

MINUTES
JEFFERSON COUNTY BOARD OF ZONING APPEALS
SPECIAL MEETING
OCTOBER 6, 2004

The Jefferson County Zoning Board of Appeals met on Wednesday, October 6, 2004 at 3:00 p.m., in the Jefferson County Meeting Room. Members present were Tiffany Hine, Thomas Trumble, David Wiegand and Jeff Bresee. Douglas Rockwell was absent with notification. Michael Cassell, Assistant Prosecuting Attorney, Rebecca Burns, Executive Secretary and Paul Raco, Executive Director were also present.

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

Mr. Trumble motioned to accept the Minutes of the July 15, 2004 meeting. Mr. Wiegand seconded the motion which carried with a vote of 3 for and 1 abstention by Mr. Bresee. Mr. Bresee motioned to accept the Minutes of the August 19, 2004 meeting. Mr. Trumble seconded the motion which carried unanimously.

2. Findings of Fact and Conclusions of Law for the Thorn Hill Appeal (#AP04-02). Ms. Hine excused herself for this portion of the meeting. Mr. Bresee after noting the numerous problems he saw were amply noted in the record for this case motioned to accept the decision of the Board pertaining to the Thorn Hill Appeal and accept the Findings of Fact and Conclusions of Law for the meeting conducted on May 21, 2004 and authorize the Chair to sign the same so that all parties involved may proceed to the next level. Mr. Wiegand seconded the motion which carried unanimously.

Mr. Wiegand motioned to accept the decision of the Board pertaining to the Thorn Hill Appeal and accept the Findings of Fact and Conclusions of Law for the meeting conducted on June 17, 2004 and authorize the Chair to sign the same. Mr. Bresee seconded the motion which carried unanimously.

Ms. Hine returned to the meeting room and chaired the remainder of the meeting.

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

3. Request by Hawthorn Associates, Ltd., for a variance from the principal permitted uses to allow up to a seven bedroom bed and breakfast (Article 5, Section 5.7).

4. Request by Hawthorn Associates, Ltd., for a variance to allow a bed and breakfast (Article 9, Section 9.8).

Annette vanHilst represented the requests on behalf of Hawthorn Associates, Ltd., Ms. vanHilst stated they wish to restore the existing structure and need the income that a bed and breakfast and associated events may bring in to defray the cost. Ms. vanHilst stated they wish to have up to seven bedrooms. Teresa Gregson stated they sent notice to residents of the area of their

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proposal. Ms. Gregson gave a history of the property and their desire to be able to maintain the property.

John Stover and Judy Bishoff addressed concerns pertaining to increased traffic; road width; entrance to the property; delivery trucks; serving of alcoholic beverages; and, number of daily events conducted from the property.

Lynn Welsh, Terry McKinney, William Culley, Harry Byrd, Mary Alice Lemen, Julia Chenkala and Diana Dick spoke in support of the requests.

Mike Shepp in rebuttal noted all parking will be on site; delivery trucks will be diverted to the entrance on Route 1; the house is between 7,000 to 8,000 square feet; paved road width is between 14.5' and 20' within a 50' wide right-of-way.

Mr. Raco noted that the public hearing is for the bed and breakfast only and that it was never represented to either the Staff or in the paperwork filed that they were seeking permission to conduct weddings, receptions and parties on the site, which would require additional processing through the office and the Board. Ms. Gregson stated for the record that they would be serving meals to guests of the bed and breakfast only.

5. Request by Marlow Enterprises, LLC, for a variance from the front setback requirements from 20' to 12' for a proposed single family dwelling (Article 9, Section 9.7). James Smith represented the request noting the previous structure was destroyed by fire and they would like to rebuild it. There was no public comment.

6. Request by Ronald and Nancy Register for a change in nonconforming use from an office and storage in connection with the commercial garage to Mountain Justice Tattoo Studio (Article 4, Section 4.3). Terry McKinney on behalf of Ms. Register stated they would like to convert the office used for the garage into a tattoo studio. There was no public comment.

Mr. Bresee motioned to adjourn for deliberations on items 3 through 6. Mr. Wiegand seconded the motion which carried unanimously. Mr. Bresee motioned to return to regular session. Mr. Wiegand seconded the motion which carried unanimously.

3. & 4. Mr. Bresee motioned to grant the variances from the principal permitted uses to allow a bed and breakfast on this property and that they be allowed to have up to seven bedrooms affiliated with the bed and breakfast. Mr. Wiegand seconded the motion which carried unanimously. Mr. Trumble noted under the motion the use is strictly for a bed and breakfast and is not for a restaurant, a bar or weddings or special event, simply a bed and breakfast with up to seven bedrooms.

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5. Mr. Trumble motioned to grant the variance to Marlow Enterprises, LLC from the front setback requirements from 20' to 12' for a proposed single family dwelling. Mr. Bresee seconded the motion which carried unanimously.

6. Mr. Trumble motioned to grant the change in nonconforming use to Ronald and Nancy Register from an office and storage facility in connection with the existing commercial garage to Mountain Justice Tattoo Studio. Mr. Wiegand seconded the motion which carried unanimously.

7. Rules and Regulations. The Board noted that all written comments on the proposed Rules are to be submitted to the Department of Planning, Zoning & Engineering Office by the close of business on Friday, October 15, 2004.

8. Discussion of the new Planning & Zoning statutes (SB454). Mr. Cassell stated the Zoning Ordinance remains and is validated and in effect until it is amended. Mr. Cassell stated there is ongoing work with the legislators to change certain aspects of SB454. The Board discussed staffing for the Board and the duties pertaining to that position. Ms. Hine reminded the Board she is willing to go before the County Commission to discuss the matter but wants to be fully informed before she does so.

Mr. Bresee motioned to adjourn the meeting at 5:28 p.m. Mr. Wiegand seconded the motion which carried unanimously.

A transcript of this meeting can be found on CD #77 and #78. These Minutes were prepared by Rebecca F. Burns.