

Jefferson County
Board of Zoning Appeals

Meeting Packet

Thursday,
June 26, 2014

JEFFERSON COUNTY, WEST VIRGINIA

Department of Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, West Virginia 25414

Phone: 304-728-3228

Fax: 304-728-8126

Email: zoning@jeffersoncountywv.org

MEMORANDUM

TO: Jefferson County Board of Zoning Appeals Members

FROM: Jennilee Hartman, Zoning Clerk

DATE: June 19, 2014

SUBJECT: June 26, 2014 Board of Zoning Appeals Meeting

Please find enclosed a copy of the Agenda for the upcoming Board of Zoning Appeals meeting to be held on Thursday, June 26, 2014. Also for your review, you will find corresponding information regarding said Meeting. When applicable, I will include copies submitted to this office that pertain to items of new business. If you have any questions, or will not be able to attend the upcoming meeting, please do not hesitate to contact me.

JEFFERSON COUNTY, WEST VIRGINIA

Department of Zoning

116 East Washington Street
P.O. Box 338
Charles Town, West Virginia 25414
Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

MEMORANDUM

TO: Board of Zoning Appeals Members
CC: Engineering & Building Permits Departments
FROM: Acting Zoning Administrator, Jennifer M. Brockman
DATE: June 19, 2014
SUBJECT: June Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

AMENDED SHENANDOAH PROFESSIONAL CENTER, LLC /
#ZC14-17 CONTACT: TRISH SANDERSON – OWNER JON G. PENNINGTON/ APPLICANT

Issuance Date: June 03, 2014
Proposed Use: Used Car Dealership to include sales office and outdoor inventory space.
Physical Location: 36 Bakerton Road; Harpers Ferry, West Virginia 25425
Zone: Residential-Light Industrial-Commercial

#ZC14-18 JOSE F. OSORIO – OWNER/APPLICANT

Issuance Date: June 03, 2014
Proposed Use: Rodeo / Calf Roping & Bull Wrestling Event. Permitted as “Agricultural Tourism”. Monthly event to be hosted from May to November (annually).
Physical Location: 1196 Van Clevesville Road; Kearneysville, West Virginia 25430
Zone: Rural

#ZC14-20 MIQUEL A. SANTOS – OWNER

Issuance Date: June 10, 2014
Proposed Use: Operation of Screen Printing Business in basement of residence, to include producing designs and printing t-shirts.
Physical Location: 102 Don Quixote Drive; Charles Town, West Virginia 25414
Zone: Residential-Growth

ISSUED ZONING CERTIFICATES

#ZC14-22 TWIN OAKS SUBDIVISION, LLC - OWNER/ MGMWV, LLC – APPLICANT

Issuance Date: June 17, 2014
Proposed Use: Single structure, consisting of 13,500 sq. ft., to be used as retail rental space for Farmers Market, referred to as “Building Violet” on the approved Site Plan #12-06.
Physical Location: 3988 Kearneysville Pike; Shepherdstown, West Virginia 25443
Zone: Rural

#ZC14-26 PERMELELYNN OF WESTCHESTER, INC. c/o KIMCO REALTY CORP – OWNER/
American Promotional Events dba TNT Fireworks / CONTACT: BRETT LOVEJOY –
APPLICANT

Issuance Date: June 17, 2014
Proposed Use: Temporary sale of legal fireworks in a 20’ x 40’ tent.
(from June 20, 2014 – July 8, 2014)
Physical Location: Charles Town Plaza – Walmart parking lot.
96 Patrick Henry Way; Charles Town, West Virginia 25414
Zone: Residential- Light Industrial-Commercial

PENDING ZONING CERTIFICATES

#ZC14-13 OBF PROPERTIES / CONTACT: CHRIS HANSEN – OWNERS
ABS ENTERPRISES / CONTACT: SAAD SHADKAMI - APPLICANT

Issuance Date: TBD
Proposed Use: Commercial warehouse for pre-packaged and refrigerated food items.
Physical Location: Box Factory Road; Summit Point, West Virginia 25446
Zone: Rural

#ZC14-15 OBF PROPERTIES / CONTACT: CHRIS HANSEN – OWNERS
ABS ENTERPRISES / CONTACT: SAAD SHADKAMI - APPLICANT

Issuance Date: TBD
Proposed Use: Commercial warehousing, agri-business, storage, document shredding and general business..
Physical Location: Box Factory Road; Summit Point, West Virginia 25446
Zone: Rural

PENDING ZONING CERTIFICATES

#ZC14-21 DEANNA C. SHEA-WILLIAMS and HOWARD B. WILLIAMS – OWNERS

Issuance Date: TBD
Proposed Use: Retail ice cream sales, operating from 8' x 18' fully contained food trailer, to be located in parking lot of existing business (Railside Market). Weekend hours only; open from April to October.
Physical Location: 2871 Summit Point Road; Summit Point, West Virginia 25446
Zone: Village

#ZC14-23 JEFFERSON REALITY, LLC / OWNER, ANTONIO COLANDREA / APPLICANT

Issuance Date: TBD
Proposed Use: Middleway Market and Pizza. Convenience Store, to include incidental propane service; ABC off-premises packaged alcohol sales; Video Lottery/Game Room area; ABC on premises alcohol service (non-conforming); Counter & Deli Service; Restaurant Service with alcohol sales; Delivery Service and a Residential Rental Unit.
Physical Location: 4843 Middleway Pike; Kearneysville, West Virginia 25430
Zone: Rural

#ZC14-24 RONALD BROWN – OWNER

Issuance Date: TBD
Proposed Use: Replace existing billboard with 8' x 20' two-sided private sign for Automobile Repair Shop advertising only.
Physical Location: 7735 Martinsburg Pike; Shepherdstown, West Virginia 25443
Zone: Residential Growth

#ZC14-25 CAROLINE R. LITWACK, OWNER / BELINDA LEWIS – APPLICANT

Issuance Date: TBD
Proposed Use: Thrift Shop - outdoor sales only. Sale of household merchandise, clothing, books, antiques, collectibles, furniture, etc. Existing structure to be used for inventory storage with no public access.
Physical Location: 43 Kearneysville Pike; Kearneysville, West Virginia 25430
Zone: Industrial-Commercial

PENDING ZONING CERTIFICATES

#ZC14-27 SUNNYSIDE LIMITED PARTNERSHIP – BARBARA HUYETT / OWNER
SHENANDOAH PERSONAL COMMUNICATIONS, LLC / APPLICANT

Issuance Date: TBD
Proposed Use: Project consists of installing a new diesel generator on a 5' x' 10'
concrete pad within the fenced compound of an existing wireless
telecommunications facility.
Physical Location: 837 Wheatland Road; Charles Town, West Virginia 25414
Zone: Industrial-Commercial

#ZC14-28 DONALD & SABRINA DeHAVEN - OWNERS/APPLICANTS

Issuance Date: TBD
Proposed Use: Farmers Market consisting of sale of homegrown flowers, plants
and produce from onsite garden. Daily hours of operation:
Thursday – Sunday, 10:00 a.m. to 7:00 p.m.; Seasonal opening
dates: April 1st – November 30th.
Physical Location: 841 John Brown Farm Road; Harpers Ferry, West Virginia 25425
Zone: Rural



Jefferson County
Board of Zoning Appeals
Thursday, June 26, 2014, 2:00 p.m.

Members
Tyler Quynn, Chair
Jeffrey Bannon, Vice Chair
Christy Huddle
Matt Knott
Ted Schiltz, Alternate

The Jefferson County Board of Zoning Appeals will meet in the Charles Town Library Conference Room located at 200 East Washington Street, at the side entrance on Samuel Street, in the City of Charles Town, WV. Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Approval of the minutes from the May 22, 2014 meetings.
2. Swearing in of members of the public intending to provide testimony.
3. Variance request by Woody Beddow, Deacon, on behalf of the Owner, from Section 4.10A to waive the requirement of a site plan for a 336 square foot addition to include new restrooms plus an ADA compliant access ramp. The proposed addition is 86 square feet larger than what is allowed to be built without a site plan. Owner: Allen Sullivan, Trustee, Bakerton Church of God/Bakerton Bible Church. Location: 662 Carter Ave., Harpers Ferry, WV. District: Harpers Ferry (04); Map 3; Parcel: 57; Size: 1.69 ac; Zone: Village; File: ZV14-06.
4. Variance request by owner, Fellowship Bible Church, from Section 4.10A to waive the requirement of a site plan for four (4) 20' x 60' modular classrooms (5,760 sq. ft.) for children's ministries and request an extension of time for the previous variance request (ZV12-13) for the existing modular classrooms until the site plan for Phase II is completed. Location: 160 Daniel Road, Charles Town, WV. District: Charles Town (02); Map 3; Parcel: 4.5; Size: 50 ac; Zone: Rural; File: ZV14-07.
5. Variance request by owner, Jose Manzo, from Section 8.2 to reduce the front and side setback from 75' to 5' for an existing 16' x 16' shed to be utilized as a small barn; and, from Section 9.6C to permit the existing shed/small barn to be located within the required front yard. Location: 83 Hyde Park Ln., Charles Town, WV. District: Kabletown (06); Map 9; Parcel: 21.2; Size: 1.28 ac; Zone: Rural; File: ZV14-08.
6. Variance request by owner, Jose Manzo, from Section 5.7B.1 to reduce the front (40'), side (15') and rear (5') setback requirements for an existing 7' tall fence erected around the perimeter of the property; and, from Section 9.6C to permit the existing 7' tall fence to be located within the required front yard. Location: 83 Hyde Park Ln., Charles Town, WV. District: Kabletown (06); Map 9; Parcel: 21.2; Size: 1.28 ac; Zone: Rural; File: ZV14-09.
7. Discussion on the proposed amendments to the Board of Zoning Appeals Rules of Procedure, Effective July 21, 2011, (Draft 2).
8. Director's Report.
9. Legal Update.
10. Signing of written decisions from prior Board of Zoning Appeals meetings.
 - a) Action on the Conditional Use Permit (CUP) for Sustainable Solutions, LLC. The applicant is proposing to use the existing expired nonconforming use of commercial buildings for the operation of a business that helps private landowners, state & federal agencies and non-profits manage their land for ecological, economic and social returns. The business would include a 12' x 12' company office within Building A

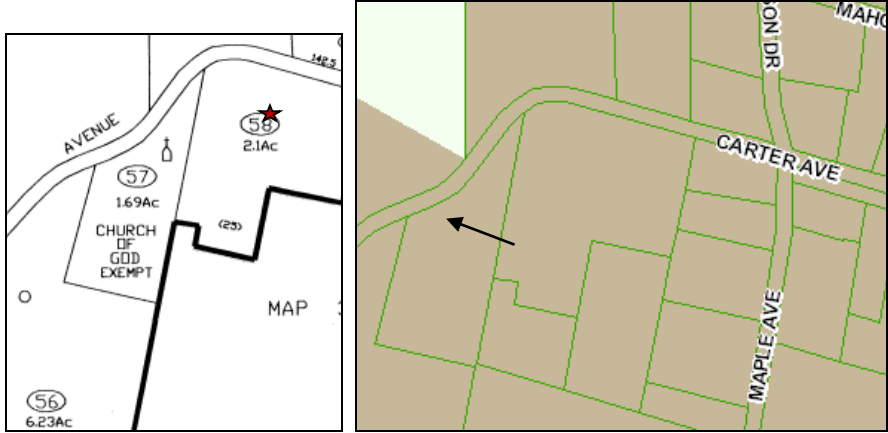
(as shown on Figure 1. Site Map). The remaining portion of Building A and Buildings B and C would be used as shop space for storage, maintenance and repair of company equipment and vehicles. Two alternate sign locations were proposed a) on the existing canopy; or, b) on Building A. Additional landscaping in the form of native trees, shrubs and flowers were also proposed. Property owner: Steve Wandless. Purchaser/Developer: James Remuzzi. Location: 4419 Kearneysville Pk., Shepherdstown, WV. District: Shepherdstown (09); Map 8; Parcel: 9.3; Zone: Residential Growth; Size: 1.79 ac; File: CP13-01. Meeting Date: 3/27/14

