



Jefferson County
Board of Zoning Appeals
Thursday, July 26, 2018

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

The Jefferson County Board of Zoning Appeals will meet in the Charles Town Library Conference Room located at 200 East Washington Street, at the side entrance on Samuel Street, in Charles Town, West Virginia.

Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Approval of Minutes – June 28, 2018
2. Swearing in of members of the public intending to provide testimony
3. Public Hearing. Variance from Section 5.7D3 to allocate two of the remaining development rights to the newly created non-residue lot in the proposed Rider Minor Subdivision. Property Owner: Cynthia B. Rider. Property Location: 195 Vance Road, Shepherdstown, WV. Tax District: Shepherdstown (09); Tax Map: 9; Parcel 22; Size: 100.36 acres; Zone: Rural. File: ZV18-09.
4. Public Hearing. Variance from Section 4.11B and Appendix B: to eliminate the landscape buffer that is required for a proposed 8,750 sf storage building, a 45,000 sf warehouse, and employee parking lot as follows: eliminate the buffer along the northern boundary of the subject parcel and the remaining perimeter of subject parcel where it is not currently landscaped, other than a small area along the 45,000 sq. ft. proposed building. (PC File #S18-04). Property Owner: Universal Forest Products Eastern Division Inc. Property Location: 249 16th Ave., Ranson, WV. Tax District: Charles Town (02); Tax Map: 7; Parcel: 11.6 (A & B); Size 30 ac; Zone: Industrial Commercial. File: ZV18-10.
5. Acting Zoning Administrator Report
 - a. Monthly Zoning Certificate Activity Report
6. 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: June 28, 2018
 - i. Appeal of the Zoning Administrator's Determination regarding the applicability of Section 4.4C pertaining to the proposed Magnolia Springs Subdivision and the Belvedere House which is listed on the National Register of Historic Places. File: AP18-01.
 - ii. Request for a Special Exception Permit for a 6' W x 10' L Electronic Sign, which is to replace an existing 6' x 10' sign, to be affixed to an existing supporting structure approximately 25' in height. Property Owner: Bolivar International Pentecostal Church of Christ. File: SE18-01.

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: June 28, 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 and Matt Knott
- 5 Members absent: Deirdre Catterton and Jeff Bresee (with notification)
- 6 Staff members present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
7 Prosecuting Attorney; and, Jennilee Hartman, Zoning Clerk
- 8 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.
- 9 Matt Knott moved to call the meeting to order at 2:00 pm, which carried unanimously. Mr. Quynn
10 explained to the public how the meeting would be conducted.
- 11 1. Approval of Minutes – May 24, 2018. Mr. Knott moved to approve the minutes. Mr. Bannon
12 abstained from voting on the minutes as he was absent from the May meeting. Mr. Quynn
13 called for vote which carried 2 in support and 1 abstention.
- 14 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
15 In the interest of time, the Board agreed to rearrange the agenda items to hear the Special Exception
16 application prior to the Appeal.
- 17 3. Public Hearing. Request for a Special Exception Permit for a 6' W x 10' L Electronic Sign,
18 which is to replace an existing 6' x 10' sign, to be affixed to an existing supporting structure
19 approximately 25' in height. Property Owner: Bolivar International Pentecostal Church of
20 Christ. Applicant: B.G. Turner, Pastor. Church address: 87 Old Taylor Ln., Harpers Ferry, WV.
21 Sign located parallel to US 340 adjacent to church parking lot. Tax District: Harpers Ferry (04);
22 Tax Map: 7; Parcel: 18.3; Size: .75 ac; Zone: Residential Growth. File: SE18-01.
- 23 Pastor B.G. Turner, representative for Bolivar International Pentecostal Church of Christ, was
24 present to address the Board. Ms. Beaulieu presented her staff report to the Board noting that
25 since the church owned multiple properties that a possible condition of approval could be that
26 only one electronic sign be permitted for the land use. Pastor Turner explained the nature of the
27 request to the Board reiterating that it would be replacing an existing sign; however, the
28 supporting structure would remain the same. Pastor Turner stated that the new sign would be an
29 improvement to the old sign. Mr. Bannon asked if the church was agreeable to the requirement
30 that the sign had to be turned off by 10:00 pm. Pastor Turner agreed to the requirement.
- 31 Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the
32 public hearing. Mr. Knott moved to approve the Special Exception as requested with the
33 condition that the applicant was bound by their testimony. Mr. Quynn called for a vote, which
34 carried unanimously.
- 35 4. Public Hearing. Appeal of the Zoning Administrator's Determination regarding the applicability
36 of Section 4.4C pertaining to the proposed Magnolia Springs Subdivision and the Belvedere
37 House which is listed on the National Register of Historic Places. The development consists of
38 301 single family homes. Appellant: Jefferson County Historic Landmark's Commission.
39 Subject Parcel: 76 Belvedere Farm Ln. Charles Town, WV. Tax District: Charles Town (02);
40 Tax Map: 10; Parcels: 8 & 8.6; Size: 124 ac combined; Zone: Residential Growth. Property
41 Owner: Walter J. Truettner, III & William K. Truettner. Developer: NLP Finance, LLC c/o
42 Hunter Wilson. File: AP18-01.

