



Jefferson County
Board of Zoning Appeals
Thursday, April 27, 2017, 2:00 p.m.

Members
Tyler Quynn, Chair
Jeffrey Bannon, Vice Chair
Matt Knott
Ted Schiltz
Jeff Bresee
Deirdre Catterton, 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 pm Samuel Street, in Charles Town, West Virginia. Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Approval of the minutes from the March 23, 2017 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Variance from Section 9.7 to reduce side setback from 8' to 6'' for a 28' x 20' deck. Owner: David Young. Location: 62 Briar Patch Lane, Harpers Ferry. District: Harpers Ferry (04); Map: 2; Parcel: 29; Size: 4,592 sf; Zone: R; File: ZV17-04.
4. Request for a Conditional Use Permit for a 3,400 square foot, 60-seat, drive through restaurant (Popeye's) with associated parking and signage. The existing site is to be demolished. Property Owner: Sharp Best & Brown LLC. Applicant: Jonathon Friedlander. Location: 805 E. Washington St. Charles Town. Tax District: Charles Town (02); Map: 8; Parcel: 19; Size: 1.15 ac; Zone: RLIC; File: CUP17-01.
5. Variance from Sec. 5.7B(1) and Appendix A to reduce the rear setback from 50' to 4' for a 24' x 22' accessory structure. Property Owners: Suzin & Laurence Wright. Location: 947 Hostler Rd, Harpers Ferry. Tax District: Harpers Ferry (04); Map: 15; Parcel: 19.1; Size: 1.18 ac; Zone: R; File: ZV17-05.
6. Zoning Administrator's Report
 - a. Monthly Zoning Certificate Activity Report
7. Legal Update
 - a. Possible executive session on the follow pending lawsuits: None.
 - b. Discussion with possible deliberative session and signing of draft findings/decisions.
Meeting March 23, 2017
 - i. Variance request from Section 4.18. Owner: Beallair Homes, LLC. File: ZV17-02.
 - ii. Variance request from Section 9.7. Owner: Richard Pauley. File: ZV17-03.

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: March 23, 2017
- 2 Meeting Location: Charles Town Library Conference Room
3 200 East Washington Street, Charles Town, West Virginia
- 4 Board members present: Tyler Quynn, Chair; Jeffrey Bannon, Vice Chair; Matt Knott, Ted Schiltz,
5 and Jeff Bresee.
- 6 Absent members: Deirdre Catterton, Alternate (with notification)
- 7 Staff members present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
8 Prosecuting Attorney; and, Jennilee Hartman, Zoning Clerk
- 9 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.
- 10 Mr. Schiltz moved to call the meeting to order at 2:00 p.m. The motion carried unanimously.
- 11 Mr. Quynn explained to the public how the meeting would be conducted.
- 12 1. Approval of the February 23, 2017 meeting minutes.
- 13 Mr. Bresee moved to approve the February 23, 2017 minutes. Mr. Bannon requested the
14 following edits:
- 15 1) Page 1, line 36, change the word *used* to *uses*.
- 16 2) Page 1, line 41, change the word *their* to *his*.
- 17 The motion carried unanimously.
- 18 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 19 3. Variance request from Section 4.18 to allow a staffed model townhome on Lots 50 - 67,
20 which are located within the interior of the subdivision. Property Owner: Beallair Homes, LLC.
21 Location: Beallair Subdivision, fronting Lewis Washington Dr. & Clover Lea Way, Charles
22 Town. District: Harpers Ferry (04); Map: 10A; Parcel: RESB / 50; Combined acreage: ~3.00 ac
23 combined; Zone: Residential Growth; File: ZV17-02.
- 24 Mr. Michael Wiley, applicant, was present to address the Board. Ms. Beaulieu delivered an over-
25 view of the staff report and addressed questions from the Board. Mr. Wiley explained the nature
26 of the request, noting that it was not the company's intent to include model homes on all of the
27 lots. Mr. Wiley stated the company wanted flexibility to choose which unit could be a model
28 home and should that model sell, to replace it with another unit within the same block. Mr. Quynn
29 opened the public hearing. There was no public comment. Mr. Quynn closed the public hearing.
- 30 Mr. Bresee moved to approve the request referencing the applicant's testimony to limit the
31 number of models to one or so [at any one point]. Mr. Quynn called for a vote, which carried
32 unanimously.
- 33 4. Variance request from Section 9.7 to reduce the front setback from 20' to 12'; and the side setback
34 from 8' to 6' to allow for the replacement of a home that will be larger than the existing home.
35 Owner: Richard Pauley. Location: Harpers Ferry Campsites, 97 Skyhawk Trail, Harpers Ferry.
36 District: Harpers Ferry (04); Map: 13D; Parcel 15; Size: 8,181 sf; Zone: Rural; File: ZV17-03.
- 37 Mr. Richard Pauley was present to address the Board. Ms. Beaulieu delivered an overview of
38 the staff report and addressed questions from the Board. Mr. Pauley explained the nature of the
39 request and answered the Board's questions. Mr. Knott inquired about the adjacent parcel that
40 contained an abandoned dwelling. Mr. Pauley stated the home had not been occupied in the

1 past 15 years due to a fire that significantly damaged the home. Ms. Beaulieu explained that
2 the County had a property safety Board that addressed these issues and that a complaint would
3 need to be filed with the Office of Engineering. Mr. Quynn opened the public hearing. There
4 was no public comment. Mr. Quynn closed the public hearing.

5 Mr. Knott moved to approve the above referenced request. Mr. Quynn called for a vote, which
6 carried unanimously.

7 5. Zoning Administrator's Report

8 a. Monthly Zoning Certificate Activity Report. This report was provided to the Board in the
9 mailed packet.

10 Ms. Beaulieu briefed the Board on the revisions to the Zoning Ordinance, which was
11 approved by the County Commission on March 16, 2017. Ms. Beaulieu stated she would
12 provide the Board with a document that noted key changes to the Ordinance.

13 6. Legal Update. Mr. Cochran informed the Board that Ms. Lehman took a position with the
14 Berkeley County Prosecuting Office and that, in addition to serving the County Commission,
15 he would also serve as the Board's legal counsel for the time being. The Board noted that they
16 appreciated the counsel Ms. Lehman provided and remarked on her excellent performance while
17 serving the Board.

18 a. Possible executive session on the follow pending lawsuits: None.

19 b. Discussion with possible deliberative session and signing of draft findings/decisions
20 Meeting January 12, 2017

21 i. Appeal of the Zoning Administrator's determination by Thomas Hayden, President of
22 the Runnymede Homeowners Association, to permit Lisa and James Boyer to operate a
23 dog kennel (#ZC16-37) located at 5404 Kabletown Rd. in Charles Town. File: AP16-02.

24 ii. Variance request by CTSS, LLC, property owner, from Section 4.11A.2 & 8.9A.10 and
25 Appendix B File: ZV16-27.

26 iii. Variance by Alex Arneson and Christina Firaben from Section 5.7(b). File: ZV16-28.

27 Mr. Cochran provided the Board with a draft copy of the Findings for each request. Mr. Quynn
28 will sign the Findings once the suggested edits are completed.

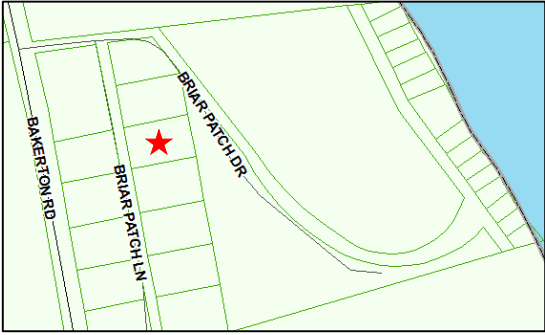
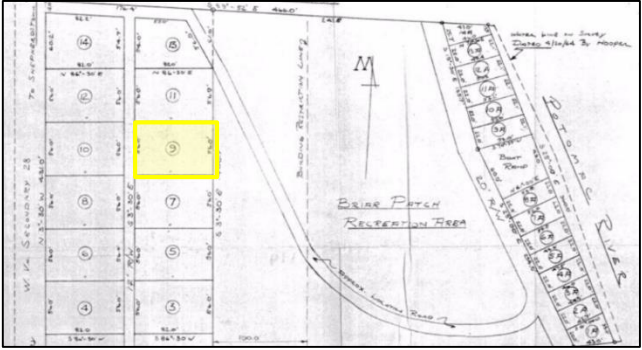
29 Mr. Knott moved to adjourn the meeting at 2:36 p.m. Mr. Quynn called for a vote, which
30 carried unanimously.

31

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 April 27, 2017

Young Variance Request (#ZV17-04)

Item #4 Variance request from Section 9.7 to reduce side setback from 8' to 6" for a 28' x 20' deck.

