

Jefferson County

Board of

Zoning Appeals

Thursday,  
September 20, 2012

**JEFFERSON COUNTY, WEST VIRGINIA**

**Department of Zoning**

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

P.O. Box 338

Charles Town, West Virginia 25414

**Phone: 304-728-3228**

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

**Fax: 304-728-8126**

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MEMORANDUM

TO: Jefferson County Board of Zoning Appeals Members

FROM: Jennilee Hartman, Zoning Clerk

DATE: September 14, 2012

SUBJECT: September 20, 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, September 20, 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.

# JEFFERSON COUNTY, WEST VIRGINIA

## Department of Zoning

116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

Phone: (304) 728-3228

Fax: (304) 728-8126

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### MEMORANDUM

TO: Board of Zoning Appeals Members

CC: Engineering & Building Permits Departments

FROM: Steve Barney, Zoning Administrator

DATE: September 14, 2012

SUBJECT: September Monthly Report of Department Activities

### ISSUED ZONING CERTIFICATES

#ZC12-13 W. LEE BAIHLY – OWNER/APPLICANT

*Issuance Date:* August 23, 2012  
*Proposed Use:* Food Service accessory to existing Nonconforming Use of commercial rafting, tubing, canoeing, kayaking, fishing & camping  
*Physical Location:* River & Trail Outfitters, Inc.  
WV secondary Route 27 – Millville, West Virginia  
*Zone:* Rural

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#ZC12-18 JUDY BOLYARD - APPLICANT

*Issuance Date:* August 16, 2012  
*Proposed Use:* Change of Tenant / same use. Sale of Antiques and consignment of upscale home furnishings and decorative accessories (refer to #ZC06-04).  
*Physical Location:* 35 Halltown Road; Harpers Ferry, West Virginia  
*Zone:* Residential- Light Industrial-Commercial

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#ZC12-17 BRIAN CARTER - APPLICANT

*Issuance Date:* August 15, 2012  
*Proposed Use:* Weekend sale of Bar-B-Que in parking lot of the Shenandoah Professional Center. Operation set-up & taken down daily.  
*Physical Location:* 36 Bakerton Road; Harpers Ferry, West Virginia  
*Zone:* Residential- Light Industrial-Commercial

## **ISSUED ZONING CERTIFICATES**

#ZC12-20      RON MEADOWS - OWNER/APPLICANT

*Issuance Date:*            August 29, 2012  
*Proposed Use:*            Sale of BBQ, from mobile stand, in parking lot of established commercial business.  
*Physical Location:*      35 Old Rider Road; Harpers Ferry, West Virginia  
*Zone:*                        Residential / Light-Industrial / Commercial

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## **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

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#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

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#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

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#ZC12-22      LEE ANN GOLDRICK & STEVE McKINNEY - TENANTS/APPLICANTS

*Issuance Date:*            TBD  
*Proposed Use:*            Convenience Store to include sale of alcoholic beverages.  
*Physical Location:*      4360 Sulpher Springs Road; Kearneysville, West Virginia  
*Zone:*                        Rural

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**AGENDA**  
**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, September 20, 2012, 3:00 p.m.**

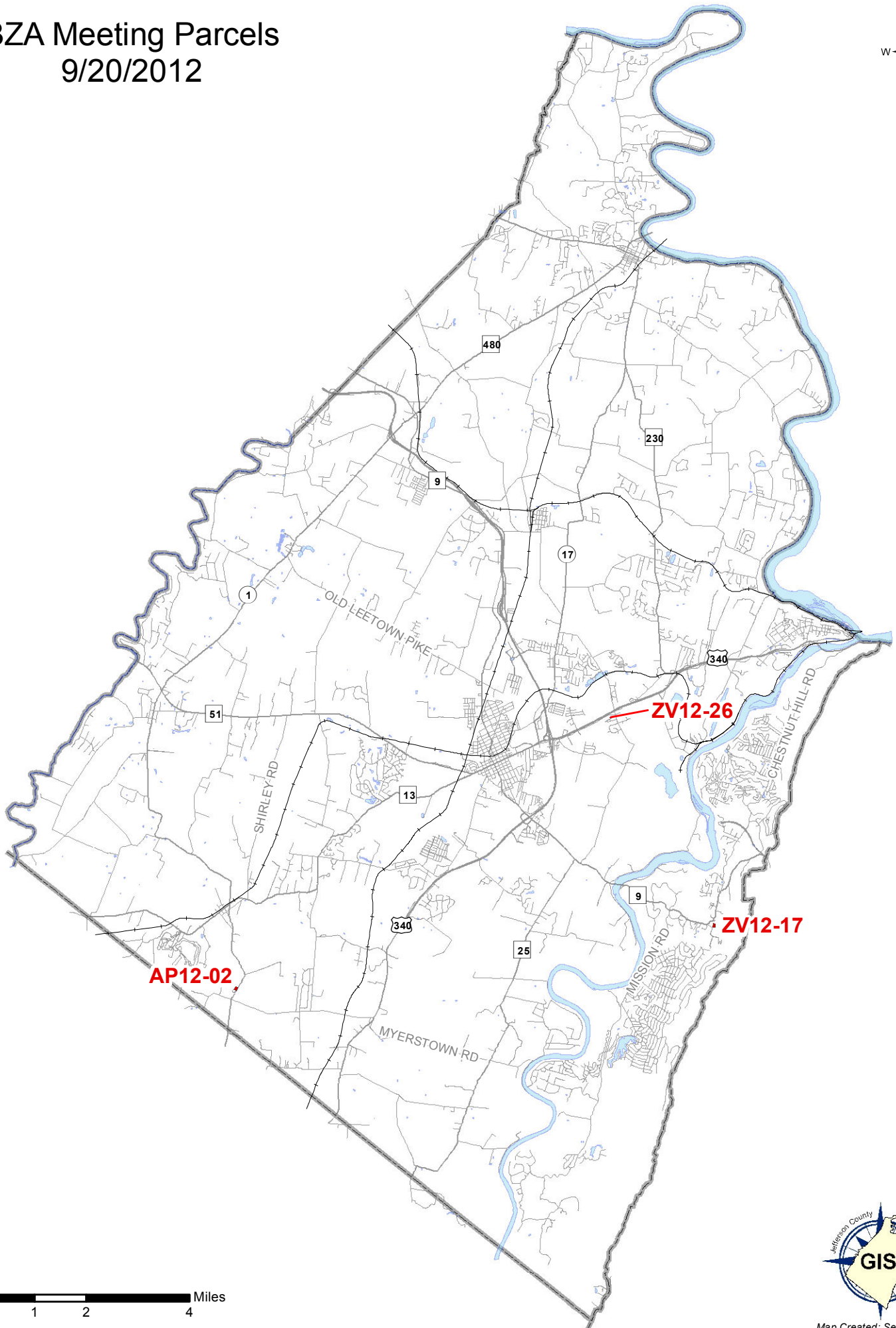
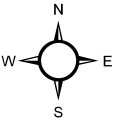
Members  
Jeff Bresee, Chair  
Christy Huddle, Vice Chair  
Edwin Kelly  
Tyler Quynn

The Jefferson County Board of Zoning Appeals 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. Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Approval of the minutes from the August 16, 2012 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Variance request by property owner, Vanette Jackson, from Section 5.4(B) for a reduction of the rear setback distance from 20' to 14' to allow for the construction of an 18' x 14' deck with stairs to also include an 18' x 10' stone patio situated underneath. Property location: Windmill Crossing Subdivision, 104 Monte Carlo Way, Charles Town, West Virginia. District: Charles Town (02); Map: 9C; Parcel: 47; Zoned: Residential-Light Industrial-Commercial; Size: 2,000 sq. ft.; File: #ZV12-26.
4. Variance request by applicant, CTI Towers, Inc., from Section 5.6D for a reduction of the front setback distance from 25' to 6' to allow for the installation of a 7' privacy fence enclosure to be attached to an existing 11' x 15' telecommunications building and the construction of a 28<sup>+</sup> square foot concrete pad within the enclosure. Property location: 121 Ashland Woods Drive, Harpers Ferry, West Virginia. District: Charles Town (02); Map: 21; Parcel: 35; Zoned: Rural; Parcel Size: 2 acres; Leased Area: .035 acres; File: #ZV12-27. Applicant Representative: William Jenkins.
5. 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.
6. Director's Report.
7. Legal Update.
8. Signing of written decisions from prior Board of Zoning Appeals meetings.
9. Correspondence.

# BZA Meeting Parcels

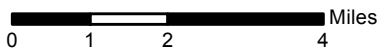
9/20/2012



**AP12-02**

**ZV12-26**

**ZV12-17**



**Draft Minutes**  
Jefferson County Board of Zoning Appeals  
Thursday, August 16, 2012

The Jefferson County Board of Zoning Appeals met on Thursday, August 16, 2012. The meeting was held in the conference room on the second floor of the Mason Building located at 116 East Washington Street 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.

Mr. Kelly motioned to commence the meeting. Mr. Quynn seconded the motion, which carried unanimously. Mr. Bresee called the meeting to order at 3:00 p.m.

1. Approval of the minutes from the July 19, 2012 meeting.

Mr. Kelly motioned to approve the minutes. Mr. Quynn seconded the motion. The following edits were requested:

1. Page 1, paragraph 1, line 3, after the word *members* remove the comma.
2. Page 5, paragraph 1, line 3, remove the first "*the*".
3. Page 6, paragraph 1, line 3, change the word *no* to *now*.
4. Page 7, paragraph 3, line 6, remove the word *approved*.
5. Page 7, paragraph 5, line 2, remove the words *as follows*.

Mr. Bresee called for a vote which carried 3 in support and 1 abstention (Ms. Huddle).

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

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

3. Variance request by property owners, James Michael and Kari Lynn Somerville, from Section 5.4(B) for a reduction of the rear setback distance from 20' to 16' to allow for the construction of an 18' x 10' deck with stairs. Property location: Windmill Crossing Subdivision, 244 Monte Carlo Way, Charles Town, West Virginia. District: Charles Town (02); Map: 9C; Parcel: 16; Zoned: Residential-Light Industrial-Commercial; Size: 4,360 sq. ft.; File: #ZV12-25.

Mr. Somerville, applicant, presented his request to the Board. Mr. Kelly asked what was in the rear of the applicant's property. Mr. Somerville stated there was an easement in the rear of the property. Mr. Barney confirmed the applicant's statement. Mr. Bresee called for public comment. There was no public comment. Mr. Bresee asked the Board if they felt that a deliberative session was necessary as there were no other actionable items to address. The Board agreed a deliberative session was not necessary. Ms. Huddle motioned to approve the above referenced request. Mr. Quynn seconded the motion, which carried unanimously.

5. Director's Report. Ms. Brockman and Mr. Barney directed the Board's attention to the memorandum that was included in their packet regarding a draft zoning ordinance amendment pertaining to decks. The Board discussed their viewpoints with Staff.
6. Legal Update. None.
7. Signing of written decisions from prior Board of Zoning Appeals meetings.
  - a. Public hearing and action on the Conditional Use Permit application submitted by Wayne and Renee Moore, Developer, for the River Country Store and Deli to establish a general store, restaurant and space for recreational use. Intended uses are to consist of a country store providing general items, a restaurant serving hot and cold food with an ABC license, multiple recreational spaces for game and party rentals, children's play area, seasonal activities (i.e. volley ball, basketball and mini golf), and other associated uses as further described in the application. Property location: 2142 Mission Road, Harpers Ferry, WV. District: Kabletown (06); Map: 6; Parcel: 13; Zoned: Rural; Size: 2.002 acres; File: #CP12-03. Additional changes to the Findings of Fact draft needed to be made. It was determined that once prepared, Mr. Bresee would sign on the Board's behalf.
  - b. Public hearing and action on the Conditional Use Permit application submitted by property owners, Scott Bearup and Carroll Rice, for the Black Bear Camp and RV to establish a primitive camp-ground serving 50 campsites. Intended uses are to consist of primitive camping, hiking, horseback riding and stables, biking, fishing, hunting, tubing, canoeing, rafting, historic tourism, and other associated uses as further described in the application. Property location: 2128 Mission Road, Harpers Ferry, WV. District: Kabletown (06); Map: 6; Parcel: 4; Zoned: Rural; Size: 15.47 acres; File: #CP12-02. It was determined that once prepared, Mr. Bresee would sign the Findings of Fact once changes have been made.
8. Correspondence. None.

