



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

Members
Tyler Quynn, Chair
Deirdre Catterton, Vice Chair
Matthew McKinney
Leeds Corbin
Steven Guier
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/86979864577>

Meeting ID: 869 7986 4577

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: February 25, 2021

Public Hearing – Administer Oath

ITEM #1 FILE #: 21-6-ZV

Request: Variance from Section 8.10 to allow a sales trailer on a lot that is not part of the originally platted Harvest Hills Subdivision.

Owner: Arcadia Land Inc

Applicant: Greenway Engineering

Parcel Info: Henderson Minor Subdivision, Lot 2, Shenandoah Junction, WV
Vacant parcel on the northeast corner of Flowing Springs Road and Brass Harness Drive.
Parcel ID: 09002400120002; Size: 1.62 ac; Zoning District: Rural

ITEM #2 FILE #: 21-7-ZV

Request: Variance request from Section 10.4B.3 to reduce the front setback from 25' to 0' for a 4' x 5' (8' tall) Freestanding Business Sign; and Section 10.4B.4 to allow the proposed sign to face a residence.

Owner: Potomac Crossroads Counseling, LLC

Applicant: Kathy Morotti

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

ITEM #3 FILE #: 21-1-CUP and 21-9-ZV

Request 1: Request for a Conditional Use Permit to operate as a Contractor with Outdoor Storage, as defined in Article 2. The proposal consists of converting an existing, vacant structure into a contractor's office with outdoor storage to include associated parking and a 10' x 2'-6" (25 square feet) attached business sign. Potential future expansion to include addition of a 1,000 square foot storage building.

Request 2: Variance request to reduce the distance requirement and commercial setbacks as follows from 75' and 25' down to 15' along the north-eastern boundary line. The request includes conversion of an existing structure to a Contractor Office with Outdoor Storage and a future 1,000 square foot storage building.

Owner: West Group Holding LLC
Applicant: Jeff Whitten, Jefferson Group LLC
Parcel Info: Formerly 1508 Cloverdale Road, Charles Town WV (currently vacant / no address)
Parcel ID: 02001600100000; Size: .5 ac; Zoning District: Rural

ITEM #4 FILE #: 21-8-ZV – POSTPONED UNTIL 04/22/21

Request: Variance request from Section 10.4B.3 to reduce the front setback from 25' to 1' for an 8.5' x 3' (25.5 square feet) Freestanding Electronic Business Sign; and, Section 10.7G to reduce the distance requirement of an Electronic Sign from a traffic light from 300' to approximately 190'.

Owner: Steve Petropouleas
Applicant: Mountain View Diner
Parcel Info: 811 Willow Spring Drive, Charles Town, WV
Parcel ID: 02001000090004; Size: 1.21 ac;
Zoning District: Residential-Light Industrial-Commercial

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Rules of Procedure - amendment to create a process to allow for summary approval by unanimous consent for variance applications - review of final draft reflecting Board's approval from 02/25/21.

Legal Update

- a. Discussion of the following pending lawsuits:
 - 1. Discussion/Action: Neighbors Against River Chase Event Center v. BZA re: 20-8-CUP (Civil Action No.: CC-19-2021-C-22)
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions

Meeting: February 25, 2021

- 1. Variance from Sec. 9.6C and 9.7. Owner: P. Mathias. File: 21-4-ZV.
- 2. Variance from Sec. 9.6C and 9.7. Owner: K. Cranford. File: 21-5-ZV.

Minutes

Jefferson County Board of Zoning Appeals

1 Meeting Date: February 25, 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, Matt McKinney, Mikala Shremshock, Alternate; and
6 Danesia Chicchirichi, Alternate
7 Board Members Absent: None
8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
9 Prosecuting Attorney; Jennilee Hartman, Zoning Clerk

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

11 Mr. Bannon moved to call the meeting to order at 2:01 pm. Mr. Quynn called for a vote, which
12 carried unanimously.

13 **Approval of Minutes: January 28, 2021**

14 Mr. Bannon moved to approve the January 28, 2021 meeting minutes with the following correction:

15 1. Page 2, Line 43: change *Mr. Bannon* to *Mr. Quynn*.

16 Mr. Quynn called for a vote, which carried three (3) in support and one (1) abstention (Mr. McKinney)
17 as he was not in attendance at this meeting.

18 **FILE #: 21-4-ZV**

19 Request: Variance from Section 9.6C to allow an accessory structure in the required front yard;
20 and, Section 9.7 to reduce the front setback along Happy Creek Dr. from 30' to 20'
21 and the front setback along Cedar Dr. from 30' to 5' for an existing 24' x 24' garage.
22 Owner: Patricia Mathias
23 Applicant: Eugene Campbell
24 Parcel Info: Hidden River Farm, Happy Creek Section, Part One, Lot 38
25 209 Cedar Drive, Kearneysville, WV
26 Parcel ID: 07002300710000; Size: 1.30 ac; Zoning District: Rural

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

28 Ms. Patricia Mathias, property owner, and Mr. Eugene Campbell, applicant, were present to address
29 the Board. Ms. Beaulieu provided an overview of her staff report noting that the garage had been
30 built without a building permit and the applicant had been working with the Department to come into
31 compliance. Ms. Beaulieu informed the Board that the applicant had submitted a letter from Potomac
32 Edison, which confirmed that the garage was outside of the platted utility easement. Mr. Campbell
33 explained the nature of the request to the Board noting that they had built the garage without a
34 building permit as they believed the Office had been closed during the COVID-19 lockdown.
35 Mr. Campbell stated that their contractor had advised them that the current location of the garage
36 would be suitable. The Board expressed concerns that the garage may be located within the Division
37 of Highways' right-of-way.

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

39 Ms. Catterton moved to go into deliberative session at 2:37 pm. Mr. Quynn called for a vote, which
40 carried unanimously.

41 Mr. Bannon moved to come out of deliberative session at 3:00 pm. Mr. Quynn called for a vote,
42 which carried unanimously.

1 Mr. McKinney moved to approve the variance as requested with the condition that the applicant
2 obtain approval from the Division of Highways. Mr. Quynn requested an amendment to add the
3 condition that the applicants be bound by their testimony. Mr. McKinney accepted the amendment.
4 Mr. Quynn called for a vote, which passed with a vote of 4 in favor and 1 opposed (Ms. Catterton).

5 **FILE #: 21-5-ZV**

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

9 Owner: Keith Cranford

10 Applicant: Same as owner

11 Parcel Info: Charles Town City Boom, Block 1, Lots 22 & 23, 438 Euclid Ave., Charles Town
12 Parcel ID: 02010A01020001; Size: .31 ac;

13 Zoning District: Residential- Light Industrial-Commercial

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

15 Mr. Keith Cranford, property owner, was present to address the Board. Ms. Beaulieu provided an
16 overview of her staff report noting that the subject right-of-way was currently undeveloped.

17 Mr. Cranford explained the nature of his request to the Board and confirmed that the proposed
18 structure would be for storage only.

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

20 Mr. McKinney moved to approve the variance as requested with the condition that the applicant be
21 bound by his testimony. Mr. Quynn called for a vote, which carried unanimously.

22 **Zoning Administrator's Report**

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

24 Ms. Beaulieu updated the Board on the status of the ZTA19-03 Solar Energy Facilities text
25 amendment. Ms. Beaulieu stated that the next Board meeting would be on March 25, 2021.

26 **Rules of Procedure** – discussion with possible action to amend the Rules of Procedure (RoP) to
27 create a process to allow for a summary approval by unanimous consent for variance applications
28 where no one has filed written opposition and no one but the applicant appears to testify. Continued
29 from 01/28/2021 meeting.

30 The Board discussed the Summary Approval order with Mr. Cochran. The Board requested that for
31 consistency the term Zoning Administrator/Staff Report be used throughout the RoP and the
32 Summary Approval order.

33 Mr. Bannon moved to amend the Rules of Procedure to create a process to allow for a summary
34 approval by unanimous consent for variance applications where no one has filed written opposition
35 and no one but the applicant appears to testify. Ms. Catterton seconded the motion, which carried
36 unanimously.

37 **Legal Update**

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

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

40 **Meeting: January 28, 2021**

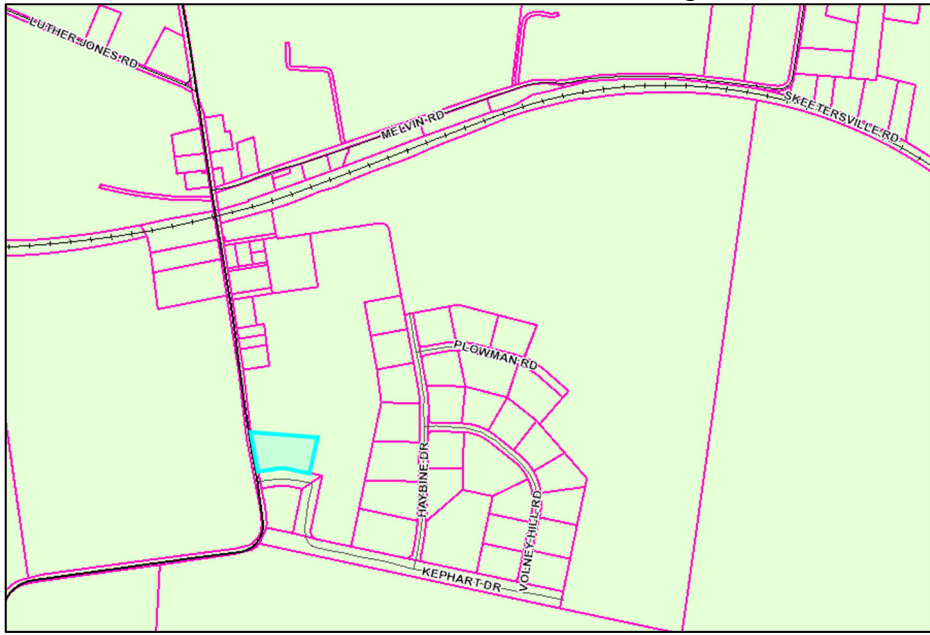
41 1. Variance from Sec. 5.4B. Owner: David Groom. File: 21-1-ZV.

42 2. Variance from Sec. 4.11A and App. B. Owner: Federal Group Inc. File: 21-2-ZV.

- 1 3. Variance from Sec. 4.6, Sec. 4.11A and App. B. Owner: Federal Group Inc. File: 21-3-ZV.
- 2 Mr. Quynn stated he would sign the Findings and deliver them to the Office.
- 3 As it was Mr. Bannon's last meeting, the Board thanked Mr. Bannon for his years of public service.
- 4 Mr. Bannon moved to adjourn the meeting at 3:04 pm. Mr. Quynn called for a vote, which carried
- 5 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 March 25, 2021
Arcadia-Harvest Hills Variance Request (#21-6-ZV)

Item #1 Variance from Section 8.10 to allow a sales trailer on a lot that is not part of the originally platted Harvest Hills Subdivision.

Applicant:	Jamie Rogers MacLean, Greenway Engineering
Owner:	Arcadia Land Inc
Developer:	N/A
Consultant:	Same as Applicant
Parcel Info and Zoning District:	<p style="text-align: center;">Henderson Minor Subdivision, Lot 2, Shenandoah Junction, WV Northeast corner of Flowing Springs Road and Brass Harness Drive. Parcel ID: 09002400120002; Size: 1.62 ac; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North, South, East and West: Rural
History:	Henderson Minor Subdivision: Plat Book 14, at Page 83 (approved 06-18-98) Boundary Line Adjustment: Deed Book 927 at Page 231 (recorded 06-14-99)
Approved Activity:	Single-Family Residence
Site Visit Conducted:	Yes. 03-12-21 – Placards Posted.

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 8.10 to allow a sales trailer for the Harvest Hills Subdivision to be located on a lot that is not within the subject development. The applicant is proposing to construct the sales trailer on Lot 2 of the adjacent Henderson Minor Subdivision.

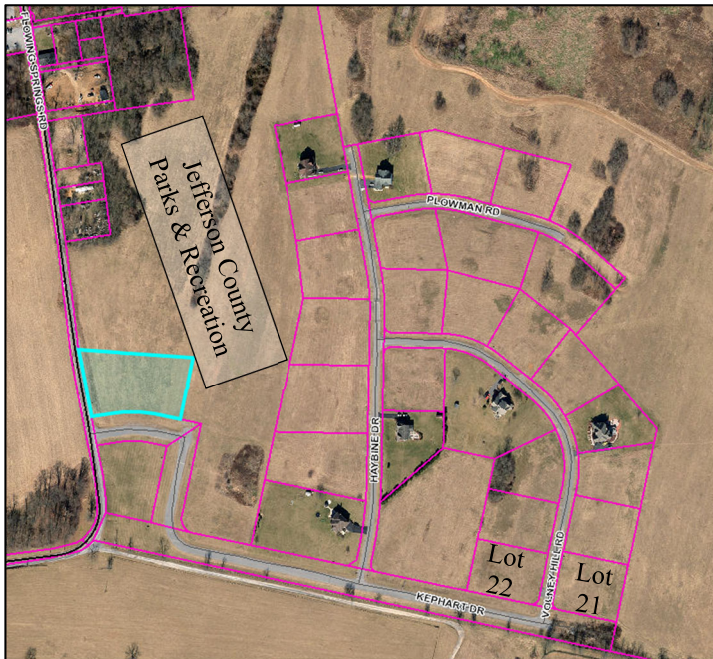
The purpose of the restriction to locate model homes to the first lot on either or both sides of any road/right-of-way that enters the subdivision is to limit the amount of non-residential traffic coming in and out of the subdivision and minimize impact on adjacent homes.

