



Jefferson County
Board of Zoning Appeals
Thursday, June 23, 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 May 26, 2016 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Postponed from the May 26, 2016 meeting. 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.
4. Director's Report.
 - a) Monthly Zoning Certificate Activity Report
5. Legal Update. Possible executive session on the follow pending lawsuits: None.
6. Discussion with possible deliberative session and signing of draft findings/decisions.
 - a) 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).

Minutes
Jefferson County Zoning Board of Appeals

1 Meeting Date: May 26, 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 Ted Schiltz and Craig Foster, Alternate.

6 Absent members: None.

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 Ms. Huddle motioned to commence the meeting at 2:05 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.

15 1. Approval of the minutes from the March 24, 2016 and the April 28, 2016 meeting.

16 The following corrections were requested of the March 24, 2016 minutes:

17 a) Page 2, Line 20-32, Clarify Ms. Thompson's statement regarding the size of the sign
18 and the base of the sign.

19 b) Page 3, Line 38, add *motion* before the comma.

20 c) Page 4; remove second reference to Legal Update, renumber the agenda items
21 appropriately, and the phrase "Not Addressed" when an agenda item is not addressed
22 (without copying the full item content from the agenda).

23 Ms. Huddle moved to approve the March 24, 2016 minutes as amended. Mr. Quynn called
24 for a vote, which carried unanimously.

25 The following corrections were requested of the April 28, 2016:

26 a) Page 2, Line 40, change *request* to *requested*.

27 b) Page 3, Line 2, change ~~3~~:55 p.m. to 2:55 p.m.

28 Ms. Huddle moved to approve the April 28, 2016 minutes as amended. Mr. Quynn called for
29 a vote, which carried four (4) in support and one (1) abstention (as Mr. Schiltz did not attend
30 this meeting).

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

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

33 Mr. Quynn suggested reordering the Agenda as it may be beneficial for the applicants. Items #3 and
34 #4 were thus switched.

35 3. Variance from Section 10.4B to increase the maximum square footage of two proposed
36 business signs from 144 square feet to 264 square feet (Washington St.) and from 192 square
37 feet to 264 square feet. (Euclid Ave.); and, to allow signage to face a residential property.
38 Bret Skirvin, Site Enhancement Services, Inc., Applicant. Primax Properties, LLC, Owner.
39 Location: Corner of Washington and Euclid St. Charles Town (future Advanced Auto Parts).
40 District: 02; Map: 10A; Parcel: 76; Size: 1.04 ac; Zone: RLIC; File: ZV16-11. *Previously*
41 *agenda item #4.*

