

Jefferson County  
Board of Zoning Appeals

**Meeting Packet**

Thursday,  
April 24, 2014



**JEFFERSON COUNTY, WEST VIRGINIA**

**Department of Zoning**

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

P.O. Box 338

Charles Town, West Virginia 25414

**Phone: 304-728-3228**

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

**Fax: 304-728-8126**

MEMORANDUM

TO: Jefferson County Board of Zoning Appeals Members

FROM: Jennilee Hartman, Zoning Clerk

DATE: April 16, 2014

SUBJECT: April 24, 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, April 24, 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

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

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

MEMORANDUM

TO: Board of Zoning Appeals Members  
CC: Engineering & Building Permits Departments  
FROM: Acting Zoning Administrator, Jennifer M. Brockman  
DATE: April 11, 2014  
SUBJECT: April Monthly Report of Department Activities

**ISSUED ZONING CERTIFICATES**

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#ZC14-05 JEFFERSON UTILITIES, INC. – OWNER /  
JESSICA BINGHAM / AT&T - APPLICANT

*Issuance Date:* April 8, 2014

*Proposed Use:* AT&T will install a 50 kw generator on a 5' x 9' concrete pad, to be used as backup for existing cellular equipment at existing self-support Telecommunications Tower.

*Physical Location:* 426 Oak Lee Drive; Charles Town, West Virginia 25414  
(Oak Lee Water Tank)

*Zone:* Rural

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#ZC14-06 GEORGE & MARY RUSHIZKY – OWNER /  
JESSICA BINGHAM / AT&T - APPLICANT

*Issuance Date:* April 8, 2014

*Proposed Use:* AT&T will install a 50 kw generator on a 5' x 9' concrete pad, to be used as backup for existing cellular equipment at existing self-support Telecommunications Tower.

*Physical Location:* 8428 Shepherdstown Pike; Shepherdstown, West Virginia 25443

*Zone:* Rural

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**ISSUED ZONING CERTIFICATES**

---

#ZC14-11 JOSEPH & CYNTHIA GRUBER – OWNER / APPLICANT

*Issuance Date:* April 28, 2014  
*Proposed Use:* Cottage Industry. Applicants are converting an existing 2-car garage into a Catering site, which will be used for the purpose of food preparation only. All associated Catering Events will be conducted offsite at a third-party location.  
*Physical Location:* 2190 Hinton Road; Kearneysville, West Virginia 25430  
*Zone:* Rural

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#ZC14-12 TROY L. & JUDITH JOHNSON – OWNERS  
EDMANUEL SOTO / APPLICANT

*Issuance Date:* April 29, 2014  
*Proposed Use:* Cottage Industry. Lawn Care Business. Existing 12' x 18' shed to be used to store mowing equipment, to include riding mower, push mower and weed eaters.  
*Physical Location:* 60 Runions Place; Harpers Ferry, West Virginia 25425  
*Zone:* Rural

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**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, April 24, 2014, 2:00 p.m.**

Members  
Christy Huddle, Vice Chair  
Jeffrey Bannon  
Tyler Quynn  
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 March 27, 2014 meetings.
2. Swearing in of members of the public intending to provide testimony.
3. Variance request by applicant, William S. Bondurant II, from Section 5.4-1 for a reduction of the rear setback from 20' to 5' for a 650 square foot kidney shaped inground pool. Location: 93 Killian Lane, Charles Town, WV. District: Charles Town (02); Map 9B; Parcel: 19; Size: .23 ac; Zone: Residential Growth; File: ZV14-02.
4. Discussion on the proposed amendments to the Board of Zoning Appeals Rules of Procedure, Effective July 21, 2011, (Draft 2).
5. Director's Report.
6. Legal Update.
7. Signing of written decisions from prior Board of Zoning Appeals meetings.



