



Jefferson County
Board of Zoning Appeals
Thursday, September 26, 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: August 22, 2019

Public Hearing – Administer Oath

ITEM #1 FILE #: 19-22-ZV

Request: Variance request from Section 10.4B.3 to reduce the front setback from 25' to 1' for a 96" (length) x 48" (width) x 7'4" (height) freestanding sign (Motorsports Park Circle-West Entrance).
Owner: SPARC, LLC
Parcel Info: 201 Motorsports Park Cir., Summit Point
Parcel ID: 06001700020000; Size: 415 ac; Zoning District: Rural

ITEM #2 FILE #: 19-23-ZV

Request: Variance request from Section 10.2C to allow for a 96" (length) x 48" (width) x 7'4" (height) freestanding sign in the required right-of-way (Motorsports Park Circle-East Entrance).
Owner: SPARC, LLC
Parcel Info: 201 Motorsports Park Cir., Summit Point
Parcel ID: 06001700020000; Size: 415 ac; Zoning District: Rural

ITEM #3 FILE #: 19-24-ZV

Request: Variance from Section 4.10A to waive the requirement of a site plan for the construction of a 3,700 square foot dog kennel and associated parking lot; and Section 11.1B to allow for a modified parking standard/reduced number of parking spaces.
Owner: Jennifer Hillmann
Parcel Info: 4174 Flowing Springs Rd, Shenandoah Junction
Parcel ID: 09002400090000; Size: 3.5 ac; Zoning District: Rural

ITEM #4 FILE #: 19-1-SE

Request: Request for a Special Exception Permit to allow a 91" (length) x 21 3/4" (width) electronic sign to remain affixed to the existing Leetown United Methodist Church Sign. The overall width and height of the existing sign will remain the same. The applicant is also requesting a deviation from the following: A) Section 10.7H to reduce the distance requirement from 200' to 95' on the western property line; to 60' on the northwestern property line; and to 172' on the northeastern property line. B) Section 10.7I to allow an electronic sign to be parallel to a residence.
Owner: Leetown United Methodist Church
Parcel Info: 11133 Leetown Rd., Kearneysville, WV
Parcel ID: 07001200140000; Size: .47 ac; Zoning District: Rural

ITEM #5 FILE #: 19-25-ZV

Request: Variance from Section 9.6C to allow an accessory structure in the required front yard; and, Section 9.7 to reduce the front setback from 20' to 3' for a 12' x 20' shed.
Owner: Leroy Delauder
Parcel Info: 762 Wiltshire Rd, Kearneysville, WV
Parcel ID: 02000200070000; Size: .5 ac; Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

- a. Possible executive session on the following pending lawsuits. None.
- b. Discussion with possible deliberative session and sign of draft Findings/Decisions

Meeting: August 22, 2019

- 1. Variance from Appendix A. Owner: Howard and Patricia Quynn. File: 19-18-ZV.
- 2. Variance from Section 10.2C. Owner: Seneca Crossing LLC. File: 19-20-ZV.
- 3. Variance from Section 4.10 and Appendix B. Owner Robert C & Delia M Garza. Applicant: Andrea Garza, Tri State Pet Care, LLC. File: 19-19-ZV. - Withdrawn
- 4. Variance from Section 10.4B.3. Owner: Seneca Crossing LLC. Applicant: Berkeley Medical Center. File: 19-21-ZV.

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: August 22, 2019
2 Meeting Location: Charles Town Library Conference Room
3 200 East Washington Street, Charles Town, West Virginia
4 Board Members Present: Tyler Quynn, Chair; Jeffrey Bannon, Vice Chair; Matthew McKinney;
5 and Leeds Corbin
6 Members absent: Deirdre Catterton (with notice)
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 2:00 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: July 25, 2019**

15 Mr. Corbin moved to approve the minutes as presented. Mr. Quynn called for a vote, which carried
16 unanimously.

17 ITEM #1 FILE #: 19-18-ZV

18 Request: Variance from Appendix A to reduce the side setback from 15' to 0' for an existing
19 15' x 28' garage.

20 Owner: Howard and Patricia Quynn

21 Parcel Info: Howard and Patricia Quynn Minor Subdivision, Lot 5,

22 7017 Flowing Springs Rd, Shenandoah Junction, WV

23 Parcel ID: 09001700040012; Size: 1.29 ac; Zone: Rural

24 Mr. Quynn recused himself from this item as he is related to the property owner. Mr. Bannon
25 presided as Vice Chair.

26 Ms. Patricia Quynn was present to address the Board. Ms. Beaulieu provided an overview of her staff
27 report explaining that the garage was originally proposed to be removed after an easement was platted
28 as part of an approved subdivision. Ms. Beaulieu explained that no time limit had been in place for
29 removal of the garage. Ms. Quynn explained the nature of the request noting that the existing garage
30 was of sound construction and that the other side of the parcel contained a septic area so constructing
31 a new garage would not be feasible on that side. Additionally, Ms. Quynn stated that they were
32 planning on selling the property and that the garage would increase the property value. Mr. Bannon
33 opened the public hearing. There was no public comment. Mr. Bannon closed the public hearing.

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

36

37 Mr. Quynn returned to the room at 2:08 p.m. and resumed his position as Chair.

38

1 ITEM #2 FILE #: 19-20-ZV

2 Request: Variance from Section 4.10 to waive the requirement of a site plan to install a
3 maximum 1,600 square foot gravel parking lot and from Appendix B to reduce the
4 required parking setback from 15' to 5'. The parking is required as part of the
5 applicant's proposal to convert an existing barn to increase the number of stalls
6 available as part of an existing dog kennel (Tri-State Pet Care).

7 Applicant: Andrea Garza, Tri State Pet Care, LLC

8 Owner: Robert C & Delia M Garza

9 Parcel Info: 10045 Leetown Rd, Kearneysville WV

10 Parcel ID: 07001400070000; Size: 24.25 ac; Zone: Rural

11 Ms. Beaulieu informed the Board that this item had been withdrawn by the property owner.

12 ITEM #3 FILE #: 19-20-ZV

13 Request: Variance from Section 10.2C to allow a 9' (horizontal/long) x 2' (wide) x 8' (high)
14 subdivision/monument sign in the right-of-way (McClaine Way).

15 Owner: Seneca Crossing LLC

16 Parcel Info: Vacant parcel approx. 530' West of the Shepherd University campus entrance located
17 on Martinsburg Pike, Shepherdstown WV

18 Parcel ID: 09000800500000; Size: 4.5 ac; Zone: Residential-Light Industrial-
19 Commercial

20 Mr. Paul Raco with P.J. Raco, Consulting, LLC was present to address the Board. Ms. Beaulieu
21 provided an overview of her staff report. Ms. Beaulieu explained that while a subdivision sign is
22 permitted within the right-of-way, the Ordinance did not define a "subdivision" sign. As such,
23 Ms. Beaulieu had determined that the type of sign proposed met the definition of a Pylon Sign and
24 therefore needed a variance to be located within a right-of-way. Mr. Raco explained the nature of
25 the request noting the site limitations. Mr. Raco stated the proposed sign would not negatively
26 impact traffic visibility, would be externally lit, would not be electronic, and that the applicant is
27 only proposing one sign along Route 45, although they are permitted to have two signs by-right.
28 Mr. Quynn opened the public hearing. There were no members of the public present to make
29 comment. A letter had been submitted by Mr. Stephen Ayraud for the record; however, it did not
30 speak for or against the subject request. Mr. Quynn closed the public hearing.

31 Mr. McKinney motioned to approve the variance request with the condition that the applicant is
32 bound by his testimony and that no additional signs shall be placed on the parcel.

33 ITEM #3 FILE #: 19-21-ZV

34 Request: Variance from Section 10.4B.3 to reduce the front setback from 25' to 15' for a
35 9' (horizontal/long) x 2' (wide) x 27" (high) base of a monument sign.

36 Applicant: Berkeley Medical Center

37 Owner: Seneca Crossing LLC

38 Parcel Info: Vacant parcel approx. 530' West of the Shepherd University campus entrance located
39 on Martinsburg Pike, Shepherdstown WV

40 Parcel ID: 09000800500000; Size: 4.5 ac; Zone: Residential-Light Industrial-
41 Commercial

1 Mr. Paul Raco with P.J. Raco, Consulting, LLC was present to address the Board. Ms. Beaulieu
2 provided an overview of her staff report explaining that the proposed lot is an interior lot to a
3 commercial subdivision that is not yet platted. Mr. Raco explained the nature of the request noting
4 that the request to reduce the required setback was to accommodate a monument style sign as
5 opposed to the permitted 35' high pole sign. Mr. Raco also noted that the Ordinance allows the sign
6 face to be as close as 5' to the property line if a pole structure is utilized.

7 Mr. Quynn opened the public hearing. There were no members of the public present to make
8 comment. A letter had been submitted by Mr. Stephen Aryaud for the record, which stated that an
9 internally lit sign is not consistent with the Shepherdstown standard of externally illuminated signs.
10 Mr. Quynn closed the public hearing.

11 Mr. Corbin motioned to approve the variance with the following conditions:

- 12 1. The sign shall adhere to Section 10.21
- 13 2. Landscaping around the monument sign should consist of small plants to avoid additional
14 visual barriers that larger shrubs may create; and,
- 15 3. The applicant is bound his testimony.

16 Mr. McKinney seconded the motion, which carried unanimously.

17 **Zoning Administrator Report**

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

19 Ms. Beaulieu provided the Board with an overview of pending text amendments. Ms. Beaulieu
20 informed the Board that their next meeting would be September 26, 2019.

21 **Legal Update**

22 a. Possible executive session on the following pending lawsuits. Mr. Cochran stated that he
23 received notice of a petition for writ certiorari pertaining the March campground variance.
24 The judge wrote an order on August 19, 2019; however, an official service notice has not
25 been filed.

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

27 Meeting: July 25, 2019

- 28 1. Variance from Section 4.9 & 10.4B.3. Owner: SAB Real Estate 2. File: 19-14-ZV
- 29 2. Variance from Section 10.4B.2 Owner: EPIC at Burr Park, LLC. Applicant: Holtzman
30 Oil Corp. File 19-16-ZV.
- 31 3. Variance from Appendix B, Section 4.11E, and 839A.10. Owner: EPIC at Burr Park,
32 LLC. Applicant: Holtzman Oil Corp. File 19-17-ZV.

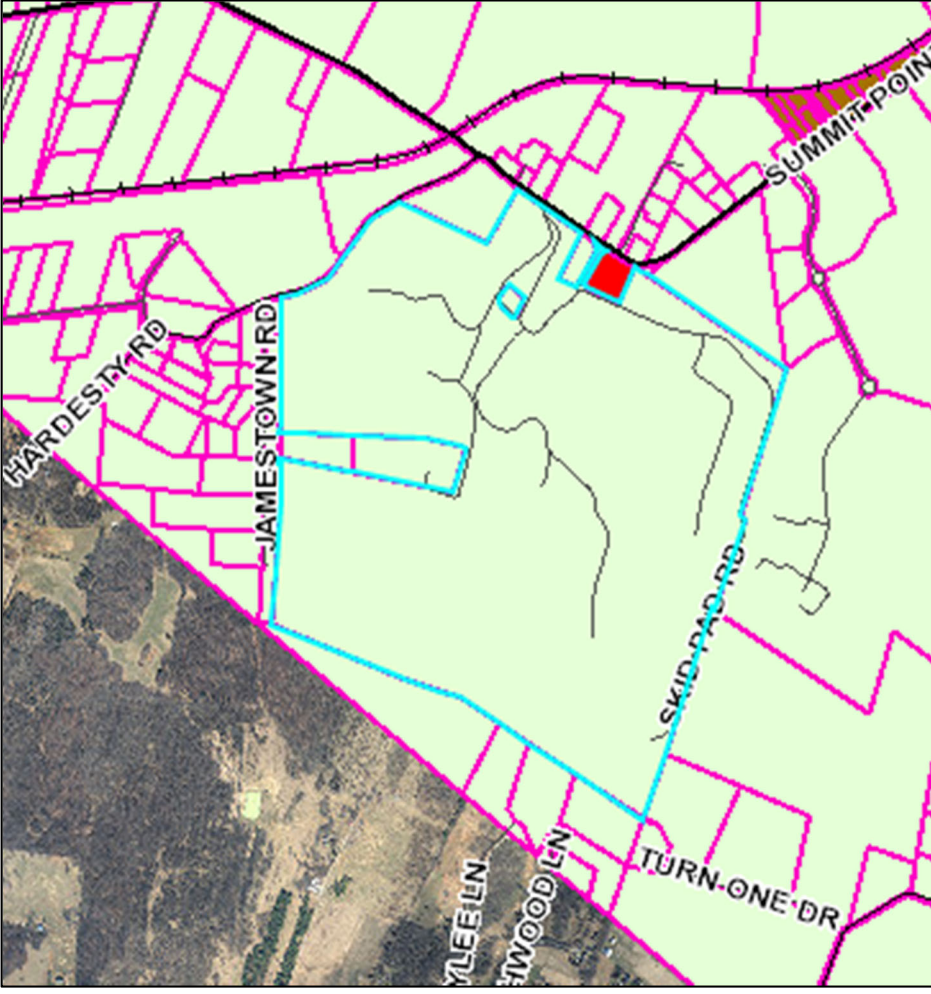
33 Mr. Quynn reviewed the above referenced Findings.

34 Mr. Bannon moved to adjourn the meeting at 2:43 pm, which carried unanimously.

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

SPARC (West Entrance) Variance Request (#19-22-ZV)

Item #1 Variance request from Section 10.4B.3 to reduce the front setback from 25' to 1' for a 96" (length) x 48" (width) x 7'4" (height) freestanding sign (Motorsports Park Circle-West Entrance).

Applicant:	SPARC, LLC
Owner:	Same as above
Developer:	N/A
Consultant:	Gordon
Legal Description & Zoning District:	<p style="text-align: center;">201 Motorsports Park Cir., Summit Point Parcel ID: 06001700020000; Size: 415 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North: Rural South: Rural / Clark County, VA East: Rural / General Commercial West: Rural</p>
History:	See Below

Staff Report
 Jefferson County Board of Zoning Appeals
 September 26, 2019
SPARC (West Entrance) Variance Request (#19-22-ZV)

11/21/12	S12-04	Summit Point Tactical Training Center, Phase III	Storage Trailer and Training Bldg: 1,800 sf Training Area and Covered Walkways: 15,000 sf Leadership Reaction Course: 15,000 sf Gravel Safety Zone: 29,676 sf Paths: 1,031 sf Paved Turnaround 937 sf Total Impervious: 63,444 sf 09/30/13: Redline Revision add connex boxes 04/30/13: Redline Revision to add covered area
05/20/14	S13-03	Summit Point Tactical Training Center, Phase 4	Bldgs: 112,381 sf Private driveway and storage areas: 924,275 sf Sidewalks: 11,034 sf Concrete aprons: 10,097 sf Gravel drives: 83,578 sf Total: 1,141,365 *Six merger areas increasing acreage from 13.55 to 138.9. Includes: 5 classrooms; 2 training bldgs; dining hall; garage; wash bay & office space; fueling station; watch tower; 3 training areas.