- 1 Brett Skirvin, representative with Site Enhancement Services, was present to address the Board.
- 2 Ms. Brockman informed the Board that there had been concerns regarding the placards posted
3 on site. Ms. Brockman noted that the placards along East Washington Street and Euclid
4 Avenue had come down during the posting period. Mr. Quynn lives in the vicinity and travels
5 along Euclid Avenue regularly. He stated that he was unable to see the sign on Euclid and
6 therefore he does not believe its posting met the intent of being “conspicuously posted”.
- 7 The Board discussed the implications of the potential notification issue. Ms. Lehman advised
8 that if the Board was uncomfortable and felt that the site had not been properly posted that it
9 would be appropriate to postpone the request until the next meeting.
- 10 Mr. Skirvin explained that once he received notification from staff that the Washington placard
11 was not posted he contacted the construction crew to ensure it would be reposted. Mr. Skirvin
12 stated that he visited the site once staff had advised him of the absence of the Euclid placard
13 and noted that the placard was posted correctly.
- 14 Local resident, Randolph Hilton, spoke briefly regarding the posting issue; however, was not
15 able to offer testimony as the public hearing for this item had not been opened.
- 16 Mr. Bannon moved to postpone this item until the June 23, 2016 meeting. Mr. Schiltz
17 seconded the motion, which carried three (3) in support, one (1) opposed (Mr. Quynn); and
18 one (1) abstention (Mr. Knott). New signs are to be made for this agenda item.
- 19 4. Request by The Middleway Conservancy Association Inc. for a Seasonal Use Permit for ‘The
20 Battle of Smithfield Anniversary Re-enactment’ to operate from August 12-14, 2016. The
21 event is to consist of a re-enactment of civil war camp life, drills, educational activities and
22 public parking (SU16-01). Owner/location of proposed events as follows: Battle of Smithfield
23 Reenactment, military drills & educational activities: Chappell, William D. & Linda; 175 East
24 St., Kearneysville; D: 07; M: 22B; P: 28; Size: .89 ac; Z: R & V; File: SU16-01A; Re-enactor
25 parking: Bowers, Daniel B. & Anne L.; 272 Mason Farm Dr., Kearneysville; D: 07; M: 22; P:
26 12.9; Size: 7.75 ac; Z: R; File: SU16-01B; Military drills & educational activities: DeHart,
27 Dorothea; 207 East St., Kearneysville; D: 07; M: 22B; P: 29 & 20; Size: 2.17 ac & .53 ac; Z: R
28 & V; File: SU16-01C; Information & exhibit center; educational activities; public parking:
29 Grace Episcopal Church; 112 East St., Kearneysville; D: 07; M: 22A; P: 70; Size: .38 ac; Z: V;
30 File: SU16-01D; Civil War-style encampment of 150 reenactors; military drills; cannon and
31 firearms demonstrations; educational activities: Quinones A., Carmen; 7513 Queen St.,
32 Kearneysville; D: 07; M: 22A; P: 18; Size: 2.45 ac; Z: V; File: SU16-01E; Encampment of SO
33 cavalry re-enactors with horses; educational activities: Stickles, James; 7316 Queen St.,
34 Kearneysville; D: 07; M: 22A; P: 61; Size: 2.6 ac; Z: V; File: SU16-01F; Re-enactments of
35 Civil War cavalry and infantry engagements; public parking: Supplee, J. Frank, IV, & Mary L.;
36 6880 Leetown Rd., Kearneysville; D: 07; M: 22; P: 31; Size: 137 ac; Z: V; File: SU16-01G;
37 Living history presentations; educational activities: Middleway United Methodist Church
38 Trustees; 328 King St., Kearneysville D: 07; M: 22A; P: 19; Size: .67 ac; Z: V; File: SU16-01H;
39 Public parking: Middleway United Methodist Church Trustees; 7437 Queen St. Kearneysville;
40 D: 07; M: 22A; P: 44; Size: .35 ac; Z: V; File: SU16-01I. *Previously agenda item #3.*
- 41 Peter Fricke and William Chappell, with the Middleway Conservancy, were present to address
42 the Board. Ms. Brockman informed the Board that one of the required 10 placards posted in
43 the Middleway area had been removed by a local resident who had disputed its location within

1 the platted easement. Specifically concerned that the placard was nailed to a tree, the resident
2 removed the placard. Ms. Brockman stated the remaining nine placards had been continuously
3 posted throughout the posting period. Mr. Quynn informed Mr. Fricke that further
4 explanation of the placard's absence was unnecessary. The Board agreed the remaining
5 placards met the intent of public notification.

6 Ms. Brockman presented her staff report to the Board stating that while there were additional
7 parcel's participating in the proposed event, it would consist of similar activities as the
8 previous year's event. Ms. Brockman noted the Board approved a Seasonal Use Permit for
9 the 2015 Re-enactment request and that the Board had added conditions to the approval
10 (referenced in staff report). Ms. Brockman added that the applicant had taken the initiative to
11 contact the Division of Highways, the Board of Health, and the Sheriff's Department. The
12 applicant had received written confirmation from the Health Department that the event would
13 be exempt from processing due to limited number of anticipated attendees and verbal
14 acknowledgment of the event from the Sheriff; however, direction from the Highway
15 Department was pending. Mr. Fricke addressed the Board noting that all parties along the
16 easement that lacked proper posting had submitted written letters of support. Mr. Fricke
17 continued his presentation by offering a brief synopsis of the event's activities and reiterated
18 Ms. Brockman's report regarding notification of the event to the aforementioned governing
19 agencies. Mr. Fricke also stated that the Conservancy would carry Event insurance for this
20 type of event and will furnish the office with a certificate to that effect.

