



Jefferson County
Board of Zoning Appeals
Thursday, December 13, 2018 at 2:00 p.m.

Members
Tyler Quynn, Chair
Jeffrey Bannon, Vice Chair
Deirdre Catterton

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 –October 25, 2018.
2. Swearing in of members of the public intending to provide testimony.
3. Public Hearing. Variance request per Section 4.3H to reestablish a nonconforming use. The applicant is requesting to install two (2) fueling stations that were removed at the request of the Department of Environmental Protection. Owner: Mary Schreyer. Applicant: Mohammad Ghuman; c/o: Clarence Haymaker. Location: 5437 Charles Town Rd., Kearneysville, WV. District: Middleway (07); Map: 3B; Parcel: 45; Size: .70+ ac; Zone: Village. File: ZV18-18.
4. Public Hearing. Variance from Section 9.7 to reduce the side setback from 8' to 6' for a 12' x 15' addition to an existing home. Owners: Jack & Barbara Manuputy. Location: 26 Quarter Horse Place, Charles Town, WV. District: Kabletown (06); Map: 3A; Parcel: 121; Size: 21,225 sf; Zone: Rural. File: ZV18-19.
5. Public Hearing. Variance from Section 5.4B to reduce the rear setback from 20' to 2' for a 10' x 20' accessory structure. Owner: Chad and Kimberly Prezzi. Location: 949 Eastland Dr., Charles Town, WV. District: Charles Town (02); Map: 16; Parcel: 115; Size: 1.86 ac; Zone: Residential Growth. File: ZV18-20.
6. Public Hearing. Variance from Section 4.6B to reduce the distance requirement from 75' to 25' to allow proposed commercial uses adjacent to the Residential Growth District. Owner: Seneca Crossing LLC. Location: Vacant parcel approximately 530' West of the Shepherd University campus entrance located on Martinsburg Pike, Shepherdstown WV. District: Shepherdstown (09); Map: 8; Parcel: 50; Size: 4.5 ac; Zone: Residential-Light Industrial-Commercial. Zone: ZV18-21.
7. Zoning Administrator Report
 - a. Monthly Zoning Certificate Activity Report
 - b. Approval of the Draft 2019 Board of Zoning Appeals Meeting Schedule
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: October 25, 2018
 - i. Variance from Section 5.4B.1. Owner: David and Jean Nedorostek. File: ZV18-17.
 - ii. Conditional Use Permit for A-Zone Environmental Services Office. Owner: Wheatlands Property Management LLC. File: CUP18-02.
 - iii. Variance from Section 11.1. Owner: Wheatlands Property Management LLC. File: ZV18-16.
 - iv. Request for a Special Exception Permit for an Electronic Sign. Owner: Shepherdstown Volunteer Fire Dept. File: SE18-02.

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: October 25, 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 Deirdre Catterton
- 5 Members absent: None
- 6 Staff members present: Alexandra Beaulieu, Zoning Administrator; and Jennilee Hartman,
7 Zoning Clerk. Nathan Cochran, Assistant Prosecuting Attorney was
8 available by phone for legal counsel; however, the Board determined
9 they did not need his counsel.
- 10 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.
- 11 Mr. Bannon moved to call the meeting to order at 2:02 pm, which carried unanimously. Mr. Quynn
12 explained to the public how the meeting would be conducted.
- 13 1. Approval of Minutes – September 27, 2018. Mr. Bannon moved to approve the minutes. The
14 following edits were requested:
- 15 a) Page 1, line 17, add parenthesis around “Mr. Bannon...meeting”
- 16 b) Page 1, line 19, change 30’ to 25’.
- 17 c) Page 1, line 28, change *are* to *area*.
- 18 Mr. Quynn called for a vote on the revised minutes, which carried unanimously.
- 19 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 20 3. Public Hearing. Variance from Section 5.4B.1 to reduce the side setback from 12’ to 10’; and,
21 the rear setback from 20’ to 10’ to install an 18’ x 36’ inground pool. Owner: David and Jean
22 Nedorostek. Location: 511 Gap View Blvd., Harpers Ferry; District: Harpers Ferry (04); Map:
23 5D; Parcel: 113; Size: .75 ac; Zone: Residential Growth. File: ZV18-17.
- 24 David and Jean Nedorostek were present to address the Board. Ms. Beaulieu provided an
25 overview of her staff report to the Board. Mr. Nedorostek explained the nature of the request
26 and described the encumbrances on the property, which limited the property’s buildable area.
27 Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the
28 public hearing. Ms. Catterton moved to approve the variance as requested, which carried
29 unanimously.
- 30 4. Public Hearing. Request for a Conditional Use Permit for A-Zone Environmental Services
31 Office to allow a Professional Office as defined in Article 2. The proposal consists of renovating
32 an historic building into a professional office space for up to 12 employees; with approximately
33 4-6 people working on-site. Office hours: 8:00 am - 4:00 pm. The proposal includes the
34 construction of a 1,188 square foot addition. File: CUP18-02.
- 35 5. Public Hearing. Variance from Section 11.1 to reduce the required number of parking spaces
36 from 10 to 6 spaces for A-Zone Environmental Services Office, a Professional Office per
37 Conditional Use Permit application CUP18-02. Applicant: Jesse Morgan. Property Owner:
38 Wheatlands Property Management LLC. Property Location: 2153 Berryville Pike, Charles
39 Town, WV. Intersection of Route 340 & Withers Larue Rd, Rippon. District: Kabletown (06);
40 Map: 10A; Parcel: 24; Size: .69 acres; Zone: Village; File: ZV18-16.
- 41 Jesse and Adrienne Morgan, owners of Wheatlands Property Management LLC, were present to
42 address the Board. Ms. Beaulieu noted that the applicants were also seeking a variance from the

1 required number of parking spaces for the requested land use. The Board agreed to hear both
2 requests simultaneously.

3 Ms. Beaulieu provided a brief overview of the property's history, which included the approved
4 farm brewery located in the mill and the residential apartment located in a portion of the main
5 home. Ms. Beaulieu explained that the proposed land use would be in addition to the existing land
6 uses. Ms. Beaulieu explained that the applicant would need additional parking spaces to
7 accommodate the proposed professional office and noted that this would necessitate a site plan.

8 Mr. and Ms. Morgan provided an overview of the request to the Board. Mr. Morgan explained
9 the type of environmental services the company provided. The Morgans explained that
10 approximately half of their employees would work in the field, thus additional parking would
11 not be necessary. Mr. Morgan also noted that he presently works in the office and at the farm
12 brewery so the parking areas are technically shared. The Board questioned the location of the
13 signage as to whether it would create sight distance issues. Ms. Beaulieu stated that she had
14 conducted a site visit and felt that the proposed location would not create an issue. Mr. Morgan
15 directed the Board to the pictures in the staff report and stated that the sign would be located at
16 level with the awning, near the corner of the building.

17 Mr. Quynn opened the public hearing. Mr. Andy Anders, neighbor, questioned where the
18 proposed office would be located and voiced concerns regarding the amount of water the
19 additional business would require. Ms. Liz Mancuso, neighbor, expressed concerns regarding
20 how stormwater management would be addressed with the proposed addition. Ms. Mansuco
21 explained that there is currently significant pooling of water at the corner of the property, at the
22 intersection of Route 340 and Withers LaRue. Mr. Quynn closed the public hearing.

23 In rebuttal, Mr. Morgan stated that he is working with the Health Department to ensure
24 compliance with their regulations. Ms. Morgan stated that they would be providing bottled
25 water for the employees. With regard to stormwater issues, Mr. Morgan stated that he has
26 removed approximately 1000 square feet from the existing building, as well as an accessory
27 structure, thus reducing the impervious area of the property. Therefore the proposed 1,200
28 square foot structure should have minimal impact. Mr. Morgan further noted that the flooding is
29 located within the Department of Highways right-of-way and not on the subject parcel.

30 Ms. Catterton moved to go into deliberative session at 3:00, which carried unanimously. Mr.
31 Bannon moved to come out of deliberative session at 3:20, which carried unanimously.

32 Mr. Bannon moved to approve the request for a Conditional Use Permit for A-Zone
33 Environmental Services Office to allow a Professional Office as defined in Article 2. The
34 proposal consists of renovating an historic building into a professional office space for up to 12
35 employees; with approximately 4-6 people working on-site. Office hours: 8:00 am - 4:00 pm.
36 The proposal includes the construction of a 1,188 square foot addition. File: CUP18-02. Mr.
37 Bannon noted that approval was conditioned upon the applicants being bound by their
38 testimony. Mr. Quynn called for a vote, which carried unanimously.

39 Ms. Catterton moved to approve the variance request from Section 11.1 to reduce the required
40 number of parking spaces from 10 to 6 spaces for A-Zone Environmental Services Office, a
41 Professional Office per Conditional Use Permit application CUP18-02. Ms. Catterton noted that
42 approval was conditioned upon the applicants being bound by their testimony. Mr. Quynn called
43 for a vote, which carried unanimously.

1 6. Public Hearing. Request for a Special Exception Permit for an Electronic Sign. Total Sign Size:
2 108” W x 69” H, including an LED matrix display area of 96” W x 36” H, to replace the
3 existing sign. Total Sign Height: 11’. The following deviations are proposed: to allow a sign to
4 face a residential structure; and, to allow the sign to remain on continuously (24 hours). Property
5 Owner: Shepherdstown Volunteer Fire Department. Property Location: 8052 Martinsburg Pike,
6 Shepherdstown. District: Shepherdstown (09); Map: 8; Parcel: 10.5; Size: ~ 7.14 acres; Zone:
7 Residential Growth. File: SE18-02.

8 Peter Pentony, attorney for the Shepherdstown Volunteer Fire Department, and Dennis Barron,
9 President of the Board of the Shepherdstown Volunteer Fire Department, were present to address
10 the Board. Ms. Beaulieu provided an overview of her staff report to the Board. Ms. Beaulieu
11 noted that while the application included letters of support from all surrounding property owners,
12 the information provided to the neighbors did not appear to include the fact that the sign would
13 remain on for 24 hours.

14 Mr. Pentony explained the history of the subject parcel to the Board, noting that they have
15 operated from this location since 1992. Mr. Pentony cited the main purpose for the sign, and the
16 request for the extended hours, is for public safety and awareness. Mr. Pentony explained that
17 during an emergency it is difficult for the trucks to exit the property and that the sign would be
18 used to alert oncoming traffic of the need to stop for the fire trucks. Mr. Pentony stated that the
19 sign would also be used for other community alerts such as changing batteries in smoke detectors,
20 school closings, amber alerts, and the Fire Department’s fundraising events such as Apple Butter.
21 Mr. Pentony confirmed that the sign would not be used to sell advertising space. Mr. Pentony
22 further noted that there are two other electronic signs in the area that are on 24 hours a day, so the
23 requested sign would not be out of character for the area. Mr. Bannan expressed concern
24 regarding the 24 hour aspect of the request. Mr. Bannan stated he may be in favor of such a
25 request; however, questioned what constituted an “emergency”? The Board concurred with Mr.
26 Bannan line of questioning and discussed which type of events may fall under this term. Mr.
27 Pentony and Mr. Barron acknowledged the Board’s concerns.

28 Mr. Quynn opened the public hearing. Liz Mancuso, county resident, stated that she is a public
29 safety worker and is favor the request. Mr. Quynn closed the public hearing.

30 Further discussion ensued regarding the extended hours of operation. The option of limiting the
31 hours of operation with only specific safety alerts shown during certain hours was ultimately
32 agreed upon.

33 Mr. Bannan moved to approve the request for a Special Exception Permit for an Electronic Sign.
34 Total Sign Size: 108” W x 69” H, including an LED matrix display area of 96” W x 36” H, to
35 replace the existing sign. Total Sign Height: 11’. Mr. Bannan noted the following deviations,

- 36 a) To allow a sign to face a residential structure with the Board acknowledging the letter of
37 support from said neighbor; and,
38 b) To allow the sign to be on for 24 hours subject to the condition that from 10 p.m. to 6 a.m.
39 the sign will only show notice of emergency traffic’s ingress and egress from the property.

