



Jefferson County
Board of Zoning Appeals
Thursday, May 26, 2016, 2:00 p.m.

Members
Tyler Quynn, Chair
Jeffrey Bannon, Vice Chair
Christy Huddle
Matt Knott
Ted Schiltz
Jeff Bresee, Alternate
Craig Foster, Alternate

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 Charles Town, West Virginia.

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

1. Approval of the minutes from the March 24, 2016 and the April 28, 2016 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Request by The Middleway Conservancy Association Inc. for a Seasonal Use Permit for 'The Battle of Smithfield Anniversary Re-enactment' to operate from August 12-14, 2016. The event is to consist of a re-enactment of civil war camp life, drills, educational activities and public parking (SU16-01).
Owner/location of proposed events as follows: Battle of Smithfield Reenactment, military drills & educational activities: Chappell, William D. & Linda; 175 East St., Kearneysville; D: 07; M: 22B; P: 28; Size: .89 ac; Z: R & V; File: SU16-01A; Re-enactor parking: Bowers, Daniel B. & Anne L.; 272 Mason Farm Dr., Kearneysville; D: 07; M: 22; P: 12.9; Size: 7.75 ac; Z: R; File: SU16-01B; Military drills & educational activities: DeHart, Dorothea; 207 East St., Kearneysville; D: 07; M: 22B; P: 29 & 20; Size: 2.17 ac & .53 ac; Z: R & V; File: SU16-01C; Information & exhibit center; educational activities; public parking: Grace Episcopal Church; 112 East St., Kearneysville; D: 07; M: 22A; P: 70; Size: .38 ac; Z: V; File: SU16-01D; Civil War-style encampment of 150 reenactors; military drills; cannon and firearms demonstrations; educational activities: Quinones A., Carmen; 7513 Queen St., Kearneysville; D: 07; M: 22A; P: 18; Size: 2.45 ac; Z: V; File: SU16-01E; Encampment of SO cavalry re-enactors with horses; educational activities: Stickles, James; 7316 Queen St., Kearneysville; D: 07; M: 22A; P: 61; Size: 2.6 ac; Z: V; File: SU16-01F; Re-enactments of Civil War cavalry and infantry engagements; public parking: Supplee, J. Frank, IV, & Mary L.; 6880 Leetown Rd., Kearneysville; D: 07; M: 22; P: 31; Size: 137 ac; Z: V; File: SU16-01G; Living history presentations; educational activities: Middleway United Methodist Church Trustees; 328 King St., Kearneysville D: 07; M: 22A; P: 19; Size: .67 ac; Z: V; File: SU16-01H; Public parking: Middleway United Methodist Church Trustees; 7437 Queen St. Kearneysville; D: 07; M: 22A; P: 44; Size: .35 ac; Z: V; File: SU16-01I.
4. Variance from Section 10.4B to increase the maximum square footage of two proposed business signs from 144 sq. ft. to 264 sq. ft. (Washington St.) and from 192 sq. ft. to 264 sq. ft. (Euclid Ave.); and, to allow signage to face a residential property. Bret Skirvin, Site Enhancement Services, Inc., Applicant. Primax Properties, LLC, Owner. Location: Corner of Washington and Euclid St. Charles Town (future Advanced Auto Parts). District: 02; Map: 10A; Parcel: 76; Size: 1.04 ac; Zone: RLIC; File: ZV16-11.
5. Director's Report.
 - a) Monthly Zoning Certificate Activity Report
6. Legal Update. Possible executive session on the follow pending lawsuits:
 - a) Whistling Farms Bed & Breakfast Litigation CA # 15-C-209
 - b) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73

7. Discussion with possible deliberative session and signing of draft findings/decisions.

Meeting Date: 02/25/16 04/28/16meetings. (*see agenda for full item description*)

- a. Postponed from the 01/28/16 meeting. Variance request from Sec. 4.11A.2, 4.11E and App. B to remove the side and rear landscape/screening buffer for a private, commercial warehouse/garage. Owner: Daniel McGinn.
- b. Variance request by United Methodist Church from Sec. 10.4C to reduce the required setback of 25' to 0' to allow for the replacement of the existing freestanding sign. File: ZV16-03.
- c. Variance request by United Methodist Church from the following: (A) Sec. 4.10A to waive the requirement of a site plan for the installation of a 1000 square foot gravel parking lot. File: ZV16-04 (B) App. B to reduce the front parking setback from 15' to 0'. File: ZV16-04.
- d. Variance from Sec. 4.11A.1 & App. B to reduce the side & rear setback from 50' to 25'; and, to eliminate the required residential landscape buffer to allow for the construction of a proposed 37,500 square foot self-storage facility. Owner: CTSS, LLC.
- e. Variance from App. B to reduce the rear setback from 50' to 25' for the existing bowling alley to accommodate a proposed lot line adjustment. Owner: LSCG Fund LLC. Applicant: CTSS, LLC.
- f. Variance from Sec. 4.11A.2, 4.11E and App. B to eliminate the landscaping, parking, drive aisle & building setback requirements for the interior lot line between Lots 2 & 3; and, to reduce the landscape buffer along the side of Lot 3 & the rear of Lots 2 & 3. Owner: Decker Holding, LLC. Applicant: Kubic Enterprises.
- g. Variance from Sec. 5.7B to reduce the rear setback from 50' to 35' for the construction of 40' x 60' garage. Owner : Christopher & Victoria Dudash.
- h. Variance from Sec. 5.4B to reduce the rear setback from 20' to 10' to construct a deck. Owner : Yin Xu. Applicant: Brick Street Construction.

Minutes
Jefferson County Zoning Board of Appeals

1 Meeting Date: March 24, 2016
2 Meeting Location: Charles Town Library Conference Room
3 200 East Washington Street, West Virginia
4

5 Board members present: Tyler Quynn, Chair; Jeffrey Bannon, Vice Chair; Ted Schiltz, Matt Knott
6 and Christy Huddle, Craig Foster, Alternate and Jeff Bresee, Alternate.
7

8 Staff members present: Jennifer M. Brockman, Acting Zoning Administrator/Director of Planning and
9 Zoning; Lydia Lehman, Assistant Prosecuting Attorney; Rhonda Greenholtz,
10 Planning Clerk.
11

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

13 Mr. Quynn explained how the meeting will be conducted to the public. Ms. Lydia Lehman
14 requested that agenda Items 5 and 6 be heard before Items 3 and 4 as she needs to excuse herself
15 from the meeting at 3:00 PM. Ms. Greenholtz swore in members of the public who indicated they
16 would be providing testimony

17 1. Approval of the minutes from the February 24, 2016 meeting.

18 The minutes were not available for the Board to approve. The Board will take action on the
19 minutes at the April 28, 2016 meeting.

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

21 Ms. Greenholtz swore in members of the public who indicated they would be providing
22 testimony at the beginning of the meeting.

23 Mr. Quynn noted the representative or applicant for Items 5 and 6 was not in attendance.

24 Mr. Quynn requested the representative be contacted.

25 Ms. Huddle motioned to commence the meeting at 2:04 PM. Mr. Quynn called for a vote, which
26 carried unanimously.

27 Mr. Quynn called for a 5 minute recess at 2:05 PM while Ms. Greenholtz contacted the consultant.

28 Ms. Huddle made a motion to call the meeting into session at 2:08 PM. Mr. Quynn called for a vote,
29 which carried unanimously.

30 As the consultant was not present, the agenda order was heard in the original order.

31 Items 3 and 4 were addressed simultaneously.

32 3. Variance request by United Methodist Church from Section 10.4C to reduce the required setback
33 of 25' to 0' to allow for the replacement of the existing freestanding sign. File: ZV16-03.

34 4. Variance request by United Methodist Church from the following:

35 a) Section 4.10A to waive the requirement of a site plan for the installation of a 1000 square
36 foot gravel parking lot. File: ZV16-04

37 b) Appendix B to reduce the front parking setback from 15' to 0'. File: ZV16-04

38 Owner: United Methodist Church Trustees. Location: 289 Potomac Ave. Shenandoah Junction.
39 District: 02; Map: 1A; Parcel: 62; Size: .21 ac; Zone: V.

40 Mr. Schiltz recused himself from this Item citing that he is a member of this church. Alternate
41 Mr. Craig Foster filled Mr. Schiltz's vacancy for this agenda item.

1 Ms. Faye Thompson, President of the Trustees for Williams United Methodist Church addressed
2 the Board.

3 Ms. Brockman presented the staff report for ZV16-03 stating that the existing sign is a non-
4 conforming use. Ms. Brockman explained that the existing sign sits parallel to the Church
5 and the proposed sign will be perpendicular to the Church. Ms. Brockman noted during the
6 preparation of the staff report for ZV16-03, staff discovered that the grass area located in
7 front of the church had been converted to a gravel parking lot without processing through
8 the Department thus prompting the second variance request (ZV16-04).

9 Ms. Brockman explained that the gravel parking area overlaps into the West Virginia
10 Department of Highway's right-of-way (ROW) and that staff had advised the applicant to
11 contact the WVDOH regarding this issue. Ms. Brockman noted that as the graveled area
12 extends to the furthest projection of the front and side property lines; thus necessitating a
13 reduction of the required parking setbacks to 0'.

14 Staff's suggested conditions of approval for the requests are as follows:

- 15 a) The sign setback variance applies only to this particular free standing sign utilizing
16 the same base as the existing nonconforming sign. (ZV16-03)
- 17 b) The variance of a site plan waiver or parking area setbacks apply only as already
18 constructed. If any future expansion is proposed to the parking area a Site Plan must
19 be processed through the Departments of Planning and Zoning. (ZV16-04)

20 Ms. Thompson explained the need for the new sign was due to the age of the current sign and
21 that the existing sign is 4'11" tall and the mount is 2' ½" wide. Ms. Thompson explained the
22 sign would utilize the existing foundation and possibly extend six feet from its current location.

23 Mr. Ronnie Henderson and Ms. Thompson presented pictures of the old sign and the proposed
24 sign to the Board Members using an iPad and stated they would submit the pictures to the
25 Zoning Department.

26 The Board expressed concern regarding the orientation of the proposed sign potentially
27 creating sight distance issues for oncoming traffic. Ms. Brockman explained that while the
28 WVDOH ROW was nearly adjacent to the sign, the actual road surface was at least 13 feet
29 from the base of the sign. Mr. Knott questioned if the sign is placed perpendicular from the
30 Church would it be in the WVDOH ROW. Mr. Henderson stated that the base of the sign would
31 be approximately 18" from the existing brick base. Ms. Brockman explained that if the variance
32 was granted the new orientation of the sign should remain outside of the ROW. Ms. Huddle
33 stated that the WVDOH would address any encroachment issues should the need arise.

34 Ms. Greenholtz swore in members of the public who indicated they would be providing testimony
35 at the meeting but who were not present at the initial swearing in.

36 Ms. Brockman suggested hearing both Items 5 and 6 simultaneously as the requests were related to
37 the overall concept proposed by the applicant. Note: the file numbers for these items were
38 inadvertently switched on the agenda.

39 5. Variance from Section 4.11A.1 and Appendix B to reduce the side and rear setback from
40 50' to 25'; and to eliminate the required residential landscape buffer to allow for the
41 construction of a proposed 37,500 square foot self-storage facility. Owner: CTSS, LLC.

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1 Location: 257 Keyes Ferry Rd., Charles Town, District: 02; Map: 9; Parcel: 8.3; Size: 3.2 ac;
2 Zone: RLIC; File: ZV16-06. (Correct File Number ZV16-05)

3 6. Variance from Appendix B to reduce the rear setback from 50' to 25' for the existing bowling
4 alley to accommodate a proposed lot line adjustment. Owner: LSCG Fund LLC. Applicant:
5 CTSS, LLC. Location: Portion of 107 Keyes Ferry Rd., Charles Town, District: 02; Map: 9;
6 Parcel: 8.1; Size: 4.59 ac; Zone: RLIC; File: ZV16-05. (Correct File Number ZV16-06)

7 Ms. Kristen Stolipher with Gordon represented the applicant. Mr. John Reisenweber, Director
8 of the Jefferson County Development Authority (JCDA) was also present to speak in support of
9 the following variance requests.

10 Mr. Schiltz resumed his position as Board member.

11 Ms. Brockman presented the staff reports for ZV16-05 and ZV16-06 to the Board explaining
12 both the current and proposed uses for the adjacent properties. Ms. Brockman noted that as the
13 parcel to the east of the proposed construction is restricted to a single family residential dwelling
14 unit and therefore the larger setback of 50' and a medium landscape buffer detail would be
15 required. Ms. Brockman also explained that the same adjacent parcel contains a 55' wide storm
16 drainage easement located along the entire rear property line (shown on page 5 of the staff
17 report). Ms. Brockman stated that the variances were required due to the size of the building and
18 the proposed division of the lot.

19 Ms. Stolipher stated that if the use was a commercial use adjacent to an industrial use, reducing
20 the setback from 50' to 25' would be acceptable. Ms. Stolipher noted that due to the steep
21 topography towards the rear of the proposed addition it would be difficult to plant any
22 landscaping. Ms. Stolipher added that the area within the stormwater management facility
23 contains dense vegetation.

24 Mr. Quynn opened for public comment. Mr. Risenweber expressed support of the requests
25 on behalf of the JCDA. Mr. Quynn closed the public hearing.

26 The Board determined that a deliberative session was unnecessary.

27 3. Variance request by United Methodist Church from Section 10.4C to reduce the required setback
28 of 25' to 0' to allow for the replacement of the existing freestanding sign. File: ZV16-03.

29 4. Variance request by United Methodist Church from the following:

30 a) Section 4.10A to waive the requirement of a site plan for the installation of a 1000 square
31 foot gravel parking lot. File: ZV16-04

32 b) Appendix B to reduce the front parking setback from 15' to 0'. File: ZV16-04

33 Mr. Foster moved to approve the request for Item 3 (ZV16-03) to reduce the required 25'
34 setback to 0' for the proposed sign. Ms. Huddle moved to make an amendment to the motion
35 that the sign setback apply only to the requested free standing sign utilizing the same base as
36 the existing nonconforming sign. Mr. Quynn called for a vote on the amendment, which
37 carried unanimously. Mr. Foster reiterated his original motion and included the approved
38 amendment. Mr. Quynn called for a vote on the, which carried unanimously.

