



Jefferson County
Board of Zoning Appeals
Thursday, February 25, 2021 at 2:00 p.m.

Members
Tyler Quynn, Chair
Deirdre Catterton, Vice Chair
Jeffrey Bannon
Matthew McKinney
Leeds Corbin
Mikala Shremshock, Alternate
Danesia Chicchirichi, Alternate

By order of the Jefferson County Board of Zoning Appeals, Tyler Quynn, 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/82447594815>

Meeting ID: 824 4759 4815

Dial by your location: +1 301 715 8592 US

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: January 28, 2021

Public Hearing – Administer Oath

FILE #: 21-4-ZV

Request: Variance from Section 9.6C to allow an accessory structure in the required front yard; and, Section 9.7 to reduce the front setback along Happy Creek Dr. from 30' to 20' and the front setback along Cedar Dr. from 30' to 5' for an existing 24' x 24' garage.

Owner: Patricia Mathias

Applicant: Eugene Campbell

Parcel Info: Hidden River Farm, Happy Creek Section, Part One, Lot 38
209 Cedar Drive, Kearneysville, WV

Parcel ID: 07002300710000; Size: 1.30 ac; Zoning District: Rural

FILE #: 21-5-ZV

Request: Variance from Section 9.6C to allow an accessory structure in the required front yard; and, Section 9.7 to reduce the front setback along First Street (an undeveloped right-of-way) from 20' to 6' for a 24' x 40' garage.

Owner: Keith Cranford

Applicant: Same as owner

FILE #: 21-5-ZV - CONTINUED

Parcel Info: Charles Town City Boom, Block 1, Lots 22 & 23, 438 Euclid Ave., Charles Town
Parcel ID: 02010A01020001; Size: .31 ac;
Zoning District: Residential- Light Industrial-Commercial

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Rules of Procedure – discussion with possible action to amend the Rules of Procedure to create a process to allow for a summary approval by unanimous consent for variance applications where no one has filed written opposition and no one but the applicant appears to testify (continued from 01/28/21).

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: January 28, 2021

1. Variance from Sec. 5.4B. Owner: David Groom. File: 21-1-ZV.
2. Variance from Sec. 4.11.A and Appendix B. Owner: Federal Group Inc. File: 21-2-ZV.
3. Variance from Sec. 4.6, 4.11.A, and Appendix B. Owner: Federal Group Inc. File: 21-3-ZV.

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: January 28, 2021
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
3 virtually via ZOOM.
4 Board Members Present: Tyler Quynn, Chair; Deirdre Catterton, Vice Chair; Jeffrey Bannon,
5 Leeds Corbin, Mikala Shremshock, Alternate; and Danesia Chicchirichi,
6 Alternate
7 Board Members Absent: Matt McKinney (with notice)
8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
9 Prosecuting Attorney

10 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance. Due
11 to a technical disturbance, the audio/video record of this meeting is not available on the County's
12 webpage. A copy of the audio/video record will be made available upon request.

13 Mr. Quynn moved to call the meeting to order at 2:03 pm. Mr. Bannon called for a vote, which
14 carried unanimously.

15 As one member of the Board was absent, Ms. Shremshock participated in the meeting as a voting
16 member.

17 **Election of Officers**

18 Ms. Catterton nominated Mr. Quynn as Chair. Mr. Corbin seconded the nomination, which carried
19 unanimously.

20 Mr. Quynn presided over the remainder of the meeting as Chair.

21 Mr. Bannon nominated Ms. Catterton as Vice Chair. Mr. Quynn called for a vote, which carried
22 unanimously.

23 Mr. Quynn provided an outline of the meeting protocol.

24 **Approval of Minutes: December 10, 2020**

25 Mr. Bannon moved to approve the December 10, 2020 meeting minutes. Mr. Quynn called for a
26 vote, which carried three (3) in support and two (2) abstentions (Mr. Quynn and Ms. Catterton) as
27 they were not in attendance at this meeting.

28 **ITEM #1 FILE #: 21-1-ZV**

29 Request: Variance from Section 5.4B of the Zoning Ordinance, as amended 10/04/99 to
30 reduce the rear setback from 20' to 10' for a 26' x 30' accessory structure.

31 Owner: David Groom

32 Applicant: Same

33 Parcel Info: Quail Ridge Subdivision, Lot 112, 294 Sundance Ln, Charles Town, WV
34 Parcel ID: 07002A01120000; Size: .55 acres; Zoning District: Rural

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

36 Mr. David Groom was present to address the Board. Ms. Beaulieu provided an overview of her staff
37 report. Mr. Groom explained the nature of his request to the Board. Mr. Groom stated that he had
38 spoken to the adjacent property owners and that no one had voiced their objections to the proposal.

39 Mr. Quynn confirmed there were no members of the public signed up to speak for this item.

40 Mr. Corbin moved to approve the variance as requested. Mr. Quynn called for a vote, which carried
41 unanimously.

1 **ITEM #2** **FILE #: 21-2-ZV**

2 Request: Variance from Section 4.11.A. and Appendix B to utilize the 50' unscreened buffer
3 option in lieu of a vegetative screened buffer.

