



Jefferson County
Board of Zoning Appeals
Wednesday, December 18, 2013, 3:00 p.m.

Members
Christy Huddle, Vice Chair
Jeffrey Bannon
Tyler Quynn
Edwin Kelly
Matt Knott

The Jefferson County Board of Zoning Appeals will meet in the Charles Town Library Conference Room located at 200 East Washington Street, at the side entrance on Samuel Street, in the City of Charles Town, WV.

Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Election of Officers – Deferred to January Meeting
2. Approval of the minutes from the September 19, 2013, October 10, 2013 and November 14, 2013 meeting.
3. Swearing in of members of the public intending to provide testimony.
4. Deferred from the November 14, 2013 meeting. Variance request by property owner, Susan Powell, from Section 9.7 for a reduction of the rear setback distance from 12' to 6' to allow for the construction of an 8' x 12' deck to be used for wheelchair access. Location: Shannondale, Section 5F, Lot 40, 480 Rolling Ln, Harpers Ferry, WV. District: Kabletown (06); Map: 6B; Parcel: 67; Zoned: Rural; Size 0.25 acres; File: #ZV13-30.
5. Variance request by applicants, Bill and Belinda Lewis, from Section 4.3B to re-establish an expired nonconforming commercial use in the Rural Zoning District. The applicants intend to establish an open air flea market consisting of 15 rental spaces totaling 6,000 sq. ft., a 2,000 sq. ft. whole sale parking area for the sale of RVs, boats, etc. and to utilize an existing building as indoor retail and storage space and public restrooms. The site was previously Eastern Homes Inc.; a mobile home sales and restoration operation. Property owner: Gilbert A. Mobley, Sr. Location: 6468 Charles Town Road, Kearneysville, WV. District: Middleway (07); Map: 4; Parcel: 8; Size 5 acres; Zoned: Rural; File: #ZV13-35.
6. Variance request by applicant, Duane Dunn with Dunn's Contracting, LLC., from Section 5.10C.1(a) for a reduction of the front setback from 20' to 12' to attach a 12' x 18' shed-roof to an existing log building; and, from Section 9.6C to permit a structure within the required front yard. Property owner: Bernard Heiler. Location: 7198 Queen St., Kearneysville, WV. District: Middleway (07); Map: 22B; Parcel: 27; Size .83 acres; Zoned: Village; File: #ZV13-36.
7. Variance request by applicant, Jim Ruland, from Section 4.11.A for a reduction of the required parking and access drive setbacks from 10' to 0'; and, from Section 5.6.D.5 for a reduction of the required landscape buffer between two commercial uses from 10' to 0', for the purpose of subdividing Parcel 93 to create two individual commercial lots. Property owner: RAI GROUP 41, LLC/RAI Properties, LLC. Location: Burr Industrial Park, Phase I: Lots 40 & 41, 130 and 150 E. Burr Blvd., Kearneysville, WV. District: Charles Town (02); Map: 1; Parcel: 93; Size: 2.32 acres; Zoned: Industrial-Commercial; File: #ZV13-37.
8. Proposed Amendment to the Board of Zoning Appeals Rules of Procedure, Effective July 21, 2011.
9. Director's Report.
10. Legal Update.

11. Signing of written decisions from prior Board of Zoning Appeals meetings.

- a. Continued from the 07/18/13 & 08/15/13 meetings. The variance request by applicant, John Fridley, was from Section 9.6(C) & 9.7 for a reduction of the front setback distance from 20' to 5' to construct a 20' x 22' detached garage. At the 08/15/13 meeting, the applicant indicated that the required setback from the DOH ROW was actually 12"; therefore, the applicant was advised to amend their application or reapply for a new variance. The applicant has not resubmitted and Board action is required on this outstanding request. Owner: William C. Palmer, Sr. File: ZV13-19. Meeting Date: 09/19/13
- b. Appeal of an Administrative Decision made by Jennifer Brockman, Acting Zoning Administrator, of the interpretation of Section 5.7D(3) regarding *Maximum Number of Lots Allowed* in the Rural zoning district. Appellants: Katherine B. Dunn & Sara V. Lowery, c/o Stanley Dunn. Appellant's Rep: J. Michael Cassell, Esq., Cassell & Prinz, PLLC. File: AP13-01. Meeting Date: 09/19/13
- c. Appeal of the Administrative Decision to issue Zoning Certificate #ZC13-23 for a Home Occupation Level 2 that allows a home-based asphalt repair business. The business includes a 16' trailer with seal coating & lawn equipment, to be enclosed in an outbuilding/garage, pending Building Permit approval. Appellants: R.K. & Marianne Hedrick; Wayne & Gloria Chastain; Scott & Alice Dillow; Mike & Pam Hinkle; and Chris & Christy Swisher. Owners: Robert & Donna Edwards. File: AP13-02. Meeting Date: 09/19/13
- d. Appeal of an Administrative Decision made by Jennifer Brockman, Acting Zoning Administrator, to deny the use of the St. John's Episcopal Church's facility as an overnight cold-weather shelter in the Rural Zoning District. Appellants: The Rev. Georgia DuBose; The Episcopal Diocese of WV / The Rt. Rev. W. Michie Klusmeyer & William F. Berry, VP of the JC Homeless Coalition. File: AP13-03. Meeting Date: 10/10/13
- e. Variance request by Kristen Stolipher, Consultant, on behalf of, Junipa Contento, Developer, from Section 2.2 to extend the time permitted for a Seasonal Use, which limits an event to not more than 3 consecutive days. The applicant is requesting to hold a 5-day music festival and camp out during the July/August 2014 summer season. Owner: Stiles Partnership 3 and 4. File: ZV13-33. Meeting Date: 11/14/13
- f. Request by Kristen Stolipher, Consultant, on behalf of, Junipa Contento, Developer to conduct a Seasonal Use event per Section 9.8 by hosting a 5-day musical festival and camp out, provided the previous variance request (ZV13-22) is approved, during the 2014 summer season. Owner: Stiles Partnership 3 and 4. File: ZV13-34. Meeting Date: 11/14/13

12. Correspondence

- a) Letter from Joyce Rawn terminating lease agreement.
- b) Letter from Junipa Contento withdrawing Seasonal Use Application ZV13-34.