



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, February 28, 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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**Approval of Minutes: January 24, 2019**

**Public Hearing – Administer Oath**

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**ITEM #1 FILE #: 19-1-CUP**

**Request:** Request for a Conditional Use Permit for an existing Drive-Through, Fast Food Restaurant (McDonald's) to replace and upgrade the exterior menu boards with digital menu boards.

**Applicant:** Tracey Diehl, Expedite The Diehl

**Parcel Info:** McDonald's Corporation

31 Maddex Square Dr, Shepherdstown, WV

Parcel ID: 09008C00680000; Size: 0.88 ac; Zone: Residential-Light Industrial-Commercial

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**ITEM #2 FILE #: 19-1-ZV**

**Request:** Variance from Section 5.7B to reduce the rear setback from 50' to 25' for a 31' x 57' inground pool and surrounding concrete patio.

**Applicant:** Same as Owner

**Parcel Info:** John and Dawn Grinstead

33 Eldridge Ln, Charles Town, WV,

Parcel ID: 06000900190021; Size: 2.08 ac; Zone: Rural

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**ITEM #3 FILE #: 19-2-ZV**

**Request:** Variance request from the following: Section 5.6D to reduce the perimeter setbacks from 25' to 1' for an existing 7' tall fence (proposed parcel 35); and, to reduce the side setback from 25' to 21' for an existing 75' tall cell tower (proposed parcel 36). The purpose of the request is to allow for a boundary line adjustment between parcels 35 and 36.

**Applicant:** Same as Owner

**Parcel Info:** Paul & Donna Ashbaugh

121 and 125 Ashland Woods Dr, Harpers Ferry, WV

Parcel ID: 02002100350000 and 02002100360000; Size: 2 and 95 ac; Zone: Rural

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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: January 24, 2019

1. Variance from Sec. 4.3H. Owner: Peggy Ann Triplett Foundation. Applicant: Michael Smith. File: ZV18-22.
2. Variance from Sec. 9.6B. Owners: Daniel Beans. File: ZV18-23.



## 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 as presented. Mr. Quynn called for a vote, which carried  
20 unanimously.

#### 21 Public Hearing – Administer Oath

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

23 Mr. Quynn noted that Item #3 was withdrawn by the applicant. Mr. Quynn stated that the agenda  
24 would be reorganized and called for the applicant of Item #2.

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

26 Request: Variance from Section 9.6B to reduce the rear setback from 36' to 10' for a  
27 26' x 36' accessory structure.

28 Applicant: Same as Owner

29 Parcel Info: Daniel Beans  
30 2757 Flowing Springs Rd, Shenandoah Junction, WV  
31 Parcel ID: 02000300090003; Size: 1 ac; Zone: Rural

32 Dana Reiter, contractor and representative for the property owner, was present to address the Board.  
33 Ms. Beaulieu provided an overview of her staff report to the Board and explained the structure  
34 originally met the setbacks established in Section 9.6B; however, the request to attach an awning onto  
35 the building resulted in the structure no longer complying with this section. Ms. Beaulieu noted that  
36 the rear of the property was sufficiently buffered by an existing landscape buffer provided by the  
37 adjacent church. Mr. Ritter explained the nature of the request noting that the proposed addition would  
38 be a carport for the property owner. Mr. Quynn opened the public hearing. There was no public  
39 comment. Mr. Quynn closed the public hearing. Mr. Bannon moved to approve the variance as  
40 requested with the condition that Mr. Reiter was bound by his testimony. Mr. Quynn called for a vote,  
41 which carried unanimously.

1 ITEM #1                      FILE #: ZV18-22

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

5 Applicant:                      Michael Smith

6 Parcel Info:                      Peggy Ann Triplett Foundation

7                                      6746 Charles Town Rd., Kearneysville, WV

8                                      Parcel ID: 07004A03040000; Size: 4.65 ac; Zone: Rural

9 Neal Snyder, representative for the request, was present to address the Board. Ms. Beaulieu noted  
10 for the record that the staff report listed the agenda item incorrectly; however, the legal  
11 advertisement and agenda accurately reflected the applicant's request. Ms. Beaulieu proceeded with  
12 an overview of her staff report explaining the history of the property to the Board. Ms. Beaulieu  
13 noted that the building could only be used for service related businesses unless the applicant  
14 submits another request for a change in nonconforming use for the BZA to consider. Ms. Beaulieu  
15 concluded her presentation by referring to the suggested conditions of approval listed in her report.  
16 Mr. Snyder explained the nature of the request noting that the property has existed as a commercial  
17 land use for a number of years. Addressing the Board's concerns, Mr. Snyder confirmed that the  
18 property would no longer be utilized as an adult use.

19 Mr. Quynn opened the public hearing. Ms. Sharon Wilt, Ms. Donna Westbrook, Ms. Amy  
20 Piedrahita, Ms. Kirsten Lee, Ms. Ilsa Gregg, Ms. Jennifer King, and Mr. David Tabb, local  
21 residents, spoke in opposition to the request. The residents stated that while they were in favor of  
22 the dilapidated building being demolished that they were concerned that the applicant had not  
23 divulged the intended land use for the new building. The residents noted that it would better for the  
24 community if the property reverted back to its rural status. Mr. Bucky Chapman, resident, was in  
25 support of the old building being removed and expressed satisfaction that the new building would  
26 not consist of an adult use or bar. Ms. Beaulieu reiterated that the new building would be limited to  
27 a service industry and that any other land use, such as retail, would necessitate a public hearing  
28 before the Board. Mr. Quynn closed the public hearing.

29 Mr. Snyder addressed the resident's concerns by stating that the building would only be used for a  
30 service business, as currently permitted, and that any other use would be back before the Board.  
31 Mr. Snyder explained that the current owner did not have an intended buyer for the property.  
32 Mr. Snyder stated that all debris from the demolition would be removed from the site and be  
33 cleaned up by a certified company. Mr. Snyder further explained that if the variance were denied  
34 the property owner would not demolish the building and would be renovating the building to avoid  
35 losing the nonconforming use status.

36 Mr. Bannon moved to go into deliberative session at 2:51 p.m. Mr. Quynn called for a vote, which  
37 carried unanimously. Ms. Catterton moved to go back into regular session at 3:19 p.m. Mr. Quynn  
38 called for a vote, which carried unanimously.

39 Mr. Bannon moved to approve the variance as requested with the following conditions:

- 40        1. The applicant is bound by his testimony;
- 41        2. The applicant will install a landscaping buffer along the rear property line according to  
42                Jefferson County Standard Detail M-54;
- 43        3. The new building will meet the required 75' distance requirement (per Section 4.6).

- 1 4. The applicant will remove the existing freestanding sign and new signage associated with any  
2 future development shall comply with Article 10 of the Zoning Ordinance.

3 Ms. Catterton seconded the motion, which carried unanimously.

4 **Zoning Administrator Report**

5 a. Monthly Zoning Certificate Activity Report. This report was provided in the packet.

6 b. Ms. Beaulieu informed the Board of the new software the Department implemented and  
7 began using on January 2. She stated that the new software allows for electronic submission  
8 and review of projects and would hopefully improve efficiency. Ms. Beaulieu informed the  
9 Board that their next meeting would be February 28, 2019 and provided a summary of the  
10 pending applications.

11 **Legal Update**

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

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

14 Meeting: December 13, 2018.

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

16 2. Conditional Use Permit for A-Zone Environmental Services Office. Owner:  
17 Wheatlands Property Management LLC. File: CUP18-02.

18 3. Variance from Section 11.1. Owner: Wheatlands Property Management LLC. File:  
19 ZV18-16.

20 4. Request for a Special Exception Permit for an Electronic Sign. Owner: Shepherdstown  
21 Volunteer Fire Dept. File: SE18-02.

22 Mr. Quynn signed the above referenced Findings.

23 Mr. Bannon moved to adjourn the meeting at 3:57 pm. Mr. Quynn called for a vote, which carried  
24 unanimously.



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
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**McDonald's Menu Board  
 Conditional Use Permit Request (#19-1-CUP)**

Item #1 Request for a Conditional Use Permit for an existing Drive-Through, Fast Food Restaurant (McDonald's) to replace and upgrade the exterior menu boards with digital menu boards.

Applicant:	Tracey Diehl, Expedite The Diehl
Owner:	McDonald's Corporation
Developer:	Same as applicant
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">31 Maddex Square Dr, Shepherdstown, WV          Parcel ID: 09008C00680000; Size: 0.88 ac;          Zone: Residential-Light Industrial-Commercial</p>
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p><i>North:</i> Residential - Light Industrial – Commercial    <i>South:</i> Residential Growth  <i>East &amp; West:</i> Residential - Light Industrial – Commercial</p>
Approved Use:	<p>Z93-01: McDonald's Fast Food Restaurant CUP (Approved 05-11-93)          S93-06: McDonald's New Construction (Approved 07-12-93)          S11-18: McDonald's Remodel (Approved 12-30-11)</p>
Waivers/Variances:	ZV92-36: Section 4.6 Distance Requirements (Approved 07-16-92)

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**McDonald's Menu Board  
Conditional Use Permit Request (#19-1-CUP)**

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

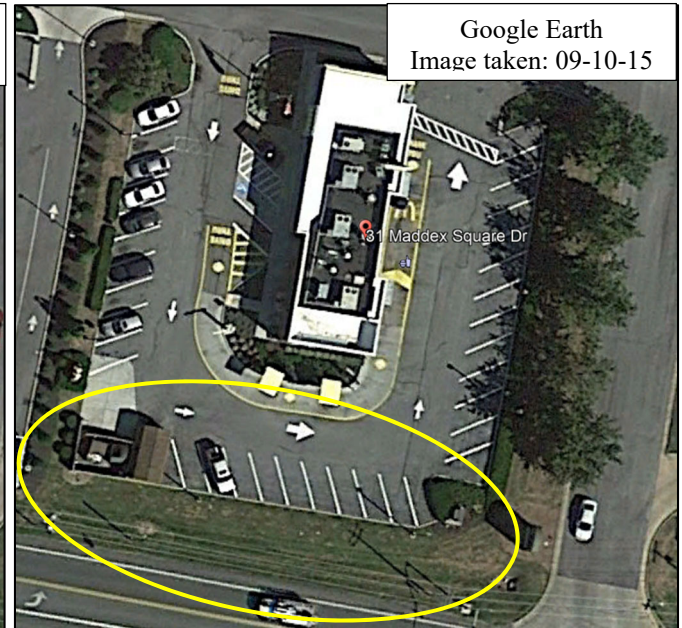
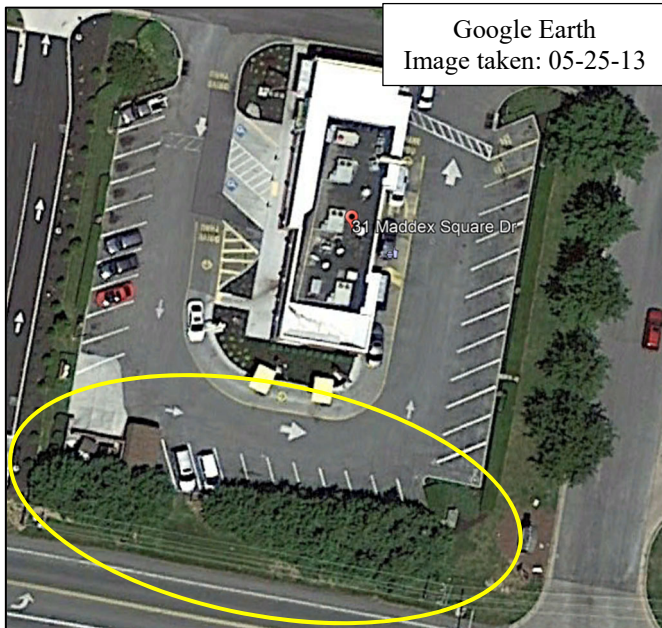
While the application before you today is for a new Conditional Use Permit, the request is to replace the existing static menu boards with digital (electronic) menu boards.

McDonald's was approved via Conditional Use Permit #Z93-01 on May 11, 1993. Because the land use processed as a Conditional Use, and the land use is still listed as a Conditional Use in the Ordinance, changes to the approved permit are subject to review and approval by the Board.

The applicant has stated that the existing menu boards are 84 square feet and that the proposed replacement signs will be 68.5 square feet.

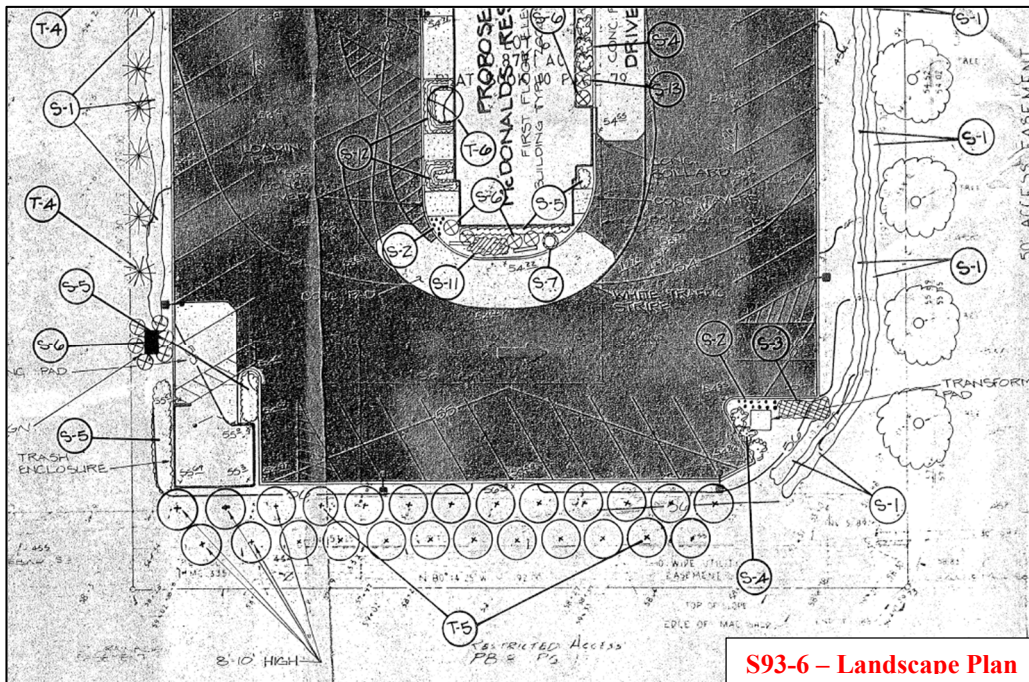
**Property Description**

The subject parcel contains the approved McDonald's Drive-Through Restaurant. The original Conditional Use Permit and Site Plan were approved with landscaping along the front of the property which faces Martinsburg Pike (Route 45). As you can see in the below images, the landscaping has since been removed.



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**McDonald's Menu Board  
Conditional Use Permit Request (#19-1-CUP)**



**Impact on adjacent properties**

The surrounding area is zoned Residential-Light Industrial-Commercial and Residential Growth. Located within close proximity to the subject parcel, is a mixture of commercial uses and high density residential development. Martinsburg Pike (Route 45) is shown as a Minor Arterial road on the Roadway Classification Map in the Envision Jefferson 2035 Comprehensive Plan.

The impact on adjacent properties is expected to be minimal. The most significant impact Staff identified is that the proposed electronic menu boards face Route 45 and landscaping does not exist as a buffer. However, the signs are oriented in such a way that the glare should be minimal and the applicant has stated that the brightness levels can be reduced at night and will be turned off at night. While a shut-off time was not specified by the applicant, a quick Google search reflects that the Shepherdstown McDonald's operates 5:00 a.m. – 12:00 a.m., Sunday through Thursday; and 5:00 a.m. to 1:00 a.m. Friday and Saturday.

**Conditional Use Permit Process**

Section 6.3 of the Zoning Ordinance states:

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

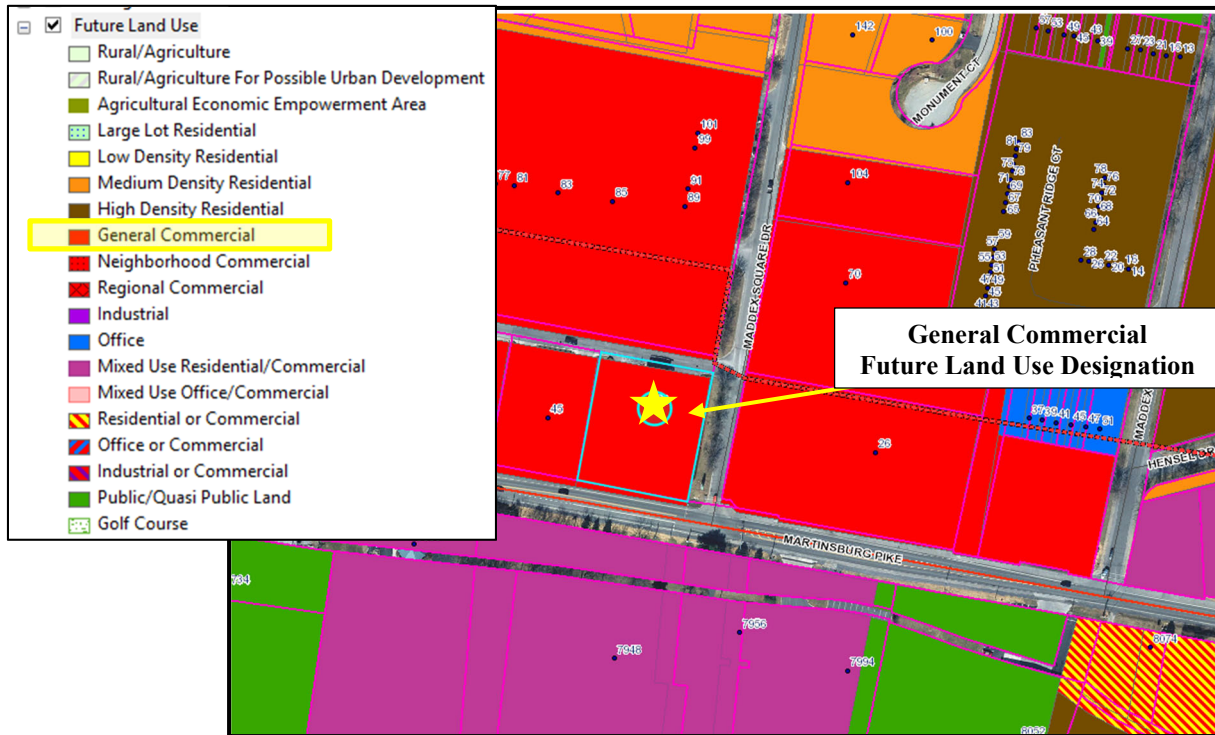
The following General Standards shall be considered in approving or denying the CUP:

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

The referenced parcel is shown as “General Commercial” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide and is located inside of the County’s Preferred Growth Area. Staff finds that the proposed use is compatible with the goals of the adopted Comprehensive Plan.

