



Jefferson County
Board of Zoning Appeals
Thursday, March 24, 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/83339585168>
Meeting ID: 833 3958 5168
Dial by location: 301-715-8592
Find your local number: <https://us02web.zoom.us/u/kbXcLdmMHe>

If you wish to participate virtually in public comment for one of the agenda items, please type your name, address, and agenda item # in the chat function at the start of the meeting.

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

Access from desktop, laptop, iPad, or from a phone. You will be prompted to download the software. If accessing from a phone, you must have the ZOOM app.

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

Approval of Minutes: February 24, 2022

Public Hearing – Administer Oath

ITEM #1 FILE #: 22-9-ZV

Request: Variance request from Section 5.4B of the Zoning Ordinance, as amended on 04/08/05, to reduce the side setback from 12' to 5'; and to reduce the rear setback from 20' to 5' for a 22' x 44' in-ground pool including surrounding concrete.

Owner: Melissa and Lucas Palmer

Parcel Info: Sheridan Subdivision, Lot 160, 68 Wilderness Ct., Harpers Ferry, WV
Parcel ID: 04009D01600000; Size: 0.388 ac; Zoning District: Residential Growth

ITEM #2 FILE: 22-10-ZV

Request: Variance request from Section 8.9A.10 to modify the 50' landscape buffer requirement along a limited access highway for a proposed four (4) lot nonresidential subdivision. The request includes splitting the required buffer to allow for a portion of the buffer along the north and south sides of the frontage road (as opposed to providing the full 50' on one side of the frontage road). The request also includes a maximum reduction from 50' to 37' for a small portion of the buffer at the narrowest point between the cul-de-sac and the property line.

Owner: B.C. Partners, Inc. / Contact: Dan Snyder, P.E.

Parcel Info: Northeast Corner of US Route 340 and WV Route 24, Old Country Club Road, Charles Town
Parcel ID: 04001100110000; Size: 9.54 ac;
Zoning District: Residential-Light Industrial-Commercial

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: February 24, 2022

1. Variance from Section 5.7B. Owner: Timmy and Sherry Britton. File: 22-5-ZV.
2. Variance from Section 5.4B. Owner: Marc. Saccucci. File: 22-6-ZV.
3. Variance from Section 9.7. Owner: Cheryle Rapattoni. File: 22-7-ZV.
4. Variance from Section 9.7. Owner: Cheryle Rapattoni. File: 22-8-ZV.

DRAFT Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: February 24, 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 (via ZOOM); Deirdre Catterton, Vice Chair,
6 Steve Guier, Matthew McKinney, and Mikala Shremshock, Alternate
- 7 Board Members Absent: Leeds Corbin was absent with notice
- 8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator, Stephen Groh, Assistant
9 Prosecuting Attorney, Jennilee Hartman, Zoning Clerk

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

11 Ms. Catterton presided over the meeting as she was in attendance in person.

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

14 Ms. Catterton reviewed meeting protocol for those in attendance.

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

16 Mr. McKinney moved to approve the minutes with the condition that staff review the record to verify
17 who made the motion noted on Page 4, Line 35. Mr. Guier seconded the motion, which carried
18 unanimously.

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

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

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

24 Owner: Timmy and Sherry Britton

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

27 Mr. Jonathan Drabnis, contractor for the property owner, was present to address the Board. Ms.
28 Beaulieu provided an overview of her staff report noting that the subject parcel's buildable area was
29 limited due to the lot dimensions and required setbacks. Mr. Drabnis explained the nature of the
30 request to the Board.

31 Ms. Catterton opened the public hearing. No members of the public provided testimony. Ms. Catterton
32 closed the public hearing.

33 Mr. Guier moved to approve the variance with the following conditions:

- 34 1. That the applicant be bound by their testimony.
- 35 2. No vehicles shall be parked in the existing access easement.

36 Mr. McKinney seconded the motion, which carried unanimously.

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

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

40 Owner: Marc Saccucci

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

4 Mr. Marc Saccucci, property owner, was present to address the Board via ZOOM. Ms. Beaulieu
5 provided an overview of her staff report noting that the impact of the requested addition appears
6 minimal as it was unlikely that the existing road right-of-way would be expanded. Mr. Saccucci
7 explained the nature of the request to the Board noting that the intent of the proposed porch was to
8 mitigate the impact of poor weather conditions on the existing home. Mr. McKinney informed the
9 applicant that the proposed porch may still need approval from the homeowner's association.

10 Ms. Catterton opened the public hearing. No members of the public provided testimony. Ms. Catterton
11 closed the public hearing.

12 Ms. Shremshock moved to approve the variance with the following condition:

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

14 Mr. McKinney seconded the motion, which carried unanimously.

15 **ITEM #3 FILE #: 22-7-ZV and 22-8-ZV**

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

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

20 Owner: Cheryle Rapattoni

21 Applicant: Charles Rapattoni

22 Parcel Info: Riverside Subdivision, Sec. 1, Lot 100A, 267 Riverside Dr., Harpers Ferry, WV

23 Parcel ID: 06002600240000; Size: 1.08 ac; Zoning District: Rural

24 Mr. Charles Rapattoni, representative for the property owner, was present to address the Board.
25 Ms. Beaulieu provided an overview of her staff report for both requests (22-7-ZV and 22-8-ZV).
26 Ms. Beaulieu noted that the subject parcel's buildable area was limited due to the lot dimensions,
27 floodplain, septic reserve area, and required setbacks. Mr. Rapattoni explained the nature of each
28 request to the Board noting that he had obtained a letter of support from each neighbor affected by
29 the requests. Mr. Guier inquired as to whether the proposed additions would be single story. Mr.
30 Rappattoni stated that the garage would be single story and that the addition would include a
31 basement.

32 Ms. Catterton opened the public hearing. No members of the public provided testimony. Ms. Catterton
33 closed the public hearing.

