



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, January 24, 2019 at 2:00 p.m.**

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

Meeting Location: Charles Town Library Conference Room, 200 East Washington Street, Charles Town, WV  
Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

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**Election of Officers**

**Approval of Minutes: December 13, 2018**

**Public Hearing – Administer Oath**

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**ITEM #1 FILE #: ZV18-22**

**Request:** Variance request per Section 4.3H to reestablish a nonconforming use. The applicant is requesting to retain the nonconforming commercial land use for future development after demolition of the existing building.

**Applicant:** Michael Smith

**Parcel Info:** Peggy Ann Triplett Foundation  
6746 Charles Town Rd., Kearneysville, WV  
Parcel ID: 07004A03040000; Size: 4.65 ac; Zone: Rural

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**ITEM #2 FILE #: ZV18-23**

**Request:** Variance from Section 9.6B to reduce the rear setback from 36' to 10' for a 26' x 36' accessory structure.

**Applicant:** Same as Owner

**Parcel Info:** Daniel Beans  
2757 Flowing Springs Rd, Shenandoah Junction, WV  
Parcel ID: 02000300090003; Size: 1 ac; Zone: Rural

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**ITEM #3 FILE #: ZV18-24 - WITHDRAWN**

**Request:** Variance from Sec. 5.4(b).

**Parcel Info:** Christopher and Denise Gay  
66 Bluebells Court, Charles Town, WV

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**Zoning Administrator Report**

- a. Monthly Zoning Certificate Activity Report

**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

1. Variance from Sec. 4.3H. Owner: Mary Schreyer. Applicant: M. Ghuman; c/o: C. Haymaker. File: ZV18-18.
2. Variance from Sec. 9.7. Owners: Jack & Barbara Manuputy. File: ZV18-19.
3. Variance from Sec. 5.4B. Owner: Chad and Kimberly Prezzi. File: ZV18-20.
4. Variance from Sec. 5.4B. Owner: Seneca Crossing LLC. File: ZV18-21.



Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: December 13, 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; Nathan Cochran, Assistant  
7 Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.

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

9 Mr. Quynn explained to the public how the meeting would be conducted. Mr. Bannon moved to call  
10 the meeting to order at 2:04 pm, which carried unanimously.

11 1. Approval of Minutes – October 25, 2018. Mr. Bannon moved to approve the minutes. The  
12 following edits were requested:

- 13 a) Page 1, line 22, add Withers LaRue **Road**.  
14 b) Page 3, line 26, change Bannon to **Bannon's**

15 Mr. Quynn called for a vote on the revised minutes, which carried unanimously.

16 2. Ms. Hartman swore in members of the public who indicated they would be providing testimony.

17 3. Public Hearing. Variance request per Section 4.3H to reestablish a nonconforming use. The  
18 applicant is requesting to install two (2) fueling stations that were removed at the request of the  
19 Department of Environmental Protection. Owner: Mary Schreyer. Applicant: Mohammad  
20 Ghuman; c/o: Clarence Haymaker. Location: 5437 Charles Town Rd., Kearneysville, WV.  
21 District: Middleway (07); Map: 3B; Parcel: 45; Size: .70+ ac; Zone: Village. File: ZV18-18.

22 Clarence Haymaker, representative for the request, was present to address the Board. Ms.  
23 Beaulieu provided a brief overview of her staff report to the Board noting the property's history.  
24 Mr. Haymaker further explained that the property had historically been a service station and that  
25 the applicant would like to continue the land use as such, which requires the installation of new  
26 gas pumps. Mr. Quynn opened the public hearing. Paul Henderson stated that before Sheetz  
27 was in the subject location, there was a small grocery store with gas pumps. Mr. Henderson  
28 resides across the street from the subject parcel at 94 Bitner Lane. Mr. Henderson stated he has  
29 no objection to the project. Mr. Quynn closed the public hearing. Mr. Bannon moved to approve  
30 the variance as requested. Ms. Catterton seconded the motion, which carried unanimously.

31 4. Public Hearing. Variance from Section 9.7 to reduce the side setback from 8' to 6' for a 12' x 15'  
32 addition to an existing home. Owners: Jack & Barbara Manuputy. Location: 26 Quarter Horse  
33 Place, Charles Town, WV. District: Kabletown (06); Map: 3A; Parcel: 121; Size: 21,225 sf;  
34 Zone: Rural. File: ZV18-19.

35 Barbara Manuputy was present to address the Board. Ms. Beaulieu provided a brief overview of  
36 her staff report to the Board. Ms. Manuputy explained the nature of the request to the Board.  
37 Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the  
38 public hearing. Ms. Catterton moved to approve the variance as requested. Mr. Bannon  
39 seconded the motion, which carried unanimously.

