



Jefferson County
Board of Zoning Appeals
Thursday, April 22, 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 Tyler Quynn, Chair of the Jefferson County Board of Zoning Appeals, this meeting will be held both in-person and virtually. This meeting will NOT be a LIVE broadcast on our website. Instead, it will be accessible live through ZOOM Meeting.

Physical (In-person) Location: Charles Town Library Conference Room (entrance on Samuel St.)
200 East Washington Street, Charles Town, WV 25414.

Virtual Meeting Information: The virtual meeting will be conducted via ZOOM. Please use the following information to join the ZOOM Meeting:

<https://us02web.zoom.us/j/84736763856>

Meeting ID: 847 3676 3856

Dial by your location: +1 301 715 8592 US

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

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

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.

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

Approval of Minutes: March 25, 2021

Public Hearing – Administer Oath

ITEM #1 **FILE #: 21-8-ZV – POSTPONED FROM 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

ITEM #2 **FILE #: 21-10-ZV**
Request: Variance request from Section 5.7D.2.b.iii(b) to allow a lot within a cluster development to utilize a separate access. The applicant is proposing to use an existing driveway as opposed to the platted access easement.
Owner: Norman and Lora Corbin
Parcel Info: LLD Uvilla Cluster Subdivision, Lot 4, 2751 Engle Molers Rd., Harpers Ferry, WV
Parcel ID: 09001800170000; Size: 9.75 ac; Zoning District: Rural

ITEM #3 FILE #: 21-11-ZV

Request: Variance request from Section 9.7 to reduce the front setback from 20' to 10' along an unimproved right-of-way (Second Street) for a single family dwelling unit.
Owner: William Jenkins
Parcel Info: 911 Jefferson Ave., Charles Town, WV
Parcel ID: 02010A00480000; Size: .17 ac; Zoning District: Residential Growth

ITEM #4 FILE #: 21-12-ZV

Request: Variance request from Appendix B to reduce the side setback from 50' to 25' for 54 storage units/sea containers to serve as an accessory use to an existing nonconforming salvage and recycling yard. The total length of the proposed encroachment area is approximately 544'.
Owner: DLGA LLC
Applicant: Road Runner Wrecker Service
Parcel Info: 2282 Summit Point Road, Summit Point, WV
Parcel ID: 06001600100000; Size: 25 ac; Zoning District: Rural

ITEM #5 FILE #: 21-13-ZV

Request: Variance request from Appendix A to reduce the side setback from 12' to 10' for all single family lots in the proposed King's Crossing subdivision (approximately 175 single family lots).
Owner: DR Acquisitions LLC
Parcel Info: Vacant lot adjacent to St. James Catholic Church on Charles Town Road (Rt. 115)
Parcel ID: 02001700220000; Size: 86 ac; Zoning District: Residential Growth

ITEM #6 FILE #: 21-14-ZV

Request: Variance request from Section 4.11.E.1 and Appendix B to modify the vegetative buffer requirement for a commercial use next to a lot in the Residential Growth zoning district to the standard for a commercial use adjacent to a commercial use (Section 4.11.E.1 subsections a-e). Additionally, the request proposes to utilize any existing vegetation on the side and rear property lines in lieu of the required planted landscaping.
Owner: James Van Evera, et al
Applicant: Sheetz Inc.
Parcel Info: South of the intersection of Maddex Square Dr. and Martinsburg Pike, Shepherdstown, WV
Parcel IDs: 09000800130000, 09000800150002, 0900080010002 & a portion of 09000800140000; Proposed Size: 5.2 ac.;
Zoning District: Residential-Light Industrial-Commercial

ITEM #7 FILE #: 21-15-ZV

Request: Variance request from Section 4.11 and Appendix B to eliminate the requirement to plant street trees; to eliminate the buffer requirement between internal lot lines; and to utilize existing vegetation in lieu of the 15 foot screened buffer option along the side and rear property lines.
Owner: St. James Lutheran Church at Uvilla
Applicant: Adam Link
Parcel Info: 4338 Shepherdstown Pike, Shepherdstown, WV
Parcel ID: 09002000160000; Size: 2.36 ac; Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

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: March 25, 2021

- 1. Variance from Sec. 8.10. Owner: Arcadia Land Inc. File: 21-6-ZV.
- 2. Variance from Sec. 9.6C and 9.7. Owner: Potomac Crossroads Counseling, LLC. File: 21-7-ZV.
- 3. Request for a Conditional Use Permit for a Contractor with Outdoor Storage. Owner: West Group Holdings, LLC. Applicant: Jefferson Group. File: 21-1-CUP.
- 4. Variance from Sec. 4.6. Owner: West Group Holdings, LLC. Applicant: Jefferson Group. File: 21-8-ZV.

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: March 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; Leeds Corbin, Matt McKinney, Steve Guier,
5 Mikala Shremshock, Alternate; and Danesia Chicchirichi, Alternate
6 Board Members Absent: Deirdre Catterton, Vice Chair (with notice)
7 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
8 Prosecuting Attorney; Jennilee Hartman, Zoning Clerk

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

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

12 Ms. Chicchirichi sat as a voting member in Ms. Catterton's absence.

13 **Approval of Minutes: February 25, 2021**

14 Mr. Corbin moved to approve the February 25, 2021 meeting minutes as presented. Mr. Quynn called
15 for a vote, which carried unanimously.

16 **ITEM #1 FILE #: 21-6-ZV**

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

19 Owner: Arcadia Land Inc

20 Applicant: Greenway Engineering

21 Parcel Info: Henderson Minor Subdivision, Lot 2, Shenandoah Junction, WV

22 Vacant parcel on the northeast corner of Flowing Springs Road and Brass Harness

23 Drive. Parcel ID: 09002400120002; Size: 1.62 ac; Zoning District: Rural

24 Mr. Cochran recused himself from this item, as the property owner, Arcadia Land, Inc., was a
25 former client.

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

27 Ms. Jamie MacLean with Greenway Engineering was present to address the Board. Ms. Beaulieu
28 provided an overview of her staff report noting that while the subject parcel is not located within
29 the Harvest Hills Subdivision, it was under the same ownership. Ms. MacLean explained the nature
30 of the request to the Board and confirmed that she was amiable to the conditions outlined in the
31 staff report.

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

33 Mr. McKinney moved to approve the variance as requested with the following conditions:

- 34 1. The sales trailer shall only be utilized for sales of lots within the Harvest Hills Subdivision;
- 35 2. Once all of the lots have sold, the sales trailer shall be removed or a building permit shall be
36 applied for to convert to a residential dwelling unit; and,
- 37 3. The applicant be bound by their testimony.

38 Mr. Quynn called for a vote, which carried unanimously.

39 Mr. Cochran rejoined the meeting.

1 **ITEM #2 FILE #: 21-7-ZV**

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

5 Owner: Potomac Crossroads Counseling, LLC

6 Applicant: Kathy Morotti

7 Parcel Info: 4781 Kearneysville, Pike, Shepherdstown, WV

8 Parcel ID: 09000800230007; Size: .71 ac; Zoning District: Residential Growth

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

10 Ms. Kathy Morotti, property owner, was present to address the Board. Ms. Beaulieu provided an
11 overview of her staff report noting that the West Virginia Division of Highways requires all signage
12 to be a minimum of one (1) foot from the edge of the right-of-way. Ms. Morotti explained the
13 nature of the request noting that the proposed sign would be double-sided to allow oncoming traffic
14 to view the sign from both directions. Ms. Morotti also confirmed that a floodlight would be
15 installed to illuminate the sign.

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

17 Mr. Corbin moved to approve the variance to reduce the front setback from 25' to 1' with the
18 condition that the sign shall be located a minimum of one (1) foot from the edge of the right-of-way
19 and that the applicant be bound by her testimony. Mr. Guier seconded the motion, which carried
20 unanimously.

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

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

27 Request 2: Variance request from Section 4.6B and Appendix B to reduce the distance
28 requirement and commercial setbacks as follows from 75' and 25' down to 15' along
29 the north-eastern boundary line. The request includes conversion of an existing
30 structure to a Contractor Office with Outdoor Storage and a future 1,000 square foot
31 storage building.

32 Owner: West Group Holding LLC

33 Applicant: Jeff Whitten, Jefferson Group LLC

34 Parcel Info: Formerly 1508 Cloverdale Road, Charles Town WV (currently vacant / no address)

35 Parcel ID: 02001600100000; Size: .5 ac; Zoning District: Rural

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

37 Mr. Jeff Whitten, applicant, was present to address the Board. Ms. Beaulieu reviewed the
38 conditional use permit criteria as outlined in her staff report. Mr. Whitten explained the nature of
39 the business and provided clarification on the type of materials/vehicles that would be stored
40 outside. Mr. Whitten confirmed that the proposed sign would be illuminated by a hanging light
41 above the sign.

42 Mr. Quynn asked the applicant if he would be agreeable to screening any proposed equipment along
43 the front of the property. Mr. Whitten stated he would provide the screening along the frontage.

44 Mr. Quynn also inquired about providing screening from the northern property line that is adjacent
45 to a residential dwelling. Mr. Whitten stated that he would be willing to provide additional

1 screening along the northern property line from any proposed equipment should the existing
2 treeline be removed. Mr. Whitten confirmed that the proposed storage building and storage area
3 would be located within the existing clearing. Mr. Whitten acknowledged that while some trees
4 would be removed from the clearing, that the northern treeline would be maintained.

5 Mr. Quynn reviewed the conditional use permit criteria with the Board members and ensured that
6 they agreed the application met the criteria as outlined in Section 6.3 of the Zoning Ordinance.

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

8 Mr. Corbin moved to approve the conditional use permit as requested. Mr. Quynn suggested a
9 friendly amendment to include that the applicant will provide appropriate screening for any heavy
10 equipment and storage areas from the front of the property and the northern property line.

11 Mr. Corbin was agreeable to the amendment. Mr. Guier seconded the motion, which carried
12 unanimously.

13 Mr. Corbin moved to approve the variance as requested with the condition that the applicant be
14 bound by his testimony. Mr. Guier seconded the motion, which carried unanimously.

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

16 Request: Variance request from Section 10.4B.3 to reduce the front setback from 25' to 1' for
17 an 8.5' x 3' (25.5 square feet) Freestanding Electronic Business Sign; and, Section
18 10.7G to reduce the distance requirement of an Electronic Sign from a traffic light
19 from 300' to approximately 190'.

20 Owner: Steve Petropouleas

21 Applicant: Mountain View Diner

22 Parcel Info: 811 Willow Spring Drive, Charles Town, WV

23 Parcel ID: 02001000090004; Size: 1.21 ac;

24 Zoning District: Residential-Light Industrial-Commercial

25 Due to insufficient placard posting, this item was postponed until April 22, 2021.

26 **Zoning Administrator's Report**

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

28 Ms. Beaulieu updated the Board on the status of the ZTA19-03 Solar Energy Facilities text
29 amendment. Ms. Beaulieu stated that the next Board meeting would be on April 22, 2021.

30 **Rules of Procedure** – discussion with possible action to amend the Rules of Procedure (RoP) to
31 create a process to allow for a summary approval by unanimous consent for variance applications
32 where no one has filed written opposition and no one but the applicant appears to testify.

33 Ms. Beaulieu provided the final version of the Summary Order and revised Rules of Procedure for
34 the Board, which they voted to approve during their February 25, 2021 meeting.

35 The Board discussed conducting meetings in-person along with a hybrid/virtual option.

36 **Legal Update**

37 a) Discussion of the following pending lawsuits:

38 1. Discussion/Action: Neighbors Against River Chase Event Center v BZA re: 20-8-CUP
39 (Civil Action No.: CC-2021-C-22.

40 At the advice of legal counsel, Mr. Corbin moved to go into executive session at 2:58 pm
41 and requested that Ms. Beaulieu join the executive session. Ms. Chicchirichi seconded
42 the motion, which carried unanimously.

1 Mr. McKinney moved to come out of executive session at 3:49 pm. Mr. Quynn called for
2 a vote, which carried unanimously.

3 Mr. McKinney moved to authorize Mr. Cochran to proceed with filing a response to the
4 pending litigation; and, to authorize the Chair to sign any necessary legal documents on
5 behalf of the Board. Mr. Quynn called for a vote, which carried unanimously.

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

7 **Meeting: February 25, 2021**

8 1. Variance from Sec. 9.6C and 9.7. Owner: P. Mathias. File: 21-4-ZV.

9 2. Variance from Sec. 9.6C and 9.7. Owner: K. Cranford. File: 21-5-ZV.

10 Mr. Quynn stated he would sign the Findings and deliver them to the Office.

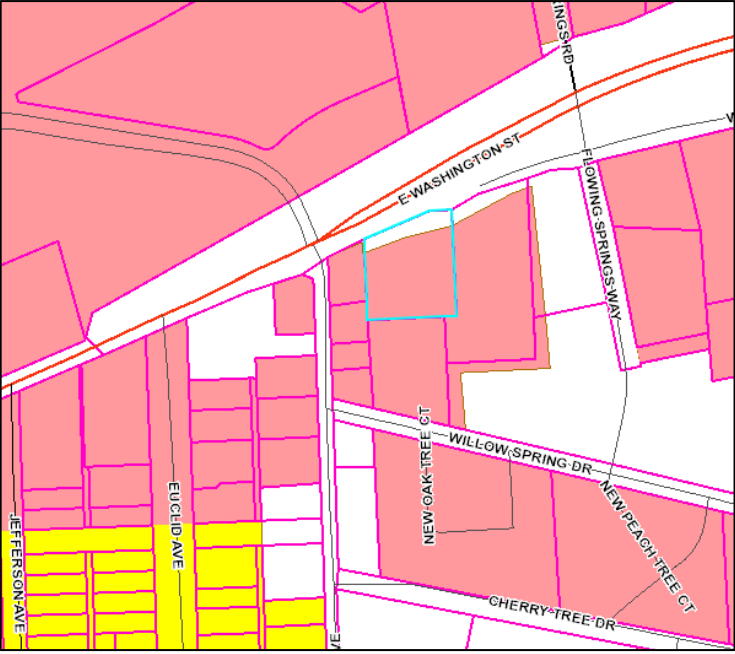
11 The Board agreed to begin conducting meetings in-person along with a hybrid/virtual option
12 beginning with the April 22, 2021 meeting. Mr. Quynn stated that six (6) foot, social distancing
13 guidelines and masks would be required.

14 Mr. McKinney moved to adjourn the meeting at 3:52pm. Mr. Quynn called for a vote, which carried
15 unanimously.

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

Application Postponed Until April 22, 2021
Steve Petropouleas Variance Request (#21-8-ZV)

Item #1 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'.

| | |
|--------------------------------------|--|
| Applicant: | Mountain View Diner |
| Owner: | Steve Petropouleas |
| Developer: | N/A |
| Consultant: | N/A |
| Legal Description & Zoning District: | <p style="text-align: center;">811 Willow Spring Drive, Charles Town, WV Parcel ID: 02001000090004; Size: 1.21 ac; Zoning District: Residential-Light Industrial-Commercial</p>  |
| Surrounding Properties: | Zoning Map Designation: North, South, East, West: Residential-Light Industrial-Commercial |
| History: | <ul style="list-style-type: none"> • May 16, 1988 – Survey Plat Recorded (DB 604, PG 226) • Zoning Violation Notice for Electronic Sign Mailed: July 7, 2020 • Code Compliance Officer Notice of Violation Mailed: August 26, 2020 |
| Site Visit Conducted: | <p>Yes. 03-12-21 – Placard Posted. Staff notified applicant on 03-15-21 to place the sign in a more conspicuous location. Staff conducted a site visit on 03-17-21 and the placard was nowhere on site. Staff notified applicant that the request would be postponed and the property would need to be reposted. Staff verified that placard was posted correctly for 04-22-21 meeting.</p> |

Staff Report
Jefferson County Board of Zoning Appeals
March 25, 2021
Application Postponed Until April 22, 2021
Steve Petropouleas Variance Request (#21-8-ZV)

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 1' for an 8.5' x 3' (25.5 square feet) Freestanding Electronic Business Sign. Additionally, the applicant is requesting a variance from Section 10.7G to reduce the distance requirement of an Electronic Sign from a traffic light from 300' to approximately 190'.

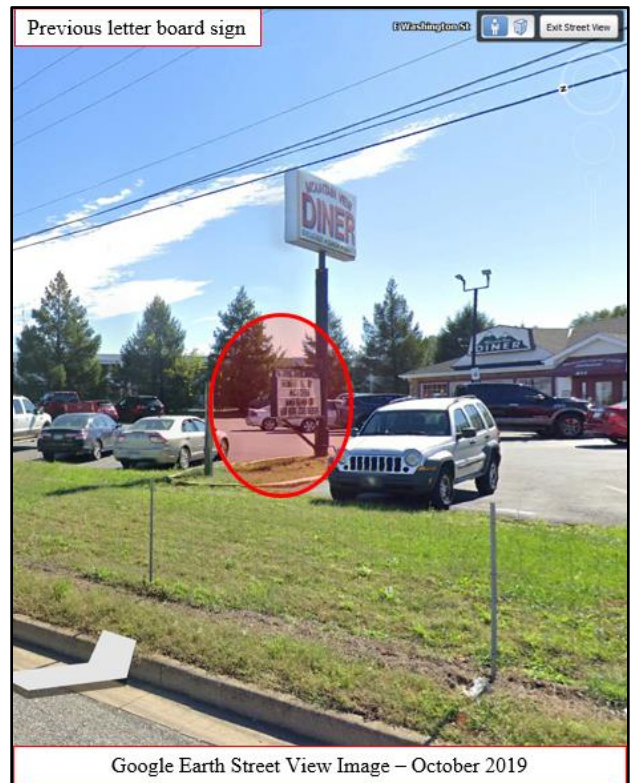
A key purpose of the front yard setback requirement is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that traffic visibility is not impaired for drivers along the right-of-way.

The intent of the distance requirement from a traffic light is to ensure that the Electronic Sign does not distract drivers from seeing and responding to surrounding traffic lights.

Staff Evaluation of Request



The applicant has installed an 8.5 foot x 3 foot (25.5 square feet) Freestanding Electronic Business Sign approximately one (1) foot from the front property line. Section 10.4B.3 requires signs to be setback 25 feet from the edge of the right-of-way/front property line. As indicated in the applicant's request, they had replaced an existing letter board sign without knowing that a building permit would be required.



The previous letter board sign was considered nonconforming as it did not comply with the County's setback requirements. It is unclear of the exact timeframe the original letter board sign was erected. There is a plat dated May 16, 1988 which reflects a sign in this general location but does not specifically identify two signs on the property. A street view photo from 2019 shows that the previous letter board sign was

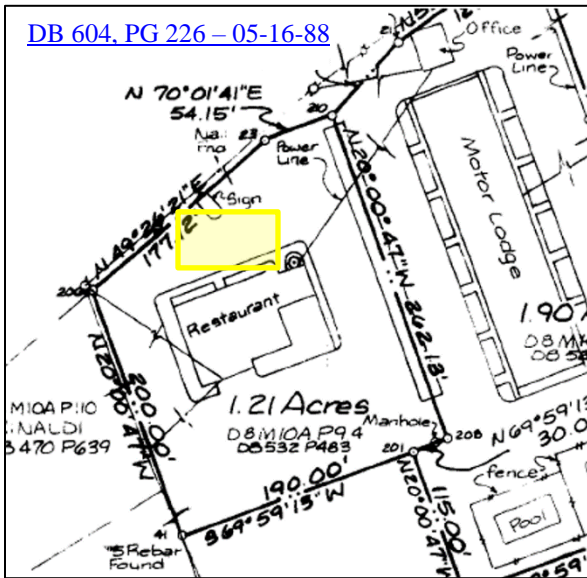
Staff Report

Jefferson County Board of Zoning Appeals

March 25, 2021

Application Postponed Until April 22, 2021

Steve Petropoulos Variance Request (#21-8-ZV)



attached the structure of the freestanding sign. Because the new sign included a structural change, compliance with the current sign regulations is required (see Section 10.2B); therefore, the new sign is subject to the 25 foot setback and subject to building permit application.

While the subject request is to reduce the setback from 25 feet to one (1) foot from the property line, the Division of Highways maintains a greenspace buffer area between the subject property and E. Washington Street / US Route 51. The WV Division of Highways requires signs to be one (1) foot away from the edge of their right-of-way; therefore, the subject request does not appear to create any conflict with the Division of Highways regulations.

With regard to the proximity to existing traffic lights, the applicant will need to provide documentation that the sign has been adjusted to comply with Section 10.7, which regulates brightness levels and display types. Presently, the sign is animated and is in violation with Section 10.7A, which states, “The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.” Once the electronic sign is brought into compliance with Section 10.7, it appears that the proximity to the traffic lights will have little impact as the intersection is commercially developed and the brightness levels are required to be reduced to 100 nits after sunset.

It should also be noted that [Texas A&M University’s Transportation Engineering School](#) conducted a study on the traffic safety impact of electronic message centers (EMCs) and found no increase in traffic accidents after an EMC was installed. Staff did verify with the Division of Highways that the sign proximity to the existing traffic light would not conflict with any of their regulations (see email dated April 1, 2021).

Considering that a sign has historically existed in this location, and that the surrounding properties are commercially developed and there are no residential dwellings within 200 feet of the subject sign, it appears that impact on adjacent properties would be minimal. Compliance with the Ordinance by other means is not feasible due to the existing parking and drive isles on the property.

Conditions of Approval

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

1. The applicant shall apply for a Zoning Certificate and provide the following documentation to reflect compliance with Section 10.7:
 - a. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the brightness levels required in Section 10.7E, and that the intensity level is protected from end-user manipulation by password protected software or other appropriate methods; and
 - b. The applicant shall provide a valid copy of the FCC Manufacturers Testing Certificate.
2. The applicant shall apply for a Building Permit.

Staff Report
Jefferson County Board of Zoning Appeals
March 25, 2021
Application Postponed Until April 22, 2021
Steve Petropouleas Variance Request (#21-8-ZV)

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.

Section 10.7 Electronic Signs³⁶

Electronic Signs are permitted in any commercial and/or industrial district. Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall process as a Special Exception before the Board of Zoning Appeals per Section 6.5. Any electronic sign accessory to a Conditional Use Permit application shall comply with Section 10.6 and the criteria outlined in this section. When permitted, Electronic Signs shall conform to the following criteria:

- G. Electronic Signs shall not be located within 300 feet of a traffic light.

Alexandra Beaulieu

From: Clohan, Kenneth L <Kenneth.L.Clohan@wv.gov>
Sent: Thursday, April 1, 2021 2:26 PM
To: Alexandra Beaulieu
Cc: Oates, Jason D; Willis, Trixie A
Subject: RE: [External] RE: [External] Traffic Lights & Electronic Signs

Thank you for the additional information.

I'm not aware of any Division of Highways regulations that would be in conflict with the location of this sign.

From: Alexandra Beaulieu <abeaulieu@jeffersoncountywv.org>
Sent: Tuesday, March 23, 2021 4:30 PM
To: Clohan, Kenneth L <Kenneth.L.Clohan@wv.gov>
Cc: Oates, Jason D <Jason.D.Oates@wv.gov>; Willis, Trixie A <Trixie.A.Willis@wv.gov>
Subject: [External] RE: [External] Traffic Lights & Electronic Signs

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Mr. Clohan:

Thank you for providing that information. The subject property is located at 811 Will Spring Dr. in Charles Town (Parcel ID: 02001000090004). Mountain View Diner is located on the property. The applicant erected an electronic sign last summer without obtaining a building permit and the sign does not comply with the zoning requirements. Our Office has been working with the property owner to come into compliance with the County's requirements, which requires approval from the Board of Zoning Appeals (BZA). The BZA will often inquire about the Division of Highways approval, so I was trying to be pro-active in reaching out to the DOH ahead of their meeting, just to find out if there are any applicable standards the applicant and Board should be aware of.