SITE PLANS (including related variances & redline revisions):

Summit Point Motorsports Park (District: Kabletown; Map: 17; Parcel: 2)

Approval	File #	Development	Description
12/13/94	S94-10	Summit Point Raceway	Registration Building
08/13/96	S96-13	Summit Point Raceway Apple Chapel	Pavilion to be used for worship services
03/25/97	S97-05	Summit Point Raceway	Tech Inspection Bldg
07/14/98	S98-05	BSR Range Complex	3 Pole Bldgs/Shooting House/Range House PC approved the following variances: 12/13/94: Sec. 11.2.c.2 revised internal access widths & Sec. 11.2.b.6 for a concrete apron. 06/23/98: Sec. 11.2.j.1 for paved interior roads & Sec. 11.2.c.2.a to reduce internal drives. 03/24/98: from processing a site plan based on whole site.
04/11/00	S00-04	Summit Point Raceway	Shower/Bathroom Facility
10/23/01	S01-10	Summit Point Raceway	Storage Building: 480 sf
06/11/02	S02-01	Summit Point Raceway Shenandoah Circuit	Race Control Bldg: 6,400 sf Race Track: 362/720 sf Registration Bldg: 1,058 sf Gasoline Alley Bldg: 39,360 sf Concession Kiosk: 2,162 sf
02/08/05	S04-12	SPARC	School Vehicle Maintenance Buildings x 9600 sf
05/12/10	S10-01	SPARC	Driveway Relocation
03/22/11	S10-07	Summit Point Raceway/Global Tower Partners	195' monopole, Colocation Telecommunications Tower 07/07/11: Redline revision to shift tower location 100'

Staff Report
 Jefferson County Board of Zoning Appeals
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SPARC (West Entrance) Variance Request (#19-22-ZV)

02/11/11	S10-08	STaSIS - SPARC	Bldg 1: 11,688 sf w/ future 2,100 sf expansion. Bldg 2: 4,800 sf w/ future 3,000 sf expansion. 10/26/10: allow rough grading prior to site plan approval. 12/21/10: elimination of sidewalks.
05/10/13	S13-02	Jefferson Circuit	Expansion of existing Jefferson Circuit
10/06/17	S17-10	SPARC Staging Area	Summit Point Motorsports Park Staging Area
12/18/17	S17-11	SPARC Range Extension	Extension of an existing range 12/14/17: Eliminate the required landscape buffer (ZV17-20). 02/22/18: Eliminate the required landscape buffer for temp trailers (ZV18-02). 02/27/18: Redline Revision to add temporary trailers

Zoning Certificates

11/19/09	ZC09-08	SPARC	Seasonal Use Permit to hold WKA events on Washington Circuit at the Summit Point Raceway.
12/11/13	ZC13-50	Summit Point Raceway Assoc., Inc. dba BSR	Federal Firearms Licensing to include affiliated transfer of firearms and ammunitions sales, on premises, as it relates to existing Firearms Training Facility. Not a "store front" gun shop. No guns sold to the general public.
05/31/13	ZC13-14	SPARC	Vocational and /or Training Facility for adults. Extension of the Jefferson Circuit and additional skid pad for continued use as a Government, Corporate, Educational and Automotive Club Training/Testing Facility.

Summary of Request and Purpose of Ordinance Requirements

Variance request from Section 10.4B.3 to reduce the front setback from 25' to 1' for a 96" (length) x 48" (width) x 7'4" (height) freestanding sign (Motorsports Park Circle-West Entrance).

A key purpose of the 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 traffic visibility is not impaired for drivers along the right-of-way.

Staff Evaluation of Request

The applicant is proposing to install a freestanding 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 1' from the front property line.

The proposed sign will be 7'4" tall. The applicant has represented that the proposed sign will be located in such a way that site visibility will not be impeded. A 25' setback is required for freestanding signs which are permitted to be 35' in height with a 100' square foot sign face. This style sign is designed to attract motorists from a distance to draw them into the site. The purpose of the subject sign is not to attract motorists from a distance, but to identify the business to incoming motorists.

Staff Report
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SPARC (West Entrance) Variance Request (#19-22-ZV)

The Ordinance states that signage should be “adequate, but not excessive, for the intended purpose of identification or advertisement.” The request to place the proposed sign closer to the property line appears to satisfy the overall intent of the Ordinance. A discrete sign is appropriate for the proposed location and would be compatible with the character of the area.



Conditions of Approval

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

1. Landscaping (if any) around the proposed sign should consist of small plants to avoid additional visual barriers that larger shrubs may create.

Staff Report
Jefferson County Board of Zoning Appeals
September 26, 2019
SPARC (West Entrance) Variance Request (#19-22-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: 19-22-2V
 Staff Initials: GH
 Meeting Date: 9/26/19
 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: SPARC LLC
 Mailing Address: PO BOX 190, Summit Point, WV 25446
 Phone Number: 304-725-6512 Email: cotto@bsr-inc.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: 201 Motorsports Park Circle
 City: Summit Point State: WV Zip Code: 25446
 Tax District: Kabletown Map No: 17 Parcel No: 2
 Parcel Size: 415 acres +/- Deed Book: 1096 Page No: 472

Zoning District (please check one)

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

RECEIVED
 AUG 27 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: Section 10.4.B.3

Briefly describe the nature of the variance request:

Allow sign to be placed less than 25' from the street right-of-way
*96" (length) x 48" (width) x 7-4" (height) freestanding sign - jth 09-04-19

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

Front Setback Side Setback Rear Setback Reduction From 25' to 1'

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 sign will be located such that traffic and visibility will not be impeded.

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 entrance location was constructed prior to establishment of the zoning ordinance.

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 would place the sign +/- 40' from the edge of the State road, limiting the visibility of the sign and reducing its usefulness in wayfinding for the facility. It is reasonable to allow a closer sign to provide wayfinding for the general public.

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.

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

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

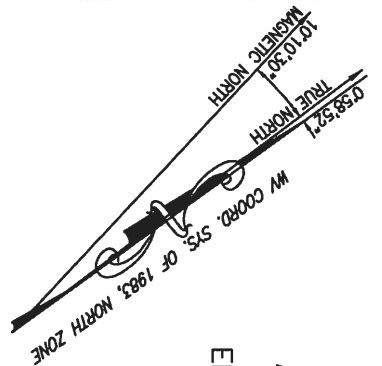

Signature of Property Owner Aug 19, 2019 Date
Signature of Property Owner _____ Date _____

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).

09/26/19 09/18/19 09/11/19
Date of Public Hearing Advertising Date Placard Posting Date

SUMMIT POINT MOTORSPORTS PARK
OVERALL PROPERTY EXHIBIT
AUGUST 2019



**W. SEC. RTE 2
 "HARDESTY ROAD"**

AREA OF
 WEST
 ENTRANCE
 SIGN
 EXHIBIT

AREA OF
 EAST
 ENTRANCE
 SIGN
 EXHIBIT

WV. SECONDARY RTE 13
 "SUMMIT POINT ROAD"
 30' PRESCRIPTIVE EASEMENT

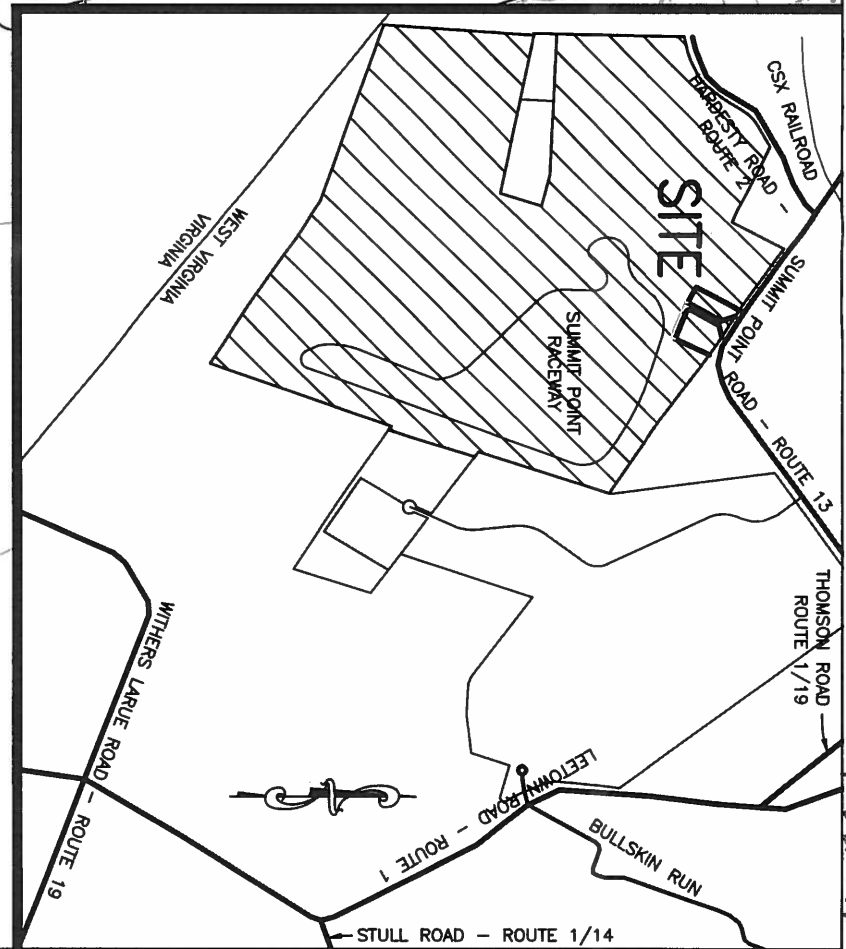
REMAO AMERICA, INC.
 TAX MAP 16, PARCEL 10
 D.B. 1025, PG. 676

WILLIAM H. SCOTT
 INTER VIVOS TRUST
 TAX MAP 16, PARCEL 11
 D.B. 1039, PG. 719

WILLIAM H. SCOTT
 INTER VIVOS TRUST
 TAX MAP 17, PARCEL 5
 D.B. 1039 PG. 715
 D.B. 1039 PG. 719

N/F
 BETTY LEE
 NELSON TRUSTEE
 TAX MAP 17, PARCEL 7
 D.B. 1048 PG. 383

N/F
 MARTIN P. BURK AND
 CONNIE J. BASS
 TAX MAP 17, PARCEL 6.7
 D.B. 957 PG. 309



VICINITY MAP
 SCALE: 1" = 2000'



GRAPHICAL SCALE: 1" = 600'

John J. Webb
 8/26/2019

Gordon
 148 S. Queen Street, Suite 201
 Martinsburg, WV 25401
 Phone: 304-725-8456
 www.gordon.us.com

PROGRAMMING AND PLANNING
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 SURVEY AND MAPPING
 SECURITY CONSULTING

19-22-ZV

SUMMIT POINT MOTORSPORTS PARK

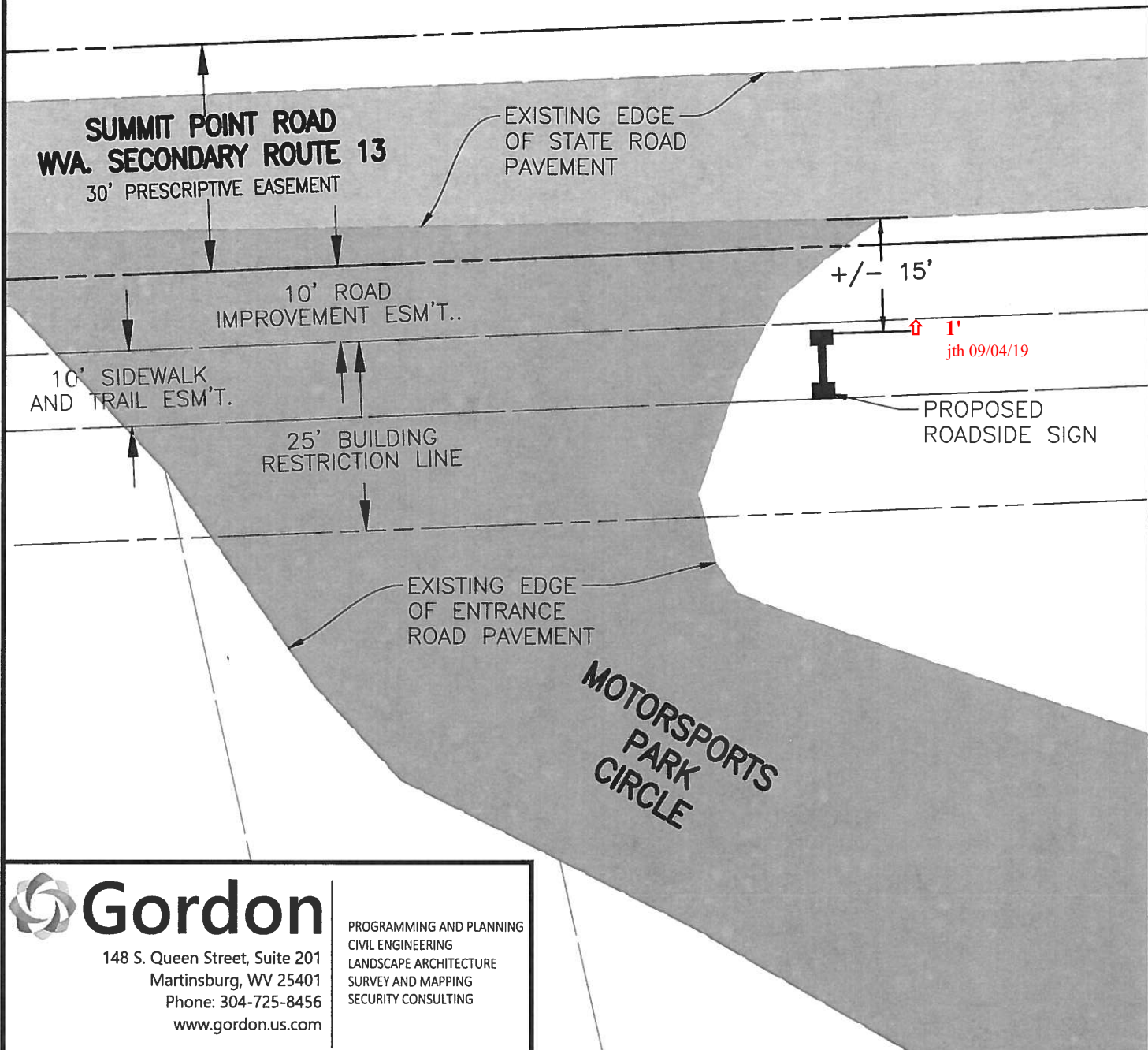
WEST ENTRANCE SIGN EXHIBIT

AUGUST 14, 2019



GRAPHICAL SCALE: 1" = 20'

John D. York 8/26/2019



Gordon

148 S. Queen Street, Suite 201
Martinsburg, WV 25401
Phone: 304-725-8456
www.gordon.us.com

PROGRAMMING AND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
SURVEY AND MAPPING
SECURITY CONSULTING

7'-4" total height
jth 09/04/19



**ARCHITECTURAL ALUMINUM
POST AND PANEL SIGN WITH
REFLECTIVE CUT VINYL GRAPHICS**

**POSTS 3 FEET INTO GROUND
DRY MIX SACRETE FOOTERS**



Date: 05/13/2019

Description: **Summit Point - Roadside Signs**

This drawing is the exclusive property of Sign Here (Century Graphics Group, Inc) until purchased by the customer. It has been prepared and presented to the customer for concept and proposal purposes. All colors are representative unless noted otherwise. Reproduction or distribution of this drawing is expressly prohibited. This drawing and related graphics are available for purchase from Sign Here apart from the sign work proposed.



