

Jefferson County

Board of

Zoning Appeals

Thursday,

November 15, 2012

JEFFERSON COUNTY, WEST VIRGINIA

Department of Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, West Virginia 25414

Phone: 304-728-3228

Fax: 304-728-8126

Email: zoning@jeffersoncountywv.org

MEMORANDUM

TO: Jefferson County Board of Zoning Appeals Members

FROM: Jennilee Hartman, Zoning Clerk

DATE: November 9, 2012

SUBJECT: November 15, 2012 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, November 15, 2012. 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.

ATTENTION

I would like to call your attention to the new zoning variance form that is included in this month's packet. The goal was to make the form more user friendly. In addition, our office is working towards converting all forms into a fillable online application to be of greater assistance to the community at large. At this time the office requires the applicant or authorized representative to originally sign the application and pay the necessary fees upon submission therefore they may either mail or hand deliver the application to the office (Article 3, Section 3.4.A.4(b)).

Thank you.

JEFFERSON COUNTY, WEST VIRGINIA

Department of Zoning

116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMORANDUM

TO: Board of Zoning Appeals Members

CC: Engineering & Building Permits Departments

FROM: Steve Barney, Zoning Administrator

DATE: November 09, 2012

SUBJECT: November Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

#ZC12-24 NATIONAL HUMANE EDUCATION SOCIETY (NHES) /
RE: BRIGGS ANIMAL ADOPTION CENTER
JAMES TAYLOR - APPLICANT

Issuance Date: October 24, 2012

Proposed Use: Accessory Use: Addition of cemetery/graveyard/memorial for cremated remains of pets. Area to include ornamental accessories, walking trails and benches.

Physical Location: 3794 Berryville Pike; Charles Town, West Virginia

Zone: Industrial-Commercial

#ZC12-08 CLINTON and IRIS BLEVINS, OWNERS

Issuance Date: November 02, 2012

Proposed Use: Home Occupation Level I. Internet sales of self-defense items to include firearms, knives and tactical clothing. Limited amount of non-restrictive inventory stored on property, with no storage of weapons (such as firearms) covered by the Federal Firearms License that would be allowed as a Home Occupation Use on this site. No customer visits to the property or shipping of firearms from property are permitted.

Physical Location: 805 Leetown Road; Summit Point, West Virginia

Zone: Rural

PENDING ZONING CERTIFICATES

#ZC12-15 THE MARTY MART GROUP, LLC (MARTHA WAREING) – OWNER /
LES BOWMAN & ALICE JAMES – APPLICANTS

Issuance Date: TBD
Proposed Use: Wants to lease parking spaces at Sunoco Gas Station for the
purpose of selling seafood on Friday, Saturday and Sundays.
Physical Location: 1422 Blair Road; Harpers Ferry, West Virginia 25425
Zone: Residential-Growth

#ZC12-19 CLAUDE G. PAYNE, JR. - OWNER/APPLICANT

Issuance Date: TBD
Proposed Use: Farm Market
Physical Location: 3504 Warm Springs Road; Shenandoah Junction, West Virginia
Zone: Rural

#ZC12-21 JAMES & LISA BOYER - OWNERS/APPLICANTS

Issuance Date: TBD
Proposed Use: Dog Kennel
Physical Location: 5404 Kabletown Road; Charles Town, West Virginia
Zone: Rural

#ZC12-23 Amy Cockerille - APPLICANT

Issuance Date: TBD
Proposed Use: Taxi Service
Physical Location: 162 Georgia Avenue; Charles Town, West Virginia
Zone: Residential-Growth



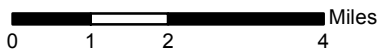
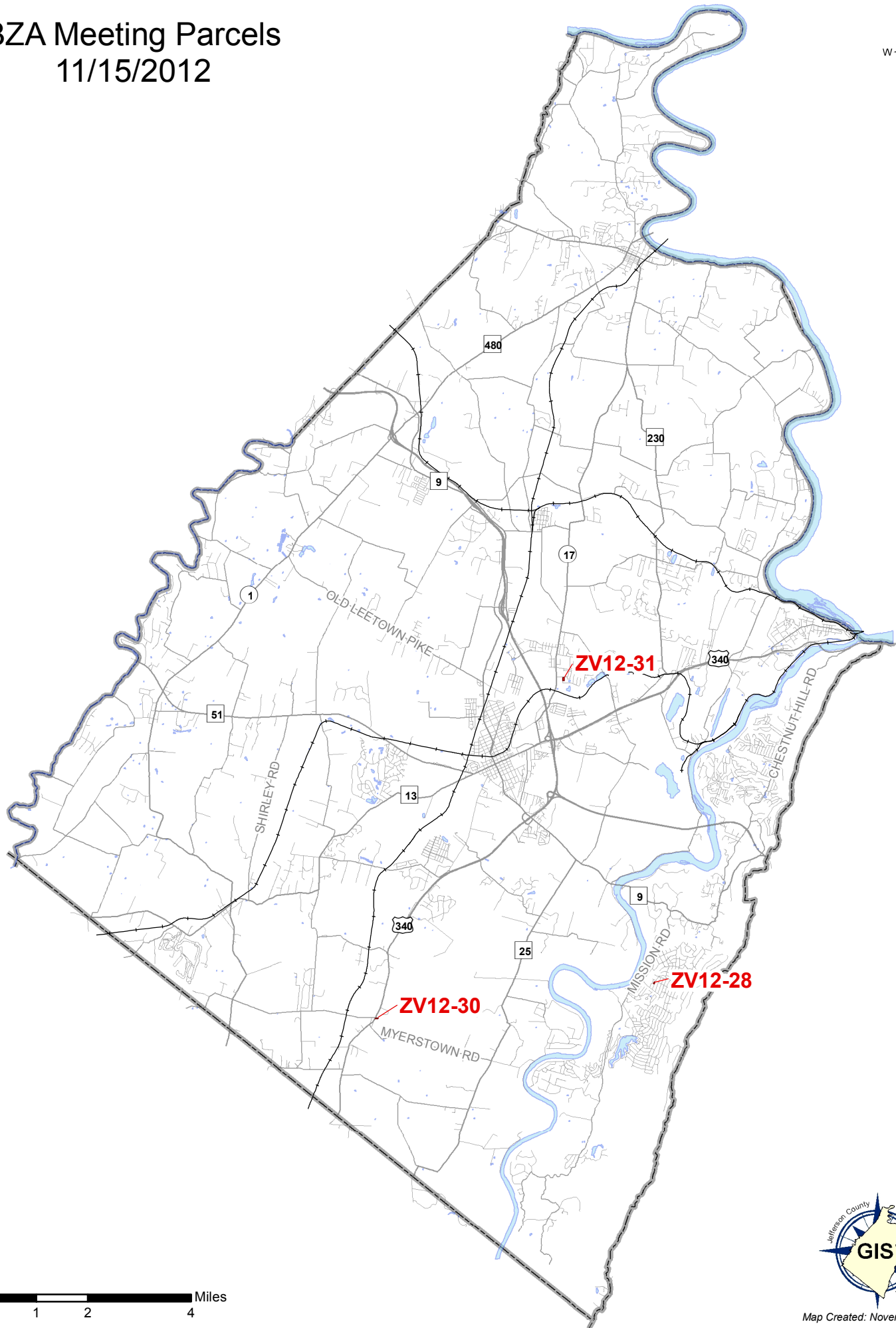
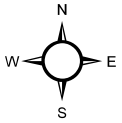
AGENDA
Jefferson County
Board of Zoning Appeals
Thursday, November 15, 2012, 3:00 p.m.

