



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, May 24, 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 – April 26, 2018
2. Swearing in of members of the public intending to provide testimony
3. Public Hearing. Variance from Section 9.7 to reduce the rear setback from 50' to 10' to construct a 40' x 48' pole barn. Property Owners: Michael and Whitney Spry. Property Location: John Day Farm Subdivision, Lot D, 3953 Shepherd Grade Rd., Shepherdstown, WV. Tax District: Shepherdstown (09); Tax Map: 2; Parcel: 10.5; Size 10 ac; Zone: Rural. File: ZV18-06.
4. Public Hearing. Request for a Conditional Use Permit for Imam Abdel Salam to reestablish an automobile sales and repair shop utilizing the existing buildings and parking areas. Signage is addressed in the application. The proposed land use is defined in Article 2 as Automobile Repair, Sales and Service. Property Owner: Willard A. & Dorothy Daniels (in care of Pricilla Cameron). Applicant: Imam Abdel Salam. Property Location: 5383 & 5409 Charles Town Rd. Kearneysville, WV. Tax District: Middleway (07); Tax Map: 3; Parcel: 1.1; Size: 5.34 ac; Zone: Village. File: CUP18-01.
5. Public Hearing. Variance from the following Sections for the construction of the proposed dine-in and drive thru Starbucks (CUP17-06):
  - a. Section 11.1A: to eliminate the required 24 parking spaces for the proposed use and to remove 58 existing parking spaces from the approved Somerset shopping center parking lot; (File: ZV18-07);
  - b. Section 4.11 and App. B: to eliminate the required landscape buffer along the side/rear property lines and to limit the street tree installation to immediately in front of the Starbucks site (File: ZV18-08).Property Owner Kentland Foundation, Inc. Property Location: Somerset Village Shopping Center, 58 Somerset Blvd, Charles Town, WV. Tax District: Charles Town (02); Tax Map: 9; Parcel: 8.7; Proposed site: ~1 ac; Total Site: 15 ac; Zone: Residential-Light Industrial-Commercial.
6. Discussion and possible action regarding the Starbucks Drive-Through Coffee Shop Conditional Use Permit (CUP17-06) Supplemental Signage Information submitted by Greenway Engineering on behalf of The Kentland Foundation, Inc. This item is in response to a condition of approval for the Starbucks CUP which was granted at the December 14, 2017 Board of Zoning Appeals meeting. Property Owner Kentland Foundation, Inc. Property Location: Somerset Village Shopping Center, 58 Somerset Blvd, Charles Town, WV. Tax District: Charles Town (02); Tax Map: 9; Parcel: 8.7; Proposed site: ~1 ac; Total Site: 15 ac; Zone: Residential-Light Industrial-Commercial.
7. Zoning Administrator Report
  - a. Monthly Zoning Certificate Activity Report
8. 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: April 26, 2018
    - i. Variance from Section 9.6C. Owner: Robert & Geraldine Hanshew. File: ZV18-05.



Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: April 26, 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 Jeff Bresee  
6 Members absent: Deirdre Catterton (with notification)  
7 Staff members present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant  
8 Prosecuting Attorney; and, Jennilee Hartman, Zoning Clerk

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

10 Mr. Bresee moved to call the meeting to order at 2:00 pm, which carried unanimously. Mr. Quynn  
11 explained to the public how the meeting would be conducted.

- 12 1. Approval of Minutes – March 22, 2018. Mr. Bannon moved to approve the minutes with the  
13 follow corrections: Page 1, Lines 13 and 16, change **My**. To **Mr.** Quynn.  
14 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.  
15 3. Public Hearing. Variance from Section 9.6C to allow an accessory structure in the required front  
16 yard; and Appendix A to reduce the front setback from 25’ to 10’ to construct a 12’ x 16’ shed.  
17 Property Owner: Robert & Geraldine Hanshew. Location: 181 Old Schoolhouse Ln, Millville.  
18 Tax District: Harpers Ferry (04); Tax Map: 11A; Parcel: 22; Size 1 ac; Zone: Industrial-  
19 Commercial; ZV18-05.

20 Robert Hanshew, property owner, was present to address the Board. Ms. Beaulieu presented her  
21 staff report to the Board and noted that a letter of support from an adjoining property owner was  
22 included in the packet. Mr. Hanshew explained that the purpose for the request was to place the  
23 proposed structure in a location that would preserve the most amount of usable yard space. He  
24 further explained that the proposed structure would be used as a workshop and that the remainder  
25 of the yard may be utilized for a garden and future garage. Mr. Quynn opened the public hearing.  
26 There was no public comment. Mr. Quynn closed the public hearing. Mr. Bannon moved to  
27 approve the variance as requested with the condition that the applicant was bound by his  
28 testimony, which carried unanimously.

29 4. Zoning Administrator’s Report

- 30 a. Monthly Zoning Certificate Activity Report. This report was provided to the Board in their  
31 mailed packet.

32 Ms. Beaulieu updated the Board on the status of the pending text amendments and reminded the  
33 Board that the next meeting would be on May 24, 2018.

34 5. Legal Update

- 35 a. Possible executive session on the following pending lawsuits. None.  
36 b. Discussion with possible deliberative session and signing of draft findings/decisions.

37 Meeting: March 22, 2018

- 38 i. Variance from Section 5.4b. Owner: N. Benavides. File: ZV18-04.

39 Mr. Cochran provided the draft Findings to Mr. Quynn to review and sign.

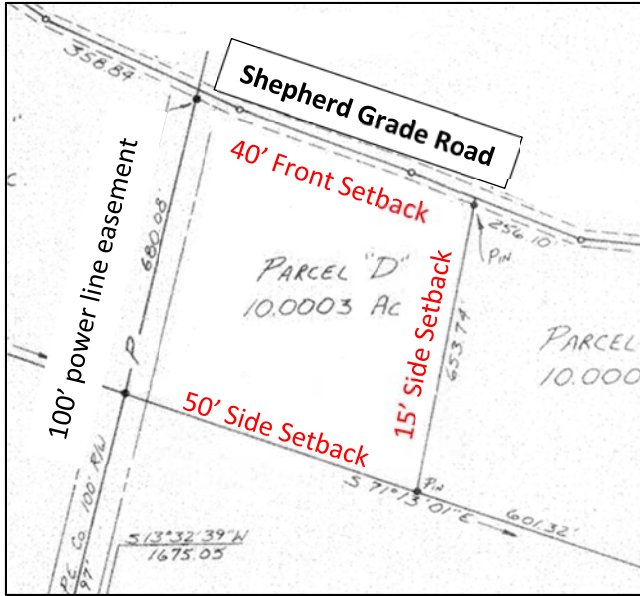
40 Mr. Knott moved to adjourn the meeting at 2:15 pm. Mr. Quynn called for a vote, which carried  
41 unanimously.





Staff Report  
Jefferson County Board of Zoning Appeals  
May 24, 2018  
**Spry Variance (ZV18-06)**

Unique Characteristics of the Property



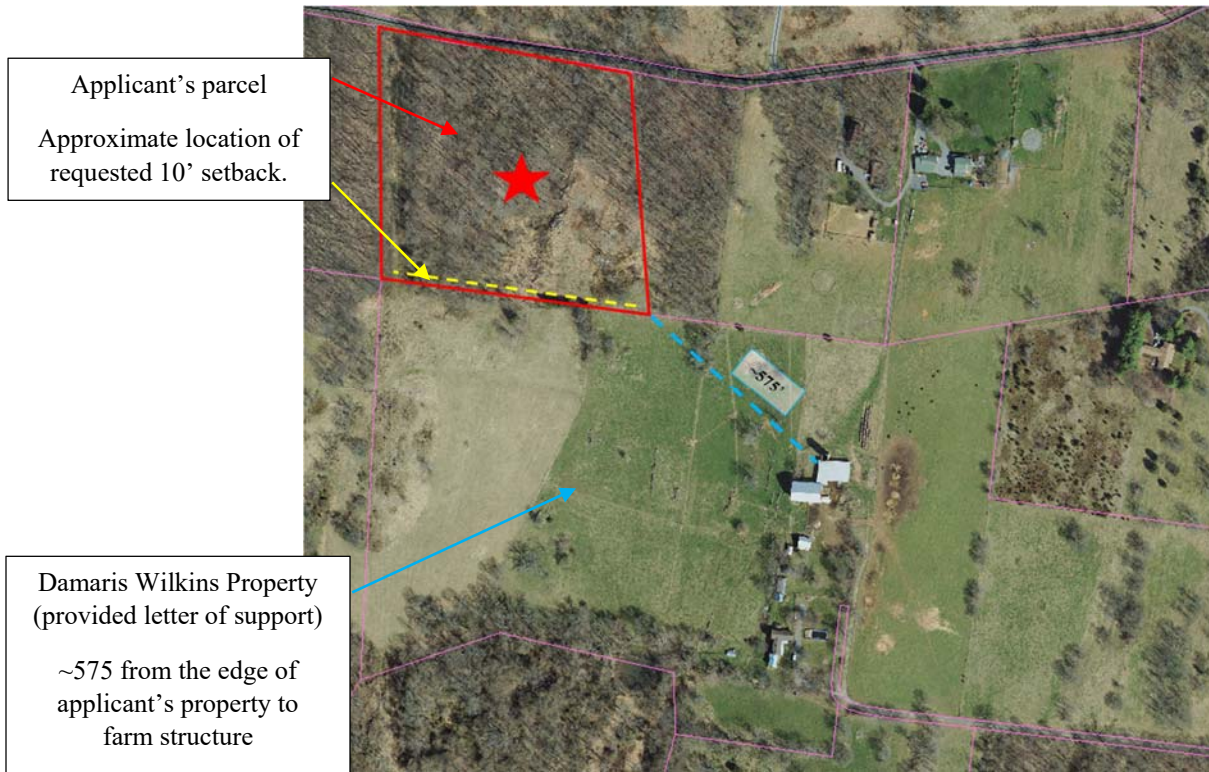
The property is designated as Parcel "D" of the John Day Farm Subdivision, which was recorded on January 10, 1977 in Plat Book 4, at Page 24. This subdivision was recorded prior to the adoption of the Zoning Ordinance; therefore, Section 9.7 of the current Ordinance applies.



Impact on Adjacent Properties

The impact on adjacent properties is expected to be minimal. The neighbor adjoining the rear property line to the applicant's property, where the setback reduction is requested, has provided a letter of support. Using aerial imagery, Staff measured approximately 575 feet from the corner of the applicant's property to the corner of a farm structure, which is the closest structure on the Wilkins' property.

Staff Report  
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May 24, 2018  
**Spry Variance (ZV18-06)**



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.

It should be noted that the applicant has provided documentation from his contractor stating that the proposed location is the best location due to the topography of the property. It would also eliminate the need to clear any trees since the identified location has already been cleared.

Conditions of Approval

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

- a) The variance applies only to the proposed 40' x 48' pole barn structure.

Staff Report  
Jefferson County Board of Zoning Appeals  
May 24, 2018

**Spry Variance (ZV18-06)**

**Section of Ordinance to be Considered:**

**Section 9.7 Other Exceptions<sup>3</sup>**

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:<sup>23</sup>

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear



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

File Number: ZV18-00  
 Staff Initials: SJT  
 Meeting Date: 05/24/18  
 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: Michael & Whitney Spry  
 Mailing Address: 36 Quicksilver Ct Martinsburg WV 25404  
 Phone Number: 304-886-1796 Email: ripspeed28@AOL.COM

**Applicant Contact Information**

Name: Michael & Whitney Spry  
 Mailing Address: 36 Quicksilver Ct Martinsburg WV 25404  
 Phone Number: 304-886-1796 Email: ripspeed28@AOL.COM

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

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: 3953 Shepherd Grade Rd  
 City: Shepherdstown State: WV Zip Code: 25443  
 Tax District: 09 Map No: 02 Parcel No: 10.5  
 Parcel Size: 10.0003 Deed Book: 1189 Page No: 399

**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"/>	
<b>RECEIVED</b> <b>APR 27 2018</b> JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING <small>Place Received Date Stamp Here</small>			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: 9.7

Briefly describe the nature of the variance request:  
Set back reduction of a 40'x40' pole barn on the SE corner of the property.

If this request is for a setback variance, please check one of the following:  
Front Setback  Side Setback  Rear Setback  Reduction From 50 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:  
Neighbors have signed a letter stating they have no issues with erection of pole barn in this location.

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?  
Major Rock break, rock outcroppings, and previously cleared land caused this location. Also major wooded area, no trees will be disturbed

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?  
A pole barn is needed for equipment storage and overall general use. According to general contractor and excavation contractor this is the most useful and least impactful location.

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?  
Our intent is to continue to obey Zoning Ordinance for the front and side set backs. A proper building permit will be issued as well.

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.

Michael D. [Signature] 4/29/18  
Signature of Property Owner Date

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

**Notification Requirements (to be completed by staff)**

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

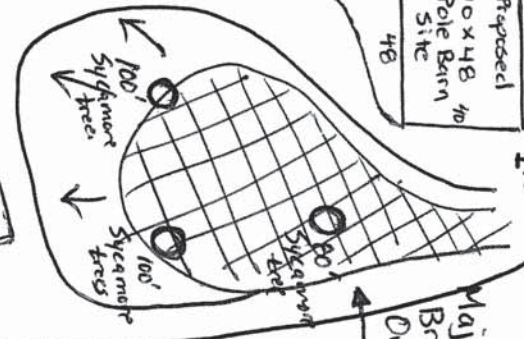
05/24/18  
Date of Public Hearing

05/09/18  
Advertising Date

05/09/18  
Placard Posting Date

653.14

Proposed  
40 x 48  
Pole Barn  
Site  
48

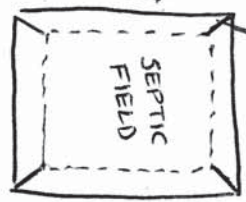


Power pole

Major Rock  
Break  
Outcropping



Power to residence



Well

Major Rock  
Line w/trees

Minor Rock  
Line w/trees

Low land  
Run off

S 680.74'

3953

N

SHEPHERD GRADE RD

641.32'

Culvert

10.0003 AC.

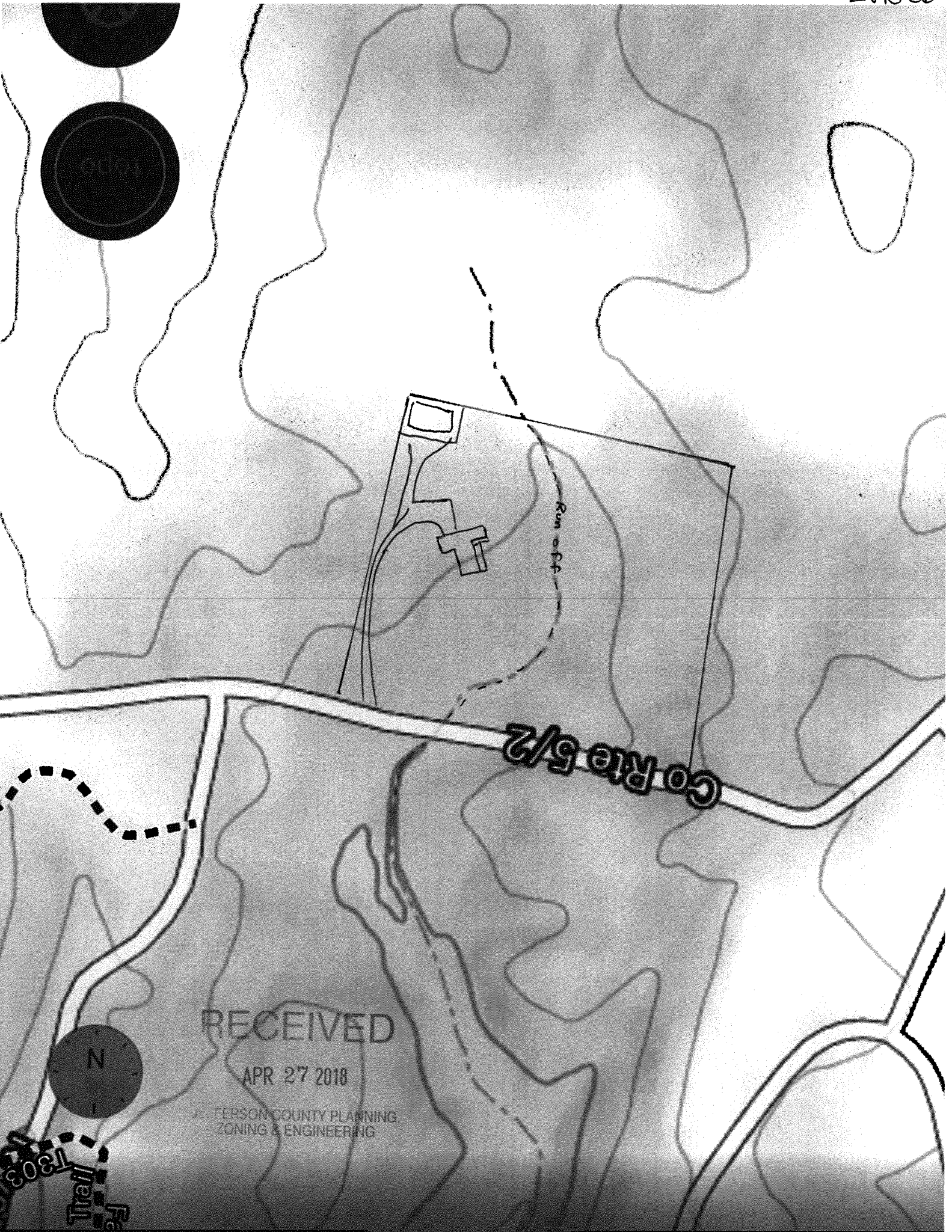
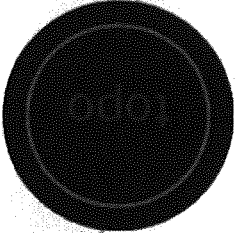
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APR 27 2018

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Power Line R.W.

