



Jefferson County
Board of Zoning Appeals
Thursday, December 12, 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: November 14, 2019

Public Hearing – Administer Oath

ITEM #1 FILE #: 19-33-ZV – Postponed from November 14, 2019

Request: Variance from Section 5.4B.1 and Appendix A to reduce the rear setbacks from 20' to 15'; the front setbacks from 25' to 20'; and the side setback from 12' to 10' for the proposed Phase 3A, Lots 134-159.

Parcel Info: Beallair Homes LLC
Unplatted section of Beallair Subdivision along Beallair Manor Drive, proposed Phase 3A, Lots 134-159, Parcel ID: 04010ARESA0000; Lot Sizes Average: 8,500-13,000 sf;
Zoning District: Residential Growth

ITEM #2 FILE #: 19-35-ZV

Request: Variance from Section 10.4B.3 to reduce the front setback from 25' to 5' along Route 480 and along Route 115 for a 20' tall Freestanding Sign with a 5' (W) x 8' (H) [sign face].

Owner: I & K Farms, LLC
Applicant: Clarence Haymaker
Parcel Info: 5437 Charles Town Rd., Kearneysville, WV; Parcel ID: 0703B00450000; Size: .70+ ac; Zoning District: Village

ITEM #3 FILE #: 19-36-ZV

Request: Variance from Section 5.7B and 9.6C to reduce the front setback from 40' to 22' for a 24' x 41' accessory structure.

Owner: Joseph Costello
Parcel Info: 115 Leyland Ln., Harpers Ferry, WV; Parcel ID: 09001800190003; Size: 2.81 ac; Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

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

Meeting: October 24, 2019

1. Variance from Sec. 9.6B. Owner: Preston Barger. Files: 19-26-ZV and 19-27-ZV.
2. Conditional Use Permit for a Church. Owner: Burr Park, LLC. Applicant: Ascension Church. File: 19-2- CUP.
3. Variance from Sec. 4.11A.2 & 4.11E.1 and App. B. Owner: JCDA. Applicant: McGee Civil Construction. File: 19-28-ZV.
4. Variance from App. A. Owner: Keith Cranford. File: 19-29-ZV.
5. Variance from Sec. 9.7. Owner: Thomas Custer. File: 19-30-ZV.

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6. Conditional Use Permit for a Restaurant. Owner: Wheatlands Property Management. Applicant: Jesse Morgan. File: 19-3- CUP.
7. Variance from Sec. 4.10A. Owner: Wheatlands Property Management. Applicant: Jesse Morgan. File: 19-31-ZV.

Meeting: November 14, 2019

1. Variance from Sec. 4.11A.2, 4.11E and App. B. Owner: Seneca Crossing LLC. File: 19-32-ZV.

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: November 14, 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; Matthew McKinney; Deirdre Catterton and
5 Leeds Corbin
6 Members absent: Jeffrey Bannon, Vice Chair (with notice)
7 Staff members present: Alexandra Beaulieu, Zoning Administrator and Jennilee Hartman,
8 Zoning Clerk.
9 Staff members absent: Nathan Cochran, Assistant Prosecuting Attorney (with notice)

10 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

11 Mr. Corbin moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which
12 carried unanimously.

13 **Approval of Minutes: October 24, 2019**

14 Mr. McKinney moved to approve the minutes. Ms. Beaulieu noted a correction on page 4, line 36,
15 to change Mr. Quynn's name to Mr. Bannon's name. Mr. Corbin moved to accept the amendment
16 to the minutes. Mr. Quynn 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 #: 19-32-ZV

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

25 Owner: Seneca Crossing LLC

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

30 Mr. Paul Raco, P.J. Raco Consulting, LLC, representing the request on behalf of the owner, was
31 present to address the Board. Ms. Beaulieu provided an overview of her staff report to the Board.
32 Mr. Raco explained the nature of the request stating that the applicant was proposing to install a six
33 (6) foot privacy fence on proposed Lot 1 and to retain a 10' unscreened buffer along proposed Lot 2.
34 Mr. Raco noted that the 6' fence would meet the intent of the landscaping buffer between two
35 commercial land uses. Mr. Raco confirmed that the owner of Lot 1 would be responsible for the
36 maintenance of the fence. Mr. Quynn opened the public hearing. There was no public comment.
37 Mr. Quynn closed the public hearing.

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

40 ITEM #2 FILE #: 19-33-ZV

41 Request: Variance from Section 5.4(b) to reduce the front setback from 25' to 20'; the side
42 setback from 12' to 10'; and, the rear setback from 20' to 15'.

- 1 Parcel Info: Beallair Homes LLC
2 Unplatted section of Beallair Subdivision (Phase 3A)
3 Parcel ID: 04010ARESA0000; Zoning District: Residential Growth

4 Ms. Beaulieu noted that this item was postponed until the December 12, 2019 meeting.

5 **Zoning Administrator Report**

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

7 Ms. Beaulieu informed the Board that at their 10/31/19 meeting the County Commission
8 requested additional edits to ZTA19-01 and forwarded it back to the Planning Commission
9 for further review. At their 11/12/19 meeting, the Planning Commission accepted the
10 County Commission's recommended revisions and made additional edits. Ms. Beaulieu
11 noted that the revised text will be on the 11/21/19 County Commission's meeting for review
12 and possible action. Ms. Beaulieu informed the Board that per their request, Mr. Goodwin
13 would be able to attend their December or January meeting to provide an overview of the
14 purpose of a site plan.

- 15 b. Approval of the 2020 Board of Zoning Appeals Meeting Schedule

16 Ms. Beaulieu presented the Draft schedule noting that should a conflict arise between the
17 County Commission 2020 Holiday schedule and the Board's schedule than a revised
18 schedule will be brought before the Board.

19 Mr. Corbin moved to approve the 2020 Board of Zoning Appeals Meeting Schedule.
20 Mr. Quynn called for a vote, which carried unanimously.

21 Ms. Beaulieu informed the Board that their next meeting would be December 12, 2019.

22 **Legal Update**

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

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

25 Ms. Beaulieu noted that due to a clerical error, the September meeting items were listed on
26 the Agenda as opposed to the October meeting items. Ms. Beaulieu stated that the October
27 meeting items will be placed on the November agenda for action on the required Findings.

28 Ms. Catterton moved to adjourn the meeting at 2:14 pm, which carried unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 December 12, 2019

Beallair Variance Request (#19-33-ZV)

	<ul style="list-style-type: none"> • Reduce one-way rear access drives from 50' to 20' to serve the garages. <p>03/23/04: PC approved the following variances:</p> <ul style="list-style-type: none"> • Min. finished road width from 24' to 15' for rear access drives; • No curbs included with the rear access drives; • No sidewalks on the one-way rear access drives; • A reduction from 3' to 2.5' for the back of the curb from the edge of the pavement; • No buffer screening between common areas & adjoining single family lots. <p>09/12/06: PC approved a variance to extend the 24-month provision for a period of 12 months to 09/12/07.</p> <p>08/26/08: PC approved a variance to extend the 24-month provision for a period of 12 months to 08/26/09.</p>
Zoning Variances:	<p>BZA approved the following variances:</p> <p>07-19-12: Reduce the rear setback from 20' to 17' for the construction of a 12' x 16' screened porch (ZV12-24).</p> <p>07-24-14: Reduce the rear setback from 20' to 3' to construct a deck.</p> <p>04-28-16: Reduce the rear setback from 20' to 10' to construct a deck (ZV16-09).</p> <p>07-28-16: Reduce rear setback from 20' to 12' for Lots 112, 127, and 128 (ZV16-12).</p> <p>07-28-16: Allow a staffed model home on Lot 111 (ZV16-13).</p> <p>10/27/16: Allow a staffed model townhome on Lot 51 (ZV16-21).</p> <p>03/23/17: Allow a staffed model townhome on Lots 50-67 (ZV17-02).</p> <p>09/28/17: Reduce front setback from 25' to 10' along Clover Lea Way for Lots 50-67 (ZV17-14).</p> <p>09/28/17: Reduce the 25' front setback to the following: to 10' along the S boundary for Lots 283-289; to 10' along the E boundary for Lot 283; to 10' along the N boundary for Lots 290-296; 10' along the E boundary for Lot 296; to 10' along the S boundary for Lots 297-304; to 18' along the E boundary for Lot 297 (ZV17-15).</p> <p>09/27/18: Reduce the rear setback from 20' to 18' to allow for a home (ZV18-14).</p> <p>04/25/19: Allow a staffed model home on Lot 68 (19-7-ZV).</p> <p>05/23/19: Reduce front setbacks from 25' to 20'; side setbacks from 12' to 10' and rear setbacks from 20' to 15' for Lots 68-72, 78, 106-108, 118, 121-124, and 129 (19-10-ZV)</p>
Approved Activity:	Single-Family Residence
Site Visit Conducted:	Yes, 12-03-19

RELEVANT INFORMATION:

Previous Case History

An overview of the Beallair Case History is as follows:

- Beallair Phase I, Lots 1-49 & Residue Parcels A, B, C, D & E. Recorded: 12/08/04 (Plat Bk: 21; Pg: 54)
- Beallair Phase II, Lots 50-133, Residue Parcel A. Recorded: 01/16/07 (Plat Bk: 23; Pg: 91)
 - A minor plat change to revise and update drainage areas, Recorded: 06/19/14 (Plat Bk: 25; Pg: 457)
- Final Plat of Commercial Parcel 1, Plantation Ln & Parcel A. Recorded: 01/25/10 (Plat Bk: 25; Pg: 184)
- Minor Plat Change to revise utility easements (Plat Bk: 25, Pg: 563)

Staff Report
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Beallair Variance Request (#19-33-ZV)

- Minor Plat Change to revise setbacks (Plat Bk: 25, Pg: 589)
- Minor Plat Change to revise setbacks (Plat Bk: 25, PG: 641)

The remaining lots to be platted from Beallair Subdivision and the Beallair West Subdivision are currently vested under the County Commission’s subdivision extension policy, which extends the vesting until July 1, 2020. At such time the developer of both sections of Beallair will be required to plat a portion of each section in order to keep the files valid.

