



Jefferson County
Board of Zoning Appeals
Thursday, November 14, 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: October 24, 2019

Public Hearing – Administer Oath

ITEM #1 FILE #: 19-32-ZV

Request: Variance from Section 4.11A.2, 4.11E and Appendix B to reduce the landscape buffer from 10' to 0' on the southern boundary of proposed Lot 1 and to retain an unscreened landscape buffer on the northern boundary of proposed Lot 2. The applicant is proposing to install a 6' privacy fence between proposed Lots 1 and 2 in lieu of the required buffer.

Owner: Seneca Crossing LLC

Parcel Info: Vacant parcel approx. 530' West of the Shepherd University campus entrance located on Martinsburg Pike, Shepherdstown WV
Parcel ID: 09000800500000; Size: 4.5 ac; Zone: Residential-Light Industrial-Commercial

ITEM #2 FILE #: 19-33-ZV – Postponed to December 12, 2019

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

Parcel Info: Beallair Homes LLC

Unplatted section of Beallair Subdivision, proposed lots
Parcel ID: 02010A00680000; Size: 9,429 sf; Zoning District: Residential Growth

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report
- b. Approval of the 2020 Board of Zoning Appeals Meeting Schedule

Legal Update

- a. Possible executive session on the following pending lawsuits.
- 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: October 24, 2019
2 Meeting Location: Charles Town Library Conference Room
3 200 East Washington Street, Charles Town, West Virginia
4 Board Members Present: Jeffrey Bannon, Vice Chair; Matthew McKinney; Deirdre Catterton and
5 Leeds Corbin
6 Members absent: Tyler Quynn, Chair (with 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 presided as Vice Chair in Mr. Quynn's absence.

11 Ms. Catterton moved to call the meeting to order at 2:01 pm. Mr. Bannon called for a vote, which
12 carried unanimously.

13 Approval of Minutes: September 26, 2019

14 Mr. McKinney moved to approve the minutes. Ms. Beaulieu noted a correction on page 3, line 10,
15 to revise the file number from 19-30-ZV to 19-25-ZV. Mr. McKinney accepted the correction.
16 Mr. Bannon called for a vote, which carried unanimously.

17 Public Hearing – Administer Oath

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

19 ITEM #1 FILE #: 19-26-ZV

20 Request: Variance from Section 9.6B to reduce the rear setback from 24' to 12' for an existing
21 24' x 12' accessory structure.
22 Owner: Preston Barger
23 Parcel Info: Preston Barger Minor Subdivision, Lot 1,
24 188 Wide Horizon Blvd., Kearneysville, WV
25 Parcel ID: 07001802550001; Size: 1.5ac; Zoning District: Rural

26 Mr. Preston Barger was present to address the Board. Ms. Beaulieu provided an overview of her
27 staff report noting that the subject structure had been issued a building permit in error and that the
28 applicant was seeking a variance in order to keep the shed in its present location. Mr. Barger
29 explained the nature of the request reiterating that the shed had received a building permit and was
30 built according to the approved plans. Mr. Barger noted that he would like the shed to be located
31 adjacent to the proposed pool. Mr. Bannon opened the public hearing. Ms. Morgan Spielman stated
32 she was not in opposition to the proposed shed; however, expressed concern that the requested
33 reduction was incorrect based on an alternate survey that was in her possession, which showed the
34 right-of-way in a different location. Ms. Spielman argued that in the event that her survey overrides
35 Mr. Barger's survey, the requested reduction would be insufficient. Ms. Spielman noted that the
36 exact location of the subject property line has been debated for a number of years. Ms. Spielman
37 also explained that the Division of Highways was attempting to widen the right-of-way in question
38 and expressed concern that the proposed shed may create further issues in doing so. Mr. Bannon
39 inquired if Ms. Spielman's survey would reflect that the shed was still located on Mr. Barger's
40 property if the setback were reduced to 12'. Ms. Spielman stated that she believed it would still be
41 on Mr. Barger's property, it would just be closer than the requested 12'. Mr. Bannon closed the
42 public hearing.

1 Mr. Barger provided a rebuttal and stated that the property had been surveyed in 2017 as part of an
2 approved minor subdivision. Mr. Barger also stated that the existing fence line has always been his
3 property line.

4 Ms. Catterton moved to approve the variance with the condition that the applicant is bound by his
5 testimony. Mr. Bannon called for a vote, which carried unanimously.

6 ITEM #2 FILE #: 19-27-ZV

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

9 Owner: Preston Barger

10 Parcel Info: Preston Barger Minor Subdivision, Lot 1,

11 188 Wide Horizon Blvd., Kearneysville, WV

12 Parcel ID: 07001802550001; Size: 1.5ac; Zoning District: Rural

13 Mr. Preston Barger was present to address the Board. Ms. Beaulieu provided an overview of her
14 staff report noting that the request appears to have a minimal impact due to its proximity to a right-
15 of-way. Mr. Barger explained the nature of the request noting that he would like the pool next to the
16 existing shed. Mr. Barger argued that there wasn't another suitable location on the property to site
17 the proposed pool. Mr. Barger stated that he installs pools for a living and would like to install an in-
18 ground pool with surrounding concrete to show to potential clients. Mr. Bannon opened the public
19 hearing. Ms. Morgan Spielman, Mr. Ken Spielman, and Ms. Holly Spielman, neighbors, all stated
20 they were not in opposition to the proposed pool; however, as previously expressed for File #19-26-
21 ZV, were concerned that the requested reduction was incorrect based on an alternate survey that
22 showed the right-of-way in a different location. The Spielmans agreed that the requested reduction
23 for the pool was not the issue. Ms. Morgan Spielman noted that the right-of-way discrepancy
24 worsens towards the proposed location of the pool. Mr. Bannon closed the public hearing.

25 Mr. Barger argued that the 2017 survey depicts the fence to be located 6" on his own property.

26 Mr. Barger stated that there are survey markers in the ground and existing utility poles that also
27 assist in marking the property. Mr. Barger stated he would be agreeable to removing the pool if it
28 were proven that his property line was not in the location shown in his 2017 survey.