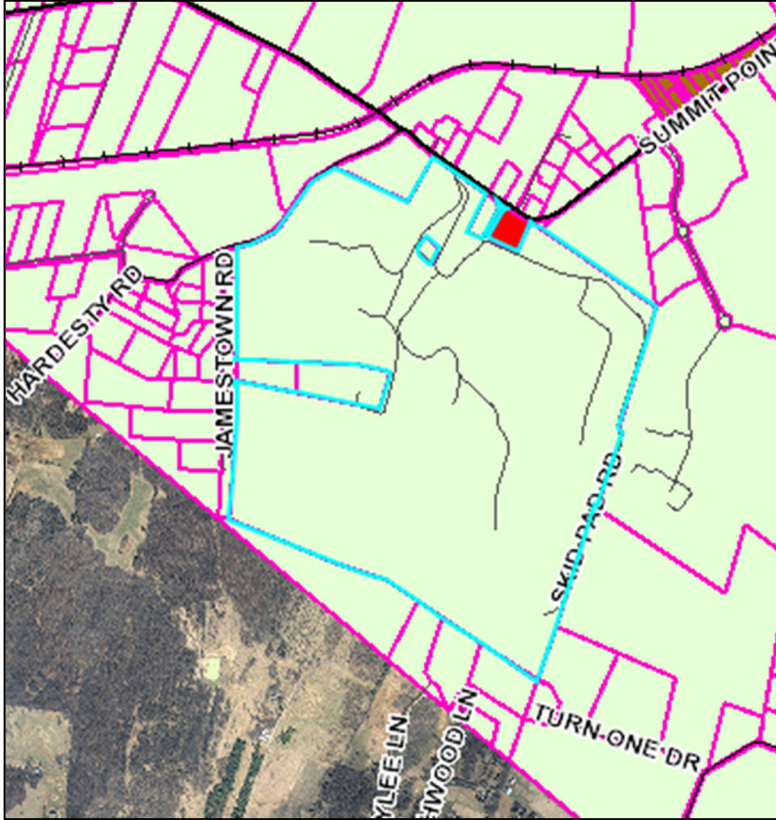
IDENTIFY WITH US!

301-791-7654
800-442-7654
info@signhere.net
 345 E. Antietam Street, Hagerstown, Maryland 21740

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

SPARC (East Entrance) Variance Request (#19-23-ZV)

Item #2 Variance request from Section 10.2C to allow a 96” (length) x 48” (width) x 7’4” (height) freestanding sign to locate within the right-of-way (Motorsports Park Circle-East Entrance).

Applicant:	SPARC, LLC
Owner:	Same as above
Developer:	N/A
Consultant:	Gordon
Legal Description & Zoning District:	<p style="text-align: center;">201 Motorsports Park Cir., Summit Point Parcel ID: 06001700020000; Size: 415 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North: Rural South: Rural / Clark County, VA East: Rural / General Commercial West: Rural</p>
History:	See Below

SUBDIVISIONS:

Approval	File #	Development	Description
04/22/08	07-14	SPARC Training Campus	PB: 25; PG 216
04/01/08	08-02	William H. Scott Inter Vivos Trust Final/Merger Plat	PB: 25; PG 13
01/21/11	10-06	William H. Scott MSD, Lots 1, 2, and 3	PB: 25; PG 270

NOTE: There have been a number of boundary line adjustments related to this property.

Staff Report
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SPARC (East Entrance) Variance Request (#19-23-ZV)

05/20/14	S13-03	Summit Point Tactical Training Center, Phase 4	Bldgs: 112,381 sf Private driveway and storage areas: 924,275 sf Sidewalks: 11,034 sf Concrete aprons: 10,097 sf Gravel drives: 83,578 sf Total: 1,141,365 *Six merger areas increasing acreage from 13.55 to 138.9. Includes: 5 classrooms; 2 training bldgs; dining hall; garage; wash bay & office space; fueling station; watch tower; 3 training areas.
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SITE PLANS (including related variances & redline revisions):

Summit Point Motorsports Park (District: Kabletown; Map: 17; Parcel: 2)

Approval	File #	Development	Description
12/13/94	S94-10	Summit Point Raceway	Registration Building
08/13/96	S96-13	Summit Point Raceway Apple Chapel	Pavilion to be used for worship services
03/25/97	S97-05	Summit Point Raceway	Tech Inspection Bldg
07/14/98	S98-05	BSR Range Complex	3 Pole Bldgs/Shooting House/Range House PC approved the following variances: 12/13/94: Sec. 11.2.c.2 revised internal access widths & Sec. 11.2.b.6 for a concrete apron. 06/23/98: Sec. 11.2.j.1 for paved interior roads & Sec. 11.2.c.2.a to reduce internal drives. 03/24/98: from processing a site plan based on whole site.
04/11/00	S00-04	Summit Point Raceway	Shower/Bathroom Facility
10/23/01	S01-10	Summit Point Raceway	Storage Building: 480 sf
06/11/02	S02-01	Summit Point Raceway Shenandoah Circuit	Race Control Bldg: 6,400 sf Race Track: 362/720 sf Registration Bldg: 1,058 sf Gasoline Alley Bldg: 39,360 sf Concession Kiosk: 2,162 sf
02/08/05	S04-12	SPARC	School Vehicle Maintenance Buildings x 9600 sf
05/12/10	S10-01	SPARC	Driveway Relocation
03/22/11	S10-07	Summit Point Raceway/ Global Tower Partners	195' monopole, Colocation Telecommunications Tower 07/07/11: Redline revision to shift tower location 100'
02/11/11	S10-08	STaSiS - SPARC	Bldg 1: 11,688 sf w/ future 2,100 sf expansion. Bldg 2: 4,800 sf w/ future 3,000 sf expansion. 10/26/10: allow rough grading prior to site plan approval. 12/21/10: elimination of sidewalks.
05/10/13	S13-02	Jefferson Circuit	Expansion of existing Jefferson Circuit
10/06/17	S17-10	SPARC Staging Area	Summit Point Motorsports Park Staging Area
12/18/17	S17-11	SPARC Range Extension	Extension of an existing range 12/14/17: Eliminate the required landscape buffer (ZV17-20).

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SPARC (East Entrance) Variance Request (#19-23-ZV)

			02/22/18: Eliminate the required landscape buffer for temp trailers (ZV18-02). 02/27/18: Redline Revision to add temporary trailers
--	--	--	--

Zoning Certificates

11/19/09	ZC09-08	SPARC	Seasonal Use Permit to hold WKA events on Washington Circuit at the Summit Point Raceway.
12/11/13	ZC13-50	Summit Point Raceway Assoc., Inc. dba BSR	Federal Firearms Licensing to include affiliated transfer of firearms and ammunitions sales, on premises, as it relates to existing Firearms Training Facility. Not a "store front" gun shop. No guns sold to the general public.
05/31/13	ZC13-14	SPARC	Vocational and /or Training Facility for adults. Extension of the Jefferson Circuit and additional skid pad for continued use as a Government, Corporate, Educational and Automotive Club Training/Testing Facility.

Summary of Request and Purpose of Ordinance Requirements

Variance request from Section 10.2C to allow a 96” (length) x 48” (width) x 7’4” (height) freestanding sign to locate within the right-of-way (Motorsports Park Circle-East Entrance).

Section 10.2C states that no signs, other than subdivision signs, are permitted to locate within the right-of-way.

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 Evaluation of Request

The applicant is proposing to install a freestanding sign within the right-of-way. The applicant has represented that the proposed sign will be located in such a way that site visibility will not be impeded. It appears that a sign currently exists in this location. The existing sign is proposed to be demolished and replaced with a new sign, comparable in size to the existing sign.



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The proposed sign will likely be less obtrusive than a traditional pylon sign and blend with the overall character of the area. Similar to the sign proposed for the west entrance, the purpose of the proposed sign is to identify the business to oncoming motorists and would not be to attract motorists from a distance.



Conditions of Approval

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

1. Landscaping (if any) 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 places 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: 19-23-2V
 Staff Initials: gh
 Meeting Date: 9/26/19
 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: SPARC LLC
 Mailing Address: PO BOX 190, Summit Point, WV 25446
 Phone Number: 304-725-6512 Email: cotto@bsr-inc.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: 201 Motorsports Park Circle
 City: Summit Point State: WV Zip Code: 25446
 Tax District: Kabletown Map No: 17 Parcel No: 2
 Parcel Size: 415 acres +/- Deed Book: 1096 Page No: 472

Zoning District (please check one)

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

RECEIVED

AUG 27 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: Section 10.2.C

Briefly describe the nature of the variance request:

Allow sign to be placed in the road right-of-way
*96" (length) x 48" (width) x 7-4" (height) freestanding sign

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 sign will be located such that traffic and visibility will not be impeded.

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 entrance location was constructed prior to establishment of the zoning ordinance.

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

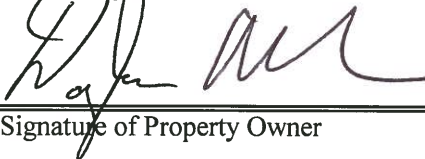
Enforcing the placement of the sign outside right-of-way would place the sign +/- 500' from the edge of the State road, limiting the visibility of the sign and eliminating its usefulness in wayfinding for the facility. It is reasonable to allow a closer sign to provide wayfinding for the general public.

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.

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.


Aug 19, 2019
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

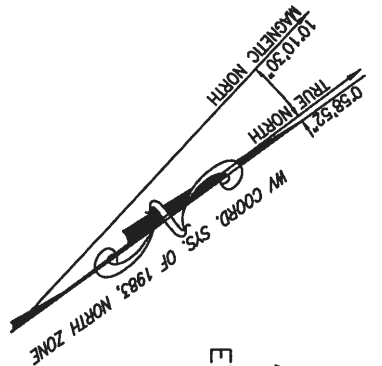
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

09/26/19
Date of Public Hearing

09/11/19
Advertising Date

09/11/19
Placard Posting Date

SUMMIT POINT MOTORSPORTS PARK
OVERALL PROPERTY EXHIBIT
AUGUST 2019



**WV. SEC. RTE 2
 "HARDESTY ROAD"**

AREA OF
 WEST
 ENTRANCE
 SIGN
 EXHIBIT

(F)

WV. SECONDARY RTE 13
 "SUMMIT POINT ROAD"
 30' PRESCRIPTIVE EASEMENT

REMAC AMERICA, INC.
 TAX MAP 16, PARCEL 10
 D.B. 1025, PG. 676

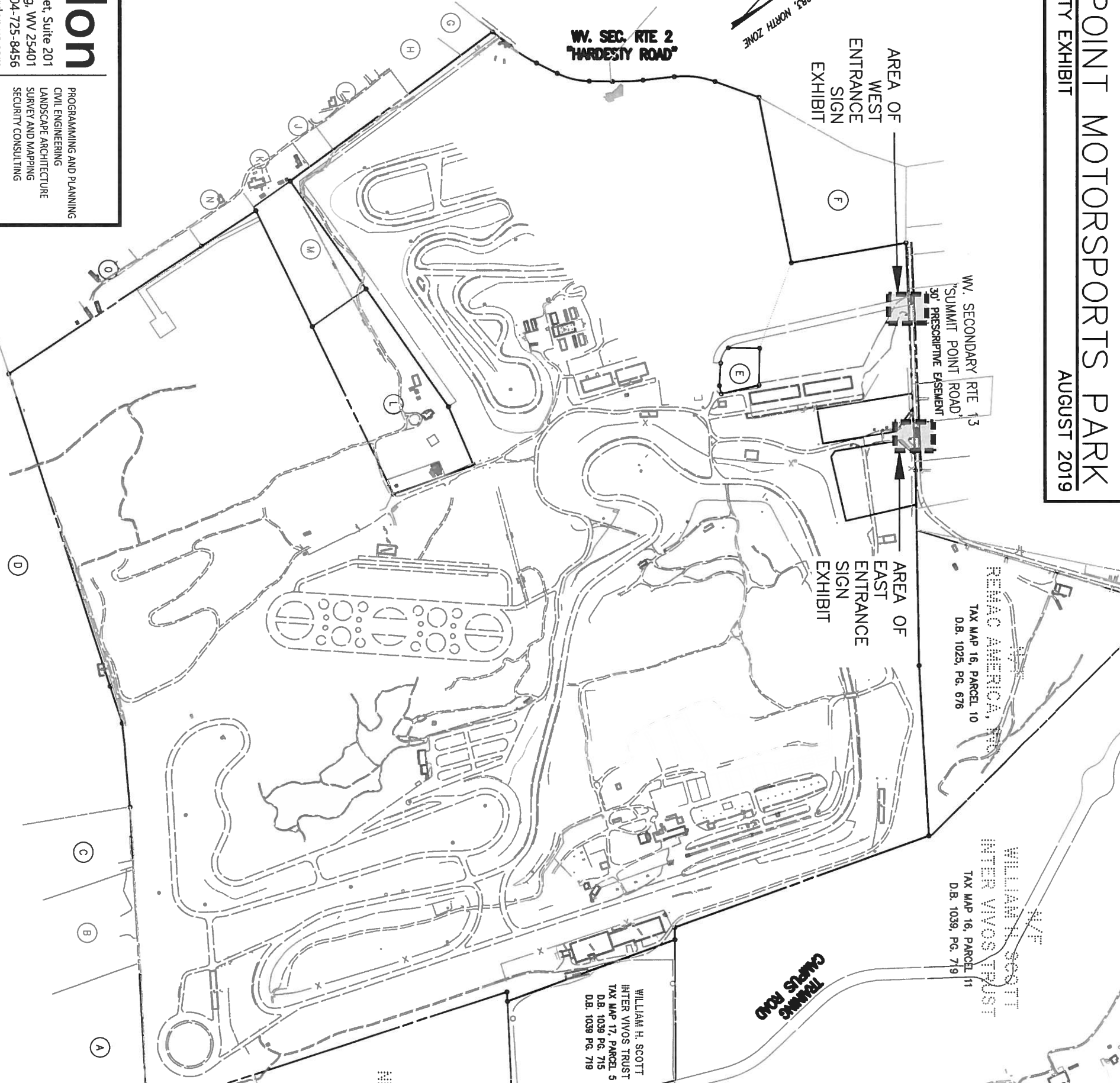
WILLIAM H. SCOTT
 INTER VIVOS TRUST
 TAX MAP 16, PARCEL 11
 D.B. 1039, PG. 719

WILLIAM H. SCOTT
 INTER VIVOS TRUST
 TAX MAP 17, PARCEL 5
 D.B. 1039 PG. 715
 D.B. 1039 PG. 719

N/F
 BETTY LEE
 NELSON TRUSTEE
 TAX MAP 17, PARCEL 7
 D.B. 1048 PG. 383

N/F
 MARTIN P. BURK AND
 CONNIE J. BASS
 TAX MAP 17, PARCEL 6.7
 D.B. 957 PG. 309

**TRAINING
 CAMPUS ROAD**



(D)

(C)

(B)

(A)

(M)

(J)

(H)

(L)

(K)

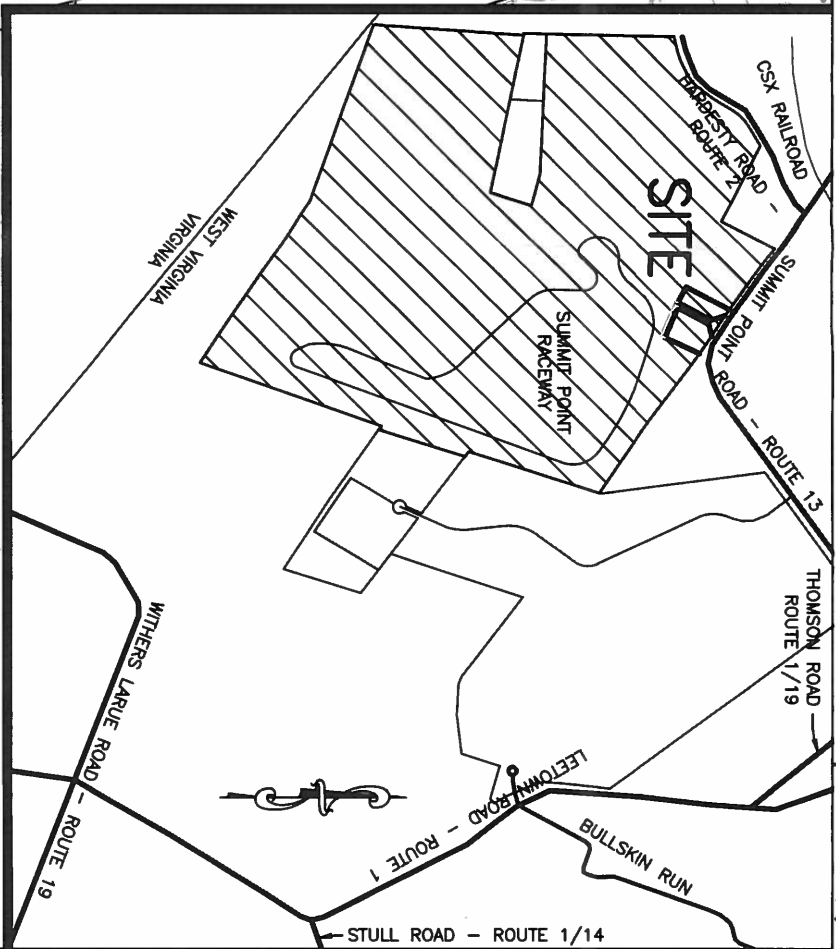
(I)

