



Jefferson County
Board of Zoning Appeals
Thursday, June 27, 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: May 23, 2019

Public Hearing – Administer Oath

ITEM #1	FILE #: 19-11-ZV
Request:	Variance from Section 9.6C & 9.7 to reduce the front setback from 40' to 10' for a 30' x 50' garage with 12' x 50' lean-to and 8' x 8' stoop.
Applicant:	Frank and Sandy Kovach
Parcel Info:	Wheeler Subdivision, Lot B, 73 Wheeler Manor, Harpers Ferry, WV Parcel ID: 09001800330000; Size: 2.12 ac; Zone: Rural
ITEM #2	FILE #: 19-12-ZV
Request:	Variance from Appendix B to reduce the side and rear setback from 50' to 5' for a 1,060 sq. ft. addition to an existing church.
Applicant:	Saint James Lutheran Church
Parcel Info:	4338 Shepherdstown Pike, Shepherdstown WV Parcel ID: 09002000150000; Size: .31 ac; Zone: Rural
ITEM #3	FILE #: 19-13-ZV
Request:	Variance from Appendix B to reduce the required landscape buffer from 20' to 10' for a portion of a drive aisle.
Applicant:	Fellowship Bible Church
Parcel Info:	160 Daniel Rd, Shenandoah Junction, WV Parcel ID: 02000300040005; Size: 50 ac; Zone: Rural

Zoning Administrator Report

- a. Request for an extension of Conditional Use Permit #CUP17-05 for Blossman Gas which expires 07-18-19
- b. Request for Clarification regarding the Beallair Zoning Variance (19-10-ZV)
- c. 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: May 23, 2019
 1. Request for a CUP for an existing Drive-Through, Fast Food Restaurant (McDonald's) to replace and upgrade the exterior menu boards with digital menu boards. Applicant: Expedite The Diehl. Owner: McDonald's Corporation. File: 19-1-CUP.
 2. Variance from Section 5.7(b). Owner: R. L. Jenkins. File: 19-8-ZV.
 3. Variance from Section 4.3H. Owners: Michael Kelly and Michael Kelly Jr. File: 19-9-ZV.
 4. Variance from Section 5.4 (b). Owner: Beallair Homes, LLC. File: 19-10-ZV.
 5. Appeal of the Zoning Administrator's determination that "tiny homes" are permitted Camping Units as it related to the proposed campground associated with 19-3-ZV. Appellants: Wayne and Ann Bavry and Neal and Alice Barkus. Files: 19-1-AP.

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: May 23, 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, Matthew McKinney
5 and Leeds Corbin
6 Members absent: Deirdre Catterton with notification
7 Staff members present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
8 Prosecuting Attorney; and Rachael Burke, Planning Clerk.

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

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

12 **Approval of Minutes: April 25, 2019**

13 Mr. Bannon moved to approve the minutes as presented. Mr. Quynn called for a vote, which carried
14 unanimously.

15 Mr. Quynn stated that the agenda would be reorganized to hear the variances first, then the CUP, and
16 lastly the appeal.

17 **Public Hearing – Administer Oath**

18 Ms. Burke swore in members of the public who indicated they would be providing testimony.

19 ITEM #1 FILE #: 19-8-ZV

20 Request: Variance from Section 5.7(b) to reduce the rear setback from 50' to 18' to install a
21 54' x 22' inground pool with surrounding concrete patio.

22 Applicant: Same as Owner

23 Parcel Info: R.L. Jenkins

24 Barleywood Subdivision, Lot 9, 146 Inaugural Way, Charles Town, WV

25 Parcel ID: 02006A00090000; Size: 3.08 ac; Zone: Rural

26 Mr. R.L. Jenkins, property owner, and Ms. Heather Mann, representative, were present to address
27 the Board. Ms. Beaulieu provided an overview of her staff report to the Board. Ms. Mann explained
28 the nature of the request noting that the property contains significant rock outcroppings which limits
29 where they can locate the proposed pool. Mr. Quynn opened the public hearing. There was no
30 public comment. Mr. Quynn closed the public hearing.

31

32 Mr. Corbin moved to approve the variance as requested. Mr. McKinney seconded the motion,
33 which carried unanimously.

34

35 ITEM #2 FILE #: 19-9-ZV

36 Request: Variance request per Section 4.3H to allow for the reconstruction of a nonconforming
37 28' x 32' garage to be located 3' from the side property line.

38 Applicant: Same as Owner

39 Parcel Info: Michael G. Kelly and Michael G. Kelly Jr.

40 Glen Haven Subdivision, Lots 10, 11 and part of 12, 129 Mason Drive, Harpers Ferry

41 Parcel ID: 04003C00110001, 04003C00120000, 04003C00130001;

42 Subject parcel size: .56 ac; Zone: Rural

1 Mr. Gregory Kennedy, Esq., attorney representing the property owners, was present to address the
2 Board. Ms. Beaulieu provided an overview of her staff report to the Board noting that the original
3 structure was nonconforming as it was built prior to the adoption of zoning. She noted that the
4 property owners removed and attempted to rebuild the structure in the same location prior to
5 obtaining a building permit. Mr. Kennedy provided the Board with a brief history of the property
6 noting that the current property owners have owned the subject property since the home was built in
7 the early sixties and can attest to its existence as a nonconforming structure. Mr. Kennedy stated the
8 structure was removed due to rot and decay and requested the Board grant the request based on its
9 meeting the four criteria outlined in Section 6.2A of the Zoning Ordinance. Mr. Quynn opened the
10 public hearing. There was no public comment. Mr. Quynn closed the public hearing.

11

12 Mr. Bannon moved to approve the variance as requested. Mr. Quynn called for a vote, which
13 carried unanimously.

14

15 ITEM #3 FILE #: 19-10-ZV

16 Request: Variance from Section 5.4(b) to reduce the front setback from 25' to 20'; the side
17 setback from 12' to 10'; and the rear setback from 20' to 15' for Lots 68-72, 78, 106-
18 108, 118, 121-124, & 129.

19 Applicant: P.J. Raco Consulting

20 Parcel Info: Beallair Homes LLC; Beallair Subdivision:

21 Lot 68 Claymont Hill St.; Parcel ID: 04010A00680000; Size: 9,429 sf;

22 Lot 69 Claymont Hill St.; Parcel ID: 04010A00690000; Size: 8,000 sf;

23 Lot 70 Claymont Hill St.; Parcel ID: 04010A00700000; Size: 8,000 sf;

24 Lot 71 Claymont Hill St.; Parcel ID: 04010A00710000; Size: 8,000 sf;

25 Lot 72 Claymont Hill St.; Parcel ID: 04010A00720000; Size: 11,246 sf;

26 Lot 78 Lewis Washington Dr.; Parcel ID: 04010A00780000; Size: 9,880 sf;

27 Lot 106 Robinson Way; Parcel ID: 04010A01060000; Size: 11,284 sf;

28 Lot 107 Robinson Way; Parcel ID: 04010A01070000; Size: 11,158 sf;

29 Lot 108 Robinson Way; Parcel ID: 04010A01080000; Size: 10,327 sf;

30 Lot 118 Robinson Way; Parcel ID: 04010A01180000; Size: 8,353 sf;

31 Lot 121 Potomac Crossing St.; Parcel ID: 04010A01210000; Size: 10,457 sf;

32 Lot 122 Potomac Crossing St.; Parcel ID: 04010A01220000; Size: 9,467 sf;

33 Lot 123 Potomac Crossing St.; Parcel ID: 04010A01230000; Size: 8,511 sf;

34 Lot 124 Potomac Crossing St.; Parcel ID: 04010A01240000; Size: 8,185 sf; to

35 Lot 129 Colonel Black Way; Parcel ID: 04010A01290000; Size: 9,215 sf;

36 Zone: Residential Growth

37 Mr. Paul Raco, land use consultant representing the property owner, and Mr. Michael Wiley,
38 Professional Engineer for Wormald, were present to address the Board. Ms. Beaulieu provided an
39 overview of her staff report to the Board, noting that Lot 129 was a vacant lot between two
40 developed lots and contained a 25' landscape buffer along the rear of the property. She stated that if
41 a setback reduction was granted, the applicant should be aware that a structure could not be placed
42 within the landscape buffer. Mr. Raco spoke in depth to the nature of the request, acknowledging
43 staff's concern regarding the landscape buffer, and addressed the Board's questions. Mr. Wiley also
44 commented on the request. Mr. Quynn opened the public hearing.

45

1 Dale Adams, owner of Lot 112, spoke in support of the application stating that he would like to see
2 the remaining lots developed.

3

4 Paul Mattocks, owner of Lot 120; Korey Hopkins, owner of Lot 109; and Michael Hamilton owner
5 of Lot 110, spoke in opposition to the request. Mr. Quynn closed the public hearing.

6

7 Mr. Raco provided a rebuttal. He stated that in response to the concerns expressed by the property
8 owners of Lots 120 and 109, his client would retain the 12' side setback along the shared property
9 lines for Lots 121 and 108. Mr. Wiley addressed remaining concerns made during the public
10 comment period.

11

12 Mr. Bannon moved to go into deliberative session at 3:20 pm. Mr. McKinney seconded the motion,
13 which carried unanimously.

14

15 Mr. Bannon moved to come out of deliberative session at 3:46 pm. Mr. Corbin seconded the
16 motion, which carried unanimously.

17

18 Mr. Quynn moved to approve the variance as requested with the condition that the applicants were
19 bound by their testimony. Mr. Leeds seconded the motion, which carried unanimously.

20

21 ITEM #5 FILE #: 19-1-CUP – Postponed From February 28, March 28 and April 25, 2019

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

25 Applicant: Tracey Diehl, Expedite The Diehl

26 Parcel Info: McDonald's Corporation

27 31 Maddex Square Dr, Shepherdstown, WV

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

29 Ms. Tara Puntasecca, with Expedite The Diehl, and Mr. Tim O'Brien, District Manager of
30 McDonald's, were present to address the Board. Ms. Beaulieu provided an overview of her staff
31 report to the Board. Ms. Beaulieu also reviewed a memorandum she prepared regarding the required
32 landscape buffer. Ms. Puntasecca explained the nature of the request and addressed the Board's
33 questions. Mr. Quynn opened the public hearing.

34

35 Mark Everhart, Council Member and Member of the Planning Commission from the Corporation of
36 Shepherdstown, spoke in opposition to the request.

