



**Jefferson County
Board of Zoning Appeals
Thursday, May 28, 2020 at 2:00 p.m.**

Members
Jeffrey Bannon, Chair
Tyler Quynn, Vice Chair
Deirdre Catterton
Matthew McKinney
Leeds Corbin

By order of the Jefferson County Board of Zoning Appeals, Jeffrey Bannon, Chairman, the May 28th, 2020 Board of Zoning Appeals Meeting will be held virtually via ZOOM.

This meeting will NOT be a LIVE broadcast on our website. Instead, it will be accessible live through ZOOM Meeting. If you wish to participate in public comment for one of the agenda items, please type your name, address, and agenda item # in the chat function at the start of the meeting.

Please use the following information to join the ZOOM Meeting:

<https://us02web.zoom.us/j/86308935048>

Meeting ID: 863 0893 5048

Dial by your location:

+1 301 715 8592 US

Meeting ID: 863 0893 5048

Find your local number: <https://zoom.us/u/adbn1jR3Kf>

Access from desktop, laptop, iPad, or from a phone. You will be prompted to download the software. If accessing from a phone, you must have the ZOOM app.

Please mute yourself when you are not talking. When participating, remember that your video is streaming to others.

Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

Approval of Minutes: April 23 and April 24, 2020

Public Hearing – Administer Oath

ITEM #1	FILE #: 20-11-ZV
Request:	Variance from Section 5.7b to reduce the front setback from 40' to 34.8' for an existing house that was built within the setback area.
Owner:	Matthew Gorsuch and Anna Kent
Applicant:	Charlie Hogendorp, Bristol Springs Custom Homes
Parcel Info:	Lot #25, Springs at Shepherdstown; 901 Marsh Hawk Way, Shepherdstown, WV Parcel ID: 09007D00250000; Size: 6.69 acres; Zoning District: Rural

ITEM #2 FILE #: 20-12-ZV

Request: Variance from Section 4.10 to waive the requirement to process a Site Plan for a proposed educational retreat facility (China Folk House / Proposed Land Use: Nature Center and Preserve). The proposed use will host educational groups by invitation only (i.e. not open to the public). Proposed project entails construction of a ~1,026 square foot bathhouse, an ~824 square foot kitchen with Tibetan stove room, and associated parking.

Applicant: John Flower, China Folk House Retreat

Owner: Rolling Ridge Foundation

Parcel Info: 305 Friends Way, Harpers Ferry, WV

Parcel ID: 06002400090000; Size: 20 acres; Zoning District: Rural

ITEM #3 FILE #: 20-13-ZV

Request: Variance from Section 5.4b [ZO in effect in 1990] to reduce the side setback from 12' to 10' for a 10' x 22' deck.

Applicant: Jocelyn Stokes and Ezra Hall

Owner: Same

Parcel Info: Lot 6, Maddex Farm Subdivision; 170 Hensel Drive, Shepherdstown, WV

Parcel ID: 09008C01080000; Size: .17 acres; Zoning District: Residential-Light Industrial-Commercial

ITEM #4 FILE #: 20-3-CUP

Request: Request for a Conditional Use Permit to operate a homebased federal firearms business, to include limited gunsmithing, from an existing detached garage (proposed land use as listed in Appendix C: Custom Manufacturing). The business is primarily internet based and does not include a readily available inventory. No employees other than the residents of the property. Business hours are by appointment only, with limited customer visits (1-2 per month). No signs are proposed.

Applicant: Efstathia Fragogiannis and Jamie Schatteman

Owner: Gary Eisner, Et Al

Parcel Info: 76 Belleview Lane, Charles Town, WV

Parcel ID: 06002800110002; Size: 3 acres; Zoning District: Rural

ITEM #5 FILE #: 20-19-ZV

Request: Variance from Section 4.6B to reduce the 75' distance requirement to 50' along the rear property line for the purpose of operating a homebased federal firearms business from an existing detached garage (see Conditional Use Permit File#20-3-CUP).

Applicant: Efstathia Fragogiannis and Jamie Schatteman

Owner: Gary Eisner, Et Al

Parcel Info: 76 Belleview Lane, Charles Town, WV

Parcel ID: 06002800110002; Size: 3 acres; Zoning District: Rural

ITEM #6 FILE #: 20-14-ZV - WITHDRAWN

Request: Variance from Section 9.7 to reduce the side setback from 8' to 6' for a 24' x 36' detached garage.

Applicant: Patrick Shunney

Owner: Same

Parcel Info: 11426 Leeteown Road, Kearneysville, WV

Parcel ID: 07011A00110000; Size: .34 acres; Zoning District: Village

ITEM #7 FILE #: 20-15-ZV
Request: Variance from Sections 4.6B and Appendix B for the following: to reduce the distance requirement from 75' to 32' on the eastern boundary line and to reduce the side setback from 25' to 6.5' on the western boundary line. The requested variance is to allow an existing residential dwelling unit to be converted to a Professional Office for use as a satellite law office. No new buildings or additions are proposed.
Applicant: Tasha Catrow (Catrow Law, PLLC)
Owner: Mohammad Murtaza
Parcel Info: 14840 Charles Town Road, Charles Town, WV
Parcel ID: 02001700120003; Size: .39 acres; Zoning District: Residential-Light Industrial-Commercial.

ITEM #8 FILE #: 20-17-ZV
Request: Variance from Sections 4.6B, 8.9A.8, and Appendix B to reduce the distance requirement from 75' to 20' and the side setback from 25' to 20' along the eastern boundary line to expand existing fuel station (fuel tanks and fuel pumps).
Owner: 270 LLC
Parcel Info: Lot 16, Bardane (Burr Industrial Park); 270 Industrial Blvd, Kearneysville, WV
Parcel ID: 02000200010021; Size: 5.43 acres; Zoning District: Industrial Commercial

ITEM #9 FILE #: 20-18-ZV
Request: Variance from Section 9.7 to reduce the Rear setback from 50' to 15' for the construction of a 3,400 square foot new home and a 45' x 16' foot in-ground swimming pool with surrounding concrete area.
Applicant: Vicent and Kelli Tiong
Owner: Rodney Smith
Parcel Info: Lot 1C Grainlands Vacant parcel located on Earle Road approximately 680' from the intersection of Earle Road and Undergrace Road, Charles Town, WV
Parcel ID: 06000200020010; Size: 3 acres; 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: April 23, 2020

1. Revision to Rules of Procedures to allow virtual meetings to be held.

Meeting: April 24, 2020 – Special Meeting

1. Variance from Section 9.7. Owner: Terry and Margaret Walker, Jr.. File: 20-6-ZV.
2. Request by Church Without Walls Ministries of Jefferson County for a Conditional Use Permit to operate a Nonprofit Commercial Use. Owner: Charles & Virgie Moore. File: 20-2-CUP.
3. Variance from Section 4.6B and Appendix B. Charles & Virgie Moore. File: 20-9-ZV.
4. Variance from Section 4.11 and Appendix B. Owner: Shepherdstown Public Library. File: 20-7-ZV
5. Variance from Section 4.6B and Appendix B. Owner: Kenneth Lowe. File: 20-8-ZV
6. Variance from Section 9.7. Owner: William Hoak. File #20-10-ZV.

Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: April 23, 2020
2 Meeting Location: Charles Town Library Conference Room
3 200 East Washington Street, Charles Town, West Virginia
4 Board Members Present: Tyler Quynn, Vice Chair; Matthew McKinney; and Leeds Corbin
5 Board Members Absent: Jeffrey Bannon, Chair; and Deirdre Catterton (absent with notification)
6 Staff members present: Alexandra Beaulieu, Zoning Administrator; and
7 Nathan Cochran, Assistant Prosecuting Attorney (via teleconference).

8 *In compliance with the Jefferson County Health Department Executive Order 20-20 Shelter in*
9 *Place directive to avoid gatherings of more than 5 individuals in an effort to slow the spread of*
10 *COVID-19, the public was not be admitted to the meeting room but was invited to attend via*
11 *webcast.*

12 Mr. Corbin motioned to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which
13 carried unanimously. Mr. Quynn stated for the record that the purpose of the meeting was to revise
14 the Rules of Procedure to allow virtual meetings to occur during the COVID-19 directives to shelter
15 in place.

16 **ITEM #1 Discussion and possible action: Revise Rules of Procedure to allow virtual**
17 **meetings to occur during COVID-19 directives to shelter in place.**
18

19 Mr. Quynn provided an overview of the proposed changes to the Rules of Procedure as follows:

20 Add the new term “Present” and define as, “A person is present at a meeting when in attendance
21 physically, or by video conference when the meeting is so noticed.”

22 Revise Section 4.1 – Regular Meetings such that the second sentence reads, “Prior notice shall be
23 provided in the event that any regular meeting is held at a different location, at a different time, or
24 **by video conference.**”

25 Revise Section 4.2 – Special Meetings such that the second sentence reads, “Pursuant to W.Va.
26 Code §8A-8-5, notice for all special meetings shall be in writing, include the date, time, and place
27 **(and will state that meeting will be held by video conference, if applicable)** of the special
28 meeting, and be sent to all members at least two days before the special meeting.”

29 Revise Section 5.1 – Voting to remove the word “Physically” from the first sentence, and the
30 second sentence be amended to read, “Voting by proxy is not permitted.”

31 Mr. McKinney motioned to revise the Rules of Procedure as presented. Mr. Corbin seconded the
32 motion, which carried unanimously. Mr. Quynn noted that the revised Rules of Procedure would go
33 into effect immediately.

34 Ms. Beaulieu stated for the record that a Special Meeting had previously been called for Friday,
35 April 24, at 2:00 PM to review all of the applications previously scheduled for the March 26
36 meeting as well as the applications scheduled for the April 23 meeting. She noted that the agenda
37 for April 24 had been posted to the County’s website as well as distributed through the County’s
38 email alert system. She further stated that all applicants had been notified by phone as well as by
39 email and any members of the public who had submitted comments in writing had been notified by
40 email.

41 Mr. McKinney motioned to adjourn the meeting at 2:07 PM. Mr. Corbin seconded the motion,
42 which carried unanimously.

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: April 24, 2020 (Special Meeting)
2 Meeting Location: In compliance with the Jefferson County Health Department
3 Executive Order 20-20 Shelter in Place directive to avoid gatherings
4 of more than five individuals in an effort to slow the spread of
5 COVID-19, the Board of Zoning Appeals Meeting was held virtually
6 via ZOOM.
7 Board Members Present: Jeffrey Bannon, Chair; Tyler Quynn, Vice Chair; and, Matt
8 McKinney
9 Board Members Absent: Deirdre Catterton and Leeds Corbin (absent with notification)
10 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran,
11 Assistant Prosecuting Attorney; and, Rachael Burke, Planning Clerk

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

13 Mr. Quynn called the meeting to order at 2:00 pm. Mr. Bannon called for a vote, which carried
14 unanimously.

15 Ms. Beaulieu briefly explained how the Zoom meeting would be conducted. Mr. Bannon stated
16 Items #2 and #3 would be moved to the end of the Agenda.

17 **Approval of Minutes: February 27, 2020**

18 Mr. Bannon requested the following edits:

19 a) Page 1, Line 41: change *their* to *his*.

20 b) Page 4, Line 1: insert the word *the* after *opposed to*; and, insert the word *they* after *however*.

21 Mr. Quynn moved to accept Mr. Bannon's edits to the minutes. Mr. Bannon called for a vote, which
22 carried unanimously.

23 Ms. Beaulieu swore in members of the public who indicated they would be providing testimony.

24 **ITEM #1 FILE #: 20-6-ZV – Postponed from March 26, 2020**

25 Request: Variance to reduce the side setback from 15' to 1' along the northern boundary to
26 replace a 24' x 24' detached garage that was destroyed by fire.

27 Owner: Terry and Margaret Walker

28 Parcel Info: 10179 Leetown Rd, Kearneysville, WV, Parcel ID: 07001400060001; Size: 17.93
29 acres; Zoning District: Rural

30 Mr. John "J.P." Aliveto with Potomac Valley Building Restoration and Mr. Terry Walker were
31 present to address the Board. Ms. Beaulieu provided an overview of her staff report noting that the
32 previous garage, which was destroyed by fire in November 2019, was considered a nonconforming
33 structure because it was constructed prior to the adoption of zoning and there were no setback
34 requirements when it was originally constructed. Mr. Aliveto explained the nature of the request
35 stating that the insurance company has agreed to only cover the cost of replacing the garage on the
36 existing foundation slab. Mr. Aliveto explained that should the Board deny the request, the
37 applicant would have to pay for the relocation of the structure, which would be cost prohibitive. Mr.
38 Aliveto stated that the adjacent property owners, Thomas and Karen Moon, have submitted a letter
39 of support.

40 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
41 public hearing. Mr. McKinney moved to approve the variance as requested. Mr. Bannon called for a
42 vote, which carried unanimously.

1 ITEM #4 FILE #: 20-7-ZV - Postponed from March 26, 2020

2 Request: Variance from Section 4.11 and Appendix B to allow a 50' unscreened buffer (where
3 achievable) in lieu of the required planted landscaping per Standard Detail M-53;
4 and Section 4.6 to reduce the distance requirement from 75' to 40' from the front
5 property line.

6 Owner: Shepherdstown Public Library

7 Parcel Info: Lowe Dr. (to be extended), Shepherdstown, WV, Parcel ID: 09000800110000; Size:
8 4.33 acres; Zoning District: Residential Growth

9 Mr. Ryan Perks with Gordon, and Robert Keller and Linda Shea, representatives for the Library,
10 were present to address the Board. Ms. Beaulieu provided an overview of her staff report and
11 explained that there is a conflict in the Ordinance between the text pertaining to landscaping and
12 buffer requirements and Appendix B, the Non-Residential Site Development Standards Table. She
13 noted that when there is a conflict, the requirements in Appendix B apply; therefore, the applicant
14 would be required to install a vegetative buffer. Ms. Beaulieu noted that the request does not appear
15 to create an adverse impact on the adjoining properties. Mr. Perks explained the nature of the
16 request noting that the Ordinance is unclear with regard to buffer and distance requirements for
17 Institutional Uses; therefore, the applicant is requesting to utilize an unscreened buffer as opposed
18 to the buffer required in Standard Detail M-53.

19 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
20 public hearing. Mr. McKinney moved to approve the variance as requested, Mr. Bannon called for a
21 vote, which carried unanimously.

22 ITEM #5 FILE #: 20-8-ZV - Postponed from March 26, 2020

23 Request: Variance from Section 4.6B to reduce the distance requirement from 75' to 50' along
24 the western boundary (rear) and from 75' to 20' along the northern boundary (right
25 side); and from Appendix B to reduce the commercial building setback from 25' to
26 20' along the northern boundary (right side); and to reduce the parking setback from
27 4' to 0' along the western (rear) and northern (right side) boundaries to allow for the
28 operation of Potomac Crossroads Counseling per File #20-1-CUP.

29 Applicant: Kathy Morotti, Potomac Crossroads Counseling, LLC

30 Owner: Kenneth F. Lowe Jr., Rev Trust

31 Parcel Info: 4781 Kearneysville Pike, Shepherdstown, WV, Parcel ID: 09000800230007; Size:
32 .71 acres; Zoning District: Residential Growth

33 Mr. Paul Raco, P.J. Raco Consulting, LLC, was present to address the Board. Ms. Beaulieu
34 provided an overview of her staff report noting that the Board approved a Conditional Use Permit
35 for the subject location during their February meeting. Ms. Beaulieu explained that because the
36 property is in the Residential Growth zoning district, the applicant is required to seek separate
37 approval from the Board for any deviations pertaining to site development. Ms. Beaulieu noted that
38 the request does not appear to create an adverse impact on the adjoining properties as the subject
39 structure has existed since the 1960s. Ms. Beaulieu added that the property owner has
40 acknowledged that previous nonresidential uses have operated from this site without any known
41 negative impact. Mr. Raco explained the nature of the request and reiterated that the subject parcel
42 had previously operated as a nonresidential land use. Mr. Raco stated that the existing structure and
43 parking area should not create a negative impact on the adjacent neighbors.

1 Mr. Bannon opened the public hearing. Mr. Ken Lowe, property owner, spoke in favor of the
2 request. Mr. Bannon closed the public hearing. Mr. Quynn moved to approve the variance as
3 requested, Mr. Bannon called for a vote, which carried unanimously.

4 **ITEM #6 FILE #: 20-10-ZV**

5 Request: Variance from Section 9.7 to reduce the rear setback from 50' to 38' along the
6 western boundary to construct a 20' x 12' deck.
7 Applicant: Paul Raco, P.J. Raco Consulting, LLC
8 Owner: William Hoak
9 Parcel Info: 675 Jefferson Orchard Road, Kearneysville, WV 25430, Parcel ID:
10 07001100260003; Size: 2.75 acres; Zoning District: Rural

11 Mr. Paul Raco, P.J. Raco Consulting, LLC, was present to address the Board. Ms. Beaulieu
12 provided an overview of her staff report explaining that the applicant is proposing to replace an
13 existing mobile home and would like to attach a new deck on the new mobile home. Ms. Beaulieu
14 noted that the new mobile home would meet the required setbacks; however, the new deck would
15 not. Ms. Beaulieu added that the 155-acre parcel to the rear is vacant and owned by the U.S. Fish
16 and Wildlife Service; therefore, the request did not appear to have a negative impact. Mr. Raco
17 explained the nature of the request stating that the subject parcel was a nonconforming mobile home
18 park that currently consists of three (3) mobile homes. Mr. Raco noted that the parcel is particularly
19 narrow which reduces the buildable area. Mr. Raco added that the required setback for parcels less
20 than two acres is [12']; therefore, he believed the request to reduce the required 50' setback down to
21 38' would still uphold the intent of the Ordinance.

22 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
23 public hearing. Mr. Quynn moved to approve the variance as requested, Mr. Bannon called for a
24 vote, which carried unanimously.

25 **ITEM #2 FILE #: 20-2-CUP - Postponed from March 26, 2020**

26 Request: Request by Church Without Walls Ministries of Jefferson County for a Conditional
27 Use Permit to operate a Nonprofit Commercial Use. The subject application is a
28 proposal to operate an outreach ministry to serve the community by offering free
29 clothing, food, financial assistance, etc. The ministry would also focus on outreach
30 projects to benefit youth and senior citizens. Proposed hours of operation would be
31 Tuesdays and Thursdays, 9:00 a.m. – 1:00 p.m.; and Saturdays, 10:00 a.m. – 2:00
32 p.m. There will be a minimum of two volunteers per shift. A 5' (wide) x 2.5' (high)
33 freestanding sign face is proposed to be located west of the existing structure (if
34 facing the structure, the sign would be to the right). Parking requirements will be met
35 on-site.
36 Applicant: Church Without Walls Ministries of Jefferson County
37 Owner: Charles A II & Virgie A Moore
38 Parcel Info: 194 Huyett Rd, Charles Town, WV, Parcel ID: 06001300040000; Size: .50 acres;
39 Zoning District: Rural

40 Mr. Virgie Moore, property owner, was present to address the Board. Ms. Beaulieu reviewed her
41 staff report which highlighted each of the required criteria for a conditional use permit application.
42 Ms. Beaulieu noted that the onsite parking did not appear suitable for a nonresidential land use as it
43 would require customers to back out onto the state road. Ms. Beaulieu acknowledged that while the
44 trip generation for the subject use was not extensive that staff would recommend the parking area to
45 be located further into the property. Ms. Moore explained the nature of the request stating that she

1 and her siblings had grown up in the subject house and use of the subject structure would help save
2 in overhead expenses. She stated that an alternative site would be cost prohibitive for their nonprofit
3 organization. Ms. Moore confirmed that the ministry would operate by appointment only. Ms.
4 Moore noted that the West Virginia Division of Highways stated the ministry could not utilize the
5 existing parking area. She stated that she was currently working on a plan to relocate the parking
6 area. Ms. Moore added that her adjacent property [to the west] could be used for overflow parking if
7 necessary. Ms. Moore stated that because they would not be cooking food that West Virginia Health
8 Department approval was not required. Ms. Moore also stated she would provide a letter from the
9 West Virginia Fire Marshal, which stated there would not be any improvements required by their
10 Office for the proposed use.

11 Mr. Bannon opened the public hearing. The following homeowners in the adjacent Apple Blossom
12 Meadows Subdivision spoke in opposition to the request: Ms. Sandi Poole, President of the Apple
13 Blossom Meadows Homeowners Association; Ms. Sandra Thomas (Lot #12); Mr. Donald and Ms.
14 Lisa Webb (Lot #10); and Mr. Sasha and Ms. Jennifer Lupinacci (Lot #11). The homeowners
15 expressed their concerns regarding traffic and neighborhood safety, impact on the residential
16 character of the area, the potential for additional commercial uses, the slope of the subject parcel in
17 relation to Apple Blossom Meadows, and the potential for negative environmental impacts. Ms.
18 Beaulieu noted that Ms. Cindy Bennett, homeowner in the Claymont Chase Subdivision, submitted
19 a letter of opposition. Mr. Bannon closed the public hearing.

20 Ms. Moore provided a rebuttal explaining that the subject parcel existed prior to the development of
21 the neighboring subdivisions. Ms. Moore stated that while she offers similar services to other
22 agencies in the area, she felt that the proposed land use would benefit more members of the
23 community. Ms. Moore also reiterated that the required parking would be minimal.

24 Mr. Bannon explained that the Board would most likely need a deliberative session to evaluate the
25 request and suggested that the Board hear the related variance, Item #3, and then go into
26 deliberative session. Mr. Quynn agreed with Mr. Bannon's assessment.

27 **ITEM #3 FILE #: 20-9-ZV - Postponed from March 26, 2020**

28 Request: Variance from Section 4.6B and Appendix B to reduce the distance requirement
29 from 75' to 0' on all sides; to reduce the setbacks from 25' to 0' on the eastern
30 property line and 25' to 20' on the northern property line (front); and, to reduce the
31 parking and drive aisle setback from 4' to 0' along the western property line for
32 Church Without Walls Ministries of Jefferson County to operate in an existing
33 residential structure (File #20-2-CUP). No new structures or additions are proposed.

34 Applicant: Church Without Walls Ministries of Jefferson County

35 Owner: Charles A II & Virgie A Moore

36 Parcel Info: 194 Huyett Rd, Charles Town, WV, Parcel ID: 06001300040000; Size: .50 acres;
37 Zoning District: Rural

38 Ms. Virgie Moore was present to address the Board. Ms. Beaulieu provided an overview of her staff
39 report noting that all aspects of the proposed use would occur within the existing structure. Ms.
40 Beaulieu clarified that since filing for the variance application staff discovered a survey that
41 provided the exact dimensions for the location of the existing home and as such the need for a zero-
42 foot reduction in building setbacks and distance requirements was no longer accurate. Ms. Beaulieu
43 stated that the actual distances would be eight (8) feet along the eastern boundary. Ms. Beaulieu
44 also explained that the survey reflected the front of the house as being 30' from the front property
45 line and therefore, the request to reduce the front setback was no longer required. Ms. Beaulieu

1 stated that the proposed signage would be the only change to the exterior of the property. Ms.
2 Beaulieu highlighted the fact that as the hours of operation were limited to the daytime, glare from
3 headlights should not be an issue for adjacent property owners. Ms. Beaulieu suggested that should
4 the Board grant the request, a possible condition of approval could be that appointment times are
5 required for all clients. Ms. Moore stated she would be willing to comply with whatever the Board
6 requires.

7 Mr. Bannon opened the public hearing. The following homeowners in the adjacent Apple Blossom
8 Meadows Subdivision spoke in opposition to the request: Mr. Donald and Ms. Lisa Webb (Lot
9 #10); Ms. Sandra Thomas (Lot #12); Mr. Sasha and Ms. Jennifer Lupinacci (Lot #11); and Ms.
10 Sandi Poole, President of the Apple Blossom Meadows Homeowners Association, spoke in
11 opposition to the request. The homeowners expressed their concerns regarding the close proximity
12 of the land use to their parcels and inquired about the necessity of the variance. Ms. Beaulieu and
13 the Board members explained the purpose of the variance application process.

14 Ms. Moore provided a rebuttal and reiterated that she would abide by whatever conditions the
15 Board may require.

16 Mr. Quynn moved to go into deliberative session at 3:57 pm. Mr. Bannon called for a vote, which
17 carried unanimously. Ms. Beaulieu requested that all participants remain on the video conference
18 and await the Board's return.

19 Mr. Quynn moved to come out of deliberative session at 4:21 pm. Mr. Bannon called for a vote,
20 which carried unanimously.

21 Mr. McKinney moved to approve Item #2 for a Conditional Use Permit for Church Without Walls
22 of Jefferson County. Mr. McKinney stated that the approval was conditioned upon the following:

- 23 a) The ministry being operated by appointment only.
- 24 b) Approval from the WV Division of Highways for an entrance permit.
- 25 c) Approval of the parking area by the County Engineer.
- 26 d) That the land use meet any other requirements of the Ordinances; and
- 27 e) The applicant is bound by her testimony.

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

29 Mr. McKinney moved to approve Item #3 as requested. Mr. McKinney stated that the approval was
30 conditioned upon the following:

- 31 a) That the land use meet any other requirements of the County's Ordinances; and
- 32 b) The applicant is bound by her testimony.

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

34 The Board and Staff addressed the neighboring property owner's questions regarding filing an
35 appeal.

36 **Zoning Administrator's Report**

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

38 Ms. Beaulieu provided a status update on the proposed reorganization of the Zoning Ordinance and
39 the Subdivision Regulations that is being drafted by Greenway Engineering.

1 Ms. Beaulieu informed the Board that their next meeting would be May 28, 2020. She also noted
2 that Staff was uncertain as to when County Offices may reopen to the public. Ms. Beaulieu stated
3 that the County Commission would meet on April 30, 2020 to discuss their policy regarding
4 COVID-19 directives and the public could follow updates on the County's website.

5 **Legal Update**

- 6 a) Possible executive session on the following pending lawsuits.
7 b) Discussion with possible deliberative session and signing of draft Findings/Decisions.

8 **Meeting: February 27, 2020**

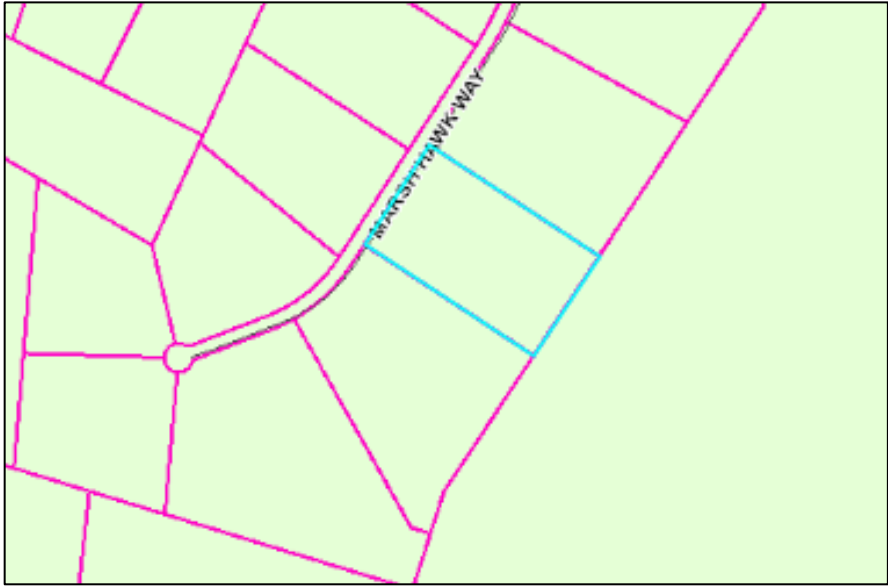
- 9 1. Variance from Section 9.7. Owner: Newman Sisk, Jr.. File: 20-1-ZV. 2.
10 2. Variance from Appendix A. Owner: Michael and Peggy Julian. File: 20-2-ZV. 3.
11 3. Variance from Section 9.7. Owner: Robert Graham. File: 20-3-ZV. 4.
12 4. Variance from Section 5.7D.2.b.i(b). Owner: Lutman Land Development, LLC. File: 20-
13 4-ZV
14 5. Request by Potomac Crossroads Counseling for a Conditional Use Permit to operate a
15 Medical/ Dental/Optical Office and/or Professional Office. Owner: Kenneth F. Lowe Jr.,
16 Rev Trust. Applicant: Kathy Morotti, Potomac Crossroads Counseling. File: 20-1-CUP.

17 Mr. Bannon stated that he had the signed the Findings and would deliver them to the Office.

18 Mr. McKinney moved to adjourn the meeting at 4:32 pm. Mr. Bannon called for a vote, which
19 carried unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020
Gorsuch and Kent Variance Request (#20-11-ZV)

Item #1 Variance from Section 5.7(b) [ZO in effect in 2003] to reduce the front setback from 40' to 34.8' for an existing house that was built within the setback area.

Applicant:	Charlie Hogendorp, Bristol Springs Custom Homes
Owner:	Matthew Gorsuch & Anna Kent
Developer:	N/A
Consultant:	N/A
Location:	Springs at Shepherdstown, Lot 25, 901 Marsh Hawk Way, Shepherdstown
Parcel Information and Zoning District:	Parcel ID: 09007D00250000; Size: 6.7 acres; Zoning District: Rural
	
Surrounding Properties:	Zoning Map Designation: <i>North, South, East and West: Rural</i>
History:	Recorded 02/16/05: PC File #04-14 – Springs at Shepherdstown, Lots 1-36 (Plat Book 21, Page 73)
Waivers/Variations:	No
Approved Activity:	Single family residence
Site Visit Conducted:	No

Summary of Request and Purpose of Ordinance Requirements

The applicant is seeking a variance from Section 5.7(b) of the May 1, 2003 version of the Zoning Ordinance to reduce the front setback from 40' to 34.8' for a house that was inadvertently built into the front setback.

