



Jefferson County  
Board of Zoning Appeals  
Thursday, February 24, 2022 at 2:00 p.m.

Members  
Tyler Quynn, Chair  
Deirdre Catterton, Vice Chair  
Matthew McKinney  
Leeds Corbin  
Steven Guier  
Mikala Shremshock, Alternate

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**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/86899353640>  
**Meeting ID:** 868 9935 3640  
**Dial by location:** 301-715-8592  
Find your local number: <https://us02web.zoom.us/u/kcP0M2fxz>

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.

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

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**Approval of Minutes: January 27, 2022**

**Public Hearing – Administer Oath**

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**FILE #: 22-5-ZV**

**Request:** Variance from Section 5.7B of the Zoning Ordinance (as amended 02/11/98) to reduce the front setback from 40' to 10'; and the rear setback from 50' to 10' to allow for the replacement of an existing singlewide mobile home with a new ~2,200 square foot home.

**Owner:** Timmy and Sherry Britton

**Parcel Info:** Sharp Minor Subdivision, Lot 2, 153 Cardinal Knoll Lane, Shenandoah Junction, WV  
Parcel ID: 09002000060004; Size: 1.46 ac; Zoning District: Rural

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**FILE #: 22-6-ZV**

**Request:** Variance from Section 5.4B of the Zoning Ordinance (as amended 05/01/03) to reduce the front setback from 25 to 20' to construct a front porch.

**Owner:** Marc. Saccucci

**Parcel Info:** Maddex Farm Subdivision, Lot 185, 290 Maddex Dr., Shepherdstown, WV  
Parcel ID: 09008C02270000; Size: .196 ac;  
Zoning District: Residential-Light Industrial-Commercial

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**FILE #: 22-7-ZV and 22-8-ZV**

Request 1: Variance from Section 9.7 to reduce the side setback along the northern boundary from 12' to 5' for a 26' x 31' detached garage with covered breezeway (22-7-ZV).

Request 2: Variance from Section 9.7 to reduce the side setback along the southern boundary from 12' to 6' for a 30' x 33' addition to the existing home (22-8-ZV).

Owner: Cheryle Rapattoni

Applicant: Charles Rapattoni

Parcel Info: Riverside Subdivision, Sec. 1, Lot 100A, 267 Riverside Dr., Harpers Ferry, WV  
Parcel ID: 06002600240000; Size: 1.08 ac; Zoning District: Rural

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**Zoning Administrator Report**

- a. Monthly Zoning Certificate Activity Report

**Legal Update**

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

**Meeting: January 27, 2022**

1. Variance from Appendix B and Section 10.4B. Owner: Stephen Patrick Snyder, Snyder's Property Squad, LLC. Files: 21-37-ZV and 21-38-ZV
2. Variance from Sections 9.6C and 9.7. Owner: Brandon and Alexi Darr. File: 21-39-ZV.
3. Variance from Section 11.1A. Owner: Historic Landmarks Commission. File: 21-40-ZV.
4. Variance from Sections 9.6C and 9.7. Owner: Kelly Mahoney (Nolder). File: 21-41-ZV.
5. Variance from Sections 9.6C and 9.7. Owner: Tommy & Kimberlin Staubs. File: 22-1-ZV.
6. Variance from Section 5.4B. Owner: Joel Menges. File: 22-2-ZV.
7. Request for a CUP for a Contractor with Outdoor Storage. Owner: Raymond & Kerry Muth, Executive Emergency Lighting LLC. File: 22-1-CUP.
8. Variance from Sections 9.5(b) and 5.7(b). Owner: Donald Pine. File: 22-3-ZV.
9. Variance from Section 4.10A. Owner: Raymond & Kerry Muth, Executive Emergency Lighting LLC. File: 22-4-ZV.

## Minutes

### Jefferson County Board of Zoning Appeals

- 1 Meeting Date: January 27, 2022  
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,  
6 Steve Guier, Matt McKinney, and Mikala Shremshock, Alternate  
7 Board Members Absent: Leeds Corbin was absent with notice  
8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator, Steve Groh, Assistant  
9 Prosecuting Attorney, Mason Carter, Floodplain Manager,  
10 Jennilee Hartman, Zoning Clerk, and Tanya Lyons, Planning Clerk

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

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

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

#### 15 Election of Officers

16 Ms. Catterton nominated Mr. Quynn as Chair. Ms. Shremshock seconded the nomination, which  
17 carried unanimously.

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

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

#### 21 Approval of Minutes: October 28, 2021

22 Mr. Guier moved to approve the minutes as presented, which carried unanimously.

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

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

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

29 Request 2: Variance from Section 10.4B.3 to reduce the front setback from 25' to 10' for a 6' x  
30 19" free-standing sign; and, Section 10.4B.4 to allow said freestanding sign to face a  
31 residence (21-38-ZV).

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

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

35 Mr. Stephen Snyder, property owner, was present to address the Board. Ms. Beaulieu provided an  
36 overview of her staff reports for both requests (21-37-ZV and 21-38-ZV). Ms. Beaulieu noted that  
37 while the proposed land use is permissible in the rural zoning district, the land use would not comply  
38 with the required nonresidential setbacks. Ms. Beaulieu stated that if the proposed land use expands  
39 to include heavy equipment than the applicant may need to process a conditional use permit.

40 Mr. Snyder explained the nature of the proposed business and the sign request, noting that the  
41 proposed sign face dimensions would be 6' long and about 19" tall. He stated that the materials  
42 would be a live edge piece of wood attached to a 4' x 4' post in the ground.

1 Mr. Quynn opened the public hearing. Mr. Josh Welsh, local resident, spoke in support of the  
2 request noting that this request would support small business ventures.

3 Mr. Quynn closed the public hearing.

4 Mr. McKinney moved to approve both variance requests with the following conditions:

5 1. The applicant is bound by their testimony; and,

6 2. The applicant will abide by all other rules and regulations pertaining to the business.

7 Mr. Quynn called for a vote on item #21-37-ZV, which carried unanimously.

8 Mr. Quynn called for a vote on item #21-38-ZV, which carried unanimously.

9 **ITEM #2 FILE #: 21-39-ZV**

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

14 Owner: Brandon and Alexi Darr

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

17 Mr. Brandon Darr, property owner, was present to address the Board. Ms. Beaulieu provided an  
18 overview of her staff report noting that the majority of the property is located within the floodplain.  
19 Mr. Darr explained the nature of the request to the Board.

20 Mr. Quynn opened the public hearing. Mr. Richard Godfrey, neighbor, spoke in opposition to the  
21 request. Mr. Godfrey explained that the WVDOH installed a culvert under the road that drains to the  
22 subject property. Mr. Godfrey expressed concern that constructing a home closer to the road would  
23 block the culvert, thus causing the drainage to back up onto his property (located across the street).

24 Mr. Quynn closed the public hearing.

25 In rebuttal, Mr. Darr confirmed that there is a culvert located in the front of the property and that the  
26 proposed dwelling unit would be located to the left of the culvert.

27 Mr. McKinney expressed concern that Section 9.6C regarding accessory structures was included in  
28 the request. Ms. Beaulieu clarified that the intent of including this section in the request was in  
29 anticipation of the proposed structure being converted from a dwelling unit to an accessory structure.  
30 Ms. Beaulieu explained that the proposed apartment in the garage would have to be eliminated  
31 should a separate dwelling unit be constructed, as a second dwelling unit would not be permitted on  
32 the subject lot. Ms. Beaulieu noted that exclusion of Section 9.6C from the request may necessitate  
33 another variance should they choose to convert the structure to an accessory structure.

34 Mr. McKinney moved to approve the variance from Section 9.7 to reduce the front setback from 25'  
35 to 10' and the side setback from 12' to 10' along the western boundary line for a proposed 24' x 24'  
36 detached garage with an apartment with the condition that the applicant is bound by their testimony.  
37 Mr. Quynn seconded them motion, which carried unanimously.

1 **ITEM #3 FILE #: 21-40-ZV**

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

6 Subject Parcel Information:

7 Owner: Historic Landmarks Commission  
8 Parcel Info: 84 Melvin Rd., Shenandoah Junction, WV  
9 Parcel ID: 09024A00110000; Size: .36 ac; Zoning District: Rural

10 Duffields Parcel Information:

11 Owner: WV DOT State Rail Authority  
12 Parcel Info: 5027 Flowing Springs Rd., Shenandoah Junction, WV; Parcel ID: 09002400080001  
13 and 09002400080002; Combined acreage: 4.7 ac; Zoning District: Rural

14 Mr. Martin Burke, representative for the Historic Landmarks Commission (HLC), was present to  
15 address the Board via ZOOM. Ms. Beaulieu provided an overview of her staff report noting that the  
16 majority of the property is located within the floodplain. Mr. Burke explained the nature of the  
17 request to the Board. Addressing the Boards' questions, Mr. Burke explained how the public would  
18 access the museum from the proposed parking area in the Marc Train parking lot. Mr. Burke  
19 explained that that the museum would be open to the public on weekends only, from 11:00 a.m. –  
20 3:00 p.m. Mr. Burke explained that hours of operation are contingent on the availability of  
21 volunteers. The Board expressed concern regarding public safety, as the public would be directed to  
22 walk across the railroad tracks and along a state road. Mr. Burke noted that the HLC is actively  
23 exploring alternative properties that are closer to the museum property to be used as parking.

24 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn  
25 closed the public hearing.

26 Ms. Shremshock moved to deny the request noting that the applicant had not met the burden of  
27 proof for obtaining a zoning variance. Mr. Quynn called for a vote, which carried unanimously.

28 **ITEM #4 FILE #: 21-41-ZV**

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

32 Owner: Kelly Mahoney (Nolder)  
33 Parcel Info: Rolling Stone Est., Lot J-3, 211 John Brown Farm Ct., Harpers Ferry, WV  
34 Parcel ID: 06000800080009; Size: 5.19 ac; Zoning District: Rural

35 Ms. Kelly Mahoney, property owner, was present to address the Board. Ms. Beaulieu provided an  
36 overview of her staff report noting that there appears to be a discrepancy between the recorded plat  
37 and the County's tax parcel data. Ms. Beaulieu acknowledged that tax map data is informational  
38 only and is not a legal representation of the parcel lines. Ms. Mahoney explained the nature of the  
39 request to the Board noting that the property corners were clearly marked. Ms. Mahoney added that  
40 the neighboring property in question has not objected to the surveyed property line and that she has  
41 right of first refusal should they wish to sell the property. Ms. Mahoney addressed questions from  
42 the Board, confirming that the carport would be an open-sided / pavilion type structure.

1 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn  
2 closed the public hearing.

3 Ms. Catterton moved to approve the variance with the following conditions:

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

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

6 **ITEM #5 FILE #: 22-1-ZV**

7 Request: Variance from Section 9.6C to allow an accessory structure within the required front  
8 yard; and Section 9.7 to reduce the front setback from 20' to 15' for a proposed 28' x  
9 30' detached garage.

