



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, February 22, 2018**

Members  
Tyler Quynn, Chair  
Jeffrey Bannon, Vice Chair  
Deirdre Catterton  
Matt Knott  
Jeff Bresee

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. Election of Officers.
2. Approval of Minutes – December 14, 2017
3. Public Hearing. Variance request from Appendix B to reduce the front setback from 40' to 9' to construct the exterior stairs; and, to reduce the front setback from 40' to 14' for the construction of the proposed Jefferson County Convention and Visitors Bureau building expansion. Property Owner: Jefferson County Commission. Applicant: Jefferson County Convention and Visitors Bureau (JCCVB). Location: 37 Washington Ct. Harpers Ferry. Tax District: Harpers Ferry (04); Tax Map: 7; Parcel: 33; Size: .64 ac; Zone: Rural; File: ZV18-01.
4. Public Hearing. Variance request from Section 4.11A.1 & Appendix B to allow a 50' unscreened buffer along the boundary lines for the proposed site for the purpose of constructing three (3) mobile unit classrooms as part of the approved Vocational and/or Training Facility for Adults. Property Owner: SPARC LLC. Applicant: Ryan Perks with Gordon. Property Location: 201 Motorsports Park Circle, Summit Point. Tax District: Kabletown (06); Tax Map: 17; Parcel: 2; Size: ~415 ac; Zone: Rural; File: ZV18-02.
5. Public Hearing. Variance request from Section 5.7D.3 to subdivide more than 3 lots within a 5-year timeframe. Applicant is proposing to subdivide a total of 5 lots via the minor subdivision process. Owner: Steven Knott & Margret Ogg. Applicant: David Lutman. Location: Southwest intersection of River Rd & Knott Rd. District: Shepherdstown (09); Map: 11; Parcel: 13; Size: 37 ac; Zone: Rural; File: ZV18-03.
6. Zoning Administrator Report
  - a. Monthly Zoning Certificate Activity Report
7. Legal Update
  - a. Possible executive session on the following pending lawsuits. None.
  - b. Discussion with possible deliberative session and sign of draft Findings/Decisions  
Meeting: December 14, 2017
    - i. Special Exception for an outdoor advertising sign for Grace Episcopal Church. Property Owner: Karen Ashby-Bowers & Larry Bowers. File: SE17-01.
    - ii. Variance from Sections 10.4F & G for signage for Grace Episcopal Church. Property Owner: Karen Ashby-Bowers & Larry Bowers. File: SE17-18.
    - iii. Variance from Sec. 5.7(b). Property Owner: Brian and Angela Wilt. File: ZV17-19
    - iv. Variance from Section 4.11A.1 & Appendix B. Property Owner: SPARC. File: ZV17-20.
    - v. Variance from Section 9.7. Property Owner: Alicia McCormick. File: ZV17-21.
    - vi. Request for a CUP for Starbuck's. Property Owner: Kentland Foundation, Inc. File: CUP17-06.



Minutes  
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: December 14, 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; and Ted Schiltz
- 5 Absent members: Jeff Bresee, Matt Knott, and Deirdre Catterton, Alternate (with notification)
- 6 Staff members present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant  
7 Prosecuting Attorney; and, Jennilee Hartman, Zoning Clerk
- 8 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.
- 9 Mr. Bannon moved to call the meeting to order at 2:00 pm. The motion carried unanimously. Mr. Quynn  
10 explained to the public how the meeting would be conducted
- 11 1. Approval of the November 9, 2017 meeting minutes.
- 12 Mr. Bannon moved to approve the November 9, 2017 minutes. Mr. Quynn called for a vote, which  
13 carried unanimously.
- 14 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 15 3. Request for a Special Exception to allow an outdoor advertising sign for Grace Episcopal  
16 Church. The dimensions of the sign are as follows: a 24" x 36" sign hanging from an 11.5' tall  
17 post. File: SE17-01.
- 18 4. Variance from Section 10.4F to allow an outdoor advertising sign to be located closer than 100'  
19 to an intersection; and, from Section 10.4G to reduce the required front yard setback for an  
20 outdoor advertising sign from 25' to 3'. Property Owner: Karen Ashby-Bowers and Larry V.  
21 Bowers. Applicant: Bill Grantham, Trustee for Grace Episcopal Church. Property Location: 112  
22 King Street, at the intersection of Grace Street and Queen Street in Middleway. Tax District:  
23 Middleway (07); Tax Map: 22A; Parcel: 29; Size: .76 ac; Zone: Village; File: ZV17-18.
- 24 Items #3 and #4 were addressed simultaneously.
- 25 William Grantham, Trustee for Grace Episcopal Church, was present to address the Board.  
26 Ms. Beaulieu presented her staff report to the Board and confirmed that replacement of the face of  
27 the sign would not have required additional processing. Mr. Grantham explained the nature of the  
28 request noting that while the current sign is located within the Division of Highway's right-of-way  
29 that the new sign would be approximately 3' from the right-of-way. Mr. Grantham also stated that  
30 the new location would be landscaped courtesy of the Wizard Clip Garden Club. Mr. Quynn  
31 opened the public hearing. There was no public comment. Mr. Quynn closed the public hearing.
- 32 Mr. Bannon moved to approve Special Exception SE17-01 for the placement of an outdoor  
33 advertising sign; and to approve zoning variance ZV17-18 for a reduction of the front setback  
34 from 25' to 3' for said sign on the above referenced parcel conditioned upon the applicant being  
35 bound by their testimony and that all other Local, State, and Federal regulations be met.  
36 Mr. Schiltz seconded the motion, which carried unanimously.
- 37 5. Variance from Section 5.7(b) to reduce the front setback from 40' to 23' for a proposed 24' x 26'  
38 detached garage; and from Section 9.6(c) to allow an accessory structure in the required front  
39 yard. Property Owner: Brian and Angela Wilt. Property Location: 38 John Brown Farm Road,  
40 Harpers Ferry, WV 25425. Tax District: Kabletown (06); Tax Map: 7; Parcel: 4.24; Size: 2.96 ac;  
41 Zone: Rural; File: ZV17-19.

1 Mr. Brian and Ms. Angela Wilt, property owners, were present to address the Board. Ms.  
2 Beaulieu presented her staff report to the Board. Mr. Wilt explained the nature of his request and  
3 submitted written documentation from the superintendent of the power company noting that the  
4 proposed garage would be located outside of the existing powerline easement. Mr. Quynn opened  
5 the public hearing. Ms. Beaulieu stated for the record that the office had received a letter from Mr.  
6 Robert Dubourg, neighbor, in opposition to the request. Ms. Beaulieu stated that in the letter, Mr.  
7 Dubourg expressed concerns for an adjacent landlocked parcel owned by the Wilt's and noted that  
8 she conducted limited research as to the legal point of access because it did not have any bearing  
9 on the proposed request. Mr. and Mrs. Wilt addressed the concerns noted in the letter by  
10 acknowledging that an adjacent parcel they owned had been landlocked when they purchased it;  
11 however, the parcel has since received a legal access point from the Division of Highways. Mr.  
12 Wilt also explained why the garage could not be located elsewhere on the parcel. Mr. Quynn  
13 closed the public hearing.

14 Mr. Schiltz moved to approve the above reference request conditioned upon the applicants being  
15 bound by their testimony and any other Local, State, and Federal regulations. Mr. Quynn called  
16 for a vote, which carried unanimously.

17 Mr. Quynn reorganized the agenda to hear Items #7 and #8 prior to Item #6.

18 6. Variance from Section 9.7 to reduce the side setback from 12' to 3' for a 44' x 16' greenhouse.  
19 Property Owner: Alicia McCormick. Property Location: 2659 Engle Molers Road, Harpers Ferry.  
20 Tax District: Shepherdstown (09); Tax Map: 18; Parcel: 15; Size: ~1.2 ac; Zone: Rural; File:  
21 ZV17-21.

22 Ms. Alicia McCormick, property owner, was present to address the Board. Ms. Beaulieu  
23 presented her staff report to the Board. Ms. McCormick explained the nature of her request and  
24 informed the Board of the surrounding land uses. Mr. Quynn opened the public hearing. There  
25 was no public comment. Mr. Quynn closed the public hearing.

26 Mr. Bannon moved to approve the above referenced request conditioned upon the applicant being  
27 bound by her testimony and that the greenhouse is for personal use only. Mr. Quynn called for a  
28 vote, which carried unanimously.

29 7. Request for a Conditional Use Permit for a dine-in and drive through coffee shop (Starbucks) with  
30 parking and signage. Proposed use as defined by Article 2: Restaurant, Fast Food, Drive Through.  
31 Property Owner: Kentland Foundation, Inc. Applicant: Ryan Perks with Gordon. Property  
32 Location: Somerset Village Shopping Center, 58 Somerset Blvd, Charles Town. Tax District:  
33 Charles Town (02); Tax Map: 9; Parcel: 8.9; Proposed site: ~1 ac; Total Site: 15 ac; Zone:  
34 Residential- Light Industrial-Commercial; File: CUP17-06.

35 Ms. Helene McCarron with Kentland Foundation, Inc., property owner, and Randy Kepler with  
36 Greenway Engineering were present to address the Board. Ms. Beaulieu presented an overview of  
37 her staff report to the Board noting that a conditional use permit was required because the  
38 restaurant included a drive through component. Ms. Beaulieu stated that the applicant had  
39 addressed all the criteria required for a conditional use permit application with the exception of  
40 having a specific sign detail. Ms. Beaulieu explained that because the shopping center already had  
41 a pylon sign that another freestanding/monument sign would not be permitted, unless the Board  
42 chose to include it as part of the conditional use permit approval. Ms. Beaulieu further noted that  
43 because the application did not include details about the sign, such as definite dimensions and  
44 location, the Board could place a condition on the request requiring compliance with Article 10.

1 Should the applicant be unable to comply with Article 10 they would be able to seek a variance.  
2 The Board may also choose to grant approval conditioned upon a minimum distance between the  
3 monument sign and the existing gas station sign and/or the dimensions of the proposed monument  
4 sign.