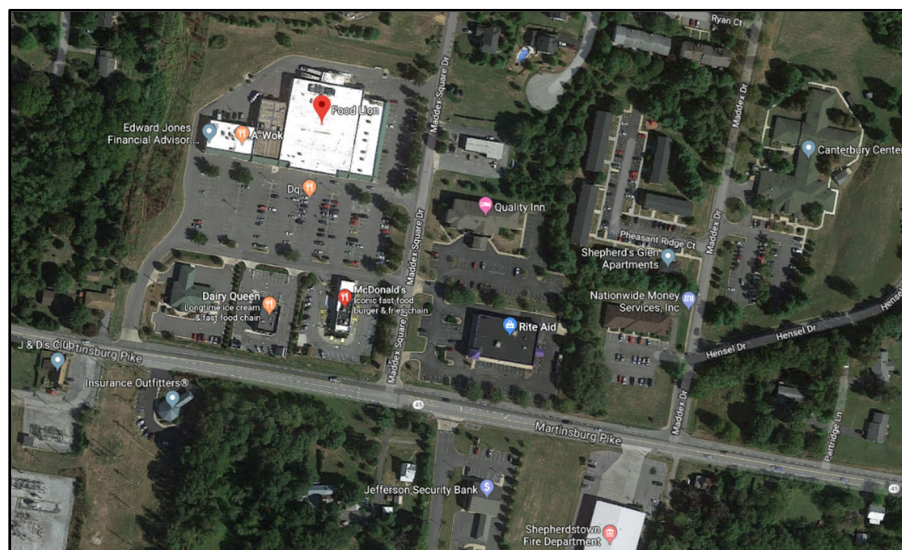
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**McDonald's Menu Board  
 Conditional Use Permit Request (#19-1-CUP)**



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

The existing Commercial Use (Restaurant, Fast Food, Drive-Through) was approved via Conditional Use Permit #Z93-1. As part of the Conditional Use Permit application, the existing menu boards were permitted. The applicant is requesting to upgrade to digital (electronic) menu boards. Electronic Signs are outright permitted in the Residential-Light Industrial-Commercial zoning district; however, the existing land use was approved as a Conditional Use and the current Ordinance still lists a Drive-Through Restaurant as a Conditional Use. Therefore, any changes to the existing land use necessitates approval from the Board.



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**McDonald's Menu Board  
Conditional Use Permit Request (#19-1-CUP)**

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

The proposed menu sign upgrade will not hinder nor discourage the appropriate development and use of adjacent land and buildings. If any of the adjacent uses apply to upgrade their signs to electronic signs, they would be outright permitted in the Residential-Light Industrial-Commercial zoning district, unless the use was originally approved via a Conditional Use Permit (i.e. Dairy Queen).

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

Landscaping was installed at the time this site was developed. Additionally, when McDonald's renovated the property in 2011, the County Planner noted that some landscaping was missing and required that the missing landscaping be installed.

Sometime between 2013 and 2015, the street trees were removed from the property. Staff contacted the Division of Highways to inquire as to whether or not they required the landscaping to be removed. It appears that the DOH did not require that the landscaping be removed. Staff did not reach out to any other utility providers. Unless the applicant has documentation supporting otherwise, it appears the site is in violation of the approved site plan.

The menu boards face Martinsburg Pike (Route 45) and across the road the properties are zoned Residential Growth and contain a mixture of residential and non-residential uses. It seems reasonable to require as a condition of approval that the street trees be reinstalled to comply with the approved site plan and to provide a buffer from the signs.

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

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

The Ordinance does not address menu signs or drive through signs specifically. The two types of signs for which application can be made are freestanding and attached signs. Staff has determined that signs are considered an Accessory Use and may be placed in conjunction with an approved land use. Menu boards (signs) do not meet the requirements of freestanding or attached signs; therefore, they have been reviewed as accessory to a drive-through land use and subject to review during the Conditional Use Permit application.

Section 10.6 of the Zoning Ordinance addresses signs accessory to a land use subject to the approval of a Conditional Use Permit. The Ordinance requires that as part of the application, signage shall be addressed for review and consideration by the Board at the required Public Hearing. The applicant has provided some examples of signs for this type of use.

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**Section 10.6 Conditional Use Permit (CUP) Signs<sup>36</sup>**

Signs associated with a Conditional Use Permit application shall be assessed by the Board of Zoning Appeals as part of the CUP process per Section 6.3. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the CUP application. Signs approved by the Board shall adhere to the following:

- A. There shall be a minimum of 300 feet between signs when located in the commercial/industrial zoning districts.
- B. There shall be a minimum of 1,000 feet between signs when located in the rural/residential zoning districts; however, a minimum of 300 feet between signs may be permitted provided the adjacent land use is a commercial/industrial land use.
- C. Signs shall comply with the front yard setback provisions in the districts in which they are permitted.
- D. In addition to the provisions herein, electronic signs accessory to a CUP application shall conform to the criteria outlined in Section 10.7.

**Section 10.7 Electronic Signs<sup>36</sup>**

Electronic Signs are permitted in any commercial and/or industrial district. Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall process as a Special Exception before the Board of Zoning Appeals per Section 6.5. Any electronic sign accessory to a Conditional Use Permit application shall comply with Section 10.6 and the criteria outlined in this section. When permitted, Electronic Signs shall conform to the following criteria:

- A. The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.
- B. The message or image change shall occur simultaneously for the entire electronic sign face without any special effects. The time to complete the change from one message to the next is a maximum of one second.
- C. Electronic signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if a malfunction occurs.
- D. An electronic sign may not be animated, play video or audio messages, or blink in any manner.
- E. Electronic signs shall not exceed a maximum illumination of 3,000 nits during daylight hours and a maximum of 100 nits for the time period between ½ hour before sunset and ½ hour after sunrise as measured from the sign's face at maximum brightness.
  - 1. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.
  - 2. The change from 3,000 nits to 100 nits shall be controlled by an automatic dimmer control system.

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**McDonald's Menu Board  
Conditional Use Permit Request (#19-1-CUP)**

- F. There shall be only one electronic sign on each parcel of land. Off-premises electronic signs shall be subject to Section 10.5A.
  - 1. Community announcements, emergency alerts, weather, and time related messages are generally permitted and shall not be considered an off-premises sign.
- G. Electronic Signs shall not be located within 300 feet of a traffic light.
- H. Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure. This setback does not apply to mixed-use buildings or residential structures located on the same parcel as a commercial development.
- I. Electronic signs proposed to locate adjacent to a lot in the Rural, Residential Growth, or Village zoning districts, or adjacent to residential structures in any zoning district, shall be oriented perpendicular to residential frontages. Electronic signs shall not be parallel to any residential structures in any zoning district.
- J. Electronic signs adjacent to lots in the Rural, Residential Growth, and Village zoning districts shall automatically shut-off by 10:00 p.m. and shall not turn on until 6:00 a.m.

Electronic signs shall be FCC certified as required by Federal Law. A valid copy of the FCC Manufacturers Testing Certificate shall be submitted to the Office of Planning and Zoning as part of the Zoning Certificate application.





**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Engineering, Planning and Zoning**  
**Office of Planning and Zoning**  
 116 East Washington Street, 2<sup>nd</sup> Floor  
 P.O. Box 716  
 Charles Town, West Virginia 25414

File #: 19-1-CUP  
 Mtg. Date: 02/28/19  
 Fee Paid: \$ 300.00  
 Staff Int.: gh

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

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

**Application for a Conditional Use Permit**

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

**Project Name**

MCDONALDS NSN 13445

**Property Owner Information**

Name: MCDONALD'S CORPORATION  
 Business Name: MCDONALD'S  
 Mailing Address: 13 N EDGEWOOD DRIVE, HAGERSTOWN MD 21740 Mail  Yes  
 Phone Number: \_\_\_\_\_ Email Response: \_\_\_\_\_ Response:  No

**Applicant Information**

Name: TRACEY DIEHL  
 Business Name: EXPEDITE THE DIEHL  
 Mailing Address: 6487 HILLIARD DRIVE, CANAL WINCHESTER, OH 43110 Mail  Yes  
 Phone Number: 614-828-8215 Email Response: TRACEY@ETD.WEBSITE Response:  No

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

Name: DONNA ELLIOTT  
 Business Name: RRMM  
 Mailing Address: 1317 EXECUTIVE BLVD #200 CHESAPEAKE VA 23320 Mail  Yes  
 Phone Number: 7576222828 Email Response: \_\_\_\_\_ Response:  No

**Physical Property Details**

Physical Address: 31 MADDEX SQUARE DRIVE ( LT #6 MADDEX SQUARE SHPPNG CNTR & MGR)  
 Tax District: Shepherdstown DIST Map No: 8C Parcel No. 09 8C006800000  
 Parcel Size: .88 AC Deed Book: 646 751 gh Page No: 642 519 gh  
01/23/19

**Zoning District (please check one)**

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (I-C) <input type="checkbox"/>	Rural* (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input checked="" type="checkbox"/> gh	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"/>

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

Name of Road and/or Route Number: 31 MADDEX SQ DR.

RECEIVED

JAN 23 2019

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

Sketch Plan (see cover sheet for description)

Attached

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

Attached

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

NO change to current land used

Please provide any information or known history regarding this property.

293-01 CUP (05-11-93)

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

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

There is an existing McDonalds under an existing Conditional Use - this proposal is for a modification to the CUP for the replacement of menu boards

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

Menu board replacement is proposed for an existing drive thru and poses no threat to public health, safety and welfare.

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

NO change to current development, proposal is for menu boards only and will not hinder, harm or be a detriment to the use of adjacent land and buildings

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

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

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

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

Applicable (Trip Generation Data attached)

Not Applicable

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

as Senior Counsel of  
McDonald's Corporation

12/14/18  
Date

Property Owner

Property Owner

Date

The property located at 31 Maddex Square Drive, exists as a McDonald's drive thru restaurant. The proposal is to replace the existing drive thru menu boards and upgrade them to digital menu boards. This is for an overall reduction in square footage as the proposed menu boards are smaller than the existing menu boards. Additionally the proposed menu boards would not have animated, flashing, moving or scrolling sign copy. The digital menu boards would change three times a day and the images are static.

The sign proposal will not increase any nonconformities that may exist and the signs proposed will enhance the overall appearance of the property.

14-1-CUP  
047-0079

### AFFIDAVIT OF PERMIT AUTHORIZATION

*This affidavit certifies that the party listed, who is not a lessee, licensed architect, engineer, or contractor, has been granted authorization to obtain a permit(s) on behalf of a property owner. It must be filled out completely by the property owner if another party is submitting an application(s) on the owner's behalf. This form must be notarized and must be submitted prior to issuance.*

I, McDonald's Corporation owner of the property listed below certify that I have granted, Bailiwick and their permit expeditor Expedite The Diehl, my duly authorized agent, permission to obtain the variance, sign permits and related documents necessary for the construction (or installation) of signs at the following address:

31 Maddex Square Dr, Shepherdstown, WV  
Address of permit location

I understand that I am authorizing them to apply for necessary permits and related permit documents. This is limited to what is necessary for sign permit projects to be completed.

[Signature] as Senior Counsel of McDonald's Corporation 12/17/18  
Signature of Property Owner Date

Notary

State of ILLINOIS

City/ County of COOK

I, Jeanine Jenig ~~Christine Fortelka~~ Notary Public in and for the aforesaid State hereby certify that Lorraine Fortelka appeared before me in the State and City/County aforesaid and executed this affidavit on this 17th day of December 2018.

Jeanine Jenig  
Notary Public

My Commission Expires the 16th day of October, 2021.  
Date Month year

Seal



RECEIVED

JAN 23 2019

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

**From:** [Tracey Diehl](#)  
**To:** [Zoning](#)  
**Subject:** NSN 13445 CU RE: MCDONALDS MENU BOARD SIGNS.  
**Date:** Friday, February 1, 2019 7:43:51 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image006.png](#)  
[image007.png](#)  
[image011.png](#)  
[Samsung Screen- 55.pdf](#)  
[odmb page 8.pdf](#)  
[Struct NSN 13445, SHEPHERDSTOWN, WV.PDF](#)  
[Coates-ODMB-PermittingPack .pdf](#)

---

The boards can be adjusted as needed. See paperwork attached.

The proposed boards are smaller than the existing boards.

The existing signage is 84 sq. ft.

The proposal is to remove all existing menu boards.

Replace the 84 sq. ft. menu boards with the following:

2 double panel menu boards (22.5 sq. ft. each)

1 single panel pre browse menu board (13.5 sq. ft.)

Total area of replacement signage is 68.5 sq. ft. max

The dimensions vary because one set of plans uses the out side of the frame and the other is the inside of the frame. The total sign area being installed is 68.5 sq. ft. for the outside of the menu board frames.

Signs would be turned off at night and can be reduced in brightness as required.

Can you tell me if we are confirmed on the agenda and when that would be?

Sincere Regards,

Tracey Diehl

Owner

 **Expedite The Diehl** LLC  
**Office 614/828.8215**  
**Fax 206/350.1097**

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---

**From:** Zoning <Zoning@jeffersoncountywv.org>

**Sent:** Monday, January 28, 2019 11:34 AM

**To:** 'Tracey Diehl ' <tracey@expeditethediehl.com>

**Subject:** RE: MCDONALDS MENU BOARD SIGNS.

Ms. Diehl,

In reviewing the Conditional Use Permit application to upgrade the McDonald's Drive Thru menu board, please provide specific sign details/dimensions. The sketch paperwork submitted has conflicting information regarding what exists and what is proposed. It looks like there is information for a single panel and a double panel menu board.

If you have a specific sign detail that can be included in the application, please provide to our Office (electronic submission is acceptable). Additionally, the sketch you have provided states that the sign brightness will be 2,500 nits. Please clarify whether there will be any brightness reduction during evening hours.

While the Ordinance does not address menu signs specifically, it may be prudent to review the Electronic Sign provisions so you are prepared to address the BZA if any questions arise. A Conditional Use Permit is subject to conditions of approval from the Board; therefore, the BZA may choose to apply some standards from Section 10.7 as part of the approval process.

Thank you,

Alexandra Beaulieu  
Zoning Administrator  
Jefferson County Office of Planning and Zoning  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
304-728-3228

---

**From:** Tracey Diehl [<mailto:tracey@expeditethediehl.com>]

**Sent:** Friday, January 25, 2019 5:13 PM

**To:** Zoning <[Zoning@jeffersoncountywv.org](mailto:Zoning@jeffersoncountywv.org)>

**Subject:** RE: MCDONALDS MENU BOARD SIGNS.

Thank you.

Sincere Regards,

Tracey Diehl  
Owner

 **Expedite The Diehl LLC**  
**Office 614/828.8215**  
**Fax 206/350.1097**

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## Any message, any weather, any environment.

### OHF Series Outdoor Signage

Even on the brightest, hottest days of summer and the rainiest, snowiest days of winter, your message will come through clear and bright. The Samsung OHF Series outdoor signage solution is a completely integrated, self-contained ultra-slim display with an embedded power box, housed in an impact-resistant enclosure and thermally protected by a patent-pending steady cooling system. With technologies and design features that deliver reliable 24/7 performance, they're ideal for impactful information delivery. No matter where you want to deliver it.



### Key Features



#### A Complete, All-in-One Outdoor Signage Solution

The OHF Series features an ultra-slim 85mm Samsung panel with embedded power box housed in a thin, durable and impact-resistant enclosure that's built to withstand harsh weather and vandalism. All that's required is a simple metal enclosure or optional stand.



#### High Visibility and Brightness Make Messages Easy to See

High 2,500-nit brightness, an auto brightness sensor that optimizes brightness, and 5,000:1 contrast ratio (3,000:1 for 85" display) work together to deliver easily seen messages even in direct sunlight. Innovative anti-reflective Magic Glass helps cut glare, and Samsung's circular polarizing technology allows content to be easily viewed even while wearing polarized sunglasses.



#### Reliable in the Harshest Environments, 24/7

Samsung OHF Series displays employ a patent-pending steady cooling system with heat exchanger that allows them to withstand extreme temperatures of -22° F to 122° F without requiring a supplemental heating or cooling system. They're also IP56-certified, to withstand wind-driven dust, hose-driven water, rain, sleet, snow and corrosion.



#### Designed for Durability

For greater peace of mind, the OHF Series is built to withstand abuse. The 5mm (0.19") tempered Magic Glass features IK10-certified durability.<sup>1</sup> In addition, a gap between the Magic Glass and the LCD panel is designed to protect the panel from impacts to the Magic Glass.



#### Easy Content Management

The easy-to-integrate content management platform features an integrated SoC media player, HDBase-T connection, Samsung's cloud-based 4th Generation Smart Signage Platform, and MagicInfo Solutions.



#### Lower Total Cost of Ownership (TCO)

With an embedded network hub and Wi-Fi functionality, there's no need to purchase a router when linking displays. The filter-less advanced cooling system is easy to manage, and the reliable housing means you don't have to worry about damage from heat, cold or water.

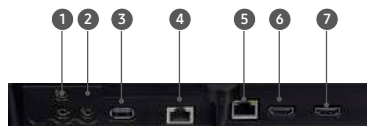
# Samsung OHF Series Displays



		OH46F	OH55F	OH75F	OH85F	
Display	Diagonal Size	46"	55"	75"	85"	
	Class	Measured	Measured	Measured	Measured	
	Measured	45.9" / 116.8cm	54.6" / 138.7cm	74.5" / 189.3cm	84.5" / 214cm	
	Type	120Hz E-LED BLU	120Hz E-LED BLU	120Hz D-LED Local Dim. BLU	60Hz D-LED Local Dim. BLU	
	Resolution	1920 x 1080 (16:9)	1920 x 1080 (16:9)	1920 x 1080 (16:9)	3840 x 2160 (16:9)	
	Brightness (Typ.)	2,500 nits	2,500 nits	2,500 nits	2,500 nits	
	Contrast Ratio (Typ.)	5000:1	5000:1	5000:1	3000:1	
	Viewing Angle (H / V)	178/178	178/178	178/178	178/178	
	Response Time (G-to-G)	6ms	6ms	6ms	8ms	
Operation Hour	24/7	24/7	24/7	24/7		
Connectivity	Input	RGB	N/A	N/A	N/A	
		VIDEO	HDMI 1.4 (2), HDBaseT (LAN Common)	HDMI 1.4 (2), HDBaseT (LAN Common)	HDMI 1.4 (2), HDBaseT (LAN Common)	HDMI 1.4 (2) @UHD 30Hz, HDBaseT
		HDCP	HDCP 2.2	HDCP 2.2	HDCP 2.2	HDCP 1.4
		USB	USB 2.0 (1)	USB 2.0 (1)	USB 2.0 (1)	USB 2.0 (1) (Only for FW Update)
	Output	AUDIO	Stereo Mini Jack	Stereo Mini Jack	Stereo Mini Jack	Stereo Mini Jack
External Control		RS232C (In / Out), RJ45 (In / Out), HDBaseT	RS232C (In / Out), RJ45 (In / Out), HDBaseT	RS232C (In / Out), RJ45 (In / Out), HDBaseT	RS232C (In), RJ45, HDBaseT	
Power	Type	Internal	Internal	Internal	Internal	
	Power Supply	AC 100 - 240 V- (+/- 10 %), 50/60 Hz	AC 100 - 240 V- (+/- 10 %), 50/60 Hz	AC 100 - 240 V- (+/- 10 %), 50/60 Hz	AC 100 - 240 V (+/- 10 %), 50/60 Hz	
	Power Consumption	Max [W / H]	468	554	TBD	1,600
		Typical [W / H]	440	510	TBD	TBD
		Sleep Mode	< 0.5W	< 0.5W	TBD	< 0.5W
Off Mode		< 0.5W	< 0.5W	TBD	< 0.5W	
Dimensions	Set (WxHxD)	42.09" x 24.55" x 3.35"	49.63" x 28.80" x 3.35"	69.91" x 41.50" x 4.72"	78.90" x 46.65" x 4.72"	
	Package (WxHxD)	45.51" x 28.07" x 7.87"	53.46" x 33.27" x 9.06"	TBD	85.63" x 54.45" x 19.49"	
Weight	Set	89.3 lbs	116.0 lbs	TBD	359.4 lbs	
	Package	97.7 lbs	128.1 lbs	TBD	465.2 lbs	
Mechanical Spec.	Mounting Hole	39.17" x 19.69" (Basic) 1000 x 400 (VESA Bracket Option)	39.17" x 19.69" (Basic) 1000 x 400 (VESA Bracket Option)	TBD	39.37" x 44.03" (M8 x 8 Hole)	
	Protection Glass	Yes (5T Tempered Glass)	Yes (5T Tempered Glass)	Yes (6T Tempered Glass)	Yes (5T Tempered Glass)	
	Bezel Width (mm)	24.9 / 24.9 / 24.9 / 24.9 mm	24.9 / 24.9 / 24.9 / 24.9 mm	59.8 / 59.8 / 59.8 / 59.8 mm	62 / 62 / 62 / 62 mm	
Environmental Conditions	Operating Temperature	-30°C ~ 50°C (-22°F - 122°F)	-30°C ~ 50°C (-22°F - 122°F)	-30°C ~ 50°C (-22°F - 122°F)	-30°C ~ 50°C (-22°F - 122°F)	
	Operating Humidity	10 ~ 80%	10 ~ 80%	10 ~ 80%	10 ~ 80%	
	IP Certificate	IP56	IP56	IP56	IP56	
Features	Special	IP56 Certified for Simple Enclosure Outdoor, Protection Glass (IK-10 Level, Anti Graffiti, Infrared Reduce), Polarized Sun Glasses Viewable in any direction, HD Base T for Long Distance Installing, Portrait / Landscape Installation Support, Lamp Error Detection, Auto Brightness Control with Ambient Brightness Sensor, Temperature Sensor, RJ45 MDI, Auto Source Switching & Recovery, Clock Battery (80 hrs Clock Keeping), Kensington Lock				
	Processor	Cortex-A12 1.3GHz Quad Core CPU, 2.5GB, 3 Channel 96 bit DDR3-933, 8GB (3.75GB Occupied by O/S, 4.25GB Available), Tizen 2.4 (VDLinux), USB 2.0	Cortex-A12 1.3GHz Quad Core CPU, 2.5GB, 3 Channel 96 bit DDR3-933, 8GB (3.75GB Available), Tizen 2.4 (VDLinux), USB 2.0	Cortex-A12 1.3GHz Quad Core CPU, 2.5GB, 3 Channel 96 bit DDR3-933, 8GB (3.75GB Available), Tizen 2.4 (VDLinux), USB 2.0	N/A	
Accessories	Included	Quick Setup Guide, Regulatory Guide, Warranty Card, Power Cord, Remote Controller, Batteries		Quick Setup Guide, Regulatory Guide, Warranty Card, Remote Controller, Batteries		

