



Jefferson County
Board of Zoning Appeals
Thursday, April 25, 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: March 28, 2019

Public Hearing – Administer Oath

ITEM #1 FILE #: 19-1-CUP – Postponed From February 28, 2019 and March 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 #: 19-7-ZV

Request: Variance from Section 4.18 to allow a staffed model home on Lot 68 within Beallair Subdivision, Phase II.

Applicant: Same as Owner

Parcel Info: Beallair Homes, LLC

NE corner of Beallair Manor Dr., and Claymont Hill St., Charles Town, WV

Parcel ID: 04010A00680000; Size: .21 ac; Zone: Residential Growth

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: March 28, 2019

1. Variance from Sec. 5.7B. Owner: John and Dawn Grinstead. File: 19-1-ZV
2. Variance from Sec. 5.6D. Owners: Paul and Donna Ashbaugh. File: 19-2-ZV
3. Variance from Sec. 8.17B.1. Owners: Danielle LaRock and Johnathon Carnill. File: 19-3-ZV.
4. Variance from Sec. 4.10A. Owners: Danielle LaRock and Johnathon Carnill. File: 19-4-ZV.
5. Variance from Sec. 5.7B. Owners: Mark & Elaine Boyd. File: 19-5-ZV.

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: March 28, 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; Deirdre Catterton, and Leeds Corbin
5 Members absent: Jeffrey Bannon, Vice Chair, and Matthew McKinney (with notification)
6 Staff members present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
7 Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.
8 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

9 Ms. Catterton 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 **Approval of Minutes: January 24, 2019**

12 Ms. Catterton moved to approve the minutes as presented. Mr. Quynn called for a vote, which
13 carried two (2) in support (Mr. Quynn and Ms. Catterton) and one (1) recusal, as Mr. Corbin was not
14 present for the January meeting.

15 Mr. Quynn stated that the agenda would be reorganized as follows: Files 19-1-CUP, 19-1-ZV, 19-2-
16 ZV, 19-5-ZV, and then 19-3-ZV and 19-4-ZV simultaneously.

17 **Public Hearing – Administer Oath**

18 Ms. Hartman swore in members of the public who indicated they would be providing testimony.
19 Ms. Beaulieu stated the applicant requested a postponement of this item until the next meeting.

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

21 Request: Request for a Conditional Use Permit for an existing Drive-Through, Fast Food
22 Restaurant (McDonald's) to replace and upgrade the exterior menu boards with
23 digital menu boards.
24 Applicant: Tracey Diehl, Expedite The Diehl
25 Parcel Info: McDonald's Corporation
26 31 Maddex Square Dr, Shepherdstown, WV
27 Parcel ID: 09008C00680000; Size: 0.88 ac; Zone: Residential-Light Industrial-
28 Commercial

29 Ms. Catterton moved to postpone File 19-1-CUP until the Board's May meeting, which carried
30 unanimously. Note: Under the Zoning Administrator's Report this motion was corrected to postpone
31 the item until April 25, 2019.

32 ITEM #2 FILE #: 19-1-ZV – POSTPONED FROM FEBRUARY 28, 2019

33 Request: Variance from Section 5.7B to reduce the rear setback from 50' to 20' for a 31' x 57'
34 inground pool and surrounding concrete patio.
35 Applicant: Same as Owner
36 Parcel Info: John and Dawn Grinstead
37 33 Eldridge Ln, Charles Town, WV,
38 Parcel ID: 06000900190021; Size: 2.08 ac; Zone: Rural

39 Mr. John Grinstead, owner, was present to address the Board. Ms. Beaulieu provided an overview
40 of her staff report to the Board. Mr. Grinstead explained the nature of the request and noted that he
41 had submitted a letter of support from his neighbor. Mr. Grinstead addressed the Board's questions.

1 Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the public
2 hearing.

3 Ms. Catterton moved to approve the variance as requested. Mr. Corbin seconded the motion, which
4 carried unanimously.

5 ITEM #3 FILE #: 19-2-ZV – POSTPONED FROM FEBRUARY 28, 2019

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

11 Applicant: Same as Owner

12 Parcel Info: Paul & Donna Ashbaugh

13 121 and 125 Ashland Woods Dr., Harpers Ferry, WV

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

15 Mr. Paul Ashbaugh, owner, was present to address the Board. Ms. Beaulieu provided an overview of
16 her staff report to the Board explaining that the purpose of the variance was to accommodate a
17 boundary line adjustment to allow for the sale of the resulting 40,000 square foot lot shown in the
18 sketch. Ms. Beaulieu noted that all of the structures relevant to the request have existed on the
19 property for many years and the proposal did not appear to create a negative impact to the current
20 property owner or the prospective purchaser. Mr. Ashbaugh noted that no additional building could
21 be erected near the proposed merger area due to the existing Appalachian Trail easement. Mr. Quynn
22 opened the public hearing. There was no public comment. Mr. Quynn closed the public hearing.

23 Mr. Corbin moved to approve the variance as requested. Ms. Catterton seconded the motion, which
24 carried unanimously.

25 ITEM #4 FILE #: 19-5-ZV

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

28 Applicant: Same as Owner

29 Parcel Info: Mark & Elaine Boyd

30 12615 Leetown Rd, Kearneysville, WV

31 Parcel ID: 07000800020018; Size: 1.53 ac; Zone: Rural

32 Mr. Mark and Elaine Boyd, owners, were present to address the Board. Ms. Beaulieu provided an
33 overview of her staff report to the Board. Mr. Boyd explained the nature of the request and
34 addressed the Board's questions. Mr. Quynn opened the public hearing. There was no public
35 comment. Mr. Quynn closed the public hearing.

36 Mr. Corbin moved to approve the variance as requested. Ms. Catterton seconded the motion, which
37 carried unanimously.

38 Items 19-3-ZV and 19-4-ZV were heard simultaneously; however, the Board took action on each
39 application separately.

40 ITEM #5 FILE #: 19-3-ZV

41 Request: Variance from Section 8.17B.1 to reduce the required acreage for a six (6) site
42 campground from 10 acres to six (6) acres.

43 Applicant: Same as Owner

Board of Zoning Appeals

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1 Parcel Info: Danielle LaRock and Johnathon Carnill
2 Vacant parcel on the northwest corner of River Rd and Cedar Ridge Ln,
3 Shepherdstown, WV,
4 Parcel ID: 09001000070000; Size: 6.06 ac; Zone: Rural

5 ITEM #6 FILE #: 19-4-ZV

6 Request: Variance from Section 4.10A to waive the requirement of a site plan to process a six
7 (6) site campground.

8 Applicant: Same as Owner

9 Parcel Info: Danielle LaRock and Johnathon Carnill
10 Vacant parcel on the northwest corner of River Rd and Cedar Ridge Ln,
11 Shepherdstown, WV,
12 Parcel ID: 09001000070000; Size: 6.06 ac; Zone: Rural

13 Ms. Danielle LaRock and Mr. Johnathon Carnill, owners, were present to address the Board. Ms.
14 Beaulieu provided an overview of her staff reports to the Board noting that a campground is a
15 principal permitted use in the rural zoning district. Ms. Beaulieu first addressed the request to
16 reduce the minimum acreage, noting that when the campground text amendment was drafted, the
17 County Commission determined it would be appropriate to allow an applicant to request such a
18 reduction on a case by case basis. Ms. Beaulieu noted that the requested density of six (6) camp
19 sites on six acres is a lower density than what the Subdivision Regulations would permit. Ms.
20 Beaulieu provided an overview of the second request, to waive the requirement of a site plan. She
21 stated that should the Board grant the request, the applicants would still be required to obtain
22 approvals from any outside agencies such as the Health Department and the Division of Highways.

23 Ms. LaRock and Mr. Carnill provided the Board with a packet that outlined their proposal entitled
24 Tiny Haven. Ms. LaRock noted that of the six units proposed, only two were likely to be occupied
25 by non-family members. The applicants stated that the campground would have guidelines that
26 included quiet hours and the required 180-day occupancy limitation. They further explained that
27 they would follow all environmental laws, install landscaping and fencing as a buffer along the
28 perimeter of the property, and noted that the units would utilize composting toilets with septic
29 systems. The applicants stated that they did not believe the traffic would be significantly increased
30 as their intent is to rent spaces to tenants who wish to stay for the full 180 days. The applicants
31 answered various questions by the Board. Mr. Quynn opened the public hearing.

32 Wayne Bavry, George Baker, Christine Marshall, Richard Nickell, Bill Lichliter, Neil Barkus, John
33 Knoll, Brian Miller, Chris Colbert, and Chris Stroeck spoke in opposition to both the requests. The
34 local residents were primarily concerned that the tiny home proposal would turn into a permanent
35 mobile home park, which is not a permitted use in the rural zoning district. Additional concerns
36 were raised about the proposed density, the lack of a buffer, poor existing road conditions and
37 increased traffic, infrastructure and sanitation issues, impact on surrounding property values, and a
38 general concern that the applicants would not adhere to the required 180-day occupancy restriction.

39 In their rebuttal, Ms. LaRock and Mr. Carnill addressed the neighbors' concerns pertaining to
40 complying with setbacks by explaining that each unit is typically 160 square feet and therefore, it
41 would not be an issue to meet the required setbacks. Ms. LaRock also stated that the site would be
42 adequately buffered so the visual impact to the neighbors should be minimal. Ms. Beaulieu
43 confirmed Mr. Quynn's inquiry that per zoning, a mobile home would be permitted to locate on the
44 property and that it appeared the subject parcel did possess development rights to be subdivided

1 into three (3) lots and each lot could have a dwelling unit and an In-Law Suite. Ms. Beaulieu noted
2 that such a subdivision could process administratively.

3 Mr. Quynn closed the public hearing.

4 Ms. Catterton moved to go into deliberative session at 3:47 p.m. Mr. Corbin seconded the motion,
5 which carried unanimously. Ms. Catterton moved to come out of deliberative session at 4:38 p.m.
6 Mr. Corbin seconded the motion, which carried unanimously.

7 Ms. Catterton moved to deny variance request #19-4-ZV to waive the requirement of a site plan as
8 the applicants failed to demonstrate a hardship that wasn't created by the applicants; and, that a
9 failure to process a site plan could adversely affect the health, safety and welfare of the public. Mr.
10 Corbin seconded the motion, which carried unanimously.

11 Mr. Corbin moved to approve variance request #19-3-ZV to reduce the required acreage for a
12 campground from ten (10) acres to six (6) acres with the condition that the campground is limited to
13 six (6) camp sites. Mr. Cochran clarified that the motion was to allow for a maximum of six (6) camp
14 sites, which the Board confirmed. Ms. Catterton seconded the motion, which carried unanimously.

15 Mr. Quynn requested that the applicants come forward and reiterated that the Board had approved
16 their request for a campground with six (6) sites and not for a mobile home park or tiny home park.
17 Mr. Quynn further advised that the campground could only operate once they had processed a site
18 plan. The applicants acknowledged that they understood the proceedings.

19 **Zoning Administrator Report**

20 a. Monthly Zoning Certificate Activity Report. This report was provided in the packet.
21 Ms. Beaulieu stated that in reference to the postponement of File #19-1-CUP, she had
22 inadvertently referenced the May meeting, as opposed to the Board's April meeting, and that
23 the motion would need to be modified. Ms. Catterton modified her original motion to reflect
24 postponement until the April meeting. Mr. Corbin seconded the modified motion, which
25 carried unanimously. Ms. Beaulieu noted for the record that the Board's next meeting would
26 be April 25, 2019.

27 **Legal Update**

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

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

30 Meeting: January 24, 2019

31 1. Variance from Sec. 4.3H. Owner: Peggy Ann Triplett Foundation. Applicant: Michael
32 Smith. File: ZV18-22.

33 2. Variance from Sec. 9.6B. Owners: Daniel Beans. File: ZV18-23.