The diner has historically had a freestanding sign on their property and previously, there was a letter board sign that was attached to their existing sign pole. The letter board sign was removed and a new electronic sign was erected (see photos below). I have estimated that the new sign is approximately 1' from their property line/edge of the DOH right-of-way and approximately 190' from the traffic light located at the intersection of E. Washington St/Prospect Avenue.

Subject Sign



Previous letter board sign



I look forward to hearing from you.

Thank you,

Alex

Alexandra Beaulieu
Zoning Administrator
Jefferson County Office of Planning and Zoning
www.jeffersoncountywv.org
304-728-3228

From: Clohan, Kenneth L [<mailto:Kenneth.L.Clohan@wv.gov>]
Sent: Tuesday, March 23, 2021 4:02 PM
To: Alexandra Beaulieu <abeaulieu@jeffersoncountywv.org>
Cc: Oates, Jason D <Jason.D.Oates@wv.gov>; Willis, Trixie A <Trixie.A.Willis@wv.gov>
Subject: RE: [External] Traffic Lights & Electronic Signs

Good afternoon Ms. Beaulieu,

I apologize for the delay getting back with you. Recommended buffer space is listed on page 12 and 13 of the Driveway Manual available at <https://transportation.wv.gov/highways/traffic/Documents/DrivewayManual.pdf> and varies depending on such factors as speed, traffic volume and geometry of the roadway. Sight distance at an intersection is a concern as well as maintaining a clear zone that is clear of hazards.

I'm not aware of any specific guidance for a distance from a traffic signal but if you could provide more details regarding the location, I may be able to provide more information.

Ken

Kenneth L. Clohan, Jr., P.E.
District Five Traffic Engineer
West Virginia Division of Highways
304-260-4392

From: Alexandra Beaulieu <abeaulieu@jeffersoncountywv.org>
Sent: Thursday, March 11, 2021 2:18 PM
To: Clohan, Kenneth L <Kenneth.L.Clohan@wv.gov>
Subject: [External] Traffic Lights & Electronic Signs

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Good afternoon, Mr. Clohan:

I just spoke with Jason Oates who said I should contact you to find out if there are any distance requirements pertaining to proximity of an electronic sign to a traffic signal. The County is currently processing a variance request to allow an electronic sign to be 1' from the property line and about 190' from an existing traffic signal.

I was hoping to find out from the DOH if that would pose any issues as the Board of Zoning Appeals will likely inquire as to the DOH requirements.

If you can let me know what standards, if any, apply to electronic signs with regard to traffic signals, I would greatly appreciate it.

Thank you!

Alex

Alexandra Beaulieu
Zoning Administrator
Jefferson County Office of Planning and Zoning
www.jeffersoncountywv.org
304-728-3228

Zoning

From: Zoning
Sent: Thursday, March 18, 2021 10:52 AM
To: 'harleysdad1@aol.com'
Cc: Mason Carter; engineering
Subject: Zoning Variance - 21-8-ZV (Sign Setback)
Attachments: Placard Posting 03-12-21.jpg; No Placard 03-17-21.jpg

Importance: High

March 18, 2021

Mr. Petropouleas:

This email is a follow up to the voicemail I just left for you at 301-461-2996 regarding the pending zoning variance application for a setback reduction for an electronic sign that was posted last year.

As we discussed on Monday, March 15, the public notice placard needed to be reposted in a conspicuous location to ensure visibility. You indicated that you would take care of reposting the sign that day. I conducted a site visit yesterday evening around 5:20 PM and verified that the placard was removed from the original location and had not been re-posted. As such, **the subject application will be postponed until the April 22 Board of Zoning Appeals meeting**. In the meantime, the electronic sign shall be turned off until it comes into compliance with County Regulations.

Our Office will prepare another public notice placard for you to pick up and post on the property for the April 22 meeting. It will need to be posted no later than April 7 in order to remain on the April 22 meeting agenda. In the meantime, I would advise that you obtain the following documentation to begin working towards compliance with Section 10.7 of the Zoning Ordinance:

- a. The applicant shall provide **written certification from the sign manufacturer** that the light intensity has been factory preset not to exceed the brightness levels required in Section 10.7E, and that the intensity level is protected from end-user manipulation by password protected software or other appropriate methods; and
- b. The applicant shall provide a valid **copy of the FCC Manufacturers Testing Certificate**.

Mr. Mason Carter, Code Enforcement Officer, has been copied on this email.

If you have any questions, please contact our Office.

Sincerely,

Alexandra Beaulieu
Zoning Administrator
Jefferson County, WV
304-728-3228



Placard Posting Verified



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: 21-82V
Staff Initials: AB
Meeting Date: 03-25-21
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: STEVE PETROPOULEAS
Mailing Address: 17909 Red ROCKS DR Germantown MD 20874
Phone Number: 301-461-2996 Email: petro@comcast.net

Applicant Contact Information

Name:
Mailing Address: SAME AS ABOVE
Phone Number:
Email:

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

Name:
Mailing Address:
Phone Number:
Email:

Physical Property Details

Physical Address: 811 Willow SPRING DRIVE
City: Charles Town State: WV Zip Code: 25414
Tax District: Charles Town (02) Map No: 10 Parcel No: 9.4
Parcel Size: 1.21 acres Deed Book: 1129 Page No: 71

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). R-LI-C is checked.

RECEIVED

MAR 01 2021

JEFFERSON COUNTY PLANNING ZONING & ENGINEERING

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.3 ⁴³ *Sec. 10.7G - jth

Briefly describe the nature of the variance request: in June of 2020 WE Replace an existing neon sign that was old and broken with a new neon sign without permit we were told we need a permit

If this request is for a setback variance, please check one of the following: *Reduce distance from traffic light from 300' to 190' - jth
Front Setback Side Setback Rear Setback Reduction From 25' to 7'

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:
we use the sign for advertising our business The sign existed at the property

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?
We would like to keep the sign because is essential to our business The sign has been always there

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?
compliance with setback will required eliminating existing parking spaces

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 is observed by allowing a business sign on the property The new sign is smaller than the previous sign

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] 2-20-21
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).

March 25, 2021
Date of Public Hearing

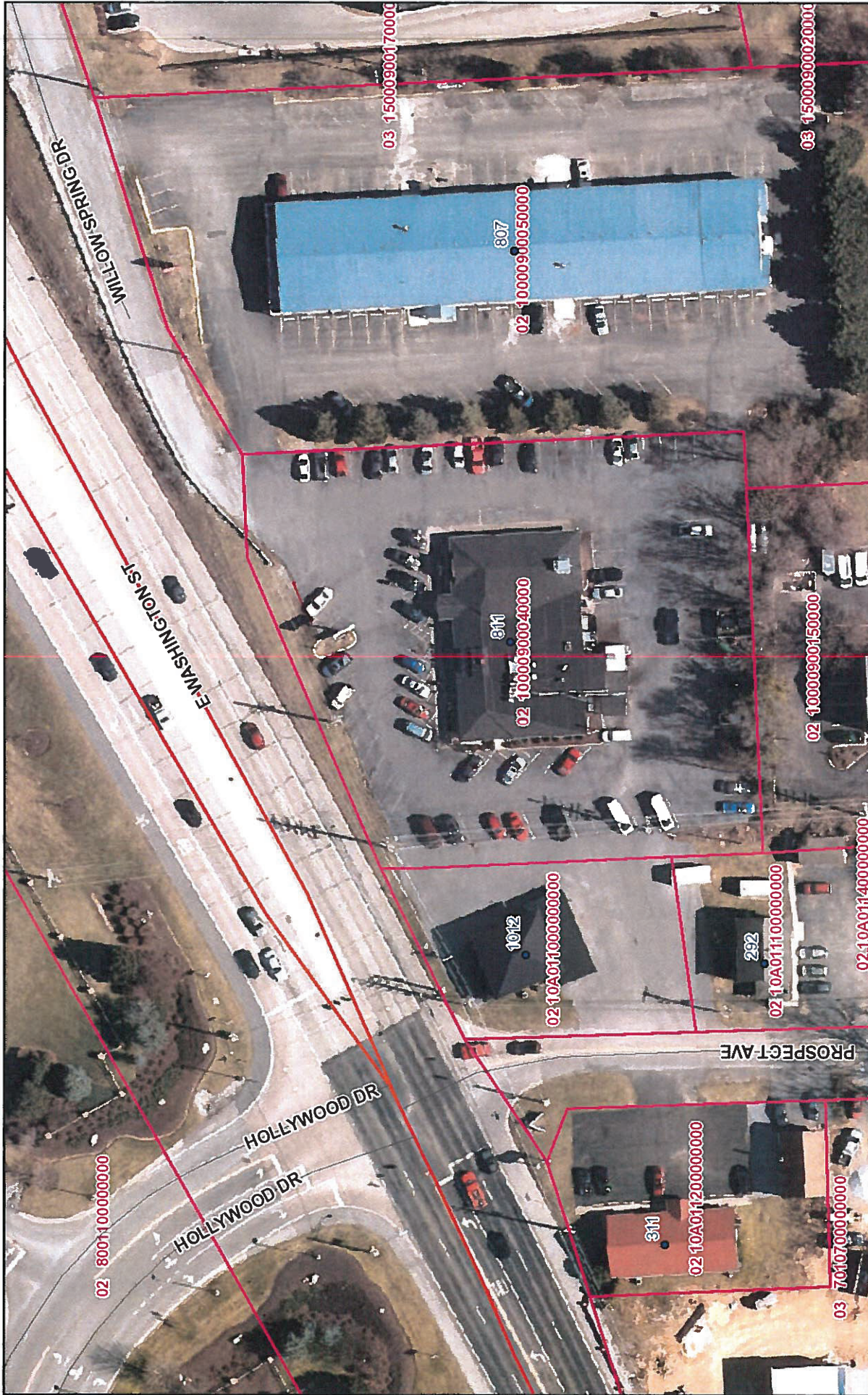
March 10, 2021
Advertising Date

March 10, 2021
Placard Posting Date

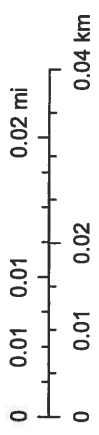


Per applicant sign size: 8.5' x 3' (25.5 sq. ft.) - jth

Viewer Map



1:1,128

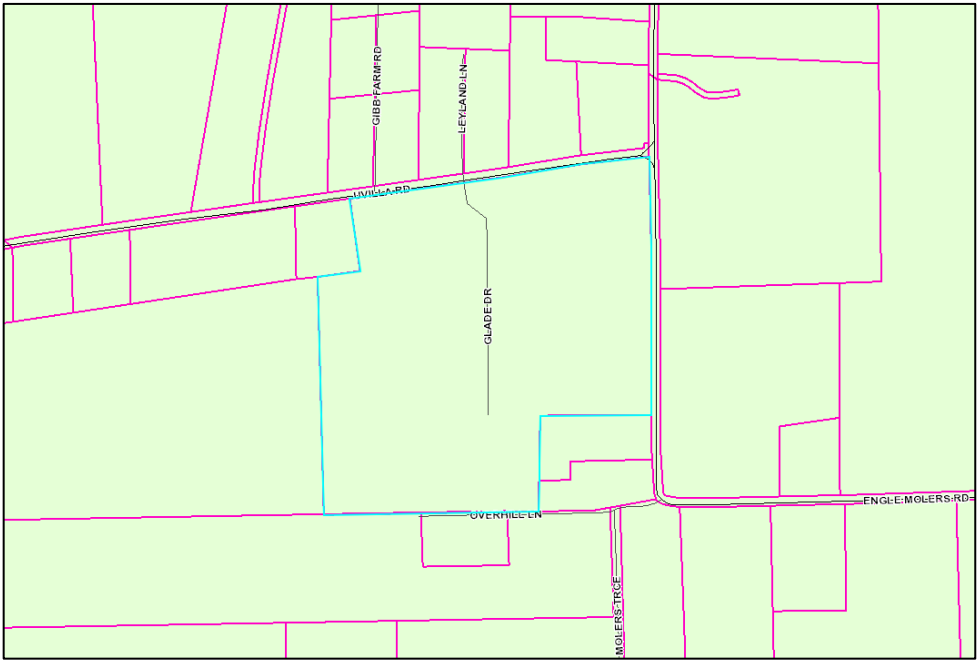


February 8, 2021

Staff Report
 Jefferson County Board of Zoning Appeals
 April 22, 2021

Corbin Variance Request (#21-10-ZV)

Item #2 Variance request from Section 5.7D.2.b.iii(b) to allow a lot within a cluster development to utilize a separate access. The applicant is proposing to use an existing driveway as opposed to the newly platted access easement.

| | |
|---|---|
| Applicant: | Norman and Lora Corbin |
| Owner: | Same |
| Developer: | n/a |
| Consultant: | n/a |
| Parcel Information and Zoning District: | <p style="text-align: center;">LLD Uvilla Cluster Subdivision, Lot 4, 2751 Engle Molers Rd., Harpers Ferry, WV Parcel ID: 09001800170000; Size: 9.75 ac; Zoning District: Rural</p>  |
| Surrounding Properties: | Zoning Districts: North, East, South, West: Rural |
| History: | LLD Uvilla Cluster Subdivision recorded 12/07/20 in Plat Book 26, Page 185 |
| Waivers/Variations: | 09/24/20: BZA granted a variance to allocate the greenspace (20-31-ZV) |
| Approved Activity: | Single family dwelling |
| Site Visit Conducted: | Yes. 04-15-21. |

Summary of Request and Purpose of Ordinance Requirement

The applicant is requesting a variance from Section 5.7D.2.b.iii(b) to allow a lot within a cluster development to utilize a separate access. The applicant is proposing to use an existing driveway as opposed to the newly platted access easement.

The intent of this provision is to reduce the number of access points on state roads.

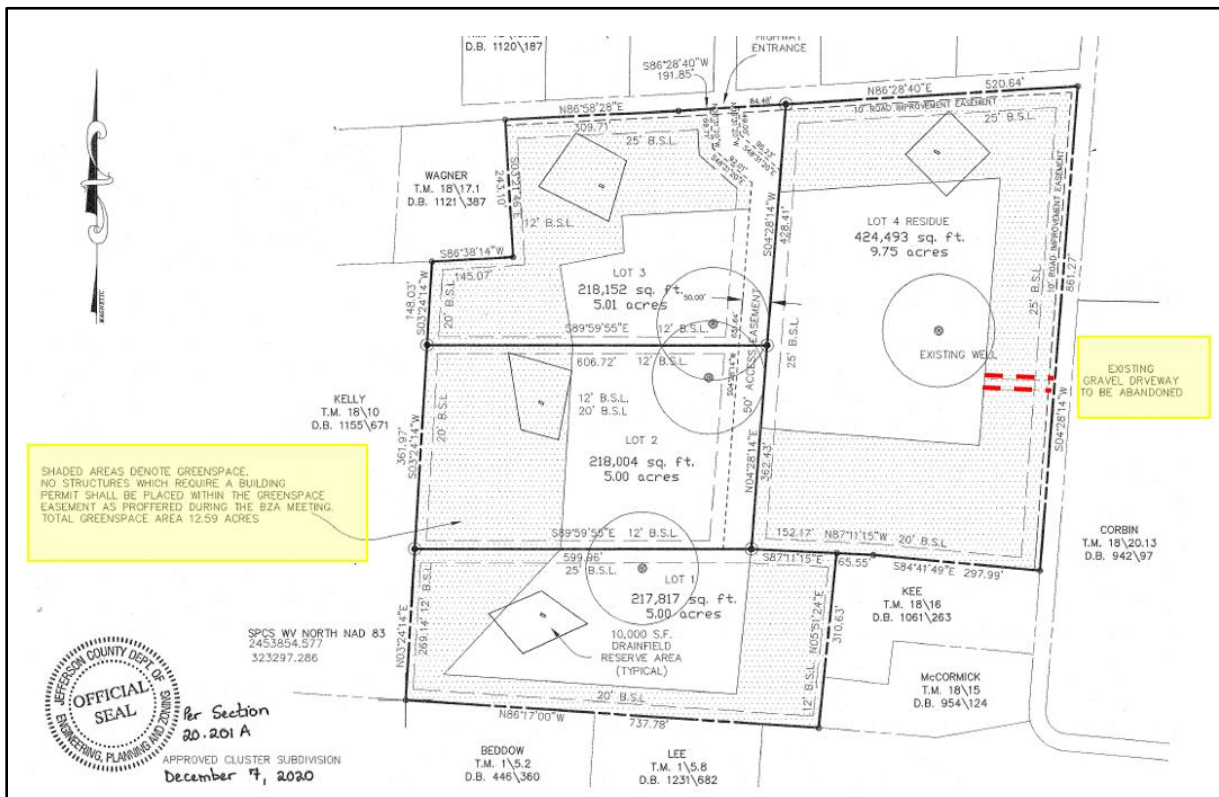
Staff Report
 Jefferson County Board of Zoning Appeals
 April 22, 2021

Corbin Variance Request (#21-10-ZV)

Staff Evaluation of the Request



The subject parcel is designated as Lot 4 within the LLD Uvilla Cluster Subdivision, which was recorded on December 7, 2020 in [Plat Book 26, Page 185](#). On September 24, 2020 the Board granted a variance to allow the required greenspace to be allocated on each individual lot in the subdivision, as opposed to one single lot. The applicant proffered to place each designated greenspace area in an easement so that no structures requiring a permit would be allowed in the greenspace areas.



Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

Corbin Variance Request (#21-10-ZV)

It is feasible to comply with the Ordinance by other means by using the existing, platted access easement. However, as the applicant noted in their application, the driveway has existed in this location for a number of years and would likely have minimal impact on adjoining properties. The purpose of restricting lots within a cluster subdivision to utilize an internal access is to limit the number of access points on a state road. The Division of Highways reviews entrance permits and would have the final approval as to whether or not the existing access could continue to be utilized.

Conditions of Approval

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

1. The applicant shall process a minor plat change to shift the greenspace to another area on Lot 4 so that the driveway is not within the designated greenspace area.
2. Provide a Division of Highways entrance permit or approval letter to Staff prior to approval of the minor plat change.

Section of Ordinance to be Considered

3. Clustering

a. Purpose and Intent

- a. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space³².
- b. To provide for a well planned development while minimizing the use of prime agricultural land.

b. Requirements

- iii. Minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.^{17, 21, 32}
 - (a) Setbacks shall be 25' front, 12' sides, and 20' rear.
 - (b) **All clusters of three (3) or more lots shall be served by an internal road**; provided that all clusters utilizing the sliding scale in 5.7D.2.b shall have an internal road with direct access to a public road identified as a Major Collector or a Minor or Principal Arterial on the Envision Jefferson 2035 Comprehensive Plan Roadway Classification Map.²³
 - (c) Clusters of three (3) or more lots shall not be along an existing public road.
 - (d) A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}

Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

Corbin Variance Request (#21-10-ZV)



Placard Posting #1 Verified



Placard Posting #2 Verified



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: 21-10-ZV
 Staff Initials: gjt
 Meeting Date: 04/22/21
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Norman + Lara Corbin
 Mailing Address: 2692 Engle Molars Rd., Harpers Ferry, WV 25425
 Phone Number: (304) 671-4235 Email: WVCorbin@aol.com

Applicant Contact Information

Name: Norman Corbin
 Mailing Address: 2692 Engle Molars Rd., Harpers Ferry, WV 25425
 Phone Number: (304) 671-4235 Email: WVCorbin@aol.com

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

Name: Same as above
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 2751 Engle Molars Rd.
 City: Harpers Ferry State: WV Zip Code: 25425
 Tax District: Shepherdstown Map No: 18 Parcel No: 17
 Parcel Size: 9.75 acres Deed Book: 1254 Page No: 612

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">MAR 29 2021</p> <p align="center">JEFFERSON COUNTY PLANNING <small>Place Received Date Stamp Here</small> ZONING & ENGINEERING</p> | | | Highway Commercial (HC) <input type="checkbox"/> | Light Industrial (LI) <input type="checkbox"/> | Major Industrial (MI) <input type="checkbox"/> | Planned Neighborhood Development (PND) <input type="checkbox"/> | Office/Commercial Mixed-Use (OC) <input type="checkbox"/> |

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 5.7D.2.b.iii(b) - jth

Briefly describe the nature of the variance request:

owner wishes to retain existing driveway to the home that has been used for over 50 yrs.

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:

This driveway has existed in its current state, poses no risk to ~~my~~ public. The only adjoiner affected by change would be myself.

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 property was previously a much larger parcel. The previous owner subdivided. The lots behind the house needed an access route. The lot which we purchased are requesting variance for has a ~~house~~ house + driveway that has been used for

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land? 50+ yrs.

It would not be necessary for owner to build a new driveway (disturb any new ground) to access the home.

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

Once variance is granted, DOT would be able to grant an entrance permit. And no one (other than the owner) would be affected.

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.

Norman P. Court 3-29-21
Signature of Property Owner Date

Ron Colvin 3/29/2021
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).

