

Jefferson County  
Board of  
Zoning Appeals

Thursday,  
January 20, 2011

**JEFFERSON COUNTY, WEST VIRGINIA  
DEPARTMENT OF ZONING  
P.O. Box 338  
116 East Washington Street; 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414  
Phone: 304-728-3228  
Fax: 304-728-8126**

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**MEMORANDUM**

**TO: JEFFERSON COUNTY BOARD OF ZONING APPEALS**

**FROM: JENNILEE HARTMAN, ZONING CLERK**

**DATE: JANUARY 14, 2011**

**SUBJECT: JANUARY 20, 2011 BOARD of ZONING APPEALS MEETING**

Please find enclosed a copy of the Advanced Agenda for the upcoming Board of Zoning Appeals meeting to be held on Thursday, January 20, 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.

:jh  
C:\MyDocuments \ Preparation for BZA \ MONTHLY NOTICE-BZA

**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

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

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MEMORANDUM

TO: Board of Zoning Appeals Members

CC: Engineering & Building Permits Departments  
Capital Planning & Management Department

FROM: Steve Barney, Zoning Administrator

DATE: January 14, 2011

SUBJECT: January Monthly Report of Department Activities

**Issued Zoning Certificates**

#ZC10-20 HARPERS FERRY HOLDINGS, LLC / MATT KNOTT

*Issue Date:* December 16, 2010  
*Physical Location:* North of Bakerton underpass / Potomac Street extended –  
Harpers Ferry, West Virginia 25425  
*Zone:* Rural  
*Existing Use:* Commercial River Guide operation.  
*Proposed Use:* Request addition of Add Zip Line (guided tour) as an  
accessory use to be based and headquartered at the  
current 340 River Riders site.

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#ZC11-01 JAMES R. BURROWS

*Issue Date:* January 11, 2011  
*Proposed Use:* Cottage Industry – Handyman Service. No employees  
*Physical Location:* 389 Jefferson Orchard Road; Kearneysville, WV  
*Zone:* Rural

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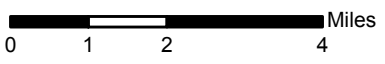
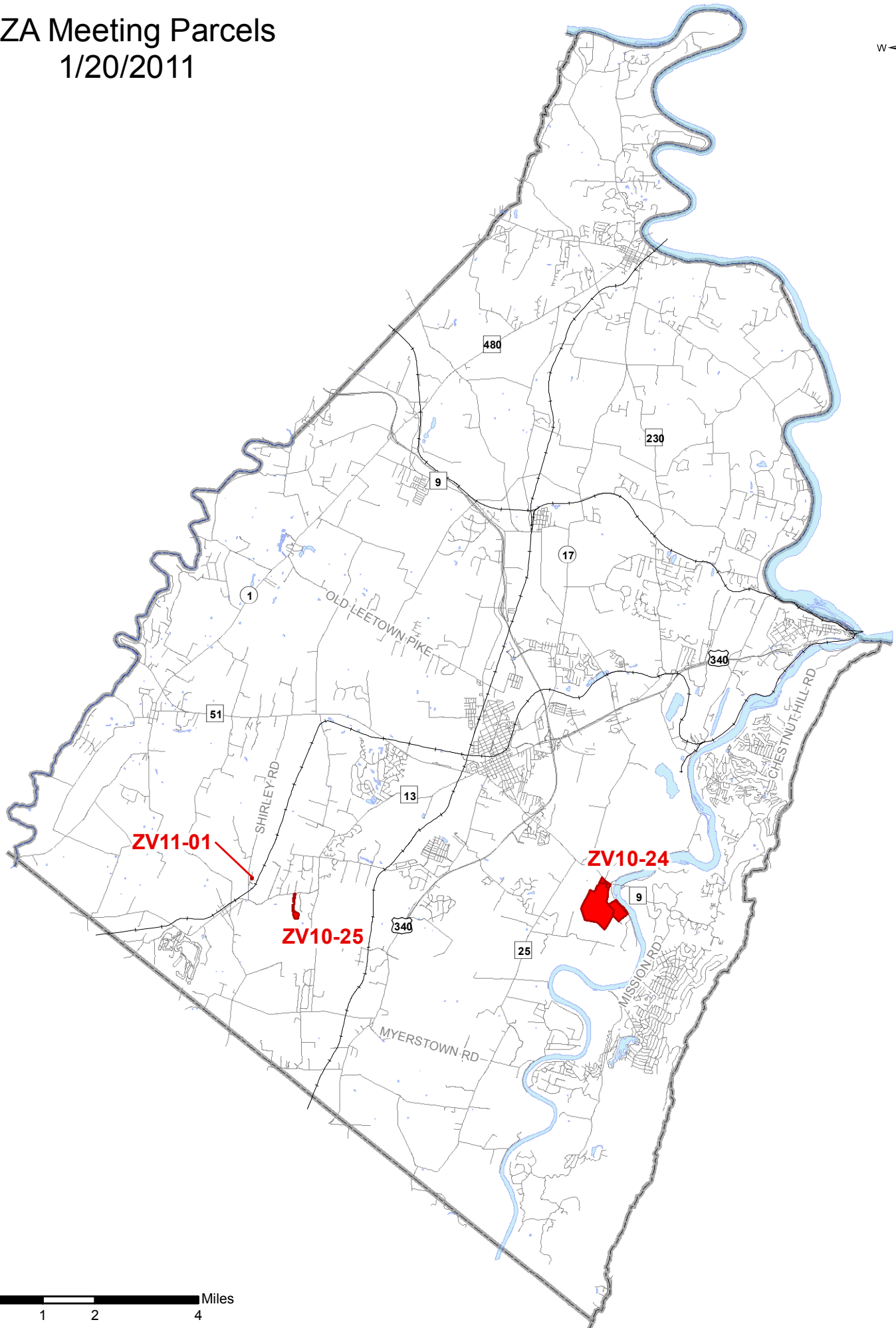
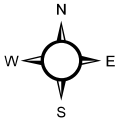
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**Agenda**  
**Jefferson County Board of Zoning Appeals**  
**Thursday, January 20, 2011, 3:00 p.m.**

1. Election of Officers.
2. Approval of the Minutes from the December 16, 2010 meeting.
3. Postponed from the December 29, 2010 meeting. Variance Request by property owner, Herb Jonkers, Highland Farm, LLC from Section 5.7(d)2.b.7 to modify the maximum lot size for two lots: #19 and #21. The property is located on Charles Town Road approximately 300' west of John Rissler Road in Charles Town, West Virginia. (District: Charles Town; Map: 19; Parcels: 33, 38, 39 & 41; Size: 270 acres; Zoned: Rural, File: #ZV10-24)
4. Postponed from the December 29, 2010 meeting. Variance Request by owner, Christopher Zanella, Hillbrook Inn from Section 4.3(d) to permit additional expansion (over 35%) of the existing nonconforming use to allow for the construction of a 3,600 sq. ft. deck and from Section 4.10 to waive the requirement for a Site Plan. The property is located at 4490 Summit Point Road in Charles Town, West Virginia. (District: Kabletown; Map: 14; Parcel: 10; Size: 17.010 acres; Zoned: Rural; File: #ZV10-25)
5. Variance request by property owner Ebenezer Mt. Calvary Holy Church from Section 4.10 to waive the requirement of a site plan to construction a handicap ramp and entrance. The property is located at 408 Shirley Road in Summit Point, West Virginia. (District: Kabletown; Map: 15A; Parcels: 12, 12.1 & 13; Size: .9999 acres; Zoned: Rural; File: ZV11-01)
6. Monthly Address by Director Jennifer M. Brockman
7. Legal Update
  - a) Discussion on drafting a Contingency Plan for emergency meetings.
8. Vote on written decisions from prior Board of Zoning Appeals meetings
9. Correspondence

# BZA Meeting Parcels

1/20/2011



## Draft Minutes

Jefferson County Board of Zoning Appeals  
Wednesday, December 29, 2010

The Jefferson County Board of Zoning Appeals met on Wednesday, December 29, 2010 at 3:00 pm. 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 Christy Huddle, Vice Chairman, Ed Kelly, Jon Brusco and Tyler Quynn, Alternate, were present. Staff members Jennifer Brockman, Director; Steve Barney, Zoning Administrator; Stephen Groh, Assistant Prosecuting Attorney and Jennilee Hartman, Zoning Clerk, were present.

Board Chair, Jeff Bresee, and member Tiffany Hine were absent with notification.

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

Christine Chalmers, Office Assistant, swore in individuals who indicated they would be giving testimony.

