

MINUTES
JEFFERSON COUNTY ZONING BOARD OF APPEALS
MAY 15, 2003

The Jefferson County Zoning Board of Appeals met on Thursday, May 15, 2003 at 3:00 p.m., in the Jefferson County Meeting Room. Members present were Stephen Groh, Tiffany Hine, Douglas Rockwell, Thomas Trumble and Jeff Bresee. Paul Raco, Executive Director and Rebecca Burns, Executive Secretary were also present. Michael Cassell, Assistant Prosecuting Attorney was also present to represent the Findings of Fact and Conclusions of Law for the appeals of Paynes Ford Station and Blackford Farms.

The meeting was called to order by Mr. Groh at 3:00 p.m. Mr. Trumble motioned to accept the Minutes of the April 17, 2003 meeting. Ms. Hine seconded the motion which carried with a vote of 3 for and 2 abstention (Mr. Rockwell since he was not present for a majority of the items on the agenda and Mr. Bresee because he was not a member of the Board at the time).

Mr. Groh introduced Jeff Bresee as the newest appointee to the Board.

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

NEW BUSINESS

1. Election of Officers. Mr. Trumble motioned to nominate Mr. Groh as Chair/President. Ms. Hine seconded the nomination. Mr. Rockwell motioned to close nominations. Ms. Hine seconded the motion. The motions passed unanimously.

Mr. Trumble motioned to nominate Ms. Hine as Co-Chair. Mr. Rockwell seconded the nomination. Mr. Trumble motioned to close nominations. Mr. Rockwell seconded the motion. The motions passed with a vote of 4 for and 1 abstention (Ms. Hine).

By consensus the Board agreed to consider items #9 and #10 first. Mr. Bresee excused himself from the meeting room since he was not on the Board when these appeals were heard.

9. Findings of Fact and Conclusions of Law for the appeal of the LESA Point Assessment and administrative appeal for the Paynes Ford Station Subdivision (AP03-01). Mr. Trumble motioned to accept the Findings of Fact and Conclusion of Law for the Chair's signature with the correction to the typographical error (copy attached). Ms. Hine seconded the motion which carried with a vote of 3 for and 1 abstention (Mr. Rockwell since he recused himself from these matters at the time they were considered by the Board).

10. Findings of Fact and Conclusions of Law for the appeal of the LESA Point Assessment for the Blackford Farms Subdivision (AP03-03). Mr. Cassell distributed the proposed Findings to the Board for their perusal. Ms. Hine motioned to accept the Findings of Fact and Conclusion of Law for the Chair's signature (copy attached). Mr. Trumble seconded the motion which carried with a vote of 3 for and 1 abstention (Mr. Rockwell since he recused

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himself from these matters at the time they were considered by the Board). Mr. Bresee returned to the meeting room for the remainder of the meeting.

2. Request by the Estate of Thelma M. Koontz, Larry D. Turner and/or the Mecklenburg Heights Recreation Association, Inc., for a variance from the front setback requirements from 20' to 0' for an existing garage (Article 5, Section 5.4b).

3. Request by the Estate of Thelma M. Koontz, Larry D. Turner and/or the Mecklenburg Heights Recreation Association, Inc., for a variance from the side setback requirements from 10' to 0' for an existing garage (Article 5, Section 5.4b). John Dorsey presented the request and submitted photographs, tax map and plats of the property in question. Mr. Dorsey gave a chronology of the property. There was no public comment. Mr. Rockwell motioned to postpone action on the requests (#2 & #3) until the owner of record of the property is present. Mr. Trumble seconded the motion which carried unanimously.

4. Request by Mockingbirdhil, Inc., for a variance from the front setback requirements from 20' to 15' to replace an existing mobile home (Article 9, Section 9.7).

5. Request by Mockingbirdhil, Inc., for a variance from the rear setback requirements from 12' to 5' to replace an existing mobile home (Article 9, Section 9.7). Peter Chakmakian and Charles Eckstine were present on behalf of the requests. Mr. Raco stated the Board needed to determine if they would entertain the requests since the property was not found to be adequately posted by the Staff. John Ott and Harry Danner both stated they saw the zoning placards posted at different times throughout the 15 day posting period. Mr. Rockwell motioned the Board move forward with the requests. Mr. Bresee seconded the motion which carried unanimously.