4 Owner: Federal Group Inc.

5 Applicant: P.J. Raco Consulting, LLC

6 Parcel Info: 233 Lowe Dr., Shepherdstown, WV

7 Parcel ID: 09000800100009; Size: 29.84 acres; Zoning District: Residential Growth

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

9 Mr. Paul Raco with P.J. Raco Consulting, LLC was present to address the Board. Ms. Beaulieu
10 provided an overview of her staff report. Ms. Beaulieu clarified that the landscaping text amendment
11 appeared to have occurred in 2014 as opposed to 2011 as noted in her report. Ms. Beaulieu confirmed
12 that when the subject parcel was originally developed, a 50' unscreened buffer was allowed by-right.

13 Mr. Raco noted for the record that this request is entirely separate from Item #3. Mr. Raco explained
14 the nature of this request to the Board, noting that the proposed parking lot will be solely used by the
15 federal government.

16 Mr. Bannon moved to approve the requested variance. Mr. Quynn confirmed there were no
17 members of the public signed up to speak for this item. Mr. Quynn called for a vote, which carried
18 unanimously.

19 **ITEM #3** **FILE #: 21-3-ZV**

20 Request: Variance from Section 4.6 to reduce the distance requirement from 75' to 0'; Section
21 4.11.A to reduce the buffer requirement of 20' to 0'; and, Appendix B to reduce the
22 building setback from 25' to 0' and access/parking lot setback from 10' to 0' along
23 the interior property line of a proposed subdivision. The proposed subdivision will
24 divide the existing hotel from the conference center.

25 Owner: Federal Group Inc.

26 Applicant: P.J. Raco Consulting, LLC

27 Parcel Info: 233 Lowe Dr., Shepherdstown, WV

28 Parcel ID: 09000800100009; Size: 29.84 acres; Zoning District: Residential Growth

29 Mr. Paul Raco with P.J. Raco Consulting, LLC was present to address the Board. Ms. Beaulieu
30 provided an overview of her staff report. Ms. Beaulieu noted that the variance would allow for the
31 proposed division of the existing hotel from the conference center. Ms. Beaulieu stated that the
32 subject request was specific to the proposed internal lot line. Ms. Beaulieu noted the following
33 conditions of approval recommended in her staff report:

- 34 1. The variance applies only to the new internal lot lines created; and,
35 2. The Final Plat shall include a note granting cross access and cross parking for both lots and
36 shall also state that should either lot be conveyed to another entity, an access easement and
37 parking agreement shall be dedicated and recorded. A copy of the parking agreement shall
38 be submitted to the Office of Planning and Zoning for their files.

39 Mr. Raco explained the nature of this request to the Board, noting that the subject request only
40 applies to the proposed interior property lines. Mr. Raco explained that the distance and setback
41 requirements would still exist along the western property line adjacent to Colonial Hills.

42 Mr. Quynn confirmed there were no members of the public signed up to speak for this item.

43 Ms. Catterton moved to approve the requested variance. Mr. Bannon called for a vote, which carried
44 unanimously.

1 **Zoning Administrator's Report**

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

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

4 a) ZTA19-03 Solar Energy Facilities: The Planning Commission will hold a public hearing on
5 02/09/21. Ms. Beaulieu clarified which version of the text amendment would be reviewed.

6 b) ZTA20-01 Commercial Cemeteries: The County Commission denied the text amendment.

7 c) ZTA20-02 Drive-Through Restaurants in the Residential-Light Industrial-Commercial zoning
8 district: The County Commission approved the text amendment.

9 Ms. Beaulieu stated that the next Board meeting would be on February 25, 2021.

10 **Rules of Procedure** – discussion with possible action to amend the Rules of Procedure to create a
11 process to allow for a summary approval by unanimous consent for variance applications where no
12 one has filed written opposition and no one but the applicant appears to testify. Continued from
13 12/10/2020 meeting.

14 The Board discussed the summary approval order with Mr. Cochran. Mr. Cochran suggested edits
15 to the draft summary approval order. Mr. Corbin moved to continue this item until the next meeting
16 to allow for the draft summary approval order to be revised per the suggested edits. Mr. Quynn
17 called for a vote, which carried unanimously.

18 **Legal Update**

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

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

21 **Meeting: December 10, 2020**

22 1. Request for a CUP to operate River Chase Wedding Venue. Owner: Nancy Stevens.
23 Applicant: Charles Stevens. File: 20-8-CUP.

24 2. Variance from Sec. 9.7. Owner: Deirdre Eychner-Raduns. File: 20-38-ZV.

25 3. Variance from Sec. 9.7. Owner: Scott and Margie Brown. File: 20-39-ZV.


26 4. Variance from Sec. 4B.7J.2.a. Owner: Potomac Edison Company. File: 20-40-ZV.