1. Approval of Minutes from the November 18, 2010 meeting.

Mr. Brusco motioned to approve the minutes with no corrections. Mr. Kelly seconded the motion, which carried unanimously.

Mr. Barney brought to the Boards attention an email submitted by Christopher Zanella on behalf of Hillbrook Inn requesting Item # 3 be postponed due to a family emergency. Mr. Brusco motioned to move Item # 3 to the beginning of the agenda and to postpone the request until the next regularly scheduled meeting in January. Mr. Quynn seconded the motion, which carried unanimously.

2. Variance request by property owner, Herb Jonkers, Highland Farms, LLC from Section 5.7(d)2.b.7 to modify the maximum lot size for two lots: #19 and #21. The property is located on Charles Town Road approximately 300' west of John Rissler Road in Charles Town, West Virginia. (District: Charles Town; Map: 19; Parcels: 33, 38, 39 & 41; Size: 270 acres; Zoned: Rural, File: #ZV10-24)

Mr. Barney provided a copy of a Certificate of Fact to the Board indicating that the Highland Farm LLC was revoked on November 1, 2010. Mr. Groh confirmed that as of this morning the LLC was still revoked. Mr. Groh read from State Code the following, "*A corporation administratively dissolved continues its corporate existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs...*" Mr. Groh advised the Board to postpone the Item until the January meeting to allow the applicant time to get the LLC in good standing with the State. Mr. Groh stated the applicant's LLC was valid at the time the variance request was filed.

John Sekerak with Greenhorne & O'Mara Consulting Engineers was present on behalf of the applicant to address the Board. Mr. Sekerak stated he is not an attorney; however, Highland Farms LLC is still the property owner. Regardless of the standing of the LLC the ownership of the property stays the same. Mr. Quynn suggested the Board deliberate to discuss property ownership with legal counsel. The Board chose not to go into deliberative session.

Mr. Groh stated that in light of the new testimony given that he still advises the Board to postpone. Mr. Groh stated that while there is no case law on the subject and that he did not know the effects of allowing the applicant to carry on business.

Mr. Sekerak argued that a variance request runs with the land and not the property owner and is therefore transferable.

Mr. Jonkers stated to the Board that he did not wish to reinstate the LLC. Mr. Jonkers discussed the implications of dissolving the LLC arguing that he would remain the legal property owner.

Mr. Kelly motioned to table this Item until the regularly scheduled meeting in January. Mr. Brusco seconded the motion, which carried 3 for and 1 opposed (Mr. Quynn).

3. Variance Request by owner, Christopher Zanella, Hillbrook Inn from Section 4.3(d) to permit additional expansion (over 35%) of the existing nonconforming use to allow for the construction of a 3,600 sq. ft. deck and from Section 4.10 to waive the requirement for a Site Plan. The property is located at 4490 Summit Point Road in Charles Town, West Virginia. (District: Kabletown; Map: 14; Parcel: 10; Size: 17.010 acres; Zoned: Rural; File: #ZV10-25)

The Board acted on this request at the beginning of the meeting and postponed this item until the January meeting.

4. Variance Request by property owner, Antonio Colandrea, Jefferson Reality, LLC from Section 4.3(i) to re-establish/continue the operation of a previously existing nonconforming use that was destroyed by fire and Sections 4.16 and 5.6(d) to allow existing 0' front setbacks for a parking area. The subject property is located at 4843 Middleway Pike in Kearneysville, West Virginia. (District: Middleway, Map: 19A, Parcel: 14; Size: 1.1 acres; Zoned: Rural, File: #ZV10-26)

Antonio Colandrea, applicant, presented the request. The Board asked why Mr. Colandrea was going to locate the new structure in the same place as the old structure. Ms. Brockman explained there is an existing 2-story structure that the applicant is hoping to salvage. Mr. Colandrea stated he plans to expand the proposed building to be in line with the existing structure.

Mr. Barney directed the Board's attention to the list of land uses on page two of the staff report of which the applicant wished to reestablish.

Ms. Huddle called for public comment. There was no public comment.

5. Request by Southern States Cooperative to extend the time frame to temporarily occupy the building located at 1453 North Mildred Street in Ranson, West Virginia as conditioned by the Board of Zoning Appeals at the February 18, 2010 meeting. (District: Charles Town, Map: 7, Parcel: 9.2; Size: 8.61 acres; Zoned: Residential-Light Industrial-Commercial, File: #ZV09-19)

Matt Rehberg, Assistant Manager at Southern States, was present to address the Board. Mr. Rehberg explained the project completion date had been delayed and that Southern States is on a month-to-month lease with the property owner of their current location. Mr. Rehberg stated Southern States anticipates occupying the new building in January or February and will begin restoring the previous site once they have moved.

Ms. Huddle called for public comment. There was no public comment.

The Board asked Mr. Rehberg if he could foresee an issue with extending the timeframe to restore the site until June 2011. Mr. Rehberg believed June would be sufficient.

Mr. Brusco motioned to go into deliberative session. Mr. Quynn seconded the motion, which carried unanimously.

Mr. Quynn motioned to come out of deliberative session. Mr. Kelly seconded the motion, which carried unanimously.

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

1. Variance request by property owner, Herb Jonkers, Highland Farms, LLC from Section 5.7(d)2.b.7 to modify the maximum lot size for two lots: #19 and #21.

The Board acted on this request at the beginning of the meeting and postponed this item until the January meeting.

2. Variance Request by owner, Christopher Zanella, Hillbrook Inn from Section 4.3(d) to permit additional expansion (over 35%) of the existing nonconforming use to allow for the construction of a 3,600 sq. ft. deck and from Section 4.10 to waive the requirement for a Site Plan.

The Board acted on this request at the beginning of the meeting and postponed this item until the January meeting.

3. Variance Request by property owner, Antonio Colandrea, Jefferson Reality, LLC from Section 4.3(i) to re-establish/continue the operation of a previously existing nonconforming use that was destroyed by fire and Sections 4.16 and 5.6(d) to allow existing 0' front setbacks for a parking area.

Mr. Quynn motioned to approve the above referenced request with all previously approved conditions in addition to the following:

- a. Restricting the area in which alcohol could be served to the game room.
- b. Restricting the buildable area to the square footage approved by the Planning, Zoning and Engineering Department on June 4, 2002 (4,841.75 square feet).
- c. Clarification that a front setback variance applies only to the existing parking area, and does not apply to any future parking developed for the site.

Mr. Brusco seconded the motion, which carried unanimously.

4. Request by Southern States Cooperative to extend the time frame to temporarily occupy the building located at 1453 North Mildred Street in Ranson, West Virginia as conditioned by the Board of Zoning Appeals at the February 18, 2010 meeting.

Mr. Kelly motioned to approve the above referenced extension request until June 30, 2011 provided all previous conditions remain in effect, including the \$25,000 bond. Mr. Brusco seconded the motion, which carried unanimously.

5. Monthly Address by Director Jennifer Brockman.

Ms. Brockman informed the Board of the following:

- The County Commission has requested that each Department draft a Work Plan.
- The Planning Commission has formed a subcommittee to discuss the Department's 2012 Work Plan & 2012 Budget. Jeff Bresee, BZA Chair, was invited to attend their first work session on January 5, 2011.
- At the January 18, 2011 Special Meeting of the Planning Commission the Staff will be releasing the draft, policy neutral zoning text amendments. Ms. Huddle stated she would like to see more focus on economic tourism, home occupations and provisions for existing small commercial nodes.

Mr. Quynn stated he would like Staff to include information from the Comprehensive Plan summarized in the Staff reports. Ms. Brockman stated the current Comprehensive Plan did not include land use maps.

The Board discussed Mr. Brusco's expiring term. Mr. Brusco stated there may be a few meetings he will miss due to other obligations. The Board agreed that this would not be a problem. The Board requested that Staff ask the County Commission to advertise for the second alternate position.

Mr. Brusco requested that Staff investigate an electronic sign posted on the Victory Freewill Baptist Church site located on Route 230.

6. Legal Update. Mr. Groh stated he would like to add the discussion of a contingency plan to the Board's next meeting. The purpose of the contingency plan is to have a procedure in place for when a legal document needs to be signed prior to the next regularly scheduled BZA meeting.
7. Vote on written decisions from prior Board of Zoning Appeal meetings. Mr. Groh presented Ms. Huddle with a draft of the Finds of Fact and Conclusions of Law for Barbara Feldman's previous variance request (ZV10-23). Ms. Huddle suggested minor edits to the document and signed the Findings.
8. Correspondence. None.

