



Jefferson County
Board of Zoning Appeals
Thursday, December 8, 2022 at 2:00 p.m.

Members
Tyler Quynn, Chair
Matthew McKinney, Secretary
Steven Guier
David Wiegand
Mikala Shremshock, Alternate

This meeting will be held both in-person and virtually via ZOOM, which may be accessed from a desktop, laptop, iPad, or from a phone. You may be prompted to download the software or the ZOOM app.

In-person Meeting Location: County Commission Meeting Room located in the lower level of the Charles Town Library (entrance on Samuel St.)
200 East Washington Street, Charles Town, WV 25414

ZOOM Meeting Information: Meeting ID: 864 3970 0907
Meeting Link: <https://us02web.zoom.us/j/86439700907>
Phone Option (Dial by Location): 301-715-8592
Find your local number: <https://us02web.zoom.us/u/kbyvVq6H94>

If you wish to participate virtually in public comment for one of the agenda items, please type your name and agenda item # in the chat function at the start of the meeting. Please mute yourself when you are not talking. When participating, please be mindful that your video is streaming to others.

All requests are pursuant to the Zoning & Land Development Ordinance.

Approval of Minutes: November 10, 2022

Public Hearing – Administer Oath

ITEM #1 FILE #: 22-39-ZV

Request: Variance from Section 9.7 to reduce the rear setback from 50' to 13' along the southern boundary line for an existing 24' x 24' accessory structure (storage shed) that was constructed in 1999.

Parcel Info: Dawn and Ricki Hoffman, Property Owner
Walnut Hills Subdivision, Lot 8, 1871 Old Country Club Road, Charles Town WV;
Parcel ID: 02000400170003; Size: 5 ac; Zoning District: Rural

ITEM #2 FILE #: 22-40-ZV

Request: Variance from Section 4.11 and Appendix B to allow the use of existing vegetation in lieu of a planted landscape buffer along the eastern and southern boundary lines for the existing ROCS gas station and convenience store (File #S18-06).

Parcel Info: SAB Real Estate, Property Owner
28310 Martinsburg Pike, Shepherdstown, WV
Parcel IDs: 09008A00190000; 09008A00210000; 09008A00230000; Size: 3.56 acres combined;
Zoning District: Residential-Light Industrial-Commercial

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

- a. Discussion of the following pending lawsuits:
 - 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities) Rockwell v. JCPC, JCBZA and JCCC
 - 2. Jefferson County Circuit Court Case #CC-19-2022-C-103 (RE: 22-4-CUP Blake Solar Energy Facility) Stone v. JCBZA

3. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy Facility / File 22-9-CUP) Rockwell v. JCBZA
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

Meeting: November 10, 2022

1. Variance from Section 5.7B. Owner: Julia Reynes. File: 22-37-ZV.

DRAFT Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: November 10, 2022
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
3 in-person in the County Commission Meeting Room located in the
4 lower level of the Charles Town Library; and virtually via ZOOM.
5 Board Members Present: Tyler Quynn, Chair; Matthew McKinney, Secretary; and, Mikala
6 Shremshock, Alternate Member were all present in person.
7 Board Members Absent: Deirdre Catterton, Vice Chair; and Steve Guier with notification
8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Luke Seigfried, County
9 Planner; and Jennilee Hartman, Zoning Clerk

10 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.

11 Mr. McKinney moved to call the meeting to order at 2:05 pm. Mr. Quynn called for a vote, which
12 carried unanimously.

13 Mr. Quynn reviewed meeting protocol for those in attendance.

14 **Approval of Minutes: September 22, 2022**

15 Mr. Quynn requested the following revision:

16 a. Page 1, Line 22: change *either* to *both* and *or* to *and*.

17 Mr. McKinney moved to approve the minutes with the suggested revision. Mr. Quynn called for a
18 vote, which carried unanimously.

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

20 **ITEM #1 FILE #: 22-37-ZV**

21 Request: Variance from Section 5.7B of the Zoning Ordinance (as amended 05/01/03) to reduce
22 the front setback from 40' to 14' in order to convert an existing garage into an
23 Accessory Dwelling Unit as a detached in-law suite for a family member.
24 Parcel Info: Julia Reynes, Property Owner
25 Potomac Ridge Subdivision, Lot 7, 384 Potomac Ridge Ln, Shepherdstown, WV;
26 Parcel ID: 09001000090017; Size: 3.35 ac; Zoning District: Rural

27 Julia Reynes, property owner, was present via ZOOM to address the Board. Ms. Beaulieu provided
28 an overview of her staff report. Ms. Beaulieu noted that on August 27, 2015, the previous property
29 owner was granted a zoning variance to reduce the front setback from 40' to 14' for the subject 24'
30 x 32' detached garage. As this approval was limited to the detached garage, the proposed change in
31 use from a garage to an in-law suite necessitated approval by the Board. Ms. Beaulieu added that
32 the applicant is also processing an application to request that the Planning Commission lift the
33 single family restriction to allow for the subject in-law suite.

34 Ms. Reynes explained the nature of the request to the Board stating the proposed in-law suite would
35 initially be occupied by visiting family members. Ms. Reynes stated that in the future she would
36 live in the unit and that her son would live in the main house. Mr. Reynes acknowledged that she
37 would not be permitted to rent out the unit. Mr. Reynes explained why she converted the structure
38 without a building permit.

39 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn
40 closed the public hearing.

41 Mr. McKinney moved to approve the variance with the condition that the applicant obtain a building
42 permit, approval from the Planning Commission to lift the single family restriction, and a zoning

1 certificate; and stated that the applicant is bound by their testimony. Mr. Quynn called for a vote,
2 which carried unanimously.

3 **Zoning Administrator's Report**

4 Ms. Beaulieu noted the next meeting date was December 8, 2022.

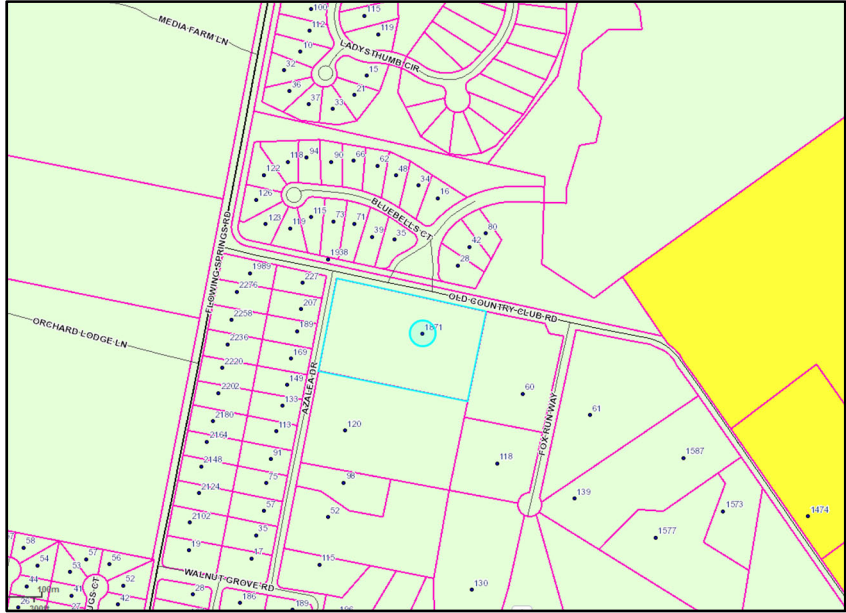
- 5 a. Monthly Zoning Certificate Activity Report. The Report was included in the mailed packet.
6 b. Approval of the 2023 Board of Zoning Appeals Meeting Schedule.
7 Ms. Shremshock moved to approve the meeting schedule as presented. Mr. Quynn called for
8 a vote, which carried unanimously.

9 **Legal Update**

- 10 a. Discussion of the following pending lawsuit:
11 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy
12 Facilities) Rockwell v. JCPC, JCBZA and JCCC. No discussion.
13 2. Jefferson County Circuit Court Case #CC-19-2022-C-103 (RE: ZTA22-01 Solar Energy
14 Facilities) Stone v. JCBZA. No discussion.
15 c. Discussion with possible deliberative session and signing of draft Findings/Decisions.
16 Meeting: October 27, 2022
17 1. Variance from Sections 10.4B, 4.11E, 11.1A. Applicant: A&R Development (Dollar
18 General). Owner: Iris Wood. File: 22-32-ZV, 22-33-ZV, and 22-34-ZV.
19 2. Variance from Section 9.7. Owner: Potomac Cottages, LLC / Attn: Robert and Julie
20 Starkey. File: 22-35-ZV.
21 3. Variance from Appendix B. Owner: Sheetz, Inc. File: 22-36-ZV.
22 4. Variance from Section 4.3GD. Owner: Performance Auto Works, LLC / Attn: Billy
23 Ring. File: 22-38-ZV.
24 5. Request for a Conditional Use Permit to operate a Day Care, Large. Applicant: Pathway
25 Childcare Center. Owner: Alice Chapman. File: 22-8-CUP.
26 6. Request for a Conditional Use Permit to operate a Solar Energy Facility. Applicant:
27 Rippon Energy Facility, LLC/Torch Clean Energy. Owners: Bullskin LLC, Clarence E
28 Hough Et Al, View Mountain Farm LLC, and Stanley W Jr & Katherine B Dunn. File:
29 22-9-CUP.
30 Mr. Groh stated prior to the meeting that he would provide Mr. Quynn a copy of the draft
31 Findings for review after the meeting.
32 Mr. McKinney moved to adjourn the meeting at 2:31 pm. Mr. Quynn called for a vote, which carried
33 unanimously.

Staff Report
Jefferson County Board of Zoning Appeals
December 18, 2022
22-39-ZV Hoffman Variance Request

Item #1 Variance from Section 9.7 to reduce the rear setback from 50' to 13' for an existing 24' x 24' accessory structure (storage shed) that was constructed in 1999.