- b) Action on the Conditional Use Permit for Middleway Market. The applicant is proposing to lift the nonconforming status from the following existing uses by granting said uses permanent legal status: convenience store, which includes incidental propane service, ABC off-premises packaged alcohol sales, video lottery/game room area & ABC on-premise alcohol service, office/storage area, counter & deli service. The applicant is also seeking to expand and/or add the following: increase the buildable area from 4,841.75 sq. ft. to 6,000 sq. ft.; to include a residential rental unit, to expand from counter & deli service to a restaurant service with alcohol sales and delivery service; and, to permit gas pumps either on-site or in conjunction with a partnership agreement with an adjacent neighbor. Owner: Jefferson Reality, LLC. Location: 4843 Middleway Pike, Kearneysville, WV 25430. District: Middleway (07); Map 19A; Parcels: 14 & 14.16; Size: 1.70 ac; Zone: Rural; File: CP14-01. Meeting date 05/22/14

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 June 26, 2014

Bakerton Church of God Request (#ZV14-06)

Item #3 Variance request by Woody Beddow, Deacon, on behalf of the Owner, from Section 4.10A to waive the requirement of a site plan for a 336 square foot addition to include new restrooms plus an ADA compliant access ramp. The proposed addition is 86 square feet larger than what is allowed to be built without a site plan.

APPLICANT:	Woody Beddow, Deacon
OWNER :	Allen Sullivan, Trustee, Bakerton Bible Church
DEVELOPER:	N/A
SURVEYOR/ENGINEER:	Jeff Whitacre
PROPERTY LOCATION:	662 Carter Avenue, Harpers Ferry, West Virginia
LEGAL DESCRIPTION & ZONING DISTRICT:	<p style="text-align: center;">Harpers Ferry (04); Map: 3; Parcel: 57; Size: 1.28 ac Zoning Map Designation: Village (V)</p> 
SURROUNDING PROPERTIES:	<p style="text-align: center;">Zoning Map Designation: <i>North: V & R South: V</i> <i>East: V West: V</i></p>
PRIOR CASES:	None
VARIANCE(S):	09/19/13: BZA approved a request rebuild a nonconforming shed.
APPROVED ACTIVITY:	Church

RELEVANT INFORMATION:

1. Overview of Request

The applicant is seeking a variance in accordance with Section 4.10A to waive the requirement of a site plan for a 336 square foot addition that would include larger restrooms facilities. They also wish to construct an ADA compliant access ramp to accommodate the needs of those in attendance. The ramp does not appear to be included in the 336 square foot calculation. The Subdivision and Land Development Regulations, in addition to the Improvement Location Permit Ordinance, allows for a 250 square foot non-residential structure to be built without a site plan. The proposed addition is 86 square feet larger than what would currently be permitted without a site plan.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Bakerton Church of God Request (#ZV14-06)

2. Previous Case History

A church is a principal permitted use in the Village zoning district (per the June 2014 amendments). The subject structure is nonconforming due to the fact that the church was built prior to the adoption of subdivision, site plan and zoning standards and does not meet the current parking and landscaping requirements.

3. Applicant's Justification of Request

In the attached application submitted for the variance request, the applicant provided a response to the following four criteria for a variance:

- a) *Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.*
- b) *Arises 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.*
- c) *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*
- d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

Section 4.10 of the Zoning Ordinance requires site plan submittal for “all new commercial, townhouse and multi-family residential, industrial, and institutional land uses.” The primary purpose of a site plan in Jefferson County is to ensure that adequate stormwater management is planned and that adequate parking, landscaping, and accessibility improvements are proposed.

b. Unique characteristics of property

The subject parcel abuts a residential property that shares its access drive. As part of the building permit approval process, the access easement located toward the front of the Church will be reviewed to ensure the appropriate setbacks are enforced.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Bakerton Church of God Request (#ZV14-06)

c. Character of area

The property is located in the village of Bakerton and is zoned Village, which is characterized by smaller lots and an existing development pattern. The majority of the lots within a ½ mile radius of the subject parcel are between 8,000 square feet – 1 acre; well and septic sites may be a determining factor in the location of said structures.

d. Impact on adjacent properties

The addition of restroom facilities and an ADA ramp is unlikely to increase attendance nor does the proposed addition increase service area; therefore, the request does not appear to impact the adjacent property owners. Note: Health Department approval for the installation of two additional bathroom facilities will be addressed by the Building Permit Department.



e. Feasibility of complying with the ordinance by other means

While it may be feasible to comply with the Ordinance, it would not appear to be beneficial given the minimal impact of the request. Provided the Applicant applies for all the necessary Health Department and Building permits it appears that this request is in the public's interest to pursue.

5. Conditions of Approval

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

- a. This Variance applies to the proposed 336 square foot addition for the purposes described only.
- b. The Applicant shall apply for a Zoning Certificate prior to construction and shall conform to all required setbacks.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.10 Site Plan Requirements

- A. A site plan shall be submitted for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.²³



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

File Number: ZV14-06
Staff Initials: CR
Fees Paid (\$100 or \$150): \$ 100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Zoning Variance Request

Variances to 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: Allen K. Sullivan (trustee for Bakerton Church of God/ Bakerton Bible Church)
Mailing Address: 3892 Bakerton Road
City: Harpers Ferry State: WV Zip Code: 25425
Phone Number: 304-876-2103 or 240-415-8950 Email: keeptryst1737@gmail.com

Applicant Information

Name: Woody Beddow (deacon for Bakerton Church of God / Bakerton Bible Church)
Mailing Address: 52 Overhill Lane
City: Harpers Ferry State: WV Zip Code: 25425
Phone Number: 304-268-1258 Email: woody.beddow@frontier.com

Engineer(s) or Surveyor(s) Information

Name: Jeff Whitacre
Mailing Address: PO Box 1374
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304-728-6949 Email: arcspace2@aol.com

Physical Property Details

Physical Address: 662 Carter Ave
City: Harpers Ferry State: WV Zip Code: 25425
Tax District: 04 Harpers Ferry Dist Map No: 3X Parcel No: 00057
Parcel Size: 1.69 Deed Book: 360 Page No: 671

Zoning District (please check one)

RECEIVED

MAY 29 2014

JEFFERSON COUNTY
PLANNING ZONING AND ENGINEERING

	Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential- Light Industrial- Commercial (R-L-C)	Village (V)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of ways, 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 Ordinance pertaining to this request: _____

Briefly describe the nature of the variance request

Building size increase limited to 250 sq feet by ordinance. We are requesting to build 336 sq ft, 86 sq ft beyond the limit, but will be removing 99 sq ft of concrete steps.

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

The increase in size will not affect neighbors - we are building onto the front of the building, well inside the property boundaries. We will be providing ADA ramps and restrooms to better serve the public.

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

The Church is treated as a commercial property, in a village, we are attempting to follow the law, and were under the impression that the footprint increase could be offset by removing impervious material.

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

It will better serve the community as the church will have ADA access. Also the church grounds are used to host a annual picnic known as Bakerton Days. This will allow elderly easier access to facilities.

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

The Zoning Ordinance is intended to protect public interest by guiding safe construction, which will be followed in this project.

By signing this application, I give permission for the Departments 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. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.



Signature of Property Owner

5/29/14

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 Zoning and Land Development Ordinance Section 3.4A(3)(b)).