(G)



John M. [Signature]
 8/26/2019

VICINITY MAP
 SCALE: 1" = 2000'



19-23-ZV

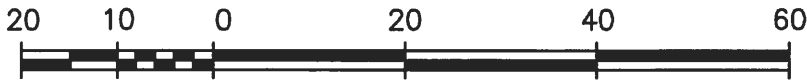
Gordon
 148 S. Queen Street, Suite 201
 Martinsburg, WV 25401
 Phone: 304-725-8456
 www.gordon.us.com

PROGRAMMING AND PLANNING
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 SURVEY AND MAPPING
 SECURITY CONSULTING

SUMMIT POINT MOTORSPORTS PARK

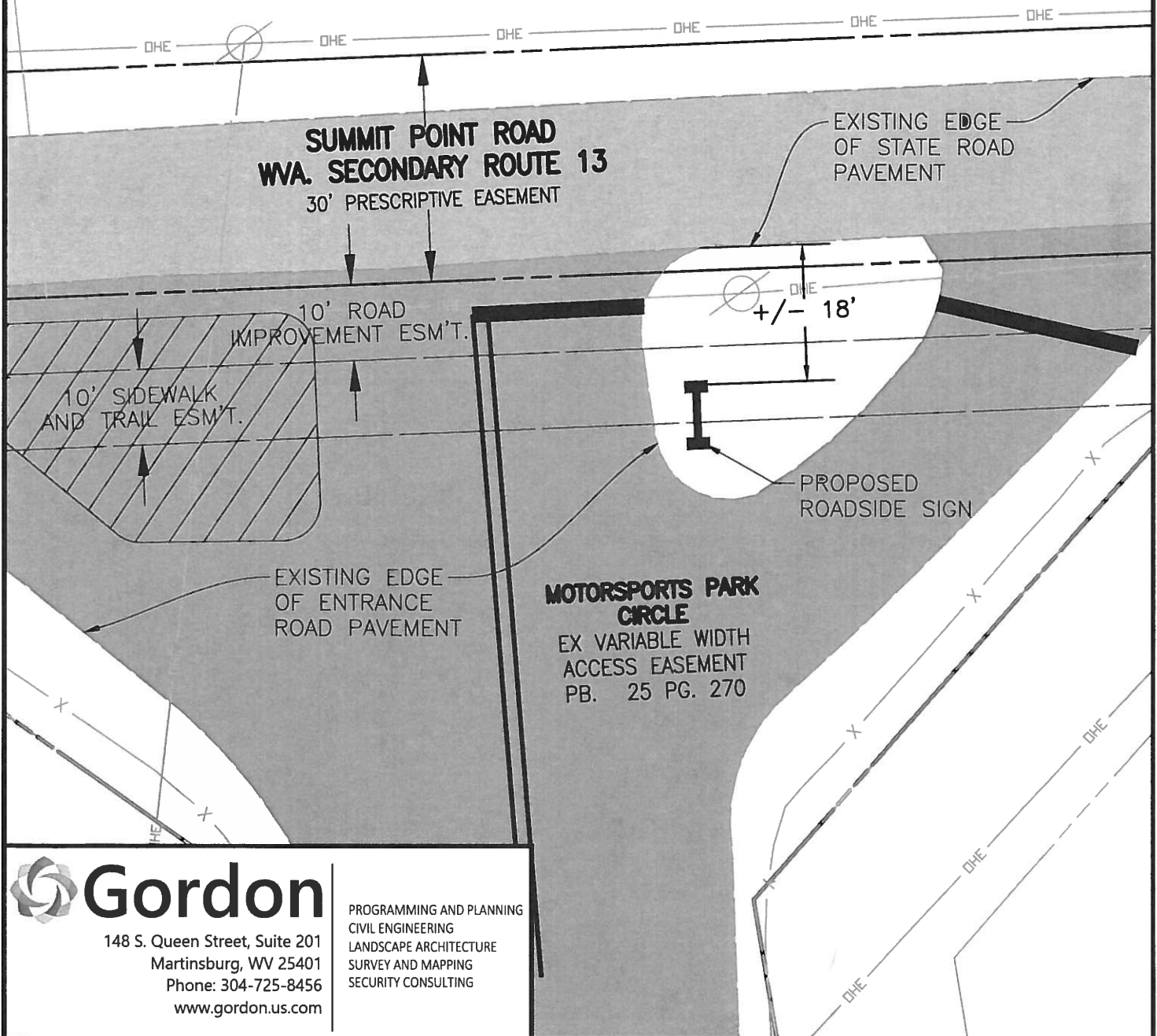
EAST ENTRANCE SIGN EXHIBIT

AUGUST 14, 2019



GRAPHICAL SCALE: 1" = 20'

John J. [Signature] 8/26/2019



Gordon

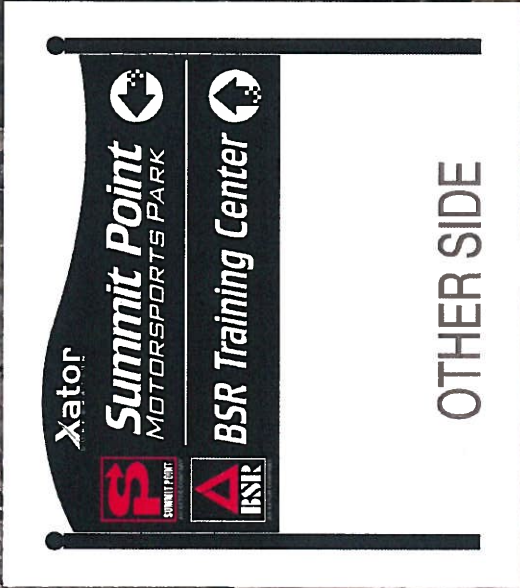
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PROGRAMMING AND PLANNING
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SECURITY CONSULTING




**ARCHITECTURAL ALUMINUM
POST AND PANEL SIGN WITH
REFLECTIVE CUT VINYL GRAPHICS**

**POSTS 3 FEET INTO GROUND
DRY MIX SACRETE FOOTERS**



18 FT TO ROAD

Date: 05/13/2019	Description: Summit Point - Roadside Signs <small>This drawing is the exclusive property of Sign Here (Century Graphics Group, Inc) until purchased by the customer. It has been prepared and presented to the customer for concept and proposal purposes. All colors are representative unless noted otherwise. Reproduction or distribution of this drawing is expressly forbidden. This drawing and related graphics are available for purchase from Sign Here apart from the sign work proposed.</small> 
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IDENTIFY WITH US!

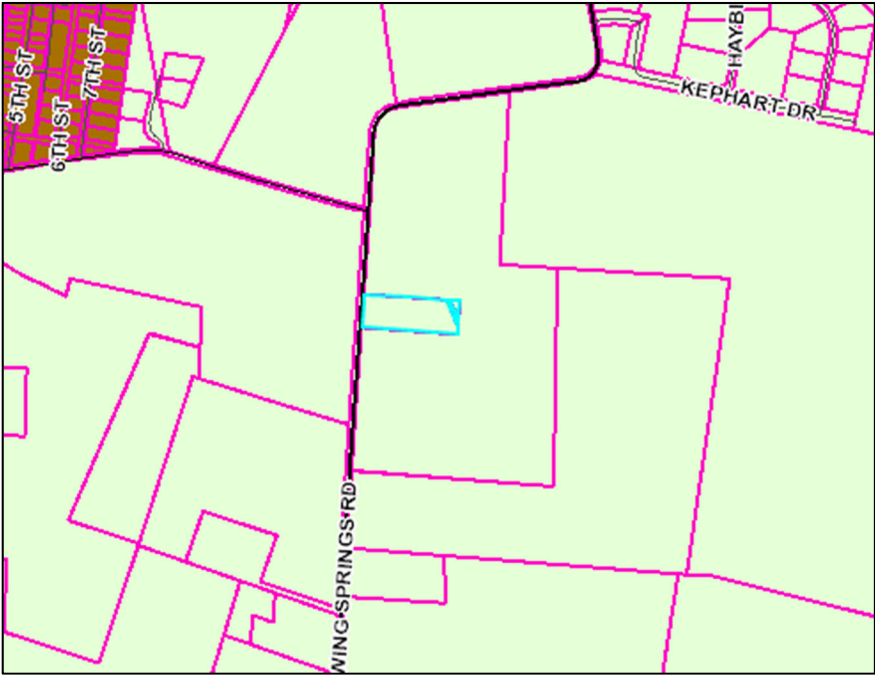
301-791-7654
 800-442-7654
 info@signhere.net

345 E. Antietam Street, Hagerstown, Maryland 21740

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

Hillmann Variance (19-24-ZV)

Item #3: Variance from Section 4.10A to waive the requirement of a site plan for the construction of a 3,700 square foot dog kennel and associated parking lot; and, Section 11.1B to allow for a modified parking lot.

Applicant:	Jennifer Hillmann
Owner:	Same as Applicant
Developer:	Same as Applicant
Consultant:	Same as Applicant
Parcel Information and Zoning District:	<p style="text-align: center;">4174 Flowing Springs Rd, Shenandoah Junction Parcel ID: 09002400090000; Size: 3.5 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: <i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural</p>
History:	<p>03/01/91: Parent to Child Transfer (Deed Book: 676, Page 99) 09/04/98: Boundary Line Adjustment (Plat Book: 16, Page: 16)</p>
Approved Activity:	Single-Family Residence

Summary of Request and Purpose of the Ordinance Requirements

The applicant is requesting a variance from Section 4.10 to waive the requirement of a site plan in order to construct a 3,700 square foot indoor dog kennel. As part of this request the applicant is also seeking a variance from Section 11.1B to reduce the number of required parking spaces.

The primary purpose of a site plan is to ensure that a site is developed in a manner that protects the health, safety, and welfare of the public. The Zoning Ordinance and the Subdivision Regulations require that the following elements are reflected in a site plan:

Staff Report
Jefferson County Board of Zoning Appeals
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Hillmann Variance (19-24-ZV)

- Stormwater Management
- Buffering and landscaping
- Adequate parking is installed (number of parking spaces, dimensions, etc.)
- Setbacks from property lines and roads

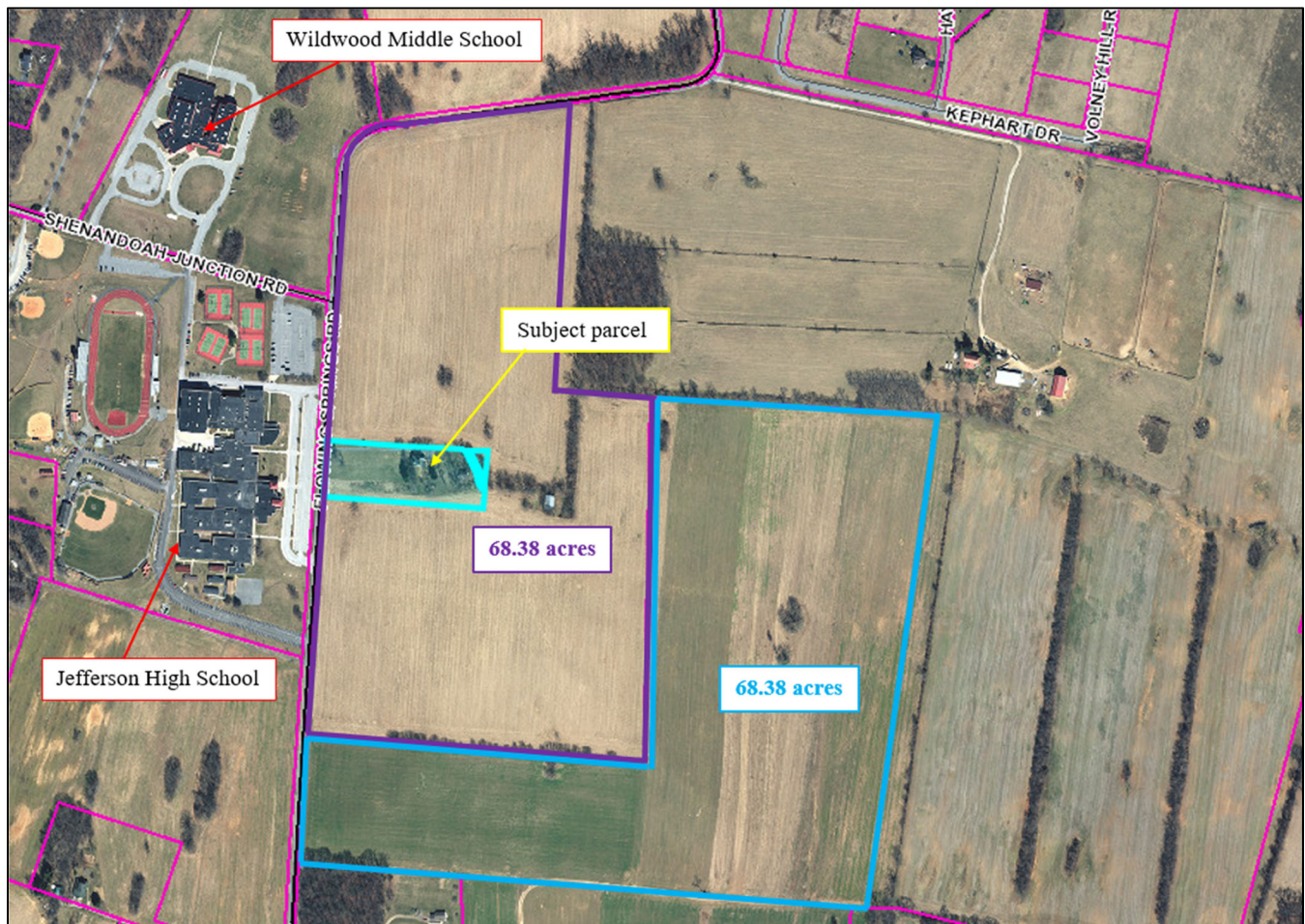
A site plan also requires bonding of a project, in the event that a developer is unable to complete a project, the bond is available to the County to either complete the project or return the site to its original condition.

In addition to waiving the requirement for a site plan, the applicant is also requesting to install less parking than what the Zoning Administrator determined was required.

Staff Evaluation of Request

The Zoning Ordinance requires a site plan for “all commercial ... development in any zoning district and for all major additions or expansion of existing uses”. While the Zoning Ordinance requires a site plan, the Subdivision Regulations address the process for submitting a site plan. The Subdivision Regulations state that a site plan is not required when the footprint of a structure is less than 1,200 square feet; and not additional parking is required; and the disturbed area is no more than 5,000 square feet.

The subject parcel is currently surrounded by two 68 acre farms that are presently undeveloped.



