

Jefferson County

Board of

Zoning Appeals

Thursday,

December 15, 2011

JEFFERSON COUNTY, WEST VIRGINIA

Department of Planning and 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

FROM: JENNILEE HARTMAN, ZONING CLERK

DATE: DECEMBER 9, 2011

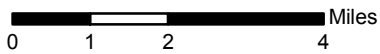
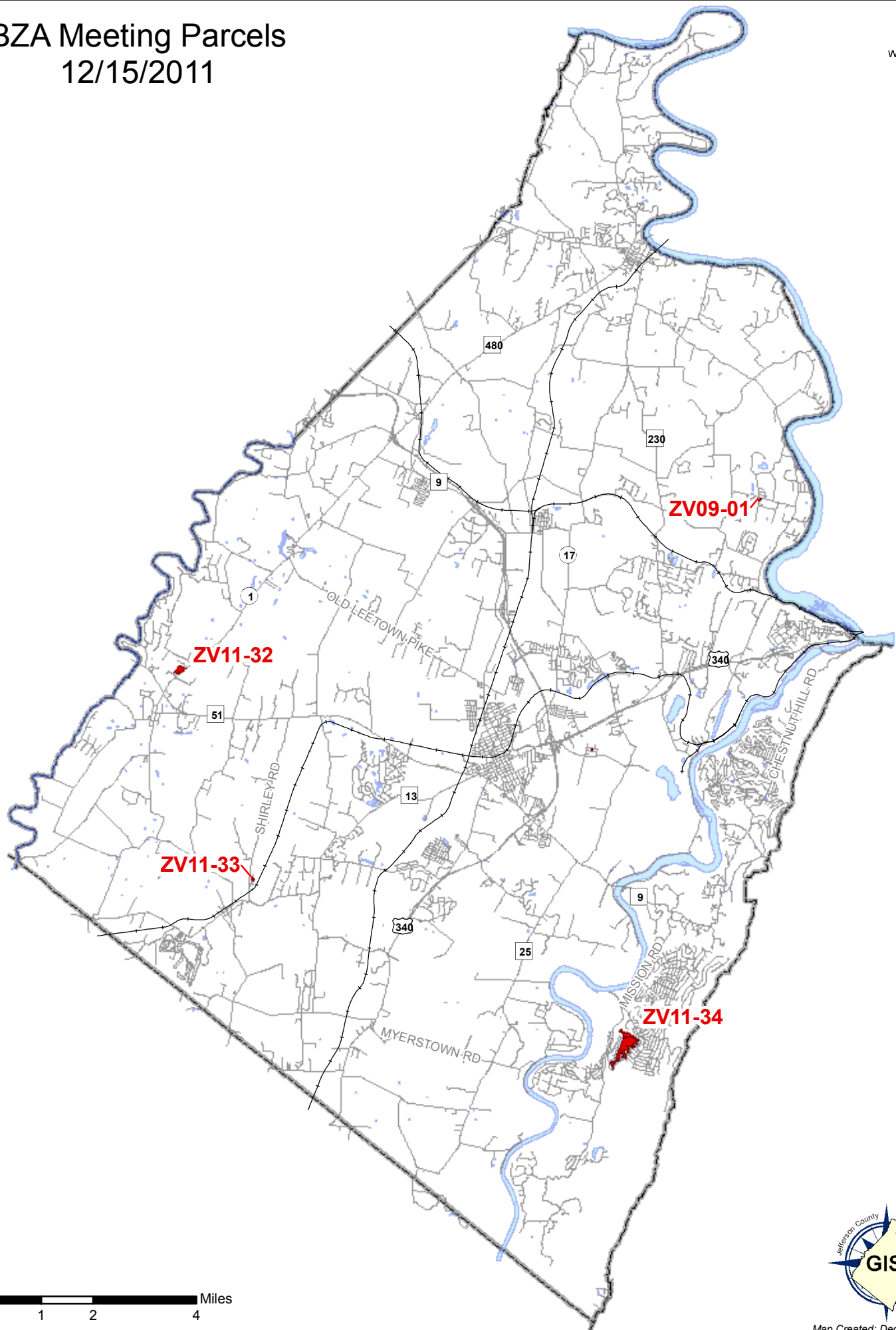
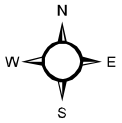
SUBJECT: DECEMBER 15, 2011 BOARD of ZONING APPEALS MEETING

Please find enclosed a copy of the Agenda for the upcoming Board of Zoning Appeals meeting to be held on Thursday, December 15, 2011. 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 an upcoming meeting, please do not hesitate to contact me.

AGENDA
Jefferson County Board of Zoning Appeals
Thursday, December 15, 2011, 3:00 p.m.

1. Approval of the minutes from the October 20, 2011 meeting.
2. Variance request by property owners, Ruth Insley and Joe Weitz, from Section 8.2 of the Zoning and Land Development Ordinance for a reduction of the barn setback from 75' to 55' to allow for a lot line adjustment between an existing house and the existing barn. Property location: 8293 Leetown Road, Kearneysville, West Virginia. District: Middleway - 07; Map: 19; Parcel: 19; Size: 11.02 acres; Zoned: Rural; File: #ZV11-32.
3. Variance request by the Trustees of the Ebenezer Mt. Calvary Holiness Church from Section 11.1(a) to reduce the required parking spaces from 25 to 18 for the proposed construction of a 1,140 square foot social hall. Property location: 408 Shirley Road, Summit Point, West Virginia. District: Kabletown – 06; Map:15A; Parcel(s):12, 12.1 & 13; Size: 0.4593, 0.4081 & 0.1325; Zoned: Rural; File: #ZV11-33.
4. Variance request by M. J. Firestone on behalf of Lakeland Properties, LLC from Section 8.8(B)(5) of the Zoning and Land Development Ordinance for a reduction of the acreage required to qualify as a Fishing Club, from 150 acres to 50 acres. Property location: 1329 Lakeside Drive, Harpers Ferry, WV. District: Kabletown – 06; Map: 6; Parcel: 9; Size: 70 acres; Zoned: Rural; File #ZV11-34.
5. Possible action on the Conditional Use Permit request by Always LTD, LLC d/b/a The Bakerton Market for a community Laundromat to be located in an existing structure. Property location: 834 Carter Avenue at the intersection of Rte. 30 (Carter Road) and Rte. 30/1 (Maple Avenue) in Harpers Ferry, West Virginia 25425. District: Harpers Ferry–04; Map 3A; Parcel(s) 23 and 26; Size: .3068 acres; Zoned: Village District; File #Z09-01.
6. Discussion and action on a proposed policy regarding variances for residential accessory dwelling units.
7. Director's Report.
8. Legal Update.
9. Vote on written decisions from prior Board of Zoning Appeals meetings.
10. Correspondence.

BZA Meeting Parcels 12/15/2011



Draft Minutes

Jefferson County Board of Zoning Appeals
Thursday, October 20, 2011

The Jefferson County Board of Zoning Appeals met on Thursday, October 20, 2011. The meeting was held in the Charles Town Library meeting room located at 200 East Washington Street, at the side entrance on Samuel Street in Charles Town, West Virginia. Board members Jeff Bresee, Chairman, Christy Huddle, Tyler Quynn and Ed Kelly were present. Staff members present were: Jennifer Brockman, Director of Zoning; Steve Barney, Zoning Administrator; Steve 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 3:00 p.m.