Minutes  
Board of Zoning Appeals  
December 29, 2010  
Page 5 of 5

Mr. Brusco motioned to adjourn the meeting at 4:20 p.m. Mr. Kelly seconded the motion, which carried unanimously.

An audio transcript of this meeting can be found at the Department of Zoning. These minutes were prepared by Jennilee Hartman, Zoning Clerk.

## Jefferson County Board of Zoning Appeals Consideration of a Variance

**Section 7.8** of the current Jefferson County Zoning and Land Development Ordinance, dated December 3, 2009, states the following:

“Section 7.8 Board of Zoning Appeals Approval of Conditional Use Permit

...

(b) The Board of Zoning Appeals shall:

...

(3) Authorize such variances from the terms of the Ordinance if the Board finds that variance:

- a. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- b. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
- c. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
- d. Will allow the intent of the zoning ordinance to be observed and substantial justice done.

[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON DECEMBER 3, 2009]”

#2V10-24

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): MR. HERB JONKERS, Mgr.

Address: HIGHLAND FARM LLC.  
P.O. BOX 341 MILWOOD VA 22646

Phone Number: (703) 627 0935

Location of Property: ON CHARLES TOWN RD. 300' west of JOHN RISSIER RD.  
CHARLES TOWN DISTRICT, JEFFERSON COUNTY WV.

Lot Size: 270 acres +/- (Includes Parcels 33, 38, 39 & ~~44~~)

Deed Book Reference: Deed Book Number 1017 Page Number 626

Tax Map Reference: District CHARLES TOWN Map 19 Parcel 33, 38, 39 & ~~44~~

Zoning District: RURAL

Section of Ordinance: ~~30-13A-26~~ 5.7(d)2.b.7

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.

VARIANCE REQUEST TO MODIFY THE MAXIMUM LOT SIZE  
FOR TWO LOTS (LOT 19 & LOT 21), PER JEFFERSON COUNTY  
ZONING & LAND DEVELOPMENT ORDINANCE SECTION 5.7(d)1.

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

OCT 26 2010

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

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

(SEE ATTACHED ZONING ORDINANCE VARIANCE JUSTIFICATION)

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:

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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:

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

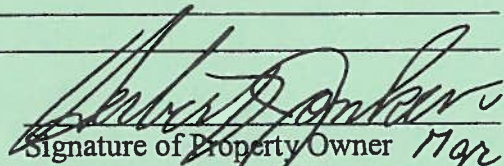
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4. Will allow the intent of the zoning ordinance to be observed and substantial justice done (2004, c.153.):

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Signature of Property Owner Mgr

HERBERT JONKERS  
Print Name 1782

10/26/10  
Date

**FOR OFFICIAL USE ONLY**

Fees Paid: \_\_\_\_\_ Date Application / Fees Received: \_\_\_\_\_

Date of meeting / Public Hearing: \_\_\_\_\_

Official Administrative Body: Jefferson County Board of Zoning Appeals

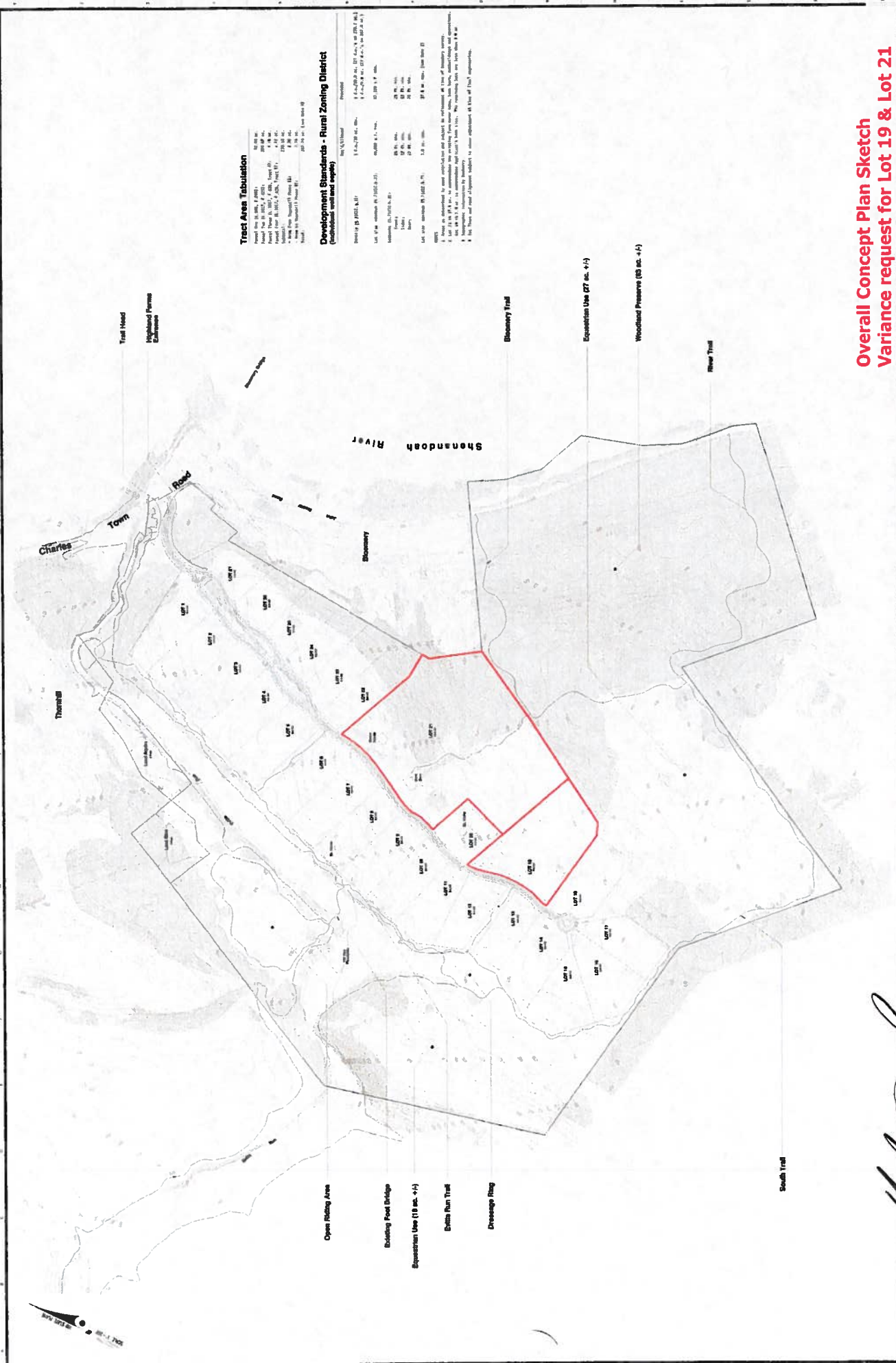
Posting Requirements: \_\_\_\_\_ Number of Days Prior to Scheduled Hearing

Advertising Dates: \_\_\_\_\_

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

\_\_\_\_\_

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



**Tract Area Tabulation**

Parcel No.	Area (Ac.)	Notes
Parcel 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	100.00	See map for details

**Development Standards - Rural Zoning District**  
(Individual setbacks apply)

Standard	Requirement
Front Setback	10.00 ft.
Side Setback	10.00 ft.
Rear Setback	10.00 ft.
Height	35.00 ft.
Lot Area	1.00 ac.
Lot Width	100.00 ft.
Lot Depth	100.00 ft.
Open Space	20.00%
Impervious Surface	5.00%
Waterways	100 ft. buffer
Wetlands	100 ft. buffer
Shaded Areas	100 ft. buffer
Other	See map for details

**Overall Concept Plan Sketch**  
**Variance request for Lot 19 & Lot 21**

Prepared for:  
**Highland Farms, LLC**  
10000 Highland Farm Rd  
Lynchburg, VA 23906  
Contact: Mr. Mark Jenkins

10/26/10

*Mark Jenkins*

**GREENHORNE & O'MARA**  
CONSULTING ENGINEERS  
1014 CENTRE ROAD, SUITE 200, CHARLESTON, MARYLAND 21024  
PHONE: 410-326-7600 FAX: 410-326-7601  
WWW.GREENHORNE-OMARA.COM