Applicant:	David Young
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Property Location:	62 Briar Patch Lane, Harpers Ferry
Legal Description & Zoning District:	District: Harpers Ferry (04); Map: 2; Parcel 29 Size: 4,592 sf; Zone: Rural 
Surrounding Properties:	Zoning Map Designation: <i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural
History:	The subject parcel is depicted as Lot 9 on a plat of survey by A.G. Hooper dated April 6, 1967 and recorded in the County Court House in Plat Book 287 at Page 191. 
Waivers/Variations:	None
Approved Activity:	Residential

STAFF EVALUATION OF REQUEST

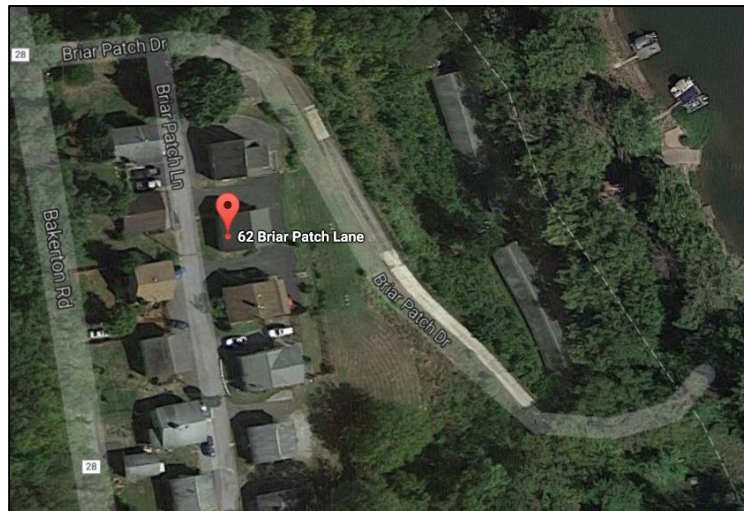
a. Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance to reduce the side setback from 8' to 6" to allow for the construction of a 28' x 20' deck.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
April 27, 2017

Young Variance Request (#ZV17-04)

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



b. Unique characteristics of property

The lot is approximately 4,592 sq. ft. All of the lots in this neighborhood are considered nonconforming sites as they do not meet the dimensional standards required by the Ordinance. Under current County Regulations, the minimum lot size in the Rural district is 40,000 square feet to accommodate well and septic areas.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
April 27, 2017

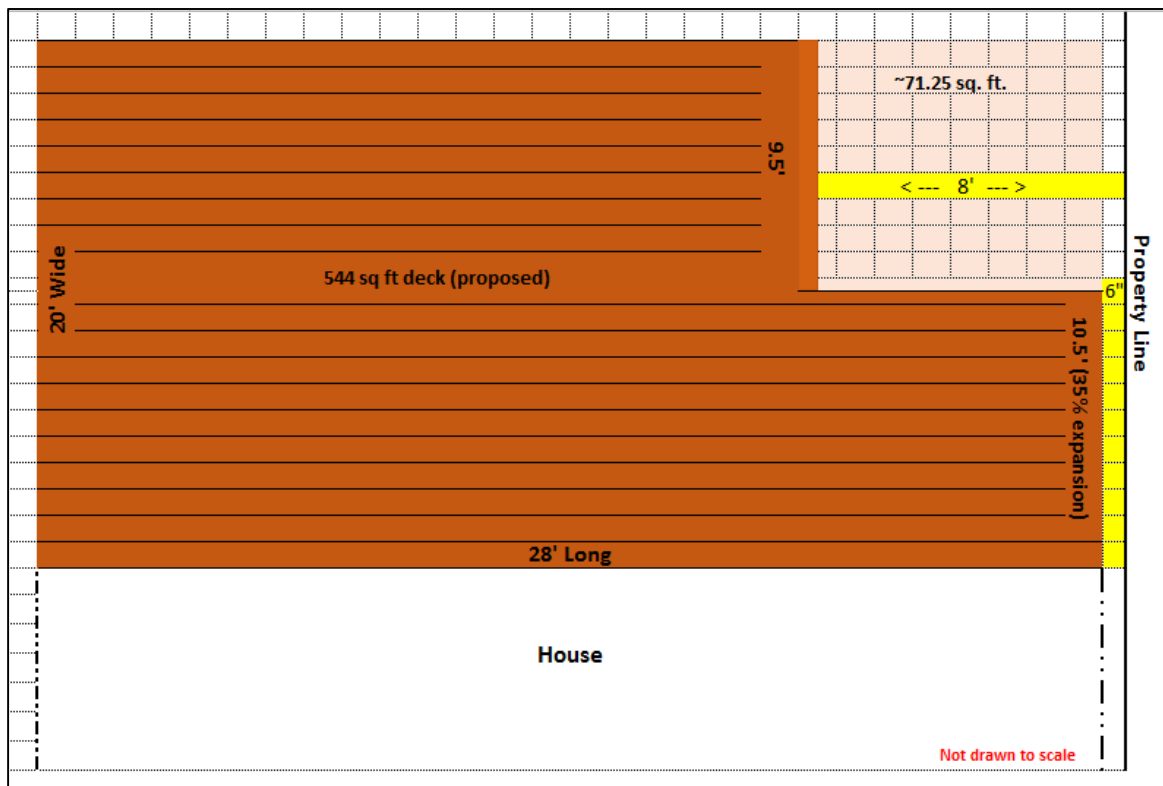
Young Variance Request (#ZV17-04)

c. Impact on adjacent properties

The proposed deck is to be located in the rear of the subject parcel, which overlooks the community's recreation area. The natural slope of this area drops from 360' to roughly 280' along the river's edge. This property is located outside of the floodplain.

d. Feasibility of complying with the ordinance by other means

Section 4.6 of the Zoning Ordinance allows for a 35% expansion of a non-conforming use. Therefore, the applicant could construct a deck 12' wide with a setback of 6", and the remaining 8' could meet the 8' setback requirement without BZA approval (see exhibit below). This removes approximately 72 square feet of deck from the proposed plan.



e. Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.7 Other Exceptions³ (for lots created prior to 09/01/89)

Rural Agricultural and Industrial Commercial

Single Family Residences

under 30,000 sq. ft. -- 20' front, 8' side and 12' rear



JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning, and Zoning
Office of Planning and Zoning
 116 East Washington Street, P.O. Box 338
 Charles Town, WV 25414
 www.jeffersoncountywv.org

File Number: ZVM-04
 Staff Initials: SAH
 Meeting Date: 02/27/17
 Fees Paid (\$100 or \$150): 100.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

Variations 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: DAVID L YOUNG
 Mailing Address: 1340 Souders RD
 Phone Number: 301-217-3922 Email: NONE

Applicant Contact Information

Name: DAVID L YOUNG
 Mailing Address: 1340 Souders RD Knoxville Maryland 21758
 Phone Number: _____ Email: _____

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

Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 62 BRICKPATCH LANE
 City: HARDEN FERRY State: WV Zip Code: 24524
 Tax District: 04 - HARDEN FERRY Map No: 2 Parcel No: 29
 Parcel Size: 56' X 82' Deed Book: 942 Page No: 737

Zoning District (please check one)

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

RECEIVED
 MAR 03 2017
 10:53 AM
 JEFFERSON COUNTY PLANNING
 & ZONING
 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: 9.7

Briefly describe the nature of the variance request:

To build deck side 28x20

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

Front Setback Side Setback Rear Setback Reduction From 8' to 6''

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:

Deck will be build next to the driveway
will not block view Deck will overlook River

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?

LOT WAS CREATED 1967

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

SO I CAN BUILD A DECK

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

SO I CAN ENJOY VIEW

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

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

[Signature] 03-06-17
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).

04/27/17
Date of Public Hearing

04/12/17
Advertising Date

04/12/17
Placard Posting Date

JEFFERSON COUNTY, WEST VIRGINIA
Office 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: #ZV17-04

I authorize Planning and Zoning staff 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: DAVID L YOUNG
Applicant Signature: *[Signature]*
Contact Number: (301) 717-3922
Date: March 06, 2017

RECEIVED
MARCH 06 2017
JEFFERSON COUNTY PLANNING & ZONING
2017

7V17-04



BAKERTON RD

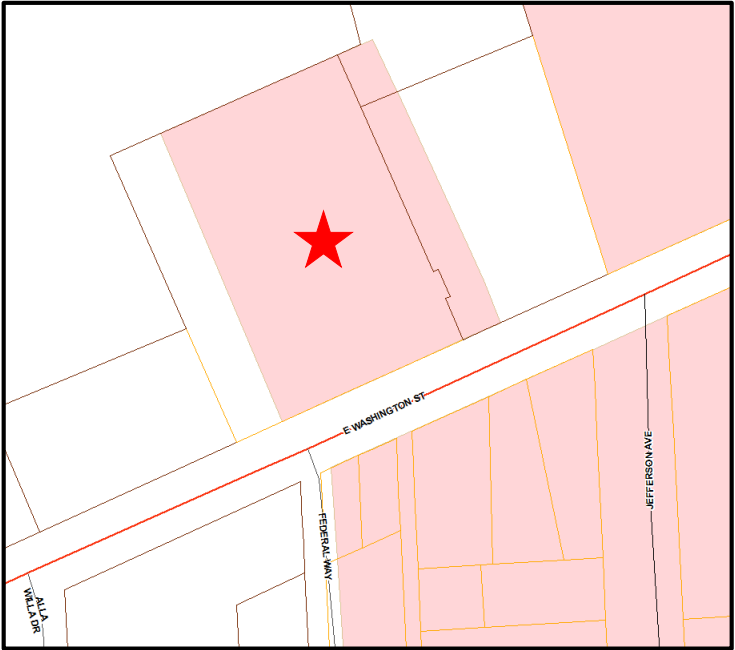
BRIAR PATCH LN

BRIAR PATCH DR

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 April 27, 2017

**Sharp Best & Brown, LLC (Popeye's)
 Conditional Use Permit Request (#CUP17-01)**

Item #4 Request for a Conditional Use Permit for a 3,400 square foot, 60-seat, drive through restaurant (Popeye's) with associated parking and signage. The existing site is to be demolished.

