



Jefferson County
Board of Zoning Appeals
Thursday, August 22, 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: July 25, 2019

Public Hearing – Administer Oath

ITEM #1 FILE #: 19-18-ZV

Request: Variance from Appendix A to reduce the side setback from 15' to 0' for an existing 15' x 28' garage.
Owner: Howard and Patricia Quynn
Parcel Info: Howard and Patricia Quynn Minor Subdivision, Lot 5,
7017 Flowing Springs Rd, Shenandoah Junction, WV
Parcel ID: 09001700040012; Size: 1.29 ac; Zone: Rural

ITEM #2 FILE #: 19-19-ZV - WITHDRAWN

Request: Variance from Section 4.10 to waive the requirement of a site plan to install a maximum 1,600 square foot gravel parking lot and from Appendix B to reduce the required parking setback from 15' to 5'. The parking is required as part of the applicant's proposal to convert an existing barn to increase the number of stalls available as part of an existing dog kennel (Tri-State Pet Care).
Applicant: Andrea Garza, Tri State Pet Care, LLC
Owner: Robert C & Delia M Garza
Parcel Info: 10045 Leetown Rd, Kearneysville WV
Parcel ID: 07001400070000; Size: 24.25 ac; Zone: Rural

ITEM #3 FILE #: 19-20-ZV

Request: Variance from Section 10.2C to allow a 9' (horizontal/long) x 2' (wide) x 8' (high) subdivision/monument sign in the right-of-way (McClaine Way).
Owner: Seneca Crossing LLC
Parcel Info: Vacant parcel approx. 530' West of the Shepherd University campus entrance located on Martinsburg Pike, Shepherdstown WV
Parcel ID: 09000800500000; Size: 4.5 ac; Zone: Residential-Light Industrial-Commercial

ITEM #4 FILE #: 19-21-ZV

Request: Variance from Section 10.4B.3 to reduce the front setback from 25' to 15' for a 9' (horizontal/long) x 2' (wide) x 27" (high) base of a monument sign.
Applicant: Berkeley Medical Center
Owner: Seneca Crossing LLC
Parcel Info: Vacant parcel approx. 530' West of the Shepherd University campus entrance located on Martinsburg Pike, Shepherdstown WV
Parcel ID: 09000800500000; Size: 4.5 ac; Zone: Residential-Light Industrial-Commercial

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

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

Jefferson County
Board of Zoning Appeals
August 22, 2019

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

Meeting: July 25, 2019

1. Variance from Sec. 4.9 & 10.4B.3. Owner: SAB Real Estate 2. File: 19-14-ZV
2. Variance from Sec. 10.4B.2 Owner: EPIC at Burr Park, LLC. Applicant: Holtzman Oil Corp. File: 19-16-ZV.
3. Variance from App. B, Sec. 4.11E & 8.9A.10. Owner: EPIC at Burr Park, LLC. Applicant: Holtzman Oil Corp. File: 19-17-ZV.

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: July 25, 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 Deirdre Catterton; and Leeds Corbin
6 Members absent: None
7 Staff members present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
8 Prosecuting Attorney; and Jennilee Hartman, Zoning 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 2:01 pm, which carried unanimously. Mr. Quynn
11 explained to the public how the meeting would be conducted.

12 **Public Hearing – Administer Oath**

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

14 **Approval of Minutes: June 27, 2019**

15 Mr. Corbin moved to approve the minutes as presented. With no objections, the minutes were
16 approved unanimously.

17 ITEM #1 FILE #: 19-14-ZV

18 Request: Variance from Section 4.9 to decrease the site distance requirement from 35' to 5';
19 and, Section 10.4B.3 to reduce the required front setback from 25' to 5' for a 2' x 12'
20 monument sign along Martinsburg Pike (Route 45) and the proposed entrance to
21 Seneca Crossing.
22 Owner: SAB Real Estate 2
23 Parcel Info: 8272 Martinsburg Pike, Shepherdstown, WV
24 Parcel ID: 09008A00190000; 09008A00210000; 09008A00230000Size: 3.56
25 combined ac; Zone: Residential- Light Industrial- Commercial

26 Mr. Ryan Perks with Gordon was present to address the Board. Ms. Beaulieu provided an overview
27 of her staff report, noting that the applicant had provided a handout to document existing signage
28 along Route 45 and sight distance calculations. Ms. Beaulieu suggested that should the Board choose
29 to grant the variance, a possible condition of approval could be to stipulate that landscaping around
30 the sign be limited to small plants to prevent additional visual barriers that larger shrubs may create.
31 Mr. Perks explained the nature of the request stating that a monument sign was proposed in response
32 to public input during the Concept Plan phase. Mr. Perks stated that the Ordinance did not address
33 monument signs, which are typically lower to the ground and located closer to the property line in
34 order to be visible to oncoming traffic. Mr. Perks addressed the Board's concerns regarding sight
35 distance and noted that the Division of Highways had approved the design and location. Mr. Quynn
36 opened the public hearing. There was no public comment. Mr. Quynn closed the public hearing.

37 Mr. McKinney moved to approve the variance as requested. Mr. Bannon stated that he would
38 support the motion provided that it is amended to reflect that the applicant is bound by his testimony
39 and that the proposed sign must comply with the Ordinance on electronic signs. Mr. McKinney
40 agreed with Mr. Bannon's amendment and added that any landscaping surrounding the signage
41 remain low profile. Mr. Corbin seconded the motion, which carried unanimously.

42

1 ITEM #2 FILE #: 19-16-ZV

2 Request: Variance from Section 10.4B.2 to increase the permitted freestanding
3 nonresidential sign height from 35' to 65'.
4 Applicant: Holtzman Oil Corp
5 Owner: EPIC at Burr Park, LLC
6 Parcel Info: Burr Industrial Park Subdivision, Lots 16A and 16B, Vacant. Southeast corner of
7 Wiltshire Rd and War Admiral Blvd. Charles Town WV
8 Parcel ID: 02000100690000 and 02000100690001; Size: 5.02 ac combined; Zone:
9 Industrial Commercial

10 Mr. Jason Gerhart with Gordon was present to address the Board. Ms. Beaulieu provided an overview
11 of her staff report, noting that the maximum height for a building is 75' and a sign has less visual
12 impact than a building. Mr. Gerhart explained the nature of the request, noting that the requested
13 increase in height was due to the expectation that the majority of customers would be coming off of
14 Route 9 and a taller sign would address safety concerns by providing better site visibility and
15 ensuring sufficient time to take the exit. He stated that the height was determined based on the
16 elevation of Route 9, which is approximately 35' higher than the property, with consideration to the
17 maximum building height permitted by the Zoning Ordinance. Mr. Quynn opened the public hearing.
18 Ms. Lyn Goodwin with the Jefferson County Development Authority spoke in opposition to the
19 request stating that the JCDA Board members voted unanimously to recommend that the sign height
20 be limited to 35' in accordance with the Zoning Ordinance. Mr. Quynn closed the public hearing.

21 Mr. Quynn requested to continue with the next variance.

22 ITEM #3 FILE #: 19-17-ZV

23 Request: Variance from Appendix B and Section 4.11E to allow the proposed modified
24 planting standard from a previous variance for lots within the Burr Industrial Park
25 which was granted in 2016 (ZV16-14); and from Section 8.9A.10 to allow the street
26 tree standard in lieu of the required 50' landscape buffer strip for lots along or .5
27 miles from a limited access highway.
28 Applicant: Holtzman Oil Corp
29 Owner: EPIC at Burr Park, LLC
30 Parcel Info: Burr Industrial Park Subdivision, Lots 16A and 16B, Vacant. Southeast corner of
31 Wiltshire Rd and War Admiral Blvd. Charles Town WV
32 Parcel ID: 02000100690000 and 02000100690001; Size: 5.02 ac combined; Zone:
33 Industrial Commercial

34 Mr. Gerhart explained the nature of the request, noting that the JCDA did not include the subject
35 parcel as part of the 2016 blanket variance because it was not under the ownership of the JCDA. He
36 stated that the basis of the request was to reflect conformance with the surrounding lots in the Park.
37 Mr. Quynn requested that Staff present their report. Ms. Beaulieu provided a summary of her staff
38 report, bringing attention to the map which reflects the lots that were granted a variance in 2016.

39 Mr. Bannon moved to go into deliberative session at 3:09 p.m., which carried unanimously.

40 Ms. Catterton moved to reconvene at 3:40 p.m., which carried unanimously.

41 Mr. McKinney moved to approve file #19-16-ZV as requested due to the unique characteristics of
42 the lots, noting that it was in the best interest of the public's safety and wellbeing to permit the sign
43 at an increased height of 65', and also noting that the applicant is bound by his testimony and that

1 all signs are subject to Article 10. Ms. Catterton seconded the motion, which carried with four in
2 favor and one opposed (Mr. Bannon).

