



Jefferson County
Board of Zoning Appeals
Thursday, January 27, 2022 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/88281924689>
Meeting ID: 882 8192 4689
Dial by location: 301-715-8592
Find your local number: <https://us02web.zoom.us/u/kdoWqVxO>

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.

Election of Officers

Approval of Minutes: October 28, 2021

Public Hearing – Administer Oath

ITEM #1 FILE #: 21-37-ZV and 21-38-ZV

Request 1: Variance from Appendix B to reduce the non-residential side setback requirement from 50' to 15' along the northern property line to allow for placement of a 12' x 24' pre-built shed to be used for equipment storage related to a proposed landscaping business (21-37-ZV).

Request 2: Variance from Section 10.4B.3 to reduce the front setback from 25' to 10' for a 6' x 19" free-standing sign; and, Section 10.4B.4 to allow said freestanding sign to face a residence (21-38-ZV).

Owner: Stephen Patrick Snyder, Snyder's Property Squad, LLC

Parcel Info: Riverside Subdivision, Sec. 7A, Lot 735, 38 Marcum Lane, Harpers Ferry, WV
Parcel ID: 06002601510000; Size: 1.18 ac; Zoning District: Rural

ITEM #2 FILE #: 21-39-ZV

Request: Variance from Section 9.6C to allow an accessory structure within the required front yard; and Section 9.7 to reduce the front setback from 25' to 10' and the side setback from 12' to 10' along the western boundary line for a proposed 24' x 24' detached garage with an apartment.

Owner: Brandon and Alexi Darr

Parcel Info: Hidden River Subdivision, Sec. 1, Lot 7, Our Lane (vacant lot), Kearneysville, WV
Parcel ID: 07001800300000; Size: 1.08 ac; Zoning District: Rural

ITEM #3 FILE #: 21-40-ZV

Request: Variance from Section 11.1A – Non-Residential Parking Standards to request that the requirement to install permanent off-street parking on the property be waived. The applicant has obtained approval from the WV State Rail Authority to utilize the existing Duffields train station parking lot on weekends.

Subject Parcel Information:

Owner: Historic Landmarks Commission

Parcel Info: 84 Melvin Rd., Shenandoah Junction, WV

Parcel ID: 09024A00110000; Size: .36 ac; Zoning District: Rural

Duffields Parcel Information:

Owner: WV DOT State Rail Authority

Parcel Info: 5027 Flowing Springs Rd., Shenandoah Junction, WV; Parcel ID: 09002400080001 and

09002400080002; Combined acreage: 4.7 ac; Zoning District: Rural

ITEM #4 FILE #: 21-41-ZV

Request: Request from Section 9.6C to allow an accessory structure within the required front yard; and Section 9.7 to reduce the front setback requirement from 40' to 20' for proposed 32' x 26' accessory structure (carport).

Owner: Kelly Mahoney (Nolder)

Parcel Info: Rolling Stone Est., Lot J-3, 211 John Brown Farm Ct., Harpers Ferry, WV

Parcel ID: 06000800080009; Size: 5.19 ac; Zoning District: Rural

ITEM #5 FILE #: 22-1-ZV

Request: Variance from Section 9.6C to allow an accessory structure within the required front yard; and Section 9.7 to reduce the front setback from 20' to 15' for a proposed 28' x 30' detached garage.

Owner: Tommy & Kimberlin Staubs

Parcel Info: Cavalier Subdivision, Lot 5, 88 Cavalier Dr., Harpers Ferry, WV

Parcel ID: 04007A00200000; Size: .41 ac; Zoning District: Rural

ITEM #6 FILE #: 22-2-ZV

Request: Variance request from Section 5.4B (01/10/02 Zoning Ordinance, as amended) to reduce the side setback from 12' to 4'; and the rear setback from 20' to 13' for a proposed 16' x 40' in-ground pool with surrounding concrete.

Owner: Joel Menges

Parcel Info: Maddex Farm Subdivision, Lot 100, 222 Maddex Dr, Shepherdstown, WV

Parcel ID: 09008C01600000; Size: .27 ac; Zoning District: Residential-Light Industrial-Commercial

ITEM #7 FILE #: 22-3-ZV

Request: Variance request from Sections 9.5(b) and 5.7(b) (04/08/05 Zoning Ordinance, as amended), to reduce the side setback from 15' to 0' for a 9' tall privacy fence.

Owner: Donald Pine

Parcel Info: John and Barbara Plunket Minor Subdivision, Lot 2, 989 Engle Molers Rd, Harpers Ferry, WV

Parcel ID: 04000300010007; Size: 1.48 ac; Zoning District: Rural

ITEM #8 FILE #: 22-1-CUP and 22-4-ZV

Request 1: Request for a Conditional Use Permit to operate as a Contractor with Outdoor Storage, as defined in Article 2. The applicant is proposing to expand an existing emergency vehicle outfitting and retrofitting professional office. The proposal consists of constructing a new 1,500 square foot building to house vehicles and a workshop for the outfitting work.

Request 2: Variance request from Section 4.10A to waive the requirement to process a site plan for a proposed expansion to an existing commercial building.

Owner: Raymond & Kerry Muth / Executive Emergency Lighting LLC

Parcel Info: Wilmoth Construction Subdivision, Lot 1, 21 Southpaw Lane, Shepherdstown, WV
Parcel ID: 09014BWAT10000; Size: 1.54 ac; Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report
- b. 2022 Board of Zoning Appeals Meeting Schedule

Legal Update

- a. Discussion of the following pending lawsuits:
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions

Meeting: September 23, 2021

- 1. Variance from Sec. 9.6A. Owner: M. Arvin. File: 21-34-ZV.
- 2. Variance from Sec. 9.6A. Owner: M. Arvin. File: 21-35-ZV.
- 3. Variance from Sec. 9.6C & 5.4B. Owner: J. Bowers. File: 21-36-ZV.

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: October 28, 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 (ZOOM),
6 Leeds Corbin, Matt McKinney, and Mikala Shremshock, Alternate
- 7 Board Members Absent: Steve Guier was absent with notice
- 8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator and Jennilee Hartman,
9 Zoning Clerk

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

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

13 Mr. Quynn reviewed meeting protocol for those in attendance.

14 **Approval of Minutes: September 23, 2021**

15 Mr. Corbin moved to approve the minutes as presented, which carried unanimously.

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

17 **ITEM #1 FILE #: 21-34-ZV and 21-35-ZV**

18 Request 1: Variance from Section 9.6A to reduce the side setback from 5' to 3' along the western
19 boundary for a 12' x 12' accessory structure (21-34-ZV).

20 Request 2: Variance from Section 9.6A to reduce the side setback from 5' to 3' along the western
21 boundary for an 8' x 10' accessory structure (21-35-ZV).

22 Owner: Mary Arvin

23 Applicant: Toni Arvin

24 Parcel Info: Opequon Forest Park, Lots 4 & 5, 1631 Bowers Road, Kearneysville, WV

25 Parcel ID: 07007A00520000; Size: .54 ac (combined); Zoning District: Rural

26 Ms. Laura Hoffmaster, property owner's representative, was present to address the Board. Ms.
27 Beaulieu provided an overview of her staff report for the first request (21-34-ZV) noting that the
28 majority of the property is located within the floodplain. Ms. Beaulieu explained that the subject
29 shed had water and electric service and functioned as a laundry room. Ms. Beaulieu confirmed that
30 the sheds subject to the two variance requests had not obtained a building permit and that it appeared
31 they had had been constructed sometime between 2005-2006, per the assessment records. Ms.
32 Hoffmaster explained the nature of the request noting that relocating the sheds five (5) feet from the
33 property line would place the sheds within the existing driveway.

34 Mr. Quynn opened the public hearing. Ms. Tara Brady, adjoining neighbor to the west, spoke in
35 opposition to the requests arguing that the sheds could be relocated to another area on the property
36 while maintaining the five (5) foot setback requirement.

37 Mr. Quynn stated that the Board would evaluate request number two (21-35-ZV). Mr. Quynn asked
38 if Ms. Hoffmaster would like to present the request. Ms. Hoffmaster stated that the shed subject to
39 the second request was used to store the lawn mower and other similar tools and confirmed that the
40 second shed did not have electric service.

41 Mr. Quynn inquired as to the location of the well. Ms. Hoffmaster stated that she was uncertain of
42 the location of the well.

1 As the public hearing had not been closed, Mr. Quynn entertained additional public testimony.

2 Ms. Brady stated that the sheds are currently on her property and they need to be moved off of her
3 property. Ms. Brady reiterated that the sheds should be required to comply with the five foot setback
4 as required by the Zoning Ordinance.

5 Mr. Quynn closed the public hearing.

6 Ms. Beaulieu stated that the same application was used for both sheds and confirmed that based on
7 the information provided to the office, the subject shed did not contain electric or water. Ms.
8 Beaulieu stated that based on the floodplain map, it did not appear that the house was within the
9 floodway area. Ms. Beaulieu noted that the sheds would be required to comply with the floodplain
10 ordinance requirements and obtain a building permit.

11 Mr. McKinney moved to deny variances 21-34-ZV and 21-35-ZV. Mr. Quynn added that the denial
12 was based on the testimony provided and that the request did not appear to meet the required criteria
13 for a variance. Mr. McKinney accepted Mr. Quynn's addition. Mr. Quynn called for a vote, which
14 carried unanimously.

15 Ms. Catterton noted that she had to leave the meeting due to a previous engagement (2:36 p.m.).

16 **ITEM #2 FILE #: 21-36-ZV**

17 Request: Variance from Section 9.6C to allow an accessory structure within the required front
18 yard; and, Section 5.4B of the 01/10/02 Zoning Ordinance (as amended) to reduce the
19 front setback from 25' to 15' for a proposed 18' x 40' in-ground pool with surrounding
20 concrete.

21 Owner: Tessa Lind and Jeffrey Bowers, Jr.

22 Parcel Info: Maddex Farm Subdivision, Phase 1, Lot 98, 47 Maddex Farm Dr. Shepherdstown, WV
23 Parcel ID: 09008C01580000; Size: .25 ac; Zoning District: Residential-Light Industrial-
24 Commercial

25 Mr. Jeffrey Bowers, property owner, was present to address the Board. Ms. Beaulieu provided an
26 overview of her staff report noting that as the subject parcel was a corner lot, it was platted with two
27 front setbacks. Ms. Beaulieu also noted that the rear yard was platted with a 20' storm drainage
28 easement within the entire rear setback area. Mr. Bowers explained the nature of the request noting
29 that the subject location was ideal for the pool as it was relatively flat. Mr. Bowers noted that the
30 entirety of the pool would be located outside of the front setback and a portion of the concrete patio
31 area would be located within the setback area. Mr. Bowers confirmed that he had received approval
32 from the Homeowner's Association (HOA).

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

34 Mr. McKinney moved to approve the variance with the following conditions:

35 1. That the applicant be bound by their testimony.

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

37 **Zoning Administrator's Report**

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

39 Ms. Beaulieu updated the Board on the status of the following:

40 Zoning Ordinance Text Amendment:

- 1 • ZTA21-01 (Short Term Rentals): The Planning Commission held a public hearing on
2 October 12, 2021 and noted that the revised amendment had been forwarded to the County
3 Commission
- 4 • ZTA21-02 (Appendix A – Residential Setbacks in the Residential Growth zoning district):
5 draft text pending.

6 Ms. Beaulieu noted that there were no actionable items for the November 18, 2021 meeting.

7 Ms. Shremshock moved to suspend the November 18, 2021 meeting as there were no actionable
8 items on the agenda. Mr. Quynn called for a vote, which carried unanimously.

9 **Legal Update**

10 a) Discussion of the following pending lawsuit: None.

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

12 **Meeting: September 23, 2021**

13 1. Variance from App. A. Owner: JCDA/TeMa. Applicant: Howard Shockey & Sons.
14 File: 21-28-ZV.

15 2. Variance from Sec. 5.4B. Owner/Applicant: Kara and Matthew Durrschmidt.
16 File: 21-29-ZV.

17 3. Variance from Sec. 4.6 and App. B. Owner: Dead Rock Contractor Services, LLC.
18 File: 21-30-ZV.

19 4. Variance from Sec. 4.11 and App. B. Owner: Dead Rock Contractor Services, LLC.
20 File: 21-31-ZV.

21 5. Variance from Sec. 5.4B. Owner: Kirk and Charlene Lattner. File: 21-32-ZV.

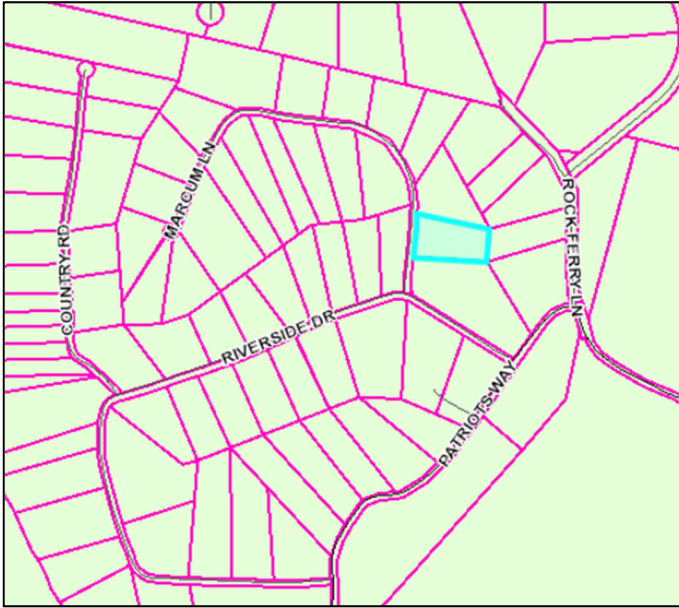
22 6. Variance from Sec. 5.6D. Owner: Paul & Donna Ashbaugh. File: 21-33-ZV.

23 Note: As Mr. Groh, Assistant Prosecuting Attorney, was not present for the meeting, he
24 provided Mr. Quynn copies of the draft Findings for his review and signature before the
25 meeting.

26 Mr. Corbin moved to adjourn the meeting at 2:52 pm. Mr. Quynn called for a vote, which carried
27 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 January 27, 2022
Snyder Variance Request (#21-37-ZV)

Item #1 Variance from Appendix B to reduce the non-residential side setback requirement from 50' to 15' along the northern property line to allow for placement of a 12' x 24' pre-built shed to be used for equipment storage related to a proposed landscaping business.

Applicant:	Stephen Patrick Snyder, Snyder's Property Squad, LLC
Property Owner:	Stephen Patrick Snyder
Parcel Information and Zoning District:	<p style="text-align: center;">Riverside Subdivision, Sec. 7A, Lot 735 38 Marcum Lane, Harpers Ferry, WV Parcel ID: 06002601510000; Size: 1.18 ac; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North, South, East, & West: Rural
History:	Riverside Subdivision, Sec. 7A: recorded in Deed Book 333, Page 366 on 09/23/71
Waivers/Variations:	None.
Approved Activity:	Single Family Residence.
Site Visit Conducted:	No.

Summary of Request and Purpose of Ordinance Requirements

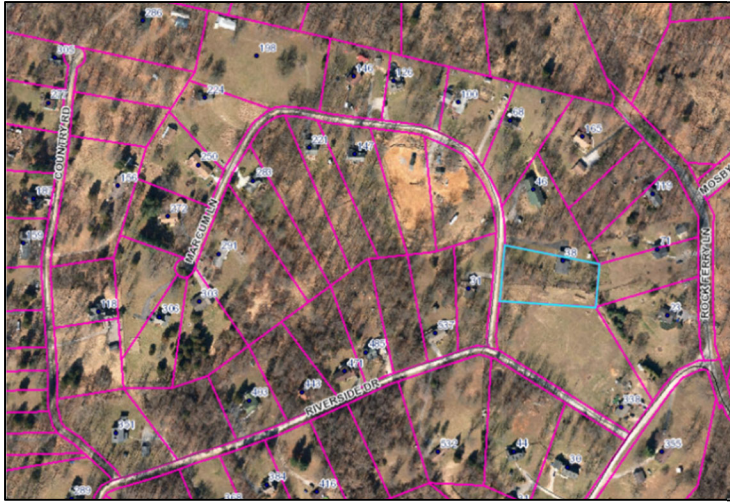
The applicant is requesting a variance from Appendix B to reduce the non-residential side setback requirement from 50' to 15' along the northern boundary line to allow for placement of a 12' x 24' pre-built shed to be used for equipment storage related to a proposed landscaping business.

The purpose for building setback requirements is to reduce the impact that a land use might have on an adjacent property, including visual impact created from the glare of exterior lights; 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 Meeting
January 27, 2022
Snyder Variance Request (#21-37-ZV)

Staff Evaluation of Request

The subject parcel is Lot 735 of the Riverside Subdivision, Section 7A, which was recorded on September 23, 1971 in [Deed Book 333, Page 366](#). While the property was created prior to the adoption of the Zoning Ordinance, it meets the minimum lot size requirement for lots in the Rural zoning district. The property contains an existing residential dwelling unit, paved driveway/parking area, and a 20' x 100' gravel area. The property is surrounded entirely by residential development.



In the Rural zoning district, a Landscaping Business is a Principal Permitted Use. Appendix B imposes a larger setback requirement along side property lines for non-residential uses that are permitted by right. The side setback requirement for a residential storage shed is 15' and the non-residential side setback requirement for a storage shed that is used for a business is 50'. The purpose for imposing a greater setback for a non-residential use is typically to lessen the impact that a non-residential use may have on a residential property, including the visual impact of the glare created from exterior lighting. It is not expected that outdoor lighting would provide any offensive glares beyond what is created from a typical residential use. Reducing the 50' commercial setback requirement to a 15' residential side setback is not expected to create any adverse impact on the adjoining property to the north beyond what a typical residential accessory structure may create.

It should be noted that based on the size of the proposed shed, a site plan would not be required to process; therefore, the County's landscaping requirements would not be required. Note: the Board has the discretion to impose conditions of approval, such as requiring that landscaping or screening be installed. The property owner is proposing to install a landscape buffer along the portion of his property where the shed will be located and has represented that the neighboring property is in support of the proposed business.

It may be feasible to comply with the non-residential setback requirement established in the Ordinance; however, this would place the accessory structure towards the center of the property, making the structure more visible to neighboring properties. The proposed location would be consistent with the residential character of the neighborhood.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
January 27, 2022
Snyder Variance Request (#21-37-ZV)

Conditions of Approval

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

1. If the proposed landscaping business expands to include large equipment and machinery, additional processing may be required through the Office of Planning and Zoning.

Section of Ordinance to be Considered:

See Appendix B (attached).

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 January 27, 2022
Snyder Variance Request (#21-37-ZV)

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE 27.32, 35

Zoning District	Development Type ^⓪	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imperious Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11)					
						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	Commercial Use	Side & Rear	Industrial Use	Screened / Unscreened	Adjacent Use	
						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	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	N/A	10(S)	N/A	10(S)	
Residential-Light Industrial-Commercial (RLIC)	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	25(S)	N/A	20(S)	20(S)	
	Commercial or Industrial	N/A	N/A	75	80%						See IC District						
	Churches	2 acres	200	45	N/A	25	50	10	40	50	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	
Rural (R)	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	N/A	N/A	N/A	N/A	N/A	
Village (V)	Commercial ^x	N/A	N/A	35	N/A	25	10	40									
Residential Growth (RG)	Industrial ^{**}	See IC District		35													
	Commercial or Industrial ^{**}	See IC District		35													
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 ^⓪	10 ^⓪	25								
	Commercial	N/A	N/A	75	80%	20	10	25									
General Commercial (GC)	Commercial	N/A	N/A	75	80%	25	25	25									
	Commercial	N/A	N/A	75	80%	25	25	25									
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	90%	25	10	50									
	Commercial	N/A	N/A	75	90%	25	10	50									
Major Industrial (MI)	Industrial	3 ac***	N/A	75	90%	25	50	50									
	Commercial	N/A	N/A	75	80%	15 min 25 max	10 ^⓪	10 ^⓪									
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 ^⓪	10 ^⓪									
Planned Neighborhood Development (PND)	Commercial	3 acres															

See IC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).



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

File Number: 21-37-ZV
 Staff Initials: AB
 Meeting Date: 01-27-22
 Fees Paid (\$100 or \$150): \$100 / Amfx

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: Stephen Patrick Snyder / Snyder's Property Squad LLC
 Mailing Address: 38 Marcum Lane, Harpers Ferry, WV 25425
 Phone Number: 240-793-4114 Email: sps.llc@yahoo.com

Applicant Contact Information

Name: Stephen Patrick Snyder / Snyder's Property Squad LLC
 Mailing Address: 38 Marcum Lane, Harpers Ferry, WV 25425
 Phone Number: 240-793-4114 Email: sps.llc@yahoo.com

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

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

Physical Property Details

Physical Address: 38 Marcum Lane
 City: Harpers Ferry State: WV Zip Code: 25425
 Tax District: Harpers Ferry (04) Map No: 26 Parcel No: 151
 Parcel Size: 1.18 acre Deed Book: 1125 Page No: 393

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RECEIVED			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
DEC 14 2021			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEFFERSON COUNTY PLANNING ZONING & ENGINEERING							

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 4.6 + Appendix B

Briefly describe the nature of the variance request:

Reduce non Residential Setback Requirements, proposed landscape business

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

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

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

previously talked with all adjacent property owners, All in favor of proposed landscape business.

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?

preferred Area was/is Request do to no excavating and/or leveling per proposed plans

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

Allow continued use of front yard for residential purposes

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

uphold the intent of zoning ordinance by installing landscape buffer

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] 12-14-21
Signature of Property Owner Date

Signature of Property Owner Date

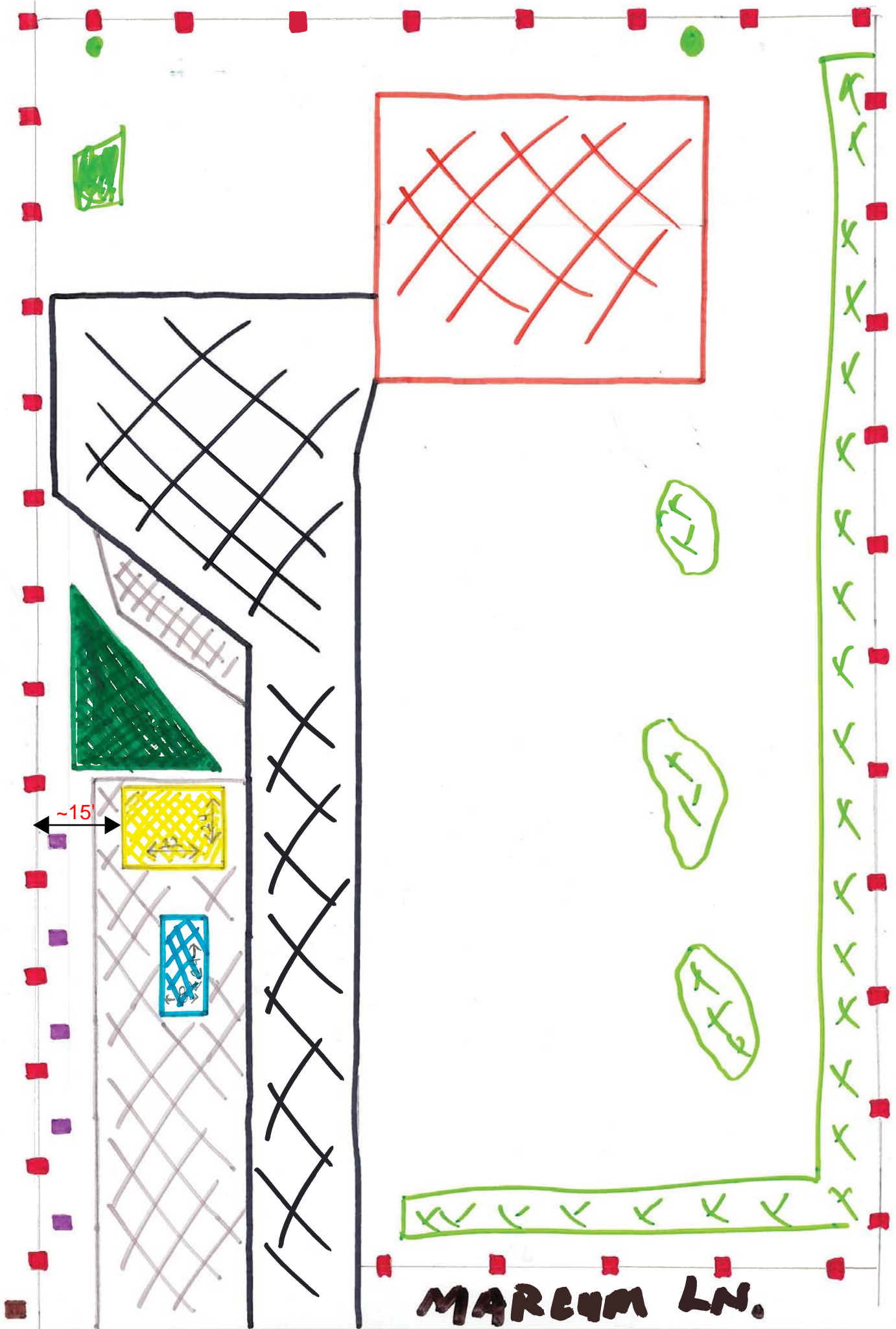
Notification Requirements (to be completed by staff)

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

Thursday, January 27, 2022
Date of Public Hearing

Wednesday, January 12, 2022
Advertising Date

Wednesday, January 12, 2022
Placard Posting Date

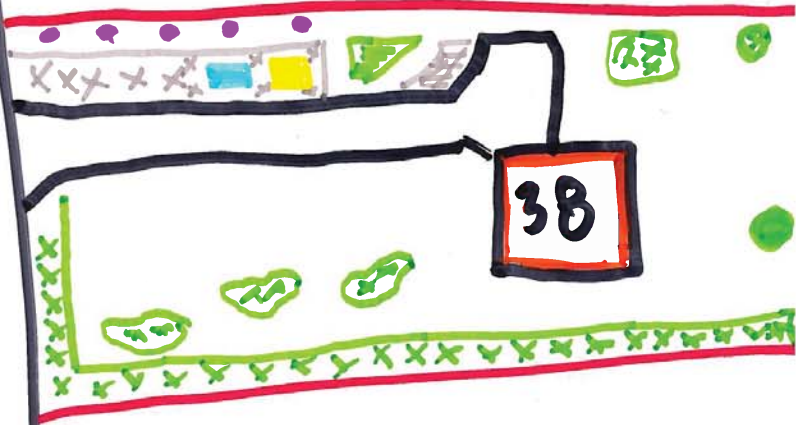


MAREUM LN.

31

Marum Ln.

46



Riverside DR.

Snyder's Property Squad L.L.C.

38 Marcum Ln.

Harpers Ferry, WV. 25424

Color Key :

RED ~ Property Line

Orange ~ Residence

Green ~ Mixed Foliage

Yellow ~ Pre-built Shed 12'W x 24'L

Blue ~ Enclosed Cargo Trailer 8'W x 24'L

Purple ~ New Foliage

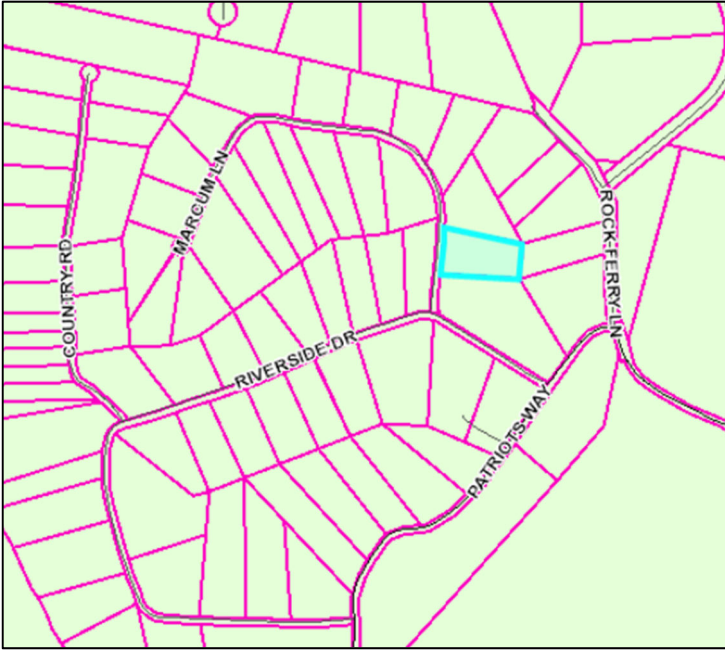
Grey ~ Added width to driveway

Brown ~ Telephone Pole

Black ~ Driveway

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 January 27, 2022
Snyder Variance Request (#21-38-ZV)

Item #2 Variance from Section 10.4B.3 to reduce the front setback from 25' to 10' for a 6' x 19" Freestanding Business Sign and Section 10.4B.4 to allow said sign to face a residence

Applicant:	Stephen Patrick Snyder, Snyder's Property Squad, LLC
Property Owner:	Same as applicant
Parcel Information and Zoning District:	Riverside Subdivision, Sec. 7A, Lot 735, 38 Marcum Lane, Harpers Ferry, WV Parcel ID: 06002601510000; Size: 1.18 ac; Zoning District: Rural 
Surrounding Properties:	Zoning Map Designation: North, South, East, & West: Rural
History:	Riverside Subdivision, Sec. 7A: recorded on 09/23/71 in DB 333, PG 366
Waivers/Variations:	None.
Approved Activity:	Single Family Residence.
Site Visit Conducted:	No.