1. Approval of the Minutes from the September 15, 2011 meeting.

Mr. Bresee stated for the record that there are only two members of the Board present from the September meeting to vote on the minutes. Ms. Huddle motioned to approve the September 15, 2011 minutes with one correction. Mr. Bresee seconded the motion. Ms. Huddle motioned to change page 2, Item 3, second paragraph, ending the second sentence as follows, "...the garage *of that size.*" Mr. Bresee called for a vote which carried 2 for and 2 abstentions (Mr. Kelly and Mr. Quynn).

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

2. Variance request by property owner, Hawthorn Associates, LLC, c/o Harry F. Byrd III, from Section 4.10 of the Zoning and Land Development Ordinance to waive the requirement of a site plan for improvements associated with a Bed and Breakfast facility with up to 30 receptions per year. Property location: 629 Hawthorn Avenue, Summit Point, West Virginia. District: Kabletown; Map: 16; Parcel: 13; Size: 230.7 acres; Zoned: Rural; File: #ZV11-29.

Larry Johnson with Chester Engineers spoke on behalf of Hawthorn and Associates. Mr. Johnson presented an aerial photograph to the Board which depicted the 230 acre property. Mr. Johnson stated the applicant planted 120 trees which at maturity will provide 85,000 square feet of additional tree cover. Mr. Johnson pointed out that the additional tree cover would assist in managing storm water on the site. Mr. Johnson presented an exhibit of a close up view of the aerial of the building complex. Superimposed on the exhibit were the proposed parking areas that would be rotated as the areas are used. Mr. Johnson reviewed the four criteria outlined in the variance request application. Mr. Johnson argued that the installation of the required parking lot and the land disturbance for the storm water management area would be detrimental to the rural character of the historic property which would be in direct conflict with the intent of the Zoning Ordinance. Barbara Byrd and Harry Byrd, property owners, addressed the Board. Mr. Barney and Ms. Brockman addressed concerns raised by the Board. The Board discussed valet parking, access drives, ADA compliance, traffic concerns and impact to surrounding properties. Mr. Bresee called for public comment. Richard Crim, neighbor, spoke in support of the variance. Mr. Barney stated the Subdivision Regulations contain rural site plan standards however the applicant would still be required to install a parking lot though it would be gravel as opposed to pavement.

3. Variance request by property owner, Richard T. Potter, from Section 9.7 of the Zoning and Land Development Ordinance, to reduce the side setback distance from 8' to 42" to allow for a 24' x 30' addition onto an existing house. Property location: 659 Jefferson Avenue; Charles Town, West Virginia. District: Charles Town; Map: 10B; Parcel: 21; Size: 7500 sq. ft.; Zoned: Residential-Growth; File: #ZV11-30.

Melissa Springer, fiancée of the applicant, was present to address the Board. Mr. Barney helped orient the Board with the sketch sheet and the pictures on the staff report which depicted the location of the existing home to the fence line. Mr. Bresee called for public comment. There was no public comment. Mr. Barney stated that most of the lots in the surrounding area were larger than the applicant's lot.

Ms. Huddle motioned to go into deliberative session at 3:52 p.m. Mr. Kelly seconded the motion, which carried unanimously.

Mr. Kelly motioned to come out of deliberative session 4:08 p.m. Ms. Huddle seconded the motion, which carried unanimously.

Board of Zoning Appeals Rulings

4. Variance request by property owner, Hawthorn Associates, LLC, c/o Harry F. Byrd III, from Section 4.10 of the Zoning and Land Development Ordinance to waive the requirement of a site plan for improvements associated with a Bed and Breakfast facility with up to 30 receptions per year.

Ms. Huddle motioned to approve the above referenced request with the following conditions:

1. At least one van-accessible parking space meeting ADA standards must be installed.
2. An accessible route meeting ADA standards must connect the accessible parking space and any buildings intended for public access.
3. The unpaved parking area is permitted subject to annual staff inspection for the two years following approval of the variance. If staff or the applicant determines that the condition of the parking area is inadequate, the variance conditions must be re-reviewed by the Board of Zoning Appeals.
4. The Health Department must approve septic and water for the property prior to initiation of the land use.
5. Valet parking must be available for all reception guests or otherwise parking must be staff directed.
6. Parking must be rotated around the parking lots as needed to avoid degradation of the grass.

Mr. Kelly seconded the motion, which carried unanimously.

5. Variance request by property owner, Richard T. Potter, from Section 9.7 of the Zoning and Land Development Ordinance, to reduce the side setback distance from 8' to 42" to allow for a 24' x 30' addition onto an existing house.

Mr. Kelly motioned to approve the above referenced request provided that this variance is only applicable to the northern lot line and is exclusively for the purpose of building the addition. Ms. Huddle seconded the motion, which carried unanimously.

6. Director's Report. Ms. Brockman discussed the Quarterly Report included in the Board's packet. Ms. Brockman updated the Board on the progress made regarding the US 340 Gateway Plan.
7. Legal Update. None.
8. Vote on written decisions from prior Board of Zoning Appeals meetings. None.
9. Correspondence. None.

Ms. Huddle motioned to adjourn the meeting at 4:20 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).

#2111-32

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): RUTH INSLEY / JOE WEITZ

Address: 8293 LEETOWN ROAD
KEARNEYSVILLE, WV, 25430

Phone Number: _____

Location of Property: LEETOWN ROAD APOX. 2 MILES
NORTH OF ITS INTERSECTION WITH
RT 51

Lot Size: 11.02 ACRES

Deed Book Reference: Deed Book Number 1021 Page Number 343

Tax Map Reference: District 7 Map 19 Parcel 19

Zoning District: MIDDLEWAY

Section of Ordinance: 8.2-GH

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.

REDUCE 75' BARN SETBACK REQUIREMENT
TO 55', TO ALLOW LOT LINE ADJUSTMENT BETWEEN
EXISTING HOUSE AND EXISTING BARN

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
NOV 15 2011
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, STRUCTURES ARE EXISTING

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, EXISTING STRUCTURE WERE BUILT PRIOR TO CURRENT OWNER'S PURCHASE OF PROPERTY

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

YES, VARIANCE WOULD PERMIT BARN TO CONVEY WITH HISTORIC HOME

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

YES, VARIANCE WOULD CONFORM PROPERTY WITH EXISTING SMALL FARMHouses IN THE AREA.

