



Jefferson County
Board of Zoning Appeals
Thursday, October 24, 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: September 26, 2019

Public Hearing – Administer Oath

ITEM #1 FILE #: 19-26-ZV

Request: Variance from Section 9.6B to reduce the rear setback from 24' to 12' for an existing 24' x 12' accessory structure.

Owner: Preston Barger

Parcel Info: Preston Barger Minor Subdivision, Lot 1,
188 Wide Horizon Blvd., Kearneysville, WV
Parcel ID: 07001802550001; Size: 1.5ac; Zoning District: Rural

ITEM #2 FILE #: 19-27-ZV

Request: Variance from Section 9.6B to reduce the rear setback from 45' to 12' for a 45' x 40' inground swimming pool including the surrounding concrete.

Owner: Preston Barger

Parcel Info: Preston Barger Minor Subdivision, Lot 1,
188 Wide Horizon Blvd., Kearneysville, WV
Parcel ID: 07001802550001; Size: 1.5ac; Zoning District: Rural

ITEM #3 FILE #: 19-2-CUP

Request: Request for a Conditional Use Permit to operate a Church that includes office space, meeting rooms and services for approximately 120 attendees. Applicant will utilize the existing parking and signage on site.

Owner: Burr Park, LLLC

Applicant: Tanie Guy, Ascension Church

Parcel Info: Burr Industrial Park, Lot 34,
73 Edmond Rd., Suites 2 and 3, Kearneysville, WV
Parcel ID: 02000100860000; Size: 1.52 ac; Zoning District: Industrial Commercial

ITEM #4 FILE #: 19-28-ZV

Request: Variance from Section 4.11A.2 & 4.11E.1 and Appendix B to reduce the landscaping buffer from 10' to 0' along the shared property line between Lots 27 and 28 in the Burr Industrial Park; and to allow for a 50' unscreened buffer instead of a 10' screened buffer along the rear property line of both lots.

Owner: Jefferson County Development Authority

Applicant: McGee Civil Construction, LLC

Parcel Info: Burr Business Park, Lots 27 and 28 Steeley Way
Parcel ID: 02000101270000 and 02000101280000; Size: 1.93 and 1.49 ac;
Zoning District: Industrial Commercial

ITEM #5 FILE #: 19-29-ZV

Request: Variance from Appendix A to reduce the side setback from 8' to 4' for an existing 40' x 44' garage to be converted into a house.

Owner: Keith Cranford

Parcel Info: Block 1, Lots 22 & 23. Northeast corner of Euclid Ave and First St. (undeveloped road)
Parcel ID: 02010A01020001; Size: .31 ac; Zoning District: Residential Growth

ITEM #6 FILE #: 19-30-ZV
Request: Variance from Section 9.7 to reduce the side setback from 12' to 1' for a 24' x 30' accessory structure.
Owner: Thomas Custer
Parcel Info: 1906 Kabletown Rd., Charles Town, WV
Parcel ID: 06002200010002; Size: 1 ac; Zoning District: Rural

ITEM #7 FILE #: 19-3-CUP
Request: Request for a Conditional Use Permit to operate a Restaurant associated with the existing farm brewery. The applicant is proposing to construct an addition to the existing structure and a 35 space parking lot. The applicant is also requesting a deviation from the following sign provisions: Sec. 10.4A.1 to allow an 8' x 24' attached sign and a 2' x 2' attached sign affixed to the former mill structure; and to allow a 2' x 2' attached sign affixed to the principal structure; and Sec. 10.4A.2 to allow the proposed signs to face a residence.
Owner: Jesse Morgan, Wheatlands Property Management
Parcel Info: 2153 Berryville Pike, Rippon, WV
Parcel ID: 06010A00240000; Size: 1.64 ac; Zoning District: Split Zoned Village & Rural

ITEM #8 FILE #: 19-31-ZV
Request: Variance from Section 4.10A to waive the requirement of processing a site plan. A Site Plan is required to construct a 35 space parking lot with drive aisles and sidewalks which will support a proposed Restaurant (File 19-3-CUP).
Owner: Jesse Morgan, Wheatlands Property Management
Parcel Info: 2153 Berryville Pike, Rippon, WV
Parcel ID: 06010A00240000; Size: 1.64 ac; Zoning District: Split Zoned Village & Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

- a. Possible executive session on the following pending lawsuits.
 - 1. Report on Civil Action No. 19-C-135.
- b. Discussion with possible deliberative session and sign of draft Findings/Decisions
Meeting: September 26, 2019
 - 1. Variance from Section 10.4B.3. Owner: SPARC, LLC. File: 19-22-ZV.
 - 2. Variance from Section 10.2C. Owner: SPARC, LLC. File: 19-23-ZV.
 - 3. Variance from Section 4.10A and Section 11.1B. Owner: Jennifer Hillmann. File: 19-24-ZV.
 - 4. Request for a Special Exception Permit for an electronic sign. Owner: Leetown United Methodist Church. File: 19-1-SE.
 - 5. Variance from Section 9.6C and Section 9.7. Owner: Leroy Delauder. File: 19-25-ZV.

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: September 26, 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. Mr. Corbin seconded the motion, which
11 carried unanimously. Mr. Quynn 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: August 22, 2019**

15 Ms. Beaulieu noted a correction on page 2, line 31, to state the following “Mr. Corbin seconded the
16 motion, which carried unanimously.” Mr. Corbin moved to approve the minutes with the suggested
17 correction. Mr. Quynn called for a vote, which carried unanimously.

18 ITEM #1 FILE #: 19-22-ZV

- 19 Request: Variance request from Section 10.4B.3 to reduce the front setback from 25’ to 1’ for a
20 96” (length) x 48” (width) x 7’4” (height) freestanding sign (Motorsports Park Circle-
21 West Entrance).
22 Owner: SPARC, LLC
23 Parcel Info: 201 Motorsports Park Cir., Summit Point
24 Parcel ID: 06001700020000; Size: 415 ac; Zoning District: Rural

25 Mr. Chad Wallen with Gordon was present to address the Board. Ms. Beaulieu provided an overview
26 of her staff report noting that the intent of the sign was not to attract motorists from a distance but to
27 identify the site to incoming motorists. Ms. Beaulieu informed the Board that the applicants were
28 also seeking a waiver from the Planning Commission to allow the sign in the sidewalk easement.
29 Mr. Wallen reiterated the intent of the sign, noting that the existing vegetation blocks the view of
30 oncoming traffic to the entrance and that the signage would help alleviate this issue. Mr. Wallen also
31 explained that the proposed signs for the east and west entrance would help distinguish between the
32 purpose of each entrance. Mr. Quynn confirmed that the entrances are confusing. Mr. Corbin
33 recommended that existing vegetation could be removed to eliminate the cited hardship. Mr. Wallen
34 stated the vegetation provided a buffer between the business and surrounding residential land uses.
35 Mr. Wallen proffered to remove the sign should a sidewalk be constructed in the future. Mr. Quynn
36 opened the public hearing. There was no public comment. Mr. Quynn closed the public hearing.

37 Mr. McKinney moved to approve the variance with the following conditions:

- 38 1. Approval is contingent upon the Planning Commission approving the proposed waiver.
39 2. The applicant is bound by their testimony.
40 3. Landscaping around the monument sign should consist of small plants to avoid additional
41 visual barriers that larger shrubs may create.

42 Mr. Bannon seconded the motion, which carried unanimously.

1 ITEM #2 FILE #: 19-23-ZV

2 Request: Variance request from Section 10.2C to allow for a 96” (length) x 48” (width) x 7’4”
3 (height) freestanding sign in the required right-of-way (Motorsports Park Circle-East
4 Entrance).

5 Owner: SPARC, LLC

6 Parcel Info: 201 Motorsports Park Cir., Summit Point

7 Parcel ID: 06001700020000; Size: 415 ac; Zoning District: Rural

8 Mr. Chad Wallen with Gordon was present to address the Board. Ms. Beaulieu provided an overview
9 of her staff report explaining that the proposed sign is to replace an existing sign that is located within
10 the right-of-way. Ms. Beaulieu added that the purpose of this sign is similar to request 19-22-ZV in
11 that it is to identify the site to incoming motorists. Mr. Wallen explained the nature of the request
12 reiterating that the intent of the sign is to distinguish between the east and west entrances. Mr. Wallen
13 stated that he did not know the history of the existing sign so he could not address the Board’s
14 questions regarding its original construction. Mr. Quynn opened the public hearing. There was no
15 public comment. Mr. Quynn closed the public hearing.

16 Mr. Corbin moved to approve the variance with the following conditions:

- 17 1. The applicant is bound by their testimony.
- 18 2. The applicant is to remove the old sign and replace it with the proposed sign.
- 19 3. Landscaping around the monument sign should consist of small plants to avoid additional
20 visual barriers that larger shrubs may create.

21 Mr. Bannon seconded the motion, which carried unanimously.

22 ITEM #3 FILE #: 19-24-ZV

23 Request: Variance from Section 4.10A to waive the requirement of a site plan for the
24 construction of a 3,700 square foot dog kennel and associated parking lot; and Section
25 11.1B to allow for a modified parking standard/reduced number of parking spaces.

26 Owner: Jennifer Hillmann

27 Parcel Info: 4174 Flowing Springs Rd, Shenandoah Junction

28 Parcel ID: 09002400090000; Size: 3.5 ac; Zoning District: Rural

29 Ms. Jennifer Hillmann was present to address the Board. Ms. Beaulieu provided an overview of her
30 staff report explaining the purpose of a site plan. Ms. Beaulieu noted that the property was
31 surrounded by farmland and was across the street from a high school. Ms. Beaulieu stated that the
32 proposed kennel would consist of indoor kennels only. Ms. Hillmann explained the nature of the
33 request noting that the expense of a site plan would be detrimental to a small, family operated
34 business. Ms. Hillmann confirmed that the facility would consist of only indoor kennels and
35 explained that indoor kennels are more sanitary than outdoor kennels and would help create a sound
36 barrier. Ms. Hillmann stated that the required parking standard was excessive based on the fact that
37 clients would visit the site by appointment only. She also noted that employee parking would not be
38 necessary because it would be run by the property owners, who reside on premises. Mr. Quynn
39 opened the public hearing. Stephanie Laptosh arrived late to the meeting and was sworn in prior to
40 making comment. Ms. Laptosh spoke in favor of the request, highlighting Ms. Hillmann’s service
41 of care, professional demeanor, and the need for kennel services in the area. Mr. Quynn closed the
42 public hearing.

1 Mr. Bannon moved to approve the variance with the following conditions:

2 1. The applicant is bound by their testimony.

3 Mr. Quynn amended the motion to include the following:

4 2. That a 10' buffer comprised of existing mature vegetation be retained along the side and rear
5 property lines; or

6 3. That a 50' unscreened buffer be maintained along the side and rear property lines. No
7 structures, materials, equipment, etc. would be permitted within the buffer area.

8 Mr. Bannon accepted the amended motion. Mr. McKinney seconded the amended motion, which
9 carried unanimously.

10 Mr. Quynn rearranged the agenda to hearing file #19-30-ZV next.

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

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

14 Owner: Leroy Delauder

15 Parcel Info: 762 Wiltshire Rd, Kearneysville, WV

16 Parcel ID: 02000200070000; Size: .5 ac; Zoning District: Rural

17 Mr. Paul Delauder, father of the property owner, was present to address the Board. Ms. Beaulieu
18 provided an overview of her staff report noting that the property was a nonconforming site.

19 Mr. Delauder explained the nature of the request stating that his son needed a structure to store lawn
20 equipment, etc. Mr. Delauder confirmed that there was a water pump on the property and that his
21 son intended on constructing a garage in the future, which limited the buildable area of the small
22 parcel. Mr. Quynn opened the public hearing. There was no public comment. Mr. Quynn closed the
23 public hearing.

24 Mr. McKinney moved to approve the variance as requested. Mr. Quynn called for a vote, which
25 carried unanimously.

26 ITEM #5 FILE #: 19-1-SE

27 Request: Request for a Special Exception Permit to allow a 91" (length) x 21 3/4" (width)
28 electronic sign to remain affixed to the existing Leetown United Methodist Church
29 Sign. The overall width and height of the existing sign will remain the same. The
30 applicant is also requesting a deviation from the following: A) Section 10.7H to reduce
31 the distance requirement from 200' to 95' on the western property line; to 60' on the
32 northwestern property line; and to 172' on the northeastern property line. B) Section
33 10.7I to allow an electronic sign to be parallel to a residence.

34 Owner: Leetown United Methodist Church

35 Parcel Info: 11133 Leetown Rd., Kearneysville, WV

36 Parcel ID: 07001200140000; Size: .47 ac; Zoning District: Rural

37 Ms. Charlotte Bennett with Leetown United Methodist Church was present to address the Board.

38 Ms. Beaulieu provided an overview of her staff report, noting that the subject sign was installed
39 without a permit but has been turned off since the notice of violation was issued. Ms. Bennett
40 explained the nature of the request confirming that the existing sign was illegally installed.

41 Ms. Bennett provided letters of support from the surrounding property owners. Ms. Bennett stated

1 the Church was amiable to shutting the sign off at 6:00 p.m. as the sign company informed them
2 that 100 nits was not bright enough to see at night. Ms. Bennett added that should the regulations
3 change to allow a greater brightness standard, they would like to keep the sign on until 10:00 p.m.
4 The applicant also stated that if the request was granted, she would submit the required certification
5 from the sign manufacturer reflecting compliance with the Ordinance. Mr. Quynn opened the public
6 hearing. Beverley Grove, neighbor and attendee, spoke in favor of the request, stating that the intent
7 of the signage was to draw attention to the church in hopes of increasing attendance. Mr. Quynn
8 closed the public hearing.

9 Mr. Bannon moved to approve the Special Exception with the following conditions:

- 10 1. The sign shall be adjusted to comply with the required brightness levels per the Ordinance
11 requirements; and
- 12 2. The sign is required to shut off at 6:00 p.m. daily, except on Holidays.
- 13 3. The applicant is bound by their testimony.

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

15 **Zoning Administrator Report**

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

17 Ms. Beaulieu provided the Board with an overview of pending text amendments. Ms. Beaulieu
18 informed the Board that Greenway Engineering was hired by the County Commission to begin
19 work on the revisions to the Zoning Ordinance and Subdivision Regulations. Ms. Beaulieu
20 informed the Board that their next meeting would be October 24, 2019.

21 **Legal Update**

22 a. Possible executive session on the following pending lawsuits. Mr. Cochran briefly informed
23 the Board that the campground appeal had been dismissed and that he would provide a more
24 thorough update at their October meeting.

25 b. Discussion with possible deliberative session and sign of draft Findings/Decisions
26 Meeting: August 22, 2019

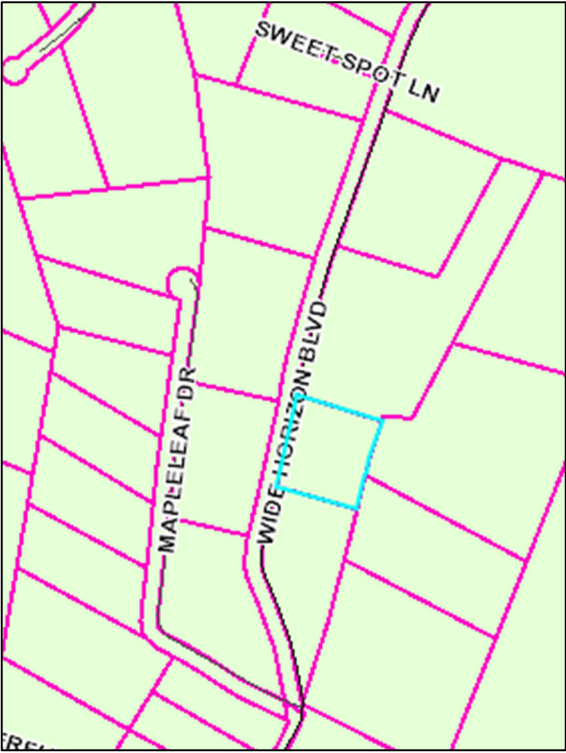
- 27 1. Variance from Appendix A. Owner: Howard and Patricia Quynn. File: 19-18-ZV.
- 28 2. Variance from Section 10.2C. Owner: Seneca Crossing LLC. File: 19-20-ZV.
- 29 3. Variance from Section 4.10 and Appendix B. Owner Robert C & Delia M Garza.
30 Applicant: Andrea Garza, Tri State Pet Care, LLC.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

33 Mr. Quynn reviewed the above referenced Findings.

34 Mr. Corbin moved to adjourn the meeting at 3:17 pm, which carried unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 October 24, 2019
Barger Variance Request (#19-26-ZV)

Item #1 Variance from Section 9.6B to reduce the rear setback from 24' to 12' for a 24' x 12' accessory structure.

Applicant:	Preston Barger
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">Preston Barger Minor Subdivision, Lot 1, 188 Wide Horizon Blvd., Kearneysville, WV Parcel ID: 07001802550001; Size: 1.5ac; 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:	09/05/96: Site Plan Approved (S96-14) for a Recording Studio 09/08/17: Subdivision recorded in Plat Book 25; Page 645
Waivers/Variations:	05/16/96: ZV96-13 & ZV96-14 – expansion of nonconforming use beyond 35% (recording studio)
Approved Activity:	Single-Family Residence
Site Visit Completed:	Yes: 10/09/19 & 10/11/19

Staff Report
Jefferson County Board of Zoning Appeals
October 24, 2019
Barger Variance Request (#19-26-ZV)

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 9.6B to reduce the rear setback from 24' to 12' for a 24' x 12' accessory structure.

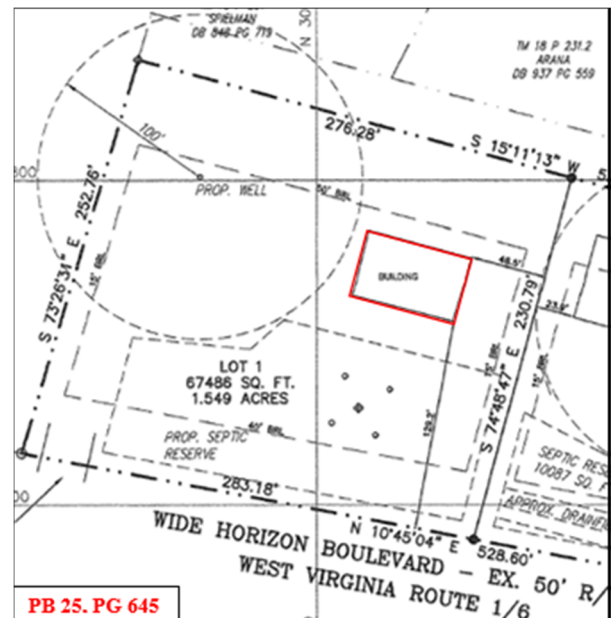
The purpose of side and rear yard setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements.



Staff Evaluation of Request

The subject parcel is Lot 1 of the Preston L. Barger and Tana S. Dillow Barger Minor Subdivision, Lots 1 & 2-Residue, which was recorded on September 8, 2017 in Plat Book 25 at Page 645. The proximity of the existing house to the subject property line limits the buildable area for a pool in the proposed location.

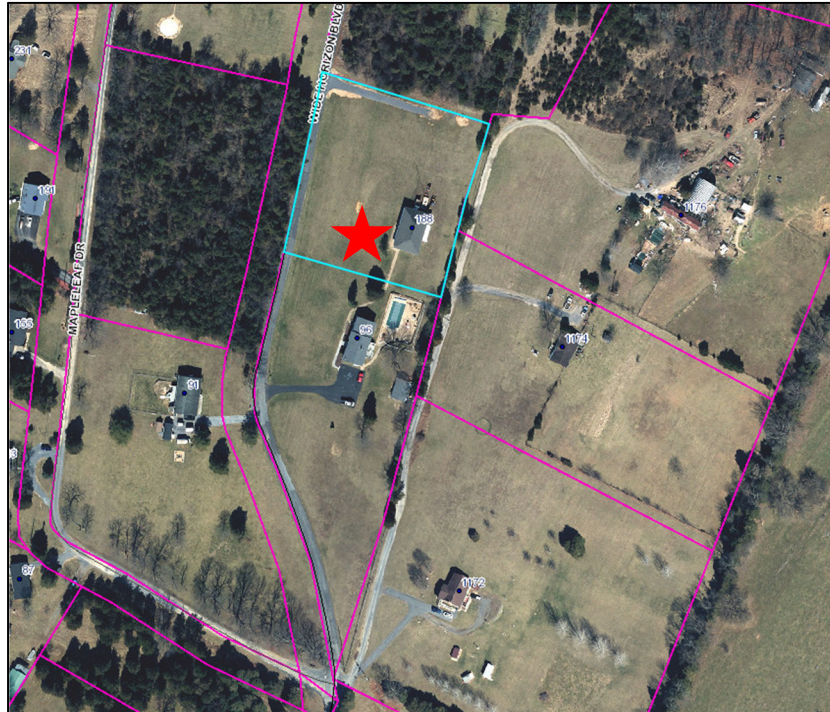
Note, in 2018 the building depicted on the approved plat (outlined in red) was converted from a recording studio (S96-14) to a single-family residence (Building Permit #18-854).



Staff Report
Jefferson County Board of Zoning Appeals
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Barger Variance Request (#19-26-ZV)

It should be noted that the building permit for the subject accessory structure was issued in error, which is why the applicant is coming to the Board after the structure was constructed, as opposed to prior to construction.

A setback reduction to 12' feet along the subject property line would likely have minimal impact on the neighboring properties as there is an existing right-of-way immediately behind the property that serves three parcels. Additionally, there is an existing treeline that provides a natural buffer for part of the year between the subject parcel and the easement.



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. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.



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: 19-26-ZV
 Staff Initials: gpt
 Meeting Date: 10/24/19
 Fees Paid (\$100 or \$150): WAIVED

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: Preston Berger
 Mailing Address: 188 Wide Horizon Blvd Kearneysville, WV 25430
 Phone Number: 304-725-3046 Email: Lookingup@Frontier.net

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: 188 Wide Horizon Blvd
 City: Kearneysville State: WV Zip Code: 25430
 Tax District: 7 Map No: 18 Parcel No: 255.1
 Parcel Size: 1.5 Deed Book: 798 Page No: 545

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p align="center">RECEIVED</p> <p align="center">SEP 12 2019</p> <p>JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING</p> <p align="center"><small>Place Received Date Stamp Here</small></p>			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 9.6 B

Briefly describe the nature of the variance request:

To Retain a 12x24 Shed 12' To Property Line

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

Front Setback Side Setback Rear Setback Reduction From 24 to 12

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:

Shed Backup To gravel Road To one Resident

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 permit was issued in area

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

Relocation would be very expensive

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

will allow more useable back yard

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] 9-12-19
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).