Summary of Request and Purpose of Ordinance Requirements

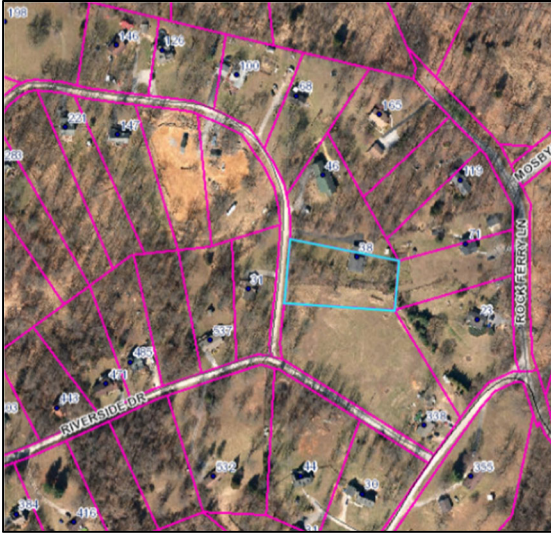
The applicant is requesting a variance from Section 10.4B.3 to reduce the front setback from 25' to 10' for a 6' x 19" Freestanding Business Sign; and, Section 10.4B.4 to allow the proposed sign to face a residence.

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

The intent of restricting a sign from facing a residence is to preserve the residential character of a neighborhood by minimizing the visual impact of an adjoining non-residential lot.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
January 27, 2022
Snyder Variance Request (#21-38-ZV)

Staff Evaluation of Request



The subject parcel is Lot 735 of the Riverside Subdivision, Section 7A, which was recorded on September 23, 1971 in [Deed Book 333, Page 366](#). While the property was created prior to the adoption of the Zoning Ordinance, it meets the minimum lot size requirements for lots in the Rural zoning district. The property contains an existing residential dwelling unit, paved driveway/parking area, and a 20' x 100' gravel area. The lot is surrounded entirely by residential development.

The purpose of the proposed sign would not be to attract motorists from a distance, but to identify the business to incoming motorists. Therefore, a reduced setback to ensure visibility for incoming motorists is reasonable.

Most often the platted right-of-way is larger than the paved road area, and includes an unimproved area for future expansion. The subject request is to reduce the required setback from 25' to 10' along the edge of the platted right-of-way. As the right-of-way is privately owned and serves only the Riverside community, an expansion of the right-of-way appears improbable.

The property is surrounded by residential development; however, the sign would not directly face a residence if placed at the entrance of the property.

The Ordinance states that signage should be “adequate, but not excessive, for the intended purpose of identification or advertisement.” The proposed sign appears to be appropriate for the subject location and would not have a significant impact on the residential character of the neighborhood.

Conditions of Approval

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

1. The proposed signage shall not be lit.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
January 27, 2022
Snyder Variance Request (#21-38-ZV)

Section Of Ordinance To Be Considered:

Section 10.4 Signs Requiring a Zoning Certificate³⁶

B. Freestanding Business Signs

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

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



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: 21-38-2V
 Staff Initials: AB
 Meeting Date: 01-27-22
 Fees Paid (\$100 or \$150): \$100 / AmEx

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: Stephen Patrick Snyder / Snyder's Property Squad LLC
 Mailing Address: 38 Marcum Lane, Harpers Ferry, WV 25425
 Phone Number: 240-793-4114 Email: sps.llc@yahoo.com

Applicant Contact Information

Name: Stephen Patrick Snyder / Snyder's Property Squad LLC
 Mailing Address: 38 Marcum Lane, Harpers Ferry, WV 25425
 Phone Number: 240-793-4114 Email: sps.llc@yahoo.com

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

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

Physical Property Details

Physical Address: 38 Marcum Lane
 City: Harpers Ferry State: WV Zip Code: 25425
 Tax District: Harpers Ferry (04) Map No: 26 Parcel No: 151
 Parcel Size: 1.18 acre Deed Book: 1125 Page No: 393

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RECEIVED			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
DEC 14 2021			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEFFERSON COUNTY PLANNING ZONING & ENGINEERING			Place Received Date Stamp Here				

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 10.4B.3 & Section 10.4B.4

Briefly describe the nature of the variance request:

To reduce the front setback requirement and allow the sign to face a residence.

Proposed freestanding sign will be approximately 6' x 19" with company logo (see attached exhibit). Sign to be placed at entrance to property.

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

Front Setback Side Setback Rear Setback Reduction From 25' to 10'

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

The sign will be used to identify the property and advertise the business but will be modest in size in accordance with the residential character of the neighborhood. The sign will not adversely affect the public health, safety, or welfare, or the rights of adjacent property owners or residents.

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?

A landscaping business is a permitted use in the rural zoning district; however, the site is still subject to non-residential site development standards. Based on the size of the property and intent to maintain the residential character of the property, it is not feasible to meet the 25' setback requirement.

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

Granting this variance will allow the business to be promoted while maintaining the residential character of the neighborhood.

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

The land use is permitted by right. Granting the variance will allow the sign to be placed in the preferred location to support the business and maintain the residential character of the property/neighborhood.

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

12-14-21
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).

Thursday, January 27, 2022

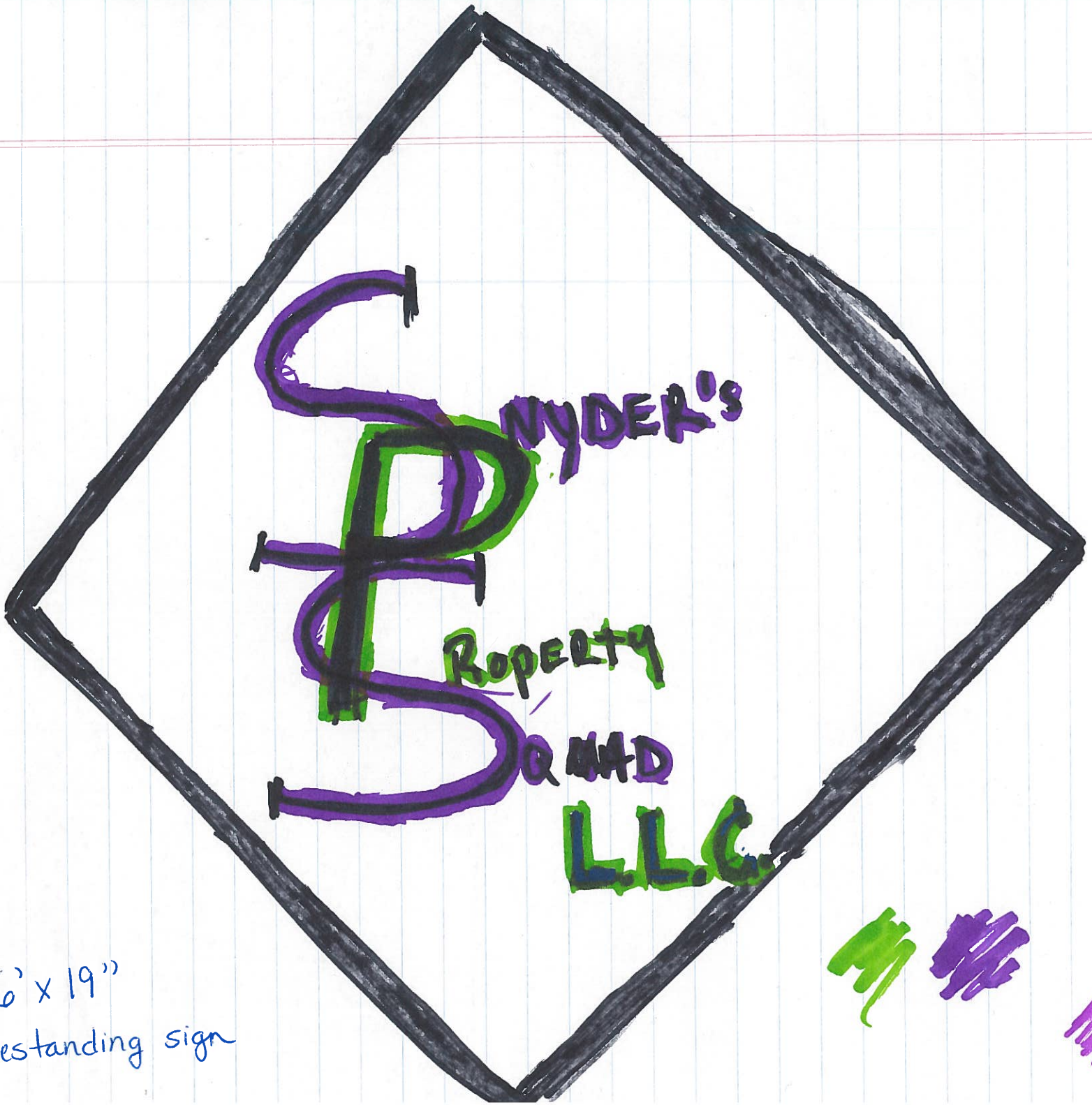
Date of Public Hearing

Wednesday, January 12, 2022

Advertising Date

Wednesday, January 12, 2022

Placard Posting Date

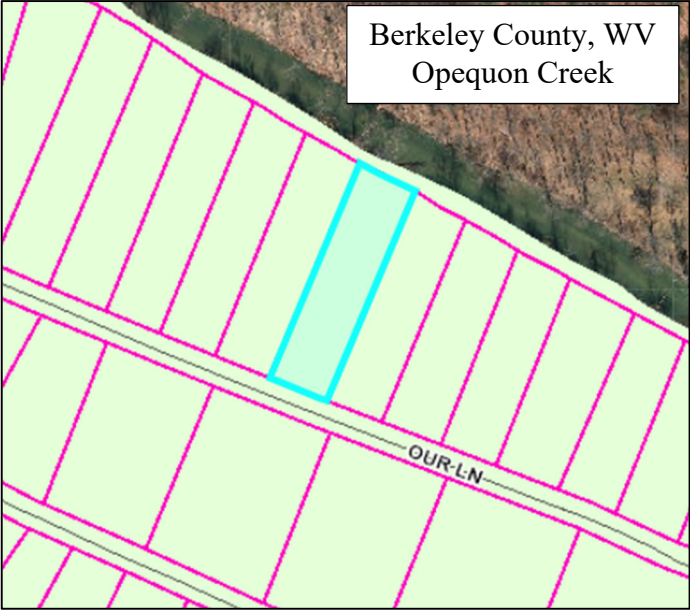


6' x 19"
freestanding sign



Staff Report
 Jefferson County Board of Zoning Appeals
 January 27, 2022
Darr Variance Request (#21-39-ZV)

Item #2 Variance from Section 9.6C to allow an accessory structure within the required front yard; and Section 9.7 to reduce the front setback from 25' to 10' and the side setback from 12' to 10' along the western boundary line for a proposed 24' x 24' detached garage with an apartment.

Applicant:	Brandon and Alexi Darr
Owner:	Same as above
Parcel Information and Zoning District:	<p style="text-align: center;">Hidden River Subdivision, Sec. 1, Lot 7, Our Lane (vacant lot), Kearneysville, WV Parcel ID: 07001800300000; Size: 1.08 ac; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North: Berkeley County, WV & Opequon Creek; East, South, West: Rural
History:	Hidden River Farm, Section 1: recorded 05/11/68 in Deed Book 295, Page 24 .
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit Conducted:	No

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 9.6C to allow an accessory structure in the required front yard; and Section 9.7 to reduce the front setback from 25' to 10' and the side setback from 12' to 10' along the western boundary line for a proposed 24' x 24' detached garage with an apartment.

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

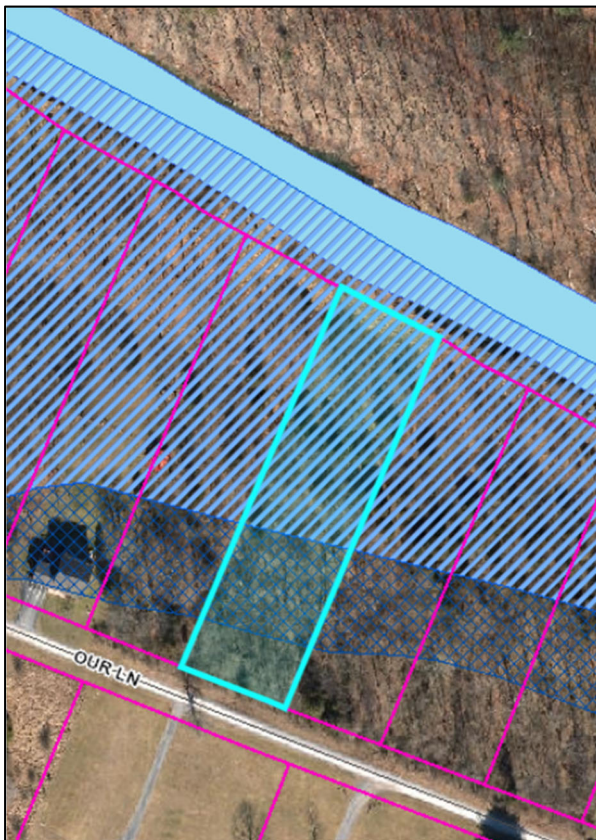
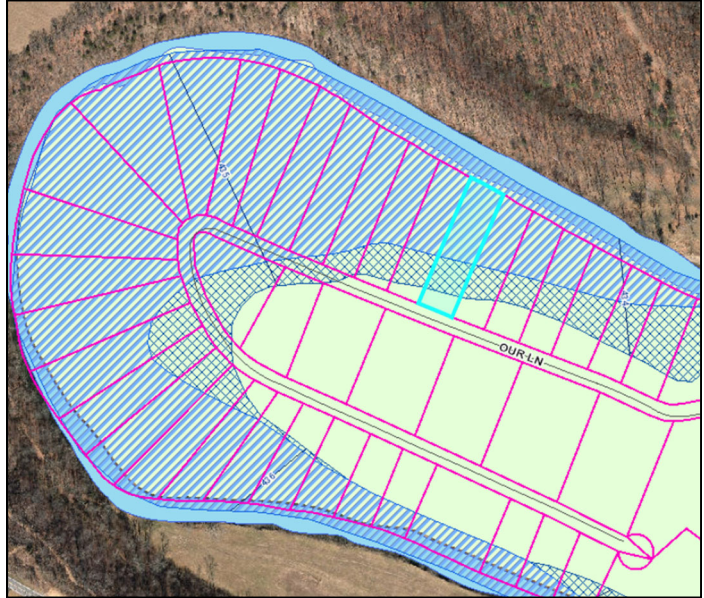
The purpose of side and rear setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention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

Staff Report
 Jefferson County Board of Zoning Appeals
 January 27, 2022
Darr Variance Request (#21-39-ZV)

Staff Evaluation of Request

The subject parcel is Lot 7 of the Hidden River Farm, Section 1, which was recorded on May 11, 1968 in [Deed Book 295, Page 24](#). The subdivision was created prior to the enactment of the Zoning Ordinance and Subdivision Regulations; therefore, many of the lots in the subdivision were located within the floodway and/or floodplain areas.

Our Lane is approximately 50' in width. While owned by the WV Division of Highways (Route 901/60), it appears to serve only the Hidden River Farm community as it dead ends within the development. Any future improvements proposed by the WVDOH should be accommodated within their 50' platted right-of-way.



Approx. 6,480 sq ft of buildable area.
Not including the required setbacks.



- | | | |
|--------------------------|-------------------------------------|------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Flood Zones (FEMA) |
| | | A, |
| | | AE, |
| | | AE, FLOODWAY |
| | | AO, |
| | | 0.2 PCT ANNUAL CHANCE FLOOD HAZARD |

As the adjacent lots are currently vacant and the subject parcel is not located on or near an intersection, a reduction of the front setback does not appear to negatively affect sight distance. A reduction of the front setback would allow the applicants to build outside of the flood zone area. If the applicants build within

Staff Report
Jefferson County Board of Zoning Appeals
January 27, 2022
Darr Variance Request (#21-39-ZV)

the flood zone area, but outside of the floodway, they would be required to have an elevation certificate for the apartment/dwelling and flood vents would be required to be installed in the garage.

The adjoining lots to the west and east are presently vacant; therefore, a reduction in the side setback along the western boundary line does not appear to create any adverse impact.

Based on the location of the floodplain and the remaining buildable area of this lot, it does not appear feasible to comply with the Ordinance.

Conditions of Approval

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

1. All vehicles must be contained entirely on the subject parcel. No portion of a vehicle shall encroach within the platted right-of-way.

Section Of Ordinance To Be Considered:

Section 9.6 Accessory Structures

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

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

Section 9.7 Other Exceptions³

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

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

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres	40' front	15' side	and	50' rear
40,000 sq. f.t. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

RECEIVED



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

DEC 15 2021

21-39-2V
 JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING
 File Number: _____
 Staff Initials: AB
 Meeting Date: 01-27-22
 Fees Paid (\$100 or \$150): \$100/chk
1059

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: Brandon Darr & Alexi Darr
 Mailing Address: 5362 Winchester Avenue, Martinsburg, WV 25405
 Phone Number: 540-539-7369 Email: bdarrsreality@gmail.com

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: Our Lane (Sec 1 #7 Hidden River)
 City: Middleway State: WV Zip Code: 25430
 Tax District: 07 Map No: 18 Parcel No: 0030
 Parcel Size: 1.08 acres Deed Book: 1194 Page No: 585

Zoning District (please check one)

1259 AB

262 AB

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

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 9.6C + 9.7 AB

Briefly describe the nature of the variance request:

Setback variance request for reduction to stay out of flood zone

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

Front Setback Side Setback Rear Setback Reduction From 20' to 10'
→ Front
12' (side) to 10'

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

No residential properties on either side and not in a busy area

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?

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

It will prevent the building of a primary residence within flood zone.

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

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] 12/8/21
Signature of Property Owner Date

[Signature] 12/8/21
Signature of Property Owner Date

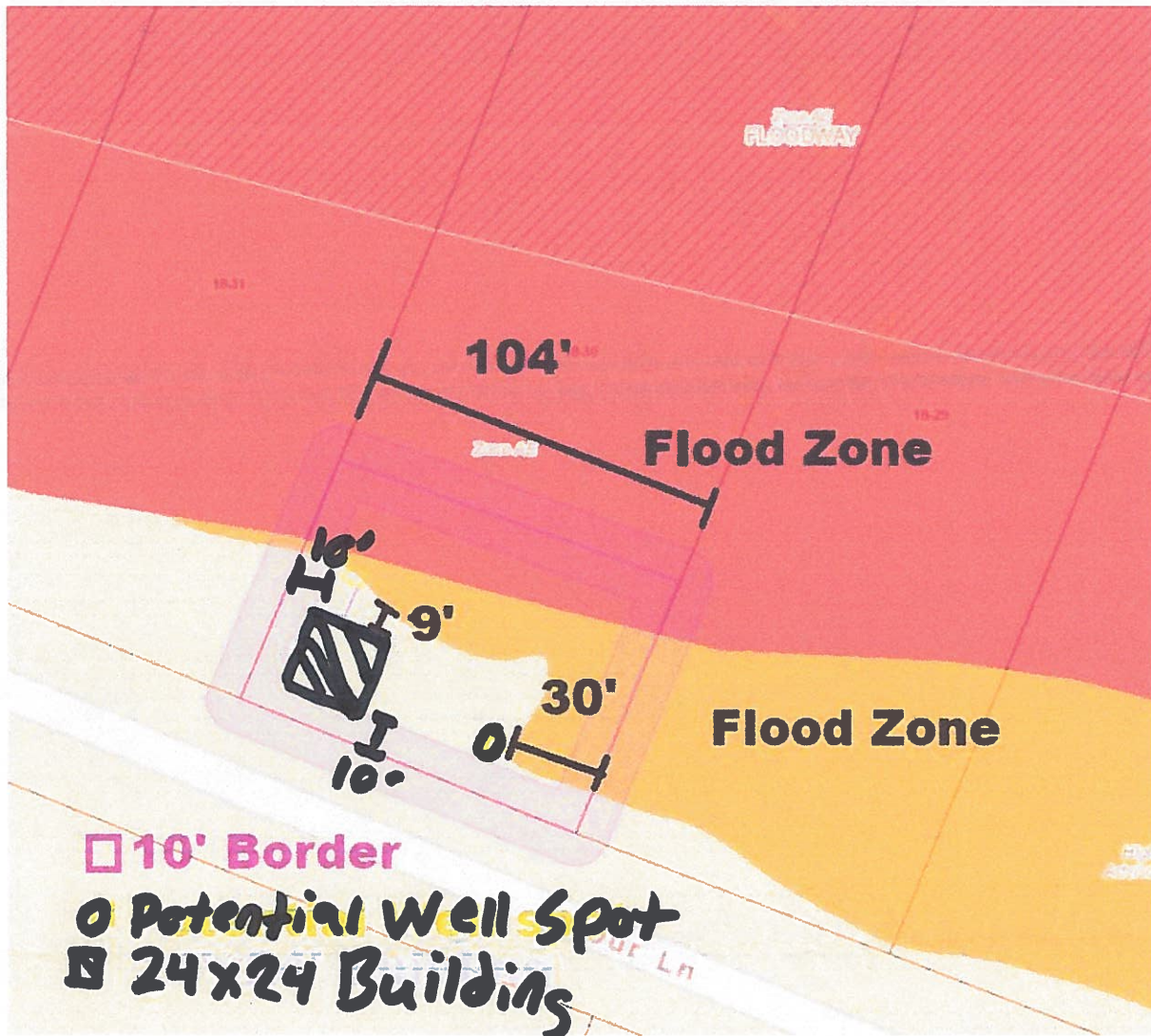
Notification Requirements (to be completed by staff)

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).

01-27-22
Date of Public Hearing

01-12-22
Advertising Date

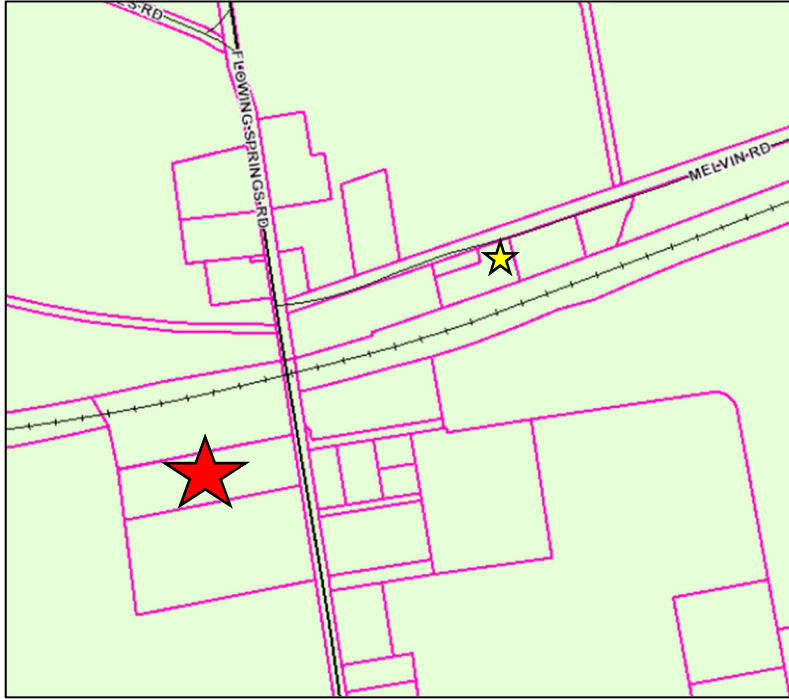
01-12-22
Placard Posting Date



Staff Report
 Jefferson County Board of Zoning Appeals
 January 27, 2022

Historic Landmarks Commission Variance Request (#21-40-ZV)

Item #3 Variance from Section 11.1A – Non-Residential Parking Standards to request that the requirement to install permanent off-street parking on the property be waived. The applicant has obtained approval from the WV State Rail Authority to utilize the existing Duffields train station parking lot on weekends.

Applicant:	Martin Burke
Owner:	Historic Landmarks Commission
Parcel Information and Zoning District:	<p style="text-align: center;">84 Melvin Rd., Shenandoah Junction, WV Parcel ID: 09024A00110000; Size: .36 ac; Zoning District: Rural</p>  <p>★ Museum Lot ★ Duffields Parking Lot (<i>proposed off-site parking area</i>) WV DOT State Rail Authority, Owner 5027 Flowing Springs Rd., Shenandoah Junction, WV; Parcel ID: 09002400080001 and 09002400080002; Combined acreage: 4.7 ac; Zoning District: Rural</p>
Surrounding Properties:	Zoning Map Designation: North, East, South, West: Rural
History:	Museum lot was formerly the Duffields train depot and a rental property. Duffields parking lot: original lot existing before 1988; two additional parcels were transferred to the WV DOT State Rail Authority (1991 and 2004) through eminent domain.
Waivers/Variations:	None
Approved Activity:	Cultural Facility
Site Visit Conducted:	No

Staff Report
Jefferson County Board of Zoning Appeals
January 27, 2022

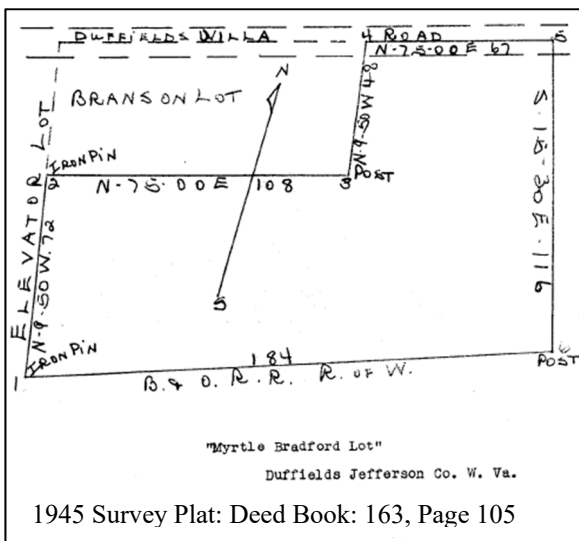
Historic Landmarks Commission Variance Request (#21-40-ZV)

Summary of Request and Purpose of Ordinance Requirements

Variance from Section 11.1A – Non-Residential Parking Standards to request a waiver from the requirement to provide permanent parking on the property. The applicant has obtained approval from the WV State Rail Authority to utilize the existing Duffields train station parking lot on weekends.

The purpose of non-residential parking requirements is to ensure that adequate off-street parking is available and to ensure that parking is safe by ensuring that the public has access to a solid, level parking spaces and adequate drive aisles.

Staff Evaluation of Request



The subject parcel was formerly the Duffields train depot. It appears that the .36 acre parcel was created in 1935, which was prior to the enactment of the Zoning Ordinance and Subdivision Regulations. As such, the lot is considered nonconforming as it does not meet the minimum lot size requirement of 40,000 square feet for lots in the Rural zoning district. The Duffields Depot is classified as a Category I Historic Structure and was added to the National Register of Historic Places in 2007.

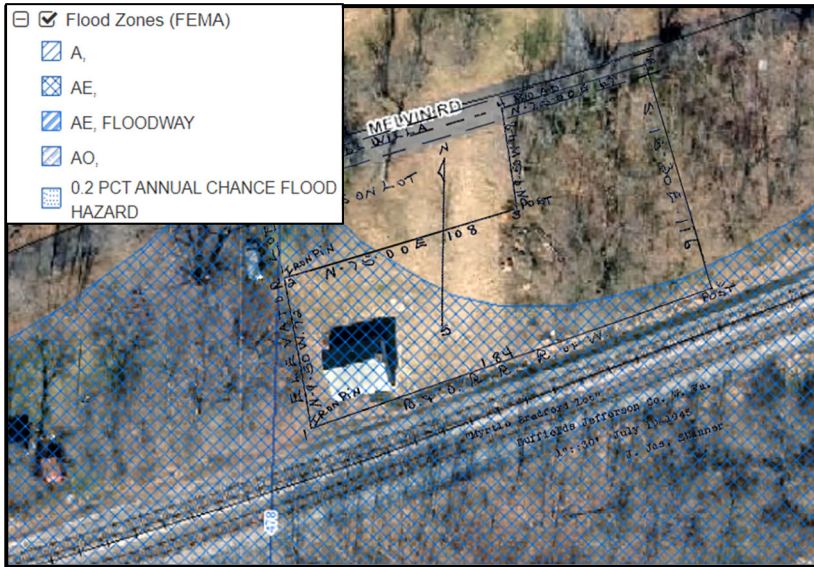
Based on the square footage of the historic structure, pursuant to Article 11, Section 11.1A, two permanent parking spaces would be required to be installed on site. The applicant is requesting to not have to install permanent parking on this lot due to the limited buildable area due to

the floodplain and safety concerns for ingress and egress from the property onto / off of Melvin Road. Melvin Road is a 30-foot wide right-of-way and is a State-owned road (Route 17/2). While staff is not aware of any plans to widen Melvin Road, future road improvements could necessitate additional land acquisition.