29 Mr. Corbin moved to go into deliberative session at 2:53 pm. Mr. Bannon called for a vote, which
30 carried unanimously. Ms. Catterton moved to come out of deliberative session at 3:05 pm.

31 Mr. Bannon called for a vote, which carried unanimously.

32 Mr. McKinney moved to approve the variance with the condition that the applicant is bound by his
33 testimony. Mr. Bannon called for a vote, which carried unanimously.

34 ITEM #3 FILE #: 19-2-CUP

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

38 Owner: Burr Park, LLC

39 Applicant: Tanie Guy, Ascension Church

40 Parcel Info: Burr Industrial Park, Lot 34,

41 73 Edmond Rd., Suites 2 and 3, Kearneysville, WV

42 Parcel ID: 02000100860000; Size: 1.52 ac; Zoning District: Industrial Commercial

1 Mr. Darryl Fitzwater, representative for Ascension Church, was present to address the Board.
2 Ms. Beaulieu provided an overview of her staff report explaining that the Church had located in the
3 subject building without realizing a Zoning Certificate was required for occupancy. Ms. Beaulieu
4 further explained that when the Church attempted to come into compliance it was noted that a
5 Church was not a permitted land use in the Industrial Commercial zoning district. Since that time
6 Staff worked with the applicant to process a text amendment, which was approved by the County
7 Commission on September 19, 2019. Referencing the current application, Ms. Beaulieu stated that
8 the proposed Church appeared to be in an appropriate location despite its zoning designation as it
9 was located adjacent to similar land uses, such as a day care, martial arts and dance studios, and
10 Flip N' Cheer. Ms. Beaulieu noted that the applicant is aware that due to being located in this
11 zone there is the potential for a heavier land use to locate in the vicinity as a by-right land use.
12 Mr. Fitzwater explained the nature of the request, acknowledging that the Church was unaware that
13 they were not permitted to operate from this location. Mr. Fitzwater stated their days and hours of
14 operation, noting that their busier time did not typically coincide with the activities of the other
15 tenants. Mr. Fitzwater stated that their lease allowed them to utilize 10 parking spaces during
16 normal business hours for their office operations. Mr. Bannon opened the public hearing. There
17 was no public comment. Mr. Bannon closed the public hearing.

18 Mr. McKinney moved to approve the Conditional Use Permit for a Church. Mr. Bannon called for a
19 vote, which carried unanimously.

20 ITEM #4 FILE #: 19-28-ZV

21 Request: Variance from Section 4.11A.2 & 4.11E.1 and Appendix B to reduce the landscaping
22 buffer from 10' to 0' along the shared property line between Lots 27 and 28 in the
23 Burr Industrial Park; and to allow for a 50' unscreened buffer instead of a 10'
24 screened buffer along the rear property line of both lots.
25 Owner: Jefferson County Development Authority
26 Applicant: McGee Civil Construction, LLC
27 Parcel Info: Burr Business Park, Lots 27 and 28 Steeley Way
28 Parcel ID: 02000101270000 and 02000101280000; Size: 1.93 and 1.49 ac;
29 Zoning District: Industrial Commercial

30 Mr. Jason Gerhart with Gordon was present to address the Board. Ms. Beaulieu provided an
31 overview of her staff report explaining that the rear of the properties was encumbered by a large
32 stormwater management pond and easement, which greatly reduced the buildable area of Lots 27
33 and 28. Ms. Beaulieu further relayed that landscaping could not be planted in this area. Mr. Gerhart
34 stated that at the time the Development Authority created the business park, there was no required
35 landscape buffer between the uses on the side or rear property lines. Mr. Gerhart stated that when
36 the stormwater management pond and easement were placed on the properties, it was not intended
37 that the developable area would be further reduced by landscaping. Mr. Gerhart stated that granting
38 an unscreened buffer in lieu of the required planting would meet the intent of the Ordinance.
39 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
40 public hearing.

41 Ms. Catterton moved to approve the variance as requested. Mr. Bannon called for a vote, which
42 carried unanimously.

1 ITEM #5 FILE #: 19-29-ZV

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

4 Owner: Keith Cranford

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

7 Mr. Keith Cranford was present to address the Board. Ms. Beaulieu provided an overview of her
8 staff report, explaining that the applicant had previously received a variance from 8' to 4' to allow
9 for a proposed merger; however, at that time the request stated the structure would remain a garage.
10 Ms. Beaulieu further explained that the applicant is now requesting to convert the garage into a
11 dwelling unit, which necessitates a new variance before the Board. Ms. Beaulieu noted that only the
12 front, left corner of the existing structure requires a setback reduction. Mr. Cranford concurred with
13 Ms. Beaulieu's explanation of the request. Mr. Bannon opened the public hearing. Mr. Don Watson,
14 neighbor, stated he did not object to converting the garage into a dwelling unit; however, was
15 concerned about how this would impact their shared driveway access. Ms. Beaulieu noted that
16 entrance permits fell under the purview of the Division of Highways (DOH). Mr. Bannon closed the
17 public hearing.

18 Mr. Cranford stated that he was currently working with the DOH to receive an approved entrance
19 permit for his proposed home. Mr. Cranford stated he did not object to a shared driveway as long as
20 he could get in and out of his garage.

21 Ms. Catterton moved to approve the variance as requested. Mr. Bannon called for a vote, which
22 carried unanimously.

23 ITEM #6 FILE #: 19-30-ZV

24 Request: Variance from Section 9.7 to reduce the side setback from 12' to 1' for a 24' x 30'
25 accessory structure.

26 Owner: Thomas Custer

27 Parcel Info: 1906 Kabletown Rd., Charles Town, WV
28 Parcel ID: 06002200010002; Size: 1 ac; Zoning District: Rural

29 Mr. Thomas Custer was present to address the Board. Ms. Beaulieu provided an overview of her
30 staff report, noting that the applicant had already commenced construction believing that a permit
31 would not be necessary as the foundation was existing. Ms. Beaulieu noted she did not confirm the
32 date the foundation had been established. Ms. Beaulieu noted that the affected neighbor provided a
33 letter of support. Mr. Custer explained the nature of the request confirming that the foundation
34 existed from a previous structure. Mr. Custer stated he provided a letter from his neighbor stating
35 that they did not object to the shed. Mr. Bannon opened the public hearing. There was no public
36 comment. Mr. Quynn closed the public hearing.