5 Ms. McCarron and Mr. Kepler presented the request stating that the proposed Starbucks would  
6 be replacing the existing Cone Zone. Ms. McCarron noted that they understood variances may  
7 be required and that the purpose of the current application was to have the land use approved  
8 before they continued with the site plan. Mr. Kepler confirmed that the overall design would be  
9 similar to the sketch submitted with the application with respect to approximate building and  
10 drive through locations. Mr. Kepler noted that sign details are generally broad at this stage in  
11 development. Considerable discussion ensued regarding the location of existing signage,  
12 possible dimensions and location of the proposed sign, and the necessity for a separate sign  
13 from the shopping center's pylon sign.

14 Mr. Quynn moved to go into deliberative session at 3:03 pm. Mr. Schiltz seconded the motion,  
15 which carried unanimously. Mr. Bannon moved to come out of deliberative session at 3:14 pm.  
16 Mr. Quynn seconded the motion, which carried unanimously.

17 Mr. Bannon moved to approve the conditional use permit for Starbuck's Coffee conditioned  
18 upon the proposed signage being reevaluated by the Board at a subsequent meeting. Discussion  
19 ensued regarding the condition. Mr. Bannon reaffirmed his motion to approve the conditional  
20 use permit noting that once the dimensions and location of the signage is determined that the  
21 Board have an opportunity to evaluate the proposed signage by way of a variance. Mr. Quynn  
22 called for a vote, which carried unanimously.

23 8. Variance from Section 4.11A.1 & Appendix B of the current Zoning Ordinance; and Sec. 4.16 of  
24 the 2009 Zoning Ordinance (setbacks) to allow a 50' unscreened buffer along the south & west  
25 boundary lines; and to reduce the building setbacks and buffer to 0' along the north boundary line  
26 between the properties commonly owned by SPARC LLC (Parcels 2, 3, and 3.1) for the purpose  
27 of extending the existing shooting ranges as part of the approved Vocational and/or Training  
28 Facility for Adults. Property Owner: SPARC LLC. Applicant: Ryan Perks with Gordon. Property  
29 Location: 201 Motorsports Park Circle, Summit Point, WV. Tax District: Kabletown (06); Tax  
30 Map: 17; Parcels: 2, 3, 3.1; Size: ~430 ac; Zone: Rural; File: ZV17-20.

31 Mr. Jason Gerhart and Mr. Ryan Perks, representatives with Gordon, and Mr. Doug Allison,  
32 President of SPARC, were present to address the Board. Ms. Beaulieu presented her staff report  
33 to the Board. Mr. Perks explained the nature of the request stating that the proposal was to allow a  
34 50' unscreened buffer as opposed to removing an extensive, 100-year old tree line. Mr. Perks  
35 explained that the Ordinance currently does not allow an applicant to utilize an existing vegetative  
36 buffer. Mr. Perks noted that the existing tree line far exceeds the County's landscaping  
37 requirements. Mr. Quynn called for public comment. Mr. Merle Anderson, Sr. and Mr. Merle  
38 Anderson, Jr., neighbors, spoke in opposition to the request. The Andersons spoke of excessive  
39 noise, traffic, and drainage concerns. Mr. Anderson Jr. presented pictures of recent flooding in the  
40 area. Mr. Quynn closed the public hearing. Mr. Gerhart noted that stormwater management would  
41 be addressed during the site plan process for the range extension.

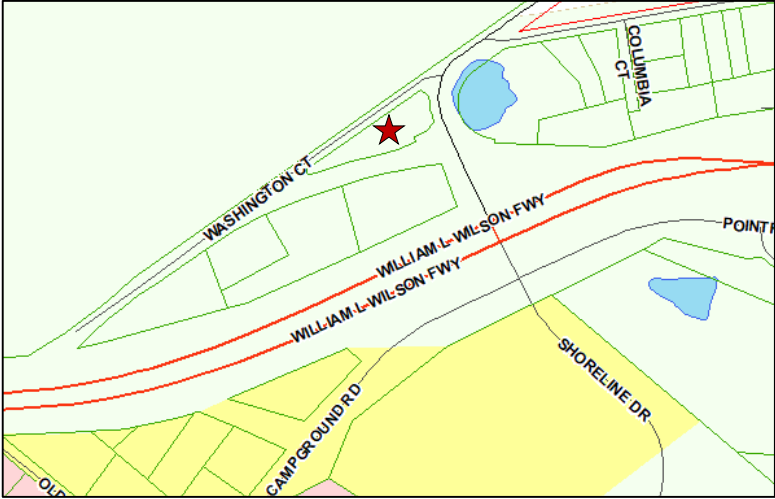
42 Mr. Schiltz moved to approve the above referenced variance request with the condition that the  
43 applicants were bound by their testimony. Mr. Bannon requested an amendment to the motion  
44 to include staff's recommended conditions that,

- 1 a. The variance applies only to the use of the ranges as a local, state, and federal government  
2 training facility; and,
- 3 b. No structures, materials, or vehicular parking shall be permitted within the 50' unscreened  
4 buffer along the western and southern property lines.
- 5 Mr. Quynn called for a vote on Mr. Bannon's amendment to the original motion, which carried  
6 unanimously.
- 7 Mr. Quynn called for a vote on the newly amended motion, which carried unanimously.
- 8 9. Zoning Administrator's Report
- 9 a. Monthly Zoning Certificate Activity Report. This report was provided to the Board in the  
10 mailed packet.
- 11 b. Approval of the 2018 Board of Zoning Appeals Meeting Schedule. Mr. Schiltz moved to  
12 approve the 2018 meeting schedule with the revised submission dates. Mr. Quynn called for  
13 a vote, which carried unanimously.
- 14 10. Legal Update
- 15 a. Possible executive session on the following pending lawsuits: None.
- 16 b. Discussion with possible deliberative session and signing of draft findings/decisions.  
17 Meeting November 9, 2017
- 18 i. Postponed from 10/26/17. A CUP for Blossman Gas. Owner: JCDA. File: CUP17-05.  
19 ii. Variance from Appendix B. Owner: Middleway United Methodist Church. File: ZV17-17.
- 20 Mr. Cochran stated he had inadvertently left the draft Findings in his office. Mr. Quynn stated  
21 he would stop by the office to review and sign the Findings.
- 22 Mr. Schiltz moved to adjourn the meeting at 4:15 p.m., which carried unanimously.

Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 22, 2018

**Jefferson County Convention Center & Visitors Bureau (ZV18-01)**

Item #2: Variance request from Appendix B to reduce the front setbacks from 40' to 9' for the proposed expansion to the Jefferson County Convention and Visitor's Bureau.

APPLICANT:	Annette Gavin, Jefferson County Convention and Visitors Bureau
OWNER:	Jefferson County Commission
DEVELOPER:	Same as Applicant
CONSULTANT:	Michael Mills, Project Architect, Mills Group
PROPERTY LOCATION:	37 Washington Court, Harpers Ferry, WV
LEGAL DESCRIPTION & ZONING DISTRICT	District: Harpers Ferry (04); Map: 7; Parcel: 33; Size: .64 ac; Zone: Rural 
	Zoning Map Designation: <i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural
PARCEL HISTORY:	12/10/15: Deed (including a parcel description) was recorded conveying property from the DOH to the JCC. *The property is leased from JCC to JCCVB.
APPROVALS:	05/31/16: Per WVDOH correspondence, applicant is permitted to use right angled parking which backs up into street ROW. 07/12/16: PC approved waiver from App B, Sec. 2.5 (C) requiring all parking lots and parking bays (except for parallel parking along a townhouse /condominium complex street) to be physically separated from the street and confined by curbing. 07/28/16: App B to reduce the front setbacks from 40' to 19.97' (ZV16-15). 07/28/16: App B to reduce the front parking setback from 15' to 0'; and Sec 11.1A to allow on-street parking (ZV16-16).

Staff Report  
Jefferson County Board of Zoning Appeals  
February 22, 2018

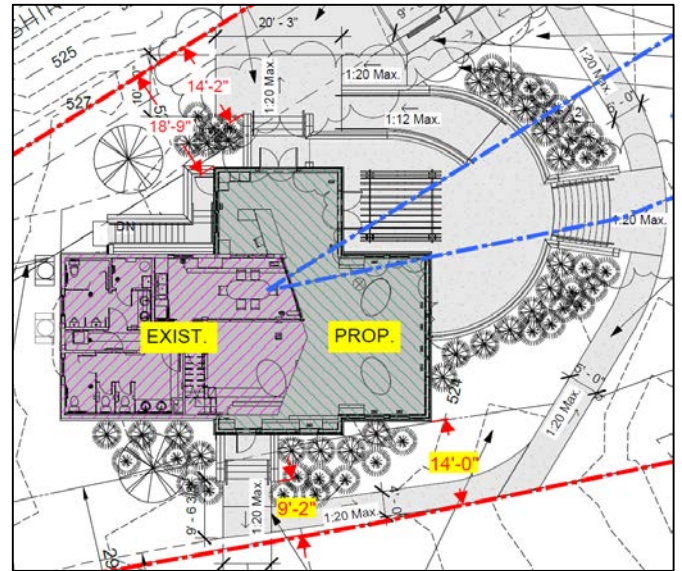
**Jefferson County Convention Center & Visitors Bureau (ZV18-01)**

**STAFF EVALUATION OF THE REQUEST:**

Summary of Request and Purpose of the Ordinance Requirements

The applicant is requesting a variance from Appendix B to reduce the front setback from 40' to 9' to construct the exterior stairs; and, to reduce the front setback from 40' to 14' for the construction of the proposed JCCVB expansion.

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.



Unique Characteristics of the Property

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 property is entirely surrounded by right-of-way; therefore, all three property lines are subject to the 40' front setback. Due to the size and shape of the property, in order to expand the existing visitor center, the applicant is requesting to reduce the front setback along the northern boundary to 14 feet; and to 9' along the southern boundary. As the applicant noted, the 9' reduction is to accommodate exterior stairs; however, the building would be 14' from the property line.

