



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

Public Hearing – Administer Oath

ITEM #1 FILE #: 19-14-ZV

Request: Variance from Section 4.9 to decrease the site distance requirement from 35' to 5'; and, Section 10.4B.3 to reduce the required front setback from 25' to 5' for a 2' x 12' monument sign along Martinsburg Pike (Route 45) and the proposed entrance to Seneca Crossing.

Owner: SAB Real Estate 2

Parcel Info: 8272 Martinsburg Pike, Shepherdstown, WV
Parcel ID: 09008A00190000; 09008A00210000; 09008A00230000 Size: 3.56 combined ac;
Zone: Residential- Light Industrial- Commercial

ITEM #2 FILE #: 19-16-ZV

Request: Variance from Section 10.4B.2 to increase the permitted freestanding nonresidential sign height from 35' to 65'.

Applicant: Holtzman Oil Corp

Owner: EPIC at Burr Park, LLC

Parcel Info: Burr Industrial Park Subdivision, Lots 16A and 16B, Vacant. Southeast corner of Wiltshire Rd and War Admiral Blvd. Charles Town WV
Parcel ID: 02000100690000 and 02000100690001; Size: 5.02 ac combined; Zone: Industrial Commercial

ITEM #3 FILE #: 19-17-ZV

Request: Variance from Appendix B and Section 4.11E to allow the proposed modified planting standard from a previous variance for lots within the Burr Industrial Park which was granted in 2016 (ZV16-14); and from Section 8.9A.10 to allow the street tree standard in lieu of the required 50' landscape buffer strip for lots along or .5 miles from a limited access highway.

Applicant: Holtzman Oil Corp

Owner: EPIC at Burr Park, LLC

Parcel Info: Burr Industrial Park Subdivision, Lots 16A and 16B, Vacant. Southeast corner of Wiltshire Rd and War Admiral Blvd. Charles Town WV
Parcel ID: 02000100690000 and 02000100690001; Size: 5.02 ac combined; Zone: Industrial Commercial

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: June 27, 2019

1. Variance from Section 9.6C & 9.7. Owners: Frank and Sandy Kovach. File: 19-11-ZV
 2. Variance from Appendix B. Owners: Saint James Lutheran Church. File: 19-12-ZV.
 3. Variance from Appendix B. Owners: Fellowship Bible Church. File: 19-13-ZV.
-

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: June 27, 2019
2 Meeting Location: Charles Town Library Conference Room
3 200 East Washington Street, Charles Town, West Virginia
4 Board Members Present: Jeffrey Bannon, Vice Chair, Matthew McKinney, Deirdre Catterton and
5 Leeds Corbin
6 Members absent: Tyler Quynn, Chair 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. Corbin moved to call the meeting to order at 2:00 pm, which carried unanimously.

11 **Public Hearing – Administer Oath**

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

13 **Approval of Minutes: May 23, 2019**

14 Mr. McKinney moved to approve the minutes as presented. Mr. Corbin seconded the motion, which
15 carried unanimously.

16 Mr. Bannon explained to the public how the meeting would be conducted.

17 ITEM #1 FILE #: 19-11-ZV

- 18 Request: Variance from Section 9.6C & 9.7 to reduce the front setback from 40' to 10' for a
19 30' x 50' garage with 12' x 50' lean-to and 8' x 8' stoop.
20 Applicant: Frank and Sandy Kovach
21 Parcel Info: Wheeler Subdivision, Lot B, 73 Wheeler Manor, Harpers Ferry, WV
22 Parcel ID: 09001800330000; Size: 2.12 ac; Zone: Rural

23 Mr. Frank and Ms. Sandy Kovach, property owners, were present to address the Board. Ms. Beaulieu
24 provided an overview of her staff report noting that the existing right-of-way to the rear of the
25 property appeared to serve two properties. Mr. Kovach explained the nature of the request stating that
26 the intent of the garage was for personal use to restore vehicles as a hobby. Mr. Bannon opened the
27 public hearing. There was no public comment. Mr. Bannon closed the public hearing.

28 Mr. Corbin moved to approve the variance as requested with the condition that the applicants were
29 bound by their testimony. Mr. Bannon called for a vote, which carried unanimously.

30

31 ITEM #2 FILE #: 19-12-ZV

- 32 Request: Variance from Appendix B to reduce the side and rear setback from 50' to 5' for a
33 1,060 sq. ft. addition to an existing church.
34 Applicant: Saint James Lutheran Church
35 Parcel Info: 4338 Shepherdstown Pike, Shepherdstown WV
36 Parcel ID: 09002000150000; Size: .31 ac; Zone: Rural

37 Mr. Edwin Fitzpatrick, Church representative, was present to address the Board. Ms. Beaulieu
38 provided an overview of her staff report explaining that the original structure was nonconforming as
39 it was built prior to the adoption of zoning. Ms. Beaulieu stated that the existing structure was
40 approximately 50' from the property line and therefore, it was not feasible to construct an addition
41 within the required setback. She stated that the location of the cemetery also limited the Church's
42 ability to expand. Ms. Beaulieu noted that the Church owned the adjoining properties which would

1 be impacted by the request. Addressing the Board's inquiry as to the feasibility of a boundary line
2 adjustment, Mr. Fitzpatrick stated that the Church's attorney had advised them not to consolidate
3 their parcels into one legal lot. Mr. Fitzpatrick explained the nature of the request stating that the
4 existing structure was built in the 1800s and did not include restroom facilities. The proposed
5 expansion would include restrooms and a classroom. Mr. Fitzpatrick stated the Church was working
6 with an architect to ensure the expansion would match the character of the original structure.
7 Mr. Fitzpatrick confirmed that if the Church were to liquidate its assets that all parcels would be
8 sold together as the septic for the church is on a separate lot. Mr. Bannon opened the public hearing.
9 There was no public comment. Mr. Bannon closed the public hearing.

10 Mr. Corbin moved to approve the variance as requested. Mr. Bannon called for a vote, which
11 carried unanimously.

12

13 ITEM #3 FILE #: 19-13-ZV

14 Request: Variance from Appendix B to reduce the required landscape buffer from 20' to 10'
15 for a portion of a drive aisle.

16 Applicant: Fellowship Bible Church

17 Parcel Info: 160 Daniel Rd, Shenandoah Junction, WV

18 Parcel ID: 02000300040005; Size: 50 ac; Zone: Rural

19 Mr. Richard Beddow, property supervisor, was present to address the Board. Ms. Beaulieu
20 provided an overview of her staff report noting that the applicant had recently requested a setback
21 reduction for an expansion to the existing church and that the request was granted based on the fact
22 that a substantial landscape buffer was in place. Ms. Beaulieu pointed out that should the current
23 request be granted that this buffer could be negatively impacted. Mr. Beddow explained the nature
24 of the request and stated that should any trees be damaged during construction that they would be
25 replaced. Mr. Beddow noted that there would be approximately 10' between the proposed drive
26 aisle and the property line where the existing trees (cedars) are planted. Mr. Bannon opened the
27 public hearing. There was no public comment. Mr. Bannon closed the public hearing.

28 Mr. Corbin moved to approve the variance as requested with the condition that the applicant
29 replace any damaged trees within the existing 10' buffer (tree line) to match what is currently
30 planted. Mr. Bannon called for a vote, which carried unanimously.

31 **Zoning Administrator Report**

32 a. Request for an extension of Conditional Use Permit #CUP17-05 for Blossman Gas which
33 expires July 18, 2019.

34 Mr. Jason Gerhart with Gordon was present to address the Board. Ms. Beaulieu explained
35 that the building permit had already been reviewed and issuance was pending approval of
36 the site plan. Additionally, Ms. Beaulieu noted that the site plan was in its final review.
37 Mr. Gerhart confirmed that an 18-month extension would be optimal. Mr. McKinney
38 moved to extend the expiration date for the Conditional Use Permit #CUP17-05 for
39 Blossman Gas for an additional 18-months (from July 18, 2019 until January 18, 2021).
40 Mr. Bannon called for a vote, which carried unanimously.

41 b. Request for Clarification regarding the Beallair Zoning Variance (19-10-ZV).

42 Mr. Michael Wiley, Professional Engineer for Wormald, was present to address the Board.
43 Mr. Wiley requested that the Board allow Section 9.5A Projections into the Yard to apply
44 to the lots that were subject to variance request 19-10-ZV. Mr. Wiley explained it had

1 always been their intent to be able to utilize this provision of the Ordinance as it relates to
2 the construction of stoops, porches, etc. Ms. Beaulieu noted that as part of the application
3 and verbal testimony during the May 23, 2019 meeting it was specifically stated that
4 granting of the setback variance would allow construction on the subject lots “without the
5 need of coming back for individual variances for a foot here and there for porches, eaves,
6 jut-outs, bay windows, etc.”. She stated that it was her opinion that the subject lots would
7 not be able to utilize Section 9.5A.

