

**MINUTES**  
**JEFFERSON COUNTY BOARD OF ZONING APPEALS**  
**NOVEMBER 16, 2006**

The Jefferson County Board Zoning of Appeals met on Thursday, November 16, 2006 at 3:00 p.m., in the Charles Town Library Meeting Room. Members present were as follows: Tiffany Hines, Jeff Bresee, Christy Huddle, Tom Trumble and Alternate Member, Frances Morgan. Edwin Kelly was absent with notification. Staff members present were Executive Director Paul Raco, Executive Secretary Rebecca Burns, Recording Secretary/Clerical Support Christine Chalmers and Assistant Prosecuting Attorney James Casimiro.

Ms. Hine called the meeting to order at 3:00 p.m.

1. Minutes. The following corrections were made to the minutes of October 19, 2006: With regard to the September 21, 2006 meeting, Mr. Trumble advised that he had notified Ms. Burns of his impending absence for that meeting (not Mr. Kelly, as stated). Also noted was the fact that the transcript CD's had not yet been numbered when the minutes were forwarded to members for review. Those CD's are #137 and #138. Ms. Burns advised that preparation of the minutes should reflect the name of Christine Chalmers. Mr. Trumble motioned to accept the minutes with corrections. Mr. Bresee seconded the motion, which carried with a vote of 4 for and 1 abstention (Ms. Morgan was not present for that portion of the meeting).

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

2. Request by homeowner, Deborah D. Palmer, for a variance from Side Setback of 8' to 6' for wheelchair ramp access (Article 9, Section 9.7 ; Harpers Ferry District – Map 7A / Parcel 5; 0.239 Acres). Ms. Palmer advised that her 29-year-old daughter was involved in a car accident in May 2006 that has left her in a paraplegic state. They reside in an older home where wheelchair access is extremely difficult and are currently using a plywood ramp, which her son has to lift the chair onto. She is requesting only one ramp access, to be positioned at back porch entrance. Inasmuch as the majority of the surrounding neighborhood is comprised of family members and friends, there is no dispute with this request. There was no public comment.

3. Request by homeowners, Jeff and Michelle Black, for a variance to allow for the operation of a home Daycare Center of more than six children, but not to exceed twelve children. (Article 5, Section 5.7A; Charles Town District – Map 4C / Parcel 79; 0.29 Acres). Ms. Black advised that her request is for a facility for "Mountain Heart" kids that would mainly provide Daycare service to the needs of DHHR placed foster children. No yard signs would be displayed indicating her childcare service and increased traffic would be limited to drop-off and pick-up times only, typically involving approximately three cars. As one additional full-time assistant would be required, two cars would be parked in her driveway during the day. She has already advanced through the approval process by passing all inspections and attending Educational Classes required by DHHR and has been granted permits for the increase, by that office. Mr. Paul Raco stated that Ms. Black will need to contact the Planning Commission to seek a variance from the re-subdivision process. There was no public comment.

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4. Request by Jefferson Security Bank (JSB), for a variance to allow a bank sign with color message display (Article 5, Section 10.2.1; Shepherdstown District – Map 8 / Parcel 10.5; 2.41 Acres) Mr. Richard Kline, Mr. Lamar Shrayner and Mr. Dennis Barron, represented the Jefferson Security Banks. Mr. Kline asked that items #4 and #5 be addressed in combination, as both variance requests pertain to the installation of exact signs at different locations. With regard to the Shepherdstown location, installation of the proposed color message display would replace an existing sign of the same 4' x 10' dimension. Computer driven LED lighting generates the messages on these signs, which are controlled through one central office, located in Shepherdstown. In addition to time/temperature, the signs would be used for display of general information, bank information, public events, and community oriented messages. Jefferson Security Bank submitted a packet that included letters of support and message samples; additionally, Board Members were shown a laptop presentation and were provided with a variance request/presentation packet for review. Mr. Kline advised that the ratio of favorable response over public complaint is currently about 20-1. However, concern was voiced by Shepherdstown resident, Ms. Sarah Marshall, regarding the negative impact of an overwhelmingly bright, ultra-modern sign being erected in a Historic Town. Also, Mr. Raco stated that the sign would be considered "animated" by County Ordinance Definition.