34 Mr. McKinney moved to approve variance request 22-7-ZV with the following condition:

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

36 Mr. Guier seconded the motion, which carried unanimously.

37 Mr. McKinney moved to approve variance request 22-8-ZV with the following condition:

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

39 Mr. Guier seconded the motion, which carried unanimously.

40

1 **Zoning Administrator's Report**

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

3 Ms. Beaulieu noted that the next meeting was scheduled for March 24, 2022.

4 **Legal Update**

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

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

7 **Meeting: January 27, 2022**

8 1. Variance from App. B and Sec. 10.4B. Owner: Stephen Patrick Snyder, Snyder's
9 Property Squad, LLC. Files: 21-37-ZV and 21-38-ZV

10 2. Variance from Sec. 9.6C and 9.7. Owner: Brandon and Alexi Darr. File: 21-39-ZV.

11 3. Variance from Sec. 11.1A. Owner: Historic Landmarks Commission. File: 21-40-ZV.

12 4. Variance from Sec. 9.6C and 9.7. Owner: Kelly Mahoney (Nolder). File: 21-41-ZV.

13 5. Variance from Sec. 9.6C and 9.7. Owner: Tommy & Kimberlin Staubs. File: 22-1-ZV.

14 • Mr. Groh advised that the Board did not have to revisit this request as the applicant
15 had met the condition of approval to re-advertise the request due to the setback
16 discrepancy that was noted during the January 27, 2022 meeting. The Board
17 concurred with Mr. Groh's advice.

18 6. Variance from Sec. 5.4B. Owner: Joel Menges. File: 22-2-ZV.

19 7. Variance from Sections 9.5(b) and 5.7(b). Owner: Donald Pine. File: 22-3-ZV.

20 8. Request for a CUP for a Contractor with Outdoor Storage. Owner: Raymond & Kerry
21 Muth, Executive Emergency Lighting LLC. File: 22-1-CUP.

22 9. Variance from Sec. 4.10A. Owner: Raymond & Kerry Muth, Executive Emergency
23 Lighting LLC. File: 22-4-ZV.

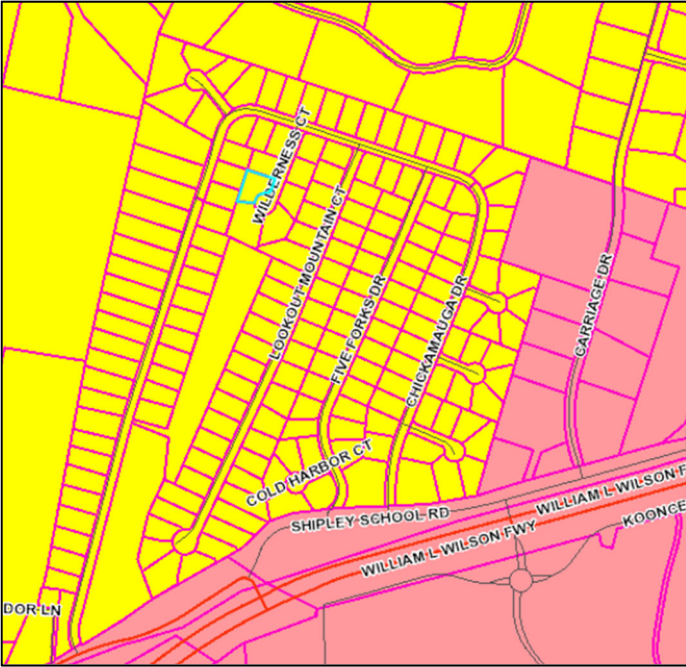
24 Ms. Catterton was provided a copy of the draft Findings for her review. Ms. Catterton stated
25 she would return the signed findings to the office.

26 Mr. McKinney moved to adjourn the meeting at 2:32 pm. Ms. Catterton called for a vote, which
27 carried unanimously.

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

Palmer Variance Request (#22-9-ZV)

Item #1 Variance request from Section 5.4B of the Zoning Ordinance, as amended on 04/08/05, to reduce the side setback from 12' to 5'; and to reduce the rear setback from 20' to 5' for a 22' x 44' in-ground pool including surrounding concrete.

Owner/Applicant:	Lucas and Melissa Palmer
Parcel Information and Zoning District:	<p style="text-align: center;">Sheridan Subdivision, Lot 160, 68 Wilderness Ct., Harpers Ferry, WV Parcel ID: 04009D01600000; Size: 0.4 ac; Zoning District: Residential Growth</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Districts: North, South, East, West: Residential Growth</p>
History:	<p>Sheridan Subdivision (File 00-33) 09/23/03: Phase I: Lots 1, 26, 38-78, 94, 109, 132, 159 & Residues A-F Plat Book 20, Page 39 Sheridan Subdivision (File 05-26) (subject parcel) 08/31/06: Phase I: Lots 2-25, 27-37, 79-93, 95-108, 110-131, 133-158, 160-178 Plat Book 23, Page 40 Minor Plat Change (SWM #2): Plat Book 25, Page 248 Minor Plat Change (Lots 12-23): Plat Book 25, Page 539 Minor Plat Change (Lots 1-4): Plat Book 25, Page 571</p>
Waivers/Variations:	<p>PC granted the following variances (Phase I): 10-09-01: to allow lot dimensions to exceed 3:1. 09-24-02: a 6-month extension from CIS approval. 04-12-22: a Final Plat Amendment is pending before the PC to allow the proposed pool in a drainage/utility easement (subject parcel).</p>
Approved Activity:	Single family dwelling
Site Visit Conducted:	Site visit not conducted.

Palmer Variance Request (#22-9-ZV)