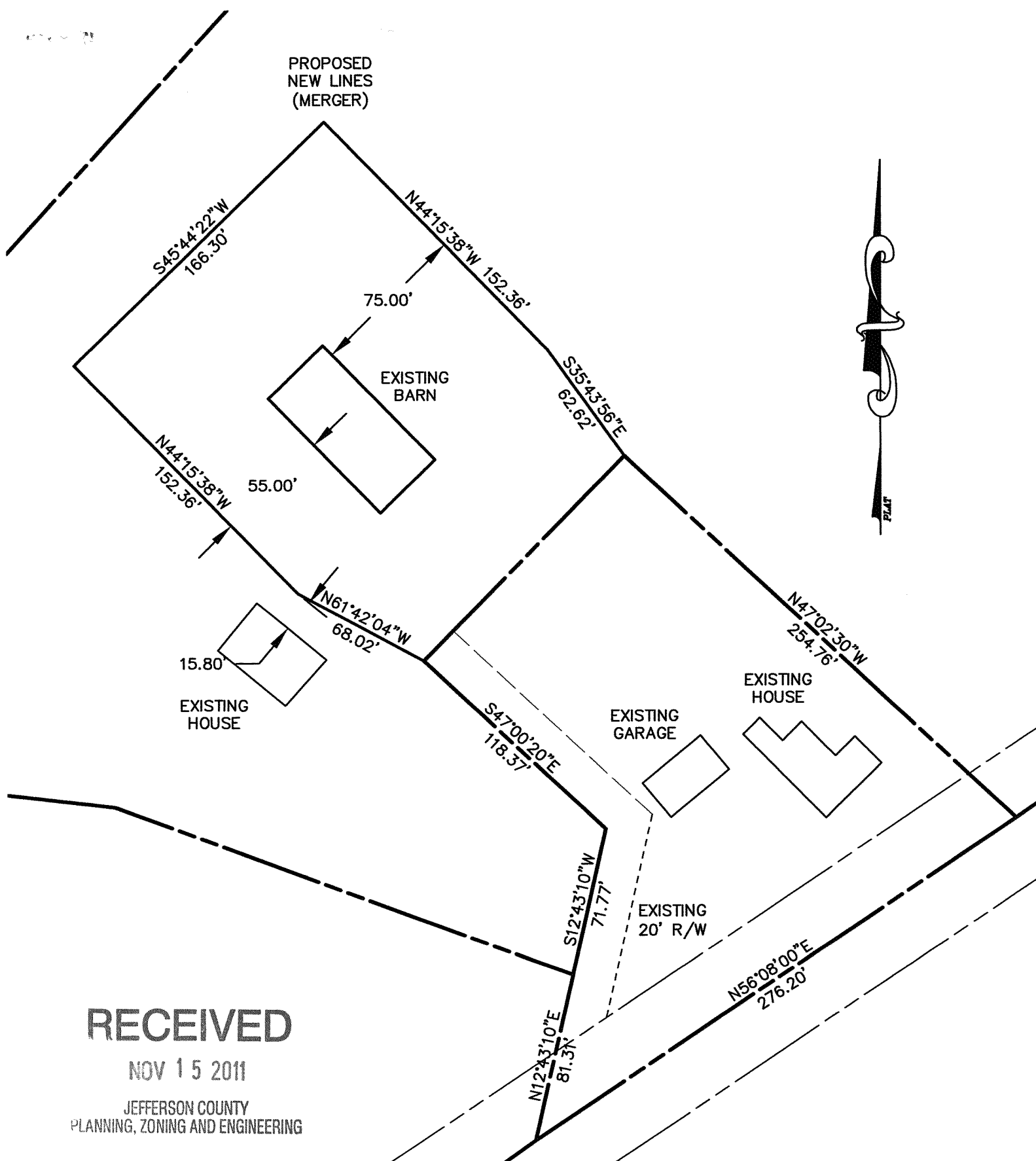
[Signature]
Signature of Property Owner

Ruth Insley
Print Name

11-10-11
Date

FOR OFFICAL USE ONLY	
Fees Paid: <u>\$100.00</u>	Date Application / Fees Received: <u>NOVEMBER 15 2011</u>
Date of meeting / Public Hearing: <u>DECEMBER 15 2011 @ 3:00pm</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, NOVEMBER 30, 2011</u>	
Official Action of Board: _____	

Official Signature and Seal: _____	



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 JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING

SKETCH SHOWING PROPOSED NEW PROPERTY LINES AROUND BARN.
 RUTH INSLEY JOE WEITZ PROPERTY T.M. 19\19 - D.B. 1021\343

DWG # INSLEY

DATE-11/11/11

GRAPHIC SCALE



(IN FEET)

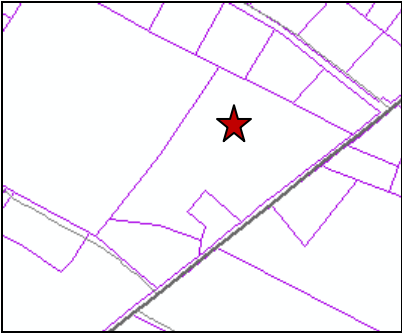
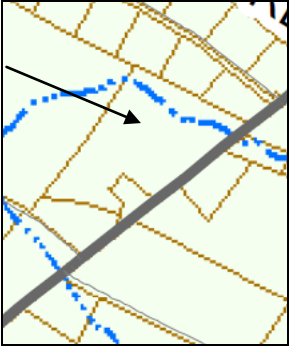
1 inch = 60 ft.

PETER H. LORENZEN P.S.
 SUMMIT POINT, W.V. 728-6093

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 15, 2011

Ruth Insley and Joe Weitz Request (#ZV11-32)

Item #2 Variance request by property owners, Ruth Insley and Joe Weitz, from Section 8.2 of the Zoning and Land Development Ordinance for a reduction of the barn setback from 75' to 55' to allow for a proposed lot line adjustment between an existing house and the existing barn.

APPLICANT:	Ruth Insley and Joe Weitz
OWNER :	Same as above
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	8293 Leetown Road; Kearneysville, West Virginia
LEGAL DESCRIPTION:	District: Middleway; Map: 19; Parcel: 19 
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:	11.02 acres
PRIOR CASES:	None
VARIANCE(S):	None
APPROVED ACTIVITY:	Residential

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 15, 2011

Ruth Insley and Joe Weitz Request (#ZV11-32)

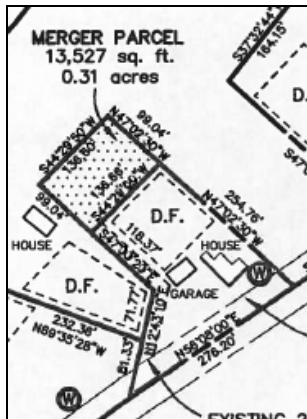
RELEVANT INFORMATION:

1. Overview of Request

The applicant is requesting a variance from Section 8.2, to reduce the required distance from 75' barn setback to 55' to accommodate proposed a lot line adjustment.

2. Previous Case History

There is no previous case history for this property. However, on April 18, 2006 a lot line adjustment of .31 acres was processed by a previous property owner and then was issued a building permit for the barn on April 27, 2006. At that time the property owner involved in the lot line adjustment owned both parcels. The lot line adjustment decreased the size of the smaller parcel.



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, structures are existing."

- 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, existing structure were built prior to current owner's purchase of property."

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

The application states, "Yes, variance would permit barn to convey with historic home."

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

The application states, "Yes, variance would conform property with existing small farmettes in the area."

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 15, 2011

Ruth Insley and Joe Weitz Request (#ZV11-32)

4. Staff Evaluation of Request

Typically the setbacks for an accessory structure of this size in the Rural zoning district would be 40 feet in the front, 15 feet on the side and 50 in the rear. However Section 8.2 of the Zoning Ordinance requires that barns or feeding pens be set back 75 feet from “...a lot with a residential use...” Staff agrees with the applicant that by granting this variance the public will not adversely be affected because these are existing structures and the request is to fulfill a lot line adjustment between the neighbors who would be most impacted.



5. Possible Conditions of Approval

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

Provided this lot line adjustment does not create any other setback issues, Staff has no suggested condition of approval.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 8.2 Barns and Feeding Pens²³

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

ZV11-33

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): TRUSTEES OF EBENZER MT. CALVARY NOLINESS

Address: CHURCH
408 SNIRLEY ROAD

SUMMIT POINT, WV 25446

Phone Number: 304.725.3468

Location of Property: _____

Lot Size: 0.4593, 0.4081, 0.1325 235

Deed Book Reference: Deed Book Number 365 Page Number 495

Tax Map Reference: District KABLE TOWN Map 15A Parcel 12,12.1 #13

Zoning District: Rural

Section of Ordinance: 11.1.A

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.

Please see attached letter

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.