Staff Report
Jefferson County Board of Zoning Appeals
January 27, 2022

Historic Landmarks Commission Variance Request (#21-40-ZV)



A substantial portion of the lot is located within the FEMA 100-year floodplain. Non-residential structures, including parking lots, are not permitted within the floodplain and are required to be setback 25-feet from the edge of the delineated floodplain area. Due to the limited buildable area located outside of the floodplain, which is further reduced by standards imposed by the Floodplain Ordinance, it is unlikely that a parking lot could be constructed to comply with County Regulations, including the requirement that “All parking lot and parking bays ... shall be physically separated from the street and confined by

curbing, unless other suitable design is approved by the County Engineer.” (Appendix B, Section 2.5C, Subdivision Regulations).

Should the request be granted, it does not appear that there would be any negative impact on adjoining properties. Safety for visitors accessing the Duffield’s Depot site could be of concern, as visitors will need to cross Flowing Springs Road to access the historic structure.

Based on the location of the floodplain area and the remaining buildable area of this lot, it does not appear feasible to comply with the Zoning Ordinance.

Conditions of Approval

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

1. Temporary signage shall be erected during hours of operation and placed on both the subject parcel and the Duffields lot to direct visitors to the appropriate location.

Section Of Ordinance To Be Considered:

Section 11.1 Non-Residential Parking Standards

A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per use and are as follows:⁵

Community Center, Cultural Facility²³

1 space per 400 square feet floor space



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: 21-40-ZV
 Staff Initials: AB
 Meeting Date: 01-27-22
 Fees Paid (\$100 or \$150): fee waived by JCC

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 Historic Landmarks Commission
 Mailing Address: PO Box 23 Charles Town, WV 25414
 Phone Number: 304-728-3195 Email: landmarkscommission@jeffersoncountywv.org

Applicant Contact Information

Name: Martin Burke Chair, JCHLC
 Mailing Address: 1328 Terrapin Neck Road Shepherdstown, WV 25443
 Phone Number: 304-876-3883 Email: martinburke@frontiernet.net

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

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

Physical Property Details

Physical Address: 84 Melvin Road
 City: Shenandoah Junction State: WV Zip Code: 25442
 Tax District: Shepherdstown Map No: 24A Parcel No: 11
 Parcel Size: .35 ac. Deed Book: 163 Page No: 105

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
December 28, 2021
 Jefferson County, WV
 Office of Planning & Zoning

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

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Article 11.1 Non-Residential Parking

Briefly describe the nature of the variance request:

This request asks for relief from Article 11.1 Non-Residential Parking. Duffields Depot is on the National Register of Historic Places and being rehabilitated as the Duffields Depot Museum with a floor space of approximately 428 sq. ft. on the first floor. The second floor will not be accessible to the public.

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:

Granting this variance would essentially not allow vehicle parking on the subject property. Adjacent property owners would be protected because no vehicles would be present.

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?

Yes. A large portion of the lot lies in Elk Branch flood plane where no parking is permitted, see attached map. This variance will enhance public safety by not requiring a vehicle to back out onto Melvin Rd. The lot configuration is such that there is only 45 feet of road frontage on Melvin Rd. and there are no clear sight lines to oncoming traffic.

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

The Duffields Depot Museum will be accessible to individuals and families on weekends who will park their vehicles at the Duffields Commuter parking lot and walk, a distance of approximately 125 yards, to the museum. (see attached letter of permission from the West Virginia State Rail Authority.

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

YES

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.

Martin Burke 12/23/21
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

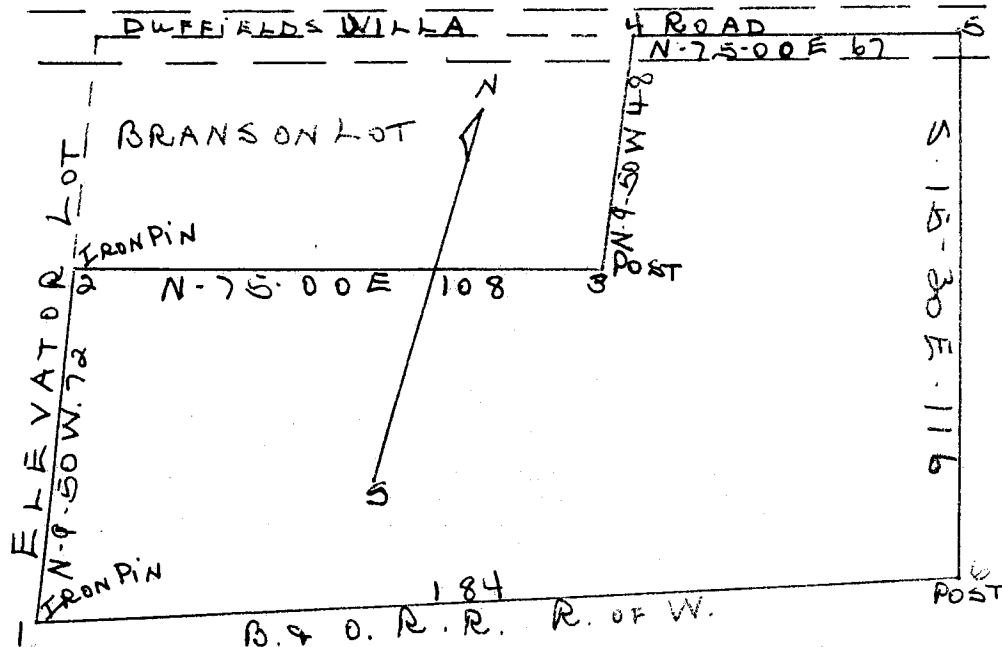
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

Thursday, January 27, 2022
Date of Public Hearing

Wednesday, January 12, 2022
Advertising Date

Wednesday, January 12, 2022
Placard Posting Date

Duffields Depot
Jefferson County, West Virginia



"Myrtle Bradford Lot"

Duffields Jefferson Co. W. Va.

1"::30' July 19-1945

J. Jas. Skinner

S. J. C.



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

State Rail Authority

120 Water Plant Drive • Moorefield, West Virginia 26836
(304) 538-2305 • TDD: (800) 742-6991 • FAX: (304) 538-7474

Jimmy Wriston, P.E.
Secretary of Transportation
Commissioner of Highways

November 8, 2021

Martin Burke
Jefferson County Historic Landmarks Commission
PO Box 23
Charles Town, WV 25414

Dear Mr. Burke:

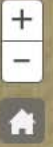
This letter is to notify you that the WV State Rail Authority is granting the Jefferson County Historic Landmarks Commission permission to utilize the Duffields parking lot on weekends when the Duffields Depot Museum is open.

If anyone has any questions or concerns about this letter, please feel free to have them contact me at 304-538-2305 ext. 12053.

Sincerely,

A handwritten signature in blue ink that reads "Cindy Butler".

Cindy Butler, Director
WV State Rail Authority



Basemaps ▾

4

30Ac

6

5

01Ac

30Ac

7

13Ac

1.03AcD
.81AcC

08Ac

10

35Ac

36Ac

11

DUFFIELDS

1.04AC

8.1

EXEMPT

(15)

16

82Ac

18

21Ac

EXEMPT

(1)

19

25Ac

(2)

20

13Ac (4)

21

13Ac (3)

22

12.3

2.00Ac

8.2

2Ac

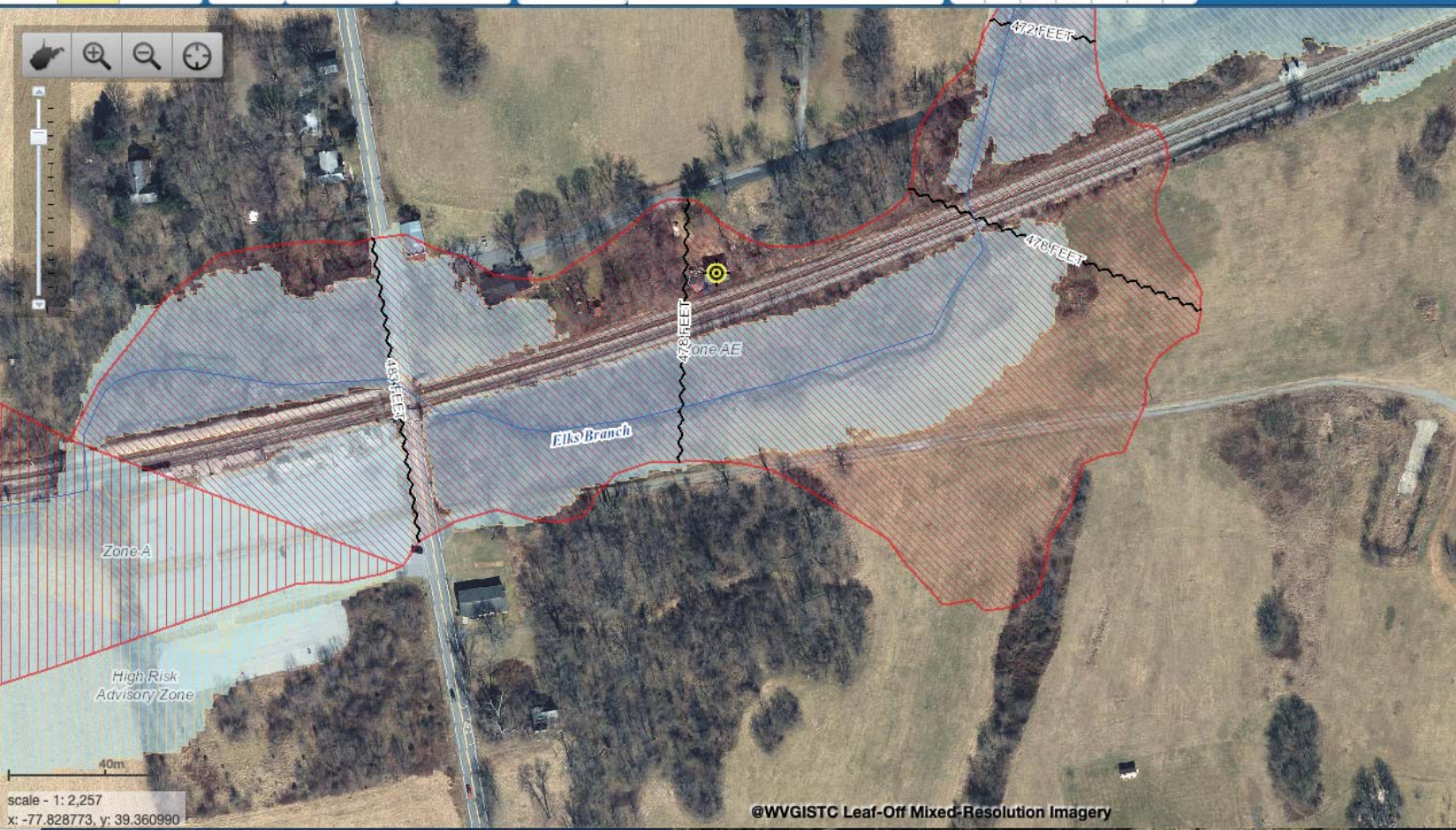
POWERED BY
esri



WV Flood Tool

Remember: When In Doubt, It's Not Out!

Views: Public **Expert** Risk MAP | Layers: Flood Reference Basemaps | Search: Address: e.g., 123 street name, city, state, zip | Tools: [Icons]



Flood Hazard Area: Location is **WITHIN** the FEMA 100-year floodplain.
Flood Zone: AE
Stream: Elks Branch
Watershed (HUC8): Conococheague-Opequon (2070004)

FEMA's Flood Map: N/A
Map Effective Date: 12/18/2009
Contacts: Jefferson

Flood Height: Refer to FIS report for BFE [More Info](#)
Water Depth: N/A
HEC-RAS Model: N/A [All Models](#)

Flood Profile: 54037_002

Community: Jefferson County
CID: 540065 **CRS Class:** 6

Location (lat, long): (39.362716, -77.825565)
Location (UTM 17N): (4361836, 773499)

External Viewers: [Social media icons]

Elevation: About 480 ft (Source: FEMA 2012)
Address: N/A
Parcel: No Parcel | Assessment [Assessment](#)

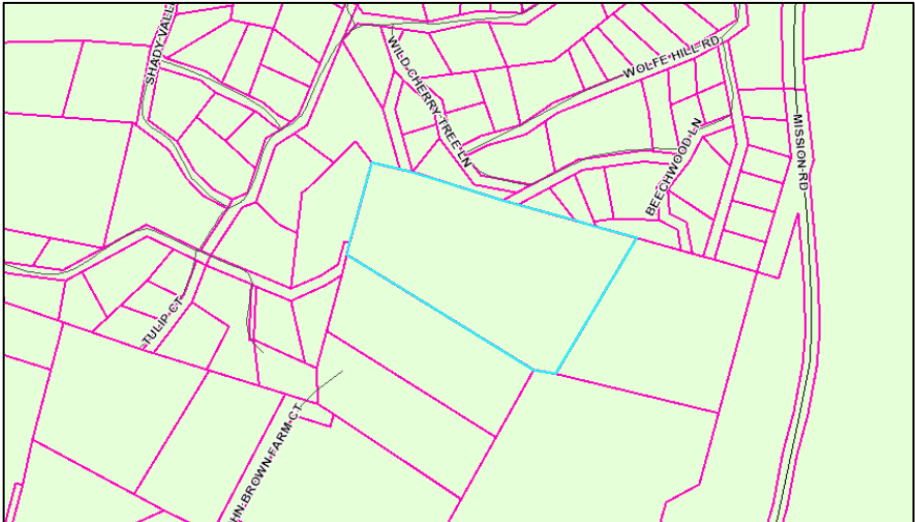
Flood Risk Information [Related Resources](#)
 Flood Risk Assessment [N/A](#)
 3D Flood Visualization [No Depth Grid Available](#)

scale - 1: 2,257
x: -77.828773, y: 39.360990

@WVGISTC Leaf-Off Mixed-Resolution Imagery

Staff Report
 Jefferson County Board of Zoning Appeals
 January 27, 2022
Mahoney Variance Request (#21-41-ZV)

Item #4 Variance from Section 9.6C to allow an accessory structure within the required front yard; and Section 9.7 to reduce the front setback **from 40' to 20' for a proposed 32' x 26'** carport.

Applicant:	Kelly Mahoney (Nolder)
Owner:	Same as above
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">Rolling Stone Est., Lot J-3, 211 John Brown Farm Ct., Harpers Ferry, WV Parcel ID: 06000800080009; Size: 5.19 ac; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North, East, South, West: Rural
History:	<p>06/07/72: Original configuration for Lot J recorded in PB 2, PG 333 08/28/75: Revised configuration for Lot recorded in PB 3, PG 77 –J</p> <ul style="list-style-type: none"> • 08/12/75: PC approved variance to reconfigure lots • 08/14/75: CC approved variance to reconfigure lots <p>07/12/78: Rolling Stone Estates recorded in DB 442, PG 531*</p> <ul style="list-style-type: none"> • 12/17/77: PC approved variance to advance the final plat -conditioned of approval: any further divisions must upgrade the road <p><i>*See report for further description.</i></p>
Waivers/Variations:	Above
Approved Activity:	Residential
Site Visit Conducted:	No

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 9.6C to allow an accessory structure within the required front yard; and, Section 9.7 to reduce the front setback **from 40' to 20' for a proposed 32' x 26'** carport.

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

Staff Report
Jefferson County Board of Zoning Appeals
January 27, 2022
Mahoney Variance Request (#21-41-ZV)

Staff Evaluation of Request

On February 14, 1978, the Planning Commission approved Rolling Stone Estates as a one-lot subdivision (Lot J-1) with the understanding that the remaining acreage was to be further divided into two lots as outsale parcels. As part of the subdivision of the property, a unique access easement was platted in an attempt to accommodate the steep slope of the property. The Planning Commission approved the division with the condition that any further division of the property would necessitate upgrading the easement.

The parcel subject to this request is Lot J-3 of the Rolling Stone Estates.



Staff Report
Jefferson County Board of Zoning Appeals
January 27, 2022
Mahoney Variance Request (#21-41-ZV)



Staff was unable to verify the exact location of the platted access easement and has some concern that the proposed carport may be located within the platted easement area. There appears to be a discrepancy between tax parcel data and the recorded final plat as to where the boundary lines exist (see exhibit on Page 5). If the Board is inclined to grant the request, the property owner should be advised that placement of the carport in the proposed location would be at their own risk and that it is strongly advised that the property owner pursue a boundary survey to ensure accuracy of the boundary lines.

The adjoining property to the east is a vacant parcel owned by Shannondale Springs Chapel, which is the property that would be most significantly impacted if the boundary lines are inaccurate. Since the Church's property is currently vacant, it may be prudent for the applicant to pursue a boundary survey to verify the property boundaries and if the survey confirms that the property lines are in a different location, then it may be feasible to acquire land from the church and process a boundary line adjustment to ensure all structures are located entirely on the subject property.

The access easement has minimal traffic and the property owner already utilizes the proposed area for parking; therefore, aside from the previously aforementioned boundary line concerns, it does not appear that placement of a carport in the proposed location would have an adverse impact on adjoining properties. It should also be noted that the adjoining property owner to the south, Lot J-2, has provided a letter of support for the request.

It may be feasible to comply with the Ordinance by other means by locating the proposed carport in another location; however, the property has significant slopes which limits the buildable area on the property.

Conditions of Approval

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

1. No vehicles, trailers or materials may be parked or stored within the 40' access easement.
2. The applicant assumes all liability for placement of the carport in the proposed location. Any property line disputes shall remain a civil matter and be addressed between all parties impacted. If it is determined that the carport and/or any other structures are not in compliance with the County's Ordinances, the property owner may be able to work with the adjoining property to the east to acquire additional land to ensure all structures are located entirely on the subject property.
3. The applicant shall obtain a boundary survey to verify the exact property lines.

Staff Report
Jefferson County Board of Zoning Appeals
January 27, 2022
Mahoney Variance Request (#21-41-ZV)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.6 Accessory Structures

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

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

Section 9.7 Other Exceptions³

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

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

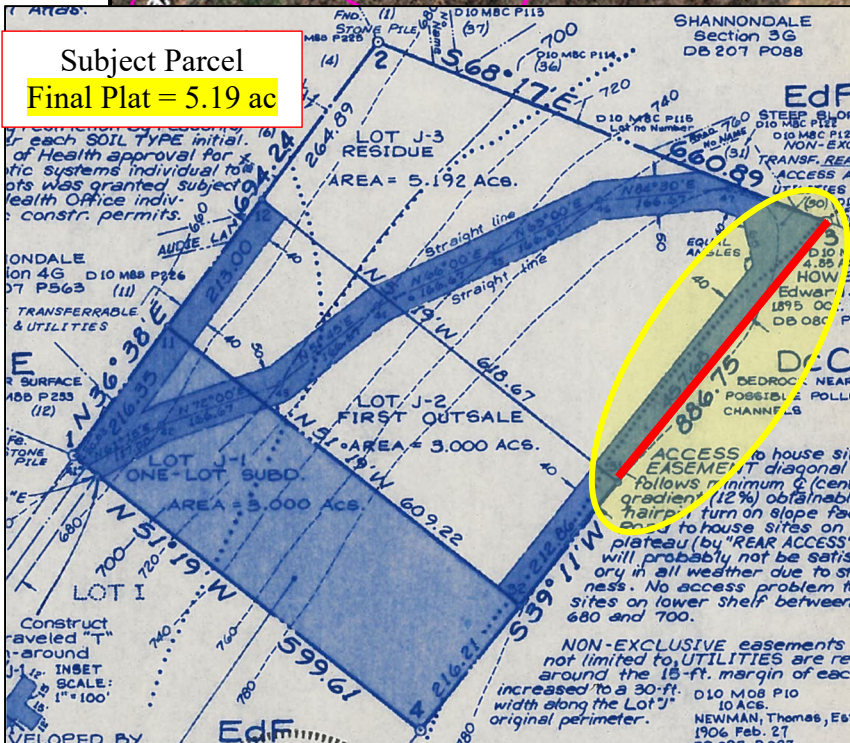
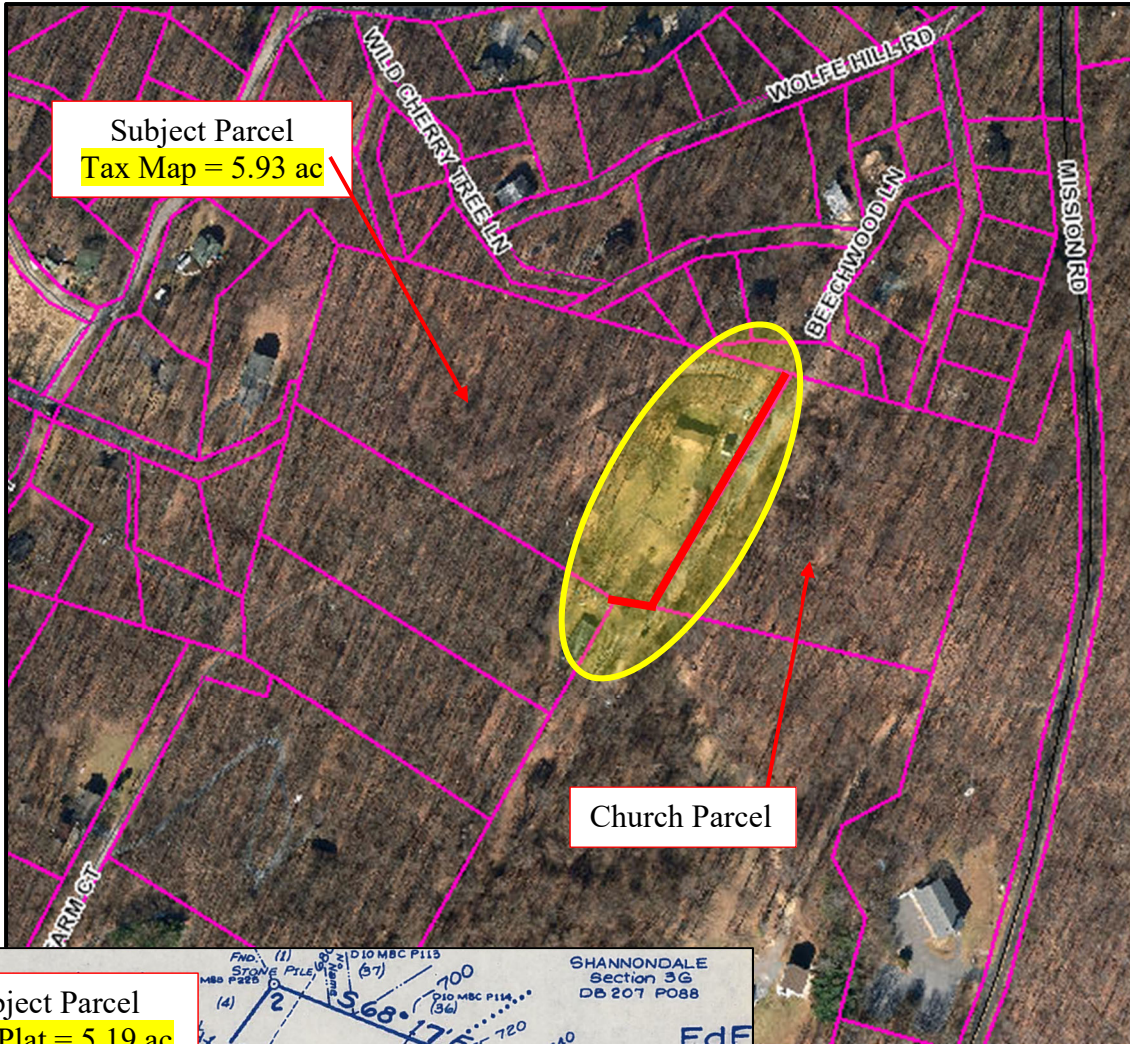
Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear

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

Staff Report
 Jefferson County Board of Zoning Appeals
 January 27, 2022
 Mahoney Variance Request (#21-41-ZV)



Research did not reveal any boundary line adjustment/mergers to alter the original configuration.



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: 21-41-ZV
 Staff Initials: AB
 Meeting Date: 01-27-22
 Fees Paid (\$100 or \$150): \$100/chk# 320

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: Kelly Mahoney (Nolder)
 Mailing Address: 211 John Brown Farm Ct. Harpers Ferry, WV 25425
 Phone Number: 703-509-7308 Email: kellymm01@Comcast.net

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: 211 John Brown Farm Ct.
 City: Harpers Ferry State: WV Zip Code: 25425
 Tax District: Kabetown (06) AB Map No: 8 AB Parcel No: 8.9 AB
 Parcel Size: 5.192 Deed Book: 442 Page No: 527

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"/> <u>AB</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RECEIVED			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
DEC 29 2021			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEFFERSON COUNTY PLANNING ZONING & ENGINEERING							

Place Received Date Stamp Here

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

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

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

Briefly describe the nature of the variance request:

Request to have setback based on 5 acres - 40/15/50 - waived and reduced to 25/12/12 (90,000 sq ft - 2 acres) minimally

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

Front Setback Side Setback Rear Setback Reduction From 40' to ~~20'~~

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

Property lines not within access to neighbor households. Does not block right of way, driveway, is still 24ft from edge of easement

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 5 acre lot is on a hill, the only buildable area is approx. 52820 sq ft (139ft x 386ft rectangle) at the top, the remain is steep grade. So asking consideration of 1-2 acre setback.

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

Base on current setback there is no buildable area for car port, need covered area for protection of vehicle/trailer from weather.

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

Build ~~is~~ is not impeding access/right of way or any property lines

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] 28-Dec-21
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

January 27, 2022
Date of Public Hearing

January 12, 2022
Advertising Date

January 12, 2022
Placard Posting Date

DISTANCES refer to FEET and DECIMAL
INCHES.

BEARINGS refer to the MERIDIAN
of the 1973 June 07 Plat of the
Donald M. Kable Tract recorded
in Plat Book 3 on Page 077.

SOIL TYPES are from the U.S.O.I.
S.C.S. Soil Atlas

CONTOURS are based on the
U.S.G.S. 7.5' ROUND HILL Quadrangle.

SEPTIC SYSTEMS should be sited very
carefully as all the SOIL TYPES occuring
are rated SEVERE for septic absorption.
Applicability restriction by regulation
stated under each SOIL TYPE Initial.
State Dept. of Health approval for
wells & septic systems individual to
each of 3 lots was granted subject
to County Health Office indivi-
dual septic constr. permits.

SECT 46 SECT 30

CASEMENT UNMARKED

N 5 CAPRIED RECORDS AT
CORNERS 4, 11, 12, 31 & 32.

SHANNONDALE
Section 06
DB 207 PAGE

SHANNONDALE
Section 06
DB 207 PAGE
NON-EXCLUSIVE TRANSFERABLE
EASEMENT ACCESS & UTILITIES
BASEMENT.

DCE
BEDROCK NEAR SURFACE
DIO MOB PMS
(11)

LOT I
1/2 AC. PIV 549°30'05" E
44.92 FROM COR. 1

10' EASEMENT

Construct
graveled
turn-around
INSET
SCALE:
1" = 100'

OWNED AND DEVELOPED BY

LEWIS B. LANCASTER
General Delivery
Harpers Ferry, W. Va. 25426
Tel.: 204-566-4367

JEFFREY P. SPICKLER
406 Gayley St. Apt. B-205
Media, Pa. 19063
Tel.: 215-666-4367

DIO MOB PMS

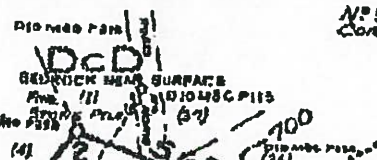
DIVISION PLAT
of Donald M. Kable Tract
Plat Bk. 3 P 077 Subdivision of Lot "J",
hereinafter called "ROLLING STONE
ESTATES" SITUATED ENTIRELY WITHIN
KABLETOWN MAGISTERIAL DISTRICT
JEFFERSON COUNTY - WEST VIRGINIA
SCALE: 1 Inch = 200 feet Drawn: 1977 Dec. 16

LAND RECORDS RESEARCH: J.S.K.
INVESTIGATION & COMPILATION: J.S.K. & C.J.M.
COMPUTATION: M. Shupp & C.K.B. 3rd
DESIGN: lots by Clients, Easements by J.S.K.
DRAFTING: C.J. Mitchell

CERTIFICATION BY

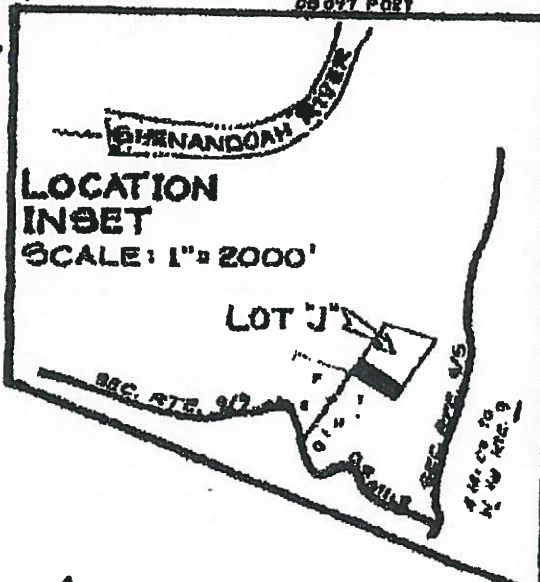
John Stroud Kuebler, L.L.S.
JOHN STROUD KUEBLER

WEST VIRGINIA LICENSED LAND SURVEYOR No. 328
1089 Washington St. Harpers Ferry, W. Va. 25425 Tel. 204-253-6004



ACCESS to house sites by
EASEMENT diagonal route
follows minimum 6' center line
gradient (12% obtainable w/o
hairpin turn on slope face
Road to house sites on upper
plateau (by "REAR ACCESS" Easmt)
will probably not be satisfact-
ory in all weather due to steep-
ness. No access problem to house
sites on lower shelf between elevs.
800 and 700.