Draft Minutes  
Jefferson County Board of Zoning Appeals  
Thursday, March 27, 2014

1 The Jefferson County Board of Zoning Appeals met on Thursday, March 27, 2014 at 2:00 p.m..  
2 The meeting was at 200 East Washington Street, Charles Town, West Virginia, in the Conference  
3 Room of the Old Charles Town Library. Unless otherwise noted, all requests are pursuant to the  
4 Jefferson County Zoning and Land Development Ordinance.

5

6 Board members present: Christy Huddle, Vice Chair; Tyler Quynn, Jeffrey Bannon, Matt Knott  
7 and Ted Schiltz, Alternate. Ed Kelly resigned as a member of the Board on March 18, 2014.

8 Staff present: Jennifer M. Brockman, Acting Zoning Administrator/Director of Planning and  
9 Zoning; Stephen Groh, Assistant Prosecuting Attorney and Jennilee Hartman, Zoning Clerk

10

11 Ms. Hartman swore in the individuals who indicated they would be giving testimony.

12

13 Ms. Huddle chaired the meeting as Vice Chair. Mr. Quynn motioned to commence the meeting  
14 at 2:19 p.m. Mr. Knott seconded the motion, which carried unanimously.

15

16 1. Election of Officers. Mr. Knott nominated Mr. Quynn as Chair. Mr. Knott nominated Mr. Bannon as  
17 Vice Chair. Each member accepted the nomination. There were no objections to the nominations;  
18 therefore, the nominations were accepted. Mr. Quynn Chaired the remainder of the meeting.

19

20 2. Approval of the minutes from the November 14, 2013, December 18, 2013 and January 23, 2014  
21 meetings. Due to the amount of time it would take to review the minutes the Board agreed to  
22 address the minutes after hearing Item #4.

23

24 Mr. Quynn explained the proceedings of the meeting to those in attendance.

25

26 3. Swearing in of the public intending to provide testimony. Ms. Hartman swore in the public  
27 prior to Item #1.

28

29 4. Action on the Conditional Use Permit (CUP) for Sustainable Solutions, LLC. The applicant is  
30 proposing to use the existing expired nonconforming commercial buildings for the operation of a  
31 business that helps private Landowners, State & Federal Agencies and Non-Profits manage their  
32 land for Ecological, Economic and Social returns. The business would include a 12' x 12'  
33 company office within Building A (as shown on Figure 1. Site Map). The remaining portion of  
34 Building A, Buildings B, and C would be used as shop space for storage, maintenance and repair  
35 of company equipment and vehicles. Two alternate sign locations were proposed a) on the  
36 existing canopy; or, b) on Building A. Additional landscaping in the form of native trees, shrubs  
37 and flowers were also proposed. Property owner: Steve Wandless. Purchaser/Developer: James  
38 Remuzzi. Location: 4419 Kearneysville Pk., Shepherdstown, WV. District: Shepherdstown (09);  
39 Map 8; Parcel: 9.3; Zone: Residential Growth; Size: 1.79 ac; File: CP13-01.

40

41 Mr. Quynn stated for the record that because there were no unresolved issues at the  
42 Compatibility Assessment Meeting (CAM) for this item that it would not be open for public  
43 comment.

44 Ms. Brockman reviewed her staff report with the Board explaining that the site passed the Land  
45 Evaluation and Soils Assessment (LESA) points system. Ms. Brockman stated that the CAM  
46 was held on January 31, 2014 at 10:00 a.m. and that no members of the public had been in  
47 attendance and therefore there were no unresolved issues. Ms. Brockman added that the

48 applicant had not yet processed an application with the Department of Highways to utilize the  
49 double entrance onto Route 480/Kearneysville Pike. Ms. Brockman also explained Section  
50 10.4E to the Board, which specifically regulates signs for projects that process under the  
51 Development Review System. James Remuzzi, applicant, provided the Board with a company  
52 brochure and briefly explained how they would operate. Mr. Remuzzi asked the Board to  
53 approve both of the proposed sign locations as shown in the CUP application (see file for  
54 pictures) since he had not chosen a specific location yet.  
55

