

## Minutes

Jefferson County Board of Zoning Appeals  
Thursday, December 15, 2011

The Jefferson County Board of Zoning Appeals met on Thursday, December 15, 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, Christy Huddle, Tyler Quynn and Ed Kelly were present. Staff members present were: Jennifer Brockman, Director of Planning and Zoning; Steve Barney, Zoning Administrator; Steve 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 3:00 p.m.

1. Approval of the Minutes from the October 20, 2011 meeting.

Ms. Huddle motioned to approve the minutes of October 20, 2011. Mr. Quynn seconded the motion with the following corrections: page 1, first paragraph add "*Planning*" to Ms. Brockman's title and on page 2, fourth paragraph add the word "*at*" after the word session. Mr. Bresee called for a vote which carried unanimously.

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

2. Variance request by property owners, Ruth Insley and Joe Weitz, from Section 8.2 of the Zoning and Land Development Ordinance for a reduction of the barn setback from 75' to 55' to allow for a lot line adjustment between an existing house and the existing barn. Property location: 8293 Leetown Road, Kearneysville, West Virginia. District: Middleway - 07; Map: 19; Parcel: 19; Size: 11.02 acres; Zoned: Rural; File: #ZV11-32.

Pete Lorenzen was present on behalf of the applicant to address the Board. Mr. Lorenzen addressed questioned raised by the Board. Mr. Bresee called for public comment. There was no public comment. Mr. Barney explained the variance request was due to a proposed lot line adjustment with the neighbor and therefore did not appear to adversely affect the adjacent property owner.

3. Variance request by the Trustees of the Ebenezer Mt. Calvary Holiness Church from Section 11.1(a) to reduce the required parking spaces from 25 to 18 for the proposed construction of a 1,140 square foot social hall. Property location: 408 Shirley Road, Summit Point, West Virginia. District: Kabletown – 06; Map: 15A; Parcel(s):12, 12.1 & 13; Size: 0.4593, 0.4081 & 0.1325; Zoned: Rural; File: #ZV11-33.

Kimberly Shrader, Engineer for the project, was present on behalf of the applicant to address the Board. Charles Hunter, Pastor of the Church, addressed the Board. The Board expressed concern that the existing parking would not be enough to meet the needs of the church. Mr. Hunter stated there was an additional one acre grass parcel behind the church for overflow parking and that some members walked to church. Mr. Barney stated that Staff concurred with the applicant's argument that the social hall would not be adding to the Church's parking needs in that users of the social hall would be the same attendees as those of the church. Mr. Bresee called for public comment. There was no public comment.

4. Variance request by M. J. Firestone on behalf of Lakeland Properties, LLC from Section 8.8(B)(5) of the Zoning and Land Development Ordinance for a reduction of the acreage required to qualify as a Fishing Club, from 150 acres to 50 acres. Property location: 1329 Lakeside Drive, Harpers Ferry, WV. District: Kabletown – 06; Map: 6; Parcel: 9; Size: 70 acres; Zoned: Rural; File #ZV11-34.

Joan O'Dell, owner of Lakeland Properties, was present on behalf of the applicant to address the Board. Ms. O'Dell described the nature of the request to the Board by providing them with the history of the previous lodge, an exhibit which depicted various pictures of the site, an overview of the proposed activities that would help offset the cost of maintaining the property. Ms. O'Dell described the upgrades Ms. Firestone had already made to the property, including upgrades to the septic system. Ms. Huddle raised a concern that the current zoning certificate is issued for a public restaurant whereas, if approved, the fishing club restaurant would be restricted to members only. Mr. Barney confirmed Ms. Huddle's finding's, however, pointed out that the original restaurant had been destroyed in the fire and all that remained was the small snack shop which was limited to a 35% expansion. The proposed fishing club would allow for a larger restaurant and lodging accommodations. Mr. Bresee called for public comment. Ellen Hardesty, neighbor, had a concern regarding the number of members permitted at the club. Mr. Bresee stated they did not have control over the number of members the club had. Ray Menser, neighbor, spoke in support of the variance.

5. Possible action on the Conditional Use Permit request by Always LTD, LLC d/b/a The Bakerton Market for a community Laundromat to be located in an existing structure. Property location: 834 Carter Avenue at the intersection of Rte. 30 (Carter Road) and Rte. 30/1 (Maple Avenue) in Harpers Ferry, West Virginia 25425. District: Harpers Ferry-04; Map 3A; Parcel(s) 23 and 26; Size: .3068 acres; Zoned: Village District; File #Z09-01.

Due to a series of unresolved issue from the December 14, 2011 Compatibility Assessment Meeting a Public Hearing has been scheduled for the January 19, 2012 Board of Zoning Appeals Meeting.

Mr. Kelly motioned to go into deliberative session at 3:32 p.m. Mr. Quynn seconded the motion, which carried unanimously.

Ms. Huddle motioned to come out of deliberative session at 3:42 p.m. Mr. Quynn seconded the motion, which carried unanimously.

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

2. Variance request by property owners, Ruth Insley and Joe Weitz, from Section 8.2 of the Zoning and Land Development Ordinance for a reduction of the barn setback from 75' to 55' to allow for a lot line adjustment between an existing house and the existing barn.

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

3. Variance request by the Trustees of the Ebenezer Mt. Calvary Holiness Church from Section 11.1(a) to reduce the required parking spaces from 25 to 18 for the proposed construction of a 1,140 square foot social hall.

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

4. Variance request by M. J. Firestone on behalf of Lakeland Properties, LLC from Section 8.8(B)(5) of the Zoning and Land Development Ordinance for a reduction of the acreage required to qualify as a Fishing Club, from 150 acres to 50 acres. Property location: 1329 Lakeside Drive, Harpers Ferry, WV. District: Kabletown – 06; Map: 6; Parcel: 9; Size: 70 acres; Zoned: Rural; File #ZV11-34.

Ms. Huddle motioned to approve the above referenced request stating that the Board has found that the neighborhood character will be enhanced with the establishment of a fishing club, that they do not find any issues with traffic and that the proposal is adequately buffered from the adjacent uses. Ms. Huddle further added that A) The approval of the variance applies to the use of the property as a fishing club only, and does not apply to use of the property as a Hunting or Shooting Club. An accessory shooting range is not permitted. B) Approval of a Zoning Certificate for any residential accommodations must be preceded by approval from the Jefferson County Health Department (or other applicable service provider) for water and sewage disposal. Mr. Kelly seconded the motion, which carried unanimously.

5. Possible action on the Conditional Use Permit request by Always LTD, LLC d/b/a The Bakerton Market for a community Laundromat to be located in an existing structure.

This Item has been rescheduled as a Public Hearing for the January 19, 2012 Board of Zoning Appeals Meeting.

6. Discussion and action on a proposed policy regarding variances for residential accessory dwelling units.

The Board discussed whether multiple homes on one parcel should be done by department policy or by text amendment. It was mentioned that a variance could not be sought from the permitted uses due to state law. The Health Department would not allow shared systems. The Board determined that an applicant could not seek a variance from the definition from Two Family Dwelling and that a text amendment was the best course of action.

7. Director's Report. Ms. Brockman informed the Board that they may be receiving a conditional use permit from Mr. Corum in the near future.
8. Legal Update. None.

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

10. Correspondence. None.

Ms. Huddle motioned to adjourn the meeting at 4:13 p.m. Mr. Kelly 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.