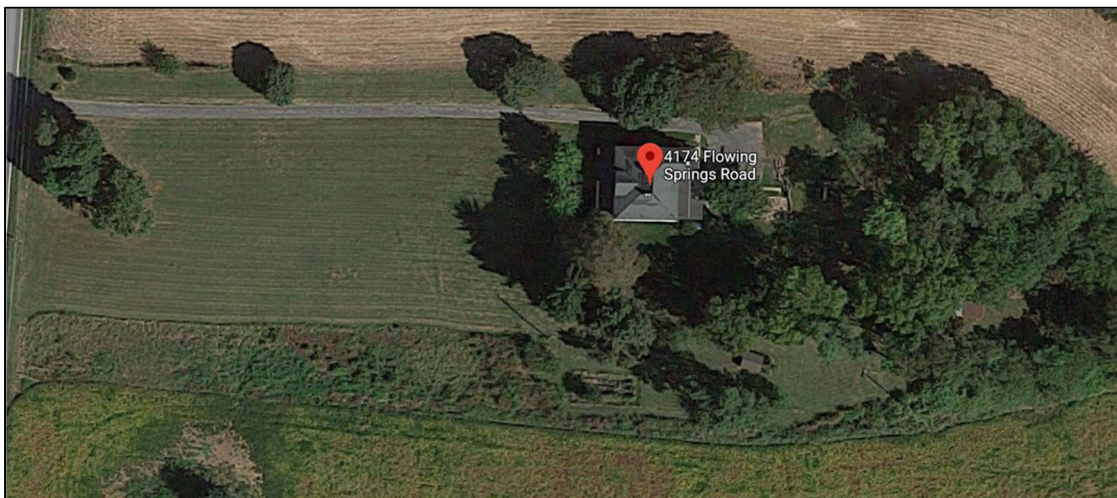
Staff Report
Jefferson County Board of Zoning Appeals
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Hillmann Variance (19-24-ZV)

With regard to landscaping and buffer requirements, the applicant has represented that the property has a natural buffer of mature vegetation on the sides and to the rear of the property. It should be noted that if a site plan is required, the applicant would be required to comply with the buffer requirements set forth in Appendix B, which require a 10' screened buffer in accordance with Section 4.11, which includes a combination of evergreen trees, ornamental trees, and shrubs. It should also be noted that under a previous iteration of the Zoning Ordinance, a 50' unscreened buffer was permitted to be utilized in lieu of a planted buffer. The unscreened buffer ensured that no buildings, storage, or equipment associated with the land use could be placed within that area.



Aerial imagery of existing vegetation



The Zoning Ordinance does not reference a parking standard for Kennels; therefore, the parking calculation, in accordance with Section 11.1B, was established by the Zoning Administrator based on standard parking requirements listed in the American Planning Association Parking Standards reference guide. The parking requirement is one parking space per 400 square feet of space and one parking space per employee.

The proposed kennel will be owned and operated by the property owners, who also reside on the property; therefore, it seems reasonable to waive the required employee parking.

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

Hillmann Variance (19-24-ZV)

The applicant is proposing to install a total of five parking spaces as opposed to the above referenced standard which would require eight parking spaces. The applicant has represented that there will be no more than two clients present on the property at a time and drop off/pickup will be by appointment only. This appears to be a fairly common practice with kennels as an effort to mitigate potentially stressful encounters between dogs during drop off. The applicant has also stated that the operation will be limited to boarding services only and will not include dog training services.

It appears that five parking spaces would be sufficient based on the applicant scheduling appointments for drop-off and pickup, and ensuring there is no overlap or un-scheduled visitors.

Conditions of Approval

If the variance is granted, a possible condition of approval could be:

- a) That a 10' buffer, comprised of existing mature vegetation, be retained along the side and rear property lines to serve as a buffer*; or
- b) That a 50' unscreened buffer be maintained along the side and rear property lines with the condition that no structures, materials, equipment, etc. be permitted within the unscreened buffer area.

*Based on aerial imagery, it does not appear that existing vegetation exists along the entire length of the side and rear property lines.

Section of Ordinance to be Considered:

Section 4.10 Site Plan Requirements

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.^{23, 26}

Section 11.1 Non-Residential Parking Standards

- B. Parking requirements for uses not listed in 11.1A may be either approved or established by the Office of Planning and Zoning on a case-by-case basis. Justification for said requirements must be documented.^{8, 17, 21, 23}



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: 19-24-ZV
 Staff Initials: GH
 Meeting Date: 9/26/19
 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: Jennifer Hillmann
 Mailing Address: 4174 Flowing Springs Road Shenandoah Junction, WV 25442
 Phone Number: 304-886-3758 Email: hillmannj@aol.com

Applicant Contact Information

Name: Jennifer Hillmann
 Mailing Address: 4174 Flowing Springs Road Shenandoah Junction, WV 25442
 Phone Number: 304-886-3758 Email: hillmannj@aol.com

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

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

Physical Property Details

Physical Address: 4174 Flowing Springs Road
 City: Shenandoah Junction State: WV Zip Code: 25442
 Tax District: Shepherdstown (09) Map No: 24 Parcel No: 9
 Parcel Size: 3.49 acres Deed Book: 1052 Page No: 299

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center">RECEIVED</p> <p align="center">AUG 30 2019</p> <p>JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING</p> <p align="center"><small>Place Received Date Stamp Here</small></p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

Is there a Code Enforcement action pending in relation to this property? Yes No 09/04/19 jth

Reference the section of the Zoning Ordinance pertaining to this request: Section 4.10A Article 11.1B

Briefly describe the nature of the variance request:

I am requesting a variance to waive the requirement for submission of a site plan. I am also requesting an alternative parking standard to be established based on support documentation provided.

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.

[Signature] 09/30/2019
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).

09/26/19
Date of Public Hearing

09/11/19
Advertising Date

09/11/19
Placard Posting Date

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 granting of this variance will not adversely affect the public health, safety, or welfare as the proposed business will be located on our primary residence which is surrounded by several hundred acres of rural farmland. The location meets all current required setbacks and has a natural buffer of mature vegetation on the sides and to the rear of the property; thereby also not adversely affecting adjacent property owners or residents. All runs will be enclosed and under roof, lessening the potential problem of noise. There will also be a need for the Highway Department to approve the entrance; thereby ensuring public safety from a traffic standpoint. The Health Department will also need to approve the septic; thereby ensuring public health will not be adversely affected. In addition, construction standards will still be followed as needed to comply with building codes. Building code inspections will then be provided prior to Use and Occupancy permit being issued.

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?

I have been advised by a professional that the required full site plan would necessitate an additional monetary investment of approximately \$30,000.00. This additional money would be a significant financial hardship in the establishment of this small, family owned and run business. My intent is to keep the business small and limited in scope. We purchased this property in 2008 with this intent, but only recently have acquired enough capital to begin our endeavor. Placing on the project the burdens of a full site plan seen in much larger commercial businesses would bring an end to this plan before it ever gets started.

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

Granting this variance will allow my family to begin construction of this small business. I plan to adhere to all applicable building codes. I also plan to consult with the WVDOH, Jefferson County Health Department, West Virginia Fire Marshal, and the Office of Impact Fees to insure that the project is safe and meets all necessary standards. Clients and their pets will be seen by appointment only; thereby eliminating the need for more than 5 parking spaces. Industry standards for dog and cat boarding set average occupancy rates at 40-60%. At 60%, that would mean 12 occupied runs. As I will be taking dogs in and sending dogs home by appointment only throughout the day, I will have no more than 2 clients present on the property at a time. There will be no employees. I plan to extend the existing parking area providing for about 5 parking spaces in all.

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

Granting this variance will allow the intent of the Zoning Ordinance to be observed as certain standards of said ordinance will be met such as providing adequate buffering by retaining mature

vegetation on the sides and rear of the property, providing rain barrels on downspouts to manage water run off in an efficient manner, and providing adequate parking for clients while minimizing disruption to the existing rural nature of the property. I believe the intent of the Zoning Ordinance is for more retail and commercial operations. This operation is populated mostly by animals, and while the public owns said animals, their presence on the property will be brief and by appointment only. This operation is smaller than a farm barn that would house many more animals. Such a farm barn is permitted without a site plan.

E

231.15'

50'

OLD BARN

74'

PROPOSED KENNEL
3700 sq ft

single story

ADDITIONAL SPACES TO BE ADDED

CURRENT PARKING

HOUSE

666'

80'

50'

666'

50'

226'

FLOWING SPRINGS ROAD

W

Jeff Williamson 8/20/19

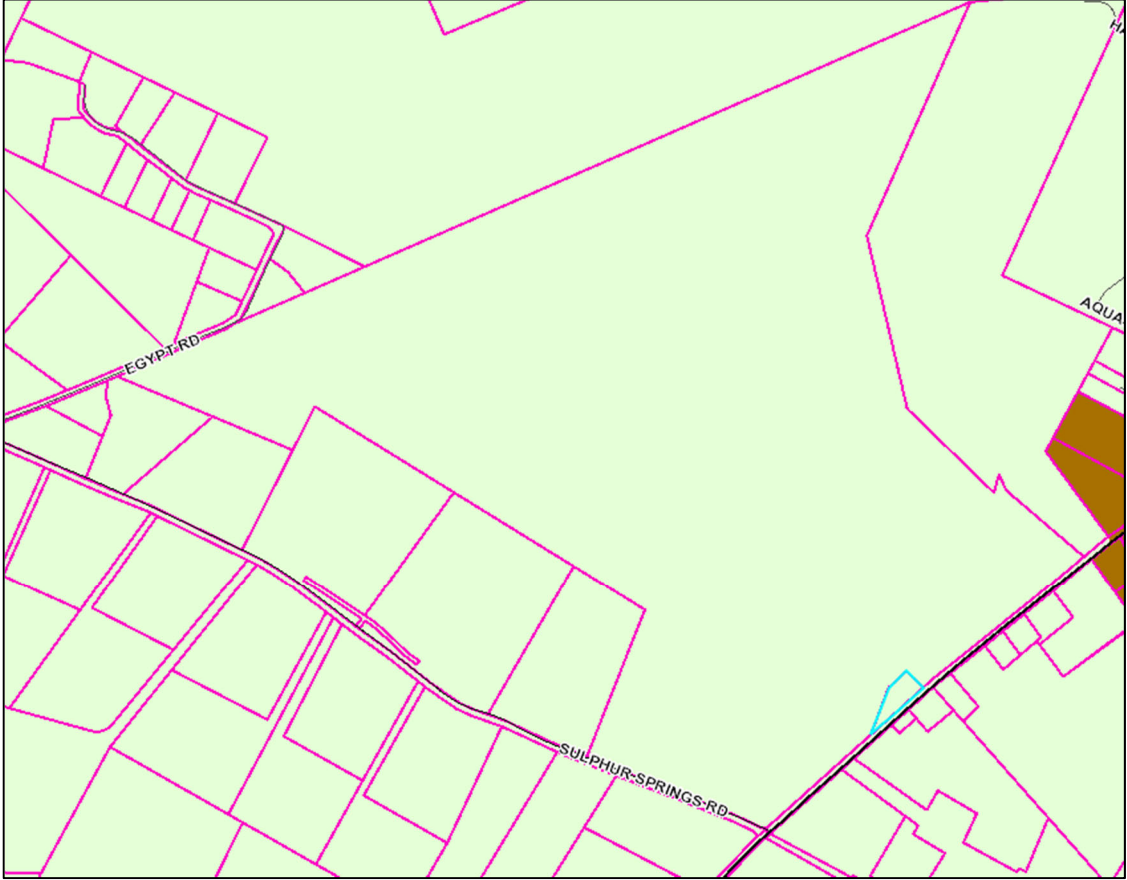
N

S

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 September 26, 2019

Leetown United Methodist Church Special Exception Request (#19-1-SE)

Item #4 Request for a Special Exception Permit to allow a 91" (length) x 21 3/4" (width) electronic sign to remain affixed to the existing Leetown United Methodist Church Sign. The overall width and height of the existing sign will remain the same. The applicant is also requesting a deviation from the following: A) Section 10.7H to reduce the distance requirement from 200' to 95' on the western property line; to 60' on the northwestern property line; and, to 172' on the northeastern property line. B) Section 10.7I to allow an electronic sign to be parallel to a residence.

Applicant:	Charlotte Bennett, Chairperson
Owner:	Leetown United Methodist Church
Developer:	N/A
Consultant:	N/A
Parcel Info & Zoning District:	<p style="text-align: center;">11133 Leetown Rd., Kearneysville, WV Parcel ID: 07001200140000; Size: .5 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North: Rural South: Rural East: Rural West: Rural</p>
History:	Church and Preexisting Sign
Waivers/Variances:	ZV14-10 (withdrawn)
Approved Activity:	Nonconforming Land Use and Sign

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 26, 2019

Leetown United Methodist Church Special Exception Request (#19-1-SE)

Summary of Request

On May 17, 2018 the Jefferson County Commission adopted a text amendment to the Zoning Ordinance which created provisions to allow electronic signs in the County. The new provision requires parcels which are located within the Rural (R) zoning district to obtain a Special Exception Permit, subject to approval by the Board of Zoning Appeals.

The request is to allow the 91" (length) x 21 3/4" (width) electronic sign to remain affixed to the existing Leetown United Methodist Church Sign. The electronic sign is currently situated underneath the existing church sign. The overall width and height of the existing sign will remain the same.

As part of the request to install an electronic sign, the applicant is also requesting a deviation from the following:

- A. To reduce the distance requirement from 200' to 95' on the western property line; to 60' on the northwestern property line; and, to 172' on the northeastern property line (Section 10.7H).
- B. To allow an electronic sign to be parallel to a residence (Section 10.7I).

Staff Evaluation of the Applicant's Request

Section 6.5B gives the Board the authority to approve a Special Exception permit for an Electronic Sign provided the sign conforms to existing State law and does not have a negative effect on the neighborhood or intent of the Ordinance.

Section 10.5 Signs Requiring a Special Exception Permit states, "Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the Special Exception application." As part of the request, the application would like to deviate from the following two standards:

Section 10.7H: Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure. This setback does not apply to mixed-use buildings or residential structures located on the same parcel as a commercial development.

Section 10.7I: Electronic signs proposed to locate adjacent to a lot in the Rural, Residential Growth, or Village zoning districts, or adjacent to residential structures in any zoning district, shall be oriented perpendicular to residential frontages. Electronic signs shall not be parallel to any residential structures in any zoning district.

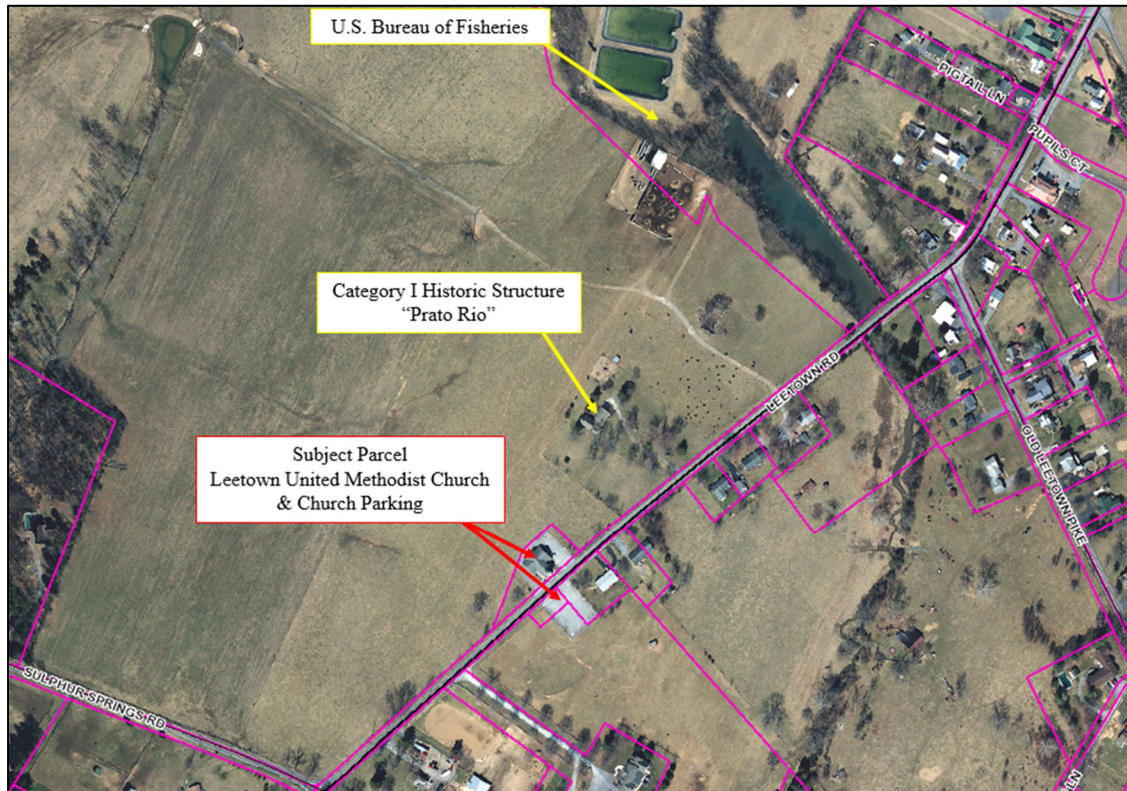


Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 26, 2019

Leetown United Methodist Church Special Exception Request (#19-1-SE)

Compatibility with the Neighborhood

The subject parcel is surrounded by residential uses. A large 159 acre parcel surrounds the church. Across Leetown Road is the church's parking lot and several residential homes.



