



Jefferson County
Board of Zoning Appeals
Thursday, June 25, 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, Chair, the June 25th, 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/85475291869>

Meeting ID: 854 7529 1869

Dial by your location:

+1 301 715 8592 US

Meeting ID: 854 7529 1869

Find your local number: <https://us02web.zoom.us/u/kb65f6MrBt>

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.

All requests are pursuant to the Zoning & Land Development Ordinance.

Approval of Minutes: May 28, 2020

Public Hearing – Administer Oath

ITEM #1 FILE #: 20-21-ZV

Request: Variance request from Section 5.4(b) for a reduction of the rear setback requirement from 20' to 10' for the construction of a 12' x 10' deck.

Owner: Todd Landis

Parcel Info: Lot 22, Crosswinds Subdivision; 423 Crosswinds Drive, Charles Town, WV
Parcel ID: 02018A00220000; Size: .19 acre; Zoning District: Residential Growth

ITEM #2 FILE #: 20-22-ZV

Request: Variance request from Section 5.4(b) for a reduction of the rear setback requirement from 20' to 10' for the construction of a 14' x 12' sunroom.

Owner: Scott and Kelly Meisenzahl

Parcel Info: Lot 111, Locust Hill Subdivision; 473 Spyglass Hill Drive, Charles Town, WV 25414
Parcel ID: 02013A02430000; Size: .24 ac.; Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

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

Meeting: May 28, 2020

1. Variance from Section 5.7(b). Owner: Matthew Gorsuch and Anna Kent. File: 20-11-ZV.
2. Variance from Section 4.10. Owner: Rolling Ridge Foundation. File: 20-12-ZV.
3. Variance from Section 5.4(b). Owner: Jocelyn Stokes and Ezra Hall. File: 20-13-ZV.
4. Request by Efstathia Fragogiannis and Jamie Schatteman for a Conditional Use Permit to operate a Homebased Federal Firearms Business [custom manufacturing]. Owner: Gary Eisner, et al. File: 20-3-CUP.
5. Variance from Section 4.6B. Applicant: Efstathia Fragogiannis and Jamie Schatteman . Owner: Gary Eisner, et al. File: 20-19-ZV.
6. Variance from Section 4.6B and Appendix B. Owner: Mohammad Murtaza. File: 20-15-ZV
7. Variance from Sections 4.6B, 8.9A.8, and Appendix B. Owner: 270 LLC. File: 20-17-ZV
8. Variance from Section 9.7. Owner: Rodney Smith. File #20-18-ZV.

Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: May 28, 2020
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals Meeting was held
3 virtually via ZOOM.
4 Board Members Present: Jeffrey Bannon, Chair; Tyler Quynn, Vice Chair; Leeds Corbin; and
5 Matt McKinney
6 Board Members Absent: Deirdre Catterton (absent with notification)
7 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran,
8 Assistant Prosecuting Attorney; and, Rachael Burke, Planning Clerk
9 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

10 Mr. Corbin called the meeting to order at 2:00 pm. Mr. Bannon called for a vote, which carried
11 unanimously.

12 **Approval of Minutes: April 23, 2020 and April 24, 2020**

13 Mr. Quynn moved to approve the April 23, 2020 minutes with no corrections. Mr. Bannon recused
14 himself from voting as he was not present for the meeting. Mr. Bannon called for a vote, which
15 carried three in support and one recusal (Mr. Bannon).

16 Mr. Bannon requested the following edit to the April 24, 2020 Special Meeting minutes:

17 a) Page 3, Line 40: change *Mr.* to *Ms.*

18 Mr. McKinney moved to accept the minutes with Mr. Bannon's edit. Mr. Bannon called for a vote,
19 which carried unanimously.

20 Ms. Beaulieu swore in members of the public who indicated they would be providing testimony.
21 Ms. Beaulieu explained how the Zoom meeting would be conducted.

22 **ITEM #1 FILE #: 20-11-ZV**

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

29 Mr. Charlie Hogendorp with Bristol Springs Custom Homes was present to address the Board. Ms.
30 Beaulieu provided an overview of her staff report noting that the subject parcel had a reduced
31 buildable area due to the floodplain and wetlands. Ms. Beaulieu explained that a small portion of
32 the home was inadvertently constructed within the 40' front setback. Mr. Hogendorp explained that
33 he adjusted the location of the home in order to avoid a rock bed, which resulted in the violation.

34 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
35 public hearing.

36 Mr. McKinney moved to approve the variance as requested. Mr. Corbin seconded the motion. Mr.
37 Bannon called for a vote, which carried unanimously.

38 **ITEM #2 FILE #: 20-12-ZV**

39 Request: Variance from Section 4.10 to waive the requirement to process a Site Plan for a
40 proposed educational retreat facility (China Folk House / Proposed Land Use: Nature
41 Center and Preserve). The proposed use will host educational groups by invitation

1 only (i.e. not open to the public). Proposed project entails construction of a ~1,026
2 square foot bathhouse, an ~824 square foot kitchen with Tibetan stove room, and
3 associated parking.

4 Owner: Rolling Ridge Foundation

5 Applicant: John Flower, China Folk House Retreat

6 Parcel Info: 305 Friends Way, Harpers Ferry, WV Parcel ID: 06002400090000; Size: 20 acres;
7 Zoning District: Rural

8 Mr. John Flower with China Folk House Retreat was present to address the Board. Ms. Beaulieu
9 provided an overview of her staff report and explained the purpose of a site plan. Mr. Bannon
10 inquired about the Engineering staff's opinion of the request. Ms. Beaulieu stated that the
11 Engineering Office stated that they do not support any request to waive a site plan. Ms. Beaulieu
12 noted that this was a general position and not specific to this request. Mr. Flower explained the
13 nature of the request and answered the Board's questions regarding well and septic services. Mr.
14 Flower stated that the structure would not have heat; therefore, the retreat would not be open year-
15 round and that they anticipated having approximately 12 students on-site during overnight stays.
16 Mr. Flower noted that day trips could have a larger group. Mr. Flower stated that his organization
17 had invested \$20,000 in an engineering feasibility study that determined that the structure and site
18 were compatible with the proposed project.

19 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
20 public hearing.

21 Mr. Quynn moved to go into deliberative session at 2:34 pm. Mr. Bannon called for a vote, which
22 carried unanimously.