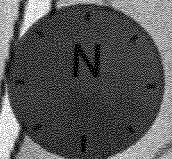
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APR 27 2018

J. PERSON COUNTY PLANNING  
ZONING & ENGINEERING



Trail  
Fe

I DEMARIS F WILKINS have spoken with Mike and Whitney Spry regarding their 40 x 48 pole barn that is to be erected at 3953 Shepherd Grade Rd. I am aware of Jefferson Countys zoning set backs of 15ft from the side, 50 ft from the rear and 40ft from the front. I am also aware that their pole barn will not meet those set back requirements however they have my permission to not meet those regulations and be 15ft off the side and 10ft from the rear property line.

Sincerely,

*Demaris F. Wilkins*

PO Box 1254  
SHEPHERDSTOWN WV 25443

RECEIVED

APR 27 2018

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

I Meredith Wait have spoken with Mike and Whitney Spry regarding their 40 x 48 pole barn that is to be erected at 3953 Shepherd Grade Rd. I am aware of Jefferson Countys zoning set backs of 15ft from the side, 50 ft from the rear and 40ft from the front. I am also aware that their pole barn will not meet those set back requirements however they have my permission to not meet those regulations and be 15ft off the side and 10ft from the rear property line.

Sincerely,

*Meredith Wait*  
3823 Shepherd Grade

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APR 27 2018

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING



<sup>ZV1806</sup>  
John E. Myers • J. Chris Myers  
Phone: 304.263.2141  
Cell Phone: 304.676.4949  
Fax: 304.263.5915  
Email: jmyers654@comcast.net  
654 Street of Dreams  
Martinsburg, WV 25403  
Contractor's Lic. WV001701

4/25/2018

Mike and Whitney Spry  
36 Quicksilver Court  
Martinsburg, WV 25404

RE: Pole Building Location

Our company has reviewed the property located at 3953 Shepherd Grade Rd and has determined the best suitable location for the construction of a 40'x48' pole building is as follows:

-back left corner (SE) of said property set 15' from the adjoining lot to the left (E) and 10' from the adjoining property to the rear (S)

Our conclusion was based on these factors:

- Most suitable building area remaining on the lot
- Avoids interference with past, present, and future septic areas
- Minimizes disturbance to vegetation and large trees
- Does not interfere with buried Electric and Phone lines
- Avoids topographical changes due to rock outcroppings and ledges
- Not located in a low-lying area
- Allows for picturesque setting for your new home

Should you have any questions regarding this evaluation please let us know.

Sincerely,

  
J. Chris Myers

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JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING



Rock out-cropping with 100' sycamore trees



Massive outcropping with 100' sycamore trees



Rock break,  
tree line near  
(N) house



SE Corner  
Massive Rock  
outcropping  
with sycamore  
trees



-Pre-existing  
septic area

-Rock break



Pole Barn site  
with  
outcropping  
to (R)

Power Pole,  
rear of  
property (S)



Rock break with trees



Pre-existing septic



Shepherd  
Grade View



Shepherd  
Grade View



-Power line  
R.W. with run  
off slope



Shepherd  
Grade View  
run off /  
culvert area

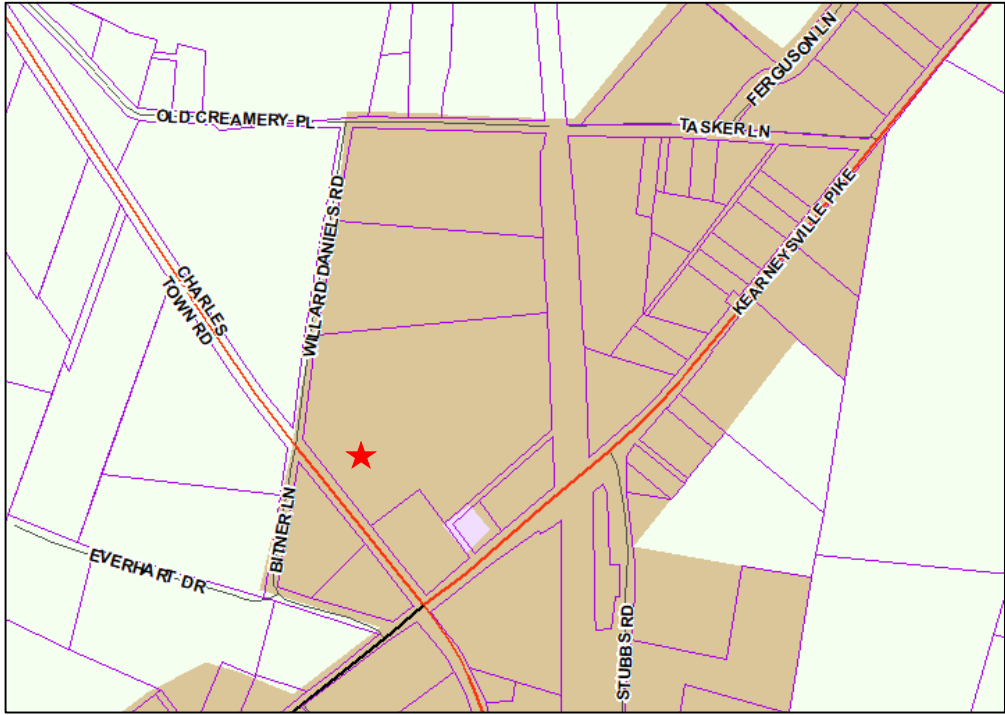


Shepherd  
Grade View

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 May 24, 2018

**Automotive Repair, Sales and Service  
 Conditional Use Permit Request (#CUP18-01)**

Item #4 Request for a Conditional Use Permit to allow an Automobile Repair, Sales and Service within the existing structures located on the subject parcel. Proposed Use per Article 2: Automobile Repair, Sales and Service.

Applicant:	Imam Abdel Salam
Owner:	Dorothy and Willard Daniels
Developer:	Same as Applicant
Consultant:	N/A
Property Location:	5383 and 5409 Charles Town Road, Kearneysville, WV
Legal Description & Zoning District:	<p style="text-align: center;">District: Middleway (07); Map: 3; Parcel: 1.1          Size: 5.35 acres; Zone: Village</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> Village      <i>South:</i> Village + Industrial-Commercial  <i>East:</i> Village      <i>West:</i> Rural</p>
Approvals:	<p>ZC89-05: Change in nonconforming use from church &amp; car repair to flea market          ZC91-04: Change in nonconforming use from flea market to sign painting shop          ZC93-07: Change in nonconforming use from sign painting shop to a plumbing and heating supplies with a 30' x 63' fenced area for outside storage          ZC95-02: Change in nonconforming use from Wright Plumbing to a silk screen printing shop and chimney sweep office          ZC96-04: Change in nonconforming use to computer training school, computer trouble shooting and graphic design</p>

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
May 24, 2018

**Automotive Repair, Sales and Service  
Conditional Use Permit Request (#CUP18-01)**

**Summary of Request and Purpose of Ordinance Requirements**

Appendix C of the Zoning Ordinance was recently amended to change all Commercial Uses previously listed as “Not Permitted” in the Village zoning district to “Conditional Use”. Automobile Repair, Sales, and Service is now listed as a Conditional Use.

The applicant is proposing to re-establish a car sales lot on the subject parcel. Staff believes the use could have been re-established as a nonconforming use had the property owner submitted the appropriate documentation; however, the applicant has chosen to pursue a Conditional Use Permit for the referenced parcel.

Article 2 defines Automobile Repair, Sales and Service as “The use of a site for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, and tire service, but excluding dismantling or salvage.”



**Property Description**

The subject parcel contains two vacant nonresidential structures located off of Charles Town Road in Kearneysville. The image below reflects the previous operation of a car-sales lot. The property has sat vacant for more than 12 months.

The subject parcel is surrounded by a mixture of residential and nonresidential uses, included the vacant Sheetz Building to the east and a large salvage yard to the north (pre-dates zoning).

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
May 24, 2018

**Automotive Repair, Sales and Service  
Conditional Use Permit Request (#CUP18-01)**



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
May 24, 2018

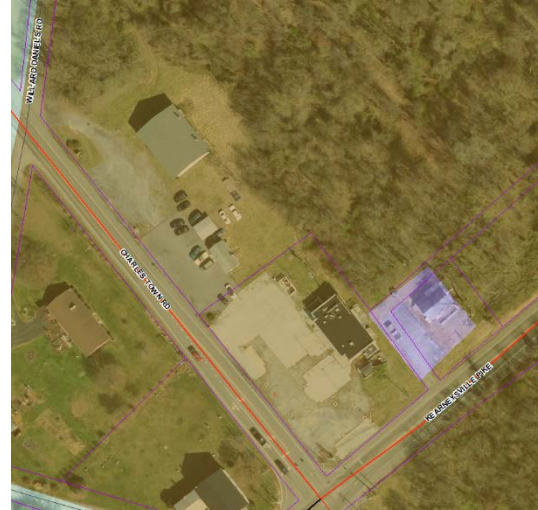
**Automotive Repair, Sales and Service  
Conditional Use Permit Request (#CUP18-01)**

**Impact on adjacent properties**

The surrounding area is primarily zoned Village. Located within close proximity to the subject parcel, is a mixture of commercial uses and residential developments. Many of these developments consist of small lot single family homes. Charles Town Road is reflected as a Principal Arterial road on the Roadway Classification Map in the Envision Jefferson 2035 Comprehensive Plan.

The impact on adjacent properties is expected to be minimal since the history of the property appears to have always been nonresidential (see Page 1 of Staff Report). Re-development of the site would improve the appearance of the property and should complement surrounding commercial uses.

In 2006 the County Commission approved a request for an adjacent lot to be rezoned from Village to Industrial-Commercial (see area shaded in pink to right). At the time, the applicant was proposing a used car lot at this location; however, the project never came to fruition due to many site constraints. Most recently, this property was issued a zoning certificate to operate a thrift shop (2013).



**Conditional Use Permit Process**

The subject parcel is located in the Village zoning district. Section 5.10.B addresses conditional uses in the Village district:

1. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to the review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.
2. Existing Structures
  - a. Parking, Building Setbacks, Landscaping, and Signage shall be addressed as part of the Conditional Use Permit application. The reduced setbacks requirements cited in Section 5.10A.2(a) and (b) shall apply. In lieu of the standard variance process, any proposed deviation from the required parking, building setbacks, landscaping, and signage standards set forth in this Ordinance shall be included in the Conditional Use Permit application and reviewed for approval by the Board of Zoning Appeals.

Note: Section 5.10.E states, “There will be no outdoor storage of equipment, materials, or other stock.” On March 29, 2018, the County Commission adopted a text amendment which allows the land use “Automobile Repair, Sales and Service” to process as a Conditional Use. Therefore, Staff believes the BZA has the discretion to reevaluate this section on a case by case basis. For example, with regard to the subject request, the Board could place a condition of approval to allow outdoor inventory of vehicles, but could still restrict the storage of equipment or other materials related to the land use from being placed outside.

The Conditional Use Permit process requires a public hearing before the Board of Zoning Appeals. Below are the general standards from Section 6.3 of the Zoning Ordinance which the BZA shall consider when reviewing a CUP Application.

Staff Report  
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**Automotive Repair, Sales and Service  
Conditional Use Permit Request (#CUP18-01)**

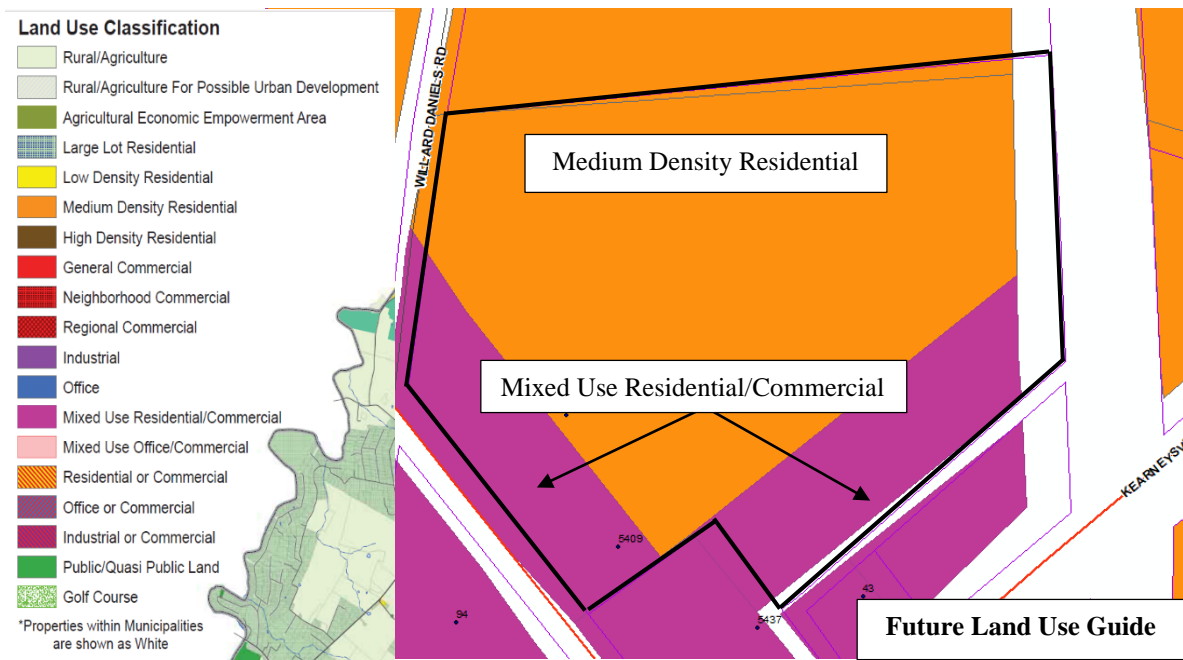
“The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental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

The following General Standards shall be considered in approving or denying the CUP:

**1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.**

The applicant has addressed this criteria in their application.

The referenced parcel is shown as “Mixed Use Residential/Commercial” along the western and southern portions of the property, and “Medium Density Residential” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see below).



**2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.**

The applicant has addressed this criteria in their application.

The proposed Commercial use (Automobile Repair, Sales, and Service) is listed as a conditional use in Appendix C of the Zoning Ordinance. Currently, the property is vacant but based on the history of this property (see page 1 of staff report), this site has continued to operate as a commercial use since at least 1989.

To the east is a vacant Sheetz convenience store; in the near vicinity is a variety of commercial and residential uses including a nonconforming salvage yard and thrift store.

**3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.**

Staff Report  
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**Automotive Repair, Sales and Service  
Conditional Use Permit Request (#CUP18-01)**

The applicant has addressed this criteria in their application.

Based on the information provided, the proposed site development will not hinder nor discourage the appropriate development and use of adjacent land and buildings.

**4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.**

The applicant has addressed this criteria in their application.

Unless the applicant proposes to construct an addition or new structures on the parcel, or if additional parking is required, the landscaping standards required in Section 5.10 would not be required.

A suggested condition of approval for this permit could be that any future site development return to the Board for consideration. The applicant did not disclose any plans to expand the use beyond the existing site either verbally or in his application.

**5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.**

As part of the Conditional Use Permit application, the applicant was informed of this criteria and shall comply with this standard.

**6. Roadway adequacy for proposed land uses in the Rural zoning district.**

This property is not located in the Rural zoning district.

**7. Historic Landmarks Commission's Findings related to the proposed land use.**

On March 29, 2018 the County Commission adopted a text amendment supporting the preservation of historic sites in the County.

The referenced parcel does not contain any Category I or II historic sites as defined by the Zoning Ordinance; therefore, this criteria does not apply.

**Signage**

Section 10.4E of the Zoning Ordinance addresses signs accessory to a land use subject to the approval of a Conditional Use Permit. The Ordinance requires that as part of the application, signage shall be addressed for review and consideration by the Board at the required Public Hearing.

Section 10.4B of the Ordinance states,

“Any exterior signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building. **No sign shall be attached to the side of the building that faces an adjoining residence.**”

The applicant has verbally communicated that he would like the option to affix a sign to his building. Sign designs have not been submitted to our Office; however, as part of the application, the Board may consider approval of an affixed sign but should be aware that across Charles Town Road is a residence. Historically, it appears that a sign may have been affixed to the white building on the sales lot.

Section 10.4F of the Ordinance states,

“No outdoor advertising sign shall be placed closer than 300 feet to an intersection on a dual or proposed dual highway or within 100 feet of any other intersection; provided,

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
May 24, 2018

**Automotive Repair, Sales and Service  
Conditional Use Permit Request (#CUP18-01)**

however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.”

It appears the applicant will meet or exceed the 100 foot distance requirement for the Charles Town Road and Route 480 intersection; but does not meet the 100 foot distance requirement for the Charles Town Road and Willard Daniels Road intersection. However, it should be noted that the sign located closest to the Willard Daniels Road intersection appears to pre-date zoning.