Conditions of Approval

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

1. The applicant has proffered to shut-off the sign at 6:00 p.m. daily. Staff recognizes that around holidays (i.e. Christmas Eve and Easter), churches tend to hold evening services and perhaps it would be beneficial to place as a condition of approval the following, "The sign shall be shut off at 6:00 p.m. daily, except on Holidays when the sign may be permitted to stay on until the required 10:00 p.m." This would eliminate the need to come back to the Board for special requests related to extended times.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 26, 2019

Leetown United Methodist Church Special Exception Request (#19-1-SE)

SECTION OF ORDINANCE TO BE CONSIDERED:

ARTICLE 10

Section 10.7 Electronic Signs

Electronic Signs are permitted in any commercial and/or industrial district. Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall process as a Special Exception before the Board of Zoning Appeals per Section 6.5. Any electronic sign accessory to a Conditional Use Permit application shall comply with Section 10.6 and the criteria outlined in this section. When permitted, Electronic Signs shall conform to the following criteria:

- A. The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.
- B. The message or image change shall occur simultaneously for the entire electronic sign face without any special effects. The time to complete the change from one message to the next is a maximum of one second.
- C. Electronic signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if a malfunction occurs.
- D. An electronic sign may not be animated, play video or audio messages, or blink in any manner.
- E. Electronic signs shall not exceed a maximum illumination of 3,000 nits during daylight hours and a maximum of 100 nits for the time period between ½ hour before sunset and ½ hour after sunrise as measured from the sign's face at maximum brightness.
 1. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.
 2. The change from 3,000 nits to 100 nits shall be controlled by an automatic dimmer control system.
- F. There shall be only one electronic sign on each parcel of land. Off-premises electronic signs shall be subject to Section 10.5A.
 1. Community announcements, emergency alerts, weather, and time related messages are generally permitted and shall not be considered an off-premises sign.
- G. Electronic Signs shall not be located within 300 feet of a traffic light.
- H. Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure. This setback does not apply to mixed-use buildings or residential structures located on the same parcel as a commercial development.
- I. Electronic signs proposed to locate adjacent to a lot in the Rural, Residential Growth, or Village zoning districts, or adjacent to residential structures in any zoning district, shall be oriented perpendicular to residential frontages. Electronic signs shall not be parallel to any residential structures in any zoning district.
- J. Electronic signs adjacent to lots in the Rural, Residential Growth, and Village zoning districts shall automatically shut-off by 10:00 p.m. and shall not turn on until 6:00 a.m.

Electronic signs shall be FCC certified as required by Federal Law. A valid copy of the FCC Manufacturers Testing Certificate shall be submitted to the Office of Planning and Zoning as part of the Zoning Certificate application.



JEFFERSON COUNTY, WEST VIRGINIA

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, P.O. Box 716

Charles Town, WV 25414

File Number: SE 19-1-5E

Fee Paid: \$ 150 -

Mtg. Date: 9.26.19

Staff Initials: gH

Email: zoning@jeffersoncountywv.org

Phone: 304-728-3228

Application for Special Exception

The Special Exception process is outlined in Article 6 of the Zoning Ordinance.

See Supplemental Handout for additional information.

Type of Special Exception

Accessory Dwelling Unit Outdoor Advertising Sign Rural Reception / Event Facility

Property Owner Information

Name: LEETOWN UNITED METHODIST CHURCH
Business Name: " " "
Mailing Address: 11133 LEETOWN ROAD KEARNEYSVILLE, WV 25430
Phone Number: 304-725-8304 CHURCH Email: LEETOWNUMC@FRONTIERNET.NET

Applicant's Information

Applicant Name: CHARLOTTE BENNETT - CHAIRPERSON - CHURCH COUNCIL 304-283-9554E!
Business Name: LEETOWN UNITED METHODIST CHURCH 304-725-1102(H)
Mailing Address: SAME AS ABOVE
Phone Number: SAME AS ABOVE - CHURCH Email: SAME AS ABOVE

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

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

Physical Property Details

Physical Address: 11133 LEETOWN RD KEARNEYSVILLE, WV 25430
Tax District: MIDDLEWAY Map No: 12 Parcel No: 14
Parcel Size: 1/2+ACRE Deed Book: 172 Page No: 437

Zoning Designation

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

RECEIVED

SEP 03 2019

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

How is the property currently used?

CHURCH

Please provide any information or known history regarding this property (ex: previous zoning certificate, site plan, subdivision, variance, etc.).

Give a brief description of your proposal (include separate sheet of paper if necessary)

WE ARE SEEKING APPROVAL TO TURN OUR ELECTRONIC SIGN BACK ON. WE REALIZE WE WILL NEED A SPECIAL EXCEPTION DUE TO THE NUMBER OF FEET FROM OTHER PROPERTY LINES REQUIREMENT IN THE NEW ELECTRONIC SIGN ORDINANCE. SEE ATTACHED FOR FURTHER CLARIFICATION / INFORMATION PGS 1 OF 2 AS 2 OF 2

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Please specify the number and location of the existing/proposed parking spaces (if necessary).

Original signature of all property owners is required. Attach additional signature page if needed. The information given is correct to the best of my knowledge.

Charlotte Bennett - CHURCH COUNCIL CHAIR 9/2/2019

Signature of Property Owner 1

Date

TRUSTEE
Peggy LaMay SECRETARY 9/2/19

Signature of Property Owner 2

Date

BRIEF DESCRIPTION OF OUR PROPOSAL:

WE HAVE ATTACHED A DRAWING AND PICTURES SHOWING THE CHURCH BUILDING AND OUR ORIGINAL CHURCH SIGN WITH OUR SMALL ELECTRONIC SIGN LOCATED DIRECTLY BENEATH IT IN RELATION TO THE SURROUNDING PROPERTY LINES. NO NEW WIRING WAS REQUIRED TO PROVIDE POWER TO THE SIGN.

THE PROPERTY CONTAINING THE PHYSICAL CHURCH BUILDING, SIGN AND WELL - SEPTIC WAS GIVEN TO THE CHURCH (CORNERSTONE 1883) BY THE BRATINA FAMILY WHO OWN THE PROPERTY — PRATO RIO — THAT SURROUNDS THE PHYSICAL COMPONENTS OF THE CHURCH ON THREE SIDES. THEIR HOUSE AND BARN ARE PROBABLY 200 TO 300 FEET FROM THESE PHYSICAL COMPONENTS AND THE SIGN IS NOT VISIBLE FROM THEIR RESIDENCE.

THE PROPERTY CONTAINING OUR ADDITIONAL PARKING SPACES LOCATED ON THE OPPOSITE SIDE OF LEETOWN ROAD FROM THE PHYSICAL CHURCH BUILDING WAS GIVEN TO THE CHURCH BY ~~THE BRATINA FAMILY~~ THE BOBBY R. SWARTZ FAMILY. THEIR PROPERTY SURROUNDS OUR PARKING LOT ON 2 SIDES AND ALSO RUNS BEHIND SEVERAL OF THE HOUSES THAT START ON THE 3RD SIDE OF OUR LOT. THEIR HOUSE AND HOUSE BARRS ARE PROBABLY 600 TO 800 FT FROM OUR PHYSICAL COMPONENTS AND THE SIGN WITH SOME FAIRLY TALL TREES NEAR THEIR HOUSE.

THERE ARE 5 HOUSES THAT START ON THE MAILBOX SIDE OF OUR ACROSS LEETOWN ROAD PARKING LOT AND GO TOWARD OLD LEETOWN PIKE.

THE 1ST HOUSE BELONGS TO MRS. VIAUDS ~~AND~~ ^{HER} ~~PROPERTY~~
PROPERTY LINE IS WITHIN APPROXIMATELY 30' OF OUR
AND THE PRATO RD PROPERTY LINES AT THE MAILBOX
SIDE OF THE CHURCH. IT IS APPROXIMATELY 90 TO 100 FEET
AWAY FROM THE SIGN ON THE OTHER SIDE OF THE
CHURCH. THERE ARE LARGE BUSHES BETWEEN THE
HOUSE AND OUR PARKING LOT SO THE SIGN IS NOT
VISIBLE FROM MRS. VIAUDS HOUSE.

THE 2ND HOUSE BELONGS TO BEV GROVE
THE 3RD HOUSE BELONGS TO MARY CHRISMAN
THE 4TH HOUSE BELONGS TO THE PAUL RAVALLI FAMILY
THE 5TH HOUSE BELONGS TO (OWNER UNKNOWN)

DUE TO THE HOUSE LOCATION ON THESE PROPERTIES
AND LANDSCAPING THE ^{SIGN} IS NOT VISIBLE FROM THESE
HOUSES.

SUBMITTED BY: CHARLOTTE BENNETT
CHURCH COUNCIL CHAIR
9/2/2019

Section 10.7 - Electronic Signs
Electronic Signs Supplemental Requirements
Jefferson County Zoning and Land Development Ordinance, as amended May 18, 2018

The requirements for Electronic Signs are established in Section 10.7 of the Zoning Ordinance. Electronic Signs are permitted in any commercial and/or industrial district. **Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall process as a Special Exception before the Board of Zoning Appeals per Section 6.5.** Any electronic sign accessory to a Conditional Use Permit application shall comply with Section 10.6 and the criteria outlined in this section. When permitted, Electronic Signs shall conform to the following criteria:

Property Owner(s) Name: PEGGY LA GRAY - TRUSTEE SECRETARY
CHARLOTTE BENNETT - CHURCH COUNCIL CHAIR

Property's Physical Address: 11133 LEETOWN ROAD KEARNEYVILLE, WV 25430

Business Name: LEETOWN UNITED METHODIST CHURCH

Tax District: MIDDLEWAY Tax Map #: 12 Parcel #: 14

Zoning District: RURAL

General Provisions

Please note the following provisions and requirements as outlined in Section 10.2 of the Zoning Ordinance:

- No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance.
- 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 within any stormwater, drainage, or utility easement.
- No sign shall be permitted which imitates or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines.
- No sign which implies the need or requirement of stopping or this existence of danger shall be displayed.
- No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.
- No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.
- Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.
- Animated signs, Inflatable signs, and Vehicle signs as defined by Section 2.2, are prohibited.

Electronic Signs – General Standards

An Electronic Sign is defined as, "A sign utilizing lights that change to form a static message or graphic wherein the sequence of messages and rate of change is electronically programmed."

The standards for Electronic Signs are outlined in Section 10.7 of the Zoning Ordinance.

- The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.

- The change shall occur simultaneously for the entire electronic sign face without any special effects. The time to complete the change from one message to the next is a maximum of one second.
- Shall contain a default mechanism to revert immediately to a black screen if a malfunction occurs.
- An electronic sign may not be animated, play video or audio messages, or blink in any manner.
- Maximum illumination: 3,000 nits during daylight hours and 100 nits for the time period between ½ hour before sunset and ½ hour after sunrise as measured from the sign's face at maximum brightness.
 1. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.
 2. The change from 3,000 nits to 100 nits shall be controlled by an automatic dimmer control system.
- There shall be only one electronic sign on each parcel of land. Off-premises are subject to Section 10.5A.
- Electronic signs shall not be located within 300 feet of a traffic light.
- Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure (excluding mixed-use buildings or mixed-use development).
- Electronic signs proposed to locate adjacent to a lot in the Rural, Residential Growth, and Village zoning districts shall automatically shut-off by 10:00 p.m. and shall not turn on until 6:00 a.m.

PLEASE SEE EXHIBIT C

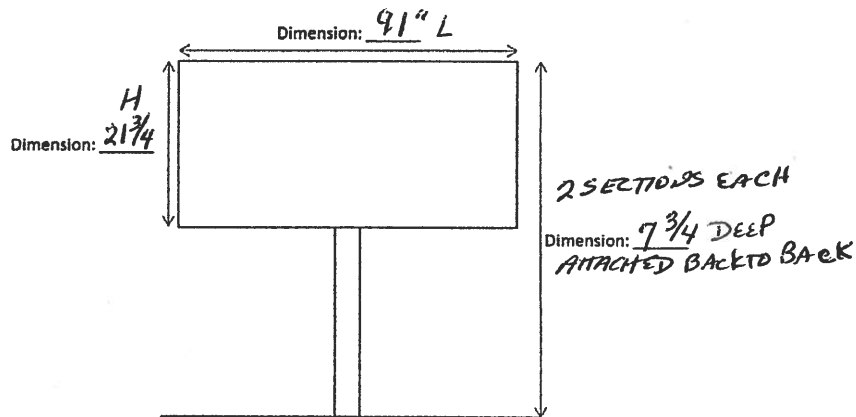
Electronic signs shall be FCC certified as required by Federal Law.

- Copy of Sign Manufacturer Certification
- Copy of FCC Manufacturers Testing Certificate

Location and Dimensions of Sign

Provide a sketch depicting the shape of the entire lot, adjacent roads, and existing structures. Show the location of the proposed sign and the distance to each property line. If known, include an image of the sign. Provide the following dimensions:

SEE ATTACHED SKETCHES AND PHOTOS. EXH: A & B



I certify that the sign shall adhere to the requirements of Sections 10.2 and 10.7 as outlined above.