Owner/Applicant:	Ricki and Dawn Hoffman
Parcel Information and Zoning District:	<p style="text-align: center;">Walnut Hills Subdivision, Lot #8 1871 Old Country Club Road, Charles Town, WV Parcel ID: 02000400170003; Size: 5 acres; Zoning District: Rural</p> 
History:	06/06/1979: Walnut Hills Subdivision Final Plat Recorded in PB 5 @ PG 44 Pending: Lots 1 & 2 Ricki & Dawn Minor Subdivision
Waivers/Variations:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	Site visit not conducted

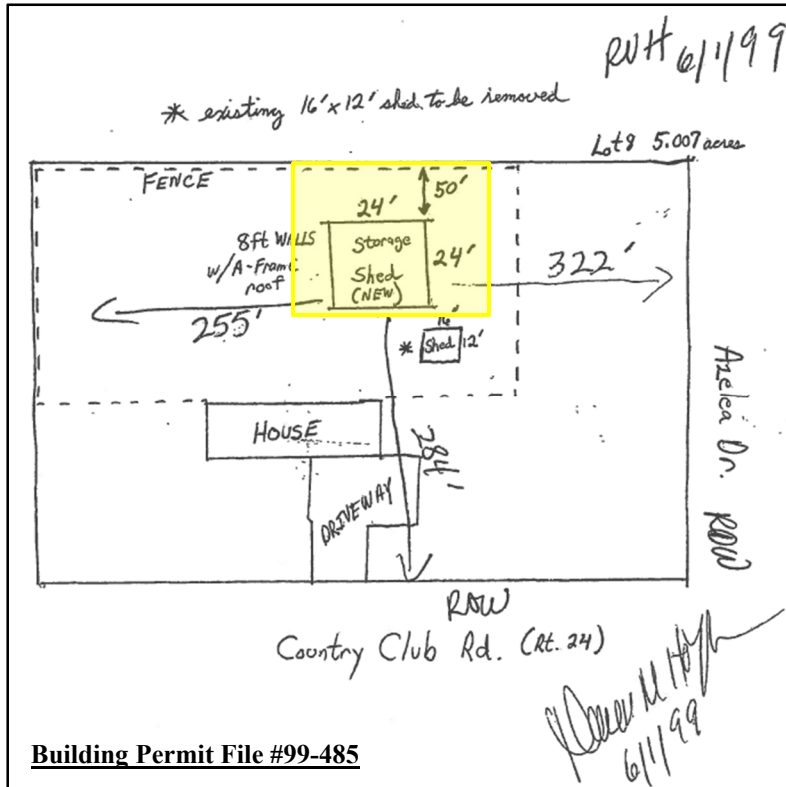
Staff Overview

The subject parcel is designated as Lot 8 of the Walnut Hills Subdivision. Pursuant to Section 9.7 of the Zoning Ordinance, the required setbacks for a lot over two acres in size that was created prior to September 1, 1989 are 40' Front, 15' Side, and **50' Rear**.

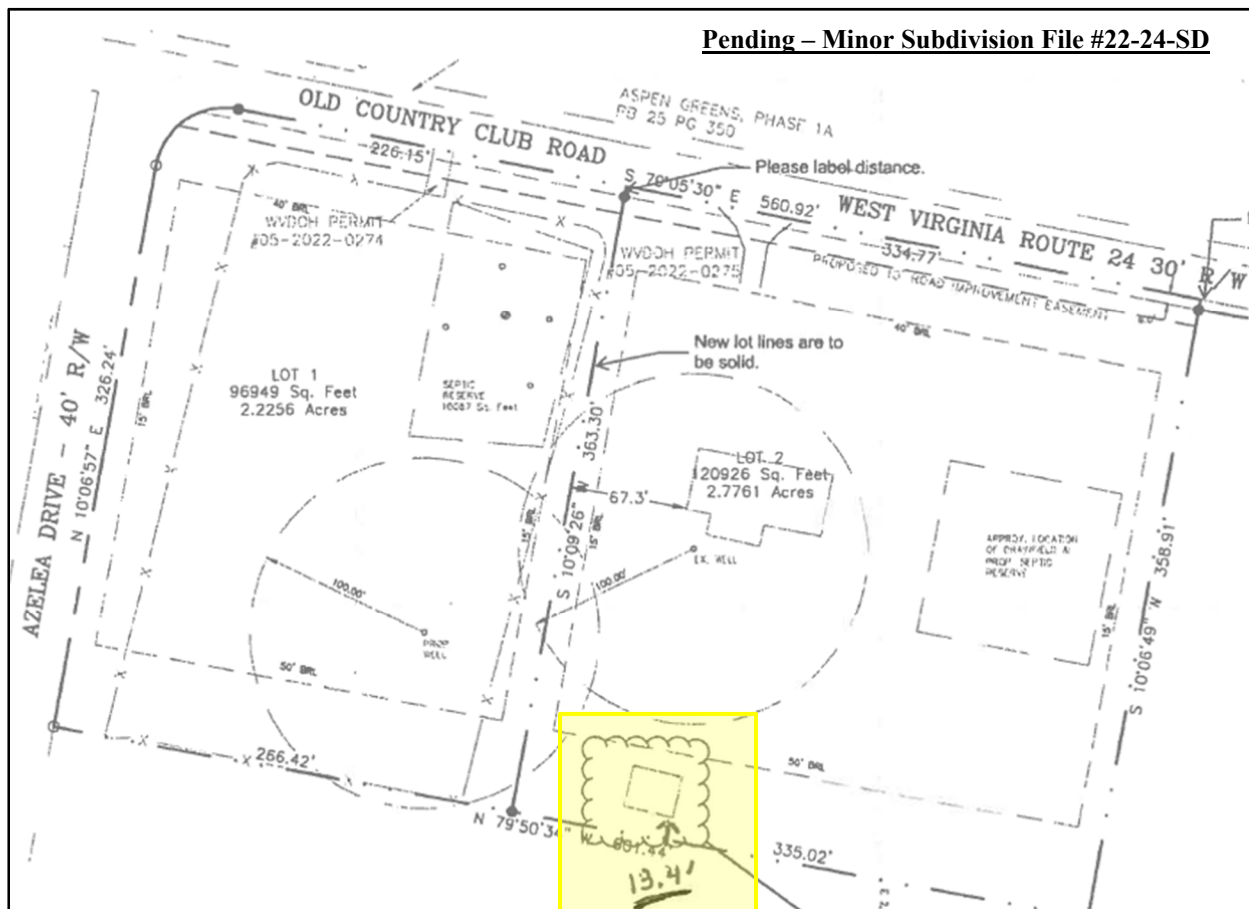
The purpose of side and rear setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention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

In 1999, the applicant obtained a building permit for the subject structure and represented that the structure would comply with the fifty foot rear setback requirement (see permit sketch on page two of staff report); however, a recent survey of the property reflects that the structure is actually 13.4' from the rear (southern) property line (see survey on page two of staff report). In order to bring the structure into compliance with the Zoning Ordinance, the applicant is requesting a variance to keep the structure in its current location, where it has been located for approximately 23 years.

Staff Report
Jefferson County Board of Zoning Appeals
December 18, 2022
22-39-ZV Hoffman Variance Request



Based on the acreage of the property, it is feasible to comply with the Ordinance. The applicant has represented that the adjoining property owner to the south has no objections to the current location, where the subject shed has existed for approximately 23 years.



Staff Report
Jefferson County Board of Zoning Appeals
December 18, 2022
22-39-ZV Hoffman Variance Request

Conditions of Approval

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

1. No business may be operated from this structure without additional review from the Board.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear



JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning, and Zoning
Office of Planning and Zoning
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414
www.jeffersoncountywv.org

File Number: 22-39-zv

Staff Initials: GH

Meeting Date: 12/8/22

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

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

Variances from 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: Ricki and Dawn Hoffman

Mailing Address: 1871 Old Country Club Rd Charles Town WV 25414

Phone Number: 304-579-7583

Email: dwnnrck@gmail.com

Applicant Contact Information

Name: Dawn Hoffman

Mailing Address: 1871 Old Country Club Rd Charles Town WV 25414

Phone Number: 304-579-7583

Email: _____

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name: Ed Johnson & Associates

Mailing Address: 674 Acorn Court Harpers Ferry, WV 25425

Phone Number: 304-279-9924

Email: _____

Physical Property Details

Physical Address: _____

City: Charles Town

State: WV

Zip Code: 25414

Tax District: Charles Town

Map No: 4/17.3

Parcel No: LOT 8

Parcel Size: 5.007

Deed Book: 787

Page No: 221

Zoning District (please check one)

Residential
Growth
(RG)

☐

Industrial
Commercial
(IC)

☐

Rural
(R)

☒

Residential-
Light Industrial-
Commercial
(R-LI-C)

☐

Village
(V)

☐

Neighborhood
Commercial
(NC)

☐

General
Commercial
(GC)

☐

RECEIVED

NOV 04 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Highway
Commercial
(HC)

☐

Light
Industrial
(LI)

☐

Major
Industrial
(MI)

☐

Planned
Neighborhood
Development
(PND)

☐

Office/Commercial
Mixed-Use
(OC)

☐

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of way, 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 the Zoning Ordinance pertaining to this request: App. A gtt

Briefly describe the nature of the variance request:

To reduce rear setback from 50' to 13.4' for a
24' x 24' detached garage. gtt

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

Front Setback ☐

Side Setback ☐

Rear Setback ☒

Reduction From 50' to 13.4' ~~13.4'~~

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:

Our neighbor Bill Smith has agreed to grant permission for our building to stay at current location. We are requesting a variance so that we can divide our 5.007 into two parcels. Either to sale or gift to one of our children to build their home.

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?

Did not have a survey at the time the garage was built.

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

Miscalculation of placement of said building over 20 years ago should not impact either of us. Unless we are told to tear down and rebuild a structure that has been in place for 23 years. Current neighbor has zero issues with current placement.

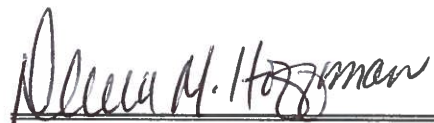
How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

Approving the rear setback will allow us to stay in compliance to continue with subdivision of our 5.007 lot.

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Office 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.

 11-4-22
Signature of Property Owner Date

 11-4-22
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 the Zoning and Land Development Ordinance Section 6.1B).