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

The Jefferson County Board of Zoning Appeals will meet in the second floor Conference Room located at 116 East Washington Street, in the Mason Building, in the City of Charles Town. Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Approval of the minutes from the October 18, 2012 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Variance request by property owners, Steven D. & Rebecca A. McKinney, from Section 4A.1.E.4 to allow for short term storage of firearms (typically 8-72 hours), and Section 4A.3.C to allow sale of items not hand crafted on the premises. Property location: 149 Gray Squirrel Road, Harpers Ferry, West Virginia. District: Charles Town (02); Map: 23B; Parcel: 41; Zoned: Rural; Size: .5 acres; File: #ZV12-28.
4. Variance request by property owner, Randolph Anders, from Section 9.6A for a reduction of the side setback distance from 5' to 1' to allow for the construction of a 10' x 14' shed on existing 11' x 16' concrete pad. Property location: 2138 Berryville Pike, Rippon, West Virginia. District: Kabletown (06); Map: 10A; Parcel: 20; Zoned: Rural; Size: 0.75 acres; File: #ZV12-30.
5. Variance request by property owner, Christopher Dimon, from Section 9.7 for a reduction of the front setback distance from 25' to 2' to allow an existing 16' x 23'9" storage shed to remain. Property location: 131 Gray Rock Road, Charles Town, West Virginia. District: Charles Town (02); Map: 8; Parcel 32.7; Zoned: Rural; Size: 1.5 acres; File #ZV12-31.
6. Director's Report.
7. Legal Update.
8. Signing of written decisions from prior Board of Zoning Appeals meetings.
9. Correspondence.

BZA Meeting Parcels 11/15/2012



Draft Minutes
Jefferson County Board of Zoning Appeals
Thursday, October 18, 2012

The Jefferson County Board of Zoning Appeals met on Thursday, October 18, 2012. The meeting was held in the second floor Conference Room located at 116 East Washington Street, of the Mason Building in Charles Town, West Virginia. Unless otherwise noted, all requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

Board members Jeff Bresee, Chairman; Christy Huddle, Vice Chair; Tyler Quynn and Ed Kelly were present. Staff members present were: Jennifer Brockman, Director of Planning and Zoning; Steve Barney, Zoning Administrator; Stephen Groh, Assistant Prosecuting Attorney and Jennilee Hartman, Zoning Clerk.

Ms. Huddle motioned to commence the meeting. Mr. Quynn seconded the motion, which carried unanimously. Mr. Bresee called the meeting to order at 3:02 p.m.

1. Approval of the minutes from the September 20, 2012 meeting.

Mr. Kelly motioned to approve the minutes. Mr. Quynn seconded the motion, which carried unanimously.

2. Swearing in of members of the public intending to provide testimony.

Ms. Hartman swore in Mr. Rusty Morgan, as he indicated that he would be giving testimony.

3. **Postponed at the request of the Applicant.** *Variance request by property owners, John and Jo Wynn, from Section 9.7 for a reduction of the front setback distance from 20' to 15' and Section 9.6.C to allow for a 24' x 26' garage, an accessory structure, to be situated in the front yard. Property location: 1333 Avon Bend Road, Charles Town, West Virginia. District: Kabletown (06); Map: 9F; Parcel: 35; Zoned: Rural; Size: .77 acres; File: #ZV12-29.*

This request was postponed by the applicant. Mr. Barney stated that the applicant had indicated that he would be bringing the application back to the Board in December.

4. Request by Rusty Morgan, applicant, for an eighteen (18) month extension of the Conditional Use Permit for Rippon Brewing, LLC that consists of a micro-brewery with a tasting room, a future pub/restaurant, a store, a country inn and an office to be situated on 2 acres. The current CUP will expire on December 1, 2012. Property location: at the intersection of Route 340 and Withers Larue Road in the District: Kabletown; Map: 10A & 12; Parcel: 24 & 17; Zoned: Rural & Village; Proposed Size: 2 acres; File: Z11-01.

Mr. Morgan presented the request to the Board. Mr. Morgan explained that the startup costs to begin construction were higher than anticipated. Mr. Morgan stated that the 2009 International Building Code required the existing residential home to be brought up to commercial standards which meant that a significant amount of money would have to be spent in the restoration of the older home. Ms. Huddle asked if there was a way for the County to 'opt out' of certain codes pertaining to older homes within the building code and explained that Harpers Ferry is currently doing so. Staff stated that it was their understanding that once the County adopts a building code they are required to enforce the building code in its entirety and that they did not have the authority to waive or 'opt out' of any sections within the building code. The Board agreed that a deliberative session was not necessary. Ms. Huddle motioned to approve the above referenced request for the full eighteen (18) months. Mr. Quynn seconded the motion, which carried unanimously.

6. Legal Update. Mr. Groh provided a copy of the *Motion to Dismiss* regarding the Black Bear Camp & RV lawsuit to the Board members. The Board briefly discussed the filing of the lawsuit.
5. Director's Report. Ms. Brockman informed the Board that the office had received a number of resumes for the 2-year Planner position and that Staff was in the process of reviewing them. Ms. Brockman directed the Board's attention to the *Director's Report, October 18, 2012, Board of Zoning Appeals Meeting* document that was in the Board's packet. Ms. Brockman reviewed each item under the subheadings:
 - 2014 Comprehensive Plan Update
 - Recent CC Meetings relevant to Planning
 - Upcoming CC Actions

Ms. Brockman then reviewed *2012 Comp Plan Time Frame* that was also included in the Board's packet of which Ms. Brockman briefly described the following phases:

- Phase 1: 2014 Plan Start Up/Organization
 - Phase 2: Existing Conditions Data Collection, Mapping and Trends Analysis
 - Phase 3: Issues Analysis/Visioning
 - Phase 4: Goals and Objectives
 - Phase 5: Plan Recommendations and Implementation Strategies
6. Signing of written decisions from prior Board of Zoning Appeals meetings.
 - a) Signing of the Findings of Fact and Conclusions of Law for the Appeal by property owner, Clinton Blevins, of the Zoning Administrator's decision to deny Zoning Certificate Application #ZC12-08 for a Home Occupation Level I involving internet sales of self-defense items including firearms, knives, and tactical clothing, in addition to firearm transfer, gun cleaning/repair, and off-site training services. Property location: 805 Leetown Road, Summit Point, West Virginia. District: Kabletown (6); Map: 17; Parcel: 8.22; Zoned: Rural; Size: 1.85 acres; File: #AP12-02. This case was heard by the Board on September 20, 2012. Additional changes to the draft Findings of Fact needed to be made. It was determined that once prepared, Mr. Bresee would sign on the Board's behalf.
 7. Correspondence. None.