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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:

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:

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

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

Bishop Charles W. Hunter
Signature of Property Owner

Bishop Charles W. Hunter
Print Name

Sept. 26, 2011
Date

FOR OFFICAL USE ONLY	
Fees Paid: <u>\$ 100.00</u>	Date Application / Fees Received: <u>NOVEMBER 18, 2011</u>
Date of meeting / Public Hearing: <u>DECEMBER 15, 2011 @ 3:00pm</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 - NOVEMBER 30, 2011</u>	
Official Action of Board: _____ _____	
Official Signature and Seal: _____	

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NOV 18 2011

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

November 18, 2011

Jefferson County Board of Zoning Appeals
116 East Washington Street, 2nd Floor
Post Office Box 338
Charles Town, WV 25414

RE: Ebenezer Mount Calvary Church S10-06
Variance Request

Dear Ladies and Gentlemen:

The Trustees of the Ebenezer Mt. Calvary Holiness Church propose to construct a 1,140 sq.ft. addition to the existing church on Parcel 12 and Parcel 12.1 totaling 0.8674 acres to be used as a church social hall.

The Trustees hereby request a variance to reduce the required parking spaces as stated in Article 11: Off-Street Parking Standards of the Jefferson County Zoning Ordinance.

Required parking per the Ordinance is as follows:

Churches – 1space/5 persons for which seating is provided
Social Hall – 1space/400sq.ft.

Required parking – 25 spaces
Provided parking – 18 spaces

Conditions to grant the variance are as follows:

1. By granting this variance the public health, safety or welfare, or the rights of adjacent property owners or residents will not be adversely affected. Traffic will not increase, the social hall will be used by members already attending the church. A better flow of traffic and parking conditions will be created through the site plan process of adding the church social hall.
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. The existing layout of the property does not allow for any more parking than has been designed for. Storm water management is being provided which previously did not exist. It will encourage an improved appearance of Jefferson County with relationship to the use and development of land and structures.
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land.

By granting the variance it would allow the Trustees to build a much needed social hall for the church to be able to hold social functions for their congregation. It will insure that growth and development are both economically and environmentally sound.

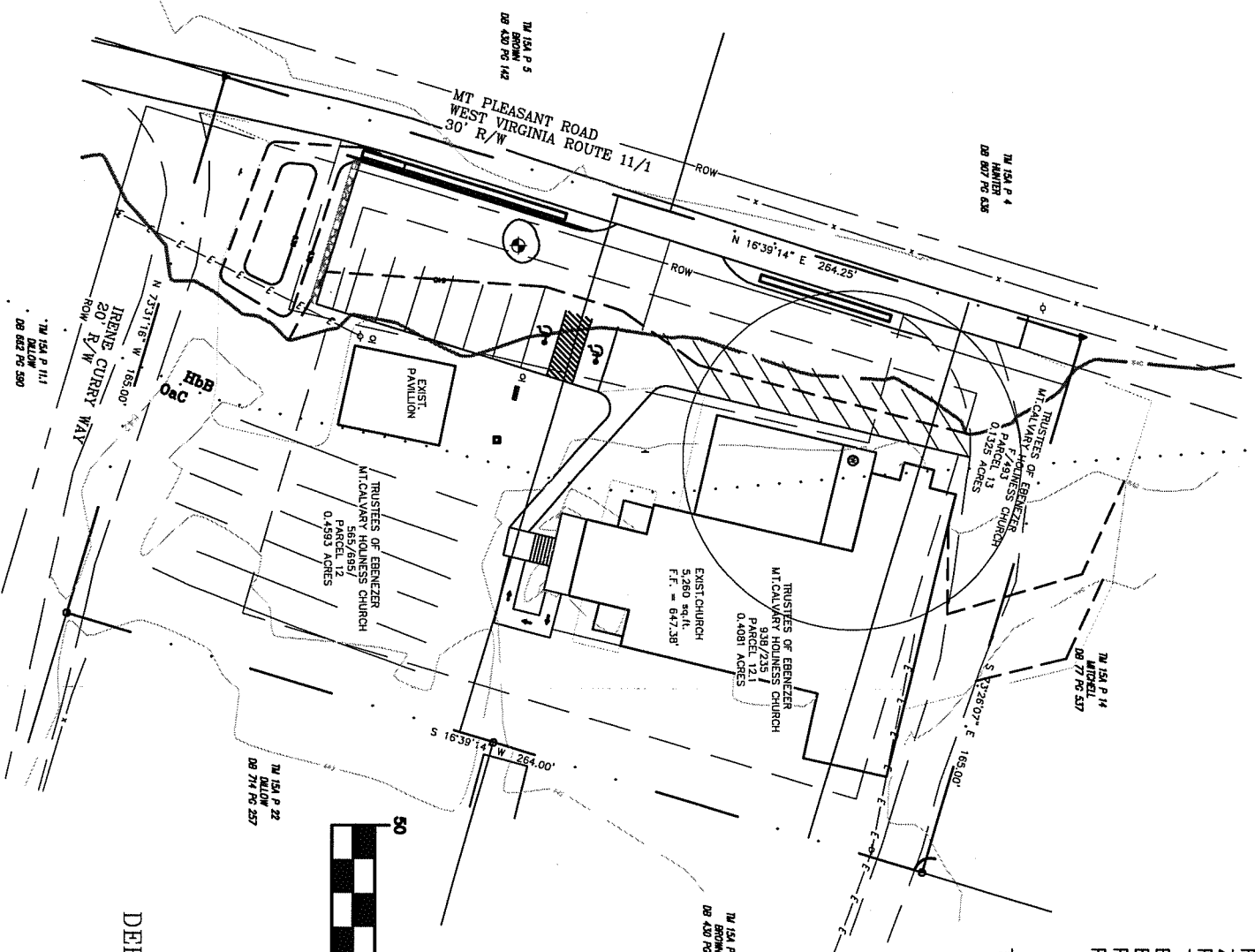
4. Will allow the intent of the Zoning Ordinance to be observed and substantial justice done. The property is already being used as a church. By granting the variance, the future growth and development of Jefferson County will be in accordance with the Comprehensive Plan.

I would appreciate your consideration of this request at the earliest possible Board of Zoning Appeals meeting.

Sincerely,



Kimberly J. Shrader, P.E.
13633 Dry Run Road
Clear Spring, MD 21722
301.842.2152



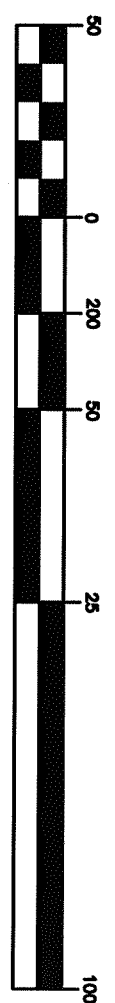
FUNCTIONAL DESCRIPTION	CHURCH SOCIAL HALL
ZONING	RURAL
PARCEL AREA	0.9999 AC
TAX MAP	15A
ELECTION DISTRICT	KABLETOWN
BUILDING HEIGHT	?????
PROJECTED HOURS	?????
PARKING	22 SPACES
CHURCHES - 1 SPACE/5 PERSONS FOR WHICH SEATING IS PROVIDED	3 SPACES
SOCIAL HALL - 1 SPACE/400 SQ.FT.	18 SPACES
TOTAL PROVIDED W/2 HANDICAP SPACES	

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NOV 18 2011

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

*Handwritten signature: Shirley G. Shrader, P.E.
11/18/2011*



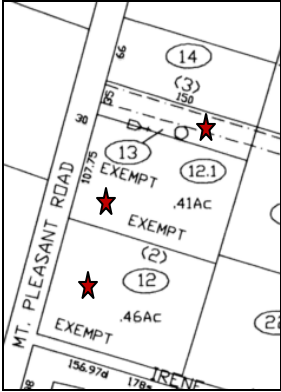
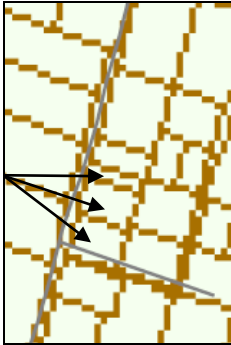
GRAPHIC SCALE

LIMITED SITE PLAN
TRUSTEES OF EBENEZER MOUNT
TAX MAP 15A PARCELS 12, 12.1 & 13
DEED BOOK 565 PAGE 695, DEED BOOK 938 PAGE 235
& DEED BOOK F PAGE 493, RESP.
KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA
OWNERS/DEVELOPERS
EBENEZER MOUNT CALVARY HOLY CHURCH
408 SHIRLEY ROAD
SUMMIT POINT, WV 25446

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 15, 2011

Trustees of the Ebenezer Mt. Calvary Holiness Church Request (#Z11-33)

Item #3 Variance request by the Trustees of the Ebenezer Mt. Calvary Holiness Church from Section 11.1(a) to reduce the required number of parking spaces from 25 spaces to 18 spaces for the proposed construction of a 1,140 square foot social hall.