3 Mr. Bannon moved to approve file #19-17-ZV as presented, noting that the applicant is bound by
4 his testimony. Ms. Catterton seconded the motion, which carried unanimously.

5 **Zoning Administrator Report**

6 a. Monthly Zoning Certificate Activity Report. The Report was included in the mailed packet.

7 Ms. Beaulieu provided the Board with an overview of pending text amendments. Ms. Beaulieu
8 informed the Board that their next meeting would be August 22, 2019.

9 **Legal Update**

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

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

12 Meeting: June 27, 2019

13 1. Variance from Section 9.6C & 9.7. Owners: Frank and Sandy Kovach. File: 19-11-ZV

14 2. Variance from Appendix B. Owners: Saint James Lutheran Church. File: 19-12-ZV.

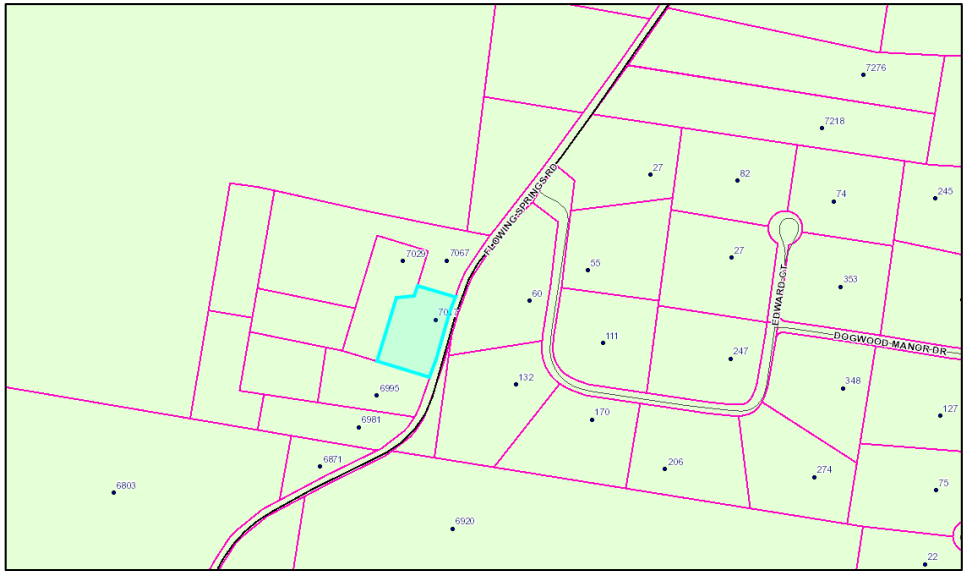
15 3. Variance from Appendix B. Owners: Fellowship Bible Church. File: 19-13-ZV.

16 Mr. Quynn reviewed the above referenced Findings.

17 Ms. Catterton moved to adjourn the meeting at 3:47 pm, which carried unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 August 22, 2019
Quynn Variance Request (#19-18-ZV)

Item #1 Variance from Section Appendix A to reduce the side setback from 15' to 0' for an existing 15' x 28' garage.

Applicant:	J. Tyler Quynn
Owner:	Howard and Patricia Quynn
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">7017 Flowing Springs Road, Shenandoah Junction, WV 25442 Parcel ID: 09001700040012; Size: 1.29 ac; Zone: Rural</p> 
Surrounding Properties:	Zoning Map Designation: <i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural
History:	Rudisill MSD, Lots 1, 2, and 3 - PB 23, PG 59 (2006) Quynn MSD, Lots 4 & 5 - PB 25, PG 659 (2017)
Waivers/Variations:	None
Approved Activity:	Single-Family Residence

Summary of Request and Purpose of Ordinance Requirements

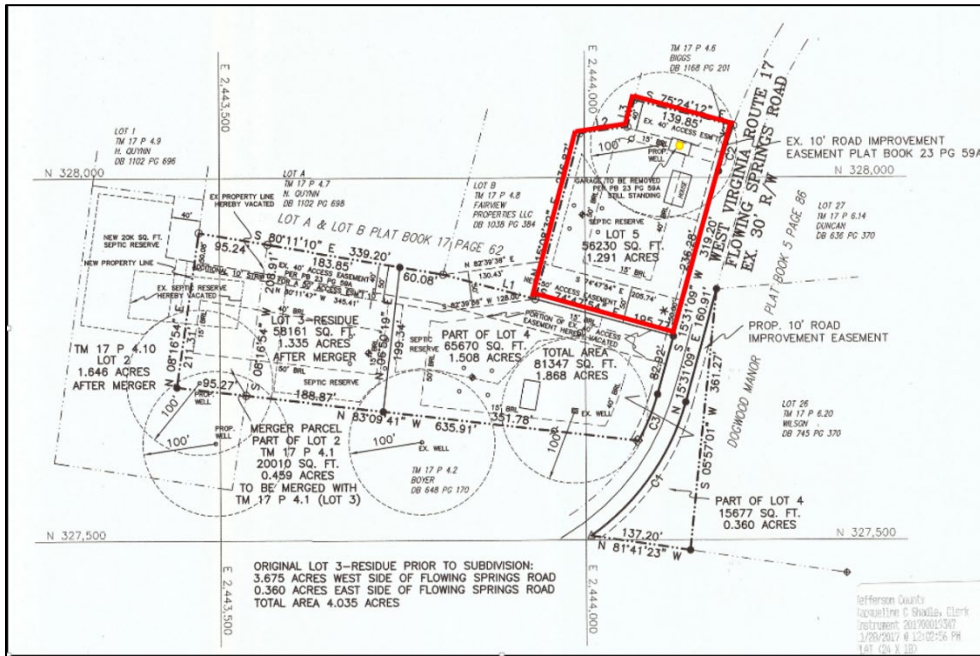
The applicant is requesting a variance from Appendix A to reduce the side setback from 15' to 0' for an existing 15' x 28' garage.

A key purpose of side 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.

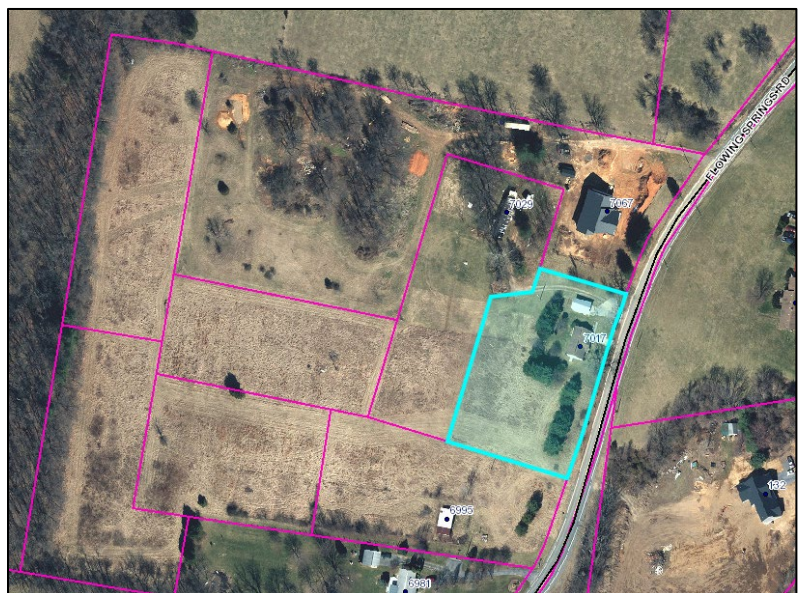
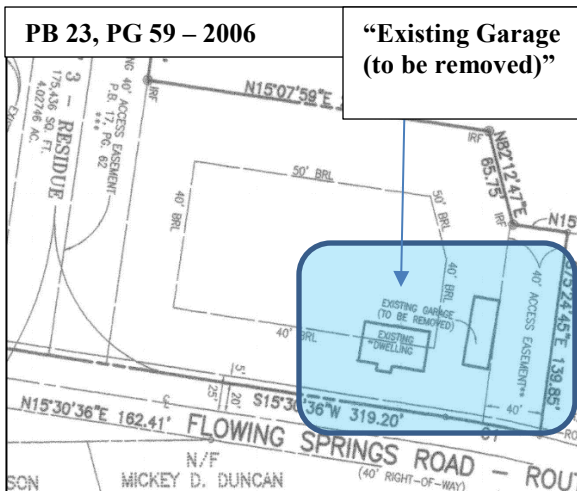
Staff Report
 Jefferson County Board of Zoning Appeals
 August 22, 2019
Quynn Variance Request (#19-18-ZV)

Staff Evaluation of Request

The subject parcel is Lot 5 of the Howard R. Quynn II & Patricia A. Quynn Minor Subdivision, which was recorded on November 28, 2017 in Plat Book 25 at Page 659. The garage was originally planned to be removed; however, the property owner has since determined to retain the structure.



