

MINUTES  
JEFFERSON COUNTY BOARD OF ZONING APPEALS  
APRIL 20, 2006

The Jefferson County Zoning Board of Appeals met on Thursday, April 20, 2006 at 3:00 p.m., in the Charles Town Library Meeting Room. Members present were Thomas Trumble, Jeff Bresee, Edwin Kelly and Christy Huddle. Alternate member Frances Morgan was also present. Tiffany Hine and Alternate member Tyler Quynn were absent with notification. Rebecca Burns, Executive Secretary and Paul Raco, Zoning Administrator were also present.

The meeting was called to order by Mr. Trumble at 3:04 p.m.

1. Minutes. Mr. Bresee motioned to accept the minutes of the March 16, 2006 meeting as presented. Ms. Huddle seconded the motion which carried with a vote of 4 for and 1 abstention (Ms. Morgan because she was not present at the meeting).

Mrs. Burns swore in individuals who indicated they would be giving testimony.

2. Determination by the Board if adequate posting occurred for the Public Hearing on the unresolved issues resulting from the Neighborhood Compatibility Hearing for the Thorn Hill Subdivision (#Z03-05). Mr. Raco stated the property was not posted in accordance with the time frames outlined in the Ordinance and the Board must decide whether or not to open the public process and continue until a latter date; continue the proceedings all together; or, move forward. Mr. Raco reminded the Board that the Ordinance requires a hearing on the unresolved issues within 30-60 days of the Compatibility Assessment Meeting.

Mr. Campbell stated they are agreeable to post the property for the May 18, 2006 meeting and postpone all proceedings until that date so that there would only be one single public hearing.

Mr. Bresee stated that with respect to the Board, the best interest of all parties and for the purpose of the record it is best to defer consideration until the May 18, 2006 meeting. Ms. Huddle agreed and apologized on behalf of the Board to all parties involved.

Mr. Bresee motioned the Board believes they have opened the matter of the Thorn Hill Subdivision (DPZE File #Z03-05) to the satisfaction of the requirements of the Ordinance and that items 3 through 5 of the April 20, 2006 agenda (3. Action on the Staff Report for the Thorn Hill Subdivision; 4. Public Hearing on the unresolved issue resulting from the Neighborhood Compatibility Hearing for the Thorn Hill Subdivision; and, 5. Action on the Conditional Use Permit for the Thorn Hill Subdivision) be continued and docketed for the May 18, 2006 meeting. Ms. Huddle seconded the motion which carried with a vote of 4 for and 1 abstention (Ms. Morgan because she will be recusing herself from items 3 through 5 on the current agenda).

6. Request by Vincent Petti/Advanced Pest Control for a variance from the side parking and access drive setback requirements from 4' to 0' for an existing paved parking lot expansion (Article 4, Section 4.6). Mr. Petti presented the request and read a letter from the Jefferson

MINUTES - JEFFERSON COUNTY BOARD OF ZONING APPEALS  
APRIL 20, 2006  
PAGE TWO

County Development Authority in support of the request. Ms. Huddle questioned whether a site plan was submitted for the increased parking area. Mr. Raco stated they did not submit a site plan for the increased parking area. There was no public comment.

7. Request by Lyle L. and Sandra W. Butts for a variance from the side setback requirements from 8' to 5' for a proposed garage (Article 9, Section 9.7). Lyle and Sandra Butts were present on behalf of the request. Mr. Butts stated they currently have a carport in this location and they would like to have a garage and realize they will have to meet all current building code requirements. Ms. Butts stated they have a letter from the adjoining property owner in support of the request. There was no public comment.

8. Postponed from the February 16, 2006 meeting. Discussion and/or action on a written request by Linda Gutsell to correct the Minutes of the April 21, 2005 meeting. Mr. Raco stated the minutes in question were approved by the Board and the burden lies with Ms. Gutsell or her client to have the meeting transcribed. Mr. Raco noted this is stated in all legal advertisements prepared on behalf of the Board. No action was taken by the Board.

9. Employee of the Board. Mr. Raco stated a clerical person has been added to the DPZE budget for Fiscal Year 2006/2007. Mr. Raco stated once a person is hired they will be assigned first and foremost to this Board and secondly to DPZE in the event that person is in need of something to do.

Mr. Bresee motioned a letter be drafted for Mr. Tumble's signature as sitting Chair to the prosecuting attorney that appropriate staff support is needed from his office in the matter of Thorn Hill for the May 18, 2006 meeting; and, a second letter drafted for Tiffany Hine's signature as Chair that as a matter of policy the Board needs legal counsel at each Board of Zoning Appeal's meeting. Mr. Huddle second the motion which carried unanimously.

10. Rules of Procedure Before the Jefferson County Board of Zoning Appeals. The Board discussed whether or not staff should sit in on the deliberative process. No action was taken by the Board.

11. Correspondence. There was no correspondence.

Mr. Kelly motioned to go into deliberations. Mr. Bresee seconded the motion which carried unanimously. Mr. Bresee motioned to return to regular session. Ms. Morgan seconded the motion which carried unanimously.

6. Ms. Huddle motioned to deny the variance request from the side parking and access drive setback requirements from 4' to 0' for an existing paved parking lot expansion by Vincent Petti/Advanced Pest Control subject to Article 4, Section 4.16 of the Zoning Ordinance on the basis that all the area on the lot for drainage recharge and landscaping has been eliminated

MINUTES - JEFFERSON COUNTY BOARD OF ZONING APPEALS  
APRIL 20, 2006  
PAGE THREE

which will attenuate heat gain and storm water runoff. Mr. Kelly seconded the motion which carried unanimously.

7. Ms. Huddle motioned to grant a variance from the side setbacks from 8' to 5' for a proposed garage to Lyle L. and Sandra W. Butts subject to Article 9, Section 9.7 of the Zoning Ordinance. Mr. Kelly seconded the motion which carried unanimously.

Mr. Kelly motioned to adjourn the meeting at 4:30 p.m. Ms. Huddle seconded the motion which carried unanimously.

A transcript of this meeting can be found on a CD #57 and #58. These Minutes were prepared by Rebecca F. Burns.