Applicant:	Jonathon Friedlander
Owner:	Sharp, Best & Brown, LLC
Developer:	N/A
Consultant:	Allegheny Surveys, Inc.
Property Location:	805 East Washington Street, Charles Town, WV 25414
Legal Description & Zoning District:	<p style="text-align: center;">District: Charles Town (02); Map: 08; Parcel: 19 Size: 1.15 acres; Zone: Residential-Light Industrial-Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> City of Charles Town <i>South:</i> RLIC <i>East:</i> City of Charles Town & RLIC <i>West:</i> City of Charles town</p>
History:	Existing: Chevron Gas Station and Auto Repair
Waivers/Variances:	None

STAFF EVALUATION OF REQUEST

a. Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a Conditional Use Permit for the purpose of establishing a 3,400 square foot, 60-seat, drive through Popeye's restaurant, with associated parking and signage.

Section 5.8c.3 requires that "Restaurants where the primary mode of food distribution is by ... drive in window ... shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan."

Staff Report
Jefferson County Board of Zoning Appeals Meeting
April 27, 2017

**Sharp Best & Brown, LLC (Popeye's)
Conditional Use Permit Request (#CUP17-01)**

Section 10.4E requires “All signs accessory to a land use subject to the approval of a Conditional Use Permit shall be proposed within the Conditional Use Permit application and assessed by the Board of Zoning Appeals at the required Public Hearing. Such signs shall be maintained at least 1,000 feet between signs. Consideration of the placement of such signs with less than 1,000 foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of 300 feet. Any variance from this standard shall require consideration and approval by the Board of Zoning Appeals.^{2, 17, 21, 23, 32}”

Based on aerial imagery, it appears there is approximately 85 feet between the existing auto service sign and the Charlie's Too sign to the east (exhibit 1); and approximately 105 feet between the existing auto service sign and the Turf Classic Auto Sales sign to the west (exhibit 2).



Staff Report
Jefferson County Board of Zoning Appeals Meeting
April 27, 2017

**Sharp Best & Brown, LLC (Popeye's)
Conditional Use Permit Request (#CUP17-01)**

b. Property Description

The subject parcel is located on East Washington Street in a commercially developed area of Jefferson County surrounded by parcels located within the city limits of Charles Town. The property is zoned Residential-Light Industrial-Commercial.

Currently, a Chevron Gas Station and Auto Repair business are located on this parcel. There is also a U-Haul Rental Business on this site. The existing gas station and auto repair facility, as well as the gas pump canopy are proposed to be demolished.



c. Impact on adjacent properties

The subject location is situated within a commercially developed area with several drive through restaurants within close proximity. The proposed use will blend with the overall character of the area.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
April 27, 2017

**Sharp Best & Brown, LLC (Popeye's)
Conditional Use Permit Request (#CUP17-01)**



CONDITIONAL USE PERMIT PROCESS

On March 16, 2017 the County Commission adopted a text amendment which eliminated the LESA/CUP process and replaced with a new CUP Process which requires a public hearing before the Board of Zoning Appeals. Below is the section of the Zoning Ordinance which outlines the Conditional Use Permit process.

Section 6.3 Conditional Use Permit³²

The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditional and restrictions as are directly related to and incidental to the proposed conditional use permit:^{2, 32}

- A. The Board shall consider each Conditional Use Permit request that is filed in accordance with this Ordinance and the procedural requirements of the Board of Zoning Appeals. The Board may require reasonable conditions or special requirements which allows for the proper integration of the proposed uses into the community and are directly related to and incidental to the proposed conditional use permit. The following General Standards shall be considered in approving or denying the CUP:

Staff Report
Jefferson County Board of Zoning Appeals Meeting
April 27, 2017

**Sharp Best & Brown, LLC (Popeye's)
Conditional Use Permit Request (#CUP17-01)**

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.
 2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.
 3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.
 4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.
 5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.
 6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the BZA to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use.
- B. The owner or authorize representative of the owner of the property for which the Conditional Use Permit is being requested shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The Conditional Use Permit request shall be filed with the Board at the Office of Planning and Zoning.
 - C. Staff will notify the adjacent and confronting property owners of the date, time, and location of the Public Hearing by registered mail. Notification for a Conditional Use Permit must be conducted according to the requirements of Section 6.1B.
 - D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.
 - E. If there are no negative public comments received by the Board, the Board shall issue the Conditional Use Permit but may require reasonable conditions.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

File Number: CUP17-01
Staff Initials: JLC
Fees Paid: 350.00

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

Application for a Conditional Use Permit

Name of Project:

Popcye's Restaurant Site Plan

Property Owner Information

Name: Sharp Best & Brown, LLC
Mailing Address: 805 East Washington Street, Charles Town, WV 25414
Phone Number: 304-382-5488 Email: CharlesTownCherron@Fronternet.net

Applicant Contact Information

Name: Jonathan Friedlander
Mailing Address: 12150 Tech Road, Silver Spring, MD 20904
Phone Number: 301-625-5920 Email: jonfriedlander@janjer.com

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

Name: Allegheny Surveys, Inc.
Mailing Address: 25 Lights Addition Drive, Martinsburg, WV 25404
Phone Number: 304-901-2162 Email: Lmccauley@alleghenysurveys.com

Physical Property Details

Physical Address: 805 East Washington Street
City: Charles Town State: WV Zip Code: 25413
Tax District: 02 Map No: 08 Parcel No: 19
Parcel Size: 1.15 Ac Deed Book: 1017 Page No: 650

Zoning District (please check one)

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

Received Date Stamp Here

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

Signature of Property Owner: [Signature] Date: 3-15-17

Signature of Property Owner Date

Please provide any information or known history regarding this property.

Presently an existing Chevron Gas Station and repair facility

I am on a primary or secondary road. Yes No

If "No", please complete the remaining three pages of this application.

Do Not Write Below This Line

- Sketch Plan (Pursuant to Section 7.4B & C)
- Support Data (Pursuant to Section 7.4D)
- List of adjacent and confronting property owners, with addresses (Section 7.4E)

Compatibility Assessment Meeting

N/A *

Date

N/A #

Location

Notification

04/27/17

Date of Public Hearing

04/12/17

Advertising Date

04/12/17

Posting Requirements (Number of days prior to scheduled hearing)

To Be Completed By Staff

* Per Zoning Ordinance amendment 03/16/17 at compatibility meeting is no longer required. gtt

RECEIVED

MAR 27 2017

Conditional Use Permit Application

CUP17-01

Support Data

(please attach additional pages if necessary)

CITY PLANNING,
ENGINEERING

1. Type of development proposed (provide as much detail as possible).

The proposed development will be for a 3400sf Popeye's Restaurant with a drive through and supporting infrastructure (parking, water and sewer service, and stormwater management)

2. Acreage of original tract and property to be developed

1.15 AC

3. General description of surface conditions (topography).

Gently sloping to the east (approximately 2% slope)

4. Soil and drainage characteristics.

The site soils are Ua (Udorthents, smoothed) 0.3 Ac and Ub (Urban Land) 0.80 Ae - see attached descriptions

5. General location and description of any existing structures. (See Sketch Plan)

Ex Chevron Station and existing Canopy, surrounded by existing asphalt parking area and gravel storage lot in rear - see aerial photo

6. General location and description of existing easements or rights-of-way. (See Sketch Plan)

See ex. WV Rt 51 "Washington Street" R.O.W.

7. Existing covenants and restrictions on the land.

None

8. Intended improvements and proposed building locations including locations of signs (in addition to narrative, please also show locations on sketch plan).