Ms. Huddle motioned to adjourn the meeting at 3:49 p.m. Mr. Quynn seconded the motion, which carried unanimously.

An audio transcript of this meeting can be found at the Department of Zoning and on the Department's website at www.jeffersoncountywv.org. These minutes were prepared by Jennilee Hartman, Zoning Clerk.

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


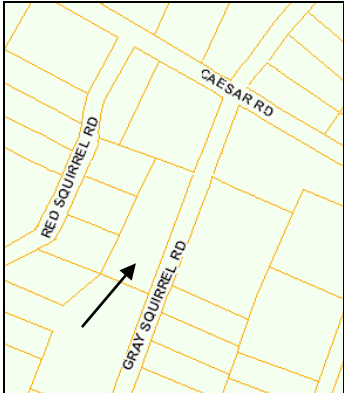
A. Board of Zoning Appeals

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
 November 15, 2012

Steven D. & Rebecca A. McKinney Request (#ZV12-28)

Item #3 Variance request by property owners, Steven D. & Rebecca A. McKinney, from Section 4A.1.E.4 to allow for short term storage of firearms (typically 8-72 hours), and Section 4A.3.C to allow sale of items not handcrafted on the premises.

APPLICANT:	Steven D. & Rebecca A. McKinney
OWNER :	Same
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	149 Gray Squirrel Road, Harpers Ferry, West Virginia
LEGAL DESCRIPTION:	District: Charles Town (02); Map: 23B; Parcel: 41 
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:	.50 acres
PRIOR CASES:	None
VARIANCE(S):	None
APPROVED ACTIVITY:	Residential

Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012

Steven D. & Rebecca A. McKinney Request (#ZV12-28)

RELEVANT INFORMATION:

1. Overview of Request

The applicant is seeking a variance to subsections of Article 4A (Home Occupations and Cottage Industries) regarding the storage of weapons and to allow sales of items other than those handcrafted onsite.

2. Previous Case History

There is no previous case history for this property. This subdivision was established prior to the adoption of the subdivision and zoning regulations.

3. Applicant's Justification of Request

In the application submitted for the variance request, the applicant has provided the following responses to the 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.*

The application states, "This variance will not adversely cause or effect the criteria listed. I have operated the business in compliance with Federal ATF regulations since 1993 with no intent of deception or non-compliance with the Zoning Ordinance. In that time no safety or welfare issues to/from the adjacent property owners have ever been reported to the Jefferson County Department of Planning & Zoning nor local or State law enforcement related to break-ins, theft or altercations of any kind."

- 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.*

The application states, "Items for transfer/sale not produced on the property are only stored for a short period of time, typically between 8 and 72 hours, all transfer/sales are by appointments. I will not be purchasing firearms or ammunition for 'stock' and maintain an inventory for general sale, further I have no desire to manufacture firearms or ammunition at this address."

- c) *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*

The application states, "The variance will eliminate the hardship to continue to operate the business and meet the Federal ATF requirements for maintain the Federal Firearms License (FFL) and prevent loss of supplemental income from the business. This is currently the only FFL transfer type business in Jefferson County keeping this business activity within Jefferson County and preventing this business and revenue from moving to an adjoining county."

- d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

The application states, "This variance will bring me in full compliance with all Jefferson County Zoning Ordinances, further I will comply with all other necessary Zoning Ordinances identified or required to maintain the Federal Firearms License (FFL). This variance will bring me in full compliance with all County, State and Federal regulations and laws in order to maintain my Federal Firearms License (FFL) and conduct this business in Jefferson County West Virginia."

Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012

Steven D. & Rebecca A. McKinney Request (#ZV12-28)

4. Staff Evaluation of Request

This business was brought to staff's attention during the licensing process for another County resident seeking to operate a home-based firearms business. This property is located in the Rural district, which does not permit commercial uses. While Article 4A does permit home-based businesses under certain restrictions, the ordinance prohibits a home-based business which involves the storage of firearms (other than residents' hunting, protection and leisure weapons). As such, the commercial land use at this property appears to not be permitted by the Zoning Ordinance.

Staff conducted research and did not identify any permit that had been issued for the business. Staff also determined that the business was apparently initiated following the adoption of the Zoning Ordinance, and thus does not have nonconforming use status. Accordingly, staff met with Mr. McKinney on June 5, 2012 and informed him that firearms storage is not permitted in association with a Home Occupation or Cottage Industry, and that he had the option of applying for a variance. The County's Ordinance Compliance Officer issued a Notice of Violation to the property owner on August 27, 2012.

A letter submitted with the variance application states the following:

- The business owner has possessed a Federal Firearms License since 1993;
- Storage of weapons is proposed to be short-term (8 – 72 hours);
- Up to 4 transactions per month are proposed; and
- Only transfer service is provided; firearms will not be purchased for stock and no unannounced visits for purchase would be permitted.

The applicant has previously indicated to staff that the business has been operated from an outbuilding on the residential property. However, the applicant plans to move all aspects of the business to the residence.

Staff notes that the business has been operating since 1993, and the Planning, Zoning, and Engineering Departments do not have a record of any complaints from neighboring residents or property owners regarding the business.

5. Conditions of Approval

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

- a) Storage of firearms is limited to [a particular time period, such as one week];
- b) Other than firearm transfers, sales of firearms shall not be permitted.
- c) A Zoning Certificate is required for the Home Occupation.

The Board could also choose to limit the number of firearm transfers per week, although it should also be noted that the Home Occupation Level I standards already restrict vehicular visits to two visits per day or ten visit per week.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012

Steven D. & Rebecca A. McKinney Request (#ZV12-28)



Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012

Steven D. & Rebecca A. McKinney Request (#ZV12-28)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4A.1 Home Occupation and Cottage Industry, General Standards

E. The following land uses cannot be established as a Home Occupation or Cottage Industry:

4. Any business which involves the storage of weapons such as firearms (other than residents' hunting, protection and leisure weapons).¹²

Section 4A.3 Home Occupation, Level 1

An occupation conducted in a dwelling unit for gain provided that:

- C. There shall be no sales, other than items handcrafted on the premises, in connection with such home occupation. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.