37 Ms. Catterton moved to approve the variance as requested. Mr. Bannon called for a vote, which
38 carried unanimously.

39 ITEM #7 FILE #: 19-3-CUP

40 Request: Request for a Conditional Use Permit to operate a Restaurant associated with the
41 existing farm brewery. The applicant is proposing to construct an addition to the
42 existing structure and a 35 space parking lot. The applicant is also requesting a
43 deviation from the following sign provisions: Sec. 10.4A.1 to allow an 8' x 24'

1 attached sign and a 2' x 2' attached sign affixed to the former mill structure; and to
2 allow a 2' x 2' attached sign affixed to the principal structure; and Sec. 10.4A.2 to
3 allow the proposed signs to face a residence.
4 Owner: Jesse Morgan, Wheatlands Property Management
5 Parcel Info: 2153 Berryville Pike, Rippon, WV
6 Parcel ID: 06010A00240000; Size: 1.64 ac; Zoning District: Split Zoned Village &
7 Rural

8 Mr. Jesse Morgan was present to address the Board. Ms. Beaulieu provided an overview of her
9 staff report noting that the applicant currently operates a farm brewery on the subject parcel.
10 Ms. Beaulieu explained that the Zoning Ordinance requires that a Conditional Use Permit be
11 obtained to operate a Restaurant as an accessory use to a farm brewery, which is the purpose of the
12 applicant's request. Ms. Beaulieu explained that the subject parcel had previously received approval
13 for a Restaurant; however, that approval has expired. Mr. Morgan explained the nature of the
14 request stating that this land use would provide his family the means to sustain the farm operations.
15 Mr. Corbin expressed concerns about traffic exiting from Withers LaRue onto Route 340.
16 Mr. Morgan stated that was the approved configuration by the Division of Highways. Mr. Bannon
17 opened the public hearing. Mr. Andy Anders, neighbor, stated he had no objection to the request;
18 however, requested that any proposed signage that was illuminated be shielded. Mr. Bannon closed
19 the public hearing.

20 Mr. Morgan stated that the signs would not be objectionable and would not be on 24-hours per day.
21 Ms. Catterton moved to approve the Conditional Use Permit for the Restaurant and the requested
22 sign deviations with the condition that the applicant was bound by his testimony. Mr. Bannon called
23 for a vote, which carried unanimously.

24 ITEM #8 FILE #: 19-31-ZV

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

32 Mr. Jesse Morgan was present to address the Board. Ms. Beaulieu provided an overview of her
33 staff report explaining that the purpose of a site plan was to protect adjacent property owners.
34 Ms. Beaulieu noted that Mr. Morgan owned both of the properties immediately adjacent the subject
35 parcel. Mr. Morgan explained the nature of the request stating that over the years he has removed
36 multiple structures from his properties, thereby reducing his net impervious surface impact on the
37 area. Mr. Morgan explained that his company, A-Zone Environmental, dealt with stormwater
38 runoff and that he would install the parking lot correctly. Mr. Bannon opened the public hearing.
39 Mr. Rusty Morgan, co-owner of the adjacent farm associated with the proposed Restaurant, stated
40 that the request would help preserve farm by making it more profitable. Mr. Bannon closed the
41 public hearing.

42 Ms. Catterton moved to approve the variance as requested. Mr. McKinney suggested the following
43 conditions of approval:

1 1. That a 50' unscreened buffer be maintained along the side and rear property lines with the
2 condition that no structures, materials, equipment, etc. be permitted within the unscreened
3 buffer area.

4 2. Accessible parking space(s) shall be installed in accordance with ADA standards.

5 3. Sidewalks, as reflected on applicant's sketch, shall be installed.

6 Ms. Catterton accepted the amendment.

7 Mr. Jesse Morgan questioned if the existing mill, located along the road frontage, would be inside
8 the required 50' unscreened buffer. Ms. Beaulieu stated the buffer would only apply to the side and
9 rear of the property. Mr. Bannon questioned if a buffer would be necessary as the applicant owned
10 the adjacent property.

11 Ms. Catterton withdrew her motion.

12 Mr. McKinney moved to approve the variance as requested with the following conditions:

13 1. Accessible parking space(s) shall be installed in accordance with ADA standards.

14 2. Sidewalks, as reflected on applicant's sketch, shall be installed.

15 3. Applicant is bound by his testimony.

16 Mr. Bannon called for a vote, which carried unanimously.

17 Ms. Catterton left the meeting at 4:22 pm due to an appointment.

18 **Zoning Administrator Report**

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

20 Ms. Beaulieu informed the Board of a recent roundtable discussion with local stakeholders
21 regarding possible revisions to the Zoning Ordinance and Subdivision Regulations to
22 improve the development review process. She stated that Greenway Engineering was hired
23 to take the lead on the amendment process. Ms. Beaulieu stated that the text amendment
24 ZTA19-01 was revised by the County Commission and would be reviewed at their
25 October 31, 2019 meeting. Ms. Beaulieu informed the Board that their next meeting would
26 be November 14, 2019.

27 **Legal Update**

28 a. Possible executive session on the following pending lawsuits.

29 1. Report on Civil Action No. 19-2019-C-135. Mr. Cochran provided the Board with a
30 copy of A Notice of Voluntary Dismissal by the Petitioners of the case. Mr. Cochran
31 noted that the case can no longer be brought before the courts as various deadlines had
32 lapsed.

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

34 Meeting: September 26, 2019

35 1. Variance from Sec. 10.4B.3. Owner: SPARC, LLC. File: 19-22-ZV.

36 2. Variance from Sec. 10.2C. Owner: SPARC, LLC. File: 19-23-ZV.

37 3. Variance from Sec. 4.10A and Sec. 11.1B. Owner: Jennifer Hillmann. File: 19-24-ZV.

38 4. Request for a Special Exception Permit for an electronic sign. Owner: Leetown United
39 Methodist Church. File: 19-1-SE.

40 5. Variance from Sec. 9.6C and Sec. 9.7. Owner: Leroy Delauder. File: 19-25-ZV.

