

MINUTES
JEFFERSON COUNTY BOARD OF ZONING APPEALS
DECEMBER 17, 2009

Due to the County Commission's use of the Charles Town Library Conference Room, the Jefferson County Board of Zoning Appeals met on Thursday, December 17, 2009 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 and Alternate, Tyler Quynn. Tiffany Hine was absent with notification. Staff members present were Director, Jennifer Brockman; Zoning Administrator, Jennifer Snyder; County Planner, Seth Rivard; Assistant Prosecuting Attorney, Stephen Groh, and Zoning Secretary, Christine Chalmers.

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

1. Approval of Minutes from the November 19, 2009 Meeting.

Chairman Bresee requested a Motion for approval of the November Minutes. Christy Huddle motioned to approve the Minutes from the November 17, 2009 meeting, with the following revisions: Page 3, Item #2, Second Paragraph: "Ed Kelly motioned the above-referenced Variance Request" – change Variance Request to Extension. Additionally, Page 6, First paragraph, Line #13: "The site is designated to an Industrial-Commercial Zoning District." – delete the word to in that sentence. Also on Page 6, Second paragraph, Line #4: change commercial definition, to definition of "Commercial". Jon Brusco seconded the motion, as corrected, which carried with a vote of four (4) in favor. Due to his absence at the November Meeting, Alternate Tyler Quinn abstained from voting on all matters pertaining to said Meeting.

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

2. Request by Christopher L. Rankin, Rankin Properties, LLC for an eighteen-month extension of the Conditional Use Permit (issued on July 11, 2008) for a two-story commercial building with approximately 24,640 sq. ft. of space, designed to accommodate offices and retail space, and will be used for small commercial entities. Project Name: Shepherdstown Professional Center (#Z07-03)
(Shepherdstown District / Map #8 / Parcel #8.1 / 3.56 acres)

Owner, Christopher L. Rankin, Rankin Properties, LLC advised that he is requesting an eighteen-month Extension of a Conditional Use Permit that was issued to the above-referenced project on July 11, 2008. Due to the current downturn in the economy, it has been necessary to temporarily postpone the construction on said project. Although the present economic climate is still difficult, he is preparing to move forward with the Shepherdstown development and asks that the Board grant his Request. He further advised that his actual intent was to request thirty (30) months, as the stated requirements cannot be accomplished within an eighteen-month period. The consequences of denying an approval for this thirty-month extension would include forced project termination, and the resulting total loss of his personal financial investment, which is of great concern. As some of the "players" in this project are from Berkeley County, the effect would be extensive. Staff comment was offered by Zoning Administrator, Jennifer Snyder, who advised that, per Section 3.2(g) of the Zoning Ordinance, "A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after the evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months." Accordingly, pursuant to an approval of the extension, it was determined that the matter of requesting additional time could be readdressed by the Board at a future date, should Mr. Rankin submit application for a Variance from Section 3.2(g).

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Due to a limited meeting attendance, Mr. Bresee moved to approve Item #2 without necessity of a deliberative session. Accordingly, Jon Brusco moved to approve the Extension Request as referenced; Christy Huddle seconded the motion, which carried unanimously.

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

Director, Jennifer Brockman advised that she, County Planner, Seth Rivard; and Zoning Administrator, Jennifer Snyder had been diligently working on clarification of the Subdivision Regulations. Accordingly, her office plans to have proposals completed by early January, so that members of the Jefferson County Planning Commission will have an opportunity to discuss them during a special work session slated to take place on January 19th. Open attendance is available to the Community, though no public comment will be received, during this work session. Additionally, said proposed amendments will also have to undergo consideration by the Jefferson County Commission, for final approval.

Ms. Brockman further advised that there are no plans for immediate amendments to the Zoning Ordinance, but that all upcoming changes to said Ordinance are subject to referendum by petition.

Zoning Administrator, Jennifer Snyder, advised that she had nothing further to discuss.

4. Legal Update. None

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

5. Appeal by William H. Leedy, of the determination by the Zoning Administrator that the “340 Defense Shooting Range” is a Permitted Use in the Industrial-Commercial District. Property description: 263 Berryville Pike; Rippon, WV. Article 8, Section 8.1 (Kabletown District / Map #29 / Parcel #5 / 89.98 acres)

Jon Brusco motioned to approve the referenced Ruling, as amended, by authorized signature of Chairman, Jeff Bresee. Christy Huddle seconded the motion which carried with a unanimous vote.

Chairman Bresee, once again, expressed his appreciation for the manner in which the Appeal matter was conducted during the November Meeting, noting that it was a testament to professionalism. Member, Ed Kelly further advised that it was the best presentation he has witnessed during his five (5) years of service with the Board of Zoning Appeals.

6. Correspondence. None.

Holiday Greetings were exchanged.

Jon Brusco motioned to adjourn the meeting at 3:35 p.m. Christy Huddle seconded the motion, which carried with a unanimous vote.

Due to the County Commission’s use of the Webcam it was unavailable for this meeting. However, an Audio Transcript of this meeting can be found on CD # _____. Zoning Secretary, Christine Chalmers, prepared these Minutes.