NON-EXCLUSIVE easements for but
not limited to UTILITIES are reserved
around the 15-ft. margin of each lot,
increased to a 50-ft
width along the Lot "J"
original perimeter.



J. Stroud Kuebler



carport 30ft

24.5 Foot to easement

21-41-ZV

21-41-2V

This document is reference and confirmation of owner of adjoining properties, that proposed carport does not impede any easement or right of way referenced as John Brown Farm Court.

Property owner of Lot J2 also known as 217 John Brown Farm Ct.: Kim Barnum

Signature Kim Barnum Date: 12/29/21

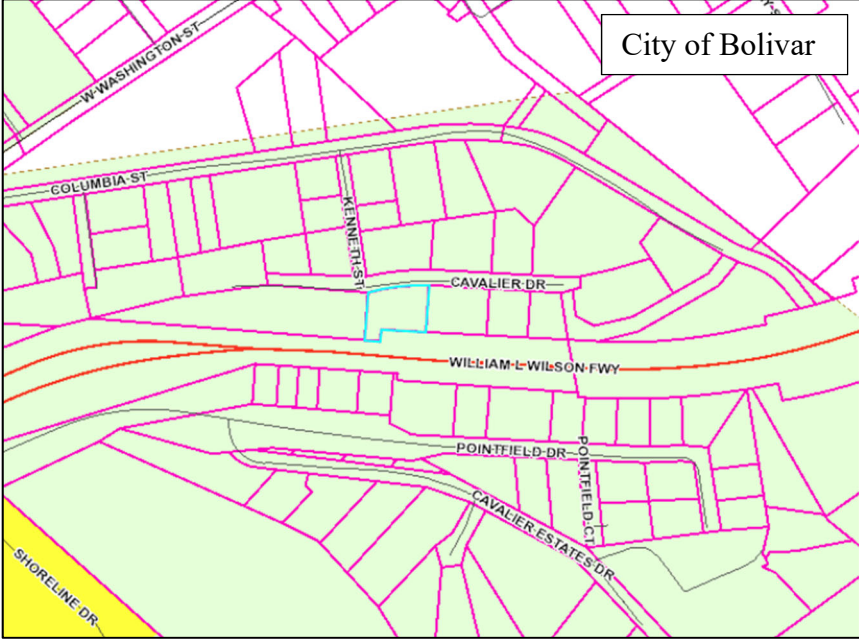
RECEIVED

DEC 29 2021

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Staff Report
 Jefferson County Board of Zoning Appeals
 January 27, 2022
Staubs Variance Request (#22-1-ZV)

Item #5 Variance from Section 9.6C to allow an accessory structure within the required front yard; and, Section 9.7 to reduce the front setback from 20' to 15' for a proposed 28' x 30' detached garage.

Applicant:	Tommy & Kimberlin Staubs
Owner:	Same as above
Consultant:	N/A
Parcel Information and Zoning District:	<p>Cavalier Subdivision, Lot 5, 88 Cavalier Dr., Harpers Ferry, WV Parcel ID: 04007A00200000; Size: .41 ac; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North, East, South, West: Rural
History:	None
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit Conducted:	Yes – 01/20/22

Summary of Request and Purpose of Ordinance Requirements

The applicant is requesting a variance from Section 9.6C to allow an accessory structure within the required front yard; and Section 9.7 to reduce the front setback from 20' to 15' for a proposed 28' x 30' detached garage.

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

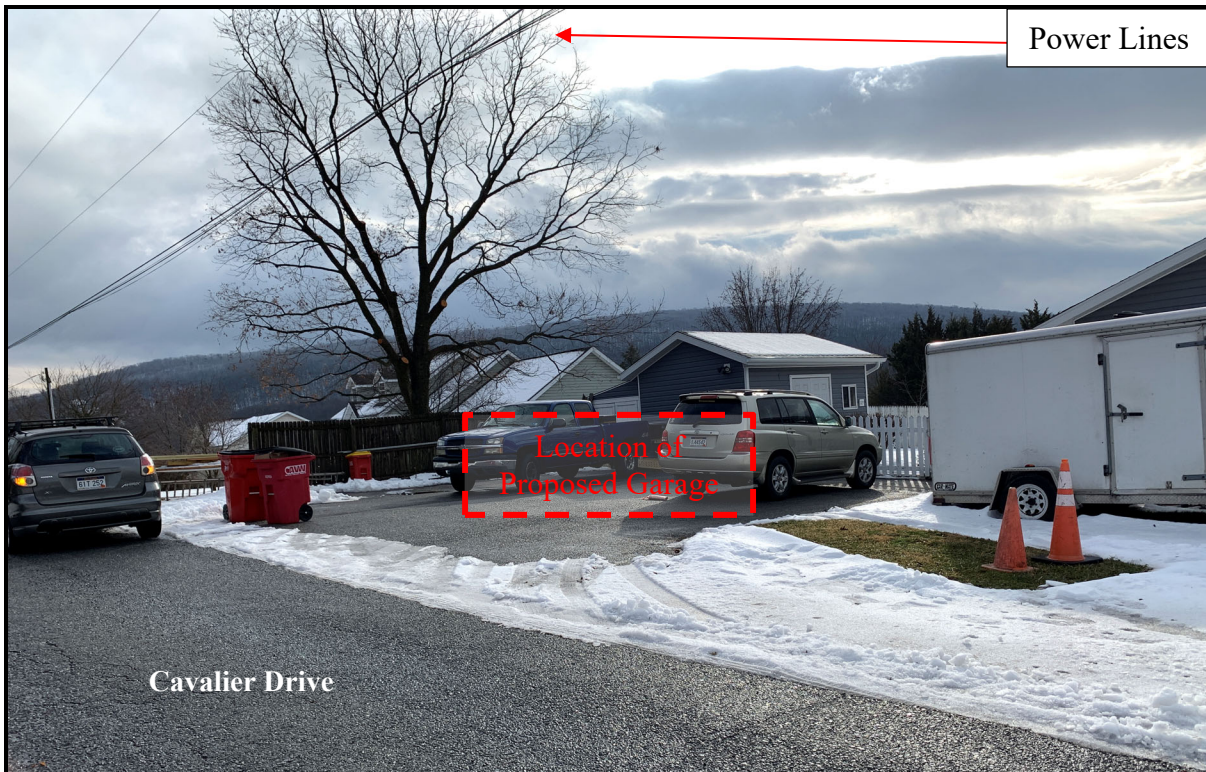
Staff Evaluation of Request

The subject parcel is Lot 5 of the Cavalier Subdivision. This section of the subdivision was platted prior to the adoption of any County rules and regulations.

Staff Report
Jefferson County Board of Zoning Appeals
January 27, 2022
Staubs Variance Request (#22-1-ZV)

easement; therefore, the property owner should be aware that if the structure is located within a utility easement, he may be required to remove the structure to accommodate any maintenance to the existing utility.

Staff was unable to verify the exact location of the platted DOH right-of-way for Cavalier Drive. A plat from 1958 indicates that Cavalier Drive is 40 feet wide. While reviewing aerial imagery and measuring 20 feet from the center of the paved roadway area, Staff believes that the proposed garage will be closer than 15 feet to the edge of the platted right-of-way and has some concerns that the structure may encroach within the platted right-of-way area.



It may be feasible to comply with the Ordinance by other means by locating the proposed garage to the west of the home, which would then allow the structure to meet the required setbacks. Based on the applicant's representation, they intend to utilize the existing driveway for the location of the garage as that is where they have historically parked their vehicles.

Staff Report
Jefferson County Board of Zoning Appeals
January 27, 2022
Staubs Variance Request (#22-1-ZV)

Conditions of Approval

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

1. No vehicles, trailers or materials may be parked or stored between the proposed garage and Cavalier Drive.
2. The applicant shall confirm with the WV Division of Highways that the proposed location is outside of their right-of-way.
3. The applicant shall confirm with the power company that the proposed location is outside of their utility easement.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.6 Accessory Structures

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

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

Section 9.7 Other Exceptions³

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

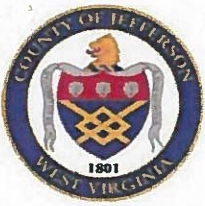
Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear

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



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

File Number: 22-1-ZV
 Staff Initials: AB
 Meeting Date: 01-27-22
 Fees Paid (\$100 or \$150): \$100/chk
#5195

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: Tommy G Staubs SR & Kimberlin L. Staubs
 Mailing Address: 88 Cavalier Drive Harpers Ferry WV 25425
 Phone Number: 304-839-3303 Email: Tommy.Staubs@aol.com

Applicant Contact Information

Name: Tommy Staubs
 Mailing Address: 88 Cavalier Drive Harpers Ferry WV 25425
 Phone Number: 304-839-3303 Email: Tommy.Staubs@aol.com

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

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

Physical Property Details

Physical Address: 88 Cavalier Drive Harpers Ferry WV 25425
 City: _____ State: WV Zip Code: 25425
 Tax District: Harpers Ferry Dist Map No: 7A/0020-00000000 Parcel No: 0020 0000 0000
 Parcel Size: .41ac. Deed Book: 761 Page No: 157

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">JAN 03 2022</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING & ENGINEERING</p> <p align="center">Place Received Date Stamp Here</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: Sections 9.6C + 9.7

Briefly describe the nature of the variance request:

requesting 5 Ft variance - set back 15 ft instead of the 20ft for proposed 28' x 30' two car garage (detached) concrete slab

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

Front Setback Side Setback Rear Setback Reduction From 20' to 15'

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

will not effect neighbors vision or driving ability

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?

Already useable Driveway

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

useable Driveway

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

use continuing for parking.

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

1/3/22
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).

Thursday, January 27, 2022
Date of Public Hearing

Wednesday, January 12, 2022
Advertising Date

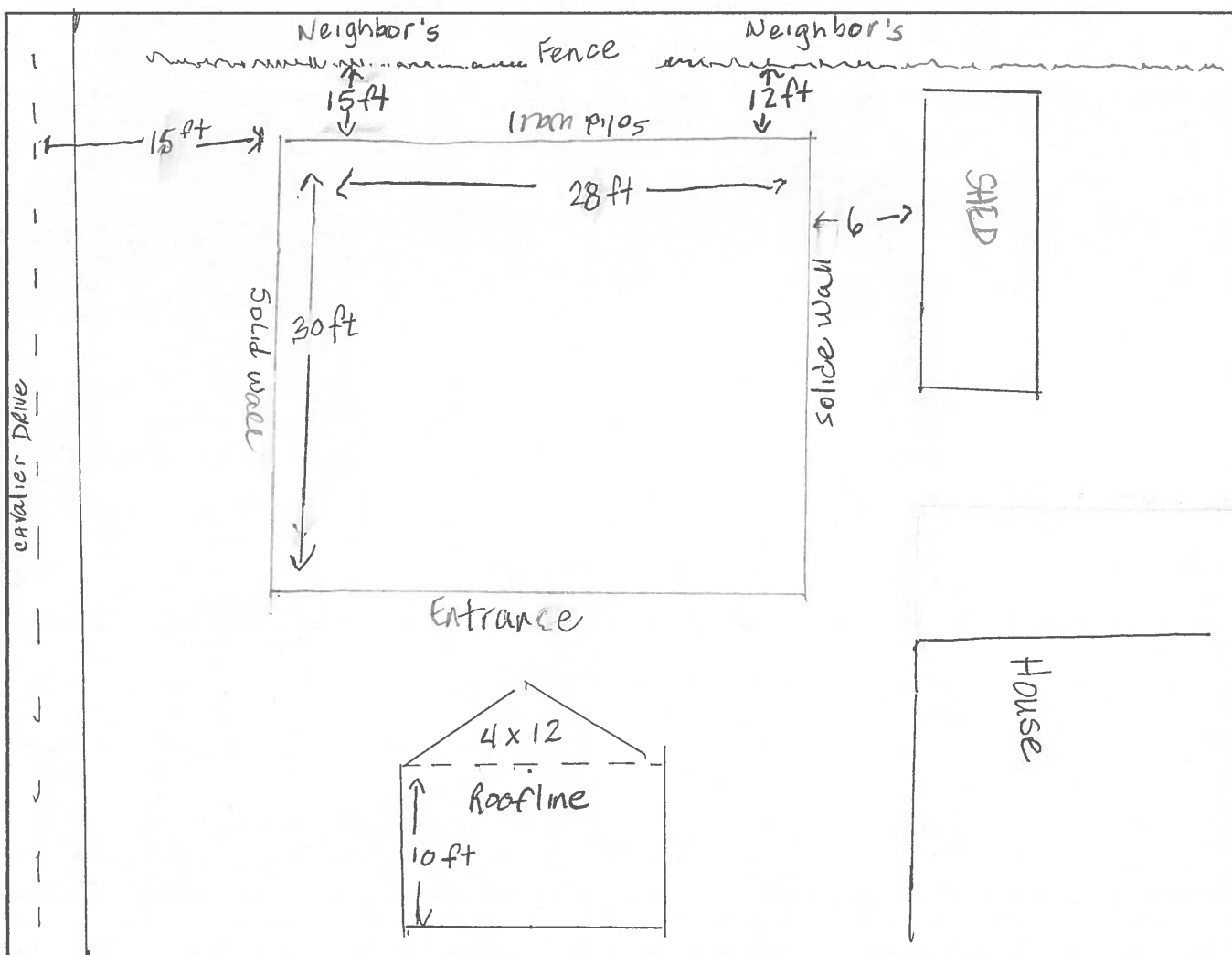
Wednesday, January 12, 2022
Placard Posting Date

PROPERTY SKETCH SHEET

Sketch the shape and location of the lot and show the following:

1. All existing roads with names and/or route numbers.
2. All rights-of-way and/or easements.
3. Septic reserve areas.
4. Location of the intended construction or land use; and show the building setback lines and the distances from the property line to the setback lines; and the distance from the property line to the structure.
5. Show the size and height of the structure.
6. Show all existing buildings/structures on the parcel/property.
7. On Renovation's and Addition; Please indicate number of bedrooms and if adding a kitchen

Note: The sketch may be on a separate sheet; however, it shall be signed and dated by the applicant.



Property Owner/Applicant's Signature _____ Date: ____/____/____






Staff Report
 Jefferson County Board of Zoning Appeals
 January 27, 2022

Menges Variance Request (File #22-2-ZV)

Item #6 Variance from Section 5.4B of the 01/10/02 Zoning Ordinance (as emended) to reduce the side setback from 12' to 4' and the rear setback from 20' to 13' for a proposed 16' x 40' in-ground pool with surrounding concrete.

Applicant:	Josh Welsh
Owner:	Joel Menges & Antoinette Signori
Developer:	n/a
Consultant:	n/a
Parcel Information and Zoning District:	<p style="text-align: center;">Lot 100 of the Maddex Farm Subdivision, 222 Maddex Dr. Shepherdstown, WV Parcel ID: 09008C01600000; Size: .27 ac Zoning District: Residential-Light Industrial-Commercial (RLIC)</p> 
Surrounding Properties:	Zoning Districts: North, East, South, and West: Residential-Light Industrial-Commercial
History:	
File #	Project Name
84-04	Maddex Court I (apartments)
86-18	Maddex Professional Offices , Phase 1
89-32	Maddex Square Shopping Center, Lots 3-6 (Food Lion and outsale lots)
90-60	Maddex Farm, Phase II, Lots 1-31 TH & Lot A Residue
91-24	Maddex Farm, Phase I, Lot 1 (University Heights Apt)
92-33	Maddex Farm, Phase III, Section 1 Lots 1-11, 19-21, Lot A-Residue
94-16	Maddex Farm, Phase IV, Tracts 1 (pharmacy), 2 & 3-Residue
	Recording Info
	PB: 7, PG: 9
	PB: 7, PG: 42
	PB: 8, PG: 73
	PB: 10, PG: 41
	PB: 10, PG: 58
	PB: 12, PG: 5
	PB: 13, PG: 2

Staff Report
 Jefferson County Board of Zoning Appeals
 January 27, 2022

Menges Variance Request (File #22-2-ZV)

95-03 Maddex Farm, Phase III, Sec 2, Lots 12-18; Sec 3, Lots 22-28, Lot A-Residue	PB: 13, PG: 33
95-34 Maddex Farm, Phase IV, Tract 2A & 2B (Pharmacy & Hotel)	PB: 14, PG: 41
02-04 Maddex Farm, Phase I, Lots 75-112, 184 & Lot A Residue	PB: 20, PG: 12
04-13 Maddex Farm, Lots 53-74, 113-119, 161-183, 185-186, Lot A-Residue	PB: 21, PG: 22
04-18 Maddex Square Shopping Center (BLA of Lots 4 & 5)	PB: 20, PG: 66
05-05 Maddex Farm, Phase III, Lots 1-14, 25-27, 136-160, 187-202 & Lot A Residue	PB: 22, PG: 7
06-07 Maddex Farm, Phase IV, Lots 15-24, 28-52 & 120-135	PB: 23, PG: 77
Waivers/Variations:	n/a
Approved Activity:	Single Family Dwelling
Site Visit Conducted:	Site Visit Not Conducted.

Summary of Request and Purpose of Ordinance Requirement

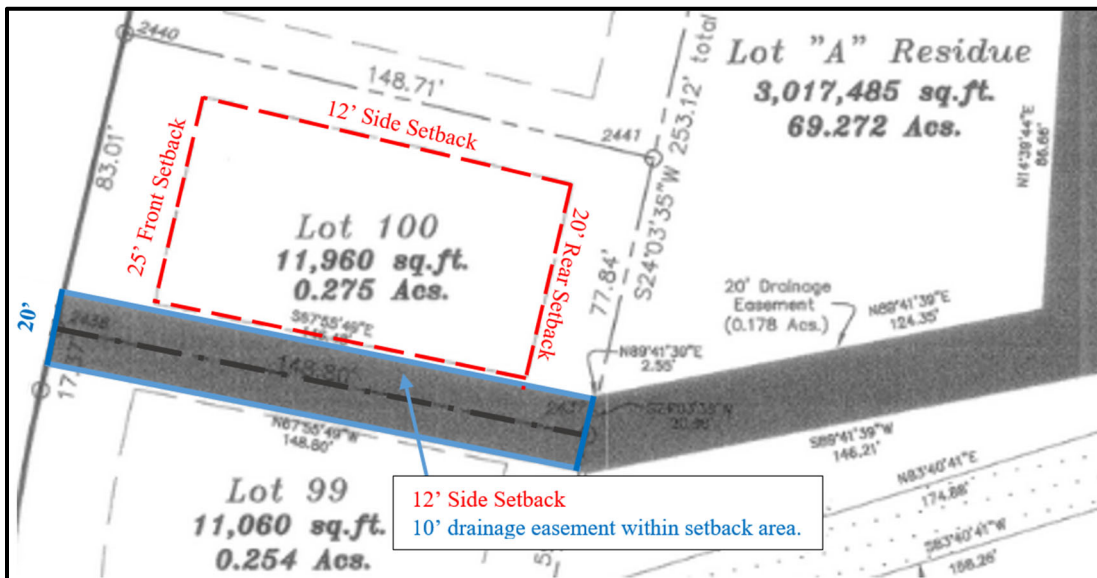
Variance from Section 5.4B of the 01/10/02 Zoning Ordinance (as amended) to reduce the side setback from 12' to 4' and the rear setback from 20' to 13' for a proposed 16' x 40' in-ground pool with surrounding concrete.

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 100 in Phase I of Maddex Farm, which was recorded on June 16, 2003 in [Plat Book 20; Page 12 \(A-D\)](#). This subdivision was processed under the 01/10/02 Zoning Ordinance; therefore, the following setbacks would apply to the subject lot:

25' Front; 12' Side; and 20' Rear.



Staff Report
Jefferson County Board of Zoning Appeals
January 27, 2022

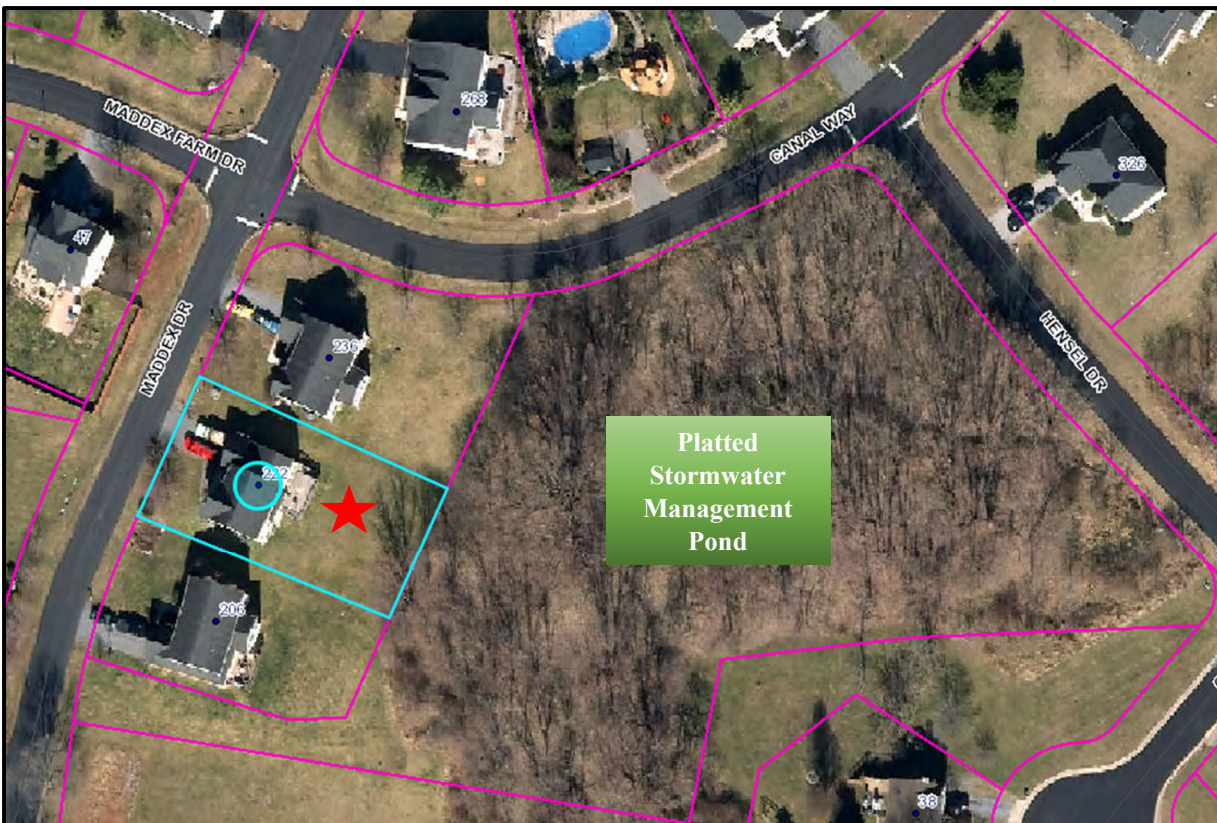
Menges Variance Request (File #22-2-ZV)

A 20' wide storm drain easement was platted along the shared boundary line between Lots 100 and 99, within the side setback areas.

Plat Note #19 acknowledges the limited buildable area for the lots within the Maddex Farm Subdivision and states,

“Although this subdivision is in technical compliance with [the] Jefferson County Land Development Ordinance, *several lots have geometry that may limit future construction of decks, pools, sheds, and other accessory structure[s]*” (see Note 19 listed on [Plat Book 20 @ Page 12D](#) - emphasis added).

Impact on adjoining properties is expected to be minimal. The applicant has represented that a three foot wide area around the pool will be planted with trees, which will provide a buffer between the two properties, thereby reducing the impact on the adjoining residential lot to the north. The reduction along the rear property line adjoins a platted open space area with a stormwater management pond. The applicant is aware of the stormwater management pond to the rear of the property and the platted drainage easement along the southern boundary line. The applicant has represented that the proposed three foot wide area between the pool and the retaining wall will aid in mitigating stormwater runoff.



It may be feasible to comply with the Ordinance by other means if the dimensions of the proposed pool were modified; however, the selected size is preferred by the property owners for therapeutic use.

Staff Report
Jefferson County Board of Zoning Appeals
January 27, 2022

Menges Variance Request (File #22-2-ZV)

Conditions of Approval

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

1. No conditions of approval have been identified.

Section of Ordinance to be Considered

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		

[Staff Note: parcels located within the RLIC zone are required to use the RG setbacks.]



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

File Number: 22-2-ZV
 Staff Initials: AB
 Meeting Date: 01-27-22
 Fees Paid (\$100 or \$150): \$100.00
chk #6112

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: JOE L MENGES
 Mailing Address: 222 MADDEX DR., SHEPHERDSTOWN, WV 25443
 Phone Number: 202-738-2274 Email: jmenges@themengesgroup.com

Applicant Contact Information

Name: Josh Welsh
 Mailing Address: 199 DIAMANTE DRIVE INWOOD, WV 25428
 Phone Number: 304-240-5699 Email: josh@AQUAMATICEastCoast.com

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

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

Physical Property Details

Physical Address: 222 MADDEX Drive Shepherdstown, WV 25443
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: Shepherdstown (09) ^{AB} Map No: 1234 8C ^{AB} Parcel No: 160 ^{AB}
 Parcel Size: .275 ACS Deed Book: PB 20 Page No: 12 D

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential-Light Industrial-Commercial (R-LI-C) <input checked="" type="checkbox"/> ^{AB}	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">JAN 03 2022</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING & ENGINEERING</p> <p align="center">Place Received Date Stamp Here</p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input checked="" 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: Sec. 5.4B

Briefly describe the nature of the variance request:

We have 55' of backyard to fit a 40' pool. I am looking for a variance on the 12' setback rule. I am able to fit the guidelines in all other areas.

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

Front Setback Side Setback Rear Setback Reduction From 12' to 3'-5'
20' 13'

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

This same design has been done by me several times before. We just want to maximize an already challenging property. We will not affect any water drainage at all. We want to leave 3' of soil around the pool for trees.

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

We lose a very substantial part of this property, due to a drainage easement. We need to maximize his remaining property that we have to work with.

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

Without this variance, an elderly couple, seeking therapeutic use will not be able to obtain a necessary health tool.

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

Nobody would be burdened by this variance. There is a huge collection pond immediately adjacent to this property. All easements and paths of water travel will not be affected by 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.

Paul J. Meyer 12/29/21
Signature of Property Owner Date

Nitoull M. Givon 12/29/21
Signature of Property Owner Date

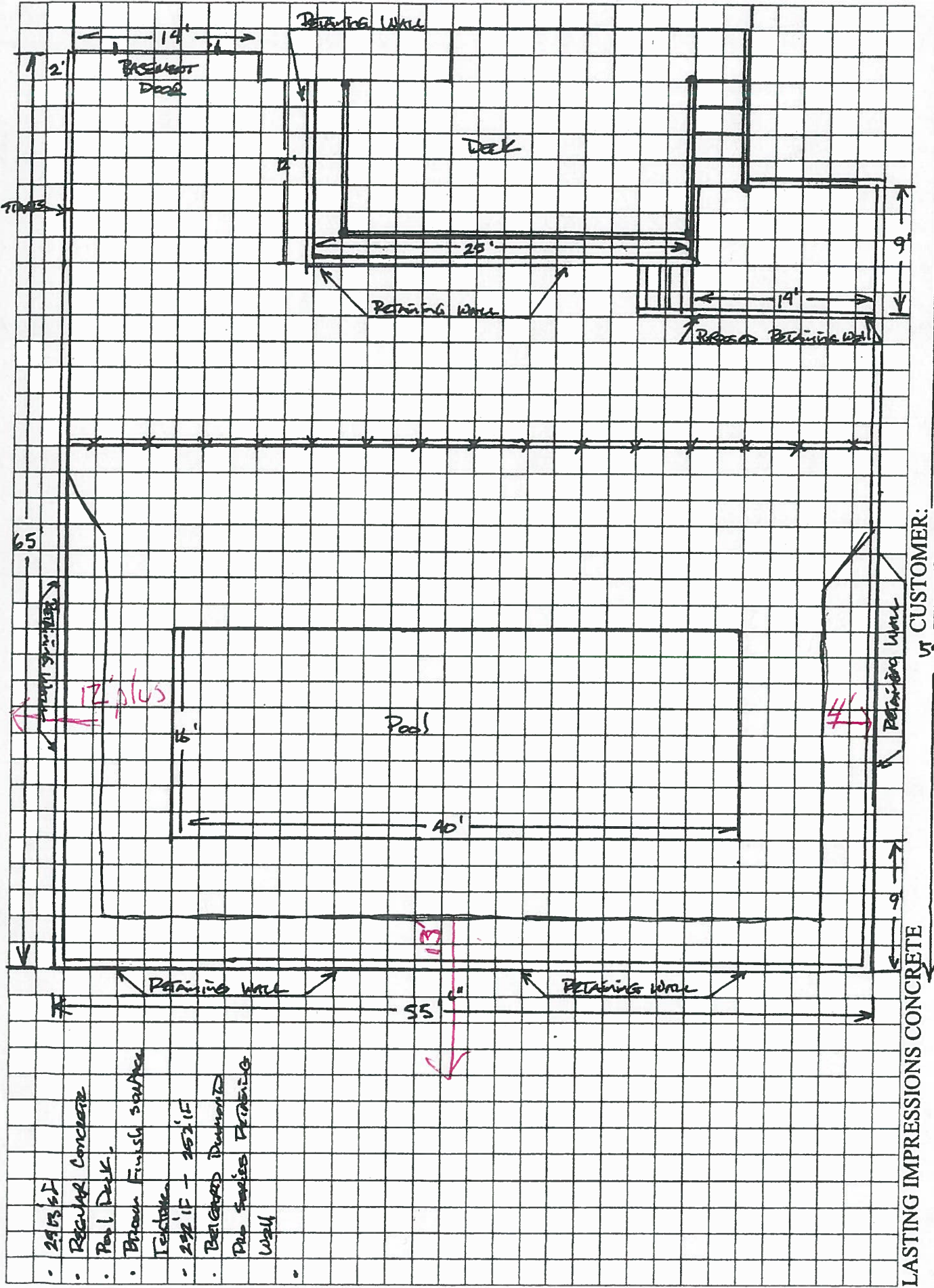
Notification Requirements (to be completed by staff)

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).