1 Prior to beginning the public hearing for the appeal Mr. Nathan Cochran, Assistant Prosecuting
2 Attorney for the Board of Zoning Appeals, went on record to disclose the following:

3 Mr. Cochran explained that in his role as the Assistant Prosecuting Attorney he operates as
4 counsel for the County Commission, the Planning Commission, and the Board of Zoning
5 Appeals. When an appeal is brought forth he is required to counsel the higher authority, meaning
6 he cannot be counsel to the Zoning Administrator or the Historic Landmarks Commission.

7 Mr. Cochran stated for the record that he did not assist or advise Ms. Beaulieu on her
8 determination. Ms. Beaulieu confirmed that he had not.

9 Mr. Cochran stated for the record that he did not assist or advise Ms. Beaulieu in her response to
10 the appeal. Ms. Beaulieu confirmed that he had not.

11 Mr. Cochran stated for the record that he had previously worked for Mr. Richard Gay, attorney
12 for the Magnolia Springs developer Mr. Hunter Wilson, but had not worked for him for
13 approximately 3 years.

14 Mr. Cochran stated for the record that he had previously represented Mr. Hunter Wilson on a
15 personal, family matter unrelated to business and/or the Magnolia Springs development.

16 Mr. Cochran stated he had never represented Mr. Wilson or Mr. Gay concerning Magnolia
17 Springs and was unaware of the project until it came before the Planning Commission. He also
18 stated for the record that he accompanied Ms. Beaulieu, Zoning Administrator and Ms. Brockman,
19 County Planner, on a site visit to the Belvedere property.

20 Mr. Cochran stated for the record that he did not believe he had any kind of conflict for this case.

21 Mr. Bannon inquired as to whether Mr. Cochran was counsel to the Planning Commission for
22 this project. Mr. Cochran confirmed that he had served as counsel to the Planning Commission.

23 Mr. Jared Adams, attorney for the Jefferson County Historic Landmarks Commission, and
24 Mr. Martin Burke, Chair of the Jefferson County Historic Landmarks Commission, were present
25 to represent the appeal before the Board. Ms. Beaulieu presented a staff report which provided a
26 brief overview of the property and the chronology of the Magnolia Springs Subdivision file.

27 Mr. Adams presented the Historic Landmarks Commission's appeal. He stated that the issue on
28 appeal was narrow and pertained to the Zoning Administrator's failure to conduct an analysis
29 under Section 4.4C. Mr. Adams stated that the Historic Landmarks Commission had concern
30 that the Zoning Administrator's determination would set a precedent for future projects.

31 Ms. Beaulieu provided a response to the appeal. She stated that the Zoning Ordinance did not
32 require that she conduct an analysis and that it did not provide criteria for reviewing a project on
33 a historic property. Ms. Beaulieu noted that her determination was in response to the April 12
34 letter from the Historic Landmarks Commission which stated that the project was in violation of
35 Section 4.4C but did not state how or why the project was in violation. She clarified for the record
36 that each project is reviewed and considered on its own merit; therefore, determining Section
37 4.4C did not apply to the proposed project did not invalidate the provision for future projects.