8 Mr. Corbin moved to go into deliberative session at 2:54 pm. Mr. McKinney seconded the
9 motion, which carried unanimously.

10 Ms. Catterton moved to come out of deliberative session at 3:25 pm. Mr. Corbin seconded
11 the motion, which carried unanimously.

12 Mr. Corbin moved to permit roof overhangs in accordance with Section 9.5A; however,
13 any additional projections into the [reduced] setback shall necessitate another variance.
14 Mr. Cochran requested for clarification of the record, that it was Mr. Corbin’s intent to
15 uphold Ms. Beaulieu’s recommendation in her memo. Mr. Corbin agreed. Mr. Bannon
16 called for a vote, which carried unanimously.

17 c. Monthly Zoning Certificate Activity Report. The Report was included in the mailed packet.

18 Ms. Beaulieu informed the Board that their next meeting would be July 25, 2019. Ms. Beaulieu also
19 informed the Board of pending text amendments.

20 Legal Update

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

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

23 Meeting: May 23, 2019

24 1. Request for a CUP for an existing Drive-Through, Fast Food Restaurant (McDonald's)
25 to replace and upgrade the exterior menu boards with digital menu boards. Applicant:
26 Expedite The Diehl. Owner: McDonald’s Corporation. File: 19-1-CUP.

27 2. Variance from Section 5.7(b). Owner: R. L. Jenkins. File: 19-8-ZV.

28 3. Variance from Section 4.3H. Owners: Michael Kelly & Michael Kelly Jr. File: 19-9-ZV.

29 4. Variance from Section 5.4 (b). Owner: Beallair Homes, LLC. File: 19-10-ZV.

30 5. Appeal of the Zoning Administrator’s determination that “tiny homes” are permitted
31 Camping Units as it related to the proposed campground associated with 19-3-ZV.
32 Appellants: Wayne and Ann Bavry and Neal and Alice Barkus. Files: 19-1-AP.

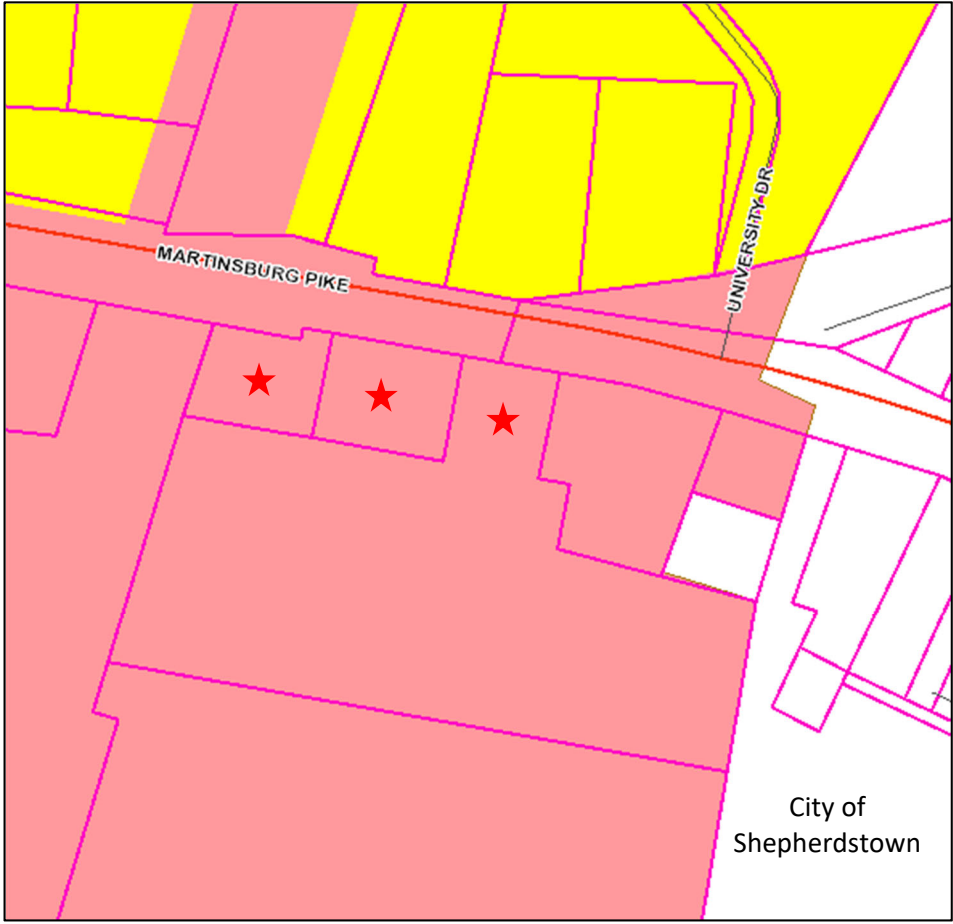
33 Mr. Quynn was not present at the meeting to sign the above referenced Findings.

34 Ms. Catterton moved to adjourn the meeting at 3:31 pm. Mr. McKinney seconded the motion,
35 which carried unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 July 25, 2019

Martinsburg ROCS Sign Variance Request (#19-14-ZV)

Item #1 Variance from Section 4.9 to decrease the site distance requirement from 35’ to 5’ and Section 10.4B.3 to reduce the required front setback from 25’ to 5’ along Martinsburg Pike (Route 45) and Maclaine Way, the proposed entrance to Seneca Crossing (File: 18-25) for the purpose of installing a 2’ x 12’ monument sign..

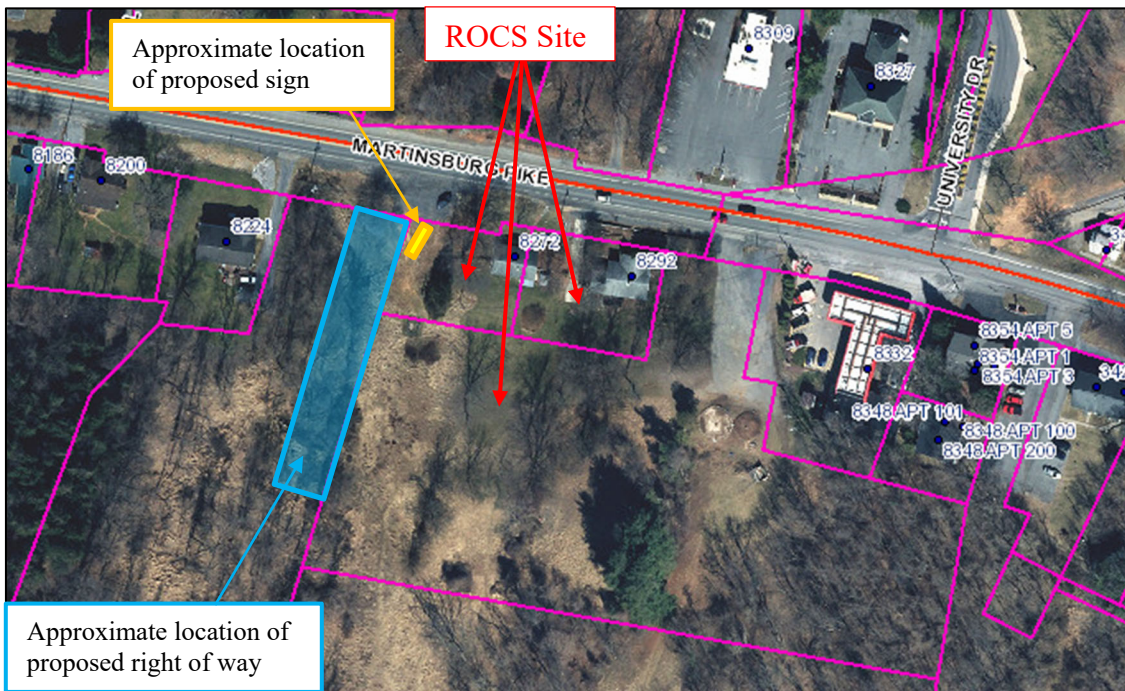
Applicant:	SAB Real Estate 2
Owner:	Same
Developer:	N/A
Consultant:	Gordon
Parcel Information and Zoning District:	<p style="text-align: center;">8272 Martinsburg Pike, Shepherdstown, WV Parcel ID: 09008A00190000; 09008A00210000; 09008A00230000 Size: 3.56 combined ac; Zone: Residential-Light Industrial-Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: <i>North:</i> Residential Growth <i>South:</i> Residential-Light Industrial-Commercial <i>East and West:</i> Residential-Light Industrial-Commercial</p>
History:	None
Waivers/Variations:	None
Proposed Activity:	S18-06: Construction of a gas station with a 5,600 sq. ft. convenience store and 5 fuel islands, with a total of 10 pumps.