10.24.19
Date of Public Hearing

10.09.19
Advertising Date

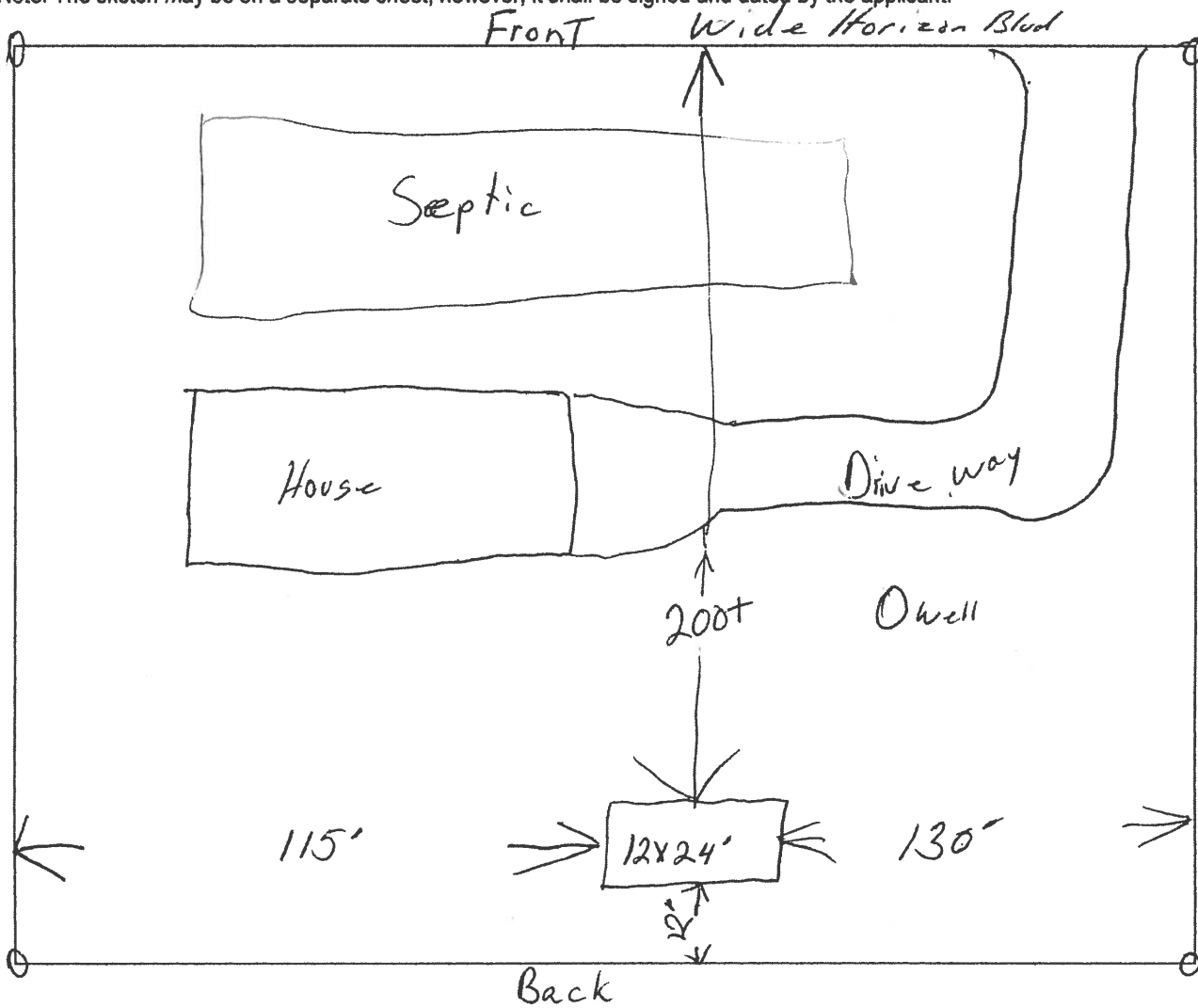
10.09.19
Placard Posting Date

PROPERTY SKETCH SHEET

19-26-2V

Sketch the shape and location of the lot and show the following:

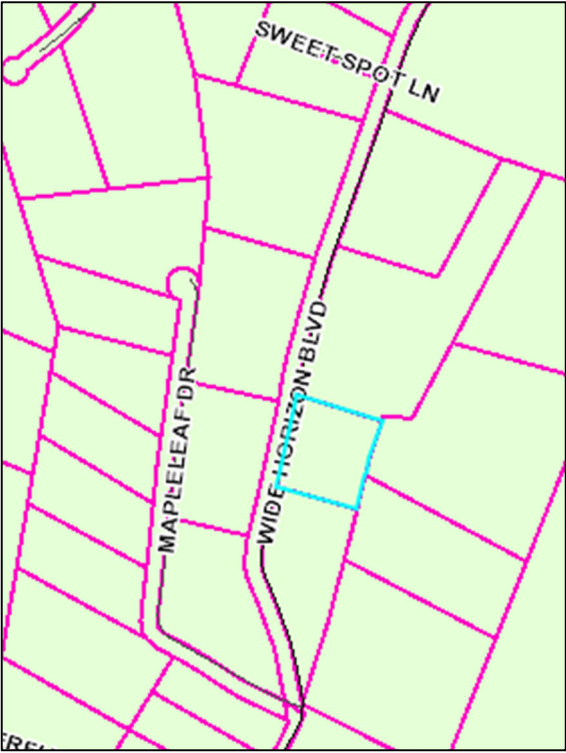
- 1. All existing roads with names and/or route numbers.
 - 2. All rights-of-way and/or easements.
 - 3. Septic reserve areas.
 - 4. Location of the intended construction or land use; and show the building setback lines and the distances from the property line to the setback lines; and the distance from the property line to the structure.
 - 5. Show the size and height of the structure. For a sign, indicate the length of the building frontage.
 - 6. Show all existing buildings/structures on the parcel/property.
 - 7. On Renovations and Addition; Please indicate number of bedrooms and if adding a kitchen.
- Note: The sketch may be on a separate sheet; however, it shall be signed and dated by the applicant.



Property Owner/Applicant's Signature: *Scott R. Boyer* Date: 04-15-2019

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 Jefferson County Board of Zoning Appeals
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Developer:	N/A
Consultant:	N/A
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Waivers/Variations:	05/16/96: ZV96-13 & ZV96-14 – expansion of nonconforming use beyond 35% (recording studio)
Approved Activity:	Single-Family Residence
Site Visit Completed:	Yes: 10/09/19 & 10/11/19

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Summary of Request and Purpose of Ordinance Requirements

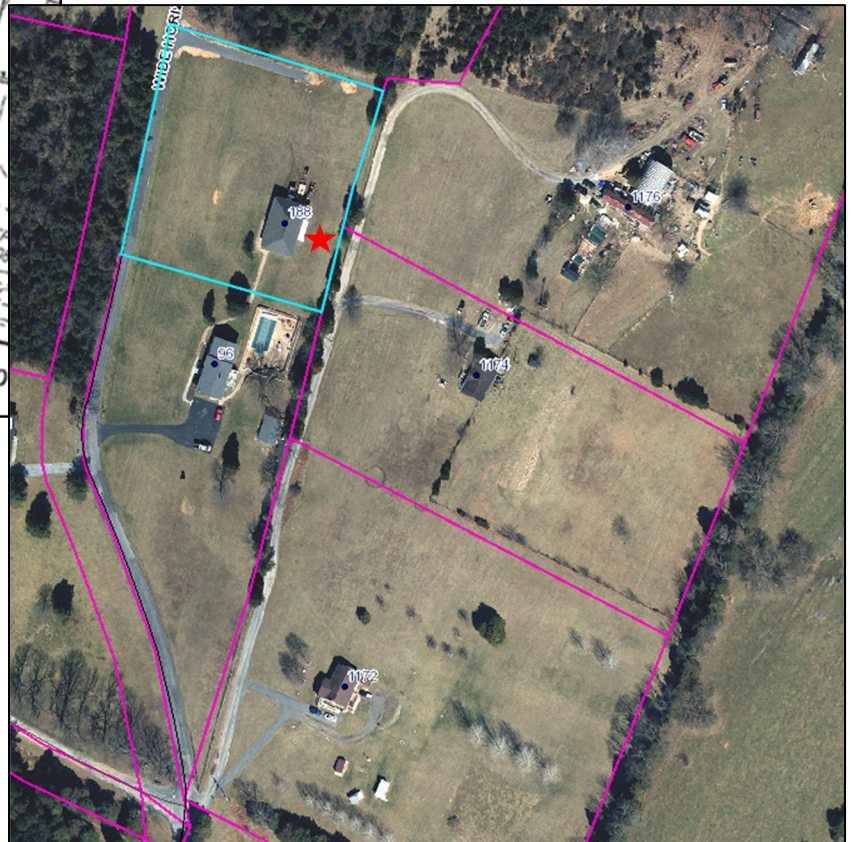
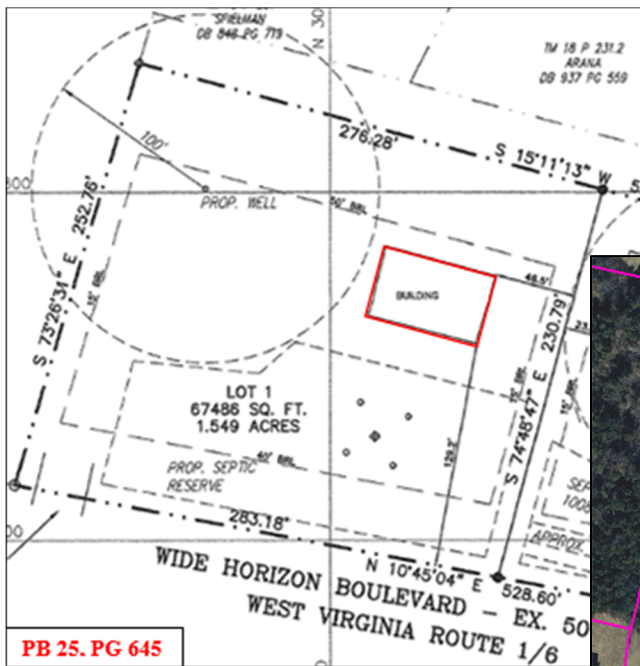
The applicant is requesting a variance from Section 9.6B to reduce the rear setback from 45' to 12' for a 45' x 40' inground swimming pool including the surrounding concrete.

The purpose of side and rear yard setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements.

Staff Evaluation of Request

The subject parcel is Lot 1 of the Preston L. Barger and Tana S. Dillow Barger Minor Subdivision, Lots 1 & 2-Residue, which was recorded on September 8, 2017 in Plat Book 25 at Page 645. The proximity of the existing house to the subject property line limits the buildable area for a pool in the proposed location.

Note, in 2018 the building depicted on the approved plat (outlined in red below) was converted from a recording studio (S96-14) to a single-family residence (Building Permit #18-854).



Staff Report
Jefferson County Board of Zoning Appeals
October 24, 2019
Barger Variance Request (#19-27-ZV)

A setback reduction to 12' feet along the subject property line would have minimal impact on the neighboring properties as there is an existing right-of-way immediately behind the property that serves three parcels. Additionally, there is an existing treeline that provides a natural buffer for part of the year between the subject parcel and the easement. As you can see in the aerial photo above, the adjoining parcel also has a pool, which has existed at least since the early 90's (based on google earth historical imagery and the 1996 site plan).



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. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.



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: 19-27-ZV
 Staff Initials: GH
 Meeting Date: 10/24/19
 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: Preston Barger
 Mailing Address: 188 Wide Horizon Blvd
 Phone Number: 304-725-3046 Email: Lookingup@FrontierNet.net

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: 188 Wide Horizon Blvd
 City: Kearneysville State: WV Zip Code: 25430
 Tax District: 7 Map No: 18 Parcel No: 255.1
 Parcel Size: 1.5 Deed Book: 798 Page No: 545

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">SEP 12 2019</p> <p align="center">JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING</p> <p align="center">Place Received Date Stamp Here</p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 9.6B

Briefly describe the nature of the variance request:

Install A 45x40 pool

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

Front Setback Side Setback Rear Setback Reduction From 45 to 12

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:

IT backs up to a private Drive and The Closest house is over 180 FT Away

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?

with The setback i have no back yard To Build a pool There is a driveway on Side where as no pool can go There

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

please Allow pool To go in back yard

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

will Apply for building permit

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] 9-12-19
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).

10.24.19
Date of Public Hearing

10.09.19
Advertising Date

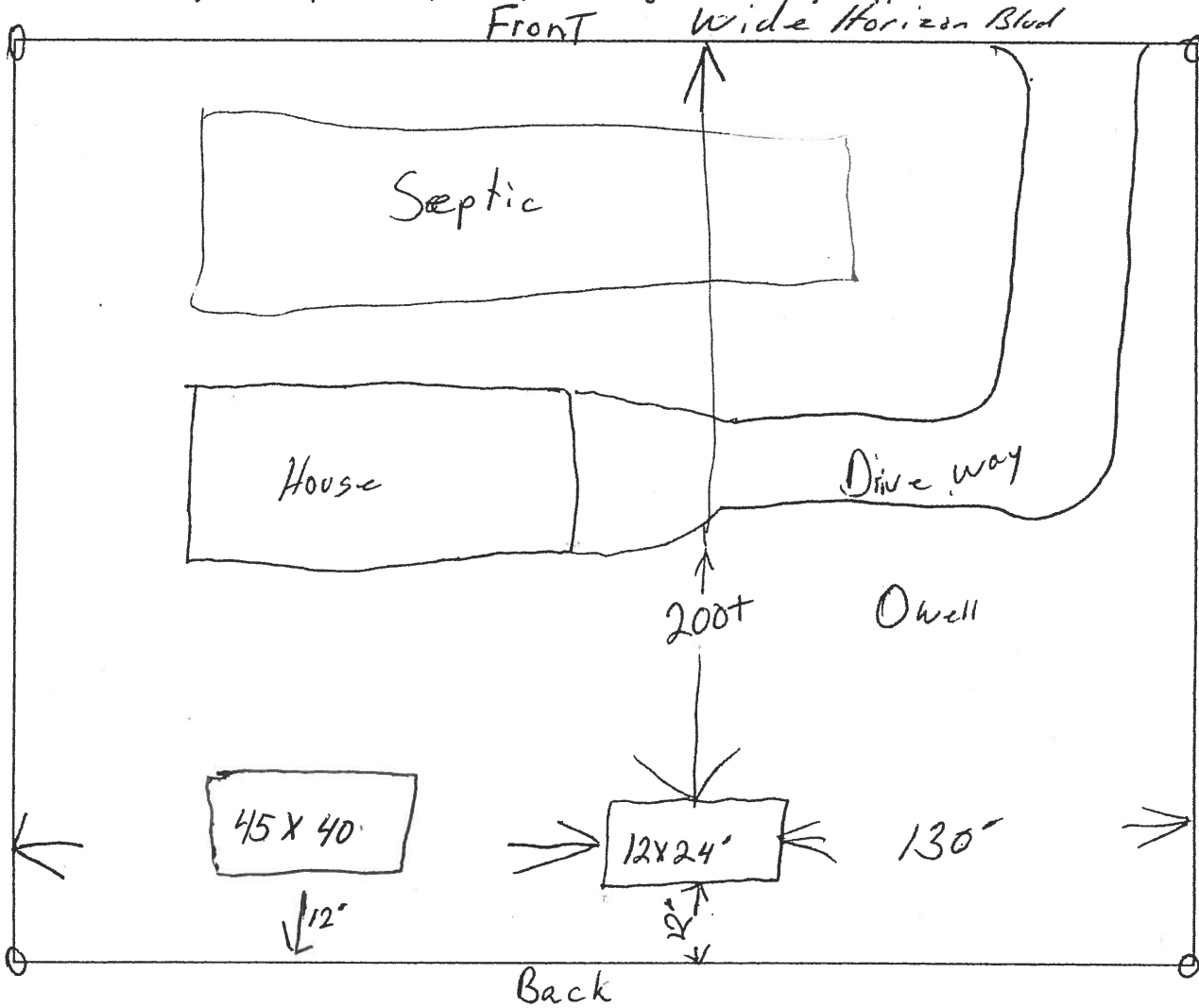
10.09.19
Placard Posting Date

PROPERTY SKETCH SHEET

19-27-ZV

Sketch the shape and location of the lot and show the following:

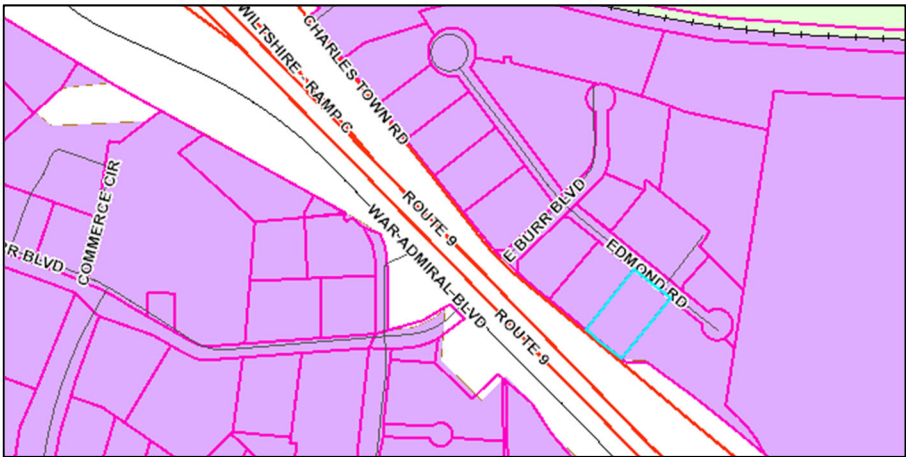
1. All existing roads with names and/or route numbers.
 2. All rights-of-way and/or easements.
 3. Septic reserve areas.
 4. Location of the intended construction or land use; and show the building setback lines and the distances from the property line to the structure.
 5. Show the size and height of the structure. For a sign, indicate the length of the building frontage.
 6. Show all existing buildings/structures on the parcel/property.
 7. On Renovation's and Addition; Please indicate number of bedrooms and if adding a kitchen.
- Note: The sketch may be on a separate sheet; however, it shall be signed and dated by the applicant.



Property Owner/Applicant's Signature: *Donald Boney* Date: 04-15-2019

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 October 24, 2019
Ascension Church
Conditional Use Permit Request (#19-2-CUP)

Item #3 Request for a Conditional Use Permit to operate a Church that includes office space, meeting rooms and Sunday services for approximately 120 attendees. Applicant will utilize the existing signage on site.

Applicant:	Tanie Guy, Ascension Church
Owner:	Burr Park, LLC
Developer:	Same as applicant
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">Burr Industrial Park, Lot 34 73 Edmond Rd., Suites 2 and 3, Kearneysville, WV Parcel ID: 02000100860000; Size: 1.52 ac; Zoning District: Industrial Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;">North: Industrial – Commercial South: DOH & Industrial – Commercial East & West: Industrial – Commercial</p>
Subdivision:	02/13/90: PC approved Final Plat (File #88-69) 11/12/02: PC approved Final Plat (File #02-32)
Site Plan:	09/30/98: Staff approves Marrone's Interior Finishes, Lot 34 (File #S98-04 closed) 10/10/03: Staff approves Advanced Pest Control Co. Lot 34 (File #S03-08) PC approval not required due to its location in an industrial park.
Waivers/Variances:	08/20/06: BZA denied a reduction of the side parking and access drive setback from 4' to 0' for an existing paved parking lot expansion 01/23/14: BZA approved the following for the purpose of subdividing Parcel 86 (Lot 34) to create two commercial lots (Lots 34A and 34B): (a) Sec. 6D.5: reduce parking and access drive setbacks from 10' to 0'; (b) Sec. 4.11A: reduce landscape buffer between two commercial uses from 10' to 0' for two newly created parcels; (c) Sec. 5.6D.2: reduce setback distance between existing buildings from 25' to 4.25' on one lot and 25' to 5.25' on the other lot (ZV13-38). Note: Lots were not subdivided.
Approved Use:	Commercial Building
Site Visit Conducted:	Yes: 10/15/19

Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 24, 2019
Ascension Church
Conditional Use Permit Request (#19-2-CUP)

Summary of Request and Purpose of Ordinance Requirements

Appendix C of the Zoning Ordinance was recently amended to allow Churches, previously listed as “Not Permitted” in the Industrial Commercial zoning district, to process a Conditional Use Permit (ZTA19-02, adopted 09-19-19).

The subject request is to allow a church, which serves approximately 120 parishioners, to continue operating in their current location. The applicant will utilize existing parking and signage on site.

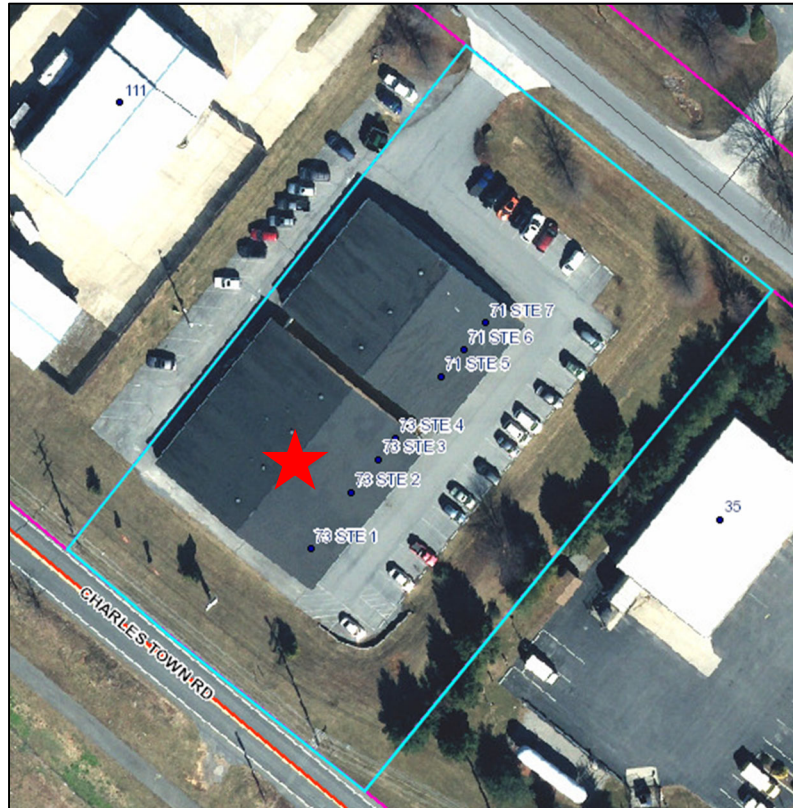


Property Description

The subject parcel contains two office buildings occupied by various tenants including a daycare center and a dance studio. The applicant has represented that there are 50 parking spaces existing on site, which is shared with the other businesses in this location.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
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Ascension Church
Conditional Use Permit Request (#19-2-CUP)

Ascension Church occupies two of the units in the southern building. The church is working with the Office of Building Permits to complete the necessary improvements to allow an assembly of people to occupy the space.



Impact on adjacent properties

The surrounding area is zoned Industrial-Commercial. Located within close proximity to the subject parcel, is a mixture of commercial and light industrial uses, residential (Shiloh Subdivision), and institutional uses (see map below).

The impact on adjacent properties is expected to be minimal. Staff explained to the applicant the potential impact of locating to an area which is zoned for industrial development and also noted that the lots located within this section of the industrial park are primarily business in nature. Within close proximity are

Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 24, 2019
Ascension Church
Conditional Use Permit Request (#19-2-CUP)

several institutional land uses, including the subject parcel which contains two multi-unit buildings occupied by various tenants including a daycare facility and a dance studio. On the adjacent parcel to the west is a youth gymnastics school and northeast of the subject parcel is T.A. Lowery Elementary School.