38 Mr. Richard Gay, attorney for Mr. Hunter Wilson, and Mr. Hunter Wilson, representative with
39 NLP Finance, LLC, addressed the Board as Respondents in opposition to the appeal.

40 Ms. Sara Lambert, member of the Historic Landmarks Commission and local architect, spoke
41 during public comment. Ms. Lambert stated that the purpose of the appeal was to provide a

1 public forum to discuss the Ordinance and that the Historic Landmarks Commission did not
2 want parts of the Ordinance summarily nullified.

3 Mr. Adams provided a rebuttal in response to the Zoning Administrator's comments. He stated
4 that regardless of what the Historic Landmarks Commission submits in their report, the Zoning
5 Administrator is required to conduct an analysis. Mr. Adams stated that the Zoning Administrator
6 failed to conduct an analysis when she wrote her determination and that it appeared she had
7 conducted an analysis after the project was challenged.

8 Ms. Beaulieu provided a rebuttal. She stated for the record that an analysis was conducted prior
9 to the memo being drafted as is evidenced by the documentation included in the Planning
10 Commission packet which included dated emails between her and the State Historic Preservation
11 Office, as well as the sections of State Code and the National Register Nomination Form. She
12 stated that her determination was written in direct response to the Historic Landmarks
13 Commission's letter and specifically addressed the applicability of Section 4.4C to the proposed
14 Magnolia Springs project and not the applicability of Section 4.4C to all future development.

15 Mr. Bannon asked Ms. Beaulieu if when she wrote her determination that Section 4.4C did not
16 apply, she meant that the Ordinance applies to every proposal but that as a matter of fact, the
17 subject proposal could not destroy the historic character. Ms. Beaulieu replied yes and
18 referenced her memo.

19 Mr. Gay provided a rebuttal and stated that the appellant did not meet the burden of proof and
20 the Board should give deference to the Zoning Administrator's determination.

21 Mr. Bannon moved to go into deliberative session at 3:32 pm, which carried unanimously.

22 Mr. Knott moved to come out of deliberative session at 3:44 pm, which carried unanimously.

23 Mr. Cochran stated for the record that the Board removed him for deliberations to avoid any
24 appearance of conflict.

25 Mr. Bannon moved to deny the appeal having concluded that the Zoning Administrator in fact
26 did apply Section 4.4C and determined as a matter of fact that the proposed development did not
27 destroy the historic character of the property and on that basis she concluded that Section 4.4C
28 did not apply but what she meant was that on a matter of fact there was no basis in finding that it
29 did apply. Mr. Knott seconded the motion, which carried unanimously.

30 5. Zoning Administrator's Report

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

33 Ms. Beaulieu informed the Board that the County Commission had appointed Jennifer
34 Brockman as the Acting Zoning Administrator during her maternity leave and that she
35 anticipated being absent for the Board's July meeting through early October. Ms. Beaulieu
36 stated the next meeting would be July 26, 2018.

37 6. Legal Update

38 a. Possible executive session on the following pending lawsuits. None.

39 b. Discussion with possible deliberative session and signing of draft findings/decisions.

40 Meeting: May 24, 2018

41 i. Variance from Sec. 9.7. Owners: Michael and Whitney Spry. File: ZV18-06.

- 1 ii. Request for a CUP for Imam Abdel Salam, applicant, to reestablish an automobile sales
2 and repair shop utilizing the existing buildings and parking areas. Signage is addressed
3 in the application. Owner: Willard A. & Dorothy Daniels (c/o Pricilla Cameron). File:
4 CUP18-01
- 5 iii. Variance from Sec. 11.1A (ZV18-07) and Sec. 4.11. (ZV18-08). Owner Kentland
6 Foundation, Inc. Applicant: Starbucks (CUP17-06).
- 7 Mr. Cochran provided the draft Findings to Mr. Quynn to review and sign.
- 8 Mr. Knott moved to adjourn the meeting at 3:49 pm. Mr. Quynn called for a vote, which carried
9 unanimously.