Staff Report
 Jefferson County Board of Zoning Appeals
 March 25, 2021
Arcadia-Harvest Hills Variance Request (#21-6-ZV)

Staff Evaluation of Request

The subject parcel is Lot 2 of the Henderson Minor Subdivision recorded in [Plat Book 14, at Page 83](#). A subsequent boundary line adjustment was recorded on June 14, 1999 in [Deed Book 927, at Page 231](#), resulting in the 1.62 acre parcel as it exists today.

While the subject lot is not platted as part of the Harvest Hills Subdivision, it is owned by the developer for Harvest Hills (Arcadia Land, Inc). Because the lot is not part of the platted subdivision, it does not meet the requirements of Section 8.10 (previously Section 4.18) pertaining to Staffed Model Homes; however, the lot appears to comply with the intent of the Ordinance, as it is the first lot on a road entering the subdivision.



The majority of the lots within the subdivision are vacant; therefore, it is expected that there would be no impact on adjacent property owners. The property adjoining the subject lot is owned by Jefferson County Parks and Recreation.

It may be feasible to comply with the Ordinance by placing the sales trailer on Lots 22 or 21, at the intersection of Kephart Drive and Volney Hill Road; however, the proposed location appears to be more suitable as placement on the subject lot would likely create less of an impact on the residents by limiting the amount of non-residential traffic accessing internal roads.

Conditions of Approval

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

1. The sales trailer shall only be utilized for sales of lots within the Harvest Hills Subdivision; and
2. Once all of the lots have sold, the sales trailer shall be removed or a building permit shall be applied for to convert to a residential dwelling unit.

Staff Report
Jefferson County Board of Zoning Appeals
March 25, 2021
Arcadia-Harvest Hills Variance Request (#21-6-ZV)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.18 Model Homes/Sales Offices

Model homes with a staffed sales office for sales exclusively within the residential subdivision that they are located are permitted provided that they are contained on the first lot on either or both side of any road/right-of-way that enter the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision needs to be approved or denied by the Zoning Board of Appeals after a 15 day public hearing.

Model homes without staffed sales offices are permitted internally within the subdivision.
[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999]

NOTES:

1. Building Setback limits: 25' front, 12' side, 20' rear. Detached accessory structures under 144 sq. ft. in size shall have a 6' setback limit. Attachments to units may not project into required yards more than 4' with 10' max. length. Except as provided for in the exceptions within Article 9 of the Jefferson County Zoning Ordinance.
2. Lots to have access from interior subdivision roads only.
3. Each parcel shown on this plat shall be restricted to a single family residence only unless otherwise approved by the Planning Commission in conformance with prevailing county land development laws.
4. Electric & telephone services to be underground.
5. No portion of this property is in the 100 year flood plain per F.I.R.M map 540005 00350 dated 2 Aug. 1993.
6. Maintain trees in natural condition throughout subdivision where ever possible.
7. Corners are set 5/8" x 30" rebar with i.d. caps unless noted otherwise.
8. The seller of any lot within this subdivision shall provide the buyer with a reasonable opportunity before settlement to determine that the lot is suitable for construction of a septic disposal system. If, before settlement the buyer is denied a septic system construction permit by the county health dept. the buyer may refuse to purchase the property without penalty.
9. The developer previously reserved a 10' wide strip along HW Route 17 to allow for R/W widening.
10. Roof drains shall discharge to areas designed or graded to safely carry water away from dwellings.
11. In accordance with Section 4.1 of the improvement location permit ordinance, individual lots will have stabilized construction entrances during house construction on the lot.
12. Driveway culverts to be 15" round CMP or equivalent arch CMP unless noted otherwise.
13. SWM areas restricted to storm water management only. No structures allowed in SWM areas.
14. A blanket easement shall be given to the appropriate P&S in all subdivision R/W for the purpose of constructing water and or sewer lines & facilities.
15. Installation of wells shall be in accordance with WV Dept. of Health reg'nts. All wells to be pressure grouted in accordance with Health Dept reg'nts.
16. Road R/W's and SWM parcel are to be dedicated to the home owners assoc. once 13 of 27 lots are sold.
17. A home owners assoc. will be formed when 13 of 27 lots are sold to which all lot owners must belong.
18. Once a home owners assoc. is formed, they shall petition the County Commission to adopt a "cash law"
19. Public Service District may require hooking up to a stabilized system when it becomes available.
20. Model homes will be permitted anywhere in subdivision with no staff and staffed model homes will be located at public road intersections with each section.
21. Adjacent parcel cannot be conveyed without the reservation of an easement for Storm Water Management.

Notes recorded on the Harvest Hills Final Plat Showing Lots 1-27
[Plat Book: 17, Page 45B](#)

Sheet 2 for Continuation

20 dr (see



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: 21-6-ZV
 Staff Initials: AB
 Meeting Date: 03-25-21
 Fees Paid (\$100 or \$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: Arcadia Land Inc.
 Mailing Address: 108 N. George Street 2nd Floor Charles Town WV 25414
 Phone Number: 443-286-2786 Email: gendler@arcadiacompanies.com

Applicant Contact Information

Name: Greenway Engineering, Inc.
 Mailing Address: 704 Foxcroft Ave. Martinsburg WV 25401
 Phone Number: 304-620-5111 Email: martinsburg@greenwayeng.com

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

Name: Greenway Engineering, Inc.
 Mailing Address: 704 Foxcroft Ave.
 Phone Number: 304-620-5111 Email: martinsburg@greenwayeng.com

Physical Property Details

Physical Address: Flowing Springs Rd. Shenandoah Junction, WV 25442
 City: Shenandoah Junction State: WV Zip Code: 25442
 Tax District: 09 Shepherdstown Map No: 24 Parcel No: 12.2
 Parcel Size: 1.62 acres Deed Book: 1173 Page No: 83

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential-Light Industrial-Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center">RECEIVED</p> <p align="center">FEB 26 2021</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING & ENGINEERING</p> <p align="center"><small>Place Received Date Stamp Here</small></p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Not applicable.

Briefly describe the nature of the variance request:

Please see the attached documentation.

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

Front Setback Side Setback Rear Setback Reduction From N/A 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:

Please see the attached documentation.

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?

Please see the attached documentation.

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

Please see the attached documentation.

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

Please see the attached documentation.

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.

DocuSigned by: Gary J. Eudler 2/26/2021
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).

March 25, 2021
Date of Public Hearing

March 10, 2021
Advertising Date

March 10, 2021
Placard Posting Date

Harvest Hills Variance Justification

Memorandum

To: The Members of the Jefferson County Board of Zoning Appeals

From: Greenway Engineering, Inc. c/o Mrs. Jamie MacLean *JEM*

Re: Variance Justification

Date: February 25, 2021

In compliance with Article 8A-7-11 of the West Virginia State Code, Greenway Engineering offers, the following required justification for the requested variance, on the Client's behalf:

- I. Is there a Code Enforcement action pending in relation to this property?**
No, there are no pending code enforcement actions pending in relation to this property.
- II. Reference the section of the Zoning Ordinance pertaining to this request.**
This variance request is regarding section 8.10 of the Jefferson County Zoning Ordinance, to allow a sales trailer on a lot that is not part of the original platted subdivision.
- III. Briefly describe the nature of this request.**
The subject parcel is a lot that is owned by Arcadia Land Inc., who is the same entity who owns Harvest Hills Phase 1, Lots 1-27. This lot is the first lot at an intersection, per code; however, the subject parcel was not part of the original platted subdivision in March of 2000. Therefore, we respectfully request a variance to allow a model home/sales trailer on the subject parcel identified as Tax District (09) Shepherdstown, Map 24, Parcel 12.2, also identified as being Lot #2 of the Henderson Minor Subdivision.
- IV. Is this request for a setback variance?**
No setback variance is being requested as a part of this application.
- V. Please explain why granting this variance will not adversely affect the public health, safety, or welfare, or the rights of adjacent property owners or residents.**
A model home/sales trailer is a permissible, by-right use in the Rural Zoning District, according to Appendix C. However, Section 8.10 stipulates that the model home must be on a lot that is part of the originally platted subdivision. Therefore, in an effort to honor the advisement of staff and make certain that the board of zoning appeals had the opportunity to review this case, we are respectfully seeking a variance to be clear and consistent with the ordinance and requirements in our application for a building permit for the subject parcel.
- VI. 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 subdivision was platted over 20 years ago. There were several options that were discussed with Jefferson County, one of which was to do a Minor Plat Change but that would also require Planning Commission approval. The client, the property owner, simply want to utilize the land that is all held

Harvest Hills Variance Justification

by the same entity for a permissible by right use but want to be clear in the documentation of conformity with the County.

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

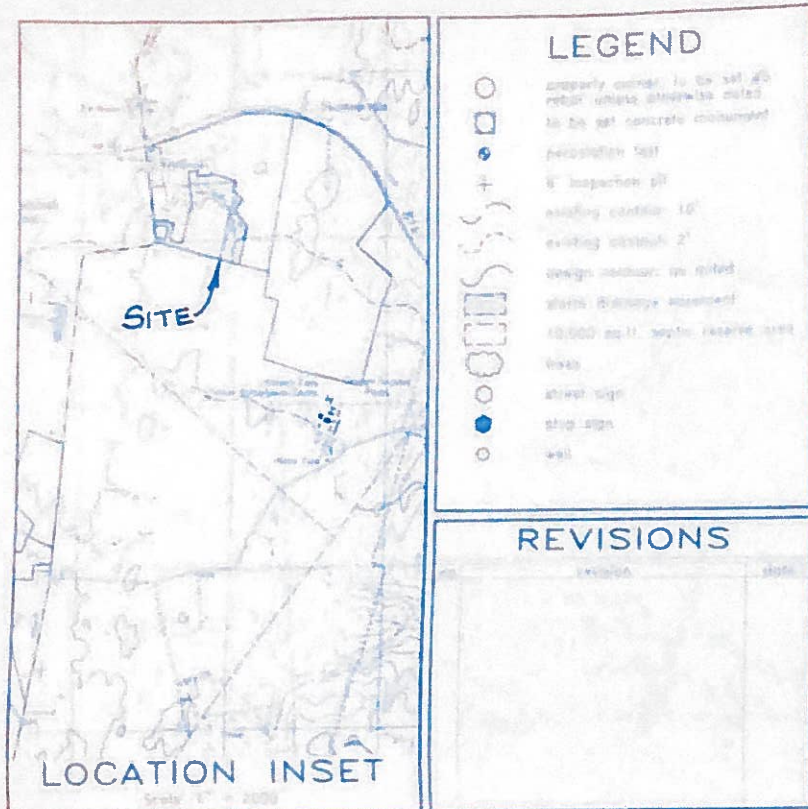
This is a matter of trying to make sure that the intent of the developer is clear without ambiguity for the sake of keeping proper records with the County. Because the code is not necessarily clear on this matter, Greenway, the Zoning Administrator, and the Client's permit coordinator, conferred and agreed that this would be the appropriate path to make the intent of the document clear for all, thereby eliminating any unnecessary hardship of not permitting the property owner to use their Rural Zoned land for a model home for properties in a subdivision which adjoin the subject parcel.

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


The spirit of the ordinance will be observed by utilizing a property at an intersection, owned by the same property owner, for a use deemed appropriate for the zoning district. Additionally, this variance will give the Board of Zoning Appeals an opportunity to weigh in and review the topic and provide clear guidance on their wishes to the property owner and staff.

In Summary, we acknowledge that we should all try to comply with the ordinances that the County has adopted. However, no ordinance can anticipate every situation, and that is why the code provides for the variance provision; so that if the property owner can provide a reasonable justification for the granting of a variance, and there is no detriment to the health, safety, or welfare of the community, the Board of Zoning Appeals can choose to grant the variance, without compromising the integrity or fairness of the ordinance. I appreciate your time and consideration in this matter and look forward to presenting this to you at the next available Board of Zoning Appeals Meeting.