- 1 5. Public Hearing. Variance from Section 5.4B to reduce the rear setback from 20' to 2' for a  
2 10' x 20' accessory structure. Owners: Chad and Kimberly Prezzi. Location: 949 Eastland Dr.,  
3 Charles Town, WV. District: Charles Town (02); Map: 16; Parcel: 115; Size: 1.86 ac; Zone:  
4 Residential Growth. File: ZV18-20.
- 5 Chad and Kimberly Prezzi were present to address the Board. Ms. Beaulieu provided a brief  
6 overview of her staff report to the Board. Mr. and Ms. Prezzi explained the nature of the request  
7 to the Board. Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn  
8 closed the public hearing. Mr. Bannon moved to approve the variance as requested. Ms. Catterton  
9 seconded the motion, which carried unanimously.
- 10 Mr. Quynn called for a recess at 2:31 pm to review a written comment that was submitted.  
11 Mr. Bannon motioned to come out of deliberative session at 2:35 pm, which carried unanimously.
- 12 6. Public Hearing. Variance from Section 4.6B to reduce the distance requirement from 75' to 25' to  
13 allow proposed commercial uses adjacent to the Residential Growth District. Owner: Seneca  
14 Crossing LLC. Location: Vacant parcel approximately 530' West of the Shepherd University  
15 campus entrance located on Martinsburg Pike, Shepherdstown WV. District: Shepherdstown (09);  
16 Map: 8; Parcel: 50; Size: 4.5 ac; Zone: Residential-Light Industrial-Commercial. File: ZV18-21.
- 17 Eric Lewis, property owner, and Steve Cvijanovich consultant with Fox Associates, were present  
18 to address the Board. Ms. Beaulieu provided a brief overview of her staff report to the Board  
19 noting that the proposed plan would vacate a previously approved subdivision. Ms. Beaulieu  
20 explained that the property was in the mixed use zone and that commercial development was a  
21 permitted land use. Mr. Lewis and Mr. Cvijanovich explained the nature of the request to the  
22 Board stating that one of the potential commercial uses would be a medical facility and that the  
23 land use for the two other lots remained undetermined. Mr. Lewis argued that without the  
24 variance the property would not be viable for commercial development. Mr. Quynn opened the  
25 public hearing. Tony Zelenka and Garland Nagy representatives with Berkeley Medical Center,  
26 confirmed that they had a contract with Mr. Lewis pending the development of this site. David  
27 Levine, representative with Smart Growth Syndicate, spoke in opposition to the request.  
28 Mr. Levine expressed concern that the proposed commercial development would replace the  
29 affordable housing that Seneca South Subdivision would potentially offer. Mr. Levine also noted  
30 that there was no guarantee that a medical facility would be located within the proposed  
31 commercial development. Mr. Quynn closed the public hearing. Ms. Beaulieu informed the  
32 Board that the Seneca South Subdivision was pending dissolution as a result of a proposed  
33 adjacent development and that the current proposal would not appear to impact the plans to  
34 dissolve the subdivision. Mr. Lewis reiterated that the medical facility would be located within  
35 the proposed development as they have a signed contract. It was also noted that the previously  
36 approved townhome development had not been slated as affordable housing.
- 37 Mr. Bannon moved to go into deliberative session at 3:11 pm, which carried unanimously.  
38 Mr. Bannon moved to come out of deliberative session at 3:23 pm, which carried unanimously.
- 39 Ms. Catterton moved to approve the variance as requested. Mr. Bannon seconded the motion,  
40 which carried unanimously.

1 7. Zoning Administrator Report

2 a. Monthly Zoning Certificate Activity Report

3 b. Approval of the Draft 2019 Board of Zoning Appeals Meeting Schedule

4 Mr. Bannon moved to approve the meeting schedule as presented. Mr. Quynn called for  
5 vote, which carried unanimously. Ms. Beaulieu informed the Board that the next meeting  
6 would be January 24, 2019.

7 8. Legal Update

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

9 b. Discussion with possible deliberative session and sign of draft Findings/Decisions

10 Meeting: October 25, 2018

11 i. Variance from Section 5.4B.1. Owner: David and Jean Nedorostek. File: ZV18-17.

12 ii. Conditional Use Permit for A-Zone Environmental Services Office. Owner:  
13 Wheatlands Property Management LLC. File: CUP18-02.

14 iii. Variance from Section 11.1. Owner: Wheatlands Property Management LLC. File:  
15 ZV18-16.

16 iv. Request for a Special Exception Permit for an Electronic Sign. Owner:  
17 Shepherdstown Volunteer Fire Dept. File: SE18-02.

18 Mr. Quynn signed the above referenced Findings.

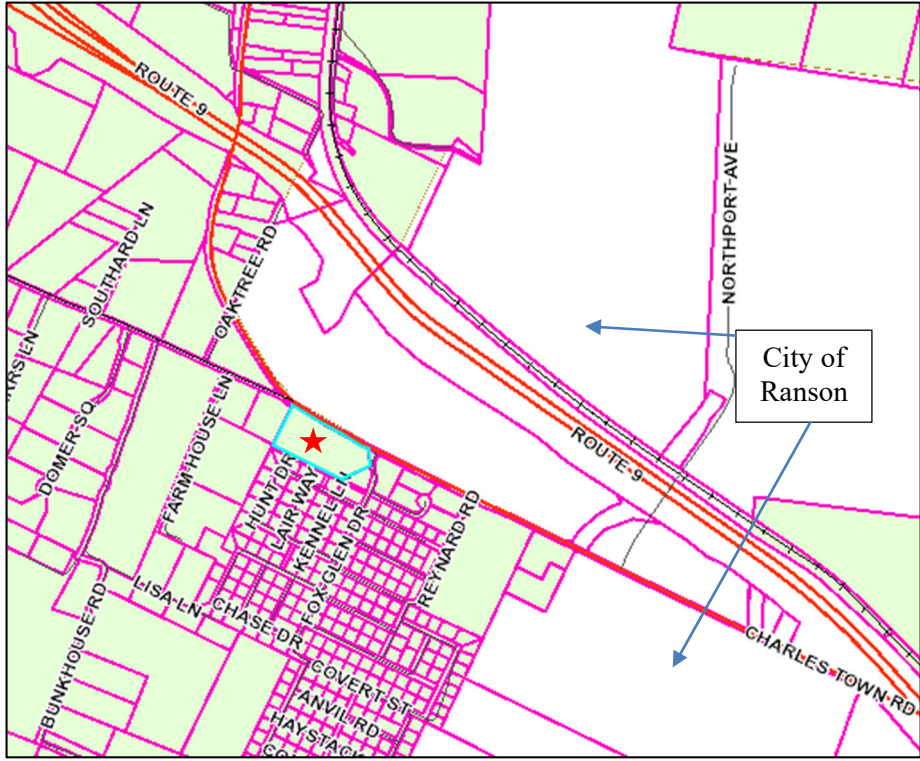
19 Ms. Catterton moved to adjourn the meeting at 3:30 pm. Mr. Quynn called for a vote, which carried  
20 unanimously.