23 Mr. Quynn moved to come out of deliberative session at 2:52 pm. Mr. Bannon called for a vote,
24 which carried unanimously.

25 Mr. Corbin moved to approve the variance as requested. Mr. Quynn requested to add a condition of
26 approval that the applicant is bound by his testimony. Mr. Corbin agreed to the condition of
27 approval to the original motion. Mr. Bannon called for a vote, which carried unanimously.

28 **ITEM #3 FILE #: 20-13-ZV**

29 Request: Variance from Section 5.4b [ZO in effect in 1990] to reduce the side setback from
30 12' to 10' for a 10' x 22' deck.

31 Owner: Jocelyn Stokes and Ezra Hall

32 Parcel Info: Lot 6, Maddex Farm Subdivision; 170 Hensel Drive, Shepherdstown, WV Parcel ID:
33 09008C01080000; Size: .17 acres; Zoning District: Residential-Light Industrial-
34 Commercial

35 Ms. Jocelyn Stokes and Mr. Ezra Hall, property owners; and Mr. Brian Miller with Miller
36 Residential were present to address the Board. Ms. Beaulieu provided an overview of her staff
37 report noting that the adjacent property owner submitted a letter of support for this request. Mr.
38 Miller explained the nature of the request. Ms. Stokes noted that the property owner that would be
39 impacted by this request does not have any windows facing the subject property line.

40 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the
41 public hearing.

1 Mr. McKinney moved to approve the variance as requested with the condition that the applicants
2 were bound by their testimony. Mr. Corbin seconded the motion. Mr. Bannon called for a vote,
3 which carried unanimously.

4 **ITEM #4 FILE #: 20-3-CUP**

5 Request: Request for a Conditional Use Permit to operate a homebased federal firearms
6 business, to include limited gunsmithing, from an existing detached garage
7 (proposed land use as listed in Appendix C: Custom Manufacturing). The business is
8 primarily internet based and does not include a readily available inventory. No
9 employees other than the residents of the property. Business hours are by
10 appointment only, with limited customer visits (1-2 per month). No signs are
11 proposed.
12 Applicant: Efstathia Fragogiannis and Jamie Schatteman
13 Owner: Gary Eisner, Et Al
14 Parcel Info: 76 Belleview Lane, Charles Town, WV Parcel ID: 06002800110002; Size: 3 acres;
15 Zoning District: Rural

16 Ms. Efstathia Fragogiannis was present to address the Board. Ms. Beaulieu provided an overview of
17 her staff report explaining that the applicant would be utilizing an existing garage and that the
18 proposed business would be primarily internet-based. Ms. Beaulieu noted that three of the
19 neighboring parcels were owned by the current property owner of the subject request. Ms. Beaulieu
20 reviewed the criteria for processing a conditional use permit. As the applications were related, Ms.
21 Beaulieu also addressed Agenda Item 4, File #20-19-ZV. Ms. Beaulieu again noted that the
22 proposed land use would be conducted from the existing garage and that no new structures were
23 being proposed. Ms. Fragogiannis explained the nature of the request, proffering that they would
24 only have up to two customers per month and that the CUP could become void should they vacate
25 the premises. Ms. Fragogiannis also explained the Federal Firearms License (FFL) application
26 process noting that it cannot transfer between property owners or locations without additional
27 processing.

28 Mr. Bannon opened the public hearing. Mr. Kenny Nicewarner spoke in opposition to the request
29 and expressed concerns that granting the subject CUP would set a precedent for future commercial
30 uses in their residential neighborhood as well as concerns related to the proposed use and the ability
31 to limit walk-in customers. Mr. Nicewarner also expressed concerns related to the fact that the
32 applicants were not the property owners. Mr. Bannon stated that any decision of the Board does not
33 set a precedent for future applications. Mr. Bannon closed the public hearing. In response to Mr.
34 Nicewarner's concerns, Ms. Fragogiannis reiterated that they would only be an internet-based
35 business and would not facilitate walk-in customers. Ms. Fragogiannis also stated that the Bureau of
36 Alcohol, Tobacco, Firearms and Explosives (ATF) requires a customer log to be kept by the person
37 operating the Federal Firearms License. She also stated that they would be willing to accept a
38 condition of approval that the permit expire when they vacate the premises. Mr. Quynn inquired as
39 to whether it would be appropriate to limit the CUP to the present applicants. Mr. Cochran
40 acknowledged that while CUP applications typically run with the land, that the Board could add a
41 condition of approval to require the permit to become void if the applicants were to vacate the
42 premises.

43 Mr. Quynn moved to go into deliberative session at 3:35 pm. Mr. Bannon called for a vote, which
44 carried unanimously.

1 Mr. Quynn moved to come out of deliberative session at 4:03 pm. Mr. Bannon called for a vote,
2 which carried unanimously.

3 Mr. McKinney moved to approve the conditional use permit with the condition that the applicant is
4 bound by their verbal and written testimony. Mr. Bannon called for a vote, which carried
5 unanimously.

6 **ITEM #5 FILE #: 20-19-ZV**

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

10 Applicant: Efstathia Fragogiannis and Jamie Schatteman

11 Owner: Gary Eisner, Et Al

12 Parcel Info: 76 Belleview Lane, Charles Town, WV Parcel ID: 06002800110002; Size: 3 acres;

13 Zoning District: Rural

14 Ms. Efstathia Fragogiannis was present to address the Board. Ms. Beaulieu's staff report and further
15 discussion of this item was addressed during Agenda item # 4, File 20-19-ZV.

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

18 **ITEM #6 FILE #: 20-14-ZV - Withdrawn**

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

21 Owner: Patrick Shunney

22 Parcel Info: 11426 Leeteown Road, Kearneysville, WV Parcel ID: 07011A00110000; Size: .34

23 acres; Zoning District: Village

24 This item was withdrawn by the applicant.

25 **ITEM #7 FILE #: 20-15-ZV - Withdrawn**

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

31 Owner: Mohammad Murtaza

32 Applicant: Tasha Catrow (Catrow Law, PLLC)

33 Parcel Info: 14840 Charles Town Road, Charles Town, WV Parcel ID: 02001700120003; Size:

34 .39 acres; Zoning District: Residential-Light Industrial-Commercial

35 Ms. Tasha Catrow with Catrow Law, PLLC was present to address the Board. Ms. Beaulieu
36 provided an overview of her staff report noting that the proposed land use would operate from the
37 existing dwelling unit and that no new structures were being proposed. Ms. Beaulieu explained that
38 the subject property consists of two legal lots. As the existing home is located on the internal
39 property line, Ms. Beaulieu recommended that a condition of approval could be to require the
40 applicant to legally merge the two parcels into one single lot. Ms. Catrow stated that a 1987 deed
41 appears to have already merged the property. Ms. Beaulieu advised that Ms. Catrow submit the
42 relevant deed book and page number reference for staff to confirm this information. Ms. Catrow

1 added that the residential neighbor has dogs and that she plans to install a fence or shrubbery along
2 the property line for separation.

