

Minutes
Jefferson County Zoning Board of Appeals

1 Meeting Date: April 23, 2015
2 Meeting Location: Conference Room, Old Charles Town Library
3 200 East Washington Street, Charles Town, West Virginia
4
5 Board members present: Tyler Quynn, Chair; Jeffrey Bannon, Vice Chair, Ted Schiltz and
6 Matt Knott
7 Board members absent: Christy Huddle (with notification)
8 Staff members present: Jennifer Brockman, Acting Zoning Administrator/Director of
9 Planning and Zoning; Lydia Lehman, Assistant Prosecuting
10 Attorney; Jennilee Hartman, Zoning Clerk
11

12 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.
13

14 Mr. Schiltz moved to start the meeting at 2:10 p.m. Mr. Quynn called for a vote, which carried
15 unanimously.
16

17 1) Approval of the minutes from the March 26, 2015 meeting.
18

19 Mr. Quynn suggested the following corrections:
20

- 21 a) Page 1, line 44, change *Blacker* to Blackmer.
- 22 b) Page 1, change all references to *water and sewer* to public water and public sewer.
- 23 c) Page 3, line 29, change *Signs* to *Sign*.
- 24 d) Add page numbers to the minutes.
25

26 Mr. Schiltz moved to approve the minutes as amended. Mr. Bannon seconded the motion.
27 Mr. Quynn and Mr. Knott abstained from voting as they were not present at the March 26, 2015
28 meeting. Mr. Quynn called for a vote, which carried two in support (Bannon and Schiltz) and
29 two abstentions (Quynn and Knott).
30

31 2) Swearing in of members of the public intending to provide testimony.
32

33 Ms. Hartman swore in members of the public who indicated they would be providing testimony.
34

35 3) Variance request from Sections 9.6C and 9.7 to reduce the front setback from 20' to 17'6"
36 for an unlawfully constructed 16' x 30' building. Owner: Matthew and Jennifer Welder.
37 Location: Glen Haven Subdivision, 815 Mason Drive, Harpers Ferry WV. District:
38 Harpers Ferry 04; Map: 3D; Parcel: 40; Zone: R; Size: .40 ac; File: ZV15-08.
39

40 Ms. Brockman presented her staff report to the Board explaining that the applicant owned two
41 legally separate parcels and that the structure in question was located entirely on one parcel
42 (40). Ms. Jennifer Welder, applicant, addressed the Board describing the nature of her request.
43 Mr. Quynn called for public comment. There was no public comment. Mr. Quynn closed the
44 public hearing.

1 The Board agreed a deliberative session was not necessary. Mr. Schiltz moved to approve the
2 variance request from Sections 9.6C and 9.7 to reduce the front setback from 20' to 17'6" for a
3 16' x 20' building and a 16' x 10' attached carport constructed without obtaining a building permit.
4 The applicant has applied for a building permit, which is pending issuance, contingent upon the
5 approval of the variance request. Mr. Quynn called for a vote, which carried unanimously.
6

7 4) Director's Report.

8
9 a) Monthly Activity Report. No action taken.

10
11 b) Ms. Brockman updated the Board on the following items:

12
13 i) County Commission approved hiring Aaron David Simon as Zoning Administrator.
14 Starting: May 4, 2015.

15 ii) Old Standard Quarry was rezoned to Residential-Light Industrial-Commercial.

16 iii) County Commission approved three text amendments to the Subdivision
17 Regulations. Ms. Brockman agreed to forward future amendments to the Board.

18 iv) Bolivar requested an Urban Growth Boundary. The County Commission
19 forwarded the request to the Planning Commission to schedule a public hearing.
20 Discussion ensued.

21 v) No recent activity regarding the Mass Events text amendment.

22 vi) The All Good Music Festival submitted their Concept Plan and has been working
23 with the appropriate agencies.
24

25 5) Legal Update.

26
27 a) All Good Music Festival Pending Litigation CA #14-C-390. Ms. Lehman stated there
28 was an Order awaiting Judge Wilkes signature and that the All Good Music Festival
29 was still on schedule to commence as a Stay was not issued by the Court.

30 b) William Neufeld Pending Litigation CA #14-C-394. Ms. Lehman stated that they had
31 been given a briefing schedule; therefore, they were waiting on Mr. Scales, Attorney,
32 to file with the Court, and subsequently they would be filing.
33

34 6) Signing of Findings of Fact and Conclusions of Law/written decisions from prior Board of
35 Zoning Appeals meetings.
36

37 Meeting Date: March 26, 2015
38

39 a) Variance request by Peter Corum, applicant, from Sec. 3.2G for an eighteen (18) month
40 extension for the Morgan's Grove Market Conditional Use Permit #CP12-01, which
41 expires on June 28, 2015. The CUP was approved for an agricultural-based market.
42 Intended uses are to consist of, but are not limited to, a Food Hub, General Merchandise
43 (retail), Professional/Business Offices, Community Amenities, and other associated uses.
44 Owner: Twin Oaks S/D, LLC. Location: 3988 Kearneysville Pk, Shepherdstown, WV.
45 District: Shepherdstown 09; Map: 13; Parcels: 26.1, 26.2, 26.3, 26.4; Zone: R; Size: 13.68
46 (combined total acres); File: ZV15-02. *The Findings were signed by the Vice President.*

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- 1 b) Request for a change in nonconforming use by Carl Webster & Connie Kitts, applicants,
2 per Sec. 4.3C to allow for the reconfiguration of an approved Outdoor Flea Market
3 #ZC13-34. Owner: Gilbert Mobley. Location: 6468 Charles Town Rd, Kearneysville, WV.
4 District: Middleway 07; Map: 4; Parcel: 8; Zone: R; Size: 5 ac; File: ZV15-04.
5 *The Findings were signed by the Vice Chair.*
6
- 7 c) An appeal of an Administrative Decision by Kenneth Barton, Jr. and Kelsey Swaim,
8 Attorneys with Steptoe & Johnson PLLC, regarding the interpretation of ‘Sign,
9 Animated’ in Section 2.2 pertaining to the Shenandoah Air Conditioning & Heating,
10 Inc Animated Sign Conditional Use Permit #CP15-01. Owner: James Young, Sr.
11 Location: 351 Edmond Rd, Kearneysville, WV. District: Charles Town 02; Map: 1;
12 Parcel: 79; Zone: IC; Size: 1.768 ac; File: AP15-01.
13 *The Findings were signed by the Vice Chair.*
14
- 15 Mr. Knott moved to adjourn the meeting at 2:55 p.m. Mr. Quynn called for a vote, which
16 carried unanimously.