



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

File #: 24-8-CUP
Mtg. Date: 12/12/24
Fee Paid: \$ 875

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Application for a Conditional Use Permit

Project Name

11065 Middle Way Pike

Property Owner Information

Name: Mark E. Roper

Business Name: _____

Mailing Address: 418 Samuel St. Charles Town, WV 25414

Phone Number: 304-671-5262 Email: mrconstructionwv@gmail.com

Applicant Information

Name: Same as above

Business Name: _____

Mailing Address: _____

Phone Number: _____ Email: _____

Consultant Information

Name: Seth Rivard

Business Name: _____

Mailing Address: PO Box 92 Charles Town, WV 25414

Phone Number: 615-735-7097 Email: seaari@yahoo.com

Physical Property Details

Physical Address: 11065 Middleway Pike, Charles Town, WV 25414

Parcel ID: (Tax District / Map No. / Parcel No.) TD 2, Map 11, Parcels 13, 13.01, 14 and 12.01

Parcel Size: 2.142 Project Size 2.142 Deed Book: See attach. Page No: See attach.

Zoning District (please check one)

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

Provide the Land Use Designation (see Appendix C of the Zoning Ordinance).

See attached supplemental information. Page 2.

For properties in the Rural Zoning District:

Is property located on a primary or secondary road?

☒ Yes ☐ No

Name of Road/Route Number: Route 51

Provide a detailed description of the proposed business (include information such as hours of operation, anticipated employee and/or customer visits, etc. A site sketch is required to be included with the application, delineating existing and proposed structures and parking areas, proposed signs, proposed landscaping, etc.

See attached.

Provide a detailed response to the following questions to show how the proposed business complies with the criteria in Section 6.3 of the Zoning Ordinance. Feel free to attach a separate sheet with responses.

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 (*Section 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 seek a variance to modify them.

5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of the Zoning Ordinance.

☒ I am aware of the standards outlined in Section 8.9 of the Zoning Ordinance and will be in compliance.

6. 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 primary or secondary 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*).

☐ Trip Generation Data Attached

☒ Not Applicable

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

By signing this application, I grant permission for County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.

Property Owner Signature

Date

Property Owner Signature

Date

Overall Proposed Activity

The applicant is proposing to maintain the existing office building and existing indoor storage that is used by the applicant for his rental and construction business. The proposed new uses to the site is self-storage units, a private gym, and the option for a retail space or climate-controlled storage in the front of the existing building (currently that is the applicants storage). Property will have access from Martin Luther King JR. Ave.(MLK)/Route 51 and Eagle Avenue.

The Site

Consists of the following parcels:

- TD 2, Map 11, Parcel 13 – Deed Book 1278/698
- TD 2, Map 11, Parcel 13.01 – Deed Book 1161/267
- TD 2, Map 11, Parcel 14 – Deed Book 1278/698
- TD 2, Map 11, Parcel 12.01 – Deed Book 1328/395
- All are under ownership of the applicant.

Parcel Size:

- 2.142 acres

Zoning:

- All parcels are zoned as Residential Growth District.

Surrounding the Property/Uses:

- South – state-maintained road and across that street are residential homes
- North – an abandoned residence
- West – railroad tracks and farmland
- East – city-maintained street and across that street are residential homes

Existing Building and Property

The existing office building is used for the applicant's rental business and his office, which is approximately 2,800 square feet. There is a front area of the building which is approximately an additional 3,500 square feet that is currently and will be maintained as the applicant's indoor storage area for his rental and construction business. In the future it could be used for either retail space, another office, or climate-controlled storage. On the second level there are two rental units that are roughed out for construction that need to be completed in the future. These two rentals will both have three bedrooms and two bathrooms. Property also consists of some outdoor storage for the applicant's business.

Proposed Uses on the Site

Provide the Land Use Designation (see Appendix C of the Zoning Ordinance).

- Storage, Commercial
- Retail Sales and Services, General
- Retail Sales, Limited
- Convenience Store, Limited
- Professional Office
- Private Gym (Recreational Use) (See Retail Sales and Services, General)

Self-Storage Units

There will be four self-storage buildings. The self-storage units will comprise of a mix of 5'x10' units, 10'x10' units, and 10'x20' units. About 9,000 square feet of self-storage is proposed.

This use is listed as “Storage, Commercial” as a conditional use in the Residential Growth District.

Retail Space

These uses are being requested as the definitions of each use are very specific. To allow for future flexibility these uses are being requested and will allow for activities that are compatible with the site.

Uses requested:

- Retail Sales and Services, General (listed as a conditional use in the Residential Growth District)
 - This use is also applicable to the gym use, which is discussed below.
 - “...recreational services...” are included in the definition of this use.
- Retail Sales, Limited (listed as a conditional use in the Residential Growth District)
- Convenience Store, Limited (listed as a conditional use in the Residential Growth District)

Professional Office

To maintain the existing office and potentially allow for additional office spaces, the use of professional office, which is listed as a conditional use in the Residential Growth District, is being requested.

Private Gym

In evaluating this use, it is important to note that this is *not* a private gym with memberships. ***This is a private basketball gym training facility and is not a gym that has private memberships.*** This is mainly for young people to learn and practice basketball. This use should be viewed similarly as a private dance school for youth. As this relates to

parking below, most of this involves parents dropping off and picking up students. While the structure may be large, the use is not as intensive as the building may indicate.

The proposed private gym consists of 13,600 square feet. Within the gym there is a full-size regulation basketball court that is 94 ft long by 50 ft wide. There is an area for some small bleachers for parents to watch their children, an area for a workout room, an office, and accessory storage.

Gym Use in Jefferson County Zoning Ordinance

- The use for a gym is not specifically listed in the Jefferson County Zoning Ordinance.

Where/how gyms are permitted today

- As part of a shopping plaza under the use of “Mixed Use Building.” This is also listed as conditional use in the Residential Growth District.

Applicants requested use of the gym as permitted in the Jefferson County Zoning Ordinance:

- Retail Sales and Services, General (listed as a conditional use in the Residential Growth District)
 - This is the applicant’s preferred land use designation to achieve the desired outcome for a private gym.
 - This both fulfills the applicants requested use under retail, noted above, and the gym use, discussed here.
 - The definition of this use includes “...recreational services...”
- **Or**
- Convention Center (listed as a conditional use)
 - This is the applicants second choice for the land use designation to achieve the desired outcome for a private gym
 - The applicant would agree to the following limitations to the convention center use:
 - Accommodate no more than 100 people for private gym trainings and occasional seminars at a time.
 - None of the other aspects listed under the definition of this use are being requested.