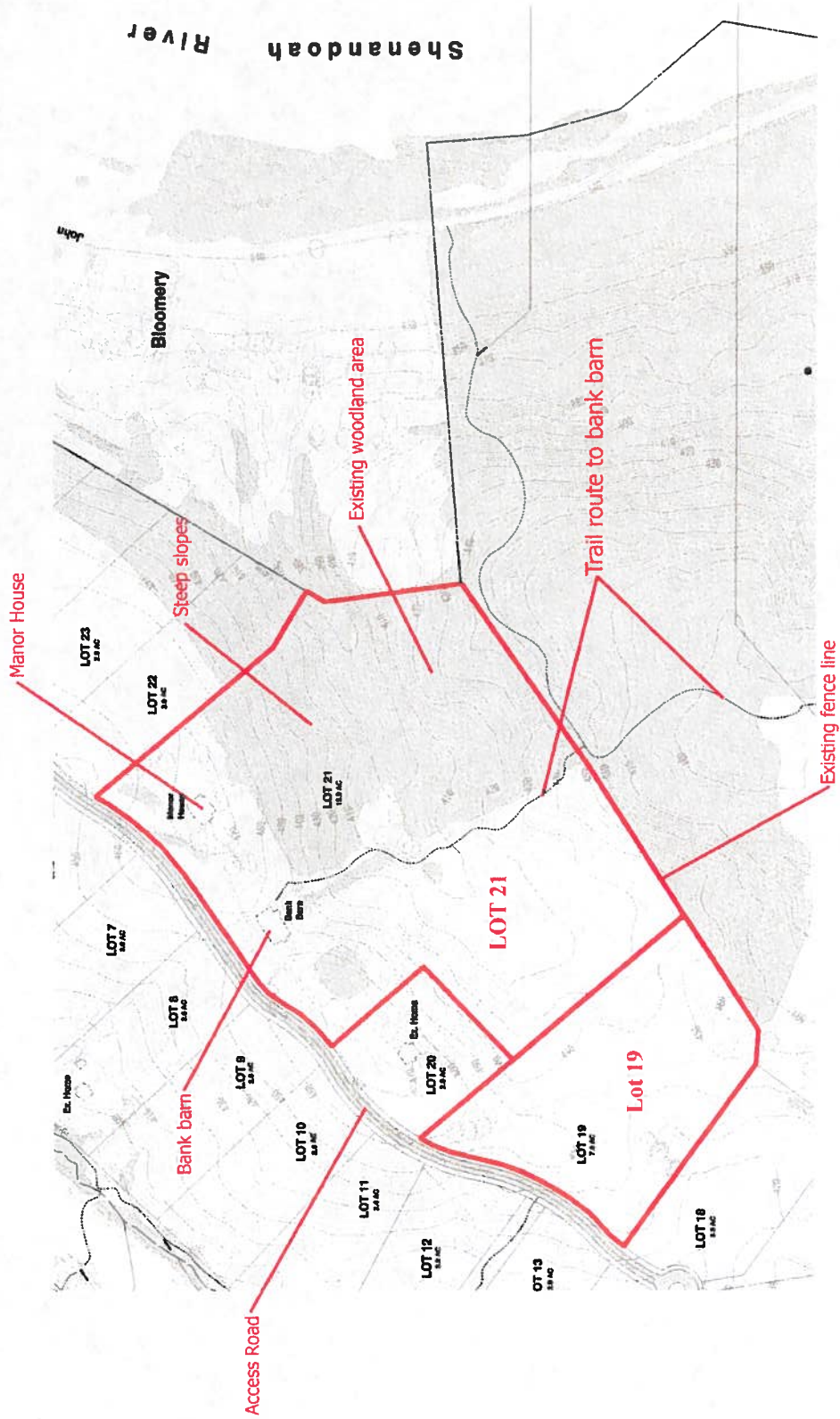
CONCEPT PLAN

*Highland Farm*

DATE: 10/26/10

SCALE: AS SHOWN

PROJECT: VARIANCE REQUEST FOR LOT 19 & LOT 21



**Detailed Plan Sketch  
for Lot 19 & Lot 21**

DATE	1/11/10	SCALE	1"=100'
BY	JLH	CHECKED	UP
PROJECT	LOT 19	DATE	07/11/10
CLIENT	Highland Farm	PROJECT NO.	10/26/10

**CONCEPT PLAN**  
*Highland Farm*

**GREENHORNE & O'MARA**  
CONSULTING ENGINEERS  
2040 CENTURY MOUNTAIN, SUITE 200, GERMANTOWN, MARYLAND 20874  
PHONE: (301) 261-1000  
FAX: (301) 261-1001  
WWW.GREENHORNE-OMARA.COM



NO.	DATE	DESCRIPTION

Prepared for:  
Highland Farm, LLC  
P.O. Box 44  
Germantown, MD 20874  
Contact: Mr. Herb Jordan

*Herb Jordan*  
10/26/10

**Highland Farm**  
**Zoning Ordinance Variance Justification**

**Introduction**

Highland Farm is a proposed residential subdivision with only 34% of total tract area used for lots while 64% of the property will remain as open space (the remaining land used for the residential road right-of-way). The open space area includes approximately 65 acres of woodland preserve and 60 acres as agricultural use. The proposed subdivision implements the purpose and the intent of the Rural Zoning District by a cluster configuration that provides for the best obtainable siting, access and location of the lots, thus encouraging conservation of agricultural uses and woodland.

**Zoning Ordinance Variance Justification**

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 the adjacent property owners or residents:*

Variance for exceeding the typical maximum lot size allowed would have no impact on the public health, safety, welfare or the rights of the adjacent property owners and residents. On the contrary, it would maintain the existing open space and the woodland preserve area. The cluster subdivision allows the lots to be located around the access drive and in the middle of the 270 acre tract. It maintains the surrounding open space and woodland preserve area as a buffer between the proposed lots and the adjacent properties. These uses along with the manor house would be retained.

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 applicant is requesting variance for proposed Lots 19 & 21 which are part of the proposed 'Highland Farm' subdivision. Lot 21 is the site for an existing manor house, bank barn and the associated ancillary buildings supporting the existing agricultural/equestrian uses. The rear section of this 19.9 acre lot has very steep slopes and a forest. These features act as a natural buffer between the existing uses and the adjacent properties. The variance would allow retaining and maintaining these existing woodland characteristics. Lot 19, by the virtue of its shape and size, has its rear property line extend up to the edge of the woodland buffer and along an existing fence line. Following the existing fence line with a proposed property line will help maintain existing land use patterns.

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

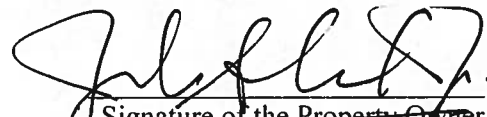
The variance request for both Lot 19 and Lot 21 is to maintain a reasonable use of the land and ultimately preserving the natural characteristics with minimal or no impact to the surrounding areas. Constricting these lots to 3 acres would not result in any additional agricultural or environmental benefit but would reduce the equestrian accommodations to an area that would be insufficient to practically support that use.

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

The applicable intent of the zoning ordinance is to insure that growth is economically sound, agriculture remains viable, and encourages the conservation of natural features. The proposed 27 lot cluster subdivision and the variance request permitting larger sizes for the above mentioned lots furthers that intent for the reasons stated above.

**Summary**

The proposed lot sizes, in the context of the overall proposed subdivision, are consistent with the purposes of the Rural Zoning District and clustering provisions of the Jefferson County Zoning and Land Development Ordinance.

  
Signature of the ~~Property Owner~~ **AGENT**  
**JOHN SEBERAK, Jr.**  
Print Name

10/25/10  
Date



**GREENHORNE & O'MARA**  
CONSULTING ENGINEERS

# 2110-24

RECEIVED

OCT 26 2010

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

October 25, 2010

Zoning Secretary  
Jefferson County, West Virginia Department of Planning and Zoning  
116 East Washington Street  
Second Floor, P. O. Box 338  
Charles Town, WV 25414

Re: Highland Farm  
Zoning Ordinance Variance Request

Dear Zoning Secretary:

On behalf of our client, Highland Farm LLC, we are preparing plans for a proposed 27 lot subdivision located in the Charles Town District of Jefferson County. The subject site, which is approximately 270+/- acres, includes parcels P33, P38, P39 and P41. The tax map reference for the subject site is Map 19 of the Charles Town District. The layout of the 27 lot cluster subdivision and the access road is in concert with the existing natural features, topography and the current uses on site. The layout retains most of the woodland preserve areas, protects the 100-year floodplain and sustains the existing equestrian use of the property (*see the attached 'Overall Concept Plan Sketch' for the subdivision layout and its immediate context*).

In support of the proposed subdivision, we request a modest variance from the typical provisions of the Zoning and Development Review Ordinance to allow a larger lot size for two of the proposed lots (Lot 19 & Lot 21). All of the proposed lots except Lot 19 & Lot 21 conform to the development standards, including minimum lot size, defined in the Rural Zoning District of the Jefferson County Zoning and Land Development Ordinance (*see the 'Detailed Plan Sketch' for Lot 19 & Lot 21*). The maximum allowed size for a lot in the Rural Zoning District is typically 3 acres. With this variance request, the applicant is requesting that the size of Lots 19 and 21 be approximately 7.0 acres and 19.9 acres respectively.

