



**Jefferson County
Board of Zoning Appeals
Thursday, September 23, 2021 at 2:00 p.m.**

Members
Tyler Quynn, Chair
Deirdre Catterton, Vice Chair
Matthew McKinney
Leeds Corbin
Steven Guier
Mikala Shremshock, 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/88663761683>
Meeting ID: 886 6376 1683
Dial by location: 301-715-8592
Find your local number: <https://us02web.zoom.us/u/kb65f6MrBt>

If you wish to participate virtually 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: August 26, 2021

Public Hearing – Administer Oath

ITEM #1 FILE #: 21-28-ZV

Request: Variance request from Appendix B to reduce the front setback from 25' to 21' for a portion of the proposed expansion to the existing TeMa manufacturing facility.

Owner: Jefferson County Development Authority

Applicant: Howard Shockey & Sons, / Jeffrey Mohn

Parcel Info: Burr Business Park, Lot 19, 395 Steeley Way, Kearneysville, WV
Parcel ID: 02000101190000; Size: 1.22 ac; Zoning District: Industrial Commercial

ITEM #2 FILE #: 21-29-ZV

Request: Variance request from Section 5.4B of the Zoning Ordinance, as amended on 04/08/05, to reduce the side setback from 12' to 6' for a 22' x 44' in-ground pool with surrounding concrete.

Owner: Kara and Matthew Durrschmidt

Parcel Info: Sheridan Subdivision, Lot 21, 441 Chickamauga Dr., Harpers Ferry, WV
Parcel ID: 04009D00210000; Size: 0.83 ac; Zoning District: Residential Growth

ITEM #3 FILE #: 21-30-ZV and 21-31-ZV

Request 1: Variance request from Section 4.6 and Appendix B to reduce the distance requirement from 75' to 25' for a proposed 1,500 sq ft office/storage building (proposed Contractor's Office with Outdoor Storage) (21-30-ZV).

Request 2: Variance request from Section 4.11 and Appendix B to allow use of existing vegetation in lieu of a planted landscape buffer for a proposed Contractor's Office with Outdoor Storage. The land use includes construction of a 1,500 sq ft office/storage building, associated parking, and gravel equipment storage area (21-31-ZV).

Owner: Dead Rock Contractor Services, LLC / Chris & Charlene Livingston

Parcel Info: Vacant parcels located off Shipley School Road / located between Shipley School and Meadows Farm Nursery, Charles Town, WV
Parcel ID: 04000900230000 and 04000900270000; Combined Size: .86 ac;
Zoning District: General Commercial

ITEM #4 FILE #: 21-32-ZV

Request: Variance request from Section 5.4B of the Zoning Ordinance, as amended on 11/07/02, to reduce the rear setback from 20' to 15' for a 25' x 16' deck.

Owner: Kirk and Charlene Lattner

Parcel Info: Deerfield Subdivision, Lot 24, 19 Mossy Oak Dr., Shepherdstown, WV
Parcel ID: 09014B00240000; Size: 0.33 ac; Zoning District: Residential Growth

ITEM #5 FILE #: 21-33-ZV

Request: Variance request from Section 5.6D of the Zoning Ordinance as amended, to correct previous approval granted by the Board on 02-28-19 (see PC File #19-2-ZV) to reduce the side setback to 21' for an existing 125' tall telecommunications tower, which was built prior to the adoption of zoning in the County. The previous request cited a 75' tall telecommunications tower; however, the correct tower height 125'. The physical attributes of the property will remain the same.

Owner: Paul & Donna Ashbaugh

Parcel Info: 121 Ashland Woods Dr, Harpers Ferry, WV.
Parcel ID: 02002100350000; Size: 96.22 ac; Zone: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

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

Meeting: August 26, 2021

1. Variance from Sec. 5.4B. Owner/Applicant: Martin & Jacqueline Cline. File: 21-27-ZV.

Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: August 26, 2021
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
3 in-person in the Charles Town Library Conference Room; and virtually
4 via ZOOM.
5 Board Members Present: Tyler Quynn, Chair; Deirdre Catterton, Vice Chair (via ZOOM);
6 Leeds Corbin, Steve Guier, Matt McKinney, and Mikala Shremshock,
7 Alternate
8 Board Members Absent: None
9 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
10 Prosecuting Attorney; Stephen Groh, Assistant Prosecuting Attorney;
11 and Jennilee Hartman, Zoning Clerk

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

13 Mr. McKinney moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which
14 carried unanimously.

15 Mr. Quynn reviewed meeting protocol for those in attendance. Ms. Beaulieu swore in members of
16 the public.

17 **Approval of Minutes: July 22, 2021 and August 11, 2021**

18 Mr. Quynn noted that his name was spelled incorrectly in line 24 of the August 11, 2021 minutes.

19 Ms. Beaulieu stated that Staff would correct the spelling error.

20 Mr. Corbin moved to approve the minutes July 22, 2021, which carried unanimously.

21 Mr. McKinney moved to approve the minutes August 11, 2021, which carried unanimously.

22 **ITEM #1 FILE #: 21-27-ZV**

23 Request: Variance request from Section 5.4B of the Zoning Ordinance, as amended on May 18,
24 1998, to reduce the side setback from 12' to 7' 4" for an existing 12' x 16' (192 sf)
25 accessory structure.

26 Owner: Martin & Jacqueline Cline

27 Parcel Info: Eastland Subdivision, Lot 73, 558 Eastland Dr., Charles Town, WV

28 Parcel ID: 02001600960000; Size: 0.92 ac; Zoning District: Residential Growth

29 Ms. Jacqueline Cline, property owner, was present to address the Board. Ms. Beaulieu provided an
30 overview of her staff report. Ms. Beaulieu noted that the shed was located outside of the 30'
31 drainage easement and the 10,000 square foot septic reserve area. Ms. Cline explained the nature of
32 the request, stating that she was unaware that a building permit was required for a pre-built shed.

33 Ms. Cline represented that the adjacent property owner had provided verbal consent to the request.

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

35 Mr. McKinney moved to approve the variance with the condition that the applicant be bound by
36 their testimony. Mr. Quynn called for a vote, which carried unanimously.

37 Mr. Groh introduced himself to the Board as their new legal counsel.

38 **Zoning Administrator's Report**

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

1 Ms. Beaulieu provided an overview the Zoning Administrator report. She noted that it was her
2 intent to have a draft of both zoning text amendments (ZTA21-01 and ZTA21-02) available in
3 September. Ms. Beaulieu stated that the next Board meeting would be on September 23, 2021.

4 **Legal Update**

5 a) Discussion of the following pending lawsuit:

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

8 Mr. Cochran provided the Board with an update on the case.

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

10 **Meeting: July 22, 2021**

11 1. Variance from Sec. 5.4B. Owner: Thomas and Barbara Yeager. File: 21-26-ZV.

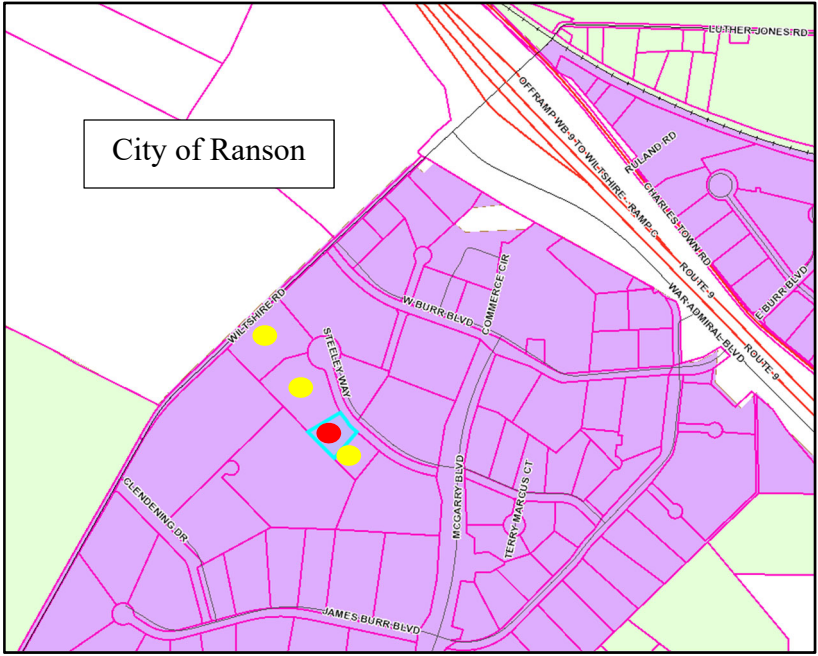
12 Mr. Groh provided Mr. Quynn a copy of the draft Findings for his review and signature.

13 Ms. Catterton moved to adjourn the meeting at 2:23 pm. Mr. Quynn called for a vote, which carried
14 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 September 23, 2021

TeMa Variance Request (#21-28-ZV)

Item #1 Variance request from Appendix B to reduce the front setback from 25' to 21' for a portion of the proposed expansion to the existing TeMa manufacturing facility.

Applicant:	Howard Shockey & Sons / Contact: Jeffrey Mohn
Owner:	Jefferson County Development Authority
Developer:	n/a
Consultant:	GORDON
Parcel Information and Zoning District:	<p style="text-align: center;">Burr Business Park, Lot 19 395 Steeley Way, Kearneysville, WV / Parcel ID: 02000101190000 Size: 1.22 acre; Zoning District: Industrial Commercial</p>  <p style="text-align: center;">● Subject Parcel ● Property under same ownership</p>
Surrounding Properties:	Zoning Districts: North, South, East, & West: Industrial Commercial
History:	12-18-07 – Burr Business Park Final Plat recorded in Plat Book 24 @ Page 73 (PC File #04-38) 05-06-08 – Burr Business Park Minor Plat Change recorded in Plat Book 25 @ Page 28 (PC File #04-38) 02-28-18 – Burr Business Park Boundary Line Adjustment for Lots 20, 21, & p/o 22 recorded in Deed Book 1202 @ Page 341 (PC File #M18-05) 03-23-18 – TeMa USA Manufacturing Facility site plan approved (PC File #S18-01) Pending - TeMa Manufacturing Facility Expansion site plan (PC File #21-7-SP)
Waivers/Variances:	01/24/06: PC approved variance to waive the required sidewalks, curbs and gutters in the Burr Business Park (Lots 1-44)

Staff Report
 Jefferson County Board of Zoning Appeals
 September 23, 2021

TeMa Variance Request (#21-28-ZV)

	07/28/16: BZA approved variance to reduce building setbacks to 25' for all vacant lots in Burr Park owned by the JCDA; to reduce the landscape buffer requirement; to allow a modified planting standard; and to reduce the parking and drive aisle setbacks (ZV16-14). 02/12/18: PC approved variance to allow parking within platting sewer easement (PCW18-02).
Approved Activity:	Warehousing/Manufacturing
Site Visit Conducted:	Site visit not conducted.

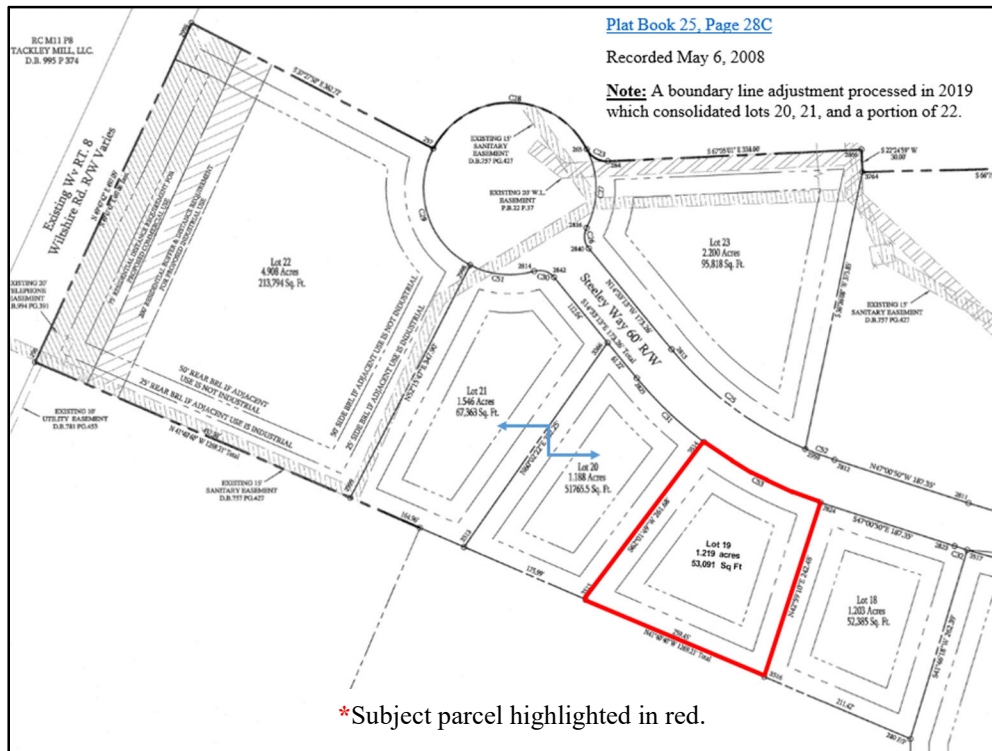
Summary of Request and Purpose of Ordinance Requirement

The applicant is requesting a variance from Appendix B to reduce the front setback from 25' to 21' for a portion of the proposed expansion to the existing TeMa manufacturing facility.

A key purpose of the front yard setback requirements 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.

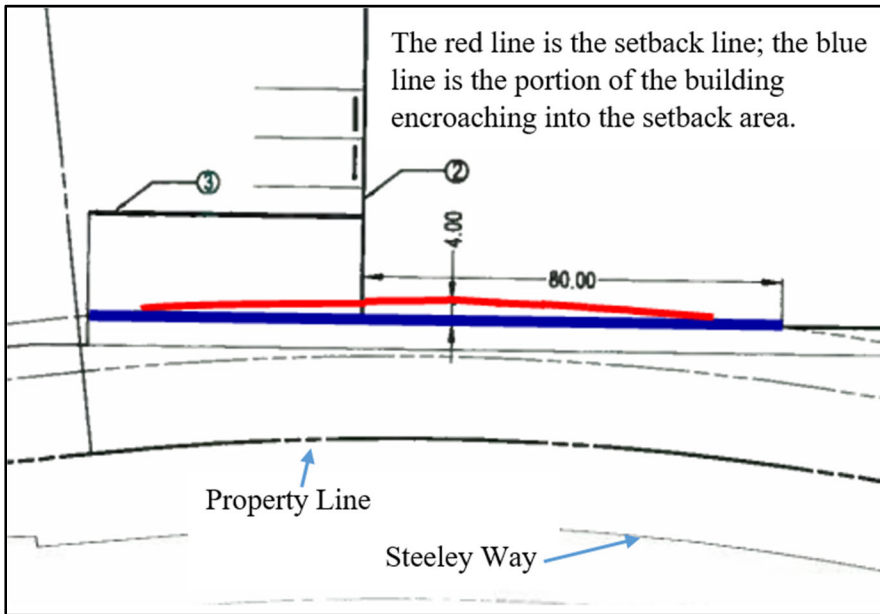
Staff Evaluation of the Request

The subject parcel is Lot 19 of the Burr Business Park, which was approved and recorded in the County Clerk's office on December 10, 2007 in [Plat Book 24, Page 73](#) (PC File #04-38). A minor plat change to revise the location of the stormwater management area was recorded on May 6, 2008 in [Plat Book 25, Page 28](#) (PC File #04-38).



Staff Report
 Jefferson County Board of Zoning Appeals
 September 23, 2021

TeMa Variance Request (#21-28-ZV)



The Lot 19 was included as part of a blanket variance that the Board granted in 2016 to reduce the front, side, and rear setbacks for lots in Burr Park to 25' (ZV16-14).

The applicant is requesting that the setback be reduced to 21' for a portion of the building that will encroach into the setback area. The applicant represented that the subject location will allow the proposed expansion to be constructed in alignment with the existing facility. The

encroachment is due to a curve in the road, which was not accounted for during the design phase.

It is feasible to comply with the requirements established in the Zoning Ordinance by modifying the design of the building; however, the encroachment appears to be minimal and would likely have no impact on adjoining properties.

Conditions of Approval

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

1. No conditions of approval were identified.

Section of Ordinance to be Considered:

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE ^{27, 32, 35}																	
Zoning District	Development Type ⁹	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imperious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use						
						Front	Side	Rear	Front	Side	Rear	A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)					
												Distance Front	Side	Rear	Street Trees	Narrow Buffer Detail No. M-54	Commercial Use
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)	



**JEFFERSON COUNTY
DEVELOPMENT
AUTHORITY**

WHERE BUSINESS FEELS AT HOME

1948 Wiltshire Rd., Suite #4
Kearneysville, WV 25430

304.728.3255
jcda.net

RECEIVED
SEPTEMBER 15, 2021
Jefferson County, WV
Office of Planning and Zoning

Alex Beaulieu, Zoning Administrator
116 East Washington Street, Suite 200
P. O. Box 716
Charles Town, WV 25414

Re: TeMa variance request

September 15, 2021

Dear Miss Beaulieu:

On behalf of the JCDA Board of Directors, I am offering a letter of endorsement for the variance request from TeMa for their expansion located at: 395 Steeley Way, Kearneysville, WV.

The new building comprises a new investment of nearly \$7 million dollars and will double the footprint of the initial investment made by TeMa in 2018.

The JCDA feels the request from TeMa: a reduction of the front yard setback from 25' to 21' for a portion of the new building does not present an issue for the adjoining properties and adheres to the Codes and Covenants of the Burr Industrial Park.

The JCDA values the continued investment and expansion from TeMa. The core values of TeMa are reflected in the spirit of their partnership with Jefferson County and the State of West Virginia and is helping to create a brighter future for commercial and residential building. TeMa has become a valued member of the community by providing jobs, building high-quality products, and for being environmentally friendly.

We are hopeful the BZA will approve the variance request.

Thank you in advance for your time and consideration

Sincerely,

Dennis Jarvis, II; Director JCDA



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: 21-28-ZV
 Staff Initials: gsl
 Meeting Date: 9/23/21
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Jefferson County Development Authority
 Mailing Address: 1948 Wiltshire Road, Suite 4
 Phone Number: 304-728-3255 Email: djarvis@jcda.net

Applicant Contact Information

Name: Howard Shockey & Sons, Inc
 Mailing Address: PO Bos 2530, Winchester VA 22604
 Phone Number: 540-667-7700 Email: jmohn@howardshockey.com

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

Name: GORDON
 Mailing Address: 148 S Queen Street, Martinsburg WV 25401
 Phone Number: 304-725-8456 Email: mdyck@gordon.us.com

Physical Property Details

Physical Address: 395 Steeley Way
 City: _____ State: WV Zip Code: 25414
 Tax District: 02 Map No: 1 Parcel No: 118,119
 Parcel Size: 10.06 Deed Book: 1028 Page No: 521

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input checked="" type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<div style="font-size: 2em; font-weight: bold; color: blue; text-align: center;">RECEIVED</div> <div style="font-size: 1.5em; font-weight: bold; color: red; text-align: center;">AUG 04 2021</div> <div style="font-weight: bold; color: blue; text-align: center;">JEFFERSON COUNTY PLANNING ZONING & ENGINEERING</div>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Appendix B Non Residential Site Development Table

Briefly describe the nature of the variance request:

Reduction of the front yard setback from 25' to 21' for a portion of the front yard.

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

Front Setback Side Setback Rear Setback Reduction From 25 to 21

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 Exhibit

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 Exhibit

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

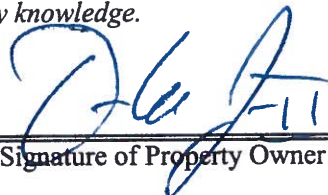
See Exhibit

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

See Exhibit

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

09/28/21
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).

9/23/21

Date of Public Hearing

9/8/21

Advertising Date

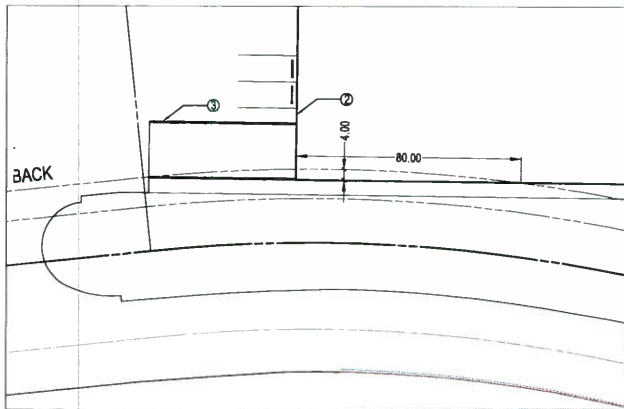
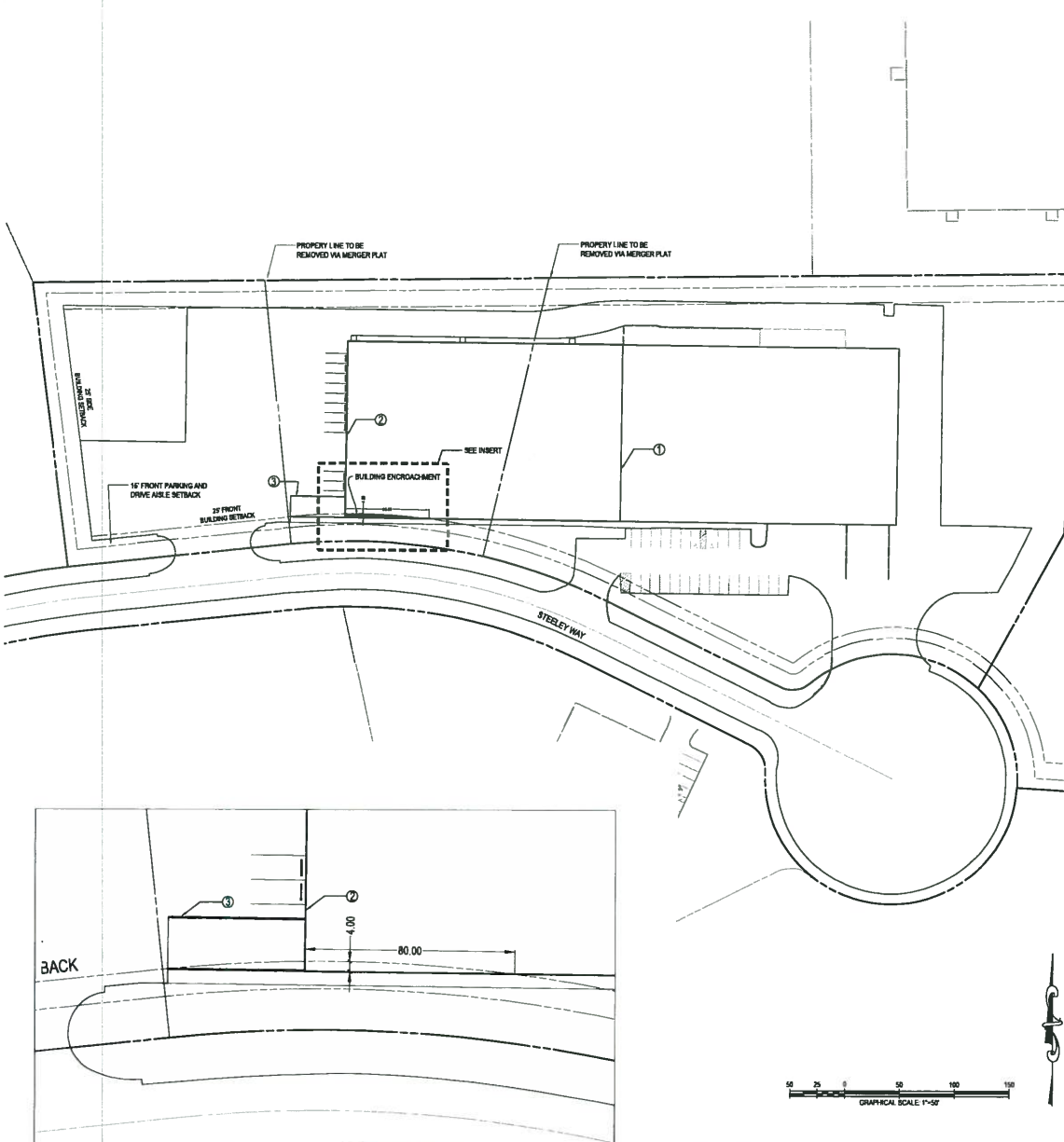
9/8/21

Placard Posting Date

21-28-2V

KEY NOTES

- ① EXISTING BUILDING
- ② PROPOSED EXPANSION
- ③ LOADING DOCK



REQUIRED FRONT SETBACK - 25.0'
 PROPOSED SETBACK - 21.0'
 VARIANCE - 4.0'

VARIANCE REQUEST - REDUCE THE FRONT YARD SETBACK TO 21' FOR A 80' DISTANCE ALONG STEELEY WAY.

