



Jefferson County
Board of Zoning Appeals
Thursday, July 28, 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 June 23, 2016 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Variance request by Beallair Homes, LLC, owner, from the following:
 - a) Section 5.4B1 to reduce the rear setback from 20' to 12' for any residential structures on Lots 112, 127, and 128 (ZV16-12).
 - b) Section 4.18 to allow a staffed model home on Lot 111, which is located within the interior of the subdivision (ZV16-13).

Location: Beallair Subdivision, Lots 112, 127, 128, and Lot 111, Beallair Manor Dr. & Lafayette St., Charles Town, WV. District: 04; Map: 10A; Parcels: 112, 127, 128 (.88 acres total), and 111 (.33 acres); Zone: Residential Growth.

4. Variance request by the Jefferson County Development Authority, owner, from the following:
 - a) Section 5.6D.1 and Appendix B to reduce the required front, side and rear building setbacks to 25' for all lots;
 - b) Section 4.11A.1, 4.11B.2 and 3, 4.11E.1(a-d), 4.11J, & Appendix B to reduce the required side and rear landscape buffer to 10' and to allow a modified planting standard; and to allow existing vegetation in lieu of the aforementioned modified planting standard. The proposed modified planting standard is as follows:

Front: Street trees per Section 4.11I / Side: 10' / Rear: 10'

Without outside storage: 1 evergreen tree planted every 50' along the property line. Should an adjacent use have existing landscaping meeting this standard, trees shall be planted in an alternating pattern.

With outside storage: 1 evergreen tree planted every 50' along the property line. Should an adjacent use have existing landscaping meeting this standard, trees shall be planted in an alternating pattern. Additionally, a fence approved by the Jefferson County Development Authority Board shall be installed. A letter indicating this approval shall be submitted with the site plan.

Vegetation existing along the length of the property line may be used in lieu of the required plantings provided,

- A) A letter of support from the Jefferson County Development Authority Board is submitted to the Department. A letter indicating this approval shall be submitted with the site plan.
- B) Documentation that the existing vegetation is comprised of hardwood and/or evergreen trees.
- C) A 10' landscape buffer is delineated on the required site plan noting that the buffer is to remain undisturbed.
- D) Should any existing vegetation be removed within the buffer, except for general landscape maintenance, the applicant shall replant the affected area per the landscaping standards noted above.

- c) Section 8.9A.10 to allow the street tree standard or modified planting standard in lieu of the required 50' landscape buffer strip for lots along or .5 miles from a limited access highway; and,
- d) Appendix B to reduce the parking and drive aisle setbacks for a proposed industrial use to Front: 15', Side: 10' and Rear: 10'.

District: Charles Town (02); Map: 1; Lot/Parcel below: Burr Business Park: L: 1/P: 101, L: 4/P: 104, L: 5/P: 105, L: 6/P: 106, L: 7/P: 107, L: 9/P: 109, L: 10/P: 110, L: 12/P: 112; L: 13/P: 113; Lot 14/P: 114, L: 15/P: 115, L: 16/P: 116, L: 17/P: 117, L: 18/P: 118, L: 19/P: 119, L: 20/P: 120, L: 21, P: 121, L: 22/P: 122, L: 23/P: 123, L: 25/P: 125, L: 27, P: 127, L: 28/P: 128, L: 29/P: 129, L: 30/P: 130, L: 31, P: 131, L: 32/P: 132, L: 33/P: 133, L: 34/P: 134, L: 35/P: 135, L: 36/P: 136; Burr Industrial Park, Ph. I: L: 12/P: 65; James Burr Technology Center: L: 3/P: 16.4; Zone: Industrial Commercial; File: ZV16-14.

- 5. Variance request by the Jefferson County Convention and Visitor's Bureau, applicant, on behalf of the Jefferson County Commission, owner, from the following:
 - a) Appendix B to reduce the front setbacks from 40' to 19.97' (ZV16-15); and,
 - b) Appendix B to reduce the front parking setback from 15' to 0'; and Section 11.1A to allow on-street parking (ZV16-16).

Location: 37 Washington St. Harpers Ferry, WV. District: Harpers Ferry (04); Map: 7; P: n/a; Size: .64 ac; Zone: Rural

- 6. Zoning Administrator's Report.
 - a) Monthly Zoning Certificate Activity Report
- 7. Legal Update. Possible executive session on the follow pending lawsuits: None.
 - a) Discussion with possible deliberative session and signing of draft findings/decisions.

Minutes
Jefferson County Zoning Board of Appeals

- 1 Meeting Date: June 23, 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; Matt Knott, Christy Huddle, Ted Schiltz, Craig Foster,
5 Alternate, and Jeffrey Bresee, Alternate.
6 Absent members: Jeffrey Bannon (with notification)
7 Staff members present: Jennifer M. Brockman, Acting Zoning Administrator/Director of Planning and
8 Zoning and Alexandra Beaulieu, Office/Project Manager.
9

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

11 Mr. Tyler Quynn arrived late to the meeting at 2:21 p.m. Mr. Jeffrey Bresee presided over the
12 meeting.

13 Mr. Bresee called the meeting to order at 2:03 PM.

14 1. Approval of the minutes from the May 26, 2016 meeting.

15 The following corrections were requested of the May 26, 2016 minutes:

- 16 a) Page 1, Line 6, Change ~~None~~ to reflect that Mr. Jeffrey Bresee was absent with
17 notification.
18 b) Page 1, Line 14, delete to after “Mr. Quynn explained”.
19 c) Page 1, Line 25, add minutes to the end of the sentence, before the colon.

20 Ms. Huddle moved to approve the May 26, 2016 minutes as amended. Mr. Knott seconded
21 the motion, which carried unanimously.

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

23 Ms. Beaulieu swore in members of the public who indicated they would be providing testimony.

24 3. Variance from Section 10.4B to increase the maximum square footage of two proposed
25 business signs from 144 square feet to 264 square feet (Washington St.) and from 192 square
26 feet to 264 square feet. (Euclid Ave.); and, to allow signage to face a residential property.
27 Bret Skirvin, Site Enhancement Services, Inc., Applicant. Primax Properties, LLC, Owner.
28 Location: Corner of Washington and Euclid St. Charles Town (future Advanced Auto Parts).
29 District: 02; Map: 10A; Parcel: 76; Size: 1.04 ac; Zone: RLIC; File: ZV16-11.

30 Mr. Bret Skirvin, representative with Site Enhancement Services, was present to address the
31 Board. Ms. Brockman provided an overview of the request and explained to the Board that
32 because the signage included the red architectural panels, the entire panel was considered a part
33 of the signage area calculation.

34 Mr. Skirvin distributed a supplemental handout to the Board which provided additional
35 information on the proposed sign. Mr. Skirvin stated that the red architectural panels
36 contribute to the aesthetics of the surrounding area. Mr. Skirvin stated that the applicant
37 would be agreeable to terms requiring the illuminated sign to be turned off during non-
38 business hours. He noted that the sign on the side of the building facing Euclid Avenue
39 assisted in identifying the business to truck drivers for deliveries and reduced the possibility
40 of trucks missing the entrance. Mr. Skirvin provided some examples of similar signs in
41 Jefferson County including Burger King, Staples, Shell Gas Station, and Auto Zone.

- 1 Discussion ensued regarding the dimensions of the proposed sign and the historical
2 significance of Charles Town.
- 3 Mr. Knott inquired as to the closing time for Advance Auto Parts. Mr. Skirvin stated that it
4 varies by location but would likely not be open past 10:00 PM. Mr. Knott inquired as to
5 whether the signs remain illuminated once the business is closed. Mr. Skirvin stated that the
6 signs would be turned off when the business was closed.
- 7 Mr. Skirvin stated for the record that the red panels on the sign would not be illuminated and
8 that only the letters on the sign would be illuminated.
- 9 Mr. Schiltz inquired of staff that if the building were painted red, and the letters placed
10 directly on the building as opposed to the red panels, if that would be calculated into the sign
11 size. Ms. Brockman stated that only the letters would be calculated in that circumstance.
- 12 Mr. Bresee opened the public hearing.
- 13 Mr. Seth Rivard with the City of Charles Town spoke in opposition to the request. He
14 distributed a chart displaying the size requirements for signs in the City of Charles Town,
15 which is half of the size permitted in the County. He noted that the architectural design of a
16 building, including the color and shape, are types of branding which make the business stand
17 out; therefore, in his opinion, a larger sign was not necessary. Mr. Rivard also stated that
18 should any of the existing businesses, such as McDonald's, upgrade or change their signs,
19 they would be required to comply with the City's current sign ordinance. Mr. Rivard
20 requested that as part of the Board's conditions of approval, they consider requiring that the
21 lights be turned off when the business was closed.
- 22 Mr. Randolph Hilton, a longtime resident of Charles Town, spoke in opposition to the request.
- 23 Mr. Skirvin spoke in rebuttal stating that the panels would be more aesthetically pleasing. He
24 noted that paint would serve the same function as the panels, but that the panels are higher
25 quality and would improve the overall appearance. He stated that as a compromise, they could
26 decrease the letters by one size from 30" to 27", which would decrease the square footage of
27 the letters from 88 square feet to 71 square feet. He stated that they would prefer to keep the
28 panels as part of the final approved sign.
- 29 Ms. Huddle moved that the board go into deliberative session at 2:43 PM. Mr. Schiltz moved
30 that the board come out of deliberative session at 3:20 PM.
- 31 Mr. Schiltz moved to disapprove the request to increase the maximum square footage of the
32 two proposed business signs and to approve the request to allow signage to face a residential
33 property. Mr. Schiltz requested that the signs facing Euclid Avenue be turned off during non-
34 business hours. Mr. Bresee called for a vote. The motion passed with four in favor and one
35 opposed (Matt Knott).
- 36 Mr. Foster had another obligation and left the meeting at 3:27 PM.
- 37 4. Director's Report. Ms. Brockman provided the Board with an update on the following:
38 a) Monthly Zoning Certificate Activity Report.
39 b) Ms. Brockman provided the Board with an update on the following:

- 1 1) LESA/Conditional Use and Cluster Subdivision Provision Modifications:
2 06/14/16 PC reviewed all Public Hearing comments received. They made
3 recommended edits and voted to forward to the CC for their consideration and
4 approval, which will be on the 07/21/16 CC meeting agenda.
- 5 2) Pending Zoning Ordinance and Subdivision Regulation Amendments:
6 Campgrounds: County Commission followed up on the proposed revisions to
7 the draft amendment at their 06/16/16 meeting and requested an additional
8 workshop at their 07/21/16 meeting.
- 9 3) Mass Events (#ZTA 14-02): County Commission Public Hearing postponed
10 until summer 2016.
- 11 4) Pending amendments: Historic Resource Demolition and Adaptive Reuse staff
12 is collaborating with the HLC Board. Parking, Landscaping, and Signage
13 Standards- no action at this time.
- 14 5) Upcoming BZA meeting: July 28, 2016
- 15 6) Ms. Brockman stated that effective July 1 she would no longer be the Director
16 of Planning and Zoning. She did not have any additional information
17 regarding the Department reorganization.
- 18 5. Legal Update. There was no legal update as Ms. Lehman was absent.
- 19 6. Discussion with possible deliberative session and signing of draft findings/decisions.
20 No action was taken on this item.
- 21 a) Request by the Middleway Conservancy Association, Inc. for a Seasonal Use Permit
22 for 'The Battle of Smithfield Anniversary Re-enactment' to operate from August 12-14,
23 2016. The event is to consist of a re-enactment of civil war camp life, drills,
24 educational, activities, and public parking (SU16-01).
- 25 Ms. Huddle stated she would not be attending the July meeting. Mr. Schiltz stated he would not be
26 attending the July meeting.
- 27 Mr. Schiltz moved to adjourn the meeting at 3:31 p.m. Mr. Bresee called for a vote, which carried
28 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 28, 2016

Beallair Variance Request (#ZV16-12 and ZV16-13)

	<ul style="list-style-type: none"> • Allow an inverted crown for drainage in one-way rear access drives; • Allow two (2) side-by-side, on-site parking spaces; • Reduce ROW width from 50' to 44' in the main road passing through the TND villa areas; and, • Reduce one-way rear access drives from 50' to 20' to serve the garages. <p>03/23/04: PC approved the following variances:</p> <ul style="list-style-type: none"> • Min. finished road width from 24' to 15' for rear access drives; • No curbs included with the rear access drives; • No sidewalks on the one-way rear access drives; • A reduction from 3' to 2.5' for the back of the curb from the edge of the pavement; • No buffer screening between common areas & adjoining single family lots. <p>09/12/06: PC approved a variance to extend the 24-month provision for a period of 12 months to 09/12/07.</p> <p>08/26/08: PC approved a variance to extend the 24-month provision for a period of 12 months to 08/26/09.</p>
<p>ZONING VARIANCES:</p>	<p>07-19-12: BZA approved a variance to reduce the rear setback from 20' to 17' for the construction of a 12' x 16' screened porch. (ZV12-24).</p> <p>07-24-14: BZA approved a variance to reduce the rear setback from 20' to 3' to construct a deck.</p> <p>04-28-16: BZA approved a variance to reduce the rear setback from 20' to 10' to construct a deck (ZV16-09).</p>
<p>APPROVED ACTIVITY:</p>	<p>Single family dwellings</p>

RELEVANT INFORMATION:

1. Previous Case History

An overview of the Beallair Case History is as follows:





- Beallair Phase I, Lots 1-49 & Residue Parcels A, B, C, D & E. Recorded: 12/08/04 (Plat Bk: 21; Pg: 54)
- Beallair Phase II, Lots 50-133, Residue Parcel A. Recorded: 01/16/07 (Plat Bk: 23; Pg: 91)
 - A minor plat change to revise and update drainage areas, Recorded: 06/19/14 (Plat Bk: 25; Pg: 457)
- Final Plat of Commercial Parcel 1, Plantation Ln & Parcel A. Recorded: 01/25/10 (Plat Bk: 25; Pg: 184)

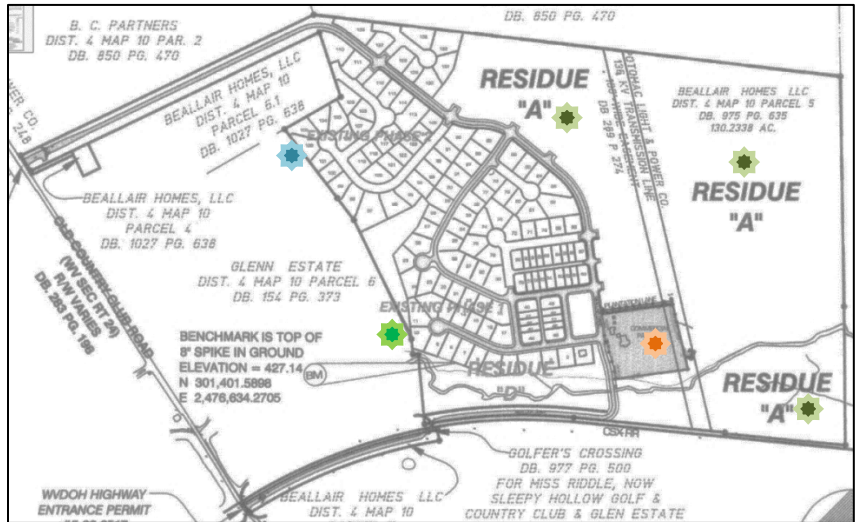
The remaining lots to be platted from Beallair Subdivision and the Beallair West Subdivision are currently vested under the County Commission's subdivision extension policy, which extends the vesting until July 1, 2017. At such time the developer of both sections of Beallair will be required to plat a portion of each section in order to keep the files valid.

Staff Report
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July 28, 2016

Beallair Variance Request (#ZV16-12 and ZV16-13)

Beallair Subdivision

-  Phase I
-  Phase II
-  Commercial Parcel
-  Beallair West
(vested/pending)



2. Staff Evaluation of Request

a. Purpose of ordinance requirements

ZV16-12: The purpose of the rear yard setback requirement is to reduce the impact that a land use might have on an adjacent property, to allow adequate space between a structure and a property line so that maintenance of the structure is feasible, to maintain adequate separation between structures for fire prevention purposes, and to allow room for utility easements.

