



Jefferson County
Board of Zoning Appeals Agenda
Thursday, March 23, 2023 at 2:00 p.m.

Members
Tyler Quynn, Chair
Matthew McKinney, Vice Chair
Steven Guier, Secretary
David Wiegand
Jacob Harris
Mikala Shremshock, Alternate

This meeting will be held both in-person and virtually via ZOOM, which may be accessed from a desktop, laptop, iPad, or from a phone. You may be prompted to download the software or the ZOOM app.

In-person Meeting Location: County Commission Meeting Room located in the lower level of the Charles Town Library (entrance on Samuel St.)
200 East Washington Street, Charles Town, WV 25414

ZOOM Meeting Information: Meeting ID: 868 2133 2500
Meeting Link: <https://us02web.zoom.us/j/86821332500>
Phone Option (Dial by Location): 301-715-8592
Find your local number: <https://us02web.zoom.us/u/k4tzuHb9V>

If you wish to participate virtually in public comment for one of the agenda items, please type your name and agenda item # in the chat function at the start of the meeting. Please mute yourself when you are not talking. When participating, please be mindful that your video is streaming to others.

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

Approval of Minutes: February 23, 2023

Public Hearing – Administer Oath

ITEM #1 FILE #: 23-8-ZV

Request: Variance from Section 5.7(b) of the Zoning Ordinance (as amended 09/28/06) to reduce the rear setback from 50' to 10' for a 30' x 40' accessory structure (detached garage).

Owner: Bernard and Pamela Kershes

Parcel Info: Lot 3 of a Family Transfer Subdivision, 294 Sisters Ln., Shepherdstown, WV
Parcel ID: 09001100010007; Size: 2 acres; Zoning District: Rural

ITEM #2 FILE #: 23-9-ZV

Request: Variance from Section 9.7 to reduce the side setback from 12' to 5' for a 20' x 28' attached garage.

Owner: Karen and Glenn Frail

Parcel Info: Tusawilla Hills Subdivision, Lot #354, 124 Fenway Drive, Charles Town, WV
Parcel ID: 02011B01880000; Size: ~.3 acres; Zoning District: Residential Growth

ITEM #3 FILE #: 23-10-ZV

Request: Variance from Appendix A to reduce the rear setback from 20' to 14' for a portion of a 10' x 20' deck.

Owner: Travis and Emily Warner

Parcel Info: Colonial Hills Subdivision, Lot #S51, 58 Branson Circle, Shepherdstown, WV
Parcel ID: 09008D00D40000; Size: .28 acres; Zoning District: Residential Growth

ITEM #4 FILE #: 23-11-ZV and 23-12-ZV

Request #1: Variance from Appendix A to reduce the side setback from 15' to 6' along the eastern property line to accommodate the concrete area surrounding an in-ground swimming pool. The edge of the concrete area is approximately 62' long. (23-11-ZV).

Request #2: Variance from Appendix A to reduce the side setback from 15' to 8' along the eastern property line for a 12' x 12' accessory structure (gazebo) (23-12-ZV).

Owner: Kanette Petry

Parcel Info: French Road, LLC MSD, Lot 4 (Residue), 245 Summerfield Way, Shenandoah Junction, WV
Parcel ID: 09002000110004; Size: 5 ac; Zoning District: Rural

ITEM #5 FILE #: 23-2-CUP

Request: Request for a Conditional Use Permit to establish a federal firearms business to include gunsmithing and retail sales. The proposal consists of utilizing a 10 acre portion of the 92 acre tract. The use will initially be conducted from the existing structures, with the option to construct new buildings/additions to existing buildings within the 10 acre area delineated in the application in the future. No signs are proposed. Proposed land use designations as listed in Appendix C are Custom Manufacturing and Retail Sales and Service, General, as defined in Article 2.

Owner: 375 Dorland LLC / Attn: Mark Lazar

Parcel Info: Daniel Zappe Minor Subdivision, Lot 2, 1195 Chestnut Hill, Harpers Ferry, WV
Parcel ID: 04001300370000; Project Size: 10 acres; Parcel Size: 92.6 acres;
Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

- a. Discussion of the following pending lawsuits:
 - 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities) Rockwell v. JCPC, JCBZA and JCCC
 - 2. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy Facility / File 22-9-CUP) Rockwell v. JCBZA
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

Meeting: February 23, 2023

- 1. Variances from Sec. 8.9A.9 and Section 11.1A. Owner: SUSO Alabama LP. File: 23-4-ZV & File 23-5-ZV.
- 2. Variance from Section 10.4B.2. Owner: Charles Town Burr Park Station, LLC. Applicant: Holtzman Oil. File: 23-6-ZV.
- 3. Variance from Section 9.6C. Owner: Douglas and Lenore Stroop File: 23-7-ZV.

Draft Minutes

Jefferson County Board of Zoning Appeals

1 Meeting Date: February 23, 2023
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
3 in-person in the County Commission Meeting Room located in the
4 lower level of the Charles Town Library and virtually via ZOOM.
5 Board Members Present: Tyler Quynn, Chair (present via ZOOM); Matthew McKinney, Vice
6 Chair; Steve Guier, Secretary; David Wiegand, and Jacob Harris were all
7 present in person.
8 Board Members Absent: Mikala Shremshock with notification
9 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Steve Groh, Assistant
10 Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk

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

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

14 Mr. Quynn, present via ZOOM, requested that Mr. McKinney preside over the meeting as he was
15 physically in attendance. Mr. McKinney presided over the meeting. Mr. McKinney welcomed
16 Mr. Jacob Harris as a new member to the Board. Mr. McKinney reviewed meeting protocol for
17 those in attendance.

18 **Approval of Minutes: January 26, 2023**

19 Mr. Guier moved to approve the minutes as presented. Mr. McKinney called for a vote, which
20 carried unanimously.

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

22 **ITEM #1 FILE #: 23-4-ZV and 23-5-ZV**

23 The following two requests pertain to a 2,420 square foot addition to the existing Walmart Store in
24 Charles Town. The existing retail store and shopping center site plan was approved in 1996 (Site
25 Plan File #S96-16).

26 Request #1: Variance from Section 8.9A.9 to eliminate the requirement to install a frontage road
27 (similar request granted for original site design in 1996 – File #ZV96-55); and
28 Section 8.9.A.10 to maintain landscape buffer standard that was approved in 1996
29 (File #ZV96-52) along US Route 340 which was reduced from 50' to a varying
30 width of approximately 21'- 40'; and to reduce the commercial setback from 25' to
31 24' from the edge of the existing landscape buffer for the proposed 2,420 sf addition.
32 (File #23-4-ZV)

33 Request #2: Variance from Section 11.1A to waive the requirement to install an additional 13
34 parking spaces for the proposed expansion; to remove ten existing parking spaces
35 where the addition will be constructed; and to reduce the number of required parking
36 spaces from 1,204 (as approved via variance on 08/21/03 – File #ZV03-21) to 1,154
37 (actual number of parking spaces on site, after construction of proposed addition).
38 (File #23-5-ZV)

39 Applicant: Dewberry / Attn: Carolyn Howard

40 Owner: SUSO 2 ALABAMA LP

41 Parcel Info: 96 Patrick Henry Way, Charles Town WV; Parcel ID: 02000800290002;

42 Size: ~21 acres; Zoning District: Residential- Light Industrial-Commercial

1 Ms. Carolyn Howard with Dewberry was present to address the Board. Ms. Beaulieu provided an
2 overview of her staff report for each request. Ms. Beaulieu referred to the sketch provided to the
3 Board that was submitted by the applicant on February 21, 2023. She noted that the numbers
4 delineated on the sketch represented that after construction of the proposed addition there would be
5 1,086 parking spaces. Ms. Beaulieu further noted that 79 of the parking spaces are used for an
6 outdoor display of garden center inventory and therefore, the actual number of parking spaces after
7 construction would be 1,007.

8 Ms. Howard explained the nature of each request to the Board. Ms. Howard addressed the Board's
9 questions regarding the proposed redesign of the existing parking area subject to this request.

10 Mr. McKinney opened the public hearing. No members of the public provided testimony.

11 Mr. McKinney closed the public hearing.

12 Mr. Quynn moved to go into deliberative session at 2:28 pm. Mr. Guier seconded the motion, which
13 carried unanimously.

14 Mr. Guier moved to come out of deliberative session at 2:41 pm. Mr. Quynn seconded the motion,
15 which carried unanimously.

16 Mr. Guier moved to approve variance request #23-4-ZV and variance request #23-5-ZV for a
17 reduction in the number of required parking spaces to 1,086 spaces with the following conditions:

18 a. The parking spaces shall not be used for storage of inventory items except for the 79
19 parking spaces delineated on the 2003 variance sketch to allow display of garden center/
20 seasonal items March through August. All other areas in the parking lot currently used
21 for storage of inventory shall be cleared and remain fully accessible for use by
22 customers and employees; and

23 b. The applicant is bound by their testimony.

24 Mr. McKinney called for a vote, which carried unanimously.

25 **ITEM #2 FILE #: 23-6-ZV**

26 Request: Variance from Section 10.4B.2 to increase the maximum size of a freestanding sign
27 face from 100 sq. ft. to 122 sq. ft. for a gas station and convenience store (Site Plan
28 File #19-4-S).

29 Applicant: Holtzman Oil Corp

30 Owner: Charles Town Burr Park Station, LLC / Attn: Richard Koonz, Jr.

31 Parcel Info: Burr Business Park, Lot 16A, 60 War Admiral Blvd., Kearneysville, WV;

32 Parcel ID: 02000100690000; Size: ~5 acres; Zoning District: Industrial Commercial

33 Marshall Runion with Eddie Edwards Signs and Bill Holtzman, property owner, were present to
34 address the Board. Ms. Beaulieu provided an overview of her staff report. Ms. Beaulieu explained
35 the purpose of the proposed condition of approval should the Board grant the request.

36 Mr. Runion and Mr. Holtzman explained the nature of the request to the Board stating that the
37 purpose of the enlarged sign would be to accommodate future tenants on the property.

38 Mr. McKinney opened the public hearing. No members of the public provided testimony.

39 Mr. McKinney closed the public hearing.

40 Mr. Wiegand moved to approve variance request #23-6-ZV with the condition that the applicants
41 are bound by their testimony. Mr. McKinney called for a vote, which carried unanimously.

1 **ITEM #3 FILE #: 23-7-ZV**

2 Request: Variance from Section 9.6C to allow an accessory structure within the required front
3 yard; and Section 9.7 to reduce the front setback from 20' to 10' along a platted 30' wide
4 right-of-way (McShanes Landing Ln) for a 36' x 20' accessory structure (pavilion).

5 Owner: Douglas and Lenore Stroop

6 Parcel Info: River Farm Subdivision, Section 3, Lot 12,

7 200 McShanes Landing Ln, Shepherdstown, WV

8 Parcel ID: 09011A00550000; Size: ~0.41 ac; Zoning District: Rural

9 Mr. Doug Stroop, property owner, was present to address the Board. Ms. Beaulieu provided an
10 overview of her staff report noting that the 30' wide private right-of-way (McShanes Landing Lane)
11 was platted through the lower portion of the lot and that the front setback was measured from each
12 side of the right-of-way.

13 Mr. Stroop explained the nature of the request to the Board stating that the proposed pavilion would
14 be for personal use and that he was working with an architect to ensure compliance with the flood-
15 plain requirements. Mr. Stroop stated that while there is an existing electric hookup near the
16 proposed structure, the structure itself would not contain electric.

17 Mr. McKinney opened the public hearing. No members of the public provided testimony.

18 Mr. McKinney closed the public hearing.

19 Mr. Guier moved to approve variance request #23-7-ZV with the condition that the applicant is
20 bound by their testimony. Mr. McKinney called for a vote, which carried unanimously.

21 **Zoning Administrator's Report**

22 Ms. Beaulieu noted the next meeting date was March 23, 2023.

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

24 **Legal Update**

25 a. Discussion of the following pending lawsuit:

26 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy
27 Facilities) Rockwell v. JCPC, JCBZA and JCCC.

28 2. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy
29 Facility / File 22-9-CUP) Rockwell v. JCBZA.

30 Mr. Groh stated he did not have an update to provide the Board.

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

32 Meeting: January 26, 2023

33 1. Variances from Appendix B. Owner: Summit Point Library Commission. File: 23-1-ZV
34 & 23-3-ZV.

35 2. Variance from Section 5.7D.2. Owner: Barry and Jody Swaldo. File: 23-2-ZV.


36 3. Request by "The Quarry" for a Conditional Use Permit to operate a Special Event
37 Facility. Owner: Alexis Bonnell and Kerian McManus. File: 23-1-CUP.

38 Mr. McKinney was provided a copy of the draft Findings for review.

39 Mr. Guier moved to adjourn the meeting at 3:01 pm. Mr. McKinney called for a vote, which carried
40 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 March 23, 2023
23-8-ZV Kershesh Variance Request

Item #1 Variance from Section 5.7(b) of the Zoning Ordinance (as amended 09/28/06) to reduce the rear setback from 50' to 10' for a 30' x 40' accessory structure (detached garage).

Owner/Applicant:	Bernard and Pamela Kershesh
Parcel Information and Zoning District:	Lot 3 of a Family Transfer Subdivision, 294 Sisters Ln., Shepherdstown, WV Parcel ID: 09001100010007; Size: ~2 acres; Zoning District: Rural
	
Surrounding Properties:	Zoning Map Designation: <i>North, South, East and West: Rural</i>
History:	05/27/08: Family Transfer Deed recorded (Deed Book 1051, at Page 196)
Waivers/Variances:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	Site visit not conducted

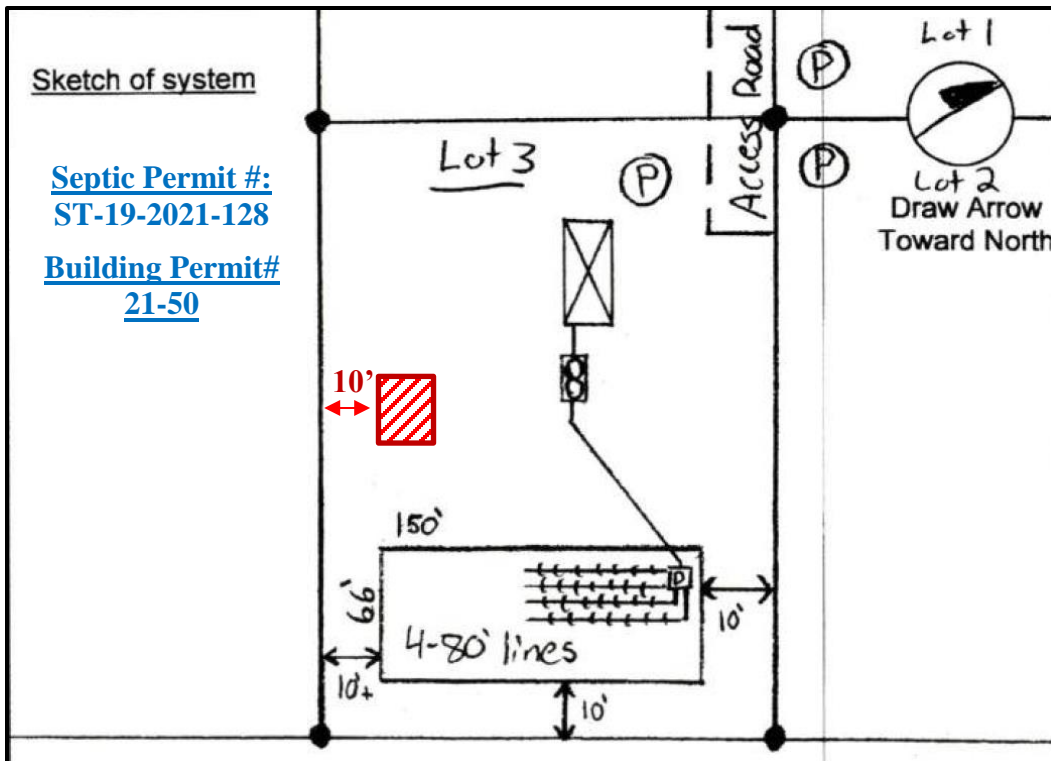
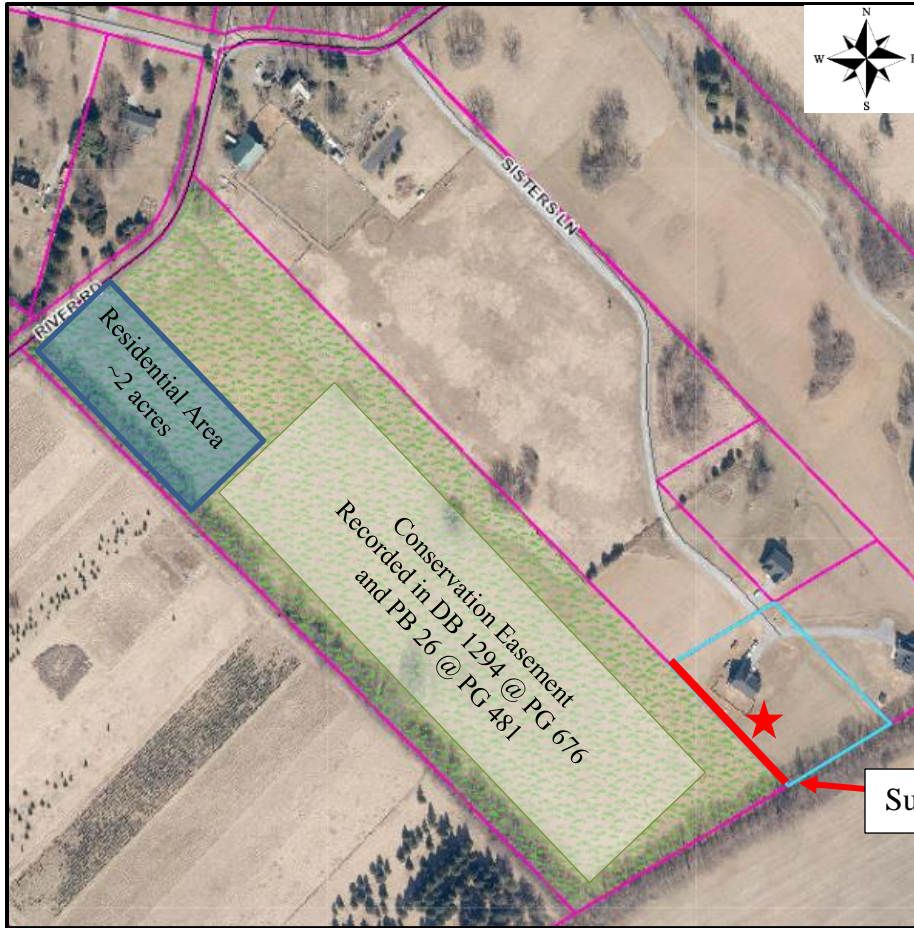
Staff Overview

The subject parcel is designated as Lot 3 of a parent to child subdivision, which was recorded on May 27, 2008 in [Deed Book 1051, at Page 196](#). In accordance with Section 5.7(b) of the Zoning Ordinance (as amended on 09/28/06), the required setbacks are 40' Front, 15' Side, and 50' Rear. The applicant is requesting to construct a 30' x 40' (1,200 sq ft) detached garage for personal storage approximately 10' from the rear (western) property line.

The purpose of a rear setback requirement 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.

The applicant has represented that the subject location was selected to accommodate the 10,000 square foot septic reserve area (see septic permit for house on page 3). The adjoining property is presently vacant and was recently placed under conservation easement (see exhibit on page 3).

Staff Report
Jefferson County Board of Zoning Appeals
March 23, 2023
23-8-ZV Kershnes Variance Request



Staff Report
 Jefferson County Board of Zoning Appeals
 March 23, 2023
23-8-ZV Kershesh Variance Request

Conditions of Approval

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

1. No business may be operated from this structure without additional review from the Board.

SECTION OF ORDINANCE TO BE CONSIDERED:

SECTION 5.7 Rural District

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

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

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Depth</u>	<u>Rear Yard Depth</u>
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



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: 23-8-ZV
 Staff Initials: gh
 Meeting Date: 3-23-23
 Fees Paid (\$100 or \$150): 100

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Bernard Kershner Pamela Kershner
 Mailing Address: 294 Sisters Ln Shepherdstown WV 25443
 Phone Number: 571 529 0969 Email: BKershner@gmail.com

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: 294 Sisters Ln
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: 09(gh) Map No: 11 (gh) Parcel No: 1.7 (gh)
 Parcel Size: 2.01 Acres Deed Book: 1262 gh Page No: 552 gh

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<div style="text-align: center;"> <h1>RECEIVED</h1> <p>FEB 21 2023</p> <p>JEFFERSON COUNTY PLANNING ZONING & ENGINEERING</p> <p><small>Place Received Date Stamp Here</small></p> </div>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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: 5.7 B (g)

Briefly describe the nature of the variance request:
Building A detached Garage within the Property Setback

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

Front Setback Side Setback Rear Setback Reduction From 50' to 10'

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

Property Adjacent To 20 acre Farmland. No Road, Egress or Structures on The Property. No Rights will Be infringed on Adjacent Property

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

Request Arises From 50ft Setback Set by The County in 1988 No setbacks were on Original Plat. Septic Reserve Runs Through middle of Property.

