



Jefferson County
Board of Zoning Appeals
Thursday, July 24, 2014, 2:00 p.m.

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

The Jefferson County Board of Zoning Appeals will meet in the Charles Town Library Conference Room located at 200 East Washington Street, at the side entrance on Samuel Street, in the City of Charles Town, WV.

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

1. Approval of the minutes from the May 22 and June 26, 2014 meetings.
2. Swearing in of members of the public intending to provide testimony.
3. Variance request by owner, Leetown United Methodist Church, from Sec 10.2I to permit an animated sign & Sec 10.4C to allow more than 1 sign along the road frontage & to reduce the front setback from 25' to 12', measured from Leetown Rd, for a 4' x 5' sign. Location: 11133 Leetown Rd. Kearneysville, WV. District: Middleway (07); Map 12; Parcel: 14; Size: 1.69 ac; Zone: Rural; File: ZV14-10.
4. ***Request postponed until August 28, 2014.*** Variance request by owner, Jose I. Osorio, from Section 4.10A to waive the requirement of a site plan to operate a monthly rodeo event with food vendors and grass parking for 100 vehicles on an active farm. Location: 1196 Van Cleavesville Rd, Kearneysville, WV. Shepherdstown (09); Map 15; Parcel: 1.7; Size: 80.15 ac; Zone: Rural; File: ZV14-11.
5. ***Request postponed until August 28, 2014.*** Variance request by applicant, Sara Lambert, on behalf of the owner, Childs Road Church of God, from Sections 4.11A.1 & 4.11J to reduce the landscaping buffer from 15' to 11'6" and Section 5.7B.2 & Appendix B to reduce the side setback from 50' to 11'6" to construct a 40' x 35' addition. Church contact: Harold Newsome. Location: 3066 South Childs Rd, Kearneysville, WV. District: Middleway (07); Map 21; Parcel: 5.14; Size: 1.61 ac; Zone: Rural; File: ZV14-12.
6. Variance request by applicant, Kevin Clark on behalf of the owners, Elsa and Harold Everling, from Section 5.4B.1 to reduce the rear setback from 20' to 3' for a 15'5" x 21'10" deck on grade. Location: 34 Blakeley Ridge Dr., Charles Town, WV. District: Harpers Ferry (04); Map 10A; Parcel: 41; Size: 3,996 sq. ft.; Zone: Residential Growth; File: ZV14-13.
7. ***Request postponed until August 28, 2014.*** Request for a Special Exception by owners, Jacob and Tia Collis, under Section 10.5B.3 for a Rural Reception/Event Facility to host farm weddings between March and October for Deerfield Farm Weddings. The applicant is seeking permission to operate the venue outdoors with rental tents during the event only; field parking would be provided for up to 75 cars, with an optional 10 handicap spaces in existing gravel lot; each event will cease by 11:00 p.m. Location: 6732 Scrabble Rd, Shepherdstown, WV. Shepherdstown (09); Map 3; Parcel: 8; Size: 10 ac; Zone: Rural; File: SE14-01.
8. Director's Report.
 - a) Monthly Activity Report
9. Legal Update.
10. Signing of written decisions from prior Board of Zoning Appeals meetings.

- a) Action on the Conditional Use Permit for Middleway Market. The applicant is proposing to lift the nonconforming status from the following existing uses by granting said uses permanent legal status: convenience store, which includes incidental propane service, ABC off-premises packaged alcohol sales, video lottery/game room area & ABC on-premise alcohol service, office/storage area, counter & deli service. The applicant is also seeking to expand and/or add the following: increase the buildable area from 4,841.75 sq. ft. to 6,000 sq. ft.; to include a residential rental unit, to expand from counter & deli service to a restaurant service with alcohol sales and delivery service; and, to permit gas pumps either on-site or in conjunction with a partnership agreement with an adjacent neighbor. Owner: Jefferson Reality, LLC. Location: 4843 Middleway Pike, Kearneysville, WV 25430. District: Middleway (07); Map 19A; Parcels: 14 & 14.16; Size: 1.70 ac; Zone: Rural; File: CP14-01. Meeting date 05/22/14

Minutes
Jefferson County Board of Zoning Appeals
Thursday, May 22, 2014

The Jefferson County Board of Zoning Appeals met on Thursday, May 22, 2014 at 2:00 p.m.. The meeting was at 200 East Washington Street, Charles Town, West Virginia, in the Conference Room of the Old Charles Town Library. Unless otherwise noted, all requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

Board members present: Jeffrey Bannon, Vice Chair; Christy Huddle, Matt Knott and Ted Schiltz, Alternate. Staff present: Jennifer M. Brockman, Acting Zoning Administrator/Director of Planning and Zoning; Stephen Groh, Assistant Prosecuting Attorney and Jennilee Hartman, Zoning Clerk. Tyler Quynn, Chair, was absent with notification.

Ms. Hartman swore in the individuals who indicated they would be giving testimony.

Ms. Huddle motioned to commence the meeting at 2:05 p.m. Mr. Knott seconded the motion, which carried unanimously.

1. Approval of the minutes from the April 24, 2014 meeting.

Ms. Huddle motioned to approve April 24, 2014 minutes. Mr. Schiltz seconded the motion, which carried 3 for and 1 abstention (Mr. Knott was not present at the April 24, 2014 meeting).

2. Swearing in of the public intending to provide testimony. Ms. Hartman swore in the individuals who indicated they would be giving testimony at the beginning of the meeting.

3. Action on the Conditional Use Permit for Middleway Market. The applicant is proposing to lift the nonconforming status from the following existing uses by granting said uses permanent legal status: convenience store, which includes incidental propane service, ABC off-premises packaged alcohol sales, video lottery/game room area & ABC on-premise alcohol service, office/storage area, counter & deli service. The applicant is also seeking to expand and/or add the following: increase the buildable area from 4,841.75 sq. ft. to 6,000 sq. ft.; to include a residential rental unit, to expand from counter & deli service to a restaurant service with alcohol sales and delivery service; and, to permit gas pumps either on-site or in conjunction with a partnership agreement with an adjacent neighbor. Owner: Jefferson Reality, LLC. Location: 4843 Middleway Pike, Kearneysville, WV 25430. District: Middleway (07); Map 19A; Parcels: 14 & 14.16; Size: 1.70 ac; Zone: Rural; File: CP14-01.

Ms. Brockman outlined the request for the Board and gave a brief history of the property. Ms. Brockman explained that there had been no public comment at the Compatibility Assessment Meeting held on May 2, 2014, and therefore, another public hearing before the Board was not required. Ms. Brockman presented additional information from her staff report to the Board, which included pictures of the Market, parking lot and access and a list of the existing conditions associated with previous Board approvals. Mr. Antonio Colandrea addressed the Board's questions by explaining that the intent of the request was to keep his options open for future growth. Mr. Colandrea also answered questions regarding the adequacy of parking. Ms. Brockman assured the Board that any change in use or expansion of the store would require a new review of the parking requirements for the site. The Board had concerns regarding the lack of information depicted on the sketch

submitted with the application; specifically, the possible location of the future gas pumps and the potential Market expansion area. Mr. Colandrea reiterated that the intent of the request was to have a variety of uses available to him; however, it was not his immediate goal to develop all of the uses listed. As the item was not open for public comment, Mr. Bannon concluded BZA member discussion on this item.

4. Variance request by applicant, Peter Wilkins, from Section 5.4B to reduce the rear setback from 30' to 20' for a 10' x 28' deck to include a 10' x 12' covered & screened porch. Owner: Christopher Wilkins. Location: Colonial Hills Subdivision, Phase I, Lot D16, 167 Starkeys Landing, Shepherdstown, WV. District: Shepherdstown (09); Map 8D; Parcel: 16; Size: .22 ac; Zone: Residential Growth; File: ZV14-03.

Ms. Brockman presented her staff report to the Board. Mr. Peter Wilkins was present to answer the Board's questions. Mr. Mark Grace, contractor for the applicant, presented the request and answered a question regarding the height of the deck. Mr. Bannon called for public comment. There was no public comment.

Ms. Huddle stated that she believed it was unnecessary for the Board to deliberate on this item. The Board concurred. Mr. Knott motioned to approve the variance request. Ms. Huddle seconded the motion, which carried unanimously.