34 Mr. Quynn signed the above referenced Findings.

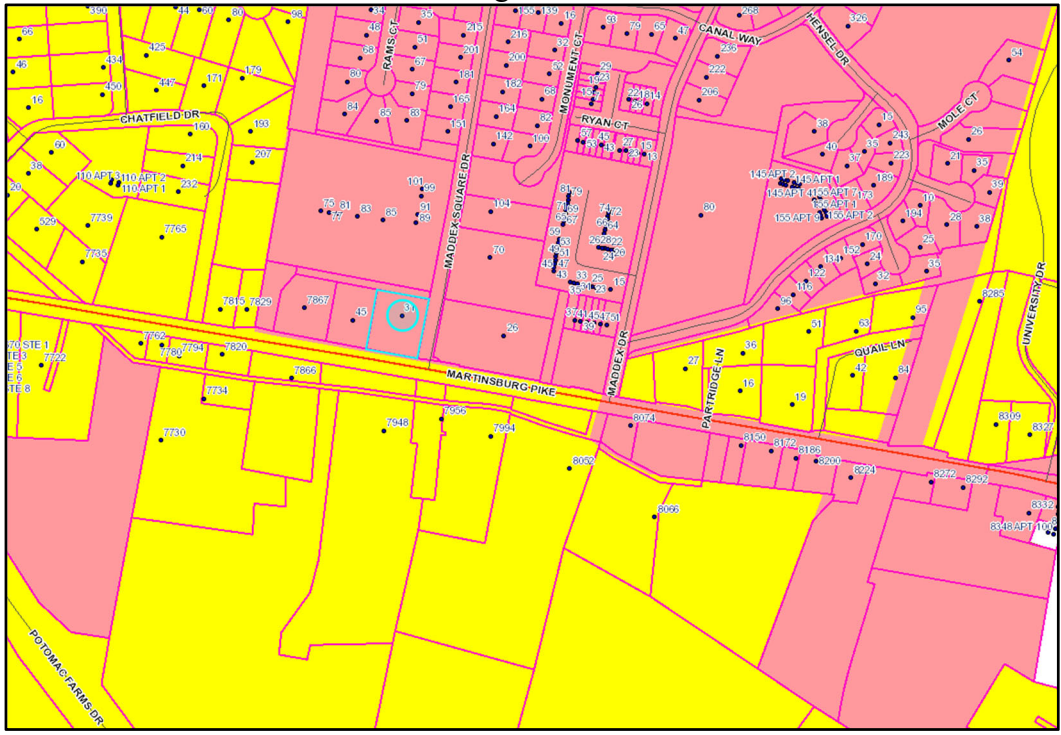
35 Ms. Catterton moved to adjourn the meeting at 4:44 pm. Mr. Corbin seconded the motion, which
36 carried unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 April 25, 2019

Postponed from February 28 and March 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:</p> <p style="text-align: center;"><i>North:</i> Residential - Light Industrial – Commercial <i>South:</i> Residential Growth <i>East & West:</i> Residential - Light Industrial – Commercial</p>
Approved Use:	<p>Z93-01: McDonald's Fast Food Restaurant CUP (Approved 05-11-93) S93-06: McDonald's New Construction (Approved 07-12-93) S11-18: McDonald's Remodel (Approved 12-30-11)</p>
Waivers/Variances:	ZV92-36: Section 4.6 Distance Requirements (Approved 07-16-92)

Staff Report
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March 28, 2019

Postponed from February 28, 2019

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

Summary of Request and Purpose of Ordinance Requirements

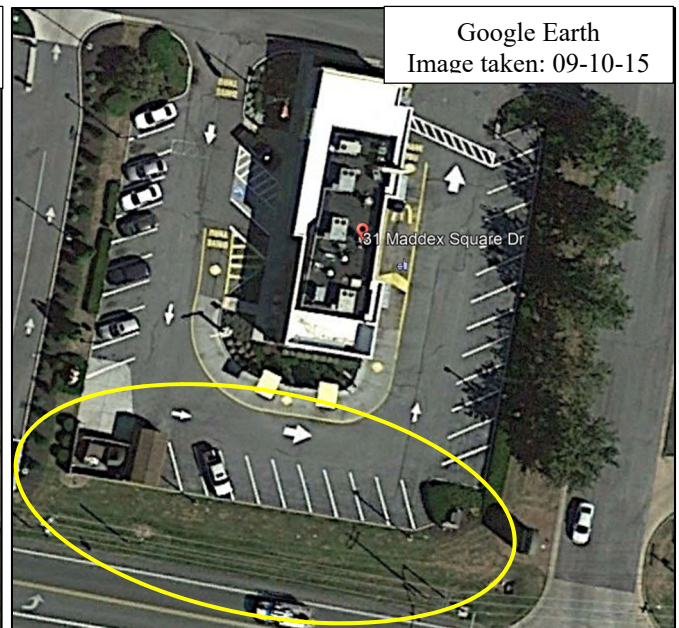
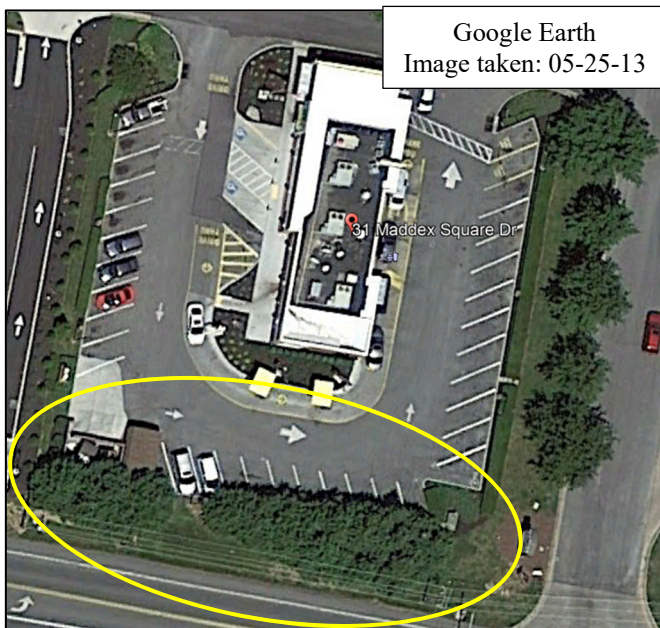
While the application before you today is for a new Conditional Use Permit, the request is to replace the existing static menu boards with digital (electronic) menu boards.

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

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

Property Description

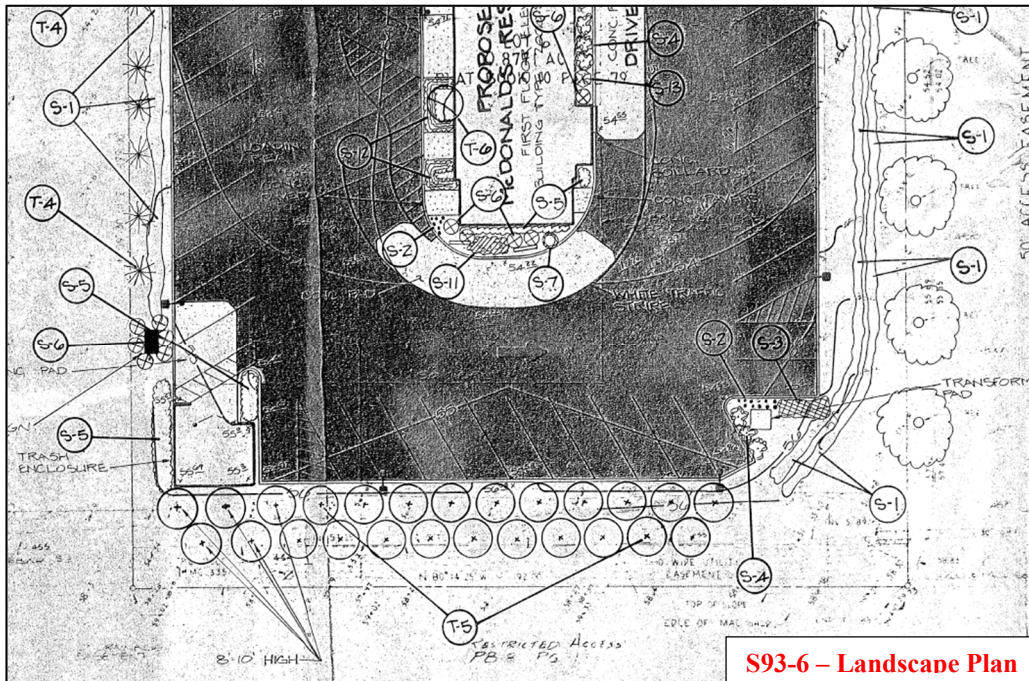
The subject parcel contains the approved McDonald's Drive-Through Restaurant. The original Conditional Use Permit and Site Plan were approved with landscaping along the front of the property which faces Martinsburg Pike (Route 45). As you can see in the below images, the landscaping has since been removed.



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



Impact on adjacent properties

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

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

Conditional Use Permit Process

Section 6.3 of the Zoning Ordinance states:

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

Staff Report
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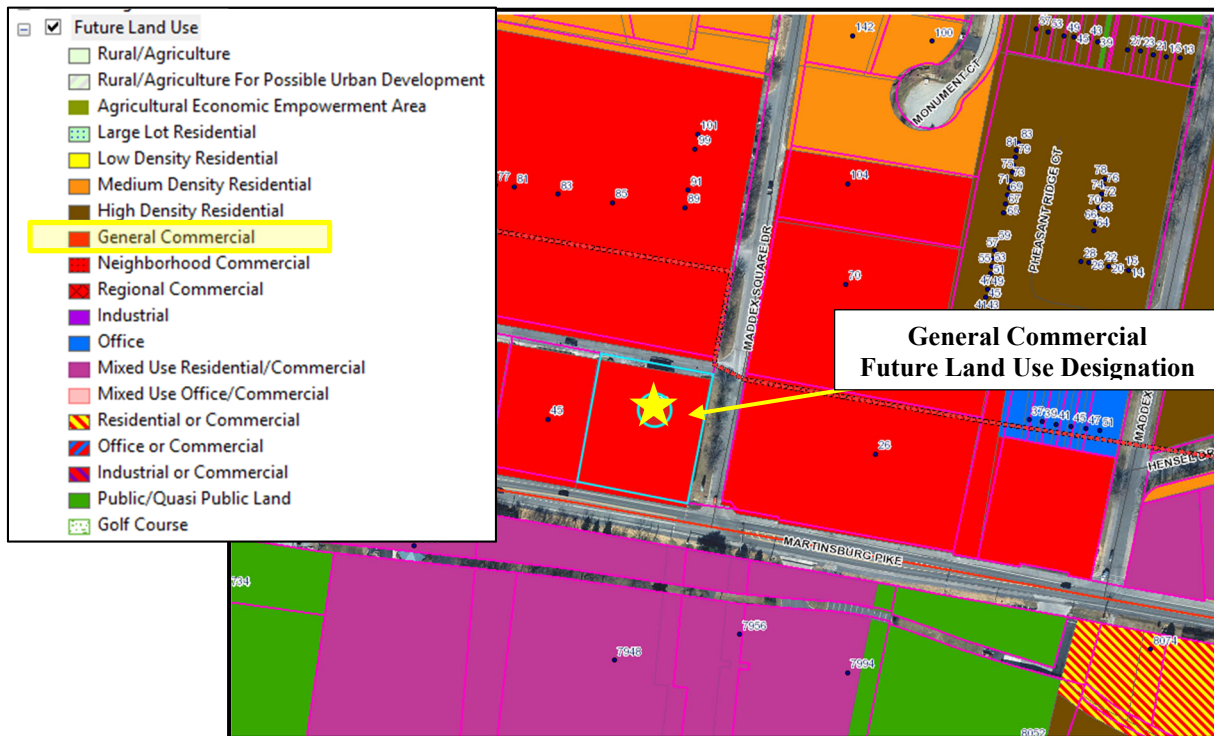
Postponed from February 28, 2019

**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.



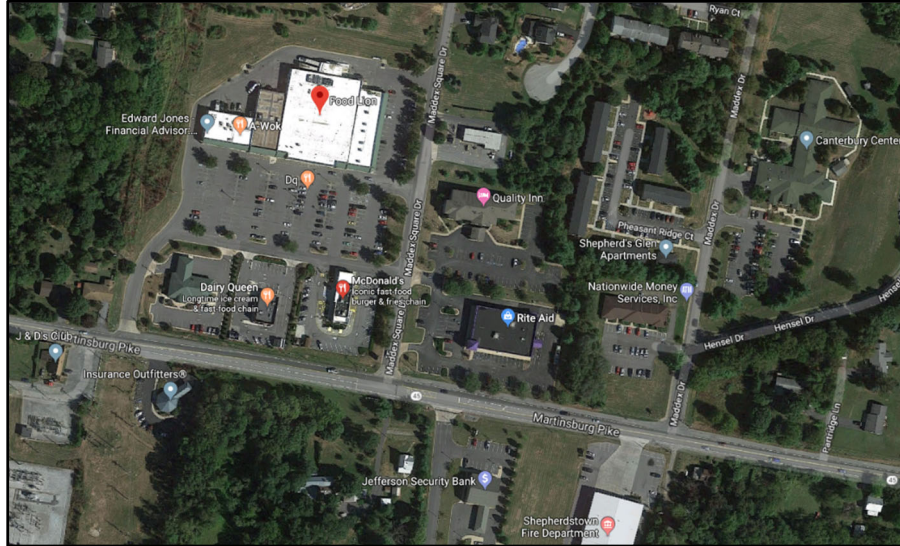
2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.

