



Jefferson County
Board of Zoning Appeals
Thursday, March 28, 2019 at 2:00 p.m.

Members
Tyler Quynn, Chair
Jeffrey Bannon, Vice Chair
Deirdre Catterton
Matthew McKinney
Leeds Corbin

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.

Approval of Minutes: January 24, 2019

Public Hearing – Administer Oath

ITEM #1 FILE #: 19-1-CUP – Postponed From February 28, 2019

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

ITEM #2 FILE #: 19-1-ZV – Postponed From February 28, 2019

Request: Variance from Section 5.7B to reduce the rear setback from 50' to 20' 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

ITEM #3 FILE #: 19-2-ZV – Postponed From February 28, 2019

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

ITEM #4 FILE #: 19-3-ZV

Request: Variance from Section 8.17B.1 to reduce the required acreage for a six (6) site campground from 10 acres to six (6) acres.
Applicant: Same as Owner
Parcel Info: Danielle LaRock and Johnathon Carnill
Vacant parcel on the northwest corner of River Rd and Cedar Ridge Ln, Shepherdstown, WV,
Parcel ID: 09001000070000; Size: 6.06 ac; Zone: Rural

ITEM #5 FILE #: 19-4-ZV

Request: Variance from Section 4.10A to waive the requirement of a site plan to process a six (6) site campground.
Applicant: Same as Owner
Parcel Info: Danielle LaRock and Johnathon Carnill
Vacant parcel on the northwest corner of River Rd and Cedar Ridge Ln, Shepherdstown, WV,
Parcel ID: 09001000070000; Size: 6.06 ac; Zone: Rural

ITEM #6 FILE #: 19-5-ZV

Request: Variance from Section 5.7(b) to reduce the front setback from 40' to 5' for a 20' x 21' accessory structure.

Applicant: Same as Owner

Parcel Info: Mark & Elaine Boyd
 12615 Leetown Rd, Kearneysville, WV
 Parcel ID: 07000800020018; Size: 1.53 ac; Zone: Rural

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.

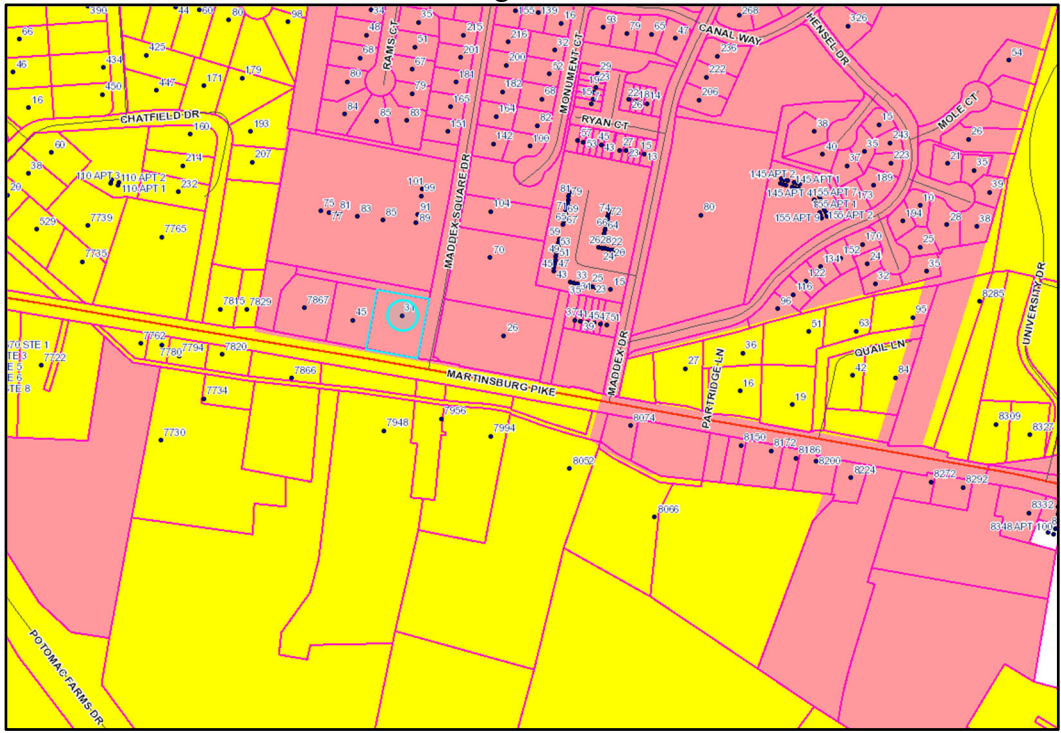
23 Mr. Bannon moved to adjourn the meeting at 3:57 pm. Mr. Quynn called for a vote, which carried
24 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 March 28, 2019

Postponed from February 28, 2019

**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: <i>North:</i> Residential - Light Industrial – Commercial <i>South:</i> Residential Growth <i>East & West:</i> Residential - Light Industrial – Commercial</p>
Approved Use:	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)
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

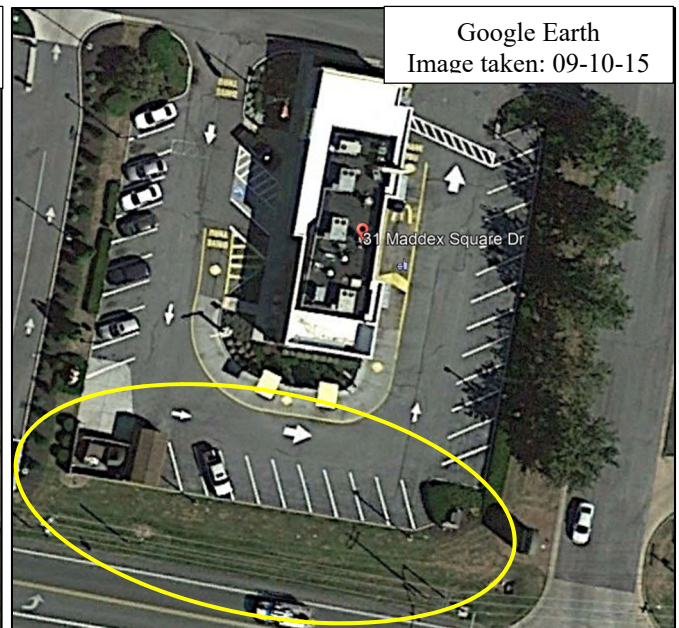
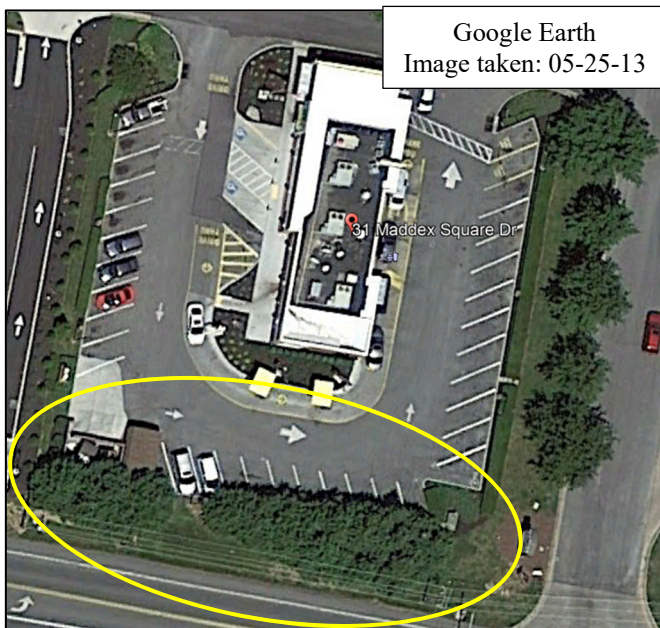
While the application before you today is for a new Conditional Use Permit, the request is to replace the existing static menu boards with digital (electronic) menu boards.

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

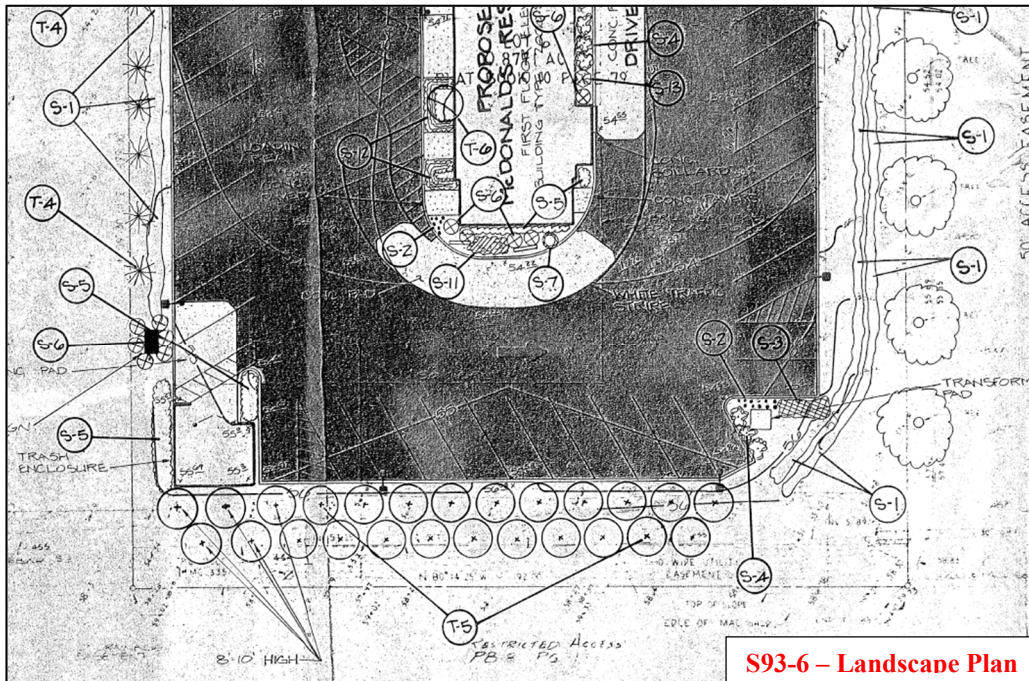
The subject parcel contains the approved McDonald's Drive-Through Restaurant. The original Conditional Use Permit and Site Plan were approved with landscaping along the front of the property which faces Martinsburg Pike (Route 45). As you can see in the below images, the landscaping has since been removed.



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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:”

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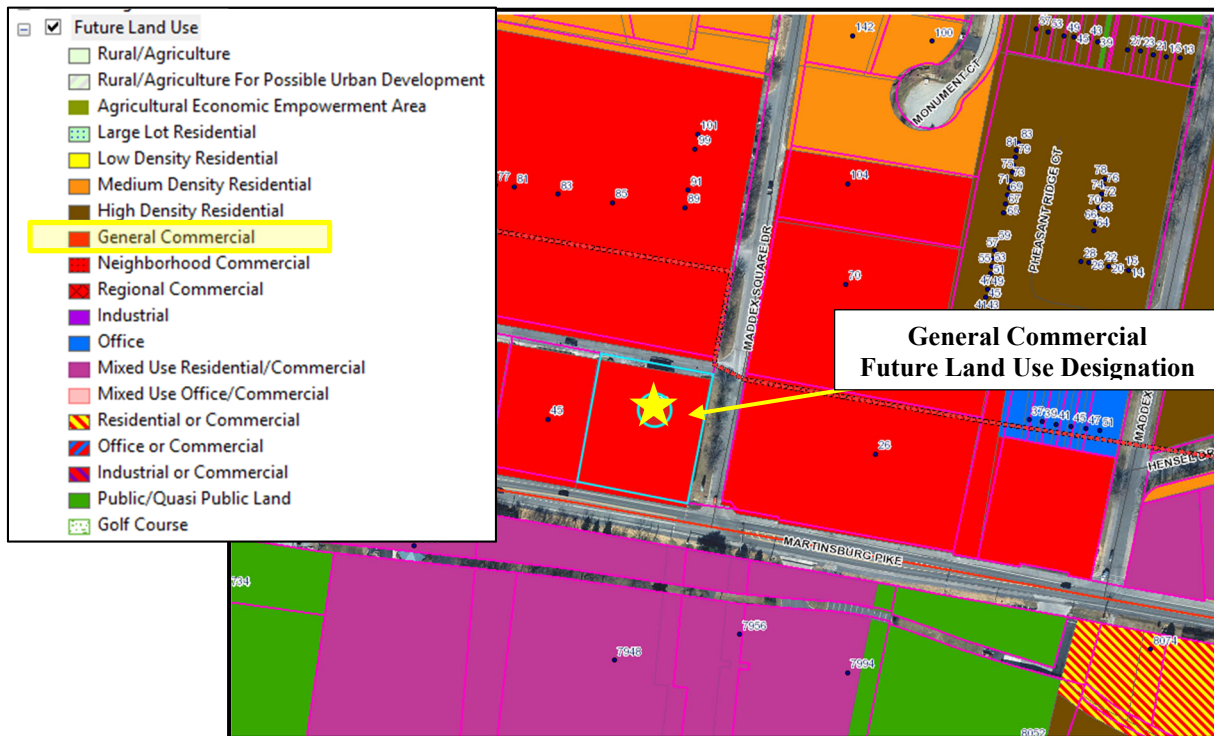
Postponed from February 28, 2019

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

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.



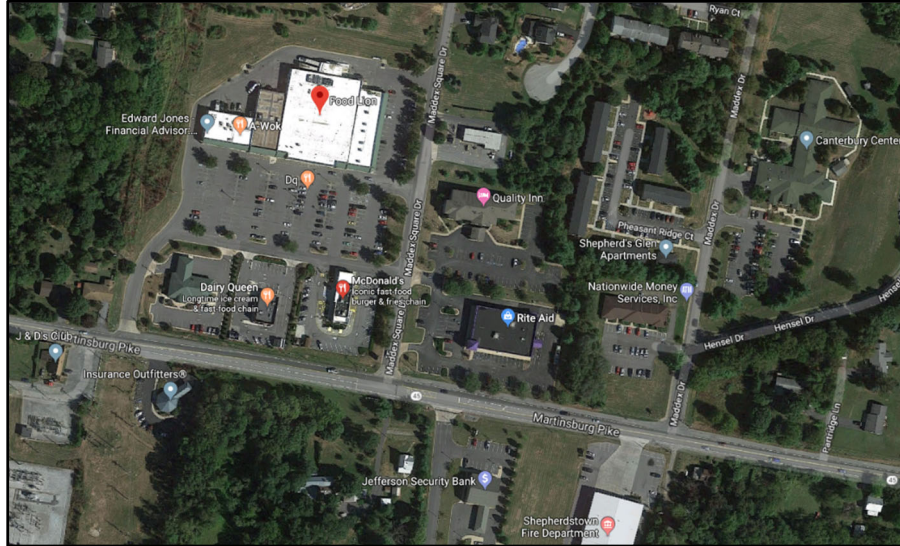
2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.

The 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.

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**McDonald's Menu Board
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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.

Section 10.6 Conditional Use Permit (CUP) Signs³⁶

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 Signs³⁶

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.

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

- 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.
- 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, 2nd 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

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 Notary Public in and for the aforesaid State hereby certify that Lorraine Fertelka appeared before me in the State and City/County aforesaid and executed this affidavit on this 17th day of December 2018.

[Signature]
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

CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, and is intended only for the use of the recipient(s) named above. You are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, to any other party, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original message and any copy of it from your computer system. If you have any questions concerning this message, please contact sender. If this email was sent to you in error, do not forward it to others, or include others in your email traffic to reply. Dissemination and or distribution of this email to anyone other than the sender is prohibited unless you are the purchaser of this information.

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
304-728-3228

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

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

To: Zoning <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.¹ 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.

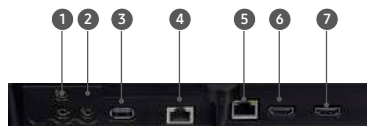
Samsung OHF Series Displays



		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 insights.samsung.com samsung.com/b2bdigitalsignage

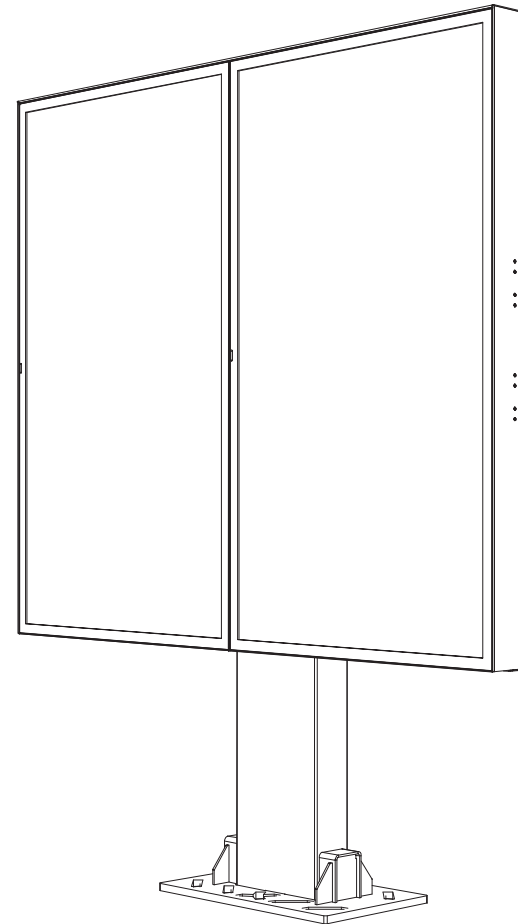
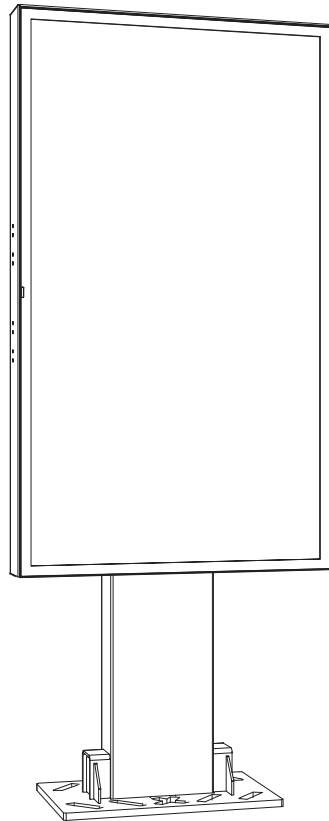
Product Support

1-866-SAM4BIZ

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SAMSUNG



55" Outdoor digital menuboard

02-55-2S/D Outdoor Menu Board
Permitting Unit Information

Coates ODMB

Single screen unit



Area of display



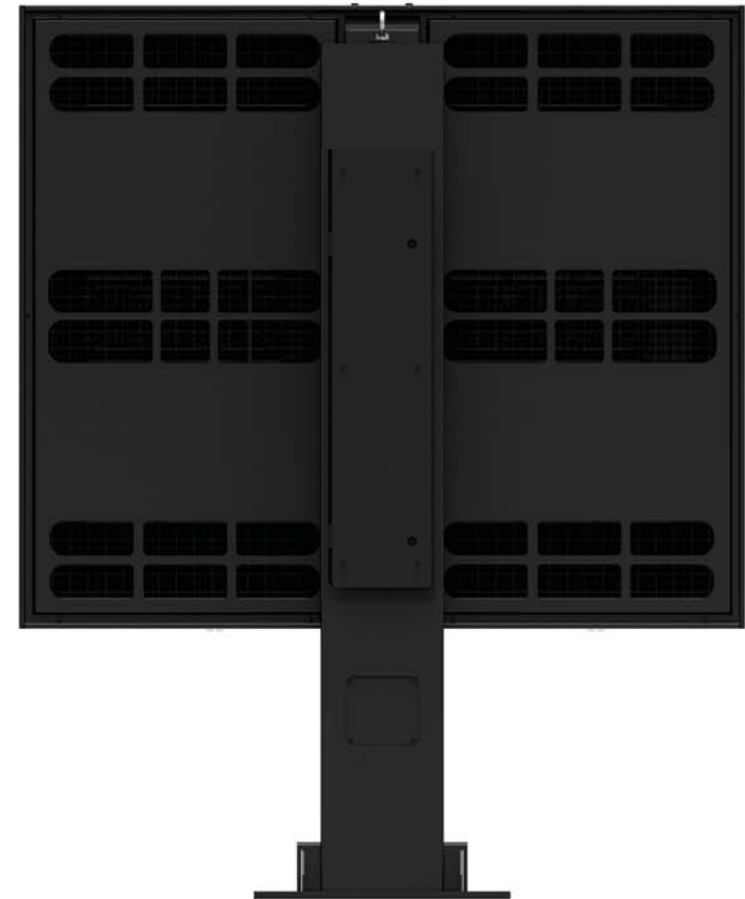
Coates ODMB

Double screen unit



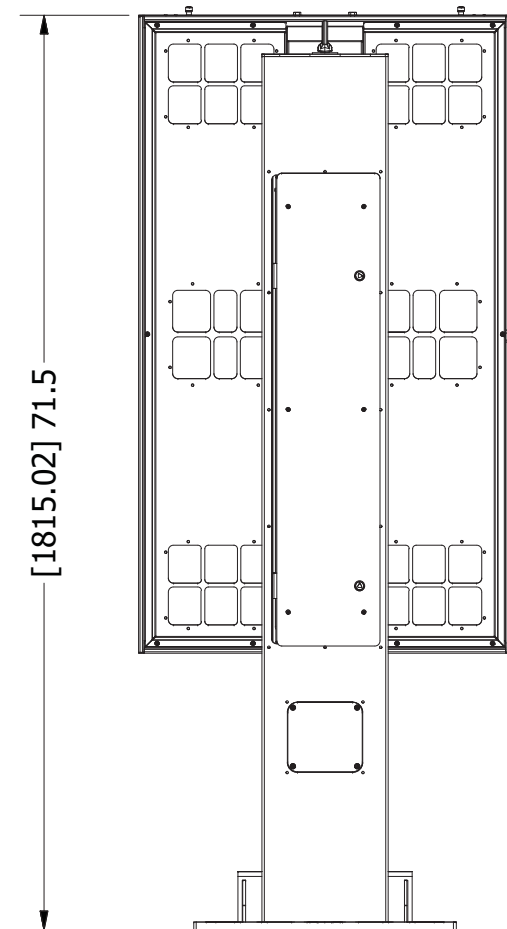
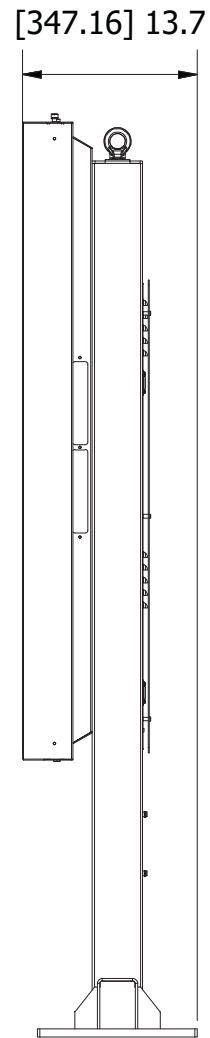
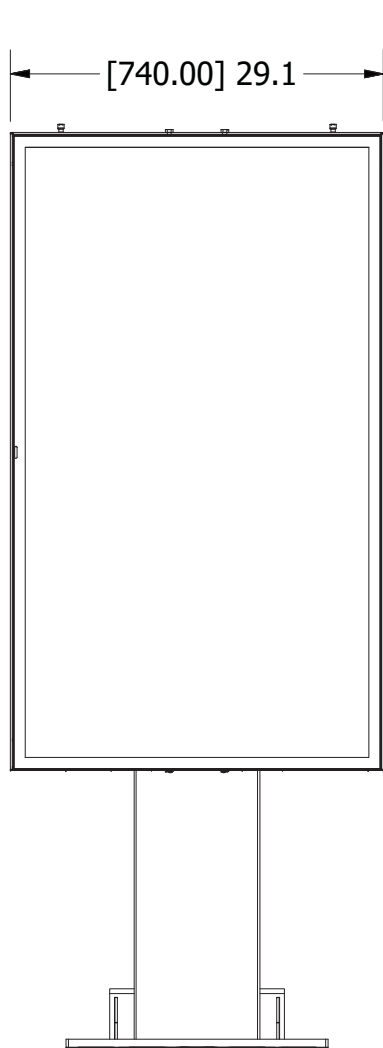
Area of display

Area of display



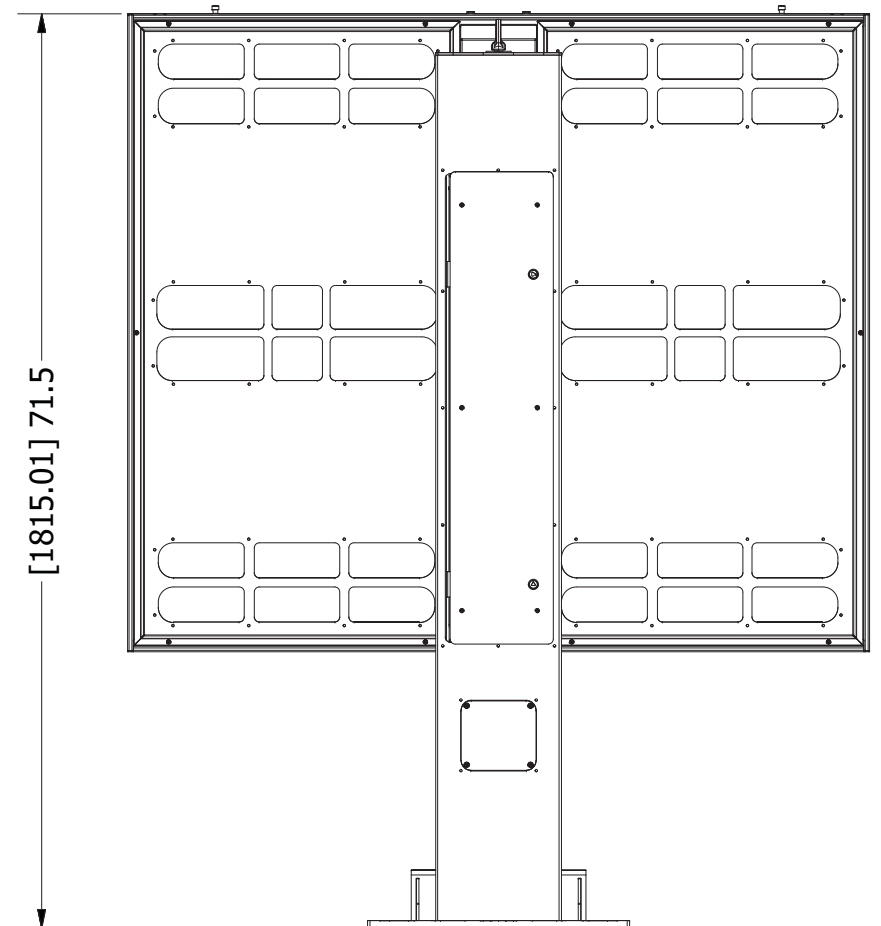
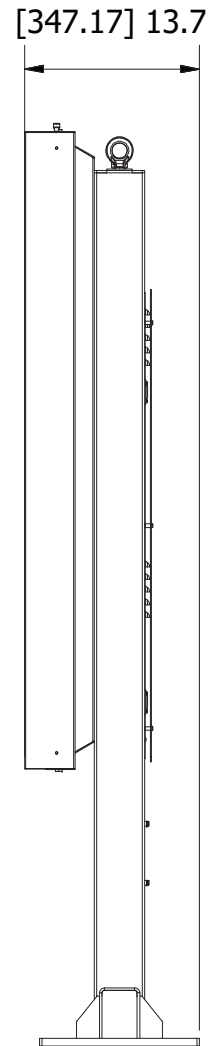
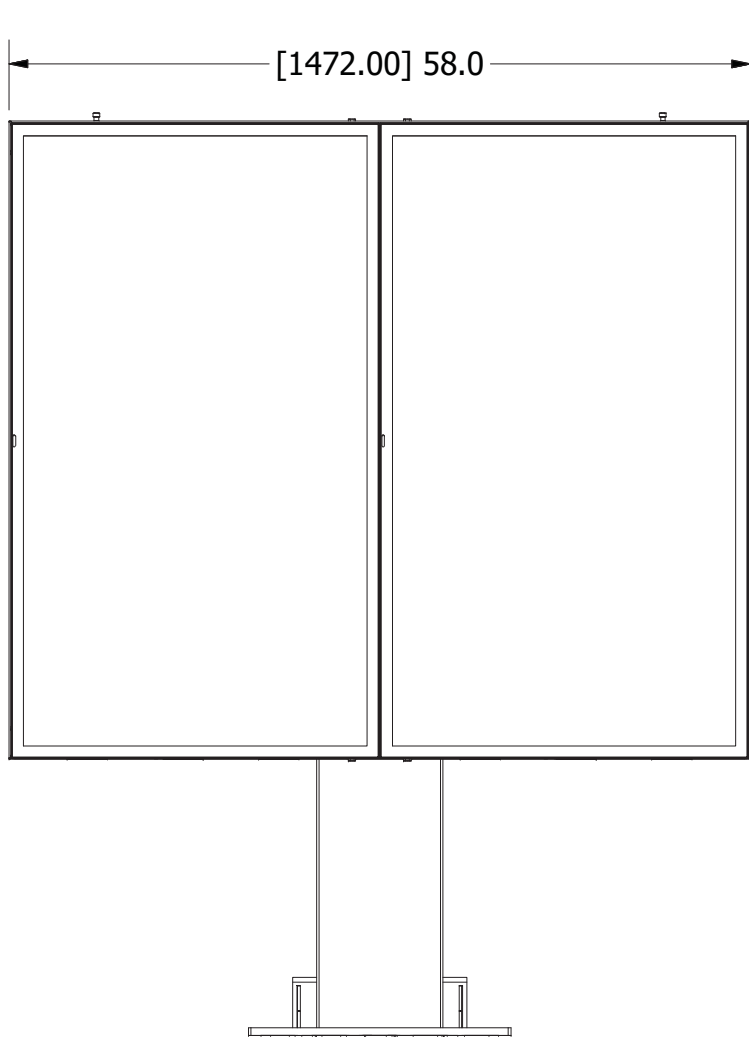
Coates ODMB