Similar uses to a gym/training facility in the Residential Growth District

- The following uses (including the definition from the Jefferson County Zoning Ordinance) are either permitted or are conditional use in the Residential Growth District in the Jefferson County Zoning Ordinance and have some aspects of gym or recreational use.
- The outlined uses below establish that it could be reasonably expected that such uses as gym or recreational uses were anticipated in the Residential Growth District.

- Some of the outlined uses below are *much more intensive* than the proposed use of a private gym. However, there are aspects of each of the listed uses below that are related to the applicants requested use for a gym.
- *Retail Sales and Services, General* (listed as a conditional use) (applicants preferred choice)
 - 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.
- *Convention Center* (listed as a conditional use)
 - “A facility designed to accommodate 500 or more persons and used for conventions, conferences, **seminars**, product displays, **recreation activities**, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.”
- *Church* (listed as a permitted use)
 - “A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with **all accessory buildings and uses** customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.”
- *School, College or University* (listed as a conditional use)
 - This use requires accreditation.
 - “An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and

is authorized to confer various degrees such as the bachelor's degree. Education uses may include a variety of uses such as classroom buildings, administrative offices, **sports facilities**, student housing, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining lots. The land use category "School, Vocational or Professional" is not included within this definition."

- *School, Vocational, or Professional* (listed as a conditional use)
 - This use requires accreditation.
 - "A specialized or accredited instructional establishment that provides **on-site training or education** in business, commercial, and/or trade skills. This use includes a community college that primarily provides daytime services to commuter students."
- *Vocational and Training Facility for Adults* (listed as permitted use)
 - This use requires accreditation.
 - "A specialized or accredited instructional establishment that provides **on-site training or education** in business, commercial, and/or trade skills. The land use is conducted in a campus setting, and may include classroom buildings, dormitories, cafeterias, **gymnasiums** (whose use is limited to the students, participants and instructors at said school or training facility), and administrative buildings. Incidental instructional services in conjunction with another primary use shall not be considered a Vocational and/or Training Facility for Adults. This use does not include School, University or College. In the Rural District, the use must be conducted in a campus setting."
- *Elementary or Secondary School* (listed as a permitted use)
 - No definition.

Sidewalks

On both Martin Luther King/Route 51 and Eagle Avenue, sidewalks are shown on both streets. Regarding Martin Luther King/Route 51, the sidewalk is shown in the DOH right-of-way. The DOH may be in the very initial stages of a study along MLK. If that is the case, they may be proposing sidewalks in the right-of-way. If approval from the DOH is not secured prior to site plan submission for leaving the sidewalk in the right-of-way, the sidewalk will go on the applicant's property. Eagle Ave. is a city street, and the sidewalk is shown along the length of the applicant's property.

Street Trees

Street trees will be provided in accordance with the Zoning Ordinance requirements along both MLK and Eagle Ave.

Buffering

Buffers are required along the property to the north, an abandoned residential use and to the railroad tracks to the west.

Applicant will request a variance (see “Variances” below) to buffering along the railroad tracks. The applicant will install buffering to the north consisting of a fence and pine trees planted one tree every 20 feet at a height of 6 feet at the time of planting. This does not meet the strict requirements of buffering at this location and a variance will be requested for modification of the requirement.

Dumpster Enclosure

A dumpster enclosure will be built of masonry material with gates.

Entrances

The existing entrance will be retained on MLK/Route 51 and a new entrance onto Eagle Ave will be created.

Stormwater Management

In the concept plan, stormwater management is proposed along the railroad tracks on the applicant’s property. A long linear swale is proposed beyond the sidewalk on Eagle Ave. The applicant will comply with the County’s stormwater management requirements.

Parking Spaces

Jefferson County Parking Requirement	
Use and Square Footage	Parking Ratio
Office	1 space per 300 sq. ft.
Office	1 space per 300 sq. ft.
Private Gym	No calculation in Zoning Ordinance
Retail	See Justification below
Self-Storage	No calculation in Zoning Ordinance
Apartment	No calculation in Zoning Ordinance

Retail Parking Justification

- None of the retail parking requirements adequately addresses the applicant's proposed possible uses.
- Below is a proposed average of parking standards found in the Jefferson County Zoning Ordinance that would be applicable to the applicants' parking needs.

Retail Parking Justification	
Categories Below are from the Jefferson County Zoning Ordinance	
<i>Parking Category</i>	<i>Parking Space Requirement</i>
Commercial retail sales (Less than 2,000 sq. ft. floor space)	1 space per 150 sq. ft of retail floor space
Commercial Retail Low customer turn over, large indoor display, e.g. carpet, furniture or appliance sales	1 space per 500 sq. ft.
Shopping Center Retail greater than 2,000 square feet of floor space	5.5 space per 1,000 sq. ft. (or 1 space per 181 sq. ft)
Average of the parking space requirements	$150 + 500 + 181 = 831$ sq.ft. divided by 3 spaces = 277 sq. ft. 1 space per 277 sq. ft.

Gym Parking

This use is currently operating next to Fisherman's Hall on S. West Street. There is limited parking spaces in that location and all parking spaces are on street. There are no significant parking issues in that location. It is not anticipated that this use will become more active or intensive at the new location.

One of the more difficult parking calculations to account for is the private gym, again with no memberships and is a low intensive training facility. In review of other jurisdictions, there were no jurisdictions that had parking calculations for a private gym such as this, which **focuses on training**. When parking requirements were found, nearly all were under the heading of "recreational", "bowling alleys", "recreational community center",

“basketball courts” and the like. It’s apparent that none of these parking calculations match the intent of the applicant’s use of this facility. Under the title of “Other Jurisdictions Parking Requirements” is a parking ratio that could be found.

It didn’t seem reasonable to use Berkeley County’s parking standard of “basketball court – 5 for each court. (On-street parking on local streets can qualify for required parking.)” While the uses are clearly similar, basketball court to basketball court, the use on the applicant’s property includes training of basketball. However, since most of the children will be dropped off and most parents will not stay and park on site, other parking calculations are too high. While Charles Town’s parking ratio of “Recreational Community Center – 3.0 spaces per 1,000 sq. ft. GFA” trends towards a more reasonable calculation, which is also like Martinsburg’s “Recreational Community Center – 2.7 spaces per 1,000 sq. ft. GFA.”, they still don’t represent an accurate parking ratio to the proposed use.