Please see attached to this cover letter the following listed items in support to the variance request:

- (1) Original Variance Request form (*dated and signed*)
- (2) Zoning Ordinance Variance Justification sheet (*dated and signed*)
- (3) Overall Concept Plan Sketch (*dated and signed*)
- (4) Detailed Plan Sketch (*dated and signed*)
- (5) Copies of items listed in (1), (2), (3) and (4) (*eleven copies each*)
- (6) Check in the amount of \$100.00 payable to the "Jefferson County Commission"

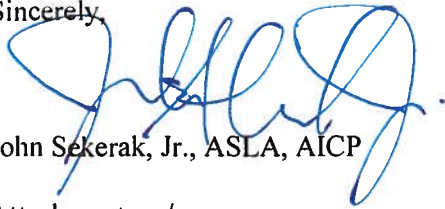
Zoning Secretary, Jefferson County, WV

October 25, 2010

Page 2 of 2

Thank you for your consideration of this request. Please feel free to contact me if you have any questions or if you need any additional information.

Sincerely,

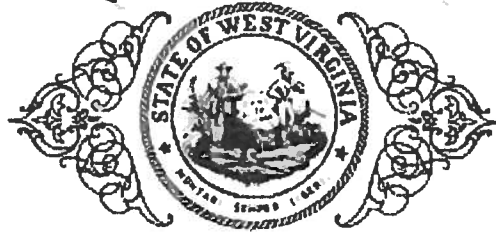
A handwritten signature in blue ink, appearing to read "John Sekerak, Jr.", written in a cursive style.

John Sekerak, Jr., ASLA, AICP

Attachments: a/s

cc: Steve Barney, w/ attachments  
Jennifer M. Brockman, AICP, w/ attachments  
Seth A. Rivard, w/ attachments  
Herb Jonkers, w/ attachments

# State of West Virginia



## Certificate

*I, Natalie E. Tennant, Secretary of State of the State of West Virginia, hereby certify that*

**HIGHLAND FARM LLC**

has met the requirements for reinstatement of their organization as required by the West Virginia Code.

Therefore, I hereby issue this

### CERTIFICATE OF REINSTATEMENT

RECEIVED

JAN 11 2011

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING



*Given under my hand and the Great Seal of the State of West Virginia on this day of January 6, 2011*


*Natalie E. Tennant*

Secretary of State

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting, December 16, 2010

**Highland Farm, LLC Variance Request (#ZV10-24)**

Item #2      Variance Request by property owner, Herb Jonkers, Highland Farm, LLC from Section 5.7(d)2.b.7 to modify the maximum lot size for two proposed lots: #19 and #21.

APPLICANT:	Herb Jonkers, Highland Farm, LLC
OWNER :	same
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	The property is located on Charles Town Road approximately 300' west of John Rissler Road in Charles Town, West Virginia.
LEGAL DESCRIPTION:	District: Charles Town; Map: 19; Parcels: 33, 38, 39 & 41 
ZONING DISTRICT:	Zoning Map Designation: Rural
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: R                      South: R</i> <i>East: R                        West: R</i>
LOT AREA:	270 acres
PRIOR CASES:	Z00-02    AP00-01 Z01-04    AP00-02 Z03-01    AP01-05 Z03-05    AP04-02 AP05-01
APPROVED ACTIVITY:	Residential CUP (proposed)

Staff Report  
Jefferson County Board of Zoning Appeals Meeting, December 16, 2010

**Highland Farm, LLC Variance Request (#ZV10-24)**

RELEVANT INFORMATION:

The Applicant is proposing to process a 27-lot Cluster Development on the ±270 acres known as Highland Farms. The Concept Plan for this proposed development has not yet been processed by the Planning Commission.

The Applicant has requested a variance to modify the maximum lot size for two of the lots in the proposed 27-lot Cluster Development.

1. Cluster Subdivision Standards

Section 5.7(d)2.b.7 of the Zoning Ordinance establishes a three-acre maximum lot size for a subdivision utilizing the Cluster Development standards. The two lots for which the variance is sought have a proposed size of 7.0 acres (Lot 19) and 19.9 acres (Lot 21). The Applicant's rationale for the variance is as follows:

- *“Lot 19, by virtue of its shape and size, has its rear property line extend up to the edge of the woodland buffer and along an existing fence line. Following the existing fence line with a proposed property line will help to maintain existing land use patterns.”*
- *“Lot 21 is the site for an existing manor house, bank barn and the associated ancillary buildings supporting the existing agricultural/equestrian uses. The rear section of this 19.9 acre lot has very steep slopes and a forest. These features act as a natural buffer between the existing uses and the adjacent properties. The variance would allow retaining and maintaining these existing woodland characteristics.”*

Per the Applicant, all lots will conform to all other required standards of the Zoning Ordinance. The 27 lots will be served by well and septic.

The purpose and intent of clustering, as described in Section 5.7(d)2, are as follows:

- To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract.
- To provide for a well planned development while minimizing the use of prime agricultural land.

Because the proposed design of the development would retain 64% of the land as open space, the subdivision appears to meet the intent of the Cluster Subdivision standards.

2. Recent Cases

Staff Report  
Jefferson County Board of Zoning Appeals Meeting, December 16, 2010

**Highland Farm, LLC Variance Request (#ZV10-24)**

The proposed subdivision is located on a section of property for which several Conditional Use Permit applications related to the Thorn Hill development have been previously submitted. This property has also been the subject of several BZA appeals and court actions.

The Applicant intends to separate the Highland Farms development from the Thorn Hill development and proceed with a Cluster Subdivision, which will entail Planning Commission review but will not require a Conditional Use Permit. As the proposed Cluster Subdivision represents a new development application, a detailed history of prior cases is not appropriate for this report. A brief chronology of applications filed for the Thorn Hill development is as follows:

- 3/02/00 – A Conditional Use Permit application was submitted for Thorn Hill, a 44-lot residential subdivision (Z00-02). The LESA point score for this application did not allow the project to advance.
- 9/26/01 – A Conditional Use Permit application was submitted for Thorn Hill, a 181-lot residential subdivision (Z01-04). On 3/22/02, the Board of Zoning Appeals approved the CUP, which was signed on 10/22/04.
- 3/28/03 – A Conditional Use Permit application was submitted for Jones Farm, a 416-lot residential subdivision. The application was withdrawn.
- 8/06/03 – A Conditional Use Permit application was submitted for Thorn Hill (Z03-05), including the property shown in the Z01-04 and the Z03-01 applications. The new application increased the size of the proposed development to 595 single-family lots on 552 acres. A Conditional Use Permit has not been approved for this application.
- 9/09/05 – The Planning, Zoning and Engineering Department approved a final plat for Thorn Hill, a 179-lot residential subdivision, for the land area shown in the approved Conditional Use Permit Z01-04.

A lawsuit regarding application Z03-05 was recently heard by the West Virginia Supreme Court, which remanded several issues related to this development to the BZA. A BZA public hearing will be scheduled, pending resolution of certain legal issues.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 5.7 Rural District

(d) Maximum Number of Lots Allowed

(2) Clustering

(b) Requirements

- (7) Maximum lot size shall be 3 acres. [PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON DECEMBER 3, 2009]

# 2V10-25

**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): CAZ & ASSOCIATE, Inc.

Address: 4490 Summit Point Road  
Charles Town, WV 25414

Phone Number: 304-725-4223

Location of Property: 4490 Summit Point Road  
Charles Town, WV 25414

Lot Size: 17.010 Acres

Deed Book Reference: Deed Book Number 585 Page Number 346

Tax Map Reference: District Kabletown Map 14 Parcel 10

Zoning District: RURAL

Section of Ordinance: 4.3 D: 4.10

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 would like to add a large deck on  
the back of the main house. The deck  
would allow us to hold some of our  
outdoor events on it instead of holding them  
in the yard. Finished deck size would be 3,600 #'

AND FROM SECTION 4.10 TO WAIVE THE REQUIREMENT FOR A SITE PLAN.

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 05 2010  
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:

We have used this area for events since 1985.  
we have never had a problem that has affected the above items.

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:

1. The previous owner made a 1801<sup>sq</sup> expansion. This now ~~limits~~ <sup>limits</sup> my expansion abilities.

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

The current zoning ordinance only allows us 35% expansion.  
Without this deck it makes it difficult to meet our guest needs for their events  
currently when it rains during an event it make things very difficult.