1. PUBLIC HEALTH, SAFETY OR WELFARE, OR THE RIGHTS OF THE ADJACENT PROPERTY OWNERS OR RESIDENTS:

THE PROPOSED VARIANCE WILL HAVE NO IMPACT TO THE COMMUNITY OR THE NEIGHBORS. THE VARIANCE ALLOWS FOR THE EXTENSION OF THE EXISTING STRUCTURE WITH A MINOR ENCROACHMENT INTO THE 25' SETBACK.

2. 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 PROPOSED BUILDING IS AN EXPANSION OF AN EXISTING STRUCTURE THAT IS SET WELL BACK FROM THE 25' FRONT YARD SETBACK. THE CURVED ROAD CREATES A SPECIAL CONDITION THAT COULD NOT HAVE BEEN ANTICIPATED DURING THE DESIGN AND LOCATION OF THE EXISTING STRUCTURE.

3. HOW WILL GRANTING THIS VARIANCE ELIMINATE AN UNNECESSARY HARDSHIP AND PERMIT A REASONABLE USE OF THE LAND.

TO MEET THE FRONT YARD SETBACK WOULD REQUIRE A JOG IN THE FRONT WALL OF THE STRUCTURE AND IMPAIR THE PROPER DESIGN OF THE BUILDING.

4. HOW WILL GRANTING THIS VARIANCE ALLOW THE INTENT OF THE ZONING ORDINANCE TO BE OBSERVED AND SUBSTANTIAL JUSTICE TO BE DONE.

THE PURPOSE OF SETBACKS IS PROTECT NEIGHBORS AND TO CREATE A REGULAR APPEARANCE FROM THE STREET. THE PROPOSED SETBACK IS MINIMAL AND IT WILL NOT BE APPARENT TO THE PUBLIC FROM THE STREET.

Gordon
 PROGRAMMING AND PLANNING
 CIVIL ENGINEERING
 140 S. Clark Street, Suite 301
 Martinsburg, WV 25401
 Phone: 304-752-8456
 www.gordon.us.com

SEAL

NO.	REVISIONS

FRONT YARD SETBACK VARIANCE
TEMA EXPANSION
 TAX MAP 01, PARCEL 118.119 D.B. 1028, PG. 521
 CHARLES TOWN TAX DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ.: SEE DRAWING
	VERT.:
DATE:	07/07/2021
JOB:	302-4501
DRAWN BY:	SD
CHECK:	MD
NO.	
SHEET:	

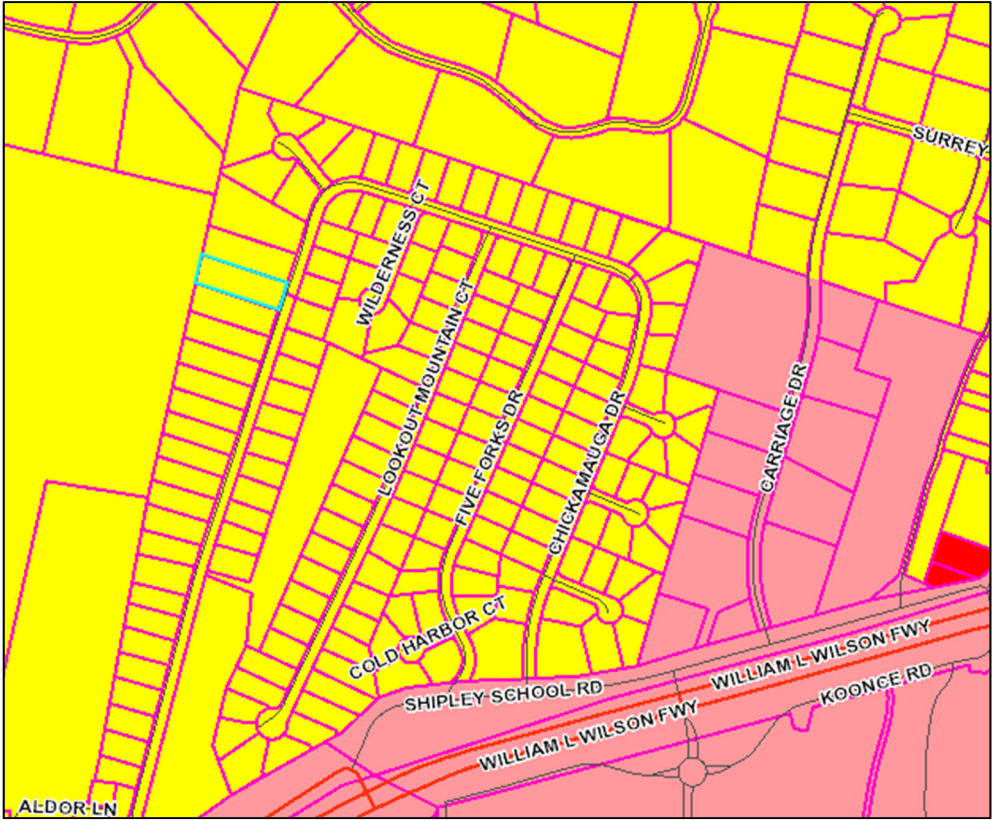
Handwritten signature/initials

Submitted with Variance Request
 Jeffrey Mohn Jr, Howard Shockey & Sons, Inc. 8/2/2021

Staff Report
 Jefferson County Board of Zoning Appeals
 September 23, 2021

Durrschmidt Variance Request (#21-29-ZV)

Item #2 Variance request from Section 5.4B of the 04/08/05 Zoning Ordinance (as amended) to reduce the side setback from 12' to 6' for a 22' x 44' in-ground pool with surrounding concrete.

Applicant:	Kara and Matthew Durrschmidt
Owner:	Same
Developer:	n/a
Consultant:	n/a
Parcel Information and Zoning District:	<p style="text-align: center;">Sheridan Subdivision, Lot 21, 441 Chickamauga Dr., Charles Town, WV Parcel ID: 04009D00210000; Size: 0.83 ac; Zoning District: Residential Growth</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Districts: North, South, East, West: Residential Growth</p>
History:	<p>Sheridan Subdivision (File 00-33) 09/23/03: Phase I: Lots 1, 26, 38-78, 94, 109, 132, 159 & Residues A-F Plat Book 20, Page 39 Sheridan Subdivision (File 05-26) (subject parcel) 08/31/06: Phase I: Lots 2-25, 27-37, 79-93, 95-108, 110-131, 133-158, 160-178 Plat Book 23, Page 40 Minor Plat Change (SWM #2): Plat Book 25, Page 248 Minor Plat Change (Lots 12-23): Plat Book 25, Page 539 (subject parcel) Minor Plat Change (Lots 1-4): Plat Book 25, Page 571</p>

Staff Report
 Jefferson County Board of Zoning Appeals
 September 23, 2021

Durrschmidt Variance Request (#21-29-ZV)

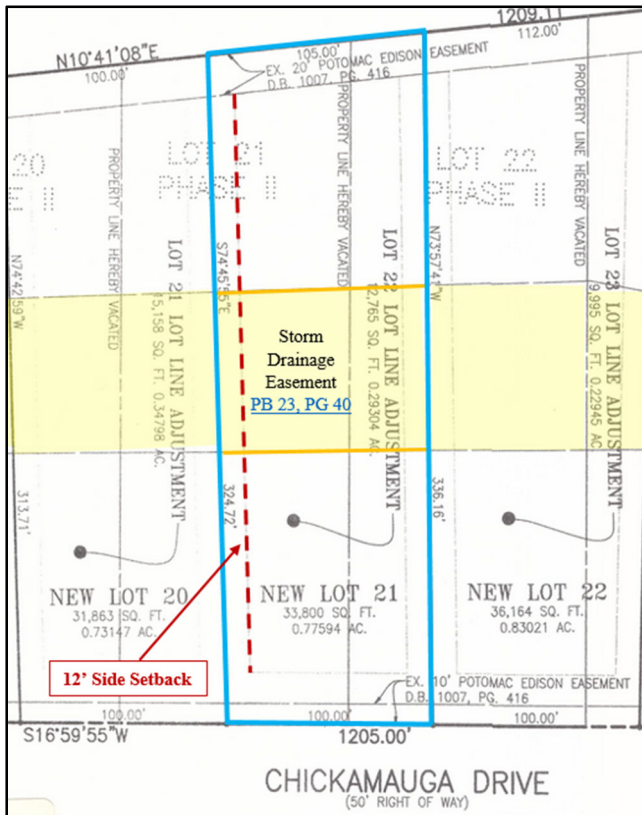
Waivers/Variations:	PC granted the following variances (Phase I): 10-09-01: to allow lot dimensions to exceed 3:1. 09-24-02: a 6-month extension from CIS approval. 10-12-21: pending PC approval for Final Plat Amendment to allow the proposed pool in a drainage/utility easement.
Approved Activity:	Single family dwelling
Site Visit Conducted:	Site visit not conducted.

Summary of Request and Purpose of Ordinance Requirement

The applicant is requesting a variance from Section 5.4B of the 04/08/05 Zoning Ordinance (as amended) to reduce the side setback from 12' to 6' for a 22' x 44' in-ground pool with surrounding concrete.

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 designated as Lot 21 in the Sheridan Subdivision, Phase II (PC File #05-26), which was recorded on August 31, 2006 in [Plat Book 23 at Page 40](#). On February 26, 2016, a minor plat change to adjust the interior property line of lot 12-23 was recorded in [Plat Book 25 at Page 539](#).

There is an approximate 75' wide storm drainage easement (width varies) that runs through the center of the subject parcel. Pursuant to Note #15 of the final plat, each lot in the subdivision is subject to a 10' wide drainage and utility easement along all lot lines. The platted drainage and utility easements, along with the natural topography of the lot, significantly reduce the buildable area for Lot 21.

While it may be feasible to modify the shape and size of the pool to comply with the required setbacks, the proposed pool is a fairly standard pool size. Based on the natural slope of the property and the platted , it would be difficult to place the pool in another location on the lot. Additionally, the applicant has

represented that under building code, the pool is required to be 6' from the edge of the dwelling; therefore, it is not feasible to place the pool closer to the house.

Impact on the adjoining property to the west (Lot 20) is expected to be minimal due to the applicant's representation that the pool will be fully enclosed by fencing. Note: the applicant is currently processing

Staff Report
Jefferson County Board of Zoning Appeals
September 23, 2021

Durrschmidt Variance Request (#21-29-ZV)

Section of Ordinance to be Considered

SECTION 5.4b Residential Growth District - Height And Yard Requirements

<u>Development Type</u>	<u>Minimum Lot Area (MLA) Area per Dwelling Unit (ADU)</u>	<u>Required Yards</u>	<u>Maximum Building</u>
Single family detached dwelling	6,000 sq. ft. MLA **	25 ft. front	40 ft.
Public/Central water and sewer	10,000 sq. ft. ADU	12 ft. side	
Public/Central water or sewer	20,000 sq. ft. MLA	20 ft. rear	
No Public/Central water or sewer	40,000. Sq. ft. MLA		



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: 21-29-ZV
 Staff Initials: JM
 Meeting Date: 9-23-21
 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: Kara & Matthew Durrschmidt
 Mailing Address: 441 CHICKAMAUGA DR. HARPERS FERRY, WV 25425
 Phone Number: 410-845-1667 Email: msd7371@hotmail.com

Applicant Contact Information

Name: Matthew Durrschmidt
 Mailing Address: 441 CHICKAMAUGA DR. HARPERS FERRY, WV 25425
 Phone Number: 410-845-1667 Email: msd7371@hotmail.com

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

Name: BRIAN STONER
 Mailing Address: 1406 OAK RIDGE BL. HAGERSTOWN, MD 21740
 Phone Number: 301-791-3400 Email: bstoner@Flahrpeaks.com

Physical Property Details

Physical Address: 441 CHICKAMAUGA DR.
 City: HARPERS FERRY State: WV Zip Code: 25425
 Tax District: 04009D00210000 Map No: — Parcel No: —
 Parcel Size: .8307 ac Deed Book: 1179 Page No: 631

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

AUG 27 2021

Place Received Date Stamp Here

**JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING**

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 5.4B 8th

Briefly describe the nature of the variance request:

Reduction of the side setback from 12' to 6' to allow placement of pool structure with 3' concrete walk around.

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

Front Setback Side Setback Rear Setback Reduction From 12' to 6'

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:

THERE IS NO RISK OF HARM TO PUBLIC HEALTH, SAFETY OR WELFARE, OR THE RIGHTS OF ADJACENT PROPERTY OWNERS. THE PROPOSED POOL WILL BE FULLY ENCLOSED BY FENCING, GATED, AND ALARMED.

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?

DUE TO DISTANCE REQUIREMENTS FROM HOUSING STRUCTURE AND THE OBTUSE ANGLE OF PROPERTY LINES THE POOL STRUCTURE CROSSES THE 12' SETBACK APPROX 1' AND THE CONCRETE BORDER WOULD CROSS BY APPROX. 4-5'.

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

GIVEN THE CURRENT AND LONGTERM VOLATILITY OF THE AVAILABILITY OF PUBLIC ACCESS TO RECREATIONAL SPACES, THIS WOULD IMPROVE THE LONGTERM LIVABILITY AND USE OF OUR CURRENT HOME WHILE BOOSTING THE HOME'S AND NEIGHBORHOOD'S VALUE.

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

THE ORDINANCE IS GENERIC IN NATURE, APPLYING TO RESIDENTIAL AREAS OF VARYING SHAPES AND SIZES, GIVEN THE SIZE OF OUR PLOTS AND THE LARGER SPACING BETWEEN PROPERTIES A 12' SETBACK IS EXCESSIVE AND WOULD PREVENT REASONABLE USE.

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

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

[Signature] 8-26-2021
Signature of Property Owner Date

[Signature] 8-26-21
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).

09-23-21
Date of Public Hearing

09-08-21
Advertising Date

09-08-21
Placard Posting Date

8-26-2021 *McInt*

KARA DURRSCHMIDT

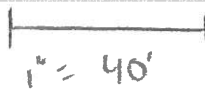
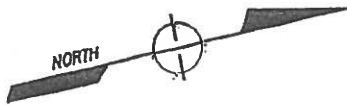
SCALE

MATTHEW DURRSCHMIDT

441 CHICKAMAUGA DR.

HARRERS FERRY, WV

25425



S10°41'08"W
100.00'

S10°41'08"W

S10°41'08"W

105.00'
EX. 20' POTOMAC EDISON EASEMENT
D.B. 1007, PG. 416

112.00'
EX. 20' POTOMAC EDIS
D.B. 1007, PG. 416

Lot 20

Lot 21

Lot 22

20' REAR SETBACK

12' SIDE SETBACK

12' SIDE SETBACK

12' SIDE SETBACK

N74°42'59"W

S74°45'55"E

N73°57'41"W

313.71'

28.1'

28.1'

EX. STORM
DRAINAGE
EASEMENT P.B.
23, PG. 40

EX. STORM
DRAINAGE
EASEMENT P.B.
23, PG. 40

F.F.=446.99
B.F.=438.25
G.F.=445.65
W/O

FENCE

PROPOSED
POOL
16x5'

BELMONT II
W/O
FF=449.25
GAR=447.95
BF=440.45

BELMONT II
W/O
FF=451.65
GAR=450.35
BF=442.85

25' FRONT
SETBACK

25' FRONT
SETBACK

N16°59'55"E

N16°59'55"E

N16°59'55"E

100.00'

100.00'
EX. SAN.
LATERAL

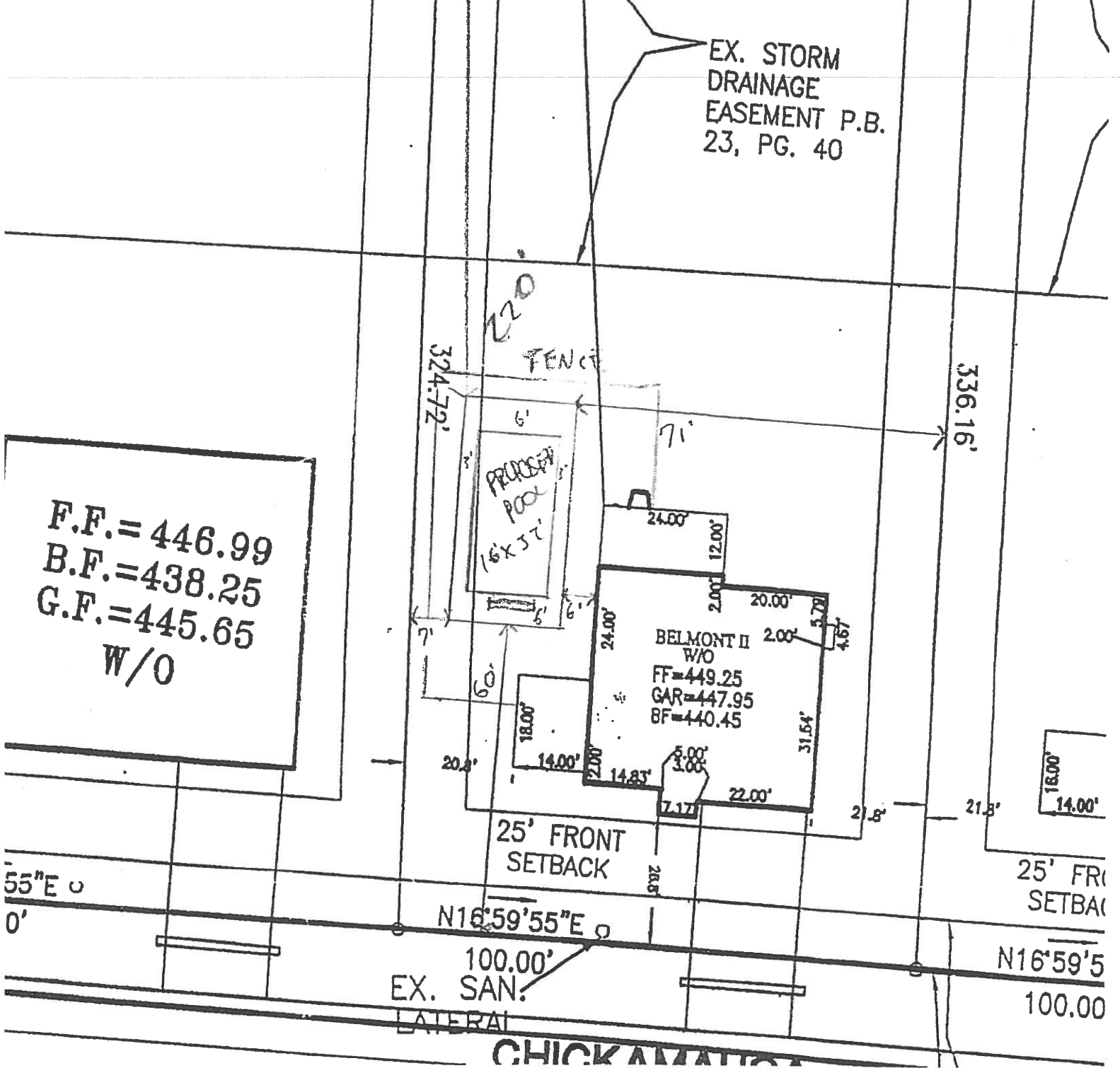
100.00'

CHICKAMAUGA

108

EX. STORM
DRAINAGE
EASEMENT P.B.
23, PG. 40

F.F.=446.99
B.F.=438.25
G.F.=445.65
W/O



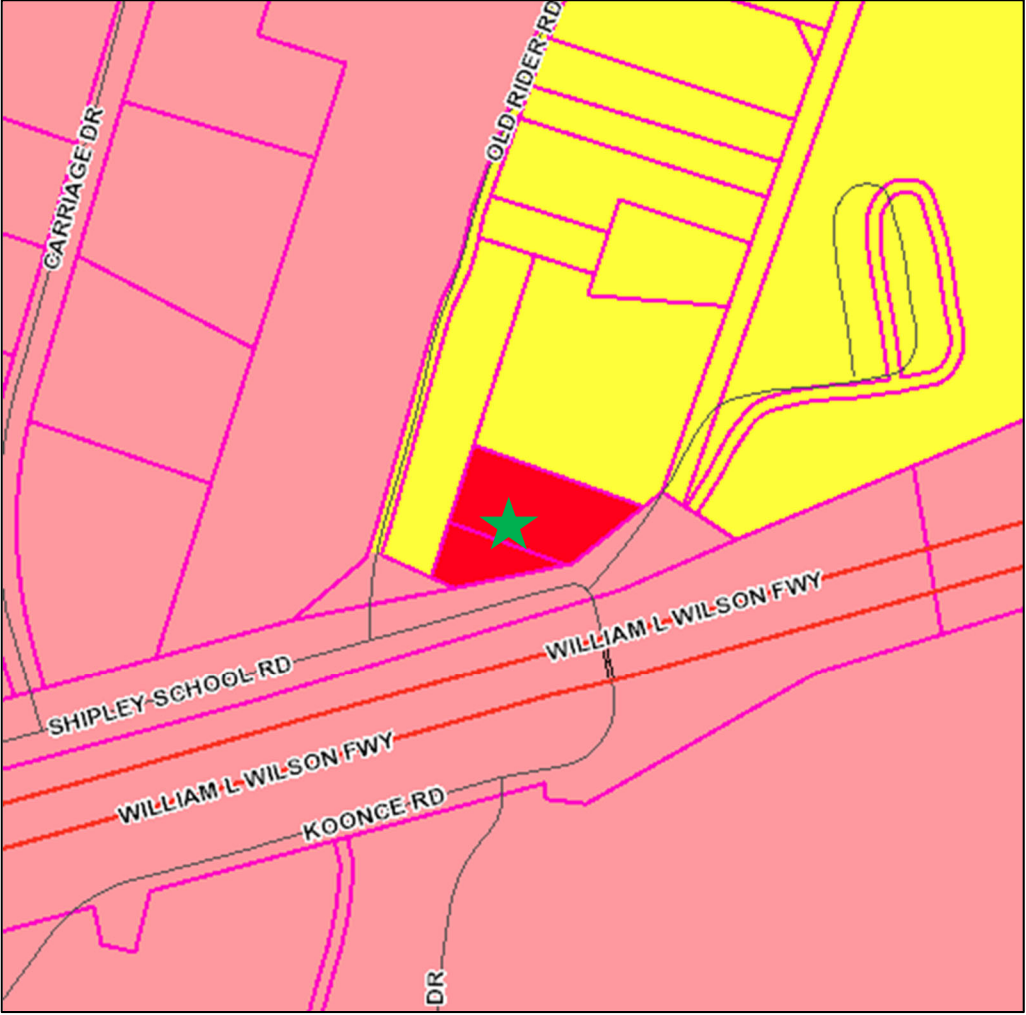
CLOSE UP DETAIL

8-26-2021 M. O'Neil

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 September 23, 2021

Dead Rock Contractor Services, LLC Variance Request (#21-30-ZV)

Item #3 Variance request from Section 4.6 and Appendix B to reduce the distance requirement from 75' to 25' along the western boundary line for a proposed 1,500 sq ft office/storage building and gravel equipment storage area (proposed Contractor's Office with Outdoor Storage).

