

Minutes
Jefferson County Zoning Board of Appeals

1 Meeting Date: September 24, 2015
2 Meeting Location: Charles Town Library Conference Room
3 200 East Washington Street, West Virginia
4
5 Board members present: Tyler Quynn, Chair; Christy Huddle, Ted Schiltz, Matt Knott and
6 Jeff Bresee, 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

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

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

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15 Mr. Schiltz moved to begin the meeting at 2:00 p.m. Mr. Quynn called for a vote, which carried
16 unanimously.

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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 1) Approval of the minutes from the August 27, 2015 meeting.

23

24 Ms. Huddle moved to approve the August 27, 2015 meeting minutes with no correction.

25 Mr. Quynn called for a vote, which carried four in support and one abstention (Mr. Schiltz did
26 not attend the August meeting).

27

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

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30 Ms. Hartman swore in members of the public who indicated they would be providing testimony
31 at the beginning of the meeting.

32

33 3) Variance request from Section 9.6C to allow an accessory structure in the required front yard;
34 and, Section 9.7 to reduce the front setback from 25' to 10' to construct a 25' x 28' two car
35 garage. Owner: Jeffrey Schneider. Location: Riverview Subdivision, 277 Country Rd.,
36 Harpers Ferry, WV. District: 04; Map: 26; Parcel: 8; Zone: R; Size: 1.732 ac; File: ZV15-21.

37

38 Jeffrey Schneider, owner, was present to address the Board. Mr. Simon briefly presented his
39 staff report to the Board. Mr. Schneider explained the purpose of the request and answered
40 Mr. Quynn's questions regarding the proximity of the river. Mr. Mason Carter, the Floodplain
41 Manager/Ordinance Compliance Officer with the Engineering Department, stated the structure
42 would be in compliance with the County's Floodplain Ordinance. Mr. Quynn opened the
43 public hearing. There was no public comment. Mr. Quynn closed the public hearing. The
44 Board determined a deliberative session was not necessary. Ms. Huddle moved to approve the
45 variance request for a front setback reduce of up to 10 feet. Mr. Quynn called for a vote, which
46 carried unanimously.

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Page 2 of 3

- 1 4) Variance request from Section 9.5B to permit a fence taller than 6' to remain 6" from the
2 property line. Owner: Loretta Holdaway. Location: Shannondale, Section 14J, Lot 36, 294
3 Red Bird Ln, Harpers Ferry, WV. District: 04; Map: 23F; Parcel: 36; Zone: R; Size: 0.5011
4 ac; File: ZV15-22.

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6 Kevin Dinghas, representative for the property owner, was present to address the Board.
7 Mr. Dinghas stated he had built the fence believing a permit was not required and that the intent
8 of the fence was to prevent a neighboring animal from destroying expensive landscaping.
9 Mr. Simon briefly presented his staff report to the Board. Mr. Simon explained the beginning
10 portion of the fence measured 6' in height; however, as the property slopes downward the fence
11 was built utilizing a 'stair stepping' form of construction. Consequently, by constructing the
12 fence in this way the fence exceeded 6', which would then require the fence to process a
13 building permit, thus requiring the corresponding setbacks to be enforced.

14
15 Mr. Quynn opened the public hearing. George Caltz, neighbor, spoke in support of the request.
16 John and Michelle Stevens, neighbors, spoke in opposition to the request. Mr. and Mrs. Stevens
17 stated they were not in objection to the location of fence itself; however, they expressed concern
18 over the close proximity of the front portion of the fence to Red Bird Lane. The Stevens' stated
19 the fence blocked their view of oncoming traffic when exiting their driveway. The Steven's
20 also explained that they objected to the number of 'No Trespassing' signs posted on the side of
21 the fence that faces their property. It was determined that the fence was approximately 3' from
22 the property line [as opposed to the 6" as referenced in the ad]. Mr. Stevens presented pictures
23 to the Board. Mr. Simon also provided pictures to the Board depicting the front portion of the
24 fence and its proximity to Red Bird Lane. Kim Barret, granddaughter of property owner, spoke
25 in support of the request. Ms. Barret was sworn in prior to providing testimony as she arrived
26 after the initial swearing in of the public. Mr. Dinghas spoke in rebuttal stating that the front
27 portion of the fence was erected behind the existing utility pole so that it was not obstructing
28 visibility. Mr. Dinghas added that Red Bird Lane was a dead end road; therefore, there was
29 very little traffic that travelled on the road.

30
31 Mr. Schiltz moved to go into deliberative session at 2:45 p.m. Mr. Bresee moved to come out
32 of deliberative session at 3:02 p.m. Ms. Lehman left during the deliberative session and was
33 absent for the remainder of the meeting.

34
35 Mr. Bresee moved to approve Item #4 with the following conditions:

- 36 1. Remove two (2) feet from the front portion of the fence;
37 2. Limit the number of signs posted on the fence [facing the Stevens property] to
38 one sign; and,
39 3. The variance is limited to the existing fence for the requested property line.

40 Mr. Quynn called for a vote, which carried unanimously.

- 41
42 5) Director's Report. The Director' Report was postponed due to Ms. Brockman's absence.
43 a) Monthly Zoning Certificate Activity Report.

- 1 6) Legal Update. This item was postponed as Ms. Lehman had left the meeting during the
2 deliberative session.
- 3 a) William Neufeld Pending Litigation CA #14-C-394
- 4 b) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73
- 5 c) Review and Disposition of Citizens Complaints in relation to the All Good Festival
6 (possible executive session)
- 7 d) Whistling Farms Bed & Breakfast Litigation CA # 15-C-209 (possible executive session)
8
- 9 7) Discussion with possible deliberative session and signing of draft findings/decisions. Postponed.
10 Meeting Date: July 16, 2015 (*see agenda for full item description*)
- 11 a) Variance from Section 5.7B.1 to reduce the front setback from 40' to 14' for a
12 constructed 24' x 32' garage and from Section 9.6C to allow an accessory structure
13 in the required front yard. Owner: Karen Valentine.
- 14 b) Variance from Section 4.10A to waive the site plan requirement; and from Appendix B
15 to reduce the front parking setback from 15' to 0', to allow the construction of a 25' x
16 120' parking pad to be used as a drop off/pick up area for families awaiting the school
17 bus. Owner: Locust Hill HOA Inc.
- 18 c) Discussion & action regarding the Surety Bond Agreement for the All Good Music Festival.
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- 20 Mr. Knott moved to adjourn the meeting at 3:06 p.m. Mr. Quynn called for a vote, which carried
21 unanimously.