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

we will take all necessary steps to follow zoning and permit requirements.  
Including meeting with flood plain manager.

*Christopher Zarella*

Signature of Property Owner

Christopher Zarella

Print Name

11/5/10

Date

**FOR OFFICIAL USE ONLY**

Fees Paid: \_\_\_\_\_ Date Application / Fees Received: \_\_\_\_\_

Date of meeting / Public Hearing: \_\_\_\_\_

Official Administrative Body: Jefferson County Board of Zoning Appeals

Posting Requirements: \_\_\_\_\_ Number of Days Prior to Scheduled Hearing

Advertising Dates: \_\_\_\_\_

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

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

## Existing Square Footage of Hillbrook Inn

Prepared By Chris Zanella on 11.5.10

### Guest Rooms

Bamford	671
Locke's Nest	516
The Point	339
The Lookout	257
The Snuggery	787
Spring	450
Fall Cottage	450
Summer Cottage	450
Winter Cottage	450
<b>Sub Total</b>	<b>4,370</b>

### Public Rooms

Living Room	417
Dining Room	348
Dinning Porch	261
Library	257
Tavern	526
Restrooms	195
<b>Sub Total</b>	<b>2,004</b>

### Work Areas

Kitchen	339
Alcove	32
Office	51
Boiler Room	267
Hovel	267
Walk-in Room	85
<b>Sub Total</b>	<b>1,041</b>

### Other

Barn	720
Storage Shed	72
Spring House	252
Bridge	485
Terraces	1,812
<b>Sub Total</b>	<b>3,341</b>

**Total Existing Square Footage**      **10,756**


**Proposed Expansion**                      **3,600**



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 December 16, 2010

**Hillbrook Inn Bed & Breakfast Variance Request (#ZV10-25)**

Item #3 Variance Request by Owner, Christopher Zanella – Hillbrook Inn from Section 4.3(d) to permit additional expansion (over 35%) of the existing nonconforming use to allow for the construction of a 3,600 sq. ft. deck and from Section 4.10 to waive the requirement for a Site Plan.

APPLICANT:	Christopher Zanella, CAZ Associates, Inc.
OWNER :	same
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	4490 Summit Point Road in Charles Town, West Virginia
LEGAL DESCRIPTION:	District: Kabletown; Map: 14; Parcel: 10 
ZONING DISTRICT:	Zoning Map Designation: Rural
SURROUNDING PROPERTIES:	Zoning Map Designation: North: R                      South: R East: R                        West: R
LOT AREA:	17.01 acres
PRIOR CASES:	Site plan case S96-08, approved 07/09/96
VARIANCE(S)	07/09/96- PC approved variance paved parking requirements (Section 11.2.j.1)
APPROVED ACTIVITY:	Inn (existing non-conforming use)

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
December 16, 2010

**Hillbrook Inn Bed & Breakfast Variance Request (#ZV10-25)**

RELEVANT INFORMATION:

The Applicant seeks to build an uncovered 3,600 square feet deck attached to the rear of the Hillbrook Inn main house. Per the Applicant, the deck would accommodate outdoor events that are currently conducted in the grass area.

To construct the deck, the Applicant is seeking the following two variances:

- To expand a nonconforming use by more than 35% of existing square feet (Section 4.3(d)); and
- To waive the requirement for a site plan (Section 4.10)

1. Expansion of the Nonconforming Use

The Hillbrook Inn is an existing nonconforming use that was established prior the adoption of the 1988 Zoning Ordinance. Per Section 4.3 of the Zoning Ordinance, the Planning and Zoning Department may administratively approve an expansion of a nonconforming use of up to 35% of the existing square footage of the use. For site plan S96-8, an expansion of 1,801 square feet was approved on 7/9/96, representing a 20.11% increase over the square footage existing at the time of the site plan.

The itemized building square footage, as shown on the approved site plan, is as follows:

Guest rooms	2,570 square feet
Public rooms	2,004 square feet
Work areas	1,041 square feet
<u>Other</u>	<u>3,341 square feet</u>
Total	8,956 square feet

The allowable expansion, prior to site plan approval, was 35% of 8,956 square feet, or 3,135 square feet. Following the 1,801 square foot expansion (a 20.11% increase), an allocation of 1,334 additional square feet (14.89%) remains.

The request for a 3,600 square foot deck would represent a 40% expansion of building area above the existing square footage indicated in the site plan. This would amount to an additional 25.11% expansion beyond the allocation currently permitted.

2. Waiver of Site Plan Standards

In addition, the Applicant has request a waiver of the requirement to submit a site plan for this development.

This development would be classified as requiring a Major Site Plan pursuant to the 2010 amendments to the Subdivision and Land Development Regulations. This process requires multiple Planning Commission public hearings and has a duration of approximately 8-9 months.

Staff has discussed with the Applicant concerns regarding the deck potentially generating additional parking needs for the facility, if the deck were to be used for additional table space for meals at the Inn. In response, the Applicant has stated that the deck will not be used for regularly-scheduled meals.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
December 16, 2010

**Hillbrook Inn Bed & Breakfast Variance Request (#ZV10-25)**

3. Recent Cases

Recently, the Board of Zoning Appeals approved the Applicant's request to establish a Bed and Breakfast use pursuant to Sec. 5.7(a) and Section 9.8 in the "Gatehouse" building located near the front of the Hillbrook Inn property. It should be noted that this request pertained to a different structure located on a separate lot.

4. Possible Conditions

If the Board chooses to approve this variance with conditions, a possible condition would be that no additional tables may be located on the deck during regularly-scheduled meals, other than those meals served as part of a special event.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.3 Nonconforming Uses

- (d) Effective October 14, 1999, whenever a nonconforming use expands over 35% of the existing square footage of its operation said use shall meet all the applicable requirements of this Ordinance unless otherwise allowed by the Board of Appeals. Any nonconforming use that expanded between October 5, 1988 and October 14, 1999 may expand under this provision as if they have never utilized this provision in the past. [AMENDED TWICE BY ACT OF THE COUNTY COMMISSION, EFFECTIVE JULY 15, 1993 AND OCTOBER 14, 1999]

Section 4.10 Site Plan Requirements

A site plan shall be submitted for review by the Planning and Zoning Commission for all new commercial, townhouse and multi-family residential, industrial, and institutional land uses in any district and for all major additions or expansions of existing uses as defined in Article 2. [AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE JULY 1, 1998. PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BYCOURT ORDER ON DECEMBER 3, 2009]

Section 2.1 Definitions

Addition, Major A major addition shall include those additions which will directly affect the function of the site or those areas surrounding the site. Any substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation shall be considered "major additions".

ZV11-01

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): Ebenezer Mt. Calvary Holy Church

Address: 408 Shirley Rd. Summit Point WV 25446

Phone Number: 304-725-3468 / 304-725-8987

Location of Property: Mt. Pleasant Rd.

Lot Size: .9999 ACB.

Deed Book Reference: Deed Book Number 553 Page Number 271

Tax Map Reference: District Kabletown Map 15 A Parcel 12, 12.1, 13

Zoning District: Rum1

Section of Ordinance: 4.10

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.

A variance from site plan requirements.  
We request a variance for constructing a handicap ramp  
and entrance door to the church. Construction would be constructed  
out of concrete block and concrete. A dry well or sump pump  
could be constructed also for any water problems.

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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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:

*the rights of*  
This Project would NOT affect any of the Above 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:

Our Church has been here since 1986 (The original Bldg. burned down in 1985 Dec. 28<sup>th</sup>). We have never been able to serve our hard core people. No way into the basement. There are two ways in and out of basement but NOT the hard core.

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

We've lost members over the years and long standing families who have been hard workers and givers in the church. We really need this entrance way.