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

Will Allow for This structure To be built To house Items which Need To Be Stored under a Roof

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

I will Be Applying for A Building Permit To Abide by All Regulations of Zoning

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.

Bond B. Kasper 2/19/23
Signature of Property Owner Date

Parvula Kercher 2-19-23
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).

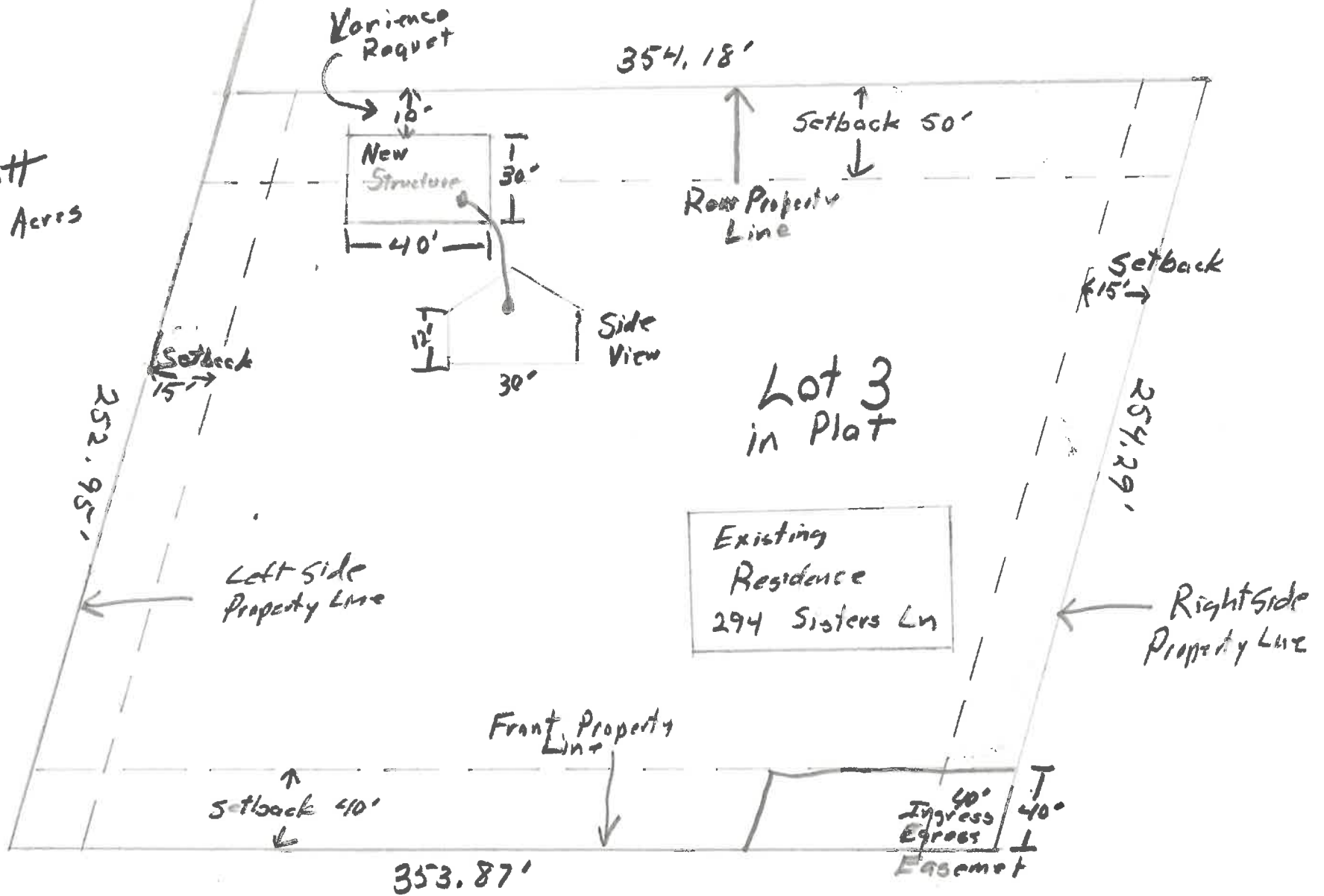
03/23/23
Date of Public Hearing

03/08/23
Advertising Date

03/08/23
Placard Posting Date

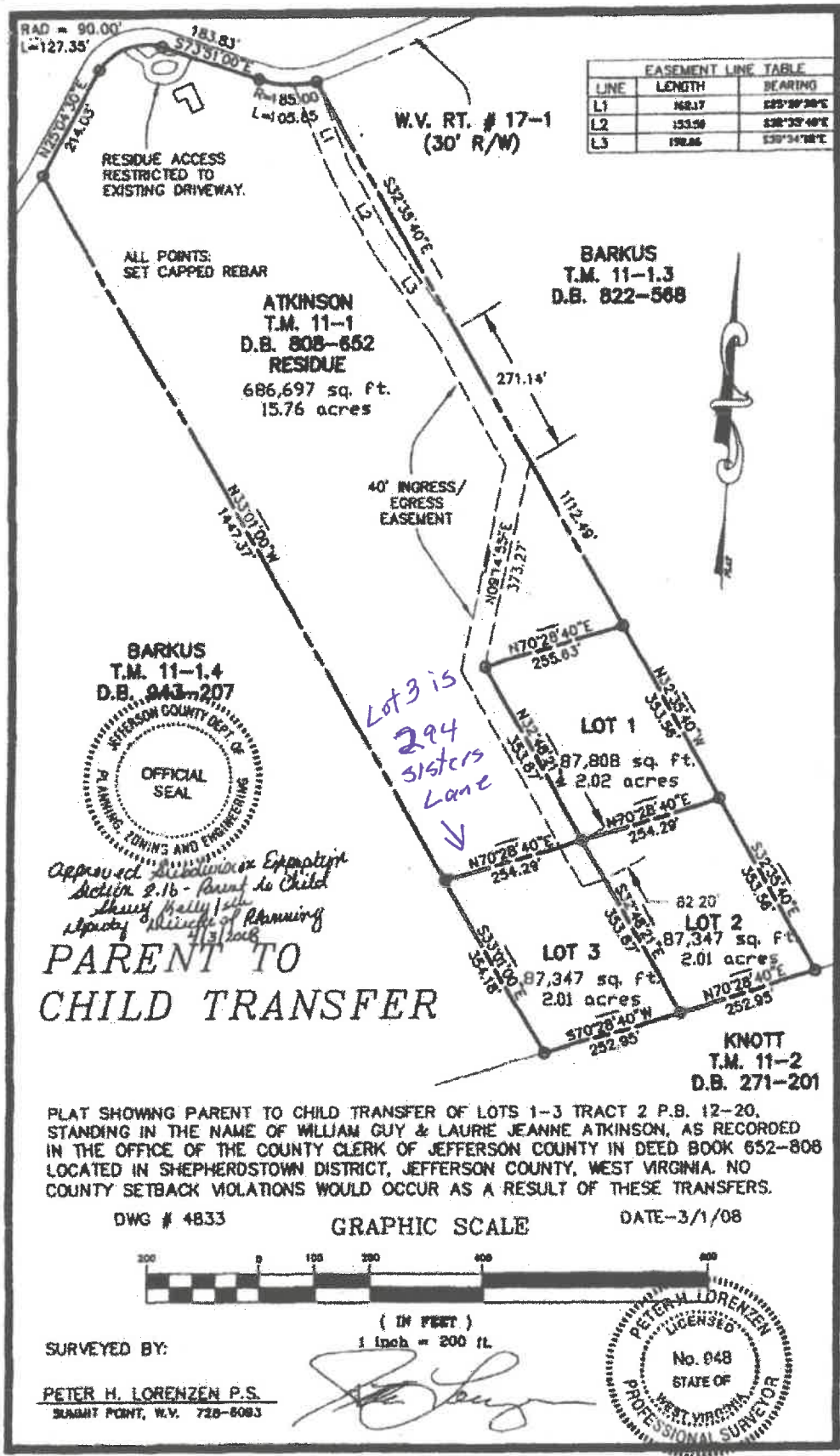
Knott
140 Acres

Barkus
20 Acres



Brent & Kerber 2/19/23

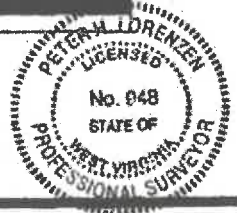
101 100



PLAT SHOWING PARENT TO CHILD TRANSFER OF LOTS 1-3 TRACT 2 P.B. 12-20, STANDING IN THE NAME OF WILLIAM GUY & LAURIE JEANNE ATKINSON, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 652-808 LOCATED IN SHEPHERDSTOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA. NO COUNTY SETBACK VIOLATIONS WOULD OCCUR AS A RESULT OF THESE TRANSFERS.

SURVEYED BY:
PETER H. LORENZEN P.S.
SUMMIT POINT, W.V. 725-8083

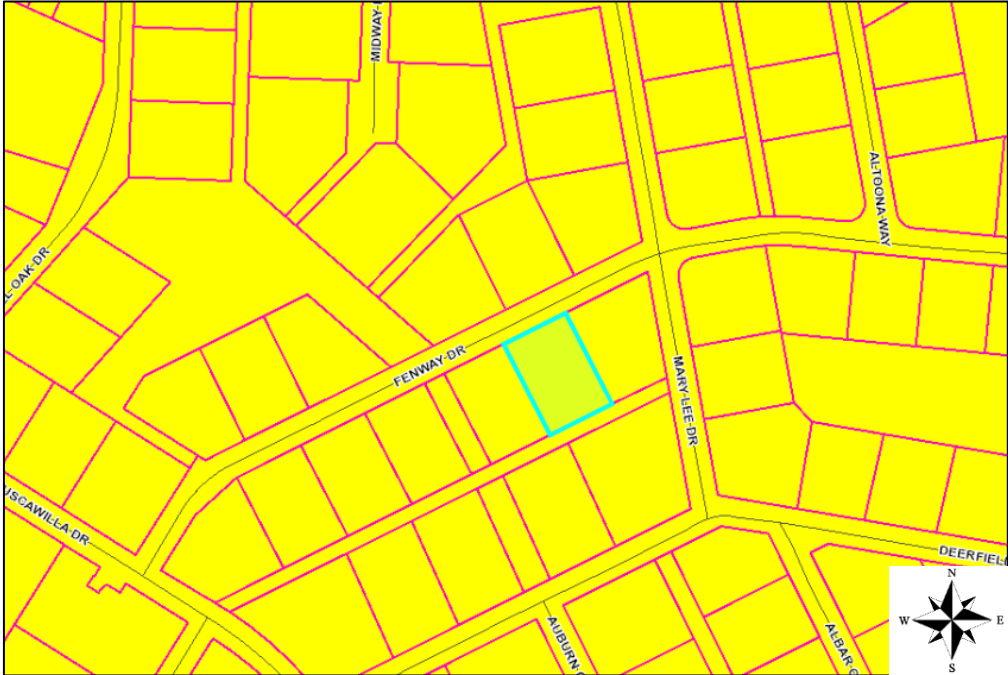
[Signature]



plac. 5/4

Staff Report
 Jefferson County Board of Zoning Appeals
 March 23, 2023
23-9-ZV Frail Variance Request

Item #2 Variance from Section 9.7 to reduce the side setback from 12' to 5' for a 20' x 28' attached garage.

Owner/Applicant:	Karen and Glenn Frail
Parcel Information and Zoning District:	<p style="text-align: center;">Tuscowilla Hills Subdivision, Lot #354 124 Fenway Drive, Charles Town, WV Parcel ID: 02011B01880000; Size: .3 acres; Zoning District: Residential Growth</p> 
History:	05/26/87: Tuscowilla Hills Subdivision, Lots 335 – 355 (PB 7 / PG 52)
Waivers/Variations:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	Site visit not conducted

Staff Overview

The subject parcel is designated as Lot 354 of the Tuscowilla Hills Subdivision. The final plat for this section of the subdivision was recorded on May 26, 1987 in Plat Book 7 @ Page 55, prior to the adoption of Zoning.

Section 9.7 of the Zoning Ordinance states, “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.” Pursuant to note # 3 on the approved final plat, the lot is subject to a 12’ side setback.

3 EXTREME OUTSIDE LINES OF DWELLING, EXCLUDING OVERHANGS, ENTRANCE PORCHES AND PATIOS SHALL NOT BE LESS THAN 35 FEET FROM THE STREET IT FACES NOR LESS THAN 12 FEET FROM SIDE LINES AND REAR LOT LINES. SIDES OF LOTS 345 AND 346 ABUTTING 60 FT. R/W TO HAVE FIVE (5) FOOT MINIMUM SETBACK.

Staff Report
Jefferson County Board of Zoning Appeals
March 23, 2023
23-9-ZV Frail Variance Request

The purpose of a side setback requirement 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.

The applicant represented that the proposed garage would allow continued use of the driveway parking area and would provide an enclosed space to protect vehicles from weather related damage and theft. The subject location would also minimize impact on the interior of the home by allowing continued use of the exterior door leading to the driveway.



Conditions of Approval

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

1. No business may be operated from this structure without additional review from the Board.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.7 Other Exceptions³

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



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: 23-9-ZV
 Staff Initials: gt
 Meeting Date: 3/23/23
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Glenn Frail
 Mailing Address: 124 Fenway Drive Charles Town, WV 25414
 Phone Number: 304-8810-5516 Email: gfrail@gmail.com

Applicant Contact Information

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

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

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

Physical Property Details

Physical Address: 124 Fenway Drive
 City: Charles Town State: WV Zip Code: 25414
 Tax District: 02 Map No: 11B Parcel No: 0188
 Parcel Size: 0.3075 acre Deed Book: 1161 Page No: 650

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

RECEIVED

FEB 23 2023

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 9.7 811

Briefly describe the nature of the variance request:

Request for reduction in county rule of 12' between property lines and structures. Desire to add an attached 2 car garage onto home.

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

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

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

Granting the variance does not exceed property lines. All of the surrounding properties already have attached garages that were original to the homes. This would align with the adjacent properties.

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?

Original driveway in place is less than 12' from property line.

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

Granting the variance eliminates potential damage to automobiles from weather related incidents and provides a secure location for vehicles to detract from theft.

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

Granting the variance allows the ordinance to be observed as the attached garage structure will not exceed the width of the current driveway, which is already less than 12' to the adjacent property line.

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

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

[Signature] 2/22/2023
Signature of Property Owner Date

Karen C Jail 2/22/2023
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).

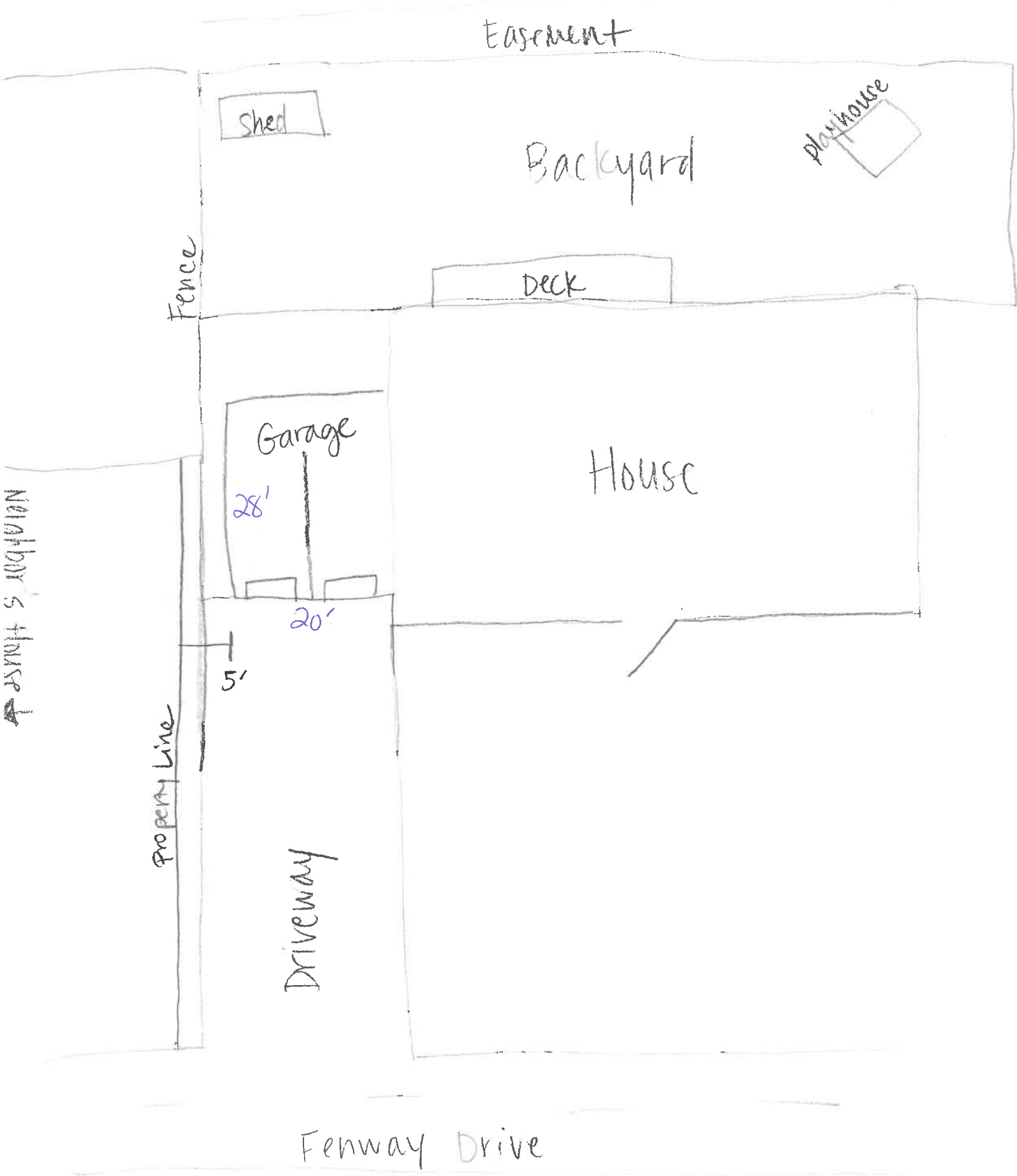
03/23/23
Date of Public Hearing

03/08/23
Advertising Date

03/08/23
Placard Posting Date

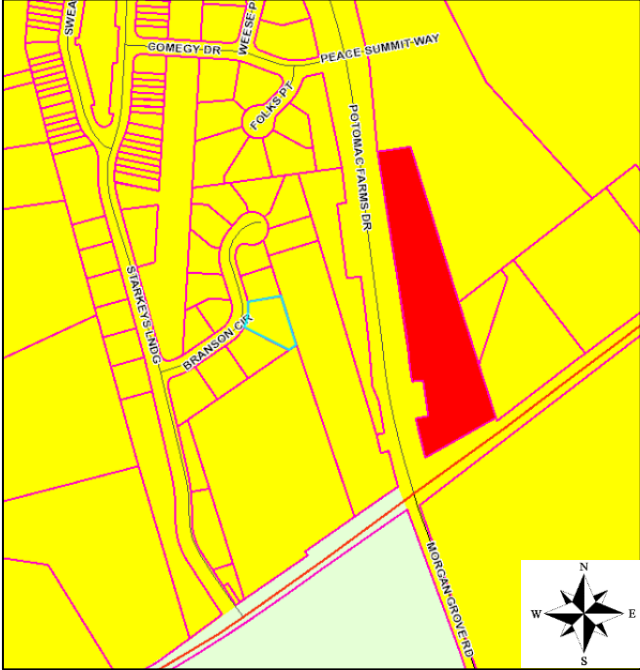
GC [Signature]

02/22/2023



Staff Report
 Jefferson County Board of Zoning Appeals
 March 23, 2023
23-10-ZV Warner Variance Request

Item #3 Variance from Appendix A to reduce the rear setback from 20' to 14' for a 5' x 12' portion of a 10' x 20' deck.

