



Jefferson County, West Virginia

Departments of Planning and Zoning

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CP15-01

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March 2, 2015

Ms. Kelsey Swaim
Steptoe and Johnson, PLLC
1250 Edwin Miller Boulevard, Suite 300
P.O. Box 2629
Martinsburg, WV 25402-2629

RE: Shenandoah Air Conditioning and Heating, Inc. CUP Application

Dear Ms. Swaim:

After a careful review of the Jefferson County Zoning and Land Development Ordinance, it has been determined that "Animated Signs", defined by the Ordinance as "A sign with action or motion, flashing lights, or color change requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants" are not allowed by the Zoning Ordinance in Section 10.2(l). Further, Section 4.1 of the Zoning Ordinance states that prohibited uses may not receive a Conditional Use Permit.

Therefore, we have determined that we cannot move forward with your Conditional Use Application submitted on January 20, 2015. Please note that a refund of your application fee requires action by the County Commission which staff can initiate upon your request.

In accordance with Section 3.4(A)(3) of the Jefferson County Zoning and Land Development Ordinance, this determination of the Zoning Administrator may be appealed to the Board of Zoning Appeals within 30 days from the date of this letter. Note that an appeal filed by Friday, March 6, 2015 can be placed on the March 26, 2015 BZA agenda. The fee for an appeal is \$100 and the fee already submitted can be applied to the appeal. Additionally, if the appeal is found in favor of the appellant, this fee is refunded.

Relevant sections of the Jefferson County Zoning and Land Development Ordinance are found below:

Section 4.1 Ordinance Deemed Minimum Regulations; Uniformity

The regulations set forth by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each kind of structure or land except as hereinafter provided.

For each zoning district, a limited number of principal permitted uses are listed, as well as several uses prohibited for all districts as listed in Section 4.4. All other uses, except prohibited uses, may receive a conditional use permit upon completion of the

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Conditional Use Permit process as described in this Ordinance, including a demonstration that the land use in a specific location will comply with the standards of the Development Review System and any other applicable requirements of this Ordinance. (*emphasis added*)

Section 10.2 General Provisions

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

Section 2.2 Terms Defined

Sign, Animated

A sign with action or motion, flashing lights, or color change requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants.

Please feel free to contact our office if you have any further questions.

Sincerely,



Jennifer M. Brockman, AICP
Acting Zoning Administrator

CC:

James Young Jr.

Bill Hynosky