Mr. Kelly stated he would not be attending the next regularly scheduled meeting.

Ms. Huddle motioned to adjourn the meeting at 3:55 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](http://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 Commissions<sup>23</sup>**

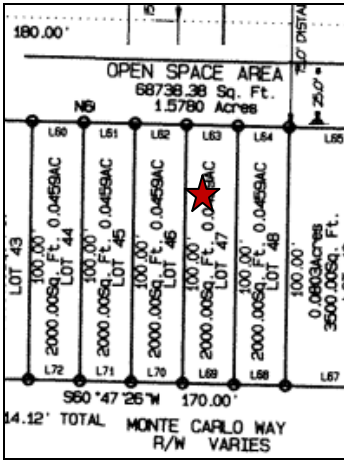
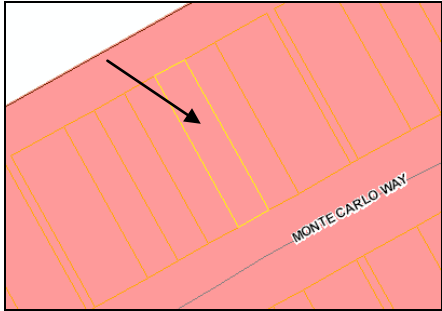
#### A. Board of Zoning Appeals

4. The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.<sup>23</sup>
  - 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.<sup>17, 21</sup>
  - 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  
 September 20, 2012

**Vanette Jackson Variance Request (#ZV12-26)**

Item #3 Variance request by property owner, Vanette Jackson, from Section 5.4(B) for a reduction of the rear setback distance from 20' to 14' to allow for the construction of an 18' x 14' deck with stairs to also include an 18' x 10' stone patio situated underneath.

APPLICANT:	Vanette Jackson
OWNER:	Same as above
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	Windmill Crossing Subdivision, 104 Monte Carlo Way, Charles Town, West Virginia
LEGAL DESCRIPTION:	District: Charles Town (02); Map: 9C; Parcel: 47 
ZONING DISTRICT:	Zoning Map Designation: Residential-Light Industrial-Commercial (R-LI-C) 
SURROUNDING PROPERTIES:	Zoning Map Designation: North: R-LI-C      South: R-LI-C East: R-LI-C      West: R-LI-C
LOT AREA:	2,000 sq. ft.
VARIANCE(S):	None
APPROVED ACTIVITY:	Residential
Community Impact Statement	PC Approval: 02/11/03
Preliminary Plat	Staff Approval: 11/22/04
Final Plat (PC File #03-01)	PC Approval: 01/11/05

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 20, 2012

**Vanette Jackson Variance Request (#ZV12-26)**

RELEVANT INFORMATION:

1. Overview of Request

The applicant seeks a rear yard setback variance of 6' in order to construct an 18' x 10' deck with stairs.

Per the material submitted with the variance request, the proposed deck would be 18' wide and would extend 10' from the townhome towards the rear property line and would include a 4' projection for the construction of the stairs. The applicant is also proposing a stone patio underneath the deck.

Section 5.8 of the Zoning Ordinance provides that the setback requirements of the Residential Growth District apply to a residential use in the Residential-Light Industrial-Commercial District. For a townhouse, these setbacks are 25 feet (front), 12 feet (exterior side), and 20 feet (rear).

Section 9.5 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 width. This section would not apply in this instance because this structure is 18' in width.

2. 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 as my neighbors (on both sides) have decks & patios and it will not encroach on my neighbor's property."

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, "No special conditions. While I am asking for additional feet to build, I will be well within my 20 feet property line."

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

The application states, "Yes, it would increase my property value, allow for an emergency exit from the middle level, and provide access to bring in appliances or furniture without affecting stairway walls."

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

The application states, "Yes, any person from the zoning office would be able to view this deck at any given time. This will not impose on my neighbors & will allow me to enjoy my deck."

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 September 20, 2012

**Vanette Jackson Variance Request (#ZV12-26)**

3. Staff Evaluation of Request

The original Windmill Crossing community was approved by subdivision plat in April 2005. This subdivision consisted of 15 commercial lots and 133 townhomes and is located in the Residential-Light Industrial-Commercial District (R-LI-C).

The Board of Zoning Appeals reviewed similar variance requests in the Windmill Crossing Subdivision on May 20, 2010 (Weaver, ZV10-04), July 15, 2010 (Brown, ZV10-08), September 16, 2010 (Einreinhof, ZV10-16), April 21, 2011 (Muniz, ZV11-08), August 18, 2011 (Reed, ZV11-24), January 19, 2012 (Stine, ZV12-03, Kimmel, ZV12-04, Franz, ZV12-05), March 15, 2012 (McFadden, ZV12-09), April 19, 2012 (Silva, ZV12-11), May 17, 2012 (Gonzalez and Mercado, ZV12-15, Gahagan, ZV12-16, Devolites, ZV12-18, Cox, ZV12-19), and June 21, 2012 (Powell, ZV12-20, Friend, ZV12-21), August 16, 2012 (ZV12-25, Somerville).

The applicant's rear property line is adjacent to a 25' utility easement. Therefore granting this variance would not appear to adversely affect adjacent property owners to the rear.



*\*Yellow star indicates applicant's townhome.*

*\*Red star indicates previously approved deck variances (Weaver, ZV09-03, McFadden, ZV12-09).*

4. Possible Conditions of Approval

No conditions of approval are identified for this variance request.

SECTION OF ORDINANCE TO BE CONSIDERED:

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

	Development Type	Minimum Lot Area (MLA)	Required Yards (ft)				Maximum Building Height (ft)*
		Area per Dwelling Unit (ADU)	Front	Side	Street Side	Rear	
3	Townhouse Dwelling		25	12	15	20	40
	Public/Central water and sewer	1,400 sq. ft. MLA	"	"	"	"	"
		3,500 sq. ft. ADU	"	"	"	"	"

# ZV12.26

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): VANETTE JACKSON CONTACT: FONDA BARRON (304) 725-5742

Address: PO Box 304  
CHARLES TOWN, WEST VIRGINIA 25414

Phone Number: 304 728-9010

Location of Property: 104 MONTE CARLO WAY  
CHARLES TOWN, WEST VIRGINIA 25414

Lot Size: 2000 sq. feet .045 AC WINDMILL CROSSING SID LOT #47

Deed Book Reference: Deed Book Number 1045 Page Number 90

Tax Map Reference: District 02 CHARLES TOWN Map 9C Parcel 47

Zoning District: RESIDENTIAL-LIGHT INDUSTRIAL-COMMERCIAL (R-LI-C)

Section of Ordinance: 5.4(b)

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.

~~See Attached~~

This Request is to construct a 18'x10' DECK with SPINDLES & HEADERS  
at the rear of my townhouse located @ 104 Monte Carlo way,  
lot #47 at Windmill Crossing. We will need to decrease the  
20' set back to 14' this will include the 10' for the DECK & PATIO,  
AND 4' for the stairs. The stone PATIO will be located UNDER the DECK

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  
AUG 10 2012  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

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:

NO AS MY NEIGHBORS (ON BOTH SIDES) HAVE DECKS + PATIOS  
AND IT WILL NOT ENCROACH ON MY NEIGHBORS PROPERTY

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:

NO SPECIAL CONDITIONS. WHILE I AM ASKING FOR ADDITIONAL FEET  
TO BUILD, I WILL BE WELL WITHIN MY 20 FT PROPERTY LINE

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

YES, IT WOULD INCREASE MY PROPERTY VALUE, ALLOW FOR AN EMERGENCY EXIT  
FROM THE MIDDLE LEVEL, AND PROVIDE ACCESS TO BRING IN APPLIANCES OR FURNITURE  
WITHOUT AFFECTING MY STAIRWAY WALLS.

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

YES, ANY PERSON FROM THE ZONING OFFICE WOULD BE ABLE TO  
VIEW THIS PERIC AT ANY GIVEN TIME This will not impose on  
my neighbors & will allow my to enjoy my deck

[Signature]  
Signature of Property Owner

VALETTE JACKSON  
Print Name

8/4/12  
Date

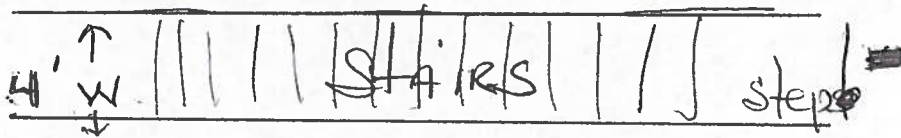
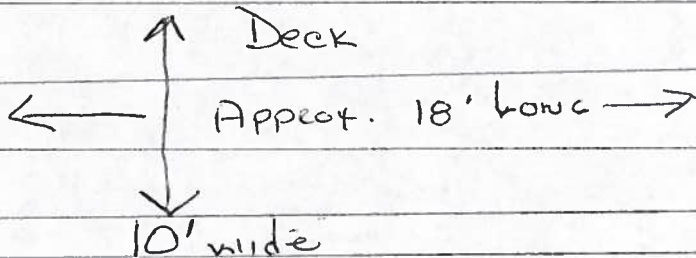
<b>FOR OFFICAL USE ONLY</b>	
Fees Paid: _____	Date Application / Fees Received: _____
Date of meeting / Public Hearing: _____	
Official Administrative Body: <u>Jefferson County Board of Zoning Appeals</u>	
Posting Requirements: _____	Number of Days Prior to Scheduled Hearing
Advertising Dates: _____	
Official Action of Board: _____	
_____	
_____	
Official Signature and Seal: _____	



VANETTE JACKSON  
WINDMILL CROSSING  
104 MONTE CARLO WAY  
LOT 47

# RV12-26

## DECK & STAIRS



TOTAL FOOTAGE  
~~20~~' x 14'

PATIO

STONE MATERIAL  
SIZE 18' x 10'

RECEIVED

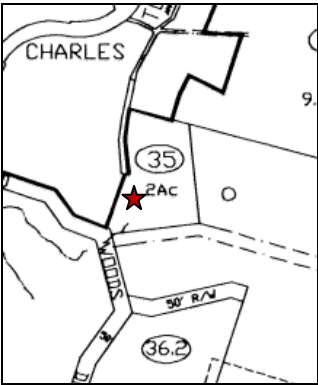
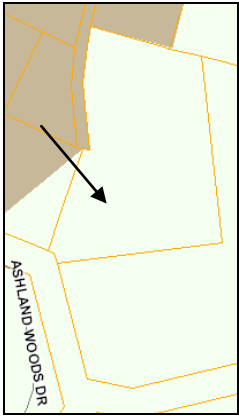
AUG 10 2012

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 September 20, 2012

**CTI Towers, Inc Variance Request (#ZV12-27)**

Item #4 Variance request by applicant, CTI Towers, Inc., from Section 5.6D for a reduction of the front setback distance from 25' to 6' to allow for the installation of a 7' privacy fence enclosure to be attached to an existing 11' x 15' telecommunications building and the construction of a 28<sup>+</sup> square foot concrete pad within the enclosure.