Conditional Use Permit Process

Section 6.3 of the Zoning Ordinance states:

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

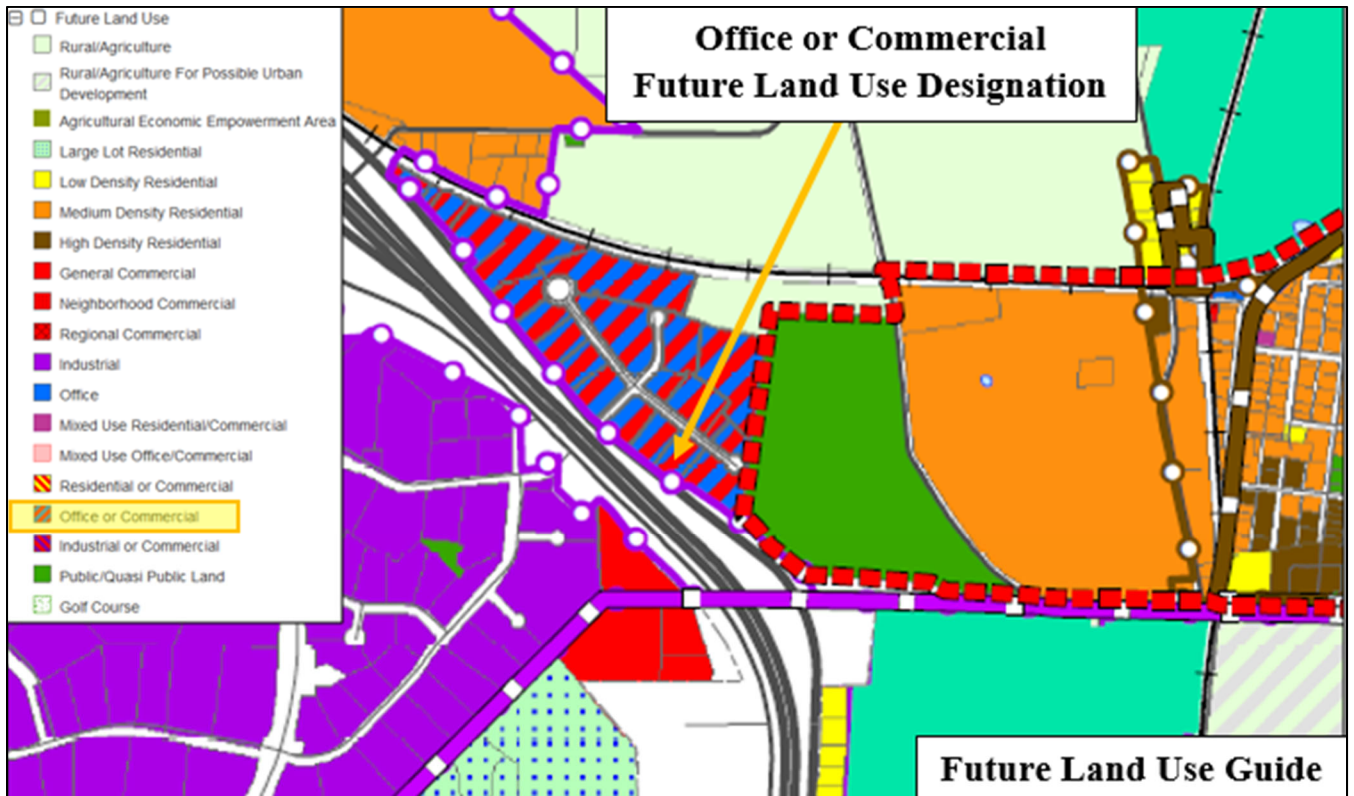
The following General Standards shall be considered in approving or denying the CUP:

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.

The referenced parcel is shown as “Office or Commercial” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide.

Staff finds that the proposed use is compatible with the goals of the adopted Comprehensive Plan to support redevelopment of existing buildings.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 24, 2019
Ascension Church
Conditional Use Permit Request (#19-2-CUP)



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

The proposed land use does not appear to pose any threat to public health, safety, and welfare and is compatible in intensity and scale with the existing land uses on the adjoining and confronting properties. To the west is a business offering gymnastics classes for youth; to the east is a food warehouse and distribution facility; to the north is a manufacturing business and auto repair shop. Within the same building as the church is a daycare facility and a dance studio.

The parcel is zoned Industrial Commercial. Staff does not foresee a negative impact on potential land uses. Commercial and Industrial land uses are typically subject to greater distance requirements when locating next to a religious institution; however, the Board has the ability to evaluate each request on a case by case basis and may establish conditions of approval based on the characteristics of a particular site. Because the church is locating to a location that is designated for commercial and industrial development, Staff recommends that a condition of approval be established stating that the applicant waives the right to object to an industrial use locating within the distance and buffer requirements established in Sections 4.6 and 4.11 of the Zoning Ordinance. The adjoining parcels are already developed; therefore, it is unlikely that any new uses would locate which would require application of the distance and buffer requirements. For example, the adjoining parcel to the east is a Schwanns warehouse and distribution center, which is classified as an industrial land use, and if it were locating to the Park after the church, it would be subject to a 200' distance requirement.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 24, 2019
Ascension Church
Conditional Use Permit Request (#19-2-CUP)

3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.

This section of the Industrial Park has historically served as a location for office space and businesses which are commercial in nature, as opposed to industrial uses. However, there are some light industrial uses such as Schonstedt Instrument and Schwan Food. Due to the dimensions of the lots in this section of the Park, and the existing land uses located within this section of the Park, allowing a church to operate will not hinder nor discourage the appropriate development and use of adjacent land and buildings.

4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.

Landscaping was installed at the time this site was developed in accordance with the site development standards in effect at the time.

Parking

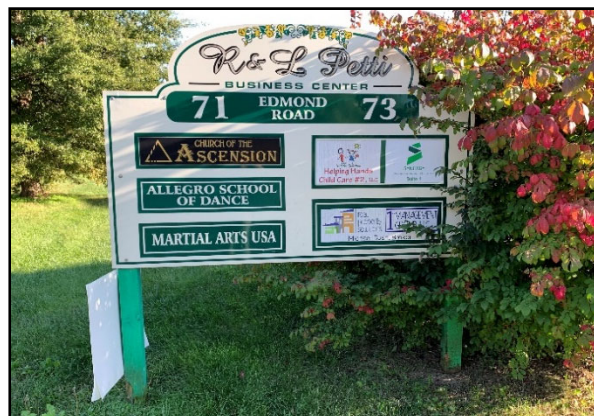
The applicant is proposing to utilize the existing parking spaces on site. The Ordinance requires one parking space for each five persons for which seating is provided in the sanctuary. The applicant has indicated that the church will have a capacity for 120 seats; therefore, 24 parking spaces would be required for the church.

50 parking spaces exist on the property and serve all of the existing tenants. Staff did not have sufficient data to evaluate parking requirements for each of the tenants. Research indicates that the dance studio and daycare facility are not open on Sundays. The church references Sunday Services, for which parking is satisfactory. Weeknight services are typically not at full capacity; therefore, it is not expected that parking will become an issue. It should also be noted that the church has been operating for over a year and we have not received any complaints with parishioners or nearby businesses.

Signage

Signs accessory to a Conditional Use are subject to Section 10.6 of the Zoning Ordinance, which requires that as part of the application, signage shall be addressed for review and consideration by the Board at the required Public Hearing.

The applicant would like to utilize the existing signs on site (see photos below) which include a monument sign at the entrance and a pylon sign to the rear of the property, along Route 115. No new sign structures are proposed.





JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 East Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: CUP 19-2-CUP
 Mtg. Date: 10/24/19
 Fee Paid: \$ 350.00
 Staff Int.: gt

Email: zoning@jeffersoncountywv.org Phone: (304) 728-3228
 Fax: (304) 728-8126

Application for a Conditional Use Permit

Conditional Use Permit process is outlined in Article 6 of the Zoning Ordinance

Project Name

Ascension Church

Property Owner Information

Name: Burr Park LLC
 Business Name: 90 1st Management Group LLC
 Mailing Address: 71 Edmond Rd, Ste 7, Kearneysville, WV Mail Yes
 Phone Number: 304-724-6777 Email Response: Donnie@RPSwv.com Response: No

Applicant Information

Name: Ascension Church
 Business Name: 73 Edmond Rd Suite 213, Kearneysville WV 25430
 Mailing Address: Tanie Guy Mail Yes
 Phone Number: 304 930 1161 Email Response: admin@ascensionwv.org Response: No

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

Name: _____
 Business Name: _____
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Response: _____ Response: No

Physical Property Details

Physical Address: 73 Edmond Rd, ste 2(3), Kearneysville, WV 25430
 Tax District: Select a District 02 Map No: 1 Parcel No. 86
 Parcel Size: 1.53 Ac. Deed Book: 1063 Page No: 723

Zoning District (please check one)

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

RECEIVED

* For properties in the Rural Zoning District:
 Is property located on a primary or secondary road? Yes No

Name of Road and/or Route Number: N/A

SEP 23 2019

JEFFERSON COUNTY PLANNING,
 ZONING & ENGINEERING

Sketch Plan (see cover sheet for description)

Attached

A list of all adjacent and confronting property owners (see cover sheet for description)

Attached

State the proposed land use as listed in Appendix C and provide a description of the proposed use.

*Industrial - Commercial -
Church offices; Meeting rooms; Sunday Services*

(more attached)

Please provide any information or known history regarding this property.

Constructed ≈ 15 yrs prior; clear span construction with fire-rated drywall.

Please respond (in detail) to the following statements located in Section 6.3 of the Zoning Ordinance:

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan. *Section 6.3A.1*

Yes.

2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety, and welfare. *Section 6.3A.2*

Yes.

3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. *Section 6.3A.3*

Yes.

4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. *Section 6.3A.4*

I am aware of the landscaping buffer requirements and will adhere to them.

I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

5. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the Board of Zoning Appeals to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use. *Section 6.3A.6*

Applicable (Trip Generation Data attached)

Not Applicable

The information given is correct to the best of my knowledge. Original Signature Required.

[Signature]
Property Owner

8/29/2019
Date

Property Owner

Date

Proposed Use....

Church of the Ascension is planning to use the leased space for church offices, meeting rooms and Sunday services. We estimate being able to seat 120 people in the sanctuary space for Sunday services (pending approval of plans by building department).

In checking with the zoning office parking requirements for a church is one space per 5 people. There currently are 50 spaces for this location which more than meets the anticipated 24 spaces needed. Two of which are designated handicap van accessible spaces. Other tenants also have use of these parking spaces (Synergy, Child Care Center, Allegra School of Dance and 1st Management (Landlord).

This location already has existing signage which has space available for us to use. Pictures showing the existing signage are included.

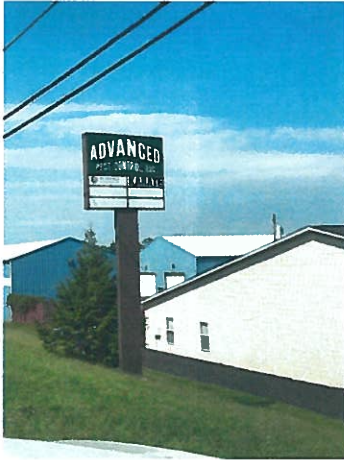
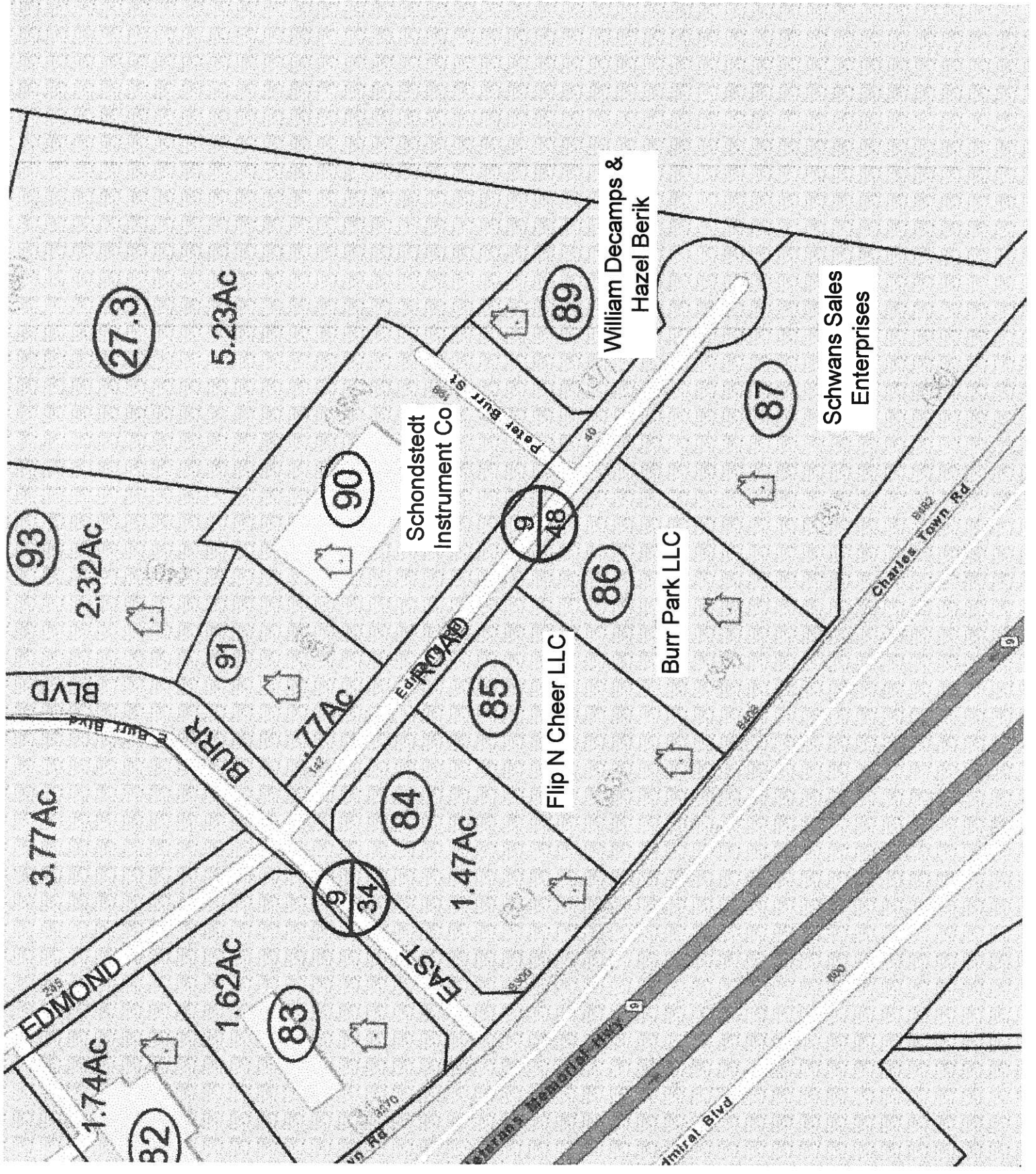


Figure 1 Charles Town Rd Signage



Figure 2 Signage on Edmond Rd entering property



27.3

5.23AC

93

2.32AC

Schondstedt
Instrument Co

90

William Decamps &
Hazel Berik

89

Schwans Sales
Enterprises

87

9/48

86

Burr Park LLC

Charles Town Rd

BLVD

BURR

83

84

Flip N Cheer LLC

85

1.47AC

Edmond Blvd

9/34

1.62AC

EDMOND

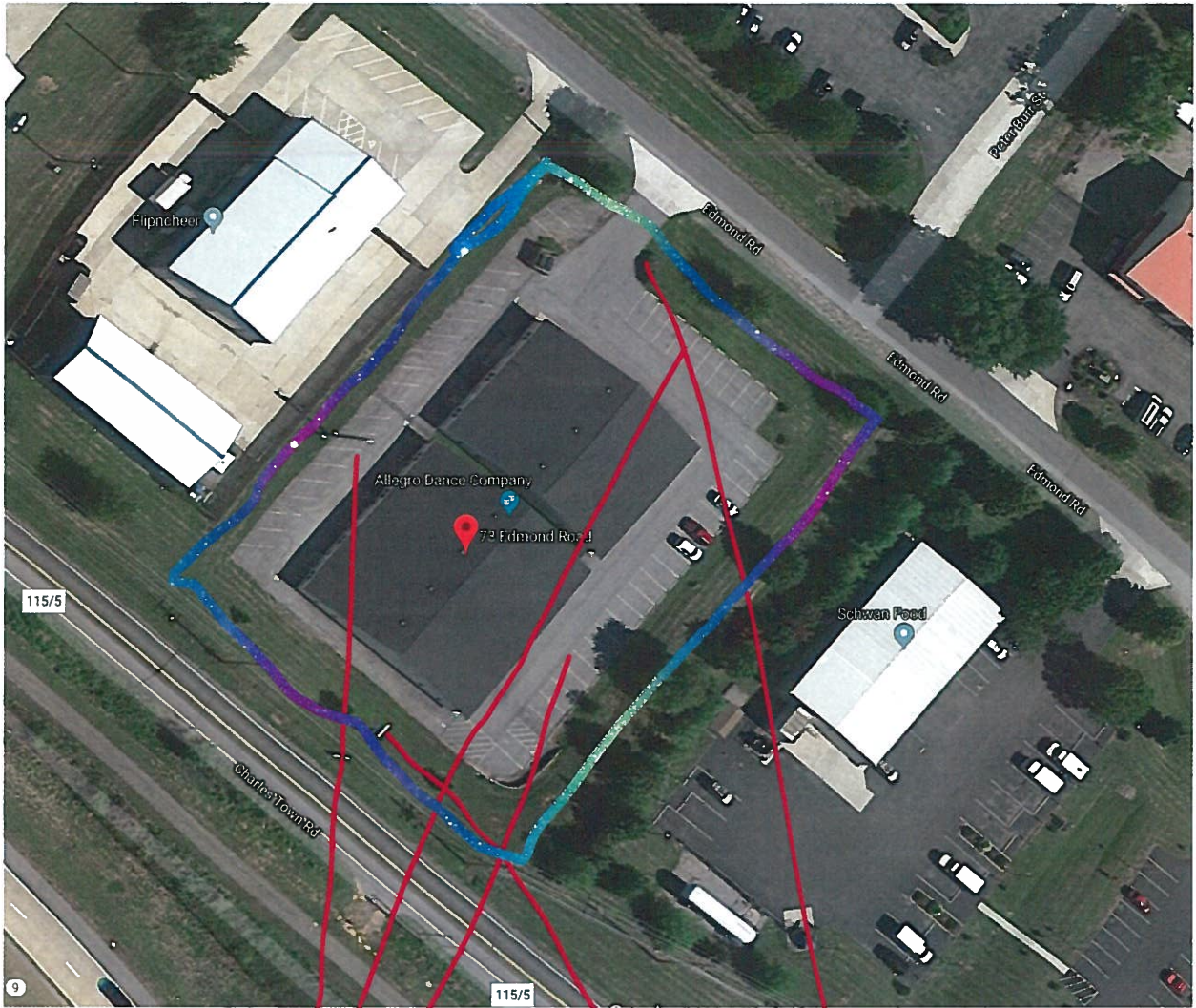
1.74AC

82

EAST

Charles Memorial Hwy

Admiral Blvd

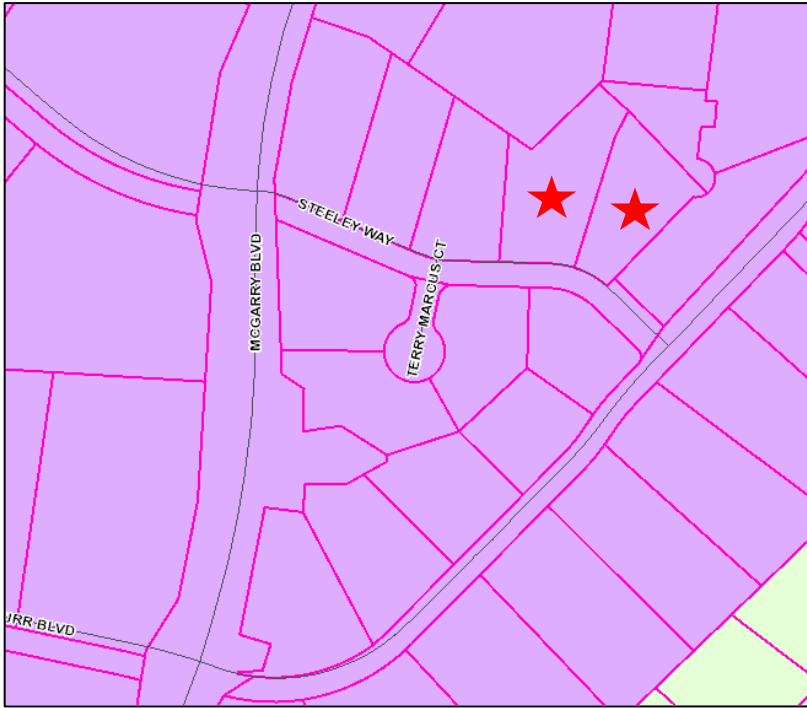


Parking
50 – spaces
2 are handicap

Signage
(Existing)

Staff Report
 Jefferson County Board of Zoning Appeals
 October 24, 2019
McGee Variance Request (#19-28-ZV)

Item #4 Variance from Section 4.11A.2 & 4.11E.1 and Appendix B to reduce the landscaping buffer from 10' to 0' along the shared property line between Lots 27 and 28 in the Burr Industrial Park; and, to allow for a 50' unscreened buffer instead of a 10' screened buffer along the rear property line of both lots.

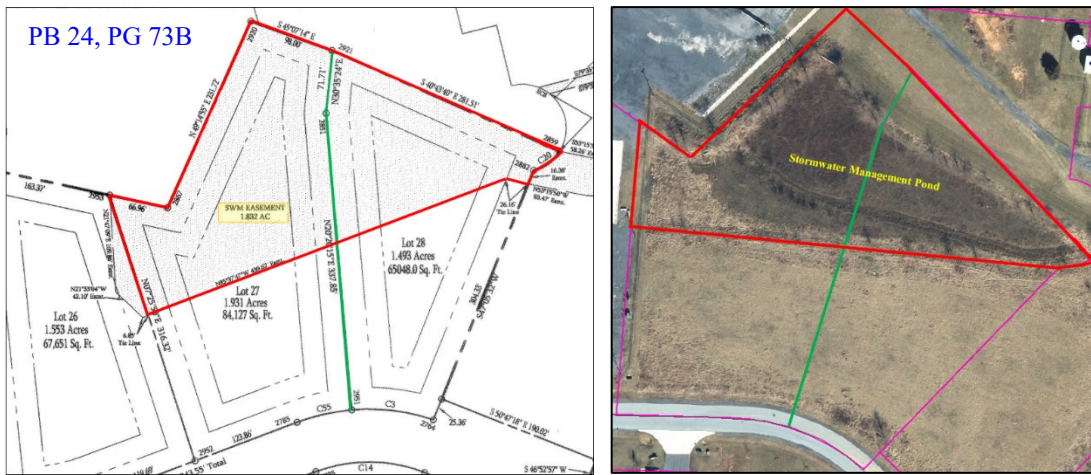
Applicant:	Kelly McGee, McGee Civil Construction
Owner:	Jefferson County Development Authority
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">Burr Business Park, Lots 27 and 28 Steeley Way Parcel ID: 02000101270000 and 02000101280000; Size: 1.93 and 1.49 ac; Zoning District: Industrial Commercial</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:	None
Waivers/Variations:	<p>01/24/06: PC approved variance to waive the required sidewalks, curbs and gutters in the Burr Business Park (Lots 1-44)</p> <p>07/28/16: BZA approved request to reduce building setback requirements for commercial and industrial development within the Burr Park to 25' for all vacant lots currently owned by the JCDA; to reduce the landscape buffer requirement for commercial and industrial sites adjacent to commercial or industrial uses; to allow a modified planting standard; and to reduce the parking and drive aisle setbacks for a proposed industrial use (ZV16-14).</p>
Approved Activity:	Accessory Structure
Site Visit Conducted:	Yes. 10/15/19

Staff Report
Jefferson County Board of Zoning Appeals
October 24, 2019
McGee Variance Request (#19-28-ZV)

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 4.11A.2 & 4.11E.1 and Appendix B to reduce the landscaping buffer from 10' to 0' along the shared property line between Lots 27 and 28 (shown in green) in the Burr Industrial Park.

The applicant is also requesting to use a 50' unscreened buffer along the rear property line of both Lot 27 and Lot 28 as they are unable to plant the required 10' wide buffer due to a platted stormwater management easement and an existing stormwater management pond.



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

Staff Evaluation of Request

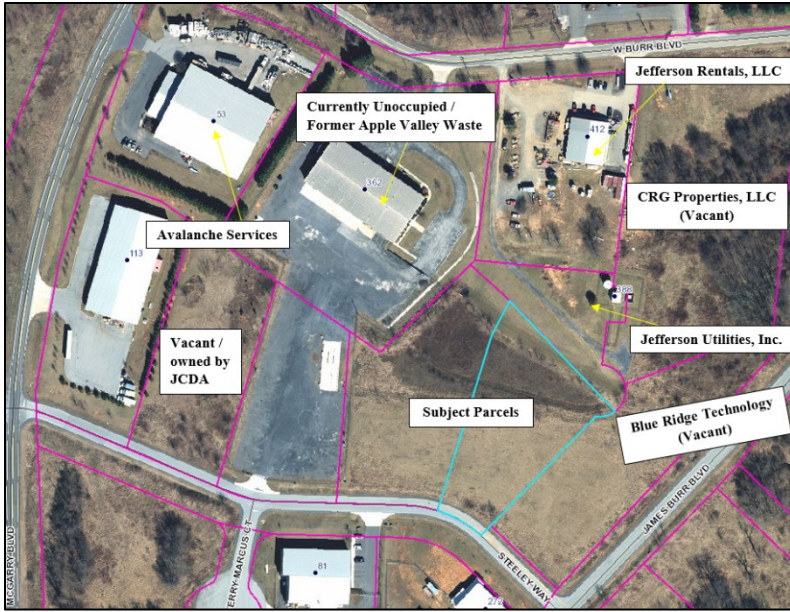
The subject property is located within the Burr Industrial Park (PC File #04-38), which was approved and recorded in the County Clerk's office on December 18, 2007. This section of the industrial park (Lots 1 – 44) received a variance from the Planning Commission to waive the requirement to install road curbs, gutters, and sidewalks.