5. Variance request by owner, Gary Rodis, from Section 5.4B to reduce the rear setback from 20' to 12' to install an irregularly shaped pool. Location: Eastland Subdivision, Section III-B, Lot 85, 875 Eastland Dr., Charles Town, WV. District: Charles Town (02); Map 16; Parcel: 108; Size: 1.273 ac; Zone: Residential Growth; File: ZV14-04.

Ms. Brockman presented her staff report to the Board. Mr. Gary Rodis presented his request to the Board explaining his rationale for the additional concrete around the in ground pool. Mr. Bannon called for public comment. There was no public comment.

6. A request by applicant, ABS Enterprises, to change a nonconforming use per Section 4.3C to allow for the addition of a 5,000 sq. ft. fresh bakery to zoning certificate application #ZC14-13; and, to include heavy equipment and leasing, auto repair and recycling as approved uses to zoning certificate application #ZC14-15. Owner: OBF Properties LLC. Location: 1059 Box Factory Rd., Summit Point, WV. District: Middleway (07); Map 27; Parcel: 11; Size: 7.2 ac; Zone: Rural.

Ms. Brockman presented her staff report to the Board by providing the history of the property and citing her reasons for not issuing the zoning certificate for a change in nonconforming use, as requested by the applicant. Ms. Brockman also reviewed the existing and proposed conditions should the Board chose to approve the applicant's request. Mr. Fred Bishopp, representative for the request, explained that the previous tenant, Chris Hensen, recently vacated the site and a new distributor was interested in utilizing a number of the structures for their mini-mart operations, which included refrigerated and fresh bakery items. Mr. Bishopp stated that the potential purchaser was also interested in being able to rent out the remaining structures on the property for

1 additional income. Mr. Bishopp further stated that there had been no interested parties at
2 this time and that the request was only to expand the list of potential leasing options. The
3 Board had questions regarding traffic and impact on the existing residential community.
4 Ms. Brockman stated that Box Factory Road was a rural road and appeared to have
5 minimal traffic. Ms. Brockman also mentioned that there was an existing, nonconforming
6 saw/lumber mill currently operating across the street from the subject parcel. Mr. Bannon
7 called for public comment. There was no public comment.

8
9 Ms. Huddle motioned to go into deliberative session at 3:03 p.m. Mr. Knott seconded the
10 motion, which carried unanimously. Ms. Huddle motioned to come out of deliberative
11 session at 3:39 p.m. Mr. Schiltz seconded the motioned, which carried unanimously.

12
13 **Board of Zoning Appeals Rulings**

- 14
15 3. Action on the Conditional Use Permit for Middleway Market. The applicant is proposing
16 to lift the nonconforming status from the following existing uses by granting said uses
17 permanent legal status: convenience store, which includes incidental propane service,
18 ABC off-premises packaged alcohol sales, video lottery/game room area & ABC on-
19 premise alcohol service, office/storage area, counter & deli service. The applicant is also
20 seeking to expand and/or add the following: increase the buildable area from 4,841.75 sq.
21 ft. to 6,000 sq. ft.; to include a residential rental unit, to expand from counter & deli service
22 to a restaurant service with alcohol sales and delivery service; and, to permit gas pumps
23 either on-site or in conjunction with a partnership agreement with an adjacent neighbor.
24 Owner: Jefferson Reality, LLC.

25
26 Ms. Huddle motioned to grant the request to change Middleway Markey from a non-
27 conforming use to a Conditional Use Permit for the following uses: a convenience store,
28 which includes incidental propane service, ABC off-premises packaged alcohol sales,
29 ABC on-premise alcohol service, office/storage area, counter & deli service and to allow
30 an expansion of the buildable area from 4,841.75 sq. ft. to 6,000 sq. ft.; and inclusion of a
31 residential rental unit, to expand from counter & deli service to a restaurant service with
32 alcohol sales and delivery service. Ms. Huddle noted that this approval shall not include
33 the video lottery/game room area and that the requested gas pumps either on-site or in
34 conjunction with a partnership agreement with an adjacent neighbor is not approved.
35 Ms. Huddle clarified that the video lottery/game room area shall remain a nonconforming
36 use. Mr. Knott seconded the motion, which carried unanimously.

- 37
38 4. Variance request by applicant, Peter Wilkins, from Section 5.4B to reduce the rear setback
39 from 30' to 20' for a 10' x 28' deck to include a 10' x 12' covered & screened porch.

40
41 The Board took action on this item after hearing testimony from the applicant.

- 42
43 5. Variance request by owner, Gary Rodis, from Section 5.4B to reduce the rear setback from
44 20' to 12' to install an irregularly shaped pool.

1 Mr. Knott motioned to approve the above referenced variance request. Ms. Huddle seconded
2 the motion, which carried unanimously.

3
4 6. A request by applicant, ABS Enterprises, to change a nonconforming use per Section 4.3C
5 to allow for the addition of a 5,000 sq. ft. fresh bakery to zoning certificate application
6 #ZC14-13; and, to include heavy equipment and leasing, auto repair and recycling as
7 approved uses to zoning certificate application #ZC14-15. Owner: OBF Properties LLC.

8
9 Ms. Huddle motioned to approve the above referenced request with the following conditions:

- 10 1. The applicant is bound by the testimony given;
11 2. No storage or warehousing of any toxic or hazardous material will be permitted;
12 3. Exterior storage of inoperable equipment or recyclables is limited to an area of less than
13 one quarter acre;
14 4. Any waste oils and related maintenance fluids shall be properly disposed of off-site;
15 5. No smelting will be permitted; and,
16 6. A sketch plan shall be submitted prior to the business opening, depicting adequate
17 employee parking, the circulation pattern for construction equipment and the permitted
18 storage areas. Note that no customer parking is permitted on unpaved parking areas. If
19 customers are expected on premises, a Site Plan depicting required paved parking and
20 ADA compliant spaces shall be required.

21 Mr. Schiltz seconded the motioned, which carried unanimously.

22
23 7. Discussion on the proposed amendments to the Board of Zoning Appeals Rules of Procedure,
24 Effective July 21, 2011, (Draft 2). Mr. Groh provided the Board with a revised draft of the
25 ROP. Mr. Bannon stated he would like to defer this item until Mr. Quynn could take part in
26 the discussion. Mr. Groh gave his opinion on who he believed the term Intervenor applied to
27 and read from the revised ROP. Discussion also ensued regarding the appeal process;
28 however, no action was taken. This item was deferred until the next meeting.

29
30 8. Director's Report. Ms. Brockman updated the Board on possible upcoming Ethics training,
31 the status of the Comprehensive Plan update (Envision Jefferson 2035) and associated
32 meeting dates, announced that the newly revised Zoning Ordinance will be available by the
33 next BZA meeting and stated copies would be provided to the BZA members upon request
34 and informed them of the latest developments regarding the Shepherdstown Growth
35 Management Boundary.

36
37 9. Legal Update.

38
39 10. Signing of written decisions from prior Board of Zoning Appeals meetings.

- 40 a. Action on the Conditional Use Permit (CUP) for Sustainable Solutions, LLC. The
41 applicant is proposing to use the existing expired nonconforming use of commercial
42 buildings for the operation of a business that helps private landowners, state & federal
43 agencies and non-profits manage their land for ecological, economic and social returns.
44 The business would include a 12' x 12' company office within Building A (as shown on

1 Figure 1. Site Map). The remaining portion of Building A and Buildings B and C
2 would be used as shop space for storage, maintenance and repair of company equipment
3 and vehicles. Two alternate sign locations were proposed a) on the existing canopy; or, b)
4 on Building A. Additional landscaping in the form of native trees, shrubs and flowers were
5 also proposed. Property owner: Steve Wandless. Purchaser/Developer: James Remuzzi.
6 Location: 4419 Kearneysville Pk., Shepherdstown, WV. District: Shepherdstown (09);
7 Map 8; Parcel: 9.3; Zone: Residential Growth; Size: 1.79 ac; File: CP13-01.
8 Meeting Date: 3/27/14. Ms. Huddle signed the amended Findings that Mr. Groh provided.
9

10 Ms. Huddle motioned to adjourn the meeting at 4:20 p.m. Mr. Schiltz seconded the motion,
11 which carried unanimously.
12

13 An audio transcript of this meeting can be found at the Department of Zoning and on the
14 Department's website at www.jeffersoncountywv.org. These minutes were prepared by
15 Jennilee Hartman, Zoning Clerk.