JEFFERSON COUNTY BOARD OF ZONING APPEALS
VARIANCE REQUEST

I/We request a variance from the provisions of the Jefferson County Zoning and Development Review Ordinance.

Property Owner(s): STEVEN D. & REBECCA A. MCKINNEY

Address: 149 GRAY SQUIRREL ROAD
HARPERS FERRY, WV 25425

Phone Number: 304-728-0522 (H), 540-729-0963 (cell)

Location of Property: SHANNONDALE, ZONE DISTRICT: RURAL

Lot Size: 0.5 ACER

Deed Book Reference: Deed Book Number 684 Page Number 421

Tax Map Reference: District CHARLES TOWN Map 23B Parcel 41

Zoning District: RURAL

Section of Ordinance: ARTICLE 4A: SECTION 4A.1 E.4 + 4A.3.C *gh 10/23/12*

Sketch on a separate 8 1/2" X 11" sheet of paper 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 (distance structure is from all boundary lines) size and height. Identify all existing buildings, structures or land uses on the property. Sign and date the sketch.

Briefly describe in your own words the nature of the variance request.

HOME BUSINESS LEVEL 1
I AM SEEKING VARIANCE TO ARTICLE 4A, SECTION 4.A.1 E.4.

TO ALLOW LIMITED SHORT TERM STORAGE OF FIREARMS
FOR A TYPICAL PERIOD OF 8 TO 72 HOURS, *gh 10/23/12*

Please See Attached.

*Article 4A, Sec. 4A.3.C - allow sale of items other than
those crafted onsite. *gh 10/23/12*

Please note variances to the Zoning Ordinance must comply with Article §8A-7-11 of the WV State Code.

A variance is a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land.

RECEIVED

Please provide an answer for each of the numbered items below using separate sheets of paper if necessary.

The board of zoning appeals shall grant a variance to the zoning ordinance if it finds that the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents:

THIS VARIANCE WILL NOT ADVERSELY AFFECT THE LISTED CRITERIA.

2. 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:

IT DOES NOT

3. Would eliminate an unnecessary hardship and permit a reasonable use of the land:

THE VARIANCE WILL ELIMINATE A HARDSHIP TO THE CONTINUED BUSINESS.

4. Will allow the intent of the zoning ordinance to be observed and substantial justice done (2004, c.153.):

THE VARIANCE WILL MEET THESE REQUIREMENTS.

Steven D. McKinney
Signature of Property Owner

Steven D. McKinney
Print Name

September 4, 2012
Date

<u>CHECK # 9053</u>	FOR OFFICIAL USE ONLY
Fees Paid: <u>\$100.00</u>	Date Application / Fees Received: <u>TUESDAY - SEPTEMBER 4 2012</u>
Date of meeting / Public Hearing: <u>THURSDAY NOVEMBER 15, 2012 (PER APPLICANT REQUEST)</u>	
Official Administrative Body: <u>Jefferson County Board of Zoning Appeals</u>	
Posting Requirements: <u>15</u> Number of Days Prior to Scheduled Hearing	
Advertising Dates: <u>WEDNESDAY OCTOBER 31 2012</u>	
Official Action of Board: _____	
Official Signature and Seal: _____	

From: GunsAreFun999@aol.com
To: jhartman@jeffersoncountywv.org
Subject: Re: JC zoning variance request
Date: Friday, November 02, 2012 11:05:50 AM

Ms, Hartman good morning.

Below are the supplemental answers for Questions 1 through 4 of my zoning variance request. Thank you greatly for your help this morning. Please continue to offer any guidance you think I may need.

1. This variance will not adversely cause or effect the criteria listed. I have operated the business in compliance with Federal ATF regulations since 1993 with no intent of deception or non-compliance with the Zoning Ordinance. In that time no safety or welfare issues to/from the adjacent property owners have ever been reported to the Jefferson County Department of Planning & Zoning nor local or State law enforcement related to break-ins, theft or altercations of any kind.
2. Items for transfer/sale not produced on the property are only stored for a short period of time, typically between 8 and 72 hours, all transfer/sales are by appointments. I will not be purchasing firearms or ammunition for 'stock' and maintain an inventory for general sale, further I have no desire to manufacture firearms or ammunition at this address.
3. The variance will eliminate the hardship to continue to operate the business and meet the Federal ATF requirements for maintain the Federal Firearms License (FFL) and prevent loss of supplemental income from the business. This is currently the only FFL transfer type business in Jefferson County keeping this business activity within Jefferson County and preventing this business and revenue from moving to an adjoining county.
4. This variance fill bring me in full compliance with all Jefferson County Zoning Ordinances, further I will comply with all other necessary Zoning Ordinances identified or required to maintain the Federal Firearms License (FFL). This variance will bring me in full compliance with all County, State and Federal regulations and laws in order to maintain my Federal Firearms License (FFL) and conduct this business in Jefferson County West Virginia.

Respectfully,
Steven D. McKinney
Proprietor
The Second Amendment Shop

-----Original Message-----

From: Jennilee Hartman <jhartman@jeffersoncountywv.org>
To: gunsarefun999 <gunsarefun999@aol.com>
Sent: Tue, Oct 23, 2012 5:07 pm
Subject: JC zoning variance request

JEFFERSON COUNTY, WEST VIRGINIA

ZV12-28

Engineering Department

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

NOTICE OF VIOLATION

ISSUED BY: D. Mason Carter NOTICE DATE: August 27, 2012,
Ordinance Compliance Officer & Land Development Coordinator

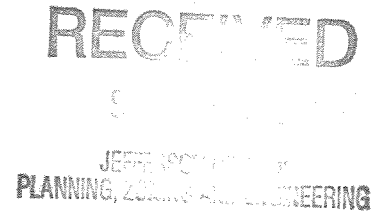
Certified Mail Return Receipt #7009 1680 0002 2814 2015

PROJECT: J.C.P.C. file (Zoning Violation)

Charles Town Tax District, Tax Map #23B, Parcel #41
Deed Book 684, Page 421

OWNER of RECORD: Steven D. McKinney
149 Gray Squirrel Rd
Harpers Ferry, WV 25425

Attn: Steven McKinney



The Owner/Developer/Contractor is hereby notified that it appears that a commercial business related to firearms is being operated from the above property. The above property which appears to be in violation of the Jefferson County Zoning & Development Review Ordinance, as follows:

1. It appears that a firearms business is being operated from the above property.
2. Article 3, Section 3.2 (c) states

" It shall be unlawful to develop, construct, alter, or reconstruct any structure or to change the use of any structure or property without first obtaining approval from the zoning administrator".