APPLICANT:	CTI Towers, Inc.
OWNER :	Paul Ashbaugh
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	121 Ashland Woods Drive, Harpers Ferry, West Virginia
LEGAL DESCRIPTION:	District: Charles Town (02); Map: 21; Parcel: 35 
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> Rural & Village
LOT AREA:	Parcel size: 2 acres; Leased Area: .035 acres
PRIOR CASES:	None
VARIANCE(S):	None
APPROVED ACTIVITY:	Residential (existing land use is non-conforming communication facility)

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 20, 2012

**CTI Towers, Inc Variance Request (#ZV12-27)**

RELEVANT INFORMATION:

1. Overview of Request

The applicant is seeking a reduction of the front setback distance from 25' to 6' construct a 7 foot tall privacy fence to be attached to an existing 11' x 15' communications building. The fenced enclosure would contain a 28<sup>+</sup> square foot concrete pad, on which would be placed a backup generator (and fuel tank) for the building.

2. Previous Case History

On November 28, 2006 the current property owner processed two lot line adjustments, which resulted in the creation of the present size and configuration of the property. 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, "Structure is located adjacent to an easement & not on main road. Improvements should not affect neighbors."

- 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, "There is wet ground we wish to dry out. There is an easement we wish to take advantage of."

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

The application states, "On site emergency power would greatly reduce the time staff must travel to and stay there during emergency."

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

The application states, "The variance will allow us to improve customer service while observing zoning ordinances & co-existing in harmony with our neighbors."

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 20, 2012

**CTI Towers, Inc Variance Request (#ZV12-27)**

4. Staff Evaluation of Request

The property is currently used by Comcast as a hub for cable television. The building on the property is used to distribute cable signal to subscribers. Use of the adjacent property is residential.

The lot fronts onto a 40' easement located to the south of the property (shown in the photos below). The requested setback variance is for the front setback distance from this easement, and the variance would apply to both the proposed concrete pad/generator area and the proposed 7' fence. (A fence taller than 6' must comply with setback requirements).

The existing facility is a nonconforming commercial use. As such, the setbacks for a commercial use specified in Section 5.6D apply.

5. Conditions of Approval

No conditions of approval are identified for this request.



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 20, 2012

**CTI Towers, Inc Variance Request (#ZV12-27)**

SECTION OF ORDINANCE TO BE CONSIDERED:

**Section 5.6 Industrial - Commercial District**

D. Yard Requirements as follows: (These requirements are also for an approved commercial or industrial use proposed for any other zone.)

1. Front yard building setback

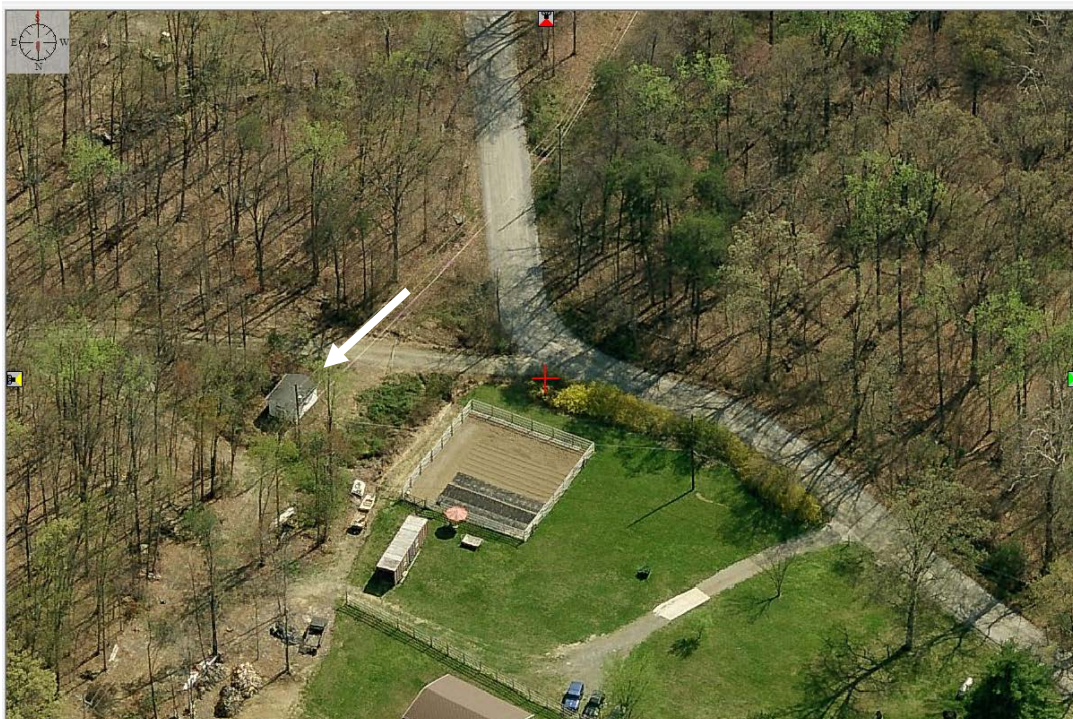
Commercial sites	25 feet
Industrial sites	50 feet
2. Side yard building setback

Commercial sites greater than 1.5 acres	50 feet
Commercial sites 1.5 acres and smaller	25 feet
Industrial sites	50 feet
3. Rear yard building setback

Commercial sites greater than 1.5 acres	50 feet
Commercial sites 1.5 acres and smaller	25 feet
Industrial sites	50 feet

**Section 9.5 Projections Into Yards<sup>8</sup>**

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



#ZV12-27

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): C T I TOWERS, INC.

Address: 38 POND STREET, SUITE 305  
FRANKLIN, MA 02038

Phone Number: (508) 440-5780

Location of Property: 121 ASHLAND WOODS DRIVE  
HARPERS FERRY, WV 25425

Lot Size: 1,533 SQ FT (0.035 ACRES)

Deed Book Reference: Deed Book Number 1109 Page Number 645

Tax Map Reference: District 2 Map 21 Parcel 35

Zoning District: RURAL

Section of Ordinance: SETBACK REQUIREMENTS & CHAIN LINK FENCE HEIGHT  
5.60 AND 9.50

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.

WE REQUEST A VARIANCE ON THE PROPERTY SETBACKS AND  
FENCE HEIGHT. THE PLAN IS TO EXTEND A PAD & FENCE 16 FT  
OUT FROM THE FRONT OF BUILDING INTO A 40 FT EASEMENT &  
EXTEND THE RIGHT SIDE WITH A FENCE & RETAINING WALL  
OUT 6 FT TO THE PROPERTY LINE.

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.

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:

STRUCTURE IS LOCATED ADJACENT TO AN EASEMENT & NOT ON MAIN ROAD. IMPROVEMENTS SHOULD NOT AFFECT NEIGHBORS

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:

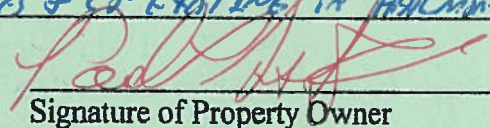
THERE IS WET GROUND WE WISH TO DRY OUT. THERE IS AN EASEMENT WE WISH TO TAKE ADVANTAGE OF.

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

ON SITE EMERGENCY POWER WOULD GREATLY REDUCE THE TIME STATE MUST TRAVEL TO & STAY THERE DURING EMERGENCY

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

THE VARIANCE WILL ALLOW US TO IMPROVE CUSTOMER SERVICE WHILE OBSERVING ZONING ORDINANCES & CO-EXISTING IN HARMONY WITH OUR NEIGHBORS



Signature of Property Owner

PAUL ASHBAUGH

Print Name

8-30-12

Date

<u>Check # 624</u>	<b>FOR OFFICIAL USE ONLY</b>
Fees Paid: <u>\$100.00</u>	Date Application / Fees Received: <u>August 22 2012</u>
Date of meeting / Public Hearing: <u>SEPTEMBER 20, 2012 @ 3:00 PM</u>	
Official Administrative Body: <u>Jefferson County Board of Zoning Appeals</u>	
Posting Requirements: <u>15 DAYS</u> Number of Days Prior to Scheduled Hearing	
Advertising Dates: <u>WEDNESDAY SEPTEMBER 5, 2012</u>	
Official Action of Board: _____	
Official Signature and Seal: _____	

#ZV12-27



CTI | TOWERS

August 22, 2012

Jefferson County Board of Appeals  
Department of Planning and Zoning  
116 East Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 338  
Charles Town, West Virginia 25414

***RE: Letter of Authorization, 125 Ashland Woods Drive, Harper's Ferry, West Virginia***

To Whom It May Concern:

CTI Towers, Inc. ("CTI") is the owner of a perpetual easement at the above captioned parcel, known as tax parcel no. 21-0036-0000-0000 (the "Parcel"). CTI, as the owner of the Parcel, authorizes and agrees to the variance application for the new generator placement submitted by Comcast as stated on the application submitted herewith.

The signature accompanying this letter by CTI confirms the application can be submitted by Comcast and is authorized by CTI.

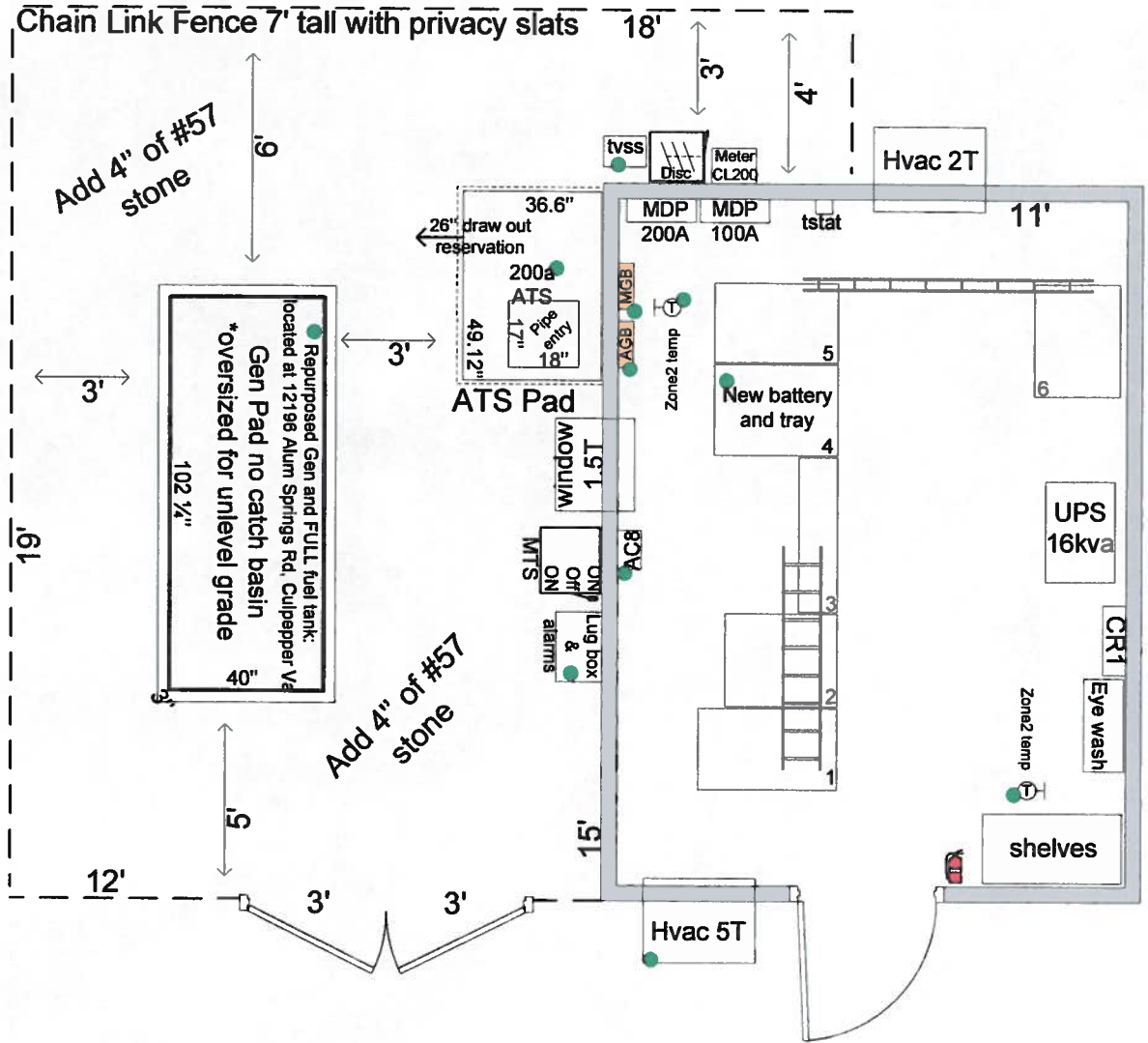
Please let me know if you have any questions.