Thurs. Jan. 27, 2022
Date of Public Hearing

Weds. Jan. 12, 2022
Advertising Date

Weds. Jan. 12, 2022
Placard Posting Date



- 24 1/2" x 12"
- Regular Concrete
- Pool Deck
- Brown Finish surface
- Textured
- 2 1/2" IF - 252 IF
- BELT AND DUCKING
- Plus various retaining walls

CUSTOMER:

55'

LASTING IMPRESSIONS CONCRETE

CUSTOMER SIGNATURE: *Paul J. Mungy*

540-877-4119



22-2-2V

DRIVE SLOW
CHILDREN AT PLAY

22-2-2V



22-2-ZV

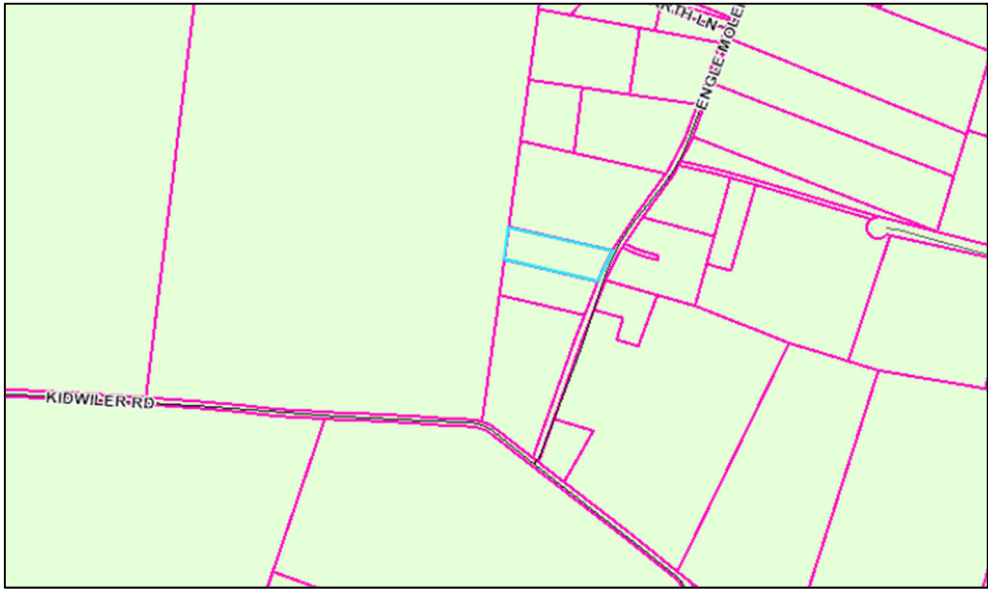


22-2-2V

Staff Report
 Jefferson County Board of Zoning Appeals
 January 27, 2022

Pine Variance Request (File #22-3-ZV)

Item #7 Variance request from Sections 9.5(b) and 5.7(b) (04/08/05 Zoning Ordinance, as amended), to reduce the side setback from 15' to 0' for a 9' tall privacy fence.

Applicant:	Donald Pine
Owner:	Same as above
Consultant:	n/a
Parcel Information and Zoning District:	<p style="text-align: center;">John and Barbara Plunket Minor Subdivision, Lot 2, 989 Engle Molers Rd, Harpers Ferry, WV Parcel ID: 04000300010007; Size: 1.48 ac; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Districts: North, East, South, and West: Rural
History:	John and Barbara Plunket MSD recorded in PB 23, PG 18 on 06/22/06
Waivers/Variations:	n/a
Approved Activity:	Single Family Dwelling
Site Visit Conducted:	Site Visit Not Conducted.

Summary of Request and Purpose of Ordinance Requirement

Variance request from Sections 9.5(b) and 5.7(b) (04/08/05 Zoning Ordinance, as amended), to reduce the side setback from 15' to 0' for a 9' tall privacy fence.

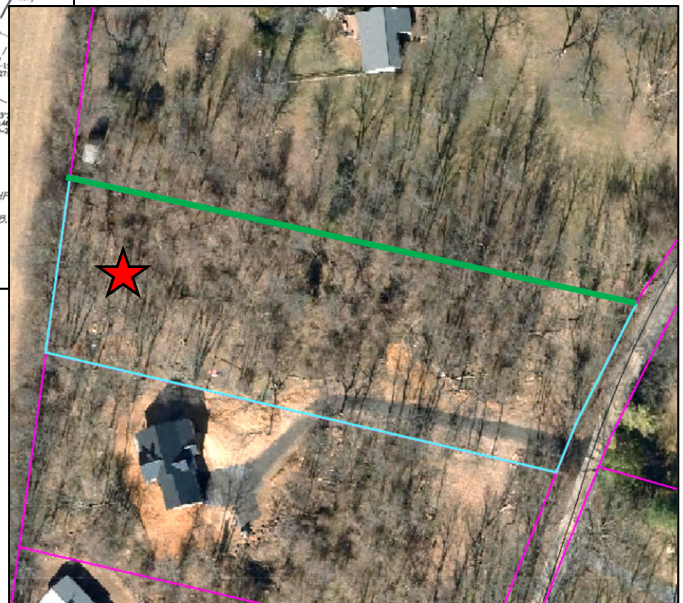
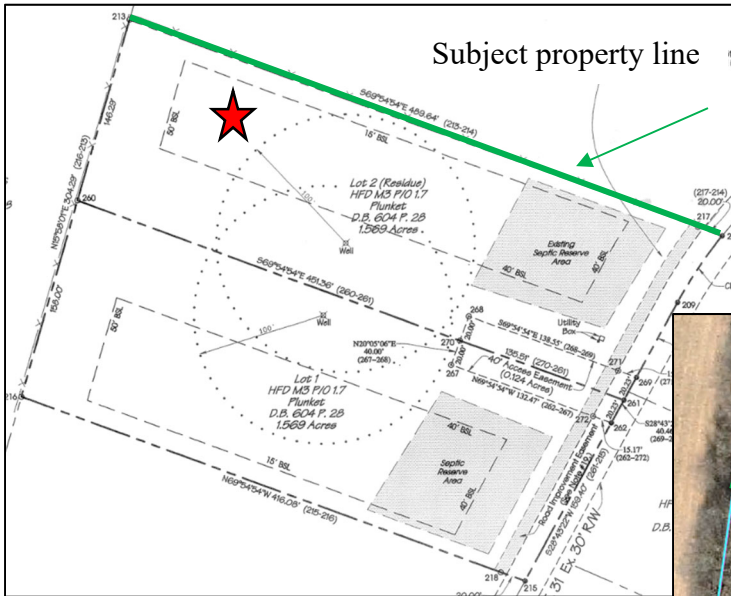
The purpose of side and rear setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention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

Staff Report
Jefferson County Board of Zoning Appeals
January 27, 2022

Pine Variance Request (File #22-3-ZV)

Staff Evaluation of the Request

The subject parcel is designated as Lot 2 of the John and Barbara Plunket Minor Subdivision, which was recorded on June 22, 2006 in [Plat Book 23; Page 18](#). This subdivision was processed under the 04/08/05 Zoning Ordinance; therefore, the following setbacks would apply to the subject lot: 40' front, 15' side, and 50' rear.



Impact on adjoining property to the north is expected to be minimal as the adjoining property is densely wooded and the residence is 100 + feet away from the property line. The applicant has represented that the proposed retaining wall will aid in mitigating stormwater runoff to the adjacent property.

It is feasible to comply with the Ordinance by locating the proposed fence 15' from the property line; however, compliance with the 15' side setback could hinder placement of future accessory structures such as a swimming pool. It should be noted that fences six feet and under in height are not required to meet building setbacks.

Conditions of Approval

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

1. The fence shall not extend beyond the required 40' front setback.

Pine Variance Request (File #22-3-ZV)

Section of Ordinance to be Considered

Section 9.5 Projections Into Yards⁸

A. **Fences and walls over six feet in height shall meet building lines and yard requirements.** A building permit is required before construction. Fences and walls six feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.²³

(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).

[AMENDED BY ACT OF THE COUNTY COMMISSION ON SEPTEMBER 13, 1990]

	Lot Area	Lot Width	Front Yard Depth	Side Yard Depth	Rear Yard Depth
Dwellings	40,000 sq. ft.	100	40	15	50
Churches	2 acres	200	50	50	50
Schools, Grades K-4	10 acres +	500	100	100	100
Schools, Grades 5-8	20 acres +	500	100	100	100
Schools, Grades 9-12	30 acres +	500	100	100	100
Hospitals	10 acres	500	100	100	100
Other permitted uses	40,000 sq. ft.	100	40	50	50

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.

[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE MAY 4, 1989]



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: 22-3-ZV
 Staff Initials: AB
 Meeting Date: 01-27-22
 Fees Paid (\$100 or \$150): \$100/CHK 1057

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: DONALD PINE
 Mailing Address: 135 Presidents Pointe AVE RANSON WV. 25488
 Phone Number: 304-676-8491 Email: ddpine@comcast.net

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: 989 Engle Motors Rd. HARPER'S FERRY, WV. 25425
 City: _____ State: _____ Zip Code: _____
 Tax District: 4 Map No: 3 Plat 23 Parcel No: 1.7
 Parcel Size: 1.48 Deed Book: 1153 Pg 18 Page No: 124

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RECEIVED			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
JAN 03 2022			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEFFERSON COUNTY PLANNING ZONING & ENGINEERING			<small>Place Received Date Stamp Here</small>				

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 9.5B + 5.7(b)

Briefly describe the nature of the variance request:

Build a 3' retaining wall with a 6' fence on top.

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

Front Setback Side Setback Rear Setback Reduction From 15' to 0'

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:

Replace an existing 6' wire fence w/ 6" privacy fence on 36" retaining wall

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?

Slope of the land is greater than desired to provide a driveway.

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

will make for a level driveway.

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

neighbor house is approx. 100' away and wooded. As my lot is narrow and retaining wall will not allow run off into his yard.

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

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

Signature of Property Owner

Date

1-3-22

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).

Thurs. January 27, 2022
Date of Public Hearing

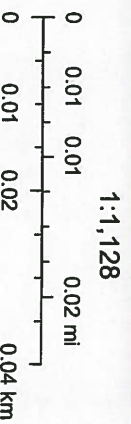
Wed. Jan. 12, 2022
Advertising Date

Wed. Jan. 12, 2022
Placard Posting Date

Viewer Map




January 3, 2022



Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 January 27, 2022
Emergency Lighting Services, LLC (Raymond and Kerry Muth)
Conditional Use Permit Request (#22-1-CUP)

Item #8 Request for a Conditional Use Permit to operate as a Contractor with Outdoor Storage, as defined in Article 2. The applicant is proposing to expand an existing emergency vehicle outfitting and retrofitting professional office. The proposal consists of constructing a new 1,500 square foot building to house vehicles and a workshop for the outfitting work.

Applicant:	Executive Emergency Lighting LLC
Owner:	Raymond & Kerry Muth
Consultant:	Paul Raco, P.J. Raco Consulting, LLC
Parcel Information and Zoning District:	<p style="text-align: center;">Wilmoth Construction Subdivision, Lot 1 21 Southpaw Lane, Shepherdstown, WV Parcel ID: 09014BWAT10000; Size: 1.54 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North, East, South, West: Rural</p>
Approvals:	<p>03/11/03: PC approved CUP for a 48-lot single family residential subdivision (File: Z02-07) 06/10/03: PC approved variance request to allow Lot 1 to have direct access onto Route 480. 05/24/04: Deerfield Village subdivision plat recorded in PB 21 @ PG 1 04/13/04: PC approved Deerfield Village Water and Wastewater Treatment Plant (File: S04-01) 05/17/07: BZA approved CUP for a two-lot nonresidential subdivision (File: Z07-01) 06/26/07: PC approved four variances related to the two-lot non-residential subdivision processing requirements. 12/03/07: Wilmoth Construction Subdivision recorded in PB 24, PG 69 02/01/17: Staff reissues CUP to reflect new Property Owner name. 06/13/18: Staff reissues CUP to reflect Change in Use / New Tenant. 01/27/22: Variance to waive a site plan - <i>pending</i></p>
Site Visit Conducted:	Yes – 01/20/22

Staff Report
Jefferson County Board of Zoning Appeals Meeting
January 27, 2022
Emergency Lighting Services, LLC (Raymond and Kerry Muth)
Conditional Use Permit Request (#22-1-CUP)

Summary of Request and Purpose of Ordinance Requirements

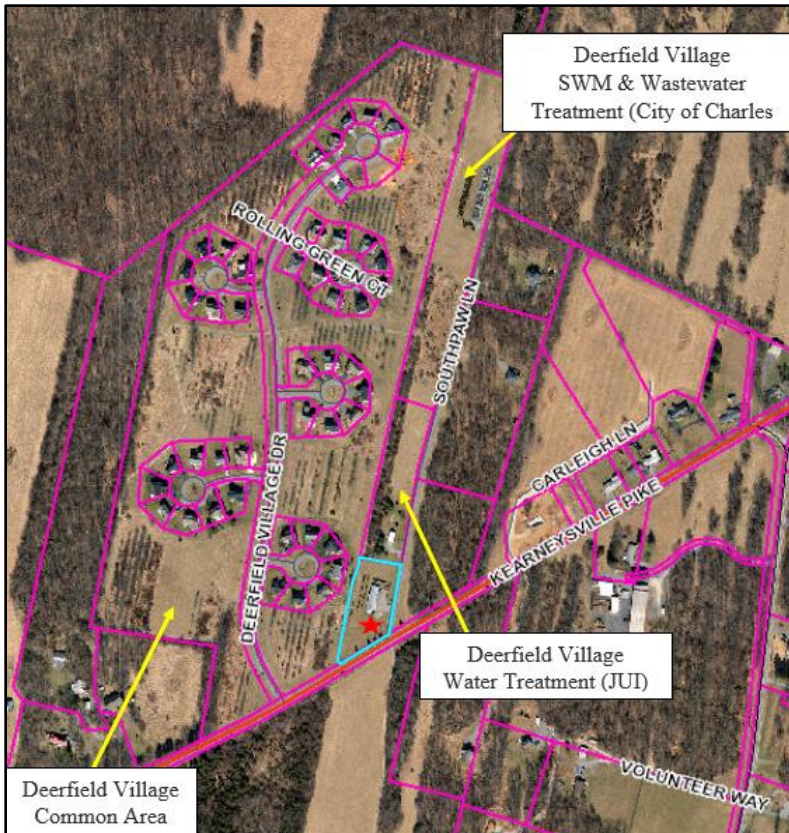
Request for a Conditional Use Permit to operate as a Contractor with Outdoor Storage, as defined in Article 2. The applicant is proposing to expand an existing emergency vehicle outfitting and retrofitting professional office. The proposal consists of constructing a new 1,500 square foot building to house vehicles and a workshop for the outfitting work.

Article 2 defines Contractor with Outdoor Storage as:

“Use of a site for the business of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers.”

Property Description

The subject parcel is a 1.5 acre lot, surrounded primarily by residential development. Deerfield Village is to the west and a family-transfer minor subdivision is located to the east.



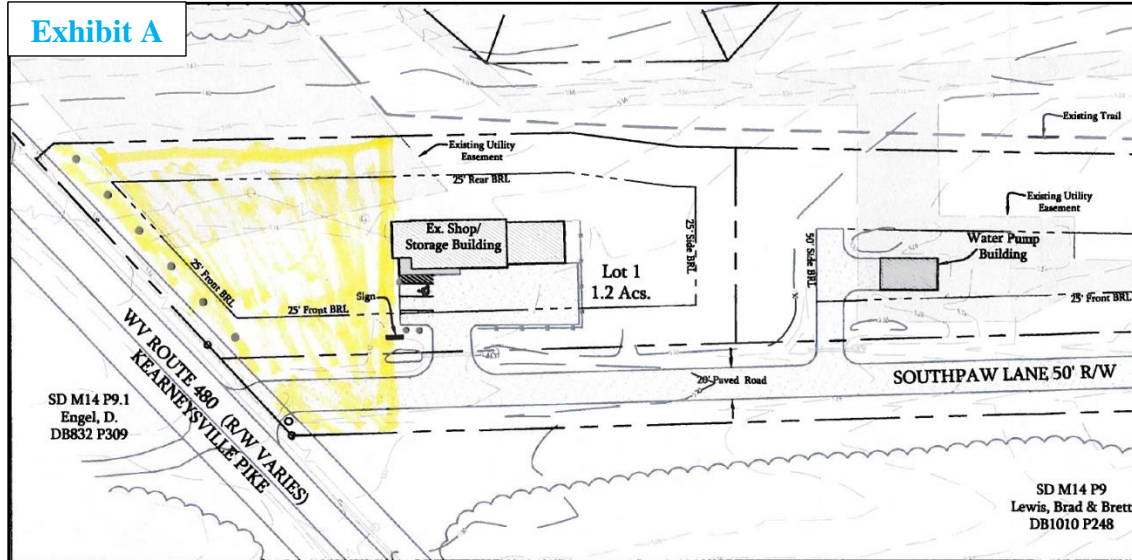
The Deerfield Village Subdivision was created via the Conditional Use Permit process and included a maintenance building and water treatment plant to serve the Deerfield Village community (CUP File #Z02-07). In 2007, another Conditional Use Permit was granted to allow the lot containing the maintenance building and water treatment plant to be divided into two lots (CUP File #Z07-01). As part of the request to divide the lot, the developer included a request to change the land use designation from a maintenance building to a general contractors/construction office (general office space and sales area), with an interior machine/carpentry shop with indoor and outdoor storage of vehicles, equipment, tools and materials. The Deerfield Village Homeowners Association was supportive of the change in use and the Board of Zoning Appeals granted the request.

Approval for the creation of the subject lot included the following conditions:

1. The area designated for storage of equipment and construction materials be screened from Route 480 and the established neighborhood residences, and that no equipment and construction material be located within the area adjacent to Route 480 as shown on the attached yellow highlighted map/plat per the Board of Zoning Appeals action on May 17, 2007. [see exhibit A]

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2. Any further change in use or expansion [requires] processing through the Jefferson County Departments of Planning and Zoning to update this certificate; and all other applicable County regulations being followed.



In 2018, the property was purchased by the applicant, Ray Muth, to operate an emergency vehicle outfitting and retrofitting office and workshop. The applicant was granted approval to operate under the previous Conditional Use Permit.

The property contains an existing 2,800+ square foot commercial building with a parking area and a fenced-in storage area. The applicant is proposing to construct a 1,500 square foot building to expand the emergency vehicle outfitting and retrofitting business operation.

Impact on adjacent properties

The subject property has always included a non-residential land use. The proposed expansion does not appear to create a significant impact on the adjacent properties. Based on the applicant's representation, the proposed expansion does not appear to pose a significant change in traffic patterns.

**Emergency Lighting Services, LLC (Raymond and Kerry Muth)
Conditional Use Permit Request (#22-1-CUP)**

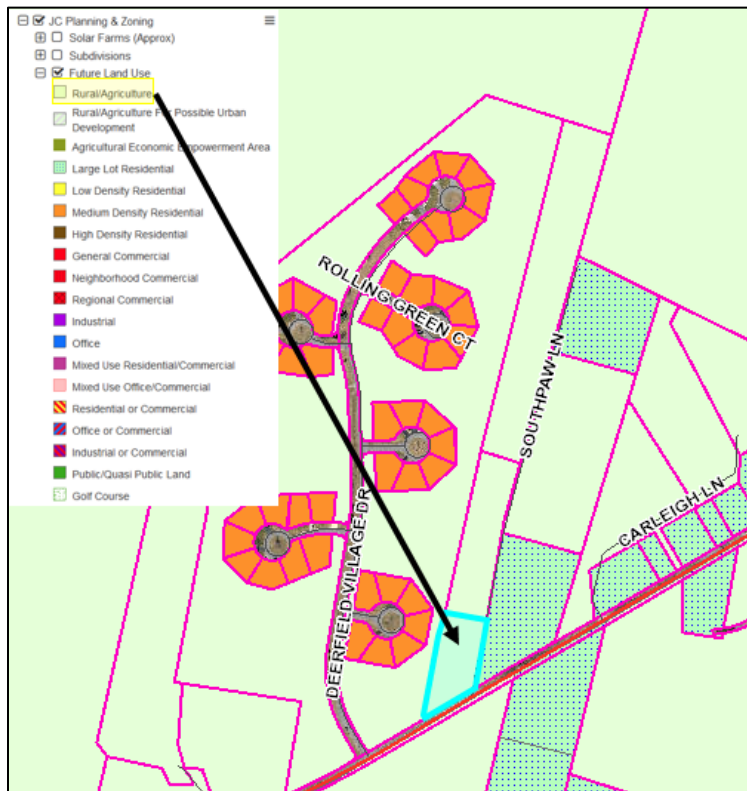
Conditional Use Permit Process

Section 6.3 of the Zoning Ordinance states:

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

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

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



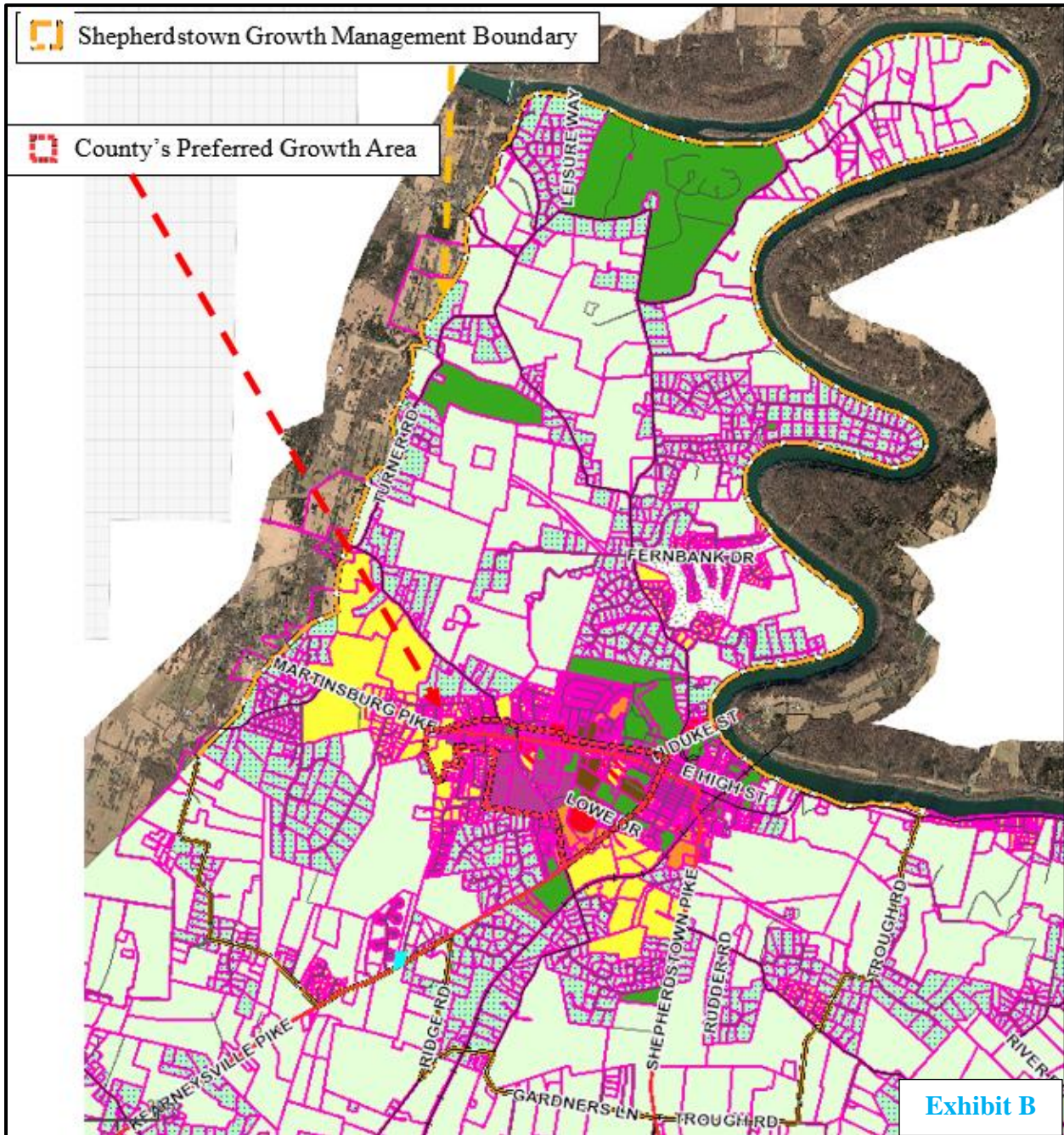
The subject parcel is shown as “Rural/Agriculture” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide. The property is located within the Shepherdstown Growth Management Boundary, but outside of the County’s Preferred Growth Area [see Exhibit B on Page 5]. The Comprehensive Plan provides the following overview of the Growth Management Boundary:

In 2014, Shepherdstown adopted a Growth Management Boundary (GMB) which is planned to have growth around the existing core of Shepherdstown and less intense development at the edges of the GMB. The full GMB is shown on the Future Land Use Guide. In Shepherdstown’s 2014 Comprehensive Plan, within the GMB, Shepherdstown has also designated three phases of a Municipal

Growth Area which are anticipated to allow phased expansion and urbanized growth within Shepherdstown. While this larger growth and annexation area is recommended in the Shepherdstown 2014 Comprehensive Plan, the *Envision Jefferson 2035 Comprehensive Plan* recognizes a smaller Preferred Growth Area to the west of the Shepherdstown core and the existing County zoning if it remains in the unincorporated area. The Future Land Use Guide of this Plan depicts the GMB and the proposed land uses if it remains unincorporated. The Shepherdstown GMB is treated differently from the Charles Town and Ranson UGBs due to the difference in Shepherdstown’s growth management planning recommendations. If the land is annexed by Shepherdstown, the Growth Management recommendations and Comprehensive Plan shall apply. (Page 19 of *Envision Jefferson 2035 Comprehensive Plan*.)

While the Future Land Use Guide does not reflect the subject parcel as being developed for future commercial use, the subject property has historically served as a non-residential lot and is recognized as such on the Existing Land Use Map.

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

“... This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the

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use is compatible in scale and intensity with the rural environment and poses no threat to public health, safety, and welfare.” (Page 36, Rural Land Use)

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

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

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

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

While the LESA point system is no longer in effect, the subject site did pass the LESA point system prior to the Zoning Ordinance being amended in 2016 and as previously noted, the Board of Zoning Appeals granted approval for the non-residential use to be established on this property via the Conditional Use Permit process.

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

The property is located off of State Route 480, Kearneysville Pike. The property is surrounded primarily by residential development. Route 480/Kearneysville Pike is classified as a Minor Arterial road (primary or four lane road) on the Roadway Classification Map [see Exhibit C at end of report].

The subject property has historically served as a non-residential property and the non-residential land use was acknowledged and considered during the development of Deerfield Village. The proposed expansion appears to be compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties.