In accordance with Article 3, Section 3.3 (Enforcement) of the Jefferson County Zoning & Land Development Ordinance, the Owner/Developer/Contractor is hereby notified of this violation and is directed to terminate the violation **within 15 days** from the date of this Notice. Failure to terminate the violation within the requested time shall be cause for the Board of Zoning Appeals or the Zoning Administrator or Staff, pursuant to 8A-10-1, 2 and 3, of the West Virginia State Code, as amended, to:

- (a) Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved, or
- (b) Issue a warrant for the arrest of the person responsible for the violation and seek a conviction in the Circuit Court of Jefferson County.

If you have any questions, Please contact D. Mason Carter, Ordinance Compliance Officer, at 304-728-3257, or Steve Barney, Zoning Administrator at 304-728-3228.

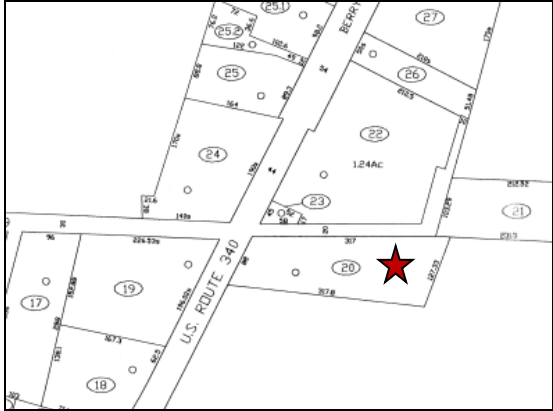
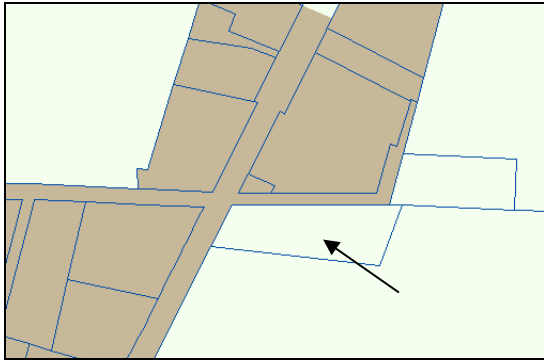
c: Owner/Developer by regular USPS Delivery

James Casimiro, Assistant Prosecuting Attorney
Robert Shirley, Jefferson County Sheriff
Steve Barney, Zoning Administrator

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 November 15, 2012

Randolph Anders Variance Request (#ZV12-30)

Item #4 Variance request by property owner, Randolph Anders, from Section 9.6(A) for a reduction of the side setback distance from 5' to 1' to allow for the construction of a 10' x 14' shed on existing 11' x 30' concrete pad.

APPLICANT:	Randolph Anders
OWNER :	Same
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	2138 Berryville Pike, Rippon, West Virginia
LEGAL DESCRIPTION:	District: Kabletown (06); Map: 10A; Parcel: 20 
ZONING DISTRICT:	Zoning Map Designation: Rural (R) 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North:</i> Village <i>South:</i> R <i>East:</i> R <i>West:</i> Village
LOT AREA:	0.75 acres
PRIOR CASES:	None
VARIANCE(S):	None
APPROVED ACTIVITY:	Residential

Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012

Randolph Anders Variance Request (#ZV12-30)

RELEVANT INFORMATION:

1. Overview of Request

The applicant is proposing a 10' x 14' (140 square foot) shed to be built on an existing 11' x 30' concrete slab that the applicant attests has been in its current location approximately 30 years. The construction of the shed in its proposed location would place the structure 4 feet into the required 5 foot side setback.

2. Previous Case History

There is no previous case history for this property.

3. Applicant's Justification of Request

In the application submitted for the variance request, the applicant has provided the following responses to the 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.*

The application states, "No. Pad been in ground 30 years. Alley to nowhere that is unused."

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.*

The application states, "Use pad to save money for new pad elsewhere."

c) *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*

The application states, "To make use of pad that is already there."

d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

The application states, "Use garden & yard equipment. Going to remove old building that is beyond repair with new one."

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

Article 9, *Exceptions*, Section 9.6, *Accessory Structure* provision (A) allows for residential accessory structures less than 150 square feet in size to be built as close as 5 feet to the side and rear property lines. The applicant's proposed 140 sq. ft. structure would qualify for a setback reduction under this provision. However, because the applicant seeks to locate the structure on the existing pad, a variance from the 5' side setback requirement to a 1' side setback would be required.

b. Unique characteristics of property

The subject property is approximately ¾ acre in size. This is smaller than the minimum lot size in the Rural district (40,000 sq. feet). Lot width varies from approximately 88 feet to approximately 120 feet.

The property includes an 11' x 30' concrete pad that was the former location of a dog kennel. The pad is adjacent to the property line. The proposed 10' x 14' shed would be located a distance of one foot from the property line.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012

Randolph Anders Variance Request (#ZV12-30)

The proposed shed would be adjacent to a 20' right-of-way. Much of the length of the right-of-way is currently unimproved, and the improved portion has a rough gravel surface and is unpaved. The section of right-of-way adjacent to the location of the proposed shed is unimproved. Including the applicant's property, it appears that up to three developed properties and one undeveloped property could take access from the right-of-way. A recently recorded subdivision located northeast of the applicant's property does not take access from this right-of-way. As such, it does not appear likely that the right-of-way will be expanded in the future, or that the unimproved section will be improved.

c. Character of area

The property is adjacent to US 340 South, and is located in the vicinity of the Village of Rippon. Several properties in the area include structures with shorter setbacks from rights-of-way, such as the buildings associated with the proposed Rippon Brewery, located directly across US 340.

A residential structure converted to a business, located to the north of the subject property, appears to be situated almost directly adjacent to the right-of-way.

d. Feasibility of complying with the ordinance by other means

It appears possible for a shed to be built in other locations on the property, while still meeting ordinance requirements. However, due to the following factors, placement of the shed in a complying location could result in inconvenience to the property owner:

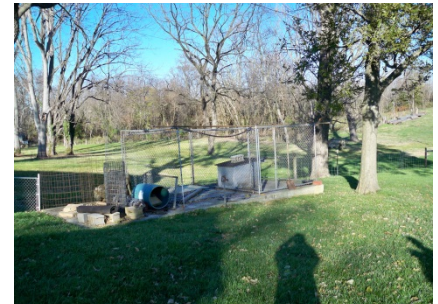
- A concrete pad of a size adequate for the structure already exists on the property
- A portion of the property is encumbered by a septic drainfield
- A significant area in the rear of the property is occupied by a vegetable garden



View of pad from unbuilt right-of-way



View of pad from unbuilt right-of-way



View of pad from applicant's property



View of unbuilt right-of-way, facing east.