Very truly yours,

Carrie L. Larson  
General Counsel

38 Pond Street, Suite 305 ° Franklin, MA 02038 °  
(508) 440-5780 ext. 230 ° [clarson@ctitowers.com](mailto:clarson@ctitowers.com)

pole ● 120/240V  
 New service  
 L1-25A  
 L2-23A  
 N-1.5A



	DRAWN: JSCassity	TITLE: New equip layout opt2	<ul style="list-style-type: none"> <li>● = missed on customer sow</li> <li>▲ = demo and relocate</li> <li>▲ = demo &amp; dispose</li> <li>● = Alpha / customer provided</li> </ul>		
	DATE: 14june2012	<i>W. Collins</i>			
A SIZE	TYPE:	QUOTE:	APPROVED:	ISSUED:	SHEET:
				DWG NO:	REV:

0' 20' 40' 60'



WEST VIRGINIA STATE  
GRID NORTH ZONE

LEGEND:

○ FOUND CAPPED REBAR

TM 21 P 35  
ASHBAUGH  
DB 1032 PG 109

TM 21C P 30  
PAINTER  
DB 1032 PG 113

EXISTING EASEMENT  
PB 18 PG 49  
1533 SQ. FT.  
0.035 ACRES

S 23°41'14" W  
32.27'

40' ACCESS EASEMENT  
PB 18 PG 49

TM 21 P 36  
ASHBAUGH  
DB 954 PG 154

30' R/W AND 60' R/W  
PER PB 19 PG 66-66B  
AND PB 21 PG 69-69B

PROPERTY LINE AS SHOWN THE BOUNDARY LINE  
ADJUSTMENT PLAT RECORDED IN DB 1032 PG 109

EX. COMCAST  
BUILDING

20 FT

25 FT

N 28°34'32" E 118.78'  
S 86°49'37" W 19.48'  
S 71°09'50" W 18.81'

N 17°23'51" E 46.53'  
S 86°48'50" W 40.10'

S 72°06'26" E 41.08'  
15.0'  
12.2'  
16.2'  
12.2'  
16.2'

41.08'

1.9'

6.2'

30'

60.0'

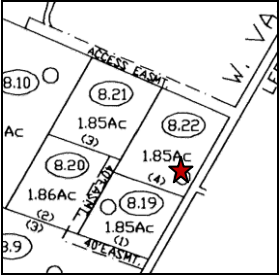
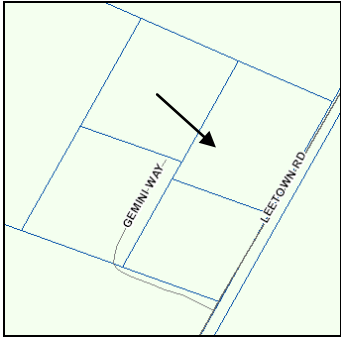


#ZV12-27

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 September 20, 2012

**Clinton Blevins Appeal (AP12-02)**

Item #5: 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.

APPLICANT:	Clinton Blevins
OWNER:	Same
DEVELOPER:	Same
SURVEYOR/ENGINEER:	None
PROPERTY LOCATION:	805 Leetown Road, Summit Point, West Virginia
LEGAL DESCRIPTION:	District: Kabletown (6); Map: 17; Parcel: 8.22 
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:	1.85 acres
PROPOSED DENSITY:	Single Family Residence
APPROVALS	Parent to Child Deed approved by Staff: 01/17/01

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 20, 2012

**Clinton Blevins Appeal (AP12-02)**

1. Overview

The Applicant has submitted an appeal of an administrative decision regarding the denial of Zoning Certificate application #ZC12-08.

2. Chronology of Relevant Events

May 1, 2012 – Mr. Blevins submitted Zoning Certificate application #ZC12-08 for a land use described below:

“The business will consist of E-Commerce, the selling of firearms, knives, tactical clothing and other self-defense items . . . Firearms will be legally shipped to customers, or delivered to the business, then repackaged and shipped to customers.”

Proposed land uses listed in the application also included firearm transfer, gun cleaning/repair, and offsite training.

May 22, 2012 – In an email message to the applicant, staff denied the application on the basis that Article 4A of the Zoning Ordinance prohibits any home-based business “which involves the storage of weapons such as firearms (other than residents’ hunting, protection and leisure weapons).”

However, staff also noted that “providing offsite training/consulting services would be permitted, because the activity would take place away from the residential premises.”

June 1, 2012 – At Mr. Blevins’ request, staff met with the applicant to discuss the denied application.

July 16, 2012 – Mr. Blevins emailed staff to state the following:

“During our June 1, 2012 meeting, you stated that I could not ship or receive merchandise at my residence for my business... I have since acquired a place in Front Royal, VA to have all merchandise delivered and stored for my business... my business activities at my residence will be internet sales only. I will have an office only in my residence with no inventory stored at my residence. I believe this meets the requirements set forth by you in our meeting and I respectfully request you approve my zoning permit for my business. Again I would like to reiterate this is not a retail sales business rather an internet sales only type business.”

Following receipt of Mr. Blevins’ email, staff contacted a regional inspector for the Bureau of Alcohol, Tobacco and Firearms to confirm that the agency would be able to issue a Federal Firearms License (FFL) based on the business concept described above. The inspector stated that firearms must be shipped to the license listed on the FFL license, i.e. the residential premises.

July 30, 2012 – In an email message to the applicant, staff reaffirmed the previous denial of the Zoning Certificate application, noting that it did not appear possible for a home-based firearms business to ship and receive all firearms remotely.

August 16, 2012 – Staff provided a final determination of the denial of the Zoning Certificate via email.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 20, 2012

**Clinton Blevins Appeal (AP12-02)**

3. Rationale for Applicant's Appeal

The appeal application states,

“I am appealing the decision from Jefferson County Zoning Department on the bases I have meet the requirements of Jefferson County Zoning Ordinances. I have applied for a Level 1 Home Occupation zoning permit. My business consists of internet sales (no sales at my residence), and firearms training. Items that I will have on sale [will] consist of self-defense items, survival items, and firearms. These items will also be sold at shows such as gun shows.

“Jefferson County Zoning Ordinance section 4A.1E4 will not allow my business to store firearms at my residence that are not directly own by me personally, but under ATF Regulation 478.50 allows me to have an offsite storage of firearms. I have secured a site in Virginia. This complies with Zoning Ordinance Section 4A.1E4, by storing my firearms offsite. The other items to be sold online can be shipped to and stored at my residence per Zoning Ordinance Section 4A.3 Home Occupation Level 1.”

4. Rationale for Staff's Denial of ZC12-08

- A. The Zoning Ordinance prohibits “Any business which involves the storage of weapons such as firearms (other than residents’ hunting, protection and leisure weapons).” (Section 4A.1.E.4) Staff’s interpretation is that the presence of weapons (other than personal weapons) at the residence for any amount of time constitutes “storage.”

Per Bureau of Alcohol, Tobacco and Firearms staff, the license address must be used as the address for receiving shipped firearms. Therefore, firearms would need to be stored at the residence, contrary to the requirements of Section 4A.1.E.4.

- B. The ordinance also states that “There shall be no sales, other than items crafted on the premises, in connection with [a] home occupation.” (Section 4A.4.D) It is noted that the ordinance does exempt “internet-based sales activities that do not require the presence of inventory at the property, such as drop-shipping.” (Section 4A.2.B)

As noted above, the license address must be used as the address for receiving shipped firearms. Therefore, sales inventory would need to be present at the property, contrary to the requirements of Section 4A.4.D, and the land use would not qualify under the exemptions of Section 4A.2.B.

- C. Section 4A.1.I of the Zoning Ordinance states that “All applicable County, State, and Federal requirements must be met.” As such, staff cannot knowingly approve a Zoning Certificate for a business which could not operate in compliance with Federal requirements – specifically, the requirement that firearms must be shipped to the license address.

For the reasons described above, staff recommends that the Board uphold staff’s interpretation of Article 4A of the Zoning Ordinance.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 20, 2012

**Clinton Blevins Appeal (AP12-02)**



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 20, 2012

**Clinton Blevins Appeal (AP12-02)**

SECTION OF ORDINANCE TO BE CONSIDERED:

**Section 3.4 Boards and Commissions**

A. Board of Zoning Appeals

3. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.

a. Filing an Appeal

- i. An appeal to the Board may be taken by any person, board, associate, corporation or official allegedly aggrieved by any administrative decision based or claimed to be based, in whole or in part, upon the provisions of this Ordinance. The property owner of the subject appeal shall sign the application or an affidavit allowing an agent for the property owner to file the application which shall be submitted.
- ii. Such appeal shall be filed with the Board within thirty (30) days from the decision appealed.

b. Notification

- i. 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.
- ii. 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. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant. The Board, in its discretion, may otherwise visit the specific property prior to or after the hearing.

c. Public Hearing

- i. The Board shall hold a hearing within forty-five (45) days of the date the appeal is received in the Departments of Planning and Zoning. At the hearing, any party may appear and be heard in person or by agent or attorney.
- ii. The Board shall render its determination on the application no more than thirty (30) days following the public hearing by registered mail.

d. Continuance of Hearing

- i. The Board may continue a hearing at another time and/or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session. Any hearing continued shall be held within thirty (30) days from the initial hearing.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 20, 2012

**Clinton Blevins Appeal (AP12-02)**

**ARTICLE 4A: HOME OCCUPATIONS AND COTTAGE INDUSTRIES<sup>8,24</sup>**

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

- A. A Zoning Certificate is required for a Cottage Industry or Home Occupation pursuant to Section 3.2 of this Ordinance.
- B. A Home Occupation or Cottage Industry shall be clearly incidental and subordinate to the use of the dwelling unit as a residence.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the Home Occupation or Cottage Industry, other than as provided in this Article.
- D. No equipment or process shall be used in a Home Occupation or Cottage Industry which creates offensive manifestations by sight, sound or smell detectable to the normal senses, or electrical interference or vibrations perceptible, at any lot line.
- E. The following land uses cannot be established as a Home Occupation or Cottage Industry:
  - 1. Boarding or rooming homes.
  - 2. Bed and breakfast establishments.
  - 3. Adult uses.
  - 4. Any business which involves the storage of weapons such as firearms (other than residents' hunting, protection and leisure weapons).<sup>12</sup>
- F. Any need for parking generated by the Home Occupation or Cottage Industry shall be met off street and other than in a required front yard.
- G. No outdoor storage of any kind, visible from a property line or a public or private right-of-way or vehicular access easement, is permitted.
- H. The business owner is responsible for ensuring compliance with all local, state, and federal taxing requirements.
- I. All applicable County, State, and Federal requirements must be met.