A setback reduction to 0' along the 40' access easement would likely have minimal impact on the adjacent properties. The applicant represented in their request that the garage has existed for 40 years. The 40' access easement was created in 2006 as part of a minor subdivision, which created the setback violation, but also labeled the garage as "to be removed". No specified timeframe was placed on the plat as to when the structure would need to be removed. The property owner has recently determined to retain the garage.



Staff Report
 Jefferson County Board of Zoning Appeals
 August 22, 2019
Quynn Variance Request (#19-18-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:

Appendix A Residential Site Development Standards Table^{27, 32}

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Street Side	Rear		
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20	N/A	N/A
	Duplex Dwelling Unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
	Townhouse Dwelling	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	12 side 15 front 15 rear	12 side 15 front 15 rear
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30	12 side 15 front 15 rear	12 side 15 front 15 rear
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	?	12	N/A	N/A
		30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	?	12		
Under 30,000 sq. ft.		N/A	N/A	N/A	40	20	8	?	12			
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	?	50	N/A	N/A
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	?	50		
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	?	12		
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	?	12		
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	?	12		
Cluster Subdivision												



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: 19-18-ZV
 Staff Initials: gH
 Meeting Date: 08/22/19
 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: HOWARD R & PATRICIA A QUINN
 Mailing Address: PO BOX 1374, HARPERS FERRY, WV, 25425
 Phone Number: 301 639 0381 Email: 4coronado@gmail.com

Applicant Contact Information

Name: J TYLER QUINN
 Mailing Address: PO BOX 1374, HARPERS FERRY, WV 25425
 Phone Number: 304-620-2305 Email: jtquinn@gmail.com

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

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

Physical Property Details

Physical Address: 2017 FLOWING SPRINGS ROAD, SHENANDOAH
 City: SHENANDOAH JUNCTION State: WV Zip Code: 25442
 Tax District: SHEPHERDSTOWN Map No: 17 Parcel No: 4.12
 Parcel Size: 1.291 AC Deed Book: H02 1200gH Page No: 696 86gH

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"/>	
<div style="text-align: center;"> <p>RECEIVED</p> <p>JUL 18 2019</p> <p>JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING</p> </div>			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"/>

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: App A. gth

Briefly describe the nature of the variance request:

VARIANCE OF SIDE SETBACK TO ALLOW EXISTING (APPROXIMATELY 40+ YEARS) GARAGE TO EXIST (15' x 28')

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

Front Setback Side Setback Rear Setback Reduction From 15' to 0'

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:

GARAGE HAS EXISTED FOR APPROXIMATELY 40+ YEARS PRIOR TO ANY ADJACENT CONSTRUCTION & IS DISTANT ENOUGH TO NOT ADVERSELY AFFECT ANY PUBLIC HEALTH, SAFETY, OR WELFARE OF PROPERTY OWNER RIGHTS.

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?

BUILDINGS WERE CONSTRUCTED PRIOR TO ESTABLISHMENT OF SETBACKS OR EASEMENTS

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

WILL ELIMINATES THE NEED TO DEMOLISH AN EXISTING STRUCTURE THAT HAS A FUNCTIONAL RESIDENTIAL ACCESSORY USE

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

WILL PROTECT EXISTING PROPERTY VALUE & ALLOW REASONABLE USE OF ACCESSORY STRUCTURE TO CONTINUE.

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.

Patricia J. [Signature] 7/12/19
Signature of Property Owner Date

Howard P. [Signature] 7/12/19
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).

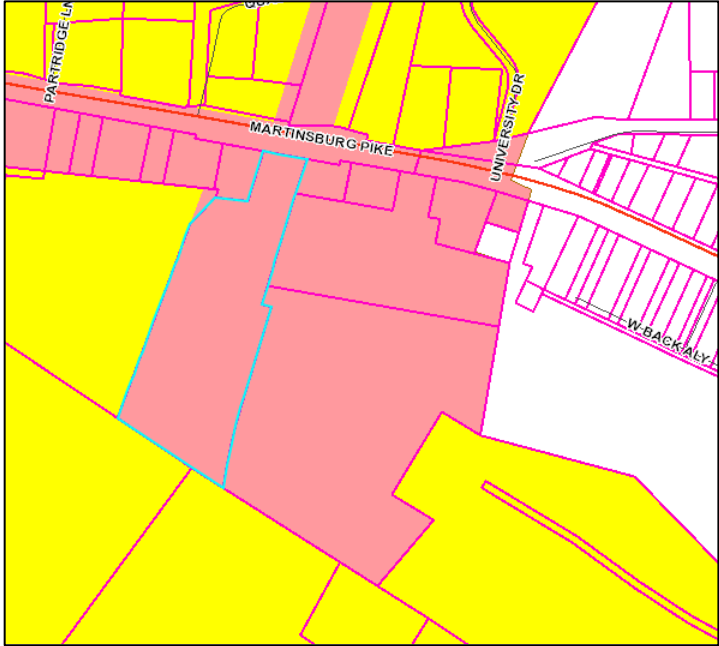
08-22-19
Date of Public Hearing

08-07-19
Advertising Date

08-07-19
Placard Posting Date

Staff Report
 Jefferson County Board of Zoning Appeals
 August 22, 2019
Seneca Crossing Sign Variance Request (#19-20-ZV)

Item #3 Variance from Section 10.2C to allow a 9' (horizontal/long) x 2' (wide) x 8' (high) subdivision/monument sign in the right-of-way (Maclaine Way).

Applicant:	Paul Raco on behalf of Eric Lewis
Owner:	Seneca Crossing LLC
Developer:	N/A
Consultant:	Paul Raco, P.J. Raco Consulting, LLC
Property Location:	Vacant parcel approx. 530' West of the Shepherd University campus entrance located on Martinsburg Pike, Shepherdstown, WV
Legal Description & Zoning District:	<p style="text-align: center;">District: Shepherdstown (09); Map: 8; Parcel: 50; Size: 4.5 ac; Zone: Residential-Light Industrial-Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> RLIC & RG <i>South:</i> RG <i>East:</i> RLIC <i>West:</i> RG & RLIC</p>
History:	Seneca Crossing, South Side (Lots 1-40) (06-10)
Waivers/Variances:	12/13/18: BZA approved a variance from Sec 4.6B to reduce the distance requirement from 75' to 25' to allow proposed commercial uses adjacent to the Residential Growth District.
Approved Activity:	Residential Townhome Subdivision
Pending Activity:	Seneca Crossing Non-Residential Subdivision (18-25) Berkeley Medical System (19-3-S)

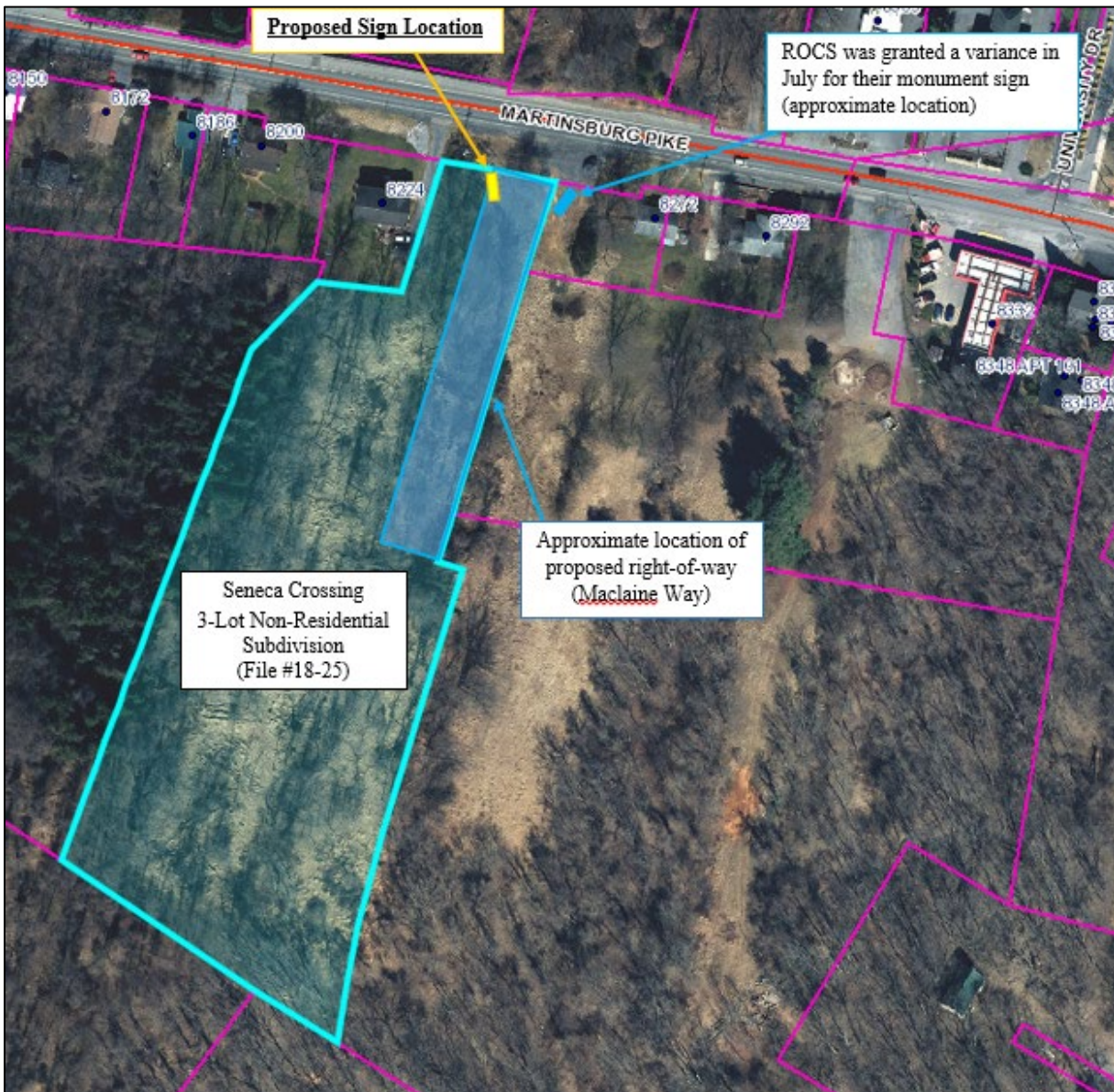
Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2019
Seneca Crossing Sign Variance Request (#19-20-ZV)