View of unbuilt right-of-way, facing east



View of built section of right-of-way, facing west

Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012

Randolph Anders Variance Request (#ZV12-30)



Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012

Randolph Anders Variance Request (#ZV12-30)

5. Conditions of Approval

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

- a) The variance shall apply only to the construction of a shed, limited to 140 square feet.

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.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding one hundred fifty (150) square feet, shall be five (5) feet.



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: # ZV12-30

Fees Paid (\$100 or \$150): \$ 100.00

Staff Initials: CK
CK #3120

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email zoning@jeffersoncountywv.org

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

Property Owner Name: RANDOLPH ANDERS

Mailing Address: PO BOX 1

City: RIPPON State: WV Zip Code: 25441

Phone Number: 304-725-2922 Email: _____

Applicant or Contact Information

Applicant / Contact Name: SAME AS ABOVE

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

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: 2138 BERRYVILLE PIKE RIPPON WV 25441

Tax District: KABLETOWN-06 Map No: 10A Parcel No: 20

Parcel Size: APPROX 1 ACRE Deed Book: WBEE Deed Bk. Pg. No: 220

(3/4 AC - RIPPON - CONKLIN)

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

RECEIVED

PLANNING AND ZONING DEPARTMENT

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: 9.6A

Please briefly describe the nature of the variance request:

reduction side setback from 5' to 1'

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

Front Setback Side Setback Rear Setback Reduction From 5' to 1'

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.

no pad been improved 30yrs abey to nowhere that is no used

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?

use pad to save money for new pad elsewhere

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

to make use of pad that is already there

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

use for newer kind equipment going to removed old building that is beyond repair with new one

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.

BMArders 10-9-12
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)).

NOVEMBER 15, 2012
Date of Public Hearing

WEDNESDAY
OCTOBER 31, 2012
Advertising Date

MUST BE POSTED BY
WEDNESDAY, OCTOBER 31, 2012
Placard Posting Date

(15 DAY POSTING)

Jefferson County, West Virginia

Department of Zoning

116 East Washington Street, Suite 201

P.O. Box 338

Charles Town, West Virginia 25414

zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

Staff Assignment #: #ZV12-30

Please be advised that staff from the Department of Zoning is authorized to make necessary revisions to the enclosed submission if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: BM Anders

Applicant SIGNATURE: BM Anders

Contact Number: 304-725-2922

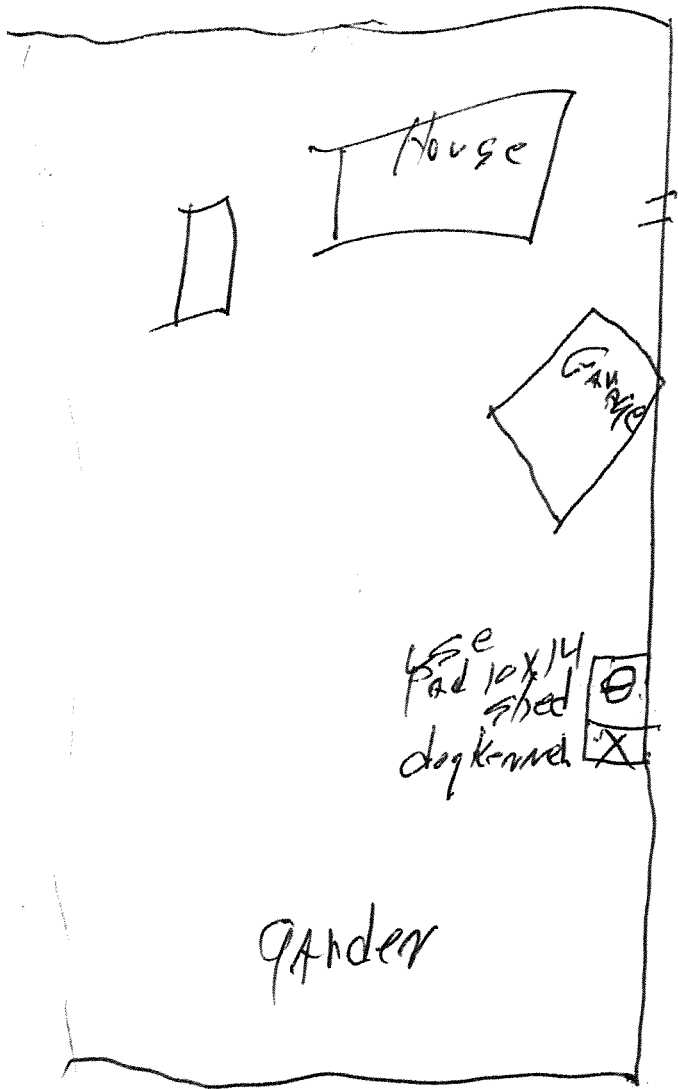
Date: 10-9-12

RECEIVED

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Witser's
La Rue

~~South~~
340



Alley

RECEIVED

JEFFREY QUALITY
PLANNING, ZONING AND ENGINEERING

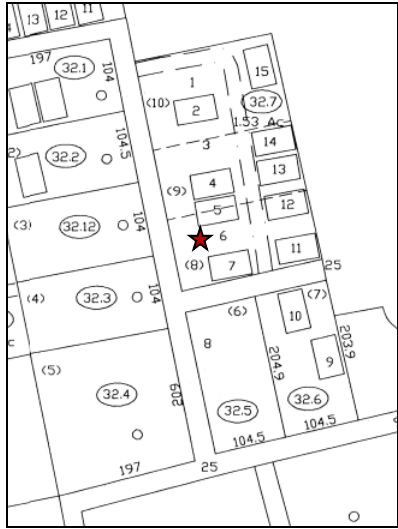

dog pad
11x30
use 11x16

Tom Anders
10-9-12
10:34 AM

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 November 15, 2012

Christopher Dimon Variance Request (#ZV12-31)

Item #5 Variance request by property owner, Christopher Dimon, from Section 9.7 for a reduction of the front setback distance from 25' to 2' to allow an existing 16' x 23'9" storage shed to remain. Property location: 131 Gray Rock Road, Charles Town, West Virginia.

APPLICANT:	Christopher Dimon
OWNER :	Same
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	131 Gray Rock Road, Charles Town, West Virginia
LEGAL DESCRIPTION:	District: Charles Town (02); Map: 8-1; Parcel 32.7 
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:	1.5 acres
PRIOR CASES:	None
VARIANCE(S):	None
APPROVED ACTIVITY:	Non-Conforming Use - Residential Mobile Home Park

Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012

Christopher Dimon Variance Request (#ZV12-31)

RELEVANT INFORMATION:

1. Overview of Request

The applicant is requesting a variance from Section 9.7 for a reduction of the front setback distance from 25' to 2' to allow an existing 16' x 23'9" (380 square foot) shed to remain in its current location.