12/08/22

Date of Public Hearing

11/23/22

Advertising Date

11/23/22

Placard Posting Date

DESCRIPTIVE LINES EXISTING
TRACT BOUNDARY
PROPERTY LINES OF ADJACENT TRACTS
RIGHT-OF-WAYS
RESTRICTION LINES
EASEMENTS AND OTHER RESERVED AREAS
FENCE LINE
DESCRIPTIVE LINES PROPOSED:
LOT BOUNDARIES
RIGHT-OF-WAYS
RESTRICTION LINES
EASEMENTS AND OTHER RESERVED AREAS

WEST VIRGINIA STATE
GRID NORTH ZONE

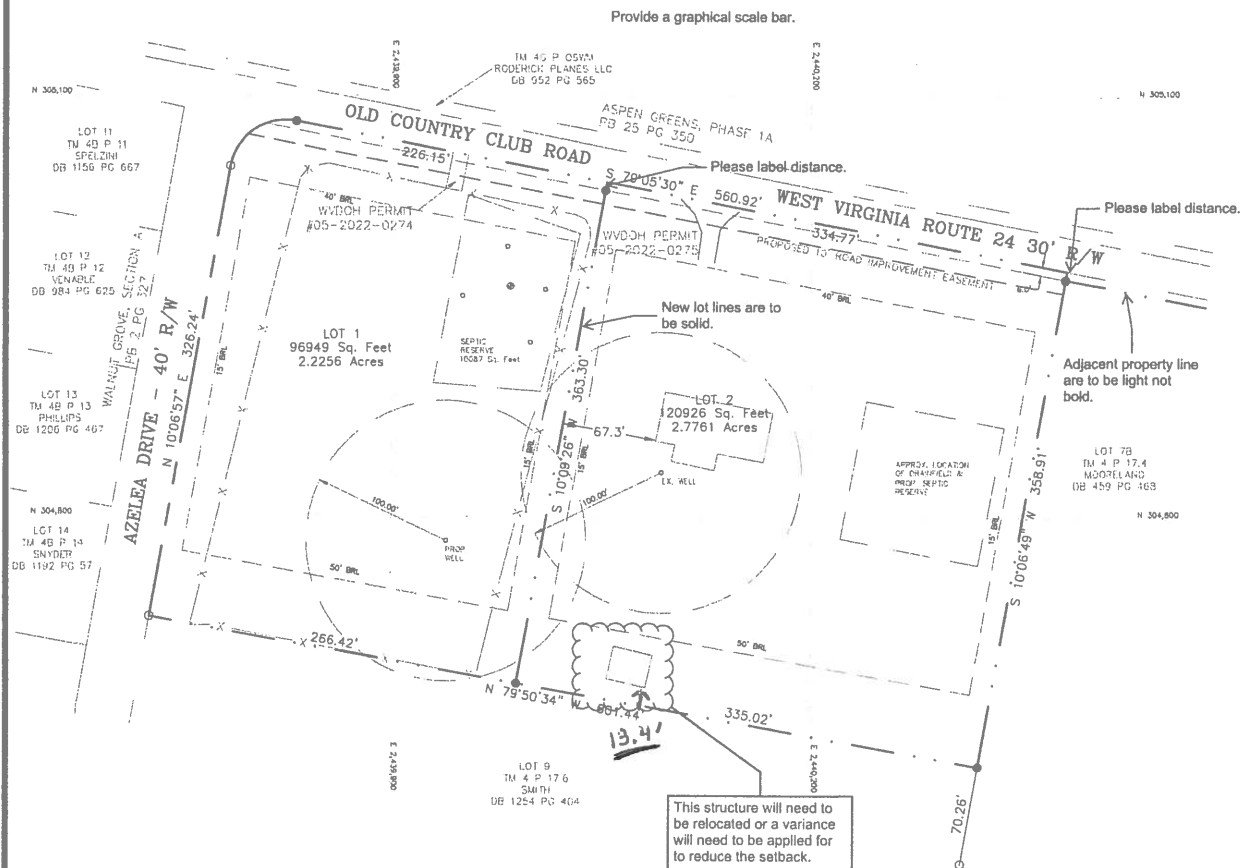
AREA TABULATION:
LOT 1 2.2256 AC.
LOT 2 2.7761 AC.
TOTAL 5.0017 AC.

JEFFERSON COUNTY PLANNING COMMISSION - WAIVERS (TABLE 1.2-2)		
SECTION OF ORDINANCE	DESCRIPTION OF WAIVER	DATE GRANTED
	NONE	

LEGEND:
 ⊗ FENCE POST
 ● FOUND PLANTED STONE
 ○ FOUND REBAR
 ● SET 5/8" REBAR & CAP
 ○ PERCOLATION TEST HOLE
 ⊕ OBSERVATION HOLE



VICINITY MAP
SCALE: 1" = 2000'



- NOTES:
1. PROPOSED EASEMENTS OR RIGHTS-OF-WAYS:
 2. THERE ARE NO FUTURE EASEMENTS OR RIGHTS-OF-WAYS PROPOSED
 3. THERE ARE NO LANDS RESERVED FOR PUBLIC OR SEMI-PUBLIC USE.
 4. PROPERTY DOES NOT LIE IN A 100-YEAR FLOOD PLAIN AND LIES IN ZONE X PER WEST VIRGINIA FLOOD TOOL, C.I.D. 540065, JEFFERSON COUNTY, EFFECTIVE DECEMBER 18, 2009.
 5. THE SELLER OF ANY LOT WITHIN THIS SUBDIVISION SHALL PROVIDE THE BUYER WITH A REASONABLE OPPORTUNITY, BEFORE SETTLEMENT, TO DETERMINE THAT THE LOT IS SUITABLE FOR THE CONSTRUCTION OF A SEPTIC DISPOSAL SYSTEM. IF, BEFORE SETTLEMENT, THE BUYER IS DENIED A SEPTIC CONSTRUCTION PERMIT BY THE JEFFERSON COUNTY HEALTH DEPARTMENT, THE BUYER MAY REFUSE TO PURCHASE THE LOT WITHOUT PENALTY.
 6. THERE ARE NO RESTRICTIVE COVENANTS FOR THESE LOTS.
 7. NO WAIVERS HAVE BEEN APPLIED FOR OR GRANTED.
 8. THERE ARE NO DRAINAGE EASEMENTS.
 9. NO STRUCTURES, FENCES OR LANDSCAPING SHALL BE LOCATED IN THE EASEMENTS.
 10. ALL LOTS SHALL HAVE A DRIVEWAY CULVERT WITH A MINIMUM 15" CMP OR EQUIVALENT.
 11. JEFFERSON COUNTY HEALTH DEPARTMENT APPROVAL FOR WELLS AND SEPTIC RESERVES PERMIT SDA-19-2122-022. Provide a copy of the Health Dept permit.
 12. EXISTING EASEMENTS - E' PORTION OF WAY ROUTE 24
 13. VERIFICATION FROM A WELL DRILLER THAT A PRESSURE GROUTED WELL IS DRILLED AND IS PRODUCING WATER AT A QUANTITY APPROVED BY THE JEFFERSON COUNTY HEALTH DEPARTMENT AND/OR THE WEST VIRGINIA BUREAU OF HEALTH SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT. CERTIFICATION THAT THE WATER IS POTABLE MUST BE SUBMITTED TO THE PLANNING COMMISSION OFFICE WITHIN 6 MONTHS OF THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT.
 14. THE PUBLIC SERVICE DISTRICT MAY REQUIRE IN THE FUTURE EACH PROPERTY OWNER TO ABANDON EXISTING WELL AND SEPTIC SYSTEMS AND TO CONNECT TO A CENTRALIZED SYSTEM WHEN AND IF IT BECOMES AVAILABLE.
 15. ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDING LOTS SHALL HAVE A STABILIZED CONSTRUCTION ENTRANCE INSTALLED PRIOR TO BEGINNING CONSTRUCTION ON A LOT.
 16. THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY MAP INDICATES THAT THERE ARE NO WETLANDS.
 17. A BLANKET EASEMENT IS GRANTED TO THE APPROPRIATE PUBLIC SERVICE DISTRICT IN ALL ROAD RIGHT-OF-WAYS FOR CONSTRUCTION AND MAINTENANCE OF WATER AND SANITARY SEWER LINES.
 18. THE JEFFERSON COUNTY E911 ADDRESSING ORDINANCE STATES THAT ANY EASEMENT OR RIGHT-OF-WAY LEGALLY ACCESSED BY 3 OR MORE ADDRESSABLE STRUCTURES SHALL BE NAMED THE GIS/ADDRESSING OFFICE SHALL COORDINATE AND OVERSEE THE NAMING OF THE COMMON EASEMENT OR RIGHT-OF-WAY UPON CONSTRUCTION OF THE THIRD ADDRESSABLE STRUCTURE THAT ACCESSES THE PREVIOUSLY UNNAMED EASEMENT OR RIGHT-OF-WAY.
 19. The road and access easement is privately held and the cost and expense of maintaining the private road and easement, including snow removal, shall be shared between the lot owners and is not a public responsibility nor the responsibility of Jefferson County, WV.

APPROVED
JEFFERSON COUNTY
PLANNING COMMISSION

OWNER'S CERTIFICATE:
THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.

RICKI V. HOFFMAN DAWN M. HOFFMAN

SURVEYOR'S CERTIFICATE:
I, EDWARD L. JOHNSON JR., DO HEREBY CERTIFY THAT THE PROPERTY DELINEATED BY THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT REPRESENTS A SURVEY MADE IN THE FIELD WITH A RELATIVE ERROR OF CLOSURE EXCEEDING 1:7,500 AND THAT #5 REBAR WILL BE SET AS SHOWN.

EDWARD L. JOHNSON JR.
PROFESSIONAL SURVEYOR #866

OFFICE OF PLANNING & ZONING

APPLICABLE ZONING AND SUBDIVISION ORDINANCE
ZONING ORDINANCE, ADOPTED JULY 7, 1988
AMENDMENTS: DECEMBER 2, 2021
SUBDIVISION ORDINANCE, ADOPTED OCTOBER 9, 2005
EFFECTIVE AMENDMENTS: FEBRUARY 1, 2018

FINAL PLAT
A RESUBDIVISION OF LOT 8, WALNUT HILLS
PLAT BOOK 5 PAGE 44
LOTS 1 & 2
RICKI V. HOFFMAN & DAWN M. HOFFMAN MINOR SUBDIVISION
DEED BOOK 1199 PAGE 279 TAX MAP 4 PARCEL 17.3
CHARLES TOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1" = 60' MARCH 11, 2022

OWNERS/DEVELOPERS
RICKI V. & DAWN M. HOFFMAN
1871 OLD COUNTRY CLUB ROAD
CHARLES TOWN, WV 25414
(304) 579-7583

REVISIONS:
There is only one sheet.

ED JOHNSON AND ASSOCIATES, INC.
LAND SURVEYORS
674 ACORN CIRCLE
HARPERS FERRY, WEST VIRGINIA 25425
(304) 725-6060

SHEET 1 OF 2

IMPROVEMENT LOCATION PERMIT
APPLICATION/ZONING CERTIFICATE
Jefferson County, West Virginia

PAID 25.00

Jefferson County Planning Commission, 104 East Washington Street
P. O. Box 338, Charles Town, WV 25414 TEL: (304)-728-3228

A. COVERED ACTIVITIES

This application must be completed and submitted to the Jefferson County Planning Commission if you intend to do one or more of the following activities in Jefferson County, outside of a municipality.

