

Jefferson County
Board of
Zoning Appeals

Thursday,
July 18, 2013

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

Email: zoning@jeffersoncountywv.org

Fax: 304-728-8126

MEMORANDUM

TO: Jefferson County Board of Zoning Appeals Members

FROM: Jennilee Hartman, Zoning Clerk

DATE: July 12, 2013

SUBJECT: July 18, 2013 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, July 18, 2013. 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.

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Department of Zoning

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MEMORANDUM

TO: Board of Zoning Appeals Members

CC: Engineering & Building Permits Departments

FROM: Steve Barney, Zoning Administrator

DATE: June 21, 2013

SUBJECT: June Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

#ZC13-11 SBABA, LLC - OWNER
PRAVEEN KHURANA – APPLICANT

Issuance Date: May 13, 2013

Proposed Use: Change in Nonconforming Use. Restaurant, offering sale of on and off premises prepared food and on premise alcoholic beverages.

Physical Location: 21 Tuscawilla Drive; Charles Town, West Virginia 25414

Zone: Residential-Growth

#ZC13-13 SHENANDOAH LANES, INC. - OWNER
JOSH GREWAL – APPLICANT

Issuance Date: May 15, 2013

Proposed Use: Brewpub with small vat beer production in existing bar/lounge/ nightclub/restaurant/grill within an existing Bowling Alley.

Physical Location: 107 Keys Ferry Road; Charles Town, West Virginia 25414

Zone: Residential-Light Industrial-Commercial

ISSUED ZONING CERTIFICATES

#ZC13-15 TWIN RIDGE ORCHARD COMPANY, INC. – OWNER /
THE BLACK DOG COFFEE COMPANY – APPLICANT

Issuance Date: May 28, 2013
Proposed Use: Coffee Roastery, value-added production, wholesale distribution, retail sales, to also include a Farmer's Market, situated adjacent to the parking lot, with up to ten tents, 10' x 10' in size.
Physical Location: 8001 Charles Town Road; Shenandoah Junction, WV 25442
Zone: Industrial-Commercial

#ZC13-16 FRANK E. HARDY, SR. – APPLICANT

Issuance Date: May 28, 2013
Proposed Use: Agricultural Repair Center (Section 5.7a(28)). Maintenance and repair shop offering repair services for a variety of machinery from weed eaters to agricultural tractors and equipment. Some parts may be sold onsite for home installation by the customer. Incidental sale of repaired machinery may also occur.
Physical Location: 164 Tel Farm Lane; Kearneysville, West Virginia 25430
Zone: Rural

#ZC13-17 AMERICAN TOWERS, LLC – OWNER /
MICHAEL BIENIEK – APPLICANT

Issuance Date: May 30, 2013
Proposed Use: Vigilant Global will be adding two (2) six-foot microwave dish antennas to the existing wireless telecommunications facility. Said installation will include an equipment cabinet to be located on a concrete pad, all within the existing lease area.
Physical Location: 17435 Raven Rock Road; Charles Town, West Virginia 25414
Zone: Rural

#ZC13-14 SUMMIT POINT AUTOMOTIVE RESEARCH CENTER, LLC (SPARC) – OWNER /
BARBARA SCOTT – APPLICANT

Issuance Date: May 31, 2013
Proposed Use: Extension of the Jefferson Circuit and additional skid pad for continued use as a Government, Corporate, Educational and Automotive Club Training/Testing Facility.
Physical Location: 201 Motorsports Park Circle; Summit Point, West Virginia 25446
Zone: Rural

ISSUED ZONING CERTIFICATES

#ZC13-19 PNGI – CHARLES TOWN GAMING, LLC – OWNER
JEFF BURNES - APPLICANT

Issuance Date: June 12, 2013
Proposed Use: Temporary tent structure in parking lot.
Physical Location: Flowing Springs Road; Charles Town, West Virginia
Zone: Industrial-Commercial

#ZC13-18 B. LEE SNYDER - OWNER
DYNIS, INC (on behalf of AT&T) / CONTACT: GORDON HUBLEY - APPLICANT

Issuance Date: June 13, 2013
Proposed Use: Wireless Facility Co-location. Property contains water tank. AT&T to add three (3) additional antennas to existing water tank, as well as two (2) equipment cabinets to be installed on existing concrete pad located within existing leased compound fenced area. No concrete will be poured. No work will be done outside of existing lease area on the tower and on the ground. No disturbance to ground.
Physical Location: 307 West Burr Boulevard; Charles Town, West Virginia 25414
Zone: Industrial-Commercial

#ZC13-22 GEORGE RUSHIZKY - OWNER
DYNIS, INC (on behalf of AT&T) / CONTACT: GORDON HUBLEY - APPLICANT

Issuance Date: June 17, 2013
Proposed Use: Wireless Facility Co-location. Property contains self support cell tower. AT&T to add three (3) additional antennas to existing self support tower, to include adding equipment onto an existing concrete pad already located within leased compound fenced area. No concrete will be poured. No work will be done outside of existing lease area on the tower or on the ground. No disturbance to ground.
Physical Location: 8428 Shepherdstown Pike (Rte. 230); Shepherdstown, WV 25443
Zone: Rural

ISSUED ZONING CERTIFICATES

#ZC13-23 ROBERT T. EDWARDS – OWNER/APPLICANT

Issuance Date: June 18, 2013
Proposed Use: Home Occupation Level I / Level II.
Home-based asphalt repair business includes 16’ trailer with Seal Coating and Lawn Equipment, to be parked on property. Said trailer will be enclosed in an outbuilding, pending Building Permit approval.
Physical Location: 235 Elk Branch Drive; Shenandoah Junction, West Virginia 25442
Elk Branch Subdivision – Lot #7.
Zone: Rural

#ZC13-24 PERMELYNN OF WESTCHESTER, INC. (c/o KIMCO REALTY CORP.) - OWNER
TNT FIREWORKS / CONTACT: VANESSA HIXON – APPLICANT

Issuance Date: June 18, 2013
Proposed Use: Temporary sale of legal fireworks in 20’x40’ tent.
(from June 23, 2013 to July 8, 2013)
Physical Location: Charles Town Plaza – Walmart parking lot.
96 Patrick Henry Way; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

#ZC13-25 WILLIAM E. KNODE – OWNER
DANIEL TOKAR - APPLICANT

Issuance Date: June 18, 2013
Proposed Use: Blacksmith Shop, Warehouse, Workshop.
Physical Location: 190 Troyhelm Avenue; Shepherdstown, West Virginia 25443
Zone: Residential-Growth

#ZC13-21 JOHN McILROY - OWNER
BONITA HUTZLER - APPLICANT

Issuance Date: Current Zoning Certificate #ZC08-08 acceptable without revision.
Proposed Use: Change of Owner. Established business. Continued use as a
Private Club / Video Lottery Facility
Physical Location: 292 Prospect Avenue; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

DENIED ZONING CERTIFICATES

#ZC13-08 FRANK E. HARDY, SR. – APPLICANT

DENIED: May 16, 2013

Proposed Use: Change of Nonconforming Use. From “Smoots Water Garden”
to Auto Body Shop.

Physical Location: 164 Tel Farm Lane; Kearneysville, West Virginia 25430

Zone: Rural

JEFFERSON COUNTY, WEST VIRGINIA

Department of Zoning

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MEMORANDUM

TO: Board of Zoning Appeals Members

CC: Engineering & Building Permits Departments

FROM: Zoning Administrator

DATE: July 12, 2013

SUBJECT: July Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

#ZC13-20 LISA LINN ARRONIZ – OWNER/APPLICANT

Issuance Date: July 01, 2013

Proposed Use: Cottage Industry. Operation of Message Therapy Business from basement area of residence.

Physical Location: 8959 Leetown Road; Kearneysville, West Virginia 25430

Zone: Rural

#ZC13-26 THOMAS LaFEVRE - OWNER
DYNIS, INC (on behalf of AT&T) / CONTACT: NEMON HAYES - APPLICANT

Issuance Date: July 12, 2013

Proposed Use: Wireless Facility Co-location. Property contains self-supporting cell tower. AT&T to add three (3) additional antennas to existing self-support tower, to include adding equipment inside an existing building shelter already located within leased compound fenced area. No concrete will be poured. No work will be done outside of existing lease area on the tower or on the ground. No disturbance to ground.

Physical Location: 359 Tel Farm Lane; Kearneysville, West Virginia 25430

Zone: Rural

ISSUED ZONING CERTIFICATES

#ZC13-27 JOHN W. DARNALL / JOHN DARNALL TRUST - OWNER
SHENANDOAH PERSONAL COMMUNICATIONS / CONTACT: BEN PELLETIER -
APPLICANT

Issuance Date: July 12, 2013

Proposed Use: Tower-Telecommunications. Installation of three new panel antennas and one new microwave dish. Retrofit two existing cabinets and install one new cabinet. Install fiber distribution box to H-Frame. All work to be completed as per plans, as per code.

Physical Location: 3343 Shepherdstown Pike; Shepherdstown, West Virginia 25443

Zone: Rural



AGENDA
Jefferson County
Board of Zoning Appeals
Thursday, July 18, 2013, 3:00 p.m.