Applicant:	Dead Rock Contractor Services, LLC / Chris & Charlene Livingston
Owner:	Same
Developer:	Same
Consultant:	N/A
Parcel Information and Zoning District:	<p>Vacant parcels located off Shipley School Road / located between Shipley School and Meadows Farm Nursery, Charles Town, WV Parcel IDs: 04000900230000 and 04000900270000; Combined Size: .86 ac; Zoning District: General Commercial</p> 
Surrounding Properties:	<p>Zoning Map Designation: North, East, West : Residential Growth South: Residential-Light Industrial-Commercial</p>
Approvals:	02/09/2021: CC approved Zoning Map Amendment (rezoning).
Site Visit Conducted:	Site visit not conducted.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 23, 2021
Dead Rock Contractor Services, LLC Variance Request (#21-30-ZV)

Summary of Request and Purpose of Ordinance Requirements

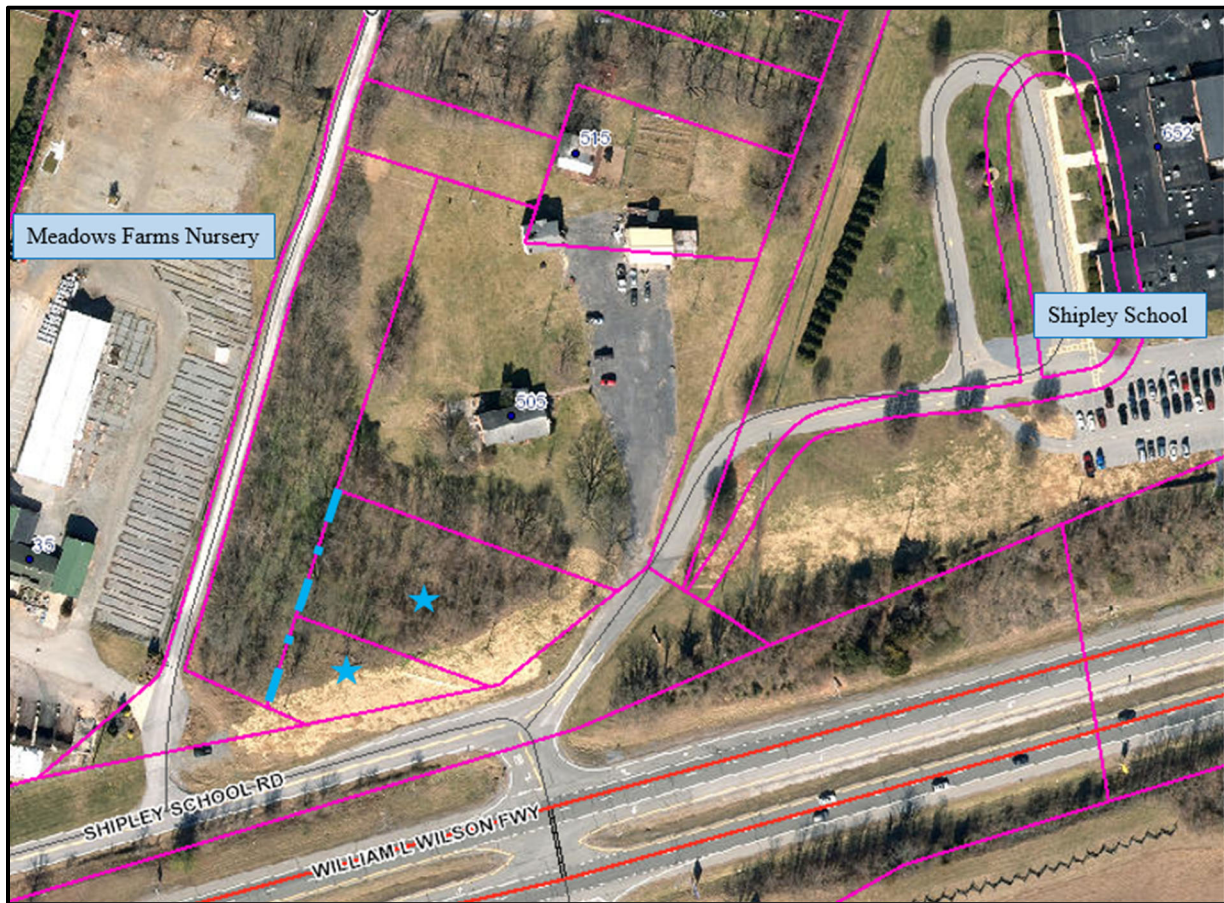
Variance request from Section 4.6 and Appendix B to reduce the distance requirement from 75' to 25' along the western boundary line for a proposed 1,500 sq ft office/storage building and gravel equipment storage area (proposed Contractor's Office with Outdoor Storage).

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

Staff Evaluation of Request

The applicant is proposing to construct a 1,500 square foot office/storage building with a gravel equipment storage area to operate as a Contractor's Office with Outdoor Storage. The subject parcels were rezoned from Residential Growth to General Commercial on February 9, 2021.

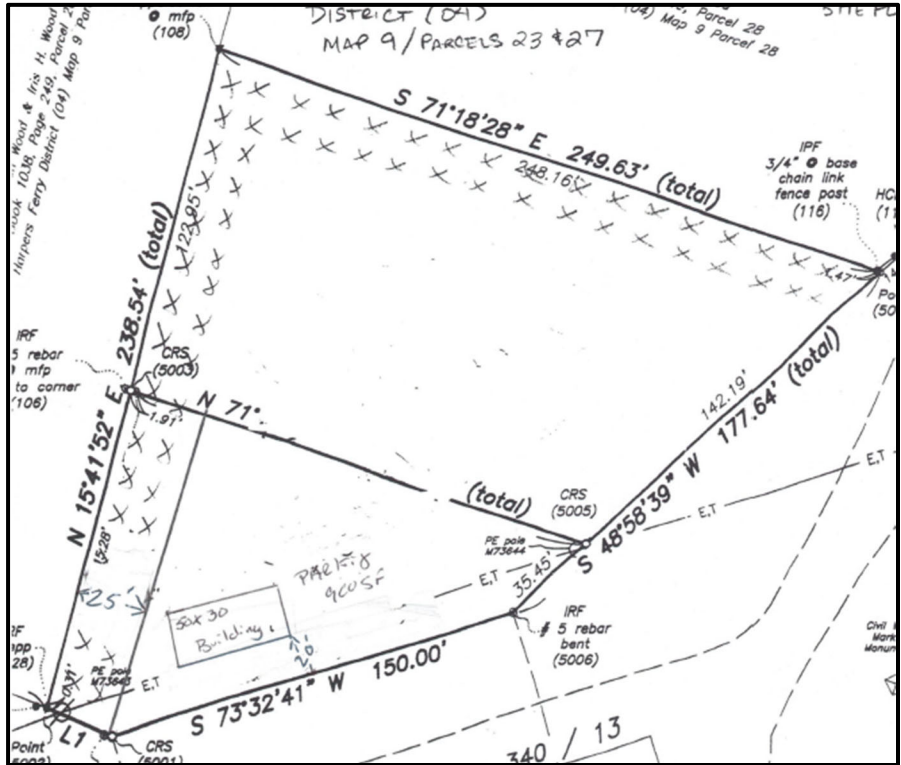
Section 4.6 of the Zoning Ordinance requires that commercial uses locate at least 75' from any lot in the Residential Growth zoning district. The vacant 1.1 acre parcel to the west is zoned Residential Growth; therefore, the proposed building and equipment storage area is subject to the 75' distance requirement.



Reducing the required 75' distance requirement to 25' along the western property line is not expected to have any adverse impact on the adjoining property because the adjoining lot is currently vacant. Any future development on the vacant parcel would be able to take into consideration the proposed commercial use, as well as the existing Meadows Farms Nursery.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 23, 2021
Dead Rock Contractor Services, LLC Variance Request (#21-30-ZV)

It may be feasible to comply with the distance requirement if the building were located elsewhere on the property; however, the applicant has represented that the subject location was selected because it is an area that will require the least amount of clearing and grading.



Conditions of Approval

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

1. No conditions of approval were identified.

Section of Ordinance to be Considered:

Section 4.6 Distance Requirements

B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:^{7, 27}

1. Any lot in the Residential Growth District;
2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.²³

Appendix B (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
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: 21-30-2V
 Staff Initials: GA
 Meeting Date: 9-23-21
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: DEAD ROCK CONTRACTOR SERVICES
 Mailing Address: 15 BURBERRY LANE CHARLE
 Phone Number: 540-450-7555 Email: DEADROCKCS@EMAIL.COM

Applicant Contact Information

Name: CHRIS AND CHARLENE LIVINGSTON
 Mailing Address: 15 BURBERRY LANE
 Phone Number: 540-450-7555 Email: DEADROCKCS@EMAIL.COM

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

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

Physical Property Details

Physical Address: D SHIPLEY SCHOOL ROAD
 City: HARPER'S FERRY State: WV Zip Code: 25425
 Tax District: 04 Map No: 9 Parcel No: 23427
 Parcel Size: 0.86 ACRES Deed Book: 1029 1252 Page No: 613 PARCEL

Zoning District (please check one) 320 A & B

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 type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input checked="" type="checkbox"/>
RECEIVED			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"/>
AUG 27 2021			Office/Commercial Mixed-Use (OC) <input type="checkbox"/>			
JEFFERSON COUNTY PLANNING ZONING & ENGINEERING						
<small>Place Received Date Stamp Here</small>						

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

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

Reference the section of the Zoning Ordinance pertaining to this request: APPENDIX B SEC 46B

Briefly describe the nature of the variance request:
REQUESTING VARIANCE FOR SIDE PROPERTY SETBACK TO BE 25 FT.

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

Front Setback Side Setback Rear Setback Reduction From 75 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 SIDE LOT WE ARE REQUESTING THE VARIANCE FOR IS NOT BUILDABLE WITH THE CURRENT COUNTY CODE.

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 ADJACANT LOT IS VACANT AND NOT BUILDABLE WITH THE CURRENT COUNTY CODES.

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

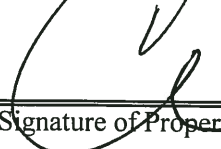
IT WILL ALLOW US TO ELIMINATE UNNECESSARY EXCAVATING AND GROUND DISTURBANCE BY MOVING OUR BUILDING INTO EXISTING CLEARED AREA.

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

THE ADJACANT PROPERTY IS VACANT AND NOT LARGE ENOUGH TO BUILD ON.

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 8/27/2021
Date


Signature of Property Owner 8/27/2021
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).

09-23-21
Date of Public Hearing

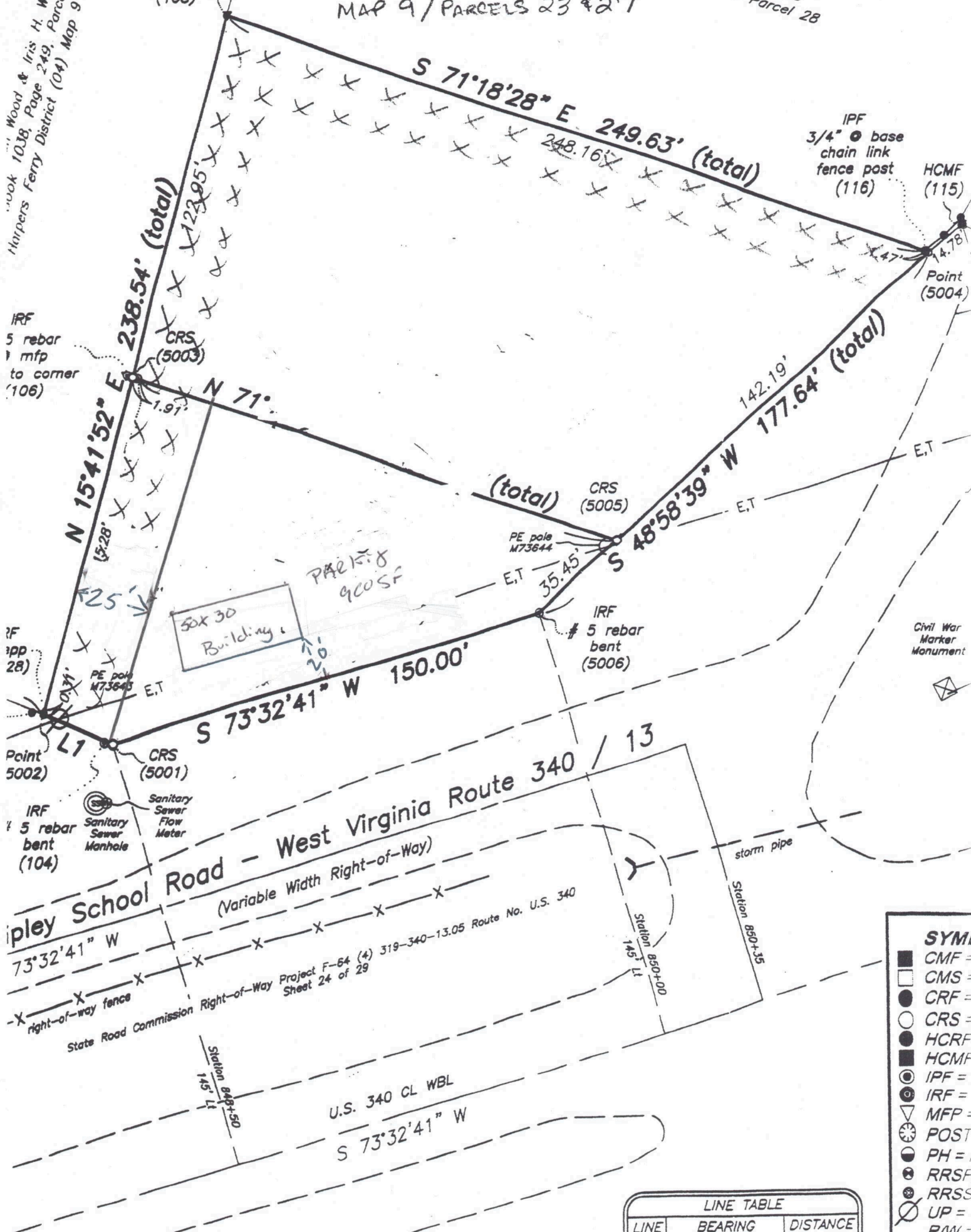
09-08-21
Advertising Date

09-08-21
Placard Posting Date

Book 1038, Page 249, Parcel 26 & 27
 Harpers Ferry District (04) Map 9 Parcel 26 & 27

HARPERS FERRY TAX DISTRICT (04)
 MAP 9/PARCELS 23 & 27

SHIPLEY SITE PLAN
 Page 249, Parcel 28
 District (04) Map 9 Parcel 28



IRF
 5 rebar
 1 mfp
 to corner
 (106)

IRF
 5 rebar
 bent
 (104)

Sanitary Sewer Manhole
 Sanitary Sewer Flow Meter

CRS (5003)

CRS (5001)

CRS (5005)

IRF 5 rebar bent (5006)

PE pole M73644

Civil War Marker Monument

- SYME**
- CMF =
 - CMS =
 - CRF =
 - CRS =
 - HCRF =
 - HCMF =
 - IPF =
 - IRF =
 - MFP =
 - POST =
 - PH =
 - RRSF =
 - RRSS =
 - UP =
 - RW =

LINE TABLE		
LINE	BEARING	DISTANCE

State Road Commission Right-of-Way Project F-64 (4) 319-340-13.05 Route No. U.S. 340
 Sheet 24 of 29

U.S. 340 CL WBL

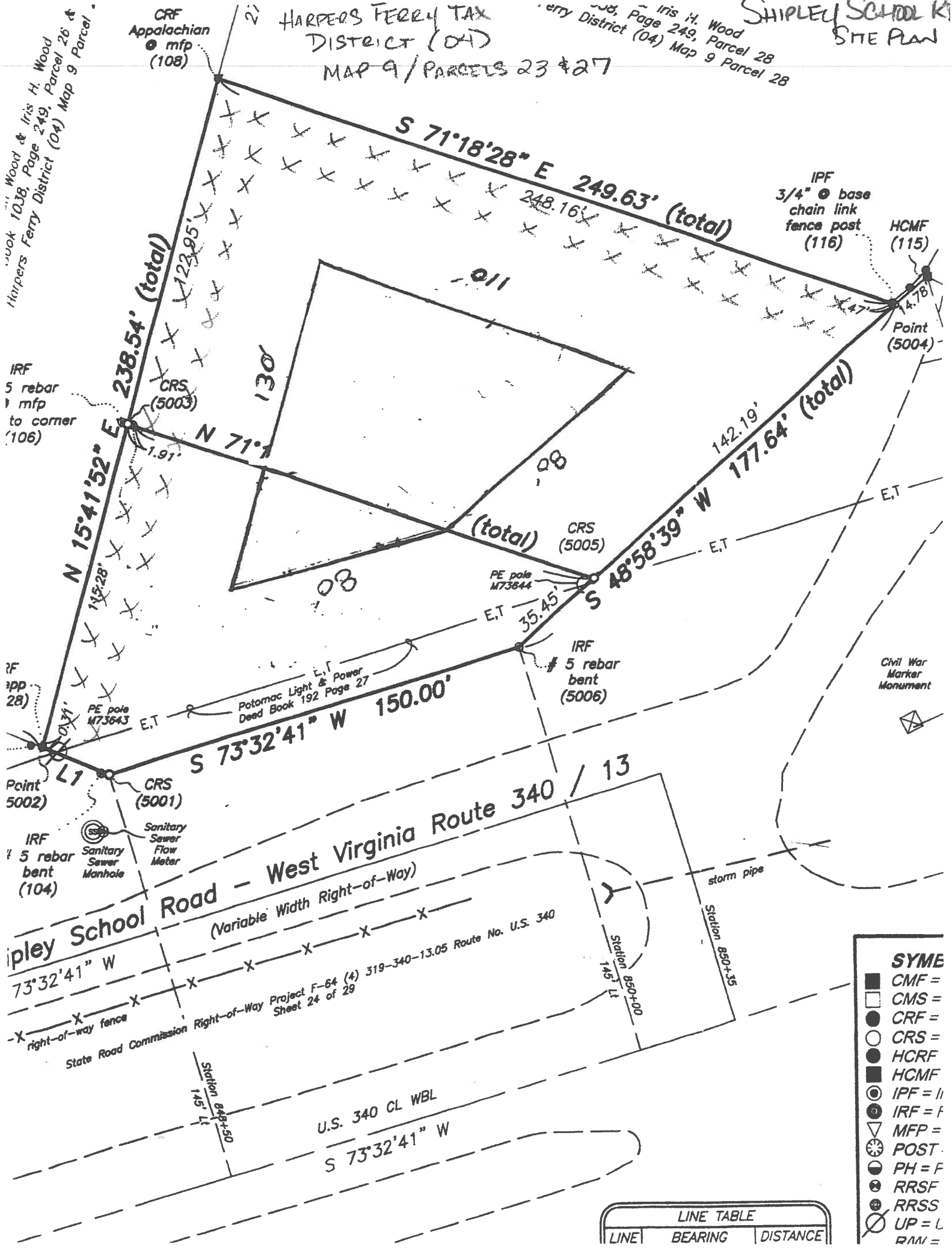
S 73°32'41" W

Wood & Iris H. Wood
Harpers Ferry District (04) Map 9 Parcel 26 & Parcel 27

HARPERS FERRY TAX DISTRICT (04)
MAP 9/PARCELS 23 & 27

Iris H. Wood
Parcel 28
Harpers Ferry District (04) Map 9 Parcel 28

SHIPLEY SCHOOL K1
SITE PLAN



IPF
3/4" base chain link fence post (116)

HCMF (115)

Point (5004)

IRF
5 rebar mfp to corner (106)

IRF
5 rebar bent (104)

IRF
5 rebar bent (5006)

Civil War Marker Monument

Sanitary Sewer Manhole
Sanitary Sewer Flow Meter

Shipley School Road - West Virginia Route 340 / 13
(Variable Width Right-of-Way)

State Road Commission Right-of-Way Project F-64 (4) 319-340-13.05 Route No. U.S. 340 Sheet 24 of 29

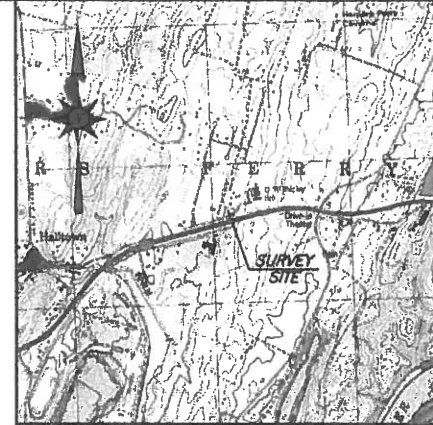
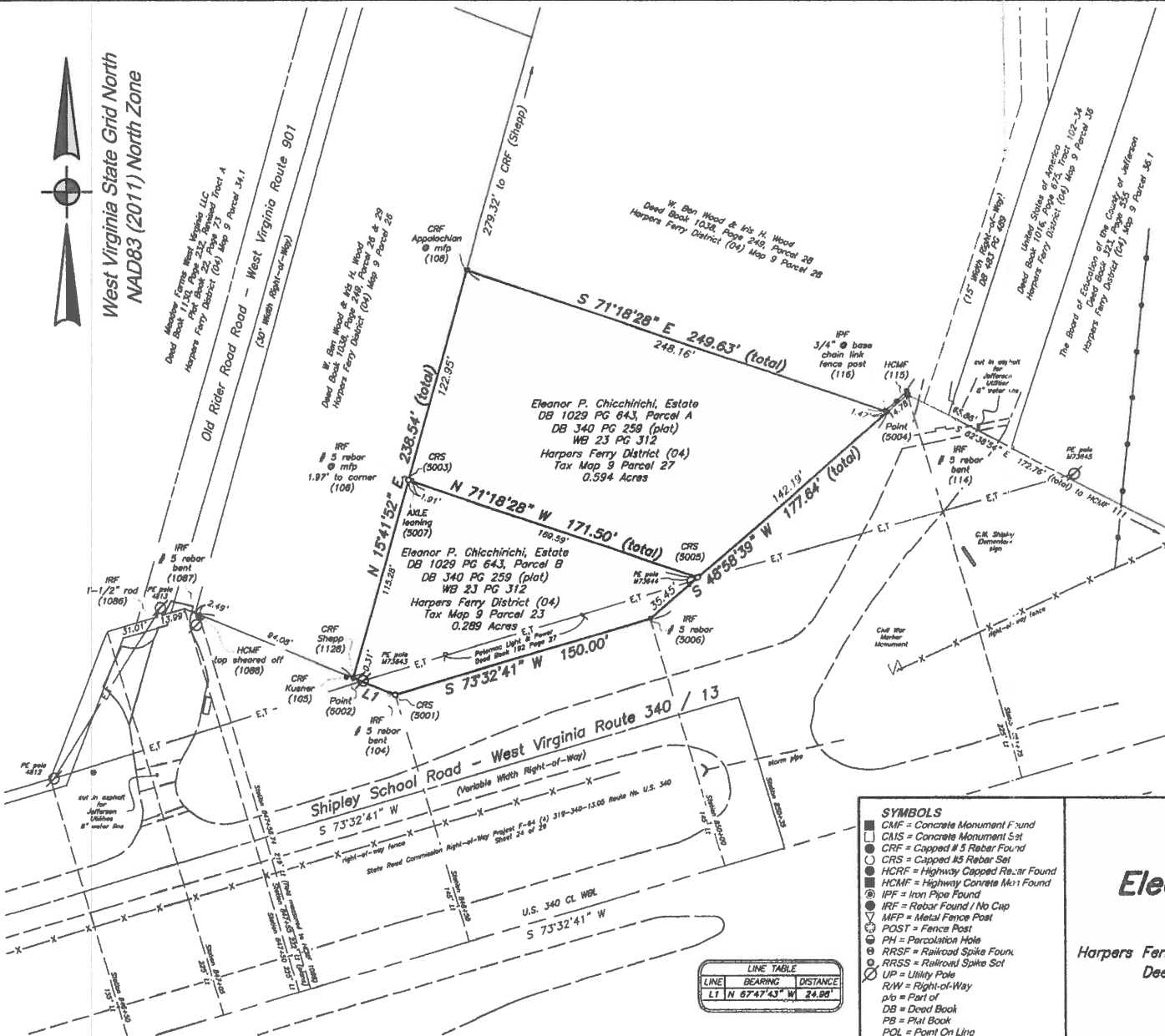
U.S. 340 CL WBL
S 73°32'41" W

LINE TABLE		
LINE	BEARING	DISTANCE

- SYME**
- CMF =
 - CMS =
 - CRF =
 - CRS =
 - HCRF
 - HCMF
 - ⊙ IPF = //
 - ⊙ IRF = f
 - ▽ MFP =
 - ⊗ POST.
 - ⊙ PH = F
 - ⊗ RRSF
 - ⊙ RRSS
 - ⊗ UP = L
 - RAM =



West Virginia State Grid North
NAD83 (2011) North Zone



QUAD MAP LOCATION
SCALE: 1" = 2,000'

SOURCE OF TITLE INFORMATION
The title information for the properties, easements, right-of-ways, etc. shown hereon was researched and obtained by Gary A. Frey, P.S. and is not based on a title commitment or information provided by a title company or an attorney. This information may not be absolute and additional information may be discovered and disclosed in a title commitment.

