

**MINUTES**  
**JEFFERSON COUNTY BOARD OF ZONING APPEALS**  
**AUGUST 20, 2009**

The Jefferson County Board of Zoning Appeals met on Thursday, August 20, 2009 at 3:00 p.m., in the upper level Conference Room of the Jefferson County Departments of Planning and Zoning. Members present were as follows: Chairman, Jeff Bresee; Vice Chairman, Christy Huddle, Jon Brusco, and newly appointed Alternate, Tyler Guynn. Staff members present were Director, Jennifer Brockman; Acting Zoning Administrator, Jennifer Snyder; Assistant Prosecuting Attorney, Stephen Groh; and Zoning Secretary, Christine Chalmers. Tiffany Hine and Ed Kelly was absent with notification.

Chairman, Jeff Bresee, called the Meeting to order at 3:00 p.m., and formally introduced newly appointed Alternate Member, Tyler Guynn, who provided Members with a brief personal profile.

**1. Approval of deferred Minutes from the June 18, 2009 Meeting.**

As only one member (Jeff Bresee) was present who had attended the June Meeting, the deferred Minutes from said meeting will be readdressed at the September 17, 2009 Meeting.

**2. Approval of Minutes from the July 16, 2009 Meeting.**

Christy Huddle motioned to approve the Minutes from the July 16, 2009 meeting, with the following correction: Page #1, second paragraph, second line: change stated last name from “Hine” to “Huddle”. Jeff Bresee seconded the motion, which carried with a unanimous vote.

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

**3. Variance Request by Mike Lowrey, Pastor of Rock Spring Church, to substitute the required 10’ screened side buffer (adjacent to a commercial property) with an existing 25’ natural buffer. Property description: 114 Poor Farm Road; Kearneysville, West Virginia. Article 4, Section 4.16** (Middleway District / Map #15 / Parcel: #1.5 / 14.5 acres)  
**(#ZV09-09)**

Mike Lowrey, Pastor of Rock Spring Church, requested that the present 25’ natural buffer, consisting of healthy trees and bushes, be allowed to remain and serve as the required separation between the Church and the Solid Waste Authority, instead of a 10’ screened side buffer. This natural buffer would not be modified or altered. Pastor Lowrey provided members with a display diagram during his visual presentation and advised that Phase I, which includes the development of a children’s recreation area was nearing completion, with basketball court and a soccer field that might eventually be enclosed by a chain link fence. As the only foliated segment, the buffer offers both a boundary and affords the possibility of creating a future paint ball area within that 25’ space. Additionally, approval of the Variance would also eliminate a financial hardship to the church, as Pastor Lowrey estimates the cost for removal/replacement of the natural buffer to range between \$7,500.00 and \$10,000.00. Assistant Prosecuting Attorney, Stephen Groh interjected that there was no “unscreened” option for a church that is situated next

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to a commercial property. Correspondence submitted by James McGowen, Chairman of the Solid Waste Authority Board, stated that Members concurred with Pastor Lowrey and by general consensus agreed with the plan of maintaining the natural buffer that currently exists. Director Brockman purported that granting the request represented a “reasonable accommodation” for the Applicant and recommended approval of the request. There was no public comment.

Due to a limited meeting attendance, Mr. Bresee moved to approve Item #3 without necessity of a deliberative session, though it was clearly noted that this was not a precedence setting action. Accordingly, Ms. Huddle moved to approve the Variance as referenced; Jon Brusco seconded the motion, which carried unanimously.

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

Mrs. Brockman advised that, in an effort to further familiarize herself with the County, she has obtained membership to Leadership Jefferson , which requires her attendance during a two-day retreat in September and at monthly meetings thereafter. Information updates are forthcoming.

With regard to the upcoming Referendum Vote on November 7th. Director Brockman stated that, although the County Commission had initially offered no form of outreach or education pertaining to said vote, she had just been instructed to prepare a comparative analysis, summarizing the differences between a traditional and non-traditional Zoning Ordinance, which could be made available to the public upon request. Acting Zoning Administrator, Jennifer Snyder, further advised that GIS Specialist, Todd Fagan (Addressing Department), who is managing a presentation table at the Jefferson County Fair from August 23 to August 29, has generously offered to distribute information contact cards to the public, from his site. Said cards have been created in an effort to assist with inquires about the upcoming Referendum Vote. Christy Huddle also noted that free access of both Zoning Ordinances is available to the public on the County Website, at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org), or by reviewing copies housed at the County Libraries.

**5. Legal Update**

RE: FARAWAY FARMS. Director Brockman advised that a Joint Meeting, to include members of the County Commission, Planning Commission and (by telephone conference) Legal Counsel, Attorney Robert M. Bastress, was held on Monday, August 17<sup>th</sup>. Assistant Prosecuting Attorney, Stephen Groh, advised that the case was currently in the 4<sup>th</sup> District Court of Virginia pending consideration of the West Virginia Ruling.

RE: PAYNES FORD STATION. Assistant Prosecuting Attorney, Stephen Groh, stated that he would check with Stephanie Grove about the status of this matter, as he was not Counsel to the Board of Zoning Appeals during the Case.

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

Assistant Prosecuting Attorney Stephen Groh provided Chairman Jeff Bresee with the Finding of Facts and Conclusions of Law from the July 16, 2009 Variance Request Rulings for approval by signature, as follows:

**Variance Request by property owners, Martin and Helen Broadhurst, for a six-foot reduction of the rear setback distance, from 20' to 14', to allow for the construction of a replacement to an existing detached garage.**

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

**Variance Request by property owners, Jeremy and Emily Major, for a two-foot reduction of the rear setback distance, from 20' to 18', to allow for construction of an extension on an existing deck.**

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

**7. Correspondence.** None.

Christy Huddle motioned to adjourn the meeting at 4:10 p.m. Jon Brusco 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.