

Minutes
Jefferson County Zoning Board of Appeals

1 Meeting Date: November 12, 2015

2 Meeting Location: Charles Town Library Conference Room

3 200 East Washington Street, West Virginia

4

5 Board members present: Tyler Quynn, Chair; Jeffrey Bannon, Vice Chair; Christy Huddle,
6 Ted Schiltz, Matt Knott.

7 Board members absent: Craig Foster, Alternate, and Jeff Bresee, Alternate (with notification)

8 Staff members present: Jennifer M. Brockman, Acting Zoning Administrator/Director of
9 Planning and Zoning; David Simon, County Planner; Lydia Lehman,
10 Assistant Prosecuting Attorney; Jennilee Hartman, Zoning Clerk

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

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

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

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19 1) Approval of the minutes from the October 22, 2015 meeting.

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21 Ms. Huddle moved to approve the October 22, 2015 meeting minutes with the following
22 corrections:

23

24 1. Mr. Bresee was not in attendance at the meeting. Make corrections where relevant
25 (pg. 1; lines 6 & 15).

26 2. Page 1, line 33, add a comma after Mr. Foster's name and change the following word
27 ~~and~~ to as.

28 3. Page 2, line 37, correct ~~opened~~ to open.

29 4. Page 3, line 4, correct ~~are~~ to is.

30 5. Page 3, line 15, correct ~~approved~~ to approve.

31 6. Ensure the name *Steeley* is spelled correctly throughout the document.

32 7. Page 3, line 39, correct ~~Lehmen~~ to Lehman.

33 8. Page 4, line 13, correct the sentence to read, "*which carried three (3) in support and*
34 *(2) abstentions (Ms. Huddle and Mr. Foster).*"

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

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38 2) Approval of the 2016 Board of Zoning Appeals Meeting Schedule.

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40 Ms. Huddle moved to approve the 2016 Board of Zoning Appeals Meeting Schedule as drafted.

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

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43 3) Swearing in of members of the public intending to provide testimony.

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

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47

- 1 4) Variance request from Section 9.7 and Appendix A to reduce the side setback from 15' to 10'
2 for an addition to a single family residence. Owner: Brett and Anne Basham. Location: 1792
3 Terrapin Neck Rd, Shepherdstown WV. District: 09; Map: 1 Parcel: 4.3; Size: 2.13 ac; Zone: R;
4 File: ZV15-26.

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6 Mr. Brett Basham, owner, was present to address the Board. Mr. Simon briefly presented
7 his staff report to the Board. Mr. Basham went on record stating that he had received email
8 correspondence from his neighbor expressing an interest in the request; however, he would
9 be unable to attend the meeting as he was out of the country. Staff confirmed receipt of
10 similar correspondence; however, the document was not submitted early enough to be
11 distributed to the Board. Mr. Basham stated that while he would be willing to postpone the
12 variance request, he believed the request would not be contrary to the adjacent neighbor's
13 Mr. Basham explained why the variance request was necessary. Mr. Quynn opened the
14 public hearing. There was no public comment. Mr. Quynn closed the public hearing.

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16 The Board agreed a deliberative session was unnecessary. Ms. Huddle moved to approve
17 the variance to allow the addition to be located not less than 10' from the requested side
18 property line. Mr. Quynn called for a vote, which carried unanimously.

- 19
20 5) Variance request from Section 4.11A, 5.6D.1, and 5.8C.2 and Appendix B to eliminate the
21 required landscape buffer and the parking and drive aisle setbacks for the internal lot lines
22 proposed on the Jefferson Business Park Associates, LLC Minor Subdivision PC File #15-18
23 (formerly known as the Alex Chevrolet site). Owner: John Good, Manager, Jefferson Business
24 Park Associates. Consultant: Paul J. Raco, P. J. Raco, Consulting, LLC and Mike Shepp,
25 Allegheny Surveys, PLLC. Location: 1 Chevrolet Drive, Charles Town WV. District: 09;
26 Map: 1 Parcel: 4.3; Size: 2.13 ac; Zone: RLIC; File: ZV15-27.

27
28 Mr. John Good, Manager, and Mr. Michael Shepp, Consultant, were present to address
29 the Board. Ms. Brockman briefly presented her staff report to the Board. Ms. Brockman
30 stated that a text amendment to the landscaping regulations in the Zoning Ordinance is on
31 the Department's work plan. Mr. Shepp explained the nature of the request to the Board.
32 Discussion ensued regarding the viability of landscaping within the existing strip of grass
33 between Lot 2 and Lot 3 of the proposed Jefferson Business Park Associates, LLC Minor
34 Subdivision. Mr. Quynn opened the public hearing. There was no public comment.
35 Mr. Quynn closed the public hearing.