39 Ms. Huddle moved to approve Item 4 (ZV16-04) to reduce the front parking setback from 15'
40 to 0'; the side parking from 4' to 0'; and a waiver of the Site Plan with the condition that the

- 1 setback variance applies only to the gravel parking area as constructed; and, any expansion of
2 the parking area will require an application for a Site Plan. Mr. Quynn called for a vote, which
3 carried unanimously.
- 4 5. Variance from Section 4.11A.1 and Appendix B to reduce the side and rear setback from
5 50' to 25'; and, to eliminate the required residential landscape buffer to allow for the
6 construction of a proposed 37,500 square foot self-storage facility. Owner: CTSS, LLC.
7 Location: 257 Keyes Ferry Rd., Charles Town, District: 02; Map: 9; Parcel: 8.3; Size: 3.2 ac;
8 Zone: RLIC; File: ZV16-06. (Correct File Number ZV16-05)
- 9 Mr. Knott moved to approve the variance request to reduce the side and rear setbacks from
10 50' to 25' and to eliminate the required residential landscape buffer to allow for the construction
11 of a 37,500 sq. ft. self-storage facility conditioned upon preserving the existing vegetation and
12 the required 10' setback along the southern property line when possible. Ms. Huddle seconded
13 the motion. Mr. Quynn called for a vote, which carried unanimously.
- 14 6. Variance from Appendix B to reduce the rear setback from 50' to 25' for the existing bowling
15 alley to accommodate a proposed lot line adjustment. Owner: LSCG Fund LLC. Applicant:
16 CTSS, LLC. Location: Portion of 107 Keyes Ferry Rd., Charles Town, District: 02; Map: 9;
17 Parcel: 8.1; Size: 4.59 ac; Zone: RLIC; File: ZV16-05. (Correct File Number ZV16-06)
- 18 Mr. Quynn made a motion to reduce the rear setback from 50' to 25' for the existing bowling
19 alley to accommodate a proposed lot line adjustment. Ms. Huddle moved to amend the
20 motion that the approval be contingent upon the approval of the proposed lot line adjustment.
21 Mr. Quynn called for a vote on the amendment, which carried unanimously. Mr. Quynn
22 called for a vote on the amended motion, which carried unanimously.
- 23 7. Legal Update. Due to Ms. Lehman's necessary early departure the Board allowed her to address
24 this Item prior to the Director's Report. Ms. Lehman noted there were no updates to present.
- 25 a) Whistling Farms Bed & Breakfast Litigation CA # 15-C-209 (possible executive session).
26 None.
- 27 6. Director's Report. Ms. Brockman provided the Board with an update on the following:
- 28 a) County Commission budget discussion.
29 b) LESA/Conditional Use and Cluster Subdivision Provision Modifications.
30 c) Status updates on additional pending Zoning Ordinance and Subdivision Regulation
31 Amendments.
32 d) The next regular BZA meeting is scheduled for April 28, 2016.
- 33 Mr. Schiltz noted that he would not be in attendance at the April 28, 2016 meeting.
- 34 7. Legal Update. None.
- 35 a) Whistling Farms Bed & Breakfast Litigation CA # 15-C-209 (possible executive session)
- 36 8. Discussion with possible deliberative session and signing of draft findings/decisions. Meeting
37 Date: 12/10/15, 01/28/16 and 02/25/16 meetings. (*see agenda for full item description*)

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- 1 a) An Appeal of the Acting Zoning Administrator's determination to enforce a 2013 Memo,
2 which restricted shipping containers from being used as residential accessory structures.
3 Appellant: Brian Billey. File: AP15-03.
- 4 b) Variance from Sec. 9.7 and App. A to reduce the front setback on S. Church St. from
5 20' to 7' for a 12' x 15' breezeway, a 25' x 28' attached garage with a 5' x 25' attached
6 porch. Owner: Elena Mestre and Eric Hyman. File: ZV15-29.
- 7 c) Variance request from Sec. 8.2 to reduce the distance requirement for barns from the
8 75' to 47'. Applicant: Jessica Howard. Owner: Joann Conte. File: ZV16-01.
- 9 d) Postponed from the 01/28/16 meeting. Variance request from Sec. 4.11A.2, 4.11E and
10 App. B to remove the side and rear landscape/screening buffer for a private, commercial
11 warehouse/garage. Owner: Daniel McGinn.
- 12 Mr. Knott moved to adjourn the meeting at 3:02 p.m. Mr. Quynn called for a vote, which carried
13 uinanimously.

Minutes
Jefferson County Zoning Board of Appeals

- 1 Meeting Date: April 28, 2016
- 2 Meeting Location: Charles Town Library Conference Room
3 200 East Washington Street, Charles Town West Virginia
- 4 Board members present: Tyler Quynn, Chair; Jeffrey Bannon, Vice Chair; Matt Knott, Christy Huddle
5 and Jeff Bresee, Alternate.
- 6 Absent members: Ted Schiltz and Craig Foster, Alternate, with notification.
- 7 Staff members present: Jennifer M. Brockman, Acting Zoning Administrator/Director of Planning and
8 Zoning; Lydia Lehman, Assistant Prosecuting Attorney; Jennilee Hartman,
9 Zoning Clerk.

10

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

12 Mr. Bannon motioned to commence the meeting at 2:00 PM. Mr. Quynn called for a vote, which
13 carried unanimously.

14 Mr. Quynn explained to how the meeting will be conducted to the public. Ms. Hartmann swore in
15 members of the public who indicated they would be providing testimony

16 1. Approval of the minutes from the February 25, 2016 and March 24, 2016 meeting.

17 The following corrections were requested of the February 25, 2016:

18 a) Page 2, Line 18, add *to* after *moved*.

19 Ms. Huddle moved to approve the February 25, 2016 minutes as amended. Mr. Quynn called for
20 a vote, which carried four (4) in support and one (1) abstention (as an Alternate Mr. Bresee did
21 not participate at this meeting).

22 The Board postponed action on the March 24, 2016 minutes and instructed Staff to review the
23 meeting recording to determine how the meeting adjourned.

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

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

27 3. Variance from Sections 4.11A.2, 4.11E and Appendix B to eliminate the landscaping, parking,
28 drive aisle and building setback requirements for the interior lot line between Lots 2 & 3; and,
29 to reduce the landscape buffer along the side of Lot 3 and the rear of Lots 2 and 3. Owner:
30 Decker Holding, LLC. Applicant: Kubic Enterprises. Location: Lots 2 and 3, Burr Business
31 Park, James Burr Blvd. District: 02; Map: 1; Parcels: 102 & 103; Total Size: 9.15 ac; Zone: IC;
32 File: ZV16-07.

33 Kristin Stolipher, consultant with Gordon, was present to address the Board. Ms. Brockman
34 presented her staff report to the Board. Ms. Stolipher explained the nature of the request,
35 highlighting the fact that the property has a natural buffer due to the location of the expansive
36 storm water management area. Ms. Stolipher noted that the properties to the rear of the
37 subject parcel were not privately owned or for sale and contained a storm water management
38 pond. Ms. Stolipher stated that the owner would also like to reduce the landscaping
39 requirement along the remaining side property line. This area was not included in the
40 application under consideration at this time. Mr. Quynn opened the public hearing. Mr. John
41 Risenweber, Director of the Jefferson County development Authority (JCDA), spoke in favor

1 of the request as presented. Mr. Risenweber informed the Board that the JCDA would be
2 requesting a variance to reduce the landscape and setback requirements for all parcels in the
3 Burr/Bardane Industrial Park. Mr. Quynn closed the public hearing. Ms. Huddle suggested
4 that staff review the landscaping buffer requirements as they do not appear to promote the
5 health of the plantings.

6 The Board determined a deliberative session was unnecessary. Ms. Huddle moved to approve
7 the variance as noted in the agenda. Mr. Quynn called for a vote, which carried unanimously.

- 8 4. Variance from Section 5.7B to reduce the rear setback from 50' to 35' for the construction
9 of 40' x 60' garage. Owner : Christopher & Victoria Dudash. Location: 444 Cattail Run Rd.,
10 Charles Town. District: 02; Map: 19; Parcel: 17.10; Size: 3 ac; Zone: R; File: ZV16-08.

11 Christopher Dudash was present to address the Board. Ms. Brockman presented her staff
12 report to the Board. Ms. Brockman explained that there is a 20,000 square foot septic
13 reserve area on the adjacent property closest to the property line impacted by the variance
14 request and that this area would serve as a buffer from the proposed garage. Mr. Dudash
15 explained the nature of his request to the Board and confirmed the location of the proposed
16 garage. Mr. Quynn inquired about the use of the garage as a home business. Mr. Dudash
17 clarified that the structure would be used as a private garage; however, in the future it may
18 be utilized for his business. Mr. Dudash understood that the use of the garage for a business
19 would require additional processing through the Planning and Zoning Department. Mr.
20 Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the
21 public hearing.

22 The Board determined a deliberative session was unnecessary. Mr. Bresee moved to approve
23 the variance as requested. Mr. Quynn called for a vote, which carried unanimously.

- 24 5. Variance from Section 5.4B to reduce the rear setback from 20' to 10' to construct a deck.
25 Owner: Yin Xu. Applicant: Brick Street Construction. Location: Beallair Subdivision,
26 33 Louisa Beall Ln., Charles Town. District: 04; Map: 10A; Parcel: 2; Size: .217 ac; Zone:
27 RG; File: ZV16-09.

28 Tim Martin, representative for Brickstreet Construction, was present to address the Board.
29 Ms. Brockman presented her staff report to the Board stating that the subject parcel was
30 adjacent to a vacant historic structure and the subdivision's open space, which included a
31 floodplain. Ms. Brockman noted that due to the existing lands uses and buffers that the
32 proposed deck would not negatively impact the development. Mr. Martin explained the
33 nature of the request to the Board. Mr. Quynn opened the public hearing. There was no
34 public comment. Mr. Quynn closed the public hearing.

35 The Board determined a deliberative session was unnecessary. Mr. Knott moved to approve
36 the variance as requested. Mr. Quynn called for a vote, which carried unanimously.

- 37 6. Director's Report. Mr. Quynn moved to go into deliberative session to confer with
38 Ms. Lehman on the Board's role in providing comments on proposed Zoning Ordinance text
39 amendments regarding the LESA/CUP process. Mr. Bannon seconded the motion, which
40 carried unanimously. Ms. Brockman and Ms. Lehman request the Board state that they
41 would be reviewing agenda item #7, Legal Update, in deliberative session. Mr. Bannon
42 withdrew his second from Mr. Quynn's motion to go into deliberative session. Mr. Quynn

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- 1 called for a vote to withdraw the second, which carried unanimously. Mr. Bannon moved to
2 go into deliberative session at 3:55 p.m. to discuss the Board's role in providing comments
3 on proposed text amendments and to discuss Legal Update. Mr. Quynn called for a vote,
4 which carried unanimously.
- 5 Ms. Huddle moved to come out of deliberative session at 3:18. Mr. Quynn called for a vote,
6 which carried unanimously.
- 7 Ms. Lehman stated she would research the Board's question regarding their ability to comment
8 on text amendments and would email her findings to the Board. Ms. Lehman stated that
9 should she find it is appropriate for the Board to make comments that they would request the
10 public comment period be postponed [extended] to allow them time to do so.
- 11 Ms. Brockman provided the Board with an update on the following:
- 12 a) LESA/Conditional Use and Cluster Subdivision Provision Modifications: Planning
13 Commission Public Hearing (05/17/16). Possible BZA comments and input.
- 14 b) Additional Pending Zoning Ordinance and Subdivision Regulation Amendments:
- 15 i. Campgrounds: County Commission Work Session (05/05/16 1:30 pm)
- 16 ii. Mass Events Ordinance (#ZTA14-02): County Commission Public Hearing
17 postponed until Summer 2016
- 18 c) Pending amendments: Historic Resource Demolition and Adaptive Reuse: collaborating
19 with staff on a draft text amendment; HLC Board initiating draft text amendment – in
20 collaboration with staff; Parking Standards; Landscape Standards; Signage
- 21 d) Upcoming BZA meeting: 05/26/16
- 22 Ms. Brockman informed the Board that she did not have any new information regarding the
23 Department reorganization.
- 24 7. Legal Update. Ms. Lehman reviewed the following with the Board in deliberative session.
25 No action was taken.
- 26 a) Whistling Farms Bed & Breakfast Litigation CA # 15-C-209.
- 27 b) William Neufeld Pending Litigation CA #14-C-394.
- 28 c) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73. None.
- 29 8. Discussion with possible deliberative session and signing of draft findings/decisions.
30 Meeting Date: 01/28/16 meetings. (*see agenda for full item description*)
- 31 a) Variance request from Sec. 4.11A.2, 4.11E and App. B to remove the side and rear
32 landscape/screening buffer for a private, commercial warehouse/garage. Owner:
33 Daniel McGinn. None.
- 34 Mr. Knott moved to adjourn the meeting at 3:22 p.m. Mr. Quynn called for a vote, which carried
35 unanimously.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 26, 2016

The Battle of Smithfield Anniversary Re-enactment Seasonal Use Permit (#SU16-01)

RELEVANT INFORMATION:

1. Overview of Request

Request for a Seasonal Use Permit for the Battle of Smithfield Anniversary Re-enactment beginning at 12:00 pm on August 12 and ending at 4:00 pm on August 14, 2016. The event is to consist of a re-enactment of civil war camp life, drills and other educational activities on various parcels within the Middleway Historic District.

2. Previous Case History

On July 17, 2015 the Board of Zoning Appeals unanimously approved the issuance of a Seasonal Use Application for the Battle of Smithfield Re-enactment to take place on August 28 – 30, 2016, with the following conditions:

- a) The applicant must have an approved Zoning Certificate.
- b) The applicant must obtain either approval by, or documentation stating services are not required by, the Health Department, the Department of Highways, and the Sheriff's Department.
- c) Provide a copy of the Proof of Liability Insurance.
- d) The applicant is bound by their testimony.

On August 26, 2015 the Department issued a Zoning Certificate after receiving the above noted documentation. In anticipation of the Board requiring similar documents for this event, the applicant has received written confirmation from the Division of Highways, Health Department and the Sheriff stating that the proposed event is acceptable and/or exempt from additional processing.