APPLICANT:	Charles Hunter
OWNER :	Trustees of the Ebenezer Mt. Calvary Holiness Church
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	Kimberly Shrader
PROPERTY LOCATION:	408 Shirley Road, Summit Point, West Virginia
LEGAL DESCRIPTION:	District: Kabletown; Map: 15A; Parcel: 12, 12.1 & 13 
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:	0.4593, 0.4081 & 0.1325 acres (combined area: 0.99 acre)
PRIOR CASES:	S10-06 Site plan (currently in review)
VARIANCE(S):	ZV01-30: Reduce rear setback from 50' to 15' ZV11-01: Waiver of a site plan for the construction of an accessibility ramp and entrance.
APPROVED ACTIVITY:	Church

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 15, 2011

Trustees of the Ebenezer Mt. Calvary Holiness Church Request (#Z11-33)

RELEVANT INFORMATION:

1. Overview of Request

The trustees of the Ebenezer Mt. Calvary Holiness Church are requesting a variance from Section 11.1(a) of the Zoning and Land Development Ordinance to reduce the number of required parking spaces from 25 spaces to 18 spaces for the proposed construction of a 1,140 square foot social hall.

Church representatives have submitted a site plan for this addition. In the course of the site plan review process, it was established that a total of 25 parking spaces will be required. The applicant's engineer has determined that the site can accommodate 18 parking spaces.

2. Previous Case History

On December 20 2001, the Board approved a variance to reduce the rear setback from 50' to 15' (ZV01-30).

On January 20, 2011, the Board approved a waiver of the requirement for a site plan for the construction of an accessibility ramp and entrance (ZV11-01).

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, "Traffic will not increase, the social hall will be used by members already attending the church. A better flow of traffic and parking conditions will be created through the site plan process of adding the church social hall."

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, "The existing layout of the property does not allow for any more parking than has been designed for. Stormwater management is being provided which previously did not exist. It will encourage an improved appearance of Jefferson County with relationship to the use and development of land and structures."

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

The application states, "By granting the variance it would allow the Trustees to build a much needed social hall for the church to be able to hold social functions for their congregation. It will insure that growth and development are both economically and environmentally sound."

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

The application states, "The property is already being used as a church. By granting the variance, the future growth and development of Jefferson County will be in accordance with the Comprehensive Plan."

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 15, 2011

Trustees of the Ebenezer Mt. Calvary Holiness Church Request (#Z11-33)

4. Staff Evaluation of Request

Staff notes that the lot on which the church is located is less than 1 acre in size. This lot area limits the amount of space available for parking.

The site plan indicates that the existing parking area would be improved, with striping, access aisles, and handicapped parking spaces that would meet County standards.

The church currently has insufficient parking area according to Zoning and Land Development Ordinance standards. For churches, 1 parking space is required for each 5 persons for which seating is provided in the sanctuary. According to the calculations of the applicant's engineer, 22 spaces would be required for the sanctuary; approximately 18 spaces are currently available.

The current insufficient parking is not the subject of the proposed variance because the sanctuary is not proposed to be expanded. A variance is required because no additional parking spaces are proposed to be provided for the new social hall addition, which requires three spaces per the Zoning and Land Development Ordinance (calculated at 1 space per 400 square feet –Community Center, Cultural Facility”).

Staff concurs with the applicant's statement that it appears likely that the majority of the social hall users will also be users of the sanctuary (i.e. church attendees). As such, staff finds that the proposed parking variance would be unlikely to worsen the parking deficiency at the church.



5. Possible Conditions of Approval

No conditions of approval are identified.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 15, 2011

Trustees of the Ebenezer Mt. Calvary Holiness Church Request (#Z11-33)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 11.1 Non-Residential Parking Standards

- A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Church	1 space for each 5 persons for which seating is provided in the sanctuary
--------	---

Community Center, Cultural Facility ²³	1 space per 400 square feet floor space
---	---

#ZV11-34

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): Lakeland Properties LLC

Address: 1329 Lakeside Drive
Harpers Ferry 25425

Phone Number: 202-812-0340 240-731-1349

Location of Property: d/b/a Mountain Lake Club owns
55 acre Lake Shannon Lake + 14 acres

Lot Size: 70[±] acres on Blue Ridge Mtn E of Mission Rd

Deed Book Reference: Deed Book Number 1060 Page Number 304

Tax Map Reference: District Kabletown Map 6 Parcel 000 9000 0000

Zoning District: Rural

Section of Ordinance: Art 8, Section 8B5

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.

Please see attached 2 pages

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NOV 18 2011

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

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:

Please see attached 2 pages

- 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:

Please see attached 2 pages

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

Please see attached 2 pages

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

Please see attached 2 pages

D. J. Firestone
Signature of Property Owner

M.S. FIRESTONE
Print Name

November 18, 2011
Date

FOR OFFICAL USE ONLY	
Fees Paid: <u>CHECK #152 \$100.00</u>	Date Application / Fees Received: <u>NOVEMBER 18, 2011</u>
Date of meeting / Public Hearing: <u>THURSDAY, DECEMBER 15, 2011 AT 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, NOVEMBER 30, 2011</u>	
Official Action of Board: _____	
Official Signature and Seal: _____	

Section of Ordinance for which the variance is requested:

Article 8, Section 8 B 5

Briefly describe in your own words the nature of the variance requested:

Request is for a variance from the requirement of subsection 5 of Article 8, Section 8 B that a landowner in the Rural Zoning District has to have 150 acres of land to qualify as a fishing club.

This is a request to reduce the required acreage for the applicant to 50 acres.

Applicant owns 70 acres that include a 55 acre lake and wants to be able to qualify under Article 5, 5.7.A (30) and Article 8, Section 8.8 of the Zoning Ordinance.

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

The request for variance asks for a reduction in the amount of acreage required under Article 8, Section 8. A 5 for Mountain Lake Club on Lake Shannondale. There is a public interest in insuring that an ordinance is reasonable as applied to the circumstances of the case. This provision, as applied to the applicant, is not reasonable.

The variance from Section 8.8A 5 will not affect the public health, safety or welfare of rights of adjacent property owners or residents because it does not affect the use of the property, only the size of the property.

2. The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance.

The applicant owns a 55 acre lake, with 15+ adjoining acres, for a total of 70 acres. The lake is a perfect spot for fishing and boating, and was constructed for that purpose over 50 years ago.

This request is not the result of a self-imposed hardship: The Zoning Ordinance provision stating that Hunting, Shooting and Fishing Clubs would be principal permitted uses in Rural Districts took effect in September 2006, long after the applicant was purchased. Applicant had nothing to do with the way the ordinance was drafted, and has no recourse other than to ask for the variance.