Summary of Request and Purpose of Ordinance Requirement

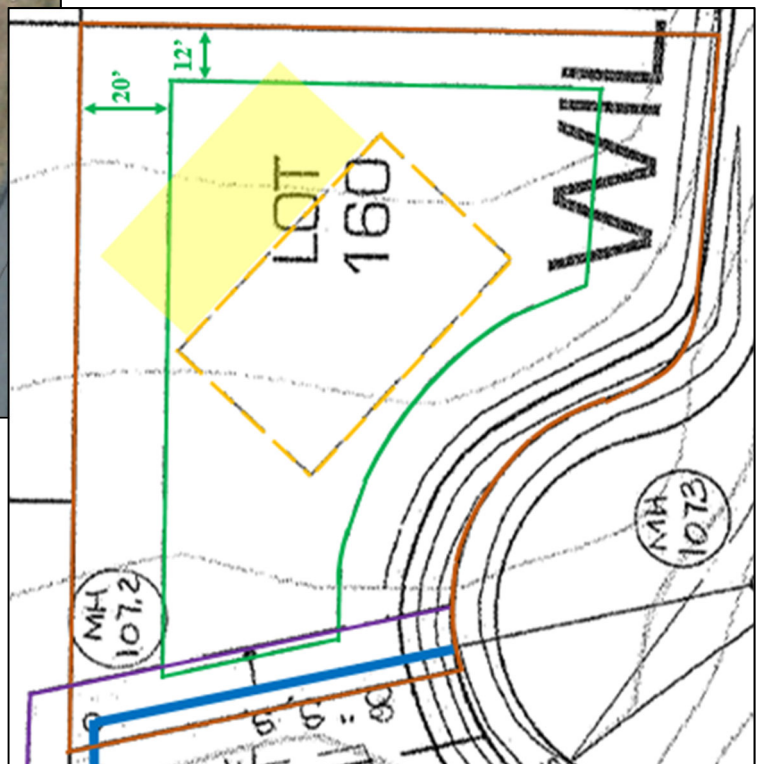
The applicant is requesting a variance from Section 5.4B of the 04/08/05 Zoning Ordinance (as amended) to reduce the side setback from 12' to 5'; and to reduce the rear setback from 20' to 5' for a 22' x 44' in-ground pool including surrounding concrete.

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 160 in the Sheridan Subdivision, Phase II (PC File #05-26), which was recorded on August 31, 2006 in [Plat Book 23 at Page 40](#).

Pursuant to Note #15 of the final plat, each lot in the subdivision is subject to a 10' wide drainage and utility easement along all lot lines. The platted drainage and utility easements, along with the unique shape of the parcel, significantly reduce the buildable area for Lot 160.



- Property Line
- Setbacks
- Anticipated House Location
- Confirmed Utility Easement
- Confirmed Sewer Line
- Proposed Pool Location

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

Palmer Variance Request (#22-9-ZV)

While it may be feasible to modify the shape and size of the proposed pool to comply with the required setbacks, the proposed pool size is relatively standard and includes the surrounding concrete patio area. Due to the configuration of the lot and location of the existing home, it is not feasible to comply with the Ordinance.

As the subject parcel's rear yard is surrounded by a 6' tall privacy fence, the impact on the adjoining properties is expected to be minimal.

Note: the applicant is currently processing a final plat amendment to allow a portion of the proposed pool to be located within a platted drainage/utility easement ([Note #15 on Final Plat](#)). The implications of placing a structure within a drainage easement will be assessed by the Planning Commission; however, review of the As-Built plans in the file indicates that no stormwater management features or utilities were installed on Lot 160.

Conditions of Approval

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

1. Approval is contingent upon Planning Commission's evaluation of the drainage easement.

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		



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: 22-9-2V
 Staff Initials: T.L.
 Meeting Date: 3-24-22
 Fees Paid (\$100 or \$150): 100.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Melissa and Lucas Palmer
 Mailing Address: 608 Wilderness Ct Harpers Ferry, WV 25425
 Phone Number: 304-218-1342 ; 304-218-1038 Email: MelissaPalmer23@gmail.com ; lcpalmer@gmail.com

Applicant Contact Information

Name: Melissa and Lucas Palmer
 Mailing Address: 608 Wilderness Ct Harpers Ferry, WV 25425
 Phone Number: 304-218-1342 ; 304-218-1038 Email: MelissaPalmer23@gmail.com ; lcpalmer@gmail.com

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

Name: Flohr Pools Inc. (Brian Stoner - Store Manager)
 Mailing Address: 1406 Oak Ridge Pl. Hagerstown, MD 21740
 Phone Number: 301-791-3400 Email: BStoner@flohrpools.com

Physical Property Details

Physical Address: 608 Wilderness Ct
 City: Harpers Ferry State: WV Zip Code: 25425
 Tax District: 04 - Harpers Ferry Dist. Map No: 9D Parcel No: 0160 0000 0000
 Parcel Size: 0.388 deeded acres Deed Book: 1166 Page No: 244

Zoning District (please check one)

Residential Growth (RG) <input checked="" type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential-Light Industrial-Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>
RECEIVED			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"/>
FEB 28 2022			Office/Commercial Mixed-Use (OC) <input type="checkbox"/>			
JEFFERSON COUNTY PLANNING ZONING & ENGINEERING						
<small>Place Received Date Stamp Here</small>						

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 5.4B

Briefly describe the nature of the variance request:

Requesting a reduction of the side and rear setbacks for the construction of a pool.

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

Front Setback Side Setback Rear Setback Reduction From 20' and 12' to 5' and 5'
rear side

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 pool will be contained within our fence and property lines.

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 developer created a triangular lot and the variance would allow us to fit a pool.

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

The variance will permit us to fit a pool for which we have a quote. The cost of customizing a pool would be a much higher price.

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

Our request is within our property lines and within our fence. Granting this request would not have any adverse effects on adjacent property owners/residents.

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.

Melissa Palmer 2/27/22
Signature of Property Owner Date

[Signature] 02/27/22
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).