The proposed use is not a “Recreational Community Center.” The proposed use is not a general recreational facility, and it is not a community center. To strike a more reasonable, but yet plenty of parking standards for this use, it would be appropriate to have a parking ratio of 3 spaces per 1,200 square feet. This would result in a total number of parking spaces of 34.

Shared Parking, Parking Times, and Uses

It is unlikely that all these uses will overlap at the same time. The office use and the potential retail use would most likely overlap at the same time, which is during the day. The gym is more of an evening and weekend activity. Most people come to a self-storage facility on the evenings and weekends and very rarely park in parking spaces. They park in front of their storage unit. Most of the parking spaces for the apartment are used in the evening.

Proposed Number of Parking Spaces for the Uses on the Site

The following is based on analysis of parking requirements based on Jefferson County requirements and those of “Other Jurisdictions as noted below.

Use and Square Footage	Parking Ratio	Total Number of Spaces Required
Office – 2,800 sq. ft.	1 space per 300 sq. ft.	9 spaces
Office – 3,500 sq. ft.	1 space per 300 sq. ft.	11 spaces
Private Gym – 13,600 sq. ft.	3 spaces per 1,200 sq. ft (see section above – “Gym Parking”)*	34
Retail – 3,500 sq. ft.	1 space per 277 sq. ft. **	12 spaces
Self-Storage – 9,000 sq. ft	3 at the office plus 1 per employee ***	4 spaces
Apartment	1.5 spaces per unit****	4 spaces
Total Spaces Required for All Uses		63 spaces
Total Spaces Provided		55 spaces

* The basis of this calculation is based on Charles Town’s parking requirements. As noted above in the “Gym Parking” discussion, it is requested to be modified for this use. See “Other Jurisdictions Parking Requirements below.”

**This is based on an average of Jefferson County parking requirements – see explanation above.

*** Calculation is based on Frederick County, VA parking requirements. See “Other Jurisdictions Parking Requirements below.”

****Calculation is based on Ranson parking requirements. See “Other Jurisdictions Parking Requirements below.”

These uses occupy the same area of the building. Only one of the uses can occur at a time. Adding both numbers into the total spaces required would amount to double counting.

Other Jurisdictions Parking Requirements

- Martinsburg – Recreational Community Center – 2.7 spaces per 1,000 sq. ft. GFA
- Martinsburg – Multi-Family Housing (Low-Rise) – 1.2 spaces per dwelling unit
- Martinsburg – No comparable use for self-storage.
- Berkeley County – basketball court – 5 for each court. (On-street parking on local streets can qualify for required parking.)
- Berkeley County – Multi-family Dwelling/Apartments – 2.1 per dwelling, plus 1 per employee, plus 10% for guests
- Berkely County – No comparable use for self-storage.
- Chales Town – Apartment – 1.20 spaces per dwelling unit
- *Chales Town – Recreational Community Center – 3.0 spaces per 1,000 sq. ft. GFA
- Charles Town – No comparable use for self-storage.

- ****Ranson – Apartments and multi-family dwellings – 1.5 spaces per dwelling unit.
- Ranson – No comparable for recreational use or the like.
- Ranson – No comparable use for self-storage.
- ***Frederick County, VA – self-service storage - 3 at the office plus 1 per employee
- City of Fredrick, MD – self storage – 1 space per 1,000 sq. ft.

Parking Adjustment to the Site Plan

The proposed number of parking spaces does not meet the calculations presented above. The applicant will reduce the size of the proposed self-storage facilities to provide an additional 8 parking spaces.

Signage

Current Signage

- The applicant is proposing to retain existing signage on the site.

Future Signage

- The following tenant signs below will be provided for in three locations:
 1. Over the door of the gym building
 2. Over the door on the front of the existing building
 3. Over the door on the side of the existing building
- Freestanding Sign – see details below.

Future Tenant Sign 2x6 foot sign



Future Freestanding Sign

The proposed sign area to be 8 feet across and 6 feet tall. Total height not to exceed 12 feet.



For future potential
retail or office space

Advertise for
apartment rentals

Variances

The following variances are requested in separate applications.

Distance Requirement		
<i>Direction</i>	<i>Required Distance (ft)</i>	<i>Provided Distance (ft)</i>
South (MLK/Route 51)	75	112
East (Eagle Avenue)	75	49*
North (Abandoned house)	75	40**
West (Railroad tracks)	75	76

*Requested relief is 26 feet

**Requested relief is 35 feet

Setback Requirement		
<i>Direction</i>	<i>Required Distance (ft)</i>	<i>Provided Distance (ft)</i>
South (MLK/Route 51)	25	25
East (Eagle Avenue)	25	15*
North (Abandoned house)	25	20**
West (Railroad tracks)	25	10***

*Requested relief is 10 feet

**Requested relief 5 feet

***Requested relief is 15 feet

Buffer Requirement		
<i>Direction</i>	<i>Required Buffer</i>	<i>Provided Buffer</i>
North (Abandoned house)	20-40 buffer consisting of: <ul style="list-style-type: none"> • 1 row of evergreens planted every 10 feet with a minimum height of 6 feet • Solid fence with a height of 6 feet • 1 row of evergreen trees planted every 20 feet with a minimum height of 6 feet 	20-foot buffer consisting of: <ul style="list-style-type: none"> • Solid fence with a height of 6 feet • One row of pine trees every 20 feet
West (Railroad tracks)	10-foot-wide screened buffer of: <ul style="list-style-type: none"> • 1 pine or deciduous tree planted ever 50 feet with a minimum height of 6 feet • 1 ornamental tree planted every 50 with a minimum height of 4 feet • 3 shrubs per every 25 feet. 	None provided along railroad tracks.

Compliance with Section 6.3 Conditional Use Permit of the Jefferson County Zoning Ordinance.

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.

Below are several excerpts from the Envision 2035 Comprehensive Plan. The emphasis added in the form of an underline focuses on this project's compatibility with the Jefferson County Envision 2035 Comprehensive Plan. For this project and the site, many selections from the Plan focus on development that should be encouraged in the urban growth areas and near adequate infrastructure. The Plan urges good planning where there are existing urban level activities, such as residential and commercial uses, and necessary infrastructure, such as water, sewer, roads and the like.

This project is located within the Charles Town's Urban Growth Boundary and the development is in keeping with the Plans stated intentions. The project is also located where there is existing water, sewer and street infrastructure. The Plan also encourages improvement and redevelopment of existing sites. This proposed project will do exactly that. Parts of this site will be redeveloped into new uses and the existing uses and structures will be reused. This is a site that is currently non-conforming in multiple different ways. The improvements proposed will bring this site into compliance. The proposed uses and improvements in the site will achieve the desired goals and objectives of the Envision 2035 Comprehensive Plan.