ZV16-13: The purpose of the restriction to locate model homes to the first lot on either or both sides of any road/right-of-way that enters the subdivision is to limit the amount of non-residential traffic coming in out of the subdivision and minimize impact on adjacent homes.

b. Unique characteristics of property

The lots that are subject to the requested variance ZV 16-12 are impacted by the layout of the subdivision and are bordered on three sides by roads.

c. Character of area/Impact on adjacent properties

These properties and the surrounding area are zoned Residential Growth. Beallair is a partially complete subdivision comprised of fairly small lots containing single family detached homes and attached townhouse units. The historic Beallair Mansion serves as a community Clubhouse.

d. Feasibility of complying with the ordinance by other means

ZV16-12: These lots are currently vacant; therefore, it would be feasible to comply with the ordinance by other means. However, the original setbacks approved on the final plat are somewhat convoluted. The original request was to change the lot line designation from a Rear lot line to a Side lot line. The definition of Side Lot Line requires a Rear lot line for corner lots. Because of this requirement, staff recommended requesting a reduction for the Rear setback for all residential structures. This would allow for a more uniform appearance for future construction in the subdivision.

ZV16-13: The original model homes located on Lots #2 and #45 within Phase 1 have sold. The applicant has constructed a model home on Lot #111 and in order to have staff and a sales office within the model home, they are requesting a variance as required by the Zoning Ordinance. It is

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 28, 2016

Beallair Variance Request (#ZV16-12 and ZV16-13)

not uncommon for a model home to sell within a subdivision. The Zoning Ordinance allows for staffed model homes to be located within a subdivision if a variance is approved by the Board.

3. Conditions of Approval

No conditions of approval are identified for this variance request.

SECTION OF ORDINANCE TO BE CONSIDERED:

ZV16-12: SECTION 5.4b Residential Growth District - Height And Yard Requirements

[AMENDED TWICE BY ACT OF THE COUNTY COMMISSION, EFFECTIVE SEPT. 13, 1990 AND SEPT. 1, 2006]

<u>Development Type</u>	<u>Minimum Lot Area (MLA) Area per Dwelling Unit (ADU)</u>	<u>Required Yards</u>	<u>Maximum Building</u>
Single family detached dwelling	6,000 sq. ft. MLA**	25 ft. front	40 ft.
Public/Central water and sewer	10,000 sq. ft. ADU	12 ft. side	
Public/Central water or sewer	20,000 sq. ft. MLA	20 ft. rear	
No Public/Central water or sewer	40,000. Sq. ft. MLA		

ZV16-13: Section 4.18 Model Homes/Sales Offices

Model homes with a staffed sales office for sales exclusively within the residential subdivision that they are located are permitted provided that they are contained on the first lot on either or both side of any road/right-of-way that enter the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision needs to be approved or denied by the Zoning Board of Appeals after a 15 day public hearing.

Model homes without staffed sales offices are permitted internally within the subdivision.
[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999]

From: mike.wiley@wormald.com
To: [Zoning](#)
Cc: [Todd Abe](#); [engineering](#); [Robert Wormald](#); [Leah Hall](#)
Subject: RE: Lot #111 - Beallair Model Home
Date: Monday, July 11, 2016 2:39:08 PM

Yes that is fine...sorry for the delay...

Michael T. Wiley, PE, PS, Prof LS

Vice President of Development, The Wormald Companies
Vice President, Piedmont Design Group, LLC



5283 Corporate Drive, Suite 300
Frederick, Maryland 21703
T: (301) 695-6614 x204
D: (240) 405-1324
C: (301) 788-2217
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E: mike.wiley@wormald.com
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Web: www.wormaldhomes.com

Confidentiality Notice:

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From: Zoning [mailto:Zoning@jeffersoncountywv.org]
Sent: July 11, 2016 9:16 AM
To: mike.wiley@wormald.com
Cc: Todd Abe <todd.abe@wormald.com>; engineering <engineering@jeffersoncountywv.org>; Robert Wormald <robert.wormald@wormald.com>; Leah Hall <leah.hall@wormald.com>
Subject: RE: Lot #111 - Beallair Model Home

Good morning,

To clarify: are you ok with amending the variance request to change the rear setback to a side setback to comply with what I described in my email below? To recap, our office would amend your application to be a request for a reduction from 20' to 12' for any residential structure but it would continue to be the rear lot line.

As far as the BZA variance requests go, I do not know what specifically was discussed with Jennie as I just got back from being on maternity leave for ten weeks and she is now on vacation. In reviewing the variance request pertaining to the setbacks, it seems the best course of action would be to request to have the rear setback reduced from 20' to 12' for any residential structure. Based on the definition of Front Lot Line, your proposed sketch to change the front lot line to a rear lot line would not be permitted. And based on the definition of Side Lot Line, a rear lot line is required for a corner lot.

You are of course welcome to request anything before the BZA. However, typically the BZA will not grant a variance from definitions in the Ordinance.

We are submitting the ad for print this morning, so confirmation regarding the above would be appreciated.

Thank you!

Alex

Alexandra Beaulieu
Zoning Administrator
Jefferson County Department of Planning and Zoning
Phone: 304-728-3228
www.jeffersoncountywv.org

From: mike.wiley@wormald.com [<mailto:mike.wiley@wormald.com>]
Sent: Sunday, July 10, 2016 11:12 AM
To: Zoning
Cc: Todd Abe; engineering; Robert Wormald; Leah Hall
Subject: RE: Lot #111 - Beallair Model Home

Thanks Alex. Lot #111 is good for probably 3-4 years. We'll take care of the redline plat and submit next week.

Michael T. Wiley, PE, PS, Prof LS

Vice President of Development, The Wormald Companies

Vice President, Piedmont Design Group, LLC



5283 Corporate Drive, Suite 300

Frederick, Maryland 21703

T: (301) 695-6614 x204

C: (301) 788-2217

F: (301) 695-6645

E: mike.wiley@wormald.com

Web: www.wormald.com

Web: www.wormaldhomes.com

From: Zoning [<mailto:Zoning@jeffersoncountywv.org>]

Sent: July 8, 2016 11:27 AM

To: mike.wiley@wormald.com

Cc: Todd Abe <todd.abe@wormald.com>; engineering <engineering@jeffersoncountywv.org>

Subject: RE: Lot #111 - Beallair Model Home

Hi Mike,

As a follow up to our phone conversation, you will need to submit a redline revision to the preliminary plat as well as a minor plat change to the final plat adding a note to each document to allow a model home on Lot #111. I recommend adding a generic note so that you do not have to make a revision every time a model home sells and you need a new location. A generic note to the effect of: "Model homes/Sales Office will be permitted anywhere in the subdivision with no staff. Staffed model homes will be located at public road intersections within each section." To be clear, you do not need to remove the note pertaining to a model home on lots #2 and #45. That note can remain. You would just need to add the above referenced note.

As far as the BZA variance requests go, I do not know what specifically was discussed with Jennie as I just got back from being on maternity leave for ten weeks and she is now on vacation. In reviewing the variance request pertaining to the setbacks, it seems the best course of action would be to request to have the rear setback reduced from 20' to 12' for any residential structure. Based on the definition of Front Lot Line, your proposed sketch to change the front lot line to a rear lot line would not be permitted. And based on the definition of Side Lot Line, a rear lot line is required for a corner lot.

Regarding the variance request pertaining to the staffed model home/townhome, no lot number was included on the application. I am assuming this is a miscommunication on my part as I was addressing the plat note issue and I think Todd may have been asking about the variance application. Per Section 4.18 of the old Zoning Ordinance (8.10 of the current), the BZA must approve the use of a staffed model home/sales office for any lot. Therefore, even with the addition of a generic note on a revised plat, you would still be required to submit a variance request for any future staffed model home. For the current variance application that is in our office, with your permission, staff can make the revision to include reference to Lot #111. If there are additional lot numbers that you are aware of and would like to include in this variance request, we can do so but will need to know today for the purpose of submitting the legal ad.

Finally, the Phase 2 final plat restricts lots to single family homes; therefore, the portion of the variance request to allow for a townhome wouldn't be permitted on Lot #111. In order to have the single family restriction lifted, you would need to go before the Planning Commission. With your permission, staff can amend the variance request to exclude the portion pertaining to use of a townhouse model home. Unless your intent was to request to have a townhouse model on one of the lots approved for townhomes. If that is the case, please provide the lot number (s) and we can amend your application to reflect the modified request.

If you have any questions, please do not hesitate to contact our office.

Thank you,
Alex

Alexandra Beaulieu
Zoning Administrator
Jefferson County Department of Planning and Zoning
Phone: 304-728-3228
www.jeffersoncountywv.org



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

File Number: # ZV16-12
Staff Initials: CFC
Fees Paid (\$100 or \$150): \$100.00

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: Beallair Homes LLC
Mailing Address: 5283 Corporate Drive, #300, Frederick, MD 21703
Phone Number: 301-695-6614 Email: mike.wiley@wormald.com

Applicant Contact Information

Name: Beallair Homes LLC
Mailing Address: 5283 Corporate Drive, #300, Frederick, MD 21703
Phone Number: 301-695-6614 Email: mike.wiley@wormald.com

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

Name: Piedmont Design Group
Mailing Address: 5283 Corporate Drive, #300, Frederick, MD 21703
Phone Number: 301-695-6614 x 132 Email: todd.abe@wormald.com

Physical Property Details

Physical Address: Beallair Manor Drive & Lafayette Street, Lots 112, 127 128
City: Charles Town State: WV Zip Code: 25414
Tax District: Harpers Ferry Map No: 10 Parcel No: 3.2 - 3.4
Parcel Size: 28.3 acres Deed Book: 975; 977 Page No: 635; 490 & 495

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG) [checked], Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), 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).

RECEIVED

JUN 30 2015

JEFFERSON COUNTY PLANNING ZONING & ENGINEERING

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 5.4b (1) (pg 52)

Briefly describe the nature of the variance request:

To permit single family detached corner lots, abutting streets on three sides, be constructed with the rear yard requirement satisfied opposite the driveway by the 25' front BRL, and provide a 12' side yard BRL between common lots while providing double frontage as shown in Attachment "A."

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

Front Setback Side Setback Rear Setback Reduction From 20' rear to 12' side

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

The definition clarifications will not impact the general public and will in-fact be a benefit to the overall unique and interesting design. All existing lots back up to Beallair Manor Drive.

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?

A typical setback would be contrary to the design flexibility needed to realize the high-quality community. These lots would result in a rear facing a side.

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


We respectfully submit that the variances requested represent reasonable accommodations asked of the current Subdivision Ordinance due to an evolution of a development type, and are not the result of a self-imposed hardship.

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

We submit that this request will uphold the basic intent of the ordinance and merely represents a reasonable accommodation for a development style currently found within the community of Beallair in Jefferson County.

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

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.


Signature of Property Owner

06/29/16
Date

Signature of Property Owner

Date

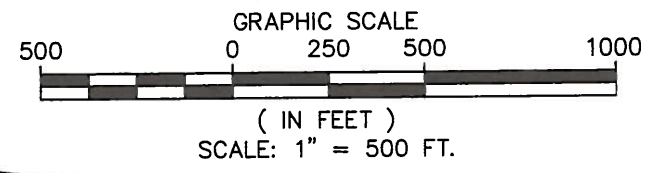
Notification Requirements (to be completed by staff)

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

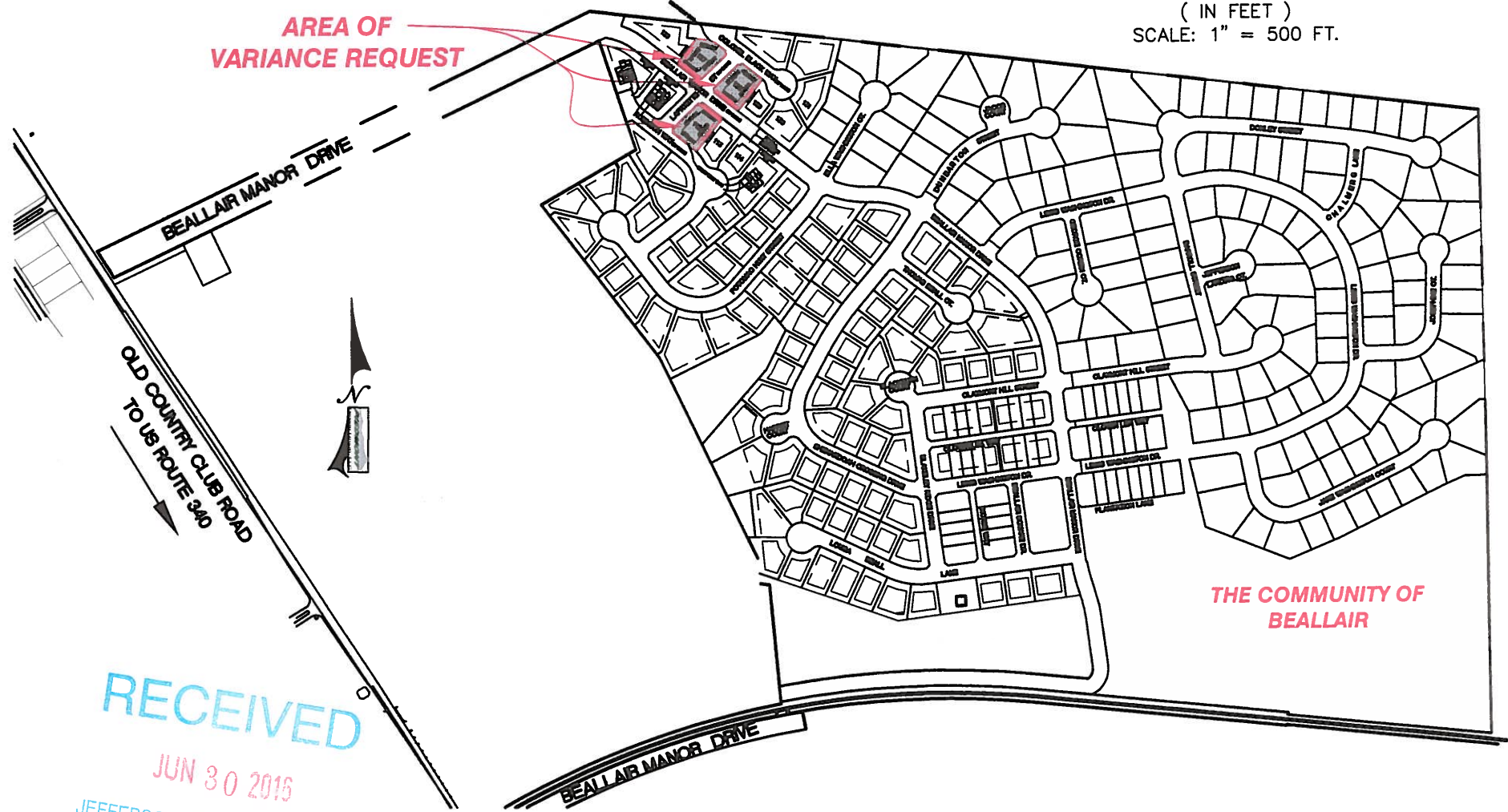
Date of Public Hearing

Advertising Date

Placard Posting Date



**AREA OF
 VARIANCE REQUEST**



**THE COMMUNITY OF
 BEALLAIR**

RECEIVED
 JUN 30 2015
 JEFFERSON COUNTY PLANNING,
 ZONING & ENGINEERING

BEALLAIR HOMES, LLC.
 5283 Corporate Drive
 Suite 300
 Frederick, MD 21703
 301-695-6614

ATTACHMENT "A"
AREA OF VARIANCE REQUEST
BEALLAIR
Variance Request
June 2016

#2016-12

 Applicant Signature
 Date: 06 / 29 / 2016

S:\CIVIL\Beallair Phase 2\Beallair Phase 2_BRL_Variance.dwg

PLANS AND DETAILS ARE EXCLUSIVE PROPERTY
 OF BEALLAIR HOMES, LLC.
 UNAUTHORIZED USE OF THESE PLANS IS
 STRICTLY PROHIBITED. © COPYRIGHT 2016

#ZV16-12



5283 Corporate Drive, Suite 300
Frederick, MD 21703
(301) 695-6614

June 29, 2016

Ms. Alexandra Beaulieu, Office/Project Manager
Jefferson County Department of Planning and Zoning
104 East Washington Street
Charles Town, WV 25414

RE: The Community of Beallair
Variance Request

Dear Ms. Beaulieu,

We respectfully request that the enclosed Variance Request and attachments be placed on the July 23, 2016 Board of Zoning Appeals agenda, to request a variance of Section 5.4b (1) (page 52) of the Jefferson County Zoning and Land Development Ordinance Adopted July 7, 1988 (with Steptoe Amendments) for the reference project. ^{28.}

On behalf of Beallair Homes, LLC, we have enclosed the following for review: one (1) original Variance Request, attachments, and the fee check.