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.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
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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.

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

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



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

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

The proposed boards are smaller than the existing boards.

The existing signage is 84 sq. ft.

The proposal is to remove all existing menu boards.

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

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

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

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

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

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

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

Sincere Regards,

Tracey Diehl

Owner

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

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From: Zoning <Zoning@jeffersoncountywv.org>

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

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

Subject: RE: MCDONALDS MENU BOARD SIGNS.

Ms. Diehl,

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

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

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

Thank you,

Alexandra Beaulieu
Zoning Administrator
Jefferson County Office of Planning and Zoning
www.jeffersoncountywv.org
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.

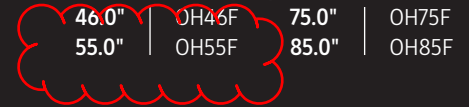
Thank you.

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.

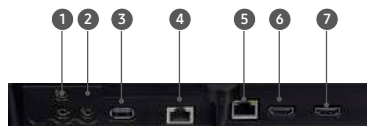
Samsung OHF Series Displays



		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 Sup. 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

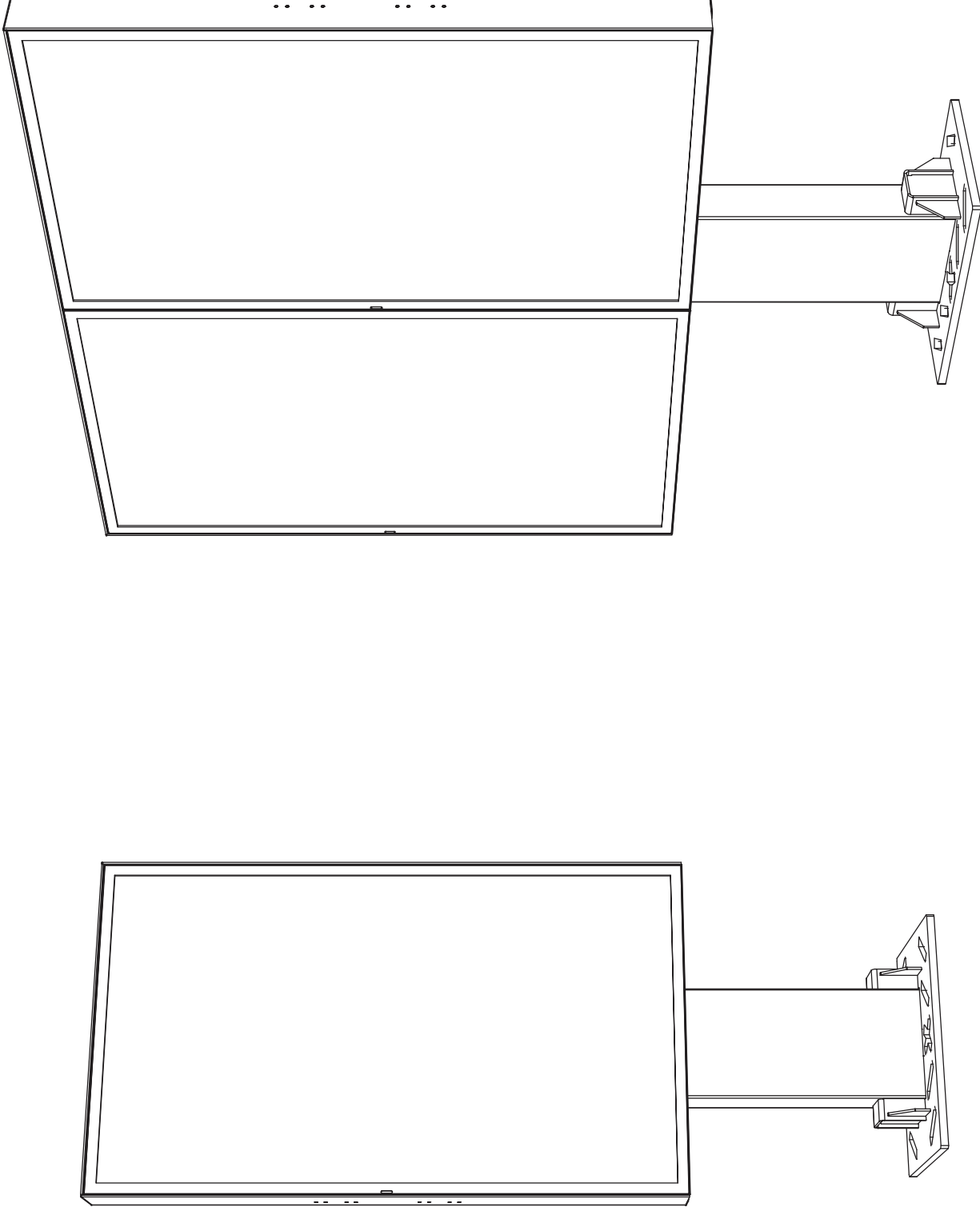
Product Support

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

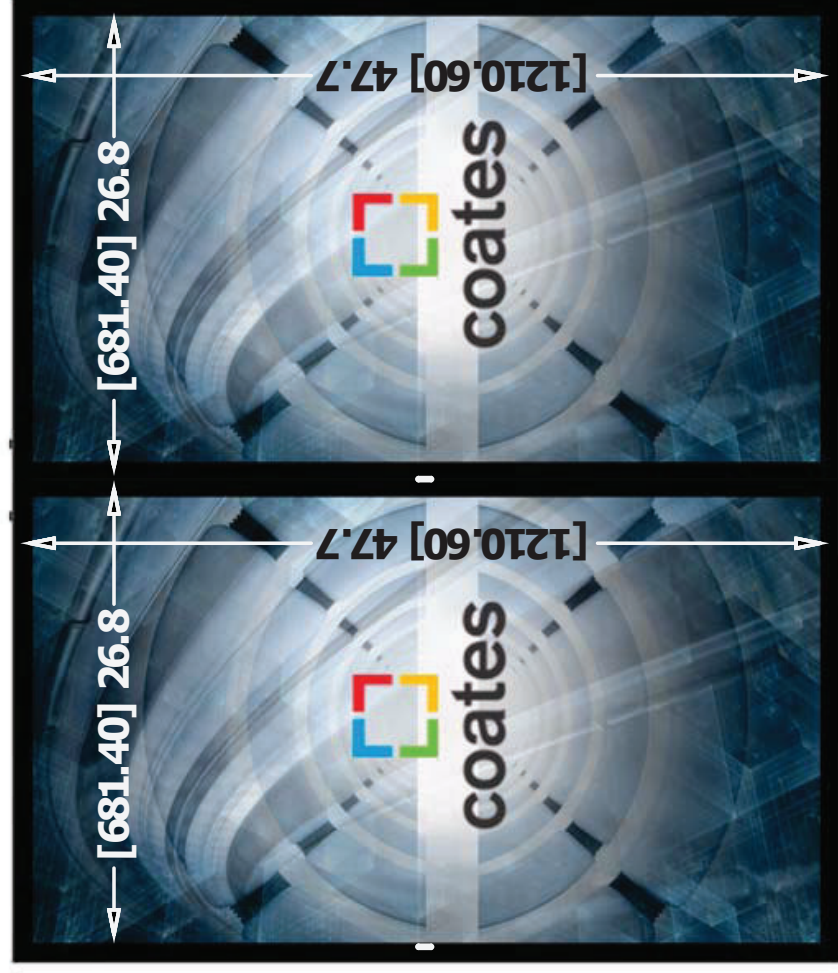


Coates ODMB

Double screen unit

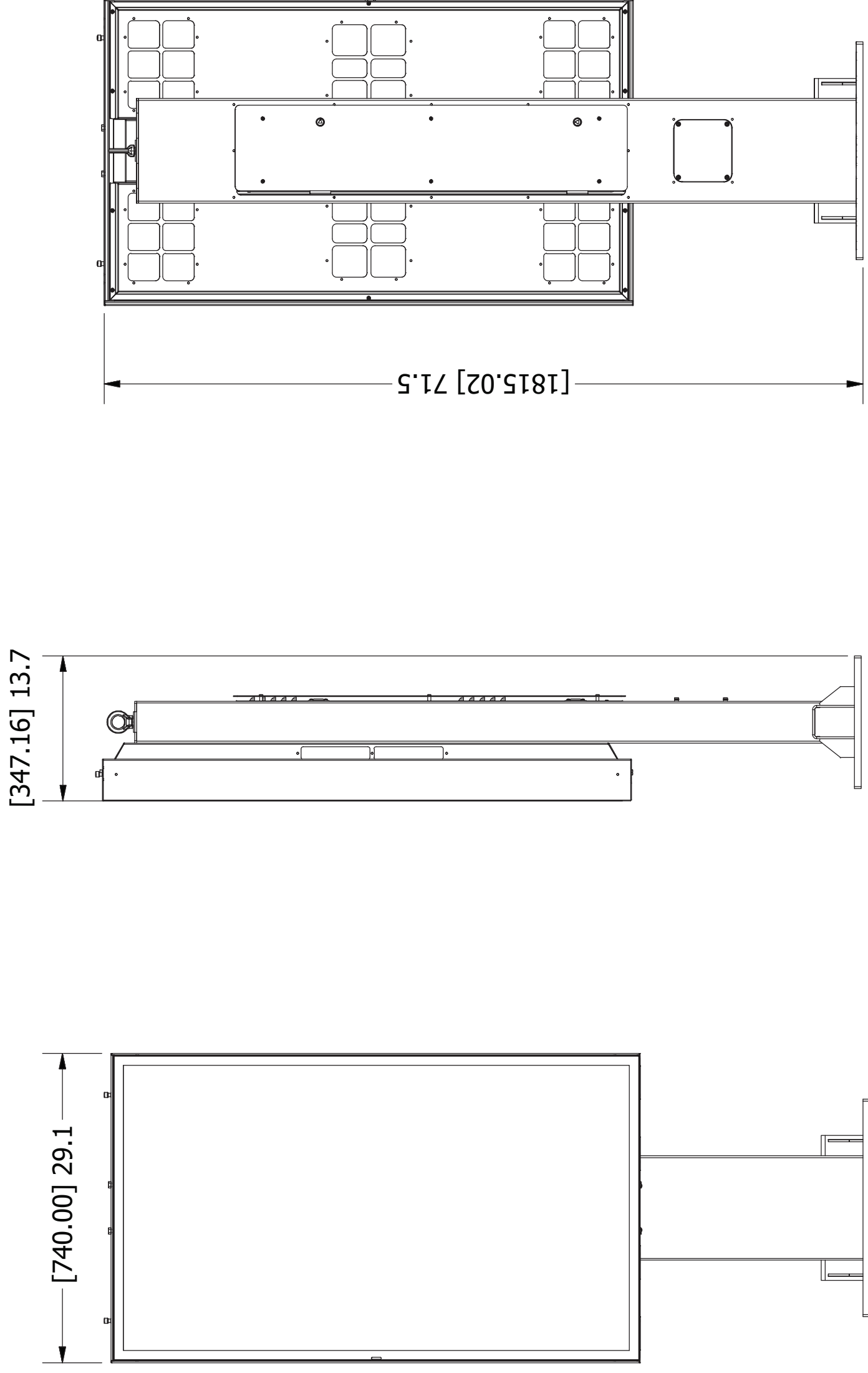


Area of display

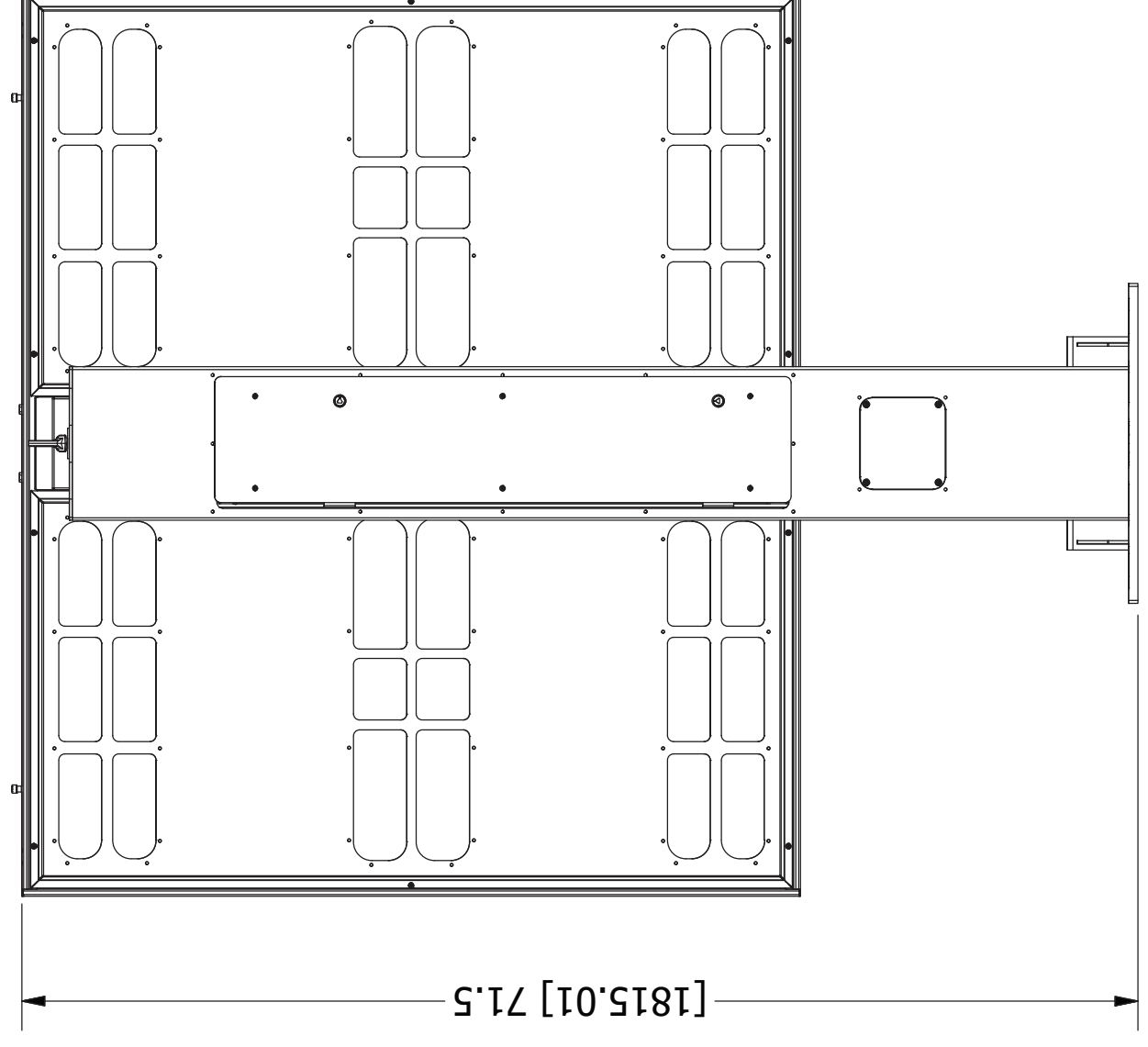
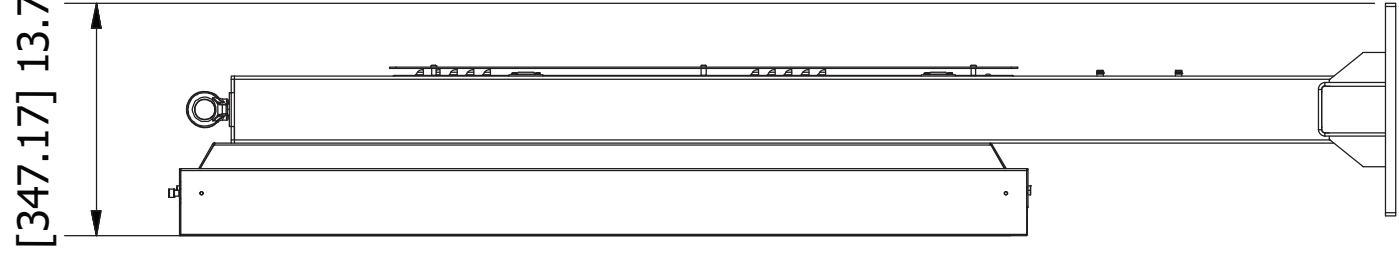
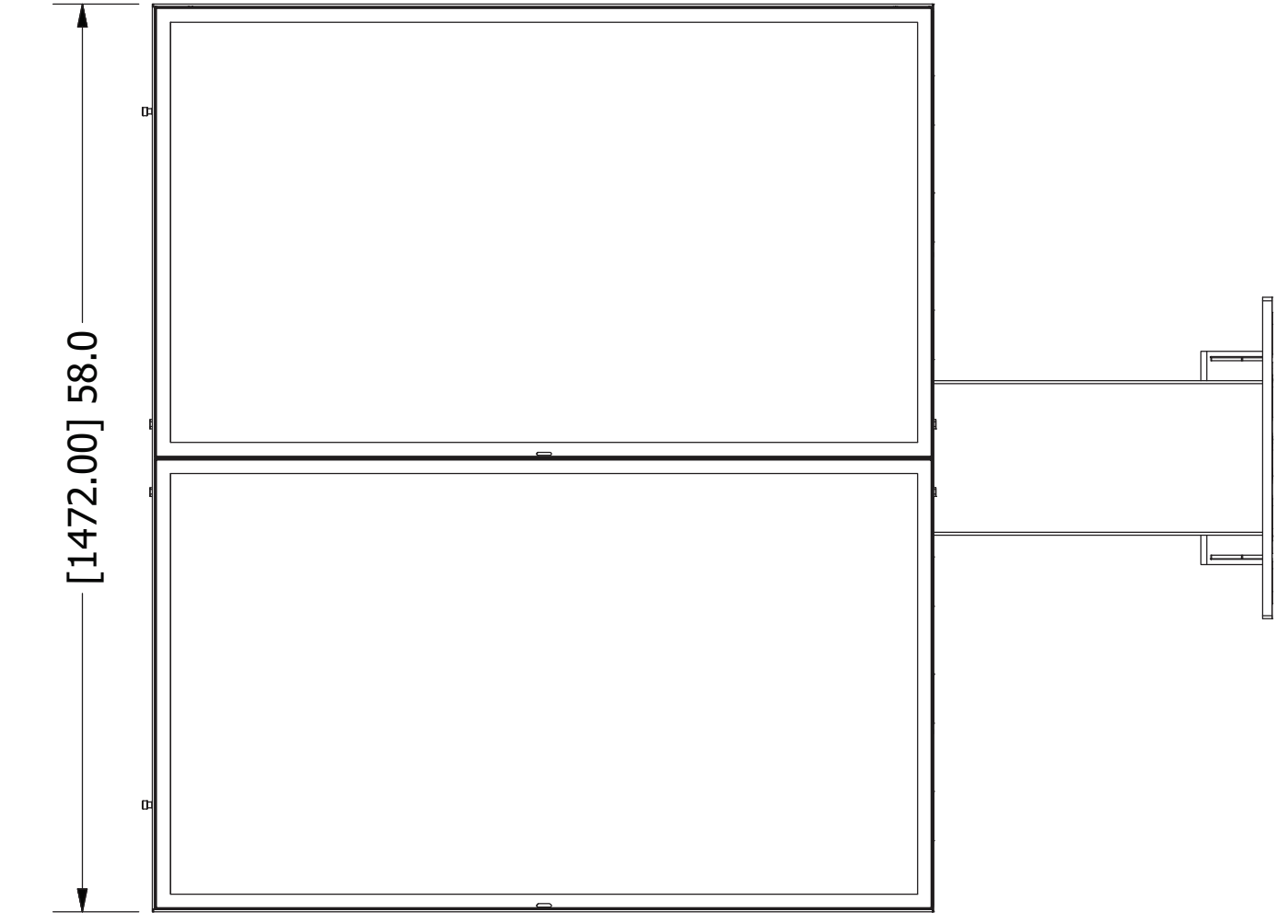