Members
Jeff Bresee, Chair
Christy Huddle, Vice Chair
Jeffrey Bannon
Edwin Kelly
Tyler Quynn

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 16, 2013 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Request by owners/applicants, Peter S. Corum and J. Edward Slonaker, pursuant to Section 3.2.G for an eighteen-month extension of the Morgan's Grove Market Conditional Use Permit which was issued on June 28, 2012 and will expire on December 28, 2013. The applicant is requesting an extension until August 28, 2015. Property location: 3988 Kearneysville Pike, Shepherdstown, West Virginia. District: Shepherdstown (09); Map: 13; Parcels: 26.1, 26.2, 26.3 and 26.4; Zoned: Rural; File #CP12-01.
4. Variance request by property owner, Michael Shveda, from Section 5.4-1 for a reduction of the rear setback distance from 20' to 15' to allow for a lower deck (constructed 7" off the ground) to extend 5' into setback. Property location: Colonial Hills Subdivision; 326 Starkey's Landing; Shepherdstown, West Virginia. District: Shepherdstown (09); Map: 8E; Parcel: 48; Zoned: Residential-Growth; Size: 2,000 sq. ft.; File: #ZV13-18.
5. Variance request by applicant, John Fridley, from Section 9.6(C) & 9.7 for a reduction of the front setback distance from 20' to 5' to allow for the construction of a 20' x 22' detached garage. Property Owner: William C. Palmer, Sr. Property location: Shannondale, (Section 1L), 1623 Lakeside Drive, Harpers Ferry, West Virginia. District: Kabletown (06); Map: 6C; Parcel: 292; Zoned: Rural; Size: 25,000 sq. ft.; File: #ZV13-19.
6. Variance request by property owners, Darrell B. and Melica D. Propst, from Section 9.7 for a reduction of the side setback distance from 12' to 4' to allow for the placement of a 14' x 40' portable shed at the end of a driveway to avoid the removal/destruction of a large tree. Property location: Hidden River Farm, Wide Horizon Section, Part Four 1788 Wide Horizon Boulevard; Kearneysville, West Virginia. District: Middleway (07); Map: 13; Parcel: 142; Zoned: Rural; Size: 1.514 acres; File: #ZV13-20.
7. Director's Report.
8. Legal Update.
9. Signing of written decisions from prior Board of Zoning Appeals meetings.
10. Correspondence

Jefferson County Board of Zoning Appeals Consideration of a Variance

Article 3, Section 3.4 of the Jefferson County Zoning and Land Development Ordinance amended by the County Commission on July 7, 2011, states the following:

Section 3.4 Boards and Commissions²³

A. Board of Zoning Appeals

4. The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.²³
 - a. The Board shall approve a variance request if the Board finds that a variance:
 - i. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
 - ii. 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;
 - iii. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
 - iv. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.^{17, 21}
 - b. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board at offices of the Departments of Planning and Zoning.
 - c. Notification for a variance must be conducted according to the requirements of Section 3.4A(3)(b).
 - d. A public hearing must be conducted according to the requirements of Section 3.4A(3)(c) and such hearing may be continued according to the requirements of Section 3.4A(3)(d).

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 18, 2013

Twin Oaks Subdivision, LLC (CP12-01)

<i>PC FILE #S12-06</i>	
SITE PLAN <i>PC FILE #S12-06</i>	<p>12/12/12: Submitted</p> <p>06/11/13: PC found the site plan, “conditionally and provisionally complete.”</p> <p>07/09/13: PC approved the site plan with conditions</p>
VARIANCE/WAIVER HISTORY	<p>Morgan’s Grove Market</p> <p>01/08/13: PC approved a waiver from Section 20.102(B) to allow rough site grading in anticipation of subsequent procedural and document approvals (<i>PCW12-08</i>).</p> <p>01/08/13: PC approved a waiver from Section 22.208 requesting relief from the road frontage sidewalk conditioned upon a 10’ pedestrian/bike easement being recorded along Rt. 480 (<i>PCW12-09</i>).</p> <p>01/08/13: PC approved (with conditions) a waiver Section 24.116(B): relief from subdivision ordinance requesting traffic study (<i>PCW12-10</i>).</p> <p>01/08/13: PC denied a request to schedule a public hearing for the Morgan’s Grove Market Major Site Plan (S12-06) prior to staff deeming the site plan complete.</p> <p>01/17/13: BZA approved (with conditions) variances from Section 4.11(A) reduce the landscape buffer along the side and rear yards from 10’ to 0’. (S12-06)</p> <p>01/17/13: BZA approved variance from Section 5.6D to reduce the following: Front yard building setbacks (25’ - 0’); Side yard building setbacks (50’ - 0’); Rear yard building setbacks (50’ - 0’); Parking, Driveway and Internal Access Drive Front Setbacks (15’ - 0’);and, Parking, Driveway and Internal Access Drive Side and Rear Setbacks (10’ - 0’). (S12-06)</p> <p>03/21/13: BZA approved a variance to waive site plan and parking requirements for a 1,200 sq. ft. tent structure to be used for a farm market.</p>
ZONING CERTIFICATE <i>#ZC11-15</i>	<p>“Market for the sale of farm products and incidental products, including arts and crafts. Live music, events, and performances are permitted if secondary to the market. Events may not be a primary attraction or conducted on non-market days.”</p>
<i>#ZC13-07</i>	<p>“Market for the sale of farm products and incidental products, including arts and crafts. Live music, events, and performances are permitted if secondary to the market. Events may not be a primary attraction or conducted on non-market days.” with conditions.</p>

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 18, 2013

Twin Oaks Subdivision, LLC (CP12-01)

RELEVANT INFORMATION:

1. Overview of Request

The applicant is seeking an 18 month extension of the conditional use permit (CUP) issued for Morgan’s Grove Market (CP12-01) per Section 3.2G of the Jefferson County Zoning Ordinance. The CUP was issued on June 28, 2012 and will expire on December 28, 2013. The applicant is requesting an extension until August 28, 2015.

The land use described in the CUP is as follows:

Intended uses are to consist of, but are not limited to, a Food Hub, General Merchandise (retail), Professional/Business Offices, Community Amenities, and other associated uses.

Food Hub

- a. Retail-Wholesale food distribution-storage
- b. Community Kitchen
- c. Restaurant (limited to 100 seats)
- d. Bakery
- e. Butcher Shop
- f. Accessory Uses

General Merchandise (Retail)

- a. Fresh-Local Food Market
- b. Hardware Store/Garden Center
- c. Antique Shop
- d. Cottage Industry
- e. Accessory Uses

Professional - Business Offices

- a. Family Health Clinic
- b. Banking, Accounting, Insurance (only as accessory uses)
- c. Sales for offsite services (home improvements)
- d. Other types of professional-business offices (small scale)

Community Amenities

- a. Health Activities Facility
- b. Alternative Energy Distribution point (limited)
- c. Public/Private Access Swimming Pool. (The pool may not be emptied into the Town Run.)
- d. Entertainment-Sports Facility Conference

2. Applicant’s Justification of Request

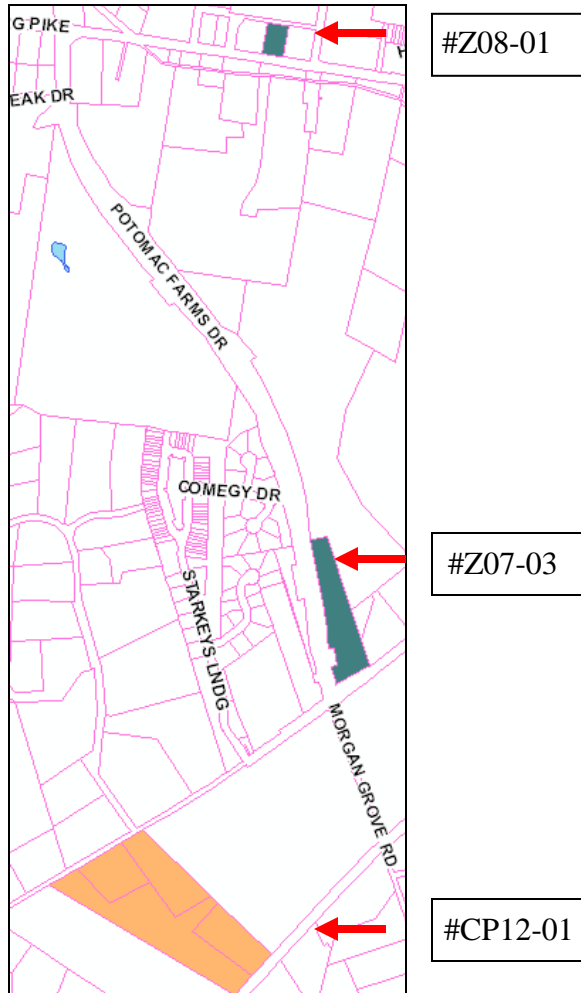
The applicant states, “It is anticipated that all requirements will be met and construction could begin within the 18 month window. Due to the unknowns of meeting schedules and third party approvals this is not guaranteed. This extension request is needed to ensure that full ordinance requirements will be met in the face of several actions over which the applicant has little control.”

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 18, 2013

Twin Oaks Subdivision, LLC (CP12-01)

3. Staff Evaluation of Request

The Board has approved CUP extensions in other circumstances. For example, the Board has approved conditional use permit extensions for the Dairy Queen (#Z08-01) located in the Maddex Square Shopping Center in Shepherdstown and the Shepherdstown Professional Center (Z07-03) located across from Route 480 and in close proximity to the subject property.



SECTION OF ORDINANCE TO BE CONSIDERED:

G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. Pursuant to Chapter 8A of the West Virginia Code as amended, a Zoning Certificate or Conditional Use Permit associated with a subdivision or land development plan - whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010 - shall remain valid until July 1, 2012, provided that the land development plan or plat received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.^{17, 21, 23}

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
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zoning@jeffersoncountywv.org

Phone: (304) 728-3228
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MEMO

TO: Planning, Zoning, and Engineering Departments
FROM: Steve Barney, Zoning Administrator, Planning and Zoning Department
DATE: June 17, 2013
RE: Determination: Commencement of a Land Use – Conditional Use Permits and Zoning Certificates

Background

The validity period for Conditional Use Permits (CUPs) and Zoning Certificates is established in Section 3.2G of the Jefferson County Zoning and Land Development Ordinance, which states:

A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced.

Because the ordinance does not define what is meant by commencement of a land use, I am issuing a determination to interpret this provision of the ordinance.

Determination of Commencement of Land Use

Commencement of a land use for site plan developments, residential subdivision developments, and other developments associated with Conditional Use Permits and Zoning Certificates shall be as follows:

1. **Site Plan**

A Conditional Use Permit or Zoning Certificate associated with a site plan development (industrial, commercial, multi-family, etc.) shall be considered to have commenced following:

- a. Approval of a site plan for the land use by the appropriate approving entity designated in the Jefferson County Subdivision and Land Development Regulations¹; and
- b. Issuance of a building permit application for the use, following site plan approval, subject to the following:
 - i. If construction lawfully begins for work shown on the approved building permit, then the construction/commencement of the use shall be considered valid, and the CUP or Zoning Certificate is no longer subject to expiration per Section 3.2G.