On July 28, 2016 the Board approved a variance to reduce the landscaping standards for the undeveloped parcels within the Park (PC File #ZV16-14). The modified planting standard requires that one evergreen tree be planted every 50' along the side and rear property lines.

The applicant is requesting to eliminate the required planting along the internal lot line because the parcels will be under the same ownership and the developer would like to place gravel across the property line. The developer indicated that they did not want to merge the two parcels to create a single parcel and eliminate the internal lot line altogether. The applicant will comply with building and parking setbacks.

The applicant is also requesting to utilize a 50' unscreened buffer along the rear of the two parcels in lieu of the required planting. It would be difficult to comply with the required planting schedule due to the recorded stormwater management easement and an existing stormwater management pond. The Stormwater Management Ordinance restricts landscaping from being located within a stormwater management pond because of the potential impact a root system may have on the effectiveness of the pond.

Staff Report
 Jefferson County Board of Zoning Appeals
 October 24, 2019
McGee Variance Request (#19-28-ZV)



Granting the variance as requested would likely have minimal impact on adjacent property owners. The Park was designed with the site development requirements in effect at the time the subdivision was processed and the lots were designed to accommodate lesser buffer standards than what is in effect today. The Zoning Ordinance in effect at the time the subject parcels were created required a 10' unscreened buffer along the side and rear property lines (see table below). Unscreened buffers were required to be planted with grass, seed, sod, or ground cover and no structures, materials, or vehicular parking were permitted with the buffer area.

Eliminating the buffer requirement for the internal lot line would likely have minimal impact since the two parcels are under the same ownership. Should either of the lots transfer ownership, the new owner would be fully cognizant of the design of each parcel. The applicant will comply with the 25' building setback and the 4' (Lot 28) and 10' (Lot 27) parking setbacks.

Allowing a 50' unscreened buffer in lieu of the required planting would have minimal impact on the adjacent property owners and appears to satisfy the intent of the Ordinance.

When this section is in conflict with another section of the Zoning and Development Review Ordinance, this section shall prevail.

SECTION 4.16

	ADJACENT USE	BUILDING SETBACKS		PARKING AND ACCESS DRIVE SETBACKS				BUFFERS UNSCREENED/SCREENED				DISTANCE REQUIREMENTS							
		any use except industrial	Industrial use	residential zone	lot with a residential church/school/ inst. for human care	commercial	Industrial	residential zone	lot with a residential church/school/ inst. for human care	commercial	Industrial	residential zone	lot with a residential church/school/ inst. for human care	commercial	Industrial	structure or lot on historic registry			
FRONT	bern/feeding pen	see district requirements	see district requirements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75	75	75	N/A	N/A	75
	comm'l lot <=1.5 ac.	25	25	15	15	15	15	50/15	50/15	50/15	N/A	N/A	N/A	75	75	75	N/A	N/A	75
	comm'l lot > 1.5 ac.	25	25	15	15	15	15	50/15	50/15	50/15	N/A	N/A	N/A	75	75	75	N/A	N/A	75
	industrial	50	25	25	25	25	25	200	200	200	25	N/A	200	200	200	N/A	N/A	200	
	church	25	25	15	15	15	15	50/15	50/15	50/15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
	multi-family	25	25	15	15	15	15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
SIDE	bern/feeding pen	see district requirements	see district requirements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75	75	75	N/A	N/A	75
	comm'l lot <=1.5 ac.	25	25	4	4	4	4	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	75	
	comm'l lot > 1.5 ac.	50	25	10	10	10	10	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	75	
	industrial	50	25	25	25	25	20	200	200	200	20	20	200	200	200	N/A	N/A	200	
	church	50	50	10	10	10	10	50/15	50/15	50/15	10	10	N/A	N/A	N/A	N/A	N/A	N/A	
	multi-family	12	12	12	12	12	12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
REAR	bern/feeding pen	see district requirements	see district requirements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75	75	75	N/A	N/A	75
	comm'l lot <=1.5 ac.	25	25	4	4	4	4	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	75	
	comm'l lot > 1.5 ac.	50	25	10	10	10	10	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	75	
	industrial	50	25	25	25	25	20	200	200	200	20	20	200	200	200	N/A	N/A	200	
	church	50	50	10	10	10	10	50/15	50/15	50/15	10	10	N/A	N/A	N/A	N/A	N/A	N/A	
	multi-family	30	30	15	15	15	15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

Staff Report
Jefferson County Board of Zoning Appeals
October 24, 2019
McGee Variance Request (#19-28-ZV)

Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

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

A. Commercial Development²⁷

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

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

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

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

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of 20 feet or more at maturity, planted every 50 linear feet; at least every other tree shall be an evergreen;
- b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every 50 linear feet; and
- c. Three (3) shrubs per each 25 feet along the property line, round upward.
- d. These requirements shall be required on both sides of a property line for adjoining properties.
- e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.^{7, 23, 26}



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: 19-28-2V
 Staff Initials: GH
 Meeting Date: 10-24-19
 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: Jefferson County Development Authority
 Mailing Address: 1948 Wiltshire Road, Suite #4, Kearneysville, WV 25430
 Phone Number: 304-728-3288 Email: n/a

Applicant Contact Information

Name: McGee Civil Construction, LLC (Contact: Kelly McGee)
 Mailing Address: P.O. BOX 250, Purcellville, VA 20134
 Phone Number: 703-856-2138 Email: kelly@mcgeecivilconstruction.com

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

Name: Gordon (Contact: Jason Gerhart/Amanda Stratton)
 Mailing Address: 148 Queen Street, Suite 201, Martinsburg, WV 25401
 Phone Number: 304-725-8456 Email: jgerhart@gordon.us.com / astratton@gordon.us.com

Physical Property Details

Physical Address: Lot 27 and 28 Steeley Way (Burr Park)
 City: Kearneysville State: WV Zip Code: 25430
 Tax District: Charles Town Map No: 1 Parcel No: 127 and 128
 Parcel Size: 1.931 & 1.493 Deed Book: 1036 Page No: 607

Zoning District (please check one)

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

RECEIVED

OCT 02 2019

JEFFERSON COUNTY PLANNING & ENGINEERING
 Place Received Date Stamp Here

*Application replaces 09/24/19 application n. GH.

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 4.11(A).2, 4.11 (E).1, Appendix B
Non Residential Site Dev. Standards Table
Existing Variance (#ZV16-14)

Briefly describe the nature of the variance request:
See attached.

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

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

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

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

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

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

Lyn Goodwin 9/30/2019
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).

Date of Public Hearing

Advertising Date

Placard Posting Date



September 30, 2019

Mr. J. Tyler Quynn
Jefferson County Board of Zoning Appeals
P.O. Box 716
Charles Town, WV 25414

RE: Zoning Variance Request
Lots #27 & #28, Burr Business Park

Dear Mr. Quynn,

McGee Civil Construction, LLC, has submitted a Zoning Variance Request for Lots #27 & #28 located along Steeley Way in the Burr Business Park. This zoning variance request is to revise the landscaping requirements along the rear lot lines and to waive the landscaping requirements on both sides of the shared lot line between the two lots.

As the current property owner of Lots #27 & #28 in the Burr Business Park, the Jefferson County Development Authority (JCDA) has signed the Zoning Variance Request submitted by McGee Civil Construction, LLC. However, the JCDA has approved a contract to sell Lots #27 & #28 to Mr. Kelly McGee with McGee Civil Construction, with closing scheduled for October 10, 2019. It is my understanding that the public hearing for this zoning variance request is scheduled for October 24, 2019. By the time of the public hearing, Mr. McGee is expected to be the owner of this property.

If you need any further information or have any questions, please contact me at 304-728-3255.

Sincerely,

A handwritten signature in blue ink that reads "Lyn Goodwin".

Lyn Goodwin
Interim Director

cc: Alexandra Beaulieu



September 18, 2019

Re: Board of Zoning Appeals - Variance Request

Lot 27 and 28

Gordon Project #3168-0301

Briefly describe the nature of the variance request:

- 1) The requested variance is to revise the landscaping requirements along the rear property to a "unscreened buffer."
- 2) The requested variance is to waive the landscaping requirements on both sides of the shared lot line between lots 27 and 28.

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:

- Reducing the landscaping requirements along the rear lot line would not adversely affect the adjacent property owners as currently an existing storm water pond serves as a "unscreened buffer" which was permissible under a previous iteration of the Zoning Ordinance, section 4.16 (See attached).
- Reducing the landscaping requirements along the both sides of the interior lot line would not adversely affect adjacent property owners, as the developer will own both lots.
- All existing distance requirements will be maintained, and all activities will be contained within a fence along the side property lines, front parking setback, and the stormwater easement, protecting the rights of current or future adjacent property owners.
- Currently, the ordinance prohibits landscaping on stormwater pond embankments.

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 landscaping requirements along the rear lot line cannot be met due to an existing stormwater easement contained along the back half of both lot 27 and 28. Landscaping is prohibited in stormwater pond embankments.
- The property is also located in a business park which is intended for commercial and industrial development. Business Parks are different from other areas within Jefferson County in that it is a planned development under the control of the JCDA. The JCDA monitors and approves proposed development with the park. Areas outside of the County's Business Parks often require buffers to protect less intense zoning districts or uses from more intense and incompatible uses.

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

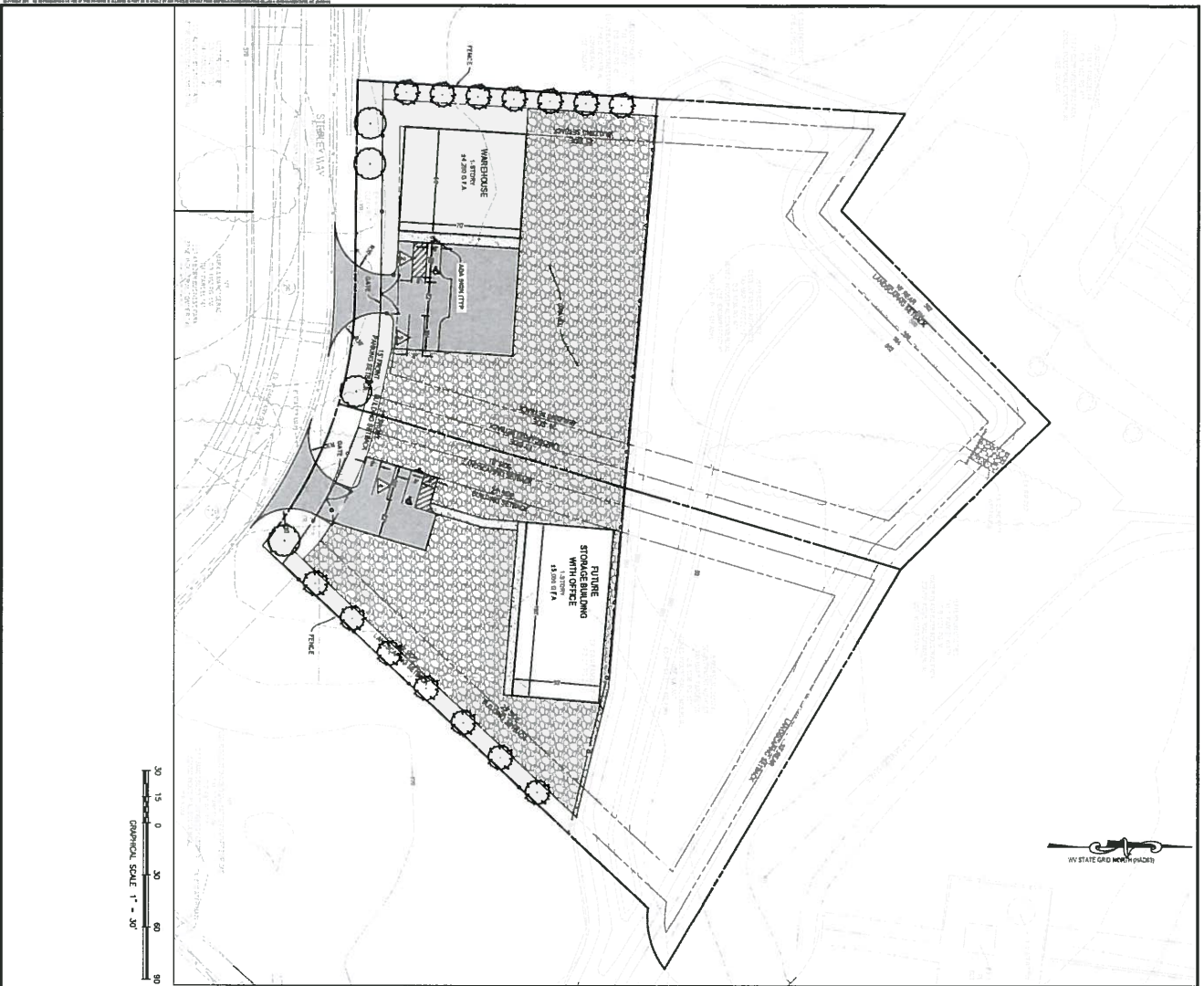
- If granted, this variance will eliminate an unnecessary hardship on the owner for installation of a full landscaping buffer adjacent to a stormwater management facility, which is not permitted under the ordinance, while permitting a reasonable use of the land.

- The landscape requirement for an “unscreened buffer” was in affect when these lots were created. See attached for Table 4.16.
- Granting this variance will not adversely affect public health, safety or rights of property owners. Screening is provided to adjacent property owners through the unscreened buffer, street trees, and the side landscaping provided along the lot lines abutting lots 7 and 29.

SECTION 4.16

When this section is in conflict with another section of the Zoning and Development Review Ordinance, this section shall prevail.

PROPOSED USE	BUILDING SETBACKS		PARKING AND ACCESS DRIVE SETBACKS				BUFFERS UNSCREENED/SCREENED				DISTANCE REQUIREMENTS							
	any use except Industrial	Industrial use	residential zone	lot with a residential	church/school/inst. for human care	commercial	Industrial	residential zone	lot with a residential	church/school/inst. for human care	commercial	Industrial	residential zone	lot with a residential	church/school/inst. for human care	commercial	Industrial	structure or lot on historic registry
FRONT	bern/feeding pen	see district requirements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75	75	75	N/A	N/A	75
	comm'1 lot <=1.5 ac.	25	25	15	15	15	15	50/15	50/15	50/15	N/A	N/A	75	75	75	N/A	N/A	75
	comm'1 lot > 1.5 ac.	25	25	15	15	15	15	50/15	50/15	50/15	N/A	N/A	75	75	75	N/A	N/A	75
	Industrial	50	25	25	25	25	25	200	200	200	25	N/A	200	200	200	N/A	N/A	200
	church	25	25	15	15	15	15	50/15	50/15	50/15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	multi-family	25	25	15	15	15	15	N/A/15	N/A/15	N/A/15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	bern/feeding pen	see district requirements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75	75	75	N/A	N/A	75
	comm'1 lot <=1.5 ac.	25	25	4	4	4	4	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	75
	comm'1 lot > 1.5 ac.	50	25	10	10	10	10	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	75
	Industrial	50	25	25	25	25	20	200	200	200	20	20	200	200	200	N/A	N/A	200
	church	50	50	10	10	10	10	50/15	50/15	50/15	10	10	N/A	N/A	N/A	N/A	N/A	N/A
	multi-family	12	12	12	12	12	12	N/A	N/A/12	N/A/12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	bern/feeding pen	see district requirements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75	75	75	N/A	N/A	75
	comm'1 lot <=1.5 ac.	25	25	4	4	4	4	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	75
	comm'1 lot > 1.5 ac.	50	25	10	10	10	10	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	75
	Industrial	50	25	25	25	25	20	200	200	200	20	20	200	200	200	N/A	N/A	200
	church	50	50	10	10	10	10	50/15	50/15	50/15	10	10	N/A	N/A	N/A	N/A	N/A	N/A
	multi-family	12	12	12	12	12	12	N/A	N/A/12	N/A/12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	bern/feeding pen	see district requirements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75	75	75	N/A	N/A	75
	comm'1 lot <=1.5 ac.	25	25	4	4	4	4	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	75
	comm'1 lot > 1.5 ac.	50	25	10	10	10	10	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	75
	Industrial	50	25	25	25	25	20	200	200	200	20	20	200	200	200	N/A	N/A	200
	church	50	50	10	10	10	10	50/15	50/15	50/15	10	10	N/A	N/A	N/A	N/A	N/A	N/A
	multi-family	30	30	15	15	15	15	N/A	N/A/15	N/A/15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A



30 15 0 30 60 90
 GRAPHICAL SCALE 1" = 30'



Landscape Requirements			
Regulation	Approved Solution (S/C/P/2)	Required	Proposed
1. Evertment Tree for every 50' of front & side Property Line 90ft. trees: 50' / 20'		13	13
2. The amount of trees at 1.50' per 100' of Street Frontage 200' of Frontage / 100'	Proposed Solution 4.11.1.b. of the Subdiv Ordinance	Required 4 trees	Proposed 4 trees

*A written (WTR) is required upon approval pending relief from the requirements of Section 4.11.1.b. of the Jefferson County Zoning and Land Development Ordinance.

AS
 DATE 9-23-15

SCALE: HORIZ. 1" = 30'
 VERT. 1" = 30'
 DATE: SEPTEMBER 2015
 OR: 31082001
 DRAWN: ASJ CHECK: JPC
 CADD: CLP/MD/DMG
 INCS: EXHIBIT
 SHEET: 1 OF 1

LANDSCAPE VARIANCE EXHIBIT
BURR PARK LOT 27 & 28
 TAX MAP 1, PARCEL 1274 128; D.B. 1036, PG. 807
 CHARLES TOWN TAX DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

REVISIONS	
#	DESCRIPTION

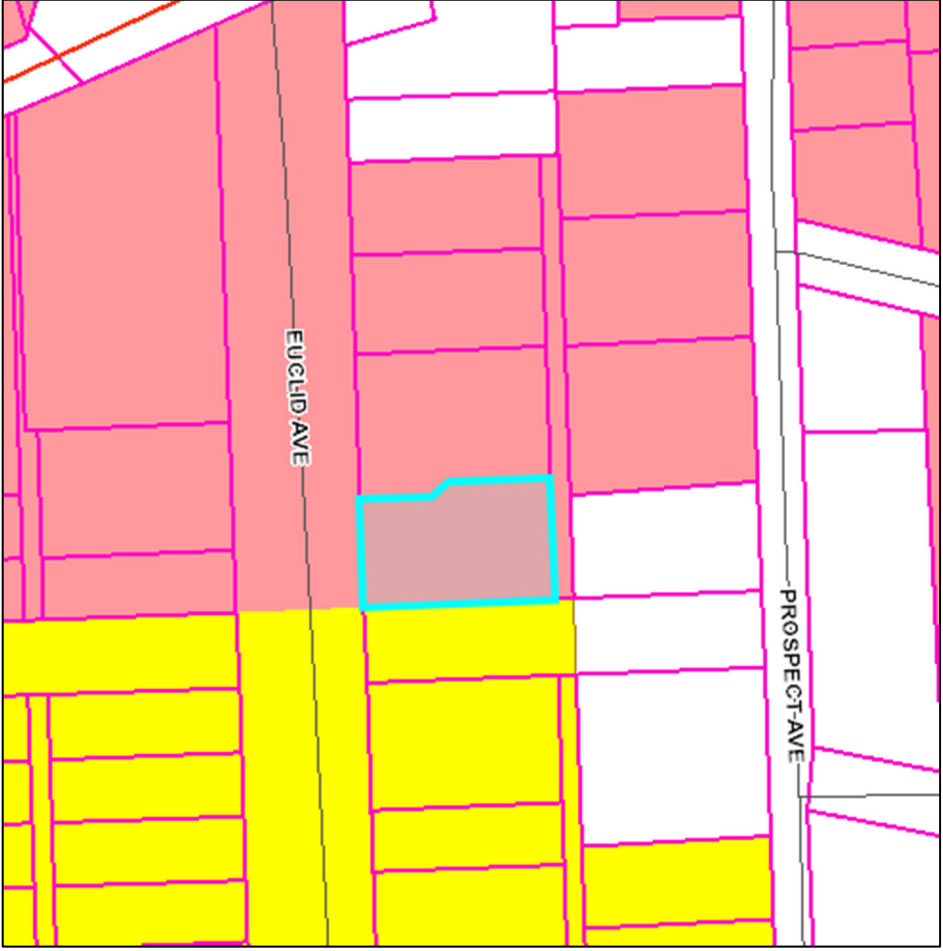
SCALE:

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

Staff Report
 Jefferson County Board of Zoning Appeals
 October 24, 2019
Cranford Variance Request (#19-29-ZV)

Item #5 Variance from Appendix A to reduce the side setback from 8' to 4' for an existing 40' x 44' garage to be converted into a house.

Applicant:	Keith Cranford
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">Charles Town City Boom, Block 1, Lots 22 & 23 Northeast corner of Euclid Ave and First St. (undeveloped road) Parcel ID: 02010A01020001; Size: .31 ac Zoning District: Residential- Light Industrial-Commercial</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:	None
Waivers/Variances:	07/21/11: BZA granted variance to reduce side setback from existing garage from 8' to 4' to accommodate a boundary line adjustment (ZV11-17).
Approved Activity:	Accessory Structure
Site Visit Conducted:	Yes: 10/09/19

Staff Report
Jefferson County Board of Zoning Appeals
October 24, 2019
Cranford Variance Request (#19-29-ZV)

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Appendix A to reduce the side setback from 8' to 4' for an existing 40' x 44' detached garage to be converted into a house. Only a small corner of the structure is encroaching into the required 8' setback. The remaining part of the structure is 10' from the side property line.

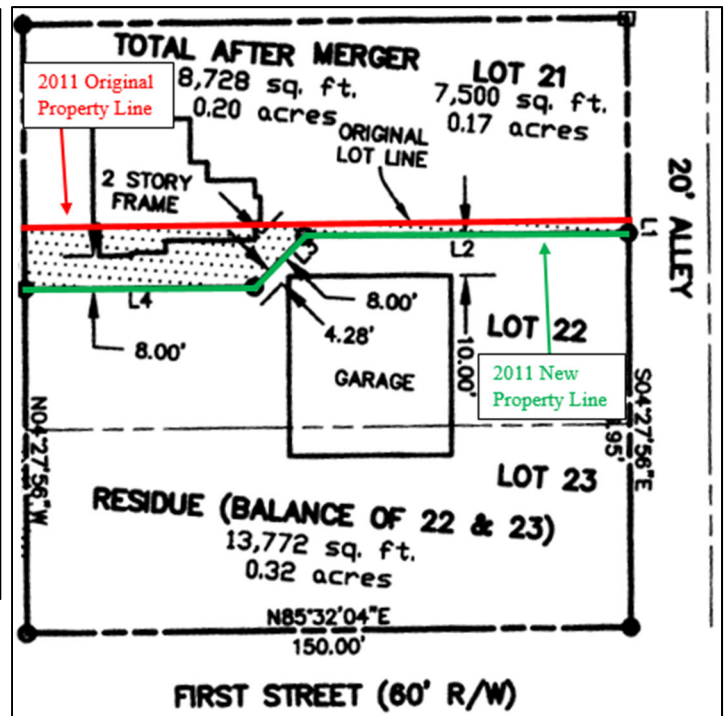
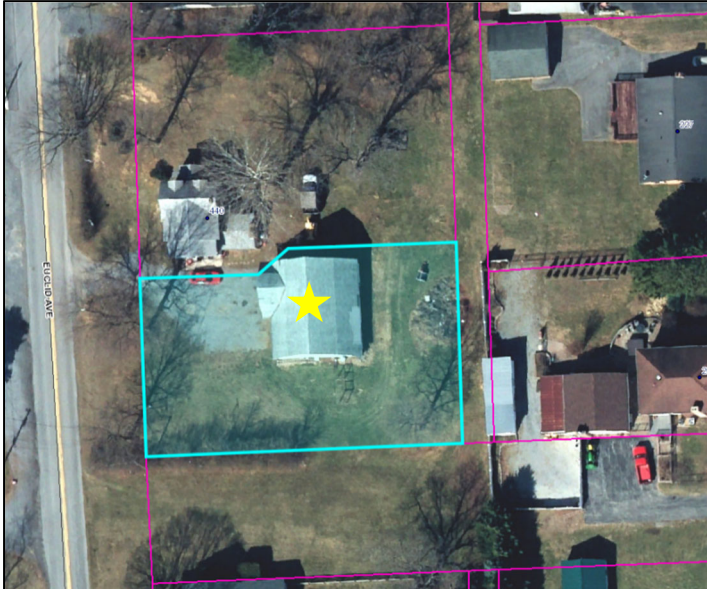
The purpose of side and rear yard setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements.