THURSDAY JUNE 26, 2014 @ 2:00 pm

Date of Public Hearing

WEDNESDAY, JULY 11, 2014

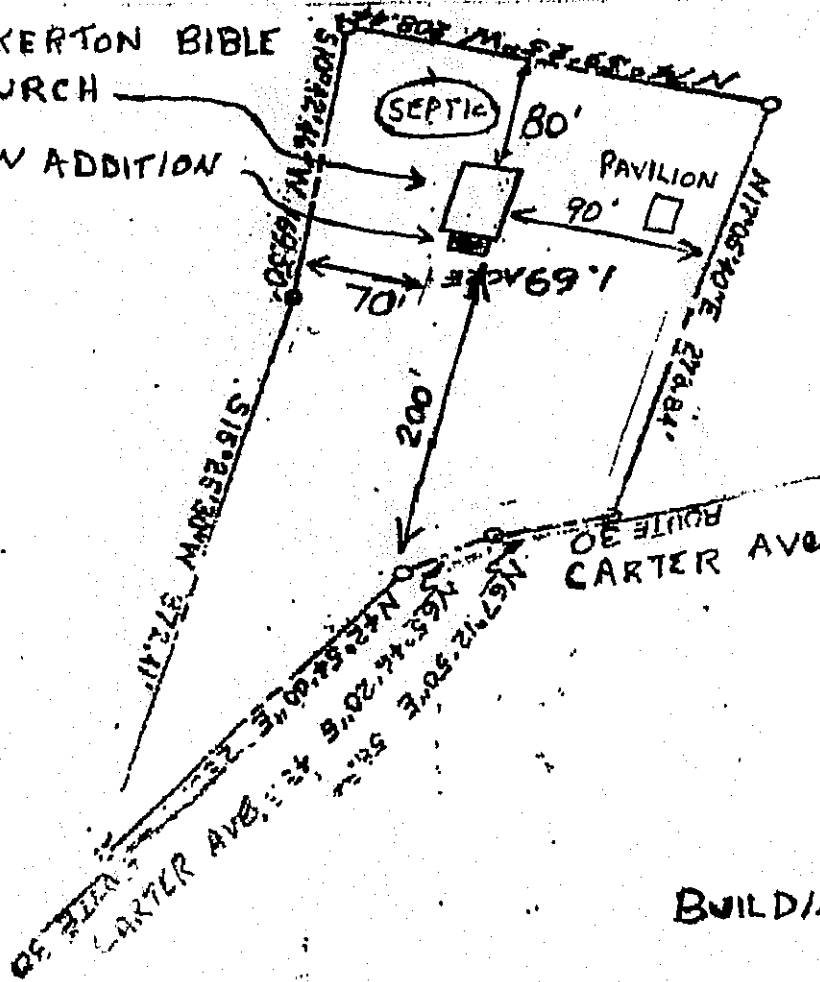
Advertising Date

WEDNESDAY, JULY 11, 2014

Placard Posting Date

BAKERTON BIBLE CHURCH

NEW ADDITION



BUILDING SETBACKS



SEPTIC LOCATION

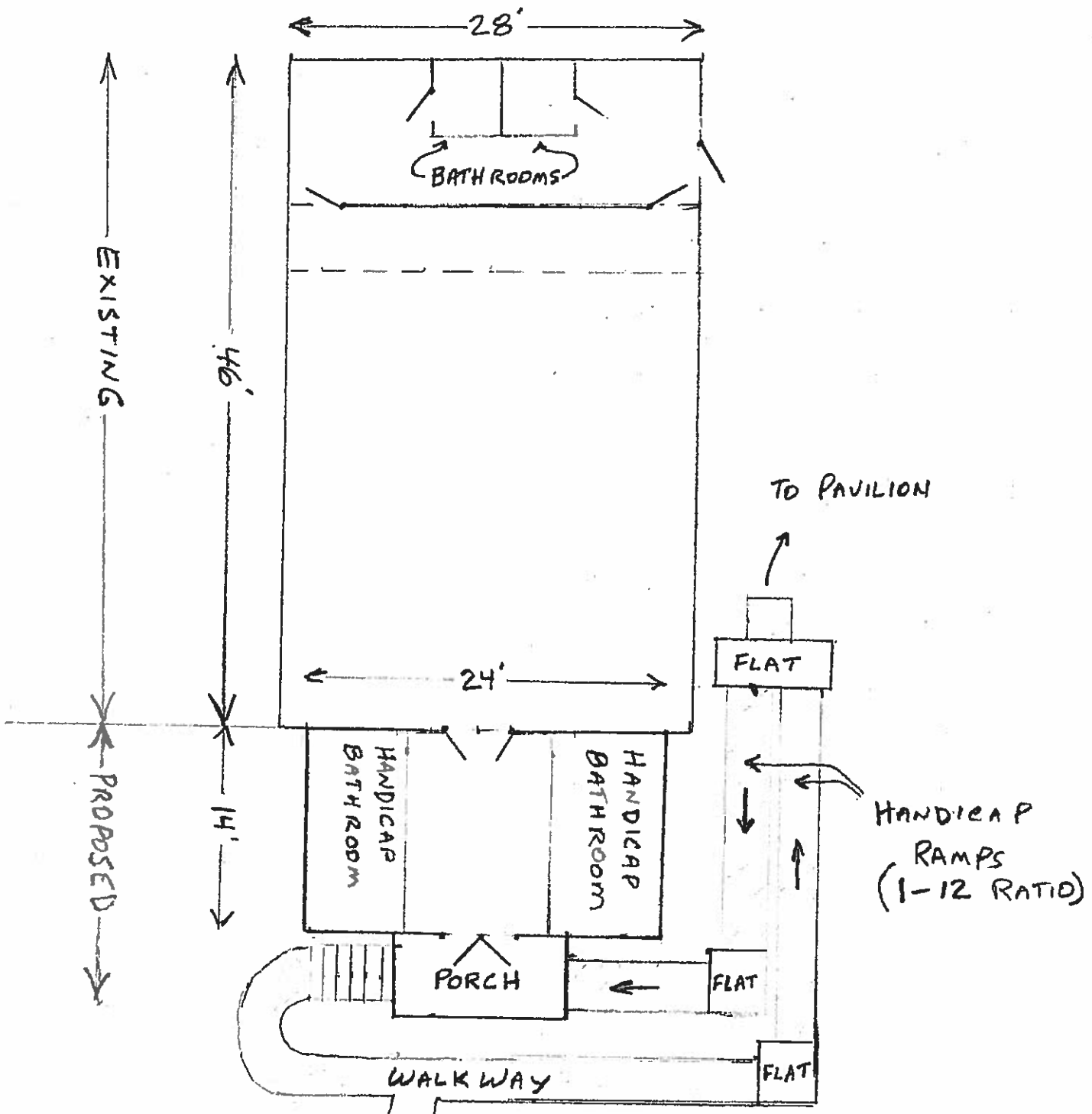
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MAY 29 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

ZK14-06

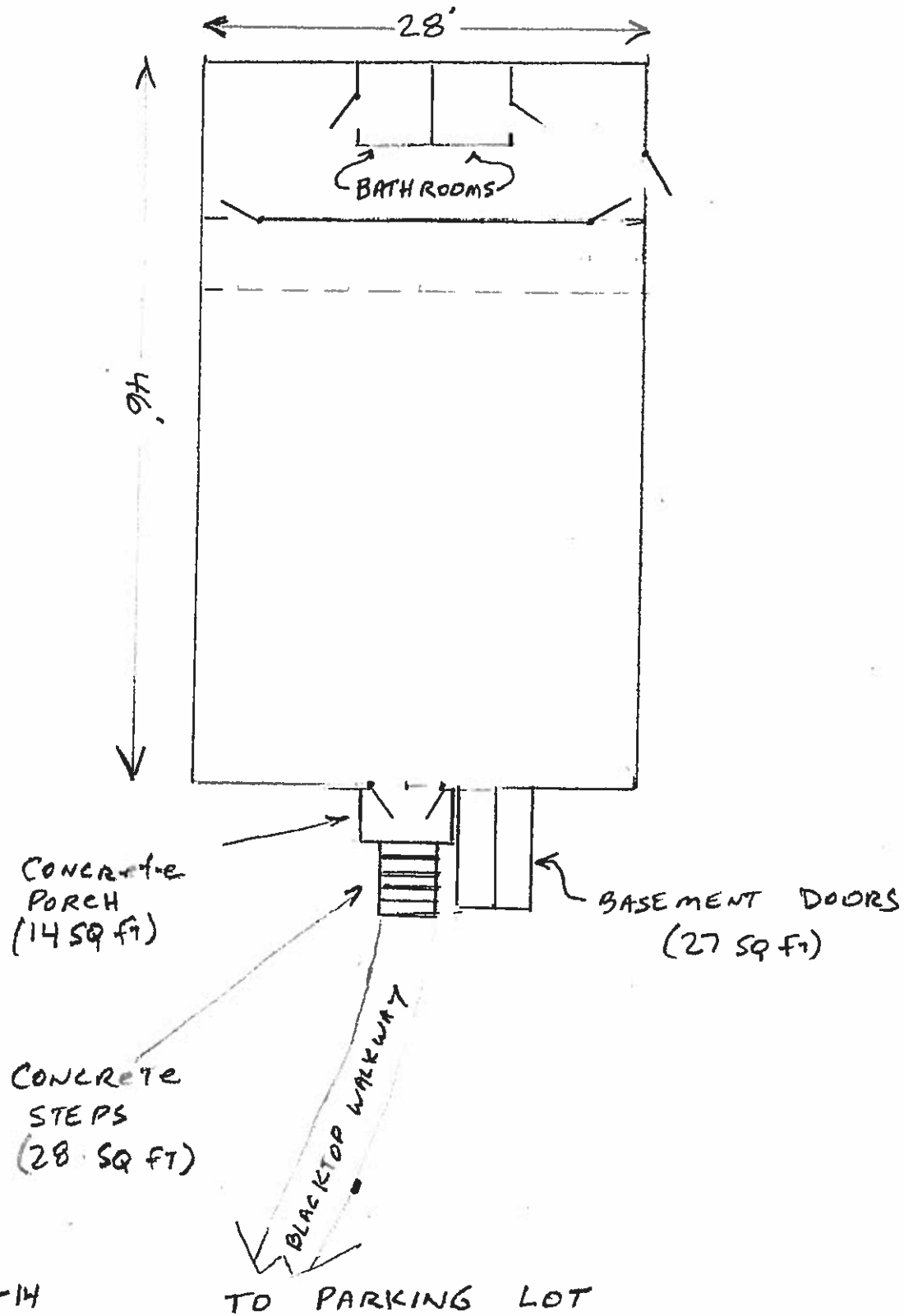
PROPOSED ADDITION TO
 BAKERTON BIBLE CHURCH
 (14' x 24' = 336 SQ FT)



NOTE: PORCH, RAMPS, AND STEPS ARE MADE OF WOOD

6-19-14
 D. R.

EXISTING BAKERTON BIBLE CHURCH



6-19-14

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Fellowship Bible Church Variance Request (#ZV14-07)

The applicant is in the process of preparing the Phase II Concept Plan and Site Plan for the construction of the Phase II which will reflect build out of this phase and ultimately the replacement of the temporary units. The requested variance is to allow the placement of the temporary structures prior to the processing of the Site Plan because the units are available and need to be moved to the property more quickly than a Site Plan can be processed.

In addition, the applicant is seeking to amend the condition of approval for case #ZV12-13. This case, heard by the Board of Zoning Appeals on April 19, 2012, was a request for a variance from Section 4.10 to waive site plan requirements for the installation of one 36' x 60' temporary building. The Board approved the request conditioned upon the following:

Mr. Quynn motioned to approve the variance request by Fellowship Bible Church from Section 4.10 of the Zoning and Land Development Ordinance to allow installation of a 36' x 60' modular classroom without the requirement of site plan and to amend the condition of approval for case #ZV10-18 to extend the expiration date on all the modular classrooms for a period of 2 years from April 19, 2012. Mr. Quynn also added a requirement that all modular buildings have access via an accessible route meeting the standards of the Americans with Disabilities Act. Mr. Quynn stated this approval was based on the fact that the applicant had a previously approved site plan. Mr. Kelly seconded the motion, which carried unanimously.

2. Previous Case History

On September 25, 2001, the Planning Commission approved a limited site plan for the Fellowship Bible Church property, including a 24' x 100' pavilion with restrooms and a kitchen, in addition to 50 parking spaces. Subsequently, on September 27, 2005, the Planning Commission approved a site plan for a 13,900 square foot church complex. This site plan provided adequate parking as well as master planned storm water management for the proposed build out of future phases 2 and 3 that will result in an ultimate impervious area of 13.63 ac or 63%.

On September 16, 2010, the Board of Zoning Appeals, in its approval of case number #ZV10-18 for the first of two (2) modular classrooms, applied a two-year time limit beginning at the date of issuance of the first building permit. This first permit was issued on October 6, 2010. As such, this variance would expire on October 6, 2012. No similar time limit was applied to the approval of case number #ZV11-22 on August 18, 2011, which permitted the Applicant a third modular classroom. On April 19, 2012, the Applicant requested a fourth modular classroom and an extension of time for all of the existing units until April 19, 2014.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Fellowship Bible Church Variance Request (#ZV14-07)

As of June 16, 2014, the Building Permit Department has the following modular classroom sizes on file for Fellowship Bible Church:



Building A: 770 sq. ft.
Building B: 912 sq. ft.
Building C: 912 sq. ft.
Building D: 1,440 sq. ft.*
**Not shown*
Total = 4,034 square feet

3. Applicant's Justification of Request

In the attached application submitted for the variance request the applicant provided a response to the following four criteria for a variance:

- a) *Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.*
- b) *Arises 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.*
- c) *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*
- d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

Section 4.10 of the Zoning Ordinance requires site plan submittal for "all new commercial, townhouse and multi-family residential, industrial, and institutional land uses." The requirement for a site plan does not differentiate between permanent and temporary uses. The primary purpose of a site plan in Jefferson County is to ensure that adequate stormwater management, parking, landscaping, and accessibility improvements are proposed.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Fellowship Bible Church Variance Request (#ZV14-07)

b. Unique characteristics of property

The Stormwater Report that accompanied the 2005 site plan included the following information:

“The project involves the construction of the Fellowship Bible Church consisting of the church building and parking lots...The project site has additional land that can be developed in the future but no additional development is planned at this time...The project site is a 50.64 ac site located by the intersection of Rt 17 and Rt 18...The proposed pond is designed to accommodate the ultimate condition of the site development including future phases 2 and 3 that result in an ultimate impervious area of 13.63 ac or 63% imp[ervious].”

The approved 2005 site plan notes that there are 70 required parking spaces for a 350 seat sanctuary. The church has provided 155 parking spaces with appropriate landscaping on the 2005 site plan. The proposed use of the modular classrooms does not increase the size of the sanctuary and therefore does not impact the required parking.

