



Jefferson County
Board of Zoning Appeals
Thursday, April 26, 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. Approval of Minutes – March 22, 2018
2. Swearing in of members of the public intending to provide testimony
3. Public Hearing. Variance from Section 9.6C to allow an accessory structure in the required front yard; and Appendix A to reduce the front setback from 25' to 10' to construct a 12' x 16' shed. Property Owner: Robert & Geraldine Hanshew. Location: 181 Old Schoolhouse Ln, Millville. Tax District: Harpers Ferry (04); Tax Map: 11A; Parcel: 22; Size 1 ac; Zone: Industrial-Commercial; ZV18-05.
4. Zoning Administrator Report
 - a. Monthly Zoning Certificate Activity Report
5. 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: March 22, 2018
 - i. Variance from Section 5.4b. Owner: Nelson Benavides. File: ZV18-04.

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: March 22, 2018
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
5 Members absent: Deirdre Catterton and Jeff Bresee (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 2:04 pm, which carried unanimously. Mr. Quynn
10 explained to the public how the meeting would be conducted. Ms. Hartman swore in members of
11 the public who indicated they would be providing testimony.

12 1. Election of Officers. Postponed from the February 22, 2018.

13 My. Quynn called for a nomination for the position of Chair for the Board. Mr. Bannon
14 nominated Mr. Quynn as Chair. Mr. Knott seconded the nomination. Mr. Quynn called for a
15 vote, which carried unanimously.

16 My. Quynn called for a nomination for the position of Vice Chair for the Board. Mr. Knott
17 nominated Mr. Bannon as Vice Chair. Mr. Quynn seconded the nomination. Mr. Quynn called
18 for a vote, which carried unanimously.

19 2. Approval of Minutes – February 22, 2018. Mr. Bannon moved to approve the minutes with no
20 corrections, which carried unanimously.

21 3. Public Hearing. Variance from Section 5.4b of the 2005 Zoning Ordinance to reduce the rear
22 setback from 20' to 11' for the construction of a 20' x 16' pavilion. Property Owner: Nelson
23 Benavides. Property Location: Sheridan Estates, Lot 156, 43 Wilderness Ct. Harpers Ferry. Tax
24 District: Harpers Ferry (04); Tax Map: 9D; Parcel: 156; Size: .33 ac; Zone: Residential Growth;
25 File: ZV18-04.

26 Nelson Benavides, property owner, and Robert Hattler, representative, were present to address
27 the Board. Ms. Beaulieu presented her staff report to the Board. Ms. Beaulieu confirmed that the
28 pavilion would be constructed at the bottom of the slope. Mr. Benavides explained the nature of
29 the request. The Board questioned if the pavilion could go in an alternate location. Mr. Benavides
30 and Mr. Hattler noted that if the pavilion were to conform to the required setbacks that it would
31 be located close to the existing deck and, considering the excessive slope, the applicant would
32 not have a useable backyard. Mr. Benavides confirmed that the pavilion would not be enclosed.
33 Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the
34 public hearing.

35 Mr. Bannon moved to approve the variance as requested with the condition that the applicants
36 were bound by their testimony, which carried unanimously.

37 4. Zoning Administrator's Report

38 a. Monthly Zoning Certificate Activity Report. This report was provided to the Board in their
39 mailed packet.

- 1 Ms. Beaulieu updated the Board on the status of the pending text amendments and reminded the
2 Board that the next meeting would be on April 26, 2018.
- 3 5. Legal Update
- 4 a. Possible executive session on the following pending lawsuits. None.
- 5 b. Discussion with possible deliberative session and signing of draft findings/decisions.
- 6 Meeting: February 22, 2018
- 7 i. Variance from App. B. Owner: Jefferson County Commission. Applicant: Jefferson
8 County Convention and Visitors Bureau (JCCVB). File: ZV18-01.
- 9 ii. Variance from Sec. 4.11A.1 & App. B. Owner: SPARC LLC. File: ZV18-02.
- 10 iii. Variance from Sec. 5.7D.3. Owner: S. Knott & M. Ogg. Applicant: D. Lutman.
11 File: ZV18-03.
- 12 Mr. Cochran provided the draft Findings to Mr. Quynn to review and sign.
- 13 Mr. Knott moved to adjourn the meeting at 2:22 pm. Mr. Quynn called for a vote, which carried
14 unanimously.