56 Ms. Huddle motioned to go into deliberation session at 2:36 p.m. Mr. Knott seconded the motion,  
57 which carried unanimously.  
58

59 Mr. Bannon motioned to come out of deliberative session at 2:44 p.m. Mr. Knott seconded the  
60 motion, which carried unanimously.  
61

#### 62 **Board of Zoning Appeals Rulings**

63  
64 4. Action on the Conditional Use Permit for Sustainable Solutions, LLC. The applicant is  
65 proposing to use the existing expired nonconforming commercial buildings for the operation of  
66 a business that helps private Landowners, State & Federal Agencies and Non-Profits manage  
67 their land for Ecological, Economic and Social returns. The business will include a 12' x 12'  
68 company office within Building A (as shown on Figure 1. Site Map). The remaining portion of  
69 Building A, Buildings B, and C would be used as shop space for storage, maintenance and  
70 repair of company equipment and vehicles. Two alternate sign locations were proposed a) on  
71 the existing canopy; or, b) on Building A. Additional landscaping in the form of native trees,  
72 shrubs and flowers were also proposed.  
73

74 Mr. Knott motioned to approve the Conditional Use Permit for Sustainable Solutions, LLC,  
75 including the ability to use either proposed sign location and to permit the applicant to reroof  
76 the canopy with the condition that the applicant is bound by their testimony and that they abide  
77 by any other Subdivision and Land Development Regulations and receive Department of  
78 Highway's approval for their entrance(s). Mr. Bannon seconded the motion. Ms. Huddle  
79 requested that the motion be amended to include that there were no unresolved issues as a  
80 result of the Compatibility Assessment Meeting. Mr. Quynn seconded the amendment, which  
81 carried unanimously. Mr. Quynn called for a vote of the original motion, to include the  
82 amendment, which carried unanimously.  
83

84 2. Approval of the minutes from the November 14, 2013, December 18, 2013 and January 23, 2014  
85 meetings.  
86

87 The following edits to the November 14, 2013 minutes were recommended:  
88

- 89 1) Page 1, Item #3, paragraph 2, change ~~r~~epresent to *present*.
- 90 2) Page 2, Item #5, paragraph 2, change ~~Fridely~~ to *Fridley*.
- 91 3) Page 2, Item #7, paragraph 3, line 4, change *minutes* to *minute*.
- 92 4) Page 3, third full paragraph, line 2, change ~~F~~ather to *f*ather.
- 93 5) Page 3, fourth full paragraph, line 2, change ~~of~~ to *and*.

- 94 6) Page 5, add statement in brackets after paragraph 1 to read the following, [Note: The  
95 use of the names *Stiles Family Partnership*<sup>3</sup> and *Stiles Family Partnership 3 LLC*,  
96 were incorrectly used interchangeably throughout the meeting by all parties.]  
97 7) Page 7, paragraph 3, line 4, change ~~were~~ to *was*.  
98 8) Page 7, paragraph 3, line 14, change *respond* to *responded*.  
99 9) Page 7, paragraph 3, line 16, change ~~will~~ to *would*.  
100 10) Page 7, paragraph 3, line 19, change ~~projecting~~ to *protected*.  
101 11) Page 7, paragraph 3, line 20, change *sale taxes* to *sales tax*.  
102 12) Page 7, paragraph 3, line 22, remove the ~~a~~ after *staff*.  
103 13) Page 7, paragraph 3, line 24, change ~~risen~~ to *raised*  
104 14) Page 7, paragraph 3, line 24, insert *that* after *stated*.  
105 15) Page 8, first paragraph, line 5, change *crowd* to *crowds*.  
106 16) Page 10, second paragraph after the excerpt, line 2, change *standard* to  
107 *standards*.  
108 17) Page 11, paragraph 4, remove the words ~~be approved~~.