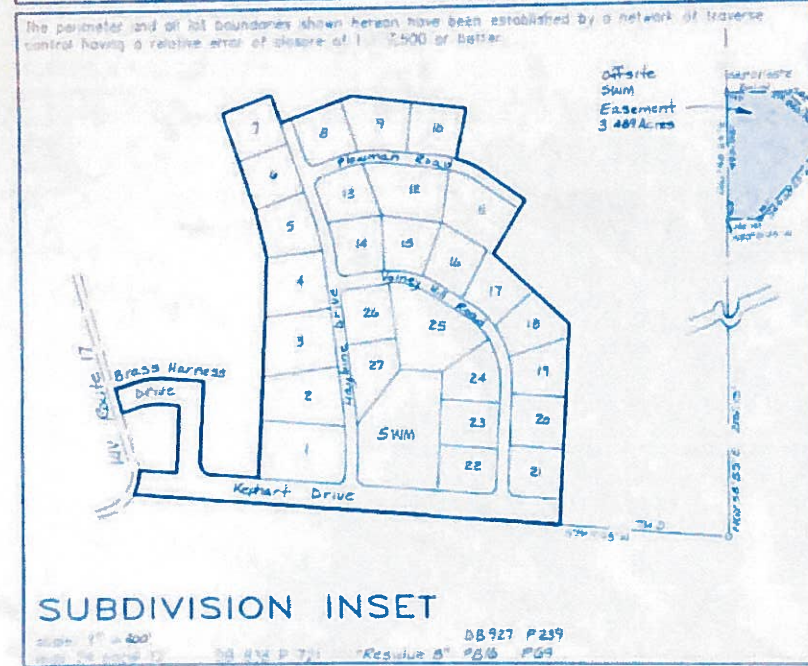
DocuSign Envelope ID: 42791FC4-B8C2-41F7-8502-AA086E395AD4



SURVEYOR'S CERTIFICATION **STATEMENT OF ACCEPTANCE**

75
Ken L. By...

 Karen K. Beelen
 State of West Virginia
 Professional Surveyor

William P. Henderson
 William P. Henderson
 State of West Virginia
 Professional Surveyor




Final Plat showing
 Lots 1 - 27

HARVEST HILLS

Shepherdstown District
 Jefferson County, West Virginia

Developer:
William P. Henderson



JCPC APPROVAL
 APPROVED FINAL PLAT WITH PLAT CHANGE
Paul J. Rice - Jr.
 Paul J. Rice - Jr.
 Public Works, Jefferson County Planning Director
 Date: March 22, 2000

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

Ch. Reinhard
 Contract Purchaser
 Eli Reinhard President
 Arcadia Development Co
 1500 E. Hamilton Ave., Suite 212
 Campbell, California, 95008
 1-408-371-0500

May 1999 98-12

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





NOTES

1. Building setbacks limits 20 feet (12' min. 50' max. detached accessory structures under 144 sq ft in area shall have a 5' setback limit. Attached structures may not project into required yards more than 8' with lateral light. Except as provided for in the regulations within Article 4 of the Jefferson County Zoning Ordinance.
 2. Lots to have access from minor subdivision roads only.
 3. Each parcel shown in this plat shall be restricted to a single family residence only unless otherwise approved by the Planning Commission in accordance with prevailing zoning and development laws.
 4. Electric & telephone service to be underground.
 5. No portion of this property is in the 100-year flood plain per FEMA maps unless otherwise stated. Easement for electric lines in natural condition throughout subdivision where ever possible.
 6. Corners are set 10' or more with 1/2" caps unless noted otherwise.
 7. The seller of any lot within this subdivision shall provide the buyer with a reasonable opportunity before settlement to determine that the lot is suitable for construction of a septic disposal system. If before settlement the buyer is shown a septic system, construction permitted by the County Health Dept. the buyer may refuse to purchase the property without penalty.
8. The developer previously reserved a 10' wide strip along lot 17 to allow for R/W widening per P12 & P13.
 9. Run drains shall discharge to areas designed or graded to safely carry water away from dwellings.
 10. In accordance with Section 4.1 of the improvement location plan ordinance, individual lots will have stabilized construction entrances during house construction on the lot.
 11. Boundary surveys to be 15' found CMP or equivalent area CMP unless noted otherwise.
 12. SWM areas restricted to storm water management only. No structures allowed in SWM areas.
 13. A market easement shall be given to the appropriate POC in all subdivisions for the purpose of contributing water and sewer lines & facilities.
 14. Installation of wells shall be in accordance with WV Dept. of Health reports for wells to be pressure grouted in accordance with Health Dept. reports.
 15. Final R/Ws and SWM parcel are to be dedicated to the Home owners Assoc. once 13 of 27 lots are sold.
 16. A Home owners Assoc. will be formed when 13 of 27 lots are sold. At which all lot owners must belong.
 17. Once a Home owners Assoc. is formed, they shall petition the County Commission to adopt a local law.
 18. Public Service District may require hooking up to a centralized system when it becomes available.
 19. Model homes will be permitted anywhere in subdivision with no more than 2 model homes will be located at public road intersections with each section.
 20. Adjacent parcel cannot be conveyed without the reservation of an easement for Storm Water Management.



Approved Final Plat with Plat Change
 Frank G. Rice - Atty
 Director of Planning
 March 22, 2000



Curve Table

Lot	delta	radius	arc	tangent	chord	ch bearing
9	14-53-07	474.94	125.97	62.00	722.95	N84-01-38W
10	7-29-29	447.71	58.94	29.58	500.20	N72-50-17W
11	27-39-53	347.71	50.58	25.11	49.44	S10-47-47E
12a	13-32-12	424.96	100.31	50.39	104.08	S83-21-48E
12b	04-57-46	317.71	34.89	17.21	34.58	S74-00-28E
15	28-49-46	323.09	62.56	31.28	100.85	N75-31-51W
16	08-15-46	385.09	46.59	23.29	46.95	N56-39-08W
17	21-31-27	347.15	130.71	66.14	129.94	N42-04-12W
18	22-21-51	347.15	135.50	68.03	134.04	N42-05-03W
19	19-48-03	347.15	119.54	60.37	122.95	N40-30-59E
21	8-00-00	250.00	81.27	25.00	55.36	N34-11-43E
22	4-10-00	250.00	54.27	25.00	35.36	S55-48-05W
24	37-34-57	247.15	194.07	99.07	191.46	S07-58-28E
25a	26-25-25	297.15	139.51	68.85	104.15	S31-40-27E
25b	34-20-47	275.09	104.15	54.04	101.07	S12-04-49E
R/W	19-07-40	447.71	149.47	75.44	118.77	S59-5-45E

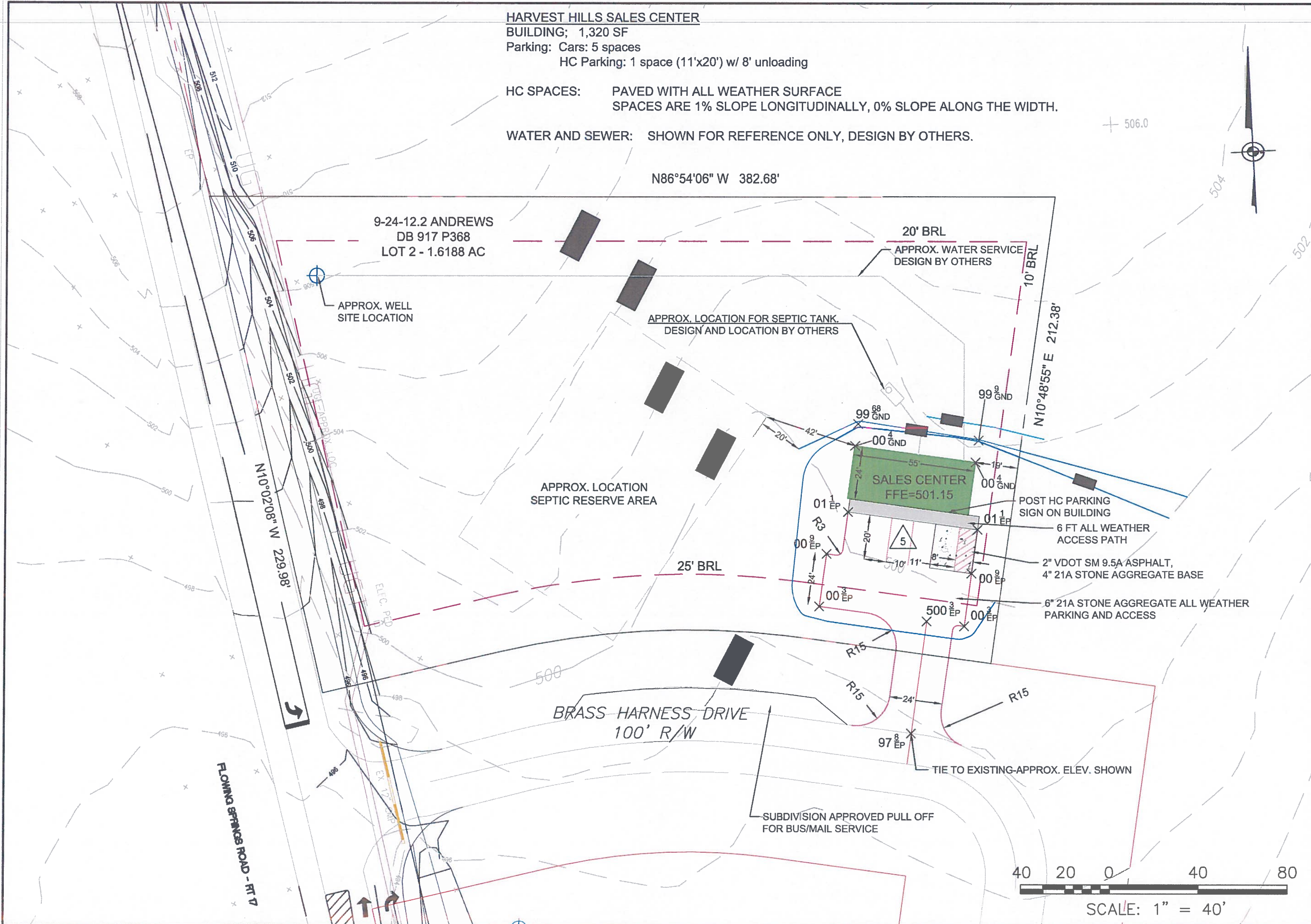
FINAL PLAT showing
 Lots 1 - 27
HARVEST HILLS
 Shepherdstown District - map 24
 Jefferson County, WV
 DATE: May 1999 SCALE: 1"=100'
 Appalachian Surveys, Inc.
 P.O. Box 35 Charles Town, WV 25414



HARVEST HILLS SALES CENTER
 BUILDING; 1,320 SF
 Parking: Cars: 5 spaces
 HC Parking: 1 space (11'x20') w/ 8' unloading

HC SPACES: PAVED WITH ALL WEATHER SURFACE
 SPACES ARE 1% SLOPE LONGITUDINALLY, 0% SLOPE ALONG THE WIDTH.

WATER AND SEWER: SHOWN FOR REFERENCE ONLY, DESIGN BY OTHERS.



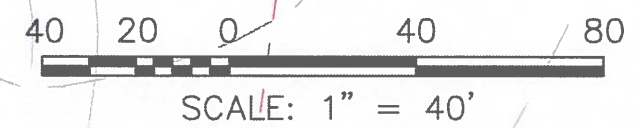
151 Windy Hill Lane
 Winchester, Virginia 22602
 Telephone: (540) 662-4165
 Fax: (540) 722-9528
 www.greenwayeng.com