3. Granting the request for the variance would eliminate an unnecessary hardship and permit a reasonable use of the land.

Section 8 as written applies to "hunting, shooting and fishing clubs". The 2006 ordinance requires 150 acres of land to establish any one of the 3 kinds of clubs.

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

David J. Furestone
10-20-2011 +
1 11-18-2011

The two activities Hunting and Shooting could logically be said to require as much as 150 acres, because both hunting and shooting usually take place in the countryside, in hunting preserves, etc.

To the contrary, many if not most fishing clubs are located on a lake or river, and don't even have to own or control any of the waters where the fishing takes place. So while it may be reasonable to require hunting and shooting clubs to possess 150 acres to make it safe for the hunters, shooters and the general public in the area, there is no such need for fishing clubs.

There is no logical relationship between owning 150 acres of land and having a fishing club, which as a practical matter needs little or no land.

It is a reasonable use of this land to operate a fishing club, because the land consists of a 55 acre lake stocked with fish and adjoining property on which is located a clubhouse and other buildings and improvements, as well as a dam and outfall.

4. The variance will allow the intent of the zoning ordinance to be observed and substantial justice done:

No fair and substantial relationship exists between the general purposes of the Ordinance and this specific restriction on the applicant's property. The specific restriction requiring 150 acres of land has no reasonable relationship to the use of this property as a fishing club.

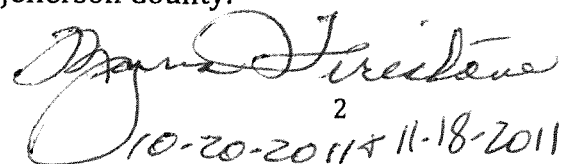
For example, if an entity owned 150 acres of land, there is nothing in the ordinance that requires any of that land to be a lake or pond or appropriate for fishing, so an entity that owned 150 acres of land without any water could become a fishing club, but a club that owns a 55 acre lake cannot be a fishing club in Jefferson County.

The intent of the zoning ordinance is to permit a reasonable use of private property, so substantial justice will be done by granting the request for the variance.

Therefore, it is unreasonable and unjust for the county zoning ordinance to require ownership of 150 acres of land in order to qualify for a principal permitted use designation as a fishing club. Justice requires the granting of a variance to permit Mountain Lake Club to qualify as a fishing club under the Zoning Ordinance, because without this variance, it could not so qualify.

How enforcement of the ordinance will result in an unnecessary hardship


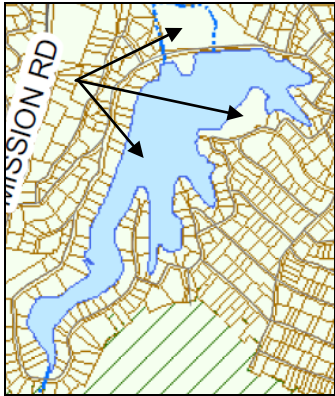
If the ordinance is enforced as written, the applicant could not have a fishing club because of not meeting the requirement owning 150 acres. The use of the property as a fishing club under the Jefferson County WV Zoning Ordinance would be denied it, and would deprive the applicant of the reasonable use of the property, considering the unique setting of the property and its environment. Lake Shannondale has existed for more than 50 years, is well reknown for its excellent fishing and boating, and is an asset to Jefferson County.


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Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 15, 2011

M. J. Firestone, Lakeland Properties, LLC Request (#ZV11-34)

Item #4 Variance Request by M. J. Firestone, Lakeland Properties, LLC from Section 8.8(B)(5) of the Zoning and Land Development Ordinance for a reduction of the acreage required to qualify as a Fishing Club, from 150 acres to 50 acres.

APPLICANT:	M. J. Firestone, Lakeland Properties, LLC
OWNER :	Same as above
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	1329 Lakeside Drive, Harpers Ferry, West Virginia
LEGAL DESCRIPTION:	District: Kabletown; Map: 6; Parcel: 9 
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:	70 acres
PRIOR CASES:	ZC01-03 (withdrawn)
VARIANCE(S):	None
APPROVED ACTIVITY:	Residential

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 15, 2011

M. J. Firestone, Lakeland Properties, LLC Request (#ZV11-34)

RELEVANT INFORMATION:

1. Overview of Request

Lakeland Properties LLC is requesting a variance from Section 8.8(B)(5) of the Zoning and Land Development Ordinance for a reduction of the acreage required to qualify as a Fishing Club, from 150 acres to 50 acres.

The Mountain Lake Club is an existing nonconforming use established prior to the 1988 adoption of the Zoning and Land Development Ordinance. The Club's operations currently include activities such as boating and fishing, and a snack bar with indoor and outdoor seating.

The subject property has a total area of approximately 70 acres, including a 55-acre lake.

2. Previous Case History

The Planning and Zoning Department issued a Zoning Certificate for the nonconforming use on June 15, 2000, noting that "The property will continue to be utilized as a private club with a public restaurant, outdoor patio dining area, outdoor pool and Lake Shore Grill and will be d/b/a as Mountain Lake Lodge."

In September, 2001, the property owner applied for a change in nonconforming use to allow lodging within the clubhouse building. The application was withdrawn prior to the BZA meeting.

On June 26, 2002, the Department issued a more detailed Zoning Certificate for the following land uses:

"Private club and resort known as Mountain Lake Lodge with a public restaurant, pub, outdoor patio dining area; outdoor swimming pool and Lake Shore Snack Bar. Other continuing activities and accessory uses include outdoor recreational programs and recreational facilities, gift shop, retail sales, private and public special events, banquets and conference facilities, lesson programs, therapy sessions, health equipment and classes, business offices, guest parking, picnic areas, postal facility, trash removal services, boat docks, boat storage and rental, guided tours, game machines, and providing an area for the Department of Highways maintenance materials."

This certificate also stated that no overnight accommodations were permitted for conference facilities.

On June 19, 2003, the main Clubhouse building was destroyed by a fire.

Recently, staff determined that the Zoning Certificate issued on June 26, 2002 for "Private club and resort known as Mountain Lake Lodge" continues to be valid despite the fire that destroyed the principal building on the property.

There are two reasons for this determination. First, the owners' intent to maintain the land use is demonstrated by the various Health Department permits issued during the eight years following the fire. Additionally, it appears that the snack bar located in a bathhouse building on the property has been continuously operated since this time, either as a private club use or open to the public. Second, many of the land uses listed on the Zoning Certificate pertain to the site rather than to the destroyed lodge building.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 15, 2011

M. J. Firestone, Lakeland Properties, LLC Request (#ZV11-34)

3. Applicant's Justification of Request

In the application submitted for the variance request, the applicant has provided responses to the four criteria for a variance. Excerpts from these responses are provided below; the application should be consulted for the applicant's full responses to the questions.

- a) *Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.*

The application states, "The variance . . . will not affect the public health, safety, or welfare, or the rights of adjacent property owners or residents because it does not affect the use of the property, only the size of the 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, "The Zoning Ordinance provision stating that Hunting, Shooting and Fishing Clubs would be principal permitted uses in Rural Districts took effect in September 2006, long after the applicant [purchased the property]."

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

The application states, "[W]hile it may be reasonable to require hunting and shooting clubs to possess 150 acres to make it safe for the hunters, shooters, and the general public in the area. . . . There is no logical relationship between owning 150 acres of land and having a fishing club, which as a practical matter needs little or no land."

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

The application states, "[I]t is unreasonable and unjust for the county zoning ordinance to require ownership of 150 acres of land in order to qualify for a principal permitted use designation as a fishing club. Justice requires the granting of a variance to permit Mountain Lake Club to qualify as a fishing club under the Zoning Ordinance, because without this variance, it could not so qualify."