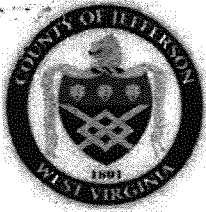


Section 10.4E states,

“All signs accessory to a land use subject to the approval of a Conditional Use Permit shall be proposed within the Conditional Use Permit application and assessed by the Board of Zoning Appeals at the required Public Hearing. Such signs shall be maintained at least 1,000 feet between signs. Consideration of the placement of such signs with less than 1,000 foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of 300 feet. Any deviation from this standards in Section 10.4 shall require consideration and approval by the Board of Zoning Appeals as part of the Conditional Use Permit application in accordance with Section 6.3.”

The sign for A&D Auto Parts is approximately 125’ from the existing sign on the referenced parcel. Both signs appear to pre-date zoning. The sign for A&D Auto Parts is nonconforming because it is located on a parcel separate from the business for which it is advertising.





**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, West Virginia 25414

File #: CUP 18-01  
 Mtg. Date: 05/24/18  
 Fee Paid: \$ 550.00  
 Staff Int.: JH

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

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

**Application for a Conditional Use Permit**

Conditional Use Permit process is outlined in Article 6 of the Zoning Ordinance

**Project Name** IMAM Abdel Salam

**Property Owner Information**

Name: Willard A Daniels  
 Business Name: \_\_\_\_\_  
 Mailing Address: 111 Bitiner Ln, Kearnsville, WV, 25430 Mail  Yes  
 Phone Number: \_\_\_\_\_ Email Response: \_\_\_\_\_ Response:  No

**Applicant Information**

Name: IMAM Abdel Salam  
 Business Name: TBD  
 Mailing Address: 43682 Lucketts bridge cir - Ashburn, VA, 20148 Mail  Yes  
 Phone Number: 703-981-7998 Email Response: aly1505@Gmail.com Response:  No

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

Name: \_\_\_\_\_  
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Mail  Yes  
 Phone Number: \_\_\_\_\_ Email Response: \_\_\_\_\_ Response:  No

**Physical Property Details**

Physical Address: 5303-5409 Charles town RD - 25430  
 Tax District: 07-MIDDLEWAY DIST Map No: 3 Parcel No. 0001 0001 0000  
 Parcel Size: 5-35 Deed Book: 317 Page No: 92

**Zoning District (please check one)** -W827 - PG 236

Residential Growth (RG)	Industrial Commercial (I-C)	Rural* (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General Commercial (GC)	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"/>	<input type="checkbox"/>

\* For properties in the Rural Zoning District:  
 Is property located on a primary or secondary road?  Yes  No

Name of Road and/or Route Number: \_\_\_\_\_

**RECEIVED**  
 MAY 01 2018  
 JEFFERSON COUNTY PLANNING  
 ZONING & ENGINEERING  
 CUP Application, 09-07-17

Sketch Plan (see cover sheet for description).

Attached

A list of all adjacent and confronting property owners (see cover sheet for description)

Attached

State the proposed land use as listed in Appendix C and provide a description of the proposed use.

Automobile Sales and Service.

Please provide any information or known history regarding this property.

it been Auto sales and repair for more than 20 years and we to continue Business

Please respond (in detail) to the following statements located in Section 6.3 of the Zoning Ordinance:

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan. Section 6.3A.1

The Future Land Use ~~to~~ Guide Shows This Building as Commercial

2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety, and welfare. Section 6.3A.2

is existing Commercial uses and is no Issues with the health Dept.

3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. Section 6.3A.3

This is a Banked Shetz Building next to our Building. No hurting in the Area.

4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. Section 6.3A.4

I am aware of the landscaping buffer requirements and will adhere to them.

I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

5. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the Board of Zoning Appeals to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use. Section 6.3A.6

Applicable (Trip Generation Data attached)

Not Applicable

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

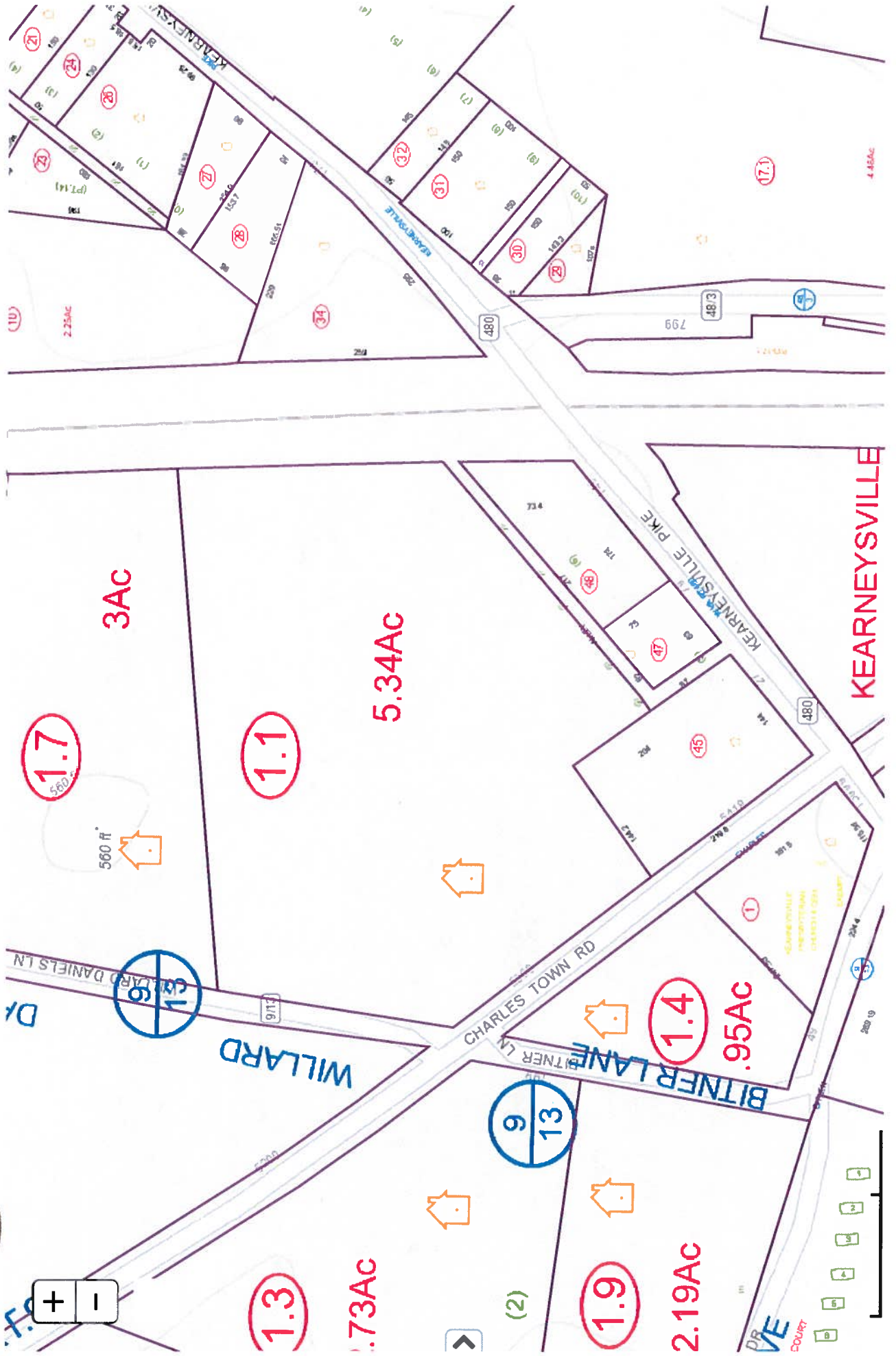
\* Priscilla J. Cameron 4/19/18  
Property Owner Date

\_\_\_\_\_  
Property Owner Date



# Jefferson County West Virginia

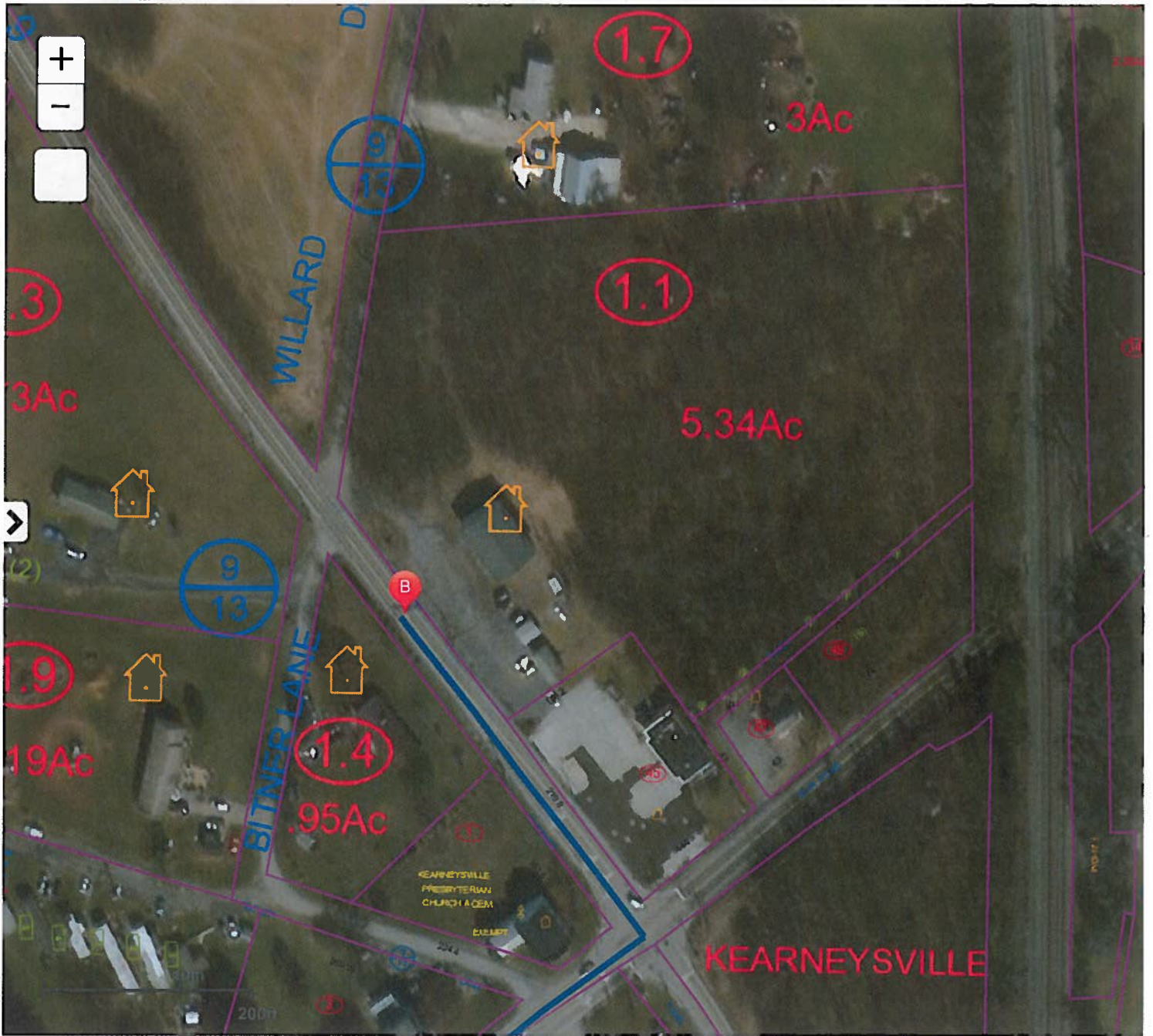
## Tax Map Viewer



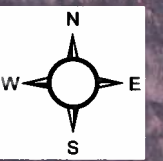




# Jefferson County West Virgin Tax Map Viewer







Aerial Photo: Spring 2018  
Map created: May 1, 2018



1 inch = 200 feet

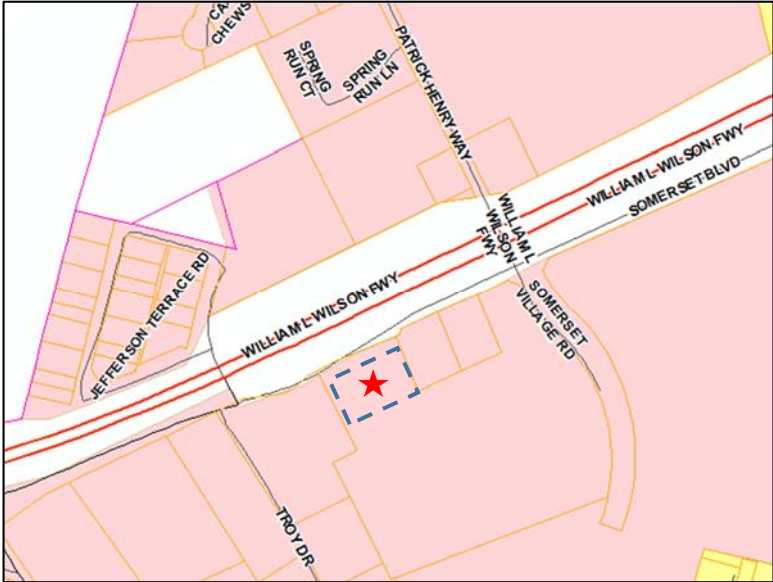


Staff Report  
 Jefferson County Board of Zoning Appeals  
 May 24, 2018

**Starbucks Variances (ZV18-07 – ZV18-08)**

Item #5: Variance from the following Sections for the construction of the proposed dine-in and drive thru Starbucks (CUP17-06):

- a) Section 11.1A: to eliminate the required 24 parking spaces for the proposed use and to remove 58 existing parking spaces from the approved Somerset shopping center parking lot; (File: ZV18-07);
- b) Section 4.11 and Appendix B: to eliminate the required landscape buffer along the side/rear property lines and to limit the street tree installation to immediately in front of the Starbucks site (File: ZV18-08).

APPLICANT:	Starbucks
OWNER:	Kentland Foundation, Inc.
DEVELOPER:	Same as Applicant
CONSULTANT:	Greenway Engineering
PROPERTY LOCATION:	Somerset Village Shopping Center, 58 Somerset Blvd, Charles Town
LEGAL DESCRIPTION & ZONING DISTRICT	<p style="text-align: center;">Tax District: Charles Town (02); Tax Map: 9; Parcel: 8.7          Size: Proposed limits of disturbance: ~1 acre; total site: 15 acres;          Zone: Residential – Light Industrial – Commercial</p> 
SURROUNDING PROPERTIES:	<p style="text-align: center;">Zoning Map Designation:  <i>North, South, East, and West:</i> Residential – Light Industrial – Commercial</p>
APPROVED USE:	05-24-88: Shopping Center (87-21) 12-14-17: BZA approved a Conditional Use Permit for a Drive-Through Coffee Shop with Indoor Dining (Starbucks) (CUP17-06)
PARCEL HISTORY:	09/12/00: PC approves a Multi-Use Variance to allow more than one use on a single parcel (MUV00-02) 09/26/00: PC approves waiver of site plan. 02/27/07: PC approves waiver of site plan (PCV07-12).
CONDITIONAL USE PERMIT:	12/14/17: BZA approved CUP with conditions (#CUP17-06)

Staff Report  
Jefferson County Board of Zoning Appeals  
May 24, 2018

**Starbucks Variances (ZV18-07 – ZV18-08)**

**STAFF EVALUATION OF THE REQUEST:**

Summary of Request and Purpose of the Ordinance Requirements

The applicant is requesting a variance from two separate sections of the Ordinance. Each will require separate action by the Board.

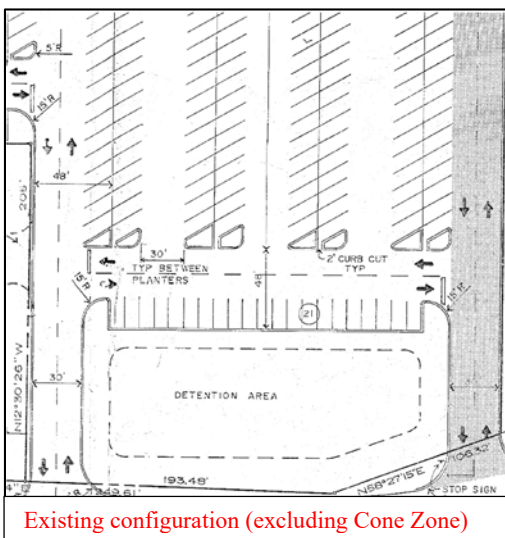
**Parking Variance ZV18-07**

Article 11 establishes that permanent, off-street vehicular parking shall be provided for all nonresidential land uses. The purpose of nonresidential parking requirements is to ensure that adequate off-street parking is available and to ensure that parking is safe for users, e.g. having a solid, level surface, adequate drive aisles, suitable topography, etc. It is important to have adequate parking to meet the needs of the proposed land use without over-parking a lot due to the excess stormwater run-off that occurs with additional impervious pavement.