37

38 Ms. Burke swore in Ms. Wood.

39

40 Angela Wood, local resident, spoke in support of the request, noting that Jefferson Security Bank,
41 which is located across the street from McDonald's, and the nearby Shepherdstown Fire Department
42 both have electronic signs. Mr. Quynn closed the public hearing.

43

44 Ms. Puntasecca stated in her rebuttal that Route 45 is elevated approximately four to five feet above
45 the McDonald's drive-through area which would likely create a visual barrier from the road. Mr.
46 O'Brien reiterated that McDonald's is willing to re-install a landscape buffer along the front of the
47 property. Ms. Puntasecca confirmed that the lumens would be reduced in the evening, that the menu

1 boards would rotate three times a day (once each for breakfast, lunch, and dinner), and that there
2 would be no animation to the signs, as typically seen on indoor menu boards.

3

4 Mr. Bannon moved to go into deliberative session at 4:25 pm. Mr. McKinney seconded the motion,
5 which carried unanimously.

6

7 Mr. Corbin moved to come out of deliberative session at 4:46 pm. Mr. McKinney seconded the
8 motion, which carried unanimously.

9

10 Mr. Bannon moved to approve the request for a Conditional Use Permit (19-1-CUP) for an existing
11 Drive-Through, Fast Food Restaurant (McDonald's) to replace and upgrade the exterior menu
12 boards with digital menu boards with the following conditions:

- 13 1. The menu boards shall be limited to 100 nits at sundown (per Section 10.7E).
- 14 2. The menu boards shall be turned off at the close of business (12:00 pm Sunday – Thursday
15 and 1:00 am on Friday and Saturday).
- 16 3. The landscape buffer be restored; in particular, that a four (4) foot tall evergreen hedge be
17 installed along the frontage (Route 45).
- 18 4. The applicants are bound by their testimony.

19 Mr. Corbin seconded the motion, which carried unanimously.

20

21 Item #6 FILE #: 19-1-AP
22 Request: Appeal of the Zoning Administrator’s determination that “tiny homes” are permitted
23 Camping Units as it related to the proposed campground associated with 19-3-ZV.
24 Appellants: Wayne and Ann Bavry and Neal and Alice Barkus
25 Parcel Info: Danielle LaRock and Jonathan Carnill, property owners.
26 Vacant parcel on the northwest corner of River Rd and Cedar Ridge Ln in
27 Shepherdstown
28 Parcel ID: 09001000070000; Size: 6.06 ac.; Zone: Rural.

29 Mr. Christopher Stroech, Esq., with Arnold and Bailey, PLLC, was present to represent the
30 appellants, Mr. Wayne and Ms. Ann Bavry and Mr. Neal and Ms. Alice Barkus. Ms. Beaulieu
31 presented a staff report which provided a brief overview of the property and a chronology of the
32 events leading up to the appeal.

33

34 Mr. Stroech presented his appeal to the Board. He provided additional background on the events
35 leading up to the appeal, including a summary of the transcript from the March BZA meeting and
36 an overview of subsequent social media posts by the property owners, Danielle LaRock and
37 Jonathan Carnill, in which they stated they would be using the tiny homes as a primary residence.
38 Mr. Stroech contended that the Zoning Administrator erred in her determination that the tiny homes
39 were permitted Camping Units for the subject location because the property owners had stated a
40 clear intent to use them as a primary residence. The Board inquired if the property owners were
41 using the tiny homes as a primary residence. Mr. Stroech stated they were not. The Board noted that
42 if the campground was not operating and if the tiny homes were not being used as a primary
43 residence then the property owners were not in violation of the campground regulations.

44

1 Ms. Beaulieu provided the Board with a summary of her response to the appeal. She stated that the
2 basis of the written appeal was that the tiny homes were not permitted camping units. Ms. Beaulieu
3 noted the relevant definitions of Camping Unit, Camping Cabin, and Cabin which allows for
4 various types of temporary or permanent structures. Ms. Beaulieu stated that the written appeal was
5 based on her email dated April 2, 2019 in which she stated that the tiny homes were permitted
6 camping units. She noted that the written appeal did not include Mr. Stroeck's argument pertaining
7 to the use of the tiny homes as a primary residence. Ms. Beaulieu stated that the property owners
8 had not obtained a building permit for a primary residence at the subject parcel and to her
9 knowledge, no one was residing in the tiny homes. She also explained that building code currently
10 does not allow a recreational vehicle to be permitted as a primary residence and since the tiny
11 homes were registered as recreational vehicles, they could not be permitted as a primary residence.
12 Ms. Beaulieu stated for the record that if the tiny homes are occupied for a period of more than 180
13 days, then a complaint may be filed with the County at which point Staff will pursue the violation.

14
15 Mr. Quynn opened the public hearing. There were no public comments. Mr. Quynn closed the
16 public hearing.

17
18 Mr. Stroeck did not wish to provide a rebuttal.

19
20 Mr. Bannon moved to deny the appeal of the Zoning Administrator's determination and stated that
21 she was correct in her determination that the tiny home structures would be permitted within the
22 campground. Mr. Bannon clarified that the structures would only be in violation if they were
23 occupied longer than 180 days. Mr. Corbin seconded the motion, which carried unanimously.

24
25 **Zoning Administrator Report**

26 a. Request for Clarification regarding the Blossman Gas Conditional Use Permit (CUP17-05)
27 Ms. Beaulieu reviewed a memo which summarized her request for clarification stating that
28 the applicant had recently submitted a site plan and that the proposed building is
29 approximately 1,000 sf larger than what was originally proposed as part of the 2017 CUP.
30 Ms. Beaulieu stated that while the propane storage tanks were subject to the conditional use
31 permit process, it was her opinion that the office/warehouse building was a principal
32 permitted use and therefore, not subject to the requirement of a conditional use permit. Ms.
33 Beaulieu explained that while the building would typically be permitted in this zoning
34 district, because the building was included in the applicant's testimony, she felt she did not
35 have the discretion to approve a larger building size. The Board discussed the various
36 aspects of the public hearing and the conditions imposed on the CUP. Ms. Beaulieu
37 confirmed that the building and storage tanks would still comply with site development
38 standards. Mr. Bannon moved to agree with the Zoning Administrator in that the additional
39 square footage in the Blossman Gas Conditional Use Permit (CUP17-05) is appropriate and
40 does not need further processing by the Board. Mr. Quynn second the motion, which carried
41 unanimously.

42 b. Monthly Zoning Certificate Activity Report. The Report was included in the mailed packet.

43 Ms. Beaulieu informed the Board that their next meeting would be June 27, 2019.

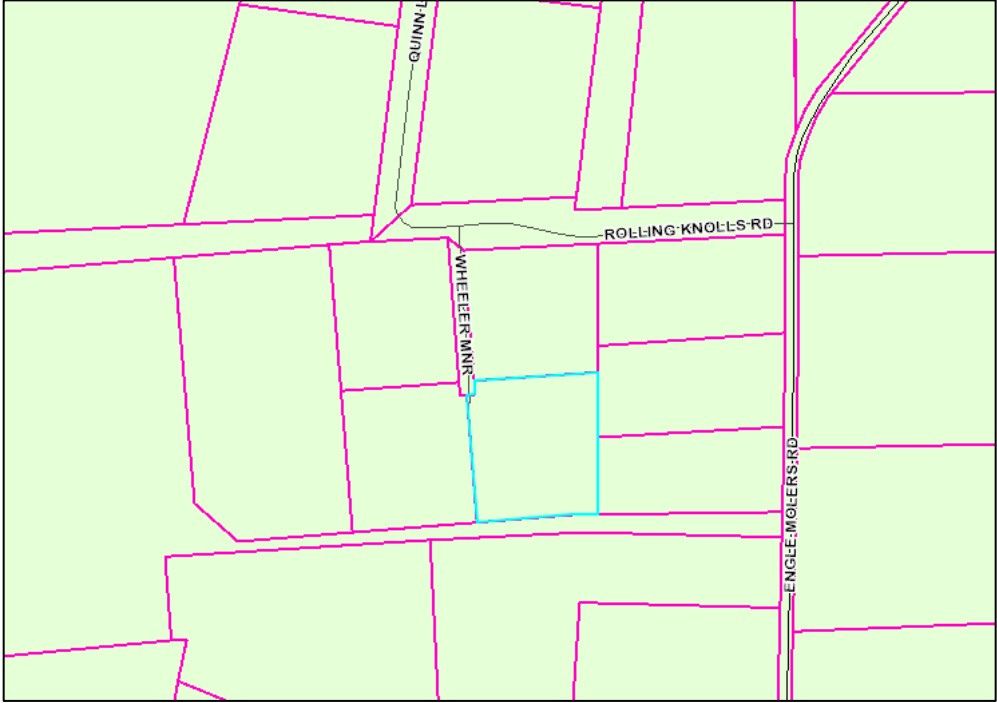
44 **Legal Update**

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

- 1 Discussion with possible deliberative session and sign of draft Findings/Decisions
- 2 Meeting: April 25, 2019
- 3 1. Variance from Sec. 4.18. Owner: Beallair Homes, LLC. File: 19-7-ZV
- 4 Mr. Quynn signed the above referenced Findings.
- 5 Mr. Corbin moved to adjourn the meeting at 5:39 pm. Mr. Quynn called for a vote, which carried
- 6 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 June 27, 2019
Kovach Variance Request (#19-11-ZV)

Item #1 Variance from Section 9.6C & 9.7 to reduce the front setback from 40' to 10' for a 30' x 50' garage with 12' x 50' lean-to and 8' x 8' stoop.