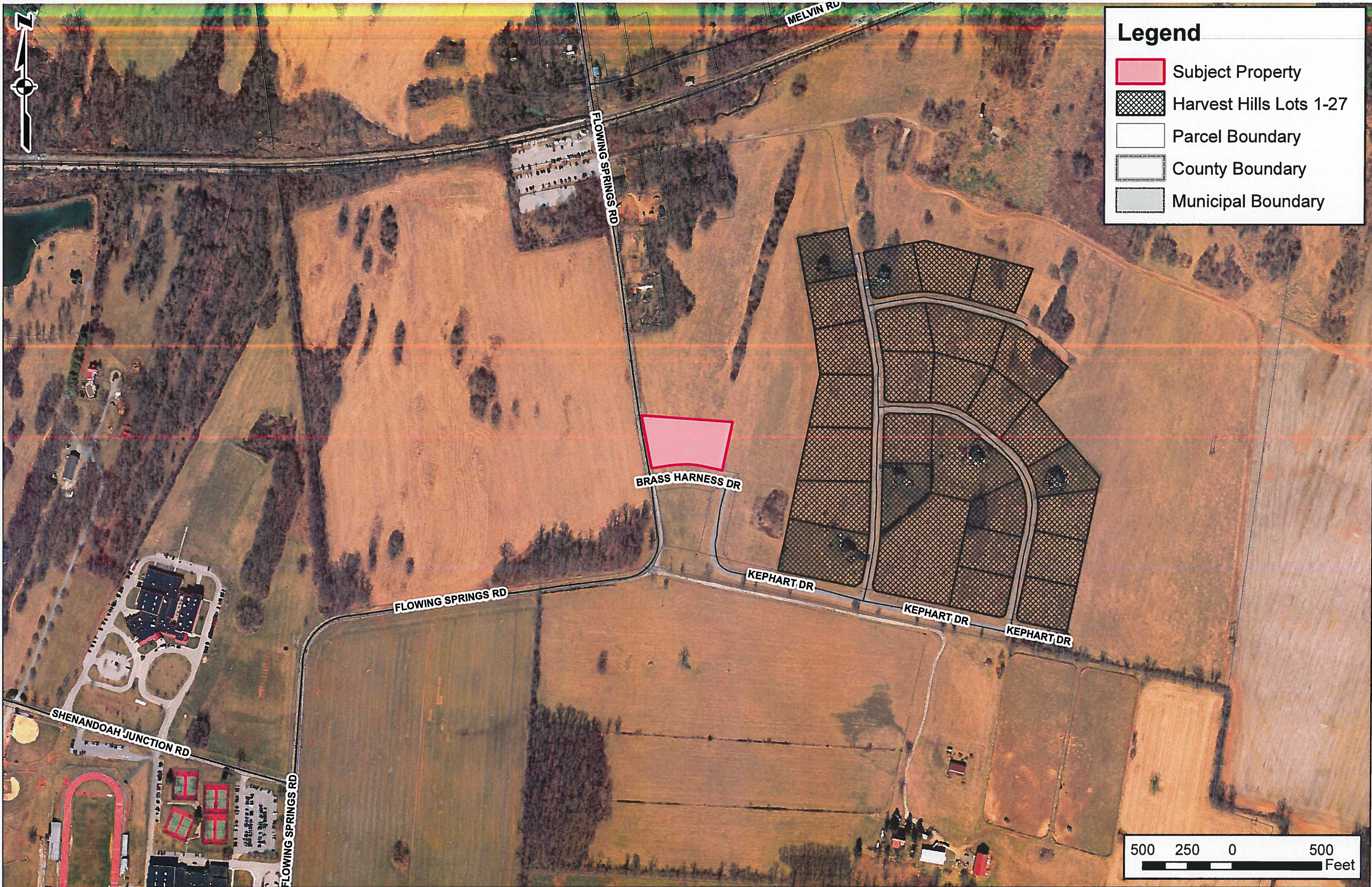


PROUDLY SERVING VIRGINIA & WEST VIRGINIA
 OFFICES IN: WINCHESTER, VA & MARTINSBURG, WV

HARVEST HILLS - LOT 2
SALES CENTER BUILDING PLAN
 SHEPHERDSTOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

DATE:	01/26/2021
SCALE:	1"=40'
DESIGNED BY:	RLK
JOB NO.:	3379L
SHEET	1 OF 1





Legend

- Subject Property
- Harvest Hills Lots 1-27
- Parcel Boundary
- County Boundary
- Municipal Boundary

GREENWAY
ENGINEERING

PROUDLY SERVING WEST VIRGINIA AND VIRGINIA
MARTINSBURG, WV | WINCHESTER, VA | ASHBURN, VA

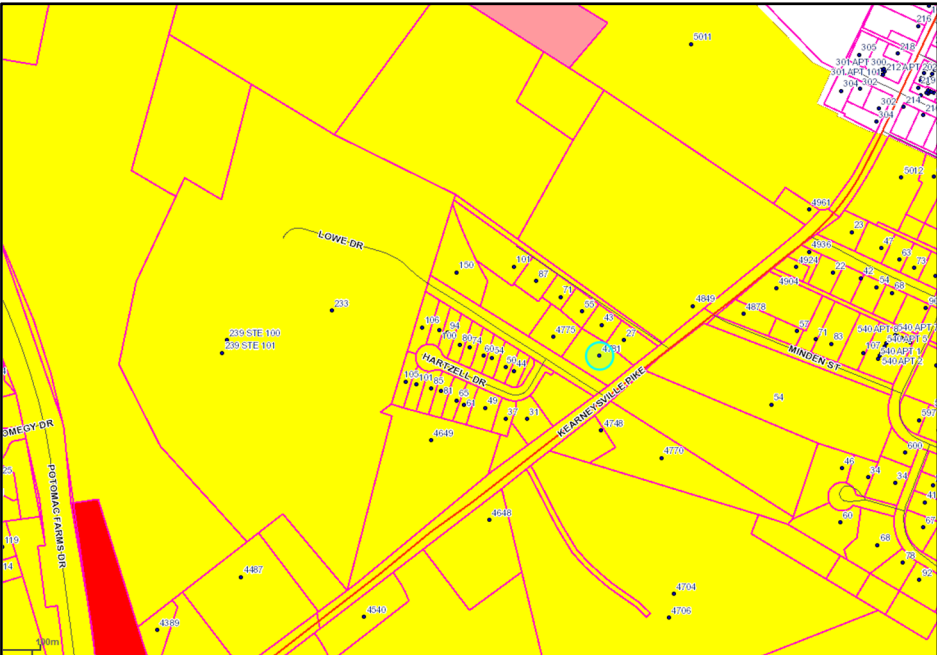
HARVEST HILLS VICINITY MAP EXHIBIT

VICINITY MAP EXHIBIT	
HARVEST HILLS	
TAX MAP 24	PARCEL 12.2
DISTRICT 09	
JEFFERSON COUNTY, WEST VIRGINIA	
DATE: 02.26.2021	PROJECT ID: 3379L
DESIGNED BY: ABW	

Staff Report
 Jefferson County Board of Zoning Appeals
 March 25, 2021

Potomac Crossroads Counseling Variance Request (#21-7-ZV)

Item #2 Variance request from Section 10.4B.3 to reduce the front setback from 25' to 0' for a 4' x 5' (8' tall) Freestanding Business Sign; and Section 10.4B.4 to allow the proposed sign to face a residence.

Applicant:	Potomac Crossroads Counseling, LLC
Owner:	Kathy Morotti
Developer:	N/A
Consultant:	N/A
Legal Description & Zoning District:	<p style="text-align: center;">4781 Kearneysville Pike, Shepherdstown, WV Parcel ID: 09000800230007; Size: .71 ac</p> 
Surrounding Properties:	Zoning Map Designation: North, South, East, West: Residential Growth
History:	02/27/20: BZA approved CUP for a Medical/Dental/Optical Office and/or Professional Office.
Site Visit Conducted:	Yes. 03-12-21 – Placards Posted.

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 10.4B.3 to reduce the front setback from 25' to 0' for a 4' x 5' Freestanding Business Sign; and Section 10.4B.4 to allow the proposed sign to face a residence.

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.

The intent of restricting a sign from facing a residence is to preserve the residential character of neighborhoods by minimizing the impact of an adjoining commercial lot.

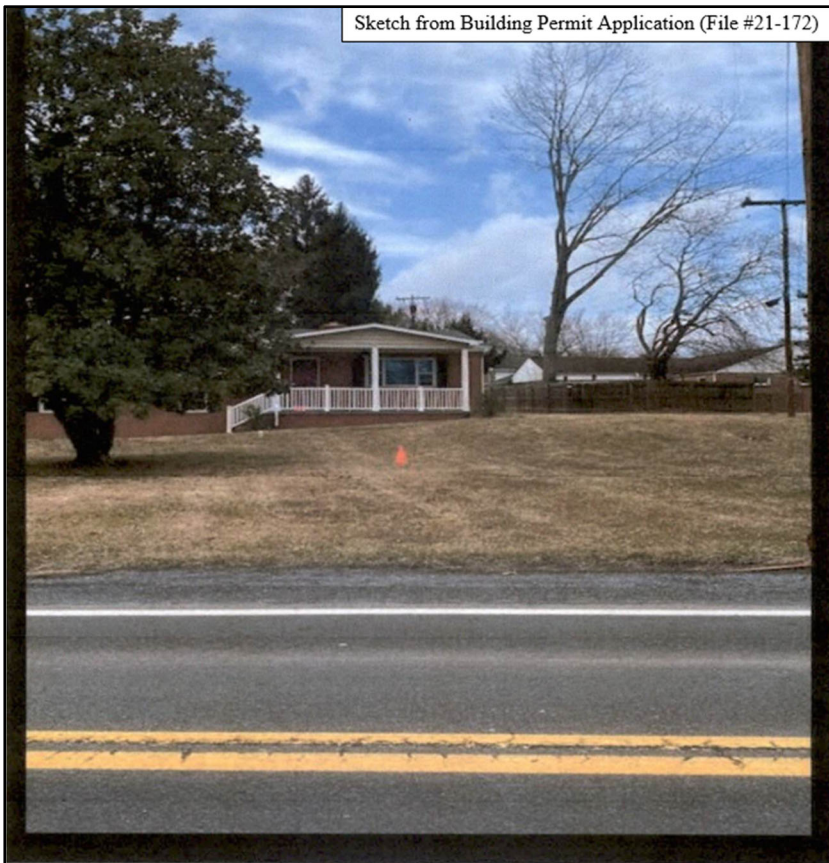
Staff Report
Jefferson County Board of Zoning Appeals
March 25, 2021

Potomac Crossroads Counseling Variance Request (#21-7-ZV)

Staff Evaluation of Request

The applicant is proposing to install a 4' x 5' Freestanding Business Sign within the 25' front setback area. As noted with previous requests, the Ordinance only addresses freestanding signs at their maximum size, 100 square feet of sign face at a maximum height of 35 feet. A 25' setback for a sign at the maximum area and height is not unreasonable, as these types of signs are typically designed to attract motorists from a distance to draw them into a site.

The purpose of the proposed sign would not be to attract motorists from a distance, but to identify the business to incoming motorists. Therefore, a reduced setback to ensure visibility for incoming motorists is reasonable. The applicant verbally represented that she spoke with the Todd Wilson from the Division of Highways, who confirmed that measuring 30' from the centerline of Route 480 would provide an accurate location of the edge of the platted right-of-way.



THE ORANGE CONE POST IS 30 FEET FROM THE CENTER OF KEARNEYSVILLE PIKE (RIGHT OF WAY IS 60 FEET)

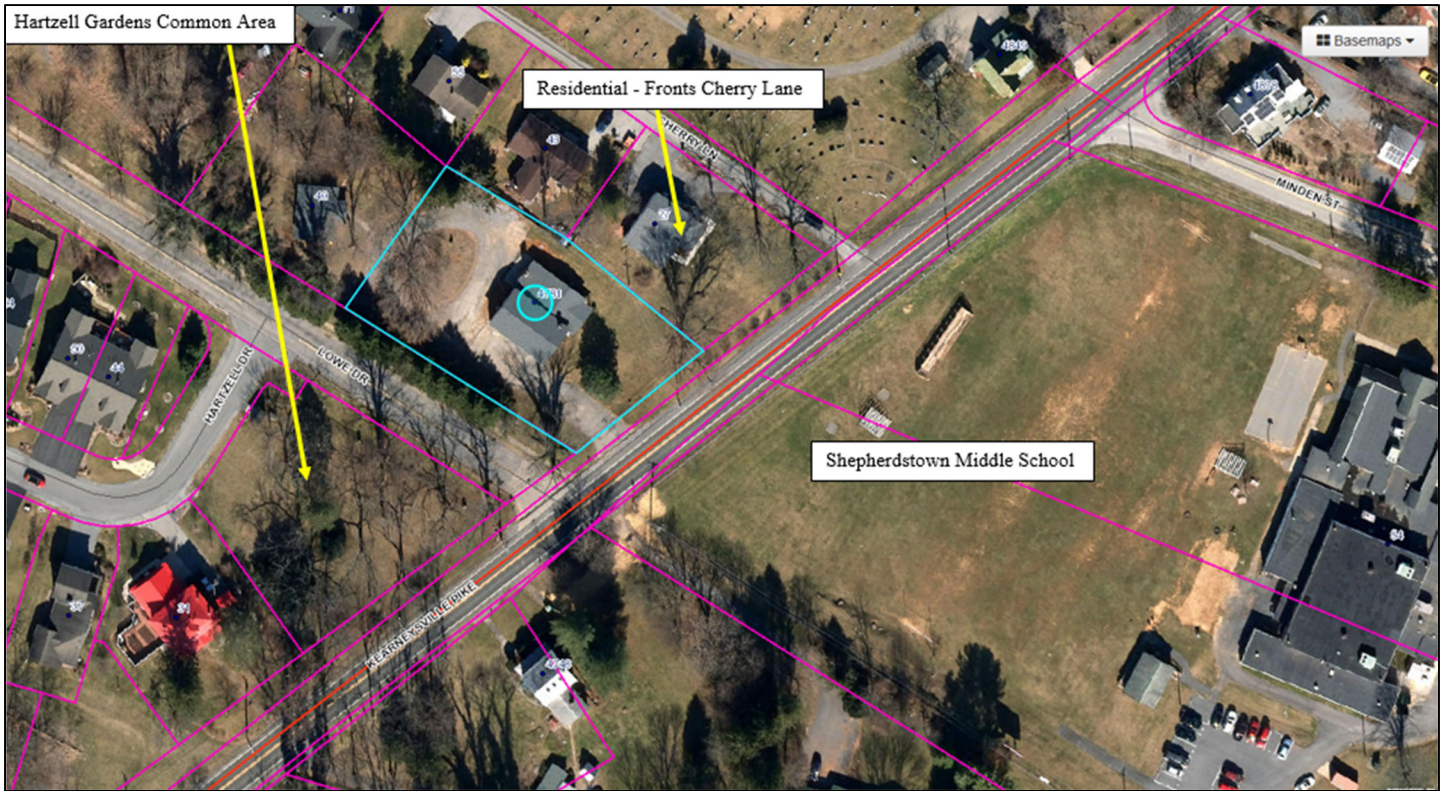
Most often the platted right-of-way is larger than the paved road area, and includes an unimproved area for future expansion. The subject request is to reduce the required setback from 25' to 0' along the edge of the platted right-of-way, which would place the sign approximately 15' from the edge of the paved portion of the right-of-way. Pursuant to an email exchange with Todd Wilson from the Division of Highways, the sign should be kept 1' away from the edge of the right-of-way.