21 Mr. Chappell explained the event in more detail and stated that the reenactment would be
22 larger this year, with additional participants in period costume. Ms. Huddle asked if the event
23 was proposing a rain date or rain contingency plan. Mr. Chappell and Mr. Fricke stated they
24 did not have a plan to address unforeseen weather conditions yet the sloping topography of the
25 fields should assist in alleviating any potential rainfall impacts.

26 The Board determined that a deliberative session was unnecessary. Ms. Huddle moved to
27 approve the request as proposed. Mr. Quynn called for a vote, which carried unanimously.

28 5. Director's Report. Ms. Brockman provided the Board with an update on the following:

- 29 a) LESA/Conditional Use and Cluster Subdivision Provision Modifications: 05/17/16 PC
30 Public Hearing was held open to accept written comments through 05/31/16.
- 31 b) Pending Zoning Ordinance and Subdivision Regulation Amendments: Campgrounds:
32 County Commission's follow up to proposed revisions to draft discussed at 5/5/16 work
33 session - tentatively scheduled for June 2, 2016 County Commission agenda.
- 34 c) Mass Events:(#ZTA 14-02): County Commission Public Hearing postponed until
35 Summer 2016.
- 36 d) Pending amendments: Historic Resource Demolition and Adaptive Reuse staff is
37 collaborating with the HLC Board. Parking, Landscaping and Signage Standards- no
38 action at this time.
- 39 e) Upcoming BZA meeting: June 23, 2016

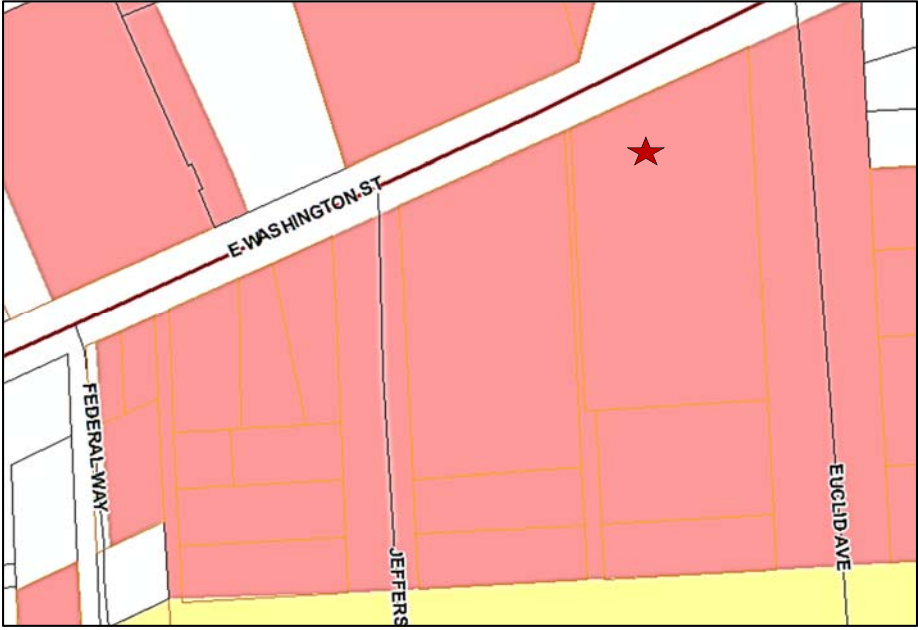
40 Ms. Brockman informed the Board that she did not have any new information regarding the
41 Department reorganization.