CHARLOTTE BENNETT
Printed Name

Charlotte Bennett
Signature

9/2/2019
Date

HORSE FARM

CATTLE FARM

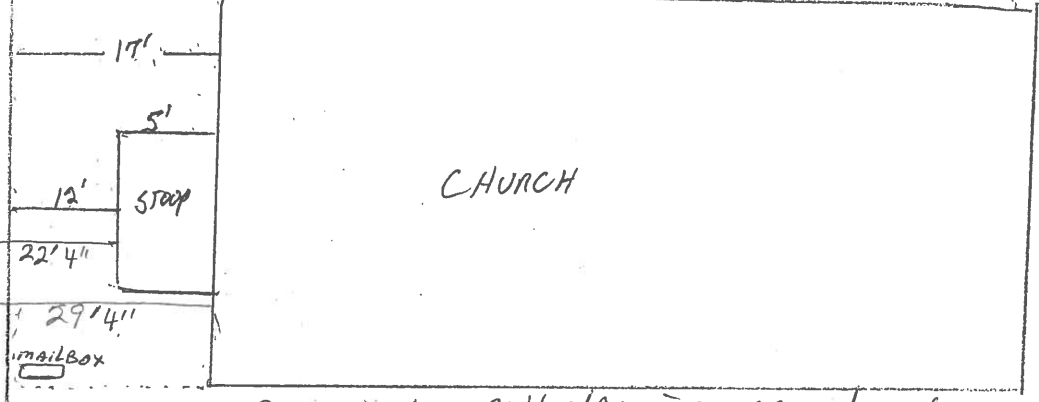
PLEASE SEE ATTACHED PHOTOS

EXISTING SIGN AND NEW ELECTRONIC SIGN ATTACHED UNDERNEATH THE PILE EXISTING SAME ELECTRIC SOURCE AS PREVIOUSLY EXISTING SIGN NEW SIGN HAS 2 SECTIONS EACH ARE DEEP 9 1/4" LONG - 21 3/4" TALL - 7 3/4" WIDE HIGH

CHURCH PARKING LOT

MIDDLEWAY 480 LEFTOWN ROAD

HANDICAPPED PARKING



CHURCH

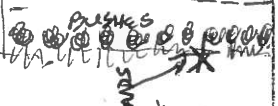
STOOP

mailBox

PARKING LOT AND DRIVEWAY AROUND BACK OF CHURCH

well

TRASH RECEPTACLE PROPERTY LINE



WILSON PANALI CHRISTMAN GARDEN HOUSE'S

CATTLE FARM PRATO RIO

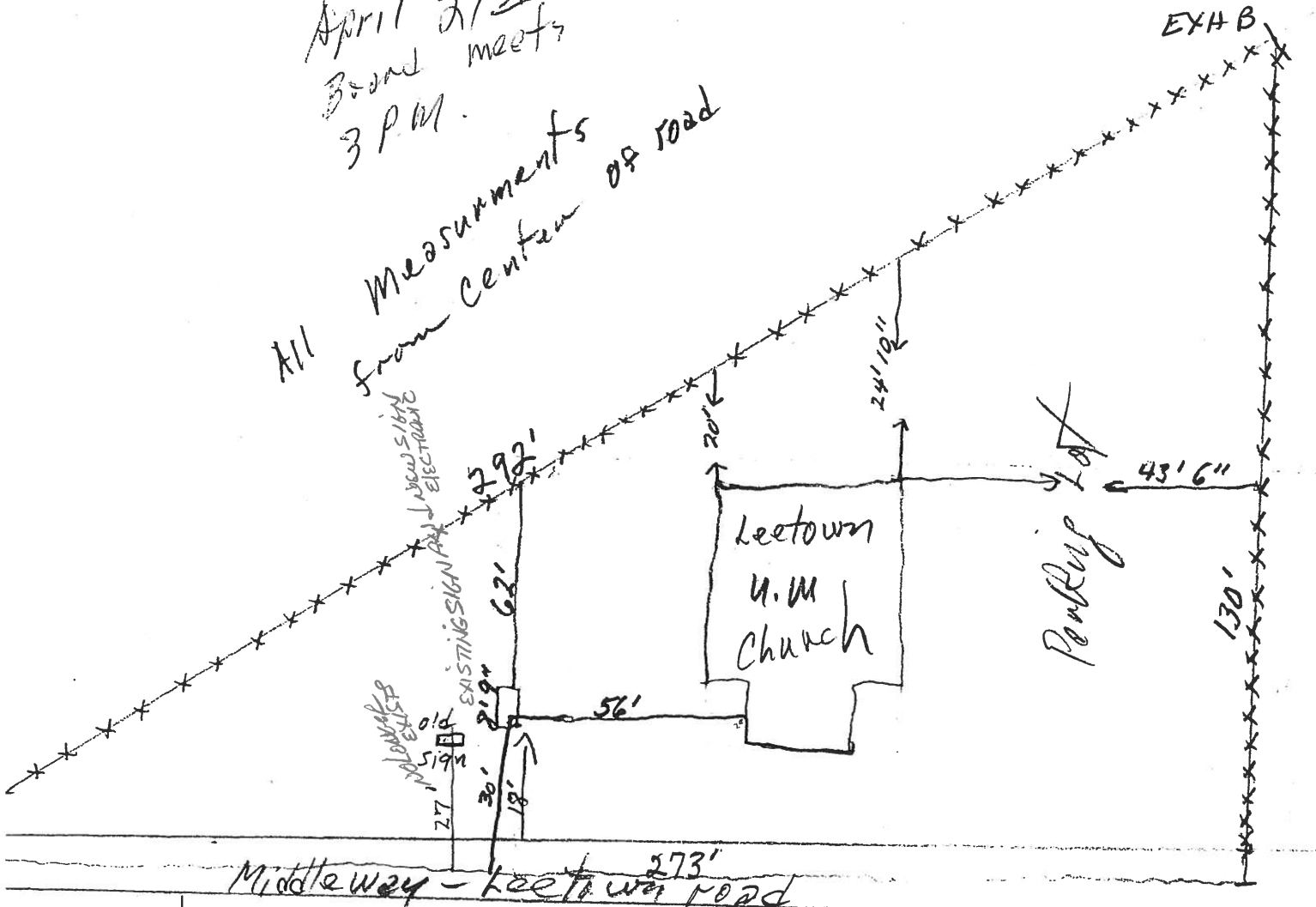
BRATINA FAMILY House

PREPARED & SUBMITTED BY: CHARLOTTE BENNETT CHURCH COUNCIL CHAIR 9/2/2019

April 2/12
Board meets
3 P.M.

EXH B

All Measurements
from Center of road



Middleway - Leetown road 273'

Leetown
U.M.
Church

Parking

25
10
37

Prepared by
John E. [Signature]
168-E
3-8-94

John E. [Signature]

[Scrawled signature]

GENERAL STANDARDS SECTION 10.7

WE HAVE BEEN IN CONTACT WITH FAST SIGNS ^{AND} SUBMIT OUR CONVERSATIONS WITH THEM FOR YOUR CONSIDERATION.

THE FAST SIGN FRANCHISE WHERE WE ORIGINALLY PURCHASED OUR SIGN HAS GONE OUT OF BUSINESS DUE TO THE DEATH OF THE OWNER.

THEY HAVE TRANSFERRED ALL THEIR ACCOUNT INFORMATION TO FAST SIGNS IN WINCHESTER. I REGRET THAT AT THIS TIME I DO NOT HAVE COPIES OF THE • SIGN MANUFACTURER CERTIFICATION OR • FCC MANUFACTURERS TESTING CERTIFICATE. HOWEVER, WE WILL BE WORKING DILIGENTLY WITH FAST SIGNS OF WINCHESTER TO ACQUIRE THESE ^{AND} DELIVER THEM TO YOUR OFFICE PRIOR TO THE SEPT 26, 2019 MEETING (HEARING).

FAST SIGNS DID LOCATE OUR RECORDS ^{AND} ADVISED US OF THE FOLLOWING: OUR CURRENT NITS ARE SET AT 5,000 DAYTIME ^{AND} 2,000 NIGHTTIME AND DOES HAVE AUTO SHUT OFF/ON CAPABILITY.

SINCE THE SIGN IS CONTROLLED BY A PROGRAM LOADED ON OUR CHURCH COMPUTER, IF OUR VARIANCE IS APPROVED WE WILL • CONTACT FAST SIGNS TO COME TO THE CHURCH ^{AND} 1) CHANGE THE APPROVED NITS 3,000 DAY ^{AND} 100 NIGHT 2) SET THE AUTOMATIC TIMER TO SHUT THE SIGN OFF BETWEEN THE HOURS OF 6 PM ^{AND} 6 AM.

WE WILL SECURE A WRITTEN INVOICE STATING THAT THESE CHANGES HAVE BEEN MADE BY THEM. WE WILL THEN BRING THAT INVOICE TO YOUR OFFICE PRIOR TO OUR TURNING ON THE SIGN.

THE PROGRAM THAT WE WILL BE USING WILL ALLOW US TO CHANGE THE FONT SIZE AND ENTER/CHANGE THE DISPLAYED MESSAGE WHICH WILL BE 3 LINES OF TEXT.

OUR DECISION TO TURN THE SIGN OFF AT 6 PM CAME AT THE ADVICE OF FAST SIGNS SINCE THE 100 NITS AT NIGHT WILL BE VIRTUALLY UNSEEN AND MAY POSSIBLY BE MORE OF A DISTRACTION TO DRIVERS.

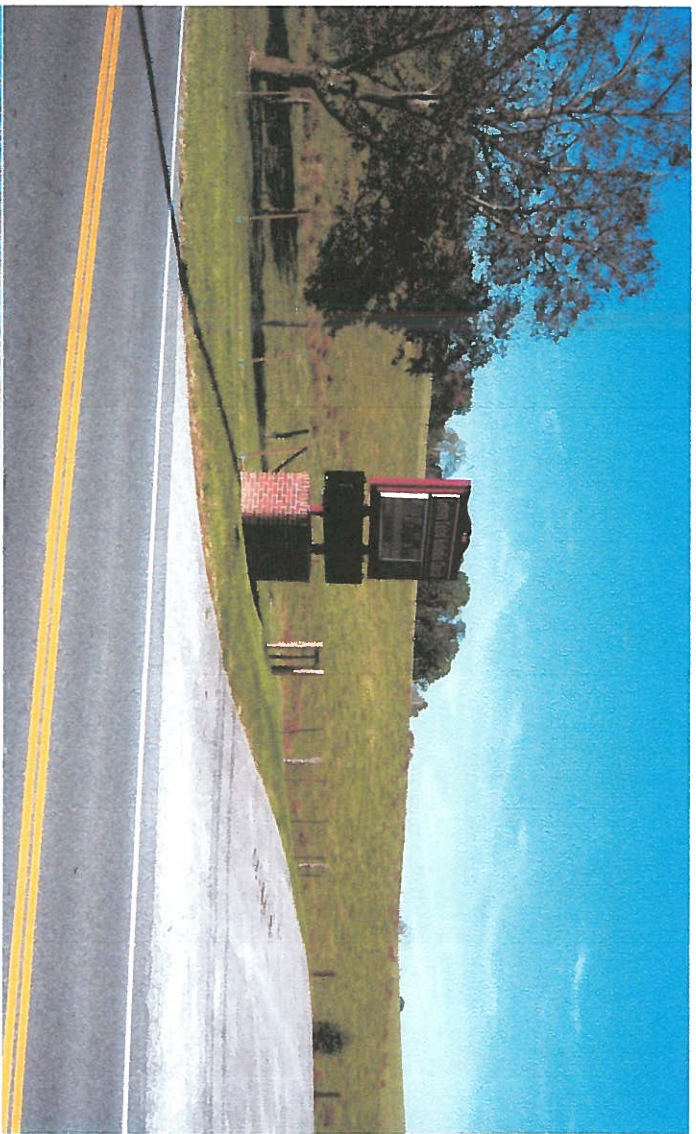
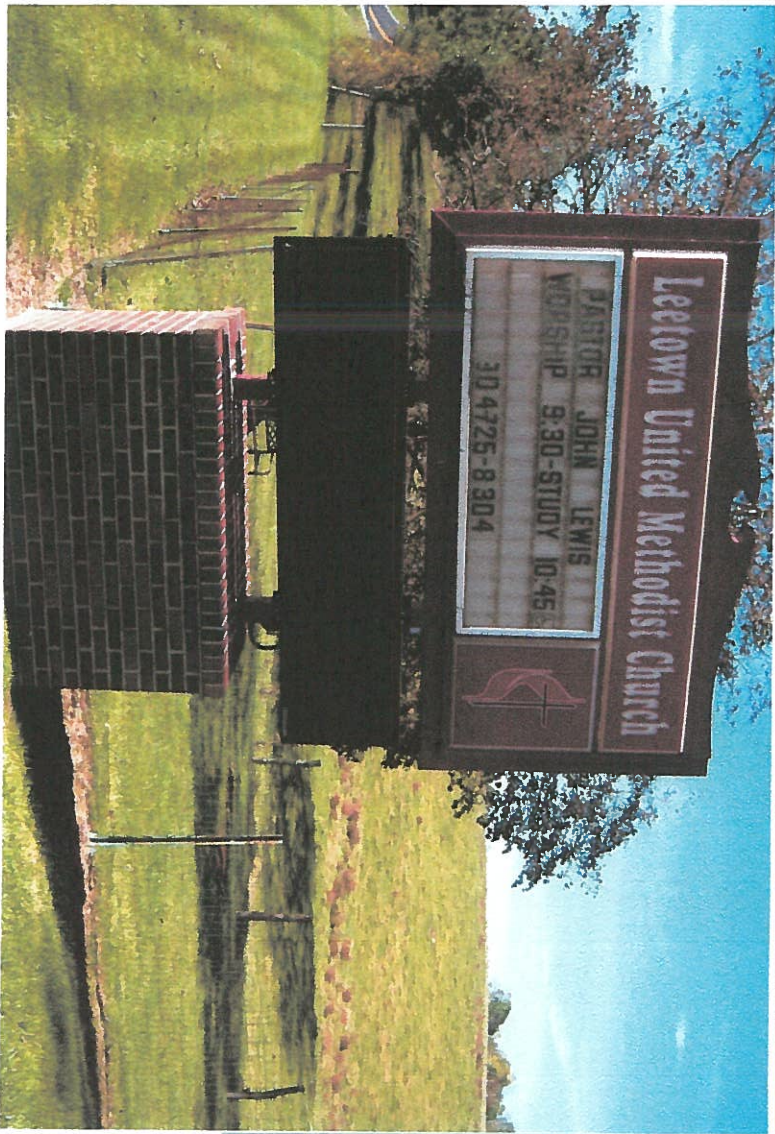
WHILE OUR SIGN IS NOT ANIMATED IN ANY WAY IT DOES HAVE THE CAPABILITY TO ALTERNATE THE MESSAGE.