Beallair Subdivision Phasing



Summary of Request and Purpose of Ordinance Requirements

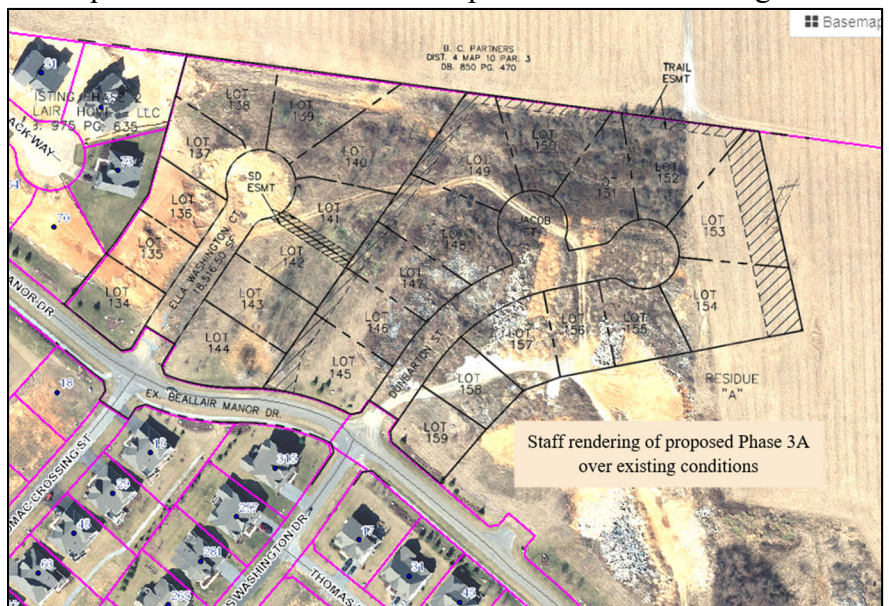
The applicant is requesting a variance from Section 5.4B.1 and Appendix A to reduce the front setback from 25' to 20'; the side setback from 12' to 10'; and the rear setback from 20' to 15' for the proposed Phase 3A, Lots 134-159.

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

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 request is to reduce the setbacks for the proposed Phase 3A, which is currently under review for a Preliminary Plat. Reduced setbacks would allow the developer to construct the larger homes they have identified as being in demand with the current housing market.



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Beallair Variance Request (#19-33-ZV)

Impact on adjacent properties should be minimal because these lots are not yet platted and therefore, there are no existing houses within this next phase. If the variance is granted as requested, the lots will be sold to buyers in their approved configuration with reduced setbacks.

It may be difficult to situate the size and/or style of houses that are in demand for the current market with the proposed lot sizes; however, the subject lots have not yet be platted and therefore, it is feasible to comply with the Ordinance as it is written by either planning for units which comply with the setbacks or enlarging the parcel sizes. The latter option would likely result in lesser developable lots.

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 5.4 Residential Growth (RG) District

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance.³²

The following regulations govern development within the Residential Growth District.

A. Principal Permitted and Conditional Uses^{23,27, 32}

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.^{27, 32}
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.^{27, 32}

B. Minimum Lot Area, Height, and Yard Requirements

1. **Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.**^{23, 27}

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27,32}

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



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: 19-33-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

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: Beallair Homes LLC
 Mailing Address: 5283 Corporate Drive, Suite 300, Frederick, MD 21703
 Phone Number: 301/695-6614-104 Email: mike.wiley@wormald.com

Applicant Contact Information

Name: Mike Wiley, P.E.
 Mailing Address: Same as above
 Phone Number: _____ Email: _____

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

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

Physical Property Details

Physical Address: Phase 3A (Ela Washington Court, Dunbarton Street and Jacob Court (Lots 134-159), (26 Lots))
 City: Charles Town State: WV Zip Code: 25414
 Tax District: Harpers Ferry Map No: 10A Parcel No: see attached
 Parcel Size: Approx 8500 -13,000 sq ft Deed Book: 975 Page No: 635

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 checked="" type="checkbox"/>	<input 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 21 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 5.4B.1 and Appendix A

Briefly describe the nature of the variance request:

Rear Setbacks variances from 20 feet down to 15 feet. (Lot 153 and 154 will honor the 100' Power Esmt). (Lot 145 will be at Trail Esmt.)

Front Setback Variances ~~from 20' from each Street Side Front 25' to 20'~~(Culdesac front setbacks will provide 80' Lot width)

(Lot 134, 144, 145 and 159 will honor the 25' Landscape Esmt along Beallair Manor Drive.) Side Setback variances from 12' to 10'

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

(cont. See attached)

Front Setback Side Setback Rear Setback Reduction From see to above

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.

 10/02/19
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).

11/14/19
Date of Public Hearing

10/30/19
Advertising Date

10/30/19
Placard Posting Date

Beallair Phase 3A

BRL Variance Request

Justification Statements

October 02, 2019

Briefly describe the nature of the variance request:

(Cont.)

We are requesting the reduced setbacks become the "New" required setbacks to adhere with all other provisions.

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

The definition clarification will not impact the general public and will in-fact be a benefit to the overall unique and interesting design.

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?

Relaxed setbacks will increase the flexibility needed to realize the high-quality community and also to provide the future home owners the flexibility with additional options now available.

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

We respectfully submit that the variance requested represent reasonable accommodations asked of the subdivision ordinance due to an evolution of a development type, and are not the result of a self-imposed hardship.

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

We submit that this request will uphold the basic intent of the ordinance and merely represent a reasonable accommodation for a development style currently found within the Community of Beallair in Jefferson County, West Virginia.

RECEIVED

OCT 21 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

10/02/19

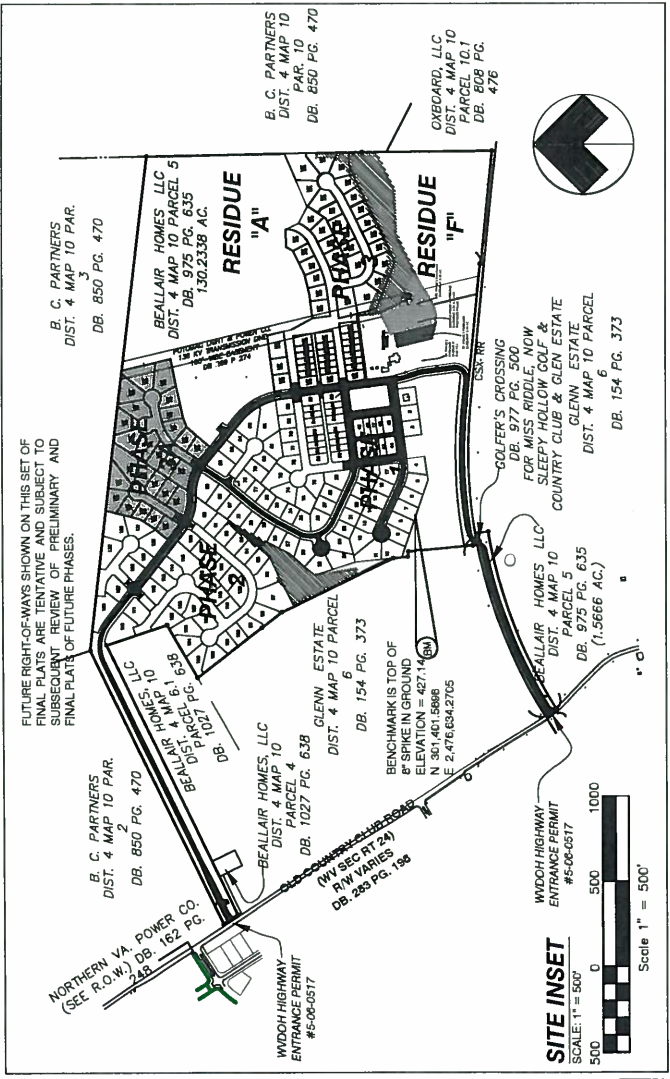
- CONDITIONS:**
- EACH PARCEL SHOWN ON THIS PLAN SHALL BE RESTRICTED TO A SINGLE-FAMILY RESIDENCE, ONLY, UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION IN CONFORMANCE WITH THE PREVAILING COUNTY LAND DEVELOPMENT LAWS. ALL LOTS WITHIN THIS SUBDIVISION SHALL BE CONVEYED TO THE BUYER WITH ALL UTILITIES, EASEMENTS, AND ENCUMBRANCES AS SHOWN ON THIS PLAN.
 - TYPICALLY, BUILDING SETBACKS ARE 25' FRONT, 20' REAR, AND 12' SIDE. EXCEPTIONS TO THE 25' FRONT SETBACKS ARE LOTS 138 - 141, 148 FOR OTHER SETBACK EXCEPTIONS.
 - ALL INTERNAL SUBDIVISION ROADS, STORMWATER MANAGEMENT PARCELS, PARKS AND GREENSPACE PARCELS TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE HOMEOWNERS ASSOCIATION SHALL BE ESTABLISHED AS SOON AS 50% OF THE LOTS ARE SOLD. THE HOA IS ALSO RESPONSIBLE FOR MAINTENANCE OF MAJOR EASEMENTS.
 - UPON ESTABLISHMENT OF THE HOA, THE JEFFERSON COUNTY COMMISSION SHALL BE PETITIONED BY THE HOA TO ADOPT AN ANIMAL LEASH LAW.
 - THE DEVELOPED LOTS OF THIS PROJECT ARE NOT IN A 100-YEAR FLOOD PLAIN PER FRM MAP 500695 00358 DATED 2 AUG. 1980. LOTS ARE IN ZONE C ON SAID MAP. FEMA 100-YEAR FLOOD PLAINS AS DETERMINED ON THIS PLAN.
 - JEFFERSON COUNTY DETAIL P.S. 1, LOT 134, REQUIRES A 19'21" CMP CURVE AND LOTS 135 & 136 REQUIRE A 15' CMP (OR 19'17" CMP) CURVE.
 - ALL PERMANENT LOT CORNER MARKERS UNLESS SUSCEPTIBLE TO DESTRUCTION BY SUBDIVISION IMPROVEMENTS (GRADING) AND PERMANENT MONUMENTS SHALL BE IN PLACE PRIOR TO THE CONVEYANCE OF INDIVIDUAL LOTS. ALL OTHER LOT CORNER MARKERS SHALL BE IN PLACE PRIOR TO THE FINAL RELEASE OF THE CONSTRUCTION BOND. LOT CORNERS WILL CONSIST OF 24" LONG X 4" DIAMETER STEEL REINFORCED CONCRETE PIPES SET IN PLACE FOR MAGNETIC DETECTION. CERTIFICATION OF SUCH SHALL BE LONG BY 8 PROVIDED BY A WEST VIRGINIA REGISTERED SURVEYOR.
 - A BLANKET EASEMENT SHALL BE GIVEN TO THE APPROPRIATE UTILITY COMPANIES IN ALL SUBDIVISION RIGHT-OF-WAYS FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING PUBLIC UTILITIES. ADDITIONALLY, EACH LOT IN PHASE 3A SHALL HAVE A 10'-WIDE DRAINAGE AND UTILITY EASEMENT ALONG ALL LOT LINES.
 - MODEL HOME/SALES OFFICE (EITHER STAFFED OR UNSTAFFED) TO BE PLACED ON LOT #138, 144, 146 OR 159 (LIMITED TO 1 AT ANY GIVEN TIME).
 - WOOD HIGHWAY ENTRANCE PERMIT 5-06-0517; WATER & SEWER WOOD HEALTH DEPARTMENT PERMIT 15-996; WV NPDES PERMIT # 10-0000000.
 - LOT ACCESS IS LIMITED TO INTERIOR SUBDIVISION ROADS ONLY.
 - MINIMUM LOT AREA (MLA) AND AREA PER DWELLING UNIT (ADU) REQUIREMENTS OF THE JEFFERSON COUNTY ZONING AND DEVELOPMENT REVIEW ORDINANCE HAVE BEEN ADHERED TO BY THIS SUBDIVISION PLAN. SEE SHEET 4 FOR COMPUTATION.