**Section 4A.2 Exempt Activities**

The following land uses do not constitute a Home Occupation or Cottage Industry, and do not require a Zoning Certificate:

- A. Telecommuting.
- B. A computer-based occupation involving one full-time resident and no other on-site employees, provided that the occupation generates no additional vehicular trips, no customer visits, no additional shipping or mailing that exceeds a normal residential volume, and would not be otherwise prohibited by this Article. This category includes internet-based sales activities that do not require the presence of inventory at the property, such as drop-shipping.
- C. The participation of an individual location in an event conducted annually or twice yearly with multiple locations, such as a home and garden tour or an art studio tour.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 20, 2012

**Clinton Blevins Appeal (AP12-02)**

**Section 4A.3 Home Occupation, Level 1**

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

- A. No person other than members of the family residing on the premises shall be engaged in such occupation. Said members must be full time residents of the premises.
- B. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of the floor area of the dwelling unit.
- 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.
- D. Traffic generated by such home occupation must not exceed two (2) business related vehicle visits per day no more than ten (10) visits per week at the premises.

**JEFFERSON COUNTY  
DEPARTMENT of ZONING  
ZONING CERTIFICATE**

This is to certify that the use cited on this form is a Permitted Use in the Zone where it is proposed, by virtue of the following justification. This use is subject to the conditions imposed below. **This Certificate does not constitute a Certificate of Occupancy, and does not exempt the proposed development and/or use from any relevant Jefferson County Ordinances, including but not limited to Building Code, building and sign permits, Site Plan requirements, Health Department approvals, as well as other local and State requirements.**

- \_\_\_\_\_ \*Principal Permitted Use in Zone stated below.
- \_\_\_\_\_ \*Nonconforming Grand-fathered Use in Zone stated below.
- \_\_\_\_\_ \*Change in Nonconforming Use approved by Public Hearing in Zone stated below.
- \_\_\_\_\_ \*Change in Nonconforming Use approved by Zoning Administrator in Zone stated below.

**PROPERTY DESCRIPTION**

OWNER / APPLICANT NAME: CLINTON and IRIS BLEVINS  
 MAILING ADDRESS: 805 LEETOWN ROAD; SUMMIT POINT, WEST VIRGINIA 25446  
 TELEPHONE NUMBER: (304) 728-5048

PHYSICAL ADDRESS: SAME

TAX DISTRICT: KABLETOWN – 06 / MAP: 17 / PARCEL: 8.22  
DEED BOOK: 1040 PAGE: 128

PROPERTY SIZE: 1.85 ACRES

ZONE: RURAL

PROPOSED USE: Internet sales of self-defense items to include firearms, knives and tactical clothing. Limited amount of non-restrictive inventory stored on property.

RESTRICTIONS/CONDITIONS: Any future change in use or expansion will require processing through the Jefferson County Departments of Planning, Zoning and Engineering to update this Certificate, and insure compliance with all applicable County Regulations.

This certification in no way relieves the Owner, Applicant or User from the documented requirements of the Jefferson County Ordinances, to include Building and Sign Permit processing, unless the appropriate variances are granted by corresponding County authority

\_\_\_\_\_  
Steve Barney, Zoning Administrator

**APPLICATION DENIED / MAY 22, 2012**  
(see attached email)

\_\_\_\_\_  
Date of Issuance

## Steve Barney

---

**From:** Zoning Dept <zoning@jeffersoncountywv.org>  
**Sent:** Monday, September 10, 2012 5:10 PM  
**To:** sbarney  
**Subject:** Fwd: Re: Proposed home-based firearms business (ZC12-08)

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

**From:** "Zoning Dept" <zoning@jeffersoncountywv.org>  
**Sent:** 8/16/2012 4:40:25 PM  
**To:** "Clinton Blevins" <clinton.blevins@live.com>  
**Subject:** Re: Proposed home-based firearms business (ZC12-08)

Mr. Blevins,

My determination on this matter is completed. However, please be advised that any order, requirement, decision or determination made by an administrative official of the County with regard to the enforcement of the Zoning Ordinance, may be appealed to the Board of Zoning Appeals.

The application for an Appeal of Decision can be found at the website below. There is a \$100 fee for an appeal application.

<http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department/forms.html>

The section of the Zoning Ordinance describing the appeals process is Sec. 3.4A.3.

If you have questions about filing an appeal, please contact Christine Chalmers or Jennilee Hartman at 304-728-3228.

Sincerely,

Steve Barney

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

**From:** "Clinton Blevins" <clinton.blevins@live.com>  
**Sent:** 8/14/2012 10:31:34 AM  
**To:** "Steve Barney" <zoning@jeffersoncountywv.org>  
**Subject:** RE: Proposed home-based firearms business (ZC12-08)

Mr. Barney,

I have read your reason for denying my zoning permit, and after reviewing Jefferson County code I can NOT find in the code where there is an ATF requirement for this permit if there is I would like you to quote it. You are

basing your denial on your understanding of ATF and beliefs, not based on Jefferson County Code. I have met all requirements under Jefferson County Home Occupation Code requirements. It is between the ATF and myself to make sure my business operates within the laws of the ATF not Jefferson County WV Zoning Administrators. Jefferson County WV requirements is that no weapons would be stored at my residence and they won't. This has gone a little overboard in trying to prevent me from opening a business within Jefferson County.

I respectfully request my permit be approved and if you again deny it I request all codes that I am not complying with and how I am not complying with, so corrections can be made. If you feel it's necessary to mention the ATF then I am requesting you quote the ATF codes even though they do not apply in this situation.

Sincerely,

Clinton Blevins

---

From: zoning@jeffersoncountywv.org  
To: clinton.blevins@live.com  
Date: Wed, 8 Aug 2012 17:03:04 -0400  
Subject: Re: Proposed home-based firearms business (ZC12-08)

Mr. Blevins,

To clarify, my understanding from ATF is that it does not appear possible for a home-based firearms business to ship and receive all firearms remotely, i.e. without having some weapons shipped to or from the residence. The presence of weapons (other than residents' hunting, protection and leisure weapons) at the residence for any amount of time constitutes storage.

Section 4A.1.E.4 of the Jefferson County Zoning Ordinance states that "Any business which involves the storage of weapons such as firearms (other than residents' hunting, protection and leisure weapons)" cannot be established as a Home Occupation or Cottage Industry.

This type of business would be a permitted land use in a commercial or industrial zoning district in the County. The incorporated areas of the County (Charles Town, Ranson, Harpers Ferry, Bolivar, and Shepherdstown) may also permit firearm sales in certain zoning districts.

Per your message, please also be advised that a Zoning Certificate is not approved unless the Planning and Zoning Department issues an approved Zoning Certificate.

Sincerely,

Steve Barney

Sincerely,----- Original Message -----  
From: "Clinton Blevins" <clinton.blevins@live.com>  
Sent: 8/1/2012 4:33:55 PM  
To: "Steve Barney" <zoning@jeffersoncountywv.org>  
Subject: RE: Proposed home-based firearms business (ZC12-08)

- The only places a licensee is allowed to conduct transfers are the licensed premises and at gun shows.
- The licensed premises must be the return address for all shipping, which means that any returns or undelivered packages would be sent to the house.
- Distributors will not ship to an address not listed on the license. While the firearms can be shipped to a separate mailing address, they would need to be received by the licensee or responsible person(s) listed on the license.

Based on this information, it does not appear possible for a home-based firearms business to ship and receive all firearms remotely. As such, I am reaffirming the previous determination that the Planning and Zoning Department is not able to approve a home-based firearms business because it would not comply with the requirements of Article 4A of the Zoning Ordinance. Providing training or consulting services away from the home would be a permitted use.

Please let me know if you have any other questions.

Sincerely,  
Steve Barney

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

From: "Clinton Blevins" <clinton.blevins@live.com>

Sent 7/16/2012 2:14:35 PM

To: "Steve Barney" <zoning@jeffersoncountywv.org>

Subject: RE: Proposed home-based firearms business (ZC12-08)

Mr. Barney,

During our June 1, 2012 meeting, you stated that I could not ship or receive merchandise at my residence for my business. Since our meeting I have performed a cost analysis for how you want my business to be set up. The results of my analysis were not cost effective or financially advantageous for my business to operate. As a result, I have since acquired a place in Front Royal, VA to have all merchandise delivered and stored for my business. Having acquired a place for merchandise to be delivered and stored, my business activities at my residence will be internet sales only. I will have an office only in my residence with no inventory stored at my residence. I believe this meets the requirements set forth by you in our meeting and I respectfully request you approve my zoning permit for my business. Again I would like to reiterate this is not a retail sales business rather an internet sales only type business.

Best Regards,

To: clinton.blevins@live.com  
CC:  
Date: Tue, 31 Jul 2012 17:27:03 +0000  
From: zoning@jeffersoncountywv.org  
Subject: Re: Proposed home-based firearms business (ZC12-08)

Mr. Blevins,

You can reach Katherine Lang at 304-616-4135.

Thanks,  
Steve B.

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

From: "Clinton Blevins" <clinton.blevins@live.com>  
Sent 7/31/2012 7:21:46 AM  
To: "Steve Barney" <zoning@jeffersoncountywv.org>  
Subject: RE: Proposed home-based firearms business (ZC12-08)

Mr. Barney,

I would like to have the contact number for the ATF staff member you spoke with (Katherine Lang) because there is a disconnect in the way my business will be operated and I want to clarify my type of operation. When we meet in June I asked for all your concerns about my business so I could structure my business to meet Jefferson County needs. With this being said I would like the Jefferson County Code/Regulation that you are denying my zoning permit.

Mrs. Lang's interpretation of the code is correct for a retail business, I am operating an online business, which has a little different regulations, as for the issue of shipping and receiving of firearms to a licensed location is correct, since my storage facility will have a FFL license also, then the shipping and receiving is not an issue.

Sincerely,

Clinton Blevins

---

To: clinton.blevins@live.com  
CC:  
Date: Mon, 30 Jul 2012 22:10:11 +0000  
From: zoning@jeffersoncountywv.org  
Subject: Re: Proposed home-based firearms business (ZC12-08)

Mr. Blevins,

I contacted one of the regional ATF staff (Katherine Lang) to confirm that the agency would be able to issue a FFL based on this type of strategy. She expressed several concerns:

- While ATF allows offsite storage of firearms, a dealer must be licensed at his/her place of business.

Mr. Barney,

Thanks for Katherine's number I will contact her for her clarification on my business. Since my request for a zoning permit is a Jefferson County issue and not an ATF issue. I again request the Jefferson County Code/Regulations that you are denying my permit.

Based on Jefferson County Code:

Section 4A.1 E4 "No business which involve the storage of weapons such as firearms" This requirement has been meet by off-site storage allowed by ATF Regulation 478.50.

Section 4A.3 Home Occupation, Level 1 "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." My having an off-site storage and all sales being by internet only, with no sales done at the residence I have meet this requirement, would allow me to do onsite personal training.

Section 4A.3 D "Traffic generated by such home occupation must not exceed two(2) business related vehicles visits per day no more than ten (10) visits per week at the premises." This allows me have business traffic at my place of residence.

These requirements have been meet by me to operate a business at my place of residence. I have meet the Jefferson County Code requirements for a Home Occupation under Home Occupation Level 1, and for a Home based business under Jefferson County Code Section 4A.2 B of exempt activities.

Section 4A.2 B "A computer-based occupation involving one full-time resident and no other on-site employees, provided that the occupation generates no additional vehicular trips, no customer visits, no additional shipping or mailing that exceeds a normal residential volume, and would not be otherwise prohibited by this article. This category includes internet-based sales activities that do not require the presence of inventory at the property, such as drop shipping."

Having offsite storage that I can have items shipped to and from meets this requirement.