- ii. If no construction work lawfully begins for work shown on the approved building permit associated with a CUP or Zoning Certificate, the CUP or Zoning Certificate shall be valid until the later of:
 - (a) The expiration date of the CUP or Zoning Certificate, whichever is applicable (as amended by any extensions approved by the Board of Zoning Appeals); or
 - (b) The expiration date of the building permit.

2. Residential Subdivision Development

A Conditional Use Permit for a residential subdivision shall be considered to have been commenced after approval of a final plat by the appropriate approving entity designated in the Jefferson County Subdivision and Land Development Regulations.ⁱ

3. Other Developments

For land uses that do not require approval of a site plan or a residential subdivision plat prior to initiation, the use shall be considered to have commenced following:

- a. Lawful occupancy of the site by the land use (i.e. establishment of the business or other land use type for which the Conditional Use Permit or Zoning Certificate was issued, on the subject property, in compliance with all county requirements); or
- b. Issuance of a building permit application for the use, subject to the following:
 - i. If construction lawfully begins for work shown on the approved building permit, then the construction/commencement of the use shall be considered valid, and the CUP or Zoning Certificate is no longer subject to expiration per Section 3.2G.
 - ii. If no construction work lawfully begins for work shown on the approved building permit, the CUP or Zoning Certificate shall be valid until the later of:
 - (a) The expiration date of the CUP or Zoning Certificate, whichever is applicable (as amended by any extensions approved by the Board of Zoning Appeals); or
 - (b) The expiration date of the building permit

Please let me know if you need additional information.

ⁱ For site plans and final plats that require Planning Commission approval: In the event that a request to approve a site plan or final plat is scheduled on a Planning Commission agenda for a date prior to the expiration of the CUP or Zoning Certificate, and the meeting is postponed or the agenda item is postponed (by the behest of the Planning Commission rather than by request of the applicant) to a subsequent meeting, then the CUP or Zoning Certificate shall continue to be considered valid until the meeting at which the Planning Commission votes on the request.

CP/2-01

FB solutions

for all your management, regulatory and permit needs

191 Wild Hare Road

Harpers Ferry, WV 25425

304 725 6754

fred@fredblackmer.com

Jefferson County Zoning Administrator
PO Box
East Washington Street
Charles Town, WV 25414

June 3, 2013

RECEIVED

JUN 05 2013

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Subject: Conditional Use Permit Extension

To Whom It May Concern,

The undersigned owner(s) of land identified as Shepherdstown District; Tax Map 13 parcels 26.1, parcel 26.2, parcel 26.3 and parcel 26.4 requests a Conditional Use Permit extension. This request is being made through procedures and regulation identified in JC Zoning Ordinance Article 3.2G.

3.2G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. Pursuant to Chapter 8A of the West Virginia Code as amended, a Zoning Certificate or Conditional Use Permit associated with a subdivision or land development plan - whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010 - shall remain valid until July 1, 2012, provided that the land development plan or plat received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.^{17, 21, 23}

The purpose of this request is to continue the visionary evolution of this property's uses as approved by the Board of Zoning Appeals (BZA) through issuance of a Conditional Use Permit (CUP).

Narrative of substantiation for this request:

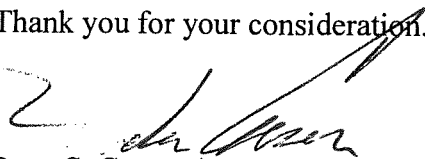
Morgan's Grove Market (MGM) was approved for a Conditional Use Permit on April 19, 2012. Since that time the applicant has been exercising due diligence in completing all steps required in the process for site plan approval. The applicant has been able to successfully complete many of the various reviews, required waivers-variances, inter-governmental requirements and permitting. There are still some remaining tasks to complete in order to comply with JC Subdivision and Land Use Ordinance requirements and compliance with BZA conditions.

Site Plan Approval is still in process. No construction can begin without that approval. There are also items that need to be addressed following that approval. Bonding, final construction contracts and mobilization are but a few. It is anticipated that all requirements will be met and construction could begin within the 18 month window. Due to the unknowns of meeting schedules and third party approvals this is not guaranteed. This extension request is needed to ensure that full ordinance requirements will be met in the face of several required actions over which the applicant has little control.

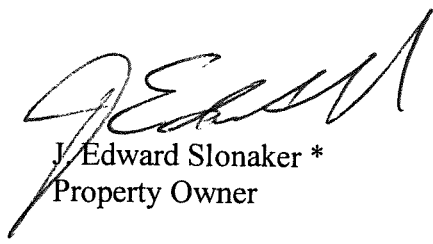
I don't believe anyone would have anticipated that this requested extension would be necessary, but it is. The detail required for submissions, the review process, meeting schedules, various interpretations and lead time required for action make compliance with the initial CUP time to construction period of 18 months more tight than it might seem.

The applicant is requesting the full 18 month one time extension be granted.

Thank you for your consideration.



Peter S. Corum *
Property Owner



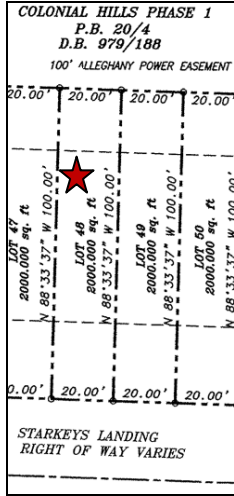
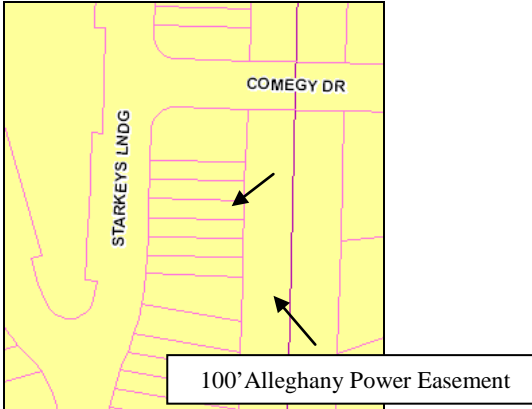
J. Edward Slonaker *
Property Owner

*(Member of Twin Oaks Subdivision, LLC)

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 18, 2013

Michael Shveda Request (#ZV13-18)

Item # 4 Variance request by property owner, Michael Shveda, from Section 5.4-1 for a reduction of the rear setback distance from 20' to 15' to allow for a lower deck (constructed 7" off the ground) to extend 5' into setback.

APPLICANT:	Michael Shveda
OWNER :	Same
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	Colonial Hills Subdivision, Phase 2 326 Starkey's Landing; Shepherdstown, West Virginia
LEGAL DESCRIPTION:	Shepherdstown (09); Map: 8E; Parcel: 48 
ZONING DISTRICT:	Zoning Map Designation: Residential-Growth (RG) 
SURROUNDING PROPERTIES:	Zoning Map Designation: North: RG South: RG East: RG West: RG
LOT AREA:	2,000 sq. ft
PRIOR CASES:	04-33: PC approved the Colonial Hills Final Plat 03/08/05
VARIANCE(S):	None
APPROVED ACTIVITY:	Residential

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 18, 2013

Michael Shveda Request (#ZV13-18)

RELEVANT INFORMATION:

1. Overview of Request

The applicant is seeking a variance to allow for a reduction of the rear setback distance from 20' to 15' allowing for a 15' x 9' deck, which will be constructed 7" off the ground, to extend 5' into setback. A 6' x 8' deck, which meets the setbacks, is proposed to extend from the second story of the home which will include a stairway leading to the requested 15' x 9' lower deck.

2. Previous Case History

The subject property is located in Colonial Hills Subdivision (PC File #04-33), which was approved by the Planning Commission on March 8, 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:

- 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

The Colonial Hills, Phase II community was approved by subdivision plat on March 8, 2005. This phase consisted of 60 townhouse lots.

The Board of Zoning Appeals reviewed a similar variance request in the Colonial Hills Subdivision on November 20, 2008 (Wolf ZV08-27) and May 19, 2011 (Anders ZV11-12).

a. Source and purpose of ordinance requirements

Section 5.4, Table 5.4-1 provides the setback requirements of the Residential Growth District. For a townhouse, these setbacks are 25 feet (front), 12 feet (exterior side), and 20 feet (rear).

Section 9.5(a) of the Zoning Ordinance allows a 4-foot encroachment into yards for certain types of projections, including uncovered porches, provided that such projections are not over 10 feet in length. The variance request is to allow a 5-foot encroachment for a projection of 15 feet in length.

The purpose of 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.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 18, 2013

Michael Shveda Request (#ZV13-18)

Note: The Planning Commission is currently reviewing a proposed text amendment which will reduce the rear setback for a deck to 10' for properties under the follow conditions: located in the Residential - Light Industrial – Commercial District and Residential – Growth zoning districts; on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less; and, if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

b. Unique characteristics of property

The subject property is approximately 2,000 square feet in size. The size and shape of the lot are generally consistent with other properties in the subdivision. Lot depth (100') is typical for the neighborhood, but is somewhat shallow when the front (25') and rear (20') setbacks are taken into account. The lot depth does not appear to leave an area between the rear of the home and the rear setback line, sufficient for the construction of a substantial deck. The townhomes in this row were constructed in an offset pattern. This townhome is projected further into the rear of the yard than the other townhomes in the row giving the applicant less buildable area.

c. Character of area

The property is located in the Colonial Hills subdivision, and is surrounded by residential uses. A 100' Alleghany Power easement is located along the rear property line.



d. Impact on adjacent properties

The primary property that could be impacted by the proposed variance is the townhome located to the right of the subject property. However the visual impact of the proximity of the deck appears to be reduced as the deck is located 7" from the ground. Should the applicant or adjacent property owner choose to erect a fence in the future, the deck will no longer be visible.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 18, 2013

Michael Shveda Request (#ZV13-18)

- e. Feasibility of complying with the ordinance by other means

The depth of the proposed deck could be reduced to comply with the 20' setback requirements. However, because the rear of the home is located approximately 24' from the property line, the maximum possible depth of the deck would be 4', which a typical resident might find to be too shallow to be of practical use.

Another option is to take advantage of the encroachment provision of Section 9.5. However, this option is limited to a 4' encroachment into a setback, for a deck (or similar projection) of no more than 10' in width. This would yield a deck area of only 80 square feet.

