

MINUTES
JEFFERSON COUNTY BOARD OF ZONING APPEALS
OCTOBER 18, 2007

The Jefferson County Board of Zoning Appeals met on Thursday, October 18, 2007 at 3:00 p.m., in the Charles Town Library Meeting Room. Members present were as follows: Tom Trumble, Christy Huddle, Jeff Bresee and Edwin Kelly. Tiffany Hine and Alternate Member, Mary Sue Jedele were absent with notification. Staff members present were Deputy Director of Zoning, Sherry Kelly, Prosecuting Attorney Stephanie Grove and Recording Secretary, Christine Chalmers.

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

1. Minutes.

Mr. Bresee motioned to address the minutes from the September 20, 2007. Mr. Kelly seconded the motion, which carried unanimously. Mr. Bresee noted the following corrections: Page 5, Item Five ~ next to last sentence: change “issue” to “condition” and also change the last sentence to: “carried a vote of 4 in favor. Ms. Hine did not vote, due to her recusal”. Additionally, Mr. Bresee also requested that the same corrections be applied to Item Six on Page 6: changing “issue” to “condition” in sentence five and in sentence six: “carried a vote of three (3) in favor, and one opposed (Mary Sue Jedele). Again, due to her recusal, Ms. Hine did not vote” Mr. Bresee then motioned to approve the Minutes, subject to the above referenced conditions. Mr. Kelly seconded the motion, which carried unanimously.

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

2. Monthly Address from Director of Zoning, Tony Redman.

Mr. Redman was unavailable due to being on standby for the County Commission meeting.

3. Variance Request by Dan Anderson / Piedmont Properties, LLC for an encroachment of approximately 4’ into the 12’ Side Yard Setback requirement to allow for the installation of four upper / lower apartment balconies. Property description: 8348 Shepherdstown Pike, Shepherdstown, West Virginia
(Shepherdstown District – Map 8A2 / Parcel 116 / Lot Size: .15 Acres)

Representing Agent, Kristen Ringstaff with William H. Gordon Associates, advised that plans for renovation of the interior of the existing building include the installation of an additional door and 4’x8’ balconies to the side of the building on the first and second story of four (4) apartments. As this building was constructed many years ago, it did not have a secondary egress for the apartment units. Accordingly, the proposed addition of a second door and balcony will provide another exit point in case of emergency. This Variance Request will allow for an encroachment of approximately 4’ into the Side Setback, leaving about 9’ between the balcony and side yard, which will continue to provide a reasonable use of the land. As the Catholic Church owns the densely wooded property to the south and the building to the north is approximately 22’ away and has existing balconies facing this building, the request will not adversely affect the public health, safety or welfare, or the rights of the adjacent property owners. Zoning Ordinance: Article 5, Section 5.4(b). There was no public comment.

MINUTES – JEFFERSON COUNTY BOARD OF ZONING APPEALS
OCTOBER 18, 2007
PAGE TWO

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

- 4. Monthly Report from Deputy Director of Zoning, Sherry Kelly.**
- 5. Rules of Procedure before the Jefferson County Board of Zoning Appeals.**
- 6. Legal Update.**
- 7. Correspondence.**

Mr. Bresee motioned to go into deliberations, at 3:07 p.m. Mr. Kelly seconded the motion, which carried unanimously. The meeting commenced again at 3:15 p.m.

- 3. Variance Request by Dan Anderson, Owner / Piedmont Properties, LLC for an encroachment of approximately 4' into the 12' Side Yard Setback requirement to allow for the installation of four 4' x 8' upper / lower apartment balconies.**

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

- 4. Monthly report from Deputy Director of Zoning, Sherry Kelly.**

Ms. Kelly provided the Board with the following tentative dates for which meetings/hearings will be conducted for the purpose of presenting the proposed Zoning Ordinances for public review. Meeting times are currently undetermined.

Monday, November 26, 2007
Wednesday, November 28, 2007
Tuesday, December 4, 2007
Thursday, December 6, 2007
Monday, December 10, 2007
Wednesday, December 12, 2007

Although exact locations have not yet been established, areas under consideration are:
The Shepherdstown Men's Club, Harpers Ferry Middle School, South Jefferson Elementary School, Leetown Fish Hatchery and the Charles Town Library Conference Room.

Mr. Trumble advised that an Imaging Processing Committee had been organized which has already met on two occasions to date, for the purpose discussing the coordination and implementation of Web and Information Technology approaches with specific reference to File System Security, the use of scanning procedures and file storage alternatives. Included on the Committee are Staff from the Jefferson County Department of Planning and Zoning, and Engineering, Members of the Board of Zoning Appeals, Planning Commission, and the Department of Capital Planning and Management. Mr. Trumble stated that he will continue to provide updates from these meetings.

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

Ms. Grove advised that Assistant Prosecuting Attorney, James Casimiro, is now responsible for addressing the Rules of Procedures before the Jefferson County Board of Zoning Appeals.

6. Legal Update.

Prosecuting Attorney, Stephanie Grove, informed the Board that she had just been reassigned to the position of Legal Counsel for the County Commission, and that this would be her last meeting with the Board of Zoning Appeals. Accordingly, Assistant Prosecuting Attorney, James Casimiro, will continue to provide legal support during future meetings.

Mr. Trumble motioned to Thank Ms. Grove for the assistance she has afforded to the Board of Zoning Appeals, and asked that Christine draft a letter to Michael Thompson, expressing the Board's appreciation for a job well done. Mr. Bresee enthusiastically seconded the motion, which carried unanimously, adding that she would be greatly missed.

7. Correspondence.

None

Mr. Bresee motioned to adjourn the meeting at 3:35 p.m. Ms Huddle seconded the motion, which carried unanimously.

The CD# where the transcript of this meeting can be found has not yet been determined. Recording Secretary, Christine Chalmers, prepared these Minutes.