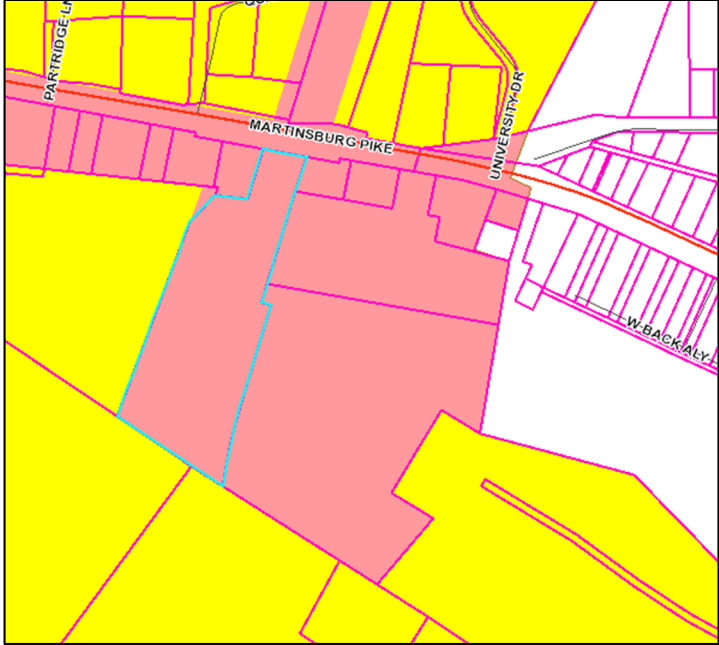
1 Mr. Cochran provided the Findings to Staff to forward to Mr. Quynn for his review and
2 signature.

3 Mr. Bannon asked Staff if Mr. Roger Goodwin, the Director and Chief County Engineer of the
4 Department of Engineering, Planning and Zoning, would be willing to attend a meeting to speak to
5 them about site plans. Due to the number of requests to waive a site plan that the Board has recently
6 received they would like a clearer understanding of the intent of a site plan. Ms. Beaulieu stated she
7 would inform Mr. Goodwin of the Board's request.

8 Mr. Corbin moved to adjourn the meeting at 4:32 pm, which carried unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 November 14, 2019
Seneca Crossing Variance Request (#19-32-ZV)

Item #1 Variance from Section 4.11A.2, 4.11E and Appendix B to reduce the landscape buffer from 10' to 0' on the southern boundary of proposed Lot 1 and to retain an unscreened landscape buffer on the northern boundary of proposed Lot 2. The applicant is proposing to install a 6' privacy fence between proposed Lots 1 and 2 in lieu of the required buffer.

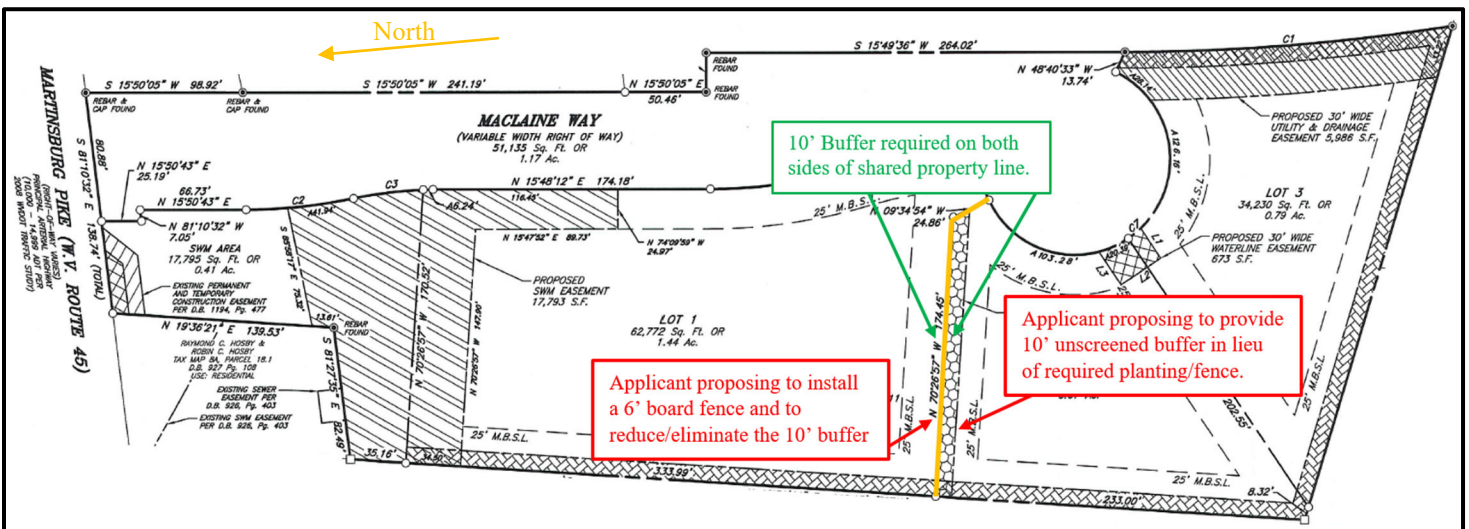
Applicant:	Seneca Crossing LLC
Owner:	Same as above
Developer:	N/A
Consultant:	Paul Raco, P.J. Raco Consulting, LLC
Property Location:	Vacant parcel approx. 530' West of the Shepherd University campus entrance located on Martinsburg Pike, Shepherdstown WV
Legal Description & Zoning District:	<p style="text-align: center;">District: Shepherdstown (09); Map: 8; Parcel: 50; Size: 4.5 ac; Zone: Residential-Light Industrial-Commercial</p> 
Surrounding Properties:	Zoning Map Designation: <i>North:</i> RLIC <i>South:</i> RG <i>East:</i> RLIC <i>West:</i> RG & RLIC
History:	Seneca Crossing, South Side (Lots 1-40) (File #06-10)
Waivers/Variances:	<p>12/13/18: BZA approved a variance from Sec 4.6B to reduce the distance requirement from 75' to 25' to allow proposed commercial uses adjacent to the Residential Growth District (ZV18-21).</p> <p>08/22/19: BZA approved a variance from Sec. 10.2C to allow a 9' (L) x 2' (W) x 8' (H) monument sign to be placed within the proposed right-of-way (Maclaine Way) (19-20-ZV).</p> <p>08/22/19: BZA approved a variance from Sec. 10.4B.3 to reduce the required front setback from 25' to 15' for the purpose of installing a 9' (L) x 2' (W) x 27" (H) monument sign (19-21-ZV).</p>
Approved Activity:	Residential Townhome Subdivision
Pending Activity:	Seneca Crossing Non-Residential Subdivision (18-25) Berkeley Medical System (19-3-S)