Staff Report
Jefferson County Board of Zoning Appeals
July 25, 2019
Martinsburg ROCS Sign Variance Request (#19-14-ZV)

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 4.9 to decrease the site distance requirement from 35' to 5' and Section 10.4B.3 to reduce the required front setback for a 2' x 12' monument sign from 25' to 5' along Martinsburg Pike (Route 45) and Maclaine Way, the newly proposed entrance to Seneca Crossing (File: 18-25).

A key purpose of front yard setback requirement 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.



Staff Evaluation of Request

The applicant is proposing a monument sign in response to public comment made during the Concept Plan public workshop. While the proposed monument sign may be less obtrusive than a traditional freestanding sign, a setback reduction to allow the sign to be placed five feet from the edge of the right-of-way may create traffic visibility issues. The applicant stated in their application that the proposed signage will not create a visual or traffic obstruction; however, the applicant has not provided documentation to support this assertion.

Conditions of Approval

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

1. Landscaping around the monument sign should consist of small plants to avoid additional visual barriers that larger shrubs may create.

Staff Report
Jefferson County Board of Zoning Appeals
July 25, 2019
Martinsburg ROCS Sign Variance Request (#19-14-ZV)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.9 Traffic Visibility Across Corner Lots

On any corner in all districts, there shall be no obstruction to traffic visibility within 35 feet of the intersection of the two street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.²³

Section 10.4 Signs Requiring a Zoning Certificate³⁶

B. Freestanding Business Signs

Freestanding business signs related to the subject land use are permitted, provided:

1. The lot frontage is at least 40 feet.
2. One freestanding sign per street frontage is permitted. The total area for any sign or signs on one supporting structure shall not exceed 100 square feet and the maximum height of the sign structure shall not exceed 35 feet.
3. Freestanding business signs shall be located in such a manner that no part of the supporting structure is less than 25 feet from the street right-of-way, and that no part of the sign is closer than five feet to the right-of-way.
4. Freestanding business signs shall not face an adjacent residence.
5. Properties which consist of more than one land use shall be required to use a pylon sign. One pylon sign is permitted on each street frontage.^{8, 32, 35}
6. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.



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: 19-14-ZV
 Staff Initials: GA
 Meeting Date: 7/25/19
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: SAB Real Estate 2 LLC
 Mailing Address: 300 East John Street, Martinsburg, WV 25401
 Phone Number: 304-362-9618 Email: jburton@rmroach.com

Applicant Contact Information

Name: Same as Property Owner
 Mailing Address: _____
 Phone Number: _____ Email: _____


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

Name: GORDON
 Mailing Address: 148 S. Queen Street, Suite 201, Martinsburg, WV 25401
 Phone Number: 307-725-8456 Email: rperks@gordon.us.com

Physical Property Details

Physical Address: Martinsburg Pike (WV 45)
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: Shepherdstown Map No: 8A Parcel No: 19,21,23
 Parcel Size: 3.56 acres Deed Book: 1199 Page No: 687

Zoning District (please check one)

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

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 104.B.3

Briefly describe the nature of the variance request:

Allow freestanding monument business sign to be placed less than 25' from the street right-of-way

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

Front Setback Side Setback Rear Setback Reduction From 25' 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:

Sign placement will satisfy the intent of the ordinance requirement by allowing for sign visibility and ensuring the sign is not a visual or traffic obstruction.

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?

A gas station would normally provide a high visibility pylon sign 25'-30' in height that could maintain the sign regulations. Input at the public workshop indicated that a lower profile monument sign would be more in keeping with the character of the Shepherdstown area.

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

Enforcing the 25' or greater distance from the right-of-way for a business sign would necessitate the use of a pylon sign to insure visibility for the business, counter to the input provided at the public workshop. It is reasonable to allow a closer monument sign given public input and preference over a pylon sign.

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

Sign placement will satisfy the intent of the ordinance requirement by allowing for sign visibility and ensuring the sign is not a visual or traffic obstruction, as well as being responsive to community input. It is the intent of the ordinance to allow public input at the workshop. Responding to this input is part of this intent.

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: Steph Rowland, member Date: 6/4/19

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 6.1B).

07/25/19

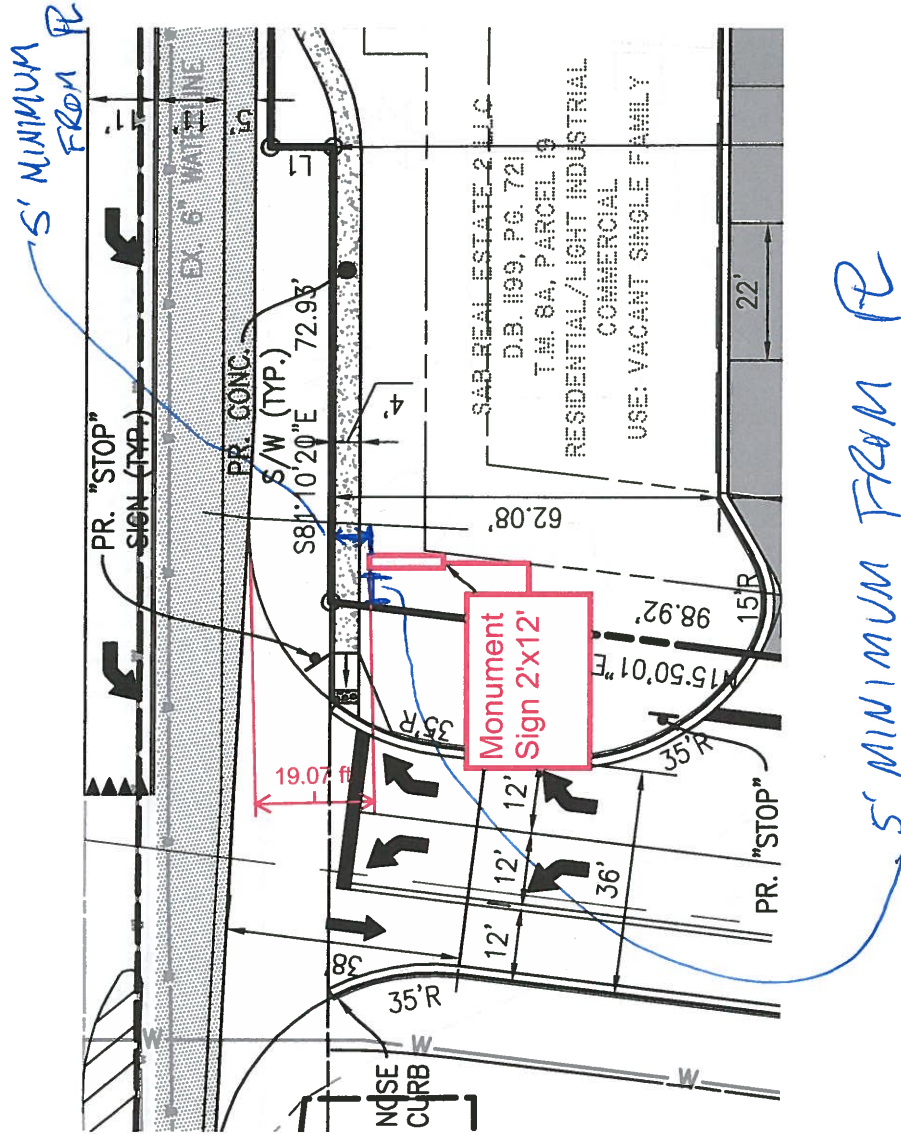
Date of Public Hearing

07/10/19

Advertising Date

07/10/19

Placard Posting Date

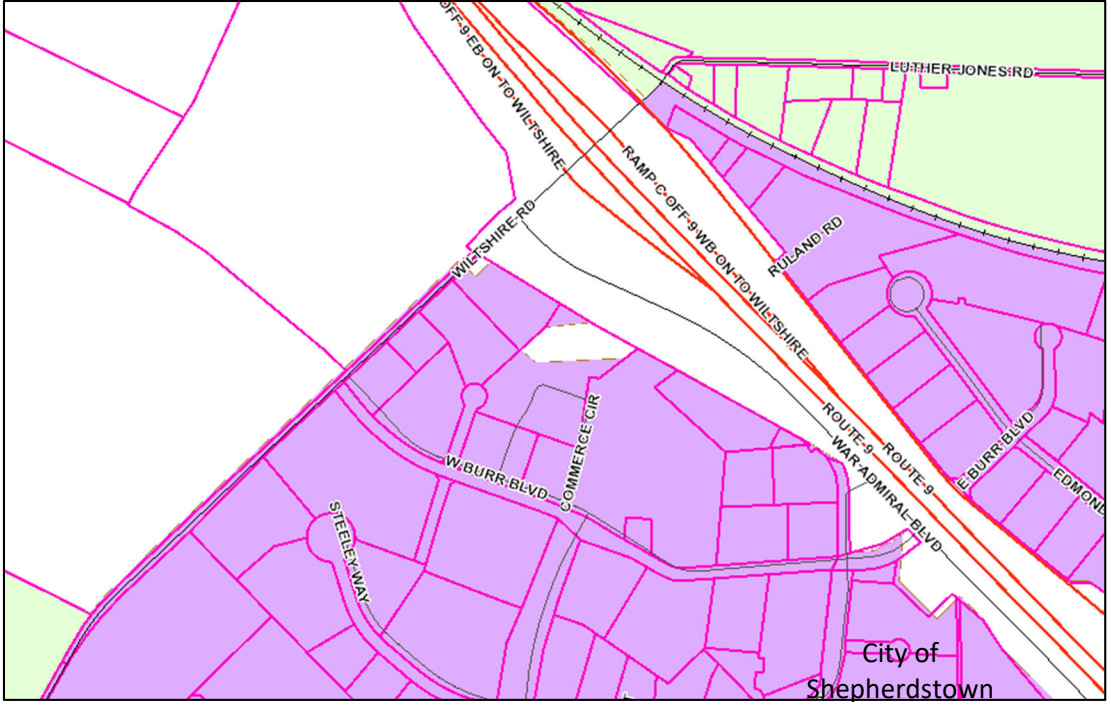


Ken A. Zell
6/6/2019

Staff Report
 Jefferson County Board of Zoning Appeals
 July 25, 2019

Holtzman Oil Corp Sign Variance Request (#19-16-ZV)