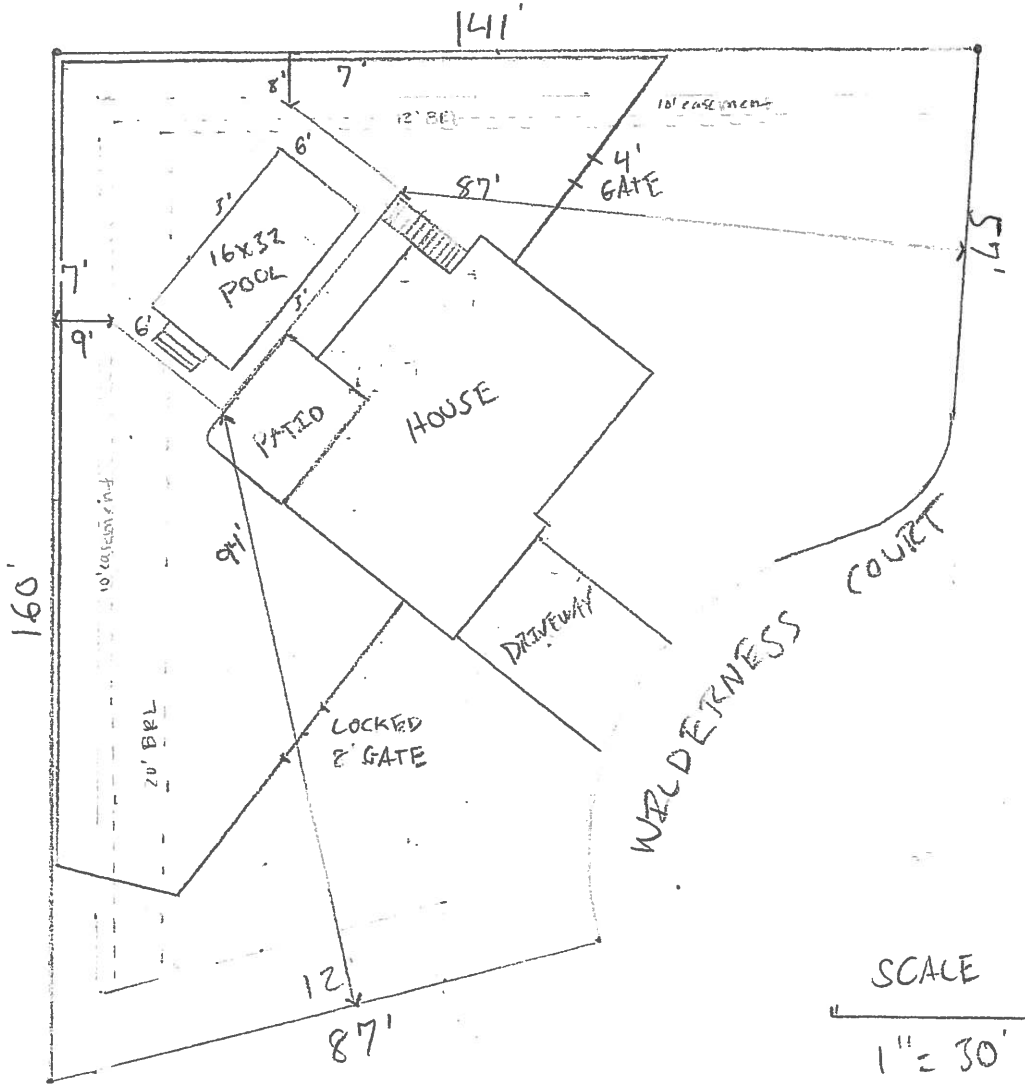
03-24-22
Date of Public Hearing

03-09-22
Advertising Date

03-09-22
Placard Posting Date

LOT 160

MELISSA PALMER
68 WILDERNESS CT.
HARTERS FERRY, VA
25425



SCALE
1" = 30'

* Building Restriction Lines
Front - 25' Rear - 10' Side - 12'
* 10' wide drainage and utility easement along all lot lines

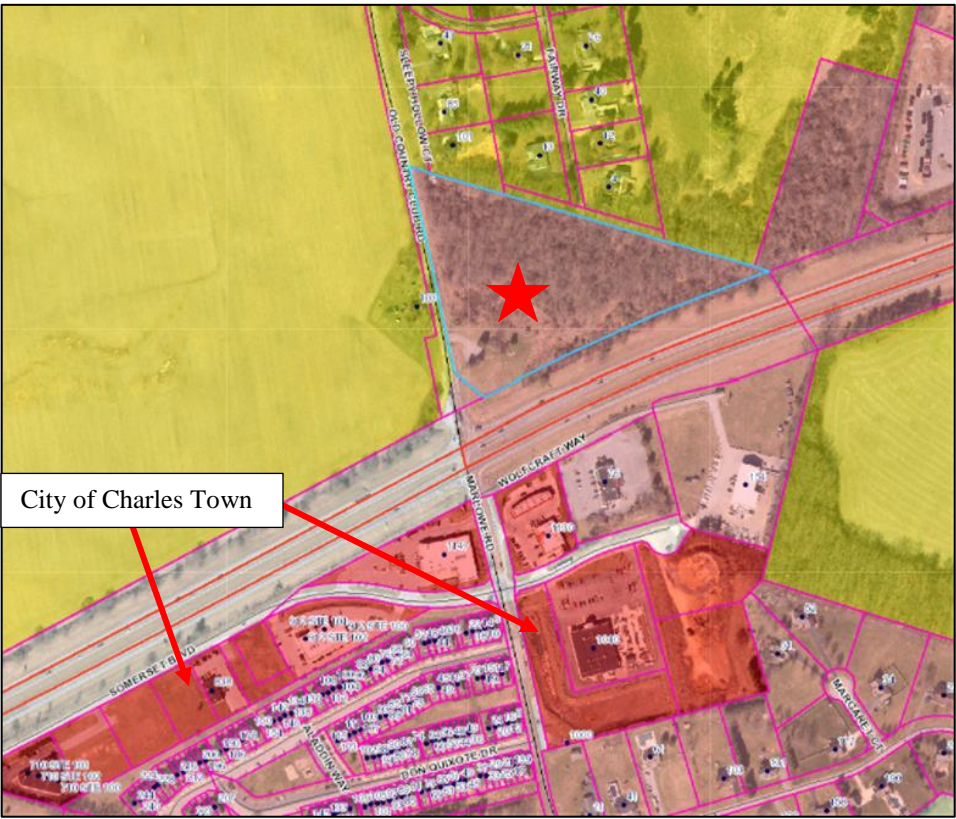
- * PROPOSED 16' x 32' POOL WITH DECKING
- * SETBACKS REDUCED TO 7' SLABS/REAR
- * POOL CODE FENCE TO HAVE SELF LATCHING / CLOSED GATES
- * DOORS AND WINDOWS TO HAVE ALARMS COMPLETE WITH UL STD 2017 (CERTIFIED TO CSA C82.2 No. 205)

<p>FLOHR POOLS INC. 1350 Lincoln Way East CHAMBERSBURG, PA 17201 Phone (717) 264-4373</p> <p><i>m.palmer 2/27/22</i></p>	JOB _____
	SHEET NO. _____ OF _____
	CALCULATED BY _____ DATE _____
	CHECKED BY _____ DATE _____
	SCALE _____

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

Country Club Commons Variance Request (#22-10-ZV)

Item #2 Variance request from Section 8.9A.10 to modify the 50' landscape buffer requirement along a limited access highway for a proposed four (4) lot nonresidential subdivision. The proposal includes splitting the required buffer to allow for a portion of the buffer along the north and south sides of the frontage road (as opposed to providing the full 50' on one side of the frontage road). The request also includes a maximum reduction from 50' to 37' for a small portion of the buffer at the narrowest point between the cul-de-sac and the property line.