Staff Report
 Jefferson County Board of Zoning Appeals
 November 14, 2019
Seneca Crossing Variance Request (#19-32-ZV)

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 4.11A.2, 4.11E, and Appendix B to reduce the landscape buffer from 10' to 0' on the southern boundary of Lot 1 and to retain an unscreened landscape buffer on the northern boundary of Lot 2. The applicant is proposing to install a 6' privacy fence between Lots 1 and 2 in lieu of the required buffer.

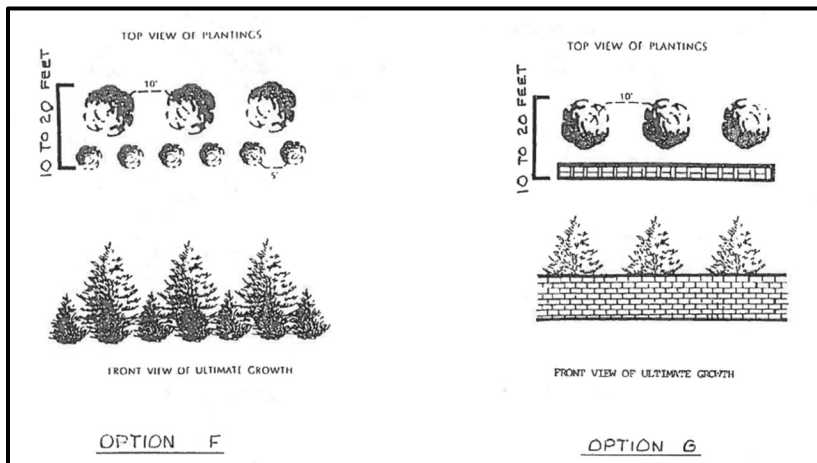
The purpose of landscape buffer requirements is typically to lessen the impact between adjacent land uses, including the visual impact of parking, truck loading areas, etc. Landscape buffers contribute by reducing the impact that a land use might cause to an adjacent property by serving as a barrier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



Staff Evaluation of Request

The subject property is located on Martinsburg Pike in Shepherdstown and is currently processing a subdivision plat to create three commercial lots.

The applicant is proposing to install a 6' board fence along the southern boundary of Lot 1 and is requesting to reduce the required 10' buffer to 0'. The Ordinance allows an opaque fence to be erected in lieu of trees and shrubs; however, the remaining 10' buffer area would be required to be planted with grass, seed, or sod.



The second part of the request is to provide a 10' unscreened buffer along the northern boundary of Lot 2 in lieu of the required planted buffer. A 10' unscreened buffer would essentially provide a separation between the two lots wherein no structures, materials, or equipment could be located.

Staff Report
Jefferson County Board of Zoning Appeals
November 14, 2019
Seneca Crossing Variance Request (#19-32-ZV)

As noted in recent applications, a buffer between similar uses can be excessive, since the potential impact is typically expected to be minimal. The applicant will provide a buffer with the 6' board fence, which appears to satisfy the intent of the Ordinance.

Conditions of Approval

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

1. No conditions of approval were 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

2. 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.
3. All commercial development adjacent to all other uses must maintain ten foot side and rear yard landscape buffers.⁵

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

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

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

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

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

Staff Report
Jefferson County Board of Zoning Appeals
November 14, 2019
Seneca Crossing Variance Request (#19-32-ZV)

- e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.^{7, 23, 26}
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.



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: 19-32-ZV
 Staff Initials: GH
 Meeting Date: 11/14/19
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Seneca Crossing, LLC
 Mailing Address: P.O. Box J Shepherdstown, WV 25443
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Name: Anthony Zelenka, CEO, Berkeley Medical Center and Eric Lewis for Seneca Crossing LLC
 Mailing Address: Below
 Phone Number: c/o Paul 304/676-8256 Email: _____

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

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

Physical Property Details

Physical Address: 50 MACLAINE Way
 City: Shepherdstown State: WV Zip Code: 25414
 Tax District: Shepherdstown Map No: 8 Parcel No: 50
 Parcel Size: Total 4.5 +/- Acres. Lot 1 = 1.44 Acre Deed Book: 1034 Page No: 396

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input checked="" type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<div style="text-align: center;"> Place Received Date Stamp Here </div>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 4.11A.2 and 4.11E + App B

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?

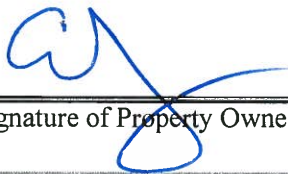
See Attached

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.



Signature of Property Owner

10/21/19

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).

11/14/19

Date of Public Hearing

10/30/19

Advertising Date

10/30/19

Placard Posting Date

Seneca Crossing, LLC
Berkeley Medical Center Lot 1
Request for Variance
Article 4, Section 4.11E and Appendix B
Jefferson County Zoning Ordinance
October 21, 2019

Brief Description

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

As shown on the attached site plan, the parking lot on the South Side of Lot 1 is four feet to the Lot 2 property line. The ordinance allows a 4 feet setback for a parking lot on the side lot line. However, another section of the ordinance appears to require a 10 buffer between two commercial properties. The Site Plan is now in the final stage of the approval process and it would be difficult to obtain the 10 feet between property lines. The applicant has provided the actual permitted screening in the area in the form of a 6' fence. So, while the area may not have the 10' between property lines, it is in compliance with the actual intent and purpose of the screening with the fence.

Both the Applicant (Berkeley Medical Center) and the Owner (Seneca) are now aware of the difference and are fine with how it is currently designed and engineered.