Owner/Applicant:	Travis and Emily Warner
Parcel Information and Zoning District:	<p style="text-align: center;">Colonial Hills Subdivision, Lot #S51 58 Branson Circle, Shepherdstown, WV Parcel ID: 09008D00D40000; Size: .28 acres; Zoning District: Residential Growth</p> 
History:	04/12/05: Colonial Hills Subdivision, Phase 1 (Lot D4 in PB 21 / PG 87) 06/10/14: Colonial Hills Subdivision, Phase 1 Minor Plat Change to convert duplex lots into single family lots (Lot S51 in PB 25 / PG 442)
Waivers/Variances:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	Site visit not conducted

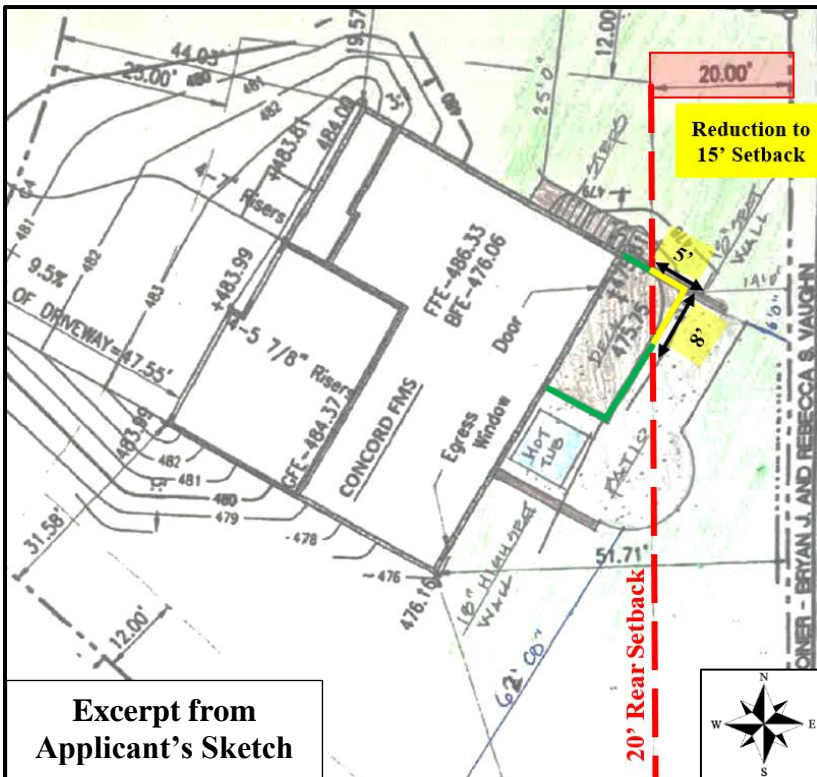
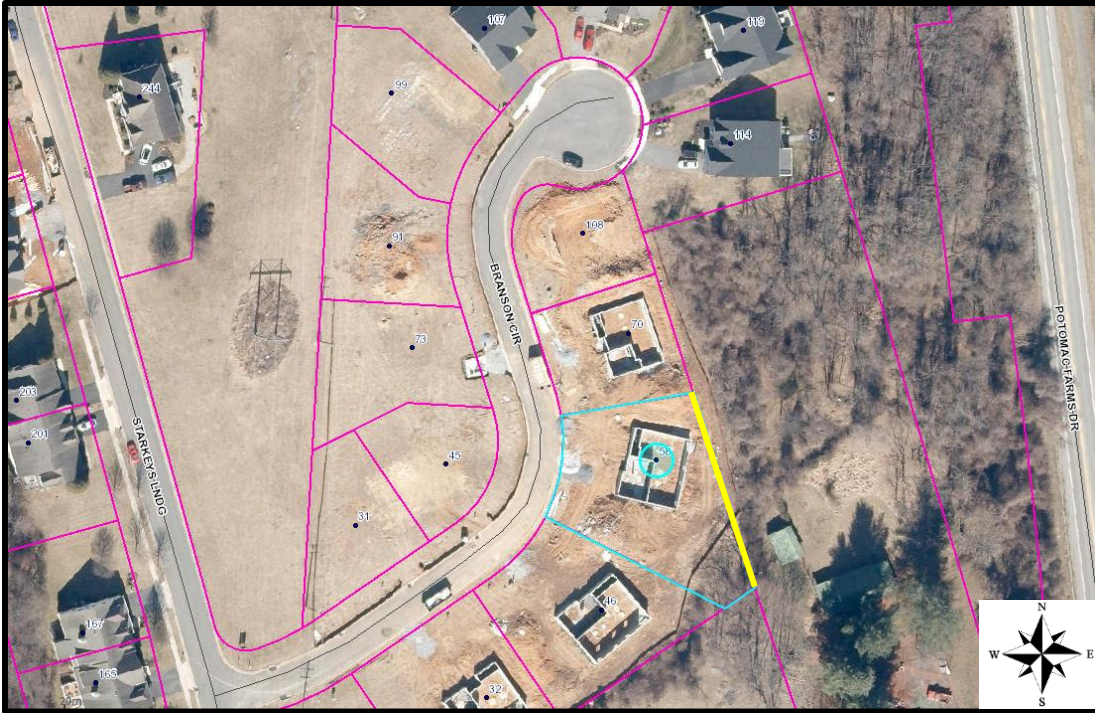
Staff Overview

The subject parcel is Lot S51 of the Colonial Hills Subdivision and is comprised of approximately .37 acres. Pursuant to Note #4 on the approved [Final Plat](#), and Appendix A of the Zoning Ordinance, the parcel is subject to a 20' rear setback.

The purpose of a rear setback requirement 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.

The property line subject to the request is adjacent to a wooded, residential lot. The applicant represented that a fence surrounds the backyard and that the proposed deck and patio area depicted in their sketch would be contained within the fenced area (patio is not subject to the setback variance*).

Staff Report
 Jefferson County Board of Zoning Appeals
 March 23, 2023
23-10-ZV Warner Variance Request



Excerpt from Applicant's Sketch

Note that Section 9.5A of the Zoning Ordinance addresses projections into a required setback area and includes an exception for an uncovered deck, provided the projection does not encroach more than four feet into the setback area and provided the encroachment is not more than ten feet in width.

The subject request exceeds the four foot projection into the setback area by one foot. The total square footage of the encroachment is 40 square feet.

**Regarding the patio: it has been a longstanding policy that if a patio is flush with a dwelling, zoning setbacks do not apply. While a building permit is required due to the placement of a hot tub on top of the patio area, the Zoning Administrator determined that*

because the hot tub and relevant portion of the patio serving as a base to the hot tub are setback compliant, the portion of the patio that extends into the setback area is exempt from zoning setbacks pursuant to the aforementioned policy.

Staff Report
Jefferson County Board of Zoning Appeals
March 23, 2023
23-10-ZV Warner Variance Request

Conditions of Approval

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

1. No conditions of approval were identified.

Section of Ordinance to be Considered:

Appendix A [attached] – and -

Section 9.5 Projections Into Yards

A: Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four feet; provided that such projections are not over ten feet in width. All roof overhangs may extend into any required yard not more than two feet; provided that the primary structure is located entirely within the appropriate setback.

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 42}

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft. ***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11		
							Front	Side	Street Side	Rear				
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A		
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"				
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"				
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20				
	Duplex Dwelling Unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20				
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"				
	Townhouse Dwelling ⁴²	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20				
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30			12 side 15 front 15 rear	12 side 15 front 15 rear
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12			N/A	N/A
		30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	‡	12				
Under 30,000 sq. ft.		N/A	N/A	N/A	40	20	8	‡	12					
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	‡	50	N/A	N/A		
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	‡	50				
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	‡	12				
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	‡	12				
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	‡	12				
Cluster Subdivision	See RG District													
Village (V)	Residential uses	See RG District												
Residential-Light Industrial-Commercial (RLIC)	Residential uses	See RG District ^ϕ												
Industrial-Commercial (IC)	Residential uses	See Rural setbacks for lots not previously stipulated by the Planning Commission.												
Neighborhood Commercial (NC)	Residential uses	See RG District												
General Commercial (GC)	Residential uses	See RG District												
Highway Commercial (HC)	Residential uses	N/A												
Light Industrial (LI)	Residential uses	N/A												
Major Industrial (MI)	Residential uses	N/A												
Office / Commercial Mixed Use (OC)	Residential uses	See RG District												
Planned Neighborhood Development (PND)	Residential uses	See RG District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).												

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

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

All dimensions are in feet unless otherwise indicated.

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

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

* Maximum height subject to Section 9.2

** Exterior side only.

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

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



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

File Number: 23-10-ZV
 Staff Initials: gnt
 Meeting Date: 03-23-23
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Travis and Emily Warner
 Mailing Address: 58 Branson Circle Shepherdstown WV 25443
 Phone Number: 304 543 1914 Email: chateauwarner@gmail.com

Applicant Contact Information

Name: Travis and Emily Warner
 Mailing Address: 58 Branson Circle Shepherdstown WV 25443
 Phone Number: 304 543 1914 Email: chateauwarner@gmail.com

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

Name: Linda C. Wright
 Mailing Address: 22094 Whitetail Ridge Ln Middleburg VA 20117
 Phone Number: 540 687 6829 Email: linda.lcw.design@gmail.com

Physical Property Details

Physical Address: 58 Branson Circle
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: 09 gnt Map No: 8D gnt Parcel No: 114 gnt
 Parcel Size: .2833 gnt Deed Book: 1285 gnt Page No: 508 gnt

Zoning District (please check one)

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

RECEIVED

FEB 24 2023

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Appendix A g4

Briefly describe the nature of the variance request:

SETBACK VARIANCE REQUEST (REAR) FOR DECK & PATIO

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

Front Setback Side Setback Rear Setback Reduction From 20 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:

THERE IS ONLY ONE PROPERTY OWNER ADJACENT, AND THE PORTION OF ADJACENT PROPERTY OWNERS PROPERTY IS WOODED AND NOT NEAR ANY DWELLING, THE VARIANCE REMAINS WITHIN OUR FENCED IN BACKYARD.

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?

HOME BUILDER (LENNAR) BUILT BACK PORCH DOOR (W/O BACK PORCH/DECK) WITHIN N 15 FEET OF OFFSET, REDUCING OUR ABILITY TO BUILD SAFE DECK/STAIRS INTO BACKYARD WITHOUT SEEKING A VARIANCE REQUEST

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

BY ENABLING SAFE ACCESS TO/FROM DECK, WHICH IS NEEDED TO MAKE BACK PORCH DOOR (BUILT WITHOUT BACK PORCH/DECK) SAFE TO USE/ACCESSIBLE TO USE.

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

BY ENABLING HOMEOWNER TO BUILD USABLE AND SAFE DECK AND ACCESS TO BACKYARD FROM SAID DECK.

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

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

[Signature] 2/24/23
Signature of Property Owner Date

[Signature] 2/24/23
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).

03/23/23

Date of Public Hearing

03/08/23

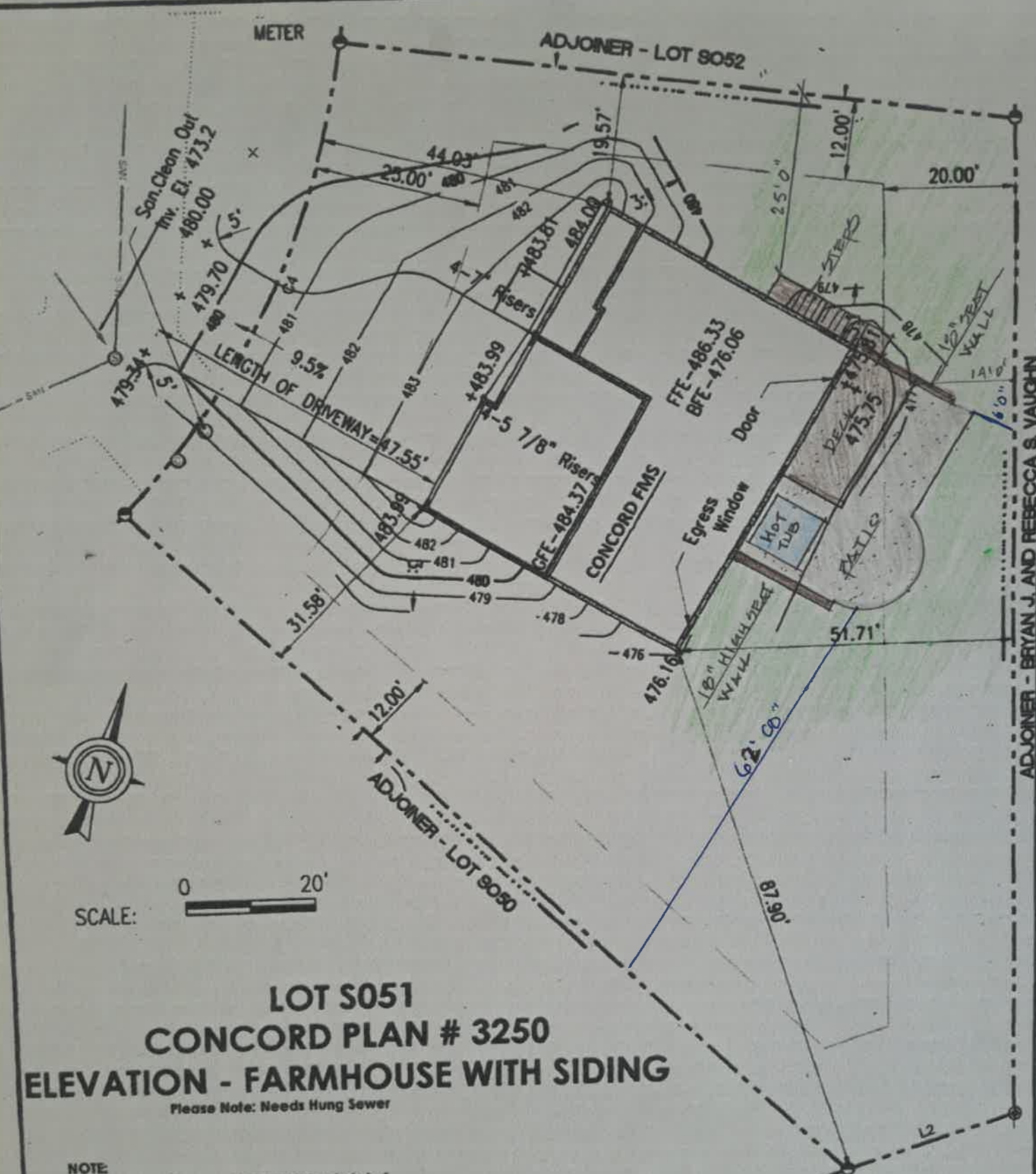
Advertising Date

03/08/23

Placard Posting Date

METER

ADJOINER - LOT 9052



LOT S051

CONCORD PLAN # 3250

ELEVATION - FARMHOUSE WITH SIDING

Please Note: Needs Hung Sewer

NOTE:

Contractor shall excavate sewer lateral at start of project and verify elevation. Report variances to Lennar and engineer.

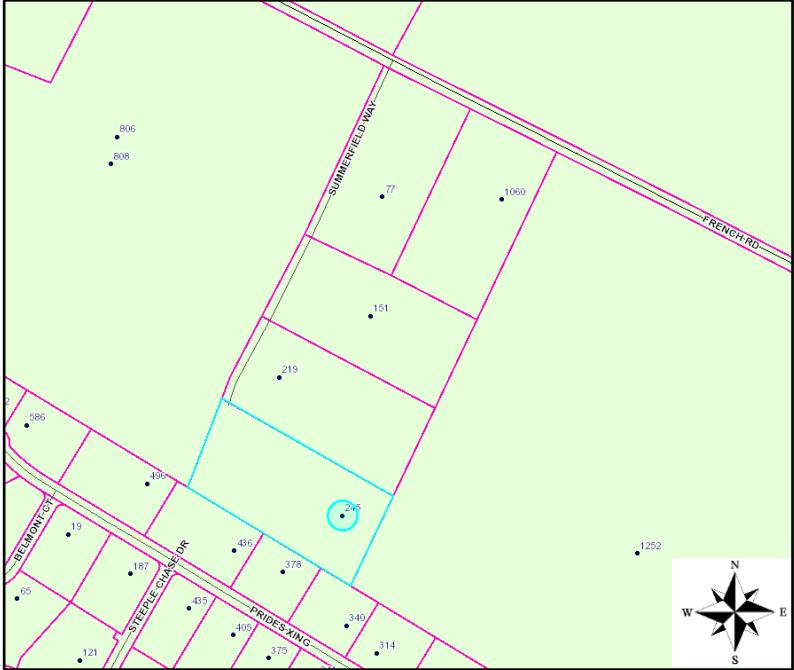
LEGEND

T.M.	TAX MAP NUMBER	D.I.	DROP INLET
PAR.	PARCEL NUMBER	⊕	METAL FENCE POST
D.B.	DEED BOOK	⊗	WOODEN FENCE POST
PG.	PAGE NUMBER	○	POINT
N/F	NOW OR FORMERLY	—	UTILITY POLE

RLES B. BRA

Staff Report
 Jefferson County Board of Zoning Appeals
 March 23, 2023
23-11-ZV Petry (Pool) Variance Request

Item #4 Request #1: Variance from Appendix A to reduce the side setback from 15’ to 6’ along the eastern property line to accommodate the concrete area surrounding an in-ground swimming pool. The edge of the concrete area is approximately 62’ long.

Owner:	Kanette Petry
Parcel Information and Zoning District:	<p style="text-align: center;">Lot 4 (Residue), French Road, LLC MSD 245 Summerfield Way, Shenandoah Junction, WV Parcel ID: 09002000110004; Size: 5 ac; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Districts: North, East, South, and West: Rural
History:	05/30/91: Margaret Link MSD recorded in PB 10 @ PG 23 05/18/21: French Road, LLC MSD and BLA recorded in PB 26 @ PG 239
Waivers/Variances:	12/08/20: PC approved waiver to process as a minor subdivision (20-13-PCW) 04/28/22: BZA approved variance from App. A, to reduce the front setback from 40’ to 3’; the side setback from 15’ to 3’; and the rear setback from 50’ to 3’ for an 8’ tall block and stone wall to be constructed along the eastern property line (22-15-ZV).
Approved Activity:	Single Family Dwelling
Site Visit Conducted:	Site Visit Conducted on 03-09-23

Staff Overview

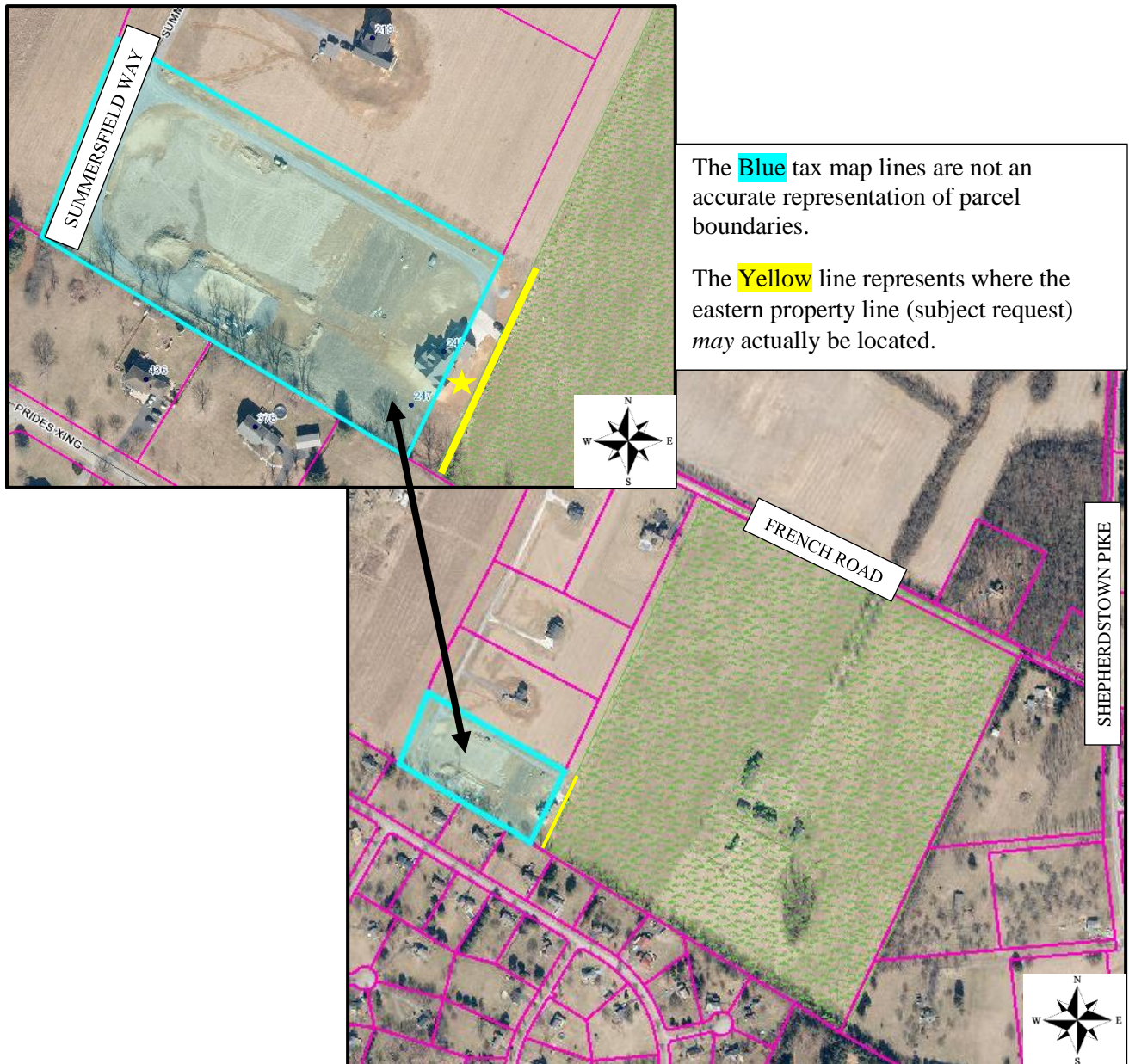
The subject parcel is designated as Lot 4 of the French Road LLC Minor Subdivision. Pursuant to Note #4 on the recorded final plat and Appendix A of the Zoning Ordinance, the lot is subject to a 15’ side setback. The applicant represented that there is 15-feet between the edge of the swimming pool and

Staff Report
Jefferson County Board of Zoning Appeals
March 23, 2023
23-11-ZV Petry (Pool) Variance Request

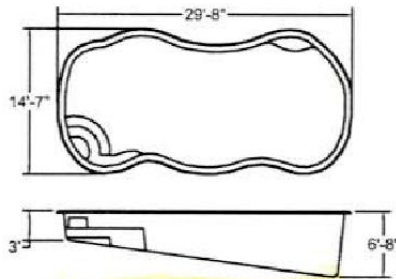
the property line but the concrete area surrounding the swimming pool encroaches into the setback area and is approximately six feet from the property line. The request is to reduce the side setback requirement from 15' to 6' along the eastern property line to accommodate the concrete area surrounding an in-ground swimming pool. The concrete area is approximately 62' long.