3 Mr. Bannon opened the public hearing. Ms. Megan Curfman, the neighboring property owner,
4 stated she would prefer a fence along the property line as opposed to shrubs. Ms. Catrow stated she
5 did not object to installing a fence; however, requested that a specific type of fence not be required.
6 Mr. Bannon closed the public hearing.

7 Mr. Quynn moved to approve the variance as requested with the condition that the applicant is
8 bound by her testimony. Mr. Bannon called for a vote, which carried unanimously.

9 **ITEM #8 FILE #: 20-17-ZV**

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

17 Mr. Michael Shepp was present to address the Board. Ms. Beaulieu provided an overview of her
18 staff report. Ms. Beaulieu explained that the subject parcel has an approved site plan and that as part
19 of that approval the site was permitted to utilize the 20' setback as listed in the private covenants
20 recorded in Plat Book 4 at Page 85. Ms. Beaulieu stated that the Office does not enforce private
21 covenants and restrictions. She also noted that while she understood the justification for the original
22 determination and found the request to be reasonable, she did not identify any provisions in the
23 Ordinance which would allow administrative approval for the proposed expansion. Mr. Shepp
24 explained the nature of the request and provided background on the original site plan approval. Mr.
25 Shepp cited Section 9.7 of the Zoning Ordinance in which parcels that predate zoning may utilize
26 setbacks approved by the Planning Commission. It was Mr. Shepp's opinion that since the Burr
27 Industrial Park was a County subdivision and approved by the Planning Commission, the subject
28 request to utilize the 20' setback met the intent of Section 9.7.

29 Mr. Bannon opened the public hearing. There were no public comments. Mr. Bannon closed the
30 public hearing.

31 Mr. Quynn moved to approve the variance as requested. Mr. Corbin seconded the motion. Mr.
32 Bannon called for a vote, which carried unanimously.

33 **ITEM #9 FILE #: 20-18-ZV**

34 Request: Variance from Section 9.7 to reduce the Rear setback from 50' to 15' for the
35 construction of a 3,400 square foot new home and a 45' x 16' foot in-ground
36 swimming pool with surrounding concrete area.
37 Applicant: Vincent and Kelli Tiong
38 Owner: Rodney Smith
39 Parcel Info: Lot 1C Grainlands Vacant parcel located on Earle Road approximately 680' from the
40 intersection of Earle Road and Undergrace Road, Charles Town, WV Parcel ID:
41 06000200020010; Size: 3 acres; Zoning District: Rural

42 Ms. Kelli Tiong was present to address the Board. Ms. Beaulieu provided an overview of her staff
43 report noting that the property had been platted with a storm drainage easement that bisected the

1 parcel. Ms. Beaulieu stated that on April 14, 2020 the Planning Commission approved a request to
2 vacate the easement. Ms. Tiong explained the nature of the request stating that they were requesting
3 the variance to avoid existing trees and a rock outcropping. Ms. Diana Thorsell, the applicant's real
4 estate agent, concurred with Ms. Tiong's assessment of the parcels terrain.

5 Mr. Bannon opened the public hearing. There were no public comments.

6 Mr. Bannon closed the public hearing. Mr. Corbin moved to approve the variance as requested. Mr.
7 Bannon called for a vote, which carried unanimously.

8 **Zoning Administrator's Report**

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

10 Ms. Beaulieu informed the Board that the Planning Commission would be holding a public hearing
11 to review the proposed solar energy facilities text amendment on June 2, 2020. Ms. Beaulieu
12 provided a status update on the proposed reorganization of the Zoning Ordinance and the
13 Subdivision Regulations that is being drafted by Greenway Engineering. Ms. Beaulieu also noted
14 that a petition for a new text amendment pertaining to commercial cemeteries would also be on the
15 June 2, 2020 Planning Commission agenda. Ms. Beaulieu stated that the next Board meeting would
16 be June 25, 2020.

17 **Legal Update**

18 a) Possible executive session on the following pending lawsuits.

19 b) Discussion with possible deliberative session and signing of draft Findings/Decisions

20 **Meeting: April 23, 2020**

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

22 **Meeting: April 24, 2020 – Special Meeting**

23 1. Variance from Section 9.7. Owner: Terry and Margaret Walker, Jr.. File: 20-6-ZV.

24 2. Request by Church Without Walls Ministries of Jefferson County for a Conditional Use
25 Permit to operate a Nonprofit Commercial Use. Owner: Charles & Virgie Moore. File:
26 20-2-CUP.

27 3. Variance from Section 4.6B and Appendix B. Charles & Virgie Moore. File: 20-9-ZV.

28 4. Variance from Section 4.11 and Appendix B. Owner: Shepherdstown Public Library.
29 File: 20-7-ZV 5.