10 Owner: Tommy & Kimberlin Staubs

11 Parcel Info: Cavalier Subdivision, Lot 5, 88 Cavalier Dr., Harpers Ferry, WV  
12 Parcel ID: 04007A00200000; Size: .41 ac; Zoning District: Rural

13 Mr. Tommy Staubs, property owner, was present to address the Board. Ms. Beaulieu provided an  
14 overview of her staff report. Ms. Beaulieu explained that while the recorded plat indicates that  
15 Cavalier Drive is 40' in width, a representative with the WVDOH verified that their right-of-way is  
16 30' in width. Staff was unable to verify where the remaining 10' was designated; therefore, the exact  
17 location of the front property line is unknown. Ms. Beaulieu also noted that while there is a power  
18 line along the road frontage, Staff was unable to verify whether a utility easement existed in this  
19 location. Ms. Beaulieu stated that it appears the applicant measured 15' from the centerline of the  
20 right-of-way and not from the front property line. Ms. Beaulieu stated that based on the property  
21 line discrepancy and the applicant's sketch reflecting that the garage would be 15' from the center of  
22 the road right-of-way, the garage may be less than one foot from the edge of the right-of-way.  
23 Ms. Beaulieu confirmed that the legal ad cited the requested reduction from 20' down to 15', as  
24 opposed to the probable location of approximately 0-1'. Mr. Staubs explained the nature of the request  
25 to the Board noting that the WVDOH was not opposed to the placement of garage. Mr. Staubs also  
26 informed the Board that he had attempted to contact the utility company but had not yet heard back  
27 from them.

28 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn  
29 closed the public hearing.

30 Ms. Catterton moved to approve the variance with the condition that the applicant be bound by their  
31 testimony. Mr. Quynn made an amendment to the original motion to include as a condition of  
32 approval that Staff re-advertise the request via a corrected legal ad in the Spirit of Jefferson and for  
33 the placard to remain posted for 30-days. Ms. Catterton accepted the amendment. Mr. McKinney  
34 seconded the amended motion. Mr. Quynn called for a vote, which carried unanimously.

35 Ms. Catterton moved to call a recess at 3:53 pm. Mr. Quynn called for a vote, which carried  
36 unanimously.

37 Mr. McKinney moved to go back into regular session at 4:10 pm. Mr. Quynn called for a vote,  
38 which carried unanimously.

39 **ITEM #6 FILE #: 22-2-ZV**

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

1 Owner: Joel Menges

2 Parcel Info: Maddex Farm Subdivision, Lot 100, 222 Maddex Dr, Shepherdstown, WV  
3 Parcel ID: 09008C01600000; Size: .27 ac; Zoning District: Residential-Light  
4 Industrial-Commercial

5 Mr. Joel Menges, property owner; and Mr. Josh Welsh, contractor, were present to address the  
6 Board. Ms. Beaulieu provided an overview of her staff report. Ms. Beaulieu stated that the requested  
7 side setback reduction would apply to the northern property line, which would not impact the  
8 existing drainage easement along the southern property line. Mr. Welsh explained the nature of the  
9 request to the Board noting that the pool was intended for therapeutic use. Mr. Welsh also explained  
10 that due to the natural slope of the property, the proposed location was optimal for drainage.

11 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn  
12 closed the public hearing.

13 Mr. McKinney moved to approve the variance with the following condition:

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

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

16 **ITEM #7 FILE #: 22-3-ZV**

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

19 Owner: Donald Pine

20 Parcel Info: John and Barbara Plunket Minor Subdivision, Lot 2,  
21 989 Engle Molers Rd, Harpers Ferry, WV.  
22 Parcel ID: 04000300010007; Size: 1.48 ac; Zoning District: Rural

23 Mr. Donald Pine, property owner, was present to address the Board. Ms. Beaulieu provided an  
24 overview of her staff report noting that fences and walls taller than 6' in height are required to meet  
25 building setbacks. Mr. Pine explained the nature of the request to the Board noting that the 6'  
26 privacy fence would be erected on top of a 3' retaining wall. Mr. Pine explained that due to the slope  
27 of the property, a retaining wall is necessary to direct water runoff.

28 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn  
29 closed the public hearing.

30 Mr. McKinney moved to approve the variance with the following condition:

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

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

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

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

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

41 Owner: Raymond & Kerry Muth / Executive Emergency Lighting LLC

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

3 Mr. Ray Muth, property owner; and Mr. Paul Raco, consultant with P.J. Raco Consulting LLC, was  
4 present to address the Board. Ms. Beaulieu reviewed the conditional use permit criteria as outlined  
5 in her staff report. Mr. Raco provided a detailed overview of the history of the property and the  
6 proposed land use. Mr. Muth addressed questions from the Board pertaining to the building  
7 construction and orientation.

8 At the Board's request, Ms. Beaulieu provided an overview of her staff report for the zoning  
9 variance. Ms. Beaulieu noted that a site plan had previously been approved for the existing building  
10 and storage area. Ms. Beaulieu noted that some of the landscaping that was reflected on the Site Plan  
11 appeared to have been removed over the years. Ms. Beaulieu suggested that as a condition of  
12 approval that the Board could require the applicant to extend the existing rear buffer along the length  
13 of the proposed building Mr. Raco agreed with the proposed condition and noted that when the  
14 original site plan processed, a buffer would not have been required along the northern boundary  
15 between two non-residential uses.

16 There were no members of the public present to provide public comment.

17 Mr. Guier moved to approve the conditional use permit with the condition that the applicant be  
18 bound by their testimony. Ms. Shremshock seconded the motion, which carried unanimously.

19 Ms. Catterton moved to approve the zoning variance with the condition that the applicant be bound  
20 by their testimony. Mr. Quynn offered an amendment to the motion to include that the applicant  
21 shall replace the one street tree in the front and maintain the existing landscaping; and that the rear  
22 landscape buffer be extended along the full length of the proposed addition. Ms. Catterton accepted  
23 the friendly amendment. Ms. Shremshock also offered a friendly amendment to include that the  
24 dumpster shall be screened in accordance with Section 4.11F. Ms. Catterton accepted Ms.  
25 Shremshock's friendly amendment. Mr. Quynn called for a vote on the amendment motion, which  
26 carried unanimously.

### 27 **Zoning Administrator's Report**

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

29 b. Approval of the 2022 Board of Zoning Appeals Meeting Schedule.

30 Ms. Catterton moved to approve the proposed meeting schedule for 2022. Mr. Quynn called  
31 for a vote, which carried unanimously.

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

#### 33 Zoning Ordinance Text Amendment:

- 34 • ZTA21-01 (Short Term Rentals): The County Commission approved the text amendment,  
35 which went into effect on 12/02/21.

36 Ms. Beaulieu noted that the next meeting was scheduled for February 24, 2022.

### 37 **Legal Update**

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

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

1           **Meeting: October 28, 2021**

2           1. Variance from Sec. 9.6A. Owner: M. Arvin. File: 21-34-ZV.

3           2. Variance from Sec. 9.6A. Owner: M. Arvin. File: 21-35-ZV.

4           3. Variance from Sec. 9.6C & 5.4B. Owner: J. Bowers. File: 21-36-ZV.

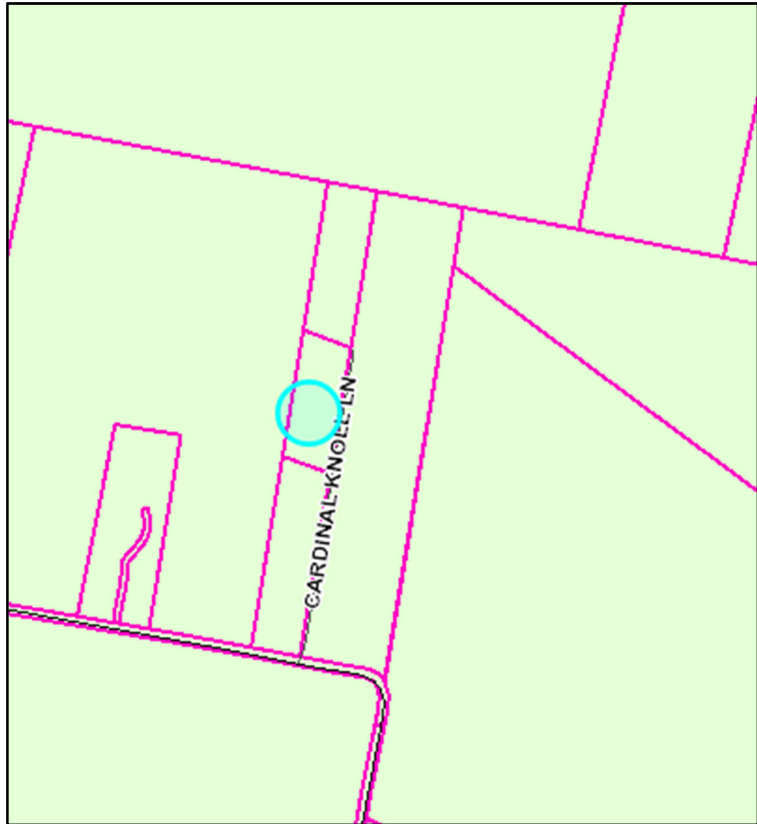
5           Mr. Quynn was provided a copy of the Findings prior to the meeting for his signature.

6 Ms. Catterton moved to adjourn the meeting at 4:52 pm. Mr. Quynn called for a vote, which carried  
7 unanimously.



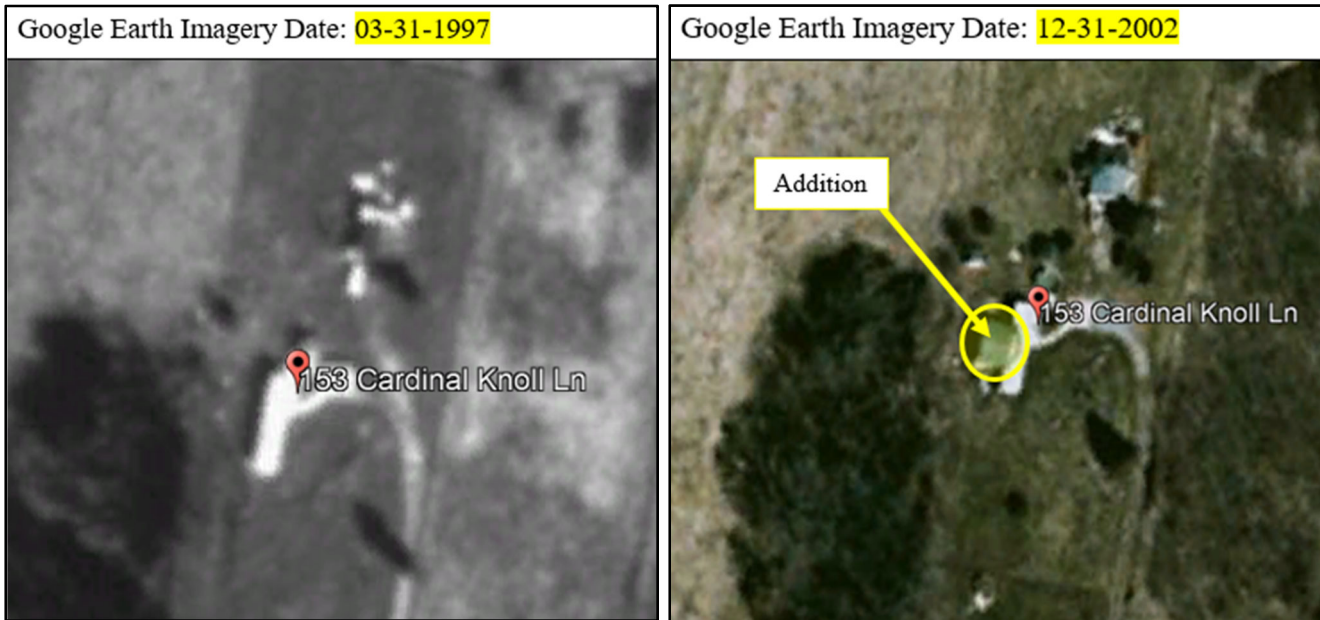
Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 24, 2022  
**Britton Variance Request (#22-5-ZV)**