27 Mr. Bannon stated he would sign the Findings and deliver them to the Office.

28 Mr. Bannon moved to adjourn the meeting at 3:04 pm. Mr. Quynn called for a vote, which carried
29 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 February 25, 2021
Mathias Variance Request (#21-4-ZV)

Item #1 Variance from Section 9.6C to allow an accessory structure in the required front yard; and Section 9.7 to reduce the front setback along Happy Creek Dr. from 30' to 20' and the front setback along Cedar Dr. from 30' to 5' for an existing 24' x 24' garage.

Applicant:	Eugene Campbell
Owner:	Patricia Mathias
Developer:	N/A
Consultant:	N/A
Location:	Hidden River Farm, Part One, Lot 38, 209 Cedar Drive, Kearneysville, WV
Parcel Information and Zoning District:	<p style="text-align: center;">Parcel ID: 07002300710000; Size: 1.30 ac; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North, South, East and West: Rural
History:	Hidden River Farm, Part One, recorded on 02/22/74 in PB 3; PG 20
Waivers/Variations:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	No.

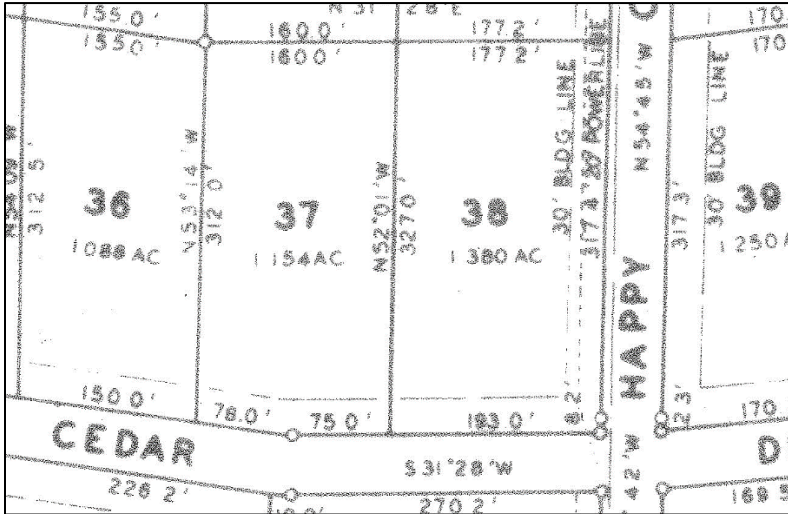
Summary of Request and Purpose of Ordinance Requirements

Variance from Section 9.6C to allow an accessory structure in the required front yard; and, Section 9.7 to reduce the front setback along Happy Creek Dr. from 30' to 20' and the front setback along Cedar Dr. from 30' to 5' for an existing 24' x 24' garage.

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

Staff Report
Jefferson County Board of Zoning Appeals
February 25, 2021
Mathias Variance Request (#21-4-ZV)

Staff Evaluation of Request



The subject parcel is Lot 38 of the Hidden River Farm subdivision, Part One, which was recorded on February 22, 1974 in [Plat Book 3 at Page 20](#). The lots in this subdivision were created prior to the adoption of the Zoning Ordinance and have a platted 30' front setback.

The applicant has constructed a 24' x 24' garage approximately 20' from Happy Creek Drive and approximately 5' from Cedar Drive.



While Happy Creek Drive and Cedar Drive are owned by the Division of Highways (DOH), they are considered internal subdivision roads. As both of these roads are platted as 50' wide, it is unlikely the DOH will require acquisition of additional land for future expansion. Additionally, there is a 20' platted utility easement along Happy Creek Drive, which would limit future expansion in that location.

The applicant has stated that the existing garage will not negatively impact site distance for the residential traffic.

While it is feasible to comply with the Ordinance by other means, it appears that the structure has existed since April of 2020; therefore, compliance would necessitate relocating the existing structure. The applicant has represented that the subject location is preferred based on the location of the existing house.

Staff Report
Jefferson County Board of Zoning Appeals
February 25, 2021
Mathias Variance Request (#21-4-ZV)

Conditions of Approval

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

1. The approval is limited to the structure as a detached garage for personal storage. Any future change in use (i.e. residential or commercial) will necessitate another variance by the Board.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

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: 21-4-2V
 Staff Initials: gfl
 Meeting Date: 2/25/21
 Fees Paid (\$100 or \$150): \$150-

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: PATRICIA A. Mathias
 Mailing Address: 209 CEDAR DRIVE
 Phone Number: (304) 886-2039 Email: _____

Applicant Contact Information

Name: EUGENE CAMPBELL
 Mailing Address: 209 CEDAR DRIVE
 Phone Number: (304) 886-2509 Email: EUGENE.CAMPBELL1959@G.MAIL.COM

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

Name: JEFF DUNN
 Mailing Address: Potomac Edison WILSON ST. MARTINSBURG, WV
 Phone Number: (304) 267-3249 Email: _____

Physical Property Details

Physical Address: 209 CEDAR DRIVE
 City: KEARNEYVILLE State: WV Zip Code: 25430
 Tax District: MIDDLEWAY Map No: # 23 Parcel No: # 71
 Parcel Size: # 71 Deed Book: 984 Page No: 739

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RECEIVED			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
JAN 15 2021			<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: Sec. 9.7 gH 9.6C gH

Briefly describe the nature of the variance request:

To reduce the setback for a 24x24 GARAGE
LEDAR DRIVE FROM 30' to 5'
HAPPY CREEK DRIVE FROM 30' to 20'

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

The GARAGE Does NOT Impact traffic visibility

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 Existing house Lay out did not allow for an Alternative Location for the GARAGE

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

I thought the Office was closed due to COVID and the Contractor Proposed this Location

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

I have applied for necessary Permits and Confirmed with the Utility Co to confirm that it was outside of the Easement

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.