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

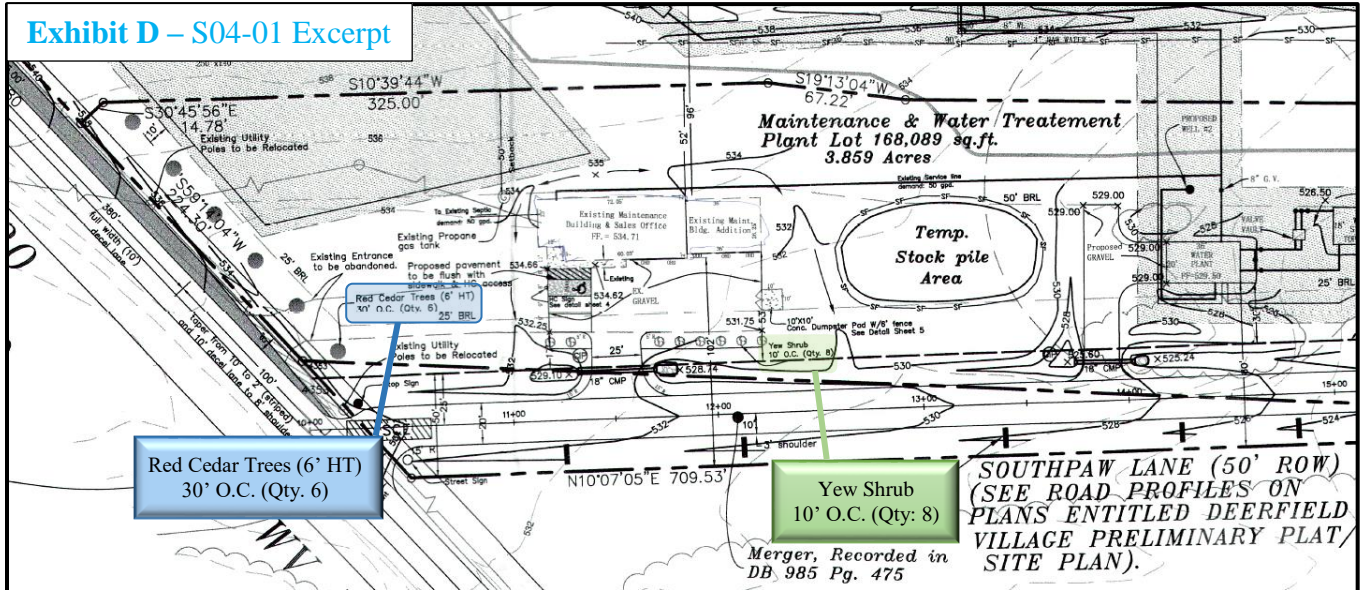
Based on the information provided, the proposed site development will not hinder nor discourage the appropriate development and use of adjacent land and buildings.

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

A site plan processed in 2004 for the Deerfield Village Maintenance Building & Water Treatment Plant (PC File: #S04-01) and stormwater management was addressed for the existing buildings. It

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appears that *some* landscaping has been maintained on the property, including street trees along the frontage of Route 480 and some evergreen trees along the rear of the existing building. The landscaping on site does not appear to comply with the County’s current requirements. The approved Site Plan (File #S04-01) reflects six red cedar trees along the frontage of Route 480 and eight yew shrubs along the frontage of Southpaw Lane (see Exhibit D).



The applicant is requesting to waive the requirement to process a site plan; therefore, if the request to not process a site plan is granted, the developer will not be required to install landscaping to County standards. The Board has the authority to impose conditions of approval and could require that landscaping be installed to comply with County landscaping and buffer requirements.

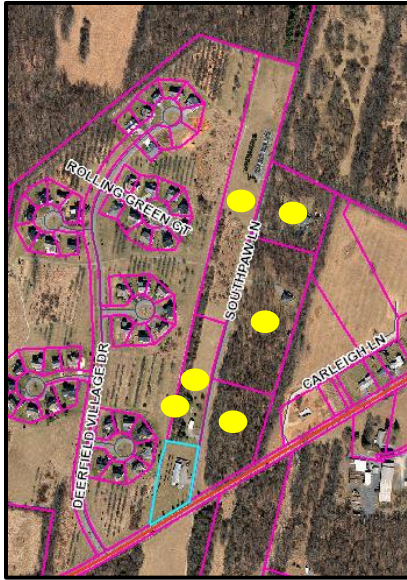


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5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance. (Sec. 6.3A.5)

As part of the Conditional Use Permit application, the applicant was informed of this criteria and shall comply with this standard.

6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan’s Highway Road Classification Map. (Sec. 6.3A.6)



Route 480, Kearneysville Pike is classified as a Minor Arterial road (primary or four lane road) on the Roadway Classification Map. Southpaw Lane is designated as a Local Road and is therefore, subject to this criteria.

Southpaw Lane is a 50 foot wide right-of-way serving six lots (●), including the subject lot. On June 26, 2007, the Planning Commission granted a variance to allow the existing 50 foot wide right-of-way (Southpaw Lane) to serve the commercial use approved by the Board of Zoning Appeals. Page 11 of Staff report includes photos of the road submitted by the applicant.

The applicant represented that overall, it is not anticipated that there would be any additional volume of business or traffic associated with the proposed building.

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

The average daily trip calculation for a 1,000 square foot warehouse on a weekday is 3.56 trips. On a Saturday, the average daily trip calculation is 1.23 trips. The average daily trip calculation on a weekday for a 4,300 square foot building would be 15.3 trips and 7.7 trips on Saturdays.

For reference, a traffic count study was conducted by the Department of Transportation in 2017. The study reflects that the annual average daily trips on Route 480, just north of the Southpaw Lane



intersection, (Station ID: 196029), was 6,503 (Source: [2017 WVDOT AADT – Traffic Count Study](#)). Based on this data, and the applicant’s representation that there is no anticipated change in traffic volume, it appears that the proposed expansion would not have a significant impact on existing traffic patterns.

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

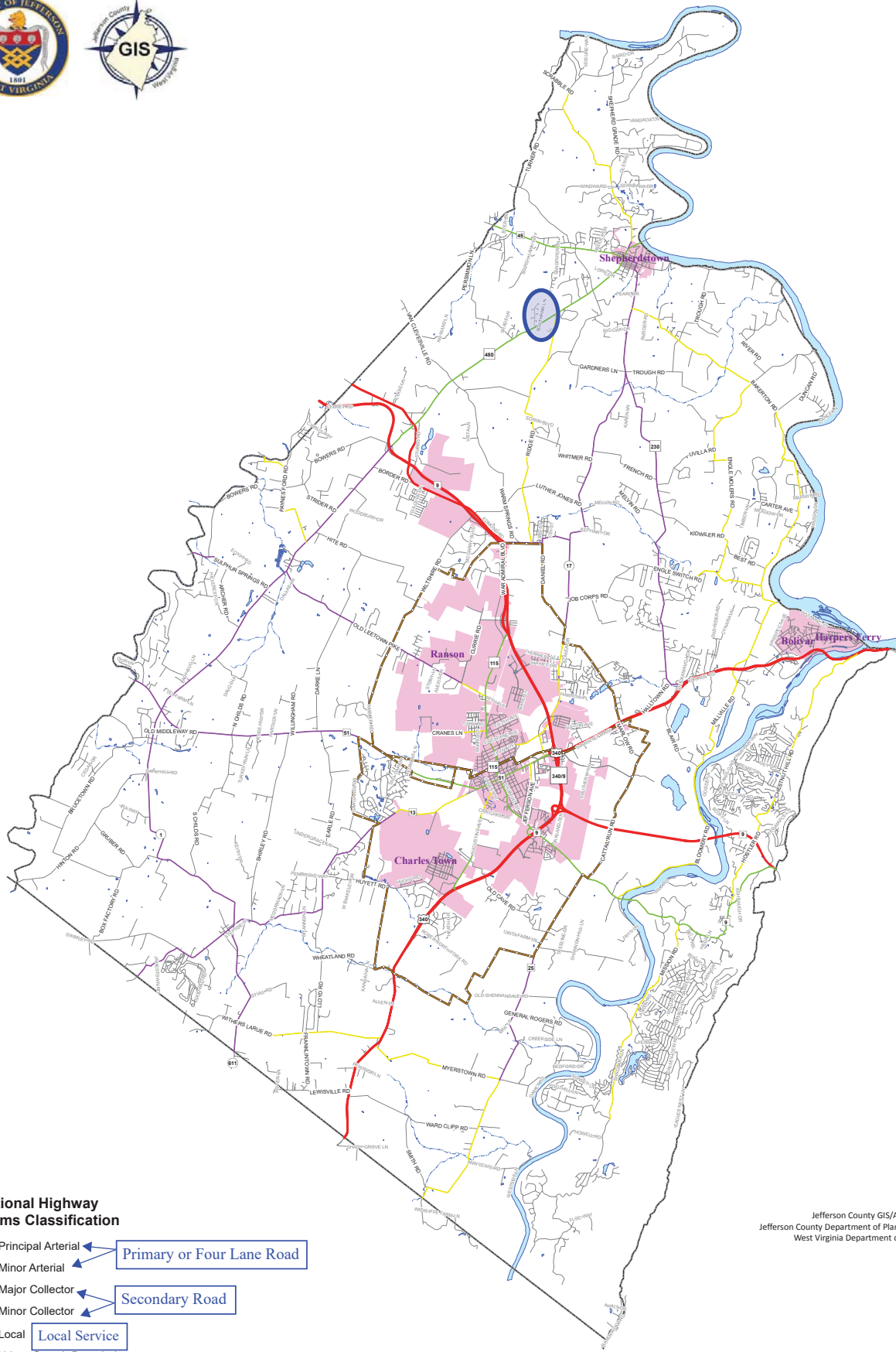
The subject property does not contain any Category I or II historic sites as defined by the Zoning Ordinance; therefore, this criteria does not apply.

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

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

The subject property was previously granted approval for a 5’ 6” (H) x 9’ (W) sign structure. The sign face is approximately 4’ (H) x 6’ (W). The current applicant upgraded the sign face to reflect the current business name in 2018. The applicant is not proposing any additional signs for the property; therefore, the criteria is not subject to evaluation by the Board.





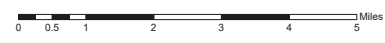
Functional Highway Systems Classification

- Principal Arterial
 - Minor Arterial
 - Major Collector
 - Minor Collector
 - Local
 - Urban Growth Boundaries
 - Towns
- Primary or Four Lane Road

Secondary Road

Local Service

Data Sources:
 Jefferson County GIS/Addressing Office
 Jefferson County Department of Planning and Zoning
 West Virginia Department of Transportation



**Roadway Classification Map
 Envision Jefferson 2035**

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Emergency Lighting Services, LLC (Raymond and Kerry Muth)
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Southpaw Lane – Photos submitted by Applicant



Staff Report
Jefferson County Board of Zoning Appeals Meeting
January 27, 2022
Emergency Lighting Services, LLC (Raymond and Kerry Muth)
Conditional Use Permit Request (#22-1-CUP)





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

File #: 22-1-CUP
 R'cvd Date: 01/03/22
 Mtg. Date: 01/27/22
 Fee Paid: \$350.00/chk#1032
 Staff Int.: AB

Email: zoning@jeffersoncountywv.org

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

Application for a Conditional Use Permit

Project Name

Executive Emergency Lighting Storage/Workshop Building

Property Owner Information

Name: Raymond, Jr. and Kerry Muth
 Business Name: _____
 Mailing Address: 21 Southpaw Lane, Shepherdstown, WV 25443 Mail Yes
 Phone Number: c/o 304/676-8256 Email Response: pjraco.consulting@gmail.com Response: No

Applicant Information

Name: Ray Muth
 Business Name: Executive Emergency Lighting, LLC
 Mailing Address: 21 Southpaw Lane, Shepherdstown, WV 25443 Mail Yes
 Phone Number: above/below Email Response: _____ Response: No

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

Name: Paul J Raco
 Business Name: P.J. Raco Consulting, LLC
 Mailing Address: P.O. Box 548, Charles Town, WV 25414 Mail Yes
 Phone Number: 304/676-8256 Email Response: pjraco.consulting@gmail.com Response: No

Physical Property Details

Physical Address: 21 Southpaw Lane, Shepherdstown, WV
 Tax District: Shepherdstown Map No: 14B Parcel No: WAT1
 Parcel Size: 1.2 +- Acres Deed Book: 1211 Page No: 453

Zoning District (please check one)

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

* For properties in the Rural Zoning District:
 Is property located on a primary or secondary road? Yes No

Name of Road and/or Route Number: Route 480

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

Commercial Use Small Expansion of Emergency Vehicle Outfitting and Retrofitting, Professional Offices and Related Uses Per Attached Zoning Certificate. New Building will be approximately 1500 sq. ft. and is intended to house vehicles and workshop for the outfitting work

Please provide any information or known history regarding this property.

Property had a Conditional Use Permit for Construction Company and Carpentry and Professional Office. Property currently has the Attached Zoning Certificate for the existing use. See attached ZC for description.

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

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

See Attached

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

See Attached

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

See Attached

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

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

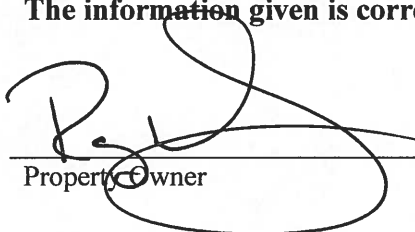
I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

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

Applicable (Trip Generation Data attached)

Not Applicable

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



Property Owner

12/29/21

Date

Property Owner

Date

Raymond Jr and Kerry Muth
Executive Emergency Lighting, LLC
Conditional Use Permit Application
New 30' x 50' Building Added to Existing Business
Jefferson County Board of Zoning Appeals
January 3, 2022

1. How is the Proposed Use compatible with the goals of the adopted Comprehensive Plan?

This is an interesting area in the County. It is the residue of a residential cluster subdivision that is served by a hybrid public/central Water and Sewer System. The intent of the development was to preserve as much of the apple orchard around clusters of cul-de-sacs with houses. As such, it is well buffered by open space. This lot was the front lot of three lots that was used for the Construction and Sales Office for the Subdivision and the Construction Office for the developer/builder after the subdivision after the houses were built. The other two lots that were a part of this land became the Water Tower System/Lot owned by Jefferson Utilities for the Water System and the Public Service District Lot for the Sewer/Wastewater Treatment System that is now owned by the City of Charles Town. As such, Southpaw Lane is nearly a commercial grade road by width and construction. It is a paved road with ditches, swales and culverts for the water runoff and has a wide, paved entrance apron where it enters onto Route 480. There are also three residential lots that are served by this road. There is little traffic on the road and this subject parcel is the front parcel, so the traffic associated with this business is limited to the entrance area only.

The Site is buffered from the State Road (to the point that the business sign is somewhat hidden). There is also a restriction associated with the original CUP limiting any storage or vehicles in the front yard between the building and Route 480. Furthermore, there is a buffer planting between the subject location of the addition and the Deerfield Village Subdivision.

The Envision Jefferson County 2035 Comprehensive Plan supports commercial uses and businesses that the County deems compatible by Conditional Use. This proposed use (addition and existing use) has been deemed to be an acceptable Conditional Use by the Zoning Ordinance (and previous BZA. As such, it is a considered a permitted use as approved by the Board of Zoning Appeals with conditions if necessary.

The subject property is also within the Shepherdstown Growth Management Boundary which is Shepherdstown's version of the Urban Growth Boundary that is used around Charles Town and Ranson. This boundary is considered by Code to be where a municipality envisions their town/city to expand to within the next 20 years. These areas are recognized as growth areas in the County and are shown on the attached Future Land Development Map in the Comprehensive Plan.

As noted on the attached Comprehensive Plan Highway Classification Map, this property is located on Route 480 which is a Minor Arterial Road. This is the second highest rated classification in the County and places it in one of the best rated roads in the County according to the Plan. Accordingly, this project is not required to provide additional traffic study numbers

for consideration. Also, according to the attached Comprehensive Plan's Highway Problem Area Map, there is no Highway problem Areas within the vicinity of the project. The closest problem area is the four-way stop inside of Shepherdstown over a mile away.

Accordingly, the small addition to this existing, important Jefferson County Business is very much compatible with the Envision Jefferson 2035 Comprehensive Plan.

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties?

The developer and owner of Deerfield Village originally developed this property adjacent to the subdivision. A Conditional Use Permit (07-01) was granted in 2007 for a Construction Business and Professional Office that included: General Office Space and Sales Area; Interior Machine/Carpentry Shop with indoor and outdoor storage of vehicles, equipment, tools and machinery and a proposed business sign. In 2018, this use was converted into Executive Emergency Lighting, LLC with a new Zoning Certificate (ZC18-20) issued by the Zoning Administrator to expand the definition of the uses to: Use of indoor and outdoor space for construction and/or installation of emergency equipment including but not limited to lights, sirens, restraining brackets, etc. that are commonly associated with converting vehicles into emergency vehicles such as police cruisers, ambulances, fire trucks, etc.

This CUP Application is merely a request to build a 30' x 50' building for the same use that is currently conducted on the site with Executive Emergency Lighting. The building is intended for some of the larger vehicles to be worked on inside as opposed to outside. The proposed location of the building is in an area already used for the outdoor vehicle work and is also screened from the neighboring residences. There will not need to be additional parking, as it will be for the existing operations. No additional site improvements will need to be constructed as a part of this limited expansion other than the new building and an entrance drive just to pull the vehicles into and out of the building.

Generally, there will not be additional volume of business or traffic associated with the new building since the area was already being used as a part of the existing Conditional Use Permit. The existing Southpaw Lane is separate from the Deerfield Subdivision Road, and it currently serves the Water Tower site and a Minor Subdivision. There should be no change to the existing use, nor should there be any negative effect on the potential for surrounding properties' ability to develop.

3. How will the proposed project mitigate potential threat to public health, safety, and welfare?

The use of the facility has been commercial for over 14 years and this particular use has been undertaken since 2018. The current use is the conversion of factory vehicles into emergency service vehicles such as police cruisers. Thus far, the neighbors that have spoken to the Applicant are supportive of this use on the property and in their neighborhood. This is because it is a low impact use and most traffic that comes to the property are involved with public safety operations and emergency response vehicles such as ambulances, fire equipment and police

cruisers. The public view this as an enhancement to the public safety of the area. Otherwise, there is no effect on public health, safety, and welfare. The proposed small additional building is a (engineered or architectural) sealed building that will be constructed to current Building Code Standards. During construction, Erosion and Sediment Control measures will also be implemented and the County will not issue a Use and Occupancy Permit unless and until the site is stabilized after completion.

There have been no violations on the site for the existing use since the CUP was issued many years ago, and particularly since the current owners took over the CUP and converted the use to Executive Emergency Lighting. The business is a locally owned small business, and the owners are on site routinely managing the business. If there are any issues, they can easily be brought to the owners' attention on site and they will be addressed.

4. Describe how the proposed site development will be designed such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings?

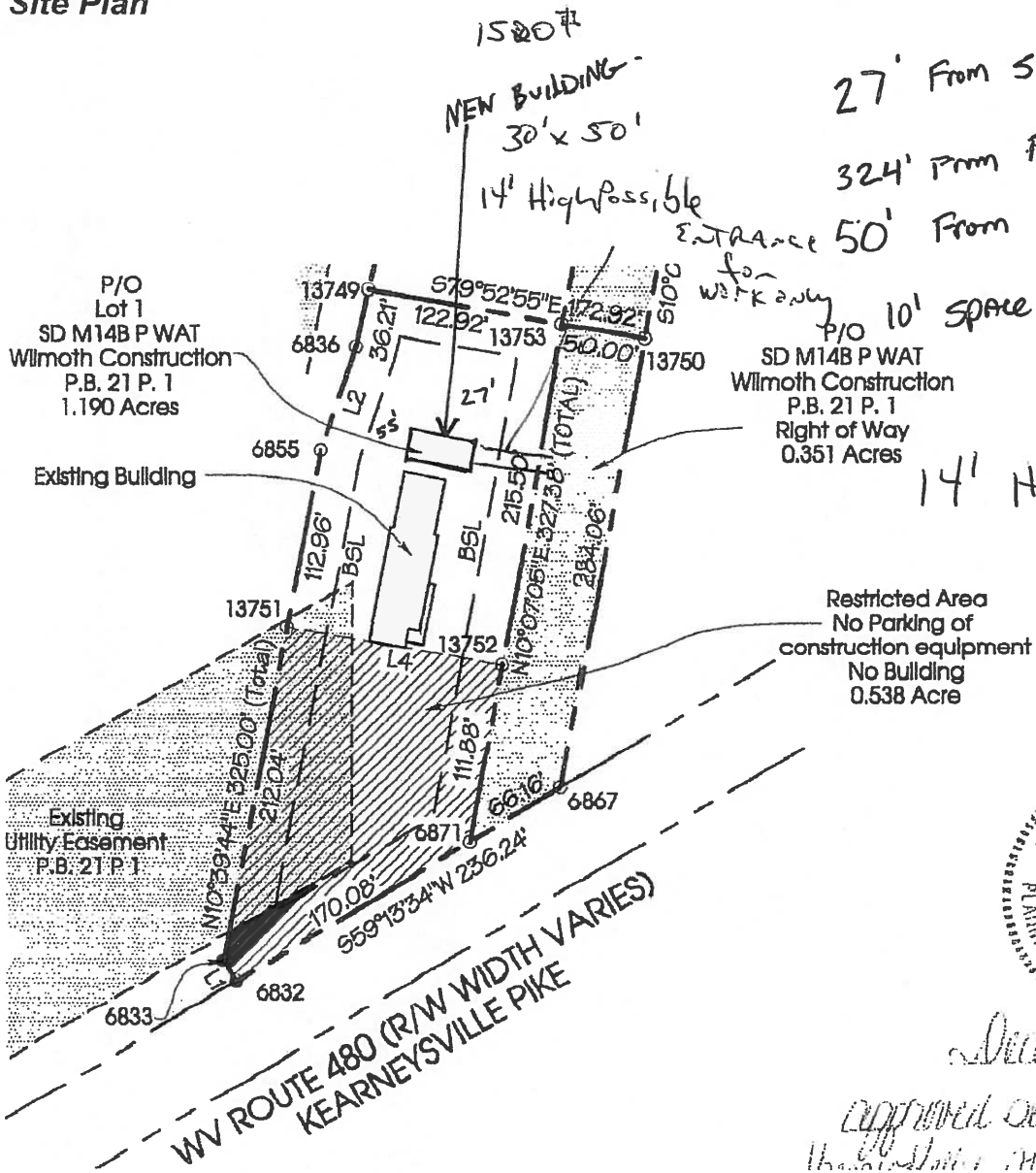
Since the use already exists, there will be little affect on the surrounding land and existing uses. All the adjacent property owners will be allowed to use their property for any permitted use regardless of this addition. The owner may add an entrance to the building but will maintain the culvert and ditch line. The entrance will not be a new public entrance to the site but will add the ability to drive the vehicles into the structure to be out of the open area. Again, Southpaw Lane is nearly (if not) a Commercial Grade County Road that was constructed by developers to serve the construction office and water and sewer lots in the rear. It is a well maintained road and there should be no additional impact to the road due to the additional building that will primarily allow some vehicles to be worked on out of the elements and out of the outside storage areas.

The existing site is well designed, and the additional building will not negatively affect the surrounding area or anyone's ability to use or develop their land. The use has already been determined to be appropriate for this parcel by both the BZA and the Zoning Administrator. This addition will not add any additional use to the property.

SET BACKS:

Site Plan

55' From REAR Property
27' From Side Property Line
324' From Front Property Line
50' From Front Property Line



10' space Between OLD & NEW Building.

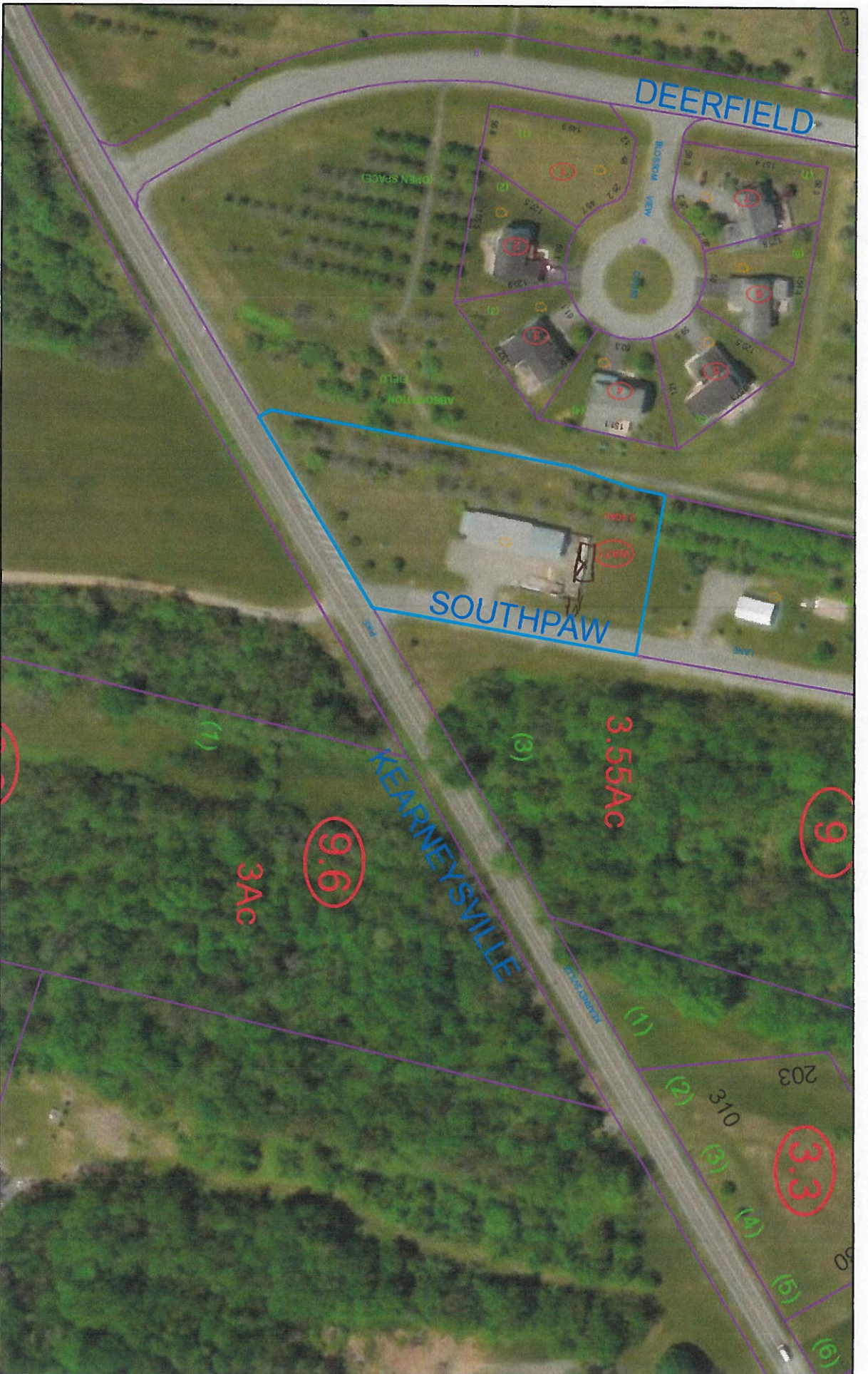
14' High

PLANNED

Approved on 11/13/22

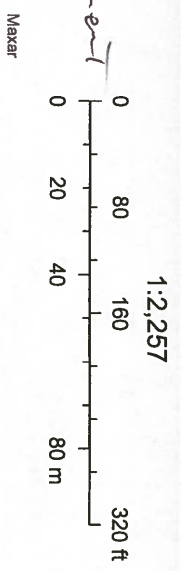
JW
11/13/22

Viewer Map

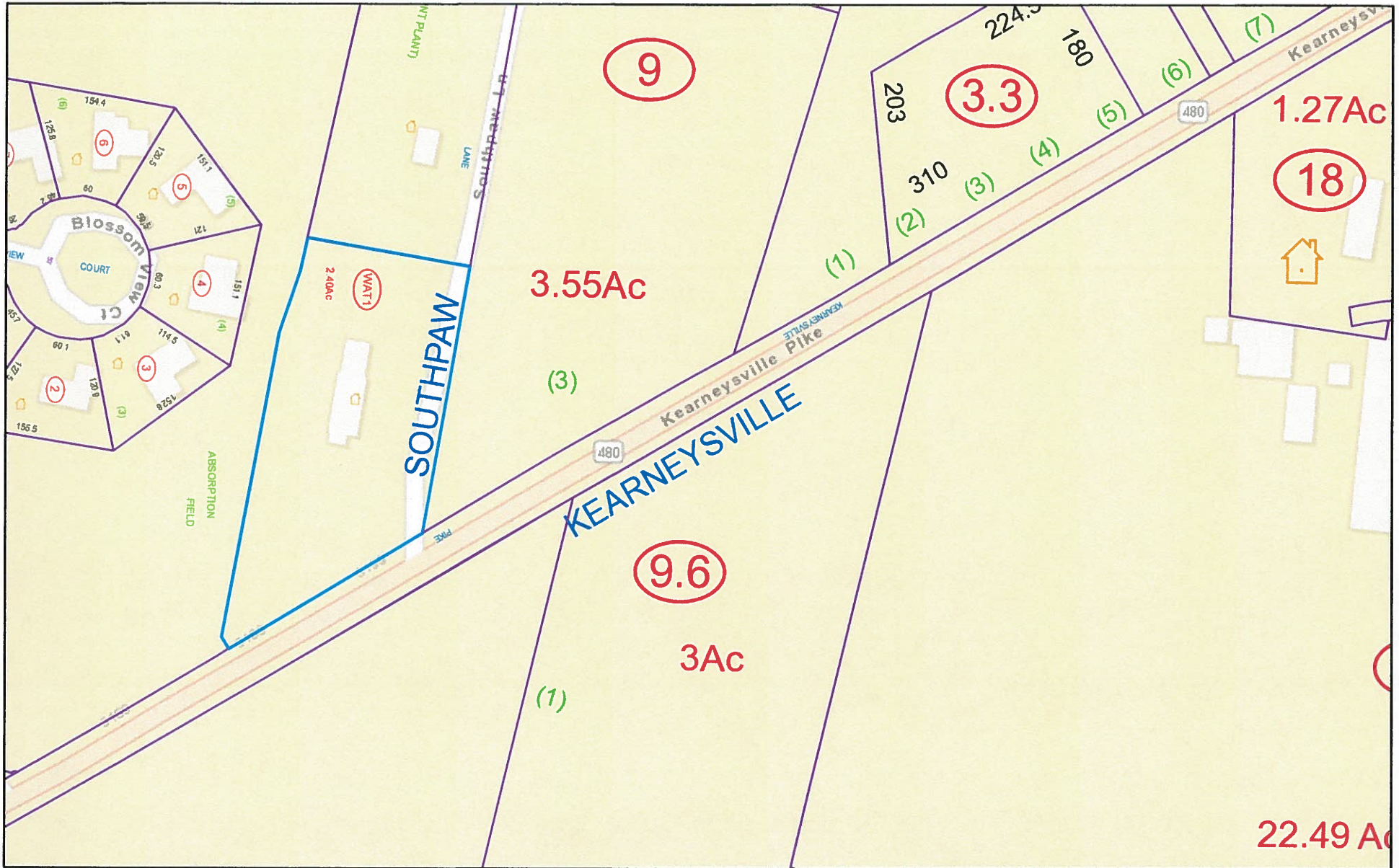


December 8, 2021

EXISTING CONDITIONS
 Source: Jefferson County Government



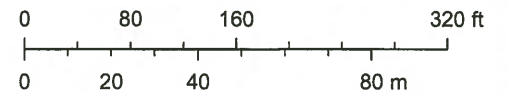
Viewer Map



December 6, 2021

TAX MAP
Jefferson County Assessor Office

1:2,257



WashCo MD, VITA, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Me
Copyright 2014