Mr. Chakmakian stated Mr. and Mrs. Ott who rent the lot would like to put a newer model home on the property but it can not meet the current regulations. Mr. Chakmakian stated the mobile home lots were created in the 1960's prior to regulations dictating minimum lot sizes.

6. Request by Frank Buchanan for a variance from the rear setback requirements from 12' to 8' for a proposed pool (Article 9, Section 9.7). Mr. Buchanan stated this portion of his property abuts common ground and that his property is fenced. There was no public comment.

7. Request by William M. and Jessica P. Wolfe for a variance from the rear setback requirements from 50' to 40' for a proposed garage (Article 5, Section 5.7b). John Dorsey, William and Ralph Wolfe represented the request. Mr. Dorsey submitted photographs of the property which shows it slopes to the rear of the lot making it hard to meet the setbacks and that the septic, drain field and well are also located in the rear of the lot. Mr. Raco stated that if the lot was created by parent to child exemption prior to October of 1988 the setbacks at

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that time were 25' front, 12' sides and rear. There was no public testimony.

8. Request by Donnie J. and Theresa Hockman for a change in nonconforming use from Speciality Binding to a mini storage facility for property designated as Parcel 20.1 on Tax Map 3 of the Shepherdstown District (Article 4, Section 4.3). Mr. Hockman presented the request giving a history of the use of the property. Mr. Hockman stated the mini storage units would be accessed through the interior of the buildings with the exception of building #5 and #7 and that at this time there would be no outside storage.

Mr. Raco stated that vehicles would not be allowed to drive through the buildings because a 40' wide driveway is required for all mini-storage facilities and that all site plan standards would have to be met.

Richard Hart, Robert Lykens, Michael Glenn, Hank Walter, George Whalen, Ann Small, Bryan Foss, Phil Musselwhite and Kristen Peppel gave testimony.

Mr. Hockman stated in rebuttal that it would not be a 24 hour operation, building renovations would be restricted to the interior for the most part, property would be maintained and kept clean, lighting would be minimal to meet standards required.

Mr. Rockwell motioned to adjourn for deliberations (5:55 p.m.) to determine how the mini storage units should be classified. Mr. Trumble seconded the motion which carried unanimously. The Board returned to regular session at 6:10 p.m. Mr. Raco stated the use is a self service storage facility and provides a service.

Mr. Rockwell motioned to adjourn for deliberations for the remainder of the agenda items. Mr. Trumble seconded the motion which carried unanimously. Ms. Hine motioned to return to regular session. Mr. Rockwell seconded the motion which carried unanimously.

4. Mr. Rockwell motioned to grant the variance for Mockingbirdhil, Inc. from the front setback from 20' to 15' to replace an existing mobile home on the basis the request has been granted in the past by a previous board. Mr. Trumble seconded the motion which carried unanimously.

5. Mr. Rockwell motioned to grant the variance for Mockingbirdhil, Inc. from the rear setback from 12' to 5' to replace an existing mobile home on the same basis as the previous request. Mr. Trumble seconded the motion which carried unanimously.

6. Mr. Trumble motioned to deny the variance from the rear setback requirements from 20' to 8' for a proposed pool on the basis it is a self imposed hardship because he should have been

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aware of the setback requirements. Mr. Rockwell seconded the motion which carried unanimously.

7. Mr. Rockwell motioned to grant the variance to William M. and Jessica P. Wolfe from the rear setback requirements from 50' to 40' for a proposed garage on the basis the lot was created prior to the 50' rear setback requirement. Mr. Trumble seconded the motion which carried unanimously.

8. Mr. Bresee motioned to allow the change in nonconforming use to Donnie J. and Theresa Hockman from Speciality Binding to a mini storage facility contingent upon all lighting and buffering requirements being met as outlined in the County Ordinances. Mr. Rockwell seconded the motion with an amendment to the motion that (1) all site plan standards be met (2) all ordinance issues addressed by the public being met in the site plan (3) the time limits imposed by the Ordinances for nonconforming uses being complied with and (4) the self storage units be accessed through interior entrances. Mr. Trumble seconded the motioned and amended motion which carried unanimously.

11. Correspondence. There was no correspondence.

The meeting adjourned at 7:08 p.m. A detailed transcript of this meeting can be found on Tape(s) #61 and #62. These Minutes were prepared by Rebecca F. Burns.