This variance request was initiated as a result of a code compliance action initiated by the Engineering Department, for a building constructed in the absence of a building permit. The property owner subsequently submitted a building permit application; however, staff noted that the building would be located in a front yard setback, and, accordingly, denied the application. Staff also informed the applicant that a variance would be required prior to approval of the permit application. The Engineering Department issued a Notice of Violation on September 12, 2012.

2. Previous Case History

There is no previous case history for this property. This subdivision was established prior to the adoption of the subdivision and zoning regulations.

3. Applicant's Justification of Request

In the application submitted for the variance request, the applicant has provided the following responses to the 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.*

The application states, "It never has been a problem before for health, safety, and rights."

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.*

The application states, "Lot size is small so that's the only location for shed."

c) *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*

The application states, "The tenant is looking for more storage place."

d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

The application states, "Allows use of full potential of property and fairness of use of property."

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

Section 9.7 establishes setback requirements for lots in subdivisions for which no setback was stipulated previously by the Planning Commission as a part of the subdivision process. The applicable front setback for a 1.5 acre property in the Rural District is 25 feet.

The proposed shed would be adjacent to a 30' right-of-way that is shown on Jefferson County tax maps. The right-of-way has a rough gravel surface and is unpaved. Including the applicant's property, it appears that up to two developed properties (including a total of twelve residential structures) and one undeveloped property could take access from the right-of-way.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012
Christopher Dimon Variance Request (#ZV12-31)



Left: Approximate location of adjacent rights of way. Source: Jefferson County GIS/Addressing Department. Note: property lines overlaid on aerial imagery may be offset.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012

Christopher Dimon Variance Request (#ZV12-31)

A key purpose of front setback requirements is to ensure that any future right-of-way expansion will not be obstructed by structures built too close to a road, as well as to ensure that sight visibility is not impaired for drivers along the right-of-way. Because the right-of-way serves only three lots, it does not appear likely that it will be expanded in the future. However, in the absence of a survey, it is not possible to determine where the proposed structure is located with respect to the existing boundaries of the right-of-way.

It should be noted that the applicant has expressed to staff the opinion that this road is not a right-of-way but rather part of the applicant's property. However, a recorded 1964 survey plat ("Virgil Lloyd Lots") shows a right-of-way in the same location as the current tax map. Additionally, the GIS/Addressing Department has confirmed that this road is a right-of-way. Based on the information available, staff finds that the road is a right-of-way and is not part of the applicant's property.

b. Unique characteristics of property

The subject property is approximately 1.5 acres in size. This is slightly larger than the minimum lot size in the Rural district (40,000 square feet). The lot width is approximately 196 feet, which is larger than the minimum lot width required in the Rural district (100 feet).

The property contains a nonconforming mobile home park that was established prior to the adoption of the Zoning Ordinance. An aerial photo of the property shows 10 dwelling units on the property. The mobile homes are situated on both sides of a private drive located in the middle of the lot and extending the length of the property.

c. Character of area

The property is adjacent to single-family residential uses located to the west, a vacant lot located to the south, and an unbuilt section of the Cambridge mobile home park subdivision located to the east and north.

Two structures located in the vicinity of the subject property have shorter front setbacks than the Zoning Ordinance would otherwise allow. These structures are also adjacent to the right-of-way that is in front of the applicant's property.

d. Feasibility of complying with the ordinance by other means

Because of the size of the lot (1.5 acres), it appears possible for a shed to be built in other locations on the property, while still meeting ordinance requirements. However, due to the following factors, placement of the shed in a complying location could result in inconvenience to the property owner:

- If the shed is intended to serve as a storage area for the adjacent mobile home, the applicant may not want to locate it at a significant distance from the mobile home.
- Potential locations of new structures are limited, because the property already contains numerous mobile home structures and outbuildings.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
November 15, 2012

Christopher Dimon Variance Request (#ZV12-31)

5. Conditions of Approval

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

- a) The variance shall apply only to the construction of a shed, limited to 380 square feet [or another size as determined by the Board].
- b) The shed may be used only for storage and may not be used for the operation of a business or for residential occupancy.

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

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

File Number: # ZV12-31

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

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

Property Owner Name: Christopher Diman

Mailing Address: 118 ~~th place~~ Harrar place

City: Charlestown State: W.V. Zip Code: 25414

Phone Number: 301-788-0385 Email: _____

Applicant or Contact Information

Applicant / Contact Name: John Hicks

Mailing Address: 131 gray Rock Rd.

City: charlestown State: W.V. Zip Code: 25414

Phone Number: 301-788-0385 Email: _____

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: 131 gray Rock Rd. Lot 9

Tax District: charlestown Map No: 8 Parcel No: 32.7

Parcel Size: ~~3.27~~ 1.5 Deed Book: ~~506~~ 551 Deed Bk. Pg. No: 607
319

RECEIVED

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Zoning District:

Rural (R-A)

Residential Growth (R-G)

Industrial Commerical (I-C)

Residential-Light Industrial-Commercial (R-L-C)

Village (V)



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:

request for a front set back from 25' to 2' for a storage shed 16' by 23' r

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

Front Setback Side Setback Rear Setback Reduction From 25 to 2

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.

it never has ~~been~~ been a problem before for health, safety, and rights.

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?

lot size is small so thats the only location for shed

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

The tenant is looking for more storage place

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

allows use of full potential of property and fair use of property

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.

[Signature] 10-19-12
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)).

THURSDAY
NOVEMBER 15, 2012 @ 3:00pm
Date of Public Hearing

(LINE POSTING)
WEDNESDAY, OCTOBER 31, 2012
Advertising Date

WEDNESDAY, OCTOBER 31, 2012
Placard Posting Date

Jefferson County, West Virginia

Department of Zoning

116 East Washington Street, Suite 201

P.O. Box 338

Charles Town, West Virginia 25414

zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

Staff Assignment #: ZV12-31

Please be advised that staff from the Department of Zoning is authorized to make necessary revisions to the enclosed submission if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: Chris Diman

Applicant SIGNATURE: *CD*

Contact Number: 301-788-0385

Date: 10-19-2012

10/22/12 - ght ph Chris Diman to change:
Acre; DB + P_g; Section of Ord; setback !
Setback Blanks; Sketch

RECEIVED
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

JEFFERSON COUNTY, WEST VIRGINIA

Engineering Department

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

NOTICE OF VIOLATION

ISSUED BY: D. Mason Carter NOTICE DATE: September 12, 2012
Ordinance Compliance Officer & Land Development Coordinator

Certified Mail Return Receipt #7009 1680 0002 2814 2398

PROJECT: J.C.P.C. N/A

Charles Town District, Tax Map #8, Parcel #32.7 (Lot 8)
Deed Book 806, Page 319

OWNER of RECORD: Chris Dimon
240 Flowing Acres Rd
Charles Town, WV 25414

FILE

Attn: Mr. Dimon:

The Owner/Developer/Contractor is hereby notified that based on the observations made during an inspection it appears that a shed is still located on the above property without an Improvement Location Permit which is a violation of the Jefferson County Subdivision and Land Development Regulation, and the Building Code Enforcement Ordinance. Permit #11-629D was denied on November 22, 2011, because the structure was not meeting the required front setback. The property is not in compliance with the following ordinances sections:

1. Sec. 24.505 of the Jefferson County Subdivision and Land Development Regulation:

An improvement location permit and/or building permit is required prior to the erection, relocation, or alteration of a building or structure, prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use, and prior to any land altering activity in a flood prone area.