109

110 Mr. Bannon motioned to approve the November 14, 2013 minutes as corrected. Mr. Knott  
111 seconded the motion, which passed 4 in support and one abstention (Mr. Schiltz was not a  
112 Board member at this time).

113

114 The following edits to the December 18, 2013 minutes were recommended:

115

- 116 1) Page 3, paragraph 2, line 1, change *sated* to *stated that*.  
117 2) Page 3, paragraph 2, line 8, change *whole-sale* to *wholesale*.  
118 3) Page 3, last paragraph, line 4, change *must have* to *must require*  
119 4) Page 4, Item #6, paragraph 4, line 8, insert *of the* before *view*.  
120 5) Page 5, paragraph 1, line 2, change ~~*stubs*~~ to *stumps*.  
121 6) Page 5, paragraph 1, line 3, change ~~*width*~~ to *diameter*.  
122 7) Page 5, paragraph 3, line 1, change ~~*represented the request*~~; *stated* to *presented, stating*.  
123 8) Page 6, listed condition 6), change *whole-sale* to *wholesale*.

124

125 Ms. Huddle motioned to approve the December 18, 2013 minutes as corrected. Mr. Knott  
126 seconded the motion, which passed 4 in support and one abstention (Mr. Schiltz was not a  
127 Board member at this time).

128

129 The following edits to the January 23, 2014 minutes were recommended:

130

131 Page 1, paragraph 4, change ~~*elected*~~ to *nominated*.

132

133 Mr. Knott motioned to approve the January 23, 2014 minutes as corrected. Mr. Bannon seconded  
134 the motion, which passed 4 in support and one abstention (Ms. Huddle did not attend this meeting).

135

136 Note: Staff added the following correction the January 23, 2014 minutes.

137

138 1) Page 5, under Item f), add *Mr. Knott motioned to adjourn the meeting at 4:17 p.m.*

139

*Mr. Bannon seconded the motion, which carried unanimously.*

- 140 4. Director's Report. Ms. Brockman updated the Board on the status of *Envision Jefferson 2035*,  
141 Recent/Upcoming County Commission actions that may be relevant to Planning and Zoning  
142 endeavors and stated that the next BZA meeting date would be May 22, 2014.  
143
- 144 3. Discussion on the proposed amendments to the Board of Zoning Appeals Rules of Procedure,  
145 Effective July 21, 2011, (Draft 2). The Board, Staff and Mr. Groh discussed revising the  
146 definitions section of the document. Ms. Brockman offered to work with Mr. Groh to draft a  
147 new definition of the term Intervenor that would be more consistent with the Board's purposes.  
148
- 149 5. Legal Update. None.  
150
- 151 6. Signing of written decisions from prior Board of Zoning Appeals meetings. None.  
152
- 153 Mr. Quynn wished to thank Mr. Ed Kelly, a member of the Board who recently resigned, for his  
154 service and dedication to the Board.  
155
- 156 Ms. Huddle motioned to adjourn the meeting at 3:43 p.m. Mr. Bannon seconded the motion,  
157 which carried unanimously.  
158
- 159 An audio transcript of this meeting can be found at the Department of Zoning and on the  
160 Department's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). These minutes were prepared by  
161 Jennilee Hartman, Zoning Clerk.



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
April 24, 2014

**William S. Bondurant, II Variance Request (#ZV14-02)**

RELEVANT INFORMATION:

1. Overview of Request

The applicant is seeking a variance from Section 5.4B (and Table 5.4-1) for a reduction of the rear setback from 20' to 5' for a 20' x 40' x 15' (650 square foot) kidney shaped inground pool in order to allow the pool to be located at a greater distance from the house and its second story deck. The lot is approximately 10,000 square feet and is located within the Demory Farm Subdivision outside of Charles Town.

The property backs up to a common open space designated on the plat for "multiple use playground area and trail". No homes are located to the rear of the property.

2. Previous Case History

The final plat for the Demory Farm Subdivision was approved by the Planning Commission on January 11, 2005 and was recorded in the Courthouse on March 11, 2005.

