

MINUTES
JEFFERSON COUNTY BOARD OF ZONING APPEALS
JULY 17, 2008

The Jefferson County Board of Zoning Appeals met on Thursday, July 17, 2008 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, Jeff Bresee and Alternate Member, Jon Brusco. Ed Kelly was 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 motioned to approve the Minutes from the June 19, 2008 meeting without conditions. Christy Huddle seconded the motion. The motion carried with a vote of three in favor. Tiffany Hine and Jon Brusco abstained from voting due to their absence at the June meeting.

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

- 2. Variance Request by Betty Link Walters, Owner to reduce a Side Setback distance from 8' to 2' to allow for the construction of an attached carport with handicap ramp. Property description: 129 Fulton Avenue, Charles Town, West Virginia. Zoning Ordinance: Article 9, Section 9.7 (Charles Town District - Map 8B / Parcel 67 / Lot Size: .1567) (#ZV08-19)**

Speaking on behalf of Ms. Walters, daughter Lucinda Harden, advised that, in an effort to eliminate an unnecessary hardship of her physically handicapped mother and also afford easy access and reasonable use of her property, she is requesting that an attached carport with incorporated handicap ramp be approved for construction. As said ramp would require a 14' distance from the end of the house to insure safe vehicle navigation, it will be necessary to reduce a Side Setback distance from 8' to 2' to compensate for the difference. There was no public comment.

- 3. Variance Request by John J. (Jr.) and Dorothea L. Quinn to reduce the Rear Setback distance from 50' to 5' to allow for the construction of a 26' x 32' Garage. Property description: 15 Quinn Lea Road, Harpers Ferry, West Virginia. Zoning Ordinance: Article 9, Section 9.7. (Shepherdstown District - Map 18 / Parcel 22.3 / 1.316 Acres) (#ZV08-20)**

Applicant, John J. Quinn, Jr. advised that the location under consideration for placement of the requested 26' x 32' garage is the only area where the structure will fit. Additionally, as his son owns the adjoining 105 acre farm, which is protected by a conservation easement that prohibits future building, no other property owner will be adversely affected by this request. Further, a letter from his son, Russell Quinn, is also attached which authorizes approval of his Father's request. There was no public comment.

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

3. **Monthly Address from Zoning Administrator, Sherry Kelly.**
4. **Legal Update.**
5. **Correspondence.**

Jeff Bresee motioned to go into Deliberative Session at 3:06 p.m. Tiffany Hine seconded the motion, which carried with a unanimous vote. Mr. Bresee motioned to return to Regular Session; Ms. Hine seconded the motion, which carried unanimously. The meeting commenced again at 3:09 p.m.

2. **Variance Request by Betty Link Walters, Owner to reduce a Side Setback distance from 8' to 2' to allow for the construction of an attached carport with handicap ramp.**

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

3. **Variance Request by John J. (Jr.) and Dorothea L. Quinn to reduce the Rear Setback distance from 50' to 5' to allow for the construction of a 26' x 32' Garage.**

Tiffany Hine motioned to approve the aforementioned Request without condition. Christy Huddle seconded the motion, which carried a unanimous vote.

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

Ms. Kelly informed Members that the Jefferson County Planning Commission has scheduled a public hearing on the Proposed Zoning Ordinance (dated June 16) and the Draft Zoning Map (dated May 5, 2008) for Monday, July 21, 2008 at 7:00 p.m., to be held in the auditorium of Jefferson High School on Flowing Springs Road.

Additionally, Christy Huddle advised that the Shenandoah Lanes Bowling Alley sign contains animated messaging content again. Ms. Kelly assured Members that she would inform Compliance Officer, Mason Carter, and ask that he immediately address this matter.

5. **Legal Update.**

Assistant Prosecuting Attorney, James Casimiro, provided Members with copies of the following documentation regarding the Cliffside Inn, LLC matter, and asked that an Executive Session be called for the purpose of review and discussion of said:

1. RESPONSE TO PETITION FOR A WRIT OF CERTIORARI
2. RESPONSE TO PETITION FOR A WRIT OF MANDAMUS
3. ORDER DENYING PETITIONER'S WRIT FOR CERTIORARI BUT GRANTING ITS REQUEST FOR ATTORNEY'S FEES AND COSTS

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Jeff Bresee motioned to go into Executive Session at 3:15 p.m.; Christy Huddle seconded the motion, which carried unanimously. Mr. Bresee motioned to return to Regular Session; Ms. Huddle seconded the motion, which also carried unanimously. The meeting commenced again at 3:28 p.m.

6. Correspondence. None Received.

Christy Huddle motioned to adjourn the meeting at 3:29 p.m. Tiffany Hine seconded the motion, which carried unanimously.

A transcript of this meeting can be found on CD #84.
Recording Secretary, Christine Chalmers, prepared these Minutes.