40 Mr. Bannan noted that approval was conditioned upon the applicants being bound by their
41 testimony.

42 Mr. Quynn called for a vote, which carried unanimously.

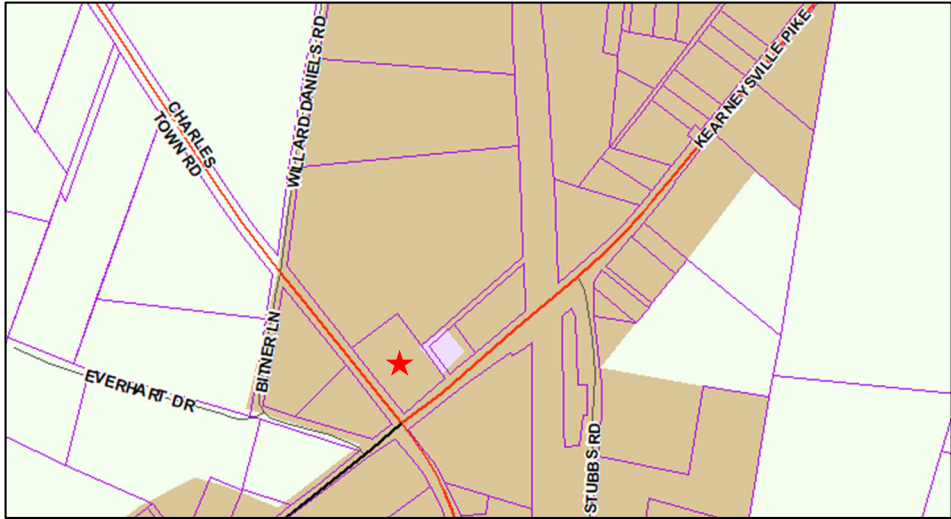
43 7. Zoning Administrator Report

- 1 a. Monthly Zoning Certificate Activity Report. This report was provided to the Board in their
2 mailed packet.
- 3 Ms. Beaulieu informed the Board that the Pet and Livestock Crematorium text amendment
4 had passed and that one application had processed. Ms. Beaulieu reviewed other possible
5 upcoming text amendments to the Zoning Ordinance. Ms. Beaulieu stated that the deadline
6 for the November 8, 2018 meeting had passed and that the office had not received any
7 applications. The Board agreed to cancel the November meeting due to there not being any
8 actionable items.
- 9 8. Legal Update
- 10 a. Possible executive session on the following pending lawsuits. None.
- 11 b. Discussion with possible deliberative session and sign of draft Findings/Decisions
12 Meeting: September 27, 2018
- 13 i. Variance from Sec. 9.7. Owner: Patricia and Gary Dunn. File: ZV18-13.
- 14 ii. Variance from Sec. 5.4B.1. Owner: Beallair Homes, LLC. File: ZV18-14.
- 15 iii. Variance from App. B. Owner: Fellowship Bible Church. File: ZV18-15.
- 16 Mr. Quynn signed the above referenced Findings.
- 17 Mr. Bannon moved to adjourn the meeting at 3:57 pm. Mr. Quynn called for a vote, which carried
18 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 13, 2018

Schreyer – Reestablish a Gas Station Variance Request (#ZV18-18)

Item #3 Variance request per Section 4.3H to reestablish a nonconforming use. The applicant is requesting to reinstall two (2) fuel pump islands that were removed at the request of the Department of Environmental Protection.

Applicant:	Mohammad Ghuman; c/o: Clarence Haymaker
Owner:	Mary Schreyer
Developer:	N/A
Consultant:	N/A
Property Location:	5437 Charles Town Rd., Kearneysville, WV
Legal Description & Zoning District:	<p style="text-align: center;">District: Middleway (07); Map: 3B; Parcel: 45 Size: .70+ 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 <i>North/East:</i> Village + Industrial-Commercial <i>West:</i> Village</p>
History:	Former (Sheetz) Gas Station 07/15/89: Boundary line adjustment recorded (DB: 559; PG: 645)
Waivers/Variances:	None previously granted.
Approved Activity:	Nonconforming Use: convenience store (PC File #ZC18-32)

STAFF EVALUATION OF REQUEST

Summary of Request and Purpose of Ordinance Requirements

This request is a variance to reestablish a nonconforming use per Section 4.3H of the Zoning Ordinance, which reads,

“A nonconforming structure or use destroyed by a natural or unnatural calamity cannot be rebuilt without approval of the Board of Zoning Appeals upon application by the owner and pursuant to the variance and appeal procedures outlined in Article 6. This provision will not apply to existing residential dwelling units.”

The applicant would like to reinstall two (2) fuel pump islands to reestablish the nonconforming use that has historically existed on this property.

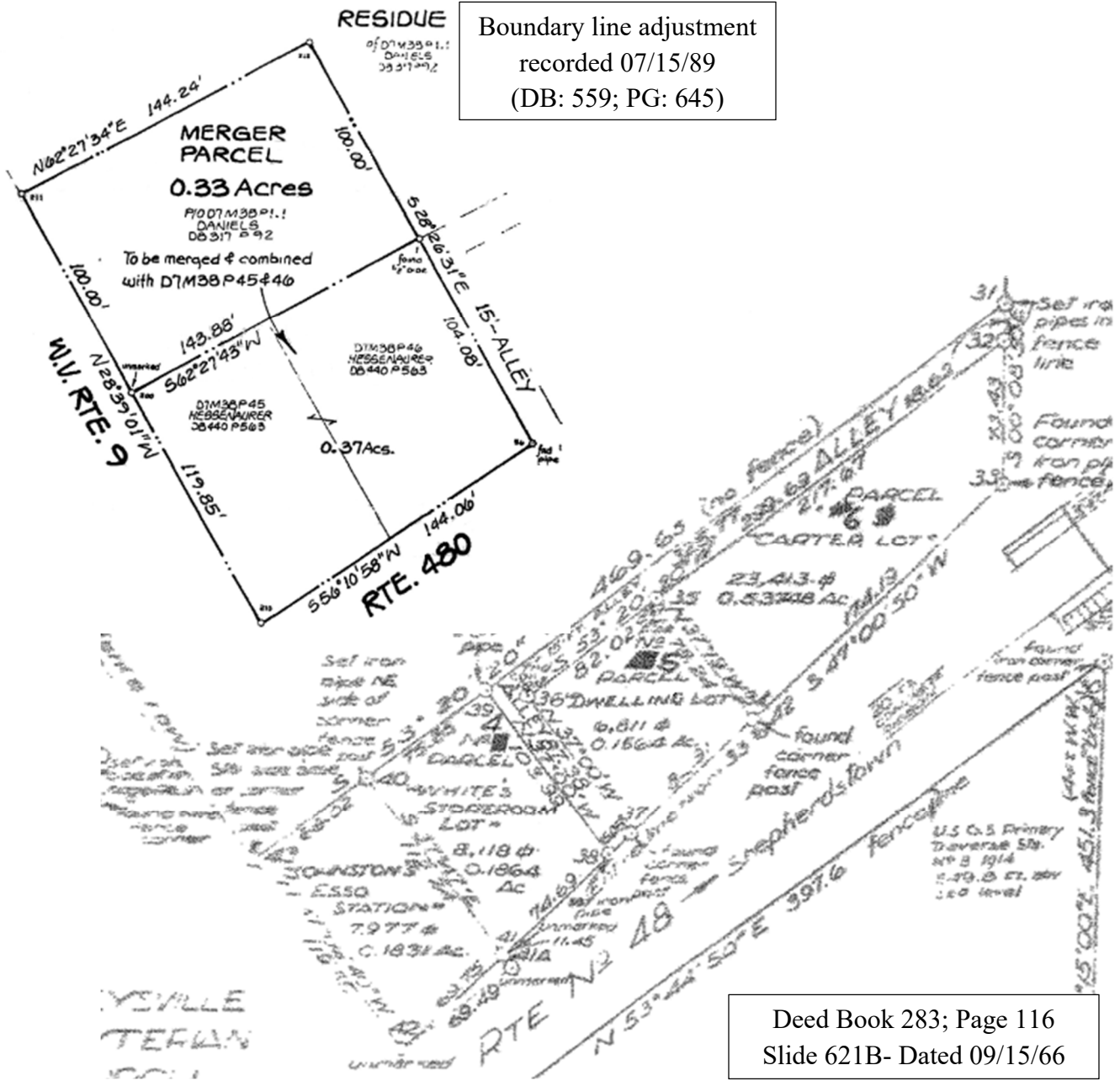
Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 13, 2018

Schreyer – Reestablish a Gas Station Variance Request (#ZV18-18)

The Zoning Administrator determined that since the structure for the Convenience Store has not been removed, this component of the Nonconforming Use may continue without Board approval. The current Zoning Ordinance defines Convenience Store as “An establishment, not exceeding 10,000 square feet of gross floor area, engaged in the retail sale, from the premises, of food, beverages and other frequently or recurrently needed items for household use. This land use does not include a gas station.”

Unique characteristics of property

The subject parcel appears to have included a service station as early as the 1960’s.



Deed Book 283; Page 116
 Slide 621B- Dated 09/15/66

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 13, 2018

Schreyer – Reestablish a Gas Station Variance Request (#ZV18-18)

Impact on adjacent properties

Based on the surrounding land uses, which are a combination of commercial and residential, and the fact that this property has historically operated as a convenience store with gas pumps, it appears the impact on adjacent properties would be minimal.

It should be noted that the Board recently issued a Conditional Use Permit for Automobile Sale and Service on the adjacent property. While the land use has not yet commenced, the CUP is valid until January 16, 2020. It is not uncommon for these two land uses to be adjacent to one other.

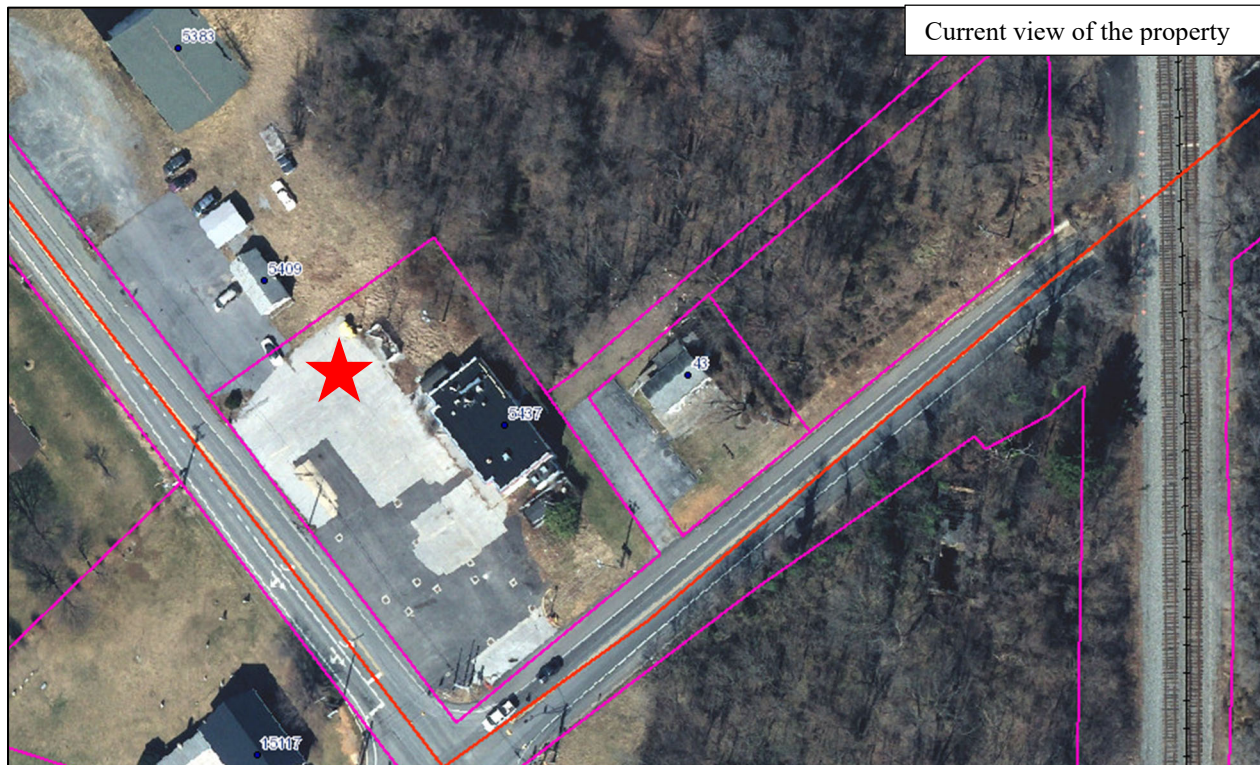


Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 13, 2018

Schreyer – Reestablish a Gas Station Variance Request (#ZV18-18)

Feasibility of complying with the ordinance by other means

The applicant could potentially apply for a Conditional Use Permit to operate a Gas Station, Large. A Conditional Use Permit also requires a public hearing before the Board of Zoning Appeals and if granted, would permit the land use to operate under the current definition of a Gas Station, which includes minor servicing and repair of automobiles. The variance is specific to reinstating the fuel pumps in conjunction with the approved convenience store and to continue operating as it has historically operated.



Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.3 Nonconforming Uses

Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time that this ordinance is subsequently amended, may continue to be used even though such building, structure, or premises does not conform to use, setbacks or dimensional regulations of the zoning district in which it is located; subject, however, to the following provisions:^{7, 32}

- H. A nonconforming structure or use destroyed by a natural or unnatural calamity cannot be rebuilt without approval of the Board of Zoning Appeals upon application by the owner and pursuant to the variance and appeal procedures outlined in Article 6. This provision will not apply to existing residential dwelling units.^{12, 17, 21, 23, 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: ZV18-18
 Staff Initials: JA
 Meeting Date: 12/13/18
 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: Mary Schreyer
 Mailing Address: 216 Reed Fox Rd. Newcanville Pa. 16635
 Phone Number: 814-696-9605 Email: Maryschreyer@hotmail.com

Applicant Contact Information

Name: Mahommed Rahman c/o Clarence Haymaker
 Mailing Address: 219 W. Washington St. Charles Town, W.Va. 25414
 Phone Number: 540-539-1896 Email: WVA Commercial@aol.com

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

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

Physical Property Details

Physical Address: 5437 Charlestown Road
 City: Kearney 45016 State: W.Va. Zip Code: 25430
 Tax District: Middleway (07) Map No: 3 B Parcel No: 45
 Parcel Size: .7+ Acres Deed Book: 949 Page No: 567

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 type="checkbox"/>	Village (V) <input checked="" type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
			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"/>

RECEIVED
 NOV 14 2018
 JEFFERSON COUNTY DEPARTMENT OF ENGINEERING, PLANNING, AND ZONING
 Place Received Date Stamp Here

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

Is there a Code Enforcement action pending in relation to this property?

Yes

No

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 4.3H

Briefly describe the nature of the variance request:

To install 2 fueling islands as the same as the previous Sheets Convenience store

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:

It is the same type operation as previously there. The pumps and tanks were removed as required.

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?

Tanks were removed by Sheets as required by Dep for tank removal

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

It will let the property to be used to it highest and best use.

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

The property is already approved for a convenience store.

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.

Mary L. DeF. McDonald 11-12-18
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).

12/13/18
Date of Public Hearing

11/28/18
Advertising Date

11/28/18
Placard Posting Date

DANIELS
T.M. 3\1.1
D.B. 317\92

20,034 sq. Ft.
0.46 acres

CITWACK
T.M. 3B\47
D.B. 1089\667

15' ALLEY

ST. RT. # 480 (RIGHT OF WAY VARIES)

N28°26'31"W
74.02'

N28°26'31"W
100.00'

N28°26'31"W
104.08'

SCHREYER
T.M. 3B\45
D.B. 949\567
30,488 sq. ft.
0.70 acres

FENCED AREA (HVAC)

GRASS AREA

FENCED AREA (REFRIDGERATION)

SHED

CONCRETE CURB

PROPOSED 15,000 GAL. GAS STORAGE TANKS

FENCED AREA (DUMPSTER)

DANIELS
T.M. 3\1.1
D.B. 317\92

S82°27'34"W
144.24'

CONCRETE AREA

CONCRETE AREA

N51°03'31"E
144.06'

GRAVEL AREA

OBSERVATION WELL (TYP.)

PROPOSED 116' X 24' CANOPY 5 GAS PUMPS

GRAVEL AREA

EXISTING GAS SIGN POSTS

S28°39'01"E
219.85'

OLD RT. # 9 (RIGHT OF WAY VARIES)

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

RECEIVED

OCT 17 2013

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

SKETCH PLAT

PROPOSED CONVENIENCE \ GAS STATION RT. 480 & OLD RT. 9

SURVEYED BY:

PETER H. LORENZEN P.S.
P.O. BOX 316, SUMMIT POINT, W.V. 25446 728-6093

CONTACT: MUHAMMED GHUMAN
304-283-8945 603 N. MILDRED
STREET, RANSON, WEST VIRGINIA.

REVISIONS			
NO.	DATE	DESCRIPTION	BY

PLAT SHOWING EXISTING & PROPOSED IMPROVEMENTS TO TAX MAP 3B PARCEL 45, MIDDLEWAY, STANDING IN THE NAME OF MARY L. SCHREYER, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 949\567 LOCATED IN MIDDLEWAY DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

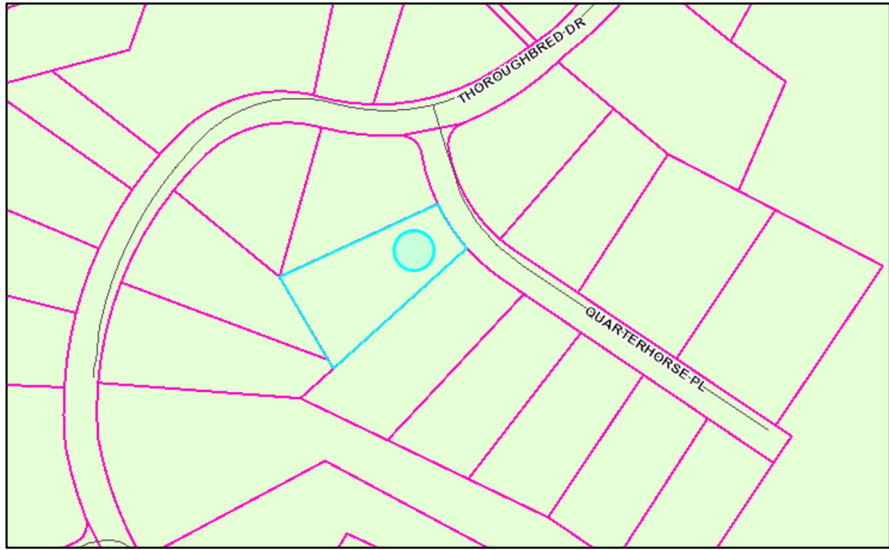
DWG # GHUMANSHEETZ

DATE 2-14-2013

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 13, 2018

Manuputy Variance Request (#ZV18-19)

Item #4 Variance from Section 9.7 to reduce the side setback from 8' to 6' for a 12' x 15' addition to an existing home.

Applicant:	Jack & Barbara Manuputy
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Property Location:	26 Quarter Horse Place, Charles Town, WV
Legal Description & Zoning District:	<p style="text-align: center;">District: Kabletown (06); Map: 3A; Parcel: 121; Size: 21,225 sf; Zone: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> R <i>South:</i> R <i>East:</i> R <i>West:</i> R</p>
History:	Spring Valley Subdivision: recorded on 02/06/70 in PB: 1; PG: 73
Waivers/Variances:	None previously granted.
Approved Activity:	Residential

STAFF EVALUATION OF REQUEST

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 9.7 to reduce the side setback to allow for the construction of a 12' x 15' addition to an existing dwelling unit. The request is to reduce the side setback from 8' to 6'.

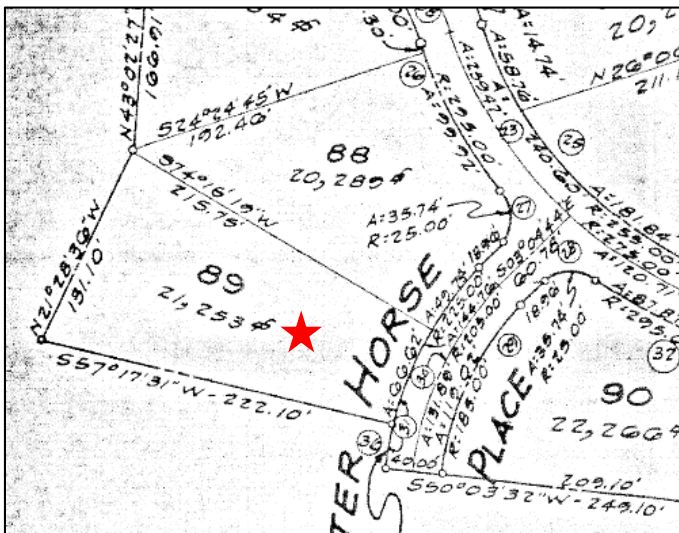
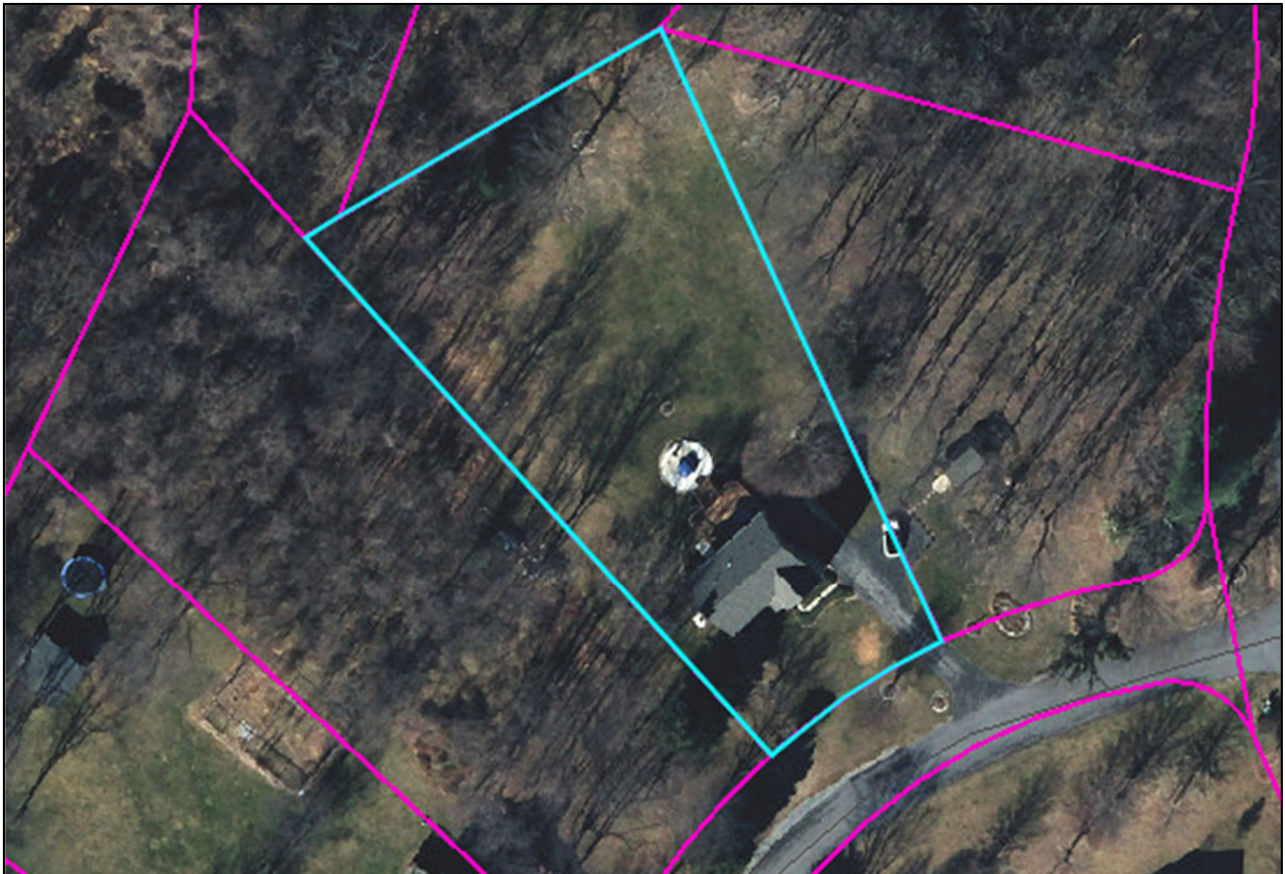
The purpose of side and rear yard setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire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

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 13, 2018

Manuputy Variance Request (#ZV18-19)

Unique characteristics of property

The subject property is located in the Spring Valley Subdivision, which was established prior to the adoption of subdivision and zoning regulations. The triangular shape of the parcel and location of the home create a challenging building envelope.



Impact on adjacent properties

As noted in the variance request, the adjacent parcel (Lot 88) is currently owned by the applicant. Impact on the adjacent property is expected to be minimal.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 13, 2018

Manuputy Variance Request (#ZV18-19)

Feasibility of complying with the ordinance by other means

It is feasible to comply with the setback requirements if the addition were shifted back slightly or relocated to the rear of the home; however, there is an existing two-story deck attached to the home and an air conditioning unit that would require relocating. It should also be noted that if the structure were detached, in accordance with Section 9.7^{*}, it would be permitted to locate as close as 6' to the property line.

Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.7 Other Exceptions³

For 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:²³

Residential Growth District²³

Single Family Residences

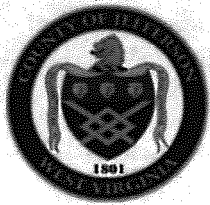
Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

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

* For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.



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: ZV1819
 Staff Initials: GH
 Meeting Date: 12/13/18
 Fees Paid (\$100 or \$150): 100

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: Jack and Barbara Manuputy
 Mailing Address: 26 Quarter Horse Place Charles Town, WV 25414
 Phone Number: 304-579-9426 Email: barbasuzen@yahoo.com

Applicant Contact Information

Name: Barbara Manuputy
 Mailing Address: Same
 Phone Number: Same Email: Same

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

Name: N/A
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 26 Quarter Horse Place (Spring Valley I)
 City: Charles Town State: WV Zip Code: 25414
 Tax District: Kabletown Map No: 3A Parcel No: 121
 Parcel Size: 21,253 sq. ft. Deed Book: 983 Page No: 213

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential-Light Industrial-Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center">RECEIVED</p> <p align="center">NOV 21 2018</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING & ENGINEERING</p> <p align="center">Place Received Date Stamp Here</p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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:

Resident (property owner) is requesting a setback variance from 8' to 6' to accommodate a 12'x15' studio addition to outside wall of garage.