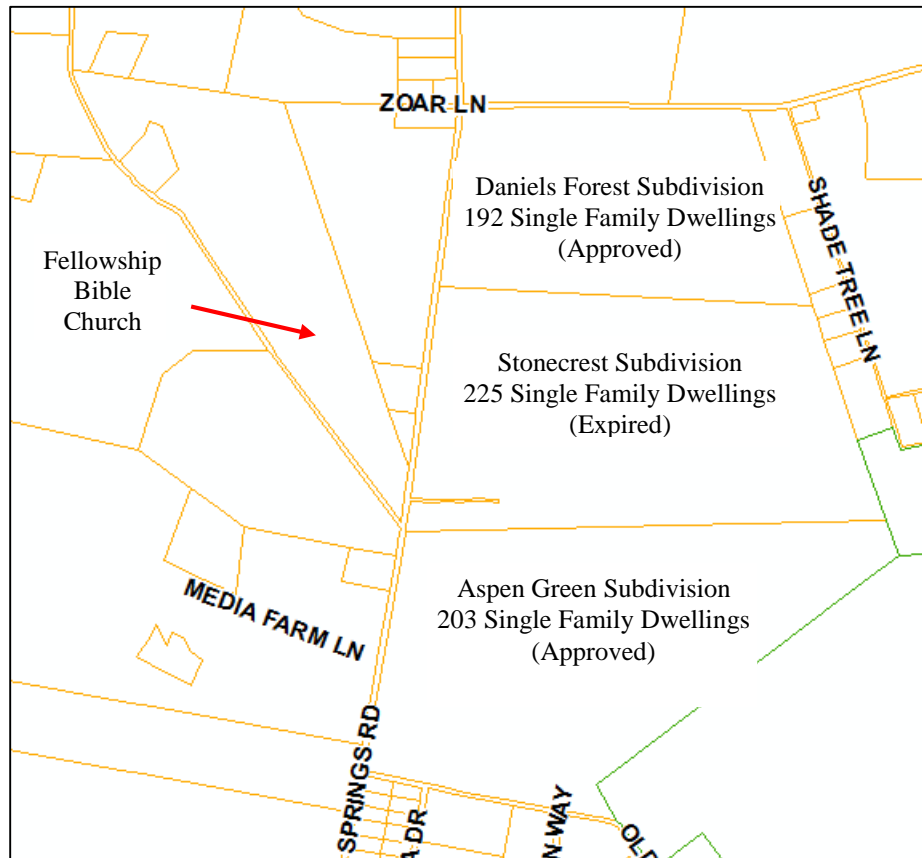


Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Fellowship Bible Church Variance Request (#ZV14-07)

c. Character of area

The church is located on a 50 acre site in a fairly rural area; however, there are two major approved subdivisions currently in various phases of development across Flowing Spring Road (see below). There are a limited number of large lot residential properties neighboring the church property. Daniel Road leads to the Jefferson County Board of Education’s existing bus garage and eventually, elementary, middle and high school properties.



d. Impact on adjacent properties

The proposed location of the four additional temporary modular units is essentially “behind” the sanctuary structure as viewed from Flowing Springs Road and is fairly well screened. The units will be visible from Daniel Road; however, to date the church has worked to locate the temporary units in such a manner as to minimize any negative visual impacts. The properties to the north are buffered by existing vegetation. Adequate parking, landscaping and storm water management areas are sufficient to meet the requirements of local ordinances based on the square footage of all existing and proposed structures.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Fellowship Bible Church Variance Request (#ZV14-07)

e. Feasibility of complying with the ordinance by other means

The combined square footage of the existing modular classrooms and the proposed classrooms, not including the associated decking, is 9,794 square feet. This is approximately 70% of the original Church sanctuary, which is 13,900 square feet. Individually, each modular could possibly have been added to the original site plan as a red line revision. The submission of Phase II, which the Applicant states will include, “a new building pad, the existing modular classrooms and any additional modular classrooms”, will require the processing of a Concept Plan, thus providing for public notice and the opportunity to comment on the Plan, as well as a Site Plan. A redline revision would not have allowed for public notification and comment.

5. Conditions of Approval

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

- a. The variance request is limited to no more than four modular classrooms.
- b. The total square footage of the modular classrooms installed as part of this request shall not exceed 5,760 square feet.
- c. The modular classrooms shall be located as depicted on the sketch submitted with the variance application, dated May 30, 2014. Should it be necessary to vary the location slightly due to unforeseen site conditions, the Zoning Administrator may approve the change administratively. The modular classrooms shall not extend beyond the parking lot either towards Daniel Road (west) or towards Parcel 9.1 (east).
- d. All modular buildings have access via an accessible route meeting the standards of the Americans with Disabilities Act.
- e. The proposed modular classrooms, including the existing units and all accessory decking, shall be removed from the site one year from the date of this BZA meeting or shall be included on an approved site plan.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.10 Site Plan Requirements

- A. A site plan shall be submitted for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.²³



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

File Number: ZV14-07
Staff Initials: GC
Fees Paid (\$100 or \$150): \$ 100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Zoning Variance Request

Variances to 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: FELLOWSHIP BIBLE CHURCH
Mailing Address: 160 DANIEL ROAD
City: SHENANDOAH JUNCTION State: WV Zip Code: 25442
Phone Number: 304-728-3700 Email: fberich@fellowshipwv.org

Applicant Information

Name: SAME AS ABOVE
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Email: _____

Engineer(s) or Surveyor(s) Information

Name: N/A
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 160 DANIEL ROAD
City: SHENANDOAH JUNCTION State: WV Zip Code: 25442
Tax District: CHARLES TOWN Map No: 3 Parcel No: 4.5
Parcel Size: 50 ACRES Deed Book: 992 Page No: 338

Zoning District (please check one)

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

	Residential	Industrial	Residential-	
	Growth	Commerical	Light Industrial-	
	(R-A)	(I-C)	Commercial	Village
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(R-L-C)	(V)
		<input type="checkbox"/>		<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 ways, 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 Ordinance pertaining to this request: SECTION 4.10 OF THE ZONING ORDINANCE

Briefly describe the nature of the variance request

- SEPARATE SHEET (PAGE 1)

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

- SEPARATE SHEET (PAGE 2, #1)

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?

- SEPARATE SHEET (PAGE 2, #2)

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

- SEPARATE SHEET (PAGE 2, #3)

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

- SEPARATE SHEET (PAGE 2, #4)

By signing this application, I give permission for the Departments 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. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.

Kyle J. Bell 5/29/14
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

THURSDAY, JUNE 26, 2014 @ 2:00 PM
Date of Public Hearing

WEDNESDAY, JUNE 11, 2014
Advertising Date

WEDNESDAY, JUNE 11, 2014
Placard Posting Date

ZV14-07

Fellowship Bible Church
Brief description of variance request
Page 1

Fellowship Bible Church (FBC) is continuing to progress toward a Phase II building project. FBC has contracted the services of Carl Bert and Associates from Shippensburg, PA to prepare a site plan which will include the Phase II building pad and the existing four modular classrooms. The congregation continues to grow and classroom space continues to be an issue especially with children's ministries. Jefferson County Schools (JCS) is planning to surplus modular classrooms at the end of the 2013-2014 school year. JCS has agreed to give FBC four of these surplus modular classrooms. JCS needs these modular classrooms removed as soon as the 2013-2014 school year ends in June to allow the continuation of JCS building projects. FBC is requesting a variance to the ordinance for a site plan to install four additional modular classrooms from JCS and to extend the current variance for the existing modular classrooms until the site plan is completed later this year.

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

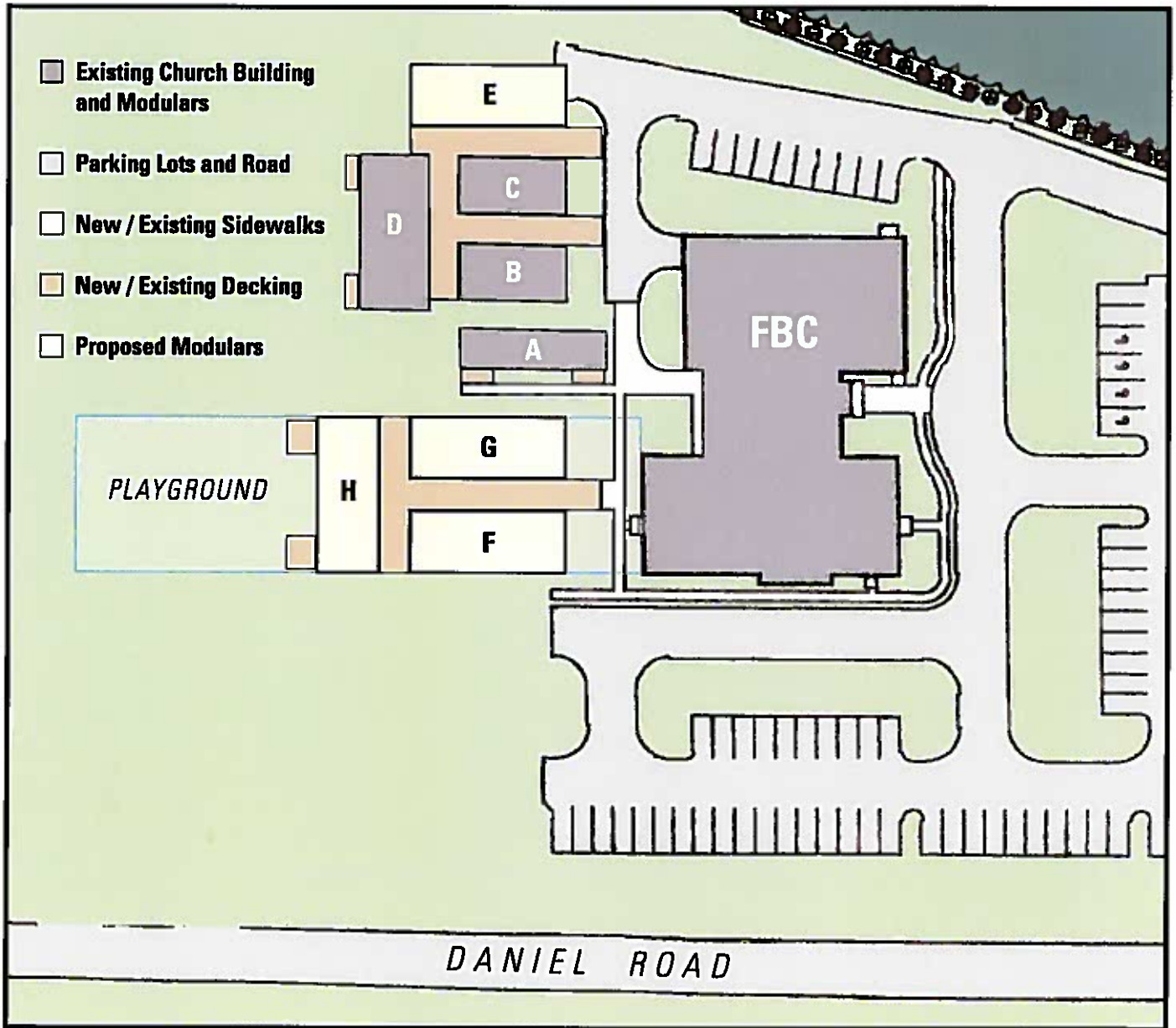
ZV14-07

Fellowship Bible Church
Variance Request
Page 2

1. This variance will not adversely affect public health, safety or welfare, or the rights of adjacent property owners or residents. Storm water management is in place for phase II expansion and screen trees were planted during original construction to shield adjacent property.
2. This variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance. Our classroom space in the Phase I building was limited by design with the intent of adding additional classrooms with Phase II. This Phase I design allowed FBC to construct and move into a multipurpose building within a limited budget. Therefore, giving time to grow finances until Phase II construction could begin. FBC has begun the planning stages of Phase II and has contracted the services of Carl Bert and Associates to develop a site plan to be completed later this year. This site plan will include the Phase II building pad, the existing modular classrooms, and any additional modular classrooms.
3. The variance would eliminate an unnecessary hardship and permit a reasonable use of the land. FBC has four modular classrooms in use at this time and has need for additional modular classrooms. The use of these additional classrooms will greatly enhance children's ministries and will create a dedicated, and more secure children's education area.
4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done. The original ordinance was not intended to prevent a church from installing a temporary modular classroom.