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 January 24, 2019

**Triplett Trust – Reestablish Nonconforming Commercial Use Variance Request (#ZV18-22)**

Item #1 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:	Peggy Ann Triplett Foundation
Owner:	Michael Smith
Developer:	N/A
Consultant:	N/A
Property Location:	6746 Charles Town Rd., Kearneysville, WV
Legal Description & Zoning District:	<p style="text-align: center;">District: Middleway (07); Map: 4A; Parcel: 304          Size: 4.65 acres; Zone: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;">North: City of Ranson      South: Rural          East: Rural                  West: Rural</p>
History:	ZC00-01: 05-18-00 ZC99-03: 05-20-99 ZC95-03: 04-20-95
Waivers/Variations:	None
Approved Activity:	Nonconforming Use

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
January 24, 2019

**Triplett Trust – Reestablish Nonconforming Commercial Use Variance Request (#ZV18-22)**

**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,

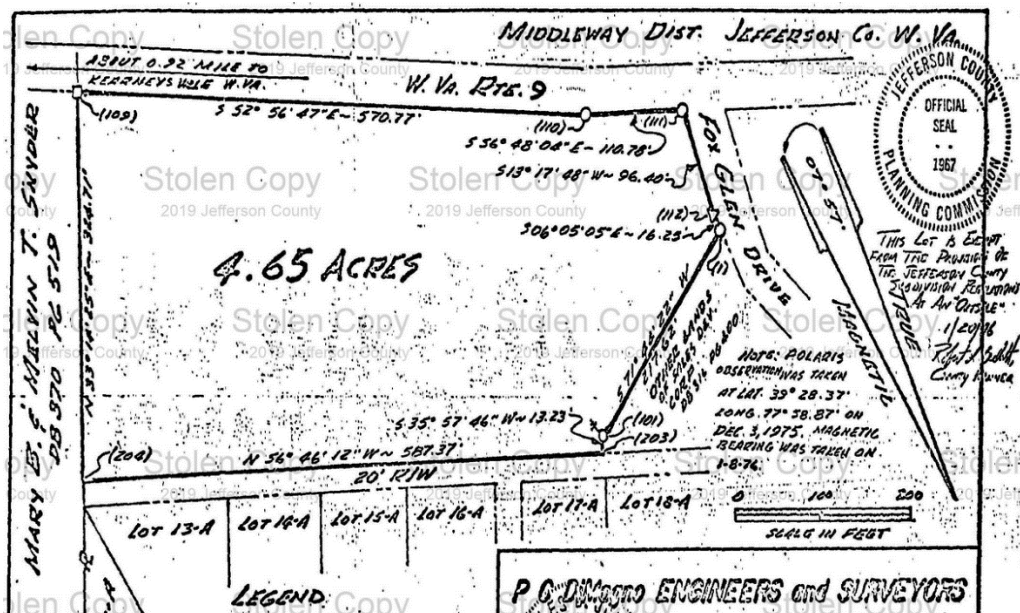
“A nonconforming structure or use destroyed by a natural or unnatural calamity cannot be rebuilt without approval of the Board of Zoning Appeals upon application by the owner and pursuant to the variance and appeal procedures outlined in Article 6. This provision will not apply to existing residential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

The applicant would like to retain the nonconforming commercial land use for future development after demolition of the existing building.

Unique characteristics of property

It appears that a commercial use has existed on the property since 1974 (year the building was constructed). The subject parcel is primarily surrounded by residential uses (Fox Glen Subdivision), with a gas station/convenience store (Seven Seas) and an elementary school (North Jefferson) in close proximity.

Based on documentation we have in the Office, the space has previously been occupied by a church, a coffee shop, a restaurant, and an adult entertainment club. The applicant has stated that he does not intend to reestablish the adult use component but would like the option to establish a retail or other similar land use.



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**Triplett Trust – Reestablish Nonconforming Commercial Use Variance Request (#ZV18-22)**



View from across the street.  
Note: Nonconforming sign.