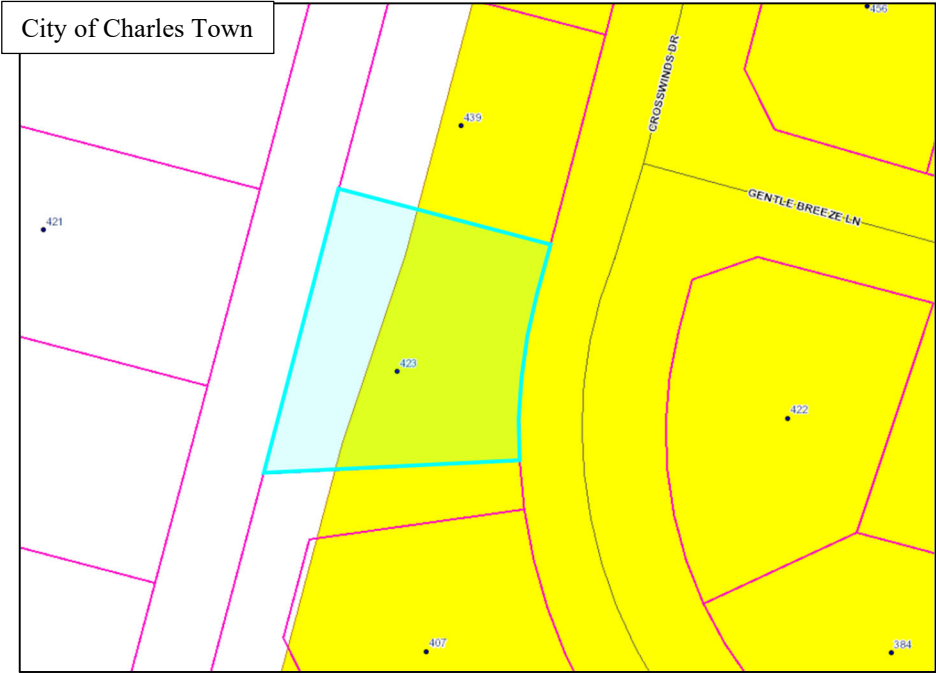
30 5. Variance from Section 4.6B and Appendix B. Owner: Kenneth Lowe. File: 20-8-ZV 6.

31 6. Variance from Section 9.7. Owner: William Hoak. File #20-10-ZV.

32 Mr. Quynn moved to adjourn the meeting at 4:50 pm. Mr. Bannon called for a vote, which carried
33 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 June 25, 2020
Landis Variance Request (#20-21-ZV)

Item #1 Variance from Section 5.4b [ZO in effect in 1990] to reduce the rear setback requirement from 20' to 10' for a 12' x 10' deck.

Applicant:	Todd Landis
Owner:	Same
Developer:	N/A
Consultant:	N/A
Location:	Lot 22, Crosswinds Subdivision 423 Crosswinds Drive, Charles Town, WV
Parcel Information and Zoning District:	<p style="text-align: center;">Parcel ID: 02018A00220000; Size: .19 acres; Zoning District: Residential Growth</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> North: Residential Growth South: City of Charles Town & Residential Growth East: Residential Growth West: City of Charles Town
History:	Recorded 02/26/98: PC File #97-31 – Crosswinds Subdivision, Section I Lots 21-39, (Plat Book 15, Page 57)
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 5.4b of the October 4, 1990 version of the Zoning Ordinance to reduce the rear setback from 20' to 10' for a 12' x 10' 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
 June 25, 2020
Landis Variance Request (#20-21-ZV)

Staff Evaluation of Request

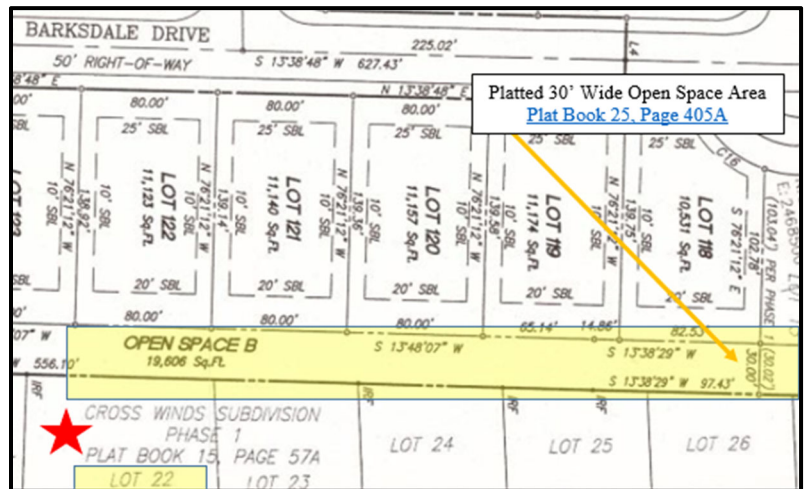
The subject parcel is Lot 22 of the Crosswinds Subdivision, Section I which was recorded on February 26, 1998 in [Plat Book 15 at Page 57](#). The required setbacks for this section of the subdivision are 25' front, 12' side and 20' rear. The rear property line abuts the open space area for the Norborne Glebe Subdivision.



The applicant has represented in their application that the location for the deck was selected based on the location of an existing sliding back door. Based on the sketch provided by the applicant, the proposed deck would encroach 10' into the rear setback area.

It is not feasible to comply with the Ordinance due to the location of the existing house, which is 20' from the rear property line.

The subject parcel abuts a 30' wide open space area ("Open Space B" Norborne Glebe Subdivision, Phase 3, [Plat Book 25, Page 405](#)); 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.

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)	Required Yards	Maximum Building Height*
Single family detached dwelling	6,000 sq. ft. ADU**		
Public/Central water and sewer	10,000 sq. ft. MLA	25 ft. front	40 ft.
Public/Central water or sewer	20,000 sq. ft. MLA	12 ft. side	
No Public/Central water or sewer	40,000 sq. ft. MLA	20 ft. rear	

Staff Report
 Jefferson County Board of Zoning Appeals
 June 25, 2020
Meisenzahl Variance Request (#20-22-ZV)

Due to the location of the existing house, it is not feasible to comply with the required setbacks unless the size of the sunroom is reduced and constructed in another location; however, the applicant has represented that the subject location is most conducive to the existing layout of the house.



The proposed sunroom is slightly larger than an existing deck in the same location (to be removed and replaced with the proposed sunroom). Based on the fact that a deck has historically existed in this location, and that the subject parcel abuts a platted common area for this section of the Locust Hill Subdivision ([Plat Book 18, Page 31](#)), 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.