Staff Evaluation of Request

The subject parcel is located in an older platted section of Charles Town that is still within the County's jurisdiction. These lots were platted prior to the adoption of any County rules and regulations.

In July of 2011, the applicant owned the subject parcel as well and the adjoining parcel. The Board of Zoning Appeals granted a side setback reduction for the garage in order to accommodate a boundary line adjustment to facilitate the sale of the dwelling unit.

Presently, the applicant would like to convert the garage into a habitable dwelling unit, which necessitates that the Board reevaluate the request based on the change in use.



A setback reduction to 4' feet along the subject property line would likely have minimal impact on the neighboring properties as the structure has existed in this location for a number of years. A change in use from an accessory structure (garage) to a dwelling unit may be beneficial as the property owner would be present on a daily basis, as opposed to visiting the garage on an as needed basis.

Staff Report
 Jefferson County Board of Zoning Appeals
 October 24, 2019
Cranford Variance Request (#19-29-ZV)



Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE ^{27, 32}												
Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.**	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Street Side	Rear		
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20	12 side 15 front 15 rear	12 side 15 front 15 rear
	Duplex Dwelling Unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
	Townhouse Dwelling	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	12 side 15 front 15 rear	12 side 15 front 15 rear
Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30			
Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	#	12	N/A	N/A	
	30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	#	12			
	Under 30,000 sq. ft.	N/A	N/A	N/A	40	20	8	#	12			
Rural (R) (See Sec. 5.7)	Dwellings	40,000	N/A	N/A	100	45	40	15	#	50	N/A	N/A
		Over 2 acres	N/A	N/A	N/A	45	40	15	#	50		
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	#	12		
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	#	12		
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	#	12		
Cluster Subdivision	See RG District											
Village (V)	Residential uses	See RG District										
Residential-Light Industrial-Commercial (RLIC)	Residential uses	See RG District ^Ø										



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: 19-29-ZV
 Staff Initials: GH
 Meeting Date: 10/24/19
 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: Keith Cranford *do not have address at the location*
 Mailing Address: ~~203 W 5th Ave Apt 2~~ 203 W 5th Ave Ranson WVA
 Phone Number: 304-283-8776 Email: APT2

Applicant Contact Information

Name: Keith Cranford
 Mailing Address: 203 W. 5th Ave. Ranson WVA. Apt 2
 Phone Number: 304-283-8776 Email: _____

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

Name: already been Survey
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: no address at this location
 City: CHARLES TOWN State: _____ Zip Code: _____
 Tax District: 2 Map No: 16A Parcel No: 102.1
 Parcel Size: .31 Deed Book: 1098 Page No: 587

Zoning District (please check one)

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

RECEIVED

SEP 25 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: Appendix A

Briefly describe the nature of the variance request:

turning into a resident
- Convert a 40' x 44' garage into a house.

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

Front Setback Side Setback Rear Setback Reduction From 8' to 4'

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:

turning into a apartment

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?

neighbors putting in there own drive way uses my drive way as of know

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

making into apartment

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

let the neighbor use the driveway till he puts in his own land

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

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

[Signature] 9-24-19
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).

10-24-19

Date of Public Hearing

10-09-19

Advertising Date

10-09-19

Placard Posting Date

LINE TABLE		
LINE	LENGTH	BEARING
L1	3.05	S04°27'56"E
L2	80.53	N85°38'27"E
L3	17.61	N40°32'04"E
L4	57.02	N85°35'19"E
L5	15.30	S04°27'56"E

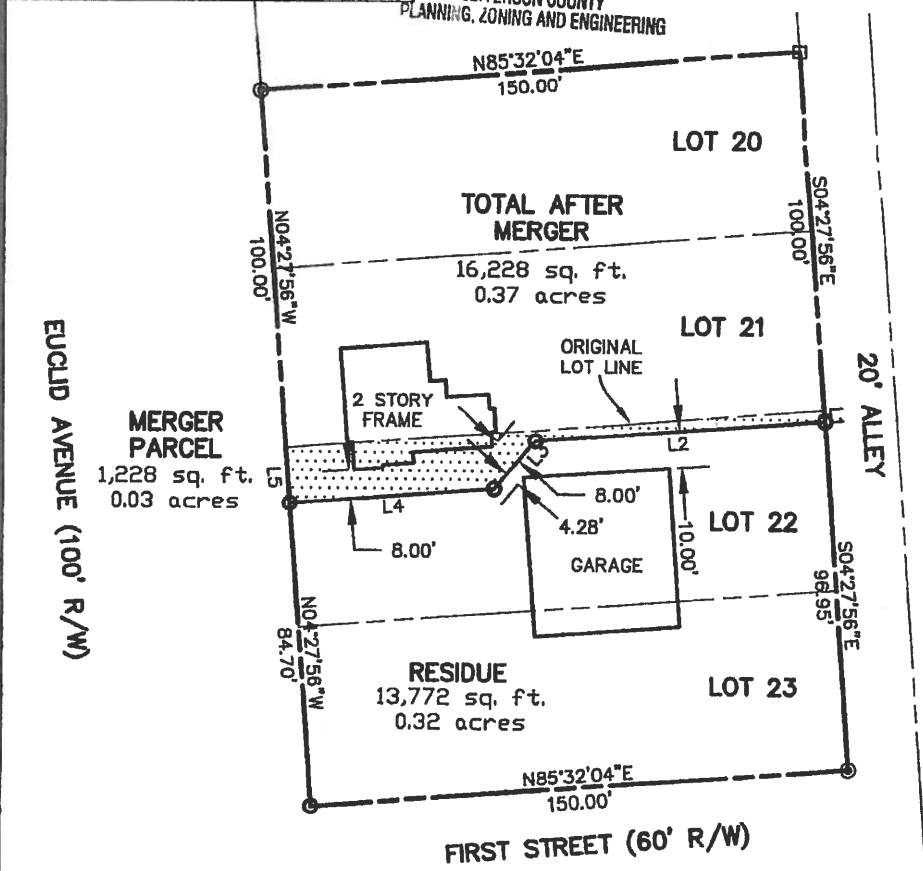
RECEIVED

JUN 09 2011

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

AREA TABULATION

MERGER PARCEL	0.03 acres
RESIDUE	0.32 acres
TOTAL AFER MERGER	0.37 acres



JEFFERSON COUNTY PLANNING DIRECTOR
APPROVED MERGER PLAT

KEITH E. CRANFORD
OWNER

LISA CRANFORD
OWNER

THE LANDS(S) HEREBY CONVEYED IS (ARE) ADJACENT TO AND CONTIGUOUS WITH THAT CERTAIN PARCEL OF LAND WHICH IS OWNED BY THE GRANTEE HEREIN, HAVING BEEN CONVEYED TO THEM BY DEED OF RECORD IN THE CLERK'S OFFICE OF SAID COUNTY IN DEED BOOK _____ PAGE _____ AND THIS CONVEYANCE IS MADE FOR THE PURPOSE OF ADJUSTING THE BOUNDARY LINE(S) OF SAID PRESENTLY OWNED LANDS OF THE GRANTEE(S).

PLAT OF MERGER

PLAT SHOWING MERGER OF A PORTION OF LOT 22 TO LOT 21, BLOCK 1, EUCLID AVE. STANDING IN THE NAME OF KEITH E. & LISA CRANFORD, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1041/385 LOCATED IN CHARLES TOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA. NO SETBACK VIOLATIONS WOULD OCCUR AS A RESULT OF THIS MERGER.

DWG # CRANFORD

DATE-5/15/11

GRAPHIC SCALE

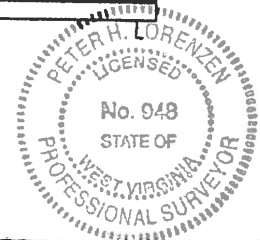


(IN FEET)

1 inch = 40 ft.

SURVEYED BY:

PETER H. LORENZEN P.S.
SUMMIT POINT, W.V. 728-6093



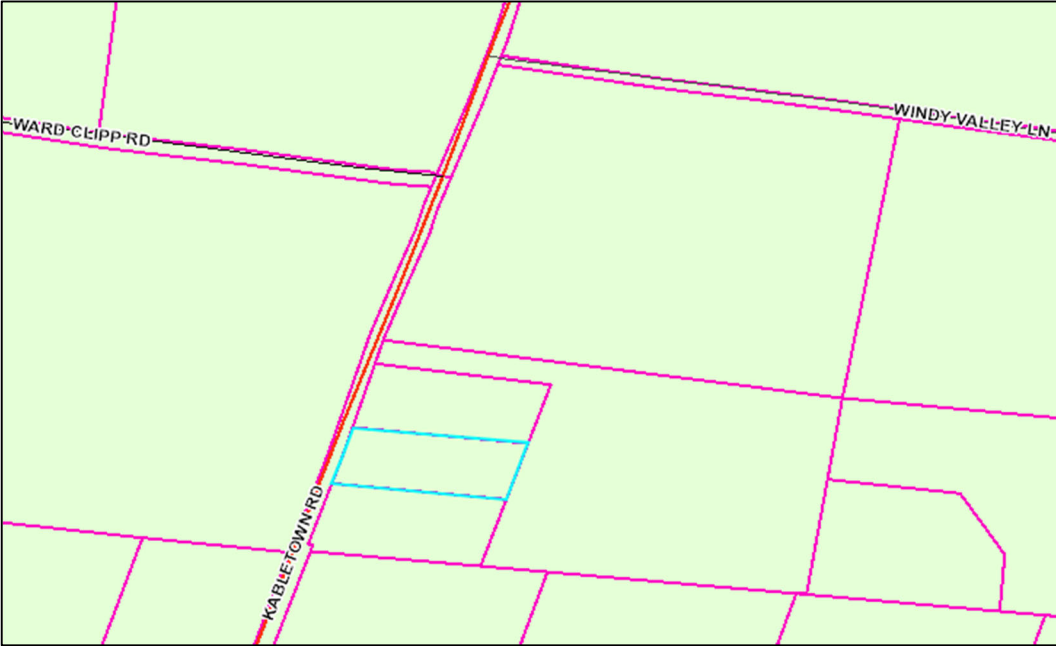
#211-17

BZA: 7-21-11

Rec'd 09/25/19 19-29-ZV

Staff Report
 Jefferson County Board of Zoning Appeals
 October 24, 2019
Custer Variance Request (#19-30-ZV)

Item #6 Variance from Section 9.7 to reduce the side setback from 12' to 1' for a 24' x 30' accessory structure.

Applicant:	Thomas Custer
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">1906 Kabletown Rd., Charles Town, WV Parcel ID: 06002200010002; Size: 1 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:	04/06/88: parent to child lot recorded in Deed Book 600 at Page 591
Waivers/Variations:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	Yes: 10/09/19

Summary of Request and Purpose of Ordinance Requirements

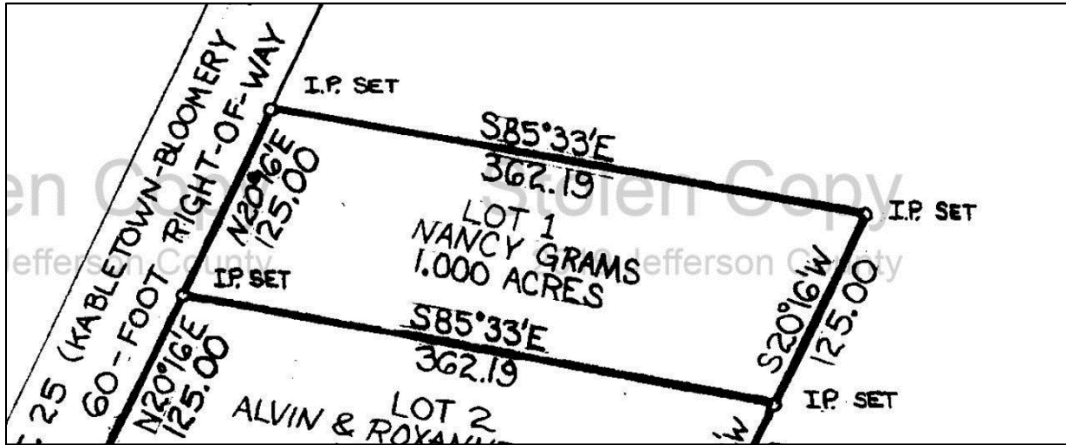
The applicant is requesting a variance from Section 9.7 to reduce the side setback from 12' to 1' for a 24' x 30' accessory structure.

The purpose of side and rear yard setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements.

Staff Report
Jefferson County Board of Zoning Appeals
October 24, 2019
Custer Variance Request (#19-30-ZV)

Staff Evaluation of Request

The subject parcel was created as a parent to child lot with a single family restriction, which was recorded on April 6, 1988 in Deed Book 600 at Page 591.



The applicant began constructing the shed on an existing foundation. When he became aware that a building permit was required, he contacted the Office of Building Permits was informed that a setback variance would be required before the building permit could be issued.

It appears that the impact on the adjoining property owner would be minimal based on the fact that the applicant has provided a letter of support from the affected neighbor.



Staff Report
Jefferson County Board of Zoning Appeals
October 24, 2019
Custer Variance Request (#19-30-ZV)

Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.7 Other Exceptions³

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

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

Rural Agricultural and Industrial Commercial

Single Family Residences

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



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

File Number: 19-30-2V
 Staff Initials: RBB
 Meeting Date: 10-24-19
 Fees Paid (\$100 or \$150): 150.00

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: Thomas Custer
 Mailing Address: 1906 Kabletown Rd, Charles Town, WV 25414
 Phone Number: (304) 707-5520 Email: _____

Applicant Contact Information

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


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

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

Physical Property Details

Physical Address: 1906 Kabletown Rd.
 City: Charles Town State: WV Zip Code: 25414
 Tax District: 06 Map No: 22 Parcel No: 0001.2 gH
 Parcel Size: 1 Deed Book: 1095 Page No: 603

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"/>

Place Received Date Stamp Here
 JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 9.7 gH

Briefly describe the nature of the variance request:

Applicant seeks to construct a shed on an existing foundation that was present at purchase of the property but has been determined by county officials to be beyond the appropriate setback limits imposed on the property by current standards.

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

Front Setback Side Setback Rear Setback Reduction From 12 feet to 1 foot

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 construction is for a storage shed that will be utilized for residential storage of home goods. Applicant foresees no impact to any persons public health, safety, or welfare. The construction is anticipated to remain wholly on the existing parcel and should have no impact to any adjoining parcel. Adjoining parcel owner has provided a statement, 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?

When the property was purchased the foundation, proposed to be used, was in place and had been in place for some time, more than likely before the current zoning was created. The applicant seeks to utilize the foundation that was already in place which was more than likely grandfathered beyond the current zoning regulations.

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

Storage sheds are common to residential dwellings and this proposed construction will eliminate the need for the applicant to install a foundation for the proposed shed. The cost to install a new foundation in addition to the structure itself will make the project unattainable for the applicant. In addition granting this request will preserve the property owners land use rights.

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

The parcel in question is currently in use as a single family residential structure. The construction of a storage shed will have no impact on the current zoning of the property and will help maintain its use in its current form.

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 9/30/19 Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

10-24-19
Date of Public Hearing

10-09-19
Advertising Date

10-09-19
Placard Posting Date



To Whom It May Concern:

September 28, 2019

This letter is to certify that I am waiving any easement claims associated with building that has been started by Mr. Tommy Custer on my property located at 1884 Kabletown Rd, Charles Town, WV 25414. His construction does not impede any plans current or future as part of my ownership of this property. This agreement is good for the total duration that Tommy or his direct descendants and heirs (spouse and children) own the property located at and adjoining my property here at 1884 Kabletown Rd.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Weikle', with a long horizontal flourish extending to the right.

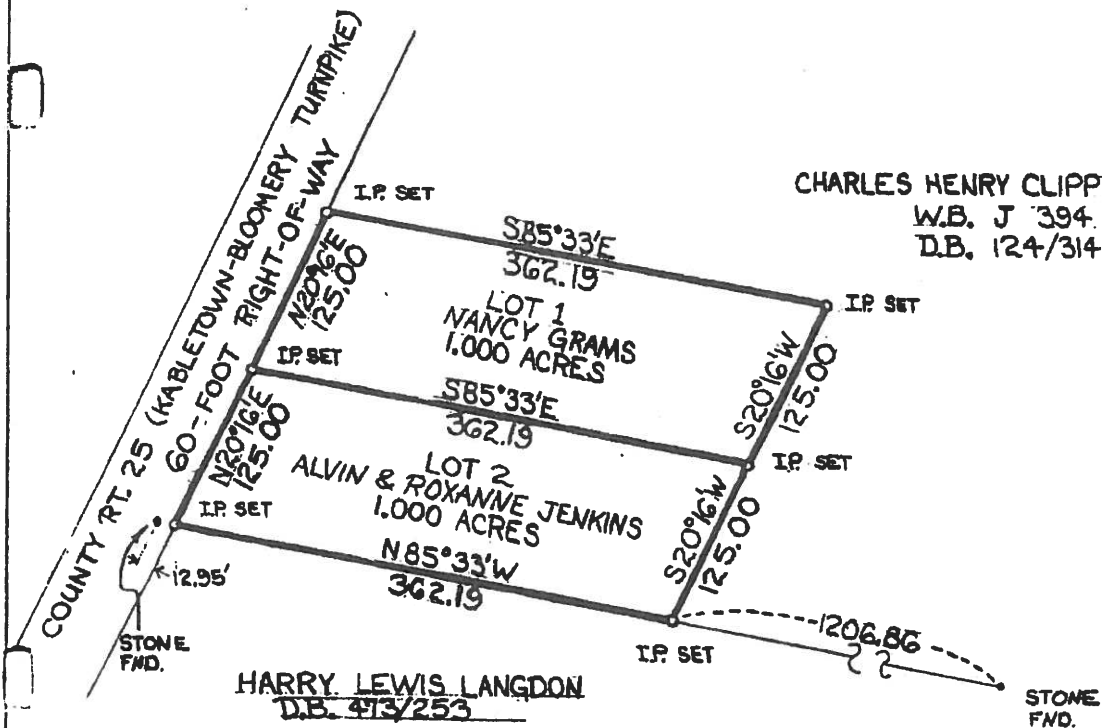
Aaron Weikle

DEC. 1923
MAGNETIC

TRUE ADJ. BY
DECLINATION

5°41'

NOTE: THIS PLAT DEPICTS TWO
FAMILY-CONVEYANCE LOTS
CREATED FROM LANDS OF
CHARLES HENRY CLIPP, ALSO
CALLED "THE NORRIS FARM."



PLAT OF SURVEY OF:
"Lots 1 & 2, Land of C. Henry Clipp"

KABLETOWN MAGISTERIAL DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

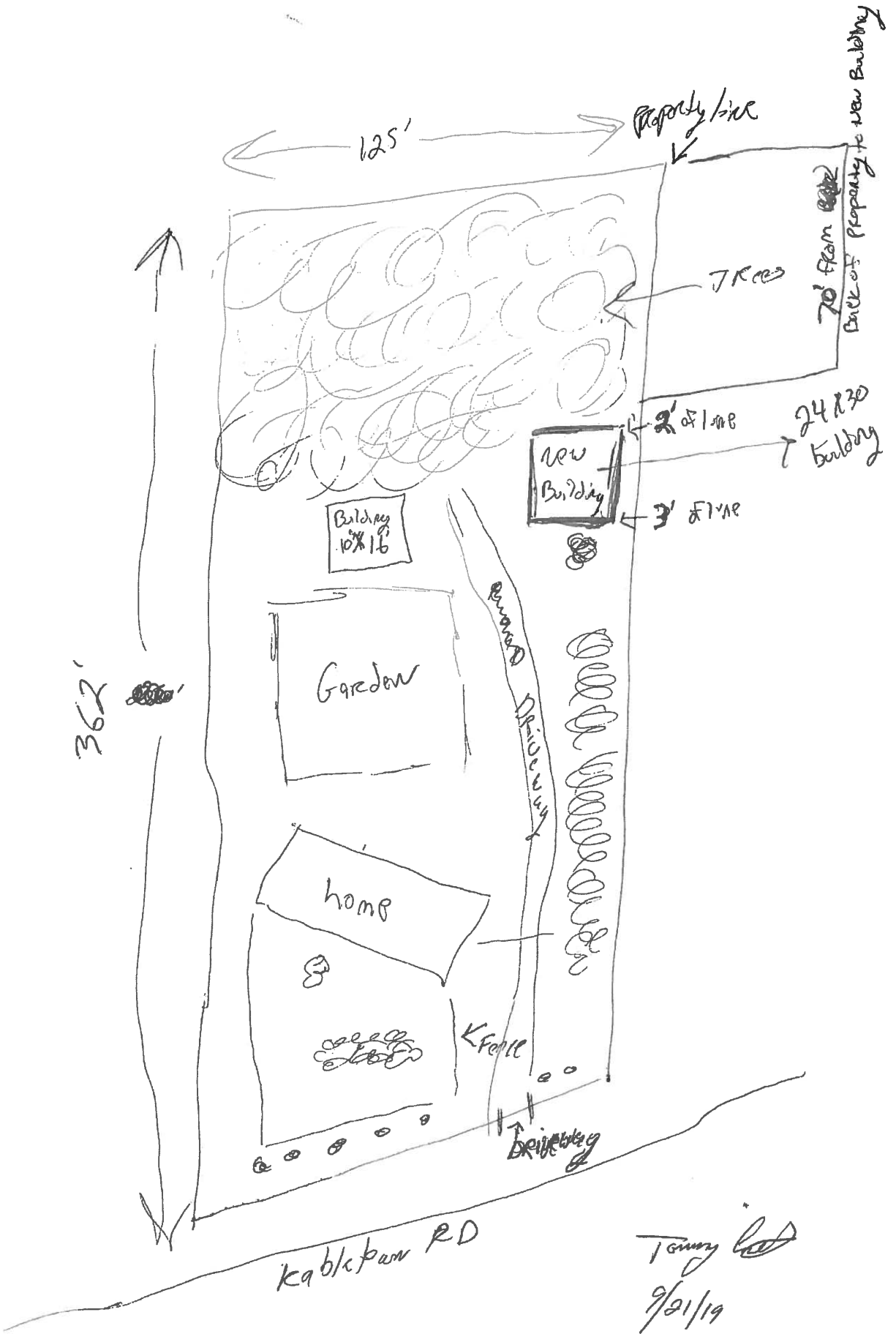
Edwin L. Smith 3-23-88
EDWIN L. SMITH, L.L.S.
1020 BOYD STREET
BALTIMORE, MD 21223

SURVEYED MARCH 12, 1988
DRAWN BY: E.L.S.
SCALE: 1" = 100'

State of West Virginia, County of Jefferson, Sct.
IN THE CLERK'S OFFICE OF COUNTY COMMISSION:
On APR 6 1988, at 1:25 P. M., the foregoing
Deed of B. & S. was received in my said office and duly
admitted to record.