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.

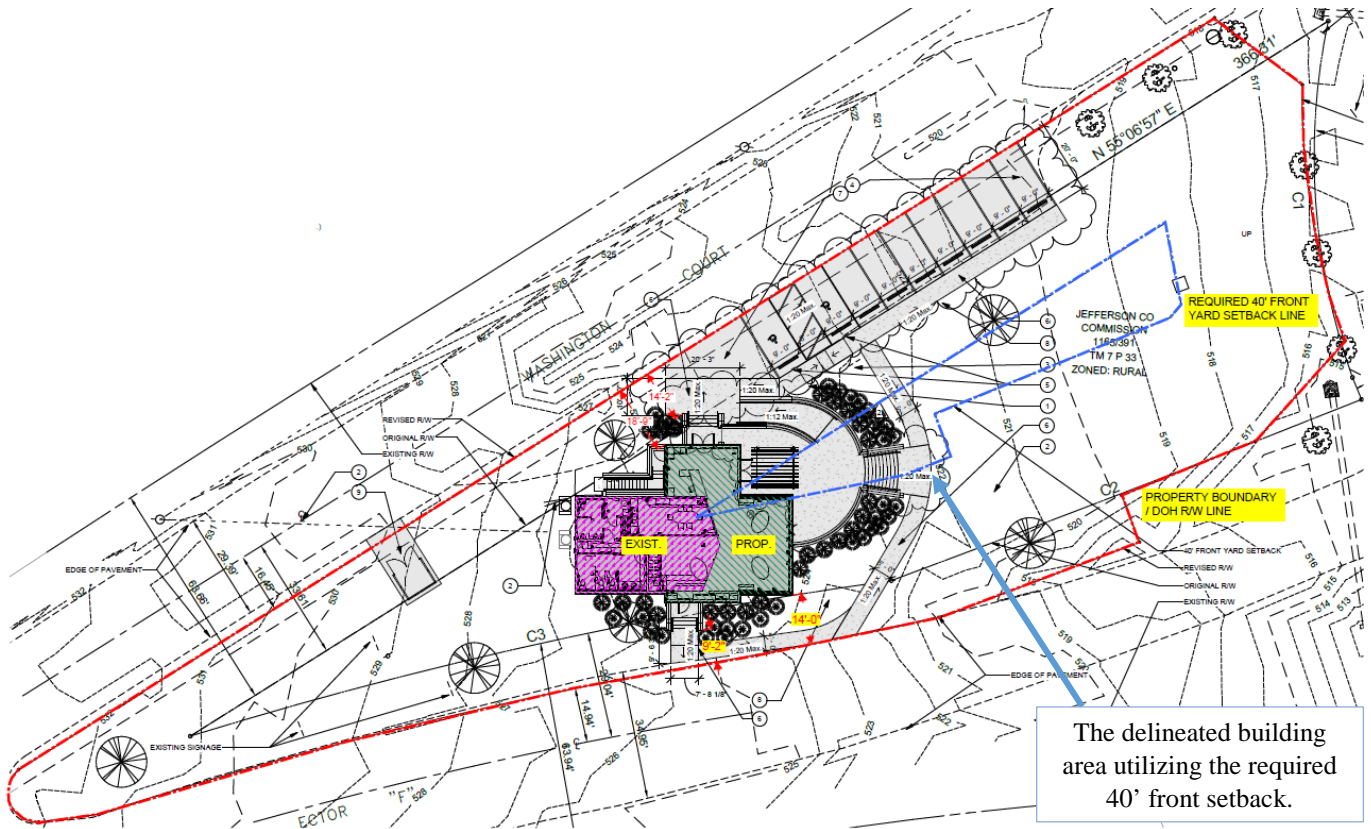
The closest residential structure is approximately 300' from the subject parcel's eastern boundary and is buffered by evergreen trees and shrubs. Therefore, the impact on adjacent properties is minimal.

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

Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 22, 2018

**Jefferson County Convention Center & Visitors Bureau (ZV18-01)**



The delineated building area utilizing the required 40' front setback.

Conditions of Approval

No Conditions of Approval were identified for this application.

**Section of Ordinance to be Considered:**

**APPENDIX B: NON-RESIDENTIAL SITE DEVELOPMENT STANDARDS**

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27,32</sup>**

Zoning District	Development Type <sup>o</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height <sup>7</sup>	ImperVIOUS Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use					
						Front	Side	Rear	Front	Side	Rear	A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)					
												Distance Front Side Rear	Street Trees	Narrow Buffer Detail No. M-54	Medium Buffer Detail No M-53	Wide Buffer Detail No. M-52	Commercial Use
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25	15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)	
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25	15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)	
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use	25 or 20 if adjacent to Industrial Use	200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)			
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District						See IC District					
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)	N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100	See IC District for commercial sites			N/A	N/A	N/A	N/A	N/A	N/A		
	Hospitals	10 ac	500	45	N/A	100	See IC District for commercial sites			N/A	N/A	N/A	N/A	N/A	N/A		
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50	See IC District for commercial sites			See I-C District for commercial or industrial use; Otherwise, N/A					





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

File Number: ZV1801  
 Staff Initials: gtt  
 Meeting Date: 02/22/18  
 Fees Paid (\$100 or \$150): Waived

Email: [zoning@jeffersoncountywv.org](mailto: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: Jefferson County Commission - Attn. Stephanie Grove, County Administrator  
 Mailing Address: 124 East Washington Street, Charles Town, WV 25414  
 Phone Number: 304.728.3284 Email: sgrove@jeffersoncountywv.org

**Applicant Contact Information**

Name: Jefferson County Convention and Visitors Bureau - Attn. Annette Gavin, CEO of JCCVB  
 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: Mills Group - Attn. Michael J. Mills, AIA, Project Architect  
 Mailing Address: 63 Wharf Street, Suite 300  
 Phone Number: 304.296.1010 Email: mmills@millsgrouponline.com

**Physical Property Details**

Physical Address: 37 Washington Court  
 City: Harpers Ferry State: WV Zip Code: 25425  
 Tax District: 04 - Harpers Ferry Map No: 7 Parcel No: 33  
 Parcel Size: 0.46 Acres Deed Book: 1165 Page No: 391

**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"/>
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**RECEIVED**

**JAN 26 2018**

JEFFERSON COUNTY  
 PLANNING, ZONING AND ENGINEERING

Place Received Date Stamp Here

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"/>
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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: Appendix B ggt

Briefly describe the nature of the variance request:

See attachment A for description

See attached site plan drawing

If this request is for a setback variance, please check one of the following: See attached site plan drawing

Front Setback  Side Setback  Rear Setback  Reduction From 40' to 9'

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

See attachment A for explanation

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

See attachment A for explanation

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

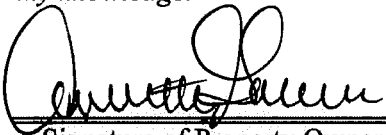
See attachment A for explanation

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

See attachment A for explanation

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 of Property Owner

1/26/18

Date

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 6.1B).

02/22/18

Date of Public Hearing

02/07/18

Advertising Date

02/07/18

Placard Posting Date



RECEIVED

JAN 26 2018

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Jefferson County Convention and Visitors Bureau  
Attachment 'A'

**Briefly describe the nature of the variance request:**

A variance is being requested to reduce the front yard setback from 40'-0" to 9'-0" as required by Appendix B (Non Residential Standards Table) of the Jefferson County Zoning and Land Development Ordinance. The purpose of the variance is to build an addition to the existing Jefferson County CVB within a rural zoned district. The 9'-0" setback is required to build exterior stairs, however, the majority of the building addition only requires a setback reduction of 14'-0". The submitted site plan drawing better describes the relationship between the building, the property boundary and adjacent roads.

**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 Jefferson County CVB is surrounded to the north, west and south by open, federal land and to the east by residential property. The 'original' and 'revised' DOH right-of-ways, as indicated on the site plan, have been observed and followed during design to ensure future maintenance of underground structures. Also, the distance between the proposed addition and the adjacent property owners is such that a fire, uncontrolled storm water run-off or a reduction in sunlight or view would not have an adverse effect.

**In what ways 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 that the Jefferson County CVB is located on is the remaining 0.46 acres of excess land that resulted after the construction of US Route 340. This irregular shaped plot of land is not consistent with the typical lot areas and widths listed for the Rural District in Appendix B: Non Residential Site Development Standards Table. In this instance, the typical setback requirements have a greater impact on the further development of this small plot of land. Additionally, the existing structure that the CVB occupies was originally built as a model home for Lindal Cedar Homes. The existing structure was not built in compliance to the current zoning ordinance and is not a condition created by the Jefferson County CVB.

"Designing on the principles of the past and preserving for the future"

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

Granting a variance from the required 40' front yard setback will allow the expansion of the Jefferson County CVB from approximately 975 SF to approximately 1935 SF. Without the variance, the remaining buildable strip of land, at approximately 18' x 150', would not be suitable for the proposed addition and future CVB use.

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

Per the Jefferson County Zoning and Land Development Ordinance, we understand that the intent of the Rural District is to provide a location for 'low density single family residential development in conjunction with providing continued farming activities'. As a permitted use within the district, we feel that the overall size, form and orientation of the proposed CVB building does well to address the adjacent roadways, open land and adjacent residential neighbor in a manner that is consistent with the intent of the zoning ordinance.

**Additional Remarks**

1. On July 28, 2016, the Jefferson County BZA granted a variance to reduce the front parking setback from 15' to 0' along Washington Court and Connector F (ZV16-16).

The current proposal still requires the previously granted variance along Washington Court. No parking is proposed along Connector F and West Washington Street. Refer to the site plan for the proposed parking configuration.

2. On July 12, 2016, the Jefferson County PC waived the requirement of Appendix B, Section 2.5(C) that requires parking lots and parking bays to be physically separated from the street and confined by curbing (PCW16-05).