5. Conditions of Approval

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

- a. The variance is limited to a deck of the dimensions described in the application.

SECTION OF ORDINANCE TO BE CONSIDERED:

B. 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.²³

Development Type	Minimum Lot Area (MLA) Area per Dwelling Unit (ADU)	Required Yards	Maximum Building Height*
3. Townhouse Public/Central water and sewer	1,400 sq. ft. MLA 3,500 sq. ft. ADU	25 ft. front 12 ft. side (exterior only) 20 ft. rear	40 ft.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

Charles Town, WV 25414

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

File Number: ZV13-18

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

Staff Initials: _____

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email 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

Property Owner Name: MICHAEL SHARDA

Mailing Address: 326 STARKEY'S LANDING

City: SHEPHERDSTOWN State: W.V. Zip Code: 25443

Phone Number: 1-413-742-7454 Email: _____

Applicant or Contact Information

Applicant / Contact Name: SAME

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Applicant Representatives

Company/Organization Name: SAME

Attorney(s), Engineer(s), or Surveyor(s) Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Physical Property Details

Physical Property Address: 326 STARKEY'S LANDING

Tax District: SHEPHERDSTOWN 09 Map No: 8E Parcel No: 004800000000

Parcel Size: 2,000 SF Deed Book: 1044 Deed Bk. Pg. No: 659

1113 - SH 06/27/13
599 - SH 06/27/13

Zoning District:	Rural (R-A)	Residential Growth (R-G)	Industrial Commercial (I-C)	Residential-Light Industrial-Commercial (R-L-C)	Village (V)
	0	0	0	0	0

RECEIVED

JUN 21 2013

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 (Required:) 5.4-1

Please briefly describe the nature of the variance request:

TO ALLOW FIVE FEET (5') OF LOWER DECK TO EXTEND INTO SETBACK ON BACK OF TOWNHOUSE.

If this request is for a setback variance, please complete the section below:

Front Setback Side Setback Rear Setback Reduction From 20' to 15'

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 LOWER DECK WILL ONLY BE (7") INCHES OFF THE GROUND. WILL NOT BE IN LINE OF SIGHT.

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?

ALLOWS HOMEOWNER TO HAVE 2 DECKS. ONE AT REAR EGRESS, DOWN STEPS TO LOWER DECK. ALLOWS FOR OUTDOOR GRILL TO BE SAFELY PLACED ON DECK

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

ALLOWS HOMEOWNER MORE USE OF HIS BACK YARD. SECOND DOOR TO ALLOW OWNER TO LEAVE HOUSE.

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

NOT BUILDING A STRUCTURE THAT WILL STAND OUT AS BEING OUT OF PLACE

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.

Michael Shevada 6/17/13
Print Name of Property Owner 1 Date
[Signature] 6/17/13
Signature of Property Owner 1 Date

Print Name of Property Owner 2 Date

Signature of Property Owner 2 Date

Notification Requirements (to be completed by staff)

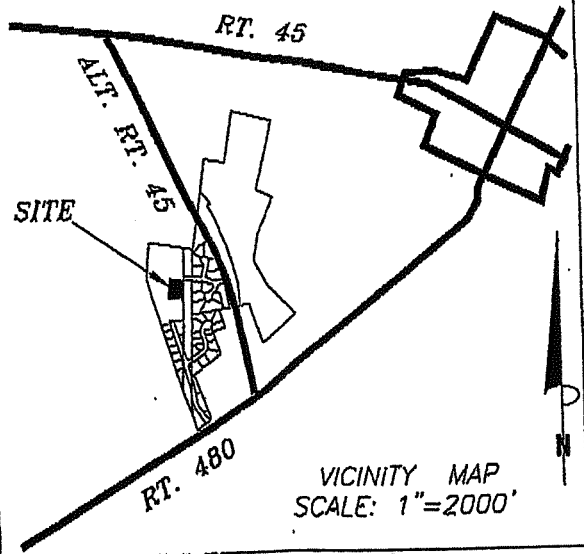
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least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

July 18, 2013
Date of Public Hearing

July 3, 2013
Advertising Date

July 3, 2013
Placard Posting Date

SHEPHERDSTOWN



VICINITY MAP
SCALE: 1"=2000'

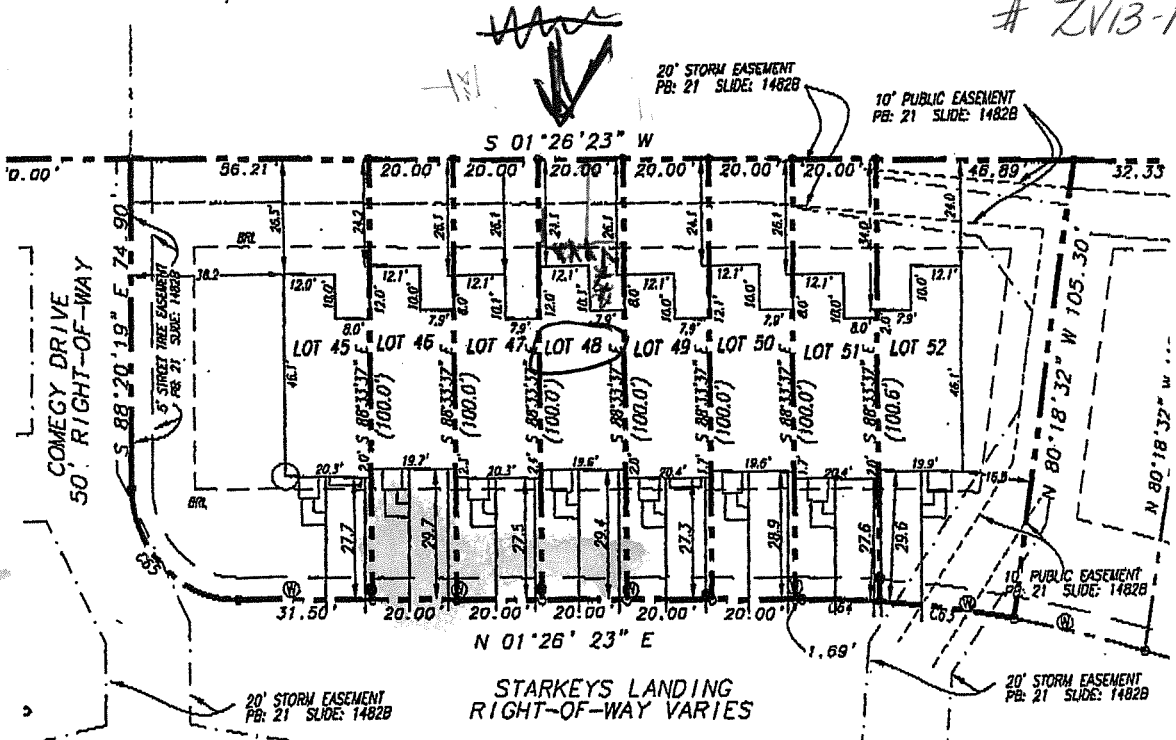
FLOOD PLANE PER F.E.M.A. MAP
540065 002B.
2. SETBACKS FOR THESE LOT ARE
FRONT = 25'
SIDE (END UNITS) = 12'
STREET SIDE (END UNITS) = 15'
REAR = 20'

LOT 46 = 2000.00 sq.
LOT 47 = 2000.00 sq.
LOT 48 = 2000.00 sq.
LOT 49 = 2000.00 sq.
LOT 50 = 2000.00 sq.
LOT 51 = 2003.41 sq.
LOT 52 = 4031.69 sq.

- = 6" SANITARY SEWER CLEAN OUT
- = CAPPED REBAR TO BE SET
- BRL = BUILDING RESTRICTION LINE
- ⊙ = WATER METER
- = SETBACK
- - - = STORM EASEMENT
- — — = PROPERTY LINE
- — — = BUILDING WALL
- — — = STREET TREE EASEMENT
- — — = PUBLIC ACCESS

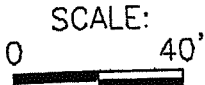
NUMBER	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD DIRECTION	TANGENT
C63	300.00	06°06'42"	32.00	31.98	N 07°59'37" E	16.02
C64	300.00	03°29'54"	18.32	18.31	N 03°11'20" E	9.16
C65	25.00	90°13'18"	39.37	35.42	N 46°33'02" E	25.10

ZV13-18

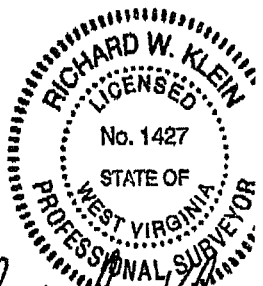


WV. STATE GRID
NORTH ZONE 4701

COLONIAL HILLS PHASE 2 SUBDIVISION
LOTS 45-52
HOUSE LOCATION SURVEY



FOR
BEAZER HOMES
SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
TM: 8-E PARCEL 45-52
DB: 1018 PG. 336