## Connectivity

1. RS232C In Out
2. Audio Out
3. USB
4. RJ45 (LAN Out)
5. HDBT (LAN In)
6. HDMI In 1
7. HDMI In 2



## Learn More

[samsung.com/business](http://samsung.com/business) [insights.samsung.com](http://insights.samsung.com) [samsung.com/b2bdigitalsignage](http://samsung.com/b2bdigitalsignage)

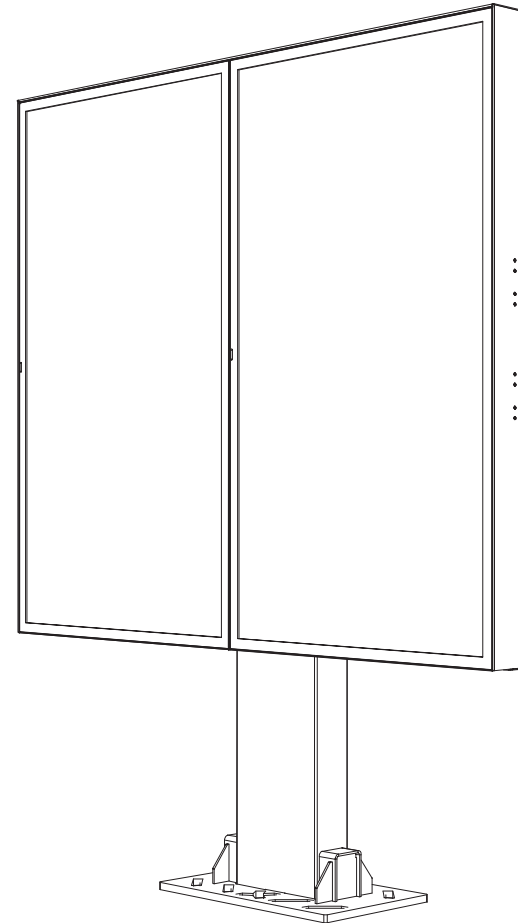
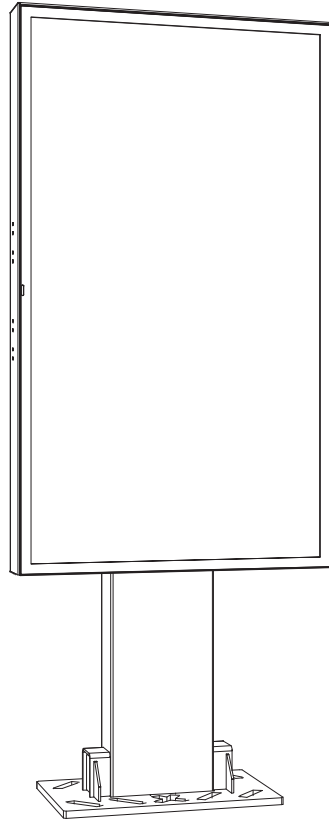
## Product Support

1-866-SAM4BIZ

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**SAMSUNG**



## 55" Outdoor digital menuboard

# Coates ODMB

Single screen unit

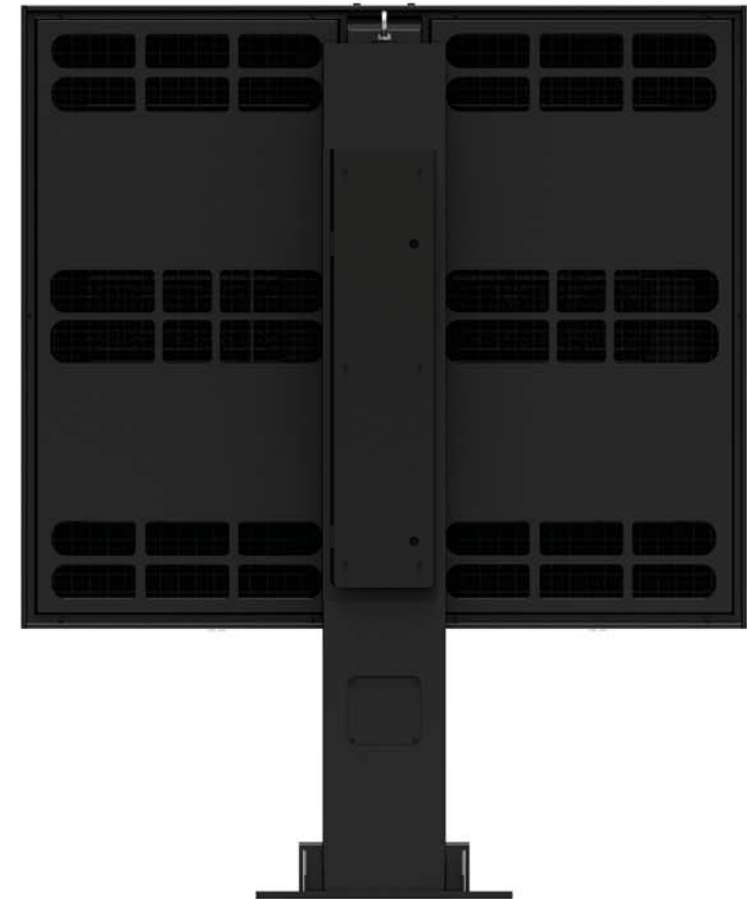


Area of display



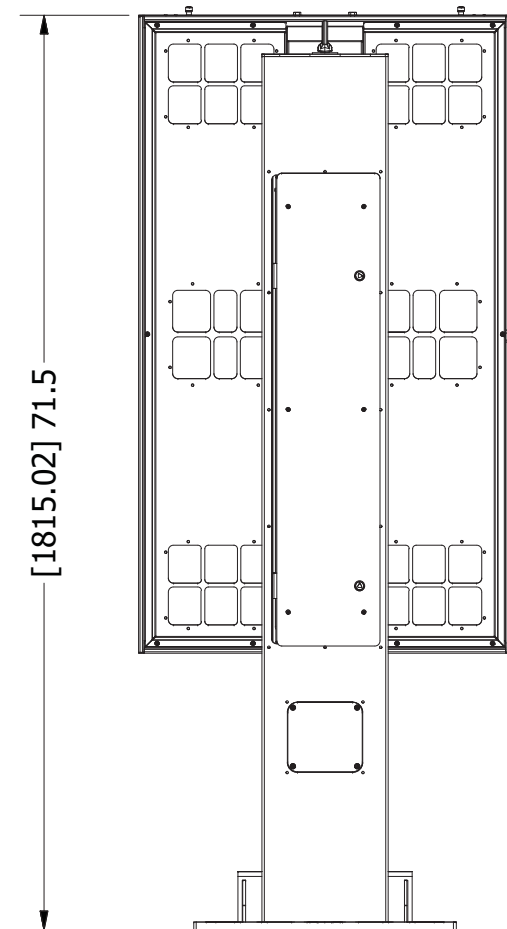
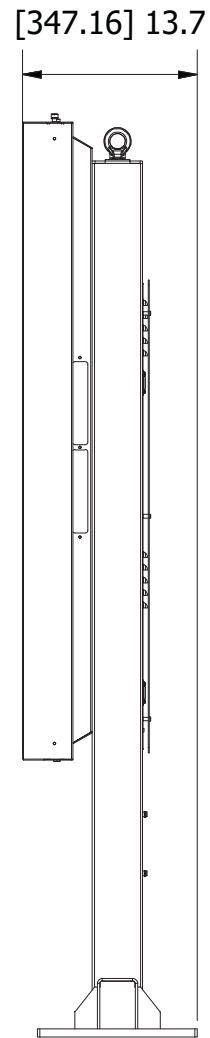
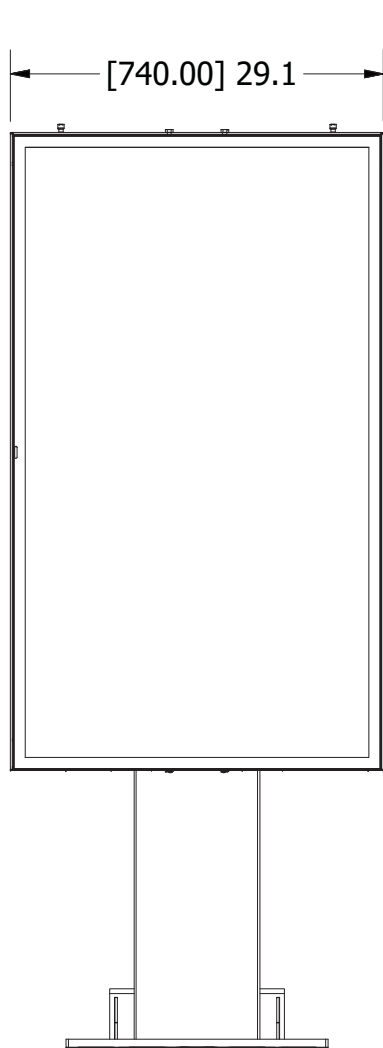
# Coates ODMB

Double screen unit



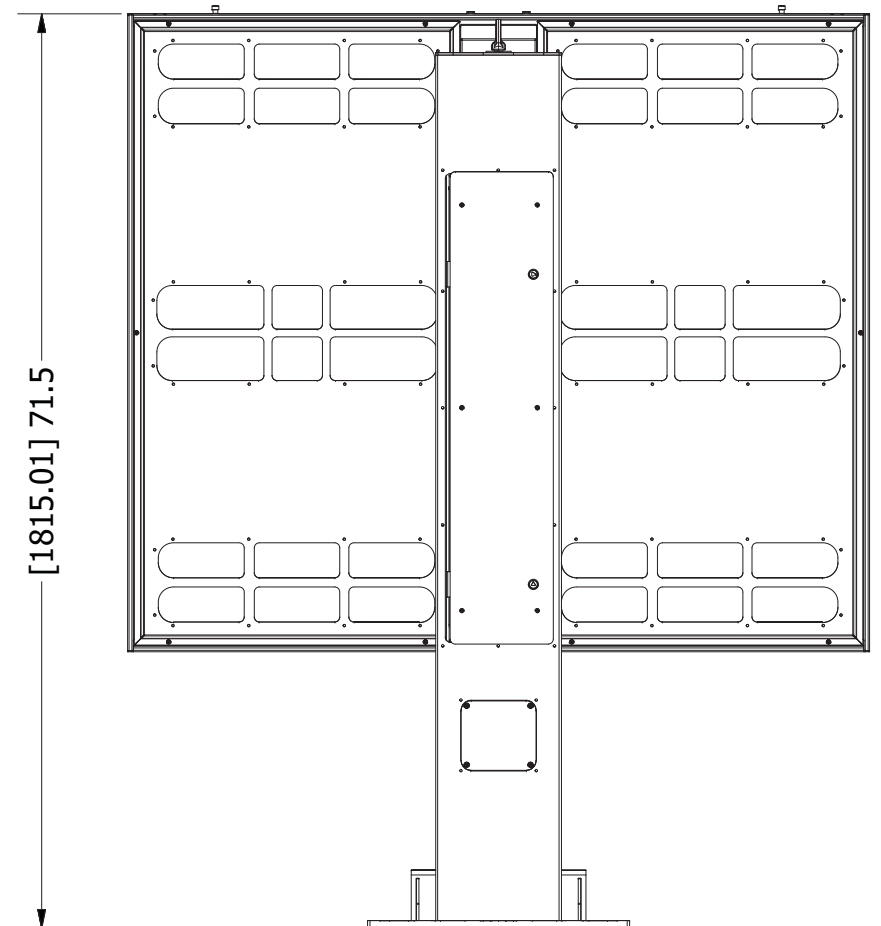
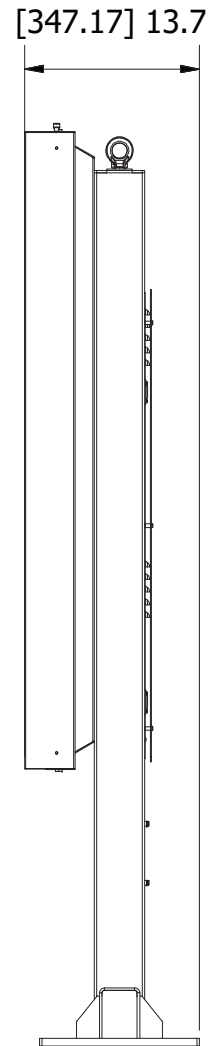
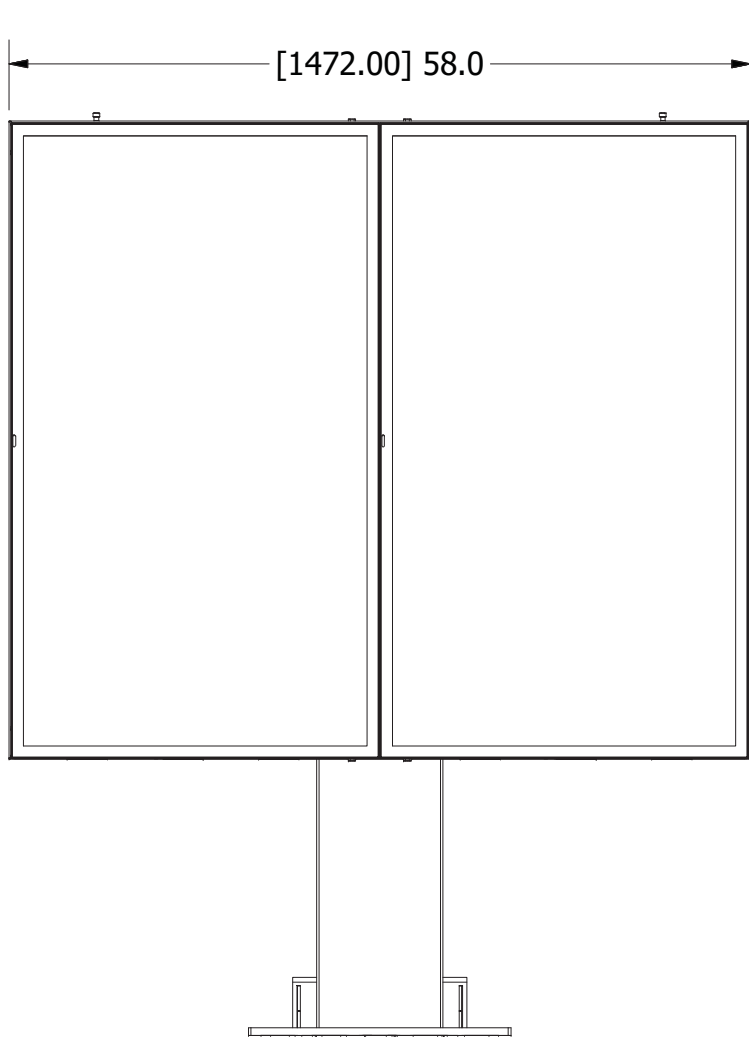
# Coates ODMB