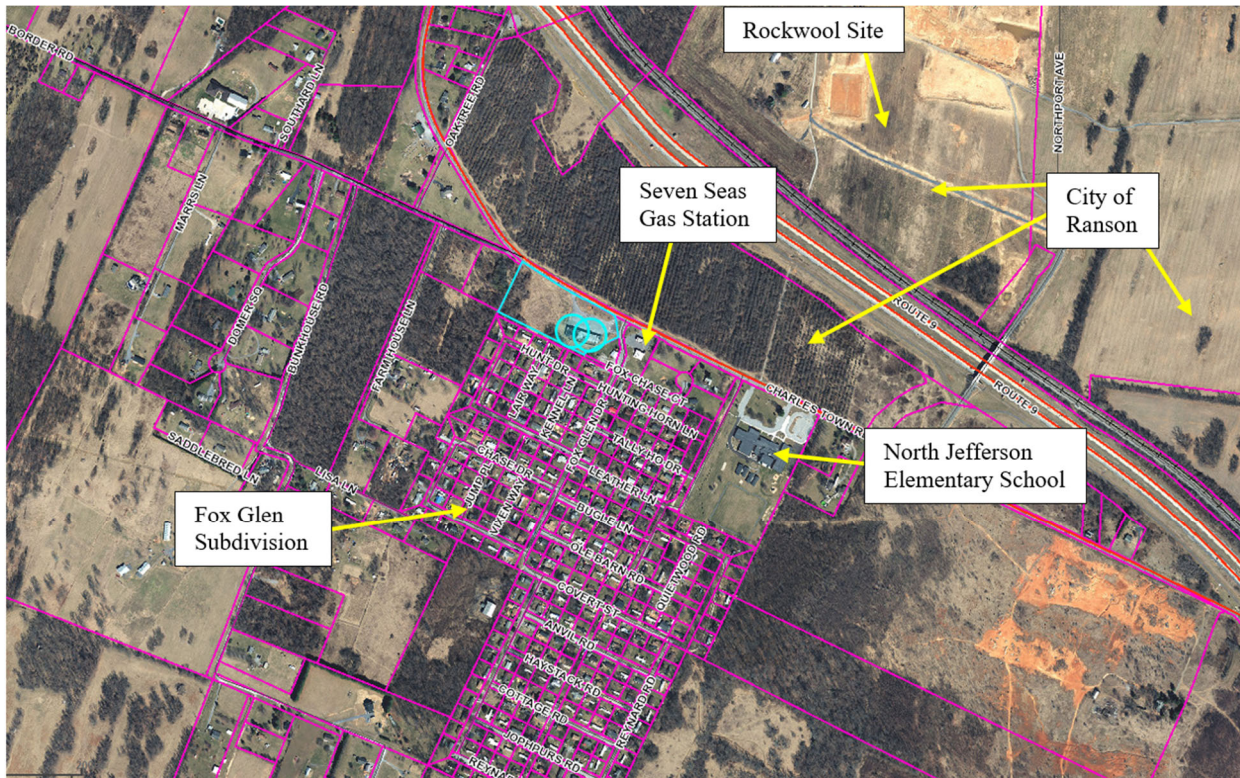
Impact on adjacent properties

As with any non-residential use, the potential for an increase in traffic exists. Non-residential uses typically include signage and lighting. This parcel is located off a State maintained road (Charles Town Road/Route 115) which should be able to support an increase in traffic.

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 commercial use, it appears the impact on adjacent properties would be minimal. A small retail or grocery store would perhaps serve the residential community well.

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Jefferson County Board of Zoning Appeals Meeting  
January 24, 2019

**Triplett Trust – Reestablish Nonconforming Commercial Use Variance Request (#ZV18-22)**



Feasibility of complying with the ordinance by other means

The request before you today is in compliance with Section 4.3H of the Ordinance which allows an applicant to request approval from the Board to reestablish a nonconforming use which has been destroyed by a natural or unnatural calamity. The applicant is proposing to demolish the existing structure and construct a new structure that complies with Building Code.

The existing structure is considered nonconforming because it was constructed prior to the adoption of Zoning and does not conform to the site development standards in effect today. The use is considered nonconforming because under today’s Ordinance, the use which was previously established on this property is not a Principal Permitted Use in the Rural zoning district.

Section 4.3C states:

A nonconforming use may not be substituted for any other nonconforming use without the Board of Zoning Appeals review and public hearing, provided, however, to the following: upon notice to the Zoning Administrator with an application for and approval of a Zoning Certificate a nonconforming retail, service, or wholesale operation may be substituted with another retail, service or wholesale operation without such public hearing; provided again, however, the intended use does not include an adult use.

In accordance with Section 4.3C, the applicant would be permitted to establish another service type business without coming back to the Board for approval (i.e. another restaurant); however, should the applicant determine they would like to establish a retail business, the applicant would have to return to the Board for approval to substitute a service business with a retail business.

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January 24, 2019

**Triplett Trust – Reestablish Nonconforming Commercial Use Variance Request (#ZV18-22)**

Section 4.3 also limits the size of the proposed building to no more than a 35% expansion of what currently exists. It is possible to request a variance from this section, should the applicant determine he would like to do so in the future.

While the application does not address the existing freestanding sign, the sign is a nonconforming structure because it does not meet the setback requirements of the Zoning Ordinance. Approval is not required from our Office if a sign is repainted or repaired (Sec. 10.3A); however, it should be noted that the existing sign appears to be in disrepair beyond a simple cosmetic upgrade.



Existing Sign for Subject Parcel

Another option available to the applicant would be to apply for a Conditional Use Permit to operate a specific commercial use (i.e. retail). Similar to the request before you, a Conditional Use Permit would also require a public hearing before the Board of Zoning Appeals. There is no size limitation under the Conditional Use Permit option, except for the restrictions imposed by the site development standards listed in the Ordinance (setbacks, building height, etc.); however, the Board has some discretion to place reasonable conditions of approval.

Either option may necessitate further processing through the Office of Planning and Zoning for minor site development.

Conditions of Approval

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

1. Because this site is nonconforming, it does not contain any of the landscaping and buffering requirements that would typically be required as part of a non-residential site development. The Board may wish to require some form of landscaping/buffer requirements along the rear of the property to provide a buffer between the nonresidential use and Fox Glen Subdivision. See attached Standard Detail M-54 for Ordinance requirement.
2. Commercial Uses adjacent to Residential Uses are required to be 75' from the property line. The existing building is just under 75' from the rear property line. The Board could require that the new structure comply with the distance requirements of Section 4.6.
3. Based on the information provided above, the Board could require that the existing freestanding sign be removed and require all new signage to comply with Article 10 of the Zoning Ordinance.

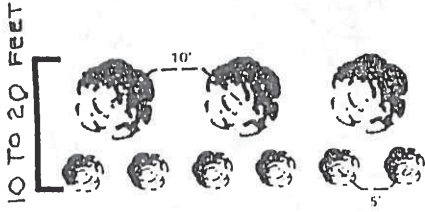
**SECTION OF ORDINANCE TO BE CONSIDERED:**

**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:<sup>7, 32</sup>

- 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.<sup>12, 17, 21, 23, 32</sup>

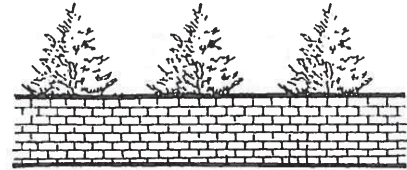
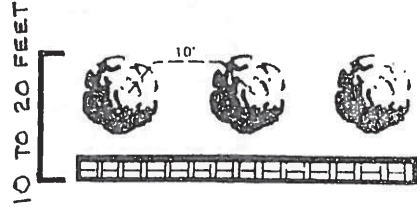
TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION F

TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

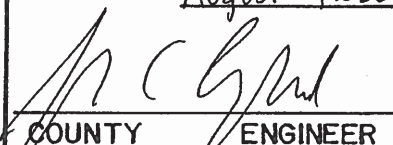
OPTION G

OPTION F

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

OPTION G

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

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: August 8, 1990	<b>screen planting narrow buffer</b>	REVISIONS:	DETAIL No.	
				M	
			COUNTY		-54
			ENGINEER		



**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: ZV18-22  
 Staff Initials: GH  
 Meeting Date: 01/24/19  
 Fees Paid (\$100 or \$150): 100.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

**Zoning Variance Request**

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

**Property Owner Information**

Name: Peppy Ann Taplett trust  
 Mailing Address: 2572 Independence Blvd. Wilmington, NC 28412  
 Phone Number: 252/671-5301 Email: stickcpa@gmail.com

**Applicant Contact Information**

Name: Michael Smith  
 Mailing Address: PO Box 15521 New Bern, NC 28561  
 Phone Number: 252-671-5301 Email: stickcpa@gmail.com

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

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

**Physical Property Details**

Physical Address: 6746 Charles Town Rd.  
 City: Kearneyville State: WV Zip Code: 25430  
 Tax District: 7 Middletown Map No: 4A Parcel No: 304  
 Parcel Size: 4.65 Deed Book: 1011 1192 GH Page No: 282 591 GH

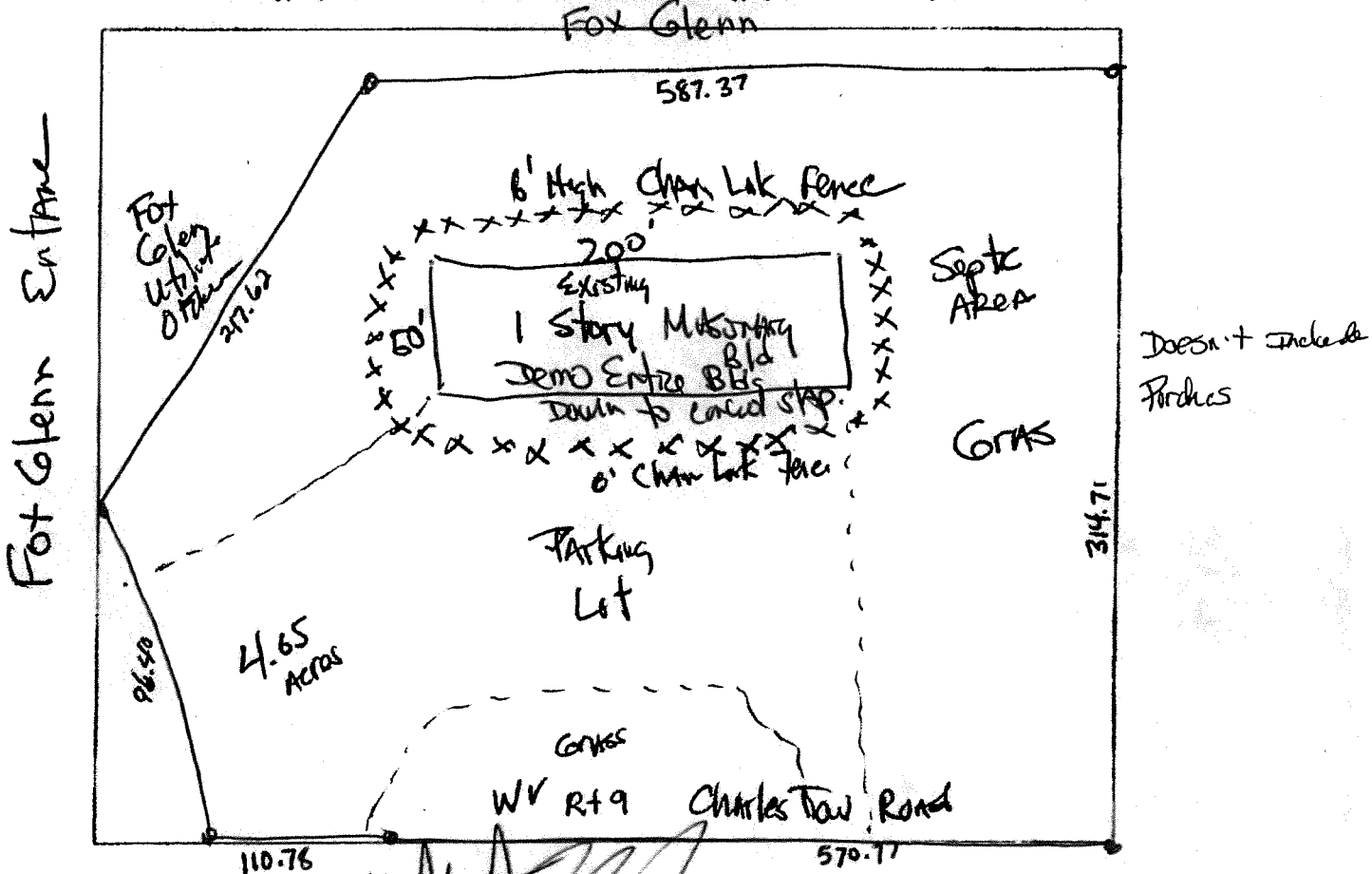
**Zoning District (please check one)**

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential-Light Industrial-Commercial (R-LIC) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center"><b>RECEIVED</b></p> <p align="center">DEC 07 2018</p> <p align="center">JEFFERSON COUNTY          PLANNING, ZONING AND ENGINEERING  <small>Place Received Date Stamp Here</small></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"/>