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

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

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

The property owner owns the adjacent half acre 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?

The original builder constructed the home on the narrowest point of the property causing any future additions to either side of the home to exceed the 8' setback requirement.

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

Granting this variance will allow the current property owner to set up and maintain a small clay studio that will help supplement the loss of income due to retirement.

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

The property owner requesting this variance will obtain a building permit, employ a licensed contractor, and follow all building codes in the construction of the addition.

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] 4/20/18
Signature of Property Owner Date

[Signature] 11/20/18
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

12/13/18
Date of Public Hearing

11/28/18
Advertising Date

11/28/18
Placard Posting Date

ZV18-19

THOROUGHbred DRIVE (40' R/W)

EDMONDSON
T.M. 3A/119
D.B. 948/46

JENKS
T.M. 3A/120
D.B. 767/225

SETBACKS:
20' FRONT
10' SIDES/REAR

QUARTERHORSE PLACE
(40' R/W)

GERG
T.M. 3A/134
D.B. 935/744

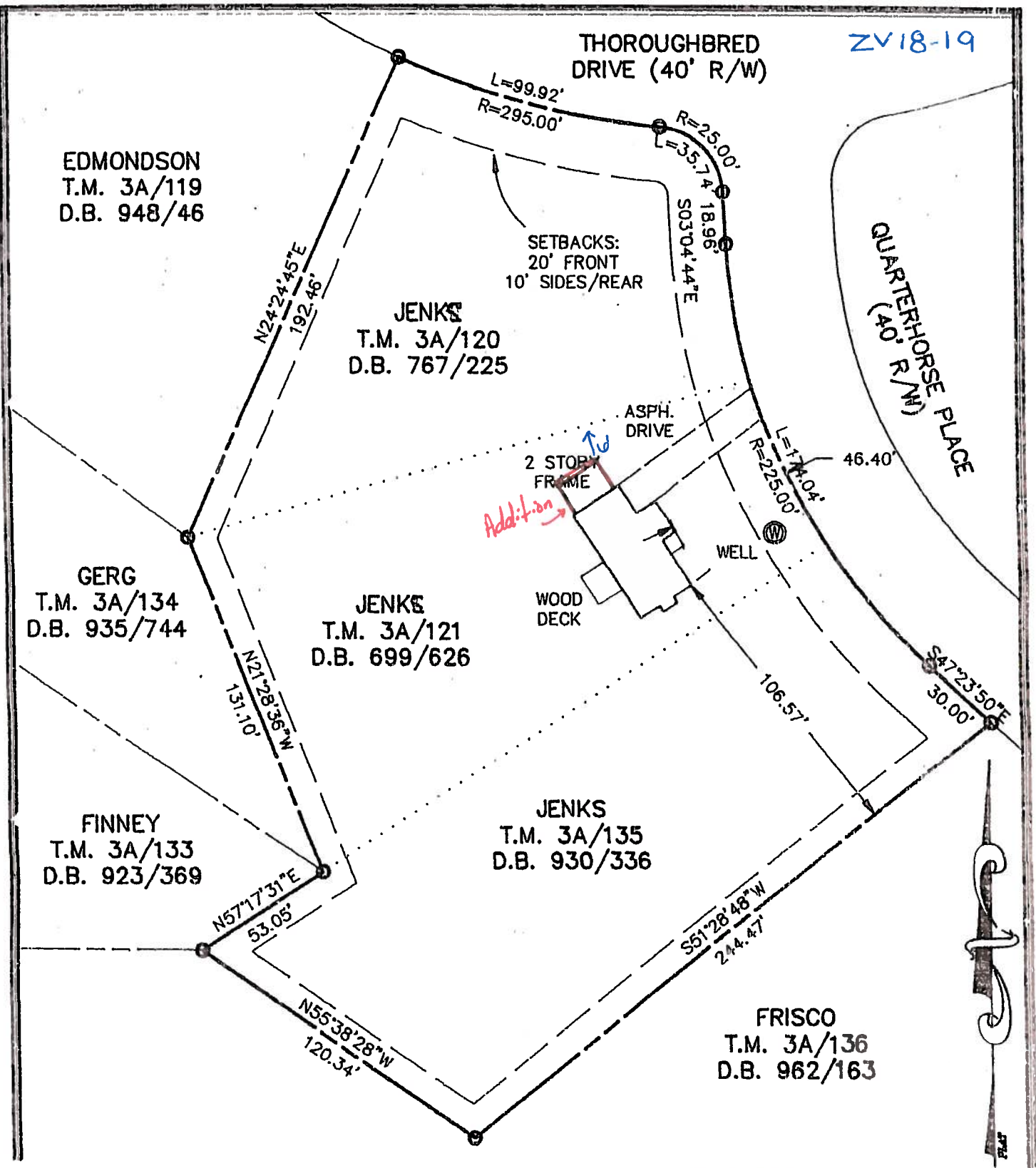
JENKS
T.M. 3A/121
D.B. 699/626

ASPH. DRIVE
2 STORY FRAME
WELL

FINNEY
T.M. 3A/133
D.B. 923/369

JENKS
T.M. 3A/135
D.B. 930/336

FRISCO
T.M. 3A/136
D.B. 962/163



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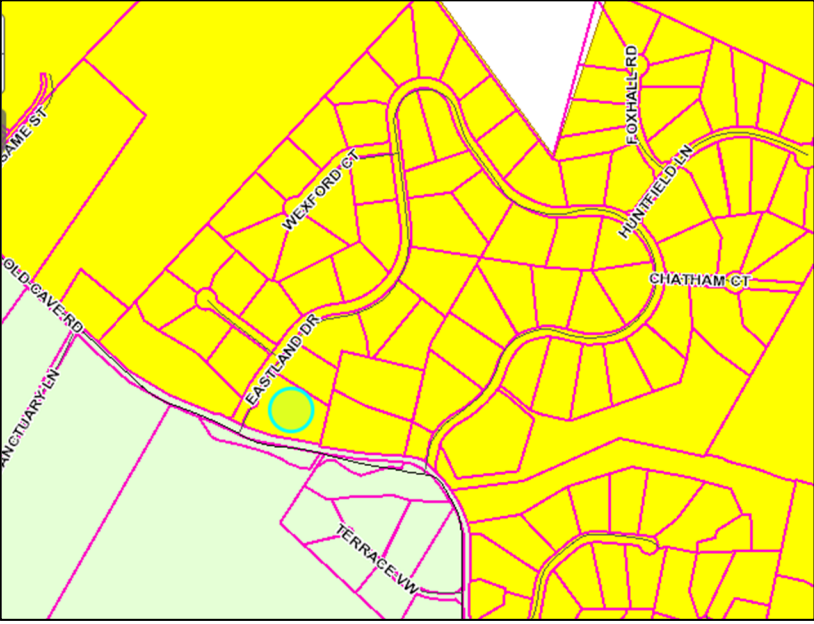
NOV 21 2018

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 13, 2018

Prezzi Variance Request (#ZV18-20)

Item #5 Variance from Section 5.4B to reduce the rear setback from 20' to 2' for a 10' x 20' accessory structure.

Applicant:	Chad A & Kimberly B Prezzi
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Property Location:	Eastland Subdivision, Sec. 3B Lot 92, 949 Eastland Dr., Charles Town, WV
Legal Description & Zoning District:	<p style="text-align: center;">District: Charles Town (02); Map: 16; Parcel: 115; Size: 1.86 ac; Zone: Residential Growth</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> RG <i>South:</i> R <i>East:</i> RG <i>West:</i> RG</p>
History:	<p>Eastland Subdivision (recordation date and section)</p> <ul style="list-style-type: none"> 08/14/87: Section I, Lots 1-7 10/23/87: Section II-A, Lots 8-25 01/28/88: Section II-D, Eastland Swim & Tennis Club 08/14/89: Section II B, Lots 26 – 46 10/20/92: Section II-C, Lots 47-51 01/11/93: Section II-E, Lots 52-55 12/19/95: Section IV, Lots 56-69 05/28/99: Section II-D, Lot 70 & Revised Community Commons Area, Section IIE 05/18/00: Section III-A, Lots 71-81 10/26/01: Section III-B, Lots 82-92 <i>*subject parcel section*</i> 04/09/02: Section III-C, Lots 93 - 101 03/10/03: Section III-C, Lot 102 05/24/04: Section V-A, Lots 103-109 06/02/05: Section V-B, Lots 110-122

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 13, 2018

Prezzi Variance Request (#ZV18-20)

	07/05/05: Section III-C, Lot 102 (minor plat change) 06/06/08: Section V-C, Lot 123
Waivers/Variations:	01/09/01: Eastland Subdivision, Sections IIIB & C received a PC variance from stormwater quantity (Sec.8.2.c.1.d).
Approved Activity:	Residential

STAFF EVALUATION OF REQUEST

Summary of Request and Purpose of Ordinance Requirements

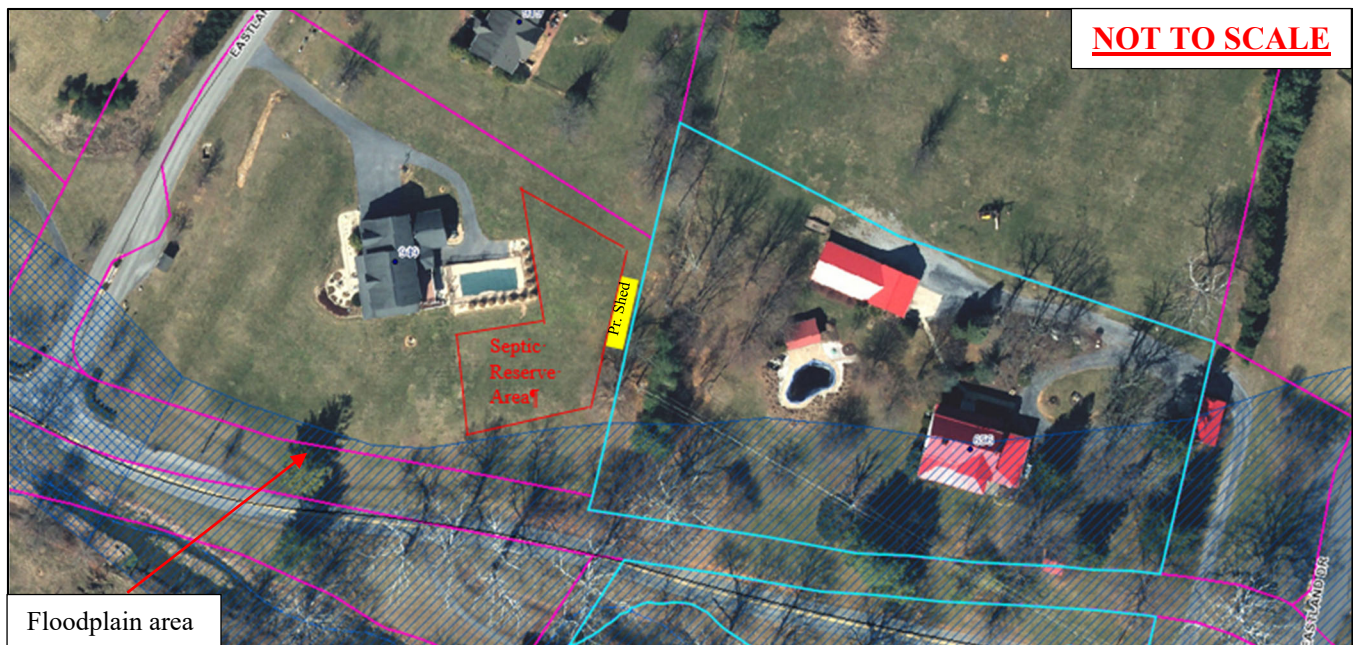
The applicant is requesting a variance from Section 5.4(b).1 to reduce the rear setback from 20' to 2' for a 10' x 20' accessory structure.

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

Unique characteristics of property

The subject parcel is located in Section III-B of the Eastland Subdivision, which was recorded on October 26, 2001. This subdivision was approved as a by-right development located in the Residential Growth zoning district. The properties within the development are served by individual well and septic systems, therefore each lot contains a minimum 10,000 square foot septic reserve area.

This lot is considered a corner lot, which means it was platted with two 25' front setbacks. It is further encumbered by the 100-year flood plain, which requires an additional 25' setback.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 13, 2018

Prezzi Variance Request (#ZV18-20)

Impact on adjacent properties

A setback reduction to 2' along the rear property line would likely have minimal impact on the neighboring property as there is an existing 6' privacy fence along the perimeter of the property.

Feasibility of complying with the ordinance by other means

It should be noted that the shed would not be permitted in either of the front yards, per Section 9.6(c), which restricts available area to place the shed; however, based on the dimensions of the property, the applicant could potentially situate the shed in another location to meet setback requirements.

Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

SECTION 5.4b Residential Growth District - Height And Yard Requirements

[AMENDED TWICE BY ACT OF THE COUNTY COMMISSION, EFFECTIVE SEPT. 13, 1990 AND SEPT. 1, 2006]

Development Type	Minimum Lot Area (MLA) Area per Dwelling Unit (ADU)	Required Yards	Maximum Building
Single family detached dwelling	6,000 sq. ft. MLA**	25 ft. front	40 ft.
Public/Central water and sewer	10,000 sq. ft. ADU	12 ft. side	
Public/Central water or sewer	20,000 sq. ft. MLA	20 ft. rear	
No Public/Central water or sewer	40,000. Sq. ft. MLA		



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: ZV18-20
 Staff Initials: GH
 Meeting Date: 12/13/18
 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: Chad A. Prezzi
 Mailing Address: 949 Eastland Drive, Charles Town, WV 25414
 Phone Number: (304) 995-3954 Email: PrezziRealtor@yahoo.com

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: 949 Eastland Drive
 City: Charles Town State: WV Zip Code: 25414
 Tax District: D2 Map No: 16 Parcel No: 116 115
 Parcel Size: 1.86 ac Deed Book: 1037 Page No: 241

Zoning District (please check one)

Residential Growth (RG) <input checked="" type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential-Light Industrial-Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center">RECEIVED</p> <p align="center">NOV 21 2018</p> <p align="center">JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING</p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 5.4B

Briefly describe the nature of the variance request:

Reduce the rear property setback from 20 feet to two feet for the placement of a shed. (10' x 20')

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

Front Setback Side Setback Rear Setback Reduction From 20' to 2'

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

The shed will be placed at the back of our property, it will not be visible by the neighbor whose property borders our rear fence.

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?

Our property is on a corner lot, the house sits at an angle, the lot is not level, the septic and septic reserve area take up the majority of the backyard. HOA restrictions.

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

Due to the challenges above, there is only one area we can put a shed, by granting this variance we will be able to have outdoor storage.

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

Will be applying for a building permit and will meet all applicable building codes

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] 11/14/18
Signature of Property Owner Date

[Signature] 11/14/18
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

12/13/18
Date of Public Hearing

11/28/18
Advertising Date

11/28/18
Placard Posting Date

RE: 949 Eastland Dr - Shed location

ZV18-20

From: Custard, Robert W (Robert.W.Custard@wv.gov)

To: prezzirealtor@yahoo.com

Date: Wednesday, November 14, 2018, 3:44 PM EST

RECEIVED

NOV 21 2018

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Good afternoon, Mr. Prezzi,

If your new 10' x 20' shed is placed in the 13' wide strip of property between your rear property line and the Septic Reserve Area as depicted by your sketch on the attached plat, there should be no problem with the Septic Reserve Area.

Let me know to whom at Planning and Zoning I should email this information.

Warm regards,

Bob Custard, RS, CP-FS

Jefferson County Health Department

1948 Wiltshire Rd, Suite 1

Kearneysville, WV 25430

Robert.W.Custard@wv.gov

(304) 728-8416 Ext. 3023

From: Chad Prezzi <prezzirealtor@yahoo.com>
Sent: Wednesday, November 14, 2018 10:28 AM
To: Custard, Robert W <Robert.W.Custard@wv.gov>
Subject: 949 Eastland Dr - Shed location

Good morning Bob,

Attached is a copy of the plat for my yard with the shed location we discussed this morning. The sheds size is 10 x 20. I have 13' of clearance from the back of the septic reserve area to the rear property line. The location of the shed would be outside of the septic reserve area. It will be on stone and will not be on a permanent foundation like concrete.

I need to get approval from you that it is ok to be placed in the location we discussed so that I can apply for a building permit. If you need anything else, please let me know.

Thank you,


Chad Prezzi
Real Estate Teams, LLC
50 Citizens Way, Suite 400
Frederick, Maryland 21701

o) 301-695-3020

c) 304-995-3954

f) 301-673-2251

Please visit me on LinkedIn at - <http://www.linkedin.com/pub/chad-prezzi/5a/541/811>

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378.3kB

ZV18-20

OLD CAVE ROAD ROUTE 36
WEST VIRGINIA
R/W VARIES
N 82°13'15" W 144.61'

C3

C2

25' BRL

20' BRL

12' BRL

S 57°53'59" E 316.40'

N 36°25'22" E 54.07'

EASTLAND DRIVE
50' R/W

N 27°13'53" E 41.21'

N 09°09'11" W 35.40'
N 63°36'57" E 35.40'

18.00'

N 27°13'57" E 50.22'

SHED

GUY

NEW SEPTIC RESERVE

EX. SEPTIC RESERVE

PORTION OF EXISTING SEPTIC RESERVE HEREBY PROPOSED VACATED

PROPOSED POOL

HOUSE

EX. PAVEMENT

JEFFERSON COUNTY HEALTH DEPARTMENT

LOT 92
1.863 ACRES

APPROVED

BY: [Signature]

DATE: 7-6-09

REVIEWED BY: [Signature]

725190910-01

PLAT SHOWING A RELOCATED SEPTIC RESERVE
THE PROPERTY OF

CHAD A. PREZZI AND KIMBERLY B. PREZZI

TAX MAP 16-1 PARCEL 115 DEED BOOK 1037 PAGE 241

LOT 92, SECTION III-B, EASTLAND

CHARLES TOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA

SCALE: 1" = 50' JUNE 30, 2009

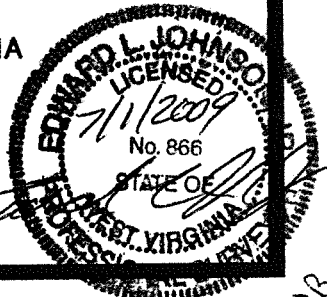
ED JOHNSON AND ASSOCIATES, INC.

LAND SURVEYORS

P.O. BOX 1277

CHARLES TOWN, WEST VIRGINIA 25414

(304)725-6060



PLANNING, ZONING AND ENGINEERING
Approved Minor Plat Change
Kimberly B. Buckman
Director of Planning & Zoning
July 9, 2009

LOT 86
TM 16-1 P 109
HOLLINGSWORTH
DB 1030 PG 166

10' x 20' SHED

RECEIVED

NOV 21 2019

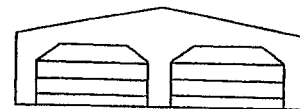
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

JR
m

Fisher's Structures
Cliff Hess Manager
304-240-6882
500 Burhans Blvd.
Hagerstown, MD 21740



10' x 20'



STANDARD SPEC SHEET FOR SHEDS

RECEIVED

NOV 21 2018

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Runners: 6', 8' wide buildings have 2 pressure treated 4' x 4's
 10', 12', 14' wide buildings have 5 pressure treated 4' x 4's

- Floor joists, 16" on center
- 5/8" flooring
- All framing 2' x 4' - 16" on center
- 1/2" plywood Duratemp T1-11 siding
- Techshield roof sheeting - keeps sheds 15° cooler than plywood
- 25 year 3-tab or 30 year architectural shingles

40 year metal roofing available for same price

Doors: 6' Building - 3' single door
 8' Building - 4' double door
 10' Building - 5' double door
 12-16' Building - 6' double door



choice of trim style
check brochure

Windows: All buildings come with 2 windows, except 4' mini barn, which has 1 window

8' wide - 18" x 23"

10' - 12' wide - 24" x 27" or 18" x 36" - Choice of wood or vinyl shutters

14' wide and garages - 24" x 36"

ECONOMY BARN

- 8' wide - floor is same as above
- 2' x 3' framing, 24" on center - No window, 2 vents included
- 10' wide - 2' x 4' framing, 24" on center - No window, 2 vents included

Fisher Structures
301-733-7433 | 717-275-2592
500 Burhans Blvd.
Hagerstown, MD 21740



RECEIVED

NOV 21 2018

JEFFERSON COUNTY
PLANNING ZONING AND ENGINEERING

Quality
Storage Solutions

ZV18-20

- Storage Sheds
- Garages
- Run-Ins
- Garden Sheds



Chalet



A **Style Name:** 10x16 Chalet
Options: Navajo white w/ red trim, charcoal gray shingles
Style Name: 8x12 Frontier Quaker (Front Cover)
Options: Clay w/ navaho white trim, brown doors with arch transom windows



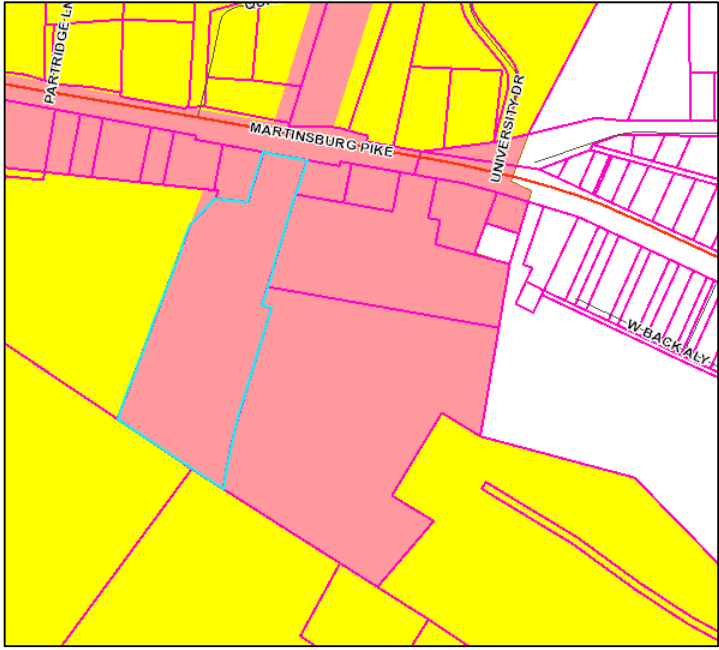
B **Style Name:** 12x20 Vinyl Cottage
Options: 11 lite door, 7/12 pitch roof, 10" roof overhang

C **Style Name:** 12x16 Chalet
Options: Avocado w/ beige trim, weatherwood shingles

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 13, 2018

Seneca Variance Request (#ZV18-21)

Item #6 Variance from Section 4.6B to reduce the distance requirement from 75' to 25' to allow proposed commercial uses adjacent to the Residential Growth District.

Applicant:	Seneca Crossing LLC
Owner:	Same as above
Developer:	N/A
Consultant:	Paul Raco, P.J. Raco Consulting, LLC
Property Location:	Vacant parcel approx. 530' West of the Shepherd University campus entrance located on Martinsburg Pike, Shepherdstown WV
Legal Description & Zoning District:	<p style="text-align: center;">District: Shepherdstown (09); Map: 8; Parcel: 50; Size: 4.5 ac; Zone: Residential-Light Industrial-Commercial</p> 
Surrounding Properties:	Zoning Map Designation: <i>North:</i> RLIC <i>South:</i> RG <i>East:</i> RLIC <i>West:</i> RG & RLIC
History:	Seneca Crossing Subdivision
Waivers/Variations:	None
Approved Activity:	Residential Townhome Subdivision

STAFF EVALUATION OF REQUEST

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 4.6B to reduce the distance requirement from 75' to 25' to allow proposed commercial uses adjacent to the Residential Growth District.

The larger setback standards of distance requirements are intended for situations in which the proximity of a commercial use could have a negative impact on an adjacent property with a residential or institutional use, or with historic status. Currently, the adjacent parcels are vacant, but they are located in the Residential Growth district and have the potential to be developed for residential use.