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)	Required Yards	Maximum Building Height*
Single family detached dwelling	6,000 sq. ft. ADU**		
Public/Central water and sewer	10,000 sq. ft. MLA	25 ft. front	40 ft.
Public/Central water or sewer	20,000 sq. ft. MLA	12 ft. side	
No Public/Central water or sewer	40,000 sq. ft. MLA	20 ft. rear	



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

File Number: 20-21-ZV
 Staff Initials: AB
 Meeting Date: 06-25-20
 Fees Paid (\$100 or \$150): \$100/chk# 5109

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: Todd W. Landis & Nancy T. Landis
 Mailing Address: 423 Crosswinds Drive, Charles Town WV 25414
 Phone Number: 434-962-5390 Email: t3land06@AOL.COM

Applicant Contact Information

Name: Todd W. Landis
 Mailing Address: 423 Crosswinds Drive, Charles Town WV 25414
 Phone Number: 434-962-5390 Email: t3land06@AOL.COM

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

Name: None - used Jefferson County Tax Assessors Mapping & Tools
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 423 Crosswinds Drive, Charles Town WV 25414
 City: Charles Town State: WV Zip Code: 25414
 Tax District: Jefferson Co Map No: Plat Book 15 P 57-57A Parcel No: 0218A00220000000
 Parcel Size: 8771 sq. ft Deed Book: 1191 Page No: 369

Zoning District (please check one)

- | | | | | | | |
|---|---|--|--|---|---|--|
| Residential Growth (RG) <input checked="" type="checkbox"/> | Industrial Commercial (IC) <input type="checkbox"/> | Rural (R) <input type="checkbox"/> | Residential-Light Industrial-Commercial (R-LI-C) <input 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 checked="" type="checkbox"/> | Office/Commercial Mixed-Use (OC) <input type="checkbox"/> | | |

RECEIVED

MAY 15 2020

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

NOT SURE??

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: Build within 20 ft of property line

Briefly describe the nature of the variance request:

I would like to build a deck behind my house. It will ~~be~~ stop at 10 ft from property line. - There is a free space/zone of another 40 ft before the other property starts. Many houses in the development have decks on the back

If this request is for a setback variance, please check one of the following: that seem just as close as an

Front Setback Side Setback Rear Setback Reduction From 20 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:

No one will be affected by the deck. It will be 10 ft off the back property line with about another 10-12 ft "free zone" then another 20 feet (at least) of free zone beyond the trees.

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 has been built right at the 20 ft distance. I did not build the house. The deck would be nothing outland³ 10 feet from house + 12 feet long or if it helps I would do a deck 8 feet from the house and 14 ft long.

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

The house has a sliding back door in place which when built a deck was planned. The edge of the deck will be approximately 100 ^{ft} feet from another structure with a tree line in between and approx ~~50~~ ^{or so} feet from that property line.

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

The deck will wholly be on my property with 10 feet before the property line. There are no roads and with the free zone a large buffer is between property lines. It also looks like other homes have decks just as close

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

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.

Todd W. Ladd 5/12/2020
Signature of Property Owner Date

Anna J. Landis 5/12/2020
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).