2. Building Code Enforcement Ordinance of the International Residential Code, Section:

"Any owner or authorized agent who intends to construct, enlarge, alter, repair, move,

demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permits."

In accordance with Article 25 (Enforcement and Penalties) of the Jefferson County Subdivision and Land Development Regulation, and Article 3, Section 3.3 (Enforcement) of the Jefferson County Zoning and Land Development Ordinance, the Owner/Developer/Contractor is hereby notified of this violation and is requested that the violation be terminated within 15 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Ordinance Compliance Officer and/or staff, pursuant to 8A-10-1,2 and 3, of the West Virginia State Code, as amended, to:

- (a) Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved, or
- (b) Seek a misdemeanor conviction in magistrate court or circuit court.

At a minimum, the following action is required to bring the project into compliance:

- A. The shed/structure must be removed by October 5, 2012.

Cc: Owner/Developer by regular USPS Delivery

James Casimiro, Assistant Prosecuting Attorney



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 November 15, 2012 Board of Zoning Appeals Meeting

1) Envision Jefferson 2035 (2014 Comprehensive Plan) Update

a) Website/Public Outreach Efforts:

- Reminder to "follow" website: "Envision Jefferson 2035"

b) 2 - Year Comprehensive Planner Position:

- Interviews held; recommendation to County Commission for approval scheduled for November 15, 2012
- Anticipated Start Date December 10, 2012

c) Steering Committee:

- County Commission appointed 13 citizen members 10/25/12 (list of members attached)
- County Commission provided expectation to members at their 11/8/12 meeting
- Kick-off organizational meeting with staff scheduled for 11/27/12

d) Facilitator:

- Proposed contract for County Commission approval scheduled for November 15, 2012

2) Recent CC Meetings relevant to Planning:

a) Date set for County Commission Public Hearing on Zoning Map Amendment

Request for a 2.39 acre property owned by the Bank of Charles Town, at the corner of Washington Street and US 340 near Harpers Ferry (10/18/12; **Public Hearing Scheduled for 11/29/12 7 pm**)

b) County Commission voted to **table** any action on the proposed New Commercial and Industrial Zoning Categories until after the 2014 Comp Plan is completed (vote 3-2, 10/25/12)

c) Date set for County Commission Public Hearing on Zoning Map Amendment

Request for a 34.27 acre property owned by Jefferson Asphalt Products, Inc., located west of Charles Town, south of Route 51 near the Tuscowilla Hills entrance (11/8/12; **Public Hearing Tentatively Scheduled for 1/10/13**)

d) Date set for County Commission Public Hearing on Zoning Map Amendment Request for a 8.07 acre property owned by John D. Lowe, III, located west of Shepherdstown, south of Route 45 and east of Potomac Farms Road (11/8/12; **Public Hearing Tentatively Scheduled for 1/10/13**)

3) **Upcoming CC Actions:**

a) Request for County Commission Approval of the US 340 Corridor East Gateway Plan, Incorporating Staff Recommended Changes Based on Public Comment (*scheduled for 11/15/12*)

b) Various requests for approval related to vacant budgeted Project/Office Manager position; Job Offer for two-year temporary Comp Plan Planner Position; Contract with a Facilitator for the Envision Jefferson 2035 Public Input Meetings (*scheduled for 11/15/12*)

4) **Upcoming Planning Commission items of Interest:**

a) December 11, 2012

- Public Hearing, Zoning Map Amendment, for property owned by Aitcheson Family Trust (Roger and Wanda Perry) and Frederica Adkinson, currently zoned Residential Growth, requesting Residential/Light Industrial/Commercial zoning, located on the south of US Route 340 on Campground Road
- Public Workshop regarding Morgan's Grove Market Concept Plan based on approved CUP

2014 Comprehensive Plan "Envision Jefferson 2035" Steering Committee and At-Large Members

NAME	Magisterial District	LENGTH OF RESIDENCY	ADDRESS	CITY	STAT	ZIP	HOME PHONE	E-MAIL
Suzanne Malesic	Charles Town	4	1 Gates Way	Charles Town	WV	25414	717-379-9812	artcarder@comcast.net
Mark Dyck (at-large)	Charles Town	8	53 Bullskin Street	Charles Town	WV	25414	304-725-8456	mdyck@whga.com
Dave Mills	Charles Town	35	312 S. Mildred Street	Ranson	WV	25414	304-728-7589	pdmills@aol.com
James Gibson (at-large)	Harpers Ferry	66	201 Needwood Farm Lane	Harpers Ferry	WV	25425	304-725-2688	jbgibson@crosslink.net
Ellen May	Harpers Ferry	20	P.O. Box 669	Charles Town	WV	25414	304-728-0109	emay@ecgc.com
Kathy Knight	Harpers Ferry	10	79 Cabriolet Court	Harpers Ferry	WV	25425	304-582-0804	lkjknight@frontiernet.net
Peter Dougherty	Kabletown	37	145 Westhall Drive	Charles Town	WV	25414	304-725-5131	peteboe@yahoo.com
Warren Mickey	Kabletown	62	377 Roper North Fork Rd	Charles Town	WV	25414	304-725-8363	gwmickey6@gmail.com
Peter Fricke	Middleway	23	154 East Street	Middleway	WV	25430	304-728-6400	peter.fricke@frontiernet.net
Pam Parziale	Middleway	40	5210 Paynes Ford Road	Kearneysville	WV	25430	304-725-4251	pamoren@frontiernet.net
Janis Schiltz (at-large)	Shepherdstown	9	38 River Cliff Drive	Harpers Ferry	WV	25425	703-234-2862	tschiltz1@comcast.net
Daniel Hayes	Shepherdstown	5	96 Canal Way	Shepherdstowr	WV	25443	304-279-6288	dhayes2205@comcast.net
William McLeod	Shepherdstown	7	P.O. Box 3296	Shepherdstowr	WV	25443	240-678-9033	wm.mcleod@ymail.com