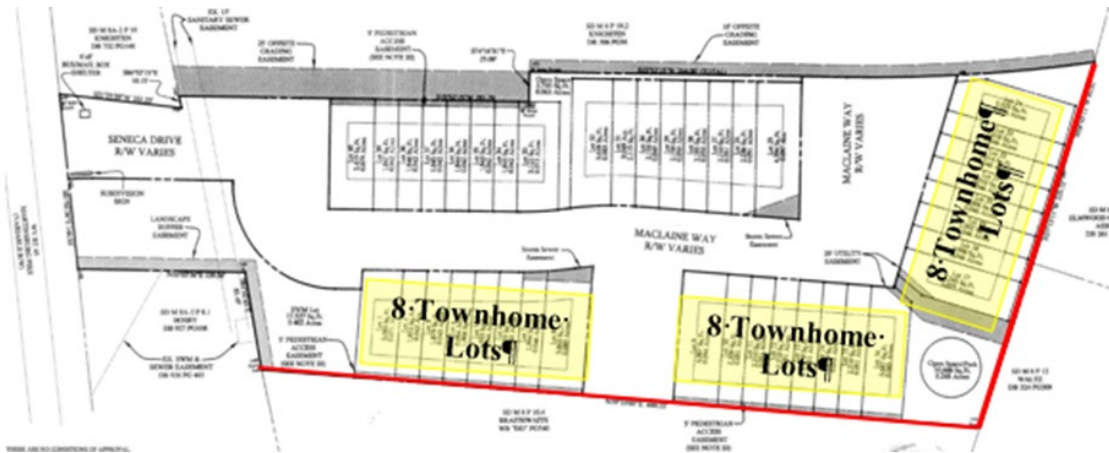
Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 13, 2018

Seneca Variance Request (#ZV18-21)

Unique characteristics of property

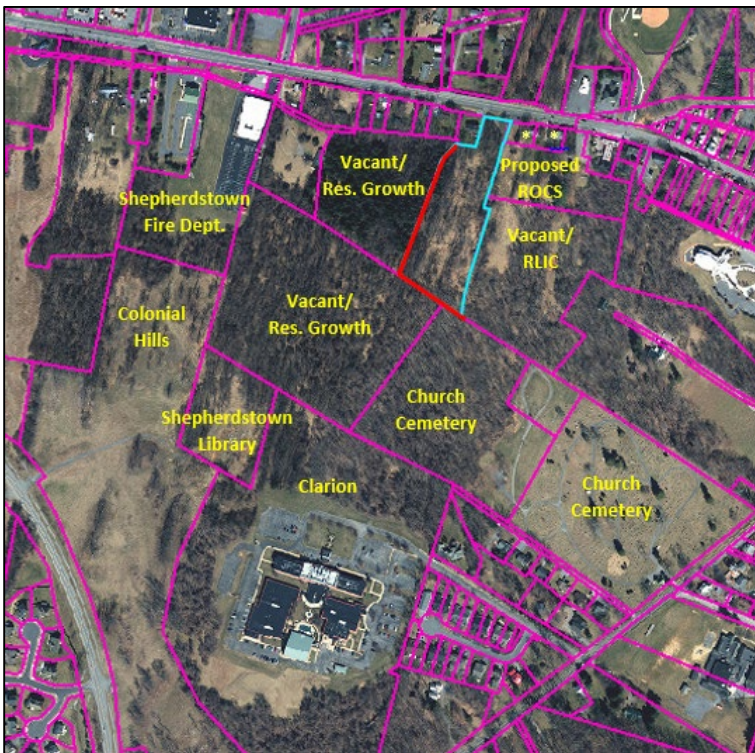
The subject parcel is part of Seneca Crossing South, a platted townhouse subdivision comprised of 40 townhouse lots. The property owner intends to void the townhouse project and create 3 commercial lots.

The subject property lines seeking a variance from the 75' distance requirement are currently slated for 24 of the 40 townhome units. The townhomes would have been located 20' from the property lines. The proposed commercial development is requesting to utilize the 25' building setback and will also be required to provide a narrow landscape buffer (standard detail M-54).



Impact on adjacent properties

The adjacent parcels are currently large, vacant, wooded lots. The applicant will comply with the 25' building setback requirement and intends to provide the required narrow landscape buffer (standard detail M-54). Should future development take place on the adjacent properties, it appears that the proposed commercial development will have minimal impact on future residential uses.

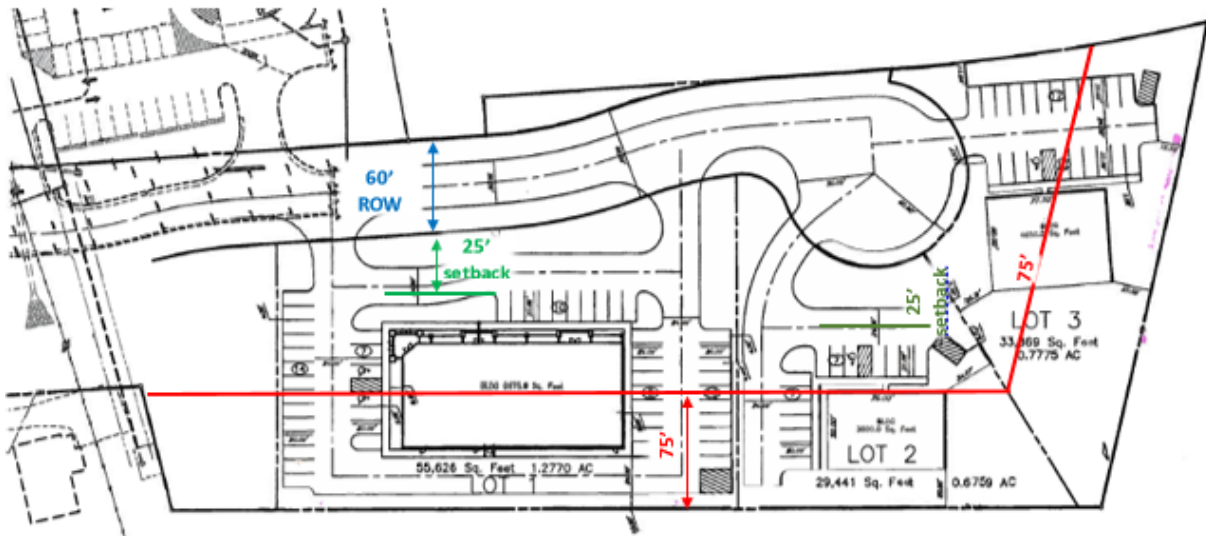


Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 13, 2018

Seneca Variance Request (#ZV18-21)

Feasibility of complying with the ordinance by other means

In order to move forward with the proposed commercial development, it is not feasible to comply with the required 75' distance requirement. As reflected in the sketch below, the 75' distance requirement reduces the buildable area significantly.



Conditions of Approval

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

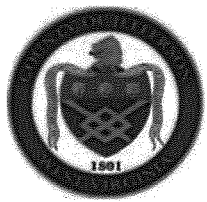
1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.6 Distance Requirements

B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:

1. Any lot in the Residential Growth District;
2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.



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: ZV18-21
 Staff Initials: GH
 Meeting Date: 12/13/18
 Fees Paid (\$100 or \$150): 100

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: Seneca Crossing LLC
 Mailing Address: P.O. Box 1027, Shepherdstown, WV 25443
 Phone Number: 304/279-6574 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Name: Steve Cvijanovich and Paul J Racó
 Mailing Address: Below
 Phone Number: _____ Email: _____

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

Name: P.J. Racó Consulting, LLC Paul J Racó Fox and Associates, Steve Cvijanovich
 Mailing Address: P.O. Box 548 Charles Town, WV 25414 981 Mt. Aetna Road, Hagerstown, MD 21740
 Phone Number: 304/676-8256 301/733-8503 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: Martinsburg Road
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: Shepherdstown Map No: 8 Parcel No: 50
 Parcel Size: Approx 4.5 Acre Deed Book: 1034 Page No: 396

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="text-align: center;"> <p>RECEIVED</p> <p>NOV 21 2018</p> <p>JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING</p> <p>Place Received Date Stamp Here</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: Section 4.6B

Briefly describe the nature of the variance request:

Distance Requirement from 75 feet down to 25 feet.

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

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

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

See Attached

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

See Attached

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

11/21/18

Date

Signature of Property Owner

Date

Notification Requirements (to be completed by staff)

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

12/13/18

Date of Public Hearing

11/28/18

Advertising Date

11/28/18

Placard Posting Date

Seneca Crossing, LLC
Request for Variance
Article 4, Section 4.6B
Jefferson County Zoning Ordinance
November 21, 2018

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JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Brief Description

The proposal is to replat an approved and recorded 40 Townhouse Lot Subdivision into just three commercial/professional lots. The primary user of the subdivision will be a Medical Office Facility including an Urgent Care for the community that will be operated by WVU and its affiliates associated with Berkeley and Jefferson Medical Centers.

The Zoning Ordinance requires a 75' distance requirement between the buildings and any property lines which has a residence located on the adjoining property. The ordinance also requires such distance requirement for any property line that is in the Residential Growth District. The subject property is within the Mixed-Use District and several of the surrounding properties are within the Residential Growth District. This area of the County is a mix between the Residential Growth District and the Residential-Light Industrial-Commercial District (Mixed Use District). In this case, the neighboring properties that are affected by the distance requirement are large properties that do not currently have houses located on the properties. The three adjacent properties are in excess of 5 acres, 10 acres and 12 acres respectively. The requested reduction of the distance requirement is down to 25 feet. The actual required setback and the required buffer (narrow buffer standard) or its equivalent will still both be met on each boundary.

The distance requirement is an old standard that was in the ordinance in addition to the building setbacks. It was put in the ordinance to protect residential uses from commercial uses. In this case, the properties that are adjacent do not have residential uses located on them at this time. Therefore, any future development of the adjacent parcels will take place after the development of this property.

Additionally, the distance requirement was in the zoning ordinance prior to the adoption of the latest Comprehensive Plan. This Envision Jefferson 2035 Comprehensive Plan has identified this area of the County as a 'Preferred Growth Area'. As such, the Comprehensive Plan supports 'urban level' growth within the boundaries of this Preferred Growth Area. The Future Land Use Map also identifies this area as a mix between residential, commercial, retail and office developments. Accordingly, the application of a 75' distance requirement to every property within this newly identified Preferred Growth District would appear to defeat the purpose of an urban level growth area of mixed-use developments. The Envision Jefferson 2035 Plan supports planned unit developments and mixed-use developments as found in areas such as Landsdowne and Ashburn. These areas allow shared developments of different uses for a better utilization of the services around municipalities and more dense areas served by public water and sewer. By allowing the variance, this Comprehensive Plan Goal will be accomplished.

The applicant believes after discussions with the Staff that the distance requirement should be revised to be more consistent with building setbacks and landscaping in an effort to allow mixed used developments in the Preferred Growth Areas adjacent to Municipalities. The applicant also believes that the development should be able to comply with other open space, building setback and landscaping requirements in the ordinance.

Finally, the applicant believes that the already approved and recorded 40 lot townhouse subdivision would impact the adjacent properties more than the proposed concept plan that includes just three small commercial/office type lots as an alternative to what is already approved by the County.

Based on the above, the Applicant respectfully requests the BZA to grant the variance from the distance requirement. Thank you for your consideration of the request.

Seneca Crossing, LLC
Request for Variance
Article 4, Section 4.6B
Jefferson County Zoning Ordinance
November 21, 2018

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JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

1. Granting the variances will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

There will be no impact on the public health, safety or welfare, as this lot is in an area identified as a Preferred Growth Area in the Envision Jefferson 2035 Comprehensive Plan. This plan is only a couple of years old and considers this area a prime area for urban level growth. Currently, the subject lot and the adjacent affected lots are vacant and well vegetated as shown on the attached aerial photos. The development of the parcel will still need to comply with the site plan standards and will need to be approved by the Health Department, the Department of Highways and the City of Shepherdstown for water and sewer services. Accordingly, all other standards of the ordinances will be met.

Regarding safety standards, the construction of the facilities will also need to meet all Building Code Standards and receive Fire Marshall approval. Therefore, the approval of the 75' distance requirement down to 25' in this Growth Area will not impact the public safety or the adjacent property owners. The distance requirement is not a building setback. It is a distance that the original zoning ordinance required to separate existing residential uses from commercial uses. In this case, there are no existing residential uses on the properties adjacent to the lines that will be varied with this request.

2. 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 property is currently approved for 40 townhouse homes. These townhouse lots were planned and platted to be directly on the property lines. The applicant believes that the new plan of only 3 commercial lots will have less impact to the neighboring properties. This land is in an area along Route 45 that is developing commercially including the new ROCS that is being developed on the East side of the property. The subject property has long been approved for mixed uses by the zoning ordinance and the new Comprehensive Plan identifies this area for high traffic growth and mixed uses. The new Comprehensive Plan was written and approved long after the 75' distance requirement was in the Zoning Ordinance. Because of the uses contemplated in this area by the Comprehensive Plan and the fact that this area is already in a mixed-use area, the distance requirement cannot be applied to this narrow lot and still be able to

develop to its potential as indicated in the Comprehensive Plan. The property is also narrow and surrounded by vacant properties on the sides that the variance is being requested to be reduced to 25'. Most likely, the main structure will be approximately 35 feet from the western border, but the applicant is requesting a reduction to 25 feet since that is the current required building setback. Once the site plan is complete, it may be as far as 35' from this property line. The main structure on proposed lot one is currently planned to be the WVU Healthcare's new Urgent Care/Medical Office Building that has been long planned in the Shepherdstown area. This facility will provide a needed healthcare facility that will serve the Shepherdstown area, as well as Shepherd University.

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

The granting of the variance will allow the conversion of the 40 townhouse lots into the 3 proposed commercial lots. As indicated, since the parcel is narrow, the 75 feet distance requirement would most likely prevent the construction of the new proposed Urgent Care Facility to serve the area. The Comprehensive Plan supports this type of use in this area that is the Shepherdstown Preferred Growth Area. The unnecessary hardship of the distance requirement is that it is three times greater than the required setback and this requirement was intended for commercial next to existing residential uses. As shown on the aerial, the parcel is adjacent to large properties that have not been developed for residential purposes at this time.

Since this property is in the Mixed-Use District and the Preferred Growth Area in the Comprehensive Plan, this area is already recognized to be the primary area for dense and urban level growth. The applicant believes that the reduction of the distance requirement will permit the construction of a small commercial development that will service the entire area. Both Shepherdstown and Shepherd University have long wanted an Urgent Care Facility to prevent the need to travel for their healthcare needs. This variance will help allow the construction of this development.

