

**MINUTES**  
**JEFFERSON COUNTY BOARD OF ZONING APPEALS**  
**NOVEMBER 15, 2007**

The Jefferson County Board of Zoning Appeals met on Thursday, November 15, 2007 at 3:00 p.m., in the Charles Town Library Meeting Room. Members present were as follows: Tom Trumble, Christy Huddle, Edwin Kelly, Tiffany Hine and Alternate Member, Mary Sue Jedele. Mr. Jeff Bresee was absent with notification. Staff members present Deputy Director of Zoning, 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.**

Mr. Kelly motioned to approve the Minutes, without correction. Ms. Huddle seconded the motion, which carried with a vote of three (3) for. Both Ms. Hine and Ms. Jedele abstained from voting due to having been absent at the October Meeting.

Mr. Trumble introduced Jon Busco, the newly appointed Alternate Member on the Board of Zoning Appeals. Mr. Busco, who resides in Harpers Ferry with his Family, is employed by Deloitte & Touche LLP, a Washington DC firm, as a Senior Consultant of project management for Audit and Enterprise Risk Services. He has been involved with local HOA government and is enthusiastic about his service on the Board of Zoning Appeals. Mr. Trumble also greeted James Casimiro, who has been assigned to the position of Assistant Prosecuting Attorney, as replacement Counsel for Stephanie Grove. Mr. Casimiro will continue to provide Legal assistance at future Board of Zoning Appeal meetings. Both gentlemen were warmly welcomed.

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

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

As Director of Zoning, Tony Redman, was unable to attend due to Zoning Draft demands, Deputy Director, Sherry Kelly, addressed the Meeting on his behalf. She advised that the current priority focus of Staff continues to be on the proposed Zoning Ordinance, Subdivision and Land Development Regulations and revised Zoning Map. Preparation continues in anticipation of six (6) upcoming Public Meetings, scheduled from November 28<sup>th</sup> until December 15<sup>th</sup>, which will be held at area locations. These meetings will provide an overview of the Ordinance through a detailed Power Point presentation, and will allow the Public an opportunity to make comment, ask questions, and voice their concerns. Ms. Kelly also stated that a preliminary work session was held on November 14<sup>th</sup>, during which the projected Power Point presentation was reviewed and modified by the Jefferson County Planning Commission.

- 3. Variance Request by Deepinder Grewal, Owner/ Shenandoah Lanes, Inc. to allow for the use of an Electronic Reader Board Sign with color message display.**  
**Property description: 107 Keys Ferry Road, Charles Town, WV / adjacent to Charles Town Self-Storage.** (Charles Town District – Map 9 / Parcel 8.1 / Lot Size: 4.59 Acres)

Prior to addressing this Item, Board Members were presented with a copy of a revised Building Permit application, indicating that consent for the installation and use of an Electronic Reader Board Sign with text only color message display had already been authorized by Compliance Officer, D. Mason Carter, on October 22, 2007, subject to the following conditions that were set forth by Deputy Director of Zoning, Sherry Kelly:

“No part of this sign can be animated. There can be no action or motion, flashing or color change, as referenced per definition of animated signs.” Accordingly, speaking on behalf of the Owner, Representing Agent, Matt Snyder with W.J. Strickler Signs, requested that a more expansive use of the Electronic Reader Board Sign with color message display be granted, that would consist of public service announcements, such as local charity events and fund raisers, patriotic symbols and messages, in addition to the approved text only time/temperature services and Bowling Alley events, all using computer generated graphics and words, at a proposed time change interval of every six (6) seconds, to also include superimposed seasonal background color changes. Further, Mr. Snyder advised that it is the position of Shenandoah Lanes, Inc. that this request is not contrary to public interest, but will allow the Bowling Alley to provide a service opportunity to the surrounding community by supporting local events, promoting patriotism and making public announcements. Zoning Ordinance: Article 10, Section 10.2(i). There was no public comment.

#### **4. Monthly Report from Deputy Director of Zoning, Sherry Kelly.**

Referenced in aforementioned Agenda Item #2.

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

- 5. Rules of Procedure before the Jefferson County Board of Zoning Appeals.**
- 6. Legal Update.**
- 7. Correspondence.**

Ms. Huddle motioned to go into deliberations, at 3:30 p.m. Ms. Hine seconded the motion, which carried unanimously. Ms. Jedele motioned to return from deliberations. Ms. Huddle seconded the motion, which carried unanimously. The meeting commenced again at 3:45 p.m.

#### **3. Variance Request by Deepinder Grewal, Owner/Shenandoah Lanes, Inc. to allow for the use of an Electronic Reader Board Sign with color message display.**

Mr. Kelly motioned that the request by Deepinder Grewal, Owner/Shenandoah Lanes, Inc. for a Variance to allow for the use of an Electronic Reader Board Sign with color message display be approved with the following conditions:

In addition to the time/temperature display, the number of individual messages will be limited to a maximum of eight (8) daily with each message to be displayed at a minimum of five-second intervals. The content of the messages may appear in text form only, which does not move to the left, right, up or down and may include general and Bowling Alley information, local events and

Holiday messages. Also, standard signage color will be restricted to a dark background with contrasting light lettering (RE: blue/yellow) and color change application limited to seasonal background imagery only. Ms. Hine seconded the motion, which carried with a vote of three (3) in favor and two (2) opposed (Ms. Huddle and Ms. Jedele).

In an effort to promote uniformity of the color change restrictions stated above, Mr. Trumble requested that Compliance Officer, D. Mason Carter contact those Applicants with previously approved signage Variances relevant to this matter, and recommend that they resubmit another Variance, at no cost, that would afford clarification of the referenced color change limitations.

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

Newly assigned Assistant Prosecuting Attorney, James Casimiro, is currently in the process of reviewing revisions to the Rules of Procedure before the Jefferson County Board of Zoning Appeals, which were previously made by Stephanie Grove. His expressed intent is to provide an updated Draft to the Board at their December meeting.

**6. Legal Update.**

When questioned about Thorn Hill, Mr. Casimiro advised that although he is not involved with the case, it is his understanding that a Supreme Court determination has not yet been rendered.

**7. Correspondence.** None

Ms. Huddle motioned to adjourn the meeting at 4:05 p.m. Ms. Hine 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.