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

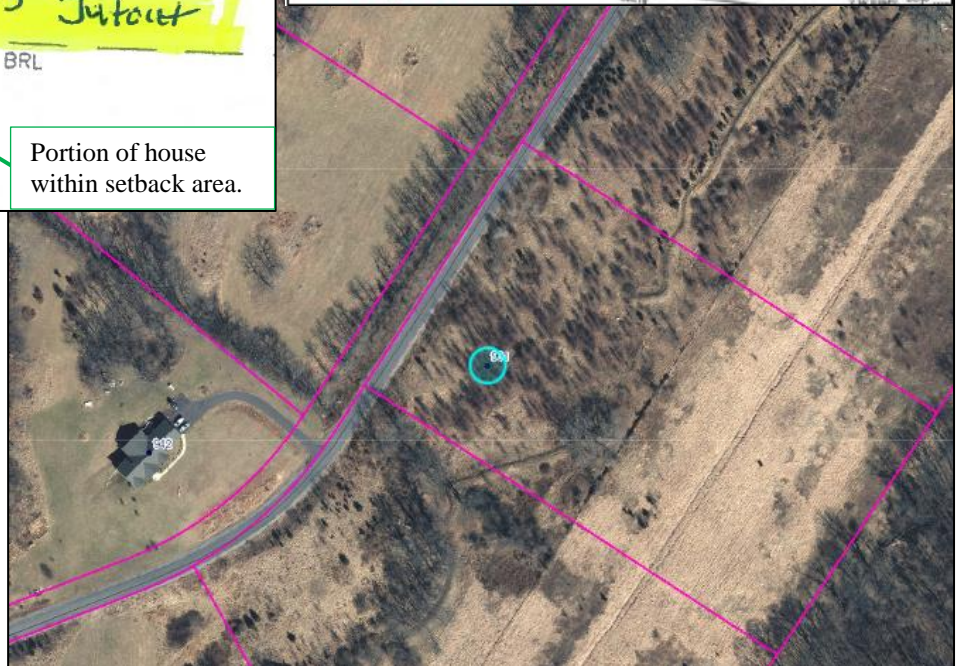
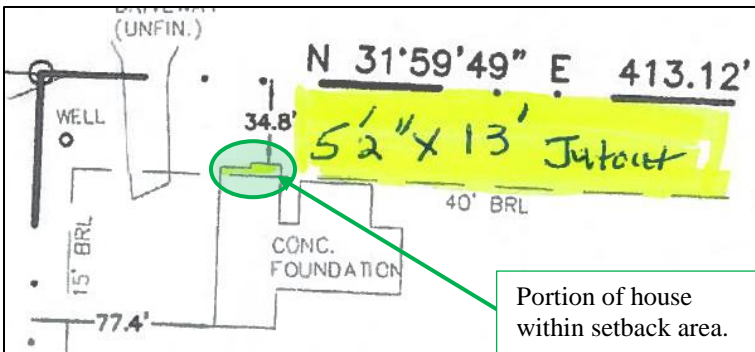
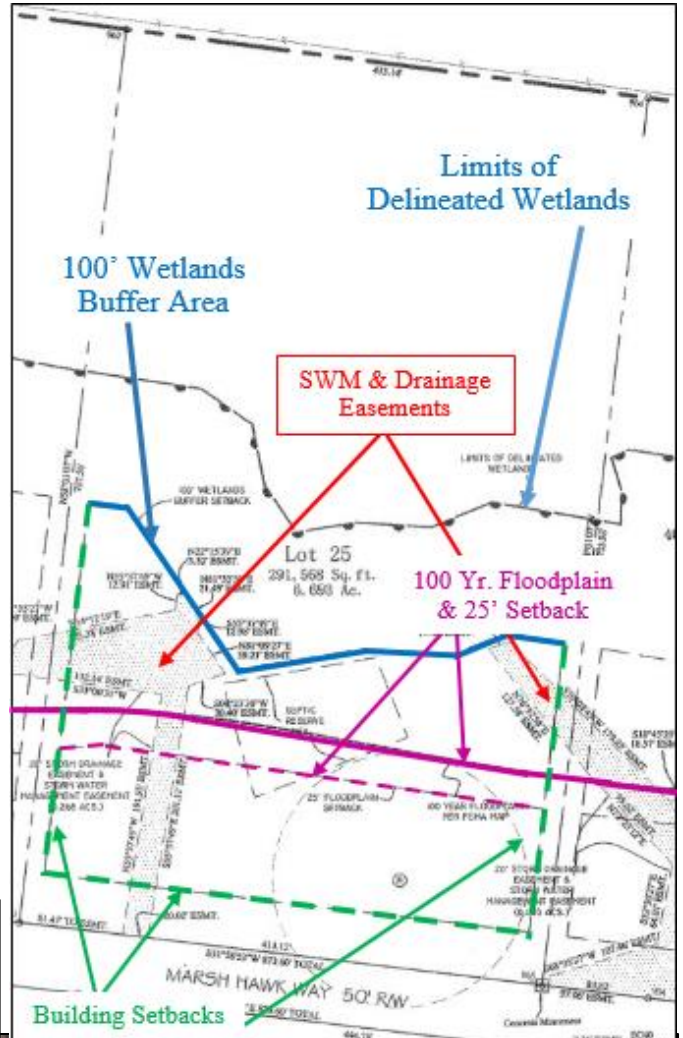
Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
Gorsuch and Kent Variance Request (#20-11-ZV)

Staff Evaluation of Request

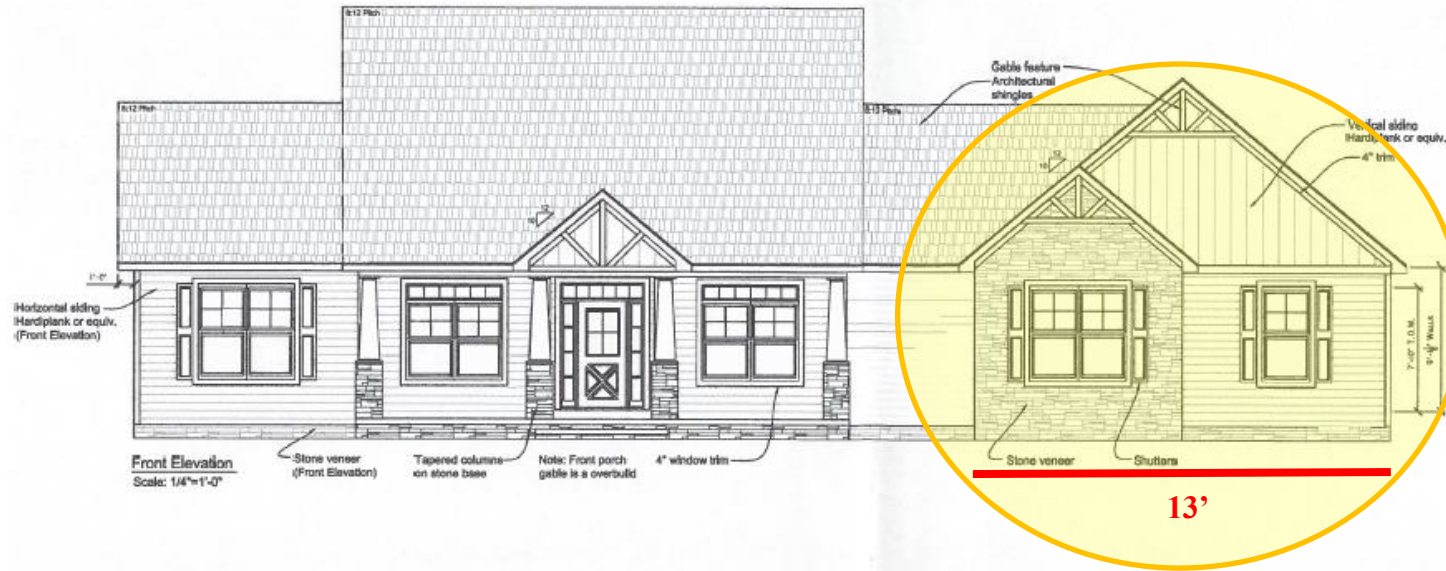
The subject parcel is Lot 25 of the Springs at Shepherdstown Subdivision which was recorded on February 16, 2004 in [Plat Book 21 at Page 73](#). While the parcel is 6.7 acres, it was platted with a significantly reduced buildable area due to the existence of a delineated wetland, a floodplain, and a storm drainage easement.

As the applicant has stated, this request is a result of the contractor misidentifying the front property line. The requested reduction is to accommodate for a 5' 2" x 13' jut out. The remaining part of the home meets the required 40' front setback.

The subject parcel fronts Marsh Hawk Way, which is a platted 50' Right of Way. The confronting property, Lot 31, is currently vacant. Based on this information, and the expectation that Marsh Hawk Way is already 50' wide and should not need to be widened, it would appear that the requested setback reduction would have minimal impact on the neighboring properties.



Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
Gorsuch and Kent Variance Request (#20-11-ZV)



House Plans
Building Permit #20-26

Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020
Gorsuch and Kent Variance Request (#20-11-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:

(b) Minimum Lot Area, Lot Width and Yard Requirements

Minimum lot sizes, lot width, and yard requirements are as follows for principal permitted uses. For any residential use that complies with the Development Review System, the setbacks and lot shall be as outlined in Article 5.4(b).

[AMENDED BY ACT OF THE COUNTY COMMISSION ON SEPTEMBER 13, 1990]

	Lot Area	Lot Width	Front Yard Depth	Side Yard Depth	Rear Yard Depth
Dwellings	40,000 sq. ft.	100	40	15	50
Churches	2 acres	200	50	50	50
Schools, Grades K-4	10 acres +	500	100	100	100
Schools, Grades 5-8	20 acres +	500	100	100	100
Schools, Grades 9-12	30 acres +	500	100	100	100
Hospitals	10 acres	500	100	100	100
Other permitted uses	40,000 sq. ft.	100	40	50	50

Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE MAY 4, 1989]



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: 20-11-ZV
 Staff Initials: AB
 Meeting Date: 05-28-20
 Fees Paid (\$100 or \$150): \$150.00

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: Matthew Gorsuch and Anna Kent
 Mailing Address: 14 Catalpa Court, Martinsburg, WV 25404
 Phone Number: 304-820-2129 Email: mattygak@gmail.com

Applicant Contact Information

Name: Bristol Springs Custom Homes, LLC
 Mailing Address: 462 Anacostia Lane, Hedgesville, WV 25427
 Phone Number: _____ Email: bristolsspringswv@gmail.com



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

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

Physical Property Details

Physical Address: Lot 25, Marsh Hawk way (901 Marsh Hawk Way)
 City: Shepherdstown State: WV Zip Code: 25433
 Tax District: 09 Map No: 7D Parcel No: 25
 Parcel Size: 6.692 Acres Deed Book: 1190 Page No: 546

Zoning District (please check one)

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

JEFFERSON COUNTY
 ENGINEERING, PLANNING AND ZONING
 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 5.7(b) [ZO in effect in 2004]

Briefly describe the nature of the variance request:

We are asking for a variance of a 13' x 5.2" jut out a 67.60+ square foot error caused by the builder, it was not a deliberate act, it was a mistake.

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

Front Setback Side Setback Rear Setback Reduction From 40' to 34.8'

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

The 5.2' x 13' set back error will not effect the land owners on each side does not effect or interfere with the roadway in the front, it is 5.2' x 13', 67.60+ sq. ft.

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

The front setback was the builders mistake. The homeowners (Gorsuch + Kent) are not at fault.

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

The variance will give the Homeowners the ability to sell their house and property, in the future, without any issues from the front setback. This was not their fault.

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

The justice to be done is not having any future sale harm due to no fault of Gorsuch + Kent. This was a mistake by the builder. It was not a deliberate act.

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.

Anna E Kent 9/8/2020
Signature of Property Owner Date

[Signature] 09/03/2020
Signature of Property Owner Date

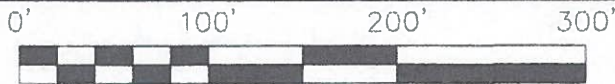
Notification Requirements (to be completed by staff)

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).

May 28, 2020
Date of Public Hearing

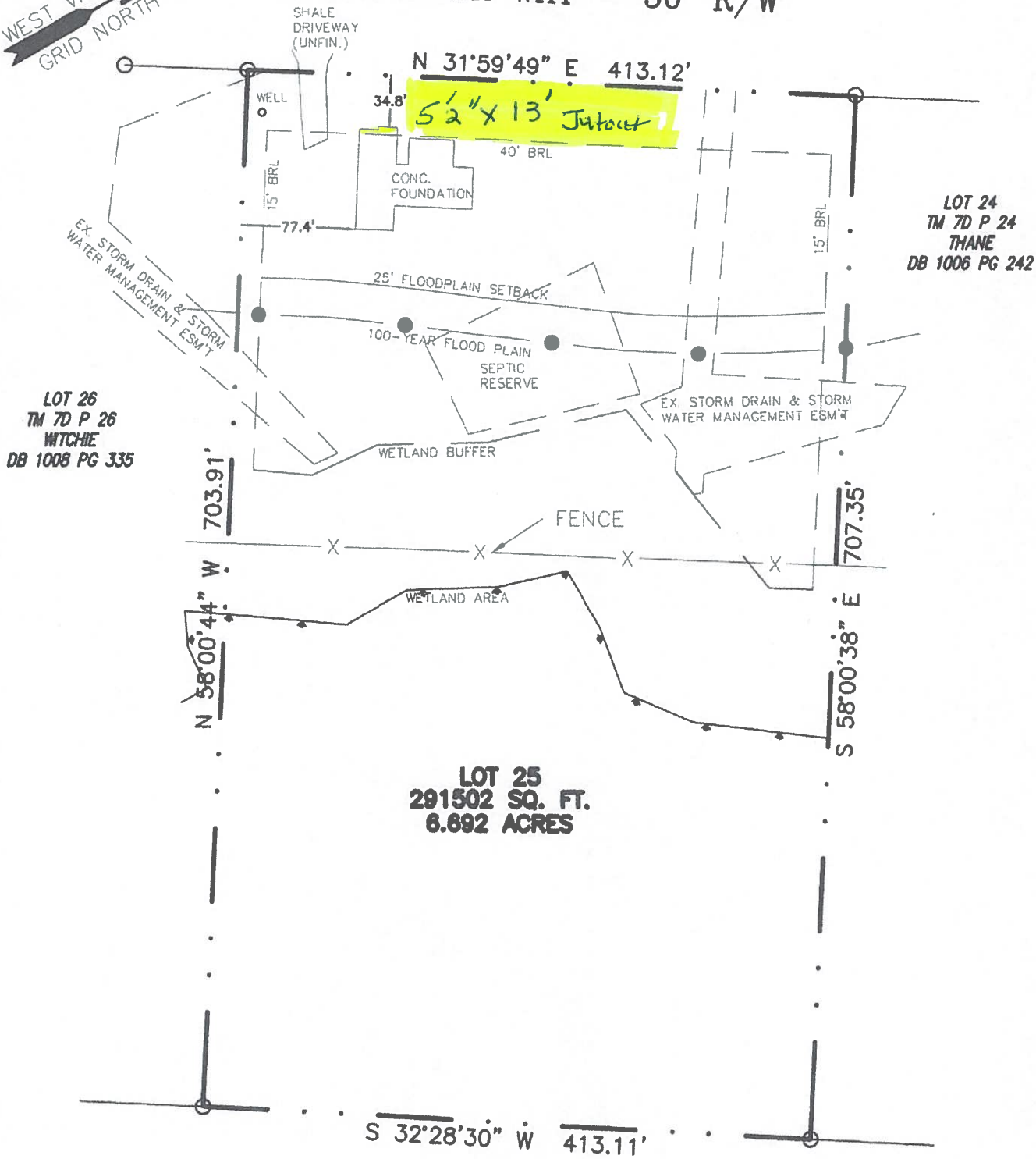
May 13, 2020
Advertising Date

May 13, 2020
Placard Posting Date



WEST VIRGINIA STATE
GRID NORTH ZONE

MARSH HAWK WAY - 50' R/W



LOT 25
291502 SQ. FT.
6.692 ACRES

TM 7 P 8
GATESTONE, INC.
DB 928 PG 343

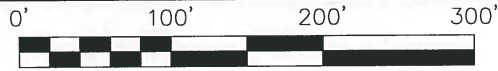
RECEIVED

APR 13 2020

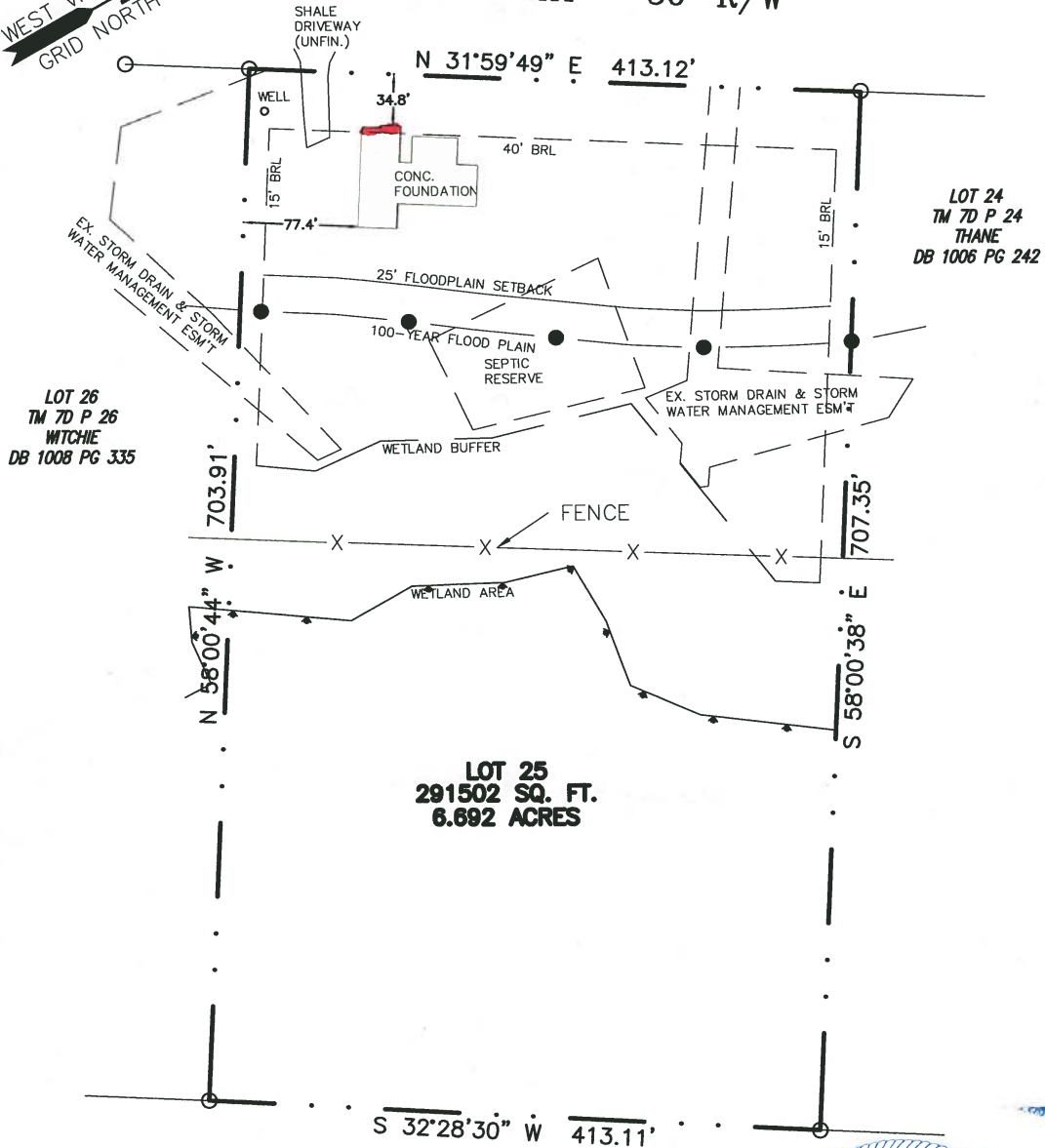
PLAT OF RESURVEY

JEFFERSON COUNTY
ENGINEERING, PLANNING AND SURVEYING

WEST VIRGINIA STATE
GRID NORTH ZONE



MARSH HAWK WAY - 50' R/W



TM 7 P 8
GATESTONE, INC.
DB 928 PG 343



PLAT OF RESURVEY
LOT 25, SPRINGS AT SHEPHERDSTOWN
THE PROPERTY OF
MATTHEW R. GORSUCH AND ANNA KENT
DEED BOOK 1190 PAGE 546
TAX MAP 7D PARCEL 25

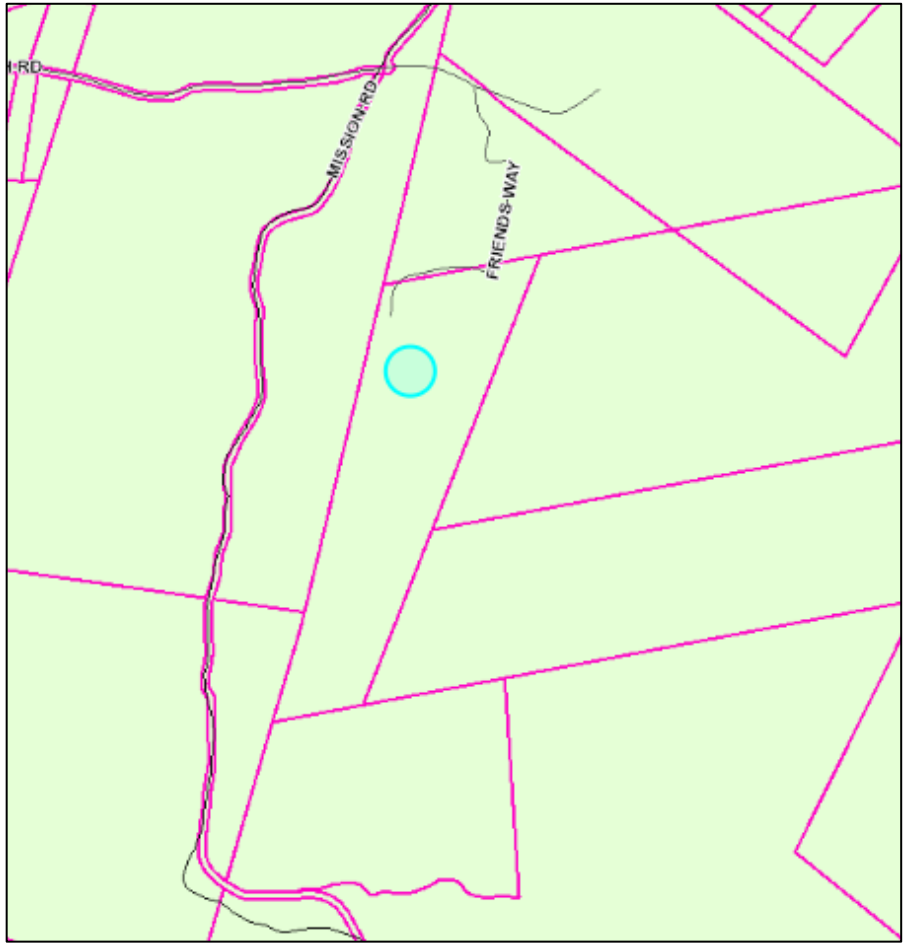
SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1" = 100' MARCH 18, 2020
ED JOHNSON AND ASSOCIATES, INC.
LAND SURVEYORS
P.O. BOX 1277
CHARLES TOWN, WEST VIRGINIA 25414
(304)725-6060

RECEIVED

APR 13 2020

Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020
China Folk House Variance Request (#20-12-ZV)

Item #2 Variance from Section 4.10 to waive the requirement to process a Site Plan for a proposed educational retreat facility (China Folk House / Proposed Land Use: Nature Center and Preserve). The proposed use will host educational groups by invitation only (i.e. not open to the public). Proposed project entails construction of a ~1,026 square foot bathhouse, an ~824 square foot kitchen with Tibetan stove room, and associated parking.

Applicant:	John Flower, China Folk House Retreat
Owner:	Rolling Ridge Foundation (Friends Wilderness Center)
Developer:	N/A
Consultant:	N/A
Location:	305 Friends Way, Harpers Ferry, WV
Parcel Information and Zoning District:	Parcel ID: 06002400090000; Size: 20 acres; Zoning District: Rural 
Surrounding Properties:	Zoning Map Designation: North, South, East and West: Rural
History:	China Folk House (Permit #19-265) Pavilion (Permit #19-266)
Waivers/Variations:	None
Approved Activity:	Nonconforming Use (predates the adoption of zoning in 1988)
Site Visit Conducted:	No

Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
China Folk House Variance Request (#20-12-ZV)

Summary of Request and Purpose of Ordinance Requirements

Variance from Section 4.10 to waive the requirement to process a Site Plan for a proposed educational retreat facility (China Folk House / Proposed Land Use: Nature Center and Preserve). The proposed use will host educational groups by invitation only (i.e. not open to the public). Proposed project entails construction of a ~1,026 square foot bathhouse, an ~824 square foot kitchen with Tibetan stove room, and associated parking.

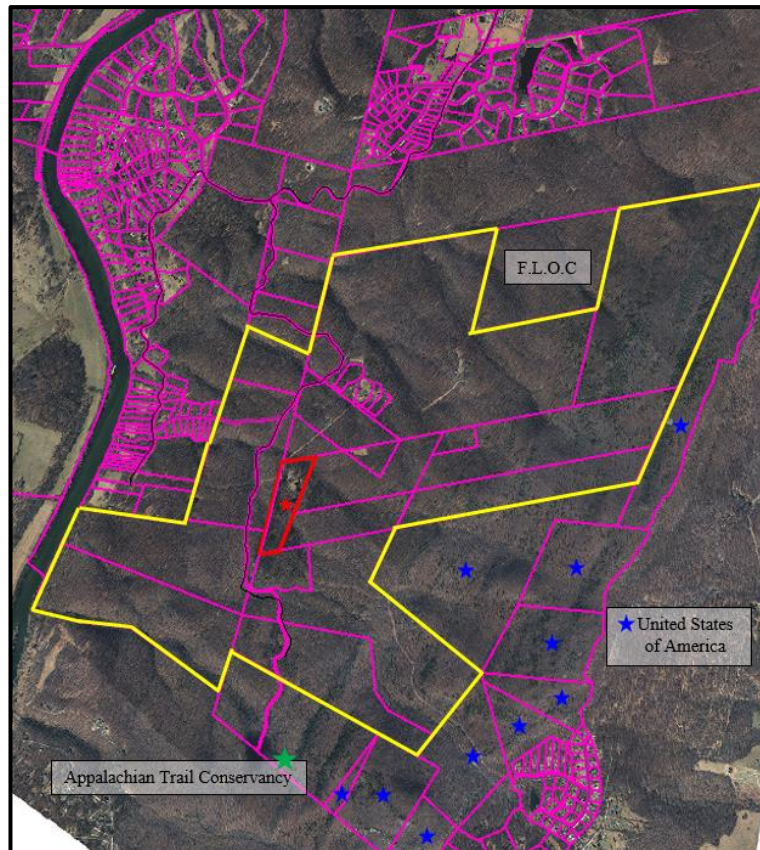
The purpose of a site plan is to ensure that a site is developed in a manner that protects the health, safety, and welfare of the public. The Zoning Ordinance and Subdivision Regulations require that the following elements are reflected in a site plan:

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

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

Staff Evaluation of Request

The Rolling Ridge Foundation, Inc. owns approximately 1,400 acres of densely wooded land (area within the yellow lines) on the western side of the Blue Ridge Mountains. The subject parcel (★) contains approximately 20 acres.

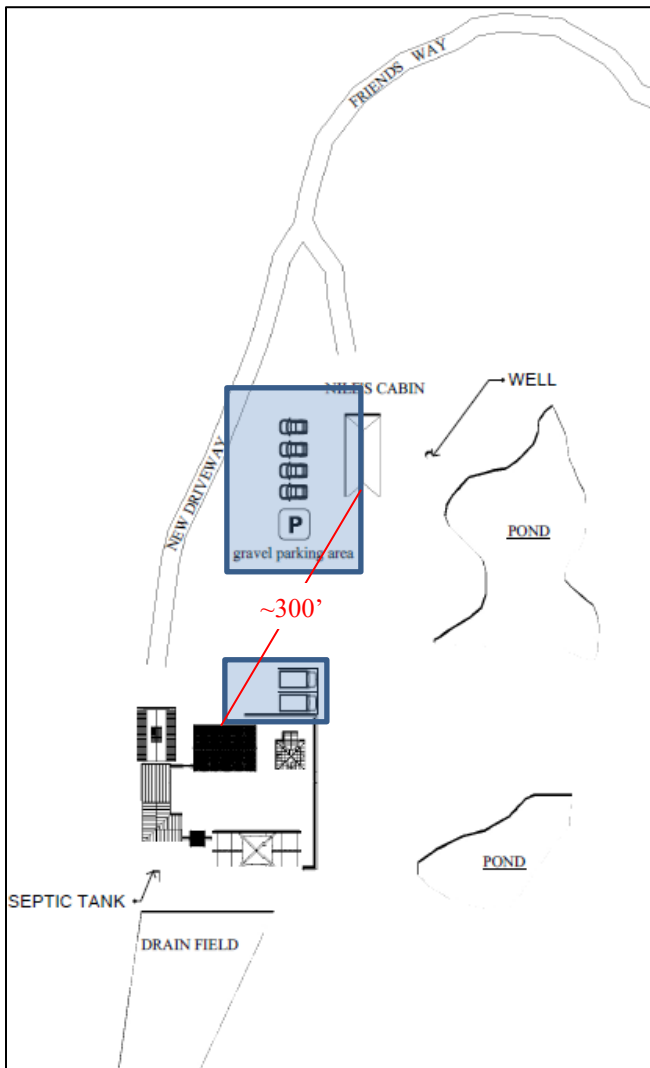


Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
China Folk House Variance Request (#20-12-ZV)

Section 4.10 of the Zoning Ordinance requires a site plan for “all commercial ... development in any zoning district and for all major additions or expansions of existing uses.” While the Zoning Ordinance requires a site plan, the Subdivision Regulations address the process for submitting a site plan. The Subdivision Regulations state that a site plan is not required when the footprint of a structure is less than 1,200 square feet; and no additional parking is required; and the disturbed area is no more than 5,000 square feet.

As the proposed structures exceed the 1,200 square foot threshold and necessitates a minimal number of parking spaces, a site plan would be required.

Waiving the site plan would eliminate the process to ensure compliance with the development standards in the Zoning Ordinance (such as the number of parking spaces, landscaping, buffering, etc.), as well as the design standards found in Appendices A & B of the Subdivision Regulations, including stormwater management.



With regard to parking, the applicant has provided a sketch depicting six parking spaces. The number of parking spaces required for a Nature Center and Preserve is not specifically addressed in the Ordinance; however, Section 11.1.B gives Staff the discretion to determine a reasonable number of spaces for any use not listed in the Ordinance.

The required number of spaces for a Community Center, Cultural Facility is 1 space per 400 square feet of floor space. Referencing this calculation, five parking spaces would be required.

Considering the applicant’s proposal that the land use will be used seasonally for small groups invited from schools and churches, and will not be open to the general public, the delineated parking areas appear to be sufficient.

Six parking spaces would utilize approximately 1,220 square feet of area (if one handicap accessible parking space is required). This calculation does not include drive aisles.