1. Land Use and Growth Management Element

1.A. Urban Level Development Area – pg 26

“As communities have looked more closely at the cost of extending services to developments constructed further from existing fire, police, water and sewer facilities, many communities have recognized the need to rethink their land use plans and planning processes to favor residential and commercial development in closer proximity to these services.”

“This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan.”

Redevelopment – page 28

“The reuse of older buildings also benefits the environment by retaining a building that might otherwise end in a landfill, saving the use of new building materials, and not developing on existing farmland or open space. With abandoned or underutilized structures, the concept of reutilization and revitalization is something that should be explored;”

Urban Level Development Recommendations (Goal 1)

5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.

a. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.

2. Economic Development, Employment, and Infrastructure Element

Target Industries page 66

“Jefferson County will encourage a diversity of business types to locate within its borders. As part of these efforts, the Jefferson County Development Authority (JCDA) has identified several industries and other sectors of employment towards which incentives and programming should be targeted (in no particular order):

Jefferson County Development Authority Identified Industry Sectors

- Agriculture Development
- Manufacturing Government
- Small Business
- Information Technology
- Tourism”

Growing the Economy page 67

“One of the strengths of Jefferson County is that the residents have a strong entrepreneurial spirit. There is a need for local and regional technical and financial resources to be made available to these entrepreneurs and to publicize these resources. There are existing programs in Jefferson County which currently work to support smaller companies and start-ups. The Eastern Panhandle Entrepreneur Forum and the JCDA’s agricultural development program and small business coaching efforts focus on cultivating the talent that resides in Jefferson County and are examples to be followed. While the potential success of numerous small businesses will have a positive effect on the County as a whole, the attraction of larger employers often results in much greater attention to the economic development efforts of a community. It is important to continue to look at approaches that aid all types of companies and to provide awareness of these efforts to both existing businesses and to potential businesses looking to locate in Jefferson County.”

Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas – page 69

“Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses.”

Economic Development and Employment Recommendations (Goals 6 & 7)

5. Create a business friendly environment in Jefferson County.

2.D. Infrastructure – pg 85

“Water and Sewer Systems Urban level development, which requires the provision of water and sewer systems, is defined as where more intense levels of residential, commercial, and industrial development activity occur.”

“In order to take a pro-active role, it is the recommendation of this Plan to encourage the provision of infrastructure that allows for a higher level of development inside of the following areas: municipalities, Urban Growth Boundaries, Preferred Growth Areas, and Villages. In the rural area, it is anticipated that on-site private well and septic systems are to be utilized. In order for Jefferson County to retain its rural character and agricultural base, the expansion of water and sewer service into rural areas not designated as growth areas should not occur.”

Sidewalks and Trails – page 109

“Jefferson County road corridors should be designed to include sidewalks and trails as a part of new developments and along state roadways.”

“Creating pedestrian/bike paths will allow people without a motor vehicle safer commuter options.”

“Where pedestrian and bike trails do not exist along the roadways, pedestrians and bicyclists are obliged to use small shoulder areas or the grass. Many roads in the County do not have paved or graveled shoulders. This limits the desirability of walking or biking in these locations. Creating bike and pedestrian interconnectivity between subdivisions and/or commercial developments enhances mobility and accessibility. This type of improvement increases the ability for someone without access to a private automobile to access their homes, school, employment, medical appointments, shops, and services.”

“The Increased availability of sidewalks and trails would encourage:

- greater transportation options;
- health, wellness and safety of residents;
- reduced transportation costs for both communities and for residents; and
- a greater sense of community.”

“By working to create a more balanced approach to transportation and by better connecting neighborhoods together, there will be a positive impact to the physical and mental health of residents and visitors.”

IMPLEMENTATION STRATEGIES

“The Plan outlines recommendations for growth opportunities and challenges facing the County. The growth opportunities and challenges that are particularly relevant to the County include, but are not limited to:

3. Using land use strategies such as zoning, subdivision regulations, land conservation, design guidelines, and access management consistent with the Vision statement and the Goals of this Plan and continuing interaction with affected property owners;

4. Promoting the growth concepts in this Plan to effectively manage the County’s future development;

9. Facilitating urban level activity within the Urban Growth Boundaries and Preferred Growth Areas as designated on the Future Land Use Guide;

10. Providing infrastructure improvements through mutual cooperation and support;

12. Developing pedestrian and bikeway linkages in coordination with quality of life and recreation goals;”

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.

The site today is currently occupied by the applicant’s office, indoor storage and outdoor storage for his construction and rental business. As noted above, the proposed uses are office, self-storage, gym, and possible retail use. Half of these uses exist currently on the property and will be retained. The outdoor storage will go away with improvements on this site.

The uses will be compatible in terms of intensity and scale. The existing building will remain. All other structures built will be one story tall while surrounding uses are residential homes that are both one story and two-story. Except for an abandoned property to the north, all the other residential uses are separated by a transportation corridor. In one direction, residential uses are located across a busy state road, in another direction a city street, and finally, vacant farmland across a busy railroad tracks. This project will bring the site that is currently non-conforming in terms of site improvements into compliance. This

compliance will be improvements in sidewalks, landscaping, parking, stormwater management, and other aspects.

With the installation of sidewalks, particularly along Eagle Ave., and street trees along that street, there will be greater enhancements that provide improvements to the surrounding neighborhood. These improvements will result in greater compatibility and will not pose a threat to public health, safety and welfare. There will not be outdoor storage of material as there is today. While there is no stormwater management issue on the site today, since so much of the site is pervious area, all stormwater management will address the improvements on the site.

The lighting on the site will be cast downward to reduce and eliminate light glare and pollution. If retail is ever provided on the site, there will be the opportunity for a small store that is in walking distance to residential uses providing appropriate compatibility and mixed-use activity with the surrounding neighborhood.

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.

While more uses and activities will occur on the site, the improvements outlined above will not hinder nor discourage the appropriate development and use of adjacent land and buildings. In fact, it could encourage greater investment and improvements in the surrounding properties. With the proposed improvements, it will make the site look much better. Unfortunately, there is an abandoned home to the north and hopefully with the proposed fence and pine trees located between this use and that abandoned property, it will encourage investment to that property.

With the proposed improvements, there will be a sidewalk that will benefit residents on Eagle Ave. This will provide citizens a safer walking option by not having to walk in the street. The street trees will also provide a greater amount of shade trees along the street. The proposed uses on the site will actually provide a greater buffer from the railroad, both visually and by noise.