If you have any questions or require additional information, please feel free to call me at (301) 695-6614 x 132 or email me at todd.abe@wormald.com.

Sincerely,

PIEDMONT DESIGN GROUP, LLC

Todd Abe
Project Engineer

Cc: Robert Wormald, Jr.
Edward Wormald Mike
Wiley, P.E., P.S. File:
BA -2.1.1/6.2.3.2

RECEIVED

JUN 30 2015

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

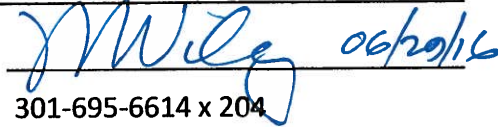
JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning & Zoning
116 East Washington Street
P.O. Box 338
Charles Town, West Virginia 25414

Email: zoning@jeffersoncountywv.org

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

File Number: # ZV16-12

I authorize the staff of Department of Planning and Zoning to make necessary revisions to the enclosed submission, if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: Michael T. Wiley
Applicant Signature: 
Contact Number: 301-695-6614 x 204
Date: 6/29/2016

RECEIVED
JUN 30 2015
JEFFERSON COUNTY PLANNING
& ZONING & ENGINEERING



JEFFERSON COUNTY, WEST VIRGINIA

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

#ZV16-13
File Number:
Staff Initials: c/c
Fees Paid (\$100 or \$150): \$102.00

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

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

Phone: (304)
Fax: (304)

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 otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: Beallair Homes LLC
Mailing Address: 5283 Corporate Drive, Suite 300, Frederick, MD 21703
Phone Number: 301-695-6614 Email: Robert.Wormald@wormald.com

Applicant Contact Information

Name: Beallair Homes LLC
Mailing Address: 5283 Corporate Drive, Suite 300, Frederick, MD 21703
Phone Number: 301-695-6614 Email: Robert.Wormald@wormald.com

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

Name: Piedmont Design Group
Mailing Address: 5283 Corporate Drive, Suite 300, Frederick, MD 21703
Phone Number: 301-695-6614 Email: Todd.abe@wormald.com

Physical Property Details

Physical Address: Beallair Manor Drive & Lafayette Street, Lots 112, 127 128
City: Charles Town State: WV Zip Code: 25414
Tax District: Harpers Ferry Map No: 10 Parcel No: 3.2 - 3.4
Parcel Size: 28.3 acres Deed Book: 975; 977 Page No: 635; 490 &

Zoning District (please check one)

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

RECEIVED
JUN 30 2015
JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 5.4b (1) (pg 52)

Briefly describe the nature of the variance request:

To permit single family detached staffed or unstaffed model homes, TownHouse staffed or unstaffed model home be pla
Phase 2 Platted Lots where applicable. placed
See Attachment "A"

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

Front Setback Side Setback Rear Setback Reduction From rear to side

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

The variance granting will not impact the general public.

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

Phase 1 construction is complete. The model is sold

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

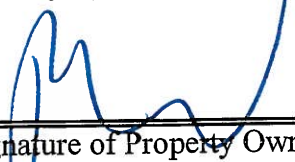
Lots specified on plat are in phase one and sold. We need to offer a new model.

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

We submit that this request will uphold the basic intent of the ordinance and merely represents a reasonable accommoda
future development within the community of Beallair in Jefferson County.

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

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is cc the best of my knowledge.


Signature of Property Owner 6.30.16
Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning & Zoning
116 East Washington Street
P.O. Box 338
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Phone: (304) 728-3228
Fax: (304) 728-8126

Email: zoning@jeffersoncountywv.org

File Number:

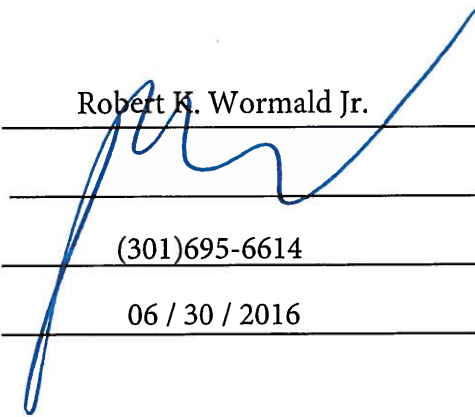
#ZV16-13

I authorize the staff of Department of Planning and Zoning to make necessary revisions to the enclosed submission, if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name:

Robert K. Wormald Jr.

Applicant Signature:



Contact Number:

(301)695-6614

Date:

06 / 30 / 2016

RECEIVED
JUN 30 2016
JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

ATTACHMENT A.2
(NOT TO SCALE)

05/23/2016 MINOR PLAT CHANGE

REVISIONS

Date	Description
10/10/2008	Per JCP Checklist
05/15/2014	MINOR PLAT CHANGE

REVISION BY
BEALLAIR HOMES, LLC

NOTE: ~~WOODS ADJACENT OFFICE ON LOTS 2 & 4S.~~

LOT 1 HAS AN EXISTING STONE DWELLING.

SHEET INDEX

AREA 1	SHEET 1 OF 7
AREA 2	SHEET 2 OF 7
AREA 3	SHEET 3 OF 7
AREA 4	SHEET 4 OF 7
AREA 5	SHEET 5 OF 7
AREA 6	SHEET 6 OF 7
AREA 7	SHEET 7 OF 7

NOTE: SEE SHEET 5 FOR LOT CURVE & LINE TABLES.

REMOVE NOTE

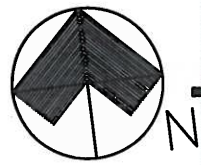
JCP
4/22/16

NOTE: THERE ARE NO OFFSITE MAN-MADE STRUCTURES WITHIN 200' DOWNSTREAM OF ANY PIPE OUTFALL.

SYMBOL KEY

UNLESS LABELED OTHERWISE, ALL CORNERS SHOWN AS ARE TO BE SET 5/8" REBAR PER NOTE ON SHEET 1.

CONCRETE MONUMENTS ARE SHOWN CONC. MON.



Scale 1" = 100'

- PROPOSED LOTS FOR PHASE 2 (Lots 80-133) are shown shaded.
- Proposed Road Right-of-Way Widths are:
- COLONEL BLACK WAY = 50', C&U-De-See (CDS) = 100'
 - LAFAYETTE STREET = 50'
 - ROBINSON WAY = 50' MINIMUM
 - POTOMAC CROSSING STREET = 50', CDS = 100' DIA.
 - THOMAS BEALL COURT = 50', CDS = 100' DIA.
 - CLAYMONT HILL STREET = 50'
 - BLAKELEY RIDGE DRIVE = 50'
 - BLACKBURN COURT = 50', CDS = 100' DIA.
 - CLOVER LEA WAY = 20'



SEE INSET AT LEFT FOR CONTINUATION.

EXISTING PHASE 1 LOTS 1-49

ALL ADJACENT PHASE 1 LOTS

BY BEALLAIR HOMES, LLC

REC. & MAP TO PUBLIC, 2016 - LOT NUMBER

SEE RECORDED PLAT DRAWING 14288-4488

FINAL PLAT showing
Lots 50 - 133 and Residue Parcel A

BEALLAIR - PHASE 2

HARPERS FERRY MAGISTERIAL DISTRICT

SEE SHEET 4 OF 7 FOR CONTINUATION

Map 10 Parcels 32-34
Deed Book 075 Page 436 and
Deed Book 077 Page 480 & 485

JEFFERSON CO., WV

JUNE 2016

SHEET 3 OF 7

Printed: Jun 30, 2016 at 1:27pm
 S:\Civil\New Business\BEALLAIR\PHASE 2\FINAL PLAT\Minor Plat Change 4-2016\Beall-Station2 Minor Plat Change-04062016.dwg
 Project by COLIN J. MITCHELL
 PROJECT MANAGEMENT
 1480 Empire Valley Road
 Summers Point, WV 26041
 304-876-3380 (Fax: 304-876-3088)

REVISION BY
BEALLAIR HOMES, LLC

#ZV16-13

JTA
6/24/16

B. G. FORTNER INC. 4 MAP 10 PG. 3
DB 188 PG. 628

B. G. FORTNER INC. 4 MAP 10 PG. 2
DB 188 PG. 628

SHEET INDEX

- ▲ A HOME - SHEET 1 OF 7
- ▲ A DRIVEWAY - SHEET 2 OF 7
- ▲ A LOT - SHEET 3 OF 7
- ▲ A DRIVEWAY AND LINE TABLES - SHEET 4 OF 7
- ▲ A DRIVEWAY - SHEET 5 OF 7
- ▲ A DRIVEWAY - SHEET 6 OF 7
- ▲ A DRIVEWAY - SHEET 7 OF 7

~~MODEL HOME SALES OFFICE ON LOTS 2 & 3~~
LOT 1 HAS AN EXISTING STONE DWELLING.

NOTE: SEE SHEET 5 FOR LOT CURVE & LINE TABLES.

REMOVE NOTE

NOTE: THERE ARE NO OFFSITE MAN-MADE STRUCTURES WITHIN 200' DOWNSTREAM OF ANY PIPE OUTFALL.

SYMBOL KEY

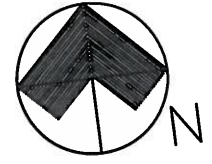
UNLESS LABELED OTHERWISE, ALL CORNERS SHOWN AS ARE TO BE SET 5/8" REBARS PER NOTE ON SHEET 1.
CONCRETE MONUMENTS ARE SHOWN: CONC. MON.

BEALLAIR HOMES, LLC
INC. 4 MAP 10 PG. 3
DB 188 PG. 628

PROP. DRAINAGE ESMT. (TO BE VACATED) AS RECORDED IN P.B. 23 @ Pg. 91

PROP. DRAINAGE ESMT. (TO BE VACATED) AS RECORDED IN P.B. 23 @ Pg. 91

PROP. SAN. SEW. ESMT. (TO BE VACATED) AS RECORDED IN P.B. 23 @ Pg. 91



Scale 1" = 100'

PROPOSED EASEMENTS FOR PHASE 2 TO BE VACATED are shown shaded.

05/23/2016 MINOR PLAT CHANGE

REVISIONS	
Date	Description
10/10/2006	Per JCPC Checklist
05/15/2014	MINOR PLAT CHANGE

REVISION BY BEALLAIR HOMES, LLC
REVISION BY BEALLAIR HOMES, LLC

Prepared by COLIN J. MITCHELL PROJECT MANAGEMENT
10000 Parkway, Harpers Ferry, WV 25420
304-676-9300 (Fax: 304-676-3088)

For CONTINUATION, See Sheet 7 of 7.

EXISTING PHASE 1 LOTS 1-49
ALL RECORDED PHASE 1 LOTS BEALLAIR HOMES, LLC
INC. 4 MAP 10 PG. 3 DB 188 PG. 628
See Recorded Plat Bookings 1428-1448

SURVEY BY BEALLAIR HOMES, LLC
INC. 4 MAP 10 PG. 3 DB 188 PG. 628

OWNER/DEVELOPER
BEALLAIR HOMES, LLC
10000 PARKWAY, HARPERS FERRY, WV 25420
304-676-9300 (Fax: 304-676-3088)

SEE SHEET 4 OF 7 FOR CONTINUATION

FINAL PLAT showing Lots 50 - 133 and Residue Parcel A
BEALLAIR - PHASE 2
HARPERS FERRY MAGISTERIAL DISTRICT
JEFFERSON COUNTY, WV

#ZV16-13

Printed: Jan 30, 2016 at 1:28pm S:\CVL\New Business\BEALLAIR\PHASE 2\FINAL PLAT\Minor Plat Change 4-2016\Sheet-6.dwg Plot Change: 04/30/2016

JTA
4/30/16

B. G. PUGHEN INC. 4 MAP 10 PAR. 3
NO. 202 PG. 20

B. G. PUGHEN INC. 4 MAP 10 PAR. 2
NO. 202 PG. 19

SHEET INDEX

▲ A COVER	-----	SHEET 1 OF 7
▲ A CURB	-----	SHEET 1 OF 7
▲ A DRIVE	-----	SHEET 1 OF 7
▲ A DRIVE AND LINE TABLE	-----	SHEET 4 OF 7
▲ A EASEMENT PERMANENT	-----	SHEET 4 OF 7
▲ A EASEMENT PERMANENT	-----	SHEET 4 OF 7
▲ A EASEMENT PERMANENT	-----	SHEET 4 OF 7
▲ A EASEMENT PERMANENT	-----	SHEET 7 OF 7

~~NOTE: VERIFY HOME SALES OFFICE ON LOTS 8-9-10~~
LOT 1 HAS AN EXISTING STONE DWELLING.

NOTE: SEE SHEET 5 FOR LOT CURVE & LINE TABLES.

REMOVE NOTE

NOTE: THERE ARE NO OFFSITE MAN-MADE STRUCTURES WITHIN 200' DOWNSTREAM OF ANY PIPE OUTFALL.

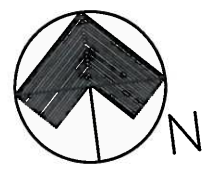
SYMBOL KEY

UNLESS LABELED OTHERWISE, ALL CORNERS SHOWN AS ARE TO BE SET 5/8" REBARS PER NOTE ON SHEET 1.
CONCRETE MONUMENTS ARE SHOWN: CONC. MON.

▲ REVISED LOT 103 EASEMENT (PREVIOUSLY RECORDED @ 25-457)

BEALLAIR HOMES, LLC
INC. 4 MAP 10 PAR. 2
NO. 202 PG. 20

BEALLAIR HOMES, LLC
INC. 4 MAP 10 PAR. 2
NO. 202 PG. 20



Scale 1" = 100'

REVISED/ADDITIONAL EASEMENTS FOR PHASE 2 are shown shaded.

05/23/2016 MINOR PLAT CHANGE ▲

REVISIONS	
Date	Description
10/10/2006	For JCPC Checklist
05/15/2014	MINOR PLAT CHANGE ▲

For CONTINUATION, See Sheet 7 of 7.

EXISTING PHASE 1 LOTS 1-49
ALL ADJACENT PHASE 1 LOTS BEALLAIR HOMES, LLC
INC. 4 MAP 10 PAR. 2 - LOT NUMBER NO. 202 PG. 20
See Recorded Plat Map No. 14280-0448

SURVEYOR
BEALLAIR HOMES, LLC
INC. 4 MAP 10 PAR. 2
NO. 202 PG. 20

OWNER/DEVELOPER
BEALLAIR HOMES, LLC
INC. 4 MAP 10 PAR. 2
NO. 202 PG. 20

FINAL PLAT showing Lots 50 - 133 and Residue Parcel A
BEALLAIR - PHASE 2
HARPERS FERRY MAGISTERIAL DISTRICT
JEFFERSON COUNTY, WV

Printed: Jan 30, 2016 at 1:30pm
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#7116-12

CONDITIONS:

Each parcel shown on this plat shall be restricted to a single-family residence, only, unless otherwise approved by the Planning Commission in conformance with the prevailing County Land Development laws.

All lots within this subdivision are prohibited from constructing private on-site sewage disposal (septic systems) and private on-site wells.

TYPICALLY, BUILDING SETBACKS ARE 25' FRONT, 20' REAR AND 12' SIDE. EXCEPTIONS TO THE 25' FRONT SETBACKS ARE: LOT 73 = 36', LOT 74 = 26', LOT 75 = 47', LOT 81 = 28', LOT 82 = 46', LOT 83 = 36', LOT 102 = 28', LOT 103 = 75', LOT 104 = 67', LOT 105 = 58', LOT 114 = 38', LOT 115 = 36', LOT 130 = 36', LOT 132 = 32'.

