



Jefferson County
Board of Zoning Appeals
Thursday, August 27, 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, this 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/83610030817>

Meeting ID: 836 1003 0817

Dial by your location:

+1 301 715 8592 US

Meeting ID: 836 1003 0817

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: July 23, 2020

Public Hearing – Administer Oath

ITEM #1 FILE #: 20-25-ZV

Request: Variance from Section 9.7 to reduce the front setback from 40' to 20' to construct a single-family dwelling unit.

Owner: Joseph R Lee

Parcel Info: 206 Meadow Bluff Ln, Kearneysville, WV; Parcel ID: 07000600010021; Size: 8.88 ac
Zoning District: Rural

ITEM #2 FILE #: 20-26-ZV

Request: Variance from Section 9.7 to reduce the side setback for proposed Lot 11A from 8' to 5.4'; and, to reduce the front setback for proposed Lot 12A from 20' to 2' to allow for a proposed boundary line adjustment.

Owner: Cage, LLC

Parcel Info: 171 Euclid Avenue, Charles Town, WV; Parcel ID: 02010A00920000; Size: 15,000 square feet
Zoning District: Residential Growth

ITEM #3 FILE #: 20-5-CUP

Request: Request by Valley Used Cars for a Conditional Use Permit to operate an Automobile Repair, Sales, and Service business, to include the repair and sale of used cars. No new buildings or additions are proposed at this time. Site improvements include expansion of gravel area and replacement of existing sign in the same location.

Owner: I&K Farms, LLC

Parcel Info: 5409 Charles Town Road, Kearneysville, WV; Parcel ID: 07000300010001; Size: 5.35 acres
Zoning District: Village

ITEM #4 FILE #: 20-6-CUP

Request: Request by Andrew and Nariman Main for a Conditional Use Permit to operate a catering business, to include the distribution of baked goods to off-site vendors, as well as the preparation and on-site sale of grab-and-go items (such as sandwiches, salads, and baked goods). Seating is not proposed. The applicant is proposing to construct a 40' x 80' accessory structure, a portion of which is to be utilized for the proposed business. The proposed use includes a customer parking area and a modest sign. Land use classification in Appendix C: Restaurant.

Owner: Andrew & Nariman Main

Parcel Info: Grove Minor Subdivision, Lot 3; Vacant parcel located directly behind 2945 Lewisville Road, Summit Point, WV; Parcel ID: 06001900180006; Size: .71 acre
Zoning District: Rural

ITEM #5 FILE #: 20-27-ZV

Request: Variance from Section 4.16 of the Zoning Ordinance, as amended 03/10/11 to reduce the side landscape buffer and the side setback from 50' to 25' for a 1,200 sf storage building.

Owner: Asbury United Methodist Church

Applicant: Arturo Gales, Head Trustee

Parcel Info: 4257 Kearneysville Pike, Shepherdstown, WV. Parcel ID: 09000800070002; Size: 4.98 ac
Zoning District: Residential Growth

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: July 23, 2020

1. Variance from Section 4.3H. Owner: I&K Farms, LLC. File: 20-23-ZV.
2. Request by Richalie Demaine for a Conditional Use Permit to operate a Homebased Federal Firearms Business [custom manufacturing]. Owner: Richalie Demaine. File: 20-4-CUP.
3. Variance from Section 4.6B. Owner: Richalie Demaine. File: 20-24-ZV.

Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: July 23, 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; Deirdre Catterton,
5 Leeds Corbin and Matt McKinney
6 Board Members Absent: None
7 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran,
8 Assistant Prosecuting Attorney; and, Jennilee Hartman, Zoning Clerk
9 All requests were 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: June 25, 2020**

13 Mr. Quynn moved to approve the June 25, 2020 meeting minutes as presented. Mr. Bannon called
14 for a vote, which carried unanimously.

15 **Public Oath**

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

17 **ITEM #1 FILE #: 20-13-ZV**

18 Request: Variance request from Section 4.3H to increase the number of approved fuel pump
19 islands from two to four for a proposed Citgo gas station (previously Sheetz).
20 Owner: I & K Farms, LLC
21 Applicant: Clarence Haymaker
22 Parcel Info: 5437 Charles Town Rd., Kearneysville, WV; Parcel ID: 07003B00450000;
23 Size: .70+ ac; Zoning District: Village

24 Mr. Mohammad Ghuman, property owner; Mr. Clarence Haymaker, real estate agent; Mr. Ryan
25 Perks, an engineer with Gordon; Mr. C.R. Newlin, contractor; and, Allen Campbell with Citgo were
26 all available to represent the request. Ms. Beaulieu provided an overview of her staff report
27 explaining that the Board had previously approved a request to reestablish the nonconforming gas
28 station utilizing two (2) fuel island pumps. Ms. Beaulieu further explained that a variance from
29 Section 4.3H was required as the increase in fuel pumps from two to four would expand the
30 nonconforming use by more than 35%. Ms. Beaulieu noted that the previous gas station had
31 originally consisted of three (3) fuel islands. Mr. Haymaker explained the nature of the request
32 stating that the purpose of the additional pumps was to provide a variety of alternative fuels to the
33 customer. Mr. Haymaker noted that there was a lack of ethanol free gasoline in the area and that the
34 owner would be offering this product. Mr. Perks and Mr. Newlin answered the Board's questions
35 regarding the accessibility and layout of the pumps. Mr. Bannon opened the public hearing. There
36 was no public comment. Mr. Bannon closed the public hearing.

37 Mr. McKinney moved to approve the variance as requested with the condition that the applicants
38 were bound by their testimony. Mr. Bannon called for a vote, which carried unanimously.

1 **ITEM #2** **FILE #: 20-4-CUP**

2 Request: Request for a Conditional Use Permit to establish a homebased federal firearms
3 business (Green Monstah Firearms, LLC) to include limited gunsmithing from an
4 existing dwelling unit (proposed land use as listed in Appendix C: Custom
5 Manufacturing). The business is primarily internet based. Business hours are by
6 appointment only, with limited customer visits (approximately four per month). No
7 employees other than the residents of the property. No signs are proposed. No new
8 structures or additions to existing structures are proposed.

9 Owner: Richalie Demaine

10 Parcel Info: The Estate of Frances Lloyd Minor Subdivision, Lot 2; 79 Rehoboth Lane,
11 Summit Point, WV, Parcel ID: 06001200020021; Size: 3 ac.; Zoning District: Rural

12 Ms. Richalie Demaine, property owner, was present to address the Board. Ms. Beaulieu provided an
13 overview of her staff report and reviewed the conditional use permit criteria. Mr. Quynn inquired
14 about Staff's opinion of private covenants and restrictions. Ms. Beaulieu explained that the
15 Department does not enforce private covenants and restrictions. Ms. Demaine provided a detailed
16 overview of her proposed business. Ms. Demaine reviewed the Alcohol, Tobacco, and Firearms
17 (ATF) licensing criteria for the Board. Ms. Demaine addressed questions from the Board.

18 Mr. Bannon opened the public hearing. Neighboring property owners, Cara McCormick, Esther Sue
19 and Richard Lloyd, and Kelley and James Fitzwater, and real estate broker Jeanne Morton, spoke in
20 opposition to the request, noting several concerns including: the negative impact that a firearms
21 business could have on property values; the potential threat to public safety; the increased traffic
22 and delivery on private roads; and the conflict with existing private covenants and restrictions
23 imposed on the subject parcel.

24 Ms. Pilar Goicoechea, the applicant's real estate agent, spoke in favor of the request and argued that
25 in her opinion, the property values should not be negatively impacted.

26 Mr. Bannon closed the public hearing.

27 Ms. Demaine provided a rebuttal and addressed each of the concerns raised by the surrounding
28 neighbors. Ms. Demaine also proffered to remove her address from her website and Google
29 (business) listings.

30 Mr. Quynn moved to go into deliberative session at 3:00 pm. Mr. Bannon called for a vote, which
31 carried unanimously.

32 Mr. Quynn moved to go back into regular session at 3:23 pm. Mr. Bannon called for a vote, which
33 carried unanimously.

34 Mr. McKinney moved to approve the conditional use permit as requested with the condition that the
35 applicant be bound by her testimony. Mr. Bannon called for a vote, which carried unanimously.

1 **ITEM #3** **FILE #: 20-24-ZV**

2 Request: Variance from Section 4.6B to reduce the 75' distance requirement to 50' along the
3 rear property line for the purpose of operating a homebased federal firearms business
4 from an existing dwelling unit (no new structures or additions are proposed). See
5 Conditional Use Permit File #20-4-CUP.

6 Owner: Richalie Demaine

7 Parcel Info: The Estate of Frances Lloyd Minor Subdivision, Lot 2; 79 Rehoboth Lane, Summit
8 Point, WV; Parcel ID: 06001200020021; Size: 3 ac.; Zoning District: Rural

9 Ms. Richalie Demaine, property owner, was present to address the Board. Ms. Beaulieu provided a
10 brief overview of her staff report. Ms. Beaulieu noted that the land use would not necessitate a site
11 plan, which would have required a landscaped buffer; however, the Board may place a condition of
12 approval to require a fence or vegetative buffer. Ms. Demaine explained the nature of her request
13 and noted that the proposed business would be primarily located within the existing garage, which
14 was actually 80+ feet from the subject property line. Ms. Beaulieu acknowledged this fact and
15 explained that the distance requirement was from the entire structure and not only the portion
16 utilized by the business. Ms. Deamine stated that while the cars may be visible to adjacent property
17 owners that the customers would enter her home from the garage, which is angled away from the
18 neighboring properties.

19 Mr. Bannon opened the public hearing. Jeanne Morton, real estate broker, and neighboring property
20 owner Esther Sue Lloyd, spoke in opposition to the request. Mr. Bannon closed the public hearing.
21 Ms. Demaine stated that she intended to plant some shrubs along the property line to help provide a
22 buffer.

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

25 **Zoning Administrator's Report**

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

27 Ms. Beaulieu updated the Board on the status of the following amendments:

28 a) Solar Energy Facilities: Ms. Beaulieu stated the County Commission would be holding a
29 public workshop to receive public comment on the proposed text amendment

30 b) Reorganization of the Zoning Ordinance and the Subdivision Regulations by Greenway
31 Engineering: Ms. Beaulieu stated that staff was continuing to work on the proposed
32 reorganization.

33 c) Commercial Cemeteries: Ms. Beaulieu explained that the Planning Commission had
34 accepted the proposed amendment into their work plan and would be scheduling a public
35 workshop to receive input on proposed amendment.

36 Ms. Beaulieu stated that the next Board meeting would be on August 27, 2020.

1 **Legal Update**

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

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

4 **Meeting: June 25, 2020**

5 1. Variance from Section 5.4(b). Owner: Todd Landis. File: 20-21-ZV.

6 2. Variance from Section 5.4(b). Owner: Scott and Kelly Meisenzahl. File: 20-22-ZV.


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

8 Mr. Quynn moved to adjourn the meeting at 3:37 pm. Mr. Bannon called for a vote, which carried

9 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 August 27, 2020
Joseph Lee Variance Request (#20-25-ZV)

Item #1 Variance from Section 9.7 to reduce the front setback from 40' to 20' to construct a single family dwelling unit.

Applicant:	Joseph Lee
Owner:	Same
Developer:	N/A
Consultant:	N/A
Location:	206 Meadow Bluff Lane, Kearneysville, WV 25430
Parcel Information and Zoning District:	<p style="text-align: center;">Parcel ID: 07000600010021; Size: 8.88 acres; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North: Opequon Creek / Berkeley County Line South, East and West: Rural</p>
History:	Recorded 10/09/74: Hensell Farms Inc. Lot 30 (Plat Book 3, Page 48)
Waivers/Variations:	None
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 9.7 of the Zoning Ordinance to reduce the front setback from 40' to 20' to construct a single family dwelling unit.

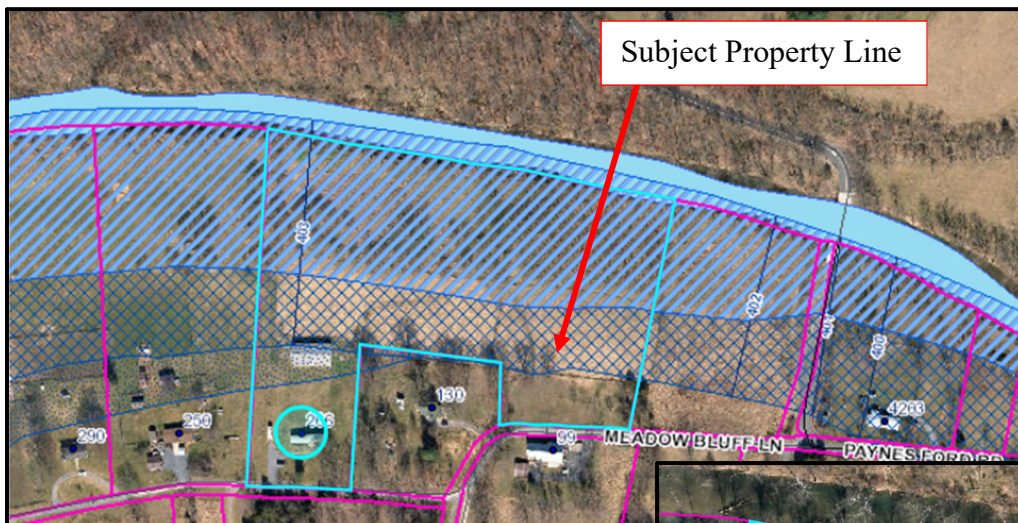
The key purpose of front yard setback requirements is to ensure that any future right-of-way expansion or utility placement will not be obstructed by structures built too close to a road. It also ensures that sight visibility is not impaired for drivers along the right-of-way.

Staff Report
Jefferson County Board of Zoning Appeals
August 27, 2020
Joseph Lee Variance Request (#20-25-ZV)

Staff Evaluation of Request

The subject parcel is Lot 30 of the Hensell Farms Subdivision. A survey plat of this section of the subdivision was recorded on October 9, 1974 in [Plat Book 3 at Page 48](#). While the parcel is just under nine acres, a large portion of the property is located within the floodplain area, which reduces the buildable area significantly.

The applicant is proposing to relocate the existing mobile home from its current location to the proposed location for the purpose of establishing an in-law suite for the applicant's parents. The applicant intends to construct a new principal dwelling unit in the current location of the mobile home, and the mobile home will then be utilized as an accessory dwelling unit (in-law suite) for his parents. The applicant is aware that the proposal will require Health Department approval and has already initiated that process.