The purpose of a side setback requirement 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.

The subject property line adjoins a 59 ± acre parcel under a farmland preservation easement. The properties to the north and south are residential.

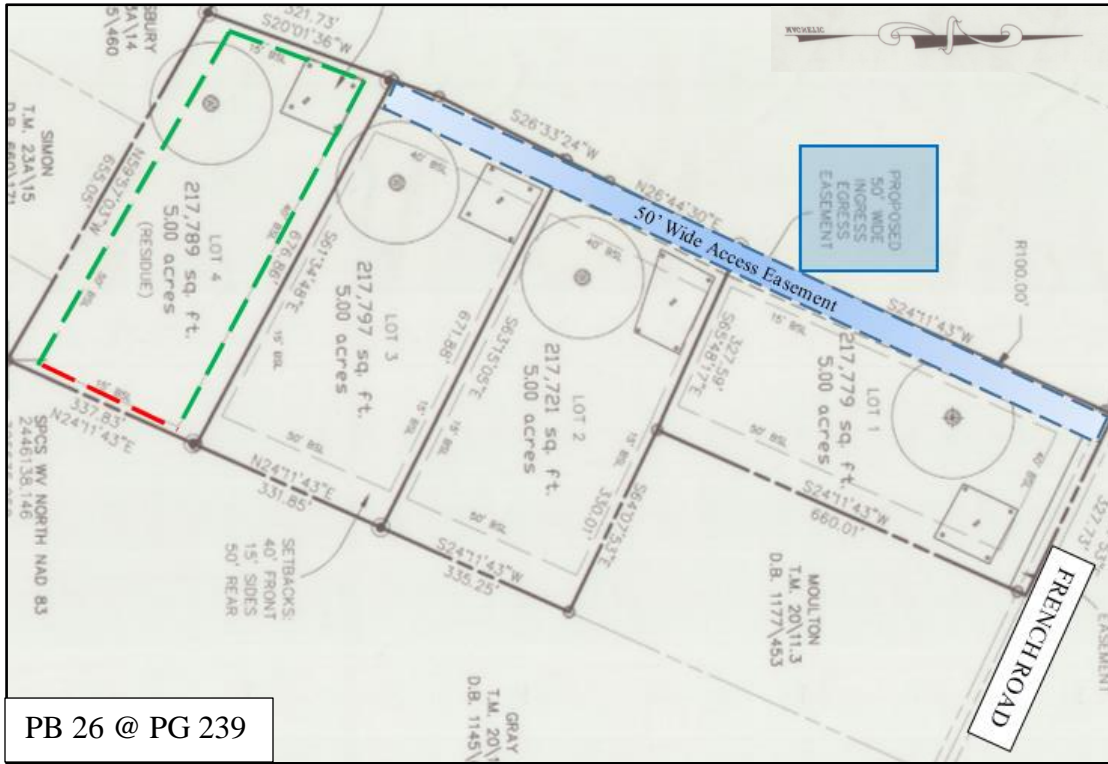


Staff Report
Jefferson County Board of Zoning Appeals
March 23, 2023
23-11-ZV Petry (Pool) Variance Request



BAY ISLE - BHBV
10,000 Gal. Approx.

Staff Report
 Jefferson County Board of Zoning Appeals
 March 23, 2023
23-11-ZV Petry (Pool) Variance Request



Conditions of Approval

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

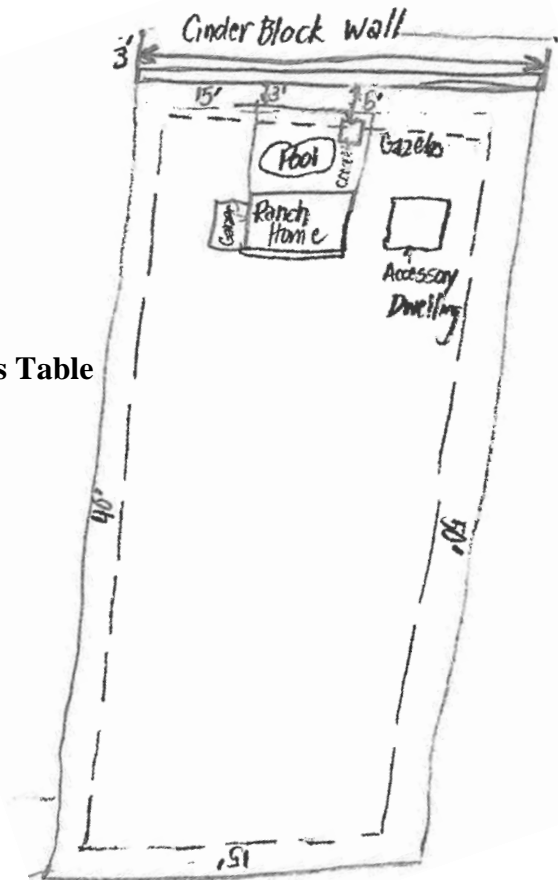
1. No conditions of approval were identified.

Section of Ordinance to be Considered

Appendix A: Residential Site Development Standards Table

Rural Setbacks:

Front: 40'; Side: 15'; Rear: 50'



APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 42}

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft. ***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Street Side	Rear		
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20		
		Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
	Duplex Dwelling Unit	Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
		Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	Townhouse Dwelling ⁴²	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30	12 side 15 front 15 rear	12 side 15 front 15 rear
			Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12
Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	‡	12			
	Under 30,000 sq. ft.	N/A	N/A	N/A	40	20	8	‡	12			
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	‡	50	N/A	N/A
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	‡	50		
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	‡	12		
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	‡	12		
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	‡	12		
Cluster Subdivision	See RG District											
Village (V)	Residential uses	See RG District										
Residential-Light Industrial-Commercial (RLIC)	Residential uses	See RG District ^ϕ										
Industrial-Commercial (IC)	Residential uses	See Rural setbacks for lots not previously stipulated by the Planning Commission.										
Neighborhood Commercial (NC)	Residential uses	See RG District										
General Commercial (GC)	Residential uses	See RG District										
Highway Commercial (HC)	Residential uses	N/A										
Light Industrial (LI)	Residential uses	N/A										
Major Industrial (MI)	Residential uses	N/A										
Office / Commercial Mixed Use (OC)	Residential uses	See RG District										
Planned Neighborhood Development (PND)	Residential uses	See RG District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).										

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

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

All dimensions are in feet unless otherwise indicated.

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

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

* Maximum height subject to Section 9.2

** Exterior side only.

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

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



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

File Number: 23-11-ZV
 Staff Initials: gjt
 Meeting Date: 03-23-23
 Fees Paid (\$100 or \$150): 150-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Kanette L. Petry
 Mailing Address: 245 Summerfield Way, Shenandoah Junction, WV 25442
 Phone Number: 304-261-0042 Email: kanettepetry@gmail.com

Applicant Contact Information

Name: Kanette L. Petry
 Mailing Address: same as property owner information above
 Phone Number: _____ Email: _____

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

Name: none
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 245 Summerfield Way
 City: Shenandoah Junction State: WV Zip Code: 25442
 Tax District: Shepherdstown-09 Map No: 20 Parcel No: 11.4
 Parcel Size: 217,789 square feet Deed Book: 1267 Page No: 280

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RECEIVED			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
FEB 27 2023			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Appendix A 9th

Briefly describe the nature of the variance request:

Reduce the side setback for encroachment of concrete pad surrounding a swimming pool

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

Front Setback Side Setback Rear Setback Reduction From 15' to 6'

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

This concrete is solely on my property and is located behind the solid wall fence that separates my back yard from the adjacent neighbor.

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?

I was not aware that the concrete surround was a violation.

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

The concrete was installed without knowledge that it was considered a structure, that was subject to the setback requirements. Removal of it would be costly and disturb use of the existing amenities.

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

This concrete slab is surrounded by my own structures and barriers. It cannot be observed by anyone who is not on my property. Neighbors right to privacy is unaffected.

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.

Kamette N. Petty
Signature of Property Owner

2/27/2023
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).

03.23.23

Date of Public Hearing

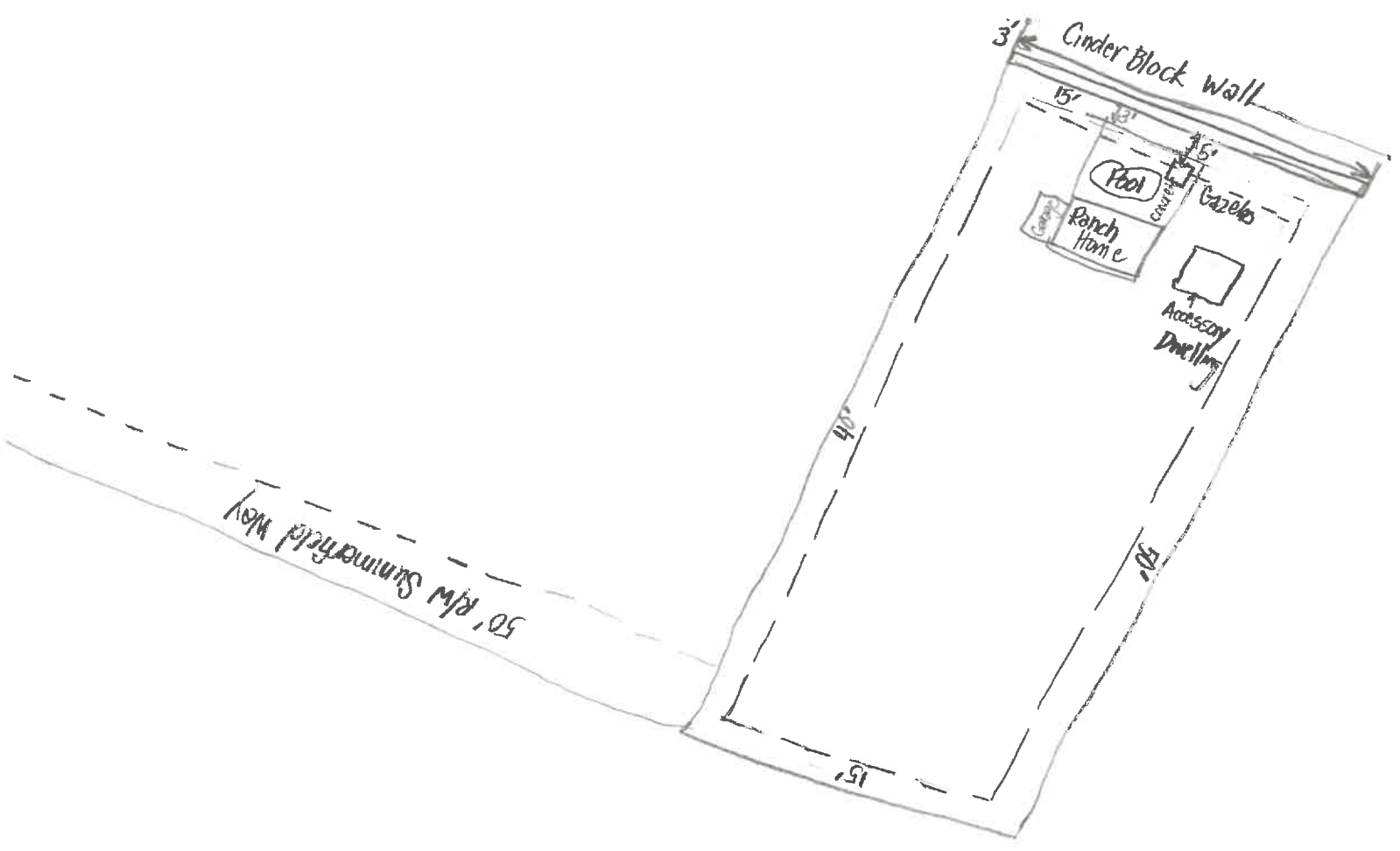
03.08.23

Advertising Date

03.08.23

Placard Posting Date

23-11-2V
23-12-2V



23-11-2V
23-12-2V

Garage to line 135'
Garage to wall 28.5'
Wall to concrete 3'
Wall to gazebo 5'
Wall to pool 15'
Gazebo w/ overhang 12'
Distance between houses 27'

Wall is 3' from property line
Wall is approximately 1" wide

To:
Jefferson County Zoning,
Jefferson County Permits and Planning

RECEIVED
MARCH 15, 2023
Jefferson County, WV
Office of Planning & Zoning

From: David Gray (Mrs. Petri's adjoining property owner)

Date: 09 MAR 2023

Subject: Non-adherence to the Jefferson County Building Ordinance, Permits and Planning, and the Zoning Variance Process

Jefferson County Zoning Appeals Members,

Let me start my comments with a question – Why has Jefferson County gone to the time, trouble, and expense of writing and adopting (and revising), and servicing the Building Ordinance?

Jefferson County has established a fairly comprehensive system that allows for Jefferson County Residents to submit and have reviewed their building projects. There exist a mechanism for inspection(s) and ultimately the approval of projects that hopefully add value to our neighborhoods, and the larger Jefferson County community. I have successfully used this system on numerous occasions. I've found the staff to be responsive and cooperative. I have on occasion to have projects rejected or altered from their original design. I accept it.

However, some people have moved into the area and choose not to abide by the rules (laws) of the Building Ordinance. There are instances when people may not be aware of the process – and other times when they know the process and don't want to be bothered by it. And further there are times when people continuously demonstrate a disregard for the process.

I believe the latter is the case with my neighbor(s), Mr. and Mrs. Petri. Mr. Petri is a Project Manager with a large home builder in the county. Mr. Petri's wife is an attorney (I believe specializing in Real Estate Law). Yet, on numerous occasions Mr. Petri has started (and completed) projects prior to applying and gaining the permits or necessary variances. So, why do the Petri's believe they are not required to have a building permit (or variance) as clearly required by law? **Mr. and Mrs. Petri should know better.** And - why does the Jefferson County Planning and Permits continue to grant permits; and the Jefferson County Zoning Department continue to grant variances after a project is completed – and **clearly** in violation.

A brief summary of events:

1. The Jefferson County Commissioners approved a Minor Subdivision where requirements for a Major Subdivision were warranted (based on density). I believe the application for a variance was requested solely to reduce builder cost – not to enhance the neighborhood. Several of my neighbors (in the Steeple Chase Sub-division) and I spoke at the Public Hearing - and was abruptly cut off at exactly three minutes – it was quite offensive. The builder’s representative was allowed to pontificate for approximately a half an hour (or more) on the non-existing benefits/merits to our neighborhood, bought about by this sub-division. I had never met my neighbors – but we all presented the same concerns – water run-off and the loss of open space/rural setting. And as I predicted, during the first heavy rain – muddy water ran across French Rd. onto the French’s property. I contacted the WV State Road and they had to create ditches to address the problem that the builder ignored. This sub-division was not wanted – and the resulting houses certainly haven’t changed my opinion.
2. I talked to Mr. Petri’s surveyor as he was staking out the dimension of the house footings. I was concerned that the house appeared to violate the 50 ft. (rear) offset rule. I asked him to review the location with Mr. Petri. Given Mrs. Petri’s lot is approximately 600 feet deep it didn’t make sense (at least to me) the house would be so far back, considering the remaining backyard would be 35 ft. or less (as confirmed by Mr. Petri). I talked to Mr. Petri two times to try and understand his decision and suggested he may want to move the house a little closer to the center of the lot. I even offered a possible solution to raise the house with a basement and he could get the elevation he desired. Mr. Petri said he wanted the “high” ground and his wife wanted the view – “They want to have coffee on the patio” – and enjoying the view” - **of my farm**. I later found out from Zoning that because of the entry into Mrs. Petri’s property – their backyard is actually her side yard – so a 15 ft. offset is all that is required. Perhaps Mr. Petri could have satisfy his requirements by simply raising their house with about half the concrete blocks he wasted on his wall – and gained a basement in the process.
3. As to form a screen of what appeared to be someone’s house setting on my property – I moved some woody biomass and planted approximately 75 Leyland Cypress trees along the property line – a buffer the builder would have been required to perform under a Major Sub-division. Mr. Petri elected to build several hundred feet of concrete block wall to screen himself from my Leyland Cypress(s). The neighbors have commented that the wall looks like a prison wall – but they like my trees. As I remember, the work of digging and pouring the footer had commenced prior to obtaining a Building Permit; and the block laying was nearly completed before a Variance was obtained. It wasn’t until I notified Permits of the construction that Mr. Petri obtained the required documents. A variance was required because the wall was 8 ft. high and within 15 ft. of her property line (actually it’s taller). The Permit and Variance was subsequently granted to Mr. Petri. I didn’t object to the variance because I wish the wall was 16 feet high.

4. Mr. Petri built an in-ground pool with a concrete apron – basically taking up the entire backyard. He had a permit, but lacked the required variance. After I notified Permits and Zoning – and being threatened with a zoning code violation – Mr. Petri has applied for a Variance for the apron - approximately one year after the fact.
5. More recently, Mrs. Petri built a second residence on her property. I believe the second residence is in violation due to the distance from the “rear” of her property (50 feet minimum). Planning indicated that Mr. Petri certified that the structure was +/-63 ft. (?) from the property line. I did a cursory parallel measurement of 43 ft. This could be done because the building is so close to the property line – you can simply measure along the back of the second residence. I notified the Building Compliance Office and he said he would/has visited Mr. Petri and Mr. Petri re-certified the distance as +/-55 ft. I was informed by Permits that if I wanted to contest this decision, I would need to hire a surveyor and gain entry onto Mrs. Petri’s property for a proper measurement – at considerable cost to me – not sure why there is a Compliance Officer, if he just takes the word of the applicant. I just ask that he (the Compliance Officer) make a simple measurement. So, if it’s not important enough for Jefferson County to “enforce” compliance then I’m surely not going to pay (in addition to my “considerable” Real Estate taxes) – to investigate and marshal compliance for Jefferson County.
6. Mr. Petri has now built a large Gazebo which is **clearly** in violation of the Zoning offset - back or side. The Gazebo is approximate 5 ft. from his concrete block wall which is approximately 3-4 ft. from the property line. I believe the Gazebo was started and finished before any of the required permits and variances were obtained. These are the variances (Pool apron and Gazebo) he’s asking you to approve.

I would ask that you not approve the variances for the pool apron or the Gazebo. I would also ask that the Compliance Officer revisit (and physically measure) the rear offset of the second residence and determine if it is within established guidelines. Perhaps Mr. Petri can alter the pool apron and relocate the Gazebo to a legal location on his property – bringing them into compliance. Perhaps Mr. Petri can move the Gazebo near his newly installed Golf Course (provided he has an approved permit). I’m currently looking for guidance from Zoning for Golf Courses in Jefferson County. I fear Mr. Petri is in the process of expanding his one hole golf course – because he has “parked” what appears to be several large pieces of excavation equipment in front of their house. I’m not sure what the plans are for what appears to be a motorboat – perhaps he plans to create a large water hazard – and do some motor-boating. It is my belief the Petris, both Real Estate professionals have demonstrated a blatant disregard for the Jefferson County Building Ordinance, its processes, intended purpose – and their neighbors.

A general comment: I’ve lived and paid (considerable) taxes in Jefferson County for nearly 30 years. I moved here because of the natural environment, open space, and **Rural** setting/lifestyle as defined by the Zoning Commission. And over the years French Rd. has gone from a farming community with a few nice sized brick homes to a bunch of little white plastic

boxes. There is a rumor that one of the Commissioners said these houses are necessary to “improve” and lift up this area of the County – well, they are wrong. From where I sit it seems – the County will grant a Permit or Variance to anyone that pays the fees – no matter the circumstance or the order of application. Plopping down little white plastic houses on every available building lot in Jefferson County – is NOT Civil Engineering/Planning, and flies in the face of the Zoning Master Plan.

And the answer to my original question is – if the Planning, Permits and Zoning processes are just a rubber stamp – then just do away with the ordinance (and all the other related mechanisms)? Again, I would ask that you put a stop to this type of behavior – deny these requests (and all others like them). Any Commissioner that approves of Mr. Petri actions; and feels Mr. Petri is performing in the best interest of the community, I say to them ... **I wish he was your neighbor**. Consider the long term residences of Jefferson County – and the effect your decisions have on their quality of life.