Richard W. Klein

RICHARD W. KLEIN
P.S. # 1472

9/07

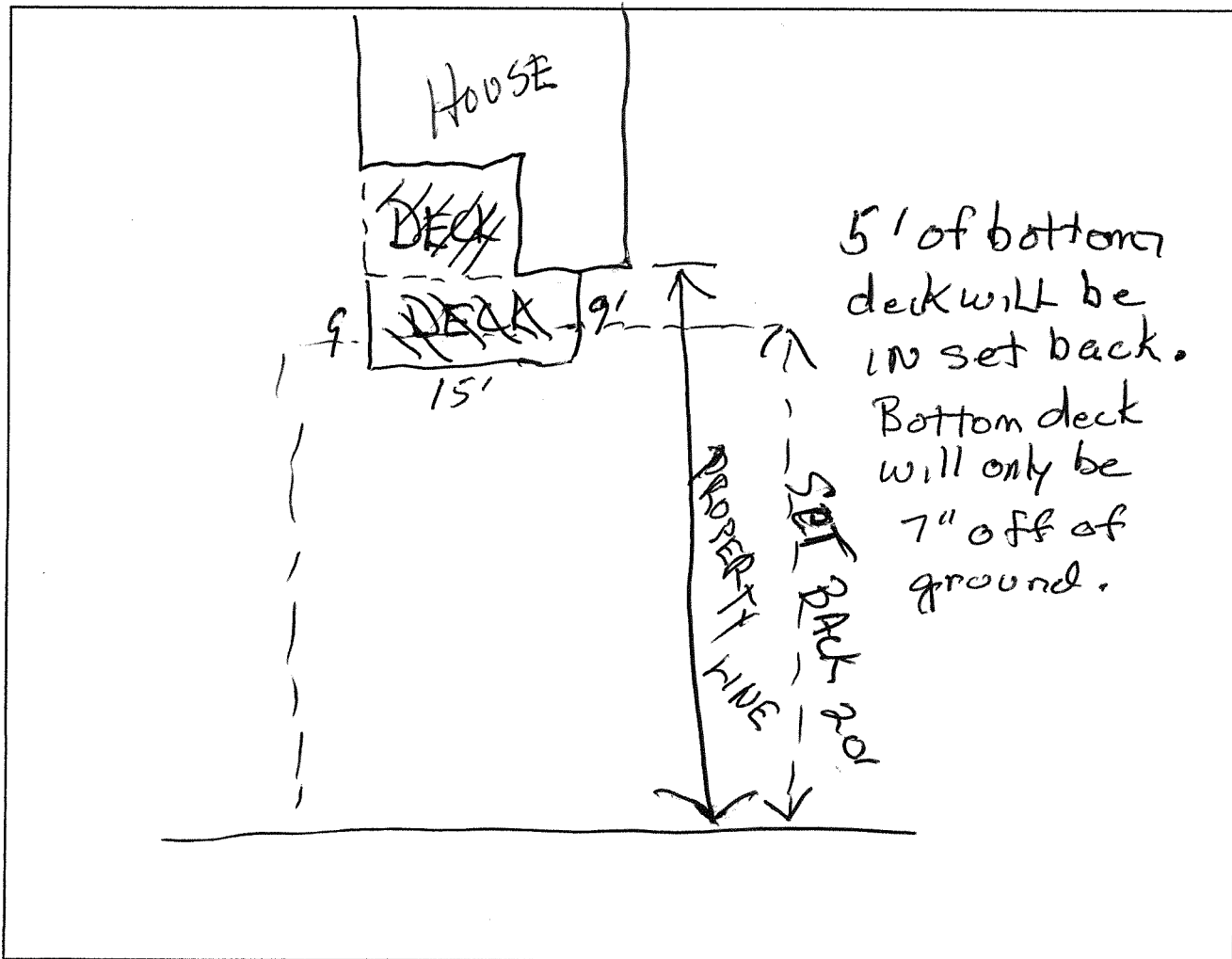
2V13-18

PROPERTY SKETCH SHEET

Sketch the shape and location of the lot and show the following:

1. All existing roads with names and/or route numbers.
2. All rights-of-way and/or easements.
3. Septic reserve areas.
4. Location of the intended construction or land use; and show the building setback lines and the distances from the property line to the setback lines; and the distance from the property line to the structure.
5. Show the size and height of the structure.
6. Show all existing buildings/structures on the parcel/property.
7. On Renovation's and Addition; Please indicate number of bedrooms and if adding a kitchen

Note: The sketch may be on a separate sheet; however, it shall be signed and dated by the applicant.

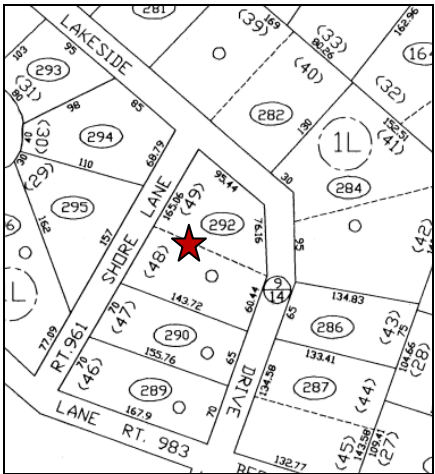
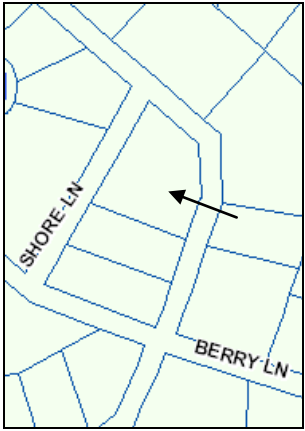


Property Owner/Applicant's Signature _____ Date: ____/____/____

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 18, 2013

John Fridley Request (#ZV13-19)

Item # 5 Variance request by applicant, John Fridley, from Section 9.6(C) & 9.7 for a reduction of the front setback distance from 20' to 5' to allow for the construction of a 20' x 22' detached garage.

APPLICANT:	John Fridley
OWNER :	William C. Palmer, Sr.
DEVELOPER:	John Fridley
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	Shannondale, (Section 1L) 1623 Lakeside Drive; Harpers Ferry, West Virginia
LEGAL DESCRIPTION:	Kabletown (06); Map: 6C; Parcel: 292 
ZONING DISTRICT:	Zoning Map Designation: Rural (R) 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: R South: R</i> <i>East: R West: R</i>
LOT AREA:	25,000 sq. ft
PRIOR CASES:	None
VARIANCE(S):	None
APPROVED ACTIVITY:	Residential

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 18, 2013

John Fridley Request (#ZV13-19)

RELEVANT INFORMATION:

1. Overview of Request

The applicant is seeking a variance from Section 9.6(C) & 9.7 for a reduction of the front setback distance from 20' to 5' to allow for the construction of a 20' x 22' detached garage.

2. Previous Case History

The subject property is located in Shannondale Subdivision which was approved and recorded prior to the adoption of subdivision and zoning regulations.

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

An exhibit submitted with the application shows that the garage would be constructed 14' from the existing home, would have a width of 20', a depth of 22' and a proposed door width of 16'. The garage is represented as being 5' from the edge of Lakeside Drive from the front corner of the garage and 8' from the rear corner of the garage as the property line is at a slight angle.

a. Source and purpose of ordinance requirements

The recordation of this section of the Shannondale Subdivision predates the establishment of the zoning ordinance therefore the applicant must comply with Section 9.7 of the Zoning Ordinance which regulates setbacks for properties created prior to 1988. Due to the property's location, size, zoning district and history, the setbacks would be 20' Front, 8' Side and 12' Rear. Because the property abuts roads on three sides, the front yard setback must be met on those three sides. The applicant has demonstrated to Staff that they can meet the rear setback distance requirements.

b. Unique characteristics of property

The subject property is located in an established subdivision that predates both the zoning and subdivision ordinances. A lot of this size and in this zoning district would not be permitted under the current regulations and is therefore considered a nonconforming lot. While the existing home meets the current zoning setbacks for lots that are 25,000 square feet in the rural district; the proposed addition of a detached garage of this size would not meet the required 20' front setback. The location of the existing well cap prevents the applicant from situating the

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 18, 2013

John Fridley Request (#ZV13-19)

garage closer to the home; however, as indicted by the sketch submitted by the applicant if the garage were attached to the home in the absence of the well cap, the applicant would still require a 1' setback variance. In addition to the numerous trees that surround the property; a small creek runs in the rear of the property. It appears that multiple trees would have to be removed to place the garage in the proposed location.



Location of Edge of Road

Location of Well Cap

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 18, 2013

John Fridley Request (#ZV13-19)



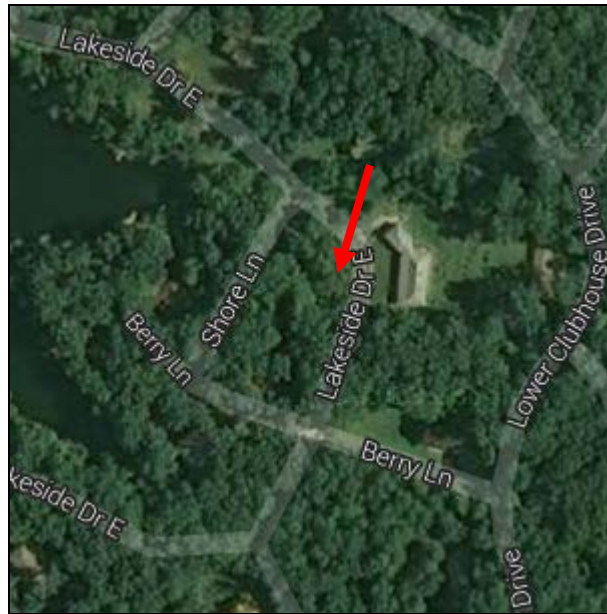
Rear View of Property

c. Character of area

The property is located in the Shannondale Subdivision and is situated in a particularly heavily forested section, surrounded on three sides by residential uses. To the west of the parcel is the Mountain Lake Club lake, while the Lodge and its amenities are located approximately 800 linear feet from the rear of the subject parcel.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
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John Fridley Request (#ZV13-19)



Subject Parcel & Approximate Location of Garage



Mountain Lake Club

d. Impact on adjacent properties

The construction of the garage within 5' of the property line on a sharp curve (creating a corner lot) could cause possible sight distance issues. However, the roads are narrow at this particular location which requires traffic to reduce their speed. In addition, existing landscaping and ornamental fencing obligate one to be mindful of oncoming traffic.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
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John Fridley Request (#ZV13-19)



Existing Landscaping

- e. Feasibility of complying with the ordinance by other means

The width of the proposed garage (20' x 22') is a one and a half car garage design. The applicant could potentially reduce the size of the garage to the traditional single car design of 12' in width, while still maintaining the additional depth, thus reducing the setback impact to 13' instead of the requested 5'. To compensate for the loss of supplemental storage area, the applicant may be able to extend the structure towards the rear of the property to maximize their storage potential, provided they meet the 12' setback.

5. Conditions of Approval

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

- a. The variance is limited to the dimensions described in the application.