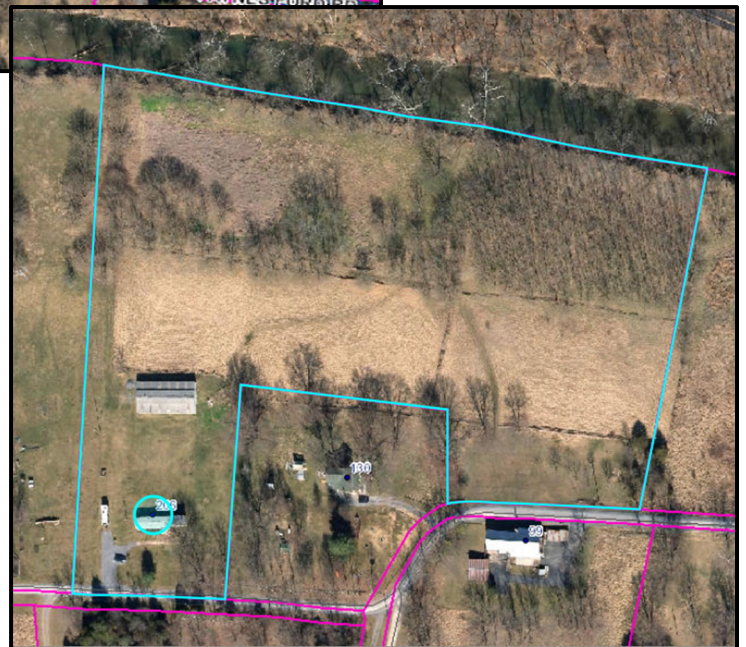
The subject parcel fronts Meadow Bluff Lane, which is a platted 30' Right of Way. It is a State Road; however, it is not expected that Meadow Bluff Lane would be widened. It does not appear that a setback reduction from 40' to 20' will have a negative impact on adjoining properties.

It may be feasible to comply with the ordinance; however, a significant portion of the property is located within the floodplain and as a means to comply with the requirements of the Floodplain Ordinance, a reduction of the front setback would best accommodate the proposed request.

Conditions of Approval

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

1. No conditions of approval were identified.



Staff Report
Jefferson County Board of Zoning Appeals
August 27, 2020
Joseph Lee Variance Request (#20-25-ZV)

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

Residential Growth District²³

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

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

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.



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: 20-25-2V
 Staff Initials: JAI
 Meeting Date: 8/27/20
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Joseph Lee
 Mailing Address: 206 Meadow Bluff Ln Kearneysville WV 25430
 Phone Number: 304-671-9224 Email: Jafflee@outlook.com

Applicant Contact Information

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

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

Name: N/A
 Mailing Address: —
 Phone Number: — Email: —

Physical Property Details

Physical Address: 206 Meadow Bluff Ln ~~Kearneysville WV~~
 City: Kearneysville State: WV Zip Code: 25430
 Tax District: Middleway 07 Map No: 6 Parcel No: 1-21
 Parcel Size: 8.87 Deed Book: 1199 Page No: 126

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (Ry)	Residential- Light Industrial- Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RECEIVED			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
JUL 20 2020			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEFFERSON COUNTY PLANNING ZONING & ENGINEERING			<small>Place Received Date Stamp Here</small>				

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

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

Yes

No

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

9.7 GA = 9.6C GA

Briefly describe the nature of the variance request:

I would like to place a single wide 14x70 Mobile Home closer to the road than 40 feet but no closer than 20 feet.

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

Front Setback

Side Setback

Rear Setback

Reduction From

40 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:

Moving the set back from the Road from 40 to 20 ft will NOT affect any public health, safety or welfare, or rights of adjacent property as it is a gravel lane with low speed extremely light traffic.

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?

This Mobile home will be a In Law ~~set~~ suite for my parents. There is flood plain on the property and moving the Mobile Home closer to the road will allow it to be at the highest elevation possible in the case of any catastrophic flood.

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

Again the 100 yr flood plain is about 100ft from the road and the elevation of the land would best place the Mobile home as far away from 100 yr flood plain as possible, and the grade of land gets higher towards road.

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

Granting this variance will allow the landowner to keep his property in the safest location for future flooding emergencies.

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).

8/27/20

Date of Public Hearing

8/12/20

Advertising Date

8/12/20

Placard Posting Date

Joseph Lee
7/20/2020



Requesting to Place
14x70 Mobile Home closer than
40 feet from Meadow Bluff Ln, but
no closer than 20 feet.

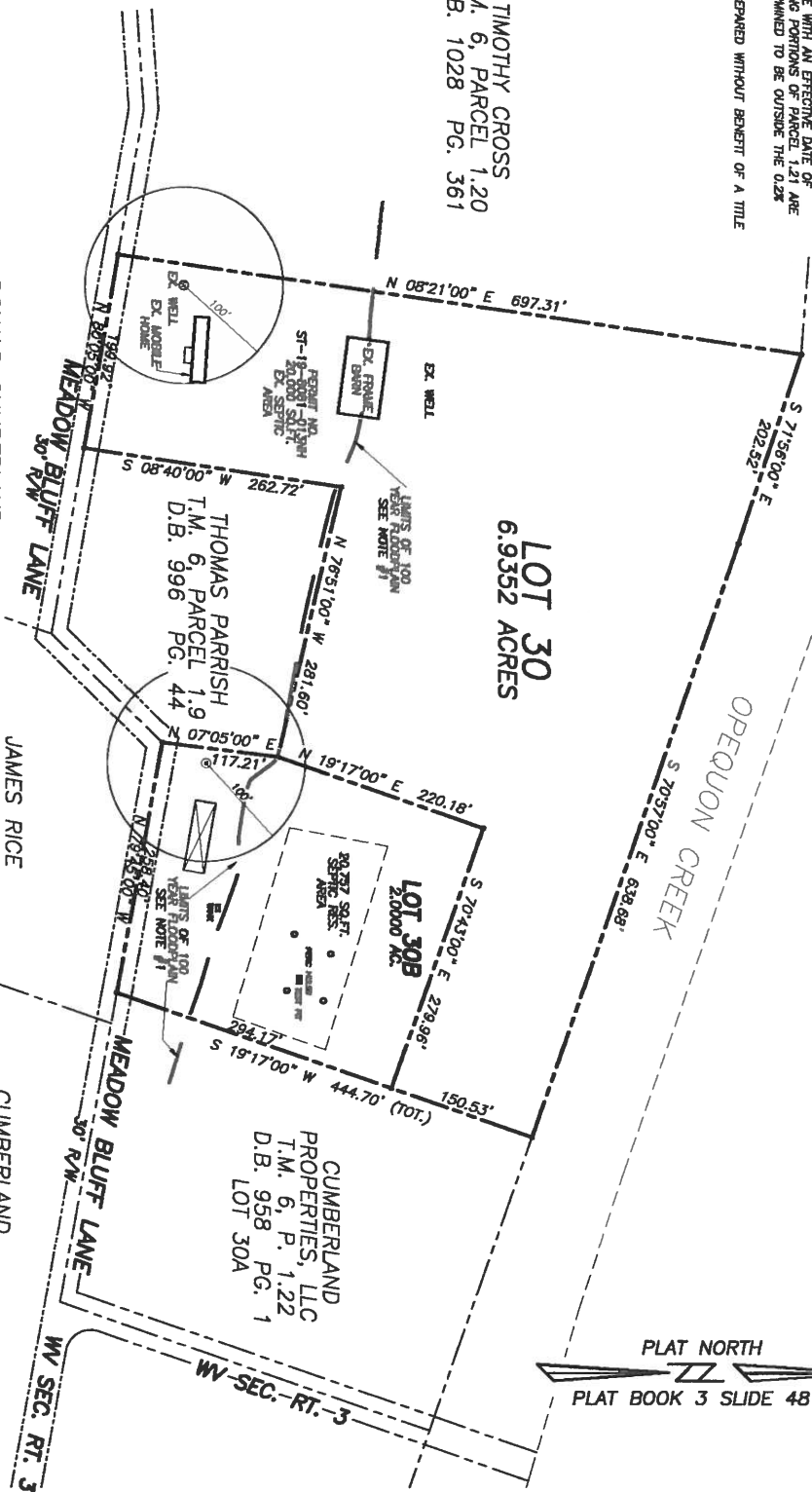
GENERAL NOTES:
 1. BY GRAPHIC REPRESENTATION, A PORTION OF PARCEL 1.21 AS SHOWN HEREON IS LOCATED IN A 100 YEAR FLOOD PLAIN AS PER FEMA FLOOD INSURANCE RATE MAP 54037C 001E WITH AN EFFECTIVE DATE OF DECEMBER 18, 2009. THE REMAINING PORTIONS OF PARCEL 1.21 ARE LOCATED IN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.
 2. THIS SURVEY AND PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.

TIMOTHY CROSS
 T.M. 6, PARCEL 1.20
 D.B. 1028 PG. 361

LOT 30
 6.9352 ACRES

OPENQUON CREEK

PLAT NORTH
 PLAT BOOK 3 SLIDE 48

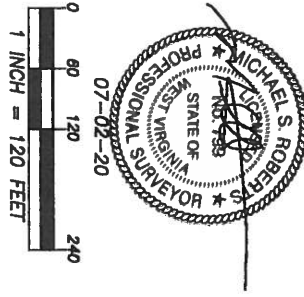


DONALD CUMBERLAND
 T.M. 6, PARCEL 1.25
 D.B. 1071 PG. 462

JAMES RICE
 T.M. 6, PARCEL 1
 D.B. 996 PG. 44

CUMBERLAND PROPERTIES, LLC
 T.M. 6, PARCEL 1.22
 D.B. 958 PG. 1

CUMBERLAND PROPERTIES, LLC
 T.M. 6, P. 1.22
 D.B. 958 PG. 1
 LOT 30A



LEGEND
 ○ PROPOSED WELL SITE
 □ PROPOSED SEPTIC TANK SITE
 ⊗ FENCE POLE
 ⊠ TEST PIT
 ⊞ PROPOSED HOME SITE

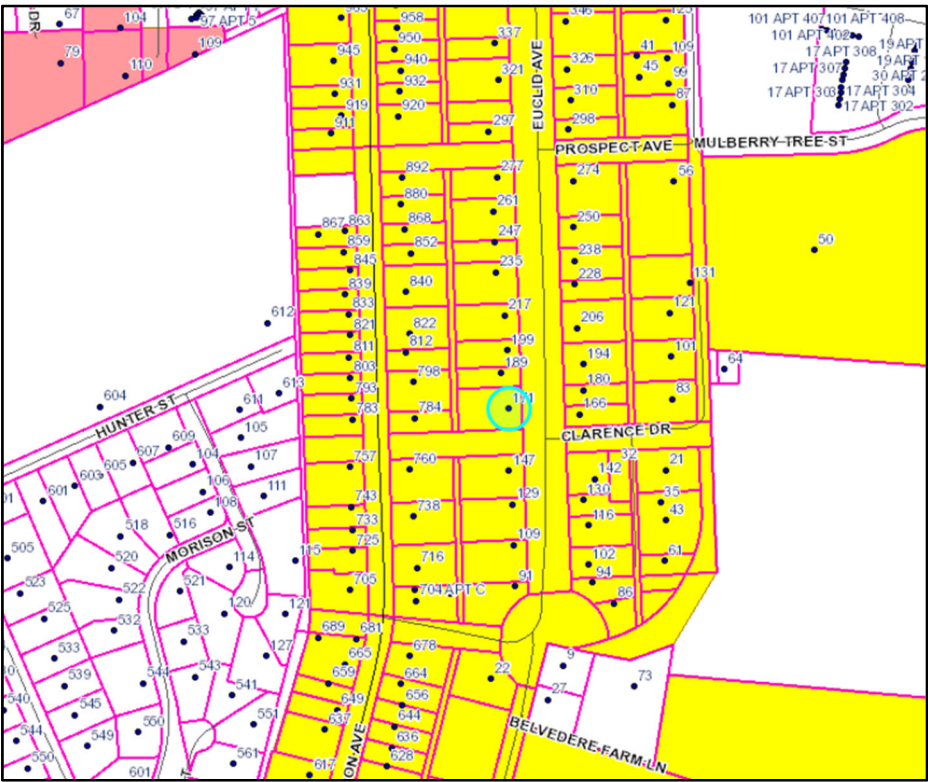
PLOT PLAN
LOT 30 & 30A — HENSELL FARMS
 PROPERTY OF
JOSEPH RICHARD LEE
 DEED BOOK 1199 PAGE 120
 TAX MAP 6, PARCELS 1.21
 MIDDLEWAY DISTRICT, JEFFERSON COUNTY, WV

DATE: 10-01-19
 REV.: 10-21-19
 REV.: 07-02-20
 DRAWN: RLW
 CHECKED: MSR
 SCALE: 1"=120'

ROBERTS LAND SURVEYING
 2068 PALMER ROAD — HEDGESVILLE, WV 25427
 304.671.5406 miker002395@frontier.com

Staff Report
 Jefferson County Board of Zoning Appeals
 August 27, 2020
Cage, LLC Variance Request (#20-26-ZV)

Item #2 Variance from Section 9.7 to reduce the side setback for proposed Lot 11A from 8' to 5.4'; and, to reduce the front setback for proposed Lot 12A from 20' to 2' to allow for a proposed boundary line adjustment.

Applicant:	Cage, LLC
Owner:	Cage, LLC
Developer:	N/A
Consultant:	Roberts Land Surveying
Location:	171 Euclid Avenue, Charles Town, WV 25414
Parcel Information and Zoning District:	<p style="text-align: center;">Parcel ID: 02010A00920000; Size: 15,000 square feet; Zoning District: Residential Growth</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North: Residential Growth / Residential-Light Industrial-Commercial. South: Residential Growth & City of Charles Town East: Residential Growth & City of Charles Town West: Residential Growth & City of Charles Town</p>
History:	Survey Plat Recorded in Old Deed Book W, Page 195
Waivers/Variations:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	No

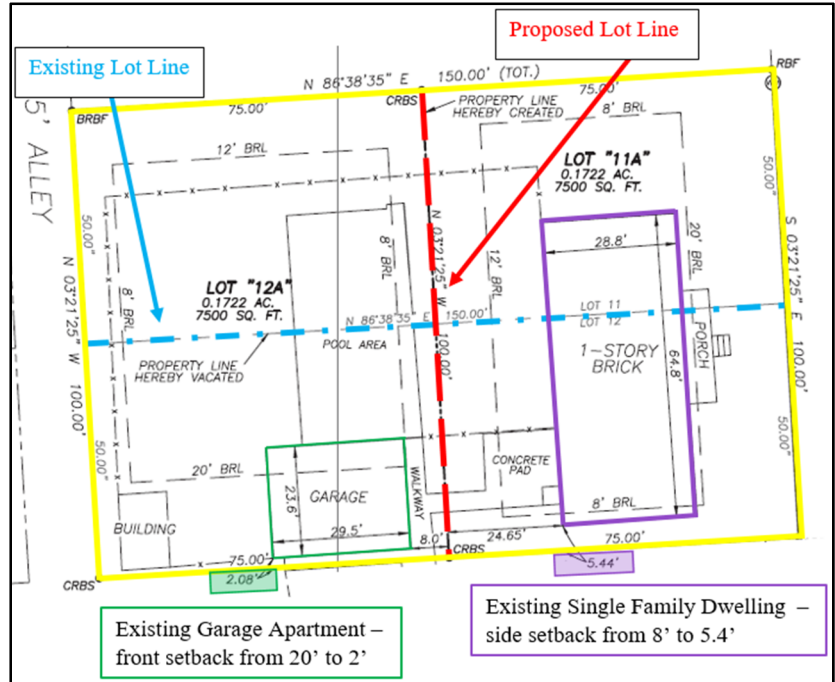
Staff Report
 Jefferson County Board of Zoning Appeals
 August 27, 2020
Cage, LLC Variance Request (#20-26-ZV)

Summary of Request and Purpose of Ordinance Requirements

Variance from Section 9.7 to reduce the side setback for proposed Lot 11A from 8' to 5.4'; and, to reduce the front setback for proposed Lot 12A from 20' to 2' to allow for a proposed boundary line adjustment.