Applicant:	Frank and Sandra Kovach
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">Wheeler Subdivision, Lot B, 73 Wheeler Manor, Harpers Ferry, WV Parcel ID: 09001800330000; Size: 2.12 ac; Zone: Rural</p> 
Surrounding Properties:	<p>Zoning Map Designation:</p> <p><i>North:</i> Rural <i>South:</i> Rural</p> <p><i>East:</i> Rural <i>West:</i> Rural</p>
History:	10/03/89: Recorded Wheeler parent to child lot(s) (DB640; PG 396)
Waivers/Variations:	None
Approved Activity:	Single-Family Residence

Summary of Request and Purpose of Ordinance Requirements

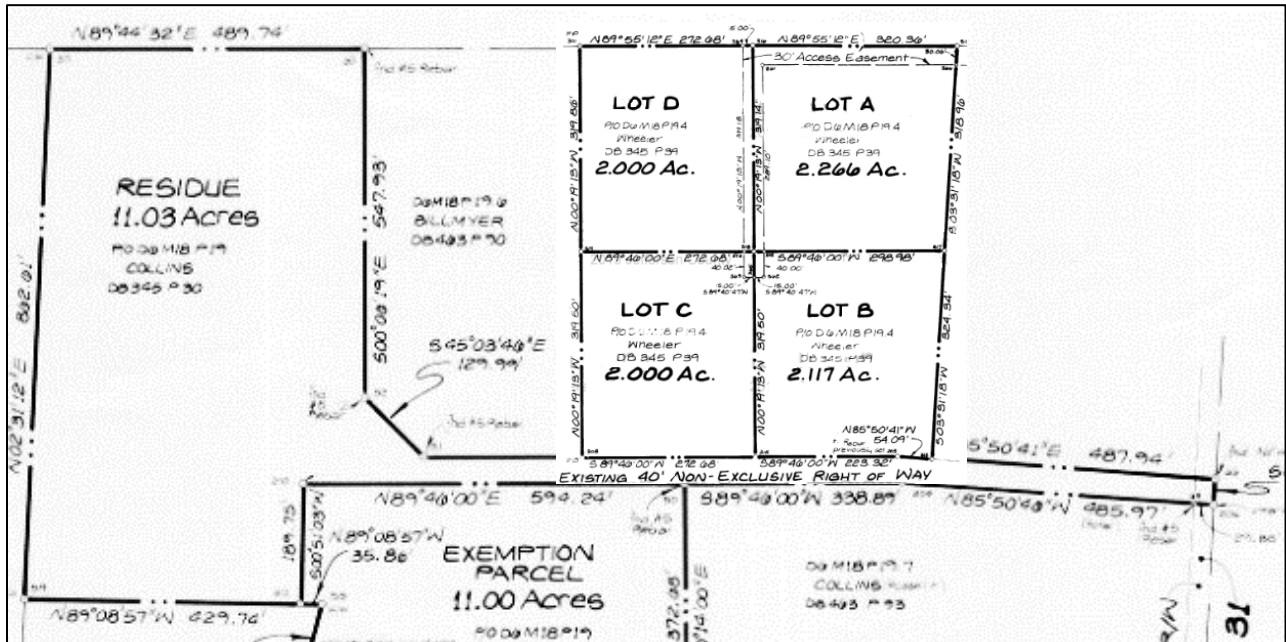
The applicant is requesting a variance from Section 9.6C & 9.7 to reduce the front setback from 40' to 10' for a 30' x 50' garage with 12' x 50' lean-to and 8' x 8' stoop.

A key purpose of front yard setback requirements is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that sight visibility is not impaired for drivers along the right-of-way. Expansion of the existing right-of-way does not appear to be an applicable concern in this instance. Additionally, there is currently no plan to extend water and sewer service to this area of the County in the near future.

Staff Report
Jefferson County Board of Zoning Appeals
June 27, 2019
Kovach Variance Request (#19-11-ZV)

Staff Evaluation of Request

The subject parcel is Lot B of the Wheeler Parent to Child Intended Conveyance subdivision, which was recorded on October 3, 1989 in Deed Book 640 at Page 396. The proximity of the existing house to the subject property line limits the buildable area for a garage in the proposed location.



A setback reduction to 10' feet along the subject property line would likely have minimal impact on the neighboring properties. Two lots have the legal right to utilize the existing 40' access easement impacted by this request (see ★ below). There is an existing treeline that provides a natural buffer for most of the year between the subject parcel and the easement.



It may be feasible to locate the garage on the other side of the home or construct a smaller garage in the same location to comply with the setback requirements.

Staff Report
Jefferson County Board of Zoning Appeals
June 27, 2019
Kovach Variance Request (#19-11-ZV)

Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear



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: 19-11-ZV
 Staff Initials: GA
 Meeting Date: 6/27/19
 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: Frank L. Kovach and Sandy A. Kovach
 Mailing Address: 73 Wheeler Manor Harpers Ferry, WV 25425
 Phone Number: 304-876-8367 Email: lkovach@frontiernet.net

Applicant Contact Information

Name: Frank L. Kovach and Sandy A. Kovach
 Mailing Address: 73 Wheeler Manor Harpers Ferry, WV 25425
 Phone Number: 304-876-8367 Email: lkovach@frontiernet.net

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

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

Physical Property Details

Physical Address: 73 Wheeler Manor
 City: Harpers Ferry State: WV Zip Code: 25425
 Tax District: Shepherdstown (09) Map No: SH18 Parcel No: 33
 Parcel Size: 2.117 AC Deed Book: 1014 Page No: 491

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECEIVED

MAY 13 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: SEC. 9.7 & 9.6C

Briefly describe the nature of the variance request:

Construct a 30'x50'x14', pre-mfg steel garage w/ 12' lean-to and 8x8 stoop in the SW "front" corner of the property. Front set back is 40', which restricts the placement of any structure in this location. Unable to place in the rear or side yards of property due to septic field, not accessible to driveway, not aesthetically pleasing location for neighborhood.

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

Front Setback Side Setback Rear Setback Reduction From 40' to 10'

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

Currently, the outer most "front" property line is defined by mature tree line and fence, owned by the undersigned. There is no intentions of removing the fence or treeline to accommodate the building placement. Therefore, the request would not have any adverse affects to any adjacent properties.

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 "front" setback was established at the time of construction of the residence and the property owners had no equities in determining the placement of the property setbacks since the "front" and "rear" property lines of Lot-B are defined by private driveways.

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

The garage would have to be placed in the rear or side yards opposite of the driveway access, which would not be a practical location for a garage placement due to accessibility, not aesthetically pleasing location for Wheeler Minor Housing Development, and due to septic field being located in the "rear" of the property.

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

The request does not cause any harm to the public nor does it infringe on the rights of adjacent property owners and the garage will be aesthetically pleasing for the neighborhood. As noted, the "front" property line is defined by a mature treeline that follows a private driveway, which does not obstruct any views, right-a-ways, etc.

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.

Frank R. Kruel 5/22/19
Signature of Property Owner Date

Sandy A. Kruel 05/22/2019
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).

06/27/2019
Date of Public Hearing

06/12/2019
Advertising Date

06/12/2019
Placard Posting Date

*Replaces 05/20/19 application. gsm

14ft high

(14ft)
30' 50'

(14ft)
50'

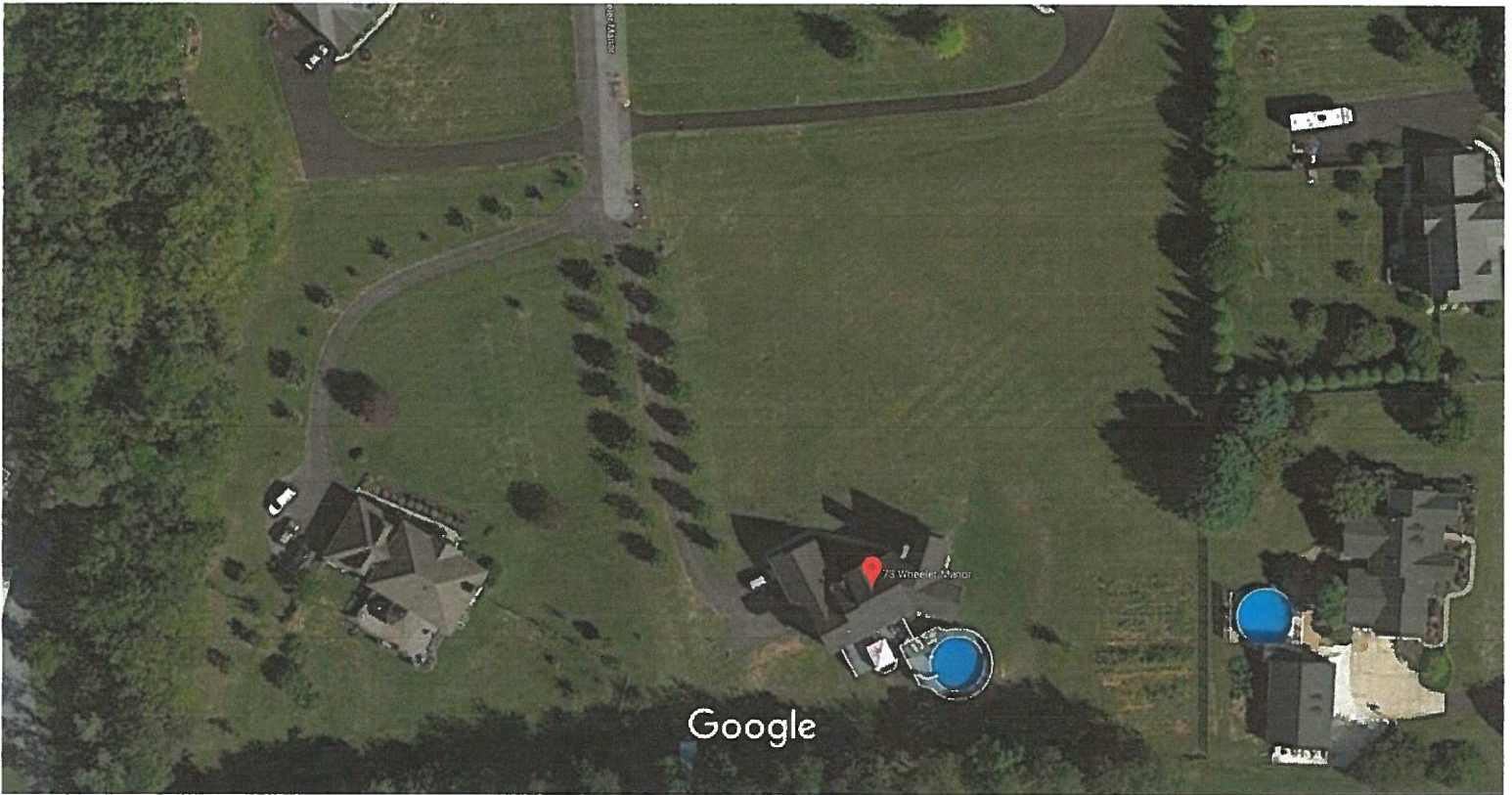
10x60x14 w/ 12x60 lean-to and 2-12x12 doors



Note: Lean-to will be constructed on Right side a stoop will be on Left side of building.