- 1 6. Legal Update. Ms. Lehman reviewed the following with the Board in deliberative session.
2 No action was taken on the following items.
- 3 a) Whistling Farms Bed & Breakfast Litigation CA # 15-C-209. Petitioner motioned to
4 dismiss the case, which was granted. This case is closed.
- 5 b) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73.
6 Petitioner filed a Writ of Certiorari, which was denied. This case is closed.
- 7 7. Discussion with possible deliberative session and signing of draft findings/decisions.
8 Meeting Dates: 02/25/16, 03/24/16 and 04/28/16. *See agenda for full item description.*
9 No action was taken on these items.
- 10 a) Postponed from the 01/28/16 meeting. Variance request from Sec. 4.11A.2, 4.11E and
11 App. B to remove the side and rear landscape/screening buffer for a private,
12 commercial warehouse/garage. Owner: Daniel McGinn. *Complete.*
- 13 b) Variance request by United Methodist Church from Sec. 10.4C to reduce the required
14 setback of 25' to 0' to allow for the replacement of the existing freestanding sign.
15 File: ZV16-03. *Complete.*
- 16 c) Variance request by United Methodist Church from the following: (A) Sec. 4.10A to
17 waive the requirement of a site plan for the installation of a 1000 square foot gravel
18 parking lot. File: ZV16-04 (B) App. B to reduce the front parking setback from 15'
19 to 0'. File: ZV16-04. *Complete.*
- 20 d) Variance from Sec. 4.11A.1 & App. B to reduce the side & rear setback from 50' to 25';
21 and, to eliminate the required residential landscape buffer to allow for the construction
22 of a proposed 37,500 square foot self-storage facility. Owner: CTSS, LLC. *Complete.*
- 23 e) Variance from App. B to reduce the rear setback from 50' to 25' for the existing bowling
24 alley to accommodate a proposed lot line adjustment. Owner: LSCG Fund LLC.
25 Applicant: CTSS, LLC. *Complete.*
- 26 f) Variance from Sec. 4.11A.2, 4.11E and App. B to eliminate the landscaping, parking,
27 drive aisle & building setback requirements for the interior lot line between Lots 2 & 3;
28 and, to reduce the landscape buffer along the side of Lot 3 & the rear of Lots 2 & 3.
29 Owner: Decker Holding, LLC. Applicant: Kubic Enterprises. *Pending.*
- 30 g) Variance from Sec. 5.7B to reduce the rear setback from 50' to 35' for the
31 construction of 40' x 60' garage. Owner : Christopher & Victoria Dudash. *Pending.*
- 32 h) Variance from Sec. 5.4B to reduce the rear setback from 20' to 10' to construct a
33 deck. Pending. Owner : Yin Xu. Applicant: Brick Street Construction. *Pending.*
- 34 Mr. Bannon stated he would not be attending the June meeting. Ms. Huddle stated she would not
35 be attending the July meeting.
- 36 Mr. Knott moved to adjourn the meeting at 3:03 p.m. Mr. Quynn called for a vote, which carried
37 unanimously.

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Advanced Auto Parts Variance Request (#ZV16-11)

Item #3 Postponed from the May 26, 2016 meeting. Variance from Sec. 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.

APPLICANT:	Bret Skirvin, Site Enhancement Services, Inc.
OWNER:	Primax Properties, LLC
DEVELOPER:	Same as Owner
CONSULTANT:	Same as Applicant
PROPERTY LOCATION:	Corner of Washington and Euclid St. Charles Town
LEGAL DESCRIPTION & ZONING DISTRICT:	District: 02; Map: 10A; Parcel: 76; Size: 1.04 ac; Zone: RLIC 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North:</i> RLIC <i>South:</i> RG <i>East:</i> RLIC <i>West:</i> RLIC
PROPERTY HISTORY:	08/11/15: PC approves Concept Plan 04/21/16: Staff Approves Minor Site Plan
SUBDIVISION VARIANCE(S):	08/11/15: PC denies waiver from having to install a sidewalk along Euclid Ave. PCW15-02
APPROVED ACTIVITY:	Future Advanced Auto Parts / Automotive retail sales

RELEVANT INFORMATION:

1. Overview of Request

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. This application requires three action on separate issues. Each sign is requested to exceed the ordinance requirements and one sign is proposed to face adjoin residential properties. Separate action should on each of these.