Owner/Applicant	Dan Snyder, P.E., B.C. Partners, Inc.
Consultant	Paul Raco, P.J. Raco Consulting
Parcel Information and Zoning District	<p style="text-align: center;">Northeast Corner of US 340 & WV 24, Old Country Club Road, Charles Town Parcel ID: 04001100110000; Combined Size: 9.54 ac; Zoning District: Residential-Light Industrial-Commercial</p> 
Surrounding Zoning Districts:	<p style="text-align: center;"><i>North & West:</i> Residential Growth <i>East:</i> Residential Growth / Residential-Light Industrial-Commercial <i>South:</i> Residential-Light Industrial-Commercial/ General Commercial (Charles Town)</p>
History	02/11/20: PC approved concept plan for Country Club Commons (19-17-SD)
Proposed Activity	4 Nonresidential Lots and a public street for future commercial pad users
Waivers/Variances	03/08/22: PC approved request to waive the Archeological Study (22-2-PCW); and to modify the internal road requirements (22-3-PCW).
Site Visit Conducted	Site Visit Not Conducted.

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

Country Club Commons Variance Request (#22-10-ZV)

Summary of Request and Purpose of Ordinance Requirement

The applicant is requesting a variance from Section 8.9A.10 to modify the 50' landscape buffer requirement along a limited access highway for a proposed four (4) lot nonresidential subdivision.

The request includes splitting the required buffer to allow for a portion of the buffer along the north and south sides of the frontage road (as opposed to providing the full 50' on one side of the frontage road). The request also includes a maximum reduction from 50' to 37' for a small portion of the buffer at the narrowest point between the cul-de-sac and the property line.

The purpose of a frontage road is to ensure access is available to properties along a limited access highway and connect these properties to local roads that have direct access to the limited access highway.

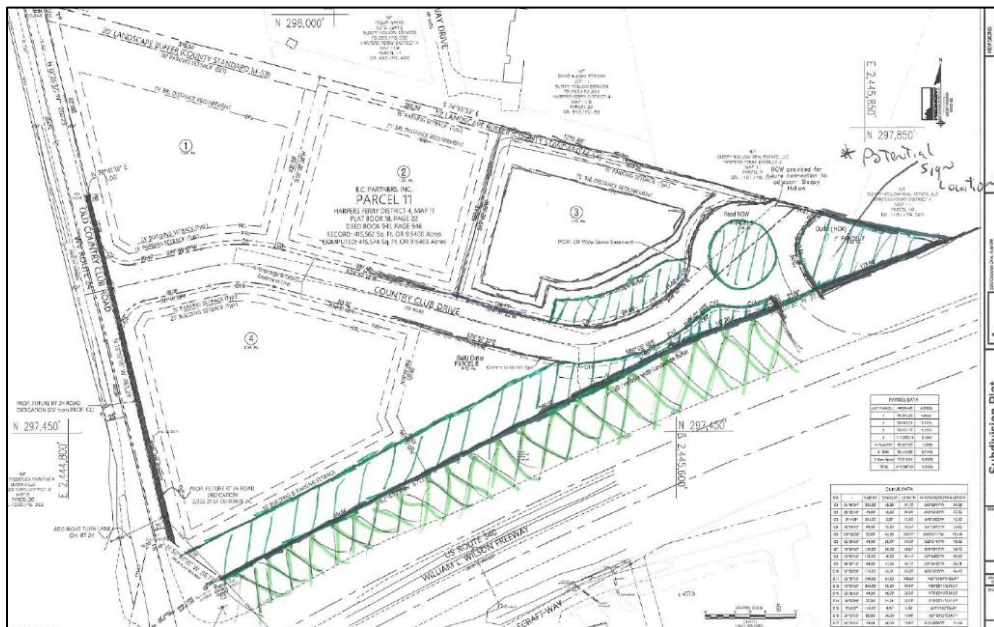
The purpose of landscape buffer requirements is to reduce the impact that a land use might cause to an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise.

Staff Overview

The subject parcel, located at the northeast intersection of Old Country Club Road and U.S. Route 340, is approximately 9.5 acres and is zoned Residential-Light Industrial-Commercial (RLIC).

On February 11, 2020, the Planning Commission approved a Concept Plan as the first step in the major subdivision process to divide the property into four (4) nonresidential lots. The proposed subdivision will include an internal subdivision road that will connect Old Country Club Road to U.S. Route 340, and stormwater management facilities. Each lot within the development will be required to process a site plan in accordance with the Subdivision Regulations.

The subject property fronts U.S. 340, a limited access highway; therefore, pursuant to Section 8.9A.10 of the Zoning Ordinance, a frontage road with a 50' landscape buffer is required. The applicant is proposing to modify the 50' buffer requirement to allow for a portion of the buffer along the north and south sides of the frontage road (as opposed to providing the full 50' on one side of the frontage road).



Country Club Commons Variance Request (#22-10-ZV)

The US Route 340 right-of-way includes a substantial unscreened buffer area between the developed roadway and the subject parcel, which provides separation between the proposed development and traffic along US Route 340. The proposed design anticipates future connection to an existing frontage road across adjoining parcels to the east, provides access to the proposed four non-residential lots, and provides connectivity to Old Country Club road. The proposed design will provide a buffer between the proposed development and the limited access highway, while also ensuring that greenspace is installed for aesthetics and stormwater management.



The applicant has acknowledged in their application that street trees will still be required. Street Trees contribute to the County’s greenspace requirements, as well as improve the overall aesthetics of a nonresidential project.