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

IS granted we will construct it according to your directions

Ebenezer Mt. Calvary Holy Church  
Pastor Charles W. Hunter  
Signature of Property Owner  
Ebenezer Mt. Calvary Holy Church  
Pastor Charles W. Hunter  
Print Name

12/10/2010  
Date

**FOR OFFICIAL USE ONLY**

Fees Paid: \_\_\_\_\_ Date Application / Fees Received: \_\_\_\_\_

Date of meeting / Public Hearing: \_\_\_\_\_

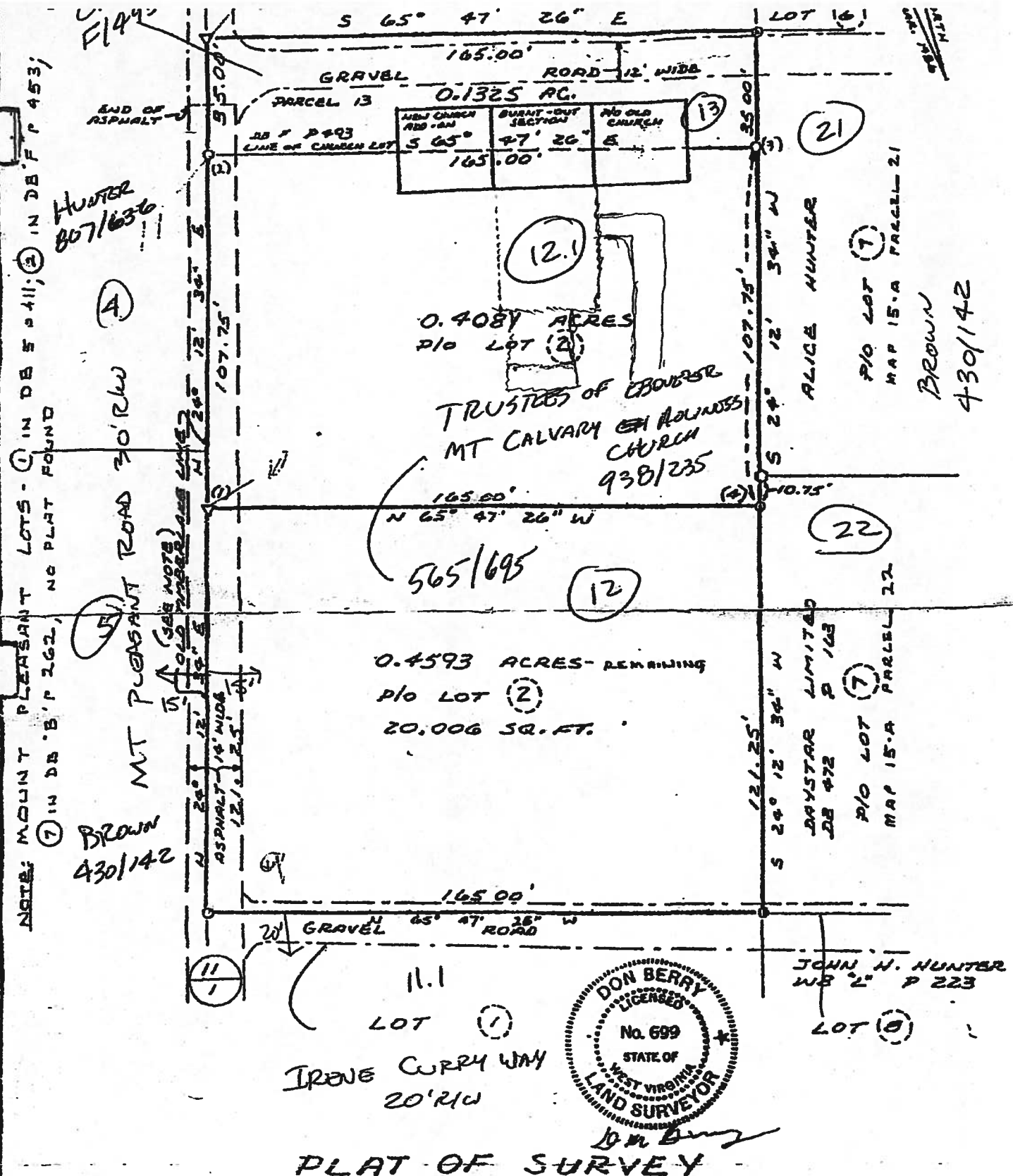
Official Administrative Body: Jefferson County Board of Zoning Appeals

Posting Requirements: \_\_\_\_\_ Number of Days Prior to Scheduled Hearing

Advertising Dates: \_\_\_\_\_

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

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

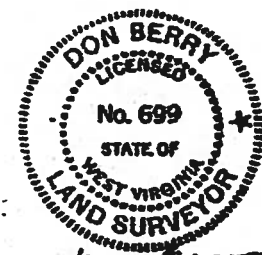


NOTE: MOUNT PLEASANT LOTS - (1) IN DB S P 411; (2) IN DB F P 453; (7) IN DB B P 162, NO PLAT FOUND

HUNTER  
807/6326

BROWN  
430/142

JOHN N. HUNTER  
WB 2 P 223

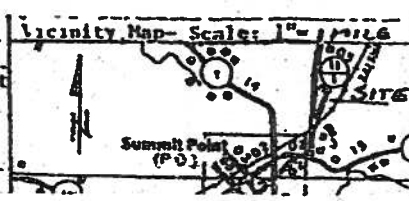


**PLAT OF SURVEY**

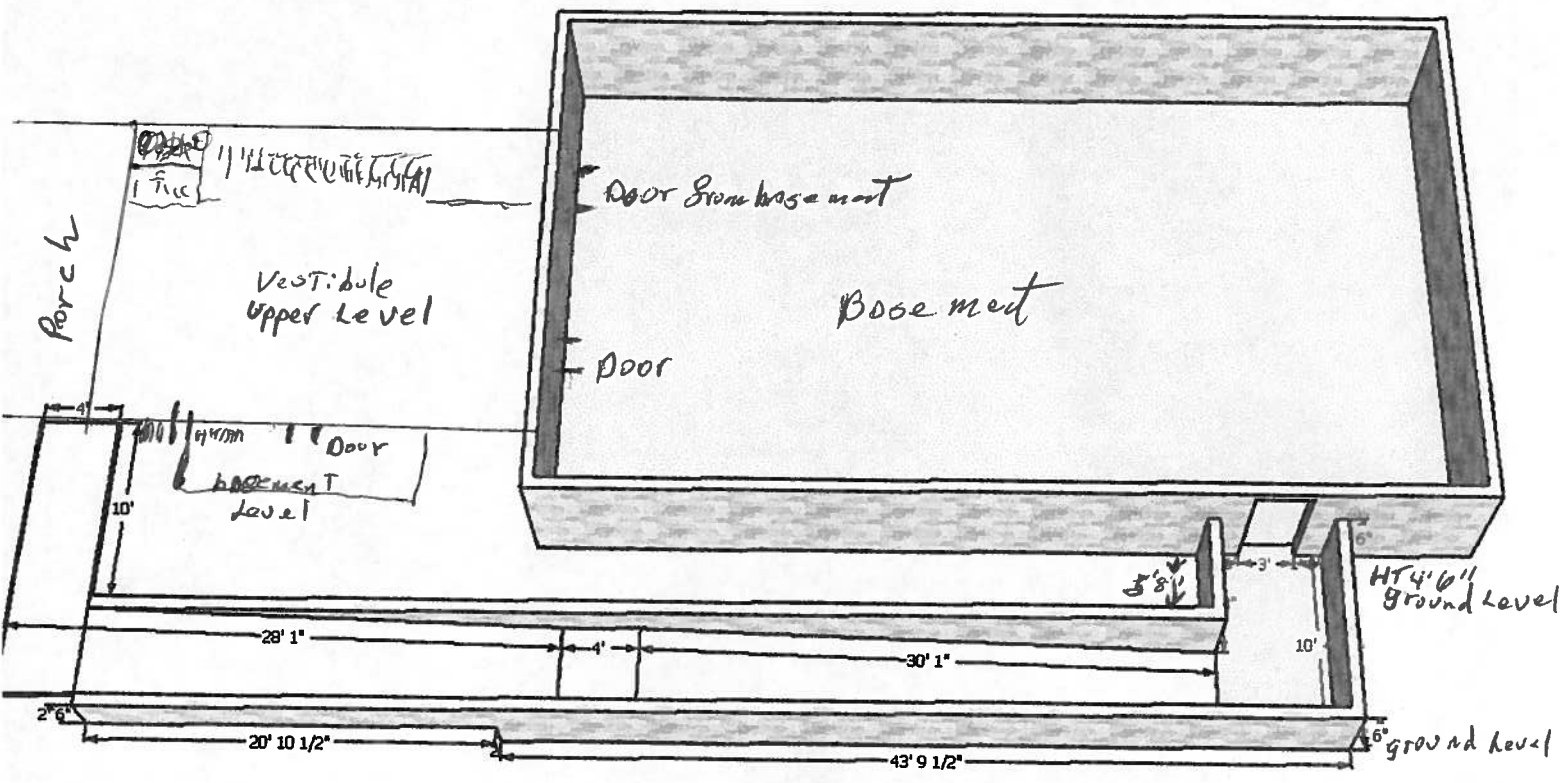
- LEGEND**
- 3/4" IRON PIPE SET
  - 5/8" REBAR FOUND
  - 5/8" COPPED REBAR FOUND
  - POINT
  - ∩ RAILROAD SPIKE