**DEMOLITION PLAN/SKETCH SHEET**

- Sketch the shape of the lot & provide the size of the lot
- Show location of adjacent roads and the road names; and streams and stream names.
- Show all existing rights-of-way and/or easements on the property.
- Location of structure(s) to be demolished and label the type of structure (dwelling, garage, shed, etc.)
- Location of structures to remain and label the type of structures
- Show height (1, 2 or 3 story, etc.) and size (dimensions) of structure to be demolished.
- Show & label type (i.e., chain link fence, snow fence or other type) and location of protective barriers



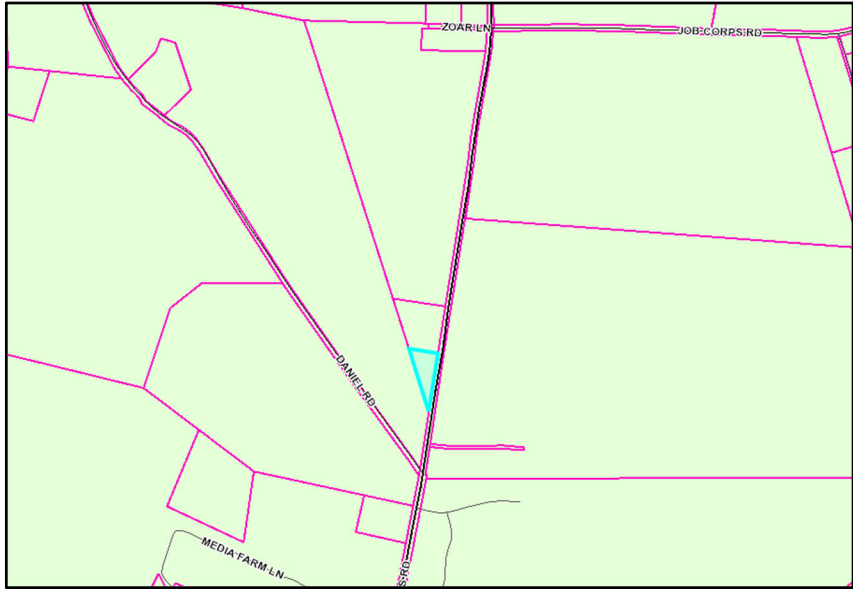
Property Owner's Signature: [Signature] Date: 10/17/18



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 January 24, 2019

**Beans Variance Request (#ZV18-23)**

Item #2 Variance from Section 9.6B to reduce the rear setback from 36' to 10' for a 26' x 36' accessory structure.

Applicant:	Daniel Beans
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Property Location:	2757 Flowing Springs Rd, Shenandoah Junction, WV
Legal Description & Zoning District:	<p style="text-align: center;">District: Charles Town (02); Map: 3;          Parcel: 9.3; Size: ac; Zone: Residential Growth</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> Rural                      <i>South:</i> Rural  <i>East:</i> Rural                         <i>West:</i> Rural</p>
History:	12/11/03: Lot 1 & Lot 2 Alice Ann Wilt (DB 983, PG 222)
Waivers/Variations:	None
Approved Activity:	Residential

**STAFF EVALUATION OF REQUEST**

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 9.6B to reduce the rear setback from 36' to 10' for a 26' x 36' 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.



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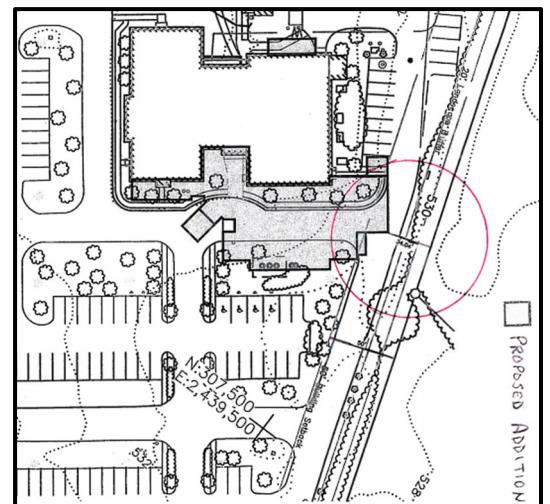
**Beans Variance Request (#ZV18-23)**



Impact on adjacent properties

A setback reduction to ten feet along the rear property line would likely have minimal impact on the neighboring property. The adjacent use is Fellowship Bible Church, a large, multi-phase non-residential project. The proposed structure will comply with the side setback and therefore, will have no additional impact on the neighbor to the north.

It should be noted that in September 2018, the BZA granted a variance to Fellowship Bible Church for a reduction from the required 50' side setback to 36' (see below sketch). This side setback reduction applied to the shared property line between Fellowship Bible Church and the subject parcel.



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**Beans Variance Request (#ZV18-23)**

Feasibility of complying with the ordinance by other means

It may be feasible to shift the structure back slightly more towards the house but that may impact the function of the structure and possibly create a side setback issue.

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 9.6 Accessory Structures**

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

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.



**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: 2V18-23  
 Staff Initials: RBB  
 Meeting Date: 1/24/18  
 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: DANIEL BEANS  
 Mailing Address: 2757 FLOWING SPRINGS RD SHENANDOAH JUNCTION WV 25442  
 Phone Number: 813-624-9003 Email: DANIELBEANS@YMAIL.COM

**Applicant Contact Information**

Name: DANIEL BEANS  
 Mailing Address: 2757 FLOWING SPRINGS RD SHENANDOAH JUNCTION WV 25442  
 Phone Number: 813-624-9003 Email: DANIELBEANS@YMAIL.COM


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

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

**Physical Property Details**

Physical Address: 2757 FLOWING SPRINGS RD  
 City: SHENANDOAH JUNCTION State: WV Zip Code: 25442  
 Tax District: Charles Town (02) Map No: 3 Parcel No: 7.3  
 Parcel Size: 1 acre Deed Book: 991 Page No: 95

**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"/>	
			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:

9.6B

Briefly describe the nature of the variance request:

I AM HOPEING TO ADD A 12X26' AWNING TO A BUILDING PLAN THAT HAS ALREADY BEEN APPROVED BY THE COUNTY REF 18-717 THE AWNING WILL <sup>POTENTIALLY</sup> COME WITHIN 10' OF THE PROPERTY LINE (REAR) NOT CURRENTLY

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

Front Setback

Side Setback

Rear Setback

Reduction From

2436' to 10'

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

THERE IS A WALL OF MATURE TREES SEPARATING MY PROPERTY FROM THE CHURCH AT THE REAR. THIS AWNING WILL NOT EXTEND INTO THE NATURAL & PREEXISTING BARRIER BETWEEN PROPERTIES. NO OTHER KNOWN CONCERNS

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?