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37 The Board agreed a deliberative session was unnecessary. Mr. Knott moved to approve the
38 request to eliminate all landscaping buffers and parking and drive aisle setbacks along the
39 internal property lines. Mr. Knott added that the applicants were bound by their testimony.
40 Ms. Huddle seconded the motion and asked to add an amendment. Mr. Quynn denied the
41 request. Mr. Bannon requested a deliberative session. Mr. Quynn stated a motion was on
42 the table and therefore needed action. Mr. Quynn noted if the motion was denied then
43 Mr. Bannon could make a motion to go into deliberative session. Ms. Huddle asked if she
44 could amend the motion. Mr. Quynn asked for a second to allow for Ms. Huddle to amend
45 the motion. Ms. Huddle seconded the motion for the purpose of amending the motion to
46 include a condition to retain a 30' x 40' landscaped area within the existing grass area,
47 depicted on page 6 of the staff report, to include one (1) tree to mitigate solar impact on
48 this parcel. Mr. Quynn called for a vote to approve the amendment, which carried four
49 (4) in support and one (1) in opposition (Mr. Knott). Mr. Quynn called for a vote on Mr.
50 Knott's original motion, to include Ms. Huddle's amendment, which carried unanimously.

- 1 5) Director's Report.
- 2 a) Monthly Zoning Certificate Activity Report
- 3 b) Ms. Brockman updated the Board on the following:
 - 4 i. Campground text amendment Planning Commission discussion and recommendation
 - 5 scheduled for 12/08/15.
 - 6 ii. Subdivision and Site Plan process text amendment scheduled for the 12/03/15 County
 - 7 Commission meeting for action.
 - 8 iii. Mass Events text amendment County Commission public hearing scheduled for 12/08/15.
 - 9 iv. Article 12 text amendment Planning Commission discussion scheduled for 12/08/15.
 - 10 v. Historic Resource Demolition and Adaptive Reuse, staff met with Historic Landmarks
 - 11 Commission and Engineering staff to review proposed text amendments.
 - 12 vi. LESA/Cluster (subdivision density rights) text amendment a priority for Staff; however,
 - 13 it has not been drafted.
 - 14 vii. Additional text amendments Staff would be researching, parking, sign and landscaping
 - 15 standards.
 - 16 viii. Reminder that the next meeting is scheduled for December 10, 2015. Mr. Knott stated
 - 17 that he would not be attending the December and January BZA meetings.
 - 18
- 19 6) Legal Update.
 - 20 a) William Neufeld Pending Litigation CA #14-C-394. Pending Court response.
 - 21 b) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73.
 - 22 Pending Court response.
 - 23 c) Whistling Farms Bed & Breakfast Litigation CA # 15-C-209 (possible executive session).
 - 24 Pending Court response.
 - 25
- 26 7) Discussion with possible deliberative session and signing of draft findings/decisions.
- 27 Meeting Date: September 24, 2015 and October 22, 2015 (*see agenda for full item description*)
 - 28 a) Variance request from Section 9.6C to allow an accessory structure in the required front yard;
 - 29 and, Section 9.7 to reduce the front setback from 25' to 10' to construct a 25' x 28' two car
 - 30 garage. Owner: Jeffrey Schneider.
 - 31 b) Variance from Section 9.5B to permit a fence taller than 6' to remain 6" from the property
 - 32 line. Owner: Loretta Holdaway.
 - 33 c) Variance request from Sections 4.11.A.2 & 4.11E, and Appendix B to remove the side and
 - 34 rear landscaping requirements.
 - 35 d) Variance request from Section 5B.1 to reduce rear setback from 20' to 15' for a 10' x 18'
 - 36 deck. Owner: Adam Sperry.
 - 37 e) The Middleway Volunteer Fire Company, Developer, is requesting the following: (a) Request
 - 38 for a Special Exception for an outdoor advertising sign per Section 10.5. The sign will be
 - 39 located on a parcel adjacent to the Middleway Volunteer Fire Company (File: SE15-01); and,
 - 40 (b) A variance from Section 10.4G & Appendix A to reduce the front setback from 40' to 25'
 - 41 for an outdoor advertising sign for the Middleway Volunteer Fire Company and, (c) A variance
 - 42 from Section 9.6C to allow the sign in the required front yard (File ZV15-25).Property owner:
 - 43 Marshall Edwards, Sr.
 - 44
- 45 Mr. Knott moved to adjourn the meeting at 2:50 p.m. Mr. Quynn called for a vote, which carried
- 46 unanimously.