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 per Section 3.4A.4.a.i-iv:

- 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 5.4B of the Zoning and Land Development Ordinance, "Minimum Lot Area, Height, and Yard Requirements", sets these standards for the Residential Growth (RG) District and references the requirements found in Table 5.4 – 1. This section requires that all single-family dwelling units in this zoning district shall have a 20 foot rear yard setback, while all detached accessory structures less than 144 square feet in size have to meet a 6 foot setback.

The purpose of side and rear yard setback requirements is to reduce the impact that a land use might cause to 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 small accessory structures, because their reduced size equates to less of a visual impact on neighboring properties.

While an inground pool may not have the same impact on a neighboring use that a large structure could have, it is considered to be a structure that needs to meet setbacks from the edge of the concrete of the pool.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
April 24, 2014

**William S. Bondurant, II Variance Request (#ZV14-02)**

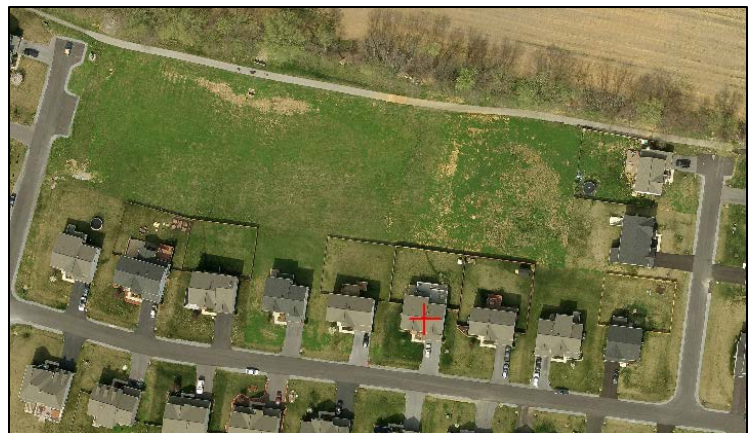
b. Unique characteristics of property

This property is approximately 10,000 square feet and has an existing 6' privacy fence around the backyard. The rear yard is fairly small and if the pool was constructed to meet the setbacks, it would sit very close to the house itself. The applicant states that they are concerned that if the pool is too close to their second floor deck, it would be an attractive nuisance (tempting kids to try to jump from the deck into the pool). The property backs to a common open space designated on the plat for "multiple use playground area and trail" and no homes are located to the rear of the property.



c. Character of area

The property in question is located in a residential subdivision, Demory Farm, approved in 2005. The subdivision consists of single family homes on lots of approximately 10,000 square feet. Most of the lots on the north side of Killian Lane, such as this one, back to a large parcel designated with a stormwater easement. The only permitted use on this parcel is a 0.78 acre area designated for a proposed multiple use playground area, which the applicant states their Homeowner's Association has elected to not erect at this time, and a 6 foot asphalt trail, as well as an area designated for accessory parking for this use. No additional residential structures will be permitted on the parcel that backs to the property that is the subject of this variance.



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
April 24, 2014

**William S. Bondurant, II Variance Request (#ZV14-02)**

d. Impact on adjacent properties

Because there are no proposed residential uses to the rear of this property, this variance would have minimal impact of the parcel at that location. The proposed pool will meet the side yard setbacks and will therefore have no greater impact on the neighboring properties fronting on Killian Lane. The property owners of the adjacent lot numbers 18 and 20 have signed a letter of support (letter attached).



e. Feasibility of complying with the ordinance by other means

If the pool is constructed to meet the required rear yard setback, there is a risk of creating an attractive nuisance caused by the relationship with an existing upper deck. For this reason, the requested variance appears to be the most feasible means of constructing a pool on this property.

5. Conditions of Approval

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

- a. This variance shall be limited to the construction of the described inground pool and related concrete walkway.

