

Minutes  
Jefferson County Zoning Board of Appeals

1 Meeting Date: June 25, 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; Christy Huddle, Ted Schiltz, Matt Knott and  
6 Jeff Breese, Alternate

7 Board members absent: Jeffrey Bannon, Vice Chair (with notification)

8 Staff members present: David Simon, County Planner; Lydia Lehman, Assistant Prosecuting  
9 Attorney; Jennilee Hartman, Zoning Clerk

10

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

12

13 As the Alternate Board Member, Mr. Breese filled Mr. Bannon's vacancy.

14

15 Mr. Knott moved to start the meeting at 2:02 p.m. Mr. Quynn called for a vote, which carried  
16 unanimously.

17

18 Mr. Quynn explained how the meeting would be conducted to the public.

19

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

21

22 Mr. Quynn stated that he was going to reorder the Agenda by moving Item #7 to the beginning of  
23 the Agenda to allow the applicant a prompt decision.

24

25 7) Variance request from Table 5.4-1 to reduce the side setback from 12' to 6' for the attached  
26 garage of a townhouse unit. Owner/Developer: Pete Kubic. PFK, LLC. Location: Locust Hill  
27 Subdivision, Lot TH73, Baltustrol Dr, Charles Town, WV. District: Charles Town 02;  
28 Map: 13A; Parcel: 555; Zone: Rural; File: ZV15-14.

29

30 Kristen Stolipher, Consultant with Gordon, was present to address the Board. Ms. Stolipher  
31 explained there was a miscommunication between the property owner/builder of the townhome  
32 unit and the intended purchaser regarding the width of the garage, thus the need for another  
33 variance request. Mr. Quynn opened the public hearing. There was no public comment.

34 Mr. Quynn closed the public hearing. Mr. Simon briefly addressed the Board noting that this  
35 item was a modified application of which the Board had previously approved on May 28, 2015.

36

37 The Board determined a deliberative session was not necessary. Mr. Knott moved to approve  
38 the variance as requested. Mr. Schiltz seconded the motion, which carried four (4) in support  
39 and one (1) abstention (Mr. Breese, as he was not present at the May 28, 2015 meeting to hear  
40 the full presentation on the previous application).

41

42 Mr. Quynn returned to Item #1 on the Agenda.

43

44 1) Approval of the minutes from the May, 28, 2015 meeting.

45

1 Mr. Quynn moved to approve the minutes with the following correction:

2  
3 a) Page 1, line 21, change, *Quynn* to *Bannon*.

4  
5 Mr. Quynn called for a vote, which carried three (3) in support and two (2) abstentions  
6 (Ms. Huddle and Mr. Breese, as they were not in attendance).

7  
8 2) Swearing in of members of the public intending to provide testimony.

9  
10 Ms. Hartman swore in members of the public who indicated they would be providing testimony  
11 at the beginning of the meeting

12  
13 3) Postponed until July 16, 2015. Postponed from the May 28, 2015 meeting. Variance request  
14 from Sections 9.6C & 9.7 to reduce the front setback from 25' to 0' and the side setback from  
15 12' to 18" for an 8' tall fence. Owner: Lisa Gasque. Location: 5753 Charles Town Rd,  
16 Kearneysville, WV. District: Middleway 07; Map: 3C; Parcel: 3; Zone: Village; File: ZV15-11.  
17 This Item was postponed until the July 16, 2015 Board meeting.

18  
19 4) Variance request from Section 9.7 to reduce the side setback from 15' to 5' for an existing  
20 deck that was constructed without a building permit. Owner: Laurice Berry. Location:  
21 155 Hollow Tree Ln, Kearneysville, WV. District: Kabletown 06; Map: 19A; Parcel: 1.1;  
22 Zone: Rural; File: ZV15-09.

23  
24 Mr. Simon presented his staff report to the Board, stating that Ms. Berry, the property owner,  
25 has worked cooperatively with County staff to rectify the unintended violations on her property.  
26 Laurice Berry, property owner, described the nature of her request and briefly explained the  
27 history of the property. Ms. Berry stated that she spoke with Ms. Singhas, an adjacent property  
28 owner, who had lived next door since the late 1960s, who had confirmed that the structures on  
29 the subject parcel had existed prior to the adoption of the Zoning Ordinance [1988].

30  
31 The Board agreed a deliberative session was not necessary. Ms. Huddle moved to approve the  
32 variance as requested. Mr. Breese seconded the motion, which carried unanimously. There  
33 were no members of the public present who wished to provide testimony.