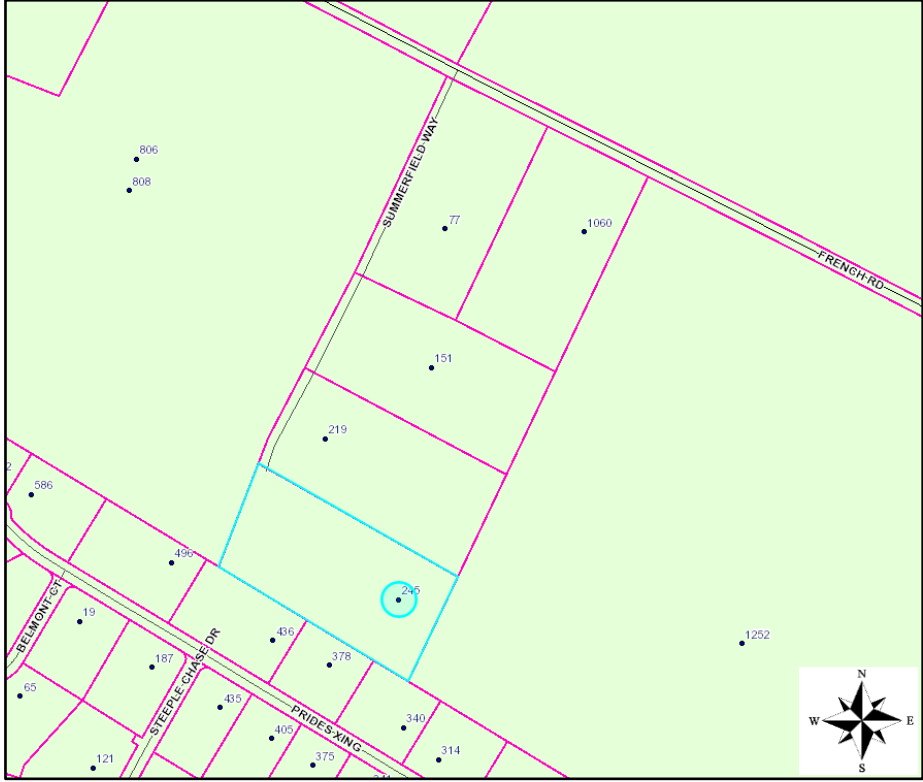
Thank You,

David Gray

(Concerned Resident for a Sustainable Jefferson County)

Staff Report
 Jefferson County Board of Zoning Appeals
 March 23, 2023
23-12-ZV Petry (Gazebo) Variance Request

Item #4 Request #2: Variance from Appendix A to reduce the side setback from 15' to 8' along the eastern property line for a 12' x 12' accessory structure (gazebo).

Owner:	Kanette Petry
Parcel Information and Zoning District:	<p style="text-align: center;">Lot 4 (Residue), French Road, LLC MSD 245 Summerfield Way, Shenandoah Junction, WV Parcel ID: 09002000110004; Size: 5 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Districts: North, East, South, and West: Rural</p>
History:	05/30/91: Margaret Link MSD recorded in PB 10 @ PG 23 05/18/21: French Road, LLC MSD and BLA recorded in PB 26 @ PG 239
Waivers/Variations:	12/08/20: PC approved waiver to process as a minor subdivision (20-13-PCW) 04/28/22: BZA approved variance from App. A, to reduce the front setback from 40' to 3'; the side setback from 15' to 3'; and the rear setback from 50' to 3' for an 8' tall block and stone wall to be constructed along the eastern property line (22-15-ZV).
Approved Activity:	Single Family Dwelling
Site Visit Conducted:	Site Visit Conducted on 03-09-23

Staff Report
Jefferson County Board of Zoning Appeals
March 23, 2023
23-12-ZV Petry (Gazebo) Variance Request

Staff Overview

The subject parcel is designated as Lot 4 of the French Road LLC Minor Subdivision. Pursuant to Note #4 on the recorded final plat and Appendix A of the Zoning Ordinance, the lot is subject to a 15' side setback. The applicant is requesting to reduce the setback from 15' to 8' along the eastern property line to accommodate a 12' x 12' accessory structure (gazebo).

The purpose of a side setback requirement 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.

The subject property line adjoins a 59 ± acre parcel under a farmland preservation easement. The properties to the north and south are residential (see page 3 for aerials).

Article 9 of the Zoning Ordinance includes multiple exceptions for certain size structures, projections into setback areas, etc. One exception is to allow a storage shed that is 150' square feet to be placed as close to the property line as five feet. Because the proceeding sections list various types of structures, and the subject provision only cites storage sheds, Staff determined that the exception was not applicable to the gazebo, which is 144 square feet in size.

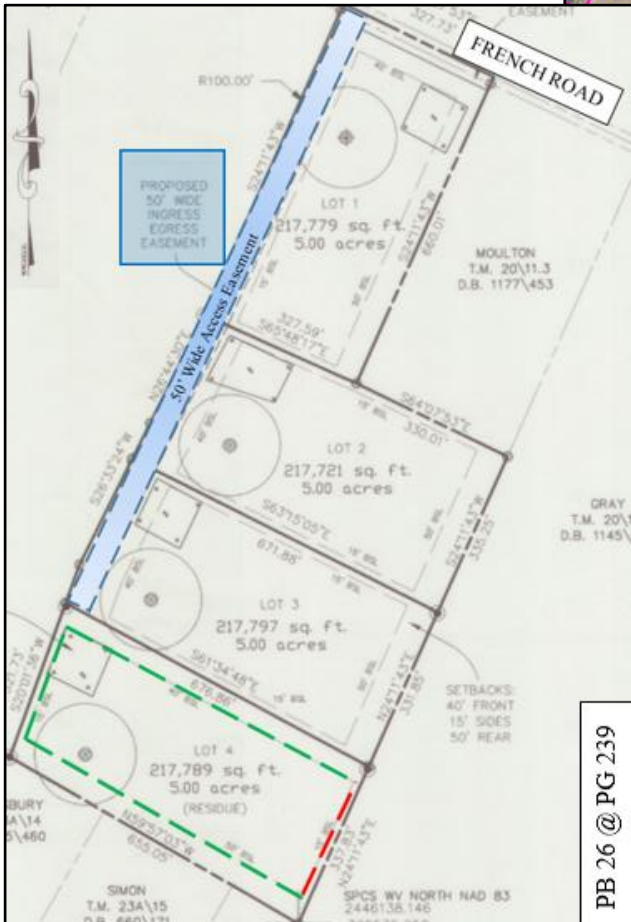
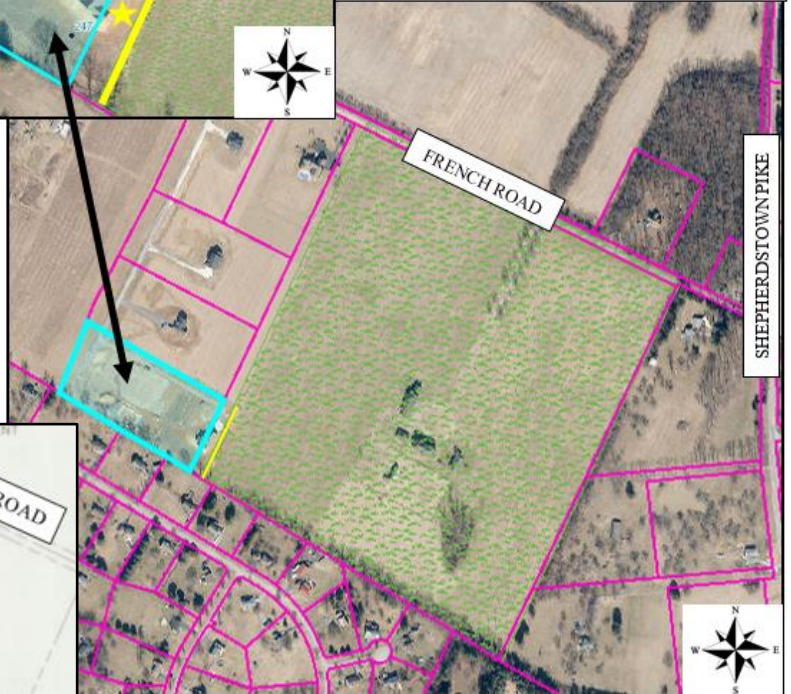


Staff Report
Jefferson County Board of Zoning Appeals
March 23, 2023
23-12-ZV Petry (Gazebo) Variance Request



The **Blue** tax map lines are not an accurate representation of parcel boundaries.

The **Yellow** line represents where the eastern property line (subject request) may actually be located.



Staff Report
Jefferson County Board of Zoning Appeals
March 23, 2023
23-12-ZV Petry (Gazebo) Variance Request

Conditions of Approval

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

1. No conditions of approval were identified.

Section of Ordinance to be Considered

Appendix A: Residential Site Development Standards Table

Rural Setbacks:

Front: 40'; Side: 15'; Rear: 50'

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 42}

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft. ***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Street Side	Rear		
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20		
		Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
	Duplex Dwelling Unit	Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
		Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	Townhouse Dwelling ⁴²	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	12 side 15 front 15 rear	12 side 15 front 15 rear
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30	12 side 15 front 15 rear	12 side 15 front 15 rear
		Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12	N/A
30,000 sq. ft. to 40,000 sq. ft.			N/A	N/A	N/A	40	20	10	‡	12		
Under 30,000 sq. ft.	N/A		N/A	N/A	40	20	8	‡	12			
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	‡	50	N/A	N/A
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	‡	50		
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	‡	12		
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	‡	12		
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	‡	12		
		Cluster Subdivision	See RG District									
Village (V)	Residential uses	See RG District										
Residential-Light Industrial-Commercial (RLIC)	Residential uses	See RG District ^ϕ										
Industrial-Commercial (IC)	Residential uses	See Rural setbacks for lots not previously stipulated by the Planning Commission.										
Neighborhood Commercial (NC)	Residential uses	See RG District										
General Commercial (GC)	Residential uses	See RG District										
Highway Commercial (HC)	Residential uses	N/A										
Light Industrial (LI)	Residential uses	N/A										
Major Industrial (MI)	Residential uses	N/A										
Office / Commercial Mixed Use (OC)	Residential uses	See RG District										
Planned Neighborhood Development (PND)	Residential uses	See RG District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).										

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

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

All dimensions are in feet unless otherwise indicated.

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

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

* Maximum height subject to Section 9.2

** Exterior side only.

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

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



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

File Number: 23-12-ZV
 Staff Initials: gt
 Meeting Date: 03-23-23
 Fees Paid (\$100 or \$150): 150 -

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Kanette L. Petry
 Mailing Address: 245 Summerfield Way, Shenandoah Junction, WV 25442
 Phone Number: 304-261-0042 Email: kanettepetry@gmail.com

Applicant Contact Information

Name: Kanette L. Petry
 Mailing Address: same as property owner information above
 Phone Number: _____ Email: _____

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

Name: None
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 245 Summerfield Way
 City: Shenandoah Junction State: WV Zip Code: 25442
 Tax District: Shepherdstown -09 Map No: 20 Parcel No: 11.4
 Parcel Size: 217,789 square feet Deed Book: 1267 Page No: 180

Zoning District (please check one)

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

RECEIVED

FEB 27 2023

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Appendix A g11

Briefly describe the nature of the variance request:
Reduce the side setback for encroachment of a picnic table enclosure

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

Front Setback Side Setback Rear Setback Reduction From 15' to 8'

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

This is a roofed enclosure on four posts for shaded area adjacent to our swimming pool. It is located behind the solid wall fence that separates my back yard from the adjacent neighbor.

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?

There is not a lot of room between the house and the wall.

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

It is already built but not yet affixed permanently.

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

Neighbor's right to privacy is maintained by the solid wall.

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.

Kamette O'Petry 2/27/2023
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

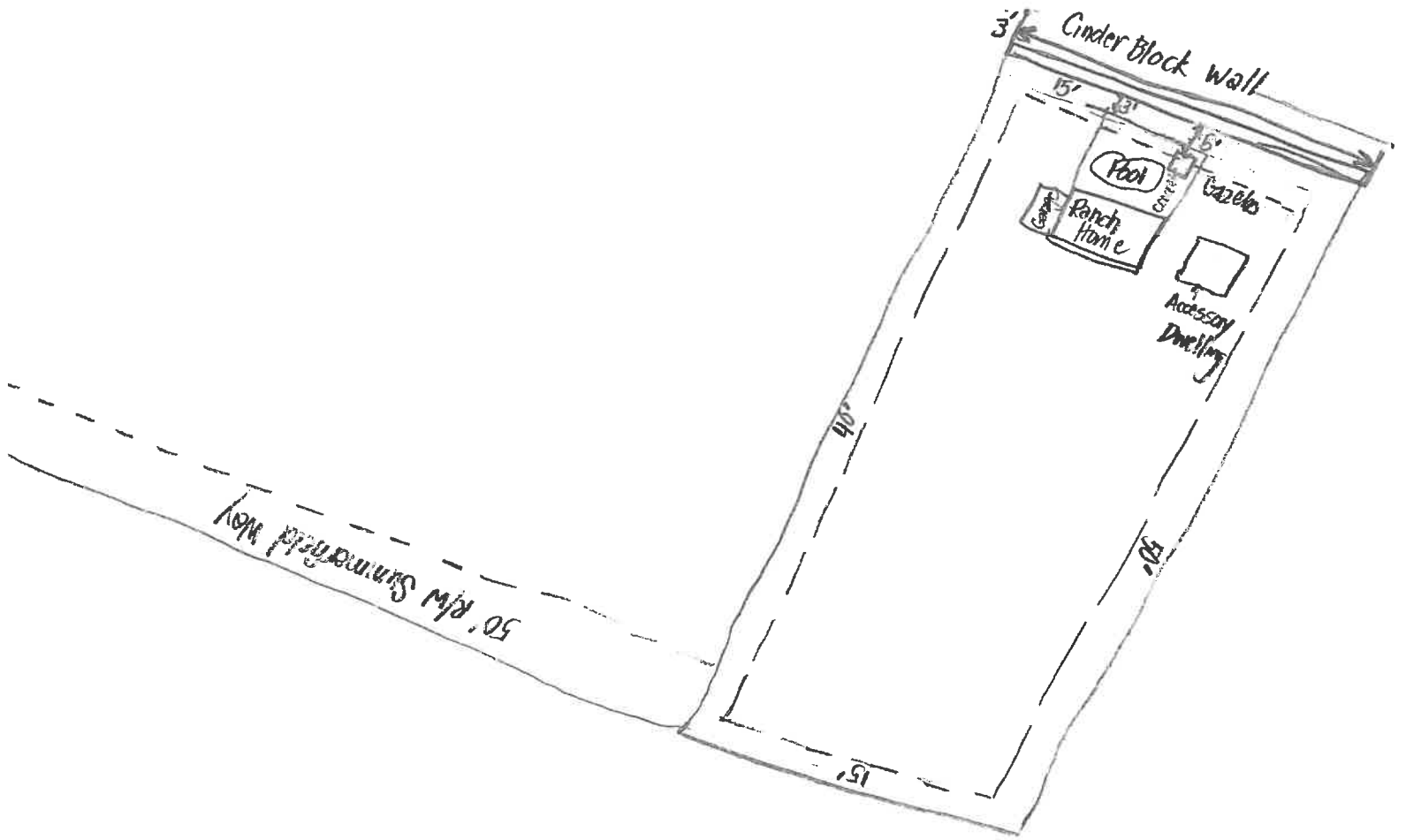
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03-23-23
Date of Public Hearing

03-08-23
Advertising Date

03-08-23
Placard Posting Date

23-11-2V
23-12-2V



23-11-2v
23-12-2v

Garage to line 135'
Garage to wall 28.5'
Wall to concrete 3'
Wall to gazebo 5'
Wall to pool 15'
Gazebo w/overhang 12'
Distance between houses 27'

Wall is 3' from property line
Wall is approximately 1" wide

To:
Jefferson County Zoning,
Jefferson County Permits and Planning

RECEIVED
MARCH 15, 2023
Jefferson County, WV
Office of Planning & Zoning

From: David Gray (Mrs. Petri's adjoining property owner)

Date: 09 MAR 2023

Subject: Non-adherence to the Jefferson County Building Ordinance, Permits and Planning, and the Zoning Variance Process

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I believe the latter is the case with my neighbor(s), Mr. and Mrs. Petri. Mr. Petri is a Project Manager with a large home builder in the county. Mr. Petri's wife is an attorney (I believe specializing in Real Estate Law). Yet, on numerous occasions Mr. Petri has started (and completed) projects prior to applying and gaining the permits or necessary variances. So, why do the Petri's believe they are not required to have a building permit (or variance) as clearly required by law? **Mr. and Mrs. Petri should know better.** And - why does the Jefferson County Planning and Permits continue to grant permits; and the Jefferson County Zoning Department continue to grant variances after a project is completed – and **clearly** in violation.

A brief summary of events:

1. The Jefferson County Commissioners approved a Minor Subdivision where requirements for a Major Subdivision were warranted (based on density). I believe the application for a variance was requested solely to reduce builder cost – not to enhance the neighborhood. Several of my neighbors (in the Steeple Chase Sub-division) and I spoke at the Public Hearing - and was abruptly cut off at exactly three minutes – it was quite offensive. The builder’s representative was allowed to pontificate for approximately a half an hour (or more) on the non-existing benefits/merits to our neighborhood, bought about by this sub-division. I had never met my neighbors – but we all presented the same concerns – water run-off and the loss of open space/rural setting. And as I predicted, during the first heavy rain – muddy water ran across French Rd. onto the French’s property. I contacted the WV State Road and they had to create ditches to address the problem that the builder ignored. This sub-division was not wanted – and the resulting houses certainly haven’t changed my opinion.
2. I talked to Mr. Petri’s surveyor as he was staking out the dimension of the house footings. I was concerned that the house appeared to violate the 50 ft. (rear) offset rule. I asked him to review the location with Mr. Petri. Given Mrs. Petri’s lot is approximately 600 feet deep it didn’t make sense (at least to me) the house would be so far back, considering the remaining backyard would be 35 ft. or less (as confirmed by Mr. Petri). I talked to Mr. Petri two times to try and understand his decision and suggested he may want to move the house a little closer to the center of the lot. I even offered a possible solution to raise the house with a basement and he could get the elevation he desired. Mr. Petri said he wanted the “high” ground and his wife wanted the view – “They want to have coffee on the patio” – and enjoying the view” - **of my farm**. I later found out from Zoning that because of the entry into Mrs. Petri’s property – their backyard is actually her side yard – so a 15 ft. offset is all that is required. Perhaps Mr. Petri could have satisfy his requirements by simply raising their house with about half the concrete blocks he wasted on his wall – and gained a basement in the process.
3. As to form a screen of what appeared to be someone’s house setting on my property – I moved some woody biomass and planted approximately 75 Leyland Cypress trees along the property line – a buffer the builder would have been required to perform under a Major Sub-division. Mr. Petri elected to build several hundred feet of concrete block wall to screen himself from my Leyland Cypress(s). The neighbors have commented that the wall looks like a prison wall – but they like my trees. As I remember, the work of digging and pouring the footer had commenced prior to obtaining a Building Permit; and the block laying was nearly completed before a Variance was obtained. It wasn’t until I notified Permits of the construction that Mr. Petri obtained the required documents. A variance was required because the wall was 8 ft. high and within 15 ft. of her property line (actually it’s taller). The Permit and Variance was subsequently granted to Mr. Petri. I didn’t object to the variance because I wish the wall was 16 feet high.

4. Mr. Petri built an in-ground pool with a concrete apron – basically taking up the entire backyard. He had a permit, but lacked the required variance. After I notified Permits and Zoning – and being threatened with a zoning code violation – Mr. Petri has applied for a Variance for the apron - approximately one year after the fact.
5. More recently, Mrs. Petri built a second residence on her property. I believe the second residence is in violation due to the distance from the “rear” of her property (50 feet minimum). Planning indicated that Mr. Petri certified that the structure was +/-63 ft. (?) from the property line. I did a cursory parallel measurement of 43 ft. This could be done because the building is so close to the property line – you can simply measure along the back of the second residence. I notified the Building Compliance Office and he said he would/has visited Mr. Petri and Mr. Petri re-certified the distance as +/-55 ft. I was informed by Permits that if I wanted to contest this decision, I would need to hire a surveyor and gain entry onto Mrs. Petri’s property for a proper measurement – at considerable cost to me – not sure why there is a Compliance Officer, if he just takes the word of the applicant. I just ask that he (the Compliance Officer) make a simple measurement. So, if it’s not important enough for Jefferson County to “enforce” compliance then I’m surely not going to pay (in addition to my “considerable” Real Estate taxes) – to investigate and marshal compliance for Jefferson County.
6. Mr. Petri has now built a large Gazebo which is **clearly** in violation of the Zoning offset - back or side. The Gazebo is approximate 5 ft. from his concrete block wall which is approximately 3-4 ft. from the property line. I believe the Gazebo was started and finished before any of the required permits and variances were obtained. These are the variances (Pool apron and Gazebo) he’s asking you to approve.

I would ask that you not approve the variances for the pool apron or the Gazebo. I would also ask that the Compliance Officer revisit (and physically measure) the rear offset of the second residence and determine if it is within established guidelines. Perhaps Mr. Petri can alter the pool apron and relocate the Gazebo to a legal location on his property – bringing them into compliance. Perhaps Mr. Petri can move the Gazebo near his newly installed Golf Course (provided he has an approved permit). I’m currently looking for guidance from Zoning for Golf Courses in Jefferson County. I fear Mr. Petri is in the process of expanding his one hole golf course – because he has “parked” what appears to be several large pieces of excavation equipment in front of their house. I’m not sure what the plans are for what appears to be a motorboat – perhaps he plans to create a large water hazard – and do some motor-boating. It is my belief the Petris, both Real Estate professionals have demonstrated a blatant disregard for the Jefferson County Building Ordinance, its processes, intended purpose – and their neighbors.