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

Cynthia B. Rider Variance (ZV18-09)

STAFF EVALUATION OF THE REQUEST:

Summary of Request and Purpose of the Ordinance Requirements

The applicant is currently processing a Minor Subdivision through our Office. She would like to allocate the right to divide two additional lots off of the newly created non-residue lot in her subdivision to the future buyer. Section 5.7D3 of the Zoning Ordinance states, “Only the residue or parent parcel may qualify under this provision once the original subdivision takes place.” Therefore, the applicant is seeking a variance from Section 5.7D3 of the Zoning Ordinance to allocate two of the remaining development rights to the newly created non-residue lot in the proposed Rider Minor Subdivision.



Impact on Adjacent Properties

The property owner has the right to subdivide the number of lots being proposed, using either the minor or major subdivision process. She has the right to create 20 lots through the cluster provision. Allowing the applicant to allocate a portion of the additional rights to the non-residue parcel would not have any more significant of an impact on adjacent properties than if the current property owner were to utilize all of the density rights.

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

Cynthia B. Rider Variance (ZV18-09)

Feasibility of complying with the Ordinance by other means

The property owner possesses the right to create a major subdivision of 20 lots utilizing the cluster provision (which requires a minimum of 50 acres of greenspace) or 6 lots and a residue using the 1 lot/15 acres provision. She could create the full number of lots up front, but is currently requesting to create one lot and a residue as a minor subdivision. Our understanding is that the applicant would like the option to market the newly created non-residue lot as having the ability to be further subdivided in the future, should a new property owner choose to do so.

Conditions of Approval

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

A note should be added to the final plat stating that the newly created non-residue lot has the right to create two additional lots as the result of this variance, while the residue retains the balance of the development rights under the Jefferson County Zoning and Land Development Ordinance in effect at the time the plat is approved.

The non-residue parcel may be permitted to subdivide provided it conforms to the rules and regulations in effect at the time it is submitted. No lot within the non-residue subdivision shall be given the residue designation. A note shall be added to that plat referencing this Board of Zoning Appeals meeting date.

Section of Ordinance to be Considered:

Section 5.7 Rural (R) District

D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7D.1, 5.7D.2, or 5.7D.3 below.

A property owner may use a combination of these Subsections, provided that the number of lots are prorated by density. The density rights for any rural development shall be based on the parcel of record as of October 5, 1988 utilizing the following alternatives:^{8, 32}

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



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: 2018-09
 Staff Initials: rlg
 Meeting Date: 7/26/18
 Fees Paid (\$100 or \$150): 100.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Cynthia B. Rider
 Mailing Address: P.O. Box 614 Shepherdstown, WV 25443
 Phone Number: 304-876-4383 Email: n19

Applicant Contact Information

Name: Cynthia Rider
 Mailing Address: P.O. Box 614 Shepherdstown, WV 25443
 Phone Number: 304-876-4383 Email: n19

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s) n19

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

Physical Property Details

Physical Address: 195 Vance Road
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: Shepherdstown Map No: 9 Parcel No: 22
 Parcel Size: _____ Deed Book: 214 Page No: 64

Zoning District (please check one)

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

Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECEIVED

JUL 03 2018

JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING
 Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 20 (S.7D3)

Briefly describe the nature of the variance request: 201 minor subdivisions B. Family Transfer pg 11

The new owner may be granted the permission of selling two parcels - one to help guard the property, the other to the Civil War Trust

If this request is for a setback variance, please check one of the following: 7/19

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:

- 1) The new owner will follow the same procedures with the Planning & zoning regulations if (optional) forming 2 parcels
- 2) in 47 acres there is enough space for a determined parcel & a 1 acre or less parcel

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?

This variance is for the purpose of guarding the wildlife & then granting a strip of Civil War interest to the Shepherdstown Battlefield

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

The new owner will be informed of the permission granted which can then be discussed along with the covenants and restrictions to be in place

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

The option of this variance is to allow for the natural habitat of wildlife - for the wildlife - to be protected.