Viewer Map

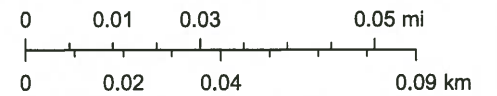


December 8, 2021

Existing: Geology, Water Resources, Historic MAP 1:2,257

None on Property or Adjacent

Source: Jefferson County



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

Me

Copyright 2017

Future Land Development Jefferson County, WV

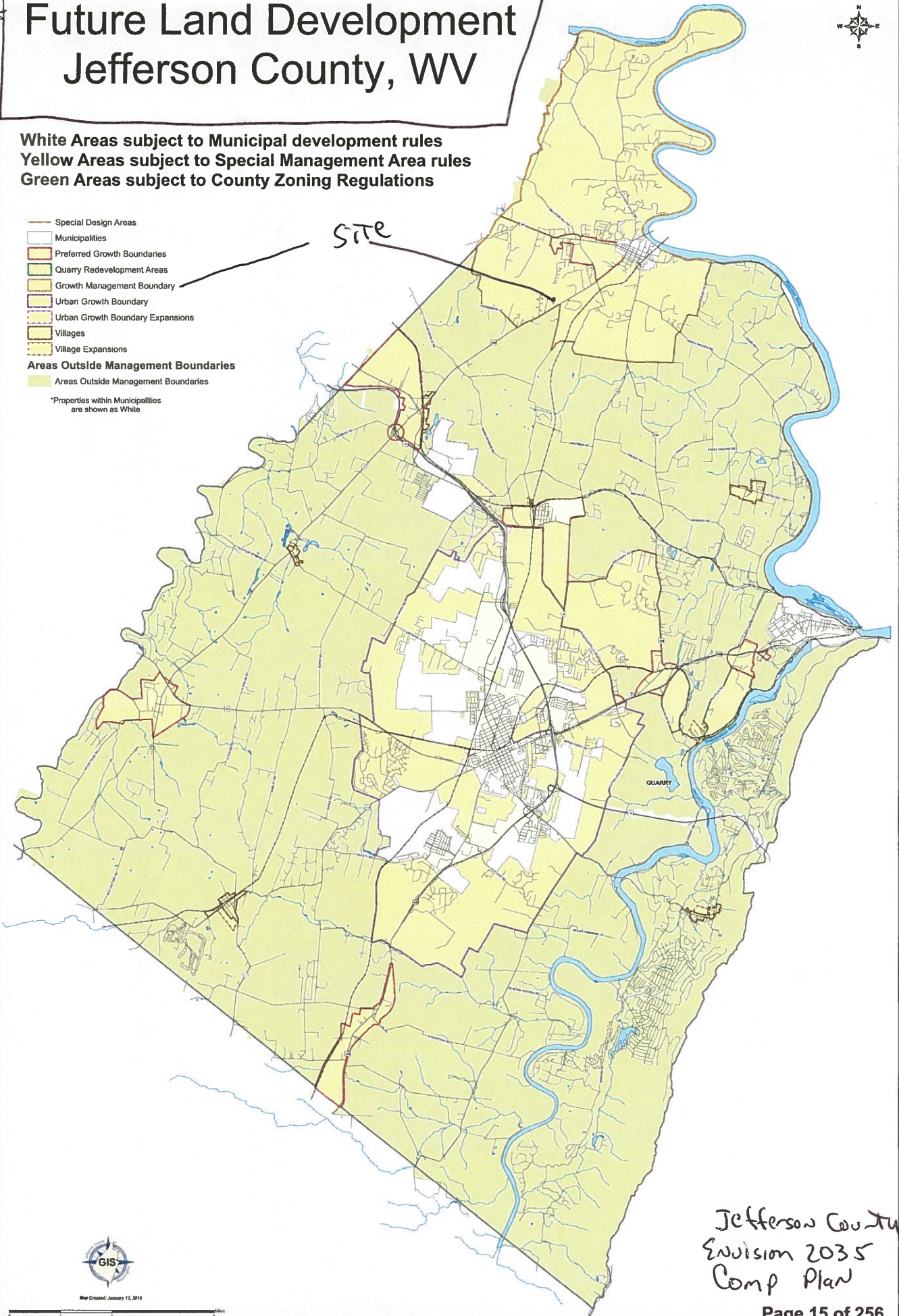


White Areas subject to Municipal development rules
Yellow Areas subject to Special Management Area rules
Green Areas subject to County Zoning Regulations

- Special Design Areas
- Municipalities
- ▭ Preferred Growth Boundaries
- ▭ Quarry Redevelopment Areas
- ▭ Growth Management Boundary
- ▭ Urban Growth Boundary
- ▭ Urban Growth Boundary Expansions
- ▭ Villages
- ▭ Village Expansions
- Areas Outside Management Boundaries**
- ▭ Areas Outside Management Boundaries

*Properties within Municipalities
are shown as White

SITE



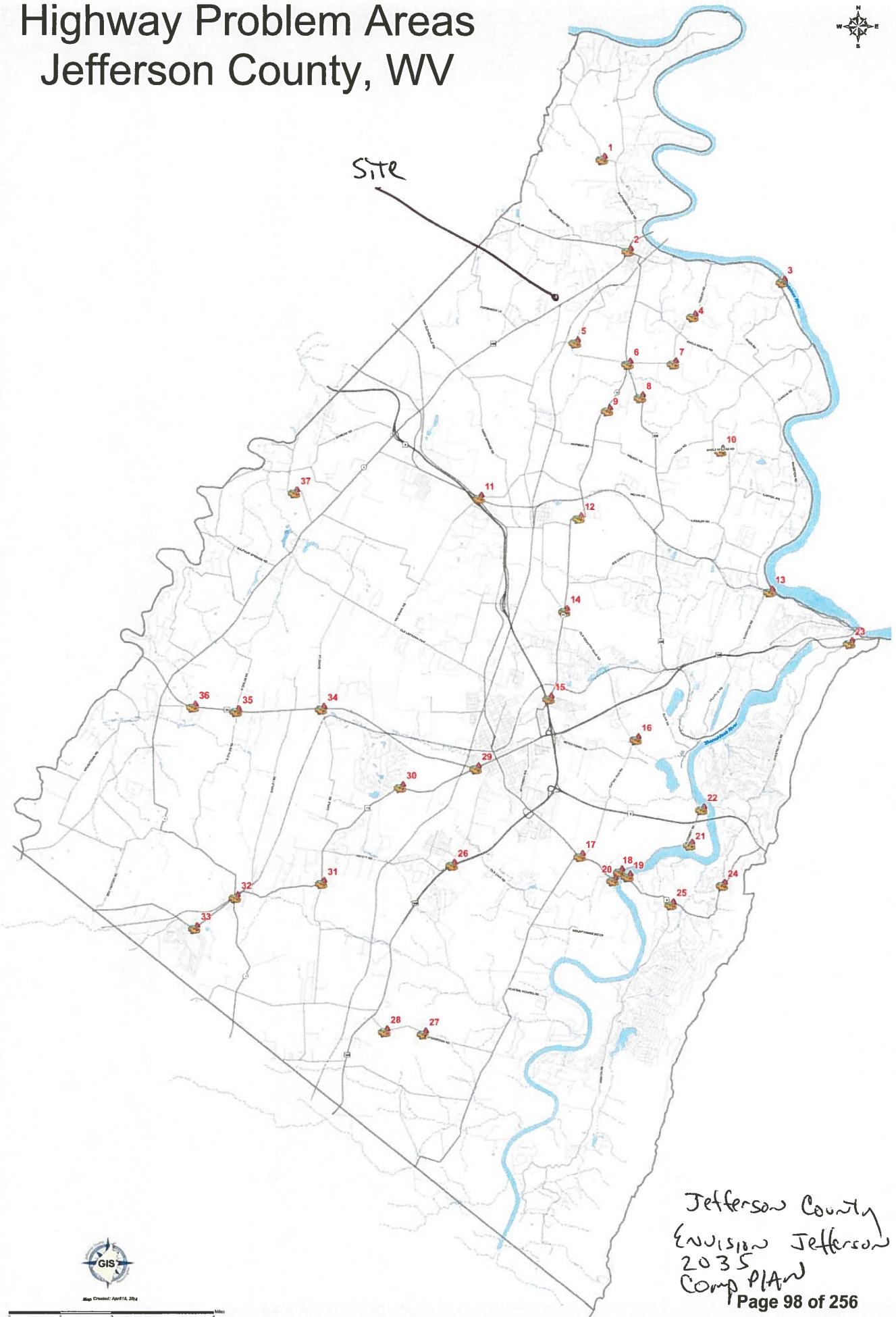
Map Created: January 12, 2019

Jefferson County
Envision 2035
Comp Plan

Highway Problem Areas Jefferson County, WV



Site



Jefferson County
Envision Jefferson
2035
Comp Plan
Page 98 of 256



Site

Functional Highway Systems Classification

- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local
- Urban Growth Boundaries
- Towns

Data Sources:
 Jefferson County GIS/Addressing Office
 Jefferson County Department of Planning and Zoning
 West Virginia Department of Transportation



Roadway Classification Map Envision Jefferson 2035

Validation of 2007 CUP 07-01

COPY

JEFFERSON COUNTY
DEPARTMENT OF PLANNING, ZONING, & ENGINEERING
CONDITIONAL USE PERMIT
DEERFIELD VILLAGE TWO LOT SUBDIVISION - #Z07-01

This is to certify that effective May 17, 2007, the property described as:

Developer/Owner:	Deerfield Real Estate, LLC*
Address:	P.O. Box 279, Shepherdstown, WV 25443
Telephone Number:	(304) 876-6241
Tax Map Reference:	Shepherdstown District, Map 14, Parcel 9.3
Deed Book Reference:	Deed Book 957, Page 100
Project Name:	Deerfield Village Two Lot Subdivision
Zoning District:	Rural

has been granted permission to use said property in the following way: **creation of a two lot subdivision; Lot 1 will consist of a general contractors/construction office (general office space and sales area), interior machine/carpentry shop with indoor and outdoor storage of vehicles, equipment, tools and material and a proposed business sign; and, Lot 2 will consist of the existing water treatment plant and associated appurtenances all of which is to be deeded to Jefferson Utilities.**

CONDITIONAL UPON:

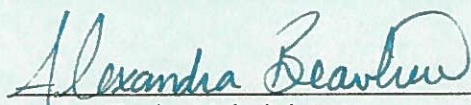
1. The area designated for storage of equipment and construction materials be screened from Route 480 and the established neighborhood residences, and that no equipment and construction material be located within the area adjacent to Route 480 as shown on the attached yellow highlighted map/plat per the Board of Zoning Appeals action on May 17, 2007 (Minutes and highlighted map/plat labeled as Exhibit 4 from Dewberry dated 2/12/07 are attached).
2. Any further change in use or expansion processing through the Jefferson County Departments of Planning and Zoning to update this certificate; and, all other applicable County regulations being followed.

In the event that construction is not commenced by **NOVEMBER 17, 2008**, said permission will expire unless an extension is granted. Extensions must be formally requested of the Jefferson County Departments of Planning and Zoning, for consideration by the Board of Zoning Appeals, prior to the expiration date.

This certificate in no way relieves the owner, applicant or user from any requirements of the Jefferson County Ordinances unless appropriate variances are granted by the appropriate County authority.

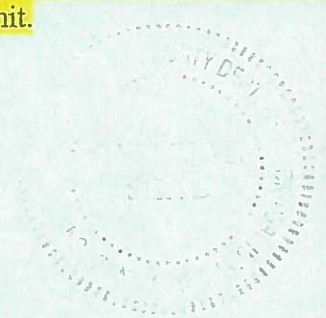
*Original Conditional Use Permit issued by Sherry Kelly, Zoning Administrator on October 4, 2007.

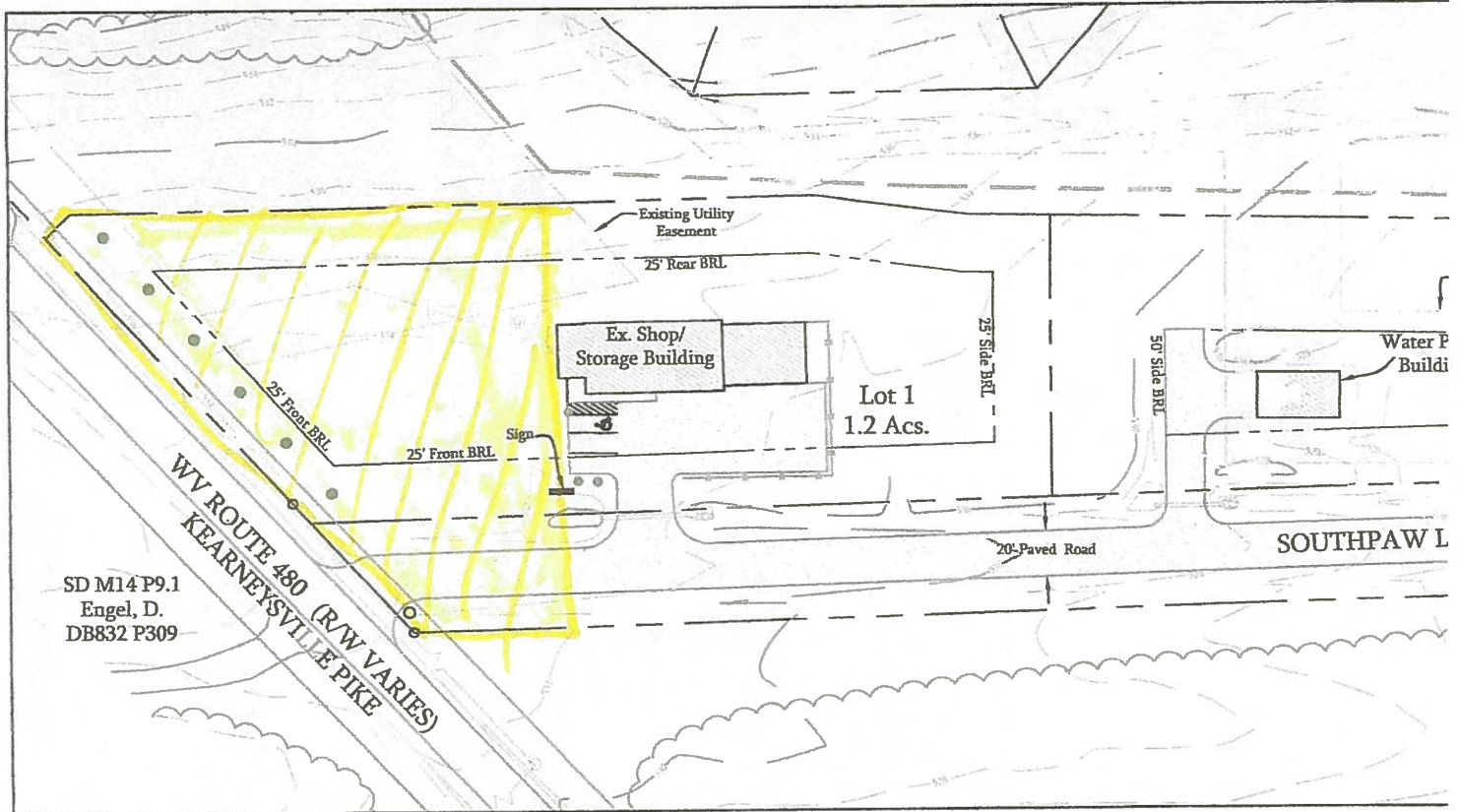
Per property owner's request, the Office of Planning and Zoning issued a revised Permit to reflect the current property owner as Deerfield Real Estate, LLC. No other changes made. Change in owner does not affect the conditions placed on the original Conditional Use Permit.


Zoning Administrator

Department of Engineering, Planning, and Zoning Seal:

February 1, 2017
Date



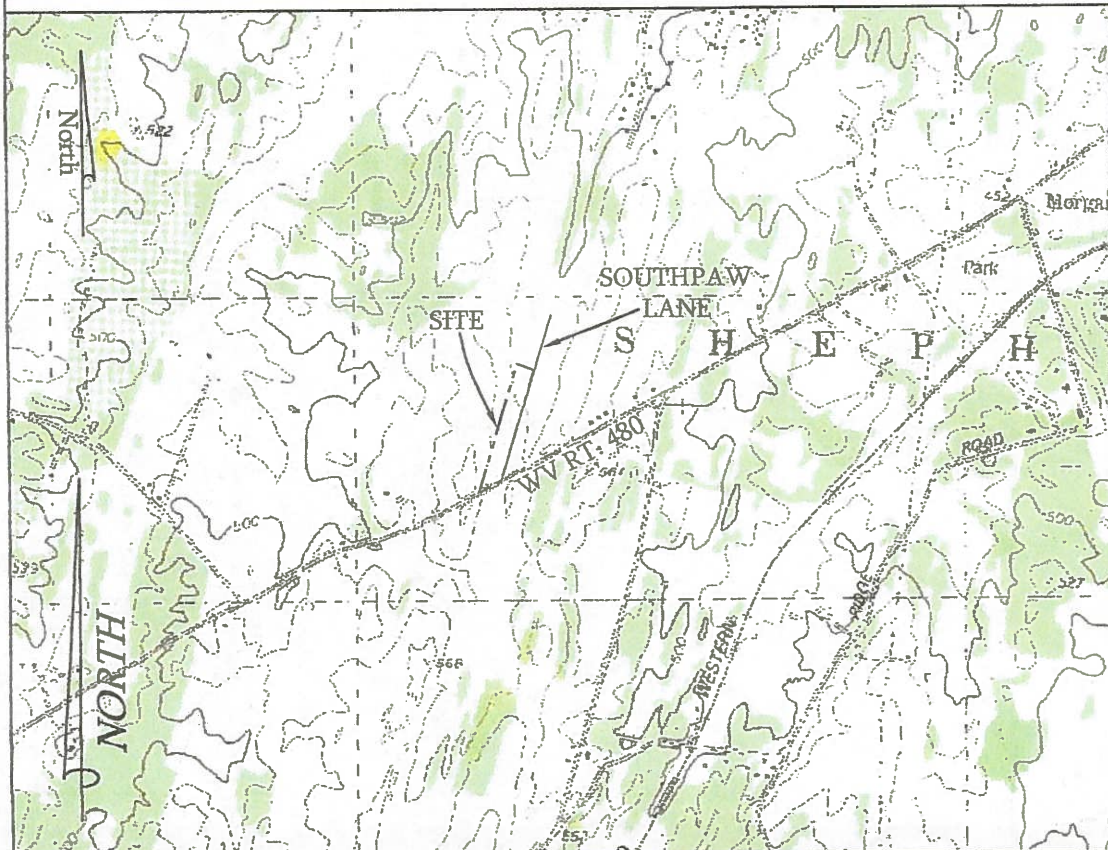


Site Location Map

Scale 1" = 2000'

*NO Equipment
or Construction
Material*

*See Existing CUP for
Any and All
Exclusions/
Conditions*



IF

2018 CUP Change of Use / Tenant ZC18-20

#ZC18-20

**JEFFERSON COUNTY
OFFICE OF PLANNING & ZONING
ZONING CERTIFICATE**

This is to certify that the use cited on this form is a Permitted Use in the Zone where it is proposed, by virtue of the following justification and is subject to the conditions imposed below:

**Change in Use / Tenant
Previous Approval Granted via Conditional Use Permit #Z07-01**

This Certificate does not constitute a Certificate of Occupancy and does not exempt the Owner and/or the Applicant from obtaining appropriate approvals from all Local, State, and Federal requirements.

PROPERTY DESCRIPTION

Property Owner Name: Deerfield Real Estate, LLC
Mailing Address: P.O. Box 279, Shepherdstown, WV 25443
Telephone Number: 304-876-6241

Applicant Name: Executive Emergency Lighting, LLC / Attn: Ray Muth
Telephone Number: 540-295-1099 / raymuth.eel@gmail.com

Parcel Information: 21 South Paw Lane, Shepherdstown, WV 25443
Tax District: Shepherdstown (09); Tax Map: 14B; Parcel: Wat1; Size: 1.2 acres
Zoning District: Rural; Deed Book: 1153; Page: 200; Plat Book: 24; Page: 69

APPROVED USE

General Office Space and Sales Area; Interior machine/carpentry shop with indoor and outdoor storage of vehicles, equipment, tools, and materials, and a proposed business sign (Z07-01).

Use of indoor and outdoor space for construction and/or installation of emergency equipment including but not limited to lights, sirens, restraining brackets, etc. that are commonly associated with converting vehicles into emergency vehicles such as police cruisers, ambulances, fire trucks, etc.

RESTRICTIONS/CONDITIONS:

- The area designated for storage of equipment and construction materials shall be screened from Route 480 and the established neighborhood residences;
- No equipment or construction material shall be located within the area adjacent to Route 480 as shown on the attached sketch and highlighted in yellow (see also CUP application #Z07-01);
- Section 8.9 shall apply.

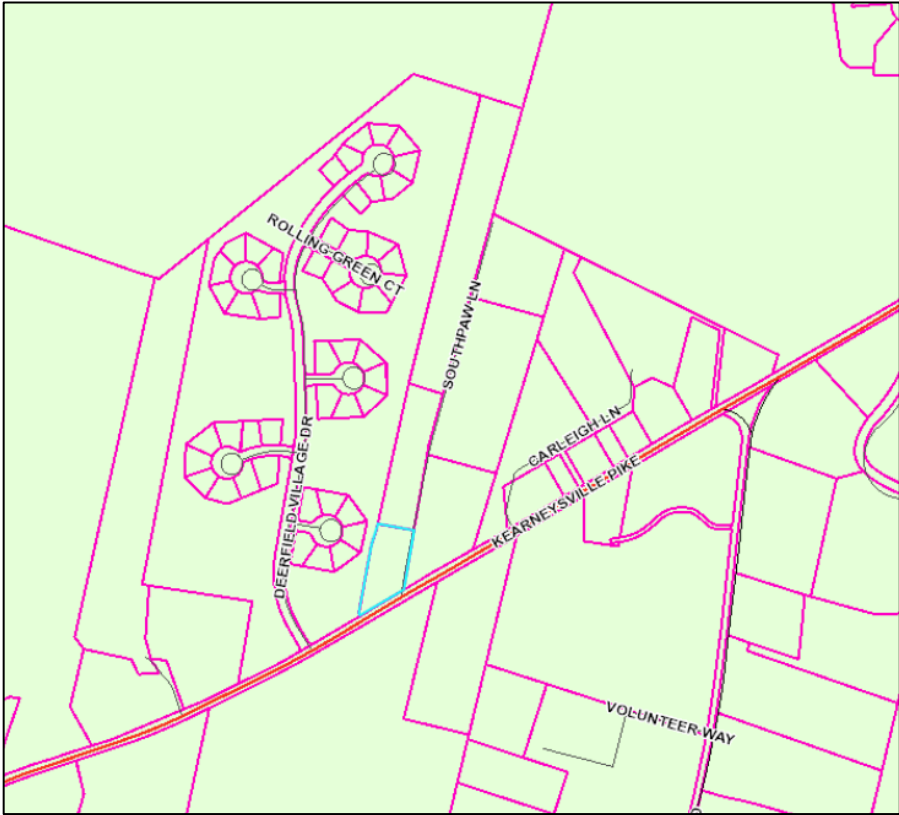
Any future change in use or expansion will require processing through the Jefferson County Department of Engineering, Planning, and Zoning to update this Certificate and ensure compliance with County Regulations.

Alexandra Beaulieu June 13, 2018
Alexandra Beaulieu Date of Issuance
Zoning Administrator



Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 January 27, 2022
Emergency Lighting Services, LLC (Raymond and Kerry Muth)
Variance Request (#22-4-ZV)

Item #8 Variance from Section 4.10A to waive the requirement to process a Site Plan for a proposed 1,500 square foot building to house vehicles and a workshop for the outfitting work.

Applicant:	Executive Emergency Lighting LLC
Owner:	Raymond & Kerry Muth
Consultant:	Paul Raco, P.J. Raco Consulting, LLC
Parcel Information and Zoning District:	<p style="text-align: center;">Wilmoth Construction Subdivision, Lot 1 21 Southpaw Lane, Shepherdstown, WV Parcel ID: 09014BWAT10000; Size: 1.54 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North, East, South, West: Rural</p>
Approvals:	<p>04/13/04: PC approved Deerfield Village Water and Wastewater Treatment Plant (File: S04-01) 06/01/03: PC approved a variance to allow the maintenance lot to have a separate access from the Deerfield subdivision. 05/17/07: BZA approved CUP for a two-lot nonresidential subdivision (File: Z07-01) 12/03/07: Wilmoth Construction Subdivision recorded in PB 24, PG 69 02/01/17: Staff reissues CUP to reflect new Property Owner name. 01/27/22: Contractor with Outdoor Storage CUP - <i>pending</i></p>
Site Visit Conducted:	No

Staff Report
Jefferson County Board of Zoning Appeals Meeting
January 27, 2022
Emergency Lighting Services, LLC (Raymond and Kerry Muth)
Variance Request (#22-4-ZV)

Summary of Request and Purpose of Ordinance Requirements

Variance from Section 4.10A to waive the requirement to process a Site Plan for a proposed 1,500 square foot building to house vehicles and a workshop for the outfitting work.

The purpose of a site plan is to ensure that a site is developed in a manner that protects the health, safety, and welfare of the public. The Zoning Ordinance and Subdivision Regulations require that the following elements are reflected in a site plan:

- Stormwater Management
- Buffering and landscaping
- Adequate parking is installed (number of parking spaces, dimensions, etc.)
- Setbacks from property lines and roads

A site plan also requires bonding of a project, in the event that a developer is unable to complete a project, the bond is available to the County to either complete the project or return the site to its original condition.

Staff Evaluation of Request



The subject parcel is a 1.5 acre lot, surrounded primarily by residential development. Deerfield Village is to the west and a family-transfer minor subdivision is located to the east.

The Deerfield Village subdivision was created via the Conditional Use Permit process and included a maintenance building and water treatment plant (CUP File #Z02-07). A second Conditional Use Permit was granted to allow the lot containing the maintenance building and water treatment plant to be divided into two lots (CUP File #Z07-01). The subsequent division included a request to change the land use designation of the maintenance building to a general contracting business.

On June 26, 2007, the Planning Commission granted a variance to waive the requirement to process a site plan for the existing buildings and to waive the requirement to widen Southpaw Lane from 50 feet to 60 feet.

The subject request is to waive the requirement to process a site plan for the proposed 1,500 square foot building. Section 4.10 of the Zoning Ordinance requires a site plan for “all commercial ...

development in any zoning district and for all major additions or expansions of existing uses.” While the Zoning Ordinance states *when* a site plan is required to process, the Subdivision Regulations dictate *how* to process a site plan. Under the site plan requirements, the Subdivision Regulations include criteria for when a site plan is not required including a) when the footprint of a structure is less than 1,200 square feet;

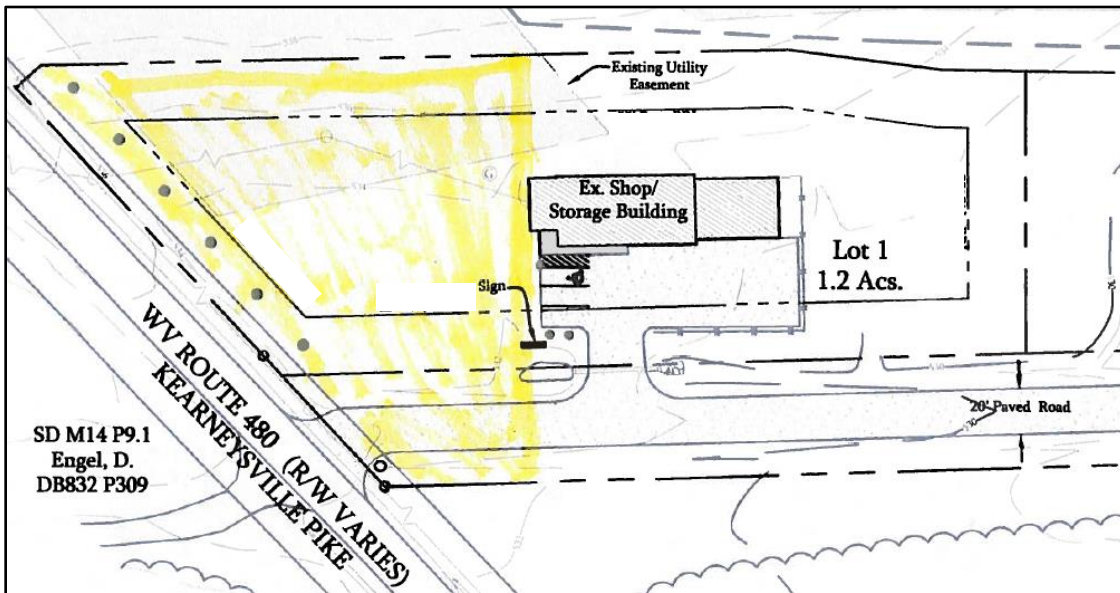
Staff Report
Jefferson County Board of Zoning Appeals Meeting
January 27, 2022
Emergency Lighting Services, LLC (Raymond and Kerry Muth)
Variance Request (#22-4-ZV)

b) no additional parking is required; and c) the disturbed area is no more than 5,000 square feet. As the proposed structure exceeds the 1,200 square foot threshold, a site plan is required.