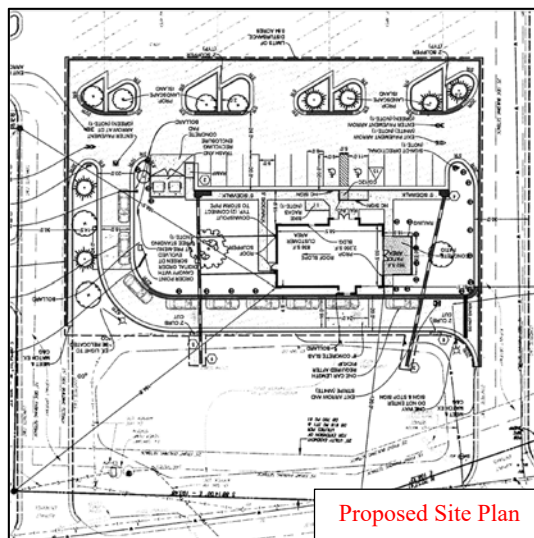
Section 11.1A of the Zoning Ordinance requires 1 parking space per 50 square feet of customer floor space for a Restaurant. The proposed Starbucks will include a total of 836 square feet of indoor customer floor space and 352 square feet of customer floor space in an outside patio area for a total of 1,188 square feet of customer floor space; therefore, the applicant would be required to install 24 parking spaces.

The proposed project also includes a drive-through component. The Ordinance does not have a parking standard for a drive-through associated with a restaurant establishment; therefore, the Zoning Administrator referred to the Bank, Financial Institution parking standard which requires 5 queuing spaces for each drive-through. Starbucks will exceed this standard as they are providing 8 queuing spaces for their drive-through.

The applicant is requesting to waive the required 24 parking spaces associated with the proposed use; to reduce the number of existing parking spaces associated with the Somerset Shopping Center by 58; and to share the existing Somerset Shopping Center parking lot. The applicant has provided a breakdown of each of the uses in the Somerset Shopping Center and the number of parking spaces that would be required for each associated use. The applicant contends that even with reducing the number of existing parking spaces, the total number of parking spaces would still exceed the number of required parking for each individual use. The applicant has provided a letter of support for this request from the property owner.



Existing configuration (excluding Cone Zone)



Proposed Site Plan

Staff Report  
Jefferson County Board of Zoning Appeals  
May 24, 2018

**Starbucks Variances (ZV18-07 – ZV18-08)**

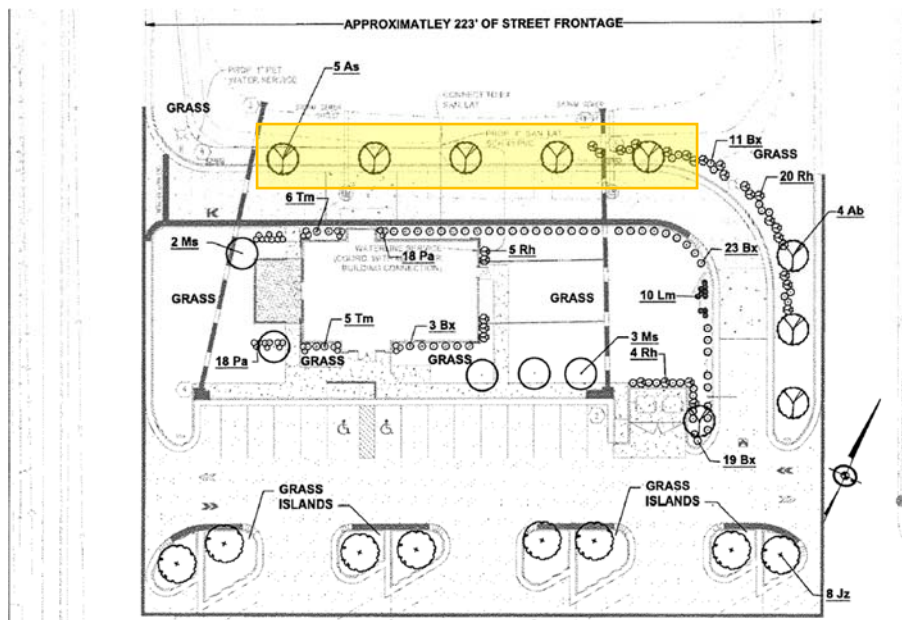
**Landscape Variance ZV18-08**

Section 4.11 and Appendix B address landscape and buffer requirements for nonresidential site development. The proposed Starbucks would be located on an existing 15 acre parcel, which currently contains a Shopping Center. The applicant is not proposing to subdivide the parcel; therefore, site development standards would apply to the entire 15 acre parcel.

The site disturbance area for the proposed project is approximately 1 acre. Staff believes that the proposed landscaping associated with the project meets or exceeds the County’s requirements for the limits of disturbance; however, it does not conform to the standards required by the Ordinance. It should also be noted that the Somerset Village site plan (File #87-21) reflects a water line along the western boundary where a 10’ buffer would be required; therefore, a buffer planting would not be feasible along this boundary.

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.

The applicant is proposing to plant the required street trees along the frontage of the Starbucks limits of disturbance but not the full length of the parcel. Technically the parcel has two frontages, one along Somerset Boulevard (northern boundary), where the applicant is proposing five street trees. Due to existing powerlines, Staff has recommended planting the street trees immediately in front of the Starbucks site rather than at the front of the parcel along Somerset Boulevard.



**THIS VIEW FOR LANDSCAPING ONLY**

The second frontage is along Somerset Village Road (eastern boundary). The eastern boundary also has a platted waterline as well as a platted 90’ right-of-way (File #87-21); therefore, street trees along this frontage would not be feasible.

Staff Report  
Jefferson County Board of Zoning Appeals  
May 24, 2018

**Starbucks Variances (ZV18-07 – ZV18-08)**

Unique Characteristics of the Property

The subject parcel contains the Somerset Village Shopping Center which currently consists of various retail and dining facilities including Food Lion grocery store, Gold's Gym, Dollar General, and Schewels Furniture Company. Located on the same parcel is Cone Zone, where Starbucks is proposing to locate.

The subject parcel contains four access points to Somerset Boulevard, a feeder road, which has access to Route 340 in two locations.



Impact on Adjacent Properties

The impact on adjacent properties is expected to be minimal. The most significant impact Staff has identified is the reduction in parking spaces; however, the applicant and the property owner have both provided reasonable justification as to how the reduction in parking spaces will not adversely impact existing uses in the shopping center.

Feasibility of complying with the Ordinance by other means

It does not appear feasible to comply with the parking standards required by the Zoning Ordinance. The existing Cone Zone shared parking with the Somerset Shopping Center and was granted a waiver from having to process a Site Plan. The current applicant is working to comply with County requirements by processing a Site Plan; however, due to the existing Shopping Center and existing parking on the parcel, it is not feasible to install the required parking for the proposed Starbucks.

Staff believes the existing dense row of evergreens along the rear property line meets the intent of the rear landscape buffer. Due the existing waterlines it is not feasible to meet the side landscaping requirements and to install the required number of street trees. The applicant's proposed landscaping plan appears to be an acceptable substitution to the Ordinance requirements.

Staff Report  
Jefferson County Board of Zoning Appeals  
May 24, 2018  
**Starbucks Variances (ZV18-07 – ZV18-08)**

Conditions of Approval

**NOTE:** If the variances are granted, staff suggests the following separate motions to ensure the remaining subsections within the Ordinance are adhered to.

**File: ZV18-07**

- a) I move to approve the variance from Section 11.1A only as it pertains to the elimination of the required 24 parking spaces for the proposed use and to the removal of 58 existing parking spaces from the approved Somerset shopping center parking lot, this approval is contingent upon the applicant being bound by their testimony.

**File: ZV18-08**

- b) I move to approve the variance from Section 4.11 and Appendix B only as it pertains to the elimination of the required landscape buffer along the side/rear property lines and to limit the street tree installation to immediately in front of the Starbucks site, this approval is contingent upon the applicant being bound by their testimony.

**Section of Ordinance to be Considered:**

Section 11.1 Non-Residential Parking Standards

Restaurant, Tavern, Lounge, Nightclub      1 space per 50 square feet customer floor space

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

A. Commercial Development

2. All commercial development adjacent to all other uses must maintain ten foot side and rear yard landscape buffers.
- D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.
- E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.
  1. Vegetative screening shall comply with Standard Details M52, M53, or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetative shall be at least six (6) feet in height.<sup>7, 23, 27, 28</sup>

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

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of 20 feet or more at maturity, planted every 50 linear feet; at least every other tree shall be an evergreen;

Staff Report  
 Jefferson County Board of Zoning Appeals  
 May 24, 2018

**Starbucks Variances (ZV18-07 – ZV18-08)**

- b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every 50 linear feet; and
  - c. Three (3) shrubs per each 25 feet along the property line, round upward.
  - d. These requirements shall be required on both sides of a property line for adjoining properties.
  - e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plants.<sup>7, 23, 26</sup>
3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 35</sup>**

Zoning District	Development Type <sup>6</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height <sup>7</sup>	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	Narrow Buffer Detail No. M-54	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													



**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: ZV18-07  
 Staff Initials: SH  
 Meeting Date: 05/24/18  
 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: Kentland Foundation, Inc.  
 Mailing Address: PO Box 879, Berryville VA 22611  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

Name: Helena McCarron  
 Mailing Address: PO Box 879 Berryville, VA 22611  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

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

Name: Greenway Engineering, Inc. c/o Mr. Randy Kepler  
 Mailing Address: 704 Foxcroft Ave. Martinsburg WV 25401  
 Phone Number: 304-620-5111 Email: rkepler@greenwayeng.com

**Physical Property Details**

Physical Address: Somerset Village Shopping Center, 58 Somerset Blvd.  
 City: Charles Town State: WV Zip Code: 25414  
 Tax District: Charles Town (2) Map No: 9 Parcel No: 8.7  
 Parcel Size: 15.07 acres Deed Book: 700 Page No: 61 (PB 10/Pg 59)

**Zoning District (please check one)**

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input checked="" type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<div style="border: 1px solid black; padding: 5px; text-align: center;"> <h1>RECEIVED</h1> <p>MAY 02 2018</p> <p>JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING</p> <p><small>Place Received Date Stamp Here</small></p> </div>			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"/>

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: Article 11 Section 11.1 Non-Residential Parking Standards

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

A supplemental report is provided which addresses all required justification for this variance.

The nature of the request is described on page 2, section I of the attached report.

**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:**

A supplemental report is provided which addresses all required justification for this variance.

Page 4, section II of the attached report outlines why granting the variance will NOT adversely affect public health, safety, welfare or the rights of adjacent property owners or residents.

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

A supplemental report is provided which addresses all required justification for this variance.

Page 4, section IV, of the attached report outlines in what way this request arises from special conditions, not created by the person seeking the variance.

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

A supplemental report is provided which addresses all required justification for this variance.

Page 4, section III, of the attached report outlines how granting this variance will eliminate unnecessary hardship and permit reasonable use of the land.

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

A supplemental report is provided which addresses all required justification for this variance.

Page 4, section V, of the attached report outlines how granting this variance will allow the intent of the ordinance to be observed and justice to be done.

**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.

Debra McCaslin 4/25/18

Signature of Property Owner

Date

Signature of Property Owner

Date

**Notification Requirements (to be completed by staff)**

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

05/24/18

Date of Public Hearing

05/09/18

Advertising Date

05/09/18

Placard Posting Date



704 Foxcroft Avenue  
Martinsburg, WV 25401

May 2, 2018

Jefferson County Department of Planning and Zoning  
Attn: Ms. Alexandra Beaulieu, Zoning Administrator  
116 East Washington Street, 2<sup>nd</sup> Floor  
PO Box 716  
Charles Town, West Virginia 25414

Re: **Starbucks Drive-Through Coffee Shop (Somerset Village Shopping Center)  
Parking Variance Application-Article 11: Section 11.1 "Non-Residential Parking Standards"**

Dear Ms. Beaulieu:

I am writing on behalf of our client, the Kentland Foundation, Inc. The applicant is currently working with the Planning and Zoning staff in pursuit of the goal of constructing a Starbucks with a Drive-Thru, in the Somerset Village Shopping Center (#87-21).

On December 14, 2017, the Board of Zoning Appeals, approved a Conditional Use Permit for a Fast Food, Drive-Through Restaurant, as defined in Article 2, Section 2.2. The Conditional Use Permit was required in accordance with the Zoning Administrator's determination and Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District and Appendix C: Principal Permitted Uses Table of the Jefferson County Zoning Ordinance. (#CUP17-06)

Upon approval of the proposed use, Greenway Engineering has begun the process of site plan layout. As part of this process, we have met with County Staff, and analyzed current code to ensure that the site plan is submitted in compliance with the Jefferson County Zoning Ordinance.

Through this process, we have found that a parking variance is required to proceed with the site plan process. Therefore, to complete our Site Plan submission to Jefferson County Planning and Zoning, we respectfully request review and approval of a variance to the following code section:

**Article 11 "Off-Street Parking Standards", Section 11.1 "Non-Residential Parking Standards" of the Jefferson County Zoning Ordinance, adopted July 7, 1988, amended November 3, 2011.**

The following information is the applicant's required justification and response(s) to the conditions required for approval, according to 1979 Jefferson County Subdivision Ordinance, Chapter 17 for each of the subcategories outlined below as outlined in the Subdivision Ordinance.

Engineers Surveyors Planners Environmental Scientists Laboratory  
Telephone 304.620.5111 Fax 540.722.9528  
www.greenwayeng.com

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

We are requesting a variance to Article 11 “Off-Street Parking Standards”, Section 11.1 “Non-Residential Parking Standards” of the Jefferson County Zoning Ordinance, adopted July 7, 1988, amended November 3, 2011.

The Zoning Administrator has determined the proposed use to be a “fast food restaurant with a drive through”. Since the use is classified as a restaurant, the ordinance requires 1 parking space/50 sq. feet of customer floor space. The proposed Starbucks building, as shown on the attached “Exhibit #1: Starbucks Preliminary Site Layout”, submitted with this application, will have 836 sq. feet of customer area plus an additional 352 sq. feet patio for outdoor seating, for a total of 1,188 sq. feet of customer area. Therefore, 1,188 sq. feet/50 sq. feet, 23.78 (24) parking spaces would be required for the proposed Starbucks.

There are currently 618 parking spaces in the Somerset Shopping Center. County Staff has stated that the records, in File #87-21, show that when the shopping center was initially approved, 615 spaces were required. “Exhibit #2 Somerset Shopping Center Site Plan” is attached for review, and shows the proposed uses, some of which had yet to be determined, from the original site plan dated February 5, 1988.

As part of the research we have conducted for this project, we have analyzed the current parking required associated with each of the existing tenants within the Somerset Village Shopping Center. We have conducted this research to ensure that the Somerset Village Shopping Center continues to provide adequate parking for the existing tenants as well as for the proposed Starbucks. The site plan for Somerset Village Shopping Center, received by the Planning Commission on February 5, 1988, shows the original uses and illustrates how the tenants have changed over the last thirty years. Our parking analysis, shown below in Table #1, exhibits that adequate parking will continue to be provided for all the tenants of Somerset Shopping Center, even taking into consideration the reduction of parking, within the limits of disturbance of the Starbucks site, for construction. The attached plan, labeled as Exhibit #1, for the proposed Starbucks will yield a total of 557 spaces for the Somerset Shopping Center, reducing the overall parking of the shopping center by 61 spaces. The parking analysis, shown below includes the current tenants, the uses as defined by Jefferson County Code (Section 11.1), the gross square footage for each use, and the corresponding required parking.

**Parking Analysis for Current Somerset Village Tenants—Table #1:**

<b><u>Current Tenant</u></b>	<b><u>County Use</u></b>	<b><u>Gross SQ. FT.</u></b>	<b><u>Provided Parking</u></b>
1. Food Lion	Retail +2000sf	30,280	167
2. Aaron Rents	Retail Low Customer	10,950	22
3. Mi Degallado	Restaurant	2,560	26*
4. La Mezzaluna	Restaurant	2,240	22*
5. CT Walls	Retail Low Customer	3,150	6
6. Urgent Care	Medical	2,800	14
7. Jefferson Jewelers	Retail	1,600	11
8. CT Cleaners	Retail	1,600	11
9. Subway	Restaurant	1,200	12*

10. Liberty tax	Professional	2,000	7
11. Remax Realty	Professional	2,000	7
12. Anthony's Pizza	Restaurant	1,350	14*
13. Trackside Barber	Retail	1,750	12
14. Fashion Nails	Retail	1,350	9
15. Capital Rehab	Medical	3,040	15
16. Gold's Gym	Health/Sport Club **See Note	26,140	75**
17. Dollar General	Retail	10,207	56
18. Schewel's Furniture	Retail Low Customer	20,328	41
19. Proposed Starbucks Coffee	Restaurant	1,188	24***
Parking Required Based on Existing Tenant Use and Jefferson County Code			551
Existing Parking			618
Parking Required per #87-21 Site Plan Approval			615
Total Parking Proposed			557
Parking Required per #87-21 (615 spaces) – Total Parking Proposed (557 spaces) =			58
<i>Total Variance Requested: 58 spaces</i>			

**Parking Analysis Notes:**

1. \*The parking calculations for restaurants are based on 1/2 of the gross square footage of each restaurant, as an estimate of customer floor area.
2. \*\*The parking calculations for health/sports club are based on the City of Winchester Zoning Ordinance (Health/Sport Club) which requires 1 Space per 4 persons, based on maximum occupancy. We have estimated the maximum occupancy of the gym to be 300.
3. \*\*\*The parking calculations do not account for the fact that in the Starbucks Drive-Thru will provide space for eight (8) vehicles at any given time. This will also help to offset any loss of spaces for patrons entering the establishment.