1. Erect, locate, or relocate a structure or mobile home.
2. Alter a building or structure in a way which enlarges the exterior or interior dimensions of the building or structure.
3. Engage in land-altering activities in a flood-prone area.

FOR OFFICIAL USE ONLY

Aerial Number

10-20

Flood-Prone

YES

☐

NO

☒

Floodway

YES

☐

NO

☒

B. IDENTIFICATION OF PROPERTY OWNER AND BUILDER

1. Property Owner(s)

Name: Ricki Vernon Hoffman

Address Rt. 3 Box 241-E

Charles Town, WV 25414

Telephone #: 304-728-0830

2. Builder or Contractor

Name: Same as above

Address:

Telephone #:

Application Number

99-485

Completed
Application Received

6-1-99

Application Approved
Placard Issued

6-3-99

Permit and Placard
Expire

12-3-99

Signature of Land
Development

Coordinator



C. IDENTIFICATION OF PROPERTY

1. Location: Corner of Country Club Rd. (Rt. 24) and
Azalea Dr., Charles Town District

2. Tract Size: 5.007 acres

3. Deed Book Reference:

Book# 579 Page# 402

4. Tax Map Reference:

District Charles Town

Tax Map# 4/17.3 Parcel# Lot 8

5. What Existing Buildings or Uses are on
the Property? 2752 sq ft. House + 16'x12' shed

6. Subdivision Name: Walnut Hills

Paula Ann Martenson

D. IDENTIFICATION OF INTENDED CONSTRUCTION OR LAND USE

1. Briefly describe the intended construction or land use:
24' x 24' storage shed
2. Sketch on the blank side of sheet two (2) the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structure or land uses on the property.
**Sign and date sketch.*
3. Estimated value of building or structure: *\$5,000.00*
4. Estimated completion date: *Aug. 1, 1999*

FOR OFFICIAL USE ONLY

Subdivision Ordinance

Complies

☒

Does Not Comply

☐

Flood Plain Management Ordinance

Complies

☒

Does Not Comply

☐

E. NOTES:

1. The information on this application is true and accurate to the knowledge of the applicant.
2. The intended construction or land use identified on this application must be started no later than six (6) months from the date the application is approved.
3. In signing this application it is understood that the Land Development Coordinator or his representative may inspect the property and/or activities identified on this application.
4. If the intended construction or land use identified on this application requires Health Department, Highway Department, Public Service District or Town approval, evidence of such approval(s) from the county and/or State must be submitted to the Planning Commission in order to complete the application.

Zoning Ordinance

Complies

☒

Does Not Comply

☐

Certification of Potable Water

YES

☐

Deadline for Submittal

NA

Special Conditions of Approval

Shed for personal use only. No one may live in this structure + no business may be operated from this location. No farm animals may be housed or fed from this structure.

Septic Tank Permit No. _____
Highway Entrance Permit No. _____
Well Permit No. _____

5. Duplicates of this application will be transmitted to:

Jefferson County Assessor's Office
Jefferson County Health Department

ZONING ADMINISTRATOR

6. The Planning Commission suggests all applicants call Toll Free, 1-800-245-4848, and advise local utility companies of your construction plans in order to avoid damage to underground utility lines.
7. All wells must be drilled and pressure grouted prior to submitting this application. A LETTER from the Well Driller stating this is required.
8. All water must be certified as Potable by a State Health Department approved Lab within 6 months of this application.
9. PLEASE BE ADVISED THAT ANY NEW STRUCTURE MUST BE LOCATED A CERTAIN DISTANCE FROM THE PROPERTY LINE. IF YOU HAVE ANY QUESTIONS OF WHAT THIS DISTANCE IS, PLEASE CALL THE PLANNING COMMISSION AT (304)-728-3228.

F. I (we), the I owner(s) of the property on which the intended improvement is to be constructed, hereby insure that this construction and intended use complies with all restrictive covenants applying to the subject real estate. And, I (we) agree, understand and acknowledge that I (we) assume full responsibility for compliance with any such private land use covenants and that a violation thereof may result in legal sanctions by court injunction and damages irrespective of the issuance of this permit by the Jefferson County Planning Commission.

Signed

Ricki Vernon Hoffman
Property Owner

Signed

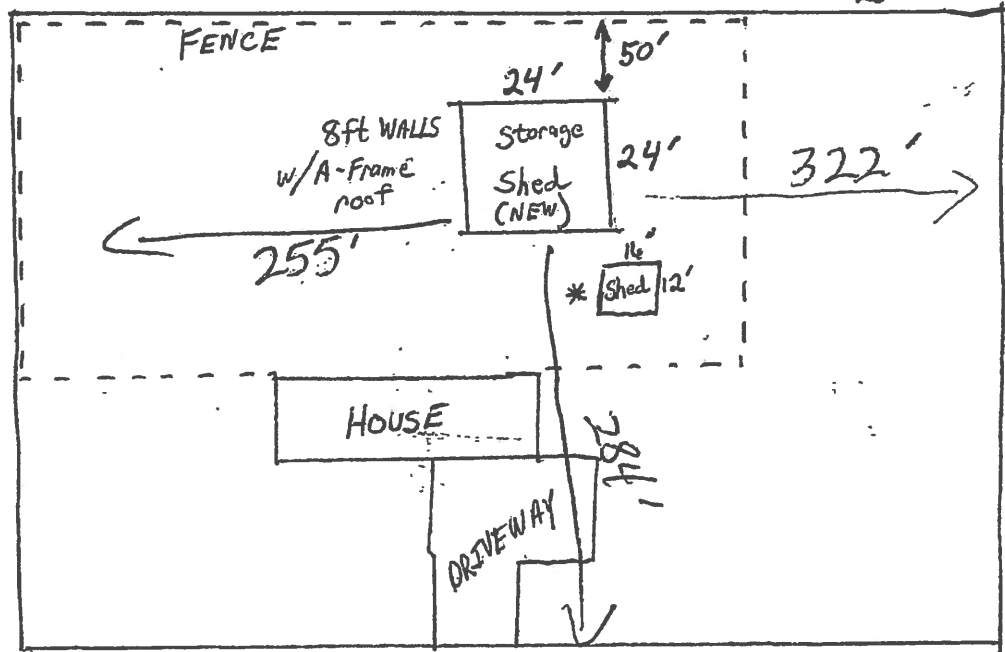
Property Owner

ANY CONSTRUCTION PRIOR TO THE ISSUANCE OF THIS PERMIT IS IN VIOLATION OF THE JEFFERSON COUNTY IMPROVEMENT LOCATION PERMIT ORDINANCE, AND IS SUBJECT TO PROSECUTION.

RWH 6/1/99

* existing 16' x 12' shed to be removed

Lot 9 5.007 acres



Azelea Dr. ROW

ROW

Country Club Rd. (Rt. 24)

[Signature]
6/1/99



Dawn Hoffman <dwnnrck@gmail.com>

Shed

1 message

Bill Smith <05billsmith@gmail.com>

Fri, Nov 4, 2022 at 1:55 PM

To: dwnnrck@gmail.com

Dawn,

I am writing in reference to a request to comment on a shed which is reportedly too close to the property line.

As the owner of the property located nearest the shed, I find it perfectly acceptable, and have no issue with its placement.