Single screen unit



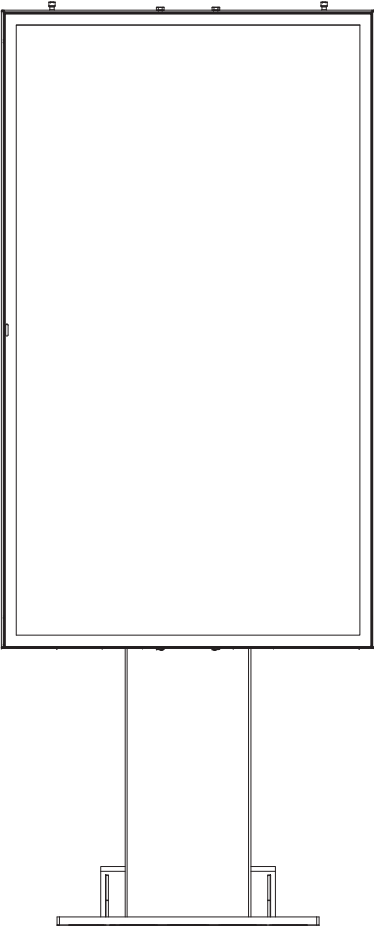
# Coates ODMB

Double screen unit

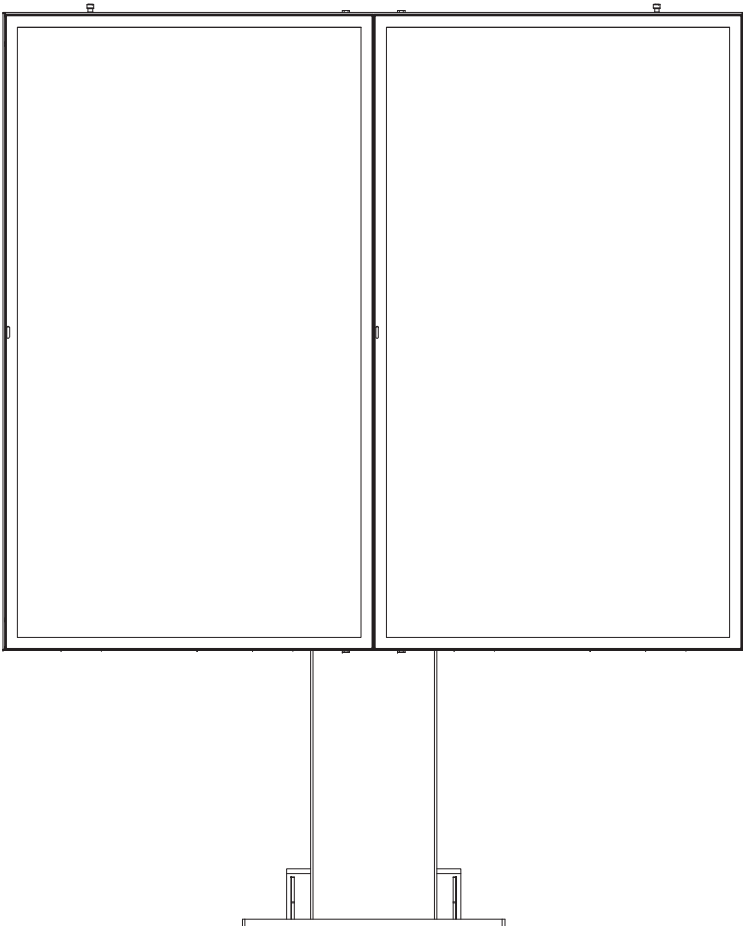


# Coates ODMB

Power draw



Max potential draw 5.7A @110V



Max potential draw 9.8A @110V



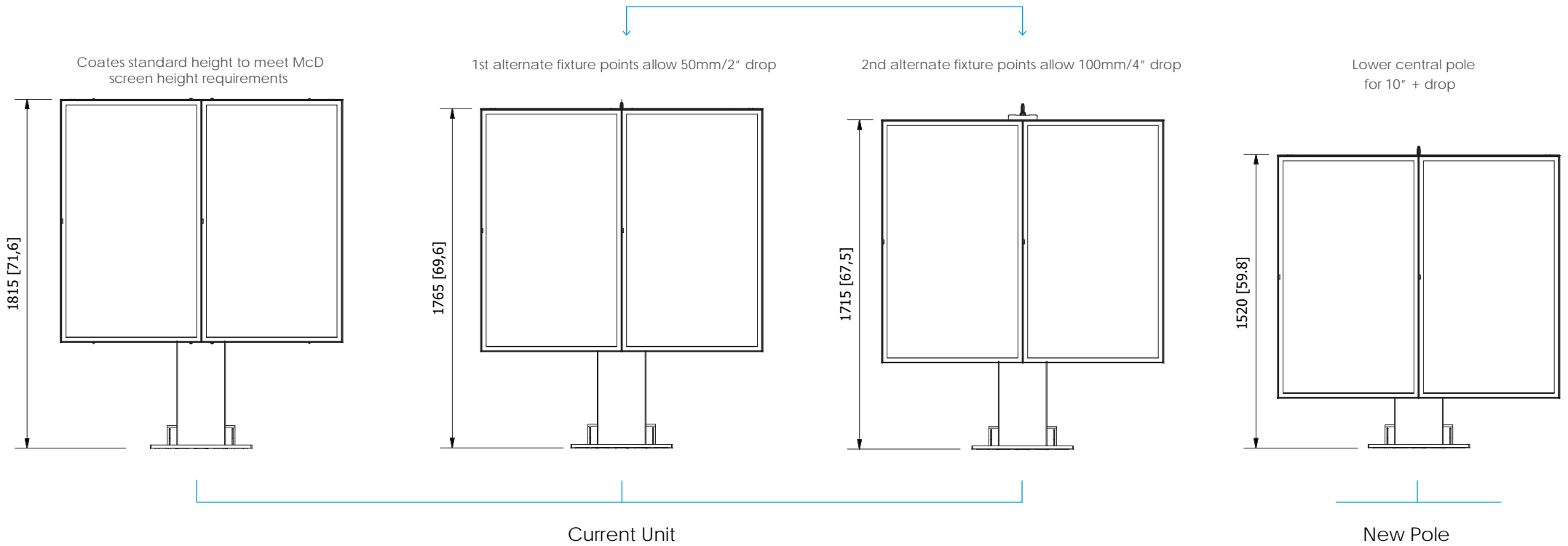
UL48 Electric sign

# Coates ODMB

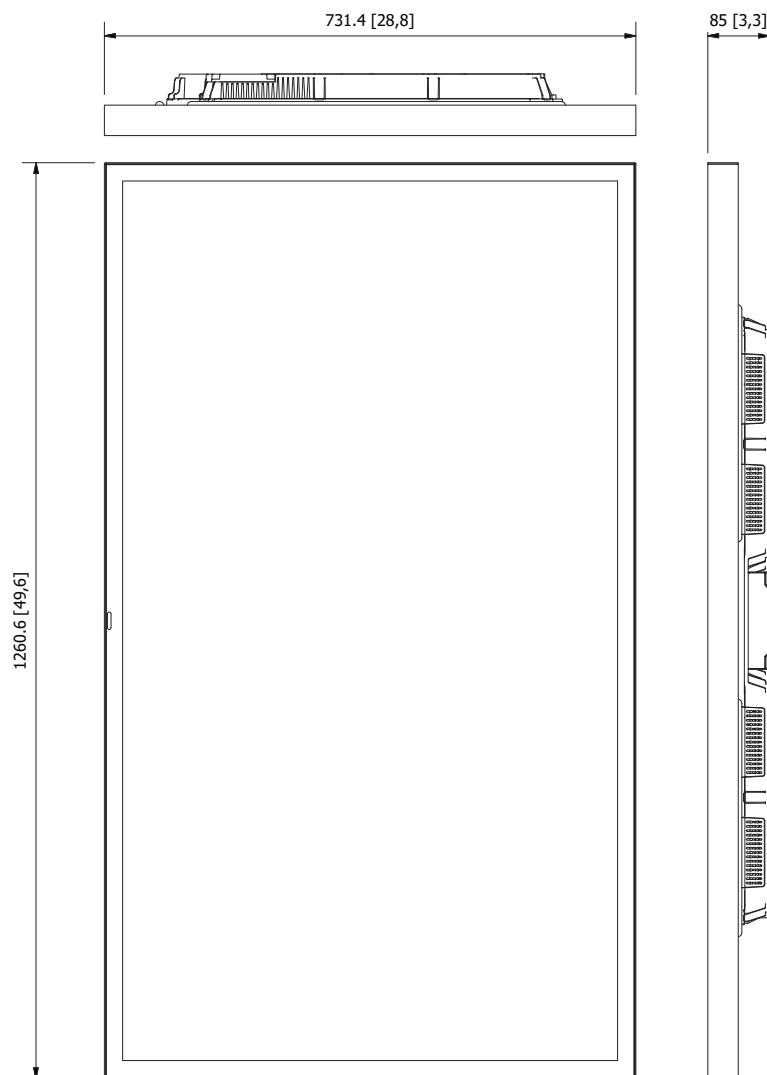
## Height variations



Existing design has multiple fixture points already built in for brackets and screens allow for lowering in 2 additional increments.



# Display specification



## Samsung 550HF

<b>Diagonal Size</b>	<b>55"</b>
<b>Brightness</b>	<b>2500 NIT</b>
<b>Weight</b>	<b>52.6 Kg [118.2 lbs]</b>
<b>Mechanical Specification</b>	
<b>Glass</b>	<b>5T Tempered Glass</b>
<b>Bezel Width</b>	<b>24.9mm [0.98"]</b>
<b>Operation Temperature</b>	<b>-40°C ~ 50 °C [ -40 F ~ 122 F]</b>
<b>Certification</b>	<b>UL : CUL60950-1 (GO)</b>

# Display specification

## Lumen output

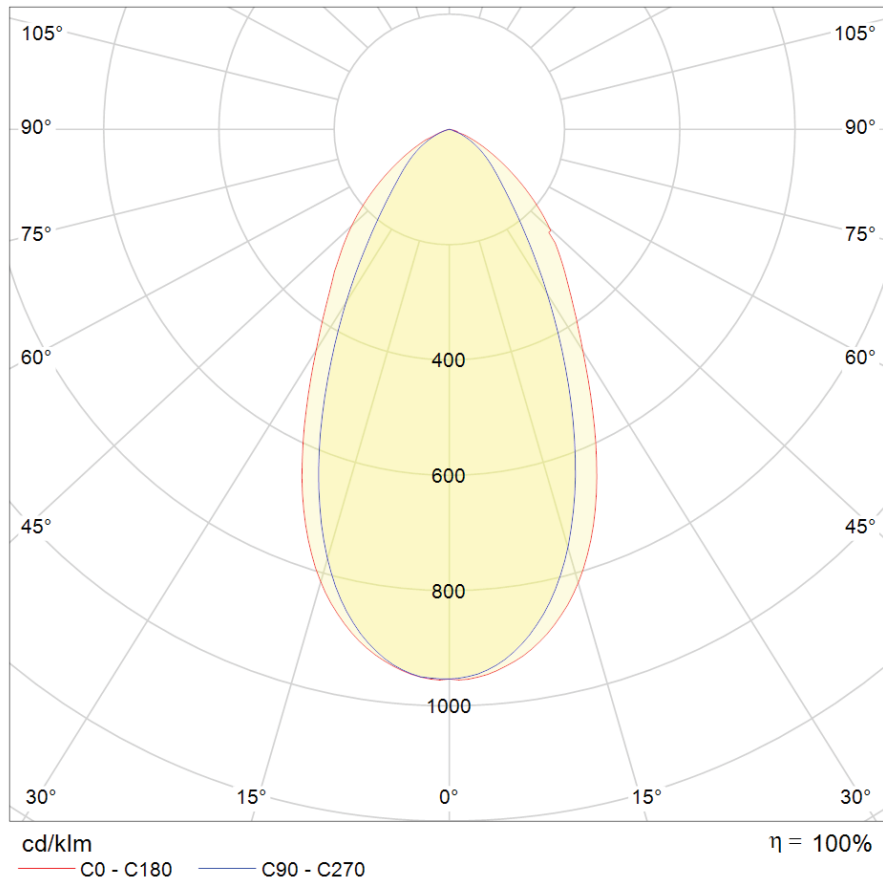


Fig 1.0

The attached is the max potential light output of the screen (see accompanying IES file)

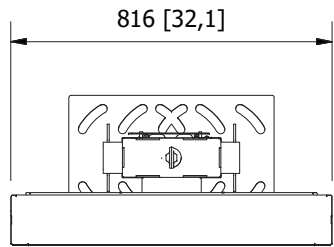
The units have inbuilt ambient light sensors

These light sensors dim the brightness of the screen based on the light surrounding it

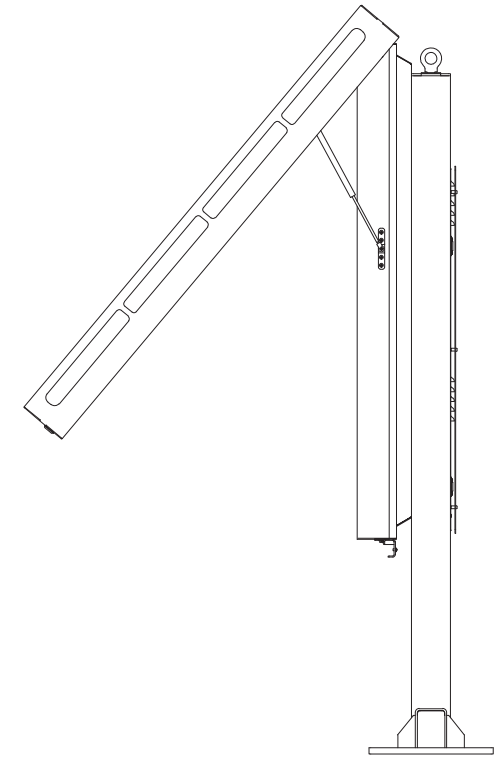
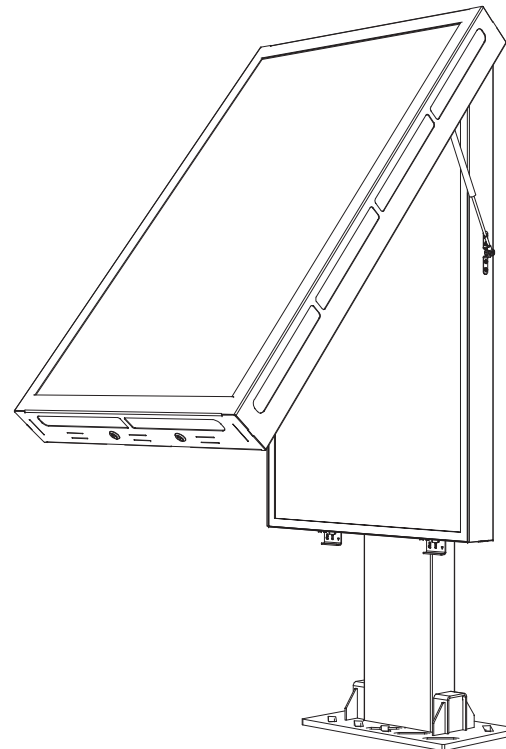
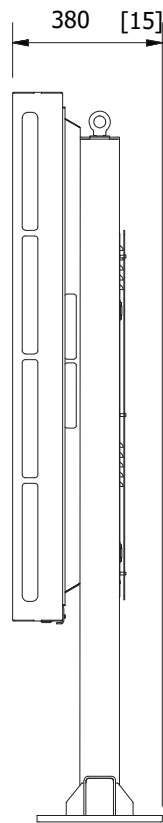
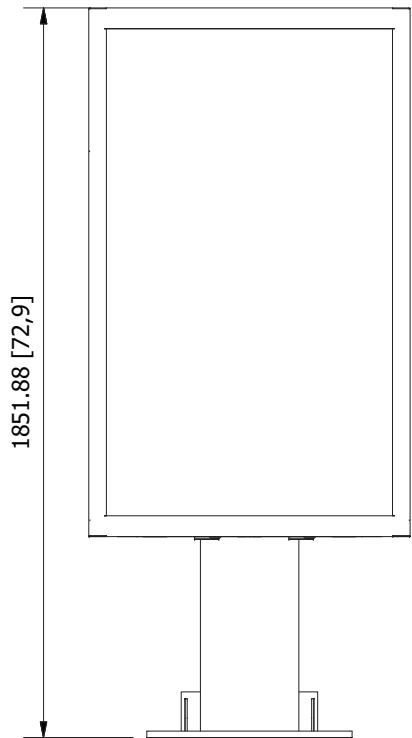
The screens can dim from full brightness 2500nit ( Fig1.) all the way down to 500nit to prevent excessive output (glare) in low light and night time environments

# Coates ODMB

Single with additional security glass

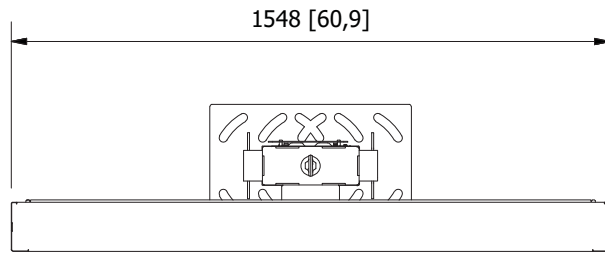


Optional tempered glass security cover  
6mm tempered glass

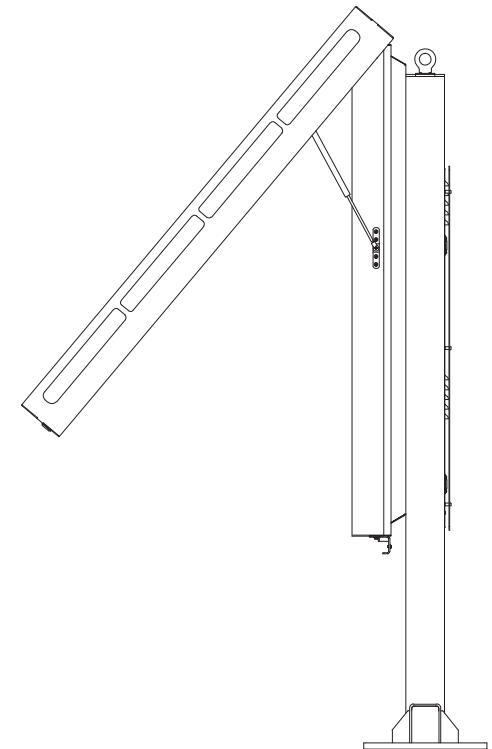
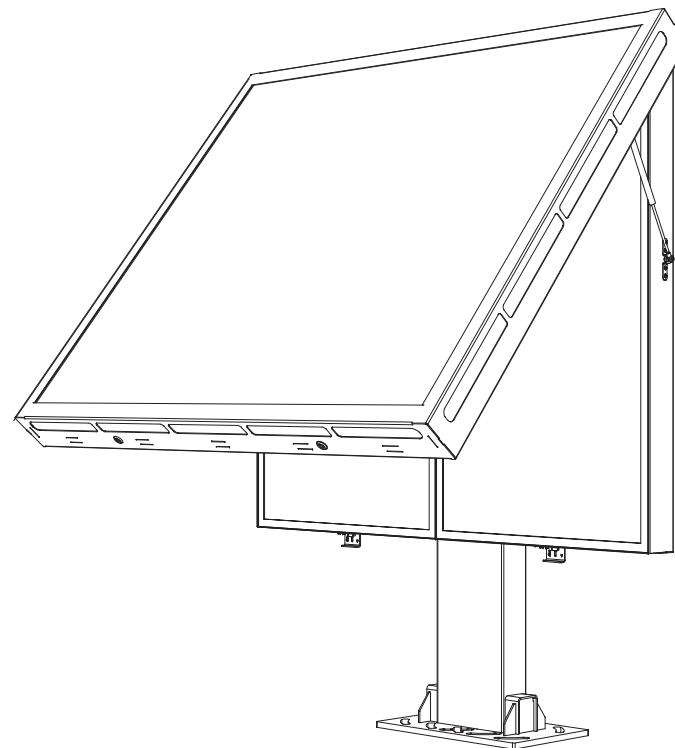
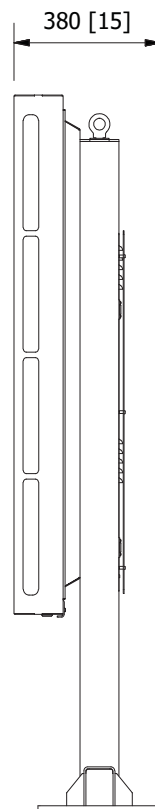
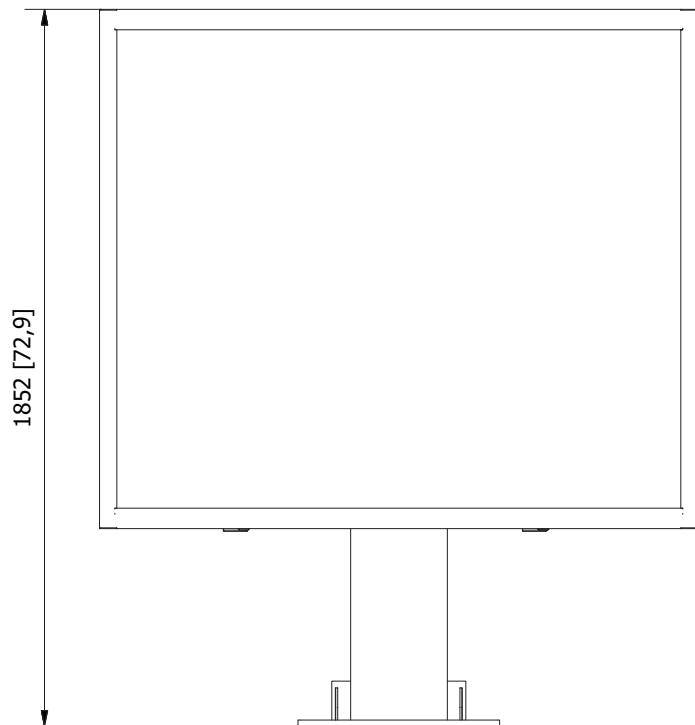


# Coates ODMB

Double with additional security glass



Optional tempered glass security cover  
6mm tempered glass



Coates ODMB  
Additional security glass



# Coates ODMB

Color specification



Unit powder coat color Coates dark grey  
Match Pantone: 446C  
Gloss specification: 7-12 units @60deg

# Menu Design & Content: Clarity & Flexibility

## Our New Menus Are:

- An ordering device to help confirm orders
- Smaller & Streamlined menus, simplified for our Customers
- Static/Limited Motion - can be controlled by Restaurant
- Cleaner visuals, easier to read products, price and items
- Still change throughout the day to support our menus (just like our old print menus)