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 April 24, 2014

**William S. Bondurant, II Variance Request (#ZV14-02)**

SECTION OF ORDINANCE TO BE CONSIDERED:

**Section 5.4 Residential-Growth District**

A. Minimum Lot Area, Height, and Yard Requirements

1. Minimum Lot Area, Height, and Yard Requirements are as shown in Table 5.4 – 1 below. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.<sup>23</sup>

**Table 5.4 – 1 Residential Growth District - Height and Yard Requirements<sup>5, 19, 23</sup>**

	Development Type	Minimum Lot Area (MLA) Area per Dwelling Unit (ADU)	Required Yards (ft)				Maximum Building Height (ft)*
			Front	Side	Street Side	Rear	
1	Single Family Dwelling	6,000 sq. ft. MLA**	25	12	15	20	40
	Public/Central water and sewer	10,000 sq. ft. ADU	“	“	“	“	“
	Public/Central water or sewer	20,000 sq. ft. MLA	“	“	“	“	“
	No Public/Central water or sewer	40,000. Sq. ft. MLA	“	“	“	“	“

\*Subject to Section 9.2



**Motion Regarding a Variance Request by William S. Bondurant, II (#ZV14-02)  
Brought Before the Jefferson County Board of Zoning Appeals  
Thursday, April 24, 2014**

**Whereas**, William S. Bondurant, II has applied for a variance from Section 5.4B of the Zoning and Land Development Regulations for a reduction of the rear setback from 20' to 5' for a 650 square foot inground pool, at 93 Killian Lane, Charles Town, WV (Charles Town (02); Map 9B; Parcel: 19); and

**Whereas**, the 0.23 acre lot is zoned Residential Growth and the proposed pool is a permitted accessory use for the existing single family dwelling on the lot; and

**Whereas**, the applicant has adequately addressed the following four criteria for a variance per the Zoning and Land Development Ordinance, Section 3.4A.4.a.i-iv:

- 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.

**Now therefore be it moved**, that the Jefferson County Board of Zoning Appeals

Approves       Approves with Conditions       Disapproves

the above referenced request with the following conditions:

- 1. The applicant is bound by the testimony given;
- 2. This variance shall be limited to the construction of the described inground pool and related concrete walkway; and
- 3. \_\_\_\_\_; and
- 4. \_\_\_\_\_.

The portion of the record of the Jefferson County Board of Zoning Appeals meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Action taken this 24<sup>th</sup> day of April 2014

By vote of the Jefferson County Board of Zoning Appeals

By a vote of \_\_\_\_ Yes \_\_\_\_ No

\_\_\_\_\_  
Tyler Quynn, Board of Zoning Appeals, Chair





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: # ZV/14-02
Staff Initials: CBC
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

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: William S. Bondurant II
Mailing Address: 93 Killian lane
City: Charles Town State: WV Zip Code: 25414
Phone Number: 571-332-3199 Email: traceyabondurant@aol.com

Applicant Information

Name: William S. Bondurant II
Mailing Address: 93 Killian Lane
City: Charles Town State: WV Zip Code: 25414
Phone Number: 571-332-3199 Email: traceyabondurant@aol.com

Engineer(s) or Surveyor(s) Information

Name: Backyard Creations - Steve Braun
Mailing Address: 1560 Tilco Drive, Suite A
City: Frederick State: MD Zip Code: 21704
Phone Number: 301-668-4420 Email:

Physical Property Details

Physical Address: 93 Killian Lane
City: Charles Town State: WV Zip Code: 25414
Tax District: Charles Town Map No: 93 Parcel No: 19, lot #19
Parcel Size: 80x127 Deed Book: 1040 Page No: 704

Zoning District (please check one)

RECEIVED
MAR 31 2014
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Table with 5 columns: Rural (R-A), Residential Growth (R-G), Industrial Commerical (I-C), Residential-Light Industrial-Commercial (R-L-C), Village (V). Includes checkboxes and a checked box for Residential Growth.

