

MINUTES
JEFFERSON COUNTY BOARD OF ZONING APPEALS
JULY 19, 2007

The Jefferson County Board of Zoning Appeals met on Thursday, July 19, 2007 at 3:00 p.m., in the Charles Town Library Meeting Room. Members present were as follows: Vice-Chair Christy Huddle, Tiffany Hine, Jeff Bresee, Edwin Kelly and Alternate Member, Mary Sue Jedele. Chairman, Tom Trumble was absent with notification. Staff members present were Acting Zoning Administrator, Sherry Kelly, Prosecuting Attorney Stephanie Grove and Recording Secretary, Christine Chalmers.

A motion to open the Meeting was set forth by Ms. Jedele, which was seconded by Ms. Hine. Accordingly, Ms. Huddle called the meeting to order at 2:58 p.m.

1. **Minutes.**

Given that several Board Members were absent or arrived late at the June Meeting and due to Mr. Trumble's absence today, it was determined that the Minutes would require additional consideration and should be readdressed at the August Board of Zoning Appeals Meeting. Mr. Bresee motioned to approve as submitted, that portion of the Minutes which pertained to Items under his consideration during the June 21, 2007 meeting and also to resubmit said Minutes for approval in entirety, at the August Meeting. Mr. Kelly seconded the motion, which carried unanimously.

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

2. **Request by Randall E. and Laura N. Atkinson for a Variance to reduce the Front Setback distance requirement from 20' to 12' to allow for the construction of a Garage with Family Room Addition above Garage. Property description: 589 Country Club Drive, Harpers Ferry, WV / "Blue Ridge Acres". Zoning Ordinance Article 9, Section 9.** (Harpers Ferry District – Map 12-D / Parcel 170 / Lot Size: 90' x 235.7')

Ms. Laura Atkinson advised that they require additional space due to an increase in family size. As the home's drain field is located directly behind the house, it is necessary for the addition be situated in front. The "Blue Ridge Acres" HOA is agreeable to the variance request with the condition that the front setback be restricted to a minimum of 10', and have determined that the proposed addition would not adversely affect the owners or residents or adjacent properties. Additionally, Ms. Atkinson provided letters from neighbors who had no objection to the construction of the above referenced Garage/Family Room addition. There was no public comment.

3. **Request by Barbara D. Simpson for a Variance to reduce the Rear Setback distance requirement from 20' to 14' to allow for the construction of a Rear Deck. Property description: 49 Mossy Oak Court, Shepherdstown, West Virginia / "Deerfield Village". Zoning Ordinance: Article 5, Section 5.4b.** (Shepherdstown District – Map 14-B / Parcel 0026 / .2387 Acres)

Ms. Simpson advised that because her home is built on a hill, the first floor at the rear of the house is elevated eleven (11) feet above ground level. Since there is no way to get to the ground from the rear doors located on the first floor, in an emergency situation, she would not be able to

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exit the rear of the house. As she currently only has a six foot allowance to utilize for deck construction, the additional six-foot expanse would comfortably satisfy her request. She also stated that there is a ¼ acre common area located immediately behind her lot that will never be developed, so construction of an extended deck would not adversely affect the rights of adjacent property owners or residents. During her presentation, Ms. Simpson provided both photographs of her property and an approval letter from the Deerfield Village Property Owners Association to support her case. There was no public comment.

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

4. **Monthly Report from Zoning Administrator.**
5. **DPZE Reorganization Report.**
6. **Rules of Procedure before the Jefferson County Board of Zoning Appeals.**
7. **Legal Update.**
8. **Correspondence.**

Ms. Hine motioned to go into deliberations, at 3:10 p.m. Mr. Kelly seconded the motion, which carried unanimously.

Ms. Hine motioned to return to regular session. Ms. Jedele seconded the motion, which carried unanimously. The meeting commenced again at 3:25 p.m.

2. **Request by Randall E. and Laura N. Atkinson for a Variance to reduce the Front Setback distance requirement from 20' to 12' to allow for the construction of a Garage with Family Room addition above Garage. Zoning Ordinance: Article 9, Section 9.**

Mr. Bresee motioned to grant the Variance without condition. Mr. Kelly seconded the motion, which carried unanimously.

3. **Request from Barbara D. Simpson for a Variance to reduce the Rear Setback distance Requirement from 29' to 14' to allow for the construction of a Rear Deck. Zoning Ordinance: Article 5, Section 5.4b.**

Mr. Bresee motioned to grant the Variance without condition. Ms. Jedele seconded the motion, which carried unanimously.

4. **Monthly report from Zoning Administrator.**

Ms. Kelly advised the Board Members that the County Commission had just appointed Mr. Anthony Redman as Director of both the Planning and Zoning Departments, respectively. Also, Ms. Kelly's newly appointed position would be the Deputy Director of those Departments.

5. **DPZA Reorganization Report.**

It was informally suggested that this Item be removed from future Agendas.

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7. Legal Update.

Prosecuting Attorney, Stephanie Grove requested an Executive Session to discuss Legal matters.

Ms. Hine motioned to go into Executive Session at 3:27 p.m. Ms. Jedele seconded the motion, which carried unanimously.

Ms. Jedele motioned to return to Regular Session at 3:40 p.m. Mr. Bresee seconded the motion, which carried unanimously.

Mr. Kelly motioned to adjourn the meeting at 3:40 p.m. Ms. Jedele seconded the motion, which carried unanimously.

A transcript of this meeting can be found on CD's #75 and #76.
Recording Secretary, Christine Chalmers, prepared these Minutes.

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