THE FOLLOWING VARIANCES AND OR REQUESTS HAVE BEEN APPROVED BY THE JEFFERSON COUNTY PLANNING AND ZONING COMMISSION. SEE JOPZC SUBDIVISION FILE FOR SPECIFIC VARIANCE REQUEST DETAILS.

SECTION	DESCRIPTION	DATE APPROVED
8.2.A.3	RIGHT-OF-WAY WIDTH	9-25-2003
8.2.A.7	PAVEMENT WIDTH	9-25-2003
8.2.A.11	INVERTED CROWN ON ONE-WAY DRIVES	9-25-2003
8.2.B.1	INVERTED GUTTER	9-25-2003
8.2.B.4	GUTTERS	9-25-2003
8.3.C.7.A	ON-SITE PARKING SPACES	9-25-2003
8.3.C.7.B	FINISHED ROAD WIDTH OF REAR ACCESS DRIVES SHALL BE 15'	9-25-2004
8.3.C.1.B	DRIVEWAYS WILL BE PROVIDED ALONG REAR ACCESS DRIVES	9-25-2004
8.3.C.1.C	NO SIDEWALKS WILL BE PROVIDED ON THE ONE-WAY REAR ACCESS DRIVES.	9-25-2004
8.3.C.1.D	RIGHT-OF-WAY FOR REAR ALLEY FRONTAGE WHERE THERE ARE NO SIDEWALKS REQUIRED, WILL BE LOCATED 2' FROM THE FRONT PROPERTY LINE	9-25-2004
8.3.C.5.A	NO BUFFER SCREENING WILL BE PROVIDED BETWEEN COMMON AREAS AND ADJOINING PROPERTIES WITH SINGLE-FAMILY DETACHED RESIDENCES	9-25-2006
8.3	12-MONTH EXTENSION OF TIME TO PROCESS FINAL PLAN	9-12-2006
8.3	12-MONTH EXTENSION OF TIME TO PROCESS FINAL PLAN	9-25-2008

BZA APPROVED THE FOLLOWING VARIANCES:

- 07-19-12: REDUCE THE REAR SETBACK FROM 20' TO 17' FOR THE CONSTRUCTION OF A 12' X 16' SCREENED PORCH. (ZV1224).
- 07-24-14: REDUCE THE REAR SETBACK FROM 20' TO 37' TO CONSTRUCT A DECK. 04-26-16: REDUCE THE REAR SETBACK FROM 20' TO 10' FOR THE REAR DECK. (ZV1634).
- 07-28-16: REDUCE THE REAR SETBACK FROM 20' TO 12' FOR LOTS 112, 127, AND 128. (ZV1612).
- 07-28-16: ALLOW A STAFFED MODEL HOME ON LOT 111. (ZV1619).
- 10-27-16: ALLOW A STAFFED MODEL TOWNHOME ON LOT 51. (ZV1621).
- 05-23-17: REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG CLOVER LEA WAY FOR LOTS 86-87. (ZV1714).
- 09-28-17: REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE SOUTHERN BOUNDARY FOR LOTS 283 THROUGH 286; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE EASTERN BOUNDARY FOR LOT 283; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE SOUTHERN BOUNDARY FOR LOTS 280 THROUGH 286; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE EASTERN BOUNDARY FOR LOT 286; TO REDUCE THE FRONT SETBACK DISTANCE FROM 25' TO 10' ALONG THE SOUTHERN BOUNDARY FOR LOTS 287 THROUGH 304; AND TO REDUCE THE FRONT SETBACK DISTANCE FROM 25' TO 18' ALONG THE EASTERN BOUNDARY FOR LOTS 287 THROUGH 304; AND TO REDUCE THE FRONT SETBACK DISTANCE FROM 20' TO 18' TO ALLOW THE INADVERTENT ENCROACHMENT OF A HOME UNDER CONSTRUCTION ON PHASE 2, LOT 125. (ZV1814).



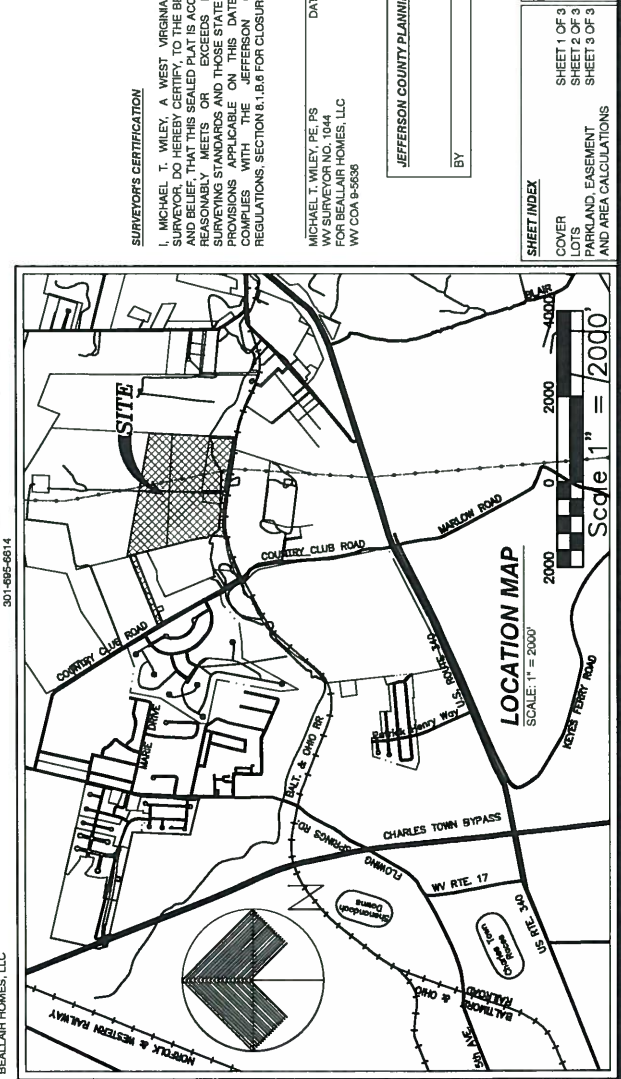
OWNER/DEVELOPER:
 BEALLAIR HOMES, LLC
 5283 CORPORATE DRIVE, SUITE 300
 FREDERICK, MARYLAND 21703
 301-665-8614

SURVEYOR:
 MICHAEL T. WILEY, PE, PS
 WV PROFESSIONAL SURVEYOR NO. 1044
 FOR BEALLAIR HOMES, LLC 5283
 CORPORATE DRIVE, SUITE 300 FREDERICK, MARYLAND 21703
 301-665-8614

OWNER/DEVELOPER'S STATEMENT OF ACCEPTANCE:
 THE OWNER AND DEVELOPER, BY SIGNING THIS PLAN, AGREES TO ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.

EDWARD E. WORMALD
 MANAGING PARTNER
 BEALLAIR HOMES, LLC

DATE _____



SURVEYOR'S CERTIFICATION

I, MICHAEL T. WILEY, A WEST VIRGINIA PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE INFORMATION CONTAINED ON THIS PLAN REASONABLY MEETS OR EXCEEDS MINIMUM ACCEPTABLE SURVEYING STANDARDS AND THOSE STATE AND/or COUNTY CODE PROVISIONS APPLICABLE ON THIS DATE. THIS SUBDIVISION COMPLIES WITH THE JEFFERSON COUNTY SUBDIVISION REGULATIONS, SECTION 6.1.8.6 FOR CLOSURE WITHIN 1:7500.

MICHAEL T. WILEY, PE, PS
 WV SURVEYOR NO. 1044
 FOR BEALLAIR HOMES, LLC
 WV COA 9-5556

DATE _____

JEFFERSON COUNTY PLANNING COMMISSION

BY _____ DATE _____

SHEET INDEX

COVER SHEET 1 OF 3
 PARCEL, EASEMENT SHEET 2 OF 3
 AND AREA CALCULATIONS SHEET 3 OF 3

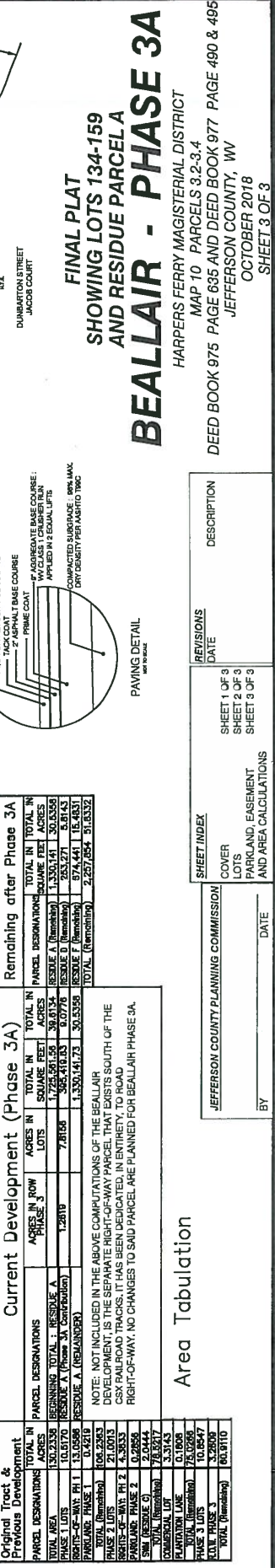
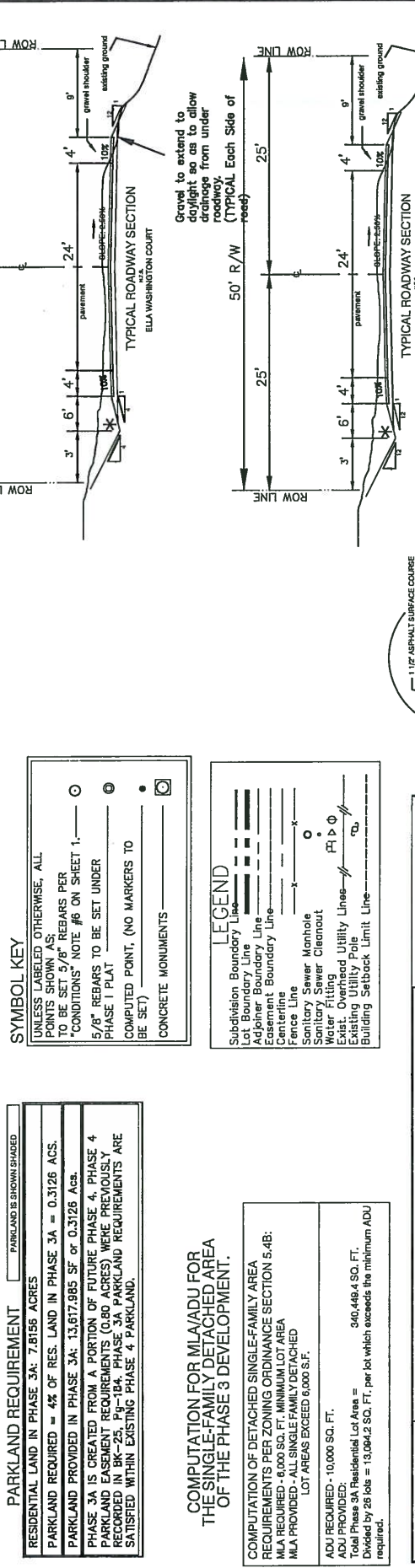
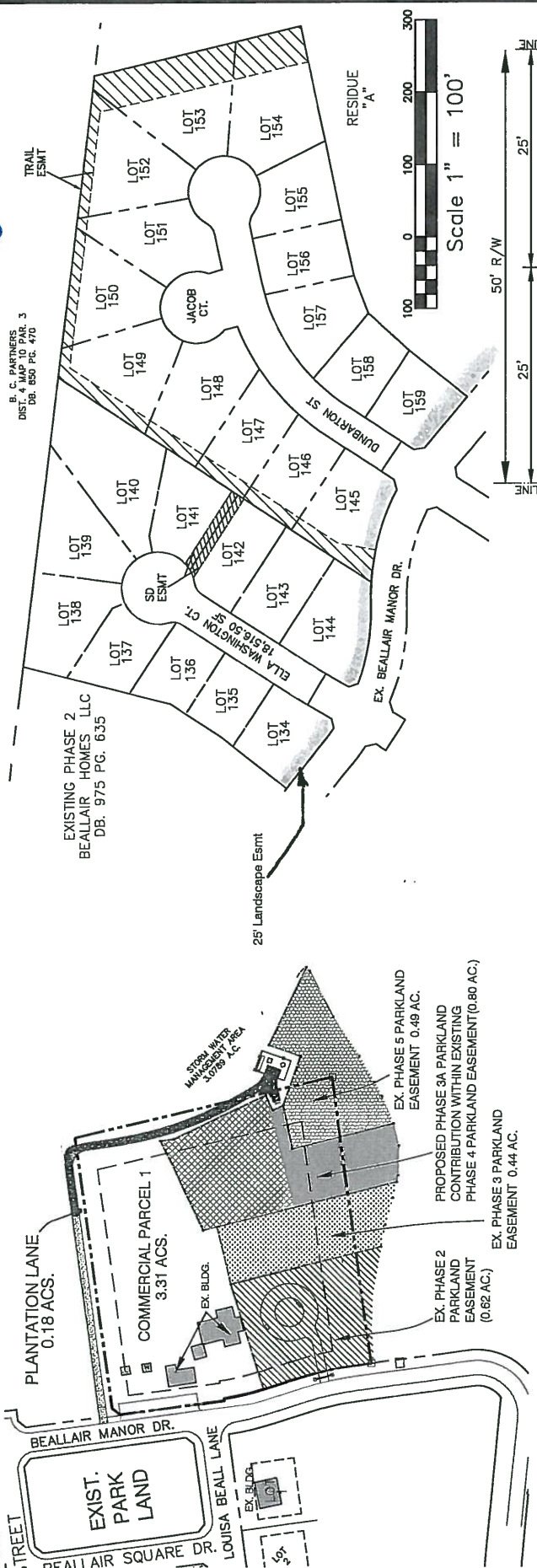
REVISIONS