Staff Report
Jefferson County Board of Zoning Appeals
April 26, 2018

Hanshew Variance (ZV18-05)

Unique Characteristics of the Property

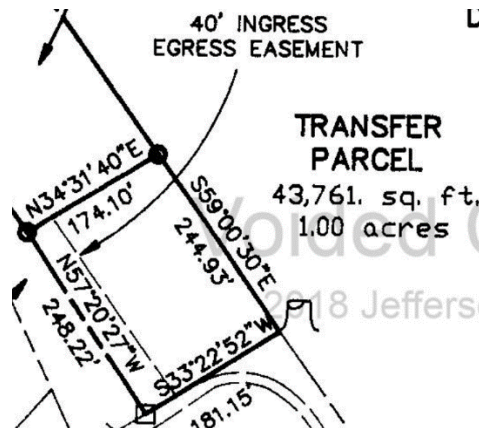
The property is located in the Industrial Commercial zoning district. Typically residential land uses are not permitted in this zone. The subject parcel was approved on February 20, 2003, as a Subdivision Exemption per Section 2.1(b) as a Parent to Child lot and was recorded in the County Courthouse on May 6, 2003 in Deed Book: 973 at Page: 641. Section 2.1(b) restricted the lot to a single-family residence.



Impact on Adjacent Properties

The proposed storage shed will have no significant impact on the adjacent neighbors' properties. The Zoning Ordinance requires that the front setback be calculated from the edge of the 40' easement, placing the shed 65' from the applicant's property line. Reducing the setback to 10' off of the easement still places the structure 50' from the western property line.

The 40' easement will not be altered in any way; therefore, there is no significant impact on the neighbor to the north, who shares the 40' access easement with the applicant. This neighbor has also provided a letter of support for the applicant's request.



Staff Report
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 April 26, 2018

Hanshew Variance (ZV18-05)

Feasibility of complying with the Ordinance by other means

It is feasible to comply with the Ordinance by other means. The structure could be relocated elsewhere on the lot to comply with building setbacks.

Conditions of Approval

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

- a) No conditions of approval have been identified.

Section of Ordinance to be Considered:

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- C. No accessory building shall be erected within the required front yard.

Appendix A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE

| Zoning District | Land use | Land Use Subtype | Min Lot Area (MLA) sq. ft.*** | Area per Dwelling Unit (ADU) sq. ft. | Min Lot Width | Max Building Height* | Setbacks | | | | Parking/ Drive Aisle Setbacks | Screened Buffers Sec. 4.11 |
|---|---|---|-------------------------------|--------------------------------------|---------------|----------------------|----------|------|-------------|------|--------------------------------|--------------------------------|
| | | | | | | | Front | Side | Street Side | Rear | | |
| Residential Growth (RG) | Single Family Detached Dwelling | Public/Central water and sewer | 6,000 | 10,000 | N/A | 40 | 25 | 12 | 15 | 20 | N/A | N/A |
| | | Public/Central water or sewer | 20,000 | N/A | N/A | " | " | " | " | " | | |
| | | No Public/Central water or sewer | 40,000 | N/A | N/A | " | " | " | " | " | | |
| | Small Lot Single-Family Detached Dwelling | Public/Central water and sewer | 3,200 | 7,500 | 35 | 40 | 20**** | 5 | 10 | 20 | N/A | N/A |
| | Duplex Dwelling Unit | Public/Central water and sewer | 3,200 | 7,500 | N/A | 40 | 25 | 15** | 15 | 20 | | |
| | Townhouse Dwelling | Public/Central water or sewer | N/A | 10,000 | N/A | " | " | " | " | " | 12 side 15 front 15 rear | 12 side 15 front 15 rear |
| | Multi-Family Dwelling (See Section 4.12) | Public/Central water and sewer | 1,400 | 3,500 | N/A | 40 | 25 | 12** | 15 | 20 | | |
| Single-Family Dwelling with setbacks not previously stipulated by Planning Commission | Over 40,000 sq. ft. | N/A | N/A | N/A | 40 | 25 | 12 | ° | 12 | N/A | N/A | |
| | 30,000 sq. ft. to 40,000 sq. ft. | N/A | N/A | N/A | 40 | 20 | 10 | ° | 12 | | | |
| | Under 30,000 sq. ft. | N/A | N/A | N/A | 40 | 20 | 8 | ° | 12 | | | |
| Rural (R) (See Sec. 5.7) | Dwellings | Over 2 acres | 40,000 | N/A | 100 | 45 | 40 | 15 | ° | 50 | N/A | N/A |
| | | 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 | | | | | | | | | | |
| Village (V) | Residential uses | See RG District | | | | | | | | | | |
| Residential-Light Industrial-Commercial (RLIC) | Residential uses | See RG District [¶] | | | | | | | | | | |
| Industrial-Commercial (IC) | Residential uses | See Rural setbacks for lots not previously stipulated by the Planning Commission. | | | | | | | | | | |

“See Rural setbacks for lots no previously stipulated by the Planning Commission”.



