

MINUTES  
JEFFERSON COUNTY BOARD OF ZONING APPEALS  
SEPTEMBER 21, 2006

The Jefferson County Zoning Board of Appeals met on Thursday, September 21, 2006 at 3:00 p.m., in the Charles Town Library Meeting Room. Members present were Tiffany Hine, Jeff Bresee, Edwin Kelly and Christy Huddle. Tom Trumble was absent with notification. Alternate member Frances Morgan was also present and sat in Mr. Trumble's absence. Rebecca Burns, Executive Secretary and Stephanie Grove, Assistant Prosecuting Attorney were also present.

The meeting was called to order by Ms. Hine at 3:00 p.m.

1. Minutes. Ms. Morgan motioned to accept the Minutes of the August 10, 2006 meeting. Ms. Huddle seconded the motion which carried unanimously.

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

2. Request by Todd and Jeri (Everhart) Wines for a variance from the rear setback requirements from 50' to 17' for a proposed pool (Article 5, Section 5.71b). Ms. Wines represented the request noting this is the only location for the pool on the property. Ms. Wines noted that all adjoining properties are owned by family. There was no public comment.

3. Request by Mary Paul Rissler for a variance from the front setback requirements from 40' to 22' to replace an existing building with a garage (Article 5, Section 5.7b). Ms. Rissler stated she wants to replace a 30 year old metal building with a vinyl sided garage in the same location. There was no public comment.

4. Request by William O. and Genevive Penwell for a variance from the front setback requirements from 20' to 14' to replace an existing home with a new one (Article 9, Section 9.7). Mr. Penwell presented the request noting they would like replace the outdated house with a newer one. There was no public comment.

5. Postponed from the July 20, 2006 and August 17, 2006 meeting. Findings of Fact and Conclusions of Law (FFCL) for Richard E. and Donna M. Hamstead for a variance from the side setback from 12' to 1' for an existing trellis/fence exceeding 6' in height (Article 9, Section 9.7). Mr. Kelly motioned to accept the FFCL as presented via email by Ms. Grove to the Board with the grammatical corrections being made and authorized signature by the Chair once the final version is ready for the same (copy attached). Ms. Huddle seconded the motion which carried with a vote of 4 for and 1 abstention (Mr. Bresee because he was not present when the variance was heard).

6. Findings of Fact and Conclusions of Law for Paynes Ford Station (#Z02-02). Ms. Hine and Mr. Bresee excused themselves from the meeting room for this item. Ms. Grove gave each member present a copy of the proposed FFCL. Ms. Morgan was concerned about the Board reviewing the FFCL in Mr. Trumble's absence since he was Chair for this matter. Ms. Grove

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stated she will e-mail to Mr. Trumble and the Board any changes, if there are any, for their review (copy attached as initially proposed and with Board's changes in red and blue ink). Ms. Grove stated that if Mr. Trumble has any other changes she will keep the Board apprised prior to finalizing the document for Mr. Trumble's signature. Ms. Morgan motioned to accept the FFCL (copy attached) with the noted changes and authorized Mr. Trumble to sign. Mr. Kelly seconded the motioned which carried unanimously.

Ms. Hine and Mr. Bresee returned to the meeting room for the remainder of the meeting.

7. Findings of Fact and Conclusions of Law for Town Run Commons (#Z06-01). Removed from the agenda at this time.

8. Staff Support. No action was taken by the Board.

9. Rules of Procedure Before the Jefferson County Board of Zoning Appeals. The Board will take up this matter when all members of the Board are present.

10. Correspondence: Ms. Grove stated she has an Order to present to the Board in Executive Session.

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

2. Mr. Bresee motioned to grant the request by Todd and Jeri (Everhart) Wines for a variance from the rear setback requirements from 50' to 17' for a proposed pool pursuant to Article 5, Section 5.71b of the Ordinance. Mr. Kelly seconded the motion which carried unanimously.

3. Ms. Morgan motioned to grant the request by Mary Paul Rissler for a variance from the front setback requirements from 40' to 22' to replace an existing building with a garage pursuant to Article 5, Section 5.7b of the Ordinance. Ms. Huddle seconded the motion which carried unanimously.

4. Mr. Bresee motioned to grant the request by William O. and Genevive Penwell for a variance from the front setback requirements from 20' to 14' to replace an existing home with a new one pursuant to Article 9, Section 9.7 of the Ordinance. Mr. Kelly seconded the motion which carried unanimously.

10. Mr. Bresee motioned to adjourn to executive session to hear advice of counsel on the authority of "Peters vs. Wood County". Ms. Huddle seconded the motion which carried unanimously. Ms. Morgan motioned to adjourn from executive session and return to regular

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session. Ms. Huddle seconded the motion which carried unanimously. No action was taken by the Board as a result of the executive session.

Mr. Kelly motioned to adjourn the meeting at 5:22 p.m. Mr. Bresee seconded the motion which carried unanimously.

A transcript of this meeting can be found on a CD #128 and #129. These Minutes were prepared by Rebecca F. Burns.