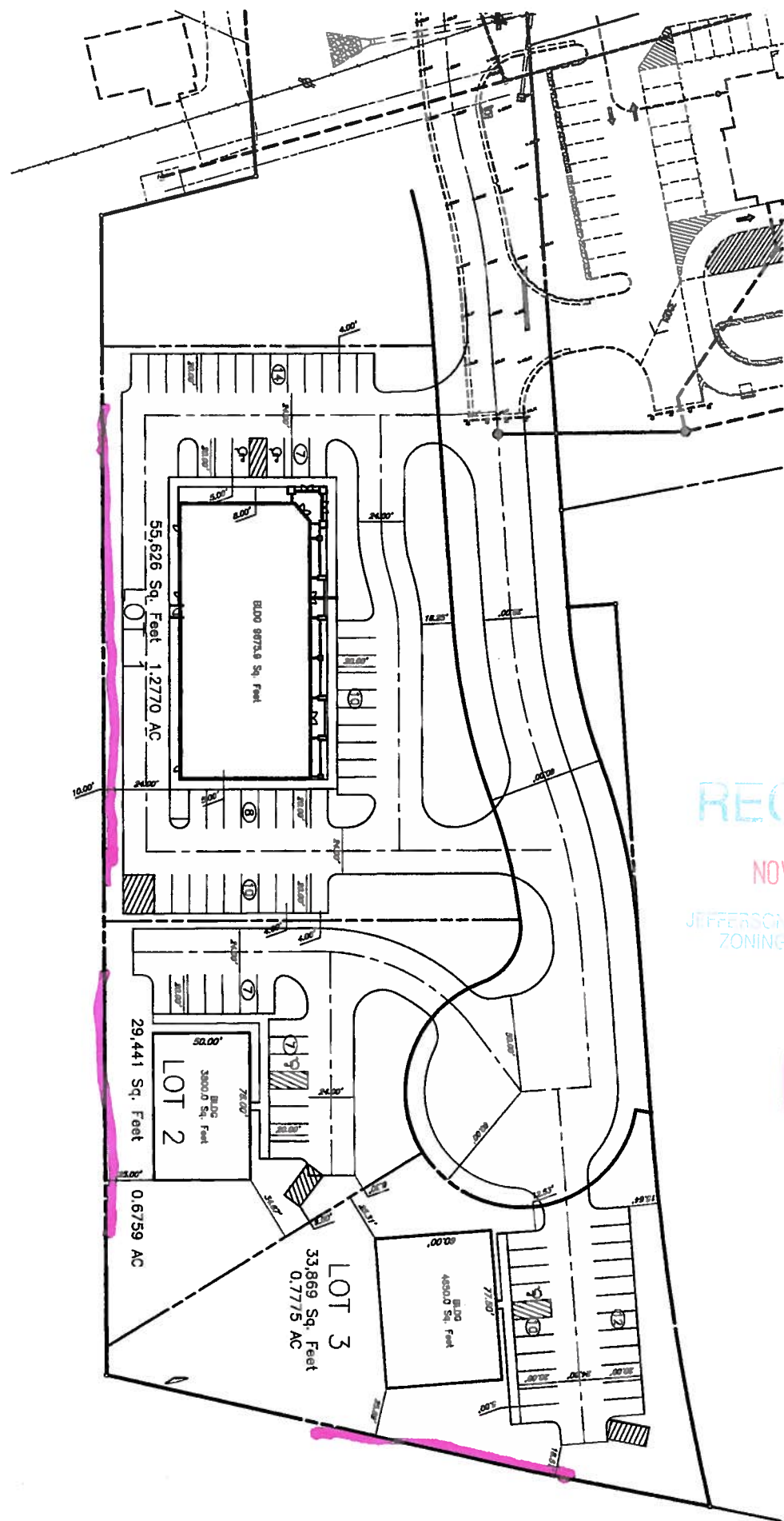
Finally, if the variance was denied, the hardship would seem to be that the property could not develop into the commercial/service type development that is envisioned by the plan for this area.

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

The purpose of building setbacks between lots and buildings is to protect property owners from uses that don't complement each other, as well as, provide enough room for fire safety and emergency service access. In this matter, it is not a setback that is being reduced. The building setback will be followed. The

request is for a distance requirement. This standard was added to the ordinance when the mixed-use zone was added to the zoning map and the requirement was to protect existing residential uses from proposed commercial uses. In this case, there isn't an adjacent residence that is affected. Therefore, the intent of the ordinance is upheld by granting the reduction to 25'. Also, the clear intent of the Comprehensive Plan is to allow this type of development in this preferred growth area. The subject property is in the most intense zoning district, the Residential-Light Industrial-Commercial District, and the property is also located in the area that the Comprehensive Plan identifies as the most intense area for Urban Level Development. The distance requirement should not even apply in this instance and should be removed from the ordinance within the Urban Growth Boundaries and in the Preferred Growth Areas. However, until that happens, the intent of the ordinance in this case has been met with the normal building setbacks since there are no existing residential uses within 75' of the subject property. Also, because of the larger sizes and the existing vegetation on the adjoining properties, substantial justice would be to reduce or eliminate the 75' distance requirement in this specific case. Finally, with regard to fire safety, all the new structures will meet or exceed any actual building setback and any Building Code requirement for construction.

Based on the above, the Board's approval of the variance from the 75' distance requirement on the West and South sides of the property would be greatly appreciated.



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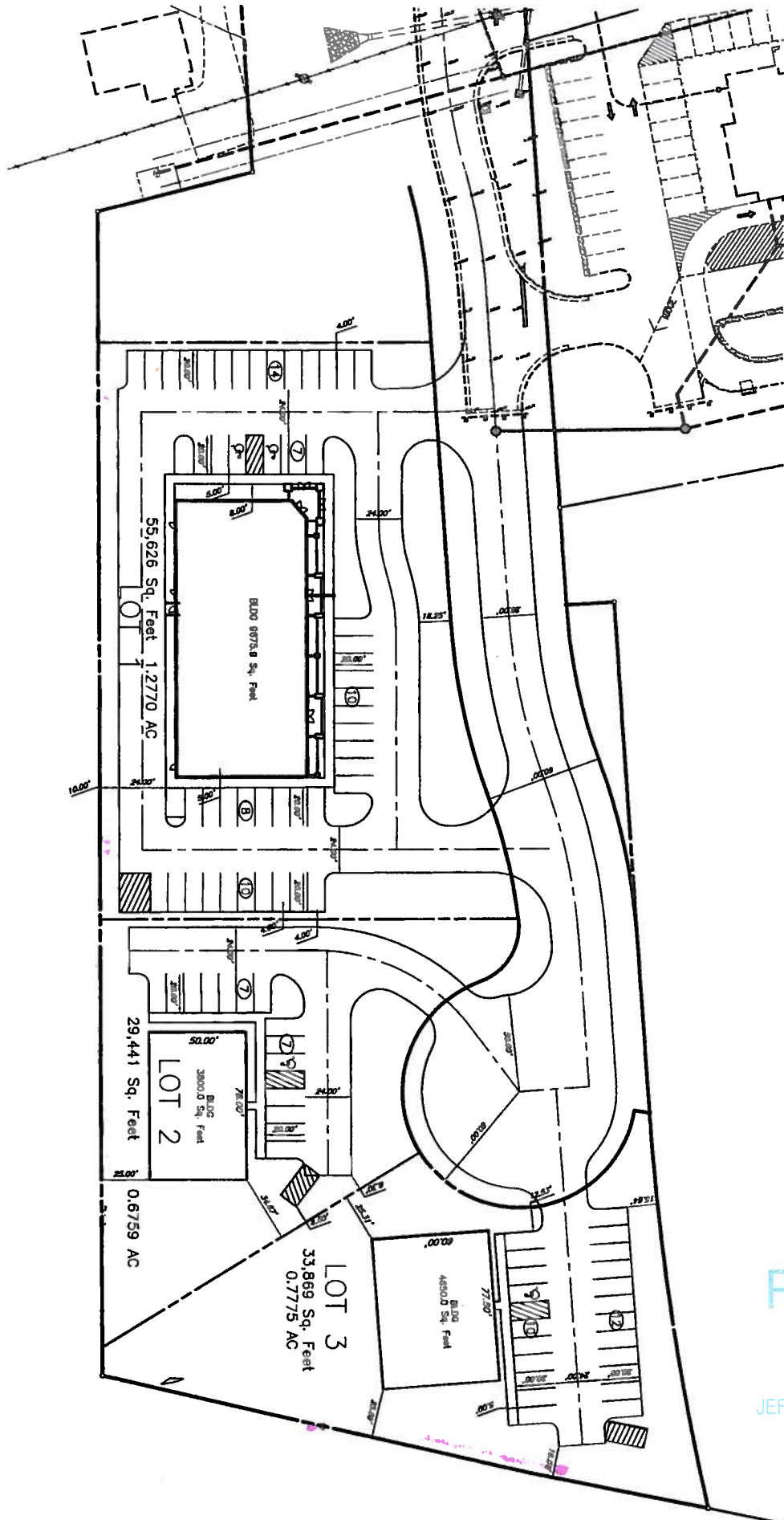
NOV 21 2018

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

PR
11/21/18

SENECA CLASSING

11/14/18
1"=50'



SENECA CROSSING

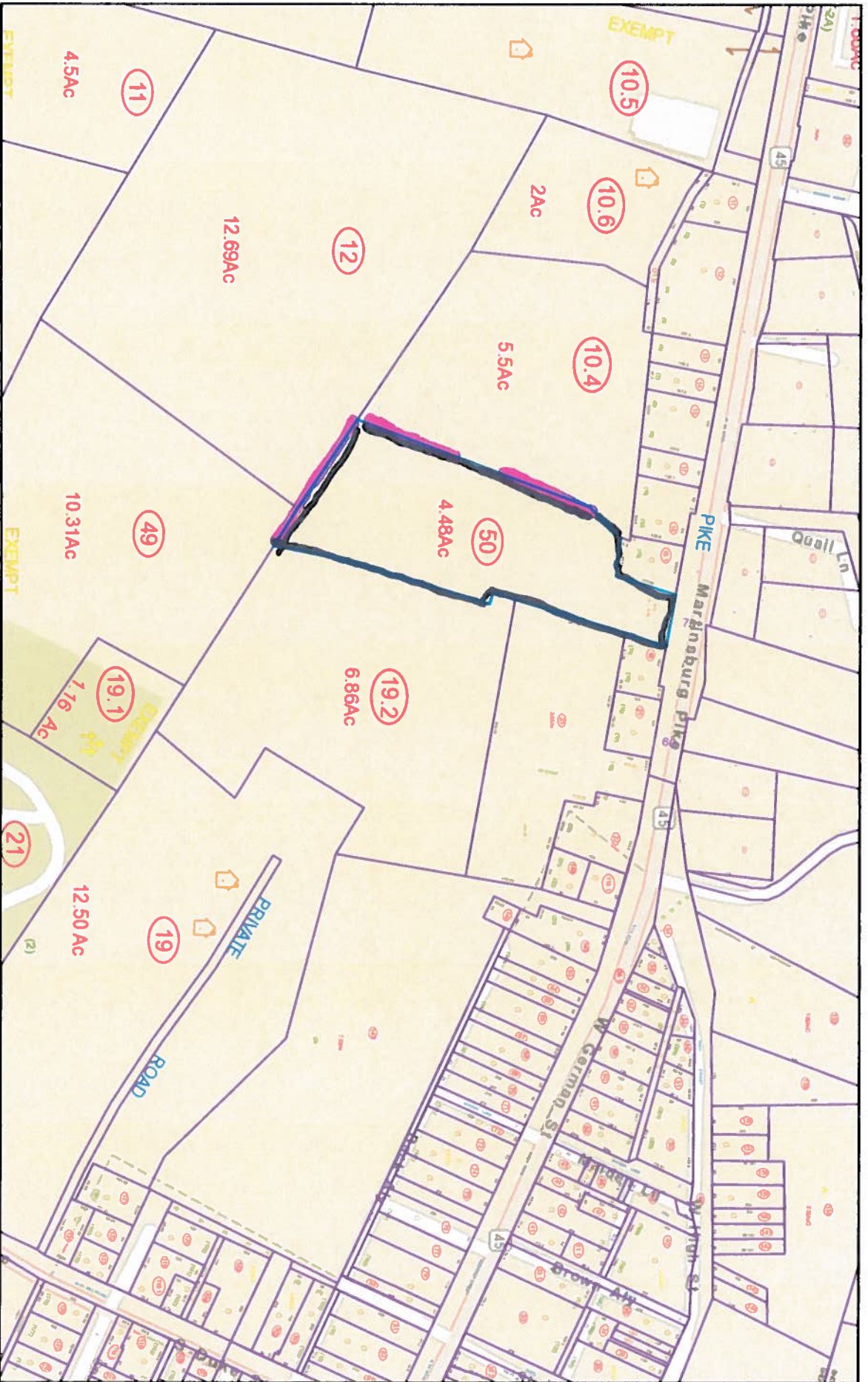
11/14/18
1"=50'