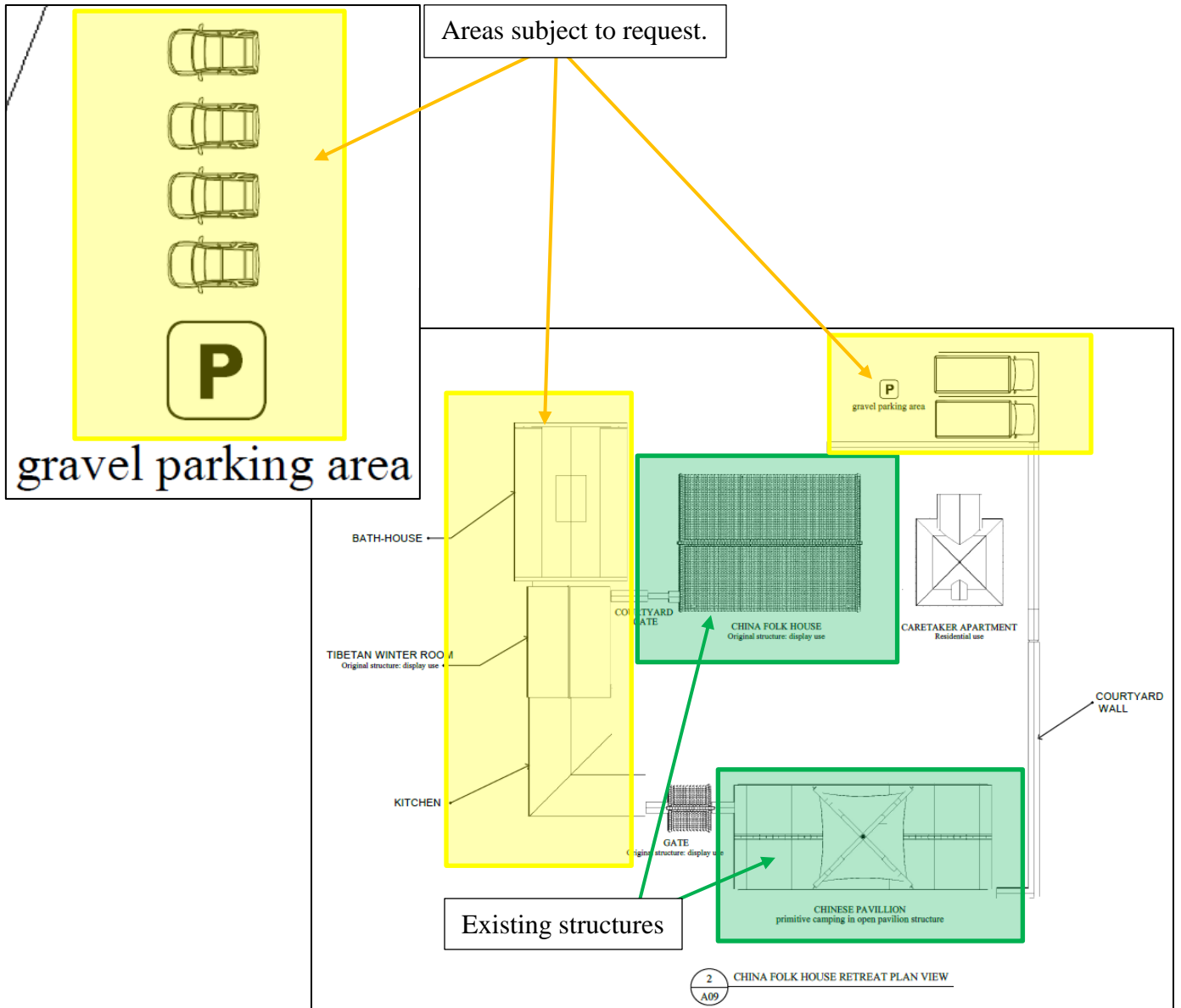
Should the applicant require additional overflow parking beyond what is reflected on the sketch, Section 11.1.C allows the Zoning Administrator to administratively waive permanent off-street parking for seasonal or temporary uses that do not require parking on a regular basis, and require less than 30 spaces.

Regarding landscaping and buffer requirements, Section 8.18 of the Ordinance provides standards for landscaping and noise for a Nature Center and Preserve. The land use may utilize a 10’ woodland preservation buffer along the perimeter of the property. As the parcel is substantially wooded, this requirement can be accomplished. Any noise created by the proposed use must adhere to Section

Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
China Folk House Variance Request (#20-12-ZV)

8.9A.1, which requires utilizing the Residential Growth District measurement when the use is adjacent to a lot that contains a residence, or is zoned Rural.

The surrounding parcels are under the same ownership as the subject parcel and a letter of support has been provided from the Rolling Ridge Conservancy Board of Directors; therefore, it is expected that impact on adjoining neighbors would be minimal.



Conditions of Approval

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

1. No conditions of approval have been identified.

Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
China Folk House Variance Request (#20-12-ZV)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.10 Site Plan Requirements³⁹

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

Section 8.18 Nature Center and Preserve³²

This land use is defined in Section 2.2. The purpose of this land use is to include conserved and protected habitat, wildlife sanctuaries, and may also include passive outdoor recreational features such as wildlife observation platforms and feeding stations or plots, interpretative displays, trails and walkways, outdoor research stations, and environmental study support. This land use may include related improvements or structures for visitor and student education, outdoor and nature training; and associated office, education, and operational space. This land use may also include accessory uses that facilitate active education such as day camps, classes, and other supporting events as determined to be accessory by the Zoning Administrator.

A. General Standards to operate a Nature Center and Preserve:

The land use must operate on a minimum of ten acres, which may be comprised of contiguous parcels. Single ownership is not required provided the land use is operated by a nonprofit organization, a stewardship, or a local, State, or Federal agency. Structures, parking, and other accessory uses are permitted to cross interior property lines of said contiguous parcels.

This land use may process utilizing the Rural Site Plan standards found in Section 20.203(D) of the Jefferson County Subdivision and Land Development Regulations, in any zoning district in which it is permitted.

B. Setback Standards to operate a Nature Center and Preserve:

Enclosed structures over 250 square feet that are solely for the purpose of housing animals shall be setback 50 feet.

All structures and motorized trails shall meet commercial setbacks of 25 feet with the exception that accessory structures under 250 square feet that are associated with the maintenance of the land use shall be setback ten feet.

All non-motorized trails and non-amplified outdoor activity areas shall meet a minimum ten foot setback. Motorized vehicles associated with the maintenance of the land use are permitted within the non-motorized trails.

C. Landscaping Standards to operate a Nature Center and Preserve:

In lieu of this Ordinance's landscaping standards, a ten foot woodland preservation buffer shall be required along the perimeter of the land use. This ten foot buffer is not required along the interior property lines of the land use. There shall be no clearing or cutting within the buffer with the exception of removing dead, dying, and/or diseased trees. The woodland preservation buffer may be used for passive recreation such as pedestrian, bike, or equestrian trails provided that:

1. No trees, shrubs, hedges, or walls are removed.
2. Not more than 20% of the width of the buffer is impervious surface.

Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
China Folk House Variance Request (#20-12-ZV)

3. The total width of the buffer area is maintained.

D. Noise Standards to operate a Nature Center and Preserve:

This land use is restricted to the noise standards of Section 8.9A.1 of this Ordinance. The Residential Growth District measurement shall apply when the use is adjacent to a lot that contains a residence, or is zoned Rural or Residential Growth.



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: 20-12-ZV
 Staff Initials: AB
 Meeting Date: 05-28-20
 Fees Paid (\$100 or \$150): \$100.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Rolling Ridge Conservancy (Friends Wilderness Center user group)
 Mailing Address: 305 Friends Way, Harpers Ferry WV 25425
 Phone Number: 540-222-9715 Email: chinafolkhouse@gmail.com

Applicant Contact Information

Name: John Flower (FWC and RRC Board representative)
 Mailing Address: 4805 13th Street North, Arlington VA 22205
 Phone Number: 540-222-9715 Email: chinafolkhouse@gmail.com

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

Name: Dan J. Hotek, Engineering Techniques, Inc.
 Mailing Address: 300 Sky Meadows Lane, Front Royal VA 22630
 Phone Number: 540-635-1521 Email: danhotek@engtechniques.com

Physical Property Details

Physical Address: 305 Friends Way
 City: Harpers Ferry State: WV Zip Code: 25425
 Tax District: K-25 Map No: _____ Parcel No: 9
 Parcel Size: 20 acres Deed Book: 794 Page No: 469

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>
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Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>
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RECEIVED
APRIL 28, 2020

Jefferson County
 Engineering, Planning, & Zoning

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: _____

Briefly describe the nature of the variance request:

To omit site plan for campground associated with China Folk House, an auxiliary structure owned by Friends Wilderness Center and operated by the China Folk House Retreat (FWC is a user group of Rolling Ridge Conservancy/RRC).

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

The site is well away from neighboring properties. Construction additions are simple and well clustered. The campground will be used only seasonally, for small groups invited from schools and churches and not for the general public.

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

The mission of the CFHR campground is consonant with the goals of spiritual retreat, experiential learning, and environmental stewardship shared by all the user groups of the Rolling Ridge Conservancy who fully support its development. (see attached letter)

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

We are a 501c3 nonprofit with limited resources and engineering costs have been a hardship. Given the project's very low impact and the support of the RRC partners, and the small scale of proposed activities, we are requesting a variance to reduce costs.

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

We are keeping to the intent of the zoning ordinance at an isolated site surrounded by supportive partners of the Rolling Ridge Conservancy (see attached letter). The proposed project is a modest and logical extension of the existing mission of FWC and RRC.

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.

McMill. Flower April 20, 2020
Signature of Property Owner Date

Signature of Property Owner Date

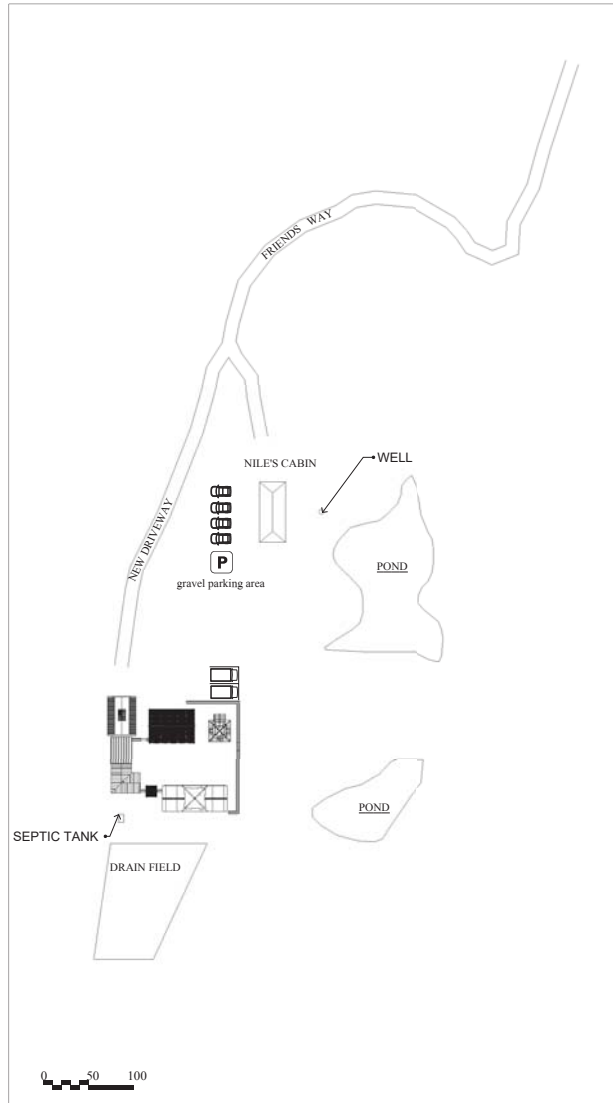
Notification Requirements (to be completed by staff)

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).

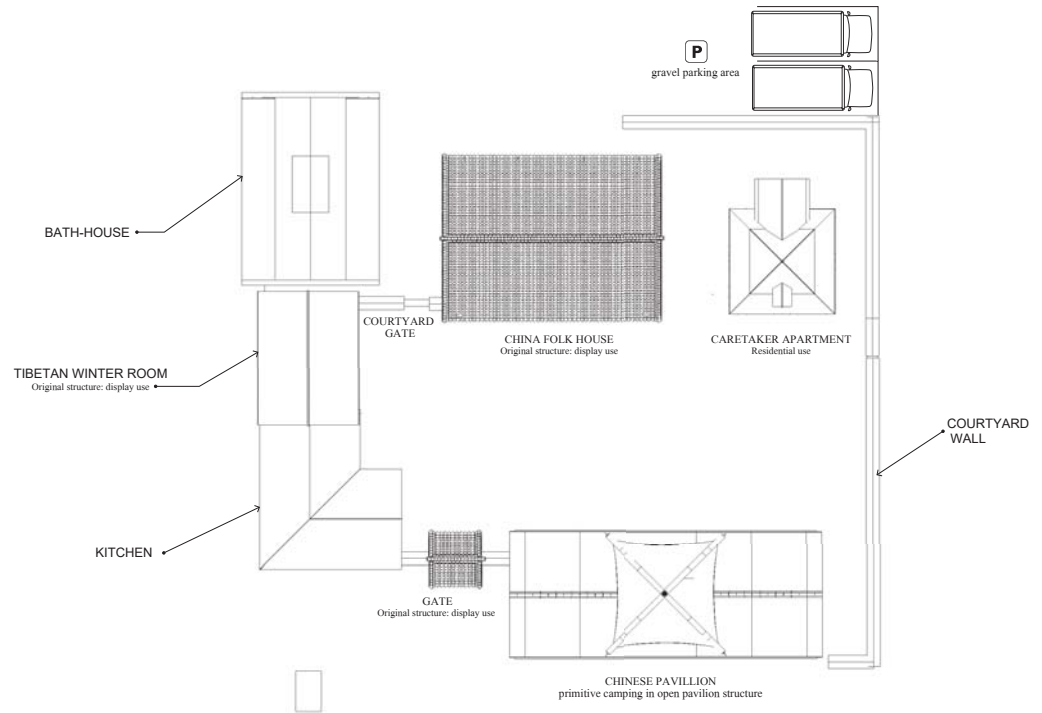
May 28, 2020
Date of Public Hearing

May 13, 2020
Advertising Date

May 13, 2020
Placard Posting Date



1 SITE PLAN
A09



2 CHINA FOLK HOUSE RETREAT PLAN VIEW
A09

- Construction Timeline:
- Phase one: China Folk House reconstruction (Summer 2019 - Spring 2020)
 - Phase two: bathhouse, Tibetan winter room, kitchen (proposed: Summer - Fall 2020)
 - Phase three: Chinese pavilion, caretaker apartment (proposed: Summer - Fall 2021)



Engineering

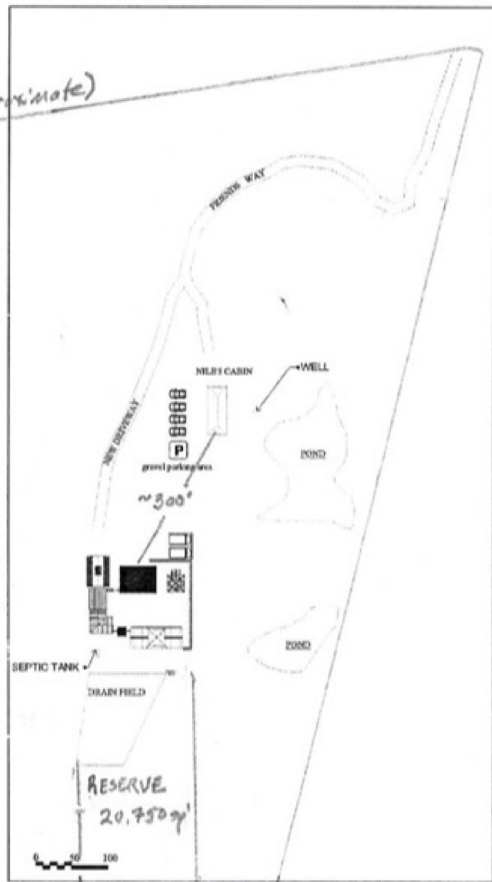
CLIENT
Pam Leonard and John Flower
4805 13th Street North,
Arlington, VA 22205

ISSUE
04/21/2020
RE-ISSUE
MIDDLETOWN

PROJECT
China Folk House INC.
305 Friends Way,
Arlington, VA,
VA 22205

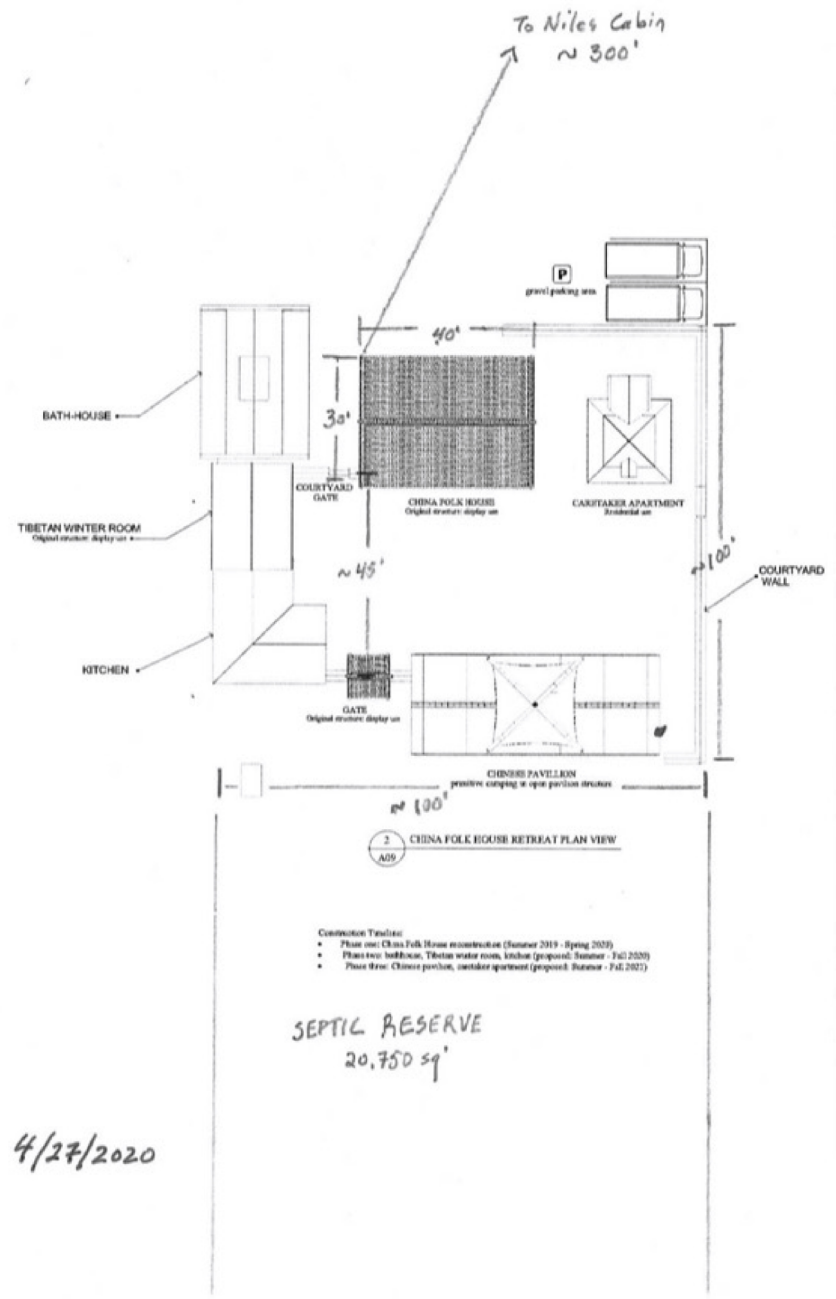
DRAWN BY
Mathieu L. Lamsure

Property line (approximate)



1 SITE PLAN
ADD

John Flower
JOHN FLOWER 4/27/2020



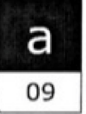
Engineering

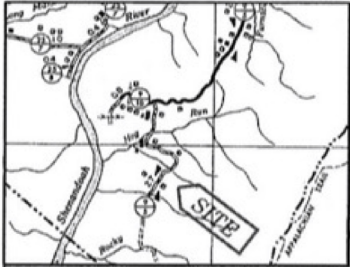
CLIENT
Richard and John Flower
18025 13th Street North
Arlington, VA 22205

ISSUE
04/27/2020
SS-0300E
RFL.DLL.YF

PROJECT
China Folk House Inc.
18025 13th Street North
Arlington, VA 22205
BY: 2/8/20

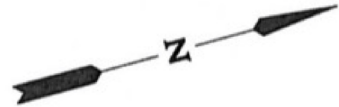
DRAWN BY
Richard L. Lumsden



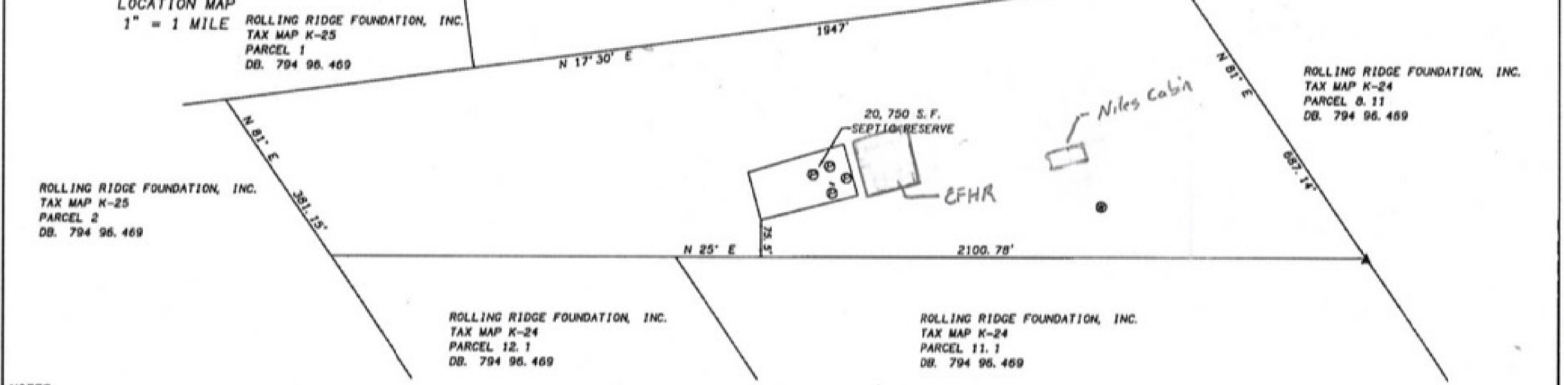


LOCATION MAP
1" = 1 MILE

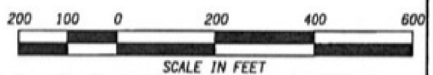
- LEGEND**
- ▲ PLANTED STONE FOUND
 - EXISTING WELL
 - ⊙ PERC HOLE
 - OBSERVATION TRENCH



ROLLING RIDGE FOUNDATION, INC.
TAX MAP K-26
PARCEL 4.1
DB. 794 96. 469



- NOTES:**
- 1) BEARINGS AND DISTANCES OF THIS PLAT ARE REFERENCED TO DESCRIPTION OF PARCEL NO. 2 IN DEED BOOK 794 PAGE 469 RECORDED IN THE CLERKS OFFICE OF JEFFERSON COUNTY.
 - 2) THIS LOT IS NOT SHOWN TO BE LOCATED IN THE 100-YEAR FLOOD PLAIN.
F. I. R. M. PANEL 54037C0240E, DATED 12-18-09.
 - 3) FOR A COMPLETE LIST OF COVENANTS AND RESTRICTIONS SEE DEED BOOK 794 PAGE 258.



SHEET 1 OF 1

PROJECT NO. 9385
DRAWING NO. 9385
DATE 7-13-18
DRAWN BY APD
CHECKED BY APD
APPROVED BY TLP


HEALTH DEPARTMENT

FOR
CHINESE HOUSE RETREAT


John M. Flower
JOHN FLOWER

4/27/2020

DATE	REVISIONS

 **DiMAGNO CONSULTING, INC.**
61 EAGLE SCHOOL ROAD
MARTINSBURG, WV 25404-7502
(304) 263-0157 FAX: (304) 267-0797

SURVEYOR'S SEAL



TERRY PLACANICA PS NO. 978
DATE: _____

April 28, 2020

TO: Office of Planning and Zoning, Jefferson County
104 E Washington St, Charles Town WV 25414

FROM: Shawn Walker, Vice-chair
Rolling Ridge Conservancy Board
305 Friends Way, Harpers Ferry, WV 25425

RE: Letter of Support for China Folk House Retreat

Dear Jefferson County Planning and Zoning Representatives,

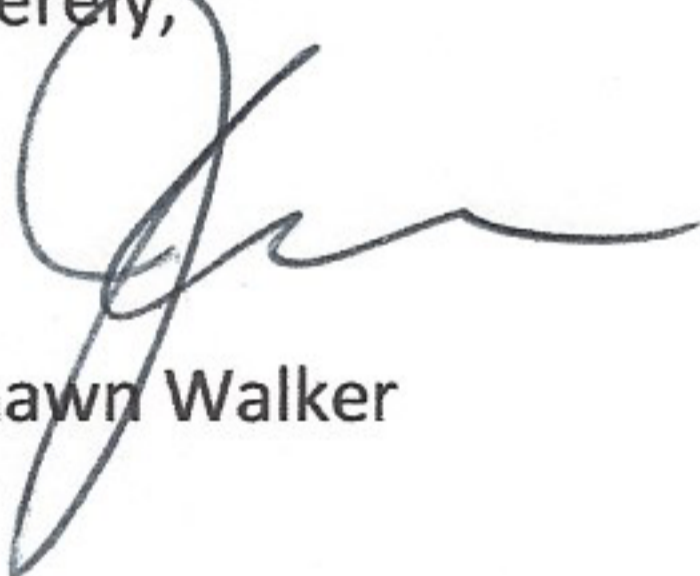
On behalf of the Rolling Ridge Conservancy (RRC) Board, I am submitting this letter to express our wholehearted support for the China Folk House Retreat (CFHR) campground that is proposed to be built on RRC land. We find that the project is in keeping with our mission and our goals, and it in fact offers the opportunity for partnering and collaboration to help us reach our goals and further serve user groups that visit RRC.

The CFHR campground's impact on the surrounding community will be limited as it will be used seasonally and only by invited groups (e.g. schools and church groups), not the general public. Plus, the site location for the campground is well within the interior of RRC property, on the parcel of land designated for use by the Friends Wilderness Center (FWC).

In addition to serving on the FWC Board, John Flower (applicant for the zoning variance) is also a member of the RRC Board and thus would be the best contact person for any RRC related questions as they pertain to the CFHR project as well as the application for the variance. His contact information is provided below.

We are excited to welcome the China Folk House Retreat into the RRC community and enthusiastically support the request for a variance to allow the project to go forward.

Sincerely,



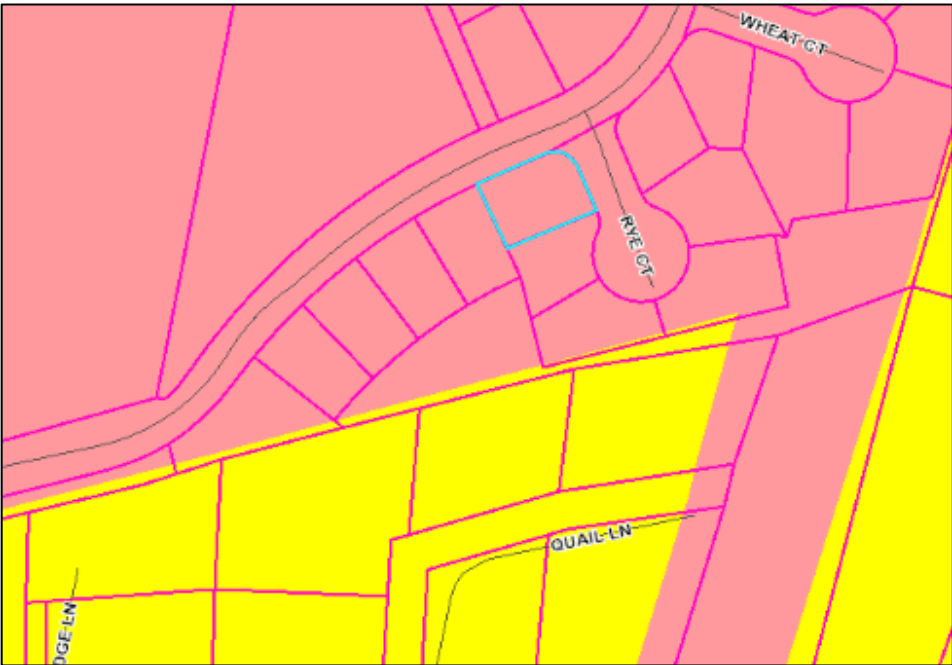
J. Shawn Walker

John Flower (RRC representative)
305 Friends Way, Harpers Ferry WV 25425
chinafolkhouse@gmail.com
540-222-9715

Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020

Stokes and Hall Variance Request (#20-13-ZV)

Item #3 Variance from Section 5.4b [ZO in effect in 1990] to reduce the side setback from 12' to 10' for a 10' x 22' deck.

Applicant:	Jocelyn Stokes and Ezra Hall
Owner:	Same
Developer:	N/A
Consultant:	N/A
Location:	Maddex Farm Subdivision, Lot 6, 170 Hensel Dr., Shepherdstown
Parcel Information and Zoning District:	<p style="text-align: center;">Parcel ID: 09008C01080000; Size: .17 acres; Zoning District: Residential - Light Industrial - Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: <i>North, South, East and West:</i> Residential - Light Industrial - Commercial</p>
History:	Recorded 02/25/94: PC File #92-33 - Maddex Farm Subdivision, Lots 1-11, 19-21 and Lot A-Residue (Plat Book 12, Page 5)
Waivers/Variances:	No
Approved Activity:	Single family residence
Site Visit Conducted:	No.

Summary of Request and Purpose of Ordinance Requirements

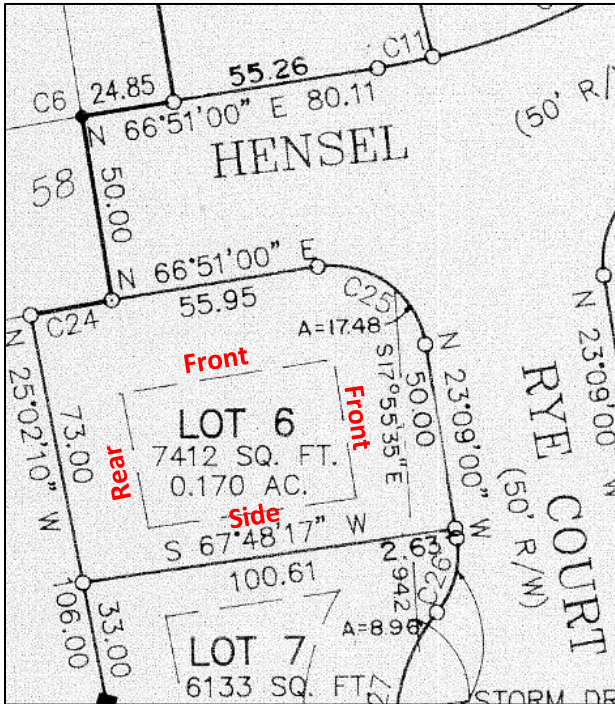
The applicant is seeking a variance from Section 5.4b of the October 4, 1990 version of the Zoning Ordinance to reduce the side setback from 12' to 10' for a 10' x 22' deck .

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

Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
Stokes and Hall Variance Request (#20-13-ZV)

Staff Evaluation of Request

The subject parcel is Lot 6 of the Maddex Farm Subdivision which was recorded on February 25, 1994 in [Plat Book 12 at Page 5](#). The required setbacks for this section of the subdivision are 25' front, 12' side and 20' rear. This parcel is located on the corner of Hensel Drive and Rye Court; therefore, it was platted with two front setbacks.



As noted in the application, there is currently a 7' x 22' first floor deck and a 7' x 12' second floor deck located on the back of the dwelling unit, toward the side of the subject parcel. The applicant would like to replace the decks due to wear and tear and as part of the renovation, is proposing to enlarge the first floor deck from 7' wide to 10' wide. Based on the sketch provided by the applicant, the proposed deck would encroach 2' into the side setback area.

The subject parcel was platted with two front setbacks; therefore, the existing house is situated further back onto the lot, thus reducing the buildable area within the backyard. It is feasible to comply with the Ordinance should the applicant reduce the width of the deck to the current size of 7'.

A fence is located around the yard and the adjoining property to the south has provided a letter of support for this request; therefore, it is expected that impact on adjoining properties would be minimal.