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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

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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

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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

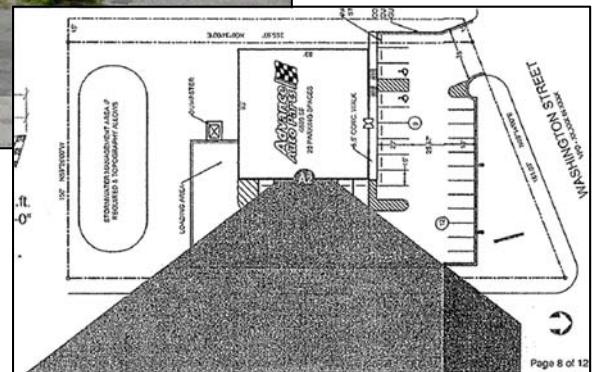


Figure 3
 View from Euclid to Washington



Figure 4
 View from residential property (on Euclid)

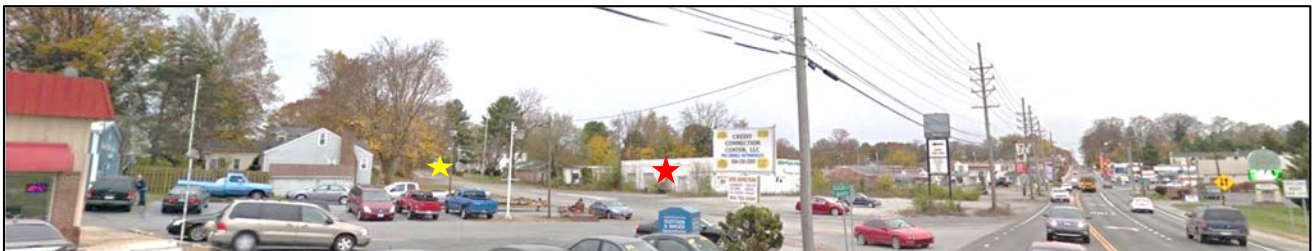
Figure 4
 Impact Sign A2 (Euclid)



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



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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

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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:

- The approval could be limited to the larger requested sign on Washington Street only (A1 on their exhibit);
- 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;
- 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

- 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)

RECEIVED

MAY 20 2016 - JH

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



RECEIVED

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.

Advance Auto Parts 

Submittal

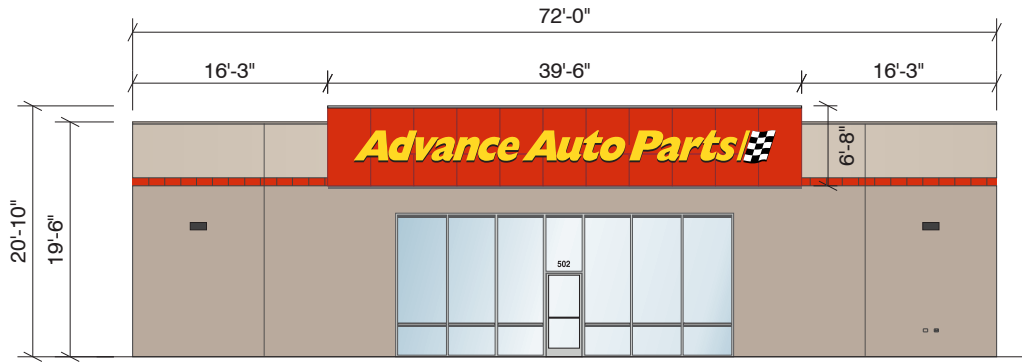
**502 County Route 340/7
Charles Town, WV**