When reviewing the parking analysis above you will notice that the parking calculations are based on the current uses represented in the shopping center, and their corresponding code requirements for parking, apart from the parking calculations for Gold's Gym. The Gold's Gym calculations are based on the City of Winchester Zoning Ordinance (Health/Sport Club) which requires 1 Space per 4 persons, based on maximum occupancy. We have estimated the maximum occupancy of the gym to be 300, based on the data found in the ITE Trip Generation Manual, 9<sup>th</sup> Edition, discussions with the Kentland Foundation, and a site visit to Gold's Gym and interview with Management on their observations regarding building capacity. We have attached the code section, from the City of Winchester, as Exhibit #3, for your review to show the calculation method used for parking for Gold's Gym.

Currently, Jefferson County Code does not provide parking requirements or a definition for "health/sports (membership only) club in its code. The code does however, indicate a parking requirement for "recreation establishment"; although this use is also not defined by the County Code. Staff determined that the most closely applicable regulation, in the existing ordinance, would be the parking requirement associated with "recreation establishment". However, a recreational establishment is generally a publicly operated facility, not

requiring membership. Whereas, a health and fitness club is typically a smaller scale operation requiring membership to enter.

If Gold's Gym is required to meet the parking requirements associated with a “recreation establishment” this business would be required to have 346 spaces, which would far exceed the number of spaces needed even during peak-use hours. As part of our research, the ITE Trip Generation Manual, 9<sup>th</sup> Edition was consulted. This manual provides the following nationwide data for the expected peak hour trip generation for “Health/Fitness Clubs”:

**Health and Fitness Club (#492) Peak Hour Trip Generation—Table #2**

<b>Health and Fitness Club (ITE Use #492)</b>		
<b>*Based on 26,140 sq. ft. Gold’s Gym Location</b>		
<b>Peak Time</b>	<b>Peak Hour Generation</b>	<b>Trip Distribution</b>
AM Peak Hour	1.41 x 1000 sq. feet 1.41 x 26.2=36.9 vehicles	50% Entering = 18.45 vehicles 50% Exiting = 18.45 vehicles
PM Peak Hour	3.53 x 1000 sq. feet 3.53 x 26.2= 92.4 vehicles	57% Entering = 52.6 vehicles 43% Exiting = 39.7 vehicles
Saturday Peak Hour	2.78 x 1000 sq. feet 2.78 x 26.2= 72.8 vehicles	45% Entering =32.76 vehicles 55% Exiting = 40.04 vehicles

\*The ITE Manual Peak Hour Trips are based on projected entering and exiting vehicles, not volume of patrons to the establishment. Therefore, the entering and exiting trip distribution shown in the last column depicts the projected vehicle flows through the parking lot at these peak times, associated with the proposed use.

Based on this information shown, even during the highest traffic general time of PM peak, the 75 spaces proposed for Gold’s Gym would be more than what would be needed to accommodate the 52.6 (53) vehicles entering the parking lot to utilize the gym. Additionally, in pre-submittal meetings with the Zoning Administrator, Ms. Beaulieu suggested that the American Planning Association Parking Standards should be consulted as part of this report. Therefore, we have included information from the American Planning Association Parking Standards Report, dated December 31, 2002, as Exhibit #4 for review. Included in our supplemental information is suggested parking requirements for health club, based on the American Planning Association’s Parking Standards. The requirement utilized by the City of Winchester, of 1 space for every 4 persons based on maximum occupancy is a recurring standard provided in the report for uses like Gold’s Gym. Therefore, all data gathered and synthesized for the purposes of this application illustrates that adequate parking will continue to be provided in Somerset Shopping Center, even considering the proposed variance.

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

The information provided in Table #1 and Table #2 above, as well as the exhibits provided as an addendum to this report, illustrate that the applicants, and owners of the Somerset Shopping Center, have done the necessary due diligence to determine that adequate parking facilities will be available to all tenants of the Somerset Shopping Center. It is in the interest of the applicant, the current tenants, and the public at large, to provide adequate parking for all the tenants in the shopping center. The parking analysis provided considers current code, existing tenants, and the proposed use, and demonstrates that granting the requested variance will not be contrary to the public interest.

Furthermore, as part of this application the Kentland Foundation has provided a letter, attached as Exhibit #5, which provides insight into their experience as the property owner, and the peak parking usage for the different tenants. They do not believe that the creation of the Starbucks will create a parking scarcity that would be detrimental to their other tenants. The uses currently represented in the shopping center are extremely diverse, and not likely to have extensive parking usage overlap. Therefore, by utilizing the parking that is existing, and will be provided with the Starbucks proposal, all the tenants will still be able to effectively utilize the spaces required for their customers.

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

With this proposal, and the proposed use, the applicants are attempting to redevelop an existing site, to accommodate the needs and market desires of growing Jefferson County. If enforced as currently written, the ordinance would yield additional impervious land cover and storm water runoff. The applicants have every intention of providing adequate parking facilities for the Somerset Shopping Center, and have and will continue to make every effort to comply with all required County Codes throughout the development process.

**IV. 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 Somerset Shopping Center, and its original approval, dates to the late 1980's. While all appropriate measures were taken at the time by staff and the owners/applicants, it is natural that the tenants, uses, and needs of the center would change over time. This request does not represent self-imposed hardship, but rather the natural changes that occur over the course of thirty years. The applicants are trying to use the existing space in a way that evolves to meet the changing demands of Jefferson County.

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

Section 1.1 of the Jefferson County Land Development and Zoning Ordinance, outlines the goals and objectives of the ordinance. Among the stated purposes, outlined in the ordinance, is to encourage growth and development in areas where adequate utilities and public facilities are available, to provide services in a cost-effective manner. The applicant is attempting, with this application, to encourage re-development of an existing shopping center, in an area that is appropriate for commercial development and has the public utilities to accommodate such development. The applicant is attempting to develop in a way that is economically as well as environmentally sound, by not adding additional impervious surface to the existing shopping center. Furthermore, by focusing on development in an area that is suited to commercial uses rather than encouraging sprawl into currently undeveloped areas of Jefferson County, they are supporting the preservation of the agricultural base to insure the continued viability of farming in the area, and conservation of natural resources.

The applicant has made every effort to comply with the ordinance, and to submit the most thorough application possible, with the hope that staff and the Jefferson County Board of Zoning Appeals will look favorably on this application.

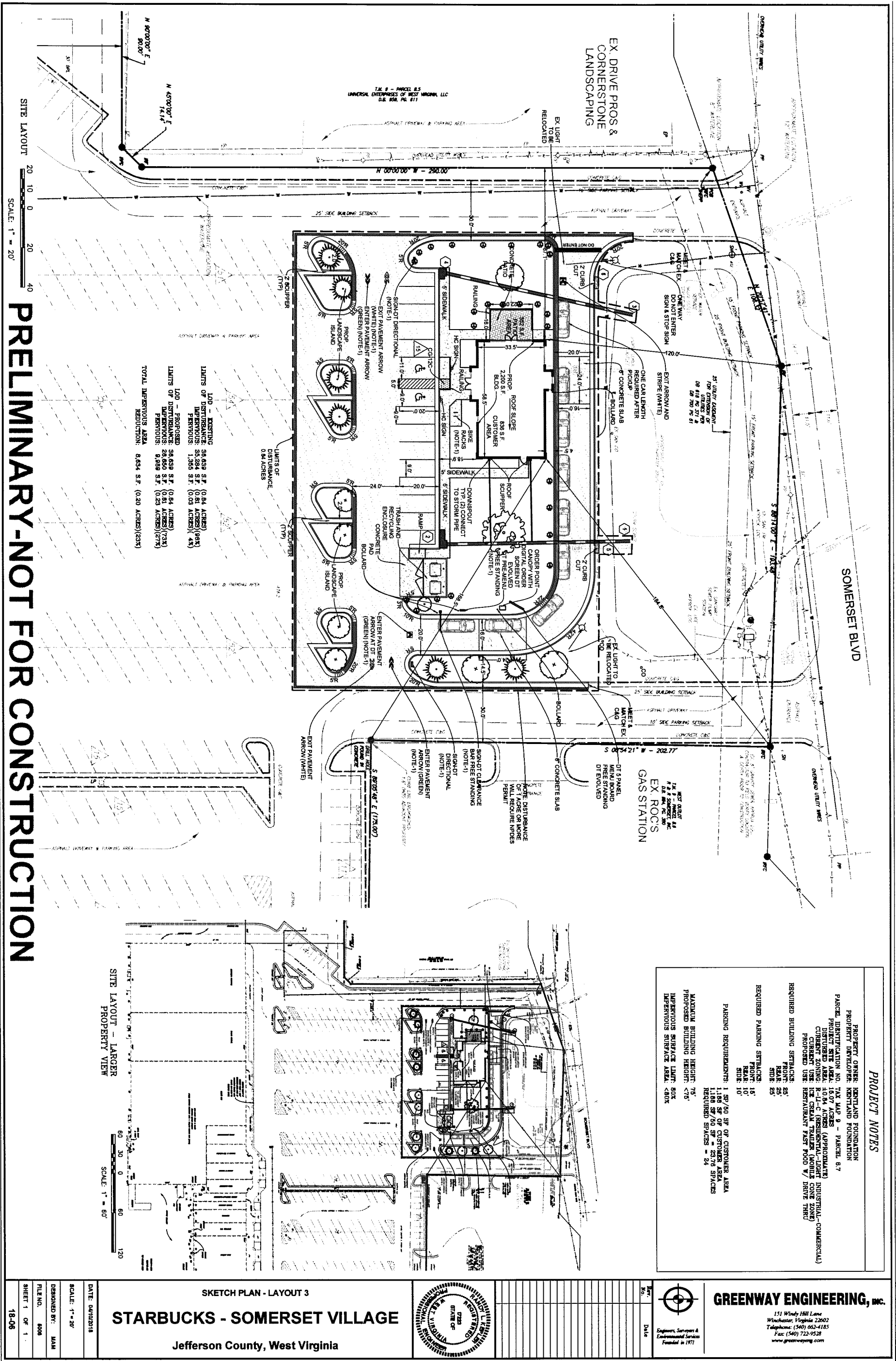
Thank you for your consideration of this matter. Please review this information and contact me if you have any questions, or if you need anything else regarding this matter.

Sincerely,



Jamie Rogers MacLean CFM, CZO  
Director of Planning  
Greenway Engineering, Inc.

Attachments: Exhibit #1 Starbucks Preliminary Site Layout  
Exhibit #2 Somerset Shopping Center Site Plan 2.5.1988  
Exhibit #3 City of Winchester Code, Article 18 General Provisions, Table 18-6-5.1  
Exhibit #4 American Planning Association Parking Standards, 12.31.2002, Page 110  
Exhibit #5 Letter from Kentland Foundation 4.5.2018



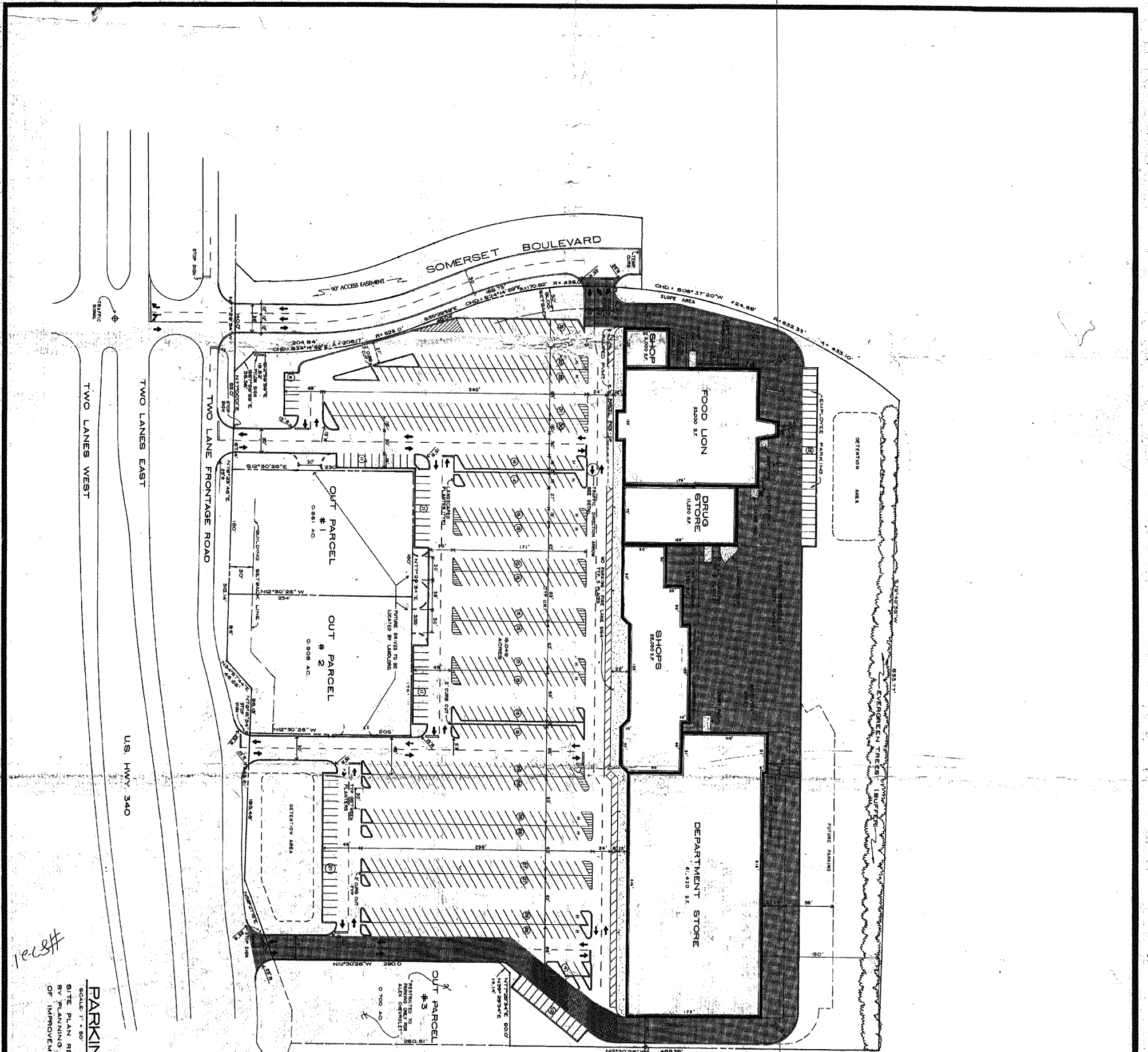
**PRELIMINARY-NOT FOR CONSTRUCTION**

SITE LAYOUT  
SCALE: 1" = 20'

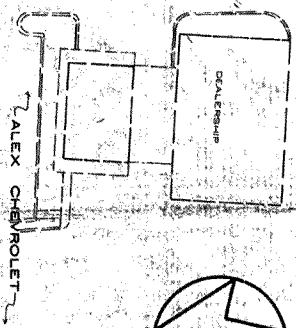
SITE LAYOUT - LARGER  
PROPERTY VIEW  
SCALE: 1" = 80'

PROJECT NOTES	
PROPERTY OWNER:	KENTLAND FOUNDATION
PROPERTY DEVELOPER:	KENTLAND FOUNDATION
PARCEL IDENTIFICATION NO. TAX MAP 9 - PARCEL 8.7	
PROJECT SITE AREA:	16.07 ACRES (APPROXIMATE)
DISTURBED AREA:	40.84 ACRES (APPROXIMATE)
CURRENT ZONING:	R-1 (RESIDENTIAL-LOW DENSITY CONCENTRIC ZONE)
PROPOSED USE:	RESTAURANT FAST FOOD W/ DRIVE THRU
REQUIRED BUILDING SETBACKS:	
FRONT:	25'
SIDE:	25'
REAR:	10'
REQUIRED PARKING SETBACKS:	
FRONT:	15'
SIDE:	10'
REAR:	10'
PARKING REQUIREMENTS:	1 SF/50 SF OF CUSTOMER AREA 1,188 SF OF CUSTOMER AREA 1,188 SF OF SIDEWALK REQUIRED STRIPES = 24
MAXIMUM BUILDING HEIGHT:	75'
PROPOSED BUILDING HEIGHT:	<75'
IMPERVIOUS SURFACE LIMIT:	80%
IMPERVIOUS SURFACE AREA:	<80%

<p>DATE: 04/02/18</p> <p>SCALE: 1" = 20'</p> <p>DESIGNED BY: MAM</p> <p>FILE NO: 6008</p> <p>SHEET 1 OF 1</p> <p>18-06</p>	<p>SKETCH PLAN - LAYOUT 3</p> <p><b>STARBUCKS - SOMERSET VILLAGE</b></p> <p>Jefferson County, West Virginia</p>		<p><b>GREENWAY ENGINEERING, INC.</b></p> <p>151 Windy Hill Lane Winchester, Virginia 22602 Telephone: (540) 662-4185 Fax: (540) 722-0528 www.greenwayeng.com</p> <p>Engineers, Surveyors &amp; Environmental Services Founded in 1971</p>
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**LEGEND**  
 TOTAL BUILDING AREA = 122,720 SF  
 PARKING REQUIRED = 614 SPACES  
 PARKING PROVIDED = 800/1000 SF

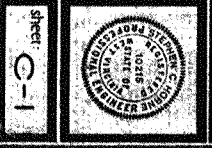


- GENERAL NOTES:**
1. SITE TO BE RESTORED TO ORIGINAL GRADE.
  2. SITE TO BE RESTORED TO ORIGINAL GRADE.
  3. SITE TO BE RESTORED TO ORIGINAL GRADE.
  4. SITE TO BE RESTORED TO ORIGINAL GRADE.
  5. SITE TO BE RESTORED TO ORIGINAL GRADE.
  6. SITE TO BE RESTORED TO ORIGINAL GRADE.
  7. SITE TO BE RESTORED TO ORIGINAL GRADE.
  8. SITE TO BE RESTORED TO ORIGINAL GRADE.
  9. SITE TO BE RESTORED TO ORIGINAL GRADE.
  10. SITE TO BE RESTORED TO ORIGINAL GRADE.

