from Section 5.4(b) for a reduction of the rear setback distance requirement from 20' to 8' to allow for the installation of an inground pool that includes a 4' concrete surround.

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

3. Variance request by property owners, Keith E. and Lisa Cranford, from Sections 5.4(b) for a reduction of the side setback distance requirement from 8' to 4' to allow for a lot boundary adjustment.

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

4. Variance request by Adam Link, III, on behalf of the St. James Lutheran Church (Congregation) at Uvilla, from Section 4.10 to waive the requirement of a site plan and Section 5.7(b) for a reduction of the 50' side setback distance requirement for a church to 5' to allow for the construction of a 640 sq. ft. addition.

Mr. Kelly motioned to approve the above referenced request with two conditions; that a van accessible ADA parking space be provided and that the new addition use rain barrels to help with stormwater. Ms. Hine seconded the motion, which carried unanimously.

5. Proposed amendment to advertising requirements in the Board of Zoning Appeals Rules of Procedure. Mr. Barney explained the proposed changes to the Board. Mr. Brusco motioned to accept the changes to the Board of Zoning Appeals Rules of Procedure. Ms. Hine seconded the motion, which carried unanimously.
6. Monthly Address by Director Jennifer M. Brockman. Mr. Barney spoke on behalf of Ms. Brockman by updating the Board on the status of the following: the policy neutral Zoning Ordinance amendments, the proposed amendments to Article 12 and Article 4A of the Zoning Ordinance, the proposed amendments to the major vs. minor site plan requirements in the Subdivision Regulations, and the 340 Corridor Plan and corresponding website.
7. Legal Update.
8. Vote on written decisions from prior Board of Zoning Appeals meetings.
 - a. Findings of Fact and Conclusion of Law: On behalf of Lowe Products, Inc., variance request by property owner, John D. Lowe, III ET AL, from Sections 4.6(a) and 4.11(b) for a reduction of the distance and buffer yard requirements of an Industrial Use and from Section 9.5(b) to locate a fence taller than 6' within the required yard.
 - b. Findings of Fact and Conclusion of Law: Appeal of the Administrative Decision of Zoning Certificate #ZC11-04 by Appellants, Joseph and Nancy Hoffman. The Zoning Certificate, issued on February 16, 2011, approves a Home Occupation, Level II - Pet Sitting / Doggie Daycare and Internet Pet Supply Business. The Appeal requests revocation of #ZC11-04 and any permits previously issued for the establishment/operation of this Business.

The Board agreed to having Mr. Bresee sign both sets of Findings provided that Mr. Brusco's name be removed from them.

9. Correspondence.
 - a. Letter from Michelle Krassowski regarding Ms. Booger's Pet Sitting and Supplies.

Mr. Barney stated that Ms. Krassowski withdrew the letter from the packet.

Mr. Kelly motioned to adjourn the meeting at 3:58 p.m. Ms. Hine 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. These minutes were prepared by Jennilee Hartman, Zoning Clerk.