May 18, 2016

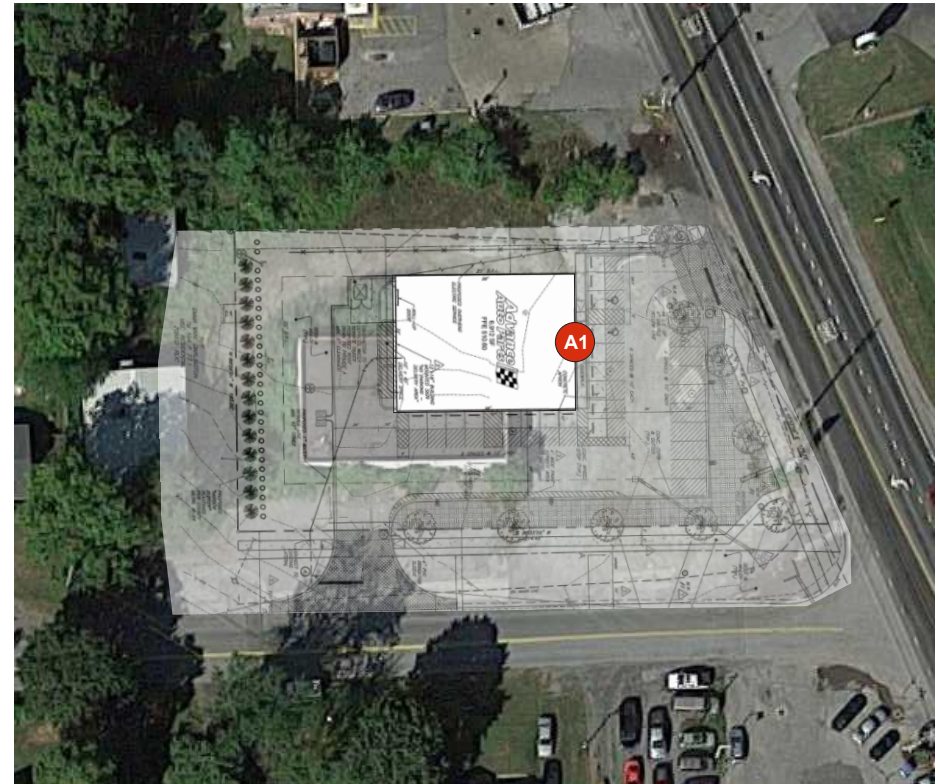


Ph: 1 . 855 . 525 . 6261
Fax: 1 . 574 . 237 . 6166
www.siteenhancementservices.com

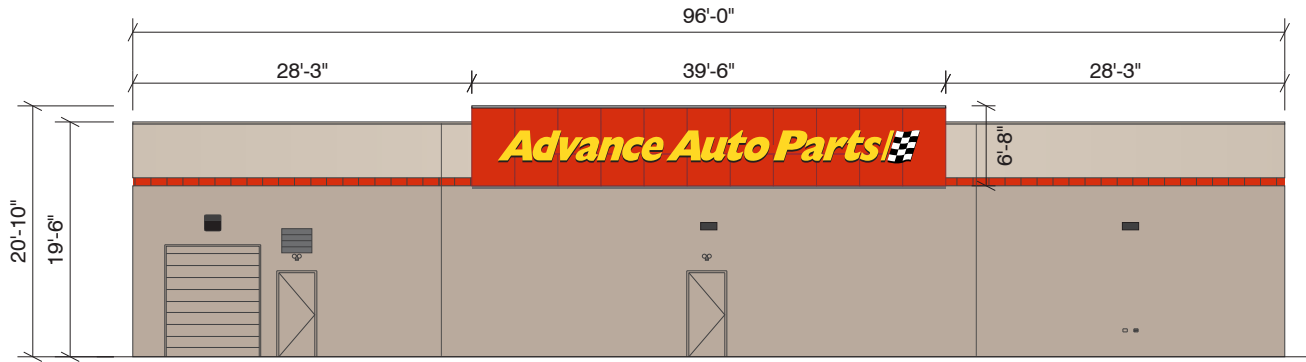
Size and placement of signage is approximate.