Item #1 Variance from Section 5.7B of the Zoning Ordinance (as amended 02/11/98) to reduce the front setback from 40' to 10' and the rear setback from 50' to 10' to allow for the replacement of an existing singlewide mobile home with a new ~2,200 square foot home.

|   |   |
|---|---|
| Applicant:                              | Jon Drabnis, North Central Construction, Inc.   |
| Owner:                                  | Timmy and Sherry Britton  |
| Developer:                              | N/A   |
| Consultant:                             | N/A   |
| Parcel Information and Zoning District: | <p style="text-align: center;">Sharp Minor Subdivision, Lot 2<br/>         153 Cardinal Knoll Lane, Shenandoah Junction, WV 25442<br/>         Parcel ID: 09002000060004; Size: 1.46 acres;<br/>         Zoning District: Rural</p>  |
| Surrounding Properties:                 | <p style="text-align: center;">Zoning Map Designation:<br/> <i>North, South, East, &amp; West:</i> Rural</p>  |
| History:                                | 02/26/92: Sharp MSD recorded in <a href="#">PB 10 @ PG 65</a> (PC File #91-26)  |
| Waivers/Variances:                      | 12/11/1990: PC Variance – Depth to Width Ratio  |
| Approved Activity:                      | Single Family Residence   |
| Site Visit Conducted:                   | No.   |



Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 24, 2022  
**Britton Variance Request (#22-5-ZV)**



| Other Building and Yard Improvements |      |                                      |               |    |       |       |       |                 |                             |  |
|--------------------------------------|------|--------------------------------------|---------------|----|-------|-------|-------|-----------------|-----------------------------|--|
| Bldg/<br>Card #                      | Line | Type                                 | Year<br>Built | CG | Units | Size  | Area  | Replace<br>Cost | Adjusted<br>Replace<br>Cost |  |
| 1                                    | 1    | Real Single Wide Mobile Home         | 1972          | 22 | 1     | 14x67 | 938   | \$16,770        | \$16,780                    |  |
| 1                                    | 2    | Wood Deck (Mod.) Mobile Home         | 1994          | 22 | 1     | 8x24  | 192   | \$1,150         | \$1,040                     |  |
| 1                                    | 3    | Wood Deck (Mod.) Mobile Home         | 1994          | 22 | 1     | 4x14  | 56    | \$340           | \$300                       |  |
| 1                                    | 4    | Attached 1S Frame (Mod.) Mobile Home | 2002          | 22 | 1     | 18x28 | 504   | \$10,190        | \$9,180                     |  |
| 1                                    | 5    | Frame Utility Shed                   | 1995          | 11 | 1     | x     | 640   | \$4,140         | \$2,080                     |  |
| 1                                    | 8    | Wood Deck (Mod.) Mobile Home         | 2003          | 22 | 1     | 9x15  | 135   | \$810           | \$480                       |  |
| 1                                    | 9    | Gazebo Gazebo                        | 2004          | 22 | 1     | 12x12 | 144   | \$1,520         | \$2,000                     |  |
|                                      |      |                                      |               |    | 7     |       | 2,609 | \$34,920        | \$31,860                    |  |

With regard to the rear setback reduction, because the addition has existed since at least 2003, and the adjoining 32 acre lot does not contain a residence, it appears that impact on adjoining properties would be minimal. Regarding the front setback reduction, Cardinal Knoll Lane presently serves the three lots in the Sharp Minor Subdivision. It does not appear that construction of a new home 10' from the edge of the 40' wide access easement would have an adverse impact on motorists. It is improbable that the access easement would need to be widened for future development.

The current home is not in compliance with the County's setback requirements. Based on the dimensions of the proposed new construction home, it is not feasible for the proposed new home to comply with the Ordinance due to the limited buildable area. The width of the building envelope is 28.84'.

Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 24, 2022  
**Britton Variance Request (#22-5-ZV)**

Conditions of Approval

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

1. The applicant shall ensure that all vehicles are parked entirely outside of the 40' access easement to ensure that the full width of the access easement remains usable to motorists.

**SECTION OF ORDINANCE TO BE CONSIDERED:**

**Section 5.7(B)**

|  |               |           |                  |                 |                 |  |
|--|---------------|-----------|------------------|-----------------|-----------------|--|
| (b) <u>Minimum Lot Area, Lot Width and Yard Requirements</u>   |               |           |                  |                 |                 |  |
| & 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).       |               |           |                  |                 |                 |  |
|  | 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. |               |           |                  |                 |                 |  |



**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: 22-5-ZV  
 Staff Initials: AB  
 Meeting Date: 02-24-22  
 Fees Paid (\$100 or \$150): \_\_\_\_\_

Email: [zoning@jeffersoncountywv.org](mailto: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: Timmy D. And Sherry M. Britton  
 Mailing Address: 542 Halston Road, West Sunbury, PA 16061  
 Phone Number: 724-636-1607 Email: Woodmaker54@gmail.com

**Applicant Contact Information**

Name: Jon Drabnis; North Central Construction, Inc.  
 Mailing Address: 136 Potlickory Lane, Hedgesville, WV 25427  
 Phone Number: 304-641-6923 Email: Jon@NCCWVA.com

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

Name: N/A  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: 153 Cardinal Knoll Lane  
 City: Shenandoah Junction State: WV Zip Code: 25442  
 Tax District: Shepherdstown-9 Map No: 20 Parcel No: 6.4  
 Parcel Size: 1.46 acres Deed Book: 1255 Page No: 726

**Zoning District (please check one)**

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

**RECEIVED**  
**JANUARY 27, 2022**  
 Jefferson County, WV  
 Office of Planning & Zoning

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: 5.76

Briefly describe the nature of the variance request: We are requesting to extend the boundaries of the building zone. Currently the setback limit of 50 feet from the back property line and 40 feet from the front easement does not allow for the new dwelling. We would like to build 10 feet from the rear set back line (which backs up to farmland) and 10 feet from the easement line.

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

Front Setback  Side Setback  Rear Setback  Reduction From 40' / 50' to 10' / 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: There is an existing well + septic, which has been approved by the Jefferson Co. Health Dept. Therefore, the new structure will not require any new septic drainage, or run-off, nor will it require any new utilities. Placing the new structure within the proposed limits will not encroach on the two other residences in the subdivision.

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?

When the property was subdivided, Lot 2 was designated a much smaller building zone than the two adjacent properties. This current zone does not allow for a structure of substance or value to be added.

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

Permission to enlarge the building zone will allow the property owners to build a quality structure that will add value to the Sharp subdivision and Jefferson County.

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

The 1.46 acre property was never granted sufficient allowances for building any kind of structure other than a single-wide mobile home. The property is located in a rural area, backs up to farmland, and only one homeowner beyond this property. Therefore, a new structure will not hinder →

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.

Tina D. Burt 1-26-22  
Signature of Property Owner Date

Sherry M. Britton 1/26/22  
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).

February 24, 2022  
Date of Public Hearing

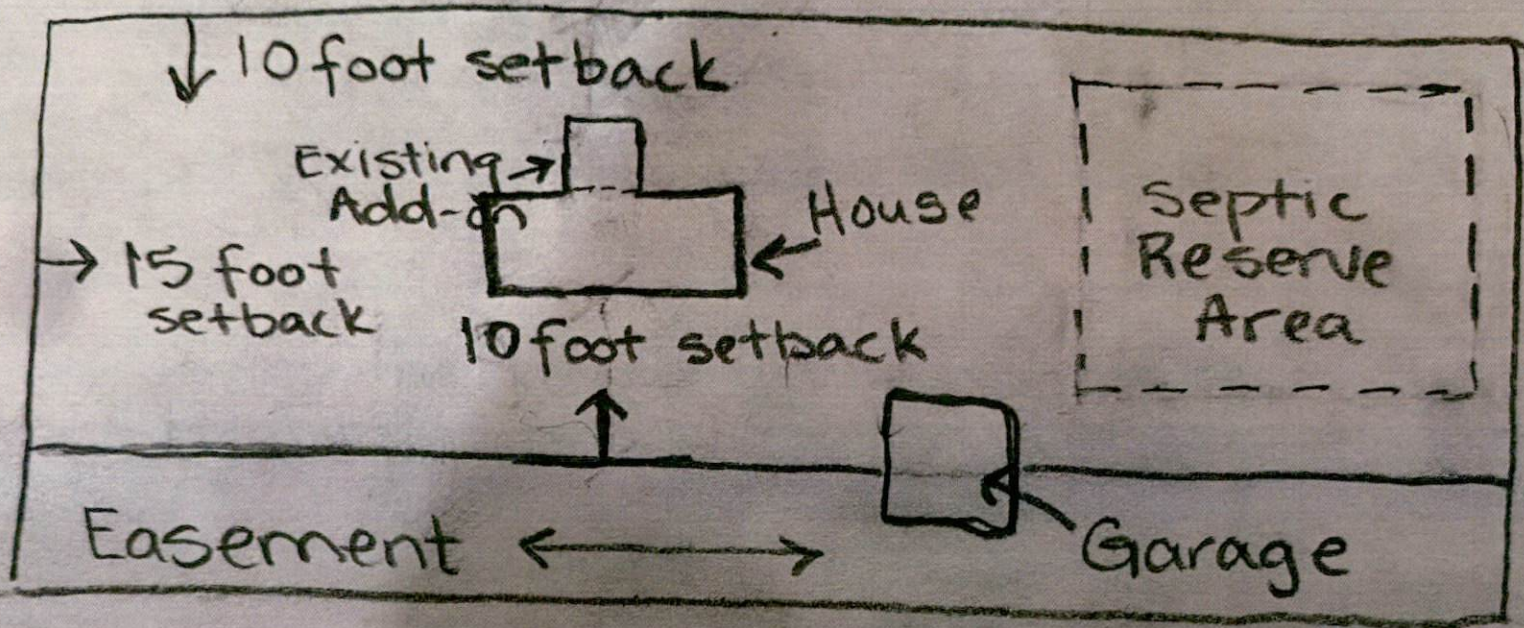
February 9, 2022  
Advertising Date

February 9, 2022  
Placard Posting Date

Continued from front:

(last question.)

or cause inconvenience, but rather bring added value.