Conditions of Approval

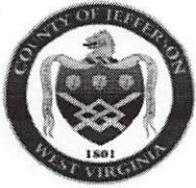
Should the Board choose to approve this request, possible conditions of approval include:

1. No conditions of approval have been identified.

Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020
Stokes and Hall Variance Request (#20-13-ZV)

SECTION OF ORDINANCE TO BE CONSIDERED:

& SECTION 5.4B RESIDENTIAL/GROWTH DISTRICT HEIGHT AND YARD REQUIREMENTS			
Development Type	Minimum Lot Area (MLA) Area per Dwelling Unit (ADU)	<u>Required Yards</u>	<u>Maximum Building Height*</u>
Single family detached dwelling	6,000 sq. ft. ADU**	25 ft. front	40 ft.
Public/Central water and sewer	10,000 sq. ft. MLA	12 ft. side	
Public/Central water or sewer	20,000 sq. ft. MLA	20 ft. rear	
No Public/Central water or sewer	40,000 sq. ft. MLA		



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: 20-13-ZV
 Staff Initials: AB
 Meeting Date: 05-28-20
 Fees Paid (\$100 or \$150): \$100.00

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: Jocelyn Stokes and Ezra Hall
 Mailing Address: 170 Hensel Dr. Shepherdstown WV 25443
 Phone Number: 925-588-9589 Email: joc.stokes@gmail.com

Applicant Contact Information

Name: Jocelyn Stokes
 Mailing Address: 170 Hensel Dr Shepherdstown WV 25443
 Phone Number: 925-588-9589 Email: joc.stokes@gmail.com

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

Name: Miller's Residential Creations, LLC
 Mailing Address: 135 Integrity Terrace, Martinsburg, WV 25405
 Phone Number: 304-754-8006 Email: brian@millersresidential.com

Physical Property Details

Physical Address: 170 Hensel Dr
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: _____ Map No: _____ Parcel No: 09 8C 010800060000
 Parcel Size: 7450 sq ft Deed Book: 1180 Page No: 210

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 type="checkbox"/>	<input checked="" 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
APRIL 24, 2020
 Jefferson County
 Engineering, Planning, & Zoning

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 5.4(b) [ZO in effect in 1990]

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 12 ft to 10 ft

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.

 4/24/2020
Signature of Property Owner Date

 4/24/2020
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).

May 28, 2020

Date of Public Hearing

May 8, 2020

Advertising Date

May 8, 2020

Placard Posting Date

Briefly describe the nature of the variance request:

There is currently a 7-foot-wide deck on the side of the house, which is set back 13 feet from the edge of the property line. We would like to build out the deck to 10 feet. This would reduce the set back from 12 feet to 10 feet from the edge of the property line.

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

The deck will be screened from the adjacent property by an existing fence. The neighboring house has no windows and no seating space on the side of the house that faces the deck. This neighbor has given his permission for the deck to be 10 feet.

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

The house was built 20 feet from the property line, and the deck was an existing structure when we purchased the house. The house is a corner lot with two side yards rather than a true back yard.

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

A 10-foot deck will allow for better use of the property such as seating space within the property line. This deck would be unobtrusive to the street and to the neighboring home.

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

A 10-foot deck will still be set back 10 feet from the edge of the property line. It will be 10-feet inside the fence of the property, which marks the property boundary.

Jocely Stokes and Ezra Hall
Variance request attached information
170 Hensel Drive
Shepherdstown, WV 25443

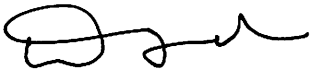
April 19, 2020

To the Jefferson County Office of Planning and Zoning:

I am of the owner of the property at 24 Rye Court Shepherdstown, WV. My property sits adjacent to 170 Hensel Drive on the side of the home on which their deck is located.

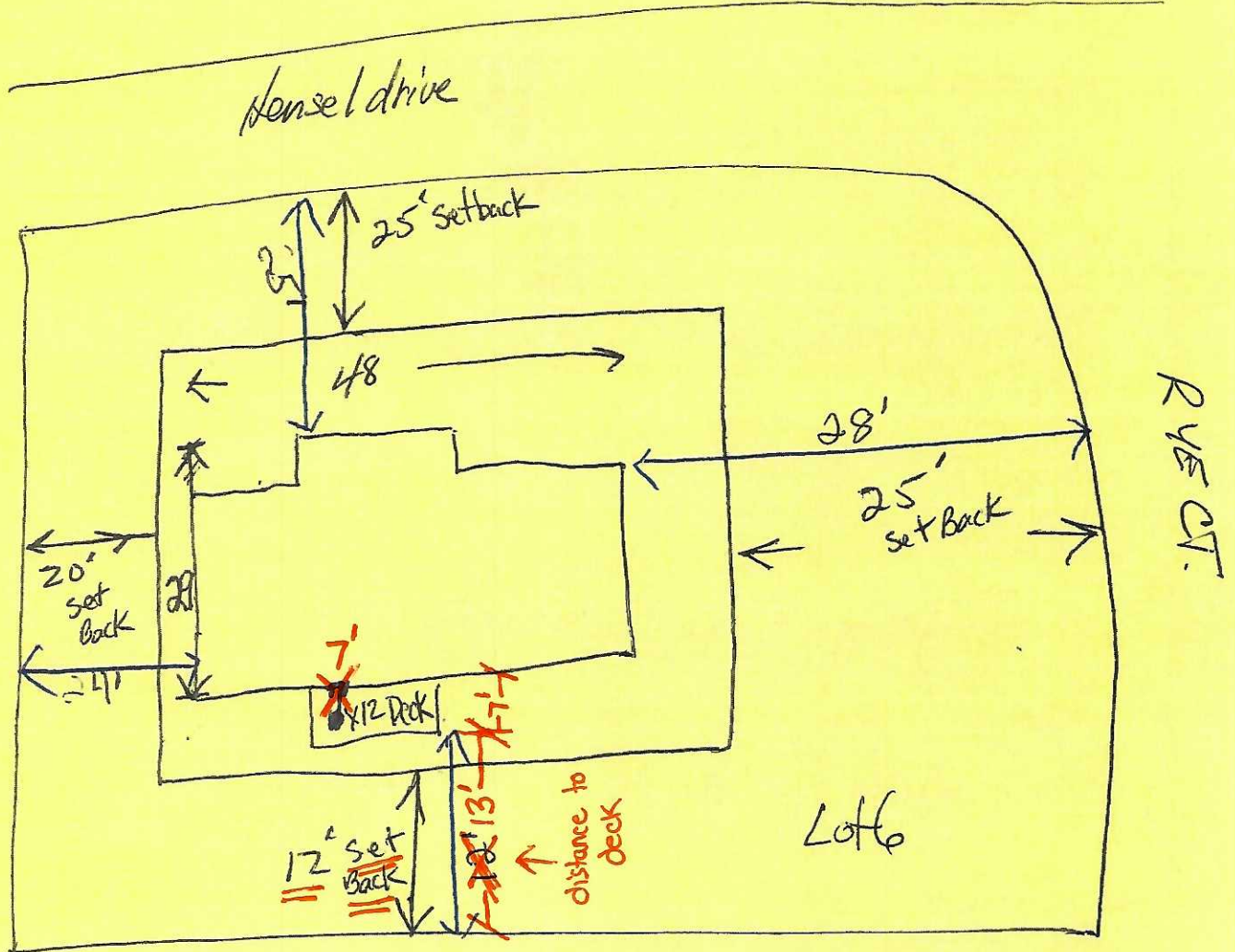
I give permission for the owners of 170 Hensel Drive to expand their deck to 10 feet. This will not cause a hardship for me or reduce enjoyment of my property.

Sincerely,

A handwritten signature in black ink, appearing to read "David Gold". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke extending to the right.

DAVID GOLD

RECEIVED
MAY 21, 2020
Jefferson County
Engineering, Planning, & Zoning



Lot 6 Maddex Farm Subdivision
Shepherd shown wv. 25443
RT 45 to

Tri Level
22' Tall

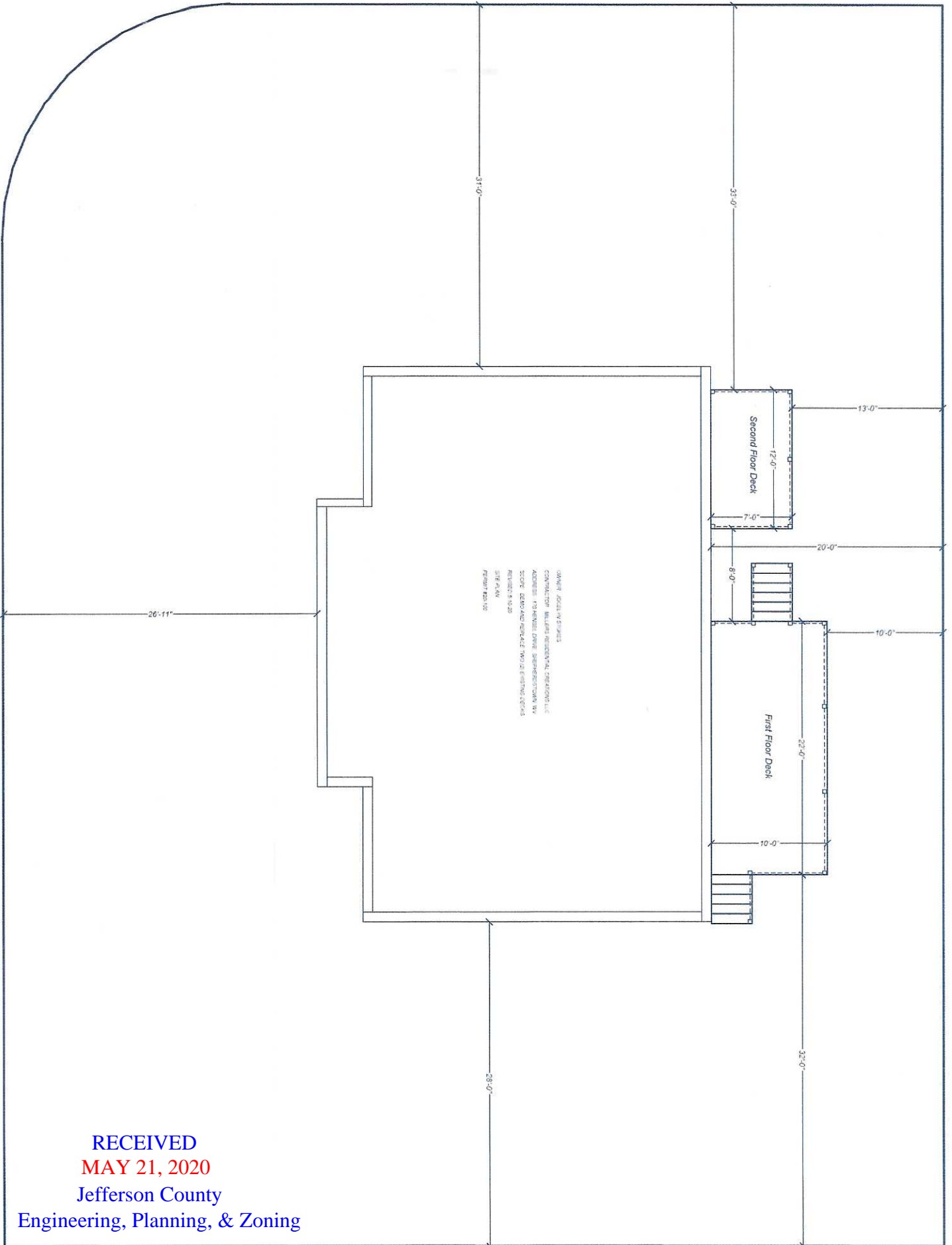
\$81,000

D. J. Lewis
March 27, 1996

July 30, 1996 Comp. date

RYE COURT

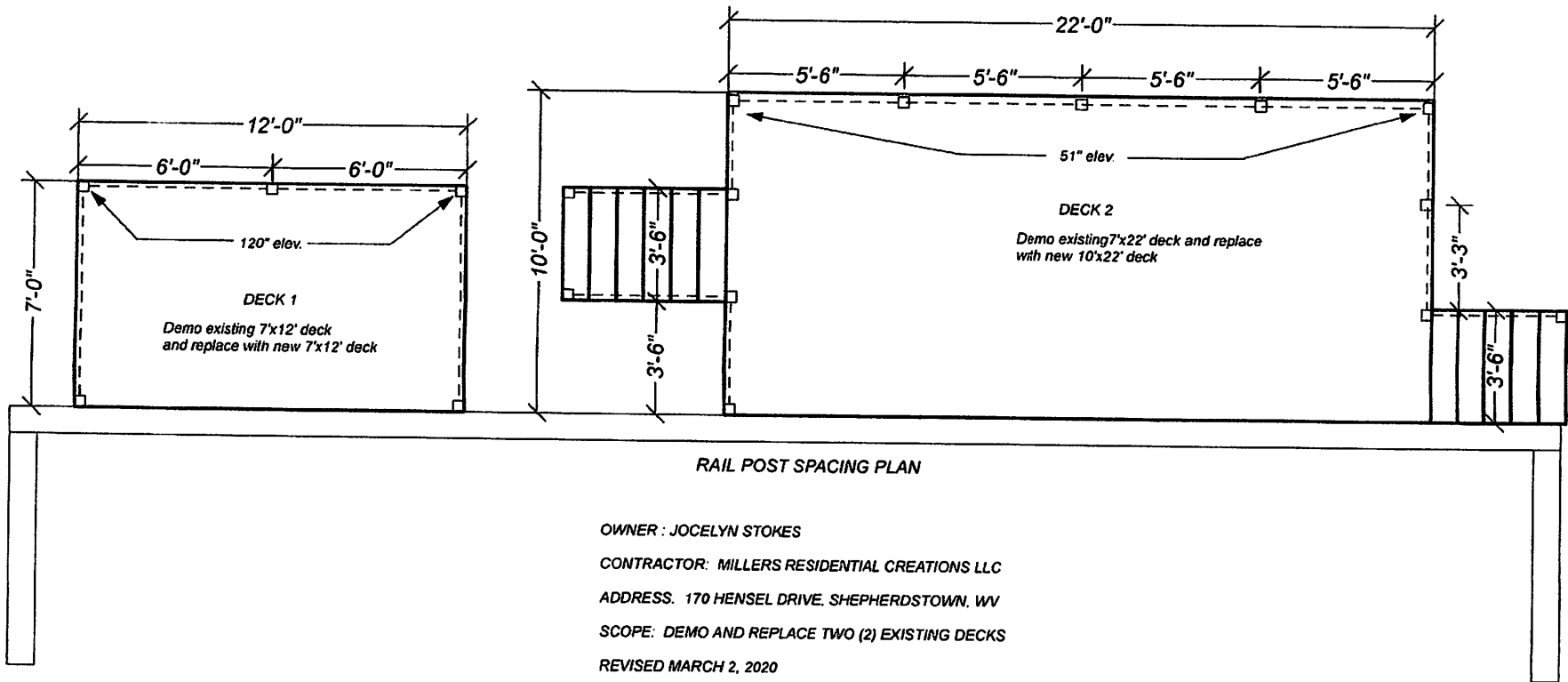
HENSEL DRIVE

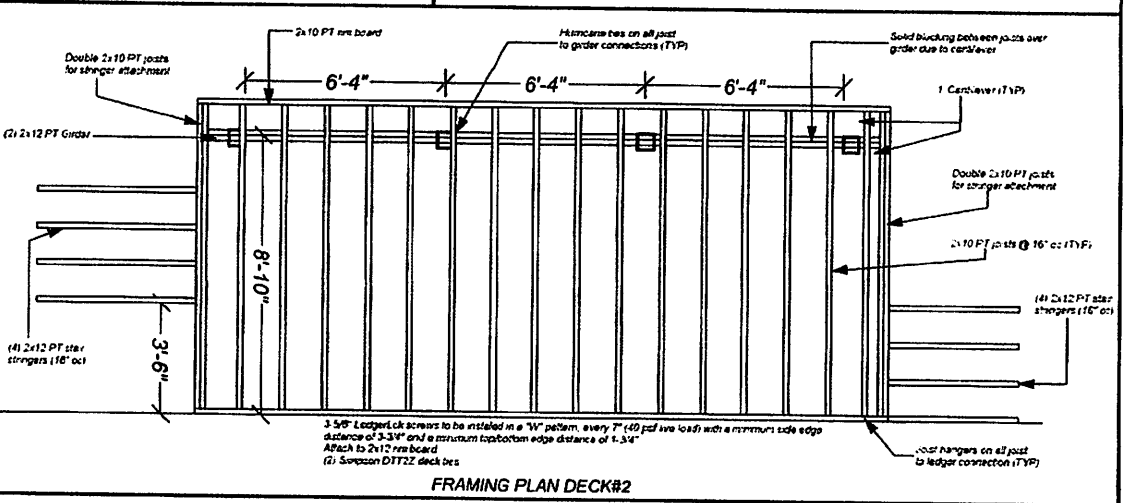
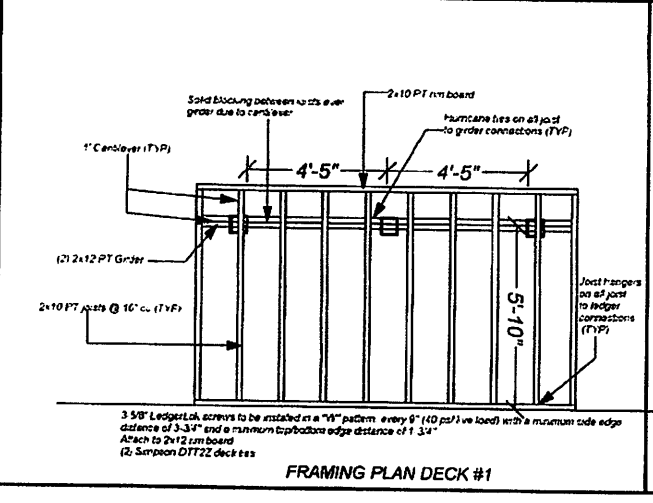
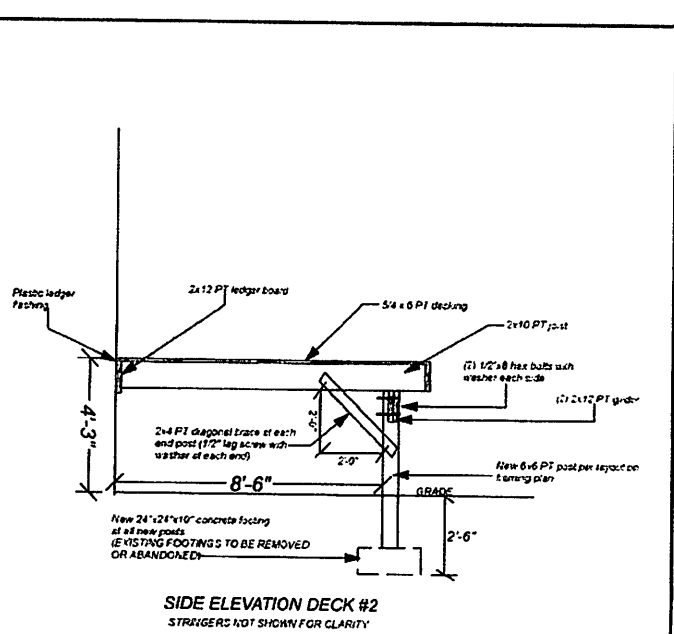
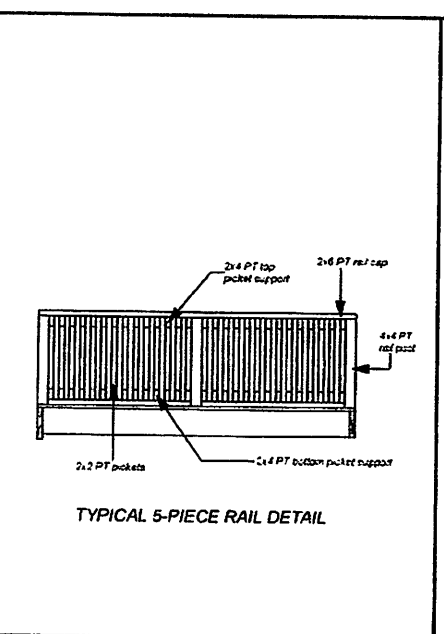
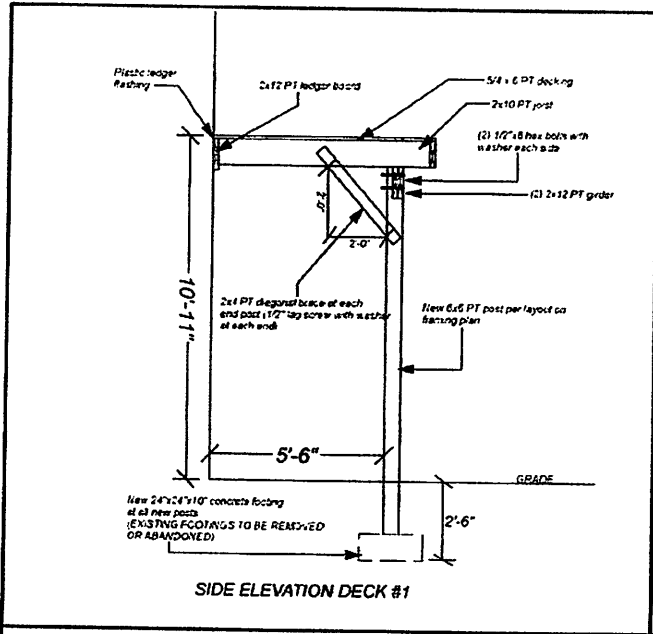


RECEIVED
MAY 21, 2020

Jefferson County
Engineering, Planning, & Zoning

20-13-ZV



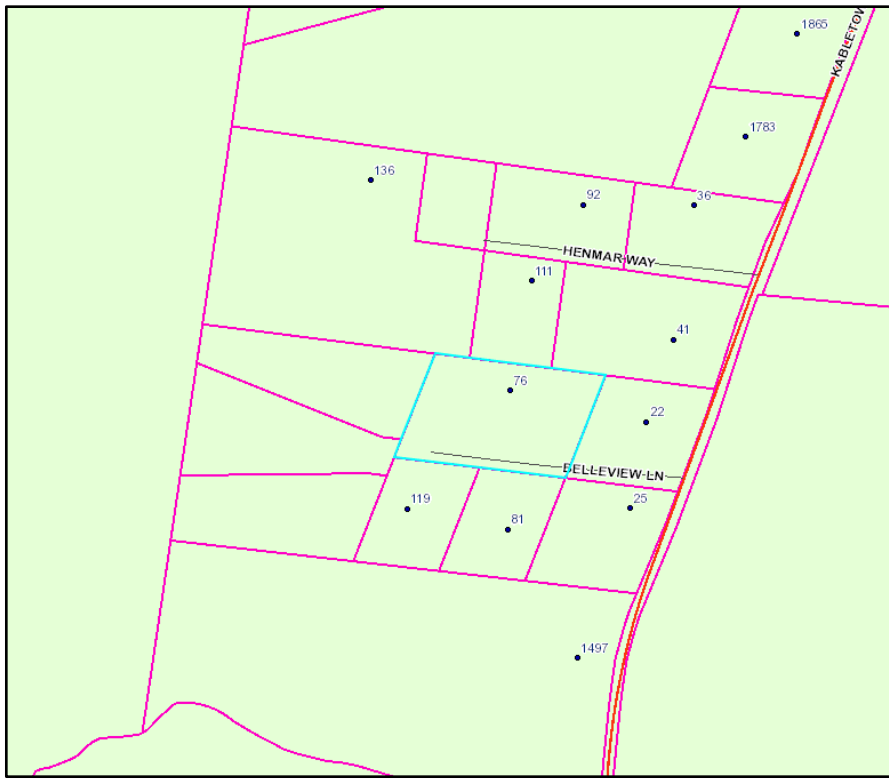


OWNER: JOCELYN STOKES
 CONTRACTOR: MILLERS RESIDENTIAL CREATIONS LLC
 ADDRESS: 170 HENSEL DRIVE, SHEPHERDSTOWN, WV
 SCOPE: DEMO AND REPLACE TWO (2) EXISTING DECKS
 REVISED MARCH 2, 2020

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 May 28, 2020

Efstathia Fragogiannis and Jamie Schatteman
Conditional Use Permit Request (#20-3-CUP)

Item #4 Request by Efstathia Fragogiannis and Jamie Schatteman for a Conditional Use Permit to operate a homebased federal firearms business, to include limited gunsmithing, from an existing detached garage (proposed land use as listed in Appendix C: Custom Manufacturing). The business is primarily internet based and does not include a readily available inventory. No employees other than the residents of the property. Business hours are by appointment only, with limited customer visits (1-2 per month). No signs are proposed.

Applicant:	Efstathia Fragogiannis and Jamie Schatteman
Property Owner:	Gary Eisner, Et Al
Developer:	Same as applicant
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">76 Belleview Lane, Charles Town, WV 25414 Parcel ID: 06002800110002; Size: 3 acres; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North & South: Rural East & West: Rural
Approvals:	Clyde Eisner Parent to Child Transfer, Lots 1-4 Residue (recorded on 02/09/2017 in PB 25 PG 601)
Site Visit Conducted:	Yes: May 20, 2020

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 28, 2020

**Efstathia Fragogiannis and Jamie Schatteman
Conditional Use Permit Request (#20-3-CUP)**

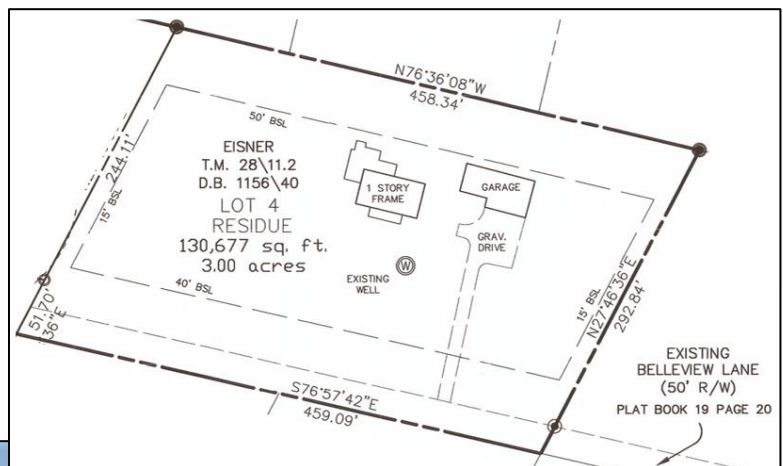
Summary of Request and Purpose of Ordinance Requirements

Request by Efstathia Fragogiannis and Jamie Schatteman for a Conditional Use Permit to operate a homebased federal firearms business, to include limited gunsmithing, from an existing detached garage (proposed land use as listed in Appendix C: Custom Manufacturing). The business is primarily internet based and does not include a readily available inventory. No employees other than the residents of the property. Business hours are by appointment only, with limited customer visits (1-2 per month). No signs are proposed.

Article 2 defines Custom Manufacturing as: “Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking.”

Property Description

The subject parcel contains an existing residential dwelling unit with a detached garage and gravel driveway/parking area. It is surrounded primarily by residential development. The parcels immediately to the west are vacant and under the same ownership as the subject parcel. The remaining surrounding parcels are all residential or agricultural.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 28, 2020

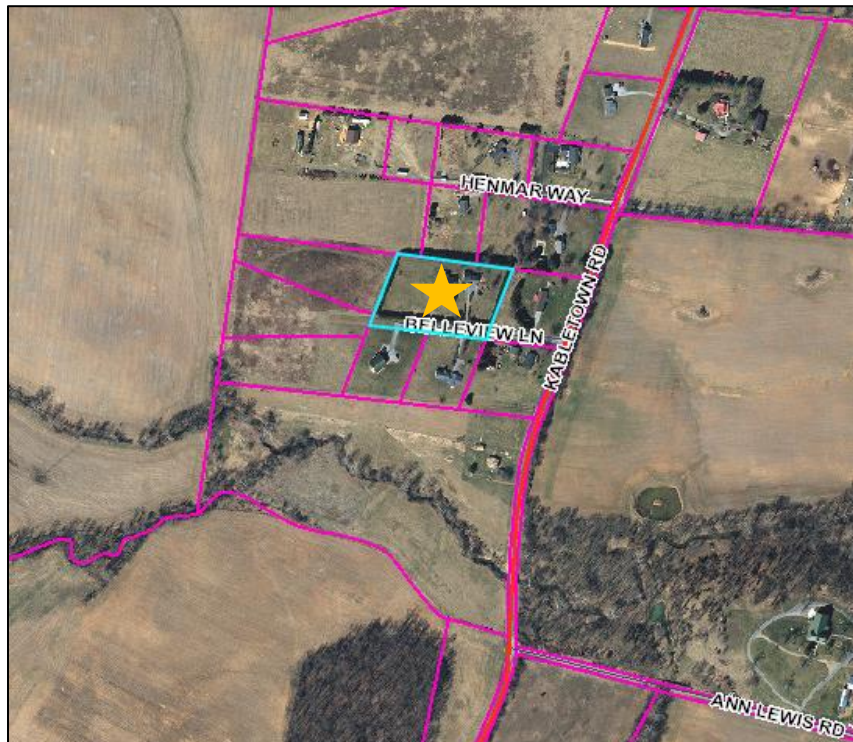
**Efstathia Fragogiannis and Jamie Schatteman
Conditional Use Permit Request (#20-3-CUP)**

Impact on adjacent properties

The proposed use is primarily an internet-based home business; however, Section 4A.1.E.4 states that “Any business which involved the storage of weapons such as firearms (other than residents’ hunting, protection, and leisure weapons)” cannot be established as a Home Occupation or Cottage Industry. A previous determination, which was upheld by the Board of Zoning Appeals, stated that storage of firearms constitutes any length of time that a firearm is on premises (PC File AP12-02). Therefore, Staff advised that a Conditional Use Permit would be required to address the fact that firearms will be on site for one or more days until the transfer is completed and the customer picks up the item(s).

The business is primarily an internet-based business, with occasional appointments (1-2 a month) with clients. There are no regular business hours and no readily available inventory (i.e. the public could not walk in and purchase a firearm). The only employees are the applicants who reside on premises. Therefore, based on the limited volume of customers and the fact that all other aspects of the land use will be contained within the existing detached garage, it is expected that the impact on adjacent properties will be minimal.

Access is available directly off of a 50’ wide right-of-way (Bellevue Lane), which is maintained by the members of the Homeowners Association.