Single screen unit



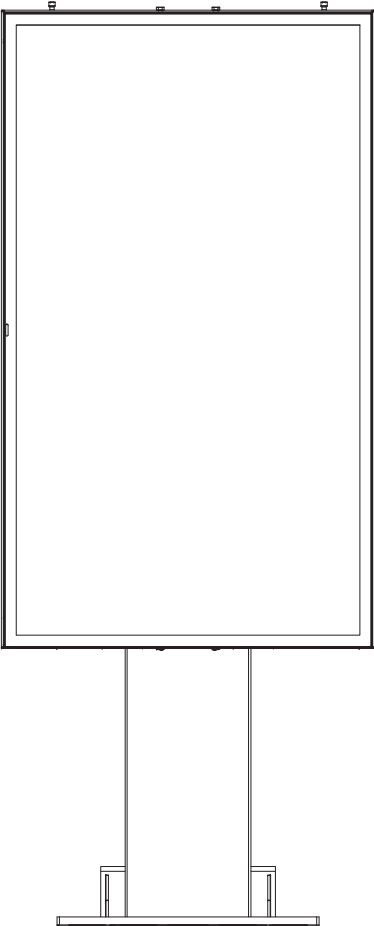
Coates ODMB

Double screen unit

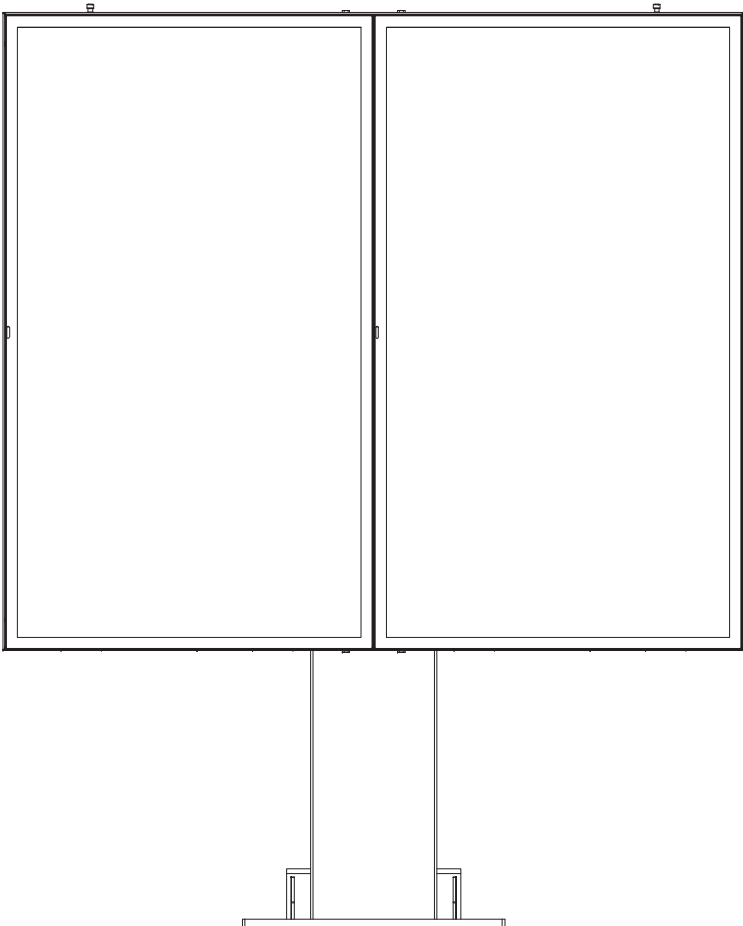


Coates ODMB

Power draw



Max potential draw 5.7A @110V



Max potential draw 9.8A @110V



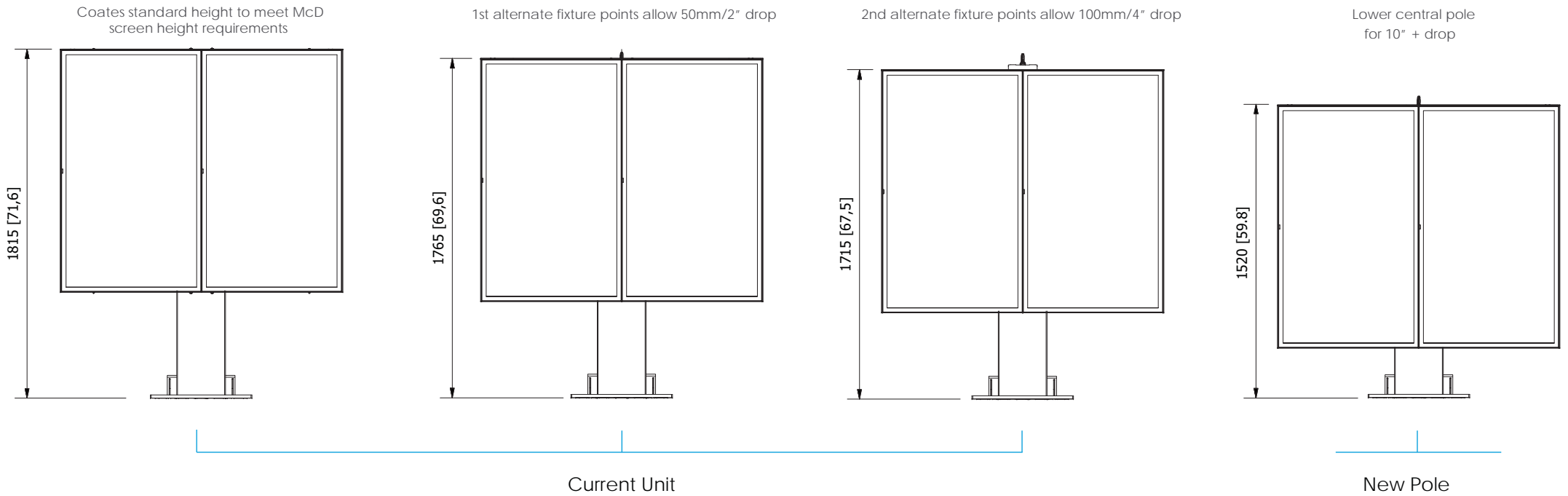
UL48 Electric sign

Coates ODMB

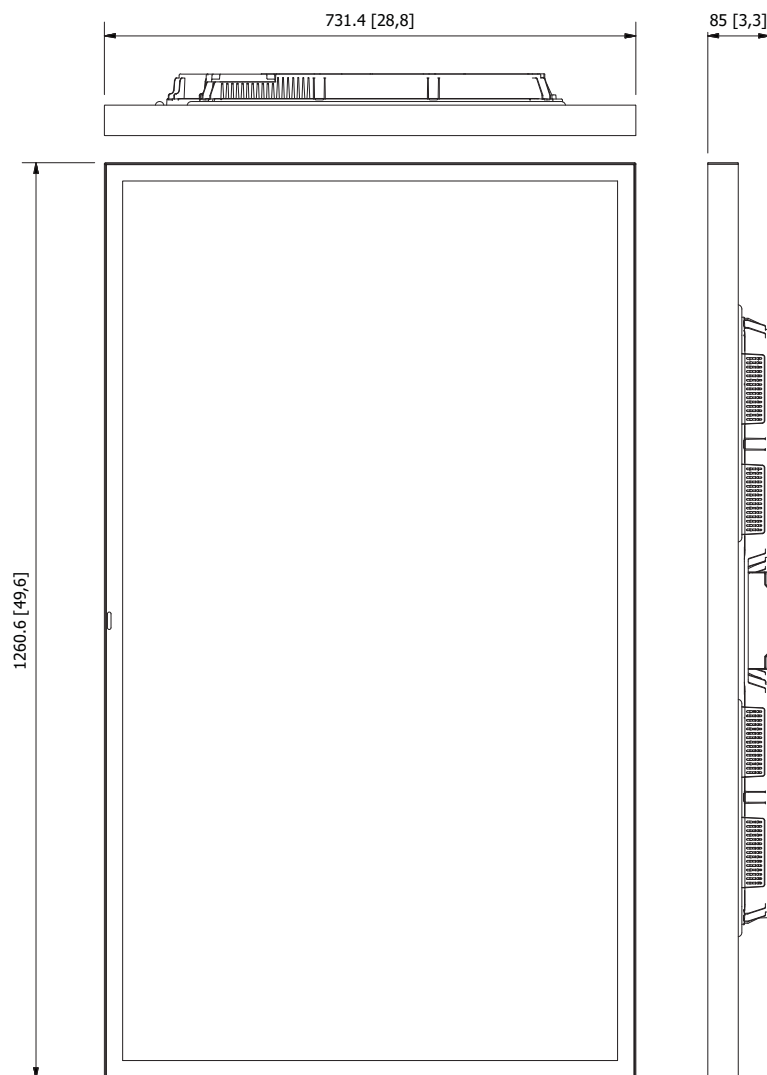
Height variations



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



Display specification



Samsung 550HF

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

Display specification

Lumen output

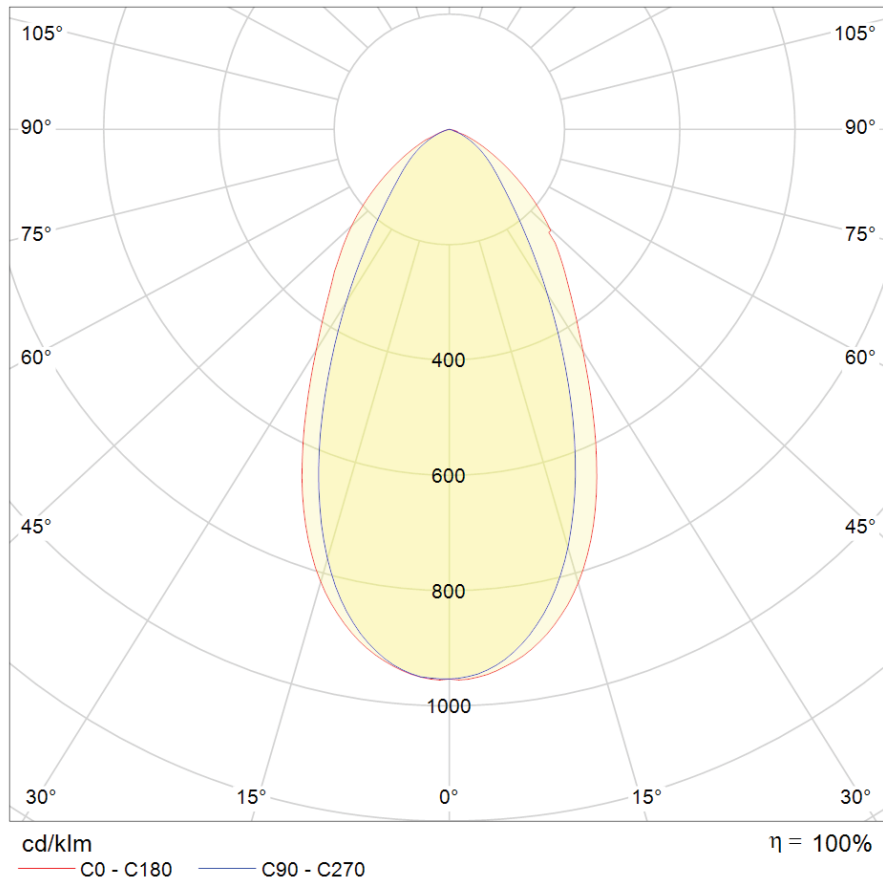


Fig 1.0

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

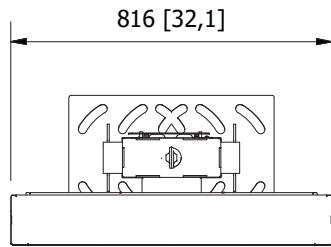
The units have inbuilt ambient light sensors

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

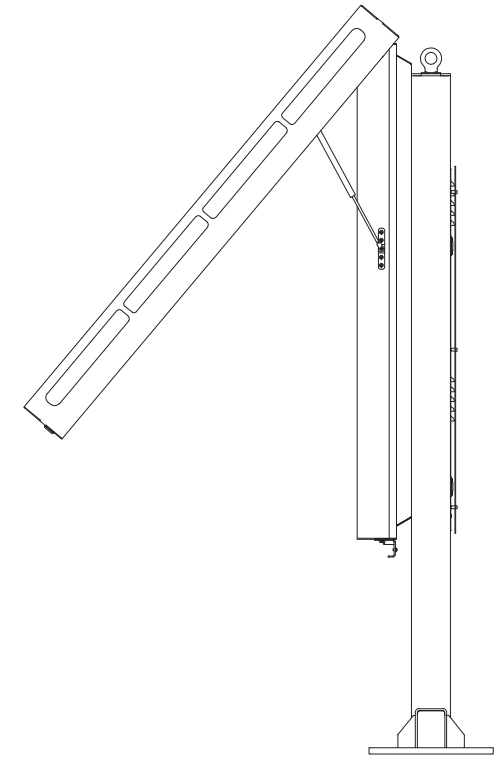
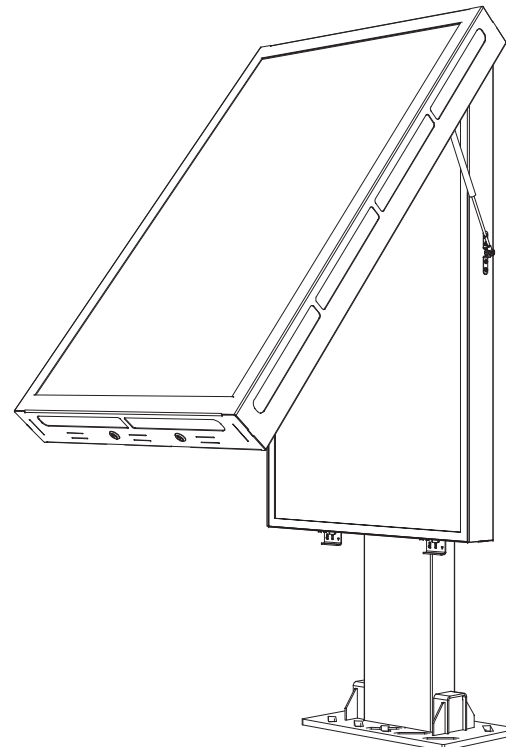
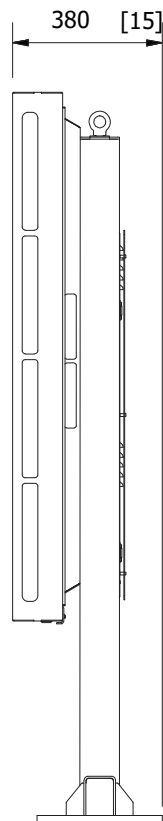
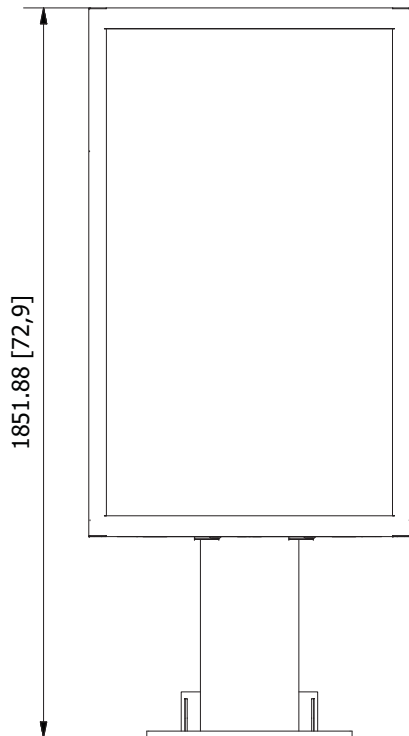
The screens can dim from full brightness 2500nit (Fig1.) all the way down to 500nit to prevent excessive output (glare) in low light and night time environments

Coates ODMB

Single with additional security glass

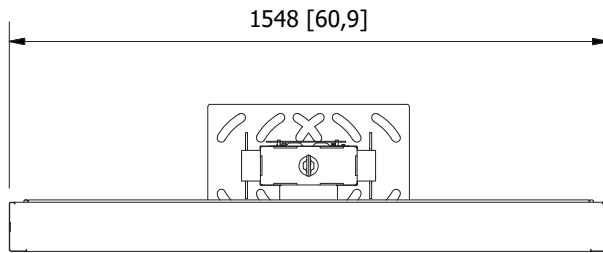


Optional tempered glass security cover
6mm tempered glass

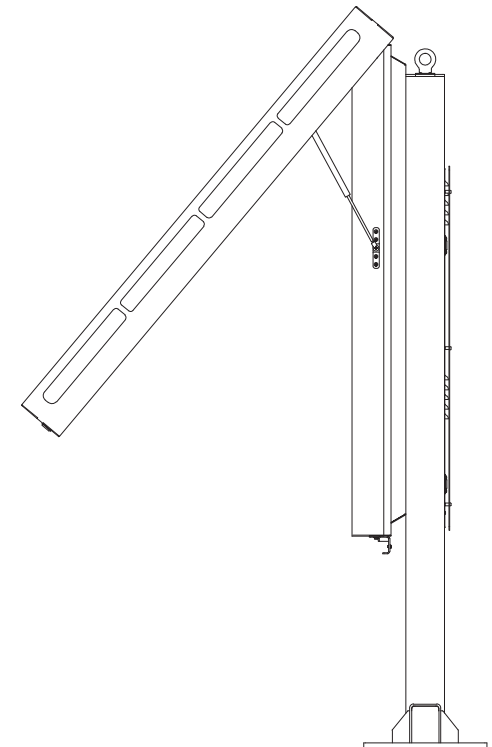
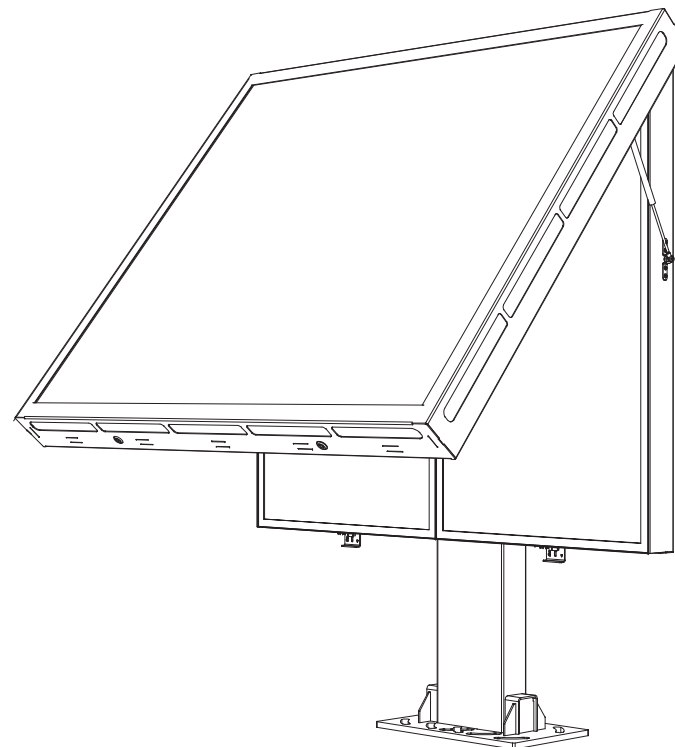
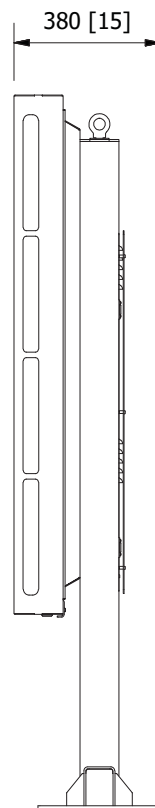
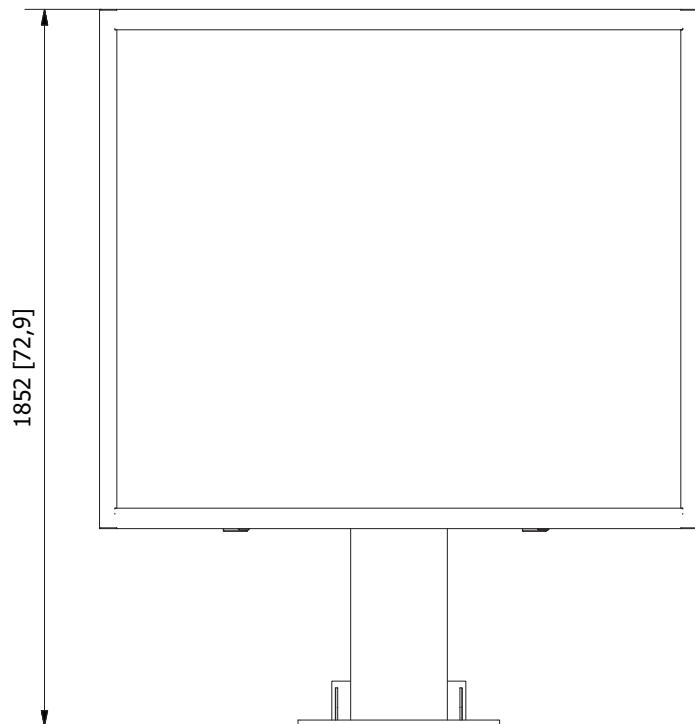


Coates ODMB

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)



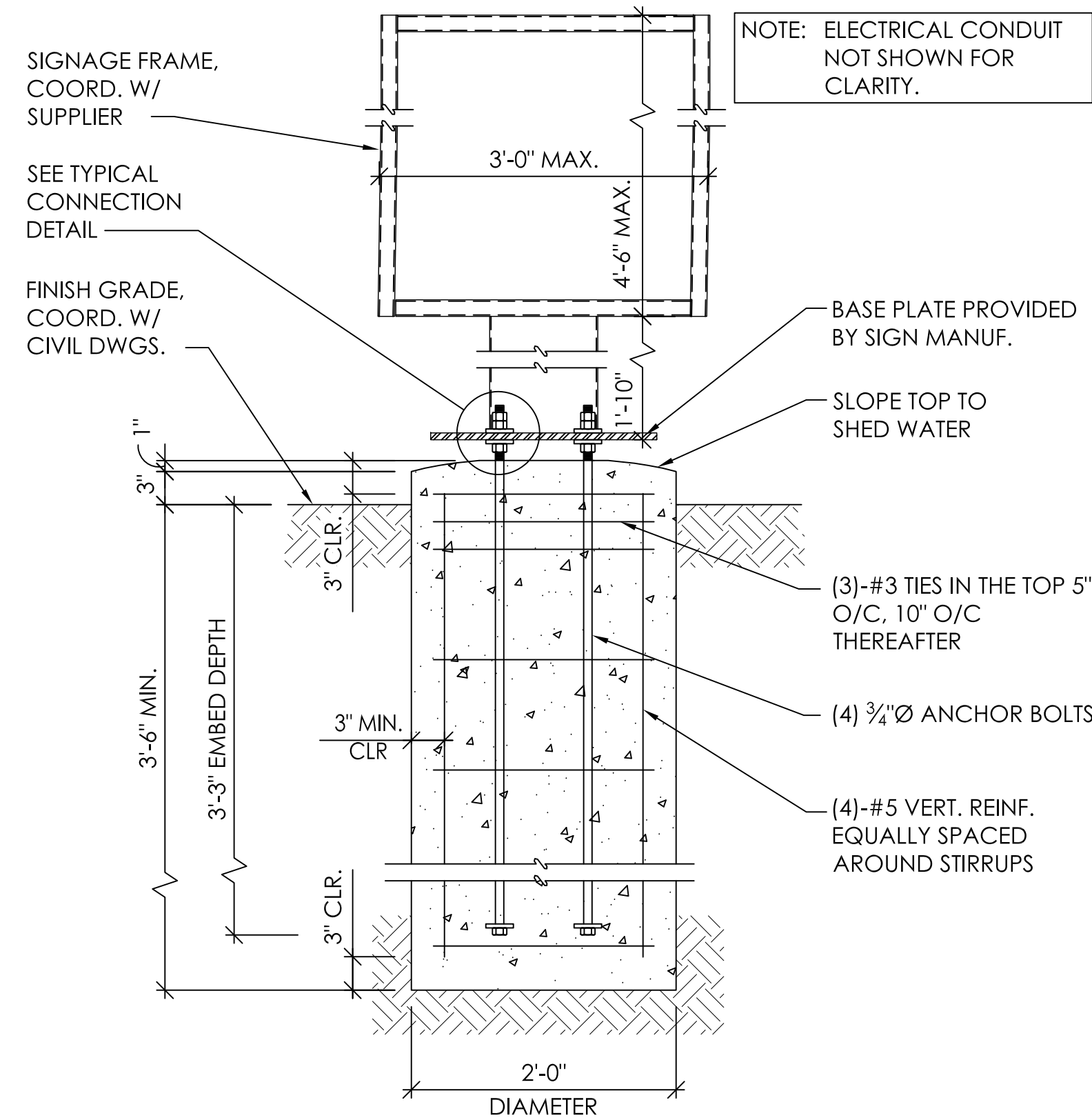
Our New Menus Are NOT:

- **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

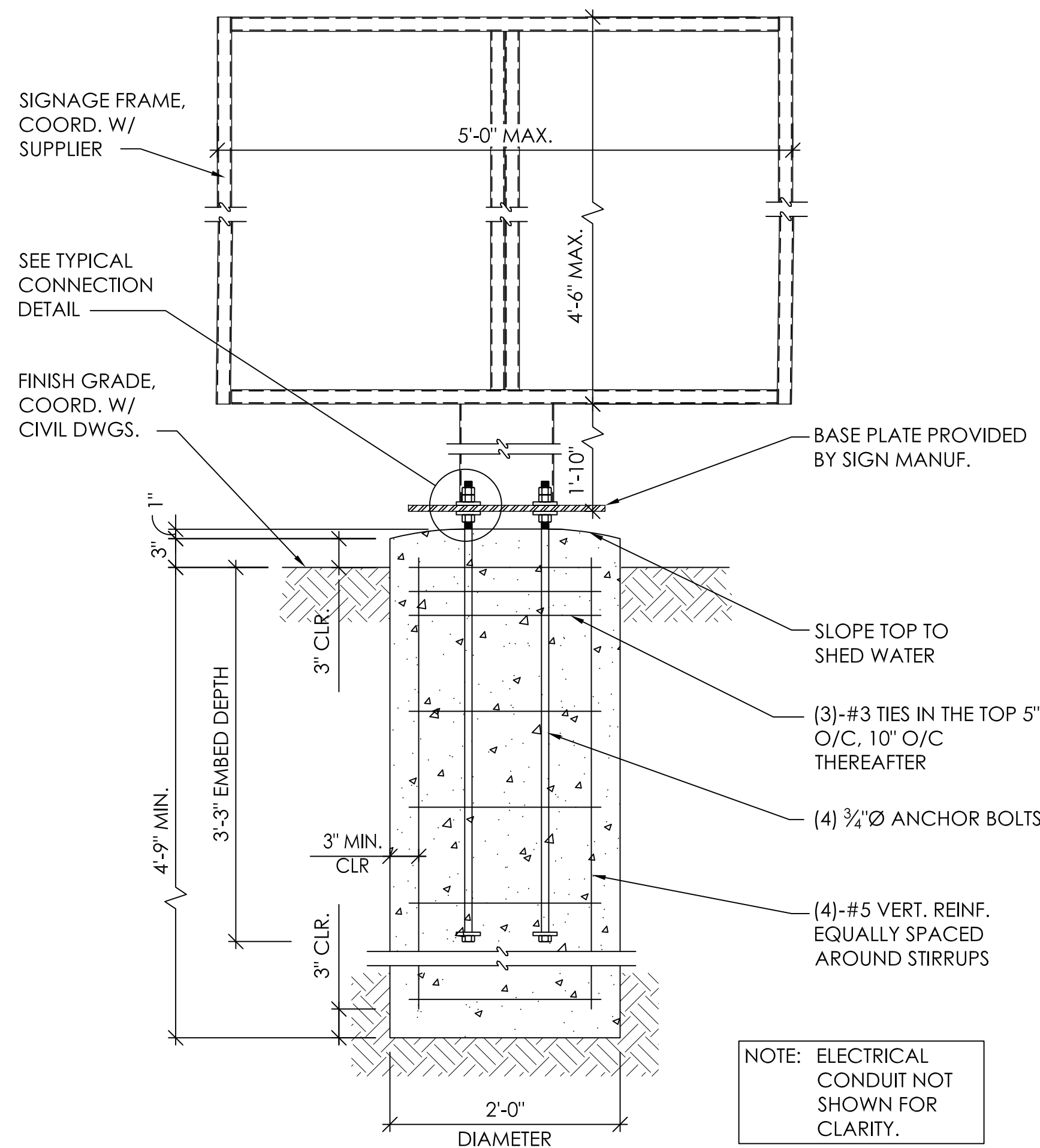


Menu Board Flexibility (if desired or requested)

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



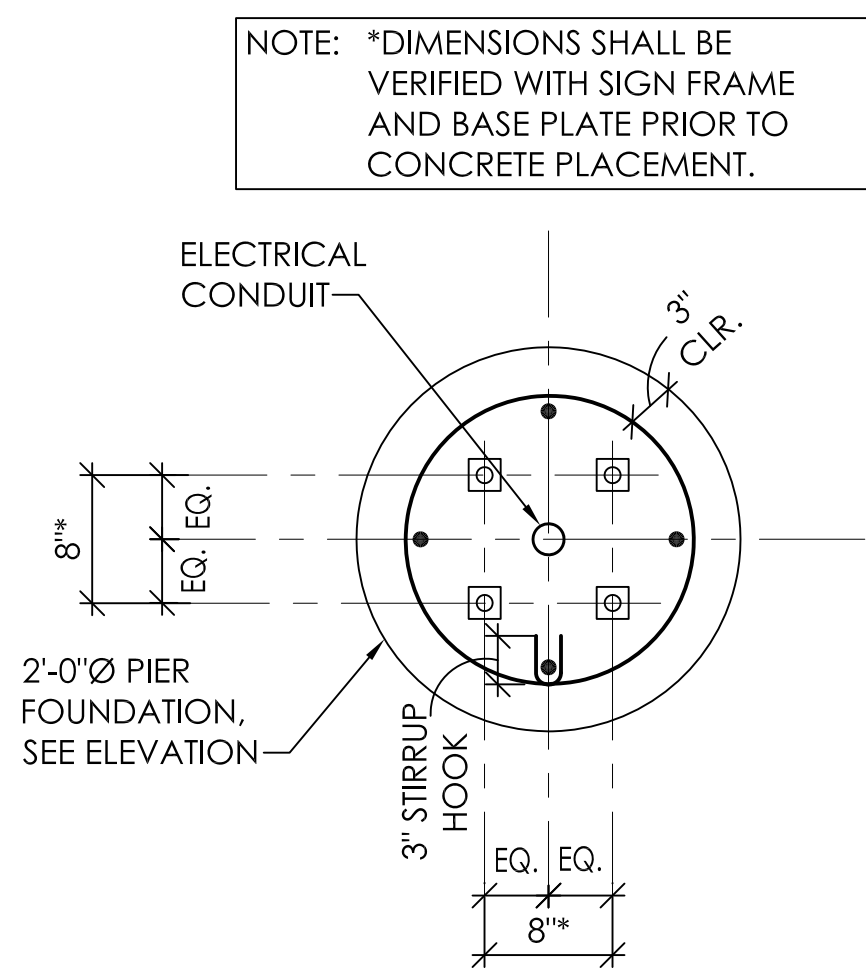
FOUNDATION ELEVATION (PRE-SELL BOARD) A
1" = 1'-0" S1.0/S1.0



FOUNDATION ELEVATION (MENU BOARD) B
1" = 1'-0" S1.0/S1.0

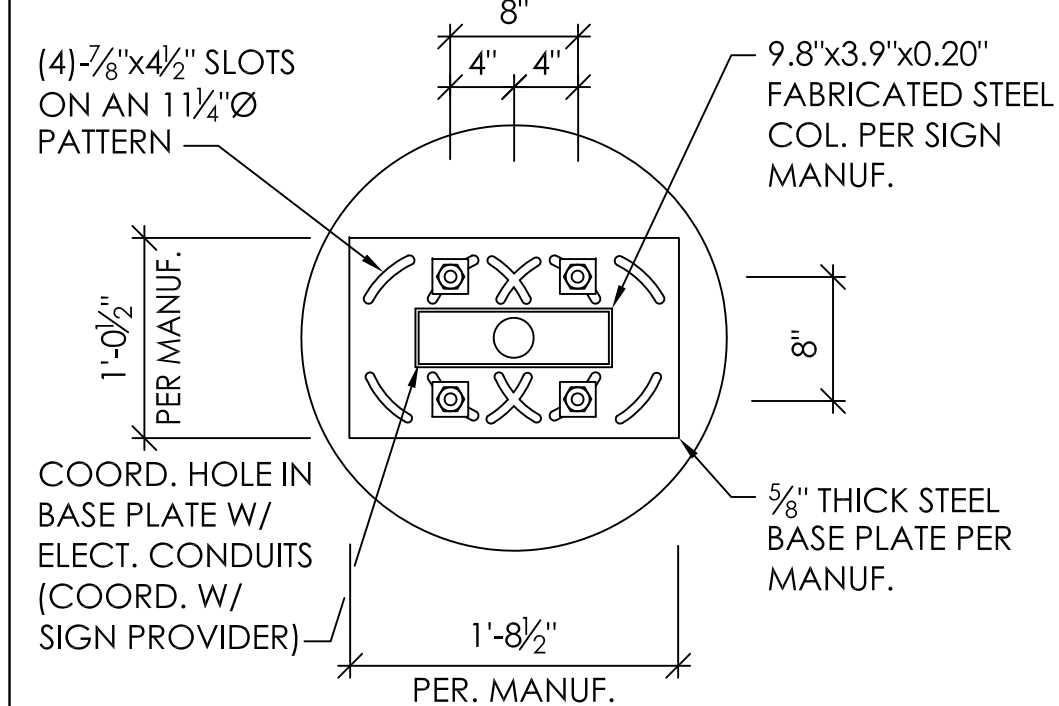
ANCHOR BOLT, NUT AND WASHER NOTES:

- 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"

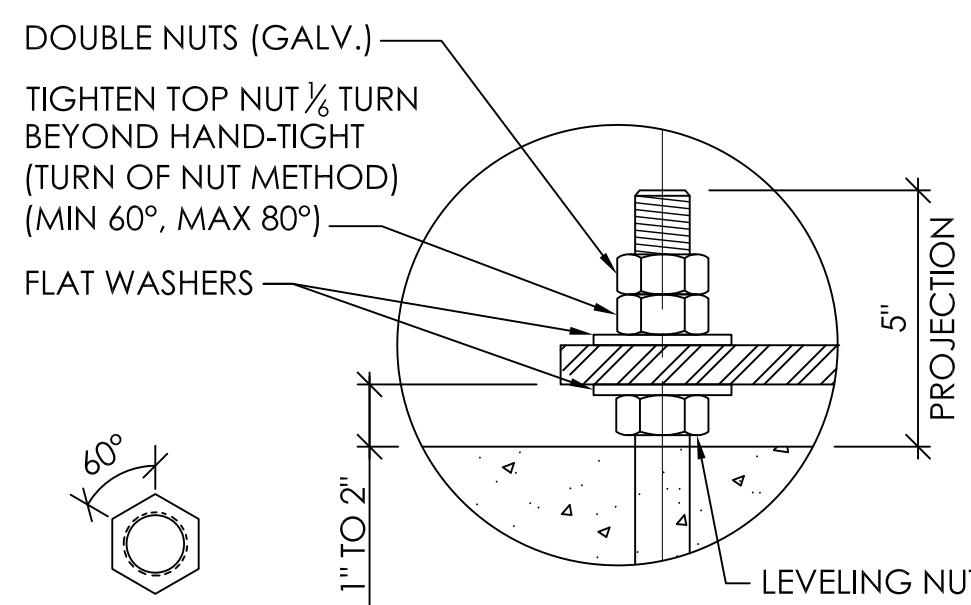
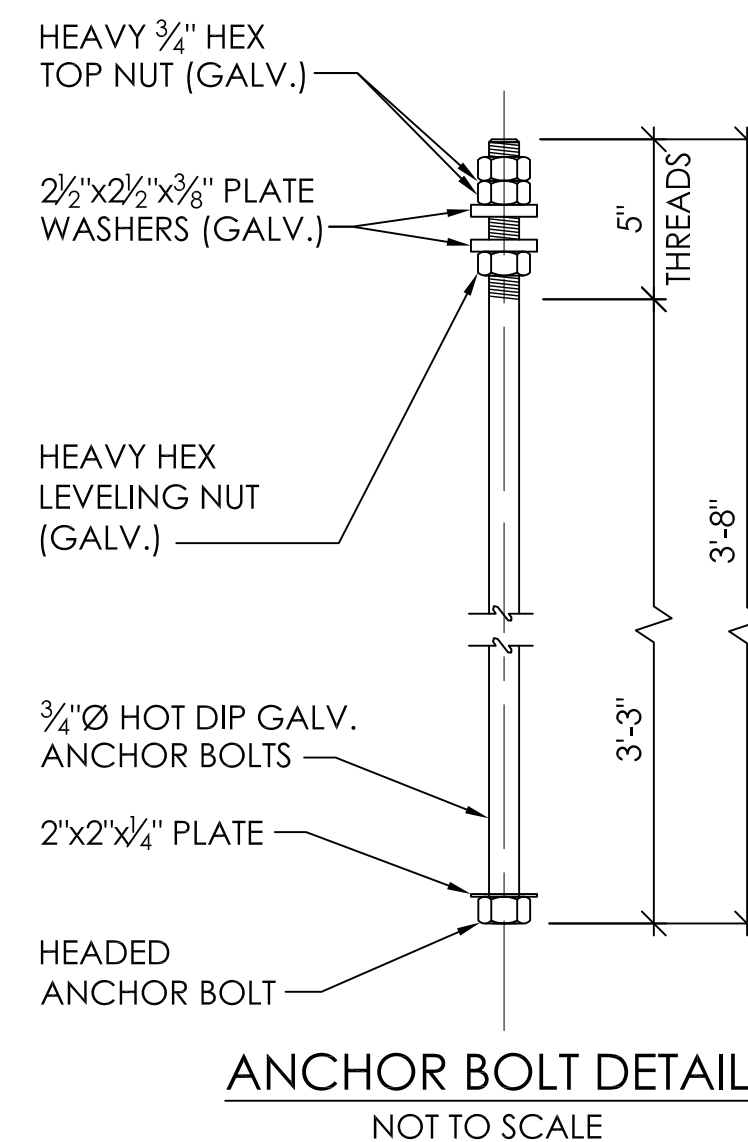
NOTE: COORDINATE CONDUIT PLACEMENT INSIDE SIGN COLUMN PRIOR TO CONCRETE PLACEMENT.



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 WELDING 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_{ULI}=115 MPH
V_{ASD}=90 MPH
EXPOSURE.....C
RISK CATEGORY.....II
WIND BASE SHEAR.....V_b=400 LBS (PRE-SELL BOARD)
V_b= 700 LBS (MENU BOARD)
SEISMIC:
SEISMIC IMPORTANCE FACTOR (I_e).....1.0
MAPPED SPECTRAL RESPONSE ACCELERATIONS..S_s.....0.128g
S_m.....0.052g
DESIGN SPECTRAL RESPONSE ACCELERATIONS S_{DS}.....0.137g
S_{D1}.....0.083g
SITE CLASS.....D
SEISMIC DESIGN CATEGORY.....B
SEISMIC RESPONSE COEFFICIENT (C_s).....0.039
COMPONENT RESPONSE MODIFICATION FACTOR (R_e)...3.5
SEISMIC DESIGN FORCE (F_p).....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_b) OF 150 PSF. CONTRACTOR SHALL HIRE A GEOTECHNICAL ENGINEER TO CONFIRM AN ALLOWABLE BEARING PRESSURE (S_b) 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_c) 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

© 2017 McDonald's USA, LLC
McDonald's USA, LLC
NSN 13445
SITE ADDRESS: 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:

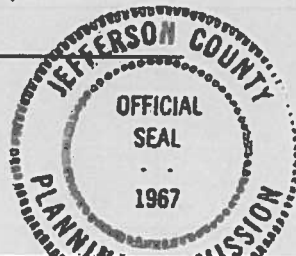
1. Buffer the dumpsters from the road and residential structures with a green planting screen;
2. Orientate the menu board east and west and screen such;
3. Direct lighting downward;
4. Limit the height of the lights to 20' high and not make them any higher than the ones in the existing shopping center;
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.

P. W. Raw
Zoning Administrator

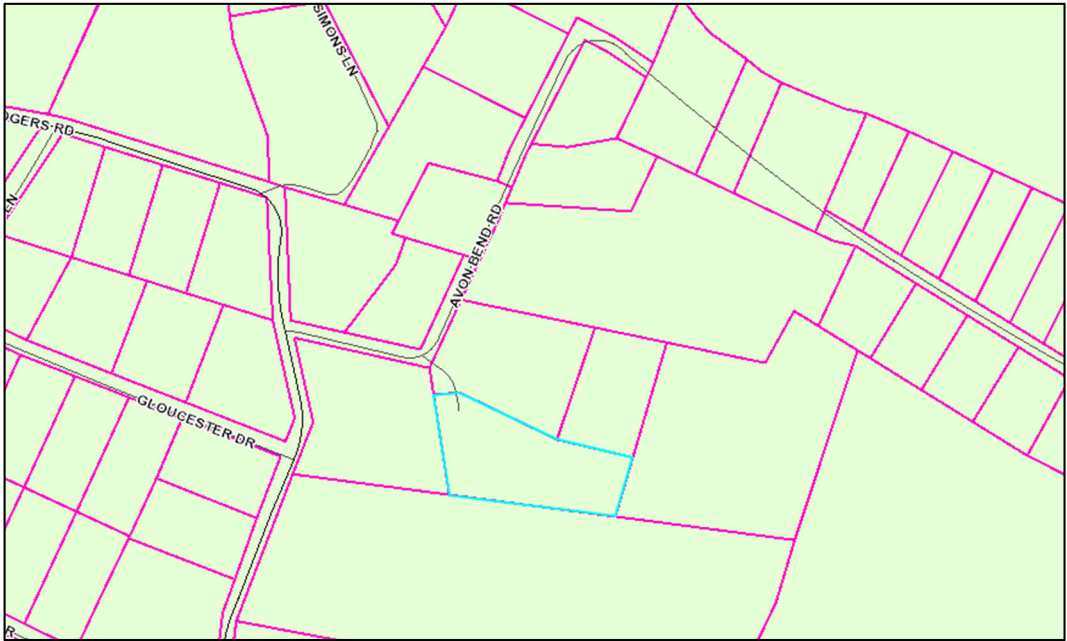
Planning Commission Seal



May 11, 1993
Date

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

Item #2 Variance from Section 5.7B to reduce the rear setback from 50' to 20' 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 (PB 23 Pg 11)
Waivers/Variations:	None
Approved Activity:	Single-Family Residence

STAFF EVALUATION OF REQUEST

Summary of Request and Purpose of Ordinance Requirements

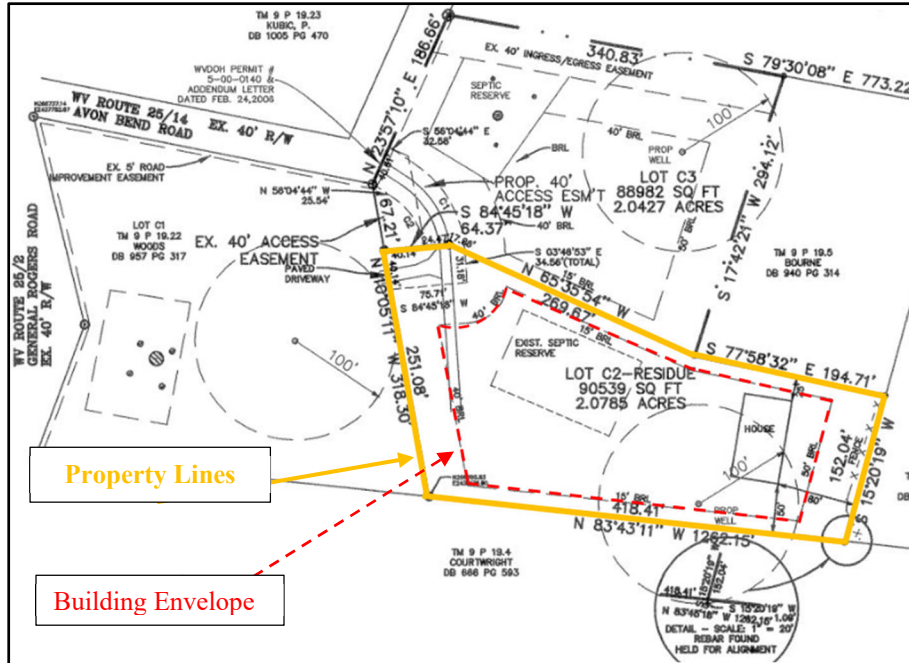
The applicant is requesting a variance from Section 5.7B to reduce the rear setback from 50' to 20' for a 31' x 57' inground pool and surrounding concrete patio.

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
March 28, 2019
Postponed from February 28, 2019
Grinstead Variance Request (#19-1-ZV)

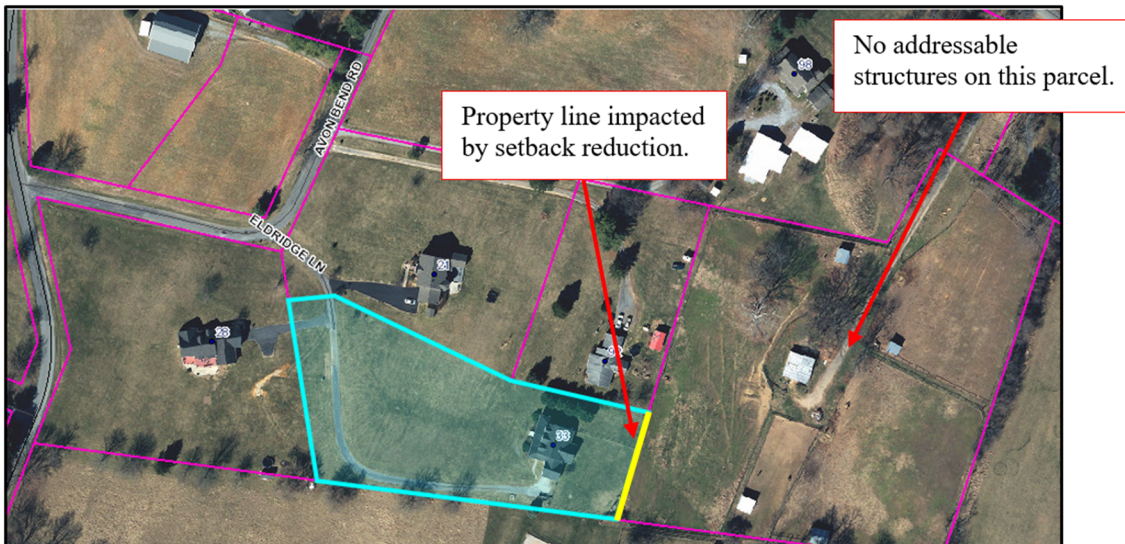
Unique characteristics of property

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 20' 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
March 28, 2019
Postponed from 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.

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 Requirements²³

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 5.4.⁵

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

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

3/7/2019

To Whom It May Concern:

This is an addendum for the Zoning Variance Request file number 19-1-ZV.
Based on the staff report we would like to change our setback to 20 feet from the current 25feet.

Property:

33 Eldridge lane, Charles Town WV 25414

John and Dawn Grinstead

RECEIVED
MAR 07 2019 -JH
Jefferson County
Planning, Zoning and Engineering

***Copy mailed in packet for 03/28/19 BZA mtg. - JH**

WV ROUTE 25/2
GENERAL ROGERS ROAD
EX. 40' R/W

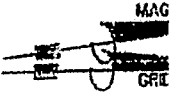
WV ROUTE 25/14
AVON BEND ROAD
EX. 40' R/W

TH 9 P 16.23
KUBIC, P.
DB 1005 PG 470

WV004 PERMIT #
5-00-0140 &
ADDENDUM LETTER
DATED FEB. 24, 2006

LOT G1
TH 9 P 18.22
DB 957 PG 317
EX. 40' ACCESS
EASEMENT
PAVED
DRIVEWAY

393.50'



Survey Plan

Not to Scale

DRIVEWAY
ACCESS

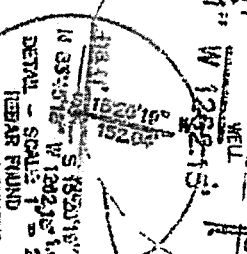
TH 9 P 13.4
COURTWRIGHT
DB 606 PG 553

N 23°57'10" E 186.66'
N 11°05'11" W 318.30'
S 64°45'18" W 269.82'
S 64°45'18" W 269.82'
S 64°45'18" W 269.82'

LOT C2-RESIDUE
90539 SQ FT
2.0785 ACRES

LOT C3
SQ FT
2.0427 ACRES

EX. 40' INGRESS/EGRESS EASEMENT
340.83'



*per applicant 03/07/19

20' (JH)

TH 9 P 16.7
COURT
DB 940 PG 314

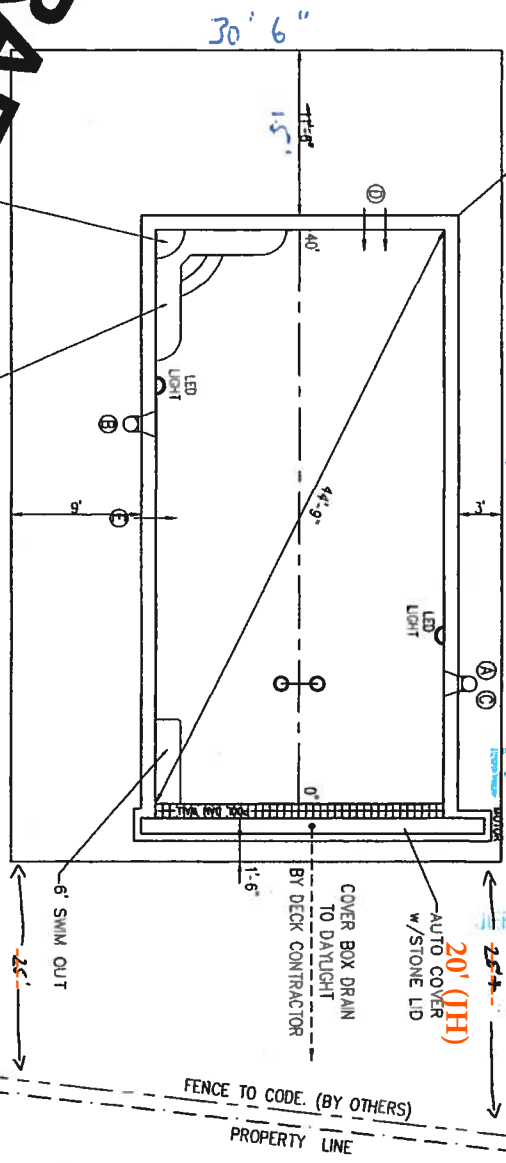
FENCE
TD
CODE

APPROVED FOR CONSTRUCTION
COP

John Stewart
1-21-19

PLUMBING SIZE RIN

A SHOWER	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



DRAFT COPY
 NOT APPROVED FOR CONSTRUCTION

ANTHONY SYLVAN
 POOLS & SPA
 2808 ANTHONY & SYLVAN POOLS CORP.

Approved
 TSD

REVISIONS

Date	Description
10.23.18	CONSTRUCTION DRAWING BY JAK

BUYER TO WET DOWN CONCRETE SHELL AT LEAST THREE DAYS FOR SEVEN DAYS.

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

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

20' (HH)
 *per applicant 03/07/19

DRAWING SCALE: 1/8" = 1'

RECEIVED

FEB 08 2019

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

PROPOSED BRUSHED CONCRETE DECK TO BE FINIALIZED BY BUYER AND DECK CONTRACTOR DECK AS SHOWN IS 960 SQ FT

Item	Description	Quantity	Unit	Notes
1	POOL DECK FINISH	960	SQ FT	Brushed concrete
2	POOL DECK REINFORCEMENT	12	FT	Rebar
3	POOL DECK DRAIN	1	EA	1" diameter
4	POOL DECK COVER	1	EA	20' (HH) auto cover
5	POOL DECK LIGHT	2	EA	LED lights
6	POOL DECK BENCH	2	EA	6' extended benches
7	POOL DECK SWIM OUT	1	EA	6' swim out
8	POOL DECK COVER BOX DRAIN	1	EA	With stone lid
9	POOL DECK ELECTRICAL CONDUIT	100	LN FT	1/2" diameter
10	POOL DECK FILTER	1	EA	40" diameter
11	POOL DECK SHOWER	1	EA	2.0" diameter
12	POOL DECK SKIM	1	EA	2.0" diameter
13	POOL DECK DRAIN	1	EA	2.0" diameter
14	POOL DECK RETURNS	2	EA	2.0" diameter
15	POOL DECK AUTO CLEANER	1	EA	1.5" diameter

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.