PROPERTY INFORMATION / PREVIOUS PLAT
The perimeter property information on this plat is from a survey by Gary A. Frey, P.S. using conventional and GPS RTK methods, oriented to WV State Plane Grid - North Zone NAD 83 (2011). See Deed Book 340, Page 259 for the previous plat by John Kusner dated November 16, 1969 of the parcels shown.

LINE	BEARING	DISTANCE
LT	N 67°47'43" W	24.89'

- SYMBOLS**
- CMF = Concrete Monument Found
 - CAIS = Concrete Monument Set
 - CRF = Capped #5 Rebar Found
 - CRS = Capped #5 Rebar Set
 - HCRF = Highway Capped Rebar Found
 - HCFM = Highway Concrete Monument Found
 - IPF = Iron Pipe Found
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 - MFP = Metal Fence Post
 - POST = Fence Post
 - PH = Parcelation Hole
 - RRSF = Railroad Spike Found
 - RRS = Railroad Spike Set
 - UP = Utility Pole
 - R/W = Right-of-Way
 - p.o. = Part of
 - DB = Deed Book
 - PB = Plat Book
 - POL = Point On Line
 - P1 = Point
 - C = Center Line
 - P = Property Line

REVISIONS		
No.	Date	Description

— E.T. —	Overhead Utility
— X — X —	Wire Fence
— · — · —	Ex. Property Line
— · · · — · · ·	Ex. Easement Line

Plat of Survey
of the lands of
Eleanor P. Chicchirichi,
Estate
Harpers Ferry Tax District (04), Map 9 / Parcels 23 & 27
Deed Book 1029, Page 643 Parcel A & B
Will Book 23, Page 312
Jefferson County, West Virginia



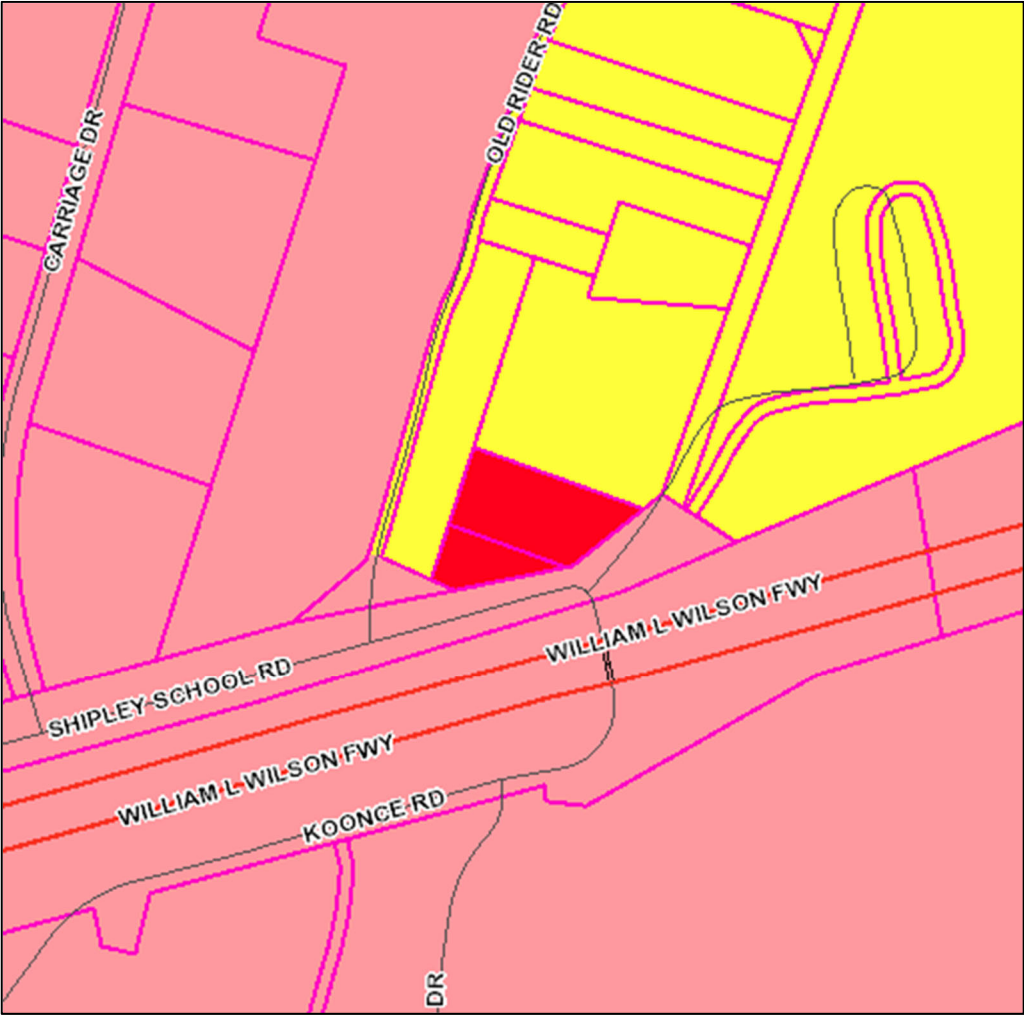
GARY A. FREY, P.S.
Professional Land Surveyor
P.O. Box 1218
Harpers Ferry, WV 25425
304-820-9331

I CERTIFY THAT THIS SURVEY PLAT WAS MADE BY ME AND ITS ACCURACY IS WITHIN THE ACCEPTED STANDARDS. ERROR OF CLOSURE 1:7500 OR BETTER

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 September 23, 2021

Dead Rock Contractor Services, LLC Variance Request (#21-31-ZV)

Item #4 Variance request from Section 4.11 and Appendix B to allow use of existing vegetation in lieu of a planted landscape buffer for a proposed Contractor’s Office with Outdoor Storage. The land use includes construction of a 1,500 sq ft office/storage building, associated parking, and gravel equipment storage area.

Applicant:	Dead Rock Contractor Services, LLC / Chris Livingston
Owner:	Same
Developer:	Same
Consultant:	N/A
Parcel Information and Zoning District:	<p>Vacant parcels located off Shipley School Road / located between Shipley School and Meadows Farm Nursery, Charles Town, WV Parcel ID: 04000900230000 and 04000900270000; Combined Size: .86 ac; Zoning District: General Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North, East, West : Residential Growth South: Residential-Light Industrial-Commercial</p>
Approvals:	02/09/2021: CC approved Zoning Map Amendment (rezoning).
Site Visit Conducted:	Site visit not conducted.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 23, 2021
Dead Rock Contractor Services, LLC Variance Request (#21-31-ZV)

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 4.11 and Appendix B to allow use of existing vegetation in lieu of a planted landscape buffer for a proposed Contractor's Office with Outdoor Storage. The land use includes construction of a 1,500 sq ft office/storage building, associated parking, and gravel equipment storage area.

The purpose of landscape buffer requirements is to lessen the impact of a non-residential use on an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise.

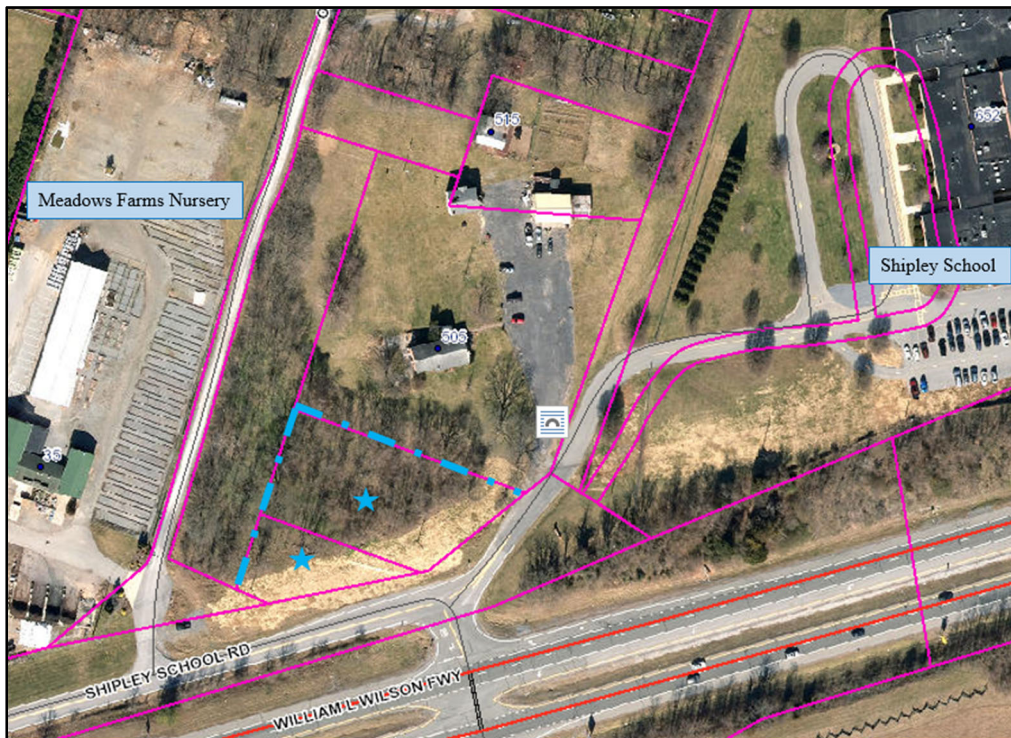
Staff Evaluation of Request

The applicant is proposing to construct a 1,500 square foot office/storage building with a gravel equipment storage area to operate as a Contractor's Office with Outdoor Storage. The subject parcels were rezoned from Residential Growth to General Commercial on February 9, 2021.

Appendix B of the Zoning Ordinance requires that commercial uses provide a screened buffer along side and rear property lines (highlighted in blue below) in accordance with Standard Detail M-54, which requires a 10' – 20' wide screened buffer.

The subject request is to utilize existing vegetation on the property in lieu of a planted buffer (see applicant photos on page 3 of the staff report). Utilizing existing mature vegetation may provide a more effective buffer screen than clearing existing vegetation and installing new trees and shrubs.

The property to the west is vacant and the property to the north contains a residence. It appears that granting the subject request would have minimal impact on the adjoining lots.



It is feasible to comply with required buffer standard; however, the subject request appears to comply with the intent of the Ordinance, which is to provide a separation between the proposed non-residential use and adjoining properties.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 23, 2021
Dead Rock Contractor Services, LLC Variance Request (#21-31-ZV)

Conditions of Approval

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

1. The property owner shall maintain a 15' buffer screen; and
2. The property owner shall replace any vegetation that may die.



21-31-ZV Dead Rock Contractor (buffer request)

Back Property Line Pictures



Side Property Lines Pictures



Side Property Lines Pictures – from Road

Pictures submitted by applicant

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 23, 2021
Dead Rock Contractor Services, LLC Variance Request (#21-31-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 (1/2) 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;

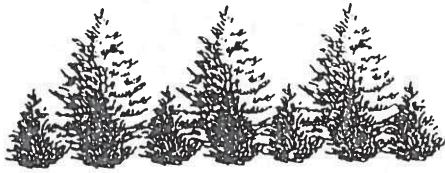
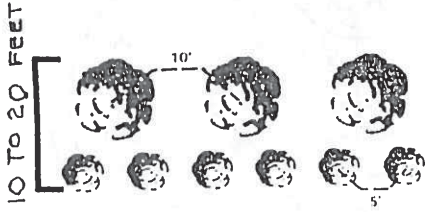
Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 23, 2021

Dead Rock Contractor Services, LLC Variance Request (#21-31-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.

Appendix B and Standard Detail M-54 (attached)

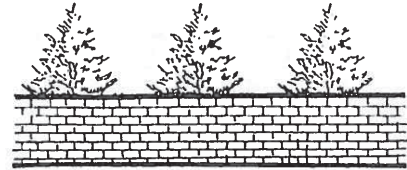
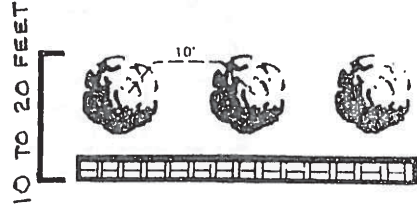
TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION F

TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

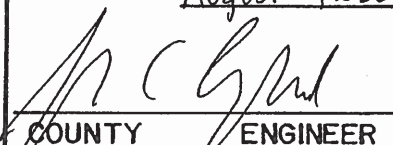
OPTION G

OPTION F

Planting Description - one row of evergreen shrubs with a height of two (2) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every five (5) linear feet; one row of medium evergreen trees 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 ten (10) linear feet.

OPTION G

Planting Description - one row of medium evergreen trees 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 ten (10) linear feet; and a solid board fence, masonry or brick wall with a height of six (6) feet.

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: August 8, 1990	screen planting narrow buffer	REVISIONS:	DETAIL No.	
			_____	_____	
			COUNTY	_____	_____
			ENGINEER	_____	_____
			M -54		

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*	Imperious 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
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: 21-31-2V

Staff Initials: gh

Meeting Date: 9-23-21

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

Payment rec'd (21-30-2V)

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

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: DEAD ROCK CONTRACTOR SERVICES
 Mailing Address: 15 BURBERRY LANE, CHARLES TOWN, WV 25414
 Phone Number: 540-450-7555 Email: DEADROCKCS@GMAIL.COM

Applicant Contact Information

Name: CHRIS AND CHARLENE LIVINGSTON
 Mailing Address: 15 BURBERRY LANE, CHARLES TOWN, WV 25414
 Phone Number: 540-450-7555 Email: DEADROCKCS@GMAIL.COM

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

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

Physical Property Details

Physical Address: O SHIPLEY SCHOOL RD.
 City: HARPERS FERRY State: WV Zip Code: 25425
 Tax District: 04 Map No: 9 Parcel No: 23 & 27
 Parcel Size: .86 ACRES Deed Book: 1029 Page No: 643 PARCEL A & B
1252 320

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 type="checkbox"/> | Village (V) <input type="checkbox"/> | Neighborhood Commercial (NC) <input type="checkbox"/> | General Commercial (GC) <input checked="" 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

AUG 27 2021

JEFFERSON COUNTY PLANNING ZONING & ENGINEERING

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

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

Reference the section of the Zoning Ordinance pertaining to this request: APPENDIX B - SEC. 4.11

Briefly describe the nature of the variance request:

REQUESTING THE BUFFER VARIANCE TO USE EXISTING TREES AS BUFFER.

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:

WE WILL BE ABLE TO UTILIZE THE EXISTING LARGE MATURE TREES AS A BUFFER INSTEAD OF PLANTING NEW.

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 LOT HAS EXISTING MATURE TREES WHICH MEET THE BUFFER REQUIREMENTS.

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

IT WILL ELIMINATE THE NEED TO EXCAVATE THE EXISTING MATURE TREES.

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

THE BUFFER ZONE ORDINANCE WILL STILL BE OBSERVED.

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]
Signature of Property Owner
8/27/2021
Date

[Signature]
Signature of Property Owner
8/27/2021
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).

09-23-21

Date of Public Hearing

09-08-21

Advertising Date

09-08-21

Placard Posting Date

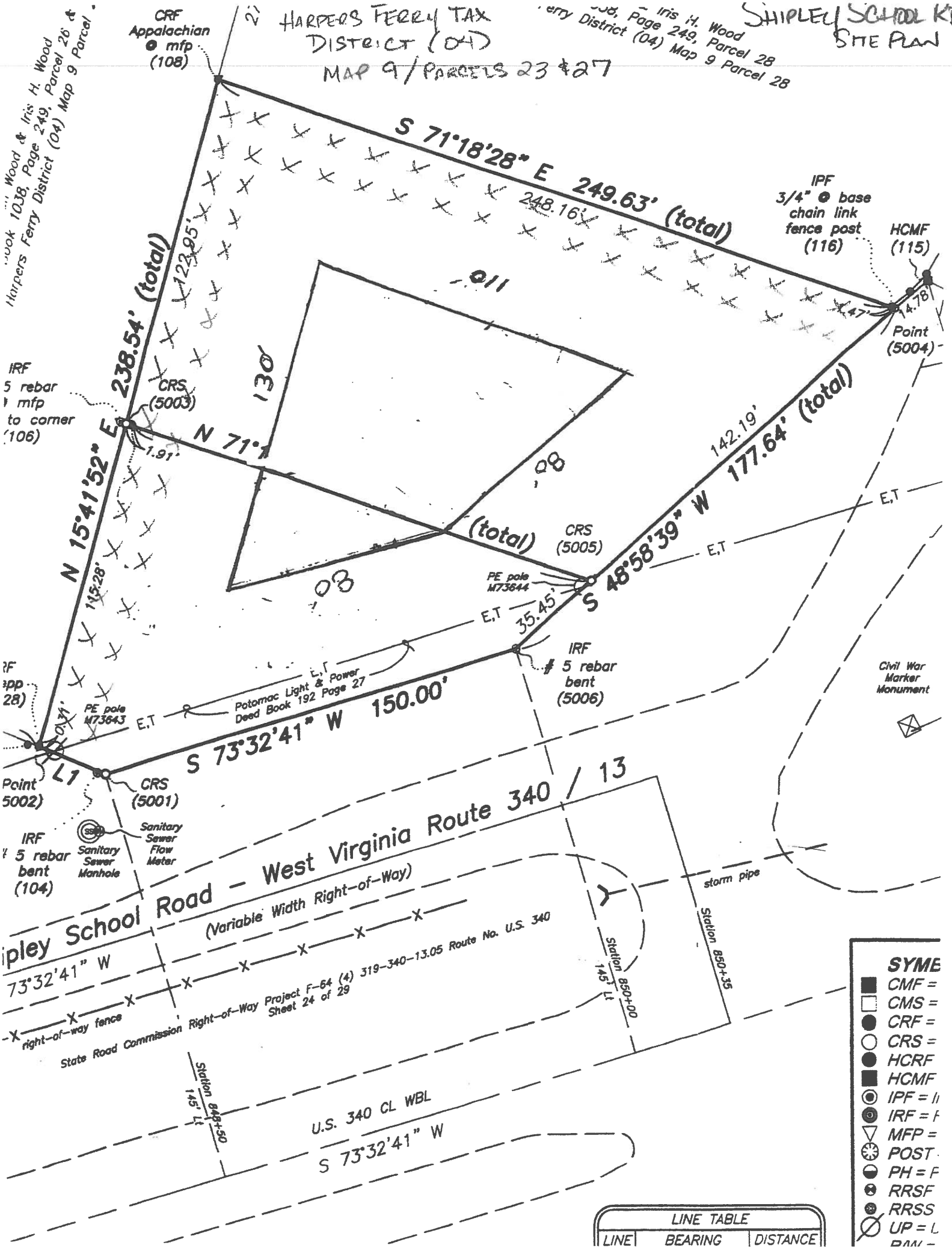
Book 1038, Wood & Iris H. Wood
Harpers Ferry District (04) Map 9 Parcel 26 & Parcel 27

HARPERS FERRY TAX DISTRICT (04)

MAP 9/PARCELS 23 & 27

Iris H. Wood
Harpers Ferry District (04) Map 9 Parcel 28

SHIPLEY SCHOOL K1
SITE PLAN



IPF
3/4" base chain link fence post (116)

HCMF (115)

Point (5004)

IRF
5 rebar mfp to corner (106)

IRF
5 rebar bent (104)

IRF
5 rebar bent (5006)

Civil War Marker Monument

Sanitary Sewer Manhole
Sanitary Sewer Flow Meter

Potomac Light & Power
Deed Book 192 Page 27

right-of-way fence
State Road Commission Right-of-Way Project F-64 (4) 319-340-13.05 Route No. U.S. 340 Sheet 24 of 29

Shipley School Road - West Virginia Route 340 / 13
(Variable Width Right-of-Way)

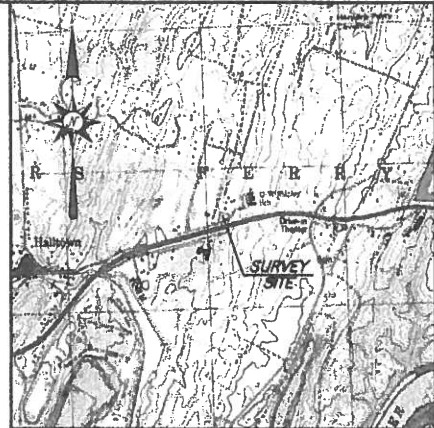
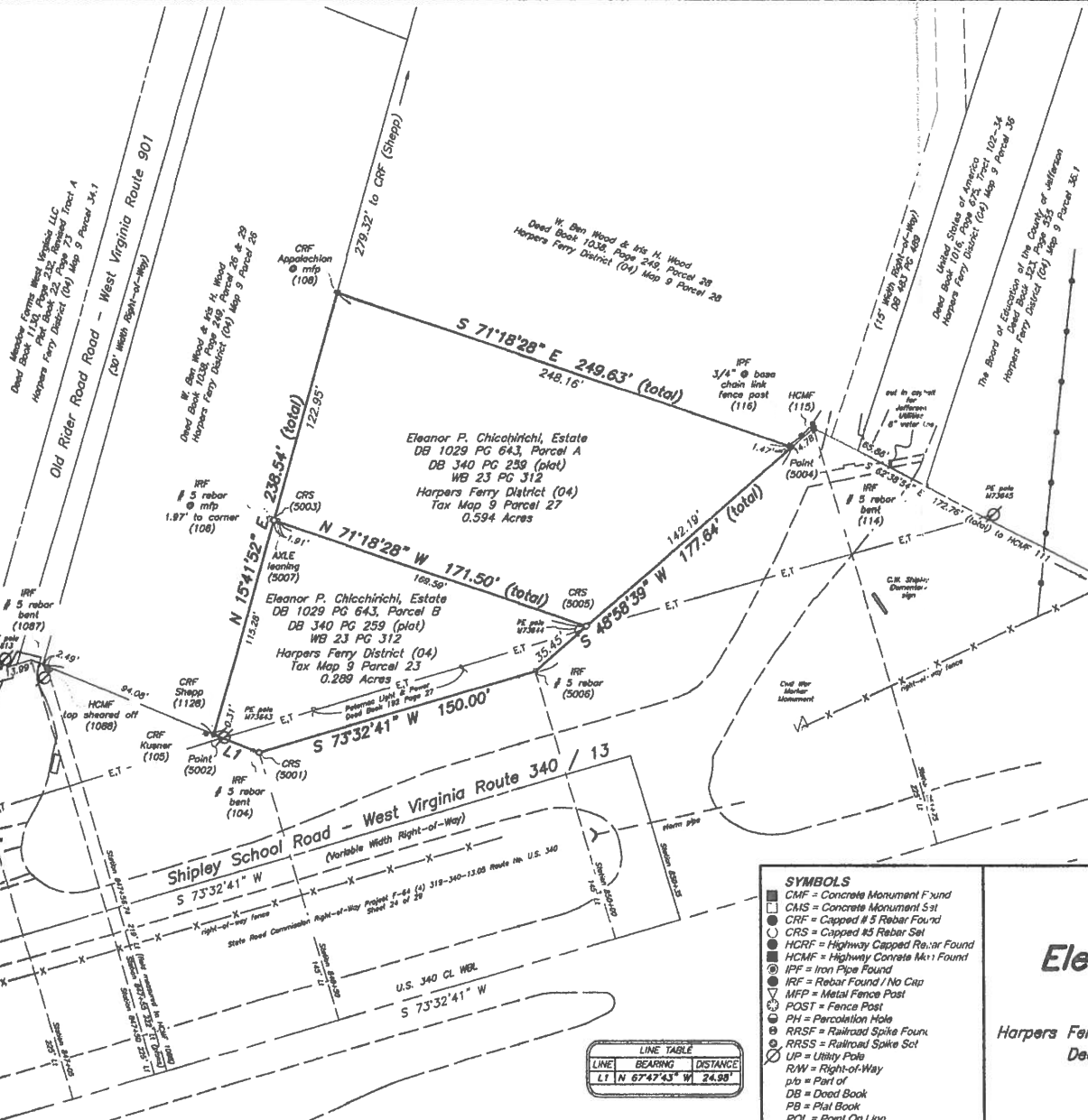
U.S. 340 CL WBL
S 73°32'41" W

LINE TABLE		
LINE	BEARING	DISTANCE

- SYME**
- CMF =
 - CMS =
 - CRF =
 - CRS =
 - HCRF
 - HCMF
 - ⊙ IPF = I
 - ⊙ IRF = F
 - ▽ MFP =
 - ⊗ POST
 - PH = F
 - RRSF
 - RRSS
 - ⊙ UP = L
 - DAW =



West Virginia State Grid North
NAD83 (2011) North Zone



QUAD MAP LOCATION
SCALE: 1" = 2,000'

SOURCE OF TITLE INFORMATION
The title information for the properties, easements, right-of-ways, etc. shown hereon was researched and obtained by Gary A. Frey, P.S. and is not based on a title commitment or information provided by a title company or an attorney. This information may not be absolute and additional information may be discovered and disclosed in a title commitment.