June 25, 2020

Date of Public Hearing

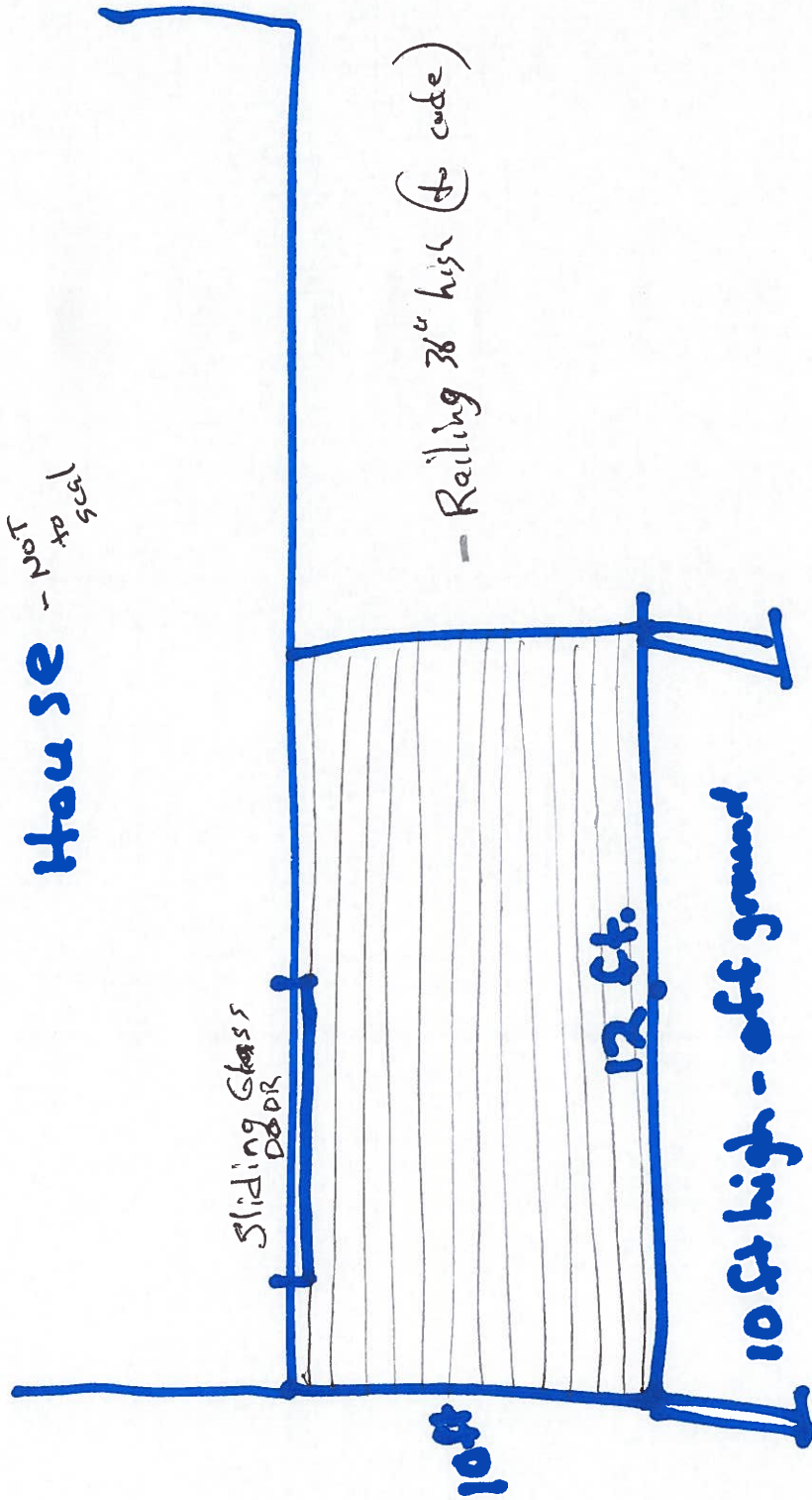
June 10, 2020

Advertising Date

June 10, 2020

Placard Posting Date

Deck sketch



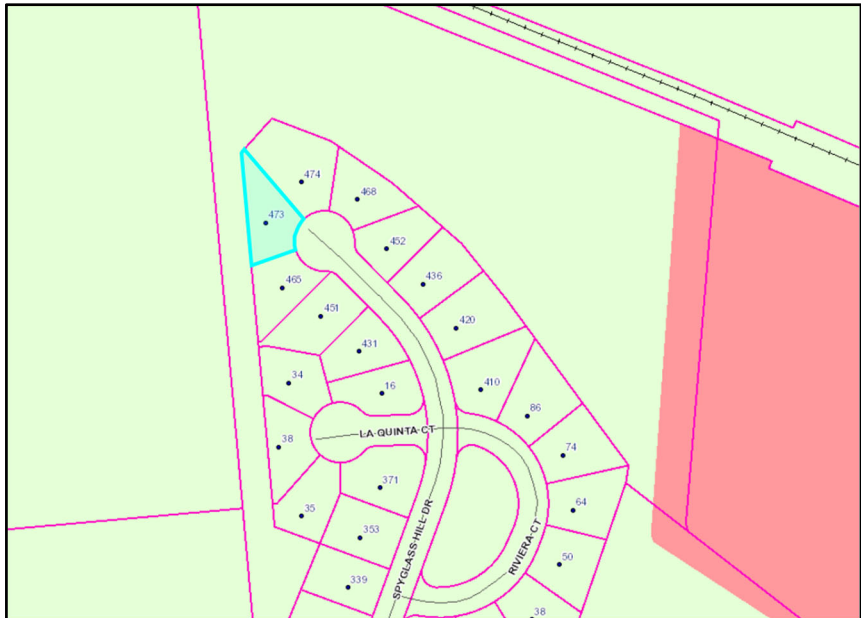
No steps

RECEIVED

MAY 15 2020

Staff Report
 Jefferson County Board of Zoning Appeals
 June 25, 2020
Meisenzahl Variance Request (#20-22-ZV)

Item #2: Variance from Section 5.4b to reduce the rear setback requirement from 20' to 10' for a 14' x 12' sunroom.

Applicant:	Scott and Kelly Meisenzahl
Owner:	Same
Developer:	N/A
Consultant:	N/A
Location:	Lot 111, Locust Hill Subdivision 473 Spynlass Hill Drive, Charles Town, WV
Parcel Information and Zoning District:	<p style="text-align: center;">Parcel ID: 02013A02430000; Size: .24 acres; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North: Rural South: Rural East: Rural & Residential-Light Industrial-Commercial West: Rural</p>
History:	Recorded 11/29/00: PC File #00-26 – Locust Hill, Parcels B & C, Lots 98-123 (Plat Book 18, Page 31)
Waivers/Variations:	09-18-03: BZA granted a variance request to reduce the rear setback from 20' to 12' for a 12' x 12' deck (PC File #ZV03-26).
Approved Activity:	Single family residence.
Site Visit Conducted:	No.

Summary of Request and Purpose of Ordinance Requirements

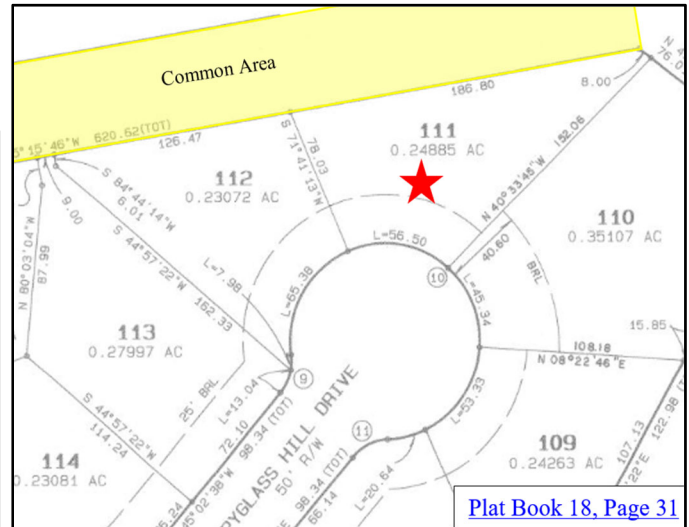
The applicant is seeking a variance from Section 5.4b of the October 4, 1990 version of the Zoning Ordinance to reduce the rear setback from 20' to 10' for a 14' x 12' sunroom.

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.

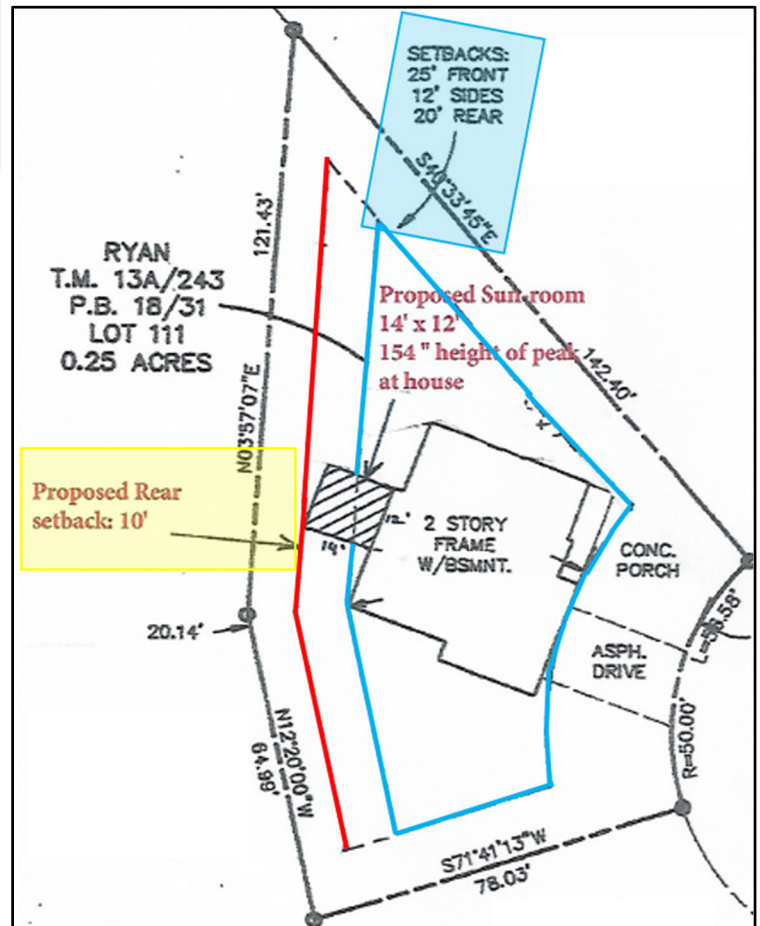
Staff Report
 Jefferson County Board of Zoning Appeals
 June 25, 2020
Meisenzahl Variance Request (#20-22-ZV)

