

MINUTES  
JEFFERSON COUNTY BOARD OF ZONING APPEALS  
MAY 18, 2006

The Jefferson County Zoning Board of Appeals met on Thursday, May 18, 2006 at 3:00 p.m., in the Charles Town Library Meeting Room. Members present were Tiffany Hine, Thomas Trumble, Jeff Bresee, Edwin Kelly and Christy Huddle. Alternate member Frances Morgan was also present. Rebecca Burns, Executive Secretary, Paul Raco, Zoning Administrator, Brandon Sims and Stephanie Grove, Assistant Prosecuting Attorneys were also present.

The meeting was called to order by Mr. Trumble at 3:00 p.m.

1. Minutes. Mr. Bresee motioned to accept the minutes of the April 20, 2006 with the noted corrections: Page 1, paragraph 7 delete the word "defer" and replace with "continue" and delete the word "until" and replace with "to"; and, Page 3 note Mr. Bresee was opposed to the motion for item #6. Mr. Trumble seconded the motion which carried with a vote of 4 for and 1 abstention (Ms. Hine because she was not present at the meeting).

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

Ms. Hine asked that items 5 and 6 be considered first and deliberated because she and Ms. Morgan would be recusing themselves from all matters pertaining to Thorn Hill (#Z03-05).

5. Request by Elfreda B. Slack for a variance from the rear setback requirements from 30' to 16' for a proposed garage (Article 5, Section 5.4b). Daniel Foster presented the request noting the property adjoins the Locust Hill Golf Course; the Homeowner's Association has approved their request; and, the adjoining duplex owner have written a letter in support of the request. There was no public comment.

6. Request by Potomac Terrace Home Owner's Association for a variance from the definition of setback line and lot line, front for a proposed well house (Article 2, Section 2.1 and 2.2). Edward James the operator of the water system for the subdivision presented the request. Mr. James stated the proposed well house is needed to upgrade the capacity of the system for the subdivision. There was not public comment.

7. Employee of the Board.

8. Rules of Procedure of the Board.

Ms. Hine asked if there was any business the Board needed to discuss pertaining to items 7 and 8. The Board by consensus stated there was not.

Mr. Bresee motioned to go into deliberations on items 5 and 6. Mr. Trumble seconded the motion which carried unanimously. Mr. Trumble motioned to return to regular session. Mr. Bresee seconded the motion which carried unanimously.

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5. Mr. Bresee motioned to grant the variance from the rear setback from 30' to 16' for a proposed deck for Elfreda B. Slack on the basis the request meets the standards for a variance. Mr. Trumble seconded the motion which carried unanimously.

6. Mr. Bresee motioned to grant the variance for the Potomac Terrace Homeowner's Association from the definition of setback line and lot line, front, for a proposed well house pursuant to Article 2, Section 2.1 and 2.2 of the Zoning Ordinance. Ms. Huddle seconded the motion which carried unanimously.

Ms. Hine recused herself from items 2, 3 and 4 (Thorn Hill #Z03-05) and left the meeting room. Mr. Trumble sat as chair for the remainder of the meeting. Ms. Morgan also recused herself from items 2, 3 and 4 (Thorn Hill #Z03-05) and read a statement for the record (copy attached) and left the meeting room.

Mr. Bresee motioned to go into executive session to meet with counsel on the authority of "Peters vs. County Commission of Wood County". Ms. Huddle seconded the motion which carried unanimously. Ms. Burns and Mr. Raco left the meeting room during the executive session. Mr. Bresee motioned to return to regular session. Mr. Kelly seconded the motion which carried unanimously. Ms. Burns returned to the meeting room.

Ms. Huddle motioned as a result of the executive session the following: based on advice of counsel to continue the public hearing on the Thorn Hill Subdivision (#Z03-05) in order to file a declaratory judgment and/or a writ of prohibition, to determine if the Board of Zoning Appeals may, or should, hear this matter. Mr. Bresee seconded the motion which carried unanimously.

Ms. Huddle motioned that any questions regarding the Board's action pertaining to Thorn Hill #Z03-05 be directed to Brandon Sims, legal counsel to the Board on this matter. Mr. Bresee seconded the motion which carried unanimously.

Mr. Kelly motioned to adjourn the meeting at 4:27 p.m. Ms. Huddle seconded the motion which carried unanimously.

A transcript of this meeting can be found on a CD #66. These Minutes were prepared by Rebecca F. Burns.