TOWNHOUSE (i.e., "VIA") SETBACKS ARE 25' FRONT AND 20' REAR. EXCEPTIONS TO THE 12' SIDE SETBACKS ARE ALL ATTACHED TOWNHOUSE UNITS WHICH HAVE 0' SIDE SETBACKS. SEE JEFFERSON COUNTY ZONING ORDINANCE ART. 9 FOR OTHER SETBACK EXCEPTIONS.

All internal subdivision roads, Stormwater Management parcels, parks and green-space parcels to be owned and maintained by a Homeowners Association (HOA). HOA membership is required. HOA must be established as soon as 50% of the lots are sold. The HOA is also responsible for maintenance of Landscape Easements.

Upon establishment of the HOA, The Jefferson County Commission shall be petitioned by the HOA to adopt an animal leash law.

The developed lots of this project are not in a 100-yr flood plain per FIRM Map 540065 0033C dated 2 Aug. 1993. Lots are in Zone C on said map. FEMA 100-yr Flood Plain is as delineated on this plat.

Lot Driveways to be constructed per Jefferson County Detail R-31. Lots 72-76, 79-82, 84-105, 108 on Palomares Crossing, 108-110, 111 on Lafayette, 119 on Palomares Crossing, 126, 129 on Lafayette, 132-133 are permitted to be side access. All other lot frontages require a 15' CMP (or 13"x17" CMPA) culvert, or equivalent.

All permanent lot corner markers (unless susceptible to destruction by subdivision improvements grading) and permanent monuments shall be in place prior to the conveyance of individual lots. All other lot corner markers shall be in place prior to the final release of the construction bond. Lot corners will consist of 24" long by 3/4" diameter sections of steel rod suitable for magnetic detection. Certification of such shall be provided by a West Virginia Licensed Land Surveyor.

A blanket easement shall be given to the appropriate Utility Companies in all subdivision right-of-ways for the purpose of constructing and maintaining public utilities. Additionally, each lot in Phase 2 shall have a 10'-wide Drainage and Utility Easement along all lot lines except that attached single-family lots (Lots 50-67) do not have easements along common lot lines.

Lot #1 has an existing house on it.
Highway entrance permit 5-06-0517. Health Department permit 15,986.

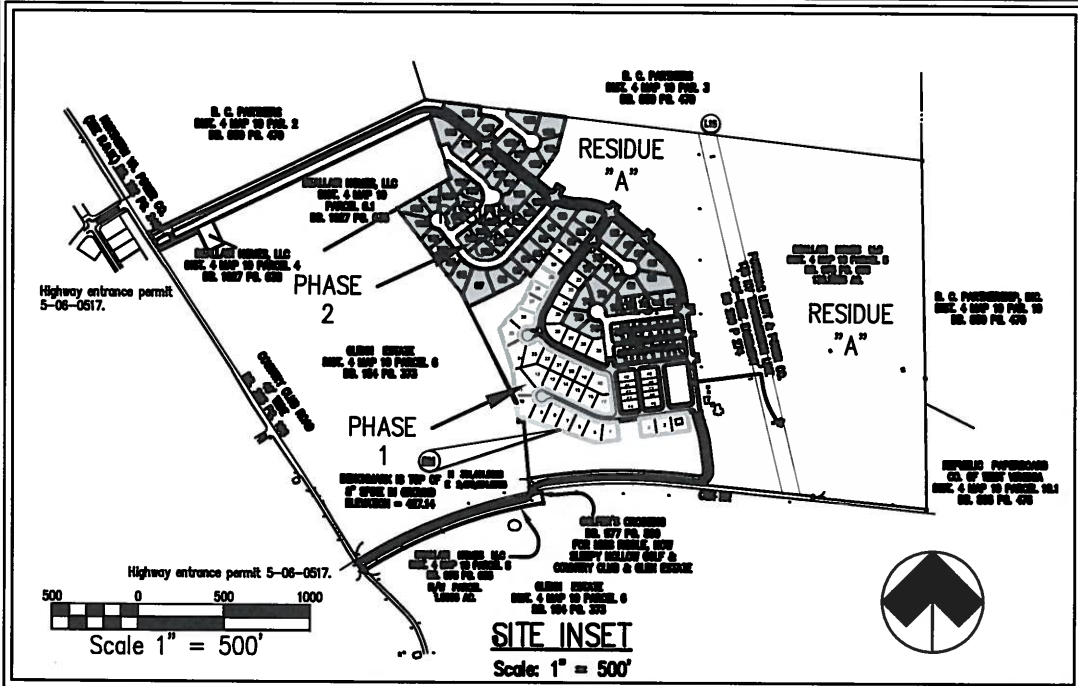
Lot access is limited to interior subdivision roads only.

Minimum Lot Area (MLA) and Area Per Dwelling Unit (ADU) requirements of the Jefferson County Zoning and Development Review Ordinance have been adhered to by this subdivision plan. See Sheet 4 for Computation.

The following variances and/or requests have been approved by the Jefferson County Planning and Zoning Commission. See 4.2.2. Subdivision file for specific Variance Request details.

Section	Description	Date Approved
8.2.A.5	RIGHT-OF-WAY WIDTH	3-29-2003
8.2.A.7	PAVEMENT WIDTH	3-29-2003
8.2.A.11	INVERTED CURB ON ONE-WAY DRIVES	3-29-2003
8.2.B.1	CURB AND GUTTER	3-29-2003
8.2.B.4	GUTTERS	3-29-2003
8.3.C.2	ON-SITE PARKING SPACES	3-29-2003
8.3.C.1.A	Finished road width of rear access drive shall be 15'	3-23-2004
8.3.C.1.B	No curbs will be provided along rear access drive	3-23-2004
8.3.C.1.C	No sidewalks will be provided on the one-way rear access drive	3-23-2004
8.3.C.1.D	Right-of-way for rear alley frontage where there are no sidewalks required, will be located 2.5' from the edge of pavement	3-23-2004
8.3.C.5.A	No buffer screening will be provided between adjacent areas and adjoining properties with single-family detached residences	3-23-2004
8.3	12-Month extension of time to process Final Plat	6-12-2008

REVISIONS	
Date	Description
10/10/2008	Per JCP Checklist
05/15/2014	MINOR PLAT CHANGE Δ
05/23/2016	MINOR PLAT CHANGE Δ



SITE INSET
Scale: 1" = 500'

Future Right-of-Ways shown on this set of plans are tentative and subject to subsequent review of Preliminary and Final Plats of future phases.

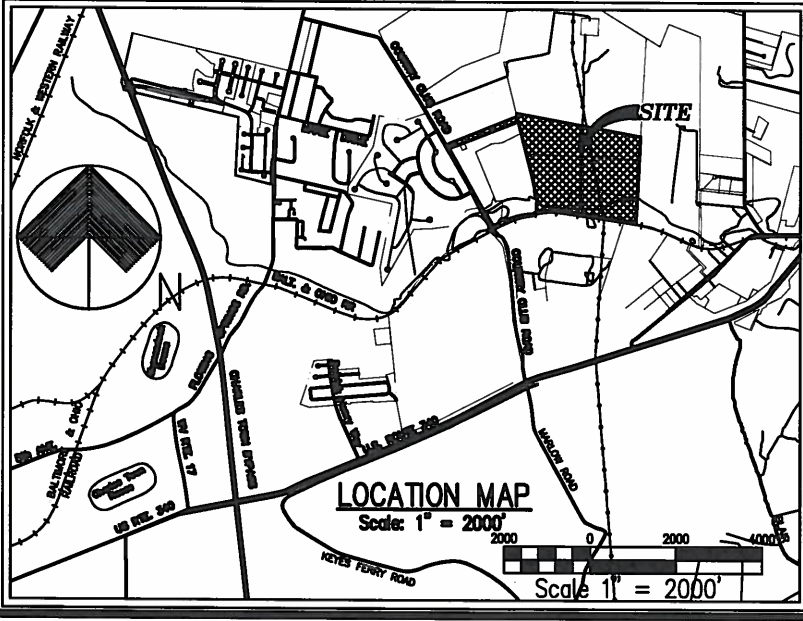
SHEET INDEX

AA COVER	SHEET 1 OF 7
AA OBSERVER	SHEET 2 OF 7
AA LOTS	SHEET 3 OF 7
AA CARLELAND	SHEET 4 OF 7
AA CURB AND GUTTER	SHEET 5 OF 7
AA EASEMENT RESERVATION	SHEET 6 OF 7
AA EASEMENT RESERVATION	SHEET 7 OF 7

Δ THE PURPOSE OF THIS MINOR PLAT CHANGE IS TO REVISE AND UPDATE THE LOCATIONS OF DRAINAGE AND UTILITY EASEMENTS TO COINCIDE WITH REDLINE PRELIMINARY PLAT REVISION AND AS-BUILT CONDITIONS.

REVISION Δ BY BEALLAIR HOMES, LLC

Δ THE PURPOSE OF THIS MINOR PLAT CHANGE IS TO REVISE THE COMBINED ACCESS, DRAINAGE AND UTILITY EASEMENT ON LOT 103



RECEIVED

FINAL PLAT showing
Lots 50 - 133 and Residue Parcel A

BEALLAIR - PHASE 2

HARPERS FERRY MAGISTERIAL DISTRICT

Map 10 Parcels 3.2-3.4
Deed Book 975 Page 635 and
Deed Book 977 Page 490 & 495

JEFFERSON COUNTY, WV
JUNE 2008

JEFFERSON COUNTY PLANNING COMMISSION

OWNER/DEVELOPER:
BEALLAIR HOMES, LLC
5283 CORPORATE DRIVE SUITE 300
FREDERICK, MARYLAND 21703
301-695-6614

MICHAEL T. WILEY, P.E., P.S.
WV Surveyor No. 1044
for Beallair Homes, LLC
WV OCA 14-5638

MICHAEL T. WILEY
LICENSED
No. 1044
STATE OF
WEST VIRGINIA
PROFESSIONAL SURVEYOR

SHEET 1 OF 7

Printed: Sep 02, 2008 at 5:27pm
S:\New Business\PHASE 1 PLANS 9-1-08\BEALLAIR SET 2 COVER.dwg

#7V16-13

#ZV16-13

June 30, 2016

Ms. Alexandra Beaulieu, Office/Project Manager
Jefferson County Department of Planning and Zoning
104 East Washington Street
Charles Town, WV 25414

**Re: The Community of Beallair
Variance Request**

Dear Ms. Beaulieu,

We respectfully request that the enclosed Variance Request and attachments be placed on the July 28, 2016 Board of Zoning Appeals agenda.

Enclosed please find fee check, one (1) original Variance Request and attachments, to request a variance for the referenced project.

If you have any questions or require additional information, please feel free to and call me at (301) 695-6614 x132 or email me todd.abe@wormald.com.

Sincerely,

PIEDMONT DESIGN GROUP, LLC



Todd Abe
Project Engineer

cc: Robert K. Wormald, Jr. woe
Mike Wiley, PE, PLS
File: BA -2.1.1

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JUN 30 2016

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 28, 2016

Burr Park Variance Request (#ZV16-14)

RELEVANT INFORMATION:

1. Previous Case History

Lot 3 is located in the Burr Technology Center

- The Final Plat was recorded in the County Courthouse on February 28, 1990 (PB 9, PG 8)

Lot 12 is located in the Burr Industrial Park

- The Final Plat was recorded in the County Courthouse on March 1, 1991 (PB 10, PG 10)

Lots: 1, 4, 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 are located in the Burr Business Park (PC File #04-38).

- The Final Plat was recorded in the County Courthouse on December 18, 2007 (PB 24, PG 73).
- This section of the industrial park (Lots 1 – 44) was granted a variance by the Planning Commission from installing road curbs, gutters, and sidewalks on January 24, 2006.
- A minor plat change to revise the location of the stormwater management area was recorded on May 6, 2008 (PB 25, PG 28).

2. Staff Evaluation of Request

a. Summary of Request and Purpose of Ordinance Requirements

While this is a single application, there are four sets of variance requests included in this application and each should be considered separately.

- i. The applicant is requesting variances from Section 5.6D.1 and Appendix B to reduce the required front, side, and rear building setbacks for commercial sites greater than 1.5 acres adjoining commercial sites and all industrial sites from 50 feet to 25'.

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

- ii. The second variance being requested is from Section 4.11A.1, 4.11B.2 and 3, 4.11E.1(a-d) 4.11J & Appendix B to reduce the required side and rear landscape buffer for Industrial Uses from 20' to 10' and to allow a modified planting standard throughout the Burr Parks; and to allow existing vegetation in lieu of the aforementioned modified planting standard. The proposed modified planting standard is as follows:

- Front: Street trees per Section 4.11I / Side: 10' / Rear: 10'
- Without outside storage: 1 evergreen tree planted every 50' along the property line. Should an adjacent use have existing landscaping meeting this standard, trees shall be planted in an alternating pattern.
- With outside storage: 1 evergreen tree planted every 50' along the property line. Should an adjacent use have existing landscaping meeting this standard, trees shall be planted in an alternating pattern. Additionally, a fence approved by the Jefferson County Development Authority Board shall be installed. A letter indicating this approval shall be submitted with the site plan.

Vegetation existing along the length of the property line may be used in lieu of the required plantings provided,

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Jefferson County Board of Zoning Appeals Meeting
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Burr Park Variance Request (#ZV16-14)

1. A letter of support from the Jefferson County Development Authority Board is submitted to the Department. A letter indicating this approval shall be submitted with the site plan.
2. Documentation that the existing vegetation is comprised of hardwood and/or evergreen trees.
3. A 10' landscape buffer is delineated on the required site plan noting that the buffer is to remain undisturbed.
4. Should any existing vegetation be removed within the buffer, except for general landscape maintenance, the applicant shall replant the affected area per the landscaping standards noted above.

The purpose of landscape buffer requirements is typically to lessen the impact between adjacent land uses, including the visual impact of parking, truck loading areas, etc. Landscape buffers contribute by reducing the impact that a land use might cause to an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise.

- iii. The third request is for a variance from Section 8.9A.10 to allow the street tree standard or modified planting standard in lieu of the required 50' landscape buffer strip for lots along or .5 miles from a limited access highway.

The purpose of this additional landscape buffer requirement along limited access highways is to provide a greater barrier to visibility, airborne particles, glare, or noise between faster moving vehicles on the highway and the proposed land uses abutting the road right-of-way. Because WV 9 was a full access two-lane highway when these Parks were platted, this additional landscaping and setback requirement was not considered as part of the approval process; therefore, the platted lots are not large enough to accommodate this greater landscaping requirement.

- iv. The fourth request is for a variance from Appendix B to reduce the parking and drive aisle setbacks for a proposed Industrial Uses from 20'/25' to Front: 15'; Side: 10'; and Rear: 10', which mirrors the requirements for Commercial Uses on lots greater than 1.5 acres.