It should be noted that the Department did not receive any complaints at the conclusion of last year's Re-enactment.

3. Applicant's Explanation of the Request

Due to the success of the previous year's event and a growing interest in Village of Middleway, the number of participating land owners for this year's event has increased. See attached map with property and activity locations, which consist of the re-enactment activities, participant camping and public parking.

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

- i. Section 9.8 of the Zoning Ordinance requires that all Seasonal Uses be approved by the Board of Zoning Appeals pursuant to a public hearing and limits the approval to one year at a time. This requirement allows for short term (not more than three days), occasional (no more than once each solar season) uses to be proposed and reviewed by the neighborhood in which it will be located. It also allows the Board of Zoning Appeals to outline conditions of approval based on the public input in order to reduce the impact on the area in which it is located; however the Ordinance does not provide much guidance to the Board of Zoning Appeals regarding criteria for approval.
- ii. On August 1, 2005, the Jefferson County Commission adopted a Noise Ordinance that is separate from local land use regulations. This ordinance falls under the purview of the County Sheriff. The proposed event may cause brief periods of disturbance to local residence while the re-enactment of civil war living is being conducted. These types of activities, and the noise generated by them, are to be anticipated.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 26, 2016

The Battle of Smithfield Anniversary Re-enactment Seasonal Use Permit (#SU16-01)

iii. Health Department Requirements for Mass Gathering

The County Health Department has Legislative Regulations related to Mass Gathering promulgated under Section 16-1 of the West Virginia Code. They define a Mass Gathering as 250 people assembled for a meeting, festival, concert, social gathering, or similar purpose. The applicant submitted documentation from the Health Department indicating a Mass gathering permit for the event would not be necessary provided attendance did not exceed 250 people.

iv. Division of Highways

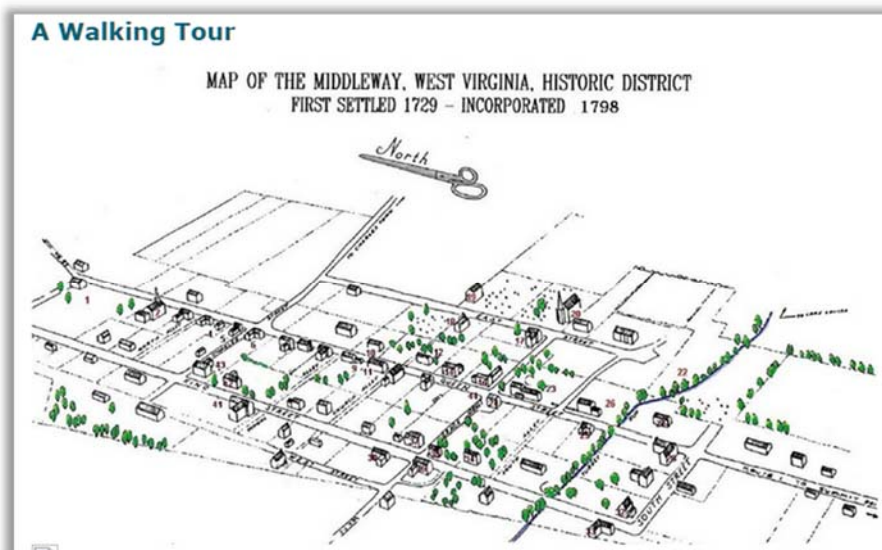
The Division of Highways has a process for approving Special Events that require traffic control plans. It is unlikely an event of this size will require a traffic control plan. The applicant contacted the WVDOH to see what requirements may be in effect.

v. Sheriff's Department

The Sheriff's Department was notified of the proposed event to determine if additional staff will be needed during the date of the Re-enactment. Unique characteristics of property

The Village of Middleway and its environs was the site of the Civil War "Battle of Smithfield" which occurred over a two day period in 1864. The battle included a cavalry fight between Confederate and Union forces down the Leetown Road through Middleway and then west on the Bunker Hill Road and across Opequon Creek as well as a battle involving a Union cavalry which encountered two divisions of Confederate infantry beyond the Opequon which drove the Federal troopers back through Middleway to Childs Crossroads. A Union infantry division joined the cavalry at Childs Crossroads, and the Confederate units retired back through Middleway to their original positions near Bunker Hill.

The proposed event is to provide a re-enactment of the events of these two days to act as a living history of what occurred in this area in 1864. In addition to the activities of the re-enactors, an exhibition of Civil War artifacts found in and around Middleway will be in the Grace Church Parish Hall, 112 East Street and self-guided tour maps of the battlefield area and the village will be available.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 26, 2016

The Battle of Smithfield Anniversary Re-enactment Seasonal Use Permit (#SU16-01)

b. Character of area

Middleway is a village that was established as Smithfield by John Smith in 1734. It is located at the intersection of two trails used by Native Americans. This was also a good location because it was served by Turkey Run which comes from a large underground spring which forms Lake Louise about one mile east of the village, providing pure water for the area. The Smith family had the town surveyed in 1794 and began selling town lots in 1795. The town of Smithfield was incorporated in 1798. In 1807, a post office under the name of Middleway was established. This name was used to avoid confusion with the other Smithfield in Tidewater, Virginia. The post office operated until 1905, when it was closed due to the inception of Rural Free Delivery.



In 1980, the Middleway Historic District was added to the National Register of Historic Places. In 1982, the Middleway Conservancy, a non-profit, tax-exempt organization, was formed to preserve, acquire, restore, and revitalize, when and where possible, the Historic District, surrounding rural areas, and the areas adjacent to the Historic district. The historic nature of the village is an integral part of the character of the area. The Middleway Conservancy is the applicant and host of this proposed event.

c. Impact on adjacent properties

There will be limited impact on the residents of the village of Middleway throughout the event.

5. Possible Conditions of Approval

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

- a. Submit documentation of event liability insurance held by the Middleway Conservancy.

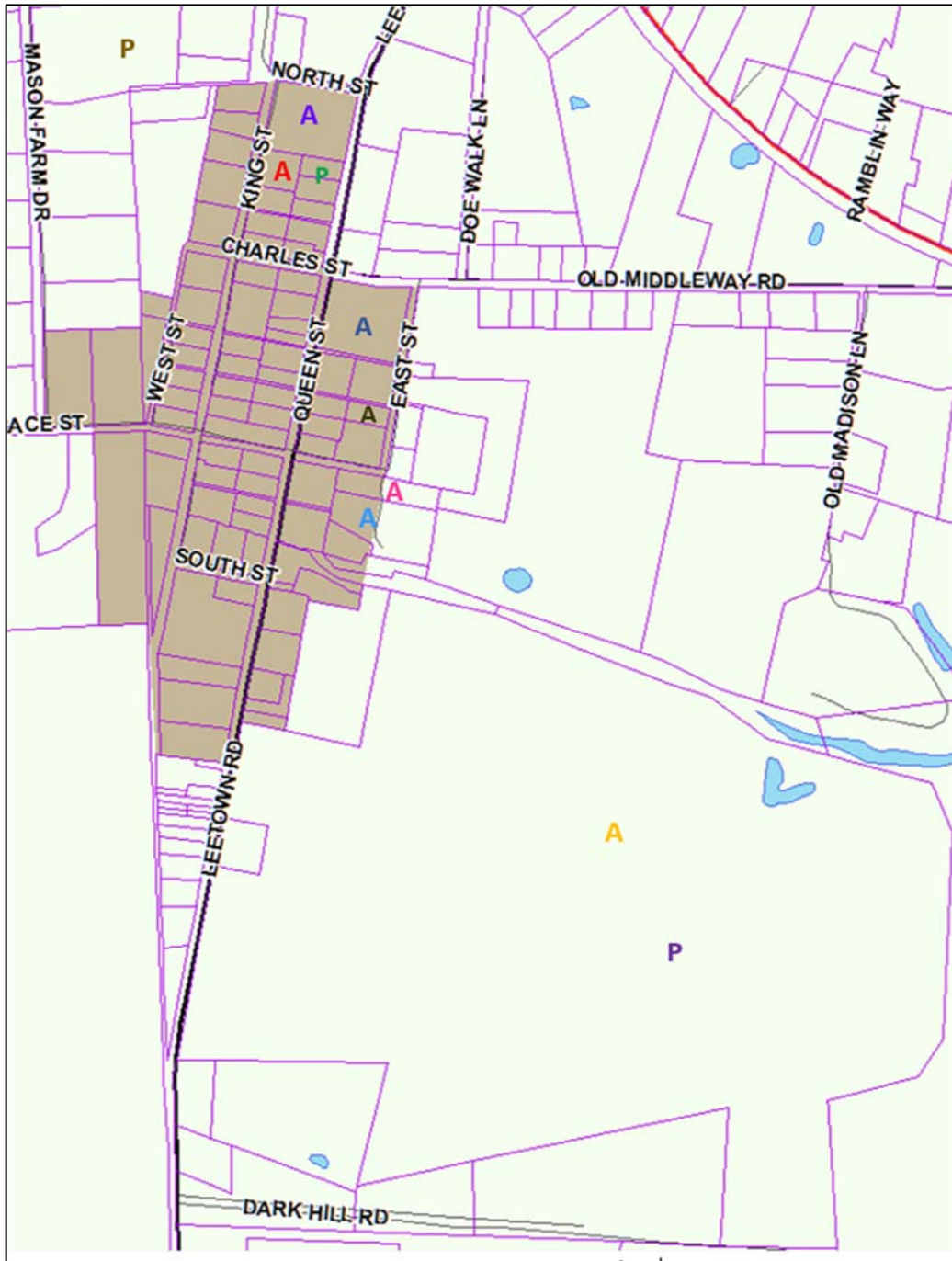
SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.8 Seasonal Uses

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4A(3)(b) apply. Seasonal uses cannot be approved for longer than one year at a time.

Battle of Smithfield Anniversary Reenactment
 Middleway District (07)

File #: SU16-01



A: Activities P: Parking

- A:** Chappell, William D. & Linda 175 East St., Kearneysville; Military drills & educational activities (SU16-01A)
- P:** Bowers, Daniel B. & Anne L. 272 Mason Farm Dr., Kearneysville; Re-enactor parking (SU16-01B)
- A:** DeHart, Dorothea 207 East St., Kearneysville; Military drills & educational activities (SU16-01C)
- A:** Grace Episcopal Church 112 East St., Kearneysville; Information & exhibit center; educational activities; public parking (SU16-01D)
- A:** Quinones, Carmen A. 7513 Queen St., Kearneysville; Civil War-style encampment of 150 reenactors; military drills; cannon and firearms demonstrations; educational activities (SU16-01E)
- A:** Stickles, James G., Sr., et al 7316 Queen St., Kearneysville; Encampment of SO cavalry re-enactors with horses; educational activities (SU16-01F)
- A/P:** Supplee, J. Frank, IV, & Mary I. 6880 Leetown Rd. Kearneysville; Re-enactments of Civil War cavalry and infantry engagements; public parking (SU16-01G)
- A:** Middleway United Methodist Church 328 King St. Kearneysville; Living history presentations; educational activities (SU16-01H)
- P:** Middleway United Methodist Church 7437 Queen St. Kearneysville; Public parking (SU16-01I)



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: SU16-01

Staff Initials: _____

Fees Paid: \$ _____

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

Email: zoningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

planningdepartment@jeffersoncountywv.org

Fax: (304) 728-8126

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [checked]

Special Exception: []

Property Owner Information

Name: Property Owner(s) and address information attached.

Mailing Address: _____

City: Middleway State: WV Zip Code: 25430

Phone Number: _____ Email: _____

Applicant Contact Information

Applicant Name: Middleway Conservancy Association, Inc

Mailing Address: 154 East Street

City: Middleway State: WV Zip Code: 25430

Phone Number: 304-728-6400 Email: peter.fricke@frontiernet.net

Registered Engineer(s) or Surveyor(s) Information

Name: None

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Physical property details

Physical Address: Locations attached.

City: Middleway State: WV Zip Code: 25430

Tax District: Middleway (07) Map No.: _____ Parcel No.: _____

Parcel Size: _____ Deed Book: _____ Page No.: _____

Zoning District (please check one)

Table with 5 columns: Rural (R-A), Residential Growth (R-G), Industrial Commerical (I-C), Residential-Light Industrial-Commercial (R-L-C), Village (V). Includes checkboxes for each.

Name of Temporary Business or Event

Battle of Smithfield Anniversary Reenactment

Description of Seasonal Use

Re-enactment of Civil War Life, Drills and other educational activities.

Name of Primary Contact/Responsible Party During Business Hours

WILLIAM CHAPPELL

Primary Contact Telephone Number

301 219 3566

Duration of Temporary Use/Window of Authorization

Start Date: 12 AUG 2016

End Date: 14 AUG, 2016

Total Number of Days: 3

Hours of Operation of Seasonal Use

CONTINUOUS FROM 12 NOON, 12 AUG TO 6PM, 14 AUG

How is the Property Currently Used?

Private residence/property, vacant land and community buildings.

What is the Proposed Use of the Property?

Civil War style campground with military reenactments.

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.

Please specify the number and location of the existing/proposed parking spaces (if necessary).

Event locations and proposed parking areas - map attached.

Original signature is required of all property owners (attach additional signature page if needed).

The information given is correct to the best of my knowledge.