See sketch plan

9. Intended land uses.

Popeye's Restaurant with drive through

10. Earthwork that would alter topography.

No significant earthwork that would result in an export or import site

11. Tentative development schedule.

Begin construction August 1, 2017

Completed by November 1, 2017

12. Extent of the conversion of farm land to urban uses.

None

13. Affected wildlife populations.

None

14. Ground water and surface water and sewer lines within 1320 feet.

Public water and sewer mains located along WV Rt 51
"Washington St" frontage

15. Distance to and name of fire and emergency services that would serve the site.

2.14 miles to Independent Fire Company

16. Distance to and name of the appropriate elementary, middle, and high school.

N/A

17. Traffic characteristics - type and frequency of traffic [i.e. both existing traffic and level of traffic that would be generated by the proposed land use]; adequacy of existing transportation routes.

N/A - located on a primary road
per ITE Trip Generation, a fast food restaurant with
drive-through generates $33.84 \text{ trips}/1000\text{sf} \times 3400\text{sf} = 115 \text{ PM PH trips}$

18. Demand for school services created by this development.

N/A

19. Proximity and relationship to historic structures or properties within two hundred (200) feet.

N/A

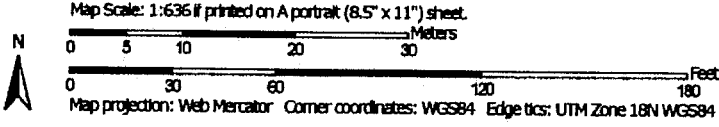
20. Proximity to recreational facilities.

N/A

21. Relationship of the project to the Comprehensive Plan [i.e. what specific sections of the Jefferson County Comprehensive Plan support the development of the proposed land use in this location?].

Development is compatible with the Comprehensive plan
because the property is located within the Growth
Area Boundary.

Soil Map—Jefferson County, West Virginia
(Popeye's Restaurant parcel)



Map Unit Legend

Jefferson County, West Virginia (WV037)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Ua	Udothents, smoothed	0.3	23.5%
Ub	Urban land	0.8	76.5%
Totals for Area of Interest		1.1	100.0%

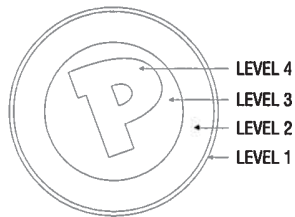


P-80 PYLON SIGN

79.0 SQ. FT.

P-130 PYLON SIGN

131.0 SQ. FT.

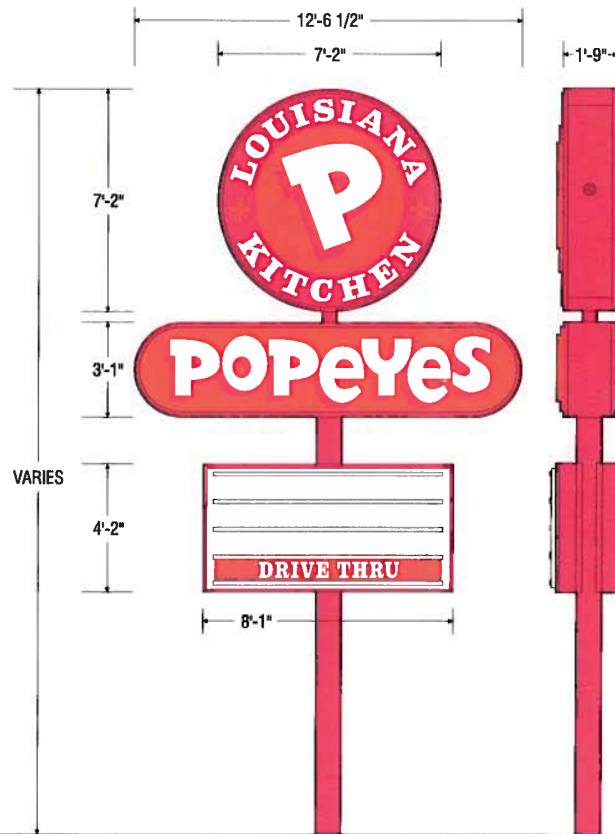


EMBOSSEMENT LAYOUT
NTS

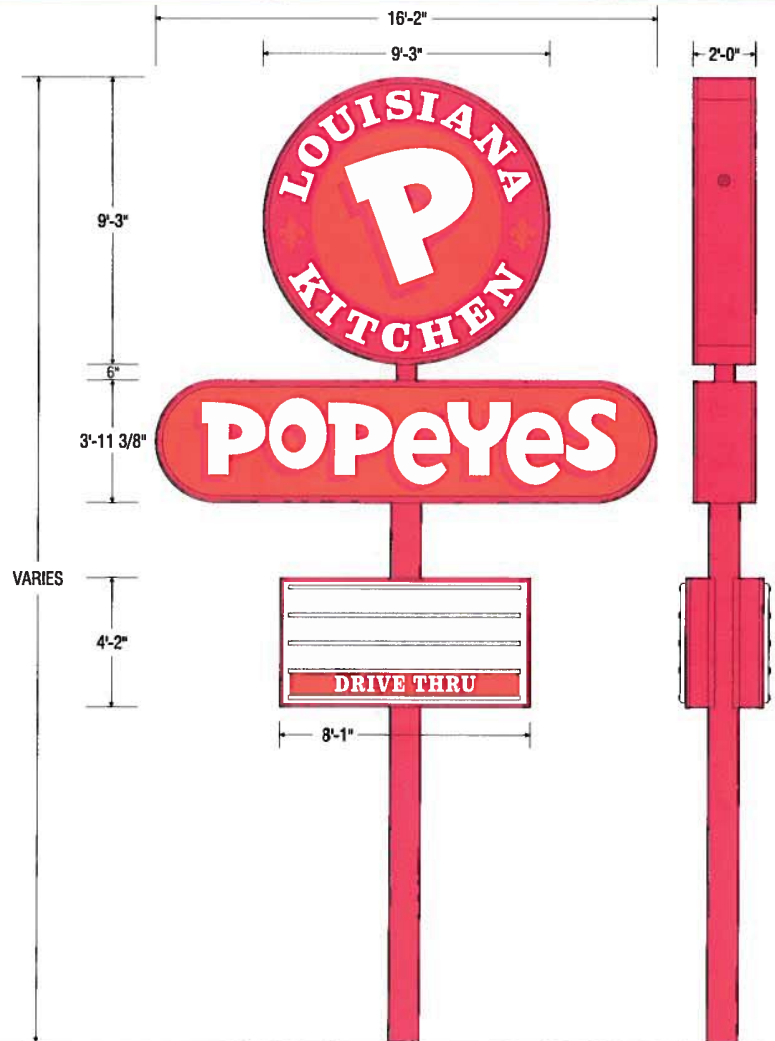
- 3M #3630-20 WHITE VINYL (COPY)
- 3M #3630-44 ORANGE VINYL (BACKGROUND)
- 3M #3630-53 RED VINYL (BACKGROUND)

COLORS

SIGN: D/F INTERNALLY ILLUMINATED CABINET W/PANNED & EMBOSSED FACES
COPY: 3M #3630-20 WHITE VINYL APPLIED 2ND SURFACE
BACKGROUND: 3M #3630-44 ORANGE, #3630-53 RED VINYL APPLIED 2ND SURFACE
CABINET: PAINTED PMS #187 RED
READERBOARD: 6" CHANGEABLE COPY
ILLUMINATION: COOL WHITE FLOURSCENTS



P-80 PYLON SIGN W/HRB-48 READERBOARD
1/2" = 1'-0"



P-130 PYLON SIGN W/HRB-48 READERBOARD
1/2" = 1'-0"



THIS IS AN ORIGINAL UNREPRODUCED DRAWING. CREATED BY BELL BROS. INC. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU BY BELL BROS. INC. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IS IT TO BE USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY MANNER.