If you have any further questions feel free to contact me,

William Smith

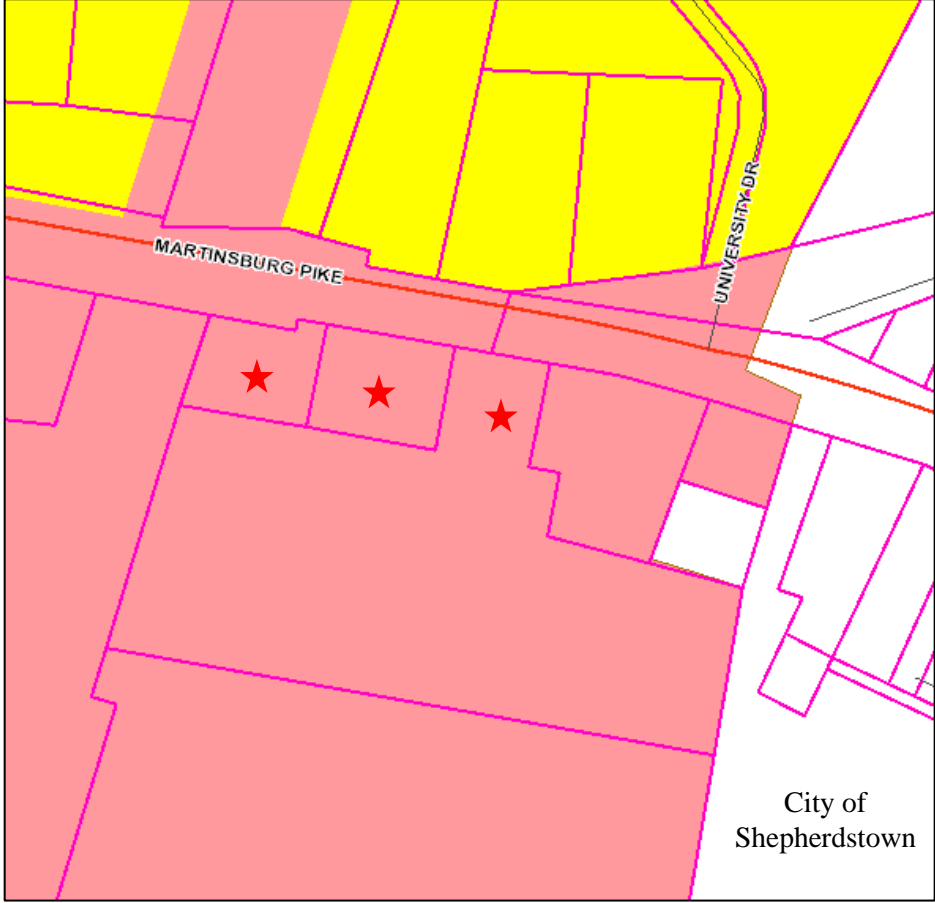
120 Azalea Dr, Charles Town, WV 25414

(cell) 703-851-9174

Staff Report
Jefferson County Board of Zoning Appeals
December 8, 2022

22-40-ZV SAB – Shepherdstown ROCS Variance Request

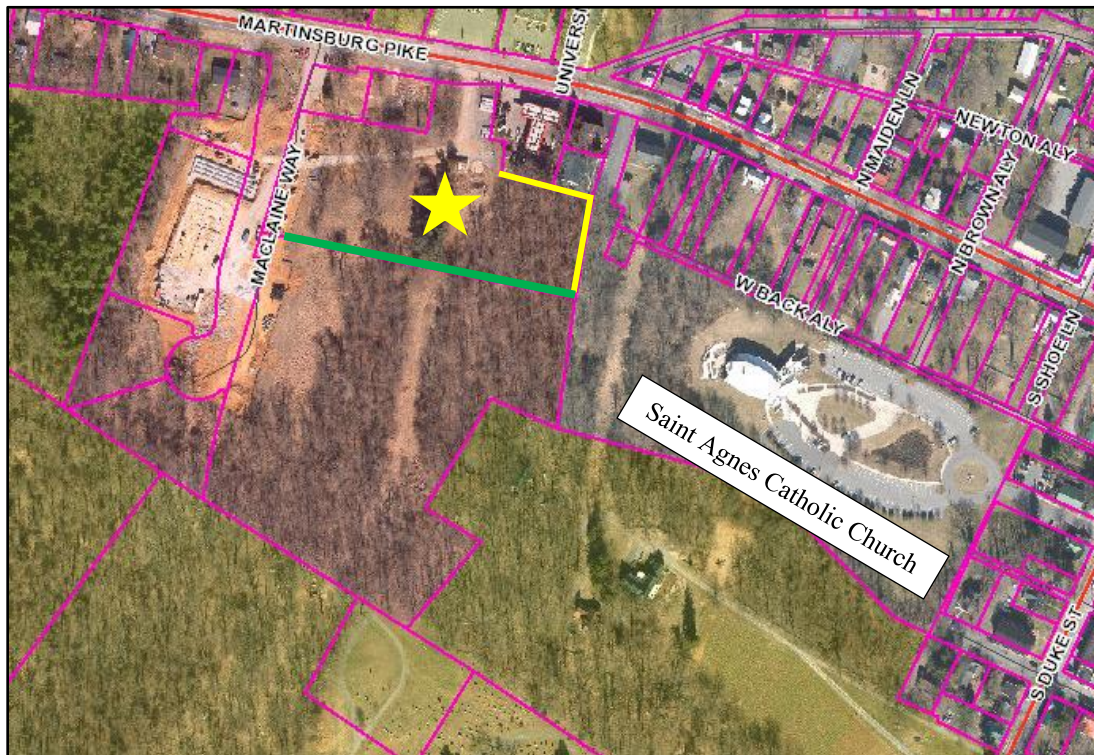
Item #2 Variance from Section 4.11 and Appendix B to allow the use of existing vegetation in lieu of a planted landscape buffer along the eastern and southern boundary lines for the existing ROCS gas station and convenience store (File #S18-06).

Owner/Applicant:	SAB Real Estate 2, LLC
Parcel Information and Zoning District:	<p style="text-align: center;">8310 Martinsburg Pike, Shepherdstown, WV Parcel ID: 09008A00190000; 09008A00210000; 09008A00230000 Size: 3.56 acres combined; Zoned: Residential-Light Industrial-Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> Residential Growth <i>South:</i> Residential-Light Industrial-Commercial <i>East:</i> Residential-Light Industrial-Commercial / City of Shepherdstown <i>West:</i> Residential-Light Industrial-Commercial</p>
Waivers/Variances:	<p>07/25/19: Variance to reduce the front setback from 25' to 5' for a sign (19-14-ZV). 09/10/19: To allow early grading of the site prior to site plan approval (19-15-PCW). 01/20/20: Variance to eliminate the landscaping and buffer requirements and parking/drive aisle and building setbacks for internal lot lines only (19-37-ZV).</p>
Approved Use:	A gas station with a 5,600 sq. ft. convenience store and 5 fuel islands (File: 18-6-S)
Site Visit Conducted:	<p>Yes – 11/30/2022 Applicant emailed photo of posted placard 11/18/22</p>

Staff Report
Jefferson County Board of Zoning Appeals
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22-40-ZV SAB – Shepherdstown ROCS Variance Request



The property to the east is located within the incorporated area of Shepherdstown and contains a church. The property to the south is vacant and zoned Residential-Light Industrial-Commercial.



Staff Report
Jefferson County Board of Zoning Appeals
December 8, 2022
22-40-ZV SAB – Shepherdstown ROCS Variance Request

It is feasible to comply with the required buffer standards; however, the subject request appears to comply with the intent of the Ordinance, which is to provide a separation between the non-residential use (ROCS gas station) and adjoining properties.

Conditions of Approval

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

1. The property owner shall maintain a 20' buffer screen along the eastern property line. No parking, structures, or materials are permitted within delineated buffer area;
2. The property owner shall maintain a 10' wide buffer screen along the southern property line and shall install a buffer screen along the portion of the southern property line that does not contain existing vegetation in accordance with the approved landscape plan; and
3. The property owner shall replace any vegetation that may die.

Section of Ordinance to be Considered:

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.²⁷

A. Commercial Development²⁷

1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 50 foot or greater unscreened green space buffer or a 15 foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
 2. All commercial development adjacent to all other uses must maintain ten foot side and rear yard landscape buffers.⁵
- D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.
- E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.
1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7, 23, 27, 28}
However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:^{27, 28}
 - a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of 20 feet or more at maturity, planted every 50 linear feet; at least every other tree shall be an evergreen;
 - b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every 50 linear feet; and

Staff Report
Jefferson County Board of Zoning Appeals
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22-40-ZV SAB – Shepherdstown ROCS Variance Request

- c. Three (3) shrubs per each 25 feet along the property line, round upward.
 - d. These requirements shall be required on both sides of a property line for adjoining properties.
 - e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.^{7, 23, 26}
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.
- F. In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.²³
- G. All buffer yards shall be maintained by the property owner.

Appendix B and Standard Details M-53 and M-54 (attached)

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

Zoning District	Development Type ^⓪	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11)							
												(Screened / Unscreened) Adjacent Use							
						A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)								Commercial Use		Industrial Use			
Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear							
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)	
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)	
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)	
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District													
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites	N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)			
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100				N/A	N/A		N/A	N/A	N/A	N/A			
	Hospitals	10 ac	500	45	N/A	100				N/A	N/A		N/A	N/A	N/A	N/A			
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50		N/A	See I–C District for commercial or industrial use; Otherwise, N/A								
	Commercial or Industrial**	See IC District																	
Village (V)	Commercial [¥]	N/A	N/A	35	N/A	25	10	40	See IC District										
	Industrial**	See IC District			35	See IC District													
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District													
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 [£]	10 ^⓪	See I-C District		25	See IC District							
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District										
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25											
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25											
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50											
	Industrial	3 ac ***	N/A	75	90%	25	50	50											
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 [£]	10 ^⓪											
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).																

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by “ac” (acres).

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

**** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

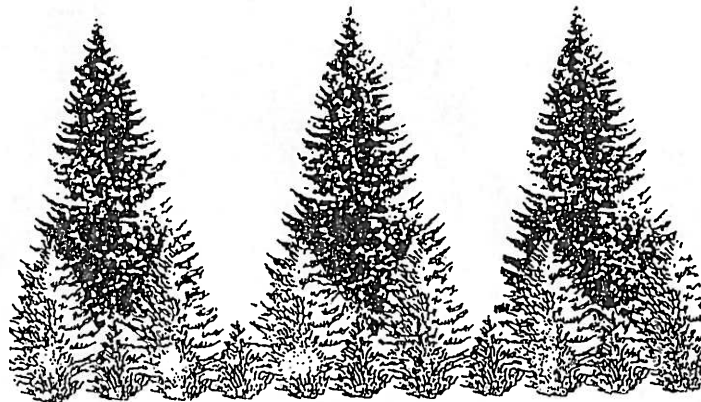
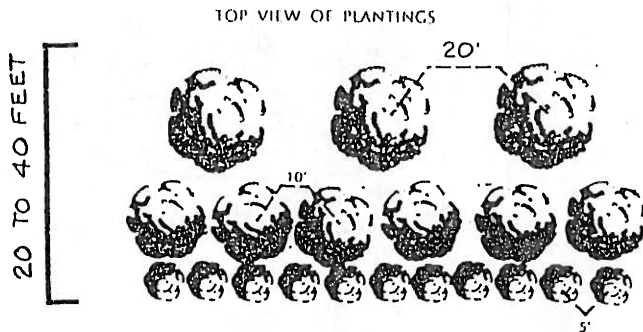
‡ Setback may be reduced if adjacent to industrial use.

⓪ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

◇ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

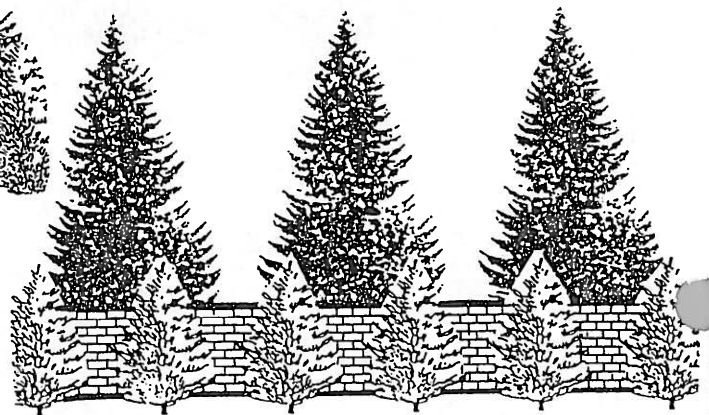
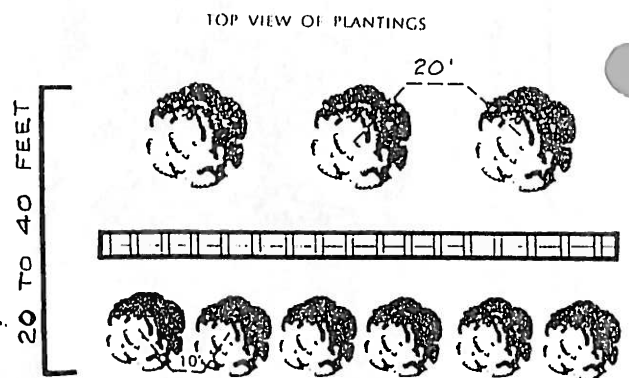
⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.