[Signature]
Signature of Property Owner 1

Date

PROPERTY OWNERS SIGNATURES ATTACHED
Signature of Property Owner 2

Date

Notification Requirements

Date of Public Hearing

Advertising Date

Posting Requirements
(number of days prior to
scheduled hearing)

2016 Re-enactment of the Battle of SmithfieldList of Property Owners, Property Address and Proposed Activity

Property Owner(s)	Property Address	Proposed Activity
Bowers, Daniel B. & Anne L.	272 Mason Farm Drive Middleway, WV 25430	Re-enactor parking B
Chappell, William D. & Linda	175 East Street Middleway, WV 25430	Military drills & educational activities A
DeHart, Dorothea	207 East Street Middleway, WV 25430	Military drills & educational activities C
Grace Episcopal Church	112 East Street Middleway, WV 25430	Information & exhibit center; educational activities; public parking D
Quinones, Carmen A.	7513 Queen Street Middleway, WV 25430	Civil War-style encampment of 150 re-enactors; military drills; cannon and firearms demonstrations; educational activities E
Stickles, James G., Sr., et al	7316 Queen Street Middleway, WV 25430	Encampment of 50 cavalry re-enactors with horses; educational activities F
Supplee, J. Frank, IV, & Mary L.	6880 Leetown Road Kearneysville, WV 25430	Re-enactments of Civil War cavalry and infantry engagements; public parking G
Trustees, Middleway United Methodist Church	328 King Street Middleway, WV 25430	Living history presentations; educational activities H
Trustees, Middleway United Methodist Church	7437 Queen Street Middleway, WV 25430	Public parking I

2016 Re-enactment Sites for Batt...

Pins indicate sites

All changes saved in Drive

Add layer

Share

Sites identified

- 372 Mason Farm Drive
- 7513 Queen Street
- 328 King Street
- 7437 Queen Street
- 7316 Queen Street
- 112 East Street
- 175 East Street
- 207 East Street
- 6880 Leetown Road
- 6880 Leetown Road

For a better printing experience, select "Print map" in the file menu in the left panel.



272 MASON FARM DRIVE
RE-ENACTOR
PARKING.

SUI6-01

7513 QUEEN STREET
INFANTRY ENCAMPMENT

328 KING STREET
LIVING HISTORY EVENTS

METHODIST CHURCH
PARKING LOT

7316 QUEEN ST.
CAVALRY ENCAMPMENT

First settled in 1729 - Incorporated in 1798

Madison Historic District

GRACE
CHURCH
PARISH
HALL

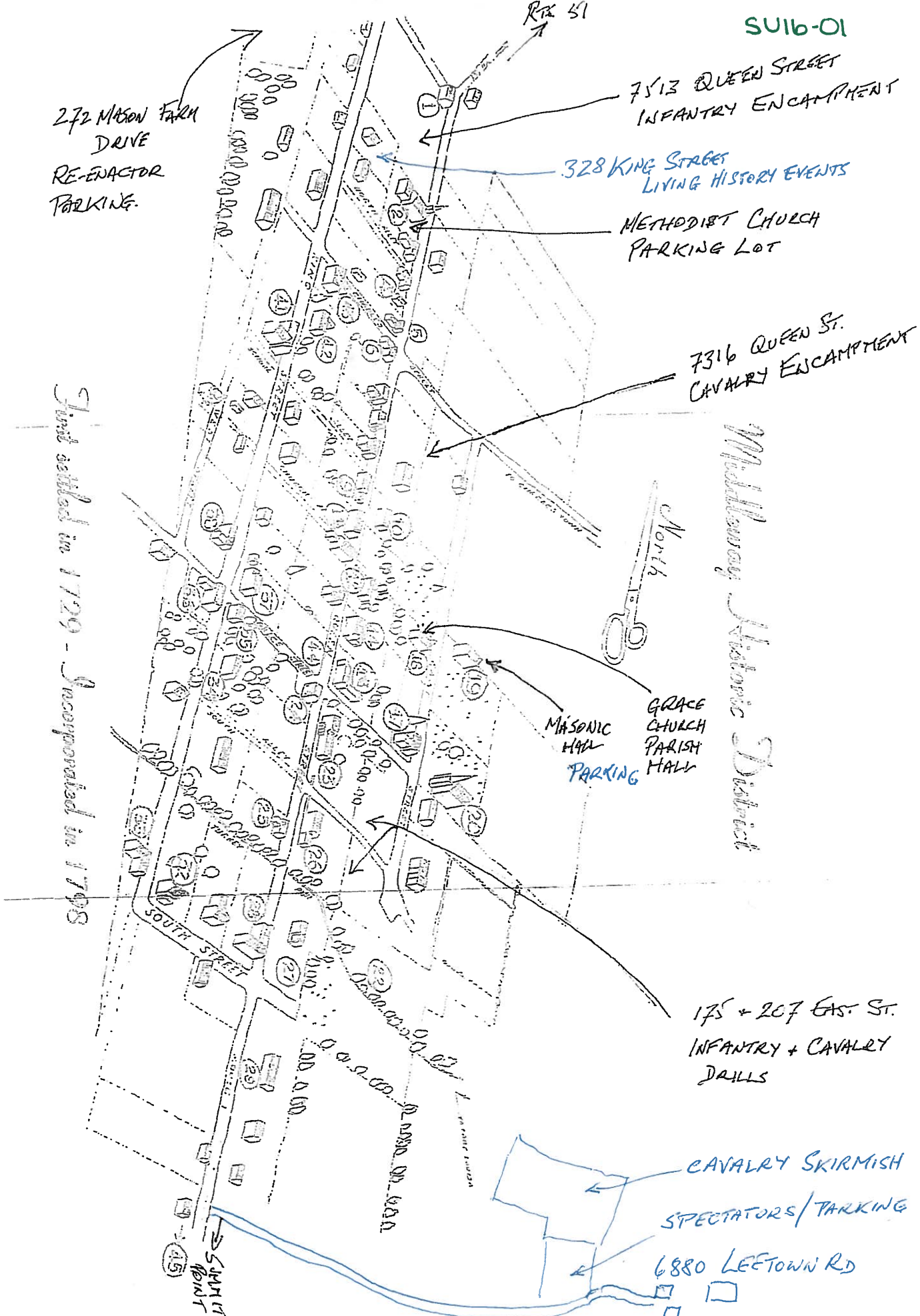
MASONIC
HALL
PARKING

175 + 267 EAST ST.
INFANTRY + CAVALRY
DALLS

CAVALRY SKIRMISH
SPECTATORS/PARKING

6880 LEETOWN RD

SKETCH MAP - 2016 RE-ENACTMENT



SUB-01

Middleway Conservancy Association, Inc.

154 East Street
Middleway, WV 25430

5 April 2016

J. Lee Thorne, District Engineer
WV Division of Highways
P.O. Box 99 (Route 50)
Burlington, WV 26710

Dear Mr. Thorne:

This note is to request your help.


The Middleway Conservancy is proposing a "living history" re-enactment to commemorate the 152nd anniversary of the Battle of Smithfield on August 13-14, 2016. This would involve some 200 re-enactors (soldiers and camp followers) conducting drills, mock skirmishes, demonstrations of cannon, and providing other educational activities in the Middleway National Register Historic District.

These activities would include a Civil War-style infantry encampment at 7513 Queen Street, which also borders King and North Streets, and a cavalry encampment on 7316 Queen Street, which borders on Old Middleway Road and East Street. Infantry and cavalry drills will be held in the combined front yards of 175 and 207 East Street. The event information center and exhibits will be in the Grace Church Parish Hall, 112 East Street. Off-street parking for the re-enactors will be at 272 Mason Farm Drive and 7316 Queen Street, and for spectators in the parking lots of the Methodist Church (7437 Queen Street), the Masonic Hall (105 East Street) and Grace Church Parish Hall (112 East Street).

In order for our proposal to go ahead, the Conservancy is applying for a seasonal-use permit from Jefferson County. One requirement is that we notify you of the sites where drills, encampments, and educational activities will take place. The Board of Zoning Appeals will hold a public hearing on the Conservancy's proposal on a date and time to be set.

If you have any questions or suggestions, please contact me at 304-728-6400.

Sincerely,



Peter H. Fricke

Cc: Nathan B. Ware

Attachments (2)

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

5 April 2016

Peter Dougherty, Sheriff
Jefferson County Sheriff's Office
102 Industrial Boulevard
Kearneysville, WV 25430

Dear Sheriff Dougherty:

This note is to request your help.

The Middleway Conservancy is proposing a "living history" re-enactment to commemorate the 152nd anniversary of the Battle of Smithfield on August 13-14, 2016. This would involve some 200 re-enactors (soldiers and camp followers) conducting drills, mock skirmishes, demonstrations of cannon, and providing other educational activities in the Middleway National Register Historic District.

These activities would include a Civil War-style infantry encampment at 7513 Queen Street, which also borders King and North Streets, and a cavalry encampment on 7316 Queen Street, which borders on Old Middleway Road and East Street. Infantry and cavalry drills will be held in the combined front yards of 175 and 207 East Street. The event information center and exhibits will be in the Grace Church Parish Hall, 112 East Street. Off-street parking for the re-enactors will be at 272 Mason Farm Drive and 7316 Queen Street, and for spectators in the parking lots of the Methodist Church (7437 Queen Street), the Masonic Hall (105 East Street) and Grace Church Parish Hall (112 East Street).

In order for our proposal to go ahead, the Conservancy is applying for a seasonal-use permit from Jefferson County. One requirement is that we notify you of the sites where drills, encampments, and educational activities will take place and have your agreement on these activities. The Board of Zoning Appeals will hold a public hearing on the Conservancy's proposal on a date and time to be set.

If you have any questions or suggestions, please contact me at 304-728-6400.

Sincerely,



Peter H. Fricke

Attachments (2): Map and Draft Schedule

From: Peter Fricke <peterfricke01@gmail.com>
Sent: Tuesday, May 03, 2016 11:42 AM
To: Zoning
Subject: Department of Health re Battle of Smithfield Re-enactment
Attachments: DOC050216-05022016074739.pdf

-----Original Message-----

From: Zaleski, Bill H [mailto:Bill.H.Zaleski@wv.gov]
Sent: Monday, May 2, 2016 7:54 AM
To: Peter Fricke (peterfricke01@gmail.com) <peterfricke01@gmail.com>
Subject: FW: *****DO NOT REPLY***** 05/02/2016 07:47

Good Morning,

Attached are two excerpts for you:

1. permits not needed for public restrooms, this includes port a johns 2. Mass Gathering by our State Code 2.14 (250 or more persons)

Hope this assists you.

I can send you the entire code (its lengthy) if needed

Have a good event

billz

-----Original Message-----

From: Administrator [mailto:DoNotReply@wv.gov]
Sent: Monday, May 02, 2016 10:48 AM
To: Zaleski, Bill H
Subject: *****DO NOT REPLY***** 05/02/2016 07:47

Scanned from MFP07924480

Date:05/02/2016 07:47

Pages:2

Resolution:200x200 DPI

placement of a camping unit.

2.6. Care Facilities – Include, but are not limited to, public or private halfway houses, adult day care facilities, residential care facilities (such as juvenile group homes and work release centers), and non-disaster shelters (such as homeless shelters and family violence protection shelters). The term does not include health care facilities licensed by the Office of Health Facilities Licensure and Certification in the Office of the Inspector General.

2.7. Commissioner – The commissioner of the bureau for public health or his or her lawful designee.

2.8. Construct - To install, establish, extend, alter or modify.

2.9. Health Officer - The commissioner of the bureau for public health who is also the State Health Officer or the executive officer of the local board of health or his or her lawful representative.

2.10. Hotel - Every building where food and lodging are furnished to guests and payment is required.

2.11. Institution - A public or private facility established by an organization or corporation for the purpose of providing higher education, care, training, rehabilitation or other similar services or functions. An "institution" includes public or private correctional facilities, colleges and universities, and primary and secondary educational facilities (pre-K through grade twelve).

2.12. Labor Camp - A labor camp includes any lumber, mining, agricultural, construction, or other industrial camp where ten or more persons are employed and housed in temporary quarters, such as cars, motor homes, camper vehicles, wagons, tents, cabins, buildings, or other similar enclosures.

2.13. Lodging Facilities – Include, but are not limited to, hotels, motels, labor camps and Bed and Breakfast Inns.

2.14. Mass Gathering - Any group of two hundred fifty (250) or more persons assembled together for a meeting, festival, social gathering, concert or other similar purpose. The term shall not include assembly in any permanent buildings or permanent structures designed, equipped and intended for use by large numbers of people. For the purposes of this subsection, "equipped" means supplied with adequate sanitary facilities for the intended use.

2.15. Motel - Every building constructed, designed, maintained, offered or used to furnish lodging to automobile transient guests or the traveling public. The term motel includes auto courts, motor courts, auto lodges, motor lodges, tourist cabins, tourist cottages and tourist courts.

2.16. Nuisance - An annoyance or anything which causes injury, inconvenience, damage, or which essentially interferes with the enjoyment of life or property, and includes, but is not limited to, inadequate or unsanitary sewage, water or plumbing facilities or other unsanitary conditions.

2.17. Occupant - A person utilizing a specific facility governed by this rule.

2.18. Operator - A person who has been granted a written permit, in accordance with this rule, to operate a facility governed by this rule.

2.19. Organized Camp - Any area, place, parcel or tract of land on which facilities are established or



General Sanitation

Major Programs	
Body Piercing	
Bottled Water	
Disaster Information	
Food Sanitation	
General Sanitation	
Individual Water Supply	
Infectious Medical Waste	
Milk	
Other Programs	
Recreational Water Facilities	
Sewage	
Training	
Other Items	
Environmental Health Procedures Manual	
Forms & Applications	
In-Service Meetings	
Legislative Rules	
Liaison Committee Minutes	
Links	
Search Site	
State Board of Sanitarians	
West Virginia Association of Sanitarians	
What does a Sanitarian do?	

Information on Bed Bugs can be found on our Links Tab: Click here for Bed Bug Information.

Local Health Departments in West Virginia permit and inspect many of the facilities listed below, with the exception of Correctional Facilities and Work Release Centers, which are inspected by Sanitarians from the **District Offices** of the Public Health Sanitation Division.

For questions related to these facilities, including the requirements for obtaining a permit, please contact your local health department.

The General Sanitation Rule covers the following facilities:

CARE FACILITIES : Adult Day Care Centers, Emergency Shelters, Group Homes, and Work Release Centers.

INSTITUTIONS : Colleges and Universities, Correctional Facilities: Detention Centers, Jails, and Prisons.

LODGING FACILITIES : Bed & Breakfast Inns, Hotels and Motels, Labor Camps, and Tourist Cabins.

PUBLIC RESTROOMS : (No permit required; inspected on complaint basis only, unless they are under a current local health department facility permit)

RECREATIONAL FACILITIES : Campgrounds, Fairs & Festivals, Mass Gatherings, Organized Camps, Parks, and Playgrounds.

SCHOOLS : Primary and Secondary (K-12)

For a listing of all of the Legislative Rules, click here.