04-22-21

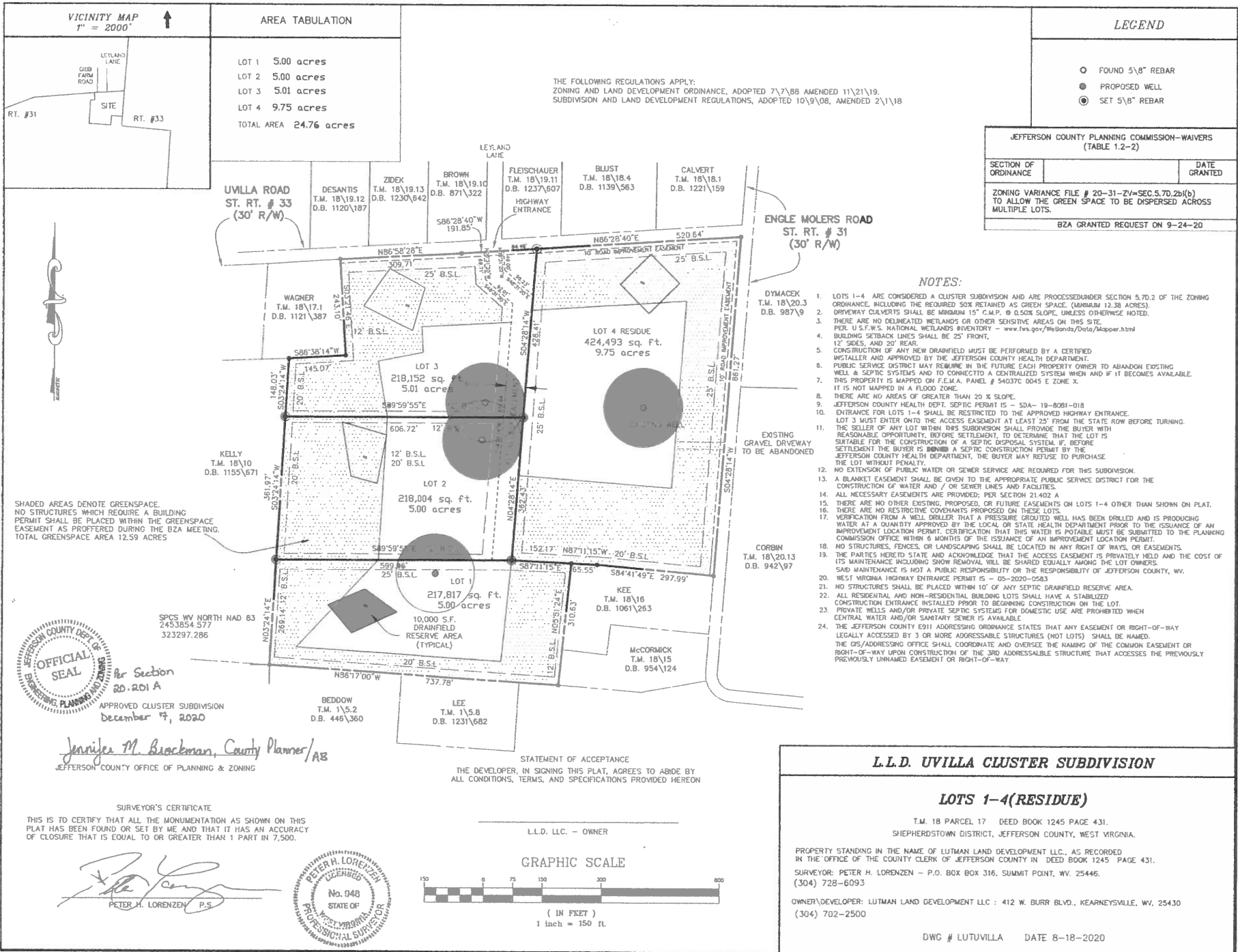
Date of Public Hearing

04-07-21

Advertising Date

04-07-21

Placard Posting Date



**Order Granting Summary Approval
of a Variance Request by Norman and Lora Corbin (File #21-10-ZV)
Brought Before the Jefferson County Board of Zoning Appeals
Thursday, April 22, 2021**

Whereas, Norman and Lora Corbin has applied for a variance from Section 5.7D.2.biii(b) to allow a lot within a cluster development to utilize a separate access. The applicant is proposing to use an existing driveway as opposed to the newly platted access easement located at 2751 Engle Molders Rd., Harpers Ferry, WV (Parcel ID: 09001800170000); and

Whereas, the subject lot is zoned Rural and the subject entrance has existed and been utilized prior to the adoption of County regulations; 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 written 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. The applicant shall process a minor plat change to shift the greenspace to another area on Lot 4 so that the driveway is not within the designated greenspace area.
2. The applicant shall provide a Division of Highways entrance permit or approval letter to Staff prior to approval of the minor plat change.
3. _____

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 April 22, 2021

By vote of the Jefferson County Board of Zoning Appeals

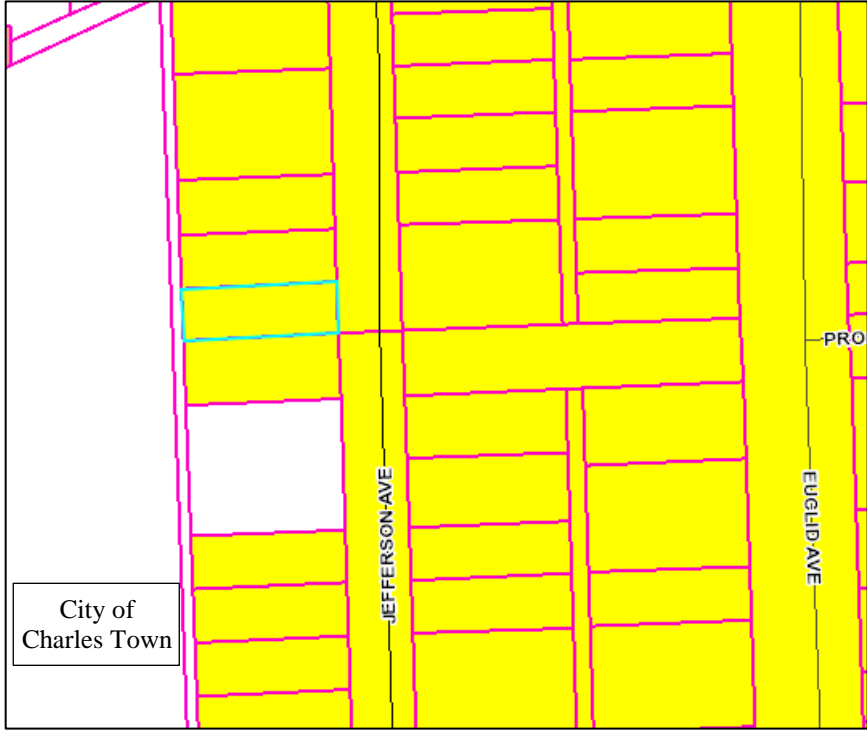
By a vote of ____ Yes ____ No

Tyler Quynn, Board of Zoning Appeals, Chair

Staff Report
 Jefferson County Board of Zoning Appeals
 April 22, 2021

Jenkins Variance Request (#21-11-ZV)

Item #3 Variance from Section 9.7 to reduce the front setback from 20' to 10' for a single family dwelling.

| | |
|---|---|
| Applicant: | William Jenkins |
| Owner: | Same |
| Developer: | n/a |
| Consultant: | n/a |
| Parcel Information and Zoning District: | <p style="text-align: center;">City Boom, Block 4, Lot 12, 911 Jefferson, Ave, Charles Town Parcel ID: 02010A00480000; Size: .17 ac; Zoning District: Residential Growth</p>  |
| Surrounding Properties: | Zoning Districts: North, East, South: Residential Growth and West: City of Charles Town |
| History: | n/a |
| Waivers/Variations: | n/a |
| Approved Activity: | Single Family Dwelling |
| Site Visit Conducted: | Yes. 04-15-21. |

Summary of Request and Purpose of Ordinance Requirement

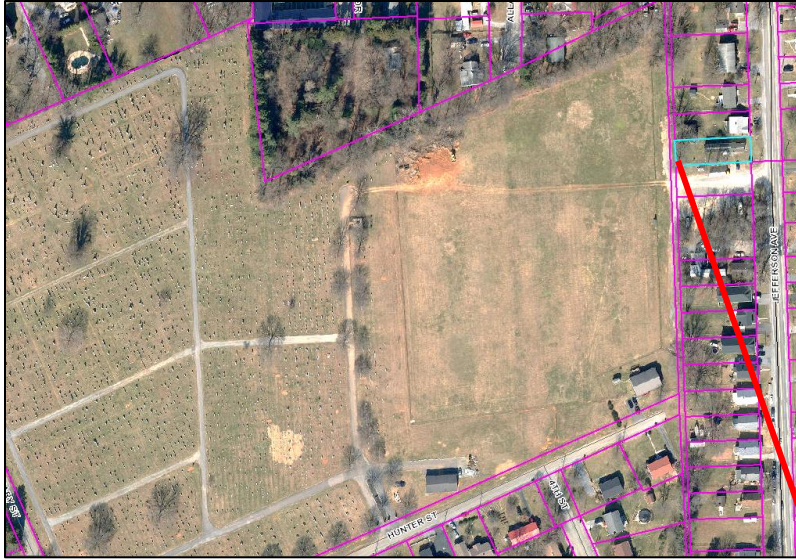
The applicant is requesting a variance from Section 9.7 to reduce the front setback along Second Street from 20' to 10' to replace an existing single family dwelling.

A key purpose of the front yard setback requirement is to ensure that any future right-of-way expansions 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 Report
Jefferson County Board of Zoning Appeals
April 22, 2021

Jenkins Variance Request (#21-11-ZV)

Staff Evaluation of the 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 regulations (Charles Town City Block Plat recorded in Deed Book W, Page 195 recorded in 1891).

The subject property line fronts Second Street, which is a platted 60 foot wide right-of-way. While the ROW is not used as a main thoroughfare, it appears to serve as an access to the adjacent cemetery and soccer field.

The subject property is bordered by a 20 foot wide alley; a 60 foot wide right-of-way (Second Street); and Jefferson 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 Jefferson Avenue and one along Second Street.



The impact on adjoining properties would be minimal because the subject property line is adjacent to a platted 60 foot right-of-way. It is unlikely that the subject right-of-way would need to be widened, should it ever be developed as a through street; therefore, any potential impact would be on the subject property owner (e.g. traffic generated by soccer games/sports events, etc.).

It may be feasible to comply with the Ordinance by other means by selecting a smaller structure; however, the lot is only 50 feet wide which means that only a structure that is 22 feet wide could be placed on the lot within the building envelope. The applicant is proposing to construct an approximately 28 foot wide modular home on the property and will comply with the 12 foot rear setback requirement along the platted alley and the 20 foot front setback requirement along Jefferson Avenue.

Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

Jenkins Variance Request (#21-11-ZV)



Conditions of Approval

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

1. The applicant shall park all vehicles on the subject parcel and not within the platted 60 foot right of way (Second Street).

Section of Ordinance to be Considered

Section 9.7 Other Exceptions³

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

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

Residential Growth District²³

Single Family Residences

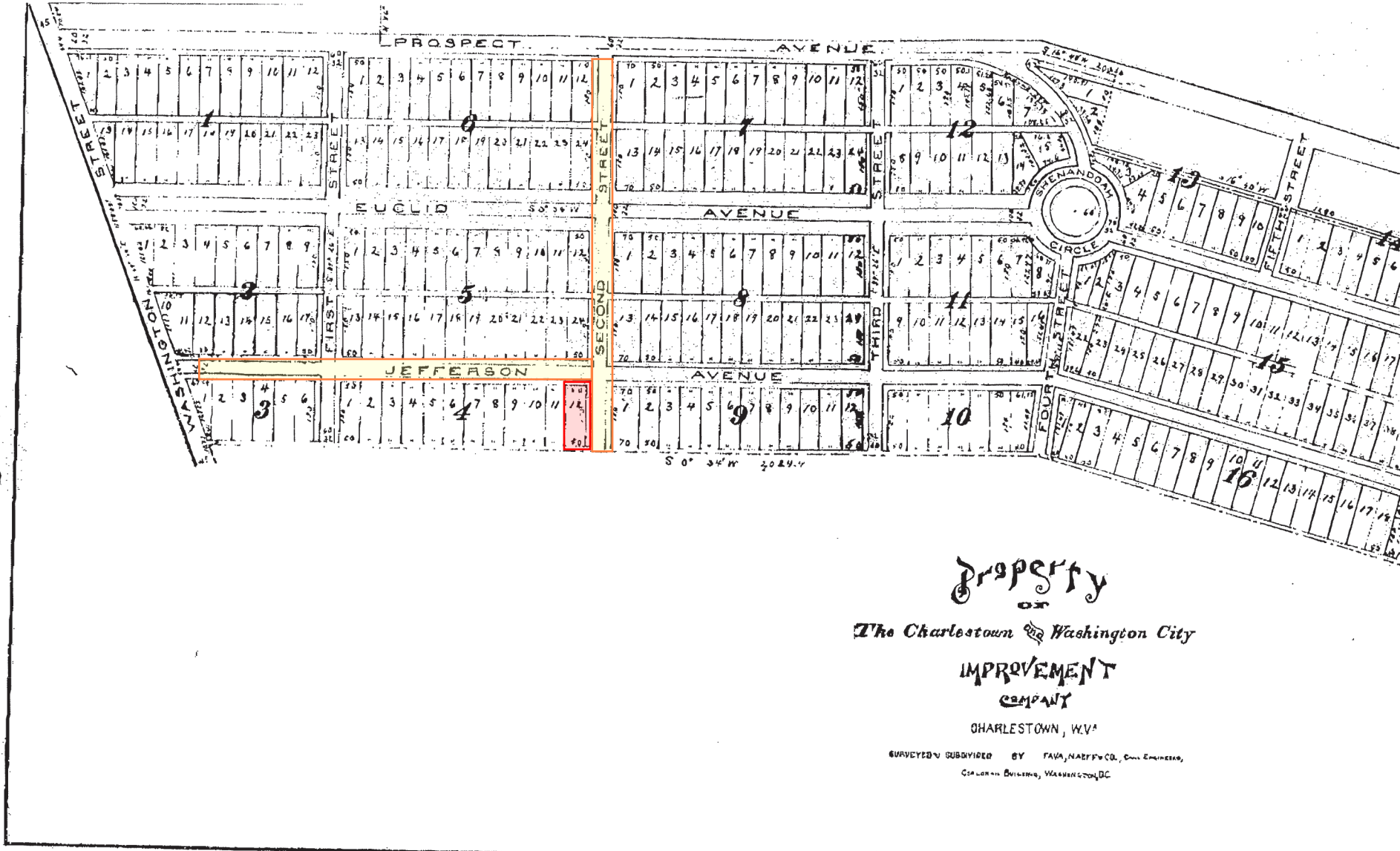
| | | | | |
|------------------------------------|-------------------|----------|-----|----------|
| Over 40,000 square feet -- | 25' front, | 12' side | and | 12' rear |
| 30,000 sq. ft. to 40,000 sq. ft.-- | 20' front, | 10' side | and | 12' rear |
| Under 30,000 square feet -- | 20' front, | 8' side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

Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

Jenkins Variance Request (#21-11-ZV)



DBW Pg 195



Property
 OF
The Charlestown and Washington City
IMPROVEMENT
COMPANY
 CHARLESTOWN, W.V.
 SURVEYED & SUBDIVIDED BY FAVA, NAELF & CO., Civil Engineers,
 GEORGETOWN BUILDING, WASHINGTON, D.C.



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: 21-11-2V
 Staff Initials: AB
 Meeting Date: 04-22-21
 Fees Paid (\$100 or \$150): chk# 8824/
/ \$100

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: William L Jenkins
 Mailing Address: 911 Jefferson Ave Charles Town WV 25414
 Phone Number: 304-620-3363 Email: _____

Applicant Contact Information

Name: William L Jenkins
 Mailing Address: 911 Jefferson Ave Charles Town, WV 25414
 Phone Number: 304-620-3363 Email: _____

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

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

Physical Property Details

Physical Address: 911 Jefferson Ave
 City: Charles Town State: WV Zip Code: 25414
 Tax District: Jefferson Charles Town (02) Map No: 10A Parcel No: 48
 Parcel Size: 50 X 150 .17ac. Deed Book: 975 Page No: 705

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"/> |
| RECEIVED | | | | | | |
| MAR 25 2021 | | | | | | |
| JEFFERSON COUNTY PLANNING ZONING & ENGINEERING | | | | | | |
| Place Received Date Stamp Here | | | | | | |
| 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:

9.7 AB

Briefly describe the nature of the variance request:

Requesting to build house closer to property lines than regulations allow

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

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

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 alley that runs beside of my property is a Paper Road. It shows as Second Ave. It goes no where except into the Soccer field / cemetery property.

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 set back from the paper road now is 20 feet. I am asking for it to be reduced so I can put a modular home on the lot.

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

It will increase the value of property around my lot. Removing a mobile home and replacing with a modular home.

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

Replacing mobile home with stick build home will increase the value of this property and surrounding 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.

Will [Signature] 3-25-21
Signature of Property Owner Date

[Signature] _____
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).

April 22, 2021
Date of Public Hearing

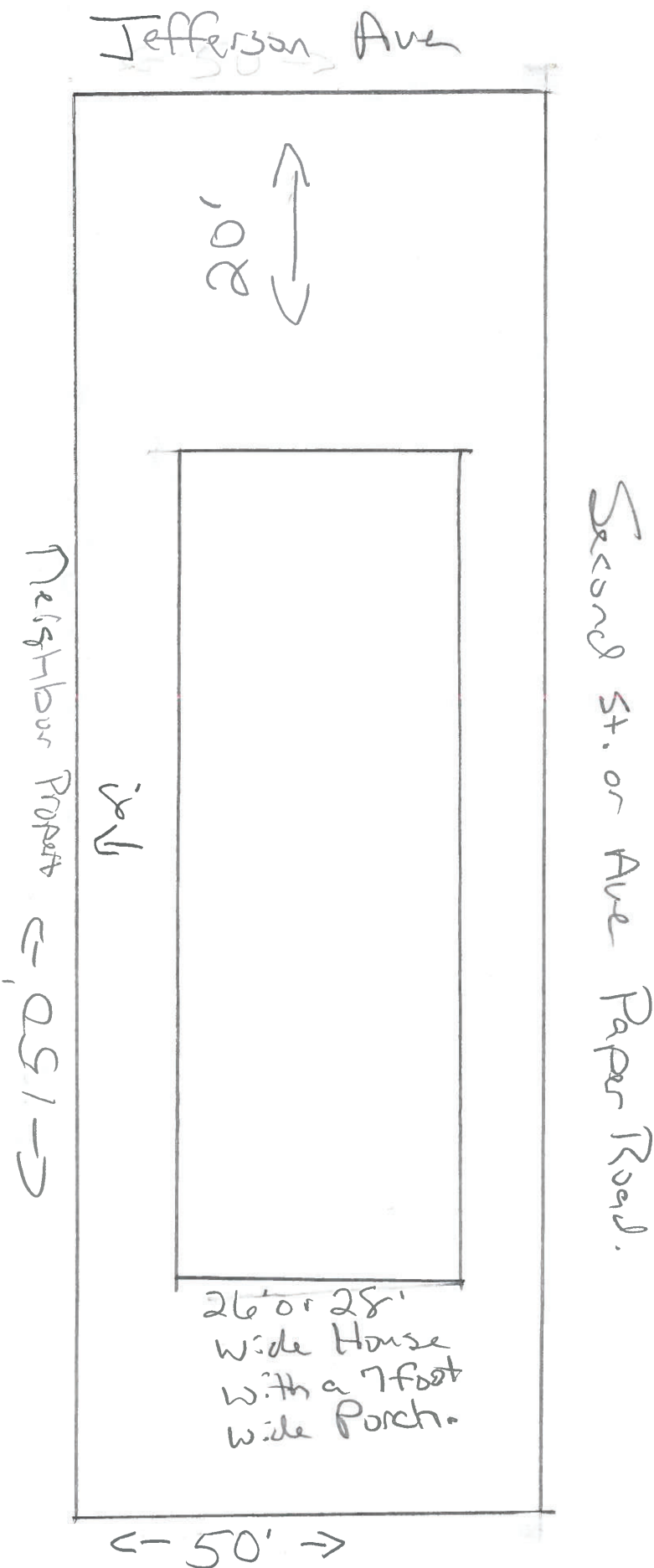
April 7, 2021
Advertising Date

April 7, 2021
Placard Posting Date

RECEIVED

MAR 25 2021

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING



**Order Granting Summary Approval
of a Variance Request by William Jenkins (File #21-11-ZV)
Brought Before the Jefferson County Board of Zoning Appeals
Thursday, April 22, 2021**

Whereas, William Jenkins has applied for a variance from Section 9.7 to reduce the front setback from 20' to 10' for a single family dwelling located at 911 Jefferson, Ave, Charles Town, WV 25414 (Parcel ID: 02010A0048000); and

Whereas, the subject lot is zoned Residential Growth and the proposed single family dwelling is a permitted use; 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 written 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. The applicant shall park all vehicles on the subject parcel and not within the platted 60 foot right of way (Second Street).
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 April 22, 2021

By vote of the Jefferson County Board of Zoning Appeals

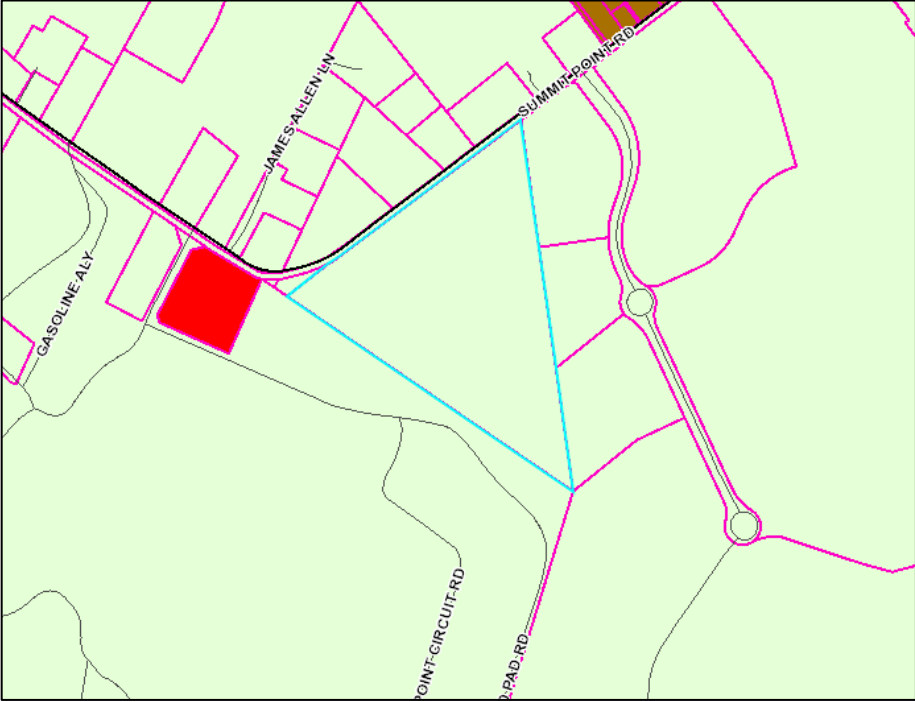
By a vote of ____ Yes ____ No

Tyler Quynn, Board of Zoning Appeals, Chair

Staff Report
 Jefferson County Board of Zoning Appeals
 April 22, 2021

Road Runner Wrecker Service Variance Request (#21-12-ZV)

Item #4: Variance request from Appendix B to reduce the side setback from 50' to 25' for 54 storage units/sea containers to serve as an accessory use to an existing nonconforming salvage and recycling yard. The total length of the proposed encroachment area is approximately 544'.

| | |
|---|---|
| Applicant: | Road Runner Wrecker Service |
| Owner: | DLGA LLC |
| Developer: | n/a |
| Consultant: | Greenway Engineering |
| Parcel Information and Zoning District: | <p style="text-align: center;">2282 Summit Point Road, Summit Point, WV Parcel ID: 06001600100000; Size: 2.17 ac; Zoning District: Rural</p>  |
| Surrounding Properties: | Zoning Districts: North, East, South, West: Rural |
| History: | Existing Nonconforming Use |
| Waivers/Variations: | 10/10/06: PC granted a variance to waive a site plan (PCV06-23) |
| Approved Activity: | Nonconforming Use: Salvage Yard (20-22-ZC) |
| Site Visit Conducted: | Placard posting verified. Site visit not conducted. |

Summary of Request and Purpose of Ordinance Requirement

The applicant is requesting a variance from Appendix B to reduce the side setback from 50' to 25' for 54 storage units/sea containers to serve as an accessory use to an existing non-conforming salvage and recycling yard. The total length of the proposed encroachment area is approximately 544'.