GIVEN THE SHAPE OF THE PROPERTY, HOUSE PLACEMENT, WELL & SEPTIC PLACEMENT & PREVIOUS OUTBUILDINGS, SPACE TO INSTALL AN AWNING IS MINIMAL & IMPOSSIBLE WITHOUT A VARIANCE.

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

MY GOAL IS TO IMPROVE MY PROPERTY WHILE ALLOWING FOR A SAFE PLACE TO STORE ITEMS OUT OF THE ELEMENTS. MY INTENDED PLAN ALWAYS FOR A REASONABLE SETBACK TO BE MAINTAINED.

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

BY MAINTAINING A REASONABLE SETBACK FROM THE REAR PROPERTY LINE THE INTENT OF THE ZONING ORDINANCE WILL BE RESPECTED, ALONG WITH THE RESULTS OF THE REAR PROPERTY OWNERS

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).

January 24, 2019

Date of Public Hearing

January 9, 2019

Advertising Date

January 9, 2019

Placard Posting Date

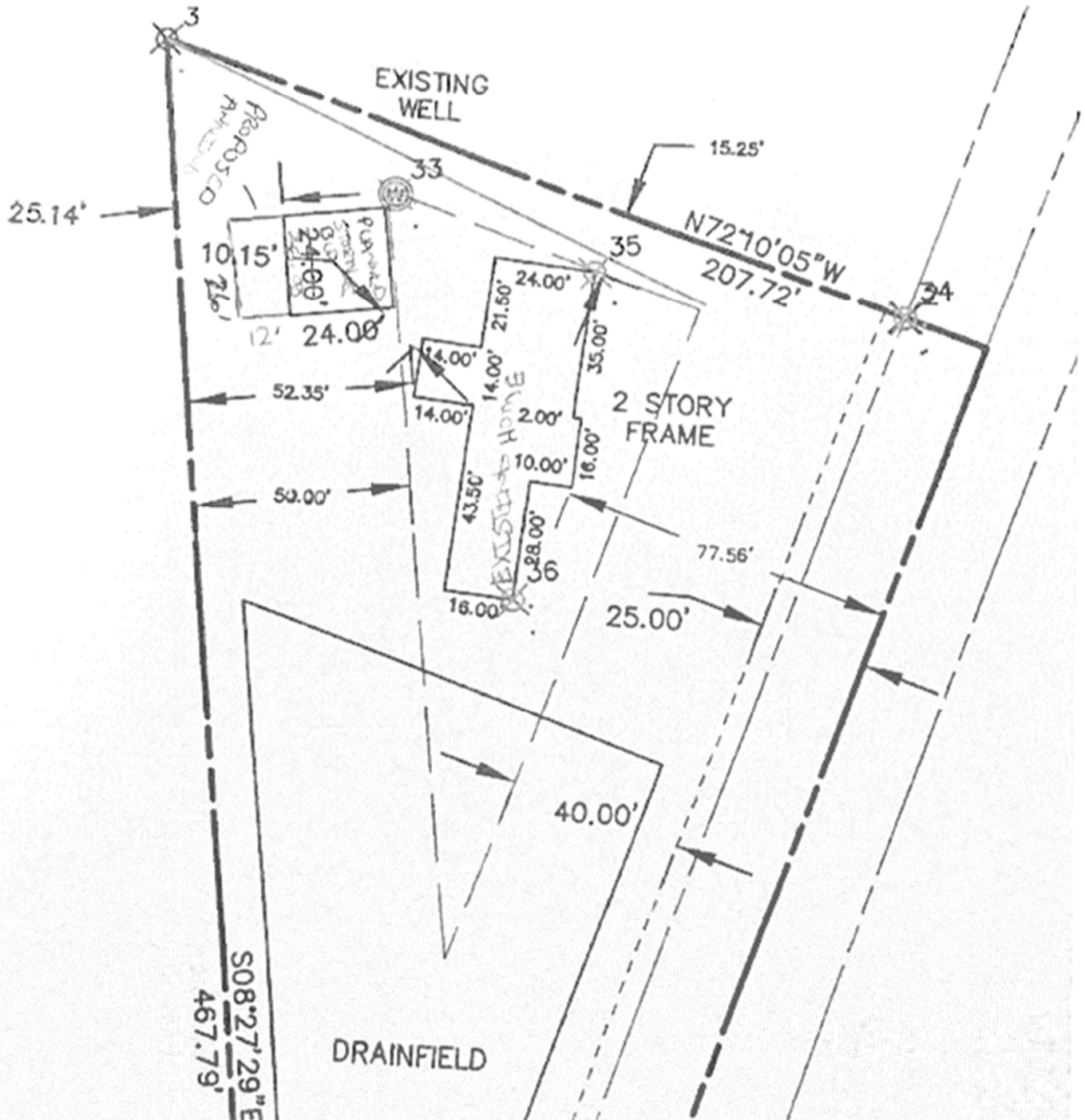
ALLOWABLE WITH SETBACK REQUIREMENT

50-52 7/6-17

QUB

BRIDGE BEAMS

12/27/2018







# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

P.O. Box 716

Charles Town, WV 25414

Email: [zoning@jeffersoncountyv.wv.org](mailto:zoning@jeffersoncountyv.wv.org)

Phone: (304) 728-3228

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## Zoning Administrator's Report Board of Zoning Appeals Meeting January 24, 2019

- 1) Beginning January 2, 2019, the Department of Engineering, Planning, and Zoning implemented new electronic review and submission software which is designed to improve the efficiency of the Department's review process.