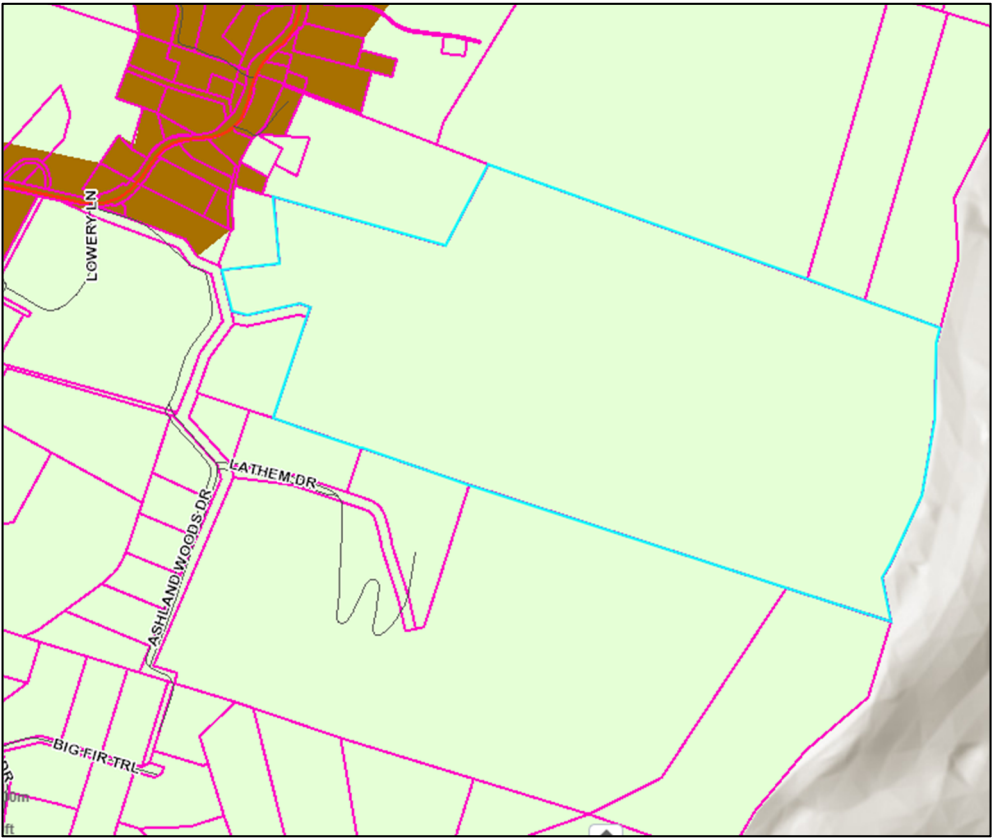
Date: 1.21.19

Neighbor's name (printed): Lon Bourne

Neighbor's signature: Lon Bourne

Staff Report
 Jefferson County Board of Zoning Appeals
 March 28, 2019
Postponed from 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/Variations:	ZV12-27 – reduce front setback from 25’ to 6’ (09-20-12)
Approved Activity:	Telecommunications Tower

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

STAFF EVALUATION OF REQUEST

Summary of Request and Purpose of Ordinance Requirements

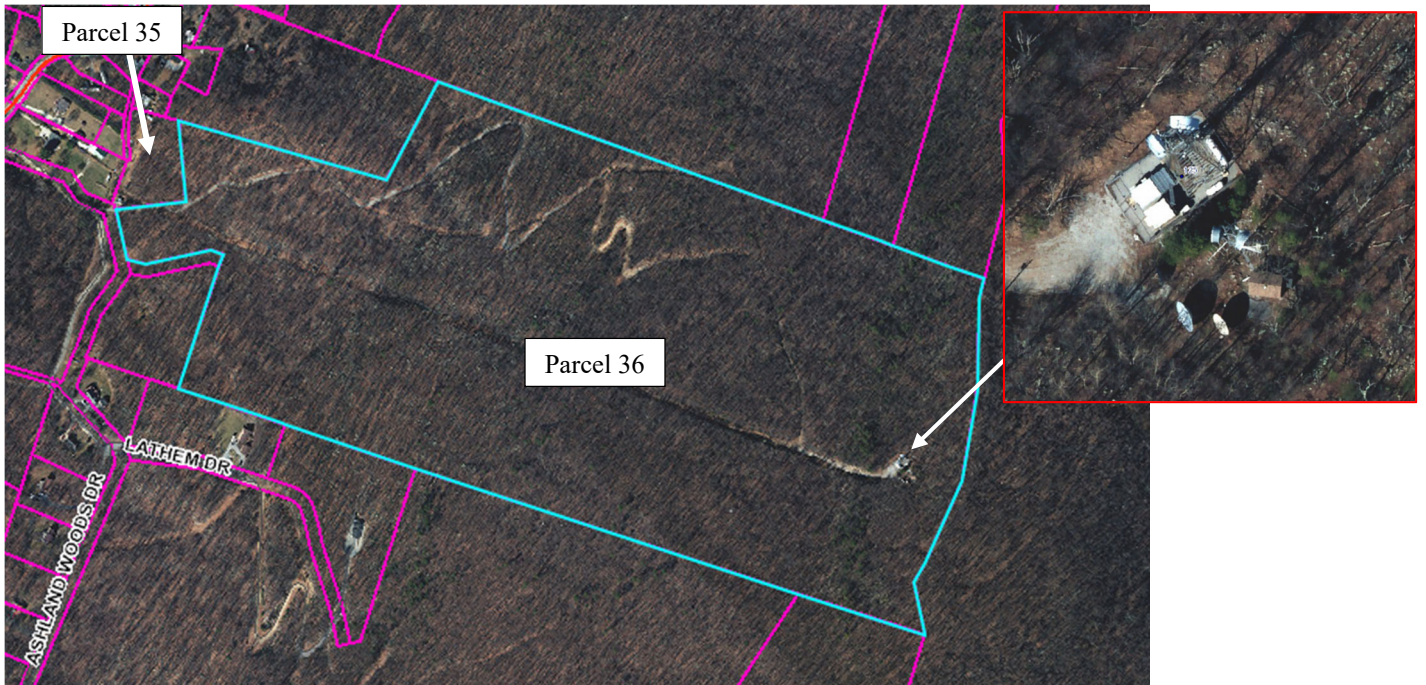
The applicant is requesting a variance from Section 5.6D to reduce the perimeter setbacks from 25' to 1' for an existing 7' tall fence (proposed parcel 35); and, to reduce the side setback from 25' to 21' for an existing 75' tall cell tower (proposed parcel 36). The purpose of the request is to allow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

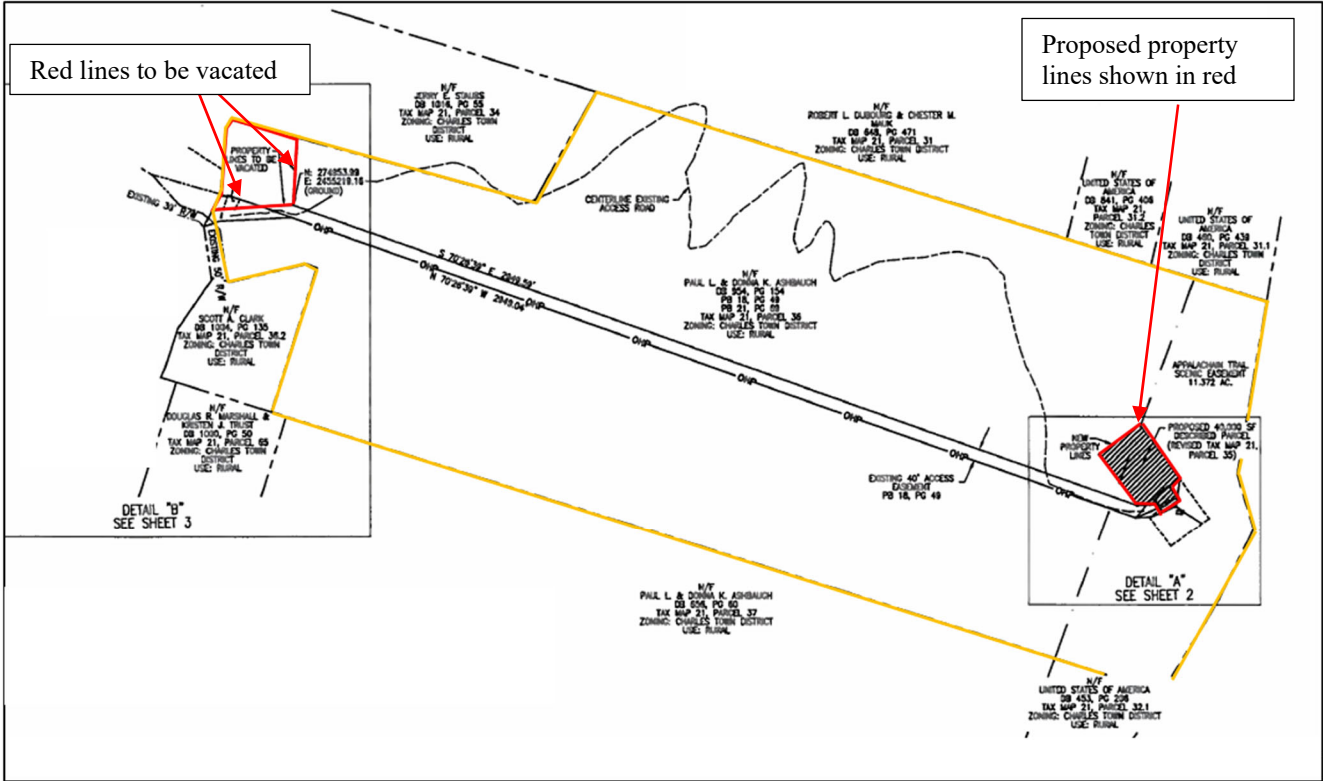
Parcel 35 was originally created through a series of boundary line adjustments approved in 2006. On September 20, 2012, CTI Towers, the easement lessee, requested a setback reduction to allow for the installation of a 7' privacy fence enclosure to be attached to an existing 11' x 15' telecommunications 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
 March 28, 2019
Postponed from 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
March 28, 2019
Postponed from 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: _____ Map No: 21 Parcel No: 35 + 36
 Tax District: CHARLES TOWN Deed Book: 1032/954 Page No: 109/154
 Parcel Size: 0.92 2ac/95ac

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"/>	
RECEIVED FEB 28 2019 JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING Place Received Date Stamp Here			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Is there a Code Enforcement action pending in relation to this property? Yes No 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 EXISTING 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 STRUCTURES 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 EASEMENTS.

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

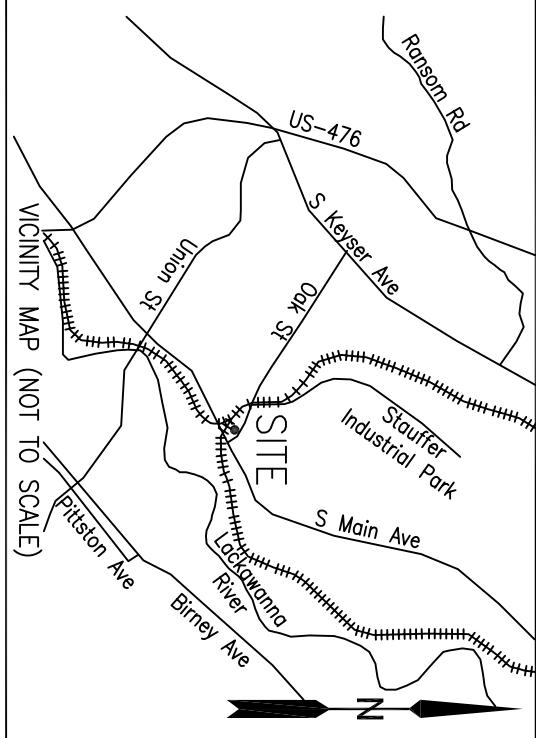
Notification Requirements (to be completed by staff)

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

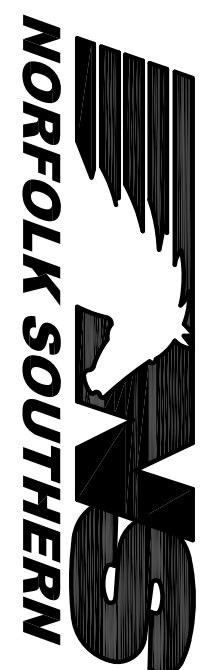


I certify that the information contained on this plat is, to the best of my knowledge, correct, and in accordance with the laws of this state governing the profession of land surveying.

Surveyor: **Wayne D. Matheny, P.S. 2070**

Date: _____

**BOUNDARY LINE
ADJUSTMENT SURVEY FOR**



NORFOLK SOUTHERN RAILWAY COMPANY

PROPERTY OF
PAUL L. ASHBAUGH & DONNA K.
ASHBAUGH

ADDRESS: 1100 CHESTNUT HILL RD.
HARPERS FERRY, WV 25425
CHARLES TOWN DISTRICT
TAX MAP 21, PARCEL 35 & 36
JEFFERSON COUNTY, WV

DB 954, PG 154
DB 1032, PG 109



SCALE: 1" = 30' DATE: NOVEMBER 21, 2018

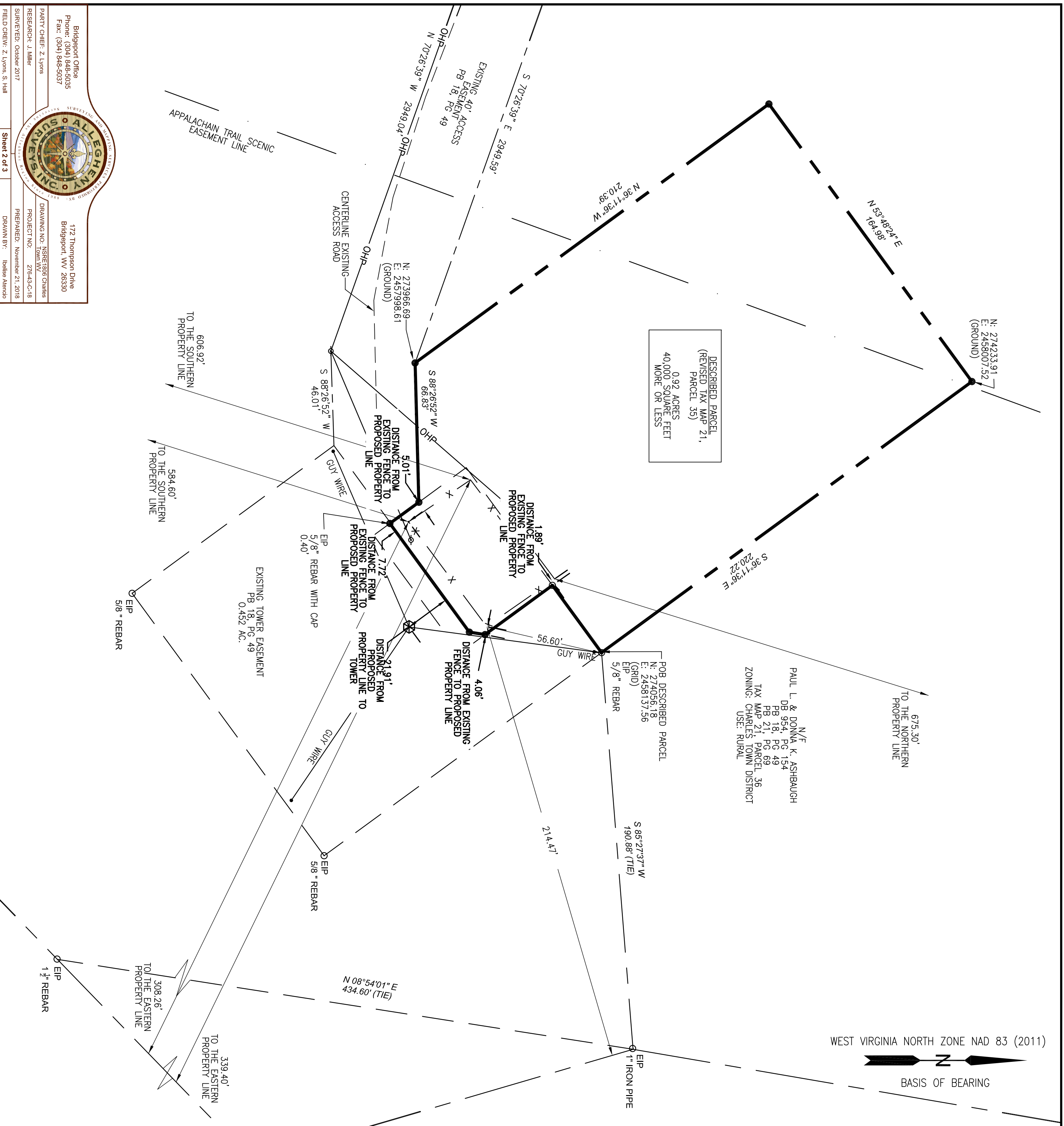


ARCADIS U.S., Inc. G & M of North Carolina, Inc.
License C-1889 WWW.ARCADIS.COM

Mode 1, 5420 Wade Park Blvd., Suite 350
Raleigh, NC 27607-5073
Tel: 919/854-1282 Fax: 919/233-1125

REV/ISSUED DATE/DESCRIPTION	BY	CHKD

PROJECT MANAGER	DEPARTMENT MANAGER
GORDON STROUT, PLS	A. CORY WILLIAMS, PLS
DRAWN BY	CHECKED BY
IBELISE ATENCIO	WAYNE D. MATHENY, PS
PROJECT NUMBER	DRAWING NUMBER
NSRE1806	SHEET 2 OF 3



Bridgeport Office
Phone: (304) 848-5035
Fax: (304) 848-5037

172 Thompson Drive
Bridgeport, WV 26330

Party Chief: Z. Lyons
Research: J. Miller
Surveyed: October 2017
Field Crew: Z. Lyons, S. Hall

172 Thompson Drive
Bridgeport, WV 26330

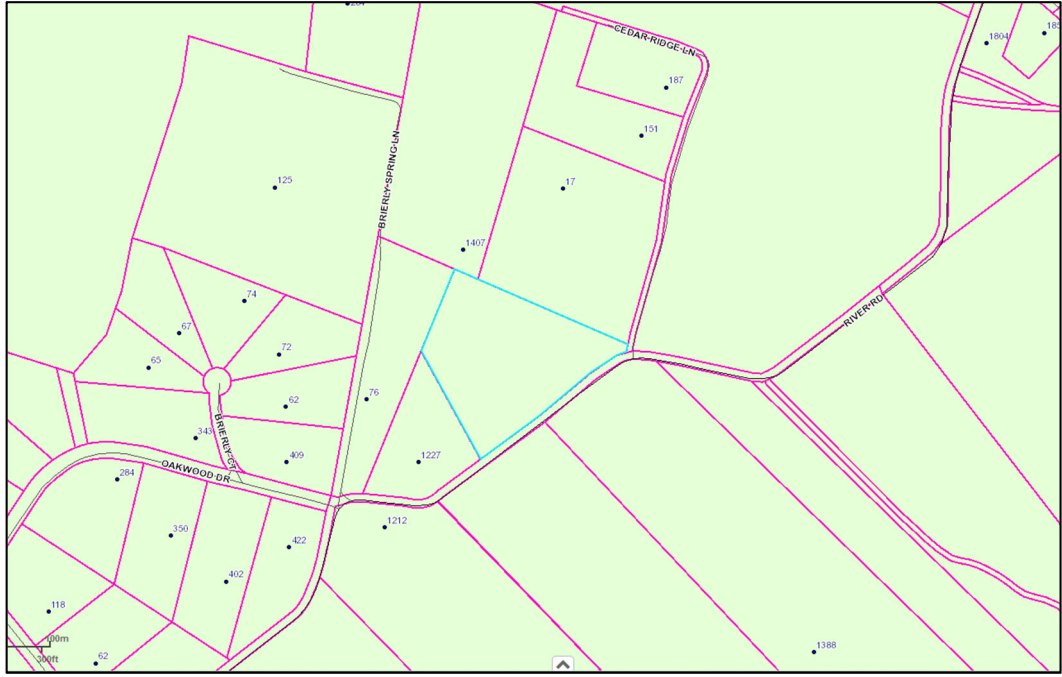
Drawing No: NSRE1806 Charles
Project No: 276-43-C-18
Prepared: November 21, 2018
Drawn By: Ibelise Atencio



Staff Report
 Jefferson County Board of Zoning Appeals
 March 28, 2019

LaRock-Carnill (Campground) Variance Request (#19-3-ZV)

Item #4 Variance from Section 8.17B.1 to reduce the minimum required acreage to operate a campground from ten acres to six acres for the purpose of establishing a campground comprised of six campsites.

Applicant:	Danielle LaRock and Jonathan Carnill
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">River Road, Shepherdstown, WV Parcel ID: 09001000070000; Size: 6.06 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:	04/12/05: Plat of Resurvey (DB 1008, PG 653)
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 8.17B.1 to reduce the required acreage for a six site campground from ten acres to six acres.

Generally, the purpose of Section 8.17 is to provide design guidelines that both protect adjacent property owners and create a profitable endeavor for the private property owner. The campground regulations were written as a means to promote tourism in the County. A Campground is listed as a Principal Permitted Use in the Rural zoning district.

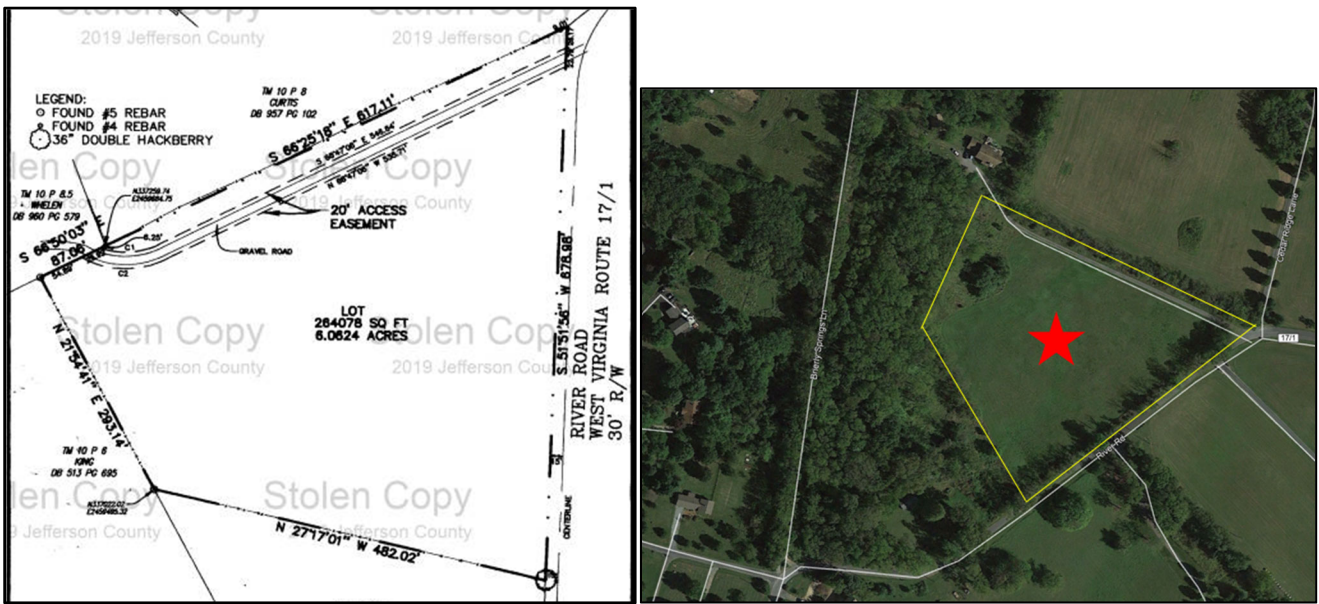
Staff Report
Jefferson County Board of Zoning Appeals
March 28, 2019

LaRock-Carnill (Campground) Variance Request (#19-3-ZV)

A minimum acreage is typically required to ensure that adequate buffering between uses can be provided and that sufficient space exists to accommodate infrastructure and amenities. As part of the design guidelines, the Ordinance requires that all campsites be located a minimum setback of 50 feet from existing property lines and that a ten foot vegetative buffer (existing or planted) be provided.

Unique characteristics of property

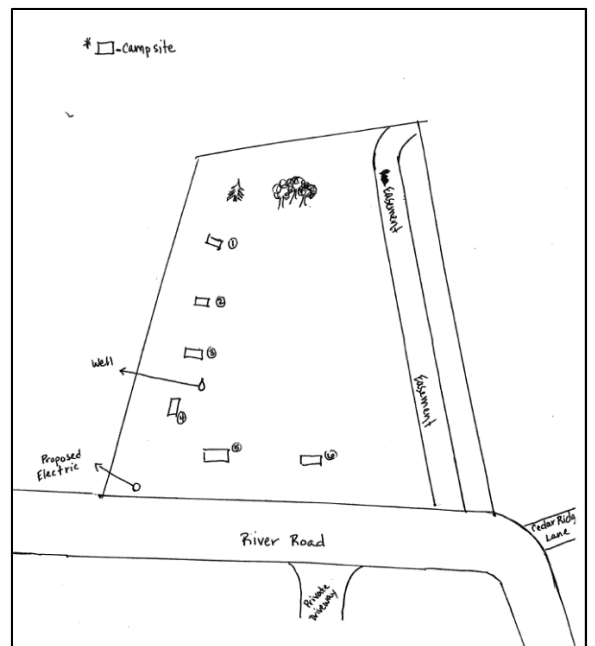
The subject parcel is comprised of six acres. It is a relatively flat parcel and does not contain any permanent structures. There is a 20' access easement along the north-eastern boundary line which provides access to Parcel 8.5.



Impact on adjacent properties

Adjacent properties may be impacted by an increase in traffic. Natural vegetation is sparse; therefore, noise associated with a campground could have a negative impact on adjacent properties.

Based on the applicant's sketch and project description, no campground amenities as defined in Article 2 (such as gathering halls, bathhouses, pools, retail stores, etc.) are proposed. The request before you is to reduce the minimum acreage requirement from ten acres to six acres to allow a six site campground to operate. If the parcel were ten acres, the property owners could install a 150 site campground by right. Therefore, it appears that the request before you to limit the campground to six sites on six acres decreases the potential impact on adjacent properties.



Staff Report
Jefferson County Board of Zoning Appeals
March 28, 2019

LaRock-Carnill (Campground) Variance Request (#19-3-ZV)

Feasibility of complying with the ordinance by other means

It is not feasible to comply with the minimum acreage requirement unless a merger is processed to increase the acreage to ten acres. It should be noted that while the campground regulations were being drafted, the Planning Commission and the County Commission intended to include a provision stating that a variance to the minimum campground size could be granted by the Board of Zoning Appeals. This statement was removed at Staff's recommendation due to the fact that any standard in the Ordinance may be varied by the Board of Zoning Appeals (see attached "Exhibit A").

It appears that a six site campground on six acres could be designed to accommodate the Development Guidelines listed in Section 8.17B of the Zoning Ordinance and the Dimensional Requirements listed in Section 8.2B of the Subdivision Regulations, thus meeting the intent of the Ordinance.