**PARKING & PAVING PLAN**

SCALE: 1" = 50'  
 SITE PLAN REVIEW REQUIRED FOR THIS PARCEL  
 BY PLANNING COMMISSION PRIOR TO ISSUANCE  
 OF IMPROVEMENT LOCATION PERMIT

FEB 5 1988



**CHEEK AND TRAVIS ARCHITECTS, INCORPORATED**  
 212 HIGH STREET  
 CHATTANOOGA, TENNESSEE 37403 (615) 756-5046

file: 2-4-88  
 date: 2-4-88

**SOMERSET VILLAGE CHARLES TOWN, WEST VIRGINIA**  
**MCKENZIE PROPERTIES INC**  
 BLUFF VIEW CENTRE  
 412 EAST 2ND STREET  
 CHATTANOOGA, TENNESSEE 37403  
 (615) 756-9182

print distribution


revisions

NO.	DESCRIPTION	DATE	BY	DATE
1	GENERAL REV.	11-10-87	T. GARNER	11-10-87
2	GENERAL REV.	11-12-87	S. C. JERAL	11-12-87
3	GENERAL REV.	11-18-87	D. MCKENZIE	11-18-87
4	GENERAL REV.	11-18-87	D. MCKENZIE	11-18-87
5	ADD. BUILD.	11-18-87	D. MCKENZIE	11-18-87
6	GEN. REV.	11-19-87	D. MCKENZIE	11-19-87

**Exhibit#2: Somerset Shopping Center Site Plan, February 5, 1988**

ZV18-07

**Exhibit#3: City of  
Winchester Code Article  
18, Table 18-6-5.1**

**GENERAL PROVISIONS**

ZV18-07

Use	Size or Type	Required Number of Spaces
<b>Non-Residential Uses: Recreational</b>		
Amusement center	Indoor arcade	1 for each 4 persons, based on maximum occupancy
	Outdoor facility	1 for each 1,000 sq. ft. of amusement attraction area
Bowling alley		2 per alley
Golf course	Miniature	1 per hole
	Other	2 per hole
Indoor recreation facility (i.e., health/sport club, tennis club, swimming club, yoga studio, dance studio)		1 per each 4 persons, based on maximum occupancy
Outdoor recreation facility	Court, ball field	1 for each 2 players based upon maximum capacity
	Park, playground	1 per 600 sq. ft. of improved active recreational area, plus 1 for every 3 acres of passive recreation area
<b>Non-Residential Uses: Office</b>		
General office		1 for each 300 sq. ft. of GFA (excluding storage space)
Medical office (not clinic)	1-3 practitioners in same office	3 per examination or treatment room, plus 1 per employee on largest shift, including doctor
	4 or more practitioners in same office	7 per practitioner, or 1 for each 200 sq. ft. of GFA, whichever is greater
Financial institution		1 for each 300 sq. ft. of GFA



*Exhibit#4: APA Parking  
Standards, December 13,  
2002*

ZV18-07

# Parking Standards

Edited by

Michael Davidson and Fay Dolnick

APA

American Planning Association

PAS

Planning Advisory Service  
Report Number 4941

**Exhibit#5: Letter from  
Kentland Foundation,**

*The Kentland Foundation, Inc.*

CEDAR HILL FARMS, P.O. BOX 879 • BERRYVILLE, VA 22611

ZV18-07

April 5, 2018

Jefferson County Department of Planning and Zoning  
Attn: Ms. Alexandra Beaulieu, Zoning Administrator  
116 East Washington Street, 2<sup>nd</sup> Floor  
PO Box 716  
Charles Town, West Virginia 25414

Re: Starbucks Drive-Through Coffee Shop in Somerset Village Shopping Center

Dear Ms. Beaulieu,

I am writing to you regarding the Parking Variance Application for the proposed Starbucks Drive Thru in Somerset Village Shopping Center and why I believe that the decrease in parking spaces will not adversely affect the Shopping Center as a whole.

It has been our experience that the traffic in the Shopping Center varies throughout the day, with the majority of cars in the late afternoon/evening utilizing Food Lion, the restaurants, and Golds Gym. Given the nature of the proposed restaurant as a coffee house and supplier of breakfast fare, Starbucks will likely draw the majority of their patrons to the Shopping Center in the morning hours. I also believe that many of the early east bound commuters who go to Starbucks will favor the drive through and exit the Shopping Center promptly. Based on the various uses and peak hours of the current tenants, as well as the location of the proposed Starbucks in the front of the Shopping Center, I think that it is reasonable that the amended number of parking spaces will continue to adequately serve the needs of the patrons of Somerset Village.

Please let me know if you have any further questions. Thank you for your time.

Sincerely,



Helene McCarron





**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: ZV18-08  
 Staff Initials: CH  
 Meeting Date: 05/24/18  
 Fees Paid (\$100 or \$150): 100.00

Email: [zoning@jeffersoncountywv.org](mailto: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: Kentland Foundation, Inc.  
 Mailing Address: PO Box 879, Berryville VA 22611  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

Name: Helene McCarron  
 Mailing Address: PO Box 879 Berryville VA 22611  
 Phone Number: \_\_\_\_\_ Email: helene.mccarron@gmail.com

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

Name: Greenway Engineering C/O Mr. Randy Kepler  
 Mailing Address: 704 Foxcroft Ave. Martinsburg, WV 25401  
 Phone Number: 304-620-5111 Email: rkepler@greenwayeng.com or jmaclea@greenwayeng.com

**Physical Property Details**

Physical Address: Somerset Village Shopping Center, 58 Somerset Blvd.  
 City: Charles Town State: WV Zip Code: 25414  
 Tax District: Charles Town (2) Map No: 9 Parcel No: 8.7  
 Parcel Size: 15.07 acres Deed Book: 700 Page No: 61 (PB10-PG59)

**Zoning District (please check one)**

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential-Light Industrial-Commercial (R-LI-C) <input checked="" type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>
<b>RECEIVED</b>			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"/>
MAY 03 2018			Office/Commercial Mixed-Use (OC) <input type="checkbox"/>	JEFFERSON COUNTY PLANNING & ENGINEERING		
Place Received Date Stamp Here			*Applicant & AB spoke re: submittal of this Variance on 05/02/18. CH			

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- Appendix B (and 4.11.A.2)

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

A supplemental report is provided which addresses all required justification for this request. The applicant is requesting a variance from section 4.11 Appendix B, which would require that they provide landscaping for the full 15.07 acre parcel, as well as a variance to Section 4.11.A.2.

The applicant wishes to be permitted to provide landscaping, as denoted on the attached landscaping plan, within the limits of disturbance for the Starbucks 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:**

A supplemental report is provided which addresses all required justification for this request. This request will not pose an threat to health, safety, or welfare. The requirements of the ordinance will be met, within the limits of disturbance, for the proposed project.

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

A supplemental report is provided which addresses all required justification for this request. Because of the large size of the site, 15.07 acres, and the fact that the Somerset Shopping Center is already developed, we believe it would be reasonable to limit the landscaping requirements to the part of the site that is currently being re-developed.

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

A supplemental report is provided which addresses all required justification for this request. Granting this request would eliminate an unnecessary hardship and permit reasonable use of the land by allowing the the applicant to focus on providing landscaping to the subject area of the site, rather than the entire 15.07 acre tract, which has been developed since 1988.

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

A supplemental report is provided which addresses all required justification for this request. This variance will allow justice to be done for both the applicant and the County. The applicant will be able to provide landscaping within the limits of disturbance for the Starbucks project, and the County will still receive appropriate landscaping for the proposed project.

**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.

Shane McCann 5/3/18  
Signature of Property Owner Date

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

**Notification Requirements (to be completed by staff)**

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

05/24/18  
Date of Public Hearing

05/09/18  
Advertising Date

05/09/18  
Placard Posting Date



704 Foxcroft Avenue  
Martinsburg, WV 25401

May 2, 2018

Jefferson County Department of Planning and Zoning  
Attn: Ms. Alexandra Beaulieu, Zoning Administrator  
116 East Washington Street, 2<sup>nd</sup> Floor  
PO Box 716  
Charles Town, West Virginia 25414

Re: **Starbucks Drive-Through Coffee Shop (Somerset Village Shopping Center)  
Landscaping Variance: Section 4.11 "Landscaping, Screening, and Buffer Yard  
Requirements" (Appendix B)**

Dear Ms. Beaulieu:

I am writing on behalf of our client, the Kentland Foundation, Inc. The applicant is currently working with the Planning and Zoning staff in pursuit of the goal of constructing a Starbucks with a Drive-Thru, in the Somerset Village Shopping Center (#87-21).

On December 14, 2017, the Board of Zoning Appeals, approved a Conditional Use Permit for a Fast Food, Drive-Through Restaurant, as defined in Article 2, Section 2.2. The Conditional Use Permit was required in accordance with the Zoning Administrator's determination and Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District and Appendix C: Principal Permitted Uses Table of the Jefferson County Zoning Ordinance. (#CUP17-06)

Upon approval of the proposed use, Greenway Engineering has begun the process of site plan layout. As part of this process, we have met with County Staff, and analyzed current code to ensure that the site plan is submitted in compliance with the Jefferson County Zoning Ordinance.

Through this process, we have found that a landscaping variance is required to proceed with the site plan process. Therefore, to complete our Site Plan submission to Jefferson County Planning and Zoning, we respectfully request review and approval of a variance to the following code section:

**Article 4, Section 4.11, Appendix B, "Landscaping, Screening, and Buffer Yard Requirements", of the Jefferson County Zoning Ordinance, adopted July 7, 1988, amended November 3, 2011.**

The following information is the applicant's required justification and response(s) to the conditions required for approval, according to 1979 Jefferson County Subdivision Ordinance, Chapter 17 for each of the subcategories outlined below as outlined in the Subdivision Ordinance.

Engineers Surveyors Planners Environmental Scientists Laboratory  
Telephone 304.620.5111 Fax 540.722.9528  
www.greenwayeng.com

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

We are requesting a variance to Article 4, Section 4.11, Appendix B, "Landscaping, Screening, and Buffer Yard Requirements", of the Jefferson County Zoning Ordinance, adopted July 7, 1988, amended November 3, 2011. The applicant is requesting a variance to this section, which would require that landscaping be provided for the full 15.07-acre parcel, the applicant is proposing providing landscaping within the limits of disturbance of the Starbucks site. Additionally, the applicant is requesting that a variance be granted to Section 4.11.A.2 to waive the required 10' side and rear landscape buffer, and to only plant the street trees along Somerset Blvd. for the Starbucks limits of disturbance, which is 223' of frontage.

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

This request will not pose a threat to health, safety, or welfare. The site will be adequately landscaped, within the limits of disturbance for the proposed Starbucks site. The proposed landscaping plan, is attached to this report, to illustrate the applicant's intent to provide appropriate landscaping on this site.

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

Granting this request will eliminate an unnecessary hardship and permit reasonable use of the land by allowing the applicant to focus on providing landscaping to the subject area of the site, rather than the entire 15.07-acre parcel, which has been developed since 1988. With this proposal, and the proposed use, the applicants are attempting to redevelop an existing site, to accommodate the needs and market desires of growing Jefferson County. The applicants have every intention of providing landscaping within the limits of disturbance of the Starbucks, and will continue to make every effort to comply with all required County Codes throughout the development process.

**IV. 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 Somerset Shopping Center, and its original approval, dates to the late 1980's. While all appropriate measures were taking at the time by staff and the owners/applicants, it is natural that the tenants, uses, and needs of the center would change over time. Because of the large size of the site, 15.07 acres, and the fact that Somerset Shopping Center is already developed, we believe it would be reasonable to limit the landscaping requirements to the portion of the site that is under re-development. This request does not represent self-imposed hardship, but rather the natural changes that occur over the course of thirty years. The applicants are trying to use the existing space in a way that evolves to meet the changing demands of Jefferson County.

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

Section 1.1 of the Jefferson County Land Development and Zoning Ordinance, outlines the goals and objectives of the ordinance. Among the stated purposes, outlined in the ordinance, is to encourage growth and development in areas where adequate utilities and public facilities are available, to provide services in a cost-effective manner. This applicant, is attempting to encourage redevelopment of an existing shopping center, in an area that is appropriate for commercial development, and has public utilities to accommodate

such development. This variance will allow justice to be done for both the applicant and the County. The applicant will be able to provide landscaping within the limits of disturbance for the Starbucks project, and the County will still receive landscaping for the proposed project, within the limits of disturbance of the project area.

In closing, the applicant has made every effort to comply with the ordinance, and to submit the most thorough application possible, with the hope that staff and the Jefferson County Board of Zoning Appeals will look favorably on this application.

Thank you for your consideration of this matter. Please review this information and contact me if you have any questions, or if you need anything else regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Jamie Rogers MacLean". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

Jamie Rogers MacLean CFM, CZO  
Director of Planning  
Greenway Engineering, Inc.

Attachments: Starbucks Proposed Landscape Plan



**GENERAL CONDITIONS**

**SCOPE OF WORK**  
The landscape contractor shall provide all materials, labor and equipment to complete all landscape work as shown on the plans and specifications.

**NOTE:** If contractor bids according to the Plant List, he/she should thoroughly check the plant list quantities with the symbols drawn on the plan, to be sure there are no discrepancies. If there is a discrepancy between the drawing and the list on the plans, the drawing takes precedence.

**STANDARDS**

All plant material will conform to the current issue of the American Standard for Nursery Stock published by the American Nursery & Landscape Association (ANLA). Plant material must be selected from nurseries that have been inspected and certified by state plant inspectors. Collected material may be used only when approved by owner's representative. Nomenclature will be in accordance with Hortus III by L.H. Bailey.

**SUBSTITUTIONS - PRE-BID**

It is the landscape contractor's responsibility to make every reasonable effort to find the plants specified by the landscape architect. The landscape contractor may offer substitutions to the landscape architect for higher consideration. The landscape contractor will notify the landscape architect if there are known diseases or insect resistant species that can be substituted for a selected plant. The contractor shall submit a base bid as per plant plus price certifications for all recommended substitutions.

**SUBSTITUTIONS - POST-BID**

It is the intent to eliminate post-bid substitutions. However, in the event that the contract material has become unavailable, an appropriate substitution must be approved by the owner's representative.

**UTILITIES AND UNDERGROUND FEATURES**

The landscape contractor shall notify utility companies and/or the general contractor in advance of construction to locate utilities.

If there is a conflict with utilities and the planting process, the landscape architect/designer shall be responsible for relocating plants prior to the planting process. Any cost due to relocating after planting shall be borne by the owner. If plants are to be installed in areas that show obvious poor drainage, and the plants are inappropriate for that condition, the landscape contractor shall notify the landscape architect and owner. If they deem necessary, the plants shall be relocated, the contract shall be adjusted to allow for drainage correction at a separate bid or the plant selection modified by the landscape architect to accommodate the poor drainage.

**WARRANTY**

The standard warranty is for one (1) year period, excluding bulbs, seed and annuals, commencing on the date of initial acceptance. All plants must be alive and in satisfactory growth at the end of the guarantee period. Any material that is 25% dead or more shall be replaced. If the contractor is unable to replace the material, the contractor shall be responsible for the main leader has died back, or 25% of the crown is dead. Replacements shall be made during the next planting period. Replacements shall be of the same type, size and quality as original species unless otherwise negotiated.

**STANDARDS**

A. Plants will be in accordance with the current ANLA's Standards and conform in general to representative species.

B. Balled and Burrapped (B&B)  
1. Balled and Burrapped plants shall be dug with firm root balls free of rootball weeds.  
2. Ball sizes shall be in accordance with ANLA Standards.  
3. Caliper and Height Measurement: In size grading B&B single trunk trees, caliper shall be taken 4" above ground level and 12" above the trunk shall be taken 6" above ground level (up to and including 4" caliper size) and 12" above the trunk shall be taken for larger trees. For multiple-trunk trees, height measurement shall take precedence over caliper.

**C. Container - Grown Stock**

1. The size of container-grown shrubs is measured by height and width of the plant.  
2. All container-grown trees and shrubs that have circling (girdling) and matted roots shall be treated in the following manner prior to planting: separate the roots by hand, untangling so circling roots will not damage future of the plant. See Planting procedures for all Container-Grown Trees & Shrubs in this section.  
3. All container-grown plants should be grouped and watered daily until they are planted in the landscape, the soil shall be kept moist with the equivalent of one-inch of rainfall per day.  
4. Pruning shall be done before planting or during the planting operation.  
E. All plant material in transit shall be covered to keep material from drying out. The covering shall comply with the state and local laws pertaining to the transport of materials.  
F. Trees shall be placed in an upright position with the rootball covered by mulch and kept moist. Trees and shrubs should not be left on site unattended for more than 24-hours without adequate water to insure root survival.