The current proposal still requires the previously waived planning requirement as the proposed 90 degree parking will be accessed directly from Washington Court. Refer to the site plan for the adjacency between Washington Court and the proposed parking.






Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
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**SPARC Variance Request File #ZV18-02**

Item #4 Variance request by applicant, SPARC, LLC, represented by Gordon, from Sections 4.11A.1 (includes reference to Appendix B) and Appendix B to allow a 50' unscreened buffer to be utilized along all boundary lines for the purpose of installing three classroom/dormitory trailers as part of the approved Vocational and/or Training Facility for Adults.

APPLICANT:	SPARC, LLC
OWNER:	SPARC, LLC
DEVELOPER:	N/A
SURVEYOR/ENGINEER:	Ryan Perks, Gordon.
PROPERTY LOCATION:	201 Motorsports Park Cir. Summit Point
LEGAL DESCRIPTION & ZONING DISTRICT:	<p style="text-align: center;">Tax District: Kabletown (06); Tax Map: 17;          Parcels: 2; Size: ~415 acres;          Zoned: Rural</p> 
HISTORY:	See Below

**SUBDIVISIONS:**

Approval	File #	Development	Description
04/22/08	07-14	SPARC Training Campus	PB: 25; PG 216
04/01/08	08-02	William H. Scott Inter Vivos Trust Final/Merger Plat	PB: 25; PG 13
01/21/11	10-06	William H. Scott MSD, Lots 1, 2, and 3	PB: 25; PG 270

NOTE: There have been a number of boundary line adjustments related to this property.



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**SPARC Variance Request File #ZV18-02**

05/20/14	S13-03	Summit Point Tactical Training Center, Phase 4	Bldgs: 112,381 sf Private driveway and storage areas: 924,275 sf Sidewalks: 11,034 sf Concrete aprons: 10,097 sf Gravel drives: 83,578 sf Total: 1,141,365 *Six merger areas increasing acreage from 13.55 to 138.9. Includes: 5 classrooms; 2 training bldgs; dining hall; garage; wash bay & office space; fueling station; watch tower; 3 training areas.
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SITE PLANS (including related variances & redline revisions):

**Summit Point Motorsports Park (District: Kabletown; Map: 17; Parcel: 2)**

Approval	File #	Development	Description
12/13/94	S94-10	Summit Point Raceway	Registration Building
08/13/96	S96-13	Summit Point Raceway Apple Chapel	Pavilion to be used for worship services
03/25/97	S97-05	Summit Point Raceway	Tech Inspection Bldg
07/14/98	S98-05	BSR Range Complex	3 Pole Bldgs/Shooting House/Range House PC approved the following variances: 12/13/94: Sec. 11.2.c.2 revised internal access widths & Sec. 11.2.b.6 for a concrete apron. 06/23/98: Sec. 11.2.j.1 for paved interior roads & Sec. 11.2.c.2.a to reduce internal drives. 03/24/98: from processing a site plan based on whole site.
04/11/00	S00-04	Summit Point Raceway	Shower/Bathroom Facility
10/23/01	S01-10	Summit Point Raceway	Storage Building: 480 sf
06/11/02	S02-01	Summit Point Raceway Shenandoah Circuit	Race Control Bldg: 6,400 sf Race Track: 362/720 sf Registration Bldg: 1,058 sf Gasoline Alley Bldg: 39,360 sf Concession Kiosk: 2,162 sf
02/08/05	S04-12	SPARC	School Vehicle Maintenance Buildings x 9600 sf
05/12/10	S10-01	SPARC	Driveway Relocation
03/22/11	S10-07	Summit Point Raceway/ Global Tower Partners	195' monopole, Colocation Telecommunications Tower 07/07/11: Redline revision to shift tower location 100'
02/11/11	S10-08	STaSIS - SPARC	Bldg 1: 11,688 sf w/ future 2,100 sf expansion. Bldg 2: 4,800 sf w/ future 3,000 sf expansion. 10/26/10: allow rough grading prior to site plan approval. 12/21/10: elimination of sidewalks.
05/10/13	S13-02	Jefferson Circuit	Expansion of existing Jefferson Circuit
Pending	S17-10	SPARC Staging Area	Summit Point Motorsports Park Staging Area
Pending	S17-11	SPARC Range Extension	Extension of an existing range 12/14/17: Eliminate the required landscape buffer (ZV17-20).

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 February 22, 2018

**SPARC Variance Request File #ZV18-02**

Zoning Certificates

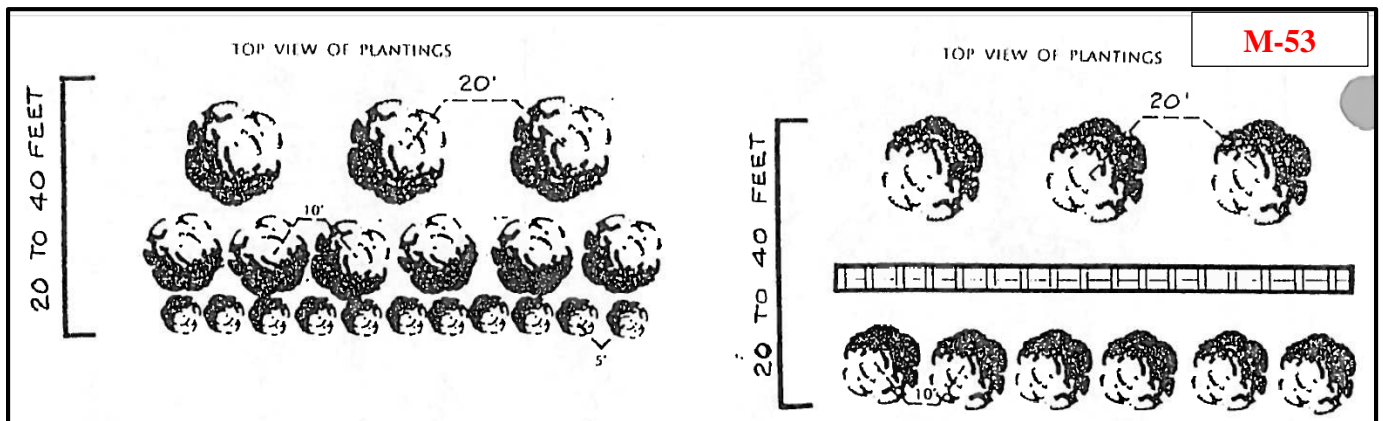
11/19/09	ZC09-08	SPARC	Seasonal Use Permit to hold WKA events on Washington Circuit at the Summit Point Raceway.
12/11/13	ZC13-50	Summit Point Raceway Assoc., Inc. dba BSR	Federal Firearms Licensing to include affiliated transfer of firearms and ammunitions sales, on premises, as it relates to existing Firearms Training Facility. Not a "store front" gun shop. No guns sold to the general public.
05/31/13	ZC13-14	SPARC	Vocational and /or Training Facility for adults. Extension of the Jefferson Circuit and additional skid pad for continued use as a Government, Corporate, Educational and Automotive Club Training/Testing Facility.

**Staff Evaluation of the Request**

Summary of Request and Purpose of Ordinance Requirements

The applicant's proposed project is to install three classroom/dormitory trailers as an expansion to the approval Vocational and/or Training Facility for Adults (ZC13-14). The applicant is seeking a variance to reduce buffer requirements in order to accomplish the proposed project.

SPARC has processed various projects through our Office and prior to a 2014 text amendment, was permitted to utilize a 50' unscreened buffer. The current regulations require a medium buffer per Standard Detail M-53. The buffer requirement is for a 20'-40' wide planting, with trees of at least 6' in height at the time of planting, with a height of 20' or more at maturity. Alternatively, a combination of trees and fencing may be utilized (see attached Standard Detail M-53).



Trees and Shrubs

Trees, fence, and Shrubs

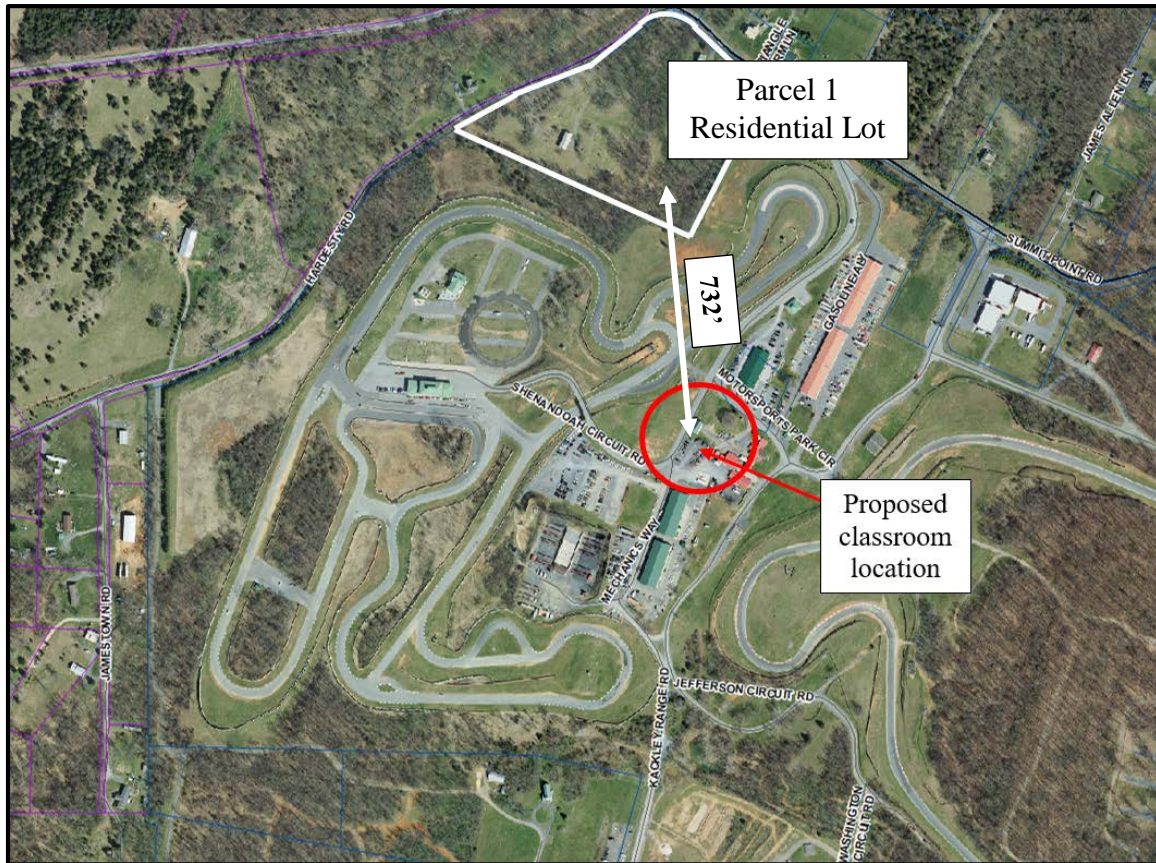
The purpose of landscape buffer requirements is typically to lessen the impact between adjacent land uses, including the visual impact of parking, truck loading area, etc. Landscape buffers contribute by reducing the impact that a land use might cause to an adjacent property by serving as a barrier to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