FRONT VIEW OF ULTIMATE GROWTH

OPTION D



FRONT VIEW OF ULTIMATE GROWTH

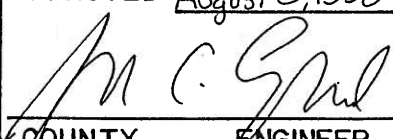
OPTION E

OPTION D

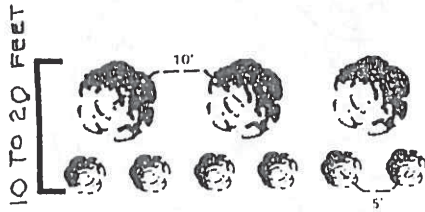
Planting Description - one row of ~~evergreen shrubs~~ with a height of two (2) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every five (5) linear feet; one row of ~~medium evergreen trees~~ with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; one row of ~~large evergreen trees~~ with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

OPTION E

Planting Description - one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; a solid board fence, masonry or brick wall with a height of six (6) feet; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: <u>August 8, 1990</u>  COUNTY ENGINEER	screen planting medium buffer	REVISIONS: 	DETAIL No. M -53
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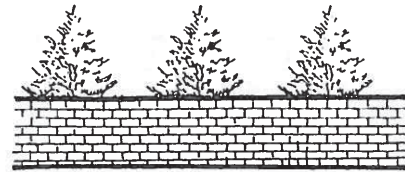
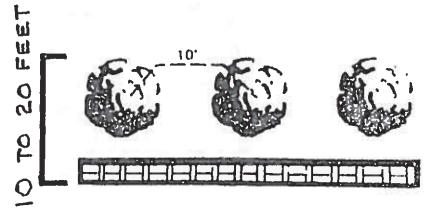
TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION F

TOP VIEW OF PLANTINGS



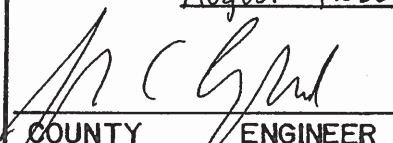
FRONT VIEW OF ULTIMATE GROWTH

OPTION GOPTION F

Planting Description - one row of evergreen shrubs with a height of two (2) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every five (5) linear feet; one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet.

OPTION G

Planting Description - one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; and a solid board fence, masonry or brick wall with a height of six (6) feet.

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: August 8, 1990	screen planting narrow buffer	REVISIONS:	DETAIL No.
	 COUNTY ENGINEER			M
				-54



JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning, and Zoning
Office of Planning and Zoning
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414
www.jeffersoncountywv.org

File Number: 22-40-ZV

Staff Initials: gja

Meeting Date: 12/8/22

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

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

Variances from 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: SAB Real Estate 2 LLC

Mailing Address: 333 East John Street, Martinsburg, WV 25401

Phone Number: 304-262-5075

Email: jroach@rmroach.com

Applicant Contact Information

Name: Same as Property Owner

Mailing Address: _____

Phone Number: _____

Email: _____

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name: Roberts Land Surveying

Mailing Address: 2068 Palmer Road, Hedgesville, WV 25403

Phone Number: 540-664-3423

Email: jmroach94@gmail.com

Physical Property Details

Physical Address: 1100 Shepherdstown Road (WV 45)

City: Shepherdstown

State: WV

Zip Code: 25443

Tax District: Shepherdstown

Map No: 8A

Parcel No: 19, 21, 23

Parcel Size: 3.56 acres

Deed Book: 1199

Page No: 687

Zoning District (please check one)

Residential
Growth
(RG)

☐

Industrial
Commercial
(IC)

☐

Rural
(R)

☐

Residential-
Light Industrial-
Commercial
(R-LI-C)

☒

Village
(V)

☐

Neighborhood
Commercial
(NC)

☐

General
Commercial
(GC)

☐

RECEIVED

NOV 14 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Highway
Commercial
(HC)

☐

Light
Industrial
(LI)

☐

Major
Industrial
(MI)

☐

Planned
Neighborhood
Development
(PND)

☐

Office/Commercial
Mixed-Use
(OC)

☐

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of way, 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 the Zoning Ordinance pertaining to this request: Section 4.11 A, Appendix B

Briefly describe the nature of the variance request:

See Attachment "A" - Number 1.

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

Front Setback ☐

Side Setback ☐

Rear Setback ☐

Reduction From _____ to _____

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:

See Attachment "A" - Number 2.

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?

See Attachment "A" - Number 3.

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

See Attachment "A" - Number 4.

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

See Attachment "A" - Number 5.

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Office 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.

J. M. R. L. Member *11/14/2022*
Signature of Property Owner 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 the Zoning and Land Development Ordinance Section 6.1B).

12-08-22

Date of Public Hearing

11-23-22

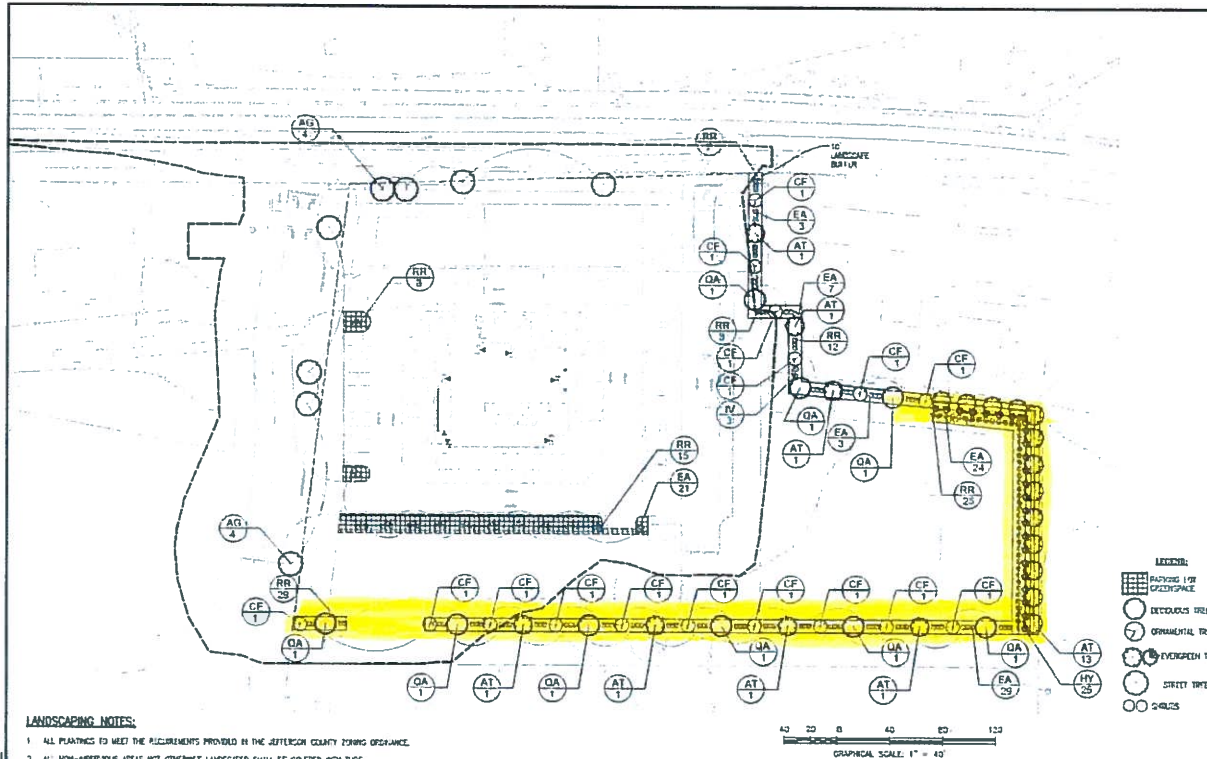
Advertising Date

11-23-22

Placard Posting Date

ATTACHMENT A

1. Applicant requests a variance from the Zoning Ordinance and approved landscape plan because literal compliance will compromise the existing vegetative landscaping buffer and will compromise the intent of the Zoning Ordinance. (See attached exhibits).
2. The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents because the variance will enhance the existing vegetative landscaping buffer and will exceed the standards required under the Zoning Ordinance for landscaping, screening, and buffer yard requirements.
3. The existing landscaping vegetative buffer constitutes a special condition of the property that was not created by the owner.
4. Granting this variance will eliminate the unnecessary hardship of removing the existing vegetative landscaping buffer and replacing the same with materials that will reduce the screening benefit provided by the existing vegetative landscaping buffer. Allowing the existing vegetative buffer to remain in place with the modified landscaping plan will permit reasonable use of the land and compliance with the Zoning Ordinance.
5. The intent of the landscaping buffer provisions of the Zoning Ordinance is to buffer between adjacent uses. The granting of the variance will allow the owner to utilize the existing vegetative buffer and the proposed landscaping plan to exceed the standards of the Zoning Ordinance regarding landscaping, screening, and buffer yard requirements without unnecessary removal of the existing vegetative buffer; thus, the intent of the Zoning Ordinance is observed and substantial justice will be done in granting the variance.

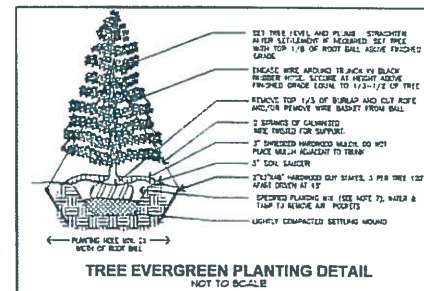
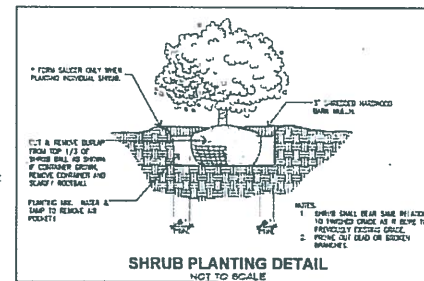
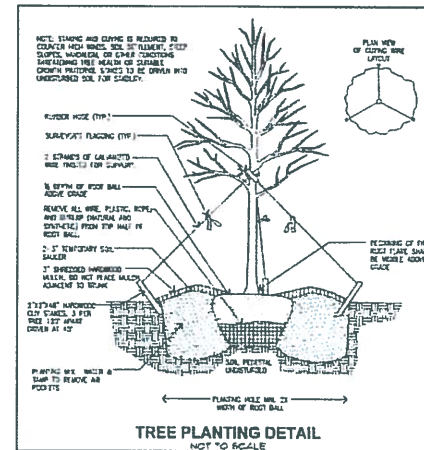


LANDSCAPING NOTES:

1. ALL PLANTINGS TO MEET THE REQUIREMENTS PROVIDED IN THE JEFFERSON COUNTY ZONING ORDINANCE.
2. ALL NON-IMPERVIOUS AREAS NOT OTHERWISE LANDSCAPED SHALL BE COVERED WITH TURF.
3. ALL LANDSCAPE PLANT MATERIALS SHALL CONFORM TO THE LATEST VERSION OF THE AMERICAN STANDARD OF HURSTY STOCK (ANSI Z60.1). PLANT MATERIALS SHALL BE OF STANDARD QUALITY OR BETTER, TRUE TO NAME AND TYPE OF THEIR SPECIES OR VARIETY.
4. LANDSCAPE PLANT MATERIALS SHALL BE PLANTED IN ACCORDANCE WITH THE STANDARDIZED LANDSCAPE SPECIFICATIONS ADOPTED BY THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS.
5. THE CONTRACTOR SHALL VERIFY THE PLANT SCHEDULE WITH THE SYMBOLS SHOWN ON THE PLAN AND CONTACT THE LANDSCAPE ARCHITECT AT GORDON IF A DISCREPANCY EXISTS. UNLESS SPECIFIED OTHERWISE BY THE LANDSCAPE ARCHITECT, THE CONTRACTOR SHALL COMPLY WITH THE QUANTITIES AND LOCATIONS AS SHOWN ON THE LANDSCAPE PLAN.
6. THE CONTRACTOR SHALL COMPLY WITH THE LANDSCAPE SPECIFICATIONS GUIDELINES ADOPTED BY THE LANDSCAPE CONTRACTORS ASSOCIATION FOR PLANTING BED PREPARATION AND SOIL MIX GUIDELINES AND PROCEDURES.
7. THE EXISTING UNDERGROUND UTILITIES SHOWN HEREON ARE BASED UPON AVAILABLE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING WITH UTILITY TO DETERMINE THE EXACT LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK AND IS RESPONSIBLE FOR ANY DAMAGES WHICH OCCUR BY HIS FAILURE TO LOCATE OR PROTECT THESE UNDERGROUND UTILITIES.
8. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY FIELD CONDITIONS PRIOR TO CONSTRUCTION AND TO NOTIFY GORDON IF THE FIELD CONDITIONS ARE NOT IN CONFORMANCE WITH THE APPROVED PLANS.
9. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL TREES ARE NOT PLANTED WITHIN ANY EXISTING OR PROPOSED PUBLIC UTILITY EASEMENT, WITHIN 5' OF A STORM DRAIN THAT CONTAINS PIPES, OR WITHIN 10' OF A FIRE HYDRANT.
10. SPECIES LISTED ARE PRELIMINARY AND MAY CHANGE WITH AVAILABILITY UPON APPROVAL BY THE OWNER OR OWNER'S REPRESENTATIVE. ALL SPECIES CHANGES SHALL BE COORDINATED WITH JEFFERSON COUNTY.
11. ALL TREES, SHRUBBERY AND OTHER PLANTINGS THAT FAIL TO SURVIVE A PERIOD OF 12 MONTHS FOLLOWING AS-BUILT CERTIFICATION SHALL BE REPLACED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.
12. THE CONTRACTOR IS RESPONSIBLE FOR EVALUATING INDIVIDUAL TREES FOR STABILITY AT THE TIME OF PLANTING. BASED ON THIS EVALUATION, TREES SHALL BE STAKED AND CAGED AS NECESSARY TO ENSURE THAT THEY REMAIN IN AN UPRIGHT POSITION. STAKES ARE TO BE PROVIDED BY OWNER AFTER THE OPENING SEASON.
13. ALL PLANT MATERIAL TO BE INSPECTED BY OWNER OR OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION. PLANTS THAT ARE DAMAGED OR DO NOT CONFORM TO THE REQUIRED SPECIFICATION SHALL BE REJECTED.
14. ALL PLANTING BEDS ADJACENT TO TURF SHALL HAVE A 6" STAKE EDGE.
15. SEE PLAN SHEET FOR ADDITIONAL EXPLANATION NOTES AND SOILS COMPOSITION.
16. OFFERANCE AREAS SHALL BE PLANTED WITH TURF.

Plant Schedule				
Symbol	Quantity	Botanical Name	Common Name	Remarks
CF	22	Scorpus Borealis	Flowering Dogwood	8' Min. Height
EA	11	Quercus prinus	White Oak	8' Min. Height
AT	11	Aspidodendron tomentosum	Greenheart	8' Min. Height
HY	24	Yucca filamentosa	Yucca	8' Min. Height
AG	8	Amorpha fruticosa	Amorpha	8' Min. Height
RR	88	Rosa rugosa	Wild Rose	8' Min. Height
EA	84	Hamamelis virginica	Hamamelis	8' Min. Height

Landscaping Requirements			
Section	Requirement	Required	Provided
Section 5.0 B.C. of the Subdivision and Land Development Ordinance	Regulation		
Grass: 5% of Parking Lot Area	3.017 sq. ft.	3.017 sq. ft.	3.017 sq. ft.
Section 5.1 F.3.a. of the Zoning Ordinance	Regulation		
1. Deciduous Tree for Every 30 sq. ft. of Parking Lot Area	18	18	18
2. Evergreen Tree for Every 30 sq. ft. of Parking Lot Area	18	18	18
Section 5.1 F.3.b. of the Zoning Ordinance	Regulation		
1. Deciduous Tree for Every 30 sq. ft. of Parking Lot Area	18	18	18
2. Evergreen Tree for Every 30 sq. ft. of Parking Lot Area	18	18	18
Section 5.1 F.3.c. of the Zoning Ordinance	Regulation		
1. Deciduous Tree for Every 30 sq. ft. of Parking Lot Area	18	18	18
2. Evergreen Tree for Every 30 sq. ft. of Parking Lot Area	18	18	18
Section 5.1 F.3.d. of the Zoning Ordinance	Regulation		
1. Deciduous Tree for Every 30 sq. ft. of Parking Lot Area	18	18	18
2. Evergreen Tree for Every 30 sq. ft. of Parking Lot Area	18	18	18



Gordon
 148 S. Quinn Street, Suite 201
 Martinsburg, WV 26041
 Phone: 304-725-8456
 www.gordonm.com

LANDSCAPE PLAN
MARTINSBURG PIKE
ROCKS
 TAX MAP 8A - PARCELS 25, 26 AND 27
 BUCHANAN TOWNSHIP DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: 1/8" = 1'-0"
 DATE: SEPTEMBER 1, 2018
 JOB: 2748-0013
 DRAWN BY: J. GORDON
 CHECKED BY: J. GORDON
 INCHES: 1/8" = 1'-0"
 SHEET: 23 OF 28

EXHIBIT
 8

2882
MARTINSBURG
PIKE

SAR REAL
ESTATE
2 LLC

As of 10/1/2017

SENECA
CROSSING
LLC

EXHIBIT

"C"

tabbles

Martinsburg Pike

45

8232
MARTINSBURG
PIKE LLC

SAB REAL
ESTATE
2 LLC

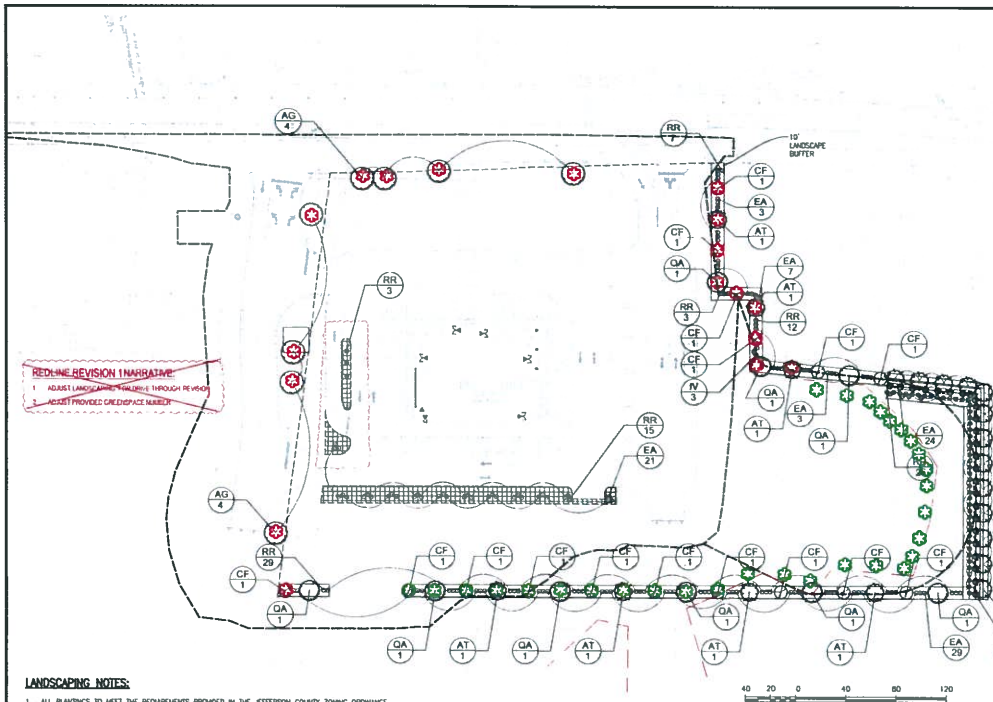
Medicine Way

STREET
CROSSING
ILL

EXHIBIT

tabbles

"D"



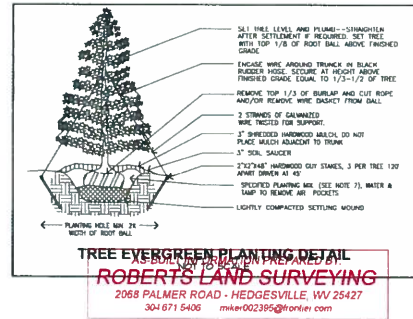
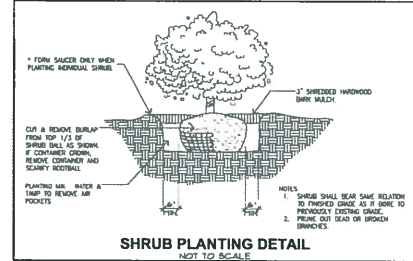
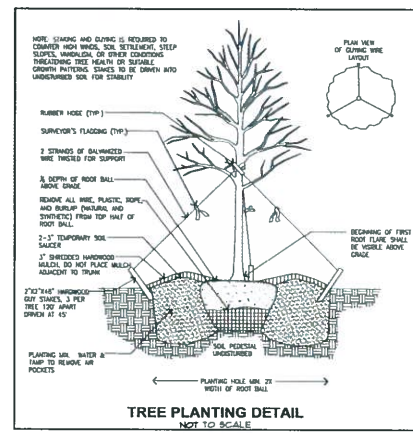
REDLINE REVISION IN NARRATIVE
 1. ADJUST LANDSCAPE NARRATIVE THROUGH REVISION
 2. ADJUST PROVIDED CIRCLE SPACE MARKER