Conditional Use Permit Process

Section 6.3 of the Zoning Ordinance states:

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

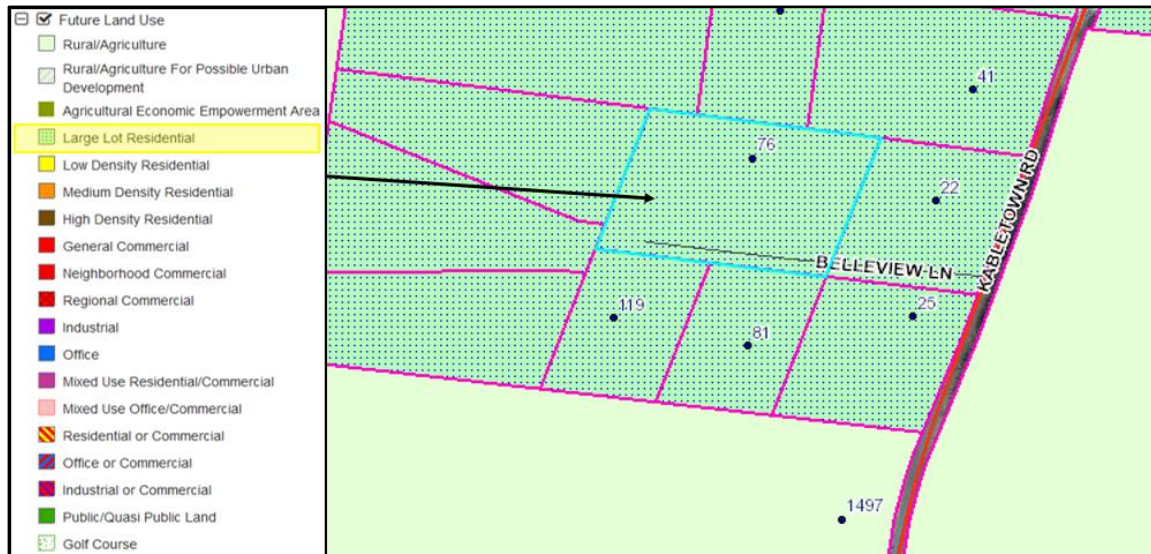
The following General Standards shall be considered in approving or denying the CUP:

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 28, 2020

Efstathia Fragogiannis and Jamie Schatteman
Conditional Use Permit Request (#20-3-CUP)

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan. (Sec. 6.3A.1)

The subject parcel is shown as “Large Lot Residential” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see below) and outside of the County’s urban growth boundary; however, one of the Plan’s goals is to allow Conditional Use Permits to process in the Rural district for non-residential uses which are compatible in scale and intensity with the rural environment.



“...allow the use of a more traditional CUP process in the Rural District for non-residential uses which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare.” (Page 14, Goals and Objectives)

“...This Plan recommends eliminating the LESA system and modifying the CUP process for use exclusively for non-residential development projects in the Rural Zoning District.” (Page 24, Rural/Agricultural Areas)

“...This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and intensity with the rural environment and poses no threat to public health, safety, and welfare.” (Page 36, Rural Land Use)

“Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.” (Page 39, Recommendation #4.b – Rural Land Use Planning Recommendations (Goal 2))

“While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 28, 2020

**Efstathia Fragogiannis and Jamie Schatteman
Conditional Use Permit Request (#20-3-CUP)**

the rural environment and that pose no threat to public health, safety, and welfare.”
(Page 74, Rural Economic Activities)

“Recommendation 5: Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.

Recommendation 5b: Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations. (Page 77, Agricultural and Rural Economy Recommendations (Goal 8))”

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

The proposed land use does not appear to pose any threat to public health, safety, and welfare. The applicant has stated that no testing of the firearms will be conducted on premises. If any testing is required, this will be conducted off-site at a range.

With regard to compatibility, no additions or new structures are proposed. No signs or changes to the exterior are proposed. Therefore, the proposed land use appears to be compatible in scale and intensity with the existing and potential land uses.

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

Based on the information provided, the proposed site development will not hinder nor discourage the appropriate development and use of adjacent land and buildings.

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

The subject property has existing landscaping surrounding the property and complies with the required 75’ distance requirement along the side and front of the property .*

Based on the information provided, the applicant would not be required to process a Site Plan because there are no new buildings or additions proposed, and no additional parking is required to be installed; therefore, landscaping is not required to be installed in accordance with Appendix B and Section 4.11.

*Note: as part of the subject request, the applicant is requesting to eliminate the required 75’ distance requirement along the rear portion of the property (File #20-19-ZV), which would typically serve as a buffer between residential land uses; however, because the proposed use would be established in an existing structure, it is not feasible to comply with this requirement.

5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance. (Sec. 6.3A.5)

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

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 28, 2020

Efstathia Fragiannis and Jamie Schatteman
Conditional Use Permit Request (#20-3-CUP)

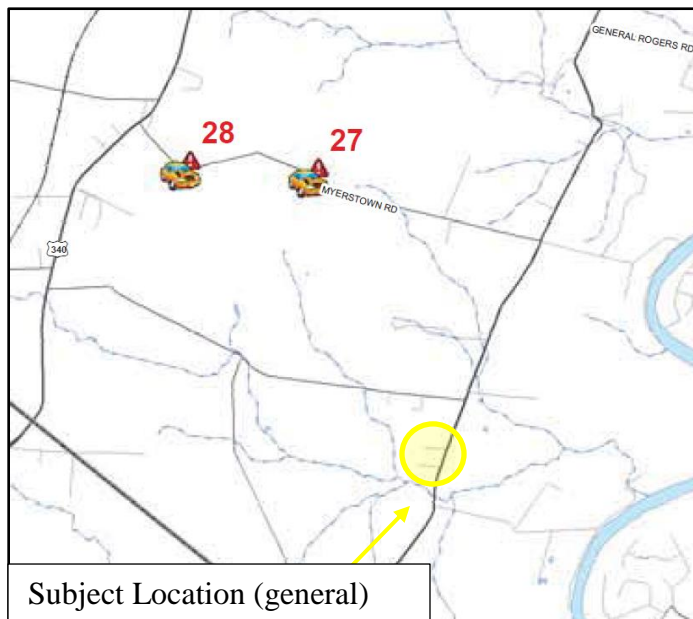
6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan’s Highway Road Classification Map. (Sec. 6.3A.6)

Belleview Lane is classified as a Local Road and is subject to this criteria. Please note, when referencing the Traffic Generation Manual, there was a category for Manufacturing, and the proposed land use is Custom Manufacturing; however, it should be noted that the subject request does not include any outside employees from those who reside on premises and the anticipated number of customers who will visit the property per month is no expected to exceed two; therefore, the required data is somewhat irrelevant as the proposed use is far less intense than a standard manufacturing facility with employees and deliveries, etc.

In referencing the Traffic Generation Manual, the average daily trip calculation for a 1,000 square foot manufacturing facility on a weekday is 3.82 trips; with peak hour trips being .79 trips in the a.m. and .75 trips in the p.m. On a Saturday, the average daily trip calculation is 1.49 trips and the peak hour trips is .28.

As a reference, a traffic count study was conducted by the Department of Transportation in 2017. The study reflects that the average daily trips on Myerstown Road (Station ID 196044) was 273 and the average daily trips along Kabletown Road, north of the Myerstown Road intersection (Station ID 193048) was 473 (Source: [2017 WVDOT AADT – Traffic Count Study](#)). The proposed land use would create a minimal increase in average daily trips when considering these numbers.

Below is an excerpt from the Comprehensive Plan’s Highway Problem Areas Map.



#27 – Myerstown Road – 1 mile east of US 340 – Two 90 Degree Turns.

#28 - Myerstown Road – ½ mile east of US 340 – 90 Degree Turn.

**See Highway Problem Areas Map and Table (Pages 98 and 99 of the Envision Jefferson 2035 Comprehensive Plan [attached].*

Note: the proposed land use does not comply with the home occupation or cottage industry land provisions because Section 4A.1E.4 states that “Any business which involved the storage of weapons such as firearms (other than residents’ hunting, protection, and leisure weapons)” cannot be established as a Home Occupation or Cottage Industry. When evaluating trip generation data, it may be worth considering that the Cottage Industry provision would allow up to 60 trips per week, with a maximum of 15 business related visits per day. A Cottage Industry land use would process administratively via a Zoning Certificate Application.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 28, 2020

**Efstathia Fragogiannis and Jamie Schatteman
Conditional Use Permit Request (#20-3-CUP)**

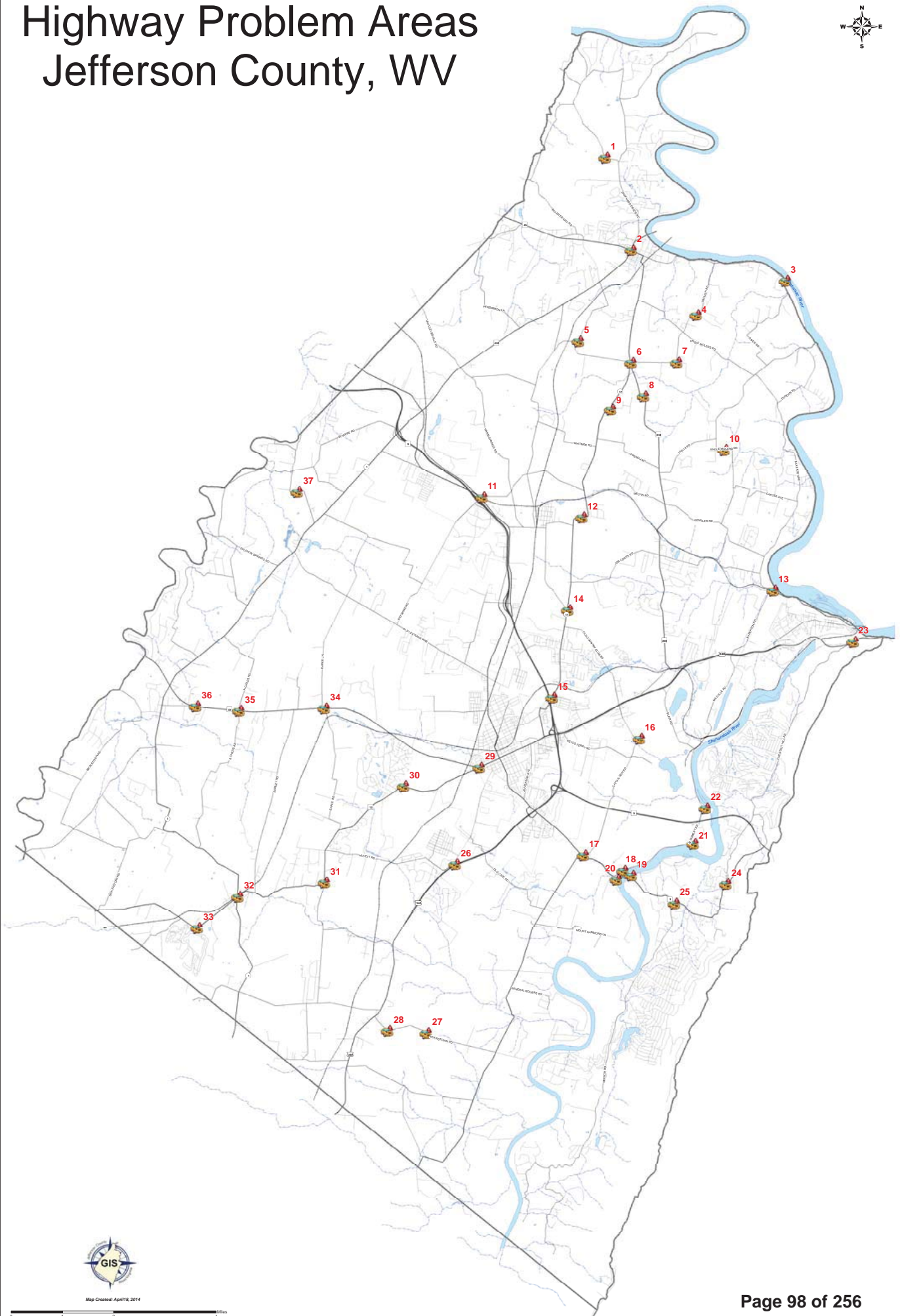
7. Historic Landmarks Commission's Findings related to the proposed land use. (Sec. 6.3A.7)

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

8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6. (Sec. 6.3A.8)

No signs are proposed as part of the request; therefore, this criteria is not applicable.

Highway Problem Areas Jefferson County, WV



Map Created: April 8, 2014



Highway Problem Areas in Jefferson County			
Number	Route/Road	Location	Problem
1	Scrabble Road	1/4 mile West of Sheperherd Grade Road	90 Degree turn
2	WV 45	Intersection with WV 480, WV 45 and WV 230	Road width through historic area limits turn movements
3	River Road	Near Potomac Ridge Lane	Prone to flooding
4	Trough Road	One mile east of WV 230	90 Degree turn
5	Ridge Road	Intersection with Gardners Lane	Poor intersection angle causing poor visibility
6	Intersection of WV 230 and Flowing Springs Road	Intersection of WV 230, Flowing Springs Road, Gardners Lane and Trough Road	High number of access and turning movements, visibility constraints
7	Trough Road	1/2 mile north of Engle Molers	Two 90 degree turns
8	WV 230	1 mile south of Flowing Springs Rd	S Curve
9	Flowing Springs Road	Approximately 1 south of WV 230 intersection	Curve
10	Engle Molers Road	1/4 mile south of Uvilla	Two 90 degree turns
11	Luther Jones Road	Intersection with Wiltshire Road and Old Charlestown Road	Limited stacking area at light due to tracks. Development is expected to take place in this area over next two decades
12	Flowing Springs Road	Approximately 700 feet north of Shenandoah Junction Road	Two 90 degree turns
13	Bakerton Road	Bakerton Road Tunnel	Sharp Curve, Poor Sight Distance, One Lane Tunnel
14	Daniel Road	Intersection with Flowing Springs Road just north of Old Country Club Road	Poor intersection angle causing poor visibility
15	Sun Road	Intersection with WV 9 West	No merge lane on Route 9
16	Cattail Run Road	Intersection with Marlow RD and Cattail RD	90 Degree turn
17	Cattail Run Road	At intersection with WV 115	Poor sight distance pulling onto WV 115
18	Bloomery Road	1,000 north of WV 115	Within 100 Year Floodplain, periodic flooding
19	Wilt Road	From WV 115 at to dead end	Within 100 Year Floodplain, periodic flooding
20	John Rissler Road	From WV 115 at Bloomery to dead end	Within 100 Year Floodplain, periodic flooding
21	Bloomery Road	2,500 South of Rt. 9 tunnel	90 Degree turn
22	Bloomery Road	1,250 north of WV 115	90 Degree turn
23	US 340 and Chestnut Hill Road	Intersection with Chestnut Hill Road	Inadequate Turning Area onto Chestnut Hill Road; Poor intersection angle causing poor visibility, steep slope
24	WV 115	At Chestnut Hill	Poor intersection angle causing poor visibility
25	WV 115	At Mission Road	Multiple Accident Location Long dead-end road with only 1 point of ingress/egress
26	Augustine Ave	Intersection with US 340	Adjacent intersection with Hyuett Road may lead to stacking during peak hours.
27	Meyerstown Road	One mile east of US 340	Two 90 degree turns
28	Meyerstown Road	1/2 mile east of US 340	90 degree turn
29	Summit Point Road	Intersection with WV 51 (Washington St)	Poor intersection angle causing poor visibility, intersection at capacity
30	Summit Point Road	Near Lindsay Drive	90 Degree turn
31	Summit Point Road	Intersection with Lloyd Road	90 Degree Turn
32	Summit Point Road	At intersection with Leetown Road and Summit Point Road	Poor intersection angle causing poor visibility
33	Summit Point Road	In vicinity of Summit Point Raceway	90 Degree turn
34	WV 51	Intersection with Earl and Darke Lane	Misalignment of intersection
35	WV 51	Intersection with Childs Road	Poor sight distance turning onto WV 51
36	Old Middleway Road	Intersection with WV 51	Poor sight distance and intersection angle
37	Paynes Ford Road	3,500 feet west of Leetown Road	Two 90 degree turns

DRAFT



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

File #: CUP
 Mtg. Date: 05/28/20
 Fee Paid: \$ 300.00
 Staff Int.: AB

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

Application for a Conditional Use Permit

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

Project Name

Aegean Manufacturing & Customs LLC

Property Owner Information

Name: Gary Eisner
 Business Name: N/A
 Mailing Address: 17904 Gore Lane, Leesburg, VA 20175 Mail Yes
 Phone Number: 571-209-0678 Email Response: gary.eisner15@gmail.com Response: No

Applicant Information

Name: Elstathia Fragogiannis & Jamie T. Schatteman
 Business Name: Aegean Manufacturing & Customs LLC
 Mailing Address: 76 Belleview Ln, Charles Town, WV 25414 Mail Yes
 Phone Number: 309-781-5393 Email Response: su1kko120@yahoo.com Response: No

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

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

Physical Property Details

Physical Address: 76 Belleview Ln, Charles Town, WV 25414
 Tax District: Select a District Kabletown Map No: 28 Parcel No: 11.2
 Parcel Size: 3 acres Deed Book: 1185 Page No: 67

Zoning District (please check one)

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

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

Name of Road and/or Route Number: Belleview Ln

RECEIVED
APRIL 27, 2020
 Jefferson County
 Engineering, Planning, and Zoning

Sketch Plan (see cover sheet for description)

Attached

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

Attached

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

Limited Retail. See attached proposal description.

Please provide any information or known history regarding this property.

N/A to the best knowledge of current property owner

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

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

See attached

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

See attached.

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

See attached.

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

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

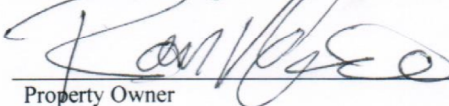
I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

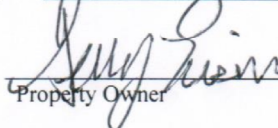
5. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road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

Applicable (Trip Generation Data attached)

Not Applicable

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

 4-26-20
Property Owner Date

 4-26-20
Property Owner Date



Signature No. 3

J.M. Moore

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

File # CUP
Map Date
Survey #
Staff #

Phone: (304) 726-3126
Fax: (304) 726-8126

Email: zoning@jeffersoncounty.org

Application for a Conditional Use Permit

Conditional Use Permit process is outlined in Article 5 of the Zoning Ordinance

Project Name

Acrylon Manufacturing & Customs LLC

Property Owner Information

Name: *Gary Eisner*
Business Name: *N/A*
Mailing Address: *17904 Gate Lane, Leesburg, VA 20175* Mail:
Phone Number: *571-529-0078* Email Response: *gary.eisner13@gmail.com* Response: No

Applicant Information

Name: *William P. Higgins & June T. Stettinman*
Business Name: *Acrylon Manufacturing & Customs LLC*
Mailing Address: *75 Bellevue Ln, Charles Town, WV 25414* Mail:
Phone Number: *304-741-5280* Email Response: *wp@acrylon.com* Response: No

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

Name: *N/A*
Business Name:
Mailing Address: Mail: Yes
Phone Number: Email Response: Response: No

Physical Property Details

Physical Address: *75 Bellevue Ln, Charles Town, WV 25414*
Tax District: *Bellevue District* Map No: *28* Parcel No: *11-2*
Parcel Size: *3 acres* Deed Book: *1185* Plat No: *24*

Zoning District (please check one)

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

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

Name of Road or for Route Number: *Bellevue Ln*

Conditional Use Permit Application
Aegean Manufacturing & Customs LLC
Efstathia Fragogiannis & Jamie T. Schatteman
76 Belleview Ln
Charles Town, WV 25414

Conditional Use Criteria:

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

The proposed internet-based business use within an existing house is compatible with the goals of the adopted Comprehensive Plan. Throughout the plan it endorses the use of existing structures and enhancement of services in the various rural areas.

Specifically, page 191 of the **Comprehensive Plan Goal #2** states the following *“Maintain and Enhance the Agricultural and Artisan Economy, Rural Land Uses, Rural Neighborhoods, and Rural Character of the Areas of the County Outside the Preferred Growth Areas”* which is further supported by **Objective #3** listed on the same page *“Enhance the viability of existing farmlands within Jefferson County by allowing a greater range or agricultural and/or artisan uses within existing rural areas.”*

This business will provide a valuable service to the community by offering a local place for county residents to repair their hunting gear or firearms used for self-defense by exercising their Second Amendment right. Further, by offering gunsmithing services the business focuses on improving customers’ safety. Working with high standards, the business aims to help protect people from the risks of shoddy, poorly maintained firearms. Enjoying a sense of satisfaction knowing that when we repair a firearm, we are playing a role in reducing the chance of a customer suffering an accident.

Further, page 195 of the **Comprehensive Plan Goal #8** states the following *“Retain, Strengthen, and Enable the Growth of Jefferson County’s Rural, Cultural and Artisan Economies”* which is further supported by **Objective #1** listed on the same page *“Encourage diverse economic activity and agricultural production in the County’s rural areas”* and **Objective #2** *“Update existing land use regulations to allow for diverse compatible and complementary uses on agricultural properties and within rural areas of Jefferson County.”*

The high-speed information technology connection is enabling the resident to run this business from home utilizing exiting structure and supporting services. Since existing facilities will be utilized and no changes will be required to the existing infrastructure, utilities, or roads, the viability of agricultural activities will not be affected and there will be no environmental impact. This is an internet-based business which results into minimal impact to surrounding neighbors. The proposed use is compatible with the rural environment and neighborhood. The minimal customer base will not affect the existing transportation pattern, therefore, no disruption to the community.

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

The property is located off Kabletown road about 6 miles off Charles Town road. There is limited traffic in the area, maybe 1-2 vehicles every couple of hours. We are not proposing to make any changes to the building or existing structure. Since the structure already exists and already has sufficient parking on the premises, it should not impact the neighboring structures. The Applicant will utilize the existing driveway entrance and parking on premises.

Furthermore, this proposal will not impact the intensity of any potential land uses of the adjoining or confronting properties and poses no threat to public health, safety, and welfare. This business is Internet based and does not carry a readily available inventory. We do not have and do not plan to have any employees; we do not have nor do we plan to have any exterior signage, and we do not carry an inventory that someone could walk in off the street and purchase. Our business hours are by appointment only and as such there will be very limited traffic on the premises solely to pick up a firearm that was transferred or repaired (1 or 2 customers a month). This proposal will not be disrupting in any way the serenity or lifestyle of our neighbors.

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

This proposal will not have a negative impact on the appropriate development and use of adjacent land and buildings. The structure already exists and we are not proposing to make any changes to the building or existing structure, and therefore, there will be no disturbance to the neighbors. Additionally, the driveway and extensive parking area within property lines exist which will discourage customers from parking on the street. The business is purely an internet based business with no employees, no exterior signage, and no readily available inventory, therefore, limited traffic (1 or 2 customers a month).

Proposal Description

We are moving our homebased Federal firearms business from where we were operating in Berkeley Springs, West Virginia to Jefferson County West Virginia. This business is Internet based and does not carry a readily available inventory. No issues or concerns were raised with the city or county while operating the business in Berkeley Springs, West Virginia.

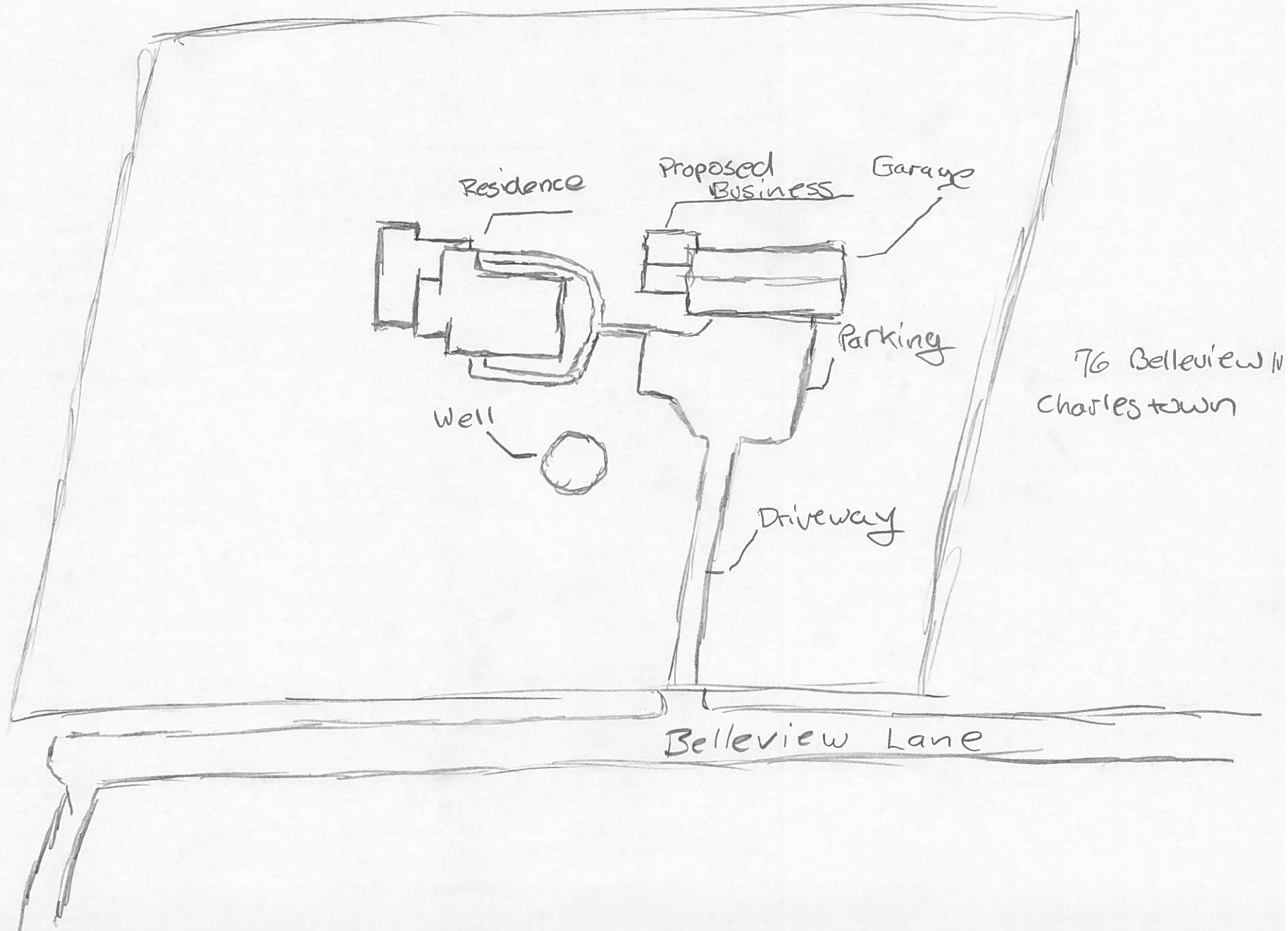
We do very occasional transfers of firearms for customers (1 or 2 a month) that were purchased from online dealers. We do not own these firearms and simply serve as the middle-man and assist in completing the transfer of the firearm to its owner.

We primarily do custom order builds, special order only (limited gunsmithing). Parts are specified by the customer, ordered by us and then assembled and shipped to the customer's Federal Firearms Licensee to facilitate the transfer of the firearm. At no point in time will we have an inventory of firearms for resale or inventory of parts prior to a customer submitting a specific firearm order at which time parts will be ordered. Each firearm that is transferred or custom built will be recorded in our logbook in accordance with Alcohol, Tobacco, and Firearms regulations.

We do not have and do not plan to have any employees; we do not have nor do we plan to have any exterior signage, and we do not carry an inventory that someone could walk in off the street and purchase. Our business hours are by appointment only and as such there will be limited traffic on the premises solely to pick up a firearm that was transferred or repaired (1 or 2 a month).

We are not proposing to make any changes to the building or existing structure.

No modifications will be made to Existing Structures
and no construction will take place



State of West Virginia



Certificate

I, Mac Warner, Secretary of State of the State of West Virginia, hereby certify that

AEGEAN MANUFACTURING AND CUSTOMS LLC

Control Number: 9ASLT

has filed its "Articles of Organization" in my office according to the provisions of West Virginia Code §§31B-2-203 and 206. I hereby declare the organization to be registered as a limited liability company from its effective date of September 24, 2019 until the expiration of the term or termination of the company.

Therefore, I hereby issue this

CERTIFICATE OF A LIMITED LIABILITY COMPANY



Given under my hand and the Great Seal of the State of West Virginia on this day of September 24, 2019

Mac Warner

Secretary of State

Date of this notice: 12-19-2019

Employer Identification Number:
84-4030035

Form: SS-4

Number of this notice: CP 575 B

AEGEAN MANUFACTURING AND CUSTOMS
LLC
EFSTATHIA FRAGOIANNIS MBR
303 TRUMAN ST
BERKELEY SPGS, WV 25411

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 84-4030035. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1065

03/15/2020

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

State of West Virginia



Certificate

*I, Mac Warner, Secretary of State of the
State of West Virginia, hereby certify that*

AEGEAN MANUFACTURING AND CUSTOMS LLC

has filed a "Certificate of Registration of Trade Name" in my office according to the provisions of Chapter 47 of the West Virginia Code and was found to conform to law.

Therefore, I hereby issue this

CERTIFICATE OF REGISTRATION OF TRADE NAME

authorizing it to transact business in West Virginia under the assumed name of

AEGEAN MANUFACTURING AND CUSTOMS



*Given under my hand and the
Great Seal of the State of
West Virginia on this day of
February 28, 2020*

Mac Warner

Secretary of State

482856

**WEST VIRGINIA
STATE TAX DEPARTMENT
BUSINESS REGISTRATION
CERTIFICATE**

ISSUED TO:
**AEGEAN MANUFACTURING AND CUSTOMS LLC
303 TRUMAN ST
BERKELEY SPRINGS, WV 25411-5388**

BUSINESS REGISTRATION ACCOUNT NUMBER: **2380-9770**

This certificate is issued on: **03/13/2020**

*This certificate is issued by
the West Virginia State Tax Commissioner
in accordance with Chapter 11, Article 12, of the West Virginia Code.*

*The person or organization identified on this certificate is registered
to conduct business in the State of West Virginia at the location above.*

This certificate is not transferrable and must be displayed at the location for which issued.

This certificate shall be permanent until cessation of the business for which the certificate of registration was granted or until it is suspended, revoked or cancelled by the Tax Commissioner.

Change in name or change of location shall be considered a cessation of the business and a new certificate shall be required.

TRAVELING/STREET VENDORS: Must carry a copy of this certificate in every vehicle operated by them.
CONTRACTORS, DRILLING OPERATORS, TIMBER/LOGGING OPERATIONS: Must have a copy of this certificate displayed at every job site within West Virginia.

Strong Roots Growing Perfect Vision



Joel Tuttle
134 Ridgewood Trail
Berkeley Springs WV
25411
304-258-7958

Ken Reed
11348 Martinsburg Rd.
Hedgesville WV
25427
304-258-8540

Sean Forney
77 Fairfax Street
Berkeley Springs WV
25411
301-988-1147

Morgan County Commission
77 Fairfax Street, Berkeley Springs, WV 25411
304-258-8540
www.morgancountywv.gov

March 13, 2020

Re: **Aegean Manufacturing & Customs, LLC**
303 Truman Street
Berkeley Springs, WV 25411

To Whom It May Concern:

This letter is to inform you that at this time Morgan County has no zoning that would prevent Aegean Manufacturing & Customs, LLC, Efstathia Fragogiannis, and Jamie Schatteman from obtaining a Class 07, Federal Fire Arms License.

Should you have any questions, please feel free to contact our office.