Patricia Mathias Signature on file - jth

Signature of Property Owner Date

Engene W. Campbell 1-15-2021

Signature of Property Owner Date

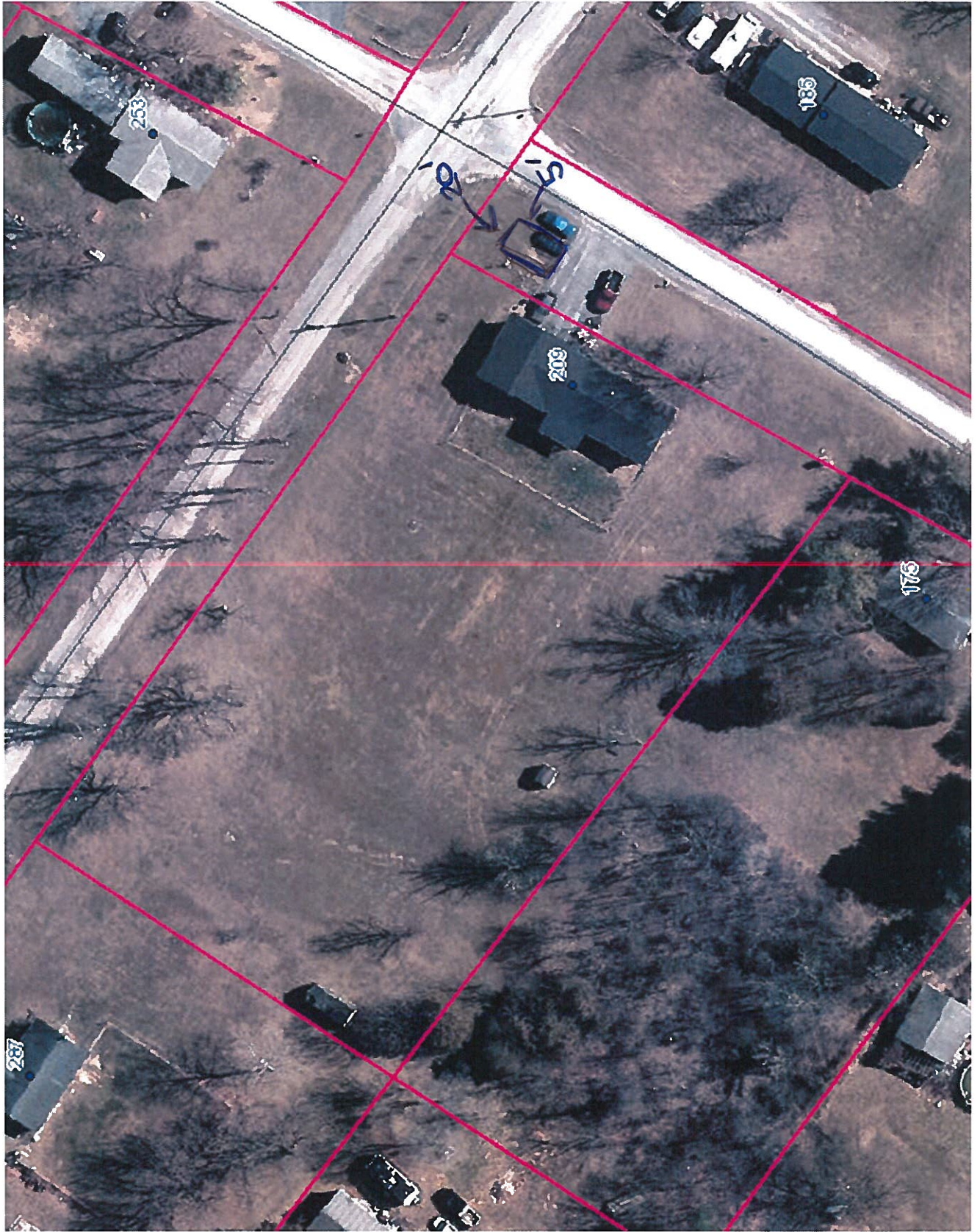
Notification Requirements (to be completed by staff)

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).

02/25/21
Date of Public Hearing

02/10/21
Advertising Date

02/10/21
Placard Posting Date









January 12, 2021

To Whom it may concern:

RE: Primary Right of Way adjacent to 209 Cedar Dr, Kearneysville WV

This letter is to verify that Mr. Eugene Campbell's shed/garage is currently outside Potomac Edison's 30' Right of Way. This section line has a right of way that is 30' total, 15' off center line in both directions. Mr. Campbell's shed is permitted according to PE policy at a current distance of 18' off centerline.