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.

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 Evaluation of Request

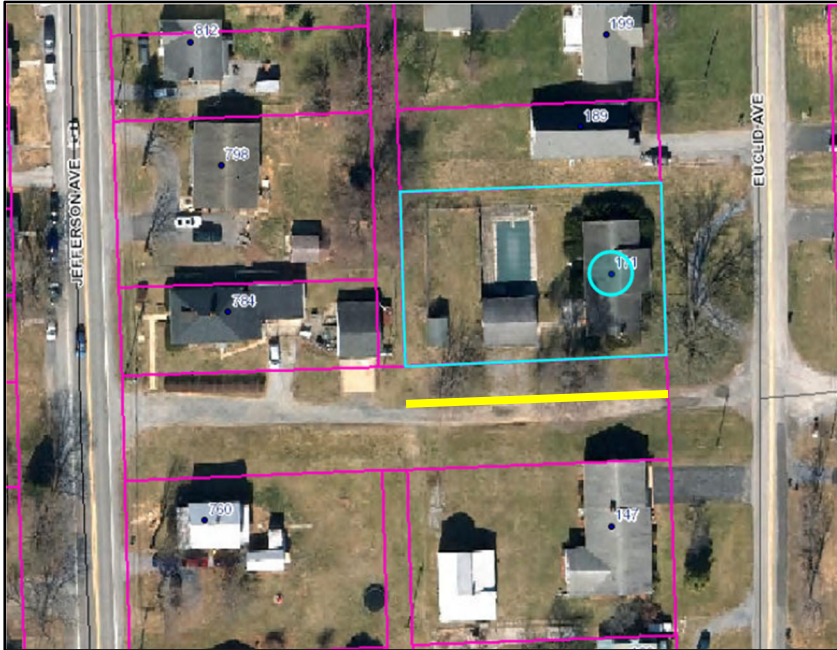
The subject parcel fronts Euclid Avenue and Clarence Drive and is comprised of two separate lots (Lots 11 & 12) of Block 8 in Charles Town.



The subject property contains a residential dwelling unit, as well as a two car garage that was illegally converted to a dwelling unit. The applicant purchased the property in December 2018, without the knowledge that the second dwelling had been established without the required permits. When he became aware of the violation, he began working with our Department to bring the property into compliance. Part of the process includes reconfiguring the lot lines in order to ensure each dwelling unit is located on a separate lot; however, in order to process a boundary line adjustment, a variance is required because the existing structures will not comply with the setback requirements.

Staff Report
 Jefferson County Board of Zoning Appeals
 August 27, 2020
Cage, LLC Variance Request (#20-26-ZV)

Based on the applicant's representation that the garage apartment has existed for some time, and the fact that the subject property line abuts a 60' wide right of way (Clarence Drive), it appears that there would be minimal impact on adjoining property owners. The subject parcel is two legal lots; therefore, a dwelling unit would be permitted on each lot. Granting the variance would allow the existing structure



to remain and continue operating as a dwelling unit.

It is not feasible to comply with the Ordinance by other means unless the existing structure is demolished and rebuilt in a new location which complies with setbacks.

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

Residential Growth District²³

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

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

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.



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: 20-26-ZV
 Staff Initials: GA
 Meeting Date: 8/27/20
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: CAGE, LLC
 Mailing Address: 212 SUSANMANT AVE. OAKLAND MD 21550
 Phone Number: 304-582-0368 Email: jeremey.engle@gmail.com

Applicant Contact Information

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

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

Name: ROBERTS LAND SURVEYING
 Mailing Address: 2068 PALMER RUN HUBBERSVILLE, WV 25427
 Phone Number: 304-671-5406 Email: mike002395@frontier.com

Physical Property Details

Physical Address: 171 EUCLID AVENUE
 City: CHARLES TOWN State: WV Zip Code: 25414
 Tax District: CHARLES TOWN Map No: 10A Parcel No: 92
 Parcel Size: 15,000 SQ. FT. Deed Book: 1216 Page No: 485

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 type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>		

RECEIVED

JUL 29 2020

Place Received Date Stamp Here

**JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING**

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

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

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

Briefly describe the nature of the variance request:

REQUEST VARIANCE FOR SIDE SETBACK OF LOT 11A FROM 8' TO 5.4'
REQUEST VARIANCE FOR FRONT SETBACK OF LOT 12A FROM 20' TO 2.8'

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

Front Setback Side Setback Rear Setback Reduction From _____ to SEE DESCRIPTION

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 STRUCTURES IN QUESTION ARE EXISTING.

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 STRUCTURES IN QUESTION ARE EXISTING. ANY NEW CONSTRUCTION WOULD COMPLY WITH SETBACK REQUIREMENTS

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

VARIANCE WOULD ALLOW COMPLIANCE OF EXISTING STRUCTURES

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

THESE ARE EXISTING STRUCTURES, BUT PRIOR TO THE ADOPTION OF THE ZONING ORDINANCE

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.

Christ Ottey
Signature of Property Owner

7/22/20
Date

Merem Lu
Signature of Property Owner

7/28/2020
Date

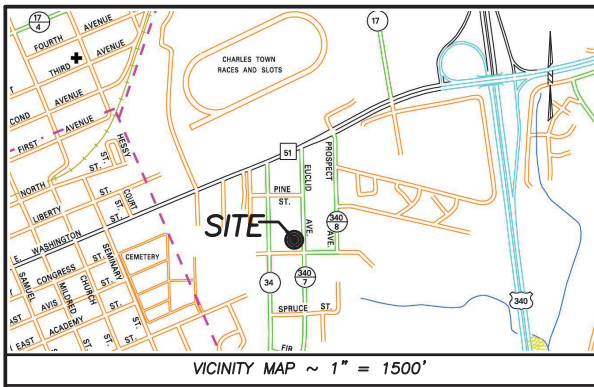
Notification Requirements (to be completed by staff)

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).

8/27/20
Date of Public Hearing

8/12/20
Advertising Date

8/12/20
Placard Posting Date



GENERAL NOTES

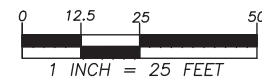
- EXISTING AND PROPOSED EASEMENTS AND RIGHTS OF WAY ARE SHOWN. 20' ALONG THE FRONT OF EACH LOT IS RESERVED FOR DRAINAGE, UTILITY AND SLOPE EASEMENTS. 8' ALONG THE SIDE AND REAR OF EACH LOT IS RESERVED FOR DRAINAGE AND UTILITY EASEMENTS. THERE ARE NO FUTURE EASEMENTS PLANNED.
- BUILDING SETBACK LIMITS: 20' FRONT, 8' SIDE AND 12' REAR PER SECTION 9.7 OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE.
- LOTS 11A AND 12A SHALL BE SERVED BY EXISTING PUBLIC WATER AND SEWER CONNECTIONS.
- THE PROPERTIES SHOWN HEREON ARE NOT LOCATED IN THE MAPPED 100 YEAR FLOOD PLAIN (ZONE "A") AS DELINEATED BY F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 54037C 0136E, EFFECTIVE DATE OF DECEMBER 18, 2009. THE PROPERTIES ARE LOCATED IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- WV SEC. ROUTE 340/7 (EUCLID AVENUE) IS A RECORDED 100' R/W (SEE D.B. W, PG. 195).
- THE NATIONAL WETLANDS INVENTORY MAP (U.S. FISH & WILDLIFE SERVICE) INDICATES THERE ARE NO DESIGNATED WETLAND AREAS MAPPED ON THE SUBJECT PROPERTY.
- LOTS 11A AND 12A SHALL BE RESTRICTED TO ONE (1) SINGLE FAMILY RESIDENCE, UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION.
- NO STRUCTURES, FENCES, OR LANDSCAPING SHALL BE LOCATED IN THE EASEMENTS.
- ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDING LOTS SHALL HAVE A STABILIZED CONSTRUCTION ENTRANCE INSTALLED PRIOR TO BEGINNING CONSTRUCTION ON THE LOT.

SURVEYOR'S CERTIFICATION

I, MICHAEL S. ROBERTS, A WEST VIRGINIA PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THIS SEALED PLAT IS ACCURATE, COMPLETE AND REASONABLY MEETS OR EXCEEDS MINIMUM ACCEPTABLE SURVEYING STANDARDS AND THOSE STATE AND OR COUNTY CODE PROVISIONS APPLICABLE ON SAID DATE; THAT THE PERIMETER AND ALL LOT BOUNDARIES SHOWN HEREON HAVE BEEN ESTABLISHED BY A NETWORK OF TRAVERSE CONTROL HAVING A RELATIVE ERROR OF CLOSURE OF 1:7,500 OR BETTER.

MICHAEL S. ROBERTS, P.S.

DATE



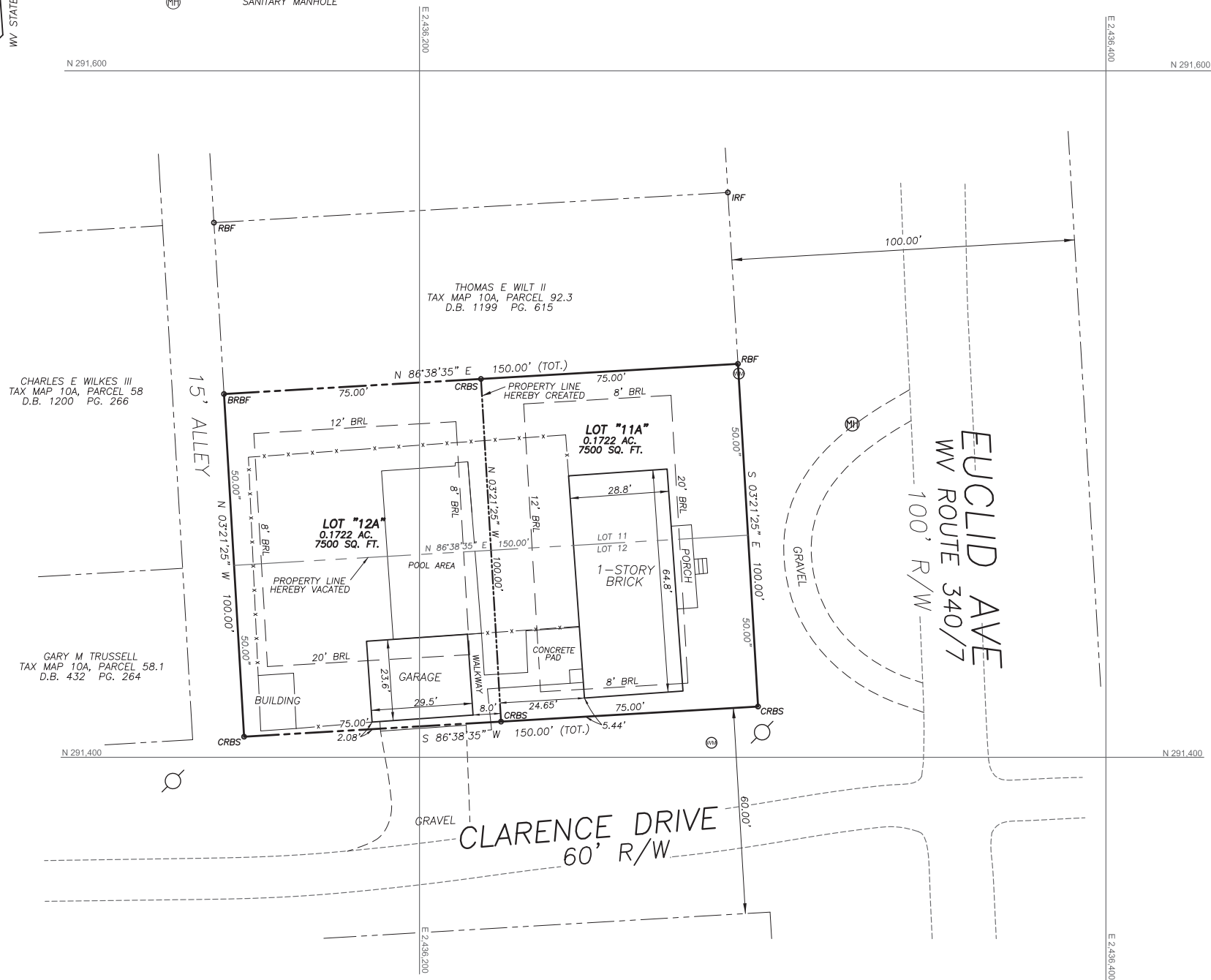
PLAT NORTH
WV STATE GRID - WV PROPERTY VIEWER

LEGEND

	ORIGINAL PROPERTY LINE
	NEW PROPERTY LINE
	ADJOINING PROPERTY LINE
	VACATED PROPERTY LINE
	EXISTING FENCE LINE
	PROPERTY CORNER
	REBAR FOUND
	BENT REBAR FOUND
	IRON ROD FOUND
	CAPPED REBAR SET
	POWER POLE
	WATER METER
	SANITARY MANHOLE

AREA TABULATION

ORIGINAL LOT AREAS	
LOT 11	7,500 SQ.FT.
LOT 12	7,500 SQ.FT.
TOTAL	15,000 SQ.FT.
NEW LOT AREAS	
LOT 11A	7,500 SQ.FT.
LOT 12A	7,500 SQ.FT.
TOTAL	15,000 SQ.FT.



STATEMENT OF ACCEPTANCE

THE OWNER/DEVELOPER, IN SIGNING THIS PLAT, AGREE TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.