34  
35 5) Variance request from Sections 4.11.B.2, 4.11.B.3, 4.11.E and Appendix B to remove the  
36 front, side and rear buffers/screening for an industrial development. Owner: Delaware Corp  
37 dba Kent Cartridge of America, Owners, Panhandle Builders & Excavating, Applicant.  
38 Location: 795 Hite Rd, Kearneysville, WV. District: Middleway 07; Map: 8; Parcel: 4;  
39 Zone: Rural; File: ZV15-12.

40  
41 Mr. Simon presented his staff report to the Board, confirming that the applicant had received  
42 approval of their Concept Plan from the Planning Commission. Jason Gearhart, Consultant  
43 with Gordon, explained the nature of the request stating that the property owner would be  
44 retaining as much of the existing vegetation as possible.

45

1 The Board agreed a deliberative session was not necessary. Ms. Huddle moved to approve the  
2 variance as requested with the following condition: that a 200 foot buffer around the perimeter  
3 of the entire property, including any existing vegetation within that 200 feet, shall be retained in  
4 an undisturbed manner other than maintenance for safety reasons; and, the applicant is bound by  
5 their testimony. Mr. Quynn called for a vote, which carried unanimously. There were no  
6 members of the public present who wished to provide testimony.

- 7  
8 6) Variance request from Table 5.4-1 to reduce the side setback from 12' to 8' and rear setback  
9 from 20' to 5' to allow for the installation of an irregularly shaped in-ground pool. Owner:  
10 Roy Jr. & Kristin Vella. Location: Breckenridge Subdivision, 47 Shire Ct, Charles Town, WV.  
11 District: Charles Town 02; Map: 4F; Parcel: 190; Zone: Residential Growth; File: ZV15-13.

12  
13 Mr. Simon presented his staff report to the Board, stating that the property owners had  
14 worked diligently with County staff to redesign their pool when the location of the platted  
15 easements were discovered. Roy Jr. & Kristin Vella were present to address questions from  
16 the Board. Ms. Huddle reiterated that the concrete surrounding the pool would not be  
17 permitted within the easements.

18  
19 The Board agreed a deliberative session was unnecessary. Mr. Schiltz moved to approve the  
20 variance as requested stating that the variance is limited to this specific request. Mr. Quynn  
21 called for a vote, which carried unanimously. There were no members of the public present  
22 who wished to provide testimony.

- 23  
24 7) Variance request from Table 5.4-1 to reduce the side setback from 12' to 6' for the attached  
25 garage of a townhouse unit. Owner/Developer: Pete Kubic. PFK, LLC. Location: Locust  
26 Hill Subdivision, Lot TH73, Baltustrol Dr, Charles Town, WV. District: Charles Town 02;  
27 Map: 13A; Parcel: 555; Zone: Rural; File: ZV15-14.

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29 This item was addressed at the beginning of the meeting and was approved.

- 30  
31 8) Director's Report.

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33 As Ms. Brockman was absent from the meeting, there was no information presented to the Board.

- 34  
35 a) Monthly Activity Report. No action taken.

- 36  
37 9) Legal Update.

38  
39 Ms. Huddle moved to go into executive session at 2:37 p.m. to discuss pending litigation B & C  
40 (below) with Attorney Lehman. Ms. Huddle moved to come out of deliberative session at 2:46 p.m.

- 41  
42 a) All Good Music Festival Pending Litigation CA #14-C-390. None.  
43 b) William Neufeld Pending Litigation CA #14-C-394.  
44 c) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73

1 10) Signing of Findings of Fact and Conclusions of Law/written decisions from prior Board of  
2 Zoning Appeals meetings.

3  
4 Meeting Date: May 28, 2015

5  
6 a) Variance request from Section 5.4-1 to reduce the side setback from 12' to 8' for a  
7 garage attached to a townhouse unit. Owner/Developer: Pete Kubic. PFK, LLC.  
8 Location: Lot TH73, Locust Hill Subdivision, Baltustrol Dr, Charles Town, WV.  
9 District: 02; Map: 13A; Parcel: 555; Zone: R; File: ZV15-10. *Mr. Quynn would*  
10 *sign the Findings after a correction was to be made.*

11  
12 Ms. Huddle moved to adjourn the meeting at 2:47 p.m. Mr. Quynn called for a vote, which carried  
13 unanimously.