Conditions of Approval

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

1. No conditions of approval were identified.



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: 22-10-ZV
 Staff Initials: T.L.
 Meeting Date: 03-24-22
 Fees Paid (\$100 or \$150): \$100.00
chk#2534

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: B.C. Partners, Inc
 Mailing Address: 24012 Frederick Road, Suite 200, Clarksburg VA, 20871
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Name: Dan Snyder, P.E., B.C. Partners, Inc 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 Robert Barrick, P.E., Piedmont Design Group
 Mailing Address: P.O. Box 548 Charles Town, WV 25414 5383 Corporate Dr, Suite 300, Frederick, MD
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: Northeast Corner of Route 340 and Route 24, Country Club Road
 City: Charles Town State: WV Zip Code: 25414
 Tax District: Harpers Ferry Map No: 11 Parcel No: 11
 Parcel Size: 9.54 +/- Acres Deed Book: 941 Page No: 546

Zoning District (please check one)

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

RECEIVED

FEB 28 2022

**JEFFERSON COUNTY PLANNING
& 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 8, Section 8.9A.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.

[Signature] UP 2/15/22
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

March 24, 2022
Date of Public Hearing

March 9, 2022
Advertising Date

March 9, 2022
Placard Posting Date

Country Club Commons
Four Lot Commercial Subdivision
B.C. Partners, Inc.
Article 8, Section 8.9A.10
Altered Frontage Landscaping Buffer
Jefferson County Board of Zoning Appeals
February 28, 2022

Brief Description

The Applicant has owned this property for many years (Since 2000). The property used to contain a sales office for Breckenridge Subdivision and then for Huntfield Subdivision. These structures were removed from the property approximately 4 years ago. The same owner/applicant is now proposing a 4 lot commercial subdivision. The development successfully processed a Concept Plan with the Planning Commission and is in final stages of Preliminary Plat approval to create the lots. During the Concept Plan Process and Preliminary Plat process, the Applicant proposed a Right Turn In only entrance directly off Route 340 as shown on the attached plat and aerial. A professional traffic study was prepared that justified the entrance and this study was provided to the WV DOH. After review, the DOH did not have a negative reaction and said that the proposed entrance would now need Federal approval since Rt 340 is a Federal Road. This process is ongoing.

The standards of the ordinance for development along limited access highways were written in 1989 and at the time only applied to Route 340 East between Charles Town and Harpers Ferry. Since then, the standards now apply to New Route 9 over the mountain and the Bypass since both have been constructed after 1989. The Standard is written the way it is under the assumption that it would be important to provide some additional setback from the highway and that a Frontage Road system would be created along these highways to facilitate traffic between the major intersections along this road. While it was always a possibility, they were not really written to take into account the actuality of additional access points being easily obtained along these highways. Again, these were not prohibited or discouraged, but standards are written to take into account what would happen most of the time, not necessarily all of the time.

In this case, this will be the first time that an entrance along a Jefferson County limited access highway may gain State and Federal approval (as it already has Local approval if the State and Federal Highway Departments approve it). Therefore, this will be the first time that a Frontage Road will be constructed that will serve as both a through road, an exit from the highway and a cul-de-sac that will also function as a roundabout. This road will provide access to the neighboring property, the four lots and to Country Club Road, all professionally designed, engineered, approved, and built.

Again, since the ordinance is written to address most scenarios, this standard does not take into the account the possibility of the current design. The ordinance allows for the 50 foot buffer on either side of a proposed Frontage Road, but because the roundabout and ROW goes all the way to Rt 340's ROW, the design needs to show the 50' green space split on both sides of the Frontage Road and roundabout. So, the request is to allow for 30' of the green space buffer be provided north of the Frontage Road and up to 20' of the variable width on the south side of the Frontage Road in the area leading up to the spot where the roundabout/cul-de-sac joins Route 340. So, we are asking that it be approved to the design as shown on the attached sketches and aerials. This may be a reduction to 37' at the narrowest section since it is variable on the southside. The design also provides for a 20' radius (40' diameter) green space

within the actual cul-de-sac turnaround. Accordingly, this would provide a net increase of the actual amount of the greenspace buffer requirement. Finally, there will be three actual areas of Street Trees provided in this design to further reflect the landscaping in this development. There will be street trees provided on the front of the property along Rt 340 (per ordinance requirements) and street trees on both sides of the Frontage Road. Again, these will be in addition to the extra green space in the middle of the roundabout and the existing State green ROW buffer between the property line and the actual beginning of the pavement on Rt 340 (as shown on the aerial map).

The maximum relief would be to allow the splitting of the 50' buffer between both sides of the frontage road and a reduction of 50' to 37' feet at its narrowest point between the Cul-de-sac/roundabout and the property line along a small portion. Where it is less than the requirement, there will be at least 30' provided on the north side as shown.

Country Club Commons
Four Lot Commercial Subdivision
B.C. Partners, Inc.
Article 8, Section 8.9A.10
Altered Frontage Landscaping Buffer
Jefferson County Board of Zoning Appeals
February 28, 2022

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 will be a well maintained and landscaped area that was already approved by the Planning Commission at the Concept Plan Stage. The neighbors asked for buffer between their properties to the north and the uses along the back side of the development. This can be provided for with the split frontage road greenspace buffer. If the entire 50' was provided on the north side of the frontage road, the structures and parking on the back parcel (Lot 3) would have to move back an additional 20'.

Furthermore, the variance will have more of a positive effect on the perimeter of the property that has neighboring houses and vacant land. The frontage road will allow for some traffic to access the development directly from Rt 340 rather than going to the intersection. This will allow for a proper distribution of vehicles. Also, the frontage green space is otherwise provided by the green area between the property line and the road surface of Rt 340 and will also be highlighted by 3 rows of Street Trees.

In the area that is seeking the minimal variance (next to the cul-de-sac/roundabout), the closest building to Route 340 will be approximately 172 feet away. That will be the approximate 60 feet of area in the State ROW between the road and the property line; 50 feet of Frontage Road ROW (More around the cul-de-sac), the minimum of 37' of Green space buffer on either side of the frontage Road and the minimum of 25' building set back. In comparison, the building on Lot 1 is only required to be 75' from the edge of the ROW since the frontage road is pushed further north in that area.

Finally, if approved, both the WV DOH and the Federal Highway Administration will also be required to sign off on the design for an entrance and encroachment permit.