In my first written request for a permit I asked for a definition of storage and your response was "for business purposes, having shipped to a residence/or storing at a residence, for any duration of time, any weapons other than residents' hunting, protection, or leisure weapons" For clarification how does shipping to residence constitute storage?

If I do not get a response with clarification of what Jefferson County Code/Regulation I am not meeting, I will take it as you acknowledged that I have meet Jefferson County Code/Regulations requirements for a Home Occupation type business, and my zoning permit has been approved.

Regards,

Clinton Blevins

Clinton Blevins

---

To: clinton.blevins@live.com  
CC:  
Date: Thu, 24 May 2012 17:15:48 +0000  
From: zoning@jeffersoncountywv.org  
Subject: Re: Proposed home-based firearms business (ZC12-08)

Thank you, Mr. Blevins, for your timely response. Your appointment has been scheduled as confirmed. We will see you then.

Have a nice Memorial Day weekend.

Christine

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

From: "Clinton Blevins" <clinton.blevins@live.com>  
Sent 5/24/2012 11:49:38 AM  
To: "Steve Barney" <zoning@jeffersoncountywv.org>  
Subject: RE: Proposed home-based firearms business (ZC12-08)

Christine,

June 1st, at 10:00 a.m. will work for my schedule.

Thanks,

Clinton Blevins

---

To: clinton.blevins@live.com  
CC:  
Date: Thu, 24 May 2012 15:44:28 +0000  
From: zoning@jeffersoncountywv.org  
Subject: Fw: Proposed home-based firearms business (ZC12-08)

Thank you, Mr. Blevins, for the opportunity to assist with scheduling your appointment with Mr. Barney. Please be advised that the first opening he has in the upcoming week is on Friday, June 1st, at 10:00 a.m. As the office calendar tends to fill up quickly, immediate confirmation that this time-frame is convenient with your schedule is very much appreciated.

I await your response.

Christine Chalmers  
Office Assistant

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

From: "Clinton Blevins" <clinton.blevins@live.com>

Sent 5/22/2012 11:00:19 AM

To: zoning@jeffersoncountywv.org

Subject: RE: Proposed home-based firearms business (ZC12-08)

Mr. Barney,

I would like to set a time so we can discuss your decision for my zoning permit. I would like to address the three issues you have stated in your email, and to work out any issues that you may have with my attempt to start a part time business.

Sincerely,

Clinton Blevins

---

To: clinton.blevins@live.com

CC:

Date: Tue, 22 May 2012 13:43:53 +0000

From: zoning@jeffersoncountywv.org

Subject: Proposed home-based firearms business (ZC12-08)

Mr. Blevins,

The Jefferson County Zoning and Land Development Ordinance includes Article 4A, which permits Home Occupations and Cottage Industries. However, it should be noted that this section of the ordinance prohibits any home-based business "which involves the storage of weapons such as firearms (other than residents' hunting, protection and leisure weapons)".

As such, activities that would not be permitted by the ordinance include the following:

1. Assembling or repairing firearms at a residence
2. Selling weapons at a residence
3. For business purposes, having shipped to a residence and/or storing at a residence, for any duration of time, any weapons other than residents' hunting, protection, or leisure weapons.

However, providing offsite training/consulting services would be permitted, because the activity would take place away from the residential premises.

Because of the limitations noted above, the Planning and Zoning Department is not able to approve a Zoning Certificate for a home-based it may be advisable to instead establish your retail business on a property in the Residential - Light Industrial - Commercial zoning district or the Industrial - Commercial zoning district. In these districts, the assembly, storage, and sale of firearms are permitted activities. The Jefferson County zoning map can be viewed at:

[http://www.jeffersoncountywv.org/uploads/addressing/maps/ZoningMap\\_certified2011\\_sec.pdf](http://www.jeffersoncountywv.org/uploads/addressing/maps/ZoningMap_certified2011_sec.pdf)

Also, the Zoning Ordinance can be found at the link below:

<http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department/ordinances-regulations.html>

Please let me know if you have any questions.

Sincerely,

Steve Barney  
Zoning Administrator  
Jefferson County

7C12-08



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: \_\_\_\_\_

Total Fee (\$): N/A

Staff Initials: CJC

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

Zoning Certificate Application

The Zoning Administrator shall approve or disapprove issuance of a zoning certificate within sixty (60) days of the initial filing date providing the application is complete. A zoning certificate 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. Any future change in use or expansion will require processing through the Jefferson County Departments of Planning, Zoning and Engineering to ensure compliance with all applicable County regulations.

Property owner information

Name of Property Owner: CLINTON & IRIS BLEVINS  
Mailing Address: 805 LEETOWN RD  
City: SUMMIT POINT State: WV Zip Code: 25446  
Phone Number: (304) 728-5048 Email: \_\_\_\_\_

Applicant contact information

Applicant Name: CLINTON E. BLEVINS  
Mailing Address: 805 LEETOWN RD  
City: SUMMIT POINT State: WV Zip Code: 25446  
Phone Number: (304) 820-5618 Email: Clinton.Blevins@live.com

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): \_\_\_\_\_  
Mailing Address of Engineer(s) or Surveyor(s): N/A  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Physical property details

Physical Property Address: 805 LEETOWN RD  
City: SUMMIT POINT State: WV Zip Code: 25446  
Tax District: 06 Map #: 17 Parcel #: 8.22  
Parcel Size: 1.85 ACRES Deed Book: 1040 Deed Book Pg. #: 128

RECEIVED

MAY 11 2012

Zoning District:

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

**Type of Certificate**

Change in Use	Change in Owner/Tenant	Change in Non-Conforming Use	Sign	Cottage Industry	Home Occupation, Level 1	Home Occupation, Level 2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other

Please list "other": \_\_\_\_\_

**How is the property currently used?**

*PRIMARY RESIDENCE*

**Please provide any information or known history regarding this property (ex: previous zoning certificate, site plan, subdivision, variance, etc.).**

*SEE ATTACHED*

**Give a brief description of your proposal (include separate sheet of paper if necessary)**

*SEE ATTACHED*

**On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Please specify the number and location of the existing/proposed parking spaces (if necessary).**

**Original signature of all property owners is required. Attach additional signature page if needed. The information given is correct to the best of my knowledge.**

*Clinton C Blewins* \_\_\_\_\_ *4/30/12* \_\_\_\_\_  
 Signature of Property Owner 1 Date

*Iris Duhois Blewins* \_\_\_\_\_ *4-30-2012* \_\_\_\_\_  
 Signature of Property Owner 2 Date

**Restrictions/Conditions**

**Action Taken**

# 7012-08



# County Commission of Jefferson County, West Virginia

Jefferson County Sheriff's Tax Office • 112 E. Washington Street • Charles Town, WV 25414 • (304) 728-3220  
Jefferson County Real Property - Tax Year: 2011

**Ticket Number:** 0000015919      **Account Number:** 00016553  
**District:** 06 - KABLETOWN DIST      **Taxpayer I.D.:**

<b>Owner Name:</b> BLEVINS CLINTON E & IRIS D <b>In Care of:</b> <b>Address:</b> 805 LEETOWN RD SUMMIT POINT WV 25446 <b>Lending Inst:</b>	<b>Property:</b> LOT #4 HEADSPRING-UNDERWOOD  <b>Map:</b> 17 <b>Parcel:</b> 0008 0022 0000 <b>Lot Size:</b> <b>Acreage:</b> <b>Book:</b> 1040 <b>Page:</b> 128
--	--

<b>Tax Class:</b> 2	<b>Homestead Exemption:</b>	<b>Back Tax:</b>	<b>Exoneration:</b>	<b>Prior Delinquents:</b>	<b>Special Disposition:</b>
---------------------	-----------------------------	------------------	---------------------	---------------------------	-----------------------------

**AMOUNTS DUE:**      **First Half:** none due      **Second Half:** none due      **Total Due:** none due

**ASSESSMENT:**

Assessment	GROSS	NET	TAX (1/2 Year)
Land	46200	46200	
Building	148000	148000	
<b>Total</b>	<b>194200</b>	<b>194200</b>	<b>1099.95</b>

**PAYMENTS RECEIVED:**

	First Half	Second Half
Net	1099.95	109
Discount	27.50	2
Interest	.00	
<b>Total</b>	<b>1072.45</b>	<b>107</b>
<b>Date</b>	<b>08/30/2011</b>	<b>02/27/11</b>

[Format for Printer](#)

[Click here to begin a new search.](#)

**Software Systems, Inc.**  
23 South University Avenue  
Morgantown, WV 26508  
Phone: (304) 292-2568  
Fax: (304) 292-9836  
www.softwaresystems.com

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## Known History of Property

Land was purchased from Rudolph Underwood by Dan Ryan Builders for \$600,000 (Book 1019, page 00167). Property was sold with Parent to Child Conveyances.

Clinton and Iris Blevins entered a contract with Dan Ryan Builders to purchase lot 4 of said property (Known as Summit Point Subdivision) on 1/17/2007. Settlement was on 7/26/2007 and the residence has been occupied since 7/28/2007. Property was sold with Parent to Child Conveyances (Book 1040, page 128).

## Proposed Use of Property

The proposed use of the property is to operate a Home Occupant Business. The business will start as a part time business to supplement my primary income. Then within two to three years turn business into my primary income, and by five to six years move business into a retail location outside of my place of residence.