5. Request by Jefferson Security Bank (JSB), for a variance to allow a bank sign with color message display (Article 5, Section 10.2.1; Charles Town District – Map 8 / Parcel 11.4; 1.21 Acres). In addition to the aforementioned information regarding the proposed color message display at the Jefferson Security Bank in Shepherdstown, the sign at the bank in Charles Town would be newly constructed (not a replacement sign), which would be installed at the current location of a large (apparently dying) oak tree that needs to be removed. Ms. Huddle voiced her concern regarding the tree's condition and its proposed removal, without confirmation by an expert. There was no public comment.

Ms. Hine suggested that they go into deliberations, during which time Items #6 (Rules of Procedure before the Jefferson County Board of Zoning Appeals ) and #7 (Correspondence) could be discussed.

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

2. Ms. Huddle motioned to grant the request by homeowner, Deborah D. Palmer, for a variance from Side Setback of 8' to 6' for wheelchair ramp access (Article 9, Section 9.7; Harpers Ferry District – Map 7A / Parcel 5: 0.239 acres). Ms. Morgan seconded the motion, which carried unanimously.

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3. Based on the evidence and testimony provided, Mr. Bresee motioned to approve the request by homeowners, Jeff and Michelle Black, for a variance to allow for the operation of a home Daycare center of more than six but not to exceed twelve children (Article 5, Section 5.7A; Charles Town District – Map 4C / Parcel 79; 0.29 acres). Mr. Trumble seconded the motion, which carried unanimously.

4. Mr. Trumble motioned that the request by Jefferson Security Bank (JSB) for a variance to allow a bank sign with color message display (Article 10, Section 10.2.1 – Shepherdstown District – Map 8 / Parcel 10.5; 2.41 Acres) 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 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 information, bank information, local events and Holiday messages. Mr. Bresee seconded the corrected motion, which carried with a vote of 4 for and 1 against (Ms. Huddle).

5. Mr. Trumble motioned that the request by Jefferson Security Bank (JSB) for a variance to allow a bank sign with color message display (Article 10, Section 10.2.1; Charles Town District Map 8 / Parcel 11.4: 1.21 Acres) 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 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 information, bank information, local events and Holiday messages. Mr. Bresee seconded the motion. Ms. Morgan motioned to amend the variance to include permission for the (dying) oak tree to be removed to allow for installation of the new sign at that location; also, greenery consistent with the Bank's safety policy will be acceptable in that area, as well. Mr. Trumble moved to approve the amended motion. Mr. Bresee seconded the amended motion, which carried with a vote of 4 for and 1 against (Ms. Huddle). Mr. Raco advised there is a discrepancy in the Bank's current permit which indicates a 15' Sideline Setback; the County Ordinance requirements stipulate a minimum Setback allowance of 25' for commercial property.

6. Rules of Procedure before the Jefferson County Board of Zoning Appeals. Counsel was reminded that the issue of outside recording equipment usage at Board Meetings, specifically concerning the intrusiveness of starting and stopping machines during meetings and the establishment of only one official copy, will be addressed by all members present during the December 21<sup>st</sup> meeting. Member ideas and the experiences from other jurisdictions will be shared during this discussion. Attention will also be directed to the subject of establishing a suitable policy regarding the checkout of DPZE documents, to include security measures, turnaround guidelines, restrictions and storage solutions for additional copy requirements. Mr. Casimiro advised that he would confer with Ms. Sims and Ms. Grove to assist him with generating a written plan that could be applied as standard procedure in this matter.

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7. Correspondence - Handouts:

Submitted by Ms. Rebecca Burns: Copy - Order from Emergency Meeting (November 15, 2006)

Submitted by Ms. Christy Huddle: Conservation Map of Green Infrastructure Area

Ms. Hine suggested to adjourn the meeting. Mr. Trumble made the motion to adjourn the meeting at 4:30 pm. Mr. Bresee seconded the motion, which carried unanimously.

A transcript of this meeting can be found on CD #149. These Minutes were prepared by Christine Chalmers.