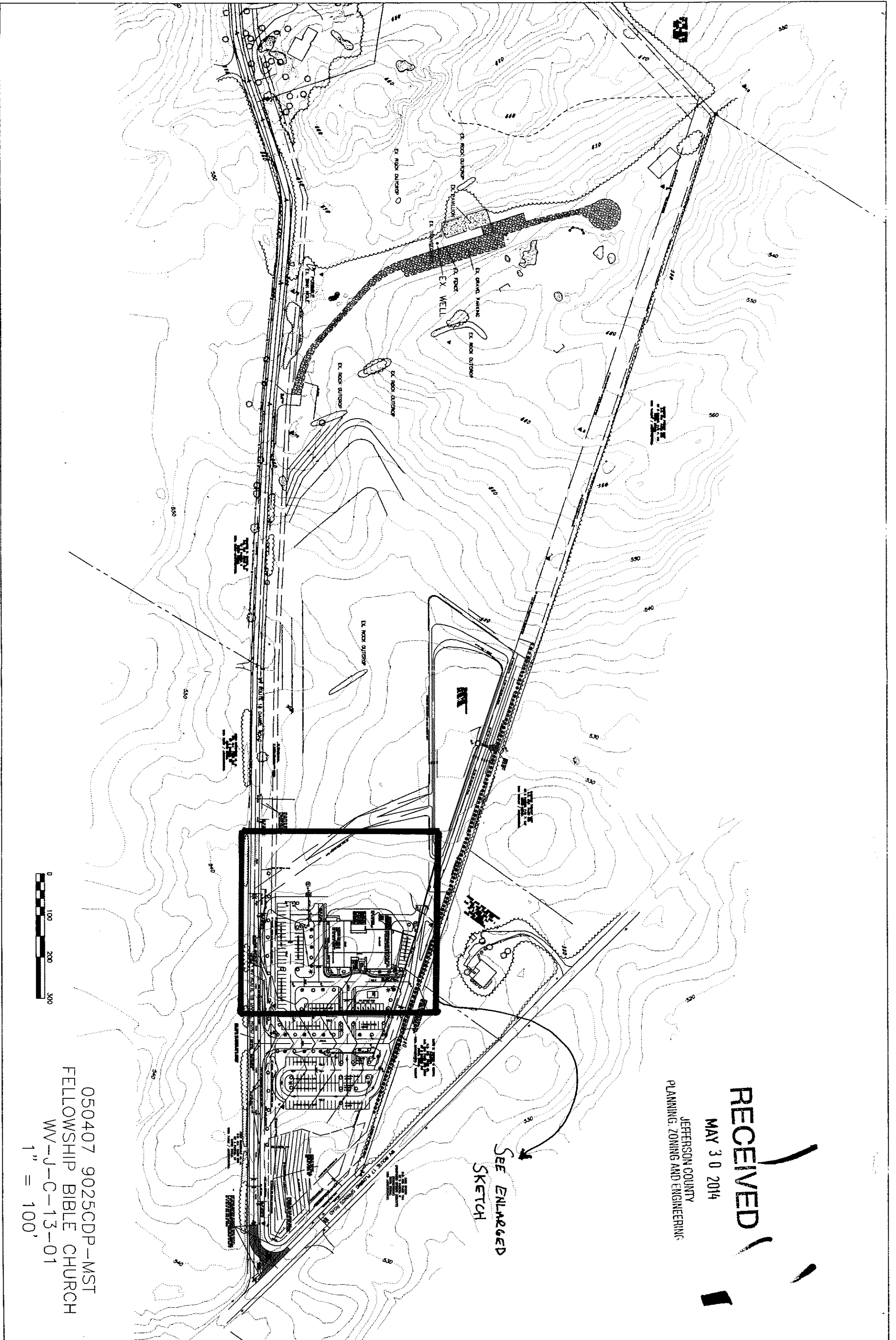
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JEFFERSON COUNTY
PLANNING ZONING AND ENGINEERING

ZV14-07



ALL PROPOSED MODULAR ~~DATA~~ SIZES ARE 24'x60'

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING



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 MAY 3 0 2014
 JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING

SEE ENLARGED SKETCH

050407 9025CDP-MST
 FELLOWSHIP BIBLE CHURCH
 WV-J-C-13-01
 1" = 100'

ZV14-07

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Jose Manzo Variance Request (#ZV14-08 & #ZV14-09)

RELEVANT INFORMATION:

1. Overview of Request

The applicant has constructed a 7 foot high fence around the perimeter of his property and a 256 square foot shed/small barn five (5) feet from the side and front property lines. Because the shed is intended to house animals, it is required to meet the requirements of Section 8.2 and 5.7B.5 which require a minimum of 75' setback from a residential district, a lot with a residential use, a church, a school, or an institution for human care. Additionally, Section 9.5B requires all fences and walls over six (6) feet in height meet to building lines and yard requirements and Section 9.6C prohibits accessory buildings (which includes a fence over 6 feet) from being erected within the required front yard. Therefore a variance from the sections noted above is required for both the shed and the fence.

2. Previous Case History

The final plat for the Daniel Duncan Minor Subdivision, Lots C-1, C-2 and C-3-Residue was approved by the Planning Commission on January 16, 1999 and was recorded in the Courthouse on February 2, 1999.

3. Applicant's Justification of Request

In the attached application submitted for the variance request the applicant provided a response to the following four criteria for a variance:

- a) *Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.*
- b) *Arises 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.*
- c) *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*
- d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

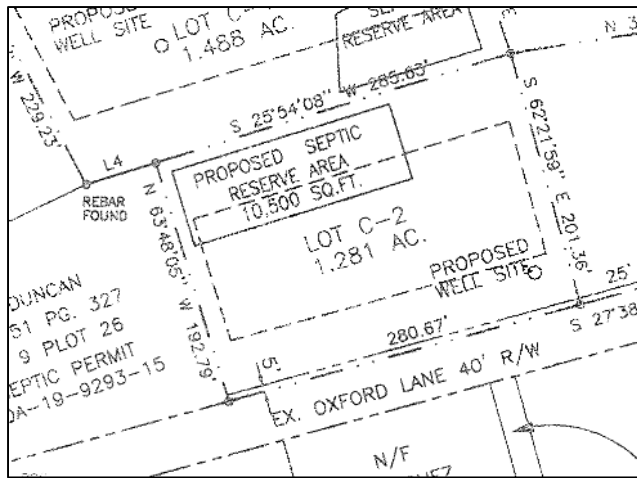
The purpose of side and rear yard setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements. Shorter setbacks are typically permitted for accessory structures under 150 square feet; however, this structure is 256 square feet.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Jose Manzo Variance Request (#ZV14-08 & #ZV14-09)

b. Unique characteristics of property

The parcel's septic reserve area is located to the rear left of the home, impacting the ability of the applicant to fence the property with a 7' fence and meet required setbacks. Additionally, the majority of the parcel is encumbered by a number of trees that could potentially limit the locations that the shed/small barn could be placed on the property.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Jose Manzo Variance Request (#ZV14-08 & #ZV14-09)

c. Character of area

The subject parcel is located on a lot in a minor subdivision, Daniel Duncan Minor Subdivision, which was further subdivided from a larger parcel within the Avon Bend Subdivision. Because Avon Bend was record prior to the adoption of the subdivision and zoning regulations, the setbacks for most of the lots within Avon Bend are 25' (front), 12' (side) and 12' (rear). Although the parcel is of average size compared to those in the community, it has greater setbacks because it was created the under the 1999 version of the Zoning Ordinance. As seen from this aerial, many of the lots in this section of Avon Bend have lots free from shrubs and trees which would allow them to accommodate accessory structures without clearing their property or requesting a variance. Comparatively, this parcel is heavily wooded and appears to have a minimal amount of area to erect an accessory structure without removing trees.



d. Impact on adjacent properties

Lot C-3, to the north of the subject parcel, is over 5 acres and is densely wooded and does not contain a residence; although, has the potential to do so. The fence may negatively impact the neighbors due to its close proximity to the property line thus creating potential maintenance issues in the future; however, it should be noted that a 6 foot fence is permitted to be located on the property line.

e. Feasibility of complying with the ordinance by other means

There is approximately 962 linear feet of fencing around the perimeter of the property, which has already been erected. The applicant states that there had been a previous fence in this same location and that they rebuilt the fence using new materials. The Applicant has pointed out that relocating the fence would be an expensive process.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Jose Manzo Variance Request (#ZV14-08 & #ZV14-09)

Without the variance, the applicant could do one of the following related to the fencing:

- 1) Obtain a building permit to relocate the entire fence to comply with the existing site setbacks of 40' (front), 15' (side) and 50' (rear). Note, the fence would not be permitted within 10' of the septic reserve area; OR
- 2) Build up/backfill the ground on the outside of the fence (off the property) so that the no more than 6' of the fence is visible; OR
- 3) Remove 1' of fencing from the top of the fence.

Without the variance, the applicant could do one of the following related to the shed/small barn:

- 1) Obtain a building permit to relocate the shed/small barn applicant to comply with the required setbacks of 75 feet from the front, side and rear (due to the fact that is intended to house livestock or animals) Note, the shed/small barn would not be permitted within 10' of the septic reserve area.
- 2) Change the use of the structure so that it is not intended to house or feed animals and then obtain a building permit to relocate the shed/small barn applicant to comply with the required setbacks of 40' (front), 15' (side) and 50' (rear).
 - o Section 9.6B states, "In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two." Utilizing this provision, the Applicant could relocate the structure as close as 16' to the rear of the property in order to preserve useable property; however, the structure may not be used to house or feed animals.

5. Conditions of Approval

Each variance request requires separate action. Should the Board choose to approve this request, possible conditions of approval include the following, broken into the two separate variances.

The following suggested conditions would apply to ZV14-08 (7' fence):

- a. The variance request #ZV14-08 is limited a 7' tall fence only. At no time shall any other structure be located adjacent to the fence. The fence shall be properly maintained and any repair or replacement of boards/building materials shall be promptly addressed. In requiring this condition, the Board is not authorizing or granting the Applicant permission to traverse an adjacent property owner's property without their expressed consent.
- b. The Applicant shall apply for and adhere to all applicable building code requirements pertaining to a 7' tall fence. Approval of this zoning variance does not waive any possible building code requirements regarding distances from property lines.
- c. The Applicant shall apply for a building permit within 45 days from the date of approval of this variance request.