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 10.2C to allow a subdivision/monument sign within the right-of-way (Maclaine Way).

Section 10.2C allows subdivision signs to be located within a right-of-way as part of a subdivision; however, the term ‘subdivision sign’ is not defined in the Zoning Ordinance and what the applicant is proposing would technically be defined as a Pylon Sign as it will include signs advertising multiple businesses.

A key purpose of the sign regulations is to ensure that placement of signs are appropriate to the land, building, or use to which they are accessory and that the signs are adequate for the intended purpose of identification and advertisement. Typically, signs are not permitted within a right-of-way as a means to ensure that traffic visibility is not obstructed and to ensure that any future right-of-way expansion or future utility placement will not be obstructed.



Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2019
Seneca Crossing Sign Variance Request (#19-20-ZV)

Staff Evaluation of Request

The Seneca Crossing non-residential subdivision is still processing (File #18-25) and, therefore, could locate a subdivision sign within the right-of-way without need of a variance. The term “Subdivision Sign” is not defined by the Ordinance, though historically, Staff has interpreted this to be a monument style sign which identifies the name of the subdivision.

By definition, what the applicant is proposing, is to locate a pylon sign (a sign which advertises more than one land use on the premises where the sign is located) within the proposed right-of-way, Maclaine Way. The applicant is proposing to utilize a monument style sign, which is traditionally low to the ground with an opaque support structure (as opposed to a pole structure). The structure would be 8’ high, from the base to the top of the sign, and 9’ long. It will be a two-sided sign, with business names listed on both sides of the sign, visible in both directions from Route 45, and it will be externally lit.

Below are two examples of pylon signs (a sign advertising more than one business). The applicant is proposing a monument style sign, but the example below is not representative of what the applicant is proposing (refer to the last page of their application for proposed sign design).



Pylon Sign



Pylon Sign / Monument Style

The proposed monument sign will likely be less obtrusive than a traditional pylon sign and would address public comment provided during the Concept Plan phase of this project. The applicant has provided documentation verifying that the proposed monument sign will not obstruct traffic visibility.

Taking into consideration that the Ordinance would allow a subdivision sign to locate within the right-of-way without a variance, and based on the applicant’s proposal to utilize a monument style sign, reflecting a design similar to what is typical for a subdivision sign, it appears this request complies with the

overall intent of the Ordinance, including that signage be “adequate, but not excessive, for the intended purpose of identification or advertisement.”

Each of the three individual lots within Seneca Crossing will be permitted to erect a freestanding business sign, advertising the business/service offered for the subject lot (i.e. Lot 1 - WVU Medicine - will be permitted to have a freestanding sign advertising the service on their lot). The three signs (one for each lot) would be in addition to the proposed monument sign subject to this request.

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2019
Seneca Crossing Sign Variance Request (#19-20-ZV)

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.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 10.2 General Provisions³⁶

It is intended that the placement of a particular sign will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and proportions to its surroundings.

C. No signs, other than subdivision signs approved by the Planning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road or within any stormwater, drainage, or utility easement.



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: 19-20-ZV
 Staff Initials: JH
 Meeting Date: 8/22/19
 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: Seneca Crossing, LLC
 Mailing Address: P.O. Box 1027, Shepherdstown, WV 25443
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Name: Eric Lewis Paul J Raco
 Mailing Address: Above and Below
 Phone Number: _____ Email: _____

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

Name: P.J. Raco Consulting, LLC Paul J Raco
 Mailing Address: P.O. Box 548 Charles Town, WV 25414
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: Martinsburg Road
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: Shepherdstown Map No: 8 Parcel No: 50
 Parcel Size: 4.48 Acres +- Deed Book: 1034 Page No: 396

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"/>	
<div style="text-align: center;"> <p>RECEIVED</p> <p>JUL 29 2019</p> <p>JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING</p> </div>			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"/>

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: 10.2.C.

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 _____ 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:

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.

 7/29/19
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).

08/22/19

Date of Public Hearing

08/07/19

Advertising Date

08/07/19

Placard Posting Date

Seneca Crossing, LLC
Request for Variance
Article 10, Section 10.2. C.
Jefferson County Zoning Ordinance
July 29, 2019

Brief Description

Seneca Crossing is a small, three lot business subdivision along Route 45 West of Shepherdstown. Seneca is allowing ROCs to share its entrance to minimize entrance points along Route 45. McClaine Road is the Road that will serve both the ROCs Convenience Store and Seneca's three lots. Currently, only Lot 1 is processing a site plan through the County ordinances. Lot 1 is going to be a Medical Office Building for WVU Medicine/Berkeley Medical Center (BMC).

The sign provision of the ordinance allows Seneca to locate a Subdivision Sign within the McClaine Way ROW and two freestanding business signs (one for each of the road frontages along Route 45 and along McClaine Way). Instead of locating the 3 signs, Seneca is proposing one Monument sign that will identify all three lots in lieu of the Subdivision Sign and the other 2 freestanding signs. This sign will be less than 8' high and it will be 9' long (horizontal) and 2' wide. As the Board is recently understanding, the sign regulations are written more for freestanding pole structure signs that some communities call 'pylon' signs. In Jefferson County, these pylon signs can be 35' high and lighted. One Monument sign that is externally lit should be much preferred from an aesthetically standpoint than a 35' internally lit pylon sign. Since safety will be addressed by the line of sight study for vehicles, then aesthetics should be a priority.

The ordinance would allow this sign in the McClaine Way ROW without it needing a variance by the Board if it simply took the name of the businesses off of the sign and left the name of the subdivision. Therefore, the Applicant is proposing that they just do the one sign that identifies the name of the development with the name of the three businesses on the sign within the ROW. Normally, the ordinance would allow the two 35' high pylon signs and the subdivision sign in this general location; and instead, the Applicant is proposing one sign to achieve the same result. The purpose is to identify the development and be able to direct the customers from Route 45 to the businesses. The Applicant believes that this can be achieved with one 9' x 7.5' x 2' monument sign that is externally lit. In order to do that, the Applicant needs a variance to downsize in height and number. The location of the sign in the McClaine ROW is irrelevant since both the Subdivision Ordinance and Zoning Ordinance protects the line of sight for vehicle safety as traffic is entering onto Route 45. As illustrated in the attachment, this location is fine with regard to line of sight for vehicle safety.

The Applicant would like to combine the Subdivision Sign with the Businesses' sign and place it in the Common ROW for the Subdivision. This both minimizes the number of signs and puts the sign in the Common Area for Maintenance purposes. The maintenance agreement for the Road will include the maintenance agreement for the Sign, as well.

The sign will be landscaped and will be in the same colors of WVU so that is consistent with the WVU color scheme on Lot 1.

Based on the above, the Applicant respectfully requests the BZA to grant the variance to allow the already permitted Subdivision Sign in the McClaine Way ROW to include the names of the three businesses that will be located on the three lots in Seneca. Thank you for your consideration of the request.

Seneca Crossing, LLC
Request for Variance
Article 10, Section 10.2.C.
Jefferson County Zoning Ordinance
July 29, 2019

1. Granting the variances will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

The location of the sign is proposed to be in the extended ROW around the sign. This makes it easier for Common Maintenance Purposes. A Subdivision Sign can be in this location, if the line of sight is protected as illustrated in the attachment. The ordinance allows a subdivision sign and two freestanding business signs for this subdivision. The Applicant feels that if they are permitted to combine the Subdivision sign with the Businesses name on the sign, it will cut out the need for two signs. This sign will only be 9' by a little over 7' and will be externally lit. It will not be a pole structure pylon sign. It will be a monument sign that is much more compatible with the mixed-use area.