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?*

As explained in the Description, this provision was written when this section of the ordinance was approved in 1989. At that time, it was written to consider the requirement of a Frontage Road and didn't contemplate the possibility of the State and Federal Highway Administrations

entertaining additional access points. In this case, these agencies are reviewing it which would produce the current design with the cul-de-sac/roundabout serving both the traffic along Rt 340 and the possibility of serving the potential of the neighboring property. This is the reason that the design is as shown.

Also, at the Concept Plan workshop with the PC the neighboring property owners on the lots to the north asked that the area along that property line be the area that should have greater buffer since their houses are along that boundary. As such, when the Preliminary Plat was being designed, the cul-de-sac, ROW and Roundabout was pushed further away from that property line. This design allowed for an addition of up to 20' for the building envelope for Lot 3. This allows for some flexibility in design for that commercial use on that lot. If the maximum 50' was provided, then that building envelope would push 20' further north.

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

This design allows for the greenest space and landscaping while still provided for a frontage road that will both serve Route 340 traffic along with the potential for vehicles coming from the undeveloped property to the East. It also provides for the necessary SWM green space and a landscaping plan that includes Street Trees along Country Club Road, Rt 340 and on both sides of the Frontage Road and Roundabout. The request is merely to allow splitting the buffer onto both sides of the Frontage Road and to allow the narrowing to 37' in the area around where the road meets 340 as shown on the sketch and aerial.

The County believes that a commercial development meets the Comprehensive Plan as this parcel is in the Route 340 East Preferred Growth Area which is supposed to allow for Urban Level Growth. The Applicant is proposing a frontage road and a roundabout for an efficient and traffic calming design while allowing for a building setback from Rt to Lot 3 of about 172'. This would appear to be a good compromise to Urban Level Growth and green space along the major trade corridor in Jefferson County. This plan allows for maximum landscaping with a small reduction of area that is more than made up with the green space within the roundabout and the 3 rows of street trees, along with the intended lot landscaping for each of the 4 lots.

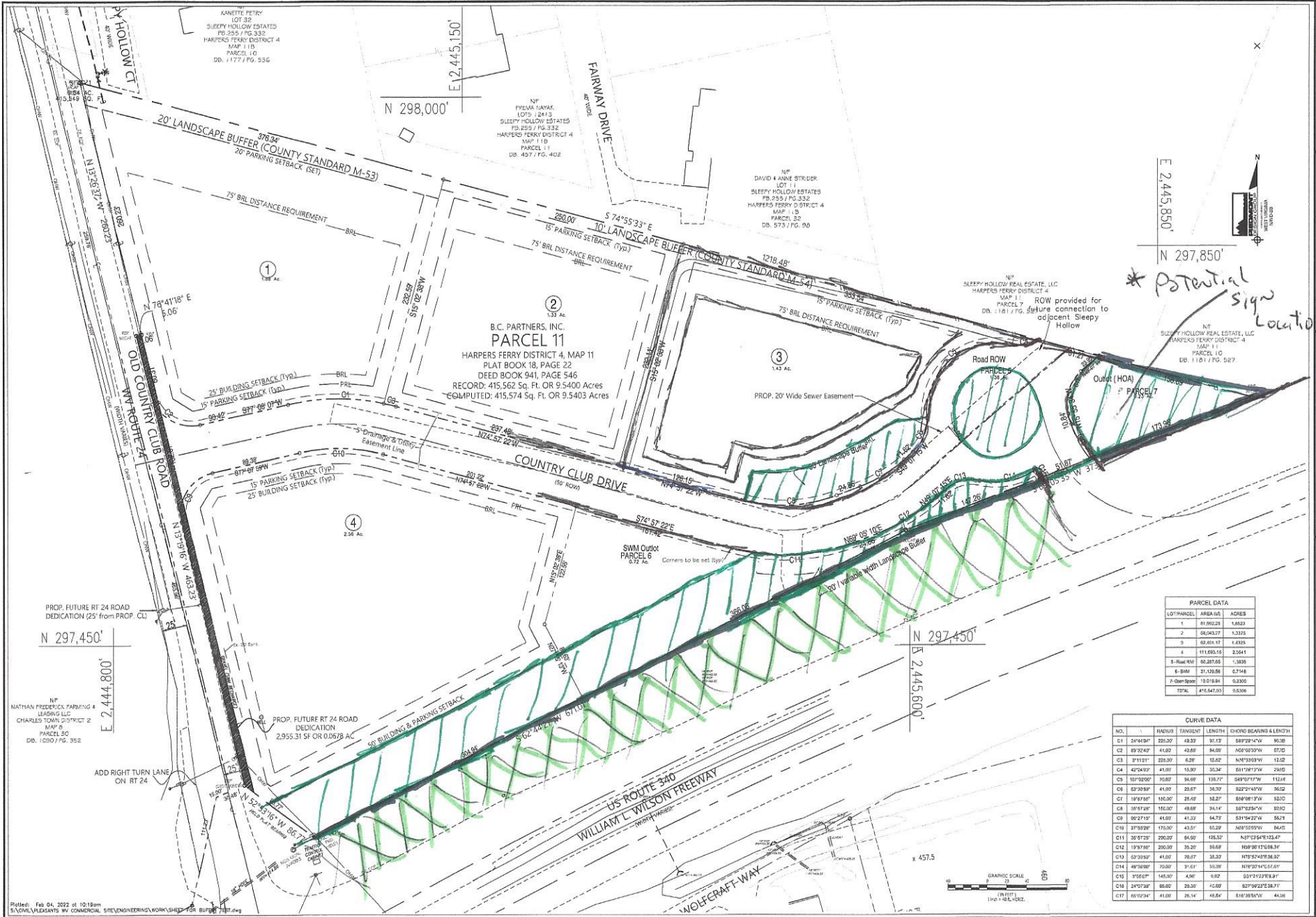
4. *How will granting this variance allow the intent of this Zoning Ordinance to be observed and substantial justice to be done.*

The purpose of this required landscape buffer, frontage road and setback requirement is to allow development to sit back from limited access highways. In this case, there will be a new intersection provided and will thus necessitate some changes in the ordinance standards since intersections weren't contemplated when the standard was written. Again, it wasn't that a new intersection would be prohibited, it was just not going to be typical. In this case, if it is approved, it will be approved because of the Traffic Study being completed and approved by County, State and Federal Agencies. There will be much landscaping and separation of buildings between Lot 3 (the only affected lot by this variance) and Route 340. In fact, the ordinance allows buildings to be much closer to Route 340 for Lot 1 because of the location of the Frontage Road. This design is keeping with the intent of the Ordinance which allows for both green space and buffer,

along with the appropriate building setback. And will allow for some additional building envelope away from the community to the north of Lot 3.