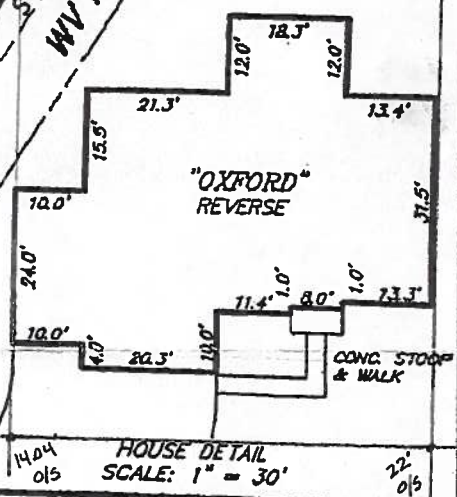
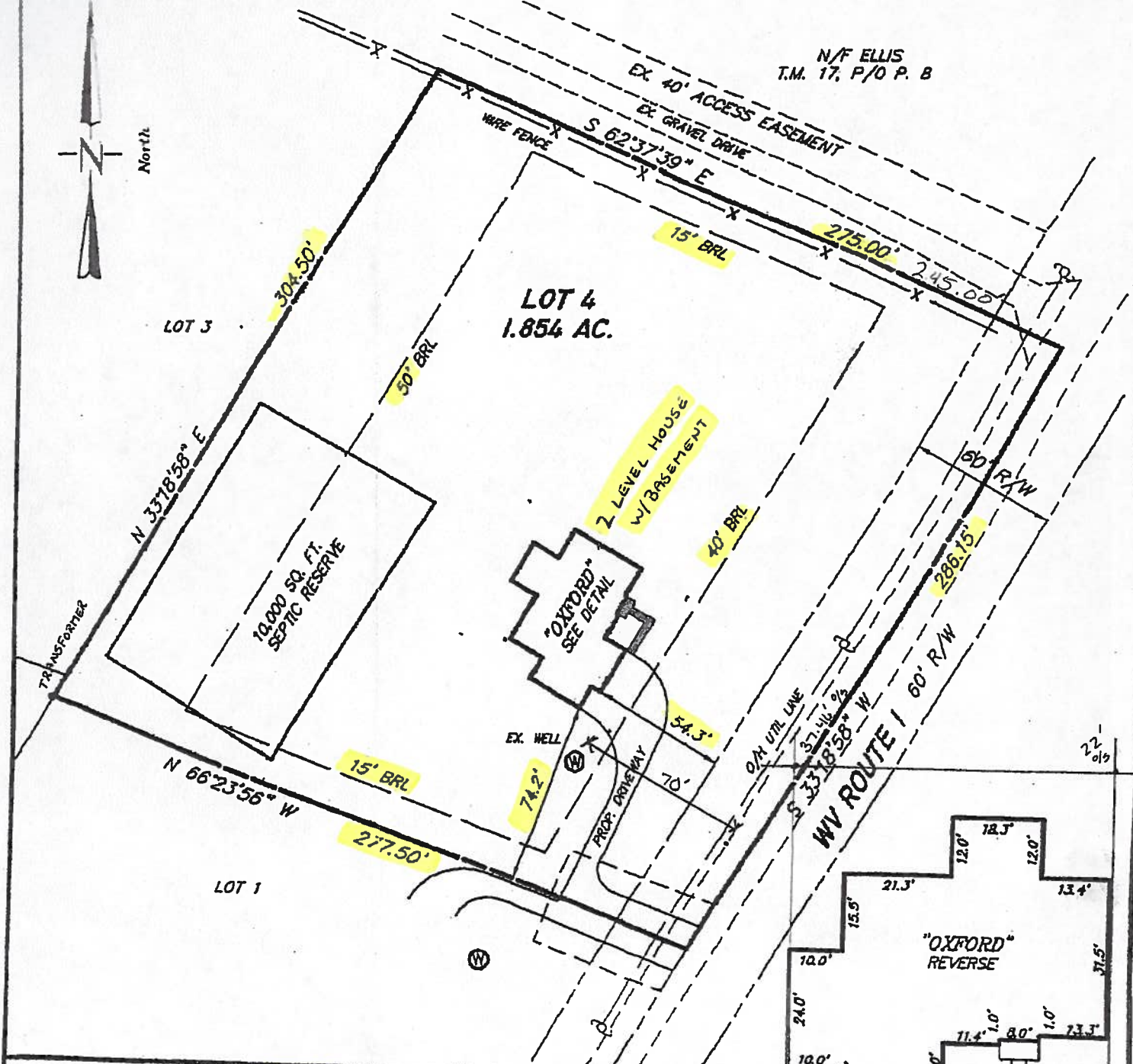
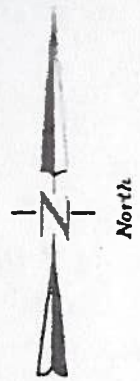
The business will consist of E-Commerce, the selling of firearms, knives, tactical clothing, and other self-defense items. There will be a minimal amount of non-restricted inventory stored on the property. Firearms will be legally shipped to customers, or delivered to the business, then repackaged and shipped to customers. A 10% restocking fee for firearms that are not fired and returned in original packaging will be charged if merchandise is required to be returned to the wholesaler. If the firearm is unable to be returned to the wholesaler, the firearm will be immediately sold online again or sold to a local retail FFL dealer; if needed I will personally purchase the firearm(s) as part of my collection. I am starting this business to sell and make additional income, not to increase my collection of firearms. Other items being sold can be returned unused and in original packaging to be sold again online.

### Other services:

- Firearm transfer
  - I will also be performing transfers of firearms into the state with a fee. The customers will be given 72hrs from notification to pick up the firearm or the firearm will be returned to sender.
- Gun cleaning/repair
  - Onsite gun cleaning
  - Minor gunsmithing once schooling is complete.
  - Once the business is in a retail location, then I will perform full service gunsmithing.
- Off-site training
  - Offsite training as a consultant working with business' locally and in Virginia. I will be providing training for NRA Basic Pistol, NRA Refuse to Be a Victim, NRA Defense inside the home, NRA Defense outside the home, and any other training that I am trained for.
  - I will work as a consultant to local ranges as a Range Safety Officer.

ZC12-08

N/F ELLIS  
T.M. 17, P/O P. B



**PLOT PLAN  
LOT 4  
UNDERWOOD PARENT TO CHILD  
CONVEYANCES**

P.B. 18, P. 40  
KABLETOWN DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

DATE: JANUARY 28, 2007

SCALE: 1" = 60'

**LAVELLE & ASSOCIATES  
INCORPORATED**  
PLANNERS • LAND SURVEYORS

1573 Tilco Drive, Suite 1  
Frederick, Maryland 21704  
Tel: (301) 695-8722  
Fax: (301) 695-8766

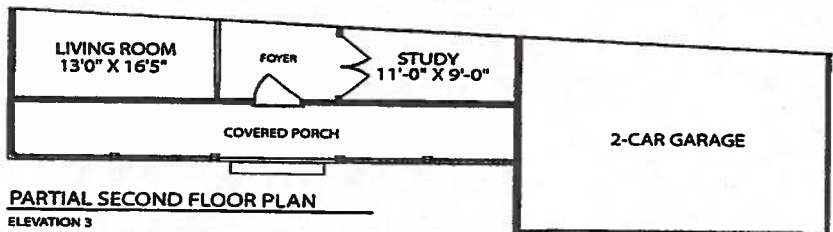
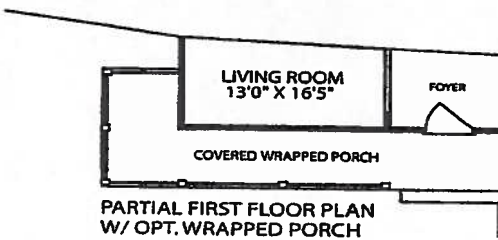
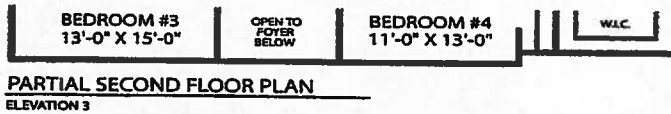
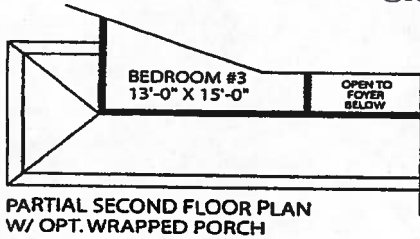
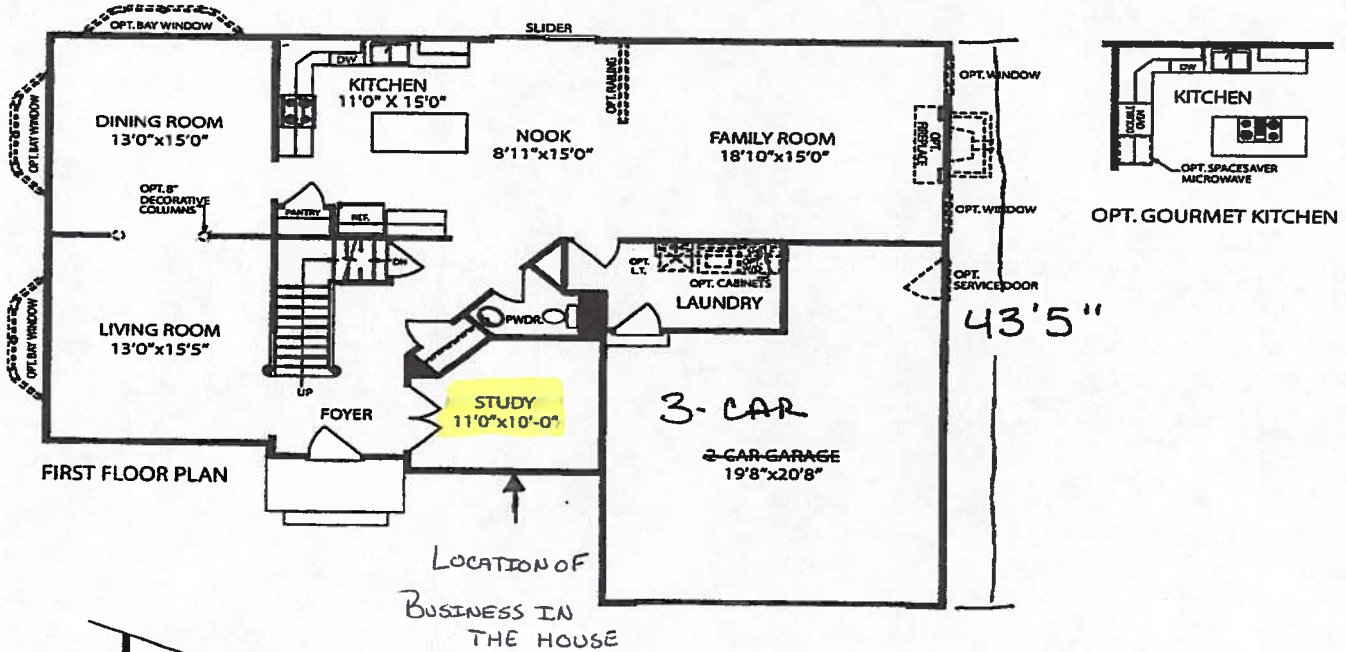
21 Crawford Quarry Road  
Suite 3  
Falling Waters, WV 25419  
Tel/Fax: (304) 274-0191