Item #2 Variance request from Section 10.4B.2 to increase the permitted freestanding business sign height from 35' to 65'.

Applicant:	Holtzman Oil Corp
Owner:	EPIC at Burr Park, LLC
Developer:	N/A
Consultant:	Gordon
Parcel Information and Zoning District:	<p>Burr Industrial Park Subdivision, Lots 16A and 16B, Vacant. Southeast corner of Wiltshire Rd and War Admiral Blvd. Charles Town WV. Parcel ID: 02000100690000 and 02000100690001; Size: 5.02 ac combined; Zone: Industrial Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: <i>North:</i> City of Ranson/DOH <i>South:</i> Industrial-Commercial <i>East and West:</i> Industrial-Commercial</p>
History:	Burr Industrial Park
Waivers/Variations:	None
Proposed Activity:	19-4-S: Construction of a Gas Station, Large with ~4,700 sq. ft. convenience store and associated fuel pumps.

Staff Report
Jefferson County Board of Zoning Appeals
July 25, 2019
Holtzman Oil Corp Sign Variance Request (#19-16-ZV)

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from 10.4B.2 to increase the permitted freestanding business sign height from 35' to 65'.

Sign height is often based on the speed limit of a road with taller/larger signs being permitted along major roads and shorter/smaller signs permitted along local roads with slower speed limits. The applicant has pointed out that visibility of the sign from Route 9 may be impacted “[d]ue to the vertical elevation differential between the site and Route 9”.



Staff Evaluation of Request

The proposed sign would be the first of its height in this location. Currently, there are no freestanding business signs for the existing businesses located in this section of Burr Park. The existing businesses have utilized attached business signs.

One factor to consider is that the Ordinance would allow a building that is 75' in height to locate in the Industrial-Commercial zoning district. The sign is still within the permitted maximum height for a building and would have less visual impact than a building of that height.

It does not appear that any of the nearby buildings are 75' in height; however, located in close proximity is a water tower, which is approximately 150' in height (estimated using aerial imagery).



Staff Report
Jefferson County Board of Zoning Appeals
July 25, 2019
Holtzman Oil Corp Sign Variance Request (#19-16-ZV)

Conditions of Approval

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

1. Article 10 allows digital signs by right in the Industrial-Commercial zoning district; therefore, it may be reasonable to include as a condition of approval that if the sign is ever upgraded or the business changes, if a digital sign is proposed, a digital sign would require approval from the Board (if proposed to retain the varied height).

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 10.4 Signs Requiring a Zoning Certificate³⁶

B. Freestanding Business Signs

Freestanding business signs related to the subject land use are permitted, provided:

1. The lot frontage is at least 40 feet.
2. One freestanding sign per street frontage is permitted. The total area for any sign or signs on one supporting structure shall not exceed 100 square feet and **the maximum height of the sign structure shall not exceed 35 feet.**
3. Freestanding business signs shall be located in such a manner that no part of the supporting structure is less than 25 feet from the street right-of-way, and that no part of the sign is closer than five feet to the right-of-way.
4. Freestanding business signs shall not face an adjacent residence.
5. Properties which consist of more than one land use shall be required to use a pylon sign. One pylon sign is permitted on each street frontage.^{8, 32, 35}
6. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.



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: 19-16-ZV
 Staff Initials: AB
 Meeting Date: 07-25-19
 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: EPIC at Burr Park, LLC
 Mailing Address: 17037 Bold Venture Dr. Leesburg, VA 20176
 Phone Number: (703) 969-1197 Email: _____

Applicant Contact Information

Name: Holtzman Oil Corp.
 Mailing Address: 57 Main Street Mt. Jackson, VA 22842
 Phone Number: (540) 333-2479 Email: _____

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

Name: Gordon
 Mailing Address: 148 S. Queen Street, Martinsburg, WV 25401
 Phone Number: (304) 725-8456 Email: _____

Physical Property Details

Physical Address: No Address Current Assigned
 City: Kearnysville State: WV Zip Code: 25430
 Tax District: Charles Town Map No: 1 Parcel No: 69/69.1
 Parcel Size: 5.02 Ac Deed Book: 1103 Page No: 3

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 checked="" type="checkbox"/>	<input 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

JUL 01 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: Article 10, Section 10.4.B.2

Briefly describe the nature of the variance request:

Increase the allowable proposed sign height to 65'.

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 main use of this site will be a personal vehicle gas station/convenience store, as such viability from route 9 to show gas prices/store location would a benefit to the public so they could easily make a decision and navigate to the proposed site.

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?

Fueling options along route 9 are lacking, this site gives drivers an option for fueling between Martinsburg and Charles Town. As such the increased sign height would allow drives to know this is an option for them.

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

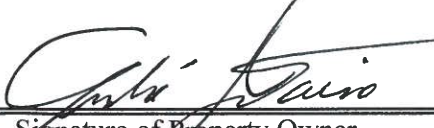
Due to the vertical differential between route 9 and the site an increase of height would benefit the proposed use and those seeking the site out.

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

Due to the location of the sign (at the corner of War Admiral and Wiltshire Road the height of the sign will be offset from adjacent property owners located within the remainder of the park, as such the intent for sign height not to impact adjacent users will still be met.

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.

 6/27/19
Signature of Property Owner Date
MANAGING MEMBER AT BURR PARK, LLC
Notification Requirements (to be completed by staff)

Signature of Property Owner Date

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).

July 25, 2019
Date of Public Hearing

July 10, 2019
Advertising Date

July 10, 2019
Placard Posting Date



June 28, 2019

Jefferson County Planning & Zoning
116 East Washington Street
Charles Town, WV 25414

Subject: Burr Park Lot 16A & 16B – Sign Height

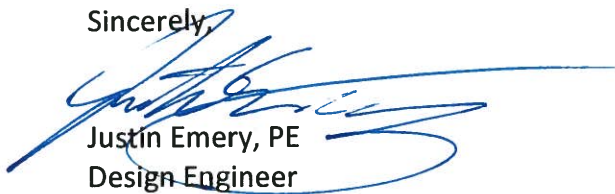
Reference: Gordon Project No: 3332-0101
Jefferson County No: _____

Per Landscaping, Screening and Buffer Yard Requirements, Article 10, Section 10.4.B.2 of the Zoning and Land Development Ordinance, "One freestanding sign per street frontage is permitted. The total area for any sign or signs on one supporting structure shall not exceed 100 square feet and the maximum height of the sign structure shall not exceed 35 feet."

We hereby request that staff to allows this project to utilize a sign height limit of 65'. The use on this site is a gas station/convenience store, as such people who drive along route 9 need to be able to determine the location of the station easily to help alleviate confusion when navigating to the proposed development. Due to the vertical elevation differential between the site and route 9 we believe this use and those navigating to the development would greatly benefit from an allowed increase in sign height.

Should there be any questions please contact us.