Coates ODMB

Single screen unit

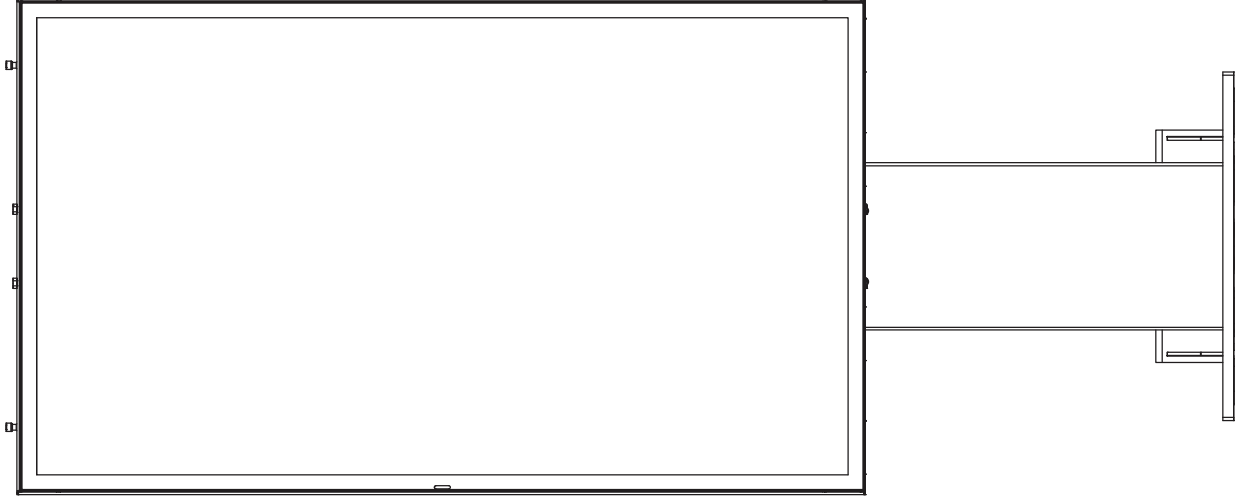


Coates ODMB
Double screen unit

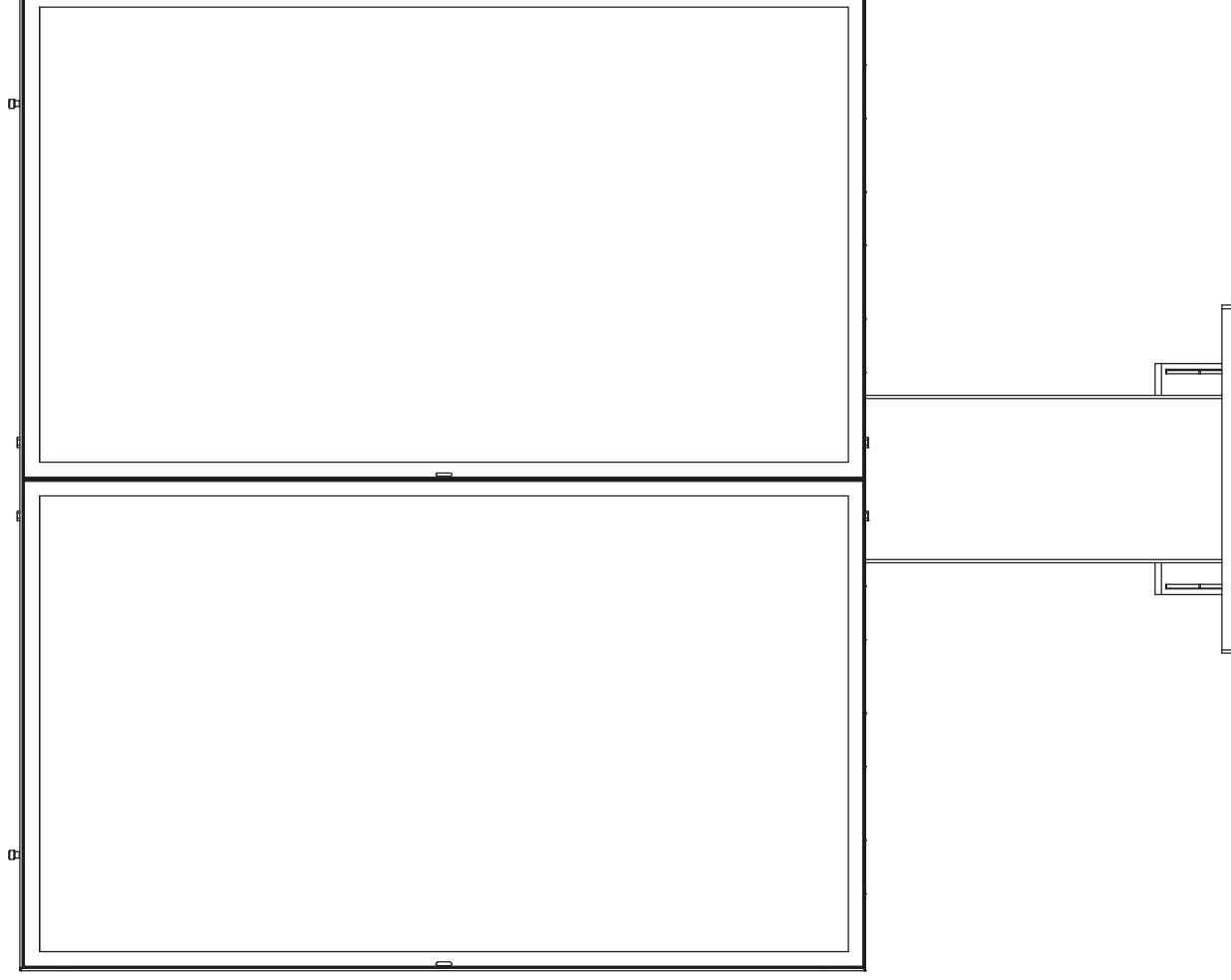


Coates ODMB

Power draw



Max potential draw 5.7A @110V



Max potential draw 9.8A @110V



UL48 Electric sign

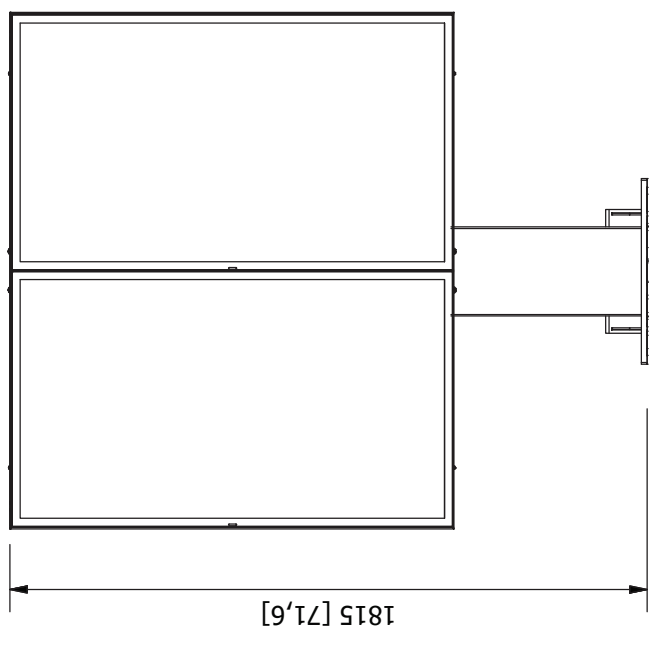
Coates ODMB Height variations



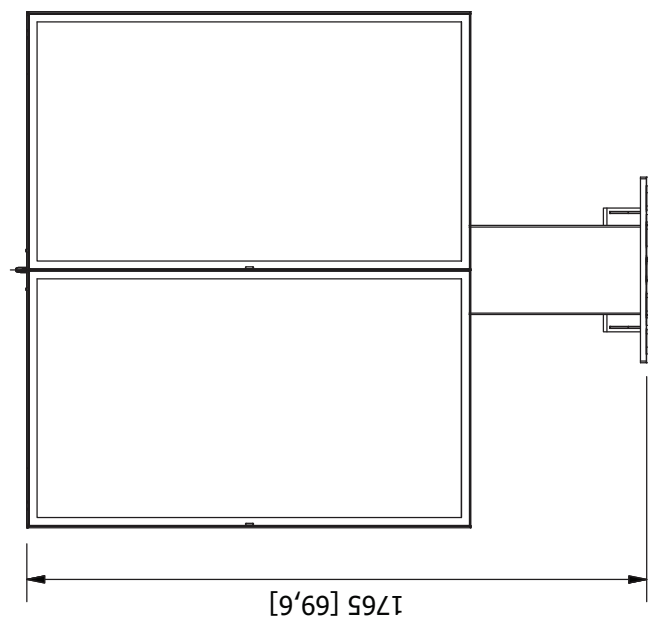
Existing design has multiple fixture points already built in for brackets and screens allow for lowering in 2 additional increments.



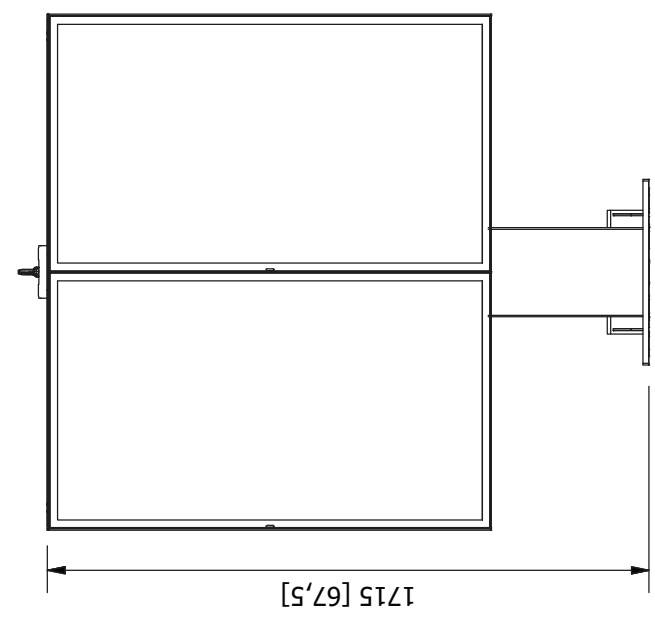
Coates standard height to meet McD screen height requirements



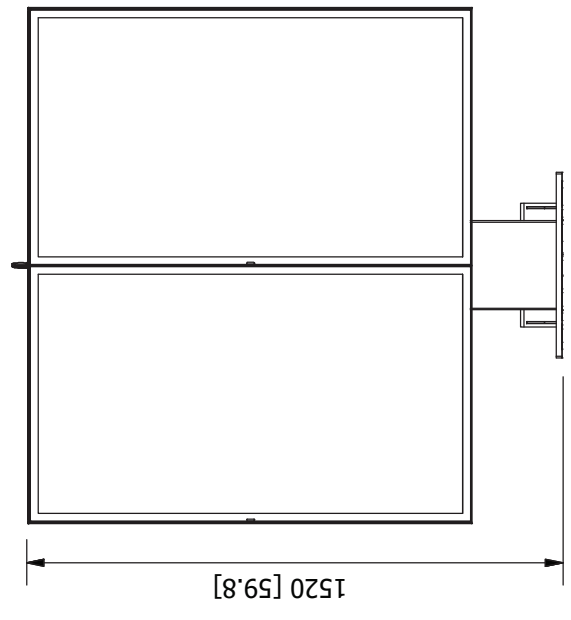
1st alternate fixture points allow .50mm/2" drop