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: ZV18-05
 Staff Initials: gjt
 Meeting Date: 04/26/18
 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: Robert W. & Geraldine T. Hanshew
 Mailing Address: 181 Old Schoolhouse Lane, Millville, WV 25432
 Phone Number: 304-676-2995 cell. Email: robhanshew@frontiernet.net

Applicant Contact Information

Name: Same as Owner
 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: 181 Old Schoolhouse Lane
 City: Millville State: WV Zip Code: 25432
 Tax District: Harpers Ferry Map No: 11-A Parcel No: 22
 Parcel Size: 1.00 Acre Deed Book: 1025 Page No: 524

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 checked="" type="checkbox"/> | <input 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

APR 04 2018

JEFFERSON COUNTY PLANNING & 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: 9.6 C & App. A. GH 04/06/18

Briefly describe the nature of the variance request:

Request variance to construct a building

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

Front Setback Side Setback Rear Setback Reduction From 25' to 10'

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:

This frontage has a 40' easement recorded on the Northwest side of the property. If granted there remains a 50' portion of the property for access to the property behind our home.

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

The property is a small lot and we would like to preserve as much useable green area as possible.

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

Granting this variance would provide 3,724.3 additional square feet of area

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

Granting this variance will maintain a 50' strip of land for future and present access to the single resident property back of our home.

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]
Signature of Property Owner

April 4, 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).

04/26/18
Date of Public Hearing

04/11/18
Advertising Date

04/11/18
Placard Posting Date



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04011A00200009

04011A00210000

OLD SCHOOLHOUSE LN

04011A00430000

04011A00230000

04011A00200010

04011A00240000

TJ LONGERBEAM DR

04011A00200008

04011A00320000

04011A00190001

04011A00310000

ZV1805

Keith Jones
177 Old Schoolhouse Lane
Millville, WV 25432
April 4, 2018

RECEIVED

APR 09 2018

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Jefferson County Commissioners
Office of Planning and Zoning
116 East Washington Street
Charles Town, WV 25414

RE: 181 Old Schoolhouse Lane Zoning Variance Request

Dear Jefferson County Commissioners:

I am a long-time resident of Millville, and I am writing to express my view of the request for property frontage variance at 181 Old Schoolhouse Lane, Millville, WV 25432. My home has a forty foot wide easement access through the 181 Old Schoolhouse Lane property. I have no objection to the request to the zoning frontage setback. The current zoning setback of 25 feet restricts the owners of 181 Old Schoolhouse Lane from utilizing large portion of their property.

I do not believe approval for change in the frontage setback from 25 feet to 10 feet will impact access to my home in any fashion. There is a recorded 40 foot wide easement across the West side of the 181 Old Schoolhouse Lane property serving my property at 177 Old Schoolhouse Lane. My home is at the end of the lane with no farther access to any to any other properties.

I have no objects to modifying the Zoning Frontage Setback requirements from the current 25 feet to the requested 10 feet. A change as requested will not negatively impact access to my property.

Sincerely,



Keith Jones



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report Board of Zoning Appeals Meeting April 26, 2018

1) Pending Zoning Ordinance and Subdivision Regulation Amendments

- **Pending amendments:**

- a) Historic Preservation – County Commission Approved on March 29, 2018
- b) Signage – Planning Commission Public Hearing Held on 03-13-18
 - i. On April 10, 2018 the Planning Commission forwarded the text amendment to the County Commission with one revision to reduce the brightness levels to 3,000 Nits during the day and 100 Nits at night. The County Commission will have to hold a Public Hearing on the text amendment. It has not yet been scheduled.

2) Upcoming BZA meeting

- The next regular meeting is scheduled for **May 24, 2018** (deadline for submissions is Wednesday, 05-02-18)



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor, P.O. Box 716
Charles Town, West Virginia 25414
www.jeffersoncountywv.org

April 2018

Zoning Certificate Activity Report

| File # | Property Owner/ Business Name | Applicant Name | Property Location | Description | Status Date |
|---------|----------------------------------|--|--|--|----------------------|
| 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 |
| ZC18-08 | Corp. of Harpers Ferry | Randy Matson, Hardy Cellular Telephone Co. | 217 Prospect Ave., Harpers Ferry WV | Harpers Ferry, Site 416348, Modification of existing antenna array by replacing or adding antenna and radio boxes behind antennas. No new electric required. Height and footprint will not increase. | Exempt 04/05/18 |
| ZC18-09 | Michael Feeser | Self | 5567 Engle Molars Rd. Shepherdstown | Bed & Breakfast | Approved 04/05/18 |