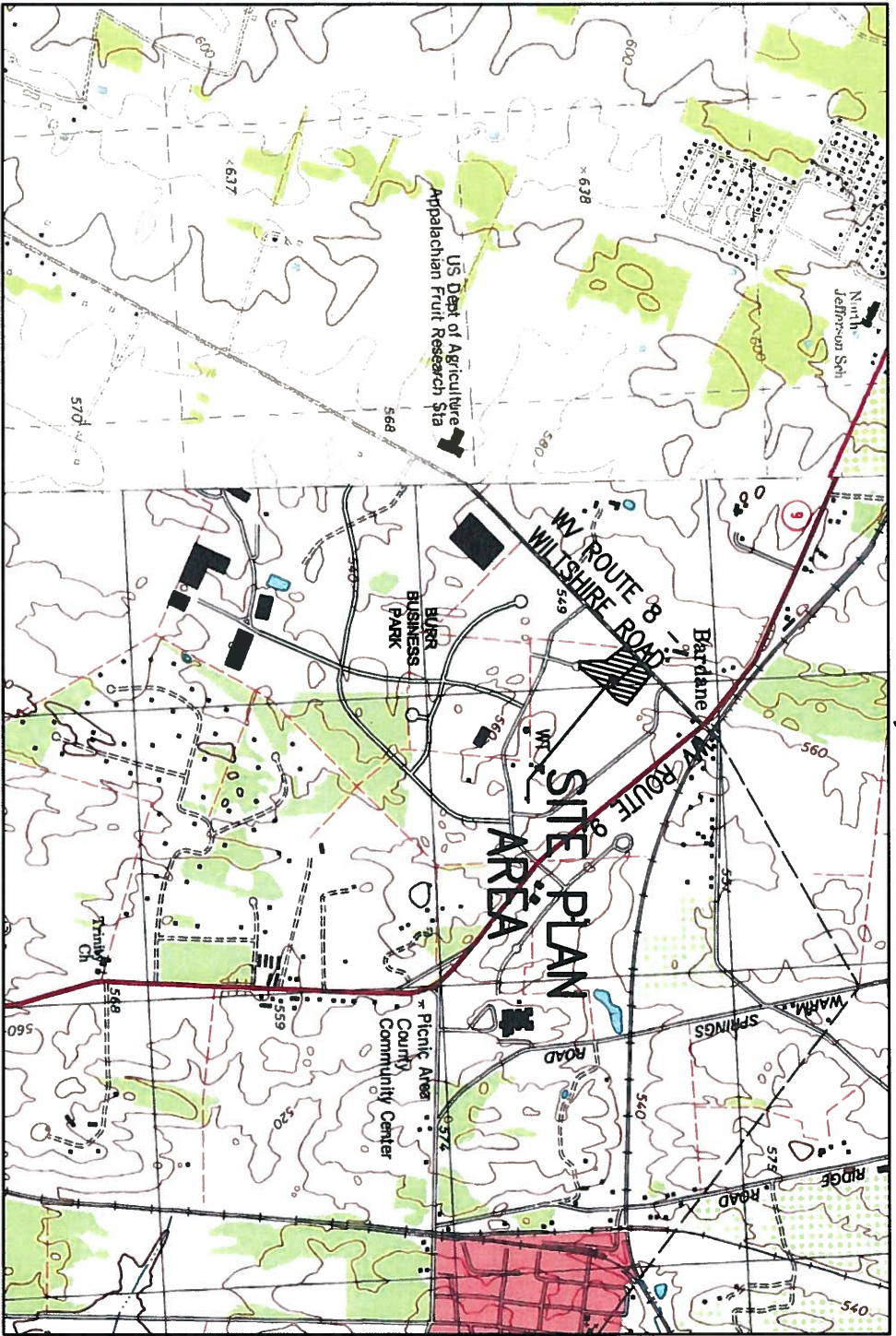
Sincerely,



Justin Emery, PE
Design Engineer

VICINITY MAP

SCALE: 1"=2,000'



PROJECT: _____

HOC
Charles Town

This document represents only an approximation of material colors specified. Actual product colors may vary from this print or digital image.

* CUSTOMER APPROVAL: _____

* AUTHORIZED SIGNATURE _____

* DATE _____

WORK ORDER NO. _____

REVISIONS _____

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____

REPRESENTATIVE _____ **BR**

PROJECT MANAGER _____ **MR**

DRAWN BY _____ **KB**

DATE _____ **4/10/19**

FILE NAME _____
HOC Charles Town.plt
NOT TO SCALE

12" 96"



7.15" LH

HEIGHT

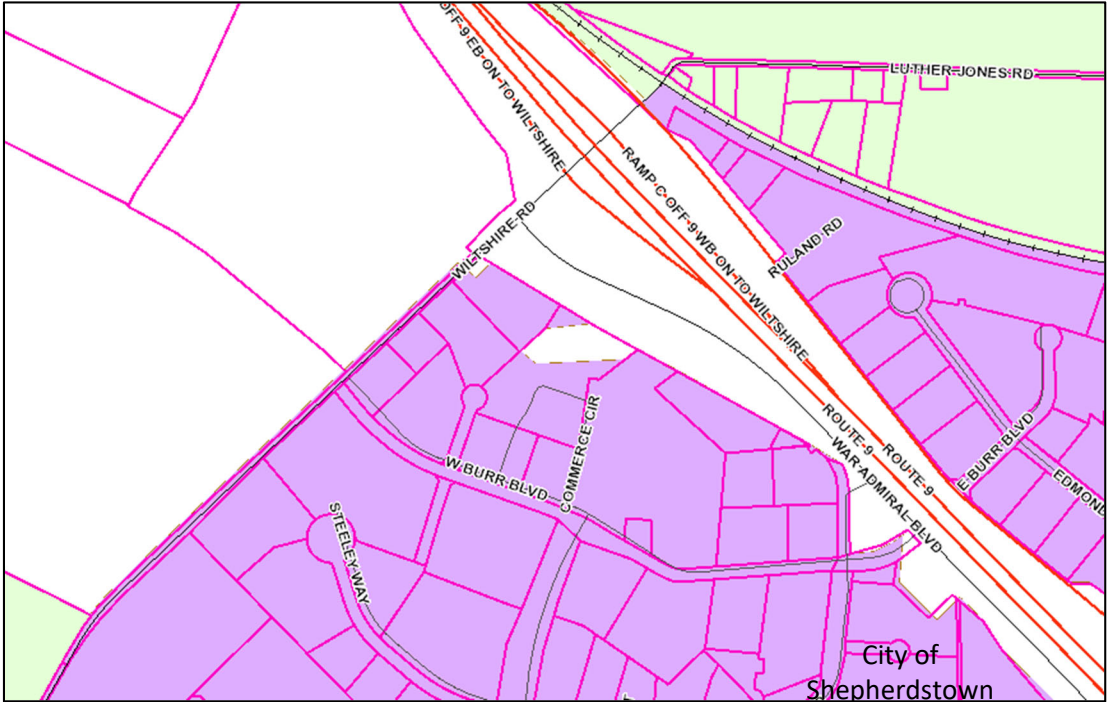
24" DAK 3000
LED FUEL PRICE DISPLAY



Staff Report
 Jefferson County Board of Zoning Appeals
 July 25, 2019

Holtzman Oil Corp Buffer Variance Request (#19-17-ZV)

Item #3 Variance from Appendix B and Section 4.11E to allow the proposed modified planting standard from a previous variance for lots within the Burr Industrial Park which was granted in 2016 (ZV16-14) to be utilized; and from Section 8.9A.10 to allow the street tree standard in lieu of the required 50' landscape buffer strip for lots along or .5 miles from a limited access highway.

Applicant:	Holtzman Oil Corp
Owner:	EPIC at Burr Park, LLC
Developer:	N/A
Consultant:	Gordon
Parcel Information and Zoning District:	<p>Burr Industrial Park Subdivision, Lots 16A and 16B, Vacant. Southeast corner of Wiltshire Rd and War Admiral Blvd. Charles Town WV. Parcel ID: 02000100690000 and 02000100690001; Size: 5.02 ac combined; Zone: Industrial Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: <i>North:</i> City of Ranson/DOH <i>South:</i> Industrial-Commercial <i>East and West:</i> Industrial-Commercial</p>
History:	Burr Industrial Park
Waivers/Variations:	None
Proposed Activity:	19-4-S: Construction of a Gas Station, Large with ~4,700 sq. ft. convenience store and associated fuel pumps.