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
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**SPARC Variance Request File #ZV18-02**

Unique Characteristics of the Property

Summit Point Automotive Research Center (SPARC) is an approved training facility comprised of various racetracks and driving circuits, classrooms, and shooting ranges (utilized only for government training purposes and not open to the public). The automobile racing facility is a nonconforming use with specific expansion guidelines listed in Section 4.3 of the Zoning Ordinance.



Character of Area/Impact on Adjacent Properties

SPARC is located in a Rural area, surrounded by primarily large lot residential and agricultural uses. The impact on adjacent property owners should be minimal since the majority of the surrounding property is owned by SPARC. The closest residential property is parcel 1 (highlighted in the above image), and the applicant has shown that the proposed classrooms/dormitories will be located approximately 732' from their property line.

Feasibility of Complying with the Ordinance by other means

1. Possible Conditions of Approval

Should the Board approve the request with conditions, possible conditions of approval include:

- a. No structures, materials, or vehicular parking shall be permitted within the 50' unscreened buffer.

SECTION OF ORDINANCE TO BE CONSIDERED:

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
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**SPARC Variance Request File #ZV18-02**

**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.<sup>27</sup>

**A. Commercial Development<sup>27</sup>**

1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 50 foot or greater unscreened green space buffer or a 15 foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
2. All commercial development adjacent to all other uses must maintain ten foot side and rear yard landscape buffers.<sup>5</sup>

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32</sup>**

Zoning District	Development Type <sup>o</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imperious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use								
						Front	Side	Rear	Front	Side	Rear	A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)							
												Distance Front Side Rear	Street Trees	Side & Rear	Commercial Use	Industrial Use			
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)	
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)	
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)	
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District													
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50				N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)	
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100			See IC District for commercial sites			N/A	N/A		N/A	N/A	N/A	N/A	
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A	
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A						
	Commercial or Industrial **	See IC District																	

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
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**SPARC Variance Request File #ZV18-02**

TOP VIEW OF PLANTINGS

FRONT VIEW OF ULTIMATE GROWTH

OPTION D

TOP VIEW OF PLANTINGS

FRONT VIEW OF ULTIMATE GROWTH

OPTION E

**OPTION D**

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

**OPTION E**

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

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: <u>August 8, 1990</u>  COUNTY ENGINEER	<b>screen planting medium buffer</b>	REVISIONS:   	DETAIL No. <b>M</b> <b>-53</b>
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**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Engineering, Planning, and Zoning**  
**Office of Planning and Zoning**  
 116 East Washington Street, P.O. Box 716  
 Charles Town, WV 25414  
 www.jeffersoncountywv.org

File Number: ZV18-02  
 Staff Initials: GH  
 Meeting Date: 02/22/18  
 Fees Paid (\$100 or \$150): 100.00

Email: [zoning@jeffersoncountywv.org](mailto: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: SPARC, LLC  
 Mailing Address: PO BOX 190, Summit Point, WV 25446  
 Phone Number: (304) 725-8444 Email: dallison@bsr-inc.com

**Applicant Contact Information**

Name: SPARC, LLC  
 Mailing Address: PO BOX 190, Summit Point, WV 25446  
 Phone Number: (304) 725-8444 Email: dallison@bsr-inc.com

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

Name: GORDON  
 Mailing Address: 148 S Queen Street, Suite 201, Martinsburg, WV 25401  
 Phone Number: (304) 725-8456 Email: rperks@gordon.us.com

**Physical Property Details**

Physical Address: 201 Motorsports Park Circle  
 City: Summit Point State: WV Zip Code: 25446  
 Tax District: Kabletown Map No: 17 Parcel No: 2, 3, 3.1  
 Parcel Size: P2-415.3 ac; P3-4.6 ac; P3.1-10 ac Deed Book: 1096 Page No: 472

**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"/>

**RECEIVED**

JAN 30 2018

JEFFERSON COUNTY  
 PLANNING, ZONING AND ENGINEERING

Place Received Date Stamp Here

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"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 4.11.A.1 / Appendix B

Briefly describe the nature of the variance request:

Allow for a 50'+ unscreened buffer along the property boundary lines for the proposed site.

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:

The intent of the screening/buffering requirements will be maintained as a significant distance and existing forested areas lie between the property boundaries and the proposed site.

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?

Much of the perimeter area outside of the site development is in a forested condition, providing a natural vegetated buffer from the property line. Additionally, the closest boundary to the site is 700'+ away providing a significant distance buffer.

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

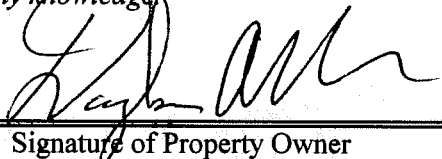
Enforcing the zoning ordinance as written would require existing mature trees to be cleared and then replaced by a new line of immature vegetative buffer. The effort and cost involved in this action would be unreasonable and excessive.

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

The intent of the Zoning Ordinance is to provide a buffer between commercial and residential uses. An existing vegetative screen and/or significant distance is already present for this site development. Granting the variance will eliminate unneeded effort and costs.

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 of Property Owner

01/30/2018

Date

Signature of Property Owner

Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 6.1B).

02/22/18

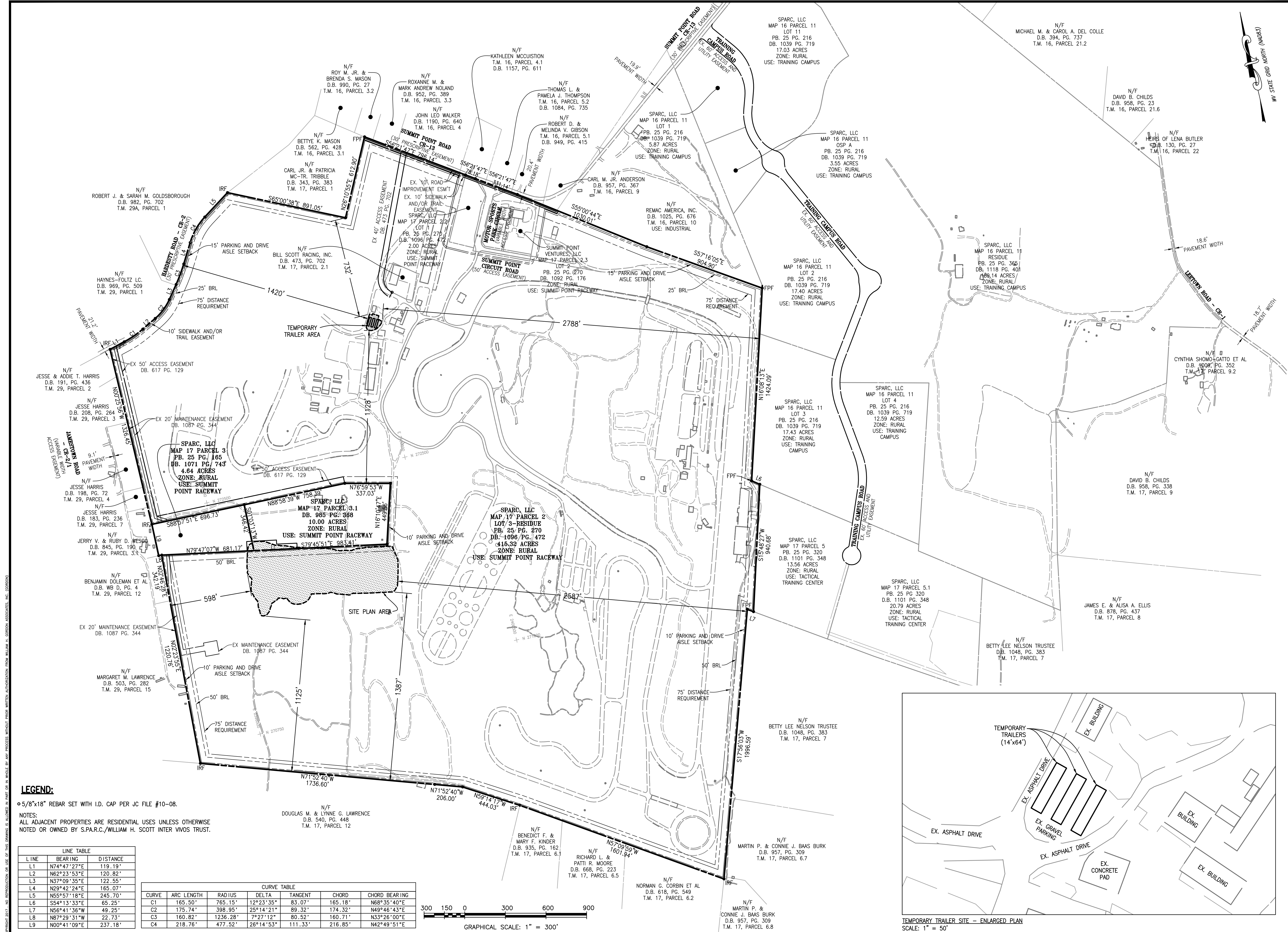
Date of Public Hearing

02/07/18

Advertising Date

02/07/18

Placard Posting Date



PROGRAMMING AND PLANNING  
 CIVIL ENGINEERING  
 LANDSCAPE ARCHITECTURE  
 SURVEY AND MAPPING  
 SECURITY CONSULTING

**Gordon**  
 301 N. Mildred Street, Suite 1  
 Charles Town, WV 25414  
 Phone: 304-725-8456  
 www.gordon.us.com

SEAL:

NO.	DATE	REVISIONS
1.	11/13/17	JODEPZ COMMENTS
2.	1/30/18	ADD TEMPORARY TRAILERS

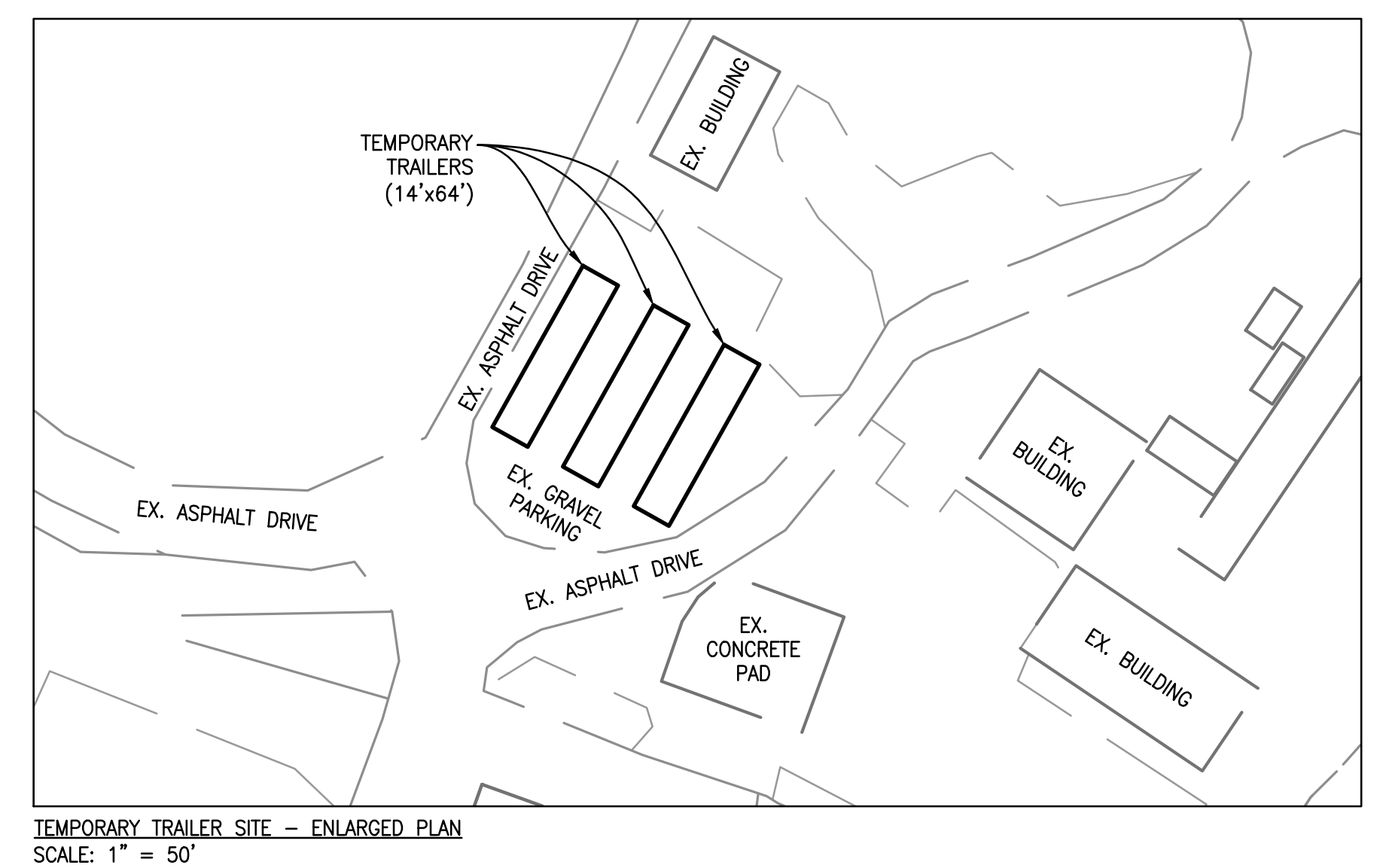
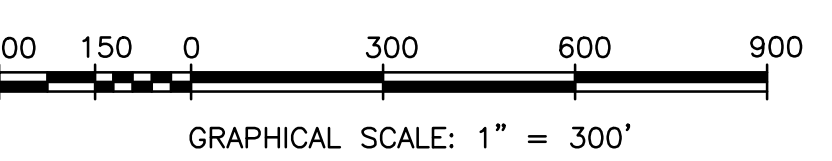
OVERALL SITE PLAN  
**SPARC**  
**RANGE EXTENSION**  
 TAX MAP 17, PARCELS 2, 3, 3.1  
 KABLETOWN DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=300'
	VERT: 1"=300'
DATE:	OCTOBER 2017
JOB:	2148-2101
DRAWN:	MAC
CHECK:	JPG
CADD:	C-CS-100.DWG
NCS:	CS-100
SHEET:	

**LEGEND:**  
 ○ 5/8"x18" REBAR SET WITH I.D. CAP PER JC FILE #10-08.  
 NOTES:  
 ALL ADJACENT PROPERTIES ARE RESIDENTIAL USES UNLESS OTHERWISE NOTED OR OWNED BY S.P.A.R.C./WILLIAM H. SCOTT INTER VIVOS TRUST.

LINE	BEARING	DISTANCE
L1	N74°47'27"E	119.19'
L2	N62°23'53"E	120.82'
L3	N37°09'35"E	122.55'
L4	N29°42'24"E	165.07'
L5	N58°57'18"E	245.70'
L6	N54°13'33"E	65.25'
L7	N58°41'36"W	49.25'
L8	N87°29'31"W	22.73'
L9	N00°41'09"E	237.18'

CURVE	ARC LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	165.50'	765.15'	12°23'35"	83.07'	165.18'	N68°35'40"E
C2	175.74'	398.95'	25°14'21"	89.32'	174.32'	N49°46'43"E
C3	160.82'	1236.28'	7°27'12"	80.52'	160.71'	N33°26'00"E
C4	218.76'	477.52'	26°14'53"	111.33'	216.85'	N42°49'51"E



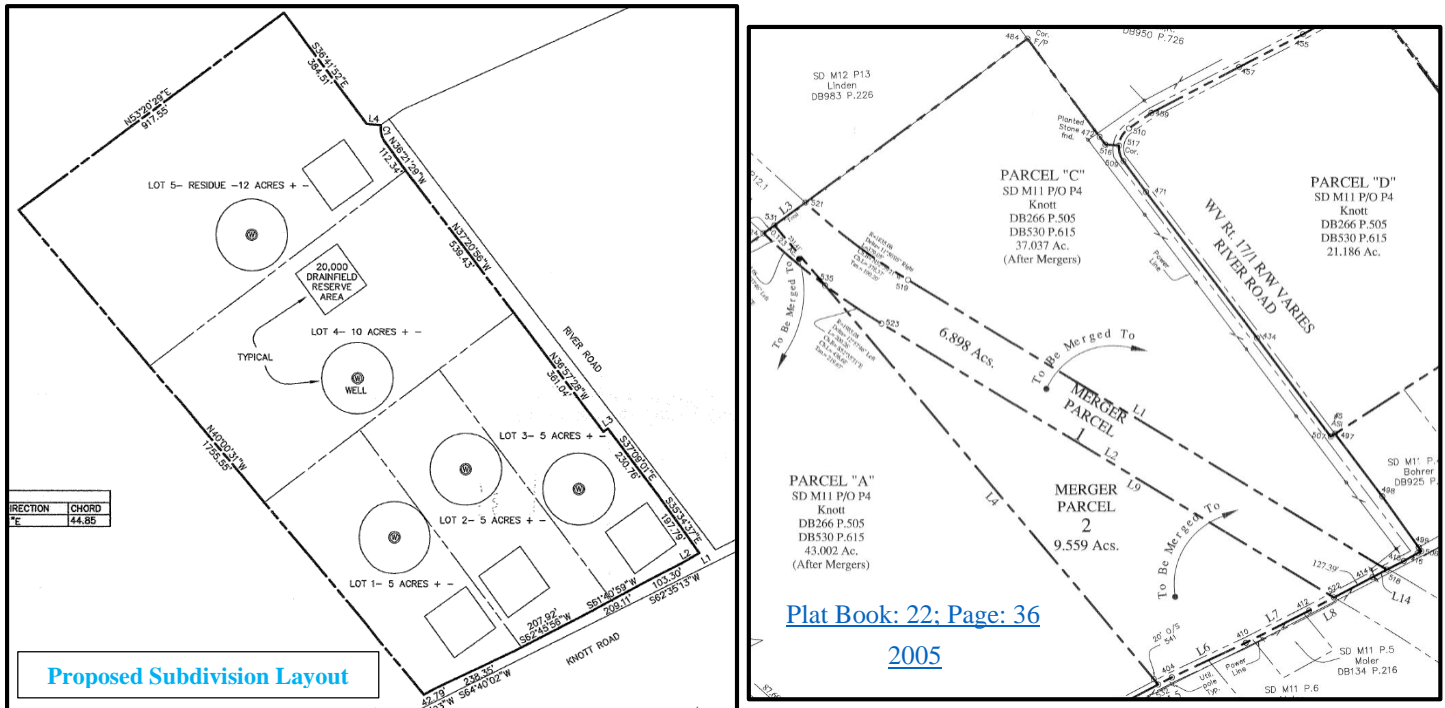
TEMPORARY TRAILER SITE - ENLARGED PLAN  
 SCALE: 1" = 50'





Staff Report  
Jefferson County Board of Zoning Appeals  
February 22, 2018

**Knott - Lutman Variance (ZV18-03)**



Unique Characteristics of the Property

The property is 37 acres and is zoned Rural. In 1988, the property consisted of 20.703 acres (DB 266, PG 505 dated March 16, 1953). A merger occurred in 2005, which included 6.898 acres from CSX and 9.559 acres from adjacent parcel 11.4, to create the current acreage of 37± acres.