* Replaces 05/20/19 application gtt
+ Final version 05/30/19 - gtt

Google Maps 73 Wheeler Manor



Imagery ©2019 Commonwealth of Virginia, DigitalGlobe, U.S. Geological Survey, Map data ©2019 Google 20 ft



Frank & Sandy Kovach

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MAY 15 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

73 Wheeler Manor

Harpers Ferry, WV 25425



Directions



Save



Nearby

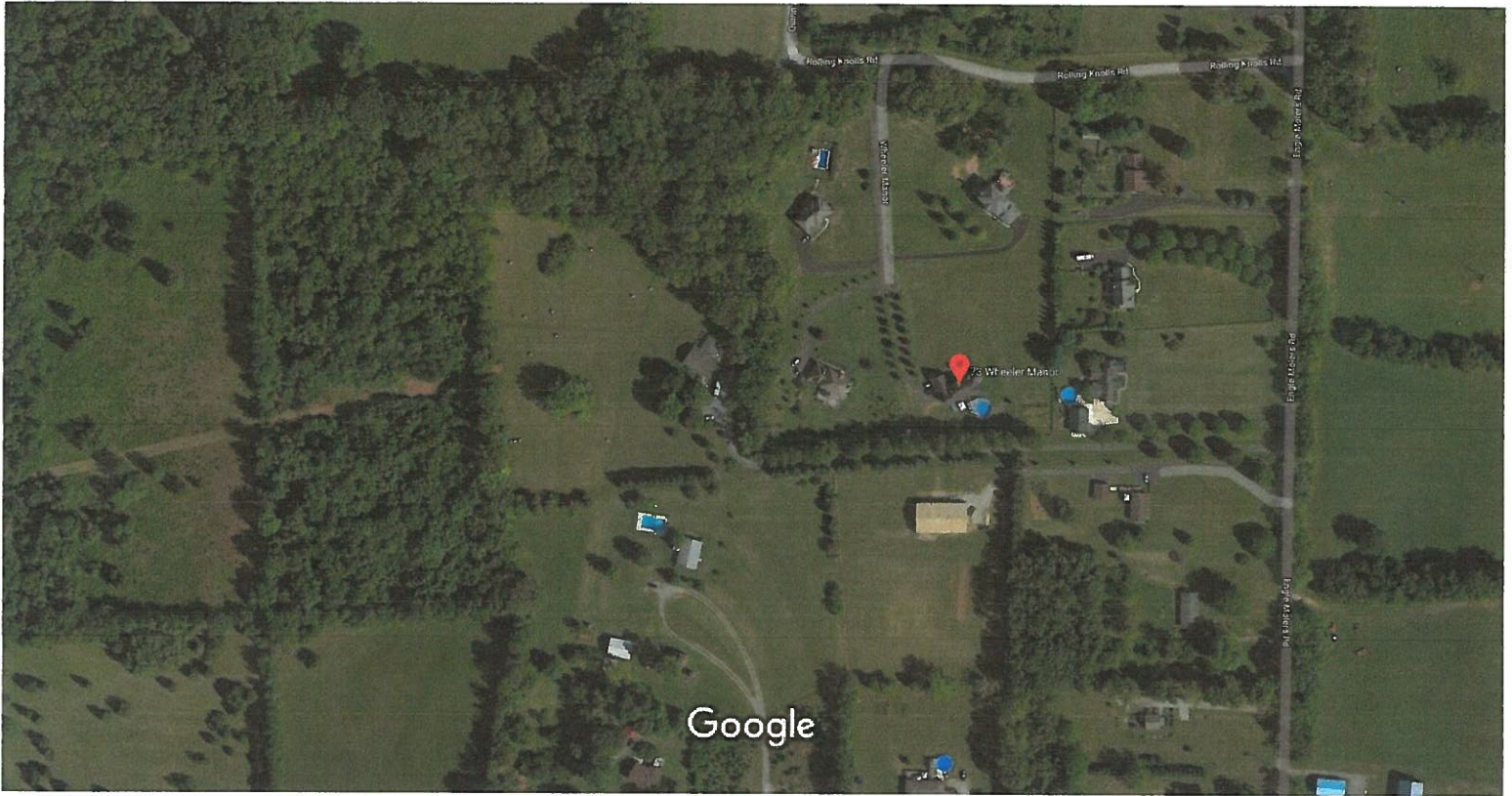


Send to your



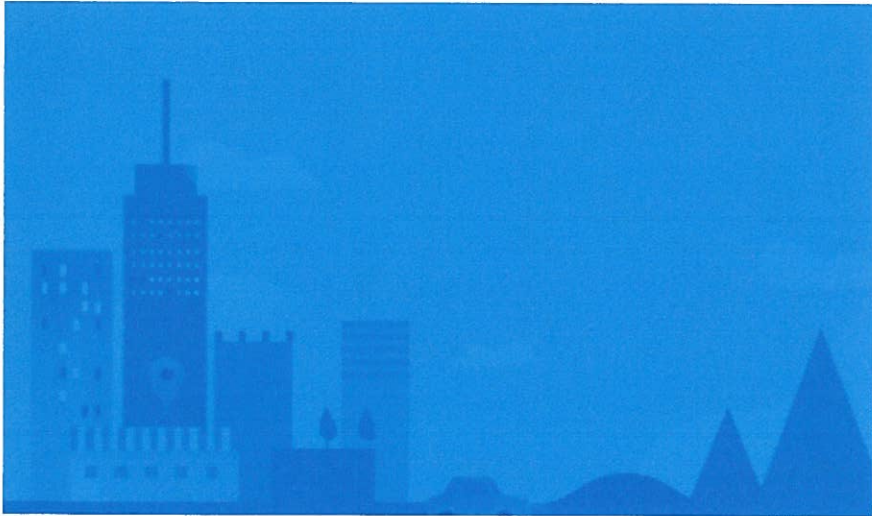
Share

Google Maps 73 Wheeler Manor



Imagery ©2019 Commonwealth of Virginia, DigitalGlobe, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2019 Google

100 ft



Frank & Sandy
Kovach

RECEIVED

MAY 15 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

73 Wheeler Manor

Harpers Ferry, WV 25425



Directions



Save



Nearby



Send to your

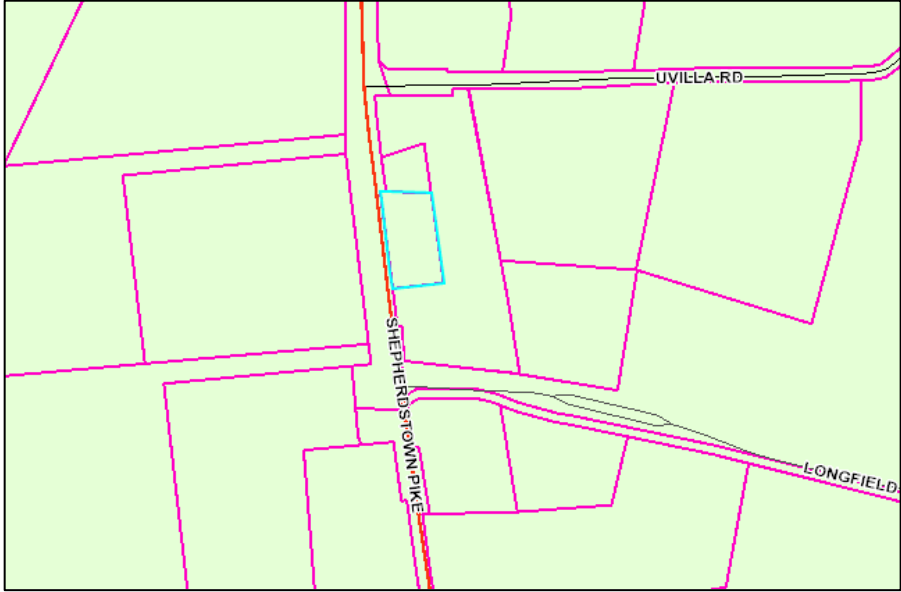


Share

Staff Report
 Jefferson County Board of Zoning Appeals
 June 27, 2019

Saint James Lutheran Church Variance Request (#19-12-ZV)

Item #2 Variance from Appendix B to reduce the side and rear setback from 50' to 5' for a 1,060 sq. ft. addition to an existing church.

Applicant:	Ed Fitzpatrick
Owner:	Saint James Lutheran Church
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">4338 Shepherdstown Pike, Shepherdstown WV Parcel ID: 09002000150000; Size: .31 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:	07/21/11: reduce the side setback to 5' for a 640 sf addition (ZV11-18).
Waivers/Variations:	None
Approved Activity:	Church

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Appendix B to reduce the side and rear setback from 50' to 5' for a 1,060 sq. ft. addition to an existing church.

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
June 27, 2019

Saint James Lutheran Church Variance Request (#19-12-ZV)

Staff Evaluation of Request

The subject parcel was created prior to the adoption of the Zoning Ordinance and is considered a nonconforming lot because it does not comply with current site development standards for a church.

The church owns both of the adjoining parcels (●) that would be impacted by a setback reduction; therefore, it is expected that granting the variance would not have a negative impact on adjacent property owners.



It is not feasible to construct an addition to the church the way the lot is currently configured. The location of an existing cemetery and the narrow width of the lot limit expansion.

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:

See attached Appendix B.

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

Zoning District	Development Type ^o	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imperious Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use						
						Front	Side	Rear	Front	Side	Rear	A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)		Commercial Use		Industrial Use		
												Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A					
	Commercial or Industrial**	See IC District																
Village (V)	Commercial [‡]	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District			35	See IC District												
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District												
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 [£]	10 ^o	See I-C District		25	See IC District						
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District									
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25										
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25										
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50										
	Industrial	3 ac***	N/A	75	90%	25	50	50										
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 [£]	10 ^o	See IC District									
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by “ac” (acres).

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

**** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

‡ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

o For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

o A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

o Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.