DATE _____ DESCRIPTION _____

FINAL PLAN
SHOWING LOTS 134-159
AND RESIDUE PARCELA
BEALLAIR - PHASE 3A

HARPERS FERRY MAGISTERIAL DISTRICT
 MAP 10 PARCELS 3.2-3.4
 DEED BOOK 975 PAGE 695 AND DEED BOOK 977 PAGE 490 & 495
 JEFFERSON COUNTY, WV
 OCTOBER 2018
 SHEET 1 OF 3

W. Willey 10/02/19



FINAL PLAN
SHOWING LOTS 134-159
AND RESIDUE PARCEL A
BEALLAIR - PHASE 3A

HARPERS FERRY MAGISTERIAL DISTRICT
 MAP 10 PARCELS 3.2-3.4
 DEED BOOK 975 PAGE 635 AND DEED BOOK 977 PAGE 490 & 495
 JEFFERSON COUNTY, WV
 OCTOBER 2018
 SHEET 3 OF 3

SYMBOL KEY

UNLESS LABELED OTHERWISE, ALL POINTS SHOWN AS:
 "CONDITIONS" NOTE #6 ON SHEET 1.
 5/8" REBARS TO BE SET UNDER PHASE 1 PLAT
 COMPUTED POINT, (NO MARKERS TO BE SET)
 CONCRETE MONUMENTS

LEGEND

Subdivision Boundary Line
 Boundary Line
 Adjoining Boundary Line
 Easement Boundary Line
 Centerline
 Fence Line
 Sanitary Sewer Manhole
 Sanitary Sewer Cleanout
 Water Fitting
 Exist. Overhead Utility Lines
 Existing Utility Pole
 Building Setback Limit Line

Remaining after Phase 3A

PANEL DESIGNATIONS	TOTAL IN SQUARE FEET	TOTAL IN ACRES
RESIDUE A (Remaining)	1,350,147.93	30.9358
RESIDUE B (Remaining)	283,271	6.4943
RESIDUE C (Remaining)	974,441	22.4833
TOTAL (Remaining)	2,607,859	61.9134

Current Development (Phase 3A)

PANEL DESIGNATIONS	TOTAL IN SQUARE FEET	TOTAL IN ACRES
BEGINNING TOTAL - RESIDUE A	1,725,951.58	39.6134
RESIDUE A (Phase 3A Contribution)	385,410.33	8.7776
RESIDUE A (Remaining)	1,350,141.79	30.9358

NOTE: NOT INCLUDED IN THE ABOVE COMPUTATIONS OF THE BEALLAIR DEVELOPMENT, IS THE SEPARATE RIGHT-OF-WAY PARCEL THAT EXISTS SOUTH OF THE CSX RAILROAD TRACKS. IT HAS BEEN DEDICATED, IN ENTIRETY, TO ROAD RIGHT-OF-WAY. NO CHANGES TO SAID PARCEL ARE PLANNED FOR BEALLAIR PHASE 3A.

PARKLAND REQUIREMENT

RESIDENTIAL LAND IN PHASE 3A: 7.8156 ACRES
 PARKLAND REQUIRED = 4% OF RES. LAND IN PHASE 3A = 0.3126 ACS.
 PARKLAND PROVIDED IN PHASE 3A: 13,617,985 SF or 0.3126 ACS.
 PHASE 3A IS CREATED FROM A PORTION OF FUTURE PHASE 4. PHASE 4 PARKLAND EASEMENT REQUIREMENTS (0.80 ACRES) WERE PREVIOUSLY RECORDED IN BK-25, PG-184. PHASE 3A PARKLAND REQUIREMENTS ARE SATISFIED WITHIN EXISTING PHASE 4 PARKLAND.

COMPUTATION FOR M/LA/ADU FOR THE SINGLE-FAMILY DETACHED AREA OF THE PHASE 3 DEVELOPMENT.

COMPUTATION OF DETACHED SINGLE-FAMILY AREA REQUIREMENTS PER ZONING ORDINANCE SECTION 5.4B:
 M/LA REQUIRED - 6,000 SQ. FT. MINIMUM LOT AREA
 M/LA PROVIDED - ALL SINGLE FAMILY DETACHED LOT AREAS EXCEED 6,000 S.F.

ADU REQUIRED - 10,000 SQ. FT.
 ADU PROVIDED: 340,446.4 SQ. FT.
 Total Phase 3A Residential Lot Area = 13,094.2 SQ. FT. per lot which exceeds the minimum ADU required.

Area Tabulation

Original Tract & Previous Development	TOTAL IN ACRES	TOTAL IN SQUARE FEET
PHASE 1 LOTS	10.6170	461,776.58
PHASE 2 LOTS	13.0280	558,410.33
PHASE 3 LOTS	10.8547	469,441.79
RESIDUE A (Remaining)	30.9358	1,350,141.79
RESIDUE B (Remaining)	6.4943	283,271
RESIDUE C (Remaining)	22.4833	974,441
TOTAL (Remaining)	61.9134	2,607,859

JEFFERSON COUNTY PLANNING COMMISSION

DATE: _____

BY: _____

COVER: _____

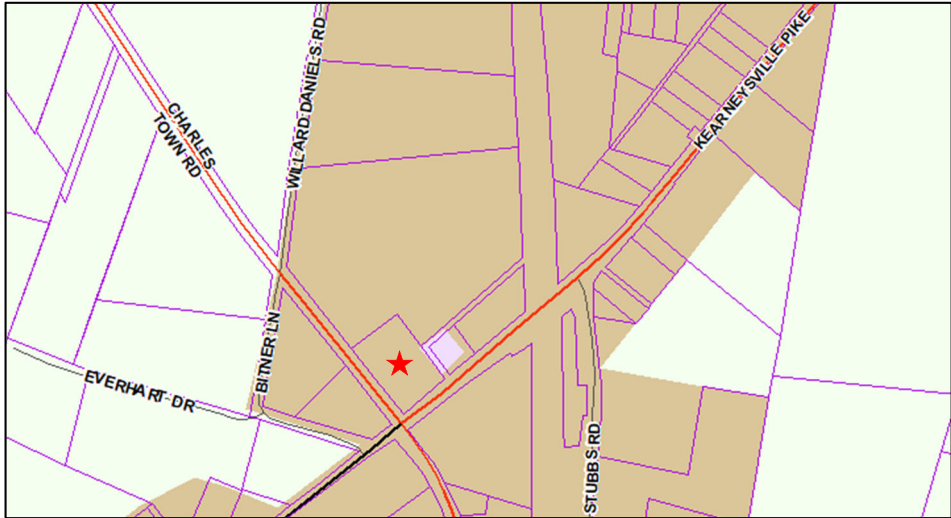
REVISIONS:

DATE	DESCRIPTION
SHEET 1 OF 3	
SHEET 2 OF 3	
SHEET 3 OF 3	

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 12, 2019

I & K Farms, LLC Variance Request (#19-35-ZV)

Item #2 Variance from Section 10.4B.3 to reduce the front setback from 25' to 5' along Route 480 and along Route 115 for a 20' tall freestanding sign with a 5' (W) x 8' (H) sign face.

Applicant:	Clarence Haymaker
Owner:	I & K Farms, LLC
Developer:	N/A
Consultant:	N/A
Property Location:	5437 Charles Town Road, Kearneysville, WV 25430
Legal Description & Zoning District:	<p style="text-align: center;">Tax District: Middleway (07); Tax Map: 3B; Parcel: 45 Size: .70+ acres; Zone: Village</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> Village <i>South:</i> Village <i>North/East:</i> Village + Industrial-Commercial <i>West:</i> Village</p>
History:	Former (Sheetz) Gas Station 07/15/89: Boundary line adjustment recorded (DB: 559; PG: 645)
Waivers/Variations:	12/13/18: BZA approved a variance request to reestablish nonconforming use (ZV18-18)
Approved Activity:	Nonconforming Use: convenience store (PC File #ZC18-32)
Site visit conducted:	Yes, 12-03-19

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 10.4B.3 to reduce the required front setback from 25' to 5' for a 20' tall freestanding sign with a 40 square foot sign face.