Additional Information

Article 2 of the Zoning Ordinance includes the following definitions:

- Campground:** An area or premises located on a single lot, operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers occupying camping units. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.17 of this Ordinance and relevant sections of the Subdivision Regulations.
- Camping Units:** Individual units designed for temporary occupancy within an approved campground and may include shelters, pavilions, gathering halls, bathhouses, pools, recreation areas, trails, fire pits, retail stores, laundry facilities, food service, amphitheaters, ponds, lakes, and other uses related to the needs of the campers.
- Campsite:** Generally means an area where an individual, family, or group can pitch or place a camping unit; a campground may contain many campsites.
- Caretaker Residence:** A permanent or temporary residential structure that is secondary or accessory to the primary use of the property for the use of a caretakers or security guard.
- Mobile Home Park** A lot, site, or parcel of land used or intended to accommodate two (2) or more mobile homes for residential purposes with adequate public or community water and sewerage service meeting Health Department standards. A mobile home park does not include mobile home sales lots, which unoccupied mobile homes are parked for inspection and sale. This term includes all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.

Conditions of Approval

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

1. The applicant shall submit documentation (if a waiver of Site Plan is granted, then a Zoning Certificate with a sketch will be required) reflecting compliance with Section 8.17B of the Zoning Ordinance and Appendix B, Section 8.2B of the Subdivision Regulations to ensure adequate buffering from adjacent properties is provided in order to protect and encourage the health, safety, and general welfare of the neighbors.

LaRock-Carnill (Campground) Variance Request (#19-3-ZV)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 8.17 Campgrounds³¹

Campground facilities provide tourism related accommodations for visitors of Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC), and Rural (R) zoning districts.

A. The following uses are identified as permitted uses within a campground:

1. Campsites, cabins, campers, and recreational vehicle sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be temporary, limited to 180 days per calendar year.
3. Caretaker residence.
4. Shelters, gathering halls, bathhouses, pools, recreational areas, and other amenities related to the campground.
5. Such campground amenities may be rented out to the general public without the rental of a campsite; however, the primary use of the amenity must be for the use and enjoyment of campers. River access shall be restricted to use by the campers and their guests unless otherwise authorized by the campground management.

Any campground wishing to host an event or activity open to the public at the campground shall process a Zoning Certificate application prior to commencement. If the facility and parking for such event was included on the Site Plan and previously included in the Zoning Certificate, such separate Zoning Certificate shall not be required.

6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of ten acres in size and shall meet all of the following setbacks.
2. When campsites or amenities are within 1,000 feet of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers, or other methods to prevent unintentional trespass.
3. All campgrounds shall have direct access from WV state roads or roads that meet the Jefferson County Subdivision Regulations standards.
4. All campsites shall be located a minimum setback of 50 feet from existing property lines.
5. All campsites and amenities shall be screened by a ten foot vegetative buffer utilizing the Narrow Standard Detail; provided that if the campground abuts the river or has a mountain view, no vegetative screen is required in this area. A ten foot buffer of natural vegetation (evergreen or hardwood) may be administratively approved in place of a planted buffer.

LaRock-Carnill (Campground) Variance Request (#19-3-ZV)

6. Section 4.13 does not apply to campgrounds, which may be located within 500 feet of the Potomac and Shenandoah Rivers.
7. Campsites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
8. Campgrounds may be served by well and drain fields.

C. Regulatory Approval

1. Campground uses must submit a Concept Plan and be approved by the Planning Commission pursuant to a public hearing in accordance with the Jefferson County Subdivision Regulations.
2. Upon approval of the Concept Plan, if required, a Site Plan must be processed in accordance with the Jefferson County Subdivision Regulations.
3. All state regulations pertaining to the operation and licensing of a campground must be followed.

While the Board of Zoning Appeals does not have any jurisdiction over the Subdivision Regulations, Staff has included Division 8 of the Subdivision Regulations for your reference.

Division 8.0 Campgrounds⁷

Section 8.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Campgrounds are developments with special requirements of their own. All campgrounds shall process as a Minor Site Plan. Campgrounds proposing more than ten (10) sites shall also process a Concept Plan. The provisions of Division 8.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 8.0, then the requirement of Division 8.0 shall apply.

LaRock-Carnill (Campground) Variance Request (#19-3-ZV)

Section 8.2 Campground Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards:

1. Safe access and egress to state roads (WVDOH, Jefferson County Engineering)
2. Stormwater quality and quantity control (Jefferson County Engineering)
3. Erosion and sediment control (WVDEP, Jefferson County Engineering)
4. Zoning Ordinance compliance (Jefferson County Planning and Engineering)
5. Wells and drain fields (Jefferson County Health Department)
6. Public water and sewer (Jefferson County Engineering, Jefferson County Public Service District, WV Health Department)

If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply. West Virginia Regulations pertaining to Campgrounds apply to all facilities.

- B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.17 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of 1,200 square feet not to include road rights-of-way or road easements.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road easement, unless such sites are only accessible by foot.
4. No more than 15 campsites per acre are permitted.
5. All campsite pads shall be a minimum of 20 feet apart.
6. Each campsite shall provide an adequate pad for the placement of a camping unit. A campsite pad shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a three percent slope in any direction. This requirement does not apply to cabins.
7. No more than one camping unit shall be placed on or above a campsite.

- C. Road and Access Requirements

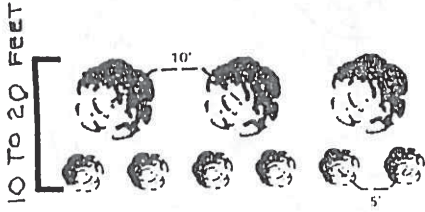
1. Campground roads that serve less than 100 campsites shall meet the following standards:
 - a. Existing roads may be used to access campsites without meeting road standards.
 - b. May have asphalt or gravel surface.
 - c. 12 foot width with three foot pull-off areas that allow larger vehicles to pass.
 - d. Maximum slope 15%.

Staff Report
Jefferson County Board of Zoning Appeals
March 28, 2019

LaRock-Carnill (Campground) Variance Request (#19-3-ZV)

- e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively, the applicant may choose to use standard Jefferson County sections.
 - f. No ditches are required. All drainage from campground roads must be managed to prevent erosion.
2. Campground roads that serve more than 100 campsites shall meet the following standards:
- a. May have asphalt or gravel surface.
 - b. 15 foot minimum width.
 - c. Maximum slope 15%.
 - d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively, the applicant may choose to use standard Jefferson County sections.
 - e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
- D. Parking Requirements
1. Campsites accessed by vehicles shall provide one level parking area at each site.
 2. If parking is not provided at the campsite, one space per campsite shall be provided in a common parking area.
 3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.
- E. Sanitation
1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
 2. A campsite may contain any combination of water, sewerage, or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations within 500 feet of all campsites.
 3. Each campsite shall be provided with a sanitary, covered garbage can.
 4. A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station, and one solid waste disposal collection facility.
 5. As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed, plus capacity to accommodate any public buildings.
- F. All powerlines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.
- G. Fire pits (if provided) for campsite must be shown on the Site Plan. A detail of the fire pit must also be provided.
- H. Camping associated with short term, temporary uses, approved by Jefferson County, are not subject to these regulations.

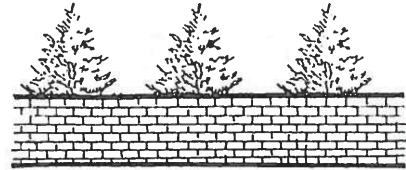
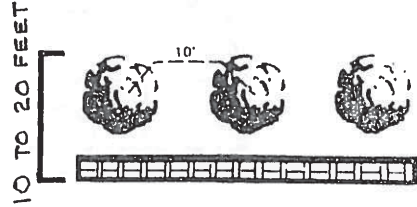
TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION F

TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

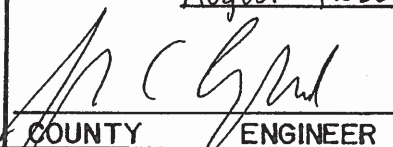
OPTION G

OPTION F

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

OPTION G

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

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

For County Commission Work Session 07/21/16

6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet all of the following setbacks.

2. A variance to the minimum campground size may be granted by the Board of Zoning Appeals.

Comment [JB1]: This statement is not required as all standards in the zoning ordinance may be varied by the BZA

3. When campsites or amenities are within 1,000' of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.

4. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards. A variance to this standard may be granted by the Board of Zoning Appeals.

Comment [JB2]: This statement is not required as all standards in the zoning ordinance may be varied by the BZA.

5. All camp sites shall be located a minimum setback of 50 ~~200~~' from existing residential dwellings property lines.

6. All camp sites shall be visually screened from existing residential dwellings within 500'. All campsites and amenities shall be screened by a 10 foot vegetative buffer utilizing the Narrow Standard Detail; provided that if the campground abuts the river or has a mountain view, no vegetative screen is required in this area. A 10 foot buffer of natural vegetation (evergreen or hardwood) may be administratively approved in place of a planted buffer.

Comment [JB3]: Reflects CC input 5/5/16 -- please confirm buffer is what was agreed to

7. Camp sites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.

8. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.

9. Camp sites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.

10. Campgrounds may be served by well and drain fields.

C. Regulatory Approval

1. Campgrounds uses must submit a Concept Plan and be approved by the Board of Zoning Appeals-Planning Commission pursuant to a public hearing.

2. Upon approval of the Concept Plan a site plan must be processed in accordance with Jefferson County regulations.

3. All state regulations pertaining to the operation and licensing of a campground must be followed.



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

File Number: 19-3-ZV
 Staff Initials: PH
 Meeting Date: 3/28/19
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Danielle LaRock and Jonathan Carnill
 Mailing Address: P.O. Box 1610 Shepherdstown WV 25443
 Phone Number: 202-438-5287 | 304-268-5919 Email: danielle@daniellelarock.com | jon.carnill@gmail.com

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: _____
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: 9 Map No: 10 Parcel No: 7
 Parcel Size: 6.06 acres Deed Book: ~~1204~~ 1215 Page No: ~~560~~ 329

Zoning District (please check one)

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

RECEIVED

FEB 14 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

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 8.17B.1

Briefly describe the nature of the variance request:

We are requesting to reduce the requirement that a campground be on a minimum of 10 acres to 6 acres minimum.

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

Front Setback Side Setback Rear Setback Reduction From 10 acres to 6 acres

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:

We plan to maintain a safe quiet sanitary campground of only 6 aesthetically pleasing RVs/campers/THOWs. We plan to install a nice fence, driveway, and landscaping to create greater privacy for adjacent property owners.

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?

We would like to create this campground on our property on the scenic River Road and our property is only 6 acres (instead of 10)

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

This will allow us to use our land as a scenic campground on 6 acres. This land is in a prime location for this permitted activity as long as we are approved to have it on 6 acres instead of at least 10.

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

Granting this variance will allow for supporting agricultural activities and encourage an improved appearance of Jefferson County, insuring that growth and development are both economically and environmentally sound. We want to contribute to

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

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] 2.13.19
Signature of Property Owner Date

[Signature] 2.13.19
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

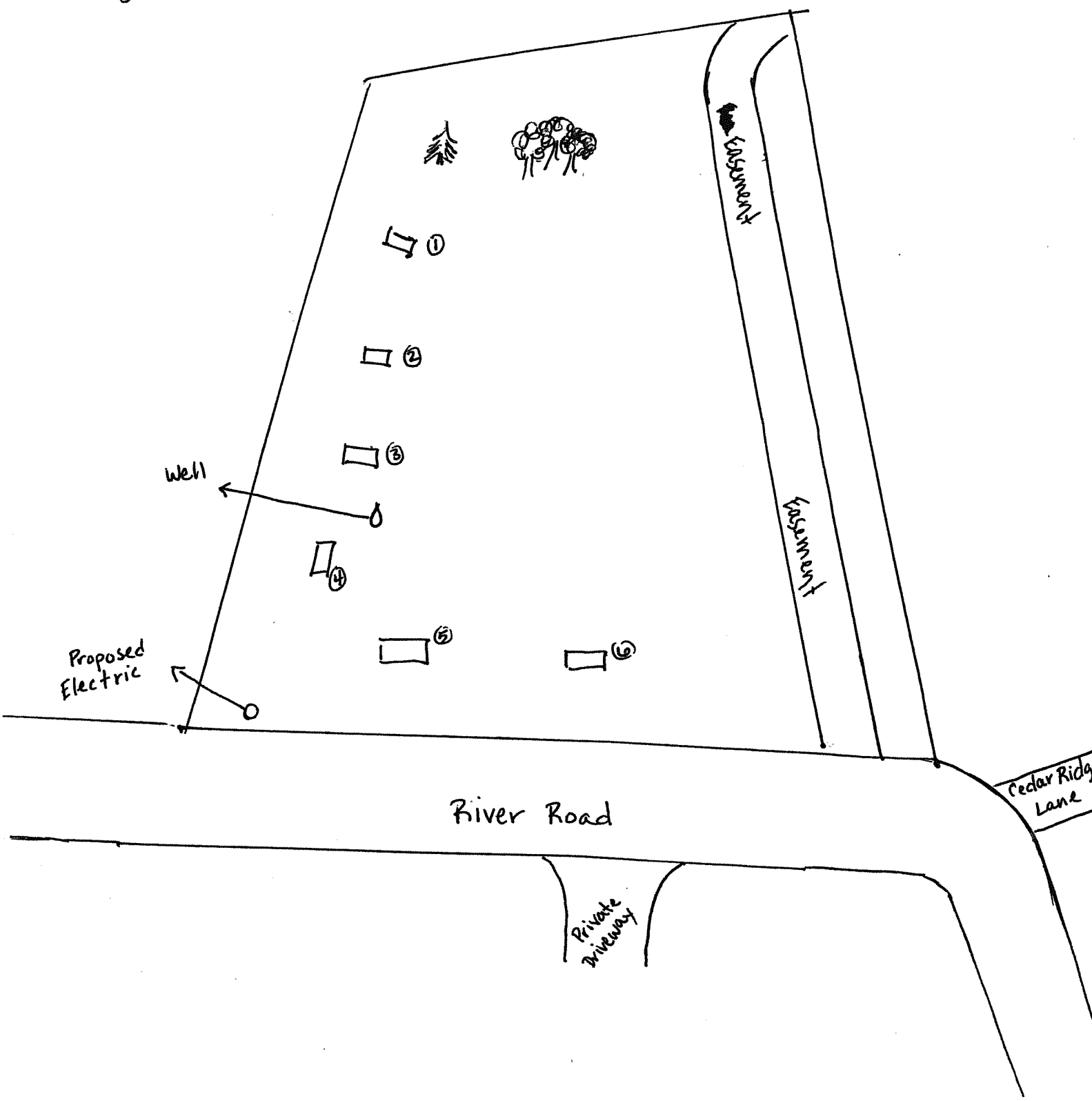
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

03/28/19
Date of Public Hearing

03/13/19
Advertising Date

03/13/19
Placard Posting Date

* □ - Camp site



Zoning

From: Zoning
Sent: Friday, March 22, 2019 11:41 AM
To: Zoning
Subject: FW: Campground Variances

For file 19-3-ZV and 19-4-ZV.

From: Zoning
Sent: Friday, March 22, 2019 10:21 AM
To: 'Danielle LaRock'
Cc: jon.carnill@gmail.com; Permits Engineering Dept
Subject: RE: Campground Variances

Good morning Danielle,

Thank you for the clarification. That was my understanding from you as well, but I felt I needed to address the comment in case your plans had changed.

Yes, you may proceed with your applications which are scheduled for a Public Hearing at 2:00 on Thursday, March 28th.

Have a good weekend,

Alex

Alexandra Beaulieu
Zoning Administrator
Jefferson County Office of Planning and Zoning
www.jeffersoncountywv.org
304-728-3228

From: Danielle LaRock [<mailto:danielle@daniellelarock.com>]
Sent: Thursday, March 21, 2019 1:05 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Cc: jon.carnill@gmail.com; Permits Engineering Dept <permits@jeffersoncountywv.org>
Subject: Re: Campground Variances

Hi Alexandra,

Thank you for your email and for the additional avenues we could pursue.

To clarify, when we said “long-term” to us that meant “180 days.” As in, we are not preferring to rent sites to weekenders or people just staying for a week or two.

I hope this clarifies our intent and that we may proceed with the hearing scheduled for the 28th.

Please feel free to email or cal with any other questions or concerns.

Best,

Danielle and Jonathan
202-438-5287

On Thu, Mar 21, 2019 at 12:07 PM Zoning <Zoning@jeffersoncountywv.org> wrote:

Mr. Carnill and Ms. LaRock,

As you are aware, adjacent property owners have taken an interest in your proposed project and have expressed a number of concerns. This morning we received a public comment to be forwarded to the Board which included a private message from you stating that "We will be using 4 out of 6 spots ourselves along with family members. The other two may or may not be filled by long term stay tiny home owners."

I am writing to reiterate that per Section 8.17 of the Zoning Ordinance, campsite occupancy is limited to 180 days. The only exception is for a caretaker residence, which may be occupied year-round. Additionally, a variance from the length of stay would not be permitted because it would change the use from a campground, which is transient in nature, to a residential community.

If the intent is to establish multiple homes for family members, you would be permitted (by zoning) to have two homes on the property – one as a primary residence and one an in-law suite, which would be restricted to use by relatives only (Section 8.15A), but also prohibits an RV from being utilized as an in-law suite.

Because you have six acres, it is possible you could subdivide your property to create two lots and a residue (3 lots total) through the minor subdivision process, which would allow you to legally have a dwelling unit on each lot. Our Office will need to conduct a little more research on the history of the property to ensure the density rights exist to subdivide, but a cursory review appears that you would be able to pursue this option. Each lot could then contain its own dwelling unit and be occupied by family or rented out (on a weekly, monthly, or longer basis [see definition of dwelling unit in Article 2]).

While I am aware that the tiny home concept is growing in popularity, our Ordinance does not have any provisions to address Tiny Home Communities, where multiple homes would be placed on a single parcel of land. Until such a time that the Ordinance is amended, only one residential unit is permitted on a single parcel of land, except when an accessory dwelling unit may be appropriate. Accessory Dwelling Units allow for a second residential dwelling unit as an in-law suite or an agricultural caretaker if specific criteria can be met. RVs are prohibited from operating as an Accessory Dwelling Unit (Section 8.15).

Please be advised that if you choose to continue processing as a campground, you will be bound by your testimony at the Public Hearing and required to operate under the provisions and guidelines as outlined in Section 8.17, specifically that occupancy is restricted to 180 days.

If you believe you will not be able to comply with the provisions of Section 8.17, then I would recommend withdrawing the variance applications and working towards identifying a use that more adequately meets your long term vision.

Please let me know if you have any questions or concerns. I am out of the office with a sick child today, but am checking my email from home.

Respectfully,

Alexandra Beaulieu

Zoning Administrator

304-728-3228

Staff Report
 Jefferson County Board of Zoning Appeals
 March 28, 2019

LaRock-Carnill (Site Plan) Variance Request (#19-4-ZV)

Item #5 Variance from Section 4.10A to waive the requirement of a site plan to process a six site campground.

Applicant:	Danielle LaRock and Jonathan Carnill
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">River Road, Shepherdstown, WV Parcel ID: 09001000070000; Size: 6.06 ac; Zone: Rural</p>
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: <i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural</p>
History:	04/12/05: Plat of Resurvey (DB 1008, PG 653)
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 4.10A to waive the requirement of a site plan to process a six (6) site campground.

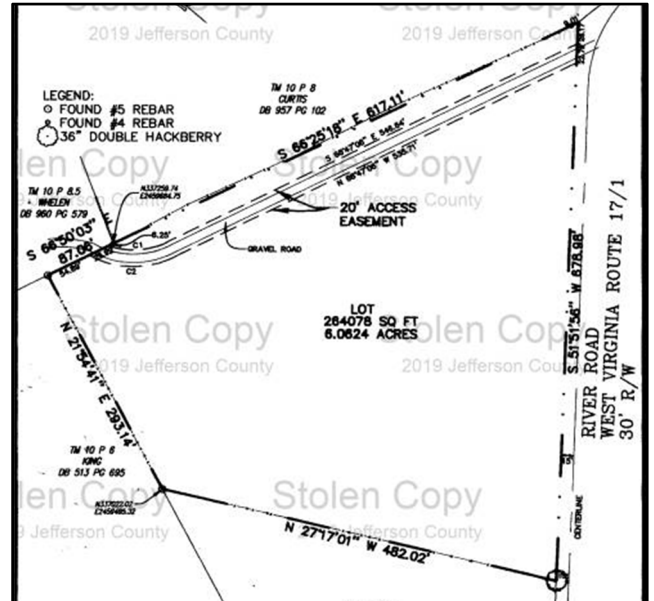
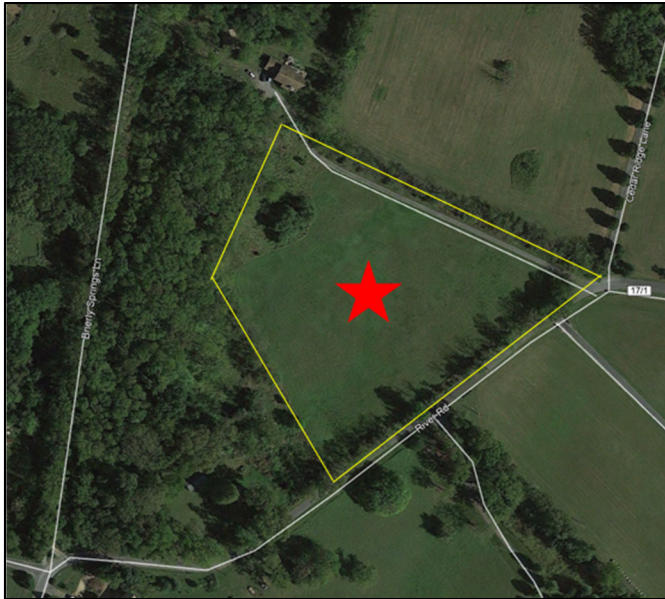
The purpose of a Site Plan is to ensure compliance with the Zoning Ordinance, Subdivision Regulations, and Stormwater Management Ordinance, and to satisfy legal requirements of the State.

Staff Report
Jefferson County Board of Zoning Appeals
March 28, 2019

LaRock-Carnill (Site Plan) Variance Request (#19-4-ZV)

Unique characteristics of property

The subject parcel is comprised of a little more than six acres. It is a relatively flat parcel and does not contain any permanent structures.



Impact on adjacent properties

A waiver of site plan would eliminate the process to ensure compliance with the development standards (such as landscaping and buffering) outlined in Section 8.17 of the Zoning Ordinance as well as the design standards found in Appendix B, Division 8 of the Subdivision Regulations, including stormwater management.

This particular proposal is for a six site campground and does not include any amenities. Therefore, it is expected that the impact would be significantly less than a large campground such as a KOA, which provides several amenities including a small store, a pool, an entertainment space, etc.

Feasibility of complying with the ordinance by other means

It is feasible to comply with the Ordinance by hiring a West Virginia licensed Engineer to design a Site Plan.

Conditions of Approval

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

1. A sketch depicting compliance with the landscaping/buffer requirements outlined in Section 8.17B of the Zoning Ordinance shall be submitted to the Office of Planning and Zoning as part of the Zoning Certificate application.
2. Campsites shall conform to the minimum setback requirement of 50' from all property lines (show on sketch).
3. The applicant shall provide documentation to the Office of Planning and Zoning that the Division of Highways and the Health Department have issued approvals for the proposal. These permits are typically required as part of the Site Plan process.

Staff Report
Jefferson County Board of Zoning Appeals
March 28, 2019
LaRock-Carnill (Site Plan) Variance Request (#19-4-ZV)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 8.17 Campgrounds³¹

Campground facilities provide tourism related accommodations for visitors of Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC), and Rural (R) zoning districts.

A. The following uses are identified as permitted uses within a campground:

1. Campsites, cabins, campers, and recreational vehicle sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be temporary, limited to 180 days per calendar year.
3. Caretaker residence.
4. Shelters, gathering halls, bathhouses, pools, recreational areas, and other amenities related to the campground.
5. Such campground amenities may be rented out to the general public without the rental of a campsite; however, the primary use of the amenity must be for the use and enjoyment of campers. River access shall be restricted to use by the campers and their guests unless otherwise authorized by the campground management.

Any campground wishing to host an event or activity open to the public at the campground shall process a Zoning Certificate application prior to commencement. If the facility and parking for such event was included on the Site Plan and previously included in the Zoning Certificate, such separate Zoning Certificate shall not be required.

6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of ten acres in size and shall meet all of the following setbacks.
2. When campsites or amenities are within 1,000 feet of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers, or other methods to prevent unintentional trespass.
3. All campgrounds shall have direct access from WV state roads or roads that meet the Jefferson County Subdivision Regulations standards.
4. All campsites shall be located a minimum setback of 50 feet from existing property lines.
5. All campsites and amenities shall be screened by a ten foot vegetative buffer utilizing the Narrow Standard Detail; provided that if the campground abuts the river or has a mountain view, no vegetative screen is required in this area. A ten foot buffer of natural vegetation (evergreen or hardwood) may be administratively approved in place of a planted buffer.

Staff Report
Jefferson County Board of Zoning Appeals
March 28, 2019

LaRock-Carnill (Site Plan) Variance Request (#19-4-ZV)

6. Section 4.13 does not apply to campgrounds, which may be located within 500 feet of the Potomac and Shenandoah Rivers.
7. Campsites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
8. Campgrounds may be served by well and drain fields.

C. Regulatory Approval

1. Campground uses must submit a Concept Plan and be approved by the Planning Commission pursuant to a public hearing in accordance with the Jefferson County Subdivision Regulations.
2. Upon approval of the Concept Plan, if required, a Site Plan must be processed in accordance with the Jefferson County Subdivision Regulations.
3. All state regulations pertaining to the operation and licensing of a campground must be followed.

While the Board of Zoning Appeals does not have any jurisdiction over the Subdivision Regulations, Staff has included Division 8 of the Subdivision Regulations for your reference. Division 8 addresses Site Plan requirements.

Division 8.0 Campgrounds⁷

Section 8.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Campgrounds are developments with special requirements of their own. All campgrounds shall process as a Minor Site Plan. Campgrounds proposing more than ten (10) sites shall also process a Concept Plan. The provisions of Division 8.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 8.0, then the requirement of Division 8.0 shall apply.

LaRock-Carnill (Site Plan) Variance Request (#19-4-ZV)

Section 8.2 Campground Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards:

1. Safe access and egress to state roads (WVDOH, Jefferson County Engineering)
2. Stormwater quality and quantity control (Jefferson County Engineering)
3. Erosion and sediment control (WVDEP, Jefferson County Engineering)
4. Zoning Ordinance compliance (Jefferson County Planning and Engineering)
5. Wells and drain fields (Jefferson County Health Department)
6. Public water and sewer (Jefferson County Engineering, Jefferson County Public Service District, WV Health Department)

If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply. West Virginia Regulations pertaining to Campgrounds apply to all facilities.

- B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.17 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of 1,200 square feet not to include road rights-of-way or road easements.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road easement, unless such sites are only accessible by foot.
4. No more than 15 campsites per acre are permitted.
5. All campsite pads shall be a minimum of 20 feet apart.
6. Each campsite shall provide an adequate pad for the placement of a camping unit. A campsite pad shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a three percent slope in any direction. This requirement does not apply to cabins.
7. No more than one camping unit shall be placed on or above a campsite.