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.

This has been discussed to some extent above. To the north there is an abandoned house and a fence and pine trees that will be planted between this site and that home. To the west is a railroad tracks and there is no functional reason to buffer commercial uses from that industrial corridor. No buffer is required to the south and east. However, that area will have a retrofit of urban level amenities that do not exist today. Street trees will be planted along

MLK/Route 51 and Eagle Avenue in accordance with the county requirements. Additionally, a new sidewalk will be installed along the applicant's property which will provide a safe walkable path that does not exist today. These improvements will greatly enhance the neighborhood character, surrounding properties, and property values.

5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.

This site will be in conformance or exceed the requirements of Section 8.9.

1. There will be no meaningful noise from the site. This is a low intensity site. It is mainly office use, a indoor gym, and self-storage.
2. There is nothing from the site that will create or manifest an odor.
3. There is nothing from the site that will create or manifest smoke.
4. The ambient air quality will not be impacted with the associated improvements on this site.
5. There is nothing from the site that will create or manifest vibration.
6. There will be no glare or heat from the site. There is no use on the property that will cause such a situation. As noted above, downlighting will be provided at the site to eliminate glare. The site will meet the landscaping standards on the site, such as new trees, shrubs, etc., which will eliminate any heat or glare affects from the simple construction of new buildings and parking lots.
7. There is nothing from the site that will create or manifest toxic matter.
8. There is no storage, utilization or manufacture of solid materials which would create or manifest any fire hazards.

6. 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 BZA to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use.

N/A

7. For Historic Sites, the Historic Landmarks Commission, with the property owner's consent, may visit the property to review the proposed land development plan and use for sites designated as Category I or II. The Historic Landmarks Commission may make reasonable recommendation to the Board of Zoning Appeals on the suitability of a

proposed multi-family dwelling or non-residential use for the building seeking a Conditional Use Permit. The Historic Landmarks Commission's recommendations may include the following findings:

- a. Compatibility of the proposed use with the historic structure;
- b. Any modifications to the building's façade is consistent and compatible with the building's architecture, style, and massing; and
- c. Proposed parking and other activities are suitably located so as to preserve the historic character.

The Board of Zoning Appeals may consider these findings and if determined appropriate, may require compliance with some or all of the Historic Landmarks Commission's recommendations as a condition of approval.

N/A

8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6.36

Signs will be in compliance with this standard. See section above regarding signs.

Marting Luther King Jr. Blvd Adjoiners for CUP Application

Owner	# and Street	City, State, Zip
JOHNSON CURTIS	1009 ARCHER RD	KEARNEYSVILLE, WV 25430
BALLARD LINDA D ET AL	72 LOUISA BEALL LN	CHARLES TOWN, WV 25414
MAO JOHN	1207S GEORGE ST UNIT B	CHARLES TOWN, WV 25414
DOWNING JULIA M	605 EAGLE AVE	CHARLES TOWN, WV 25414
PEREZ CARLOS J J	609 EAGLE AVE	CHARLES TOWN, WV 25414
R & D INVESTMENTS LLC	605 BALTIMORE ST	MARTINSBURG, WV 25401
MAO SHUK FAN	1207S GEORGE ST UNIT B	CHARLES TOWN, WV 25414
SMITH HENRY	338S ORANGE AVE	BREA, CA 92821
BERRY JOHN E IV	213W 7TH AVE	RANSON, WV 25438
CORDING ROBERT G & MEAGAN L SUDICKY	11078 MIDDLEWAY PIKE	CHARLES TOWN, WV 25414
DAVENPORT HENRY B III	PO BOX 27	CHARLES TOWN, WV 25414



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

File #: 24-40-2V
Mtg. Date: 12-12-24
Fee Paid: \$ 150

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Application

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 parcel's zoning classification.

Property Owner Information

Owner Name: Mark E. Roper
Business Name: _____
Mailing Address: 418 Samuel St. Charles Town, WV 25414
Phone Number: 304-671-5262 Email: mrconstructionwv@gmail.com

Applicant Contact Information

Applicant Name: _____ Same as owner: ☒
Business Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

Consultant Information

Consultant Name: Seth Rivard
Business Name: _____
Mailing Address: PO Box 92 Charles Town, WV 25414
Phone Number: 615-735-7097 Email: seaari@yahoo.com

Physical Property Details

Vacant Lot: ☐

Physical Address: 11065 Middleway Pike, Charles Town, WV 25414
Parcel ID: (Tax District / Map No. / Parcel No.) TD 2, Map 11, Parcels 13, 13.01, 14 and 12.01
Parcel Size: 2.142 Deed Book: 1278/1161/1329 Page No: 698/267/395

Zoning District (please check one)

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

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

RECEIVED

NOV 12 2024

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Briefly describe the nature of the request (include the dimensions of the proposed structure, if applicable):

Section of the Zoning Ordinance pertaining to this request:

Variance - Distance and Setback

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE

Section 5.4 Residential Growth (RG) District (B)(1)

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

See attached.

☐ Front Setback

☒ Side Setback

☒ Rear Setback

Reduction from _____ to _____

Required Sketch: 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.

Required Responses: Each of the following questions must be answered in detail. The Board will evaluate your request based on the answers provided (attach a separate sheet of paper if necessary).

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

See attached.

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

See attached.

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

See attached.

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

See attached.

☒ I authorize the Planning and Zoning staff to revise the application/sketch on my behalf. I understand that said revisions will be discussed with me prior to revising the application/sketch.

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

By signing this application, I grant permission to County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.

Property Owner Signature

Date

Property Owner Signature

Date

Variance Reduction Request of Setback and Distance Requirements

Distance Requirement		
<i>Direction</i>	<i>Required Distance (ft)</i>	<i>Provided Distance (ft)</i>
South (MLK/Route 51)	75	112
East (Eagle Avenue)	75	49*
North (Abandoned house)	75	40**
West (Railroad tracks)	75	76

*Requested relief is 26 feet

**Requested relief is 35 feet

Setback Requirement		
<i>Direction</i>	<i>Required Distance (ft)</i>	<i>Provided Distance (ft)</i>
South (MLK/Route 51)	25	25
East (Eagle Avenue)	25	15*
North (Abandoned house)	25	20**
West (Railroad tracks)	25	10***

*Requested relief is 10 feet

**Requested relief 5 feet

***Requested relief is 15 feet

In reviewing the following variance and requested relief from the strict standards of the zoning ordinance, it's important to keep in mind that this site has a unique setting.