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: 19-12-2v
 Staff Initials: GH
 Meeting Date: 6/27/19
 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: Saint James Lutheran Church
 Mailing Address: PO Box 2008 Shepherdstown, WV 25443
 Phone Number: 304-876-6771 Email: _____

Applicant Contact Information

Name: Ed Fitzpatrick
 Mailing Address: 425 Ashley Dr. Shepherdstown, WV 25443
 Phone Number: 304-261-7778 Email: eaf.3@comcast.net

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

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

Physical Property Details

Physical Address: 4320 Shepherdstown Pike (4338 Shtwn PK) 25443
 City: Duellast Shtwn State: WV Zip Code: _____
 Tax District: Shepherdstown Map No: 20 Parcel No: 16 15
 Parcel Size: 3.7 ac. .31 ac Deed Book: 109/938-1042 Page No: 44/388 382

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">MAY 30 2019</p> <p align="center">JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING</p> <p align="center">Place Received Date Stamp Here</p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

Yes

No

Reference the section of the Zoning Ordinance pertaining to this request: 4.10 5.7(b)(site) AppB gpt

Briefly describe the nature of the variance request:

SEE ATTACHED

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

Front Setback Side Setback Rear Setback Reduction From 50' 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:

SEE ATTACHED

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

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

[Signature] 5/28/19
Signature of Property Owner Date

[Signature] 5-29-19
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).

06/27/19
Date of Public Hearing

06/12/19
Advertising Date

06/12/19
Placard Posting Date

Zoning

From: Planning Department
Sent: Thursday, June 6, 2019 9:41 AM
To: Zoning
Subject: FW: Saint James Lutheran Church variance request corrected to App. B for meeting 6/27

For File: 19-12-ZV

From: EDWIN FITZPATRICK [mailto:eaf.3@comcast.net]
Sent: Thursday, June 6, 2019 8:26 AM
To: Planning Department
Subject: Fwd: Saint James Lutheran Church variance request corrected to App. B for meeting 6/27

St. James Lutheran Church at Uvilla Request for Variance June 27, 2017

BRIEF DESCRIPTION OF THE REQUEST:

St. James Lutheran Church at Uvilla (St. James) is seeking variances from the Jefferson County Zoning Ordinance. The request is for a variance from Appendix B. St. James is asking for permission to build an addition to the church.

St. James is a rural parish that has existed on this site since 1850 when the congregation was established. The land housed a chapel until the existing church was built in 1865. It is a small parish with a established ministry. St. James includes approximately 55 families with 145 members. The average attendance is around 40. These members' ancestors were founding members of the congregation in 1850.

St. James would like to add a 1060 square foot addition on a portion of the east side of the church. This addition will provide a new narthex (entrance), sacristy, bathrooms (currently no bathrooms exist in the church) and a classroom This addition will not create a need for additional parking as there is not an increase in seating capacity. Based on the above, St. James would respectfully ask for the board to grant our variance request as all parcels involved are owned by the church.

SEE ATTACHED RESPONSES:

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

The addition will have little effect on the neighborhood, because most of the use of the sanctuary will continue to take place during church events. There will not be any intensification of the use and thus, no additional impact to the surrounding area. Public health and safety will be addressed because Health Department approval and County Building Code approval will be necessary at the building permit stage. Regarding public welfare, St. James believes that any improvement of its ministries will benefit the community as a whole.

Regarding the setback variance, the reduction to 5 feet will not have any effect on the

adjacent property owners, or residents, since St. James owns the adjacent parcels. Please refer to photo A & D.

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 reduction of the setback is requested due to the limitations on the site, which only allows the addition to go on a portion of the east side of the building. The south side is not available for expansion since that is where the existing cemetery is located. The west side is also not available due to the proximity of Shepherdstown Pike. The prescribed 50' side setback would extend all the way to the east wall of the existing church, precluding the possibility of any addition to the church.

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

Regarding the setback variance, the 50' setbacks leave insufficient space on the east side of the church and would not allow for any improvements to the existing church.

4. Will allow the intent of the zoning ordinance to be observed and substantial justice done:

The intent of the Zoning Ordinance will be maintained. St. James owns the adjacent parcels and those parcels' setbacks will be maintained. There will be no adverse impact with such a small addition. The 1,060 square feet addition meets the county's no site plan requirement for a structure under 1,200 square feet.

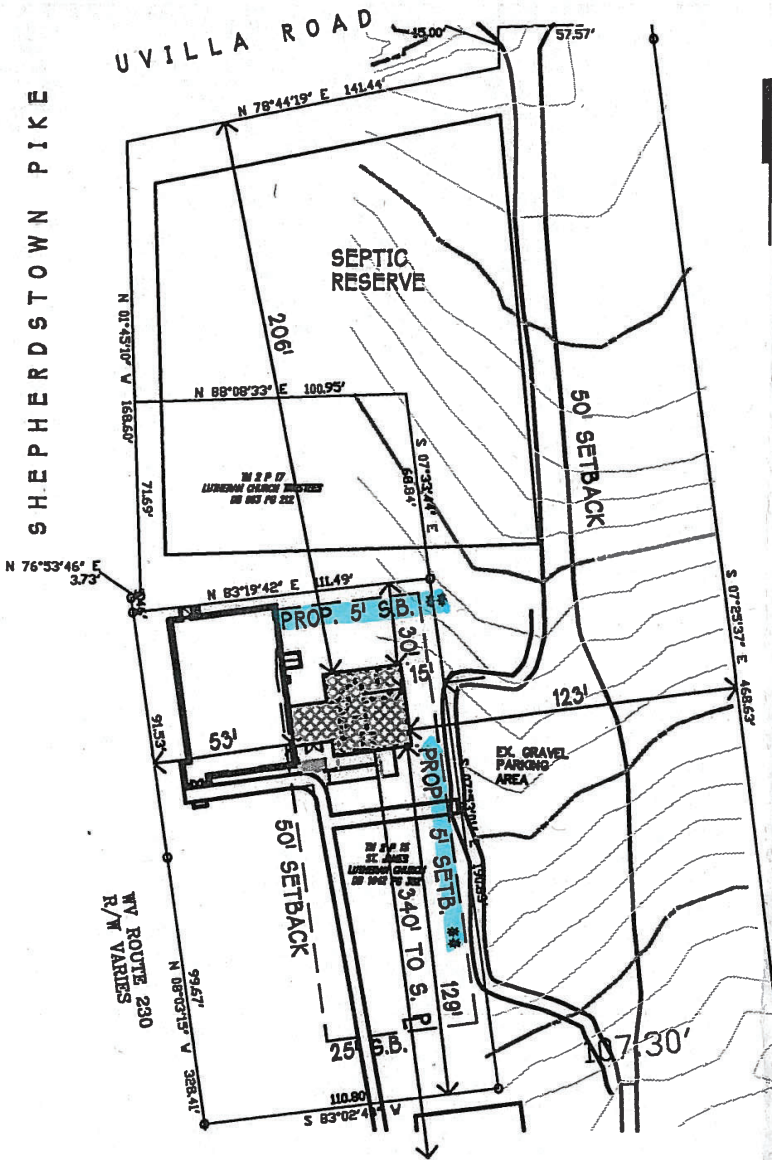
Regarding the setback variance, the intent of the ordinance is to make sure that neighbors aren't impacted in a negative way. In this case the adjacent land is owned by the church. See photo B and photo C.

Based on the above and the brief description, St. James believes that substantial justice would be to grant the variance to allow the addition variance to allow a modest addition to be built with a 5 foot setback on the east and north sides.

Accordingly, St. James respectfully asks the board to grant the approval that we are seeking.

Thank you very much,
Ed Fitzpatrick
Saint James Council president

19-12-ZV



NORTH

PROPOSED ADDITION ON PARCEL 15:
 USE ANCILLARY TO THE EX. CHURCH
 (TOILETS, SACRISTY, EDUC. ROOM,
 NARTHEX)

1. ADDITION = 1060 SF
 = LESS THAN 1200 SF MAX.
2. NO CHANGE TO EX. CHURCH =
 NO ADDITIONAL CHURCH SEATING ADDED
 = NO ADDITIONAL PARKING REQ'D
3. DISTURBED AREA = 3000 SF
 = LESS THAN 5000 SF MAX.

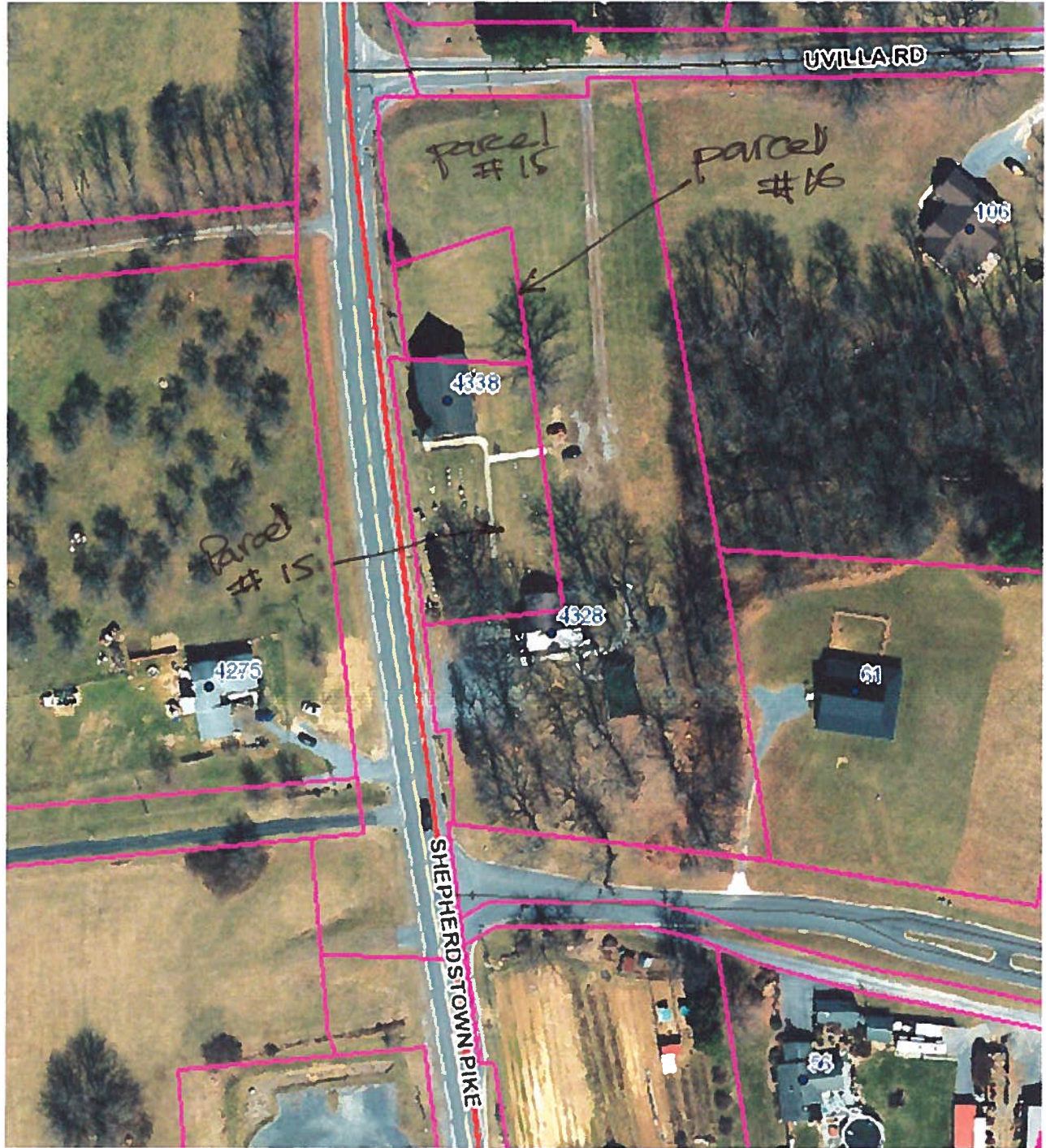
SINCE ALL 3 CRITERIA MET,
 NO SITE PLAN REQUIRED