CLIENT:	POPEYE'S
LOCATION:	VARIOUS
DRAWN BY:	DMP

SCALE:	NOTED
DATE:	6-18-12
DWG. NO.:	POPEYE'S STANDARDS 0010

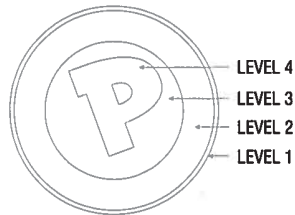


P-30 PYLON SIGN

31.0 SQ. FT.

P-60 PYLON SIGN

60.0 SQ. FT.

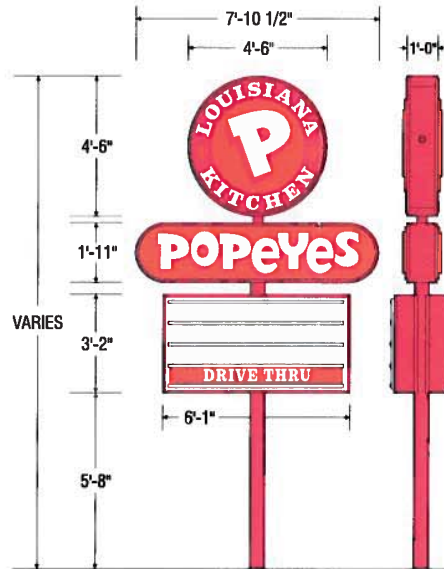


EMBOSSMENT LAYOUT
NTS

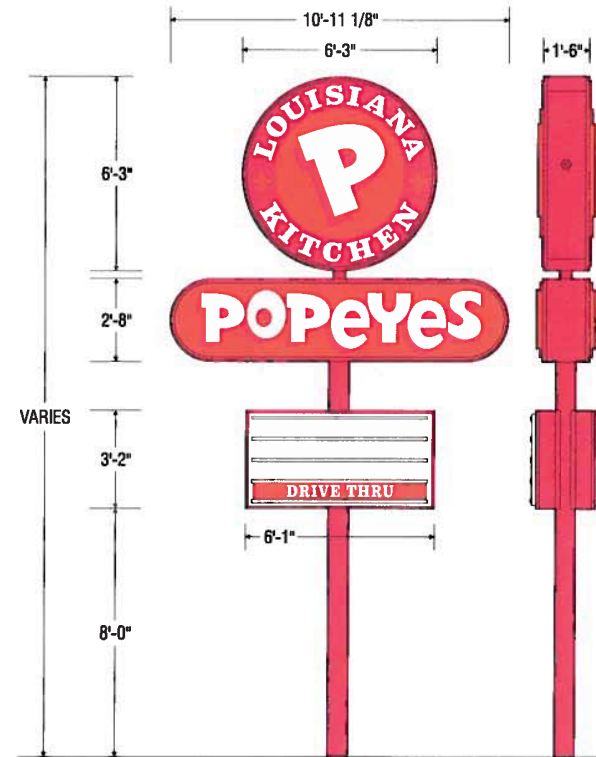
- 3M #3630-20 WHITE VINYL (COPY)
- 3M #3630-44 ORANGE VINYL (BACKGROUND)
- 3M #3630-53 RED VINYL (BACKGROUND)

COLORS

SIGN: D/F INTERNALLY ILLUMINATED CABINET W/PANNED & EMBOSSSED FACES
COPY: 3M #3630-20 WHITE VINYL APPLIED 2ND SURFACE
BACKGROUND: 3M #3630-44 ORANGE, #3630-53 RED VINYL APPLIED 2ND SURFACE
CABINET: PAINTED PMS #187 RED
READERBOARD: 6" CHANGEABLE COPY
ILLUMINATION: COOL WHITE FLOURSCENTS



P-30 PYLON SIGN W/HRB-36 READERBOARD
1/2" = 1'-0"



P-60 PYLON SIGN W/HRB-36 READERBOARD
1/2" = 1'-0"



THIS IS AN ORIGINAL UNPUBLISHED DRAWING. CREATED BY DELL BEAVER, INC. IT IS INTENDED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU BY DELL BEAVER, INC. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IS IT TO BE USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION.


CLIENT: POPEYE'S
LOCATION: VARIOUS
DRAWN BY: DMP

SCALE: NOTED
DATE: 6-18-12
DWG. NO.: POPEYE'S STANDARDS 2012

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 April 27, 2017

Wright Variance Request (#ZV17-05)

Item #5 Variance from Section 5.7B(1) and Appendix A to reduce the rear setback from 50' to 4' for a 24' x 22' accessory structure.

Applicant:	Suzin & Laurence Wright
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Property Location:	947 Hostler Road, Harpers Ferry
Legal Description & Zoning District:	<p style="text-align: center;">District: Harpers Ferry (04); Map: 15; Parcel 19.1 Size: 1.18 acres; Zone: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural</p>
History:	The subject parcel was created as a parent to child transfer and recorded in the Jefferson County Courthouse on March 13, 2007.
Waivers/Variances:	None
Approved Activity:	Residential

STAFF EVALUATION OF REQUEST

a. Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance to reduce the rear setback requirement from 50' to 4' to allow for the construction of a 24' x 22' storage structure.

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

Staff Report
Jefferson County Board of Zoning Appeals Meeting
April 27, 2017

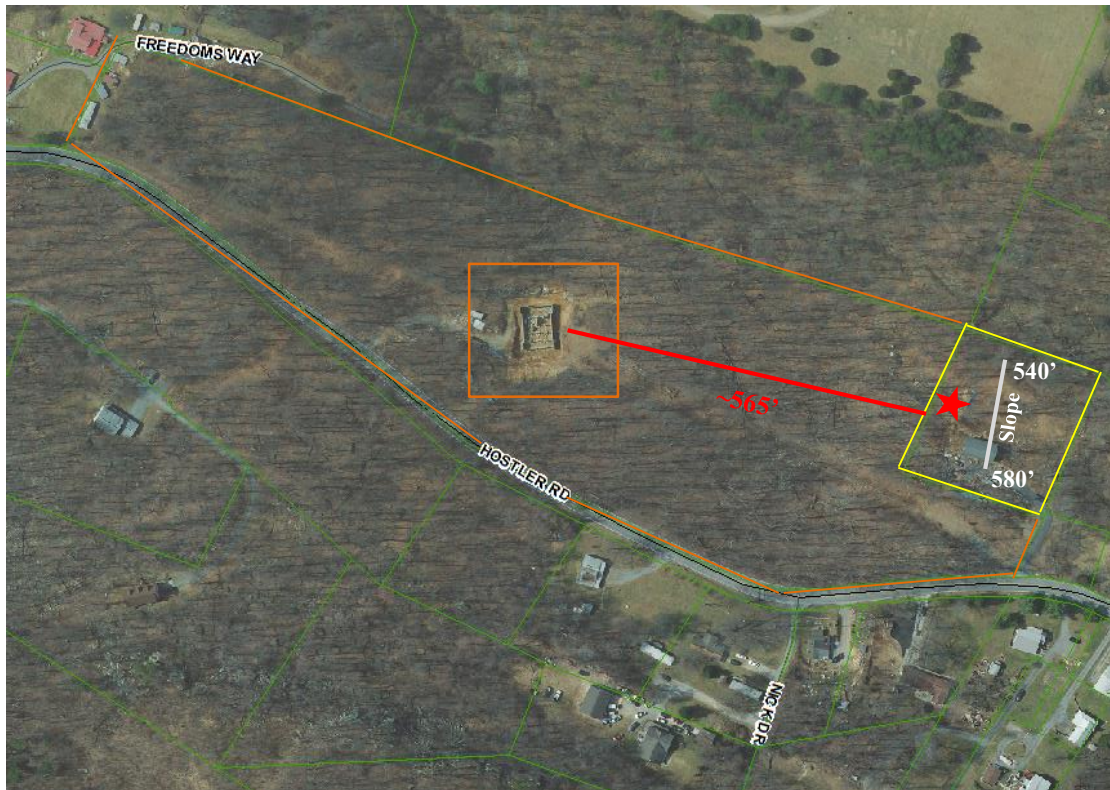
Wright Variance Request (#ZV17-05)

b. Unique characteristics of property

The lot is approximately 1.18 acres. The majority of the lot is densely wooded with a steep slope (contour maps show a 40' slope from the driveway toward the west side property line). As noted on the applicant's sketch, the septic system and drain field is located in the middle of the property. The Health Department requires all structures to maintain a 10' setback from this area.

c. Impact on adjacent properties

A rear setback reduction from 50' to 4' would likely have minimal impact on the neighboring property as the proposed dwelling unit for parcel 19 is located approximately 565 feet from the subject parcel. In addition to the distance between the proposed storage structure and the dwelling unit currently under construction on the adjacent property, both parcels are both densely wooded which provides a natural buffer between the two properties.



d. Feasibility of complying with the ordinance by other means

Based on the dimensions of the property, the applicant could potentially situate the storage structure in another location to meet setback requirements.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 April 27, 2017

Wright Variance Request (#ZV17-05)

e. Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 5.7 Rural (R) District^{23, 32}

B. Minimum Lot Area, Lot Width and Yard Requirements²³

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.²⁷

Appendix A: Residential Site Development Standards Table^{27, 32}

Rural (R) (See Sec. 5.7)	Dwellings	40,000	N/A	100	45	40	15	*	50	
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	*	50
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	*	12
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	*	12
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	*	12
	Cluster Subdivision	See RG District								



JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning, and Zoning
Office of Planning and Zoning
 116 East Washington Street, P.O. Box 338
 Charles Town, WV 25414
 www.jeffersoncountywv.org

File Number: #ZV17-05
 Staff Initials: CLC
 Meeting Date: APRIL 27, 2017
 Fees Paid (\$100 or \$150): \$100.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

Variances from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: Suzin and Laurence Wright
 Mailing Address: 947 Hostler Rd, Harpers Ferry, WV 25425
 Phone Number: 304-728-2193 or cell 301-412-2859 Email: smwrighthf1@frontier.com

Applicant Contact Information

Name: (same)
 Mailing Address: _____
 Phone Number: _____ Email: _____

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

Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 947 Hostler Rd
 City: Harpers Ferry State: WV Zip Code: 25425
 Tax District: 04 Map No: 15 Parcel No: 19.1
 Parcel Size: 1.18 ac Deed Book: 1034 Page No: 0060 + 0063

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center">RECEIVED MAR 30 2017 JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING</p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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: 5.7

Briefly describe the nature of the variance request:

We would like to reduce the side setback to four feet in order to build a shed of our desired size. We own the adjacent property and are already using the nearby areas on both sides of the property line for various purposes (see sketch).