Staff Evaluation of Request

The subject parcel is Lot 111 of the Locust Hill Subdivision, Parcels B & C, Lots 98-123, which was recorded on November 29, 2000 in [Plat Book 18 at Page 31](#). The required setbacks for this section of the subdivision are 25' front, 12' side and 20' rear. The rear property line abuts the common area for this section of the Locust Hill Subdivision.



The applicant has represented in their application that the location for the proposed sunroom was selected based on the location of an existing patio door. In 2003, the applicants were granted a reduction of the rear setback from 20' to 12' for the purpose of constructing a 12' x 12' deck. The subject request proposes a slightly larger sunroom, 12' x 14', which will encroach within the reduced setback area by 2'.



Staff Report
 Jefferson County Board of Zoning Appeals
 June 25, 2020
Meisenzahl Variance Request (#20-22-ZV)

Due to the location of the existing house, it is not feasible to comply with the required setbacks unless the size of the sunroom is reduced and constructed in another location; however, the applicant has represented that the subject location is most conducive to the existing layout of the house.



The proposed sunroom is slightly larger than an existing deck in the same location (to be removed and replaced with the proposed sunroom). Based on the fact that a deck has historically existed in this location, and that the subject parcel abuts a platted common area for this section of the Locust Hill Subdivision ([Plat Book 18, Page 31](#)), 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.

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)	Required Yards	Maximum Building Height*
Single family detached dwelling	6,000 sq. ft. ADU**		
Public/Central water and sewer	10,000 sq. ft. MLA	25 ft. front	40 ft.
Public/Central water or sewer	20,000 sq. ft. MLA	12 ft. side	
No Public/Central water or sewer	40,000 sq. ft. MLA	20 ft. rear	



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

File Number: 20-22-ZV
 Staff Initials: AB
 Meeting Date: 06-25-20
 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: Scott and Kelly Meisenzahl
 Mailing Address: 473 Spyglass Hill Drive, Charles Town, WV 25414
 Phone Number: 304-268-3634 Email: meis246@gmail.com

Applicant Contact Information

Name: Scott and Kelly Meisenzahl
 Mailing Address: Same
 Phone Number: Same Email: Same

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

Name: None
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 473 Spyglass Hill Drive
 City: Charles Town State: WV Zip Code: 25414
 Tax District: Charles Town (02) Map No: 13A Parcel No: 243
 Parcel Size: .25 acre Deed Book: 966 Page No: 662

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center">RECEIVED MAY 29, 2020 Jefferson County Engineering, Planning, and Zoning</p> <p align="center"><small>Place Received Date Stamp Here</small></p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 5.4(b)

Briefly describe the nature of the variance request:

Change the setback to the rear of the house to 10 feet. Approval will accommodate a 12' x 14' sunroom. The sunroom will extend out from the house (at the patio door) 14 feet. There is currently a deck that extends 12 feet from the patio door. This deck will be removed to be replaced by the sunroom.

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

Front Setback Side Setback Rear Setback Reduction From 20' to 10'

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 lot to the rear of the house is treed common area. The proposed sunroom will have minimal visibility to neighbors due to a cul-de-sac. The treed area will not be encroached upon, nor any private residence.

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 well designed and well constructed sunroom will add to the neighborhood assessment value.

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

This request is a result of the builders placement of the house on the lot and the trapezoid shape of the lot.

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

The spirit of this Ordinance will be observed as we will adhere to the law and respect the decision of the Board.

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.

Kelly Meyer, etc 5-29-2020
Signature of Property Owner Date

[Signature] 5/29/2020
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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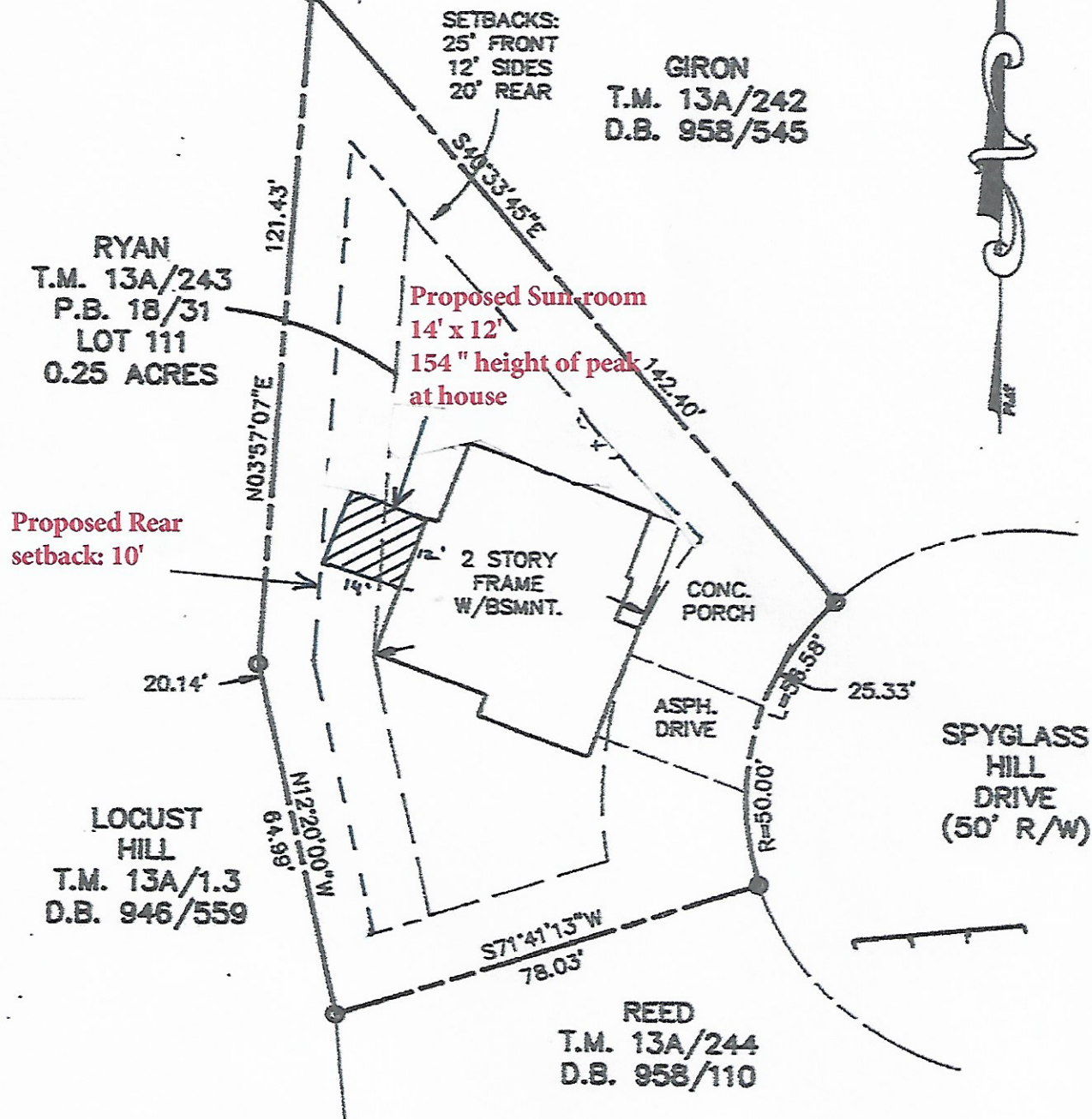
June 25, 2020
Date of Public Hearing