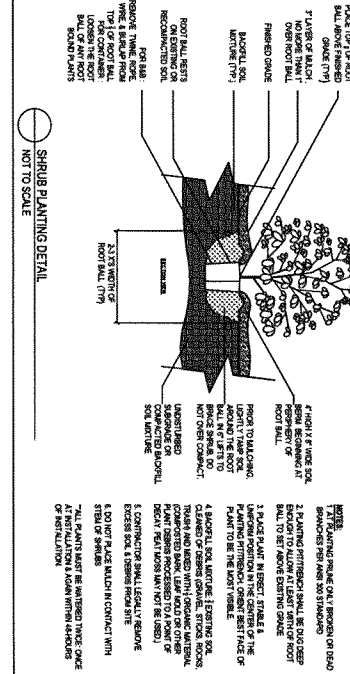
**INSPECTION**

A. Plants may be subject to inspection and approval by the owner or owner's representative at the place of growth or holding yard for conformity to specification requirements as to quality, size and variety.  
B. Plants damaged in handling or transportation can be rejected by the owner or owner's representative. Inspection certificates shall be furnished to the landscape architect/designer upon request.

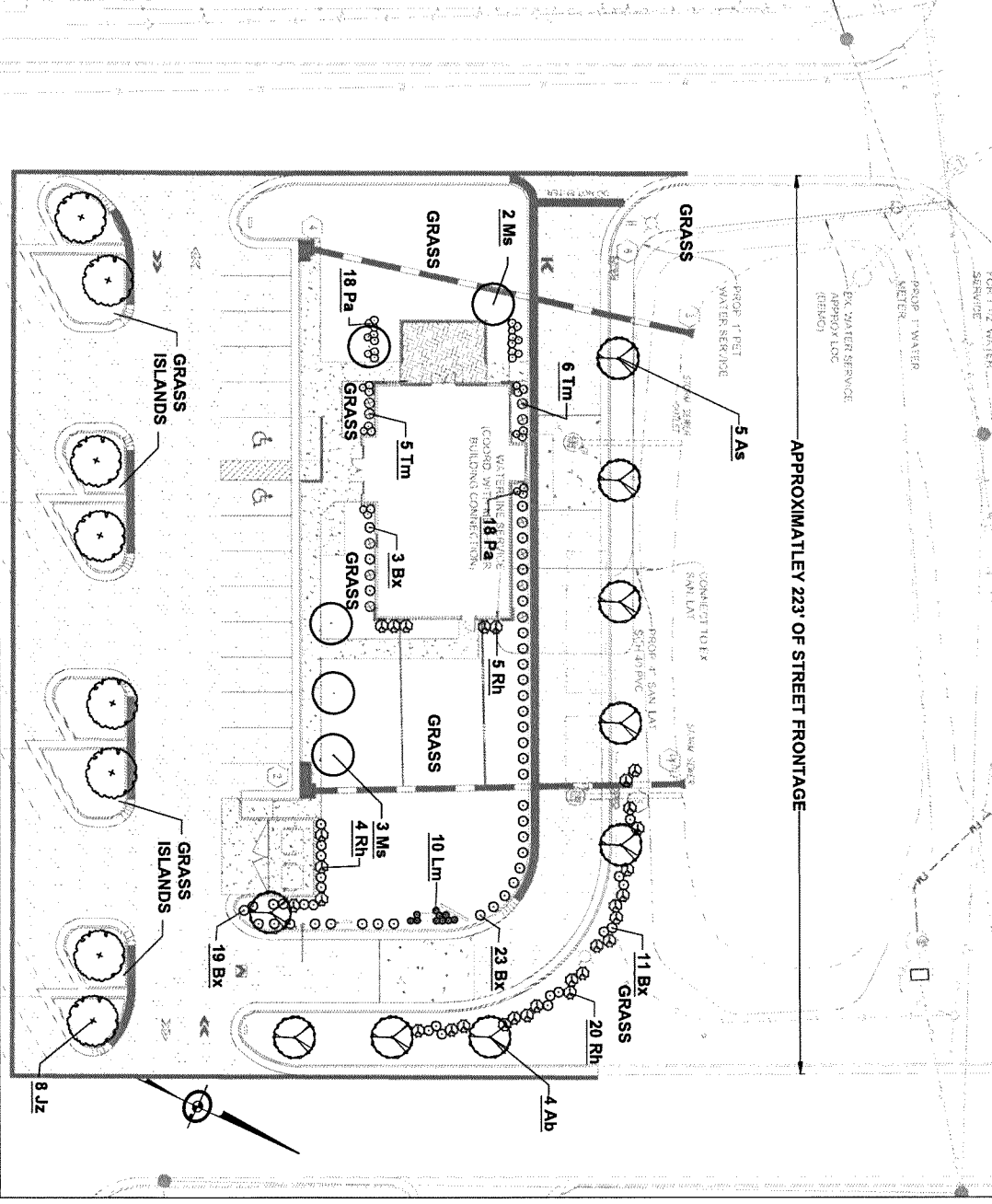
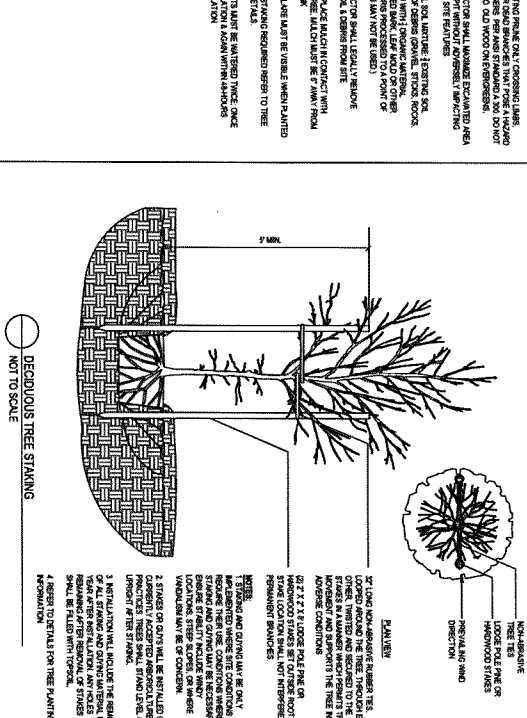
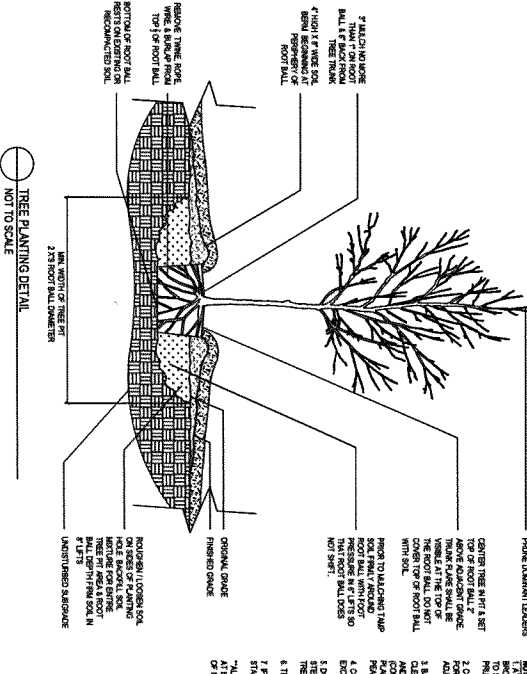
**PLANTING PROCEDURES FOR ALL CONTAINER-GROWN TREES & SHRUBS**

A. Remove the plant either by cutting or inverting the container.  
B. For untreated plastic container-grown plants with circling roots, separate roots by hand and untangle roots the height of the rootball.  
C. Apply a 2" to 3" thick layer of approved hardwood mulch. Keep mulch 6" away from the trunk of all trees and shrubs.  
E. Plants grown in root containment bags must have bags removed during the planting operation. No additional staking of the rootball is necessary.

**SHRUB PLANTING DETAIL**



**NOTES:**  
1. PLANTINGS SHALL CONFORM WITH 4-11 OF THE JEFFERSON COUNTY ZONING ORDINANCE.  
2. ALL PLANT SUBSTITUTIONS MUST BE APPROVED IN WRITING BY JEFFERSON COUNTY PLANNING DEPARTMENT.  
3. CONTRACTOR TO GET APPROVAL FROM OWNER AND COUNTY IF ANY SUBSTITUTIONS ARE MADE.  
4. ANY EXISTING TREES TO BE REMOVED AS RESULT OF THIS CONSTRUCTION SHALL BE REPLACED AT A ONE TO ONE RATIO.  
5. ALL SEEDS AND SODDED AREAS OF PROJECT WILL BE OF A DROUGHT TOLERANT MIX.  
6. ALL STREET, INTERIOR AND PERIMETER TREES WILL HAVE A MULCH BED CUT UNDER THE TREE EQUAL TO 8' RADIUS.  
7. NO SLOPE IN EXCESS OF 25% WILL BE SEEDS OR SODDED.  
8. PRIOR TO SODDING, SEEDING AND LANDSCAPING THE CONTRACTOR WILL TILL ALL COMPACTED AREAS AT LEAST 6" IN DEPTH TO LOOSEN THE COMPACTED SOILS AND ADD AMENDMENTS.



**THIS VIEW FOR LANDSCAPING ONLY**

ABB	BOTANIC NAME	COMMON NAME	QUANTITY	SIZE
<b>TREES</b>				
Ab	Acer buergerianum	Trident Maple	4	2' cal BAB
As	Acer saccharum	Sugar Maple	5	2' cal BAB
Jz	Zaklova serrata	Japanese Zaklova	8	2' cal BAB
Ms	Malus sp. 'Donald Wyman'	Donald Wyman Crabapple	5	2' cal BAB
<b>SHRUBS/GRNDOCOVER</b>				
Bx	Buxus x 'Green Gem'	Green Gem Boxwood	58	2' cal BAB
Pa	Perovskia atriplicifolia	Russian Sage	38	2' cal BAB
Lm	Liriodendron 'Big Blue'	Big Blue Liriodendron	10	2' cal BAB
Rh	Rhododendron x P.J.M.	P.J.M. Rhododendron	28	2' cal BAB
Tm	Taxus x media 'Brownii'	Brown's Yew	11	2' cal BAB

**LANDSCAPE PLAN**

**STARBUCKS SOMERSET VILLAGE**

HARPERS FERRY DISTRICT  
JEFFERSON COUNTY, WV

**GREENWAY ENGINEERING**  
PROUDLY SERVING VIRGINIA & WEST VIRGINIA  
OFFICES IN: WINCHESTER, VA & MARTINSBURG, WV

704 Foxcroft Avenue  
Martinsburg, West Virginia 25401  
Telephone: (304) 620-5111  
Fax: (304) 723-8528  
www.greenwayeng.com

REV. NO.	DATE
DESIGNED BY: MAM	DATE: 04/27/2018
FILE NO. 5006	SCALE: 1" = 20'
SHEET 10 OF 12	18-06





# 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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## Board of Zoning Appeals Meeting May 24, 2018

On December 14, 2017 the Board voted to grant the requested Conditional Use Permit for Starbucks at Somerset Village Shopping Center. The Board placed the following condition of approval:

- 1. The dimensions and locations of any proposed signage shall be reevaluated by the Board.**

The applicant's engineer is resubmitting the proposed sign details for the referenced project.

Note: originally, the applicant requested to have a second freestanding sign placed on the parcel. The applicant has since revised their plans and no longer requires the second freestanding sign.

They will update the existing pylon sign for Somerset Village Shopping Center to include a sign for Starbucks and will include signage affixed to the building, as well as the standard drive through directional signs and menu board (see applicant's submission for details).





704 Foxcroft Avenue  
Martinsburg, WV 25401

May 2, 2018

Jefferson County Department of Planning and Zoning  
Attn: Ms. Alexandra Beaulieu, Zoning Administrator  
116 East Washington Street, 2<sup>nd</sup> Floor  
PO Box 716  
Charles Town, West Virginia 25414

RECEIVED

MAY 02 2018

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Re: **Starbucks Drive-Through Coffee Shop #CUP17-06: Supplemental Signage Information**

Dear Ms. Beaulieu:

I am writing on behalf of our client, the Kentland Foundation, Inc. The applicant is currently working with the Planning and Zoning staff in pursuit of the goal of constructing a Starbucks with a Drive-Thru, in the Somerset Village Shopping Center (#87-21).

On December 14, 2017, the Board of Zoning Appeals (BZA), approved a Conditional Use Permit for a Fast Food, Drive-Through Restaurant, as defined in Article 2, Section 2.2. The Conditional Use Permit was required in accordance with the Zoning Administrator's determination and Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District and Appendix C: Principal Permitted Uses Table of the Jefferson County Zoning Ordinance. (#CUP17-06)

Section 10.4E of the Jefferson County Zoning Ordinance addresses signs accessory to a land use subject to the approval of a Conditional Use Permit. The ordinance requires that as part of the application, signage be addressed for review and consideration by the BZA at the required Public Hearing. At the December 14, 2017, meeting of the BZA, the proposed land use, a "Fast Food, Drive-Through Restaurant" was approved. However, at that time, the applicant was unclear as to the exact sign details and locations pertaining to the proposed Starbucks. We would now like to present the attached, Exhibit #1 "Starbucks Preliminary Site Layout", for your review. Exhibit #1 shows the proposed location of the signage associated with the proposed Starbucks.

Additionally, Exhibit #2 "Starbucks Northeast Landlord Design Criteria" provides detail on the dimensions of the standard directional and wayfinding signs that are proposed for the site. Additionally, Exhibit #3 "Proposed Starbucks Building and Signage Type" depicts the proposed building type and signage for the Starbucks at Somerset Shopping Center.

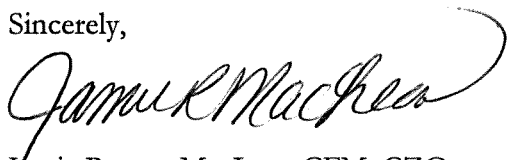
Finally, the Kentland Foundation, is not proposing an additional pylon or monument signs for the Starbucks. The Kentland Foundation has stated that, the proposed Starbucks will split the space on the existing Shopping Center pylon, that is currently held by Subway. Exhibit #4 Somerset Shopping Center Sign shows the existing signage, and the proposed location of the Starbucks signage.

Engineers Surveyors Planners Environmental Scientists Laboratory  
Telephone 304.620.5111 Fax 540.722.9528  
www.greenwayeng.com

The applicant has made every effort to comply with the ordinance, and to submit the most thorough application possible, with the hope that staff and the Jefferson County Board of Zoning Appeals will look favorably on this application.

