



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, July 16, 2015, 2:00 p.m.**

Members  
Tyler Quynn, Chair  
Jeffrey Bannon, Vice Chair  
Christy Huddle  
Matt Knott  
Ted Schiltz  
Jeff Breese, Alternate

**The Jefferson County Board of Zoning Appeals will meet in the Maintenance Conference Room located at 128 Industrial Boulevard in Kearneysville, West Virginia.**

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

1. Approval of the minutes from the June 25, 2015 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. **Application withdrawn by Staff pending legal review.** Postponed from the May 28 & July 16, 2015 meetings. Variance request from Sections 9.6C & 9.7 to reduce the front setback from 25' to 0' and the side setback from 12' to 18" for an 8' tall fence. Owner: Lisa Gasque. Location: 5753 Charles Town Rd, Kearneysville, WV. District: Middleway-07; Map: 3C; Parcel: 3; Zone: Village; File: ZV15-11.
4. Acceptance of the Compatibility Assessment Meeting Staff Report for the Whistling Wind Farm Bed and Breakfast Conditional Use Permit Application (CP15-02). The meeting was held on May 22, 2015 at 10:00 a.m., which resulted in two (2) unresolved issues; therefore, an additional public hearing to discuss only the unresolved issues, is required. Details regarding the CUP application are listed in Item #5.
5. Discussion and action on the Whistling Wind Farm Bed and Breakfast Conditional Use Permit (CP15-02). The applicant is proposing a 3-unit (5 bedrooms) bed & breakfast with no changes to the existing structure. The proposal includes 5 parking spaces, which will utilize the existing driveway area. A dawn to dusk, lit sign will be located at entrance of property. Owners: David & Laura Humphreys Location: 290 Falling Springs Rd, Shepherdstown, WV 25443. District: Shepherdstown-09; Map: 13; Parcel: 29.41; Size: 20.21 ac; Zone: Residential Growth
6. Variance request from Section 4.11A.1 and Appendix B to waive the front, side and rear landscaping/buffer that is required for the addition of a Fellowship Hall and associated parking. Owner: Uvilla United Methodist Church. Applicant: Ted Schiltz. Location: 4179 Shepherdstown Pk., Shepherdstown, WV. District: Shepherdstown-09; Map: 20; Parcel: 13; Size: 2.023 ac; Zone: Rural; File: ZV15-15.
7. Variance request from Section 5.4B to reduce the side setback from 12' to 3' and the rear setback from 20' to 10' for a 12' x 20' accessory structure. Owner: Bryan & Kelli LaBombard. Location: 60 General Kershaw Ct., Harpers Ferry, WV. District: Harpers Ferry-04; Map: 5D; Parcel: 129; Zone: Rural; Size: .75 ac; File: ZV15-16.
8. Request by The Middleway Conservancy Association Inc., applicant, for a Seasonal Use Permit for 'The Battle of Smithfield Anniversary Re-enactment' to operate from August 28-30, 2015. The event is to consist of a re-enactment of civil war camp life, drills and other educational activities. Re-enactment Activities: Carmen Quinones, 7513 Queen St (D: 07/M: 22A/P: 18/Z: Village); William & Linda Chappell, 175 East St (D: 07/M: 22B/P: 28/Z: Rural & Village); Jeffrey & Dorothea Dehart, 207 East St, (D: 07/M: 22B/P: 29/Z: Rural & Village); **Withdrawn: Cecil White, et al, 99 Old Middleway Rd (D: 07/M: 22/P: 25);** Public Parking: Dan & Anne Bowers, 272 Mason Farm Dr (D: 07/M: 22/P: 12.9 Z: Rural); **Middleway United Methodist Church, Withdrawn: 328 King St (D: 07/22A/ P: 19)** Middleway United Methodist Church, 7437 Queen St (D: 07/M: 22A/P: 43, 44Z: Village); (Grace Church Parish Hall, 112 East St, (D: 07/22A/ P: 70Z: Village) **Withdrawn: Triluminar Masonic Hall, 105 East St (D: 07/M: 22A/P: 72); Cecil White, et al, 99 Old Middleway Rd (D: 07/M: 22/P: 25).**

9. Director's Report.

- a) Monthly Activity Report

10. Legal Update.

- a) All Good Music Festival Pending Litigation CA #14-C-390
- b) William Neufeld Pending Litigation CA #14-C-394
- c) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73
- d) Discussion of matters related to All Good Festival for possible litigation (possible executive session).

11. Discussion with possible deliberative session and signing of draft findings/decisions.

Meeting Date: June 25, 2015

- a) Variance request from Section 9.7 to reduce the side setback from 15' to 5' for an existing deck that was constructed without a building permit. Owner: Laurice Berry. Location: 155 Hollow Tree Ln, Kearneysville, WV. District: Kabletown 06; Map: 19A; Parcel: 1.1; Zone: Rural; File: ZV15-09.
- b) Variance request from Sections 4.11.B.2, 4.11.B.3, 4.11.E and Appendix B to remove the front, side and rear buffers/screening for an industrial development. Owner: Delaware Corp dba Kent Cartridge of America, Owners, Panhandle Builders & Excavating, Applicant. Location: 795 Hite Rd, Kearneysville, WV. District: Middleway 07; Map: 8; Parcel: 4; Zone: Rural; File: ZV15-12.
- c) Variance request from Table 5.4-1 to reduce the side setback from 12' to 8' and rear setback from 20' to 5' to allow for the installation of an irregularly shaped in-ground pool. Owner: Roy Jr. & Kristin Vella. Location: Breckenridge Subdivision, 47 Shire Ct, Charles Town, WV. District: Charles Town 02; Map: 4F; Parcel: 190; Zone: Residential Growth; File: ZV15-13.
- d) Variance request from Table 5.4-1 to reduce the side setback from 12' to 6' for the attached garage of a townhouse unit. Owner/Developer: Pete Kubic. PFK, LLC. Location: Locust Hill Subdivision, Lot TH73, Baltustrol Dr, Charles Town, WV. District: Charles Town 02; Map: 13A; Parcel: 555; Zone: Rural; File: ZV15-14.

**Notice of Public Hearing**  
**Jefferson County Board of Zoning Appeals**

Please be advised that the regularly scheduled Jefferson County Board of Zoning Appeals Meeting for July 23, 2015 has been rescheduled and relocated as follows:

New Meeting Date: Thursday, July 16, 2015 at 2:00 p.m.

New Meeting Location: Maintenance Conference Room  
128 Industrial Boulevard, Kearneysville, WV 25430

The legal advertisement for any items scheduled for this meeting will be posted in the July 1, 2015 edition of the Spirit of Jefferson. Any advertised item will have a green and white sign posted on the respective property no later than July 1, 2015. The agenda and packet will be available for public review on the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org) by July 10, 2015.

Please contact the Departments of Planning and Zoning with any questions at 304-728-3228 or email [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org).