The Ordinance states that signage should be "adequate, but not excessive, for the intended purpose of identification or advertisement." The proposed sign appears to be appropriate for the subject location and would be compatible with the character of the area.

The applicant did not specify the orientation of the sign; however, it is unlikely that the sign will directly face a residence as it will only be 8'

in height and most likely will be oriented to face incoming traffic, facing Route 480 and Lowe Drive.

Staff Report
Jefferson County Board of Zoning Appeals
March 25, 2021
Potomac Crossroads Counseling Variance Request (#21-7-ZV)



Conditions of Approval

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

1. The sign shall be placed one (1) foot from the edge of the DOH Right-of-Way.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 10.4 Signs Requiring a Zoning Certificate³⁶

B. Freestanding Business Signs

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

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



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

File Number: 21-7-ZV
 Staff Initials: AB
 Meeting Date: 03-25-21
 Fees Paid (\$100 or \$150): \$100 - CHE #4039

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: Potomac Crossroads Counseling, LLC
 Mailing Address: P.O. Box 192 Shepherdstown, WV 25443
 Phone Number: 304-876-2770 Email: KLM_PCC@FRONTIER.COM

Applicant Contact Information

Name: Kathy Morotti
 Mailing Address: P.O. Box 192 Shepherdstown, WV 25443
 Phone Number: 304-876-2770 Email: KLM_PCC@FRONTIER.COM

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

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

Physical Property Details

Physical Address: 4781 Kearneysville Pike
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: Shepherdstown Map No: 8 Parcel No: 23-7
 Parcel Size: .71 ac Deed Book: 1243 Page No: 546

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"/>	
<div style="font-size: 2em; font-weight: bold; color: blue;">RECEIVED</div> <div style="font-size: 1.5em; font-weight: bold; color: red;">MAR 01 2021</div> <div style="font-size: 1.2em; font-weight: bold; color: blue;">JEFFERSON COUNTY PLANNING ZONING & ENGINEERING</div>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 10.4B.31 + 10.4B.4 gtt

Briefly describe the nature of the variance request:

Owner would like to put up a sign to advertise business and would like to ask for a set-back reduction.

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

Front Setback Side Setback Rear Setback Reduction From 25ft to zero

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

This sign is to advertise the business located on this property and the sign was designed to enhance the surrounding area and will not impact the residences of the adjacent properties.

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

There is a 60ft right of way and placing a sign at the recommended set-back would not allow reasonable visibility of the sign to passing traffic. This is not a self-imposed hardship.

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

We can not comply with the set-back requirements as the sign would not be visible to passing traffic. We are requesting a set-back reduction that will allow on-coming traffic to reasonably identify the location of the business.

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

The intent of the ordinance will be upheld by allowing the business to be identified with a more modest sign at the setback reduction (see attached picture) as opposed to providing a taller/larger sign at the required setback.

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] 2/26/21
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).

03/25/21
Date of Public Hearing

03/10/21
Advertising Date

03/10/21
Placard Posting Date

Kearneysville Pike

Lowe Dr

Property
Driveway

Bldg

berch

53 1/2 ft

X 25 ft

X 30 ft
Sign placement

Cact
2/23/24

12/23/21
12/23/21



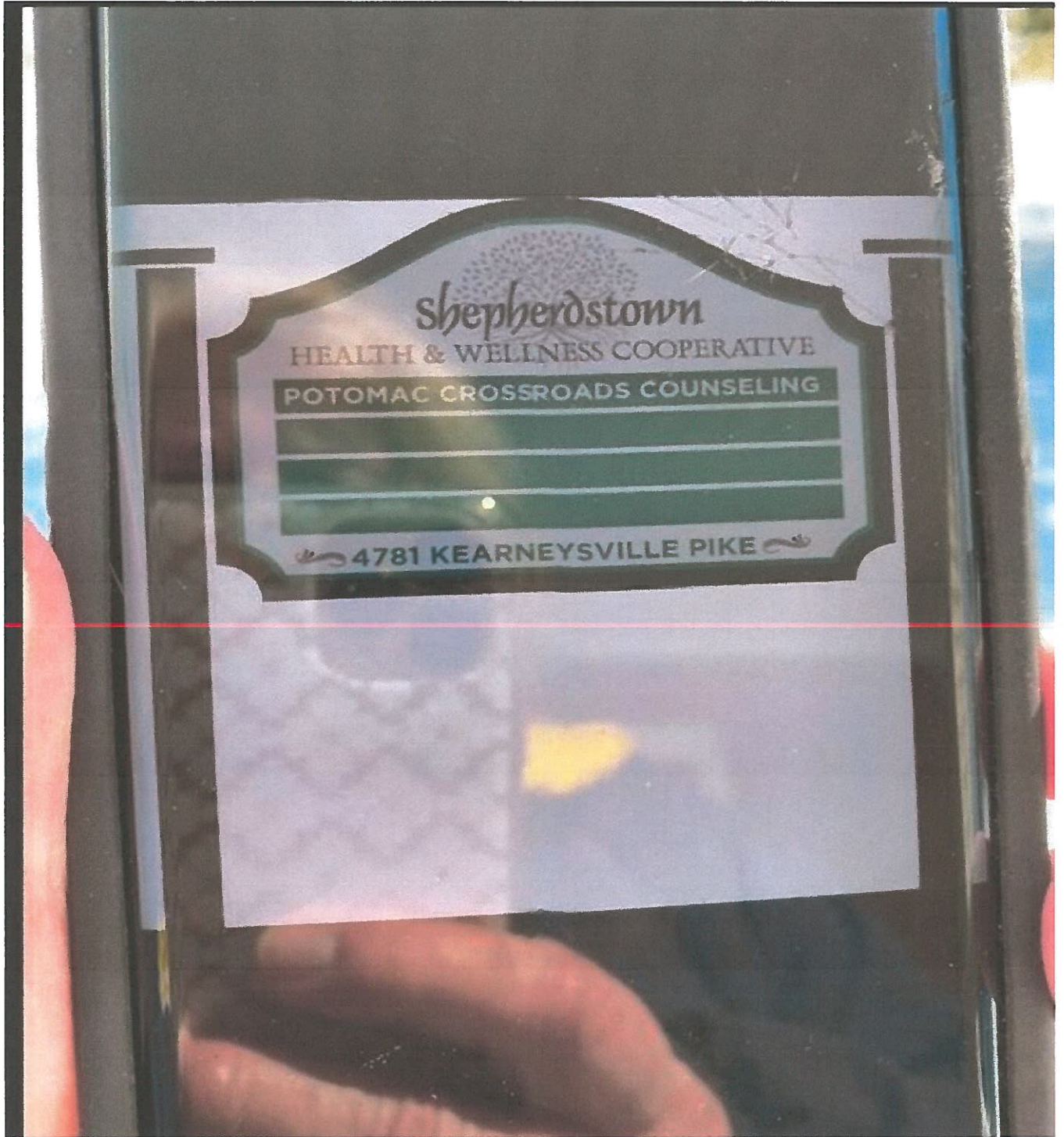
53 1/2 ft

95 ft

30 ft

Sign Placement





48" X 60" X 10 ft Posts

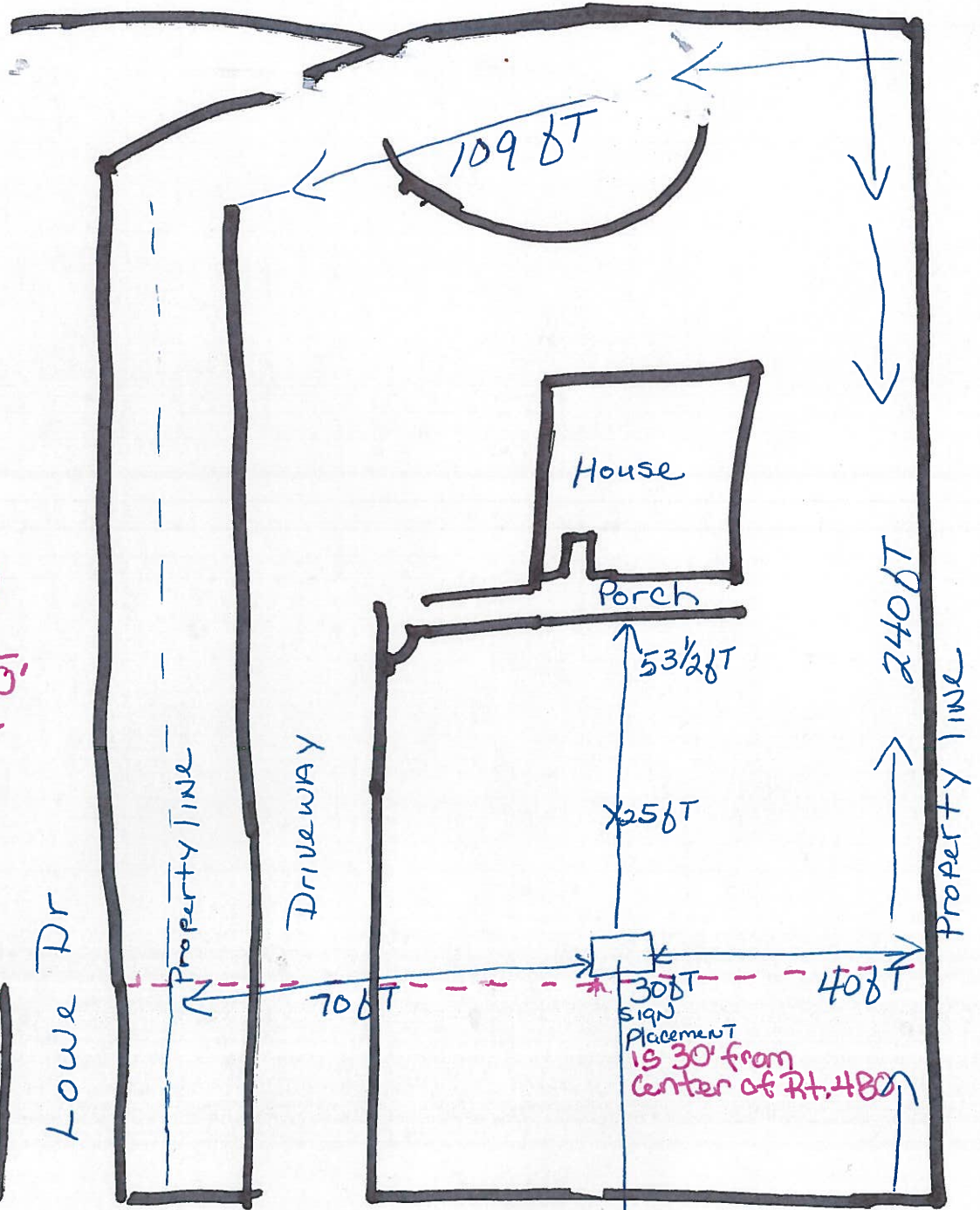
2 ft will be inground.