FRONT ELEVATION
Scale: 1/16" = 1'-0"

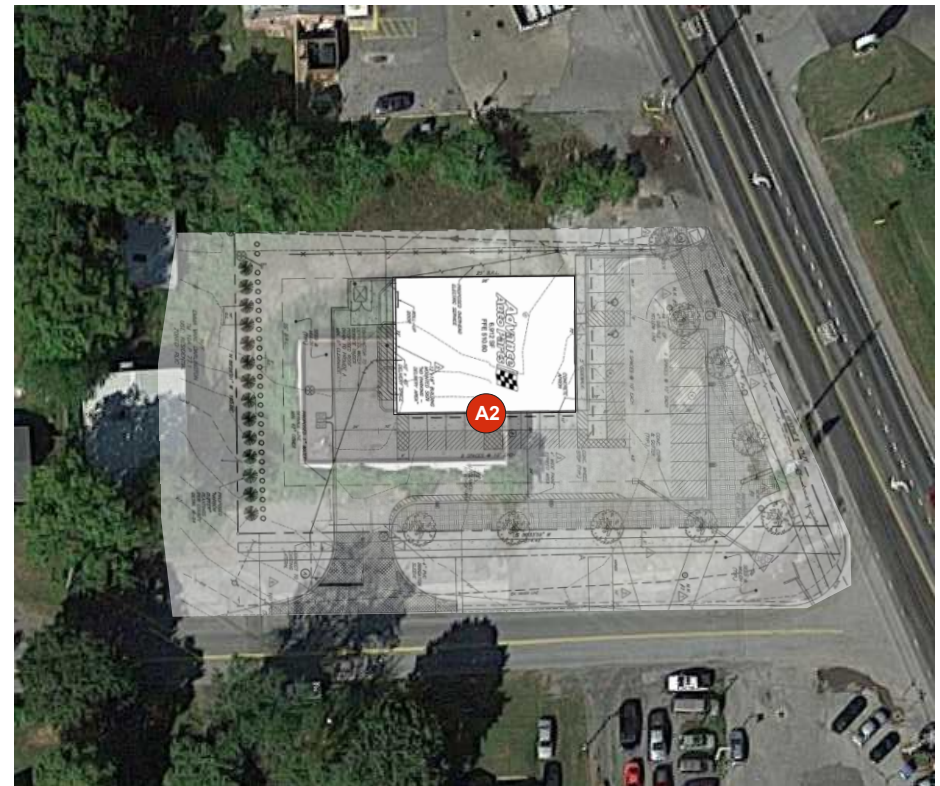
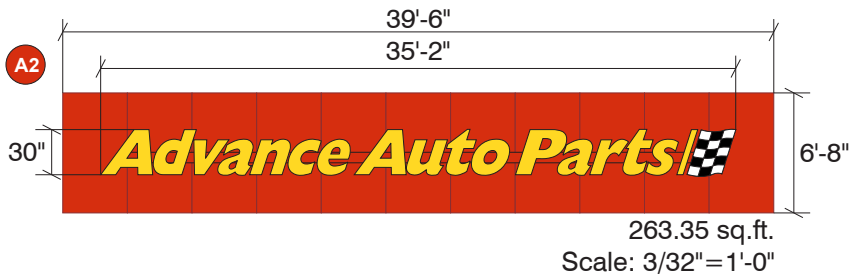


Size and placement of signage is approximate.



LEFT ELEVATION

Scale: 1/16" = 1'-0"





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 June 23, 2016

1) LESA/Conditional Use and Cluster Subdivision Provision Modifications

Planning Commission reviewed all public hearing comments received, made recommended edits and voted to forward it to the County Commission for their consideration and approval. Tentatively on the 7/21/16 CC agenda for discussion.