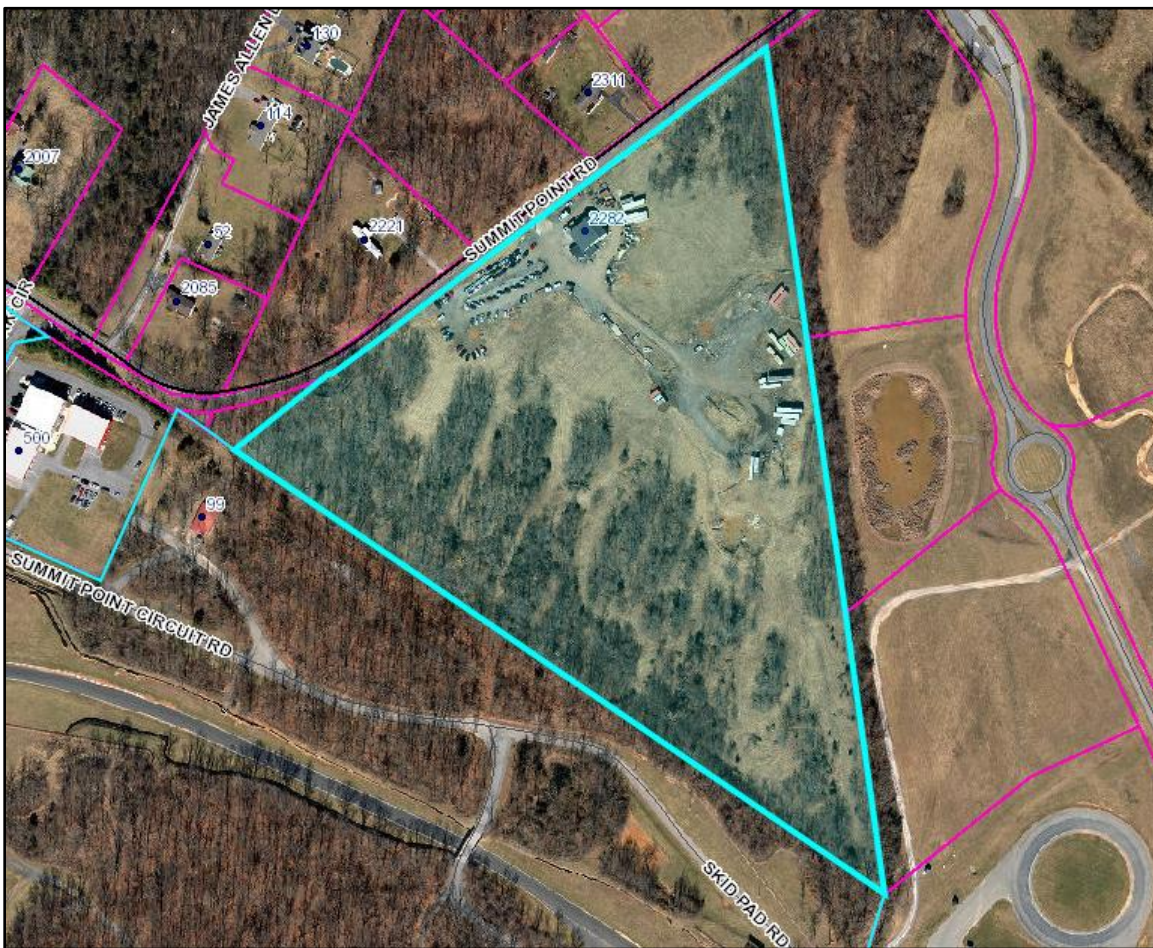
The purpose of side and rear setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention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

Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

Road Runner Wrecker Service Variance Request (#21-12-ZV)

Staff Evaluation of the Request

The subject parcel is an existing nonconforming salvage and recycling yard, which was established prior to the adoption of zoning in 1988. The facility has historically processed automobiles, trucks, appliances, and other metallic and non-metallic materials that are not generally accepted in landfills. The property was recently purchased by David and Lisa Butcher, operating as Road Runner Wrecker Service, Inc. The new property owners are processing in accordance with the Site Plan requirements outlined in the Subdivision Regulations to bring the site into compliance with current County Regulations.



The impact on adjoining properties would be minimal because the proposed storage units would be adjacent to an existing stormwater management pond and a vacant, non-residential lot located in the SPARC Training Campus Subdivision. The proposed use would also be screened by a 6' fence and existing vegetation between the fence and the adjoining property will be maintained.

It is feasible to comply with the Ordinance by locating the storage units in another location; however, the applicant has represented that the subject location was selected to accommodate an existing bioretention area which addresses water quality and quantity standards. The proposed location appears to be suitable, based on the applicant's justification for stormwater management purposes.

Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

Road Runner Wrecker Service Variance Request (#21-12-ZV)

Conditions of Approval

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

1. A 20 foot wide buffer, comprised of existing vegetation, shall be maintained along the eastern boundary as represented in the application.

Section of Ordinance to be Considered

Appendix B – see attached



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

| Zoning District | Development Type [⊖] | Min Lot Area (MLA) | Min Lot Width | Max Building Height* | Imper-vious Surface Limit | Building Setbacks | | Parking/ Drive Aisle Setbacks | | | Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use | | | | | | | |
|--|---|--|---|----------------------|---------------------------|--|-----------------|-------------------------------|--|------|---|--------------------------|---|-------------------------------|-------|----------------|-------|-------------|
| | | | | | | | | | | | A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6) | | | Commercial Use | | Industrial Use | | |
| | | | | | | Front | Side | Rear | Front | Side | Rear | Distance Front Side Rear | Front | Side & Rear | Front | Side & Rear | Front | Side & Rear |
| Industrial – Commercial (IC) ** | Commercial sites 1.5 acres and smaller | N/A | N/A | 75 | 80% | 25 | | | 15 | 4 | 4 | 75 | Street Trees | Narrow Buffer Detail No. M-54 | N/A | 10(S) | N/A | 10(S) |
| | Commercial sites greater than 1.5 acres | N/A | N/A | 75 | 80% | 25 | | | 15 | 10 | 10 | 75 | Street Trees | Medium Buffer Detail No M-53 | N/A | 10(S) | N/A | 10(S) |
| | Industrial | 3 ac *** | N/A | 75 | 90% | 50 or 25 if adjacent to Industrial Use | | | 25 or 20 if adjacent to Industrial Use | | | 200 | Street Trees | Wide Buffer Detail No. M-52 | 25(S) | 20(S) | N/A | 20(S) |
| Residential-Light Industrial-Commercial (RLIC) | Commercial or Industrial | N/A | N/A | 75 | 80% | See IC District | | | | | | | | | | | | |
| Rural (R) | Churches | 2 acres | 200 | 45 | N/A | 25 | 50 | 50 | See IC District for commercial sites | | | N/A | 50(U) or 15 (S) | | N/A | 10(S) | N/A | 10(S) |
| | Schools, Grades K-12 | K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+ | 500 | 45 | N/A | 100 | | | | | | N/A | N/A | | N/A | N/A | N/A | N/A |
| | Hospitals | 10 ac | 500 | 45 | N/A | 100 | | | | | | N/A | N/A | | N/A | N/A | N/A | N/A |
| | Other Rural principal permitted uses | 40,000 | 100 | 45 | N/A | 40 | 50 | 50 | | | | N/A | See I-C District for commercial or industrial use; Otherwise, N/A | | | | | |
| | Commercial or Industrial** | See IC District | | | | | | | | | | | | | | | | |
| Village (V) | Commercial [¥] | N/A | N/A | 35 | N/A | 25 | 10 | 40 | See IC District | | | | | | | | | |
| | Industrial** | See IC District | | | 35 | See IC District | | | | | | | | | | | | |
| Residential Growth (RG) | Commercial or Industrial** | See IC District | | | 35 | See IC District | | | | | | | | | | | | |
| Neighborhood Commercial (NC) | Commercial | N/A | N/A | 35 | 70% | 15 min 25 max | 10 [£] | 10 [⊖] | See I-C District | | 25 | See IC District | | | | | | |
| General Commercial (GC) | Commercial | N/A | N/A | 75 | 80% | 20 | 10 | 25 | See IC District | | | | | | | | | |
| Highway Commercial (HC) | Commercial | N/A | N/A | 75 | 80% | 25 | 25 | 25 | | | | | | | | | | |
| Light Industrial (LI) | Commercial or Industrial | N/A | N/A | 75 | 80% | 25 | 25 | 25 | | | | | | | | | | |
| Major Industrial (MI) | Commercial | N/A | N/A | 75 | 90% | 25 | 10 | 50 | | | | | | | | | | |
| | Industrial | 3 ac *** | N/A | 75 | 90% | 25 | 50 | 50 | | | | | | | | | | |
| Office/Commercial Mixed Use (OC) | Commercial | N/A | N/A | 75 | 80% | 15 min 25 max | 10 [£] | 10 [⊖] | See IC District | | | | | | | | | |
| Planned Neighborhood Development (PND) | Commercial | 3 acres | See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5). | | | | | | | | | | | | | | | |

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by “ac” (acres).

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

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

¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⊕ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.



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: 21-12-ZV
 Staff Initials: jth
 Meeting Date: 04/22/21
 Fees Paid (\$100 or \$150): 100.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: DLGA, LLC; Attn: David and Lisa Butcher
 Mailing Address: 40280 Spectacular Bid Place, Leesburg, VA 20176
 Phone Number: (757)-818-3004 ; (703)-930-2329 Email: davidlbutcher@aol.com, lmbutcher@outlook.com

Applicant Contact Information

Name: David Butcher
 Mailing Address: 40280 Spectacular Bid Place, Leesburg, VA 20176
 Phone Number: (703)-930-2329 Email: davidlbutcher@aol.com

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

Name: Greenway Engineering, Inc; Attn: Alexis B Walburn
 Mailing Address: 704 Foxcroft Avenue, Martinsburg, WV 25401
 Phone Number: (304)-620-5111 x103 Email: awalburn@greenwayeng.com

Physical Property Details

Physical Address: 2282 Summit Point Road
 City: Summit Point State: WV Zip Code: 25446
 Tax District: Kabletown (06) Map No: 16 Parcel No: 0010
 Parcel Size: 25 Acres Deed Book: 1210 Page No: 599

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

Received 03-29-21 - jth

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: Appendix B - Non-residential site development standards table

Briefly describe the nature of the variance request:

A variance to the 50' setback is requested to allow the sea containers to be placed 25' off the property line, a reduction of 25'. This will allow for the most efficient layout for the SWM facilities and internal circulation. The variance request pertains to Appendix B - Non-residential site development standards table.

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

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

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

The site will be surrounded on all sides by a screened buffer, located 20' off the side property line and 25' off the front property line. All adjoining properties are owned by Summit Point Automotive Research Center, LLC (SPARC training campus) and are identified as commercial use. Regarding the screened buffer, a 6' fence is proposed to surround the facility on all sides. Currently there is no buffer or screening between the site and the adjoining parcels.

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 placement of the containers 25' off the property line allows for a bioretention area to control flows from the south end of the property, which receives runoff from the SPARC campus, mitigating the ponding downslope that is accumulating contaminants. This site has a history of WVDEP violations for surface and groundwater contaminants prior to acquisition by DLGA, LLC. The inclusion of a bio-retention area here addresses water quality and quantity standards.

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

Granting of this variance request will result in the most efficient layout of the site from a Storm Water Management perspective. The placement of the containers 25' off the property line allows for a bioretention area to address water quality closest to the source of contamination, mitigating the downslope accumulation of contaminants in standing water. Buffering & screening will be provided, and existing vegetation between the screening (fence) and adjoining will be maintained.

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

The granting of the variance preserves the intent of the zoning ordinance through Section 1.1 by protecting and encouraging the health, safety, and general welfare of the present and future population of the county, insuring that growth and development is economically and environmentally sound, encouraging the conservation of natural resources, and encouraging and supporting commercial, industrial, and agricultural activities while maintaining land use, order and compatibility.

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.

 3/9/21

Signature of Property Owner Date

 3-9-2021

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).

04-22-21

Date of Public Hearing

04-07-21

Advertising Date

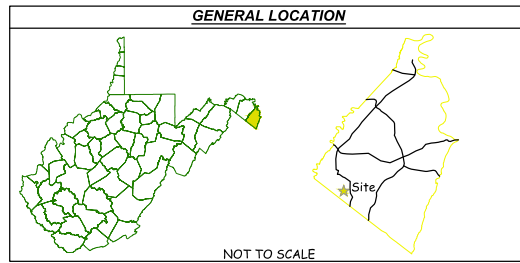
04-07-21

Placard Posting Date

ROAD RUNNER WRECKER SERVICE, INC

SITE DEVELOPMENT PLAN

KABLETOWN DISTRICT (06)
JEFFERSON COUNTY, WV



| Plan Revisions | |
|----------------|-------------|
| Date | Comment |
| 3/26/2021 | Planning |
| 3/26/2021 | Engineering |
| 3/26/2021 | Zoning |

| Jefferson County CONSTRUCTION NOTES (Table 12-1) | |
|--|---|
| 1. | Erosion & Sediment Control Measures shall be in place and inspected prior to performing any significant earth disturbing activities and site grading. |
| 2. | Earth Work shall be compacted to the percentages of maximum dry density in accordance with AASHTO 199C, as shown below: a. Roadways.....98% b. Parking Lots for heavy trucks.....96% c. Parking Lots for passenger vehicles.....95% d. Utility line trenches.....99% e. Building Pads.....100% The above compaction requirements shall be certified by a professional engineer or a soils technician under the direction of a professional engineer, and acceptable to the County Engineer. |
| 3. | Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate. |
| 4. | Work zone temporary traffic control along a public road shall be in accordance with West Virginia Division of Highway requirements and approval. |
| 5. | Seventy-two (72) hours prior to excavation in public right-of-ways or in areas served by underground utilities, call MISS UTILITY 1-800-245-4848. |

| Jefferson County SITE WORK MILESTONE INSPECTIONS | |
|--|---|
| The developer shall request County Engineer inspections minimum of 48 hours in advance (Call 304-726-5229). Inspections shall be requested according to the Table of Milestones shown below: | |
| 1. | Installation of Sediment & Erosion Control Devices prior to beginning site grading. |
| 2. | Roadway and/or parking lot subgrade proof roll prior to placing stone base. |
| 3. | Roadway and/or parking lot stone base depth check prior to placing asphalt or concrete pavement. |
| 4. | Water system and Sanitary sewer system inspection and approval by the public service district/utility prior to backfilling of trenches. |
| 5. | Final inspection including but not limited to: seeding & mulching, roadway & parking lot paving, sidewalks, storm drainage and stormwater management systems, traffic control signs & treatment markings, landscaping, etc. |
| Note: The County Engineer may accept "third-party" inspection and certification reports in place of inspections performed by the Office of Engineering, upon prior approval. Third-party inspection reports shall be submitted in the format specified by the County Engineer. | |

CALL "MISS UTILITY"
West Virginia Utility Protection Service at 811 or 1-800-245-4848, 48 hours prior to the start of work. excavators must notify all public utility operators who maintain underground utility lines in the area of proposed excavating or blasting and have those facilities located by the utility companies prior to commencing excavation, the excavator is responsible for compliance with all county requirements, West Virginia code and regulations.

UTILITY NOTICE REQUIRED
Contractors shall notify all public utility operators who maintain underground utility lines in the area of proposed excavating or blasting at least two (2) working days, but not more than ten (10) working days, prior to commencement of excavation or demolition. Names and telephone numbers of the operators of underground utility lines appear below. These numbers shall also be used to serve in an emergency condition

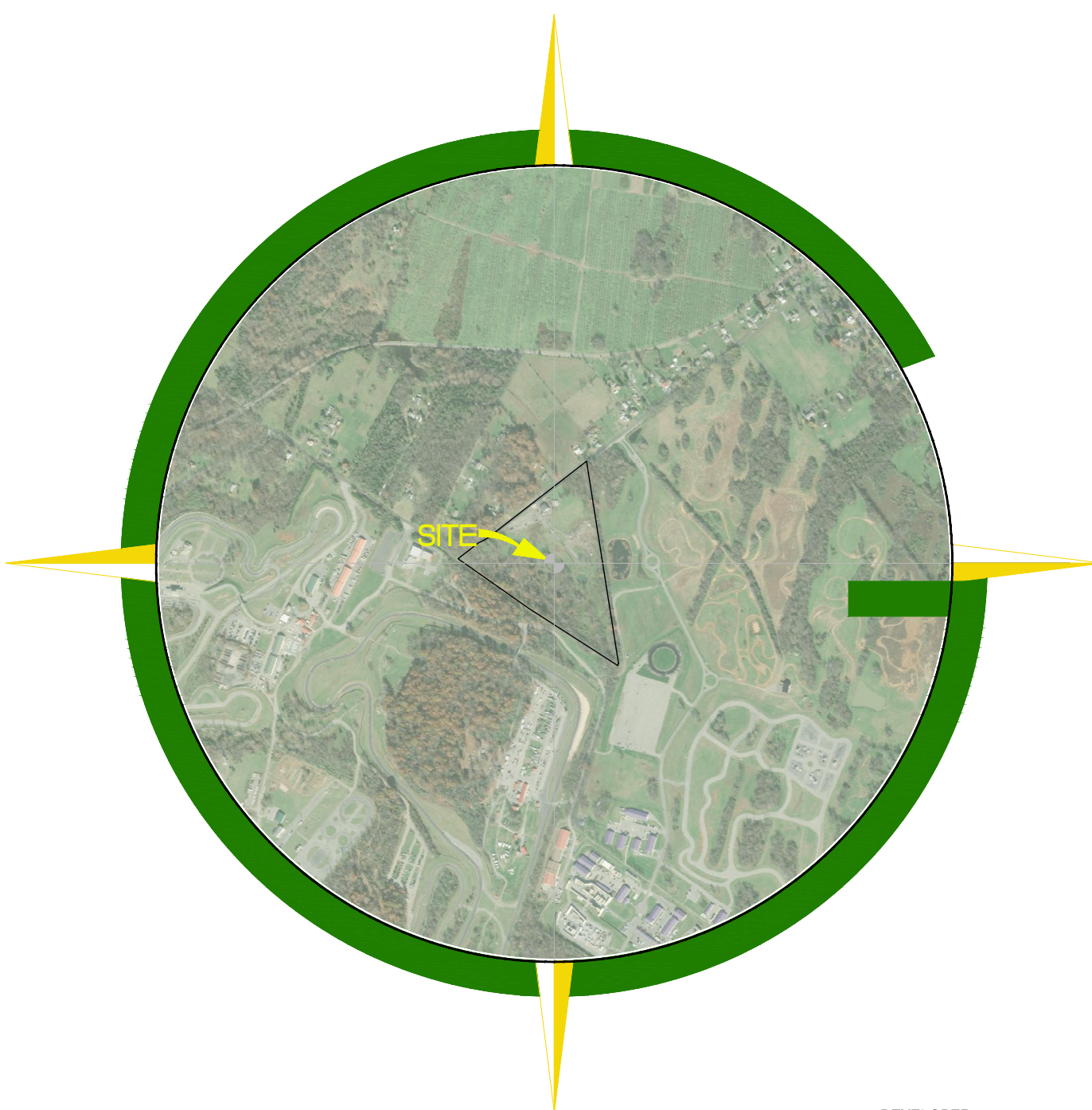
Water: Charles Town Utility Board
661 S. George Street
Charles Town, WV 25414
(304) 724-3281

Sewer: Charles Town Utility Board
661 S. George Street
Charles Town, WV 25414
(304) 724-3281

Power: Potomac Edison
P.O.Box 3615
Akron, OH 44309
(800) 686-0011

Phone: Frontier Communications
1108 N. Mildred Street
Ranson, WV 25438
(304) 728-8500

Soil Conservation: Eastern Panhandle Conservation District
151 Aikens Center, Suite 2
Martinsburg, WV 25404
(304) 263-4376



OWNER
DLGA, LLC
40280 SPECTACULAR BID PLACE
LEESBURG, VIRGINIA 20176
(757) 818-3004

VICINITY MAP
SCALE: 1" = 600'

DEVELOPER
DLGA, LLC
40280 SPECTACULAR BID PLACE
LEESBURG, VIRGINIA 20176
(757) 818-3004

| Sheet List Table | | | |
|------------------|----------------------------------|-------------|---------------|
| Sheet Number | Sheet Title | Revision No | Revision Date |
| 1 | Cover Sheet | 1 | 03 / 26 / 21 |
| 2 | General Notes | 1 | 03 / 26 / 21 |
| 3 | Boundary and Existing Conditions | XX | XX / XX / XX |
| 4 | Overall Site Plan | 1 | 03 / 26 / 21 |

| Jefferson County - Waivers and Variances | | | |
|--|---|--|--------------|
| Ordinance | Section | Description | Date Granted |
| Zoning | Appendix B - Non-residential Site Development Standards Table | A variance to the 50' setback is requested to allow the sea containers to be placed 25' off the property line, a reduction of 25'. | |
| | | | |
| | | | |

Jefferson County, West Virginia

PRELIMINARY PLAT APPROVAL

SITE PLAN APPROVAL

BY _____ County Engineer _____ Date _____

BY _____ County Planner _____ Date _____

"The developer, in signing this plat/plan, agrees to abide by all conditions, terms and specifications provided herein; and to complete all the improvements required by the Preliminary Plat and Plan or Site Plan."

DLGA, LLC _____ Date _____
40280 SPECTACULAR BID PLACE
LEESBURG, VA 20176
(757) 818-3004

SURVEYOR'S CERTIFICATE

I CHRISTOPHER G. BLAIR, A PROFESSIONAL SURVEYOR IN THE STATE OF WEST VIRGINIA, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE INFORMATION SHOWN HEREON IS CORRECT AND ACCURATE. THE PROPERTY BOUNDARY AND AS-BUILT INFORMATION SHOWN HEREON ARE BASED ON A CURRENT FIELD SURVEY CONDUCTED UNDER MY SUPERVISION, THE LAND SHOWN HEREON CURRENTLY STANDS IN THE NAME OF EAST MOUNTAIN HEALTH ADVANTAGE, INC. BY DEED DATE MARCH 22, 2018 OF RECORD IN THE BERKELEY COUNTY CIRCUIT COURT CLERK'S OFFICE AS DEED BOOK 1204, PAGE 11. THIS SURVEY HAS BEEN CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

SIGNATURE: _____ DATE: _____

SEAL:

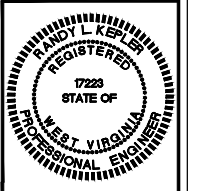
704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 620-5111
Fax: (640) 722-9528
www.greenwayeng.com

GREENWAY
ENGINEERING

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

COVER SHEET

Road Runner Wrecker Service, Inc.
Sketch Plan
Kabletown (06) District - Map 16 - Parcel 10 - Deed Book 1231 - Deed Page 378
Jefferson County, West Virginia



Date: 2 / 05 / 2021

Scale:

Designed By: ABW

File No. 7025

Sheet 1 Of 4

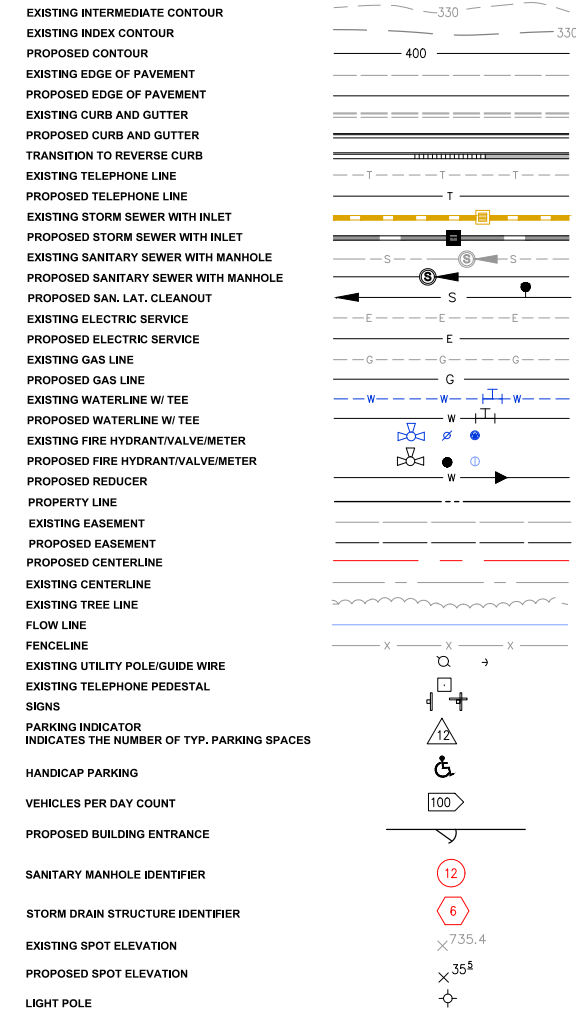
GENERAL NOTES

1. Methods and materials used in the construction of the improvements herein shall conform to current Jefferson County Construction Standards and Specifications and/or current WV DOT Standards and Specifications.
2. The Engineer shall not have control over or charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures nor for safety precautions and programs in connection with work shown on these plans. The Engineer is not responsible for the contractor's schedules or failure to carry out the work. The Engineer is not responsible for acts or omissions of the contractor, subcontractor, or their agents or employees, or any other person performing portions of the work.
3. The Contractor, Owner or Developer shall be responsible for securing any third party inspection/testing service to insure construction compliance with these plans and specifications. It is Greenway Engineering's recommendation that a third party inspection/testing service be employed to ensure that project is completed and materials installed meet the details and specifications in these plans.
4. The location of existing utilities shown in these plans are taken from existing records and available as-built data. It shall be the contractor's responsibility to verify the exact horizontal and vertical location of all existing utilities as needed prior to construction. The contractor shall be responsible for the digging of all test holes that may be required, whether recommended or not by these plans, to determine the exact location and elevation of existing utilities. If any conflicts arising from this existing utility verification or if during the course of construction, any object of an unusual nature is encountered, the contractor shall cease work in that area and immediately notify Greenway Engineering at (540) 662-4185 and/or the proper authority. Greenway Engineering or any engineer associated with these plans shall not be responsible or liable for any construction cost that may be associated with the installation or reinstatement any utility or other improvements if not notified of any discrepancies between actual field conditions and the approved plan.
5. The approval of these plans in no way relieve the developer, the contractor, or their agents of any legal responsibility which may be required by the code of West Virginia or any other ordinance enacted by the County nor does it guarantee the issuance of any required permit by the County, WV DOT or any other Agency.
6. An approved set of plans and all applicable permits must be available at the construction site at all times during construction. A representative of the developer must be available at all times.
7. The contractor shall provide adequate means of cleaning mud from trucks and/or other equipment prior to entering public streets, and it is the contractor's responsibility to clean streets, alley dust, and to take whatever measures are necessary to insure that public streets are maintained in a clean, mud and dust free condition at all times.
8. The developer will be responsible for any damage to the existing streets and utilities which occurs as a result of his construction project within or contiguous to the existing right-of-way.
9. Warning signs, markers, barricades or flagmen should be in accordance with the State and Federal Manual on Uniform Traffic Control Devices (MUTCD).
10. All unsuitable material shall be removed from the construction limits of the site plan before placing embankment.
11. All pavement sections shown on these approved plans are based on a minimum CBR value of 6 and are for preliminary design only. Final pavement design shall be based upon actual field tested CBR values. The Contractor or Developer shall be responsible for field tests per WV DOT standards to obtain actual CBR values for final design. Final pavement designs will be approved by WV DOT and/or the Owner/Developer, which ever applicable, prior to installation.
12. All springs shall be capped and piped to the nearest storm sewer manholes or curb inlet. The pipe shall be minimum 6" diameter.
13. When grading is proposed within easements of utilities, letters of permission from all involved companies must be provided to the City prior to issuance of grading and/or site development permits.
14. a. Notification shall be given to the Jefferson County Public Sewer District two weeks prior to construction so they can arrange to have a project representative during construction. The District would like to be in the pre-construction project meetings with the contractor.
b. Notification shall be given to the City of Charles Town Utility Board prior to construction of water lines. Information should also be obtained from the appropriate authority concerning permits, cut sheets, and connections to existing lines.
15. The Developer and/or Contractor shall be responsible to supply all utility companies with copies of the approved plans and advise them that all grading shall conform to the approved plans, and further that the utility companies shall be responsible for honoring these plans and the finished grades in the installation of their utility lines.
16. All utilities to be located underground.
17. Contractors shall notify operators who maintain underground utility lines in the area of proposed excavating or blasting at least two (2) working days, but not more than ten (10) working days, prior to commencement of excavation or demolition.
18. The developer will be responsible for the relocation of any utilities which is required as a result of his project. The relocation should be done prior to construction.
19. All parking lot/street light and dry utility design shall be performed and provided separately by others. All dry utility and or lighting information shown herein is as specified by others and is included for informational purposes only, as directed by the Owner, Developer and/or public agency requirements. Greenway Engineering has not performed the lighting and/or dry utility design and does not warrant and is not responsible for the degree and/or adequacy of illumination on this project or the adequacy of the dry utility to service the site.
20. All sanitary sewers, water mains and appurtenances shall be constructed in accordance with the current standards and specifications of Jefferson County.
21. All stormwater piping and structures shown on these plans are only accurate to the inlet or manhole locations as shown hereon. Detail design of stormwater structures were not provided to Greenway Engineering. Actual pipe alignments will be based upon developed structural shop drawings as provided by the manufacturer. Contractor shall make adjustments to pipe alignments base on provided shop drawings. Greenway Engineering will not be held responsible or liable for any discrepancies or changes caused by the structural design. Contractor may submit shop drawings to Greenway Engineering for review and approval at contractor's expense. Shop drawings will be reviewed for compliance with design plans. The Owner or Developer will be responsible for any redesign as a result of structural shop drawing design.
22. Controlled fills shall be compacted to 95% of maximum density as determined by method 'A' per standard proctor AASHTO-T99, ASTM-D698, or VTM-1 as applicable. Density shall be certified by a registered professional engineer and results submitted to Jefferson County, prior to pavement construction. If a geotechnical report has been prepared, it should supersede the requirements in this note.
23. Refer to Geotechnical Engineer for methods, materials and details for construction of all earthwork activities.
24. Any retaining wall 2 ft. or greater in height shall require the issuance of a separate building permit.
25. Construction debris shall be containerized. No less than one litter receptacle shall be provided at the construction site.
26. Greenway Engineering, Inc. (GE) issued this plan set based on project criteria dictated by the client and municipal codes. This plan set is not considered complete or appropriate for construction until ALL necessary agencies have given approval AND this plan set is signed and sealed by a licensed professional. Any work, planning, scheduling, material purchases and/or construction prior to approvals and licensed professional sealing will be performed at the risk of the personnel authorizing work. GE shall be held harmless from any costs, time delay and seals.

WVDOH NOTES

- WV1.** All work, construction methods and materials shall conform with the West Virginia Division of Highways "STANDARD SPECIFICATIONS ROADS AND BRIDGES Adopted January 1, 2017" and Supplemental Specifications dated January 1, 2018. All work on this project shall also conform with The Soil Conservation Service Erosion and Sediment Control Regulations and any other state, federal, or local regulations applicable. In the event of conflict between any of these standards, specifications, or plans, the most stringent shall govern.
- WV2.** All construction shall comply with the latest U.S. Department of Labor Occupational Safety & Health Administration.
- WV3.** When working on WVDOH right-of-way, all traffic control, whether permanent or temporary, shall be in accordance with "Manual on Temporary Traffic Control for Streets and highways" 2006 Edition as published by WVDOH.
- WV4.** Design features relating to construction or to regulation, control and safety of traffic may be subject to change as deemed necessary by WVDOH.
- WV5.** Prior to initiation of work, Contractor shall be responsible for acquiring all necessary WVDOH land use permits for any work on WVDOH right-of-way.
- WV6.** If required by the local WVDOH Residency Office, a preconstruction conference must be arranged and held by the engineer and/or developer with the attendance of the contractor, various County agencies, utility companies and WVDOH prior to initiation of work.
- WV7.** Contractor shall notify the local WVDOH Residency Office when work is to begin or cease for any undetermined length of time. WVDOH will also require 48 hours notice for any inspection. Please contact the Burlington, WV field office at 304-289-3521.
- WV8.** The Contractor will be responsible for maintaining adequate access to the project from the adjacent public roadway through construction and maintenance of a construction entrance in accordance with the Soil Conservation Service Erosion & Sediment Control Handbook. Furthermore, access to other properties affected by this project shall be maintained through construction.
- WV9.** Contractor shall ensure adequate drainage is achieved and maintained on the site during and at the end of construction.
- WV10.** All water and sewer lines within existing or proposed WVDOH right-of-way are to have minimum 36" cover and, when possible, to be installed under roadway drainage facilities.
- WV11.** Any unusual subsurface conditions encountered during the course of construction shall be immediately brought to the attention of the engineer and WVDOH. Work shall cease in that vicinity until an adequate design can be determined by the engineer and approved by WVDOH.
- WV12.** All undercut areas and borrow material shall be inspected and approved by WVDOH Inspector prior to placement of fill.
- WV13.** All roadway fill, base, subsurface material and backfill of utility/storm sewer trenches shall be compacted in 6" lifts to 98% of theoretical maximum density as determined by AASHTO T-99 Method A, within plus or minus 2% of optimum moisture for the full width of any dedicated street right-of-way. At the direction of WVDOH Inspector density tests performed by a qualified independent agency shall be conducted as required in the WVDOH Road and Bridge Specifications. A copy of all tests shall be submitted to WVDOH prior to final WVDOH approval.
- WV14.** WVDOH Standard CD and UD underdrains shall be installed where indicated on these plans and further where determined necessary by WVDOH Inspector.
- WV15.** The installation of any entrances and mailboxes within any dedicated street right-of-way shall meet WVDOH minimum design standards and is the developer's responsibility.
- WV16.** If required by the local WVDOH Residency Office, copies of all invoices for materials within any dedicated street right-of-way must be provided to the WVDOH Inspector prior to acceptance of work. Unit and total prices may be obscured.
- WV17.** Prior to acceptance by WVDOH of any streets, any required street signage and/or pavement markings must be installed by the developer.

LEGEND



PROJECT NARRATIVE

This project proposes the expansion of Summit Point Salvage Yard, which is an existing non-conforming use located in the Kabletown District (06) of Jefferson County, WV. The site is owned and operated by DLGA, LLC. The total acreage of the property is approximately 25 acres. The total proposed limits of disturbance is 17.7 acres. The impervious coverage for this project will total approximately 15.1 acres. The owners propose general clean-up and reorganization of the site, updating of methods and machinery, the addition of a 12' x 40' drive-up scale house, as well as the expansion and improvement of gravel and paved areas.

TRAFFIC IMPACT DATA

Key Intersection - Summit Point Road and Leetown Road, located approximately 0.8 miles East of the project site.
ADT - 1953 (Summit Point Road)
Highway Problem Area 33 (Summit Point Road)

| TRIP GENERATION DATA | | | |
|--|------------|-------------------|-------|
| USE | FLOOR AREA | * TRIP RATE | VPD |
| Light Industrial | 4,135 S.F. | 5.5 per 1000 S.F. | 22.75 |
| * Taken from Jefferson County Subdivision regulations Section 24.106(B)(5)(b). | | | |

PROJECT NOTES

Parcel Identification No. 06001600100000
Street Address: 2282 Summit Point Road
Project Site Area: 25 acres
Disturbed Area: 17.7 acres
Current Zoning: R - (Rural)
Current Use: Salvage Yard (Non-Conforming Use, predates Ordinance)
Proposed Use: Salvage Yard (Non-Conforming Use, predates Ordinance)

Required Setbacks:
Front: 50'
Side: 50'
Rear: 50'
Parking: 25'
Above-Ground Storage Tanks: 25' ; 3' BETWEEN AST'S

Provided Setbacks:
Front: 50'
Side: 50'
Rear: 50'
Parking: 25'
Above-Ground Storage Tanks: 25' ; 3' BETWEEN AST'S

Maximum Building Height: 75'
Proposed Building Height: 15'

Parking Required: 1 per 300 s.f. Gross Floor Area
4,164 s.f. / 300 = 14 Spaces
191 Parking Spaces Total
86 Customer and Employee Spaces; 95 Impound Lot Spaces
1 Van Accessible Space

ADA Parking Provided:

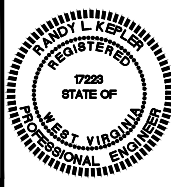
Overall Site Area: 25 acres 1,089,051 s.f.
Maximum Impervious Area: 22.5 acres 980,146 s.f. (90%)
Existing Impervious Area: 4.1 acres 176,583 s.f. (16%)
Proposed Impervious Area: 15.1 acres 658,759 s.f. (60%)

Existing Limits of Disturbance: 13.5 acres 588,064 s.f.
Proposed Limits of Disturbance: 17.7 acres 770,912 s.f.

GENERAL NOTES

Road Runner Wrecker Service, Inc.
Sketch Plan

Kabletown (06) District - Map 16 - Parcel 10 - Deed Book 1231 - Deed Page 378
Jefferson County, West Virginia

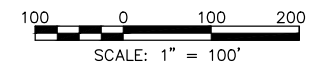
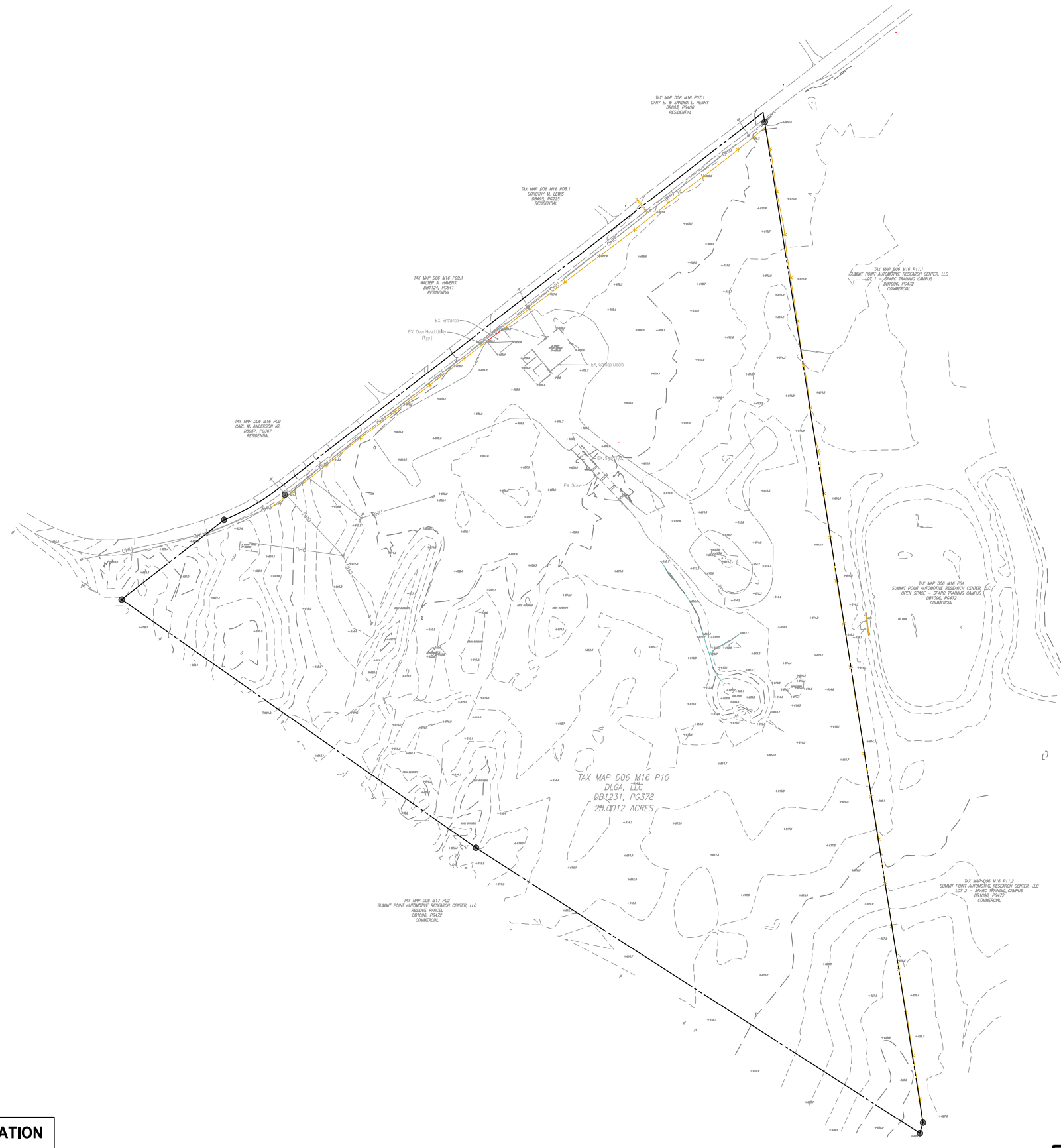


Date: 2 / 05 / 2021
Scale: N/A
Designed By: ABW
File No. 7025
Sheet 2 Of 4

704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 620-5111
Fax: (640) 722-9528
www.greenwayeng.com

GREENWAY ENGINEERING

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



SURVEY AND TOPOGRAPHIC INFORMATION

1. Boundary survey was performed by: Greenway Engineering Dated: 2/10/2020
2. Aerial, horizontal and vertical control surveys were performed by: Greenway Engineering 2/10/2020
Date
3. Aerial topographic mapping performed by: Greenway Engineering Dated: 2/10/2020

Flood Plain Reference
 The subject property is shown on FIRM Map Number 54037C0225E (Effective Date December 18, 2009) as NOT WITHIN any identified Flood Hazard Area. The developer will comply with Jefferson County Floodplain Ordinance and the guidance of the Jefferson County Floodplain Administrator.

Soil Type Reference
 VIB - Vertrees-Rock Outcrop Complex, 3 to 8 % slopes
 Drainage Class: Well Drained
 Depth to Water Table: > 80 inches
 Depth to Restrictive Feature: > 80 inches; 0 inches
 Hydrologic Soil Group: C

704 Foxcroft Avenue
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 www.greenwayeng.com

BOUNDARY AND EXISTING CONDITIONS

Road Runner Wrecker Service, Inc.
 Sketch Plan
 Kabletown (06) District - Map 16 - Parcel 10 - Deed Book 1231 - Deed Page 378
 Jefferson County, West Virginia



Date: 2 / 05 / 2021
 Scale: 1" = 100'
 Designed By: ABW
 File No. 7025
 Sheet 3 Of 4

**Order Granting Summary Approval
of a Variance Request by DLGA LLC (File #21-12-ZV)
Brought Before the Jefferson County Board of Zoning Appeals
Thursday, April 22, 2021**

Whereas, DLGA LLC, DBA Road Runner Wrecker Service, has applied for a variance from Appendix B to reduce the side setback from 50' to 25' for 54 storage units/sea containers to serve as an accessory use to an existing nonconforming salvage and recycling yard. The total length of the proposed encroachment area is approximately 544' located at 2282 Summit Point Road, Summit Point, WV (Parcel ID: 06001600100000); and

Whereas, the subject lot is zoned Rural and the proposed storage units/sea containers are permitted as an accessory use to an existing nonconforming use in accordance with Section 4.3G; 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 written 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. A 20 foot wide buffer, comprised of existing vegetation, shall be maintained along the eastern boundary as represented in the application.
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 April 22, 2021

By vote of the Jefferson County Board of Zoning Appeals

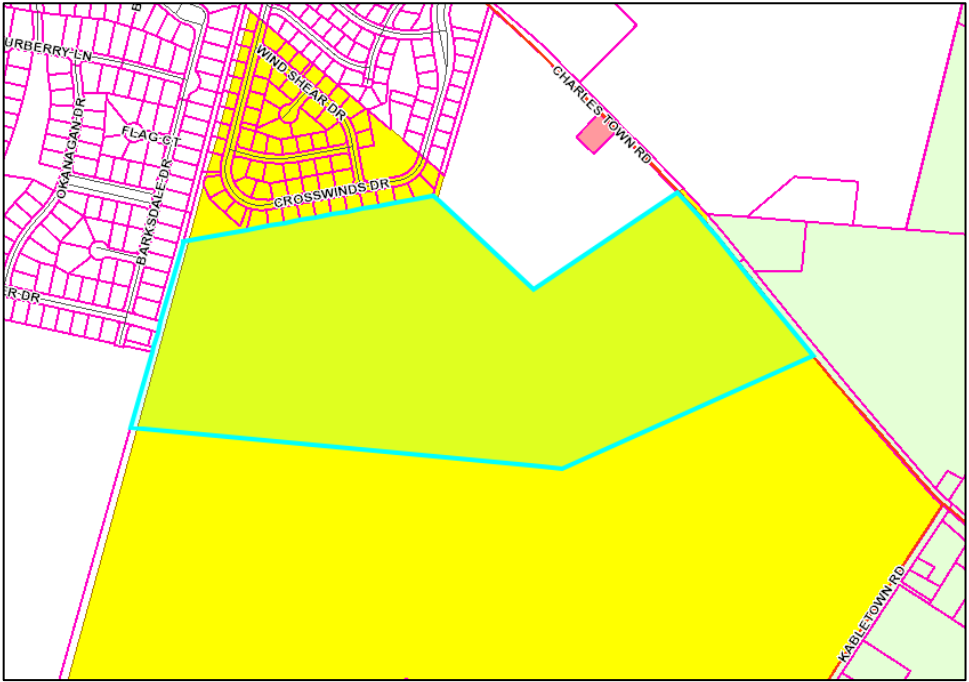
By a vote of ____ Yes ____ No

Tyler Quynn, Board of Zoning Appeals, Chair

Staff Report
 Jefferson County Board of Zoning Appeals
 April 22, 2021

King's Crossing Variance Request (#21-13-ZV)

Item #5 Variance request from Appendix A to reduce the side setback from 12' to 10' for all single family lots in the proposed King's Crossing subdivision (approximately 175 single family lots).

| | |
|---|---|
| Applicant: | DR Acquisitions LLC c/o Matt Powell |
| Owner: | Same |
| Developer: | Same |
| Consultant: | GORDON / Contact: Jason Gerhart |
| Parcel Information and Zoning District: | <p style="text-align: center;">Vacant lot west of Charles Town Rd (Route 115), adjacent to St. James Catholic Church Parcel ID: 02001700220000; Size: 86 ac; Zoning District: Residential Growth</p>  <p>*White areas of map are located within the City of Charles Town</p> |
| Surrounding Properties: | <p style="text-align: center;">Zoning Districts:</p> <p>North: City of Charles Town & Residential Growth; South: Residential Growth, East: City of Charles Town and Rural, West: City of Charles Town</p> |
| History: | <p>BLA recorded on 02/22/99 in Plat Book 16, Page 46 BLA recorded on 08/26/04 in Plat Book 21, Page 25 & 25A</p> <p>21-8-SD Kings Crossing Subdivision: 04/13/21: PC approved the following:</p> <ul style="list-style-type: none"> a) Concept Plan (public workshop) scheduled for 05/11/21 b) 21-6-PCW: waiver to increase the block length to 12 lots (public hearing) c) 21-7-PCW: waiver to reduce the lot width from to 60' (public hearing) |
| Waivers/Variations: | See History |
| Approved Activity: | Single family dwelling |
| Site Visit Conducted: | Yes. 04-15-21. |

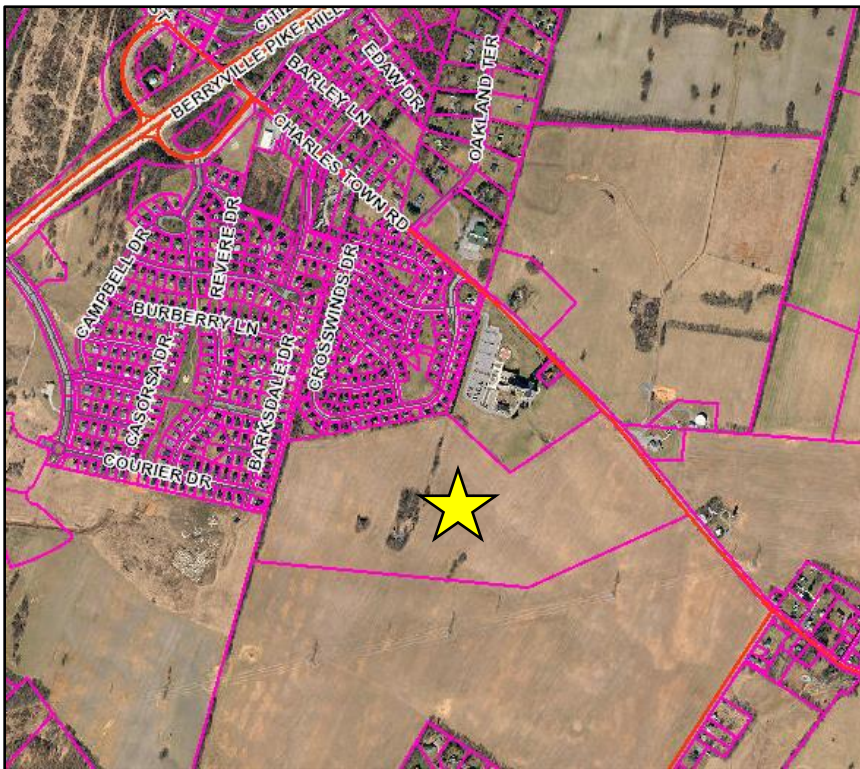
King's Crossing Variance Request (#21-13-ZV)

Summary of Request and Purpose of Ordinance Requirement

The applicant is requesting a variance from Appendix A to reduce the side setback from 12' to 10' for all single family lots in the proposed King's Crossing subdivision.