Waiving the requirement to process a site plan eliminates the County’s ability to ensure compliance with site development standards as required by the Zoning Ordinance (i.e. landscaping and buffer requirements), as well as the design standards established in Appendices A & B of the Subdivision Regulations, including parking lot design, stormwater management, and bonding for site improvements.

With regard to parking, the applicant represented that no additional parking would be required as the proposed building will not increase the number of employees or clients, but will allow their existing business to operate more efficiently and will provide an enclosed area to store vehicles in as opposed to storing them in the fenced storage area. If additional parking is required or proposed at a later date, the increase in impervious area will be evaluated to determine whether a site plan is required.

Regarding landscaping and buffer requirements, the existing site was approved with a .53 acre restricted area where no parking, buildings, or equipment is permitted (see exhibit below). The proposed building will comply with the required 75 feet distance requirement from any lot that contains a residence. There appears to be some landscaping on the property, including street trees along the southern boundary fronting Route 480/Kearneysville Pike and minimal screening between the western boundary and the Deerfield Village subdivision.



If the applicant were to process a site plan, the applicant would be required to show compliance with the landscaping and buffer requirements established in Appendix B and Section 4.11 of the Zoning Ordinance, which would require street trees along the eastern property line adjoining Southpaw Lane, a 20’ – 40’ wide screened buffer pursuant to Standard Detail M-53 along the western property line, and a 10’ wide screened buffer along the northern property line.

As noted with the Conditional Use Permit request, if the Board is inclined to approve the subject request, the Board has the discretion to impose conditions of approval, including the requirement to install landscape buffers.

As the applicant was informed in the Conditional Use Permit application, any noise created by the proposed use must adhere to Section 8.9A.1.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
January 27, 2022
Emergency Lighting Services, LLC (Raymond and Kerry Muth)
Variance Request (#22-4-ZV)

Conditions of Approval

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

1. The property owner shall install additional vegetative screening along the western property line to screen the proposed building in a similar manner to the existing building and shall re-install the street trees and shrubs as depicted on Site Plan File #S04-01. Documentation reflecting the species and the number of trees and/or shrubs planted shall be submitted to the Office of Planning and Zoning prior to issuance of the use and occupancy permit.
2. If the dumpster is relocated, it shall remain screened, pursuant to the requirements established in Section 4.11F of the Zoning Ordinance.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.10 Site Plan Requirements³⁹

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multifamily residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.^{23, 26}

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.

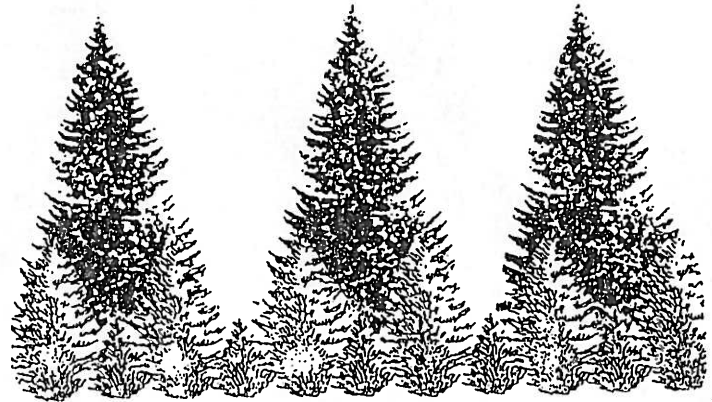
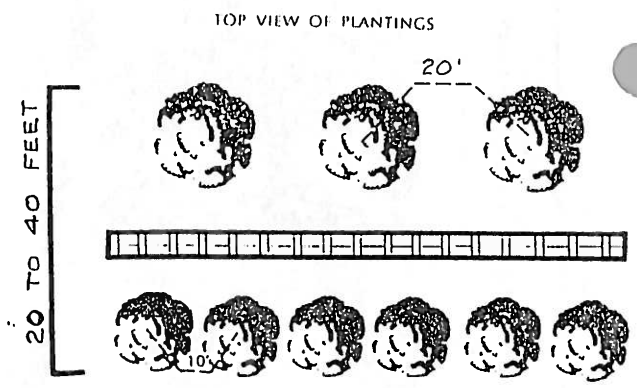
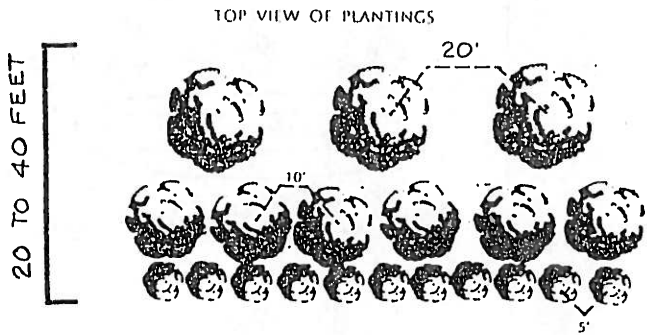
‡ Setback may be reduced if adjacent to industrial use.

⊖ 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

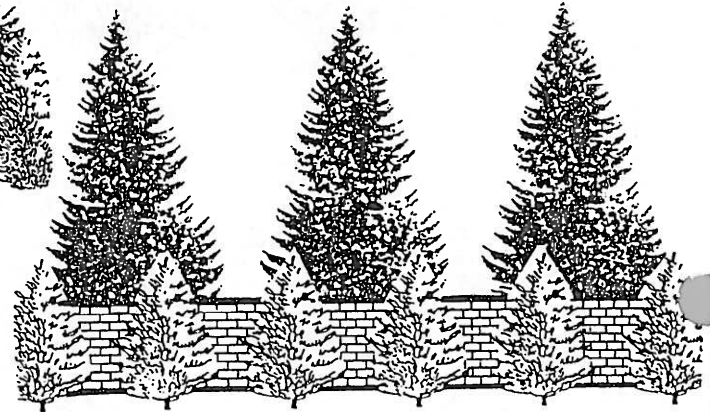
⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ 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.



FRONT VIEW OF ULTIMATE GROWTH

OPTION D



FRONT VIEW OF ULTIMATE GROWTH

OPTION E

OPTION D

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; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

OPTION E

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; a solid board fence, masonry or brick wall with a height of six (6) feet; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: August 8, 1990	screen planting medium buffer	REVISIONS:	DETAIL No.
	<i>[Signature]</i>		COUNTY ENGINEER	M -53



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: 22-4-ZV
 Staff Initials: AB
 Meeting Date: 01-27-22
 Fees Paid (\$100 or \$150): \$100 /
chk#31

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: Raymond, Jr. and Kerry Muth
 Mailing Address: 21 Southpaw Lane, Shepherdstown, WV 25443
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Name: Ray Muth, EEL, LLC Paul J Raco, P.J. Raco Consulting, LLC
 Mailing Address: Above and Below
 Phone Number: _____ Email: _____

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

Name: Consultant Paul J Raco, P.J. Raco Consulting, LLC
 Mailing Address: P.O. Box 548 Charles Town, WV 25414
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: 21 Southpaw Lane, Shepherdstown, WV 25443
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: Shepherdstown Map No: 14B Parcel No: WAT1
 Parcel Size: 1.2 +/- Acres Deed Book: 1211 Page No: 453

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"/>	
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"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>
JAN 03 2022			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: Article 4, Section 4.10

Briefly describe the nature of the variance request:

See Attached

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

See Attached

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

See Attached

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

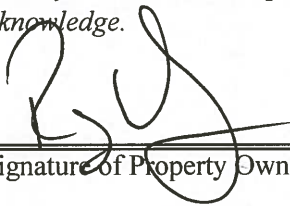
See Attached

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

See Attached

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

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



12/29/21

Signature of Property Owner

Date

Signature of Property Owner

Date

Notification Requirements (to be completed by staff)

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

Thursday, January 27, 2022

Date of Public Hearing

Wednesday, January 12, 2022

Advertising Date

Weds. 01-12-22

Placard Posting Date

Raymond Jr and Kerry Muth
Executive Emergency Lighting, LLC
Site Plan Variance Application
Article 4, Section 4.10
New 30' x 50' Building Added to Existing Business
Jefferson County Board of Zoning Appeals
January 3, 2022

Brief Description

As explained in the Conditional Use Permit Application, this is an addition of 1500 sq. ft. to an existing developed and managed site. The Jefferson County Land Use Ordinances exempts up to 1200 square feet of additions from site planning. The additional 300 sq. ft. is not expected to be an impact to this site since the site is level and already developed with a well defined ditchline with culverts and riprap. The site is also developed with existing parking and landscaping.

The use on site is not one that generates public traffic as it is a site that converts (outfits) vehicles to emergency vehicles. Generally, vehicles are dropped off and picked up when completed. There are few employees, and the owner is routinely on the premises. There should be no disruption of traffic or parking since a drive may be added to the building just to be utilized for entering and existing the building with the intended vehicles. Furthermore, there should be no additional generation of traffic since the area being used for the building was mostly being used for outdoor storage and as part of the business for outfitting vehicles. The new building allows for this area to be part of the indoor workspace for the business.

Finally, the major portion of a site plan is already addressed by existing site improvements. Water is managed by the large ditchlines, and buffering is managed by existing trees. Erosion and Sediment control will be managed during construction and will be shown on the Building Permit Application and inspected by the Building Inspectors for the County. Finally, the site will not be released for a Use and Occupancy Permit unless the site is stabilized.

22-4-ZV

Raymond Jr and Kerry Muth
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Four Criteria

1. Granting the variances will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

There will be no impact on these issues as this property is already a well maintained facility. Currently, the Executive Emergency Lighting Workshop and Office is a beautifully landscaped small local business with an abundance of landscaping and buffering. The site is level and well drained. If the variances are approved, there will be no changes to what already exists other than the building and an entrance for the 'work' vehicles. Additionally, this area of the property is already used as part of the business. The purpose of the new building is to allow some of the work to move indoors. This should enhance the area. Also, there is already a buffer of trees in this area for the existing outdoor storage.

Furthermore, the variances will have no effect on the perimeter of the property. It is not being subdivided and the new building will enhance an area of the property used for outdoor storage. There is an existing apparent County Grade Road that serves the property, and it also serves the Water and Wastewater Treatment Facilities. This road is a wide, paved road with a paved entrance apron to Route 480. The road also has adequate ditches with culverts and riprap to control the water flow.

Finally, the existing parcel already has agency approvals for the development as it exists. There will be no changes to the Route 480 entrance, or internal flow of traffic other than the drive to keep the work vehicles out of the parking lot. Therefore, the granting of the waivers will not impact anything surrounding the property. It is even questionable if there will be any change in traffic since the addition is primarily intended to serve the existing business. Any further expansion will require further County processing.

Currently, the existing business is an approved, well maintained development and property. It was designed and developed by the original owner of Deerfield Village, and it can easily be recognized as being well developed. There is no sign of erosion problems or sediment leaving the property; and there are no signs of any problems on the site. The construction of the new building will be managed by erosion and sediment control devices and will be monitored by the County.

This commercial development was approved over 14 years ago and this particular use has coexisted in this neighborhood with no problems since 2018. The owner is on site routinely and believes that there will not be any problem associated with the new addition.

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 property owner did not think that he needed to process a new Conditional Use Permit or a Site Plan since the site was already developed. Based on that belief, he ordered all the material for the engineered building and had it delivered to the site. He only found out about it when his contractor came to the office for a building permit. It was just a simple mistake. Any further delay may cause some damage to the material on site. There should not be any additional need for parking or employees as this additional building is just intended to serve existing business but will allow the work to be conducted indoors. It should allow for some of the outdoor storage to move indoors, as well.

In the current economic climate, it is fortunate that a small local business can expand, but a full site plan in addition to the Conditional Use Permit Process will most likely halt the expansion at this time. The Applicant believes that the small additional amount of increase above the 1200 sq. ft. that is permitted without a site plan is warranted since this site is already well designed with no evidence of problems that would need a site plan. The Staff recommended a waiver or variance from the site plan process during the PPC Meeting, as well.

The special condition on this site is that the original builder/owner developed the site as a part of a designed community and the current site has been maintained well. The site already has parking, paved access to the State Road, landscaping, buffering and water management with culverts, ditches, and riprap. The only thing that remains would be the Erosion and Sediment Control during construction and it will be provided and inspected by the County during the building process.

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

The County has already determined that the buildings, parking lots, landscaping and access roads as designed and approved, are a reasonable use of the land. This site has a Conditional Use Permit and is well designed. Since nothing will change on the property that would affect parking it is a minor addition. The small addition that contains the same use will continue to be a good and reasonable use of the land. The granting of the variances, however, will allow the owners to be able to make good financial arrangements to continue to be a good and viable business in Jefferson County. It just makes good business sense to allow an existing successful business the flexibility to make proper arrangements that they need currently. Quite frankly, the cost of a Site Plan on an already designed, developed and maintained site for an addition that is only 300 sq ft larger than the exemption would put the addition in jeopardy. Additionally, the delay would also put the delivered material at risk. It was an honest mistake to order the material in advance of the permits.

If the variances were to be denied, the hardship would be the cost and time associated with an engineered site plan for a site that already has addressed the site plan issues

other than the Sediment and Erosion control that will be accomplished during the building permit and construction stage. The new addition will not be occupied until the site is completely stabilized and the U and O Permit is issued by the County. This scenario would not make good business sense.

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

The purpose of a site plan is for water control, landscaping, parking, access, erosion and sediment control, buffering, zoning compliance and DOH/Health Department Approvals. This site already has all these items addressed. A site plan would be a waste of resources since it addresses everything with E and S being taken care of during construction. In this case, the property owners and use will continue to be the same. Since the facility is already built, the improvements are already documented. Additionally, this site is already landscaped and buffered, so both the intent and the spirit of the ordinance is already being observed.

Substantial justice would be to approve the requested variances, so that this local owner and small business can continue to thrive in Jefferson County for many years. This is a use that you typically would have to go outside of the County to find. Now, all the local law enforcement and fire and ambulance service providers can purchase these services locally which is convenient and time/money saving for the public service providers.

The Board's approval of the variances would be greatly appreciated.

Site Plan

SET BACKS:

55' From REAR Property

27' From Side Property Line

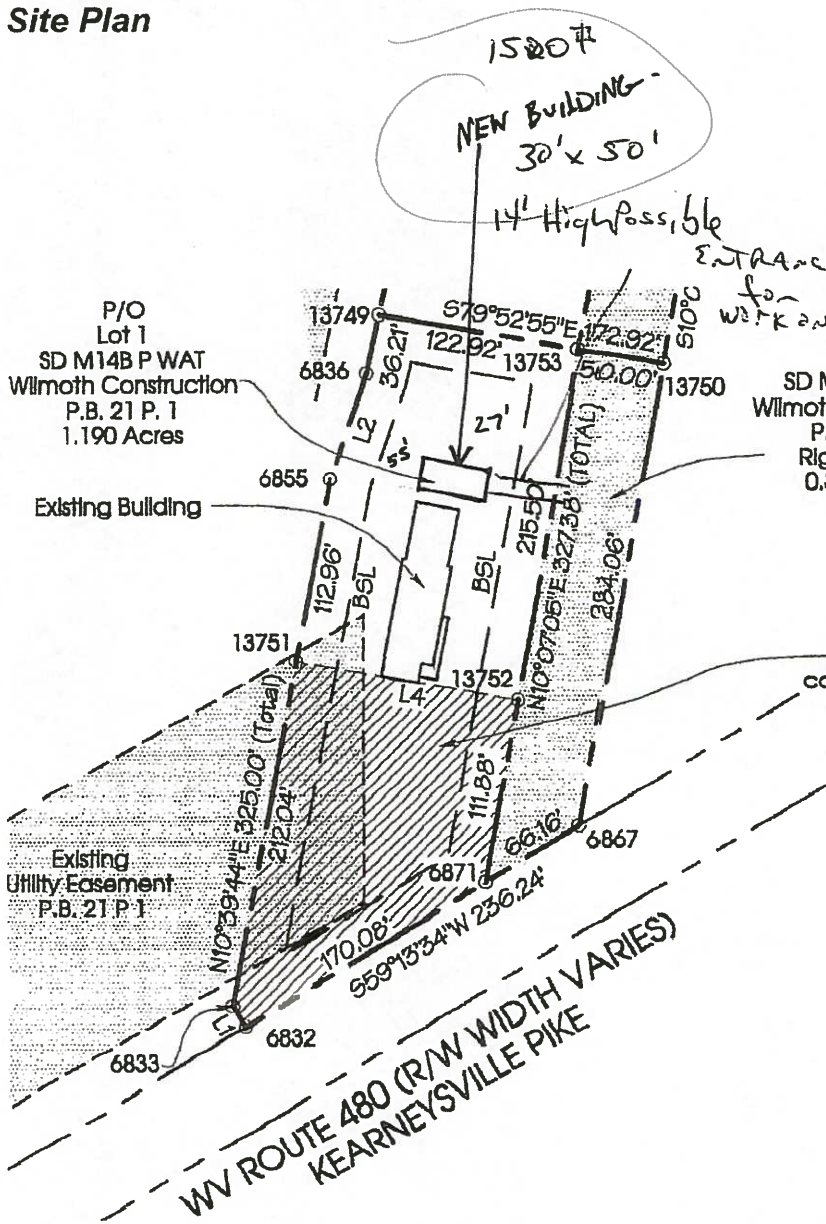
324' From Front Property Line

50' From Front Property Line

10' space Between OLD & NEW Building.

14' High

Restricted Area
No Parking of construction equipment
No Building
0.538 Acre

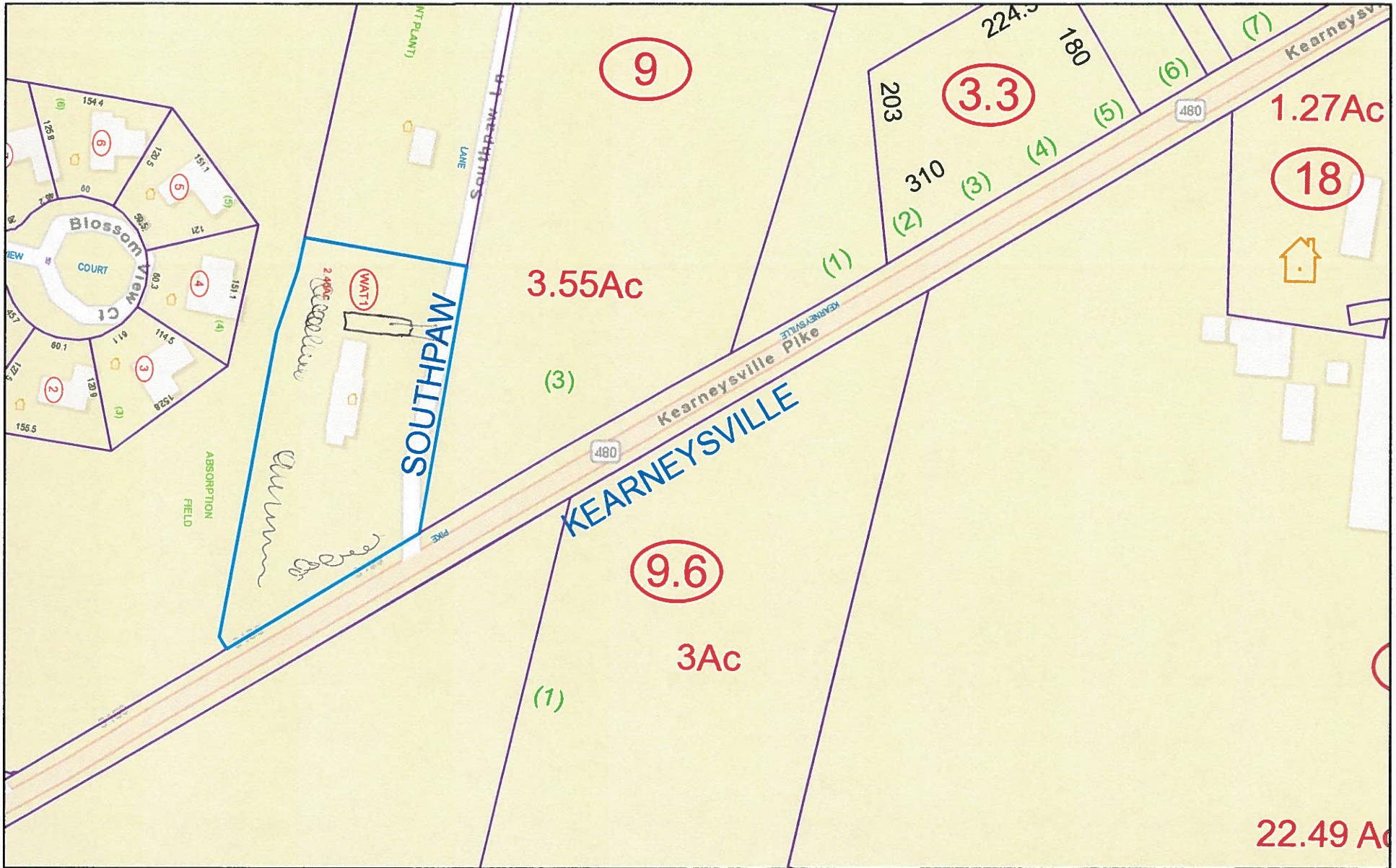


PSH
1/13/22

Dec 22
Approved on 1/13/22

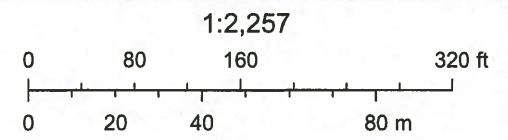
22-4-2V

Viewer Map



22-4-2V

December 6, 2021



WashCo MD, VITA, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

22-4-ZV Muth/Executive Emergency Lighting Pictures



22-4-ZV Muth/Executive Emergency Lighting Pictures





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@jeffersoncountvww.org

Phone: (304) 728-3228

**Zoning Administrator's Report
January 27, 2022 Board of Zoning Appeals Meeting**

Date of Memo: January 21, 2022

1) Upcoming BZA meeting

- The next regular meeting is scheduled for **February 24, 2022** (deadline for submission is Monday, January 31, 2022).



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

November and December 2021; and January 2022
Zoning Certificate Activity Report

File #	21-29-ZC
Request:	Colocation (antennas) on an approved 150' cell tower.
Property Owner:	Dick and Philip Childs
Applicant:	SmartLink LLC, Attn: Ryan Triller
Parcel Info:	Vacant parcel, Corner of S. Childs Road and Leetown Rd., Summit Point, WV Parcel ID: 07002500110002; Size: ~17 ac; Zoning District: Rural; Deed Book: 459; Page: 146; Site Plan: 20-4-SP
Date of Issuance:	10-26-2021
File #	21-45-ZC
Request:	Professional Office
Property Owner:	Kyong Hui Smoker
Parcel Info:	481 Millville Road, Unit A, Millville, WV 25432 Parcel ID: 06000600090000; Zoning District: Rural; Size: .13 acre; Deed Book: 1045; Page: 159; Previous ZC approval: ZC11-13 (05/19/11)
Date of Issuance:	11-01-2021
File #	21-46-ZC
Request:	New wireless telecommunications facility/tower.
Property Owner:	Dick and Philip Childs
Applicant:	SmartLink LLC, Attn: Ryan Triller
Parcel Info:	Vacant parcel, Corner of S. Childs Road and Leetown Rd., Summit Point, WV Parcel ID: 07002500110002; Size: ~17 ac; Zoning District: Rural; Deed Book: 459; Page: 146; Site Plan: 20-4-SP
Date of Issuance:	11-01-2021
File #	21-47-ZC
Request:	Accessory Dwelling Unit: In-Law Suite.
Property Owner:	William and Kristi Haines
Parcel Info:	174 Tall Pines Drive, Charles Town, WV 25414 Parcel ID: 06000200020016; Size: 10.2 acres; Zoning District: Rural; Deed Book: 1160; Page: 647; Plat Book: 22, Page: 87 (PC File#05-11);
Date of Issuance:	10-29-2021
File #	21-48-ZC
Request:	Nonconforming Use - 200' Telecommunications Tower: Equipment Modification Including: Remove (6) existing antennas and replace with (6) new antennas (Antenna Swap); install (3) new antennas; and, upgrade/modify ancillary equipment in support of new antennas, including the installation of a 3' 6" x 9' 6" concrete equipment pad.
Property Owner:	Matthew Rushizky, Personal Representative
Applicant:	Smartlink, LLC / Attn: James Marquez
Parcel Info:	8428 Shepherdstown Pike, Shepherdstown, WV 25443 Parcel ID: 09000900040000; Size: 205.97 acres; Zoning District: Rural; Deed Book: 355; Page: 629; Site Plan File #S97-4
Date of Issuance:	11-05-2021

Zoning Certificate Activity Report
November and December 2021; and January 2022
Page 2 of 2

File # 21-49-ZC
Request: Accessory Dwelling Unit: In-Law Suite.
Property Owner: Robert and Tia McMillan
Applicant: W. Harley Miller Contractors, Inc
Parcel Info: 2332 Terrapin Neck Road, Shepherdstown, WV 25443
Parcel ID: 09000100080005; Size: 29.64 acres; Zoning District: Rural;
Deed Book: 1064; Page: 747; Plat Book: 14, Page: 80 (merger)
Date of Issuance: 11-10-2021

File # 21-50-ZC
Request: Agricultural Special Event Facility & Farm Vacation
Property Owner: Anthony & Paula Russo
Applicant: Sistermoon Farm / Attn: Victoria and Maria Russo
Parcel Info: 6568 Flowing Springs Road, Shenandoah Junction, WV 25442
Parcel ID: 09002000070001; Size: 33.47 acres; Zoning District: Rural;
Deed Book: 1260; Page: 302; Final Plat (merger) PC File: 21-11-SD
Date of Issuance: 12-29-2021



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Phone: 304-728-3228
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2022 MEETING SCHEDULE

JEFFERSON COUNTY BOARD OF ZONING APPEALS

Board of Zoning Appeals meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street at 2:00 p.m.

<u>Submission Deadlines</u>	<u>Newspaper/Placard Posting</u>	<u>Scheduled Meetings</u>
Monday, January 3, 2022	Wednesday, January 12, 2022	Thursday, January 27, 2022
Monday, January 31, 2022	Wednesday, February 9, 2022	Thursday, February 24, 2022
Monday, February 28, 2022	Wednesday, March 9, 2022	Thursday, March 24, 2022
Monday, April 4, 2022	Wednesday, April 13, 2022	Thursday, April 28, 2022
Monday, May 2, 2022	Wednesday, May 11, 2022	Thursday, May 26, 2022
Tuesday, May 31, 2022	Wednesday, June 8, 2022	Thursday, June 23, 2022
Tuesday, July 5, 2022	Wednesday, July 13, 2022	Thursday, July 28, 2022
Monday, August 1, 2022	Wednesday, August 10, 2022	Thursday, August 25, 2022
Monday, August 29, 2022	Wednesday, September 7, 2022	Thursday, September 22, 2022
Monday, October 3, 2022	Wednesday, October 12, 2022	Thursday, October 27, 2022
Monday, October 17, 2022	Wednesday, October 26, 2022	Thursday, November 10, 2022*
Monday, November 14, 2022	Wednesday, November 23, 2022	Thursday, December 8, 2022*

*Meeting dates have been modified in observance of the Thanksgiving and Christmas Holidays.

The required zoning variance request form signed by the legal property owner, supporting documentation and applicable fees must be submitted to the office by close of business on the Submission Deadline date in order for the request to be sufficiently review and noticed in the Spirit of Jefferson. For all other applications please contact the office for the Submission Deadline date.

Changes in the time or location of the meeting shall be noticed on the County's website at www.jeffersoncountywv.org.
Note: if the President of the County Commission or the Chair of the Board of Zoning Appeals determines that weather conditions make travel unsafe for the public, County offices may close and/or the Board of Zoning Appeals meeting may be cancelled. Please check the County's website for possible meeting updates during inclement weather.

Agenda items that have been deferred due to a cancellation will be rescheduled. Per the Board's Rule of Procedure, no additional newspaper notice shall be given. All signs must remain posted on the respective properties until the rescheduled meeting date. Please call the office or check the County's website for the rescheduled meeting date.