4. Staff Evaluation of Request

In the Zoning and Land Development Ordinance, Hunting, Shooting, and Fishing Clubs are regulated jointly, and the special standards of Section 8.8 apply to the uses in this category. While most of these standards (setbacks, height, landscaping, accessory uses) seem reasonably related to all three types of clubs, the requirement of a minimum lot area of 150 acres is an exception. Staff's interpretation of the purpose of this requirement is that it is intended to reduce the possibility of firearms discharge negatively impacting adjacent properties. Because fishing is not an activity that generates the same type of hazards as do hunting and shooting, the 150-acre standard does not appear to be reasonably related to fishing clubs. Nonetheless, the acreage requirement is part of the ordinance and therefore applies to fishing clubs.

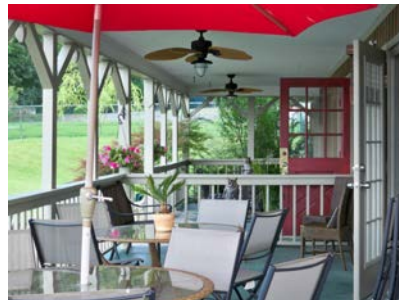
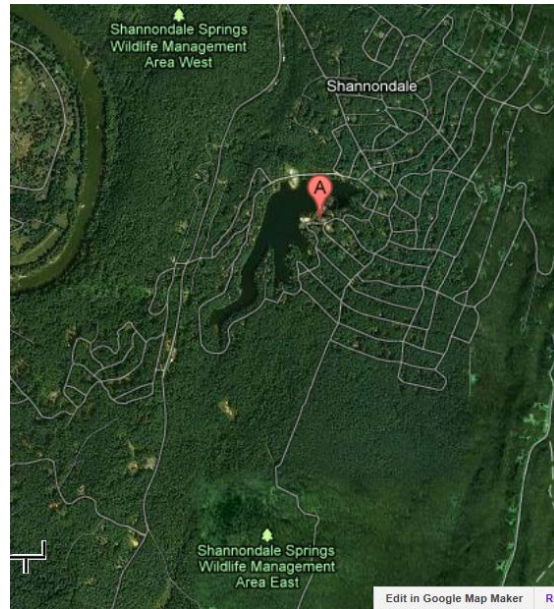
Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 15, 2011

M. J. Firestone, Lakeland Properties, LLC Request (#ZV11-34)

Were the property to be designated as a fishing club, this change would have two results:

- a) The land use would be considered a permitted use (rather than its current status as a nonconforming use) and would possess the right to expand, not limited by the 35% restriction that pertains to a nonconforming use; and
- b) The accessory uses listed in Section 8.8A would also be permitted on the property:
 - 1. Private restaurant that seats no more than 80 patrons that are members and guests of members.
 - 2. Conference and banquet facilities to serve no more than 250 people in which a member rents the facility. Events which are accessory uses other than hunting, shooting, archery and fishing, cannot exceed more than 16 per year.
 - 3. Private lodge facilities of up to 50 units that serve members and guests.
 - 4. Shooting ranges for use of members and guests of members.

Staff notes that, prior to the 2003 fire, the site previously contained a lodge facility that included a public restaurant, in addition to the smaller “snack bar” that continues to operate today.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 15, 2011

M. J. Firestone, Lakeland Properties, LLC Request (#ZV11-34)

5. Board of Zoning Appeals Action

Section 8.8(C) states, "Limits exceeding requirements . . . can be increased with Board of Zoning Appeals approval provided that the Board of Zoning Appeals find that the increase is compatible with the neighborhood after taking into consideration neighborhood character, traffic, and buffering. Such decision shall be rendered after a public hearing as outlined in the Board of Zoning Appeals Rules of Procedure."

As such, the Board should consider the above three factors (neighborhood character, traffic, and buffering) in rendering its decision on this request.

6. Possible Conditions of Approval

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

- a) The variance applies to the use of the property as a fishing club only, and does not apply to use of the property as a Hunting or Shooting Club. An accessory shooting range is not permitted.
- b) Approval of a Zoning Certificate for any residential accommodations must be preceded by approval from the Jefferson County Health Department (or other applicable service provider) for water and sewage disposal.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 8.8 Hunting, Shooting and Fishing Clubs

A. Hunting, Shooting and Fishing Clubs may include the following accessory uses:

1. Private restaurant that seats no more than 80 patrons that are members and guests of members.
2. Conference and banquet facilities to serve no more than 250 people in which a member rents the facility. Events which are accessory uses other than hunting, shooting, archery and fishing, cannot exceed more than 16 per year.
3. Private lodge facilities of up to 50 units that serve members and guests.
4. Shooting ranges for use of members and guests of members.

B. Standards for Hunting, Shooting and Fishing Clubs

1. 75 foot setback for all structures and parking.
2. 150 yard setback for all shooting facilities.
3. Height
 - a. As is for conversion or reconstruction that does not exceed 135 percent of the original footprint of existing structures
 - b. 35 feet for new structures
4. Landscaping requirements of this Ordinance apply, with the following exception:

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 15, 2011

M. J. Firestone, Lakeland Properties, LLC Request (#ZV11-34)

a. Perimeter landscaping shall be as approved by staff in order to preserve existing vegetation.

5. Minimum of 150 acres under common ownership.

C. Special Exceptions for Hunting, Shooting and Fishing Clubs

1. Limits exceeding requirements outlined above can be increased with Board of Zoning Appeals approval provided that the Board of Zoning Appeals find that the increase is compatible with the neighborhood after taking into consideration neighborhood character, traffic, and buffering. Such decision shall be rendered after a public hearing as outlined in the Board of Zoning Appeals Rules of Procedure.

APPLICATION FOR CONDITIONAL USE PERMIT

Name of Project: THE BAKERTON LAUNDRY

Have fees been paid? YES NO Amount \$250.00

Name of Applicant: ALWAYS LTD LLC d/b/a THE BAKERTON MARKET

Address: 834 CARTER AVENUE

HARPERS FERRY WV 25425

Telephone Number: 304/876-6280

Name of Property Owner: ALWAYS LTD LLC d/b/a THE BAKERTON MARKET

Address: 314 RIVER CLIFF DRIVE

HARPERS FERRY WV 25425

Telephone Number: 304/876-6280

Tax Map Reference - District HARPERS FERRY Map# 3A Parcel# 23

Deed Book # 984 Page# 102

Tract Size .3068 AC

Discuss the proposed change in use with respect to compatibility in the Plan? VILLAGE

CONCEPT INDICATES "DRY CLEANER" IS ACCEPTABLE

TO THE PLAN; S. KELLY & J. SNYDER CONCUR THAT LAUNDRY WOULD COMPARE TO DRY CLEANER WITHOUT CAUSTIC CHEMICALS
What is the proposed use of the property? COMMUNITY LAUNDRY MAT-WASHERS & DRYERS

Sketch plat must be provided (refer to 7.4b).