CAGE, LLC
212 SHENANDOAH AVENUE
OAKLAND, MD 21550
304-582-0368

DATE

**BOUNDARY LINE ADJUSTMENT
171 EUCLID AVENUE
LOTS 11 & 12 - BLOCK 5**

PROPERTY OF
CAGE LLC
DEED BOOK 1216 PAGE 485
TAX MAP 10A, PARCEL 92
CHARLES TOWN DISTRICT, JEFFERSON COUNTY, WV

DATE: 07-10-20
DRAWN: JPL
CHECKED: MSR
SCALE: 1"=25'
DWG NO: 20-128
SHEET 1 OF 1

APPROVED
JEFFERSON COUNTY
PLANNING COMMISSION

OFFICE OF PLANNING
AND ZONING

SECTION OF ORDINANCE	DESCRIPTION OF WAIVER	DATE GRANTED
	NONE	

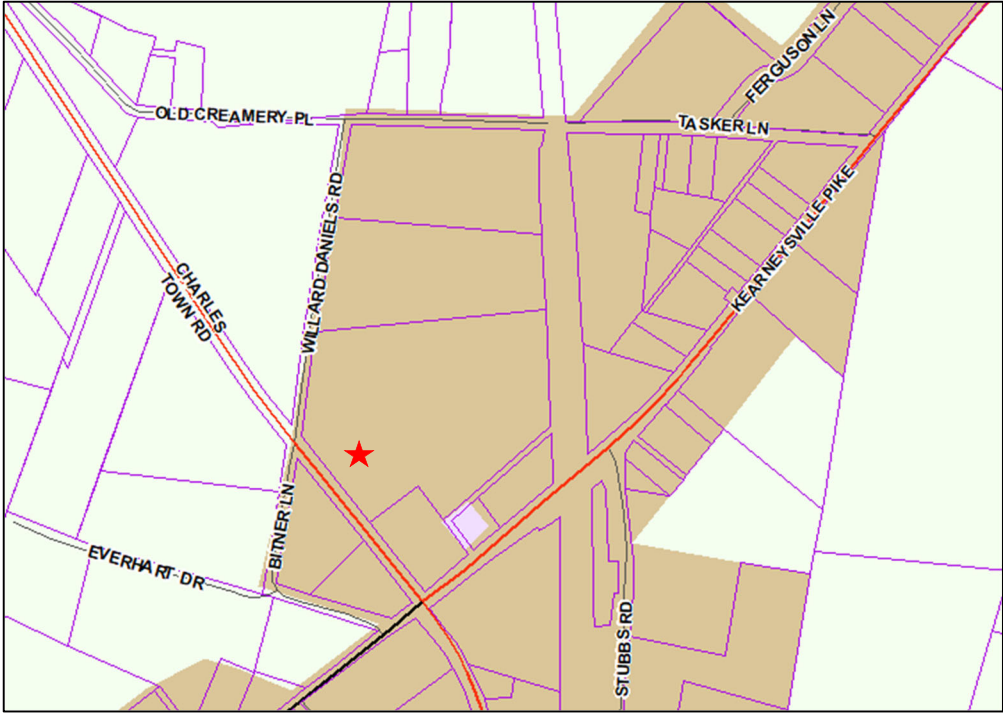


ROBERTS LAND SURVEYING
2068 PALMER ROAD - HEDGESVILLE, WV 25427
304.671.5406
miker002395@frontier.com

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 August 27, 2020

**Automotive Repair, Sales and Service
 Conditional Use Permit Request (#20-5-CUP)**

Item #3 Request by Valley Used Cars for a Conditional Use Permit to operate an Automobile Repair, Sales, and Service business, to include the repair and sale of used cars. No new buildings or additions are proposed at this time. Site improvements include expansion of gravel area and replacement of existing sign in the same location.

Applicant:	Clarence Haymaker
Owner:	Mahommad Ghuman – I&K Farms, LLC
Developer:	Same as Applicant
Consultant:	N/A
Property Location:	5383 & 5409 Charles Town Road, Kearneysville, WV
Legal Description & Zoning District:	<p style="text-align: center;">District: Middleway (07); Map: 3; Parcel: 1.1 Size: 5.35 acres; Zone: Village</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> Village <i>South:</i> Village + Industrial-Commercial <i>East:</i> Village <i>West:</i> Rural</p>
Approvals:	<p>ZC89-05: Change in nonconforming use from church & car repair to flea market</p> <p>ZC91-04: Change in nonconforming use from flea market to sign painting shop</p> <p>ZC93-07: Change in nonconforming use from sign painting shop to a plumbing and heating supplies with a 30' x 63' fenced area for outside storage</p> <p>ZC95-02: Change in nonconforming use from Wright Plumbing to a silk screen printing shop and chimney sweep office</p> <p>ZC96-04: Change in nonconforming use to computer training school, computer trouble shooting and graphic design.</p> <p>CUP18-01: Automobile Sales and Repair Shop</p>

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2020

**Automotive Repair, Sales and Service
Conditional Use Permit Request (#20-5-CUP)**

Summary of Request and Purpose of Ordinance Requirements

The applicant is proposing to re-establish a car sales lot on the front two acres of the subject 5.3 acre parcel. Several nonresidential land uses have operated from this location over the years.

The Board granted a Conditional Use Permit in May 2018 (CUP18-01) to operate an Auto Repair and Sales business from this location; however, the use was never established and the previous approval expired on January 16, 2020.

Article 2 defines Automobile Repair, Sales and Service as “The use of a site for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, and tire service, but excluding dismantling or salvage.”



Property Description

The subject parcel contains two vacant nonresidential structures located off of Charles Town Road in Kearneysville. The image below reflects the previous operation of a car-sales lot.



The applicant owns the property to the east (formerly Sheetz) and is currently processing to reestablish a gas station with a convenience store on that property.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2020

**Automotive Repair, Sales and Service
Conditional Use Permit Request (#20-5-CUP)**

Conditional Use Permit Process

The subject parcel is located in the Village zoning district. Section 5.10.B addresses conditional uses in the Village district:

1. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to the review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.
2. Existing Structures
 - a. Parking, Building Setbacks, Landscaping, and Signage shall be addressed as part of the Conditional Use Permit application. The reduced setbacks requirements cited in Section 5.10A.2(a) and (b) shall apply. In lieu of the standard variance process, any proposed deviation from the required parking, building setbacks, landscaping, and signage standards set forth in this Ordinance shall be included in the Conditional Use Permit application and reviewed for approval by the Board of Zoning Appeals.

Note: Section 5.10.E states, “There will be no outdoor storage of equipment, materials, or other stock.” On March 29, 2018, the County Commission amended the Zoning Ordinance to allow “Automobile Repair, Sales and Service” to process as a Conditional Use in the Village district. The Board has the discretion to evaluate this section on a case by case basis. A possible condition of approval could be to allow the outdoor inventory of vehicles, but restrict the storage of equipment/tools or other materials related to the land use from being placed outside.

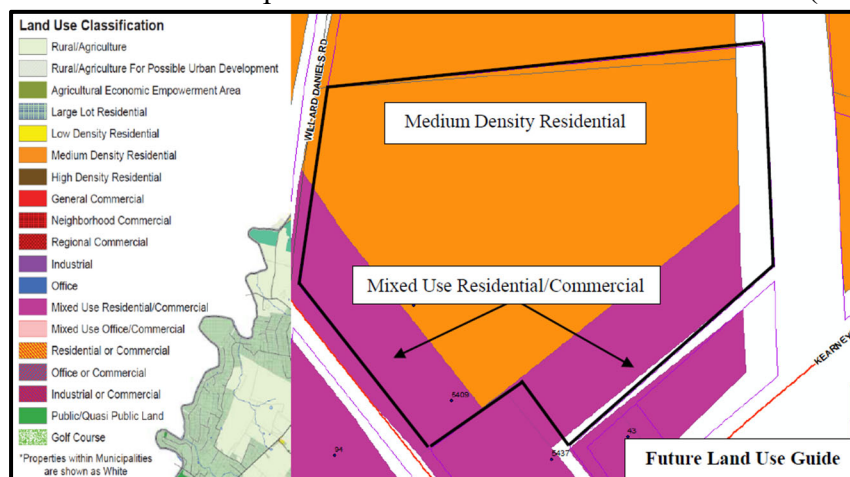
Section 6.3 of the Zoning Ordinance states:

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

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

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

The subject parcel is shown as “Mixed Use Residential/Commercial” along the western and southern portions of the property, and “Medium Density Residential” on the remainder of the parcel on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see below).



Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2020

**Automotive Repair, Sales and Service
Conditional Use Permit Request (#20-5-CUP)**

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

The proposed Commercial use (Automobile Repair, Sales, and Service) is listed as a conditional use in Appendix C of the Zoning Ordinance. Currently, the property is vacant but based on the history of this property, this site has continued to operate as a commercial use since at least 1989.

To the east is a vacant convenience store (formerly Sheetz), which is owned by the applicant and currently processing to reestablish a gas station and convenience store. Additionally, in the near vicinity is a variety of commercial and residential uses including a nonconforming salvage yard and thrift store.



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.

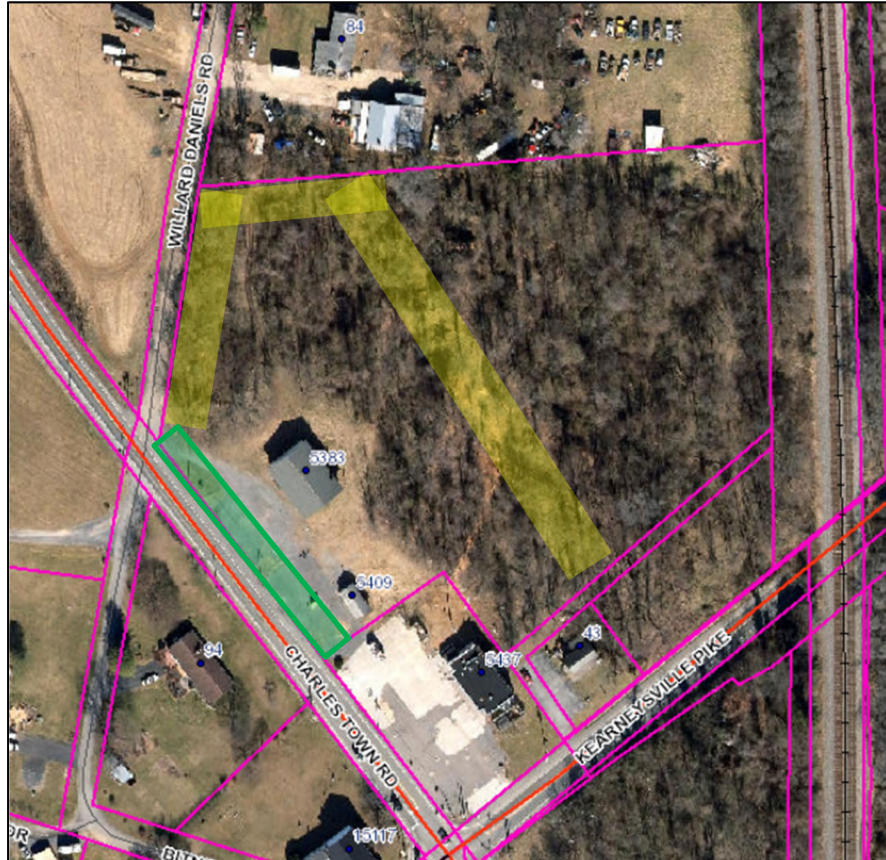
4. **Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. (Sec. 6.3A.4)**

It should be noted that the bulk of the property contains mature vegetation, which exceeds the landscaping standards that would be required by the Zoning Ordinance. The only portion of the property that does not contain a buffer screen is between the Sheetz property and the subject property. Both parcels are non-residential and under the same ownership.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2020

**Automotive Repair, Sales and Service
Conditional Use Permit Request (#20-5-CUP)**

The BZA could require that as a condition of approval, a 20' buffer screen be required to be maintained along the perimeter of the subject 2 acres. If the remaining 3± acres are developed at a later time, the existing vegetation would be required to be retained as part of this project. Additionally, since street trees are not feasible for this location, the Board could require a 15' front parking setback, applicable to customer/employee parking, as well as placement of inventory.



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.

6. Roadway adequacy for proposed land uses in the Rural zoning district. (Sec. 6.3A.6)

This criteria is not applicable, as the subject property is not located in the Rural zoning district.

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

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

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

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2020

**Automotive Repair, Sales and Service
Conditional Use Permit Request (#20-5-CUP)**

Signage

Section 10.6 Conditional Use Permit (CUP) Signs states,

“Signs associated with a Conditional Use Permit application shall be assessed by the Board of Zoning Appeals as part of the CUP process per Section 6.3. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the CUP application. Signs approved by the Board shall adhere to the following:

- A. There shall be a minimum of 300 feet between signs when located in the commercial/industrial zoning district.
- B. There shall be a minimum of 1,000 feet between signs when located in the rural/residential zoning districts; however, a minimum of 300 feet between signs may be permitted provided the adjacent land use is a commercial/industrial land use.
- C. Signs shall comply with the front yard setback provisions in the districts in which they are permitted.
- D. In addition to the provisions herein, electronic signs accessory to a CUP application shall conform to the criteria outlined in Section 10.7.

The proposed sign will replace an existing non-conforming sign (see image below). There will not be 300’ between the proposed sign and the nearby A&D Auto Parts sign (approximately 125’ apart). The sign for A&D Auto Parts is a nonconforming sign because it is located on a parcel separate from the business for which it is advertising.

The subject sign would exceed the 300’ spacing requirement from the proposed gas station sign on the adjoining parcel.

With regard to the required setback, the proposed sign would not meet the required 25’ front yard setback as it is approximately 10’ from Charles Town Road. It will comply with the required front yard setback on the Daniels Road side, as it is approximately 48’ from the road on this side.