Draft Minutes
Jefferson County Board of Zoning Appeals
Thursday, June 26, 2014

The Jefferson County Board of Zoning Appeals met on Thursday, June 26, 2014 at 2:00 p.m.. The meeting was at 200 East Washington Street, Charles Town, West Virginia, in the Conference Room of the Old Charles Town Library. Unless otherwise noted, all requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

Board members present: Tyler Quynn, Chair, Jeffrey Bannon, Vice Chair; Christy Huddle, Matt Knott and Ted Schiltz. Staff present: Jennifer M. Brockman, Acting Zoning Administrator/Director of Planning and Zoning and Jennilee Hartman, Zoning Clerk.

Mr. Quynn explained the proceedings of the meeting to those in attendance. The meeting commenced at 2:06 p.m.

1. Approval of the minutes from the May 22, 2014 meeting.

Mr. Knott motioned postpone the May 22, 2014 minutes until the next meeting. Mr. Bannon seconded the motion, which carried 4 for and 1 abstention (Mr. Quynn was not present at the May 22, 2014 meeting).

2. Swearing in of the public intending to provide testimony. Ms. Hartman swore in the individuals who indicated they would be giving testimony.

3. Variance request by Woody Beddow, Deacon, on behalf of the Owner, from Section 4.10A to waive the requirement of a site plan for a 336 square foot addition to include new restrooms plus an ADA compliant access ramp. The proposed addition is 86 square feet larger than what is allowed to be built without a site plan. Owner: Allen Sullivan, Trustee, Bakerton Church of God/Bakerton Bible Church. Location: 662 Carter Ave., Harpers Ferry, WV. District: Harpers Ferry (04); Map 3; Parcel: 57; Size: 1.69 ac; Zone: Village; File: ZV14-06.

Ms. Brockman outlined the request for the Board and provided them highlights from her staff report. Ms. Brockman explained that the church site was previously considered a non-conforming use; however, the newly adopted text amendments to the zoning ordinance, which went into effect on June 1, 2014, now made the church a permitted use. Allen Sullivan, representative for the Bakerton Church, explained that the proposed expansion would not be increasing the seating capacity of the sanctuary and that the sole purpose for the expansion was to provide ADA accessibility and ADA compliant restroom facilities to the existing church members. Mr. Schiltz has questions regarding the existing parking. Ms. Brockman stated that since the expansion was not increasing the sanctuary/seating area of the church that a review of the parking standards was not necessary. Mr. Quynn called for public comment. There was no public comment.

4. Variance request by owner, Fellowship Bible Church, from Section 4.10A to waive the requirement of a site plan for four (4) 20' x 60' modular classrooms (5,760 sq. ft.) for children's ministries and request an extension of time for the previous variance request (ZV12-13) for the existing modular classrooms until the site plan for Phase II is completed. Location: 160 Daniel Rd, Charles Town, WV. District: Charles Town (02); Map 3; Parcel: 4.5; Size: 50 ac; Zone: Rural; File: ZV14-07.

Ms. Brockman presented her staff report to the Board. Richard Beddow was present to address the Board and answer their questions. Mr. Gary Frey stated that he was an elder for the church and would be the consulting surveyor for the project. Mr. Frey addressed the Board's questions concerning the anticipated length of time it would take to process a site plan. Mr. Frey stated that depending on financing and other matters that their Board would need to review, they anticipated submitting a concept plan to the Department by August and site plan approval by the end of the year. Mr. Quynn called for public comment. There was no public comment.

5. Variance request by owner, Jose Manzo, from Section 8.2 to reduce the front and side setback from 75' to 5' for an existing 16' x 16' shed to be utilized as a small barn; and, from Section 9.6C to permit the existing shed/small barn to be located within the required front yard.

6. Variance request by owner, Jose Manzo, from Section 5.7B.1 to reduce the front (40'), side (15') and rear (5') setback requirements for an existing 7' tall fence erected around the perimeter of the property; and, from Section 9.6C to permit the existing 7' tall fence to be located within the required front yard. Location: 83 Hyde Park Ln., Charles Town, WV. District: Kabletown (06); Map 9; Parcel: 21.2; Size: 1.28 ac; Zone: Rural; File: ZV14-09.

The Board addressed Items # 5 and #6 together.

Ms. Brockman outlined the request for the Board and provided them highlights from her staff report. Ms. Brockman explained that the septic reserve area was located toward the rear of the property and that neither the fence nor the shed would be permitted within 10' of this area. In addition, the heavily wooded lot would reduce the applicant's buildable area. Mr. Jose Manzo explained that when he replaced both the dilapidated fence and shed and built the new structures that he was not aware that a building permit was necessary. Mr. Manzo provided a letter of support from an adjacent neighbor. Mr. Quynn called for public comment. John Tenant, adjacent neighbor, spoke in support of the request saying that Mr. Manzo has worked diligently to clean up the property since purchasing it a few years ago. Mr. Tenant stated that he believed Mr. Manzo was an asset to the neighborhood.

Ms. Huddle motioned to go into deliberative session at 2:48 p.m. Mr. Bannon seconded the motion, which carried unanimously. Mr. Knott motioned to come out of deliberative session at 2:56 p.m. Mr. Schiltz seconded the motion, which carried unanimously.

Board of Zoning Appeals Rulings

3. Variance request by Woody Beddow, Deacon, on behalf of the Owner, from Section 4.10A to waive the requirement of a site plan for a 336 square foot addition to include new restrooms plus an ADA compliant access ramp. The proposed addition is 86 square feet larger than what is allowed to be built without a site plan. Owner: Allen Sullivan, Trustee, Bakerton Church of God/Bakerton Bible Church.

Mr. Schiltz motioned to approve the above referenced request. Ms. Huddle seconded the motion, which carried unanimously.

- 1
2 4. Variance request by owner, Fellowship Bible Church, from Section 4.10A to waive the
3 requirement of a site plan for four (4) 20' x 60' modular classrooms (5,760 sq. ft.) for
4 children's ministries and request an extension of time for the previous variance request
5 (ZV12-13) for the existing modular classrooms until the site plan for Phase II is completed.
6

7 Ms. Huddle motioned to approve the above referenced request with the following conditions:

- 8 a. The variance request is limited to no more than four modular classrooms.
9 b. The total square footage of the modular classrooms installed as part of this request shall
10 not exceed 5,760 square feet.
11 c. The modular classrooms shall be located as depicted on the sketch submitted with the
12 variance application, dated May 30, 2014. Should it be necessary to vary the location
13 slightly due to unforeseen site conditions, the Zoning Administrator may approve the
14 change administratively. The modular classrooms shall not extend beyond the parking
15 lot either towards Daniel Road (west) or towards Parcel 9.1 (east).
16 d. All modular buildings have access via an accessible route meeting the standards of the
17 Americans with Disabilities Act.
18 e. The proposed modular classrooms, including the existing units and all accessory
19 decking, shall be removed from the site one year from the date of this BZA meeting or
20 shall be included on an approved site plan.
21 f. The Applicant is bound by their testimony, which included having a Concept Plan
22 submitted to the Department no later than August 2014.

23 Mr. Knott seconded the motion, which carried unanimously.
24

25 **Ms. Huddle's original motion inadvertently contained Site Plan instead of Concept Plan in*
26 *condition (f). This was rectified after Items #5&6 were addressed.*
27

- 28 5. Variance request by owner, Jose Manzo, from Section 8.2 to reduce the front and side setback
29 from 75' to 5' for an existing 16' x 16' shed to be utilized as a small barn; and, from Section
30 9.6C to permit the existing shed/small barn to be located within the required front yard.
31
32 6. Variance request by owner, Jose Manzo, from Section 5.7B.1 to reduce the front (40'), side
33 (15') and rear (5') setback requirements for an existing 7' tall fence erected around the
34 perimeter of the property; and, from Section 9.6C to permit the existing 7' tall fence to be
35 located within the required front yard.
36

37 Mr. Bannon motioned to approve the above referenced requests with the following conditions:

- 38 a. The variance for the fence is limited to the existing 7';
39 b. The Applicant must apply for a building permit within 45 days from the date of the meeting.