SECTION OF ORDINANCE TO BE CONSIDERED:

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.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 18, 2013

John Fridley Request (#ZV13-19)

Section 9.7 Other Exceptions³

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

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Rural Agricultural and Industrial Commercial

Single family residences --

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8'side	and	12' rear



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

Charles Town, WV 25414

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

File Number: ZV13-19

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

Staff Initials: JK

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email 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

Property Owner Name: William C. Palmer Sr.
 Mailing Address: 5 Short St. FLZ
 City: Brooklyn Park State: MD Zip Code: 21225
 Phone Number: 410-768-9096 Email: _____

Applicant or Contact Information

Applicant / Contact Name: John Fridley
 Mailing Address: P.O. Box 1261
 City: Harper Ferry State: WV Zip Code: 25425
 Phone Number: 304-671-3175 Email: popspart2@yahoo.com

Applicant Representatives

Company/Organization Name: _____
 Attorney(s), Engineer(s), or Surveyor(s) Name: _____
 Mailing Address: _____
 City: _____ State: _____ Zip Code: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Property Address: 1623 Lakeside Dr. Sec. 1L # 48.49 Shannondale
 Tax District: Kabletown Map No: 6C Parcel No: 292
 Parcel Size: 25,000 sq. ft. Deed Book: 551 ^{06/25/13} Deed Bk. Pg. No: 558 ^{06/25/13}

Zoning District:	Rural (R-A)	Residential Growth (R-G)	Industrial Commercial (I-C)	Residential-Light Industrial-Commercial (R-L-C)	Village (V)
	0	0	0	0	0

RECEIVED

JUN 21 2013

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 (Required:) Section 9.6 C/ 9.7

Please briefly describe the nature of the variance request: Requesting to allow the front setback of a detached garage to be within 5' of the road instead of 20'
20' x 22' ←

If this request is for a setback variance, please complete the section below:

Front Setback Side Setback Rear Setback Reduction From 20' to 5'

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents. Doesn't obstruct traffic flow on the road. Closest neighbor on that side is on the other side of the road, causing no issues with them. Closet road intersection is approx. 100' from the structure.

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? This is the only logical location on the property for a garage. Without the variance, the garage is not possible. Due to the existing well cap and drainage swales, I cannot move the garage closer to the house or farther back.

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land? The homeowners have to park outside now, which is inconvenient in the winter. That area is already where the car is parked sometimes.

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done? The homeowners will finally be able to protect the car from the elements as well as gain some storage space for other items.

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.

William C. Palmer, Sr.
Print Name of Property Owner 1 Date

Print Name of Property Owner 2 Date

William C. Palmer, Sr.
Signature of Property Owner 1 Date

Signature of Property Owner 2 Date

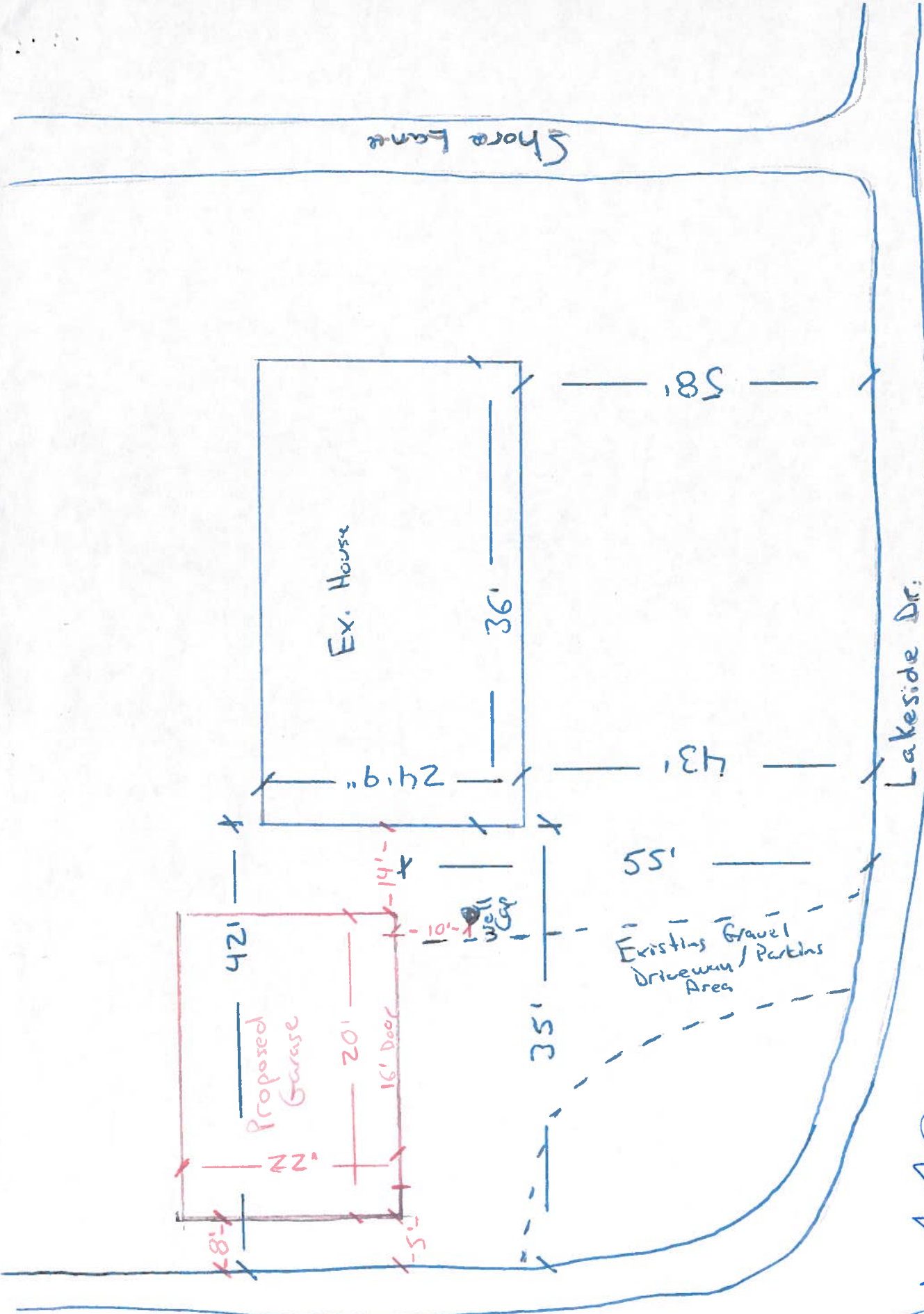
Notification Requirements (to be completed by staff)

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 twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

July 18, 2013
Date of Public Hearing

July 3, 2013
Advertising Date

July 3, 2013
Placard Posting Date



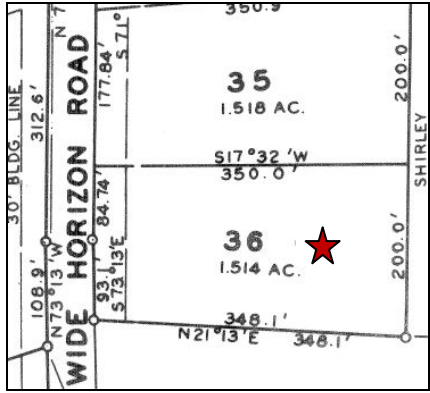
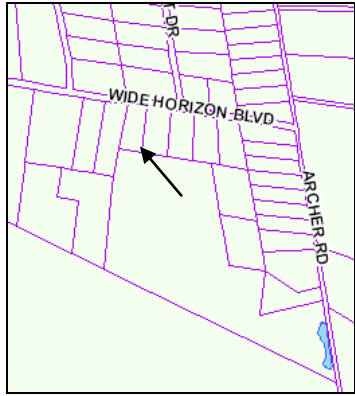
John A. [Signature]
 @ 2/13

2113-19

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 18, 2013

Darrell and Melica Propst Request (#ZV13-20)

Item # 6 Variance request by property owners, Darrell B. and Melica D. Propst, from Section 9.7 for a reduction of the side setback distance from 12' to 4' to allow for the placement of a 14' x 40' portable shed at the end of a driveway to avoid the removal/destruction of a large tree.

APPLICANT:	Darrell B. and Melica D. Propst
OWNER :	Same
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	Hidden River Farm, Wide Horizon Section, Part Four 1788 Wide Horizon Boulevard, Kearneysville, West Virginia
LEGAL DESCRIPTION:	Middleway (07) Map: 13; Parcel: 142 
ZONING DISTRICT:	Zoning Map Designation: Rural (R) 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: R South: R</i> <i>East: R West: R</i>
LOT AREA:	1.514 acres
PRIOR CASES:	Final Plat: PC File #72-19
VARIANCE(S):	None
APPROVED ACTIVITY:	Residential

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 18, 2013

Darrell and Melica Propst Request (#ZV13-20)

RELEVANT INFORMATION:

1. Overview of Request

The applicant is seeking a variance from Section 9.7, to allow for a reduction of the side setback distance from 12' to 4' allowing for the placement of a 14' x 40' (10'11" high & foundation) portable shed to be located at the end of their driveway. The applicant states they are requesting relief from the 12' setback to avoid removing an older tree.

2. Previous Case History

The subject property is located in Hidden River Farm, Wide Horizon Section, Part Four (PC File #72-19), which was approved and recorded with the County Clerk on July 18, 1973. No additional variances have been sought for this property.

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 recordation of this section of Hidden River Farm subdivision predates the establishment of zoning in Jefferson County; therefore the applicant must comply with Section 9.7 of the Zoning Ordinance which regulates setbacks for properties created prior to 1988. Due to the property's location, size, zoning district and history, the setbacks would be 25' Front, 12' Side and 20' Rear. The applicant has demonstrated to Staff that they can meet the front and rear setback distance requirements.

b. Unique characteristics of property

Adjacent to the applicant's home is a circular drive and landscaping which encumbers a significant portion of the available land on the eastern portion of the property. The rear of the property naturally slopes, and as the applicant testified, an existing shed located on the property has rotted due to inadequate drainage. The applicant has also explained that the majority of the property is located in front of the house; this area is hindered by the applicant's septic system and by existing, mature trees.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 18, 2013

Darrell and Melica Propst Request (#ZV13-20)



Circular Drive and Landscaping



Assumed Location of Shed



Rear View of Property



Front View of Property

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 18, 2013

Darrell and Melica Propst Request (#ZV13-20)

c. Character of area

Hidden River Farm is an established development in Jefferson County. Many of the lots within Hidden River Farm are of similar size and shape. A review of aerial photography shows that several lots have structures that are relatively close to the property lines.

d. Impact on adjacent properties

The sole property that could be impacted by the proposed variance is a single-family property located to the east. The visual impact of the proximity of the shed is reduced by the dense tree line between the neighboring parcels. The southern parcel is approximately 37 acres and is buffered by substantial woodlands with the home site being situated more than 800 feet from the rear of the subject property.