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

Staff Evaluation of the Request



The subject parcel is the result of a series of boundary line adjustments, which created the existing 86 acre parcel. The applicant is proposing a Major Residential Subdivision comprised of 175 single family detached dwellings and 229 townhome lots (404 residential lots). Reduced side yard setbacks would allow the developer to construct the style homes they have identified as being in demand with the current housing market.

Impact on adjacent properties is expected to be minimal because the lots are not yet platted; therefore, there are no existing houses within the subdivision. If

the variance is granted as requested, the lots will be sold to buyers in their approved configuration with reduced setbacks.

While it may be difficult to situate the size and/or style of houses that are in demand for the current market with the proposed lot sizes, the subject lots have not yet been platted; therefore, it is feasible to comply with the Ordinance as it is written by either planning for units which comply with the setbacks or altering the proposed lot configuration to accommodate the required setbacks.

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32}

| Zoning District | Land use | Land Use Subtype | Min Lot Area (MLA) sq. ft. *** | Area per Dwelling Unit (ADU) sq. ft. | Min Lot Width | Max Building Height* | Setbacks | | | | Parking/ Drive Aisle Setbacks | Screened Buffers Sec. 4.11 |
|--|---|--|--------------------------------|--------------------------------------|---------------|----------------------|----------|------|-------------|------|--------------------------------|--------------------------------|
| | | | | | | | Front | Side | Street Side | Rear | | |
| Residential Growth (RG) | Single Family Detached Dwelling | Public/Central water and sewer | 6,000 | 10,000 | N/A | 40 | 25 | 12 | 15 | 20 | N/A | N/A |
| | | Public/Central water or sewer | 20,000 | N/A | N/A | " | " | " | " | " | | |
| | | No Public/Central water or sewer | 40,000 | N/A | N/A | " | " | " | " | " | | |
| | Small Lot Single-Family Detached Dwelling | Public/Central water and sewer | 3,200 | 7,500 | 35 | 40 | 20**** | 5 | 10 | 20 | 12 side 15 front 15 rear | 12 side 15 front 15 rear |
| | Duplex Dwelling Unit | Public/Central water and sewer | 3,200 | 7,500 | N/A | 40 | 25 | 15** | 15 | 20 | | |
| | | Public/Central water or sewer | N/A | 10,000 | N/A | " | " | " | " | " | | |
| | Townhouse Dwelling | Public/Central water and sewer | 1,400 | 3,500 | N/A | 40 | 25 | 12** | 15 | 20 | | |
| | Multi-Family Dwelling (See Section 4.12) | Public/Central water and sewer | 20,000 | 2,000 | N/A | 40 | 25 | 12** | 15 | 30 | | |
| | Single-Family Dwelling with setbacks not previously stipulated by Planning Commission | Over 40,000 sq. ft. | N/A | N/A | N/A | 40 | 25 | 12 | ‡ | 12 | N/A | N/A |
| | | 30,000 sq. ft. to 40,000 sq. ft. | N/A | N/A | N/A | 40 | 20 | 10 | ‡ | 12 | | |
| Under 30,000 sq. ft. | | N/A | N/A | N/A | 40 | 20 | 8 | ‡ | 12 | | | |
| Rural (R) (See Sec. 5.7) | Dwellings | | 40,000 | N/A | 100 | 45 | 40 | 15 | ‡ | 50 | N/A | N/A |
| | Single-Family Dwelling with setbacks not previously stipulated by Planning Commission | Over 2 acres | N/A | N/A | N/A | 45 | 40 | 15 | ‡ | 50 | | |
| | | 40,000 sq. ft. to 2 acres | N/A | N/A | N/A | 45 | 25 | 12 | ‡ | 12 | | |
| | | 30,000 sq. ft. to 39,999 sq. ft. | N/A | N/A | N/A | 45 | 20 | 10 | ‡ | 12 | | |
| | | Under 30,000 sq. ft. | N/A | N/A | N/A | 45 | 20 | 8 | ‡ | 12 | | |
| Cluster Subdivision | See RG District | | | | | | | | | | | |
| Village (V) | Residential uses | See RG District | | | | | | | | | | |
| Residential-Light Industrial-Commercial (RLIC) | Residential uses | See RG District ^ϕ | | | | | | | | | | |
| Industrial-Commercial (IC) | Residential uses | See Rural setbacks for lots not previously stipulated by the Planning Commission. | | | | | | | | | | |
| Neighborhood Commercial (NC) | Residential uses | See RG District | | | | | | | | | | |
| General Commercial (GC) | Residential uses | See RG District | | | | | | | | | | |
| Highway Commercial (HC) | Residential uses | N/A | | | | | | | | | | |
| Light Industrial (LI) | Residential uses | N/A | | | | | | | | | | |
| Major Industrial (MI) | Residential uses | N/A | | | | | | | | | | |
| Office / Commercial Mixed Use (OC) | Residential uses | See RG District | | | | | | | | | | |
| Planned Neighborhood Development (PND) | Residential uses | See RG District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5). | | | | | | | | | | |

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

For all lots approved prior to Sept. 1, 1989, lots under 40,000 sq. ft. side & rear setbacks for residential accessory structures shall be 6'. NOTE: In RG district side & rear setbacks for accessory structures under 144 sq. ft. shall be 6'. See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.

All dimensions are in feet unless otherwise indicated.

ϕ In the RLIC and RG districts, townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10', if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

‡ See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

* Maximum height subject to Section 9.2

** Exterior side only.

*** The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.

**** The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway.



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: 21-13-ZV

Staff Initials: jth

Meeting Date: 04/22/21

Fees Paid (\$100 or \$150): 100.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: DR Acquisitions LLC c/o Matt Powell
 Mailing Address: 10212 Governor Lane Blvd, Suite 1006; Williamsport, MD 21795
 Phone Number: 240-420-6046 Email: mpowell@drbgroup.com

Applicant Contact Information

Name: DR Acquisitions LLC c/o Matt Powell
 Mailing Address: 10212 Governor Lane Blvd, Suite 1006; Williamsport, MD 21795
 Phone Number: 240-420-6046 Email: mpowell@drbgroup.com

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

Name: Jason Gerhart - GORDON
 Mailing Address: 148 S. Queen Street, Suite 201; Martinsburg, WV 25401
 Phone Number: 304-725-8456 Email: jgerhart@gordon.us.com

Physical Property Details

Physical Address: West of Charles Town Road, next to St James Catholic Church
 City: Charles Town State: WV Zip Code: 25414
 Tax District: Charles Town (02) Map No: 17 Parcel No: 22
 Parcel Size: 86+/- Acres Deed Book: 994 Page No: 667

Zoning District (please check one)

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

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

Received 03/29/21 - jth

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: Appendix A (RG) SFD Dwelling

Briefly describe the nature of the variance request:

Appendix A (Side Setback for Residential Growth (RG) from 12' to 10'.

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

Front Setback Side Setback Rear Setback Reduction From 12' to 10'

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

See attached.

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

See attached.

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

See attached.

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

See attached.

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

By signing this application, I give permission for the Office of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.


Signature of Property Owner

3/29/21
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).

04/22/21

Date of Public Hearing

04/07/21

Advertising Date

04/07/21

Placard Posting Date

Kings Crossing

Variance Request Addendum (Side Setback)

March 25, 2021

What Section of the Zoning and Land Development Ordinance are you requesting a Variance:

Appendix A. Side Setback for Residential Growth (RG). The minimum side setback for a Single Family Detached Dwelling is 12 feet.

Briefly describe the narrative of your waiver request:

It is requested that the 12' minimum side setback for single-family detached dwelling be reduced by 2' to a 10' minimum side setback. No reduction in lot area is being sought and the minimum lot area as set forth in Appendix A of the Jefferson County Zoning and Land Development Ordinance will apply.

Explain how the design of the project will provide public benefit in the form of County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of similar narrative.

Open space and Parkland would be increased with reduced lot widths. Side yards are not typically utilized by homeowners and the proposed lot configuration will reduce the side yard while increasing the rear yard. The purpose of this reduced side yard setback is to provide a house and lot configuration which aligns to what market analysis shows is selling for this market.

Explain how the waiver, if granted, will not adversely affect public health, safety, or welfare or the rights of adjacent property owners or residents.

The reduction of permitted side setback by 2' at Kings Crossing will not impact the public's health, safety or welfare nor will it impact adjacent property owners and/or residents rights.

Adjacent uses to Kings Crossing include single-family residential, church, and vacant land. The proposed residential use is compatible with the adjacent residential properties and provides single-family detached lots like the adjoining neighborhoods.

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

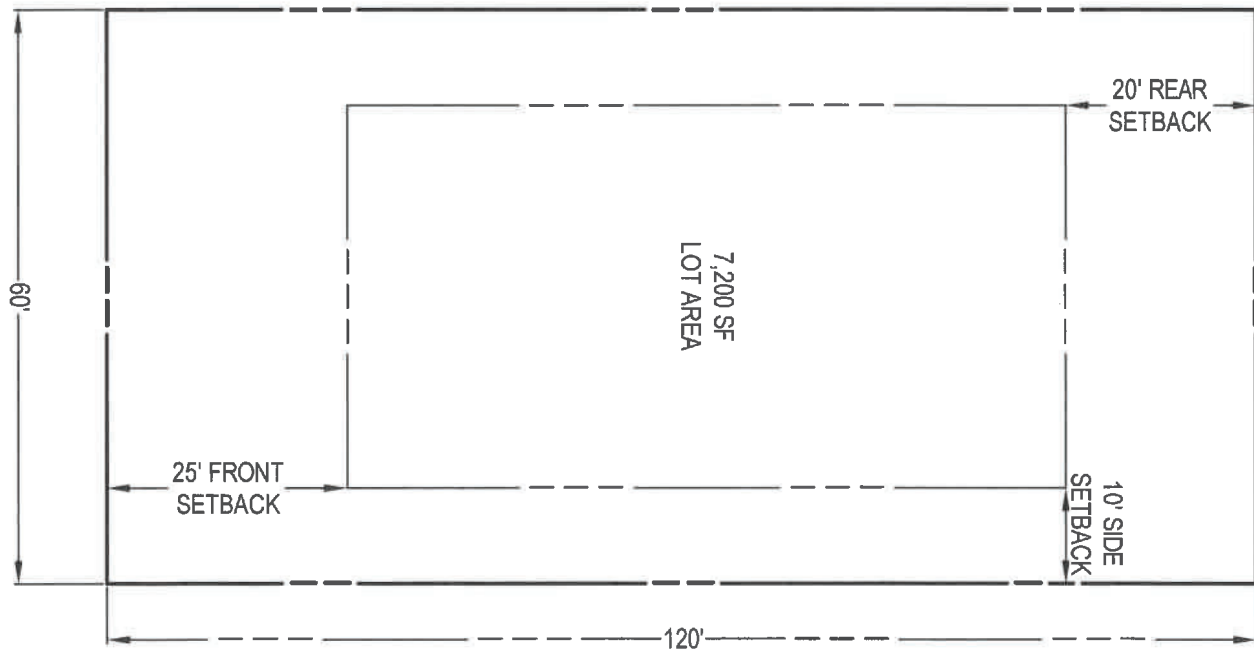
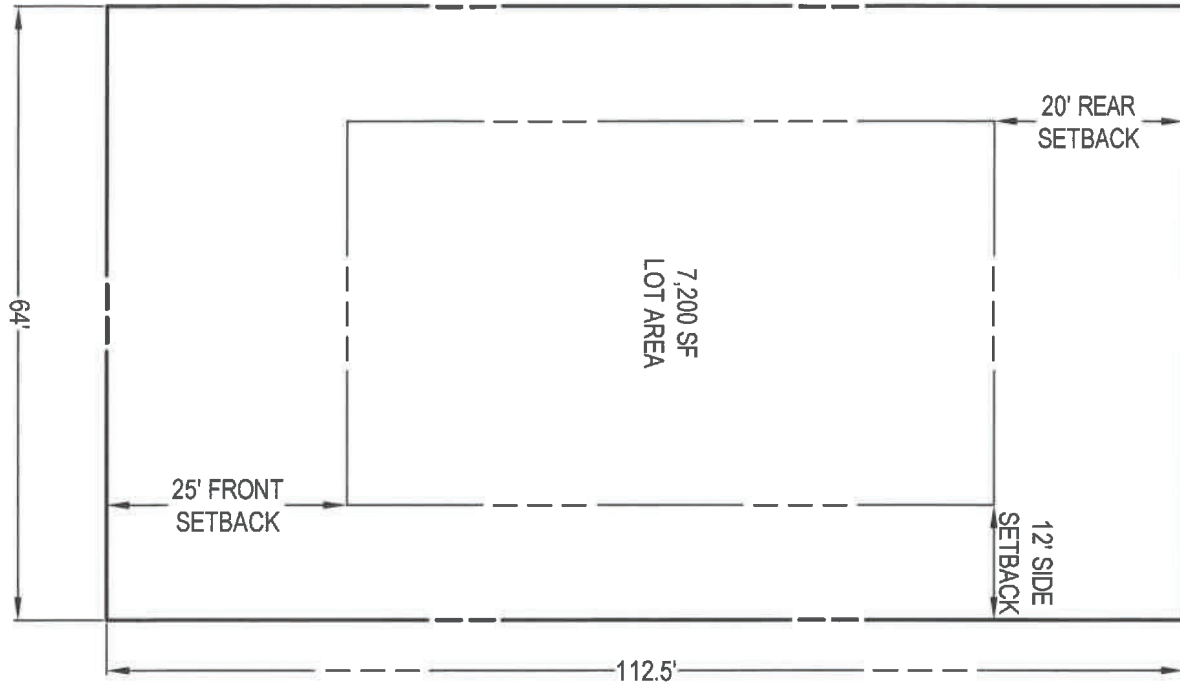
The requested waiver will provide minimum lot areas as established in Appendix A of the Zoning Ordinance. As part of the purpose of the Zoning Ordinance is to provide a guide for private enterprise in developing and building a strong economic community, the pursuit of building homes that are targeted to market for this area keeps with the intent developing and building a strong economic community by building that fit this market.

Explain how the waiver, if granted, will result in a project of better quality or character.

Today's housing market includes a demand for smaller homes on smaller lots which have access to larger common open space areas. Granting this waiver request will allow this market sector to be recognized in Jefferson County and will blend the proposed development with adjacent neighborhoods.

This community will provide larger community open spaces for its residents to enjoy. The increase in open space also highlights and protects the natural resources of the site. The Kings Crossing vision includes smaller lots with less maintenance and a highly amenitized neighborhood focused around central open space.

With reduced side setback, but keeping the same size lots will increase area in the backyards where most outside recreational time for families is spent.



for Submittal

**SIDE SETBACK - ZONING
VARIANCE EXHIBIT**

KING'S CROSSING

DATE: MARCH 2021

PROJECT NO.: 3035-0301

SCALE: 1"=20'



148 S. Queen Street, Suite 201
Martinsburg, WV 25401
Phone: 304-725-8456
www.gordon.us.com

PROGRAMMING AND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
SURVEY AND MAPPING
SECURITY CONSULTING

**Order Granting Summary Approval
of a Variance Request by DR Acquisitions LLC (File #21-13-ZV)
Brought Before the Jefferson County Board of Zoning Appeals
Thursday, April 22, 2021**

Whereas, DR Acquisitions LLC has applied for a variance from Appendix A to reduce the side setback from 12' to 10' for all single family lots in the proposed King's Crossing subdivision (approximately 175 single family lots) located on a vacant lot west of Charles Town Rd (Route 115), adjacent to St. James Catholic Church (Parcel ID: 02001700220000); and

Whereas, the subject lot is zoned Residential Growth and a reduced setback is consistent with a denser development; 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 written 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. _____

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 April 22, 2021

By vote of the Jefferson County Board of Zoning Appeals

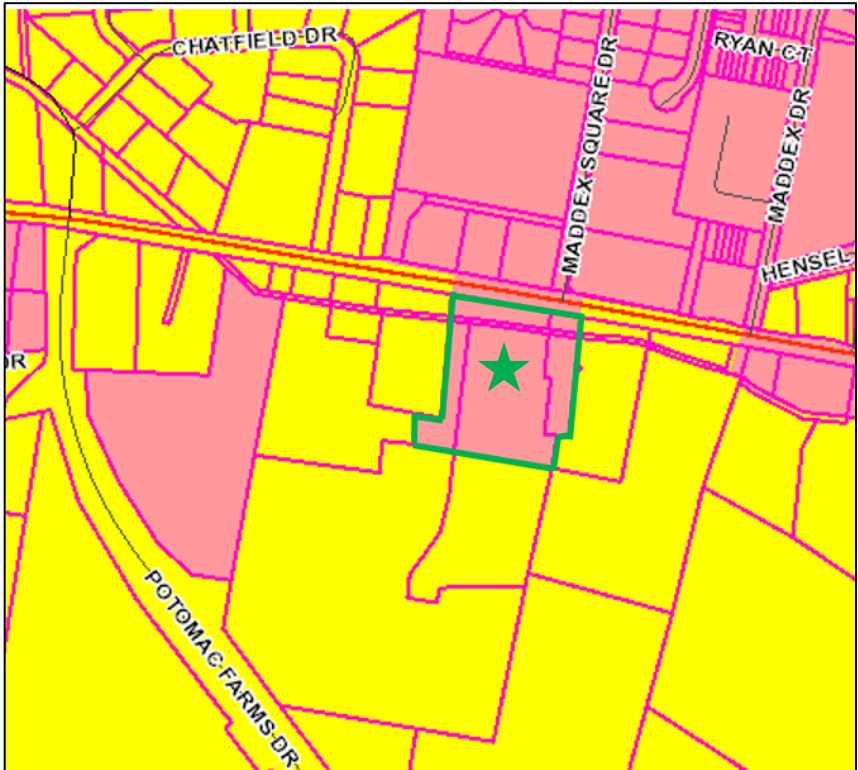
By a vote of ____ Yes ____ No

Tyler Quynn, Board of Zoning Appeals, Chair

Staff Report
 Jefferson County Board of Zoning Appeals
 April 22, 2021

Shepherdstown Sheetz Variance Request (#21-14-ZV)

Item #6 Variance request from Section 4.11.E.1 and Appendix B to modify the vegetative buffer requirement for a commercial use next to a lot in the Residential Growth zoning district to the standard for a commercial use adjacent to a commercial use (Section 4.11.E.1 subsections a-e). Additionally, the request proposes to utilize any existing vegetation on the side and rear property lines in lieu of the required planted landscaping.

| | |
|---|---|
| Applicant: | Sheetz Inc. |
| Owner: | James Van Evera, et al |
| Developer: | Sheetz, Inc. |
| Consultant: | Gordon |
| Parcel Information and Zoning District: | <p>South of intersection of Maddex Sq. Dr. & Martinsburg Pk, Shepherdstown Parcel ID: 09000800130000, 09000800150002; and, Part of Parcels: 0900080010002 & 09000800140000; Proposed Size: 5.2 ac Zoning District: Residential-Light Industrial-Commercial</p>  |
| Surrounding Properties: | <p style="text-align: center;">Zoning Districts: North: Residential-Light Industrial-Commercial South, East, West: Residential Growth</p> |
| History: | <p>20-1-Z: Zoning Map Amendment (rezoning) from Residential Growth to Residential-Light Industrial-Commercial (CC approved 12/03/20) 20-10-SP Shepherdstown Sheetz (Store 160): 02/09/21: PC approved the following: a) Concept Plan (public workshop)</p> |
| Waivers/Variations: | None. |

Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

Shepherdstown Sheetz Variance Request (#21-14-ZV)

| | |
|-----------------------|--|
| Proposed Activity: | Gas Station, Large to consist of a 6,100 sq. ft. Convenience Store with drive-thru, five (5) fueling islands with canopy, car wash, new roadway, upgraded to traffic signal for Martinsburg Pike, open space, stormwater management areas, the construction of associated utilities, plus associated parking spaces and signage. |
| Site Visit Conducted: | Placard posting verified. |

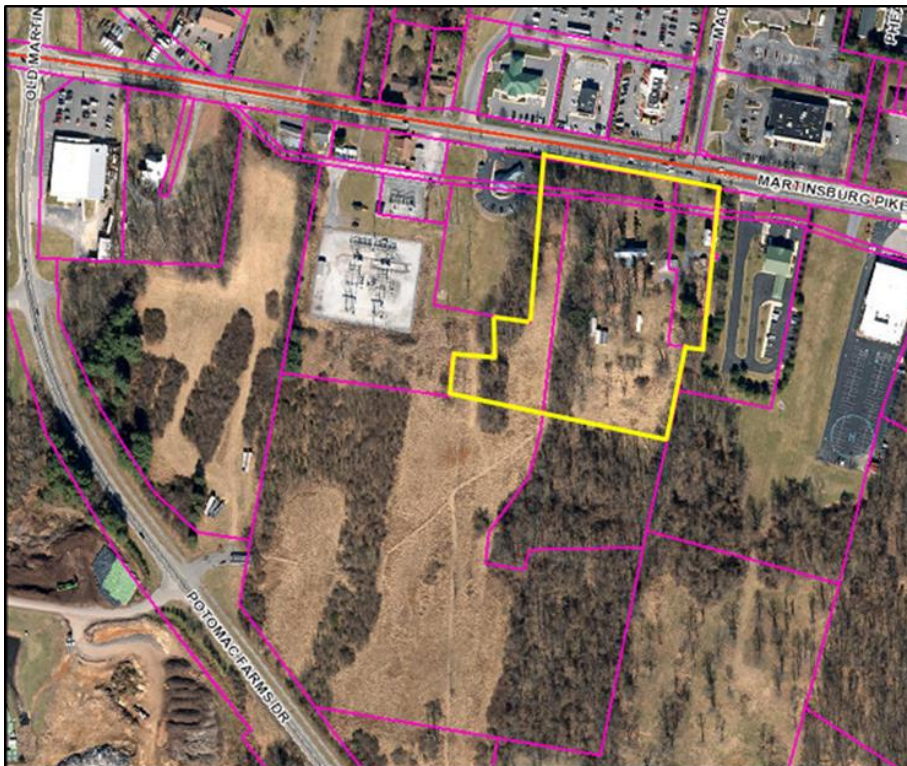
Summary of Request and Purpose of Ordinance Requirement

Variance request from Section 4.11.E.1 and Appendix B to modify the vegetative buffer requirement for a commercial use next to a lot in the Residential Growth zoning district to the standard for a commercial use adjacent to a commercial use (Section 4.11.E.1 subsections a-e). Additionally, the request proposes to utilize any existing vegetation on the side and rear property lines in lieu of the required planted landscaping.

The purpose of landscape buffer requirements is to reduce the impact that a land use might cause to an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise.

Staff Evaluation of the Request

On February 9, 2021, the Planning Commission approved the Concept Plan for the proposed construction of the Shepherdstown Sheetz Store 160 (a Major Non-Residential Site Development). The proposal consists of a 6,100 sq. ft. Convenience Store with drive-thru, five (5) fueling islands with canopy, car wash, new roadway, upgraded to traffic signal for Martinsburg Pike, open space, stormwater management areas , the construction of associated utilities, plus associated parking spaces and signage.



Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

Shepherdstown Sheetz Variance Request (#21-14-ZV)

The property is surrounded by lots in the Residential Growth zoning district and therefore, required to provide the greater buffer screen; however, the properties to the east and the west have already been developed for commercial uses. The property to the south is undeveloped and under the same ownership as the subject property; therefore, allowing use of a commercial-commercial buffer standard would likely have minimal impact on the adjoining lots. The applicant will comply with the required 75 foot distance requirement from the side and rear property lines.

*Note: the northern and eastern property lines are subject to the street tree standard, as both property lines front a right-of-way. The applicant reflects compliance with this standard on their landscape plan (see attached).

