

MINUTES
JEFFERSON COUNTY BOARD OF ZONING APPEALS
MAY 21, 2009

The Jefferson County Board of Zoning Appeals met on Thursday, May 21, 2009 at 3:00 p.m., at the Charles Town Library Meeting Room. Members present were as follows: Chairman, Tom Trumble; Vice Chair, Christy Huddle, Tiffany Hine, Edwin Kelly, Jeff Bresee and Alternate Member, Jon Brusco. Staff members present were Acting Zoning Administrator, Jennifer Snyder; Assistant Prosecuting Attorney, James Casimiro; and Zoning Secretary, Christine Chalmers.

Due to technical difficulty with the Webcam, there was a slight delay to the meeting start, which was called to order by Tom Trumble at 3:05 p.m.

1. Minutes.

Jeff Bresee motioned to approve the Minutes from the April 16, 2009 meeting, with the following correction: Page #2, first line – change “angled **build** line” to “angled **building** line”. Tiffany Hine seconded the motion, which carried with a unanimous vote.

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

2. Variance Request by Property Owner, James D. Santos to reduce the side setback distance from 12’ to 8’ to allow for the construction of an addition to an existing home. Property description: 871 Tusawilla Drive; Charles Town, West Virginia. Article 9, Section 9.7.

(Charles Town District / Map 11A / Parcel 108 / Lot Size 0.39 acres)

#ZV09-05

Property Owner (Lot #106), James Santos, advised that granting this Variance would allow for the construction of an addition to his home that would enclose an existing in-ground pool. As said pool is located on a fixed site, a reduction of the 12’ setback distance to 8’ is necessary to ensure adequate access of the area. Approval of the Request would eliminate the hardship of relocating the pool, and afford enjoyment of year-round family recreational opportunities. Public support by written statement was submitted by adjoining Property Owner (Lot #107), Robert F. Tansill. Further, a letter of affirmation was also received from the Tusawilla Hills Citizens’ Association. There was no additional public comment.

3. Variance Request by Dan Ryan Builders, to build a new Sales Model in “The Preserve at Barleywood” Subdivision, on Lot #12, which will replace an existing Model Home and will be converted into a residential unit within 36 months. Article 4, Section 4.18. (Charles Town District / Map 6 / Parcel 6) #ZV09-06

Ray Brice, Representative for Dan Ryan Builders, advised that due to the shift in the Real Estate Market, the current Model is financially unattainable to many buyers. Accordingly, in an effort to eliminate an unnecessary hardship and ensure continued operation of the Company, the Applicant is requesting that the referenced Variance be granted to allow for construction of a smaller Sales Model which would (typically) be converted into a residential unit within 36 months. When questioned about the status of the current Model Home and also whether Lots #15 and #16 were available, Mr. Brice advised that the Model Home was sold and is being leased back, and the referenced Lots had also been purchased. There was no public comment.

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

- 5. Monthly Report, presented by Acting Zoning Administrator, Jennifer Snyder.**
- 6. Legal Update.**
- 7. Vote on written decisions from prior Board of Zoning Appeal Meetings.**
- 8. Correspondence.**

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Tiffany Hine motioned to go into/return from Deliberative Session at 3:10 p.m. Christy Huddle seconded the motion, which carried with a unanimous vote. The meeting commenced again at 3:13 p.m.

2. Variance Request by Property Owner, James D. Santos to reduce the side setback distance from 12' to 8' to allow for the construction of an addition to an existing home.

With regard to the above referenced Variance, Christy Huddle motioned to approve the Request, without condition. Tiffany Hine seconded the motion, which carried with a unanimous vote.

3. Variance Request by Dan Ryan Builders, to build a new Sales Model in "The Preserve at Barleywood" Subdivision, on Lot #12, which will replace an existing Model Home and will be converted into a residential unit within 36 months.

With regard to the above referenced Variance, Jeff Bresee motioned to approve the Request without condition. Ed Kelly seconded the motion, which carried with a unanimous vote.

4. Monthly Report, presented by Acting Zoning Administrator, Jennifer Snyder.

Acting Zoning Administrator, Jennifer Snyder, informed the Board that the new Director, Jennifer Brockman, would begin on Tuesday, May 26th. Mr. Trumble requested that a copy of Ms. Brockman's Resume be forwarded to the Members for review. Duly noted, it will be included in the June Packets. Ms. Snyder also advised that, effective June 1st, the Departments of Planning and Zoning would be moving to the Mason Building, second floor. The Department of Engineering is currently located on the Building's first floor.

6. Legal Update.

Assistant Prosecuting Attorney James Casimiro reported on the following matters:

- **Re: Cliffside Inn.** An Order of Dismissal has been forwarded to Representing Attorney, Peter Chakmakian, but the matter has not been officially dismissed to date.
- **Re: Advanced Pest Control.** A completed Lot Merger has afforded resolution to the Parking Lot issue. Accordingly, an Order of Dismissal has been forwarded to Representing Attorney, Peter Chakmakian, regarding this matter, as well.
- **Re: Far Away Farms.** The Far Away Farms CIS has been approved by the Planning Commission, with conditions. James has prepared an Order regarding this matter.

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

Assistant Prosecuting Attorney James Casimiro provided the Board with the Finding of Facts and Conclusions of Law from the April 16, 2009 Variance Request Rulings for approval, as follows:

- **Variance Request by Property Owner, Marc Saccucci, for a 40 sq. ft. reduction to a corner of the rear setback distance to allow for the construction of an addition to the rear of an existing home. Property description: 290 Maddex Drive; Shepherdstown, West Virginia. Article 9, Section 9.7.**
(Shepherdstown District / Map 8C / Parcel 227 / Lot Size: 0.196 acres) **#ZV09-04**

Christy Huddle motioned to adopt said Finding of Facts and Conclusions of Law for the above referenced Variance, as submitted. Tiffany Hine seconded the motion which carried unanimously.

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- **Variance Request by Property Owners, Ben Shankle and Jennifer Brome, to reduce the rear setback distance from 20' to 16' to allow for the construction of a rear deck. Property description: 100 MonteCarlo Way; Charles Town, WV. Article 9, Section 9.7.**

(Charles Town District / Map 9C / Parcel 148)

#ZV09-03

Christy Huddle motioned to adopt said Finding of Facts and Conclusions of Law for the above referenced Variance, as submitted. Tiffany Hine seconded the motion which carried unanimously.

- **Variance Request by Property Owners, Mark Mayo and Angela Blair to reduce the front setback distance from 20' to 5' to allow for the construction of a one-level, detached, two car garage. Property description: 126 Valmont Lane; Harpers Ferry, West Virginia. Article 9, Section 9.7.**

(Harpers Ferry District / Map 12B / Parcel 89 / Lot Size: 0.78 acres).

#ZV09-02

Christy Huddle motioned to adopt said Finding of Facts and Conclusions of Law for the above referenced Variance, as submitted. Jeff Bresee seconded the motion which carried unanimously.

8. Correspondence. None.

Christy Huddle motioned to adjourn the meeting at 3:25 p.m. Tiffany Hine seconded the motion, which carried with a unanimous vote.

Audio Transcript of this meeting can be found on CD # TBD.

Zoning Secretary, Christine Chalmers, prepared these Minutes.