Approximate Location of Shed



Staff Report
Jefferson County Board of Zoning Appeals Meeting
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Darrell and Melica Propst Request (#ZV13-20)

- e. Feasibility of complying with the ordinance by other means

As stated in the applicant's request, the 12' side setback would require the removal of a large tree (as represented in the picture below).



Assumed tree to be Removed

For the applicant to meet the required setback and not remove the tree, they could opt to reduce the size of the shed; however, the applicant states the proposed size would allow them to store existing items that are currently exposed to the elements as they do not have a garage. This potential solution may require the applicant to remove the basketball hoop which is presently set in concrete.

5. Conditions of Approval

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

- a. The variance is limited to a shed of the dimensions described in the application and is not to exceed the height as represented on the request.
- b. The variance is limited to a prefabricated or custom built shed constructed of materials that are typically found in residential neighborhoods. This would exclude the use of a shipping/sea container.

Staff Report
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July 18, 2013

Darrell and Melica Propst Request (#ZV13-20)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.7 Other Exceptions³

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

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Rural Agricultural and Industrial Commercial

Single family residences --

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8'side	and	12' rear



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: ZV13-20

Staff Initials: _____

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

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

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Variance Request

Variations 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

Property Owner Name: Darrell b. and Melica D. Propst

Mailing Address: 1788 Wide Horizon Blvd

City: Kearneysville State: WV Zip Code: 25430

Phone Number: (304)724-1141 Email: darrell.b.propst@comcast.net

Applicant or contact information

Applicant / Contact Name: Darrell B. Propst

Mailing Address: 1788 Wide Horizon Blvd

City: Kearneysville State: WV Zip Code: 25430

Phone Number: (304)724-1141 Email: darrell.b.propst@comcast.net

Applicant representatives

Company/Organization Name: N/A

Attorney(s), Engineer(s), or Surveyor(s) Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Physical property details

Physical Property Address: Wide Horizon Blvd - ROUTE 1/6

City: Kearneysville State: WV Zip Code: 25430

Tax District: Middleway Map No: MW13 Parcel No: 142

Parcel Size: 1.514 acres Deed Book: 667 920 ^{06/26/13} _{ST} Page No: 392-731 ^{06/26/13} _{ST}

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

JUN 21 2013

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: Section 9.7

Please briefly describe the nature of the variance request

We would like to place a portable shed at the end of our driveway. If placed in the location that meets the setback requirements we would have to destroy a large tree. This is an old tree and we would like to avoid that.

If this request is for a setback variance, please complete the section below

Front Setback Side Setback Rear Setback Reduction From 12 to 4

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 property line that we share with Mr. and Mrs, McVey is very thick with trees and foliage. We would not be clearing out any of this so the visual landscape would be unchanged. We are not blocking or crowding any driveways or walk paths.

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?

Most of the property is in the front of the house. All the other areas are too rocky and unlevel to place the building or is near our septic system. The only location that is suitable is the part of the property at the end of the driveway. We would rather have it at the very end but do not want to destroy the tree to do it.

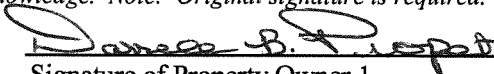
How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

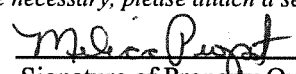
The current shed that transferred with the property was built on the rocky area and the foundation was not properly constructed to allow for drainage. It has over time rotted and has become an eyesore and unstable. We would like to replace it with a nicer building that is also larger to allow for current and future needs.

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

This building will not crowd any other structure and will for the most part not be seen by our neighbors. It will not block any views currently available to the neighbors. It will be on a gravel foundation that if need be at any time can be moved or removed if this variance is retracted or the neighbor requests it.

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.

 6/21/13
Signature of Property Owner 1 Date

 6/21/13
Signature of Property Owner 2 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 twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

July 18, 2013
Date of Public Hearing

July 3, 2013
Advertising Date

July 3, 2013
Placard Posting Date



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 July 18, 2013 Board of Zoning Appeals Meeting

1) 4th Quarterly Report/Annual Report FY 2013

The attached report acts as the quarterly report for the Department of Planning and Zoning, the Planning Commission and the Board of Zoning Appeals. It also serves as the annual report on the status of planning in the County required by WV Code 8A. If you have no revisions, this version will be forwarded on your behalf to the County Commission.

2) Envision Jefferson 2035 Update -- See Attached Memo

HOLD THE DATES:

- **Thursday, July 18, 2013, 7 pm**, Joint Meeting between Envision Jefferson 2035 Steering Committee and County Commission re: status of Comprehensive Plan effort – Planning Commission members are encouraged to attend
- **Saturday, July 27, 9:30 am – 12**, Sam Michaels Park gymnasium, 2nd Round Public Input Meeting – Goals and Objectives and Future Land Use Input (1 of 2)
- **Tuesday, July 30, 6:30 – 9 pm**, Community Club Meeting Room, War Memorial Building, Shepherdstown, 2nd Round Public Input Meeting – Goals and Objectives and Future Land Use Input (2 of 2)
- **Monday, August 19 – Friday, August 23, 2013 3 pm – 7pm**
County Fair booth (Future Land Use Exercise) –volunteers needed



JEFFERSON COUNTY, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

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MEMORANDUM

TO: Jefferson County Commission
FROM: Jennifer M. Brockman, AICP, Director, Planning and Zoning;
Jefferson County Planning Commission;
Jefferson County Board of Zoning Appeals
DATE: July 9, 2013
RE: 4th Quarterly Report for Planning and Zoning Departments, Planning Commission and Board of Zoning Appeals for FY 12-13 (April – June, 2013) AND Annual Report of Planning Commission

1. Projects Undertaken in 4th Quarter (New this Quarter):

a. Long Range Planning:

- On-going --Goals and Objectives for Envision Jefferson 2035 (2014 Comprehensive Plan) and edits – see progress in “Projects Underway” section below

b. Major Site Plans or Subdivisions (PC):

- Morgan’s Grove Market Site Plan requested determination of completeness by Planning Commission prior to submission of all required documentation (conditionally and provisionally approved 6/11/13; PH scheduled for 7/9/13)

c. Zoning Text Amendments (PC):

- Proposed text amendments to the following sections of the Zoning and Land Development Ordinance: 2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, and 12.2 (PC Public Hearing 6/11/13)
- Consideration of County Commission Motion requesting Planning Commission action related to a proposed draft amendment to the Residential-Light Industrial-Commercial Zone and the Commercial-Industrial Zone (6/11/13 – action continued to July)
- Discussion regarding previously recommended proposed text amendments to the Zoning and Land Development Ordinance regarding the creation of new commercial and industrial zoning categories and related amendments (6/11/13 – action continued to July)

d. Subdivision Regulation Text Amendments (PC):

- Ongoing -- Stormwater Management Regulations and related Amendments to the Jefferson County Subdivision Regulations – see progress in “Projects Underway” section below; PC Workshop held 6/25/13

e. Zoning Certificates:

- 20 requests for Zoning Certificates undertaken in 4th Quarter FY 13 (see details below)

- f. Zoning Map Amendments (PC):
 - No new Zoning Map amendments this quarter
- g. Conditional Use Permits/Neighborhood Compatibility Meetings (BZA):
 - No new CUPs this quarter

2. **Projects Completed (for entire FY 13):**

- a. Long Range Planning:
 - Envision Jefferson 2035 (2014 Comprehensive Plan)
 - draft Existing Conditions completed;
 - draft Goals and Objectives prepared for joint meeting with County Commission and July public input meetings
 - see progress in “projects underway” section below
 - US 340 East Gateway Corridor Plan -- CC Public Hearing 10/4/12; County Commission voted to take no action on the Plan at this time and informally recommended that it be forwarded to the Steering Committee for their reference 11/15/12
- b. Approval of Major Site Plans or Subdivisions (PC):
 - Old Route 340 Business Park Subdivision Final Plat (approved 3/12/13)
 - Old Route 340 Business Park CIS Amendment (approved 3/12/13)
 - Morgan’s Grove Market Site Plan requested determination of completeness by Planning Commission prior to submission of all required documentation (denied 1/8/13; conditionally and provisionally approved 6/11/13)
 - Morgan’s Grove Market Early Grading Waiver Request (approved 1/8/13)
 - Sheetz Expansion Concept Plan -- 8/14/12
 - Morgan’s Grove Market Concept Plan – 12/11/12
- c. Zoning Text Amendments (PC):
 - Zoning Text Amendment regarding proposed new commercial zoning categories – recommended for approval by PC 6/12/12; CC PH 9/6/12; County Commission voted to table any action on the new categories until after the 2014 Comp Plan is completed (10/25/12)
- d. Subdivision Regulation Text Amendments (PC):
 - Amendments related to Stormwater Management Regulations underway
- e. Zoning Certificates Approved:
 - ZC 13-25 – William E. Knode/Daniel Tokar; Blacksmith Shop, Warehouse, Workshop; Approved 6/18/13
 - ZC 12-24 – Permelynn of Westchester Inc/TNT Fireworks; Temporary sale of legal fireworks; Approved 6/18/13
 - ZC 13-23 – Robert T. Edwards; Home Occupation Level II; home based asphalt repair business; Approved 6/18/13
 - ZC 13-22 – George Rushizky/Dynis Inc (on behalf of AT&T); wireless facility colocation; Approved 6/17/13
 - ZC 13-18 – B. Lee Snyder/Dynis Inc (on behalf of AT&T); wireless facility colocation; Approved 6/13/13