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

20-5-
 File #: CUP
 Mtg. Date: 8/27/20
 Fee Paid: \$ 350.00
 Staff Int: JT

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 Valley Used Cars

Property Owner Information

Name: Mahommed Ghuman - I+K Farms LLC
 Business Name: Valley Used Cars
 Mailing Address: _____ Mail Yes
 Phone Number: 540-539-1896 Email Response: WVA Commercial read act Response: No
Mahommed Ghuman at@yahoo.com

Applicant Information

Name: Clarence Haynoff for Mahommed Ghuman
 Business Name: Valley Used Cars
 Mailing Address: 170 N. George St. Charles Town Mail Yes
 Phone Number: 540-539-1896 Email Response: WVA Commercial read act Response: No

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

Name: Rafe Lorenza - Gordon + Associates
 Business Name: Gordon + Associates
 Mailing Address: 1485 Queen St. Suite 201 North Mail Yes
 Phone Number: 304-725-8456 Email Response: RPerks@gordon.us.com Response: No

Physical Property Details

Physical Address: 5409 Charles Town Rd. Kearynsville W.Va. 25430
 Tax District: Middleway 07 Map No: 3B Parcel No: 1.1
 Parcel Size: 5.34 Acres / 230,000 sq. ft. Deed Book: 1218 Page No: 457

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

* For properties in the Rural Zoning District:

Is property located on a primary or secondary road? Yes No

Name of Road and/or Route Number: OLD Rt. # 9 - Charles Town, Road

Sketch Plan (see cover sheet for description)

Attached

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

Attached *Applicant owns the property on Charles town Pike + Daniels road*

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

Sale of Used Cars and repairs

Please provide any information or known history regarding this property.

this property was a used Car sales for many year

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

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

Yes

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

Yes

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

Yes

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

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

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

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

Applicable (Trip Generation Data attached)

Not Applicable

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

ISK Farms LLC

M. Blumson

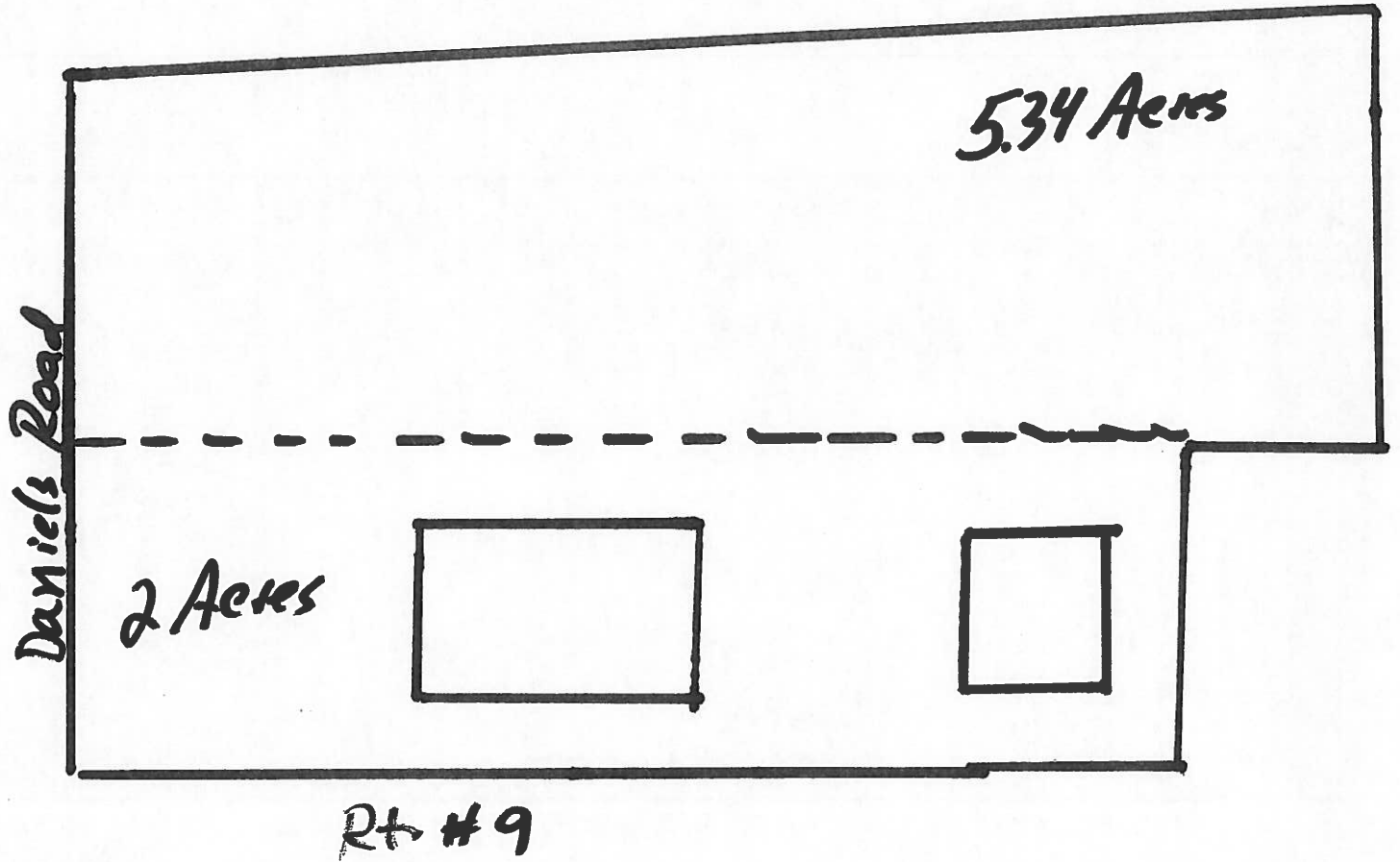
7-28-20

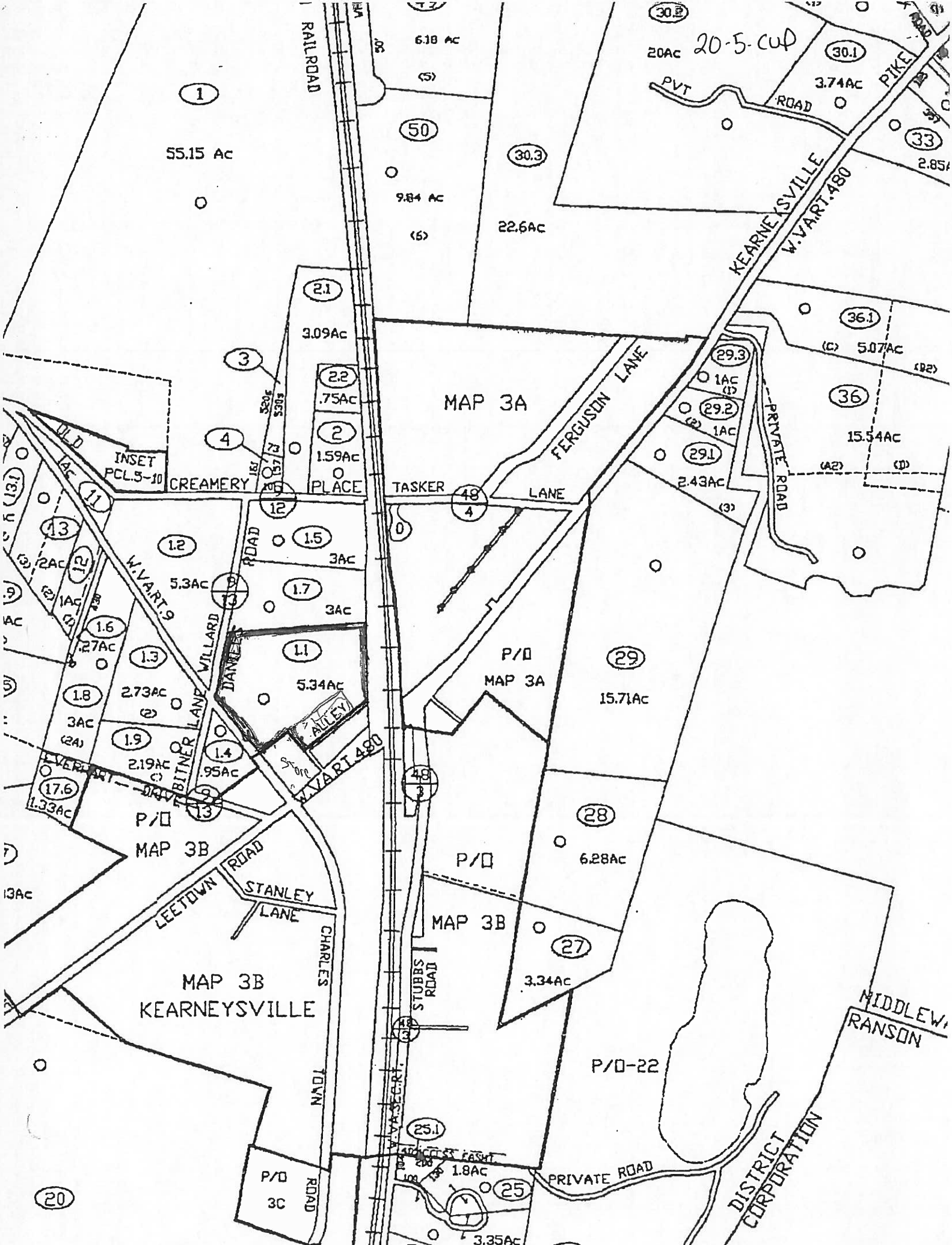
Property Owner

Date

Property Owner

Date

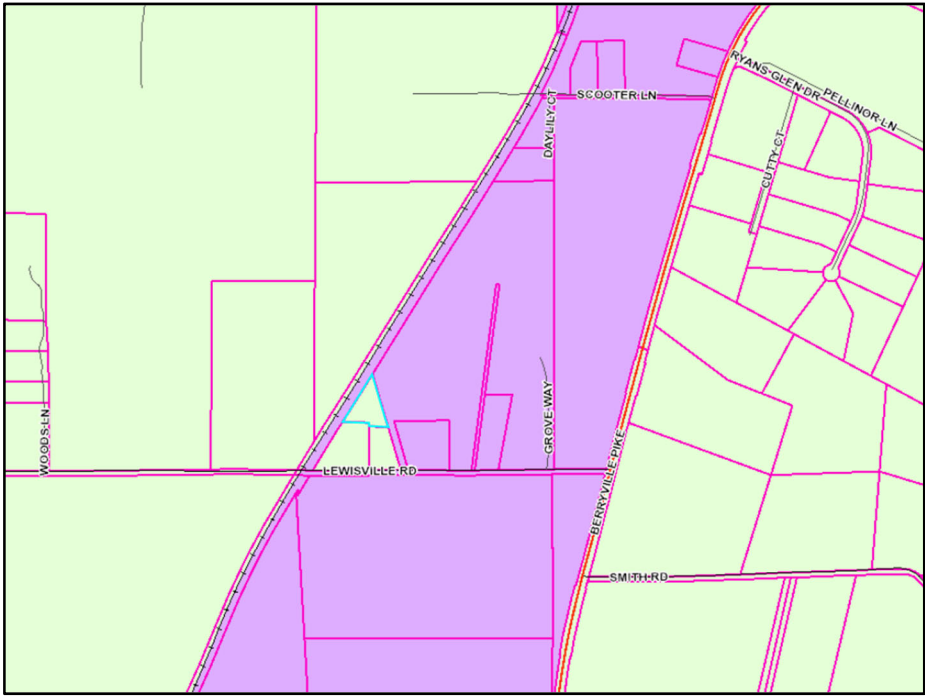




Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 August 27, 2020

Andrew and Nariman Main - Conditional Use Permit Request (#20-6-CUP)

Item #4 Request by Andrew and Nariman Main for a Conditional Use Permit to operate a catering business, to include the distribution of baked goods to off-site vendors, as well as the preparation and on-site sale of grab-and-go items (such as sandwiches, salads, and baked goods). Seating is not proposed. The applicant is proposing to construct a 40' x 80' accessory structure, a portion of which is to be utilized for the proposed business. The proposed use includes a customer parking area and a modest sign. Land use classification in Appendix C: Restaurant.

Applicant:	Andrew and Nariman Main
Property Owner:	Same
Developer:	Same
Consultant:	N/A
Parcel Information and Zoning District:	<p>Vacant Parcel, north of 2945 Lewisville Road, Summit Point, WV 25446 Parcel ID: 06001900180006; Size: .95 acre; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North & South: Rural & Industrial Commercial East: Rural & Industrial Commercial West: Rural</p>
Approvals:	Rezoning from IC to R, approved on September 21, 2006 . Grove Minor Subdivision (Recorded on December 15, 2006 in PB 23, PG 81)
Site Visit Conducted:	No.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2020

Andrew and Nariman Main - Conditional Use Permit Request (#20-6-CUP)

Summary of Request and Purpose of Ordinance Requirements

Request by Andrew and Nariman Main for a Conditional Use Permit to operate a catering business, to include the distribution of baked goods to off-site vendors, as well as the preparation and sale of grab-and-go items (such as sandwiches, salads, and baked goods). On-site dining is not proposed. The applicant is proposing to construct a 40' x 80' accessory structure, a portion of which is to be utilized for the proposed business. The proposed use includes a customer parking area and a modest sign. Land use classification in Appendix C: Restaurant.

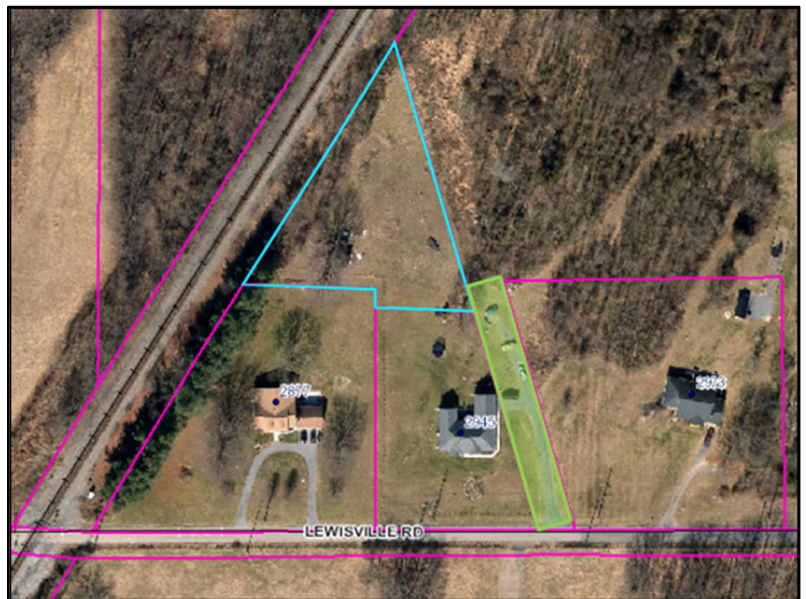
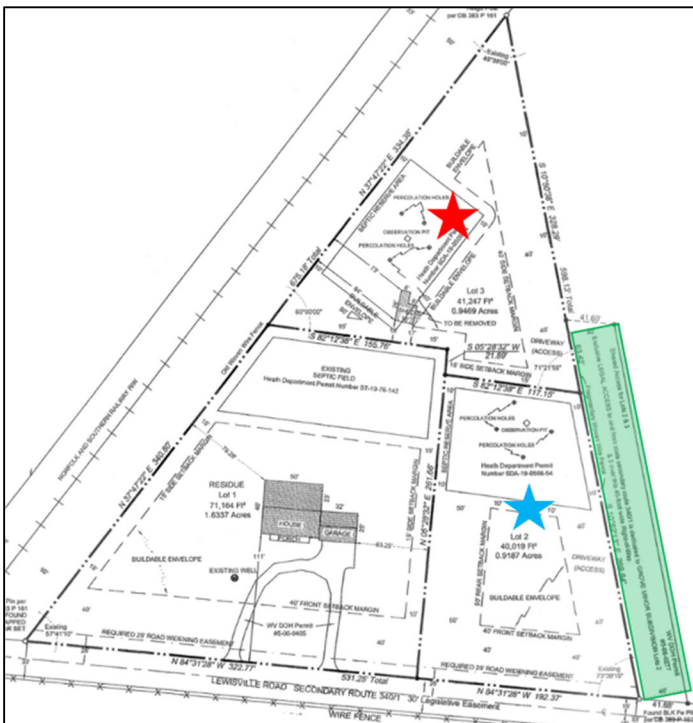
Article 2 defines Restaurant as: "A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building. A restaurant may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the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

Property Description

The subject parcel is Lot 3 in the Grove Minor Subdivision (★). While the referenced subdivision was created with a single family restriction (Note #2), the Conditional Use Permit process allows an applicant to apply for a non-residential land use in accordance with Appendix C and requires that the Board evaluate the request for compatibility with surrounding properties.