2nd alternate fixture points allow 100mm/4" drop

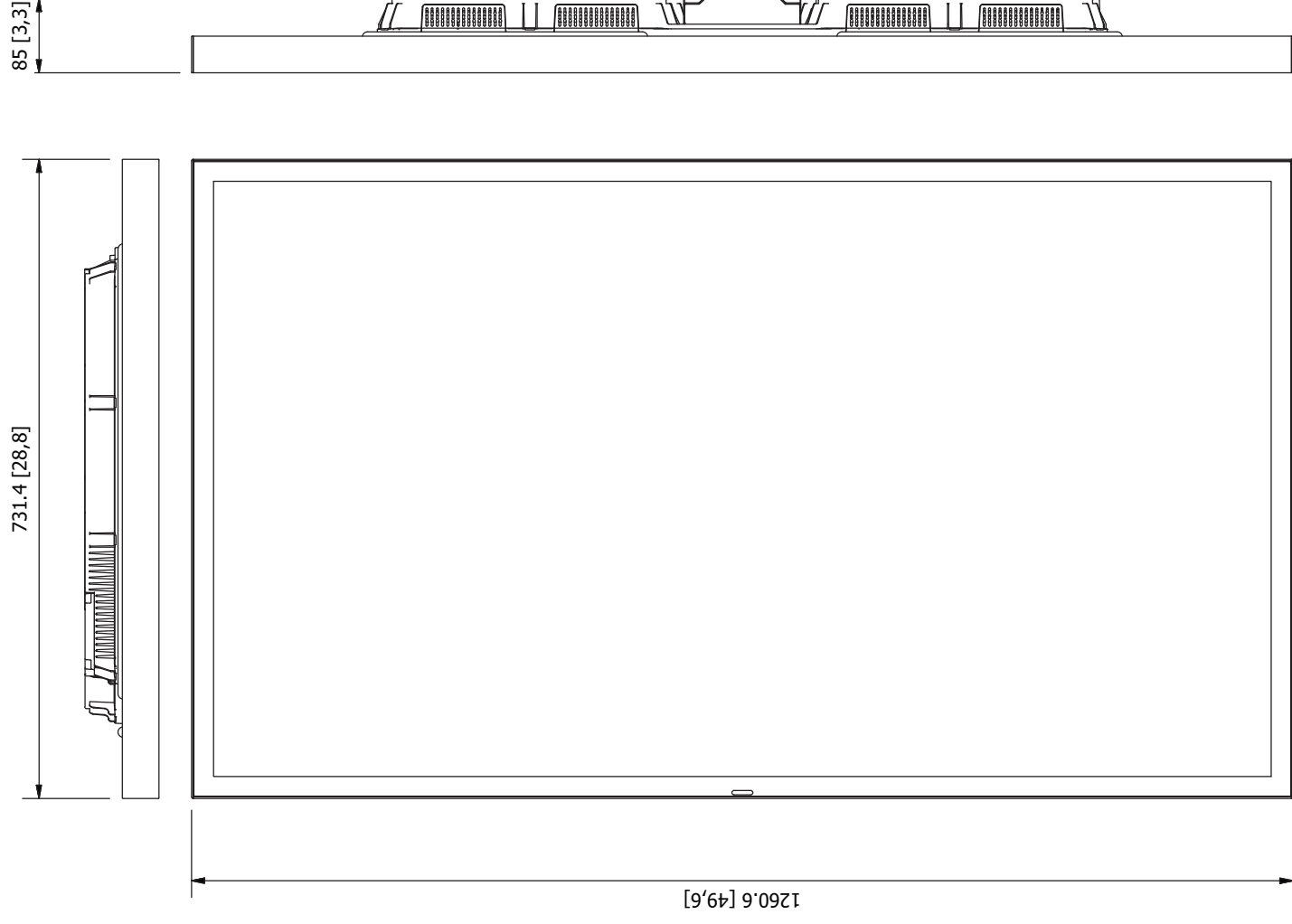


Lower central pole for 10" + drop



Current Unit

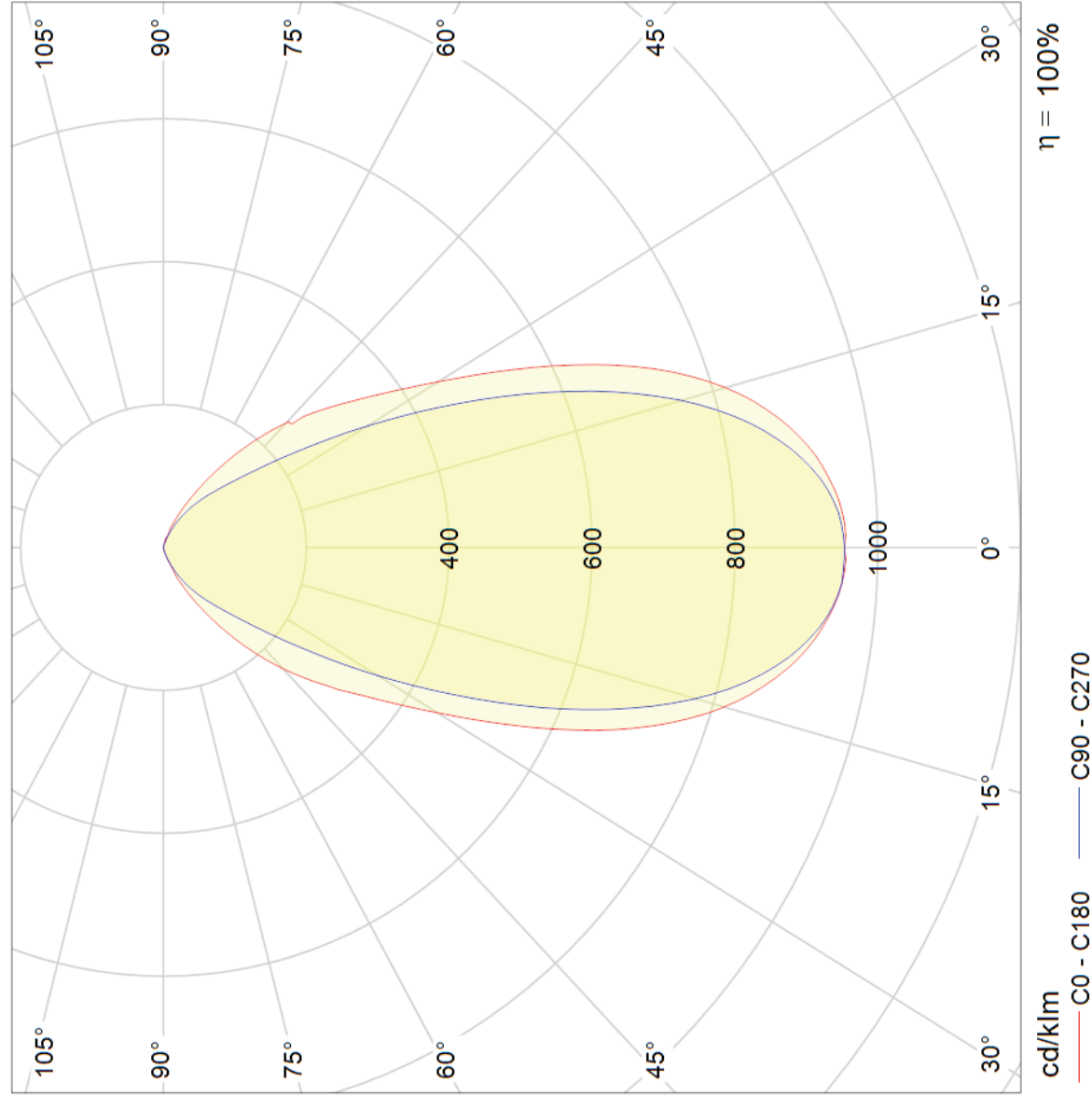
New Pole



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

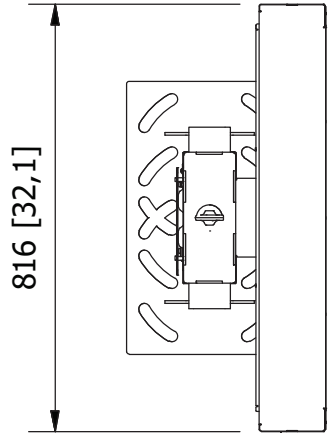


The attached is the max potential light output of the screen (see accompanying IES file)
The units have inbuilt ambient light sensors
These light sensors dim the brightness of the screen based on the light surrounding it
The screens can dim from full brightness 2500nit (Fig1.) all the way down to 500nit to prevent excessive output (glare) in low light and night time environments

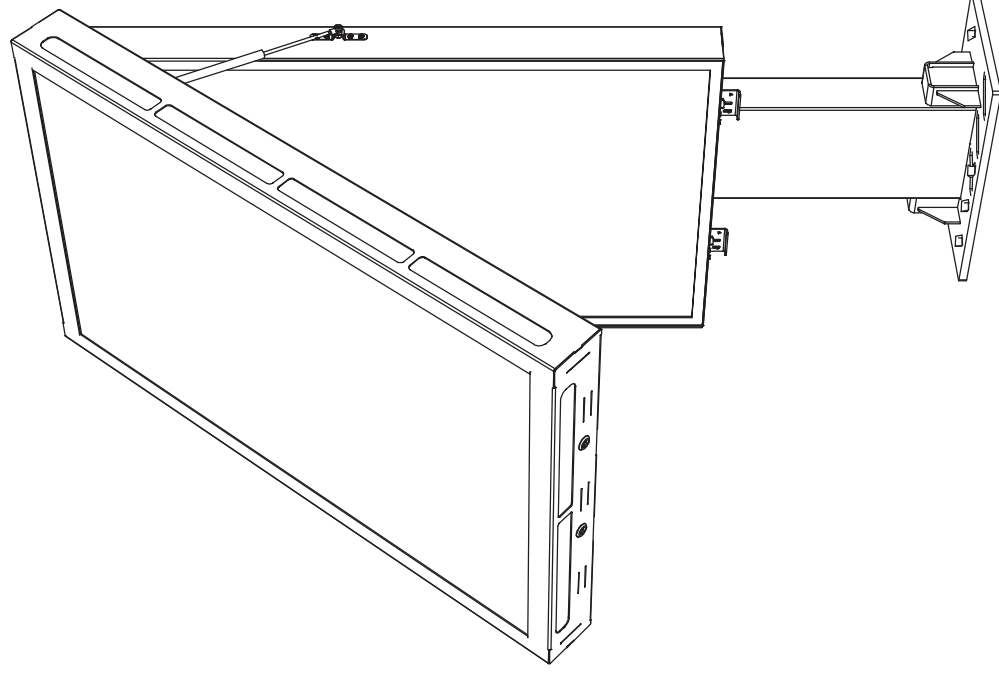
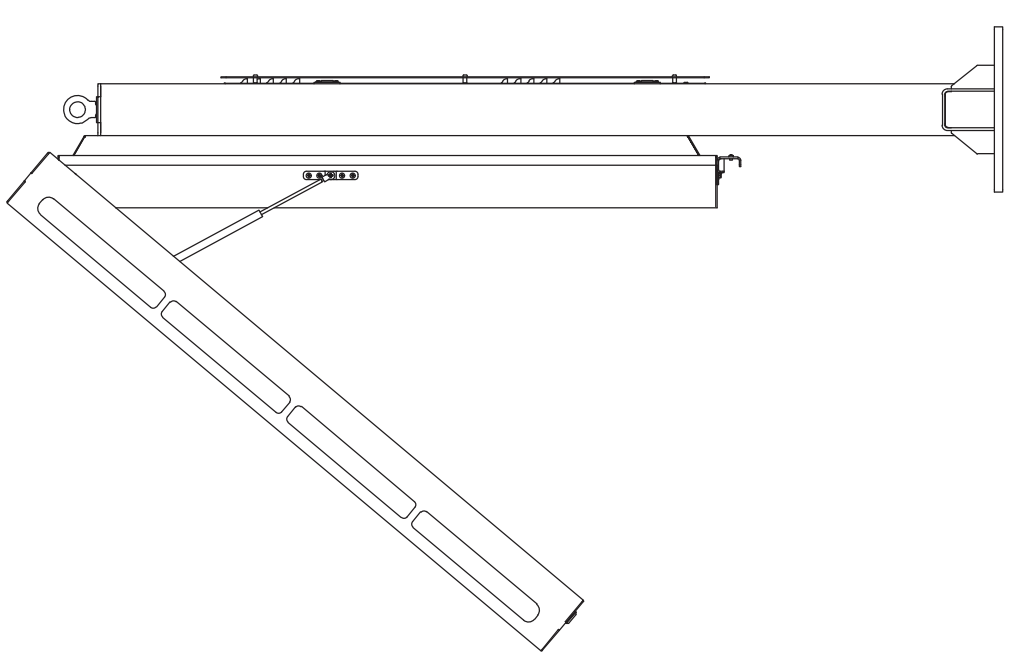
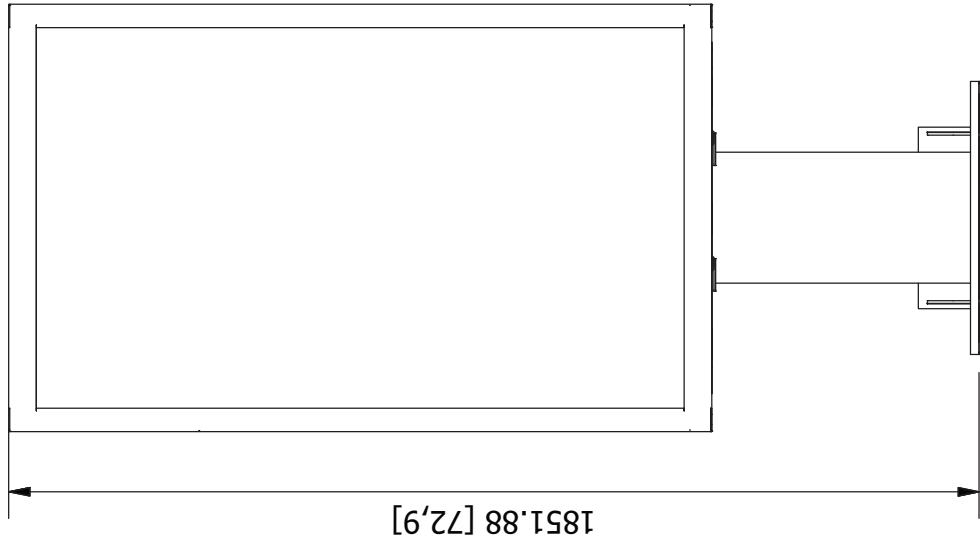
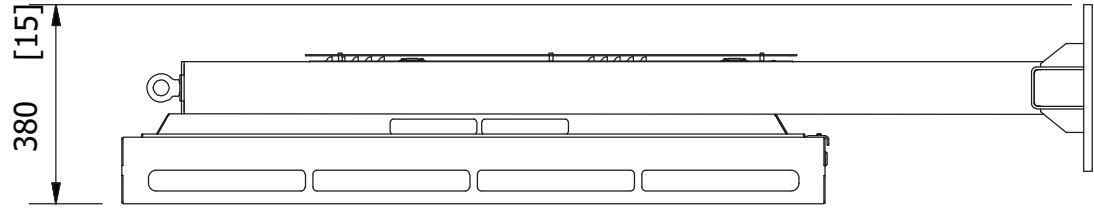
Fig 1.0

Coates ODMB

Single with additional security glass

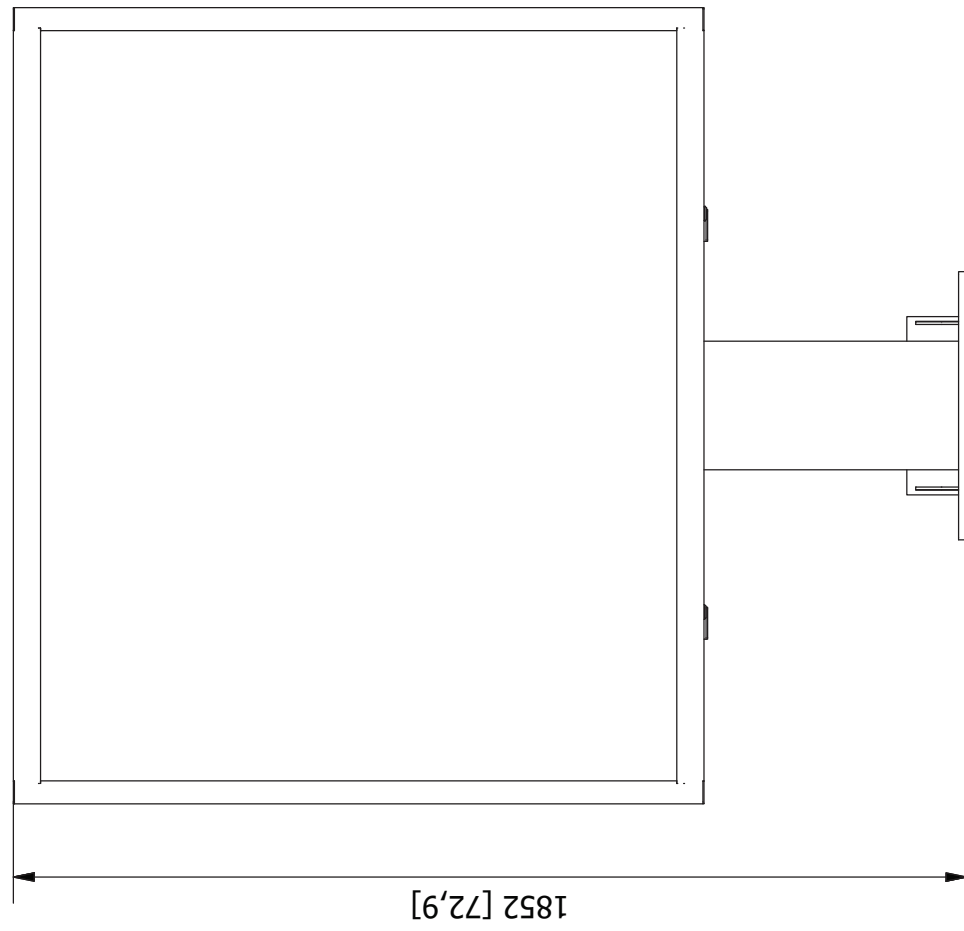
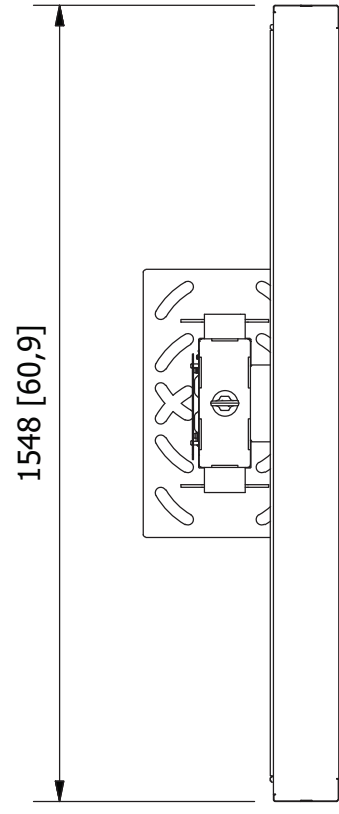