- ZC 13-19 – PNGI Charles Town Gaming LLC/Jeff Burnes; temporary tent in parking lot; 6/12/13
- ZC 13-14 – Summit Point Automotive Research Center, LLC (SPARC)/Barbara Scott; Extension of Jefferson Circuit and additional skid pad for training/testing facility; Approved 5/31/13
- ZC 13-17 – American Towers LLC/Michael Bieniek; Wireless Facility Co-location; Approved 5/30/13
- ZC 13-16 – Frank E. Hardy, Sr; Agricultural Repair Center; Approved 5/28/13
- ZC 13-15 – Twin Ridge Orchards Co. Inc/Black Dog Coffee Company; Coffee Roastery; value added production; wholesale and retail sales; Farmer's Market; Approved 5/28/13
- ZC 13-13 – Shenandoah Lanes; Brewpub with small vat beer production; Approved 5/15/13
- ZC 13-11 – Sbaba, LLC/Praveen Khurana; Restaurant; on and off- premises food; on-premises alcohol; Approved 5/13/13
- ZC 13-12 – WV340, LLC/David Janda (BHC, Inc.); Frozen Yogurt shop including outdoor seating; Approved 5/1/13
- ZC 12-15 – The Marty Mart Group, LLC (Martha Wareing); weekend sale if seafood in gas station parking lot; Approved 4/26/13
- ZC 13-10 – Antonio Colandrea; Convenience Store; ABC off-premises sale; restaurant; video lottery; Approved 4/24/13
- ZC 13-09 – David Rampersaud; Thrift Shop; Approved 4/24/13
- ZC 13-07 – Twin Oaks, LLC; Farm Market; Approved 4/18/13
- ZC 13-06 – Sunnyside Limited Partnership/Dynis, Inc.(AT&T); Wireless Facility Co-location; Approved 3/7/13
- ZC 13-05 – American Towers, LLC/Dynis, Inc. (AT&T); Wireless Facility Co-location; Approved 3/7/13
- ZC 13-03 – Wayne and Renee Moore; General Store and Deli; Approved 2/22/13
- ZC 13-02 – Erik Jones; Cottage Industry, Catering Business; Approved 2/28/13
- ZC 13-01 – Noel Henderson; Home occupation, warehousing inventory and wholesale distribution of veterinarian supplies and pharmaceuticals; Approved 2/26/13
- ZC 12-04 -- Jesse Morgan; Microbrewery with tasting room, pub style restaurant, store, country inn, office, 2-family dwelling; Approved 2/15/13
- ZC 12-26 – Mark O'Dell; Shooting Range; Approved 1/18/13
- ZC 12-25 – Sandra Taylor; Bed and Breakfast including 3-4 receptions annually; Approved 12/6/12
- ZC 12-24 – National Humane Society (Briggs Animal Adoption Center); Pet cemetery as accessory use; Approved 10/24/12
- ZC 12-22 – Lee Ann Goldrick and Steve McKinney; convenience store including the sale of alcohol; Approved 10/5/12
- ZC 12-13 – W. Lee Baihly; Food service accessory to existing river recreation nonconforming use; Approved 8/23/12
- ZC 12-20; Ron Meadows; Sale of BBQ from parking lot; Approved 8/29/12
- ZC 12-18 – Judy Bolyard; Antiques and home furnishings consignment; Approved 8/16/12
- ZC 12-17 – Brian Carter; Weekend Sale of BBQ in parking lot; Approved 8/15/12
- ZC 12-16 – Linda Losey; Farm Brewery and Winery; Approved 8/13/12

Zoning Certificates Denied:

- ZC 13-08 – Frank E. Hardy, Sr; Change in Nonconforming Use to allow Auto Body Shop; Denied 5/16/13
- ZC 12-21 – James and Lisa Boyer; Dog Kennel; Denied 11/20/12
- ZC 12-19 -- Claude Payne, Jr; Farm Market; Denied 11/20/12
- ZC 12-23 – Amy Cockerille; Taxi Service; Denied 10/3/12
- ZC12-14 – Michelle Krassowski; Expansion of Doggie Day care to include boarding cats; Denied 7/31/12

f. Zoning Map Amendments (PC)

- Land-owner initiated petition to amend the County Zoning Map for a 3.94 acre property owned by Aitcheson Family Trust (Roger and Wanda Perry) and Frederica Adkinson located southwest of Bolivar/Harpers Ferry to the Residential-Light Industrial-Commercial (RLIC) zone – PC PH 12/11/12; CC PH 1/31/13; Approved by County Commission 3/7/13
- Land-owner initiated petition to amend the County Zoning Map for a 8.07 acre property owned by John D. Lowe located west of Shepherdstown to the Residential-Light Industrial-Commercial (RLIC) zone – PC PH 10/23/12; CC PH 1/10/13; Approved by County Commission 2/7/13
- Land-owner initiated petition to amend the County Zoning Map for a 34.27 acre property owned by John and Mike Thomas (Jefferson Asphalt Products, Inc) located west of Charles Town to the Residential-Light Industrial-Commercial (RLIC) zone – PC PH 10/23/12; CC PH 1/10/13; Approved by County Commission 2/7/13
- Land-owner initiated petition to amend the County Zoning Map for a 2.39 acre property owned by the Bank of Charles Town located near Bolivar/Harpers Ferry to the Residential-Light Industrial-Commercial (RLIC) zone – PC PH 10/9/12; CC Public Hearing on this petition postponed at request of applicant (11/15/12)
- Land-owner initiated petition to amend the County Zoning Map for a 8.98 acre property owned by Gene Capriotti to the Residential-Light Industrial-Commercial (RLIC) zone -- Approved by County Commission 7/19/12

g. Conditional Use Permits (CUP)/Neighborhood Compatibility Meetings (NCM) (BZA):

- Rippon Brewing LLC, US 340 and Withers Larue, 2 acres – CUP Extension for 18 months, BZA Approval of CUP Extension Approved 10/18/12
- CP 12-04 issued for Sheetz Expansion 8/15/12
- River Country Store and Deli, 2142 Mission Road, 2.002 acres – NCM held 5/30/12; BZA Approval of CUP with Conditions 7/19/12
- Black Bear Camp and RV, 2128 Mission Road, 15.47 acres -- NCM held 5/30/12; BZA Denied CUP 7/19/12

3. Proposed Projects/Underway (during the 4th Quarter -- not completed):

a. Long Range Planning:

- Envision Jefferson 2035 (2014 Comprehensive Plan):
 - Phase 1: 2014 Plan Start Up/Organization – including formation of Steering Committee and establishment of website (completed)
 - Phase 2: Existing Conditions Data Collection, Mapping and Trends Analysis – including coordination with Technical Advisory Committee (draft nearing completion)

- Phase 3: Issues Analysis and Visioning – including 17 Lunch and Learn Session with various service providers; a series of 4 Public Input meetings in February and March; an on-line survey (Completed)
 - Phase 4: Goals and Objectives (underway – anticipated completion: August)
 - Phase 5: Plan Recommendations and Implementation Strategies (to begin in Fall 2013)
 - Phase 6: Plan Adoption (Summer – Fall 2014)
- b. Major Site Plans or Subdivisions Under Review:
- Morgan’s Grove Market Site Plan requested determination of completeness by Planning Commission prior to submission of all required documentation (conditionally and provisionally approved 6/11/13; PH scheduled for 7/9/13)
- c. Zoning Text Amendments:
- Proposed text amendments to the following sections of the Zoning and Land Development Ordinance: 2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, and 12.2 (PC Public Hearing 6/11/13; discussion and recommendation scheduled for 7/9/13)
 - Consideration of County Commission Motion requesting Planning Commission action related to a proposed draft amendment to the Residential-Light Industrial-Commercial Zone and the Commercial-Industrial Zone (6/11/13 – action continued to 7/9/13)
 - Discussion regarding previously recommended proposed text amendments to the Zoning and Land Development Ordinance regarding the creation of new commercial and industrial zoning categories and related amendments (6/11/13 – action continued to 7/9/13)
- d. Subdivision Regulation Text Amendments (PC):
- Development of stand-alone Stormwater Management and related Amendments to the Jefferson County Subdivision Regulations (Engineering and their consultant is lead; but planning and PC input is required); PH scheduled for 7/9/13
- e. Zoning Certificates Pending:
- ZC13-26 – Dynis, Inc (on behalf of AT&T)/ Thomas LaFevre; Wireless Facility Co-location; TBD
 - ZC13-27 – Shenandoah Personal Communications/ John Darnall; Wireless Facility Co-location; TBD

4. Items Requiring Commission Attention (Upcoming):

- a. Joint Meeting with Steering Committee scheduled for July 18, 2013, 7 pm
- b. Envision Jefferson 2035 – 2nd Series of Public Meetings -- “What we Heard” from February/March Meetings; Draft Goals and Objectives Presentation and Feedback; and Initial Future Land Use Visioning exercise
- Saturday, July 27, 2013, 9:30 am – noon, Sam Michaels Park gym
 - Tuesday, July 30, 2013, 7 – 9 pm, War Memorial Building, Shepherdstown
- c. County Fair – Envision Jefferson 2035 booth – Public Outreach and Input opportunity
- Monday August 19 – 23; 3 pm – 7 pm



JEFFERSON COUNTY, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

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MEMORANDUM

TO: Board of Zoning Appeals
FROM: Jennifer M. Brockman
Director, Planning and Zoning
DATE: July 18, 2013
RE: Envision Jefferson 2035 (2014 Comprehensive Plan) Update

1) Steering Committee (15 members):

- a) Monthly Meetings:
 - 6/18/13 (Natural Resources; Recreation; Financing)
 - 7/8/13 (final review of all Goals and Objectives)
- b) Next Joint Meeting with County Commission:
Thursday, 7/18/13, 7 pm -- PC Members Invited to Attend

3) Public Input Meetings ****PC Members encouraged to attend****

- a) Second series of public meetings scheduled (Goals and Objectives and Future Land Use Exercise):
 - Saturday July 27, 2013 9:30 am – noon (Sam Michaels)
 - Tuesday July 30, 2013 6:30 – 9 pm (War Memorial Building)
- b) County Fair booth (Future Land Use Exercise) –volunteers needed
 - Monday, August 19 – Friday, August 23, 2013 3 pm – 7pm

4) Next Steps

- a) Finalizing Goals and Objectives and preparation for Joint Meeting with CC (7/18/13) and July 27th and 30th Public Meetings -- topic areas:
 - Economic Development
 - Land Use/Growth Management
 - Natural Resources
 - Historic Resources, Preservation and Viewsheds
 - Housing
 - Infrastructure, Public Services, and Safety
 - Recreation
 - Transportation
 - Financing