40 Ms. Huddle seconded the motioned, which carried unanimously.
41

42 Mr. Frey asked for clarification regarding Ms. Huddle's motion and asked the motion reflect the
43 first step in their process by submittal of a Concept Plan in August. The Board agreed.
44

- 1 7. Discussion on the proposed amendments to the Board of Zoning Appeals Rules of Procedure,
2 Effective July 21, 2011, (Draft 2). The Board discussed revisions to the proposed Draft that
3 was included in the packet. Upon reviewing the edits discussed, Ms. Huddle motioned to
4 accept the Board of Zoning Appeals Rules of Procedure, Effective July 21, 2011, (Draft 2) as
5 revised. Mr. Bannon seconded the motion. (Revised document attached.)
6
- 7 8. Director's Report. Ms. Brockman updated the Board on the status of the Comprehensive Plan
8 and its July 22nd public hearing, a rezoning request that is to be heard by the County Commission
9 (date TBD) and the approval of the job offer for the vacant Planning Clerk position.
10
- 11 9. Legal Update. None.
12
- 13 10. Signing of written decisions from prior Board of Zoning Appeals meetings. None available.
14 a) Action on the Conditional Use Permit (CUP) for Sustainable Solutions, LLC. The applicant
15 is proposing to use the existing expired nonconforming use of commercial buildings for the
16 operation of a business that helps private landowners, state & federal agencies and non-
17 profits manage their land for ecological, economic and social returns. The business would
18 include a 12' x 12' company office within Building A (as shown on Figure 1. Site Map).
19 The remaining portion of Building A and Buildings B and C would be used as shop space
20 for storage, maintenance and repair of company equipment and vehicles. Two alternate sign
21 locations were proposed a) on the existing canopy; or, b) on Building A. Additional
22 landscaping in the form of native trees, shrubs and flowers were also proposed. Property
23 owner: Steve Wandless. Purchaser/Developer: James Remuzzi. Location: 4419
24 Kearneysville Pk., Shepherdstown, WV. District: Shepherdstown (09); Map 8; Parcel: 9.3;
25 Zone: Residential Growth; Size: 1.79 ac; File: CP13-01. Meeting Date: 3/27/14.
26 b) Action on the Conditional Use Permit for Middleway Market. The applicant is proposing
27 to lift the nonconforming status from the following existing uses by granting said uses
28 permanent legal status: convenience store, which includes incidental propane service,
29 ABC off-premises packaged alcohol sales, video lottery/game room area & ABC on-
30 premise alcohol service, office/storage area, counter & deli service. The applicant is also
31 seeking to expand and/or add the following: increase the buildable area from 4,841.75 sq.
32 ft. to 6,000 sq. ft.; to include a residential rental unit, to expand from counter & deli
33 service to a restaurant service with alcohol sales and delivery service; and, to permit gas
34 pumps either on-site or in conjunction with a partnership agreement with an adjacent
35 neighbor. Owner: Jefferson Reality, LLC. Location: 4843 Middleway Pike,
36 Kearneysville, WV 25430. District: Middleway (07); Map 19A; Parcels: 14 & 14.16;
37 Size: 1.70 ac; Zone: Rural; File: CP14-01. Meeting date 05/22/14.
38
- 39 Ms. Huddle motioned to adjourn the meeting at 3:30 p.m. Mr. Knott seconded the motion, which
40 carried unanimously.
41
- 42 An audio transcript of this meeting can be found at the Department of Zoning and on the
43 Department's website at www.jeffersoncountywv.org. These minutes were prepared by
44 Jennilee Hartman, Zoning Clerk.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 24, 2014

Leetown United Methodist Church Variance Request (#ZV14-10)

The church currently has a freestanding sign located on the south side of the church structure. Additionally, the church uses a temporary A-frame type sign in front of the church entryway on a regular basis.

The existing church structure and sign are both nonconforming in that they do not meet the front yard setbacks. This request to allow the placement of a second sign on the north side of church structure in a location that requires a front yard setback variance.



The church is considering utilizing an animated/electronic sign and that request is also a part of this request; however due to changes in the definition of variance in the Zoning Ordinance, it is no longer permissible to request an animated sign utilizing a variance process. The animated sign cannot be considered during this public hearing.

2. Previous Case History

N/A

3. Applicant's Justification of Request

In the attached application submitted for the variance request the applicant provided a response to the following four criteria for a variance:

- a) *Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.*
- b) *Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance.*
- c) *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*
- d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

Front yard setbacks are in place to ensure there is adequate distance between structures and the road on which it fronts to ensure that there is adequate room for emergency vehicles between and around the properties; access for utility workers who need to deal with electric, cable and phone lines; space for maintenance on the structure; and adequate sight distance for drivers along the road. The more rural the environment, the greater the front yard setback typically is. Historically, in rural villages, front setbacks were very short.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 24, 2014

Leetown United Methodist Church Variance Request (#ZV14-10)

b. Unique characteristics of property

The property on which the church structure sits is a portion of the larger farm which surrounds it and is shaped as a narrow triangle. Its depth limits the location of the structure and related signs.



c. Character of area

The church is sited in a rural area of the County just south of the village of Leetown. It is surrounded by a farm and near other large rural properties.

d. Impact on adjacent properties

The location of an additional sign no closer to the road than the front stoop of the existing church structure will have minimal impact on adjacent properties. Due to the fact that it is proposed no closer to the road than the existing church structure, it should also have minimal impact on drivers utilizing the road.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 24, 2014

Leetown United Methodist Church Variance Request (#ZV14-10)

e. Feasibility of complying with the ordinance by other means

Due to the fact that the church structure sits so close to Leetown Road, locating a sign in a location that meets the setback requirements would place it in an area on the property which would serve no purpose. If a second sign is needed by the church, the proposed location which is intended to meet the setback of the existing structure, meets the needs of the church without further intruding upon required front yard setback.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 24, 2014

Leetown United Methodist Church Variance Request (#ZV14-10)

5. Conditions of Approval

Should the Board choose to approve this request, possible conditions of approval include:

- 1) The front setback variance applies to one freestanding sign only, to be located on the north side of the church structure as depicted in the sketch accompanying this request.
- 2) The base of the sign shall not be shorter than 3' 5" in order to prevent sight distance issues.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 10.2 General Provisions

- I. No animated signs, as defined by Section 2.2 are allowed.

Section 10.4 Signs Requiring a Zoning Permit

- C. Individual business or industrial establishments may erect a freestanding business sign, provided the lot frontage is at least forty (40) feet. The freestanding sign shall be located in such a manner that no part of the supporting structure is less than twenty-five (25) feet from the street right-of-way, and that no part of the sign is closer than five (5) feet to the right-of-way. The total area for any sign or signs on one supporting structure shall not exceed 300 square feet and the total height of the sign structure shall not exceed thirty-five (35) feet. Businesses or industries having a frontage on more than one street may have an additional freestanding sign for each street frontage, provided that the total area for all freestanding signs does not exceed 600 square feet. Where the lot adjoins a residence and a freestanding sign is on the side of the business lot adjoining the residential lot, the sign shall not face the adjoining residence. Signs governed by the Development Review System are subject to Section 10.4E. Structures which have more than one use shall be required to use a pylon sign. One is permitted on each street frontage.⁸



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Number: ZV14-10

Staff Initials: ck

Fees Paid (\$100 or \$150): \$ 100.00

www.jeffersoncountyv.wv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountyv.wv.org

Phone: (304) 728-3228

zoning@jeffersoncountyv.wv.org

Fax: (304) 728-8126

Zoning Variance Request

Variances to the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: Leetown United Methodist Church
 Mailing Address: 11133 Leetown Road CONTACT: PAUL RANALLI (304) 725-2343
 City: Kearneysville State: WV Zip Code: 25430
 Phone Number: 304 725-8304 Email: ~~WV~~ leetownumc@frontier.net

Applicant Information

Name: Leetown United Methodist Church
 Mailing Address: 11133 Leetown Road
 City: Kearneysville State: WV Zip Code: 25430
 Phone Number: 304 725-8304 Email: leetownumc@frontiernet.net

Engineer(s) or Surveyor(s) Information

Name: _____
 Mailing Address: _____
 City: _____ State: _____ Zip Code: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 11133 Leetown Road
 City: Kearneysville State: WV Zip Code: 25430
 Tax District: Middleway Map No: 12 Parcel No: 14
 Parcel Size: 1 ac - 84 Deed Book: 172 - 84 Page No: 437 - 84

Zoning District (please check one)

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Rural (R-A)	Residential Growth (R-G)	Industrial Commercial (I-C)	Residential- Light Industrial- Commercial (R-L-C)	Village (V)
<input checked="" type="checkbox"/> - 84	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of ways, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e., the distance of the structure from all property lines), size and height. Identify all existing buildings, structures or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? ☐ Yes ☐ No

Reference the section of Ordinance pertaining to this request: Sec. 10.2 I + 10.4C - GH

Briefly describe the nature of the variance request

Set back for sign (new) 4' x 5' (2' base) 07/09/14
Permit an animated sign. Allow 2 signs on one road frontage. - GH

If this request is for a setback variance, please one of the following

☒ Front Setback ☐ Side Setback ☐ Rear Setback Reduction From 25 feet to 12 feet

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

The front stoop of the church is set back 12 feet, the sanctuary 17 feet

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

The church is close to the road and we need the sign to be in front of the church

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

So folks driving by can read the proposed new sign.