A general comment: I’ve lived and paid (considerable) taxes in Jefferson County for nearly 30 years. I moved here because of the natural environment, open space, and **Rural** setting/lifestyle as defined by the Zoning Commission. And over the years French Rd. has gone from a farming community with a few nice sized brick homes to a bunch of little white plastic

boxes. There is a rumor that one of the Commissioners said these houses are necessary to “improve” and lift up this area of the County – well, they are wrong. From where I sit it seems – the County will grant a Permit or Variance to anyone that pays the fees – no matter the circumstance or the order of application. Plopping down little white plastic houses on every available building lot in Jefferson County – is NOT Civil Engineering/Planning, and flies in the face of the Zoning Master Plan.

And the answer to my original question is – if the Planning, Permits and Zoning processes are just a rubber stamp – then just do away with the ordinance (and all the other related mechanisms)? Again, I would ask that you put a stop to this type of behavior – deny these requests (and all others like them). Any Commissioner that approves of Mr. Petri actions; and feels Mr. Petri is performing in the best interest of the community, I say to them ... **I wish he was your neighbor**. Consider the long term residences of Jefferson County – and the effect your decisions have on their quality of life.

Thank You,

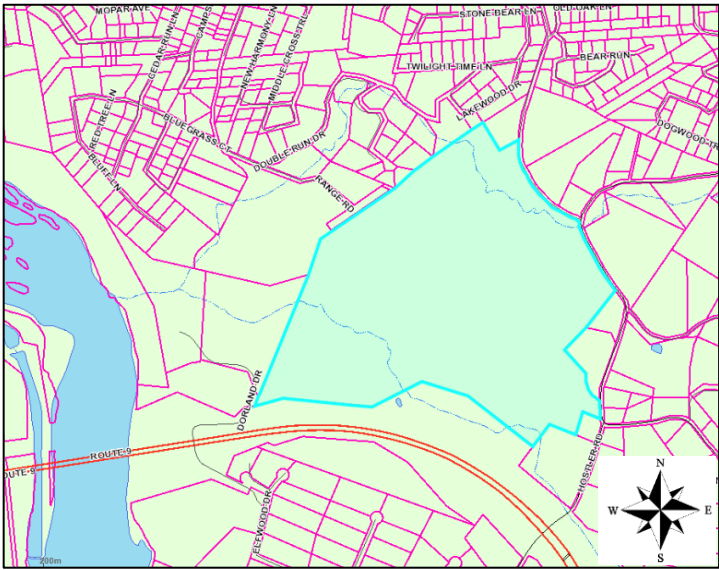
David Gray

(Concerned Resident for a Sustainable Jefferson County)

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 March 23, 2023

23-2-CUP 375 Dorland, LLC Conditional Use Permit Request

Item #5 Request for a Conditional Use Permit to establish a federal firearms business to include gunsmithing and retail sales. The proposal consists of utilizing a 10 acre portion of the 92 acre tract. The use will initially be conducted from the existing structures, with the option to construct new buildings/additions to existing buildings within the 10 acre area delineated in the application in the future. No signs are proposed. Land use designations as listed in Appendix C are Custom Manufacturing and Retail Sales and Service, General, as defined in Article 2.

Property Owner:	375 Dorland LLC / Attn: Mark Lazar
Consultant:	P.J. Raco Consulting, LLC / Attn: Paul Raco
Parcel Information and Zoning District:	<p style="text-align: center;">Daniel Zappe Minor Subdivision, Lot 2 1195 Chestnut Hill, Harpers Ferry, WV Parcel ID: 04001300370000; Project Size: 10 acres; Parcel Size: 92.6 acres; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North, East, South, West: Rural
History:	04/05/17: Daniel Zappe Minor Subdivision recorded on in PB 25 @ PG 616
Site Visit Conducted:	No

Summary of Request and Purpose of Ordinance Requirements

The subject request is to establish a federal firearms business to include gunsmithing and retail sales. There is a required testing component that will be incidental to the gunsmithing/custom manufacturing operation. The applicant stated that the testing component is limited and not open to the public. The proposal is limited to a 10 acre portion of the 92 acre parcel. The use will initially be conducted from the existing structures, with the option to construct new buildings/additions to existing buildings within the 10 acre area delineated in the application in the future. No signs are proposed.

The two land use designations as listed in Appendix C and defined in Article 2 are Custom Manufacturing and Retail Sales and Service, General.

Article 2 defines *Custom Manufacturing* as, “Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to

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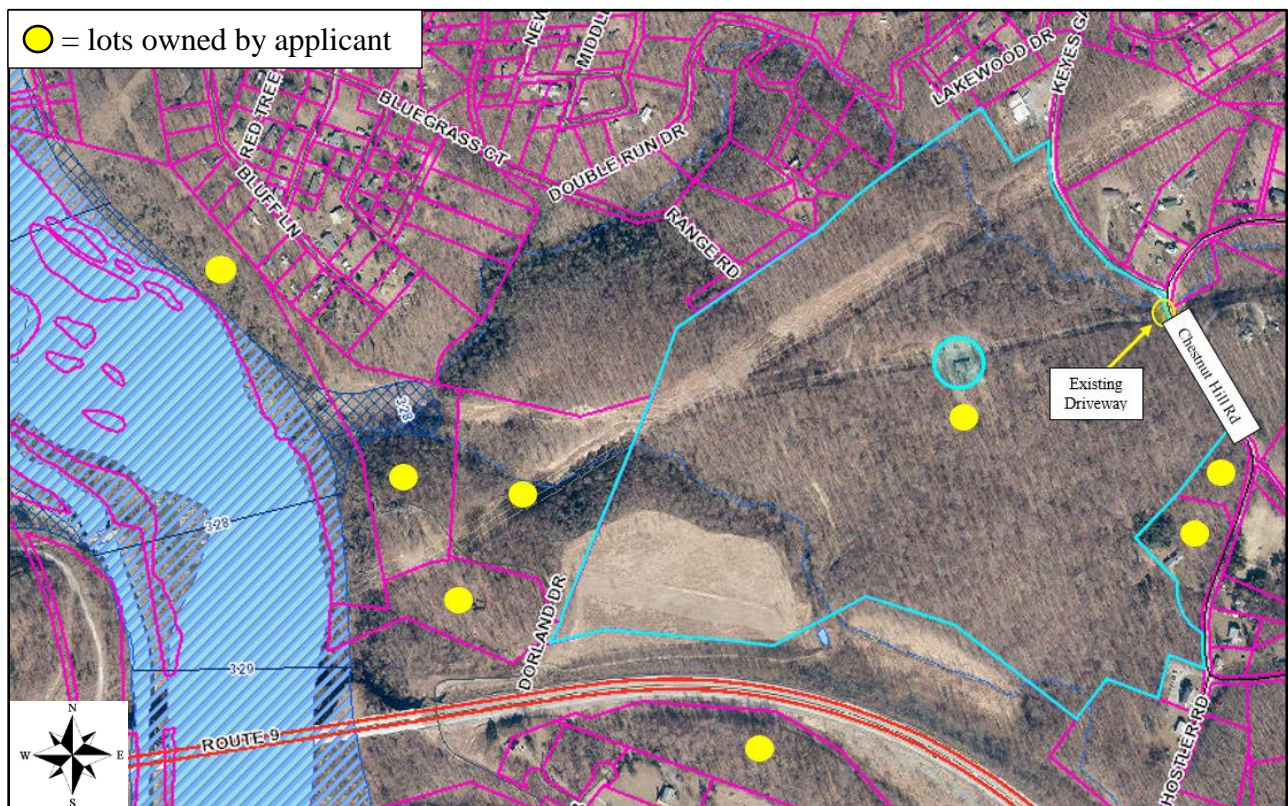
23-2-CUP 375 Dorland, LLC Conditional Use Permit Request

customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking.”

Article 2 defines *Retail Sales and Service, General* as, “A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does not include any other use specifically classified in another definition herein.

Property Description

The subject parcel is comprised of approximately 92 acres and the applicant owns an additional seven parcels surrounding the subject parcel comprised of approximately 46 acres total (see exhibit below). The ten acres subject to the request is densely wooded and contains an existing residential dwelling and an accessory structure (storage building). The property has direct access onto Chestnut Hill Road.



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23-2-CUP 375 Dorland, LLC Conditional Use Permit Request

Conditional Use Permit Process

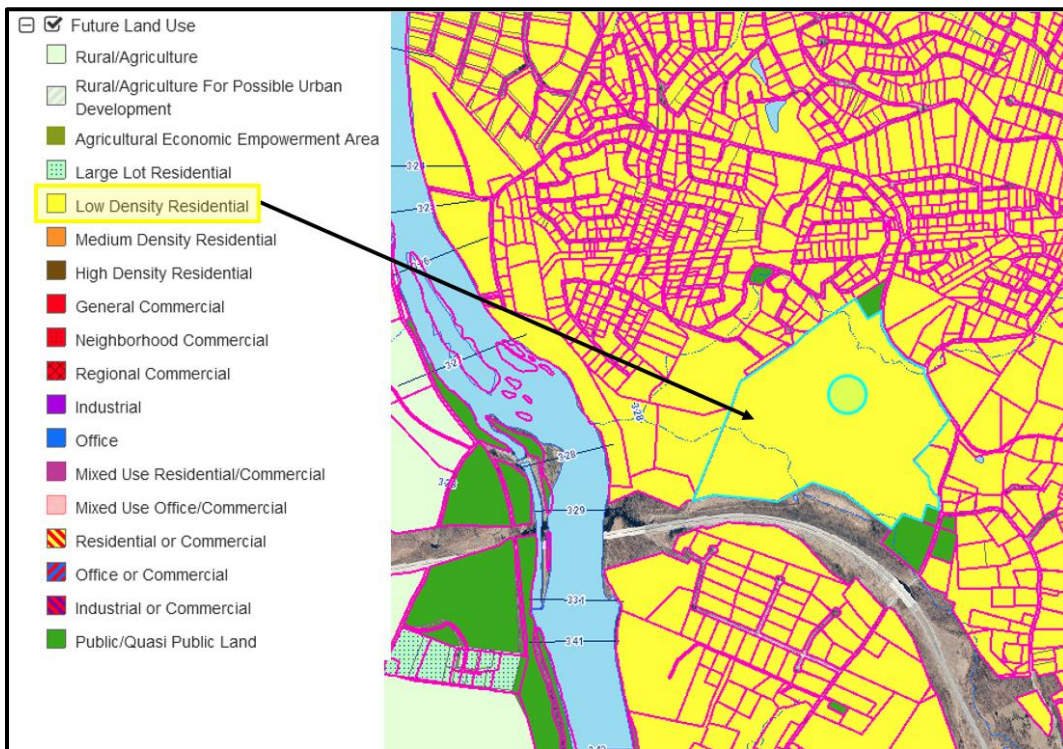
Section 6.3 of the Zoning Ordinance states:

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

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

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

The subject parcel is shown as “Low Density Residential” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see exhibit below) and is located outside of the County’s urban growth boundary.



One theme repeated throughout the Comprehensive Plan is to allow non-residential uses which are compatible in scale and intensity with the rural environment to process as a conditional use (see excerpts below).

“...allow the use of a more traditional CUP process in the Rural District for non-residential uses which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare.” (Page 14, Goals and Objectives)

“...This Plan recommends eliminating the LESA system and modifying the CUP process for use exclusively for non-residential development projects in the Rural Zoning District.” (Page 24, Rural/Agricultural Areas)

“...This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more

Staff Report
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March 23, 2023

23-2-CUP 375 Dorland, LLC Conditional Use Permit Request

traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and intensity with the rural environment and poses no threat to public health, safety, and welfare.” (Page 36, Rural Land Use)

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

“While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare.” (Page 74, Rural Economic Activities)

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

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

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

The applicant addressed this criteria on page 5 of their application.

Note: The subject request *does not* include a shooting range. The applicant provided a statement on page 8 of their application noting that testing of firearms will not be open to the public. As noted by the applicant, any testing of the firearms, including discharge, is regulated as part of the FFL License under the purview and inspection of the ATF.

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

The applicant addressed this criteria on page 6 of their application.

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

The applicant acknowledged this criteria on page 2 of their application.

If a site plan is not required, then landscaping is not required to be installed in accordance with the landscaping standards in Appendix B and Section 4.11 of the Zoning Ordinance. The property is surrounded by existing, mature vegetation and the ten acre portion subject to the request well exceeds the 75’ distance requirement from all property lines (see page 10 of application).

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23-2-CUP 375 Dorland, LLC Conditional Use Permit Request

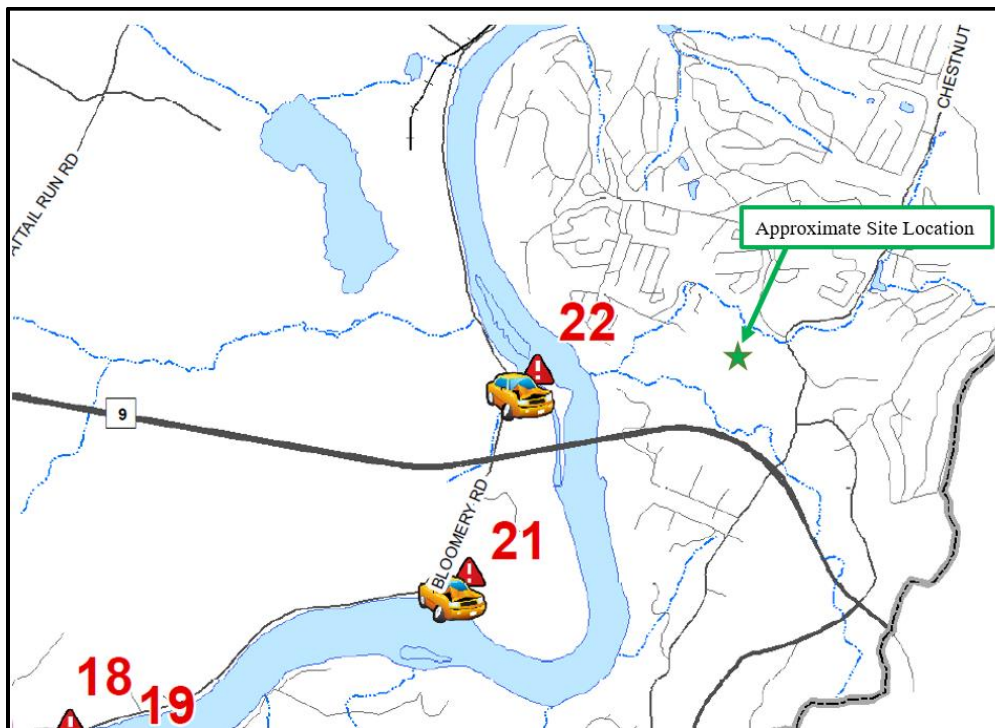
5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of the Zoning Ordinance. (Sec. 6.3A.5)

Section 8.9 of the Zoning Ordinance is attached to the staff report for reference.

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

Chestnut Hill Road is classified as a Minor Collector Road and is subject to this criteria. The applicant provided trip generation estimates on Page 6 of their application.

Below is an excerpt from the Comprehensive Plan’s Highway Problem Areas Map. There are no problem areas reflected on the map (the floating “22” relates to Bloomery Road).



**See Highway Problem Areas Map and Table (Pages 98 and 99 of the Envision Jefferson 2035 Comprehensive Plan [attached]).*

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

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

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

The applicant did not provide any information on proposed signs. Any future signs may necessitate review by the Board.

Staff Report Attachments:

- Section 8.9 of the Zoning Ordinance
- Roadway Classification Map from the Comprehensive Plan
- Highway Problem Areas Map and Table from the Comprehensive Plan

B. Standards for Hunting, Shooting and Fishing Clubs²⁰

1. 75 foot setback for all structures and parking.
2. 150 yard setback for all shooting facilities.
3. Height
 - a. As is for conversion or reconstruction that does not exceed 135 percent of the original footprint of existing structures
 - b. 35 feet for new structures
4. Landscaping requirements of this Ordinance apply, with the following exception:
 - a. Perimeter landscaping shall be as approved by staff in order to preserve existing vegetation.
5. Minimum of 150 acres under common ownership.

C. Special Exceptions for Hunting, Shooting and Fishing Clubs²⁰

1. Limits exceeding requirements outlined above can be increased with Board of Zoning Appeals approval provided that the Board of Zoning Appeals find that the increase is compatible with the neighborhood after taking into consideration neighborhood character, traffic, and buffering. Such decision shall be rendered after a public hearing as outlined in the Board of Zoning Appeals Rules of Procedure.

Section 8.9 Industrial and Commercial Uses²³

A. Industrial and commercial uses in all districts shall comply with the following standards:

1. Noise

All noise shall be muffled so as not to be objectionable due to intermitting, beat frequency, or shrillness. Noise levels shall not exceed the following sound levels dB(A). The sound-pressure level shall be measured at the property line with a sound level meter.

<u>Sound Measured In</u>	<u>DAY</u>	<u>NIGHT</u>
	<u>7 AM - 6 PM</u>	<u>6 PM - 7 AM</u>
Adjoining Agricultural or Residential Growth District	60 dB(A)	50 dB(A)
Residential Uses in R-LI-C District	65 dB(A)	55 dB(A)
Commercial Uses	70 dB(A)	60 dB(A)
Light Industrial Uses adjacent to noise source	85 dB(A)	80 dB(A)

The following sources of noise are exempt:

- a. Transportation vehicles not under the control of the industrial use.
 - b. Occasionally used safety signals, warning devices and emergency pressure relief valves.
 - c. Temporary construction activity between 7:00 a.m. and 7:00 p.m.
2. Odor

No operation shall result in the creation of odors of such intensity and character as to be detrimental to the health and welfare or the public or which interferes with the comfort of the public. Odor thresholds shall be in accordance with ASTM d139-57 “Standard Method for Measurement of Odor in Atmospheres (Dilution Method)” or its equivalent.

Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the state line, measured either at ground level or habitable elevation.

3. Smoke

No smoke, dust, fumes, or particulate matter shall be perceptible at any lot line. Further, the regulations and standards governing the control of air pollution shall be the same as those adopted by the State of West Virginia.

For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used.

The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity except solid waste incinerators within the boundaries of any lot, will not exceed the levels set forth below.

Particulate matter emission from materials or products subject to becoming wind borne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles or bulk material such as coal, sand, cinders, slag, sulfur, etc.

4. Ambient Air Quality Standard

Particulate Matter

Suspended

Annual Arithmetic Mean ug/m	65
24-hour Maximum b, ug/m	140

Settleable

Annual Arithmetic Average, mg/cm/	/month 0.35
Monthly Maximum	0.7

5. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration-measuring equipment.

6. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

7. Toxic Matter

The ambient air quality standards for the State of West Virginia shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists.

Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

The release of airborne toxic matter will not exceed one-thirteenth of the threshold limit value across lot lines.

Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry derivatives; pyrotechnics and fireworks such as acetylates, tetrazoles, and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is prohibited.

8. Fire Hazards

The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

The total capacity of flammable liquids and gasses shall not exceed those quantities permitted in the following Table for each of the industrial districts:

<u>CAPACITY</u>	<u>STORAGE</u>
Liquids	60,000 gallons
Gasses	
- Above ground	150,000 SCF
- Below ground	300,000 SCF

SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury.¹

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

Water Capacity per Container (Gallons)	Containers		Between Above Ground Containers (Feet)
	Underground (Feet)	Above Ground Containers (Feet)	
0 to 2,000	25	25	3
2,000 to 30,000	50	50	5
30,000 to 60,000	50	75	
In excess of 60,000	75	100	¼ the sum of diameters of adjacent containers

9. Frontage Road

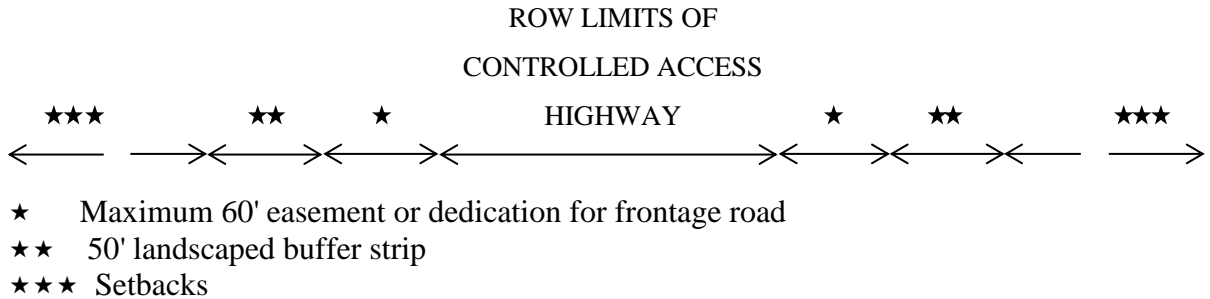
Easements or fee simple dedications will be provided along all limited access highways at the site plan or subdivision phases. Said easement/dedication shall not exceed 60 feet in width. The width may vary but must be adequate for extension, continuation or establishment of a minimum 20' wide paved frontage road.

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.²⁷

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)



This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.⁵

Section 8.10 Model Homes/Sales Offices²³

Model homes with a staffed sales office for sales exclusively within the residential subdivision in which they are located are permitted provided that they are contained on the first lot on either or both sides of any road/right-of-way that enters the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision must be approved or denied by the Board of Zoning Appeals after a public hearing advertised for 15 days.^{17, 21}

Model homes without staffed sales offices are permitted internally within the subdivision.¹²

Section 8.11 Petroleum Products Refining or Storage²³

Petroleum refining or storage (above ground in tanks) requires adherence to all state and federal laws, as well as National Fire Underwriters Codes.