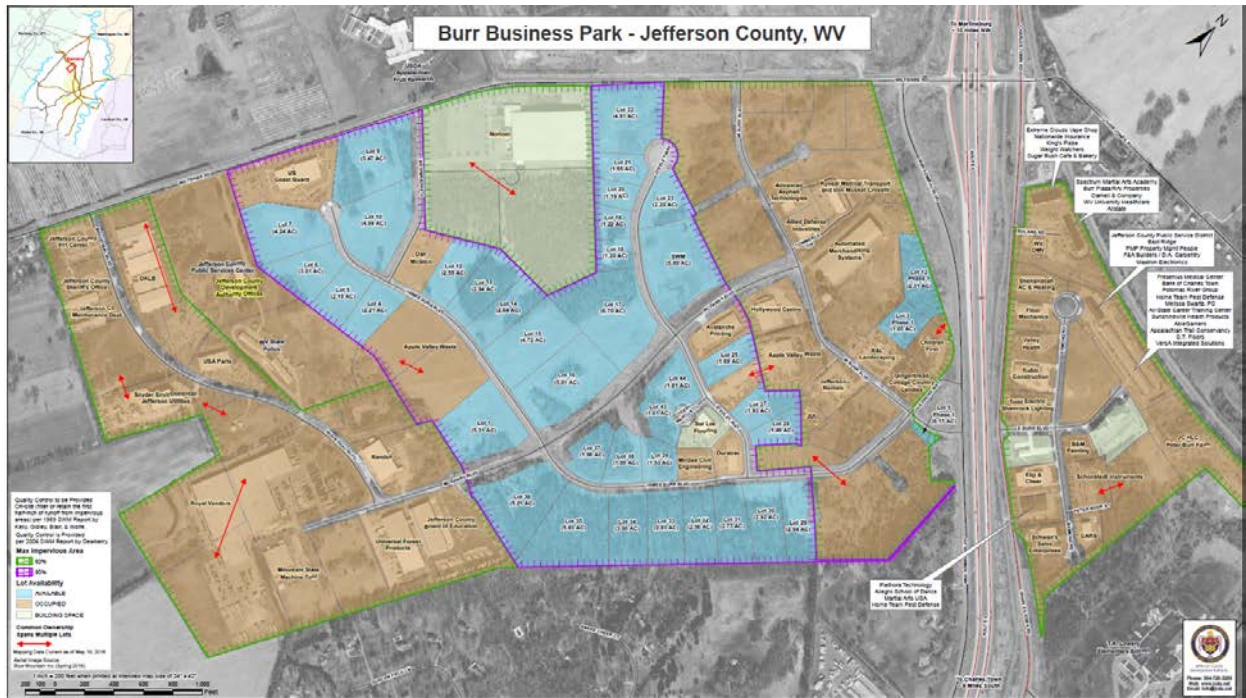
The purpose of parking and drive aisle setbacks is to reduce negative interactions between vehicles, as well as pedestrians, traveling on the roadway and using the parking area. Parking setbacks also serve to reduce the impact that a land use might have on an adjacent property, such as the bright lights headlights and engine noise.

b. Unique characteristics of property

The subject parcels are located within the Burr Business Park, James Burr Technology Center, and the Burr Industrial Park (referred to collectively in this report as the Burr Park) which is located off of Route 9. The Burr Park is a master planned nonresidential subdivision owned and developed by the Jefferson County Development Authority. Burr Park was designed to attract light industrial and commercial businesses that need convenient access to local and regional transportation networks. All roads and stormwater facilities have been constructed during the initial phases of site development of the business park.

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Burr Park Variance Request (#ZV16-14)



c. Character of area

The Business Park has several lots that have been purchased and/or developed (shown in tan on the above map). The lots included in this request are currently vacant and owned by JCDA (shown in blue on the above map).

d. Impact on adjacent properties

Future businesses who may locate to the Burr Park should be informed and have an understanding that they are developing land in an industrial and commercial area, and accept that there would be the potential for increased noise, odors, and lights depending on the adjoining parcel's activities. Some level of impact on adjacent properties is possible, but should be minimal.

It should be noted that several of the developed lots have received variances pertaining to reduced building and parking setbacks, as well as reduced landscape buffers and modified planting standards. In requesting a blanket variance for the remaining vacant lots, the JCDA intends to simplify the process for future development.

Between 2013 and 2016, the Board approved variances to waive all or some of the building, parking and drive aisle setbacks, and landscape buffers for internal lot lines for the following lots in the Burr Park: Burr Industrial Park, Lot 71 (ZV13-10); Burr Industrial Park, Lot 8 (ZV13-25); Burr Industrial Park, Phase I: Lots 40 & 41 (ZV13-37); and Burr Park, LLC, Lot 34 (ZV13-38); Burr Industrial Park, Lot 41 (ZV15-23); Burr Business Park, Lot 11 (ZV16-02); Burr Business Park, Lots 2 & 3 (ZV16-07). (NOTE: Prior approvals by the Board do not necessarily indicate precedent because of the unique circumstances of each case.)

Staff Report
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Burr Park Variance Request (#ZV16-14)

e. Feasibility of complying with the ordinance by other means

As no buildings exist on the subject lots, it is feasible to comply with the Zoning Ordinance, with the exception of the requirements as outlined in Section 8.9A.10 as noted in section 2.a.iii of this report. However, staff supports the requested variances due to the fact that uses within the Park are similar in nature and the impact on adjacent properties will be minimal.

3. **Conditions of Approval**

No conditions of approval are identified for this variance request. Staff recommends separate action on each of the four requests.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 5.6D.1

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.^{5, 23, 27}

Section 4.11A.1

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

1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

Section 4.11B.2 and 3

2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (1/2) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.^{5, 7}
3. All industrial development adjacent to any use shall have 20' screened side and rear landscape buffers.

Section 4.11E.1(a-d)

E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare, or noise. Such screen planting shall meet the following requirements:

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7, 23, 27, 28}

Staff Report
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Burr Park Variance Request (#ZV16-14)

However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met.^{27, 28}

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every fifty (50) linear feet; at least every other tree shall be an evergreen;
- b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every fifty (50) linear feet; and
- c. Three (3) shrubs per each twenty five (25) feet along the property line, round upward.
- d. These requirements shall be required on both sides of a property line for adjoining properties.

Section 4.11J

J. Required landscape buffers for a non-residential use are indicated in Appendix B.²⁷

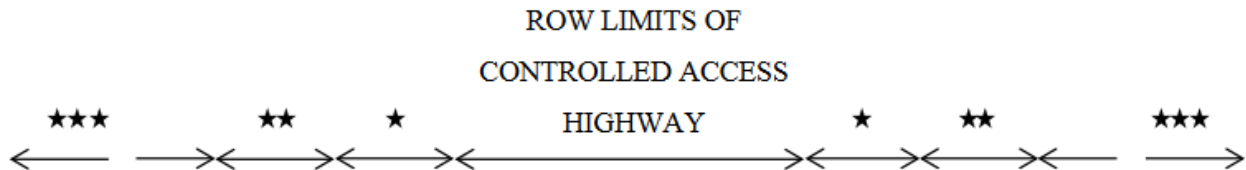
Section 8.9A.10:

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.²⁷

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)



- ★ Maximum 60' easement or dedication for frontage road
- ★★ 50' landscaped buffer strip
- ★★★ Setbacks

This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.⁵

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
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Burr Park Variance Request (#ZV16-14)

Appendix B

Zoning District	Development Type [®]	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks [‡]			Distance if Sec. 4.6 applies	Buffers (Sec. 4.11) (Screened / Unscreened)						
													a Residential district, or any lot with a residence, school, church, or institution of human care						Commercial Use
						Front	Side	Rear	Front	Side	Rear		Front, Side, Rear	Front, Side, Rear	Front	Side	Rear	Front	Side
Industrial - Commercial**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Narrow Buffer Detail No. M-54	N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25	50 (or 25 if adjacent to industrial use)		15	10	10	75	Medium Buffer Detail No. M-53	N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Industrial	3 acres***	N/A	75	90%	50 (or 25 if adjacent to industrial use)			25 (or 20 if adjacent to industrial use)			200	Wide Buffer Detail No. M-52	25(S)	20(S)	20(S)	N/A	20(S)	20(S)



JEFFERSON COUNTY, WEST VIRGINIA

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

File Number: # ZV16-14
Staff Initials:
Fees Paid (\$100 or \$150):

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: JEFFERSON COUNTY DEVELOPMENT AUTHORITY
Mailing Address: 1948 WILTSHIRE ROAD, KEARNEYSVILLE, WV 25430
Phone Number: 304-728-3255 Email: JOHN@JCDA.NET

Applicant Contact Information

Name: SAME AS ABOVE
Mailing Address:
Phone Number: Email:

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

Name: N/A
Mailing Address:
Phone Number: Email:

Physical Property Details

Physical Address: BURR BUSINESS PARK
City: CHARLES TOWN State: WV Zip Code: 25430
Tax District: VARIES Map No: VARIES Parcel No: VARIES
Parcel Size: VARIES Deed Book: VARIES Page No: VARIES

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), 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). IC is checked.

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JUL 01 2016

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: See addendum.

Briefly describe the nature of the variance request:

See addendum.

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

See addendum.

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

See addendum.

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

See addendum.

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

See addendum.

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

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

 7/1/16
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

Date of Public Hearing

Advertising Date

Placard Posting Date


JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning & 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

File Number: # ZV16-14

I authorize the staff of Department of Planning and Zoning to make necessary revisions to the enclosed submission, if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: John Reissenwelder
Applicant Signature: 
Contact Number: 304 728-3255
Date: 7/1/16

JULY 8 2016 - JH

Jefferson County
Planning, Zoning and Engineering

Burr Business Park
Variance Request Addendum

Briefly describe the nature of your variance request:

The requested variance is to amend current building setback requirements for Industrial-Commercial development within Burr Business Park to 25 feet no matter what the use; to reduce the required parking and drive aisle setbacks for an industrial use to Front: 15'/Side: 10'/Rear: 10'; and to reduce the landscape buffer requirement for Commercial and Industrial sites adjacent to commercial or industrial use as follows:

Front: Street trees per Section 4.11
Side: 10'
Rear: 10'

Without outside storage: 1 evergreen tree planted every 50' along the property line. Should an adjacent use have existing landscaping meeting this standard, trees shall be planted in an alternating pattern.

With outside storage: 1 evergreen tree planted every 50' along the property line. Should an adjacent use have existing landscaping meeting this standard, trees shall be planted in an alternating pattern. Additionally, a fence approved by the Jefferson County Development Authority Board shall be installed. A letter indicating this approval shall be submitted with the site plan.

Vegetation existing along the length of the property line may be used in lieu of the required plantings provided,

- A) A letter of support from the Jefferson County Development Authority Board is submitted to the Department. A letter indicating this approval shall be submitted with the site plan.
- B) Documentation that the existing vegetation is comprised of hardwood and/or evergreen trees.
- C) A 10' landscape buffer is delineated on the required site plan noting that the buffer is to remain undisturbed.
- D) Should any existing vegetation be removed within the buffer, except for general landscape maintenance, the applicant shall replant the affected area per the landscaping standards noted above.

Applicable/Related Sections of the Zoning and Land Development Ordinance

Building Setbacks

Section 5.6 Industrial - Commercial (IC) District²³

D. Development Standards

- 1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.^{5, 23, 27}
- 2. Compliance with Section 4.11 and Section 8.9A(1-9)^{7, 23}

Appendix B: Nonresidential Site Development Standards TableCommercial sites less than 1.5 acres

Front: 25'

Side: 25'

Rear: 25'

Commercial sites greater than 1.5 acres

Front: 25'

Side: 50' (25' if adjacent to industrial use)

Rear: 50' (25' if adjacent to industrial use)

Industrial

Front: 50'

Side: 50' (25' if adjacent to industrial use)

Rear: 50' (25' if adjacent to industrial use)

Parking and Drive Aisle Setback:**Appendix B: Nonresidential Site Development Standards Table**Commercial sites less than 1.5 acres

Front: 15'

Side: 4'

Rear: 4'

Commercial sites greater than 1.5 acres

Front: 15'

Side: 10'

Rear: 10'

Industrial

Front: 25'

Side: 25' (20' if adjacent to industrial use)

Rear: 55' (20' if adjacent to industrial use)

Landscaping**Section 4.11 Landscaping, Screening and Buffer Yard Requirements**

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

A. Commercial Development²⁷

1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

B. Industrial Development²⁷

2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (½) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.^{5,7}
3. All industrial development adjacent to any use shall have 20' screened side and rear landscape buffers.

- C. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7, 23, 27, 28}

However, any development where a 10-foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:^{27, 28}

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every fifty (50) linear feet; at least every other tree shall be an evergreen;
- b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every fifty (50) linear feet; and
- c. Three (3) shrubs per each twenty five (25) feet along the property line, round upward.
- d. These requirements shall be required on both sides of a property line for adjoining properties.

J. Required landscape buffers for a non-residential use are indicated in Appendix B.²⁷

Section 8.9 Industrial and Commercial Uses²³

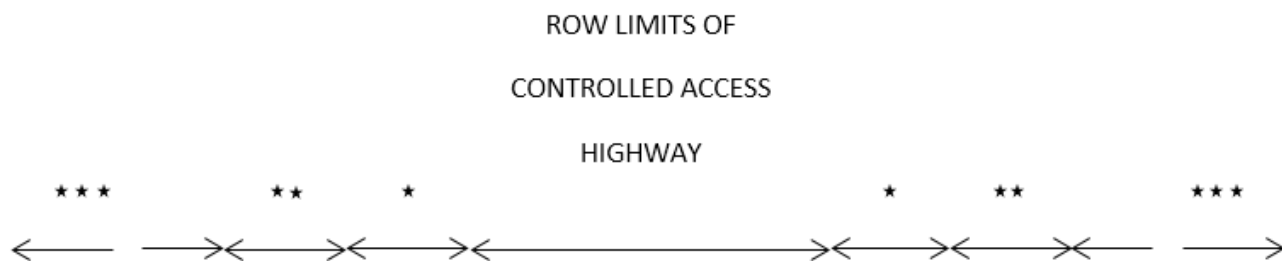
A. Industrial and commercial uses in all districts shall comply with the following standards:

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.²⁷

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)



- ★ Maximum 60' easement or dedication for frontage road
- ★★ 50' landscaped buffer strip
- ★★★ Setbacks

This provision shall also apply to any ramps or access roads connecting to a controlled access highway within 1/2 mile of a controlled access highway.⁵

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

- The rights of the current or future adjacent property owners will be preserved.
 - The property is located in the Burr Business Park which is designated for commercial/industrial uses. Companies often locate in this Park to be surrounded by similar uses and anticipate that future development will be of a complimentary use.
 - The JCDA reviews and approves all development proposed within Burr Business Park and therefore the current/future owners have been informed of the adjacent uses.

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 a variance?

- The property is located in a business park which is intended for commercial and industrial development. Business Parks are different from other areas within Jefferson County in that it is a planned development under the control of the JCDA. The JCDA monitors and approves proposed development within the Park. Businesses locate to the business park with the understanding that they are locating to a development with similar uses. Additional setbacks and landscape buffers do not appear to provide an added benefit to the property owners.

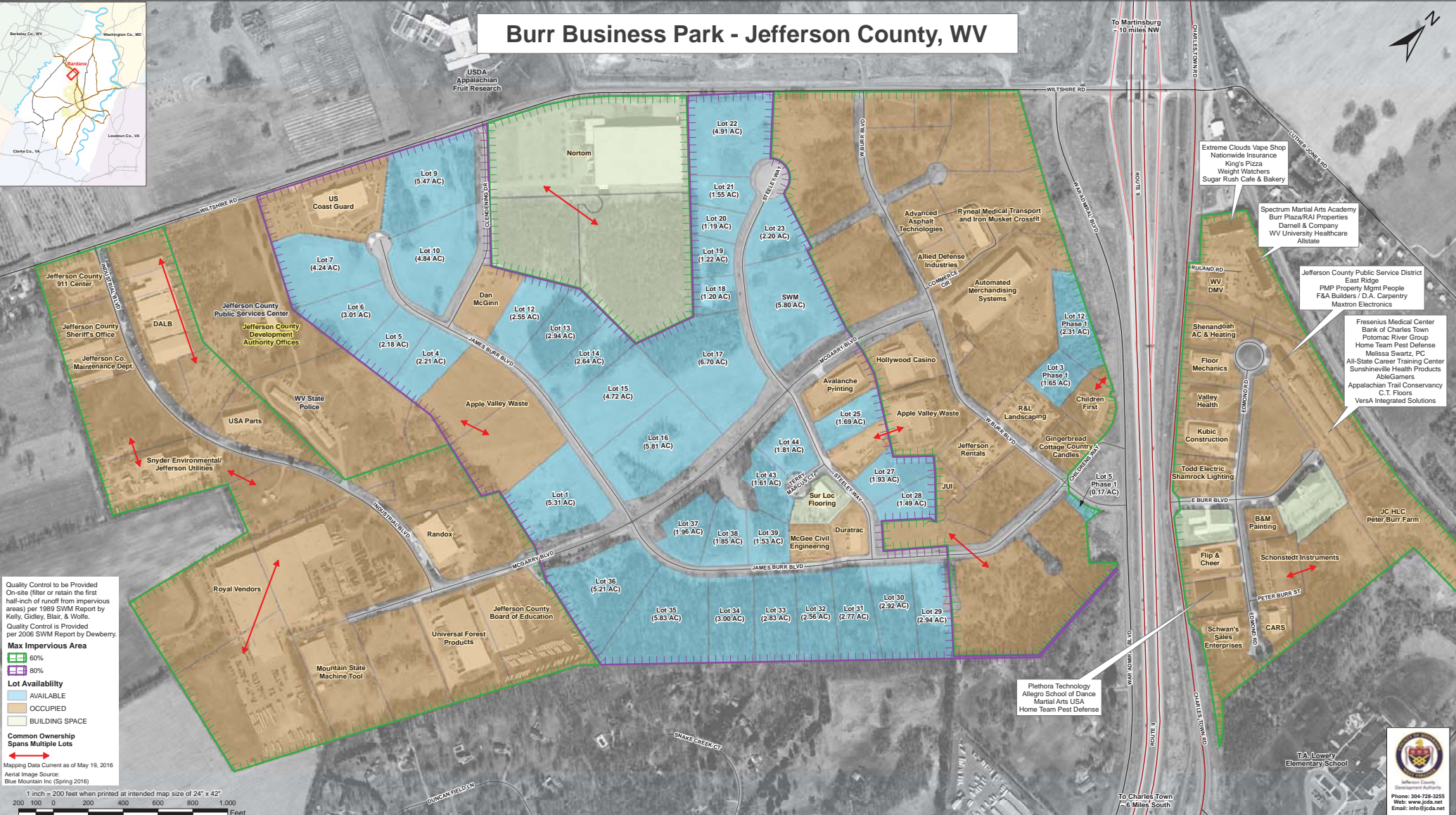
How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

- The intended use of land within the Burr Business Park is for commercial and industrial uses. It is reasonable to assume that any future use of adjacent lots will be similar. Uniform setbacks between uses in Burr Business Park and reduction in landscaping buffers will eliminate the need for future variance requests.