The consolidation of 3 signs into 1 should be much preferred to the adjacent property owners and residents than three separate signs that would include two pole signs.

2. 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 property has a panhandle shape with the area of the McClaine Way taking up a good portion of the land that is adjacent to Route 45. Therefore, unless a bigger sign is used, the best location is within the McClaine Way ROW. It is better in this location to minimize both size and number of signs. It is also better to be in the Road ROW for Common Maintenance purposes. The Common Maintenance Agreement will include access to the sign for the lot owners in the subdivision.

The Ordinance already allows the Subdivision sign within the ROW and 2 other Freestanding Signs in the property. The Applicant believes that it is in the Public's and the future Lot owners' best interest to allow the consolidation of the signs into one sign commonly maintained in the ROW. McClaine Road ROW is not the State Maintained ROW. It is the private ROW that is owned by the Applicant. The expansion of the ROW to include the Sign will enhance the property by eliminating signs and maintenance issues and costs.

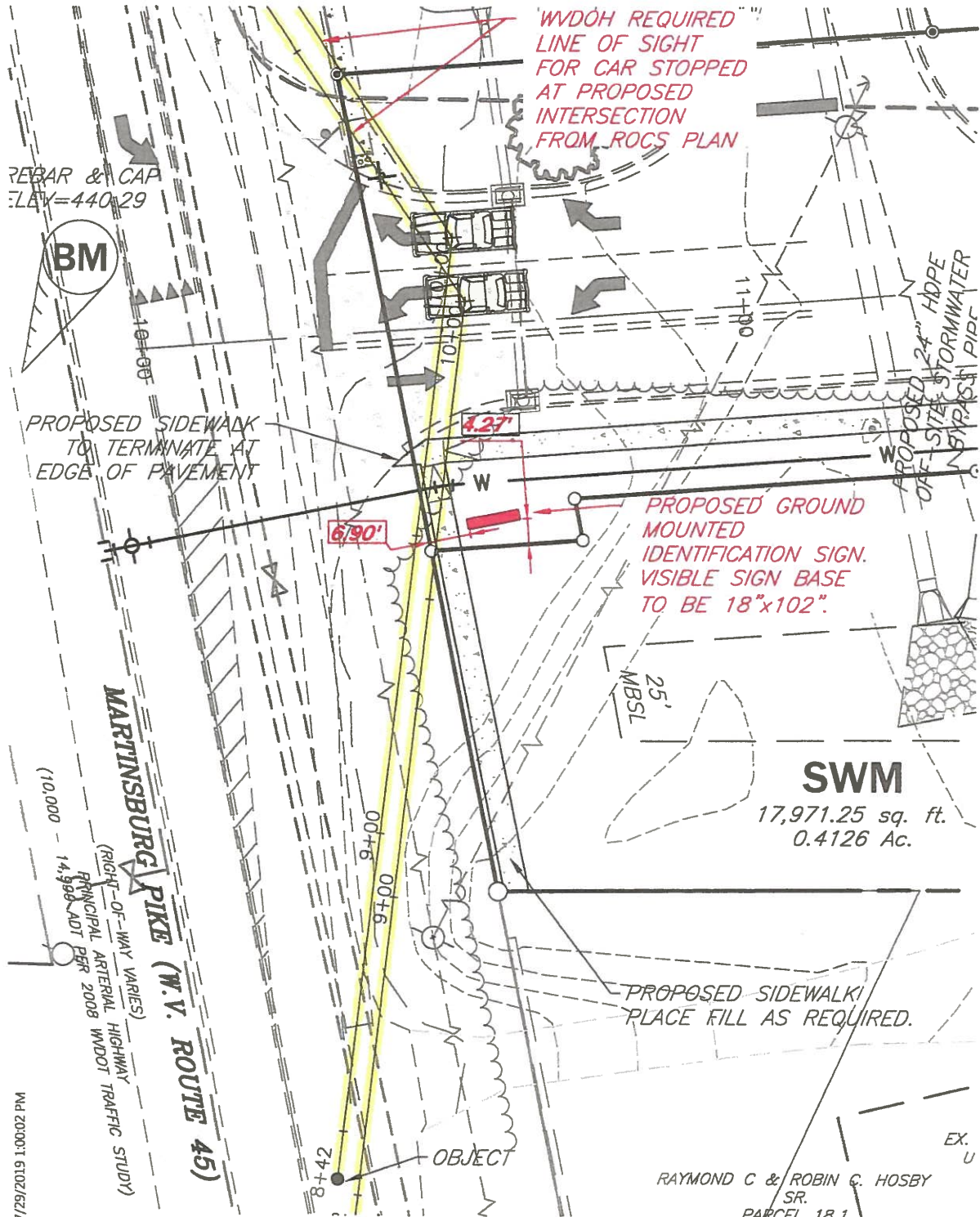
3. How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

The one sign vs three will cut down confusion and clutter in a tight spot where the private road meets the public road. Most applicants want as much exposure as the ordinances allows. However, in this case, the Applicant believes that one sign would be more aesthetically pleasing if it were one Monument sign in this location. Usually, an Applicant would build all the signage that the ordinance allows, and the public is left having to view a bunch of sign clutter. In this case, the Applicant feels that by allowing the one smaller monument sign in the ROW, it will permit the need for two larger signs further from the Road. So, in this case, the Applicant believes that a reasonable use of the land will benefit the Public as much as it benefits the development.

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

The Public and City of Shepherdstown has been conscience of the proliferation of signage in the Route 45 Corridor. One of the reasons to erect a monument sign instead of a freestanding pole sign was to be responsive to the City's and public's wishes. If the sign in the ROW can convey the message that there are three businesses along McClaine Way ROW, then the applicant believes that only one sign is needed. The intent of the Sign provisions is to allow the businesses to be located without a proliferation of signs. In this case, this variance will allow the reduction of 3 permissible signs into one aesthetically pleasing sign without endangering the traffic flow.

Accordingly, the Applicant respectfully asks the Board to allow the Subdivision Sign to include the names of the businesses in the ROW. This will cut down the number of signs, while making it easier to maintain the sign that is constructed.
Thank You.



PRELIMINARY PLAT

SENECA CROSSING, LLC.
SENECA CROSSING SUBDIVISION, LOTS 1-3

SITUATE ON THE SOUTH SIDE OF MARTINSBURG PIKE (WV RTE 45) BETWEEN
MADDEX DR. & WEST HIGH ST.
JEFFERSON COUNTY, WEST VIRGINIA

H:\18\50874 Seneca Crossing\Exhibits\01-SDIST SIGN EXHBT.dwg, 7/29/2019 1:00:02 PM

SCALE: 1"=20'

General Notes

1. All materials and methods must comply with the specifications listed. No alternates will be accepted.
2. Paint and vinyl samples to be submitted to designer for approval prior to fabrication. Colors MUST match corresponding Pantone colors.
3. Artwork will be provided by the designer for each sign type. NO OTHER ARTWORK IS TO BE USED. Artwork should not be scaled unless necessary. If necessary, proportions MUST be maintained.
4. All graphic symbols will be provided within corresponding artwork. Any additional symbols needed MUST be obtained from the designer.

Fabrication Standards

1. All material connections to be made per manufacturer specifications. All connections to be clean and inconspicuous, unless noted or shown otherwise. All chemical bonds to be solid without residue, staining or smearing.

Material and Color Standards

M1



To match Pantone 295C

Translucent Vinyl :
Oracal® 8800 Premium Cast, 183 Ink Blue

M2



To match Pantone 124C

Translucent Vinyl :
Oracal® 8800 Premium Cast, 219 Yolk Yellow

M3



Brushed Aluminum
To match Pantone 877C

Wilsonart® Decorative Metal
Anodized Aluminum 6281 (Type 419)
Satin Brushed Smoke Aluminum

Wilsonart® laminate to be used as reference when specified for exterior application. Exterior material to match in color and finish. Designer to approve proposed material prior to fabrication. SUPPLY SAMPLE FOR APPROVAL BY OWNER.

M4



To match Matte White
(All whites to be consistent in tone)

M5



To match Pantone 438C

SUPPLY SAMPLE FOR APPROVAL BY OWNER.



30 garfield place
cincinnati, ohio 45202
513.461.1775
513.461.1774
@people@swathdesign.com

project: 013911.00
Seneca Crossing ID
swath contact: brant.burckowski@swathdesign.com

file name: SenecaCrossing_ID_070819.a
created by: brant

owner/contact: Elk-J Lewis CPA
Seneca Crossing, LLC & Company PLLC
200 W Liberty St
Chillicothe, WV 25814
elk-j@elk-jcpas.com

These drawings are for the sole purpose of approving visual design intent only and are not intended for construction. The Designer shall retain full responsibility for material selection, fabrication and installation. Designer shall obtain upon the Designer's approval of the drawings, the necessary ADA compliance.