The subject property is surrounded by residential uses to the south; railroad tracks, a substation, and a vacant parcel to the west; and residential uses to the east. The applicants also own and reside on Lot 2 of the Grove Minor Subdivision (★). Access to the property is available off of Lewisville Road via a platted 40' wide right-of-way (■).

The original parcel was previously zoned Industrial Commercial, but in 2006, in order to subdivide the property for residential use, the property was rezoned to Rural.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2020

Andrew and Nariman Main - Conditional Use Permit Request (#20-6-CUP)

Impact on adjacent properties

The applicant indicated that they anticipate the majority of their business will occur through the catering venture, but would like the opportunity to provide grab and go items. The surrounding properties are primarily zoned Industrial Commercial (parcels shown in pink), which would support future commercial development; therefore, it is expected that the impact on adjacent properties would be minimal.

Conditional Use Permit Process

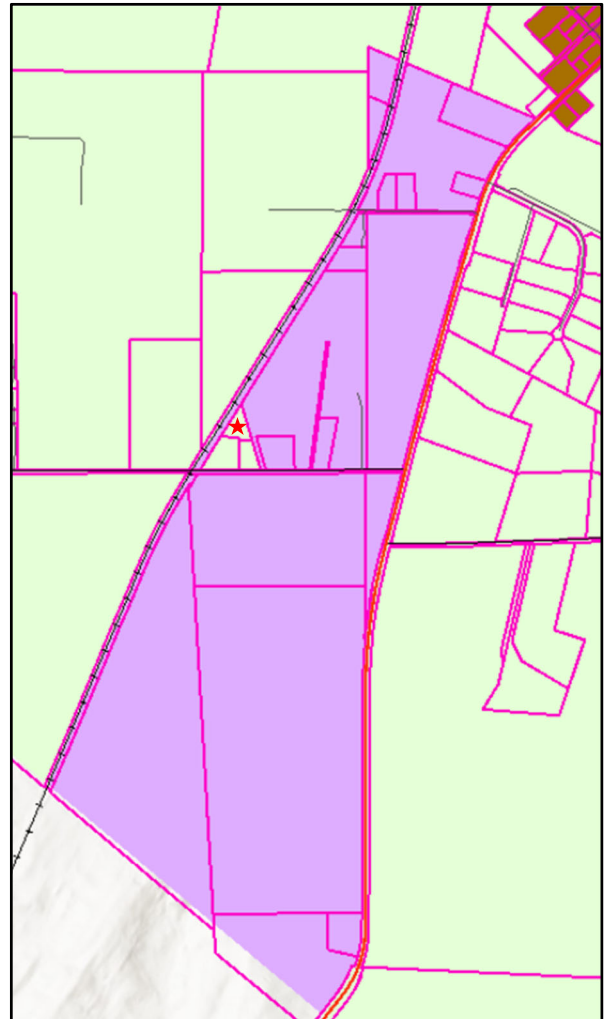
Section 6.3 of the Zoning Ordinance states:

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

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

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

The subject parcel is shown as “Industrial Commercial” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see below) and located within the 340 South Preferred Growth Area. Additionally, the Plan supports non-residential uses to process as a Conditional Use in the Rural district when the uses are compatible in scale and intensity with the rural environment.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2020

Andrew and Nariman Main - Conditional Use Permit Request (#20-6-CUP)

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

The proposed land use does not appear to pose any threat to public health, safety, and welfare. The proposed structure is approximately 2,400 square feet and will provide personal storage in a portion of the structure, with the remaining portion of the structure supporting the catering business. The proposed 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. Several of the surrounding parcels are zoned Industrial-Commercial, which would allow a variety of commercial uses to process by right.

- 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 proposed structure will be 40' x 60'; however, a portion of the structure will be utilized for personal storage. Staff discussed with the applicant that a Site Plan may be required, depending upon the extent of the development, including parking. If a Site Plan is required to process, then landscaping will be required to be installed in accordance with Appendix B and Section 4.11.

- 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.

- 6. 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 BZA to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use. (Sec. 6.3A.6)**

Lewisville Road is classified as a Local Road on the Roadway Classification Map; however, the parcel is shown as commercial on the Future Land Use Guide. Therefore, this criteria is not applicable.

- 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)**

The applicant is proposing to erect a modest freestanding sign to identify the property to incoming traffic. It is possible that if an off-premises sign is proposed on their residential lot (Lot 2) they will need to come back to the Board for a Special Exception Permit, in accordance with Section 10.5A.



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

20-6-CUP
 File #: CUP
 Mtg. Date: 8/27/20
 Fee Paid: \$ 300.00
 Staff Int.: jth

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

Property Owner Information

Name: Andrew and Nariman Main Andrew Main
 Business Name: _____
 Mailing Address: 2945 Lewisville Road; Summit Point, WV 25446 Mail Yes
 Phone Number: 240-626-6893 Email Response: amain19@yahoo.com Response: No

Applicant Information

Name: Andrew and Nariman Main Andrew Main
 Business Name: Teyta's Treats, LLC
 Mailing Address: 2945 Lewisville Road, Summit Point, WV 25446 Mail Yes
 Phone Number: 511-258-8637 Email Response: amain19@yahoo.com Response: No

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

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

Physical Property Details

Physical Address: Lot 3, Grove Minor Subdivision / Vacant Parcel / Lewisville Road
 Tax District: Kabletown (06) Map No: 19 Parcel No: 18.6
 Parcel Size: .95 ac Deed Book: 1192 Page No: 311

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: Lewisville Road / Secondary Route 340/1

Rec'd 07/21/2020 - jth

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.

Restaurant, per Appendix C / The proposed use is a commercial kitchen/catering business to be located in a 40' x 60' pole barn (proposed). The property is currently vacant.

~~60' x 60'~~ 45' x 80'

Please provide any information or known history regarding this property.

Property down-zoned from Industrial Commercial to Rural in 2006 in order to process a residential minor subdivision (Grove MSD, PC File #06-23).

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*

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*

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*

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.**

 7/30/2020
Property Owner Date

7/30/2020
Property Owner Date

Proposal For Food Service In Summit Point

*Andrew and Nariman Main
2945 Lewisville Road
Summit Point, WV 25446*

TO: Jefferson County Department of Engineering and Office of Planning and Zoning

RE: Proposal to establish food service business on rural lot in Summit Point

Business Name: Teyta's Treats LLC

Mr. and Mrs. Main currently reside at 2945 Lewisville Road in Summit Point, WV and wish to establish a fully functional commercial kitchen/pole barn for business use on their additional acre on their property. It has come to their attention that Lot 3 of the Grove Minor Subdivision, owned by the Main's as of 2017, was converted from Industrial/Commercial to residential (rural) in the year 2006. In 2006, the builder Mr. James Grove converted Lot 2 and Lot 3 into split residential properties. The Main's home was built on Lot 2 and requested to add in Lot 3 at the time of purchase of their home. Mr. Groves initial intentions was to build another home on Lot 3 prior to the Mains purchasing Lot 3. Please note that Lot 3 has already been perked and approved for septic and well prior to the Mains purchasing this Lot.

Due to the lack of food establishments and the lack of more cultural/international food in the area, predominantly in Summit Point, the Mains are requesting to change Lot 3 into a commercial lot in order to construct a pole barn garage structure to house catering/personal equipment with a small area to serve customers who would like to purchase "grab and go items" such as sandwiches, salads and baked goods. Half of this pole barn will be used solely for food production and a wall will be built between both halves. The other half of the structure would be used for storage space. In addition to serving the general public with unique foods, the Mains would also become vendors to local business such as The Black Dog Coffee Shop as well as Bushel and Peck in Charles Town. Having this structure would allow the Mains to operate in a capacity with large equipment to mass produce food items. The anticipated structure would be approximately 40'x80'.

This business has no intentions to have indoor and outdoor dining. The approximate hours would be from 0600 – 1800 hours Monday – Friday and Saturday from 0800 – 1200 hours. The business will be closed on Sundays for religious purposes. This business will not sell fountain drinks, alcohol, or any kind of tabaco products as this business is solely café food, coffee, and tea. Examples of food items would be from the Middle East (Jordan) such as various baklavas, spinach/meat pies, hummus, fresh pita bread and so on. Falling under the Cottage Law prevents the Mains from expanding their business to introduce cultural food to West Virginians, specifically Jefferson County. Mrs. Main is the main chef in this business and is a female

veteran of the U.S. Navy as well as an Arab/American and worked hard to establish this business and give the community other food options. This business would be family owned and run with approximately 2- 4 employees who are also family members.

The Mains will also do more deliveries than having many customers "grab and go" in order to avoid traffic on their street. Another luxury Summit Point lacks is having food establishments deliver to homes in this area since it is considered too far for Charles Town to deliver here. Additionally, the Mains have spoken with neighbors and others in the community/farmers markets and all have expressed interest in this unique business. The Mains do not intend to have a large sign of their business since they do advertise on social media and by word of mouth. With the plans of 340 expansion, John's Diner will have to close their business and Summit Point loses yet another food establishment.

Thank for you the opportunity to provide you with this food service/structure building proposal. The Mains look forward to your response on this request.

Sincerely,

Andrew and Nariman Main

Teyta's Treats LLC

July 30, 2020

Form with various fields and checkboxes, including a table with columns: Residential, Industrial, Retail, Light Industrial, Village, Neighborhood, General Commercial, Heavy Commercial, Light Industrial, Mixed Industrial, Planned Residential, and Mixed Commercial. Includes a note at the bottom: "The property is located on the back of the property..."

Residential (R1)	Industrial Commercial (IC)	Retail (R2)	Light Industrial (LI)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Commercial (GC)	Heavy Commercial (HC)	Light Industrial (LI)	Mixed Industrial (MI)	Planned Residential (PR)	Mixed Commercial (MC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* The property is located on the back of the property...

20-6-CUP

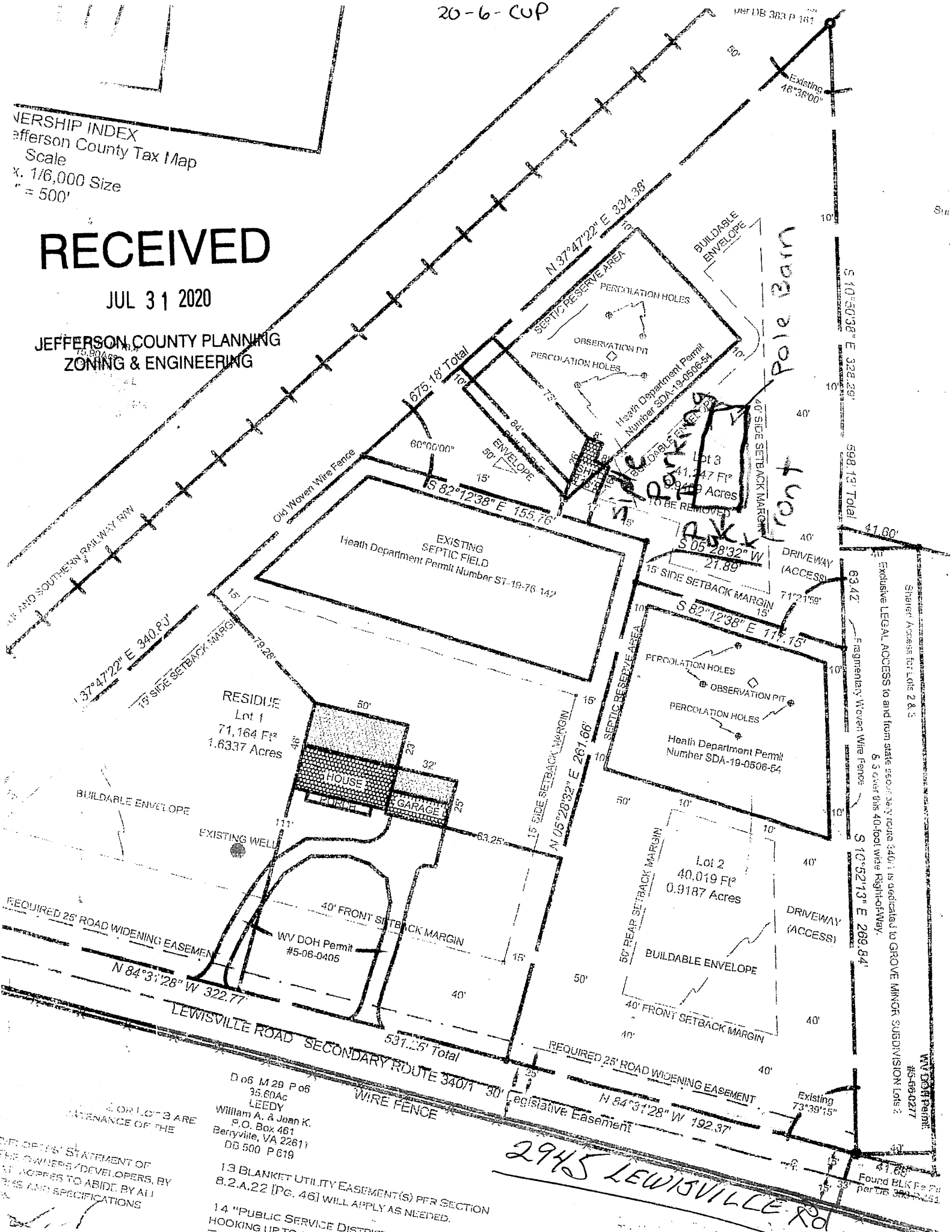
PER DB 383 P 187

PROPERTY INDEX
Jefferson County Tax Map
Scale
1/6,000 Size
1" = 500'

RECEIVED

JUL 31 2020

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING



RESIDUE
Lot 1
71,164 F²
1.6337 Acres

HOUSE
GARAGE

EXISTING WELL

WV DOH Permit
#5-06-0405

WIRE FENCE

Lot 3
41,247 F²
0.9469 Acres
TO BE REMOVED

Pole Barn

Health Department Permit
Number SDA-19-0506-54

Lot 2
40,019 F²
0.9187 Acres

BUILDABLE ENVELOPE

Existing
73°39'15"

2945 LEWISVILLE RD

REQUIRED 25' ROAD WIDENING EASEMENT

LEWISVILLE ROAD SECONDARY ROUTE 34071

REQUIRED 25' ROAD WIDENING EASEMENT

Exclusive LEGAL ACCESS to and from state secondary route 34071 is dedicated to GROVE MINOR SUBDIVISION Lots 2 & 3 over this 40-foot wide Right-of-Way.