The following suggested conditions would apply to ZV14-09 (16' x 16' shed/barn):

- a. The variance request #ZV14-09 is limited to one 16' x 16' shed/barn only, as depicted on the sketch submitted on May 30, 2014.
- b. At no time shall a business be conducted from this structure unless otherwise approved by the Zoning Administrator.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 26, 2014

Jose Manzo Variance Request (#ZV14-08 & #ZV14-09)

- c. The Applicant shall apply for and adhere to all applicable building code requirements pertaining to a 16' x 16' shed/barn. Approval of this zoning variance does not waive any possible building code requirements regarding distances from property lines.
- d. The Applicant shall apply for a building permit within 45 days from the date of approval of this variance request.

SECTION OF ORDINANCE TO BE CONSIDERED:

5.7 Rural District

B. Minimum Lot Area, Lot Width and Yard Requirements²³

- 1. Minimum lot sizes, lot width, and yard requirements for principal permitted uses are shown in Table 5.7-1.
- 2. For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.⁵

Table 5.7-1 – Lot Area, Width, and Yard Requirements for Principal Permitted Uses in the Rural District

Land Use	Lot Area	Lot Width	Front Yard Depth	Side Yard Depth	Rear Yard Depth
Dwellings	40,000 sq. ft.	100	40	15	50

- 5. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6A.23

Section 8.2 Barns and Feeding Pens²³

Barns and feeding pens must be set back a minimum of 75' from a residential district, a lot with a residential use, a church, a school, or an institution for human care.

Section 9.5 Projections Into Yards⁸

- B. Fences and walls over six (6) feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six (6) feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.

Section 9.6 Accessory Structures

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

- C. No accessory building shall be erected within the required front yard.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Number: # ZV14-08

Staff Initials: C/C

Fees Paid (\$100 or \$150): \$ TOTAL

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html #250.00

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Variance Request

Variances to 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: Jose A. Manzo
Mailing Address: 83 Hyde Park Lane
City: Charles Town State: WV Zip Code: 25414
Phone Number: (240) 694-7705 Email: j.m.electricservice@hotmail.com

Applicant Information

Name: Jose A. Manzo
Mailing Address: 83 Hyde Park Lane
City: Charles Town State: WV Zip Code: 25414
Phone Number: (240) 694-7705 Email:

Engineer(s) or Surveyor(s) Information

Name:
Mailing Address:
City: State: Zip Code:
Phone Number: Email:

Physical Property Details

Physical Address: 83 Hyde Park Lane
City: Charles Town State: WV Zip Code: 25414
Tax District: Kabletown (06) Map No: 9 Parcel No: 27.2
Parcel Size: 1.28 acres Deed Book: 962 Page No: 71

Zoning District (please check one)

1117-gH 394-gH
Rural (R-A) Residential Growth (R-G) Industrial Commerical (I-C) Residential-Light Industrial-Commercial (R-L-C) Village (V)
[X] [] [] [] []

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MAY 30 2014

JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of ways, 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 Ordinance pertaining to this request: Sec. 8.2 and Sec. 9.6C

Briefly describe the nature of the variance request

I'M requesting a variance from the front setback of a shed/small Barn.

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

The Shed/barn is within my property and will be used to keep my tools, equipment, materials, farm materials organized, tidy and neat. This will assure the safety of everyone as everything will be kept safely in the shed!

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

The property did not come with a shed/barn, but I needed a shed to store away my tools and equipment as I own an electric company and need to store away tools, materials and equipment as well as home equipments.

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

The location where I built the shed/barn is where the land is more flat and the other parts of my back yard has small ~~hills~~ steep hills, not as flat.

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

By allowing me to be able to store my belongings in a organized fashion way.

By signing this application, I give permission for the Departments 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. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.

JOSE ALFREDO MARTIN 5/30/14
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

Date of Public Hearing

Advertising Date

Placard Posting Date



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

File Number: # ZV14-09

Staff Initials: C/C

Fees Paid (\$100 or \$150): \$ TOTAL

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html # 250.00

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Zoning Variance Request

Variences to 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: Jose A. Manzo
Mailing Address: 83 Hyde Park Lane
City: Charles Town State: WV Zip Code: 25414
Phone Number: (240) 694-7705 Email: j.m.electricservice@hotmail.com

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Name: Jose A. Manzo
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Engineer(s) or Surveyor(s) Information

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Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 83 Hyde Park Lane
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Tax District: Kabletown (06) Map No: 9 Parcel No: 27.2
Parcel Size: 1.28 acres Deed Book: 962 Page No: 71

Zoning District (please check one)

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MAY 30 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential- Light Industrial- Commercial (R-L-C)	Village (V)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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 ways, 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 Ordinance pertaining to this request: Sec. 5.7B.1 and Sec. 9.6C

Briefly describe the nature of the variance request

I put up a fence that extends around the perimeter of my property and I'm requesting a variance from all of the setback requirements (40', 15' and 50').

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

I don't see any harm that can cause the owners or residents in the neighborhood by wanting to have a little privacy. The fence is at a good distance from my surrounding neighbors + I've had no complaints.

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 was an old, teared down fence already ^{around the perimeter} on the property line and I just replaced it with a new wooden fence with a decorative top. (Please see the attached sketch of my property).

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

First of all, it will be expensive to remove the fence. Secondly I have 2 big dogs that I keep in my back yard that need space to run around freely. Lastly the fence divides from the property line to my neighbors property.

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

The fence doesn't seem to bother anyone or anything, it's only for my own privacy and for my dogs to run freely in my property.

By signing this application, I give permission for the Departments 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. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.

JOSE ALFREDO RAMOS 5/30/14
Signature of Property Owner Date

Signature of Property Owner Date

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Date of Public Hearing

Advertising Date

Placard Posting Date

RECEIVED

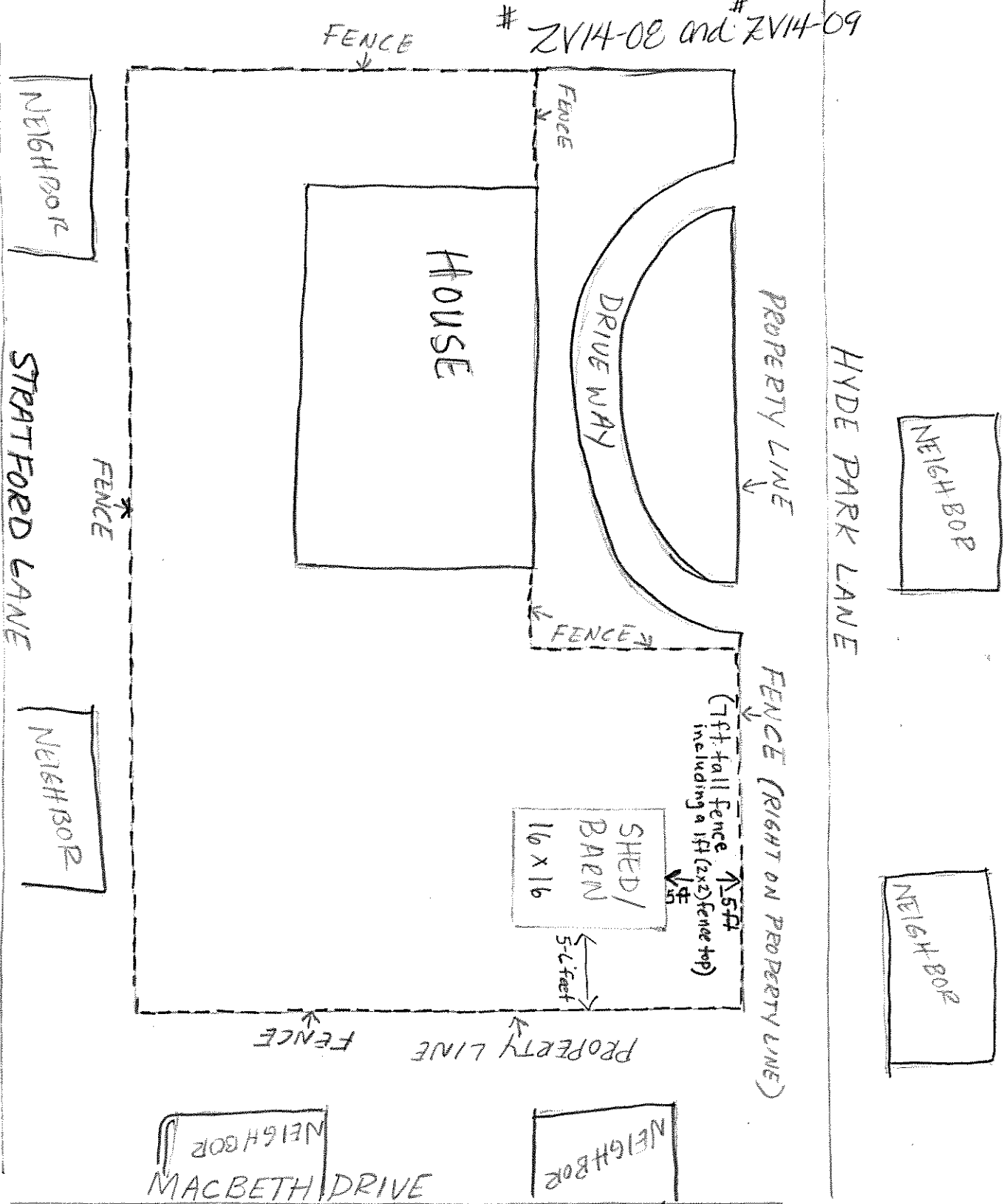
MAY 30 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