Design Intent
Materials and Specifications

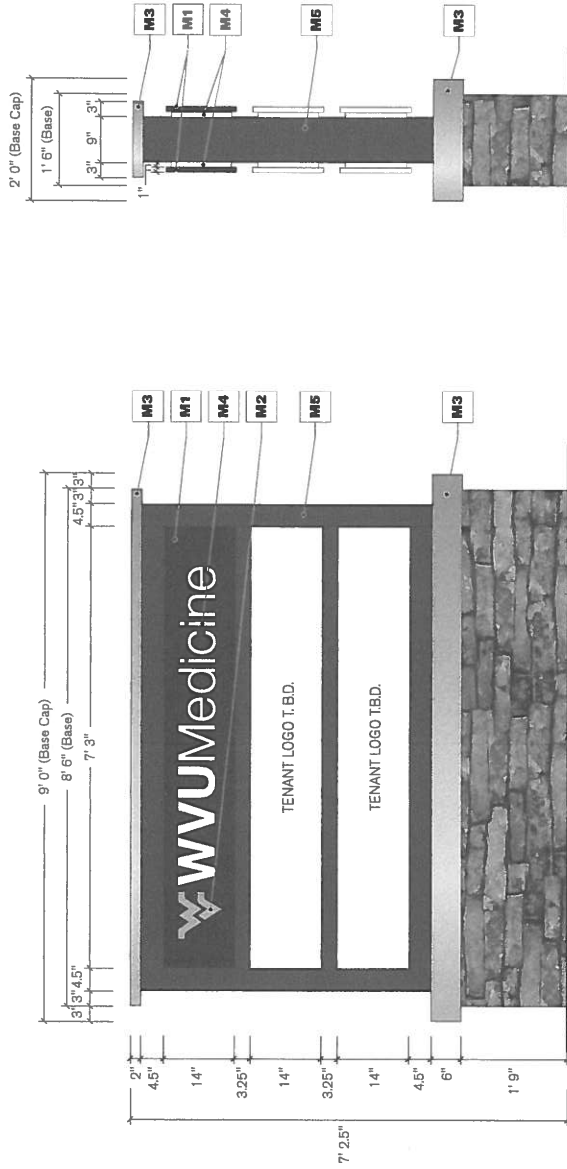
M1

Swath Design, LLC

General Notes

- A.** Contractor to field verify dimensions and site conditions prior to fabrication and installation. Owner and Designer to be notified of any discrepancies or issues with installation locations.
- B.** All mounting methods to be coordinated and approved with Owner. Any necessary visible hardware to be reviewed by Designer prior to installation.
- C.** Contractor to provide Owner and Designer with shop drawings and complete sign layouts for each sign prior to fabrication or bear responsibility for any discrepancies or messaging errors.
- D. Refer to page M1 for specifications.**

NOTE : Actual size artwork to be supplied by Designer. Alternate artwork is NOT to be used without permission of the Owner.



Elevation	1
Scale: 1/2" = 1'-0"	1.00

NOTE : Base casting to be assembled by Owner. Owner to coordinate cabling work with Sign Fabricator. Sign fabricator prior to building sign is to have materials match those used in the site conditions.

LIGHTING : Sign to be lit with external lighting. Coordinate lighting type and location with Owner prior to installation. Sign location will have power available.

Side Elevation	2
Scale: 1/2" = 1'-0"	1.00



30 garfield place
cincinnati, ohio 45202
513.291.1773
513.421.1774
people@swathdesign.com

project: 01811.00
Seneca Crossing ID
swath contact: tam barcikowski
tbar@swathdesign.com

license: 070819
Seneca Crossing ID
created by: brant

owner contact:
Eric J. Lewis CPA
Seneca Crossing ID & Company PLLC
200 W Liberty St
Chillicothe, OH 45614
elijah@oh-cpa.com

These drawings are for the sole purpose of expressing the design intent and are not intended for construction. The Designer shall not be responsible for the construction of the sign. The Designer shall not be responsible for the construction of the sign. The Designer shall not be responsible for the construction of the sign.

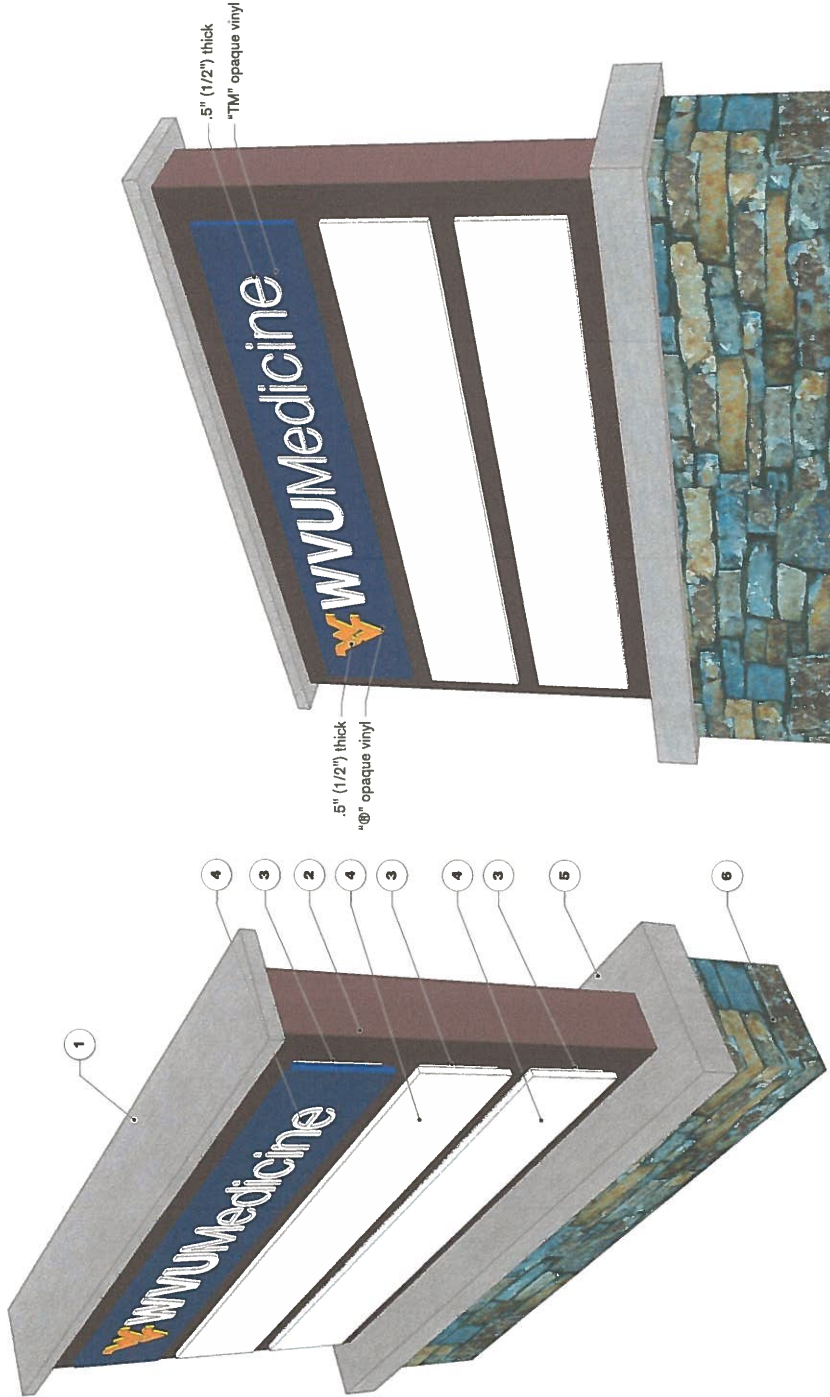
Drawing Notes

1. Aluminum cap. Attaches to cabinet as required with concealed or inconspicuously placed fastenings. Finish all exposed surfaces as specified.
2. Aluminum cabinet. Attaches to base as required with no exposed fastenings. Paint all exposed surfaces as specified.
3. Aluminum framing to achieve 1" stand-off of face panel. Framing to be inset 1" from all sides of face panel. Paint all exposed surfaces white.
4. Aluminum face panel with 1" returns. Attaches to stand-off framing behind with no exposed fastenings. All lettering and graphics to be applied to face as necessary with no exposed fastenings.
5. Aluminum cap attaches as required with no exposed fasteners. Cap covers entire top of base.
6. Base and footer as required, coordinate with Owner. Base to be clad with stone or material used in adjacent facility facade. Owner to approve cladding material prior to fabrication.