June 10, 2020
Advertising Date

June 10, 2020
Placard Posting Date

5/29/2020

Seidley



NOTE: THIS IS NOT A BOUNDARY SURVEY.

PLAT OF HOUSE LOCATION FOR: KELLY MACLAUHLAN & SCOTT MEIZENZAHL

THIS PROPERTY IS MAPPED ON FEMA PANEL # 540065 0050 C ZONE C. IT IS NOT MAPPED IN A FLOOD ZONE.

PLAT SHOWING IMPROVEMENTS TO LOT 111 LOCUST HILLS SUBDIVISION, STANDING IN THE NAME OF DAN RYAN BUILDERS, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN PLAT BOOK 18/31 LOCATED IN CHARLES TOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

5/29/2020
Scarlley

View of treed lot behind house



Potential sunroom from rear-right of house



5/29/2020
Scullin

Potential sunroom from rear of house



Potential sunroom from rear-left of house





Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report June 25, 2020 Board of Zoning Appeals Meeting

Date of Memo: June 18, 2020

1) **Text Amendments:**

- ZTA19-03 – Proposed Text Amendment to the Zoning Ordinance to create provisions to allow Solar Energy Facilities to process. The Planning Commission held a Public Hearing on June 2 and extended the public comment period through June 16 to allow written comments to be submitted after the hearing date. The Planning Commission will meet on June 23 for discussion and possible action. The Planning Commission's role is to make a recommendation to the County Commission as to whether the proposed text is consistent with the adopted Comprehensive Plan. Once the draft amendment is submitted to the County Commission, they will hold another Public Hearing before taking final action.
- Greenway Engineering continues to work on the reorganization of the Subdivision Regulations and Zoning Ordinance. A Public Workshop will be held on June 23 to review the status of Phase I before continuing onto Phase II, which includes revisions to both the Subdivision Regulations and the Zoning Ordinance.
- 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. The Planning Commission voted to accept into their workplan to incorporate provisions to allow commercial cemeteries at their June 2 meeting. This topic will be included on their July 14 agenda for the purpose of scheduling a public hearing.

2) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **July 23, 2020** (deadline for submission is Monday, June 29, 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

June 2020
Zoning Certificate Activity Report

File #	20-7-ZC
Request:	Change in Tenant / Commercial Use (Recreational Tourism) / PC File #S05-09
Property Owner:	Sebbahi Real Estate, LLC
Applicant:	River and Trail Outfitters / Attn: John Gonano
Parcel Info:	340 Business Park – 99 Cary Lu Circle, Harpers Ferry, WV Parcel ID: 04001100070000; Size: 7.98 ac; Zoning District: Residential-Light Industrial-Commercial
Issuance Date:	06-04-2020
File #	20-14-ZC
Request:	Temporary Sale of Legal Fireworks
Property Owner:	SUSO 2 Alabama LP
Applicant:	TNT Fireworks / Attn: Jerri Morfa
Parcel Info:	96 Patrick Henry Way, Charles Town, WV (Wal Mart Shopping Center – File #S96-16) Parcel ID: 02000800290002; Size: 21.33 ac; Zoning District: Residential-Light Industrial-Commercial
Issuance Date:	06-05-2020
File #	20-15-ZC
Request:	Temporary Sale of Legal Fireworks
Property Owner:	SAIGURU, LLC
Applicant:	Wholesale Fireworks Enterprises, LLC / Attn: Lynette White
Parcel Info:	106 Jefferson Terrace Road, Charles Town, WV (Motel 6 / PB 5, PG 81A) Parcel ID: 02000800290008; Size: 4.28 acres; Zoning District: Residential-Light Industrial-Commercial
Issuance Date:	06-05-2020
File #	20-16-ZC
Request:	Temporary Sale of Legal Fireworks
Property Owner:	The Kentland Foundation, Inc.
Applicant:	Four Seasons of McLean, LDT / Attn: David Woods
Parcel Info:	Somerset Village Shopping Center; 98 Somerset Village Blvd. Charles Town, WV Parcel ID: 02000900080007; Size: 15.07 acres; Zoning District: Residential-Light Industrial-Commercial; Site Plan File #87-21
Issuance Date:	06-05-2020
File #	20-17-ZC
Request:	Professional Office (Satellite Law Office)
Property Owner:	Mohammad Murtaza
Applicant:	Tasha Catrow
Parcel Info:	300 Foxcroft Avenue, Suite 200; Martinsburg, WV 25401 Parcel ID: 02001700120003; Size: .39 acre; Zoning District: Residential-Light Industrial-Commercial
Issuance Date:	06-05-2020