General Sanitation Forms:

- SG-49 Application for Permit to Operate

Additional Information:

West Virginia Bureau for Public Health Website



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: S416-01F

Staff Initials: _____

Fees Paid: \$ _____

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

Email: zoningdepartment@jeffersoncountywv.org
planningdepartment@jeffersoncountywv.org

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

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [X] Special Exception: []

Property Owner Information

Name: JAMES G. STICKLES SR. ET AL
Mailing Address: 7316 QUEEN STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: _____ Email: _____

Applicant Contact Information

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

Engineer(s), Surveyor(s), Consultant(s) Information

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

Physical property details

Physical Address: 7316 QUEEN STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Tax District: 07 Map No.: 22A Parcel No.: 0061
Parcel Size: 2.57 AC Deed Book: 938 Page No.: 189

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural (R) and Village (V) are checked.

Name of Temporary Business or Event

RE-ENACTMENT OF BATTLE OF SMITHFIELD

Description of Seasonal Use

ENCAMPMENT OF CIVIL WAR CAVALRY REENACTORS

Name of Primary Contact/Responsible Party During Business Hours

WILLIAM CHAPPEL

Primary Contact Telephone Number

301 219 3566

Duration of Temporary Use/Window of Authorization

Start Date: 12 AUG 2016

End Date: 14 AUG 2016

Total Number of Days: 3

Hours of Operation of Seasonal Use

CONTINUOUS FROM NOON, 12 AUG. TO 6 PM., 14 AUG.

How is the Property Currently Used?

PASTURE / HAYFIELD

What is the Proposed Use of the Property?

ENCAMPMENT OF CIVIL WAR REENACTORS WITH UP TO 50 HORSES

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.

Original signature is required of all property owners (attach additional signature page if needed).

The information given is correct to the best of my knowledge.

Dorothy R. Stickle 4-27-16

Signature of Property Owner 1 Date

James G. Stickle 4-27-16

Signature of Property Owner 2 Date

Dorothy Stickle P.O.A

Notification Requirements

Date of Public Hearing

Advertising Date

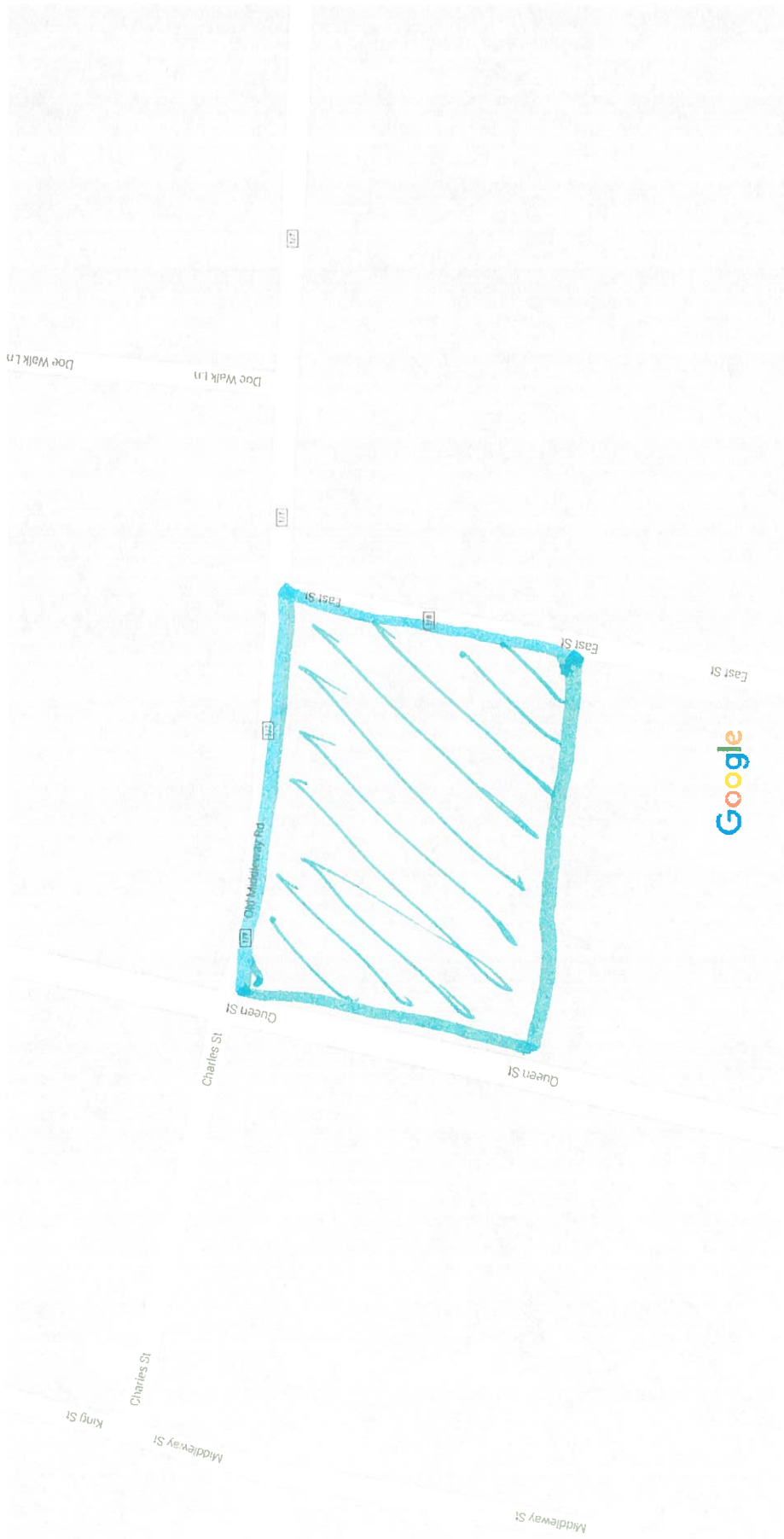
Posting Requirements (number of days prior to scheduled hearing)

Official Action of Board

Official Signature and Seal

President's Signature

Date



Map data ©2016 Google 50 ft



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: SU16-01G

Staff Initials: _____

Fees Paid: \$ _____

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

Email: zoningdepartment@jeffersoncountywv.org
planningdepartment@jeffersoncountywv.org

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

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [X] Special Exception: []

Property Owner Information

Name: SUPPLEE, J. FRANK IV, AND MARY L.
Mailing Address: 6880 LEETOWN ROAD
City: KEARNEYSVILLE State: WV Zip Code: 25430
Phone Number: 304 261 8969 Email: _____

Applicant Contact Information

Applicant Name: MIDDLEWAY CONSERVANCY ASSN. INC.
Mailing Address: 154 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 304 728 6400 Email: _____

Engineer(s), Surveyor(s), Consultant(s) Information

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

Physical property details

Physical Address: 6880 LEETOWN ROAD
City: KEARNEYSVILLE State: WV Zip Code: 25430
Tax District: 07 Map No.: 22 Parcel No.: 0031
Parcel Size: 137.45 AC Deed Book: 1068 Page No.: 96

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural (R) and Village (V) are checked.

Name of Temporary Business or Event

RE-ENACTMENT OF BATTLE OF SMITHFIELD

Description of Seasonal Use

RE-ENACTMENT OF CIVIL WAR MILITARY ENGAGEMENT

Name of Primary Contact/Responsible Party During Business Hours

WILLIAM CHAPPELL

Primary Contact Telephone Number

301 219 3566

Duration of Temporary Use/Window of Authorization

Start Date: 13 AUG 2016

End Date: 14 AUG 2016

Total Number of Days: 2

Hours of Operation of Seasonal Use

13 AUG: 9AM - 5PM ; 14 AUG: NOON - 5PM

How is the Property Currently Used?

PASTURE / HAY FIELDS

What is the Proposed Use of the Property?

RE-ENACTMENT OF CIVIL WAR MILITARY ENGAGEMENT

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.

Original signature is required of all property owners (attach additional signature page if needed). The information given is correct to the best of my knowledge.

 4/25/16
Signature of Property Owner 1 Date

 4/25/16
Signature of Property Owner 2 Date

Notification Requirements

Date of Public Hearing

Advertising Date

Posting Requirements
(number of days prior to
scheduled hearing)

Official Action of Board

Official Signature and Seal

President's Signature

Date



Google Maps

Google Maps

Map data ©2016 Google 200 ft

Google



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: 54116-01 H

Staff Initials: _____

Fees Paid: \$ _____

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

Email: zoningdepartment@jeffersoncountywv.org
planningdepartment@jeffersoncountywv.org

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

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [X] Special Exception: []

Property Owner Information

Name: TRUSTEES, MIDDLEWAY UNITED METHODIST CHURCH
Mailing Address: P.O. Box 580
City: KEARNEYSVILLE State: WV Zip Code: 25430
Phone Number: _____ Email: _____

Applicant Contact Information

Applicant Name: MIDDLEWAY CONSERVANCY ASSN. INC.
Mailing Address: 154 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 304 728 6400 Email: _____

Engineer(s), Surveyor(s), Consultant(s) Information

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

Physical property details

Physical Address: 328 KING STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Tax District: 07 Map No.: 22A Parcel No.: 0019
Parcel Size: 2/3 ac. Deed Book: 1031 Page No.: 491

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural (R) and Village (V) are checked.

Name of Temporary Business or Event

RE-ENACTMENT OF THE BATTLE OF SMITHFIELD

Description of Seasonal Use

LIVING HISTORY INTERPRETATIONS AND EDUCATIONAL ACTIVITIES

Name of Primary Contact/Responsible Party During Business Hours

WILLIAM CHAPPELL

Primary Contact Telephone Number

301 219 3566

Duration of Temporary Use/Window of Authorization

Start Date: 13 AUG 2016

End Date: 14 AUG 2016

Total Number of Days: 2

Hours of Operation of Seasonal Use

13 AUG: 9AM - 10PM; 14 AUG: 12 NOON - 5PM

How is the Property Currently Used?

GRASS LAWN / FRONT YARD

What is the Proposed Use of the Property?

LIVING HISTORY INTERPRETATIONS & EDUCATIONAL ACTIVITIES.

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.

Original signature is required of all property owners (attach additional signature page if needed). The information given is correct to the best of my knowledge.

Robert J Brown 4/26/2016

Signature of Property Owner 1

Date

Signature of Property Owner 2

Date

Notification Requirements

Date of Public Hearing

Advertising Date

Posting Requirements (number of days prior to scheduled hearing)

Official Action of Board

Official Signature and Seal

President's Signature

Date



Google Maps



Map data ©2016 Google 100 ft

Google Maps



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: SU16-01E

Staff Initials:

Fees Paid: \$

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

Email: zoningdepartment@jeffersoncountywv.org
planningdepartment@jeffersoncountywv.org

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

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [] Special Exception: []

Property Owner Information

Name: TRUSTEES, MIDDLEWAY UNITED METHODIST CHURCH
Mailing Address: P.O. Box 580
City: KEARNEYSVILLE, State: WV Zip Code: 25430
Phone Number: Email:

Applicant Contact Information

Applicant Name: MIDDLEWAY CONSERVANCY ASSN. INC.
Mailing Address: 154 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 304 728 6400 Email:

Engineer(s), Surveyor(s), Consultant(s) Information

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

Physical property details

Physical Address: 7437 QUEEN STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Tax District: 07 Map No.: 22A Parcel No.: 0040
Parcel Size: 1/3 Ac. Deed Book: 590 Page No.: 653

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural and Village are checked.

Name of Temporary Business or Event

RE-ENACTMENT OF BATTLE OF SMITHFIELD

Description of Seasonal Use

SPECTATOR PARKING

Name of Primary Contact/Responsible Party During Business Hours

WILLIAM CHAPPELL

Primary Contact Telephone Number

301 219 3566

Duration of Temporary Use/Window of Authorization

Start Date: 13 AUG 2016

End Date: 14 AUG 2016

Total Number of Days: 2

Hours of Operation of Seasonal Use

13 AUG. - 8AM - 10PM; 14 AUG. - 1PM - 5PM

How is the Property Currently Used?

PARKING LOT

What is the Proposed Use of the Property?

PARKING LOT

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.

Original signature is required of all property owners (attach additional signature page if needed). The information given is correct to the best of my knowledge.

Roland J Brown 4/26/2016

Signature of Property Owner 1 Date

Signature of Property Owner 2 Date

Notification Requirements

Date of Public Hearing

Advertising Date

Posting Requirements (number of days prior to scheduled hearing)