Also, in this case, another 6' fence would be required on Lot 2 where the fence for Lot 1 will be located, so at this time, the Owner would request that the need for additional screening on that side of Lot 2 be varied as well. In that instance, there will be a 10' unscreened buffer area provided and will meet the 4' parking setback.

In summary, the intent of the ordinance will be met since the screening will be provided by the erection of one Fence between the two properties and there will be 4' setback for parking on both the Lot 1 and Lot 2 sides.

As illustrated above, Section 4.11 of the Zoning Ordinance needs to be overhauled to address confusing situations such as a business park's internal screening and buffering. The Board has granted variances in all similar requests.

Accordingly, the Applicant and Owner respectfully asks that the variance from Section 4.11 and Appendix B be granted as currently shown on the BMC Site Plan and Seneca Preliminary/Final Plat for the common lot line between lots 1 and 2.

RECEIVED

OCT 21 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Seneca Crossing, LLC
Berkeley Medical Center Lot 1
Request for Variance
Article 4, Section 4.11E and Appendix B
Jefferson County Zoning Ordinance
October 21, 2019

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

Granting the variance from the 10' buffer on the Lot 1 side (Berkeley Medical Center) and the Screening/buffer on the Lot 2 side of the common line will not affect anyone external to the development since the area is between two internal lots. As such, it will have no impact on the rights of the adjacent property owners or residents.

The intent of the ordinance remains intact since the parking lot on Lot 1 and proposed Lot 2 will remain 4' from the property line which is the proper setback for parking lots. Plus, the fence will serve as the required screening between the lots. Lot 2 will have the 10' buffer but will not need to put up a duplicate fence/screening next to the fence on Lot 1.

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

There is a change of elevation between the two lots and there will be a retaining wall on this lot line. In addition to the fence on top of the retaining wall, the actual retaining wall will serve as the buffer between the two lots. Requiring additional fencing will serve no purpose. There will be parking, parking setback, a retaining wall and a fence on the Lot 1 side of the line and then an additional 10' unscreened buffer on the Lot 2 side of the line.

The applicant believes that there is a conflict in the ordinance with the allowed 4' parking setback and the standard for a 10' buffer. One could argue that part of the parking could serve as the buffer to be in compliance with the two conflicting sections. The design consultant originally thought that it complied until pointed out by Staff. Also, the change in elevation creating a natural buffer and screening makes this situation unique.

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

Granting the variance would eliminate the unnecessary 2nd fence/screening on the common property line. The change in elevation between the properties creating the need for a retaining wall makes the additional several feet of

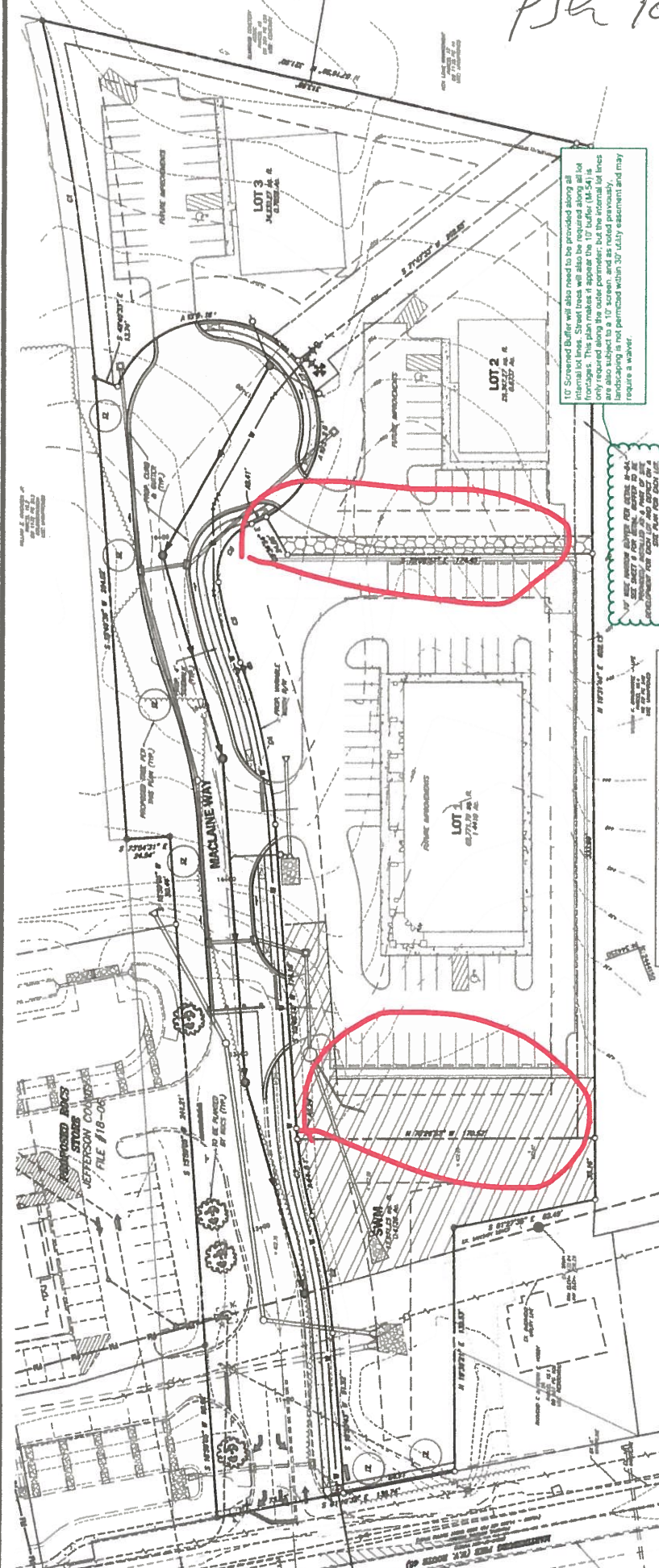
screening useless as the two internal properties are already naturally screened. Again, two fences, one on each side of the line and an additional couple of feet of screening/buffer would be redundant. This property line is one that is currently going to be between the same owner until the Lot 1 is conveyed. Both the Applicant and Owner are seeking the variance.

