

MINUTES
JEFFERSON COUNTY BOARD OF ZONING APPEALS
NOVEMBER 17, 2005

The Jefferson County Zoning Board of Appeals met on Thursday, November 17, 2005 at 3:00 p.m., in the Charles Town Library Meeting Room. Members present were Tiffany Hine, Thomas Trumble, Jeff Bresee, David Wiegand and Douglas Rockwell. Alternate member Frances Morgan was also present. Alternate member Edwin Kelly was absent without notification. Stephanie Grove, Assistant Prosecuting Attorneys, and Rebecca Burns, Executive Secretary were also present.

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

1. Minutes. Mr. Trumble motioned to accept the minutes of the April 21, 2005 meeting. Mr. Rockwell seconded the motion which carried unanimously. Mr. Trumble motioned to accept the minutes of the October 20, 2005 meeting. Mr. Bresee seconded the motion which carried with a vote of 4 for and 1 abstention (Mr. Rockwell because he was not present).

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

2. Request by John B. and Alisa M. Myatt for a variance from the rear setback requirements from 50' to 25' for a proposed storage building (Article 9, Section 9.7). Mr. Myatt stated the structure will not be visible to the neighbors and they have letters from the neighbors in support of the request. Mr. Wiegand commended Mr. Myatt on the completeness of his submittal to the Board. There was no public comment.

3. Request by Piedmont Properties LLC for a variance from the side setback requirements from 25' to 12' for proposed duplex units (Article 5, Section 5.4b). Kristen Ringstaff presented the request. Ms. Ringstaff stated that a similar variance has been granted in the past to both Samuel Street Station and Locust Hill. There was no public comment.

4. Request by Clarence Roy III/Justin Tobin for a change in nonconforming use to Roy's Glass Service and Distinctive D'signs to Roy's Glass Service and TK Tuff Liners (Article 4, Section 4.3). Justin Tobin of TK Tuff Liners presented the request stating they would occupy the same spot previously occupied by Distinctive D'signs and that no additional acreage would be added. There was no public comment.

5. Request by Sheridan LLC/K. Hovnanian Homes of WV, LLC to allow a model home on Lot 65 of the Sheridan Subdivision (Article 4, Section 4.18) Dale Walker presented the requests noting they would have 8 parking spaces and lighting would be restricted to a lamp post and interior lighting within the model home. Mr. Walker stated they neglected to designate the model home on the preliminary and final plats. There was no public comment.

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6. Employee of the Board of Zoning Appeals. Ms. Hine stated the applicant under consideration declined the offer. Mr. Trumble motioned to have the position re-advertised. Mr. Wiegand seconded the motion which carried with a vote of 4 for and 1 opposed (Ms. Hine). Ms. Hine stated she would contact Leslie Smith, County Administrator about having the advertisement rerun with a salary range from \$20,000 to 25,000 and a list of benefits.

7. Rules of Procedure Before the Jefferson County Board of Zoning Appeals. Ms. Burns asked if the total number of copies provided by the applicant be increased to an original and 11 copies. Mr. Trumble motioned to amend the Rules to increase the number of copies to an original and eleven (11) copies any place within the document where copies are required. Mr. Rockwell seconded the motion which carried unanimously.

8. Correspondence: 1) 11/4/05 Jefferson County Commission memo on recusals. Mr. Rockwell questioned whether or not the County has adopted a formal policy on recusals. Ms. Hine asked that Ms. Smith be contacted to see if the County Commission has adopted a formal policy on recusals and that a copy be provided to the Board so they can determine if they need to incorporate language into their policy procedures.
2) 5/26/05 form letter from Prosecuting Attorney about individual Board members contacting the Prosecuting Attorney's office on an individual basis as opposed to as a board or body. Ms. Grove stated that the letter is a form letter and was resent to all Boards. Ms. Hine reminded the members that they act as a unit and not as individuals.

Mr. Trumble motioned to adjourn for deliberations. Mr. Bresee seconded the motion which carried unanimously. Mr. Rockwell motioned to return to regular session. Mr. Trumble seconded the motion which carried unanimously. Mr. Rockwell stated for the record that the Board motioned to deliberate and asked public to leave the meeting room and an alternate appointed by the County Commission wishes to sit in on the deliberative sessions. Mr. Rockwell motioned that when the Board adjourns to deliberative/executive session that all members of the public are asked to leave including alternates that are nominated but are not seated on the Board at the time, this includes staff as well. Mr. Wiegand seconded the motion which carried with a vote of 4 for and 1 opposed (Mr. Bresee).

Ms. Burns and Ms. Morgan left the meeting room during deliberations and returned during the regular session.

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

2. Mr. Bresee motioned to grant the variance from the rear setback requirements from 50' to 25' for a proposed storage building for John B. and Alisa M. Myatt. Mr. Trumble seconded the motion which carried unanimously.

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3. Mr. Bresee motioned to grant the variance to Piedmont Properties LLC from the side setback requirements from 25' to 12' for proposed duplex units. Mr. Trumble seconded the motion which carried unanimously.

4. Mr. Trumble motioned to grant the change in nonconforming use to Clarence Roy III/Justin Tobin and Travis Kable for Roy's Glass Service and TK Tuff Liners. Mr. Bresee seconded the motion which carried unanimously. Mr. Wiegand seconded the motion which carried with a vote of 4 for and 1 opposed (Mr. Trumble).

5. Mr. Trumble motioned to grant the request by Sheridan LLC/K. Hovnanian Homes of WV to allow a model home on Lot 65 of the Sheridan Subdivision contingent upon providing a minimum of 8 parking spaces and lighting that is not in excess of a typical single family home. Mr. Bresee seconded the motion which carried unanimously.

Ms. Burns and Ms. Morgan left the meeting room during the executive session and returned during the regular session.

Mr. Bresee motioned to go into executive session to meet with legal counsel. Mr. Trumble seconded the motion which carried unanimously. Mr. Wiegand motioned to return to regular session. Mr. Bresee seconded the motion which carried unanimously. There was no action taken as a result of the executive session.

Mr. Trumble motioned to adjourn the meeting at 4:45 p.m. Mr. Bresee seconded the motion which carried unanimously.

A transcript of this meeting can be found on a CD #154 and #155. These Minutes were prepared by Rebecca F. Burns.