PROPERTY INFORMATION / PREVIOUS PLAT
The perimeter property information on this plat is from a survey by Gary A. Frey, P.S. using conventional and GPS RTK methods, oriented to WV State Plane Grid - North Zone NAD 83 (2011). See Deed Book 340, Page 259 for the previous plat by John Kuauer dated November 18, 1969 of the parcels shown.

LINE	BEARING	DISTANCE
LT	N 67°47'43" W	24.98'

- SYMBOLS**
- CRF = Concrete Monument Found
 - CMS = Concrete Monument Set
 - CRF = Capped # 5 Rebar Found
 - CRS = Capped #5 Rebar Set
 - HCRF = Highway Capped Rebar Found
 - HCMF = Highway Concrete Monument Found
 - IPF = Iron Pipe Found
 - IRF = Rebar Found / No Cap
 - MFP = Metal Fence Post
 - POST = Fence Post
 - PH = Percolation Hole
 - RRSF = Railroad Spike Found
 - RRS = Railroad Spike Set
 - UP = Utility Pole
 - RW = Right-of-Way
 - P/B = Part of
 - DB = Deed Book
 - PB = Plat Book
 - POL = Point On Line
 - PL = Point
 - CL = Center Line
 - PL = Property Line

Plat of Survey
of the lands of
**Eleanor P. Chicchirichi,
Estate**

Harpers Ferry Tax District (04), Map 9 / Parcels 23 & 27
Deed Book 1029, Page 643 Parcel A & B
Will Book 23, Page 312
Jefferson County, West Virginia



LINE LEGEND

- E.T — Overlaid Utility
- - - - - Wire Fence
- - - - - Ex. Property Line
- - - - - Ex. Easement Line

REVISIONS

No.	Date	Description

I CERTIFY THAT THIS SURVEY PLAT WAS MADE BY ME AND ITS ACCURACY IS WITHIN THE ACCEPTED STANDARDS. ERROR OF CLOSURE 1: 7500 OR BETTER



GARY A. FREY, P.S.
Professional Land Surveyor
P.O. Box 1218
Harpers Ferry, WV 25425
304-820-9331

Back Property Line Pictures



21-31-ZV Dead Rock Contractor (buffer request)

Side Property Lines Pictures



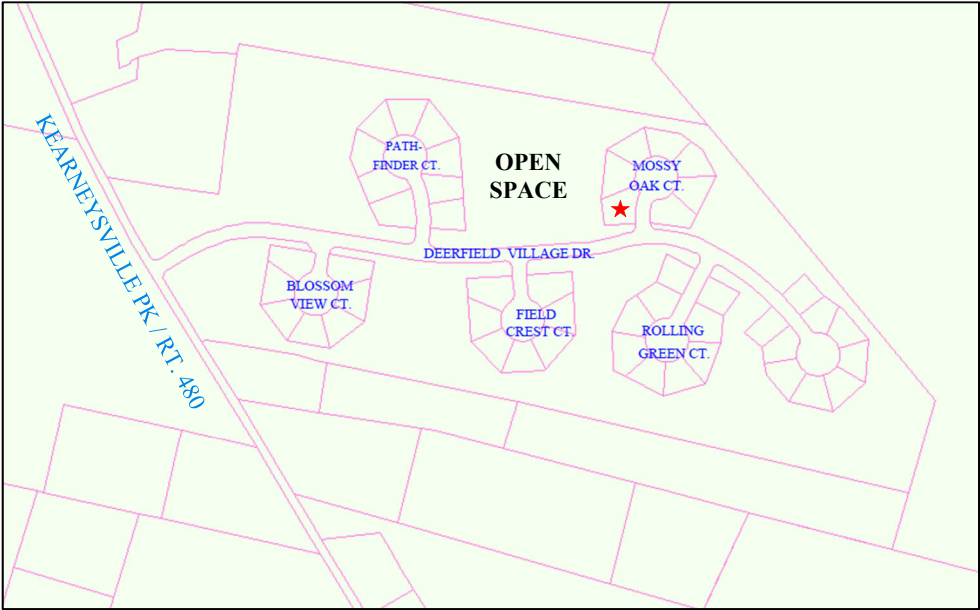
Side Property Lines Pictures – from Road



Staff Report
 Jefferson County Board of Zoning Appeals
 September 23, 2021

Lattner Variance Request (#21-32-ZV)

Item #4 Variance request from Section 5.4B of the Zoning Ordinance, as amended on 11/07/02, to reduce the rear setback from 20' to 15' for a 25' x 16' deck.

Applicant:	Kirk and Charlene Lattner
Owner:	Same
Developer:	n/a
Consultant:	n/a
Parcel Information and Zoning District:	<p style="text-align: center;">Deerfield Village, Lot 24, 19 Mossy Oak Court Shepherdstown, WV Parcel ID: 09014B00240000; Size: 0.33 ac; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Districts: North: South, East, West: Rural
History:	Deerfield Village Subdivision 03/11/03: PC approved CUP (PC file #Z02-07) 05/24/04: Final plat recorded (PC file #03-15) Plat Book 21, Page 1, A-G
Waivers/Variations:	N/A
Approved Activity:	Single family dwelling
Site Visit Conducted:	Site visit not conducted.

Summary of Request and Purpose of Ordinance Requirement

The applicant is requesting a variance from Section 5.4B of the Zoning Ordinance, as amended on 11/07/02, to reduce the rear setback from 20' to 15' for a portion of a 25' x 16' deck.

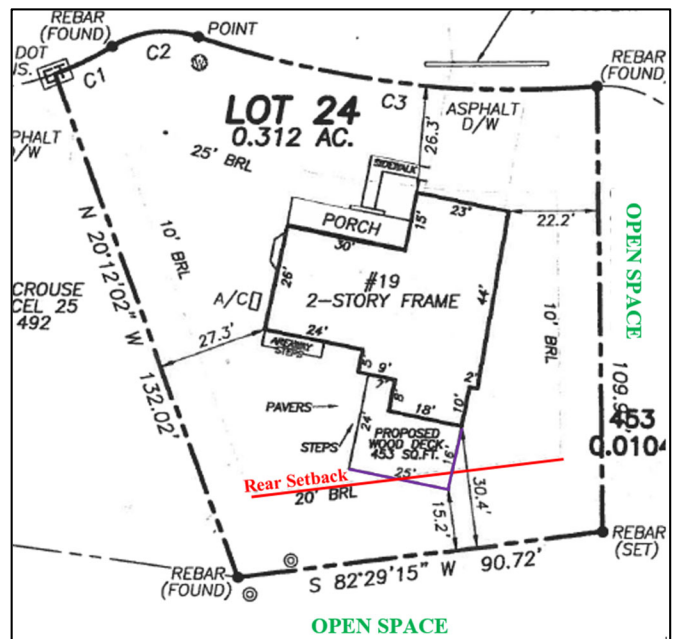
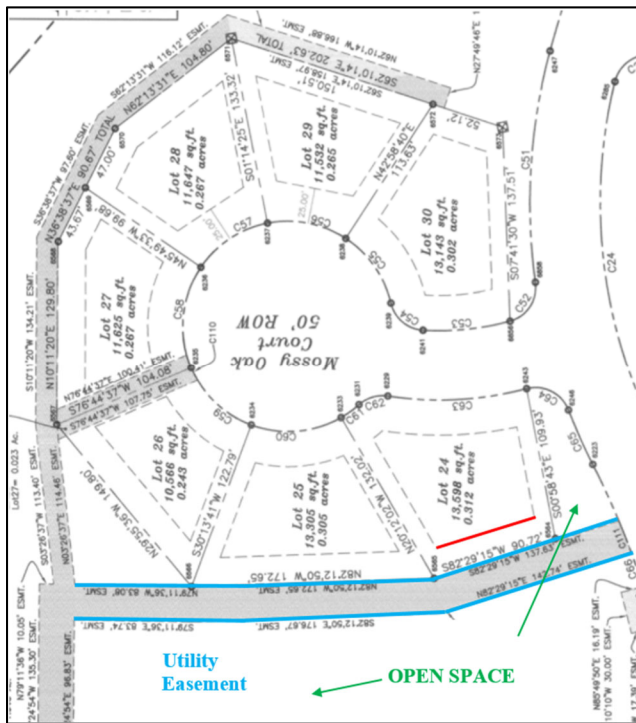
The purpose of side and rear setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention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

Staff Report
Jefferson County Board of Zoning Appeals
September 23, 2021

Lattner Variance Request (#21-32-ZV)

Staff Evaluation of the Request

The subject parcel is Lot 24 of the Deerfield Village Subdivision, which was recorded on May 24, 2004, in Plat Book 21, at Pages 1(A-G). Deerfield Village processed as a Conditional Use and was approved on March 11, 2003. At the time this development was processing, Section 5.7(b) of the Zoning Ordinance permitted lots that were created through the conditional use permit process to utilize the Residential Growth setbacks listed in Section 5.4(b). As such, the required setbacks for Lot 24 are 25' front, 12' side, and 20' rear. Note: the 10' side setback depicted on the applicant survey is not accurate.



The approved subdivision consists of 47 residential lots along with its own wastewater treatment facility. There is a 25' utility easement that borders the rear of the subject parcel. Additionally, an open space area is located beyond the easement, which combined, provides approximately 480' between the Applicant's rear property line and the property line of the nearest neighbor.



Staff Report
Jefferson County Board of Zoning Appeals
September 23, 2021

Lattner Variance Request (#21-32-ZV)

While it may be feasible to reduce the size of the proposed deck in order to accommodate the required setback, it appears that the proposed deck would not negatively impact any adjoining property owner(s).

Conditions of Approval

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

1. No conditions of approval were identified.

Section of Ordinance to be Considered

SECTION 5.7 Rural District

(b) Minimum Lot Area, Lot Width and Yard Requirements

Minimum lot sizes, lot width, and yard requirements are as follows for principal permitted uses. For any residential use that complies with the Development Review System, the setbacks and lot shall be as outlined in **Article 5.4(b)**.

SECTION 5.4b Residential Growth District - Height And Yard Requirements

Development Type	Minimum Lot Area (MLA) Area per Dwelling Unit (ADU)	Required Yards	Maximum Building
Single family detached dwelling	6,000 sq. ft. MLA**	25 ft. front	40 ft.
Public/Central water and sewer	10,000 sq. ft. ADU	12 ft. side	
Public/Central water or sewer	20,000 sq. ft. MLA	20 ft. rear	
No Public/Central water or sewer	40,000. Sq. ft. MLA		



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: 21-32-ZV
 Staff Initials: gjt
 Meeting Date: 9/23/21
 Fees Paid (\$100 or \$150): 100

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Kirk & Charlene Lattner
 Mailing Address: 19 Mossy Oak Ct., Shepherdstown, WV 25443-4798
 Phone Number: 202-425-5974 Email: klattner1@gmail.com

Applicant Contact Information

Name: Kirk Lattner
 Mailing Address: 19 Mossy Oak Ct., Shepherdstown, WV 25443-4798
 Phone Number: 202-425-5974 Email: klattner1@gmail.com

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

Name: Surveyors: Roberts Land Surveying / Contractor: Dan Dulyea / Construction
 Mailing Address: Surveyor: 2068 Palmer Rd., Hedgescove, WV / Contractor: 35ut Ct, Ste. A, Martinsburg
 Phone Number: Surveyor: 304-671-5406 Email: Surveyor: miker002395@frontier.com

Physical Property Details

Physical Address: 19 Mossy Oak Court 304-224-2923 or 304-671-1960 (mobile) Contractor: ddesignbuild@aol.com
 City: Shepherdstown State: WV Zip Code: 25443-4798
 Tax District: Shepherdstown/Jefferson County Map No: 14B Parcel No: 24
 Parcel Size: .3278 gta Deed Book: 1249 Page No: 518

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
AUG 30 2021
 JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

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

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

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

Briefly describe the nature of the variance request:

Proposal to build wood/composite deck that encroaches 4.8' into the rear building restriction line.

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

Front Setback Side Setback Rear Setback Reduction From 20.0' to 15.2'

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:

It's over 500ft. between where the back of the deck would end to the beginning of the house behind our property. There would be no adverse effects to public health, or the safety or welfare of any adjacent property owners.

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 property was purchased in 2021 without a rear deck and is now the variance is being sought by that purchaser.

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

If this variance is granted, the rear deck would permit use of the rear portion of the house and yard that is currently not being utilized for any outdoor activity.

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

The houses in this sub-division are adequately spaced apart, ensuring that the intent of the zoning ordinance will still be observed, while allowing maximum enjoyment of this property and land for persons seeking this variance.

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] 8/29/2021
Signature of Property Owner Date

[Signature] 8/29/2021
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).

09-23-21
Date of Public Hearing

09-08-21
Advertising Date

09-08-21
Placard Posting Date

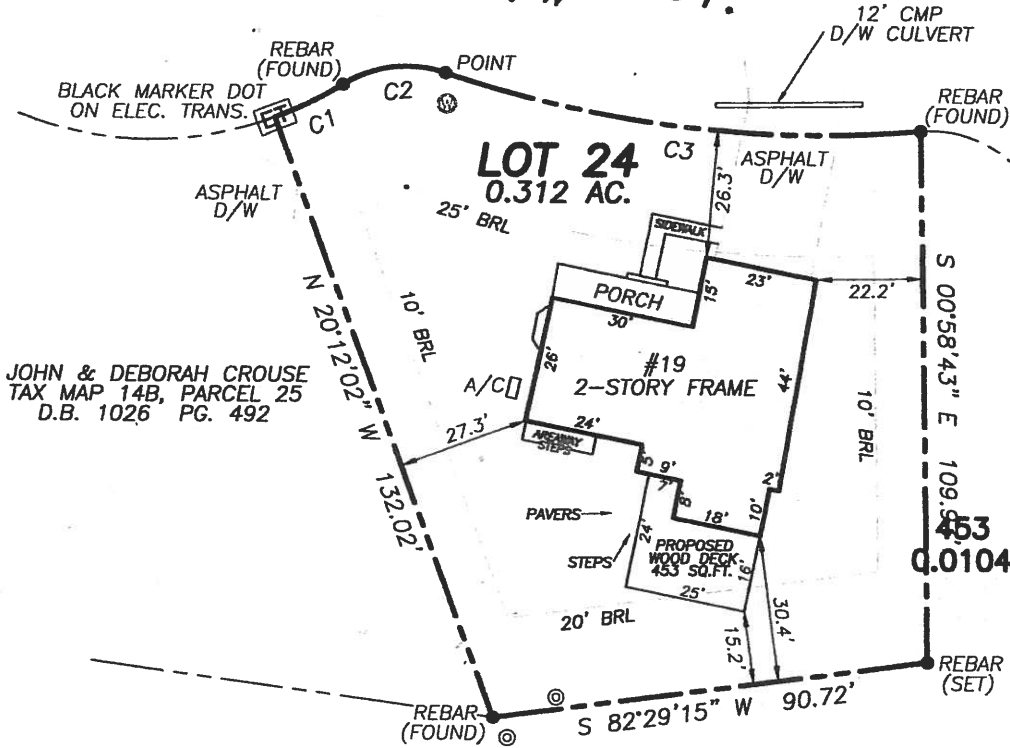
CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	15.67'	75.00'	11°58'28"	N 63°48'30" E	15.65'
C2	22.15'	25.00'	50°45'41"	N 83°12'33" E	21.43'
C3	99.72'	240.47'	23°45'38"	N 83°17'32" W	99.01'

PLAT NO. 1111
REF.: PLAT BOC

MOSSY OAK CT.
50' R/W

DEERFIELD VILLAGE DR.
50' R/W

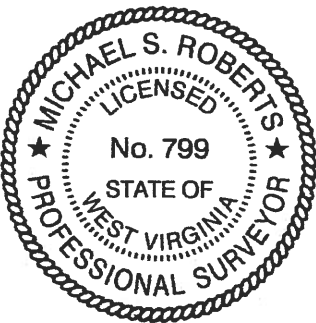


JOHN & DEBORAH CROUSE
TAX MAP 14B, PARCEL 25
D.B. 1026 PG. 492

DEERFIELD VILLAGE PROPERTY OWNERS ASSOC. INC.
TAX MAP 14B, PARCEL COMM
D.B. 1055 PG. 569

LEGEND

- ⊙ WATER METER
- ⊙ SANITARY CLEANOUT
- ET ELECTRIC TRANSFORMER

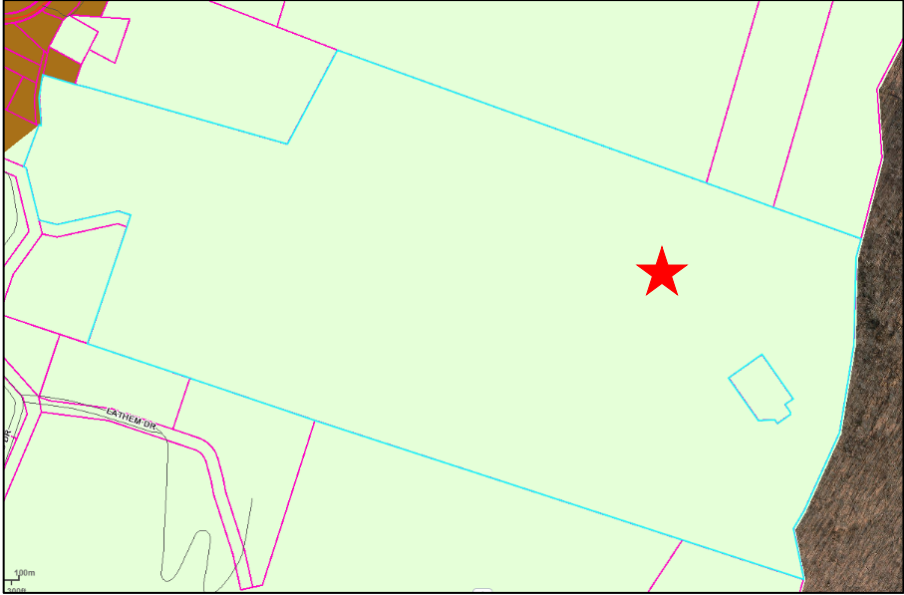


PLOT PLAN
LOT 24
PROPERTY OF
KIRK & CHARLENE LATTNER
DEED BOOK 1249 PAGE 518
TAX MAP 14B, PARCEL 24

Staff Report
 Jefferson County Board of Zoning Appeals
 September 23, 2021

Ashbaugh Variance Request (#21-33-ZV)

Item #5 Variance request from Section 5.6D of the Zoning Ordinance as amended in 1989, to correct previous approval granted by the Board on 02-28-19 (see PC File #19-2-ZV) to reduce the side setback to 21' for an existing 125' tall telecommunications tower, which was built prior to the adoption of zoning in the County. The previous request cited a 75' tall telecommunications tower; however, the correct tower height is 125'. The physical attributes of the property will remain the same.

Applicant:	Paul and Donna Ashbaugh
Owner:	Same
Developer:	n/a
Consultant:	n/a
Parcel Information and Zoning District:	<p style="text-align: center;">121 Ashland Woods Dr, Harpers Ferry, WV Parcel ID:; Size: 96.22 ac; Zone: Rural</p> 
Surrounding Properties:	Zoning Districts: North: South, East, West: Rural
History:	None
Waivers/Variances:	09-20-12: reduce front setback from 25' to 6' (12-27-ZV). 03-28-19: to reduce the perimeter setbacks from 25' to 1' for an existing 7' tall fence; and, to reduce the side setback from 25' to 21' for an existing 75' tall cell tower (19-2-ZV).
Approved Activity:	Nonconforming Use – Telecommunication Tower
Site Visit Conducted:	Site visit not conducted.