The second part of the request is to incorporate existing vegetation into the required buffer screen. Utilizing existing, mature vegetation provides a more effective buffer than clearing existing vegetation to install a buffer with new trees; therefore, it appears that this request would have minimal impact on the adjoining lots.

It is feasible to comply with the Ordinance as it is written; however, the subject requests appear to be reasonable and uphold the intent of the Ordinance.

Conditions of Approval

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

1. Anywhere existing vegetation is utilized, the applicant shall provide documentation that the existing vegetation is comprised of hardwood and/or evergreen trees that meet or exceed the buffer requirements in the Ordinance.

Section of Ordinance to be Considered

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.²⁷

A. Commercial Development²⁷

1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 50 foot or greater unscreened green space buffer or a 15 foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
2. All commercial development adjacent to all other uses must maintain ten foot side and rear yard landscape buffers.⁵

D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.

E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

Shepherdstown Sheetz Variance Request (#21-14-ZV)

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7, 23, 27, 28}

However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:^{27, 28}

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of 20 feet or more at maturity, planted every 50 linear feet; at least every other tree shall be an evergreen;
 - b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every 50 linear feet; and
 - c. Three (3) shrubs per each 25 feet along the property line, round upward.
 - d. These requirements shall be required on both sides of a property line for adjoining properties.
 - e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.^{7, 23, 26}
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
 3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
 4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.
 - 5.





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: 21-14-ZV
 Staff Initials: jth
 Meeting Date: 04/22/21
 Fees Paid (\$100 or \$150): 100.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: James Van Evera II
 Mailing Address: 7948 Martinsburg Pike, Shepherdstown, WV 25443
 Phone Number: n/a Email: n/a

Applicant Contact Information

Name: Sheetz Inc. (Contact: Robert Franks)
 Mailing Address: 5700 6th Avenue, Altoona, PA 16602
 Phone Number: (814) 935-4798 Email: bfranks@sheetz.com

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

Name: GORDON
 Mailing Address: 148 S. Queens Street, Suite 201, Martinsburg WV 25401
 Phone Number: (304) 725-8456 Email: bsvedlow@gordon.us.com,
astratton@gordon.us.com

Physical Property Details

Physical Address: N/A (intersection of Maddex Square Drive and Martinsburg Pike)
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: 09 Shepherdstown Map No: g Parcel No: 13, 15.2
 Parcel Size: 5.2 +/- Deed Book: 1074 Page No: 306

Zoning District (please check one)

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

Received 03/29/21 - jth

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 4.11.E.1

Briefly describe the nature of the variance request:

Request waiver of Sec 4.11.e., "vegetative screen shall comply with Details M52, M53 or M54..." and ask the buffer outlined in Sec 4.11.e.1.a-e apply to the property. Additionally, we are requesting the ability to utilize existing vegetation.

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:

See attached.

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

See attached.

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


See attached.

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

See attached.

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

By signing this application, I give permission for the Office of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

 3/25/21
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).

04/22/21

Date of Public Hearing

04/07/21

Advertising Date

04/07/21

Placard Posting Date

Sheetz Shepherdstown

Waiver Request Addendum (Landscape)

April 25, 2021

What Section of the Subdivision Regulations are you requesting to waive.

Section 4.11.E. Buffer Yards:

E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7, 23, 27, 28}

However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:^{27, 28}

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every fifty (50) linear feet; at least every other tree shall be an evergreen;
- b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every fifty (50) linear feet; and
- c. Three (3) shrubs per each twenty five (25) feet along the property line, round upward.
- d. These requirements shall be required on both sides of a property line for adjoining properties.
- e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.^{7, 23, 26}

Briefly describe the narrative of your waiver request:

It is requested that the buffer outlined in Section 4.11.E.1.a -e apply to the property in lieu of the vegetative screen that complies "with Details M52, M53 or M54" as outlined in section 4.11.E. Additionally, we are requesting the ability to incorporate existing vegetation into the rear and side buffer yards.

Currently, the parcel is adjacent to Residential Growth as shown to the right. The adjacent property to the west is already commercially developed as shown on the Property Aerial below.

ZONING DISTRICT MAP

SCALE: 1"=2000'



| | |
|--|---|
| | Residential/Light Industrial/Commercial |
| | Residential Growth |
| | Incorporated Town |
| | Public/Quasi-Public Land |
| | Rural |

PROPERTY AERIAL



Explain how the design of the project will provide public benefit in the form of County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of similar nature.

The landscape buffer as described in 4.11.E, constructed or not, will have no impact on open space or the County Parks Plan. Additionally, retaining established vegetation is better than clearing.

Explain how the waiver, if granted, will not adversely affect public health, safety, or welfare or the rights of adjacent property owners or residents.

The landscape buffer as described in 4.11.E, constructed or not, will have no impact on the public or adjacent property owners. The alternate buffer requested in this waiver is designed for commercial properties adjacent to commercial properties, which this property meets.

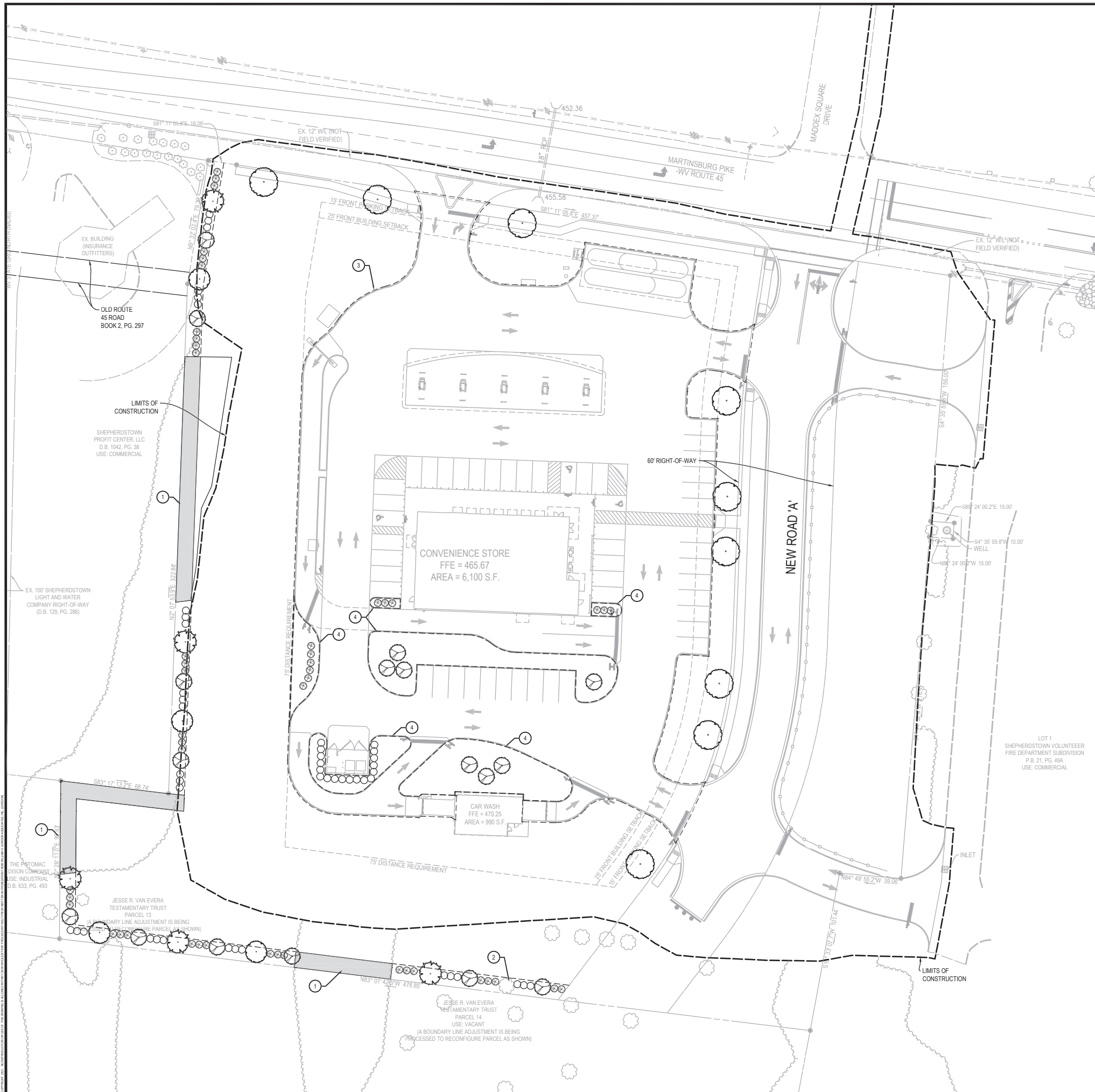
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

The intent of the Ordinance is to guide safe and logical development within the County. Section 4.11.E.1.a through e recognizes that buffers between similar commercially developed properties do not require the same guidelines as residential properties. Additionally, landscape buffer yards are intended to provide adequate screening from adjoining uses. The existing vegetation currently provides this.

Explain how the waiver, if granted, will result in a project of better quality or character.

This waiver will reduce clearing of mature vegetation, resulting in a buffer that is original to the site and taller in height. The construction of a buffer where existing vegetation is already established represents

an unnecessary cost, economically and environmentally, and contributes nothing to the quality of the project. Additionally, the waiver would allow the buffer outlined for adjoining commercial properties to be utilized.



KEY NOTE LEGEND

- ① HATCH = REAR AND SIDE LANDSCAPE BUFFER REQUIREMENTS ARE MET THROUGH THE PRESERVATION OF EXISTING VEGETATION. 10' LANDSCAPE BUFFER IS TO REMAIN UNDISTURBED.
- ② EXISTING TREE TO REMAIN AND SERVE AS SIDE BUFFER.
- ③ PARKING LOT AREA (TYP.)
- ④ GREEN SPACE (TYP.)

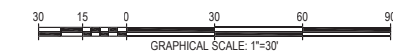
PLANT SCHEDULE

| KEY | QUANTITY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|------------------|----------|--|-----------------------------|-------------|
| TREES | | | | |
| ① | 9 | <i>ACER RUBRUM</i> | RED MAPLE | 6' HT. MIN. |
| ② | 5 | <i>ARBORVITAE THUJA STANDISHII X PLACATA 'G'</i> | GREEN GIANT ARBORVITAE | 6' HT. MIN. |
| ③ | 4 | <i>ZELKOVA SERRATA 'GREEN VASE'</i> | GREEN VASE JAPANESE ZELKOVA | 6' HT. MIN. |
| ORNAMENTAL TREES | | | | |
| ④ | 17 | <i>CORNUS ALTERNIFOLIA</i> | PAGODA DOGWOOD | 4' HT. MIN. |
| SHRUBS | | | | |
| ⑤ | 48 | <i>ILEX VERTICILATA 'RED SPRITE'</i> | DWARF WINTERBERRY | #3 CONT. |
| ⑥ | 48 | <i>ROSA 'RADRASS' KNOCK OUT</i> | DOUBLE KNOCK OUT ROSE | #3 CONT. |

LANDSCAPE REQUIREMENTS

| STREET TREES ⁽¹⁾ | | |
|---|------------------|------------------------------------|
| REGULATION | REQUIRED | PROVIDED |
| THE GREATER OF 4 TREES OR 1 PER 100 L.F. | 9 TREES | 9 TREES |
| [354.78/100 = 3 (3<4)] + [508.83/100 = 5 (5>4)] | | |
| 10' SCREENED SIDE AND REAR BUFFER - TREES ⁽²⁾ | | |
| REGULATION | REQUIRED | PROVIDED |
| 1 DECIDUOUS OR EVERGREEN TREE PER 50 L.F. | 10 TREES | 9 TREES +1 EXISTING 10 TREES |
| 543.81/50 | | |
| 10' SCREENED SIDE AND REAR BUFFER - ORNAMENTAL TREES ⁽²⁾ | | |
| REGULATION | REQUIRED | PROVIDED |
| 1 ORNAMENTAL TREE PER 50 L.F. | 10 TREES | 10 TREES |
| 543.81/50 | | |
| 10' SCREENED SIDE AND REAR BUFFER - SHRUBS ⁽²⁾ | | |
| REGULATION | REQUIRED | PROVIDED |
| 3 SHRUBS PER 25 L.F., ROUND UPWARD | 66 SHRUBS | 66 SHRUBS |
| 543.81/25*3 = 65.25 | | |
| GREEN SPACE ⁽³⁾ | | |
| REGULATION | REQUIRED | PROVIDED |
| GREENSPACE - 5% OF PARKING LOT AREA | 4,411.5 SQ. FEET | 4,656 SQ. FEET. |
| 88,230 SF*.05 = 4,411.5 SF | | |

(1) PER SECTION 4.11.1 OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE
 (2) PER SECTION 4.11.E OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE
 (3) PER SECTION 9.11.C OF THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE



Gordon
 PROGRAMMING AND PLANNING
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 SURVEY AND MAPPING
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 148 S. Queen Street, Suite 201
 Martinsburg, WV 25401
 Phone: 304-725-8456
 www.gordon.us.com

SEAL:

| NO. | REVISIONS |
|-----|-----------|
| | |
| | |
| | |
| | |

LANDSCAPE PLAN
SHEETZ STORE 160
SITE PLAN
 TAX MAP 08, PARCEL 13, 15.2, AND PORTIONS OF
 PARCELS 10.2 & 14; D.B. 1074, PG. 306
 SHEPHERDSTOWN (09) TAX DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA
 J.C. FILE #20-10-SP

SCALE: HORIZ: 1" = 30'
 VERT: N/A
 DATE: MARCH 2021
 JOB: 3370-0202
 DRAWN: BJS CHECK: RPP
 CADD: C-LS-101.DWG
 NCS: N/A
 SHEET:
30 OF 30

**Order Granting Summary Approval
of a Variance Request by James Van Evera, et al (File #21-14-ZV)
Brought Before the Jefferson County Board of Zoning Appeals
Thursday, April 22, 2021**

Whereas, Sheetz Inc., on behalf of James Van Evera, et al, has applied for a variance from Section 4.11.E.1 and Appendix B to modify the vegetative buffer requirement for a commercial use next to a lot in the Residential Growth zoning district to the standard for a commercial use adjacent to a commercial use (Section 4.11.E.1 subsections a-e). Additionally, the request proposes to utilize any existing vegetation on the side and rear property lines in lieu of the required planted landscaping located on a vacant lot South of intersection of Maddex Sq. Dr. & Martinsburg Pk, Shepherdstown, WV (Parcel ID: 09000800130000, 09000800150002; and, Part of Parcels: 0900080010002 & 09000800140000); and

Whereas, the subject lot is zoned Residential-Light Industrial-Commercial; and

Whereas, the applicant is proposing to utilize existing vegetation and to install a variation of the required landscape buffer; and

Whereas, the adjoining properties to the west and the east are commercially developed, and the property to the south is under the same ownership as the applicant; 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 written 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. Anywhere existing vegetation is utilized, the applicant shall provide documentation that the existing vegetation is comprised of hardwood and/or evergreen trees that meet or exceed the buffer requirements in the Ordinance.
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 April 22, 2021

By vote of the Jefferson County Board of Zoning Appeals

By a vote of ____ Yes ____ No

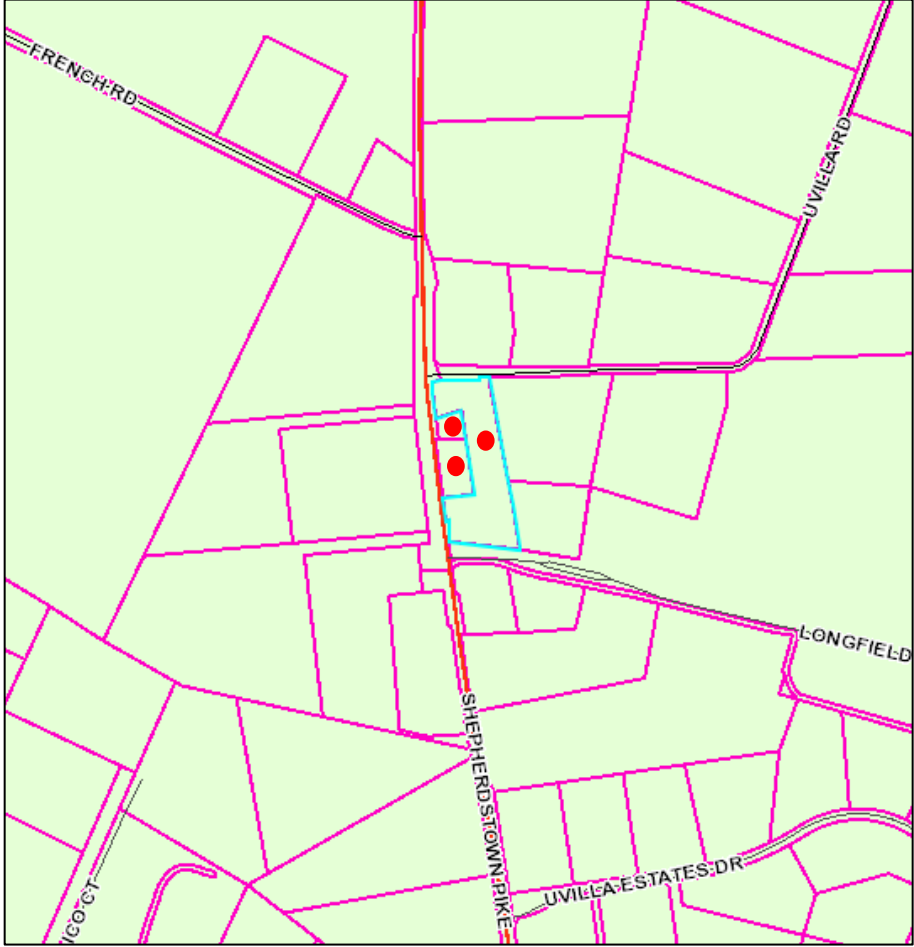
Tyler Quynn, Board of Zoning Appeals, Chair

DRAFT

Staff Report
 Jefferson County Board of Zoning Appeals
 April 22, 2021

St. James. Lutheran Church at Uvilla Variance Request (#21-15-ZV)

Item #7 Variance request from Section 4.11 and Appendix B to eliminate the requirement to plant street trees; to eliminate the buffer requirement between internal lot lines; and to utilize existing vegetation in lieu of the 15 foot screened buffer option along the side and rear property lines.

| | |
|---|--|
| Applicant: | Adam Link |
| Owner: | St. James. Lutheran Church at Uvilla |
| Developer: | N/A |
| Consultant: | Kim Petrucci |
| Parcel Information and Zoning District: | <p style="text-align: center;">4338 Shepherdstown Pike, Shepherdstown, WV Parcel ID: 09002000160000; Size: 4.33 acres Zoning District: Rural</p>  <p style="text-align: center;">● Parcels owned by property owner.</p> |
| Surrounding Properties: | Zoning Map Designation: North, South, East and West: Rural |
| Waivers/Variances: | 08/18/11: BZA approved waiver of site plan for 640 sf addition (ZV11-18) 06/10/14: PC approved waiver to reduce entrance width (PCW14-02) 06-10-14: PC approved waiver to allow an asphalt entrance (PCW14-03) |
| Proposed Activity: | S14-02: gravel parking lot and drive aisles (Site Plan Pending) |
| Site Visit Conducted: | Yes. 04-15-21. |

Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

St. James. Lutheran Church at Uvilla Variance Request (#21-15-ZV)

Summary of Request and Purpose of Ordinance Requirements

Variance request from Section 4.11 and Appendix B to eliminate the requirement to plant street trees; to eliminate the buffer requirement between internal lot lines; and to utilize existing vegetation in lieu of the 15 foot screened buffer option along the side and rear property lines.

The purpose of landscape buffer requirements is to reduce the impact that a land use might cause to an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise.

Staff Evaluation of Request

The subject property consists of three separate parcels that contain an existing church, fellowship hall, parking areas, and cemetery. The majority of the land uses have existed prior to the adoption of County Regulations.

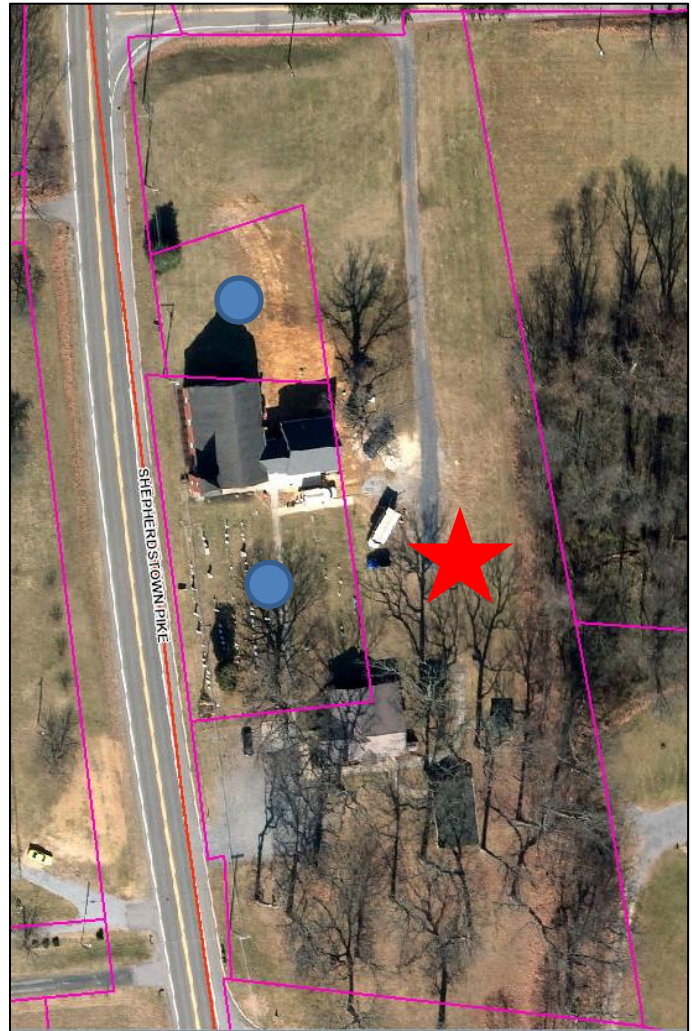
The applicant is currently processing a site plan to address a gravel parking lot that was installed and determined that they cannot comply with the required landscaping and buffer requirements.

The request pertaining to the internal lot lines will not impact adjoining properties, as the church owns all three of those lots. This type of request is not unreasonable, nor is it uncommon when a property owner develops across multiple adjoining lots under the same ownership. Consolidating the lots is often not a viable option for financial reasons.

The applicant has represented that they would like to utilize existing vegetation in lieu of a planted buffer; however, it appears that most of the existing vegetation on the eastern property line exists on the adjoining property. The parking lot area has already been used for parking and adjoining properties have not contacted our Office with concerns related to parking for the church. If the church is ever utilized for a school or other similar use, the applicant should be required to install the buffer screen or come back to the Board for further evaluation.

Regarding the street tree standard, as no new buildings are proposed and the parking is located to the rear of the existing church facilities, it does not appear that eliminating the street tree requirement will have a negative impact on adjoining properties; however, street trees would improve the overall aesthetics of the property. Approximately eight street trees would be required to be planted along street frontage (Shepherdstown Pike, Uvilla Road, and Longfield Lane).

It is feasible to comply with the Ordinance as it is written; however, granting the variance to allow the church to continue to use the property for parking and complete their site plan review, does not appear to create an adverse impact on the adjoining property to the east.



Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

St. James. Lutheran Church at Uvilla Variance Request (#21-15-ZV)

Conditions of Approval

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

1. Should the church expand its services to include a school or childcare facility outside of typical church services, the applicant shall come back to the Board for further evaluation.