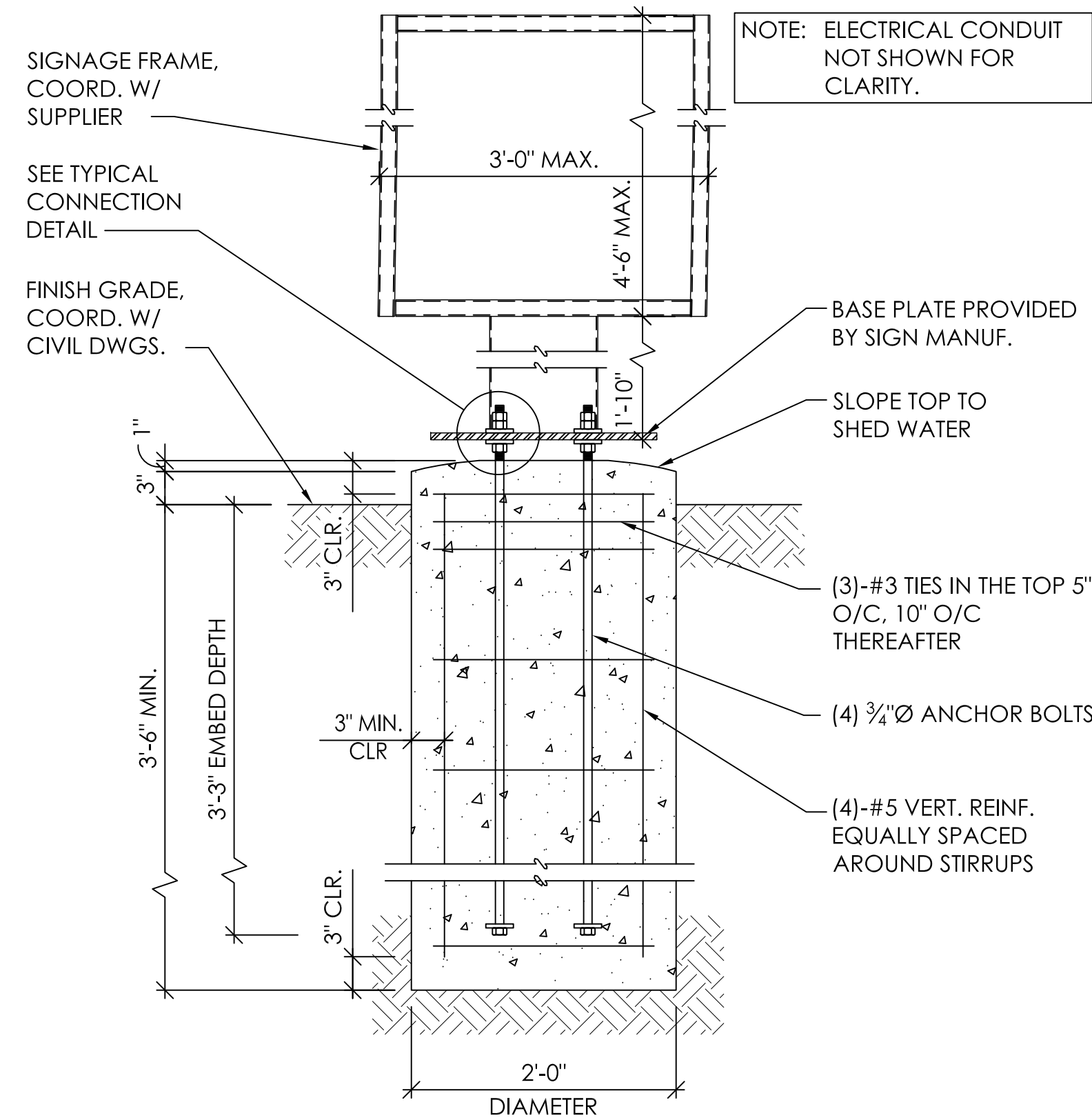
## Our New Menus Are NOT:

- **Not** an advertising channel or billboard
- **Not** full video or motion to distract drivers or slow down our drive thru
- **Not** flashy, bright images or colors (ie. Vegas-style)
- **No** additional sound or speakers

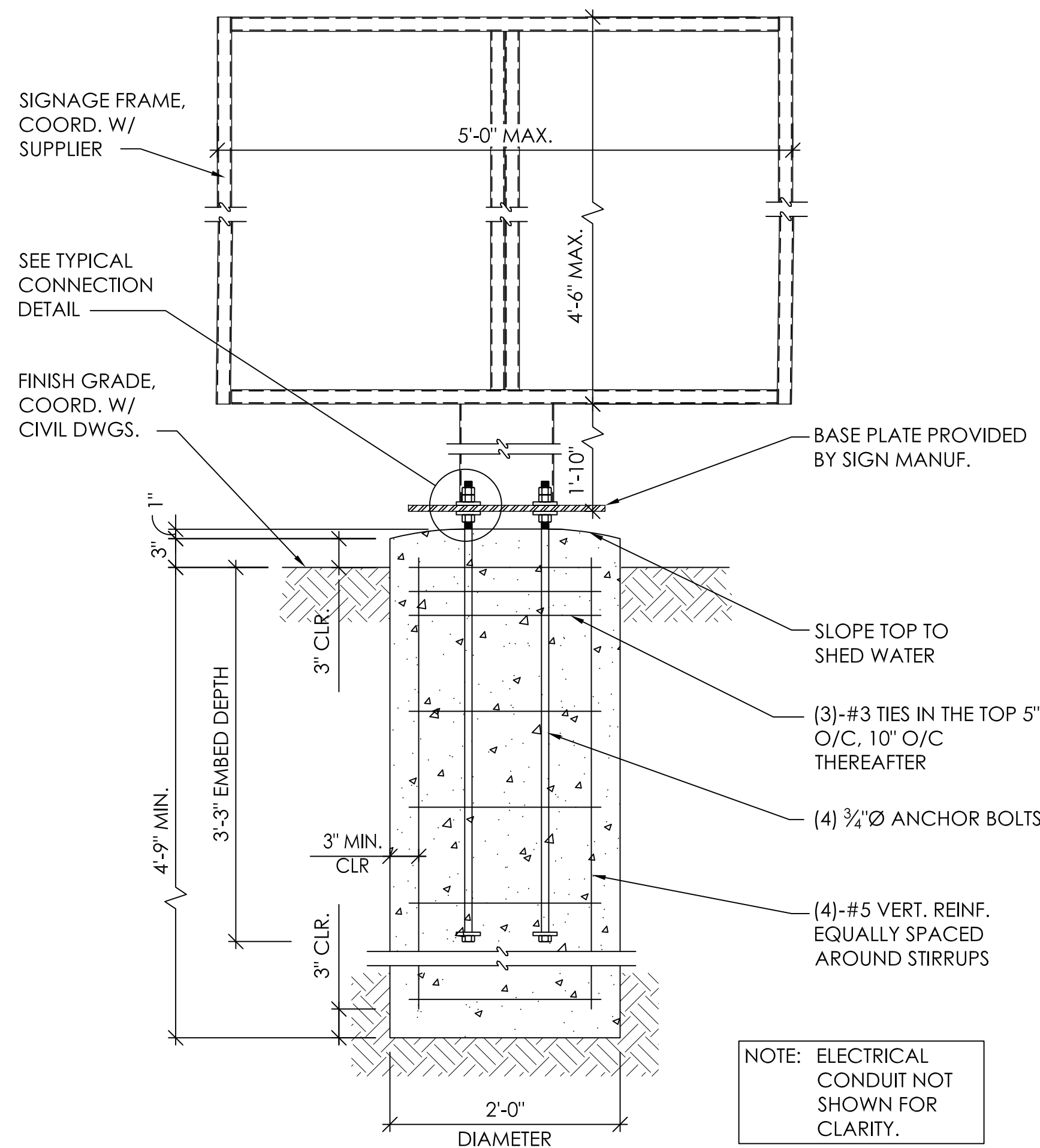


## Menu Board Flexibility (if desired or requested)

- Turn on and off their menus
- Stop movement or motion
- Manually control/pre-set brightness or set automatically to adjust brightness based upon daylight



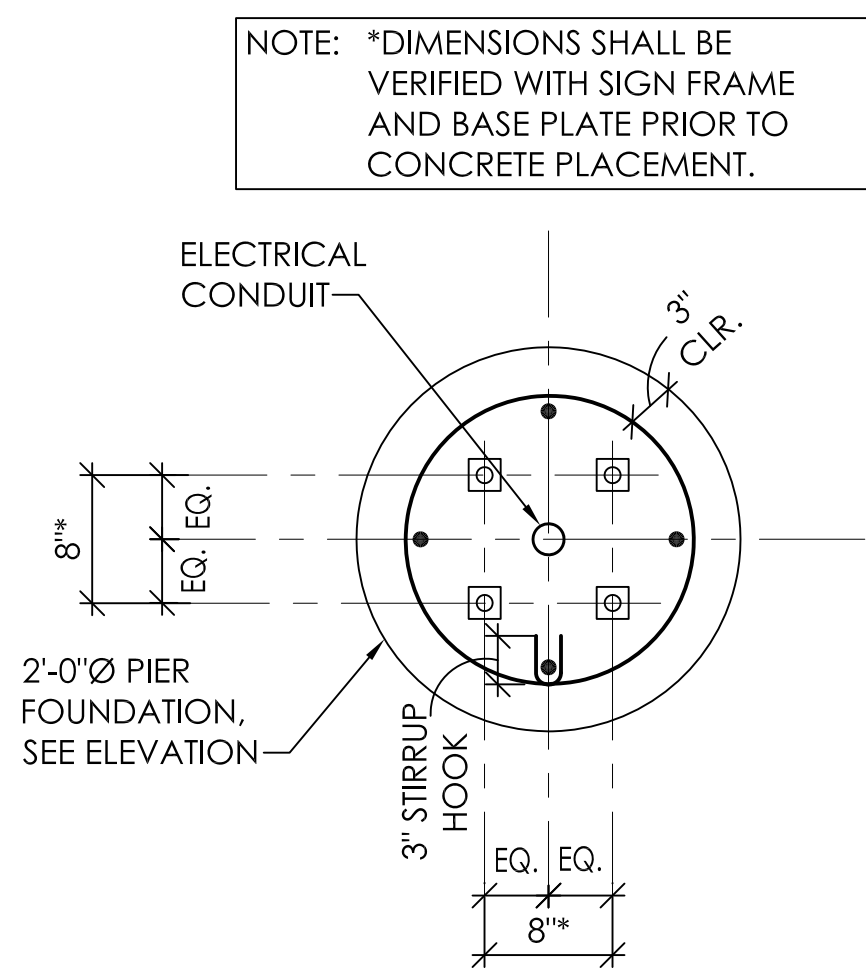
FOUNDATION ELEVATION (PRE-SELL BOARD) A  
1' = 1'-0"



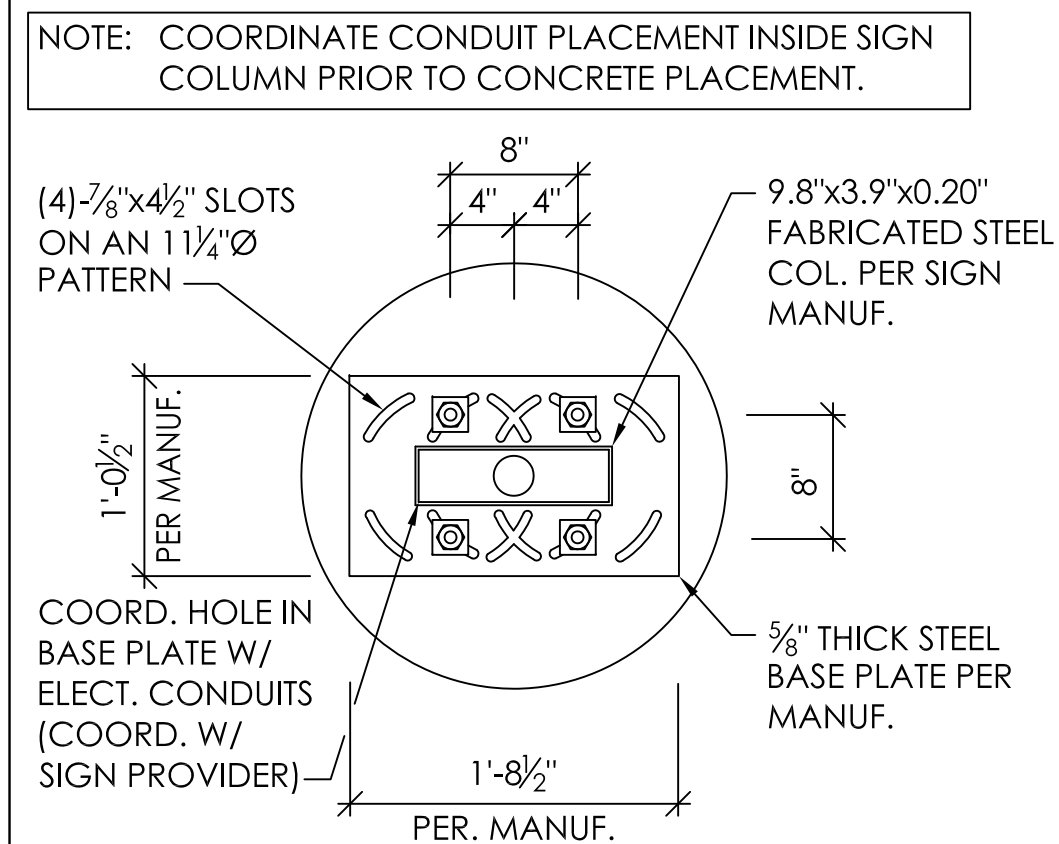
FOUNDATION ELEVATION (MENU BOARD) B  
1' = 1'-0"

**ANCHOR BOLT, NUT AND WASHER NOTES:**

- TOP OF PIERS SHALL BE SLOPED SUCH THAT MOISTURE CANNOT ACCUMULATE ON TOP OF FOUNDATION.
- USE F1554 GRADE 36 BOLTS MINIMUM.
- USE HOT-DIP GALVANIZED BOLTS IN ACCORDANCE WITH ASTM A-123.
- ANCHOR BOLTS TO BE SET IN ACCORDANCE WITH AISC CODE OF STANDARD PRACTICE.
- ANCHOR BOLTS, NUTS AND WASHERS SHALL BE SHIPPED AS AN ASSEMBLY FROM THE SIGN/LIGHTING MANUFACTURER.
- DO NOT CUT ANCHOR BOLTS AFTER INSTALLATION OF FRAME.



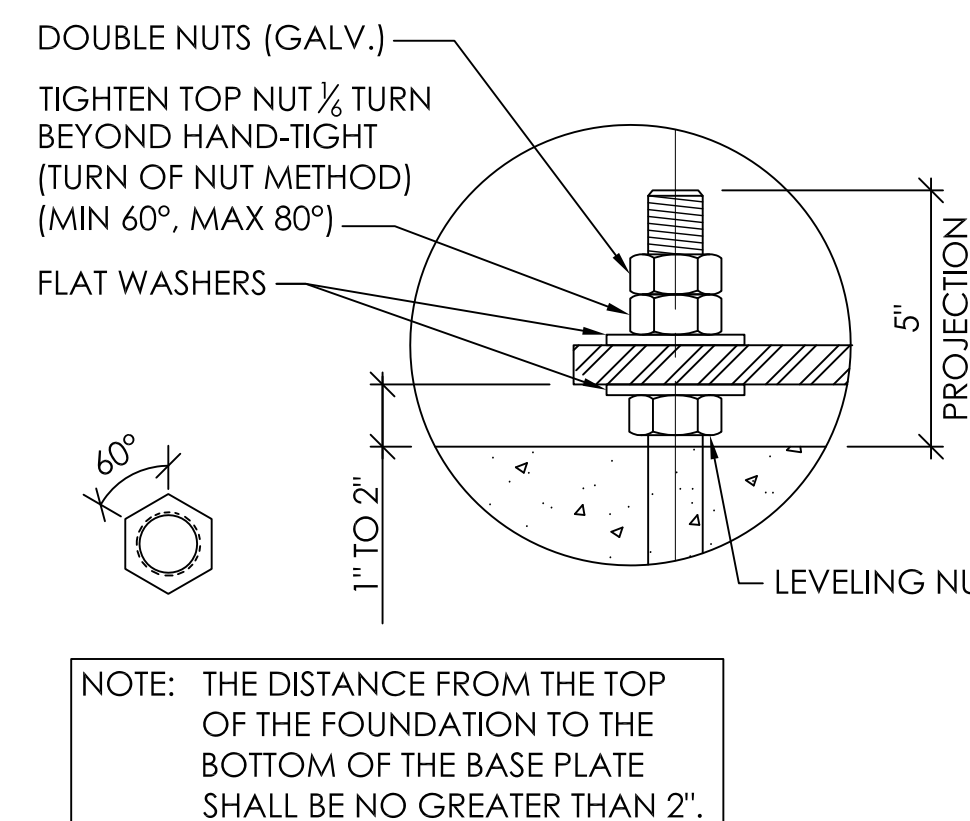
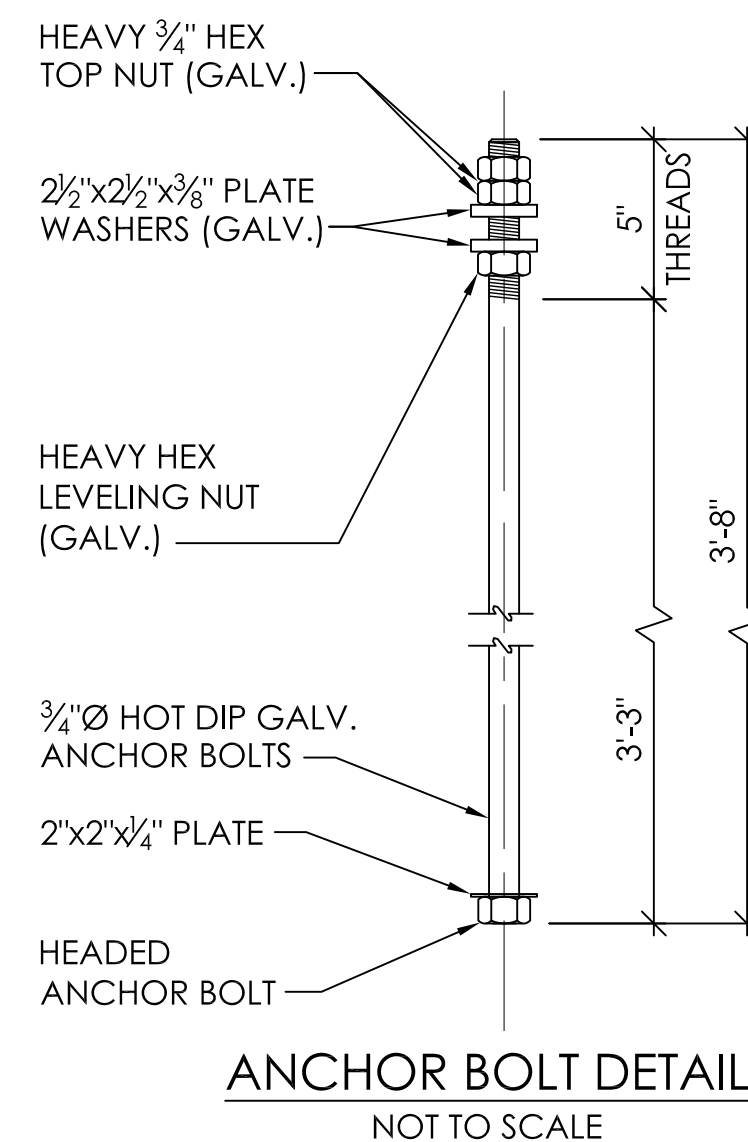
TYPICAL ANCHOR BOLT PATTERN  
1' = 1'-0"



TYPICAL BASE PLATE DETAIL  
NOT TO SCALE

**STEEL NOTES:**

- REINFORCEMENT: GRADE 60.
- NUTS: A563DH OR A194-2H.
- WASHERS: ASTM F-436.
- ANCHOR BOLTS: ASTM F1554, GRADE 36 HOT-DIP GALVANIZED IN ACCORDANCE WITH ASTM A-123.
- ALL HARDWARE SHALL BE HOT-DIP GALVANIZED UNLESS OTHERWISE NOTED.
- ANCHOR RODS, NUTS, AND WASHERS SHALL BE SHIPPED AS AN ASSEMBLY FROM THE SIGN/LIGHTING MANUFACTURER. COORDINATE WITH MANUFACTURER.
- NO FIELD HEATING TO BEND STEEL SHALL BE ALLOWED.
- DO NOT CUT ANCHOR BOLTS AFTER INSTALLATION OF POLE.
- WELDING SHALL BE MADE WITH E70XX ELECTRODES BY PROFESSIONAL WELDERS QUALIFIED IN ACCORDANCE WITH AWS STANDARDS WITHIN THE PREVIOUS TWO YEARS.
- ANY FIELD WELDING SHALL FIRST BE VERIFIED BY ENGINEER AND PERFORMED IN ACCORDANCE WITH AWS D1.1. ALL FIELD WELDED AREAS SHALL BE SPRAYED WITH TWO COATS OF COLD GALVANIZING SPRAY.
- REFER TO SIGN MANUFACTURER DRAWINGS AND INSTRUCTIONS FOR ADDITIONAL INFORMATION.
- CONTRACTOR (INSTALLER) IS RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION IN REGARDS TO JOBSITE SAFETY.
- STRUCTURAL SIGN FRAME AND BASE PLATE DETAILS ARE PROVIDED BY SIGN MANUFACTURER. COORDINATE ALL ATTACHMENTS OF SIGN WITH MANUFACTURER.