Summary of Request and Purpose of Ordinance Requirement

The applicant is requesting a variance request to correct previous approval granted by the Board on 02-28-19 (see PC File #19-2-ZV) to reduce the side setback to 21' for an existing 125' tall telecommunications tower, which was built prior to the adoption of zoning in the County. The previous

Staff Report
Jefferson County Board of Zoning Appeals
September 23, 2021

Ashbaugh Variance Request (#21-33-ZV)

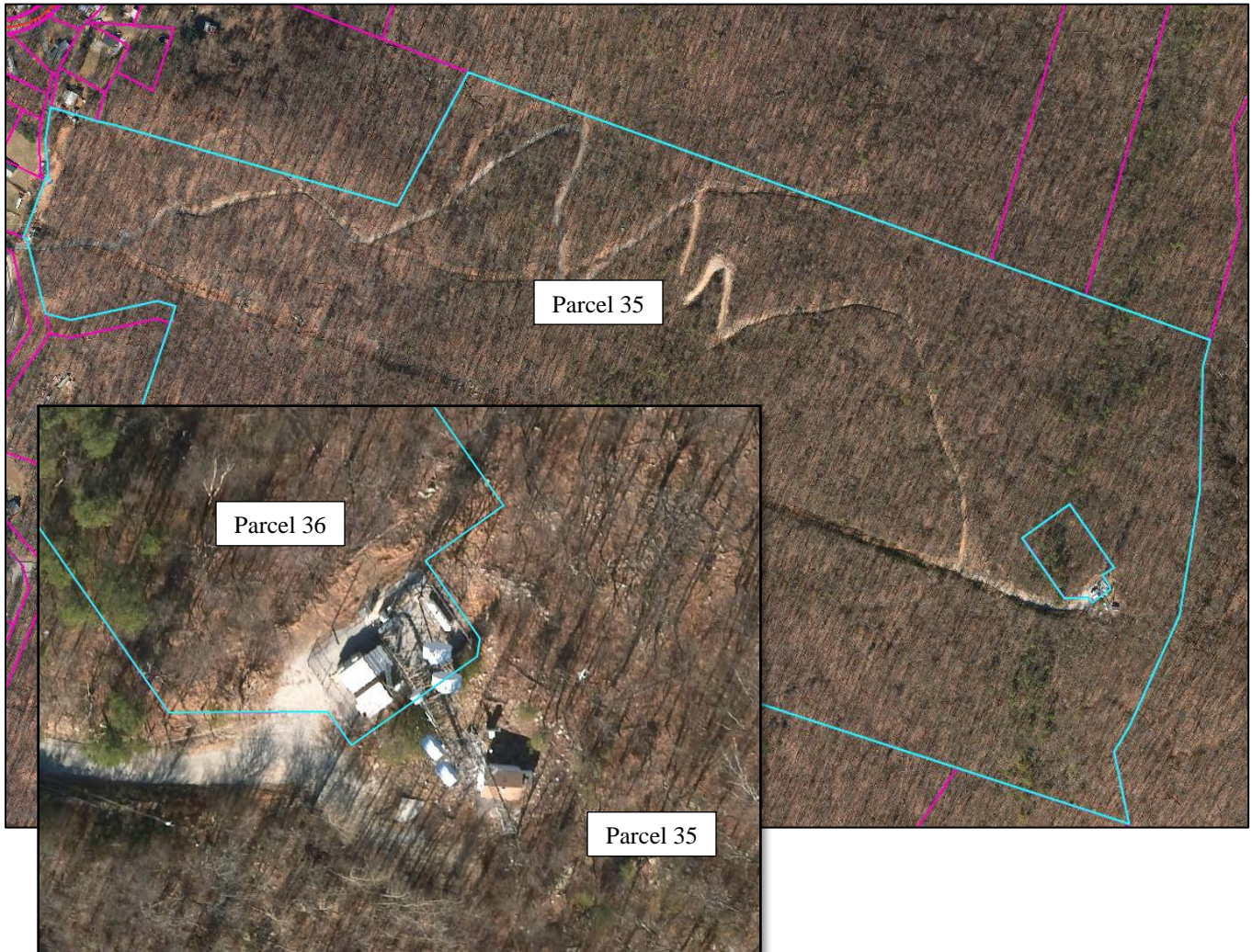
request cited a 75' tall telecommunications tower; however, the correct tower height is 125'. The physical attributes of the property will remain the same.

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

Parcel 35 was originally created through a series of boundary line adjustments approved in 2006. On September 20, 2012, CTI Towers, the easement lessee, requested a setback reduction to allow for the installation of a 7' privacy fence enclosure to be attached to an existing 11' x 15' telecommunications building and the construction of a 28+ square foot concrete pad within the enclosure. The Board approved the variance with no conditions.

Parcel 36 is the remaining acreage from the boundary line adjustments that created Parcel 35. This parcel has also historically been used as a wireless telecommunication facility location.



Staff Report
Jefferson County Board of Zoning Appeals
September 23, 2021

Ashbaugh Variance Request (#21-33-ZV)

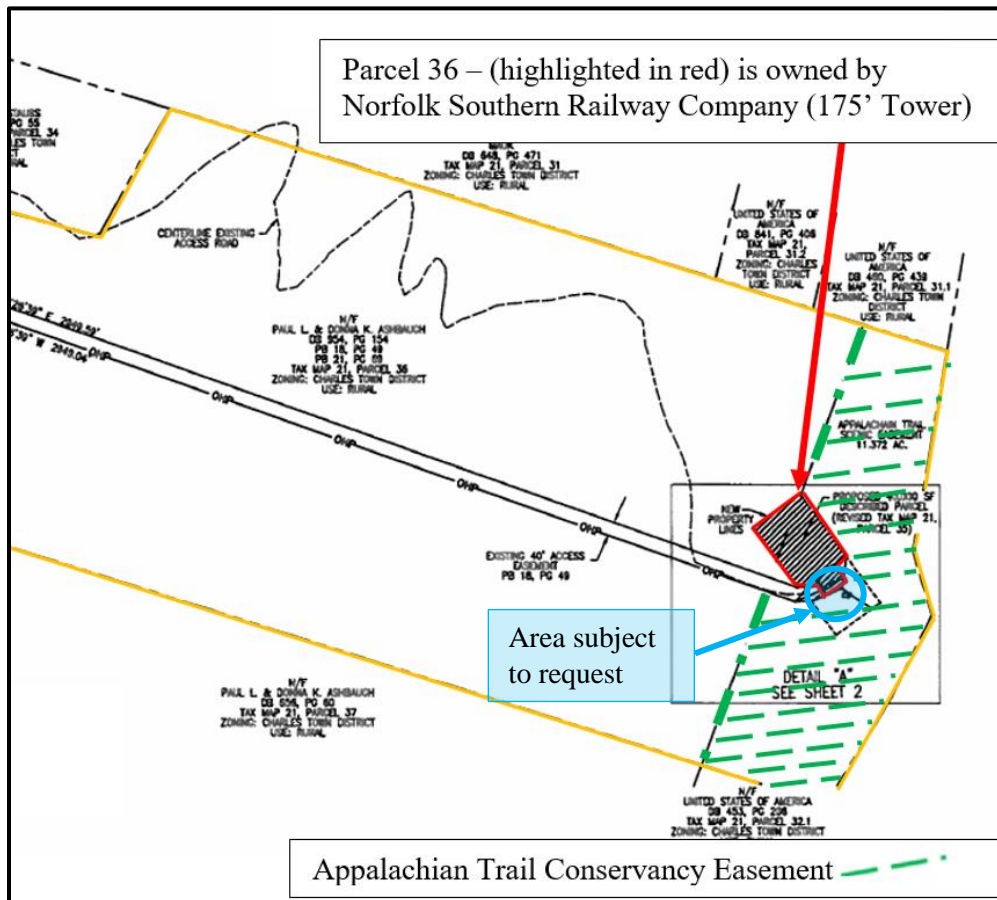
In 2019, the property owner processed a variance request to reduce the perimeter setbacks from 25' to 1' for an existing 7' tall fence on parcel 36. The variance was required to accommodate the proposed (now approved) boundary line adjustment between parcels 35 & 36.

The subject request is to address the tower height that was represented for Parcel 35 back in 2019, which was represented as being 75' tall; however, it has been brought to our attention by American Tower Corporation that the tower is actually 125'. The physical attributes of the two parcels will remain the same, meaning that the existing tower height will not increase. However, in order for the variance to remain in effect, Staff advised that a correction be submitted to the Board for consideration.

Summary

The request is to reduce the side setback from 25' to 21' for an existing 125' tall telecommunication tower on parcel 35, which is approximately 96 acres. It does not appear that by granting the request there would be any adverse impact on surrounding properties considering the tower has existed since at least 1989. There is sufficient space surrounding the tower to account for any fall radius and no dwellings would be permitted to be built within 200'+ due to an existing easement with the Appalachian Trail (see exhibit below).

It is not feasible to comply with the Ordinance by other means because the towers already exist and Parcel 36 was conveyed following approval of the variance and boundary line adjustment in 2019.



Staff Report
Jefferson County Board of Zoning Appeals
September 23, 2021

Ashbaugh Variance Request (#21-33-ZV)

Attachments

1. Antenna Structure Registration #1280499 from FCC website
2. Sketch from 1995, reflecting the tower as being 120'
3. Excerpts from supplemental data submitted by Telegia Communications Inc. RE: tower height (complete documents are available for review in the Office of Planning and Zoning, or by email request).

Conditions of Approval

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

1. No conditions approval have been identified.

Section of Ordinance to be Considered:

- (d) Yard Requirements as follows: (These yard requirements are also for an approved commercial or industrial use proposed for any other zone.)
- (1) Front yard building setback
Commercial sites - 25 feet
Industrial sites - 50 feet
 - (2) Side yard building setback
Commercial sites greater than 1.5 acres - 50 feet
Commercial sites 1.5 acres and smaller - 25 feet
Industrial sites - 50 feet
 - (3) Rear yard building setback
Commercial sites greater than 1.5 acres - 50 feet
Commercial sites 1.5 acres and smaller - 25 feet
Industrial sites - 50 feet
 - (4) Parking, Driveway and Internal Access Drive Front Setbacks
Commercial sites greater than 1.5 acres - 15 feet
Commercial sites 1.5 acres and smaller - 15 feet
Industrial sites - 25 feet
 - (5) Parking, Driveway and Internal Access Drive Side and Rear Setbacks
Commercial sites greater than 1.5 acres - 10 feet
Commercial sites 1.5 acres and smaller* - 4 feet
Industrial sites* - 25 feet
* Driveways and Internal Access Drives Only
Parking must abide by buffer requirements.
 - (6) Compliance with Sections 4.11 and 5.8.b. 2-10

[Map Registration](#)

Registration Detail

Reg Number	1280499	Status	Constructed
File Number	A1182192	Constructed	01/01/1989
EMI	No	Dismantled	
NEPA	No		

Antenna Structure

Structure Type G TOWER - Guyed Structure Used for Communication Purposes

Location (in NAD83 Coordinates)

Lat/Long	39-14-21.0 N 077-46-16.0 W	Address	125 Ashland Woods Drive
City, State	Harpers Ferry , WV		
Zip	25425	County	JEFFERSON
Center of AM Array		Position of Tower in Array	

Heights (meters)

Elevation of Site Above Mean Sea Level	452.6	Overall Height Above Ground (AGL)	
Overall Height Above Mean Sea Level	490.7	38.1 *38.1 meters = 125 feet	
		Overall Height Above Ground w/o Appurtenances	36.5

Painting and Lighting Specifications

None

FAA Notification

FAA Study	2015-AEA-2-OE	FAA Issue Date	02/03/2015
-----------	---------------	----------------	------------

Owner & Contact Information

FRN	0011498342	Owner Entity Type	Limited Liability Company
Assignor FRN	0024654543	Assignor ID	L01949451

Owner

American Towers LLC
 Attention To: FAA-FCC Regulatory Team
 10 Presidential Way
 Woburn , MA 01801
 P: (781)926-4500
 F:
 E: faa-fcc@americantower.com

Contact

Attention To: FAA-FCC Regulatory Team
 10 Presidential Way
 Woburn , MA 01801
 P: (781)926-4500
 F:
 E: faa-fcc@americantower.com

Last Action Status

Status	Constructed	Received	01/05/2021
Purpose	Change Owner	Entered	01/05/2021
Mode	Interactive		

Related Applications

Attachment #2



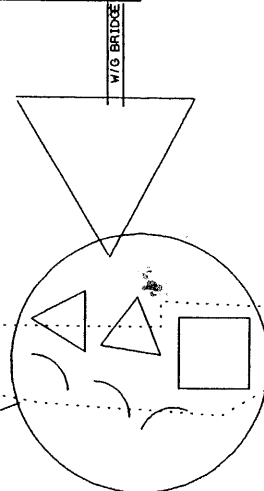
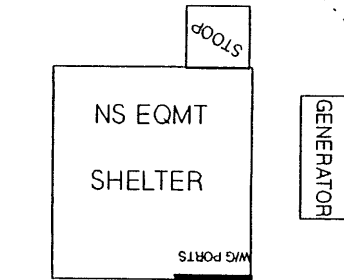
DISTANCE IN FEET



FILLED AREA
FOR
LEVEL PARKING

NOTE:

PROPOSED TOWER WILL
REPLACE 1 OR BOTH
GUYED TOWERS



MODERATE SLOPE UP TO RIDGELINE

JEFFERSON COUNTY
PLANNING COMMISSION

PRESENT CABLE TV SITE
W/2 GUYED 120' TOWERS
AND SEVERAL GROUND MOUNT DISHES

JUN 14 1995

NORFOLK SOUTHERN	
COMMUNICATIONS & SIGNAL DEPT	
ENGINEER: DWAIN WORD	DATE: APRIL 12, 1995
DRAWN: DWAIN WORD	REVISED: APRIL 12, 1995
NAME: CHARLES TOWN, WV SITE PLAN	DRAWING NO: 18-15.121-01



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76193

Aeronautical Study No.
2015-AEA-2-OE
Prior Study No.
2011-AEA-3221-OE

Attachment #3

Issued Date: 02/03/2015

Michael A. Koperwhats
CTI Towers, Inc.
38 Pond Street
Suite 305
Franklin, MA 02038

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower Harpers Ferry
Location: Harpers Ferry, WV
Latitude: 39-14-21.00N NAD 83
Longitude: 77-46-16.00W
Heights: 1485 feet site elevation (SE)
125 feet above ground level (AGL)
1610 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 321-7755. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-AEA-2-OE.

Signature Control No: 239020584-242271006

(DNE)

Debbie Cardenas
Technician

Attachment(s)
Frequency Data

cc: FCC



**UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
ANTENNA STRUCTURE REGISTRATION**



OWNER: InSite Wireless Group

FCC Registration Number (FRN): 0024654543

InSite Wireless Group 1199 North Fairfax Street #700 Alexandria, VA 22314	Antenna Structure Registration Number <p align="center">1280499</p>
	Issue Date <p align="center">06/08/2015</p>
Location of Antenna Structure 125 Ashland Woods Drive Harpers Ferry, WV 25425 County: JEFFERSON	Ground Elevation (AMSL) <p align="right">452.6 meters</p>
	Overall Height Above Ground (AGL) <p align="right">38.1 meters</p>
Latitude 39- 14- 21.0 N	Longitude 077- 46- 16.0 W
NAD83	
Center of Array Coordinates <p align="center">N/A</p>	Overall Height Above Mean Sea Level (AMSL) <p align="right">490.7 meters</p>
Type of Structure GTOWER Guyed Structure Used for Communication Purposes	
Painting and Lighting Requirements: FAA Chapters NONE	
Conditions:	

This registration is effective upon completion of the described antenna structure and notification to the Commission. **YOU MUST NOTIFY THE COMMISSION WITHIN 24 HOURS OF COMPLETION OF CONSTRUCTION OR CANCELLATION OF YOUR PROJECT, please file FCC Form 854.** To file electronically, connect to the antenna structure registration system by pointing your web browser to <http://wireless.fcc.gov/antenna>. Electronic filing is recommended. You may also file manually by submitting a paper copy of FCC Form 854. Use purpose code "NT" for notification of completion of construction; use purpose code "CA" to cancel your registration.

The Antenna Structure Registration is not an authorization to construct radio facilities or transmit radio signals. It is necessary that all radio equipment on this structure be covered by a valid FCC license or construction permit.

You must immediately provide a copy of this Registration to all tenant licensees and permittees sited on the structure described on this Registration (although not required, you may want to use Certified Mail to obtain proof of receipt), and display your Registration Number at the site. See reverse for important information about the Commission's Antenna Structure Registration rules.



Structural Analysis of 117.5 ft Guyed Tower

Site Number: ASR1208107

Site Name: Harpers Ferry

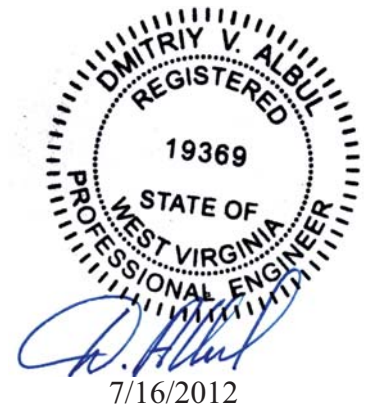
County: Jefferson

Location: Harpers Ferry, WV

Checked By:

A handwritten signature in blue ink that reads "Patrick Botimer".

Patrick Botimer
Structural Engineer



POWDER RIVER DEVELOPMENT SERVICES

100 E Shenango St

Sharpsville, PA 16150

July 16, 2012

Scott King
Powder River Development Services
100 E Shenango St
Sharpsville, PA 16150



RE: CIC – ASR1208107 – Harpers Ferry, WV

Scott:

We have completed the structural analysis of the subject tower and **have found the tower mast to be adequate within the scope of this analysis to support the proposed antenna loading.** The tower was analyzed according to the requirements of TIA 222-G standard for Jefferson County for 90 mph wind speed with no ice and 40 mph wind with 3/4" ice. The tower was analyzed using Topographic Category 3, Exposure B, and Structure Class II.

The tower we analyzed is a 117.5' guyed tower consisting of all-bolted sections with bent plate legs and bent plate bracing. Tower face dimension is 46.5" the full height. The tower mast is laterally supported by two levels of guying attached to one set of three guy anchors. Foundation details have not been provided for our review and are therefore considered unknown.

The loading used in the analysis consisted of the existing antennas/lines as well as the following:

- Add (1) Andrew UHX8-59W-P3A dish for CIC at 117.5'.
- Add (1) Andrew UHX10-59W-P3M dish for CIC at 117.5'.
- Add (2) Cielo SkyLink CG ODUs for CIC at 117.5'.
- Add (2) LMR400 coax cables for CIC.

Proposed feed lines were assumed to be located as shown on drawing E-7.

The results of the analysis showed all tower elements to be loaded within allowable limits. We recommend a post-construction inspection be completed by an engineer to document that tower-mounted equipment has been placed in compliance with the requirements of this analysis. For a detailed listing of the tower's pre-reinforcement performance, please see page 16 of 17 of the calculations.

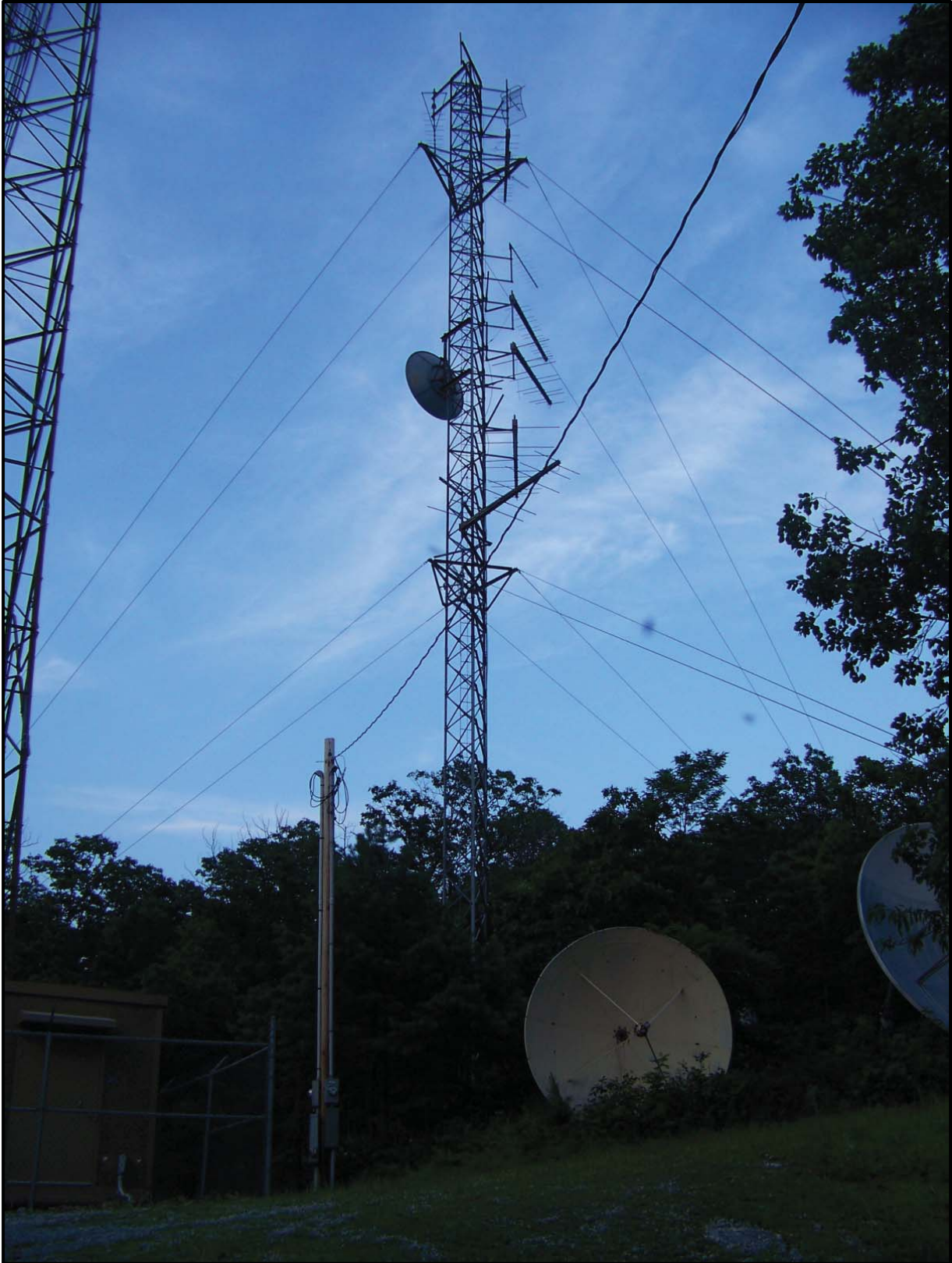
We appreciate the opportunity to provide our services to Powder River Development and CIC and if you have any questions concerning this analysis, please contact us.

Sincerely,

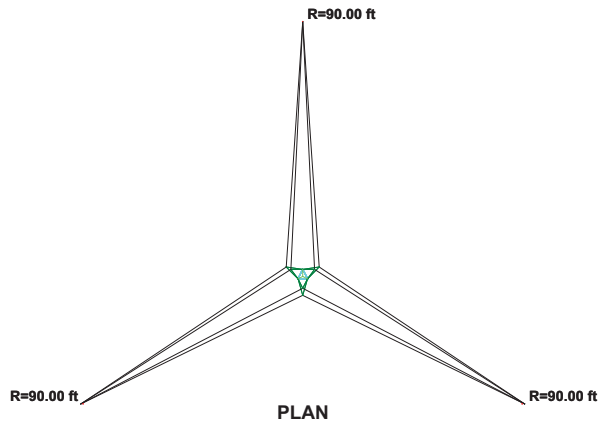
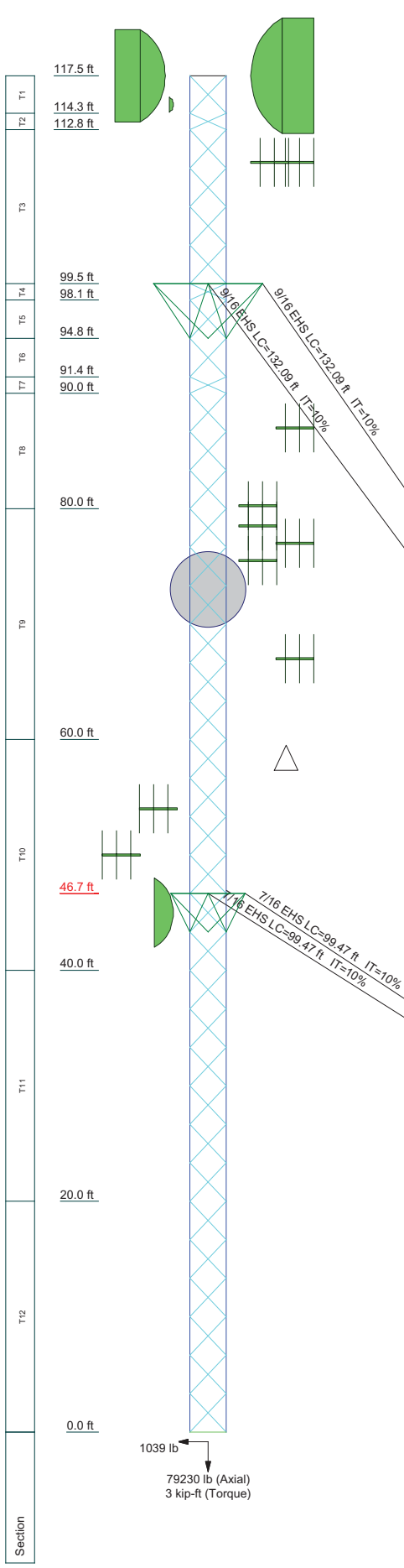
A handwritten signature in black ink that reads "Alex Smirnov".