A key purpose of the front yard setback requirement is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that traffic visibility is not impaired for drivers along the right-of-way.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 12, 2019

I & K Farms, LLC Variance Request (#19-35-ZV)

Staff Evaluation of Request

The applicant is proposing to install a 20' freestanding sign in the same location that the previous Sheetz sign existed for a number of years (pre-dating zoning). It should be noted that there are power lines directly above the existing sign posts. Staff advised the applicant to contact their surveyor to determine if a right-of-way or an easement exists or if there are any required setbacks which may be enforced by the utility company (see DB 565, PG 422 recorded in 1986, exhibit A on page 3 of staff report).



The subject parcel appears to have included a service station since the 1960's (slide 621B dated September 1966). Staff was unable to verify when the previous Sheetz sign was constructed, though a 1997 site plan reflects an existing sign in this location (File #S97-09; see exhibit B on page 4 of staff report).

Based on the history of this property and the understanding that a sign has historically existed in this location, it appears that the impact on adjacent property owners would be minimal.

It appears that due to the lot configuration, it may not be feasible to comply with the current regulations because a 25' setback would place the sign in the drive aisle.

Conditions of Approval

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

1. The applicant should confirm with the utility provider to determine if any easements or required setbacks exist when locating under/next to power lines. The applicant shall comply with any recorded easements or required setbacks as determined by the utility provider.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 12, 2019

I & K Farms, LLC Variance Request (#19-35-ZV)

Exhibit A

4:22
2019 Jefferson County

Stolen Copy

RIGHT-OF-WAY AGREEMENT
(West Virginia Only) 5000

3140861460

I, POTOMAC EDISON COMPANY, do hereby grant unto IK FARM, LLC its successors and assigns, a right-of-way for the purpose of constructing, operating, inspecting and maintaining poles, anchors, wires, conductors, trenches cables and fixtures, over and along the property which I/we own or in which I/we have any interest, situated in Jefferson County, State of West Virginia, and acquired by me/us from Hessenauer & Daniels 6-1986 and being the same tract of land acquired by Grantor by instrument(s) recorded in Book DEED Book 559 Page 20 and in Book 559 at Page 17 together with right of ingress to and egress from said right-of-way at all times for the purpose of construction, operation, inspection and maintenance of the same.

Beginning at station 0+30 being a point in the property line between Rt. 9 and the grantor, thence extending in a Northeast direction 132 Ft. more or less to station 1+62 being Pole M116404, thence Southeast 30 Ft. more or less to the grantors building.

and to permit the attachment of wires of any Company or persons the Company shall at all times have the right to clear, control, cut, trim and remove trees, limbs and brush from said premises or which in its opinion may interfere with the exercise of its rights hereunder or endanger said facilities. The consideration paid is in full payment of the rights hereinabove granted.

The Company will relocate its facilities when necessary to conform to future building operations of the undersigned, and will pay for all damages to fences, crops, and livestock caused by the operation, maintenance, rebuilding and removal of said line, if notice in writing is given within thirty days after such damages are suffered, except as it is understood that such damages are waived.

Witness the following signatures and seal this 28 day of August 1926

WITNESS Philip H. Schreyer (SIAL) Mary I. Schreyer (SIAL)

STATE OF West Virginia County of Blair Notary Public of the said County of Blair

I, Eileen M. Conrad do certify that Philip H. Schreyer and Mary I. Schreyer his wife, whose names are signed to the writing hereto attached, bearing date the 28th day of August 1926, have this day acknowledged the same before me in my said County

Green under my hand and Notarial Seal this 5 day of September 2019

My Commission Expires June 30, 19

DECLARATION OF CONSIDERATION

The undersigned does hereby declare that the transfer involved in the document to which this declaration is appended is subject to State Excise Tax upon the privilege of transferring the right-of-way for the reason designated as follows:
The cost being less than One Hundred Dollars (\$100.00)

Executed this 28 day of August 1926

By Kenneth E. Cookus THE POTOMAC EDISON COMPANY
(RIGHT OF WAY SOLICITOR)

This instrument prepared by Kenneth E. Cookus under the direction of C. E. Martin Jr.
Attorney for The Potomac Edison Company

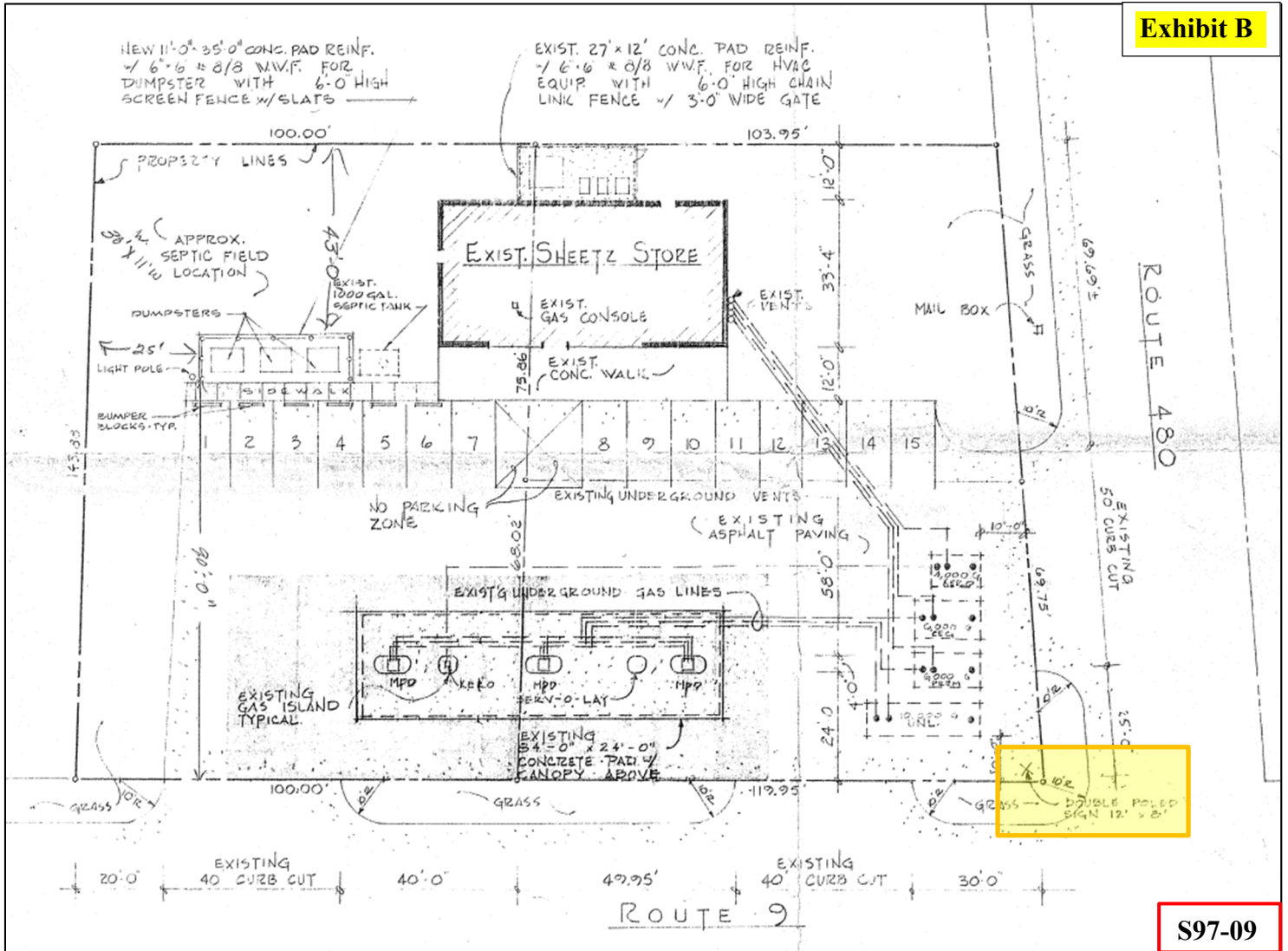
FORM 20 711 REV 2

State of West Virginia, County of Jefferson, Sct.
IN THE CLERK'S OFFICE OF THE COUNTY COMMISSION:
On OCT 9 1986, at 2:30 P.M., the foregoing document 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
December 12, 2019

I & K Farms, LLC Variance Request (#19-35-ZV)



Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 12, 2019

I & K Farms, LLC Variance Request (#19-35-ZV)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 10.4 Signs Requiring a Zoning Certificate³⁶

Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.² Sign types are defined in Section 2.2.

A. Attached Business Signs

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.³⁶
2. Attached business signs shall not be attached to the side of the building that faces an adjoining residence.^{32, 35, 36}
3. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.³⁶

B. Freestanding Business Signs³⁶

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

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



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

File Number: 19-35-ZV
 Staff Initials: gh
 Meeting Date: 12-12-19
 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: 1+K Farms LLC
 Mailing Address: 219 W. Washington St Charles Town, W.Va.
 Phone Number: 540-539-1896 Email: WVACommercialrealty@aol.com

Applicant Contact Information

Name: Clarence Haepffel
 Mailing Address: 219 W. Wash. St. Charles Town W. Va.
 Phone Number: 540-539-1896 Email: WVACommercialrealty@aol.com

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

Name: Rordon & Associates
 Mailing Address: 148 S Queen St Martinsburg W.Va
 Phone Number: 304-725-8456 Email: R.Parkse@rordon.us.com

Physical Property Details

Physical Address: 5437 Charles Town Road
 City: Kearneysville State: W.Va. Zip Code: 25430
 Tax District: 07 Map No: 3B Parcel No: 45
 Parcel Size: .70 Deed Book: 1219 Page No: 89

Zoning District (please check one)

- Revised 11/14/19 gh

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

RECEIVED

NOV 14 2019

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING
 Place Received Date Stamp Here

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: Sec. 10.4B.3

Briefly describe the nature of the variance request:

To use the existing sign poles that sheets used for the past 20+ years. The poles are 5 ft. inside the property line

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

Front Setback Side Setback Rear Setback Reduction From 25' to 5'

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

This is for signs that have been in place for many years with no effect on the neighbors

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 are no adverse effects from the sign in the neighborhood

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

None

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

It will allow a sign to be placed inside the property lines and the business will better serve the neighbor.

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.