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

The church building has been here 130 years.

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.

Kelen M. Mason 6-14-14
Signature of Property Owner trustee chair Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

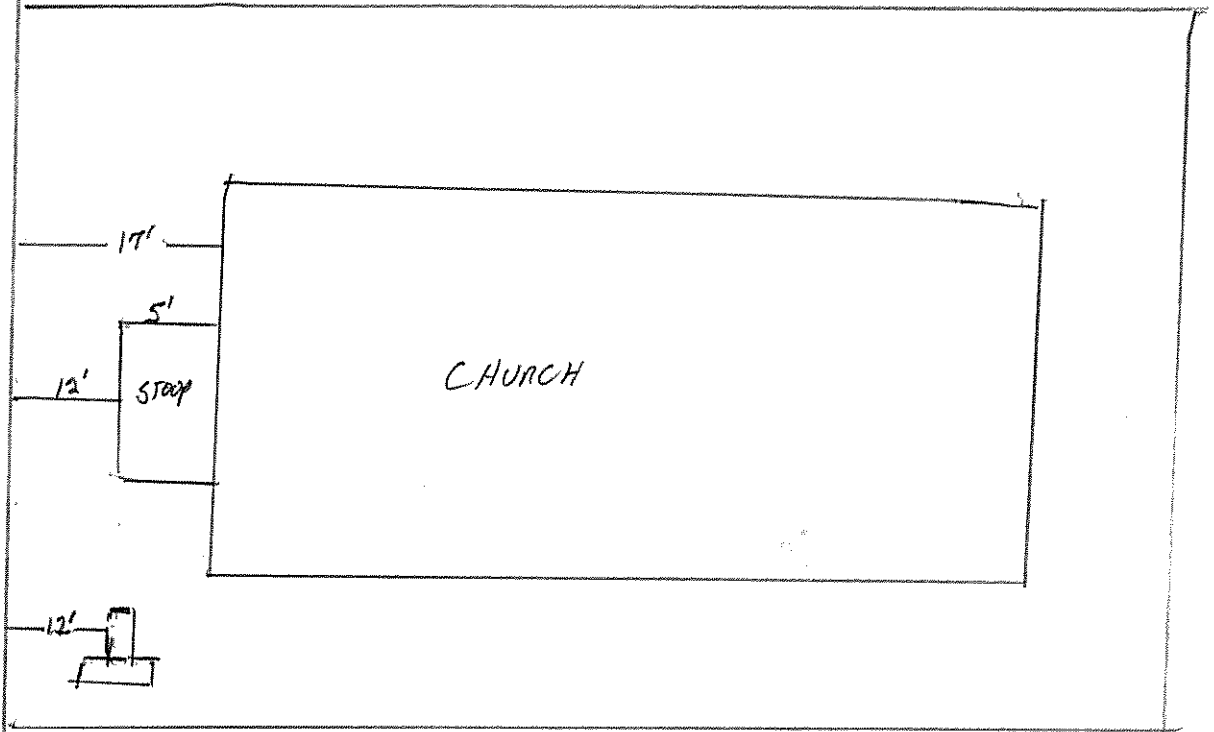
THURSDAY, JULY 24, 2014 @ 2:00 PM
Date of Public Hearing

WEDNESDAY, JULY 9, 2014
Advertising Date

WEDNESDAY, JULY 9, 2014
Placard Posting Date

ZV14-10

← LEETOWN 480 MIDDLEWAY →

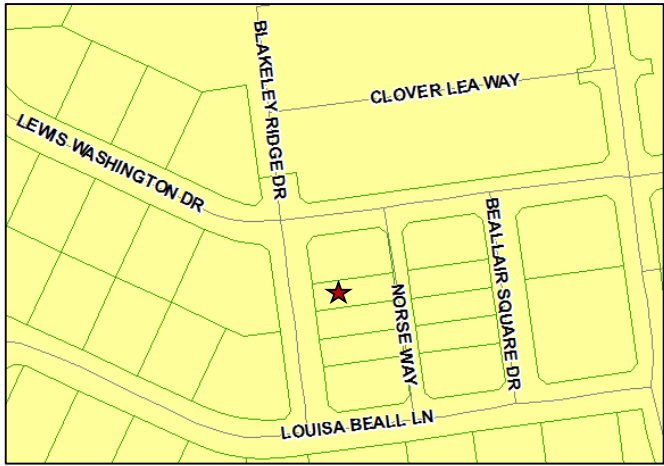


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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 24, 2014

Elsa and Harold Everling Variance Request (#ZV14-13)

Item #6 Variance request by applicant, Kevin Clark on behalf of the owners, Elsa and Harold Everling, from Section 5.4B.1 to reduce the rear setback from 20' to 3' for a 15'5" x 21'10" deck on grade.

APPLICANT:	Kevin Clark
OWNER:	Elsa and Harold Everling
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	34 Blakeley Ridge Dr., Charles Town, WV
LEGAL DESCRIPTION & ZONING DISTRICT:	<p>District: Harpers Ferry (04); Map 10A; Parcel: 41; Size: 3,996 sq. ft. Zone: Residential Growth</p> 
SURROUNDING PROPERTIES:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;">North: RG South: RG East: RG West: RG</p>
PRIOR CASES:	12/07/04: PC approved the final plat for Phase I (#02-36)
VARIANCE(S):	<p>03/25/03: PC approved the following variances: <u>Sections:</u> 8.2A.5 from the right of way width 8.2A.1 from the pavement width 8.2A.11 inverted crown on the one way drives 8.2B.1 curb and gutter 8.2B.4 gutters 8.3C.1.B on-site parking spaces</p> <p>03/23/04: PC approved the following variances: <u>Sections:</u> 8.3C.A Finished road width of rear access drives shall be 15'. 8.3C.B No curbs will be provided along rear access drives. 8.3C.C No sidewalks will be provided on the one-way rear access drives. 8.3C.D Right-of-way for rear alley frontages where there are no sidewalks required, will be located 25' from the edge of pavement 8.3C.5.A No buffer screening will be provided between common areas and adjoining properties with single-family detached residences.</p>
APPROVED ACTIVITY:	Townhouse Dwelling

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 24, 2014

Elsa and Harold Everling Variance Request (#ZV14-13)

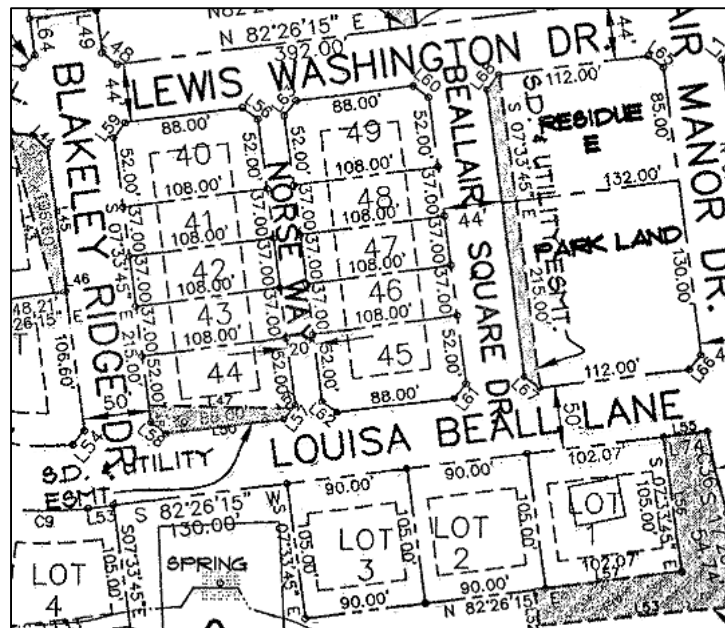
RELEVANT INFORMATION:

1. Overview of Request

The applicant is proposing to construct a 15'5" x 21'10" deck 16" above the ground level, in the rear yard of a 37' x 108' townhome lot in the Beallair Subdivision. A portion of the rear yard is occupied by a driveway accessed from a rear alley, and a 6' fence is along both side lot lines. The deck is proposed to occupy most of the balance of the back yard. The request is to allow the construction of a low deck to occur within 3 feet of the rear property line, reducing the required rear setback from 20' to 3'.