Alex Smirnov
ARMOR TOWER, INC.





9 North Main Street, 2nd Floor, Cortland, NY 13045
(607)591-5381 Fax: (866)870-0840 www.ArmorTower.com



DESIGNED APPURTENANCE LOADING

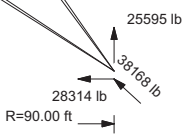
TYPE	ELEVATION	TYPE	ELEVATION
Cielo Skylink CG ODU ((P) - CIC)	117.5	3' Yagi	97 - 54
Cielo Skylink CG ODU ((P) - CIC)	117.5	CC-24 Yagi	87
UHX8-59W ((P) - CIC)	117.5	CC-24 Yagi	77
UHX10-59 ((P) - CIC)	117.5	8 FT DISH	73
Small Grid Dish	115	CC-24 Yagi	67
3' Yagi	110	3' Yagi	54
CC-24 Yagi	110	CC-24 Yagi	50
3' Yagi	106.5 - 54	6' Grid Dish	45
3' Yagi	103 - 54		

MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu
A572-50	50 ksi	65 ksi			

TOWER DESIGN NOTES

1. Tower is located in Jefferson County, West Virginia.
2. Tower designed for Exposure B to the TIA-222-G Standard.
3. Tower designed for a 90 mph basic wind in accordance with the TIA-222-G Standard.
4. Tower is also designed for a 40 mph basic wind with 0.75 in ice. Ice is considered to increase in thickness with height.
5. Deflections are based upon a 60 mph wind.
6. Tower Structure Class II.
7. Topographic Category 3 with Crest Height of 760.00 ft
8. Weld together tower sections have flange connections.
9. Connections use galvanized A325 bolts, nuts and locking devices. Installation per TIA/EIA-222 and AISC Specifications.
10. Tower members are "hot dipped" galvanized in accordance with ASTM A123 and ASTM A153 Standards.
11. Welds are fabricated with ER-70S-6 electrodes.
12. (P) - Proposed
13. TOWER RATING: 95.3%



ALL REACTIONS ARE FACTORED

<p>Armor Tower 9 North Main Street Cortland, NY Armor Tower, Inc. Phone: (607) 591-5381 FAX: (866) 870-0840</p>	<p>Job: STRUCTURAL ANALYSIS OF GUYED TOWER</p>			
	<p>Project: ASR1208107 - Harpers Ferry, WV</p>			
	<p>Client: Powder River Development Services, LLC</p>	<p>Drawn by: AAS</p>	<p>App'd:</p>	
	<p>Code: TIA-222-G</p>	<p>Date: 07/16/12</p>	<p>Scale: NTS</p>	
<p>Path: Z:\Pwdr River Development Svc\Communication Infrastructure\Copra\ASR1208107\Harpers Ferry\WV\ASR1208107 GTI Guyed.rvt</p>				
			<p>Dwg No. E-1</p>	



October 23, 2019

Ms. Mikala Charron
Collocation Coordinator
InSite Wireless Group, LLC
1199 N Fairfax Street, Suite 700
Alexandria, VA 22314

PASS
(Tower, 65% capacity)
(Foundation, 59% capacity)



Subject Rigorous Structural Analysis
Carrier Designation Telegia Communications, Colocation
Site Number: N/A
Site Name: HFT
Client Designation **Site Number:** WV701
Site Name: Harpers Ferry
Engineering Firm Designation Delta Oaks Group Project: STR19-05252-02
Delta Oaks Group Site Number: 48-00078

Site Data 125 Ashland Woods Drive, Harpers Ferry,
Jefferson County, WV 25425
Latitude: N 39.2390°± Longitude: W 77.7710°±
Elevation: 1499-ft±, Topography Category: 5, 843; Site Class "C"
Exposure Category: "B"; Structure Class/Risk Category II;
120-ft Guyed Mast

Dear Ms. Charron,

To your request, we present our rigorous structural analysis. Our work indicates that with the proposed appurtenance configuration, the tower and foundation will satisfy the structural strength requirements of ANSI/TIA-222-G-2-2009 / 2015 International Building Code (local building code) / ASCE 7-10 for:

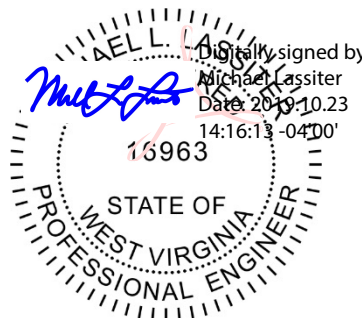
- $V_{ult} = 115\text{-mph}$ / $V_{asd} = 89\text{-mph}$ three-second gust basic wind speed [per Eqn. 16-33 of the 2015 IBC]
- 30-mph three-second gust basic wind speed with 3/4-in radial ice
- Earthquake design parameters and loading, per USGS Ground Motion Parameter Calculator (ASCE 7-10) and industry standard, respectively, including:
 - o $S_s = 0.127\text{ g}$, $S_1 = 0.053\text{ g}$

Delta Oaks Group appreciates the opportunity to be of service to InSite Wireless Group LLC. Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

Cort Hlavin
Structural Engineer I

Reviewed By: MTL



Michael L. Lassiter, SE, PE
Chief Structural Engineer
WV PE License No. 16963

Table 1: Existing, Proposed and Reserved Appurtenance Configuration

Elevation (AGL, ft)	Carrier	Mount	Equipment	Feedlines ¹	Location
125 ²	ION Media [Existing]	(2) Standoffs	(2) Kathrein K52 34 527 VHF-TV	(1) 1/2 (1) 7/8	Face C
110 ³	Telegia Communications [Proposed]	(3) 6' T-Arms [Commscope P/N SF-DPM2-72]	(6) Ubiquiti AM-5AC21- 60 (6) Ubiquiti RP-5AC- Gen2	(6) Cat5	Face C
105 ³		(1) Pipe Mount [Commscope P/N PM-SU4-63]	(1) Dragonwave A-ANT- 11G-3-C	(2) 1/2	
100 ²	ION Media [Existing]	(1) Standoff	(1) Broadband 54.5"x10.5"	(1) Commscope RG-11	Face C

1. See Feed Line Plan for feedline locations.
2. Existing ION Media loading per tenant colocation application dated 5/13/2019.
3. Proposed Telegia Communications loading per tenant colocation application dated 9/23/2019. Feed line location assumed.

Table 2: Twist and Sway Limitations¹

Elevation (AGL, ft)	Equipment	Tilt (deg)	Twist (deg)	Resultant (deg)
105.00	Dragonwave A-ANT-11G-3-C	0.0698	0.0106	0.0706

1. See program output for supporting details.
2. Tenant shall coordinate with their RF Engineer with respect to twist and sway results.

Table 3: Serviceability Requirements: Limit State Deformations¹

Elevation (AGL, ft)	Equipment	Twist (deg) ²	Sway (deg) ²	Deflection (in)	Deflection Limit (in) ³	Result
119	Structure	0.0044	0.0861	1.128	42.84	O. K.

1. See program output for supporting details.
2. Per TIA-222-G Section 2.8.2.1 rotation about the vertical axis (twist) or any horizontal axis (sway) of the structure shall not exceed 4 degrees.
3. Per TIA-222-G Section 2.8.2.2 horizontal displacement shall not exceed 3% of the height of the structure.

Table 4: Tower Structure Results Summary, Percent Capacity Utilized¹

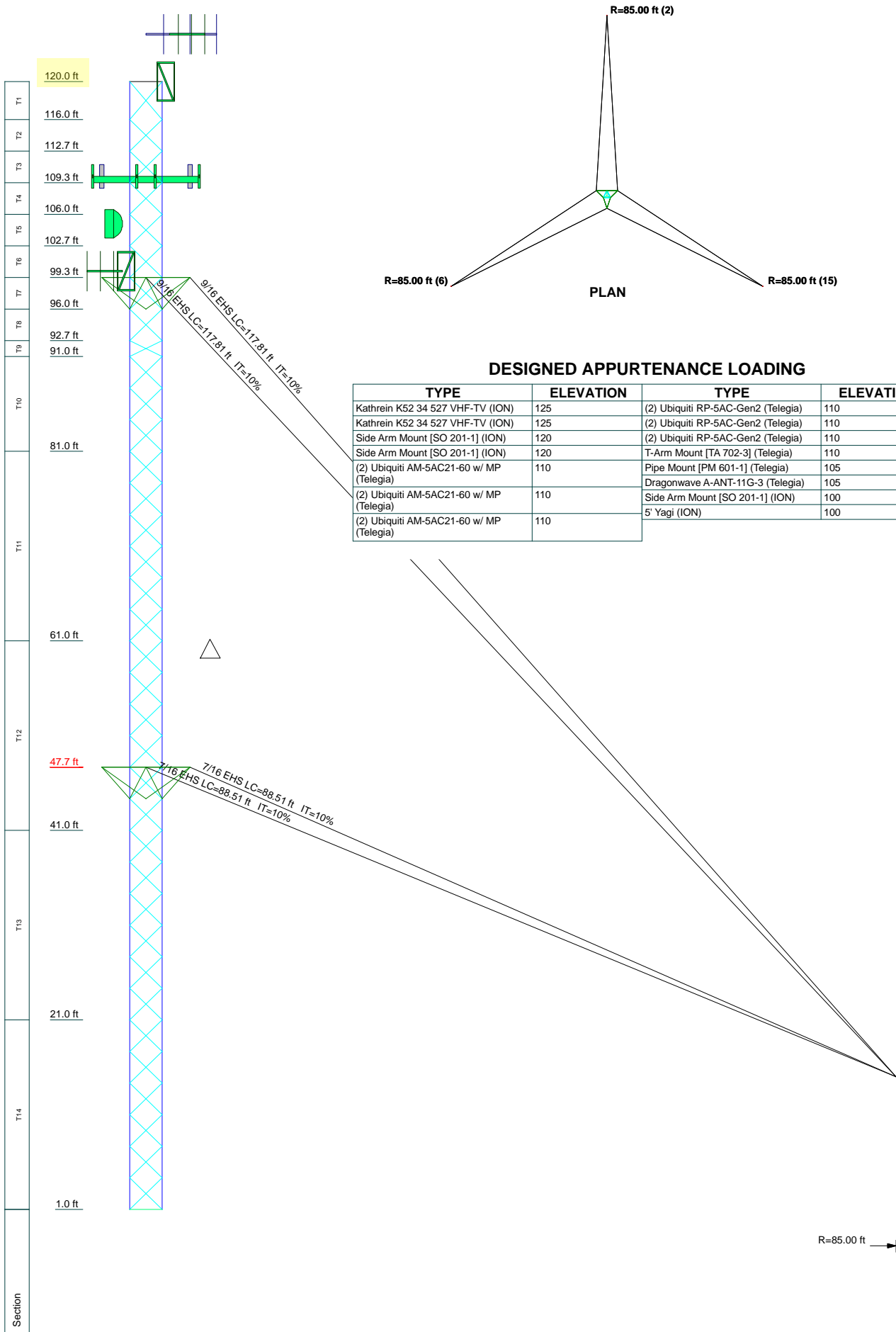
Component	Percent Capacity	Result
Legs	64	O. K.
Diagonals	65	O. K.
Girts	1	O. K.
Guys	45	O. K.
Torque Arm	22	O. K.
Bolt Checks	65	O. K.

1. Detailed results and capacities available in the TNX Tower output attached. Percent utilized less than 105% is considered acceptable.

Table 5: Foundation Results, Percent Capacity Utilized¹

Component	Percent Utilized	Result
Mast – Stability	9	O. K.
Mast – Structure	4	O. K.
Anchors – Stability	59	O. K.

1. Minimum reinforcement assumed per ACI Sections 7.12.2.1 and 15.8.2.1.



DESIGNED APPURTENANCE LOADING

TYPE	ELEVATION	TYPE	ELEVATION
Kathrein K52 34 527 VHF-TV (ION)	125	(2) Ubiquiti RP-5AC-Gen2 (Telegia)	110
Kathrein K52 34 527 VHF-TV (ION)	125	(2) Ubiquiti RP-5AC-Gen2 (Telegia)	110
Side Arm Mount [SO 201-1] (ION)	120	(2) Ubiquiti RP-5AC-Gen2 (Telegia)	110
Side Arm Mount [SO 201-1] (ION)	120	T-Arm Mount [TA 702-3] (Telegia)	110
(2) Ubiquiti AM-5AC21-60 w/ MP (Telegia)	110	Pipe Mount [PM 601-1] (Telegia)	105
(2) Ubiquiti AM-5AC21-60 w/ MP (Telegia)	110	Dragonwave A-ANT-11G-3 (Telegia)	105
(2) Ubiquiti AM-5AC21-60 w/ MP (Telegia)	110	Side Arm Mount [SO 201-1] (ION)	100
		5' Yagi (ION)	100

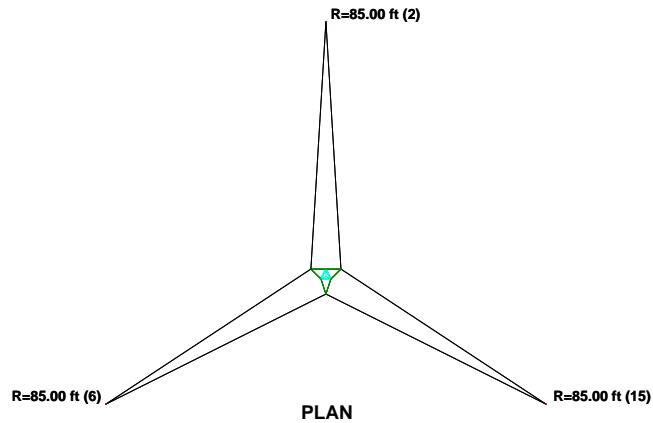
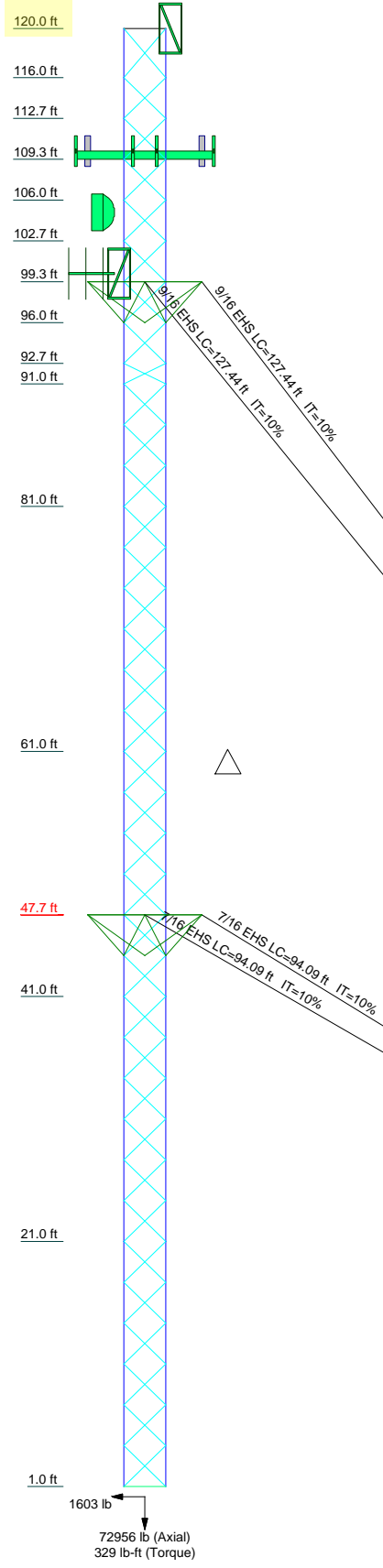


DELTA OAKS GROUP
 CLIENT FOCUSED – EMPLOYEE DRIVEN

Delta Oaks Group
 4904 Professional Court, Second Floor
 Raleigh, NC 27609
 Phone: 919-342-8247
 FAX:

Job: WV701 Harpers Ferry		
Project: STR19-05252-02		
Client: Insite Wireless	Drawn by: cort.hlavin	App'd:
Code: TIA-222-G	Date: 10/23/19	Scale: NTS
Path: \\dop-svr01\company\2019\Projects\19-05252 Harpers Ferry WV701\STRModels\WV701-ERP.en		Dwg No. E-1

Section	T1	T2	T3	T4	T5	T6	T7	T8	T9	T10	T11	T12	T13	T14
Legs														
Leg Grade														
Diagonals														
Diagonal Grade														
Top Girts														
Face Width (ft)														
# Panels @ (ft)														
Weight (lb)														



SYMBOL LIST

MARK	SIZE	MARK	SIZE
A	L2x2x1/4	C	1 @ 1.667
B	1 @ 3.333		

MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu
A572-50	50 ksi	65 ksi	A36	36 ksi	58 ksi

- TOWER DESIGN NOTES**
1. Tower designed for Exposure B to the TIA-222-G Standard.
 2. Tower designed for a 89 mph basic wind in accordance with the TIA-222-G Standard.
 3. Tower is also designed for a 30 mph basic wind with 0.75 in ice. Ice is considered to increase in thickness with height.
 4. Deflections are based upon a 60 mph wind.
 5. Tower Structure Class II.
 6. Topographic Category 5 with Crest Height of 843.00 ft
 7. TOWER RATING: 64.5%

1603 lb
72956 lb (Axial)
329 lb-ft (Torque)

18597 lb
20641 lb
27783 lb
R=85.00 ft

ALL REACTIONS ARE FACTORED

<p>DELTA OAKS GROUP CLIENT FOCUSED - EMPLOYEE DRIVEN</p>	<p>Delta Oaks Group 4904 Professional Court, Second Floor Raleigh, NC 27609 Phone: 919-342-8247 FAX:</p>		<p>Job: WV701 Harpers Ferry</p>	
	<p>Project: STR19-05252-02</p>		<p>Client: Insite Wireless Code: TIA-222-G Path: \\dsg-svr01\company\2019\Projects\19-05252 Harpers Ferry WV701\STRModels\WV701-ERP.en</p>	
		<p>Drawn by: cort.hlavin Date: 10/23/19</p>	<p>App'd: Scale: NTS Dwg No. E-1</p>	

tnxTower Delta Oaks Group 4904 Professional Court, Second Floor Raleigh, NC 27609 Phone: 919-342-8247 FAX:	Job	WV701 Harpers Ferry	Page	1 of 17
	Project	STR19-05252-02	Date	14:08:05 10/23/19
	Client	Insite Wireless	Designed by	cort.hlavin

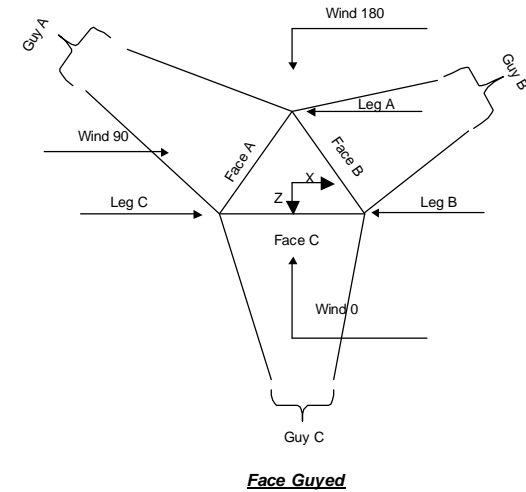
tnxTower Delta Oaks Group 4904 Professional Court, Second Floor Raleigh, NC 27609 Phone: 919-342-8247 FAX:	Job	WV701 Harpers Ferry	Page	2 of 17
	Project	STR19-05252-02	Date	14:08:05 10/23/19
	Client	Insite Wireless	Designed by	cort.hlavin

Tower Input Data

The main tower is a 3x guyed tower with an overall height of 120.00 ft above the ground line.
The base of the tower is set at an elevation of 1.00 ft above the ground line.
The face width of the tower is 3.61 ft at the top and 3.61 ft at the base.
This tower is designed using the TIA-222-G standard.

The following design criteria apply:

- ASCE 7-10 Wind Data is used (wind speeds converted to nominal values).
- Basic wind speed of 89 mph.
- Structure Class II.
- Exposure Category B.
- Topographic Category 5.
- Crest Height 843.00 ft.
- SEAW RSM-03 procedures for wind speed-up calculations are used.
- Topographic Feature: Continuous Ridge.
- Slope Distance L: 3633.00 ft.
- Distance from Crest x: 0.00 ft.
- Nominal ice thickness of 0.7500 in.
- Ice thickness is considered to increase with height.
- Ice density of 56 pcf.
- A wind speed of 30 mph is used in combination with ice.
- Temperature drop of 50 °F.
- Deflections calculated using a wind speed of 60 mph.
- Pressures are calculated at each section.
- Safety factor used in guy design is 1.
- Stress ratio used in tower member design is 1.
- Local bending stresses due to climbing loads, feed line supports, and appurtenance mounts are not considered.