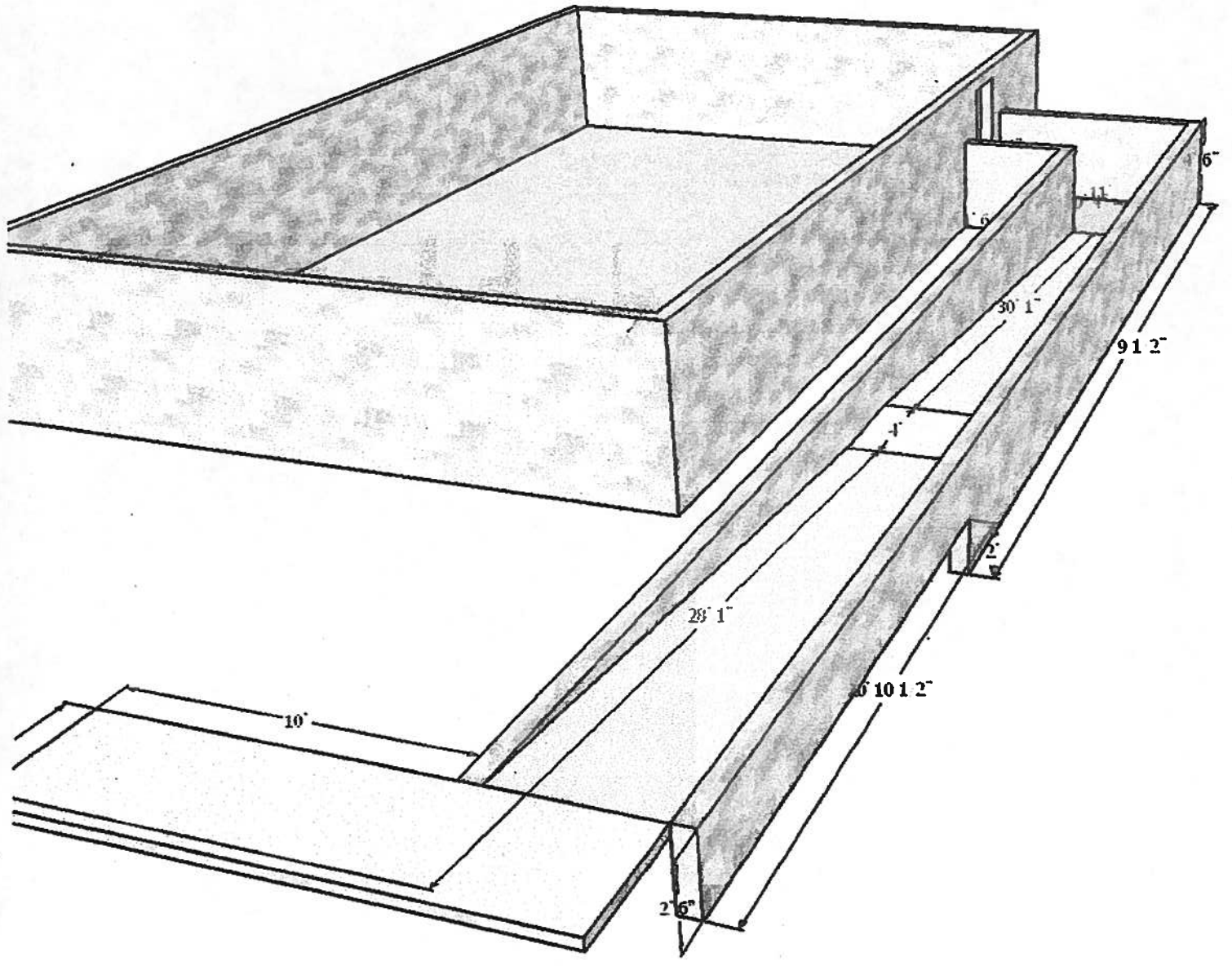
Property Of: CHARLES W. HUNTER, SR. & ALICE BROWN HUNTER  
 DB 553 P 271 SEE DB F P 453

Tax Map # K-15 A  
 Parcel # 2012  
KABLETOWN District  
 JEFFERSON County  
 West Virginia  
 Scale: 1" = 40'  
 Date 22 MAY 1986



**EASTERN LAND SURVEYS, INC.**  
 Route 2, Box 137  
 Bunker Hill, W. Va. 25613  
**DON BERRY, L.L.S.**

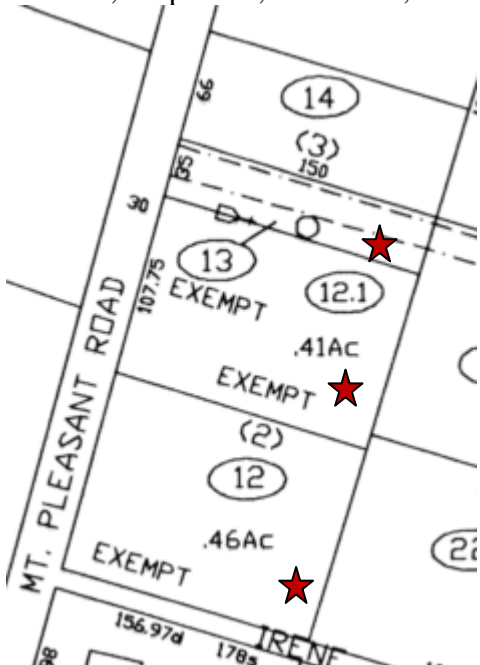




Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 January 20, 2011

**Ebenezer Mt. Calvary Holy Church Request (#ZV11-01)**

Item #2 Variance request by property owner Ebenezer Mt. Calvary Holy Church from Section 4.10 to waive the requirement of a site plan for the construction of an accessibility ramp and entrance.

APPLICANT:	Charles W. Hunter, Pastor
OWNER :	Ebenezer Mt. Calvary Holy Church
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	408 Shirley Road in Summit Point, West Virginia
LEGAL DESCRIPTION:	District: Kabletown; Map: 15A; Parcel: 12, 12.1 & 13 
ZONING DISTRICT:	Zoning Map Designation: Rural
SURROUNDING PROPERTIES:	Zoning Map Designation: North: Rural South: Rural East: Rural West: Rural
LOT AREA:	.9999 acres
PRIOR CASES:	S10-06 Site plan (currently in review)
VARIANCE(S):	ZV01-30: Reduce rear setback from 50' to 15'
APPROVED ACTIVITY:	Church

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
January 20, 2011

**Ebenezer Mt. Calvary Holy Church Request (#ZV11-01)**

RELEVANT INFORMATION:

The Applicant seeks a waiver of site plan requirements, for the purpose of constructing an exterior entrance and concrete ramp for accessibility.

1. Status of site plan

In 2010, the Applicants submitted a site plan for a 1,584 square feet addition to the church building (site plan #S10-06). The site plan is currently in review.

Following submittal of the site plan, the Applicants secured the services of an architect and have determined that the church's first priority is to maximize the use of space within the existing building. As such, the church has temporarily suspended completion of the site plan approval process.

2. Purpose of requested variance

In order to increase the usability of existing space, the church is seeking to make the basement accessible to persons with mobility impairments by constructing a concrete ramp. Currently, the basement can be accessed only via stairway.

While the area of the proposed improvements is relatively small (approximately 400 square feet), this area exceeds County's site plan exemption threshold of 250 square feet, per the Subdivision and Land Development Regulations. Therefore, a site plan is required for the proposed ramp.

Because the Applicant seeks to construct the ramp within a short timeframe for use in spring 2011, in advance of the projected approval of site plan #S10-06, the church has requested a variance from site plan requirements.

3. Engineering Department Comments

The Engineering Department has reviewed the variance request and has indicated that the proposed waiver of site plan requirements would not have a significant impact. The Department identified possible conditions of approval, which are listed below.

4. Possible Conditions

If the Board chooses to approve this variance with conditions, possible conditions of approval include:

- The proposed improvements must be shown on site plan S10-06, and the site plan must account for all impacts such as stormwater management.
- The ramp must adhere to all applicable building code requirements.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
January 20, 2011

**Ebenezer Mt. Calvary Holy Church Request (#ZV11-01)**

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.10 Site Plan Requirements

A site plan shall be submitted for review by the Planning and Zoning Commission for all new commercial, townhouse and multi-family residential, industrial, and institutional land uses in any district and for all major additions or expansions of existing uses as defined in Article 2. [AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE JULY 1, 1998. PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BYCOURT ORDER ON DECEMBER 3, 2009]