← Cardinal Knoll Ln. →

Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 24, 2022

**Saccucci Variance Request (File #22-6-ZV)**

Item #2 Variance from Section 5.4B of the Zoning Ordinance (as amended 05/01/03) to reduce the front setback from 25 to 20' to construct a front porch.

|   |   |
|---|---|
| Applicant:                              | Marc. Saccucci  |
| Parcel Information and Zoning District: | Maddex Farm Subdivision, Lot 185, 290 Maddex Dr., Shepherdstown, WV<br>Parcel ID: 09008C02270000; Size: .196 ac;<br>Zoning District: Residential-Light Industrial-Commercial (RLIC) |
|   |  <p>★ Parcel subject to the request.<br/>       ★ Parcel owned by applicant.</p>                 |
| Surrounding Properties:                 | Zoning Districts:<br>North, East, South, and West: Residential-Light Industrial-Commercial  |
| <b>History:</b>                         |   |
| <b>File #</b>                           | <b>Project Name</b>   |
|   | <b>Recording Info</b>   |
| 84-04                                   | Maddex Court I (apartments) <span style="float: right;"><a href="#">PB: 7, PG: 9</a></span>   |
| 86-18                                   | Maddex Professional Offices , Phase 1 <span style="float: right;"><a href="#">PB: 7, PG: 42</a></span>  |
| 89-32                                   | Maddex Square Shopping Center, Lots 3-6 (Food Lion and outsale lots) <span style="float: right;"><a href="#">PB: 8, PG: 73</a></span>   |
| 90-60                                   | Maddex Farm, Phase II, Lots 1-31 TH & Lot A Residue <span style="float: right;"><a href="#">PB: 10, PG: 41</a></span>   |
| 91-24                                   | Maddex Farm, Phase I, Lot 1 (University Heights Apt) <span style="float: right;"><a href="#">PB: 10, PG: 58</a></span>  |
| 92-33                                   | Maddex Farm, Phase III, Section 1 Lots 1-11, 19-21, Lot A-Residue <span style="float: right;"><a href="#">PB: 12, PG: 5</a></span>  |
| 94-16                                   | Maddex Farm, Phase IV, Tracts 1 (pharmacy), 2 & 3-Residue <span style="float: right;"><a href="#">PB: 13, PG: 2</a></span>  |
| 95-03                                   | Maddex Farm, Phase III, Sec 2, Lots 12-18; Sec 3, Lots 22-28, Lot A-Residue <span style="float: right;"><a href="#">PB: 13, PG: 33</a></span>                                       |
| 95-34                                   | Maddex Farm, Phase IV, Tract 2A & 2B (Pharmacy & Hotel) <span style="float: right;"><a href="#">PB: 14, PG: 41</a></span>   |
| 02-04                                   | Maddex Farm, Phase 1, Lots 75-112, 184 & Lot A Residue <span style="float: right;"><a href="#">PB: 20, PG: 12</a></span>  |
| 04-13                                   | Maddex Farm, Lots 53-74, 113-119, 161-183, 185-186, Lot A-Residue <span style="float: right;"><a href="#">PB: 21, PG: 22</a></span>   |
| 04-18                                   | Maddex Square Shopping Center (BLA of Lots 4 & 5) <span style="float: right;"><a href="#">PB: 20, PG: 66</a></span>   |

Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 24, 2022

**Saccucci Variance Request (File #22-6-ZV)**

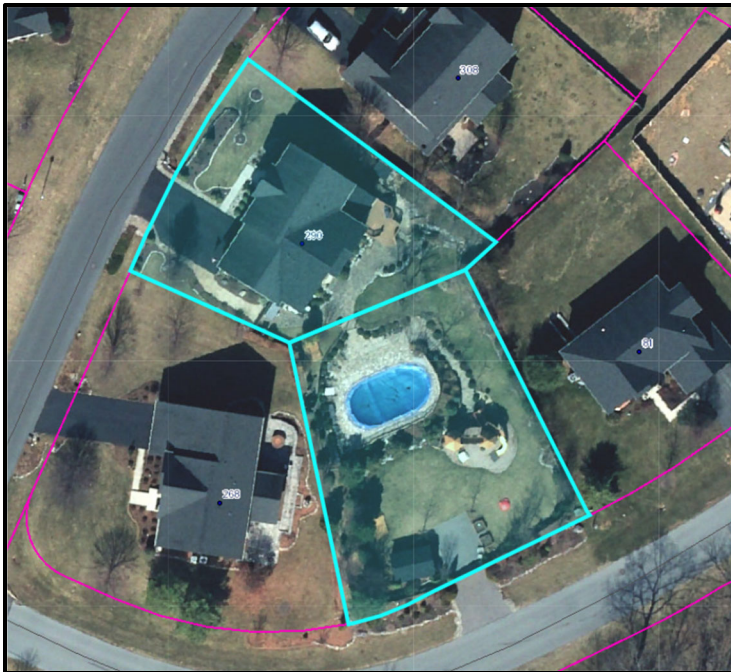
|  |  |
|--|--|
| 05-05 Maddex Farm, Phase III, Lots 1-14, 25-27, 136-160, 187-202 & Lot A Residue <a href="#">PB: 22, PG: 7</a> |  |
| 06-07 Maddex Farm, Phase IV, Lots 15-24, 28-52 & 120-135 <a href="#">PB: 23, PG: 77</a>                        |  |
| Waivers/Variations:  | 04/16/09: BZA approves reduction of the rear setback from 20' to 13' for a portion of a proposed addition. |
| 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 Zoning Ordinance (as amended 05/01/03) to reduce the front setback from 25 to 20' to construct a front porch.

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 the Request**



The subject parcel is Lot 185 in Phase II of Maddex Farm, which was recorded on August 12, 2004 in Plat Book 21, Page 22 (A-D). This subdivision was processed under the 05/01/03 Zoning Ordinance; therefore, the following setbacks would apply to the subject lot: 25' Front; 12' Side; and 20' Rear.

The applicant is requesting a reduction of the front setback from 25' to 20' to allow for the construction of a front porch that would span approximately 35' along the frontage of the home.

It is unlikely that Maddex Drive will need to expand, as it is a 50' wide right-of-way that serves a fully developed subdivision. All of the subdivision's utilities (water, sewer, electric) have been installed with easements in place to allow for future maintenance, etc.

As noted by the applicant, there does not appear to be a negative impact to the surrounding neighbors as the proposed porch will be 20' from the front property line and approximately 33' to the road surface.

Based on the location of the existing dwelling, it is not feasible to construct a front porch in compliance with the required 25' front setback.

Staff Report  
Jefferson County Board of Zoning Appeals  
February 24, 2022

**Saccucci Variance Request (File #22-6-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)<br>Area per Dwelling Unit (ADU) | Required<br>Yards | Maximum<br>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: 22-6-ZV  
 Staff Initials: jth  
 Meeting Date: 02/24/22  
 Fees Paid (\$100 or \$150): 100.00

Email: [zoning@jeffersoncountywv.org](mailto: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: Marc A. Saccucci  
 Mailing Address: 290 Maddex Drive, Shepherdstown, WV 25443  
 Phone Number: 301-704-7964 Email: marc.saccucci@gmail.com

**Applicant Contact Information**

Name: Marc Saccucci  
 Mailing Address: 290 Maddex Drive, Shepherdstown, WV 25443  
 Phone Number: 301-704-7964 Email: marc.saccucci@gmail.com

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

Name: Appalachian Surveys, PLLC  
 Mailing Address: 401 S. Fairfax Boulevard, Suite 3, Ranson, WV 25438  
 Phone Number: 304-724-5010 Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: 290 Maddex Drive  
 City: Shepherdstown State: WV Zip Code: 25443  
 Tax District: 9 Map No: 8C Parcel No: 227  
 Parcel Size: 0.196 Acres (8,538 sq ft) Deed Book: 1020 Page No: 54

**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 type="checkbox"/> | <input checked="" type="checkbox"/>              | <input type="checkbox"/> | <input type="checkbox"/>     | <input type="checkbox"/> |

**RECEIVED**  
**January 28, 2022**  
**Jefferson County, WV**  
**Office of Planning and 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 9, Section 9.7 -- Setbacks~~ Sec. 5.4B - jth

**Briefly describe the nature of the variance request:**

We would like to be able to add a front porch to our home similar in nature to other homes in our neighborhood. In order to construct this addition to our home consistent with the dimensions and aesthetics of others in our subdivision, we are requesting a reduction of the existing 25 foot front setback to 20 feet.

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

Front Setback  Side Setback  Rear Setback  Reduction From 25' 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:**

Altering the front setback to enable us to construct a front porch addition on our home will not impact public health, safety, or welfare -- nor the rights of other owners in our neighborhood. By permitting this variance, we will be able to seek permits for the construction of a front porch similar in dimensions of neighboring homes. The subject property does not directly face homes across the street; minimizing impacts on others. This change will aid in mitigating our wind-driven water intrusion issues.

**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?**

Our home's building lot has an irregular shape and is the smallest single family home lot in this phase of our neighborhood. The position of the home within the BRL does not permit a porch spanning the entirety of the front facing wall of the home. A variance from the front setback would be required to construct a porch, wide enough to shield from weather and consistent proportionally with other homes, while staying completely within the bounds of the property BRL.

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

By allowing a variance to the front setback, we will be able to apply for a permit to construct a front porch addition on our home. The purpose of this addition is to help mitigate wind-driven rain intrusion, which has caused past damage due to the orientation/exposure in heavy storms. Additionally, the shade and shelter will help reduce the energy needed to heat and cool our home.