** WILL BE REQUESTING A VARIANCE
 TO REDUCE EX. 50' SIDE, REAR YARD
 SETBACK TO 5'

SITE PLAN

5-29-19

19-12-ZV



↑
N

GPS

19-12-ZV



PHOTO "A"

SOUTH

19-12-ZV



PHOTO "B" Non

19-12-2Y



PHOTO "C" EAST



Saint James side setback photo "D"

Fellowship Bible Church Variance (19-13-ZV)

Summary of Request and Purpose of Ordinance Requirements

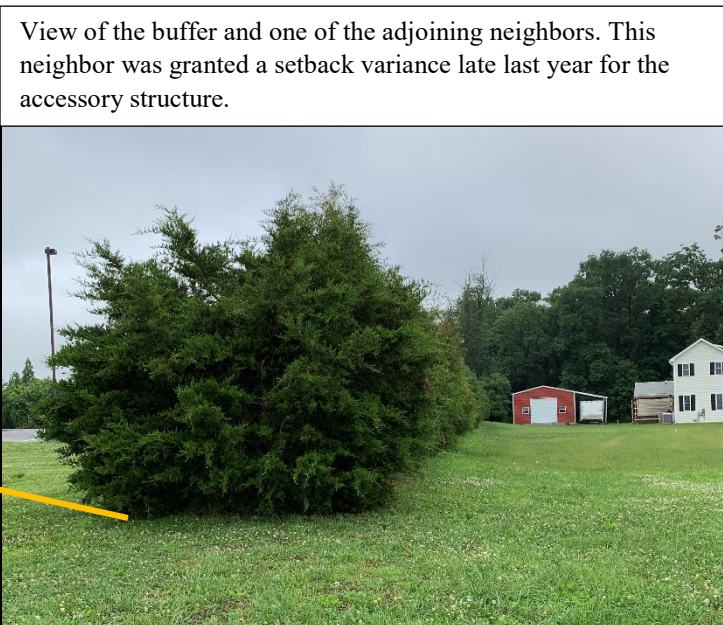
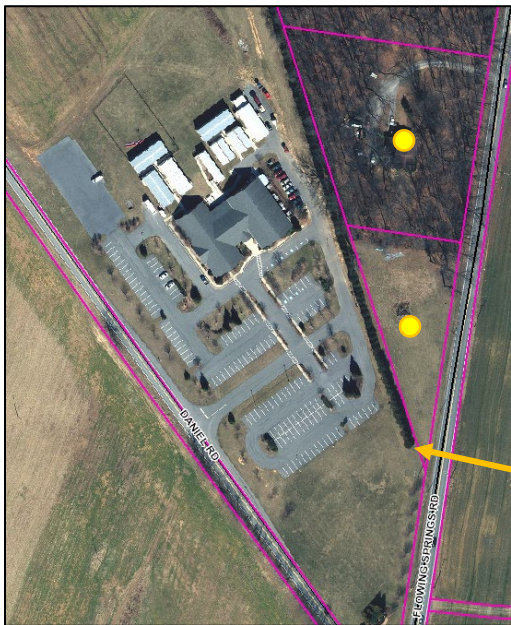
The applicant is requesting a variance from Appendix B to reduce the required landscape buffer from 20' to 10' to relocate a portion of the drive aisle. On September 21, 2018, the applicant was granted a side setback reduction from 50' to 34' to construct an addition to the existing church. As part of the proposed addition, the applicant would like to retain the existing drive aisle by shifting it closer to the property line.

The church property has a long history of site plan approvals dating from 2001 to the present which reflect a 20' landscape buffer. The landscape buffer is currently comprised of mature evergreen trees and provides a significant buffer to the adjoining residential parcels to the east.

Staff Evaluation of the Request

The church is a multi-phase project. The 20' landscape buffer has been reflected on the various approved site plans. Appendix B currently requires that churches provide either a 50' unscreened buffer or a 15' screened buffer from residential uses. The Ordinance states, "...No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers."

There are two residential lots adjoining the church's eastern boundary line (●). Both lots may be impacted by the proposed relocation of the drive aisle and the potential removal of existing mature trees. It appears that the lot which would be most impacted by the subject request is a densely wooded lot.

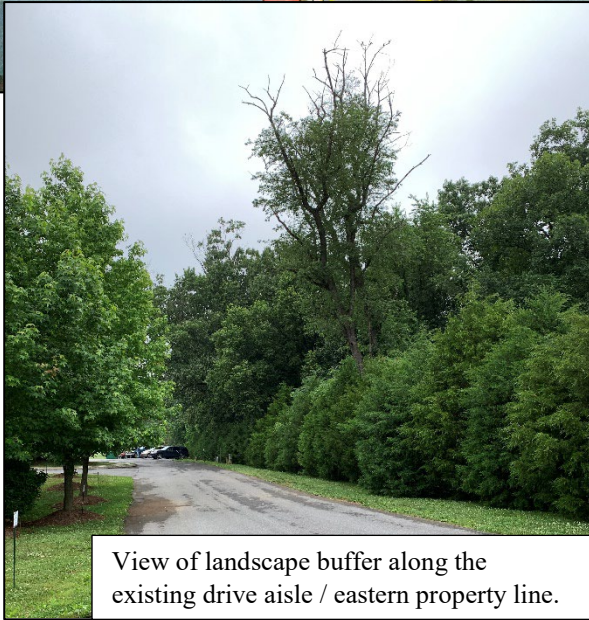


The Staff Report for the recent setback variance (ZV18-15) noted that the building encroachment of the proposed addition into the setback area would have minimal impact on adjacent neighbors due to the existing landscape buffer. Staff's expectation was that the existing landscaping would be retained and continue to provide the required buffer; therefore, Staff is uncertain of the implication that reducing the existing buffer may have on the approval of the previous variance (ZV18-15) since the Board's approval was made with the knowledge that a significant landscape buffer existed along the impacted property line.

Staff Report
Jefferson County Board of Zoning Appeals
June 26, 2019

Fellowship Bible Church Variance (19-13-ZV)

Based on the applicant's sketch, it appears that shifting the drive aisle to locate 10' from the property line will require removing a portion of the existing landscaping. The applicant is proposing to replant any trees that are removed.



View of landscape buffer along the existing drive aisle / eastern property line.



Conditions of Approval

If granted, a possible condition of approval could be:

1. Any landscaping that is removed or destroyed as a result of the proposed construction shall be replaced with the same species of planting; and shall meet the required planting height noted in Standard Detail M-54 (in effect at the time of the original planting).

Section of Ordinance to be Considered:

See attached Appendix B and Standard Detail M-54.

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

Zoning District	Development Type [⊖]	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
											A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use		
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25		15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)	
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25		15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)	
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use		25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)	
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A					
	Commercial or Industrial**	See IC District																
Village (V)	Commercial [¥]	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District			35	See IC District												
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District												
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 [£]	10 [⊖]	See I-C District		25	See IC District						
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District									
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25										
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25										
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50										
	Industrial	3 ac ***	N/A	75	90%	25	50	50										
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 [£]	10 [⊖]	See IC District									
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by “ac” (acres).

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

**** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

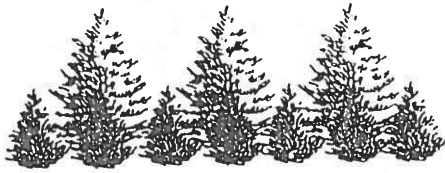
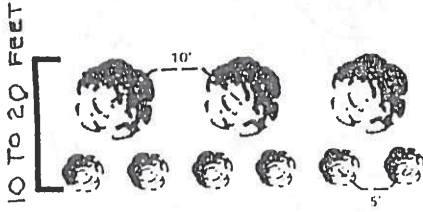
⊕ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

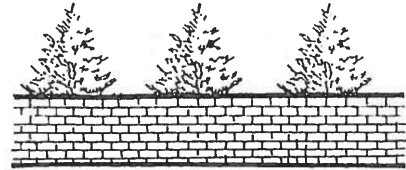
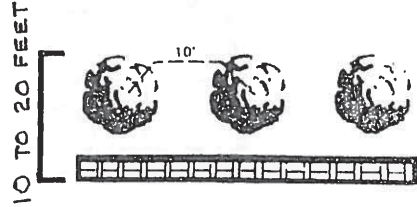
TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION F

TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

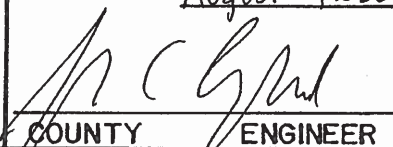
OPTION G

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: 19-13-ZV
 Staff Initials: GH
 Meeting Date: 6/27/19
 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: FELLOWSHIP BIBLE CHURCH
 Mailing Address: 160 DANIEL ROAD, SHENANDOAH JUNCTION, WV 25442
 Phone Number: 304-728-3700 Email: fberich@fellowshipwv.org

Applicant Contact Information

Name: RICHARD BEDDOW - PROPERTY SUPERVISOR FOR FBC
 Mailing Address: 160 DANIEL ROAD, SHENANDOAH JUNCTION, WV 25442
 Phone Number: 304-702-4117 Email: fberich@fellowshipwv.org

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

Name: GARY FREY - SURVEYOR
 Mailing Address: P.O. BOX 1218, HARPERS FERRY, WV
 Phone Number: 304-728-3869 Email: _____

Physical Property Details

Physical Address: 160 DANIEL ROAD
 City: SHENANDOAH JUNCTION State: WV Zip Code: 25442
 Tax District: 02 Map No: 3 Parcel No: 4.5
 Parcel Size: 50 ACRES Deed Book: 992 Page No: 338

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

JUN 03 2019

JEFFERSON COUNTY PLANNING,
ZONING & 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

Reference the section of the Zoning Ordinance pertaining to this request: _____

Briefly describe the nature of the variance request:

SEE ATTACHMENT

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:

GRANTING THIS VARIANCE WILL NOT ADVERSELY AFFECT ADJACENT PROPERTY OWNERS. THE PROPERTY LINE HAS SCREEN TREES AND THE ADJACENT PROPERTY IS WOODED WITH DWELLINGS +75' FROM THE PROPERTY LINE.