Test,


John E. Ott
Clerk of County Commission



Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 October 24, 2019

**Wheatlands Property Management Brewery
 Conditional Use Permit Request (#19-3-CUP)**

Item #7 Request for a Conditional Use Permit to operate a Restaurant associated with the existing farm brewery. The applicant is proposing to construct an addition to the existing structure and a 35 space parking lot. The applicant is also requesting a deviation from the following sign provisions: Sec. 10.4A.1 to allow an 8' x 24' attached sign and a 2' x 2' attached sign affixed to the former mill structure; and to allow a 2' x 2' attached sign affixed to the principal structure; and Sec. 10.4A.2 to allow the proposed signs to face a residence.

Applicant:	Jesse Morgan
Owner:	Wheatlands Property Management LLC
Developer:	Same as applicant
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">2153 Berryville Pike, Rippon, WV Parcel ID: 06010A00240000; Size: 1.64 ac Zoning District: Split Zoned Village & Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: <i>North:</i> Village <i>South:</i> Village/Rural <i>East:</i> Village <i>West:</i> Rural</p>
Approvals:	<p>04-21-11: BZA approves CUP for a micro-brewery with tasting room, future pub/restaurant, store, country inn and office. (Z11-01). 04-21-11: BZA approves reduction of front yard setback to 8' (ZV11-06). 10-18-12: BZA approves 18-extension for the CUP to 06/01/14. 10-10-13: BZA approves an amendment to the approved CUP (Z11-01) to add a four unit residential dwelling. ZC13-04: Microbrewery with tasting room, pub-style restaurant serving no more than 200 seats, store, country inn and office and two-family dwelling. Hours of operation are limited to 8:00 am - 12:00 p.m. ZC16-40: Use of mill building as a Farm-Brewery. Use of the house as a two-family dwelling unit. 10/25/18: BZA approved CUP for a Professional Office (A-Zone Environmental File: CUP18-01) 10/25/18: BZA approved a variance to reduce the number of parking spaces for a Professional Office from 10 to 6 (ZV18-16) 08/19/19: Approved boundary line adjustment</p>
Site Visit Conducted:	Yes. 10/09/15

Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 24, 2019

**Wheatlands Property Management Brewery
Conditional Use Permit Request (#19-3-CUP)**

Summary of Request and Purpose of Ordinance Requirements

The applicant is currently operating a Farm Brewery under Zoning Certificate #ZC16-40. As part of the farm brewery operation, the applicant is now seeking to establish a Restaurant. Section 8.5 of the Zoning Ordinance, which outlines the criteria for processing a Farm Brewery, requires the applicant to process a Conditional Use Permit should the applicant wish to operate a Restaurant.

The proposal includes renovating a historic building to convert into the restaurant/pub, constructing an addition to the existing principal structure, installing an outdoor dining patio, and a 35 space parking lot with associated drive aisles and sidewalks.

Article 2 defines a Restaurant as “A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building. A restaurant may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the uses Bar or Nightclub.”

The applicant is also requesting a deviation from the following sign provisions:

Section 10.4A.1

“The total area of the sign shall be no more than two square feet for each foot in length of the frontage of the building.”

Deviation: to allow an 8' x 24' attached sign and a 2' x 2' attached sign affixed to the mill building;

Section 10.4A.2

“Attached business signs shall not be attached to the side of the building that faces an adjoining residence.”

Deviation: to allow the proposed signs to face a residence.



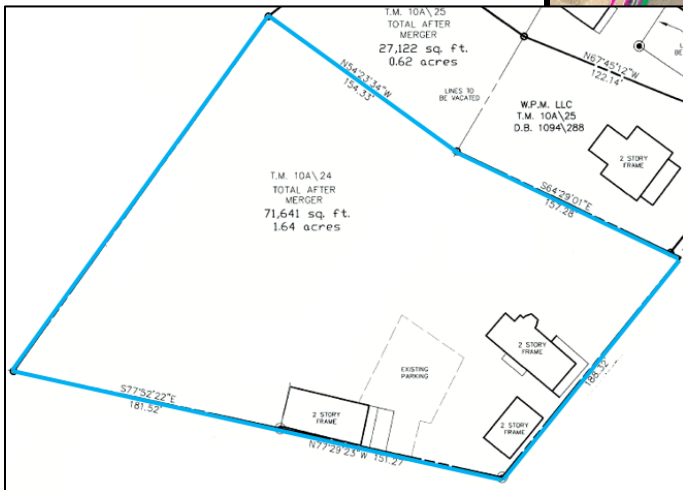
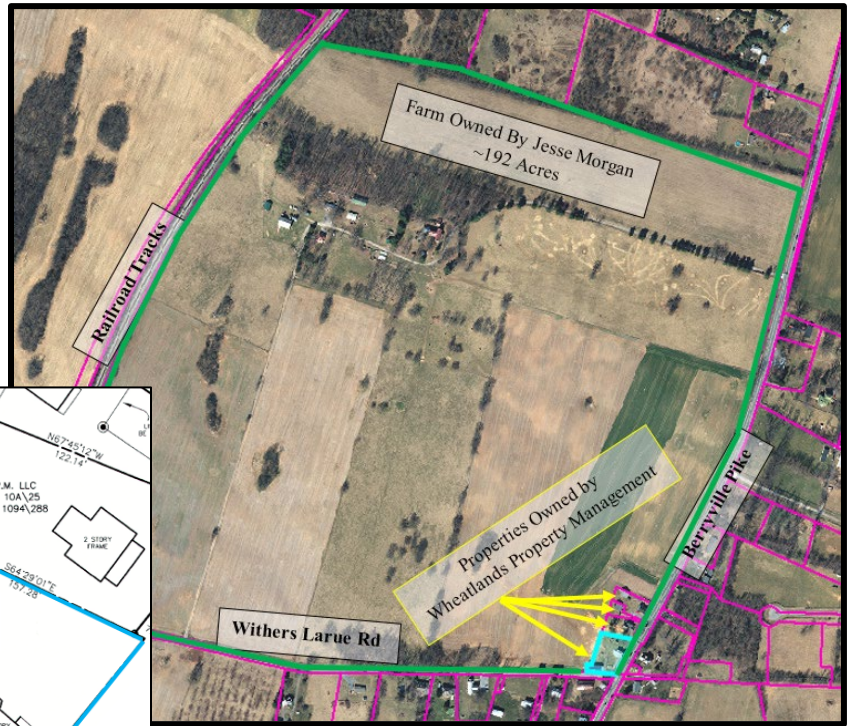
Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 24, 2019

**Wheatlands Property Management Brewery
Conditional Use Permit Request (#19-3-CUP)**

Property Description

The subject parcel contains a large home and mill and is surrounded primarily by farmland and residential uses.

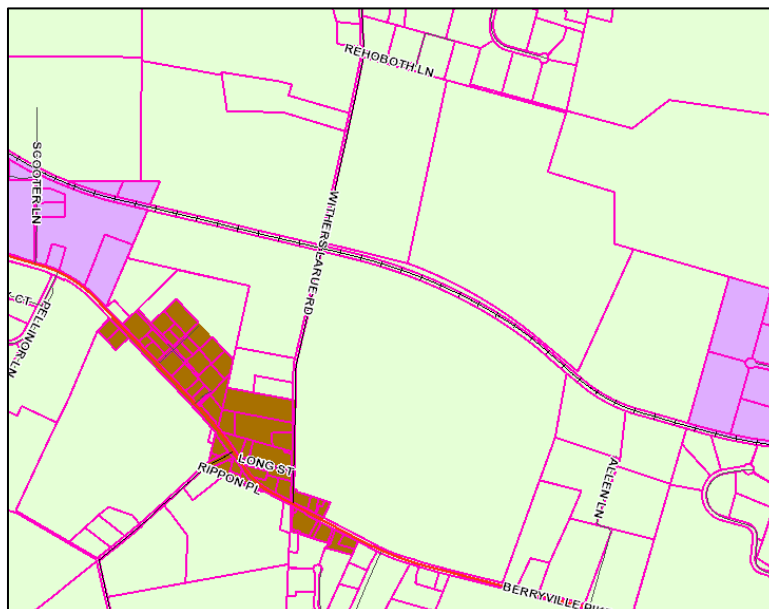
The applicant processed a boundary line adjustment in August of 2019 to increase the parcel size to 1.64 acres.



Impact on adjacent properties

It is anticipated that redevelopment of the site will improve the overall appearance of the property.

The surrounding area is primarily zoned Village and Rural, with Industrial Commercial zoning in the nearby vicinity. The impact on adjacent properties is expected to be minimal since the history of the property appears to have included nonresidential uses. Additionally, the applicant has received a number of approvals over the years to redevelop the property for non-residential uses. While ownership can certainly change, presently, the three parcels to the north of the subject parcel are all owned by the applicant.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 24, 2019

**Wheatlands Property Management Brewery
Conditional Use Permit Request (#19-3-CUP)**

Conditional Use Permit Process

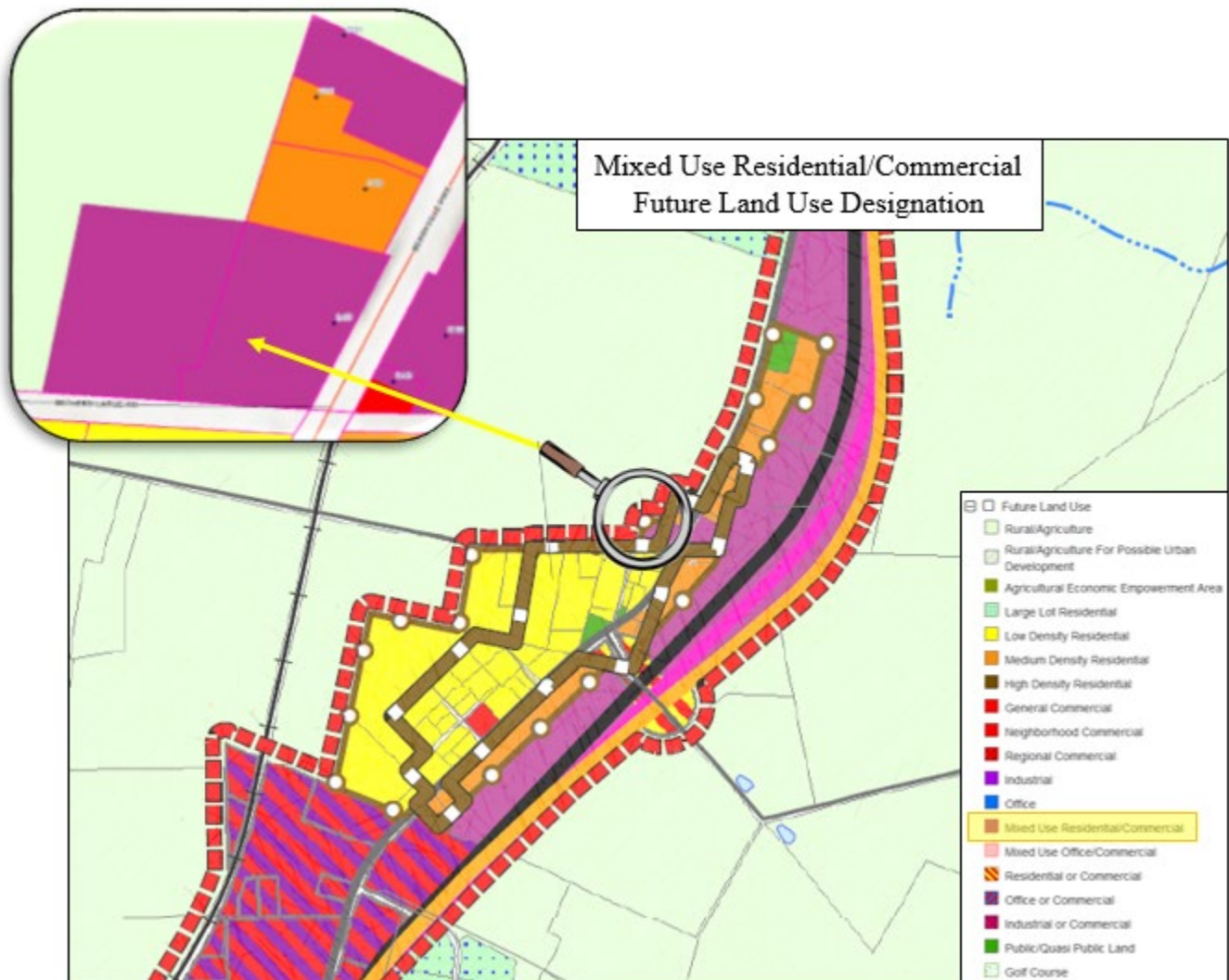
Section 6.3 of the Zoning Ordinance states:

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

The following General Standards shall be considered in approving or denying the CUP:

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.

The proposed use is compatible with the goals of Envision Jefferson 2035. The subject parcel is shown as “Mixed Use Residential/Commercial” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see below) and is also located within the US 340 South Preferred Growth Area, which identifies where urban level growth is expected to occur and where it is expected that public utilities may expand.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 24, 2019

**Wheatlands Property Management Brewery
Conditional Use Permit Request (#19-3-CUP)**

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

A Restaurant is listed as a Conditional Use in Section 8.5A Farm Brewery, as well as in Appendix C, the Principal Permitted and Conditional Uses Table. The Farm Brewery is permitted as an accessory to a farm operation. The proposed restaurant is not expected to generate excessive traffic.

With regard to public health, safety, and welfare, it is expected that the renovation and maintenance of the historic structure will help prevent the structure from deteriorating and creating a safety hazard.

- 3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.**

The proposed use is complementary to the overall character of the area. Based on the information provided, the proposed site development will not hinder nor discourage the appropriate development and use of adjacent land and buildings. Revitalization of the structure may help increase property values and encourage future development of surrounding properties.

- 4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.**

Section 4.10 of the Zoning Ordinance requires that a site plan process for all commercial development in accordance with the requirements of the Subdivision Regulations. The proposed site disturbance to install a parking lot, drive aisles and sidewalks will necessitate a site plan. The applicant is currently requesting a variance from the Board to waive this requirement (19-31-ZV). Should the variance be granted, buffering and landscaping would not be required, unless placed as a condition of approval.

- 5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.**

As part of the Conditional Use Permit application, the applicant was informed of this criteria and shall comply with this standard.

- 6. Roadway adequacy for proposed land uses in the Rural zoning district.**

This property is split zoned between the Rural and Village zoning districts. The restaurant and brewery will be located within the Village zoning district. Access, parking, and drive aisles will primarily be located within the Rural zoning district.

Trip generation data is not required because the subject parcel is shown as commercial on the Future Land Use Guide (see image on page 4 of staff report).

The Division of Highways will assess the location for an entrance permit. Staff understands that the DOH is requiring access to be created off of Withers Larue Road, as opposed to Berryville Pike.

- 7. Historic Landmarks Commission's Findings related to the proposed land use.**

On March 29, 2018 the County Commission adopted a text amendment supporting the preservation of historic sites in the County.

The referenced parcel does not contain any Category I or II historic sites as defined by the Zoning Ordinance; therefore, this criteria does not apply.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 24, 2019

**Wheatlands Property Management Brewery
Conditional Use Permit Request (#19-3-CUP)**

Signage

Signs accessory to a Conditional Use are subject to Section 10.6 of the Zoning Ordinance, which requires that as part of the application, signage shall be addressed for review and consideration by the Board at the required Public Hearing.

The applicant has provided an example of a sign he intends to utilize. As noted previously, the applicant is requesting to deviate from the following sign provisions (Sections are referenced in their entirety under Relevant Sections below):

1. Section 10.4A.1 “The total area of the sign shall be no more than two square feet for each foot in length of the frontage of the building.”

While the applicant has not provided the total frontage of the mill building, the proposed signs appear to exceed the permitted square footage; therefore the following deviation is required: to allow an 8' x 24' attached sign and a 2' x 2' attached sign affixed to the barn; and

2. Section 10.4A.2 “Attached business signs shall not be attached to the side of the building that faces an adjoining residence.”

There are two structures that appear to be habitable across from Withers Larue Road and Berryville Pike; therefore, a deviation from this provision is required to allow the proposed signs to face a residence.



Example Style of Sign



Approximate location of future sign

Google Street View Image



JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 East Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: CUP 19-3-CUP
 Mtg. Date: 10/24/19
 Fee Paid: \$ 350
 Staff Int.: [Signature]

Email: zoning@jeffersoncountywv.org

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

Application for a Conditional Use Permit

Conditional Use Permit process is outlined in Article 6 of the Zoning Ordinance

Project Name

2153 Berryville Pike - Restaurant / Pub

Property Owner Information

Name: Jesse Morgan
 Business Name: Wheatlands Property Management
 Mailing Address: 600 S Mildred St, Charles Town WV 25414 Mail Yes
 Phone Number: 304 939 2263 Email Response: jessefmorgan@gmail.com Response: No

Applicant Information

Name: Same as above
 Business Name: _____
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Response: _____ Response: No

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

Name: _____
 Business Name: _____
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Response: _____ Response: No

Physical Property Details

Physical Address: 2153 Berryville Pike, Rippon WV 25441
 Tax District: Select a District 06 Map No: 10A Parcel No. 24
 Parcel Size: 1.64 Deed Book: 1127 Page No: 38

Zoning District (please check one)

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

* For properties in the Rural Zoning District:
 Is property located on a primary or secondary road? Yes No

RECEIVED
 Name of Road and/or Route Number: Withers Lane Road

SEP 30 2019

CUP Application, 04-05-17

Sketch Plan (see cover sheet for description)

Attached

A list of all adjacent and confronting property owners (see cover sheet for description)

Attached

State the proposed land use as listed in Appendix C and provide a description of the proposed use.

Propose land use as Restaurant. The building will be rebuilt as a pub and cafe to serve as the brewpub for the adjacent brewery located on the same property.

Please provide any information or known history regarding this property.

The building is the dominant structure in the small village of Rippon and has historically had many commercial uses, including a store and as the Rippon Post Office . It currently unoccupied and is in disrepair. The renovations of this property will be a very visible improvement to Rippon.

Please respond (in detail) to the following statements located in Section 6.3 of the Zoning Ordinance:

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan. *Section 6.3A.1*
This project will help to re-vitalize the village of Rippon by providing new jobs, renovating a historic structure, drawing positive attention to our rural and agricultural heritage, and increasing the tax base.

2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety, and welfare. *Section 6.3A.2*
Project will restore vitality to Rippon but on a reasonable scale. Access and parking will be improved to ensure public safety and to prevent intrusion on adjacent property owners.

3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. *Section 6.3A.3*
This project will vastly improve the property. Craft breweries and brewpubs have overwhelmingly been shown to improve property values in their localities. This project will likely encourage additional positive re-development in Rippon.

4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. *Section 6.3A.4*

I am aware of the landscaping buffer requirements and will adhere to them.

I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

5. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the Board of Zoning Appeals to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use. *Section 6.3A.6*

Applicable (Trip Generation Data attached)

Not Applicable

The information given is correct to the best of my knowledge. Original Signature Required.

 9/30/19
Property Owner Date

Property Owner Date

September 29, 2019

Conditional Use Permit Application
2153 Berryville Pike – Restaurant/Pub

Over the past several years, our family has been working to renovate several buildings on the corner of US Route 340 and Withers Larue Road in the village of Rippon. The property is located at 2153 Berryville Pike (US Route 340) and currently has three structures. Two obsolete structures and part of building have recently been removed. The three current structures on the property include a grain mill that has been renovated and converted into a small farm craft brewery, a fully renovated residential home with two one-bedroom apartments, and a building on the corner that is currently unoccupied and in great disrepair. This corner building has a history of several commercial uses dating back to before the Civil War.

In 2013, I applied and was approved for a conditional use permit to use this property as a microbrewery and a pub-style restaurant serving no more than 200 seats, a country store, a residential dwelling, and a country inn. In the time between 2013 and now, the microbrewery and the residential dwelling have been completed. I am now re-applying for a conditional use permit to use the corner building as a pub-styled restaurant to serve as the pub for the brewery located in the adjacent mill building. As before, the planned pub/restaurant will serve up to 200 people, although the current construction plan would provide seating for up to 100. The additional seating capacity is requested for potential future expansion. The new restaurant will be constructed with seating on two floors – the existing street level floor and the existing first floor level. The upper floor of the existing building will be removed to have a vaulted ceiling on the upper floor seating area. Renovations to the building will include an addition built off the rear of the building that will include space for a kitchen, a stairway and bathrooms. The building will be upgraded and constructed to meet current code and safety requirements. Both floors will be made handicap accessible. The building will be constructed tastefully and will vastly improve this landmark location in the heart of Rippon. A new entrance to the property along Withers Larue road will be constructed to offer safe access and exit to the property. New parking areas will also be constructed to provide adequate parking for guests.

The construction and operation of the restaurant is the continuation of my families plan to provide an outlet to bring our farm's products to the public. On our farm, in addition to raising products like Angus beef, we have been growing special breeds of brewing barley and operate a malting facility to process our barley for the craft brewing and distilling industries. Brewing barley must be grown to meet standards which are much stricter than those for the animal feed barley typically grown in this region. To brew beer, the barley must be malted under controlled conditions and must meet particular brewing specifications. At Ripon Lodge Farm, we have made significant investment restoring an 1850's era bank barn into a malting facility to process brewing malt from our grown barley.

In order to maximize the value for our barley and other products grown on the farm, we had planned for a long time to build a micro-brewery with a pub where we could use our malted barley to brew unique, craft styled beer for sale to the public. After the renovations of the mill

September 29, 2019

and the construction of the microbrewery, Rippon Brewing Company was recently (August 2019) approved by the West Virginia Alcohol Beverage Control as a licensed brewery. The micro-brewery now compliments our farm in much the same way as the popular estate-styled wineries in the area. Rippon Brewing is the only farm brewery in the state of West Virginia.

If approved, our restaurant/pub would allow us to bring our craft brewed beer and other products including our beef and vegetables grown on the farm directly to the public. The approval will allow us the necessary reasoning and financial ability to renovate the corner building and once again make this structure a proud centerpiece to the village. Microbreweries and their pubs have seen incredible success in neighboring states and overwhelmingly improved the financial wellbeing of the localities where they are located. They typically purchase local ingredients and offer employment opportunities for people living in those areas. The intention of our redevelopment project in Rippon has always been to revitalize both the village and our historic farm. The completion of this project would draw positive attention to our rural and agricultural heritage and be an asset to the property values of our adjacent neighbors.

Additionally, we would request the conditional use permit to include permission to promote the brewery and the restaurant with signage along US Route 340 and along Withers Larue Road. The signs would be no larger than 2'x2' and hung in a manner that would not obstruct the view of traffic. A sample of the type of sign along Berryville Pike is included. A similar type sign would be hung on the mill building for the brewery as well as an image of the brewery logo painted on the side of the building. The logo on the side of the mill building would be approximately 8' x 24'.

We also request permission to allow for catering to be provided to the pub/restaurant by food trucks from other local food establishments. Food trucks would allow other local businesses to bring food in on weekends and to events to allow the pub to offer guests a bigger variety of local cuisine while at the restaurant.

It is also asked that the restaurant be able to sponsor up to 4 events per year on the property. The events would be designed to promote the brewery and restaurant as well as our local agricultural and rural heritage. The events would range from such festivals as an "Octoberfest" or an agricultural fair or music event. The events would be limited to single day events and occur only on weekends.

2153 Berryville Pike

Legend

-  New Addition
-  Rippon

Google Earth

© 2013 Google

100 ft





CAR
TER

BUR
TON

ARCHITECTURE, P.L.L.C.