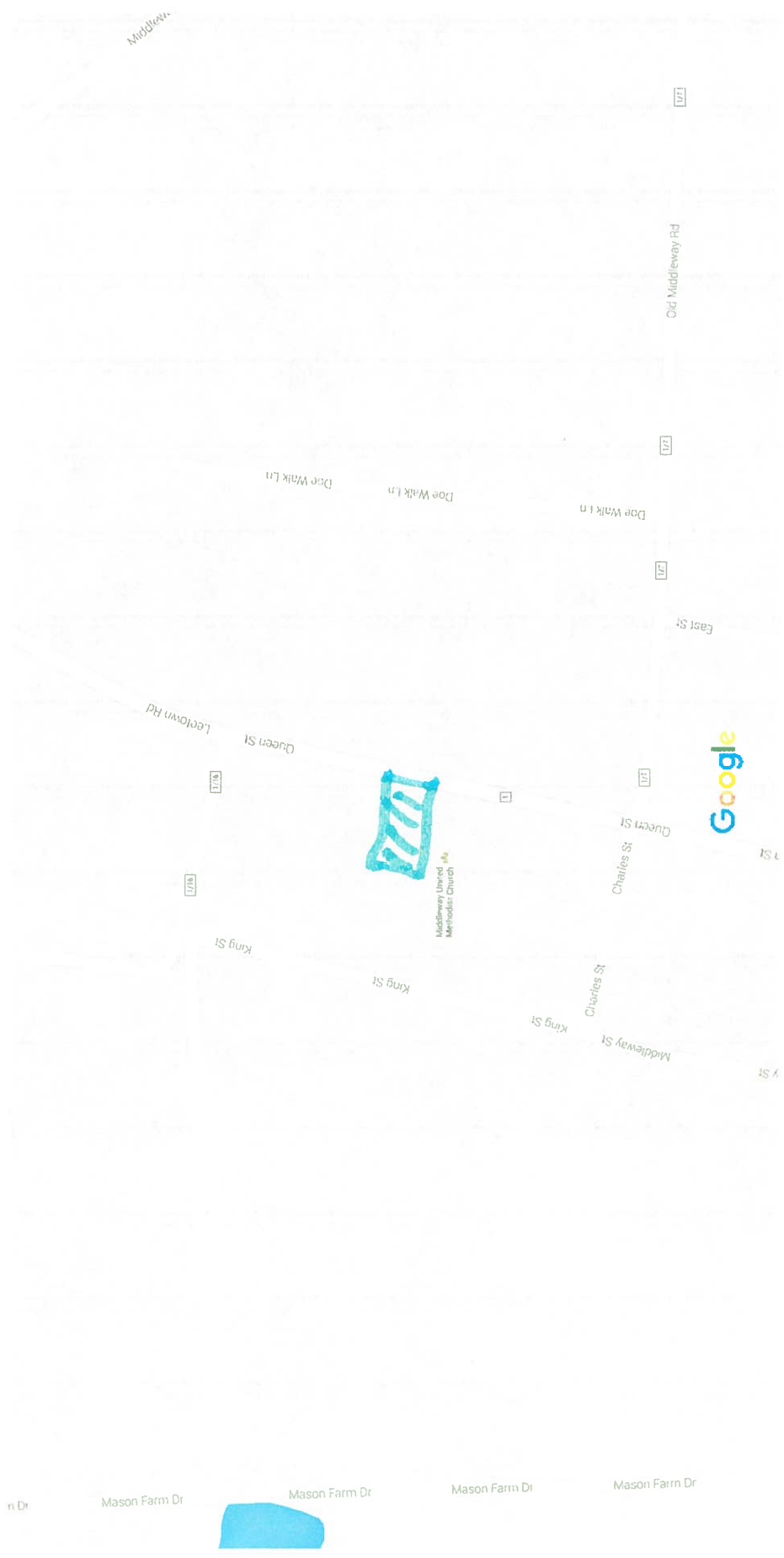
Official Action of Board

Official Signature and Seal

President's Signature

Date

Google Maps



Map data ©2016 Google

100 ft

Google Maps



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: SU16-01A

Staff Initials: _____

Fees Paid: \$ _____

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

Email: zoningdepartment@jeffersoncountywv.org
planningdepartment@jeffersoncountywv.org

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

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [X]

Special Exception: []

Property Owner Information

Name: WILLIAM D. CHAPPELL
Mailing Address: 175 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 301-219-3166 Email: _____

Applicant Contact Information

Applicant Name: MIDDLEWAY CONSERVANCY ASSN. INC
Mailing Address: 154 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 304 728 6400 Email: _____

Engineer(s), Surveyor(s), Consultant(s) Information

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

Physical property details

Physical Address: 175 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Tax District: 07 Map No.: 228 Parcel No.: 0028
Parcel Size: 0.94c Deed Book: 966 Page No.: 319

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural and Village are checked.

Name of Temporary Business or Event

RE-ENACTMENT OF BATTLE OF SMITHFIELD

Description of Seasonal Use

RE-ENACTMENT OF MILITARY DRILLS & EDUCATIONAL ACTIVITIES

Name of Primary Contact/Responsible Party During Business Hours

WILLIAM CHAPPELL

Primary Contact Telephone Number

301 219 3566

Duration of Temporary Use/Window of Authorization

Start Date: 13 AUG. 2016

End Date: 14 AUG. 2016

Total Number of Days: 2

Hours of Operation of Seasonal Use

13 AUG.: 9AM - 5PM ; 14 AUG.: 12 NOON - 5PM.

How is the Property Currently Used?

GRASS LAWN / FRONT YARD

What is the Proposed Use of the Property?

RE-ENACTMENT OF CIVIL WAR MILITARY DRILLS & EDUCATIONAL ACTIVITIES

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.

Original signature is required of all property owners (attach additional signature page if needed).

The information given is correct to the best of my knowledge.

William D Chappell 4/25/16

Signature of Property Owner 1 Date

Linda A. Chappell 4/25/16

Signature of Property Owner 2 Date

Notification Requirements

Date of Public Hearing

Advertising Date

Posting Requirements (number of days prior to scheduled hearing)

Official Action of Board

Official Signature and Seal

President's Signature

Date



Google Maps



Map data ©2016 Google

50 ft

Google Maps



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: SU116-01B

Staff Initials:

Fees Paid: \$

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

Email: zoningdepartment@jeffersoncountywv.org
planningdepartment@jeffersoncountywv.org

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

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [X] Special Exception: []

Property Owner Information

Name: DANIEL B. AND ANNE L. BOWERS
Mailing Address: 272 MASON FARM DRIVE
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: Email:

Applicant Contact Information

Applicant Name: MIDDLEWAY CONSERVANCY ASSN. INC.
Mailing Address: 154 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 304 728 6400 Email:

Engineer(s), Surveyor(s), Consultant(s) Information

Name:
Mailing Address:
City: N.A. State: Zip Code:
Phone Number: Email:

Physical property details

Physical Address: 272 MASON FARM DRIVE
City: MIDDLEWAY State: WV Zip Code: 25430
Tax District: 07 Map No.: 22 Parcel No.: 00120009
Parcel Size: 7.75 AC. Deed Book: 544 Page No.: 342

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural (R) and Village (V) are checked.

Name of Temporary Business or Event

RE-ENACTMENT OF BATTLE OF SMITHFIELD

Description of Seasonal Use

RE-ENACTOR PARKING

Name of Primary Contact/Responsible Party During Business Hours

WILLIAM CHAPPELL

Primary Contact Telephone Number

301 219 3566

Duration of Temporary Use/Window of Authorization

Start Date: 12 AUG 2016

End Date: 14 AUG 2016

Total Number of Days: 3

Hours of Operation of Seasonal Use

CONTINUOUS FROM 12 NOON 12 AUG. TO 6PM AUG 14

How is the Property Currently Used?

PASTORE/HAYFIELDS

What is the Proposed Use of the Property?

PARKING FOR REENACTOR VEHICLES

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.

Original signature is required of all property owners (attach additional signature page if needed).

The information given is correct to the best of my knowledge.

Signature of Daniel B. Bentes, 4/25/2016

Signature of Property Owner 1 Date

Signature of Anne Bowers, 4-25-16

Signature of Property Owner 2 Date

Notification Requirements

Date of Public Hearing

Advertising Date

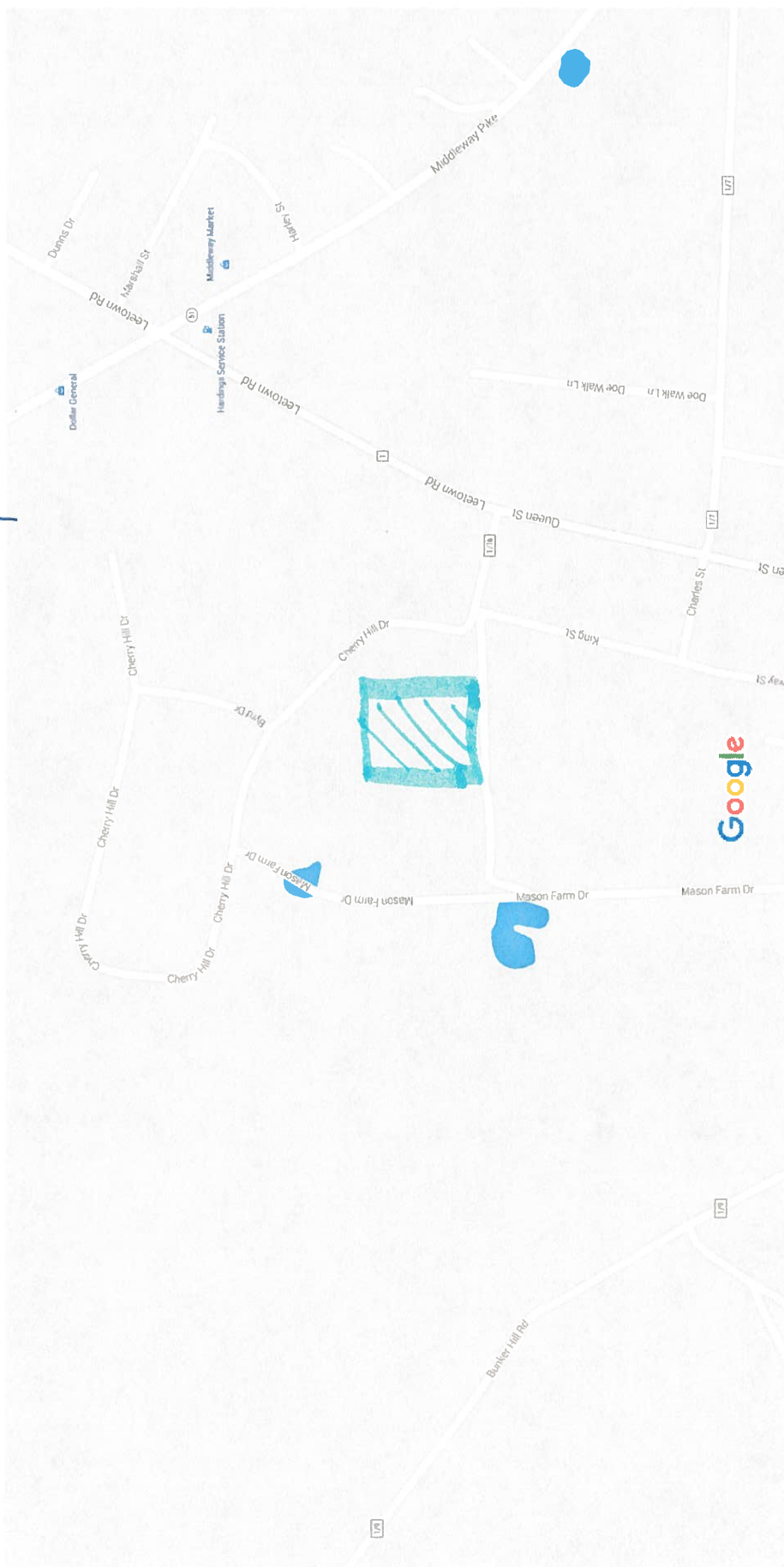
Posting Requirements (number of days prior to scheduled hearing)

Official Action of Board

Official Signature and Seal

President's Signature

Date



Map data ©2016 Google 200 ft



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: SU16-01C

Staff Initials:

Fees Paid: \$

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

Email: zoningdepartment@jeffersoncountywv.org
planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [checked] Special Exception: []

Property Owner Information

Name: DOROTHEA DEHART
Mailing Address: 207 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 304 610 5142 Email:

Applicant Contact Information

Applicant Name: MIDDLEWAY CONSERVANCY ASSN. INC.
Mailing Address: 154 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 304 728 6400 Email:

Engineer(s), Surveyor(s), Consultant(s) Information

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

Physical property details

Physical Address: 207 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Tax District: 07 Map No.: 22B Parcel No.: 0029 AND 0020
Parcel Size: 2.75 AC Deed Book: 930 Page No.: 391

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Village (V) is checked.

Name of Temporary Business or Event

RE-ENACTMENT OF BATTLE OF SMITHFIELD

Description of Seasonal Use

CIVIL WAR MILITARY DRILLS AND EDUCATIONAL ACTIVITIES

Name of Primary Contact/Responsible Party During Business Hours

WILLIAM CHAPPELL

Primary Contact Telephone Number

301 219 3566

Duration of Temporary Use/Window of Authorization

Start Date: 13 AUG 2016

End Date: 14 AUG 2016

Total Number of Days: 2 DAY

Hours of Operation of Seasonal Use

13 AUG: 9AM - 5PM; 14 AUG: 11:30AM - 5PM

How is the Property Currently Used?

GRASS LAWNS / FRONT YARD

What is the Proposed Use of the Property?

CIVIL WAR MILITARY DRILLS + EDUCATIONAL ACTIVITIES

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.

Original signature is required of all property owners (attach additional signature page if needed). The information given is correct to the best of my knowledge.

William J. Chappell 4-26-16
Signature of Property Owner 1 Date

Signature of Property Owner 2 Date

Notification Requirements

Date of Public Hearing

Advertising Date

Posting Requirements
(number of days prior to
scheduled hearing)

Official Action of Board

Official Signature and Seal

President's Signature

Date

SUI6-01C



Map data ©2016 Google 50 ft

Google Maps

Google Maps



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: 5416-01 D

Staff Initials: _____

Fees Paid: \$ _____

<http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html>

Email: zoningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

planningdepartment@jeffersoncountywv.org

Fax: (304) 728-8126

Application for Seasonal Use/Special Exception

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Type of Request

Seasonal Use:

Special Exception:

Property Owner Information

Name: GRACE EPISCOPAL CHURCH
Mailing Address: 159 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 304 728 7073 / 304 219 3566 Email: GRACE EPISCOPAL@FRONTIERNET.NET

Applicant Contact Information

Applicant Name: MIDDLEWAY CONSERVANCY ASSN. INC.
Mailing Address: 154 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 304 728 6400 Email: _____

Engineer(s), Surveyor(s), Consultant(s) Information

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

Physical property details

Physical Address: 112 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Tax District: 07 Map No.: 22-A Parcel No.: 0070
Parcel Size: 1/3 Ac. Deed Book: _____ Page No.: _____

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential- Light Industrial-Commercial (RLIC) <input type="checkbox"/>	Village (V) <input checked="" type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>
General Commercial (GC) <input type="checkbox"/>	Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/ Commercial Mixed-Use (OC) <input type="checkbox"/>

Name of Temporary Business or Event

RE-ENACTMENT OF THE BATTLE OF SMITHFIELD

Description of Seasonal Use

EVENT INFORMATION CENTER AND EXHIBIT LOCATION

Name of Primary Contact/Responsible Party During Business Hours

WILLIAM CHAPPELL

Primary Contact Telephone Number

301 219 ~~3654~~ 3566

Duration of Temporary Use/Window of Authorization

Start Date: 13 AUG 2016

End Date: 14 AUG 2016

Total Number of Days: 2

Hours of Operation of Seasonal Use

13 AUG: 9AM - 5PM. 14 AUG: 12 NOON - 5 PM.

How is the Property Currently Used?