Jay Chaman 11/11/2019
Signature of Property Owner Date

Signature of Property Owner Date

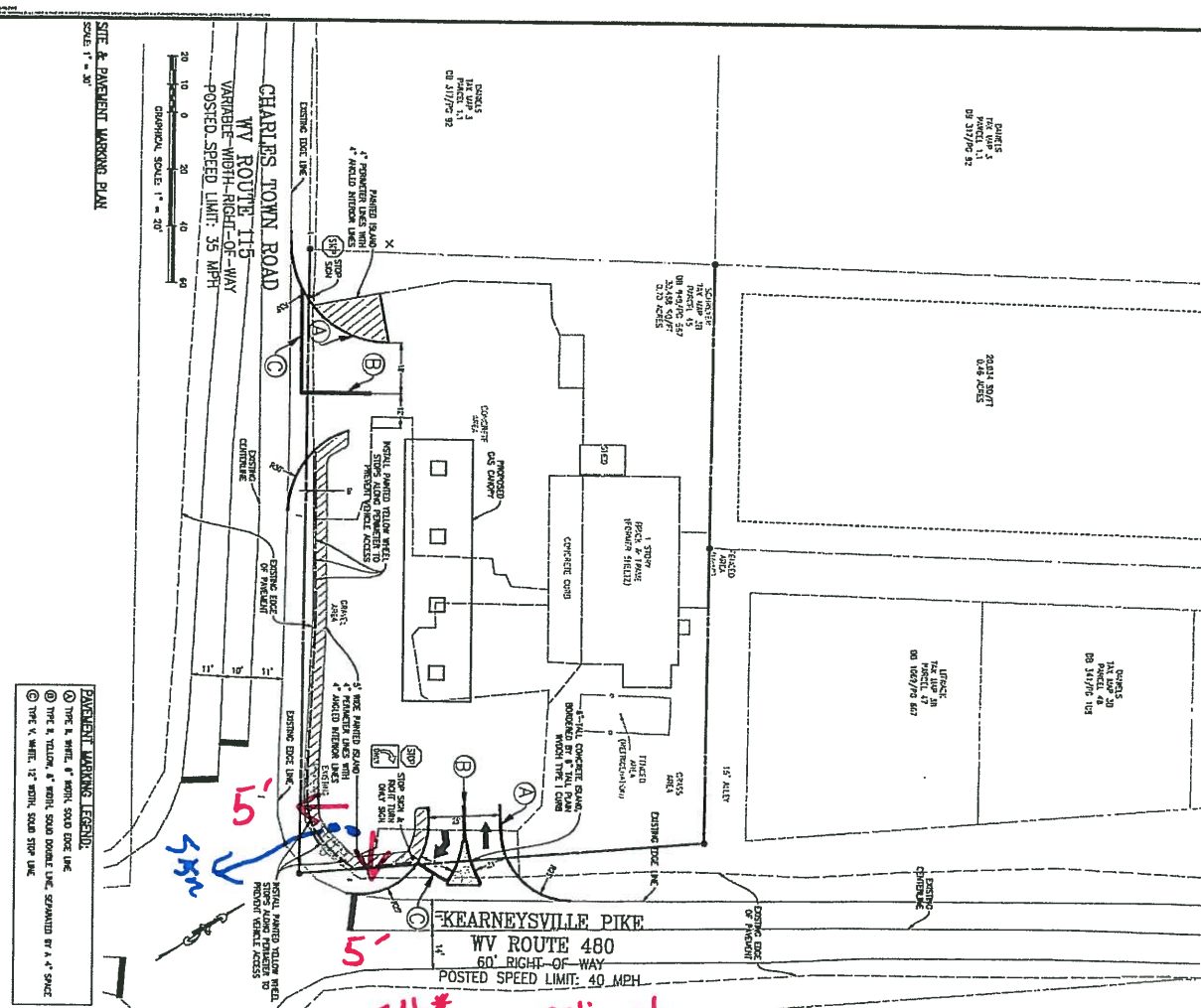
Notification Requirements (to be completed by staff)

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).

12/12/19
Date of Public Hearing

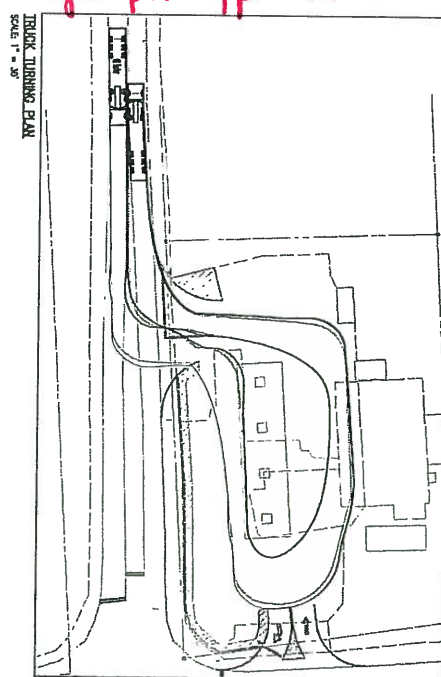
11/27/19
Advertising Date

11/27/19
Placard Posting Date



- PAVEMENT MARKING LEGEND:**
- ① TYPE A, WHITE, 6" HIGH, SOLID EDGE LINE
 - ② TYPE B, WHITE, 6" HIGH, SOLID EDGE LINE
 - ③ TYPE C, YELLOW, 6" HIGH, SOLID DOUBLE LINE, SPACED BY 4'-6" SPACE
 - ④ TYPE X, WHITE, 12" HIGH, SOLID STOP BAR

8ft per applicant*



- SHAWNS NOTES:**
1. ALL SHAWNS, TYPING AND REVISIONS, SHALL BE COMPATIBLE WITH THE WEST VIRGINIA DIVISION OF HIGHWAYS SIGN FABRICATION DETAILS, 2000 EDITION.
 2. **SHAWNS & PAVEMENT MARKING NOTES:**
 1. ALL PROPOSED SHAWNS AND PAVEMENT MARKING SHALL BE IN ACCORDANCE WITH THE MOST CURRENT EDITION OF EDITION OF THE WEST VIRGINIA DIVISION OF HIGHWAYS SIGN FABRICATION DETAILS, 2000 EDITION.
 2. A MINIMUM OF 10' CLEARANCE SHALL BE MAINTAINED FROM ALL SIGN STRUCTURES AND SIGNAGE.
 3. THE SHAWNS SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.
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 9. THE SHAWNS SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.
 10. THE SHAWNS SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.
 3. PROPOSED SIGN LOCATIONS ARE APPROVED AND SHALL BE MAINTAINED IN THE FIELD TO AVOID CONFLICT WITH UNDERGROUND UTILITIES OR OTHER OBSTRUCTIONS, AND TO COMPLY WITH SHAWNS REDUCED TO NOTE 1.
 4. ANY EXISTING PAVEMENT MARKINGS, WHICH WILL CONFLICT WITH PROPOSED PAVEMENT MARKINGS, SHALL BE COMPLETELY ERASED.
 5. LIMIT SIGN OF PROPOSED MARKINGS ARE APPROVED AND SHALL BE MAINTAINED IN THE FIELD TO AVOID CONFLICT WITH UNDERGROUND UTILITIES OR OTHER OBSTRUCTIONS, AND TO COMPLY WITH SHAWNS REDUCED TO NOTE 1.
 6. NO SIGN SHALL BE PLACED ON CURBSIDE JOINTS OR STRUCTURES OR ON UNDERGROUND CONSTRUCTION JOINTS UNLESS SO DIRECTED BY THE DIVISION.
 7. POST MARKING FOR EXISTING ROADWAY SIGN SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.
 8. EXISTING SIGNAGE ON THE CURBSIDE OF THE EXISTING ROADWAY SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.
 9. CONTRACTOR SHALL ENSURE THAT ALL SIGNS TO BE RELOCATED ARE IN GOOD CONDITION. IF EXISTING SIGN ARE DAMAGED OR SIGNS SHALL BE RELOCATED PER THIS PLAN AND SPECIFICATIONS INCLUDING HEIGHT.
 10. REFER TO WHICH SHAWNS DETAILS SIGN VOLUME 4, DETAILS 101-1, 101-2, AND 101-3 FOR PAVEMENT MARKING SPECIFICATIONS.

<p style="text-align: center;">ENTRANCE PERMIT PLAN, NOTES & DETAILS</p> <p style="text-align: center;">KEARNEYSVILLE GAS STATION</p> <p style="text-align: center;">TAX MAP 98, PARCEL 45 MIDDLEWAY DISTRICT JEFFERSON COUNTY, WEST VIRGINIA</p>	<p>1. (2)1913 INDCI COMMENTS</p>	<p style="text-align: center;">Gordon</p> <p style="text-align: center;">PROGRAMMING AND PLANNING CIVIL ENGINEERING LANDSCAPE ARCHITECTURE SURVEYING AND MAPPING SECURITY CONSULTING</p> <p style="text-align: center;">148 S. Queen Street, Suite 201 Martinsburg, WV 25401 Phone: 304-725-8456 www.gordonlls.com</p>
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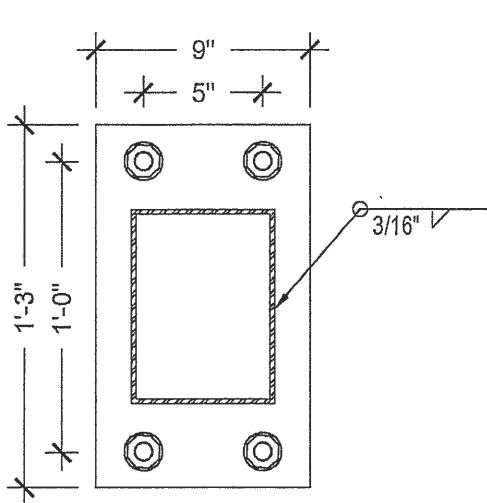
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DATE ASSIGNED:	03 OF 04
DATE SUBMIT:	
DRAWN BY:	CS/CS/JP
CHECK BY:	
DATE OF REVIEW:	
REVISION:	



10815 RANCHO BERNARDO RD., SUITE 260
 SAN DIEGO, CA 92198
 PROJECTMANAGER@SULLAWAYENG.COM
 PHONE: 1-858-312-5150 FAX: 1-858-777-3534