TYPICAL CONNECTION DETAIL  
NOT TO SCALE

**GENERAL NOTES:**

- THE FOLLOWING CODES WERE USED IN DESIGN:  
WEST VIRGINIA UNIFORM BUILDING CODE, IBC 2015 AND ASCE-7 (2010).
- STRUCTURAL LOADINGS:  
WIND:  
WIND (3 SECOND GUST).....V<sub>ULI</sub>=115 MPH  
V<sub>ASD</sub>=90 MPH  
EXPOSURE.....C  
RISK CATEGORY.....II  
WIND BASE SHEAR.....V<sub>b</sub>=400 LBS (PRE-SELL BOARD)  
V<sub>b</sub>= 700 LBS (MENU BOARD)
- SEISMIC:  
SEISMIC IMPORTANCE FACTOR (I<sub>e</sub>).....1.0  
MAPPED SPECTRAL RESPONSE ACCELERATIONS..S<sub>s</sub>.....0.128g  
S<sub>m</sub>.....0.052g  
DESIGN SPECTRAL RESPONSE ACCELERATIONS S<sub>DS</sub>.....0.137g  
S<sub>D1</sub>.....0.083g  
SITE CLASS.....D  
SEISMIC DESIGN CATEGORY.....B  
SEISMIC RESPONSE COEFFICIENT (C<sub>s</sub>).....0.039  
COMPONENT RESPONSE MODIFICATION FACTOR (R<sub>e</sub>)...3.5  
SEISMIC DESIGN FORCE (F<sub>p</sub>).....0.01 KIPS (PRE-SELL BOARD)  
0.03 KIPS (MENU BOARD)
- FROST DEPTH.....3'-4"
- ALL FOOTING EXCAVATIONS ARE TO BE CLEAR OF WATER AND FOREIGN MATTER BEFORE PLACING CONCRETE.
- PRESUMPTIVE MINIMUM ALLOWABLE LATERAL SOIL BEARING PRESSURE (S<sub>b</sub>) OF 150 PSF. CONTRACTOR SHALL HIRE A GEOTECHNICAL ENGINEER TO CONFIRM AN ALLOWABLE BEARING PRESSURE (S<sub>b</sub>) OF 1500 PSF AND SHALL SUBMIT GEOTECHNICAL REPORT TO ARCHITECT AND STRUCTURAL ENGINEER OF RECORD. ALLOWABLE BEARING PRESSURE SHALL BE VERIFIED PRIOR TO CONCRETE PLACEMENT.
- FOUNDATION SHALL NOT BE PLACED ON OR AT THE TOP OF A SLOPE EXCEEDING 3:1 WITHOUT EVALUATION BY A PROFESSIONAL LICENSED IN THAT STATE. DO NOT PLACE FOUNDATION IN FILL MATERIAL.
- DEPTH OF PIER FOUNDATIONS MAY BE LOWERED IF NEEDED TO OBTAIN LOCAL FROST DEPTH ELEVATIONS OR IF REQUIRED DUE TO POOR SOIL CONDITIONS. VERIFY FROST DEPTH ELEVATIONS WITH LOCAL BUILDING CODE OFFICIAL.
- ELECTRICAL CONTRACTOR TO PROVIDE INFORMATION ON CONDUIT AND ELECTRICAL REQUIREMENTS AND CONTRACTOR (INSTALLER) SHALL COORDINATE PLACEMENT TO MAINTAIN 2" CLEAR TO ANCHOR BOLTS.
- COORDINATE LOCATIONS OF SIGNS AND FOUNDATIONS WITH SITE PLAN.
- CONTRACTOR SHALL CUT EXCESS SONOTUBE FROM AROUND THE PERIMETER OF THE PIER FOUNDATION AFTER PLACEMENT OF BOARD (PRIOR TO LEAVING SITE).
- CONTRACTOR SHALL NOT DEVIATE FROM STRUCTURAL DRAWING WITHOUT PRIOR WRITTEN CONSENT AND INSTRUCTIONS REGARDING ANY CHANGE TO THE CONTRACT DRAWINGS. ANY DEVIATION FROM THIS DESIGN OR FROM ANY PART OF THIS DRAWING WITHOUT PRIOR WRITTEN CONSENT OF THIS ENGINEER SHALL VOID ALL LIABILITY ASSOCIATED WITH THIS WORK.

**CONCRETE NOTES:**

- ALL FOOTINGS SHALL BEAR ON FIRM UNDISTURBED RESIDUAL SOIL AND/OR ENGINEERED EARTH FILL COMPACTED TO 95% OF ITS MAXIMUM DRY DENSITY AS PER ASTM D698 (STANDARD PROCTOR) UNLESS NOTED OTHERWISE. A LICENSED GEOTECHNICAL ENGINEER SHALL CONFIRM SOIL CAPACITY PRIOR TO CONCRETE PLACEMENT.
- ALL PIERS TO EXTEND TO FROST DEPTH AS DETERMINED BY LOCAL JURISDICTION. VERIFY WITH LOCAL BUILDING OFFICIAL.
- TOP OF PIERS SHALL BE SLOPED SUCH THAT MOISTURE CANNOT ACCUMULATE.
- ALL CONCRETE CONSTRUCTION SHALL BE IN ACCORDANCE WITH ACI 301 "STRUCTURAL CONCRETE FOR BUILDINGS" AND ACI 318 "BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE."
- ALL CAST-IN-PLACE CONCRETE SHALL ATTAIN AN ULTIMATE COMPRESSIVE STRENGTH (f<sub>c</sub>) OF 3000 PSI AT AN AGE OF 28 DAYS UNLESS OTHERWISE NOTED.
- ALL REINFORCING STEEL SHALL BE ASTM A 615, GRADE 60 DEFORMED BARS, UNLESS OTHERWISE NOTED.
- CONCRETE PROTECTION FOR REINFORCING AS WELL AS PLACING AND FABRICATION OF REINFORCING SHALL BE IN ACCORDANCE WITH THE "THE AMERICAN CONCRETE INSTITUTE BUILDING CODE REQUIREMENTS" (ACI 318).
- ALL CAST-IN-PLACE CONCRETE SHALL BE AIR-ENTRAINED TO 6% (±1/2%). WATER/CEMENT RATIO SHALL NOT EXCEED 0.48.
- THE MINIMUM CONCRETE COVER FOR THE PROTECTION OF REINFORCEMENT SHALL BE AS NOTED.
- BEFORE PLACING CONCRETE, ALL EMBEDDED ITEMS SHALL BE PROPERLY PLACED, ACCURATELY POSITIONED, AND MAINTAINED SECURELY IN PLACE. NO "WET SETTING" IS ALLOWED.
- AGGREGATES IN NORMAL WEIGHT CONCRETE SHALL CONFORM TO ASTM C-33 (HARDROCK).
- PORTLAND CEMENT SHALL BE TYPE II FOR ALL CONCRETE CONFORMING TO ASTM C150, LOW ALKALI.
- FLY ASH OR OTHER POZZOLANS CONFORMING TO ASTM C618 CLASS N OR F MAY BE USED AS A PARTIAL SUBSTITUTION FOR PORTLAND CEMENT UP TO A MAXIMUM OF 25% TOTAL CEMENTITIOUS MATERIALS BE WEIGHT IF THE MIX DESIGN IS PROPORTIONED PER ACI318, SECTION 5.3. CONTRACTOR SHALL FORWARD DESIGN MIX TO ARCHITECT AND STRUCTURAL ENGINEER OF RECORD.
- CONCRETE MIXING OPERATIONS, ETC. SHALL CONFORM TO ASTM C94.
- DO NOT USE ANY CONCRETE OR GROUT CONTAINING CHLORIDES. WATER USED IN MIX SHALL BE CLEAN AND POTABLE.

Donald L. Broyles, P.E.  
508 baylor court  
suite C  
chesapeake, virginia 23320

REV	DATE	BY	DESCRIPTION

**RRMM ARCHITECTS**  
Professional Corporation  
1317 Executive Blvd, Suite 200  
Chesapeake, VA 23320  
(757)622-2828 / fax (757)622-8883

DONALD L. BROYLES, P.E.  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF WEST VIRGINIA  
3/28/18

McDonald's USA, LLC  
NSN 13445  
31 MADDEX SQUARE DR  
SHEPHERDSTOWN, WV 25443

DATE 3/28/2018  
PROJECT 18570-88  
DESIGNED BCS  
DRAWN WPH  
CHECKED DLB

PRE-SELL / MENU BOARD FOUNDATIONS

S1.0





MINUTES  
JEFFERSON COUNTY PLANNING & ZONING COMMISSION  
MAY 11, 1993

The Jefferson County Planning & Zoning Commission met on Tuesday, May 11, 1993, with the President, H. Richard Flaherty, presiding. Other Planning Commission members present were: Page Wright, Jim Knode, Carolyn Hoffman, Scott Coyle, Rosella Kern, Betty Roper, Sam Donley, Ernie Benner and Cam Tabb. Staff members present were Paul Raco, Paula Markstrom and Becky Burns.

Dick Flaherty called the meeting to order at 7:30 p.m. Scott Coyle motioned to accept the Minutes of the April 27, 1993 meeting. Jim Knode seconded the motion which carried unanimously.

1. Final Plat Public Hearing for the Thomas M. Stokes Estate Subdivision was held. Carolyn Hoffman arrived (7:32 p.m.) during the public hearing. The Staff and Engineer recommended the final plat be accepted contingent upon a note being added to the final plat restricting building in the floodway and floodplain, the necessary signed original copies being submitted and recordation in the Clerk's Office within ninety (90) days of this final plat public hearing (August 11, 1993). There was no public comment. Ernie Benner motioned to accept the final plats subject to the Staff's contingencies. Rosella Kern seconded the motion which carried with a vote of 7 for and 1 abstention (Carolyn Hoffman).

2. Public Hearing on Conditional Use Permit for McDonalds Corporation was held. Page Wright arrived (7:34 p.m.) during Paul's reading of the Staff Report. Paul read from Article 7, Section 7.6 of the Zoning Ordinance outlining the purpose of the public hearing on the unresolved items. Dick reiterated that the public hearing was to address the unresolved items only. Paul read the Staff Report as a result of the Neighborhood Compatibility Hearing. Shannon Brown, attorney for McDonalds Corporation stated they had no problem with the Staff Report. And that item #5 regarding landscaping was an agreement to agree to the landscaping plan with the citizens.

Shannon presented the sign that had been agreed upon by McDonalds and Pam Berry on behalf of the citizens. The sign agreed upon will be monumented; constructed of the same brick as the building and will be 8' x 3 1/2' with a nonlit McDonalds arch on top. There would also be two roof signs located on the building neither of which are to face Route 45. Pam Berry stated they (citizens) agreed to the proposed signs in terms of design as presented to the Commission.

The Staff recommended issuance of the Conditional Use Permit contingent upon the nine resolved items listed in the Staff Report and the sign proposal being apart thereof. Page Wright motioned to issue the Conditional Use Permit subject to the Staff's recommendation. Scott Coyle seconded the motion which carried unanimously.

3. Request by Renny Travers Smith on behalf of Crystal Lake Property Owners Association (Bakerton Quarry) to discuss the road situation at the Valley View Subdivision. Bob Murto presented the request and handed out copies to the Commission. Mr. Murto stated

STAFF REPORT  
PROJECT: McDonalds at Maddex  
DATE: April 30, 1993

On March 31, 1993, at 10:00 A.M. in the County meeting room an advertised compatibility meeting was held on the above captioned project. Shannon Brown, counsel for McDonalds, made the developer's presentation. The proposal is detailed in File #Z93-1 which can be found in the Planning Commission's office at 104 E. Washington Street, Charles Town.

Many concerns were aired by the public, including; landscaping, buffering, screening, dumpster location, signage, entrances, playgrounds, traffic, traffic controls, turning lanes, orientation of drive-through and menu board, lighting (height and orientation), drainage, construction material, and height and type of flags.

The following items were resolved between the Public and McDonalds;

The developer agreed to:

1. Buffer the dumpsters' from the road and residential structures with a green planting screen;
2. Orientate the menu board east and west and screen such;
3. Direct the lighting downward;
4. Limit the height of the lights to 20' high and not make them any higher than the ones in the existing shopping center;
5. Work out the landscaping plan directly with Pam Berry;
6. Not have an entrance or exit directly on Route 45;
7. Locate any playground on the northern side of the building provided that it does not affect the required pervious surface; and that it would meet all site plan and ordinance standards in effect at that time;
8. Not fly a McDonald's flag;
9. Limit the height of the American and West Virginia flag to no higher than the existing lights in Maddex Square.

The next items are unresolved.

The developer did not agree to;

1. Eliminate free standing sign.

A Public Hearing has been scheduled for May 11, 1993, at 7:30 p.m. to hear testimony on the unresolved item.

This report was prepared by Paul J. Raco.

*Paul J. Raco 4/30/93*

JEFFERSON COUNTY PLANNING AND ZONING COMMISSION

CONDITIONAL USE PERMIT

This is to certify that effective May 11, 1993 the property described as:

Property Owner: Maddex Square Associates Limited Partnership  
for McDonald's Corporation  
Address: P. O. Box 1714, Henderson, North Carolina 27536  
McDonald's Corporation, 3015 Williams Drive  
Fairfax, Virginia 22031  
Tax Map Reference: Shepherdstown District Tax Map 8C Parcel 66  
Deed Book Reference: Deed Book 646 Page 642  
Subdivision Name: McDonald's Corporation  
Zoning District: Residential/Light Industrial/Commercial  
Other Descriptions: \_\_\_\_\_

has been granted permission to use said property in the following way:

McDonald's Fast Food Restaurant.

Conditional upon:

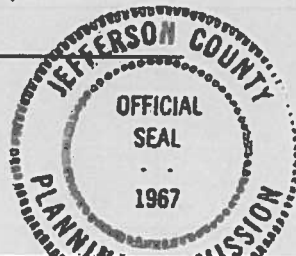
1. Buffer the dumpsters from the road and residential structures with a green planting screen;
2. Orientate the menu board east and west and screen such;
3. Direct lighting downward;
4. Limit the height of the lights to 20' high and not make them any higher than the ones in the existing shopping center;
5. Work out the landscaping plan directly with Pam Berry;
6. Not have an entrance or exit directly on Route 45;
7. Locate any playground on the northern side of the building provided that it does not affect the required pervious surface; and that it would meet all site plan and ordinance standards in effect at that time;
8. Not fly a McDonald's flag;
9. Limit the height of the American and West Virginia flags to no higher than the existing lights in Maddex Square; and,
10. Free standing monumented sign constructed of the same brick as the building which is to be 8' x 3 1/2' in size with a lighted McDonald's arch on top. There will also be two roof signs located on the building neither of which are to face Route 45.

In the event construction or use is not commenced by November 11, 1994, said permission will expire unless an extension is granted. Extensions must be formally requested of the Jefferson County Zoning Board of Appeals.

This certification in no way relieves the owner, applicant or user from any requirements of Jefferson County Ordinances unless appropriate variances are granted by the appropriate County authority.

  
\_\_\_\_\_  
Zoning Administrator

Planning Commission Seal

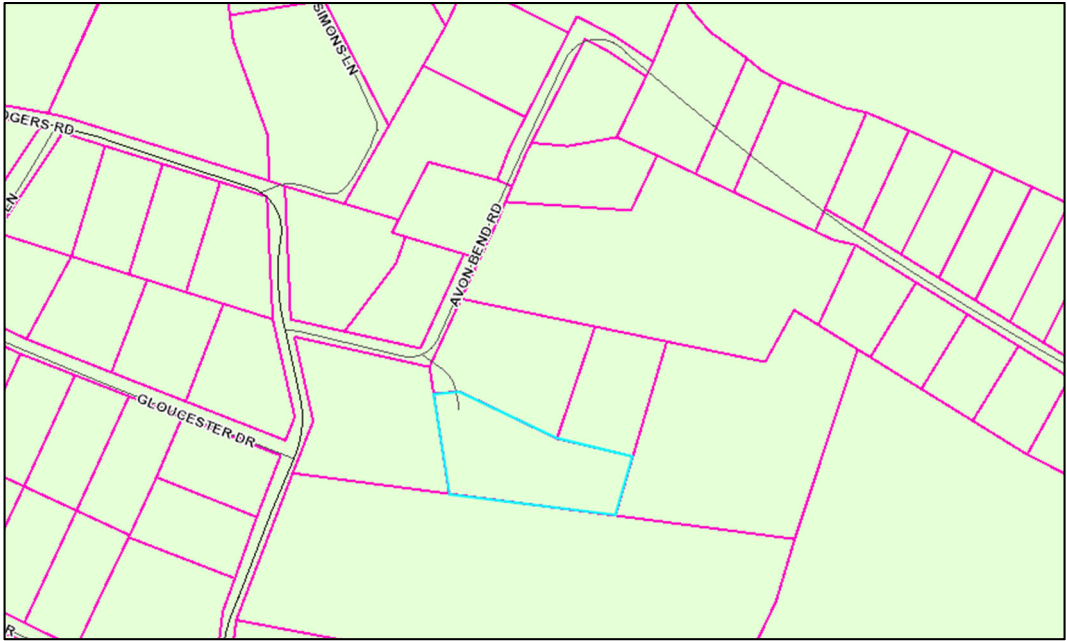


\_\_\_\_\_  
May 11, 1993  
Date



Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 28, 2019  
**Grinstead Variance Request (#19-1-ZV)**

Item #2 Variance from Section 5.7B to reduce the rear setback from 50' to 25' for a 31' x 57' inground pool and surrounding concrete patio.