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

- The entire Burr Business Park is intended for commercial and industrial development. The need to distinguish complimentary uses from one another in this setting is an unintended consequence of the Zoning Ordinance regulations.

Burr Business Park - Jefferson County, WV



Quality Control to be Provided On-site (filter or retain the first half-inch of runoff from impervious areas) per 1989 SWM Report by Kelly, Gidley, Blair, & Wolfe. Quality Control is Provided per 2006 SWM Report by Dewberry.

Max Impervious Area

- 60%
- 80%

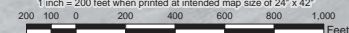
Lot Availability

- AVAILABLE
- OCCUPIED
- BUILDING SPACE

Common Ownership

Spans Multiple Lots

Mapping Data Current as of May 19, 2016
Aerial Image Source: Blue Mountain Inc (Spring 2016)



T.A. Lowery Elementary School

To Martinsburg - 10 miles NW

To Charles Town - 6 Miles South

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 28, 2016

JC Visitor’s Center Variance Request (#ZV16-15 and ZV16-16)

	/condominium complex street) to be physically separated from the street and confined by curbing, unless other suitable design is approved by the County Engineer.
APPROVED ACTIVITY:	Cultural Facility

RELEVANT INFORMATION:

1. Overview of Request

The Jefferson County Convention & Visitor’s Bureau (CVB) occupies an existing commercial structure on 0.64 acres along Washington Court which predates local land use regulations. The structure was previously located in a WVDOH right-of-way; however, on October 2, 2015 the WVDOH deeded 0.64 acres to the Jefferson County Commission. The small triangular site is a residual property that was created when the multi-lane Route 340 was constructed. The CVB would like to expand the existing visitor center by creating a second structure. As a result of the size and shape of the property, the applicant is requesting the following variances from the Ordinance. Each item will require separate action by the Board.

- a) Appendix B to reduce the front setbacks from 40’ to 19.97’ (ZV16-15); and,
- b) Appendix B to reduce the front parking setback from 15’ to 0’; and Section 11.1A to allow a portion of the designated parking spaces to be located with the West Virginia on-street parking (ZV16-16).

2. Staff Evaluation of Request

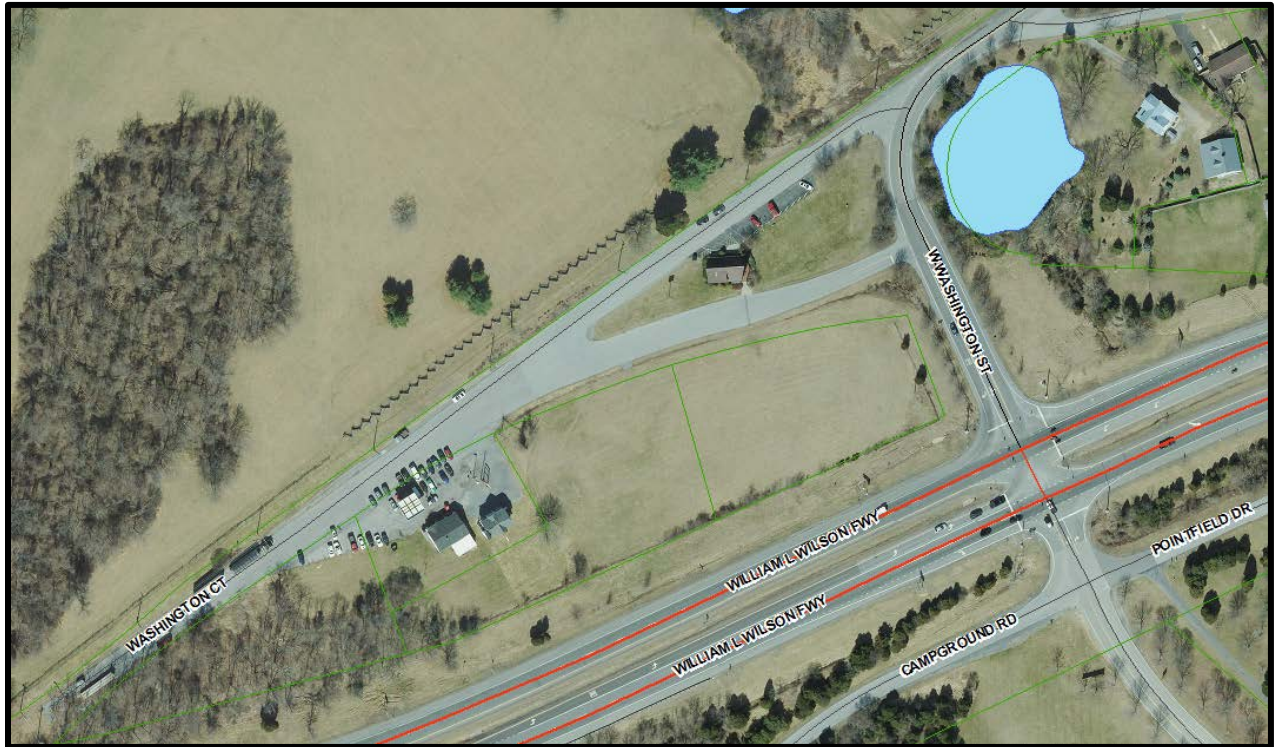
a. Purpose of ordinance requirements

ZV16-15: A key purpose of a front yard setback is to allow sufficient room for future roadway expansion or future utility placement. The WVDOH submitted a letter of support for the waiver request; therefore, it would seem that the concern for future roadway expansion has been alleviated. The majority of the land surrounding this parcel is public parkland and the closest residential property is approximately 300’ from the subject parcel. Therefore, it appears negative impact is minimal.

ZV16-16: The purpose of non-residential parking requirements is to ensure that adequate off-street parking is available for commercial land uses. Typically non-residential parking is required to be set 15’ from the front property line. The purpose of parking setbacks is to minimize negative interactions between vehicles, as well as pedestrians, traveling on the roadway and using the parking area. Parking setbacks also serve to reduce the impact that a land use might have on an adjacent property, such as the bright lights from headlights and noise from moving vehicles. As there are no residential properties in the immediate proximity, and the closest residential structures are buffered by trees and shrubs, impact is minimal.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 28, 2016

JC Visitor's Center Variance Request (#ZV16-15 and ZV16-16)



b. Unique characteristics of property

The CVB occupies an existing commercial structure which predates zoning and is located on a small, triangular, 0.64 acre lot along Washington Court in Bolivar, just west of Harpers Ferry. The lot was created when the multi-lane Route 340 was constructed. Until recently, the lot was owned by the WVDOH. On October 2, 2015, the WVDOH deeded the 0.64 acre parcel to the Jefferson County Commission who then agreed to lease the land to the CVB.

c. Character of area/Impact on adjacent properties

The property and surrounding area is zoned Rural. The lots along Washington Court, between the subject parcel and US 340, were recently acquired by the Civil War Trust and will be preserved from future development. As a result of the Civil War Trust purchasing those lots, and once the gas station has been relocated, the subject parcel will be surrounded primarily by public parkland, with some residential structures, a school, and several commercial uses in close proximity.

The closest residential structure is approximately 300' from the subject parcel's eastern boundary and is buffered by evergreen trees and shrubs. Therefore, the impact on adjacent properties is minimal.

d. Feasibility of complying with the ordinance by other means

Given the unique shape and limited size of this parcel, the feasibility of complying with the Ordinance by other means is unlikely. The proposed design takes full use of a limited size and oddly shaped lot. Allowing visitor parking along the edge of the right-of-way instead of requiring a physically separate parking lot allows the site to be developed similarly to an urban site with on-street angled parking. The proposed design creates good use of the site and will have minimal impact on adjacent properties.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 28, 2016

JC Visitor's Center Variance Request (#ZV16-15 and ZV16-16)

3. Conditions of Approval

No conditions of approval are identified for this variance request.

SECTION OF ORDINANCE TO BE CONSIDERED:

ZV16-15:

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE²⁷

Zoning District	Development Type ⁶	Min Lot Area (MLA)	Min Lot Width	Max Building Height ⁸	Imper-vious Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks ⁸			Distance if Sec. 4.6 applies	Buffers (Sec. 4.11) (Screened / Unscreened)								
													a Residential district, or any lot with a residence, school, church, or institution of human care			Commercial Use			Industrial Use		
						Front	Side	Rear	Front	Side	Rear		Front, Side, Rear	Front, Side, Rear	Front	Side	Rear	Front	Side	Rear	
Industrial - Commercial**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Narrow Buffer Detail No. M-54			N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25	50 (or 25 if adjacent to industrial use)		15	10	10	75	Medium Buffer Detail No. M-53			N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Industrial	3 acres***	N/A	75	90%	50 (or 25 if adjacent to industrial use)			25 (or 20 if adjacent to industrial use)			200	Wide Buffer Detail No. M-52			25(S)	20(S)	20(S)	N/A	20(S)	20(S)
Residential-Light Industrial-Commercial	Commercial or Industrial	N/A	N/A	60	80%	See Industrial - Commercial District															
Rural	Churches	2 acres	200	35	N/A	25	50	50	See Parking / Drive Aisle Setbacks for commercial sites (greater or less than 1.5 acres, based on lot size) in the Industrial-Commercial District.			N/A	50(U) or 15(S)			N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Schools, Grades K-12	Grades K- 4: 10 acres+ Grades 5-8: 20 acres+ Grades 9-12: 30 acres+	500	35	N/A	100						N/A	N/A			N/A	N/A	N/A	N/A	N/A	N/A
	Hospitals	10 acres	500	25	N/A	100						N/A	N/A			N/A	N/A	N/A	N/A	N/A	N/A
	Other Rural (principal permitted uses)	40,000 sq. ft.	100	35	N/A	40	50	50				N/A	If a commercial or industrial use, see Industrial - Commercial District; otherwise N/A								
	Commercial or Industrial**					See Industrial - Commercial District															

ZV16-16:

ARTICLE 11: OFF-STREET PARKING STANDARDS²³

Section 11.1 Non-Residential Parking Standards

A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

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

File Number: #211615
Staff Initials: etc
Fees Paid (\$100 or \$150): \$100.00

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: Jefferson County Commission
Mailing Address: 124 East Washington Street, Charles Town, WV 25414
Phone Number: (304) 7283284 Email: sgrove@jeffersoncountywv.org

Applicant Contact Information

Name: Jefferson County Convention & Visitor's Bureau attn. Annette Gavin, Executive Director
Mailing Address: 37 Washington Court, Harpers Ferry, WV 25425
Phone Number: 304-535-2627 Email: annette.gavin@jccvb.com

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

Name: Williamson Shriver Architects, Inc. attn. Gregory A. Williamson AIA
Mailing Address: 717 Bigley Ave., Charleston, WV 25302
Phone Number: 304-345-1060 Email: gwilliamson@wsgarch.com

Physical Property Details

Physical Address: 37 Washington Court
City: Harpers Ferry State: WV Zip Code: 25425
Tax District: 1 Bolivar Corporation Map No: 7 Parcel No: n/a
Parcel Size: 0.64 acres Deed Book: 1165 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 (R-LI-C), 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) is checked.

RECEIVED

JUL 05 2016

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: ~~Section 11.1 A~~ Appendix B ^{ATS}

Briefly describe the nature of the variance request:

See attached exhibit 1, paragraph A

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

Front Setback Side Setback Rear Setback Reduction From 40' to 19.97'

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

See attached Exhibit 1, paragraph B

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

See attached Exhibit 1, paragraph C

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

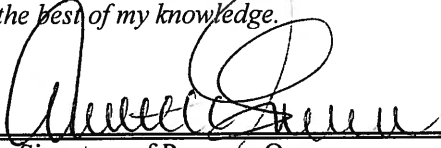
See attached Exhibit 1, paragraph D

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

See attached Exhibit 1, paragraph E

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

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.


Signature of Property Owner 6/30/16
Date


Signature of Property Owner 7/5/2016
Date

Notification Requirements (to be completed by staff)

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

Date of Public Hearing

Advertising Date

Placard Posting Date

ZV16-15

Zoning Variance Request
Exhibit 1

A. *Briefly describe the nature of the variance request.*

The existing Harpers Ferry Visitor's Center sits on a 0.64 acre site along Washington Court in the community of Bolivar, just west of Harpers Ferry. The small triangular site is residual property that was created when the multi-lane Route 340 was constructed. The site is bounded by Washington Court and the Harpers Ferry National Historical Park Battlefield to the north, an asphalt paved 'Connector F' and vacant property owned by the Harpers Ferry National Historical Park to the south, and West Washington Street (Alt 340) and a residential property to the east. The visitor center property, was until recently owned by the WV Department of Highways (WVDOH), and thus not on the tax rolls, therefore no deed book parcel number is available. The property, recently conveyed to the Jefferson County Commission, is zoned "Rural" and is indicated as "Public / Quasi-Public Land" on the Jefferson County Future Land Use Guide map.

Washington Court is the former Route 340 road bed prior to relocation. After Washington Court passes the visitor center, it continues westward for approximately 1000' before dead ending. There are no private property owners along Washington Court. The commercial auto service facility immediately to the west of the visitors center was recently purchased by the Civil War Trust and either has closed or will be soon closing.

The proposed project is an expansion of the Harpers Ferry Visitors Center owned by the Jefferson County Convention and Visitors Bureau (JCCVB). The existing visitor center building is a wood, A-framed structure of 1,628 SF. The new addition consists of a visually similar A-frame structure of 1,290 SF located across a proposed paved plaza area which will include a small open-air entry pavilion (rendering attached as Exhibit 5).

The setback requirement for Non-Residential Permitted uses in Rural Zoning District is 40' for front setbacks and 50' for side and rear setbacks. As this parcel is entirely surrounded by public rights-of-way, it is assumed the front setback applies around the entire site. The existing building is currently 17.45' from the newly established property line at Washington Court at its closest point, and is 14.02' from Connector F at its closest point. The new proposed addition is, at its closest point, 19.97' from the Washington Court property line, and 25.82' from Connector F at its closest point. As indicated, the two proposed new buildings are no closer to the property lines than the existing building. The new building is located 87.80' from the nearest property line along Alt 340/West Washington Street which meets the setback requirement of the Ordinance.

A variance is hereby requested from the building setback requirements of the Jefferson County Zoning and Land Development Ordinance for the non-compliant setbacks along Washington Court and Connector F.

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

With the exception of a residential property to the east across West Washington Street, all adjoining properties are public or quasi-public lands. The proposed new building setbacks exceed the setbacks of the existing building, which was constructed out-of-compliance with

the Jefferson County Zoning and Land Development Ordinance when the property was owned by the WVDOH. The intended cultural usage of this expanded Visitor Center, as well as its new configuration as two small buildings with an open paved plaza between them, should enhance the welfare of the public and hopefully outweigh any minimal public health and safety concerns inherent in not meeting the required 40' front setback.