Sincerely,

Amy S. / po

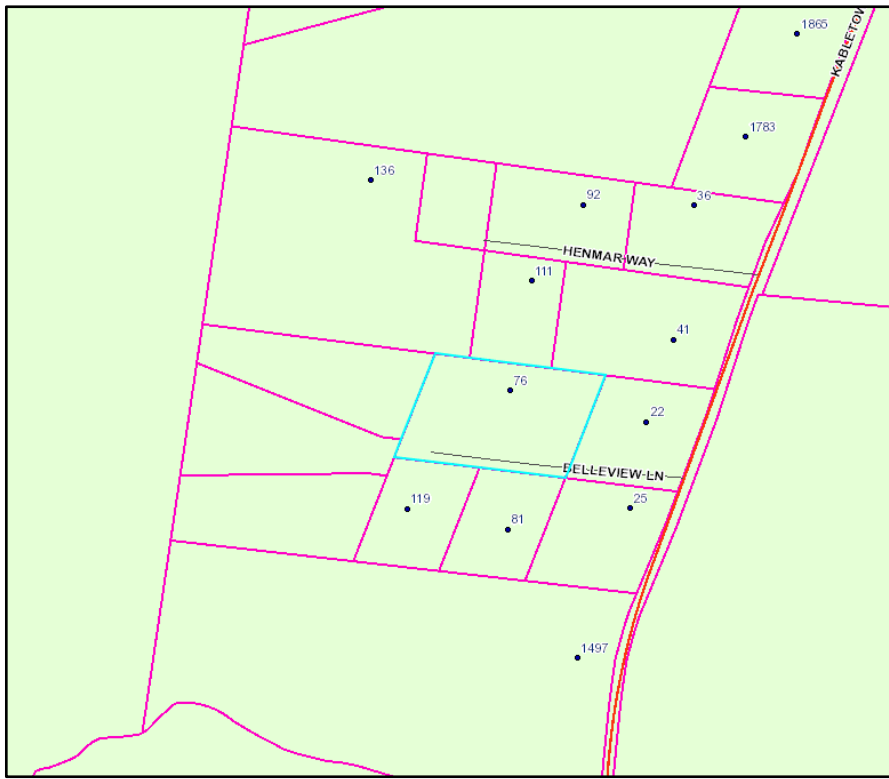
Amy Schumaker,
Morgan County Planner

Bath District
Map - 3, Parcel - 29.1

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 May 28, 2020

**Efstathia Fragogiannis and Jamie Schatteman
 Variance Request (#20-19-ZV)**

Item #5 Variance from Section 4.6B to reduce the 75’ distance requirement to 50’ along the rear property line for the purpose of operating a homebased federal firearms business from an existing detached garage (see Conditional Use Permit File#20-3-CUP).

Applicant:	Efstathia Fragogiannis and Jamie Schatteman
Property Owner:	Gary Eisner, Et Al
Developer:	Same as applicant
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">Lot 4-Residue – Clyde S. Eisner Parent to Child Subdivision 76 Belleview Lane, Charles Town, WV 25414 Parcel ID: 06002800110002; Size: 3 acres; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North, South, East, & West: Rural
History:	Clyde Eisner Parent to Child Transfer, Lots 1-4 Residue (recorded on 02/09/2017 in PB 25 PG 601)
Waivers/Variiances:	None.
Approved Activity:	Single Family Residence.
Site Visit Conducted:	Yes: May 20, 2020

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 28, 2020

**Efstathia Fragogiannis and Jamie Schatteman
Variance Request (#20-19-ZV)**

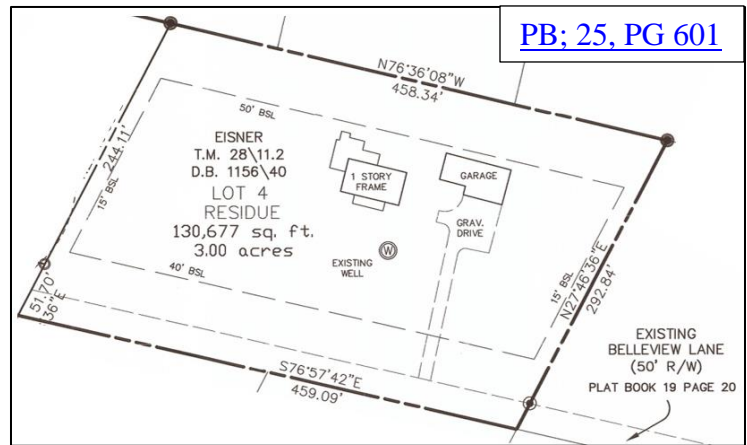
Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 4.6B to reduce the distance requirement from 75' to 50' along the rear property line to allow for the operation of homebased federal firearms business from an existing detached garage (see Conditional Use Permit File#20-3-CUP).

The purpose of the distance requirement is typically to lessen the impact of a non-residential use on a residential use, church, institution of human care, or historic site, including the visual impact created from the glare of exterior lights.

Property Description

The subject parcel is Lot 4-Residue of the Clyde Eisner Parent to Child Transfer, which was recorded on February 9, 2017. The property contains an existing residential dwelling unit with a detached garage and gravel driveway/parking area. It is surrounded primarily by residential development. The parcels immediately to the west are vacant and under the same ownership as the subject parcel. The remaining surrounding parcels are all residential or agricultural.



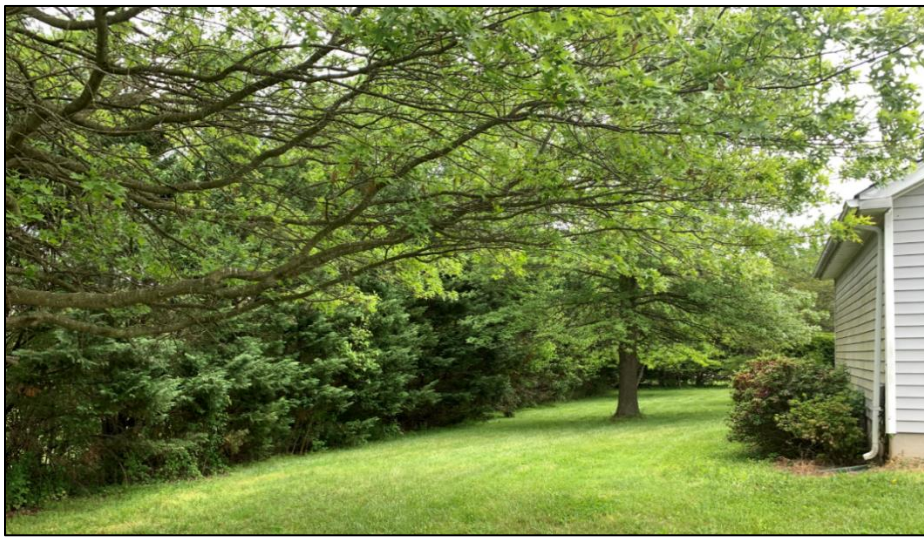
The purpose of the distance requirement is typically to lessen the impact between adjacent land uses, including the visual impact of the glare created from exterior lighting. The applicant has not proposed any changes to the exterior of the building and it is not expected that outdoor lighting would provide any offensive glares beyond what is created from a residential use.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
May 28, 2020

**Efstathia Fragogiannis and Jamie Schatteman
Variance Request (#20-19-ZV)**

Reducing the required 75' distance requirement to 50' along the rear property line is not expected to have any adverse impact on adjoining properties as there are no regular business hours and clients will visit the site by appointment only. Additionally, the property is surrounded by a mature tree line which provides a visual buffer to surrounding properties.

It is not feasible to comply with the distance requirement established in the Ordinance because the structure is existing and cannot be relocated.



Mature tree line surrounds the property. View of the tree line behind the subject garage, looking east.

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 4.6 Distance Requirements

B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:^{7, 27}

1. Any lot in the Residential Growth District;
2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.²³



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

File Number: _____
 Staff Initials: _____
 Meeting Date: _____
 Fees Paid (\$100 or \$150): _____

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

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: _____
 City: _____ State: _____ Zip Code: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____

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

Place Received Date Stamp Here

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: _____

Briefly describe the nature of the variance request:

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:

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?

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

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

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.

See attached

Signature of Property Owner

Date

Signature of Property Owner

Date

Notification Requirements (to be completed by staff)

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

Date of Public Hearing

Advertising Date

Placard Posting Date

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 4.6B

Briefly describe the nature of the variance request:

To reduce the distance requirement from 75' to 50' along the rear property line for the purpose of establishing a homebased federal firearms business within an existing detached garage (see 20-3-CUP).

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

Front Setback Side Setback Rear Setback Reduction From 75' to 50'

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:

A significant landscaping buffer exists along the entire perimeter of the property. The closest residential structure to the subject garage is 230 + feet away.

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

The detached garage is existing with no proposed expansion to the structure and no proposed business signs. The business will be contained entirely within the garage.

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

The variance will allow the current resident to operate the proposed business associated with Conditional Use Permit application file #20-3-CUP as proposed. There are no additional employees aside from the residents and customers come to the site by appointment only. There is no readily available inventory on hand and no regular business hours.

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

The purpose of the distance requirement is to provide a separation between land uses that do not complement each other, as well as to provide sufficient space maintenance and safety. The proposed land use will have minimal impact on neighbors there is an existing landscaping to provide a buffer and the business will be contained within the garage.

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] 5-17-20
Signature of Property Owner Date

[Signature] 5-17-20
Signature of Property Owner Date

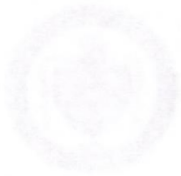
Notification Requirements (to be completed by staff)

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).

May 28, 2020
Date of Public Hearing

May 13, 2020
Advertising Date

May 13, 2020
Placard Posting Date



JEFFERSON COUNTY, WEST VIRGINIA
 Department of Engineering, Planning, and Zoning
 Office of Planning and Zoning
 114 East Washington Street, P.O. Box 714
 Charles Town, WV 25414
 800.768.2222 ext. 3170

File Number: 20-18-21
 Permittee: [Blank]
 Action Item: 20-25-20
 Estimated Fee: \$175

S/L McEwen

5/16/20

Signature of property owner

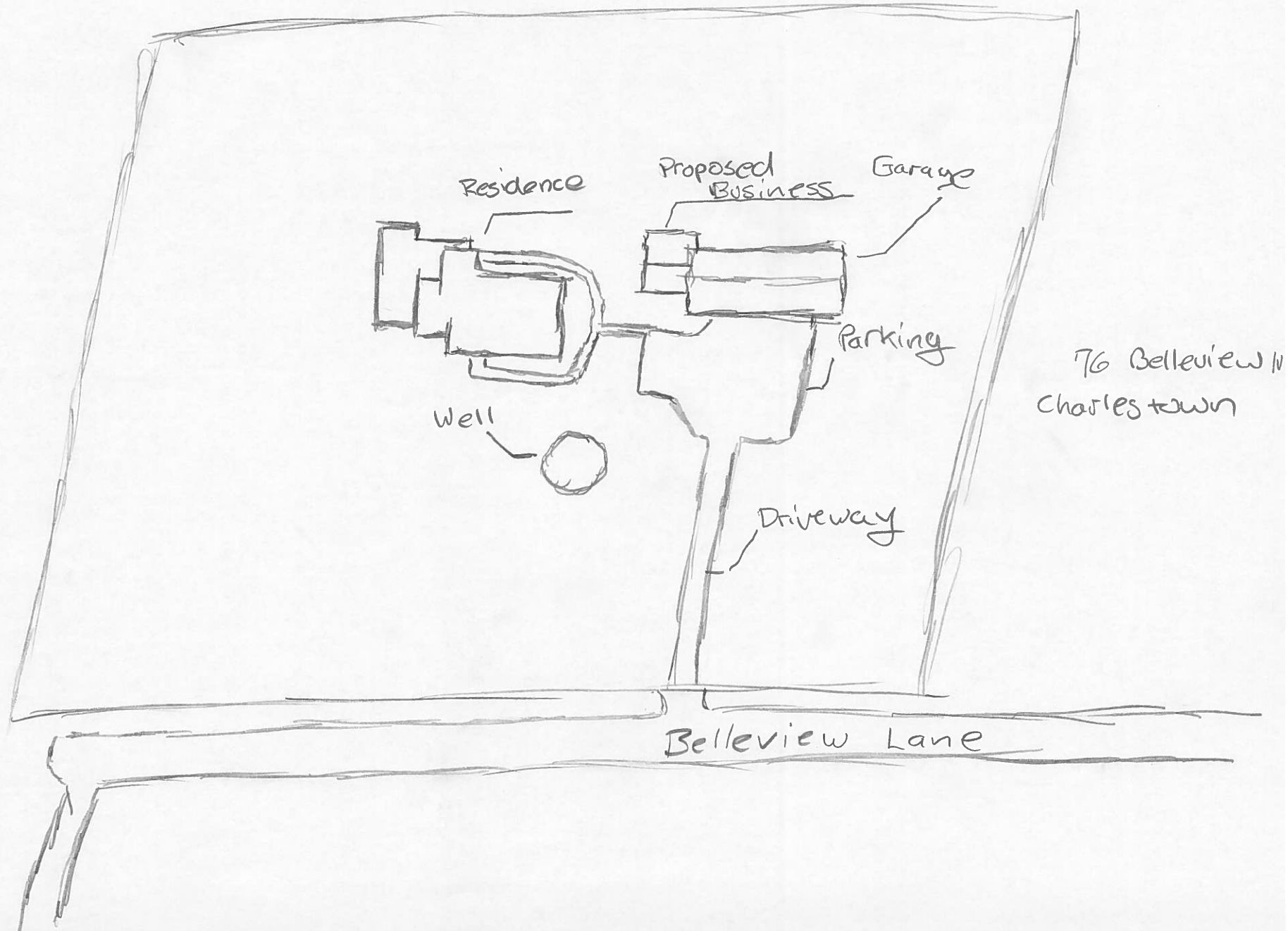
DATE

Name: [Blank]
 Mailing Address: [Blank]
 Phone Number: [Blank] Email: [Blank]
 Name: [Blank]
 Mailing Address: [Blank]
 Phone Number: [Blank] Email: [Blank]
 Name: [Blank]
 Mailing Address: [Blank]
 Phone Number: [Blank] Email: [Blank]
 Physical Address: [Blank]
 City: [Blank] State: [Blank] Zip Code: [Blank]
 Tax District: [Blank] Map No.: [Blank] Parcel No.: [Blank]
 Parcel Area: [Blank] LPA# [Blank] Page No.: [Blank]

Residential Single (RS)	Industrial Commercial (IC)	Neighborhood Commercial (NC)	General Commercial (GC)	Office/Industrial (OI)	Light Industrial (LI)	Heavy Industrial (HI)	Planned Neighborhood Development (PND)	General Community District (GCD)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

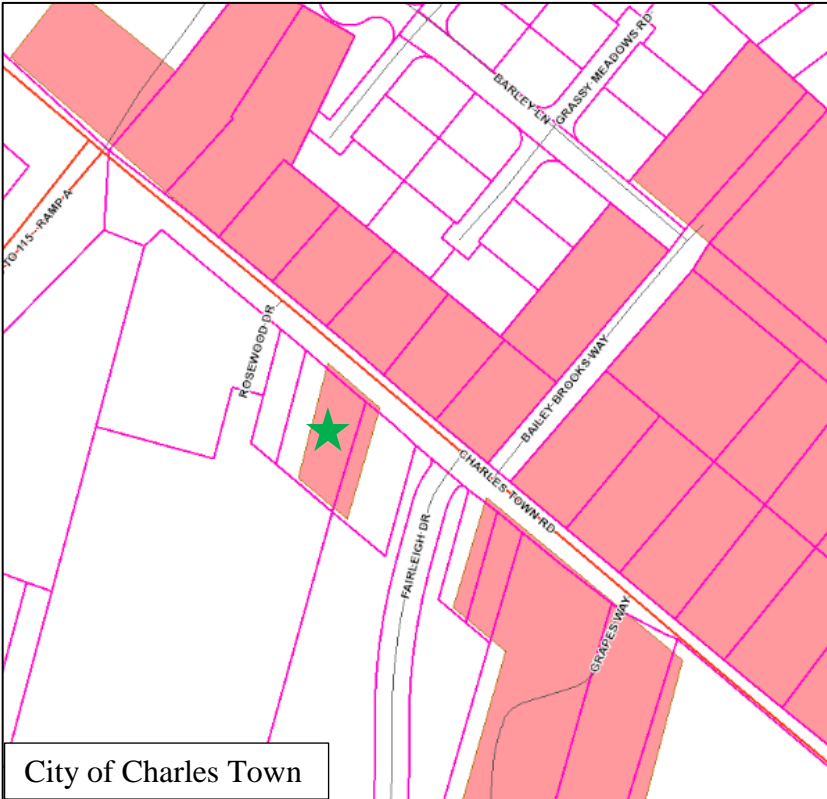
RECEIVED
 MAY 21, 2020
 Jefferson County
 Engineering, Planning, & Zoning

No modifications will be made to Existing Structures
and no construction will take place



Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020
Murtaza Variance Request (#20-15-ZV)

Item #7 The applicant is seeking a variance from Sections 4.6B and Appendix B for the following: to reduce the distance requirement from 75' to 32' along the eastern boundary line and to reduce the commercial side setback from 25' to 6.5' along the western boundary line. The requested variance is to allow an existing residential dwelling unit to be converted to a Professional Office for use as a satellite law office. No new buildings or additions are proposed.

Applicant:	Tasha Catrow, Catrow Law
Owner:	Mohammad Murtaza
Developer:	N/A
Consultant:	N/A
Location:	14840 Charles Town Rd, Charles Town
Parcel Information and Zoning District:	<p style="text-align: center;">Parcel ID: 02001700120003; Size: .40 acres; Zoning District: Residential - Light Industrial - Commercial</p>  <p style="text-align: center;">The Zoning Layer does not accurately align with the Parcel Layer. Parcel ID information verifies the parcel is located in the Jefferson County jurisdiction.</p>
Surrounding Properties:	Zoning Map Designation: <i>North:</i> Residential - Light Industrial – Commercial; <i>South, East and West:</i> City of Charles Town
History:	Part of the H.W. Foreman Lots (recorded 08/03/1948)
Waivers/Variations:	No
Approved Activity:	Single family residence
Site Visit Conducted:	Yes: May 20, 2020

Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
Murtaza Variance Request (#20-15-ZV)

Summary of Request and Purpose of Ordinance Requirements

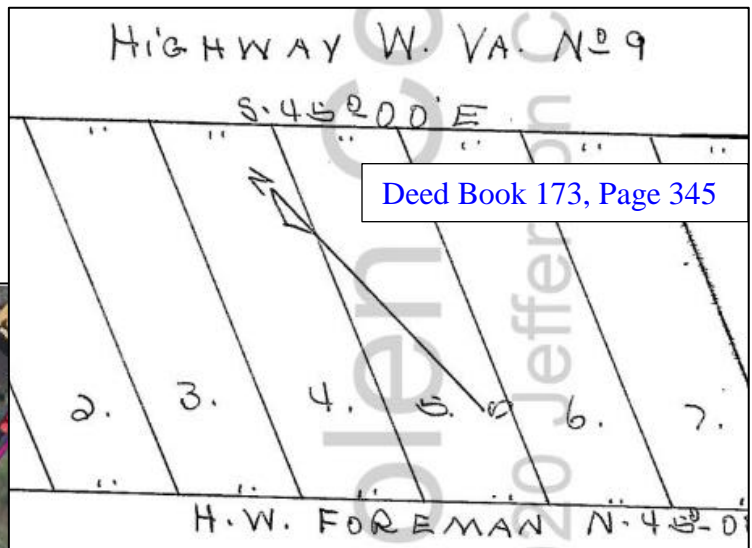
The applicant is seeking a variance from Sections 4.6B and Appendix B for the following: to reduce the distance requirement from 75' to 32' along the eastern boundary line and to reduce the commercial side setback from 25' to 6.5' along the western boundary line. The requested variance is to allow an existing residential dwelling unit to be converted to a Professional Office for use as a satellite law office. No new buildings or additions are proposed.

The purpose of the distance requirement is typically to lessen the impact of a non-residential use on a residential use, church, institution of human care, or historic site, including the visual impact created from the glare of exterior lights.

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

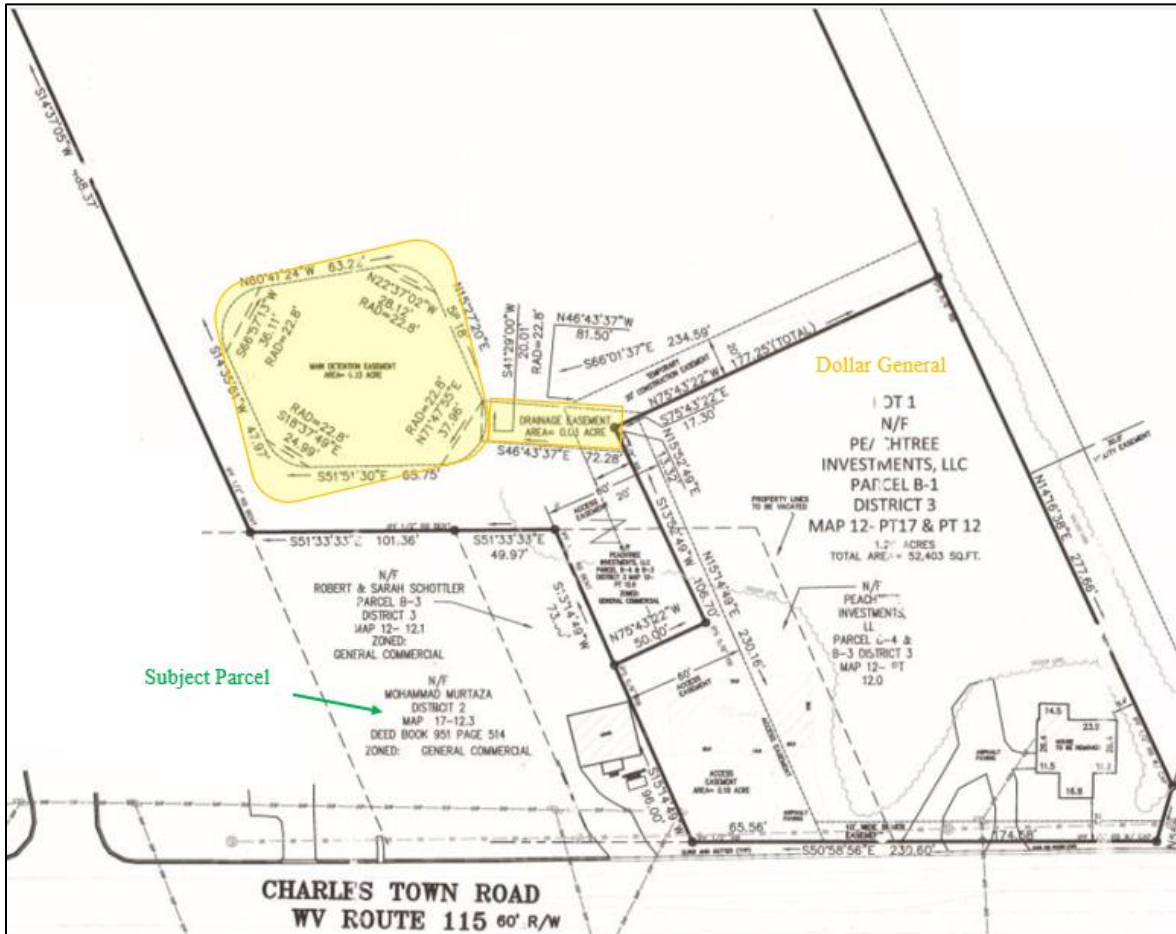
Staff Evaluation of Request

The subject parcel, which consists of two separate lots, was created prior to the adoption of the Zoning Ordinance and Subdivision Regulations. It is surrounded by parcels that have been annexed into the City of Charles Town.



Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020
Murtaza Variance Request (#20-15-ZV)

The Charles Town Dollar General Final Plat was recorded on February 23, 2016 in [Plat Book 25, Page 538](#) (see below). This plat depicts a platted stormwater management easement located behind the subject parcel (highlighted in yellow), which serves Dollar General.



The purpose of the distance requirement is typically to lessen the impact between adjacent land uses, including the visual impact of the glare created from exterior lighting. The applicant has not proposed

Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020
Murtaza Variance Request (#20-15-ZV)

any changes to the exterior of the building and it is not expected that outdoor lighting would provide any offensive glares beyond what is created from a residential use. Reducing the required 75' distance requirement to 32' along the eastern boundary line would likely have minimal impact on the adjoining property owner. It should be noted that the Ordinance explicitly excludes parking from complying with the distance requirement and would allow parking to be as close as 4' along the side and rear property lines.

With regard to the requested setback reduction from 25' to 6.5' along the western boundary line, granting the requested reduction does not appear to create any adverse effects on the adjoining property owner since the adjoining property is a non-residential use (bakery).

It is not feasible to comply with the distance or setback requirements established in the Ordinance because the structure is existing and cannot be relocated.

Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.6 Distance Requirements

B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:^{7, 27}

1. Any lot in the Residential Growth District;
2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.²³

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

Zoning District	Development Type ⁹	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	ImperVIOUS Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use						
						Front	Side	Rear	Front	Side	Rear	A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use	
												Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A					
	Commercial or Industrial**					See IC 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: 20-15-ZV
 Staff Initials: ABD
 Meeting Date: 05-28-20
 Fees Paid (\$100 or \$150): \$100 / ch# 3001

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: Mohammad Murtaza
 Mailing Address: 14840 Charles Town Rd Charles Town WV 25414
 Phone Number: 304-263-2346 Email: -

Applicant Contact Information

Name: Tasha Catrow
 Mailing Address: 300 Foxcroft Ave, suite 200 Martinsburg WV 25401
 Phone Number: 304-676-3923 Email: tcatrow@catrowlaw.com

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

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

Physical Property Details

Physical Address: 14840 Charles Town Rd
 City: Charles Town State: WV Zip Code: 25414
 Tax District: Charles Town Map No: 17 Parcel No: 12-3
 Parcel Size: 0.39 acre Deed Book: 951 Page No: 514

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

MAY 04 2020

JEFFERSON COUNTY PLANNING ZONING & ENGINEERING

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

Is there a Code Enforcement action pending in relation to this property?

Yes No

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

Appendix B. Site Dev. Standards
4.11

Briefly describe the nature of the variance request:

Variance needed to reduce side setbacks to allow for an office use of existing structure. Also requesting variance of screened buffer (Sec 4.011 E) on western 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

6.5 on western line on pasture line

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:

No actual change in current layout or location of house. Variance request is to allow for change in use only.

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?

Request for variance is for use of property as it currently exists.

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

Property is adjacent to a business + is in residential growth. The use will conform with existing nature of neighborhood + will not add unreasonable traffic or change the physical appearance of property.

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

Property is in residential growth - light commercial district. House as it sits, cannot comply with zoning ordinance. Variance request will allow for use as permitted without changing physical appearance of property.

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.

MUSTAFA

Signature of Property Owner

04-24-2020

Date

MUSTAFA

Signature of Property Owner

04-24-2020

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).

May 28, 2020

Date of Public Hearing

May 13, 2020

Advertising Date

May 13, 2020 @

Placard Posting Date

Sketch to county engineer for approval under no-site plan criteria



Square footage will be less than 1200 sq ft
(listing showing 2,208 includes sq. ft of basement which will not be used.)
Also won't use kitchen or closets as usable space
Intend to straighten out driveway (currently asphalt)
+ expand parking in back



existing
business
(bakery)



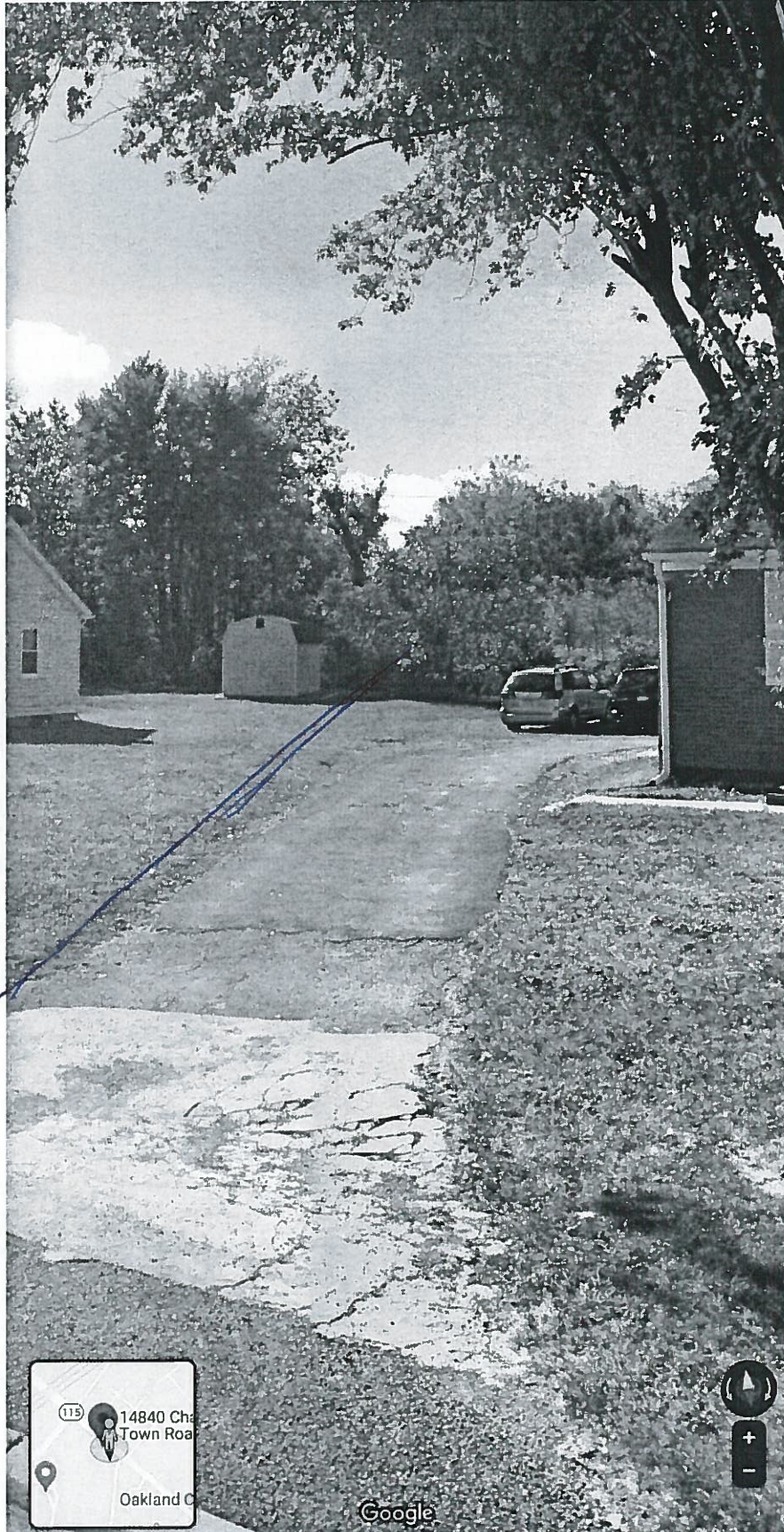
property
boundary

property
boundary

No change will be made to physical structure. Will upgrade asphalt driveway + add parking in rear of structure.