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

The requested variance would allow for the lot, a non-rectangular "difficult lot" to be used in a way that other homes in our residential subdivision are. Our lot is 8,538 sqft in a close residential setting and the alteration would be conforming to other homes and the nature of the community. Even after a reduction to 20' for the front setback from the right of way, the distance from the road surface to the new BRL would be 33 feet at it's closest point. (see supporting site photos)

**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      1/26/2022  
Date

\_\_\_\_\_  
Signature of Property Owner      Date

**Notification Requirements (to be completed by staff)**

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

02-24-22

**Date of Public Hearing**

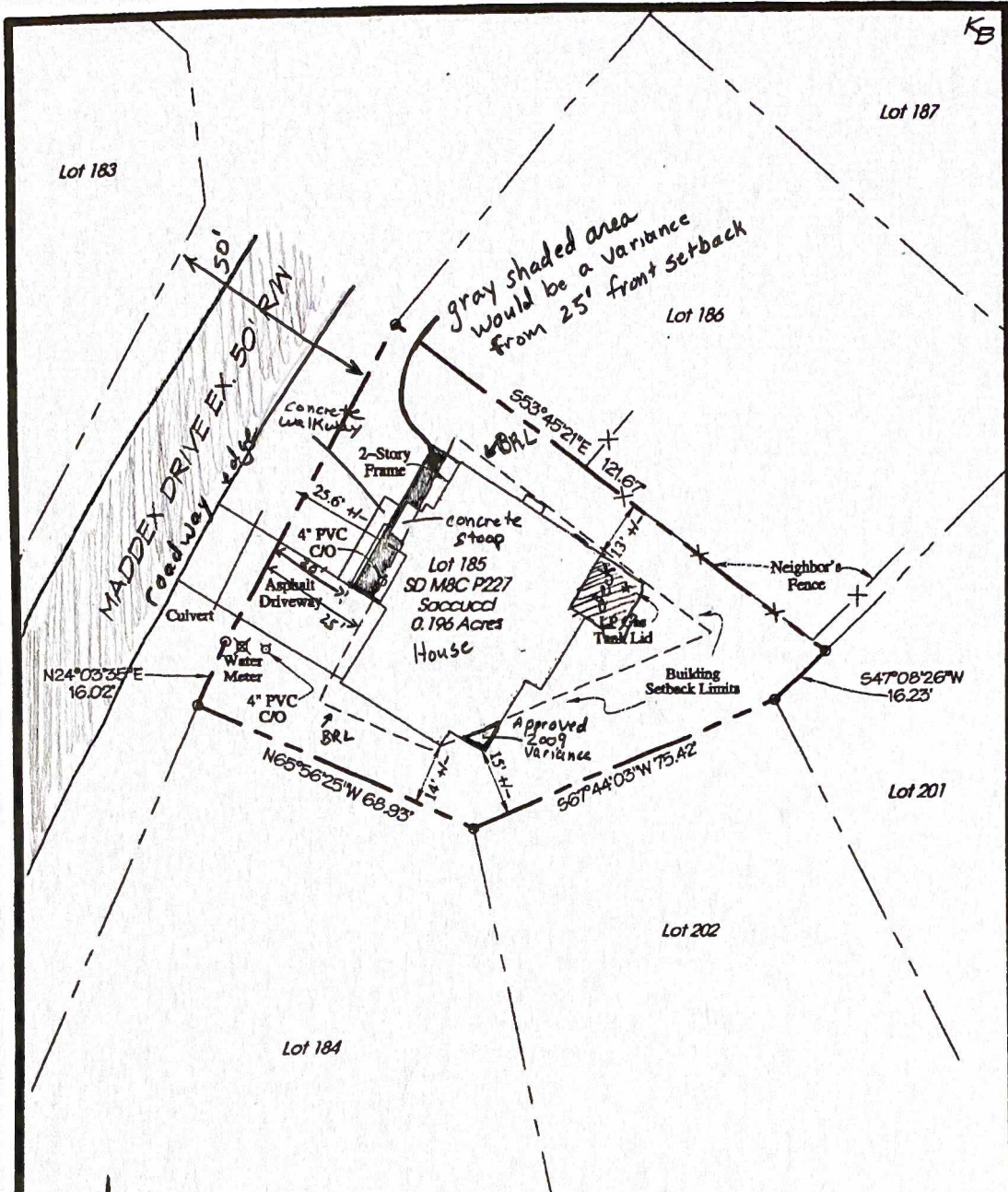
02-09-22

**Advertising Date**

02-09-22

**Placard Posting Date**

*Marc Saccucci*  
1/26/2022



Sketch Plat Showing

### Lot 185 Maddex Farm

Shepherdstown District  
Jefferson County, WV  
Date: 20 September 2010  
Scale: 1" = 30'

Building Setback Limits: 25' front,  
12' side, and 20' rear per JCPZC.

## APPALACHIAN SURVEYS, PLLC

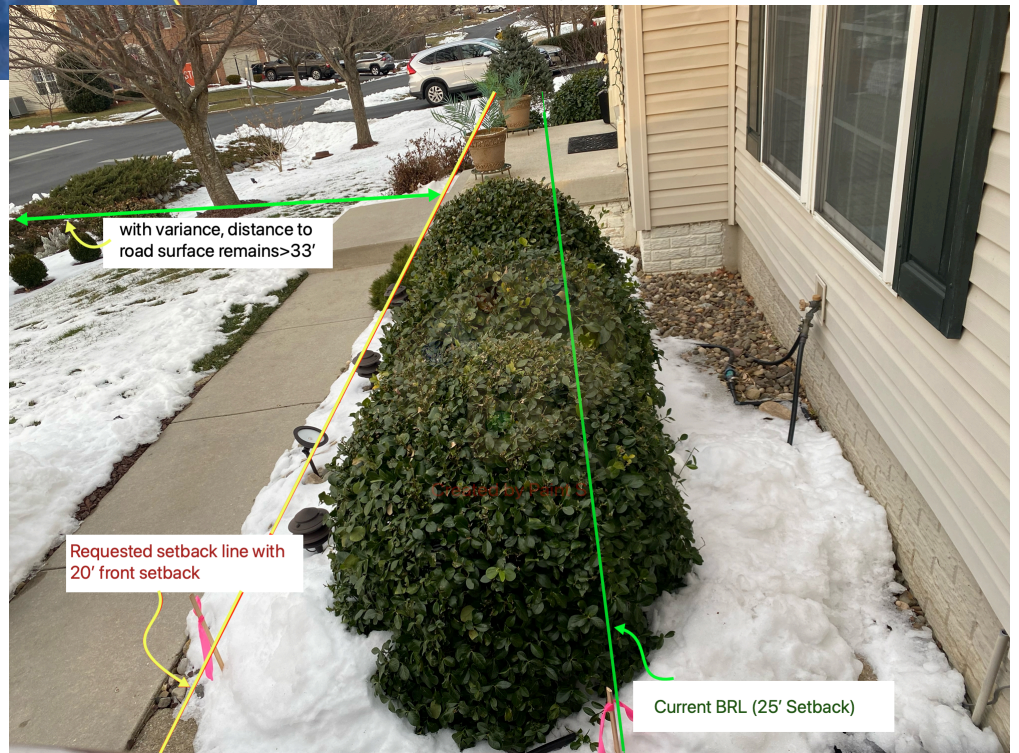
401 S. FAIRFAX BOULEVARD, SUITE 3  
RANSON, WV 25438-1611  
PHONE: 304.724.5008  
FAX: 304.724.5010  
WWW.APPALACHIANSURVEYSPLLC.COM



### 290 Maddex Drive Setback Variance Application Supporting Site Photos:



South Facing View



North Facing View

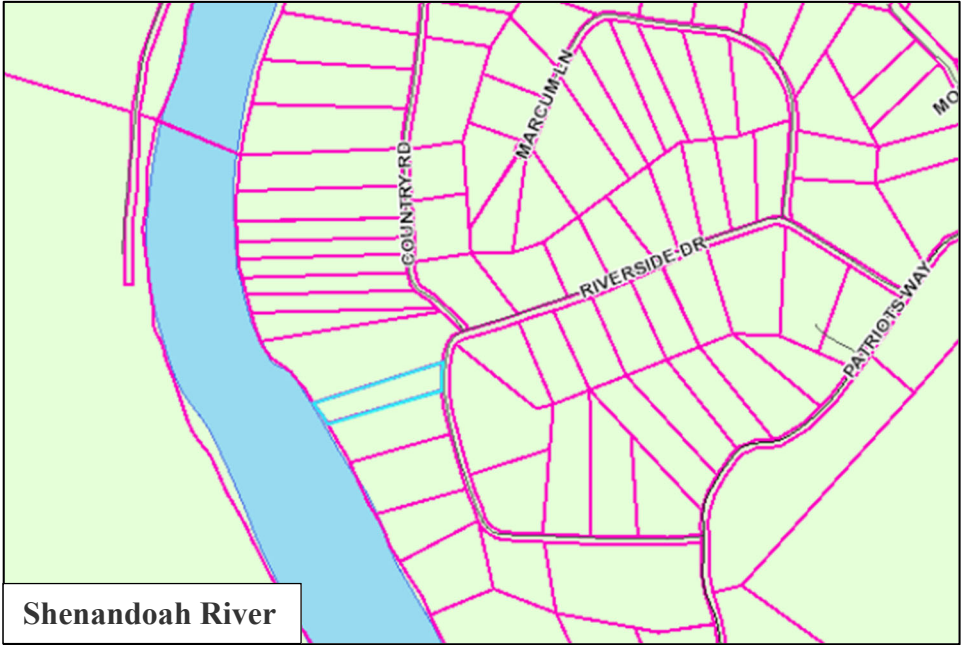


Front view from Maddex Drive

Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 24, 2022

**Rapattoni Variance Request (#22-7-ZV)**

Item #3 **Request 1:** Variance from Section 9.7 to reduce the side setback along the northern boundary from 12' to 5' for a 26' x 31' detached garage with covered breezeway.

|   |  |
|---|--|
| Applicant:                              | Charles Rapattoni  |
| Owner:                                  | Cheryle Rapattoni  |
| Parcel Information and Zoning District: | <p style="text-align: center;">Riverside Subdivision, Sec. 1, Lot 100A<br/>         267 Riverside Dr., Harpers Ferry, WV<br/>         Parcel ID: 06002600240000; Size: 1.08 ac; Zoning District: Rural</p>  |
| Surrounding Properties:                 | Zoning Districts:<br>North, South, East, West: Rural   |
| History:                                | Riverside Subdivision, Sec. 1 originally platted on 04/22/65 in DB 273, PG 58<br>Riverside Subdivision, Lot 100 & 101 reconfigured on 07/06/72 in DB 345, PG 235   |
| Waivers/Variations:                     | None   |
| Approved Activity:                      | Single family dwelling   |
| Site Visit Conducted:                   | Site visit not conducted.  |

**Summary of Request and Purpose of Ordinance Requirement**

The applicant is requesting a variance from Section 9.7 to reduce the side setback along the northern boundary from 12' to 5' for a 26' x 31' detached garage with covered breezeway.

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  
February 24, 2022

**Rapattoni Variance Request (#22-7-ZV)**

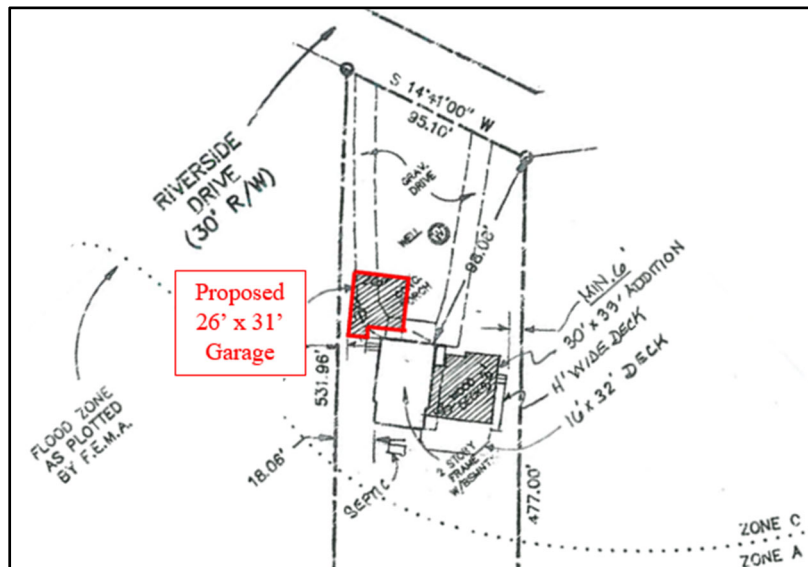
**Staff Evaluation of the Request**

The subject parcel is Lot 100A of the Riverside Subdivision, which was originally recorded on April 22, 1965 in Deed Bok 273, at Page 58. The reconfiguration of the subject parcel, along with Lot 101, was recorded on July 6, 1972 in Deed Book 345, at Page 235. This lot was created prior to the adoption of the Zoning Ordinance. According to Section 9.7 of the Zoning Ordinance, lots that were put on record prior to the adoption of zoning may utilize a “sliding scale”. As this lot is located in the Rural zoning district, and is approximately one acre in size, the required setbacks are: 25’ Front, 12 Side, and 12 Rear.