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

The property in question is residual from the construction of Route 340, is small and oddly shaped, and was until recently owned by the WVDOH. As an agency of the state, the WVDOH is not required to comply with the Jefferson County Zoning and Land Development Ordinance. The building presently used for the visitor center was previously a model home for Lindal Cedar Homes, a tenant of the WVDOH, which installed the existing building out-of-compliance with the setback requirements of the Jefferson County Zoning and Land Development Ordinance. This condition was therefore not created by the JCCVB.

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

As the entire parcel is surrounded by public roads, it is assumed that the front setback applies continuously around the site. Given the small size and odd triangular configuration of the parcel, if the requirements of the ordinance would be enforced only a very small portion of the site is available for new construction. This creates a significant hardship to the JCCVB in meeting their goal to expand their facility. Granting this variance will permit reasonable usage of the land, while ensuring that the new building setbacks will still exceed the setbacks of the existing building at both the Washington Court and Connector F property lines.

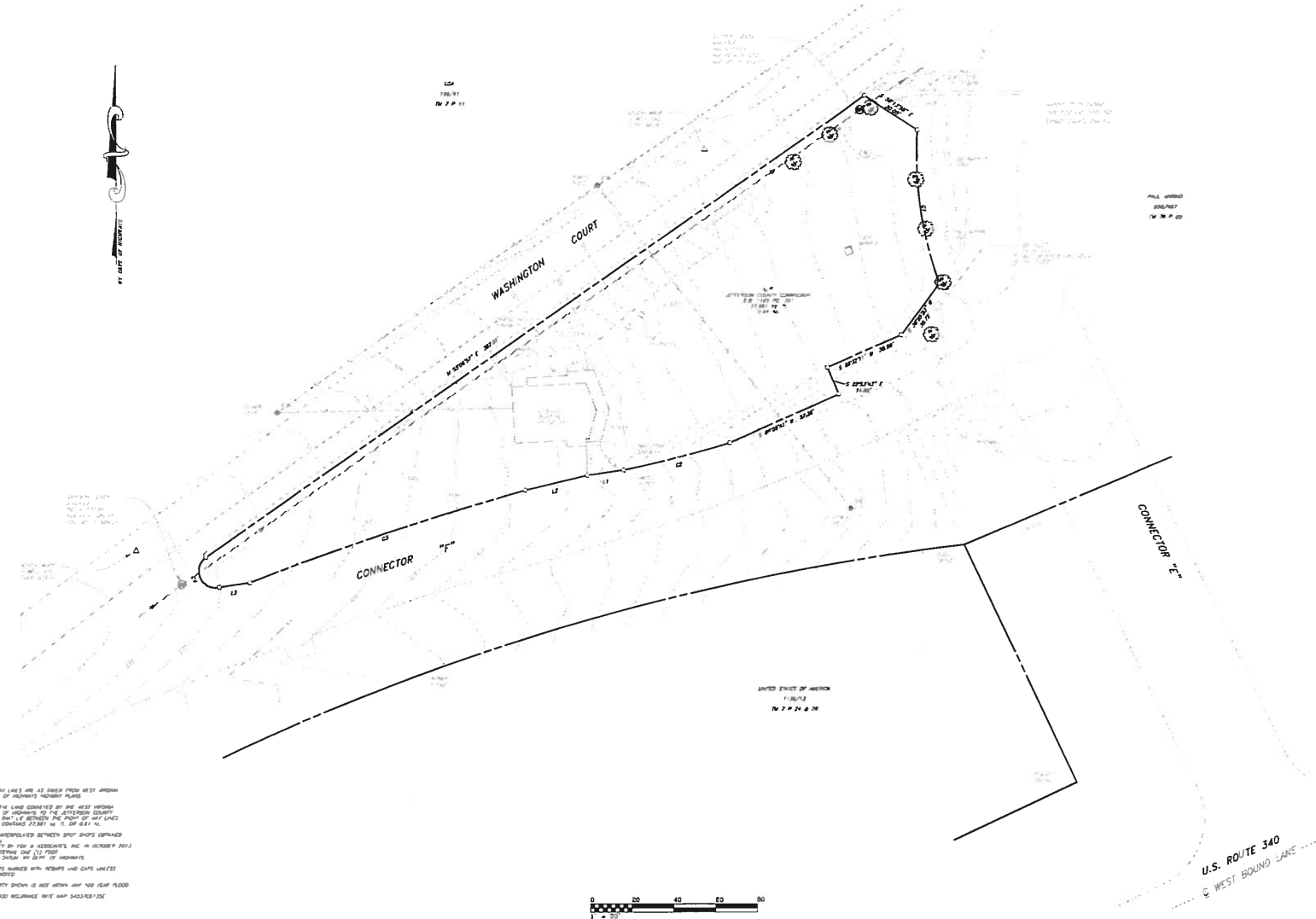
- E. *How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?*

In general, the purpose of setbacks in zoning ordinances is to ensure that the use of a property does not infringe on the rights of neighbors, to allow room for lawns and trees, for light and sunshine, for space for recreation, and to serve as filtration areas for storm water run-off. As most of the parcel is surrounded by open public lands, and the lone residential neighbor is over 300 feet from the JCCVB's eastern property boundary, significant open space already exists all around this site. Granting this setback variance will allow the JCCVB to proceed with construction of this important community cultural facility.

DATE	BY	REVISION	DESCRIPTION
11/15/07	WJS	1	ISSUED FOR PERMIT
11/15/07	WJS	2	REVISED TO SHOW PROPOSED CONSTRUCTION
11/15/07	WJS	3	REVISED TO SHOW PROPOSED CONSTRUCTION
11/15/07	WJS	4	REVISED TO SHOW PROPOSED CONSTRUCTION

LINE	BEARING	DISTANCE
1	S 89° 58' 12" W	17.75'
2	S 89° 58' 12" W	17.75'
3	S 89° 58' 12" W	17.75'

Exhibit 2



NOTES:

1. RIGHT OF WAY LINES ARE AS SHOWN FROM 1857 AND 1880 SURVEYS OF WASHINGTON COUNTY RECORDS.
2. BEING AS THE LAND COVERED BY THE WEST VIRGINIA DEPARTMENT OF HIGHWAYS TO THE WASHINGTON COUNTY COMMISSION BLDG. IS WITHIN THE RIGHT OF WAY LINES SHOWN AND COORDINATED TO THE T. OF S. 81.1' W.
3. CONTIGUOUS INTERPOLATED BETWEEN SPOT SHOTS OBTAINED FROM AERIAL PHOTOGRAPHS.
4. FIELD SURVEY BY FOW & ASSOCIATES, INC. IN OCTOBER 2011. COORDINATE SYSTEM IS NAD 83.
5. SOURCE OF SURVEY IS 2011 OF WASHINGTON COUNTY RECORDS.
6. ALL CONDUITS SHOWN WITH HEIGHTS AND DATE UNLESS OTHERWISE NOTED.
7. THE PROPERTY SHOWN IS NOT WITHIN THE 100 YEAR FLOOD PLAIN.
8. NO 1% FLOOD INSURANCE RATE MAP AVAILABLE.



WILLIAMSON SHRIVER ARCHITECTS
 1111 MARKET STREET, SUITE 100
 CHARLOTTE, NC 28202
 TEL: 704.375.1111
 FAX: 704.375.1112
 WWW.WSARCHITECTS.COM

TOWERS ENGINEERING
 1111 MARKET STREET, SUITE 100
 CHARLOTTE, NC 28202
 TEL: 704.375.1111
 FAX: 704.375.1112
 WWW.TOWERS-ENG.COM

FDX CONSULTING, INC.
 1111 MARKET STREET, SUITE 100
 CHARLOTTE, NC 28202
 TEL: 704.375.1111
 FAX: 704.375.1112
 WWW.FDXCONSULTING.COM

Jefferson Co. Convention and Visitors Bureau Building

Construction Documents
 Additions and Renovations to
Jefferson Co. Convention and Visitors Bureau Building
 Prepared by: FOW & ASSOCIATES, INC.
 Checked by: JEFFERSON COUNTY CONVENTION AND VISITORS BUREAU

Prepared by: FOW & ASSOCIATES, INC.
 Checked by: JEFFERSON COUNTY CONVENTION AND VISITORS BUREAU
 Existing Conditions Plan
es



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

Office of the District Engineer/Manager
District Five

Earl Ray Tomblin
Governor

P. O. Box 99 · Burlington, West Virginia 26710-0099 · (304) 289-3521

Paul A. Mattox, Jr., P. E.
Secretary of Transportation/
Commissioner of Highways

May 31, 2016

Mr. John Reisenweber
Executive Director
Jefferson County Development Authority
Post Office Box 237
Charles Town, West Virginia 25414

Dear Mr. Reisenweber:

Thank you for your application for an approach permit to expand the existing parking area for the Jefferson County CVB in Harpers Ferry.

Upon thorough review of the information that has been provided, I am approving a waiver of the current requirement that prevents backing maneuvers within the state highway right of way. I also concur that right angle parking, as proposed in the original plans, will provide the most versatility for visitors accessing the parking lot from either direction.

Again, thank you for your application. Should you have any other questions regarding this particular permit, please contact Mr. Todd Wilson, Permits Technician, at (304) 289-2205.

Sincerely,

A handwritten signature in cursive script that reads "J. Lee Thorne".

J. Lee Thorne, P.E.
District Engineer/ Manager

Ec: Todd Wilson
Nathan Ware
Kenneth Clohan
Barry Knotts

Harpers Ferry Visitors Center

Jefferson County Convention and Visitor's Bureau

Williamson Shriver Architects, Inc. - Charleston WV

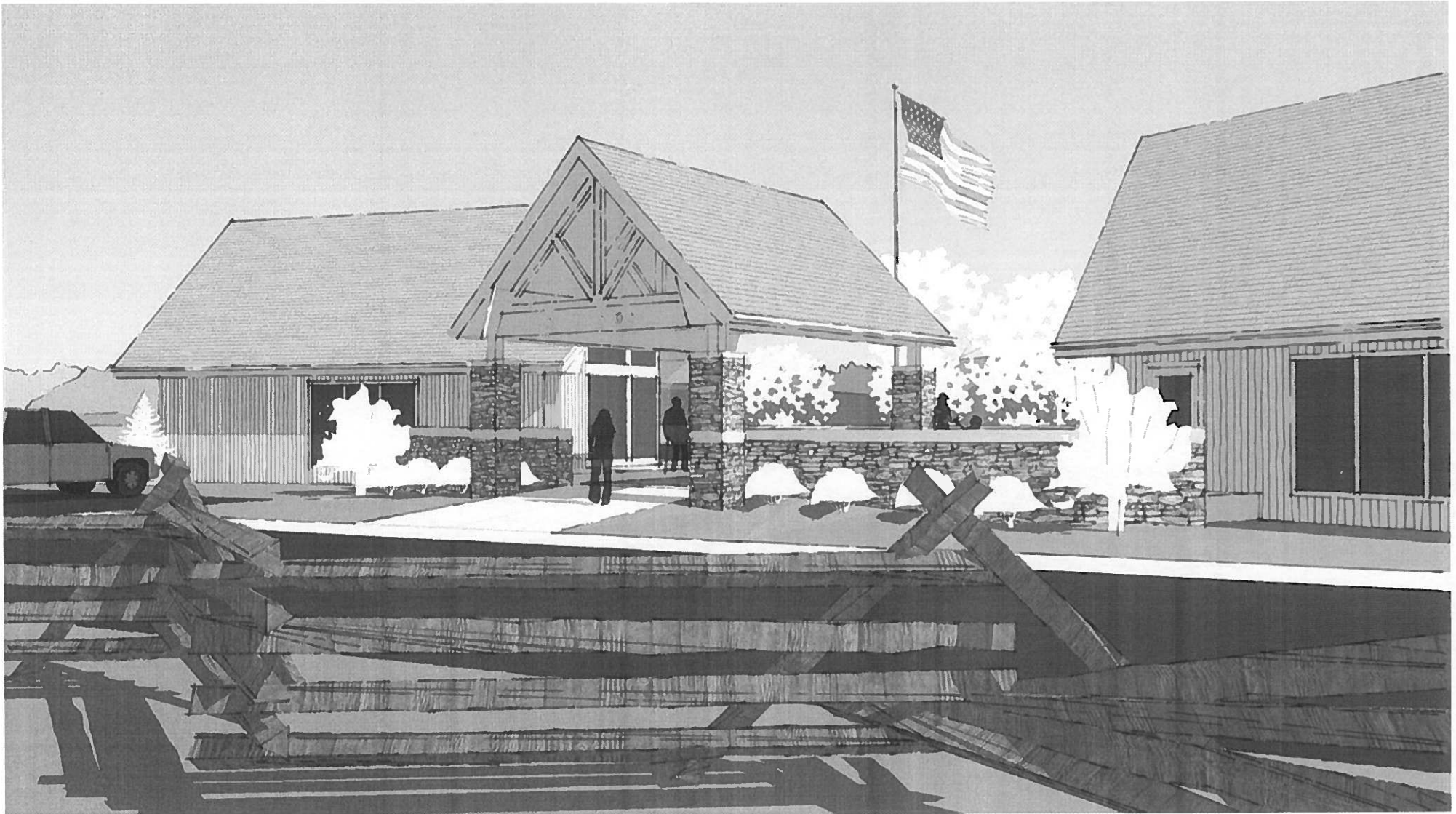


Exhibit 5 - View from North

JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning & Zoning

116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

Phone: (304) 728-3228

Fax: (304) 728-8126

Email: zoning@jeffersoncountywv.org

File Number: # ZV16-15

I authorize the staff of Department of Planning and Zoning to make necessary revisions to the enclosed submission, if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: Annette Cassin
Applicant Signature: Annette Cassin
Contact Number: 304-279-3637
Date: 6/30/16



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

File Number: #ZV16-16
Staff Initials: cfe
Fees Paid (\$100 or \$150): \$100.00

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.

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Mailing Address: 37 Washington Court, Harpers Ferry, WV 25425
Phone Number: 304-535-2627 Email: annette.gavin@jccvb.com

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

Name: Williamson Shriver Architects, Inc. attn. Gregory A. Williamson AIA
Mailing Address: 717 Bigley Ave., Charleston, WV 25302
Phone Number: 304-345-1060 Email: gwilliamson@wsgarch.com

Physical Property Details

Physical Address: 37 Washington Court
City: Harpers Ferry State: WV Zip Code: 25425
Tax District: 1 Bolivar Corporation Map No: 7 Parcel No: n/a
Parcel Size: 0.64 acres Deed Book: 1165 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 (R-LI-C), 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) is checked.

RECEIVED
JUL 05 2016
JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 11.1 A + Appendix B^{AB}

Briefly describe the nature of the variance request:

See attached exhibit 1, paragraph A

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

Front Setback Side Setback Rear Setback Reduction From 15' to 0 AB

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

See attached Exhibit 1, paragraph B

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

See attached Exhibit 1, paragraph C

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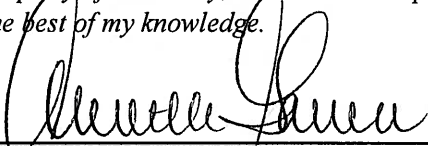
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Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

 6/30/16
Signature of Property Owner Date

 7/5/2016
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

Date of Public Hearing

Advertising Date

Placard Posting Date

Zoning Variance Request
Exhibit 1

A. Briefly describe the nature of the variance request.

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Washington Court is the former Route 340 road bed prior to relocation. After Washington Court passes the visitor center, it continues westward for approximately 1000' before dead ending. There are no private property owners along Washington Court. The commercial auto service facility immediately to the west of the visitors center was recently purchased by the Civil War Trust and either has closed or will be soon closing.

The proposed project is an expansion of the Harpers Ferry Visitors Center owned by the Jefferson County Convention and Visitors Bureau (JCCVB). The existing visitor center building is a wood, A-framed structure of 1,628 SF. The new addition consists of a visually similar A-frame structure of 1,290 SF located across a proposed paved plaza area which will include a small open-air entry pavilion (rendering attached as Exhibit 5).