LANDSCAPING NOTES:

1. ALL PLANTINGS TO MEET THE REQUIREMENTS PROVIDED IN THE JEFFERSON COUNTY ZONING ORDINANCE.
2. ALL NON-IMPERVIOUS AREAS NOT OTHERWISE LANDSCAPED SHALL BE COVERED WITH TURF.
3. ALL LANDSCAPE PLANT MATERIALS SHALL CONFORM TO THE LATEST VERSION OF THE AMERICAN STANDARD OF NURSERY STOCK (ANSI Z60.1). PLANT MATERIALS SHALL BE OF STANDARD QUALITY OR BETTER, TRUE TO NAME, AND TYPE OF THEIR SPECIES OR VARIETY.
4. LANDSCAPE PLANT MATERIALS SHALL BE PLANTED IN ACCORDANCE WITH THE STANDARDIZED LANDSCAPE SPECIFICATIONS ADOPTED BY THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS.
5. THE CONTRACTOR SHALL VERIFY THE PLANT SCHEDULE WITH THE SYMBOLS SHOWN ON THE PLAN AND CONTACT THE LANDSCAPE ARCHITECT AT GORDON IF A DISCREPANCY EXISTS. UNLESS DIRECTED OTHERWISE BY THE LANDSCAPE ARCHITECT, THE CONTRACTOR SHALL COMPLY WITH THE QUANTITIES AND LOCATIONS AS SHOWN ON THE LANDSCAPE PLAN.
6. THE CONTRACTOR SHALL COMPLY WITH THE LANDSCAPE SPECIFICATIONS GUIDELINES ADOPTED BY THE LANDSCAPE CONTRACTORS ASSOCIATION FOR PLANTING BED PREPARATION AND SOIL MIX GUIDELINES AND PROCEDURES.
7. THE EXISTING UNDERGROUND UTILITIES SHOWN HEREON ARE BASED UPON AVAILABLE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING MISS UTILITY TO DETERMINE THE EXACT LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK AND IS RESPONSIBLE FOR ANY DAMAGES WHICH OCCUR BY HIS FAILURE TO LOCATE OR PRESERVE THESE UNDERGROUND UTILITIES.
8. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY FIELD CONDITIONS PRIOR TO CONSTRUCTION AND TO NOTIFY GORDON IF THE FIELD CONDITIONS ARE NOT IN CONFORMANCE WITH THE APPROVED PLANS.
9. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL TREES ARE NOT PLANTED WITHIN ANY EXISTING OR PROPOSED PUBLIC UTILITY EASEMENT, WITHIN 5' OF A STORM DRAIN THAT CONTAINS PIPES, OR WITHIN 10' OF A FIRE HYDRANT.
10. SPECIES LISTED ARE PRELIMINARY AND MAY CHANGE WITH AVAILABILITY UPON APPROVAL BY THE OWNER OR OWNER'S REPRESENTATIVE. ALL SPECIES CHANGES SHALL BE COORDINATED WITH JEFFERSON COUNTY.
11. ALL TREES, SHRUBBERY, AND OTHER PLANTINGS THAT FAIL TO SURVIVE A PERIOD OF 12 MONTHS FOLLOWING AS-BUILT CERTIFICATION SHALL BE REPLACED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.
12. THE CONTRACTOR IS RESPONSIBLE FOR EVALUATING INDIVIDUAL TREES FOR STABILITY AT THE TIME OF PLANTING. BASED ON THIS EVALUATION, TREES SHALL BE STAKED AND GUAYED AS NECESSARY TO ENSURE THAT THEY REMAIN IN AN UPRIGHT POSITION. STAKES ARE TO BE REMOVED BY OWNER AFTER ONE GROWING SEASON.
13. ALL PLANT MATERIAL TO BE INSPECTED BY OWNER OR OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION. PLANTS THAT ARE DAMAGED OR DO NOT CONFORM TO THE REQUIRED SPECIFICATION SHALL BE REJECTED.
14. ALL PLANTING BEDS ADJACENT TO TURF SHALL HAVE A 6" SPACE EDGE.
15. SEE SHW SHEET FOR ADDITIONAL IDENTIFICATION NOTES AND SOILS COMPOSITION.
16. CIRCULOCOPIC AREAS SHALL BE PLANTED WITH TURF.

Plant Schedule				
Trees				
Symbol	Quantity	Botanical Name	Common Name	Size
CF	22	Cornus florida	Flowering Dogwood	6" Min Height
QA	11	Quercus alba	White Oak	6" Min Height
AT	11	Amelanchier alnifolia	Green Giant Arbutus	6" Min Height
HY	24	Hydrangea	Hydrangea	6" Min Height
AG	8	Amelanchier x grandiflora 'Autumn Brilliance'	Serviceberry	6" Min Height
Shrubs				
Symbol	Quantity	Botanical Name	Common Name	Size
RR	88	Rosa rugosa	Knockout Rose	#3 Container
EA	84	Euonymus alatus 'Red Spirit'	Dwarf Winterberry	#3 Container

Landscaping Requirements		
Section 5.6.1.1.1.1. of the Subdivision and Land Development Ordinance		
Regulation	Required	Provided
Green space: 5% of total lot area	3,017 sq. ft.	3,017 sq. ft.
Section 5.6.1.1.1.2. of the Subdivision and Land Development Ordinance		
Regulation	Required	Provided
1. Deciduous or Evergreen Trees for Every 50' of Rear & Side Property Line	16	16
Side & Rear Yards: 75' x 15'		
Section 5.6.1.1.1.3. of the Subdivision and Land Development Ordinance		
Regulation	Required	Provided
1. Deciduous Tree for Every 50' of Rear & Side Property Line	16	16
Side & Rear Yards: 75' x 15'		
Section 5.6.1.1.1.4. of the Subdivision and Land Development Ordinance		
Regulation	Required	Provided
1. Deciduous Tree for Every 25' of Rear & Side Property Line	96	96
Side & Rear Yards: 75' x 15'		
Section 5.6.1.1.1.5. of the Subdivision and Land Development Ordinance		
Regulation	Required	Provided
1. Deciduous Tree for Every 25' of Rear & Side Property Line	49	49
Side & Rear Yards: 75' x 15'		
1. Deciduous Tree for Every 25' of Rear & Side Property Line	25	25
Side & Rear Yards: 75' x 15'		
1. Deciduous Tree for Every 25' of Rear & Side Property Line	13	13
Side & Rear Yards: 75' x 15'		
1. Deciduous Tree for Every 25' of Rear & Side Property Line	8	8
Side & Rear Yards: 75' x 15'		
Section 5.6.1.1.1.6. of the Subdivision and Land Development Ordinance		
Regulation	Maximum	Proposed
80% Maximum Impervious Surface	124,234 sq. ft.	73,003 sq. ft.
(155,266 sq. ft. x 0.80)		



ROBERTS LAND SURVEYING
 2068 PALMER ROAD - HEDGESVILLE, WV 25427
 304.671.5406 mha002395@roberts.com



SEE PLANTING 3 FOR AS-BUILT INFORMATION ONLY
 *INDICATES AS-BUILT INFORMATION
 *NOT TO SCALE

Gordon
 LANDSCAPE ARCHITECT
 1405 S. QUINCY STREET, SUITE 201
 MARTINSBURG, WV 25401
 PHONE: 304.723.8446
 WWW.GORDONLANDSCAPE.COM

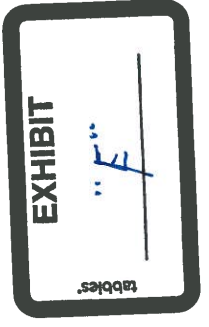


REVISION	DATE	BY	DESCRIPTION
1	02/01/18	REVISED PER WOOD AND COUNTY COMMENTS	
2	02/01/18	REVISED PER WOOD COMMENTS	
3	02/01/18	REVISED PER WOOD COMMENTS	
4	02/01/18	REVISED PER WOOD COMMENTS	
5	02/01/18	REVISED PER WOOD COMMENTS	
6	02/01/18	REVISED PER WOOD COMMENTS	
7	02/01/18	REVISED PER WOOD COMMENTS	
8	02/01/18	REVISED PER WOOD COMMENTS	
9	02/01/18	REVISED PER WOOD COMMENTS	
10	02/01/18	REVISED PER WOOD COMMENTS	

LANDSCAPE PLAN
MARTINSBURG PIKE
ROCKS
 TAX MAP 8A - PARCELS 8, 9, 21, AND 23
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE	HORIZ. VERT.
DATE	SEPTEMBER 1, 2018
JOB	2756-0003
DRAWN BY	CHECK, JG
CADD	1-1P-101 DWG
REV	05/01/18
DATE	

EXHIBIT
 "E"













































Shepherdstown ROCS Store Tree Count

11/14/22 JMR

NOTE: Trees counted had a 6" DBH or greater.

Black cherry: 9

White oak: 12

Ash (dead): 8

Honey Locust: 1

Boxelder: 5

Tree of Heaven: 1

Hackberry: 20

Yellow Poplar: 10

Black Walnut: 5

Flowering Dogwood: 1

Under growth shrub species include: Autumn Olive, Multiflora rose, Wine berry, Honeysuckle Spp., Greenbriar, Japanese Barberry.



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report December 8, 2022 Board of Zoning Appeals Meeting

Date of Memo: November 29, 2022

- 1) The next regular meeting is scheduled for **January 26, 2023** (deadline for submission is Tuesday, January 3, 2023).
- 2) Welcome to new Board Member David Wiegand who was appointed by the County Commission on November 17, 2022.
- 3) Board Member Deirdre Catterton resigned from the Board on November 28, 2022, creating a vacancy for a term ending 01/01/2024.
- 4) Two alternate member positions remain available. One term ending 01/01/24 and the other term ending 01/01/25.

Persons interested in serving on the Board of Zoning Appeals should contact the County Commission Office at 304-728-3284 / jjames@jeffersoncountywv.org.



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor, P.O. Box 716
Charles Town, West Virginia 25414
www.jeffersoncountywv.org

December 2022
Zoning Certificate Activity Report

File #	22-67-ZC
Request:	Shopping Center: Change in Tenant to a Veterinary Clinic
Property Owner:	KITA LLC
Applicant:	Selby Veterinary Services PLLC
Parcel Information:	Burr Industrial Lots – Lot #44 Phase 1 43 Ruland Drive, Suites I and J, Kearneysville, WV 25430 Parcel ID: 02000100160015; Size: 6.24 acres; Zoning District: Industrial- Commercial; Deed Book: 1211; Page: 505; Site Plan File #S06-06
Date of Issuance:	11/29/2022