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

It hard to gauge intent on this variance, because of the two conflicting sections. In the past the provision was enforced differently because of the 4' parking setback vs the 10' buffer. However, in this case the intent of each provision is still met, since the common property line will have some buffer on the Lot 1 side (4' Parking setback), a Retaining Wall and a Fence to act as the required screening and then Lot 2 will have the 10' unscreened buffer (without the need for the additional fence screening).

Substantial justice would be to allow the border between Lot 1 and 2 to remain designed with a common buffer, 4' parking setback, retaining wall and fence on Lot 1, and the 4' parking setback on Lot 2 with the fence on Lot 1 serving as the screening for Lots 1 and 2.

PSH 10/21/19



17. Screened Buffer: This shall be provided along the lot boundary to be shown on the site plan. The screen shall be a minimum of 10' high and shall be composed of a minimum of 10' of evergreen trees. This plan makes it appear the 17' buffer (M.54) is only required along the outer perimeter, but the internal lot lines are also subject to a 10' screen, and as noted previously, are not permitted within 5' of utility easement and may require a waiver.

18. Tree Removal: For trees 8" or greater in diameter at breast height (DBH) to be removed, the applicant shall submit a tree removal permit application to the appropriate authority. The applicant shall also submit a tree replacement plan showing the location and species of trees to be planted to replace the removed trees. The replacement trees shall be planted within 90 days of the removal of the original trees.

- LANDSCAPING NOTES**
1. ALL NOTES AND SPECIES LISTINGS ARE TO BE IN ACCORDANCE WITH THE AMERICAN STANDARD FOR FORESTRY PRACTICE (ANSI Z39.1-1988) OR LATEST EDITION.
 2. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.
 3. PLANTS AND MATERIALS SHALL BE COMMERCIAL FOR A PERIOD OF ONE YEAR UNDER GUARANTEE. SEE NOTES 4.1 AND 4.2 FOR ADDITIONAL INFORMATION.
 - 4.1. LANDSCAPING ARCHITECT SHALL PROVIDE SPECIES LISTINGS AND INSTALLATION DETAILS FOR EACH SPECIES TO BE PLANTED. THE SPECIES LISTINGS SHALL BE PROVIDED IN ACCORDANCE WITH THE AMERICAN STANDARD FOR FORESTRY PRACTICE (ANSI Z39.1-1988) OR LATEST EDITION.
 - 4.2. ALL PLANTS TO BE PLANTED SHALL BE PROVIDED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.
 5. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.
 6. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.
 7. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.
 8. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.



Symbol	Comment	Common Name	Scientific Name	Size	Condition
Z	4	Impatiens	Zizia aurea	6' tall	DBL

NOTE: THE PROPOSED IMPROVEMENTS ON LOTS 1, 2, AND 3 HAVE BEEN GRANTED ON THIS PLAN SET FOR INFORMATIONAL PURPOSES ONLY. A SEPARATE SITE PLAN SUBMITTAL WILL BE PROVIDED FOR THE ACTUAL DEVELOPMENT PROPOSED ON LOTS 1, 2, AND 3.

This should reflect that 10' is required, 6' is provided and the note here is that the 10' is provided for the 6' provided for with the note here.

Section	Requirement	Compliance
Section 15.1.1.1	1. All trees to be removed shall be replaced with a minimum of one tree of the same or greater size and species.	Compliance
Section 15.1.1.2	2. The replacement trees shall be planted within 90 days of the removal of the original trees.	Compliance
Section 15.1.1.3	3. The replacement trees shall be planted within 90 days of the removal of the original trees.	Compliance
Section 15.1.1.4	4. The replacement trees shall be planted within 90 days of the removal of the original trees.	Compliance
Section 15.1.1.5	5. The replacement trees shall be planted within 90 days of the removal of the original trees.	Compliance
Section 15.1.1.6	6. The replacement trees shall be planted within 90 days of the removal of the original trees.	Compliance
Section 15.1.1.7	7. The replacement trees shall be planted within 90 days of the removal of the original trees.	Compliance
Section 15.1.1.8	8. The replacement trees shall be planted within 90 days of the removal of the original trees.	Compliance
Section 15.1.1.9	9. The replacement trees shall be planted within 90 days of the removal of the original trees.	Compliance
Section 15.1.1.10	10. The replacement trees shall be planted within 90 days of the removal of the original trees.	Compliance

LANDSCAPING NOTES

1. ALL NOTES AND SPECIES LISTINGS ARE TO BE IN ACCORDANCE WITH THE AMERICAN STANDARD FOR FORESTRY PRACTICE (ANSI Z39.1-1988) OR LATEST EDITION.

2. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

3. PLANTS AND MATERIALS SHALL BE COMMERCIAL FOR A PERIOD OF ONE YEAR UNDER GUARANTEE. SEE NOTES 4.1 AND 4.2 FOR ADDITIONAL INFORMATION.

4.1. LANDSCAPING ARCHITECT SHALL PROVIDE SPECIES LISTINGS AND INSTALLATION DETAILS FOR EACH SPECIES TO BE PLANTED. THE SPECIES LISTINGS SHALL BE PROVIDED IN ACCORDANCE WITH THE AMERICAN STANDARD FOR FORESTRY PRACTICE (ANSI Z39.1-1988) OR LATEST EDITION.

4.2. ALL PLANTS TO BE PLANTED SHALL BE PROVIDED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

5. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

6. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

7. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

8. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

9. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

10. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

LANDSCAPING NOTES

1. ALL NOTES AND SPECIES LISTINGS ARE TO BE IN ACCORDANCE WITH THE AMERICAN STANDARD FOR FORESTRY PRACTICE (ANSI Z39.1-1988) OR LATEST EDITION.

2. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

3. PLANTS AND MATERIALS SHALL BE COMMERCIAL FOR A PERIOD OF ONE YEAR UNDER GUARANTEE. SEE NOTES 4.1 AND 4.2 FOR ADDITIONAL INFORMATION.

4.1. LANDSCAPING ARCHITECT SHALL PROVIDE SPECIES LISTINGS AND INSTALLATION DETAILS FOR EACH SPECIES TO BE PLANTED. THE SPECIES LISTINGS SHALL BE PROVIDED IN ACCORDANCE WITH THE AMERICAN STANDARD FOR FORESTRY PRACTICE (ANSI Z39.1-1988) OR LATEST EDITION.