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**

We would like to request the setback changed from 20ft to 5-10ft to allow for the installation of a swimming pool.

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

Front Setback  Side Setback  Rear Setback Reduction From 20 ft to 5-10ft

**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.**

If the change is granted, the pool will be able to be centered in the backyard. As the property immediately behind our yard is a "common area" for the neighborhood, placement of a swimming pool centered will not disturb the neighbors on the sides and there are no neighbors behind.

**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 lots in the Demory Farm neighborhood are smaller than average. The current 20ft setback makes it difficult to safely accommodate a deck and a swimming pool within the designated space.

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

Granting this variance will allow the property owner to place a swimming pool in the yard that is a safe distance from a 2nd story deck. The owner has expressed concern about children trying to jump from the deck into the pool. Being able to place the pool closer to the property line will provide adequate distance from the edge of the deck to the pool.

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

Approving this variance will allow additional safety for the residents and those using the pool. Having adequate fencing and security is an important safety requirement, and I think having additional space between the deck and the pool is just as important.

*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.*

Williams, Bondman II 3/31/2014  
Signature of Property Owner Date

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

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

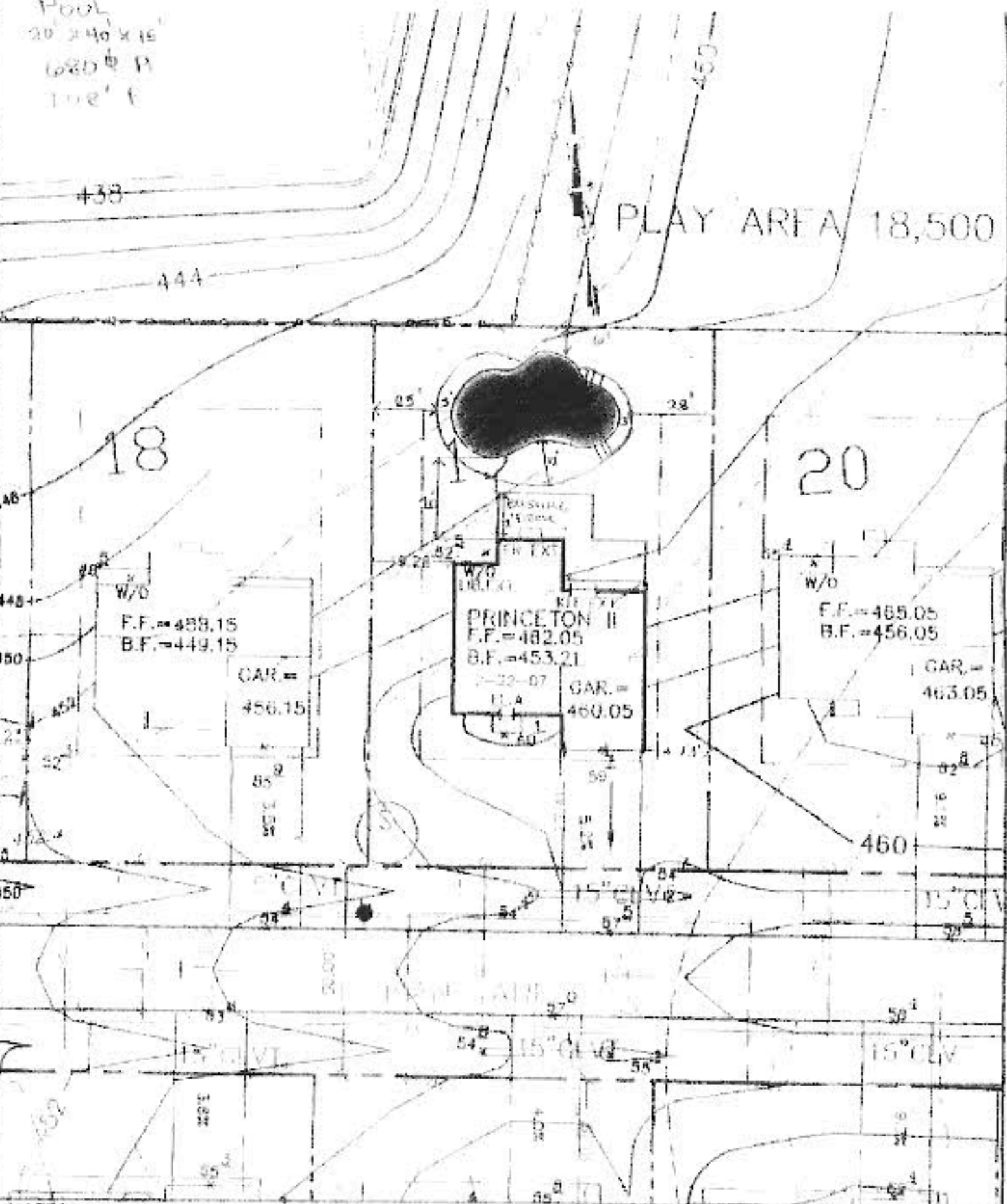
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

