

MINUTES
JEFFERSON COUNTY BOARD OF ZONING APPEALS
JULY 21, 2005

The Jefferson County Zoning Board of Appeals met on Thursday, July 21, 2005 at 3:00 p.m., in the Jefferson County Meeting Room. Members present were Tiffany Hine, Thomas Trumble, Jeff Bresee and Douglas Rockwell. David Wiegand was absent with notification. Gregory Jones, Assistant Prosecuting Attorney, Paul Raco, Zoning Administrator and Rebecca Burns, Executive Secretary were also present.

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

Ms. Burns swore in individuals who indicated they would be speaking.

1. Minutes. Mrs. Burns reported to the Board that minutes are pending.
2. Request for a change in nonconforming use by Ronald and Nancy Register/Richard French from auto retail stores , auto repair and restoration, office space, storage and various retail sales and tattoo studio to add Thee Ole Trading Post pawn shop where the tattoo studio currently exists (Article 4, Section 4.3). Richard French stated that he would like to operate a wholesale pawn shop for non-food items in the area previously occupied by the tattoo studio. There was no public comment.
3. Request for a change in nonconforming use by Clarence Roy III/Matt Brown for a change in nonconforming use from Roy's Glass to Roy's Glass and Distinctive D'Signs (Article 4, Section 4.3). Matthew Brown stated he would like to locate his business from Ranson to Mr. Roy's property within an existing 24' x 42' building. Mr. Brown stated there would be no expansion of the existing facility and there is adequate parking. There was no public comment.
4. Request by Robert, Jack and Thomas Burch/Burch Manufacturing to re-establish a nonconforming use destroyed by fire for Burch Manufacturing (Article 4, Section 4.3). Mr. Raco noted that this request is moot.
5. Request by Richmond American Homes of Virginia, Inc., for permission to locate a temporary sales trailer on Lot 1 of the Demory Farms Subdivision (Article 4, Section 4.18). Mark Trussell stated the sales trailer would be removed as soon as the model home is complete and ready for occupancy. Mr. Trussell stated they will have five parking spaces, one of which is handicapped accessible. There was no public comment.
6. Findings of Fact and Conclusions of Law for the appeal by Sherri Craig, Pat Rissler, Susan Rissler, Jane Rissler, Mary MacElwee and Richard Latterell of the Thorn Hill LESA point score for a central sewer system (#Z03-05). Appellants contend the points should be 11 and not 3 as determined by the Zoning Administrator (File #AP05-01). Mr. Jones stated the findings are not yet drafted for the Board's consideration and he will attempt to have them for the August 18, 2005 meeting.

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7. Postponed from the June 16, 2005 meeting. Discussion by the Board on the Conditional Use Permit for Town Run Commons (DPZE #Z01-01). Mr. Rockwell excused himself from the meeting room for this item on the agenda. Mr. Jones provided the Board copies of the January 11, 2005 Planning Commission findings and a chronology of the past actions of Mr. Henry. Mr. Jones stated the Board needs to decide whether or not they have the power to hear this matter, to hold their own hearing, abide by the Planning Commission's decision on this matter, or take no action. Mr. Rockwell returned to the meeting room.

8. Employee of the Board of Zoning Appeals. Ms. Hine stated she has scheduled time before the County Commission for approval to offer the position to the person chosen by the Board.

9. Correspondence. There was no correspondence at this time.

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

2. Mr. Trumble motioned to grant the change in nonconforming use to Ronald and Nancy Register from auto retail sales, auto repair and restoration, office space, storage and various retail sales and tattoo studio to add Thee Ole Trading Post pawn shop in place of the tattoo studio on the basis of it being a retail use for another retail use. Mr. Bresee seconded the motion which carried unanimously.

3. Mr. Trumble motioned to grant the change in nonconforming use to Clarence Roy III/Matt Brown to allow Distinctive D'Signs to locate within one of the existing buildings utilized by Roy's Glass pursuant to Article 4, Section 4.3 of the Jefferson County Zoning Ordinance. Mr. Rockwell seconded the motion which carried unanimously.

5. Mr. Bresee motioned to allow a temporary sales trailer on Lot 1 of the Demory Farms Subdivision for an eight (8) month time frame. Mr. Rockwell seconded the motion which carried unanimously.

7. Mr. Rockwell excused himself from the meeting room for this item. Mr. Jones stated the Board could go into executive session about this matter. Ms. Hine motioned to go into executive session to discuss this matter with counsel. Mr. Trumble seconded the motion which carried unanimously.

Mr. Rockwell returned to the meeting room after the executive session. Mr. Trumble motioned to return to regular session. Mr. Rockwell seconded the motion. Mr. Trumble motioned that the Board take no action at this time on the Town Run commons Conditional Use Permit. Mr. Bresee seconded the motion which carried with a vote of 2 for, 1 opposed (Ms. Hine) and 1 abstention (Mr. Rockwell).

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8. Ms. Hine stated she will also ask to be docketed on the County Commission agenda for clarification of who the Board's clerical person will report to administratively.

Mr. Rockwell motioned to adjourn the meeting at 4:30 p.m. Mr. Bresee seconded the motion which carried unanimously.

A transcript of this meeting can be found on CD #104 and #104. These Minutes were prepared by Rebecca F. Burns.