Cag
2/23/21

RECEIVED

MAR 02 2021

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING



Edge of Road
ROW
Sign will be 0'
from edge of
Road ROW

3/2/21

Size of Sign

48" 60" 8 ft
- W H

Sign Placement
is 30' from
Center of Rt. 480

Kearneysville Pike (RT 480)

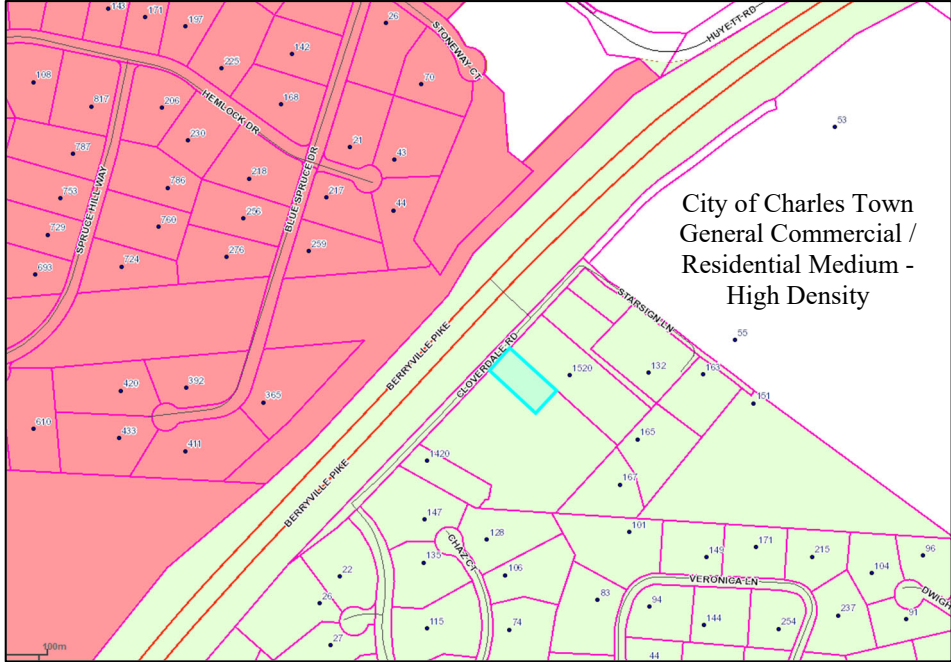
21-7-2V
Addendum

3/2/21

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 March 25, 2021

Jefferson Group, LLC / Jeff Whitten
Conditional Use Permit Request (#21-1-CUP)

Item #3 Request for a Conditional Use Permit to operate as a Contractor with Outdoor Storage, as defined in Article 2. The proposal consists of converting an existing, vacant structure into a contractor’s office with outdoor storage to include associated parking and a 10’ x 2’-6” (25 square feet) attached business sign. Potential future expansion to include addition of a 1,000 square foot storage building.

Applicant:	Jefferson Group, LLC / Contact: Jeff Whitten
Owner:	West Group Holding, LLC
Developer:	Same as applicant
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">Formerly 1508 Cloverdale Road, Charles Town, WV (currently unoccupied / no address) Parcel ID: 02001600100000; Size: 5 acres; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p>North: Rural & Residential-Light Industrial-Commercial; South: Rural East: Rural / City of Charles Town West: Rural & Residential-Light Industrial-Commercial</p>
Approvals:	None
Site Visit Conducted:	Yes – 03-12-21. Placard posted.

Summary of Request and Purpose of Ordinance Requirements

Request for a Conditional Use Permit to operate as a Contractor with Outdoor Storage, as defined in Article 2. The proposal consists of converting an existing, vacant structure into a contractor’s office with outdoor storage to include associated parking and a 10’ x 2’-6” (25 square feet) attached business sign. Potential future expansion to include addition of a 1,000 square foot storage building.

Article 2 defines Contractor with Outdoor Storage as: “Use of a site for the business of a general contractor or builder engaged in the construction of buildings, either residences or commercial

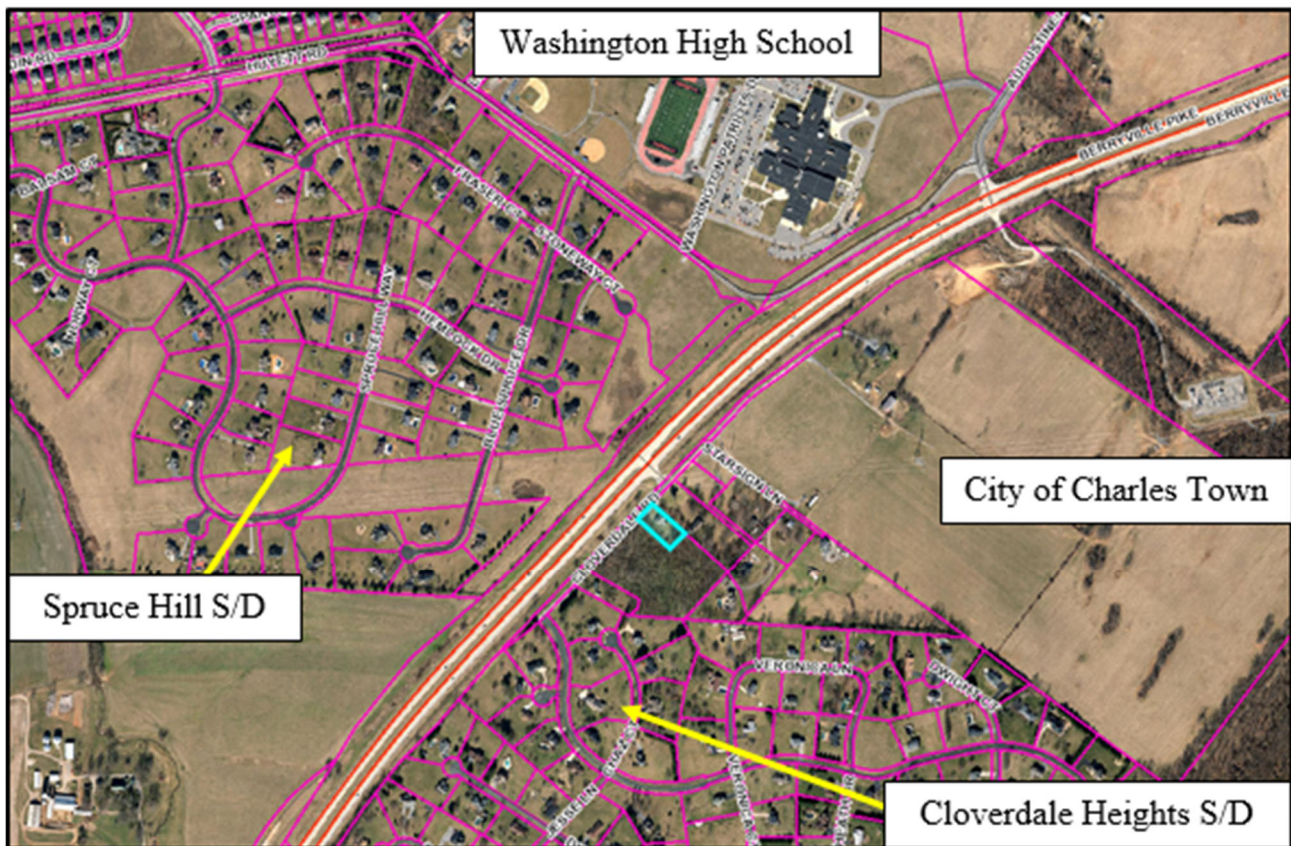
Staff Report
Jefferson County Board of Zoning Appeals Meeting
March 25, 2021

Jefferson Group, LLC / Jeff Whitten
Conditional Use Permit Request (#21-1-CUP)

structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers.”

Property Description

The subject parcel is a .5 acre lot, surrounded primarily by residential and agricultural land uses, with Washington High School in close proximity. The property contains an existing structure, which has historically been used for non-residential uses, including the Elk Lodge (private club) through 2002 and as a personal storage building. The property is also reflected as “Mixed Residential/Commercial” on the Existing Land Use Map, which was created during the drafting of the Comprehensive Plan and recognized the non-residential status of the property. The history of this property reflects that a non-residential use has operated from this location as a non-conforming use; however, based on inactivity on the property during recent years, it was determined that the nonconforming status had been abandoned.



Impact on adjacent properties

Based on the applicant’s description of the proposed use, it is expected that the impact on adjacent properties would be minimal. Access is available directly off of Cloverdale Road, which is a State maintained road (i.e. not a private / HOA subdivision road). Developing the property to the proposed non-residential land use does not appear to pose a significant change in traffic patterns. The applicant has represented that they will have a maximum of eight (8) employees at this location and customer visits will be minimal.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
March 25, 2021
Jefferson Group, LLC / Jeff Whitten
Conditional Use Permit Request (#21-1-CUP)



Staff Report
Jefferson County Board of Zoning Appeals Meeting
March 25, 2021

**Jefferson Group, LLC / Jeff Whitten
Conditional Use Permit Request (#21-1-CUP)**

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 by the Board 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 “Large Lot Residential” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see Exhibit A on page 4). The property is located within the Charles Town Urban Growth Boundary, which is defined as “an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area.”

One major goal of the Plan is to allow Conditional Use Permits to process in the Rural zoning district for non-residential uses which are compatible in scale and intensity with the rural environment. This goal is referenced numerous times throughout the Plan (see excerpts below). In 2016, the Zoning Ordinance was amended to eliminate the LESA system and the CUP process was modified to allow non-residential projects to process in the Rural zoning district.

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

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

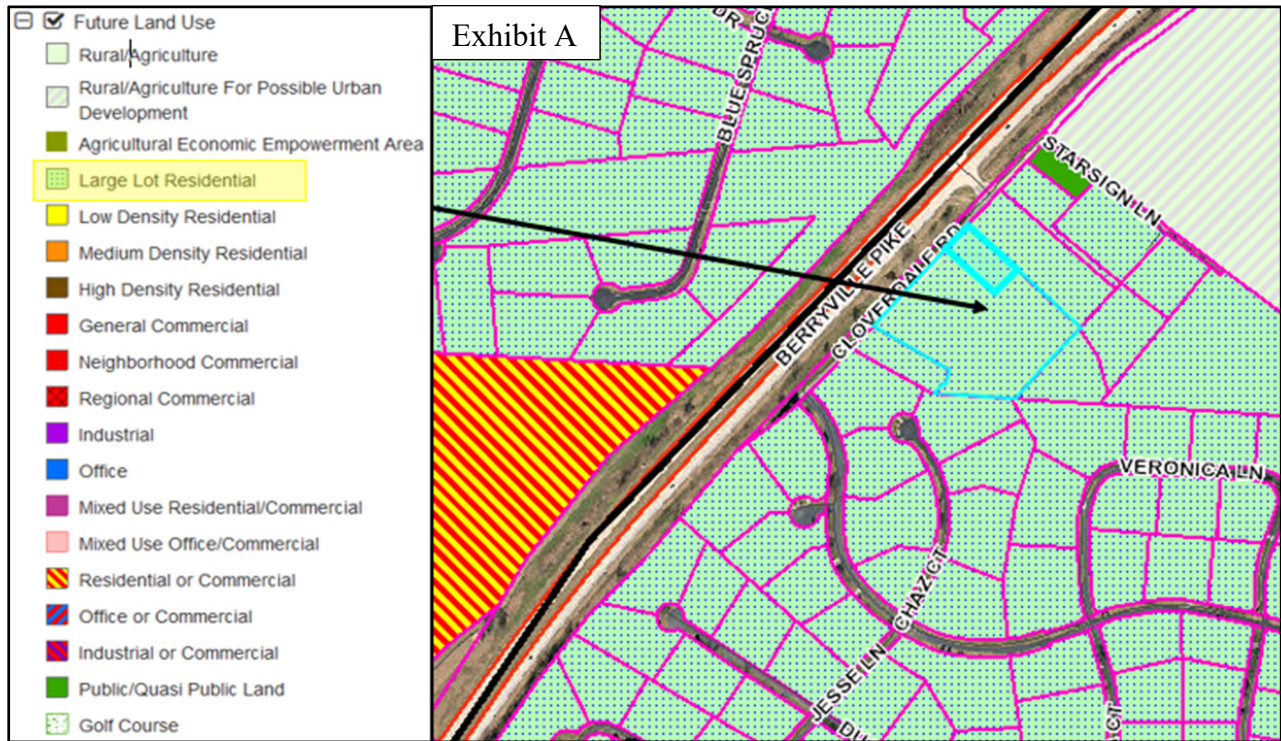
“This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare.” (Page 74, Rural Economic Activities)

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

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

Staff Report
Jefferson County Board of Zoning Appeals Meeting
March 25, 2021

**Jefferson Group, LLC / Jeff Whitten
Conditional Use Permit Request (#21-1-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 property is located off of State Route 340/20, Cloverdale Road. The property is surrounded primarily by agricultural and residential land uses, with some non-residential uses in close proximity. Cloverdale Road runs parallel to Berryville Pike (Route 340) which is a Principal Arterial (primary or four lane) road.

The proposal includes converting an existing, vacant structure into a contractor's office with outdoor storage, associated parking, and an attached business sign. The applicant has verbally represented that the site will be utilized primarily as a storage space and office for his business, and does not anticipate a high customer volume.