- First, the site is bound on three (3) sides by transportation corridors and one of the three sides, the busy railroad corridor functions as an industrial use in its intensity.
- Second, the property is cut in at an angle and non-rectangle, not a situation the applicant created. In trying to make new improvements on the site, the lot shape needs to be taken into account and also pre-existing improvements that also need to be worked around.

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

Distance

- East (Eagle Avenue) From 75 feet to 49 feet
- North (abandoned house) From 75 feet to 40 feet

The distance variance will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

East

To the east, the road right-of-way functionally acts as a separation of the proposed use and the residential uses. The distance separation that cannot be met is from the self-storage building to the residential uses on Eagle Avenue. The self-storage is a low intensity use and will not generate odors, noise, glare, heat, smoke or other undesirable manifestations. The distance use is a one-size fits all approach. This is not a use like a gas station with lots of traffic, activity, noise from an air compressor for filling tires, or the smell of gas in the air. Nor is it a auto repair facility with is associated noises. Since the proposed use is quiet and has no manifestation that requires a 75-foot separation, the 50 feet separation that is proposed is more than adequate. As such the adjacent rights of property owners have been protected.

North

To the north is an abandoned house. The distance separation would be 40 feet. The gym may have one or two windows along the northern side and no pedestrian access. The wall of the gym in itself acts as a barrier and/or separation. While the necessary distance requirement is not proposed to be met, there is going to be a 6-foot-tall fence and pine trees planted every 20 feet between the uses. This buffer acts as a greater separation than just an open distance requirement. It is the applicant's belief the buffering offsets the lack of distance requirement that is not met. All activity is to be indoors and like the self-storage, there will be no external odors, noise, glare, heat, smoke or other undesirable manifestations. Again, the rights of the property owners have been maintained.

Setback

- East (Eagle Avenue) From 25 feet to 15 feet
- North (abandoned house) From 25 feet to 20 feet
- West (railroad tracks) From 25 to 10 feet

The setback variance will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

East

Regarding the setback to the east, along Eagle Avenue, the requested reduction of the setback is 10 feet. The required setback is 25 feet, and the applicant is requesting a 15 foot setback from Eagle Ave. The development is in an urban setting where it is expected that uses may be located closer to the street. The purpose and intent of setbacks is to provide reasonable separation of uses and buildings in the event of fire and adequate air and light between buildings. Since there is a street between the proposed use and the adjacent structures, there is sufficient separation of uses and adequate air and light between buildings. The spirit and intent of the need for setbacks are met in this location.

North

For the north, the setback reduction requested is 5 feet from 25 feet to 20 feet. As noted above, there is a proposed buffer of a 6-foot-tall fence and pine trees planted every 20 feet between the gym and abandoned house. While the strict setback is not met, there is adequate separation between the two uses without creating a condition of overcrowding buildings next to each other. Additionally, with the buffer along this property line, that buffer provides a greater sense of separation than if the strict setback were met.

West

The setback reduction requested is from 25 feet to 10 feet. The setback is to a railroad which is like a highway or industrial use. By its very nature, there is no functional need for a setback from an open space area and a use that is intensive when a train does come by. Providing the additional 15 feet of setback for separation is not going to make a meaningful and material difference, one of the key principles of having setbacks. The existing structure is located approximately 10 feet from the property line and there has been no adverse impact.

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?

Distance

East

To the east, if the homes had met the setbacks of the Charles Town Zoning Ordinance, which is a 20-foot setback, the request might be for a much smaller relief of 5 or 6 feet. However, there are non-conformities that exist around the site and were not created by the applicant. As detailed above, there is a street that functions as a reasonable separation of the uses.

North

With the existing building location and the property, which is cut in at an angle and non-rectangle, not a situation the applicant created, accounting for these existing conditions

results in difficulty in meeting the strict distance requirement. Since the property is sliced at an angle, the building has to be adjusted and angled to match this diagonal property line.

Setback

East

There are existing conditions of the site, as noted above, the angled property line, and an existing structure that must be navigated around with the new uses that are incorporated on the site.

North

As noted above, with the property being at an angle, it then pushes the back corner of the building closer to the adjoining property line. This results in a situation where the back corner of the building will not be able to meet the side setback.

West

The railroad is preexisting and as noted above acts as a practical separation of uses. While the applicant is requesting a reduction of the setback from 25 feet to 10 feet, the railroad right-of-way is 75 feet. This will provide more than enough setback from buildings that might be built across the railroad right-of-way in the future.

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

The variance would eliminate an unnecessary hardship and allow for reasonable use of the land.

Distance

As detailed above, the proposed uses are not intensive, the property cuts in at an angle and there existing conditions that need to be accounted for on the site. Also, as noted above, the distance requirement is a one size fits all approach. The requested variance is why variances are permitted to be requested. Granting the variance from a one size fits all standard eliminates an unnecessary hardship for a use that will not have negative adverse impacts to adjacent properties, which is the main reason to have distance requirements.

Setback

As discussed in this application, for the setbacks in two directions, east and west, there are transportation corridors that act as a separation of uses and buildings to prevent overcrowding of structures. In these instances, strict adherence to the setback standards is not necessary. To the north, a buffer of a fence and pine trees will be provided. This will provide a greater sense of separation than providing the 5 feet of setback that the applicant is seeking relief from.

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

Distance and Setback

The purpose and intent of the zoning ordinance is to have reasonable separation of uses and activity. The granting of the variances will maintain and achieve that purpose and intent. A reduction of both the distance and setbacks will have no impact on adjacent property owners.

Substantial justice would be achieved since, as noted multiple times in this application, in three directions there is a transportation corridor that functions as a separation of activities, both for the purposes of distance and setback requirements. In the remaining direction of the property, there is a physical buffer of a fence and pine trees, which results in a separation of buildings and uses. Substantial justice would also be achieved since the applicant's requested variance is the minimum possible. The redevelopment and improvements on the site fulfill the objectives and strategies detailed in the Comprehensive Plan as outlined in the CUP application. This would result in the county's goal to encourage development where there is urban level amenities, such as water and sewer. This request addresses multiple public policy goals.



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

File #: 24-41-2V
Mtg. Date: 12-12-24
Fee Paid: \$ 150

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Application

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 parcel's zoning classification.