*\*Tax map lines depicted on the GIS aerial are not an accurate representation of the legal property lines.*

The applicant is proposing to construct a 26’ x 31’ detached garage with a covered breezeway leading to the house. The request is to reduce the side setback along the northern boundary from 12’ to 5’.



Staff Report  
Jefferson County Board of Zoning Appeals  
February 24, 2022

**Rapattoni Variance Request (#22-7-ZV)**

A setback reduction in this location does not appear to create any adverse effect on the adjoining property and the applicant included a letter of support from the neighbor to the north, who would be most impacted by the subject request.

It may be feasible to comply with the Ordinance by other means if a smaller structure were selected; however, based on the applicant's representation, a smaller structure would not meet their needs. Due to the narrow width of the lot, the location of the septic, and the large floodplain area, it is not feasible to comply with the Ordinance.

**Conditions of Approval**

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

1. No conditions of approval were identified.

**Section of Ordinance to be Considered**

**Section 9.7 Other Exceptions<sup>3</sup>**

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:<sup>23</sup>

Residential Growth District<sup>23</sup>

Single Family Residences

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

Rural Agricultural and Industrial Commercial

Single Family Residences

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

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





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

File Number: 22-7-ZV  
 Staff Initials: gjl  
 Meeting Date: 02/24/21  
 Fees Paid (\$100 or \$150): 100 -

Email: [zoning@jeffersoncountywv.org](mailto: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: Cheryle J Rapattoni  
 Mailing Address: 267 Riverside Drive, Harpers Ferry, WV 25425  
 Phone Number: 304-724-5183 Email: rapattoni@netzero.com

**Applicant Contact Information**

Name: Chareles R. Rapattoni  
 Mailing Address: 267 Riverside Drive, Harpers Ferry, WV 25425  
 Phone Number: 304-724-5183 Email: rapattoni@netzero.net

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

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: 267 Riverside Drive  
 City: Harpers Ferry State: WV Zip Code: 25425  
 Tax District: 06 Map No: 26 Parcel No: 24  
 Parcel Size: 1.08 ac Deed Book: 920 Page No: 413

**Zoning District (please check one)**

|  |  |   |   |   |  |   |  |
|--|--|---|---|---|--|---|--|
| Residential<br>Growth<br>(RG)<br><input type="checkbox"/>  | Industrial<br>Commercial<br>(IC)<br><input type="checkbox"/> | Rural<br>(R)<br><input checked="" type="checkbox"/> | Residential-<br>Light Industrial-<br>Commercial<br>(R-LI-C)<br><input type="checkbox"/> | Village<br>(V)<br><input type="checkbox"/>              | Neighborhood<br>Commercial<br>(NC)<br><input type="checkbox"/> | General<br>Commercial<br>(GC)<br><input type="checkbox"/>                   |  |
| <p align="center"><b>RECEIVED</b></p> <p align="center">JAN 31 2022</p> <p align="center">JEFFERSON COUNTY PLANNING<br/>ZONING &amp; ENGINEERING</p> |  |   | Highway<br>Commercial<br>(HC)<br><input type="checkbox"/>                               | Light<br>Industrial<br>(LI)<br><input type="checkbox"/> | Major<br>Industrial<br>(MI)<br><input type="checkbox"/>        | Planned<br>Neighborhood<br>Development<br>(PND)<br><input type="checkbox"/> | Office/Commercial<br>Mixed-Use<br>(OC)<br><input type="checkbox"/> |

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

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

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

**Briefly describe the nature of the variance request:**

To reduce the side setback on the right (NW) side of my property from 12 ft to 5 ft in order to build a 26x31 ft garage addition onto and connected by the garage roof to the right front of my residence. The garage addition will also be connected to the main addition on the left side of the residence by a covered front porch.

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

Front Setback  Side Setback  Rear Setback  Reduction From 12 ft to 5 ft

**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 adjacent property owners/residents on either side of me have each provided a letter affirming their support of and that they have no objection to the granting of the requested variance for the above stated purpose, and that they would suffer no adverse impact as a result thereof.

**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?**

My house, on property that backs to the Shenandoah River, is a 1 1/2 story structure with not enough square footage to meet current needs, but is on a lot only approximately 86 ft wide, which, due to the required 12 ft setback, won't facilitate an addition to meet those needs.

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

it would allow me to build my much needed home addition as described above, making it possible for me and my family to remain in our current residence, without any adverse impact on either the value of or our neighbor's ability to enjoy the full use and benefit of their properties.

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

The Zoning Ordinance allows for such variance petitions, the appropriate procedures concerning which have been observed here, both affected neighbors have signed letters of endorsement of my request, and all concerned would benefit from the subject proposed improvements.

**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.

Cheryl Papattori 1/28/2022  
Signature of Property Owner Date

\_\_\_\_\_  
Signature of Property Owner Date

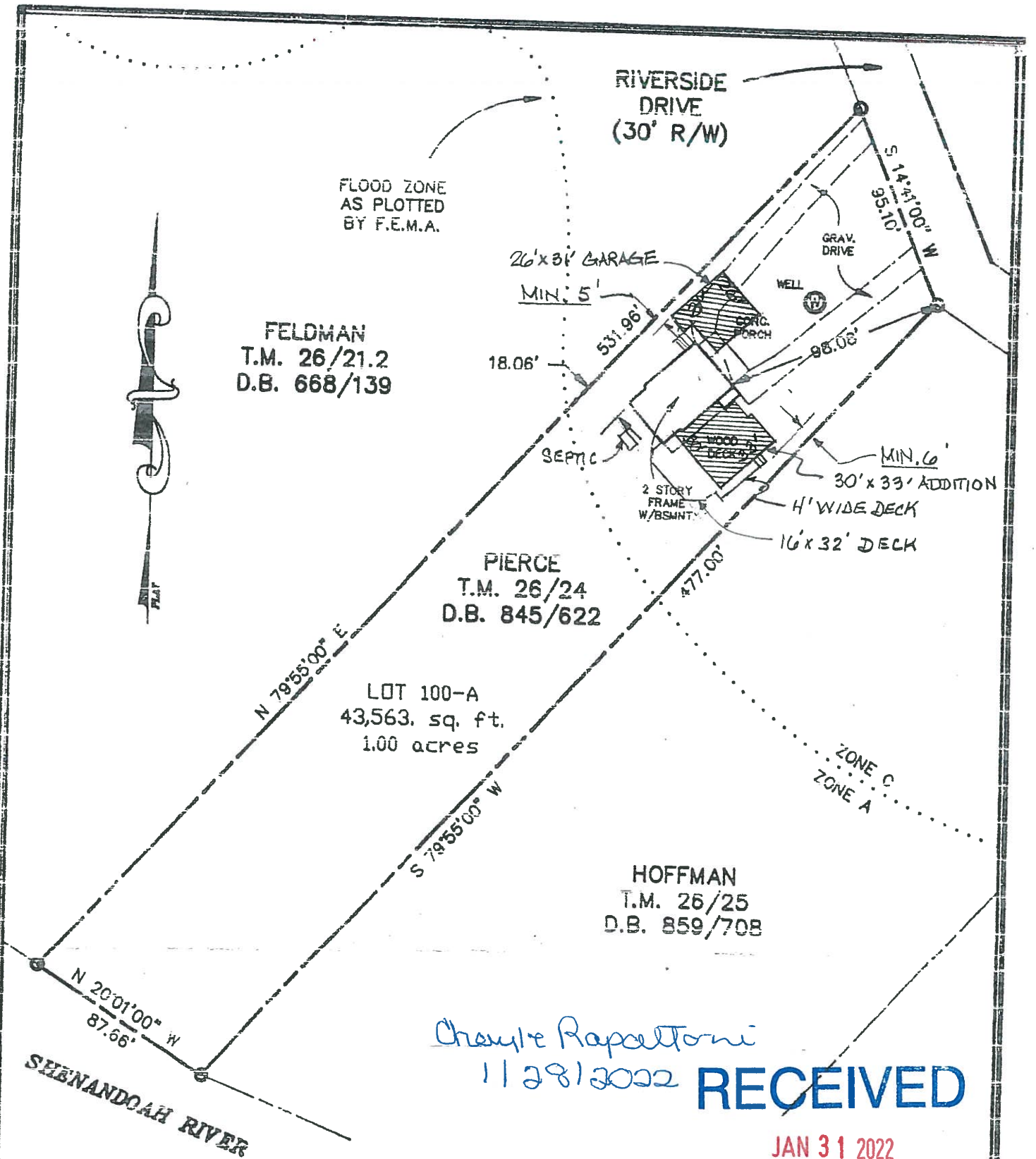
**Notification Requirements (to be completed by staff)**

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

02-24-22  
Date of Public Hearing

02-09-22  
Advertising Date

02-09-22  
Placard Posting Date



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**JAN 31 2022**

**JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING**

NOTE: THIS IS NOT A BOUNDARY SURVEY.  
 PLAT OF HOUSE LOCATION FOR: CHERYLE RAPATTONI

THIS PROPERTY IS MAPPED ON FEMA PANEL # 540065 0068 B ZONES A & C.  
 RESIDENCE IS NOT MAPPED IN A FLOOD ZONE.

PLAT SHOWING IMPROVEMENTS TO LOT 100-A RIVERSIDE SUBDIVISION,  
 STANDING IN THE NAME OF DONNA F. PIERCE, AS RECORDED IN THE OFFICE OF  
 THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 845/622 LOCATED IN  
 KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

To Whom it May Concern,

We, Marc Feldman and Ronnie Koenig, of 289 Riverside Dr., Harpers Ferry, WV, the neighbors and owners of the property to the immediate right of Cheryle and Charles Rapattoni of 267 Riverside Dr., would like to express our support of, and attest that we have no objection to, the Rapattonis' application for and the County's granting of a variance to permit the building of an addition to their residence at 267 Riverside Dr., the closest one corner of a portion of which (the garage structure) would, it is understood, be located five feet from our common side property line, less than the side setback distance of 12 feet otherwise stipulated by ordinance.

The subject addition, as proposed, would be an enhancement to the community, without any adverse impact on either the value of or our ability to enjoy the full use and benefit of our property.