5/30/14

~~JOSE ALFREDO MUÑOZ~~

ZV14-08 and # ZV14-09

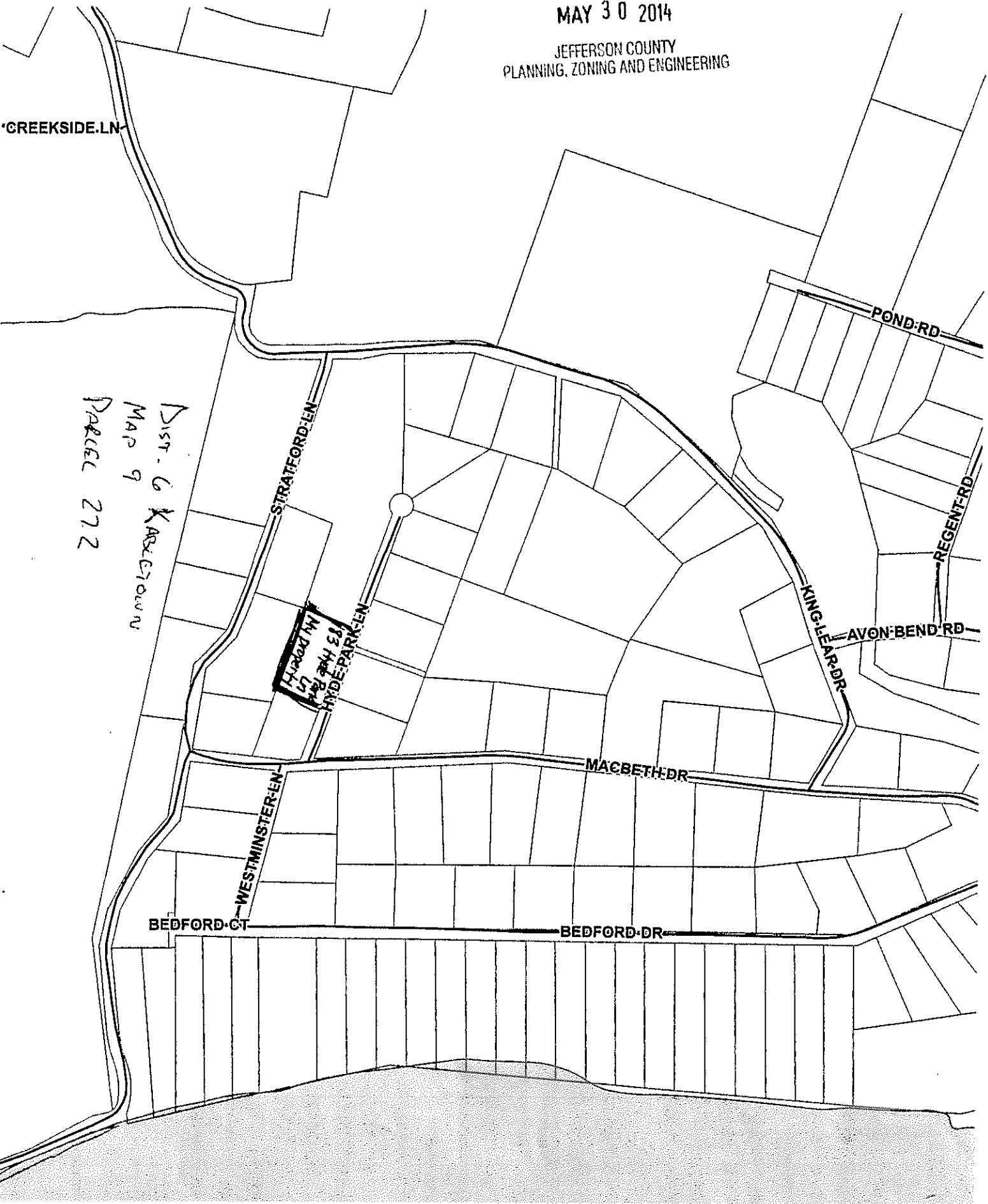


ZV14-08 and
ZV14-09

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MAY 30 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING



DIST. 6 KANSAS TOWN
MAP 9
PARCEL 272

DRAFT

RULES OF PROCEDURE OF THE JEFFERSON COUNTY BOARD OF ZONING APPEALS

WHEREAS, W.Va. Code § 8A-8-1, et seq., provides for the establishment and powers of a Board of Zoning Appeals, and

WHEREAS, the Jefferson County Board of Zoning Appeals is duly authorized, pursuant to W.Va. Code § 8A-8-9, to adopt rules of procedure to carry out its obligations pursuant to the Jefferson County Zoning and Development Review Ordinance and West Virginia law, and

WHEREAS, the Jefferson County Board of Zoning Appeals wishes to establish certain rules and regulations to effectuate its purpose and provide consistency for its proceedings,

NOW, THEREFORE, the Jefferson County Board of Zoning Appeals hereby adopts these Rules of Procedure which shall be applicable to all proceedings of the Board.

Article I – General

Section 1.1 – Definitions

As used throughout these Rules of Procedure, the following terms shall be defined as follows:

Administrative official – refers to any member of staff, including but not limited to the zoning administrator, who has made a decision or determination of an issue relating to the zoning ordinance.

Appellant – refers to any party which has filed a timely appeal with the Board.

Board – refers to the Jefferson County Board of Zoning Appeals.

County Commission – refers to the County Commission of Jefferson County.

Item – refers to any matter before the Board for consideration or discussion, and shall be construed broadly.

Member – refers to a member of the Board.

Ordinance – refers to the Jefferson County Zoning and Land Development Ordinance.

Respondent – the Zoning Administrator when a timely appeal is filed allegedly error with respect to a formal zoning decision or zoning determination and the owner of the property subject to an appeal by a third party.

Staff – refers to the Department of Zoning and its employees.

Section 1.2 – Authority

These Rules of Procedure and its provisions are authorized by W.Va. Code § 8A-8-9, which empowers the Board, among other things, to adopt rules and regulations concerning the filing of appeals, applications for variances and conditional uses, the giving of notice, and the conduct of hearings.

Section 1.3 – Severability

The invalidation of any provision or section of these Rules of Procedure shall not invalidate any other provision of section of these Rules of Procedure.

Section 1.4 – Amendments

These Rules of Procedure may be amended at any regular meeting of the Board by a majority vote of the Board, and shall take effect immediately or at a date certain determined by the Board.

Article II – Organization

Section 2.1 – Membership

Pursuant to W.Va. Code § 8A-8-4, the Board shall be comprised of five (5) members appointed by the County Commission. Membership on the Board shall be in compliance with all the requirements of W.Va. Code § 8A-8-4.

Section 2.2 – Term of Office

Upon appointment to the Board, a member shall serve a term of three (3) years pursuant to W.Va. Code § 8A-8-4(d). If a vacancy occurs, the County Commission shall appoint a member for the unexpired term.

Section 2.3 – Powers and Duties

In addition to the powers and duties provided in these Rules of Procedure, the Board and its members shall have such other powers and duties as provided by ordinance and/or law, including but not limited to W.Va. Code § 8A-8-9.

Article III – Officers

Section 3.1 – Elections

At its first regular meeting each year, the Board shall elect from its members a Chairperson and Vice Chairperson.

Section 3.2 – Chairperson

The Chairperson shall serve a term of one (1) year, and shall preside at all public hearings held by the Board. The Chairperson may call special meetings of the Board as necessary, and is empowered to certify by signature or otherwise any official and valid action of the Board. The Chairperson shall also perform such duties and functions as may from time to time be required by the Board.

Section 3.3 – Vice Chairperson

During any absence of the Chairperson, the Vice Chairperson shall assume the duties and functions of Chairperson. The Vice Chairperson shall also perform such duties and functions as may from time to time be required by the Board.

Section 3.4 – Absence of Chairperson and Vice Chairperson

In the absence of both the Chairperson and Vice Chairperson, any present member may call to order a regular or special meeting of the Board, which shall thereupon immediately empower one or more of its present members to fulfill the duties and functions of Chairperson and/or Vice Chairperson during said absence.

Section 3.5 – Replacing Officers

In the event of the death, resignation, or removal of an officer of the Board, the Board shall thereupon elect one of its members to complete the unexpired term. A four-fifths majority of the total membership of the Board may, at any regular meeting, remove the Chairperson and/or the Vice Chairperson from office, provided that a new election to fill the remaining term(s) of office is immediately held.

Section 3.6 – Alternate Members

Pursuant to W.Va. § Code 8A-8-4(e), the County Commission may appoint up to three (3) additional members to serve as alternate members of the Board. The term for an alternate member is three (3) years. An alternate member shall serve on the Board when one of its regular members is unable to serve, and in such instance shall have all powers and duties of a regular member. The alternate member shall serve until a final determination is made in the matter to which the alternate member was initially called on to serve. Alternate members shall be entitled to be present at all Board meetings and deliberations.

Article IV – Meetings

Section 4.1 – Regular Meetings

The Board shall hold regular meetings on the fourth (4th) Thursday of each month at 2:00 p.m. in the ground floor meeting room of the Old Charles Town Library, at 200 East Washington Street, Charles Town, West Virginia. Prior notice shall be provided in the event that any regular meeting is held at a different location or at a different time. A regular meeting may be postponed, cancelled or rescheduled for appropriate reasons such as inclement weather or conflict with a holiday, and in such case prior notice of said postponement or cancellation shall be provided if possible.

Section 4.2 – Special Meetings

A special meeting may be called by the Chairperson or by two or more members of the Board, with said meeting to be held on a different day and/or a different time than regular meetings. Pursuant to W.Va. Code § 8A-8-5, notice for all special meetings shall be in writing, include the date, time and place of the special meeting, and be sent to all members at least two days before the special meeting. Written notice of a special meeting is not required if the date, time and place of the special meeting were set in a regular meeting. A special meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided to the public and members if possible.

Section 4.3 – Recording of Meetings

All meetings of the Board shall be recorded, and such recordings shall be maintained and made available, upon request and in accordance with the procedures of the Board and/or its staff, to the public. Recordings shall be maintained by staff for a minimum of five years.

Section 4.4 – Quorum and Majority Vote

In order to conduct a regular or special meeting, a quorum of members must be present. A majority of members of the Board shall constitute a quorum. Once the requirement for a quorum has been met, no action of the Board shall be official or valid unless authorized by a majority of members making up said quorum at a regular or special meeting.

Section 4.5 – Agendas

An agenda shall be made available prior to the start of all regular and special meetings. Items shall be listed on the agenda in such a manner as to sufficiently identify the substance of the item and allow for a vote on the item by the Board if necessary. The Board may deviate from the order of an agenda if necessary.

Section 4.6 – Executive Sessions

The Board may hold an executive session, closed to the public, during any meeting to consider matters permissible in executive sessions pursuant to W.Va. Code § 6-9A-4, including, but not limited to, deliberations toward a decision on an appeal or other item, privileged discussions with legal counsel, and personnel matters.

Section 4.7 – Procedures for Conducting Meetings

In the absence of state law or of other procedures of the Board, Roberts Rules of Order, current edition, shall be the parliamentary authority of meetings of the Board.

Section 4.8 – Open Governmental Proceedings

All meetings and actions of the Board shall comply with the requirements of West Virginia's open meetings laws, codified at W.Va. Code § 6-9A-1, et seq.

Article V – Consideration of Items

Section 5.1 – Voting

A member must be physically present at a meeting to vote on any item considered at said meeting. Voting via telephone or proxy is not permitted. Abstention and recusal shall be permitted only for reasons set forth in these Rules. Any member who abstains, recuses himself/herself, or otherwise chooses not to participate in a vote shall thereupon publicly state the reason.

Section 5.2 – Recusal

A member may recuse himself/herself in relation to an item for the reasons set forth herein, in which case such member shall not participate in discussion, consideration or vote on said item. Valid reasons for recusal include (1) having a personal interest in an item, (2) having a contractual, employment, or other relationship with a party involved with an item, (3) being unable to impartially consider an item, or (4) having been absent from part or all of the discussion or consideration of an item. A member recusing himself or herself shall thereupon state the reason for such recusal and leave the meeting, remaining absent for the duration of consideration and/or discussion of the item.

At all times, a member shall recuse himself or herself when his or her participation in the consideration, discussion, or vote regarding an item would give rise to the appearance of impropriety.

At all times, a member shall make full public disclosure of any and all issues which may tend toward an appearance of impropriety, and such disclosure shall be made prior the Board's consideration of the relevant item.

Section 5.3 – Ex Parte Communications

For purposes of these Rules of Procedure, ex parte communications consist of communications regarding the substance of an item that is or will be before the Board for consideration and/or discussion, when such communications are between one or more members of the Board and one or more individuals involved with the item. No member of the Board shall voluntarily and knowingly engage in ex parte communications without the authority of the Board. In the event that a member of the Board has engaged in or receives any ex parte communication, said member shall bring the same to the attention of the Board and shall publicly disclose the same. Communications with third parties regarding procedural aspects of items do not constitute ex parte communications.

Section 5.4 – Continuance

The Board may continue, reschedule, or re-open proceedings on an item for any good cause.

Section 5.5 – Notice

All items shall be noticed in accordance with the Ordinance, these Rules of Procedure, and staff procedures. If an item is continued, rescheduled, or postponed, and the new time and date are announced at the same meeting, then no additional notice is required for that item. If an item is continued, rescheduled, or postponed, and the new time and date are not announced at the same meeting, all parties of record shall be provided not less than seven (7) calendar days notice of the new time and date.

Section 5.6 – Submissions to the Board

Submissions regarding all items for Board consideration shall be made in accordance with the Ordinance, these Rules, and relevant staff procedures. Staff may establish deadlines for submittal of applications and supplemental material. Late submissions, including submissions made the day before or the day of any meeting of this Board, may not receive full consideration by the Board due to the lack of time for proper Board and staff review.