Is the sketch plat pursuant to 7.4b YES NO

Signature of Property Owner: W. Mason Ballenger

Print Name: W. MASON-BALLENGER

Date: 28 MAR 09

11/14/2011

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APR 08 2009

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

pd ck 1721

\$250.00

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NOV 23 2011

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Support Data
Application for Conditional Use Permit
The Bakerton Laundry
834 Carter Avenue
Harpers Ferry, WV 25425

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1. Name and address of Owners:
Always Ltd., LLC
Gerald W. Ballenger and Wanda Mason-Ballenger
314 River Cliff Drive
Harpers Ferry, WV 25425
2. Name and address of contact person:
Wanda Mason-Ballenger
314 River Cliff Drive
Harpers Ferry, WV 25425
3. Type of development proposed:
Installation of commercial washing machines and dryers in the existing building that was used as the Snack Shop after the fire at The Bakerton Market and before the main facility rebuild.
4. Acreage of original tract and property to be developed:
No additional acreage from the original tract will be used, only the use of the existing building will be changed.
5. General description of surface conditions:
Virtually flat parcels covered with grass with exception of the parking lot, delivery lane and basketball court.
6. Soil and drainage characteristics:
Examination of the soil texture reveals no compaction, good soil bulk density and adequate pore spaces; which are indicative of acceptable permeability. The color pattern does not show wetness indicators of gray or white mottling. Drainage of soil in posterior tract averages more than one inch per hour in a two foot by two foot test hole.
7. General location and description of existing structure:
The structure was formerly utilized as The Snack Shop and is approximately eighteen feet to the West of the newly re-built Bakerton Market toward the Southern elevation of same on the posterior of the forward tract of land owned by Always, Ltd. LLC and measures twelve feet by sixteen feet, situated on a poured concrete slab.
8. General location and description of existing easements or rights-of-way:
There is a thirty foot right-of-way on Carter Avenue; which runs on the Northerly side of the location and a thirty foot right-of-way on Maple Avenue; which runs on the Westerly side of the location. All existing lot lines are setback in compliance with the Jefferson County Zoning Ordinance.

9. Existing covenants and restrictions on the land:
The land is governed by Section 5.10 as amended by act of the County Commission on May 18, 1996 and is recognized as part of a Village District. There are no covenants or restrictions in the Deed of Record.
10. Intended improvements and proposed building locations including locations of signs:
The existing 12 x 16 building will be improved with matching exterior features to be in continuity with the newly re-built Market. The existing 6" black letters that read "THE BAKERTON MARKET" on the fascia of the existing building will be replaced with 6" black letters that will read "THE BAKERTON LAUNDRY", or comparable.
11. Intended land use:
The existing Bakerton Market and a coin-operated Laundry, for public use, adjacent to the existing Bakerton Market are the proposed uses for these land parcels.
12. Earth work that would alter topography:
Excavation is necessary for installation of a gray water reserve tank and appropriate lines to facilitate the use of this tank and supports required for same.
13. Tentative development schedule:
Upon receipt of approval from Jefferson County, the work on the building can commence; the necessary work is primarily cosmetic, with some plumbing and electrical enhancements. The washing and drying units will be ordered and installed within weeks after Jefferson County approval.
14. Extent of the conversion of farm land to urban uses.
No conversion will occur.
15. Effected wildlife populations:
The local wildlife will not be impacted, with exception of probable delight due to the fresh scent of clean laundry in the neighborhood.
16. Ground water, surface water and sewer lines within 1320 feet:
The waste water consists of gray water only; which does not significantly impact the ground water or the local hydrologic cycle. The sullage from the laundry is non-industrial wastewater. The ground and surface water technically "feed" one another and the machines we are placing in the facility are front loading to use minimal water and thus will not inundate our ground and surface water supplies. We have no sewer lines in this area. Additionally, we are intent upon placing a water recovery tank that would collect all gray water from the laundry and would be pumped out periodically and disposed of elsewhere, thus there would not be any impact on ground nor surface water.
17. Distance to fire and emergency services that would serve this site:
The Bakerton Fire Department is approximately fifty yards from our Market on the opposite side of Carter Avenue.
18. Distance to the appropriate elementary, middle and high school:
The distance to C. W. Shipley Elementary School is 4.87 miles; the distance to Harpers

Ferry Middle School is 5.5 miles and the distance to Jefferson High School is 4.52 miles.

19. **Traffic characteristics:**
The speed limit on Carter Avenue is twenty-five miles per hour; Carter Avenue is a two lane, black topped road with two solid double lines. The traffic is light to moderate by virtue of being in a rural area with burgeoning urban overtones. Traffic would not be impacted significantly, inasmuch as the existing patrons of The Bakerton Market would comprise the majority of the users of the proposed laundry facility and a large portion of the proposed patrons are within walking distance. Many of the patrons that would most benefit from the proposed laundry facility do not own vehicles and this fact substantiates the need for a laundry in our neighborhood.
20. **Demand for school services created by this development:**
There will be no changes impacting the demand for school service; The Bakerton Market is an official Jefferson County School Bus Stop.
21. **Proximity and relationship to historic structure or properties:**
The Bakerton Market hosted a celebration for Bakerton's 120th anniversary in 2009; the Pentecostal Holiness Church is located at the end of Carter Avenue on Engle-Molers Road and is dated 1837 on its cornerstone. There are a several battlefields and grave-yards with historical merit within a five mile radius of the subject property.
22. **Proximity to recreational facilities:**
KOA Campground, Harpers Ferry Historic Park, Sam Michaels Park, the Campgrounds owned and operated by Michael Knott of River Riders and utilized by sundry Outfitters, the Toy Train Museum, the 340 Flea Market and the Shenandoah and Potomac River are within an approximate fifteen mile proximity to the subject property.
23. **Relationship of the project to the Comprehensive Plan:**
This miniscule change in use does not impact the Comprehensive Plan in any magnitude. Further development is not required for the minor changes to the existing structure to facilitate a laundry. The Comprehensive Plan for our Village District and the concept therein finds that a Dry Cleaning facility is acceptable; a laundry facility is the same concept without the caustic chemicals necessitated in a Dry Cleaning operation.

Section 7.4 (e)

1. Densil Nybert, 2224 Warm Springs Road, Shenandoah Junction, WV 25442
2. Zephyr (Carter House), Deborah Jackson, 67 Poke Street, Harpers Ferry, WV 25425
3. Heirs of Louise Talley, 813 Carter Avenue, Harpers Ferry, WV 25425
4. Todd Furr & Karen Furr, 12 Maple Avenue, Harpers Ferry, WV 25425
5. Mike Gavin & Ineata Gavin, 34 Maple Avenue, Harpers Ferry, WV 25425
6. Gerald Ballenger & Wanda Mason-Ballenger, 48 Maple Avenue, Harpers Ferry, WV 25425
7. Craig Terry & Stephanie Hixon, 95 Maple Avenue, Harpers Ferry, WV 25425



Scale 1" = 50'

- LEGEND:
- ⊠ FENCE POST
 - ⊙ FOUND SQUARE BAR
 - SET #5 REBAR & CAP

WEST VIRGINIA STATE GRID
NORTH ZONE

WEST VIRGINIA ROUTE 30
CARTER AVENUE - 30' R/W
S 73°31'09" E 125.79'

WEST VIRGINIA ROUTE 30/1
MAPLE AVENUE = 30' R/W

N 10°24'55" E 110.47'
108.69'

N 77°09'15" W 128.04'

102.52'
S 09°36'45" W 102.53'

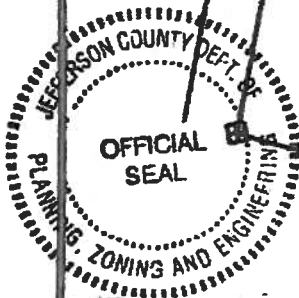
EXISTING BUILDING, FORMERLY USED AS SNACK SHOP DURING MARKET REBUILD.



TN 3A P 23
ALWAYS, LTD, LLC.
BB 984 PG 102

TN 3A P 27
SNYDER
BB 166 PG 356

W. Jason Ballenger



NEW LOT LINES ARE SETBACK COMPLIANT WITH THE COUNTY ZONING ORDINANCE.