Property Owner Information

Owner Name: Mark E. Roper
Business Name: _____
Mailing Address: 418 Samuel St. Charles Town, WV 25414
Phone Number: 304-671-5262 Email: mrconstructionwv@gmail.com

Applicant Contact Information

Applicant Name: _____ Same as owner: ☒
Business Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

Consultant Information

Consultant Name: Seth Rivard
Business Name: _____
Mailing Address: PO Box 92 Charles Town, WV 25414
Phone Number: 615-735-7097 Email: seaari@yahoo.com

Physical Property Details

Vacant Lot: ☐

Physical Address: 11065 Middleway Pike, Charles Town, WV 25414
Parcel ID: (Tax District / Map No. / Parcel No.) TD 2, Map 11, Parcels 13, 13.01, 14 and 12.01
Parcel Size: 2.142 Deed Book: 1278/1161/1329 Page No: 698/267/395

Zoning District (please check one)

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

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

Date Received:

RECEIVED

NOV 12 2024

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Briefly describe the nature of the request (include the dimensions of the proposed structure, if applicable):

Section of the Zoning Ordinance pertaining to this request:

Buffer Variance

Section 4.11E and Standard Detail M-52

Section 4.11E & Standard Detail M-53.

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

☐ Front Setback

☐ Side Setback

☐ Rear Setback

Reduction from _____ to _____

Required Sketch: 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.

Required Responses: Each of the following questions must be answered in detail. The Board will evaluate your request based on the answers provided (attach a separate sheet of paper if necessary).

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

See attached.

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

See attached.

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

See attached.

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

See attached.

☒ I authorize the Planning and Zoning staff to revise the application/sketch on my behalf. I understand that said revisions will be discussed with me prior to revising the application/sketch.

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

By signing this application, I grant permission to County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.

Property Owner Signature

Date

Property Owner Signature

Date

Variance Reduction Request of Buffer Requirements

- A variance to the west, along the railroad tracks, of no buffering.
- A variance to the north, the abandoned home, a reduction of the one row of evergreens planted every 10 feet with a minimum height of 6 feet.

Buffer Requirement		
<i>Direction</i>	<i>Required Buffer</i>	<i>Provided Buffer</i>
North (Abandoned house)	20-40 buffer consisting of: <ul style="list-style-type: none">• 1 row of evergreens planted every 10 feet with a minimum height of 6 feet*• Solid fence with a height of 6 feet• 1 row of evergreen trees planted every 20 feet with a minimum height of 6 feet	20-foot buffer consisting of: <ul style="list-style-type: none">• Solid fence with a height of 6 feet• One row of pine trees every 20 feet
West (Railroad tracks)	10-foot-wide screened buffer of:** <ul style="list-style-type: none">• 1 pine or deciduous tree planted every 50 feet with a minimum height of 6 feet• 1 ornamental tree planted every 50 with a minimum height of 4 feet• 3 shrubs per every 25 feet.	None provided along railroad tracks.

*Variance is a request for a reduction of the one row of evergreens planted every 10 feet with a minimum height of 6 feet.

**Variance is a request for an elimination of all buffering in this location.

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

- West (Railroad) Elimination of all buffering
- North (abandoned house) Removal of the 1 row of evergreens planted every 10 feet with a minimum height of 6 feet

The distance variance will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

West

Buffering would provide little improvement between this use and the adjacent property to the west, which is currently farmland. First, the railroad right-of-way is 75 feet, providing its own form of both separation of uses and buffering. Second, the railroad right-of-way is functionally an industrial commercial corridor. The buffering of a commercial use from an industrial use is not the intent of the ordinance.

If the farmland to the west were to develop, the use on the farmland would be buffering from the intensive and noisy railroad right-of-way, not the applicant's proposed use. In essence, any proposed future use on that farmland would provide its own form of buffering from the railroad, not the applicants proposed uses. Based on the types of land uses that currently exists, the variance will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

North

To the north is an abandoned house. A distance separation of 40 feet between the uses is proposed and the applicant is proposing to install a 6-foot-tall fence and pine trees planted every 20 feet. The applicant is requesting relief of one row of evergreens planted every 10 feet with a minimum height of 6 feet. Currently, there is no buffer between the existing use on the site and the residential structure to the north. After the site is redeveloped, there will be a buffer installed. The modest relief sought by the applicant will not negatively impact the buffering that is proposed. This modest relief will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

All activity is to be indoors and there will be no external odors, noise, glare, heat, smoke or other undesirable manifestations. Again, the rights of the property owner will be maintained.

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?

West

The applicant is functionally adjacent to an industrial use and the applicant did not create that use. Requiring the less extensive use to buffer from a more intensive use is not typical. As such, relief from this requirement is reasonable.

North

To the north is an abandoned house. A distance separation of 40 feet is going to be provided. The proposed buffer of a 6-foot-tall fence and pine trees planted every 20 feet is in addition to that 40-foot separation. The property is cut in at an angle and non-rectangle, not a situation the applicant created. This makes the placement of new structures on the site around existing structures on the lot difficult to work with for new improvements. The applicant is proposing to bring a non-conforming site into conformity. In bringing this site into conformance, there are some strict standards the applicant cannot meet due to the shape of the lot. The applicant is proposing a buffer in this location and is seeking modest relief of the buffering standard. This modest relief will result in a much greater improvement than exists today on the property. Currently there is no buffer and once this is finished there will be a buffer. This modest relief will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

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

The variance would eliminate an unnecessary hardship and allow for reasonable use of the land.

North and West

As noted above, the shape of the lot and the industrial corridor is not a result of the applicant's actions. The applicant is proposing to take a site that currently is non-conforming regarding site improvements and bring it into conformity. For those improvements to occur, the applicant is seeking relief from the strict standards of the zoning ordinance. The requested relief sought by the applicant would eliminate an unnecessary hardship and permit reasonable use of the land. Where it matters most, along a residential use, the applicant is proposing a buffer.

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

North and West

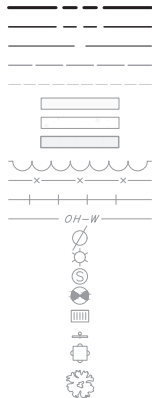
The purpose and intent of the zoning ordinance is to have reasonable separation of uses and activity. To the north where there is a residential use there is currently no buffer. The proposed improvements will result in a buffer being installed. The granting of the variances will maintain and achieve that purpose and intent of the zoning ordinance. An elimination of the buffer along the railroad tracks still provides for separation of uses, and as noted elsewhere, it's not typical for a less intensive use, the proposed development, to buffer from a more intensive use, the railroad tracks. Granting the variance will allow for reasonable use and activity on an existing lot of record.

Substantial justice would also be achieved since the applicant's requested variance is the minimum possible and will result in a site that is in conformance with the current land development standards. The redevelopment and improvements, detailed here and in the CUP application, on the site fulfill the objectives and strategies detailed in the Comprehensive Plan. This would result in the county's goal to encourage development where there is urban level amenities, such as water and sewer. This request addresses multiple public policy goals.