GRACE EPISCOPAL CHURCH PARISH HALL

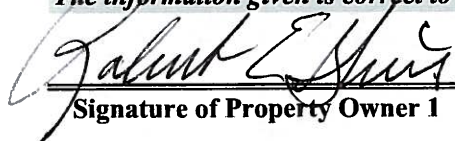
What is the Proposed Use of the Property?

EVENT INFORMATION CENTER & EXHIBIT LOCATION

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.

Original signature is required of all property owners (attach additional signature page if needed).

The information given is correct to the best of my knowledge.

 SR. WARDEN
27 April 16

Signature of Property Owner 1

Date

Signature of Property Owner 2

Date

Notification Requirements

Date of Public Hearing

Advertising Date

Posting Requirements
(number of days prior to
scheduled hearing)

Official Action of Board

Official Signature and Seal

President's Signature

Date

SU16-01D

Google Maps



Map data ©2016 Google 100 ft

Google Maps



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: SULLO-01E

Staff Initials: _____

Fees Paid: \$ _____

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

Email: zoningdepartment@jeffersoncountywv.org
planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [X] Special Exception: []

Property Owner Information

Name: CARMEN QUINONES
Mailing Address: 7513 QUEEN STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: Email:

Applicant Contact Information

Applicant Name: MIDDLEWAY CONSERVANCY ASSOCIATION, INC
Mailing Address: 154 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 304 788 6400 Email:

Engineer(s), Surveyor(s), Consultant(s) Information

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

Physical property details

Physical Address: 7513 QUEEN STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Tax District: 07 Map No.: 22A Parcel No.: 0018
Parcel Size: 2.45 AC Deed Book: 1115 Page No.: 731

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural (R) and Village (V) are checked.

Name of Temporary Business or Event

REENACTMENT OF BATTLE OF SMITHFIELD

Description of Seasonal Use

ENCAMPMENT OF 150 RE-ENACTORS, DEMONSTRATIONS OF MILITARY DRILLS AND EQUIPMENT (INCLUDING CANNONS), AND CIVIL WAR CAMP LIFE

Name of Primary Contact/Responsible Party During Business Hours

WILLIAM CHAPPELL

Primary Contact Telephone Number

301-219-3566

Duration of Temporary Use/Window of Authorization

Start Date: 12 AUG. 2016

End Date: 14 AUG. 2016

Total Number of Days: 3

Hours of Operation of Seasonal Use

24 HRS / DAILY FROM 12 NOON 12 AUG TO 6PM 14 AUG.

How is the Property Currently Used?

HAYFIELD / PASTURE

What is the Proposed Use of the Property?

RE-ENACTMENT OF CIVIL WAR ENCAMPMENT

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.

Original signature is required of all property owners (attach additional signature page if needed).

The information given is correct to the best of my knowledge.

Carrie A. Diamond 04-28-16

Signature of Property Owner 1 Date

Signature of Property Owner 2 Date

Notification Requirements

Date of Public Hearing

Advertising Date

Posting Requirements (number of days prior to scheduled hearing)

Official Action of Board

Official Signature and Seal

President's Signature

Date



Google Maps

Google Maps

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Letters in Support of Middleway Conservancy Area.
 "Living History" re-enactment August 33-14, 2016

1	Kenneth L Campbell	5/8/16
2	Sue Corvello	5/5/16
3	Mary A. Toborg	5/5/16
4	Larry & Karen Ashley-Bowers	5/3/16
5	Linda & Bill Chappell	5/5/16
6	Robert & Tracy Brill	5/6/16
7	Stephanie Ring	5/7/16
8	Melissa Carelca	5/7/16
9	Tom & Janet Aitkenison	5/8/16
10	Anne Woldemdorf & Larry Pearl	5/8/16
11	Bernard Heiler	5/9/16
12	Lawrence Ring, Jr.	5/9/16
13	James Smith	5/13/16
14	Frances A. Shirley	5/14/16
15	Jerry L. and Tudy J. Shutt's	5/16/16
16	Ene & Julia D. Bivins	5/17/16
17	Dorathia Dorathia DeHart, Dorathia	5/11/16
18	as of 5/19/2016	

RECEIVED

MAY 19 2016

JEFFERSON COUNTY PLANNING,
 ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:

I, a member of the Middleway Conservancy Association, support the proposal of the Conservancy for a "living history" re-enactment of the Battle of Smithfield to be held on August 13-14, 2016.

I understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

I also support the proposed demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature/Signatures)

Larry V. & Karen Ashby-Bowers

(Date)

5/3/16

(Address)

*112 King St
Middleway, WV.*

RECEIVED

MAY 19 2016

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:

I, being the owner of 7290 Queen Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 12-14, 2016.

I understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

I also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

Mary A. Tolborg
(Signature/Signatures)

May 5, 2016
(Date)

RECEIVED

MAY 19 2016

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:

I, being the owner of 7124 Queen Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 13-14, 2016.

I understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

I also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.


(Signature/Signatures)

5/5/16
(Date)

RECEIVED

MAY 19 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:

We, being the owners of 175 East Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 11-14, 2016.

We understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

We also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature/Signatures)

Linda Chappell
Bill Chappell

(Date)

5/5/16 2016
5/3/2016

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MAY 19 2016

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

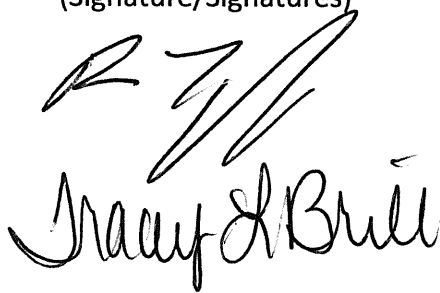
To whom it may concern:

We, being the owners of 218 King Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 11-14, 2016.

We understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

We also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature/Signatures)



Tracy A. Brill

(Date)

5-6-16

5-6-16

RECEIVED

MAY 19 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

SU16-01

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:


I, being the owner of 254 King Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 12-14, 2016.

I understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

I also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

Stephen A. Ring

(Signature/Signatures)



7 May 16

(Date)

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MAY 19 2016

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:

I, being the owner of 98 King Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 12-14, 2016.

I understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

I also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature/Signatures)



(Date)

5-7-16

RECEIVED

MAY 19 2016

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:

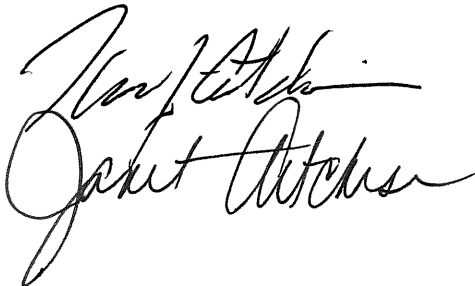
We, being the owners of 7170 Queen Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 11-14, 2016.

We understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

We also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature)

(Date)

Two handwritten signatures in black ink. The top signature is cursive and appears to read 'Frank Atchison'. The bottom signature is also cursive and appears to read 'Opal Atchison'.

5/8/16
5/8/16

RECEIVED

MAY 19 2016

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:

We, being the owners of 7155 Queen Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 12-14, 2016.

We understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

We also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature/Signatures)

Anne Womeldorf
L. B. Remel

(Date)

May 8, 2016
May 8, 2016

RECEIVED

MAY 19 2016

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

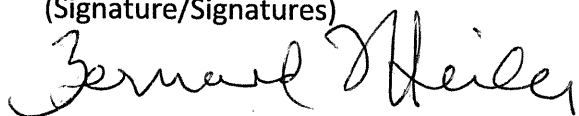
To whom it may concern:

I, being the owner of 7198 and 7248 Queen Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 13-14, 2016.

We understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

We also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature/Signatures)



(Date)

9 May 2016

RECEIVED

MAY 19 2016

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:

I, being the owner of 7313 and 7327 Queen Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 12-14, 2016.

I understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

I also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature/Signatures)

Lawrence R. Rigg

(Date)

5-9-16

RECEIVED

MAY 19 2016

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

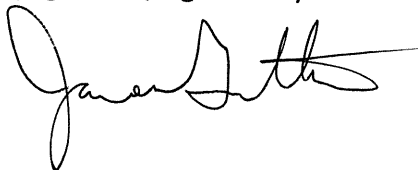
To whom it may concern:

We, being the owners of 7365 Queen Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 13-14, 2016.

We understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

We also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature/Signatures)



(Date)

5/13/2016

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MAY 19 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:

I heartily support

I, being the owner of 7337 Queen Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 12-14, 2016.

I understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

I also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature/Signatures)

(Date)

Frances A. Shirley

May 14, 2016

RECEIVED

MAY 19 2016

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:

We, being the owners of 129 King Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 12-14, 2016.

We understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

We also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature/Signatures)

Jerry L. Shutt

Tuesday J. Shutt

(Date)

5/16/16

5/16/16

RECEIVED

MAY 19 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

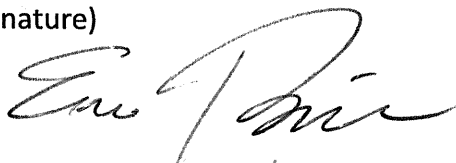
To whom it may concern:

We, being the owners of 7068 Leetown Road, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 1~~1~~-14, 2016.

We understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

We also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.

(Signature)



ERIC BIVENS

(Date)

5/17/16



Julia D. Bivens

RECEIVED

MAY 19 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

SU16-01

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

To whom it may concern:

I, being the owner of 207 East Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 11-14, 2016.

I understand that Civil War-style encampments are proposed for the fields of 7316 Queen Street and 7513 Queen Street, Middleway.

I also have no objection to demonstrations of Civil War-era military drills, artillery, and other Civil War educational activities taking place in and around the village of Middleway.


(Signature/Signatures)

5-11-2016
(Date)

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MAY 19 2016

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 26, 2016

Advanced Auto Parts Variance Request (#ZV16-11)

2. Previous Case History

The subject parcel is located at the intersection of East Washington Street and Euclid Avenue in a developed area of Jefferson County abutting the city limits of Charles Town. The property is zoned Residential – Light Industrial – Commercial. Automobile parts, supplies, and tire stores are considered a Principal Permitted Use in this zoning district. Deed records show that Community Oil, a commercial bulk oil storage business, operated for many years on the Euclid Avenue side of the property. This Community Oil site held twenty-three (23) oil tanks which later required extensive environment remediation that involved removing the tanks and thirty (30) feet of contaminated top soil. The site also was host to a Citgo Gas Station, which also had environmental issues that are in the process of being addressed. The West Virginia Department of Environmental Protection – Office of Environmental Remediation (DEP-OER) has provided documentation regarding the two environmental contamination issues that exists on the property. One issue has been addressed and the state considers “No Further Action” necessary. The other environmental issue at this property has been determined and the responsible parties are currently addressing the issue in manner pursuant to DEP-OER regulations.

Additionally, in November of 2012, the County Commission of Jefferson County vacated an unused alley that was adjacent to this property’s western boundary, after the property owners filed a petition in August of 2012. This alley contains a utility easement that is used by the Jefferson County PSD.

On August 11, 2015, the Planning Commission approved a Concept Plan for the proposed development and denied a request to waive the requirement of a sidewalk on the Euclid Street side of the property.

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.*

2. Staff Evaluation of Request

a. Purpose of ordinance requirements

Section 10.4 of the Zoning Ordinance details the requirements for “Signs Requiring a Zoning Permit”. Subsection B states the following:

“B. Any exterior sign or signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building. No sign shall be attached to the side of the building that faces an adjoining residence. . . . “

Section 10.1 explains that the purpose of these sign regulations is to regulate all exterior signs, and interior signs placed for exterior observance, in a manner that protects property values and the character of the County. It further states that the placement of a particular sign is required to be appropriate to the land, building, or use to which they are appurtenant and to be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 26, 2016

Advanced Auto Parts Variance Request (#ZV16-11)

proportions to its surroundings. The Ordinance requirement that signs integral with or attached to a commercial property should be limited to a sum total area of no more than two square feet for each foot in length of the frontage of the building has been determined to be adequate, but not excessive, by its inclusion in this Ordinance. The applicant has frontage on both Washington Street and Euclid Avenue and is requesting a variance from this provision for both signs.

The second requirement that “no sign shall be attached to the side of the building that faces an adjoining residence” is intended to preserve the non-commercial character of residential neighborhoods by minimizing the impact of an adjoining commercial lot. While the proposed Advanced Auto store will be located on a site that has always been a commercial site and adjoins commercial sites along Washington Street, the neighborhood quickly transitions to residential along Euclid Avenue. The applicant is also requesting that one of the proposed signs be placed along the Euclid Avenue portion of the building which will face two residential structures across Euclid Avenue.

b. Character of area/Impact on adjacent properties

This property (red star) and the surrounding area is zoned Residential-Light Industrial-Commercial. The corner lot on the east side of Euclid and Washington is located in the Corporation of Charles Town and is occupied by a commercial use (Auto Body Shop). The uses along Washington are generally commercial in nature. The uses along Euclid beyond the corner lots are generally residential (yellow star).



- Site of future Advanced Auto Parts
- Demolished Buildings

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 May 26, 2016

Advanced Auto Parts Variance Request (#ZV16-11)

The following pictures were taken with Google Streetview to illustrate the types of signage found along E. Washington Street and their general impact on the residential properties adjacent to the subject parcel.