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

Front Setback Side Setback Rear Setback Reduction From 12 ⁵⁰ feet to 4 feet

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 uses of the land and impact on the adjacent 11-acre property (parcel 19), owned by us, will not be changed in any way. The proposed structure would be no closer to properties owned by others. It does not increase the impact on the environment or increase construction safety concerns; it has the less of these factors than the alternatives for the shed.

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 steep terrain and mature trees limited the placement of the existing elements such as the house, driveway, drain field, etc. The proposed shed would be located between the septic system and property line, in a clear, flat area surrounded by several mature trees. The structure placement is also limited by the septic system setback.

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

Other locations would require extensive excavation on steep slopes, driving heavy machinery across the drain field, construction of new driveways, and/or cutting down mature trees that currently enhance the property. Making the shed small enough to fit within the existing space would be a less efficient use of our resources and less useful to us.

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

The uses of the land and impact on the other property owners and neighborhood will not be changed or affected in any negative way. The setback reduction would move the shed slightly closer to our other property. A shed of the size we want could enhance the property's appearance by having adequate indoor storage.

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

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

Suzie Murray 3/28/17
Signature of Property Owner Date

[Signature] 3/28/17
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)).

April 27, 2017 @ 2:00pm
Date of Public Hearing

April 12, 2017
Advertising Date

April 12, 2017
Placard Posting Date

JEFFERSON COUNTY, WEST VIRGINIA
Office 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: #ZV17-05

I authorize Planning and Zoning staff 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: Suzin M. Wright
Applicant Signature: *Suzin M. Wright*
Contact Number: 301-412-2859 cell
Date: 3/28/17

RECEIVED
MAR 30 2017
JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

2017-05

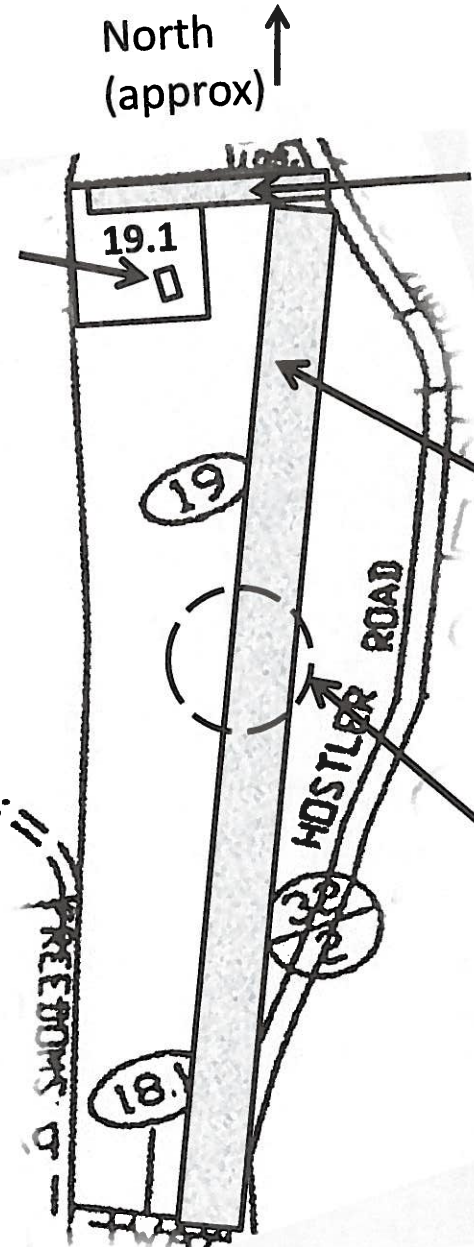
Wright variance request sketch 1 of 2. Dimensions approximate

The location of parcel 19 (also ours) and other features are relevant to the variance request and included here.

Driveway easements: Wright to Wright driveway easement is overlapped by a driveway easement granted to our neighbors to the northwest.

Power Line Right of Way

Wright house site (under construction)



House – See enlarged parcel 19.1 on next page

RECEIVED

MAR 30 2017

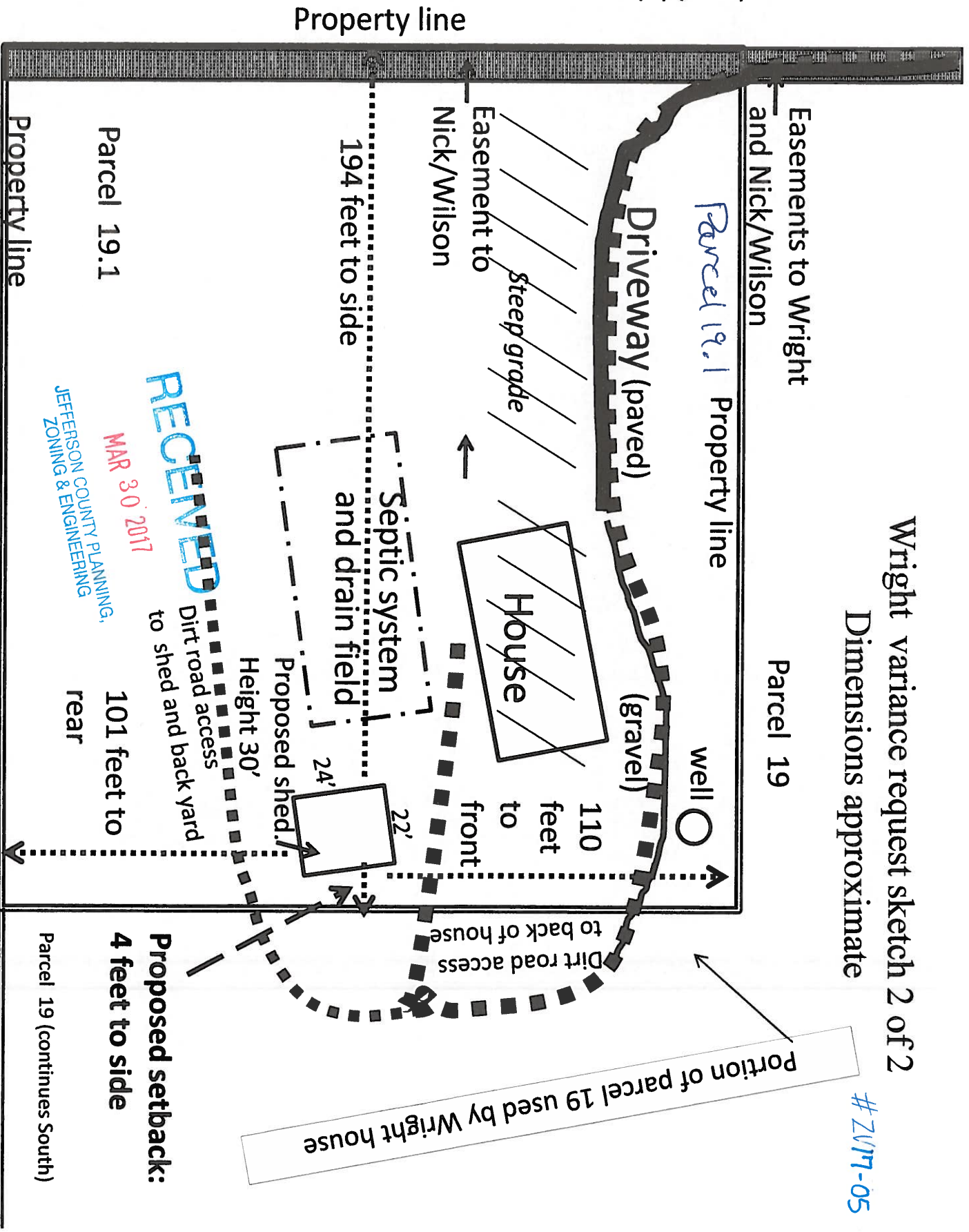
JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Jeffrey M. Wright
3/28/17

Wright variance request sketch 2 of 2
 Dimensions approximate

#ZV17-05

North
 (approx) ↑



RECEIVED
 MAR 30 2017
 JEFFERSON COUNTY PLANNING,
 ZONING & ENGINEERING

Suzanne Mungler 3/28/17



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: zoning@jeffersoncountyvzw.org

Phone: (304) 728-3228

**Zoning Administrator's Report
Board of Zoning Appeals Meeting
April 27, 2017**

1) LESA/Conditional Use and Cluster Subdivision Provision Modifications

- The County Commission adopted ZTA16-01 on March 16, 2017. As requested, a bullet list reviewing the changes made as a result of this text amendment is attached to this report.