As part of the new software, we have the ability to manage workflow, including the drafting of agendas, minutes, and legal ads. We have provided a template of each of these items that we are proposing to the software company. If you have any suggestions or comments, please let Staff know so we can work with the software company to accommodate suggestions (if possible).

Additionally, our traditional file numbering has also been modified to accommodate this new software. All new files submitted being 2019 will be assigned the following format:

Zoning Variances: 19-1-ZV

Zoning Certificates: 19-1-ZC

Conditional Use Permits: 19-1-CUP

Seasonal Use Permit: 19-1-SUP

Special Exception Permits: 19-1-SEP

Zoning Appeal: 19-1-AP

Subdivisions (minor and major): 19-1-SD

Site Plans (minor and major): 19-1-SP

Planning Commission Waivers: 19-1-PCW

Boundary Line Adjustments: 19-1-M

Feel free to contact our office if you notice any other naming convention that you may be unfamiliar with.

### 2) **Text Amendments:**

- There are no pending text amendments at this time.

### 3) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **February 28, 2019** (deadline for submissions is Monday, February 4, 2019)

Advertise One Time  
Wednesday, January 9, 2019

### Jefferson County Board of Zoning Appeals Public Hearing

Meeting Date & Time: **January 24, 2019 at 2:00 p.m.**

Meeting Location: Charles Town Library Conference Room (entrance on Samuel St.)  
200 East Washington Street, Charles Town, WV 25414

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

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FILE #: ZV18-22

Request: Variance request per Section 4.3H to reestablish a nonconforming use. The applicant is requesting to retain the nonconforming commercial land use for future development after demolition of the existing building.

Applicant: Michael Smith

Parcel Info: Peggy Ann Triplett Foundation  
6746 Charles Town Rd., Kearneysville, WV  
Parcel ID: 07004A03040000; Size: 4.65 ac; Zone: Rural

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FILE #: ZV18-23

Request: Variance from Sec. 9.6B to reduce the rear setback from 36' to 10' for a 26' x 36' accessory structure.

Applicant: Same as Owner

Parcel Info: Daniel Beans  
2757 Flowing Springs Rd, Shenandoah Junction, WV,  
Parcel ID: 02000300090003; Size: 1 ac; Zone: Rural

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FILE #: ZV18-24

Request: Variance from Sec. 5.4(b) to reduce the rear setback from 20' to 5' for the purpose of constructing an in-ground swimming pool.

Applicant: Same as Owner

Parcel Info: Christopher and Denise Gay  
66 Bluebells Court, Charles Town, WV,  
Parcel ID: 02004G00130000; Size: .332 ac; Zone: Rural

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All sites will be posted with a Public Notice placard. Office of Planning & Zoning files may be reviewed during normal business hours or you may view the Agenda and Packet online at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

Written submissions to the Board must be received no later than one week prior to the Meeting for inclusion in their mailed packet. Contact the Staff for additional submission requirements.

Questions or Comments may be directed to 116 E. Washington St., P.O. Box 716, Charles Town, WV 25414, [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org) or call 304-728-3228.

Any party desiring a transcript of these proceedings will be responsible for providing a stenographer at their own expense.

By Order of the Jefferson County Board of Zoning Appeals  
Tyler Quynn, Chairman

**Minutes**  
**Jefferson County Board of Zoning Appeals**

- 1 Meeting Date: January 24, 2019  
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; Nathan Cochran, Assistant  
7 Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.  
8 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

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

11 **Election of Officers**

12 Mr. Quynn called for a nomination for the position of Chair for the Board. Mr. Bannon nominated  
13 Mr. Quynn as Chair. Ms. Catterton seconded the nomination. Mr. Quynn called for a vote, which  
14 carried unanimously.

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

18 **Approval of Minutes: December 13, 2018**

19 Mr. Bannon moved to approve the minutes. The following edits were requested:

- 20 a) Page 1, line 17, add parenthesis around “Mr. Bannon...meeting”  
21 b) Page 1, line 19, change 30’ to 25’.

22 Mr. Quynn called for a vote on the revised minutes, which carried unanimously.

23 **Public Hearing – Administer Oath**

24 Ms. Hartman swore in members of the public who indicated they would be providing testimony.

- 25 ITEM #1                      FILE #: ZV18-22  
26 Request:                      Variance request per Section 4.3H to reestablish a nonconforming use. The  
27 applicant is requesting to retain the nonconforming commercial land use for  
28 future development after demolition of the existing building.  
29 Property Owner:              Peggy Ann Triplett Foundation  
30 Applicant:                      Michael Smith  
31 Parcel Information:              6746 Charles Town Rd., Kearneysville, WV  
32 Parcel ID: 07004A03040000; Size: 4.65 ac; Zone: Rural

33 Neal Snyder, representative for the request, was present to address the Board. Ms. Beaulieu  
34 provided an overview of her staff report to the Board. Mr. Snyder explained the nature of the  
35 request noting that the property has existed as a commercial land use for a number of years. Mr.  
36 Snyder confirmed that it would no longer be utilized as an adult use. Mr. Quynn opened the public  
37 hearing. ...



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

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**January 2019**

**Zoning Certificate Activity Report**

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File #	ZC18-31
Request:	Accessory Dwelling Unit: In Law Suite
Property Owner:	David M. Mobley
Applicant:	Same
Parcel Info:	332 Bunkhouse Rd. Kearneysville, WV Parcel ID: 07000500120000; Size: 2.1 ac; Zone: Rural
Issuance Date:	12-13-18

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