11 West Main Street
Burrton, Wv 25911
Telephone: (540) 955-1644
Facsimile: (540) 955-0410
www.carterburton.com

Project:

RIPPON

JEFFERSON
COUNTY, WV

Drawing Title:

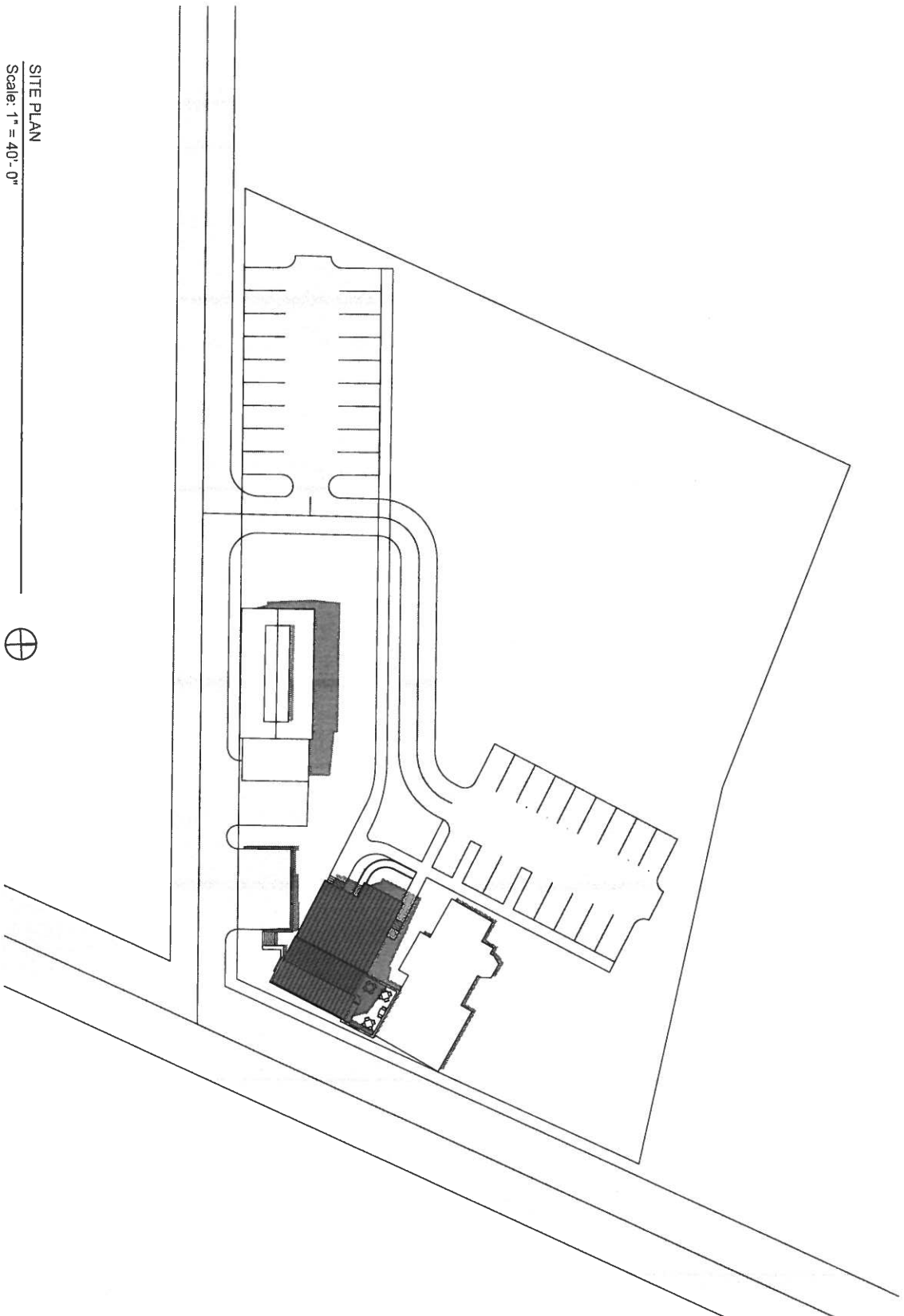
SD2

Date:

09/30/2019

Sheet:

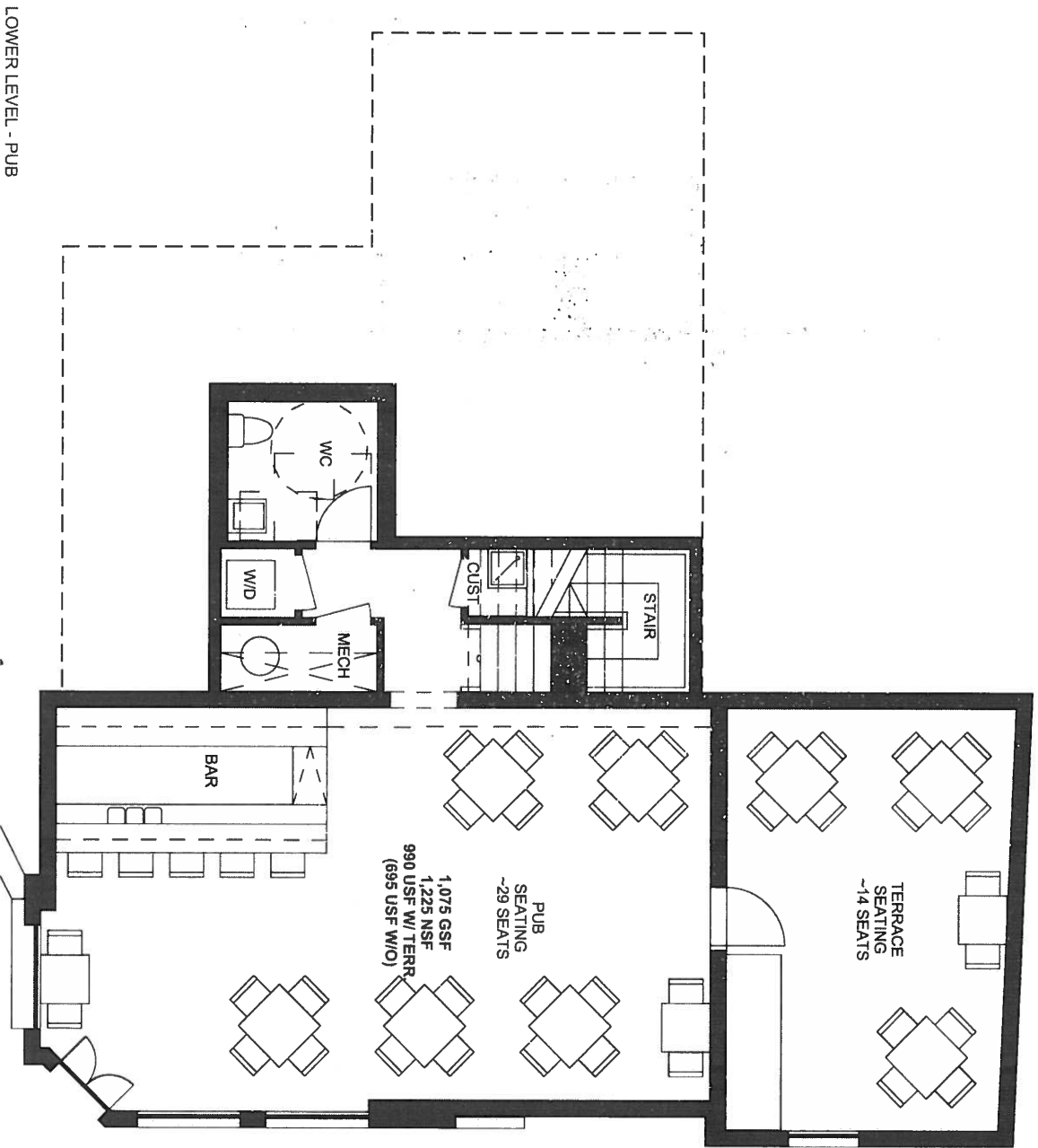
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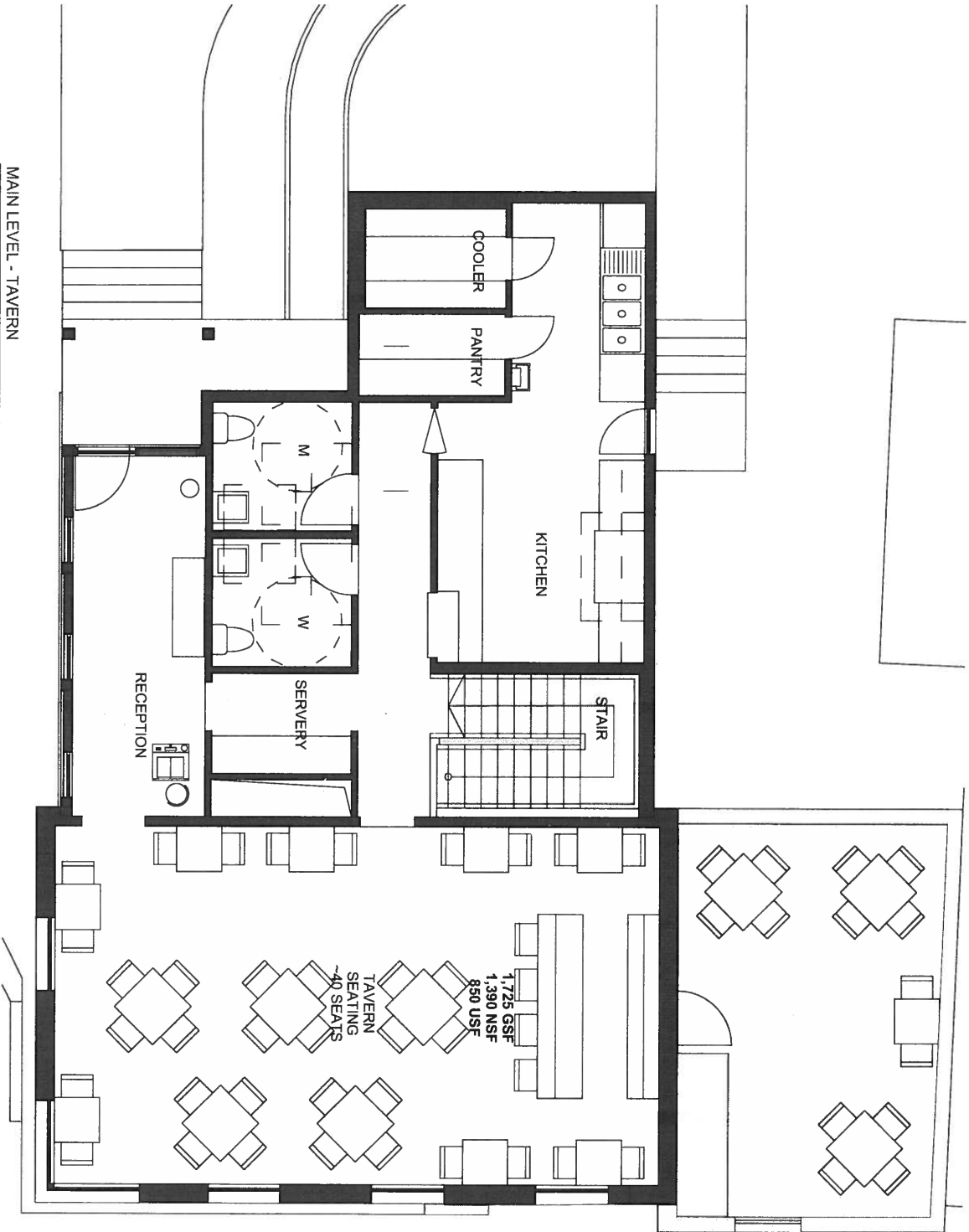
SITE PLAN
 Scale: 1" = 40'-0"



CARTER BURTON ARCHITECTURE, P.L.C.	
11 West Main Street Newport, W. VA 25261-1844 Phone: (800) 956-0410 www.carterburton.com	
Project:	
RIPPON JEFFERSON COUNTY, WV	
Drawing Title:	
SITE	
Date:	
09/30/2019	
Sheet:	
A.01	



<p>CAR TER BUR TON ARCHITECTURE, P.L.C</p>	<p>11 West Main Street Birmingham, WA 29811 Telephone: (520) 955-1644 Facsimile: (520) 955-0410 www.carleton.com</p>
<p>Project:</p>	<p>RIPPON JEFFERSON COUNTY, WV</p>
<p>Drawing Title:</p>	<p>LOWER LEVEL</p>
<p>Date:</p>	<p>09/30/2019</p>
<p>Sheet:</p>	<p>A.03</p>



MAIN LEVEL - TAVERN
 Scale: 3/16" = 1'-0"

CARTER
 BURTON
 ARCHITECTURE, P.L.L.C.

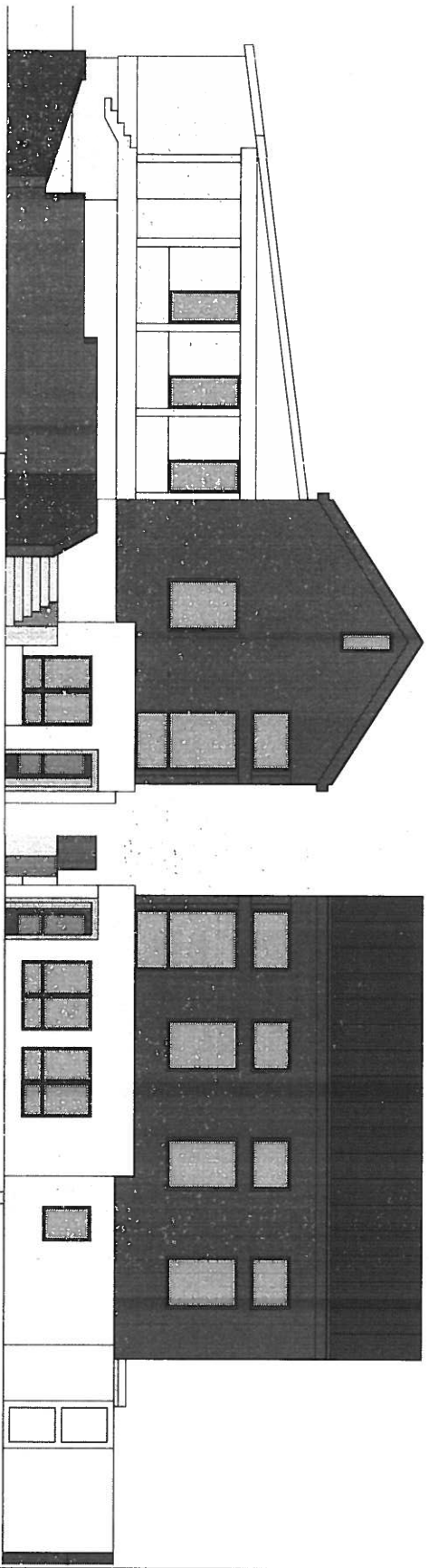
11 West Main Street
 Birmingham, VA, 22811
 Telephone: (540) 955-1844
 Facsimile: (540) 955-0410
 www.carterburton.com

Project:
 RIPPON
 JEFFERSON
 COUNTY, WV

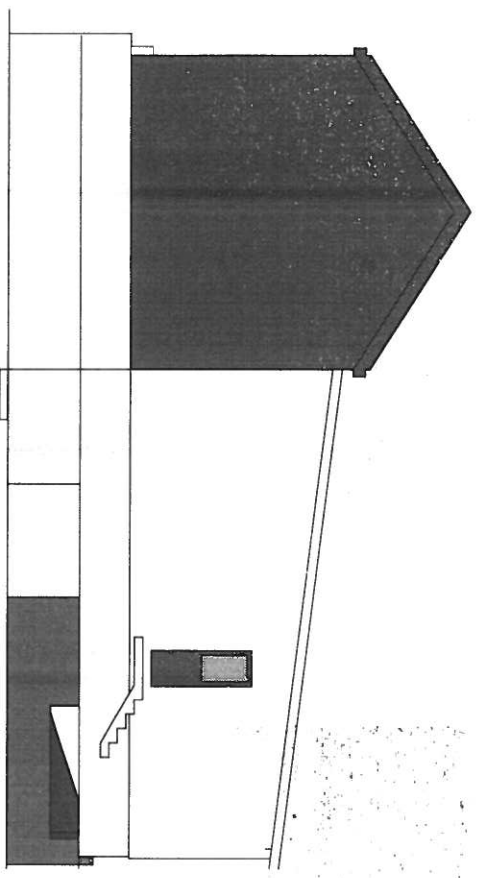
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 MAIN
 LEVEL

Date:
 09/30/2019

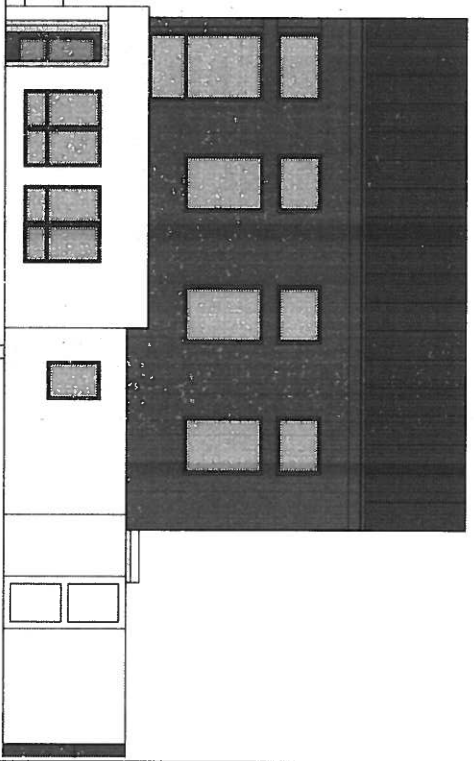
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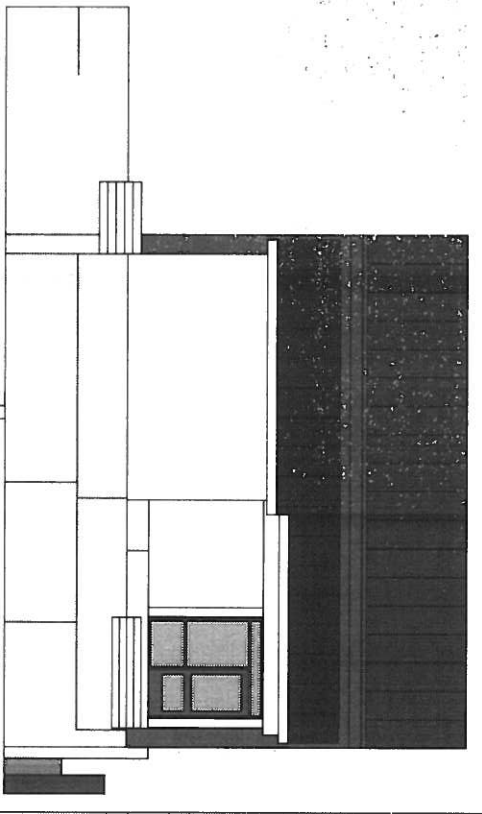
SOUTH ELEVATION
Scale: 1/8" = 1'-0"



NORTH ELEVATION
Scale: 1/8" = 1'-0"



EAST ELEVATION
Scale: 1/8" = 1'-0"



WEST ELEVATION
Scale: 1/8" = 1'-0"

CARTER
BURTON
ARCHITECTURE, P.L.C.

11 West Main Street
Burlington, W.V. 25811
Telephone: (540) 955-1544
Facsimile: (540) 955-0410
www.carterburton.com

Project:
RIPPON
JEFFERSON
COUNTY, WV

Drawing Title:
**BLDG
ELEV
BEACON**

Date:
09/30/2019

Sheet:

A.06A



CAR TER
BUR TON

ARCHITECTURE P.L.C

11 West Main Street
Burlington, VA 22601-1644
Telephone: (434) 555-0410
www.carterburton.com

Project:

RIPPON

JEFFERSON
COUNTY, WV

Drawing Title:

**BEACON
VIEW**

Date:

09/30/2019

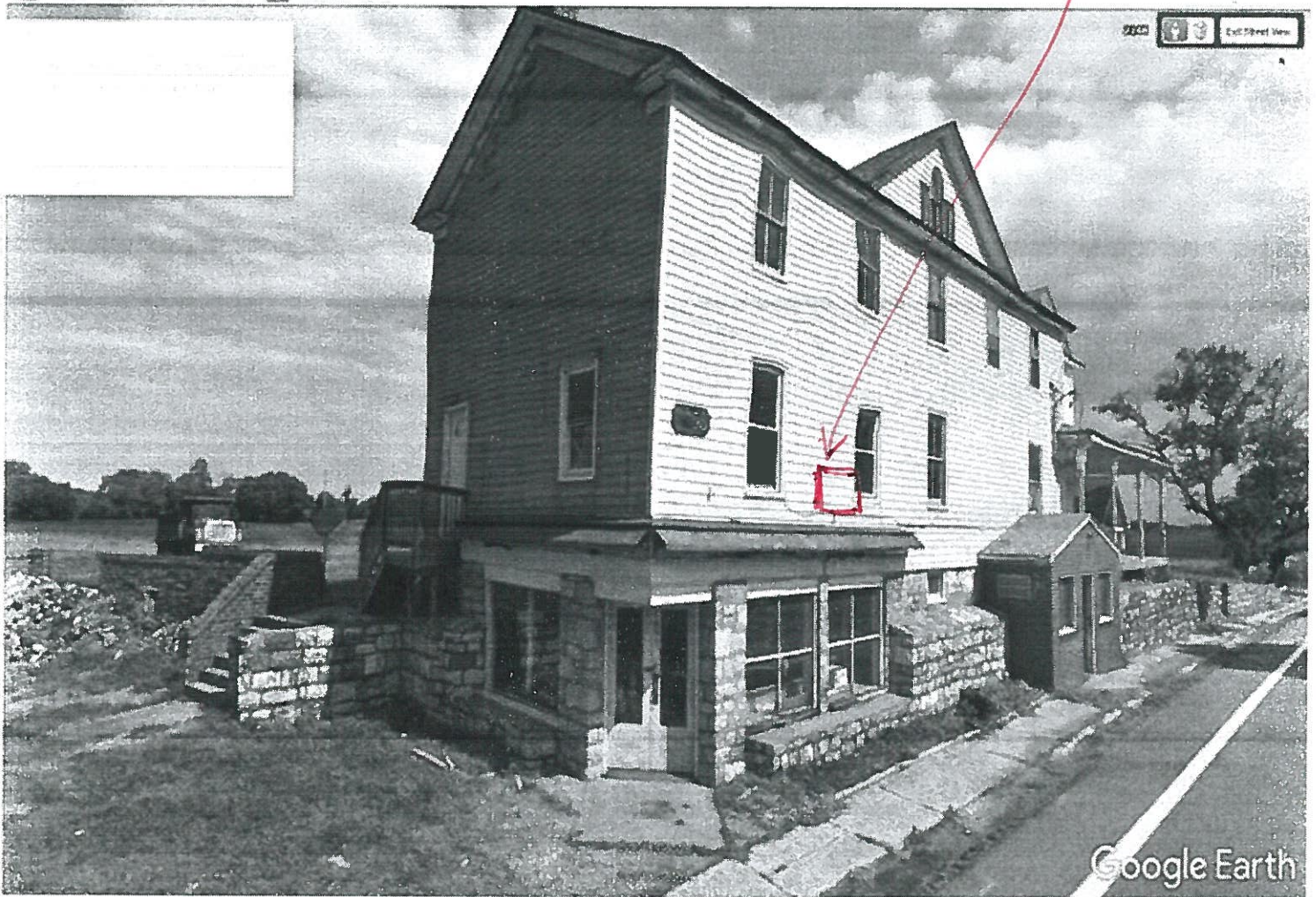
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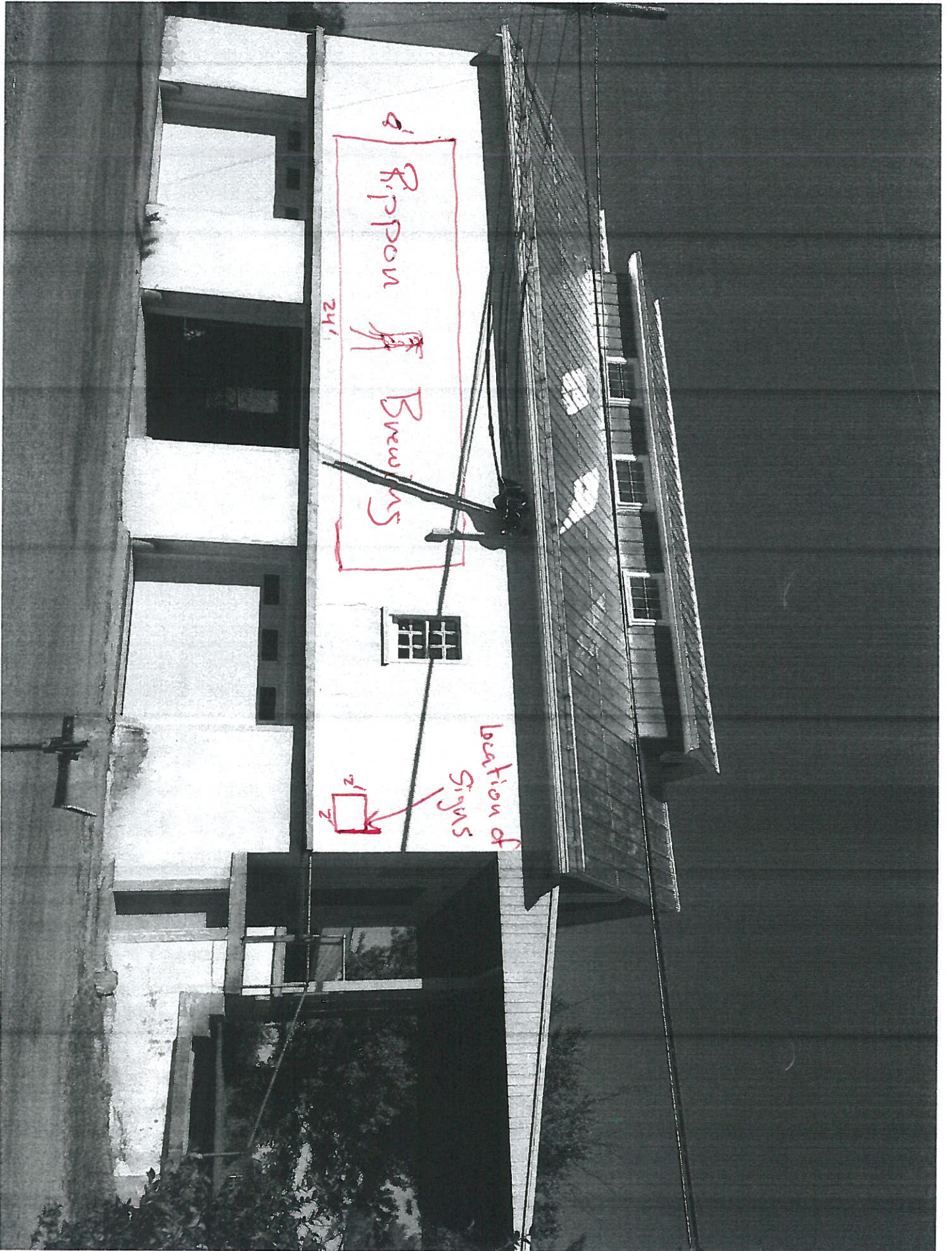
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Example Sign