- 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.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
March 25, 2021

**Jefferson Group, LLC / Jeff Whitten
Conditional Use Permit Request (#21-1-CUP)**

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)

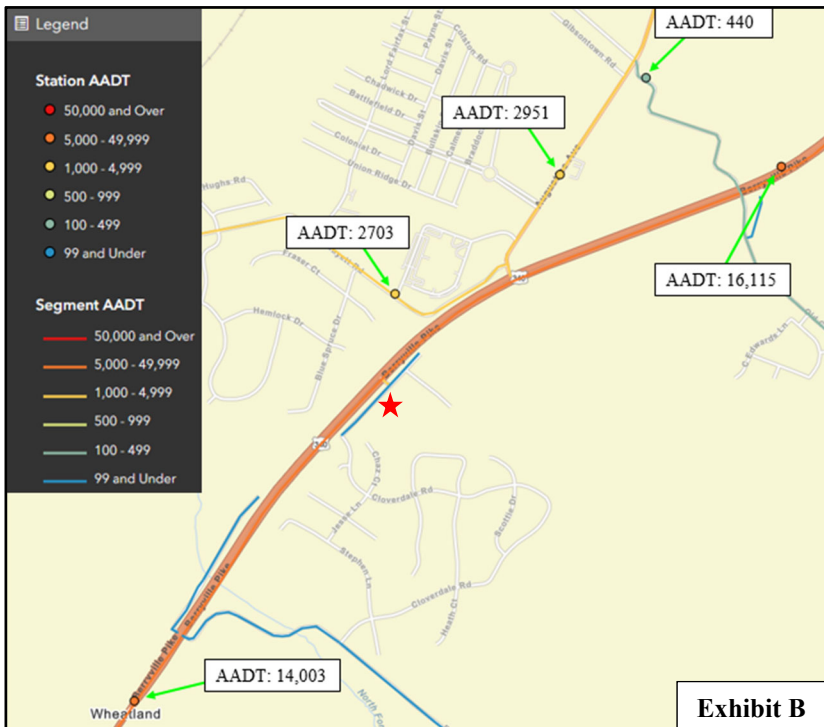
A site plan may be required to process to address the proposed parking and/or any future expansion. It appears that a significant amount of trees exist along the property lines. If it is determined that a site plan is required, then the applicant will be required to install landscaping in accordance with Section 4.11 and Appendix B.

If a site plan is not required, then landscaping will not be required by the Zoning Ordinance. The Board has the authority to require that landscaping be installed or that existing vegetation be retained along the property line.

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. (Sec. 6.3A.6)



Cloverdale Rd is classified as a Local Road and is therefore, subject to this criteria.

The applicant has represented that the maximum number of employees anticipated for this site would be eight. There is no retail component to the land use; however, it is anticipated that clients will visit the office to sign contracts and discuss project details.

The ITE Trip Generation Report, 9th Edition was used to estimate the number of vehicle trips. Land Use Category 150, Warehousing, appears to provide the most compatible traffic model for the proposed contractor's office.

The average daily trip calculation for a 1,000 square foot warehouse on a weekday is 3.56 trips. On a Saturday, the average daily trip calculation is 1.23 trips. The

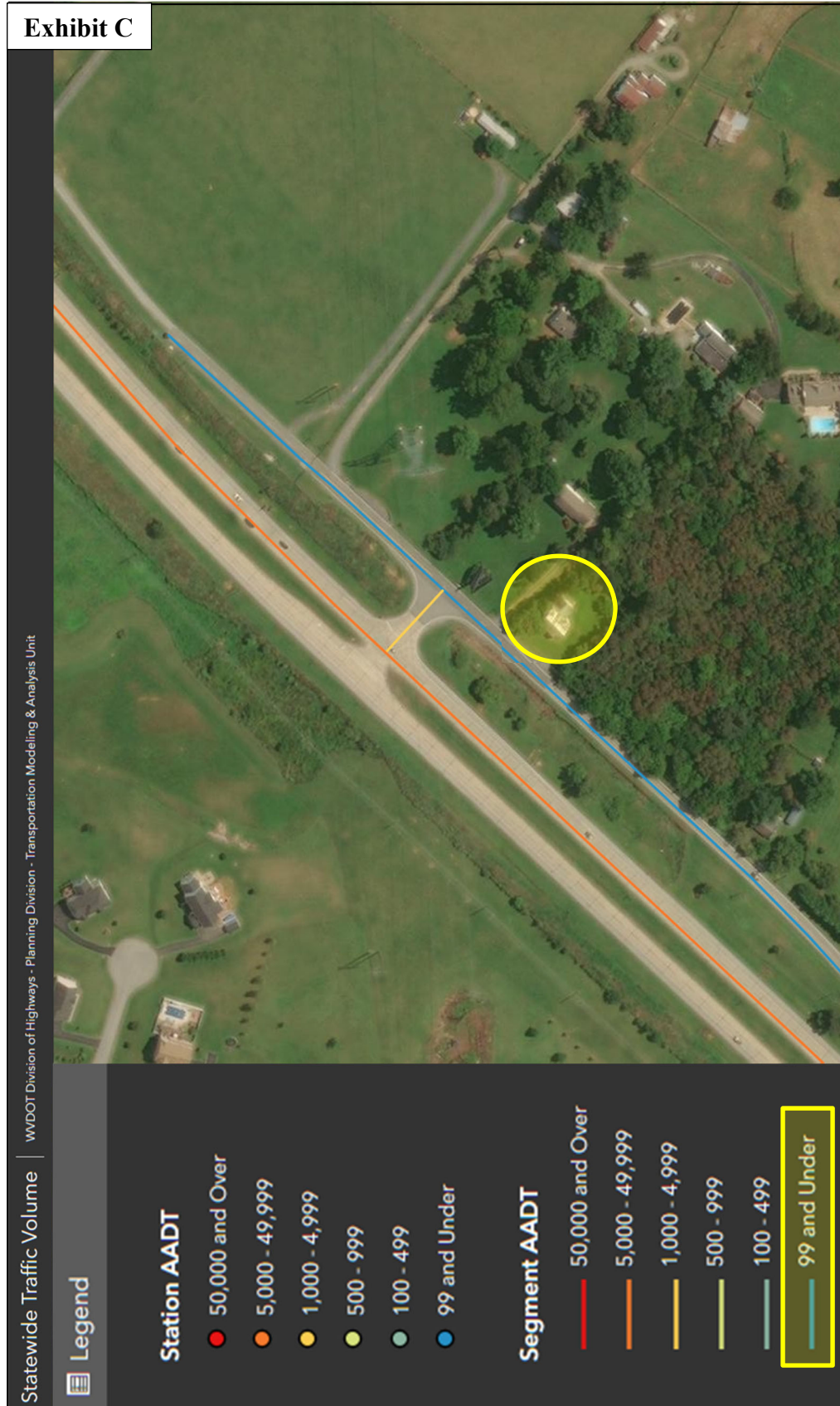
subject structure is listed as 2,800 square feet, which means the average daily trip calculation on a weekday would be 10 trips and 3 trips on Saturdays.

As a reference, a traffic count study was conducted by the Department of Transportation in 2017. The study reflects that the annual average daily trips on Berryville Pike, near the Old Cave Road intersection (Station ID: 196041), was 16,115 (Source: [2017 WVDOT AADT – Traffic Count Study](#)). When considering these numbers, it appears the proposed land use would create a minimal increase in daily trips.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
March 25, 2021

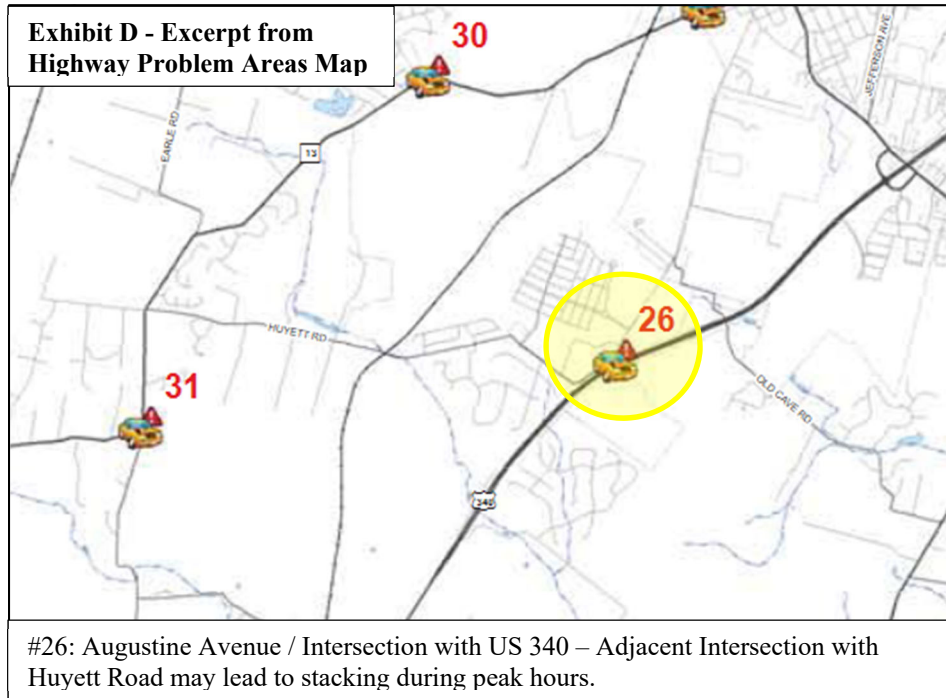
Jefferson Group, LLC / Jeff Whitten
Conditional Use Permit Request (#21-1-CUP)

Exhibit C



Staff Report
Jefferson County Board of Zoning Appeals Meeting
March 25, 2021

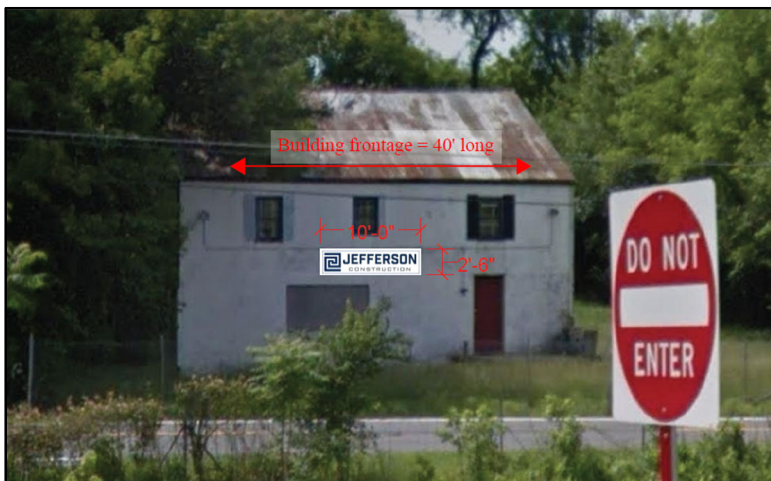
**Jefferson Group, LLC / Jeff Whitten
Conditional Use Permit Request (#21-1-CUP)**



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

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

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



Signs accessory to a Conditional Use are subject to Section 10.6 of the Zoning Ordinance, which requires that as part of the application, signage shall be addressed for review and consideration by the Board at the required Public Hearing.

The applicant stated that they intend to install a 10' x 2' 6" (25 square feet) attached business sign along the front of the building (see applicant’s sign exhibit on page 8). Based on the information provided by the applicant,

the proposed sign complies with the attached business sign standards in Article 10 of the Zoning Ordinance.



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

File #: 21-1-CUP
 R'cvd Date: 3/1/21
 Mtg. Date: 3/25/21
 Fee Paid: \$ 300-
 Staff Int.: gjt

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228
 Fax: (304) 728-8126

Application for a Conditional Use Permit

Project Name

0 Cloverdale Road

Property Owner Information

Name: Kristen Stolipher
 Business Name: West Group Holding LLC
 Mailing Address: 53 Star Sign Lane Mail Yes
 Phone Number: 304-283-0614 Email Response: _____ Response: No

Applicant Information

Name: Jeff Whitten
 Business Name: Jefferson Group LLC
 Mailing Address: 212 N. George St, Suite 100, Charles Town WV 25414 Mail Yes
 Phone Number: 304-724-5564 Email Response: jwhitten@jeffconst.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: 0 Cloverdale Rd, Charles Town WV 25414
 Tax District: 2-Charles Town Map No: 16 Parcel No. 02-160010000000
 Parcel Size: 25324 Sq.Ft. Deed Book: 978 1244 gjt Page No: 36 8 gjt

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: Cloverdale Rd

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

Property to be used for storage of tools and equipment and as the home office in the future. We intend to use the second as a residence

* Contractor with Outdoor Storage per 03/01/21 email gtt

Please provide any information or known history regarding this property.

Property was originally used as a bar/private club, then used for operation of business and storage

Please respond in detail to the following questions to show how the proposed project complies with the criteria located in Section 6.3 of the Zoning Ordinance:

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

It is compatible because of the growth pressure planned for that area

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties? How will the proposed project mitigate potential threat to public health, safety, and welfare? Sec. 6.3A.2

Land use is commercial/residential which is compatible with our use and poses no threat to public health, safety and welfare

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

Property will be used for storage of tools and equipment as well as future home office and not hinder nor discourage 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. 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.