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 LOCATION AND SIZE OF THE BUILDING EXPANSION IS BY RECOMMENDATION FROM OUR ARCHITECT AFTER CONSIDERING EXISTING STRUCTURE, PARKING, PEDESTRIAN FLOW, UTILITIES, AND COST.

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

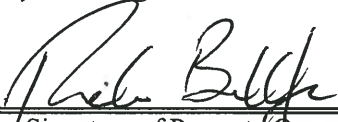
GRANTING THIS VARIANCE WILL ALLOW FELLOWSHIP BIBLE CHURCH TO EXPAND AND ACQUIRE THE MOST SQUARE FOOTAGE FOR THE MONEY.

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 THE ORDINANCE TO BE OBSERVED AND SUBSTANTIAL JUSTICE DONE BY ALLOWING REASONABLE USE OF THE LAND

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

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



(Signature of Property Owner)

6-2-19

Date

Signature of Property Owner

Date

Notification Requirements (to be completed by staff)

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

06/27/19

Date of Public Hearing

06/12/19

Advertising Date

06/12/19

Placard Posting Date

Briefly describe the Nature of the variance request:

In September 2018 Fellowship Bible Church requested a variance from the setback ordinance to allow for a proposed building expansion (ZV18-15). This variance reducing the setback from 50' to 34' was granted and the design work continued. It was later discovered that the written variance approval document did not mention the existing drive aisle beside the building. It has been our intent to keep this drive aisle. This drive aisle gives access to our kitchen, dumpster, and a few parking spaces. The existing drive aisle would have to shift slightly toward the property line to accommodate the building expansion leaving about 10' for the screen trees. It is our intent to keep or replace any trees affected by the construction. We would ask the board to allow us to keep the 20' drive aisle inside of the 34' setback and leave a 10' area for the screen trees as shown in the attached drawing.

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JUN 03 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Date: May 16, 2019
 Project No.: 13-02-J-C
 Scale: 1"=50'
 Jefferson County
 Deed Book 922 Page 338
 Plat Book 18 Page 79, Lot 2 (Residue)
 Charles Town District (02)
 Tax Map 3 Parcel 4.5



Prepared By:
Gary A. Frey, P.S.
 P.O. Box 1218 Harpers Ferry, WV 25425
 304-820-9331

Legend

- | | |
|---------------------------------|------------------------------------|
| Boundary | Proposed Church / Kitchen Addition |
| Buffer Yard & Landscape Setback | Proposed Loading Dock |
| Building Setback | Proposed Drive Aisle |
| Parking & Aisle Setback | Proposed Sidewalk |
| Proposed Water Service Line | PHS1A Church Parking Lot Expansion |

Fellowship Bible Church
Phase 1C Church Addition
Proposed Improvements Sketch





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

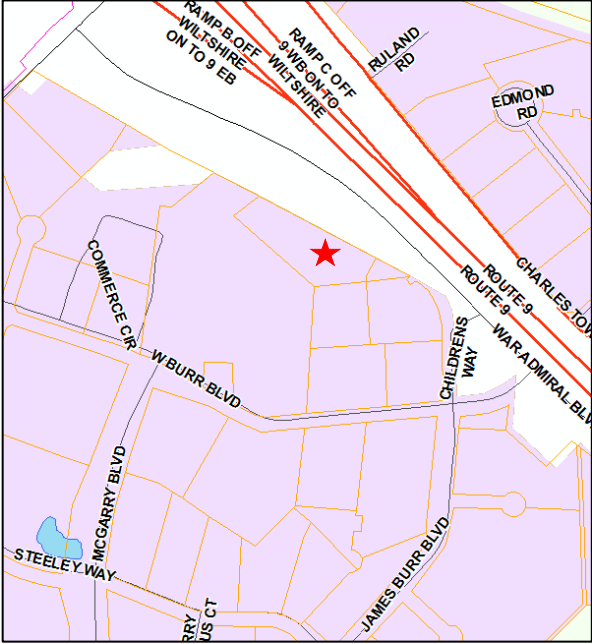
Zoning Administrator's Report Board of Zoning Appeals Meeting June 27, 2019

- 1) **Request for extension of a Conditional Use Permit for Blossman Gas (CUP17-05)**
 - See attached staff report and request from applicant
- 2) **Request for clarification regarding Beallair Homes, LLC variance request (19-10-ZV)**
 - See attached Memorandum
- 3) **Text Amendments:**
 - 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.
 - On May 2, 2019 the County Commission approved the request to advertise the RFQ.
 - On July 9, 2019 the Planning Commission will hold two Public Hearings to review two proposed text amendments:
 - ZTA19-01 – Special Event Facilities in the Rural, Residential Growth, and Village zoning districts (replacing Section 8.14 Rural Reception/Event Facility provisions)
 - ZTA19-02 – Appendix C Principal Permitted and Conditional Uses Table - change Churches from “Not Permitted” to “Conditional Use” in the Industrial Commercial zoning district.
- 4) **Upcoming BZA meeting**
 - The next regular meeting is scheduled for **July 25, 2019** (deadline for submissions is Monday, July 1, 2019)

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 June 27, 2019

Conditional Use Permit Extension Request for Blossman Gas (#CUP17-05)

Request by Gordon on behalf of Kubic Construction for an 18 month extension of the Conditional Use Permit for Blossman Gas, a propane distribution facility to consist of two (2) 30,000 gallon propane storage tanks for distribution to residential, commercial, and industrial properties; a 3,600 square foot structure to house an office, a warehouse and retail sales area; vehicle tank storage area; and associated customer/employee parking. The current CUP will expire on July 18, 2019.

Applicant:	Gordon (engineering firm) on behalf of Kubic Construction
Owner:	Blossman Gas, Inc
Property Location:	Burr Industrial Park, Lot 12, fronting War Admiral Blvd in Kearneysville
Legal Description & Zoning District:	<p>District: Charles Town (02); Map: 1; Parcel: 65 Size: 2.31 acres; Zone: Industrial-Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p><i>North:</i> Industrial-Commercial <i>South:</i> Industrial-Commercial <i>East:</i> Industrial-Commercial <i>West:</i> Industrial-Commercial</p>
Approved Use:	Propane Distribution Facility (via Conditional Use Permit)
Waivers/Variances:	07/26/16: BZA approved a variance to reduce building setback requirements for commercial/industrial uses within the Park to 25' for all vacant JCDA lots; to reduce the landscape buffer for commercial/industrial sites adjacent to commercial/industrial uses; to allow a modified planting standard; and to reduce the parking and drive aisle setbacks for a proposed industrial use (ZV16-14).

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 27, 2019

Blossman Gas
Conditional Use Permit Extension Request by Blossman Gas (#CUP17-05)

Summary of Request and Purpose of Ordinance Requirements

The Applicant seeks an extension of a Conditional Use Permit for Blossman Gas, which the Board of Zoning Appeals voted to approve on November 9, 2017. Staff signed the CUP on January 19, 2018. The CUP will expire on July 18, 2019.

The land use described in the CUP is as follows:

“A propane distribution facility to consist of two (2) 30,000 gallon propane storage tanks for distribution to residential, commercial, and industrial properties; a 3,600 square foot structure to house an office, a warehouse and retail sales area; vehicle tank storage area; and associated customer/employee parking. Blossman Gas intends to employ approximately 20 people.”

Staff Evaluation of the Request

A site plan for Blossman Gas was submitted on April 9, 2019 to the Department of Engineering, Planning, and Zoning (File #19-1-S). The project is currently under review.

Section 3.2G of the Zoning Ordinance states that a Conditional Use Permit “shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced.”

The Zoning Ordinance does not define what is meant by commencement of a land use. A previous Zoning Administrator implemented a policy clarifying that a land use is considered commenced when a site plan is approved and a building permit is issued (see attached policy). Our Office has continued to operate under this interpretation.

The building permit cannot be issued until the Site Plan has been approved and while Staff review of the site plan is near completion, Staff advised that the applicant seek an extension so as to not lose the approval under CUP17-05.

Section of Ordinance to be Considered

Section 3.2 Zoning Administrator

- G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months.

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

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

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

MEMO

TO: Planning, Zoning, and Engineering Departments
FROM: Steve Barney, Zoning Administrator, Planning and Zoning Department
DATE: June 17, 2013
RE: Determination: Commencement of a Land Use – Conditional Use Permits and Zoning Certificates

Background

The validity period for Conditional Use Permits (CUPs) and Zoning Certificates is established in Section 3.2G of the Jefferson County Zoning and Land Development Ordinance, which states:

A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced.

Because the ordinance does not define what is meant by commencement of a land use, I am issuing a determination to interpret this provision of the ordinance.