2) Additional Pending Zoning Ordinance and Subdivision Regulation Amendments

- **Mass Events Ordinance (#ZTA 14-02):**
 - a) The County Commission stated that they would revisit the Mass Event amendment after the current text amendment pertaining to LESA/CUP and cluster provisions has been approved.
- **Pending amendments:**
 - a) Historic Resource Demolition and Adaptive Reuse
 - i. HLC Board initiating draft text amendment. Staff has been working with Martin Burke to review and discuss the amendment. Mr. Burke intends to submit a draft to the Planning Commission at their May 9 meeting.
 - b) Parking Standards
 - i. Staff has begun drafting an amendment and intends to submit to the Planning Commission this summer.
 - c) Landscape Standards
 - i. Staff will begin drafting an amendment to submit to the Planning Commission this summer.
 - d) Signage
 - i. Staff will begin drafting an amendment to submit to the Planning Commission this summer.

3) Upcoming BZA meeting

- Next Regular Meeting: **May 25, 2017** (deadline for submissions: Friday, April 28, 2017)



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, WV25414

www.jeffersoncountywv.org

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

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: Board of Zoning Appeals

FROM: Alexandra Beaulieu, Zoning Administrator

DATE: 04-27-17

RE: ZTA16-01 – List of Changes to Zoning Ordinance as a result of ZTA16-01

As requested during the March 23, 2017 meeting, below is a bullet list of changes to the Zoning Ordinance as a result of ZTA16-01 which the County Commission adopted on March 16, 2017.

- Added a new definition for Accessory Dwelling Unit to allow for in-law suites as a second dwelling unit on a single lot (Section 2.2 - Definitions)
 - See also Section 8.15 – Standards for Accessory Dwelling Units
- Added various definitions pertaining to Brewery and Farm Brewery (Section 2.2)
 - See also Section 8.5 – Standards for a Farm Brewery
- Amended Definition of Family Transfer to include grandparent to grandchild / grandchild to grandparent, spouse to spouse, and sibling to sibling in addition to the existing parent to child / child to parent provision (Sections 2.2 and 5.7).
- Amended definition of Nonconforming Use; added definitions for Nonconforming Lot and Nonconforming Structure (Sections 2.2 and 4.3)
- Section 3.4A – amended Powers and Duties of the Board of Zoning Appeals to reflect new Conditional Use Permit process (see also Section 6.3).
- Section 4.6 – Distance Requirements – reduced distance for farm animal housing and feeding pens from 75' to 50' (see also Section 8.2).
- Section 4.6 – Distance Requirements – reduced distance for kennels from 500' to 300' (see also Section 8.4).
- Section 5.7D – Cluster Provisions amended to allow for one lot for every five acres (previous one lots for every ten acres).
- Section 6.3 – New Conditional Use Permit Process. Eliminated previous LESA/CUP process (Articles 6 & 7) and added new CUP process which includes a Public Hearing before the Board of Zoning Appeals.
- Article 6 – Board of Zoning Appeals Applications.
 - Outlined the various applications and processes before the Board of Zoning Appeals for easier navigation.

- Section 8.18 – Nature Center and Preserve regulations added.
- Appendix A: Maximum Building Height for residential structures in the Rural District was increased from 35’ to 45’.
- Appendix B: Building Setbacks for Commercial Sites greater than 1.5 acres in the Industrial-Commercial district was reduced from 50’ to 25’.
- Appendix B: Maximum Building Height for structures in the commercial districts (various) increased from 60’ to 75’.
- Appendix B: Maximum Building Height for non-residential structures in the Rural district increased from 35’ to 45’.
- Appendix C – Commercial Uses changed from “Not Permitted” to “Conditional Use” in the Rural and Residential Growth zoning districts (see attached Appendix C reflecting the redlined changes).

If you would like to view each individual change made to the Zoning Ordinance, I can send a copy of the redlined version of the Ordinance by email.

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23,32}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
<u>Accessory Agricultural Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 8.15</u>
Dwelling, Single Family	<u>CU</u> <u>NP</u> <u>P</u>	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	<u>CU</u> <u>NP</u> <u>P</u>	NP	NP	NP	NP	P	NP	NP	P	P	NP	NP	
Dwelling, Two Family	<u>CU</u> <u>NP</u>	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	<u>CU</u> <u>NP</u>	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	<u>CU</u> <u>NP</u>	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	<u>CU</u> <u>NP</u>	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
<u>In-Law Suite</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>Sec. 8.15</u>
<u>Mixed Use Building</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>CU</u>	<u>P</u>	<u>NP</u>	<u>P</u>	
<u>Mobile Home</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	-
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	<u>CU</u> <u>PC</u>	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
Home Uses													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	<u>CU</u> <u>NP</u>	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>PC</u>	NP	
<u>Airfield, Private/Helipad,</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>NP</u>	<u>CU</u>	<u>CU</u>	<u>NP</u>	
Church	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	<u>CU</u> <u>PC</u>	NP	
Cultural Facility ²⁹	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	P	P	P	<u>CU</u> <u>PC</u>	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Elementary or Secondary School	P	P	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	P	P	P	P	P	NP	<u>CU</u> <u>NP</u>	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	<u>CU</u> <u>PC</u>	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	<u>CU</u> <u>PC</u>	P	P	P	NP	P	
Heliport	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	

ZTA16-01 LESA/Cluster Amendments -
03-02-17 CC Meeting for Discussion/Action
Revisions since 02/02/17 discussion are highlighted in yellow

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Institutional Uses Continued													
Hospital	NP	P	P	P	<u>CU</u> <u>PC</u>	P	P	P	P	P	NP	NP	
<u>Nature Center and Preserve</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>CU</u> <u>NP</u>	<u>P</u>	<u>NP</u>	<u>P</u>	
Nursing or Retirement Home	<u>CU</u> <u>PC</u>	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	P	P	NP	<u>CU</u> <u>NP</u>	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Preschool	P	P	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	P	P	P	P	P	NP	<u>CU</u> <u>NP</u>	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	<u>CU</u> <u>PC</u>	
Recycling Drop-Off Center	<u>CU</u> <u>PC</u>	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	<u>CU</u> <u>PC</u>	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	
Industrial													Sec. 8.9
Heavy Equipment Repair	NP	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** <u>NP</u>	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	<u>CU</u> <u>PC</u>	P	NP	NP	NP	NP	NP	<u>P</u> <u>CU</u> <u>PC</u>	NP	
Manufacturing, Limited	NP	P	P	P	P	<u>CU</u> <u>PC</u>	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	<u>CU</u> <u>PC</u> ²	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u> ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	P	P	NP	NP	<u>CU</u> <u>NP</u>	NP	<u>CU</u> <u>PC</u>	P	NP	
Shooting Range, Outdoor	NP	NP	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	NP	<u>CU</u> <u>NP</u>	NP	NP	<u>CU</u> <u>PC</u>	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	<u>CU</u> <u>P</u>	NP	NP	<u>CU</u> <u>NP</u>	NP	NP	<u>CU</u> <u>PC</u>	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	<u>CU</u> <u>PC</u>	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	<u>CU</u> <u>PC</u>	P	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	<u>CU</u> <u>PC</u>	P	NP	NP	P	P	NP	

ZTA16-01 LESA/Cluster Amendments -
03-02-17 CC Meeting for Discussion/Action
Revisions since 02/02/17 discussion are highlighted in yellow

Industrial Manufacturing & Processing													Sec. 8.9
Land Use	NC	GC	HC	LI	MI	PND¹	OC	R	RG	RLIC	IC	V	Additional Standards
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Commercial Sawmills	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Explosive manufacture or storage	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Jails and Prisons	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	
Petroleum products refining or storage	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	Sec. 8.11
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Appliance Sales	NP	P	P	P	<u>CU</u> <u>PC</u>	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
ATM	P	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Bail Bond Services	NP	P	P	P	<u>CU</u> <u>PC</u>	NP	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	<u>CU</u> <u>PC</u>	P	NP	
Bank	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Bank with Drive-Through Facility	<u>CU</u> <u>PC</u>	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	

ZTA16-01 LESA/Cluster Amendments -
03-02-17 CC Meeting for Discussion/Action
Revisions since 02/02/17 discussion are highlighted in yellow

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	<u>CU</u> <u>NP</u>	NP	NP	<u>P</u> <u>CU</u> <u>PC</u>	Sec. 8.3
Brewpub	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>CU</u>	Sec. 8.5
Business Equipment Sales and Service	<u>CU</u> <u>PC</u>	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Building Maintenance Services	<u>CU</u> <u>PC</u>	P	P	P	P	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Campground ³¹	<u>CU</u> <u>NP</u>	P	NP	NP	NP	<u>P</u> <u>NP</u>	NP	P	<u>CU</u> <u>NP</u>	P	P	NP	Sec. 8.17
Car Wash	NP	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	<u>CU</u> <u>PC</u>	P	NP	
<i>Commercial Uses [use unintentionally excluded from table during editing process in 2014]</i>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>**</u>	<u>P</u>	<u>P</u>	<u>NP</u>	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Convenience Store, Limited	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Convenience Store	<u>CU</u> <u>PC</u>	P	P	P	<u>CU</u> <u>PC</u>	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	PC	P	<u>CU</u> <u>NP</u>	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>P</u> <u>CU</u> <u>PC</u>	
Custom Manufacturing	P	P	P	P	P	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Dry cleaning and Laundry Services	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Exterminating Services	NP	P	P	P	P	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Florist	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Food Preparation	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Hotel/Motel	NP	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Gambling Facilities	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	NP	NP	NP	NP	<u>CU</u> <u>PC</u>	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Gas Station	NP	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	