Location of future sign





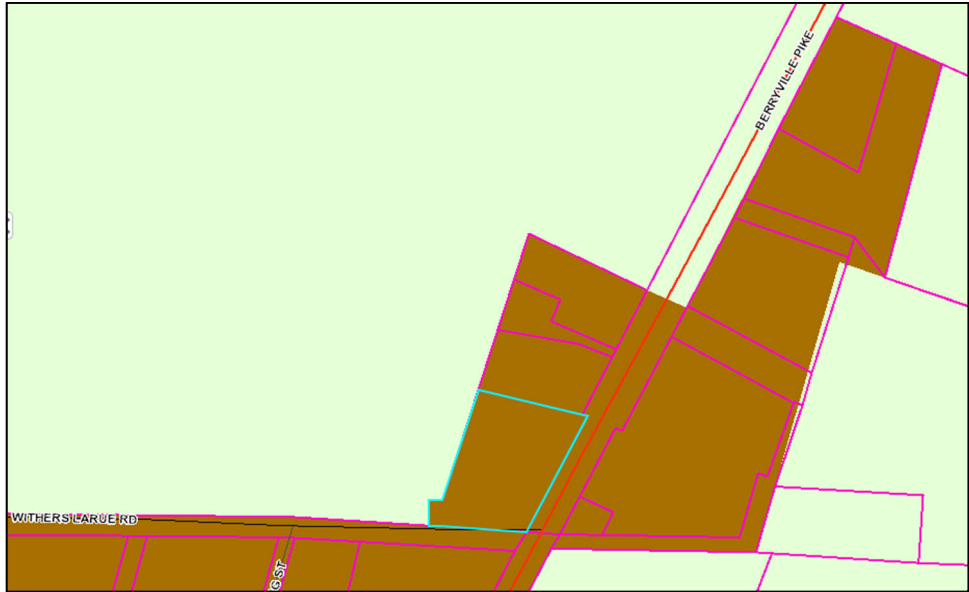
Rippon Brewins
24'

Location of Signs

Staff Report
 Jefferson County Board of Zoning Appeals
 October 24, 2019

Wheatlands Property Management Variance (19-31-ZV)

Item #8: Variance from Section 4.10A to waive the requirement of processing a site plan. A Site Plan is required to construct a 35 space parking lot with drive aisles and sidewalks which will support a proposed Restaurant (File 19-3-CUP).

Applicant:	Jesse Morgan
Owner:	Wheatlands Property Management LLC
Developer:	Same as applicant
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">2153 Berryville Pike, Rippon, WV Parcel ID: 06010A00240000; Size: 1.64 ac Zoning District: Split Zoned Village & Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: <i>North:</i> Village <i>South:</i> Village/Rural <i>East:</i> Village <i>West:</i> Rural</p>
Approvals:	<p>04-21-11: BZA approves CUP for a micro-brewery with tasting room, future pub/restaurant, store, country inn and office. (Z11-01). 04-21-11: BZA approves reduction of front yard setback to 8' (ZV11-06). 10-18-12: BZA approves 18-extension for the CUP to 06/01/14. 10-10-13: BZA approves an amendment to the approved CUP (Z11-01) to add a four unit residential dwelling. ZC13-04: Microbrewery with tasting room, pub-style restaurant serving no more than 200 seats, store, country inn and office and two-family dwelling. Hours of operation are limited to 8:00 am - 12:00 p.m. ZC16-40: Use of mill building as a Farm-Brewery. Use of the house as a two-family dwelling unit. 10/25/18: BZA approved CUP for a Professional Office (A-Zone Environmental File: CUP18-01)</p>

Staff Report
Jefferson County Board of Zoning Appeals
October 24, 2019

Wheatlands Property Management Variance (19-31-ZV)

	10/25/18: BZA approved a variance to reduce the number of parking spaces for a Professional Office from 10 to 6 (ZV18-16) 08/19/19: Approved boundary line adjustment
Site Visit Conducted:	Yes: 10/09/19

Summary of Request and Purpose of the Ordinance Requirements

The applicant is requesting a variance from Section 4.10A to waive the requirement of processing a site plan. A Site Plan is required to construct a 35 space parking lot with drive aisles and sidewalks which will support a proposed Restaurant (File 19-3-CUP).

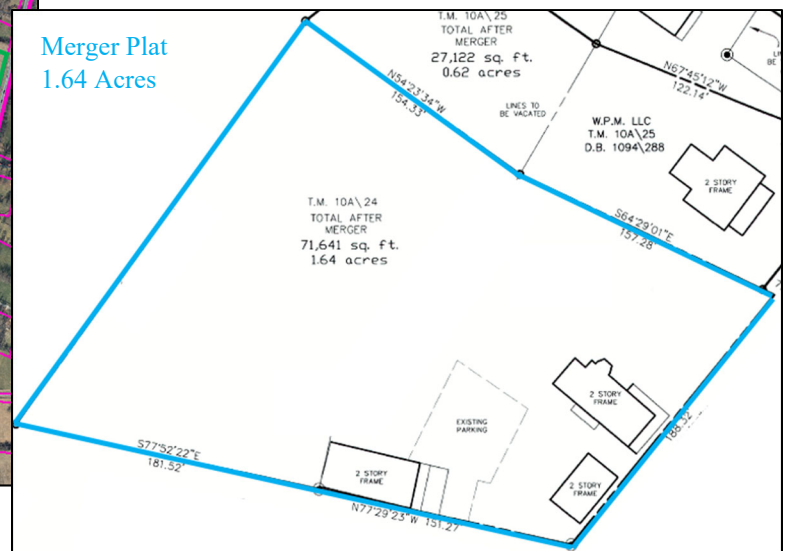
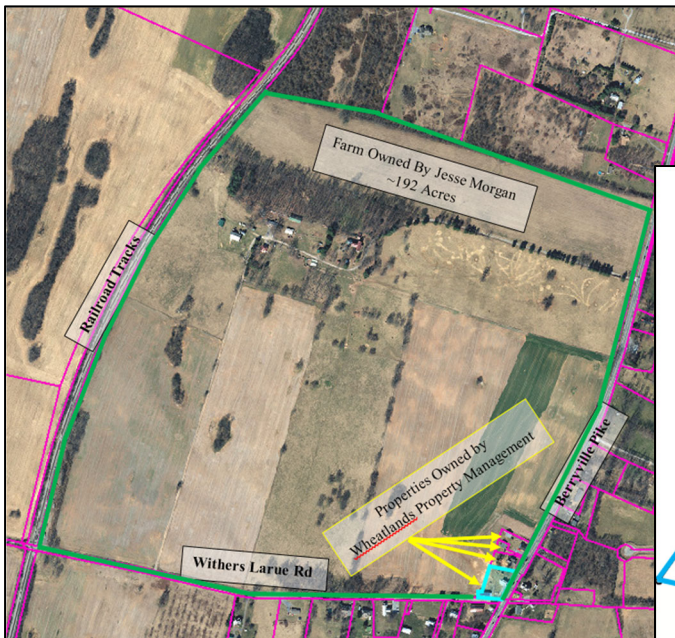
The primary purpose of a site plan is to ensure that a site is developed in a manner that protects the health, safety, and welfare of the public. The Zoning Ordinance and the Subdivision Regulations require that the following elements are reflected in a site plan:

- 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.

Staff Evaluation of Request

The subject parcel is currently surrounded by a family owned farm of approximately 192 acres that is presently undeveloped. The adjoining developed parcels are also owned by the applicant.



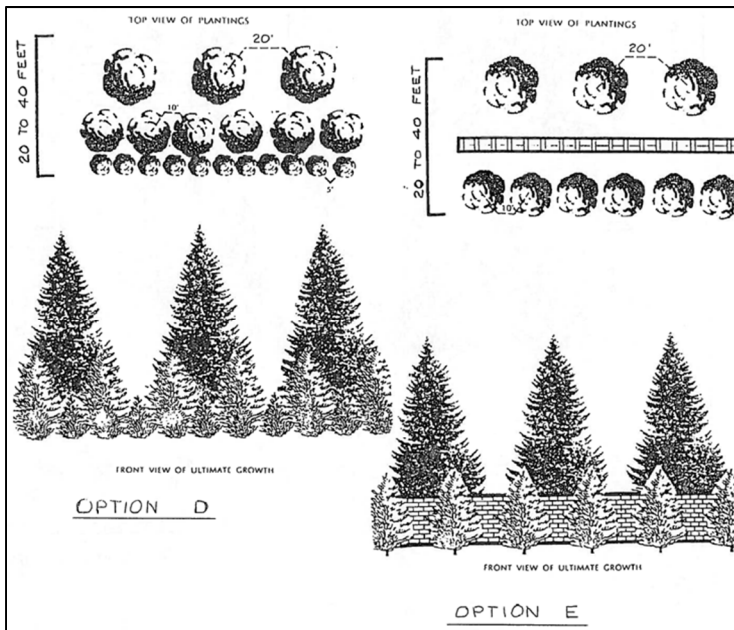
Wheatlands Property Management Variance (19-31-ZV)

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 no additional parking is required; and the disturbed area is no more than 5,000 square feet.

The proposed addition appears to comply with the 1,200 square foot threshold for a no site plan; however, the required parking will exceed the 5,000 square feet of site disturbance permitted under the no site plan criteria.

The number of parking spaces required for a Restaurant is set forth in Section 11.1A of the Zoning Ordinance requires that one parking space be provided for every 50 square feet of customer floor space. The number of parking spaces Staff determined would be required, based on the square footage proposed, was 35 parking spaces, which is approximately 6,500 square feet (slightly more when accounting for handicap spaces). This calculation does not include the required drive aisles.

Staff has acknowledged that the parking requirements set forth in Article 11 are a bit excessive and do not provide flexibility when calculating for a locally owned, small business as opposed to a commercially operated chain restaurant. Typically a small business has limited hours and smaller staff; conversely, a commercially operated chain restaurant typically has a higher customer volume, extended hours of operation, and larger staff.



With regard to landscaping and buffer requirements, which are typically addressed as part of a site plan, it may be feasible to retain a 50’ unscreened buffer along the perimeter of the property to satisfy the intent of the Ordinance. If a site plan is processed, the applicant would be required to comply with the buffer requirements set forth in Appendix B, which requires compliance with Standard Detail M-53, which is a 20’-40’ wide planting standard, which includes a combination of trees and shrubs (see below). 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.

The applicant has verbally stated that he does not foresee any stormwater runoff issues. Staff will defer to the applicant to substantiate this component.

Staff Report
Jefferson County Board of Zoning Appeals
October 24, 2019

Wheatlands Property Management Variance (19-31-ZV)

Conditions of Approval

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

- a) 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.
- b) Accessible parking space(s) shall be installed in accordance with ADA standards.
- c) Sidewalks, as reflected on applicant's sketch, shall be installed.

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}



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: 19-31-ZV
 Staff Initials: APB
 Meeting Date: 10-24-19
 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: Jesse Morgan, Wheatlands Property Mngmt. sH
 Mailing Address: 600 S Mildred St, Charles Town, WV 25414
 Phone Number: 304-839-2263 Email: jessefmorgan@gmail.com

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: 2153 Berryville Pike
 City: Rippon State: WV Zip Code: 25441
 Tax District: Kabletown (06) Map No: 10A Parcel No: 24
 Parcel Size: 1.64 Deed Book: 1127 Page No: 38

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 checked="" type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>
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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"/>
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SEP 30 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 4.10 A

Briefly describe the nature of the variance request:

I am requesting a waiver to the Site Plan Requirements for the building renovations and additional parking for the building to be used as a future small restaurant/pub for the existing farm brewery located on the property. The site plan requirements would add excessive costs and requirements for the project, which is a small farm style brewery which will have low impact with limited days and hours of operation.

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:

This project will vastly improve the property and likely improve the values of adjacent properties. Even if the waiver is approved, the owner is committed to providing safety access to the property, handicap accessibility, environmentally sound improvements, as well as improvements that improve rather than detract from the pleasant rural surroundings.

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 variance is requested so that improvements can be accomplished with as little change or disruption to the physical attributes of the property and to maintain the rural and agricultural character of the property. A site plan requiring paved parking and access roads would greatly detract from the character of the property as well as add excessive costs to the project.

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

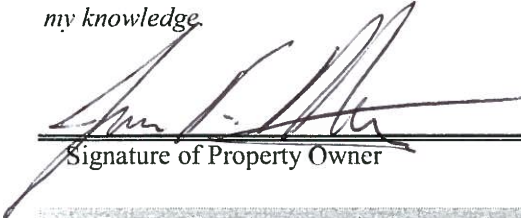
The granting of the waiver will eliminate great cost to the project and allow the owner to develop the property in a way to maintain the existing rural character of the property. The property owner is also the owner of an environmental firm specializing in stormwater and groundwater protection. The owner is committed to constructing adequate parking using porous surfaces or engineered surfaces and low impact development techniques to protect the quantity and quality of our stormwater and groundwater that is used for the brewery.

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

The intent of our county ordinances has been to allow flexibility to rural and agricultural residents and businesses to improve their properties without excessive costs or disruptions to their rural landscapes. Granting the waiver will allow for the reasonable redevelopment of the property without excessive costs and an ability to maintain the rural landscape, both of which are essential to the business of opening a small farm brewery.

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.

 9/30/19
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).


10-24-19
Date of Public Hearing

10-09-19
Advertising Date

10-09-19
Placard Posting Date

2153 Berryville Pike

Paul W. Rippon
9/30/19

- Legend**
-  New Addition
 -  Rippon



Google Earth

© 2019 Google

100 ft

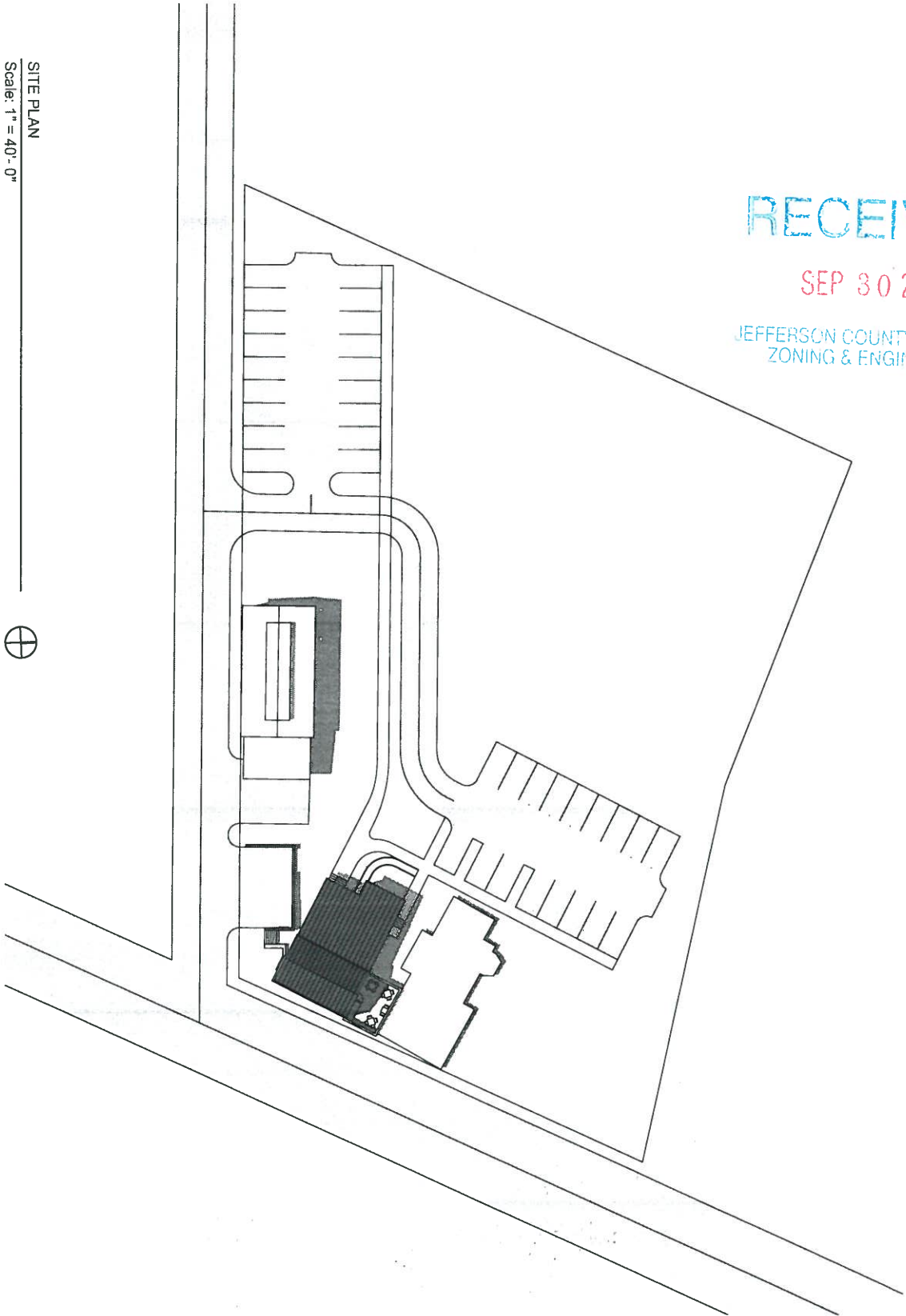


19-31-2v

RECEIVED

SEP 30 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING



SITE PLAN
Scale: 1" = 40'-0"



Sam Williams
9/30/19

CARTER BURTON ARCHITECTURE, P.L.C.		11 West Main Street Barnwell, VA, 22811 Telephone: (540) 955-1644 Facsimile: (540) 955-0410 www.carterburton.com	
Project:		RIPPON	
Client:		JEFFERSON COUNTY, WV	
Drawing Title:		SITE	
Date:		09/30/2019	
Sheet:		A.01	

AMENDED 10/18/18, AMENDED 2/1/18

037C0230E ZONE X.

INDUOUS WITH THAT
N, HAVING BEEN
SAID COUNTY IN DEED
R THE PURPOSE OF
S OF THE GRANTEES.

OF THIS ADJUSTMENT.

AREAS ON THIS SITE.
gov/Wetlands/Data/Mapper.html

MERGER PARCEL 1
41,448 sq. ft.
0.95 acres

MERGER PARCEL 2
12,116 sq. ft.
0.28 acres

T.M. 10A\24
TOTAL AFTER
MERGER
71,641 sq. ft.
1.64 acres

T.M. 10A\25
TOTAL AFTER
MERGER
27,122 sq. ft.
0.62 acres

T.M. 10A\25.2
TOTAL AFTER
MERGER
18,072 sq. ft.
0.41 acres

W.P.M. LLC
T.M. 10A\24
D.B. 1127\38

W.P.M. LLC
T.M. 10A\25
D.B. 1094\288

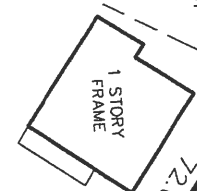
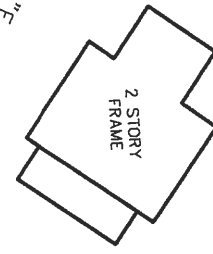
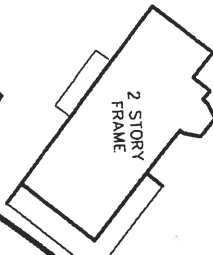
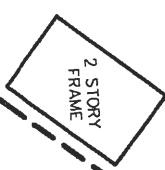
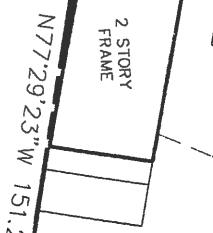
W.P.M. LLC
T.M. 10A\25.1
D.B. 1094\288

MERGER PA
3,718 sq
0.09 ac

W.P.M.
T.M. 1
D.B.

[Handwritten Signature]
3/30/15

WITHERS LARUE
ROAD
ST. RT. # 19
30' R/W



ADAMS
T.M. 10A\23
D.B. 493\75

S77°52'22"E
181.52'

S35°45'51"W
290.74'

S51°40'37"W
91.56'

N54°23'34"W
154.33'

N54°23'34"W
121.10'

N77°29'23"W
151.27'

S64°29'01"E
157.28'

N67°45'12"W
122.14'

S39°11'03"W
188.32'

S39°00'13"W
89.61'

S54°23'34"E
105.82'

N55°20'55"W
49.00'

7.53'

LINES TO
BE VACATED

LINES TO
BE VACATED

LINES TO
BE VACATED

LINES TO
BE VACATED



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report Board of Zoning Appeals Meeting October 24, 2019

1) Text Amendments:

- As part of the Ordinance reorganization and cleanup amendment process, a roundtable meeting was held on September 30 for consultants, surveyors, engineers, and other professionals in order for Staff to gather input on how to improve development review process (i.e. subdivision plats and site plans). All comments were forwarded to Greenway Engineering as part of the amendment process.
- 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 County Commission made additional revisions based on public comment and will review the revised text on October 31 for discussion and possible action.

2) Upcoming BZA meeting

- The next regular meeting is scheduled for **November 14, 2019** (deadline for submission is Monday, October 21, 2019).



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

October 2019
Zoning Certificate Activity Report

File #	19-28-ZC
Request:	Accessory Dwelling Unit: In Law Suite
Property Owner:	Ronald Breeden
Parcel Info:	4827 Bower Rd., Kearneysville, WV 25430 Parcel ID: 07000300430000; Size: 2.61 ac; Zone: Rural
Issuance Date:	10/17/19
