

MINUTES
JEFFERSON COUNTY BOARD OF ZONING APPEALS
JUNE 19, 2008

The Jefferson County Board of Zoning Appeals met on Thursday, June 19, 2008 at 3:00 p.m., in the Charles Town Library Meeting Room. Members present were as follows: Chairman, Tom Trumble, Vice Chair Christy Huddle, Jeff Bresee and Edwin Kelly. Tiffany Hine and Alternate Member, Jon Brusco were absent with notification. Staff members present were Zoning Administrator, Sherry Kelly, Assistant Prosecuting Attorney, James Casimiro and Recording Secretary, Christine Chalmers.

Mr. Trumble called the meeting to order at 3:00 p.m.

1. Minutes.

Jeff Bresee moved to approve the Minutes from the May 15, 2008 meeting. Christy Huddle seconded the motion. Ed Kelly then motioned to include the following corrections: Page Three / remove "which carried" from the third line in Items #2 - #5; also, in the fourth line of Item #6. The motion carried with a unanimous vote.

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

2. Variance Request by Barbara Grove, Trustee / Grace Reform Church to reduce the Front Setback distance from 25' to 12' to allow for removal and replacement of the Church's current access ramp with a new ramp that meets the County code. Property description: 421 Kearneysville Pike, Kearneysville, West Virginia. Zoning Ordinance: Article 4, Section 4.16 (Middleway District - Map 3A / Parcel 4) #ZV08-17

Representing agent, Bill Walls, advised that the current ramp, with a 2 ¼" rise for every 12" in length, is too steep and does not conform with the County wheelchair ramp code specifications, which now requires a 1" inch rise for every 12" in length. Replacing the existing ramp with one that meets said provisions will improve conditions and allow safer, easier access for both the physically challenged and general public. As the existing ramp is positioned within 25' of a secondary road, a reduction of the Front Setback distance to 12' would be required, since an increase in the proposed ramp length would be necessary for code compliance. There was no public comment.

3. Variance Request by Rebecca D. Freil to reduce the Side Setback distance from 12' to 5' Section 5.7(b), to allow for construction of a 12' x 13' expansion to an existing deck. Property description: 23 Jay Way, Shepherdstown, West Virginia. (Shepherdstown District - Map 7C / Parcel 9.2 / Lot Size: 0.75 acres) #ZV08-18

In an effort to afford a more accommodating design, property Owner/Applicant, Rebecca Friel, is requesting an approval for construction of a 12' x 13' expansion to her existing deck. This increased outdoor living space would be less restrictive to her future needs. Since Ms. Friel also owns the property adjacent to the current deck site, said expansion would not adversely affect other property owners/residents. There was no public comment. Additionally, per Applicant observation, a spelling correction was made to her name, as follows: from Rebecca D. Freil to Rebecca D. FRIEL.

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

- 4. Monthly Address from Zoning Administrator, Sherry Kelly.**
- 5. Legal Update -**
“Findings of Facts and Conclusions of Law” for the Cliffside Inn Variance Denial.
- 6. Correspondence.**

Prior to cessation for deliberations, Chairman, Tom Trumble introduced newly appointed Prosecuting Attorney, Ralph Lorenzetti, who had happened upon the meeting.

Christy Huddle motioned to go into deliberations at 3:10 p.m. Jeff Bresee seconded the motion, which carried unanimously. Ms. Huddle also motioned to return to regular session. Mr. Bresee seconded the motion, which carried unanimously. The meeting commenced again at 3:17 p.m.

- 2. Variance Request by Barbara Grove, Trustee / Grace Reform Church to reduce the Front Setback distance from 25’ to 12’ to allow for the removal and replacement of the Church’s current access ramp with a new ramp that meets the County code.**

Christy Huddle motioned to approve the above referenced Request without condition. Ed Kelly seconded the motion, which carried with a unanimous vote.

- 3. Variance Request by Rebecca D. Friel to reduce the Side Setback distance from 12’ to 5’ to allow for construction of a 12’ x 13’ expansion to an existing deck.**

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

- 4. Monthly address by Zoning Administrator, Sherry Kelly.**

Concerning the current Zoning Ordinance Draft, Ms. Kelly advised that a hearing date is pending

- 5. Legal Update –**
“Findings of Fact and Conclusions of Law” for the Cliffside Inn Variance Denial.

For the purpose of review, Assistant Prosecuting Attorney, James Casimiro, presented Members with a copy of the “Findings of Fact and Conclusions of Law” for the Cliffside Inn Variance Denial, and requested that an Executive Session be called regarding this matter. Further, Mr. Trumble asked that a status account of the Thorn Hill case also be provided by Mr. Casimiro during the session. Accordingly, Jeff Bresee motioned to go into Executive session to address said items at 3:21 p.m. Ms. Huddle seconded the motion, which carried with a unanimous vote.

Jeff Bresee motioned to return to regular session. Christy Huddle seconded the motion, which carried unanimously. The meeting commenced again at 3:37 p.m.

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Christy Huddle motioned to approve the above-referenced “Findings of Fact and Conclusions of Law” for the Cliffside Inn Variance Denial, as presented. Ed Kelly seconded the motion, which carried with a unanimous vote.

In an effort to insure compliance with West Virginia Code 8.A, Jeff Bresee motioned that a “Findings of Fact and Conclusions of Law” be prepared for every ruling rendered by the Board of Zoning Appeals. Said document shall be provided for all decisions, both Approvals and/or Denials, and will be presented for review and signature at the next scheduled BZA meeting. Christy Huddle seconded the motion, which carried with a unanimous vote.

6. Correspondence. None Received.

Christy Huddle motioned to adjourn the meeting at 3:40 p.m. Ed Kelly seconded the motion, which carried unanimously.

The CD # where a transcript of this meeting can be found remains to be determined. Recording Secretary, Christine Chalmers, prepared these Minutes.