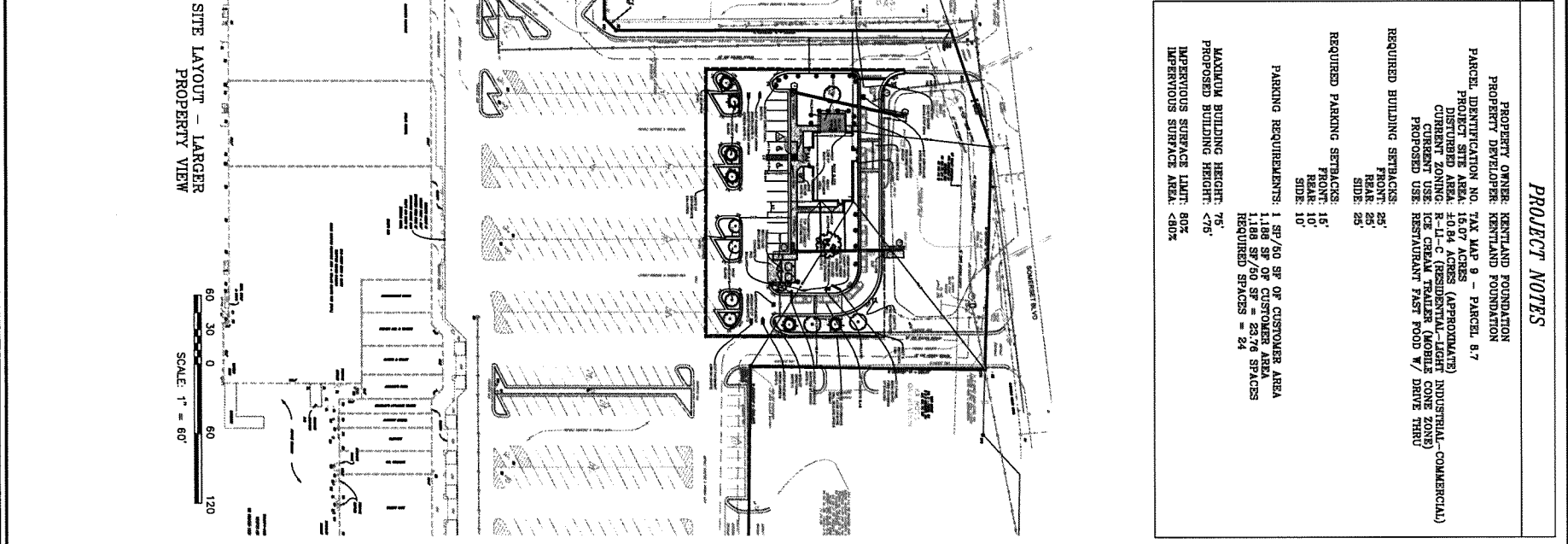
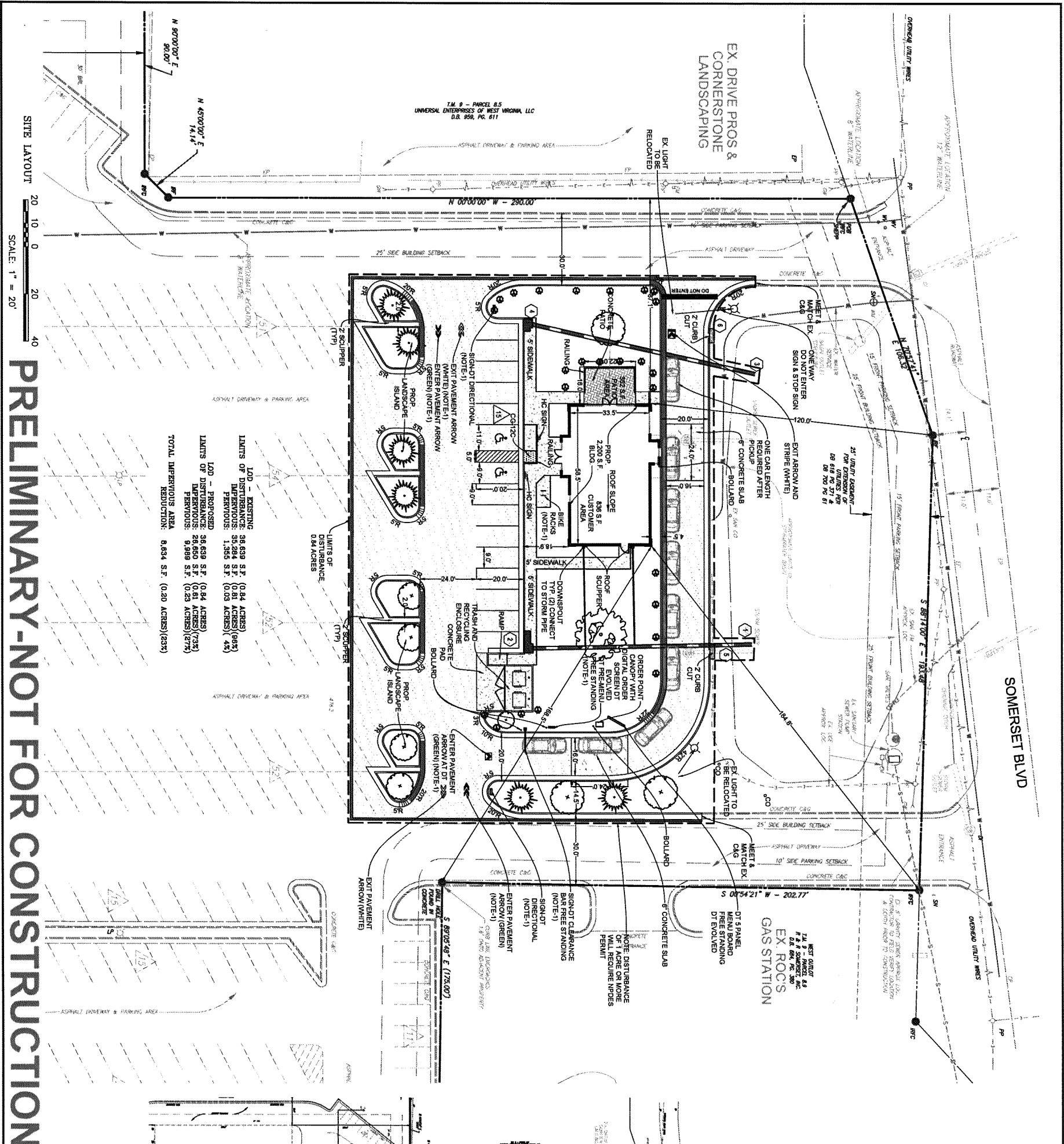
Thank you for your consideration of this matter. Please review this information and contact me if you have any questions, or if you need anything else regarding this matter.

Sincerely,



Jamie Rogers MacLean CFM, CZO  
Director of Planning  
Greenway Engineering, Inc.

Attachments: Exhibit #1 Starbucks Preliminary Site Layout  
Exhibit #2 Starbucks Northeast Landlord Design Criteria  
Exhibit #3 Proposed Starbucks Building and Signage Type  
Exhibit #4 Somerset Shopping Center Sign



SITE LAYOUT  
SCALE: 1" = 20'

**PRELIMINARY-NOT FOR CONSTRUCTION**

LOD - PROPOSED

LANDS OF DISTURBANCE	36,639 S.F. (0.84 ACRES)
IMPERVIOUS	35,284 S.F. (0.81 ACRES) (96%)
PERVIOUS	1,355 S.F. (0.03 ACRES) (4%)

LOD - PROPOSED

LANDS OF DISTURBANCE	36,639 S.F. (0.84 ACRES)
IMPERVIOUS	28,660 S.F. (0.66 ACRES) (78%)
PERVIOUS	9,979 S.F. (0.23 ACRES) (27%)

TOTAL IMPERVIOUS AREA  
REDUCTION: 8,654 S.F. (0.20 ACRES) (23%)

**PROJECT NOTES**

PROPERTY OWNER: KENTLAND FOUNDATION  
PROPERTY DEVELOPER: KENTLAND FOUNDATION  
PARCEL IDENTIFICATION NO. TAX MAP 9 - PARCEL 8.7  
PROJECT SITE AREA: 16.07 ACRES  
CURRENT ZONING: R-11-C (RESIDENTIAL-LIGHT INDUSTRIAL-COMMERCIAL)  
CURRENT USE: RESTAURANT  
PROPOSED USE: RESTAURANT FAST FOOD W/ DRIVE THRU

REQUIRED BUILDING SETBACKS:  
FRONT: 23'  
REAR: 23'  
SIDE: 23'

REQUIRED PARKING SETBACKS:  
FRONT: 16'  
REAR: 10'  
SIDE: 10'

PARKING REQUIREMENTS: 1 SF/50 SF OF CUSTOMER AREA  
1,188 SF OF CUSTOMER AREA  
1,188 SF/50 SF = 23.76 SPACES  
REQUIRED SPACES = 24

MAXIMUM BUILDING HEIGHT: 75'  
PROPOSED BUILDING HEIGHT: 475'  
IMPERVIOUS SURFACE LIMIT: 90%  
IMPERVIOUS SURFACE AREA: 300%

<p>DATE: 04/02/18</p> <p>SCALE: 1" = 20'</p> <p>DESIGNED BY: MAM</p> <p>FILE NO: 8008</p> <p>SHEET 1 OF 1</p> <p>18-06</p>	<p>SKETCH PLAN - LAYOUT 3</p> <p><b>STARBUCKS - SOMERSET VILLAGE</b></p> <p>Jefferson County, West Virginia</p>		<p>Engineers, Surveyors &amp; Environmental Services Founded in 1971</p>	<p><b>GREENWAY ENGINEERING, INC.</b></p> <p>151 Windy Hill Lane Winchester, Virginia 22602 Telephone: (540) 662-4185 Fax: (540) 722-9528 www.greenwayeng.com</p>
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*Exhibit#1 Starbucks Preliminary Site Layout*

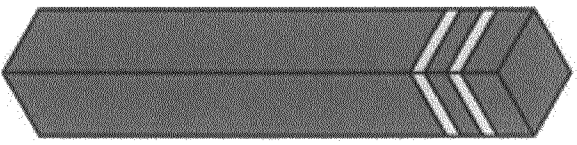
# NORTHEAST LANDLORD DESIGN CRITERIA

## SITE SIGNAGE & PAVEMENT GRAPHIC DETAILS

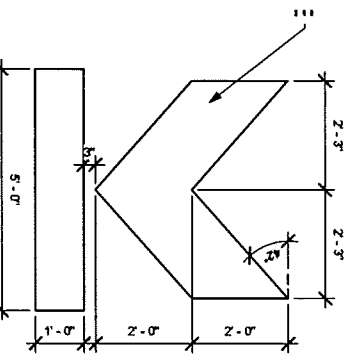
**NOTES:**

1: THERMOPLASTIC APPLIED GRAPHIC ONLY AVAILABLE THROUGH STARBUCKS SPECIFIED VENDOR

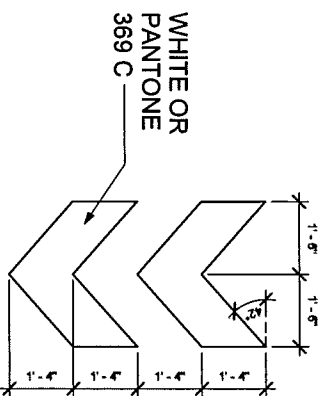
2: FOOTING DETAILS FOR SIGNAGE AND CLEARANCE BAR TO BE PROVIDED BY VENDOR UNDER SEPARATE COVER.



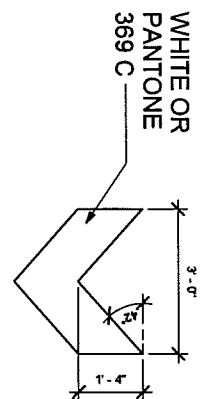
DTE - NON-ILLUMINATED BOLLARD - AXON



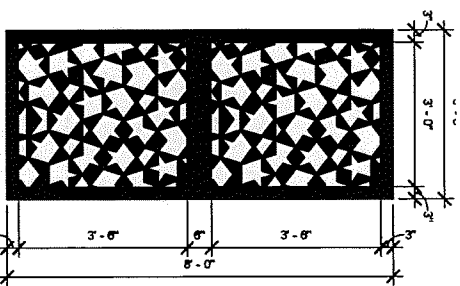
DTE - WAYFINDING GRAPHIC  
ROW - EXIT



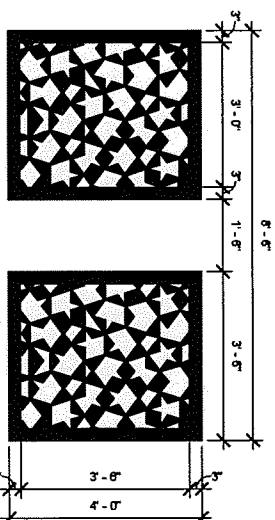
DTE - WAYFINDING GRAPHIC  
ARROW - DOUBLE



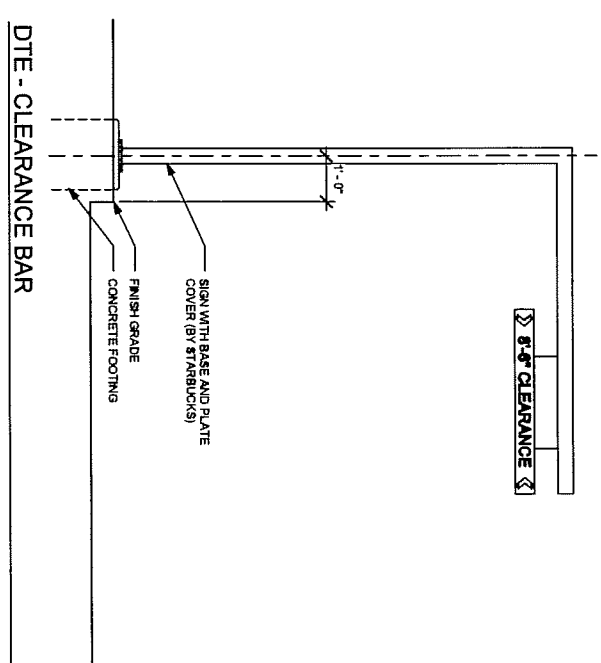
DTE - WAYFINDING GRAPHIC  
ARROW - SINGLE



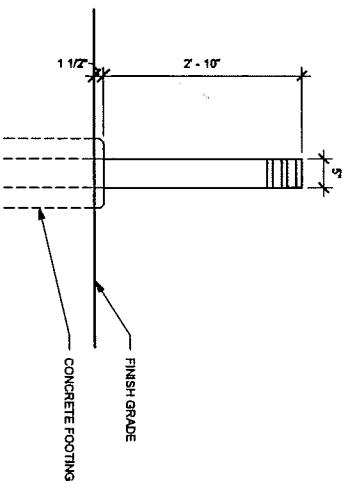
DTE - WAYFINDING GRAPHIC  
STAR PATTERN - VERTICAL



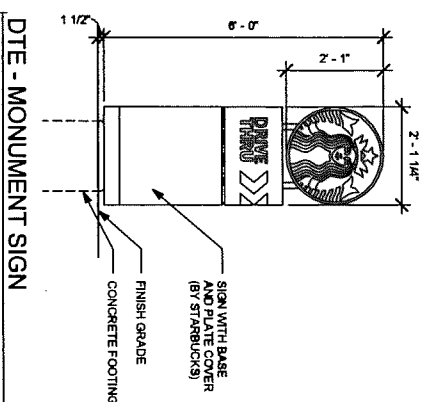
DTE - WAYFINDING GRAPHIC  
STAR PATTERN - HORIZONTAL



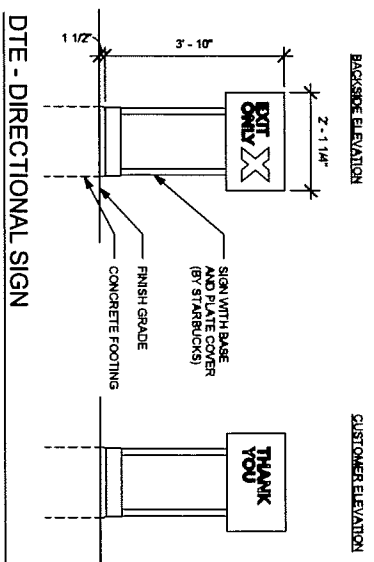
DTE - CLEARANCE BAR



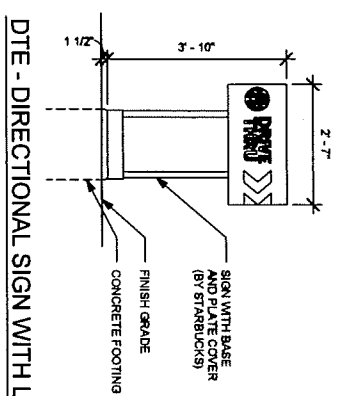
DTE - NON-ILLUMINATED BOLLARD DETAIL



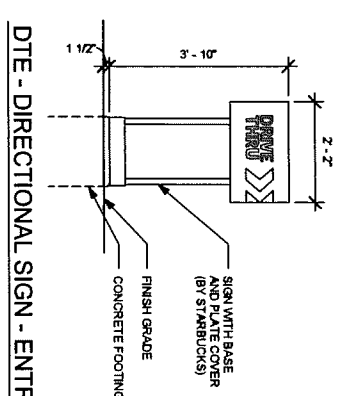
DTE - MONUMENT SIGN



DTE - DIRECTIONAL SIGN



DTE - DIRECTIONAL SIGN WITH LOGO - ENTRY



DTE - DIRECTIONAL SIGN - ENTRY

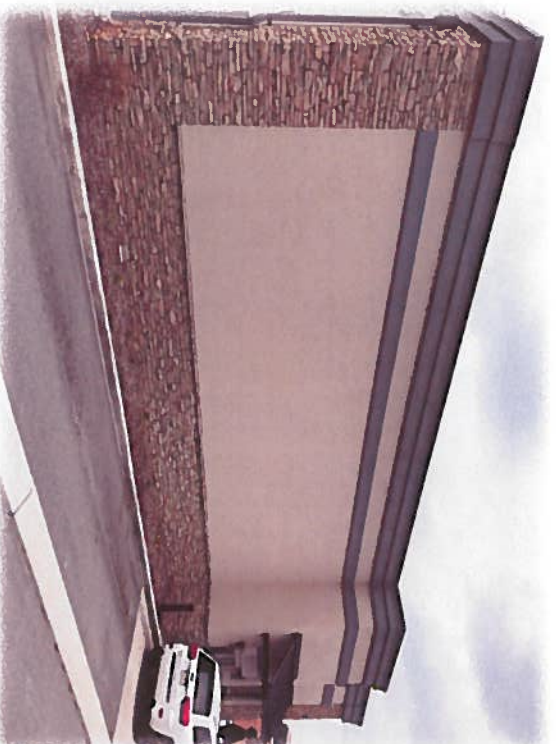


# Exhibit #3 Proposed Starbucks Building and Signage Type



*Exhibit#3: Proposed  
Starbucks Building and  
Signage Type*

# Exhibit #3 Proposed Starbucks Building and Signage Type



# Exhibit #4 Somerset Shopping Center Existing Signage



*Exhibit#4: Somerset  
Shopping Center Sign*





# 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 May 24, 2018

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

- **Pending amendments:**

- a) Signage – County Commission Public Hearing Held on May 3, 2018

- i. County Commission will revisit the text amendment on May 17, 2018 after the period for public comment has closed.

### 2) Possible Upcoming Text Amendments

- Staff is researching landscaping and parking standards to update the County's Zoning Ordinance.
- Following the March 29, 2018 text amendment, specifically the change to Appendix C to allow all Commercial Uses listed as "Not Permitted" to process as a Conditional Use, Staff will need to revise Section 5.10 Village District.

### 3) Upcoming BZA meeting

- The next regular meeting is scheduled for **June 28, 2018** (deadline for submissions is Wednesday, 06-06-18)



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)

**May 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.	Expired
ZC18-11	McLucky, LLC	Cornerstone Lawn Services, LLC	154 Wolf Craft Way, Charles Town	Cornerstone Landscape Supply retail business	TBD
ZC18-12	Timothy and Susan Smith	P.J. Raco Consulting, LLC	1241 Wiltshire Road, Kearneysville	Accessory Use: Livestock and Horse Auctions, primarily on weekends throughout the year.	Approved 05-15-18
ZC18-13	Michael Collier	Andrew Saikin, Fireworks Now, LLC	186 Flowing Springs Rd, Charles Town	Temp. sale of legal fireworks from an 8' x 45' sea-container. Date: 06/08/18 – 07/08/18.	Approved 05-15-18