Section 5.7 – Procedure for Hearings

Prior to hearings on all items, the Board will require all persons present who wish to give comments on any item to place their name on a written list of anticipated speakers.

Hearings on items shall be conducted in the following manner:

- (1) Chairperson opens public hearing;
- (2) Staff presents summary of application and staff report;
- (3) Applicant/Appellant testimony;
- (4) Respondent(s) testimony;
- (5) Public comment;
- (6) Rebuttals of staff, applicant/appellant and respondent(s);

- (7) Chairperson calls for vote for closed deliberation and recesses public hearing if motion carries;
- (8) After consideration, Board re-opens public hearing and renders a decision.

The Chairperson shall preside at the hearing and shall make such rulings as may be necessary to conduct a hearing in an efficient and orderly manner including, but not limited to, the imposition of time limitations and the exclusion of irrelevant, repetitive, or cumulative evidence or testimony. A member may question the rulings of the Chairperson, and such questions may be decided by a motion and subsequent majority vote of the Board.

Section 5.8 – Reopening Hearing

At any time prior to the rendering and/or filing of a decision, the Board may, upon the request of a party or upon its own motion, reopen proceedings on an item for the receipt of further evidence or information. All parties of record shall be given proper notice of the reopening and granted an opportunity to review additional evidence and information and file any rebuttal or additional comments.

Article VI – Appeals

Section 6.1 – Scope of Appeals to the Board

Pursuant to W.Va. Code § 8A-8-9, the Board shall hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official or party charged with the enforcement of a zoning ordinance or rule and regulation adopted pursuant thereto.

Section 6.2 – Time

All appeals to the Board shall be filed within thirty (30) days of the entry of the order, requirement, decision or determination which is the subject of the appeal. Within ten (10) days of receipt of a complete appeal form and associated fee(s), the Board, through its Staff, shall set a date for a public hearing of the appeal.

Section 6.3 – Posting of Property

If an appeal hearing involves the use of land, including requests for exceptions, variances, and conditional use permits, the property owner shall post signs on the property showing the date, time, and place of the hearing. The signs shall be posted at least fifteen (15) days in advance of the hearing. All signs shall be prepared by the Board's staff and the Appellant shall bear reasonable costs associated therewith.

The property owner is responsible for compliance with the posting requirements set out herein, and said property owner shall bear the burden of proof of compliance in the event that a question regarding compliance arises. In the event that a property owner is unable to properly post signs as required herein, it shall be sufficient that a property owner has made a good faith effort to comply with the requirements of this section.

Section 6.4 – Publication of Notice

At least fifteen (15) days prior to an appeal hearing, the Board, through its staff, shall publish a notice of public hearing in a local newspaper. The notice shall include the date, time, and place of the hearing and shall be a class I legal advertisement in compliance with W.Va. Code § 59-3-1, *et seq.* The Board may require the Appellant to pay for the cost of the advertisement.

Section 6.5 – Supplementation of Record for an Appeal Hearing

Appellants shall provide two copies of supplemental materials to the Board in advance of a hearing on an appeal of an administrative decision and the same must be submitted no later than 15 days prior to the hearing date. The Appellant shall also deliver complete copies of the supplemental materials to any applicable Respondent(s) at the same time and shall certify to staff that such materials were delivered as required.

No later than one (1)week prior to an appeal hearing, any Respondent(s) may file documentation with the Board for consideration and shall deliver complete copies any materials submitted to all other parties and shall certify to staff that such materials were delivered as required. The Board may consider the written decision being appealed together with all materials in the official file maintained by staff at the time of the hearing without necessity of mailing or delivery to any party. The parties may review the administrative file prior to the hearing.

All submissions shall be made in accordance with the rules and procedures promulgated by the staff. Failure to follow submission guidelines to an appellant shall be considered failure to file a complete appeal and may, in the sole discretion of the Board, either cause the hearing to be delayed until the appellant complies or the Board may ignore the supplemental materials and based its decision upon other materials provided.

Section 6.6 – Appeals of Board Decisions

Pursuant to W.Va. Code § 8A-9-1, every decision of the Board is subject to review by petition for writ of certiorari in circuit court.

These rules become effective on the 23rd day of January, 2014.

JEFFERSON COUNTY BOARD
OF ZONING APPEALS,

By: _____
Chairperson

DRAFT

RULES OF PROCEDURE OF THE JEFFERSON COUNTY BOARD OF ZONING APPEALS

WHEREAS, W.Va. Code § 8A-8-1, et seq., provides for the establishment and powers of a Board of Zoning Appeals, and

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Board – refers to the Jefferson County Board of Zoning Appeals.

County Commission – refers to the County Commission of Jefferson County.

Intervenor – refers to any party who does not have a direct interest in an appeal but has clearly ascertainable interests essential to a determination and whose standing has been granted by the Board.

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Section 5.6 – Submissions to the Board

Submissions regarding all items for Board consideration shall be made in accordance with the Ordinance, these Rules, and relevant staff procedures. Staff may establish deadlines for submittal of applications and supplemental material. Late submissions, including submissions made the day before or the day of any meeting of this Board, may not receive full consideration by the Board due to the lack of time for proper Board and staff review.

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Prior to hearings on all items, the Board will require all persons present who wish to give comments on any item to place their name on a written list of anticipated speakers.

Hearings on items shall be conducted in the following manner:

- (1) ~~_____ (1) _____~~ Chairperson opens public hearing;
- (2) ~~_____ (2) _____~~ Staff presents summary of application and staff report;
- (3) ~~_____ (3) _____~~ Applicant/Appellant ~~comments~~ testimony;
- (4) ~~_____ (4) _____~~ Intervenors and/or Appellees comment, if applicable;
- (4) ~~_____ (5) _____~~ Respondent(s) testimony;
- (5) ~~_____ (5) _____~~ Public comment;

- (6) ~~Rebuttals of staff, applicant/appellee, intervenor(s), appellee/appellant and respondent(s), and public;~~
- (7) ~~Chairperson closes or calls for vote for closed deliberation and recesses public hearing if motion carries;~~
- (8) ~~After consideration, Board re-opens public hearing and renders a decision.~~

The Chairperson shall preside at the hearing and shall make such rulings as may be necessary to conduct a hearing in an efficient and orderly manner including, but not limited to, the imposition of time limitations and the exclusion of irrelevant, repetitive, or cumulative evidence or testimony. A member may question the rulings of the Chairperson, and such questions may be decided by a motion and subsequent majority vote of the Board.

Section 5.8 – Reopening Hearing

At any time prior to the rendering and/or filing of a decision, the Board may, upon the request of a party or upon its own motion, reopen proceedings on an item for the receipt of further evidence or information. All parties of record shall be given proper notice of the reopening and granted an opportunity to review additional evidence and information and file any rebuttal or additional comments.

Article VI – Appeals

Section 6.1 – Scope of Appeals to the Board

Pursuant to W.Va. Code § 8A-8-9, the Board shall hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official or party charged with the enforcement of a zoning ordinance or rule and regulation adopted pursuant thereto.

Section 6.2 – Time

All appeals to the Board shall be filed within thirty (30) days of the entry of the order, requirement, decision or determination which is the subject of the appeal. Within ten (10) days of receipt of a complete appeal form and associated fee(s), the Board, through its Staff, shall set a date for a public hearing of the appeal.

Section 6.3 – Posting of Property

If an appeal hearing involves the use of land, including requests for exceptions, variances, and conditional use permits, the property owner shall post signs on the property showing the date, time, and place of the hearing. The signs shall be posted at least fifteen (15) days in advance of the hearing. All signs shall be prepared by the Board’s staff and the Appellant shall bear reasonable costs associated therewith.

The property owner is responsible for compliance with the posting requirements set out herein, and said property owner shall bear the burden of proof of compliance in the event that a

question regarding compliance arises. In the event that a property owner is unable to properly post signs as required herein, it shall be sufficient that a property owner has made a good faith effort to comply with the requirements of this section.

Section 6.4 – Publication of Notice

At least fifteen (15) days prior to an appeal hearing, the Board, through its staff, shall publish a notice of public hearing in a local newspaper. The notice shall include the date, time, and place of the hearing and shall be a class I legal advertisement in compliance with W.Va. Code § 59-3-1, *et seq.* The Board may require the Appellant to pay for the cost of the advertisement.

Section 6.5 – Supplementation of Record for an Appeal Hearing

Appellants ~~may~~ shall provide two copies of supplemental materials to the Board in advance of a hearing on an appeal of an administrative decision, ~~but~~ and the same must be submitted no later than ~~three (3) weeks~~ 15 days prior to the hearing date. ~~Persons wishing to act as an Intervenor shall apply to the Board for that recognition.~~ The Appellant shall also deliver complete copies of the supplemental materials to any applicable Respondent(s) ~~and Intervenor(s)~~ no later than three (3) weeks prior to the hearing date at the same time and shall certify to staff that such materials were delivered as required.

No later than one (1) week prior to an appeal hearing, any applicable Respondent(s) and Intervenor(s) may file documentation with the Board ~~documentation~~ for consideration and ~~must~~ shall deliver complete copies ~~of the same~~ any materials submitted to all other parties. ~~Such deliver shall be documented either~~ and shall certify to staff that such materials were delivered as required. ~~The Board may consider the written decision being appealed together with all materials in the official file maintained by signed receipt staff at the time of the hearing without necessity of mailing or delivery to any party. The parties may review the administrative file prior to the hearing.~~

All submissions shall be made in accordance with the rules and procedures promulgated by the staff. Failure to follow submission guidelines to an appellant shall be considered failure to file a complete appeal and may, in the sole discretion of the Board, either cause the hearing to be delayed until the appellant complies or the Board may ignore the supplemental materials and based its decision upon other materials provided.

Section 6.6 – Appeals of Board Decisions

Pursuant to W.Va. Code § 8A-9-1, every decision of the Board is subject to review by petition for writ of certiorari in circuit court.

These rules become effective on the 23rd day of January, 2014.

JEFFERSON COUNTY BOARD

OF ZONING APPEALS,

By: _____
Chairperson



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Director's Report June 26, 2014 Board of Zoning Appeals Meeting

- 1) Envision Jefferson 2035 Update
 - Planning Commission **Public Hearing** scheduled for **07/22/14**
- 2) Recent/Upcoming CC Actions relevant to Planning:
 - a) PC recommended "SB 595" Vested Development Time Extensions Proposal – CC to hold Public Hearing (*date TBD*)
 - b) Recommendation from the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for two parcels owned by Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary; and Eric and Stacy Lindberg;. The properties are designated as Tax District: Middleway (07), Map: 1, Parcels: 1.2 (16.62 acres, with 12. 67 acres in Jefferson County) and 1.1 (7 acres), located on the north side of Route 115 (Old Route 9/Charles Town Road), along the Berkeley/Jefferson County line for the purpose of setting a public hearing to be held by the County Commission (*date TBD*)
 - c) Overview and Summary of the Draft Envision Jefferson 2035 Comprehensive Plan (the 2014 Comprehensive Plan) transmitted by the Envision Jefferson 2035 Steering Committee and Resolution in Recognition of Service on the Envision Jefferson 2035 Steering Committee (*6/19/14*)
 - d) Approval of Job Offer for Vacant Planning Clerk Position (*6/19/14*)
- 3) Upcoming BZA meetings
 - a) July 24, 2014