Sincerely,

Jeff Dunn
Distribution Specialist
Martinsburg Service Center

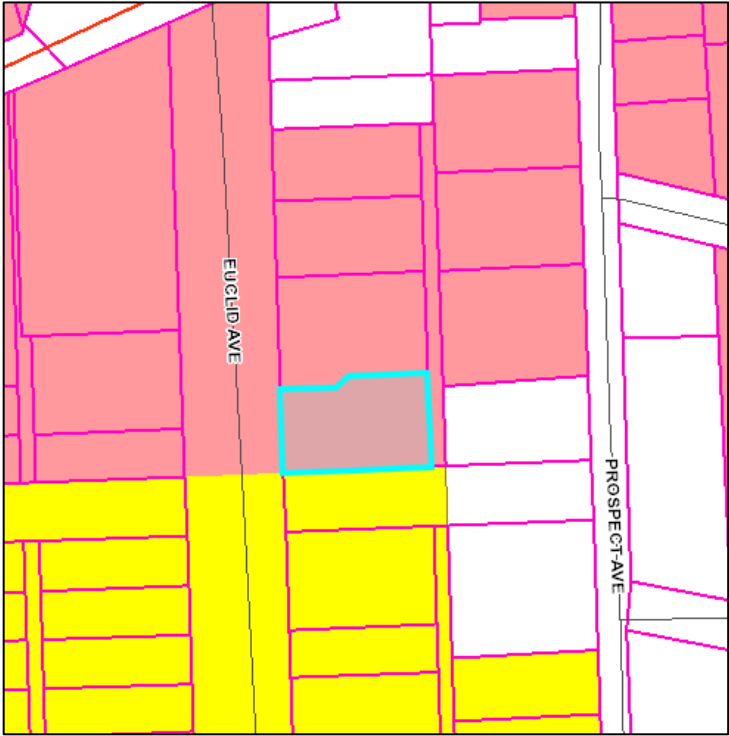
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JAN 15 2021

**JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING**

Staff Report
 Jefferson County Board of Zoning Appeals
 February 25, 2021
Cranford Variance Request (#21-5-ZV)

Item #2 Variance from Section 9.6C to allow an accessory structure in the required front yard; and Section 9.7 to reduce the front setback along First Street (an undeveloped right-of-way) from 20' to 6' for a 24' x 40' detached garage.

Applicant:	Keith Cranford
Owner:	Same as above
Developer:	N/A
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">Charles Town City Boom, Block 1, Lots 22 & 23 Northeast corner of Euclid Ave and First St. (undeveloped road) Parcel ID: 02010A01020001; Size: .31 ac Zoning District: Residential- Light Industrial-Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: <i>North & West:</i> Residential-Light Industrial-Commercial <i>South:</i> Residential Growth <i>East:</i> Residential-Light Industrial-Commercial and City of Charles Town</p>
History:	None
Waivers/Variances:	<p>07/21/11: BZA granted variance to reduce side setback from existing garage from 8' to 4' to accommodate a boundary line adjustment (ZV11-17). 10/24/19: BZA granted variance to reduce the side setback from 8' to 4' for an existing 40' x 44' garage to be converted into a house (19-29-ZV).</p>
Approved Activity:	Residential
Site Visit Conducted:	No

Staff Report
Jefferson County Board of Zoning Appeals
February 25, 2021
Cranford Variance Request (#21-5-ZV)

Summary of Request and Purpose of Ordinance Requirements

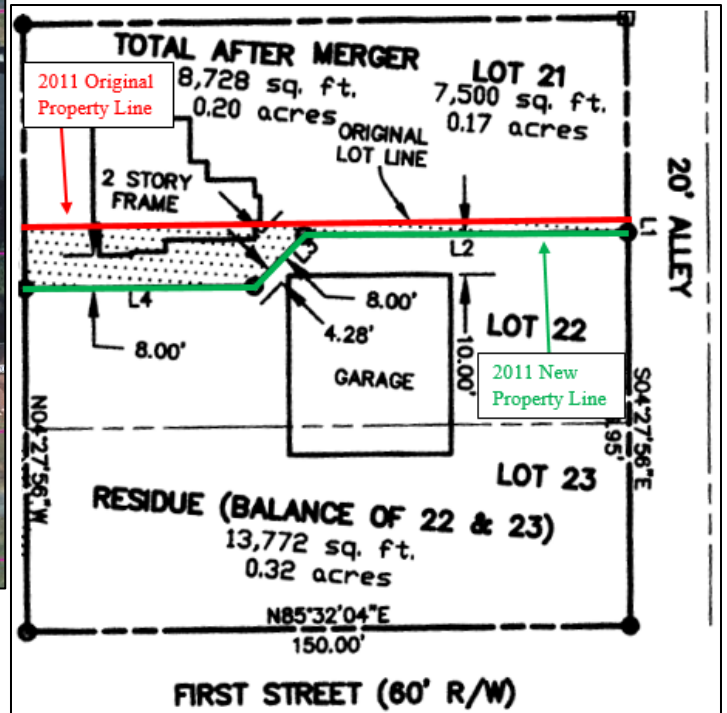
The applicant is requesting a variance from Section 9.6C to allow an accessory structure in the required front yard; and Section 9.7 to reduce the front setback along First Street (an undeveloped right-of-way) from 20' to 6' for a 24' x 40' garage.