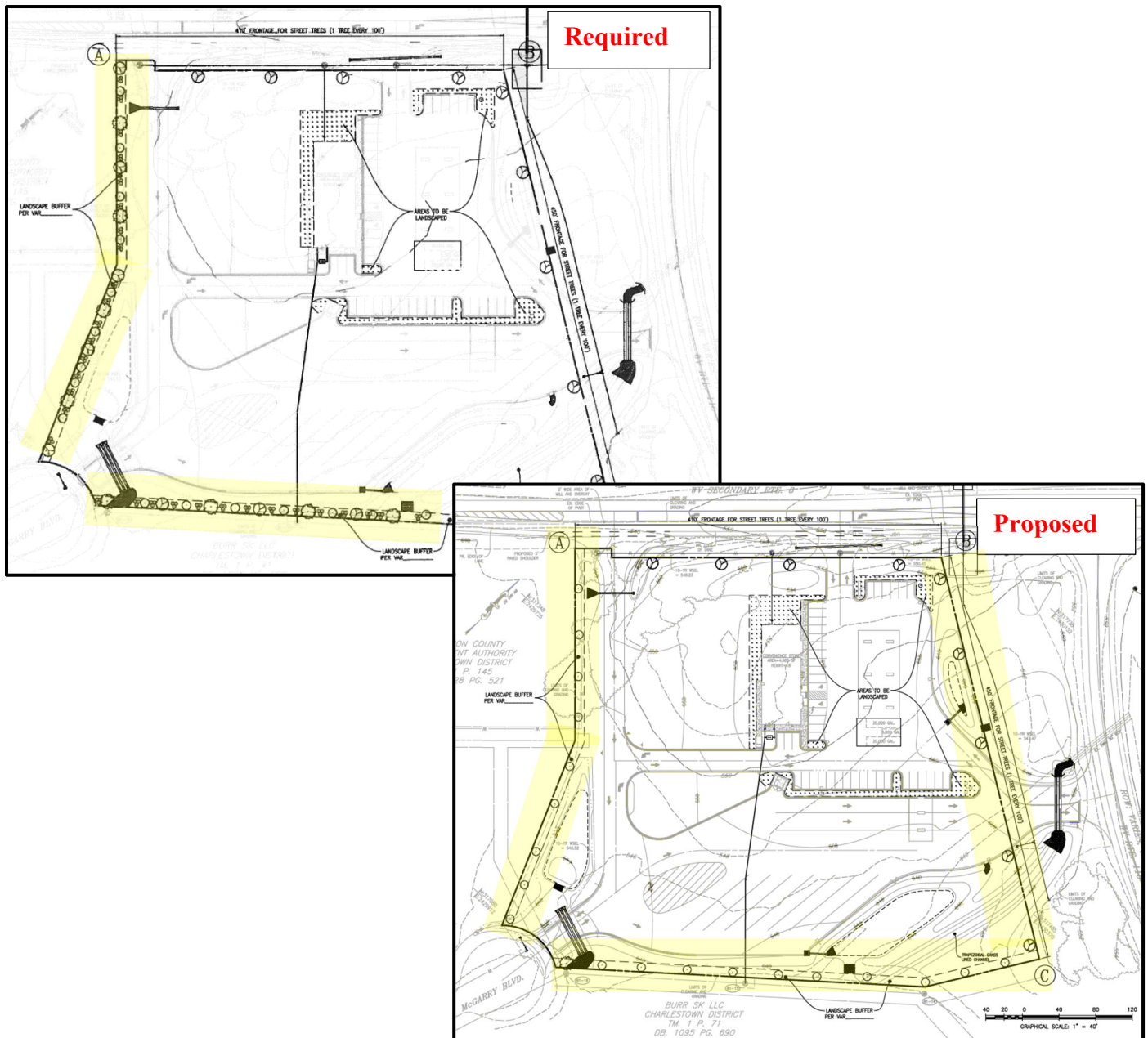
Staff Report
Jefferson County Board of Zoning Appeals
July 25, 2019
Holtzman Oil Corp Buffer Variance Request (#19-17-ZV)

Summary of Request and Purpose of Ordinance Requirements

Variance from Appendix B and Section 4.11E to allow the proposed modified planting standard from a previous variance for lots within the Burr Industrial Park which was granted in 2016 (ZV16-14) to be utilized; and from Section 8.9A.10 to allow the street tree standard in lieu of the required 50' landscape buffer strip for lots along or .5 miles from a limited access highway.

The Ordinance requires that “All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise....”

The applicant has provided a sketch reflecting compliance with the required landscape buffer requirements as well as a sketch reflecting what is proposed if this variance is granted.



Staff Report
Jefferson County Board of Zoning Appeals
July 25, 2019
Holtzman Oil Corp Buffer Variance Request (#19-17-ZV)

Staff Evaluation of Request

The subject parcels are located within the Burr Industrial Park off of Route 9. The Burr Industrial Park is a master planned nonresidential subdivision owned and developed by the Jefferson County Development Authority. Burr Park was designed to attract light industrial and commercial businesses that need convenient access to local and regional transportation networks. All roads and stormwater facilities have been constructed during the initial phases of site development.

The subject request mimics a blanket request for multiple lots within the Park that the Board approved in July of 2016. The Ordinance requires a ten foot side and rear yard landscape buffer to be comprised of the following:

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of 20 feet or more at maturity, planted every 50 linear feet; at least every other tree shall be an evergreen;
- b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every 50 linear feet; and
- c. Three (3) shrubs per each 25 feet along the property line, round upward.
- d. These requirements shall be required on both sides of a property line for adjoining properties.

The applicant is proposing the following modified planting standard:

One evergreen tree planted every 50' along the property line. Should an adjacent use have existing landscaping meeting this standard, trees shall be planted in an alternating pattern.

The purpose of landscape buffer requirements is typically to lessen the impact between adjacent land uses, including the visual impact of parking, truck loading areas, etc. Landscape buffers contribute by reducing the impact that a land use might have on an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise.

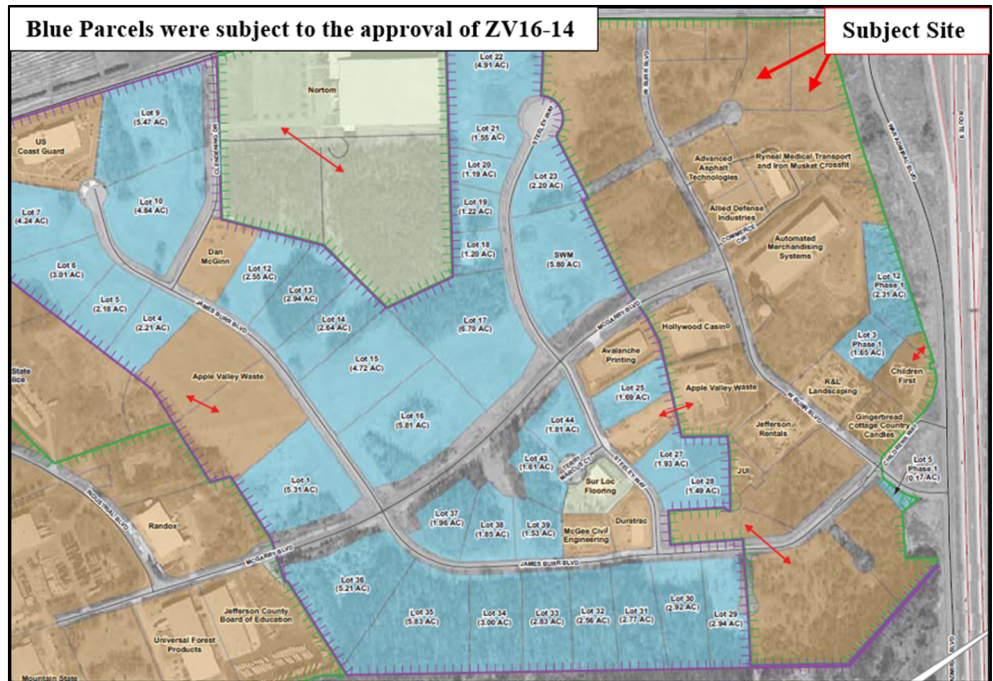
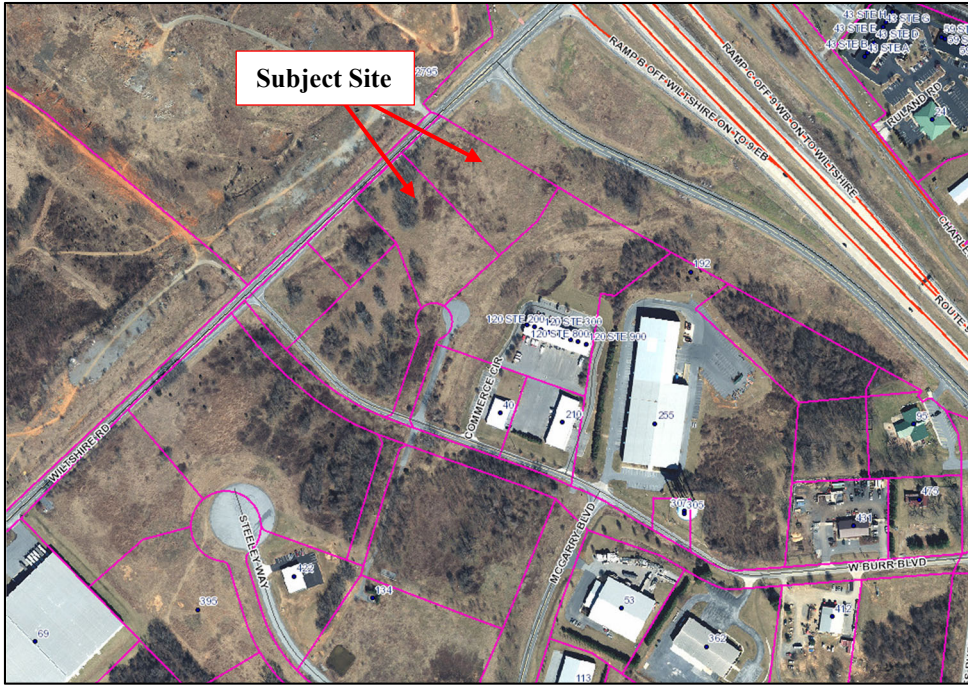
The Ordinance also requires a fifty foot wide landscape buffer strip for lots located along or .5 miles from a limited access highway. The applicant is requesting to utilize the street tree standard in lieu of the required 50' buffer. The ordinance requires that deciduous street trees be planted for shade and aesthetics at a spacing of one tree per 100 feet or four trees, whichever is greater. The subject site would be required to plant five street trees along the property line which runs parallel to War Admiral Boulevard.