Currently 12 marked parking spaces are provided for the existing facility, all situated as angled parking directly accessed from Washington Court. The new site plan includes renovation of the existing paved parking area such that a total of 28 spaces, including 2 ADA compliant spaces, will be provided for cars along Washington Court, configured as 90 degree parking with access directly from the WVDOH right of way. Also, this facility is anticipated to draw busses, therefore, parking for three busses has been provided along Connector "F", which is also owned by the WVDOH. An existing site survey is provided as Exhibit 2. A site development plan for this proposed development is provided with this application as Exhibit 3.

Per the Jefferson County Zoning and Land Development Ordinance, section 11.1 – A, this development requires 9 automobile parking spaces all to be located 'off-street', within the property boundaries. Per the Jefferson County Subdivision Regulations, Appendix B, Section 2.5C, "All parking lots and parking bays (except for parallel parking along a townhouse/condominium complex street) shall be physically separated from the street and confined by curbing, unless other suitable design is approved by the County Engineer." The configuration of this site creates a unique existing condition. The triangle of WVDOH roadways formed by Washington Court and Connector F provide access only to the visitor center, and effectively serve as the parking lot drive aisle for automotive and bus parking access for this important community cultural facility.

Lastly, the West Virginia Department of Highways has provided a waiver to the requirement prohibiting parked cars backing into its right-of-way as evidenced in the attached letter dated May 31, 2016 (attached as Exhibit 4).

A variance is hereby requested from the on-site parking location / configuration requirements contained in the Jefferson County Zoning and Land Development Ordinance as well as from the required front parking setback distance of 15' along Washington Court and Connector F. The proposed parking configuration meets the 15' front setback requirement from the property line along Alt 340/West Washington Street.

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

The only other private parcel using this road system as access to its property was recently purchased by the Civil War Trust, and has or will be closing and the building removed. All other properties fronting on Washington Court or Connector F are public lands. This means that all traffic using this road system is travelling to the visitor center. As this is not a through road, and is utilized by limited amounts of traffic, the JCCVB believes that granting this variance will NOT adversely affect the public health, safety, welfare, or the rights of adjacent property owners or residents.

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

The property in question is residual from the construction of Route 340, is small and oddly shaped, and was until recently owned by the WVDOH. As an agency of the state, the WVDOH is not required to comply with the Jefferson County Zoning and Land Development Ordinance. The building presently used for the visitor center was previously a model home for Lindal Cedar Homes, which installed the building and initially constructed the non-compliant parking as a tenant of the WVDOH. The visitor center installed a mobile home on this site several years ago, and then moved into the cedar structure when Lindal departed this location. The present parking configuration, angled at approximately 75 degrees and within the WVDOH right-of-way (as technically the entire site was right-of-way), was inherited from the previous use of the site, and was therefore not created by the JCCVB.

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

The site is very small and oddly shaped, and thus difficult to develop in such a way to meet the JCCVB's intended site usage. The proposed complex of buildings along with the proposed bio-retention area largely fill up the site. Providing the required on-site parking with drive aisles would be difficult, if not impossible, to achieve due to these conditions not caused by the JCCVB .

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

The intent of on-site parking requirements in zoning ordinances typically is generally to increase public safety by limiting the need for cars to back out into traffic on busy streets or thoroughfares. In this instance, given the unique site location and configuration of roadways, with no other private property owner using Washington Court or Connector F, traffic passing this proposed parking area is minimal. In effect, Washington Court and Connector F become the drive aisles of the parking lot and thus the potential for accidents or injuries is no more than in any conventional parking lot.

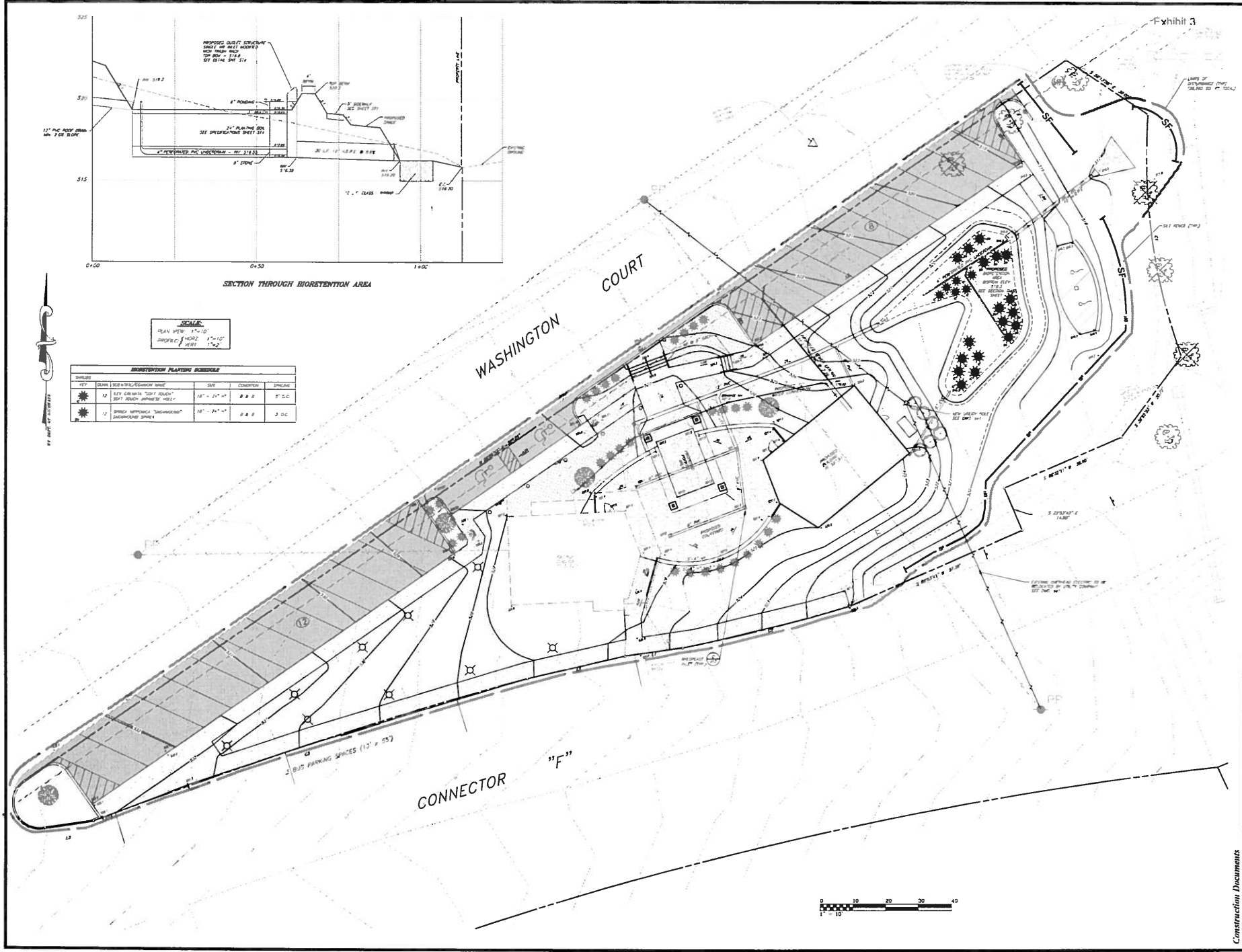


Exhibit 3

SECTION THROUGH BIORSTENTATION AREA

SCALE
 PLAN VIEW 1"=10'
 PROFILE 1"=10'
 VERT 1"=2'

BIORSTENTATION PLANTING SCHEDULE				
SYMBOL	PLANT SPECIES/COMMON NAME	SIZE	QUANTITY	LOCATION
☀	12 4" GALVANNE "TOP" ROUND*	18" - 24" HT	8 # 8	5' S.C.
☀	12 SPREED APPROXIMATE "SACCHARINUS"*	18" - 24" HT	8 # 8	3' S.C.

WILLIAMSON
SHRIVER
ARCHITECTS

TOWERS
ENGINEERING

FX
LANDSCAPE ARCHITECTURE

Construction Documents
 Additions and Renovations to
Jefferson Co. Convention and Visitors Bureau Building
 Designer:
 Jefferson County Convention and Visitors Bureau

st2



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

Office of the District Engineer/Manager
District Five

Earl Ray Tomblin
Governor

P. O. Box 99 · Burlington, West Virginia 26710-0099 · (304) 289-3521

Paul A. Mattox, Jr., P. E.
Secretary of Transportation/
Commissioner of Highways

May 31, 2016

Mr. John Reisenweber
Executive Director
Jefferson County Development Authority
Post Office Box 237
Charles Town, West Virginia 25414

Dear Mr. Reisenweber:

Thank you for your application for an approach permit to expand the existing parking area for the Jefferson County CVB in Harpers Ferry.

Upon thorough review of the information that has been provided, I am approving a waiver of the current requirement that prevents backing maneuvers within the state highway right of way. I also concur that right angle parking, as proposed in the original plans, will provide the most versatility for visitors accessing the parking lot from either direction.

Again, thank you for your application. Should you have any other questions regarding this particular permit, please contact Mr. Todd Wilson, Permits Technician, at (304) 289-2205.

Sincerely,

A handwritten signature in cursive script that reads "J. Lee Thorne".

J. Lee Thorne, P.E.
District Engineer/ Manager

Ec: Todd Wilson
Nathan Ware
Kenneth Clohan
Barry Knotts

Harpers Ferry Visitors Center

Jefferson County Convention and Visitor's Bureau

Williamson Shriver Architects, Inc. - Charleston WV

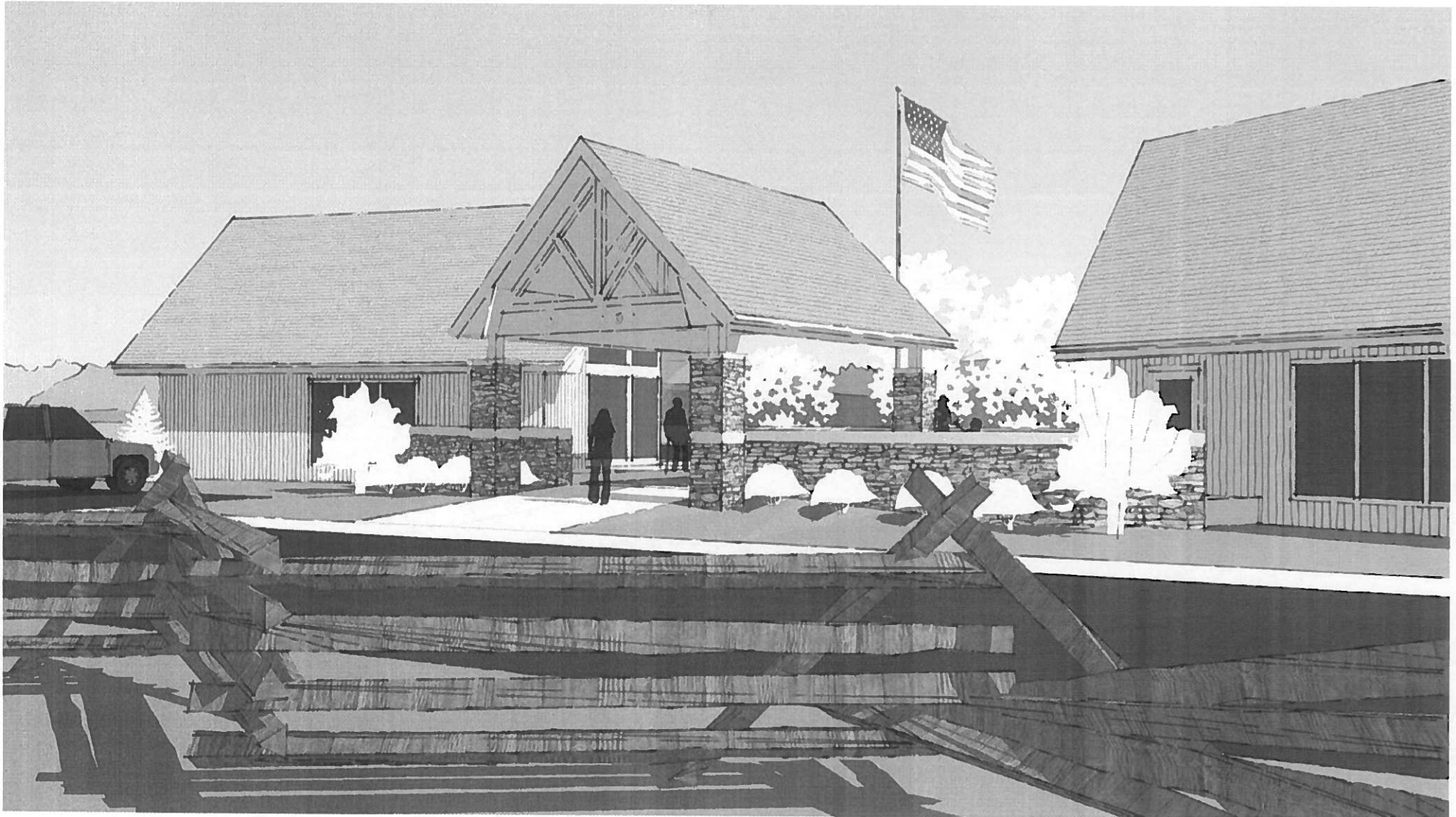


Exhibit 5 - View from North

JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning & Zoning
116 East Washington Street
P.O. Box 338
Charles Town, West Virginia 25414

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

Email: zoning@jeffersoncountywv.org

File Number: #ZV16-15

I authorize the staff of Department of Planning and Zoning to make necessary revisions to the enclosed submission, if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: Annette Cravin
Applicant Signature: Annette Cravin
Contact Number: 304-279-3637
Date: 6/30/16



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

Zoning Administrator's Report Board of Zoning Appeals Meeting July 28, 2016

1) LESA/Conditional Use and Cluster Subdivision Provision Modifications

On July 21, 2016 the County Commission received the proposed draft text amendment as recommended by the Planning Commission. The scheduled a work session for September 1, 2016.

2) Additional Pending Zoning Ordinance and Subdivision Regulation Amendments

a) Campgrounds:

- i. The County Commission postponed their review/discussion of the proposed amendment from 07/21/16 until 08/04/16.

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: **August 25, 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: July 19, 2016

SUBJECT: July Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

#ZC16-27 RAI PROPERTIES, LLC – OWNER /
CC’S NAILS - APPLICANT

Issuance Date: June 22, 2016
Proposed Use: Nail Salon and Personal Services
Physical Location: 43 Ruland Road, Suite G; Kearneysville, West Virginia 25430
Zone: Industrial-Commercial

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

Issuance Date: June 24, 2016
Proposed Use: Property contains existing 125’ tall Water Tower antenna site. Shenandoah Personal Communications, LLC (Shentel) to install six (6) new 2.5GHz antennas at 118’; three (3) microwave dish antennas (per antenna diagram on page A-2) and equipment inside said existing 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

ISSUED ZONING CERTIFICATES

#ZC16-28 PERMELYNN OF WESTCHESTER, INC.
WHOLESALE FIREWORKS ENTERPRISES, LLC /
CONTACT: LYNETTE WHITE / APPLICANT

Issuance Date: June 24, 2016
Proposed Use: Temporary sale of legal fireworks conducted from a 20' x 50' tent.
Dates/Times of operation: June 27, 2016 –July 04, 2016, from
9:00 a.m.-10:00 p.m. daily. Time-frame of tent removal: No
later than July 09, 2016. (Location: Walmart Parking Lot)
Physical Location: 96 Patrick Henry Way; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

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

Issuance Date: June 29, 2016
Proposed Use: Temporary sale of legal fireworks in a 20' x 40' tent and storage
container. Dates/Times of operation: June 27, 2016 –July 06, 2016,
from 9:00 a.m.-10:00 p.m. daily. Time-frame of tent removal: No
later than July 09, 2016. (Location: Walmart Parking Lot)
Physical Location: 96 Patrick Henry Way; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

#ZC16-29 CC CHARLES TOWN, LLC / OWNER
LARRY KEMPLER / APPLICANT

Issuance Date: July 08, 2016
Proposed Use: Auto Repair, Sales and Service.
Physical Location: Jefferson Business Park; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

PENDING ZONING CERTIFICATES

#ZC16-30 LAURIE SCOTT - OWNER / APPLICANT

Issuance Date: TBD
Proposed Use: Use of 40' x 8' sea container for storage of tools and equipment
associated with agricultural related activity.
Physical Location: 424 Molers Trace; Harpers Ferry, West Virginia 25425
Zone: Rural