Signed: 

Date: 1-24-21

Signed: Ronnie Koenig

Date: 1-24-21

**RECEIVED**

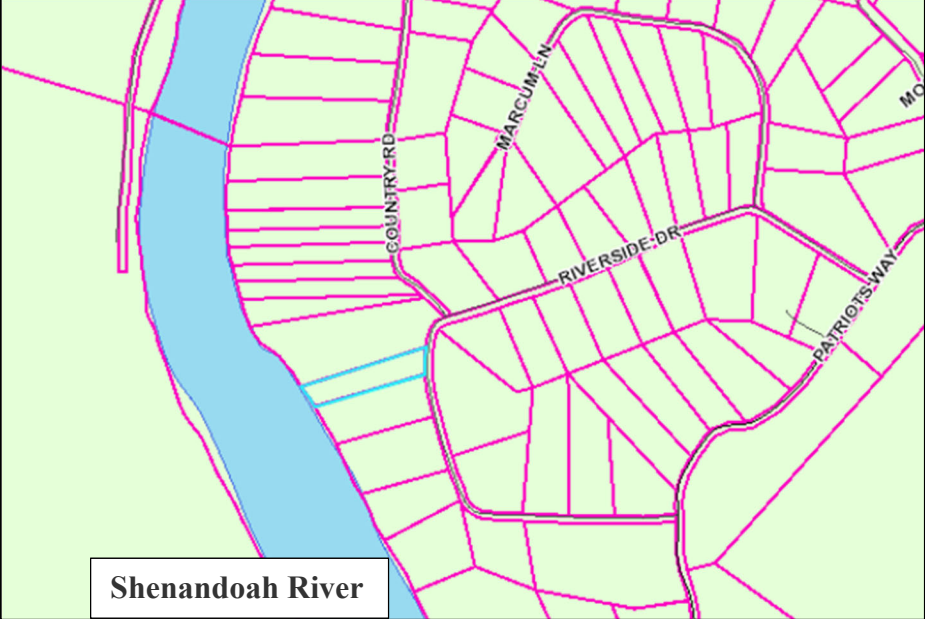
JAN 31 2022

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 24, 2022

**Rapattoni Variance Request (#22-8-ZV)**

Item #3 **Request 2:** Variance from Section 9.7 to reduce the side setback along the southern boundary from 12' to 6' for a 30' x 33' addition to the existing home, which will include a wraparound deck and stairs.

|   |  |
|---|--|
| Applicant:                              | Charles Rapattoni  |
| Owner:                                  | Cheryle Rapattoni  |
| Parcel Information and Zoning District: | <p style="text-align: center;">Riverside Subdivision, Sec. 1, Lot 100A<br/>         267 Riverside Dr., Harpers Ferry, WV<br/>         Parcel ID: 06002600240000; Size: 1.08 ac; Zoning District: Rural</p>  |
| Surrounding Properties:                 | Zoning Districts:<br>North, South, East, West: Rural   |
| History:                                | Riverside Subdivision, Sec. 1 originally platted on 04/22/65 in DB 273, PG 58<br>Riverside Subdivision, Lot 100 & 101 reconfigured on 07/06/72 in DB 345, PG 235   |
| Waivers/Variations:                     | None   |
| Approved Activity:                      | Single family dwelling   |
| Site Visit Conducted:                   | Site visit not conducted.  |

**Summary of Request and Purpose of Ordinance Requirement**

The applicant is requesting a variance from Section 9.7 to reduce the side setback along the southern boundary from 12' to 6' for a 30' x 33' addition to the existing home, which will include a wraparound deck and stairs.

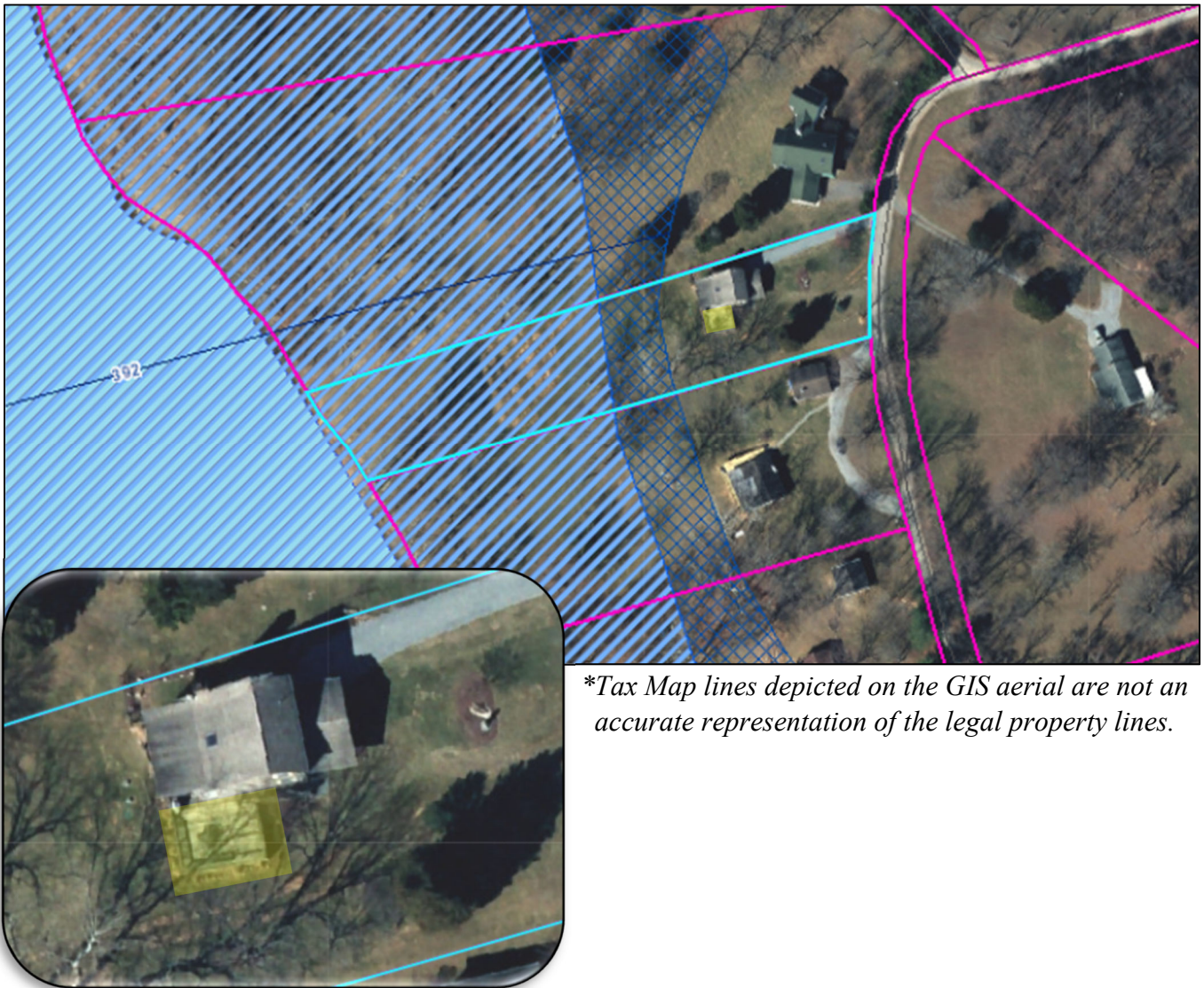
The purpose of side and rear setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention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

Staff Report  
Jefferson County Board of Zoning Appeals  
February 24, 2022

**Rapattoni Variance Request (#22-8-ZV)**

**Staff Evaluation of the Request**

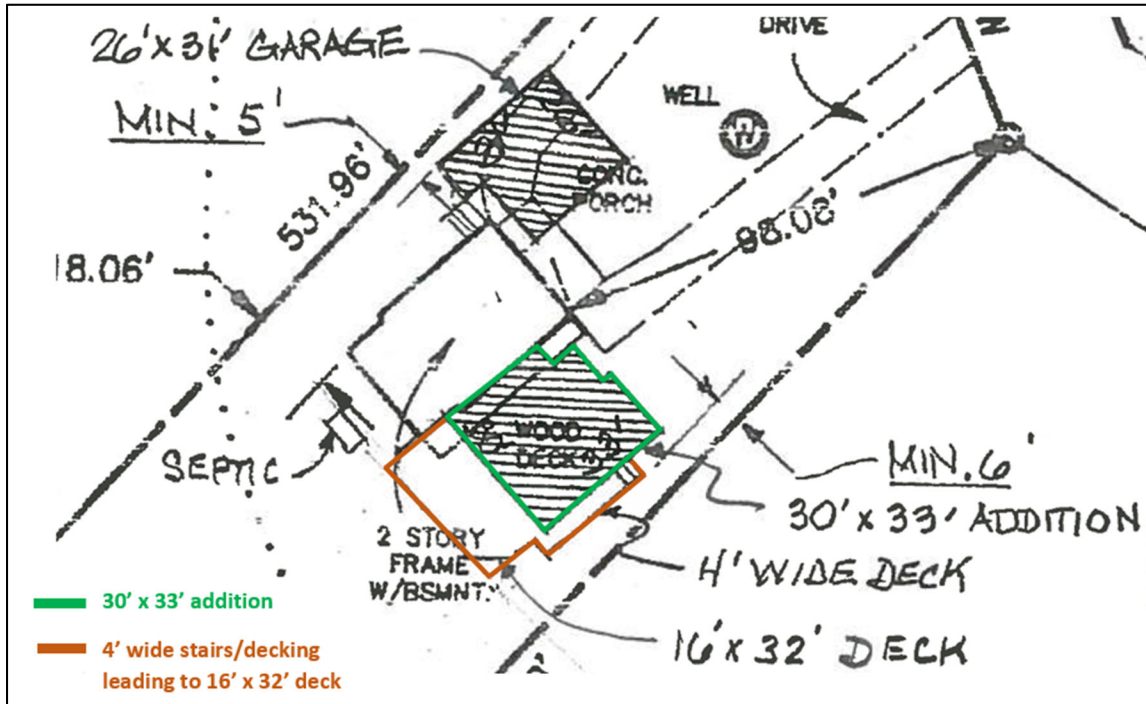
The subject parcel is Lot 100A of the Riverside Subdivision, which was originally recorded on April 22, 1965 in Deed Bok 273, at Page 58. The reconfiguration of the subject parcel, along with Lot 101, was recorded on July 6, 1972 in Deed Book 345, at Page 235. This lot was created prior to the adoption of the Zoning Ordinance. According to Section 9.7 of the Zoning Ordinance, lots that were put on record prior to the adoption of zoning may utilize a “sliding scale”. As this lot is located in the Rural zoning district, and is approximately one acre in size, the required setbacks are: 25’ Front, 12 Side, and 12 Rear.



Staff Report  
Jefferson County Board of Zoning Appeals  
February 24, 2022

**Rapattoni Variance Request (#22-8-ZV)**

The applicant is proposing to demolish an existing wooden deck and replace it with a 30' x 33' addition to the existing home, which will include a wraparound deck and stairs. The request is to reduce the side setback along the northern boundary from 12' to 6'. The proposed addition will be approximately 10' from the subject property line with the remainder of the encroachment consisting of a 4' wide stairway leading to a new 16' x 32' deck behind the home.



A setback reduction in this location does not appear to create any adverse effect on the adjoining property to the south and the applicant included a letter of support from the neighbor who would be most impacted by the subject request.