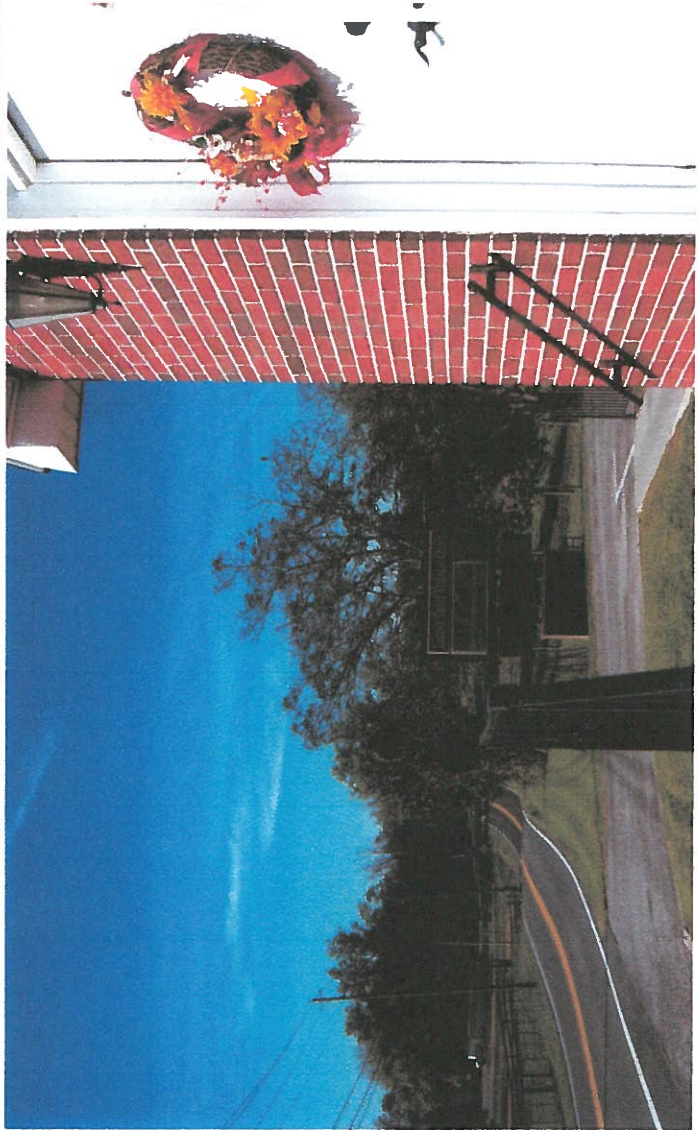
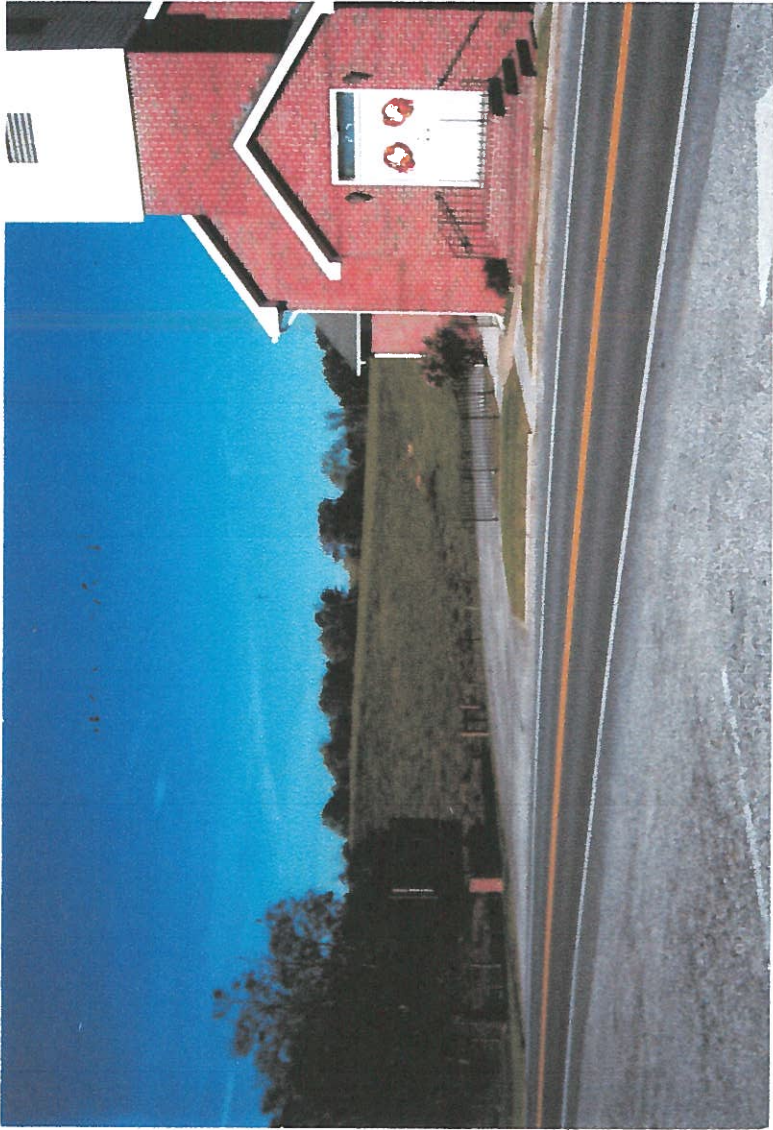
HOWEVER, DUE TO THE VOLUME OF TRAFFIC ON LEESTOWN ROAD DURING "PEAK HOUR" AND OUR SCRIPT IS LIMITED TO THE PASTORS MESSAGE TITLE, SPECIAL LITURGICAL SERVICES, BLOOD DRIVE DATE/TIME AND SPECIAL MISSION FUND RAISERS OUR CHURCH COUNCIL VOTED NOT TO USE THIS FEATURE.

WE ARE VERY AWARE OF THE AMOUNT OF AND SPEED OF THE TRAFFIC ON LEESTOWN ROAD AT CERTAIN TIMES AND DO NOT WANT TO USE ANY FEATURE OF THE SIGN THAT COULD DISTRACT DRIVERS.

LEEESTOWN UMC APPRECIATES ALL YOUR HELP IN GUIDING US THROUGH THIS PROCESS.

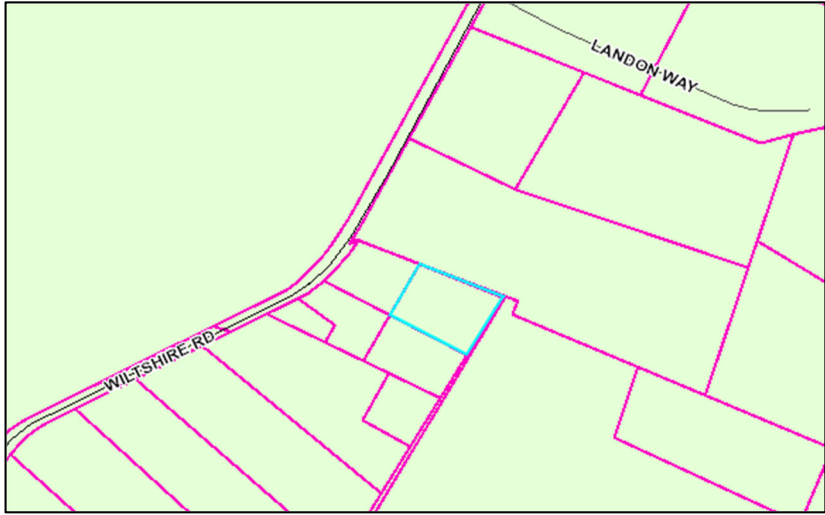
SUBMITTED BY: CHARLOTTE BENNETT
CHURCH COUNCIL CHAIR
9/2/2019





Staff Report
 Jefferson County Board of Zoning Appeals
 September 26, 2019
Delauder Variance Request (#19-25-ZV)

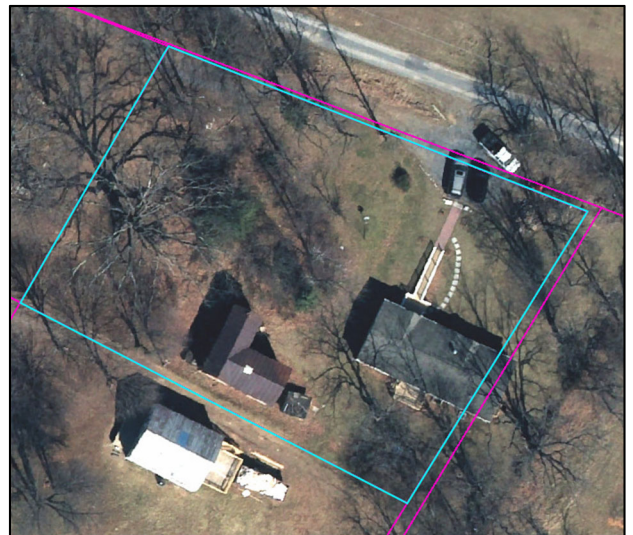
Item #5 Variance from Section 9.6C to allow an accessory structure in the required front yard; and Section 9.7 to reduce the front setback from 20' to 3' for a 12' x 20' shed.

Applicant:	Leroy Delauder
Owner:	Same
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">762 Wiltshire Road, Kearneysville, Parcel ID: 0200020007; Size: .5 acre; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural</p>
History:	Boundary Survey PB 25; PG 736
Waivers/Variations:	None
Approved Activity:	Single-Family Residence

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 9.6C to allow an accessory structure in the required front yard; and Section 9.7 to reduce the front setback from 20' to 3' for a 12' x 20' shed.

A key purpose of front yard setback requirements is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that sight visibility is not impaired for drivers along the right-of-way. Expansion of the existing right-of-way does not appear to be an applicable concern in this instance.



Staff Report
Jefferson County Board of Zoning Appeals
September 26, 2019
Delauder Variance Request (#19-25-ZV)

Staff Evaluation of Request

The subject parcel was created prior to the adoption of the Subdivision Regulations and Zoning Ordinance; therefore, it does not meet current standards pertaining to lot size and setbacks.

The applicant represented that the proposed location was selected based on the location of their existing water pump and to plan for a future garage that may be constructed in the future.

The existing 15' right-of-way was platted to serve four additional lots (denoted below ●). A setback reduction to 3' along the 15' right-of-way would likely have minimal impact on the adjacent properties.



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Conditions of Approval

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

1. No conditions of approval have been identified.

Section of Ordinance to be Considered:

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. No accessory building shall be erected within the required front yard.

Section 9.7 Other Exceptions³

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

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

Rural Agricultural and Industrial Commercial

Single Family Residences

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



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

File Number: 19-25-2V
 Staff Initials: RBB
 Meeting Date: 9/26/19
 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: Leroy E Delauder
 Mailing Address: 762 Wiltshire Rd
 Phone Number: 703-606-8117 Email: Isaiah784@aol.com

Applicant Contact Information

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



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

Name: N/A
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 762 Wiltshire Rd. State: _____ Zip Code: _____
 City: _____ Map No: 2 Parcel No: 7
 Tax District: Charles Town Deed Book: ~~522~~ 1228 JH Page No: ~~287~~ 277 JH
 Parcel Size: 0.5

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;">   JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING </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: 9.7 and 9.6C JH

Briefly describe the nature of the variance request:

Am asking to be 3ft off the instad of 6ft for a 12' x 20' shed JH
because where my water pump is located an me an my wife
would love have field in back yard

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

Front Setback Side Setback Rear Setback Reduction From 20' to 3'

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:

Alrealdy Talk to my neighbor

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?

water pump

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

by granting to this my water pump in my yard
don't have to be moved

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

we still have enouth room togo around the shed with riding
more so though

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] 9/03/19
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

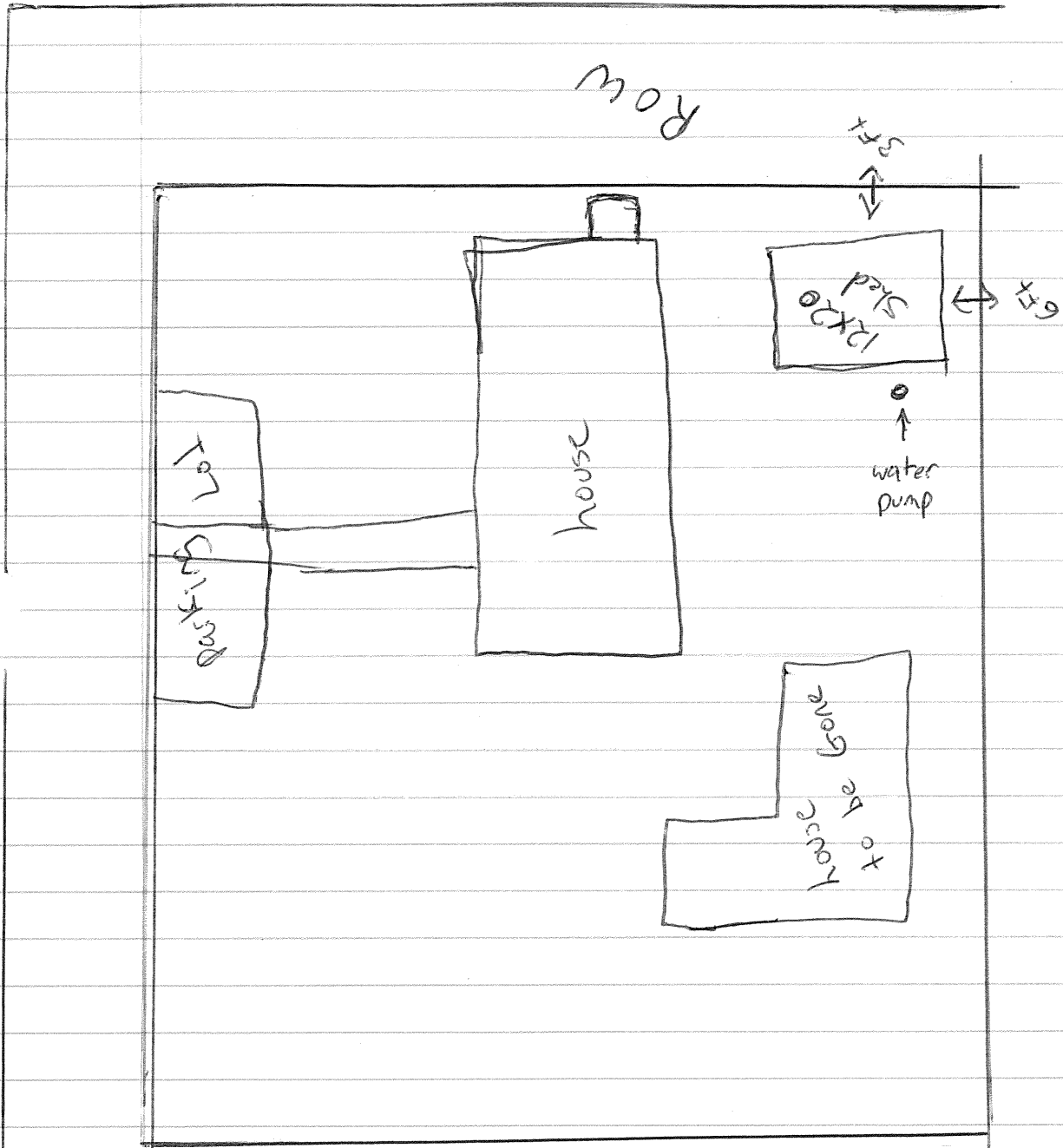
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

9-26-19
Date of Public Hearing

9-11-19
Advertising Date

9-11-19
Placard Posting Date

19-25-2V



RECEIVED

SEP 03 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

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Zoning Administrator's Report Board of Zoning Appeals Meeting September 26, 2019

1) Text Amendments:

- On August 29, The County Commission approved funding Greenway Engineering to work on a set of amendments to the Zoning Ordinance and Subdivision Regulations. The amendments include general reorganization and cleanup of existing text in an effort to clarify conflicting standards. Staff is facilitating a roundtable meeting on September 30 for consultants, surveyors, engineers, and other professionals to gather input on how to improve development review process (i.e. subdivision plats and site plans).
- On September 19, The County Commission held a Public Hearing to receive input on the Planning Commission's recommended text amendment ZTA19-01, which proposes to create provisions to allow special event facilities to be established in the Rural, Residential Growth, and Village zoning districts. The Public may provide written comments until close of business on October 2.
- The County Commission approved the text amendment ZTA19-02 to allow 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 **October 24, 2019** (deadline for submission is Monday, September 30, 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
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September 2019
Zoning Certificate Activity Report

File #	19-23-ZC
Request:	Add and replace antennas and other equipment located on an existing co-located telecommunications facility.
Property Owner:	Neil and Kenna Banks
Applicant:	Tessia Knight, NB + C, LLC
Parcel Info:	3343 Shepherdstown Pike, Shenandoah Junction, WV 25442 Parcel ID: 09002300220000; Size: ~105 ac; Zone: Rural
Issuance Date:	08/26/19
File #	19-24-ZC
Request:	Add and replace antennas and other equipment located on an existing co-located telecommunications facility.
Property Owner:	Sunnyside Ltd. Partnership
Applicant:	Bryan Easton, SBA
Parcel Info:	844 Wheatland Rd., Charles Town, WV 25414 Parcel ID: 06001200120001; Size: 4.65 ac; Zone: Industrial Commercial
Issuance Date:	08/26/19
File #	19-25-ZC
Request:	Add and replace antennas and other equipment located on an existing co-located telecommunications facility.
Property Owner:	Thomas LeFerve
Applicant:	Tessia Knight, NB + C, LLC
Parcel Info:	237 Tel Farm Lane, Kearneysville, WV 25430 Parcel ID: 07001900240000; Size: 107 ac; Zone: Rural
Issuance Date:	08/26/19
File #	19-26-ZC
Request:	Rural Reception / Event Facility, Small
Property Owner:	Elizabeth Hendricks
Parcel Info:	5388 Shepherdstown Pike, Shenandoah Junction, WV 25442 Parcel ID: 09001800050000; Size: 31 ac; Zone: Rural
Issuance Date:	09/05/19
File #	19-27-ZC
Request:	Tri-State Pet Care: Expansion of a kennel with added grooming services.
Property Owner:	Robert and Delia Garza
Applicant:	Andrea Garza Hovatter
Parcel Info:	10101 Leetown Road, Kearneysville, WV 25430 Parcel ID: 07001400070000; Size: 24 ac; Zone: Rural
Issuance Date:	09/18/19