Figure 1
 Washington before Euclid



Figure 2
 Washington facing Euclid

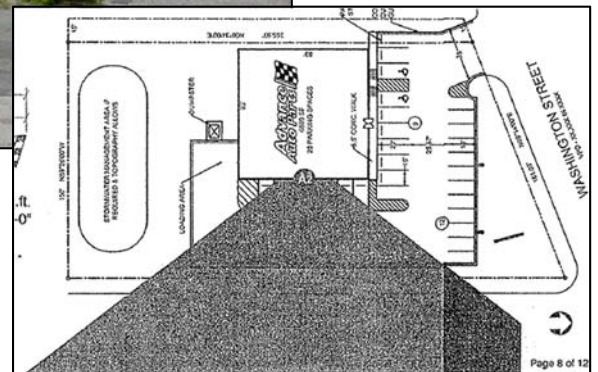


Figure 3
 View from Euclid to Washington



Figure 4
 View from residential property (on Euclid)

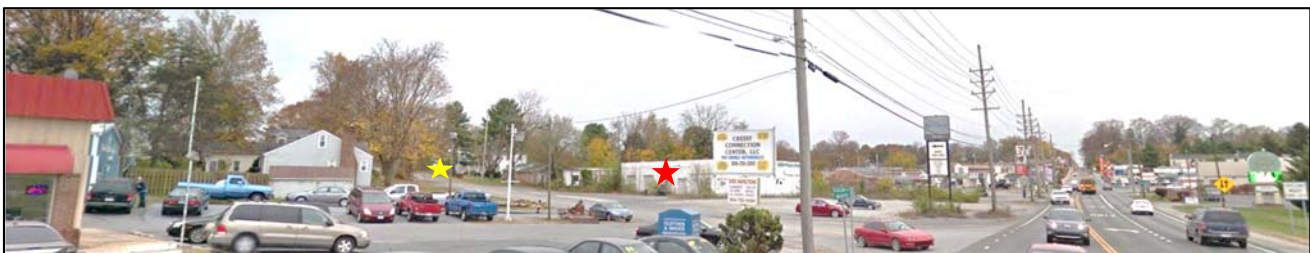
Figure 4
 Impact Sign A2 (Euclid)



Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 26, 2016

Advanced Auto Parts Variance Request (#ZV16-11)

Signage along East Washington Street Note: properties may be located within the City limits of Charles Town



Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 26, 2016

Advanced Auto Parts Variance Request (#ZV16-11)

c. Application of the Ordinance Requirements

The methodology used in Jefferson County for calculating the area of a sign depends on how the sign is created and attached to a structure. Generally signage which is mounted on a separate board or structure is calculated utilizing the entire length and width of the structure being mounted on the building. If signage is lettering directly is mounted directly on the building, the area of a sign face would be calculated by means of the smallest rectangle that will encompass the extreme limits of the lettering and/or logo or other graphic.

The proposed signage for Advanced Auto Parts includes signage that consists of red architectural panels upon which the lettering is mounted. Typically, the Advanced Auto signs contain the lettering is internally illuminated yellow letters with a checkered flag on the signage.

The applicant's argument that the actual lettering is only 88 square feet would be relevant if the lettering were mounted onto the building itself; however that calculation is not consistent with the standard sign area calculation methodology used in Jefferson County for signs mounted on separate structures. The applicant's responses to the four criteria required to be considered by the BZA do not clearly explain why this request arises from special conditions or attributes which pertain to the property and which were not created by the person seeking the variance; or how approval of the variance eliminates an unnecessary hardship and permits a reasonable use of the land; or how approval of the variance allows the intent of the Zoning Ordinance to be observed and substantial justice done. Additionally, the application does not appear to address why approval of a sign facing the adjoining residential structures does not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

d. Feasibility of complying with the ordinance by other means

The applicants also have a freestanding business sign proposed to be located at the corner of Euclid and Washington Street. In light of this, the applicant could propose signage along Washington Street that meets the requirements of the Ordinance and request a small directional sign into the parking lot along Euclid Avenue. In such case, no variance would be required. Alternatively, the applicants could chose to paint a portion of the façade of the building along Washington their logo red color and mount the 88 square feet of lettering right on to the wall of the building.

The following images depict a variety of manners in which Advanced Auto has displayed their signage in other locations:



Figure 1 Inwood, WV Location (new store)



Figure 2 Edwin Miller Blvd. Martinsburg, WV Location

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 26, 2016

Advanced Auto Parts Variance Request (#ZV16-11)

Examples of signage continued...



Figure 7 Hammonds Mill, Martinsburg, WV Location



Figure 8 Spring Mills, WV Location

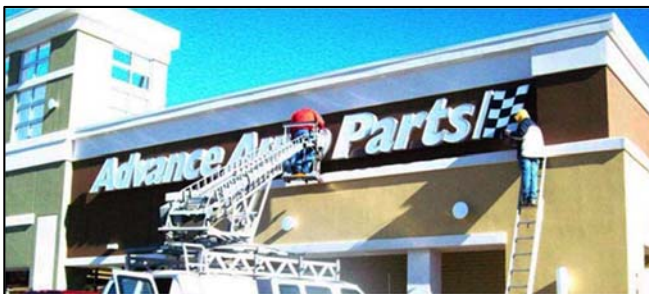


Figure 9 Unspecified Location



Figure 10 Unspecified Location

5. Conditions of Approval

The Board has numerous alternatives in approving or disapproving portions of this request. Possible alternatives or conditions of approval include a variety of options:

- a) The approval could be limited to the larger requested sign on Washington Street only (A1 on their exhibit);
- b) The approval could allow a sign on Euclid Avenue (A2 on their exhibit) across from the residences that meets the size requirements of the ordinance (but still requires a variance) and could further state that such signage cannot be lighted;
- c) The BZA could deny the variance and suggest that the applicants to paint a portion of the façade of the building along Washington their logo red color and mount the 88 square feet of lettering right on to the wall of the building (which does not require a variance);

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 10.4 Signs Requiring a Zoning Permit

- C. Any exterior sign or signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building. No sign shall be attached to the side of the building that faces an adjoining residence....



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning
116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

File Number: ZV16-11
Staff Initials: jth-revised
Fees Paid (\$100 or \$150): paid

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

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

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:
Mailing Address:
Phone Number: Email:

Applicant Contact Information

Name:
Mailing Address:
Phone Number: Email:

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

Name:
Mailing Address:
Phone Number: Email:

Physical Property Details

Physical Address:
City: State: Zip Code:
Tax District: Map No: Parcel No:
Parcel Size: Deed Book: Page No:

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)

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Jefferson County
Planning, Zoning and Engineering

Highway Commercial (HC) Light Industrial (LI) Major Industrial (MI) Planned Neighborhood Development (PND) Office/Commercial Mixed-Use (OC)

Place Received Date Stamp Here



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MAY 20 2016 - JH

Jefferson County
Planning, Zoning and Engineering

29 April 2016

Advance Auto Parts
Corner of E.
Washington St./Rt.
51 and Euclid Ave.
Charles Town, WV

Justifications

Pursuant to Article 10, Section 10.4(B) of the Zoning Ordinance *Any exterior sign...shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building* Advance Auto Parts is proposing (2) wall signs on their south and east façade that exceed this allowance. The length of the North façade is 72'-0", which allows for 144 sq. ft. of signage. The proposed north façade sign totals 263.3 sq. ft., which is in excess 119.3 sq. ft. The length of the east façade is 96'-0", which allows for 192 sq. ft. The proposed east façade sign totals in 263.3, which is an excess of 71.3 sq. ft.

There are the criteria that must be met in order to for the board to grant a variance.

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

The Advance Auto Parts proposal will have no adverse effect on the public health, safety or welfare, or the rights of adjacent property owners or residents. The actual branding element of the sign is only 88 sq. ft., but with the inclusion of the architectural red panels it results in the need for a variance. The red panels do not endanger life, confuse traffic, obstruct vision or otherwise endanger the public safety.

- **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?**

This request is a direct result of the determination of the architectural red-panel background as signage. Advance Auto Parts is a nationally recognized brand, and the red panel feature is included in almost all of their stores nation-wide. Advance Auto Parts tries to keep a consistency with their branding which enables easy recognition for motorists. This maximizes traffic safety within the vicinity. This request is not self-created, as Advance Auto Parts is simply seeking to be able to utilize their standard store model. The red panel feature is very similar to the blue roof of Burger King, the orange band around AutoZone, and the red canopy of Sheetz.

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

The granting of this variance will eliminate an unnecessary hardship and permit a reasonable use of the land. The sign Advance Auto Parts is proposing only encompasses 88 sq. ft. if only the letters are part of the calculation. This is well below the code allowed 166 square feet. However Advance Auto Parts faces an unnecessary hardship due to the determination of the red panels as signage. The letter height of the sign is very consistent with other signs in the surrounding area, and the red panels are very similar to other features utilized by nationally recognized brands in the

area. The red panels are a façade enhancement, and they provide an attractive visual environment for business and enhance the appearance of the community as a whole.

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

The granting of this variance will not be contradictory to the intent of the Zoning Ordinance. It is stated in the purpose of the ordinance that the ordinance should “encourage an improved appearance of Jefferson County with relationship to the use and development of land and structures.” The request Advance Auto Parts is proposing accomplishes this, as the red panel background improves the image of their building, as well as the surrounding area and keeps a consistency with other businesses in the commercial corridor. It is also stated in the purpose of the sign provisions that exterior signs shall be placed as to protect property values and character of the County. As previously stated, this request is very consistent with other commercial properties, and seeks to preserve the character of the county.



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 Board of Zoning Appeals Meeting May 26, 2016

1) LESA/Conditional Use and Cluster Subdivision Provision Modifications

Public Hearing held on May 17, 2016 was held open for written public comments through close of business on May 31, 2016

2) Additional Pending Zoning Ordinance and Subdivision Regulation Amendments

a) Campgrounds:

- i. County Commission's follow up to proposed revisions to draft discussed at 5/5/16 work session - tentatively scheduled for June 2, 2016 County Commission agenda

b) Mass Events Ordinance (#ZTA 14-02):

- i. County Commission Public Hearing postponed until Summer 2016

d) Pending amendments:

- i. Historic Resource Demolition and Adaptive Reuse
 - HLC Board initiating draft text amendment – in collaboration with staff
- ii. Parking Standards
- iii. Landscape Standards
- iv. Signage

2) Upcoming BZA meeting

- a) Next Regular Meeting: **June 23, 2016**

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: May 20, 2016
SUBJECT: May Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

#ZC16-15 JOSE F. OSORIO – OWNER/APPLICANT

Issuance Date: May 02, 2016
Proposed Use: Rodeo/ Calf Roping/ Bull Wrestling/ Horse Racing Event with approved parking for up to 100 spectator vehicles (not including horse trailers/work vehicles). Permitted as "Agricultural Tourism". Bi-Monthly Event to be hosted from May to November (annually).
Physical Location: 1196 Van Cleavesville Road; Kearneysville, West Virginia 25430
Zone: Rural

#ZC16-14 GORDON HOCKMAN – OWNER/APPLICANT

Issuance Date: May 05, 2016
Proposed Use: The proposed project consists of the construction of a 20' x 50' wood-frame building and attached deck, to be placed on the pad site of a recently demolished structure, for the seasonal sale of farm produce and cold storage of produce.
Physical Location: 8033 Charles Town Road; Kearneysville, West Virginia 25430
Zone: Industrial-Commercial

ISSUED ZONING CERTIFICATES

#ZC16-13 JEFFERSON UTILITIES, INC. - OWNER
AT&T MOBILITY / CONTACT: JOSE PUGEDA – APPLICANT

Issuance Date: May 05, 2016
Proposed Use: AT&T Mobility will remove three (3) existing antennas and replace with three (3) new antennas; additionally, will install three (3) new radio head units at an existing 158.0' water tower antenna site.
Physical Location: 426 Oak Lee Drive; Ranson, West Virginia 25438 (Water Tower)
Zone: Rural

PENDING ZONING CERTIFICATES

#ZC16-16 MIDDLEWAY CONSERVANCY ASSOCIATION, INC- OWNER
CONTACT: PETER FRICKE – APPLICANT

Issuance Date: TBD
Proposed Use: Battle of Smithfield Re-Enactment. A three-day (72-hour) Event to include: Information and Exhibit Center; Living History Presentations and Educational Activities; Military Drills; Cannon and Firearms Demonstrations; Re-Enactments of Civil War Cavalry and Infantry Engagements; Civil War-style Encampment of 150 Re-Enactors; Encampment of SO Cavalry Re-Enactors with horses; and multiple areas for both Public and Re-Enactor Parking. Seasonal Use Permit (#SU16-01) was approved by the Board of Zoning Appeals (BZA) on May 26, 2016 with Conditions. Certificate is only valid for this event from August 12-14, 2016.
Physical Location: Multiple Properties - Middleway, West Virginia
Zone: Village & Rural

#ZC16-17 GEORGE W. RUSHIZKY - OWNER
AT&T MOBILITY / CONTACT: ADAM KNUBEL – APPLICANT

Issuance Date: TBD
Proposed Use: Property contains existing 200.0'(+/-) self-support telecommunications tower. AT&T to remove/relocate/install wireless communications antennas, RRH's and associated support equipment on existing antenna mount at 146'. Additionally, install associated support equipment at ground level and on existing LTE cabinet on existing equipment pad. Proposed modification is for antenna work only with no ground disturbance or electrical work required.
Physical Location: 8428 Shepherdstown Pike; Shepherdstown, West Virginia 25443
Zone: Rural

PENDING ZONING CERTIFICATES

#ZC16-18 RODNEY W. KIDWELL – OWNER
 JASON HAHN - APPLICANT

Issuance Date: TBD
Proposed Use: Retail Sales to include Harley Davison apparel, Justice Bros.
 products and AMS oil products.
Physical Location: 35 Halltown Road; Harpers Ferry, West Virginia 25425
Zone: Residential-Light Industrial-Commercial

#ZC16-19 DECISIVE COMMUNICATIONS, INC. – OWNER/APPLICANT

Issuance Date: TBD
Proposed Use: Office cubicles and a warehouse for Telecommunication
 Equipment, to include fiber, conduit and cable TV materials.
Physical Location: 147 Edmond Road; Charles Town, West Virginia 25414
Zone: Industrial-Commercial

#ZC16-20 WVA 340, LLC – OWNER
 ANDREW H. SAIKIN - APPLICANT

Issuance Date: TBD
Proposed Use: Temporary sale of legal fireworks conducted from an 8' x 45'
 sea-container sales stand. Set-up Date: June 8, 2016.
 Removal Date: No later than July 8, 2016. Hours of Operation:
 9:00 a.m.-10:00 p.m. daily.
Physical Location: 186 Flowing Springs Road; Charles Town, West Virginia 25414
Zone: Residential- Light Industrial-Commercial

#ZC15-51 EUGENE AND SARAH ABELOW – OWNERS
 EUGENE ABELOW - APPLICANT

Issuance Date: TBD
Proposed Use: Increase number of residential rental units by three – from current
 10 units to proposed 13 units.
Physical Location: 1585 Gardners Lane; Shepherdstown, West Virginia 25443
Zone: Rural