Options

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> Consider Moments - Legs Consider Moments - Horizontals Consider Moments - Diagonals Use Moment Magnification Use Code Stress Ratios Use Code Safety Factors - Guys Escalate Ice Always Use Max Kz Use Special Wind Profile Include Bolts In Member Capacity Leg Bolts Are At Top Of Section Secondary Horizontal Braces Leg Use Diamond Inner Bracing (4 Sided) SR Members Have Cut Ends SR Members Are Concentric | <ul style="list-style-type: none"> Distribute Leg Loads As Uniform Assume Legs Pinned Assume Rigid Index Plate Use Clear Spans For Wind Area Use Clear Spans For KL/r Retension Guys To Initial Tension Bypass Mast Stability Checks Use Azimuth Dish Coefficients Project Wind Area of Appurt. Autocalc Torque Arm Areas Add IBC .6D+W Combination Sort Capacity Reports By Component Triangulate Diamond Inner Bracing Treat Feed Line Bundles As Cylinder Ignore KL/ry For 60 Deg. Angle Legs | <ul style="list-style-type: none"> Use ASCE 10 X-Brace Ly Rules Calculate Redundant Bracing Forces Ignore Redundant Members in FEA SR Leg Bolts Resist Compression All Leg Panels Have Same Allowable Offset Girt At Foundation Consider Feed Line Torque Include Angle Block Shear Check Use TIA-222-G Bracing Resist. Exemption Use TIA-222-G Tension Splice Exemption Poles Include Shear-Torsion Interaction Always Use Sub-Critical Flow Use Top Mounted Sockets Pole Without Linear Attachments Pole With Shroud Or No Appurtenances Outside and Inside Corner Radii Are Known |
|--|---|--|

Tower Section Geometry

Tower Section	Tower Elevation	Assembly Database	Description	Section Width	Number of Sections	Section Length
	ft			ft		ft
T1	120.00-116.00			3.61	1	4.00
T2	116.00-112.67			3.61	1	3.33
T3	112.67-109.33			3.61	1	3.33
T4	109.33-106.00			3.61	1	3.33
T5	106.00-102.67			3.61	1	3.33
T6	102.67-99.33			3.61	1	3.33
T7	99.33-96.00			3.61	1	3.33
T8	96.00-92.67			3.61	1	3.33
T9	92.67-91.00			3.61	1	1.67
T10	91.00-81.00			3.61	1	10.00
T11	81.00-61.00			3.61	1	20.00
T12	61.00-41.00			3.61	1	20.00
T13	41.00-21.00			3.61	1	20.00
T14	21.00-1.00			3.61	1	20.00

Tower Mapping Report

Site Name WV701

Site ID WV701



Prepared For



SC # 170796

Date of Inspection 9/7/2017

Weather During Inspection 70 sunny wind 10 north

SC Lead Luke Yule

SC Support Eric Popielarski

Overall Tower Priority Urgent Repair

P&T; Completed Yes

Steel Loss of Tower No Visual Steel Loss

Overall Condition of
Anchors No Visual Steel Loss

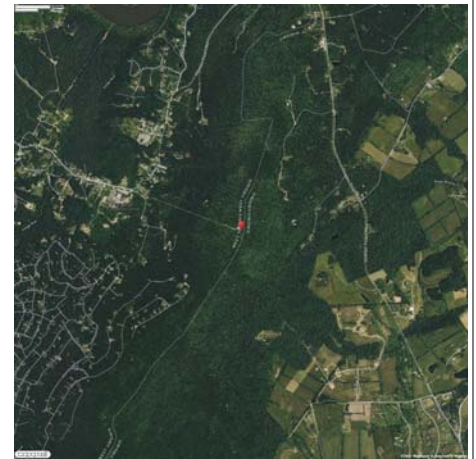
Site Information

City	Harpers Ferry
State	WV
Latitude	39.239
Longitude	-77.771
Site Address	125 Ashland Woods Drive
Tower Type	Guyed
Tower Model	N/A
Tower Height	120'
Measured Tower Height	119'
Measured Overall Tower Height	122'
Tower Safe to Climb	Yes
Total Height Climbed	120'
Power Down Requirements	No
Power Down Contact Info	N/A
Any Site Safety Issues	No

Street Map



Satellite Map



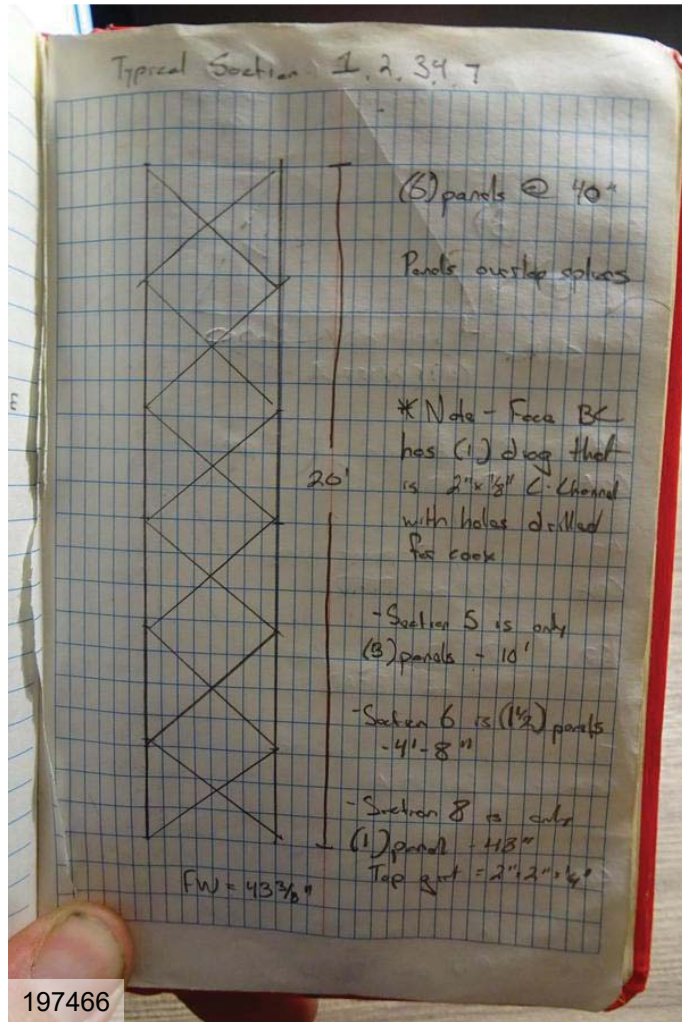
Tower Mast Profile

Section #	Face Width (in)	Elevation (Ft)	Number of Panels	Panel Type	Leg Size	Diagonal Size	Horizontal Size	Girt Type / Size	Girt Offset
1	43 3/8"	0-20	6	X	3" x 3" x 3/16" angle	1 1/4" x 1 1/4" x 1/8" Bent plate	N/A	N/A	N/A
2	43 3/8"	20-40	6	X	3" x 3" x 3/16" angle	1 1/4" x 1 1/4" x 1/8" Bent plate	N/A	N/A	N/A
3	43 3/8"	40-60	6	X	3" x 3" x 3/16" angle	1 1/4" x 1 1/4" x 1/8" Bent plate	N/A	N/A	N/A
4	43 3/8"	60-80	6	X	3" x 3" x 3/16" angle	1 1/4" x 1 1/4" x 1/8" Bent plate	N/A	N/A	N/A
5	43 3/8"	80-90	3	X	3" x 3" x 3/16" angle	1 1/4" x 1 1/4" x 1/8" Bent plate	N/A	N/A	N/A
6	43 3/8"	90-95	1.5	X	3" x 3" x 3/16" angle	1 1/4" x 1 1/4" x 1/8" Bent plate	N/A	N/A	N/A
7	43 3/8"	95-115	6	X	3" x 3" x 3/16" angle	1 1/4" x 1 1/4" x 1/8" Bent plate	N/A	N/A	N/A
8	43 3/8"	115-119	1	X	3" x 3" x 3/16" angle	1 1/4" x 1 1/4" x 1/8" Bent plate	N/A	2" x 2" x 1/4" angle	1"

Comments - Tower Mast Profile

Tower Mast Profile

Comments - Tower Mast Profile



Comments - Tower Mast Profile



Antenna & Mount Details

Unless Noted Otherwise, elevations reference centerline of panel, yagi, and dish antennas, and base of whip and omni antennas, in relation to the base of the tower.

Appurtenance	Elevation (Ft)	Reference	Appurtenance	Mount Type	Mount Leg
1	44'	Centerline	3' grid dish	4' x 2" pipe mount	C
2	48'	Centerline	12', 12 prong yagi	4' x 2" pipe mount	C
3	68'	Centerline	12', 12 prong yagi	4' x 2" pipe mount	B
4	70'	Centerline	6' dish	clamped	A
5	76'	Centerline	10', 12 prong yagi	4' x 2" pipe mount	B
6	81'	Centerline	10', 12 prong yagi	4' x 2" pipe mount	B
7	88'	Centerline	8', 22 prong yagi	4' x 2" pipe mount	B
8	105'	Centerline	(2) 3', 20 prong yagi	4' x 2" pipe mount	B
9	116'	Centerline	(2) 12' drum dish	(2) 8' x 4" pipe mount	B
10	120'	Centerline	12', 20 prong yagi	4' x 2" pipe mount	A

Compound Sketch	
Comments - Antenna & Mounts	

1 - Appurtenance



2 - Elevation (Ft)



Antenna & Mount Details

3 - Appurtenance



4 - Appurtenance



5 - Appurtenance



6 - Appurtenance



Antenna & Mount Details

7 - Appurtenance



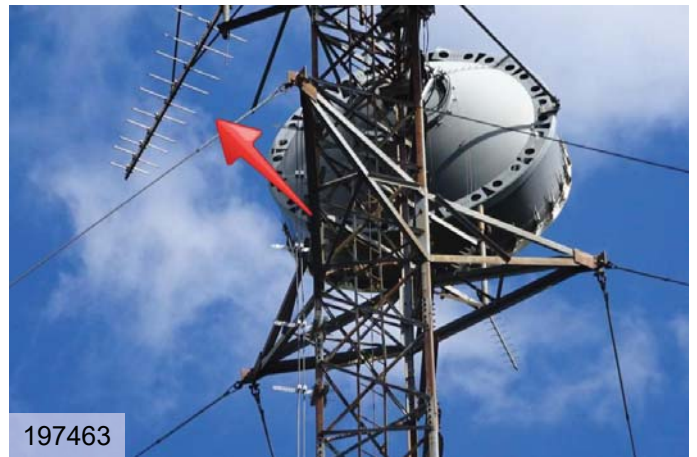
8 - Appurtenance



9 - Appurtenance



10 - Appurtenance





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: 21-33-ZV
 Staff Initials: AB
 Meeting Date: 09/23/21
 Fees Paid (\$100 or \$150): Waived

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: Paul & Donna Ashbaugh
 Mailing Address: 1100 Chestnut Hill Road, Harpers Ferry, WV 25425
 Phone Number: 304-725-3383 Email: N/A

Applicant Contact Information

Name: Scott Stambaugh, Manager, Field Operations for Telegia Communications
 Mailing Address: 5310 Spectrum Drive, Suite C, Frederick, MD 21703
 Phone Number: 240-529-2000 x 115 Email: sstambaugh@telegia.com

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

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

Physical Property Details

Physical Address: 121 Ashland Woods Drive
 City: Harpers Ferry State: WV Zip Code: 25425
 Tax District: Charles Town (02) Map No: 21 Parcel No: 35
 Parcel Size: 96.22 acres Deed Book: 1222 Page No: 681

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">SEP 01 2021</p> <p align="center">JEFFERSON COUNTY PLANNING 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: Section 5.6D

Briefly describe the nature of the variance request:

See attached 19-2-ZV & Staff Report Summary.

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

Front Setback Side Setback Rear Setback Reduction From 25' to 21'

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.

[Handwritten Signature]
Signature of Property Owner Date 9-1-2021

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).

September 23, 2021

Date of Public Hearing

September 8, 2021

Advertising Date

September 8, 2021

Placard Posting Date



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

19-2-ZV
 File Number: M18-15
 Staff Initials: RBB
 Meeting Date: 2/28/19
 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: PAUL L. & DONNA K. ASHBAUGH
 Mailing Address: 1100 CHESTNUT HILL RD., HARPRS FERRY, WV 25425
 Phone Number: _____ Email: _____

Applicant Contact Information

Name: PAUL L. & DONNA K. ASHBAUGH
 Mailing Address: 1100 CHESTNUT HILL RD., HARPERS FERRY, WV 25425
 Phone Number: _____ Email: _____

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

Name: DWAYNE D. MATHENY, P.S.
 Mailing Address: 172 THOMPSON DRIVE, BRIDGEPORT, WV 26330
 Phone Number: 304-848-5035 Email: dmatheny@alleghenysurveys.com

Physical Property Details

Physical Address: 121 + 125 Ashland Woods Dr. Harpers Ferry, WV State: WV Zip Code: 26119
 City: _____
 Tax District: CHARLES TOWN Map No: 21 Parcel No: 35 + 36
 Parcel Size: 0.92 2ac / 95ac Deed Book: 1032 / 954 Page No: 109 / 154

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 FEB 28 2019 JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING Place Received Date Stamp Here			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Is there a Code Enforcement action pending in relation to this property? Yes No 2/7/19

Reference the section of the Zoning Ordinance pertaining to this request: SECTION 9.7 5.6D . . . GH

Briefly describe the nature of the variance request:

* THE PROPOSED PROPERTY LINES ARE ESTABLISHED ALONG EXISTING FENCE LINES AROUND THE PERIMETER OF EXISTINGS STRUCTURES. ** ADDITIONALLY, THE PROPOSED PROPERTY LINES ARE ESTABLISHED TO NOT ENCROACH ON AN ADJOINING EXISTING TOWER STRUCTURE AND SUPPORTING ELEMENTS. * Reduce to 1'; ** Reduce to 21' GH

If this request is for a setback variance, please check one of the following: SEE SKETCH
Front Setback Side Setback Rear Setback Reduction From 25' to 2.5' GH

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 PROPOSED PROPERTY LINE IS ESTABLISHED TO NOT ENCROACH AN ADJOINING EASEMENT AND STRUCUTRES AS CURRENTLY EXIST.

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 IS AN BOUNDARY LINE ADJUSTMENT OF AN EXISTING PARCEL OF LAND, PROPOSED TO ENCOMPASS AN EXISTING STRUCTURE ADJOINING AN EASEMENT WITH AN EXISTING STRUCTURE.

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

GRANTING OF THE VARIANCE WILL PERMIT THE EXISTING STRUCTURES TO EXIST AND CONTINUE SERVICE WITHOUT ANY CONFLICT OF ENCROACHMENT OR ADDITIONAL EASEMENTS.

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

THE ZONING ORDINANCE WILL BE OBSERVED ON ALL REMAINING PROPOSED PROPERTY LINES. THE AREA OF REQUESTED VARIANCE IS BASED SOLELY ON EXISTING STRUCTURES AND EASMENTS.

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] Jan 24-19
Signature of Property Owner Date

[Signature] Jan 24-19
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 6.1B).

02/28/19

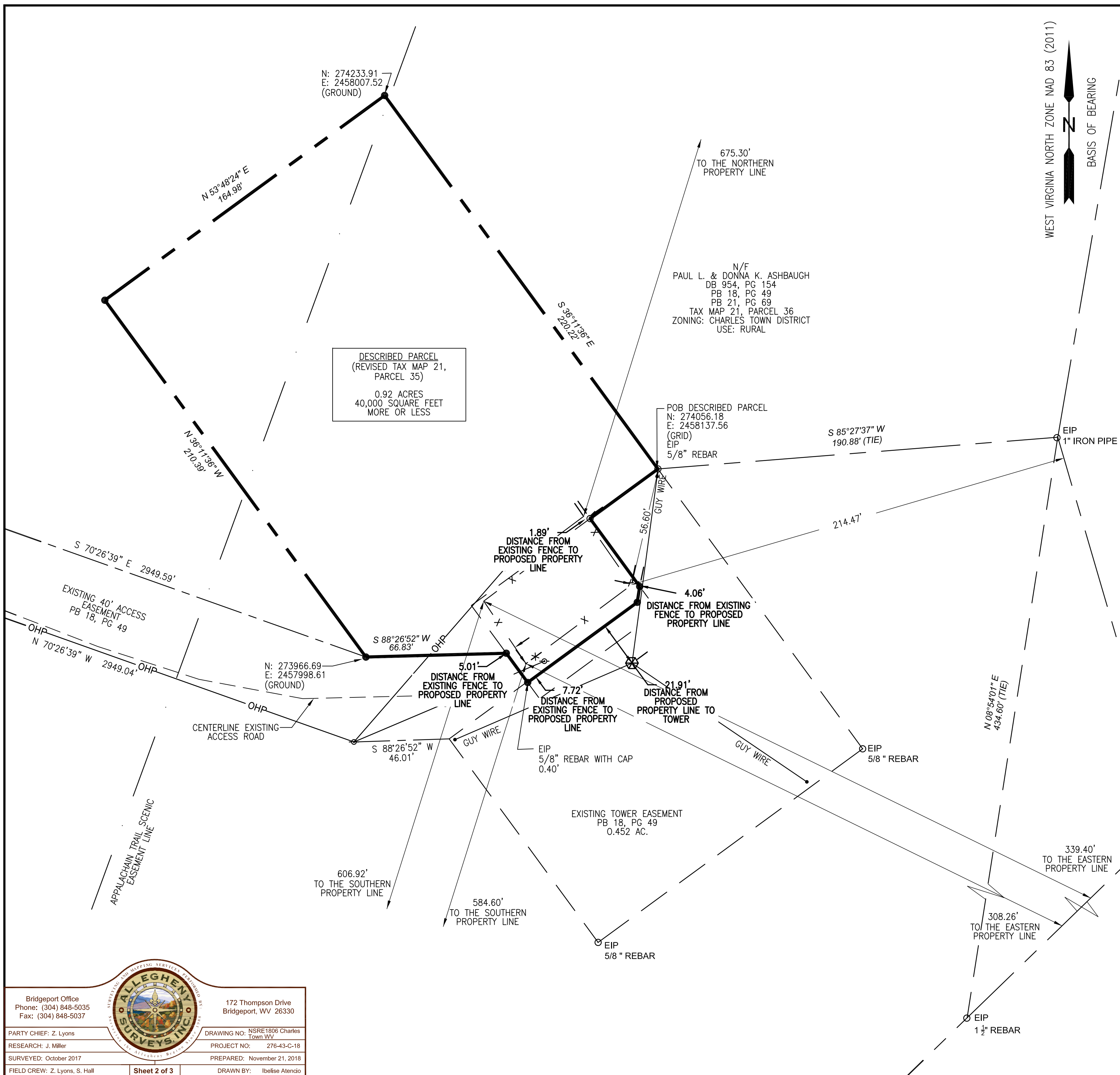
Date of Public Hearing

02/13/19

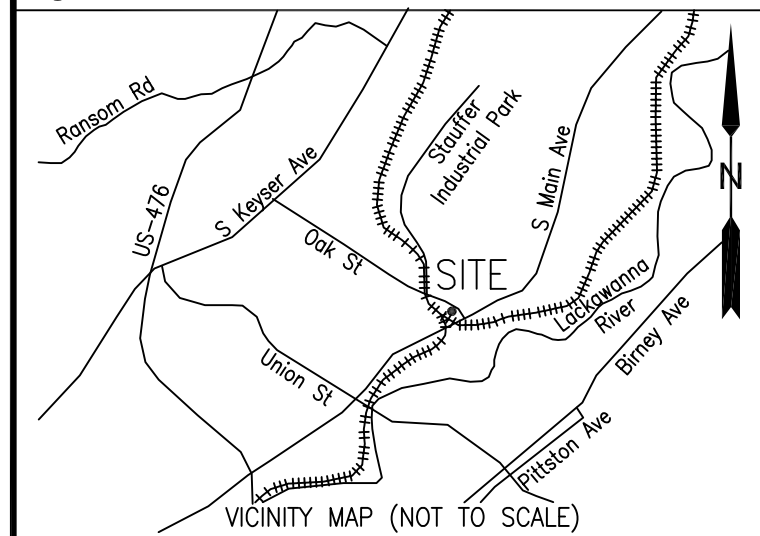
Advertising Date

02/13/19

Placard Posting Date



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I certify that the information contained on this plat is, to the best of my knowledge, correct, and in accordance with the laws of this state governing the profession of land surveying.

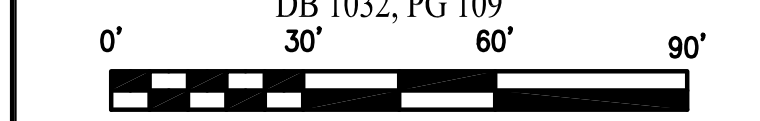
Dwaine D. Matheny, P.S. 2070

Date

BOUNDARY LINE ADJUSTMENT SURVEY FOR



NORFOLK SOUTHERN RAILWAY COMPANY
 PROPERTY OF
 PAUL L. ASHBAUGH & DONNA K. ASHBAUGH
 ADDRESS: 1100 CHESTNUT HILL RD.
 HARPERS FERRY, WV 25425
 CHARLES TOWN DISTRICT
 TAX MAP 21, PARCEL 35 & 36
 JEFFERSON COUNTY, WV
 DB 954, PG 154
 DB 1032, PG 109



SCALE: 1" = 30' DATE: NOVEMBER 21, 2018



ARCADIS U.S., Inc. G & M of North Carolina, Inc.
 License C-1869 WWW.ARCADIS.COM

Wade 1, 5420 Wade Park Blvd., Suite 350
 Raleigh, NC 27607-5073
 Tel: 919/854-1282 Fax: 919/233-1125

REV	ISSUED DATE	DESCRIPTION	BY

PROJECT MANAGER GORDON STROUT, PLS	DEPARTMENT MANAGER A. CORY WILLIAMS, PLS
DRAWN BY IBELISE ATENCIO	CHECKED BY DWAYNE D. MATHENY, PS
PROJECT NUMBER NSRE1806	DRAWING NUMBER SHEET 2 OF 3

Bridgeport Office
 Phone: (304) 848-5035
 Fax: (304) 848-5037

172 Thompson Drive
 Bridgeport, WV 26330

PARTY CHIEF: Z. Lyons
 RESEARCH: J. Miller
 SURVEYED: October 2017
 FIELD CREW: Z. Lyons, S. Hall

DRAWING NO.: NSRE1806 Charles Town WV
 PROJECT NO.: 276-43-C-18
 PREPARED: November 21, 2018
 DRAWN BY: Ibelise Atencio

Sheet 2 of 3

JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning & Zoning

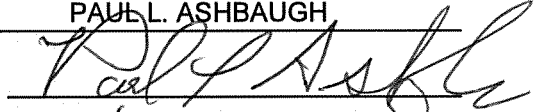
116 East Washington Street
P.O. Box 716
Charles Town, West Virginia 25414

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

Email: zoning@jeffersoncountywv.org

File Number: M18-15
19-2-ZV

I authorize Planning and Zoning staff to make necessary revisions to the enclosed submission, if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: PAUL L. ASHBAUGH
Applicant Signature: 
Contact Number: 304-725-3383
Date: Jan. 24-19

RECEIVED
FEB 28 2019
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING



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 September 23, 2021 Board of Zoning Appeals Meeting

Date of Memo: September 15, 2021

1) **Text Amendments:**

- ZTA21-01 – Short Term Rentals
 - 09/14/21: The Planning Commission reviewed the first draft of a proposed zoning ordinance text amendment to create provisions to allow short term rentals to process by right (e.g. Airbnb, VRBO, etc.). **A Public Hearing will be held on October 12, 2021 to receive input on their revised draft.**
- ZTA21-02 – Appendix A – Residential Setbacks in the Residential Growth zoning district
 - On 06/08/21 the Planning Commission voted to accept the Board of Zoning Appeal's recommendation into their work plan to amend the required setbacks in the Residential Growth zoning district. – **No Update.**

2) **Planning Commission Special Meeting**

- The Planning Commission called a special meeting for **September 28, 2021** to receive input on a proposed amendment to the Comprehensive Plan.

3) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **October 28, 2021** (deadline for submission is Monday, October 4, 2021).



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor, P.O. Box 716
Charles Town, West Virginia 25414
www.jeffersoncountywv.org

September 2021
Zoning Certificate Activity Report

File #	21-39-ZC
Request:	Shopping Center Change in Tenant: Spirit Halloween
Property Owner:	B33 Jefferson Crossing II, LLC
Applicant:	Spirit Halloween / Contact: Brandi Dusenbery
Parcel Info:	186 Flowing Springs Road, Charles Town, WV Parcel ID: 02000800240004; Size: 15.16 acres; Zoning District: RLIC; Deed Book: 1239; Page: 670; See PC File: 94-04 (site plan)
Date of Issuance:	08-20-2021
File #	21-40-ZC
Request:	Change in Tenant: Personal Services (Hair Salon)
Property Owner:	KITA, LLC / Attn: Leonard Mironov
Applicant:	Shades Hair Salon / Attn: Jacklyn Vega
Parcel Info:	Burr Industrial Park – Lot #44 Phase 1, 59 Ruland Road, Suite J; Kearneysville, WV Parcel ID: 02000100160015; Size: 6.24 acres; Zoning District: IC; Deed Book: 1211 Page: 505
Date of Issuance:	09-02-2021
File #	21-41-ZC
Request:	Change in Nonconforming Use: Medical/Dental/Optical Office (Physical Therapy).
Property Owner:	Rankin Physical Therapy, Inc. / Attn: Kelley and Jennifer Rankin
Applicant:	Same as Owner
Parcel Info:	7330 Martinsburg Pike, Shepherdstown, WV Parcel ID: 09007B00950000; Size: .36 acres Zoning District: RG; Deed Book: 1257; Page: 139; Previous approvals: ZC13-31 and ZC13-36
Date of Issuance:	09-09-2021