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

Staff Evaluation of Request

The subject parcel is located in an older platted section of Charles Town that is still within the County's jurisdiction. These lots were platted prior to the adoption of any County rules and regulations.

The subject property line fronts First Street, which is a 60' wide unimproved right-of-way. While it seems unlikely that First Street will be developed for public use, the Ordinance requires that a Front Setback be applied to any lot lines fronting a right-of-way. The applicant is requesting a setback reduction down to 6'.



The property is bordered by a 20' Alley; a 60' right-of-way (First Street); and Euclid Avenue. The Ordinance states that a rear setback shall be applied for property lines adjacent to a platted alley; therefore, the applicant is subject to two front setbacks – one along Euclid Avenue and one along the unimproved right-of-way, First Street.

Impact on adjoining properties would be minimal because the subject property line is adjacent to an undeveloped right-of-way.

It may be feasible to comply with the Ordinance by other means by selecting a smaller structure. Based on the applicant's representation, he is in need of additional storage space and has identified this location in his yard as the most suitable location for placement.

Staff Report
Jefferson County Board of Zoning Appeals
February 25, 2021
Cranford Variance Request (#21-5-ZV)



*Photos taken during 2019 site visit. The top left photo reflects the existing garage that was converted to a dwelling in 2019. The top right and bottom left photos depict the general location of the proposed 24' x 40' detached garage.

Conditions of Approval

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

1. The approval is limited to the structure as a detached garage for personal storage. Any future change in use (i.e. residential or commercial) will necessitate another variance by the Board.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.

C. No accessory building shall be erected within the required front yard.

Staff Report
Jefferson County Board of Zoning Appeals
February 25, 2021
Cranford Variance Request (#21-5-ZV)

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

Note: Residential uses located in the Residential-Light Industrial-Commercial zone use the Residential Growth setbacks.



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: 21-5-2V
 Staff Initials: AB
 Meeting Date: 02-25-21
 Fees Paid (\$100 or \$150): \$100 (cash)

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: Keith Cranford
 Mailing Address: 438 Euclid Ave. Charles Town, WV 25414
 Phone Number: (304) 283-8776 Email: none

Applicant Contact Information

Name: Keith Cranford
 Mailing Address: 438 Euclid Ave. Charles Town, WV 25414
 Phone Number: (304) 283-8776 Email: none

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

Name: Already Been Survey
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 438 Euclid Ave.
 City: Charles Town State: WV Zip Code: 25414
 Tax District: 2 Map No: 10A Parcel No: 102.1
 Parcel Size: .31 Deed Book: 1098 Page No: 587

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input checked="" type="checkbox"/> jth-	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECEIVED

JAN 29 2021

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

Place Received Date Stamp Here

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

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 9.7 + 9.6C

Briefly describe the nature of the variance request:

Reduction of front setback along a platted right-of-way. The ROW is undeveloped and not in use. Reduction requested for proposed 24'x40' detached accessory structure (Garage.)

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

Front Setback Side Setback Rear Setback Reduction From 20' to 6' ⁽¹⁷⁾

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:

Metal storage building

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?

needing more storage

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

needing more storage

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

The ROW is undeveloped and not in use.

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] 1-29-21
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).

02-25-2021
Date of Public Hearing

02-10-21
Advertising Date

02-10-21
Placard Posting Date

LINE TABLE		
LINE	LENGTH	BEARING
L1	3.05	S04°27'56"E
L2	80.53	N85°38'27"E
L3	17.61	N40°32'04"E
L4	57.02	N85°35'19"E
L5	15.30	S04°27'56"E

AREA TABULATION	
MERGER PARCEL	0.03 acres
LOT 21	0.17 acres
TOTAL AFTER MERGER	0.20 acres
RESIDUE (BALANCE OF 22 & 23)	0.32 acres

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LOT 20

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

EUCLID AVENUE (100' R/W)

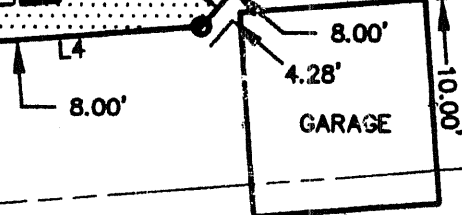
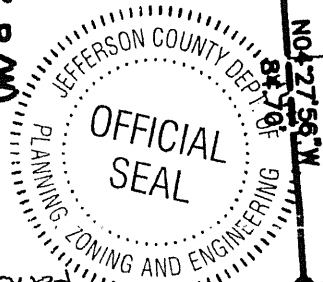
MERGER PARCEL
1,228 sq. ft.
0.03 acres