- C. Road and Access Requirements

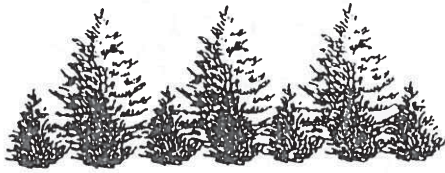
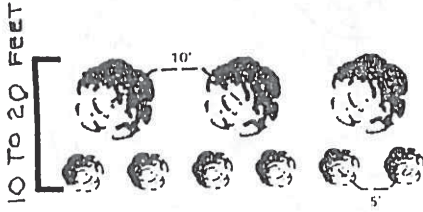
1. Campground roads that serve less than 100 campsites shall meet the following standards:
 - a. Existing roads may be used to access campsites without meeting road standards.
 - b. May have asphalt or gravel surface.
 - c. 12 foot width with three foot pull-off areas that allow larger vehicles to pass.
 - d. Maximum slope 15%.

Staff Report
Jefferson County Board of Zoning Appeals
March 28, 2019

LaRock-Carnill (Site Plan) Variance Request (#19-4-ZV)

- e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively, the applicant may choose to use standard Jefferson County sections.
 - f. No ditches are required. All drainage from campground roads must be managed to prevent erosion.
2. Campground roads that serve more than 100 campsites shall meet the following standards:
- a. May have asphalt or gravel surface.
 - b. 15 foot minimum width.
 - c. Maximum slope 15%.
 - d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively, the applicant may choose to use standard Jefferson County sections.
 - e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
- D. Parking Requirements
1. Campsites accessed by vehicles shall provide one level parking area at each site.
 2. If parking is not provided at the campsite, one space per campsite shall be provided in a common parking area.
 3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.
- E. Sanitation
1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
 2. A campsite may contain any combination of water, sewerage, or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations within 500 feet of all campsites.
 3. Each campsite shall be provided with a sanitary, covered garbage can.
 4. A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station, and one solid waste disposal collection facility.
 5. As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed, plus capacity to accommodate any public buildings.
- F. All powerlines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.
- G. Fire pits (if provided) for campsite must be shown on the Site Plan. A detail of the fire pit must also be provided.
- H. Camping associated with short term, temporary uses, approved by Jefferson County, are not subject to these regulations.

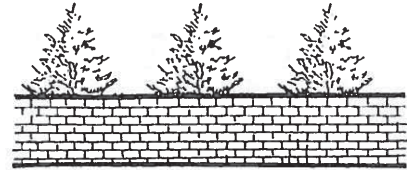
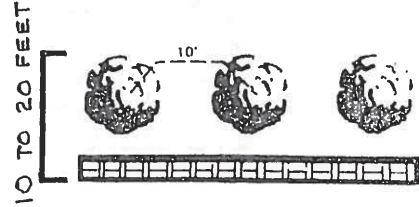
TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION F

TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

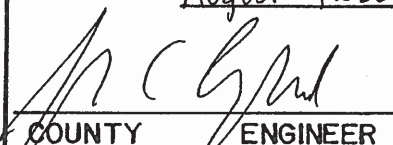
OPTION G

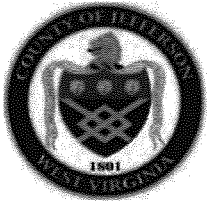
OPTION F

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

OPTION G

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

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



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

File Number: 19-4-ZV
 Staff Initials: gjt
 Meeting Date: 3/28/19
 Fees Paid (\$100 or \$150): 100

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Danielle LaRock and Jonathan Carnill
 Mailing Address: P.O. Box 1610 Shepherdstown, WV 25443
 Phone Number: 202-438-5287 / 304-268-5919 Email: danielle@daniellelarock.com | jon.carnill@gmail.com

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: River Road
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: 9 Map No: 10 Parcel No: 7
 Parcel Size: 6.06 acres Deed Book: 1204 1215 Page No: 560 329

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential-Light Industrial-Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center">RECEIVED</p> <p align="center">FEB 14 2019</p> <p align="center">JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING</p> <p align="center"><small>Place Received Date Stamp Here</small></p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 4.10A

Briefly describe the nature of the variance request:

We would like to request a waiver for a formal site plan due to the financial hardship of hiring an engineer.

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

We are not building permanent structures on our property and plan to adhere to Dept of Transportation, Dept of Health, Zoning, and other standards. We because we do not have permanent structures, we do not have significant storm water or other engineering related issues.

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?

Because we are not significantly altering the property from its current natural condition (not installing/building permanent impervious structures), we do not foresee storm water or other engineering related issues.

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

This will allow us to create a simple, safe sound campground without a substantial financial hardship of hiring an engineer.

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

Granting this waiver will allow us to move forward with this project in a financially feasible way allowing us to support conservation of natural resources, encourage growth and development that are economically and environmentally sound and allow us to move forward with our contribution to Jefferson County.

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] 2/13/19
Signature of Property Owner Date

[Signature] 2/13/19
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

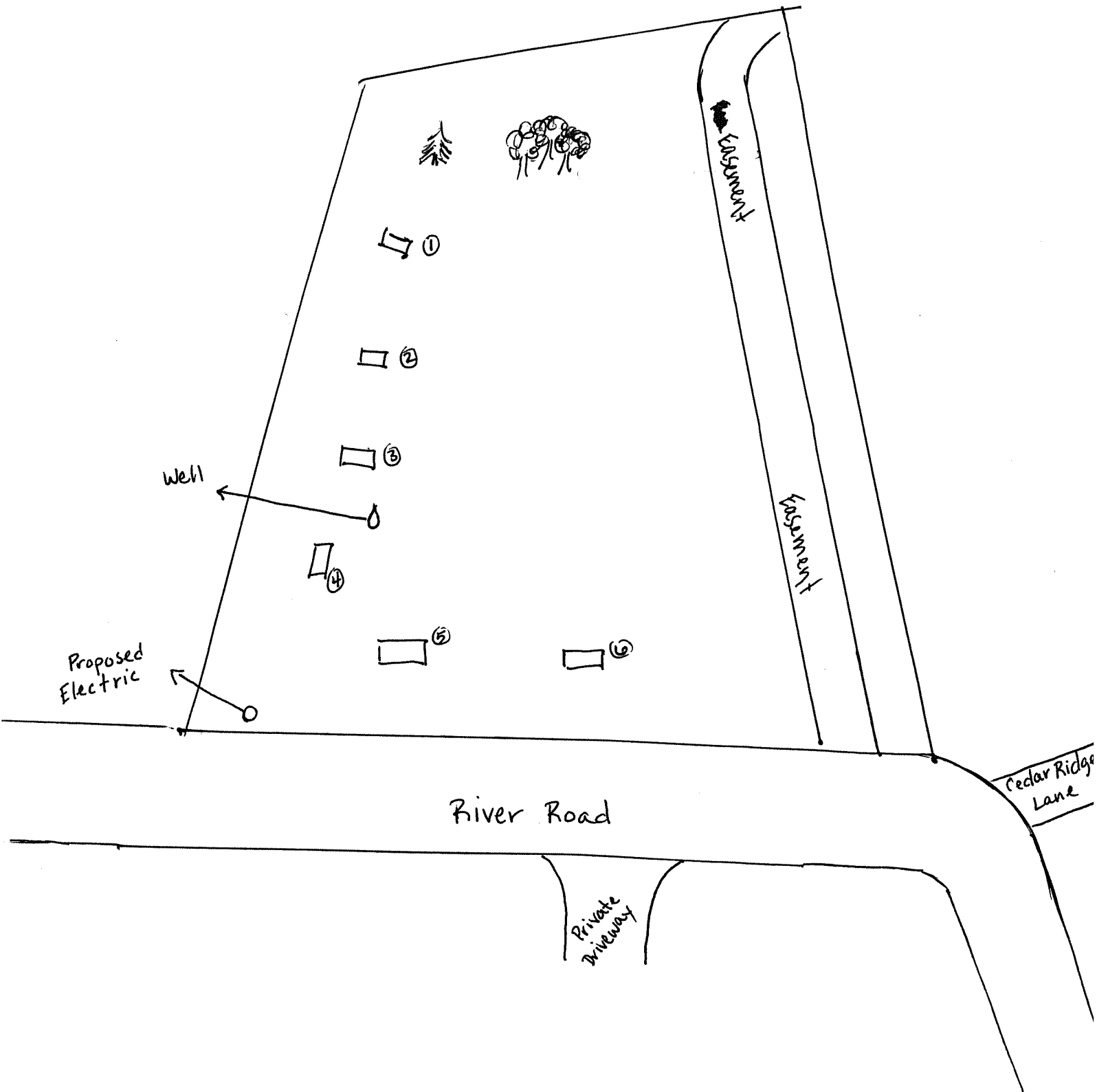
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

03/28/19
Date of Public Hearing

03/13/19
Advertising Date

03/13/19
Placard Posting Date

* □ - Camp site



19-3-ZV

19-4-ZV

RECEIVED

MAR 18 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

March 15, 2019

Jefferson County Office of Planning & Zoning

116 East Washington St. (PO Box 716)

Charles Town, WV 25414

To Whom It May Concern:

I am writing in response to the two zoning variance requests for the property, File Number 19-3-ZV, owned by Danielle LaRock and Jonathan Carnill. The Hearing is set for March 28, 2019, and I would like my comments to be of record.

My problem with the proposed Tiny Haven is that it meets none of the legal requirements or minimum standards for either a campground or a subdivision. To allow such land use would totally violate the county zoning ordinances -- starting with the lack of required acreage for a campground or subdivision, not to mention an infrastructure of a public bathroom, shower and septic system.

I live on the Potomac River, about two miles south of the proposed Tiny Haven, and I very much oppose the requested variances. Please consider this wisely and vote against the two variances identified above.

Respectfully,



Beverly A. Meadows

448 McShane's Landing Lane

Shepherdstown, WV 25443

*Copies provided in BZA mailed packet for 3/28/19 mtg. - gtt

19-3-ZV
19-4-ZV
RECEIVED
MAR 19 2019
JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

March 18, 2019

File Numbers 19-3-ZV and 19-4-ZV
Zoning Variance Requests
Tax District 9, Map 10, Parcel 7

TO: Jefferson County Board of Zoning Appeals

I am writing in opposition to these requests for zoning variances to accommodate a substandard "campsite."

My property, my principal residence for the last thirty-eight years, constitutes the entire western boundary of the parcel in question.

In addition to the request for a decline in the minimum acreage standard from ten to six (6.06) acres, the applicants also appear to plan to proceed with a number of additional variances not requested, as outlined below. The additional request for a waiver from the normally required professional site plan appears especially unwarranted, given the number of spatial standards included in the zoning ordinance and subdivision regulations. [Is there even a professional survey of the tract? I have seen no evidence (tape, for example) of professional surveying in the immediate past.]

Near the top of those additional unrequested variances would be the subdivision regulations' requirement (Section 8.2.A.6) that campgrounds have "public water and sewer." That utility is not available along this part of River Road, if at all along any stretch of River Road.

Additionally, does the definition of "campsite" used throughout the standards include a mobile "tiny house" or is it the fixed area on which it is placed at any given time? The answer to that question, it would seem, affects a number of standards in various ordinances and

*Copies mailed in packet for 03/28/19 BZA Mtg. - JH

regulations, state and county. For example, each "campsite" must be a minimum of 34.6 feet square—that spacing is not clear on the hand-drawn site plan. (The space requirement is unclear on whether that "site" includes space for a camper's vehicle.)

Campgrounds commonly are associated with some outdoor recreational use. This tract has no stream for fishing and is too close to houses for hunting. Is this just to be a parking lot for times in between travel to the county's many recreational sites? The "houses" seem too small for more than one person, so we can assume this is not foreseen to be a family campground.

As noted, the applicants seek a major, almost forty percent reduction in the permitted size for a "campground," yet fail to address, among other things, these references in the relevant ordinances, suggesting they intend many more variances from minimum standards:

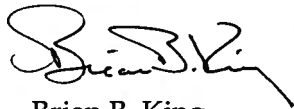
- None of the "*tourism related accommodations*" or "*amenities related to the campground.*" Why would anyone want to *camp* here, as that verb is commonly understood?
- A "caretaker residence" is allowed, but no caretaker is mentioned. Who is to police this tract?
- "When campsites or amenities are within 1,000 of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers, or other methods to prevent unintentional trespass." Four sides have ages-old wire fences or, most often, sagging single or double strands of barded wire; hardly barriers, since not even the deer need to jump.
- Applicants' "plan to install...landscaping to create greater privacy for adjacent property owners" does not address the requirement that "all campsites and amenities shall be screened by a ten-foot vegetative buffer." How many years will it take for this landscaping to reach 10 feet in height or depth? I am enclosing photographs of the tract from the rear of my house and from the abutting fence line; all existing trees seen are along the fence line or within my property, not on the tract in question, except for a couple little cedars and the circular patch to the left (north) of the one trailer, away from the fence.
- The application does not address the requirement for a minimum setback of 50 feet from existing property lines for each campsite, although a site plan drawn to scale could. The first of the "tiny houses" placed on the property may be within 50 feet of my property line; the second was moved farther east into the field on or about March 13.
- State regulations appear to require licensing of a campground; no license is mentioned in the application.
- Although the application mentions a "plan to maintain a ... sanitary campground," it does not address the requirement in the subdivision regulations (in more than one place) for "wells and drain fields"—except for the one well noted on the site plan. The well noted appears to have as its source a neighboring property (not mine).
- The site plan does not indicate the required "convenient comfort stations within 500 feet of all campsites.... [A]t least one sanitary sewerage dump station..., one water refill station, and one solid waste disposal collection facility."

The applicants call their tiny houses "aesthetically pleasing RVs/campers/THows." That, of course, is a subjective matter. To me, they suggest transient shelters for a commercial enterprise, dropped into a centuries-long rural neighborhood.

The applicants go on to say the variance "will allow for supporting agricultural activities and encourage an improved appearance of Jefferson County." Are these, then, to be shelters for temporary farm workers? This neighborhood for at least a mile around went out of active agriculture beyond hayfields and tree farms almost four decades ago.

In summary, I would propose that the application ignores far too many of the standards in the zoning ordinance and subdivision regulations to warrant approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian B. King". The signature is fluid and cursive, with the first name "Brian" being the most prominent part.

Brian B. King
P.O. Box 1157
Shepherdstown, West Virginia 25443



LONG-RANGE VIEWS FROM THE HOUSE



VIEWS FROM THE FENCE LINE



CLOSER VIEW FROM THE FENCE LINE

March 21, 2019

RECEIVED

MAR 20 2019 - JH

Jefferson County
Planning, Zoning and Engineering

Jefferson County Board of Zoning Appeals
116 East Washington Street, Suite 200
PO Box 716
Charles Town, WV 25414

Zoning Variance Request 19-3-ZV/LaRock-Carnill
Zoning Variance Request 19-4-ZV/Larock-Carnill
PUBLIC HEARING 3/28/19

Ladies and Gentlemen:

My wife Alice and I object to these zoning variance requests for the following reasons.

We own two twenty-acre pieces of property on the opposite side of River Road from the LaRock/Carnill property. Our residence of 21 years is on one of these parcels and is directly opposite the LaRock/Carnill property. Our driveway exits onto River Road with a clear view of what takes place there. (Exs. A, B, C).

Our property is partly a residence and partly a farm. This same type of split use is common to the neighborhood, which consists mainly of property 20 to 100 acres with a single residence on each. For example, the property adjacent to mine on the north side, owned by Ann Oxford, is over 60 acres. (Ex. D). The property adjacent to hers on the north, owned by the Willard family, is over 100 acres. The property adjacent to mine on the south, owned by Bill Licliter, is 22 acres and features a 150-year-old residence. This rural neighborhood is serene and beautiful.

We certainly never imagined that our neighborhood could be devalued by a use such as that proposed by LaRock/Carnill. What they propose is a cluster of mobile "tiny homes" in which people would reside, not camp. These tiny homes might come and go regularly, or might not. What is certain is that on six acres directly across the street from our property will be six separate residences. This is high density, not the low density contemplated for our rural zone. It will create traffic and noise.

The "campground" proposed by LaRock/Carnill does not comply with zoning regulations. In fact, what they propose is actually a mobile home park, which has a completely separate set of regulations they cannot meet.

They call their proposed use a campground simply because they believe they can more easily obtain the needed variance with that fiction.

They ask to be relieved of the zoning requirement that a campground be located on no more than 10 acres – even in a rural zone. This requirement was adopted by the County for a reason. The proposed “campground” would be at least 40% smaller than the minimum size required by the regulations. I say “at least” because the variance application does not take into account the easement across the LaRock/Carnill property owned by Wayne Bavry and his wife, who also object. (Ex. E).

What could possibly justify a reduction of over 40% in the required size for a campground? The variance application merely asserts that “the structures are not permanent and will not require altering the landscape.” But this is the nature of a campground and the County authorities must have assumed there would be no landscape alterations to start with when the 10-acre minimum size was adopted.

There is no presumption in favor of granting a variance. The opposite is true. The applicant bears the burden of establishing that a variance is appropriate. With respect to 19-3-ZV LaRock/Carnill provide nothing to meet that burden.

In 19-4-ZV LaRock/Carnill ask to be relieved of the requirement for a site plan on the sole ground that they would prefer not to spend the money on an engineer. This is no justification. If they are unwilling to spend the money now to assure the County that their site will be adequate, imagine how the operation of their “campground”, if approved, will be underfunded and inadequate.

Many thanks for your consideration.

Very truly yours,



A. Neal Barkus
1328 River Road
Shepherdstown, WV 25443

19-3-ZV
19-4-ZV



19-3-ZV
19-4-ZV



19-3-ZV
19-4-ZV



19-3-ZV
RECEIVED 19-4-ZV

MAR 20 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

March 13, 2019
1062 Duncan Rd.
Harpers Ferry, WV 25425

Jefferson County Office of Planning and Zoning
116 East Washington St.
PO Box 716
Charles Town, WV 25414

To Whom it May Concern:

I am writing in response to the two zoning variance requests for the property, File Number 19-3-ZV, owned by Danielle LaRock and Jonathan Carnill. The Hearing is set for March 28, 2019, and I would like my comments on the record.

I live about 2 miles away on Duncan Road, about a mile as the crow flies. I have no problem with campgrounds. My husband was a state park manager and also had managed private campgrounds. My problem with the Tiny Haven, is that they are either a subdivision, which would not meet the legal requirements, or they are a campground, which they also don't meet the minimum standards for a campground. Campgrounds need an infrastructure that they seem unwilling to provide. At the very least, a public bathroom, shower and septic system are needed. Their plans seem to be purposely vague and not well thought out. Six acres is way too little land to support a campground, and definitely way too little land for a subdivision. I hope you will judge this wisely and vote against the variance requests.

Sincerely yours,

Nancy Kautz
Nancy Kautz

* Copies mailed in packet for BZA 03/28/19 Mtg. - JH

4479 Engle Moler Road
Shepherdstown, WV 25443
March 20, 2019

Jefferson County Board of Zoning Appeals
116 E. Washington Street
P.O. Box 716
Charles Town, WV 25414

RECEIVED
MAR 20 2019 - JH
Jefferson County
Planning, Zoning and Engineering

By e-mail: www.jeffersoncountywv.org

Reference: 1) Variance Request File # 19-3-ZV
2) Variance Request File # 19-4-ZV

Gentlemen:

This letter is submitted for your consideration in opposition to the granting of the variances listed in the Request Files referenced above.

Our objections are enumerated below:

First, by any measure, the requested changes, referenced above, would allow a campground to be established and operated on the property. This would impose a major change in the character of the neighborhood and impose unjust harm and injury to adjacent and nearby residents as well as property owners. Property values would decline. The attraction to a River Road Shepherdstown address often sought by Realtors for listing would be diminished possibly resulting in future reduced real estate tax revenue for the county.

This is a rural agricultural area of the county which includes a large number of single family detached homes situated on large farm properties or 5 acre or larger building lots. The building lots were created in an orderly manner over the years through the early "out sale" method or later "minor subdivision" process in strict compliance with the county subdivision ordinance and zoning regulations in effect at the time.

Property owners welcomed the planning and zoning rules and attention to land use management manifest in these ordinances and have relied on the planning and zoning offices to insure that the character of their neighborhoods are not compromised by approval of variances such as these.

The requested VARIANCES are not for a simple inconsequential change such as a minor "building set back" dimension waiver, but are for revisions 1) permitting a major change in the allowed use of the property by reducing the required acreage for constructing and operating a campground and 2) a waiver of the required FORMAL SITE plan for the project.

This is not a simple variance, but a major ZONING CHANGE, and should be denied.

In support of this request for denial is RESTRICTIVE COVENANT 3 on page 2 of the original DEED for the 3 acres road frontage portion of this 6.06 tract subdivided on September 20, 1979, by Grantors, Culver to Grantee, Carpenter, and recorded in Deed Book 461 at Page 170 in the Jefferson County, WV Courthouse. Said Covenant states:

***Copies mailed in packet for 03/28/19 BZA meeting. JH**

“3. NO MOBILE HOMES OR TRAILORS SHALL BE KEPT UPON THE PROPERTY EXCEPT WITH THE WRITTEN PERMISSION OF THE GRANTORS, OR THEIR HEIRS AND ASSIGNS.”

This COVENANT which has not been changed or revoked applies to the current property which has been expanded in size to the present 6.06 acres. Notwithstanding the fact that County Planning and Zoning offices do not enforce RESTRICTIVE COVENANTS, approval of the wavier permitting use of the property as a campground is tantamount to enabling the appellants to violate this covenant. This will place the appellants in legal jeopardy from harmed property owners seeking relief.

Second, there is an issue with the incomplete site plan which is presented in sketch format without any dimensions and fails the test of “good engineering practice” for such a document.

The site plan illustrates only one access/egress entrance which is shared with the EASEMENT roadway for adjoining property owners not fronting on RIVER ROAD. This existing EASEMENT was created probably in 1979/1980 and probably without WV Department of Highway approval and their issuance of the appropriate HIGHWAY ENTRANCE PERMIT. A six unit campground such as this, when fully occupied, might house 24 or more persons plus the County required resident caretaker(s) totaling perhaps 25-30 individuals. For safety reasons and in an emergency, such an installation should have at least one and probably two dedicated Department of Highway approved entrances. There is no recognition of dedicated entrance(s) on the site plan.

In addition, the site plan fails to recognize or address the need and solution for other required services including:

- a) WATER distribution to campsites (other than depicting an off site well):
- b) WATER, SEWER, and POWER HOOK UP STATIONS at Campsite pads.
- c) SEWAGE disposal from campsites to septic field and required SEPTIC RESERVE AREA:
- d) PROPOSED TELEPHONE/ CABLE TV SERVICE ROUTING
- e) GARBAGE/WASTE FACILITY
- e) LIVING QUARTERS FOR CARETAKER

Applicant states that STORM WATER MANAGEMENT is not an issue. A more accurate and meaningful estimate should be requested from a LICENSED STORM WATER MANAGEMENT PROFESSIONAL ENGINEER or HYDROLOGIST qualified to make such a judgment.

And last, this proposed campground with the maximum population density described above could create the equivalent of a sub division containing seven 5 acre lots (35 acres) concentrated within this 6 acre tract. This concentration of vehicles entering and leaving the site would probably create an unacceptable traffic issue.

We oppose both of these Variance Requests and ask that you deny them both.

Thank you for the opportunity to submit this letter.

Signed,

Richard S. Nickell

Barbara K. Nickell

Office of Planning and Zoning
P.O. Box 116,
Charles Town, WV 25414

March 17, 2019

Re: Variance requests for property located on River Rd, Shepherdstown
(Tax Dist: 9, Map #: 10, Parcel #: 70)
File #s: 19-3-ZV, 19-4-ZV
Property Owners: LaRock and Carnill

To the Board of Zoning Appeals:

We are writing to express our opposition to the proposal of a campground at the above location and as such, our opposition to the variances being requested.

Variance request for six acres instead of ten (File # 19-3-ZV)

The ordinance as written is very detrimental to the surrounding property owners. Ten acres is not a sufficient size for an adequate barrier, so allowing six would provide even further encroachment on existing homes. In addition, the set-back requirement of 50 ft and the 10 ft vegetative buffer are inadequate. Again, this would not provide a sufficient distance for visual, noise or safety barriers. (See Appendix A and Appendix B) Due to the rolling landscape, several surrounding properties are higher than the campground site and the 10 ft vegetative barrier would not block the view of the campground. We realize revising this ordinance is an issue for the Planning Commission but we hope that the board would amend this error in its ruling.

Applicable regulation

From the campground ordinance

-Section 8.17.B.5.

“when campsites or amenities are within 1,000 feet of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers, or other methods to prevent unintentional trespass (subsection 1). It also says that all campsites and amenities shall be screened by a ten foot vegetative buffer utilizing the Narrow Standard Detail...

From the subdivision regulations

-8.2 Sec B.1. - Dimensional requirements - Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements.

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MAR 20 2019 -JH
Jefferson County
Planning, Zoning and Engineering

Variance request for no site plan (File # 19-4-ZV)

The second variance is a request to forgo a formal site plan for the reason being “due to the financial hardship of hiring an engineer.” Site plans and standards are developed for the purpose of protecting public health and safety, preserving natural resources, and achieving community aesthetic goals. They should not be ignored simply because a property owner cannot afford it. If this variance were to be granted, then the Subdivision Regulations – providing for safe and reasonable development - would not be required, possibly harming the community. The campground is a business and should be treated as one with all the proper requirements being met.

Applicable regulations

From the campground ordinance

Sec 8.17 C. Regulatory approval –

1. Campground uses must submit a Concept Plan and be approved by the Planning Commission pursuant to a public hearing.....
2. Upon approval of the Concept Plan.....a site plan must be processed...
3. All state regulations pertaining to the operation and licensing of a campground must be followed.

From the subdivision regulations

8.1 Sec B. “All campgrounds shall process a minor site plan.”

8.2 Sec A. Items 1-6 (dealing with health measures, safety and proper development) cannot be met without a site plan

Other Issues of Concern

And finally the issues of road safety and sanitation. The current access to the property is located at the bottom of two hills, on a curve. River Rd., Cedar Ridge Rd., and the private lane which is shared by the campground all intersect at this point (See Appendix C). It is already dangerous for existing vehicles, bikers, and pedestrians and adding a significant number of additional drivers could be hazardous. The West Virginia Division of Highways (WVDOH) is required to review all site plan applications and indicate whether it approves of the proposed access in terms of location and sight distances, etc. and the capacity of the road to handle the proposed traffic.

Applicable regulations for road safety

From the campground ordinance -

Sec B.3. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Regulations standards.

From Sec 20.201 Subdivision regulation

8.2 Sec A. All campground facilities shall be designed in a manner which meets the following standards: 1. Safe access and egress to state roads

With regards to sanitation, without a site plan, it is unclear what the property owner’s plans are for proper water and sanitation for the campground. The property owner plans to use self-contained “tiny homes” (i.e. RVs) on the campground. Where will the waste and grey water facility be? If using composting toilets, where will the compost be placed? We share the same aquifer. We want to be sure that proper sewage disposal is maintained and our drinking water remains safe.

Applicable regulations for Sanitation

From Sec. 20.201 Minor Subdivision Regulations

8.2 Sec A. – All campground facilities shall be designed in a manner which meets the following standards: 5. Wells and drain fields, 6. Public water and sewer

8.2 Sec E - Sanitation

1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations
2. A campsite may contain any combination of water, sewerage, or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations within 500 feet of all campsites.
3. A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station, and one solid waste disposal collection facility.
4. As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed.

Finally, as you can see from the photos, the proposed campground is very close to other residences and visible from most surrounding properties. By allowing these variances, a precedent might occur that could have terrible results for other locations like ours. Would you

like a campground in your front yard? There is not one resident of the area that we have spoken to that wants a campground in that location. Current property owners are concerned about the potential adverse effects from the campground including potential decline in property values or decreases in potential buyers, noise pollution, lack of care for the land, and a disruption of the existing aesthetic of incredible natural beauty. Furthermore, as the users of the property are temporary (the length of stay in the campground is limited to 180 days), there is not the investment in maintaining the property or surrounding community. Many of the nearest property owners have been there for a long time and these are their final homes and major financial investments. What happens if the property owners sell? They cannot guarantee that the next campground owner will be as conscientious of the land and neighbors as they will be.