General Notes

- Contractor to field verify dimensions and site conditions prior to fabrication and installation. Owner and Designer to be notified of any discrepancies or issues with installation locations.
 - All mounting methods to be coordinated and approved with Owner. Any necessary visible hardware to be reviewed by Designer prior to installation.
 - Contractor to provide Owner and Designer with shop drawings and complete sign layouts for each sign prior to fabrication or bear responsibility for any discrepancies or messaging errors.
- D. Refer to page M1 for specifications.**

NOTE: Actual size artwork to be supplied by Designer. Alternate artwork is NOT to be used without permission of the Owner.



Rendering 2
Not To Scale 1.01

Rendering 1
Not To Scale 1.01

design that moves people

30 gaffed piece
price fixed only 49202
858 211 1773
518 211 1773
people@swathdesign.com

price: 0181100
Seneca Crossing ID
brian barcikowski
brian@swathdesign.com

owner/contact:
Eric J. Lewis CPA
Seneca Crossing ID
070819a
created by:
brian

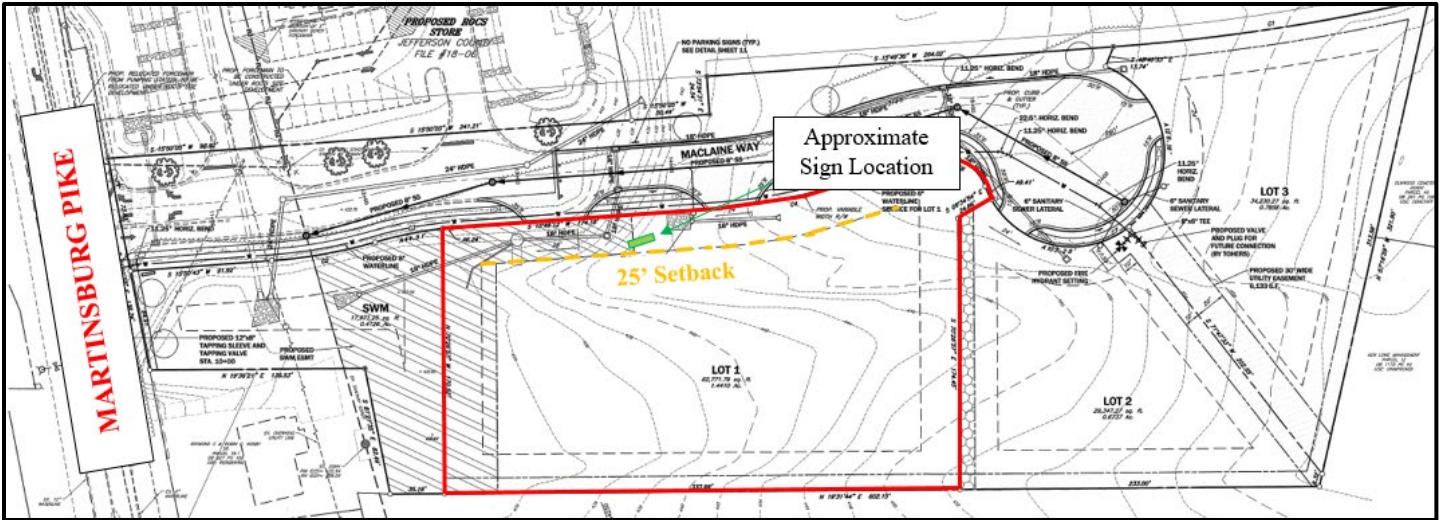
date/revisions:
07/08/19

owner/contact:
Eric J. Lewis CPA
Seneca Crossing ID
070819a
created by:
brian

These drawings are for the sole purpose of representing design intent only and are not intended for construction. The Designer shall not be responsible for materials selection, fabrication and installation. Designs are based upon the Designer's interpretation of the RFP for the University of ADP compliance.

Design Intent
Entrance Identification Details
1.01
Swath Design, LLC

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2019
Seneca Crossing Sign Variance Request (#19-21-ZV)



Staff Evaluation of Request

The applicant is proposing to install a monument sign within the 25' front setback. The dimensions subject to the request pertain specifically to the support structure (the base of the sign) because the sign face is permitted to be 5' from the right-of-way. The closest projection of the support structure would be 15' from the front property line.

The Ordinance does not currently include provisions for a monument sign and only addresses freestanding business signs at their maximum height and square footage, as opposed to addressing various sign heights based on the type of road and required speed limit.

A monument sign is a type of freestanding sign, traditionally low to the ground with an opaque support structure. The Ordinance currently only includes provisions for freestanding signs, referencing a maximum height of 35' for the support structure (typically a pole) with a maximum of 100 square feet for the sign face. Based on the maximum height and maximum square footage, the support structure (i.e. pole) is required to be 25' from the right-of-way, but allows the sign face to be as close as 5' from the right-of-way (see cantilever sign example below). A 35' tall sign is typically designed to gain the attention of motorists from a distance to draw them into the site. The purpose of the subject monument sign, which will be less than 7' tall from the base of the support structure to the top of the sign face, would not be to attract motorists from a distance, but to identify the business to incoming motorists.

Example: Cantilever Sign (Billboard)



Example: Monument Sign

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2019
Seneca Crossing Sign Variance Request (#19-21-ZV)



The sign regulations state that in areas proposed for new development, such as the subject parcel, signs should be “harmonious in color, form, and proportions to its surroundings”. Taking into consideration that the ROCS store was recently granted a reduction to place their monument sign 5’ from the property line, the proposed sign location for WVU Medicine would be “harmonious in proportions” to the adjacent property. Further, the Ordinance also states that signage should be “adequate, but not excessive, for the intended purpose of identification or advertisement.” The request to place the proposed monument sign closer to the property line appears to meet the overall intent of the Ordinance and will be compatible with the character of the area. A setback reduction for a monument style sign will have minimal impact on surrounding properties and based on the documentation provided by the applicant, should not obstruct traffic visibility.

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
August 22, 2019
Seneca Crossing Sign Variance Request (#19-21-ZV)

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: 19-21-ZV
 Staff Initials: GH
 Meeting Date: 8/22/19
 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: Seneca Crossing, LLC
 Mailing Address: P.O. Box 1027, Shepherdstown, WV 25443
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Name: Berkeley Medical Center c/o Paul J Raco
 Mailing Address: Below
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com


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

Name: P.J. Raco Consulting, LLC Paul J Raco
 Mailing Address: P.O. Box 548 Charles Town, WV 25414
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: Martinsburg Road
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: Shepherdstown Map No: 8 Parcel No: 50
 Parcel Size: 4.48 Acres +- Deed Book: 1034 Page No: 396

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: 10.4.B.3.

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 25' to 15'

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.

7/29/19

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).

08/22/19

Date of Public Hearing

08/07/19

Advertising Date

08/07/19

Placard Posting Date

Seneca Crossing, LLC
Berkeley Medical Center Lot 1
Request for Variance
Article 10, Section 10.4.B.3.
Jefferson County Zoning Ordinance
July 29, 2019

Brief Description

WVU Medicine/Berkeley Medical Center (BMC) is purchasing Lot 1 of Seneca Crossing Subdivision on Route 45, Martinsburg Road. Lot 1 is the first of three commercial lots that are being created in Seneca Crossing along McClaine Road. ROCS will also share the entrance for this development. Beyond Lot 1 where BMC is locating, there are only two additional lots being proposed, Lots 2 and 3.

As shown on the attached site plan, the proposed sign for BMC will be a monument sign that will be 9' (horizontal/long) x 2' (wide) x 6' 8" (high). This sign is less than 63 sq. ft. and will be in the traditional WVU colors as shown on the attached schematic. As the Board can see, it will not be a pole sign that is permitted to be 35' high.

The sign will be no less than 15' from the internal McClaine Road Right of Way. The sign is permitted to be as close as 5' to the property line, but the base needs to be 25' from the line. The ordinance is geared more for pole structure signs. This monument sign is the preferred method of signage for aesthetically pleasing visual effect. Technically, only the approximate 9' (horizontal/long) x 2' (wide) x 27" (high) base needs the variance to be 15' to the front property line.

At this time, only two other lots will be beyond Lot 1, so the traffic on McClaine Road after Lot 1 and ROCs will be limited. The proposed sign location will not impact traffic at all. The sign will be slightly orientated towards the traffic entering before they turn into ROCS. This sign is needed in this location so that people turning into McClaine Road are correctly routed to the Medical Office Building if that is their destination.

Finally, this sign is like the signs that WVU Medicine and BMC uses in all their locations and they have not had any problems with the sign or location of the sign on the other sites throughout the different jurisdictions.

Based on the above, the Applicant respectfully asks that the setback variance for the sign base be granted from 25' to 15'. Thank you.