The purpose of this additional landscape buffer requirement is to provide a greater barrier to visibility, air borne particles, glare, or noise between faster moving vehicles on the highway and the proposed land uses abutting the road.

The applicant has stated that the purpose of the request is to provide continuity throughout the park based on the previous zoning variance that was granted in 2016 and to not provide an excessive buffer between similar commercial/industrial uses. Below is an aerial of the subject site and a map reflecting which parcels were included in the 2016 variance.

This site has not yet been developed; therefore, it is feasible to comply with the Zoning Ordinance. Note, as currently depicted there are at least three areas within the buffer that are not "continuous" due to the location of utility easements. Should the request be denied the applicant may need to seek another variance to permit these gaps in the required buffer. The proposed planting appears to be sufficient for a screening between commercial uses. There are no residential or institutional uses in the nearby vicinity which could be impacted by the modified planting standard.

Staff Report
Jefferson County Board of Zoning Appeals
July 25, 2019
Holtzman Oil Corp Buffer Variance Request (#19-17-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:

See Attached.

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.²⁷

A. Commercial Development²⁷

1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 50 foot or greater unscreened green space buffer or a 15 foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
2. All commercial development adjacent to all other uses must maintain ten foot side and rear yard landscape buffers.⁵

D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.

E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7, 23, 27, 28}

However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:^{27, 28}

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of 20 feet or more at maturity, planted every 50 linear feet; at least every other tree shall be an evergreen;
 - b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every 50 linear feet; and
 - c. Three (3) shrubs per each 25 feet along the property line, round upward.
 - d. These requirements shall be required on both sides of a property line for adjoining properties.
 - e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.^{7, 23, 26}
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
 3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
 4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.

F. In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.²³

- G. All buffer yards shall be maintained by the property owner.
- I. All required landscape plans shall contain the following elements:⁷
 - 1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:²³
 - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
 - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet.
 - 2. Evergreen buffer planting, as required, for full screening.
 - 3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.
 - 4. Structure plants for aesthetics and limited shade.
 - 5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.
- J. Required landscape buffers for a non-residential use are indicated in Appendix B.²⁷

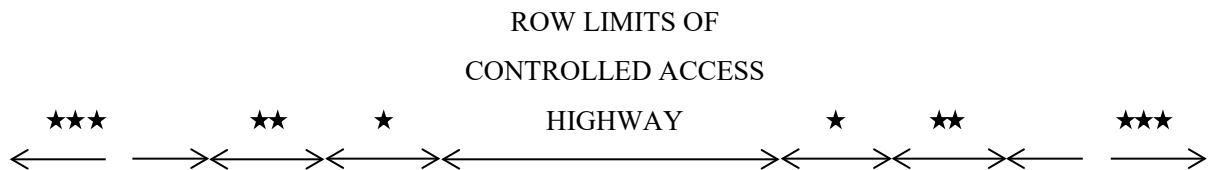
Section 8.9 Industrial and Commercial Uses²³

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.²⁷

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)



- ★ Maximum 60' easement or dedication for frontage road
- ★★ 50' landscaped buffer strip
- ★★★ Setbacks

This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.⁵



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: 19-17-ZV
 Staff Initials: KB
 Meeting Date: 07-25-19
 Fees Paid (\$100 or \$150): \$100.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: EPIC at Burr Park, LLC
 Mailing Address: 17037 Bold Venture Dr. Leesburg, VA 20176
 Phone Number: (703) 969-1197 Email: _____

Applicant Contact Information

Name: Holtzman Oil Corp.
 Mailing Address: 57 Main Street Mt. Jackson, VA 22842
 Phone Number: (540) 333-2479 Email: _____

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

Name: Gordon
 Mailing Address: 148 S. Queen Street, Martinsburg, WV 25401
 Phone Number: (304) 725-8456 Email: _____

Physical Property Details

Physical Address: No Address Current Assigned
 City: Kearneysville State: WV Zip Code: 25430
 Tax District: Charles Town Map No: 1 Parcel No: 69/69.1
 Parcel Size: 5.02 Ac Deed Book: 1103 Page No: 3

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 checked="" type="checkbox"/>	<input 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

JUL 01 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: Article 4, Section 4.11E

Briefly describe the nature of the variance request:

Provide buffer that is consistent with the rest of the Burr Business Park Development.

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 proposed buffers provided throughout the Burr Business Park have previously been reduced and has not had a negative impact to the rest of the park due to the same zoning across the entire development.

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?

Burr park was previously approved under a variance that allowed this. These lots were excluded at the time but have now become part of the Burr Business Park.

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

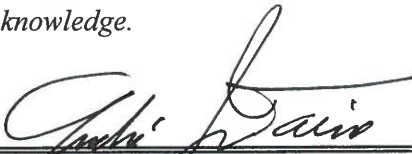
Constructing the required buffer per the ordinance would be an unnecessary expense to the developer.

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

The existing Burr Park was approved to attract businesses to the area, as such several conditions were put on companies who reside there. Approving this variance would allow this site, now included in Burr Park, to meet the same requirements.

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.

 6/27/19
Signature of Property Owner Date Signature of Property Owner Date
MANAGING MEMBER - BPC AT BURR PARK, LLC

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).

July 25, 2019 July 10, 2019 July 10, 2019
Date of Public Hearing Advertising Date Placard Posting Date



June 28, 2019

Jefferson County Planning & Zoning
116 East Washington Street
Charles Town, WV 25414

Subject: Burr Park Lot 16A & 16B – Buffer

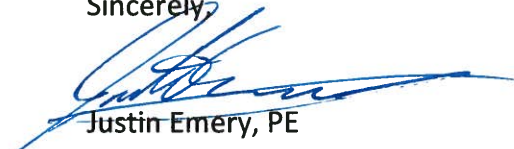
Reference: Gordon Project No: 3332-0101
Jefferson County No: _____

Per Landscaping, Screening and Buffer Yard Requirements, Article 4, Section 4.11E of the Zoning and Land Development Ordinance, "All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements."

We hereby request that staff to allows this project to be in conformance with the previously approved variance associated with Burr Industrial Park and not provide an excessive buffer between similar commercial/industrial uses. Burr Industrial park was approved under #ZV16-14, lots 16A & 16B however were not included within the limits of this application. Lots 16A/16B have now become part of the larger Burr Park development and to retain continuity with the rest of the development we believe this lot should be included with the same rights/restrictions associated with the previously approved variance.

Should there be any questions please contact us.

Sincerely,



Justin Emery, PE
Design Engineer

Burr Business Park (ZV16-14)

Previously submitted Variance Request Addendum

Briefly describe the nature of your variance request:

Reduce the landscape buffer requirement for Commercial and Industrial sites adjacent to commercial or industrial use as follows:

Without outside storage: 1 evergreen tree planted every 50' along the property line. Should an adjacent existing landscaping meeting this standard, trees shall be planted in an alternating pattern.

With outside storage: 1 evergreen tree planted every 50' along the property line. Should an adjacent use have existing landscaping meeting this standard, trees shall be planted in an alternating pattern. Additionally, a fence approved by the Jefferson County Development Authority Board shall be installed. A letter indicating this approval shall be submitted with the site plan.

Vegetation existing along the length of the property line may be used in lieu of the required plantings provided:

- A) A letter of support from the Jefferson County Development Authority Board is submitted to the Department. A letter indicating this approval shall be submitted with the site plan.
- B) Documentation that the existing vegetation is comprised of hardwood and/or evergreen trees.
- C) A 10' landscape buffer is delineated on the required site plan noting that the buffer is to remain undisturbed.
- D) Should any existing vegetation be removed within the buffer, except for general landscape maintenance, the applicant shall replant the affected area per the landscaping standards noted above.