In closing, we are greatly upset that these variances were even considered. This effort on the part of the property owners to create a campground has caused a great deal of stress and anxiety for many of the surrounding property owners and also caused them to expend money and time in stopping it. Had the zoning office followed the requirement of a Concept Plan with review by the planning commission this situation may never have occurred. Why was it not?

Respectfully,

John and Theresa Noel
284 Brierly Spring Lane (borders the Bavery, Colbert and Milcetic properties)
Shepherdstown, WV, 25443

Appendix A – photos of surrounding properties
Appendix B - area tax map (9-10)
Appendix C – photos of road

APPENDIX A

Photos of surrounding property lines

From 1227 River Rd property line



From 1328 River Rd. property line



Noel Document re Campground Variance

From 1388 River Rd. property line



From 1212 River Rd. property line



Noel Document re Campground Variance

From 76 Brierly Spring Lane property line



CLOSER VIEW FROM THE FENCE LINE

From 1407 River Rd. property line – view of campground



Noel Document re Campground Variance

From 17 Cedar Ridge property line



From 310 Cedar Ridge property line



APPENDIX B

Road views

Driving east on River Rd. – River Rd., Cedar Ridge Rd. and the private lane - which would be shared by campground - all intersect at the bottom of two hills and a curve.



Showing entrance from River Rd to private lane (which campground would use) and Cedar Ridge lane.



Noel document regarding campground variance

Driving from the West on River Rd.



Shows multiple entrances/exits within close proximity – private lane, private drive, Cedar Ridge and River Rd.



APPENDIX C

Tax Map – Dist 9- Map 10

Showing location of campground (red) in relation to surrounding properties





S. Andrew Arnold, Esq. PARTNER
Gregory A. Bailey, Esq. PARTNER
J. Daniel Kirkland, Esq. ATTORNEY
Christopher P. Stroech, Esq., ATTORNEY

208 N. George Street
Charles Town, WV 25414
T: 304 725 2002
F: 304 725 0282

VIA EMAIL ONLY

March 20, 2019

RECEIVED

MAR 20 2019 - JH

Jefferson County
Planning, Zoning and Engineering

Jefferson County Board of Zoning Appeals
116 East Washington Street, Suite 200
PO Box 716
Charles Town, WV 25414

Re: Zoning Variance Request 19-3-ZV / LaRock-Carnill
Zoning Variance Request 19-4-ZV / Larock-Carnill
PUBLIC HEARING 03/28/19

Dear Members of the Jefferson County Board of Zoning Appeals:

Please be advised that I have been retained to jointly represent the interests of Wayne and Ann Bavry, owners of certain real property located at 1407 River Road, Shepherdstown, West Virginia; and Neal and Alice Barkus, owners of certain real property located at 1328 River Road, Shepherdstown, West Virginia. Both Bavry and Barkus strenuously object to the above-referenced zoning variance requests for the reasons as set forth herein.

I understand that LaRock and Carnill are seeking to develop a "campground" upon their six (6)-acre parcel, with six (6) tiny mobile homes and the presumed related infrastructure. However, a review of their social media posts indicate that these homes are not intended for transient camping use but rather for permanent or temporary residences of smaller scale. *See* attached social media posts. To this end, they are seeking two (2) variances requests from the Board: 1) a variance from the ten (10)-acre minimum acreage requirement for a "campground" set forth in Section 8.17B.1 of the Jefferson County Zoning and Land Development Ordinance ("ZDO") and 2) a variance from preparing a formal Site Plan required in Section 4.10 of the ZDO.

As this Board is aware, the standard for approving these variance requests is set forth in Section 6.2 of the ZDO:

- A. The Board shall approve a variance request if the Board finds that a variance:
 - 1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owner or residents;
 - 2. Arises 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;

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3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

First and foremost, the intended use is simply not permitted on the subject parcel. As set forth in Section 8.17A.6 of the ZDO, “[a] **campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.**” As confirmed by the attached documents and presumed testimony from the Applicants, the six (6) tiny mobile homes are intended to be used, sold or leased as residences, both for themselves and other family units, on either a temporary or permanent basis.

Applicants are essentially developing a tiny mobile home park. As defined in the ZDO and the Subdivision and Land Development Regulations (“SLDR”), mobile or manufactured homes are defined as single-family detached structures built in a factory. *See* Section 2.2, ZDO; Division 26.200, SLDR. The “tiny homes” ordered and obtained by the Applicants were built off-site, at locations specializing in tiny home construction, and were delivered, by trailer, to the subject parcel. Hence, these are mobile or manufactured homes.

More to the point, as defined in both the ZDO and SLDR:

Campground. An area or premises located on a single lot, operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers occupying camping units. **A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall be not be construed to mean a Mobile Home Park (as defined in the Zoning Ordinance).** All campgrounds shall comply with the defined uses and regulations in sections 2.2 and 8.17 of the Zoning Ordinance and relevant sections of these Subdivision Regulations. *See* Section 2.2, ZDO; Division 26.200, SLDR (emphasis added).

As a tiny mobile home park, the Applicants must follow the requirements and standards for mobile home parks set forth in Division 7.0 of the SLDR. This type of development is not permitted on the subject parcel, as mobile home parks are not a permitted use in a Rural District. *See* Appendix C, ZDO.

Aside from the non-permitted use determination, campgrounds otherwise have stringent requirements and standards that the Applicants seem unable or unwilling to meet. As defined in Section 8.17 of the ZDO, campground residency shall be temporary, limited to 180 days per calendar year, and campgrounds shall generally consist of campsites and campground amenities “for the use and enjoyment of campers.” A “campsite...generally means an area where an

individual, family, or group can pitch or place a camping unit.” Campgrounds must submit both Concept Plans and Site Plans pursuant to the ZDO and SLDR. Indeed, campgrounds shall follow all standards relating to safe access; storm water control; erosion and sediment control; sanitation, well and septic placement; parking requirement and setback provisions, among others See Section 8.2, SLDR. The Applicants are unable or unwilling to provide any such information.

Regarding the factors that the BZA must consider in granting a variance, the Applicants bear the burden of proving each of these factors. The Variance Applications are utterly void of any specific and sound reasons for the requested variances. Regarding the requested variance to prepare a Site Plan, the Applicants simply claim financial hardship. Such hardship, created by them, is not a legal basis for a variance. More importantly, it would be dangerous precedent for this Board to grant any variance based solely on financial hardship. The Applicants otherwise claim that they are not altering the property and will install “nice” features to improve the viewshed. Again, this is not a relevant nor legal basis for a variance.

The Board should note that the Applicants seek to reduce the required minimum acreage for a campground by Forty Percent (40%). Taking into consideration the easement area and area between the easement and road, along with any required well, septic and general setbacks, the usable acreage is likely less than five (5) acres, thereby doubling the residential or use density. Without a Site Plan, the Applicants have failed to demonstrate how the usable acreage will be adequate for their intended purposes.

Assuming it further necessary to address the required specific variance factors:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owner or residents:

As demonstrated by submissions made to the BZA, the development of a tiny mobile home park will affect the safety, welfare and rights of adjacent property owners. Indeed, such a development will increase traffic and noise; alter the viewshed from neighboring properties, create safety concerns due to increased residential density and may therefore result in a diminution in property values.

2. Arises 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 Applicants created the condition they are seeking relief from by purchasing a parcel of land in the Rural District, thereby prohibiting their intended use as a tiny mobile home park and/or by purchasing too small a parcel, thereby prohibiting their expected use a campground.

Their claimed financial hardship was further created by them and should not be excused by this Board.

3. Would eliminate an unnecessary hardship and permit a reasonable use of the land:

The development of a tiny mobile home park is not a reasonable use of property located in a Rural District. The development of a campground with only one-half of the required usable acreage is not a reasonable use of property located in a Rural District. "The purpose of this district [Rural] is to provide a location for *low density* single family residential development in conjunction with providing continued farming activities." Section 5.7, ZDO.

4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done:

For the reasons set forth herein above, the intent of the ZDO will not be observed if these variances are granted.

I encourage the BZA to review the provided materials and listen carefully to the neighboring property owners that will be directly impacted by the proposed development. These variance requests should be denied.

Very truly yours,



Christopher P. Stroeck, Esq.

cc: Wayne & Ann Bavry
Neal & Alice Barkus

of the 50 states (gotta get me some Idaho, Maine, Montana, New Hampshire, Oklahoma, Arkansas, and Alaska!)

2. **I've raised six figures for children's cancer research.**

Over \$23,000 of that was from [shaving my head!](#) The rest was from leading fundraising events for [St. Baldrick's Foundation](#).

3. **I'm a total dog mom** to [Baxter](#) the mixed dachshund and Sinclair the pitbull.

4. We are more than mildly obsessed with **tiny homes on wheels** and starting a farm called [Tiny Haven WV](#)

5. Country music is my jam. I really love the song ["Standing Outside the Fire"](#) by Garth Brooks.



tinychavenwv • Following
Jefferson County, West Virginia

tinychavenwv For all those who want to know what we are planning with Tiny Haven, there is a public hearing at the Charlestown library conference room on Thursday March 28 at 2:00pm.

Jonathan and I are the owners of Tiny Haven. We currently own two tiny houses on wheels. We want to use our Tins for our family and provide a space for others to have a place to stay in their tiny homes.

The tiny house movement promotes simplicity, working together, connection with nature, and financial integrity. We want to bring this movement to Shepherdstown WV. We are applying to be a "campground" because within the zoning, this is how we best fit. We plan to have six spaces for tiny



41 likes

MARCH 3

Add a comment...





Instagram

Search

tinhavenwv

Following



tinhavenwv • Following
Jefferson County, West Virginia

WANTING TO TRY THIS MOVEMENT IN
SHEPHERDSTOWN WV. •

We are applying to be a "campground" because within the zoning, this is how we best fit. We plan to have six spaces for tiny houses on wheels and maintain the pastoral aesthetic that we've enjoyed after living in this area for over 24 years.

We recognize what we are doing is different, but we hope the Shepherdstown community will appreciate that we do have common values and we just want to create a beautiful addition to Jefferson County. • If you're local, feel free to repost so others know what is going on.

#tinhavenwv #campground #tinshouses #westvirginia



41 likes

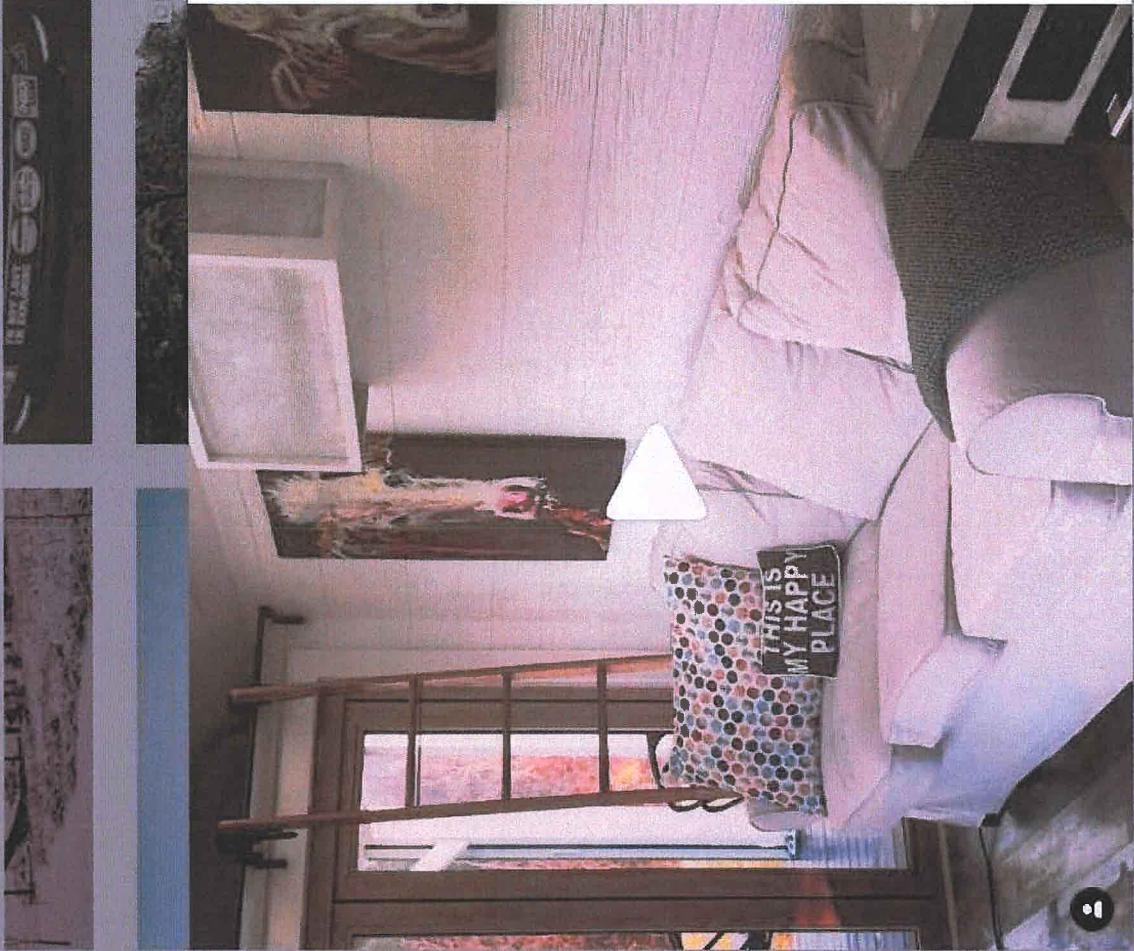
MARCH 5

Add a comment...





Search



tinyhavenwv • Following

Perch & Nest-A Tiny Home Company

tinyhavenwv Just a tiny house kind of morning ☀️ Thanks to @perchandnest for the beautiful place to stay while we get Gypsy the airstream set up for AirBnB at the farm in Winston-Salem!

tinyhavenwv #roost36 #tinyhouse #tinyhouseonwheels #tinyhouselivingroom #tinyhousekitchen #smegfridge #tinyhouseview #tinyhouseadventure

vanturinglove 🏡



233 views

DECEMBER 16, 2018

Add a comment...



Search



tinyhavenwv • Following

tinyhavenwv Ok y'all, we've had requests to see the inside of our little white tiny! Here's a view of the kitchen (well prior to towing, everything be packed away now! This is a photo from the original owner). We've got a beautiful butcher block countertop, super cute hand built cabinets, and for cooking we've got a microwaved induction cooktops (can be stored away when not in use), and a portable convection oven. The double basin sink works great too! We love the amount of counterspace here and how the former owner/builder kept it really clean. More photos to come!

View all 5 comments

riverscompass Love it! Looks so homey! ❤️

glamping_my_style So cozy! I cant



21 likes

DECEMBER 1, 2018

Add a comment...





Search



tinyhavenwv • Following
Perch & Nest-A Tiny Home Company

tinyhavenwv Our newest member of our tiny family "Ginger" rolling out of @perchandnest on her journey home to Tiny Haven WV! Thank you @perchandnest for all your hard work, patience, and ability to create our dream tiny. We are in love!

tinyhavenwv #tinyhouseonwheels
#tinyhouse #tinyhouselife
#tinyhouseadventures
#tinyhousebigiving #ginger
#perchandnest #ontheroad



104 views

JANUARY 14

Add a comment...





tinyhavenwv • Following
The Haven

tinyhavenwv Happy New Year from Tiny Haven WV! 🏠 We hope all your dreams come true this year. Remember, tiny steps lead to big accomplishments!

tinyhavenwv #happynewyear #2019 #gotinythisyear #tinyhousecommunity #tinyhouseonwheels #tinyhouseadventure #tinyhousebiglife #goforyourdreams #tinyhavenwv

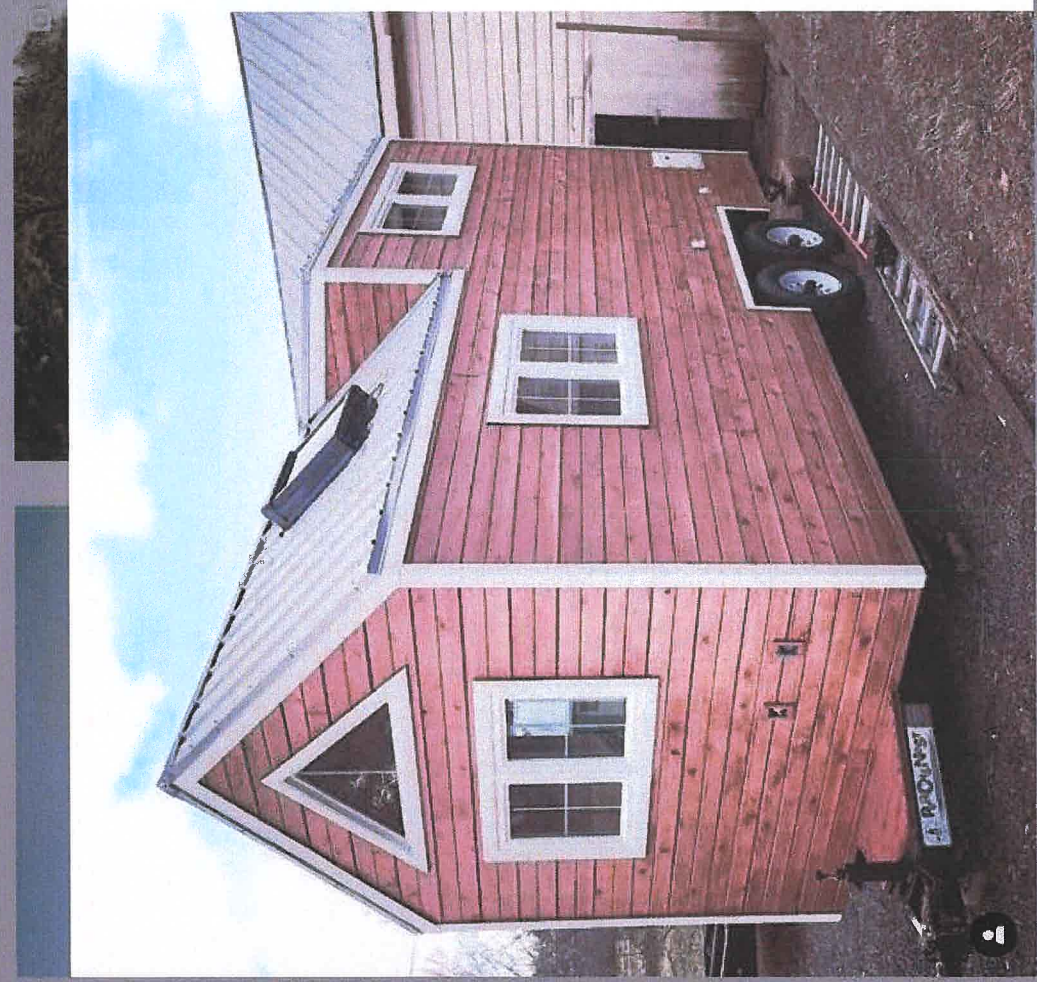
18 likes
JANUARY 1

Add a comment...





Search



tinyhavenwv • Following
Perch & Nest-A Tiny Home Company

tinyhavenwv Merry Christmas 🎄 from "Ginger" our @perchandnest #tinyhouse!!! She's nearly complete - coming home to West Virginia after Jan 4! May your holidays be warm, cozy, and full of tiny wonderful surprises.

tinyhavenwv #christmaseve
#gingerthetiny #tinyhouse
#tinyhouseonwheels #tinyhome
#homeiswhereyourheartis #tinyhavenwv
riverscompass Yay!! Ginger it is!! 🎄 Have the most wonderful holidays. Merry Christmas! 🎄

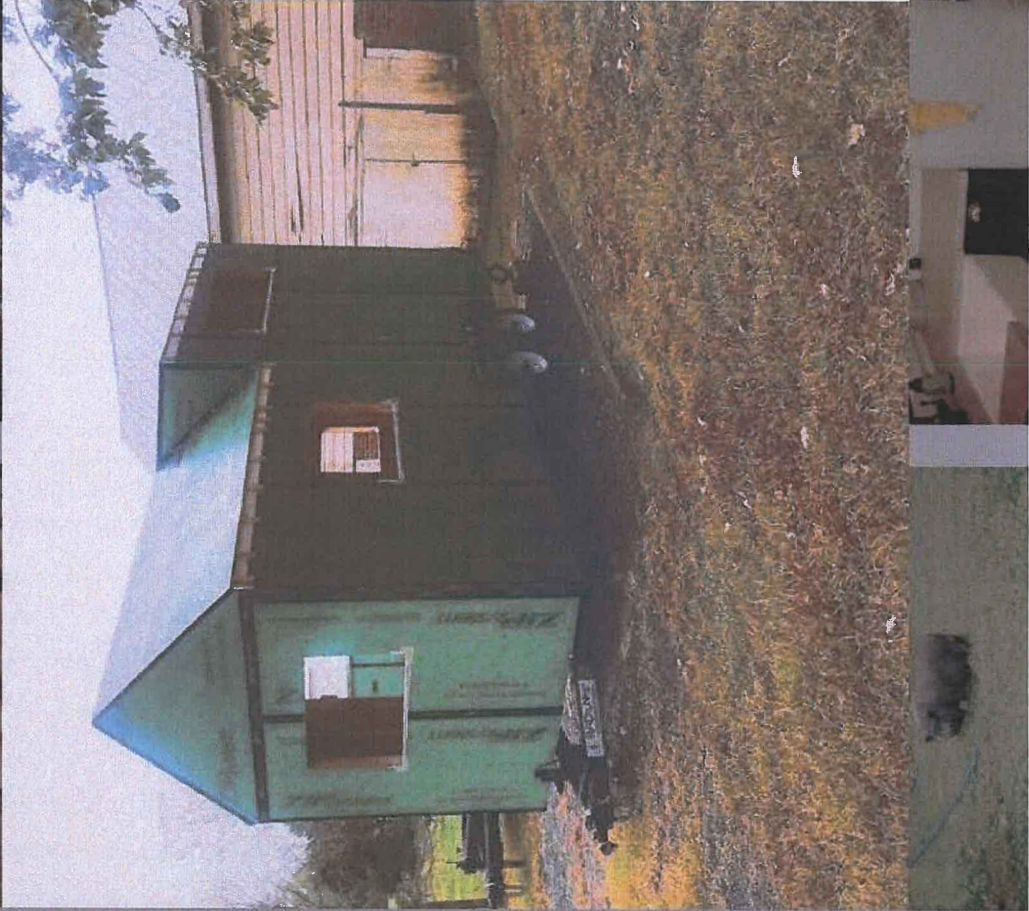
👍👎🔗

25 likes
DECEMBER 24, 2016

Add a comment...



Search



tinyhavenww • Following

Perch & Nest-A Tiny Home Company

tinyhavenww The shell of our tiny being built by @perchandnest Green looks good on her 🍃

tinyhavenww

#tinyhouseunderconstruction #tinyhouse

#tinyhome #tinyhouseinprogress

#sheathing #perchandnest



9 likes

NOVEMBER 24, 2018

Add a comment...



HENRY A. WILLARD, III
P.O. BOX 1192
SHEPHERDSTOWN, WV 25443
(202) 236-2784 / HW3@FRONTIER.COM

19-3-ZV
19-4-ZV

RECEIVED
MAR 20 2019 - JH
Jefferson County
Planning, Zoning and Engineering

March 20, 2019

Board of Zoning Appeals
Department of Engineering, Planning and Zoning
Jefferson County, West Virginia
116 East Washington Street
Charles Town, WV 25414

RE: Variance Request, File # 19-4-ZV and 19-3-ZV by Danielle LaRock and Jonathan Carnill

To whom it may concern:

I am the owner of adjacent property consisting of 94 acres located at 1502 River Road within approximately 100 yards of the property that is the object of these variance requests. This property has been owned and occupied by my family for forty years.

It is my understanding that two requests are being made: 1) variance from the 10 acres required for campground use and 2) relief from the requirement to provide a site plan.

I have reviewed copies of both applications and they trigger the same deep concern that has been shared with me by almost all of my neighbors.

The proposed use is incongruous with the nature and use of the surrounding properties and the area in general which consists entirely of farmland and single-family residences. It also suggests that the tenancies may be very transient in nature. If that is the case, there is a danger present that no one may have considered: River Road is the shortest and most obvious route to the nearest town (Shepherdstown). River Road has flooded several times in the past few months and this has been happening with increasing frequency. For those that live in the area this hazard is well known and carefully avoided. For transient tenants (weekend renters, campground users etc.) it could be a death trap.

Furthermore, I don't see that the applicants have pledged to provide the utility and sanitary infrastructure that are required by code for this use.

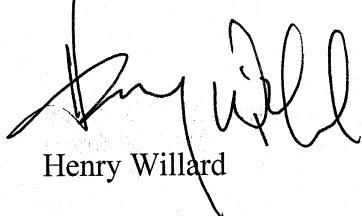
I think it should be clear to the Board that this would be the wrong use of the property and in the wrong location.

It is particularly discouraging to me that this is being considered as I have just started the process of placing a conservation easement on the 94 acres that I am responsible for. This variance -

***Copies mailed in packet for 03/28/19 BZA meeting. - JH**

were it to be granted - may cause me to reconsider. Were I to sell these parcels, which I am considering, there is no question that this proposed use would diminish the value of my property and that of my neighbors.

Respectfully submitted for your careful consideration,

A handwritten signature in black ink, appearing to read "Henry Willard". The signature is fluid and cursive, with the first name "Henry" written in a larger, more prominent script than the last name "Willard".

Henry Willard

Zoning

From: Angela Wood <4wew8uc@gmail.com>
Sent: Thursday, March 21, 2019 9:32 AM
To: Zoning
Cc: 4wew8uc@gmail.com
Subject: Comments on campground variances #19-3-ZV and 19-4-ZV
Attachments: our letter - opposition to variance zoning campground.docx

Good morning. We have copied our letter below as well as attached it.

Thank you,

Chuck & Angela Wood

Chuck and Angela Wood
187 Cedar Ridge Lane
Shepherdstown, WV 25443
304-876-3223
4wew8uc@gmail.com

March 20, 2019

Jefferson County Board of Zoning Appeals
200 East Washington Street
Charles Town, WV 25414

Re: Variance requests for property located on River Rd, Shepherdstown
(Tax Dist: 9, Map #: 10, Parcel #: 70)
File #s: 19-3-ZV, 19-4-ZV
Property Owners: LaRock and Carnill

To the Board of Zoning Appeals:

We are writing to express our opposition to the proposal of a campground at the above location and as such, our strong opposition to both variances being requested.

One issue of concern is that even 10 acres seems a bare minimum for a campground, so decreasing the allowable acreage, by way of the approving this variance request, to six acres, would set a terrible precedent. As a neighbor on Cedar Ridge Lane, we pass the property several times a day. The property sits ‘below’ several other homes and can be viewed from “above” in three different directions, as well as in both directions from the road fronting the property. This site is neither hidden nor camouflaged and planting a 10-foot-high hedge around the property would not be enough to accomplish these goals. In fact, an RV “campground” would pollute the pastoral landscape and perhaps even be an eyesore.

Another environmental concern is that the sewage, sanitation, water runoff and water quality would be significantly and negatively impacted due to the sloping lay of the land, and the Karst topography. These areas are highly susceptible to pollution because there is no natural filtration system in Karst topography. Again, this shows the vital necessity and benefit of hiring engineers to evaluate and assess the environment, subsequently protecting it from ignorance and abuse.