4.2. ALL PLANTS TO BE PLANTED SHALL BE PROVIDED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

5. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

6. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

7. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

8. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

9. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

10. THE LANDSCAPING PLAN SHALL BE PREPARED BY THE LANDSCAPING ARCHITECT OR ARCHITECTURAL FIRM LICENSED IN THE STATE OF MARYLAND. THE LANDSCAPING ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION OF SPECIES, PLANTING DATES, AND INSTALLATION OF PLANT MATERIALS.

LANDSCAPING PLAN

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

15140 E. STATE ST. SUITE 100
DENVER, CO 80231
PHONE: (303) 755-1000
WWW.FOXANDASSOCIATES.COM

FOX & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS

15140 E. STATE ST. SUITE 100
DENVER, CO 80231
PHONE: (303) 755-1000
WWW.FOXANDASSOCIATES.COM

PROFESSIONAL CERTIFICATION
STATE OF MARYLAND
12345
12345

OWNER/DEVELOPER
SENeca CROSSING, LLC.
15140 E. STATE ST. SUITE 100
DENVER, CO 80231
PHONE: (303) 755-1000

LANDSCAPING PLAN

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

15140 E. STATE ST. SUITE 100
DENVER, CO 80231
PHONE: (303) 755-1000
WWW.FOXANDASSOCIATES.COM

FOX & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS

15140 E. STATE ST. SUITE 100
DENVER, CO 80231
PHONE: (303) 755-1000
WWW.FOXANDASSOCIATES.COM

PROFESSIONAL CERTIFICATION
STATE OF MARYLAND
12345
12345

OWNER/DEVELOPER
SENeca CROSSING, LLC.
15140 E. STATE ST. SUITE 100
DENVER, CO 80231
PHONE: (303) 755-1000



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

Email: zoning@jeffersoncountyv.wv.org

Phone: (304) 728-3228

Zoning Administrator's Report Board of Zoning Appeals Meeting November 14, 2019

1) Text Amendments:

- ZTA19-01 – 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 and sent the proposed amendment back to the Planning Commission to review at their November 12 meeting.

2) At the last meeting, the Board requested that Roger Goodwin, Director of the Department of Engineering, Planning, and Zoning and Chief County Engineer would come provide an overview of the function of a site plan. He would like to attend the December meeting, but at the very latest will attend the January 2020 meeting.

3) Upcoming BZA meeting

- The next regular meeting is scheduled for **December 12, 2019** (deadline for submission is Monday, November 18, 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

November 2019
Zoning Certificate Activity Report

File # 19-29-ZC
Request: Add and replace antennas and other equipment located on an existing co-located telecommunications facility.
Property Owner: Thomas LeFevre
Applicant: Bryan Eaton, SBA
Parcel Info: 237 Tel Farm Lane, Kearneysville, WV 25430
Parcel ID: 07001900240000; Size: 107 acres; Zoning District: Rural;
Issuance Date: 10/22/19

File # 19-30-ZC
Request: Add and replace antennas and other equipment located on an existing co-located telecommunications facility.
Property Owner: Kenneth Wilt
Applicant: Allison Helowicz, Smartlink (AT&T)
Parcel Info: 1280 Wilt Rd., Charles Town, WV 25414
Parcel ID: 020002000310000; Size: 53 acres; Zoning District: Rural;
Issuance Date: 10/22/19

File # 19-31-ZC
Request: Tiny Treasures Daycare and Learning Center
Property Owner: Chris Hill, Tri-State Investment Properties LLC
Applicant: Same
Parcel Info: 248 Cherry Tree Drive, Charles Town, WV 25414
Parcel ID: 02001000090020; Size: .57 acres; Zoning District: Residential Growth;
Issuance Date: 10/22/19



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

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

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

DRAFT - 2020 MEETING SCHEDULE

JEFFERSON COUNTY BOARD OF ZONING APPEALS

Board of Zoning Appeals meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street at 2:00 p.m.

<u>Submission Deadlines</u>	<u>Newspaper/Placard Posting</u>	<u>Scheduled Meetings</u>
Monday, December 30, 2019	Wednesday, January 8, 2020	Thursday, January 23, 2020
Monday, February 3, 2020	Wednesday, February 12, 2020	Thursday, February 27, 2020
Monday, March 2, 2020	Wednesday, March 11, 2020	Thursday, March 26, 2020
Monday, March 30, 2020	Wednesday, April 8, 2020	Thursday, April 23, 2020
Monday, May 4, 2020	Wednesday, May 13, 2020	Thursday, May 28, 2020
Monday, June 1, 2020	Wednesday, June 10, 2020	Thursday, June 25, 2020
Monday, June 29, 2020	Wednesday, July 8, 2020	Thursday, July 23, 2020
Monday, August 3, 2020	Wednesday, August 12, 2020	Thursday, August 27, 2020
Tuesday, August 31, 2020	Wednesday, September 9, 2020	Thursday, September 24, 2020
Monday, September 28, 2020	Wednesday, October 7, 2020	Thursday, October 22, 2020
Monday, October 19, 2020	Wednesday, October 28, 2020	Thursday, November 12, 2020*
Monday, November 16, 2020	Wednesday, November 25, 2020	Thursday, December 10, 2020*

*Meeting dates have been modified in observance of the Thanksgiving and Christmas Holidays.

The required zoning variance request form signed by the legal property owner, supporting documentation and applicable fees must be submitted to the office by close of business on the Submission Deadline date in order for the request to be sufficiently review and noticed in the Spirit of Jefferson. For all other applications please contact the office for the Submission Deadline date.

Changes in the time or location of the meeting shall be noticed on the County's website at www.jeffersoncountywv.org.

Note: if the President of the County Commission or the Chair of the Board of Zoning Appeals determines that weather conditions make travel unsafe for the public, County offices may close and/or the Board of Zoning Appeals meeting may be cancelled. Please check the County's website for possible meeting updates during inclement weather.

Agenda items that have been deferred due to a cancellation will be rescheduled. Per the Board's Rule of Procedure, no additional newspaper notice shall be given. All signs must remain posted on the respective properties until the rescheduled meeting date. Please call the office or check the County's website for the rescheduled meeting date.