

**MINUTES**  
**JEFFERSON COUNTY BOARD OF ZONING APPEALS**  
**JANUARY 18, 2007**

The Jefferson County Zoning Board of Appeals met on Thursday, January 18, 2007 at 3:00 p.m., in the Charles Town Library Meeting Room. Members present were as follows: Tiffany Hines, Jeff Bresee, Christy Huddle, Tom Trumble, Edwin Kelly and Alternate Member, Mary Sue Jedele. Staff members present were Executive Director Paul Raco, Prosecuting Attorney Stephanie Grove and Recording Secretaries, Jennilee Hartman and Christine Chalmers.

Ms. Hine called the meeting to order at 3:00 p.m.

A discussion ensued regarding the Sign-Up Sheet for persons offering testimony, which was submitted by Ms. Chalmers for review by the Board Members. It was suggested that the address line be more clearly defined and that a space be provided where the Spokesperson can identify who they will be representing. It was also decided that a notice, advising the public of the Sign-Up Sheet procedure, would be posted at the entry of the Library Meeting Room.

1. Election of Officers. Christy Huddle nominated Tom Trumble for the position of Chair. Edwin Kelly seconded the nomination. Jeff Bresee nominated Tiffany Hine, also for the position of Chair – there was no second. Ms. Hine advised that Mr. Trumble would be the only nominee for Chairperson, which carried 4 in favor, 1 opposed (Ms. Hine). Jeff Bresee nominated Tiffany Hine for Vice Chair – she declined. Edwin Kelly nominated Jeff Bresee for Vice Chair – he declined. Mr. Kelly then nominated Christy Huddle as Vice Chair. Tom Trumble seconded the nomination, which carried unanimously. Mr. Bresee expressed his appreciation to Ms. Hine. As the new Chair, Mr. Trumble made a motion for Thanks and Commendation to Ms. Hine while serving as the Chairperson of the Board of Zoning Appeals, which carried unanimously in favor.

2. Minutes. Mr. Bresee motioned to approve the Minutes from the December 21, 2006 meeting subject to the following changes/corrections: Page 3, fifth line from bottom, deletion of the word “Trusted” Members of the Board. Mr. Kelly seconded the motion, which carried unanimously.

Mr. Trumble swore in individuals who indicated they would be giving testimony.

3. Appeal filed by Axel Carroll that deals with the issuance of Building Permit #06-1242 being in violation of the 12’ Setback as found in Article 9, Section 9.7 of the Jefferson County Zoning and Development Review Ordinance. Property Description: Lot #14, Highland Meadows 167 Meadowland Way, Kearneysville, West Virginia. (Middleway District-Tax Map 6 / Parcel 8.15). Alternate Member, Ms. Mary Sue Jedele stepped in for Mr. Bresee, who had recused himself and left the room, due to his friendship with the Appellant. Mr. Mason Carter, Ordinance Compliance Officer for the Department of Planning, Zoning and Engineering, attended the Meeting and presented Members with a copy of a Certified letter recently forwarded to Ms. Elizabeth McMahon, owner of the property in question, advising that her Permit #06-1242 had been revoked, per her admission that setback requirements were not in Ordinance compliance. Mr. Alex Carroll voiced his concern and provided email exhibits as evidence of an ongoing conflict regarding this matter. Ms. McMahon, who presented a rebuttal to Mr. Carroll’s accusations, expressed that her intent was to relocate the playhouse, and asked to be afforded a reasonable time-frame to arrange for the move. There was no additional public comment.

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4. Rules of Procedure before the Jefferson County Board of Zoning Appeals.
5. Correspondence.

Mr. Kelly motioned to go into deliberations, at 3:27 pm. Ms. Huddle seconded the motion, which carried unanimously. Ms. Hine motioned to return to regular session. Ms. Huddle seconded the motion, which carried unanimously. The meeting commenced again at 3:42 pm.

3. Ms. Huddle moved to find that the Club House located on Lot #14 in Highland Meadows: 167 Meadowland Way, Kearneysville, West Virginia is in violation of the 12' Setback as found in Article 9, Section 9.7 of the Jefferson County Zoning and Development Review Ordinance. She further stated that no changes be made to the Club House except its removal, with a completion date of April 15, 2007. Mr. Kelly seconded the motion, which carried unanimously. Alternate Member, Ms. Jedele, participated in Mr. Bresee's place, who had recused himself.

4. Rules of Procedure before the Jefferson County Board of Zoning Appeals. Prosecuting Attorney, Stephanie Grove, submitted a seventeen page Draft for review by the Board. She will continue to make the resulting revisions, per their discussion.

A five-minute break was taken at 4:33 pm to allow for the installation of another CD.

Ms. Sherry Cole, replacement Recording Secretary, arrived at 5:10 pm, at which time Ms. Jennilee Hartman took leave from the meeting.

Mr. Bresee motioned to adjourn for an Executive Session to discuss the Thorn Hill matter at 5:33 pm. Mr. Kelly seconded the motion, which carried unanimously. Ms. Hine recused herself due to a conflict of interest with the case and took leave from the meeting. Alternate Member, Ms. Jedele, stepped in for Ms. Hine. Mr. Bresee motioned to return from the Executive Session at 5:50 pm. Ms. Huddle seconded the motion, which carried unanimously.

Mr. Kelly motioned to authorize our Attorney to appeal the Order denying the Defendant's Motion to Disqualify in Civil Action #06-C-195, Thorn Hill, LLC and Highland Farm, LLC vs. Jefferson County Board of Zoning Appeals. Ms. Huddle seconded the motion, which carried 4 for and 1 against (Mr. Bresee) with Alternate, Ms. Jedele, participating in place of Ms. Hine.

Mr. Bresee advised that he believed he would not be in attendance at the February 15, 2007 meeting, as he would be visiting his son in Florida; he will forward an email.

Mr. Bresee motioned to adjourn the meeting at 5:53 pm. Ms. Huddle seconded the motion, which carried unanimously.

A transcript of this meeting can be found on CD's #8, #9 and #10.  
These Minutes were prepared by Christine Chalmers.