Optional tempered glass security cover
6mm tempered glass

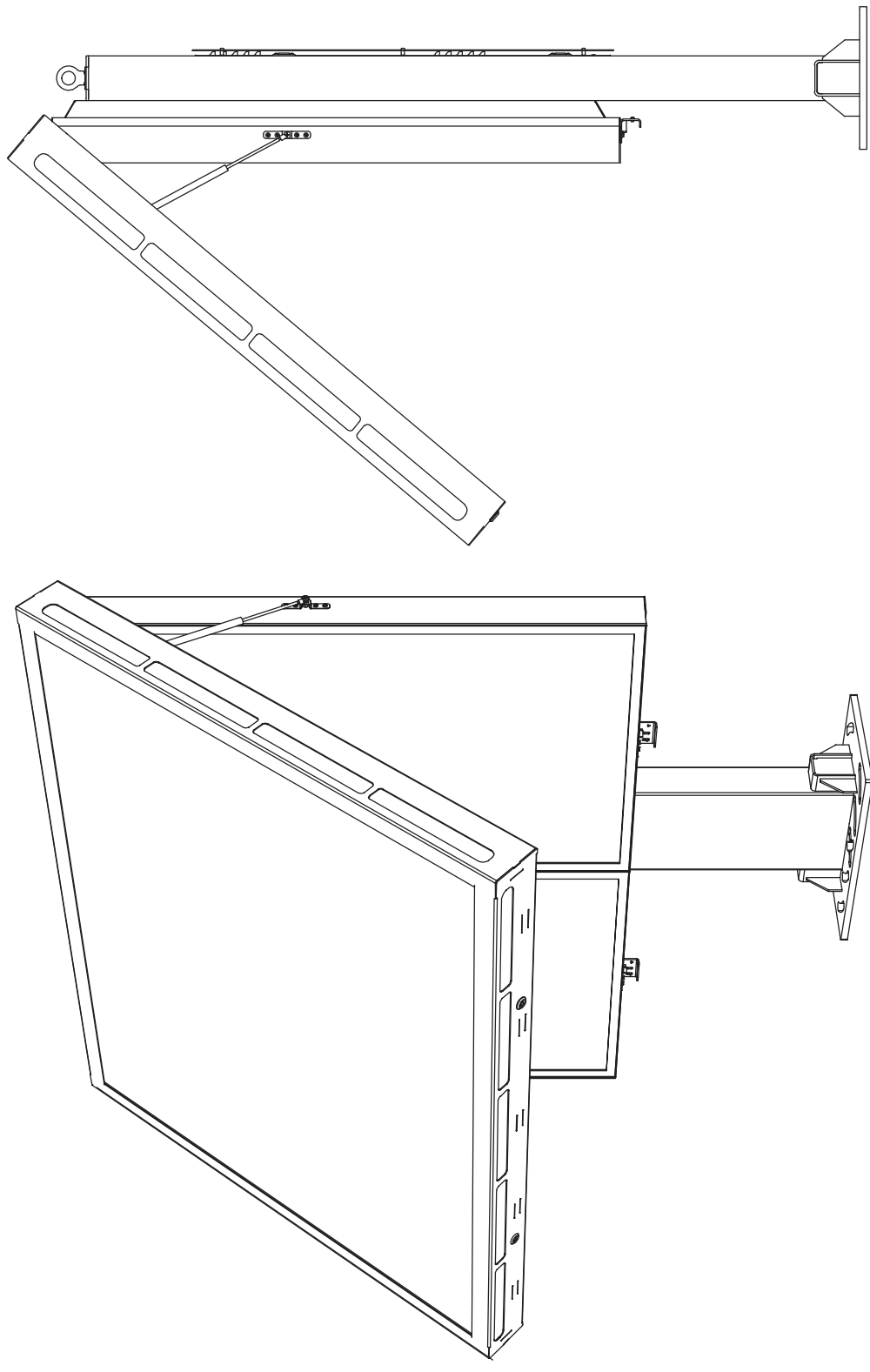
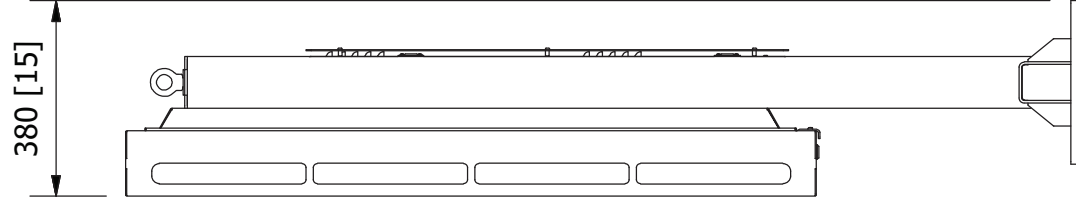


Coates ODMB

Double with additional security glass



Optional tempered glass security cover
6mm tempered glass

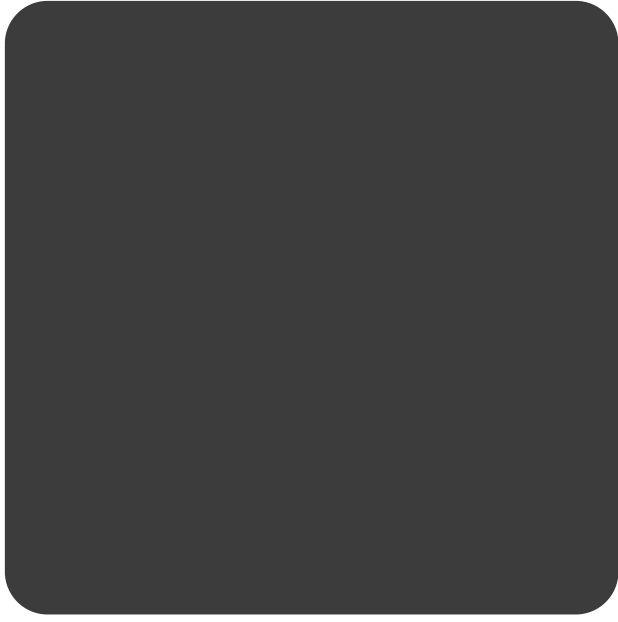


Coates ODMB
Additional security glass



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)



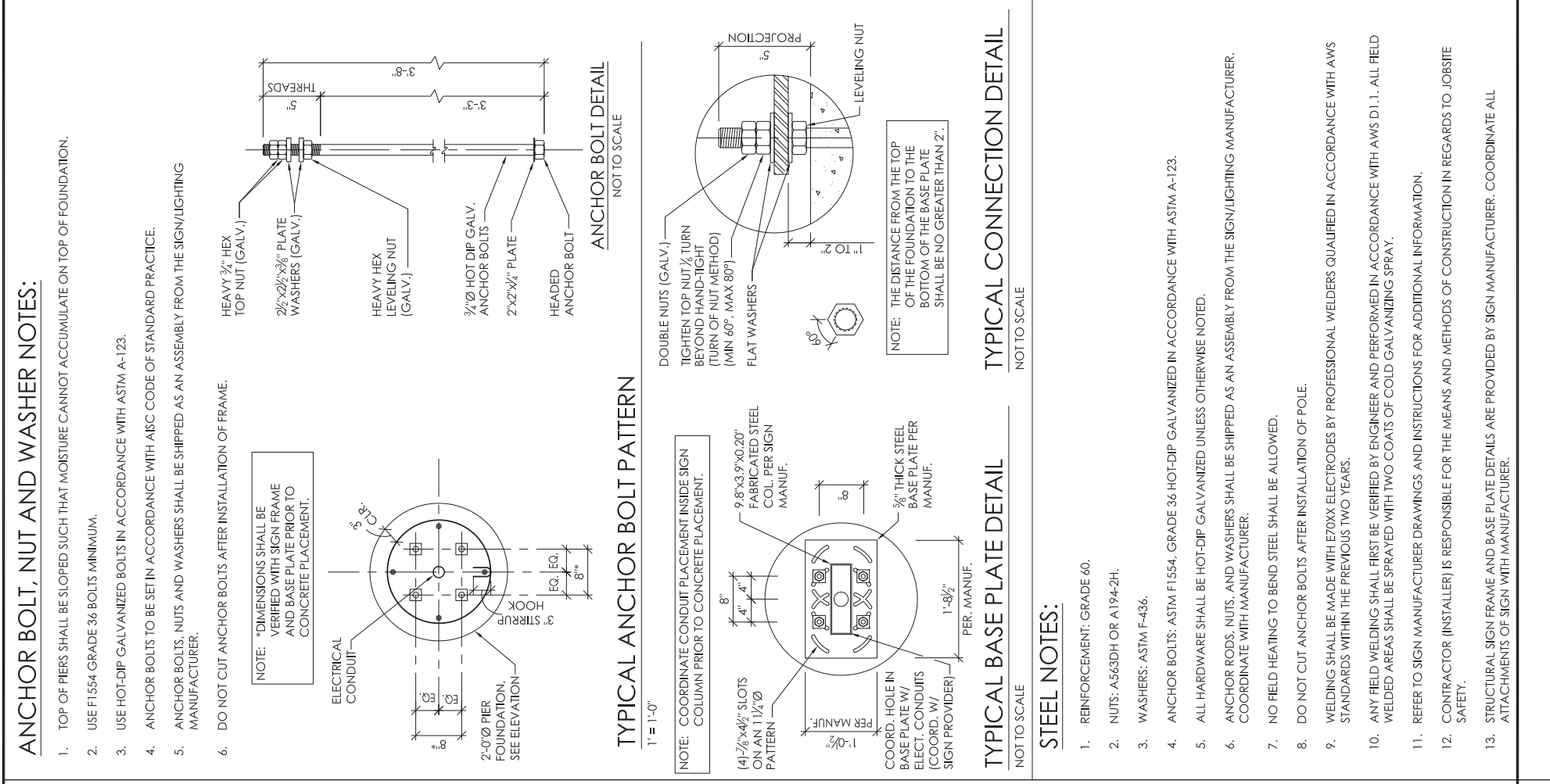
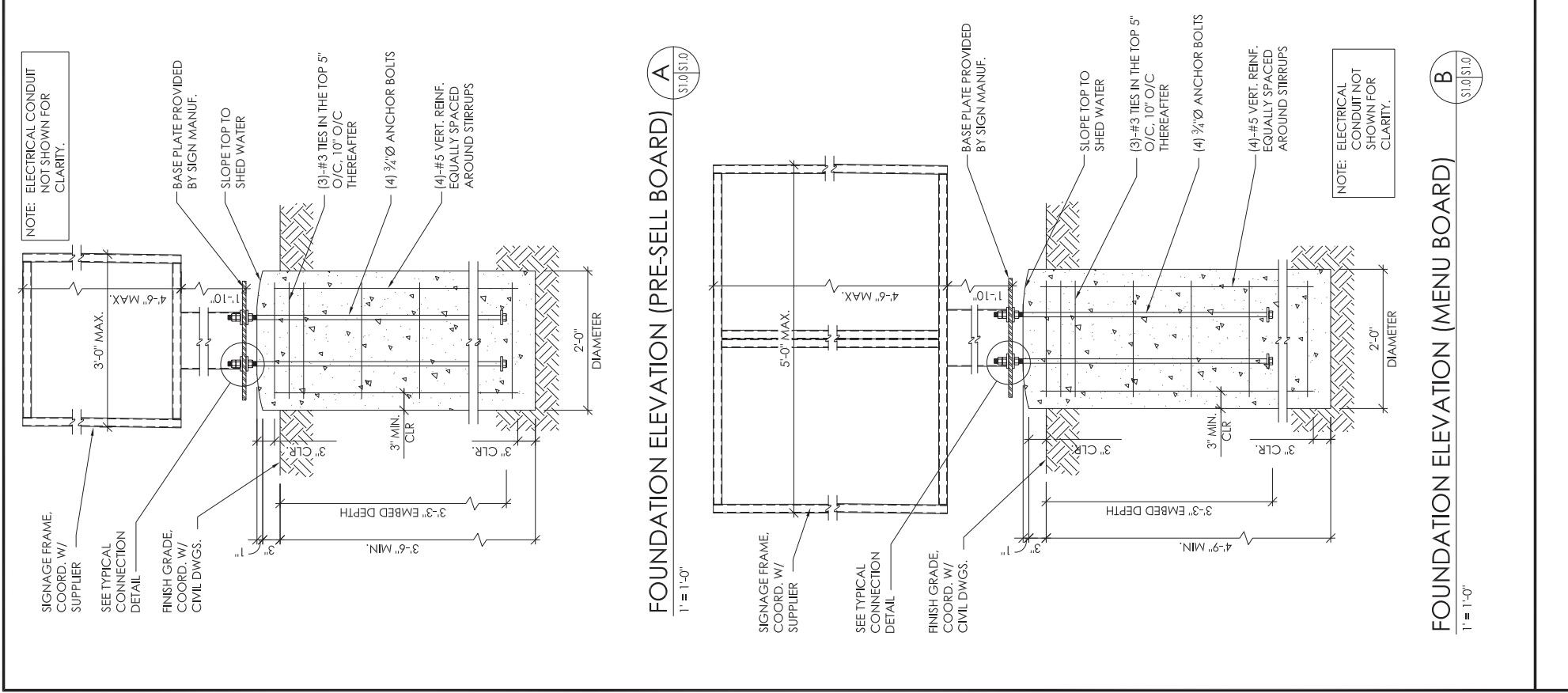
Our New Menus Are NOT:

- **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



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_{ult} = 115 MPH
 V_{ASD} = 90 MPH
EXPOSURE.....
RISK CATEGORY.....
WIND BASE SHEAR..... V_b = 400 LBS (PRE-SELL BOARD)
 V_b = 700 LBS (MENU BOARD)

SEISMIC:
SEISMIC IMPORTANCE FACTOR (I_b).....1.0
MAPPED SPECTRAL RESPONSE ACCELERATIONS: S_s0.128g
 S_10.052g
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_b).....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.
- PRESUMING MINIMUM ALLOWABLE LATERAL SOIL BEARING PRESSURE (S₀) OF 150 PSF. CONTRACTOR SHALL HIRE A GEOTECHNICAL ENGINEER TO CONFIRM AN ALLOWABLE BEARING PRESSURE (S₀) 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 (HARD ROCK).
- 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 ACI 318, 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.

McDonald's USA, LLC
© 2017 McDonald's USA, LLC
NSN 13445
SITE ADDRESS: 31 MADDEX SQUARE DR
SHEPHERDSTOWN, WV 25443

RRMM ARCHITECTS
Professional Corporation
1317 Executive Blvd, Suite 200
Chesapeake, VA 23320
(757) 622-2828 Fax: (757) 622-8865

Donald L. Broyles, P.E.
508 Taylor Court
Lotts Creek
Chesapeake, Virginia 23320

PRE-SELL / MENU BOARD FOUNDATIONS

S1.0

DATE: 3/28/2018
PROJECT: 16274-8
DESIGNED: BUS
DRAWN: WPH
CHECKED: DLE

1" = 1'-0" 0' 3" 6" 12"

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:

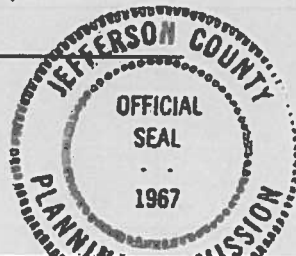
1. Buffer the dumpsters from the road and residential structures with a green planting screen;
2. Orientate the menu board east and west and screen such;
3. Direct lighting downward;
4. Limit the height of the lights to 20' high and not make them any higher than the ones in the existing shopping center;
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
 April 25, 2019

Beallair Variance Request (#19-7-ZV)

	<p>03/23/04: PC approved the following variances:</p> <ul style="list-style-type: none"> • Min. finished road width from 24' to 15' for rear access drives; • No curbs included with the rear access drives; • No sidewalks on the one-way rear access drives; • A reduction from 3' to 2.5' for the back of the curb from the edge of the pavement; • No buffer screening between common areas & adjoining single family lots. <p>09/12/06: PC approved a variance to extend the 24-month provision for a period of 12 months to 09/12/07.</p> <p>08/26/08: PC approved a variance to extend the 24-month provision for a period of 12 months to 08/26/09.</p>
Zoning Variances:	<p>BZA approved the following variances:</p> <p>07-19-12: Reduce the rear setback from 20' to 17' for the construction of a 12' x 16' screened porch (ZV12-24).</p> <p>07-24-14: Reduce the rear setback from 20' to 3' to construct a deck.</p> <p>04-28-16: Reduce the rear setback from 20' to 10' to construct a deck (ZV16-09).</p> <p>07-28-16: Reduce rear setback from 20' to 12' for Lots 112, 127, and 128 (ZV16-12).</p> <p>07-28-16: Allow a staffed model home on Lot 111 (ZV16-13).</p> <p>10/27/16: Allow a staffed model townhome on Lot 51 (ZV16-21).</p> <p>03/23/17: Allow a staffed model townhome on Lots 50-67 (ZV17-02).</p> <p>09/28/17: Reduce front setback from 25' to 10' along Clover Lea Way for Lots 50-67 (ZV17-14).</p> <p>09/28/17: Reduce the 25' front setback to the following: to 10' along the southern boundary for Lots 283-289; to 10' along the eastern boundary for Lot 283; to 10' along the northern boundary for Lots 290-296; 10' along the eastern boundary for Lot 296; to 10' along the southern boundary for Lots 297-304; to 18' along the eastern boundary for Lot 297 (ZV17-15).</p> <p>09/27/18: Reduce the rear setback from 20' to 18' to allow for the inadvertent encroachment of a home under construction (ZV18-14).</p>
Approved Activity:	Single-Family Residence

RELEVANT INFORMATION:

Previous Case History

An overview of the Beallair Case History is as follows:





- Beallair Phase I, Lots 1-49 & Residue Parcels A, B, C, D & E. Recorded: 12/08/04 (Plat Bk: 21; Pg: 54)
- Beallair Phase II, Lots 50-133, Residue Parcel A. Recorded: 01/16/07 (Plat Bk: 23; Pg: 91)
 - A minor plat change to revise and update drainage areas, Recorded: 06/19/14 (Plat Bk: 25; Pg: 457)
 - Final Plat of Commercial Parcel 1, Plantation Ln & Parcel A. Recorded: 01/25/10 (Plat Bk: 25; Pg: 184)
 - Minor Plat Change to revise utility easements (Plat Bk: 25, Pg: 563)
 - Minor Plat Change to revise setbacks (Plat Bk: 25, Pg: 589)
 - Minor Plat Change to revise setbacks (Plat Bk: 25, PG: 641)

The remaining lots to be platted from Beallair Subdivision and the Beallair West Subdivision are currently vested under the County Commission's subdivision extension policy, which extends the vesting until July 1, 2020. At such time the developer of both sections of Beallair will be required to plat a portion of each section in order to keep the files valid.

Staff Report
Jefferson County Board of Zoning Appeals
April 25, 2019
Beallair Variance Request (#19-7-ZV)

Beallair Subdivision Phasing

Beallair Subdivision

-  Phase I
-  Phase II
-  Commercial Parcel
-  Beallair West
(vested/pending)



STAFF EVALUATION OF REQUEST

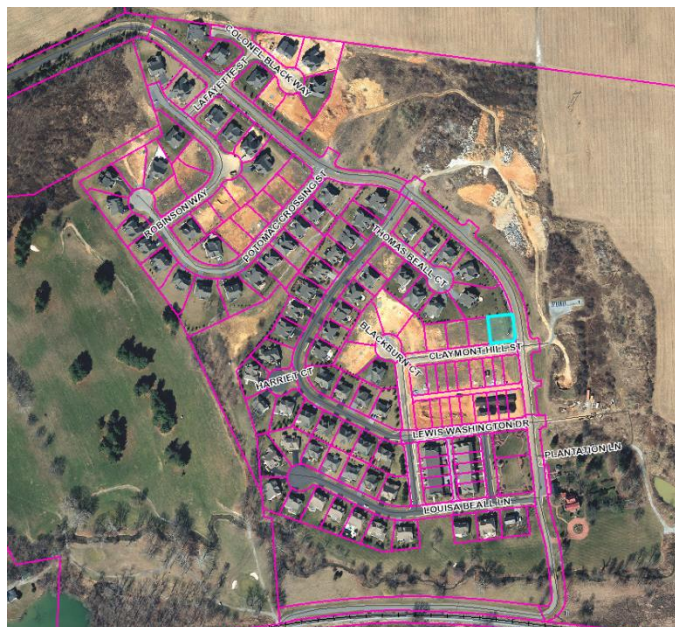
Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 4.18 to allow a staffed or unstaffed model home on Lot 68 within Beallair Subdivision, Phase II.

The purpose of the restriction to locate model homes to the first lot on either or both sides of any road/right-of-way that enters the subdivision is to limit the amount of non-residential traffic coming in and out of the subdivision and minimize impact on adjacent homes.

Unique characteristics of property

The subject parcel, Lot 68, is located in Phase II of the Beallair Subdivision. While technically situated interior to the development, Lot 68 is located off the main thoroughfare, Beallair Manor Drive. The proposed model home site is also adjacent to the series of townhome units which the Board approved in March of 2017 to be used as staffed model homes as well.



Staff Report
Jefferson County Board of Zoning Appeals
April 25, 2019
Beallair Variance Request (#19-7-ZV)

Impact on adjacent properties

As the majority of the surrounding lots are vacant, impact on adjacent property owners is expected to be minimal.

Feasibility of complying with the ordinance by other means

The Zoning Ordinance allows for staffed model homes to be located within a subdivision if a variance is approved by the Board.

Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.18 Model Homes/Sales Offices

Model homes with a staffed sales office for sales exclusively within the residential subdivision that they are located are permitted provided that they are contained on the first lot on either or both side of any road/right-of-way that enter the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision needs to be approved or denied by the Zoning Board of Appeals after a 15 day public hearing.

Model homes without staffed sales offices are permitted internally within the subdivision.
[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999]



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

File Number: 19-7-2V
Staff Initials: JH
Fees Paid (\$100 or \$150): \$900-

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

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

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: Beallair Homes LLC
Mailing Address: 5283 Corporate Drive, Suite 300, Frederick, MD 21703
Phone Number: 301-695-6614 Email: Robert.Wormald@wormald.com

Applicant Contact Information

Name: Beallair Homes LLC
Mailing Address: 5283 Corporate Drive, Suite 300, Frederick, MD 21703
Phone Number: 301-695-6614 Email: Robert.Wormald@wormald.com

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

Name: Piedmont Design Group
Mailing Address: 5283 Corporate Drive, Suite 300, Frederick, MD 21703
Phone Number: 301-695-6614 Email: Todd.abe@wormald.com

Physical Property Details

Physical Address: Beallair Manor Drive & Lafayette Street, Lot 68
City: Charles Town State: WV Zip Code: 25414
Tax District: Harpers Ferry Map No: 10A Parcel No: 3-2-34 60
Parcel Size: 28.3 acres Deed Book: 975; 977 Page No: 635; 490 & 495

Zoning District (please check one)

Residential Growth (RG) [checked] 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) []

RECEIVED

MAR 29 2019

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 5.4b (1) (pg 52) 4.18 4/3/19 gll

Briefly describe the nature of the variance request:

To permit single family detached staffed or unstaffed model home Phase 2, lot 68. See plat.

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:

The variance granting will not impact the general public.

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 model is sold, we are offering a new style

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

Existing model was sold. We need to offer a new model.

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

We submit that this request will uphold the basic intent of the ordinance and merely represents a reasonable accommodation for future development within the community of Beallair in 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 Departments 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.

* Separate page * gll 4/3/19
Signature of Property Owner _____ Date _____

Signature of Property Owner _____ Date _____

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 3.4A(3)(b)).

04/25/19
Date of Public Hearing

04/10/19
Advertising Date

04/10/19
Placard Posting Date

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

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Date

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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@jeffersoncountyv.wv.org

Phone: (304) 728-3228

Zoning Administrator's Report Board of Zoning Appeals Meeting April 25, 2019

1) Text Amendments:

- On April 9, 2019 the Planning Commission, in accordance with Article 12 of the Zoning Ordinance, adopted into their work plan a request from Tina Reddington to initiate a text amendment to create provisions to allow event facilities to process.
- The Planning Commission created a volunteer committee to prepare an RFQ 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.
 - On April 9, 2019, the Planning Commission recommended that the RFQ go before the County Commission for consideration.

2) Upcoming BZA meeting

- The next regular meeting is scheduled for **May 23, 2019** (deadline for submissions is Monday, April 29, 2019)



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

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