Shelter Access for Lots 2 & 3

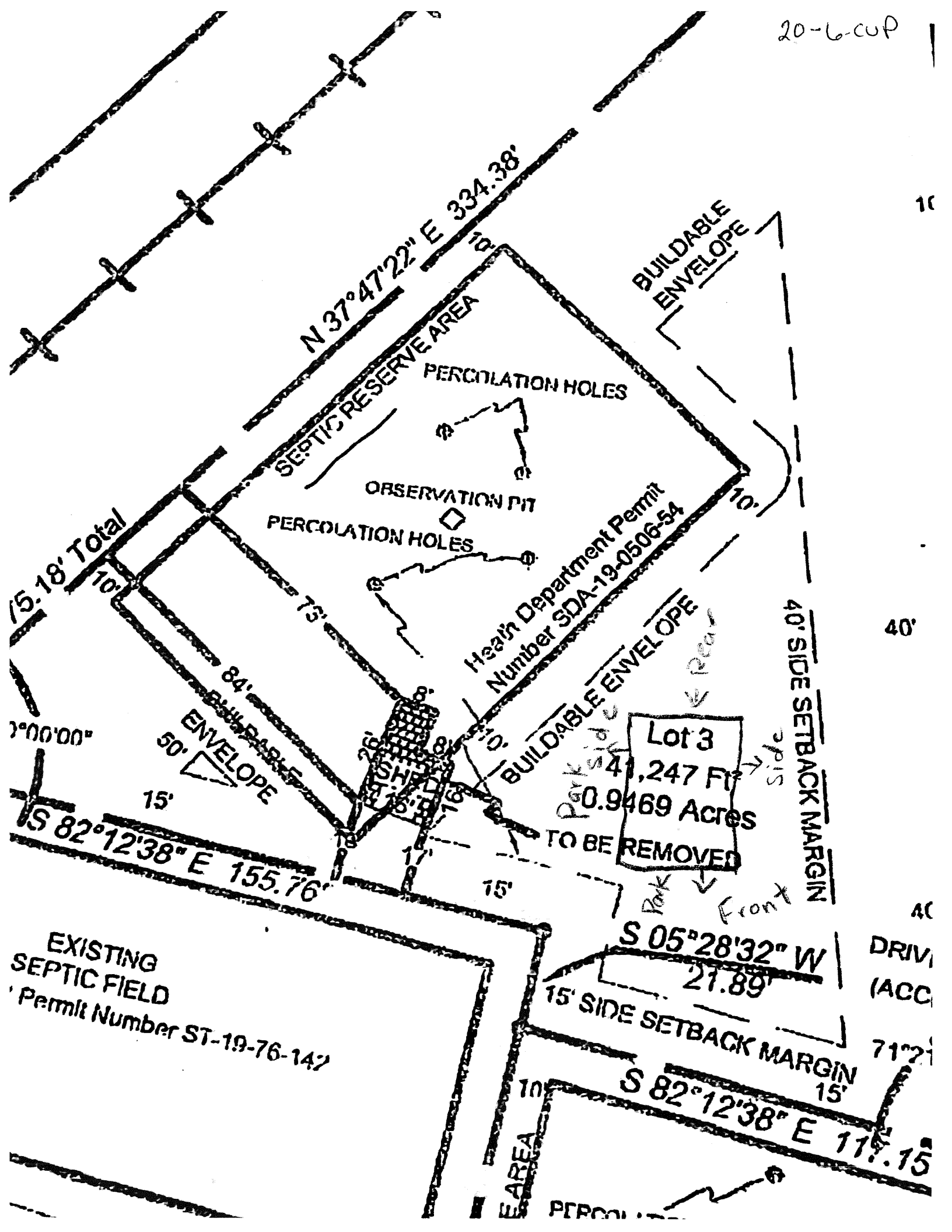
Fragmentary Women Wire Fence

WV DOH Permit
#5-06-0277

Found BLK Fe...
Permits 380-2281

DEVELOPER'S STATEMENT OF THE OWNERS/DEVELOPERS, BY WHOM I AGREE TO ABIDE BY ALL RULES AND SPECIFICATIONS

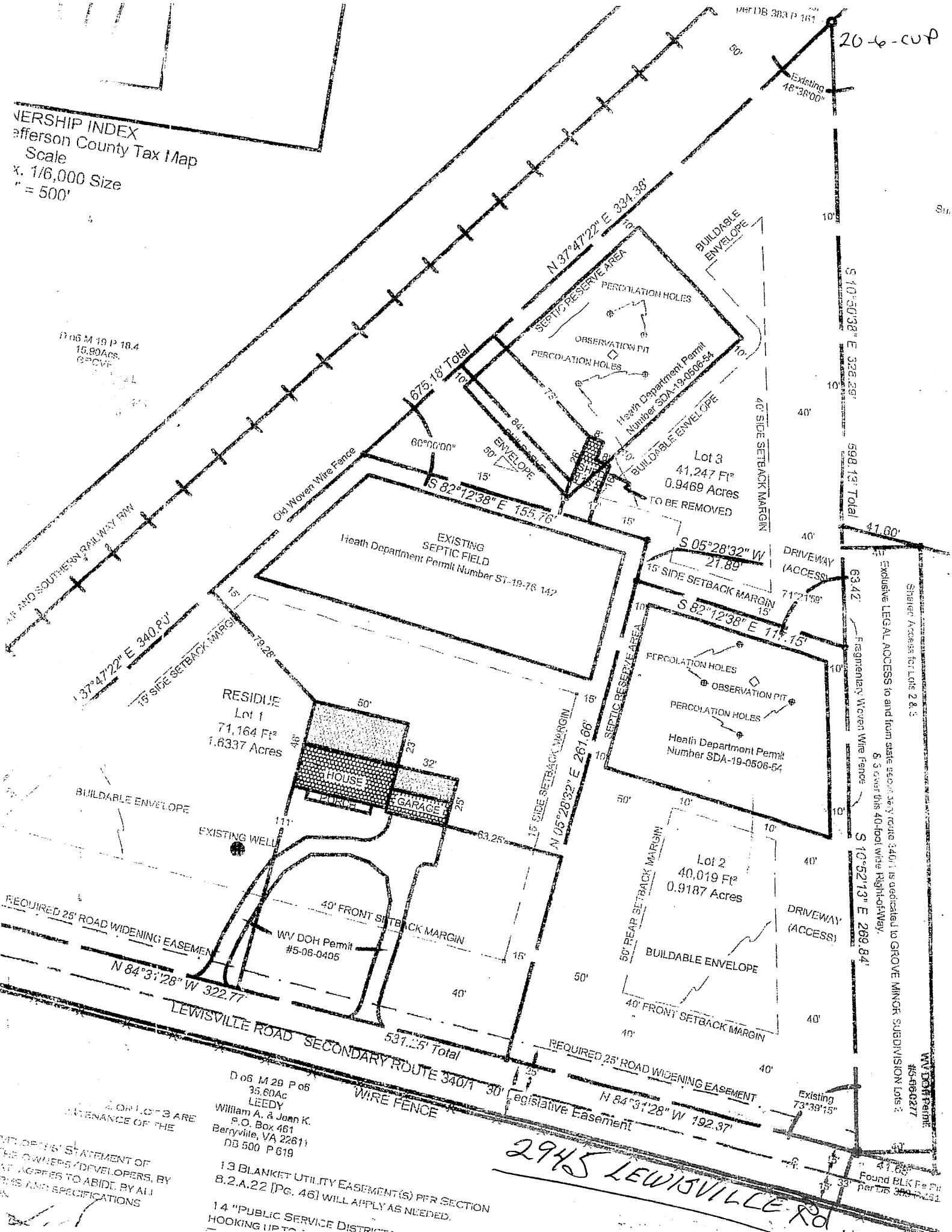
13. BLANKET UTILITY EASEMENT(S) PER SECTION 8.2.A.22 [Pg. 46] WILL APPLY AS NEEDED.
14. "PUBLIC SERVICE DISTRICT...
HOOKING UP TO...



INDEX
 Jefferson County Tax Map
 Scale
 x. 1/6,000 Size
 " = 500'

D 06 M 19 P 18.4
 15.80 AC.
 GPCV#

20-6-cup



REQUIRED 25' ROAD WIDENING EASEMENT

LEWISVILLE ROAD SECONDARY ROUTE 34071 30'

D 06 M 29 P 06
 35.60 AC
 LEEDY
 William A. & Joan K.
 P.O. Box 461
 Berryville, VA 22611
 DB 500 P 619

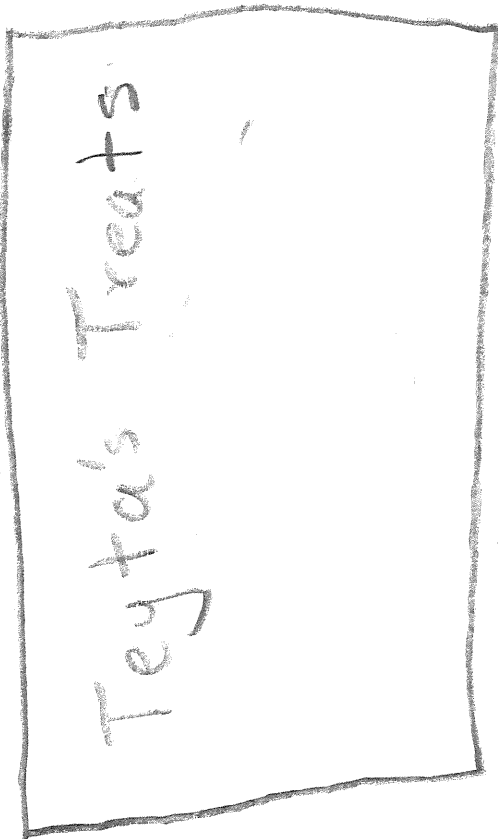
13 BLANKET UTILITY EASEMENT(S) PER SECTION 8.2.A.22 [Pg. 46] WILL APPLY AS NEEDED.
 14 "PUBLIC SERVICE DISTRICT... HOOKING UP TO..."

2945 LEWISVILLE RD

Exclusive LEGAL ACCESS to and from state route 34071 is dedicated to GROVE MINOR SUBDIVISION lots 2 & 3
 8.3 owner has 40-foot wide Right-of-Way.
 Fragmentary Woven Wire Fence
 Shared Access for Lots 2 & 3
 WV DOH Permit #5-06-0277

Found BLK Fe Pt per DB 383 P 161

Metal Sign (No lights)
Attached to the Pole Barn
front



Small sign (No Lights) at the
entrance of driveway.



RECEIVED

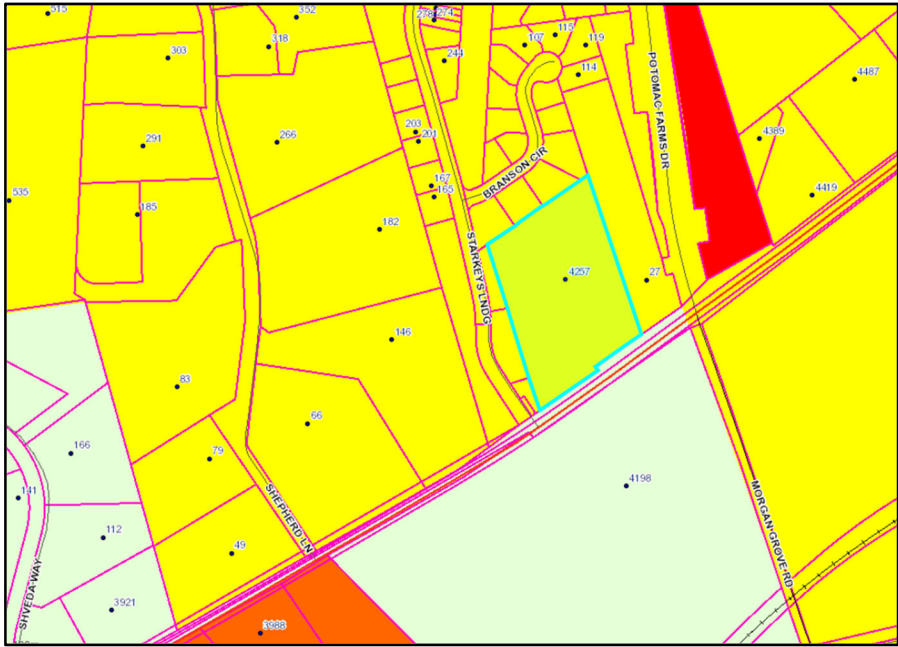
JUL 31 2020

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Staff Report
 Jefferson County Board of Zoning Appeals
 August 27, 2020

Asbury United Methodist Church Variance Request (#20-27-ZV)

Item #5 Variance from Section 4.16 [Section of Ordinance in effect on 03/10/11] to reduce the required landscape buffer and side setback from 50' to 25' for a 1,200 square foot storage building.

Applicant:	Arturo Gales, Head Trustee
Owner:	Asbury United Methodist Church
Developer:	N/A
Consultant:	Craig Collis, Minghini's General Contracting
Location:	4257 Kearneysville Pike, Shepherdstown, WV 25443
Parcel Information and Zoning District:	<p style="text-align: center;">Parcel ID: 09000800070002; Size: 4.98 acres; Zoning District: Residential Growth</p> 
History:	<p>12/31/86: Outsale Parcel recorded in Deed Book 570, Page 585 07/18/88: Improvement Location Permit Issued for Church (#88-338) 03/11/13: Site Plan approved for church expansion (S11-05) 07/16/14: Redline revision to S11-05 for 3,600 sf proposed and future expansion. 08/23/18: Approved 648 sf brick garden. No site plan required.</p>
Waivers/Variations:	<p>06/10/08: PC approved a waiver of site plan request to allow three temporary mobile classrooms (PCV08-24). 07/08/08: PC approved a request to reduce the distance between the temporary mobile classrooms from 50' to 10' (PCV08-30). 10/15/09: BZA approved a variance to allow for the installation of a full color, double-faced LED electronic sign. (ZV09-13) 08/14/12: PC approved waiver to eliminate sidewalks and to reduce curb radii. (PCW12-05 and PCW12-06)</p>
Approved Activity:	Church
Site Visit Conducted:	No

Staff Report
Jefferson County Board of Zoning Appeals
August 27, 2020

Asbury United Methodist Church Variance Request (#20-27-ZV)

Summary of Request and Purpose of Ordinance Requirements

Variance from Section 4.16 of the Zoning Ordinance, as amended 03/10/11 to reduce the side landscape buffer and the side setback from 50' to 25' for a 1,200 sf storage building.

The purpose of a landscape buffer is to provide a separation between different uses and the associated parking and drive aisles to lessen the impact on adjoining land uses. Landscape buffers serve as a barrier to visibility, airborne particles, glare, or noise created by an adjacent land use.