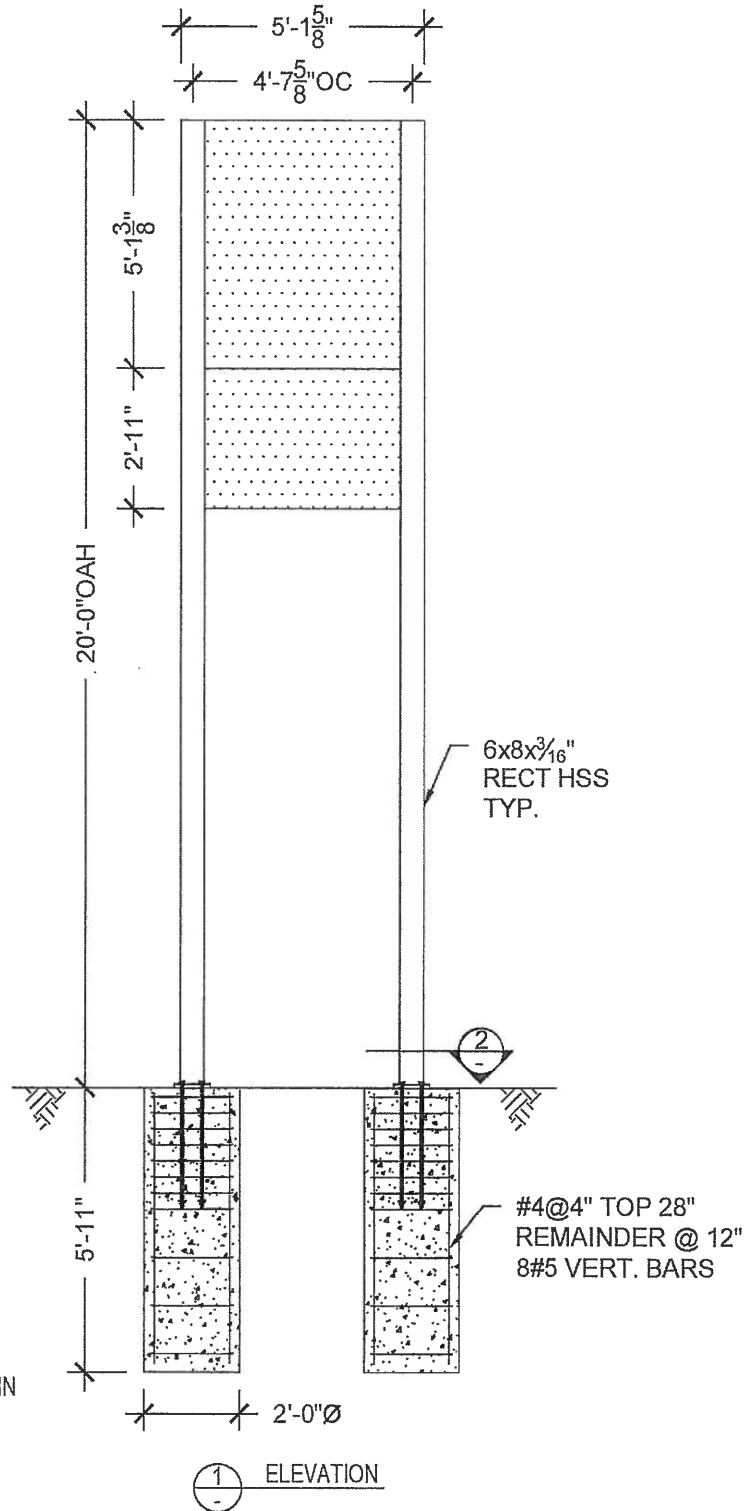
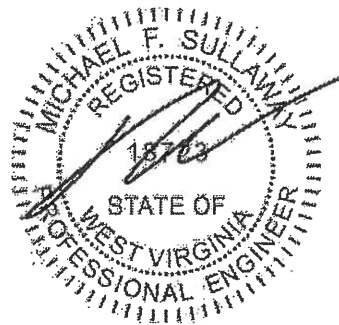
PROJECT: CITGO, 3728 CHARLES TOWN, ROAD, KEARNEYSVILLE, WV
 PROJECT #: 24023
 CLIENT: SIGN RESOURCE IDENTITY GROUP, INC.

DATE: 11-04-2019
 ENGINEER: JC
 LAST REVISED:



9"x1'-3"x $\frac{7}{8}$ " THK STEEL PLATE
 W/ (4) $\frac{3}{4}$ " \varnothing THREADED RODS
 W/ NUT/WASHER/NUT
 @ EMBEDDED END
 MIN EMBED. = 28"
 INTO CONCRETE

SECTION 2



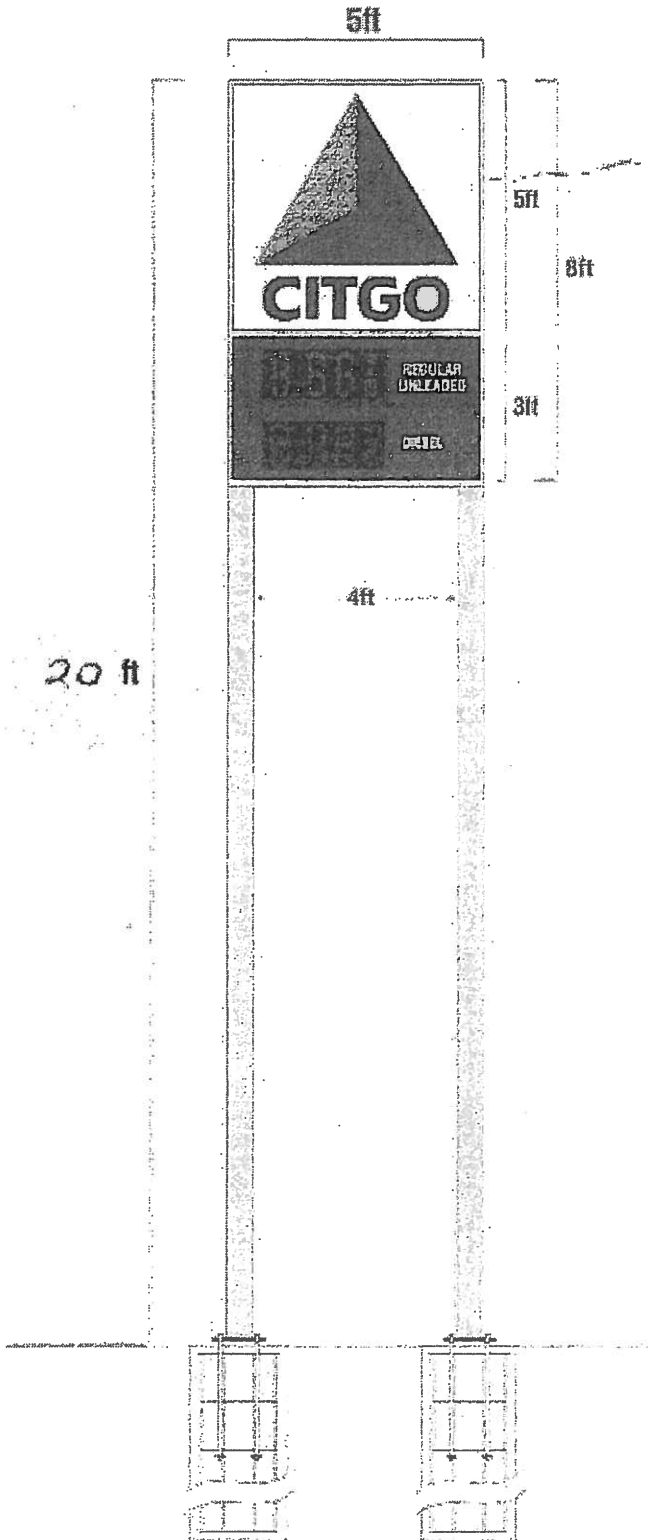
ELEVATION 1

GENERAL NOTES

1. DESIGN CODE: IBC 2015
2. DESIGN LOADS: ASCE 7-10
3. WIND VELOCITY 115 MPH EXPOSURE C
4. CONCRETE 2500 PSI MINIMUM
5. SQ./RECT. HSS STEEL ASTM A500 GR. B, $F_y = 46$ KSI MIN.
6. PLATE STEEL ASTM A36
7. THREADED ANCHOR ROD STEEL ASTM F1554 GR. 36
8. STEEL REINFORCEMENT IN CONCRETE ASTM A615 GR 60
9. PROVIDE MIN. 3" CLEAR COVER ON ALL STEEL EMBEDDED IN CONCRETE WHEN CAST AGAINST SOIL
10. LATERAL SOIL BEARING PER IBC CLASS 4 (150 PSF/FT)
11. WELDING STRENGTH, $F_{exx} = 70$ KSI
12. PROVIDE PROTECTION AGAINST DISSIMILAR METALS
13. ALL DIMENSIONS TO BE VERIFIED PRIOR TO FABRICATION
14. ALL EXISTING ELEMENTS AND DIMENSIONS TO BE VERIFIED IN FIELD

5 ft. Euro Sign System with 2 Product LED Price Sign (1 Gas/1 Diesel)

Ordering Code: SS-EURO-5FT-LED-2P(G/D) (Material Code: 2177818)



Front Elevation

SIGN SPECIFICATIONS

Amps: 6.83
Net Weight:
5x5 ID Sign: 175 lbs.
3x5 LED Price Sign: 200 lbs.
2x5 Optional Sign: 75 lbs.
Total Weight as shown: 375 lbs.
Total Area as shown: 48.7235 square feet

POLE & FOUNDATION SPECIFICATIONS

STANDARD

Design Windload: 100 MPH per 2003 IBC
Pole Supports: 6" x 6" x 1/4" W.T. A500 20' Grade B
Steel Tubes

Baseplates: 1 1/2" x 9" x 15"
Anchor Bolts: 1 1/8" x 56" and 6" thread
Foundation: 30" Dia. x 7'-0" Deep

**Important Note: When using the specifications provided, total signage height (excluding poles) must not exceed 20 ft.*

HIGH WINDLOAD

Design Windload: 150 MPH per 2003 IBC
Pole Supports: 8" x 6" x 1/2" W.T. A500 20' Grade B
Steel Tubes

Baseplates: 2" x 9" x 15"
Anchor Bolts: 1 3/8" x 62" and 6" thread
Foundation: 30" Dia. x 8'-6" Deep

**Important Note: When using the specifications provided, total signage height (excluding poles) must not exceed 19ft 6in.*

8" NUMBERS

DROP IN LEDS

Staff Report
 Jefferson County Board of Zoning Appeals
 December 12, 2019
Costello Variance Request (#19-36-ZV)

Item #3 Variance from Sections 5.7B and 9.6C to reduce the front setback from 40' to 22' for a 24' x 41' accessory structure.

Applicant:	Joseph Costello
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">115 Leyland Lane, Harpers Ferry, WV Parcel ID: 09001800190003; Size: 2.81 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:	05/08/92: residue lot of parent to child subdivision recorded in DB 712 at PG 304
Waivers/Variations:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	Yes, 12-03-19

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Sections 5.7B and 9.6C to reduce the front setback from 40' to 22' for a 24' x 41' accessory structure.