Under the current provisions of the Zoning Ordinance, the applicant has the right to create five lots and a residue (6 lots total) as a cluster subdivision. The Ordinance requires that the density be calculated based on the acreage on record in 1988; however, the Zoning Administrator made a determination that the CSX easement (approximately 6.898 acres) that was merged in 2005 could be included in the calculation because the development potential, if any existed, for the easement was never utilized. However, the 9.559 acres merged from parcel 11.4 was not included in the density calculation because parcel 11.4 would have retained the development rights based on the acreage in 1988 (including the 9.559 acres deducted in 2005). The Zoning Ordinance requires that all cluster subdivisions process as a Major Subdivision.

The applicant is proposing to create 4 lots and a residue (5 lots). Section 20.201 of the Subdivision Regulations allow a property owner to create a maximum of five lots via the minor process. The Zoning Ordinance allows a property owner to create two lots and a residue every five years, or to utilize the cluster provision to create a larger subdivision with no time constraints (outside of review time).

Because the applicant is proposing to subdivide a total of five lots, and would like to process under the minor process, he is requesting to utilize Section 5.7D(3) and have the five year time period waived to divide all five lots up front.

It should be noted that Staff has not received a request of this nature before.

Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 22, 2018

**Knott - Lutman Variance (ZV18-03)**



Impact on Adjacent Properties

Impact on adjacent properties is minimal. The nature of the request will not create any additional adverse impact above and beyond what would already be permitted through the major process. Traffic will increase regardless of the process the applicant pursues.

Feasibility of complying with the Ordinance by other means

It is feasible to comply with the Ordinance by other means. The applicant has the right to create five lots and a residue (total of six lots) under the Cluster Provision. The Zoning Ordinance requires that all cluster subdivisions be created via the Major Subdivision Process.

	Traditional Subdivision (5.7D.1)	Cluster Subdivision (5.7D.2)	Minor Subdivision (5.7D.3)
Number of lots	0	6*	3 (every 5 years)
Setbacks	40' Front 15' Side 50' Rear	25 Front 12' Side 20' Rear	40' Front 15' Side 50' Rear
Minimum Lot Size	3 acres	40,000 sf 20,000 sf water or sewer 10,000 sf water and sewer	40,000 sf
Green Space	None	50% of total acreage	None
Process	Minor (up to five)	Major	Minor (up to five)

*\*Staff determined that merging the 6.898 acres from the CSX easement provided the applicant with an additional subdivision right, because the acreage existing pre 1988. However, currently, the merger from parcel 11.4 of 9.559 acres would not increase the subdivision rights because that land was conveyed in 2005. The Zoning Ordinance requires that acreage be calculated based on the existing acreage in 1988.*

Staff Report  
Jefferson County Board of Zoning Appeals  
February 22, 2018

**Knott - Lutman Variance (ZV18-03)**

Conditions of Approval

If the variance is granted, a possible condition of approval could be:

- a) The variance applies only to the proposed 4 lots and a residue (not subject to the exact layout presented).

**Section of Ordinance to be Considered:**

**Section 5.7** Maximum Number of Lots Allowed

3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.<sup>32</sup>



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

File Number: ZV18-03
Staff Initials: JH
Meeting Date: 02/22/18
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: STEVEN W KNOTT MARGAZET K OGG
Mailing Address: 5 FARMHOUSE LANE, CARLISLE, PA 17013
Phone Number: Email:

Applicant Contact Information

Name: DAVID LUTMAN
Mailing Address: 412 W. BOUR BLVD, KEARNEYSVILLE WV 25430
Phone Number: 304-702-2500 Email:

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

Name: PETER LORENZEN
Mailing Address: PO BOX 316, SUMMIT POINT WV, 25446
Phone Number: 304-283-1276 Email: PHLOR@AOL.COM

Physical Property Details

Physical Address: INTERSECTION OF KNOTT + RIVER ROADS
City: SHEPHERDSTOWN State: Zip Code:
Tax District: SHEPHERDSTOWN Map No: 11 Parcel No: 13
Parcel Size: 37 ACRES Deed Book: 1068 Page No: 067

Zoning District (lease check one)

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

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JAN 31 2018

JEFFERSON COUNTY PLANNING, ZONING AND 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: 5.7D.3gH 01/31/18

Briefly describe the nature of the variance request:

WAIVER OF THE 5 YEAR WAITING PERIOD BETWEEN PROCESSING TWO (2) LOT MINOR SUBDIVISIONS, WISHED LINE TO PROCESS 4 LOTS AT ONE TIME (MINOR SUBDIVISION)

If this request is for a setback variance, please check one of the following: PH 02/02/18 PH

NO 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:

LARGE LOTS 5+ ACRES

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?

WISH TO WAIVE 5 YEAR WAITING PERIOD BETWEEN 2 LOT MINOR SUBDIVISIONS

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

ALLOW FOR MORE EXPEDIENT CREATION OF SMALL FARMETTES

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

THE INTENT OF THE ORDINANCE WILL BE MET BY ALLOWING THE 4 DEVELOPMENT RIGHTS ALREADY APPROVED

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.

DocuSigned by:  
Stevan W Knott 1/29/2018  
Signature of Property Owner Date

DocuSigned by:  
Margaret K Ogg 1/29/2018  
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 6.1B).

02/22/18  
Date of Public Hearing

02/07/18  
Advertising Date

02/07/18  
Placard Posting Date

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: \_\_\_\_\_

Briefly describe the nature of the variance request:

WAIVER OF THE 5 YEAR WAITING PERIOD BETWEEN PROCESSING TWO (2) LOT MINOR SUBDIVISIONS, WOULD LIKE TO PROCESS 4 LOTS AT ONE TIME (MINOR SUBDIVISION)

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

NO 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:

LARGE LOTS 5+ ACRES

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?

WISH TO WAIVE 5 YEAR WAITING PERIOD BETWEEN 2 LOT MINOR SUBDIVISIONS

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

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THE INTENT OF THE ORDINANCE WILL BE MET BY ALLOWING THE 4 DEVELOPMENT RIGHTS ALREADY APPROVED

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] 2-9-18  
Signature of Property Owner Date

Margaret K. O'ggy 2-9-18  
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 6.1B).

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Date of Public Hearing

FEB 13 2018

Advertising Date

Placard Posting Date

LEGEND

JEFFERSON COUNTY PLANNING COMMISSION-WAIVERS  
(TABLE 1.2-2)

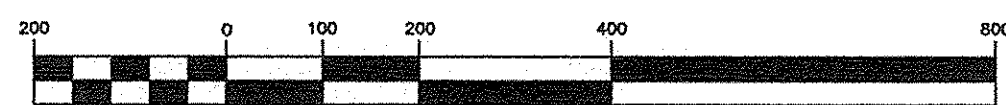
SECTION OF ORDINANCE	NONE	DATE GRANTED



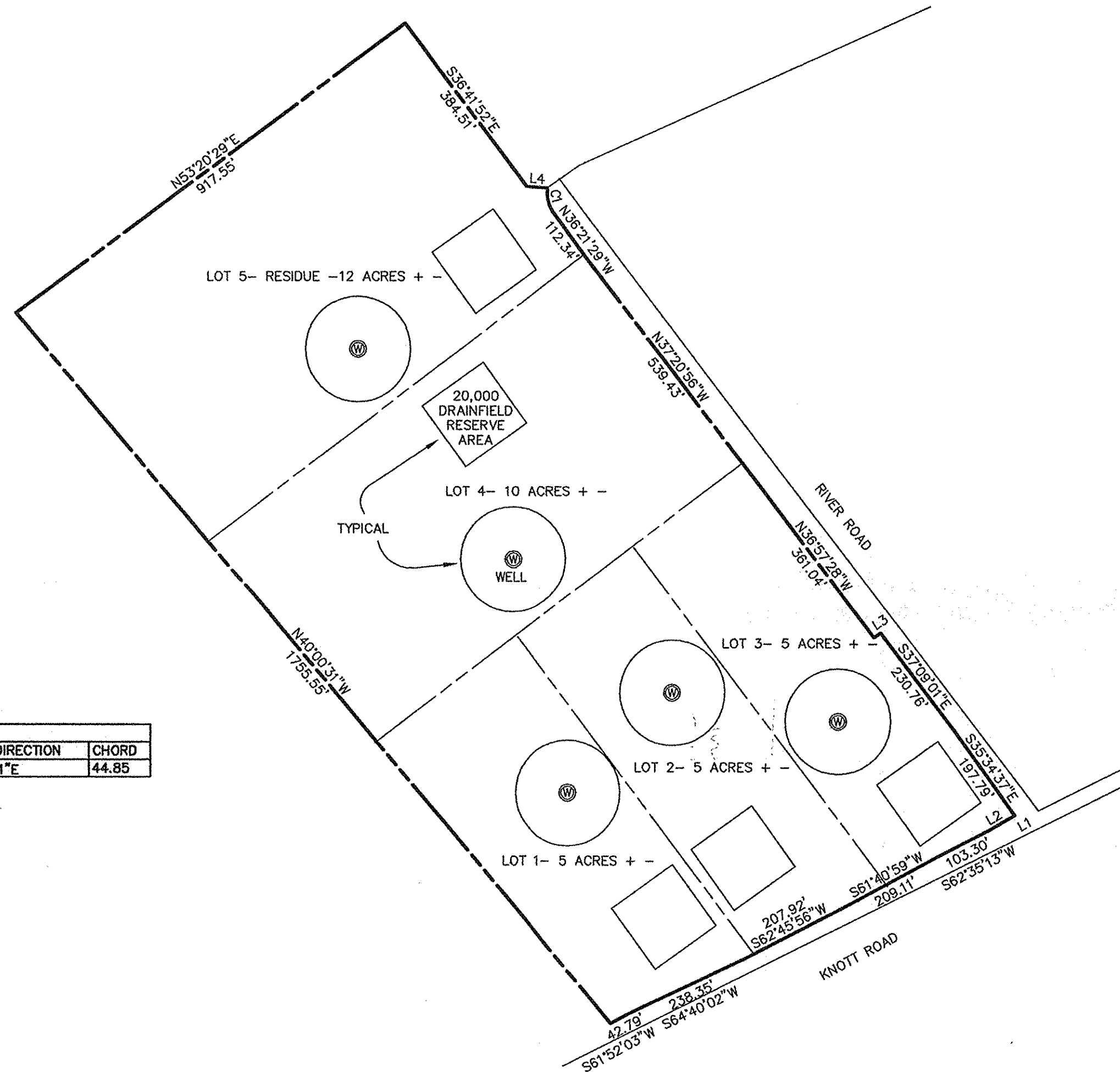
LINE TABLE		
LINE	LENGTH	BEARING
L1	11.98	S61°24'18"W
L2	46.70	S59°57'32"W
L3	15.18	S56°49'46"W
L4	39.97	S85°48'27"E

