

**MINUTES**  
**JEFFERSON COUNTY BOARD OF ZONING APPEALS**  
FEBRUARY 18, 2010

Due to the County Commission's use of the Charles Town Library Conference Room, the Jefferson County Board of Zoning Appeals met on Thursday, February 18, 2010 at 3:00 p.m., in the upper level Conference Room of the Departments of Planning & Zoning. Members present were as follows: Chairman, Jeff Bresee; Vice Chairman, Christy Huddle; Ed Kelly and Jon Brusco. Member, Tiffany Hine; Alternate, Tyler Quynn; and Assistant Prosecuting Attorney, Stephen Groh were absent with notification. Staff members present were Director, Jennifer Brockman; Zoning Administrator, Jennifer Snyder; and Zoning Secretary, Christine Chalmers

Chairman, Jeff Bresee, called the Meeting to order at 3:00 p.m.

**1. Approval of Minutes from the January 21, 2010 Meeting.**

Chairman Bresee requested a motion for approval of the January Minutes. Christy Huddle motioned to approve the Minutes from the January 21, 2010 meeting, with the following corrections:

Page One, Item #1 - Christy Huddle was nominated for a third term as Vice Chairperson / not a second term.  
Page One, last paragraph, first line - name change from William Shiley to William Shirley.  
Page Two, Item #5, ninth line up from page bottom – change the word respectably to respectfully.  
Page Four, Item #7, ninth line up from page bottom – complete sentence with “is greatly appreciated.”

Ed Kelly also advised that he was the person who nominated Christy Huddle for another term as Vice Chair, not Tiffany Hine, as stated on Page One, Item #1.

Jon Brusco seconded the motion with duly noted corrections, which carried with a unanimous vote.

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

**2. Variance Request by DDS, LLP from Section 4.10 – Site Plan Requirements. Project Name: Southern States. Property Location: West of State Route 2 / North of State Route 15; Ranson, West Virginia.**  
(Charles Town District / Map 7 / Parcel 9.2 / 8.61 acres) **#ZV09-19**

Representing Mr. D.L. Morgan (Southern States), Larry Barkdoll advised that, due to damage caused by a fire in the building that previously housed Southern States in Ranson, Mr. Morgan is renting the current property from Mr. Robert Shawley until remodeling efforts are complete and Southern States can reopen at the original site. The projected time-frame for completion of said renovation is December, 2010.

Ms. Snyder referenced (in part) two email correspondences she received, regarding this matter, as follows:

1. City of Ranson Manager, Paul D. Mills, ICMA-CM

“To date, Southern States has requested and received a demolition permit for their fire damaged building and their consultant has been in contact with Sarah regarding preparation of a site plan for reconstruction in place. Please let me know if I can be of any further help in this matter. I appreciate your efforts here - Dave.”

2. Chief County Engineer, Roger Goodwin, who recommended the following:

“If the Zoning Board waives the site plan requirement because the current site is only a temporary location, then I recommend that the waiver be on the condition that the owner/developer post a bond to ensure that the site is restored to its pre-development condition (i.e., all gravel/impervious areas be removed and the disturbed area be

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stabilized by seeding and mulching. The bond should not be less than \$25,000 and be secured by cash-in-escrow or an irrevocable letter-of-credit, in accordance with the County Commission's bonding policy. If the site plan is waived, a building permit is still required."

In response, Mr. Barkdoll further advised that although significant changes have been made to the site they currently occupy, it is the intent of Mr. Morgan to return the property to its former condition when Southern States relocates to Ranson. There was no public comment.

The following Agenda Items will be addressed upon return from Deliberations:

- 3. Monthly Address presented by Director, Jennifer Brockman, and Status Report by Zoning Administrator, Jennifer Snyder.**
- 4. Legal Update.**
- 5. Vote on written decisions from prior Board of Zoning Appeal Meetings.**
- 6. Correspondence.**

Christy Huddle motioned to go into Deliberative Session at 3:10 p.m. Ed Kelly seconded the motion, which carried with a unanimous vote. Christy Huddle motioned to return from Deliberative Session; Ed Kelly seconded the motion. The meeting commenced again at 3:16 p.m.

- 2. Variance Request by DDS, LLP from Section 4.10 – Site Plan Requirements. Project Name: Southern States. #ZV09-19**

Because Southern State's current location is temporary, Jon Brusco motioned to grant the above-referenced Variance from Site Plan Requirements. He further stated that the approval be conditioned upon the owner/developer posting a \$25,000 Bond to ensure that the site is restored to its pre-development condition - i.e., all gravel/impervious areas be removed and the disturbed area be stabilized by seeding and mulching. Said Bond, to be posted no later than the last business day of March 2010, must be secured in accordance with the County Commission's bonding policy, by either cash-in-escrow or an irrevocable letter-of-credit. As an additional requirement, Mr. Brusco stipulated that the Lease commitment, for use of the current property as a temporary location, shall not exceed an expiration date of December 31, 2010. Christy Huddle seconded the motion which carried with a unanimous vote.

- 3. Monthly Address presented by Director, Jennifer Brockman, and Status Report by Zoning Administrator, Jennifer Snyder.**

Director, Jennifer Brockman advised that she, the County Planner, Seth Rivard; and Zoning Administrator, Jennifer Snyder, continue to direct their attention to Amendments to the Subdivision Regulations, and also Fee Schedule revisions, which are based on project time estimates. Said revisions will be submitted to the Planning Commission for review at their next meeting. Additionally, per County Commission prerequisite, the upcoming Annual Budget must reflect a 5% reduction, which Ms. Brockman is currently addressing, as well.

Further discussion relating to the idea of a Countywide Storm Water Management Plan (with expressed concerns regarding the protection of the Elks Run watershed) transpired among the group, during which time Ms. Brockman offered that there is not yet a coordinated effort within the County to institute such a Plan.

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**8. Legal Update.** None.

**9. Vote on written decisions from prior Board of Zoning Appeal Meetings.**

Given that Assistant Prosecuting Attorney, Stephen Groh, was absent, no written decisions were submitted for review/approval. Accordingly, as a reminder, Chairman Bresee referenced a corresponding determination, previously recorded as follows:

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“Due to the fact that available Members in attendance at the Board of Zoning Appeals Meetings may not always represent a quorum vote, in an effort to insure approval of the Findings of Fact and Conclusions of Law within the required time-frame of thirty days from the initial Ruling, Chairman Jeff Bresee motioned that, going forth from the September Meeting, all Findings of Fact and Conclusions of Law may be approved by signature of the Board Chairman exclusively. Christy Huddle seconded the motion which carried unanimously. Accordingly, approval of same, for the above referenced Variance Request (Item #8) was accomplished by signature of Chairman Bresee.”

“Mr. Bresee further requested that a copy of the Findings of Fact and Conclusions of Law be forwarded (preferably by email) to Board Members by Assistant Prosecuting Attorney, Stephen Groh, for the expressed purpose of review and/or revision, prior to the monthly meeting.”

**10. Correspondence.** None.

Jon Brusco motioned to adjourn the meeting at 4:50 p.m. Christy Huddle seconded the motion, which carried with a unanimous vote.

An Audio Transcript of this meeting can be found on CD #\_\_\_\_. Zoning Secretary, Christine Chalmers, prepared these Minutes.