TOTAL AFTER MERGER LOT 21
8,728 sq. ft. 7,500 sq. ft.
0.20 acres 0.17 acres

2 STORY FRAME

ORIGINAL LOT LINE

20' ALLEY



LOT 22

LOT 23

RESIDUE (BALANCE OF 22 & 23)
13,772 sq. ft.
0.32 acres

FIRST STREET (60' R/W)

Approved
Lot Line Adjustment
Section 20.106

Jennifer M. Brockman
JEFFERSON COUNTY PLANNING DIRECTOR 9/9/11
APPROVED MERGER PLAT

KEITH E. CRANFORD
OWNER

LISA CRANFORD
OWNER

THE LANDS(S) HEREBY CONVEYED IS (ARE) ADJACENT TO AND CONTIGUOUS WITH THAT CERTAIN PARCEL OF LAND WHICH IS OWNED BY THE GRANTEE(S) HEREIN, HAVING BEEN CONVEYED TO THEM BY DEED OF RECORD IN THE CLERK'S OFFICE OF SAID COUNTY IN DEED BOOK _____ PAGE _____ AND THIS CONVEYANCE IS MADE FOR THE PURPOSE OF ADJUSTING THE BOUNDARY LINE(S) OF SAID PRESENTLY OWNED LANDS OF THE GRANTEE(S).

PLAT OF MERGER

PLAT SHOWING MERGER OF A PORTION OF LOT 22 TO LOT 21, BLOCK 1, EUCLID AVE. STANDING IN THE NAME OF KEITH E. & LISA CRANFORD, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1041/385 LOCATED IN CHARLES TOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA. THE BOARD OF ZONING APPEALS APPROVED DECREASED SETBACKS FOR THE NON CONFORMING GARAGE ON JULY 21, 2011. THE BALANCE OF LOT 22 AND LOT 23 SHALL BE MERGED INTO ONE PARCEL.

DWG # CRANFORD

DATE-9/8/11

GRAPHIC SCALE



SURVEYED BY:

(IN FEET)

1 inch = 40 ft.

PETER H. LORENZEN P.S.
SUMMIT POINT, W.V. 728-6093





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 February 25, 2021 Board of Zoning Appeals Meeting

Date of Memo: February 17, 2021

1) **Text Amendments:**

- ZTA19-03 – Zoning Ordinance Text Amendment to create provisions to allow Solar Energy Facilities to process in the County.
 - 12/10/2020: County Commission voted to vacate the October 1, 2020 approval of the text amendment and return the text amendment to the Planning Commission for further review and consideration.
 - 01/12/2021: The Planning Commission voted to hold a Public Hearing on 02/09/2021 at 7:00 PM.
 - 02/09/2021: The Planning Commission called a special meeting for 02/23/21 for discussion and possible action on the proposed text amendment.

2) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **March 25, 2021** (deadline for submission is Monday, March 1, 2021).



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

February 2021
Zoning Certificate Activity Report

File # 21-2-ZC
Request: Shopping Center Change in Tenant, Retail Sales and Services, General, Sale of Fireworks
Property Owner: Charles Town CRE Holdings, LLC
Applicant: Same
Parcel Info: 107 Keyes Ferry Road, Charles Town, WV 25414
Parcel ID: 02000900080001; Size: 2.25 acres;
Zoning District: Residential-Light Industrial-Commercial;
Deed Book: 1253; Page: 393; Plat Book: 25; Page: 632
Date of Issuance: 02-03-2021

File # 21-3-ZC
Request: Agricultural Special Event Facility, Concept Plan (File #20-9-SP) Approved by the Planning Commission on January 12, 2021
Property Owner: Stanley and Barabara (deceased) Stiles
Applicant: Same
Parcel Info: 118 Goshen Arrabon Lane, Charles Town, WV 25414
Parcel ID: 06002100040000; Size: 17+ acres; Zoning District: Rural (R);
Deed Book: 817; Page: 328; Concept Plan PC File: 20-9-SP
Date of Issuance: 02-03-2021

File # 21-4-ZC
Request: Shopping Center Change in Tenant, Personal Services: Laundromat
Property Owner: B33 Jefferson Crossing, LLC
Applicant: Freshly Folded Laundry / Attn: Brad McGuire
Parcel Info: 71 Flowing Springs Road, Suite F, Charles Town, WV 25414
Parcel ID: 02000800240004; Size: 15.16 acres;
Zoning District: Residential-Light Industrial-Commercial;
Deed Book: 1238; Page: 324; See PC File: 04-06 (site plan)
Date of Issuance: 02-08-2021

Section 5.3 – Ex Parte Communications

For purposes of these Rules of Procedure, ex parte communications consist of communications regarding the substance of an item that is or will be before the Board for consideration and/or discussion, when such communications are between one or more members of the Board and one or more individuals involved with the item. No member of the Board shall voluntarily and knowingly engage in ex parte communications without the authority of the Board. In the event that a member of the Board has engaged in or receives any ex parte communication, said member shall bring the same to the attention of the Board and shall publicly disclose the same. Communications with third parties regarding procedural aspects of items do not constitute ex parte communications.