NORTH

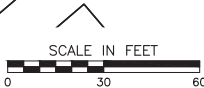
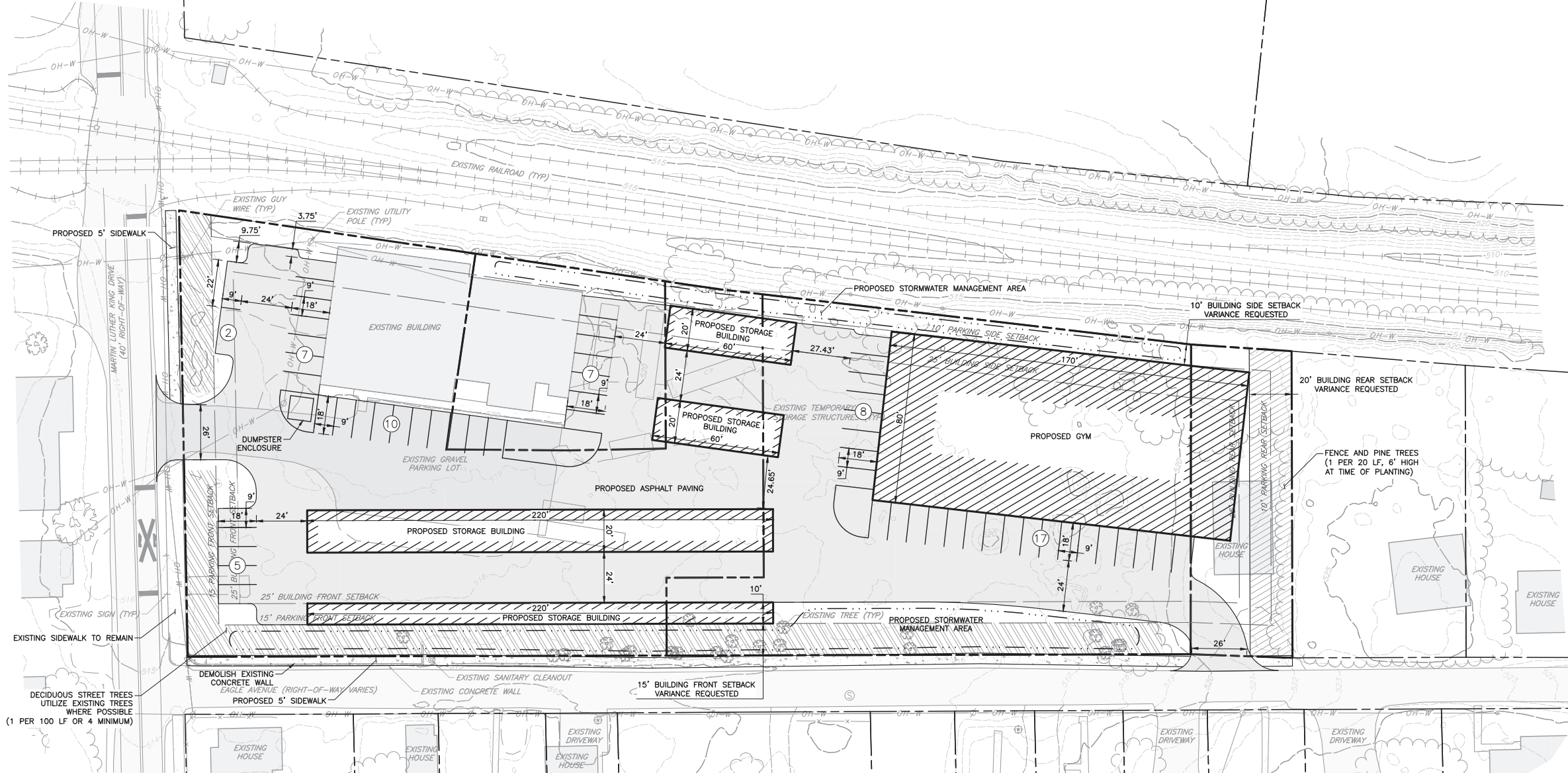
LEGEND



SUBJECT PROPERTY LINE
ADJOINING PROPERTY LINE
EXISTING SETBACK
EXISTING CONTOUR (MAJOR)
EXISTING CONTOUR (MINOR)
EXISTING ROAD (PAVED)
EXISTING CONCRETE
EXISTING STRUCTURE
EXISTING VEGETATION
EXISTING FENCE LINE
EXISTING RAILROAD TRACKS
EXISTING OVERHEAD WIRES
EXISTING UTILITY POLE
EXISTING LIGHT POLE
EXISTING SANITARY MANHOLE
EXISTING VALVE
EXISTING CATCH BASIN
EXISTING SIGN
EXISTING METER
EXISTING TREE

REFERENCE

- HORIZONTAL SURVEY DATUM = NSRS 2011 WV STATE PLANE COORDINATES (NORTH ZONE).
VERTICAL SURVEY DATUM = NAVD 88 (GEOID18).
- EXISTING TOPOGRAPHIC AND PLANIMETRIC INFORMATION SHOWN IS BASED UPON SURVEY PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. IN JULY 2024.
- THE SUBJECT PROPERTY BOUNDARIES SHOWN ARE BASED ON PLAT INFORMATION DATE 11/20/2018 AND PROPERTY CORNERS LOCATED IN JULY 2024. ADJACENT PROPERTIES ARE APPROXIMATE BASED ON TAX DATA. CEC HAS NOT PERFORMED A BOUNDARY SURVEY OF THE SUBJECT OR ADJACENT PARCELS.



DRAFT

NOT FOR CONSTRUCTION

CONCEPTUAL SITE LAYOUT PLAN

MARK ROPER CONSTRUCTION, LLC
SELF STORAGE AND
RECREATIONAL FACILITY
JEFFERSON COUNTY
WEST VIRGINIA

120 Genesis Boulevard
Bridgeport, WV 26330
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SUBMITTAL RECORD

NO	DATE	DESCRIPTION

DATE:	OCTOBER 2024	DRAWN BY:	AEW
DWG SCALE:	AS SHOWN	CHECKED BY:	LAG
PROJECT NO:	343-920	APPROVED BY:	DRAFT

DRAWING NO.:

C200

F:\340-200\343-920\CADD\DWG\102\343920-C200-SITE LAYOUT PLAN.dwg [200] LS(10/10/2024 - 1:20 PM) - LP: 10/10/2024 1:20 PM