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD DIRECTION	CHORD
C1	45.84	63.25	41°31'45"	23.98	S12°25'31"E	44.85

GRAPHIC SCALE



( IN FEET )  
1 inch = 200 ft.



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JAN 18 2018

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

PRELIMINARY SKETCH PLAT

**LOTS 1-5(RESIDUE)**  
**DAVID LUTMAN KNOTT MINOR SUBDIVISION**

T.M. 11 PARCEL 13 DEED BOOK 1068 PAGE 667 .  
SHEPHERDSTOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

PROPERTY STANDING IN THE NAME OF STEVEN W. KNOTT AND MARGARET K. OGG, AS RECORDED  
IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1068 PAGE 667.

SURVEYOR: PETER H. LORENZEN - P.O. BOX 316, SUMMIT POINT, WV. 25446.  
(304)728-6093

OWNER/DEVELOPER: DAVID LUTMAN - 412 W. BURR BLVD., KEARNEYSVILLE, WV, 25430  
(304) 702-2500

DWG # LUTMANKNOTT

DATE 1-17-18

RECEIVED

ZV18-03

FEB 14 2018

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

Jefferson County Zoning Variance Board

Charles Town, WV

I am a resident of Jefferson County living on Knott Road near Moler's Cross Roads. I am writing to object to the proposed Zoning Variance Number ZV18-03.

Changing the Agricultural Zoning of the proposed farm field would have a negative impact:

Higher density housing would stress existing small roads

It would change the historic character of the existing neighborhood.

It would affect the visual beauty of Moler's Cross Roads and affect the quality of life of the neighborhood residents.

Most importantly, the proposed site is of significant Civil War historical value. The land is in the path of the movement of troops from Harpers Ferry to the Battle of Antietam.

There were two known Civil War actions that took place on the property. See Jefferson County Actions attached.

No rezoning or variance should be allowed on this property without fully investigating the historic impact, cultural impact and allowing time for the local community and historical societies to defend this precious resource.

Please don't allow the quick, "fast track" development of historic land without full and due process.

Regards,



Fred Wilcoxon

1071 Knott Road

Shepherdstown, Wv 25443

304-876-1050



**MARKER NUMBER TWO:**

*“Butler’s Woods, Moler’s Cross Roads, and Uvilla”*

July 16, 1863. Action between Union cavalry and two brigades of Confederate cavalry led by Gen. Fitzhugh Lee and Gen. John R. Chambliss, Jr. Following the Battle of Gettysburg, the Confederate army retreated back to Virginia. The Confederate Cavalry was picketed from the Shenandoah to the Potomac River to warn of a Union advance. Union forces crossed the Potomac at Shepherdstown and ran into the Confederate pickets north of Kearneysville. The Confederates succeeded in pushing Union troops to Butler’s Woods and eventually back across the Potomac. “Colonel (James H.) Drake, of the First Virginia Cavalry, was mortally wounded, and died that night at Mr. Marshall’s. About 40 feet from Marker No. 2, measuring west, is the place where he was shot. He was an able officer.”

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**MARKER NUMBER FOUR:**

*“Slaughter at the Cement Mill on the Potomac”*

This is an account of the Battle of Shepherdstown. Following the Battle of Sharpsburg on September 17, 1862, General Lee began moving his army southward back to Virginia on the night of September 18<sup>th</sup>. The army crossed the Potomac River at Pack Horse Ford without incident. General Lee left a rear guard in place along the cliffs overlooking the river to protect the army as it continued its withdrawal. An advance of the Union army on September 19<sup>th</sup> and 20<sup>th</sup> threatened the Confederates, so Confederate General A. P Hill with his division was dispatched to stop the Union pursuit. Hill’s Division successfully repulsed the Union advance literally pushing the Union troops back across the Potomac River. One Union regiment, the 118<sup>th</sup> Pennsylvania Volunteers known as “The Corn Exchange Regiment,” suffered high numbers of casualties crossing the Potomac with 737 officers and men and re-crossing with 468. The Confederate loss was 34 killed and 231 wounded. *“Soldiers of the Light Division, you have done well. I am well pleased with you. You have fought in every battle from Mechanicsville to Shepherdstown, and no man can say the Light Division was ever broken.”*

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**MARKER NUMBER FIVE:**

*“Butler’s Woods, Moler’s Cross Roads, and Uvilla”*

July 16, 1863. Company "D," 12<sup>th</sup> Virginia Cavalry, moved northeast to Moler's Cross Roads. When Maj. John L. Knott relieved Capt. Kearney, he sent the prisoners "back to safety." Company "D" ran in to Union reinforcements moving from Harpers Ferry to assist Union troops which had crossed the Potomac at Shepherdstown and engaged Confederate cavalry led by Gen. Fitzhugh Lee and Gen. John R. Chambliss, Jr. The work of Company "D" succeeded in delaying Union reinforcements so that they were unable to come to the aid of their compatriots near Shepherdstown. *"This timely check of this brigade fro three hours undoubtedly saved the day on the pike at Butler's woods."*

**From:** Fred Wilcoxon  
**To:** [Zoning](#)  
**Subject:** Lutman Appeal  
**Date:** Friday, February 16, 2018 10:48:54 AM

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After reading the Zoning Ordinance for Rural District, I have a better understanding of how zoning works.

I strongly object to allowing the Lutman cluster development to be approved using the appeals process.

Although everybody would like to make more money faster, the Cluster Process serves an important purpose and should not be allowed to be bypassed. This Cluster Process requires a well thought out plan and results in the better fit of residential expansion into the fabric of our community.

Again, the Cluster Process is the best way to handle this appeal and it will not set a dangerous precedent for other developers.

Thanks for your help in this matter,

Fred Wilcoxon  
304-876-1050





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

P.O. Box 716

Charles Town, WV 25414

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228

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## Zoning Administrator's Report Board of Zoning Appeals Meeting February 22, 2018

### 1) Pending Zoning Ordinance and Subdivision Regulation Amendments

- **Pending amendments:**

- a) Historic Preservation – **County Commission Public Hearing Held on 02-15-18**
  - i. Public Comment will remain open until March 1
- b) Signage – **Draft Amendment Submitted to Planning Commission on 02-13-18**
  - i. A Work Session was held with the Planning Commission on November 28 to review industry standards. Staff intends to submit a draft amendment to the Planning Commission at the beginning of 2018.
- c) Maximum Lots Allowed (in the Rural District) –  
**County Commission Public Hearing Held on 02-15-18**  
Public Comment will remain open until March 1

### 2) Upcoming BZA meeting

- The next regular meeting is scheduled for **March 22, 2018** (deadline for submissions is Wednesday, 02-28-18)



Jefferson County, West Virginia  
 Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
 116 E. Washington Street, 2<sup>nd</sup> Floor, P.O. Box 716  
 Charles Town, West Virginia 25414  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

**January and February 2018**

**Zoning Certificate Activity Report**

File #	Property Owner/ Business Name	Applicant Name	Property Location	Description	Issuance Date
ZC17-39	Laura Goddard, Mountain View Polo	P.J. Raco Consulting, LLC	261 Falcon Ridge Dr. Charles Town	Equestrian Use, horse riding, training, breeding, stables, boarding	01/16/18
ZC18-01	Michael R. Skigen, WWV General PTP	Stacey Watson, Pavement Supplies WV	197 Halltown Rd. Harpers Ferry	Retail Sales and Services, General	02/01/18
ZC18-02	George Rushizky	Kenneth Hardin, Hardy Cellular Telephone Co.	8428 Shepherdstown Pk., Shepherdstown	Existing Wireless Telecommunication Facility: add six antennas & ancillary mounted equipment 200' tower	TBD
ZC18-03	T. Todd & Susan B. Hough, Tr.	Self	Shannondale Rd. ½ mile W of Kabletown Rd.	Veterinary Services, Pet Crematory under 1200 sq.	TBD
ZC18-04	Cable Holdco Exchange V LLC	Shenandoah Personal Comm. LLC, Shentel	512 Sandpiper Ln. Shepherdstown	Existing Wireless Telecommunication Facility: add six antennas & ancillary mounted equipment ~120' tower.	TBD
ZC18-05	Michael Feeser	Self	5567 Engle Molers Rd., Shepherdstown	Air B&B in guest home.	TBD