WELL - 70' EDGE OF ROAD  
14.04' 0/5 - 70' EDGE OF ROAD  
22' 0/5 - 68'-6" EDGE OF ROAD

*Clinton E Blewins 2/3/07*  
*Mrs De Ann Blewins 2/3/2007*

# Dimensions for the back w/ 3-CAR garage & morning room

## The Oxford



# 2012-08

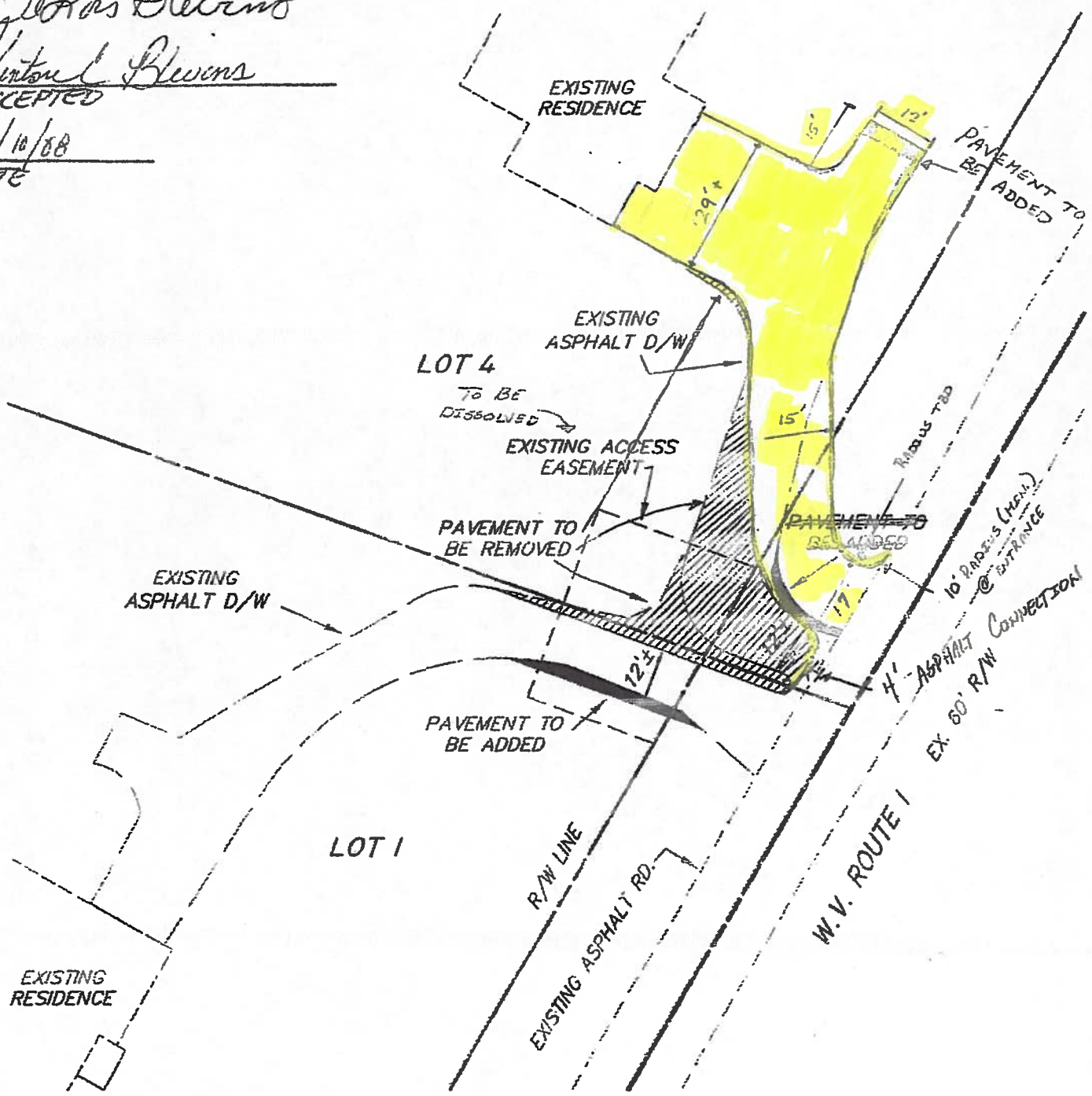
EXISTING PARKING

OPTION #2

*Debra Blewins*  
*Centoul Blewins*

ACCEPTED

6/10/08  
DATE



**EXHIBIT SHOWING**  
**DRIVEWAY IMPROVEMENTS**  
 BETWEEN LOT 1 & LOT 4  
**SUMMIT POINT SUBDIVISION**  
 P.B. 18, 9.40  
 KABLETOWN DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

#ZC12-08

**LAVELLE & ASSOCIATES**  
**INCORPORATED**  
 PLANNERS • LAND SURVEYORS

5732 Industry Lane  
 Frederick, Maryland 21704  
 Tel: (301) 695-9722  
 Fax: (301) 695-8768

27 Crawford Quarry Road  
 Suite 3  
 Falling Waters, W. 25419  
 Tel/Fax: (304) 274-0191

DATE: APRIL 4, 2008

SCALE: 1"=30'

**ARTICLE 4A: HOME OCCUPATIONS AND COTTAGE INDUSTRIES<sup>8,24</sup>**

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

- A. A Zoning Certificate is required for a Cottage Industry or Home Occupation pursuant to Section 3.2 of this Ordinance.
- B. A Home Occupation or Cottage Industry shall be clearly incidental and subordinate to the use of the dwelling unit as a residence.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the Home Occupation or Cottage Industry, other than as provided in this Article.
- D. No equipment or process shall be used in a Home Occupation or Cottage Industry which creates offensive manifestations by sight, sound or smell detectable to the normal senses, or electrical interference or vibrations perceptible, at any lot line.
- E. The following land uses cannot be established as a Home Occupation or Cottage Industry:
  - 1. Boarding or rooming homes.
  - 2. Bed and breakfast establishments.
  - 3. Adult uses.
  - 4. Any business which involves the storage of weapons such as firearms (other than residents' hunting, protection and leisure weapons).<sup>12</sup>
- F. Any need for parking generated by the Home Occupation or Cottage Industry shall be met off street and other than in a required front yard.
- G. No outdoor storage of any kind, visible from a property line or a public or private right-of-way or vehicular access easement, is permitted.
- H. The business owner is responsible for ensuring compliance with all local, state, and federal taxing requirements.
- I. All applicable County, State, and Federal requirements must be met.

**Section 4A.2 Exempt Activities**

The following land uses do not constitute a Home Occupation or Cottage Industry, and do not require a Zoning Certificate:

- A. Telecommuting.
- B. A computer-based occupation involving one full-time resident and no other on-site employees, provided that the occupation generates no additional vehicular trips, no customer visits, no additional shipping or mailing that exceeds a normal residential volume, and would not be otherwise prohibited by this Article. This category includes internet-based sales activities that do not require the presence of inventory at the property, such as drop-shipping.

- C. The participation of an individual location in an event conducted annually or twice yearly with multiple locations, such as a home and garden tour or an art studio tour.

**Section 4A.3 Home Occupation, Level 1**

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

- A. No person other than members of the family residing on the premises shall be engaged in such occupation. Said members must be full time residents of the premises.
- B. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of the floor area of the dwelling unit.
- 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.
- D. Traffic generated by such home occupation must not exceed two (2) business related vehicle visits per day no more than ten (10) visits per week at the premises.

**Section 4A.4 Home Occupation, Level 2**

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

- A. The occupation must be conducted by a full-time resident of the property. Up to two (2) nonresident employees also may be permitted to work on the premises.
- B. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of floor area of the dwelling unit.
- C. One sign, not exceeding two (2) square feet in area, non-illuminated, is permitted.
- D. There shall be no sales, other than items crafted 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.
- E. No more than three (3) business-related vehicle visits per day and no more than fifteen (15) visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted.
- F. 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 prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant.
- G. For a Home Occupation located in an existing residential subdivision established after July 17, 1979, the minimum lot size is 20,000 square feet.

I would like to have clarification on:

1. The definition of storage under Section 4A.1, E-4. Need to know the amount of time a firearm will be allowed onsite for shipping, transfers, and returns. See attachment
2. "There shall be no sales" under section 4A3, C. This business will not be retail sales, but rather online sales. See attachment
3. How having "Parent to Child Conveyances" affects the restrictions on my having a business in my home compared to the restrictions of a subdivision without the conveyance.

#AP12-02

**APPEAL FORM**  
**JEFFERSON COUNTY BOARD OF ZONING APPEALS**

Type of Appeal (please specify): ADMINISTRATIVE DECISION  
OTHER Admin LESA POINT SCORE

Name of Project: \_\_\_\_\_

Project File Number: ZC12-08

Appeal Number: AP12-02

Date Received: 8/31/12 By: Christina Fees Paid: \$100.00 Date: 8/31/12

Hearing / Meeting Date: THURSDAY, SEPTEMBER 20, 2012 AT 3:00PM

Advertising Dates: WEDNESDAY, SEPTEMBER 5, 2012

Posting Requirements: 15 Number of Days Prior to Scheduled Hearing / Meeting

Name of Appellant(s): CLINTON E. BLEVINS

Address: 805 LEETOWN RD  
SUMMIT POINT, WV 25446

Telephone: (304) 728-5048 Cell: (304) 820-5618

If there is more than one Appellant please provide the names, addresses and telephone numbers of each Appellant on a separate sheet of paper.

Name of Property Owner(s): CLINTON E. BLEVINS

Address: 805 LEETOWN RD  
SUMMIT POINT, WV 25446

Telephone: (304) 728-5048 Cell: (304) 820-5618

Name of Developer(s) : \_\_\_\_\_

Address: N/A

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_

**RECEIVED**  
AUG 31 2012  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Property Description: District 06 Tax Map# 17 Parcel 8.22  
 Deed Book# 1040 Page# 128

Physical Location of Property: SUMMIT POINT SUBDIVISION LOT 4  
805 LEETOWN RD SUMMIT POINT, WV 25446

**Please complete the following if appealing LESA :**

If you are appealing check Yes or if you are not appealing check No. Also complete the Score assessed by Zoning Administrator and the Score claimed by Appellant, regardless if you have checked Yes or No.

	YES	NO	Score assessed by Zoning Administrator	Score claimed by Appellant
1. Size of Site	_____	_____	_____	_____
2. Adjacent Development	_____	_____	_____	_____
3. Distance to Growth Corridor	_____	_____	_____	_____
4. Comprehensive Plan Compatibility	_____	_____	_____	_____
5. Proximity to Schools	_____	_____	_____ N/A	_____
6. Public Water Availability	_____	_____	_____	_____
7. Public Sewer Availability	_____	_____	_____	_____
8. Roadway Adequacy	_____	_____	_____	_____
9. Emergency Service Availability	_____	_____	_____	_____

For items checked No above please explain by separate attachment(s) reasons/justifications for appeal and desired action by Board. Be sure to keep your reasons/justifications in numerical order.

Please note: If the two scores in each column above are different please provide a separate sheet for each differentiation with the reasons justifying the differences. Also, when applicable, provide the justification for each difference by citing the Comprehensive Plan of Jefferson County.

**Support Data:**

If you are appealing check Yes, and if you are not appealing check No. For any of the support data that has been checked Yes, provide a separate sheet for each differentiation with the reasons justifying the differences. Be sure to keep your reasons of justification in numerical order. Also, when applicable, provide the justification for each difference.

	YES	NO
1. Name and address of owner/developer.	_____	_____/
2. Name and address of contact person.	_____	_____/
3. Type of development proposed.	_____	_____/
4. Acreage of original tract and property to be developed.	_____	_____/
5. General description of surface conditions (topography).	_____	_____/
6. Soil and drainage characteristics.	_____	_____/
7. General location and description of existing structure.	_____	_____/
8. General location and description of existing easements or rights-of-way.	_____	_____/
9. Existing covenants and restrictions on the land.	_____	_____/
10. Intended improvements and proposed building locations including locations of signs.	_____	_____/
11. Intended land uses.	_____	_____/
12. Earthwork that would alter topography.	_____	_____/
13. Tentative development schedule.	_____	_____/
14. Extent of the conversion of farmland to urban uses.	_____	_____/
15. Effected wildlife populations.	_____	_____/
16. Ground water and surface water and sewer lines within 1320 feet.	_____	_____/
17. Distance to fire and emergency services that would serve the site.	_____	_____/
18. Distance to the appropriate elementary, middle, and high school.	_____	_____/
19. Traffic characteristics – type and frequency of traffic; adequacy of existing transportation routes.	_____	_____/
20. Demand for school services created by this development.	_____	_____/
21. Proximity and relationship to historic structure or properties within two hundred (200) feet.	_____	_____/
22. Proximity to recreational facilities.	_____	_____/
23. Relationship of the project to the Comprehensive Plan.	_____	_____/

**Any and all information should be provided in accordance with the Rules of Procedure of the Jefferson County Board of Zoning Appeals.**

Please provide description / grounds for the appeal sought:

SEE ATTACHED

\_\_\_\_\_

\_\_\_\_\_

**FOR OFFICAL USE ONLY**

Fees Paid: \$ 100.00 Date Application / Fees Received: FRIDAY, AUGUST 31, 2012

Date of meeting / Public Hearing: THURSDAY, SEPTEMBER 20, 2012

Official Administrative Body: Jefferson County Board of Zoning Appeals

Posting Requirements: 15 Number of Days Prior to Scheduled Hearing

Advertising Dates: WEDNESDAY, SEPTEMBER 5, 2012

Official Action of Board: \_\_\_\_\_

\_\_\_\_\_

Official Signature and Seal: \_\_\_\_\_

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AUG 31 2012

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

I am appealing the decision from Jefferson County Zoning Department on the bases I have meet the requirements of Jefferson County Zoning Ordinances. I have applied for a Level 1 Home Occupation zoning permit. My business consists of internet sales (no sales at my residence), and firearms training. Items that I will have on sale with consist of self-defense items, survival items, and firearms. These items will also be sold at shows such as gun shows.

Jefferson County Zoning Ordinance section 4A.1E4 will not allow my business to store firearms at my residence that are not directly own by me personally, but under ATF Regulation 478.50 allows me to have an offsite storage of firearms. I have secured a site in Virginia. This complies with Zoning Ordinance Section 4A.1E4, by storing my firearms offsite. The other items to be sold online can be shipped to and stored at my residence per Zoning Ordinance Section 4A.3 Home Occupation Level 1.

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