2) Additional Pending Zoning Ordinance and Subdivision Regulation Amendments

a) Campgrounds:

- i. County Commission followed up on the proposed revisions to the draft amendment at their 6/16/16 CC meeting and requested an additional workshop on this topic at their 7/21/16 meeting

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: **July 28, 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: June 17, 2016
SUBJECT: June Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

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

Issuance Date: May 23, 2016

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

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

Issuance Date: May 24, 2016

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

ISSUED ZONING CERTIFICATES

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

Issuance Date: May 24, 2016
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: May 24, 2016
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

#ZC16-21 ROBERT BIGGS, JR. & LISA M. BIGGS – OWNERS
RG BIGGS EXCAVATING - APPLICANT

Issuance Date: May 24, 2016
Proposed Use: Landscaping Business to include limited excavating work.
Physical Location: 7067 Flowing Springs Road; Shenandoah Junction, WV 25442
Zone: Rural

#ZC16-22 B. JEANNE KOZAK & L. DANIEL PECK – OWNERS
WILLIAM MOON - APPLICANT

Issuance Date: May 24, 2016
Proposed Use: Insurance Agency. Will use existing sign on road.
Physical Location: 8354 Martinsburg Pike, Unit 6; Shepherdstown, WV 25442
Zone: Residential-Light Industrial-Commercial

#ZC16-23 HOT SPOT CT REAL ESTATE LLC / CONTACT: BRENT JACKSON –
OWNER/APPLICANT

Issuance Date: May 24, 2016
Proposed Use: Pawn Shop
Physical Location: 1012 East Washington Street; Charles Town, WV 25442
Zone: Residential-Light Industrial-Commercial

ISSUED ZONING CERTIFICATES

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

Issuance Date: June 06, 2016
Proposed Use: Battle of Smithfield Re-Enactment. A three-day 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. The Zoning Certificate is only valid for this event from August 12 – August 14, 2016.
Physical Location: Multiple Properties - Middleway, West Virginia
Zone: Village & Rural

#ZC16-25 GYPSY FLEA MARKET / CONTACT: KEVIN DROST / OWNER
AMERICAN PROMOTIONAL EVENTS dba TNT FIREWORKS /
CONTACT: VANESSA HIXON / APPLICANT

Issuance Date: June 15, 2016
Proposed Use: Temporary sale of legal fireworks in a 20' x 40' tent and storage container. Dates/Times of operation: June 18, 2016 –July 6, 2016, from 9:00 a.m.-9:00 p.m. daily.
Physical Location: 154 Wolfcraft Lane; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

PENDING ZONING CERTIFICATES

#ZC16-26 PERMELYNN OF WESTCHESTER, INC.
AMERICAN PROMOTIONAL EVENTS dba TNT FIREWORKS /
CONTACT: VANESSA HIXON / APPLICANT

Issuance Date: June 00, 2016
Proposed Use: Temporary sale of legal fireworks in a 20' x 40' tent and storage container. Dates/Times of operation: June 18, 2016 –July 6, 2016, from 9:00 a.m.-9:00 p.m. daily.
Physical Location: 96 Patrick Henry Way; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

PENDING ZONING CERTIFICATES

#ZC16-24 JEFFERSON UTILITIES, INC. - OWNER
SHENANDOAH PERSONAL COMMUNICATIONS, LLC (SHENTEL) /
CONTACT: JUSTIN BLANSET - APPLICANT

Issuance Date: June 00, 2016
Proposed Use: Property contains existing Water Tower antenna site. Shenandoah
Personal Communications, LLC (Shentel) to install six (6) new
2.5GHz antennas and equipment inside an existing 158.0' Water
Tower compound, per plans and code. Proposed modification
requires no ground disturbance or electrical work.
Physical Location: 426 Oak Lee Drive; Ranson, West Virginia 25430
Zone: Rural

TERMINATED ZONING CERTIFICATES

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

Termination Date: Terminated due to insufficient information.
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