2. Previous Case History

The final plat for the Beallair Subdivision, Phase I, Lots 1 – 49, and Residue Parcels A, B, C D, & E was approved by the Planning Commission on December 7, 2004 and was recorded in the Courthouse on December 8, 2004.



3. Applicant's Justification of Request

In the attached application submitted for the variance request the applicant provided a response to the following four criteria for a variance:

- a) *Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.*
- b) *Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance.*
- c) *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*
- d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 24, 2014

Elsa and Harold Everling Variance Request (#ZV14-13)

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

The purpose of side and rear yard setback requirements is to reduce the impact that a land use might cause to an adjacent property, to allow adequate space between a structure and a property line so that maintenance of the structure is feasible, to maintain adequate separation between structures for fire prevention purposes, and to allow room for utility easements.

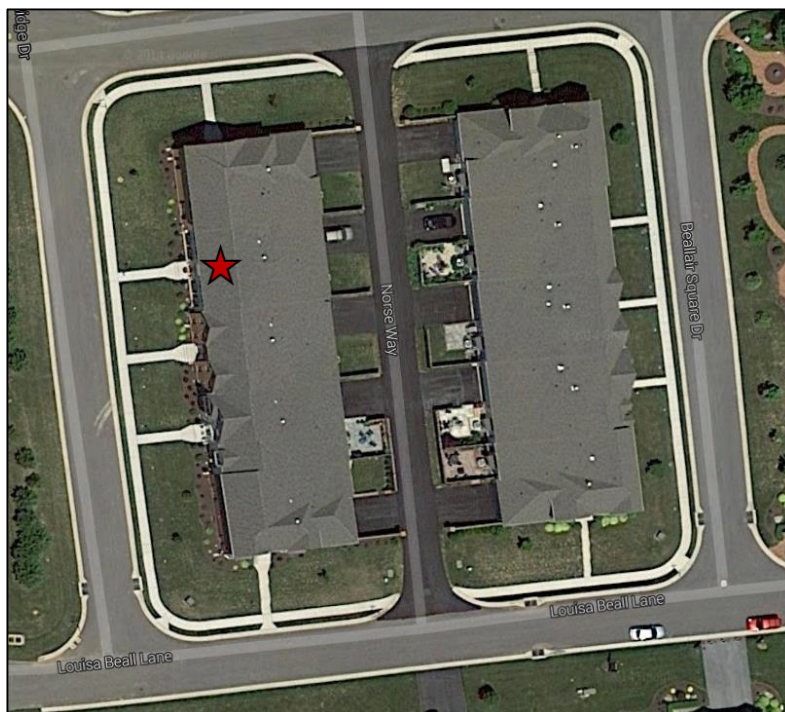
b. Unique characteristics of property

The property is a part of a newer townhome development in the Beallair Subdivision development in which groups of five townhomes front on a road but have rear access off an alley. Additional townhouses are located across the alley, facing on a parallel street. Approximately half of the back yard area if each townhouse lot is occupied by the rear access driveway. Six foot privacy fences line the side property line.



c. Character of area

The Bellair Subdivision is a residential subdivision with a mixture of single family and townhome lots with varying lot sizes. The development is organized in neighborhoods and includes narrower roads typical of a “Traditional Neighborhood Development (TND)”.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 24, 2014

Elsa and Harold Everling Variance Request (#ZV14-13)

d. Impact on adjacent properties

The rear alley is intended to have very slow-moving traffic and is impacted by the six foot privacy fences between the townhomes. A rear deck to within 3 feet of the alley will not have an impact on adjacent properties as it will be buffered by the fences.



e. Feasibility of complying with the ordinance by other means

A concrete patio of the same dimensions could be poured without requiring a setback variance. Either the deck or a patio would greatly reduce the amount of yard required in the rear of the townhome.

5. Conditions of Approval

Should the Board choose to approve this request, possible conditions of approval include:

- a. This waiver can only be applied to reduce of the rear yard setback from 20' to 3' for the purpose of constructing a rear yard deck no more than 16" above ground level.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 5.4 Residential-Growth District

B. Minimum Lot Area, Height, and Yard Requirements

1. Minimum Lot Area, Height, and Yard Requirements are as shown in Table 5.4 – 1 below. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.²³

Table 5.4 – 1 Residential Growth District - Height and Yard Requirements^{5, 19, 23}

	Development Type	Minimum Lot Area (MLA) Area per Dwelling Unit (ADU)	Required Yards (ft)				Maximum Building Height (ft)*
			Front	Side	Street Side	Rear	
3	Townhouse Dwelling		25	12	15	20	40
	Public/Central water and sewer	1,400 sq. ft. MLA	"	"	"	"	"
		3,500 sq. ft. ADU	"	"	"	"	"
3	Townhouse Dwelling		25	12	15	20	40

*Subject to Section 9.2



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Number: ZV14-13

Staff Initials: cle

Fees Paid (\$100 or \$150): \$ 100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Variance Request

Variances to the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: ELSA + HAROLD Everling
Mailing Address: 34 Blakeley Ridge DR.
City: CHARLES TOWN State: WV Zip Code: 25414
Phone Number: 703-307-6683 Email: _____

Applicant Information

Name: SAME AS OWNER KEVIN CLARK / BLUE RIDGE CARPENTRY
Mailing Address: PO BOX 1072
City: CHARLES TOWN State: WV Zip Code: 25414
Phone Number: 304-283-5473 Email: klavin@blue ridge carpentry.com

Engineer(s) or Surveyor(s) Information

Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 34 Blakeley Ridge DR.
City: CHARLES TOWN State: WV Zip Code: 25414
Tax District: HARPERS FERRY (04) Map No: 10A Parcel No: 41
Parcel Size: 0.0917 ACRES (LT #41 BELLAIR) Deed Book: 1097 Page No: 452

Zoning District (please check one)

Rural (R-A)	Residential Growth (R-G)	Industrial Commercial (I-C)	Residential- Light Industrial- Commercial (R-L-C)	Village (V)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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JUN 24 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of ways, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e., the distance of the structure from all property lines), size and height. Identify all existing buildings, structures or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? ☐ Yes ☒ No

Reference the section of Ordinance pertaining to this request:

5.4B.1-GH

Briefly describe the nature of the variance request

Request VARIANCE to build a DECK ON GRADE, Located in REAR of T/H PROPERTY, DECK Height 16" from ground,

If this request is for a setback variance, please one of the following

☐ Front Setback ☐ Side Setback ☒ Rear Setback Reduction From 20' to 3'

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

the proposed DECK will not AFFECT ADJACENT OWNERS - Because they will not be able to see it from their property. There is a 6' Privacy Fence on Both Sides, no Portion of new DECK will extend Above

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

the grade @ the REAR OF PROPERTY, yard maintenance and functional use of their OUTDOOR PROPERTY will become available for use, and require little maintenance.

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

Reasonable - use of the REAR YARD as a patio/DECK will become Available, and offer less YARD maintenance.

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

Justice will be done by granting this VARIANCE, because it will Affect NO ONE by doing so, the PROPOSED DECK won't be visible to ANYONE.

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.