Seneca Crossing, LLC
Berkeley Medical Center Lot 1
Request for Variance
Article 10, Section 10.4.B.3.
Jefferson County Zoning Ordinance
July 29, 2019

1. Granting the variances will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

Granting the variance from 25' to 15' for the base of the entrance sign for WVU Medicine/Berkeley Medical Center (BMC) will have no effect on the neighboring property owners. The sign will be shielded by the building from properties to the West and the property to the East will be ROCs Convenience Store.

The sign will not effect the safety of the vehicles entering or leaving the BMC Site since the sign will be 15' from the street ROW and there will be plenty of sight distance. The only traffic that will be beyond the BMC lot will be 2 other small commercial lots that will not be built as a part of the BMC Construction.

In terms of Public Safety, the sign will correctly and easily identify where entering traffic should proceed if their destination is the Medical Office Building. Signage is important to the efficient flow of traffic.

2. 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 actual sign can go as close as 5' to the Road ROW provided that the base of the sign is 25' from the property line. In this case, the base of the sign is only approximately 27" tall. Since BMC is utilizing the more accepted Monument Signage, as opposed to, a big and high free-standing pole structure, the sign is less intrusive. The sign will have landscaping around it, and it will be aesthetically pleasing compared to a pole mounted 'pylon' (tower) sign.

The need for a variance is not being created by the applicant since the ordinance is a bit out of date when it comes to Monument Signs. In areas that are considered gateways, Monument Signs have become the preferred method of signage and, as such, these signs should be permitted with some modifications to the current ordinance that is written for the free standing pole signs that are permitted to be 35' high.

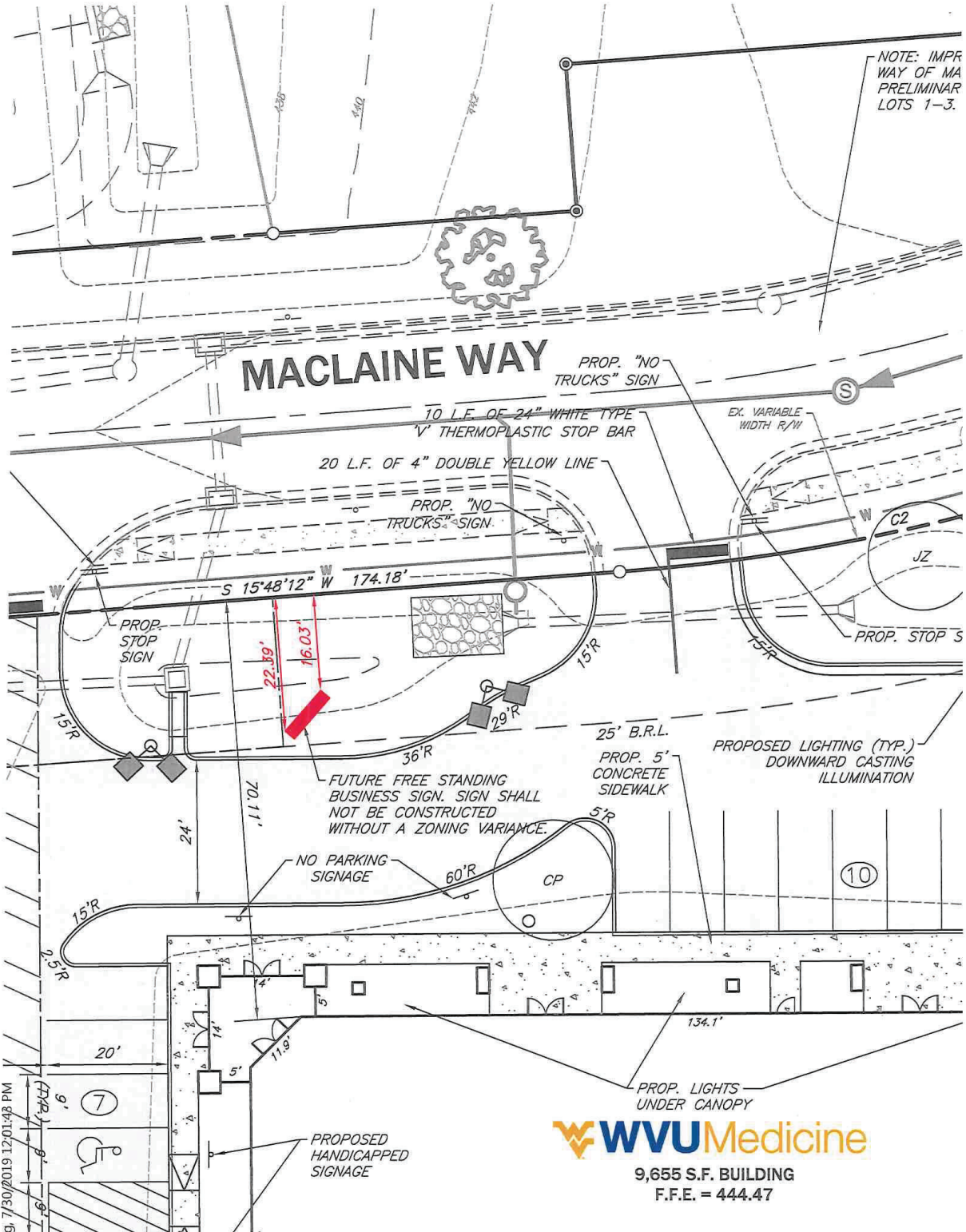
3. How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

If the sign variance isn't granted, the base would have to be moved closer to the building and then end up being higher. Plus, it would not serve the purpose of directing the incoming traffic to enter at this driveway. The sign being located at the entrance to Lot 1 will easily identify the lot for incoming traffic. This is especially true since the entrance to ROCs will be along the same Road.

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

Since the sign ordinance is geared toward the pole structure signs, it allows 100 sq. ft. freestanding 35' high business signs. The applicant believes this is excessive and wants to put in a sign that is less intrusive than what the ordinance allows. The intent of the sign regulations is to allow the business to be identified and found by their potential customer. The Ordinance permits that to be achieved by a higher and bigger sign. In this case, the intent of the sign regulations can be achieved by placing a smaller sign that is under 7' high if the variance is granted. Plus, the benefit gained is that a nicer sign is added to the area without being intrusive.

Substantial justice would be to allow the less intrusive monument sign with the base being 15' to the Road ROW.



WVU **Medicine**
 9,655 S.F. BUILDING
 F.F.E. = 444.47

BERKELEY MEDICAL CENTER
LOT 1 - SENECA CROSSING SUBDIVISION

SITUATE ON THE SOUTH SIDE OF MARTINSBURG PIKE (WV RTE 45) BETWEEN
 MADDEX DR. & WEST HIGH ST.
 JEFFERSON COUNTY, WEST VIRGINIA

19-21-ZV
 Rec'd 07/30/19

H:\18\50874 Seneca Crossing\Exhibits\01-LOT 1 SIGN EXHBT.dwg, 7/30/2019 12:01:48 PM

SCALE: 1"=20'



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 August 22, 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.
 - Greenway Engineering was selected to submit a proposal. It is expected that their proposal will be submitted to the County Commission at their August 29 meeting for consideration.
- On August 13, 2019 the Planning Commission reviewed the public comments received in response to the proposed text amendment ZTA19-01, to create provisions for special event facilities in the Rural, Residential Growth, and Village zoning districts. They made revisions in response to public comment and forwarded to the County Commission with a recommendation that the revised text was consistent with the Comprehensive Plan.
- The County Commission will hold a public hearing on August 29, 2019 at 11:00 a.m. to receive public input on the proposed text amendment ZTA19-02, which proposes allowing Churches to locate on properties zoned Industrial Commercial via the Conditional Use Permit process.

2) Upcoming BZA meeting

- The next regular meeting is scheduled for **September 26, 2019** (deadline for submission is Tuesday, September 3, 2019)



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

August 2019
Zoning Certificate Activity Report

File #	19-20-ZC
Request:	Add and replace antennae and equipment located on an existing co-located telecommunications facility.
Property Owner:	Jefferson Utilities, Inc.
Applicant:	NB + C, LLC / Katherine Blackwood
Parcel Info:	307 West Burr Boulevard, Kearneysville, WV 25430 Parcel ID: 02000100950000; Size: .38 ac; Zone: Industrial Commercial
Issuance Date:	07/30/19
File #	19-21-ZC
Request:	Add three new antennas and equipment located on an existing co-located telecommunications facility.
Property Owner:	Jefferson Utilities, Inc.
Applicant:	NB + C, LLC / Madison Lowery
Parcel Info:	307 West Burr Boulevard, Kearneysville, WV 25430 Parcel ID: 02000100950000; Size: .38 ac; Zone: Industrial Commercial
Issuance Date:	07/30/19
File #	19-22-ZC
Request:	To operate a three bedroom, dog friendly, bed and breakfast.
Property Owner:	Jennifer Deal
Parcel Info:	124 Pleasant Aly, Summit Point, WV 25446 Parcel ID: 06016A00140000; Size: .5 ac; Zone: Village
Issuance Date:	07/30/19