Applicable/Related Sections of the Zoning and Land Development Ordinance

Landscaping

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

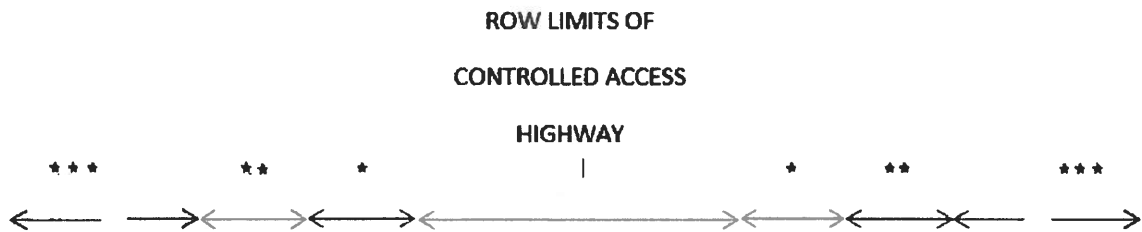
Buffer yard requirements are as shown in Appendix A and B of this Ordinance and are summarized in this section.²⁷

- A. Commercial Development.²⁷
 - 1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
- B. Industrial Development²⁷
 - 2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (1/2) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.^{5,7}
 - 3. All industrial development adjacent to any use shall have 20' screened side and rear landscape buffers.

- C. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.
1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7, 23, 27, 28}
 However, any development where a 10-foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:^{27, 28}
 - A. One (1) deciduous or evergreen tree 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 fifty (50) linear feet; at least every other tree shall be an evergreen;
 - B. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every fifty (50) linear feet; and
 - C. Three (3) shrubs per each twenty five (25) feet along the property line, round upward.
 - D. These requirements shall be required on both sides of a property line for adjoining properties.

Section 8.9 Industrial and Commercial Uses²³

- A. Industrial and commercial uses in all districts shall comply with the following standards:
10. Landscape Buffer
 All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.²⁷
 A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.
 All font setbacks (building and parking lot) are to be measured from the landscape buffer.
 (See diagram)



- ★ Maximum 60' easement or dedication for frontage road
- ★★ 50' landscaped buffer strip
- ★★★ Setbacks

This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.⁵

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

- The rights of the current or future adjacent property owners will be preserved.
 - The property is located in the Burr Business Park which is designated for commercial/industrial uses. Companies often locate in this Park to be surrounded by similar uses and anticipate that future development will be of a complimentary use.
 - The JCDA reviews and approves all development proposed within Burr Business Park and therefore the current/future owners have been informed of the adjacent uses.

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

- The property is located in a business park which is intended for commercial and industrial development. Business Parks are different from other areas within Jefferson County in that it is a planned development under the control of the JCDA. The JCDA monitors and approves proposed development within the Park. Businesses locate to the business park with the understanding that they are locating to a development with similar uses. Additional setbacks and landscape buffers do not appear to provide an added benefit to the property owners.

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

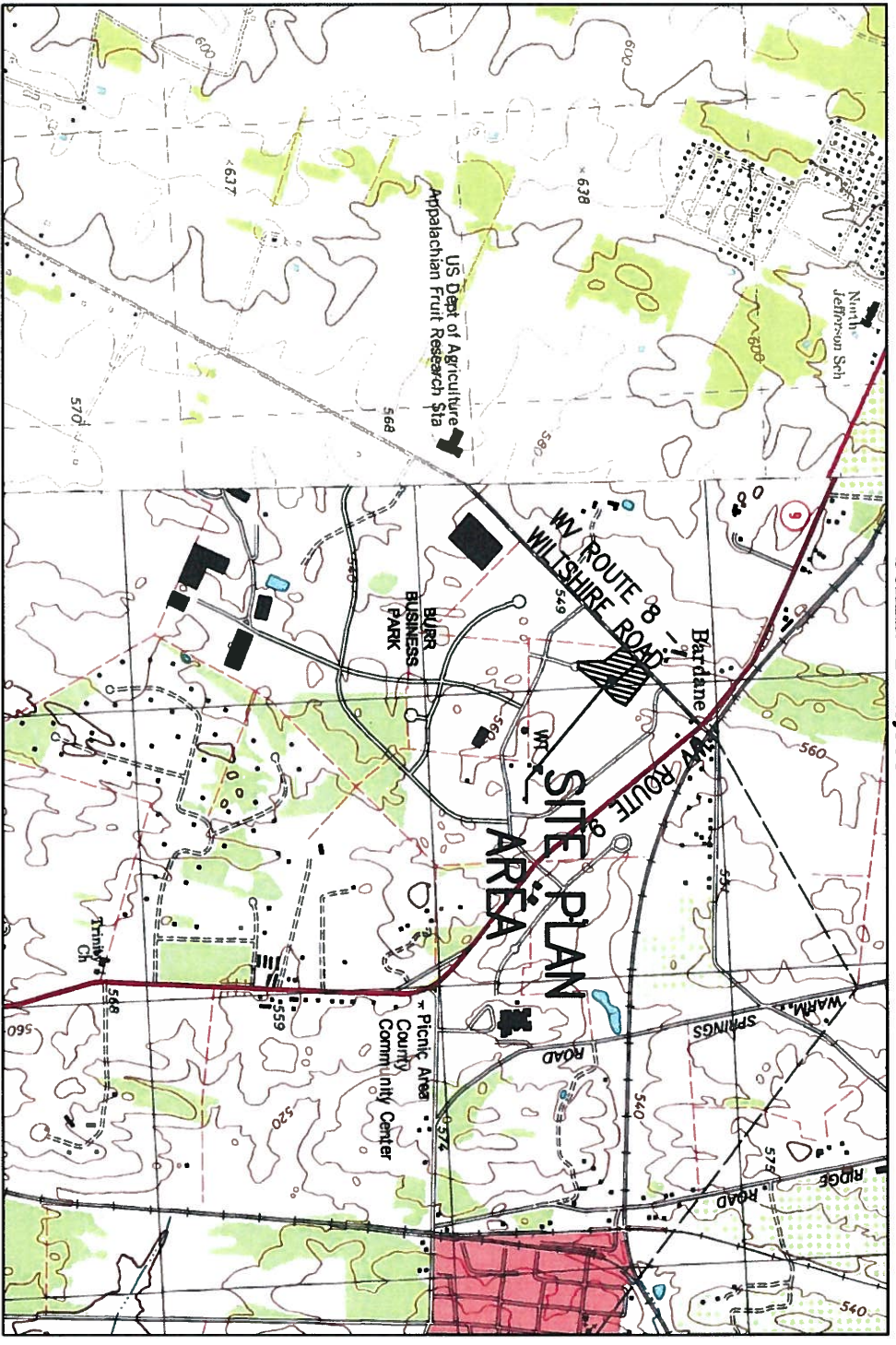
- The intended use of land within the Burr Business Park is for commercial and industrial uses. It is reasonable to assume that any future use of adjacent lots will be similar. Uniform setbacks between uses in Burr Business Park and reduction in landscaping buffers will eliminate the need for future variance requests.

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

- The entire Burr Business Park is intended for commercial and industrial development. The need to distinguish complimentary uses from one another in this setting is an unintended consequence of the Zoning Ordinance regulations.

VICINITY MAP

SCALE: 1"=2,000'





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@jeffersoncountywv.org

Phone: (304) 728-3228

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

1) 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 held two Public Hearings to review the following 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)
 - Public comment period will remain open for two weeks. Written comments may be submitted until close of business on July 23, 2019. The Planning Commission will review all comments during their August 13 meeting.
 - ZTA19-02 – Appendix C Principal Permitted and Conditional Uses Table - change Churches from “Not Permitted” to “Conditional Use” in the Industrial Commercial zoning district.
 - Planning Commission forwarded to the County Commission with a recommendation that the proposed amendment was consistent with the Comprehensive Plan.

2) Upcoming BZA meeting

- The next regular meeting is scheduled for **August 22, 2019** (deadline for submissions is Monday, July 29, 2019)



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
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Charles Town, West Virginia 25414
www.jeffersoncountywv.org

July 2019
Zoning Certificate Activity Report

File # 19-17-ZC
Request: Retail Sales, Limited (small antiques, home décor, gift items)
Property Owner: Rodney Kidwell
Applicant: Bungalow and Company, Attn: Katrina McCoy
Parcel Info: 35 Halltown Road; Harpers Ferry, WV 25425
Parcel ID: 04001100050000; Size: .43 ac; Zone: Residential-Light Industrial-Commercial
Issuance Date: 06/24/19

File # 19-18-ZC
Request: Temporary Sale of Legal Fireworks
Property Owner: Saiguru, LLC
Applicant: Wholesale Fireworks Enterprises, LLC, Attn: Lynette White
Parcel Info: 106 Jefferson Terrace Road, Charles Town, WV 25414
Parcel ID: 02000800290008; Size: 4.28 ac; Zone: Residential-Light Industrial-Commercial
Issuance Date: 06/24/19

File # 19-19-ZC
Request: To increase the occupancy of the existing Day Care Center, Large from 12 children to 30 children.
Property Owner: Vincent Petti, Burr Park, LLC
Applicant: Stephen Reynolds
Parcel Info: 73 Edmond Road, Unit 4; Kearneysville, West Virginia 25430
Parcel ID: 02000100860000; Size: 1.53 ac; Zone: Industrial-Commercial
Issuance Date: 07/12/19