X. Harold E. Everling 6/18/14
Signature of Property Owner Date

X. Folsa Cusling 6/18/2014
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

July 24 2014 @ 2:00pm
Date of Public Hearing

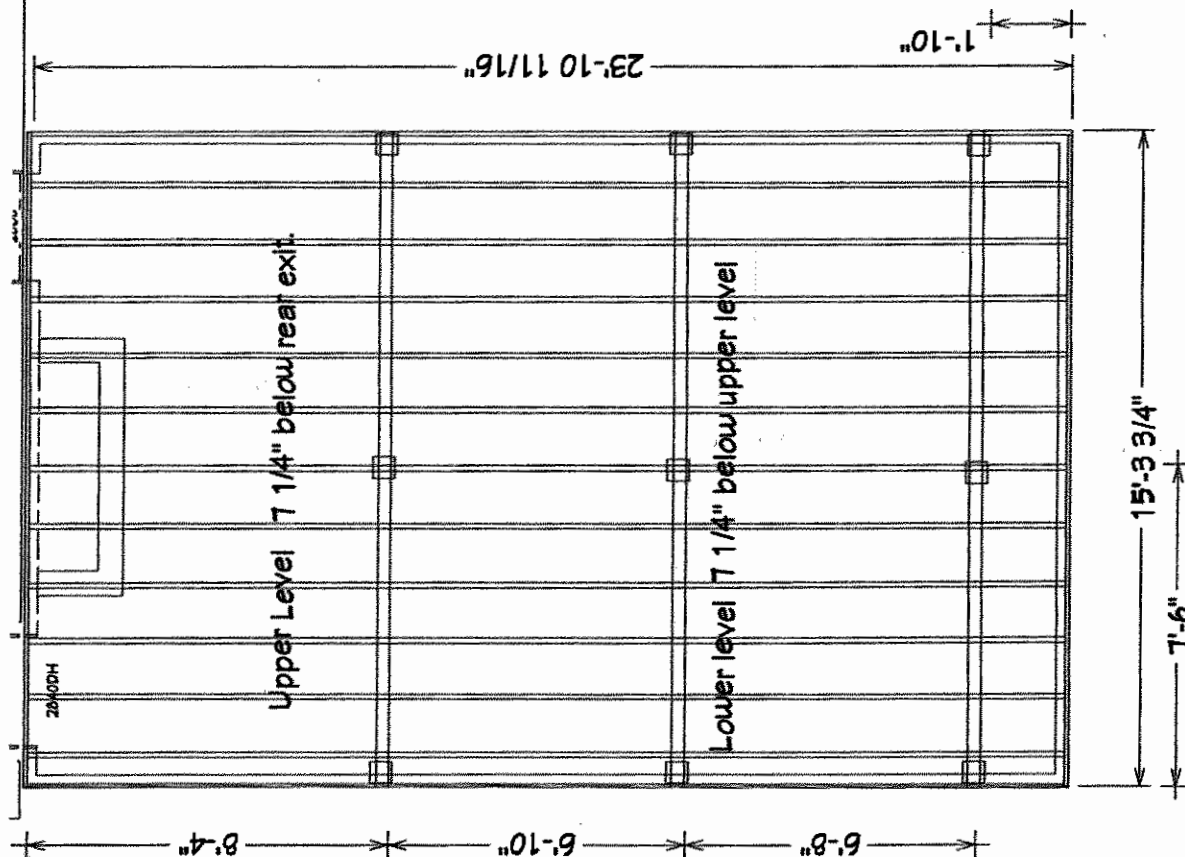
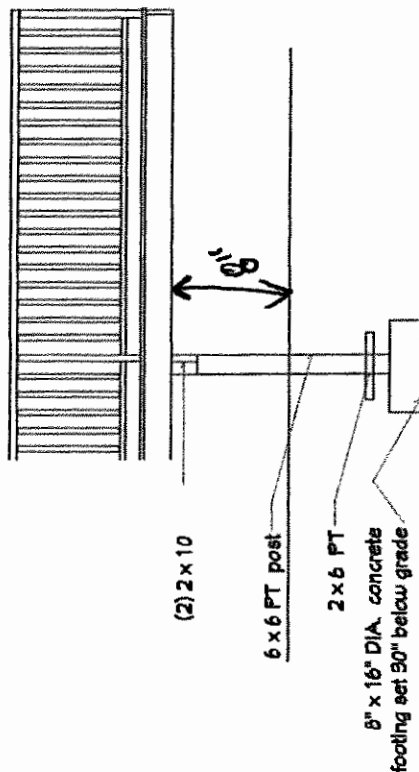
WEDNESDAY JULY 9, 2014
Advertising Date

WEDNESDAY JULY 9, 2014
Placard Posting Date

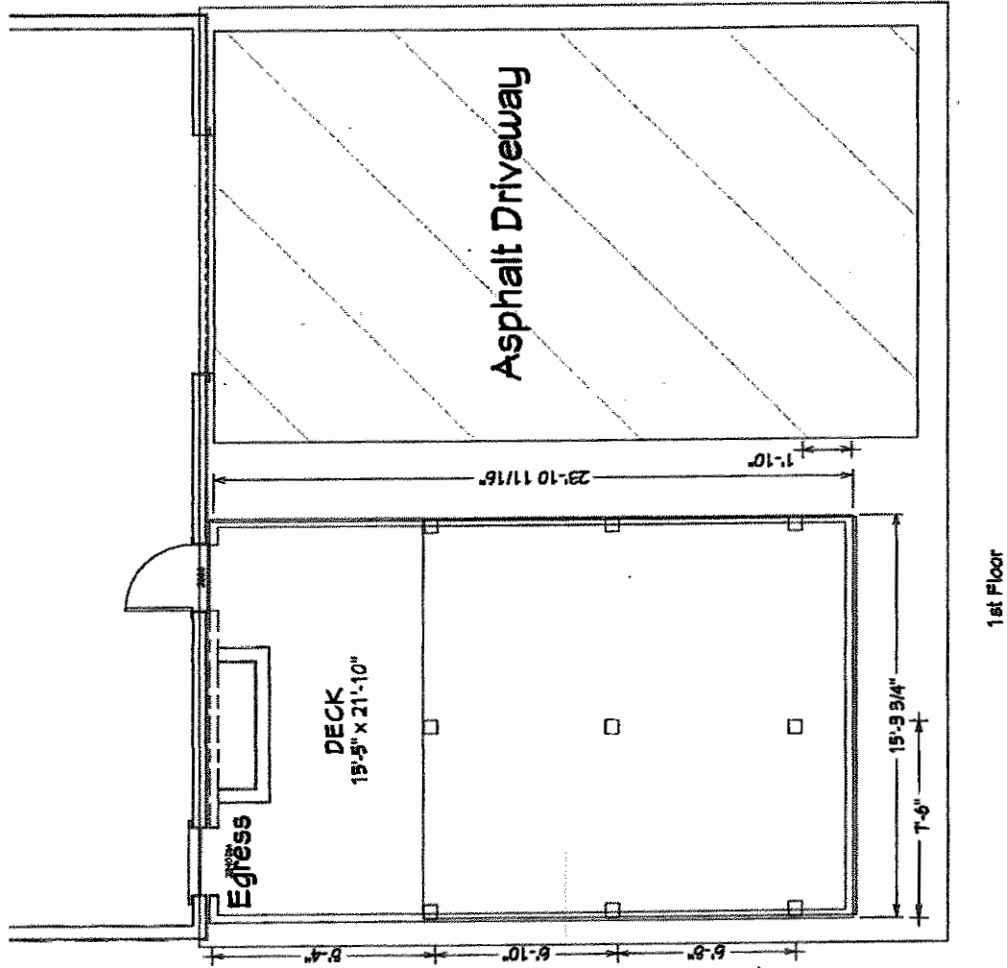
Everling Deck Project
34 Blakeley Ridge Dr.
Charles Town WV 25414

1. 2 x 8 pt joists
2. 2 x 10 Pt beam
3. 1/2" lag bolts 16" o.c staggered
4. 5/4" x 6 FT decking / Installed opposite direction of floor joists, screwed through face.
5. Deck ledger flashing @ house.
6. Jolst hangers @ ledger / house connection.
7. 36" rail height, 4" baluster spacing (Vinyl Railing)
8. Deck 16" above grade.

Side Elevation / Footing Detail



Site Plan: Rear of Property



1st Floor

DRAWINGS PROVIDED BY:
Blue Ridge Carpentry

DATE:

5/20/2014

SCALE:

SHEET:

Everling Deck Project
34 Blakeley Ridge Dr.
Charles Town, WV 25414

REVISIONS
DATE
BY
DESCRIPTION

#ZV14-13

Beallair Community Conservancy, Inc.