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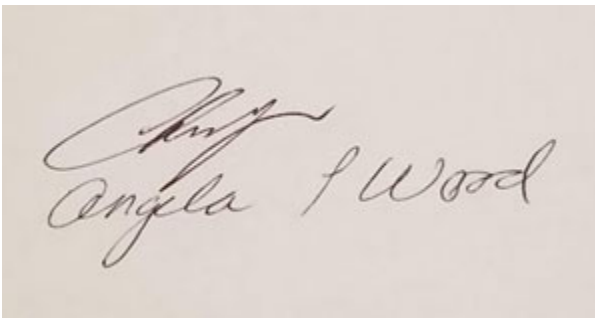
Personal safety is another concern. This 'neighborhood' contains only single-family homes, most of which include children and even grandchildren. We moved here 24 years ago for the serenity, safety and seclusion. We love living in Jefferson County and do feel safe here but do not know how long that will be the case if we have the permanence of transient boarders so near our home.

Road safety is another concern. Cars would be entering River Road from this property at the bottom of two hills on a sharp curve. Just today we noticed 15 bicyclists, heading south, taking that curve at a 'fast pedal'. Extra traffic entering at that point will increase the risk of accidents.

Sadly, disregarding the foundational work of a site plan to responsibly build your business "due to financial hardship" doesn't inspire much neighborly confidence in how conscientiously this petitioner may act in the future. Lastly, the concern is that the transient "campers" will not have the investment in maintaining the property or the surrounding community.

The thought of safety and environmental concerns, the inevitable decline in property values that a RV campground would spur, the noise pollution, light pollution, and the ruining of the existing aesthetic of natural beauty is a major concern and stressful for us. We urge you to act responsibly and deny both variance requests. Thank you.

Respectfully,

A photograph of a handwritten signature in cursive script on a light-colored background. The signature reads "Angela P. Wood".

Chuck Wood
Angela P. Wood

Zoning

From: Sabrina Hartley <sabrinahartley17@icloud.com>
Sent: Thursday, March 21, 2019 12:01 PM
To: Zoning
Subject: Tiny haven campground

As a resident and member of the Shepherdstown community, I request the board vote in favor of the Tiny haven community proposed by Danielle LaRock.

Thank you
Sabrina Hartley
287 Gardners Lane
Shepherdstown we

***Copies mailed in packet for 03/28/19 BZA mtg. - JH**

Zoning

From: Sarah Milcetic <sarah.milcetic@me.com>
Sent: Thursday, March 21, 2019 9:15 AM
To: Zoning
Subject: Variance requests for property located on River Rd, Shepherdstown (Tax Dist: 9, Map #: 10, Parcel #: 70)

March 20, 2019

Board Of Zoning Appeals
Jennilee Hartman, Zoning Clerk
116 East Washington Street, Suite 200
P. O. Box 716
Charles Town, WV 25414
[Email: zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Re: Variance requests for property located on River Rd, Shepherdstown
(Tax Dist: 9, Map #: 10, Parcel #: 70)
File #s:19-3-ZV, 19-4-ZV
Property Owners: LaRock and Carnill

To the Board of Zoning Appeals:

We are writing regarding the two variance requests listed below:

1. Variance request for six acres instead of ten (File # 19-3-ZV)
2. Variance request for no site plan (File # 19-4-ZV)

We own, live and farm on property immediately adjacent to the property for which the zoning variances are requested and we wish for the variances to be denied.

We met with the property owners and discussed at length their intentions. We understand that they plan to have a handful of tiny houses on the property and that they desire to have long term renters live with them in a community of tiny houses. We understand that they are applying for a campground variance because it was the closest match of land uses allowed, and that they do not meet the minimum acreage for a campground. We do not agree that this is a good match because the campground rules prohibit renters from staying longer than 180 days, which means long term renters will not be allowed.

We are concerned about a zoning variance and the potential future ramifications of the property being zoned a campground. Specifically, we are very concerned about what may happen if the property is sold with the campground variance in place and the potential for someone to build a campground with no site plan.

The property sits at the bottom of a valley and at a curve in the road, highly visible from all the surrounding properties. The change in elevation is significantly greater than 10 feet and a 10 foot screen would do nothing to prevent a campground from interrupting the current vistas of wide open farmland pastures, woodlands, mountains and sprinkling of single family residences. If there had been a campground adjacent to our property when we were looking for a place to build our farm and home, we likely would not have bought this property.

The property line that we share with the 6 acre property is our longest property line, at over 600 feet long. The property is primarily south of ours, and our house and the majority of our windows are oriented toward the south sun, looking directly toward the property. We chose to live and farm here for the agricultural setting, with views of nature and open spaces, quiet at night and the beautiful night sky and stargazing. We feel that

approving a campground on this property could potentially ruin those things by cluttering the view, and adding noise and light pollution. We are also worried about stress to our livestock.

We request that the variances for a campground and no site plan be denied.

Respectfully,

Peter and Sarah Milcetic
Better with Thyme Farm LLC
17 Cedar Ridge Ln
Shepherdstown, WV 25443

Attached are two photos. The first photo shows the views of open pasture, woodland and a couple of houses. The second shows our view from our house of the 6 acre property that the variance is requested for.



Zoning

From: Bryan Miller <bryantmiller@frontier.com>
Sent: Thursday, March 21, 2019 7:47 AM
To: Zoning
Subject: 19-3-ZV LaRock-Carnill and 19-4-ZV LaRock-Carnill

I am writing this e-mail to let you know that my wife and I are opposed to both of these zoning variance requests. We own the property adjacent to the parcel listed in both applications. I am concerned about the creation of a zoning variance that would allow the current and future land owners to operate a campground. I believe that the zoning classification of Rural for this area is necessary to protect the rural character of the area, especially along one of the only roads to Sheperdstown that follows the Potomac River. We purchased our property located at 1227 River Road because of this character and setting that you have worked hard to preserve. I believe that allowing the current property owner to operate a village of tiny homes along this wonderful viewshed would be a travesty.

Bryan and Bernadette Miler
1227 River Road, Sheperdstown, WV, 25443

***Copies mailed in packet for 03/28/19 BZA mtg. - JH**

19-3-ZV
19-4-ZV

Anne L. Oxfort
1388 River Road
Shepherdstown, WV 25443

RECEIVED

MAR 21 2019

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

March 18, 2019

Office of Planning and Zoning
PO Box 716
Charles Town, WV 25414

Regarding: 19-3-ZV
19-4-ZV

TO WHOM IT MAY CONCERN

I will be unable to attend the March 28th meeting regarding the variances requested above but let it be known as a River Road resident, I am opposed to this campground.

I believe this campsite could become the permanent residences of the occupants. Although the 180-day maximum requirement can easily be circumvented by just taking a vacation or spending a few days away from the campsite.

Respectfully submitted,



Anne L. Oxfort

* Copy mailed in packet for 03/28/19 BZA mtg. JH

19-3-ZV
19-4-ZV

PO Box 3234
Shepherdstown, WV
March 18, 2019

Department of Engineering, Planning and Zoning
Office of Planning and Zoning
Charles Town, WV

Dear Planning and Zoning Board,

I am requesting that you do not approve zoning variance requests 19-3-ZV and 19-4-ZV. The owners of this property are proposing to install a campground with no site plan, no infrastructure, no water, no plan for removal of trash or human waste, and no caretaker. They presume to understand environmental issues such as water flow without the benefit of a site engineer. If the owners intend to run a campground, they need to take responsibility for site planning. This lack of knowledge, planning, and infrastructure does not support a variance for a site plan.

The property itself is only 6 acres and not suited for a campground, as it is in a residential, although rural, area. There is a reason why zoning requires a minimum of 10 acres for a campground and that reason needs to be respected. The property will not be used for tent camping but so-called tiny homes, which are towed. The property owners have not addressed how these trailers towing homes will affect River Road residents and infrastructure. In addition, there is no recreational or scenic component associated with camping at this property, so what exactly is the draw that requires a campground at this location?

I believe that approving these variances for a campground in this section of River Road will substantially change the character of the area for the worse. I live about 2 miles from the property in question. There are already two homes on the property that look like storage sheds on wheels. Adding more homes onto this property will have the effect of a trailer park. These homes are clearly visible from the road. If they are homes, they should be treated as such under Jefferson County zoning regulations.

Sincerely,


Janet Springsteen

RECEIVED

MAR 21 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

* Copies provided in mailed packet for 03/28/19 BZA mtg - JH

Zachary Wood
187 Cedar Ridge Lane
Shepherdstown, WV 25443
304-712-2559
zwwood@mix.wvu.edu

RECEIVED
MAR 21 2019 - JH
Jefferson County
Planning, Zoning and Engineering

March 20, 2019

Jefferson County Board of Zoning Appeals
200 East Washington Street
Charles Town, WV 25414

To whom it may concern:

I am writing to express my opposition to the proposed variances for construction upon parcel 19-09-0010-0007-0000, listed as tax parcel number 10-7 on Map 10 of District 9 provided by the Jefferson County Assessor's Office. The property is located at the intersection of River Road and Cedar Ridge Lane in Shepherdstown, WV, and was last recorded as registered to George and Kery Fries. It has come to my attention that the current land owners are seeking to construct a campground upon the property and are seeking two variances: one for the dismissal of a site plan, and one for exception from the minimum land requirement of 10 acres for such a campground.

As a civil engineering student at West Virginia University, I strongly appeal for a site plan to be produced for any such construction upon a parcel of land within Jefferson County. A site plan is essential for conferring design layout and construction of improvements to a parcel and seeks to minimize environmental impact and disturbance to surrounding properties. A campground without proper runoff and wastewater treatment planning would serve to cause significant damage to the environment and surrounding land values.

This area of the county suffers from karst topography, with many sinkholes upon a bedrock of limestone. Parcel 10-7 is sloped for drainage across tax parcel 10-8.8 owned by Peter and Sara Milcetic, and into tax parcel 10-8 owned by Christopher and Samantha Colbert. Surface runoff regularly drains from parcel 10-7 across parcel 10-8.8 and directly into a sinkhole on parcel 10-8. Any untreated runoff could have a disastrous effect upon the local drinking water aquifer, as concluded by the 2012 County-Wide Groundwater Assessment:

Because of its relatively high solubility, the carbonate bedrock in Jefferson County has undergone varying degrees of karstification. Dissolution channels formed within the bedrock of karst terrain can provide conditions for preferential flow pathways, enabling rapid spread of groundwater contamination. Such conditions can have the potential to quickly transport contaminants from surface or near surface conditions to the underlying bedrock aquifer. In most geologic settings, thick soil overburden acts as nature's water purification system, filtering recharge water as it percolates downward to the water

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table; but in karst areas this natural filter can sometimes be bypassed by preferential rapid flow paths and drainage features such as sinkholes. Consequently, the carbonate aquifer underlying the Central Unit area is susceptible to groundwater contamination from non-point sources. This susceptibility can be enhanced by surface drainage patterns characteristic of karst aquifer systems.

Additionally, as a resident who lives less than 1,000 feet from the proposed campground, I strongly oppose the construction of a campground upon a parcel of land that is smaller than 10 acres. The surrounding neighborhood enjoys the distinction of large, multi-acre estates for each residence, thus ensuring a degree of quiet and separation not found in more densely zoned areas. As noted on the 2018 Zoning Map provided by the Jefferson County Commission, the land is currently zoned as Rural, and within the Future Use Land Guide it is zoned as Large Lot Residential, not Low Density Residential. Residents within the area do not wish for the increased noise, traffic, and obnoxious visual that such a campground would cause.

Even if the landowners constructed a 10-foot tall privacy screen, there are five surrounding parcels of land which enjoy both elevations greater than that of the proposed campground and a direct line of sight towards the property, thus rendering any visual barrier ineffective. Furthermore, there are already 23 parcels of land with individual residences within a 1,000-foot radius of the proposed campground. The area does not need any higher-density housing.

Many people within the neighborhood are opposed to this project. We count on our zoning department and its laws to help preserve the beauty and opportunity that Jefferson County is known for, while developing forward-looking plans for the future of our county. Please do not grant these variances, and instead help us to preserve the peace and quiet that we've come to love within our community.

Sincerely,

A handwritten signature in black ink that reads "Zachary Wood". The signature is written in a cursive, flowing style.

Zachary Wood

Zoning

From: Zoning
Sent: Friday, March 22, 2019 9:35 AM
To: 'gbbaker1'
Subject: RE: variance for river rd property variance on march 28

Can you please provide your name and address for reference? The Board typically does not consider anonymous submissions.

Thank you,

Alexandra Beaulieu
Zoning Administrator

From: gbbaker1 [mailto:gbbaker1@FRONTIERNET.NET]
Sent: Thursday, March 21, 2019 2:16 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: RE: variance for river rd property variance on march 28

Yes - Thank You for your quick response.

From: Zoning [mailto:Zoning@jeffersoncountywv.org]
Sent: Wednesday, March 20, 2019 11:49 AM
To: 'gbbaker1'
Subject: RE: variance for river rd property variance on march 28

Would you like your email included in the agenda packet for the Board of Zoning Appeals to consider as part of the public hearing?

Thank you,

Alexandra Beaulieu
Zoning Administrator
Jefferson County Office of Planning and Zoning
www.jeffersoncountywv.org
304-728-3228

From: gbbaker1 [mailto:gbbaker1@FRONTIERNET.NET]
Sent: Wednesday, March 20, 2019 11:46 AM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: variance for river rd property variance on march 28

I'm not sure if this is the right place to send this.

Variance for a Campground.

What is the business plan for the campground?

how many sites?

will rv's be allowed?

what services will each site provide?

electricity?

fire pit?

picnic table?

tent site?

parking?

will there be a wash room and bathroom?

what type of toilets(composting or septic)?

will there be showers?

will there be on site manager?

if not how often will a manager make rounds?

what is the fee structure?

will there be stay limits?

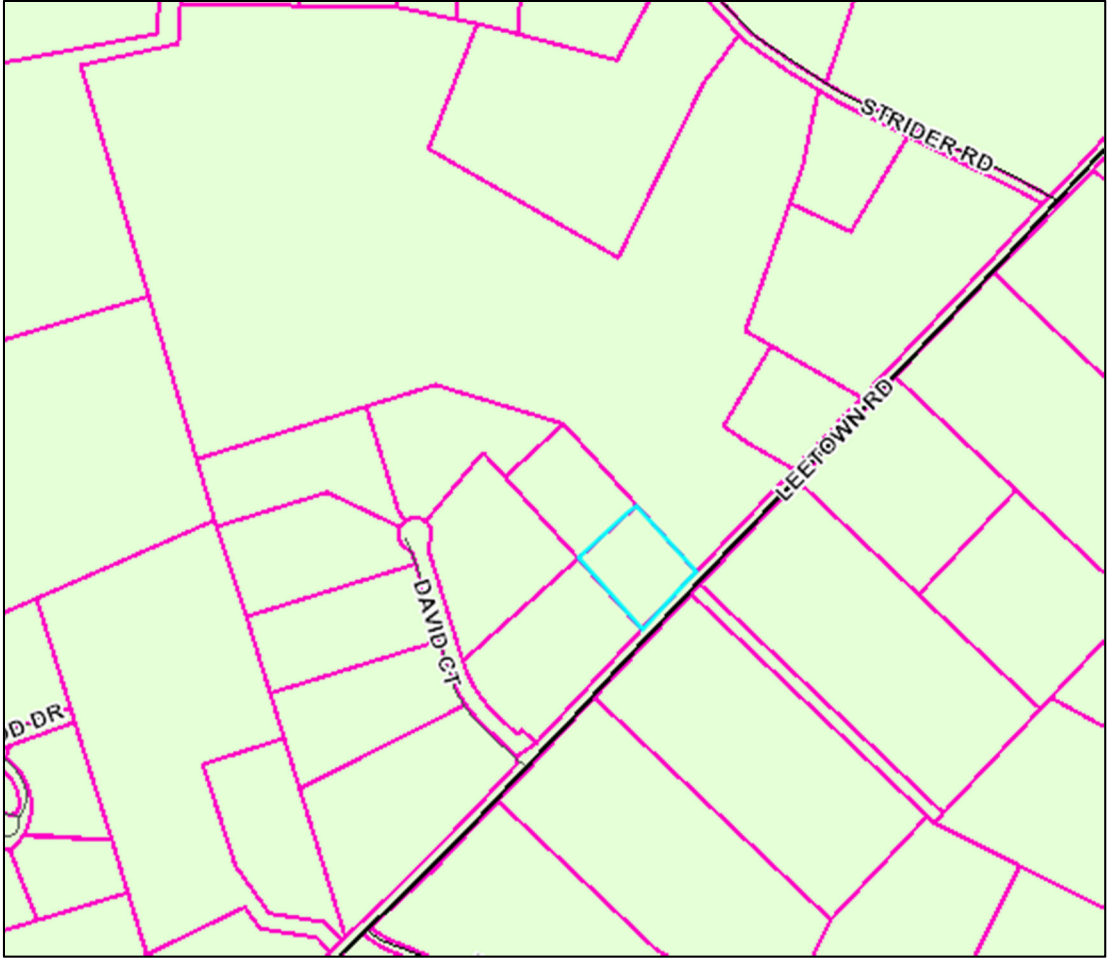
what will the road be made of?

what is the road maintenance plan?

will there be an office with food available?

Staff Report
 Jefferson County Board of Zoning Appeals
 March 28, 2019
Boyd Variance Request (#19-5-ZV)

Item #6 Variance from Section 5.7(b) to reduce the front setback from 40' to 5' for a 20' x 21' accessory structure.

Applicant:	Elaine and Mark Boyd
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">12615 Leetown Rd, Kearneysville, WV, Parcel ID: 07000800020018; Size: 1.53 ac; Zone: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: <i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural</p>
History:	04/09/09: Recorded child to parent transfer deed (Deed Book 1063; Page 284)
Waivers/Variations:	None
Approved Activity:	Single-Family Residence

Staff Report
Jefferson County Board of Zoning Appeals
March 28, 2019
Boyd Variance Request (#19-5-ZV)

STAFF EVALUATION OF REQUEST

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 5.7(b) to reduce the front setback from 40' to 5' for a 20' x 21' accessory structure.

The purpose of setback requirements is to reduce the impact that a land use might have on adjacent properties, 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.

A key purpose of front yard setback requirements is to ensure that any future expansion of a road will not be obstructed by structures built too close to the road, as well as to ensure that sight visibility is not impaired for drivers. The subject parcel has two fronts, the setback subject to this request is along a 40' access easement. Expansion of the easement is not an applicable concern because lots 9 & 10 cannot be further subdivided (a process which would require the easement to be widened to 50') due to the existing acreage (each contain less than 2 acres).

Unique characteristics of property

The subject parcel was created as a child to parent lot in 2009 from the residue parcel of the Sunset Ridge Subdivision, which processed in 2006. The 1979 Subdivision Ordinance required a 100' vegetative buffer along Leetown Road. As a result of this requirement, when the child to parent lot was created in 2009, this buffer was reflected on the subject parcel (Lot 9). The vegetative buffer significantly impacts the buildable area for this parcel.

It should be noted that under the current Zoning Ordinance, the subject parcel would be considered a Corner Lot and a side setback of 15' could apply to the proposed structure.



Staff Report
Jefferson County Board of Zoning Appeals
March 28, 2019
Boyd Variance Request (#19-5-ZV)

Impact on adjacent properties

Lot 10 is currently vacant; however, should a residence be constructed in the future, placement of the storage building five feet from the access easement would likely have minimal impact on Lot 10.

Feasibility of complying with the ordinance by other means

It is feasible to comply with the Ordinance by changing the location of the proposed storage building or opting for a smaller size structure.

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:

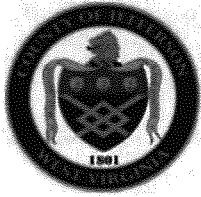
5.7 Rural District

B. Minimum Lot Area, Lot Width and Yard Requirements²³

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 5.4.⁵

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

File Number: 19-5-2V
 Staff Initials: GH
 Meeting Date: 03/28/19
 Fees Paid (\$100 or \$150): 100

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Mark & Elaine Boyd
 Mailing Address: 12615 Lectown Rd. Kearneysville, WV 25430
 Phone Number: 571-324-2548 - 304-283-4522 Email: Boyd1993@yahoo.com

Applicant Contact Information

Name: Mark Boyd
 Mailing Address: 12615 Lectown Rd. Kearneysville, WV 25430
 Phone Number: 571-324-2548 Email: Boyd1993@yahoo.com

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

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

Physical Property Details

Physical Address: 12615 Lectown Rd. 1
 City: Kearneysville State: WV Zip Code: 25430
 Tax District: Middleway Map No: 8 Parcel No: 2.18
 Parcel Size: 1.53 Deed Book: 1089 Page No: 161

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"/>	
<p align="center">RECEIVED</p> <p align="center">MAR 01 2019</p> <p align="center">JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING</p> <p align="center"><small>Place Received Date Stamp Here</small></p>			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 5.7(b)

Briefly describe the nature of the variance request:

The nature of this request is for a setback variance in order to construct a metal storage shed. (20' x 21') GA

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

Front Setback Side Setback Rear Setback Reduction From 40 to 5

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:

Granting the variance will not place the public health, safety, or welfare at risk; will not increase costs to the public; will not increase traffic in the neighborhood; or will not alter the character of the neighborhood.

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 special conditions which pertain to the property were not self-created. The lot is nonconforming in area, width, or depth to allow the construction of the storage shed. (definition of corner lot)

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

Granting this variance will give homeowners a structure to store lawn and garden equipment, tools, etc. from sitting out in the open which could diminish or impair property values.

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

Granting the variance will not change the intent of the zoning code or change the character of the surrounding area in the same zoning district, but would allow a deviation from the code to allow the reasonable use of the property.

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.

Mah D. Boyd 3-1-19
Signature of Property Owner Date

Clair Boyd 3-1-19
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).

03-28-19
Date of Public Hearing

03-13-19
Advertising Date

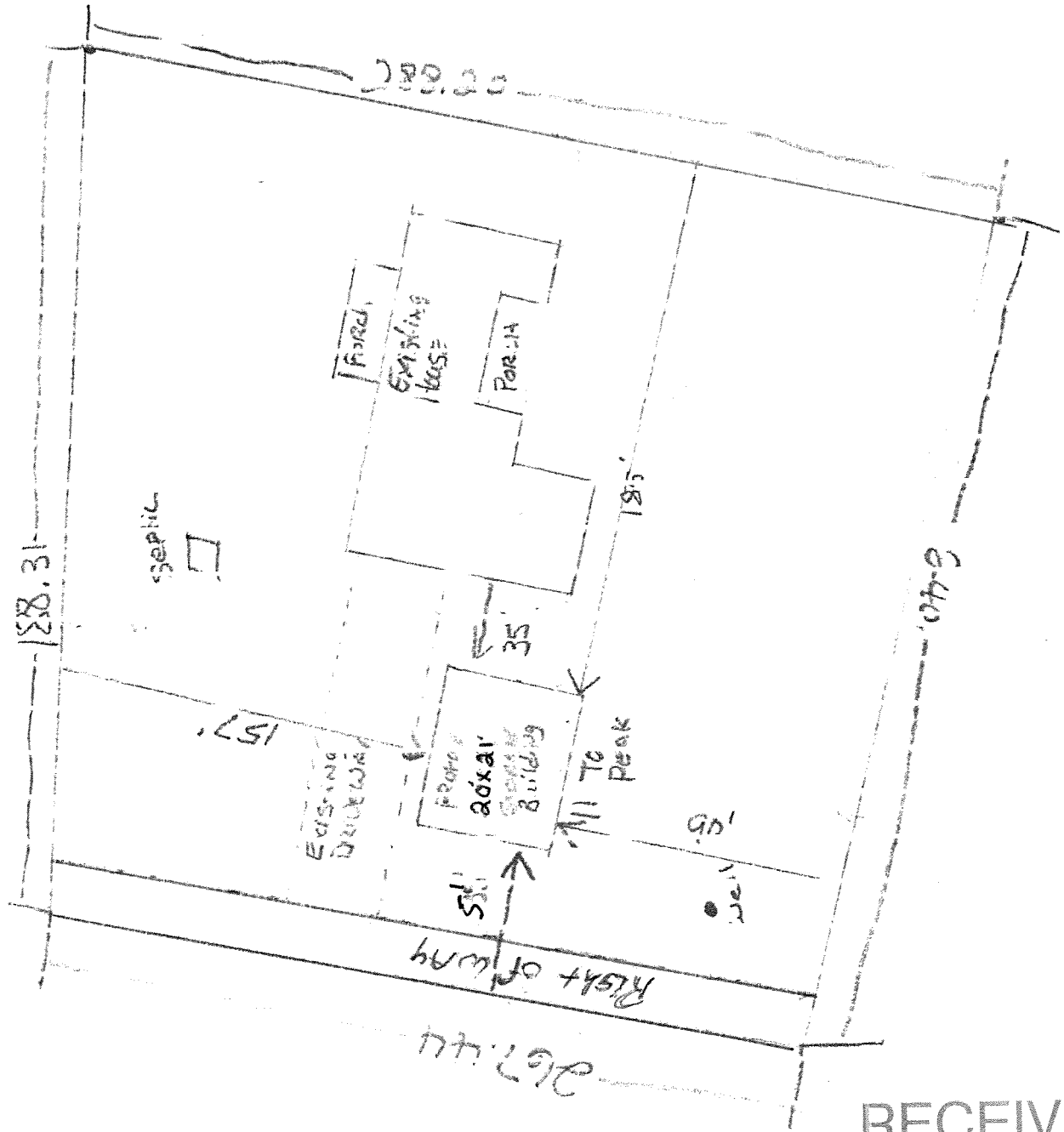
03-13-19
Placard Posting Date

Dance
2.18

19-5-2V

Map filed 2-28-11
Class D Eject 2-28-11

LEE TOWN RD.



RECEIVED
 MAR 01 2019
 JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

Email: zoning@jeffersoncountyvva.org

Phone: (304) 728-3228

Zoning Administrator's Report Board of Zoning Appeals Meeting March 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 **April 25, 2019** (deadline for submissions is Monday, April 1, 2019)



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Department of Engineering, Planning and Zoning
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Charles Town, West Virginia 25414
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February and March 2019

Zoning Certificate Activity Report

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

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

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

File #	19-3-ZC
Request:	The site contains an existing telecommunication facility. The proposal is to add a 10' x 4' concrete pad for a 30kw diesel generator for backup power and routine maintenance only.
Property Owner:	Jefferson Utilities Inc
Applicant:	Michael Rebner, AT&T Wireless
Parcel Info:	307 W Burr Blvd, Kearneysville, WV Parcel ID: 02000100950000; Size: .38 ac; Zone: Industrial Commercial
Issuance Date:	02/28/19

File #	19-5-ZC
Request:	Nonconforming Use: Shopping Center. Change in Tenant: Production kitchen for CBD infused medicinal products (not open to the public at this time).
Property Owner:	S & T GROUP LLC
Applicant:	Dennis Cates
Parcel Info:	7670 Martinsburg Pike, Shepherdstown WV Parcel ID: 09000800050004; Size: 1.89 ac; Zone: Residential Growth
Issuance Date:	03/15/19

File #	19-7-ZC
Request:	The site contains an existing telecommunication facility. The proposal is to add a 5' x 4' concrete pad to house a 20KW diesel generator for backup power to be used only in case of power outage or routine maintenance checks. Pad and generator will be located to an existing. All equipment will be within the existing fenced compound.
Property Owner:	George W & Mary L Rushizky
Applicant:	Michael Rebner, AT&T Wireless
Parcel Info:	8428 Shepherdstown Pk. Shepherdstown WV Parcel ID: 09000900040000; Size: 205.98 ac; Zone: Rural
Issuance Date:	03/20/19