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.

Cynthia B. Rider July 2, 2018
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).

Date of Public Hearing Advertising Date Placard Posting Date

Trough Road

Western line

SW

QV

Shepherdstown
Battlefield
Civ. burial
This area

Civil War Trench

-The ford-

Maryland

Patomac River

West Virginia

Northern boundary

49 acres
woodland

Southern boundary

bridge

101

NE

Western line

July 2, 2018
Cyril B. Rides

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

Universal Forest Products Variance (ZV18-10)

STAFF EVALUATION OF THE REQUEST:

Summary of Request and Purpose of the Ordinance Requirements

The applicant is seeking a variance from Section 4.11 & Appendix B of the Zoning Ordinance to eliminate the required landscaping along the northern boundary of the property and most of the remaining perimeter of the parcel that is not already landscaped. As the parcel has been developed, various sections of the parcel's property line have been landscaped. The applicant is requesting that the remaining boundary be permitted to stay in its current vegetative state for the proposed expansion, with the exception that they will plant a small strip along the eastern boundary to provide a buffer from the proposed 45,000 square foot building. The total project expansion will consist of an 8,750 square foot pre-engineered storage building to cover existing stockpiles; a 45,000 square foot pre-engineered warehouse; and an increase in employee parking spaces.

Unique Characteristics of the Property

Universal Forest Products is an existing non-conforming use predating zoning. The property has historically been used for this industrial land use since the mid-1980s.

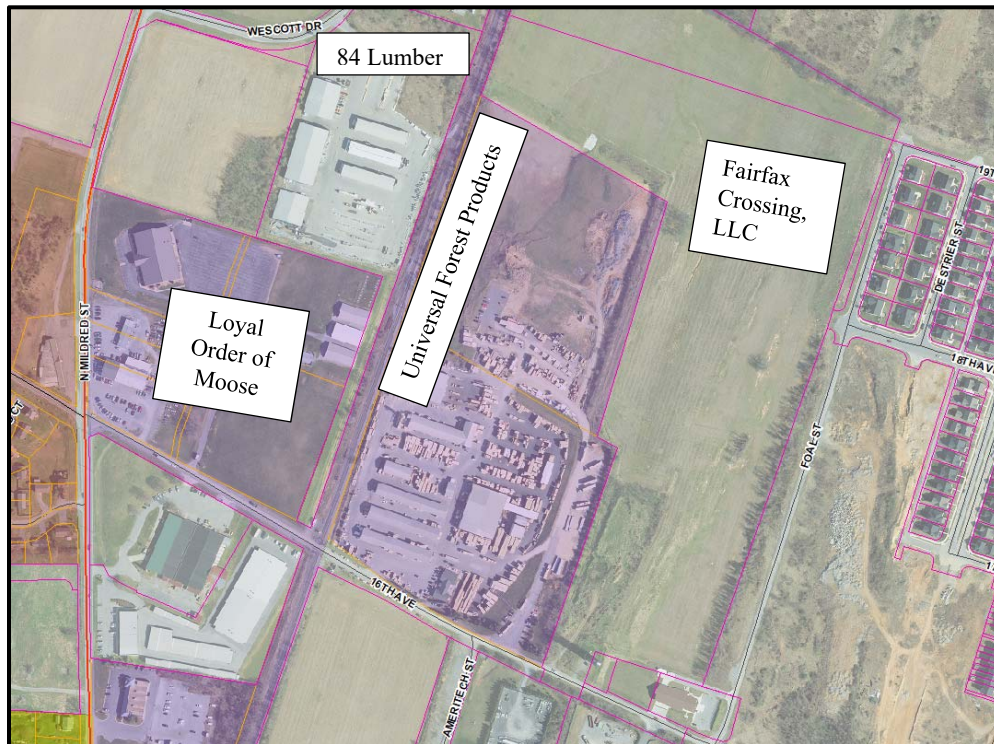


Staff Report
Jefferson County Board of Zoning Appeals
July 26, 2018

Universal Forest Products Variance (ZV18-10)

Impact on Adjacent Properties

The impact on adjacent properties is expected to be minimal. The adjoining property to the north and east is a vacant parcel owned by Fairfax Crossing, LLC and located within the Corporation of Ranson. The parcels to the west which abut the lower portion of the property are within the County's jurisdiction and zoned Industrial Commercial. The property to the west adjoining the top portion of the property is located within the Corporation of Ranson and contains 84 Lumber. The parcels to the south are all located within the Corporation of Ranson and separated by 16th Avenue.