ZTA16-01 LESA/Cluster Amendments -
03-02-17 CC Meeting for Discussion/Action
Revisions since 02/02/17 discussion are highlighted in yellow

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Gas Station, Large	NP	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Grocery Store	P	P	P	P	<u>CU</u> <u>PC</u>	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Kennel	NP	P	P	P	<u>CU</u> <u>PC</u>	P	P	P	<u>CU</u> <u>NP</u>	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	<u>CU</u> <u>PC</u>	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	<u>CU</u> <u>PC</u>	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Non-Profit Community Centers	P	P	P	P	<u>CU</u> <u>PC</u>	P	<u>CU</u> <u>NP</u>	P	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>NP</u>	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Pawn Shop Services	NP	P	P	P	NP	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Personal Services	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
<u>Professional Office, Small</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>CU</u> <u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Professional Office	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Restaurant, Fast Food, Limited	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Restaurant, Fast Food	<u>CU</u> <u>PC</u>	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	<u>CU</u> <u>PC</u>	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	<u>CU</u> <u>PC</u>	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Limited	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>PC</u>	
Restaurant	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	<u>CU</u> <u>NP</u>	
Retail Sales Limited	P	P	P	P	NP	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	
Retail Store, Large	NP	<u>CU</u> <u>PC</u>	P	<u>CU</u> <u>PC</u>	NP	<u>CU</u> <u>PC</u>	NP	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	<u>CU</u> <u>PC</u>	<u>CU</u> <u>PC</u>	NP	
Shipping and Mailing Services	P	P	P	P	<u>CU</u> <u>PC</u>	P	P	<u>CU</u> <u>NP</u>	<u>CU</u> <u>NP</u>	P	P	NP	

ZTA16-01 LESA/Cluster Amendments -
03-02-17 CC Meeting for Discussion/Action
Revisions since 02/02/17 discussion are highlighted in yellow

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Storage, Commercial	NP	P	P	P	CU PC	P	NP	CU NP	CU NP	P	P	NP	
Veterinary Services	P	P	P	P	CU PC	P	P	P	CU NP	P	P	NP	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU NP	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Brewery or Winery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU NP	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU PC	P	P	P	P	P	P	P	CU NP	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU NP	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU NP	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU NP	P	P	NP	
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

- NC Neighborhood Commercial
- GC General Commercial
- HC Highway Commercial
- LI Light Industrial
- MI Major Industrial
- PND Planned Neighborhood Development
- P Permitted Use
- NP Not Permitted Use
- OC Office / Commercial Mixed-Use
- R Rural
- RG Residential Growth District
- RLIC Residential-Light Industrial-Commercial District
- IC Industrial-Commercial District
- V Village District

~~CU~~
~~P~~
~~C~~ **Conditional Uses** ~~Permitted Conditionally~~ (subject to requirements of district and/or other requirements of this Ordinance)

* ~~Limited Permitted or Conditional Permitted Uses listed in Permitted Uses Table~~

** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a Conditional Use.

¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this Ordinance

² Approval process is per the Salvage Yard Ordinance.

JEFFERSON COUNTY, WEST VIRGINIA
Office of Planning and Zoning
116 East Washington Street
P.O. Box 716
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: Zoning Administrator, Alexandra Beaulieu
DATE: April 21, 2017
SUBJECT: April Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

#ZC17-08 GYPSY FLEA MARKET / McLUCKY, LLC - ATTN: PHILIP McDONALD / OWNER
CONTACT: KEVIN DROST
AMERICAN PROMOTIONAL EVENTS dba TNT FIREWORKS /
CONTACT: VANESSA HIXON / APPLICANT

Issuance Date: March 27, 2017

Proposed Use: Temporary sale of legal fireworks in a 20' x 40' tent and storage container. Dates/Times of operation: June 18, 2017 –July 6, 2017, from 9:00 a.m.-10:00 p.m. daily. Time-frame for tent removal: No later than July 7, 2017.

Physical Location: 154 Wolfcraft Lane; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

#ZC17-09 WV 340 LLC – MICHAEL COLLIER / CONTACT: LINDA LYONS– OWNER
FIREWORKS NOW, LLC / CONTACT: ANDREW SAIKEN - APPLICANT

Issuance Date: March 28, 2017

Proposed Use: Temporary sale of legal fireworks conducted from a 8'x 45' sea-container sales stand. Set-up date: June 8, 2017. Removal date: No later than July 8, 2017. Hours of operation: 9:00 a.m.- 10:00 p.m. daily.

Physical Location: 186 Flowing Springs Road; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

ISSUED ZONING CERTIFICATES

#ZC17-12 RONALD L. & ALICE K. SMOOT – OWNERS/APPLICANTS

Issuance Date: April 10, 2017
Proposed Use: Accessory Agricultural Dwelling Unit
Physical Location: 822 Box Factory Road; Summit Point, West Virginia 25446
Zone: Rural

#ZC17-13 LUTMAN MOBILE HOMES, LLC - OWNER/APPLICANT
CONTACT: DAVID LUTMAN

Issuance Date: April 12, 2017
Proposed Use: Replace four (4) mobile home units that were destroyed by fire with four (4) new mobile home units that will not expand beyond the perimeter of the existing Nonconforming Use (in conformance with Section 4.3H).
Physical Location: 33, 37, 45 & 49 5th St; Shenandoah Junction, West Virginia 25442
Zone: Village

#ZC17-14 PERMELYN OF WESTCHESTER, INC. / OWNER
CONTACT: LINDA KATIE JONES
AMERICAN PROMOTIONAL EVENTS dba TNT FIREWORKS / APPLICANT
CONTACT: VANESSA HIXON

Issuance Date: April 12, 2017
Proposed Use: Temporary sale of legal fireworks in a 20' x 40' tent and storage container. Dates/Times of operation: June 18, 2017 –July 6, 2017 from 9:00 a.m.-10:00 p.m. daily. Time-frame of tent removal: No later than July 07, 2017.
Physical Location: 96 Patrick Henry Way; Charles Town, West Virginia 25414 (Charles Town Plaza – Walmart Parking Lot)
Zone: Residential-Light Industrial-Commercial

#ZC17-15 RAI Properties, LLC - OWNER
UNIVERSITY AT HOME HEALTH - APPLICANT

Issuance Date: April 12, 2017
Proposed Use: Change in Tenant. Office Space.
Physical Location: 130 East Burr Boulevard, First Floor; Kearneysville, WV 25430
Zone: Industrial-Commercial

PENDING ZONING CERTIFICATES

#ZC17-05 WV 340 LLC – MICHAEL COLLIER / CONTACT: LINDA LYONS– OWNER
BPIZZA OF WEST VIRGINIA / CONTACT: LEE GARVIN – APPLICANT

Issuance Date: TBD
Proposed Use: Change in Tenant. Pizza Restaurant to include indoor and outdoor (patio) dining and carry-out.
Physical Location: 71 Jefferson Crossing Way, Suite F Charles Town, WV 25414
Zone: Residential- Light Industrial-Commercial

#ZC17-06 PETER S. CORUM – OWNER
CORE MORTGAGE SERVICES, LLC – APPLICANT

Issuance Date: TBD
Proposed Use: Mortgage Services Office
Physical Location: 3988 Kearneysville Pike; Shepherdstown, WV 25443
Zone: Neighborhood Commercial

#ZC17-10 SUNNYSIDE LIMITED PARTNERSHIP / OWNER
CONTACT: BARBARA HUYETT
T-MOBILE / CONTACT: MICHAEL WINGARD – APPLICANT

Issuance Date: TBD
Proposed Use: Property contains existing 196.0' self-support Telecommunications Tower. The proposed co-location project consists of T-Mobile installing one (1) backup generator and propane tank on a cement slab.
Physical Location: 844 Wheatland Road; Charles, West Virginia 25414
Zone: Rural

#ZC17-11 TOM LeFEVRE / OWNER
T-MOBILE / CONTACT: DAVID LUTMAN – APPLICANT

Issuance Date: TBD
Proposed Use: Property contains existing 199.0' self-support Telecommunications Tower. T-Mobile to modify the existing wireless installation by installing three (3) new antennas; one (1) 6201 ode cabinet; a PTS 8003 battery support cabinet; six (6) coax cables; relocating one (1) existing antenna & TMA; and removing one (1) existing 2106 cabinet. No height increase to tower, no ground disturbance, no electrical work.
Physical Location: 237 Tel Farm Lane; Kerneysville, West Virginia 25430
Zone: Rural