Section 5.4 – Continuance

The Board may continue, reschedule, or re-open proceedings on an item for any good cause.

Section 5.5 – Notice

All items shall be noticed in accordance with the Ordinance, these Rules of Procedure, and staff procedures. In accordance with Section 3.4A(3)(b)(ii) of the Jefferson County Zoning and Land Development Ordinance (6/1/14), “the subject property shall be posted conspicuously” shall mean that a notice shall be posted on every road, right-of-way, and/or easement on which the public may travel adjoining or abutting the property, as determined by the Zoning Administrator. If an item is continued, rescheduled, or postponed, and the new time and date are announced at the same meeting, then no additional notice is required for that item. If an item is continued, rescheduled, or postponed, and the new time and date are not announced at the same meeting, all parties of record shall be provided not less than seven (7) calendar days notice of the new time and date.

Section 5.6 – Submissions to the Board

Submissions regarding all items for Board consideration shall be made in accordance with the Ordinance, these Rules, and relevant staff procedures. Staff may establish deadlines for submittal of applications and supplemental material. Late submissions, including submissions made the day before or the day of any meeting of this Board, may not receive full consideration by the Board due to the lack of time for proper Board and staff review.

Section 5.7 – Procedure for Hearings

Prior to hearings on all items, the Board will require all persons present who wish to give comments on any item to place their name on a written list of anticipated speakers.

Hearings on items shall be conducted in the following manner:

- (1) Chairperson opens public hearing;
- (2) Staff presents summary of application and staff report;
- (3) Applicant/Appellant testimony;

- (4) Respondent(s) testimony;
- (5) Public comment;
- (6) Rebuttals of staff, applicant/appellant and respondent(s);
- (7) Chairperson calls for a vote for closed deliberation and recesses public hearing if motion carries;
- (8) After consideration, Board reopens public hearing and renders a decision.
- ~~(8)~~(9) In the case of a variance request where no one has filed written opposition and no one but the applicant appears to testify, any member may move for summary approval by unanimous consent based on the Board's consideration of the application and the administrator's report.

The Chairperson shall preside at the hearing and shall make such rulings as may be necessary to conduct a hearing in an efficient and orderly manner including, but not limited to, the imposition of time limitations and the exclusion of irrelevant, repetitive, or cumulative evidence or testimony. A member may question the rulings of the Chairperson, and such questions may be decided by a motion and subsequent majority vote of the Board.

Section 5.8 – Reopening Hearing

At any time prior to the rendering and/or filing of a decision, the Board may, upon the request of a party or upon its own motion, reopen proceedings on an item for the receipt of further evidence or information. All parties of record shall be given proper notice of the reopening and granted an opportunity to review additional evidence and information and file any rebuttal or additional comments.

ARTICLE VI – APPEALS

Section 6.1 – Scope of Appeals to the Board

Pursuant to W.Va. Code § 8A-8-9, the Board shall hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official or party charged with the enforcement of a zoning ordinance or rule and regulation adopted pursuant thereto.

Section 6.2 – Time

All appeals to the Board shall be filed within thirty (30) days of the entry of the order, requirement, decision or determination which is the subject of the appeal. Within ten (10) days of receipt of a complete appeal form and associated fee(s), the Board, through its Staff, shall set a date for a public hearing of the appeal.

Section 6.3 – Posting of Property

If an appeal hearing involves the use of land, including requests for exceptions, variances, and conditional use permits, the property owner shall post signs on the property showing the date, time, and place of the hearing on every road, right-of-way, and/or easement on which the public

**Order Granting ~~Motion for~~ Summary Approval
of a Variance Request by [APPLICANT NAME] (File #20-__-ZV)
Brought Before the Jefferson County Board of Zoning Appeals
Thursday, [DATE]**

Whereas, [APPLICANT] has applied for a variance from [SECTION] of the Zoning and Land Development Ordinance for [SUMMARY e.g. reduction of the rear setback from 50' to 25' for an accessory structure], at [ADDRESS] [PARCEL ID]; and

Whereas, the subject lot is zoned [ZONING DISTRICT] and the proposed [STRUCTURE] is a permitted accessory use for the existing single family dwelling on the lot; and

Whereas, in accord with Section 6.2A.1-4 of Jefferson County's Zoning and Land Development Ordinance, **and the Board's consideration of** the application and the Zoning Administrator's Report, **the Board finds that the variance show that the variance:**

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.
2. Arises 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.
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land.
4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done; and

Whereas, no written or oral opposition has been received.

Now therefore be it moved, that the Jefferson County Board of Zoning Appeals approves the above referenced request with the following conditions:

1. _____
2. _____.

The portion of the record of the Jefferson County Board of Zoning Appeals meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Action taken this [DATE]

By vote of the Jefferson County Board of Zoning Appeals

By a vote of ____ Yes ____ No

[NAME], Board of Zoning Appeals, Chair

For review on 02/25/2021