Feasibility of complying with the Ordinance by other means

It does not appear feasible to comply entirely with the Ordinance as a portion of the required landscaping would be located within the existing stormwater management area along the northern edge of the property. Providing a landscape buffer on the western edge along an existing, active railroad also does not seem feasible or practical. As the applicant has stated in their application, the new buildings will be well over 200 feet from both the western and northern property boundaries. The applicant will be providing a partial buffer along the eastern boundary in the vicinity of the new 45,000 sq. ft. structure.

Conditions of Approval

No conditions of approval were identified.

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

Universal Forest Products Variance (ZV18-10)

Section of Ordinance to be Considered:

B. Industrial Development²⁷

1. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have an unscreened buffer yard of no less than 200 feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard.
2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (½) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.
3. All industrial development adjacent to any use shall have 20 foot screened side and rear landscape buffers.

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

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



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: ZV18-10
 Staff Initials: AB
 Meeting Date: 07-26-18
 Fees Paid (\$100 or \$150): \$100

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Universal Forest Products, Eastern Division, Inc.
 Mailing Address: Route 9 West, P.O. Box 188; Ranson, WV 25438
 Phone Number: (616) 364-6161 Email: sweir@ufpi.com

Applicant Contact Information

Name: Universal Forest Products, Eastern Division, Inc.
 Mailing Address: 2801 East Beltline Avenue; Grand Rapids, Michigan 49525
 Phone Number: (616) 364-6161 Email: sweir@ufpi.com

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

Name: Pennoni Associates, Inc.
 Mailing Address: 208 Church Street, SE; Leesburg, VA 20175
 Phone Number: (703) 777-3616 Email: mjerussi@pennoni.com

Physical Property Details

Physical Address: 249 16th Avenue
 City: Ranson State: WV Zip Code: 25438
 Tax District: Charles Town Map No: 7 Parcel No: 11.16 A&B
 Parcel Size: 29.8757 Deed Book: 926 Page No: 215

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)

Highway Commercial (HC)

Light Industrial (LI)

Major Industrial (MI)

Planned Neighborhood Development (PND)

Office/Commercial Mixed-Use (OC)

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JUL 05 2018

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 4.11

Briefly describe the nature of the variance request:

See attached memo

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

See attached memo

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

See attached memo

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

See attached memo

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

See attached memo

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

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

Signature of Property Owner _____ 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).

Date of Public Hearing

Advertising Date

Placard Posting Date

MEMORANDUM

TO: Jefferson County Office of Planning and Zoning

FROM: H. Sandy White, Pennoni AND Mark Jerussi

DATE: July 5, 2018

SUBJECT: Universal Forest Products, 11154-1-3

Nature of Variance Request:

Universal Forest Products, Inc. has been in operation at this site, since 1988. This is an existing facility fronting Route 9/29 with the Norfolk & Western Railroad on the west side, Ranson on the south, north and east side. With this site plan we are proposing two buildings to the existing plant (8,750 SF and 45,000 SF), which will be primarily used for material storage and production manufacturing. This property is not open to the public. We are requesting a variance of the Zoning Ordinance Section 4.11, Landscaping, Screening and Buffer Requirements, for the existing facilities only. Areas of new work will be screened in accordance with the Zoning Ordinance.