Determination of Commencement of Land Use

Commencement of a land use for site plan developments, residential subdivision developments, and other developments associated with Conditional Use Permits and Zoning Certificates shall be as follows:

1. **Site Plan**

A Conditional Use Permit or Zoning Certificate associated with a site plan development (industrial, commercial, multi-family, etc.) shall be considered to have commenced following:

- a. Approval of a site plan for the land use by the appropriate approving entity designated in the Jefferson County Subdivision and Land Development Regulations¹; and
- b. Issuance of a building permit application for the use, following site plan approval, subject to the following:
 - i. If construction lawfully begins for work shown on the approved building permit, then the construction/commencement of the use shall be considered valid, and the CUP or Zoning Certificate is no longer subject to expiration per Section 3.2G.

- ii. If no construction work lawfully begins for work shown on the approved building permit associated with a CUP or Zoning Certificate, the CUP or Zoning Certificate shall be valid until the later of:
 - (a) The expiration date of the CUP or Zoning Certificate, whichever is applicable (as amended by any extensions approved by the Board of Zoning Appeals); or
 - (b) The expiration date of the building permit.

2. Residential Subdivision Development

A Conditional Use Permit for a residential subdivision shall be considered to have been commenced after approval of a final plat by the appropriate approving entity designated in the Jefferson County Subdivision and Land Development Regulations.ⁱ

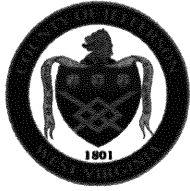
3. Other Developments

For land uses that do not require approval of a site plan or a residential subdivision plat prior to initiation, the use shall be considered to have commenced following:

- a. Lawful occupancy of the site by the land use (i.e. establishment of the business or other land use type for which the Conditional Use Permit or Zoning Certificate was issued, on the subject property, in compliance with all county requirements); or
- b. Issuance of a building permit application for the use, subject to the following:
 - i. If construction lawfully begins for work shown on the approved building permit, then the construction/commencement of the use shall be considered valid, and the CUP or Zoning Certificate is no longer subject to expiration per Section 3.2G.
 - ii. If no construction work lawfully begins for work shown on the approved building permit, the CUP or Zoning Certificate shall be valid until the later of:
 - (a) The expiration date of the CUP or Zoning Certificate, whichever is applicable (as amended by any extensions approved by the Board of Zoning Appeals); or
 - (b) The expiration date of the building permit

Please let me know if you need additional information.

ⁱ For site plans and final plats that require Planning Commission approval: In the event that a request to approve a site plan or final plat is scheduled on a Planning Commission agenda for a date prior to the expiration of the CUP or Zoning Certificate, and the meeting is postponed or the agenda item is postponed (by the behest of the Planning Commission rather than by request of the applicant) to a subsequent meeting, then the CUP or Zoning Certificate shall continue to be considered valid until the meeting at which the Planning Commission votes on the request.



JEFFERSON COUNTY, WEST VIRGINIA

OFFICE OF PLANNING AND ZONING

116 EAST WASHINGTON STREET

P.O. BOX 716

CHARLES TOWN, WV 25414

CONDITIONAL USE PERMIT

BLOSSMAN GAS - FILE #CUP17-05

This is to certify that effective January 19, 2018, a Conditional Use Permit has been issued for the following:

Project Name: Blossman Gas
 Owner: Jefferson County Development Authority
 Mailing Address: P.O. Box 237, Charles Town, WV 25414
 Applicant Name: Ellis Chapman, Blossman Gas, LLC
 Mailing Address: 107 W. Main St., Berryville, VA 22611
 Telephone Number: 540-955-4677
 Property Location: Burr Industrial Park, Lot 12, Kearneysville, WV 25430
 Tax Reference: District: Charles Town (02); Map: 1; Parcel: 65
 Deed Reference: Book: 1036; Page: 607
 Zoning District: Industrial-Commercial
 Parcel Size: 2.31 acres
 Approved Use: A propane distribution facility to consist of two (2) 30,000 gallon propane storage tanks for distribution to residential, commercial, and industrial properties; a 2,500 square foot structure to house an office, a warehouse and retail sales area; vehicle tank storage area; and associated customer/employee parking. Blossman Gas intends to employ approximately 20 people.

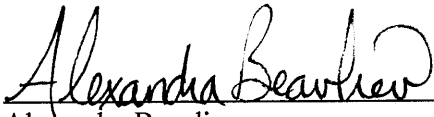
Pursuant to Article 6 of the Jefferson County Zoning and Land Development Ordinance the Board of Zoning Appeals held a public hearing on October 26, 2017 for the purpose of determining if the Conditional Use met the criteria outlined in Section 6.3A.1-6. Finding that the Conditional Use met all the criteria, the Board voted to **Grant** the requested Conditional Use Permit with the following conditions:

The applicant shall:

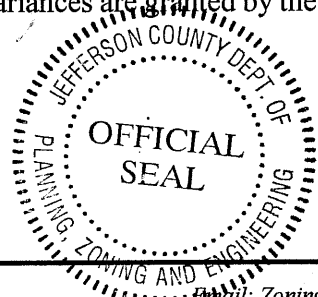
1. Comply with all Federal, State, and Local Fire Regulations;
2. Retain a 50' natural buffer between the daycare and Blossman Gas comprised of existing, mature vegetation; and
3. Educate neighboring businesses.

In the event that the operation of this land use has not commenced by July 18, 2019, this Permit will expire. Prior to the expiration date, an extension request must be submitted to the Office for consideration by the Board of Zoning Appeals. See Jefferson County Zoning and Land Development Ordinance, as amended March 16, 2017, Section 3.2G.

This Permit in no way relieves the Owner or Applicant from any requirements of Jefferson County Ordinances or Regulations unless the appropriate waivers/variances are granted by the appropriate County authority.


 Alexandra Beaulieu
 Zoning Administrator

01-19-18
 Date





June 18, 2019

Ms. Alexandra Beaulieu
Zoning Administrator
Jefferson County Planning & Zoning
116 E Washington St, Charles Town, WV 25414

Re: Burr Industrial Lot 12
Gordon Project #3337-0101

Dear Ms. Beaulieu:

On behalf of Kubic Construction, we would like to request an extension for the CUP17-05 granted for Burr Industrial Lot 12/ Blossman Gas. This extra time would allow for outside agencies to finish their review and grant approvals. Additionally, the extension would allow our firm the flexibility to address any comments returned to us by outside review agencies.

Please feel free to contact me at 304-725-8456 or by email at astratton@gordon.us.com if you should have any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amanda Stratton".

Amanda Stratton



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV25414

www.jeffersoncountywv.org

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

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: Board of Zoning Appeals

FROM: Alexandra Beaulieu, Zoning Administrator

DATE: June 27, 2019

RE: Beallair Homes, LLC Setback Variance 19-10-ZV

On May 23, 2019 a Public Hearing was held to review and consider a variance to reduce the required setbacks for various lots within the Beallair Subdivision. The Board granted the variance with a unanimous vote.

Following the meeting, Staff was contacted about the applicability of Section 9.5 Projections Into Yards.

The Zoning Administrator stated that based on the applicant's testimony that granting of the variance would allow construction on the subject lots "without the need of coming back for individual variances for a foot here and there for porches, eaves, jut-outs, bay windows, etc." this section did not apply to the subject lots. The Zoning Administrator did state that roof overhangs would be permitted in accordance with Section 9.5 but advised any other projections into the setback would necessitate processing another variance.

The applicant's representative, Paul Raco, stated that he did not intend for the setback reduction that was granted by way of variance to preclude the developer from utilizing the provisions set forth in Section 9.5.

Section of Ordinance to be Considered

Section 9.5 Projections Into Yards⁸

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four feet; provided that such projections are not over ten feet in width. All roof overhangs may extend into any required yard not more than two feet; provided that the primary structure is located entirely within the appropriate setback.²³



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

June 2019
Zoning Certificate Activity Report

File #	19-10-ZC
Request:	Temporary Sale of Legal Fireworks
Property Owner:	SUSO 2 Alabama, LP
Applicant:	TNT Fireworks, LLC / Attn: Jerri Morfa
Parcel Info:	96 Patrick Henry Way; Charles Town, WV 25414 Parcel ID: 02000800290002; Size: 21.33 ac; Zone: Residential-Light Industrial-Commercial
Issuance Date:	05/20/19
File #	19-11-ZC
Request:	Temporary Sale of Legal Fireworks
Property Owner:	Sebbahi Real Estate, LLC
Applicant:	Super Novelty, LLC / Attn: Greg Throckmartin
Parcel Info:	99 Cary Ly Circle, Harpers Ferry, WV 25425 Parcel ID: 04001100070000; Size: 7.98 ac; Zone: Residential-Light Industrial-Commercial
Issuance Date:	05-30-19
File #	19-12-ZC
Request:	Home Occupation Level I / Solace Contracting and Consulting, LLC
Property Owner:	Brandon Powell
Applicant:	Same as Property Owner
Parcel Info:	17165 Hays Drive, Bluemont, VA 20135 Parcel ID: 06025A00090000; Size: .68 ac; Zone: Rural
Issuance Date:	05/20/19
File #	19-13-ZC
Request:	Temporary Sale of Legal Fireworks
Property Owner:	Montauk Bohemia Relaty, LLC
Applicant:	Keystone Novelties Distributors, LLC
Parcel Info:	49 Patrick Henry Way, Charles Town, WV 25414 Parcel ID: 02000800290006; Size: .55 ac; Zone: Residential-Light Industrial-Commercial
Issuance Date:	05/20/19
File #	19-14-ZC
Request:	Add and replace antennae and equipment to existing antenna array located on an existing telecommunications tower.
Property Owner:	American Tower Corporation
Applicant:	AT&T Wireless / Attn: Tessia Knight
Parcel Info:	17340 Poppy Road, Bluemont, VA 20135 Parcel ID: 06002500080003; Size: 2± ac; Zone: Rural
Issuance Date:	06/07/19

Zoning Certificate Activity Report

June 2019

Page 2 of 2

File # 19-15-ZC
Request: Veterinary Clinic
Property Owner: Ian Harrison
Applicant: Same
Parcel Info: 154 Jenkins Hill Road, Charles Town, WV 25414
Parcel ID: 06001200160004; Size: 22 ac; Zone: Rural
Issuance Date: Withdrawn

File # 19-16-ZC
Request: Temporary Sale of Legal Fireworks
Property Owner: 340 Rainbow, LLC
Applicant: Ron Monday
Parcel Info: 3511 Berryville Pike, Charles Town, WV 25414
Parcel ID: 06001100010002; Size: 9.31 ac; Zone: Industrial Commercial
Issuance Date: 06/07/19