Substantial justice would be to approve the requested variance, so that this long time owner and business applicant can thrive in the area of Jefferson County that has been deemed in the Comprehensive Plan as the Preferred Area, especially for commercial development.

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



PARCEL DATA

LOT/ PARCEL	AREA (AS)	ACRES
1	81,292.21	1.8623
2	58,243.27	1.3323
3	52,818.47	1.2003
4	111,003.16	2.5411
5 - Road RW	60,207.65	1.3859
6 - Bldg	31,126.65	0.7146
7 - Open Space	19,018.81	0.4300
TOTAL	415,574.00	9.5403

CURVE DATA

NO.	RADIUS	TANGENT	LENGTH	CHORD BEARING & LENGTH
C1	24748.94'	220.20'	49.33'	S89°29'44"W 90.08'
C2	89242.42'	41.00'	40.66'	N58°00'30"W 67.02'
C3	315121'	228.00'	6.26'	N76°13'53"W 12.02'
C4	42242.92'	41.00'	15.80'	S51°10'17"W 24.65'
C5	1075200'	70.60'	84.69'	S49°10'17"W 124.44'
C6	6320.86'	41.00'	20.67'	S22°14'00"W 36.02'
C7	19749.67'	185.00'	20.46'	S44°06'24"W 33.02'
C8	38749.28'	160.00'	49.68'	S57°02'56"W 82.92'
C9	60272.13'	41.00'	41.32'	S51°04'22"W 54.74'
C10	37939.29'	175.00'	43.51'	N59°55'55"W 84.45'
C11	30572.23'	200.00'	84.50'	N43°25'41"E 124.47'
C12	19378.68'	200.00'	35.20'	N59°00'13"W 69.31'
C13	6320.86'	41.00'	20.67'	N75°24'59"W 36.02'
C14	40749.67'	70.00'	19.07'	N59°00'13"W 69.31'
C15	37616.67'	145.00'	4.06'	S57°11'27"E 8.71'
C16	24927.28'	85.00'	20.20'	S27°39'22"E 38.71'
C17	60272.13'	41.00'	20.14'	S41°38'51"W 43.08'

REVISIONS

NO.	DATE	DESCRIPTION

2024

SCALE: 1"=40'

DESIGN: PJA CHECK: APPROVED:

DRAWN: BRE1

4

DATE: 04.12.2021

Subdivision Plat
Country Club Commons
 Harpers Ferry District
 Jefferson County, WV

5268 Corporate Drive, Suite 200
 Harpers Ferry, WV 25420
 (304) 836-6674

PIEDMONT
 ENGINEERS & ARCHITECTS, INC.
 1000 MAIN STREET, SUITE 100
 HARPERS FERRY, WV 25420
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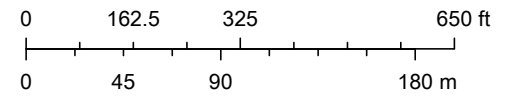
Plotted: Feb 04, 2022 at 10:18am
 BY: JONAS VILKAVIČIUS, CIVIL ENGINEER, WORKING FOR BUREAU OF PUBLIC WORKS

Viewer Map



February 25, 2022

1:4,514



County of Loudoun, Maxar



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@jeffersoncountywv.org

Phone: (304) 728-3228

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

Date of Memo: March 11, 2022

1) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **April 28, 2022** (deadline for submission is Monday, April 4, 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

March 2022
Zoning Certificate Activity Report

File # 22-3-ZC
Request: Agricultural Special Event Facility & Farm Vacation Enterprise
Property Owner: John and Shauna Grantham
Applicant: Wood End Farm
Parcel Info: Farm property along Wood End Farm Ln and Shirley Rd, Summit Point, WV
Parcel ID: 06000100030005 (barn/Farm Use designation); Size: 83.95 acres
Zoning District: Rural; Deed Book: 1170; Page: 161
Merger Plat Recorded in Plat Book 25 @ Page 534
Date of Issuance: 03/17/2022

File # 22-6-ZC
Request: Short Term Rental
Property Owner: Matthew Todora
Applicant: Blue Water Properties, LLC
Parcel Information: 245 Mason Drive, Harpers Ferry, WV 25425
Parcel ID: 04003C00650000; Size: ~.50 acre;
Zoning District: Rural; Deed Book: 1256; Page: 31
Date of Issuance: 03/07/2022

File # 22-7-ZC
Request: Accessory Dwelling Unit: In-Law Suite
Property Owner: John and Tina Ouellette
Parcel Information: 772 N Childs Rd, Kearneysville WV 25430
Parcel ID: 07002000010010; Size: 7.08 acres;
Zoning District: Rural; Deed Book: 1249; Page: 445;
Date of Issuance: 03/11/2022

File # 22-8-ZC
Request: Modifications to an existing 199' Telecommunications Tower site
Property Owner: Sunnyside Ltd. Partnership, Attn: James Huyett
Applicant: T-Mobile/SBA, Attn: Andrew Martin
Parcel Information: 844 Wheatland Rd, Charles Town, WV 25414
Parcel ID: 06001200120001; Size: 4.65 acres;
Zoning District: Industrial Commercial; Deed Book: 1001; Page: 681;
PC File: 01-07 (new telecommunication facility)
Date of Issuance: 03/17/2022

File # 22-10-ZC
Request: Modifications to an existing 199' Telecommunications Tower site
Property Owner: T. Neill Banks and Kenna Banks
Applicant: T-Mobile/SBA, Attn: Andrew Martin
Parcel Information: 3343 Shepherdstown Pike, Shenandoah Junction, WV 25442
Parcel ID: 09002300220000; Size: ~105 acres;
Zoning District: Rural; Deed Book: 1173; Page: 233;
PC File #01-39 (new telecommunications facility)
Date of Issuance: 03/17/2022