Applicant:	John and Dawn Grinstead
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">33 Eldridge Ln, Charles Town, WV,          Parcel ID: 06000900190021; Size: 2.08 ac; Zone: Rural</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:	06/06/06: Recorded Janet M Eldridge Minor Subdivision ( <a href="#">PB 23 Pg 11</a> )
Waivers/Variations:	None
Approved Activity:	Single-Family Residence

**STAFF EVALUATION OF REQUEST**

Summary of Request and Purpose of Ordinance Requirements

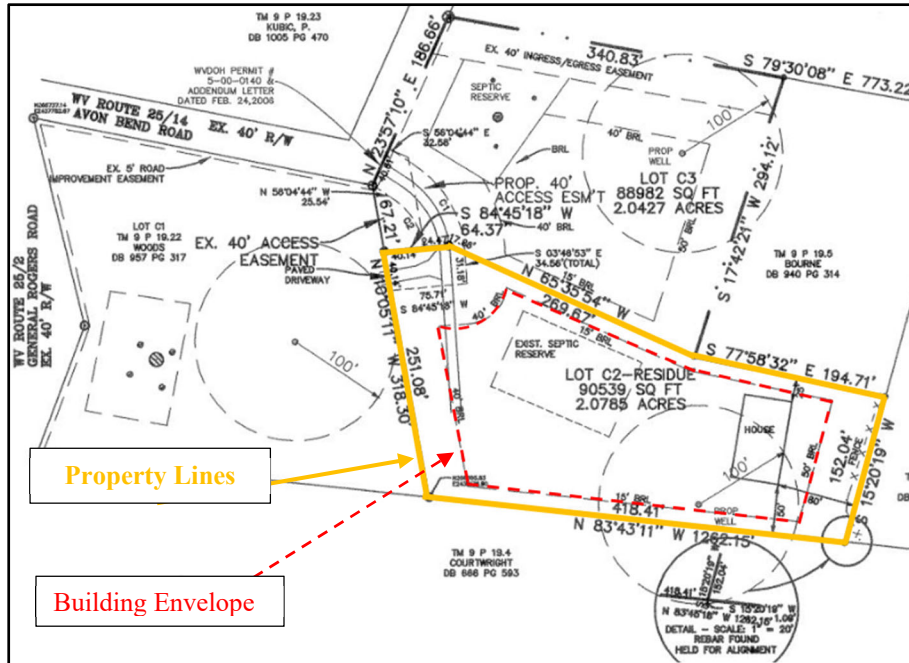
The applicant is requesting a variance from Section 5.7B to reduce the rear setback from 50' to 25' for a 31' x 57' inground pool and surrounding concrete patio.

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  
February 28, 2019  
**Grinstead Variance Request (#19-1-ZV)**

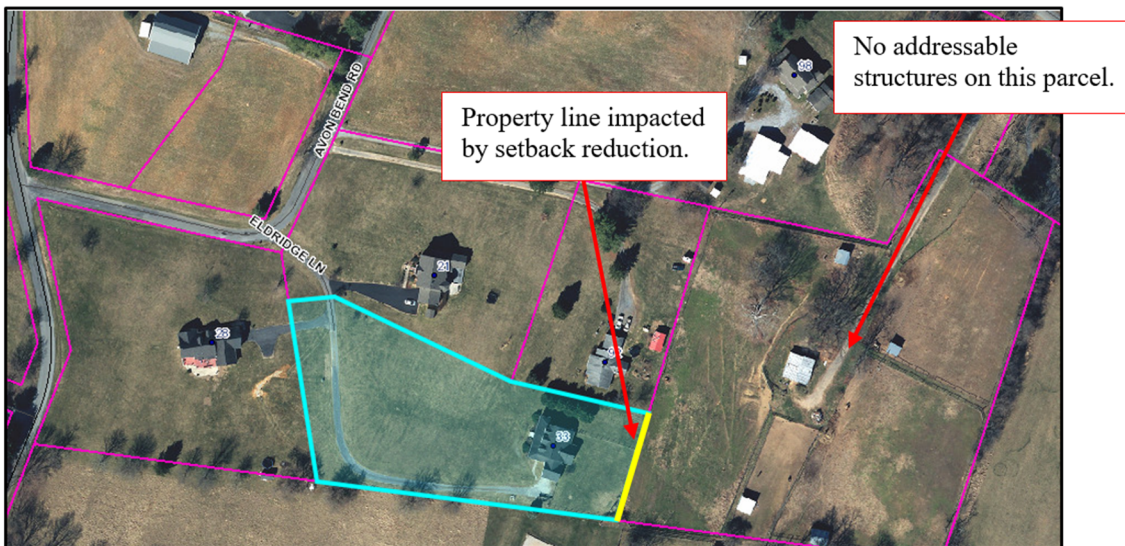
Unique characteristics of property

The subject parcel is the residue parcel of the Eldridge Minor Subdivision, which processed in 2006 ([PB 23, PG 11](#)). The house is located to the rear of the property, leaving limited space for the construction of an in-ground pool in the backyard.



Impact on adjacent properties

A setback reduction to 25' feet along the rear property line would likely have minimal impact on the neighboring property. The property to the rear appears to be an agricultural operation and does not contain any addressable structures.



Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 28, 2019  
**Grinstead Variance Request (#19-1-ZV)**

Feasibility of complying with the ordinance by other means

It may be feasible to orient the pool so that it is parallel to the house as opposed to perpendicular. Another option may be to select a smaller sized pool to comply with the required setbacks. These options may impact the overall functionality of the pool to the homeowner.

The approved plat reflects that the southern corner of the house is 80’ from the property line. Without having an exact location sketch for the pool, Staff has some concern that a reduction to 25’ will not be sufficient for a 57’ long pool.

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:**

**5.7 Rural District**

B. Minimum Lot Area, Lot Width and Yard Requirements<sup>23</sup>

1. Minimum lot sizes, lot width, and yard requirements for principal permitted uses are shown in Table 5.7-1.
2. For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.<sup>5</sup>

***Table 5.7-1 – Lot Area, Width, and Yard Requirements for Principal Permitted Uses in the Rural District***

Land Use	Lot Area	Lot Width	Front Yard Depth	Side Yard Depth	Rear Yard Depth
Dwellings	40,000 sq. ft.	100	40	15	50





JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338

Charles Town, WV 25414

File Number: 19-1-ZV

Staff Initials: JH

Fees Paid (\$100 or \$150): 100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

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: John and Dawn Grinstead
Mailing Address: 33 Eldridge Lane Charles Town, WV 25414
Phone Number: 703-597-8805 or 703 599 9791
Email: dawngrinstead15@gmail.com

Applicant Contact Information

Name: John and Dawn Grinstead
Mailing Address: 33 Eldridge Lane Charles Town, WV 25414
Phone Number: 703-597-8805 or 703-599-9791
Email: dawngrinstead15@gmail.com

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

Name: Pete Cierski (Anthony Sylvan Pools)
Mailing Address: 13882 Metrotech Drive Chantilly, VA 20151
Phone Number: 703-273-8643x3620
Email: pcierski@anthonysylvan.com

Physical Property Details

Physical Address: 33 Eldridge Lane
City: Charles Town State: WV Zip Code: 25414
Tax District: Jefferson 6 Map No: 9 Parcel No: 19.21
Parcel Size: 2.0785 acres Deed Book: 17 1206 Page No: 57 693

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural (R) is checked.

RECEIVED

JAN 24 2019

Place Received Date Stamp Here

JEFFERSON COUNTY ENGINEERING, PLANNING AND ZONING

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: 5.7b

Briefly describe the nature of the variance request:

We are requesting that the rear setback requirements be lowered to 25' to allow for the installation of an in-ground pool.

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

Front Setback  Side Setback  Rear Setback  Reduction From 50' to 25'

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

A rear setback requirement of 25' is within our proposed plan for an in-ground pool.

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 backyard dimensions and utility easements restrict pool placement.

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

Adopting a smaller setback would allow for the installation of an in-ground pool without infringing on the adjacent property.

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

Our intent will continue to be minimal impact on the adjacent property owner.

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

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

Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

Date of Public Hearing

Advertising Date

Placard Posting Date

## Zoning

---

**From:** JOHN GRINSTEAD <jgrinstead150@comcast.net>  
**Sent:** Sunday, January 27, 2019 4:13 PM  
**To:** Zoning  
**Subject:** Addendum for the Zoning Variance Request file number 19-1-ZV  
**Attachments:** VarianceAddendum19-1-zv.docx

To Whom It May Concern:

This is an addendum for the Zoning Variance Request file number 19-1-ZV.  
The house was built before the land was subdivided and new setback rules were imposed.  
Additionally, we purchased 33 Eldridge lane, Charles Town WV 25414 in 2018, after the house was built and the land was subdivided.

John and Dawn Grinstead

**To whom it may concern:**

As neighbors of the Grinstead's at 33 Eldridge Lane, Charles Town WV 25414, we have no objections to their proposed in ground pool installation. Our property is behind and to the side of 33 Eldridge Lane. The Grinstead's have shown us their plans for a pool, which requires a setback variance.

**Date:** 1.21.19

**Neighbor's name (printed):** Lon Bourne

**Neighbor's signature:** Lon Bourne

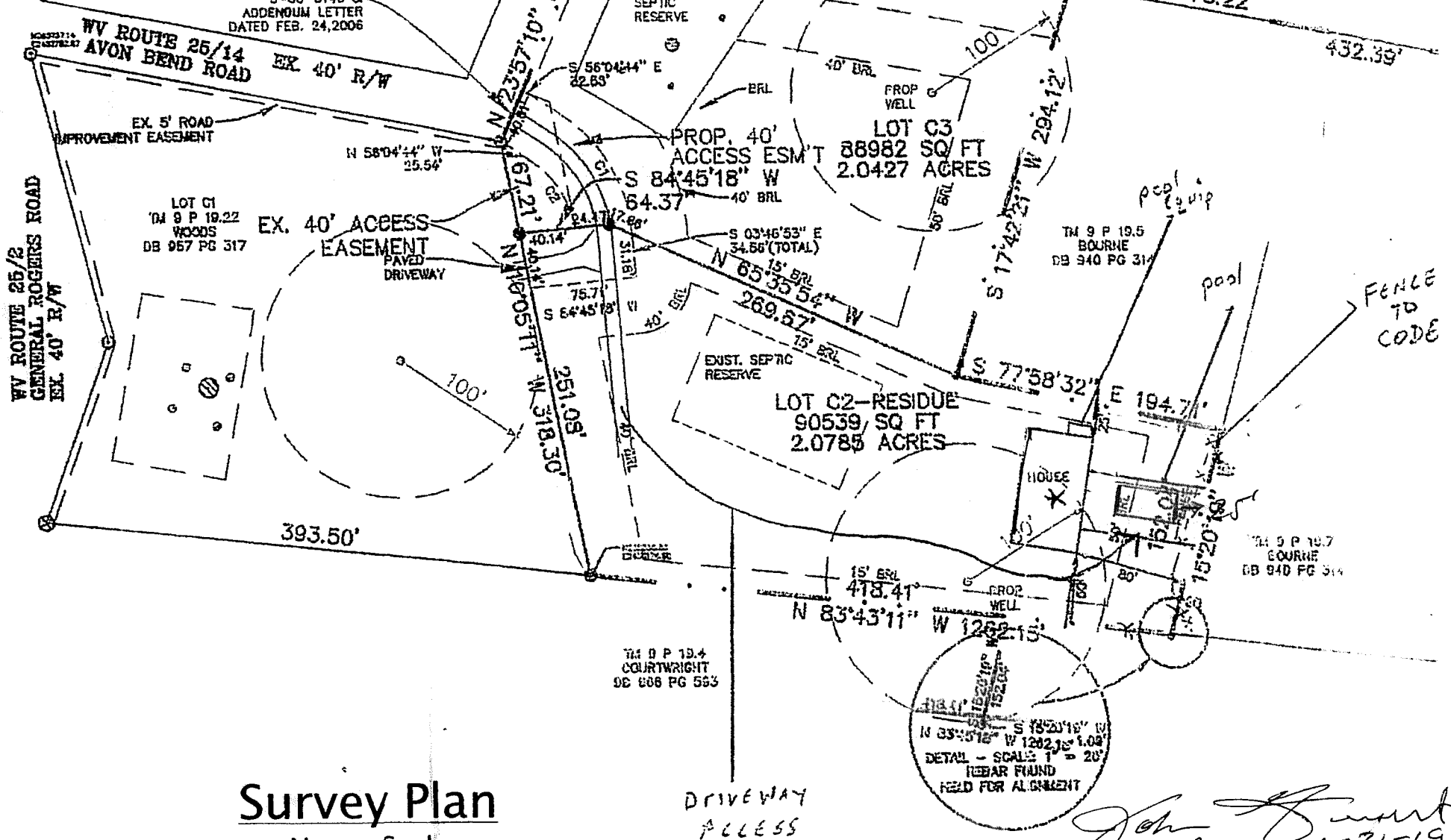
19-1-19



APPROVED FOR CONSTRUCTION  
COP  
MINOR REVISION IS RECORDED IN PLAT BOOK 17 AT PAGE 39  
APPROVED BY 11/17/2019  
T.M. S.P. 19.5  
KUBIC,  
DB 934 PG 518

T.M. 9 P 19.23  
KUBIC, P.  
DB 1005 PG 470

WOOD PERMIT #  
5-00-0140 &  
ADDENDUM LETTER  
DATED FEB. 24, 2006



**Survey Plan**  
Not to Scale

DRIVEWAY  
ACCESS

DETAIL - SCALE: 1" = 20'  
REBAR FOUND  
FIELD FOR ALIGNMENT

*John [Signature]*  
1-21-19  
1-26-19

1-21-2019

EXISTING HOUSE

**DRAFT COPY**  
**NOT APPROVED FOR CONSTRUCTION**

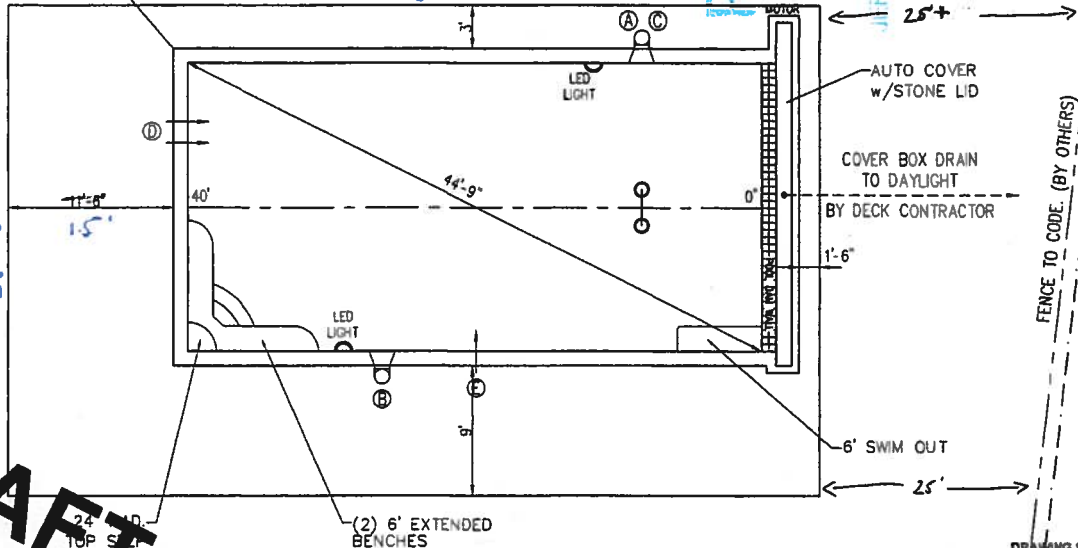


PLUMBING	SIZE	RUN
A SKIMMER	2.0	0
B SHALLOW SKIM	2.0	0
C POOL DRAIN	2.0	0
D RETURNS	2.0	0
E AUTO CLEANER	1.5	0

43' 10" RULER  
AT CORNER OF HOUSE

56' 9"

30' 6"



**PROP BRUSHED CONCRETE DECK TO BE FINALIZED BY BUYER AND DECK CONTRACTOR DECK AS SHOWN IS 950 SQ FT**

RECEIVED

FEB 08 2019

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

FENCE TO CODE. (BY OTHERS)  
PROPERTY LINE

DRAWING SCALE: 1/8" = 1'  
Unless otherwise noted

**MISCELLANEOUS**

DOOR ALARM INCLUDED  
FILTER WITHIN 40' OF WATER LINE  
100 LN FT ELECTRICAL CONDUIT

AGREEMENT DOES NOT INCLUDE ANY ADDITIONAL DECK, RETAINING WALLS, OR YARD DRAINS

POOL TRIANGULATIONS ARE FIELD MEASUREMENTS & MAY NOT SCALE ON THIS DRAWING

BUYER: TO WET DOWN CONCRETE SHELL AT LEAST TWICE DAILY FOR SEVEN DAYS.

Changes from the agreement are by addendum only, signed by both parties and paid in full at time of affixing signature. No changes will occur prior to signing addendum.

APPROVAL STAMP  
**Approved**  
TBD

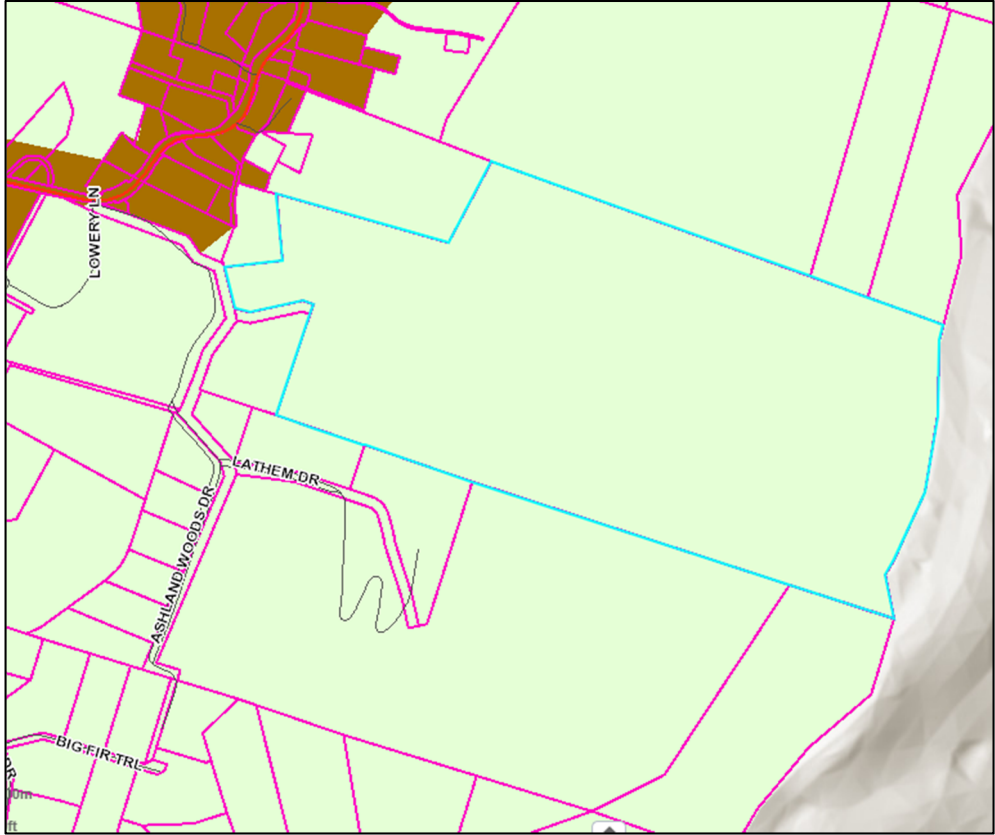
NOTE	TO BE COMPLETED AND INITIALED BY THE BUYER
⊕	T.O.C. = ?
⊖	-----
⚠	-----
⚡	-----

REVISIONS	Date	Description
1	10.29.18	CONSTRUCTION DRAWING BY JOE
2	-----	-----
3	-----	-----