Clagett Management WV VA, LLC
142 North Queen Street, Martinsburg, WV 25401
304-596-6630

May 28, 2014

Elsa C. Everling
Harold E. Everling, Jr.
34 Blakeley Ridge Drive
Charles Town WV 25414

**RE: Property Improvement Request for 34 Blakeley Ridge Drive
Deck - APPROVED**

Dear Homeowner(s):

Your Architectural Change application for the addition of a deck on your property has been reviewed. Your request has been approved as submitted with the understanding the project will be completed in accordance with the governing documents of the Beallair Community Conservancy.

In addition, approval is contingent on receipt of a building permit from Jefferson County, WV. Please note that the County permit process also requires an inspection by a County inspector.

Thank you for following the proper process regarding making changes to your home and property. It is our intent to work with the homeowners to ensure all covenants are adhered to so that the entire community will enjoy a beautiful neighborhood and enhanced property values!

Sincerely,



Heather Field, CMCA, AMS, PCAM
Community Manager
Vice President, WV Division
Clagett Management WV VA, LLC
304-596-6630 Ext. 1022
hfield@clagett.com

cc: BOD
 File



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Director's Report July 24, 2014 Board of Zoning Appeals Meeting

- 1) Recent/Upcoming CC Actions relevant to Planning/Zoning:
 - a) Recommendation from the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for two parcels owned by Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary; and Eric and Stacy Lindberg;. The properties are designated as Tax District: Middleway (07), Map: 1, Parcels: 1.2 (16.62 acres, with 12. 67 acres in Jefferson County) and 1.1 (7 acres), located on the north side of Route 115 (Old Route 9/Charles Town Road), along the Berkeley/Jefferson County line for the purpose of setting a public hearing to be held by the County Commission (*July 31, 2014 1:30 pm*)
 - b) PC recommended "SB 595" Vested Development Time Extensions Proposal – CC to hold Public Hearing (*July 31, 2014 7 pm*)
- 2) Recent/Upcoming Planning Commission Actions relevant to Zoning:
 - a) Envision Jefferson 2035 Update Planning Commission Public Hearing (*07/22/14*)
 - b) Public Hearing on proposed Mass Events text amendment File #ZTA 14-02, deleting the term "Seasonal Use" from Section 2.2; adding the definition of "Mass Event" to Section 2.2; deleting Section 9.8 "Seasonal Use"; and creating a new Section 8.16 "Mass Event Regulations" which includes details on the Public Hearing process before the Board of Zoning Appeals and the submittal of a Concept Plan, which is administratively approved. (*August 12, 2014, 7:00 PM*)
- 3) Upcoming BZA meetings
 - a) August 28, 2014

JEFFERSON COUNTY, WEST VIRGINIA
Department of Zoning

116 East Washington Street
P.O. Box 338
Charles Town, West Virginia 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

MEMORANDUM

TO: Board of Zoning Appeals Members

CC: Engineering & Building Permits Departments

FROM: Acting Zoning Administrator, Jennifer M. Brockman

DATE: July 17, 2014

SUBJECT: July Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

#ZC14-21 DEANNA C. SHEA-WILLIAMS and HOWARD B. WILLIAMS – OWNERS

Issuance Date: June 23, 2014

Proposed Use: Retail ice cream sales, operating from 8' x 18' fully contained food trailer, to be located in parking lot of existing business (Railside Market). Weekend hours only. Months of operation: April – October.

Physical Location: 2871 Summit Point Road; Summit Point, West Virginia 25446

Zone: Village

#ZC14-23 JEFFERSON REALITY, LLC / OWNER
ANTONIO COLANDREA / APPLICANT

Issuance Date: June 23, 2014

Proposed Use: Middleway Market and Pizza. Convenience Store, to include incidental propane service; ABC off-premises packaged alcohol sales; Video Lottery/Game Room area; ABC on premises alcohol service (non-conforming); Counter & Deli Service; Restaurant Service with alcohol sales; Delivery Service and a Residential Rental Unit.

Physical Location: 4843 Middleway Pike; Kearneysville, West Virginia 25430

Zone: Rural

ISSUED ZONING CERTIFICATES

#ZC14-24 RONALD BROWN – OWNER

Issuance Date: June 26, 2014
Proposed Use: Replace existing billboard with double-sided private sign for use as an onsite sign for the Automobile Repair Shop advertising only.
Physical Location: 7735 Martinsburg Pike; Shepherdstown, West Virginia 25443
Zone: Residential Growth

#ZC14-25 CAROLINE R. LITWACK, OWNER /
BELINDA LEWIS – APPLICANT

Issuance Date: July 14, 2014
Proposed Use: Thrift Shop - outdoor sales only. Sale of household merchandise, clothing, books, antiques, collectibles, furniture, etc. Existing structure to be used for inventory storage with no public access.
Physical Location: 43 Kearneysville Pike; Kearneysville, West Virginia 25430
Zone: Industrial-Commercial

#ZC14-27 SUNNYSIDE LIMITED PARTNERSHIP – BARBARA HUYETT / OWNER
SHENANDOAH PERSONAL COMMUNICATIONS, LLC / APPLICANT

Issuance Date: July 14, 2014
Proposed Use: Project consists of installing a new diesel generator on a 5' x' 10' concrete pad within the fenced compound of an existing wireless telecommunications facility.
Physical Location: 837 Wheatland Road; Charles Town, West Virginia 25414
Zone: Industrial-Commercial

#ZC14-28 DONALD & SABRINA DeHAVEN / OWNERS

Issuance Date: July 14, 2014
Proposed Use: Seasonal Farm Market. Months of operation: April 1st – November 30th. Hours of operation: Thursday - Sunday, 10:00 am to 7:00 pm. Will sell homegrown Flowers, Plants and Produce from onsite garden.
Physical Location: 841 John Brown Farm Road; Harpers Ferry, West Virginia 25425
Zone: Rural

ISSUED ZONING CERTIFICATES

#ZC14-29 KENNETH L. WILT / OWNER
HARDY CELLULAR TELEPHONE COMPANY, CONTACT: TOM HODGES /
APPLICANT

Issuance Date: July 14, 2014
Proposed Use: Telecommunications Tower. Locate three (3) additional antennas,
six (6) coax cables and three (3) RRU's small radios going into the
existing shelter. No ground disturbance or electrical work will be
required.
Physical Location: 546 Mission Road; Charles Town, West Virginia 25414
Zone: Rural

AMENDED

#ZC14-21 DEANNA C. SHEA-WILLIAMS and HOWARD B. WILLIAMS – OWNERS

Issuance Date: July 14, 2014
Proposed Use: Retail ice cream sales, operating from 8' x 18' fully contained
food trailer, to be located in area adjacent to parking lot of existing
business (Railside Market). Open Daily: 11:00 a.m. – 8:00 p.m.
Months of operation: April 15th to October 15th.
Physical Location: 2871 Summit Point Road; Summit Point, West Virginia 25446
Zone: Village

PENDING ZONING CERTIFICATES

#ZC14-13 OBF PROPERTIES / CONTACT: CHRIS HANSEN – OWNERS
ABS ENTERPRISES / CONTACT: SAAD SHADKAMI - APPLICANT

Issuance Date: TBD
Proposed Use: Commercial warehouse for pre-packaged and refrigerated food
items.
Physical Location: Box Factory Road; Summit Point, West Virginia 25446
Zone: Rural

#ZC14-15 OBF PROPERTIES / CONTACT: CHRIS HANSEN – OWNERS
ABS ENTERPRISES / CONTACT: SAAD SHADKAMI - APPLICANT

Issuance Date: TBD
Proposed Use: Commercial warehousing, agri-business, storage, document
shredding and general business..
Physical Location: Box Factory Road; Summit Point, West Virginia 25446
Zone: Rural

PENDING ZONING CERTIFICATES

ZC14-30 JOSEPH P. TERANGO – OWNER / APPLICANT

Issuance Date: TBD

Proposed Use: Home Occupation Level I. Internet sales of custom sports equipment. Limited amount of inventory stored on premises. No customer visits to property – orders to be shipped or hand-delivered directly to customers. Proposed business will be conducted from an existing 9' x 10' home office.

Physical Location: 198 Kelcar Drive; Summit Point, West Virginia 25446

Zone: Rural

#ZC14-31 REBA JAMISON – OWNER
MICHAEL NAPIER - APPLICANT

Issuance Date: TBD

Proposed Use: Auto Repair / Auto Body Repair Shop

Physical Location: 115 Mahoney Drive; Harpers Ferry, West Virginia 25425

Zone: Village