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NOV 21 2018

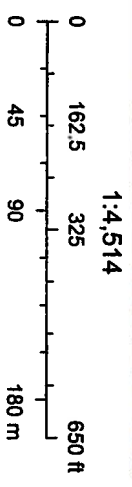
JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Viewer Map



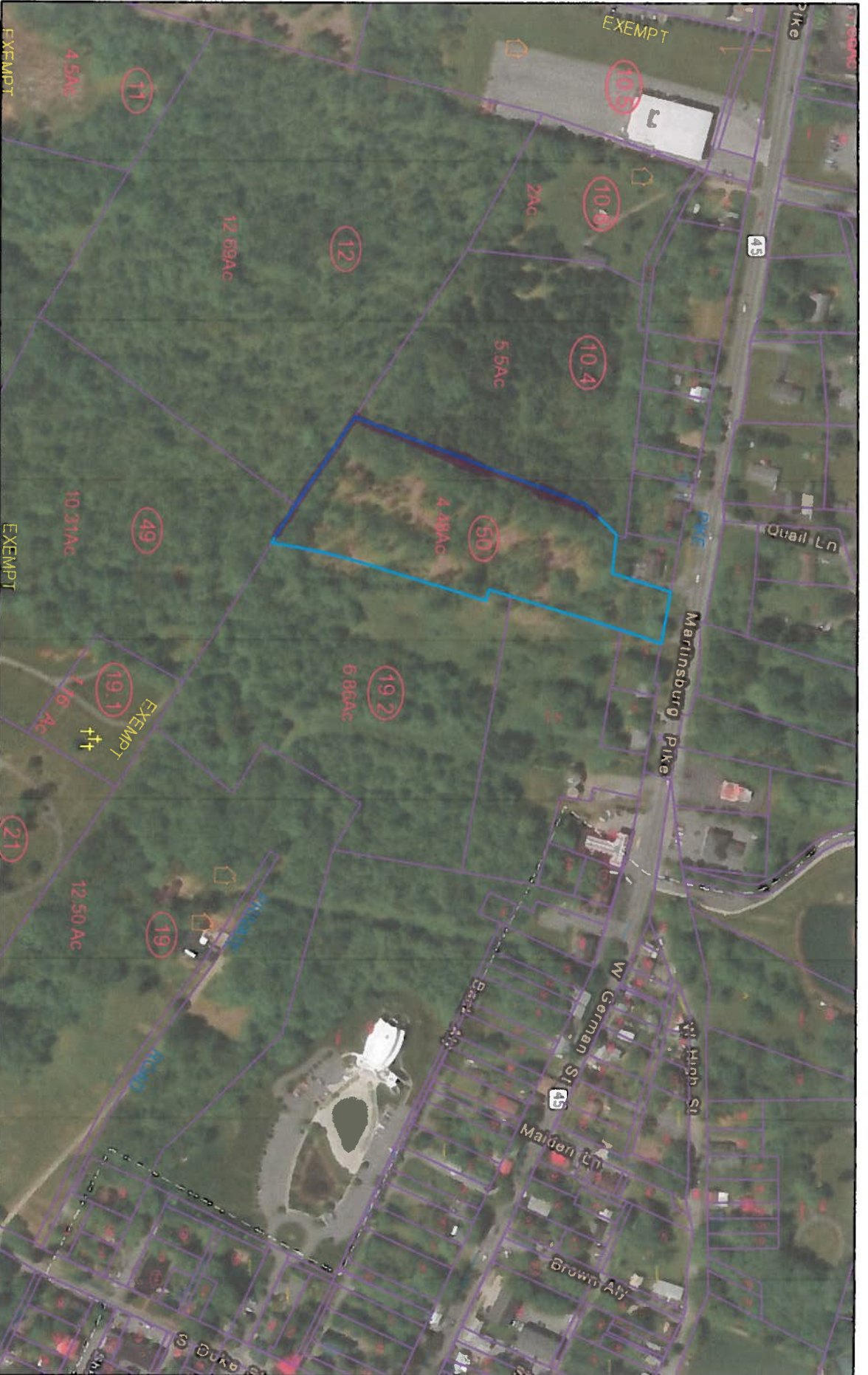
November 21, 2018

75' To 25'
 Subject Parcel



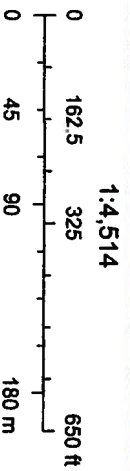
WASHTCO MD, VITA, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Viewer Map



November 21, 2018

75' To 25'
Blue → Subject Parcel



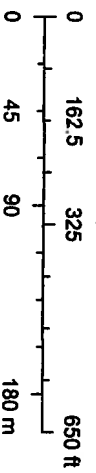
VITA, East, HERE, IPC, USDA FSA, GeoEye, CNES/Airbus DS, VITA, East,

Viewer Map

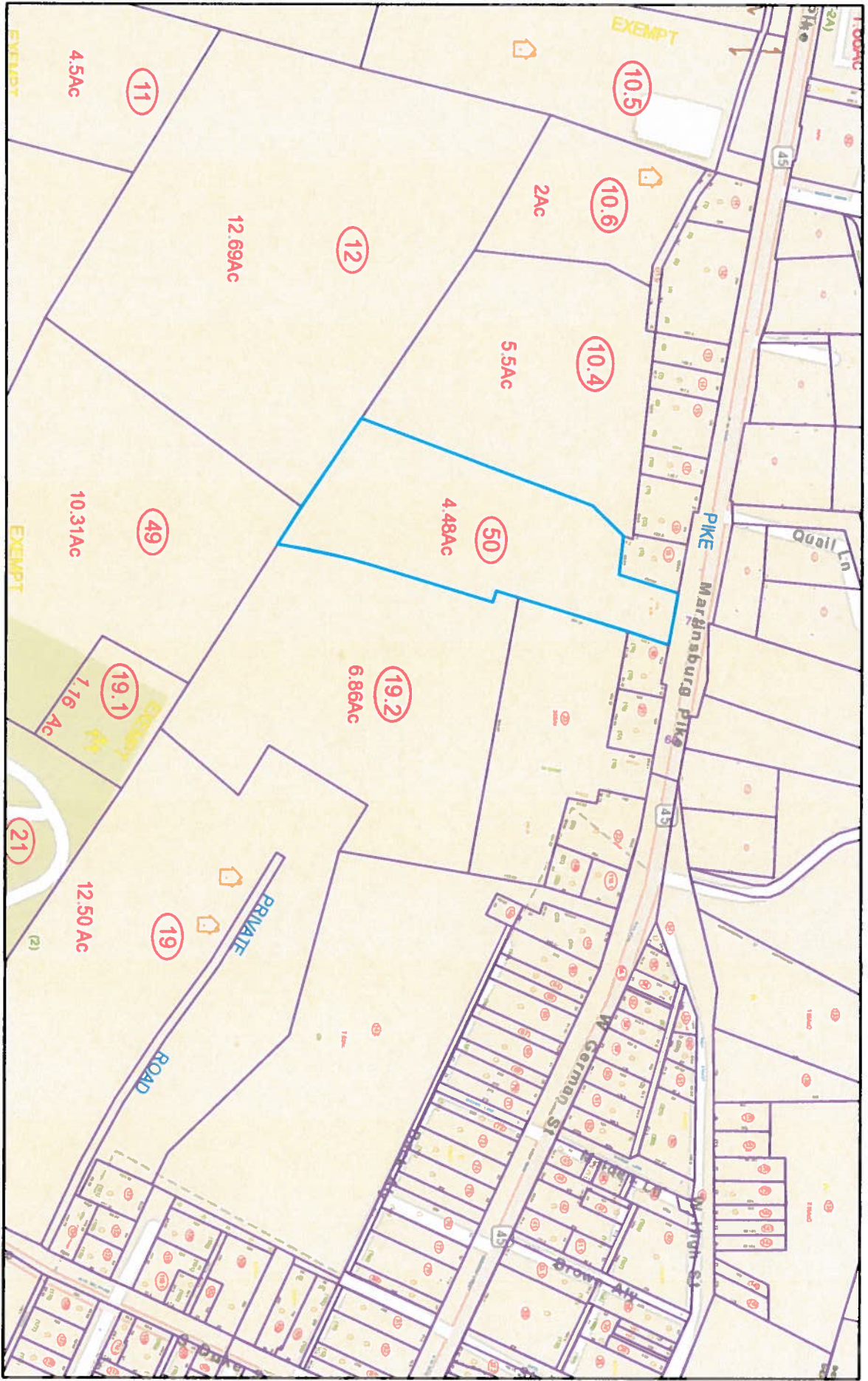


November 21, 2018

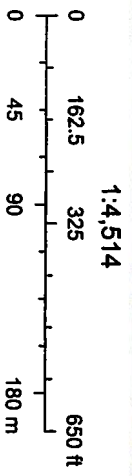
1:4,514



Viewer Map



November 21, 2018



WashCo MD, VTA, Estl. HERE, Garmin, INCREMENT P, NGA, USGS



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report Board of Zoning Appeals Meeting December 13, 2018

1) Text Amendments:

- There are no pending text amendments at this time. Staff is working on a cleanup text amendment to the Subdivision Regulations and would like to begin revising landscaping and parking standards in the Zoning Ordinance in the New Year.

2) Upcoming BZA meeting

- The next regular meeting is scheduled for **January 24, 2019** (deadline for submissions is Monday, 12-31-18)



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

November & December 2018

Zoning Certificate Activity Report

File #	Property Owner/ Business Name	Applicant Name	Property Location	Description	Status Date
ZC18-24	Jefferson Utilities, Inc.	Michael Rebner AT&T Wireless	307 W Burr Blvd, Kearneysville, WV	10' x 4' concrete pad and generator	Denied 10/29/18
ZC18-28	RAI Properties, LLC	Nancy Ndungu Jeffreys, Tri-State Beauty Academy	340 Edmond Rd, Ste A, Kearneysville, WV	Change in tenant: Office & Shop Space for County PSD to Beauty School	10/29/18
ZC18-31	David M. Mobley	Same	332 Bunkhouse Rd. Kearneysville, WV	Accessory Dwelling Unit: In Law Suite	TBD
ZC18-32	Mary Schreyer	Mohammad Ghuman	5437 Charles Town Rd., Kearneysville, WV	Re-establish convenience store (Previously Sheetz)	11/09/18
ZC18-33	Mark & Marci Cerasi/MC2 Properties	Mid Atlantic Aquatics	53 McGarry Blvd., Kearneysville, WV	Indoor swimming pool 70' x 60' to be used for swim meets.	10/22/18
ZC18-34	T. Todd & Susan B. Hough, Tr.	Peaceful Valley Crematory, LLC	219 Ann Lewis Rd. Charles Town WV	Veterinary Services, Pet Crematory under 1200 sq.	10/31/18



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
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Charles Town, West Virginia 25414

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zoning@jeffersoncountywv.org

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

DRAFT - 2019 MEETING SCHEDULE

JEFFERSON COUNTY BOARD OF ZONING APPEALS

Board of Zoning Appeals meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street at 2:00 p.m.

Submission Deadlines

Monday, December 31, 2018
Monday, February 4, 2019
Monday, March 4, 2019
Monday, April 1, 2019
Monday, April 29, 2019
Monday, June 3, 2019
Monday, July 1, 2019
Monday, July 29, 2019
Tuesday, September 3, 2019
Monday, September 30, 2019
Monday, October 21, 2019
Monday, November 18, 2019

Scheduled Meetings

Thursday, January 24, 2019
Thursday, February 28, 2019
Thursday, March 28, 2019
Thursday, April 25, 2019
Thursday, May 23, 2019
Thursday, June 27, 2019
Thursday, July 25, 2019
Thursday, August 22, 2019
Thursday, September 26, 2019
Thursday, October 24, 2019
Thursday, November 14, 2019*
Thursday, December 12, 2019*

*Meeting dates have been modified in observance of the Thanksgiving and Christmas Holidays.

The required zoning variance request form signed by the legal property owner, supporting documentation and applicable fees must be submitted to the office by close of business on the Submission Deadline date in order for the request to be sufficiently review and noticed in the Spirit of Jefferson. For all other applications please contact the office for the Submission Deadline date.

Changes in the time or location of the meeting shall be noticed on the County's website at www.jeffersoncountywv.org.
Note: if the President of the County Commission or the Chair of the Board of Zoning Appeals determines that weather conditions make travel unsafe for the public, County offices may close and/or the Board of Zoning Appeals meeting may be cancelled. Please check the County's website for possible meeting updates during inclement weather.

Agenda items that have been deferred due to a cancellation will be rescheduled. Per the Board's Rule of Procedure, no additional newspaper notice shall be given. All signs must remain posted on the respective properties until the rescheduled meeting date. Please call the office or check the County's website for the rescheduled meeting date.