Grinstead		JOB NO:	1853110157
<b>CUSTOMER INFORMATION</b>			
LAST NAME:	Grinstead	HOME PHONE:	
FIRST NAME:	John	CELL PHONE:	703 597 8805
ADDRESS:	33 Bridge Lane	POOL/SPA TYPE:	Concrete Pool
CITY:	Charles Town	STATE:	WV
ZIP:	25414	COUNTY:	Jefferson
SUBDIVISION:	WDC	DAY TELL DESCR:	
EMAIL ADDRESS:	jgrinstead@grinstead.net		
<b>POOL SPECIFICATIONS</b>			
POOL SHAPE:	Choose Pool/Spa Shape	POOL LENGTH:	47' 00" FT
POOL AREA:	800 SF	POOL WIDTH:	37' 00" FT
DEPTH:	7'-0" 5'-0"	PERIMETER (POOL ONLY):	121 LF
DIVING POOL:	No	PERIMETER (TOTAL):	121 LF
STEPS:	Classic - Standard Terrapins - 4 Steps - 26SF	APPROX. VOLUME (TOTAL):	25,432 GAL
SPACED OUT:	6 FT	RETURNS:	2
SPACED OUT HEIGHT:	Inside Lowest - 1F	SKIMMERS:	2
BENCH:	12 FT	BENCH LOCATION:	
COZY CORNER:		OVERFLOW LINE:	
Play Pool/Spa/Shell-Outside:	0 SF	CLEANER LINE:	
Play Pool/Spa/Shell-Inside:	0 SF		
<b>WATER FEATURES</b>			
0" FIBER:	0 LF	000 VESPER BATL:	
1" FIBER:	0 LF	000 VESPER AREA:	0 SF
1 1/2" FIBER:	0 LF	NOTCH BEAM:	0 LF
2" FIBER:	0 LF	HANDHOLD RECD:	0 LF
3" FIBER:	0 LF	SHER DESCENT SZDR:	0 LF
3 1/2" FIBER:	0 LF	FOUNTAIN:	N/A
OTHER WATER FEATURE:			
<b>SPA SPECIFICATIONS</b>			
SPA AREA:	0 SF	SPA PLUG RISE:	
SPA PERIM:	0 LF	SPA RASSED HEIGHT:	
SPA LIGHT(S) TYPE:		DAM WALL:	
AIR BLOWER:		SPA FACING BATL:	
JETS (RTY):		SPA VESPER AREA:	0 SF
SPA COPING:	0	SPILLWAY TYPE:	
WATER FEATURE(S):		DECK JETS:	0
<b>TILE SPECIFICATIONS</b>			
TILE CHOICE:	Choose Tile	GR. FRESH TYP/COLOR:	White Plaster
COPING:	see Spa Details #117 to 119	ACCENT TILE:	
CENTER SECTION TRN:		BENCH TILE LOC:	
TRN TILE SIZE/TYPE:		STEP TILE LOC:	
GROUT:	White	FITTINGS:	White
<b>EQUIPMENT</b>			
FILTER TYPE:	1 40 SF DE	FILL LINE / DISTANCE:	1F
FILTER PUMP SIZE:	1 1/2 HP 1 1/2" 1 1/2"	RAIN DRAIN:	1 Dist
BOOSTER PUMP ENERGY:	180 TED ABOVE	CHEMOTATOR TYPE:	1 Fester0
AUTO CLEANER:	Polara 300	CLEAR VESPER:	0
CLEANER PUMP:	0	CONTROLLER MODEL:	0
CLEANER COLOR:	White	CONTROLLER ADD ONS:	0
POOL LIGHT(S):	2 LED Pool Light	FLOOR SYSTEM:	0
HEATER TYPE & SIZE:	1 1/2 HP-40	GAS LINE LENGTH:	0 LF
		DIVING BOARD:	0
		POOL COVER:	1 Autocover 750 - 599 sf - Light Blue - WDC
WEATER VENT (if Req'd):	0	AUTO COVER LID:	
SPS:	1	Mosaic:	0
COVER PUMP:	0	OTHER EQUIPMENT:	
<b>APPROXIMATE</b>			
POOL DECK AREA:	550 SF	DECK PERIM:	0 LF
POOL DECK DRAINAGE:	0 LF	WALL AREA IN SP:	0 SF
POOL DECK MATERIAL:	Base Plain Concrete, Decor Pavers (Job 43)	WALL AREA IN LF:	0 LF
OTHER DECK DRAINAGE:		WALL TYPE:	0
EXISTING DECK TOPPING:		WALL CONTRACTOR:	Owner
EXISTING DECK AREA:		WALL VESPER:	0
DECK CONTRACTOR:	ABS	WALL CAP BATL:	0
ELECTRIC CONTRACTOR:	ABS	POOL DECK STEPS:	0 LF
FENCE CONTRACTOR:	Owner	STEP TREADS/DRS:	
LAND CONTRACTOR:	Owner	POOL SAFETY FENCE:	

Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 28, 2019  
**Ashbaugh Variance Request (#19-2-ZV)**

Item # 3: Variance request from the following: Section 5.6D to reduce the perimeter setbacks from 25' to 1' for an existing 7' tall fence (proposed parcel 35); and, to reduce the side setback from 25' to 21' for an existing 75' tall cell tower (proposed parcel 36). The purpose of the request is to allow for a boundary line adjustment between parcels 35 and 36.

Applicant:	Paul & Donna Ashbaugh
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">121 and 125 Ashland Woods Dr, Harpers Ferry, WV          Parcel ID: 02002100350000 and 02002100360000; Size: 2 and 95 ac; Zone: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:  <i>North:</i> Rural/Village                      <i>South:</i> Rural  <i>East:</i> Rural                                      <i>West:</i> Rural</p>
History:	Telecommunication Facility Site Plan (S96-07)
Waivers/Variances:	ZV12-27 – reduce front setback from 25' to 6' (09-20-12)
Approved Activity:	Telecommunications Tower

Staff Report  
Jefferson County Board of Zoning Appeals  
February 28, 2019  
**Ashbaugh Variance Request (#19-2-ZV)**

**STAFF EVALUATION OF REQUEST**

Summary of Request and Purpose of Ordinance Requirements

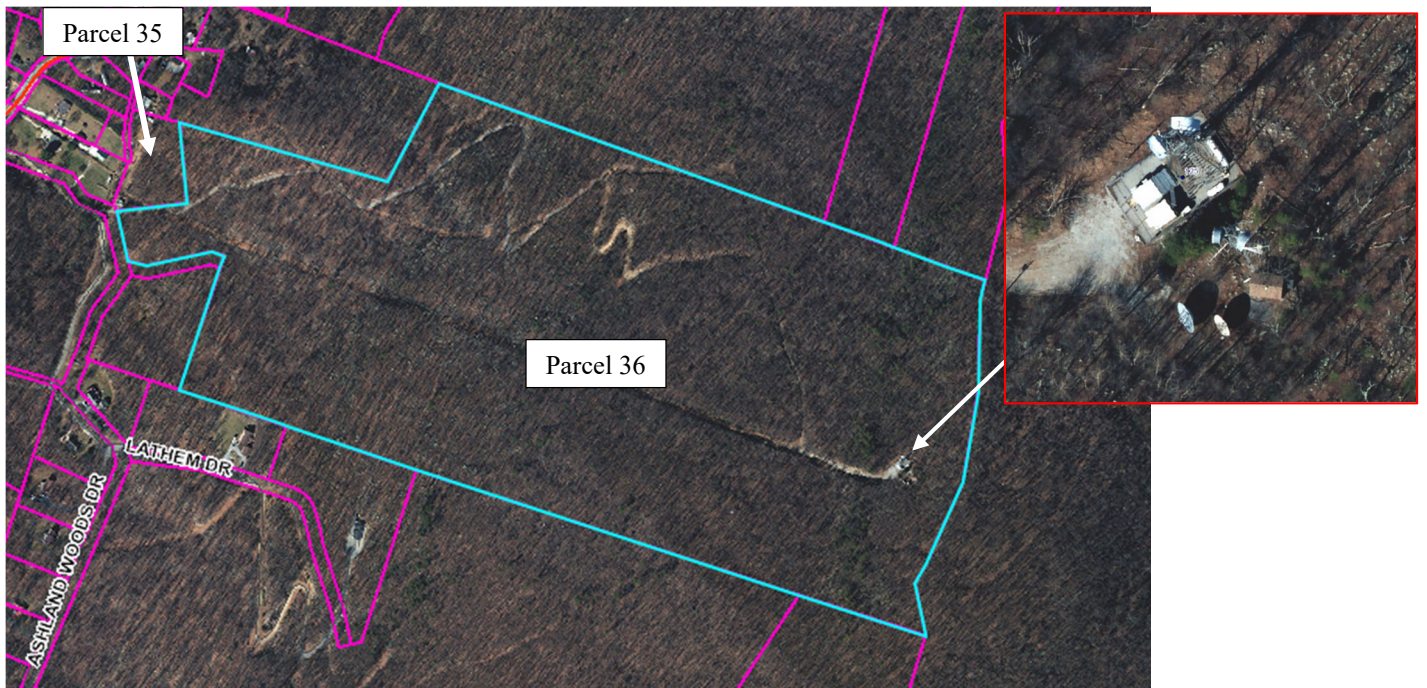
The applicant is requesting a variance from Section 5.6D to reduce the perimeter setbacks from 25' to 1' for an existing 7' tall fence (proposed parcel 35); and, to reduce the side setback from 25' to 21' for an existing 75' tall cell tower (proposed parcel 36). The purpose of the request is to allow for a boundary line adjustment between parcels 35 and 36.

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

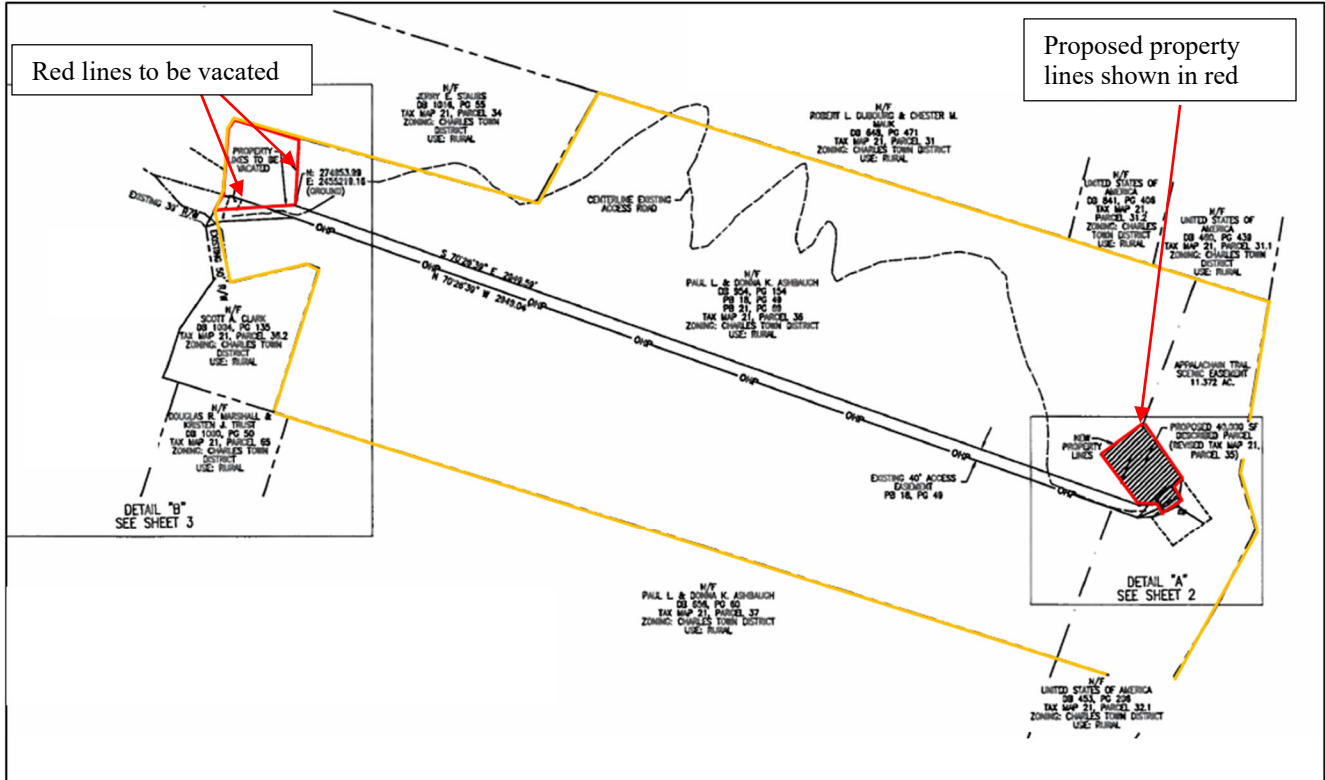
Parcel 35 was originally created through a series of boundary line adjustments approved in 2006. On September 20, 2012, CTI Towers, the easement lessee, requested a setback reduction to allow for the installation of a 7' privacy fence enclosure to be attached to an existing 11' x 15' telecommunications building and the construction of a 28+ square foot concrete pad within the enclosure. The Board approved the variance with no additional conditions.

Parcel 36 is the remaining acreage from the boundary line adjustments that created Parcel 35. This parcel has also historically been used as a wireless telecommunication facility location.



Staff Report  
Jefferson County Board of Zoning Appeals  
February 28, 2019  
**Ashbaugh Variance Request (#19-2-ZV)**

Proposed boundary line adjustment:



Impact on adjacent properties

A reduction to the requested setbacks would likely have minimal impact on the neighboring properties as they would be interior to the larger, wooded parcel.

Feasibility of complying with the ordinance by other means

It is not feasible to create the desired property line and meet the required setbacks as the structures are existing.

Conditions of Approval

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

1. No conditions of approval have been identified.

Staff Report  
Jefferson County Board of Zoning Appeals  
February 28, 2019  
**Ashbaugh Variance Request (#19-2-ZV)**

**SECTION OF ORDINANCE TO BE CONSIDERED:**

(c) Yard Requirements as follows: (These yard requirements are also for an approved commercial or industrial use proposed of any other zone.) [AMENDED BY ACT OF THE COUNTY COMMISSION ON SEPTEMBER 13, 1990]

1. Front yard building setback
  - Commercial sites - 25 feet
  - Industrial sites - 50 feet
2. Side yard building setback
  - Commercial sites greater than 1.5 acres - 50 feet
  - Commercial sites 1.5 acres and smaller - 25 feet
  - Industrial sites - 50 feet
3. Rear yard building setback
  - Commercial sites greater than 1.5 acres - 50 feet
  - Commercial sites 1.5 acres and smaller - 25 feet
  - Industrial sites - 50 feet
4. Parking, Driveway and Internal Access Drive Front Setbacks
  - Commercial sites greater than 1.5 acres - 15 feet
  - Commercial sites 1.5 acres and smaller - 15 feet
  - Industrial sites - 25 feet
5. Parking, Driveway and Internal Access Drive Side and Rear Setbacks
  - Commercial sites greater than 1.5 acres - 10 feet
  - Commercial sites 1.5 acres and smaller - 4 feet
  - Industrial sites \* - 25 feet

\* Driveways and Internal Access Drives Only Parking must abide by buffer requirements.



**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

19-2-ZV  
 File Number: M18-15  
 Staff Initials: RBB  
 Meeting Date: 2/28/19  
 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: PAUL L. & DONNA K. ASHBAUGH  
 Mailing Address: 1100 CHESTNUT HILL RD., HARPRS FERRY, WV 25425  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

Name: PAUL L. & DONNA K. ASHBAUGH  
 Mailing Address: 1100 CHESTNUT HILL RD., HARPERS FERRY, WV 25425  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

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

Name: DWAYNE D. MATHENY, P.S.  
 Mailing Address: 172 THOMPSON DRIVE, BRIDGEPORT, WV 26330  
 Phone Number: 304-848-5035 Email: dmatheny@alleghenysurveys.com

**Physical Property Details**

Physical Address: 121 + 125 Ashland Woods Dr. Harpers Ferry, WV State: WV Zip Code: 26119  
 City: \_\_\_\_\_  
 Tax District: CHARLES TOWN Map No: 21 Parcel No: 35 + 36  
 Parcel Size: 0.92 2ac / 95ac Deed Book: 1032 / 954 Page No: 109 / 154

**Zoning District (please check one)**

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RECEIVED**

FEB 28 2019

JEFFERSON COUNTY  
 PLANNING, ZONING AND ENGINEERING

Place Received Date Stamp Here

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

Is there a Code Enforcement action pending in relation to this property? Yes  No  2/7/19

Reference the section of the Zoning Ordinance pertaining to this request: SECTION 9.7 5.6D . . . GH

Briefly describe the nature of the variance request:

\* THE PROPOSED PROPERTY LINES ARE ESTABLISHED ALONG EXISTING FENCE LINES AROUND THE PERIMETER OF EXISTINGS STRUCTURES. \*\* ADDITIONALLY, THE PROPOSED PROPERTY LINES ARE ESTABLISHED TO NOT ENCROACH ON AN ADJOINING EXISTING TOWER STRUCTURE AND SUPPORTING ELEMENTS. \* Reduce to 1'; \*\* Reduce to 21' GH

If this request is for a setback variance, please check one of the following: SEE SKETCH  
Front Setback  Side Setback  Rear Setback  Reduction From 25' to 2.5' GH

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 PROPOSED PROPERTY LINE IS ESTABLISHED TO NOT ENCROACH AN ADJOINING EASEMENT AND STRUCUTRES AS CURRENTLY EXIST.

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 IS AN BOUNDARY LINE ADJUSTMENT OF AN EXISTING PARCEL OF LAND, PROPOSED TO ENCOMPASS AN EXISTING STRUCTURE ADJOINING AN EASEMENT WITH AN EXISTING STRUCTURE.

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?  
GRANTING OF THE VARIANCE WILL PERMIT THE EXISTING STRUCTURES TO EXIST AND CONTINUE SERVICE WITHOUT ANY CONFLICT OF ENCROACHMENT OR ADDITIONAL EASEMENTS.

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?  
THE ZONING ORDINANCE WILL BE OBSERVED ON ALL REMAINING PROPOSED PROPERTY LINES. THE AREA OF REQUESTED VARIANCE IS BASED SOLELY ON EXISTING STRUCTURES AND EASMENTS.

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] Jan 24-19  
Signature of Property Owner Date

[Signature] Jan 24-19  
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).

02/28/19  
Date of Public Hearing

02/13/19  
Advertising Date

02/13/19  
Placard Posting Date







# 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 February 28, 2019

### 1) Text Amendments:

- There are no pending text amendments at this time.
- The Planning Commission created a volunteer committee to prepare an RFQ or RFP for the Subdivision Regulations and Zoning Ordinance updates. The committee is comprised of Mike Shepp, Donnie Fisher, and Steve Stolipher with Wade Louthan as an alternate.

### 2) Upcoming BZA meeting

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



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

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**February 2019**

**Zoning Certificate Activity Report**

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File # ZC18-35  
Request: Telecommunication Facility: Replace existing antennas  
Property Owner: T. Neill Banks and Kenna Banks  
Applicant: Hardy Cellular Telephone Co.  
Parcel Info: 3343 Shepherdstown Pk. Shenandoah Junction  
Parcel ID: 09002300220000; Size: ~105 ac; Zone: Rural  
Issuance Date: 01/22/19

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File # 19-1-ZC  
Request: Mortgage Office  
Property Owner: Kita, LLC, Margarita & Lenard Mironov  
Applicant: Movement Mortgage, LLC  
Parcel Info: 53 Ruland Rd., Ste B, Kearneysville, WV  
Parcel ID: 02000100160015; Size: 6.24 ac; Zone: Industrial-Commercial  
Issuance Date: 02/05/19

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File # 19-2-ZC  
Request: Apex Tower-Lefevre: Addition of (1) antenna and (1) radio head per sector (totaling (3) antennas and (3) radio heads) at the 163.60' height on a 199' pre-existing wireless communication tower.  
Property Owner: Thomas Lefevre  
Applicant: NB+C  
Parcel Info: 237 Tel Farm Ln, Kearneysville, WV  
Parcel ID: 07001900240000; Size: 107.5 ac; Zone: Rural  
Issuance Date: 02/11/19

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