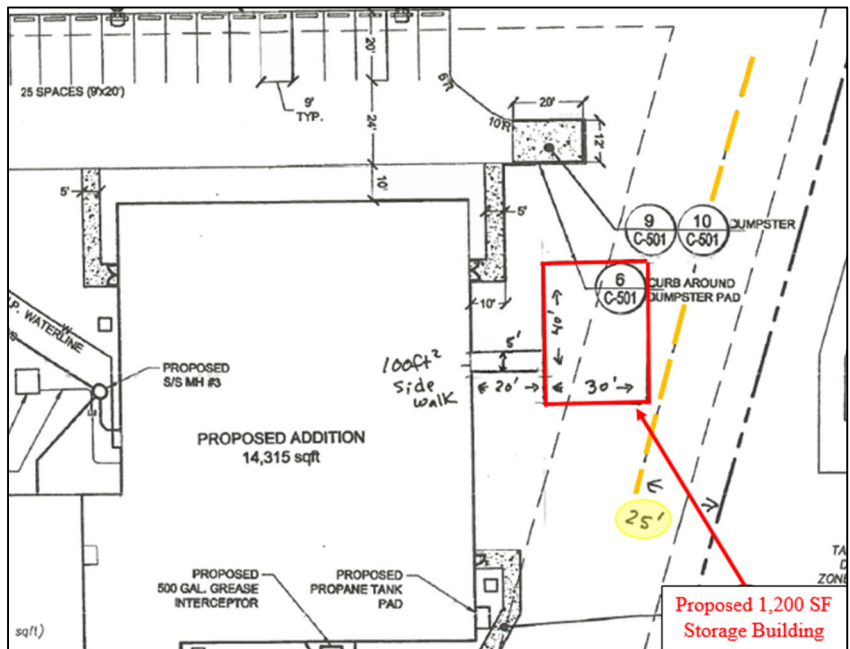
The purpose of side and rear setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention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

Staff Evaluation of Request

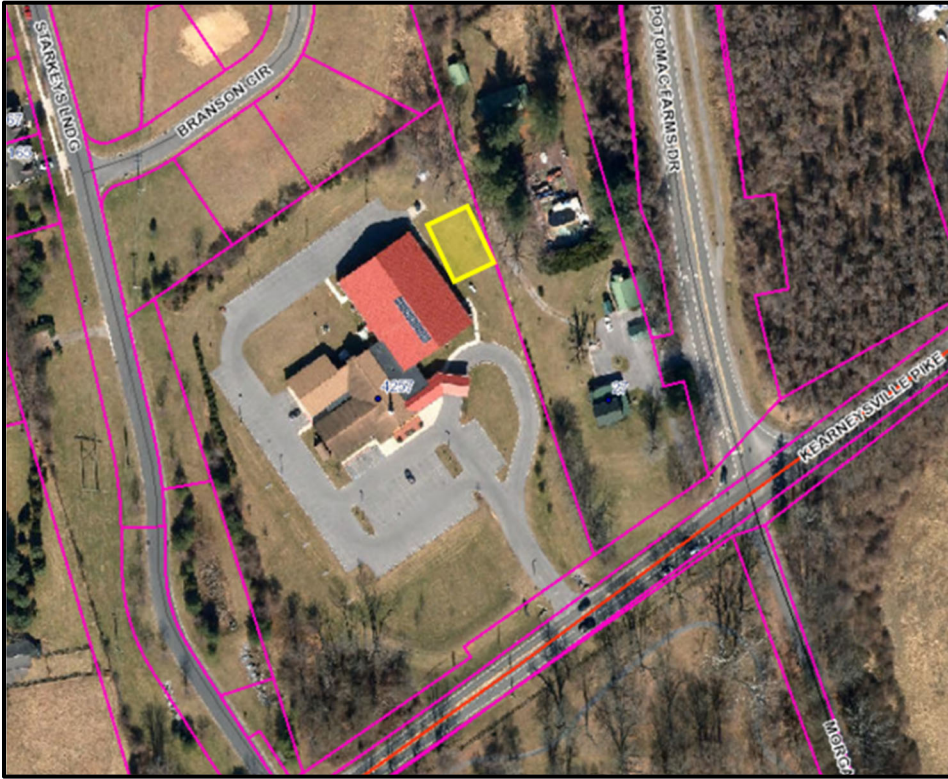
The applicant is proposing to construct a 1,200 square foot storage building 25' from the side property line. When the 2011 Site Plan processed for the 14,315 sf expansion, the Ordinance required a 50' side setback and allowed the use of a 50' unscreened buffer. The proposed structure will be located within the 50' setback/unscreened buffer area.

The applicant verbally represented that the proposed location was selected for ease of access to the main building, where the tables and chairs would be utilized for events and classes.

Because the proposed structure is a storage building, and will not host classes, events, or increase traffic coming onto the property, the impact on adjoining properties is expected to be minimal. It is feasible to comply with the Ordinance by other means by placing the structure in another location on the property; however, an alternative location may not be as conducive to the intended use.



Staff Report
Jefferson County Board of Zoning Appeals
August 27, 2020
Asbury United Methodist Church Variance Request (#20-27-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.

Staff Report
 Jefferson County Board of Zoning Appeals
 August 27, 2020
Asbury United Methodist Church Variance Request (#20-27-ZV)

SECTION OF ORDINANCE TO BE CONSIDERED:

ADJACENT USE		BUILDING SETBACKS		PARKING & ACCESS DRIVE SETBACKS					BUFFERS UNSCREENED/SCREENED				DISTANCE REQUIREMENTS									
		Any Use Except Industrial	Industrial Use	Residential Zone	Lot with a Residential	Church/School/Institution for Human Care	Commercial	Industrial	Residential Zone	Lot with a Residential	Church/School/Institution for Human Care	Commercial	Industrial	Residential Zone	Lot with a Residential	Church/School/Institution for Human Care	Commercial	Industrial	Structure or Lot on Historic Registry			
PROPOSED USE	FRONT	Barn/Feeding Pen	See District Requirements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75		
		Comm'l Lot <=1.5 ac.	25	25	15	15	15	15	15	50/15	50/15	50/15	N/A	N/A	75	75	75	N/A	N/A	N/A	75	
		Comm'l Lot > 1.5 ac.	25	25	15	15	15	15	15	50/15	50/15	50/15	N/A	N/A	75	75	75	N/A	N/A	N/A	75	
		Industrial	50	25	25	25	25	25	25	200	200	200	25	N/A	200	200	200	N/A	N/A	N/A	200	
		Church	25	25	15	15	15	15	15	50/15	50/15	50/15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
		Multi-family	25	25	15	15	15	15	15	N/A	N/A/15	N/A/15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
		SIDE	Barn/Feeding Pen	See District Requirements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75	75	75	N/A	N/A	N/A	75
		Comm'l Lot <=1.5	25	25	4	4	4	4	4	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	N/A	75	
		Comm'l Lot > 1.5 ac.	50	25	10	10	10	10	10	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	N/A	75	
		Industrial	50	25	25	25	25	25	20	200	200	200	20	20	200	200	200	N/A	N/A	N/A	200	
	Church	50	50	10	10	10	10	10	50/15	50/15	50/15	10	10	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
	Multi-family	12	12	12	12	12	12	12	N/A	N/A/12	N/A/12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
	REAR	Barn/Feeding Pen	See District Requirements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	75	75	75	N/A	N/A	N/A	75	
	Comm'l Lot <=1.5	25	25	4	4	4	4	4	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	N/A	75		
	Comm'l Lot > 1.5 ac.	50	25	10	10	10	10	10	50/15	50/15	50/15	10	10	75	75	75	N/A	N/A	N/A	75		
	Industrial	50	25	25	25	25	25	20	200	200	200	20	20	200	200	200	N/A	N/A	N/A	200		
	Church	50	50	10	10	10	10	10	50/15	50/15	50/15	10	10	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
	Multi-family	30	30	15	15	15	15	15	N/A	N/A/15	N/A/15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		

SECTION 4.16 When this section is in conflict with another section of the Zoning & Development Review Ordinance, this section shall prevail.



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: 20-27-ZV
 Staff Initials: RBB
 Meeting Date: 8-27-20
 Fees Paid (S100 or S150): 100

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Asbury United Methodist Church
 Mailing Address: 4257 Kearneysville Pike, Shepherdstown, WV 25443
 Phone Number: 304 876 3112 Email: info@4pillarchurch.org

Applicant Contact Information

Name: Mr. Arturo Gales, Head Trustee
 Mailing Address: 4257 Kearneysville Pike, Shepherdstown, WV 25443
 Phone Number: 304 283 2838 Email: galesy13@comcast.net

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

Name: Craig H. Collis, Minghini's General Contractor
 Mailing Address: 51 Trumpet Lane, Martinsburg, WV 25404
 Phone Number: 304 263 9988 Email: _____

Physical Property Details

Physical Address: 4257 Kearneysville Pike, Shepherdstown, WV 25443
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: Shepherdstown Map No: 8 Parcel No: 7.2
 Parcel Size: 4.98 acres Deed Book: 578 Page No: 585

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 type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

Place Received Date Stamp Here

RECEIVED

Revised _____

Zoning Variance Request Form

Page 1 of 2

AUG - 3 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: Section 4.16 - gH

Briefly describe the nature of the variance request:

Reduce side setback + landscape buffer per 3/10/11 of ZO from 50' to 25' for 30'x40' (1200sf) storage bldg. (SA)

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

Front Setback Side Setback Rear Setback Reduction From 50 to 25 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:

The 30x40 ft Steel building will be in the same color scheme as the nearby church building, and will be for storage 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?

None

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

The church needs additional storage for tables and chairs to free up classroom space

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

The reduction from 50ft to 25ft would still be within the scope of the current zoning ordinance

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.

Arturo R. Dales 8/3/20
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).

8/27/20
Date of Public Hearing

8/12/20
Advertising Date

8/12/20
Placard Posting Date

RESIDENTIAL
USE

MARK-COLONIAL HILLS LLC
PB 20/4
LOT D2

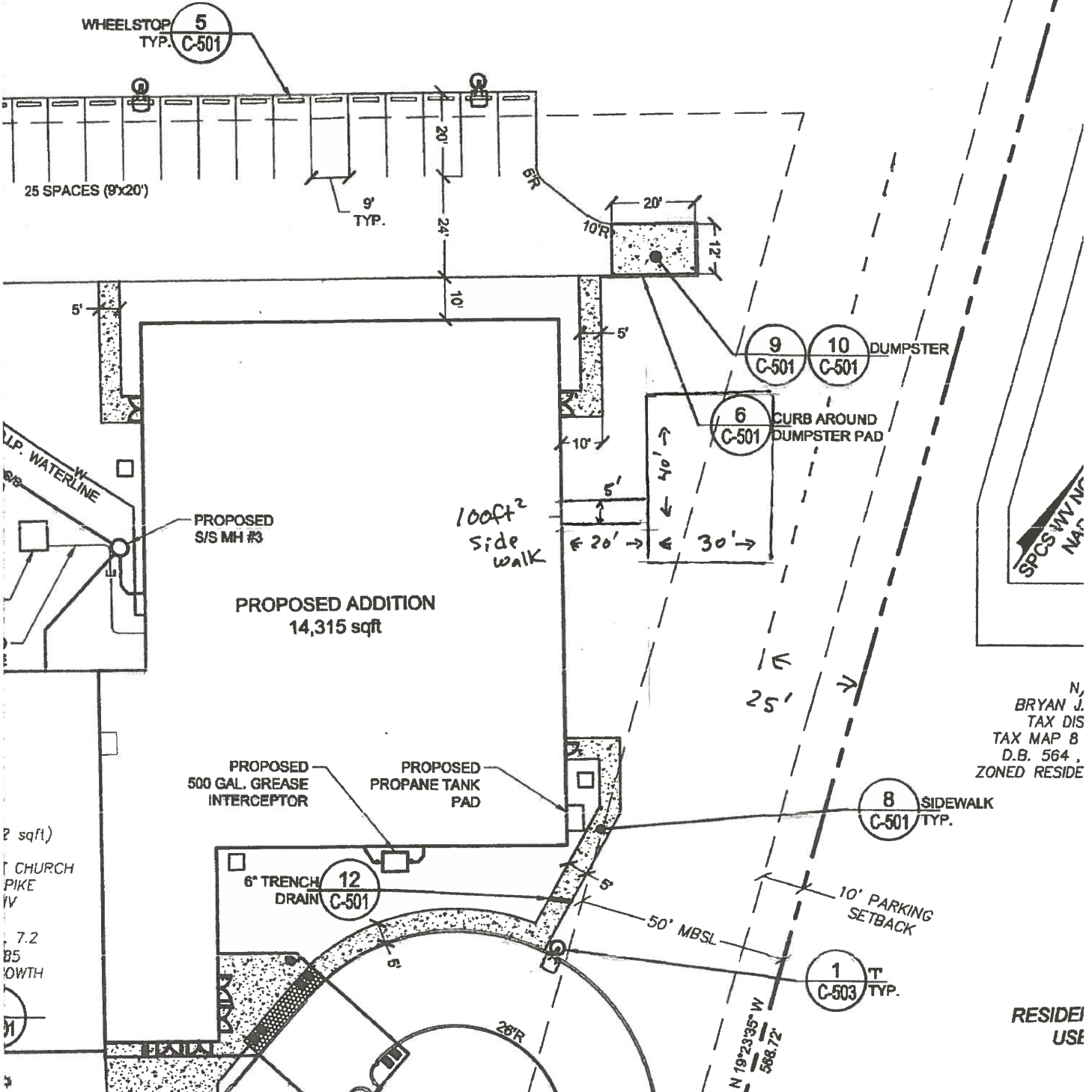
X N:341050.00
E:2442400.00

*Calif Wash
Asbury Umc
Trustee
8/3/2020*

N/F
MARK-COLONIAL HILLS LLC
TAX DISTRICT 9
PB 20/4
LOT D3

1200ft² sq.
Storage
metal
shed
~~20ft~~ from existing
20ft

S 53°49'32" W
400.00'



N,
BRYAN J.
TAX DIS
TAX MAP 8
D.B. 564,
ZONED RESIDE

RESIDE/
USE



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

Email: zoning@jeffersoncountyv.wv.org

Phone: (304) 728-3228

Zoning Administrator's Report August 27, 2020 Board of Zoning Appeals Meeting

Date of Memo: August 19, 2020

1) **Text Amendments:**

- ZTA19-03 – Proposed Text Amendment to the Zoning Ordinance to create provisions to allow Solar Energy Facilities to process in Jefferson County:
 - The County Commission held a workshop on 08-11-20 with Staff. Staff provided an overview of the proposed text amendment and answered questions from the Commission. Staff PowerPoint presentation is available on the County's website.
 - The County Commission will hold another workshop on 08-20-20 with industry representatives.
 - A Public Hearing on the proposed text is scheduled for 09-11-20.
- Greenway Engineering continues to work on the reorganization of the Subdivision Regulations and Zoning Ordinance. A Public Workshop was held on June 23 to review the status of Phase I. The next step, Phase II, includes revisions to both the Subdivision Regulations and the Zoning Ordinance. A Public Hearing will be held on any proposed revisions.
- 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.
 - A Public Hearing has been scheduled for 09-08-20.

2) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **September 24, 2020** (deadline for submission is Monday, August 31, 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

August 2020
Zoning Certificate Activity Report

File #	20-19-ZC
Request:	Agricultural Special Event Facility
Property Owner:	Jordan and Chloe Butts
Applicant:	Rock Spring Farm WV
Parcel Info:	6433 Martinsburg Pike, Shepherdstown, WV 25443 Parcel ID: 0900070012; Size: 148 acres; Zoning District: Rural
Issuance Date:	08-18-2020