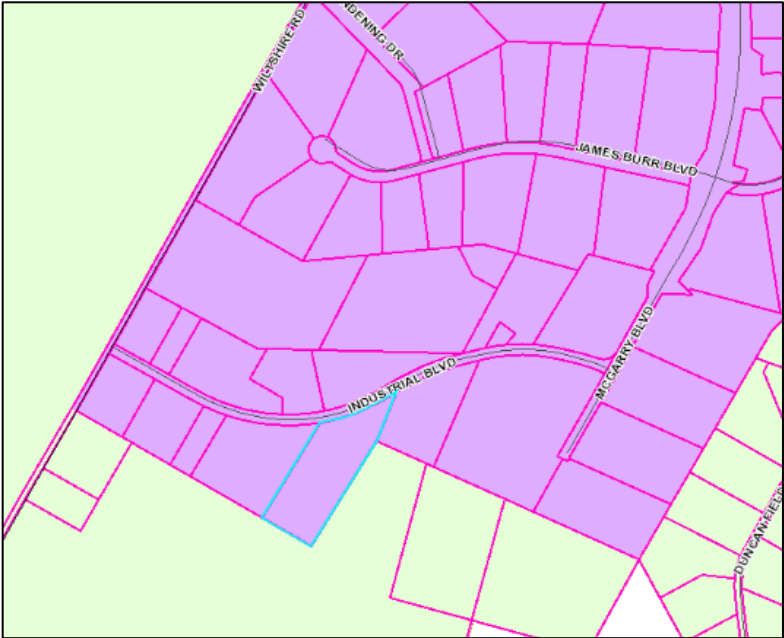
less than 1200 sq. ft of usable space for law office with 5 spaces for parking

Property line on East



Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020
270 LLC Variance Request (#20-17-ZV)

Item #8 Variance from Sections 4.6B, 8.9A.8, and Appendix B to reduce the distance requirement from 75' to 20' and the side setback from 25' to 20' along the eastern boundary line to expand existing fuel station (fuel tanks and fuel pumps).

Applicant:	Lee Snyder
Owner:	270 LLC
Developer:	N/A
Consultant:	Michael Shepp, Shepp Surveying
Location:	Burr Industrial Park, Lot 16, Kearneysville, WV
Parcel Information and Zoning District:	<p style="text-align: center;">Parcel ID: 02000200010021; Size: 5.43 acres; Zoning District: Industrial - Commercial</p> 
Surrounding Properties:	Zoning Map Designation: <i>North and West: Industrial – Commercial; South and East: Rural</i>
History:	02/23/78: Bardane Industrial Park (File #77-03) 07/13/92: Bardane Industrial Park Site Plan, Lot 16 (File S92-2)
Waivers/Variations:	No
Approved Activity:	Office/Fabrication Shop - Snyder Environmental
Site Visit Conducted:	Yes: May 20, 2020

Summary of Request and Purpose of Ordinance Requirements

The applicant is seeking a variance from Sections 4.6B, 8.9A.8, and Appendix B to reduce the distance requirement from 75' to 20' and the side setback from 25' to 20' along the eastern boundary line to expand existing fuel station (fuel tanks and fuel pumps).

The purpose of the distance requirement is typically to lessen the impact of a non-residential use on a residential use, church, institution of human care, or historic site, including the visual impact created from the glare of exterior lights.

Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
270 LLC Variance Request (#20-17-ZV)

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

Staff Evaluation of Request

The subject parcel is Lot 16, located in the original section of the Bardane Industrial Park, which was recorded on March 23, 1978 ([Plat Book 4, Page 85](#)). This parcel was created through the 1979 Subdivision Ordinance, before the adoption of zoning in Jefferson County. Page 3 of the approved final plat contains the Covenants and Restrictions for this section of the Park, which included setbacks (see Note #16 on exhibit A); however, our office does not enforce private covenants and/or restrictions.

As the applicant has represented, Lot 16 processed a site plan in 1992 and originally submitted variance applications requesting to reduce the required side setback from 50' to 20'. The variance applications were withdrawn after a request for a determination from the Director of Planning and Zoning at the time, to honor the setbacks listed in the covenants for the Bardane Industrial Park Subdivision, was granted.

In reviewing the subject request to expand the existing fuel station, Staff determined that in order to replace the existing fuel tanks with larger fuel tanks in the same location, or to add an additional fuel tank in the same general location, a variance would be required. In reviewing Section 4.3, which pertains to nonconforming uses (including structures), if a nonconforming structure is destroyed by natural or unnatural calamity, then the Board has to approve a request to replace the nonconforming structure. With regard to the potential for expanding the existing fuel station, the Ordinance would allow for an expansion up to 35%. At Staff's recommendation, the applicant determined it would be more feasible to request a variance to reduce the required setbacks in order to expand the existing fuel station than to try and process under the nonconforming use provisions.



Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
270 LLC Variance Request (#20-17-ZV)



Based on the history of the subject property, specifically that the Director of Planning in 1978 was involved in drafting the covenants and restrictions for Bardane Industrial Park which includes setback requirements, and that the Director of Planning and Zoning in 1992 determined that the setbacks established in the covenants and restrictions were applicable to the

project, it seems reasonable to allow the proposed expansion to occur in the same location, utilizing the 20' side setback.

While the adjoining property does contain a residence, it is located several hundred feet from the fuel tanks and the portion of the property that would be most impacted by the request is a vacant field (see aerial map on page 2). Based on the significant distance between the adjoining residence and the fuel tanks, it appears that impact on adjoining properties, whether placed at the required 75' setback or the requested 20', would be minimal.

It would be difficult for the applicant to comply with the setbacks established in the Zoning Ordinance because the site was designed with the fuel tanks and fuel pumps in this location. Compliance would require significant modifications to the site.

Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.6 Distance Requirements

- B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:**^{7, 27}
1. Any lot in the Residential Growth District;
 2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;

Section 8.9 Industrial and Commercial Uses²³

A. Industrial and commercial uses in all districts shall comply with the following standards:

8. Fire Hazards

The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

The total capacity of flammable liquids and gasses shall not exceed those quantities permitted in the following Table for each of the industrial districts:

Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020
270 LLC Variance Request (#20-17-ZV)

<u>CAPACITY</u>	<u>STORAGE</u>
Liquids	60,000 gallons
Gasses	
- Above ground	150,000 SCF
- Below ground	300,000 SCF

SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury.¹

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

Water Capacity per Container (Gallons)	<u>Containers</u>		Between Above Ground Containers (Feet)
	<u>Underground (Feet)</u>	<u>Above Ground Containers (Feet)</u>	
0 to 2,000	25	25	3
2,000 to 30,000	50	50	5
30,000 to 60,000	50	75	
In excess of 60,000	75	100	¼ the sum of diameters of adjacent containers

Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020
 270 LLC Variance Request (#20-17-ZV)

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

Zoning District	Development Type [ⓐ]	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
											A Residential district or any lot with a residence school, church, or institution of human care (Distance per Sec. 4.6)				Commercial Use		Industrial Use	
											Distance	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear	
	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25		15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)	
Industrial – Commercial (IC)**	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25		15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)	
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use		25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)	

COVENANTS AND RESTRICTIONS FOR THE BARDONE INDUSTRIAL PARK
PREPARED BY: JAMES W. BARDONE AND THE BARONE ENGINEERING FIRM

The following covenants and restrictions shall run with the land and be binding on all grantees, their heirs and assigns:

1. The Bardone Industrial Park is a subdivision exclusively for light industries which have characteristics that will not be offensive to other industries in the Park or to and uses on neighboring properties and no other use is permitted.
2. Any industry seeking location in the Park must submit a Site Development Plan to JEDCO for review and approval. The Site Development Plan must indicate, as a minimum:
 - a. Location and dimensions of all buildings
 - b. Location and dimensions of parking and loading areas
 - c. Location and dimensions of outdoor storage areas
 - d. Location and dimensions of areas to be landscaped or left open
 - e. Traffic flow, including entrance and exit points from the site
 A sample Site Development plan may be obtained from JEDCO.
3. JEDCO will review the Site Development Plan and also the performance characteristics of the industry according to fire hazard, noise or atmospheric emission, glare, noise, odor, dust, vehicular or traffic requirements, liquid and solid waste, visibility, vibration, heat, electrical static and radioactivity. A decision to accept or reject the industry and Site Development Plan as submitted will be transmitted in writing to the industry.
4. By accepting ownership of any tract, the owner agrees to accept automatic membership in the Bardone Industrial Park Owner's Association and agrees to endorse and accept the obligations established by these covenants.
5. The general powers and duties of the Bardone Industrial Park Owner's Association will be to enforce these covenants, own and control any rights of way received by deed as successor to the developer, provide for road and drainage maintenance, determine and collect assessments from members required for the purpose of maintaining roads and drainage, enforce collection of assessments and have such other powers and by-laws as its members shall determine by majority vote. Representation in the Bardone Industrial Park Owner's Association shall be according to acreage owned with one vote to be granted for every three acres owned.
6. At such time as three or more tracts are conveyed by JEDCO from the (referred) page, JEDCO will convey title to all road rights of way to the Bardone Industrial Park Owner's Association.
7. The sewage treatment system serving the Bardone Industrial Park has certain limitations as to the quantity and quality of waste it can handle. Therefore, specific agreements will be made with each owner as to the amount and type of waste matter it will put into the system.
8. Water and sewer service lines are tapped and extended to tract boundaries as indicated on the final plan. Any tract owner requiring a different tap location must bear the cost of construction and must conform to construction specifications of JEDCO and the public utility corporation serving the industrial park.
9. Construction and maintenance of water and sewer lines within the boundaries of a tract shall be the responsibility of the tract owner.
10. The public utility corporation serving the industrial park shall be responsible for billing and collecting water and sewer user fees as approved by the West Virginia Public Service Commission.
11. All areas of a tract not improved for vehicular use or covered by a building or structure shall be landscaped and attractively maintained by the tract owner.
12. Tract entrances and exits, as well as on-site parking, driving and loading surfaces, shall be kept free and maintained in an attractive, useful condition without potholes, mud areas or broken pavement. Construction and maintenance of such surfaces shall be the responsibility of the tract owner.
13. All landscaping and earthwork shall be complete within 18 months after commencement of building construction.
14. No building or structure may remain incomplete and unfinished on the exterior for more than one year after commencement of building construction.
15. Outdoor material or supply storage areas shall be located no closer to the front boundary of a tract than the principal building constructed on the tract without the prior approval of JEDCO.
16. No building, structure or storage area shall be located closer than 20 ft. to the rear or side boundary of a tract nor closer than 50 ft. (except a sign) to the front boundary of a tract.
17. All buildings must be constructed on a masonry foundation. No temporary buildings are permitted except those associated with construction, and only during the construction period.
18. Entrance and exit locations for individual tracts may not be more than 150 ft. wide total and must be clearly marked.
19. Signs shall contain only the name and nature of the business or the principal businesses conducted on the premises. Signs shall not project above the principal roof of a building, except that a sign may be attached (flat against or painted on a parapet wall not exceeding 3 ft. above such roof line. Signs shall not exceed, in aggregate, 100 square feet. When a sign is intended to be free-standing, such sign may be no closer than 30 ft. to the nearest tract boundary. Free-standing signs may be no higher than 10 ft. above ground level. Illumination of signs shall be non-pulsating and uncolored or diffused.

988

RECEIVED AND RECORDED
 March 23rd 1978
 10:30 AM
 Plat 4 PAGE 85
 JOHN E. GITT
 CLERK OF COUNTY COMMISSIONER
 OF JEFFERSON COUNTY

Plat Book 4, Page 85 (recorded in 1978)

"Note 16: No building, structure, or storage area shall be located closer than 20 ft. to the rear or or side boundary of a tract nor closer than 50 ft. (except a sign) to the front boundary of a tract."



APPROVED 1/10/78
 Robert Bullitt
 County Planner

JEFFERSON COUNTY
 PLANNING COMMISSION
 JAN 4 1978

P C DiMagno ENGINEERS and SURVEYORS



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: 20-17-2V
 Staff Initials: AB
 Meeting Date: 05-28-20
 Fees Paid (\$100 or \$150): \$100/ch# 1525

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: 270 LLC
 Mailing Address: 270 Industrial Blvd Kearneysville, WV 25430
 Phone Number: 304/279-3321 Email: _____

Applicant Contact Information

Name: Lee Snyder
 Mailing Address: See Above
 Phone Number: _____ Email: _____

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

Name: R. Michael Shepp
 Mailing Address: TBD po Box 1162 Shepherds Town, WV 25443
 Phone Number: 304/433-5000 Email: sheppsurveying@outlook.com

Physical Property Details

Physical Address: 270 Industrial Blvd Kearneysville, WV 25430 Lot 16
 City: Kearneysville State: WV Zip Code: 25430
 Tax District: Charles Town Map No: 20 Parcel No: 1.21
 Parcel Size: 5.43 Deed Book: 1097 Page No: 523

Zoning District (please check one)

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

RECEIVED

MAY 04 2020

**JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING**

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 8.9A.8; 4.6B; Appendix 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 75 and 25 to 20

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 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).

May 28, 2020

Date of Public Hearing

May 13, 2020

Advertising Date

May 13, 2020

Placard Posting Date

JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning & Zoning

116 East Washington Street
P.O. Box 716
Charles Town, West Virginia 25414

Phone: (304) 728-3228

Fax: (304) 728-8126

Email: zoning@jeffersoncountywv.org

File Number: 20-17-2V

I authorize Planning and Zoning staff to make necessary revisions to the enclosed submission, if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: B. LEE SNYDER

Applicant Signature: 

Contact Number: 304-725-9140

Date: 5-5-20

270 LLC
JCBZA Variance Request
Section 8.9A.8; 4.6; Appendix B
May 4, 2020

Brief Description

The Applicant wishes to install new Gas Storage Containers on Lot 16, in the Bardane Industrial Park. These tanks will be for use to fill the Applicant's own fleet and generators that operate their various businesses, including the water pumps necessary for public water systems. Gas tanks and a fuel island already exist on this lot with a 20' setback and were approved by the Planning Commission, County Engineer, Director of Planning and Zoning and Zoning Administrator in 1992 when the attached Site Plan was approved. The new tanks and fuel island will still be located at least 20' from the property line as approved in 1992.

Also attached are decisions and determinations made by the Director of Planning and Zoning and Zoning Administrator in 1992 regarding these setbacks on this lot and in the Bardane Industrial Park. Before these determinations were made, the Applicant submitted variance requests to be located 20' from the property line but withdrew them when the County and Zoning Administrator determined that the setbacks in the Bardane Industrial Park were already established at 20' for the sides and rear. Based on that determination, the Applicant continued with the design of the site plan with the fuel pumps and tanks located on this lot at least 20' from the property line. The entire site was planned around that determination and Site Plan Approval. Furthermore, the site's improvements were constructed.

Now, the Applicant wishes to install either new underground or above ground tanks utilizing the same County approved (and County Designed) 20' setbacks in the same area as the existing tanks and fuel island. The Bardane Industrial Park is especially unique since the County both created the setbacks of 20' with the Planning Director writing the Covenants; and then, the Zoning Administrator upheld the 20' setbacks in a determination in 1992. Utilizing this information and determination, the County approved the site plan in 1992 showing fuel tanks adhering to the 20' setbacks.

Accordingly, the Applicant asks that the Board ratifies the 20' side setback for the new fuel tanks shown to be at least 20' from the side property line on the previously designed and approved site plan. This site plan was determined to be in compliance with both the County's written covenants and County's approved Zoning Ordinance. Otherwise, to put new tanks or fuel island in, the Applicant would need to totally redesign the site to accommodate what was permitted when the site plan was approved.

270 LLC
JCBZA Variance Request
Section 8.9A.8; 4.6; Appendix B
May 4, 2020

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

There will be no impact on the public health, safety or welfare, as the tanks will be in the same general location that they were approved and built in 1992 but will be built to current Code and Safety Standards. The public was put on notice in 1992 that the tanks and fuel island will be located 20' to this property line, so nothing has changed. The tanks will remain at least 20' from the property line as shown on the approved site plan. The new tanks will be in the area shown as fuel tanks and fuel island. The whole site has been designed and utilized for decades with the tanks located in this area with the tanks and pumps, since the County approved this layout and 20' setback. The tanks will not be located any closer to the property line than where they are currently approved and located.

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?

See attached documentation, determinations and approvals. The Applicant is asking to replace the tanks and to put them in the same area as the tanks and fuel island are shown located on the Approved Site Plan. They will be located outside of the approved 20' setback. Gas pumps and tanks are not a typical accessory structure where you can easily move, since the whole traffic pattern on site is geared around the existing buildings, parking, access drives and existing approved tanks and fuel island.

The Applicant did not create the situation. The Applicant designed a site plan in conformance with the existing ordinances and with the approval of the Zoning Administrator, Director of Planning and Zoning and the Planning Commission. All of this was approved 28 years ago and in accordance with the ordinances and Covenants.

The uniqueness back in 1992 which led to the approval was that the County developed the Industrial Park, wrote the covenants and then reviewed and approved the subdivision and this Site Plan. All of which allowed the tanks and fuel island to be within 20'. Since the 1992 decision, nothing material has changed in the ordinance. One section was relocated, but not changed.

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

If granted, the Applicant will be permitted to replace the existing tanks in the area where the tanks and fuel island were approved by the County. If the variance is not approved, the tanks could not be replaced in this general location and the site would have to be redesigned including the processing of a new site plan. This would seem highly unreasonable, especially since the County approved the site plan as attached. The cost of the newly engineered site plan, along with the reconstruction needed to comply with the new site plan would be cost prohibitive.

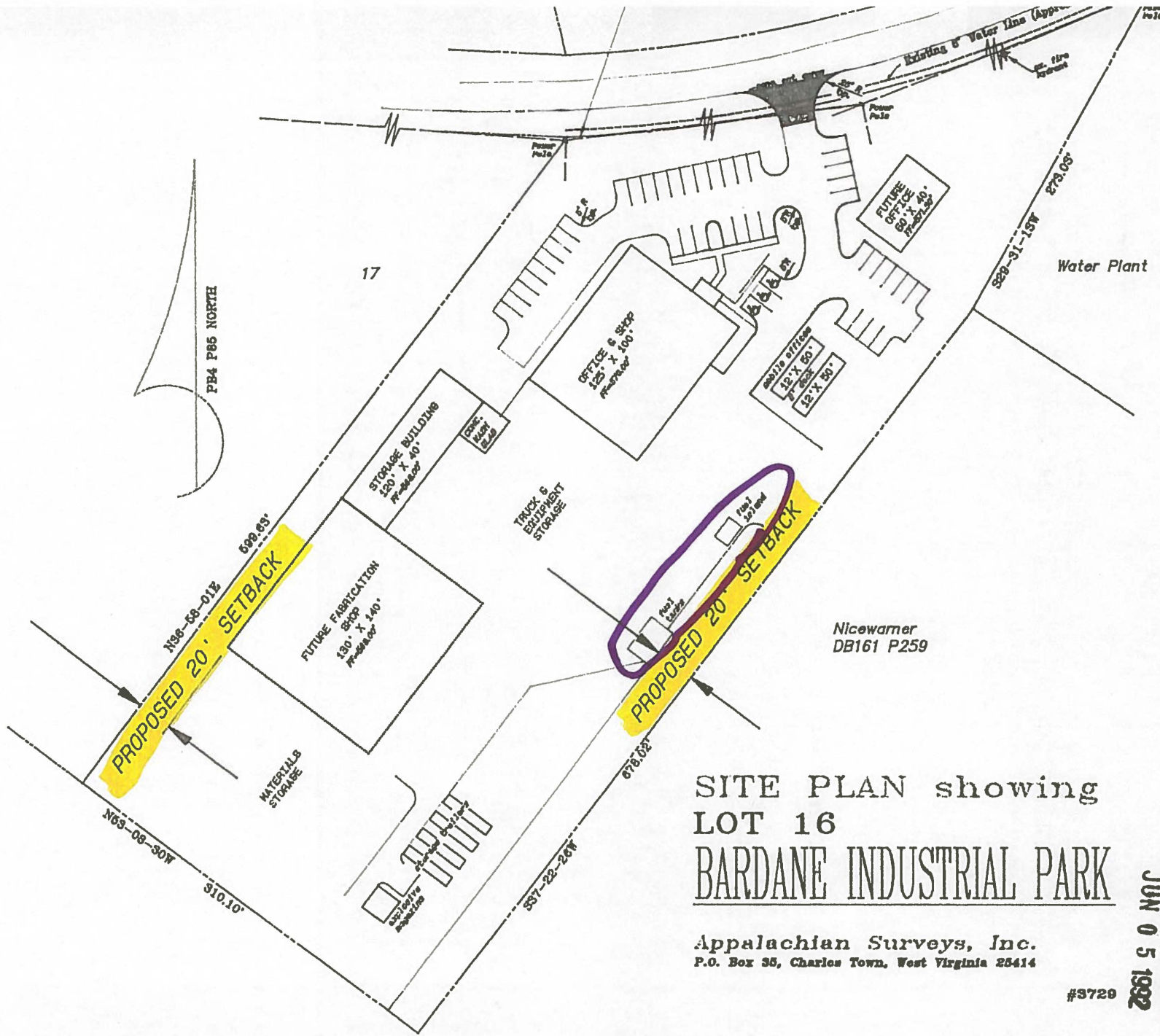
4. How will granting this variance allow the intent of this Zoning Ordinance to be observed and substantial justice to be done.

As earlier explained, this 20' setback for the tanks and fuel island met more than just the intent of the Zoning Ordinance when it was approved, since it was approved as compliant with the Ordinances. Again, nothing substantial changed with the provisions of the ordinance regarding the area and setbacks of the tanks and fuel island since 1992. If it is the interpretation that is being changed, then the intent of the ordinance was observed at the time by the Director of Planning and Zoning, County Engineer and Zoning Administrator when it was originally approved, since that decision is in writing, documented and attached. Neither the decisions/approvals regarding the 20' setback nor the approved site plan showing the tanks or fuel island area 20' from the property line were appealed.

Substantial justice would be to approve the requested variance, so that the business can continue as it was approved in 1992 and honoring the 20' setback. It would not be appropriate to make the Applicant redesign the site and pay for a new site plan and construction due to change of Staff and Interpretation through the years. The Applicant followed all of the rules and even submitted a variance at the time but was told to withdraw it since the 20' setback was the applicable setback for everything including the gas tanks and fuel island. Accordingly, please grant the variance to allow the Applicant the ability to continue with the utilization of his lot with a 20' side setback just as it was approved so many years ago.

The Board's approval of the variances would be greatly appreciated.

20418



SITE PLAN showing
 LOT 16
 BARDANE INDUSTRIAL PARK

Appalachian Surveys, Inc.
 P.O. Box 35, Charles Town, West Virginia 25414

JEFFERSON COUNTY
 PLANNING COMMISSION
 JUN 05 1992

#3729

SITE PLAN

showing Lot 16

BARDANE INDUSTRIAL PARK

Charles Town District
Jefferson County, WV

Developed and Owned By:
Lee Snyder

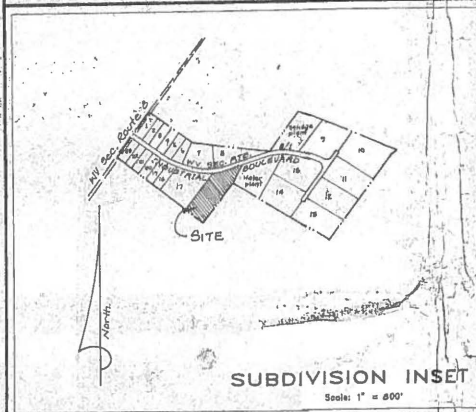
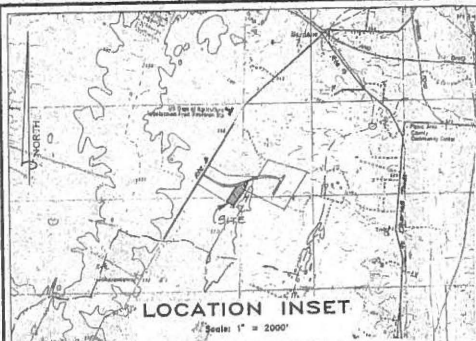
May 1992

Prepared By:

Appalachian Surveys, Inc. PROGRESS PRINT

P.O. Box 35, Charles Town, West Virginia 25414

#3729



LEGEND	
	property corner: to be set #5 rebar unless otherwise noted to be set concrete monument
	power poles
	existing contour: 10'
	existing contour: 2'
	design contour as noted
	storm drainage assessment
	trees
	stop sign

REVISIONS		
no.	revision	date

INDEX	
Site Plan	1
Water/Sewer Profiles	2
Section/Detail	3
Detail	4

Call 1-800-245-4848 Miss Utility BEFORE ANY CONSTRUCTION PER S.C.A.C. 200-10-10-10

TABLE OF MILESTONE INSPECTIONS	Date Inspected	Inspector's Initials
1. Installation of Sediment Control Devices		
2. Completion of Underground Utility Installation		
3. Completion of Grading for Roads		
4. Completion of Grading for Buildings		
5. Completion of Base Stone Installation & Compaction		

TABLE OF MILESTONE INSPECTIONS	Date Inspected	Inspector's Initials
6. Completion of Sidewalks		
7. Completion of Final Grading and Seeding		
8. Completion of Final Project Details		
9. Completion of Stormwater Mngmnt. Rough Grading		
10. Completion of Stormwater Management Details		

SURVEYOR'S CERTIFICATION
I hereby certify that this plot is correct and accurate to the best of my knowledge and that the relative error of closure exceeds 1:10,000. This plot contains the information required by WV Code Chapter 36B-2-109.

R. Michael Shepp, PLS (304) 725-4572

STATEMENT OF ACCEPTANCE
The developer, in signing this plot, agrees to abide by all conditions, terms, and specifications provided herein.

Lee Snyder
P.O. Box 370
Shenandoah Junction, WV 25442
(304) 725-9140

PRELIMINARY PLAT APPROVED
Date: 7/13/92

Gale C. Laughlans
Jefferson County Engineer

59a-a
JEFFERSON COUNTY
PLANNING COMMISSION
JUL 13 1992

NOTES

- A. General**
- Storm Water Management areas restricted to Storm Water Management only.
- B. Construction Notes**
- The developer shall request inspections 48 hours in advance whenever possible.
 - Earthwork shall be compacted to the percentage of maximum dry density (according to ASTM D 1557) as shown below:
 - a. Roadways 95%
 - b. Building pads 90%
 - c. Parking lots for passenger vehicles 90%
 - d. Parking lots for heavy trucks 95%
 - e. Utility trenches 95%
 - Changes or revisions in construction plans and specifications shall not be made unless first approved by the County Engineer and other appropriate agencies.
 - Traffic control signs shall comply with the standards of the West Virginia Department of Highways.
 - All street signs shall comply with Section 6.2, c15 of the Jefferson County Subdivision Ordinance.
 - All exposed areas to be covered within 1 week of final grading. Top slopes of 2:1 of steeper with 10:1 slopes. Seed with a mix of 35 lbs. of Kentucky 31 fescue and 15 lbs. Perennial Ryegrass per acre. Limit with 1000g of 10-10-10 per acre. Install straw bales at completion of rough grading, to remain in place until stabilization of ground is evidenced.
 - Erosion and sediment control devices to be in place prior to any construction. Methods approved of disturbed soil.
 - Disturb over 35 and any area subject to wash shall be seeded and staked. All other areas to be mulched and seeded. COMPLETE SOIL RELEASE WILL NOT BE GRANTED UNTIL GRASS GROWTH IS ADEQUATE TO CONTROL EROSION.
- C. Road Notes**
- Subgrades on cut shall be compacted for a minimum of 100 (1) feet in depth. Subgrades to fill shall meet compaction standards at all levels.
 - Gravel used in base courses and surfacing shall be constructed on a compacted subgrade free of organic matter. Gravel shall be a well-graded crushed stone aggregate such as 3/4 inch crushed run which shall be placed and rolled to a moist condition so that fines remain mixed with the more coarse material.
 - Asphalt courses, where applicable, shall be applied to the prepared gravel surface following the application of a liquid asphalt prime coat. Asphalt shall consist of a plant-mixed bituminous material rolled smooth. The asphalt surface shall be smooth, evenness and of a uniform texture. Asphalt finished shall comply with the minimum specifications required by the West Virginia Department of Highways for public roads.
 - Driveway surfaces to be 1 1/2" round CMP or equivalent curb CMP unless noted otherwise.
- D. Corrupted Metal Pipe**
- Iron or Steel (Duct-Cast) - Corrupted metal pipe (iron or steel) shall conform to Federal Specification WWP-100. It shall be galvanized and asphalt-treated or galvanized with rubber lining. The minimum thickness of the pipe shall be 18 gage for schedule 18 inches and less in diameter. For larger sizes, the minimum thickness shall be 14 gage.
- Bituminous damaged by breaks, scuffs, or voiding shall be replaced by the application of two coats of hot asphaltic paint or a coating of cold-applied bituminous mastic.
- Aluminum - Corrupted aluminum shall conform to Federal Specification WWP-202. The minimum thickness of the pipe shall be 14 gage.
 - Joint - All corrupted metal pipe shall be connected by a water-tight flange-type connection or by a water-tight screw-type band assembly manufactured for a connecting band (band with rods and nuts). The area between the pipe and connecting bands shall be treated with an oil-proof cement during installation to ensure a water-tight joint.
 - Cover - All pipe to have 1 foot minimum cover.
- E. Filter**
- Filtering shall be a durable stone, larger in size, graded throughout the indicated site range and dumped, ungraded, on a filter medium, such as Polyfiter X or Type, so as to create a minimum of voids.

SEQUENCE OF CONSTRUCTION

- Initial of erosion and sediment control devices prior to any other land disturbing activity. Exposed SMI (Sedimentation) trenches to serve as temporary traps. Construct permanent berms.
- Construct subgrade when all utility types of all-weather runoff and runoff from undisturbed areas.
- Construct and surface roads, parking areas and building pads.
- Construct buildings and utilities of remaining areas.
- Remove all from SMI berms and complete construction of berms as specified on plans.
- After ground is stabilized remove erosion and sediment control measures.