The Board of Zoning appeals shall grant a variance to the zoning ordinance if it finds that the variance:

1. As noted, this is an existing operation. Granting of this variance will have no impact on the adjacent properties since this is an existing facility with new improvements that will be screened as shown. A previously submitted zoning variance request for Universal Forest Products was granted on October 20, 2005.
2. West Boundary - We are requesting a variance of the western 20' Landscape buffer due to the existing ground cover and the hinderance on daily plant production. This would hinder the loading and unloading of materials from railcars used for plant operation. We have not proposed any construction within 200 feet of this boundary.
3. North Boundary - We are requesting a variance of the northern 20' Landscape buffer since we are not proposing any construction within 200 feet of this boundary.
4. Eastern Boundary – We are requesting a variance for the southern portion of this boundary due to utilizing existing vegetation and the northern portion due to no new construction within 200' of the property line. We are providing a 20' Landscape Buffer along a 485 LF (M-53 Detail) of the existing boundary nearest to the proposed 45,000 SF building.

5. Southern Boundary – We are requesting a variance of the 25' Landscape Buffer due to the existing vegetation, the existing nature of the site and that no construction is taking place within 200' from the property line.

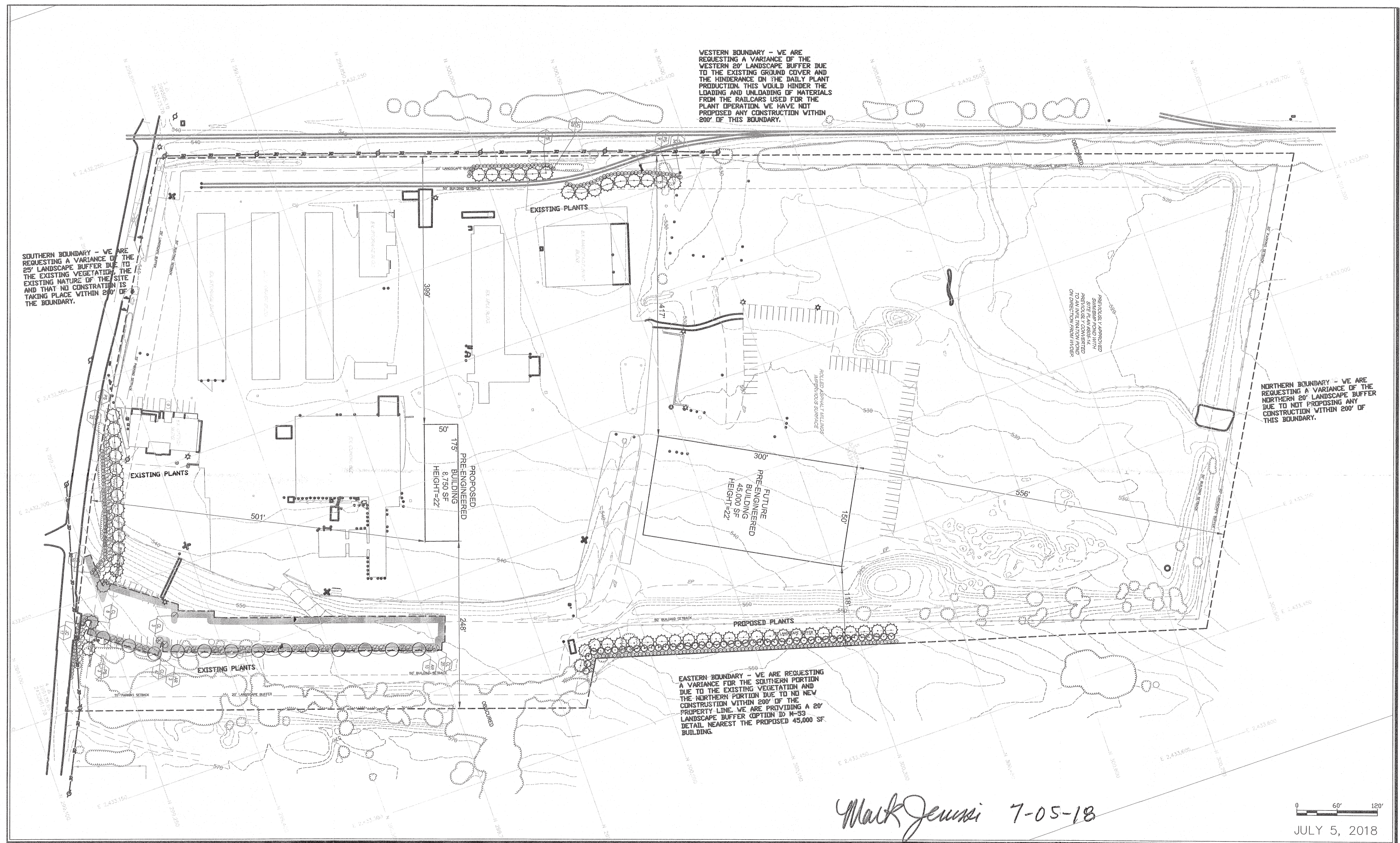
Mark Jenasi 7/5/18

WESTERN BOUNDARY - WE ARE REQUESTING A VARIANCE OF THE WESTERN 20' LANDSCAPE BUFFER DUE TO THE EXISTING GROUND COVER AND THE HINDERANCE ON THE DAILY PLANT PRODUCTION THIS WOULD HINDER THE LOADING AND UNLOADING OF MATERIALS FROM THE RAILCARS USED FOR THE PLANT OPERATION. WE HAVE NOT PROPOSED ANY CONSTRUCTION WITHIN 200' OF THIS BOUNDARY.

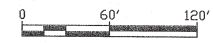