APRIL 24 2014 @ 2:00pm  
Date of Public Hearing

WEDNESDAY, APRIL 9 2014  
Advertising Date

WEDNESDAY, APRIL 9, 2014  
Placard Posting Date

Pool  
20' x 40' x 15'  
680 sq ft  
100' x 100'



NOTES & LEGEND:  
 ALL ELEVATIONS REPORTED IN THIS PROJECT MAY BE SUBJECT TO VERTICAL ADJUSTMENTS OF RECORD AND OTHER UNKNOWN TO ENGINEER, ARCHITECT & ASSOCIATED ENGINEERS.  
 F.F. = FINISH FLOOR, B.F. = BASEMENT FLOOR, W.O. = WITHOUT GRADELINE

PERMIT DOCUMENT  
**DEMORY FARMS**  
 (LOT 18)  
 WASHINGTON COUNTY, VA



*Huntley, Nyce & Associates, Ltd.*  
 SURVEYING CIVIL ENGINEERING LAND PLANNING  
 11551 RICHMOND  
 7500 LEE DRIVE, SUITE 200  
 FARMERSVILLE, VA 22402  
 TEL: 540-791-8405 FAX: 540-791-8420  
 www.hnnyce.com

SCALE: 1" = 30'  
 FILE NO. 9008 DATE: 2-22-07 DES/CHK: FL/ML

REGISTERED PROFESSIONAL ENGINEER  
 11551 RICHMOND AVENUE, SUITE 200  
 FARMERSVILLE, VIRGINIA 22402  
 TEL: 540-791-8405 FAX: 540-791-8420  
 www.hnnyce.com





# Jefferson County, West Virginia

## Departments of Planning and Zoning

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## Director's Report April 24, 2014 Board of Zoning Appeals Meeting

### 1) Envision Jefferson 2035 Update

- Presentation of draft to Planning Commission at the 6/10/14 Meeting
- Special Workshop with Planning Commission tentatively 6/24/14 to review entire draft with Steering Committee Reps
- Public Hearing tentatively scheduled for 7/22/14

### 2) Recent/Upcoming CC Actions relevant to Planning and Zoning

- a) Request by the Planning Commission that the County Commission Reconsider their Motion of 10/25/13 Regarding the Proposed Zoning Ordinance Text Amendment Related to New Commercial and Industrial Zoning Categories (*2<sup>nd</sup> CC Public Hearing held 11/21/13; on-going discussion and workshop with CC continued to 4/10/14*)
- b) Recommendation related to the proposed Text Amendment to Section 4.11A of the Zoning and Land Development Ordinance regarding landscaping between similar non-residential uses (*CC PH scheduled for 4/17/14 1:30 pm*)

### 3) Upcoming BZA meeting

- a) Next Meeting date 5/22/14