NOTES

- CONTOURS REFER TO APPROXIMATE USGS DATUM AND ARE BASED ON FIELD MEASUREMENTS.
- THIS PROPERTY IS NOT IN A 100-YEAR FLOOD PLAIN PER F.I.R.M. MAP 540005 00356 DATED 18 OCTOBER 1980. PROPERTY IS IN ZONE "C" ON SAID MAP.
- PROPERTY CORNERS ARE SET #5 REBARS UNLESS OTHERWISE NOTED.
- BUILDING SETBACK LIMITS ARE:
20' FRONT, 20' SIDE & REAR BLDG. SETBACK LIMIT

SITE "GREEN SPACE" COMPUTATION
 Total Site Area = 5.43 Acs
 Total Impervious Area 2.77 Acs (51%)

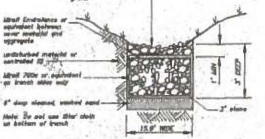
PARKING "GREEN SPACE" COMPUTATION
 Total Impervious Area = 24,053 sq ft
 Green Space 19964 sq ft (83%)

PARKING SPACE COMPUTATION

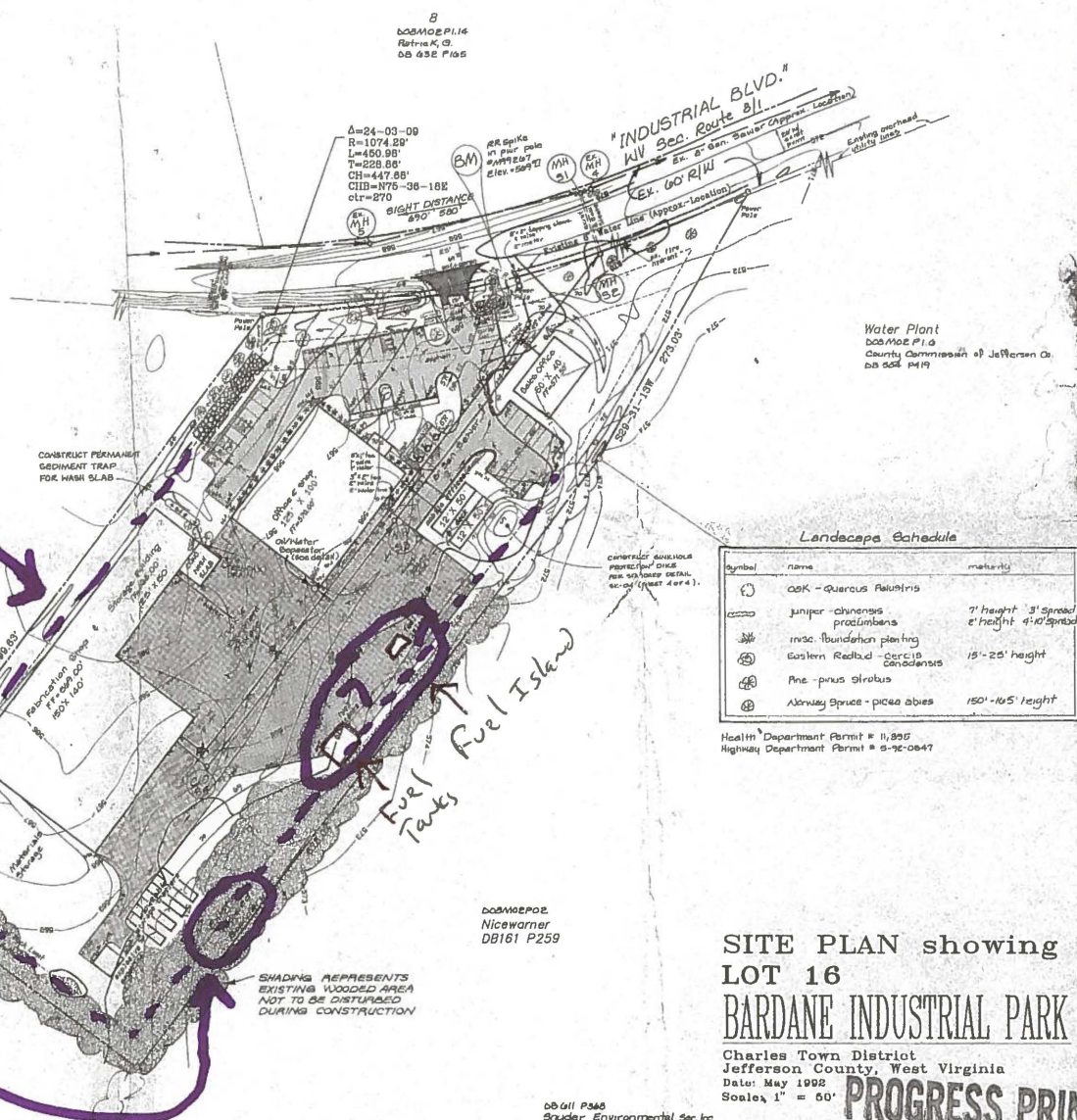
USE	REQUIREMENT	SQUARE FEET	# SPACES
OFFICE	1 SPACE PER 5000	8500	16
PUBLIC/GENERAL SPACE	PER EMPLOYEE	5 EMPLOYEES	5
TOTAL SPACES REQUIRED = 21			
TOTAL SPACES PROVIDED = 45			

4% HANDICAP SPACES REQUIRED = 1
 HANDICAP SPACES PROVIDED = 5

- ELECTRIC, TELEPHONE SERVICE TO BUILDINGS TO BE UNDERGROUND
- ROOF DRAINS TO DISCHARGE TOWARD AREAS DESIGNATED TO SAFELY CARRY-WATER AWAY FROM THE BUILDING. (THRU CURB TO GUTTER WHERE APPLICABLE.)



STORMWATER MANAGEMENT INFILTRATION TRENCH DETAIL
 N.T.S.



Water Plant
 DOB MOE P 16
 County Commission of Jefferson Co.
 DB 556 P419

Landscaping Schedule

Symbol	name	maturity
Q	oak - Quercus Aleutica	
J	juniper chinensis	7' height 3' spread 6' height 4'-6' spread
R	rose foundation planting	
E	Eastern Redcedar - Cedrus canadensis	15'-20' height
P	Pine - pinus strobus	
S	Norway Spruce - picea abies	15'-16' height

Health Department Permit # 11,895
 Highway Department Permit # 5-92-0847

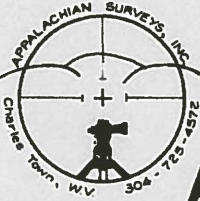
DOB MOE P 2
 Nicewarner
 DB161 P259

SITE PLAN showing
LOT 16
BARDANE INDUSTRIAL PARK
 Charles Town District
 Jefferson County, West Virginia
 Date: May 1992
 Scale: 1" = 60'

R. Michael Shopp, PLS
Appalachian Surveys, Inc.
 P.O. Box 35, Charles Town, West Virginia 25414

DOB 11 P365
 Snyder Environmental Ser. Inc.
 DOB MO2 P121
 Lot 16 5.43 Acres





APPALACHIAN SURVEYS, INC.

JUN 05 1982

JEFFERSON COUNTY
PLANNING COMMISSION
JUN 05 1982

LAND SURVEYING

ENGINEERING

PLANNING

June 5, 1992

Paul Raco
Director of Planning and Zoning
Jefferson Co. Planning and Zoning Commission
P.O. Box 338
Charles Town, WV 25414

RE: Snyder Environmental Services Site Plan

Dear Paul:

On behalf of the above captioned project, I wish to request an interpretation from you as Zoning Administrator.

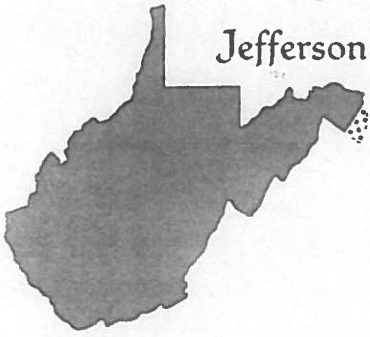
It is my opinion, based on Section 9.7 of the Jefferson County Zoning Ordinance that since Lot 16 of the Bardane Industrial Park was an approved subdivision prior to September 1, 1989 and that since the County Planner at the time prepared the setback limits that are a part of the restrictive covenants for this development, that the setback limits in the restrictive covenants will apply to lots in this subdivision, and not the setback limits specified in the Zoning Ordinance.

Please let me know your thoughts on this matter as soon as possible.

Very Truly Yours,

R. Michael Shepp, PLS
President

cc: Lee Snyder



Jefferson County Planning Commission

Charles Town, West Virginia 25414

104 E. Washington Street
P.O. Box 338

TEL: (304) 725-9761

June 12, 1992

Mr. R. Michael Shepp, President
Appalachian Surveys, Inc.
P. O. Box 35
Charles Town, West Virginia 25414

Dear Mike:

This letter is in response to your letter concerning Snyder Environmental setbacks. Article 9, Section 9.7 of the Jefferson County Zoning and Development Review Ordinances states:

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

As you know, the Industrial park did process through the Planning Commission's subdivision regulations prior to September 1, 1989. Although I have reviewed the plat and found no note with the setbacks, they are a part of the Planning Commission approved restrictions. These restrictions include a 20 foot side and rear setback and a 50 foot front setback.

Whereas the Planning Commission stays out of covenant enforcement, in this case the Director of Planning at the time (Mr. Beckett) actually wrote those covenants for JEDECO. Therefore, I can only assume that according to the above referenced statute, the setbacks were established as a part of the subdivision process. Therefore, this office will recognize the following setbacks:

50' Front
20' Sides
20' Rear

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in dark ink, appearing to read "P J Raco".

Paul J. Raco
Director of Planning & Zoning

PJR:rfb



JUN 30 1992

JUN 30 1992

JEFFERSON COUNTY
PLANNING COMMISSION

APPALACHIAN SURVEYS, INC.

LAND SURVEYING

ENGINEERING

PLANNING

June 30, 1992

Paul Raco
Director of Planning and Zoning
Jefferson Co. Planning and Zoning Commission
P.O. Box 338
Charles Town, WV 25414

RE: Snyder Environmental Services Site Plan

Dear Paul:

On behalf of the owner of above captioned project, I wish to withdraw the variance requests made on June 5, 1992 to the Jefferson County Zoning Board of Appeals.

Very Truly Yours,

R. Michael Shepp, PLS
President

cc: Lee Snyder

2002-18

VARIANCE ^{UNTY} REQUEST FORM
MISSION

JUN 05 1992

Name of Applicant LEE SNYDER

Mailing Address P.O. BOX 370 SHENANDOAH JUNCTION
WV 25442

Telephone # 304-725-9140

Location of property BARDANE

Name of Subdivision BARDANE INDUSTRIAL PARK

Zoning District INDUSTRIAL - COMMERCIAL

Tax Map Reference DB M2 P.1.21

Zoning and Development Review Ordinance

Subdivision Ordinance

Improvement Location Permit Ordinance

Flood Plain Management Ordinance

Section of Ordinance 5.6.d.2 (SIDE BUILDING SETBACK)

If applicable, sketch on a separate 8-1/2" x 11" sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date the sketch.

In order to justify your variance request, please address the following items:

1. The request is not contrary to the public interest.

THE SITE IS LOCATED WITHIN AN INDUSTRIAL AREA SPECIFICALLY
DESIGNED FOR INDUSTRIAL USES.

2. A literal enforcement of this Ordinance will result in unnecessary hardship.

LARGE CONSTRUCTION EQUIPMENT WILL BE DRIVEN AND STORED
ON THIS SITE THUS REQUIRING LARGE OPEN SPACES FOR TURNING
MOVEMENTS. INDUSTRIAL PARK COVENANTS SPECIFY A 20' SIDE
AND REAR SETBACK.

3. The request is not the result of a self-imposed hardship.

THE ZONING SETBACKS WERE IMPLEMENTED SUBSEQUENT TO CREATION OF THE SUBDIVISION AND PURCHASE OF THE LOT.

4. The spirit of this Ordinance will be observed and substantial justice done.

THE INDUSTRIAL PARK WAS ESTABLISHED FOR INDUSTRIAL USES AND A 20' SETBACK WILL BE CONSISTENT WITH OTHER PROJECTS WITHIN THE DEVELOPMENT.

Please note: variances to the Zoning Ordinance must comply with Article 8 of that Ordinance. Variances to the Subdivision Ordinance must comply with Section 17.1 of that Ordinance. Variances to the Improvement Location Permit Ordinance must comply with Article 5 of that Ordinance. Variances to the Flood Plain Management Ordinance must comply with Article 7 of that Ordinance.

Signature of Property Owner *Steve Snyder*

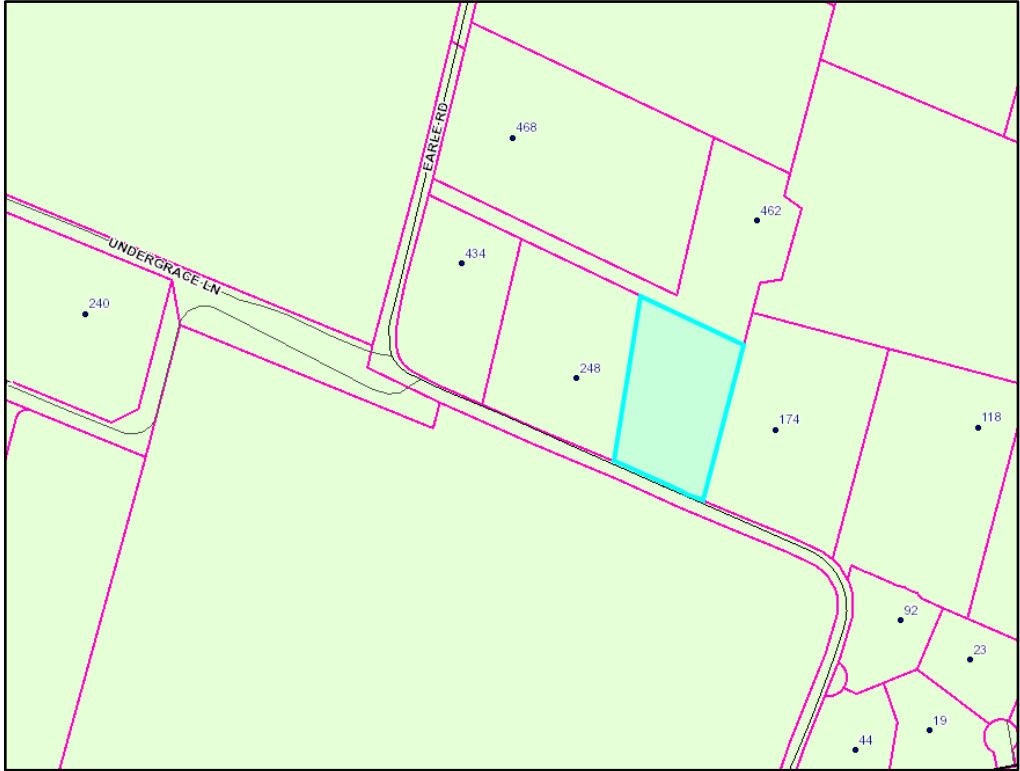
For official use only: Amount of fees paid	<u>20.00</u>
Date of meeting/public hearing	<u>July 16, 1992</u>
Official/Administrative body	<u>Zoning Bd of Appeals</u>
Posting requirements	<u>15 days prior to meeting</u>
Application #	_____
Advertising dates	<u>June 11, 1992 & June 18, 1992</u>
Official Signature and Seal	<u>Paul J. Racore RB</u>



Request was withdrawn by Mike Shepp/Appalachian Survey on behalf of Snyder Environmental, on June 30, 1992 by letter. RB

Staff Report
 Jefferson County Board of Zoning Appeals
 May 28, 2020
Smith Variance Request (#20-18-ZV)

Item #9 Variance from Section 9.7 to reduce the rear setback from 50' to 15' for the construction of a 3,400 square foot new home and a 45' x 16' foot in-ground swimming pool with surrounding concrete area.

Applicant:	Rodney Smith
Owner:	Same
Developer:	N/A
Consultant:	N/A
Location:	Lot 1C – Grainlands Subdivision; Vacant parcel located on Earle Road approximately 680' from the intersection of Earle Road and Undergrace Road, Charles Town, WV
Parcel Information and Zoning District:	<p style="text-align: center;">Parcel ID: 06000200020010; Size: 3 acres; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: <i>North, South, East and West: Rural</i>
History:	<p>Recorded 06/13/80: PC File #80-04: Grainlands II, Lots 1A-C (Clinton and Jenny Corbin Minor Subdivision) Recorded in Deed Book 471, Page 535 04/14/20: Planning Commission approved request to vacate the storm drainage easement located on Lot 1C (Final Plat Amendment)</p>
Waivers/Variations:	None
Approved Activity:	Single family residence
Site Visit Conducted:	Yes: May 20, 2020

Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
Smith Variance Request (#20-18-ZV)

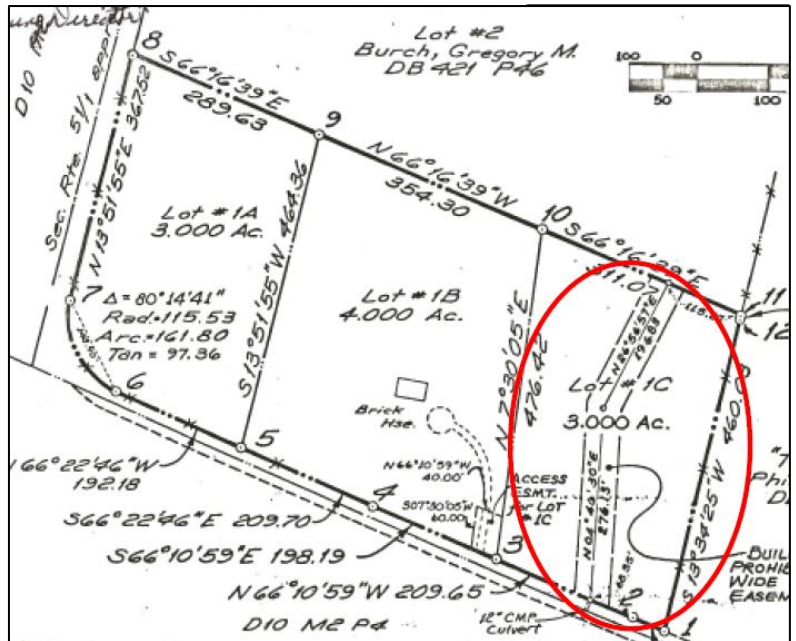
Summary of Request and Purpose of Ordinance Requirements

The applicant is seeking a variance from Section 9.7 to reduce the rear setback from 50' to 15' for the construction of a 3,400 square foot new home and a 45' x 16' foot in-ground swimming pool with surrounding concrete area.

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

Staff Evaluation of Request

The subject parcel is Lot 1C of the Clinton L. and Jenny M. Corbin Minor Subdivision (Grainlands II). The lot was created prior to the adoption of Zoning in Jefferson County, with the approved plat being recorded on June 13, 1980. The lot was originally approved with a drainage easement through the center of the parcel; however, Staff determined that the placement of the easement was not required by the Subdivision Ordinance in effect at the time. The property owner recently processed a Final Plat Amendment before the Planning Commission to vacate the drainage easement. The request was approved on April 14, 2020.



As the applicant has represented in their application, the request is to accommodate the topography of the land, which includes rock outcroppings and mature trees. The applicant would like to avoid blasting rocks as a courtesy to their neighbors.

The subject lot fronts Earle Road, which is a 40' Right of Way (State Route 51/1). The adjoining parcel to the rear, which would be most impacted by the subject request, is currently under the same ownership as the subject parcel. It appears that the subject request would have minimal impact on the adjoining neighbor as the residence located on 462 Earle Road is over 250 feet away from the shared boundary line.

It is feasible to comply with the required 50' setback established in the Ordinance because the house and in-ground swimming pool have not yet been constructed.

Staff Report
Jefferson County Board of Zoning Appeals
May 28, 2020
Smith Variance Request (#20-18-ZV)

Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.7 Other Exceptions³

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

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

Rural Agricultural and Industrial Commercial

Single Family Residences

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

Mr. Steve Stolipher made a motion to approve the waiver request. Mr. Ray Brunning seconded the motion, which carried unanimously.

6. **Public Hearing:** Request by Rodney & Stacy Smith (File #80-04) for a Final Plat Amendment to vacate the storm drainage easement located on Lot 1C of the Grainlands Subdivision, approved June 10, 1980. The property is designated as Tax District: Kabletown (06); Tax Map: 2; Parcel: 2.2; Zoned: Rural; Size: 5.1 acres.

Ms. Jennifer Brockman reviewed the applicants' request, location and why they are presenting their request to the Planning Commission. During the review of the Plat for the Grainlands Subdivision in 1980, the County Engineer at that time noted that Lot 1C was bisected by a substantial swale that would impact the buildability of the lot. The Engineer asked for the area of the swale to be dimensioned on the plat and for building construction to be prohibited in that area. This resulted in the 50' wide storm drainage easement shown on the plat, with a note prohibiting building construction in this area.

Mr. Rodney Smith, property owner, explained the topography of the lot, the design of the drainage in this area and slope/gradient. He also stated there had not been an issue with standing water in this location over the years.

Mr. Mike Shepp opened the Public Hearing. Ms. Deana Thorsell, the applicant's realtor, mentioned that the platted setbacks need to be reduced and was hoping to include that variance in this request.

Mr. Mike Shepp explained that would require a separate variance request and would need to be properly noticed to the correct board. It could not be added during this meeting.

Mr. Steve Stolipher asked if the seller, buyer or realtor (all present) thought that an Engineering analysis should be required. Deana Thorsell, realtor; Rodney Smith, owner and Kelly Tiong, prospective buyer all agreed that it should not be required.

Mr. Mike Shepp closed the Public Hearing.

Mr. Steve Stolipher made a motion to approve the request by the applicant. He wanted it to be noted that we heard from the seller and purchaser, they do not wish to have to do the engineering analysis completed. Motion is to approve the request as applicant submitted. Mr. Jack Hefestay seconded the motion, which carried unanimously.

7. **Public Hearing:** Request by Diana Townsend (File #90-46) for a Final Plat Amendment to change the platted setbacks of 30' front, 15' side and 40' rear to the setbacks required in the Zoning Ordinance in effect at the time the subdivision processed of 25' front, 12' side and 12' rear. This request is related to Duplex Lot 4 found on "Final Plat showing Locust Hill DP1-DP8 & Lots 48-64 and Residue B," (PB12/PG8-8D) and the note on PB12/PG8D. The property is designated as Tax District: Charles Town (02); Tax Map: 13A; Parcel: 70; Zoned: Rural; Size: 0.1947 acres.

Ms. Brockman provided an overview of the request. The Locust Hill Subdivision was approved as a Conditional Use Permit in 1992 for 387 single family residences, 200 townhomes and 60 duplexes (#Z92-7). This was a modification of a previously approved 1989 CUP which included the golf course and a mixture of single family and multi-family



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: 20-18-ZV
 Staff Initials: AB
 Meeting Date: 05-28-20
 Fees Paid (\$100 or \$150): \$100 /chk# 7316

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: Rodney Smith
 Mailing Address: 462 Eagle Rd CharlesTown WV 25414
 Phone Number: 304-261-7765 Email: Rodney.Smith@comcast.net

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: Lot 1C Eagle Rd Grainlands
 City: CharlesTown State: WV Zip Code: 25414
 Tax District: KableTown (06) AB Map No: 20 2 AB Parcel No: 1C 2.1 2.10 AB
 Parcel Size: 3.0 acrs Deed Book: 1180 Page No: 279

Zoning District (please check one)

Residential Growth (RG) <input checked="" type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/> AB	Residential-Light Industrial-Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center">RECEIVED</p> <p align="center">MAY 04 2020</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING & ENGINEERING</p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 9.7

Briefly describe the nature of the variance request:

Change the set backs from 75 front/rear and no' sides to 40' front 15' sides and 15' rear. See addendum from potential buyer dated 05-05-2020 Request to reduce the rear setback from 50' to 15' for the construction of a new home and in-ground pool.

If this request is for a setback variance, please check one of the following: 50' 15'

Front Setback Side Setback **Rear Setback** Reduction From 75/100 to 40/15/15

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

There is nothing close to the adjacent property line as far as a setback.

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

The property is only a 3 acre parcel and the current setbacks make it complicated to place a dwelling on the property.

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

Usable setbacks for a dwelling to be built

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

They still provide plenty of distance by the surrounding structures/dwellings

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.

5/4/2020

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).

May 28, 2020

Date of Public Hearing

May 13, 2020

Advertising Date

May 13, 2020

Placard Posting Date

JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning & Zoning

116 East Washington Street
P.O. Box 716
Charles Town, West Virginia 25414

Phone: (304) 728-3228

Fax: (304) 728-8126

Email: zoning@jeffersoncountywv.org

File Number: 20-18-ZV

I authorize Planning and Zoning staff to make necessary revisions to the enclosed submission, if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: Rodney Smith

Applicant Signature: 

Contact Number: 304-261-7765

Date: 5/4/2020

To Whom It May Concern:

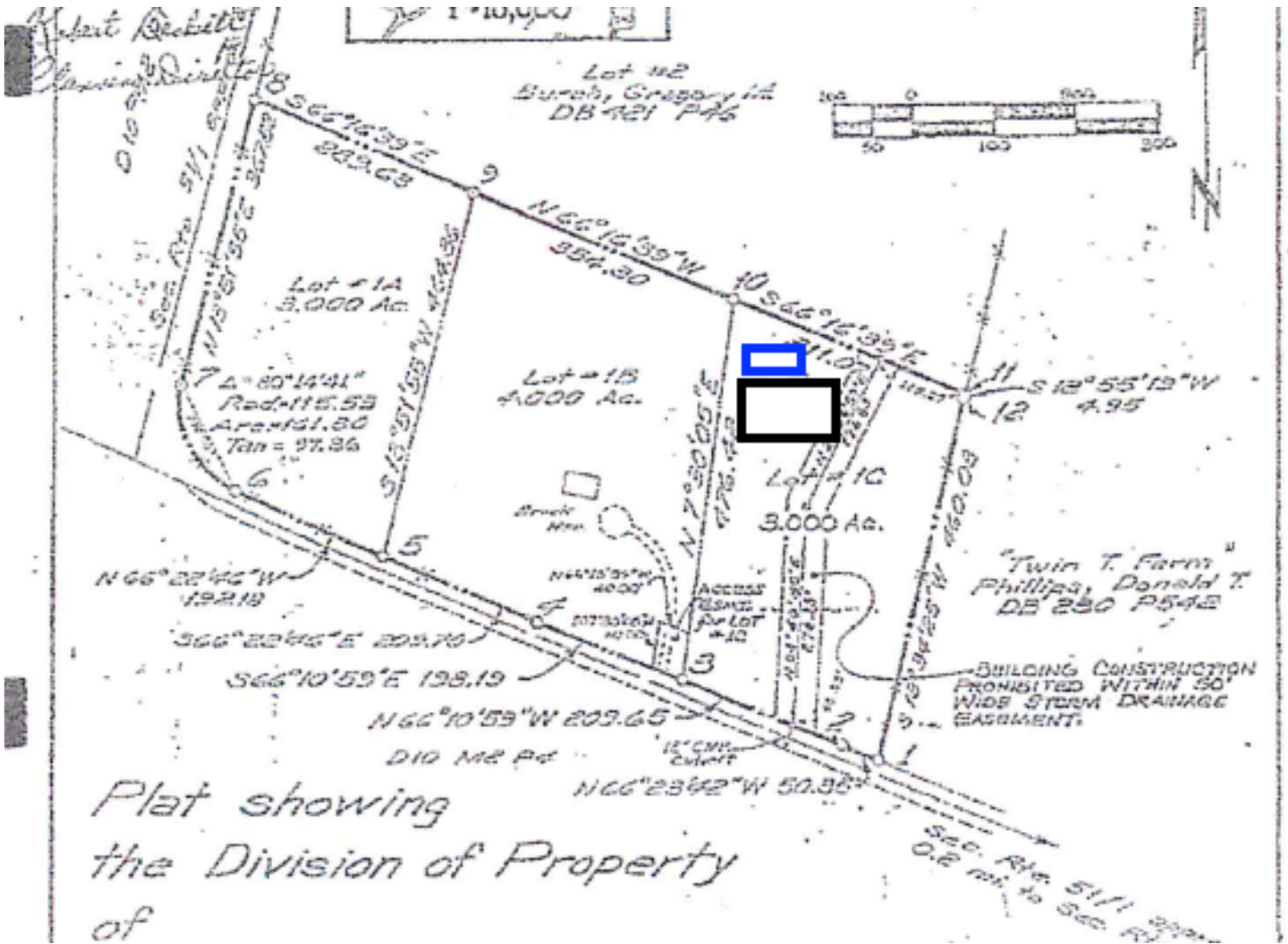
We are requesting a reduction from the deed and county setback restrictions on Lot 1C of the Grainlands subdivision off of Earle Road. We would like to have the setbacks be set at 40 feet off the front, 15 feet off the side and 15 feet off the back. The reason for the rear setback being changed is due to the topography of the land. Looking at the lot from Earle road it has its highest point in the far back left corner which is where we plan to build our home and put in a pool. The right side of the lot for the majority of it is trees, brush and a rock ledge that we are trying to stay as far away as possible because we will not blast rock due to existing homes in the area. The home we are planning to build is roughly 3400 square feet with a 45 foot pool in the rear.

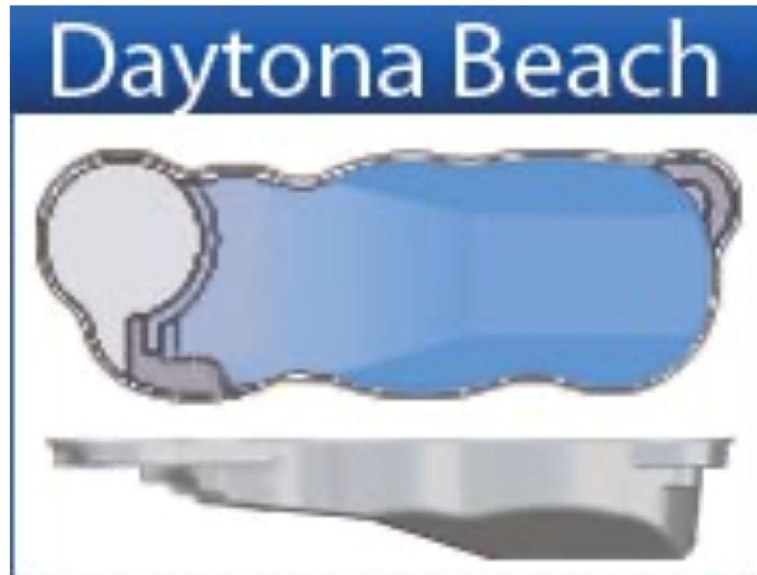
Thank you for your consideration in this matter.

Current Owner – Rodney Smith
Potential Buyer – Kelli Tiong

RECEIVED
MAY 5, 2020
Jefferson County
Engineering, Planning, and Zoning

RECEIVED
MAY 5, 2020
Jefferson County
Engineering, Planning, and Zoning





Daytona Beach

DATONA BEACH

Width 16' / 4.88M

Length 45' / 13.72M

Depth 8' / 2.44M

Area 560ft² / 52M²

Volume 17944G / 67925L



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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Zoning Administrator's Report Board of Zoning Appeals Meeting May 28, 2020

1) Text Amendments:

- ZTA19-03 – Solar Energy Facilities. The Planning Commission scheduled a Public Hearing for June 2 to receive public input on the proposed text amendment to the Zoning Ordinance.
- Greenway Engineering continues to work on the reorganization of the Subdivision Regulations and Zoning Ordinance. A Public Hearing has not yet been scheduled for Phase I (reorganization).
- ZTA20-01 – Petition to create a new definition for “cemetery” and request to amend Appendix C to reflect “Commercial Cemetery” as a Conditional Use in the Rural zoning district. This petition will be included in the June 2, 2020 Planning Commission Agenda Packet for the purpose of requesting that the PC consider incorporating the proposed text amendment into their workplan.

2) Upcoming BZA meeting

- The next regular meeting is scheduled for **June 25, 2020** (deadline for submission is Monday, June 1, 2020).



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

May 2020
Zoning Certificate Activity Report

File #	20-11-ZC
Request:	Accessory Dwelling Unit: In-Law Suite
Property Owner:	Joshua and Andrea Baddorf
Applicant:	Same
Parcel Info:	331 Marlow Road; Charles Town, WV 25414 Parcel ID: 04001100120002; Size: 5.81 ac; Zoning District: Rural
Issuance Date:	05-20-2020
File #	20-12-ZC
Request:	Bank with Drive Through Facility (change in ownership – S06-05)
Property Owner:	Summit Community Bank, LLC
Applicant:	Same
Parcel Info:	88 Somerset Boulevard; Charles Town, WV 25414 Parcel ID: 02000900080008; Size: .86 ac; Zoning District: Residential-Light Industrial-Commercial;
Issuance Date:	05-04-2020
File #	20-13-ZC
Request:	Accessory Dwelling Unit: In-Law Suite
Property Owner:	Roger and Sherley Channing
Applicant:	Same
Parcel Info:	Lot 20, Mission Ridge Subdivision; 691 Mission Ridge Road; Harpers Ferry, WV 25425 Parcel ID: 02021F0020; Size: 5.18 ac; Zoning District: Rural Plat Book: 21; Page: 23 (PC File #03-03); Plat Book: 22; Page: 9 (Lot 19 & 20 Merger)
Issuance Date:	05-20-2020