SOUTHERN BOUNDARY - WE ARE REQUESTING A VARIANCE OF THE 25' LANDSCAPE BUFFER DUE TO THE EXISTING VEGETATION, THE EXISTING NATURE OF THE SITE AND THAT NO CONSTRUCTION IS TAKING PLACE WITHIN 200' OF THE BOUNDARY.

NORTHERN BOUNDARY - WE ARE REQUESTING A VARIANCE OF THE NORTHERN 20' LANDSCAPE BUFFER DUE TO NOT PROPOSING ANY CONSTRUCTION WITHIN 200' OF THIS BOUNDARY.

EASTERN BOUNDARY - WE ARE REQUESTING A VARIANCE FOR THE SOUTHERN PORTION DUE TO THE EXISTING VEGETATION AND THE NORTHERN PORTION DUE TO NO NEW CONSTRUCTION WITHIN 200' OF THE PROPERTY LINE. WE ARE PROVIDING A 20' LANDSCAPE BUFFER OPTION TO M-33 DETAIL NEAREST THE PROPOSED 45,000 SF BUILDING.



Mark Jennisi 7-05-18



JULY 5, 2018

NO.	DESCRIPTION	DATE	CHKD

PROFESSIONAL SEAL

PROJECT
**UNIVERSAL FOREST PRODUCTS
 RANSON PLANT EXPANSION**
 CHARLES TOWN DISTRICT
 RANSON, WEST VIRGINIA

TITLE
**ZONING VARIANCE
 REQUEST EXHIBIT**

Pennoni Pennoni Associates Inc.
 Engineers • Surveyors • Planners
 Landscape Architects
 208 Church Street, SE • Leesburg, VA 20175
 T 703.777.3616 • F 703.777.3725

DESIGN	HNW	SURVEY	PENNONI
DRAWN	HNW	DATE	JULY 2018
CHECKED	MT	SCALE	1" = 60'
SHEET	1 OF 1	FILE NO.	11154-1-3



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

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Phone: (304) 728-3228

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

1) 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.

2) Upcoming BZA meeting

- The next regular meeting is scheduled for **August 23, 2018** (deadline for submissions is Thursday, 08-01-18)



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor, P.O. Box 716
Charles Town, West Virginia 25414
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July 2018

Zoning Certificate Activity Report

File #	Property Owner/ Business Name	Applicant Name	Property Location	Description	Status Date
ZC18-23	Denise Ryan	Same	22 Karen Lane Shepherdstown, WV	Bed and Breakfast - One Bedroom	07/06/18
ZC18-24	Jefferson Utilities, Inc.	Michael Rebner AT&T Wireless	307 W Burr Blvd Kearneysville, WV	10' x 4' concrete pad and generator	TBD