Krista Stalipher 3/1/21
Property Owner Date

Property Owner Date



dale Road

Cloverdale Road

1508



Building frontage = 40' long

10'-0"

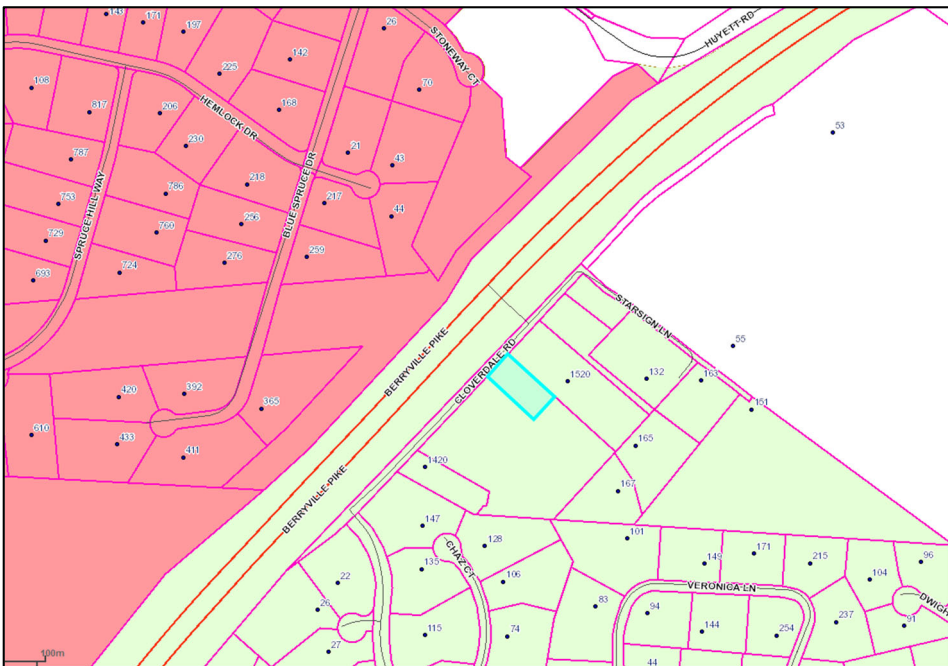


2'-6"



Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 March 25, 2021
Jefferson Group Variance Request (#21-9-ZV)

Item #3 Variance from Appendix B & Section 4.6B to reduce the distance requirement and commercial setback as follows: from 75' and 25' down to 15' along the north-eastern (side) property line. The request includes conversion of an existing structure to a Contractor Office with Outdoor Storage and a future 1,000 square foot storage building. See also Conditional Use Permit File#21-1-CUP.

Applicant:	Jefferson Group, LLC / Contact: Jeff Whitten
Owner:	West Group Holding, LLC
Developer:	Same as applicant
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">Formerly 1508 Cloverdale Road, Charles Town, WV (currently unoccupied / no address) Parcel ID: 02001600100000; Size: 5 acres; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North: Rural & Residential-Light Industrial-Commercial; South: Rural East: Rural / City of Charles Town West: Rural & Residential-Light Industrial-Commercial</p>
Approvals:	None
Site Visit Conducted:	Yes – 03-12-21. Placard Posted.

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Appendix B & Section 4.6B to reduce the distance requirement and commercial setback as follows: from 75' and 25' down to 15' along the north-eastern (side) property line. The request includes conversion of an existing structure to a Contractor's Office with Outdoor Storage and a future 1,000 square foot storage building. See also Conditional Use Permit File#21-1-CUP.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
March 25, 2021
Jefferson Group Variance Request (#21-9-ZV)

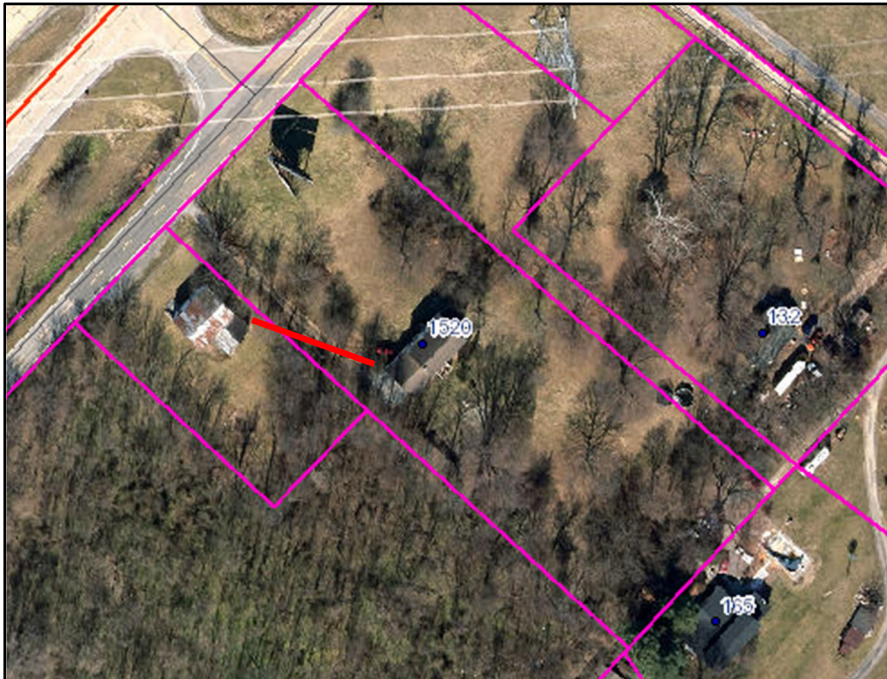
The purpose of the distance requirement is typically to lessen the impact of a non-residential use on a residential use, church, institution of human care, or historic site, including the visual impact created from the glare of exterior lights.

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

Staff Evaluation of Request

The applicant is proposing to convert an existing structure to use as a Contractor’s Office with Outdoor Storage. The applicant has also indicated that he may construct a 1,000 square foot storage building in the future.

In the Rural zoning district, a commercial building is subject to a 75’ distance requirement when located on a lot adjacent to a residence. The property has historically been utilized for non-residential purposes. Based on deed records, the Elk Lodge operated a private club from the subject structure until 2002. In 2005, the property was sold to Construction Technologies, who, based on a letter from the Addressing Office, and the Assessor’s records, used the property for personal storage.



While the existing structure is approximately 15’ from the side property line, it is approximately 120’ from the existing, adjacent dwelling unit. The applicant hasn’t identified the specific location for any future buildings, aside from that the building would be located behind the existing building. Reducing the required 75’ distance requirement to 15’ along the subject property line is not expected to have any adverse impact on adjoining properties as the property has historically served as a nonresidential use.

It is not feasible to comply with the distance requirement or the commercial setback because the structure is existing and cannot be relocated. Additionally, the parcel is approximately 112’ wide; therefore, based on the dimensions of the property, it is not feasible to comply with the 75’ distance requirement for any new structures. With regard to the future building, it may be feasible to construct the building such that it complies with the 25’ commercial building setback.

Conditions of Approval

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

1. The proposed future building shall comply with the 25’ commercial setback.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 March 25, 2021
Jefferson Group Variance Request (#21-9-ZV)

Section of Ordinance to be Considered:

Section 4.6 Distance Requirements

- B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:^{7, 27}
1. Any lot in the Residential Growth District;
 2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
 3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.²³

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE ^{27, 32, 35}																		
Zoning District	Development Type ^Q	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imperious Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use						
						Front	Side	Rear	Front	Side	Rear	A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)		Commercial Use		Industrial Use		
												Distance Front	Distance Side	Distance Front	Distance Side	Distance Front	Distance Side	Distance Front
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%							See IC District						
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A					
	Commercial or Industrial**	See IC District																



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

File Number: _____
 Staff Initials: _____
 Meeting Date: _____
 Fees Paid (\$100 or \$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: West Group Holding, LLC / Contact: Kristen Stolipher
 Mailing Address: 53 Starsign Lane, Charles Town, WV 25414
 Phone Number: 304-283-0614 Email: _____

Applicant Contact Information

Name: Jefferson Group, LLC / Contact: Jeff Whitten
 Mailing Address: 212 N. George St., Suite 100, Charles Town, WV 25414
 Phone Number: 304-724-5564 Email: jwhitten@jeffconst.com

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

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

Physical Property Details

Physical Address: Cloverdale Rd (existing, vacant building / no physical address)
 City: Charles Town State: WV Zip Code: 25414
 Tax District: Charles Town (02) Map No: 16 Parcel No: 10
 Parcel Size: .5 ac. Deed Book: 1244 Page No: 8

Zoning District (please check one)

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

Place Received Date Stamp Here

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

Is there a Code Enforcement action pending in relation to this property? Yes No
Reference the section of the Zoning Ordinance pertaining to this request: Section 4.6B.2 & Appendix B

Briefly describe the nature of the variance request:

Request to reduce the distance requirement along the north-eastern boundary for an existing structure and potential future storage building of approximately 1,000 sq ft in the rear of the property.

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

Front Setback Side Setback Rear Setback Reduction From 75' to 15'

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

The structure has existed since before the adoption of zoning and has historically been used for non-residential purposes.

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 structure is existing and cannot be relocated in order to establish the proposed Contractor's Office.

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

Due to the dimensions of the lot (approximately 111' wide), it is not feasible to comply with the 75' distance requirement. Granting the variance would allow the reasonable use of the property by allowing a business to be reestablished from the location.

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

Granting the variance will allow the property to support a small business. Existing vegetation along the property will provide a buffer between the two properties.

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.

Krista Stolipher 3/4/21
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).

Date of Public Hearing

Advertising Date

Placard Posting Date



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 March 25, 2021 Board of Zoning Appeals Meeting

Date of Memo: March 17, 2021

1) **Text Amendments:**

- ZTA19-03 – Zoning Ordinance Text Amendment to create provisions to allow Solar Energy Facilities to process in the County.
 - 03/09/21: The Planning Commission made a recommendation to the County Commission that the draft text amendment was consistent with the Comprehensive Plan, and if there was any conflict with the Plan, they found that there had been changes of a social nature, which support alternative energy.
 - 03/18/21: The PC's recommended draft text amendment is on the County Commission's agenda for Discussion/Action.

2) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **April 22, 2021** (deadline for submission is Monday, March 29, 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

March 2021
Zoning Certificate Activity Report

File # 21-5-ZC
Request: Accessory Dwelling Unit: In-Law Suite
Property Owner: Joseph Lee
Applicant: Same
Parcel Info: 206 Meadow Bluff Lane, Kearneysville, WV 25430
Parcel ID: 07000600010021; Size: 8.88 acres;
Zoning District: Rural; Deed Book: 1199; Page: 120; Plat Book: 3; Page: 48
Date of Issuance: 02-23-2021

File # 21-6-ZC
Request: Change In Tenant: Speedway Motors, Warehousing & Distribution
Property Owner: B&J Partnership, Ltd.
Applicant: Speedway Motors
Parcel Info: 426 Industrial Blvd. Kearneysville, WV 25430
Parcel IDs: 02000200010022; Size: 29.92 acres (Merger DB: 859 @ PG 573);
Zoning District: Industrial Commercial / Rural; Deed Book: 1252; Page: 567;
Plat Book: 4; Page: 85; Site Plan Files: S93-13 and S97-13 (expansions)
Date of Issuance: 03-18-2021

File # 21-7-ZC
Request: Change In Tenant: Coin Acceptors, Inc., Warehousing
Property Owner: B&J Partnership, Ltd.
Applicant: Adam Criswell, Operations Manager, Coin Acceptors, Inc
Parcel Info: 426 Industrial Blvd. Kearneysville, WV 25430
Parcel IDs: 02000200010022; Size: 29.92 acres (Merger DB: 859 @ PG 573);
Zoning District: Industrial Commercial / Rural; Deed Book: 1252; Page: 567;
Plat Book: 4; Page: 85; Site Plan Files: S93-13 and S97-13 (expansions)
Date of Issuance: 03-18-2021

File # 21-8-ZC
Request: Change In Tenant: UFP Ranson, LLC, Warehousing (lumber storage)
Property Owner: B&J Partnership, Ltd.
Applicant: Adam Criswell, Operations Manager, UFP Ranson, LLC
Parcel Info: 426 Industrial Blvd. Kearneysville, WV 25430
Parcel IDs: 02000200010022; Size: 29.92 acres (Merger DB: 859 @ PG 573);
Zoning District: Industrial Commercial / Rural; Deed Book: 1252; Page: 567;
Plat Book: 4; Page: 85; Site Plan Files: S93-13 and S97-13 (expansions)
Date of Issuance: 03-18-2021

- (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 written staff 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 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 Rwritten staff** report, the Board finds 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 03/25/2021