Section 8.12 West Virginia Legal Fireworks²³

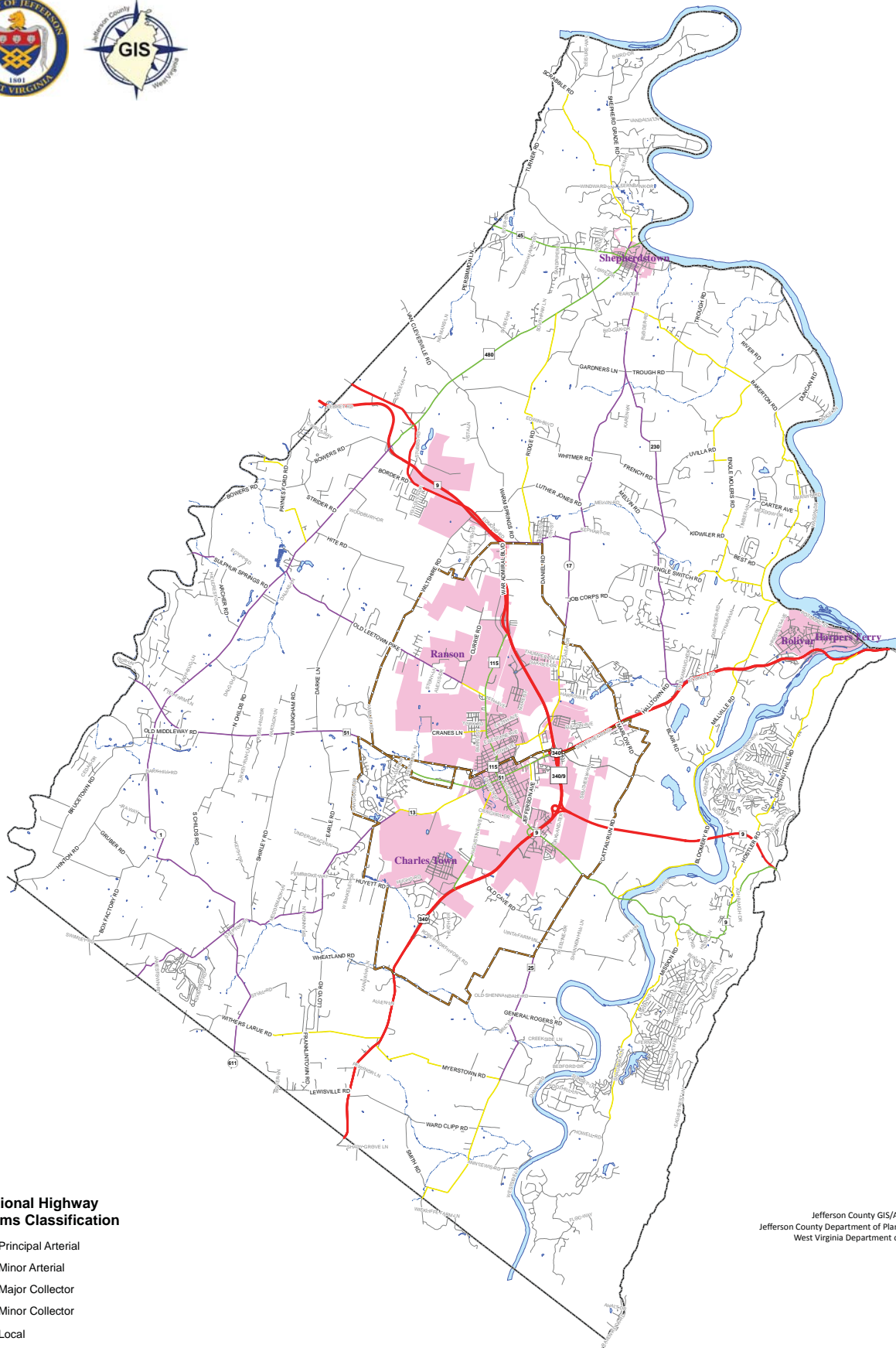
Sales of fireworks are permitted in the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.^{8, 27}

Section 8.13 Dormitory²³

A dormitory shall be located on the same property or campus as the use it is intended to serve. A dormitory shall not offer accommodations to the general public or to persons who are visiting the property or campus primarily for the purpose of being a spectator at a sporting event or other gathering held at the facility. A dormitory may include one common kitchen or dining facility and common gathering rooms for social purposes for use only by its temporary occupants.

Section 8.14 Special Event Facilities³⁹

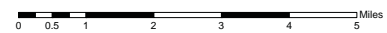
The purpose of this sections is to create a process by which a property owner in the Rural, Residential Growth, and Village zoning districts may establish a Special Event Facility. A Special Event Facility in any other zoning district may process in accordance with Appendix C.



Functional Highway Systems Classification

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

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

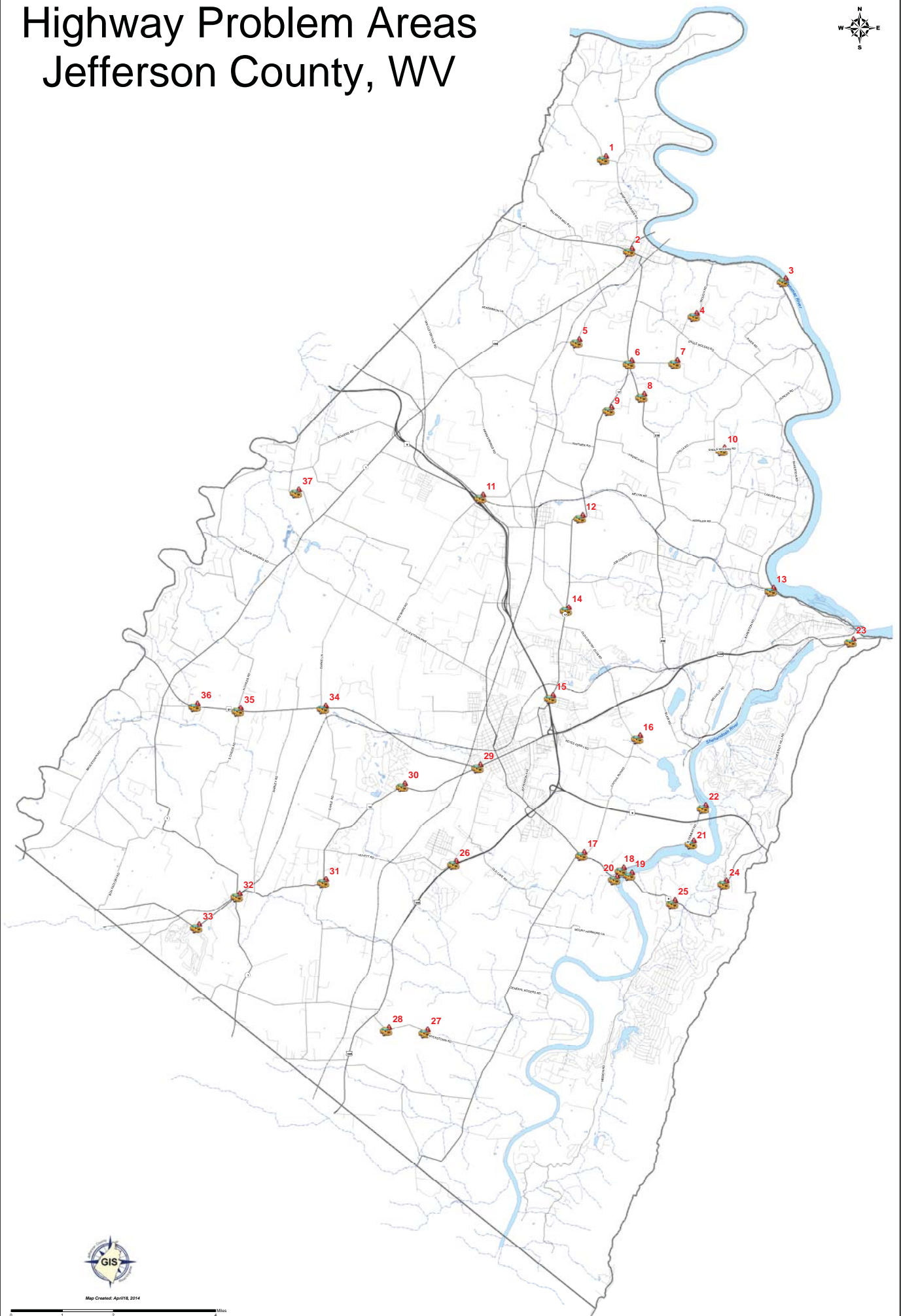


Road Class

Map #

Envision Jefferson 2035

Highway Problem Areas Jefferson County, WV



Map Created: April 18, 2014

0 1 2 4 Miles

Highway Problem Areas in Jefferson County			
Number	Route/Road	Location	Problem
1	Scrabble Road	1/4 mile West of Sheperherd Grade Road	90 Degree turn
2	WV 45	Intersection with WV 480, WV 45 and WV 230	Road width through historic area limits turn movements
3	River Road	Near Potomac Ridge Lane	Prone to flooding
4	Trough Road	One mile east of WV 230	90 Degree turn
5	Ridge Road	Intersection with Gardners Lane	Poor intersection angle causing poor visibility
6	Intersection of WV 230 and Flowing Springs Road	Intersection of WV 230, Flowing Springs Road, Gardners Lane and Trough Road	High number of access and turning movements, visibility constraints
7	Trough Road	1/2 mile north of Engle Molers	Two 90 degree turns
8	WV 230	1 mile south of Flowing Springs Rd	S Curve
9	Flowing Springs Road	Approximately 1 south of WV 230 intersection	Curve
10	Engle Molers Road	1/4 mile south of Uvilla	Two 90 degree turns
11	Luther Jones Road	Intersection with Wiltshire Road and Old Charlestown Road	Limited stacking area at light due to tracks. Development is expected to take place in this area over next two decades
12	Flowing Springs Road	Approximately 700 feet north of Shenandoah Junction Road	Two 90 degree turns
13	Bakerton Road	Bakerton Road Tunnel	Sharp Curve, Poor Sight Distance, One Lane Tunnel
14	Daniel Road	Intersection with Flowing Springs Road just north of Old Country Club Road	Poor intersection angle causing poor visibility
15	Sun Road	Intersection with WV 9 West	No merge lane on Route 9
16	Cattail Run Road	Intersection with Marlow RD and Cattail RD	90 Degree turn
17	Cattail Run Road	At intersection with WV 115	Poor sight distance pulling onto WV 115
18	Bloomery Road	1,000 north of WV 115	Within 100 Year Floodplain, periodic flooding
19	Wilt Road	From WV 115 at to dead end	Within 100 Year Floodplain, periodic flooding
20	John Rissler Road	From WV 115 at Bloomery to dead end	Within 100 Year Floodplain, periodic flooding
21	Bloomery Road	2,500 South of Rt. 9 tunnel	90 Degree turn
22	Bloomery Road	1,250 north of WV 115	90 Degree turn
23	US 340 and Chestnut Hill Road	Intersection with Chestnut Hill Road	Inadequate Turning Area onto Chestnut Hill Road; Poor intersection angle causing poor visibility, steep slope
24	WV 115	At Chestnut Hill	Poor intersection angle causing poor visibility
25	WV 115	At Mission Road	Multiple Accident Location Long dead-end road with only 1 point of ingress/egress
26	Augustine Ave	Intersection with US 340	Adjacent intersection with Hyuett Road may lead to stacking during peak hours.
27	Meyerstown Road	One mile east of US 340	Two 90 degree turns
28	Meyerstown Road	1/2 mile east of US 340	90 degree turn
29	Summit Point Road	Intersection with WV 51 (Washington St)	Poor intersection angle causing poor visibility, intersection at capacity
30	Summit Point Road	Near Lindsay Drive	90 Degree turn
31	Summit Point Road	Intersection with Lloyd Road	90 Degree Turn
32	Summit Point Road	At intersection with Leetown Road and Summit Point Road	Poor intersection angle causing poor visibility
33	Summit Point Road	In vicinity of Summit Point Raceway	90 Degree turn
34	WV 51	Intersection with Earl and Darke Lane	Misalignment of intersection
35	WV 51	Intersection with Childs Road	Poor sight distance turning onto WV 51
36	Old Middleway Road	Intersection with WV 51	Poor sight distance and intersection angle
37	Paynes Ford Road	3,500 feet west of Leetown Road	Two 90 degree turns

DRAFT



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

File #: 23-2-CUP
 R'cvd Date: 02/ 27 / 23
 Mtg. Date: 03/ 23 / 23
 Fee Paid: \$ 750.00
 Staff Int.: jth

Email: zoning@jeffersoncountywv.org Phone: (304) 728-3228
 Fax: (304) 728-8126

Application for a Conditional Use Permit

Project Name

375 Dorland LLC Conditional Use

Property Owner Information

Name: Mark Lazar
 Business Name: 375 Dorland LLC
 Mailing Address: 1622 Wisconsin Ave, Washington, D.C. 20007 Mail Yes
 Phone Number: Paul 3046768256 Email Response: pjraco.consulting@gmail.com Response: No

Applicant Information

Name: Mark Lazar
 Business Name: 375 Dorland LLC
 Mailing Address: above Mail Yes
 Phone Number: _____ Email Response: _____ Response: No

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

Name: Consultant: Paul J Raco
 Business Name: P.J. Raco Consulting, LLC
 Mailing Address: P.O. Box 548, Charles Town, WV 25414 Mail Yes
 Phone Number: 3046768256 Email Response: pjraco.consulting@gmail.com Response: No

Physical Property Details

Physical Address: 1195 Chestnut Hill Road, Harpers Ferry, WV 25425
 Tax District: Harpers Ferry Map No: 13 Parcel No. 37
 Parcel Size: 92.63+- Acres Net 10+- Ac Deed Book: 1258 Page No: 606

Zoning District (please check one)

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

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

Name of Road and/or Route Number: Chestnut Hill Road Route 32

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

Custom Assembly/Manufacturing and Warehouse of Firearms according to ATF Licensing. At a Future Date it may include a retail component, so just want it in the CUP in case, so doesn't need to reprocess.

The uses may include all that is permitted by ATF Inspections and Licenses.

Please provide any information or known history regarding this property.

Subdivided because of Highway (new Route 9) This is the large approximately 93 acre Residue that is almost completely wooded with a large electric transmission line crossing it. The Owner/Applicant owns much of the adjacent property including the two front parcels on Chestnut Hill Road, the parcels all of the way to the River, and the lot on the opposite side of Route 9. The use will be conducted over a thousand feet interior.

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

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

See Attached

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

See Attached

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

See Attached

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

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

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

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

Applicable (Trip Generation Data attached)

Not Applicable

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

Property Owner

Date

2/27/2023

Property Owner

Date

2/27/2023

Conditional Use Permit Application
375 Dorland LLC
Mark Lazar
ATF Licensed Firearm Custom Manufacturing/Gunsmithing/Warehousing
Potential Retail in Future
Jefferson County Board of Zoning Appeals
February 27, 2023

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

The proposal is to provide support for an existing reputable business in Jefferson County known as the Harpers Ferry Armory (HFA). HFA is a retail establishment in Ranson that provides gun and accessory sales to residents and customers in and around the area. This is a very busy legitimate, ATF Licensed operation to help people safely enjoy their Second Amendment Right. To enhance and provide more local sourcing for the operation, the principals of HFA made a commitment to Jefferson County and bought 9 parcels of land on the East side of the Shenandoah River containing approximately 138 acres. The properties are all contiguous and the Principal of the business lives on one of the properties. The subject parcel is over 92 acres and is nearly covered in trees, except for the area around one house, an accessory structure and two electric transmission lines that traverses the property. The house and accessory structure are both addressed from Chestnut Hill Road and are well internal to the site. The owner is seeking a CUP on 10 acres of the 92 acres around the approximately 28' x 62' house and accessory structure. As such, it is well buffered by forested land. The property is served by one existing driveway and another partial driveway that serve the site from Chestnut Hill Road (Route 32). The intended 10 acre site is well buffered from both surrounding properties and Chestnut Hill Road. Finally, the owner and/or the Principals own 8 other properties in the immediate area and adjacent to the site.

The Envision Jefferson County 2035 Comprehensive Plan supports commercial uses and businesses that the County deems compatible by Conditional Use. This proposed use has been deemed to be an acceptable Conditional Use by the Zoning Ordinance and all other similar operations in more residential areas have been approved by the Board. As such, it is a considered a permitted use as approved by the Board of Zoning Appeals with conditions if necessary.

The Comprehensive Plan addresses Rural Area Land Use both as it relates to Agricultural Land mostly West of the Shenandoah River and the Mountain area East of the Shenandoah River. Nearly all of the Rural Land Use Planning Recommendations in this section of the Plan pertain to Agriculture or Residential Uses and Farm Related Business expansion on Farms. In this section of the Plan, it does promote 'Artisan' businesses in the Rural Zone. Certainly, the custom work on firearms can fall under this category.

Recommendation 3 of the Rural Land Use Planning Recommendations on Page 39 of the Plan can be broadly applied for this use:

3. “Revise existing Jefferson County land use requirements and site plan standards to reduce regulatory barriers related to agricultural and/or **artisan operations**.
 - a. **Revise local regulations to balance production and marketing of artisan or agricultural products on-site**, considering the individual use, size, and scale of the operation as appropriate to the property site” (emphasis added).

There are however several recommendations that deal with the expansion of County Businesses and the Rural Economy in Jefferson County:

Recommendations:

Economic Development Recommendations, Page 70:

5. Create a business friendly environment in Jefferson County.
 - a. Streamline the State licensing of various business enterprises by providing regional or satellite offices in Jefferson County (page 70 Economic Development Recommendation)

Rural Economy Recommendations, Page 77, 78 and 79:

5. Amend the Zoning and Land Development Ordinance **to permit additional nonresidential rurally compatible uses**.
 - b. Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations.
8. Coordinate with key agricultural and rural stakeholders to identify ways to **expand marketing and value added production activities for farmers and artisans on their properties in rural areas of Jefferson County**.
 - a. Amend existing regulations in order to identify and **facilitate ways to allow the sale of items** grown, processed, **crafted, or manufactured in Jefferson County** on farms other than the farm where the product originated.
 - b. Develop a streamlined process for such uses when there are minimal impacts to surrounding neighbors.
9. Collaborate with the local artisan community and Jefferson Arts Council to review and amend the local land use regulations **to promote and enhance the viability and livelihood of artisans in the rural areas of Jefferson County**.
 - a. Encourage local non-profit organizations and local and regional economic development agencies to create a regular forum where all County artisans, businesses, and members of the non-profit and arts communities can meet to network and collaborate.

b. Work to improve connections between County businesses and artisans that may have products and services that can be sold in local stores or other businesses.

There is also narrative in the Rural Economy section that also supports this type of business in the rural area including the following statement on page 72:

“The County’s citizens benefit from the proximity of rural based activities and services and the rural enterprises benefit from nearby markets for goods and services. With this potential, the rural areas of Jefferson County should be seen as ripe for investment and reinvestment.”

Accordingly, the use of the existing house and land would allow an important Jefferson County Business to expand, as well as to allow it to source its commodities from a location in the County. The expansion of this business on this property is compatible with the Envision Jefferson 2035 Comprehensive Plan. This aspect of the business is very much a rural based business that is the primary type of business that is promoted by the Plan in the Rural District. The existing house and accessory buildings are internal to the 92 acre property and will be the center of the 10 acre portion included in the application. Any additional buildings that may need to be constructed in the future will follow the existing rules for site planning if applicable, but this application for Zoning Conditional Use Permit wanted to address (and be permitted for) all of the uses listed on the form and included in the ATF Application as presented to the Office.

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties, and poses no threat to public health, safety and welfare?

This CUP Application is a request to use the existing house/building for an ATF Regulated Use, which requires permits and inspections, on an overall 92+ acre property that will be limited to 10 acres internal to the property. The building and area is located in a heavily forested area that is served by an existing long gravel driveway. Another existing driveway that is at the front of the property may also be ultimately used for access. The immediate intended use is for a gunsmithing and custom manufacturing and storage operation that is intended to serve the existing Harpers Ferry Armory. Initially, the use may involve 1-3 employees and may expand at a later date under applicable site planning regulations to allow more employees and retail sales. Again, all operations will be under the ATF purview. Similar uses have been approved by the Board for Conditional Use Permits as required. This application just wants to be transparent so that further zoning processing is not needed with further expansion.

Many of the customers of the intended use and the Harpers Ferry Armory are from this area of the County. While this will allow local sourcing and storage of some of the products that feed into the existing retail shop (HFA), even if the use is expanded to retail, much of the users are anticipated to be served from the area. The location of the building and 10 acres around the building is within a tree canopied area and is not readily visible from neighbors or the State Road (Chestnut Hill Road). The use is minimal and is supported by the plan and there will be little or no clearing or earthwork associated with the existing site. If additional buildings are later added, they will meet the site planning regulations as appropriate or otherwise receive Planning

Commission Approval. It is in an area that is already screened. There will not need to be additional parking, as there is an area for parking for the anticipated several employees. Any new parking that may be needed if there is an expansion will be addressed by the Planning Department and Planning Commission. No additional site improvements are anticipated at this time other than maintenance of the existing drives as appropriate.

