

MINUTES  
JEFFERSON COUNTY ZONING BOARD OF APPEALS  
MARCH 20, 2002

The Jefferson County Zoning Board of Appeals met on Thursday, March 20, 2003 at 3:00 p.m., in the Jefferson County Meeting Room. Members present were Darlene Truman, Douglas Rockwell, Thomas Trumble and Stephen Groh. Tiffany Hine was absent with notification. Michael Thompson, Prosecuting Attorney, Paul Raco, Executive Director of Planning, Zoning & Engineering and Rebecca Burns, Executive Secretary were also present.

The meeting was called to order by Ms. Truman at 3:00 p.m. by asking for a moment of silence to honor our country and servicemen.

Ms. Truman and Mr. Rockwell noted for the record that they would have to recuse themselves from item #4 - LESA Point/Administrative Appeal for Paynes Ford Station Subdivision. Mr. Rockwell stated he was recusing himself because he has represented the developer in the past and has been contacted by the adverse parties. Ms. Truman stated she is recusing herself because she is an employee of the developer's attorney. Mr. Groh stated with the absence of Ms. Hine a quorum was not present to consider the matter and asked that it be docketed for the April 17, 2003 meeting.

Mr. Trumble motioned to accept the Minutes of the February 20, 2003. Mr. Groh seconded the motion which carried unanimously.

OLD BUSINESS

1. Tabled from the July 18, 2002 meeting. Request by the Estate of Dixie Killam/Shenandoah Professional Center for a variance from the frontage road requirements for the existing 2-story structure (Article 5, Section 5.8(b)9).
2. Tabled from the July 18, 2002 meeting. Request by the Estate of Dixie Kilham/Shenandoah Professional Center for a variance from the landscape buffer requirements for the existing 2-story structure (Article 5, Section 5.8(b)10).
3. Tabled from the July 18, 2002 meeting. Request by the Estate of Dixie Kilham/Shenandoah Professional Center for a variance from the front setback requirements from 25' to 17.36' for the existing 2-story structure (Article 5, Section 5.8(b)9).

Tricia Sanderson represented the variances and submitted photographs for the record. Ms. Sanderson noted for the record that the variances pertained to the existing 2-story structure for its conversion to a professional building. There was no public comment.

NEW BUSINESS

5. Request by Claymont Society For Continuous Education/New Song LLC to allow a

MINUTES - JEFFERSON COUNTY ZONING BOARD OF APPEALS  
MARCH 20, 2003  
PAGE TWO

seasonal use music camp and festival on property designated as Parcel 4 on Tax Map 3 of the Kabletown District (Article 9, Section 9.8 - File #ZV02-05). Mr. Gar Ragland, Director of New Song LLC and Ms. Kit McGinnis with Claymont Society for Continuous Education represented the request. Ms. McGinnis stated this would be the second year for the festival which would be held from September 26, 2003 through September 28, 2003. Dale Walter, Brian Goodman, Andrew Sims and Cheryl Mosely Ford spoke in support of the festival. Mr. Rockwell motioned to approve the request as presented. Mr. Trumble seconded the motion which carried unanimously.

6. Request by Rosebud P. Bradley for a variance from the front setback requirements from 20' to 0' for a proposed carport (Article 9, Section 9.7). Mr. Melvin Turner presented the request on behalf of Ms. Bradley. Ms. Burns noted the Board had granted a request for the structure last year but they now wanted to make it larger than originally proposed. There was no public testimony.

7. Request by Brian and Jane Rourke for a variance from the rear setback requirements from 20' to 6' for an existing deck (Article 5, Section 5.4b). Mr. Rourke presented the request referring to his variance application, photographs and letter from neighbors in support of the request. Ms. Peggy Burcker sales representative for the Rourkes stated they were not aware of the problem until they marketed the house for sale. There was no public comment.

8. Request by Greater Washington Investments, Inc., for a variance from the sign provisions to allow a model home/sales sign on Lot 4 of the Maddex Farm Subdivision (Article 10, Section 10.3/10.4). No one was present to represent the request. Mr. Groh motioned to postpone the request until the April 17, 2003 meeting since no one was present to represent the request. Mr. Trumble seconded the motion which carried unanimously.

Mr. Rockwell motioned to adjourn for deliberations. Mr. Groh seconded the motion which carried unanimously. Mr. Rockwell as a point of order stated that during deliberations he believed that the Staff should not be present and that it should be Board members and counsel only. Mr. Raco, Mr. Thompson and Mrs. Burns left the meeting room during deliberation and returned when the regular session convened. Mr. Rockwell motioned to return to regular session. Mr. Trumble seconded the motion which carried unanimously.

1. Mr. Rockwell motioned to grant the request by Shenandoah Professional Center for a variance from the frontage road requirements for the existing 2-story structure on the basis of the property abuts Route 340, a cliff and large fill area and it appears there are adequate traffic controls for the existing roadways. Mr. Trumble seconded the motion which carried unanimously.

2. Mr. Groh motioned to grant the variance by Shenandoah Professional Center for a variance

MINUTES - JEFFERSON COUNTY ZONING BOARD OF APPEALS  
MARCH 20, 2003  
PAGE THREE

from the landscape buffer requirements for the existing 2-story structure on the same basis as the previous request contingent upon it meeting all of the criteria outlined in the Conditional Use Permit. Mr. Rockwell seconded the motion which carried unanimously.

3. Mr. Rockwell motioned to grant the request by Shenandoah Professional Center for a variance from the front setback requirements from 25' to 17.36' for the existing 2-story structure on the basis the structure is existing. Mr. Trumble seconded the motion which carried unanimously.

6. Ms. Trumble motioned to grant the request by Rosebud P. Bradley from the front setback requirements from 20' to 0' for the proposed carport on the basis the width is being extended and not the depth and it falls within the spirit of the Ordinance. Mr. Rockwell seconded the motion which carried unanimously.

7. Mr. Trumble motioned to deny the variance by Brian and Jane Rourke from the rear setback requirements from 20' to 6' for an existing deck on the basis the request is a result of a self imposed hardship. Mr. Rockwell seconded the motion which carried with a vote of 3 for and 1 opposed (Ms. Truman).

9. Continued from the February 20, 2003 meeting. Discussion and/or action by the Board on adopting rules and procedures for filing timely appeals and requests for consideration by the Board. Ms. Truman commended Mr. Bockmiller for the Draft Rules of Procedure he prepared for the Board's review. Mr. Groh motioned to schedule a special meeting for either April 3, 2003 or April 10, 2003 at 3:00 p.m., whichever day is most convenient for Mr. Cassell to attend to discuss in detail the document with the Board. Mr. Trumble seconded the motion which carried unanimously.

10. Correspondence. There was no correspondence.

The meeting adjourned at 5:30 p.m. A detailed transcript of this meeting can be found on Tape(s) #38 and #39. These Minutes were prepared by Rebecca F. Burns.