It may be feasible to comply with the Ordinance by other means if the dimensions of the addition were modified; however, based on the applicant's representation, a smaller structure would not meet their needs. Due to the parcel's narrow configuration, the location of the septic, and the large floodplain area, the remaining buildable area for this lot is limited. In order for the applicant to obtain the preferred square footage, it is not feasible to comply with the Ordinance.

**Conditions of Approval**

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

1. The proposed addition may not be converted into an attached dwelling unit.

Staff Report  
Jefferson County Board of Zoning Appeals  
February 24, 2022

**Rapattoni Variance Request (#22-8-ZV)**

**Section of Ordinance to be Considered**

**Section 9.7 Other Exceptions<sup>3</sup>**

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:<sup>23</sup>

Residential Growth District<sup>23</sup>

Single Family Residences

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

Rural Agricultural and Industrial Commercial

Single Family Residences

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

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



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

File Number: 22-8-ZV  
 Staff Initials: gd  
 Meeting Date: 02/24/21  
 Fees Paid (\$100 or \$150): 100 -

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228

**Zoning Variance Request**

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**Property Owner Information**

Name: Cheryle J Rapattoni  
 Mailing Address: 267 Riverside Drive, Harpers Ferry, WV 25425  
 Phone Number: 304-724-5183 Email: rapattoni@netzero.com

**Applicant Contact Information**

Name: Chareles R. Rapattoni  
 Mailing Address: 267 Riverside Drive, Harpers Ferry, WV 25425  
 Phone Number: 304-724-5183 Email: rapattoni@netzero.net

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

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: 267 Riverside Drive  
 City: Harpers Ferry State: WV Zip Code: 25425  
 Tax District: 06 Map No: 26 Parcel No: 24  
 Parcel Size: 1.08 ac Deed Book: 920 Page No: 413

**Zoning District (please check one)**

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

**RECEIVED**

JAN 31 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: Section 9.7

**Briefly describe the nature of the variance request:**

To reduce the side setback on the left (SE) side of my property from 12 ft to 6 ft in order to build a 30x33 ft addition to the left side of my residence, plus a 4 ft wide raised deck along the 33 ft left side to a 16x30 ft deck on the rear of the addition. This addition will also be connected to the garage addition on the right front of the residence by a covered front porch.

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

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

**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 adjacent property owners/residents on either side of me have each provided a letter affirming their support of and that they have no objection to the granting of the requested variance for the above stated purpose, and that they would suffer no adverse impact as a result thereof.

**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?**

My house, on property that backs to the Shenandoah River, is a 1 1/2 story structure with not enough square footage to meet current needs, but is on a lot only approximately 86 ft wide, which, due to the required 12 ft setback, won't facilitate an addition to meet those needs.

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

it would allow me to build my much needed home addition as described above, making it possible for me and my family to remain in our current residence, without any adverse impact on either the value of or our neighbor's ability to enjoy the full use and benefit of their properties.

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

The Zoning Ordinance allows for such variance petitions, the appropriate procedures concerning which have been observed here, both affected neighbors have signed letters of endorsement of my request, and all concerned would benefit from the subject proposed improvements.

**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.

Cheryle Rapattoni 1/28/22  
Signature of Property Owner Date

\_\_\_\_\_  
Signature of Property Owner Date

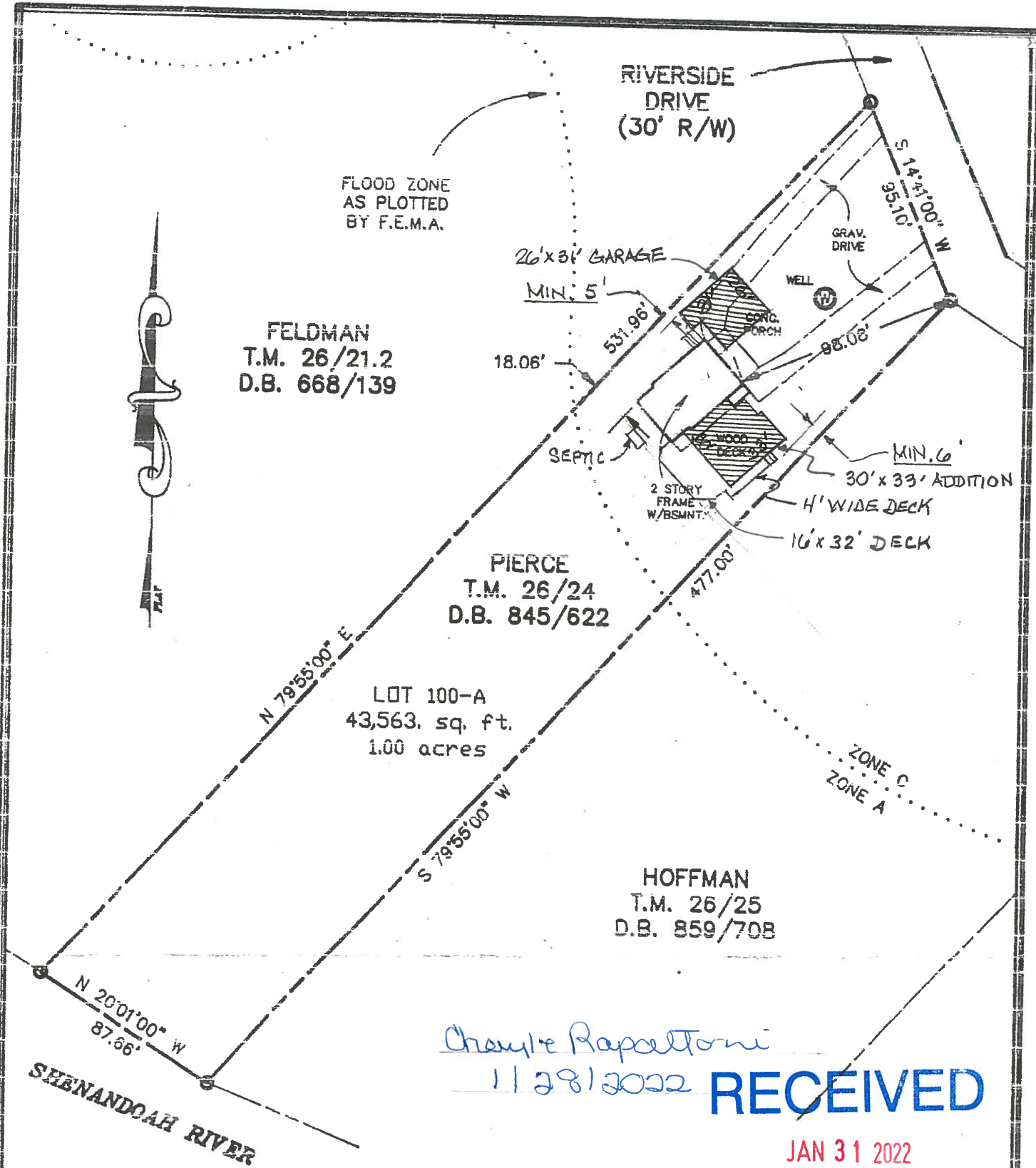
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02.24.22  
Date of Public Hearing

02.09.22  
Advertising Date

02.09.22  
Placard Posting Date



*Cheryle Rapattoni*  
 1/28/2022

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JAN 31 2022

NOTE: THIS IS NOT A BOUNDARY SURVEY.  
 PLAT OF HOUSE LOCATION FOR: CHERYLE RAPATTONI

JEFFERSON COUNTY PLANNING  
 ZONING & ENGINEERING

THIS PROPERTY IS MAPPED ON FEMA PANEL # 540065 0068 B ZONES A & C.  
 RESIDENCE IS NOT MAPPED IN A FLOOD ZONE.

PLAT SHOWING IMPROVEMENTS TO LOT 100-A RIVERSIDE SUBDIVISION,  
 STANDING IN THE NAME OF DONNA F. PIERCE, AS RECORDED IN THE OFFICE OF  
 THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 845/622 LOCATED IN  
 KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

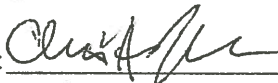
To Whom it May Concern,

We, Kyle and Christiane Hoffman, of 241 Riverside Dr., Harpers Ferry, WV, reside at and are the owners of the property adjoining that of our neighbors to our right, Cheryle and Charles Rapattoni of 267 Riverside Dr., whom we understand are seeking a variance from the Jefferson County Zoning Ordinance 12' side setback requirement so that they may build a residential living space and deck addition to the left side of their residence, which, at one (the closest) corner, would come to within six feet of our shared property line, less than the specified minimum 12' . We hereby affirm that we support and have no objection to the Rapattonis' request for and the County' s approval of a variance to allow them to build their addition to within the requested six feet from our shared property line.

Our respective residences, even after build-out of the subject addition, as proposed, would still be well more than 100 feet apart, and as such, said addition would have no effect on either the value or our use of our property.

Signed: 

Date: 1-22-22

Signed: 

Date: 1-22-22

**RECEIVED**

**JAN 31 2022**

**JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING**



# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

P.O. Box 716

Charles Town, WV 25414

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228

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## Zoning Administrator's Report February 24, 2022 Board of Zoning Appeals Meeting

**Date of Memo: February 8, 2022**

### 1) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **March 24, 2022** (deadline for submission is Monday, February 28, 2022).



Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 E. Washington Street, 2<sup>nd</sup> Floor, P.O. Box 716  
Charles Town, West Virginia 25414  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**February 2022**  
**Zoning Certificate Activity Report**

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File # 21-51-ZC  
Request: Bed and Breakfast  
Property Owner: Donald W. Sutherland  
Parcel Info: 287 Gardners Land, Shepherdstown, WV 25443  
Parcel ID: 09001300220000; Size: 3.74 acres;  
Zoning District: Rural; Deed Book: 1100; Page: 420;  
Date of Issuance: 02/08/2022

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File # 22-1-ZC  
Request: Farm Vacation Enterprise  
Property Owner: Joseph Herbert  
Applicant: Potomac Ridge LLC  
Parcel Info: 1122 Duncan Road, Harpers Ferry, WV  
Parcel ID: 09001100010000; Size: 77 acres;  
Zoning District: Rural; Deed Book: 1261; Page: 356  
Date of Issuance: 01-28-2022

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File # 22-4-ZC  
Request: Landscaping Business with conditions  
Property Owner: Stephen Snyder  
Applicant: Snyder's Property Squad  
Parcel Info: 38 Marcum Ln., Harpers Ferry, WV  
Parcel ID: 04002601510000; Size: 1.18 acres;  
Zoning District: Rural; Deed Book: 1125; Page: 393  
Date of Issuance: 02-04-2022

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File # 22-2-ZC  
Request: Farm Vacation Enterprise  
Property Owner: Debbie Halverson  
Applicant: Springdale Farm  
Parcel Info: 8025 Shepherdstown Pike, Shepherdstown, WV  
Parcel ID: 09001300340000; Size: 37.45 acres;  
Zoning District: Rural; Deed Book: 1108; Page: 24  
Date of Issuance: 02-04-2022

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