Generally, there will not be a large volume of business or traffic associated with the use initially, but may expand later and be addressed. Gunsmithing and Custom Assembly/Manufacturing our ATF associated terminology, but most of the businesses approved included those in the ATF licenses for the previously approved CUPs. This area is rural, and the use is very rural in nature. Again, even if a retail component is added later, it is anticipated that the business will be generated from local area residents. According to the Applicants, many of the customers that utilize the facility in Ranson to buy their firearms are residents of this area of the County.

In terms of public health, safety and welfare, this area of the county, as well as all of the rural areas of the County, are used heavily for hunting and discharging of weapons as the Constitution allows under the Second Amendment. Providing a location for gunsmithing and customizing (and even sales) by an already proven and successful local business and owner, would allow a closer and safer source for such supply. The existing HFA has the proper permits and has been operational in Jefferson County for some time under the regulation of ATF. The expansion of the business and services to this site will not only allow economic growth for the County, but it allows for the expansion to remain in Jefferson County. The Plan supports the expansion of existing businesses in the County.

Furthermore, as already indicated, the use will be limited to an internal 10 acres of a 92+ acre wooded site and all of the uses will be permitted and monitored by the ATF, among other agencies (Local, State, and Federal).

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

Neither the proposed immediate use, nor the listed potential uses of the site under this CUP will have any impact on the potential for development or use of the adjacent land or buildings. In fact, the Owner/Applicant/Principals own 8 other properties in the area totaling around 138 acres including the land West to the Shenandoah River. The Applicant at least part time resides on the adjoining properties.

4. Highway Problem Area Map and Anticipated Trip Generation:

The Highway Problem Area Map from the Envision Jefferson 2035 Comprehensive Plan is attached and reflects no Highway Problem Areas adjacent or near the property. Since the property is not on a Primary Road, the Applicant has provided the following Trip Generation estimates based on the Harpers Ferry Armory's trips. With only an anticipated shift of 3 employees in its initial phase, the Applicant estimates that the trips will be less than 12 trips per day which is just greater than a typical residence. It is also anticipated to have a couple

deliveries or shipments a day and that may increase the total trips to 20 at the outside maximum according to the Applicant. Over the course of a 10 hour day, that may mean two trips an hour since the employees would be spread out across the day. Again, these are all estimates provided by the Applicant based on his Business. If the property continues as a Satellite Retail facility to the existing operation in Ranson, then that number may double. The WV 2020 ADT Map Shows the Average Daily Trips of Chestnut Hill Road is between 1536 and 2165 Trips.

375 Dorland LLC
Mark Lazar
ATF Licensed Firearm Custom Manufacturing/Gunsmithing/Warehousing
Potential Retail in Future
Jefferson County Board of Zoning Appeals
February 27, 2023

Addendum

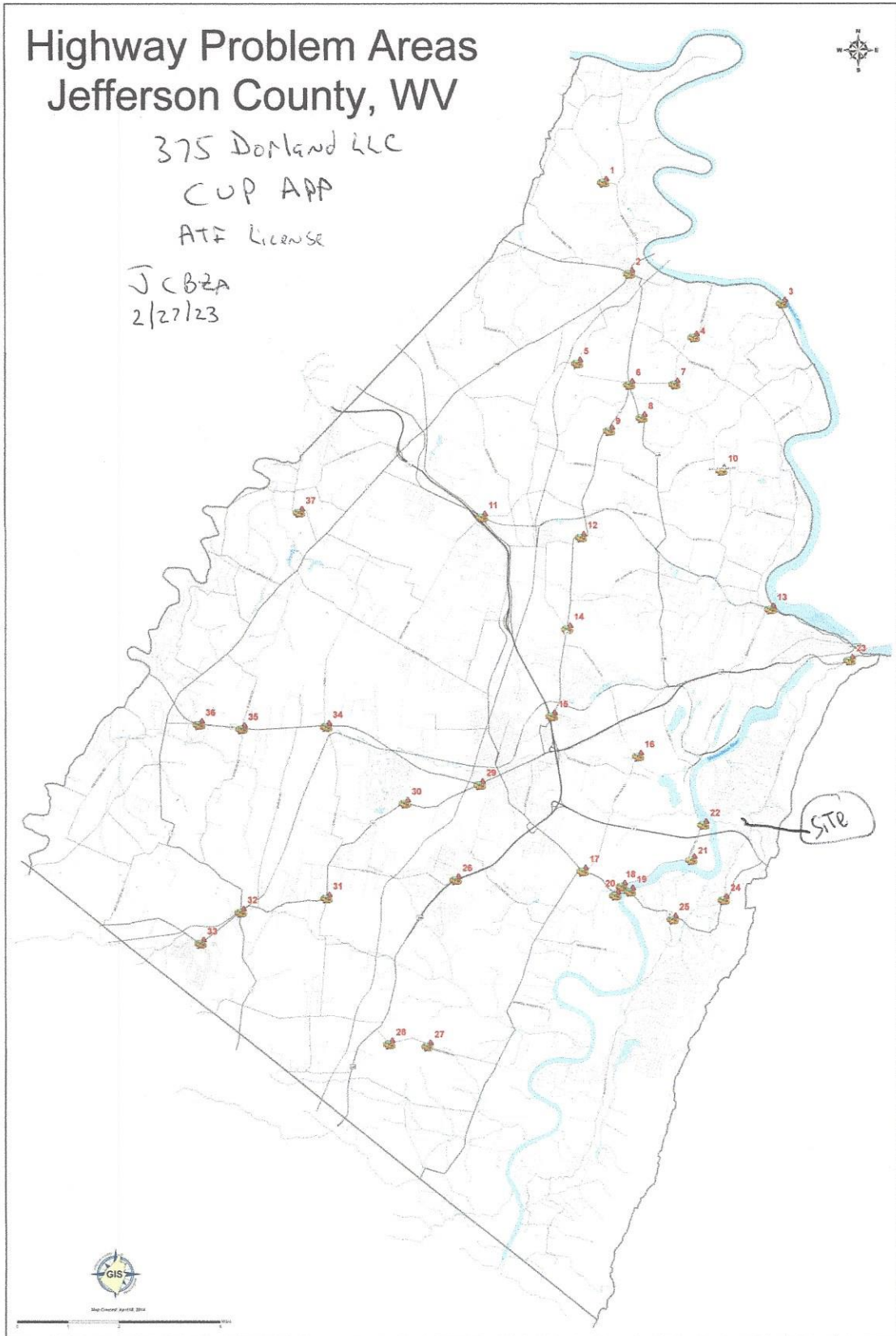
Pursuant to a meeting with the Zoning Administrator please add the following to the CUP packet previously submitted for 375 Dorland, LLC.

There is a required testing component of the firearm assembly that is incidental to the Custom Manufacturing process. This testing is limited and is in no way open to the public on the land that is subject to the Conditional Use Permit. It is not a public range and the Applicant/Owner understand that if they want to pursue a public range, then a variance in the size of the property would be needed if the subject property is less than 150 acres.

Any testing of the firearms, including discharge, is regulated as a part of the FFL License under the prevue and inspection of the ATF. Furthermore, the 375 Dorland LLC operation will follow all safety guidelines under that permit.

Highway Problem Areas Jefferson County, WV

375 Dorland LLC
CUP APP
ATF LICENSE
JCBZA
2/27/23



Jennifer S Mathan
 JEFFERSON County 01:56:43 PM
 Instrument No 201506501
 Date Recorded 05/11/2015
 Document Type PLT
 Pages Recorded 1
 Book-Page 25-499
 Recording Fee \$10.00
 Additional \$1.00

2194B

Lazar or 375 Dorland LLC

Lazar

Approx 1000' ±

+500'

+1000'

EX DRIVE

+500'

At Future Drive

+500'

Lazar

Lazar

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	440.00'	276.84'	272.11'	S12°08'55"E	36°01'28"
C2	940.00'	262.09'	261.24'	S38°08'53"E	15°58'30"
C3	515.00'	153.75'	153.18'	S64°41'16"E	17°06'19"
C4	156.00'	88.19'	87.01'	S38°53'58"E	32°36'05"
C5	1220.00'	179.10'	178.94'	S26°48'15"E	8°24'40"
C6	1520.00'	206.94'	206.78'	S34°54'37"E	7°48'01"
C7	184.87'	184.41'	169.05'	S27°36'07"E	50°57'18"

LINE	BEARING	DISTANCE
L1	S64°26'14"E	28.22'
L2	S35°22'29"W	59.22'
L3	S63°14'25"E	72.03'
L4	S59°13'13"E	22.43'
L5	S34°47'59"W	5.00'
L6	S02°09'28"E	38.39'
L7	S53°06'47"E	39.32'
L8	S05°14'48"E	5.74'
L9	S05°33'20"E	127.11'
L10	S04°57'19"E	5.87'
L11	N70°01'03"W	146.48'
L12	N86°17'45"W	72.74'
L13	N51°10'17"W	59.22'
L14	N32°09'09"E	159.55'
L15	N19°32'38"W	17.46'

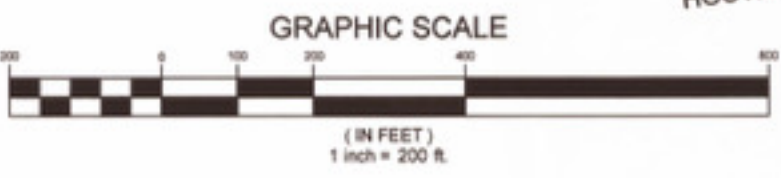
APPROXIMATE LOCATION OF 20' ACCESS EASEMENT PER D.B.636 PG.229 TO ACCESS THE LANDS OF CRONISE

HIDDEN RIVER FARMS VALLEY VIEW SECTION

ROUTE 9

Lands of Barbara A. Cronise, Trustee D.B. 1015 Pg. 512 and Larry W. Stowers & Nancy J. Stowers, Trustees D.B. 1046 Pg. 435 6.85 Ac. (South side of Rte. 9)

Lands of Barbara A. Cronise, Trustee D.B. 1015 Pg. 512 and Larry W. Stowers & Nancy J. Stowers, Trustees D.B. 1046 Pg. 435 92.63 Ac. North side of Rte. 9



NOTES: Property is subject to an easement to CR TV Cable, Inc. recorded at Deed Book 693, page 590. Said easement begins on the west side of Chestnut Hill Road near the property line of Chestnut Hill Methodist Church and runs through the property in a northerly direction to a point near the intersection of Chestnut Hill Road and Keyes Gap Road. Actual location of easement is unknown.

TAX MAP 13-37 DISTRICT 4

DRAWING NUMBER 1 OF 1

DRAWN BY:	M. CESSNA	DATE:	3/26/15
CHECKED BY:		DATE:	

SCALE:

FREDERICK SEIBERT & ASSOCIATES, INC. 2015

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS

128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
 20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225



SURVEYOR'S CERTIFICATION

I hereby certify to the best of my professional knowledge and belief that the plat shown hereon is correct; that it is part of the land described in a deed from Barbara A. Cronise, Trustee or the Barbara A. Cronise Trust dated October 9, 2005 and recorded in Deed Book 1015, page 512 and a deed from Nancy J. Stowers to Larry W. Stowers and Nancy J. Stowers, Trustees of the Larry and Nancy Stowers Trust dated January 22, 2008 and recorded in Deed Book 1046, page 435 among the Land Records of Berkeley County, West Virginia.

I also certify that these documents were prepared by me or that I was in responsible charge over their preparation, and that I am a duly licensed professional land surveyor under the laws of the state of West Virginia, License No. 2115, Expiration Date: 6/30/15.

Matthew B. Cessna
 Matthew B. Cessna
 Professional Surveyor

3/26/15
 Date

Boundary Line Survey of the lands of
 Barbara A. Cronise, Trustee
 Larry W. Stowers, Trustee
 Nancy J. Stowers, Trustee

Situate along the west side of Chestnut Hill Road and on both sides of W.V. Route 9

JEFFERSON COUNTY WEST VIRGINIA

Jennifer S. Heston
 JEFFERSON County 01:56:43 PM
 Instrument No 2015006501
 Date Recorded 05/11/2015
 Document Type PLT
 Pages Recorded 1
 Book-Fee 25.499
 Recording Fee \$16.00
 Additional \$1.00

2194B

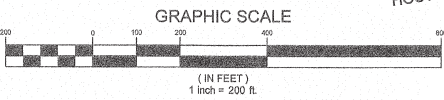
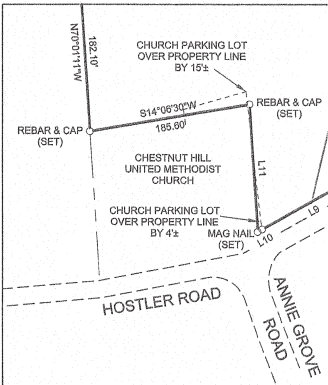
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L6	S02°09'28"E	38.39'
L7	S53°06'47"E	39.32'
L8	S05°14'48"E	6.74'
L9	S05°39'20"E	127.11'
L10	S04°57'19"E	5.97'
L11	N70°01'03"W	148.48'
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APPROXIMATE LOCATION OF 20' ACCESS EASEMENT PER D.B.836 PG.229 TO ACCESS THE LANDS OF CRONISE

HIDDEN RIVER FARMS VALLEY VIEW SECTION

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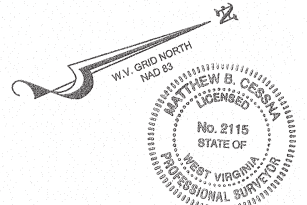


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TAX MAP 13-37 DISTRICT 4
 DRAWING NUMBER 1 OF 1
 DRAWN BY: M. CESSINA DATE: 3/26/15
 CHECKED BY: DATE:
 SCALE: 1" = 200'

FREDERICK SEIBERT & ASSOCIATES, INC. ©2015
 CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
 128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
 20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
 (301) 791-9600 (301) 419-7478 (717) 587-1027 FAX (301) 739-4999

Boundary Line Survey of the lands of
 Barbara A. Cronise, Trustee
 Larry W. Stowers, Trustee
 Nancy J. Stowers, Trustee
 Situate along the west side of Chestnut Hill Road and on both sides of W.V. Route 9
 JEFFERSON COUNTY, WEST VIRGINIA

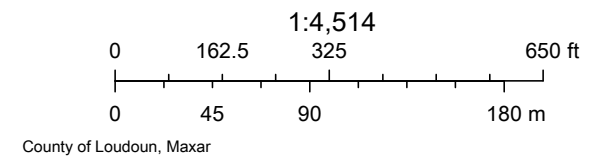


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 I also certify that these documents were prepared by me or that I am in responsible charge over their preparation, and that I am a duly licensed professional land surveyor under the laws of the state of West Virginia, License No. 2115, Expiration Date: 9/30/15.
 Matthew B. Cessina 3/26/15
 Professional Surveyor Date

Viewer Map



February 27, 2023





Jefferson County WV Public Research Map

Jefferson County GIS/Addressing Office

Help

Layers

- Addressing ✓
- Boundaries
- Parcels - Not Survey Accurate ✓
- Water Features ✓
- Historic
- Recreation
- Geology ✓ *Topo ✓*
- JC Planning & Zoning

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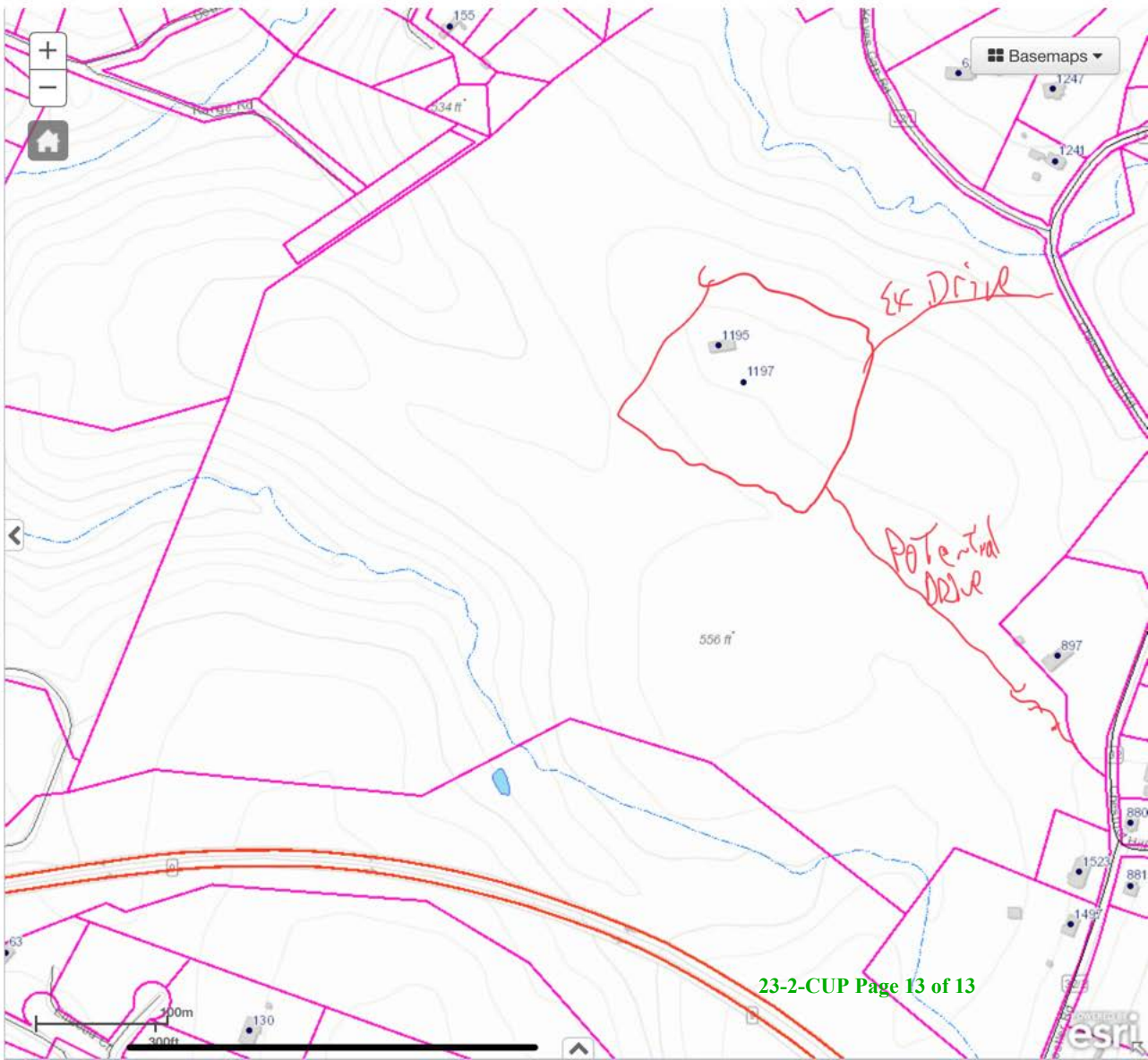
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Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: zoning@jeffersoncountyv.wv.org

Phone: (304) 728-3228

Zoning Administrator's Report March 23, 2023 Board of Zoning Appeals Meeting

Date of Memo: March 15, 2023

- 1) The next regular meeting is scheduled for **April 27, 2023** (deadline for submission is Monday, April 3, 2023).
- 2) New Planning Clerk Start Date: March 27, 2023
- 3) Two alternate member positions remain open. One term ending 01/01/24 and the other term ending 01/01/25.

Persons interested in serving on the Board of Zoning Appeals should contact the County Commission Office at 304-728-3284 / jjames@jeffersoncountyv.wv.org.



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

March 2023
Zoning Certificate Activity Report

File #	23-11-ZC
Request:	Agricultural Special Event Facility
Property Owner:	Reed Mayer and Michaela Van Mecl
Parcel Information:	743 Windward Lane, Shepherdstown, WV 25443 Parcel IDs: 09000600110000 and 09000600110001; Size: 94.37 acres total; Zoning District: Rural; Deed Book: 1281; Page: 533
Date of Issuance:	03/03/2023
File #	23-12-ZC
Request:	Bed and Breakfast (owner occupied short term rental)
Property Owner:	Penny Beales
Parcel Information:	595 Wild Rose Lane, Hapers Ferry, WV 25425 Parcel ID: 02023E01360000; Size: .98 acre; Zoning District: Rural; Deed Book: 1254; Page: 586
Date of Issuance:	03/03/2023
File #	23-13-ZC
Request:	Accessory Dwelling Unit – Detached In-Law Suite
Property Owner:	Ryan and Shanna McGaughey
Applicant:	Joel McGaughey
Parcel Information:	Smith View Estates, Lot 8; 2138 Smith Road, Charles Town, WV 25414 Parcel ID: 06020A00080000; Size: 10 acres; Zoning District: Rural; Deed Book: 1260; Page: 254
Date of Issuance:	03/13/2023
File #	23-15-ZC
Request:	Cottage Industry – Catering Business - MOJO's Catering LLC
Property Owner:	Michael Oehlsen
Parcel Information:	Lot 10 & p/o Lot 11 – Ryans Glen Subdivision 277 Ryans Glen Dr, Charles Town, WV 25414 Parcel ID: 06020B001000000; Size: 2.16 acres; Zoning District: Rural; Deed Book: 1243, Page: 1 (PC File #20-4-M)
Date of Issuance:	03/16/2023