A key purpose of front yard setback requirements is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure

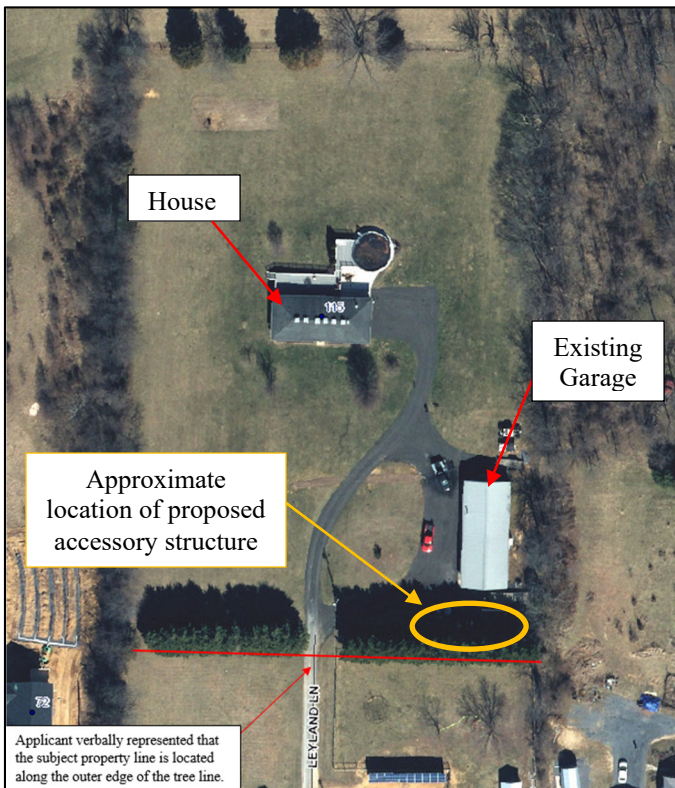
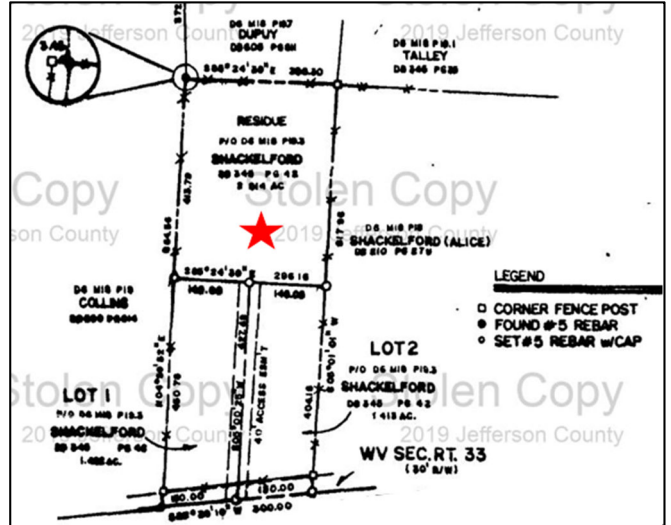
Staff Report
 Jefferson County Board of Zoning Appeals
 December 12, 2019
Costello Variance Request (#19-36-ZV)

that sight visibility is not impaired for drivers along the right-of-way. Expansion of the right-of-way does not appear to be an applicable concern for the subject request.

Staff Evaluation of Request

The subject parcel is the residue parcel for the Shackelford Parent to Child subdivision, which was recorded on May 8, 1992 in Deed Book 712 at Page 304.

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.



The applicant verbally represented that the subject property line runs along the outer edge of the tree line.

It may be feasible to comply with the Ordinance by placing the structure in another location on the parcel; however, the applicant indicated that the preferred location would allow continued use of the existing driveway at the front of his property as opposed to locating the structure closer toward the dwelling unit, where the applicant has stated the septic reserve area is located to the east of the dwelling unit.

The neighbor impacted by the request has provided a letter stating they do not object to the proposed setback reduction. In addition to the

letter of support, the applicant has represented that the existing, mature tree line will provide a visual barrier between the proposed structure and the adjoining neighbor.



- Existing shed to be removed and replaced with proposed accessory structure.

Staff Report
 Jefferson County Board of Zoning Appeals
 December 12, 2019
Costello Variance Request (#19-36-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 5.7 Rural (R) District^{23, 32}

B. Minimum Lot Area, Lot Width, and Yard Requirements²³

1. **Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.²⁷**

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.**

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



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: 19-36-ZV
 Staff Initials: SA
 Meeting Date: 12/12/19
 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: Joseph Costello
 Mailing Address: 115 Leyland Ln Harpers ferry WV 25425
 Phone Number: 540-878-7866 Email: Joecostello86@aol.com

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: Same
 City: _____ State: _____ Zip Code: _____
 Tax District: 09 Map No: 18 Parcel No: 19.3
 Parcel Size: 2.81 Deed Book: 1195 Page No: 543

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

RECEIVED

NOV 15 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: 5.7B + 9.6C

Briefly describe the nature of the variance request:
22" Build, structure (24'x 41') Reduce front setback to

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

Front Setback Side Setback Rear Setback Reduction From 40' to 22'

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:

Existing Tree line. letter from supporter from neighbor

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

septic field runs under the driveway and on the other side of the existing structure

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

to store expensive equipment when not in use and to not create additional driveway area on property

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

will protect my property and my neighbor is in support I will apply for a 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] 11-15-19
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

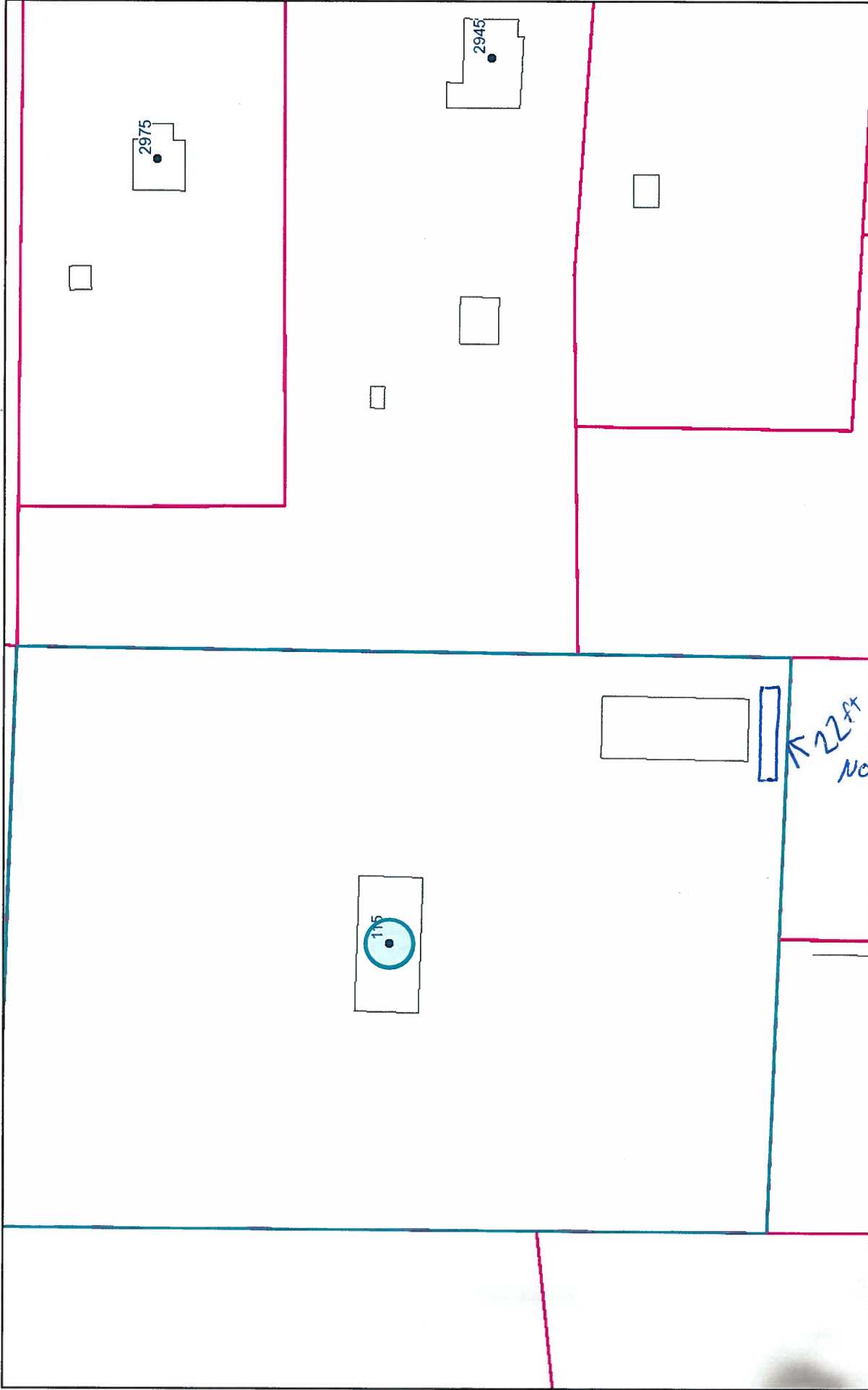
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

12-12-19
Date of Public Hearing

11-27-19
Advertising Date

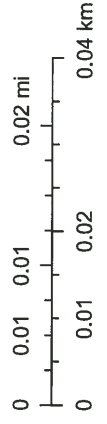
11-27-19
Placard Posting Date

Viewer Map



October 28, 2019

1:1,128



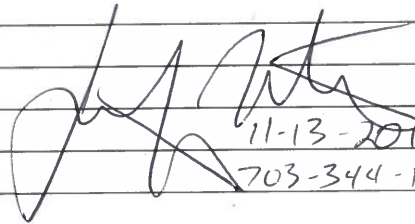
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, Me Copyright 2017

19-36-ZV

Nov 13 2019

I Jennifer Wilkerson

have no problem with
my neighbor Joseph Costello
putting a building near
property line of my property
& his.


11-13-2019
703-344-1884

RECEIVED

NOV 25 2019

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING







Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report Board of Zoning Appeals Meeting December 12, 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 adopted the revised text amendment on November 21, 2019.

2) Upcoming BZA meeting

- The next regular meeting is scheduled for **January 23, 2020** (deadline for submission is Monday, December 30, 2019).



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

December 2019
Zoning Certificate Activity Report

File #	19-32-ZC
Request:	Electronic Sign: 41" (H) x 75" (W) Electronic Sign on an existing Freestanding Sign structure.
Property Owner:	Jefferson Realty LLC
Applicant:	Same
Parcel Info:	4843 Middleway Pike, Kearneysville, WV 25430 Parcel ID: 07019A00140000; Size: 1.5 acres; Zoning District: General Commercial;
Issuance Date:	11/08/19
File #	19-33-ZC
Request:	Personal Services: Chinese foot massage, cleaning, and aromatherapy.
Property Owner:	Kita LLC
Applicant:	Erli Dong
Parcel Info:	43 Ruland Rd, Unit F, Kearneysville, WV 25430 Parcel ID: 02000100160015; Size: 6.24 acres; Zoning District: Industrial-Commercial;
Issuance Date:	11/19/19
File #	19-34-ZC
Request:	Home Occupation, Level 1: Cosmetic Tattooing
Property Owner:	Brian Renzella
Applicant:	Melissa Jacobson
Parcel Info:	75 Sybil Ct, Shepherdstown, WV 25443 Parcel ID: 09000800540000; Size: 2 acres; Zoning District: Residential Growth;
Issuance Date:	11/08/19
File #	19-35-ZC
Request:	Cottage Industry: Web and Graphic Design Business
Property Owner:	Anna Sorrel Taylor
Applicant:	Anna McGrath (FKA Anna Sorrel Taylor)
Parcel Info:	397 Fruit Hill Lane; Shepherdstown, WV 25443 Parcel ID: 09000600120005; Size: 2.197 acres; Zoning District: Rural;
Issuance Date:	11/22/19
File #	19-37-ZC
Request:	Accessory Dwelling Unit: In Law Suite
Property Owner:	Bryan and Theresa Lock
Applicant:	Same
Parcel Info:	Vacant Parcel: .4 miles west of Route 9 on WV Rt. 115 (Charles Town Road) Parcel ID: 04001500470000; Size: 19.24 ac; Zoning District: Rural;
Issuance Date:	12/03/19