Placard #1 Posting Verified



Placard #2 Posting Verified

Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

St. James. Lutheran Church at Uvilla Variance Request (#21-15-ZV)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.²⁷

A. Commercial Development²⁷

2. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 50 foot or greater unscreened green space buffer or a 15 foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
3. All commercial development adjacent to all other uses must maintain ten foot side and rear yard landscape buffers.⁵

B. Industrial Development²⁷

1. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have an unscreened buffer yard of no less than 200 feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard.
2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (½) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.^{5, 7}
3. All industrial development adjacent to any use shall have 20 foot screened side and rear landscape buffers.

C. Multi-family Development²⁷

1. All multi-family adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have, along common property lines, screened green space buffers as follows:
 - a. Front and rear: a minimum of 15 feet
 - b. Side: a minimum of 12 feet

D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.

E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7, 23, 27, 28}

However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:^{27, 28}

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of 20 feet or more at maturity, planted every 50 linear feet; at least every other tree shall be an evergreen;

Staff Report
 Jefferson County Board of Zoning Appeals
 April 22, 2021

St. James. Lutheran Church at Uvilla Variance Request (#21-15-ZV)

- b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every 50 linear feet; and
 - c. Three (3) shrubs per each 25 feet along the property line, round upward.
 - d. These requirements shall be required on both sides of a property line for adjoining properties.
 - e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.^{7, 23, 26}
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
 3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
 4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.
- F. In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.²³
- G. All buffer yards shall be maintained by the property owner.
- H. All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 8.9A, 1 through 7, will apply. The buffer shall meet the current Federal standard except as required in Table 4.11 -1 below:²³

Table 4.11 -1 Wetland Size in Acres^{5, 8, 23}

| Greater Than | Less Than | Buffer Width in Feet |
|--------------|-----------|----------------------|
| 0.05 | 0.10 | 30 |
| 0.10 | 0.16 | 35 |
| 0.15 | 0.21 | 40 |
| 0.20 | 0.26 | 50 |
| 0.25 | 0.31 | 55 |
| 0.30 | 0.36 | 60 |
| 0.35 | 0.41 | 65 |
| 0.40 | 0.46 | 70 |
| 0.45 | 0.51 | 75 |
| 0.50 | 0.66 | 80 |
| 0.65 | 0.81 | 85 |
| 0.80 | 0.96 | 90 |
| 0.95 | 1.21 | 95 |
| 1.20 | -- | 100 |

- I. All required landscape plans shall contain the following elements:⁷
1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:²³
 - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
 - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet.
 2. Evergreen buffer planting, as required, for full screening.
 3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.

Staff Report
Jefferson County Board of Zoning Appeals
April 22, 2021

St. James. Lutheran Church at Uvilla Variance Request (#21-15-ZV)

4. Structure plants for aesthetics and limited shade.
 5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.
- J. Required landscape buffers for a non-residential use are indicated in Appendix B.²⁷

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

| Zoning District | Development Type [⊖] | Min Lot Area (MLA) | Min Lot Width | Max Building Height* | Imper-vious Surface Limit | Building Setbacks | | Parking/ Drive Aisle Setbacks | | | Buffers (Sec. 4.11) | | | | | | |
|--|---|--|---|----------------------|---------------------------|--|-----------------|--|--------------------------------------|-------------|---|-----------------|---|----------------|-------|----------------|-------|
| | | | | | | | | | | | (Screened / Unscreened) Adjacent Use | | | | | | |
| | | | | | | | | | | | A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6) | | | Commercial Use | | Industrial Use | |
| Front | Side | Rear | Front | Side | Rear | Distance Front Side Rear | Front | Side & Rear | Front | Side & Rear | Front | Side & Rear | | | | | |
| Industrial – Commercial (IC) ** | Commercial sites 1.5 acres and smaller | N/A | N/A | 75 | 80% | 25 | | 15 | 4 | 4 | 75 | Street Trees | Narrow Buffer Detail No. M-54 | N/A | 10(S) | N/A | 10(S) |
| | Commercial sites greater than 1.5 acres | N/A | N/A | 75 | 80% | 25 | | 15 | 10 | 10 | 75 | Street Trees | Medium Buffer Detail No M-53 | N/A | 10(S) | N/A | 10(S) |
| | Industrial | 3 ac *** | N/A | 75 | 90% | 50 or 25 if adjacent to Industrial Use | | 25 or 20 if adjacent to Industrial Use | | | 200 | Street Trees | Wide Buffer Detail No. M-52 | 25(S) | 20(S) | N/A | 20(S) |
| Residential-Light Industrial-Commercial (RLIC) | Commercial or Industrial | N/A | N/A | 75 | 80% | See IC District | | | | | | | | | | | |
| Rural (R) | Churches | 2 acres | 200 | 45 | N/A | 25 | 50 | 50 | See IC District for commercial sites | | | N/A | 50(U) or 15 (S) | N/A | 10(S) | N/A | 10(S) |
| | Schools, Grades K-12 | K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+ | 500 | 45 | N/A | 100 | | | | | | N/A | N/A | N/A | N/A | N/A | N/A |
| | Hospitals | 10 ac | 500 | 45 | N/A | 100 | | | | | | N/A | N/A | N/A | N/A | N/A | |
| | 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 | | | | | | | | | | | | | | | |
| Village (V) | Commercial [‡] | N/A | N/A | 35 | N/A | 25 | 10 | 40 | See IC District | | | | | | | | |
| | Industrial** | See IC District | | | 35 | See IC District | | | | | | | | | | | |
| Residential Growth (RG) | Commercial or Industrial** | See IC District | | | 35 | See IC District | | | | | | | | | | | |
| Neighborhood Commercial (NC) | Commercial | N/A | N/A | 35 | 70% | 15 min 25 max | 10 [£] | 10 [⊖] | See I-C District | | 25 | See IC District | | | | | |
| General Commercial (GC) | Commercial | N/A | N/A | 75 | 80% | 20 | 10 | 25 | See IC District | | | | | | | | |
| Highway Commercial (HC) | Commercial | N/A | N/A | 75 | 80% | 25 | 25 | 25 | | | | | | | | | |
| Light Industrial (LI) | Commercial or Industrial | N/A | N/A | 75 | 80% | 25 | 25 | 25 | | | | | | | | | |
| Major Industrial (MI) | Commercial | N/A | N/A | 75 | 90% | 25 | 10 | 50 | | | | | | | | | |
| | Industrial | 3 ac *** | N/A | 75 | 90% | 25 | 50 | 50 | | | | | | | | | |
| Office/Commercial Mixed Use (OC) | Commercial | N/A | N/A | 75 | 80% | 15 min 25 max | 10 [£] | 10 [⊖] | See IC District | | | | | | | | |
| Planned Neighborhood Development (PND) | Commercial | 3 acres | See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5). | | | | | | | | | | | | | | |

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by “ac” (acres).

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

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

‡ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⊖ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.



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: 21-15-ZV
 Staff Initials: jth
 Meeting Date: 04/22/21
 Fees Paid (\$100 or \$150): 100.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: St James Lutheran Church of Uvilla
 Mailing Address: PO Box 2008, Shepherdstown WV 25443
 Phone Number: 304 876 6771 Email: shepherdstownlutheran@gmail.com

Applicant Contact Information

Name: Adam Link
 Mailing Address: 6158 Flowing Springs Rd. Shewandoah Jet WV 25442
 Phone Number: 304 671 5278 Email: adam@adamlink.com

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

Name: Kimberly Petrucci
 Mailing Address: 59 Collins Drive, Martinsburg WV 25403
 Phone Number: 240 527 530 Email: petrucciengr@gmail.com

Physical Property Details

Physical Address: 4338 Shepherdstown Pike
 City: Shewandoah Jet State: WV Zip Code: 25442
 Tax District: Shepherdstown 9 Map No: 20 Parcel No: 116
 Parcel Size: 2.36ac Deed Book: 109 Page No: 44

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 03/30/21 | | | 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"/> |

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: 4.11 and Appendix B - jth

Briefly describe the nature of the variance request:

Requesting a variance of using existing vegetation in lieu of landscaping screening and buffer requirements. This variance also to include landscaping on street because of parking lot location being surrounding be church properties.

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:

Parking lot area located between natural existing barrier to the East and other boundaries owned by church. Note that most of NE boundary has natural trees except for approximately 100' which will require landscaping because of being cleared.

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?

Natural barrier has been there for 100 years and parking lot location has good separation from road and surrounding properties.

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

Permanent barrier already exists and parking lot is very small with light use of the church. Church currently worships only 30-40 at this time on Sundays.

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

There is no better barrier than these mature trees. Small parking lot that is located surrounded by Church property and only has an entrance to main road.

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.

Alan Luk Trustee
St James Lutheran Church of Uvilla

Signature of Property Owner

Date 3-24-21

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).

04/22/21

Date of Public Hearing

04/07/21

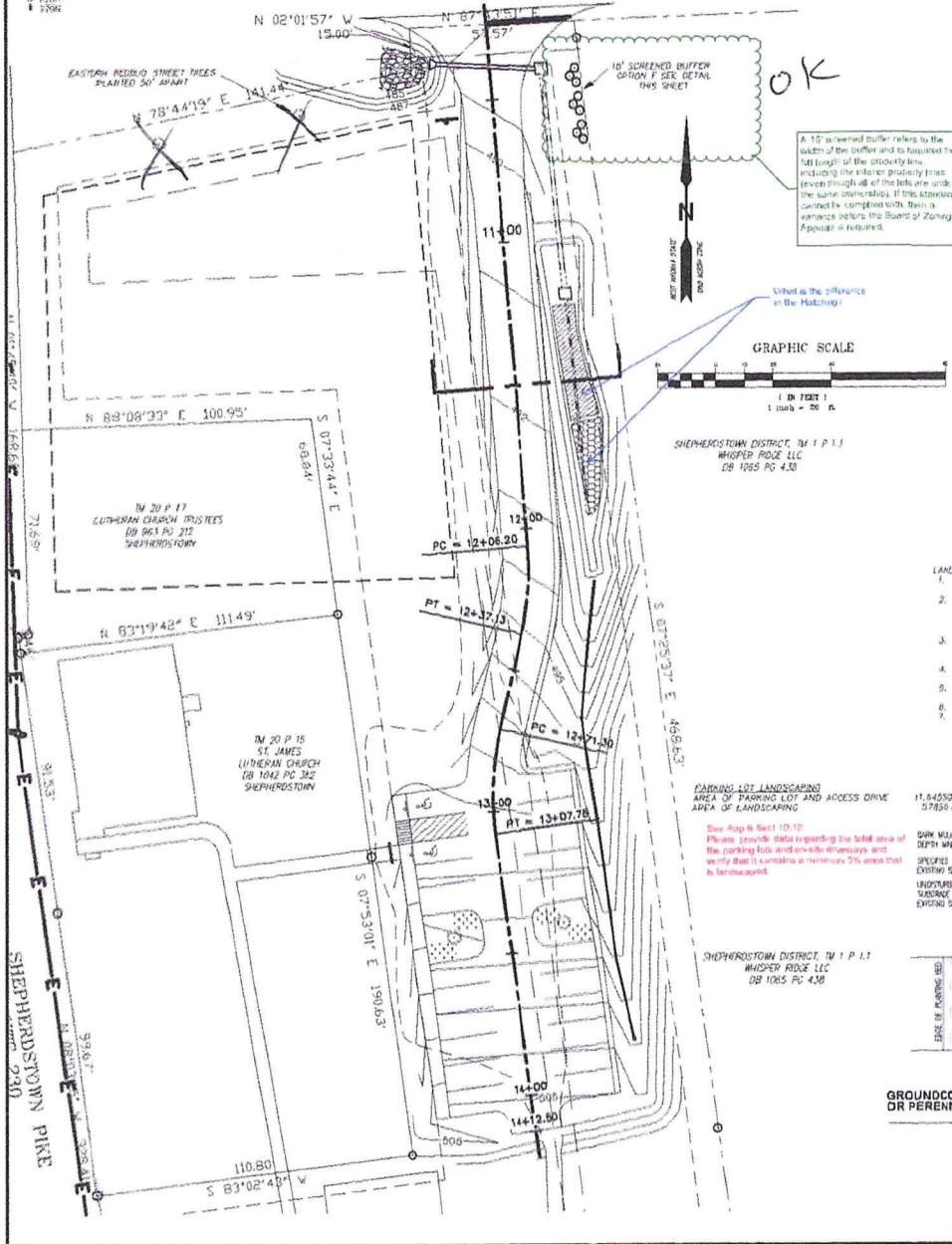
Advertising Date

04/07/21

Placard Posting Date

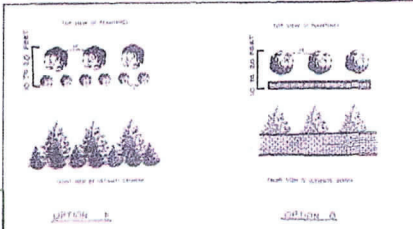
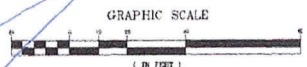
1. SYMBOL KEY
 2. PLANTING SCHEDULE
 3. PLANTING SCHEDULE
 4. PLANTING SCHEDULE
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 9. PLANTING SCHEDULE
 10. PLANTING SCHEDULE

UVILLA ROAD
 WV ROUTE 33
 R/W VARIES



A 10' screened buffer refers to the width of the buffer and is measured the full length of the property line, including the buffer proximity lines. Even though all of the jobs are under the same ownership, if this statement cannot be completed with the same reference, the Board of Planning Approval is required.

What is the difference in the Matching?



DESCRIPTION A
 10' SCREENED BUFFER
 10' SCREENED BUFFER OPTION IF SEE DETAIL THIS SHEET

DESCRIPTION B
 SCREENING BUFFER
 10' SCREENED BUFFER

DESCRIPTION C
 SCREENING BUFFER
 10' SCREENED BUFFER

APPROVED: [Signature]
 JEFFERSON COUNTY, WEST VIRGINIA
 APPROVED: [Signature]
 SHEPHERDSTOWN DISTRICT, TM 1 P 1 J
 WHISPER RIDGE LLC
 DB 1065 PG 4.33

BIORETENTION PLANT LIST

| SYMBOL | BOTANICAL | COMMON NAME | SIZE | SPACING | QUANTITY |
|--------|------------------|----------------|--------------|-----------|----------|
| ○ | TRIALA PROSTRATA | WINDY WINDMILL | 1 GAL. CONT. | 12" x 12" | 30 |
| ○ | TRIALA PROSTRATA | WINDY WINDMILL | 1 GAL. CONT. | 12" x 12" | 30 |

15' SCREENED BUFFER

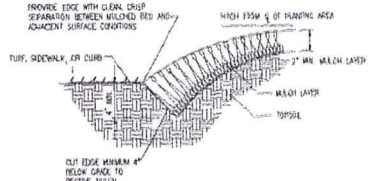
| SYMBOL | BOTANICAL | COMMON NAME | SIZE | SPACING | QUANTITY |
|--------|------------------|----------------|--------------|-----------|----------|
| ○ | TRIALA PROSTRATA | WINDY WINDMILL | 1 GAL. CONT. | 12" x 12" | 30 |
| ○ | TRIALA PROSTRATA | WINDY WINDMILL | 1 GAL. CONT. | 12" x 12" | 30 |

PARKING LOT LANDSCAPING

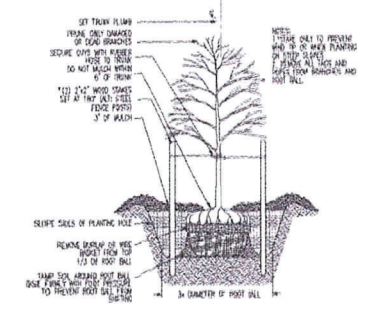
| SYMBOL | BOTANICAL | COMMON NAME | SIZE | SPACING | QUANTITY |
|--------|------------------|----------------|--------------|-----------|----------|
| ○ | TRIALA PROSTRATA | WINDY WINDMILL | 1 GAL. CONT. | 12" x 12" | 30 |
| ○ | TRIALA PROSTRATA | WINDY WINDMILL | 1 GAL. CONT. | 12" x 12" | 30 |

MAINTENANCE OF LANDSCAPING NOTES:

1. ALL LANDSCAPED AREA SHALL BE MAINTAINED IN GOOD CONDITION BY OWNER.
2. REASONABLE PROVISIONS SHALL BE MADE FOR PROTECTION FROM VEHICLES, PEDESTRIANS, OR SHEDDING SOILS.
3. DEAD OR DYING VEGETATION SHALL BE REPLACED AT DISCRETION OF ADMINISTRATOR.
4. SHRUBS SHALL BE REPLACED AT A SIZE CONSISTENT WITH THAT OF EXPECTED FORM SPECIES AND THE SAME INSTALLATION.
5. TREES SHALL BE REPLACED AT A SIZE OF 0.5" CALIPER ABOVE 2" FOR EVERY YEAR TREE INSTALLATION UP TO 2" CALIPER.

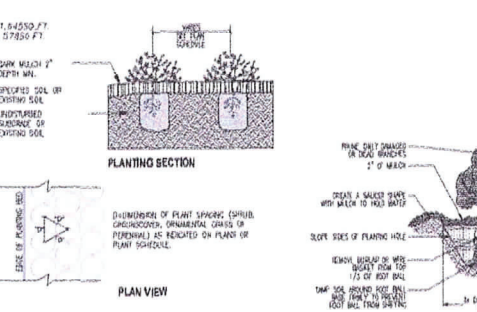


TYPICAL MULCH EDGING DETAIL



TREE PLANTING

- LANDSCAPE SPECIFICATIONS**
1. ALL SIZES AND SPECIES MENTIONED ARE TO BE IN ACCORDANCE WITH THE AMERICAN STANDARD FOR HURDLE SPECIFICATIONS (ANSI Z60.1-1980 OR LATEST REVISION).
 2. LANDSCAPE CONTRACTOR IS TO FOLLOW GUIDELINES SET FORTH IN THE LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREA (SECOND EDITION-1986). THESE GUIDELINES PRESENT METHODS FOR SOIL PREPARATION, ESTABLISHING TURF, AND INSTALLATION OF PLANT MATERIALS.
 3. PLANTS AND MATERIALS SHALL BE QUARANTINED FOR A PERIOD OF ONE YEAR UNDER GUIDELINES SET FORTH BY THE LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE AND WASHINGTON METROPOLITAN AREA, SECTION 1.15.
 4. OWNER RESERVES THE RIGHT TO COORDINATE IMPLEMENTATION, AND TO OVERSEE STANDARDS, PRACTICES, AND INSTALLATION OF PROPOSED LANDSCAPE PLAN.
 5. NO PLANTINGS SHALL BE LOCATED WITHIN FOUR FEET OF A FIRE HYDRANT OR TRAFFIC CORNER.
 6. ALL PLANTS SIX FEET IN HEIGHT AND TALLER ARE TO BE STAKED PER THE DETAIL, THIS SHEET.
 7. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPING AND SCREENING, INCLUDING REPLACEMENT OF DEAD OR DYING MATERIALS, AND THE UPRIGHT OF ANY BERM, WALLS, OR FENCES.



GROUNDCOVER, ORNAMENTAL GRASS OR PERENNIAL PLANTING DETAIL



SHRUB PLANTING

ST. JAMES LUTHERAN CHURCH
 LIMITED SITE PLAN
 LANDSCAPING PLAN
 JEFFERSON COUNTY, WV
 SHEPHERDSTOWN DISTRICT, TM 20, PARCEL 16, DB 1069 PAGE 44
 OWNERS/DEVELOPERS
 ST. JAMES LUTHERAN CHURCH
 4208 SHEPHERDSTOWN PIKE
 SHEPHERDSTOWN, WV 25448
 304-671-5278

| DATE | REVISIONS | BY |
|------|-----------|----|
| | | |
| | | |
| | | |

NUMBERED J. PETRUCCI, P.E.
 CIVIL ENGINEERING SERVICES
 59 COLLINS DRIVE
 MARTINSBURG, WV 25403
 (240) 527-7630

OCTOBER 21, 2020
 SHEET 01 OF 01

**Order Granting Summary Approval
of a Variance Request by St. James. Lutheran Church at Uvilla (File #21-15-ZV)
Brought Before the Jefferson County Board of Zoning Appeals
Thursday, April 22, 2021**

Whereas, St. James. Lutheran Church at Uvilla has applied for a variance from Section 4.11 and Appendix B to eliminate the requirement to plant street trees; to eliminate the buffer requirement between internal lot lines; and to utilize existing vegetation in lieu of the 15 foot screened buffer option along the side and rear property lines located at 4338 Shepherdstown Pike, Shepherdstown, WV (Parcel ID: 09002000160000); and

Whereas, the subject lot is zoned Rural and the adjoining lots to the west are under the same ownership; and

Whereas, the applicant is proposing to maintain existing vegetation; 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 written 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. Should the church expand its services to include a school or childcare facility outside of typical church services, the applicant shall come back to the Board for further evaluation.
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 April 22, 2021

By vote of the Jefferson County Board of Zoning Appeals

By a vote of ____ Yes ____ No

Tyler Quynn, Board of Zoning Appeals, Chair



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 April 22, 2021 Board of Zoning Appeals Meeting

Date of Memo: April 15, 2021

1) **Text Amendments:**

- ZTA19-03 – Zoning Ordinance Text Amendment to create provisions to allow Solar Energy Facilities to process in the County.
 - The County Commission adopted the text amendment, with one revision to include a reduced setback with buffer option, on April 12, 2021. The amendment went into effect on April 13, 2021.

2) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **May 27, 2021** (deadline for submission is Monday, May 3, 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
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April 2021
Zoning Certificate Activity Report

| | |
|-------------------|---|
| File # | 21-12-ZC |
| Request: | Accessory Use to Road Runner Wrecker Service: sea container rentals |
| Property Owner: | DBGA, LLC / Attn: David and Lisa Butcher |
| Parcel Info: | 2282 Summit Point Road, Summit Point, WV Parcel ID: 06001600100000; Size: 25 acres; Zoning District: Rural; Deed Book: 1210; Page: 599 |
| Date of Issuance: | 04-12-2021 |
| File # | 21-13-ZC |
| Request: | Nonconforming Use: Grocery/convenience Store (Change in Owner) |
| Property Owner: | Paul Ashbaugh |
| Parcel Info: | 18619 Charles Town Road, Harpers Ferry, WV 25425 Parcel ID: 02021B00260000; Size: .89 acres; Zoning District: Village; Deed Book: 1249; Page: 323 |
| Date of Issuance: | 04-06-2021 |
| File # | 21-14-ZC |
| Request: | Agricultural Use: A Agricultural Tourism, Community Supported Agriculture, and Agricultural Accessory Dwelling Unit |
| Property Owner: | Erin Bajada |
| Parcel Info: | 321 Peace Ridge Road, Harpers Ferry WV 25425 Parcel ID: 04000200740000; 04000200770000; 04000200780000; Total Size: 40 ac; Zoning District: Rural; Deed Book: 1167; Page: 277; Plat Book: 3; Page: 81; BLA Plat Book: 18; Page: 19 |
| Date of Issuance: | 04-09-2021 |
| File # | 21-15-ZC |
| Request: | Change in Tenant: Retail Sales and Services, General |
| Property Owner: | G&S Properties, LLC |
| Applicant: | New Leaf WV, LLC |
| Parcel Info: | 179 Burr Blvd., Unit N, Kearneysville, WV 25430 Parcel ID: 02000100270005; Total Size: 6.15 ac; Zoning District: Industrial Commercial; Deed Book: 1224; Page: 602 |
| Date of Issuance: | 04-16-2021 |
| File # | 21-16-ZC |
| Request: | Nonconforming Use: Change in Tenant, Professional Office, Small |
| Property Owner: | Rodney Kidwell |
| Applicant: | Roberts Realty, LLC, Alison Roberts |
| Parcel Info: | 35 Halltown Road, Harpers Ferry WV 25425 Parcel ID: 04001100050000; Total Size: .43 ac; Zoning District: Residential-Light Industrial-Commercial; Deed Book: 987; Page: 55; |
| Date of Issuance: | 04-16-2021 |
