

Jefferson County
Board of
Zoning Appeals

Thursday,
June 21, 2012

JEFFERSON COUNTY, WEST VIRGINIA

Department of Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, West Virginia 25414

Phone: 304-728-3228

Fax: 304-728-8126

Email: zoning@jeffersoncountywv.org

MEMORANDUM

TO: Jefferson County Board of Zoning Appeals Members

FROM: Jennilee Hartman, Zoning Clerk

DATE: June 15, 2012

SUBJECT: June 21, 2012 Board of Zoning Appeals Meeting

Please find enclosed a copy of the Agenda for the upcoming Board of Zoning Appeals meeting to be held on Thursday, June 21, 2012. Also for your review, you will find corresponding information regarding said Meeting. When applicable, I will include copies submitted to this office that pertain to items of new business. If you have any questions, or will not be able to attend the upcoming meeting, please do not hesitate to contact me.

JEFFERSON COUNTY, WEST VIRGINIA

Department of Zoning

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Fax: (304) 728-8126

MEMORANDUM

TO: Board of Zoning Appeals Members
CC: Engineering & Building Permits Departments
FROM: Steve Barney, Zoning Administrator
DATE: June 15, 2012
SUBJECT: June Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

#ZC12-09 HAWTHORN /
TERESA GREGSON, APPLICANT

Issuance Date: June 12, 2012
Proposed Use: Country Inn
Physical Location: 9 Hawthorn Avenue; Summit Point, West Virginia
Zone: Rural

#ZC12-11 MORTEN K. AIGELTINGER, OWNER

Issuance Date: June 15, 2012
Proposed Use: Farm Market
Physical Location: 1140 Cattail Run Road; Charles Town, West Virginia 25414
Zone: Rural

PENDING ZONING CERTIFICATES

#ZC12-10 ROBERT ALLEN, OWNER

Issuance Date: TBD
Proposed Use: Change of Owner/Tenant
Grocery/Convenience Store/Gas Station
Physical Location: 18619 Charles Town Road; Charles Town, West Virginia 25414
Zone: Rural

#ZC12-12 TNT FIREWORKS / GAIL COLLINS (CONTACT)

Issuance Date: TBD
Proposed Use: Temporary Sale of Fireworks
Physical Location: Charles Town Plaza – next to Long John Silver’s Restaurant
Zone: Residential- Light Industrial-Commercial

AGENDA
Jefferson County Board of Zoning Appeals
Thursday, June 21, 2012 at 3:00 p.m.

The Jefferson County Board of Zoning Appeals meet in the Charles Town Library Conference Room located at 200 East Washington Street at the side entrance on Samuel Street in the City of Charles Town.

1. Approval of the minutes from the May 17, 2012 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Variance request by property owners, Josh and Jessica Powell, from Section 5.4(B) of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to 12' to allow for the construction of a 16' x 20' deck. Property location: Windmill Crossing Subdivision, 204 Monte Carlo Way, Charles Town, West Virginia. District: Charles Town (02); Map: 9C; Parcel: 26; Zoned: Residential-Light Industrial-Commercial; Size: 0459 acres; File: #ZV12-20.
4. Variance request by property owners, William and Kristin Friend, from Section 9.7 of the Zoning and Land Development Ordinance, for a reduction of the rear setback distance from 50' to 20' to allow for the construction of a 30' x 40' building. Property location: 498 Old Middleway Road, Kearneysville, West Virginia. District: Middleway (07); Map: 22; Parcel: 33.20; Zoned: Rural; Size: 4 acres; File: #ZV12-21.
5. *The applicant has submitted a request to withdraw the variance.* Variance request by Fred Gates on behalf of property owner, Roderick Planes, LLC from Section 3.2(g) to allow for an extension of the Aspen Greens Subdivision's Conditional Use Permit (Z02-06). The applicant is requesting an extension from July 1, 2012 until December 1, 2013. Property location: Northeastly of the intersection of Old Country Club Road with Flowing Springs Road. District: Charles Town (02); Map: 4; Parcel: 19; Zoned: Rural; Size: 110 acres; File: #ZV12-22.
6. Issuance of the Conditional Use Permit for the Proposed Renovation and Addition to Existing Sheetz Convenience Store. The project is to consist of increasing the existing 4,222 square foot convenience store with a 1,941 square foot addition by remodeling the interior and exterior of the structure. The applicant also seeks to reconfigure a portion of the existing canopy and install/replace existing signage. Property location: 51 Flowing Springs Road, Charles Town, West Virginia. District: Charles Town (2); Map: 8; Parcel: 11.5; Zoned: Residential-Light Industrial-Commercial; Size: 2.781 acres; File: #CP12-04.
7. Director's Report.
8. Legal Update.
9. Signing of written decisions from prior Board of Zoning Appeals meetings.
 - a. Public hearing and action on the Conditional Use Permit application submitted by Twin Oaks Subdivision, LLC for the Morgan's Grove Market to establish "an agricultural based economic empowerment zone." Intended uses are to consist of, but are not limited to, a Food Hub, General Merchandise (retail), Professional/Business Offices, Community Amenities, and other associated uses. Property location: 3988 Kearneysville Pike, Shepherdstown, West Virginia.

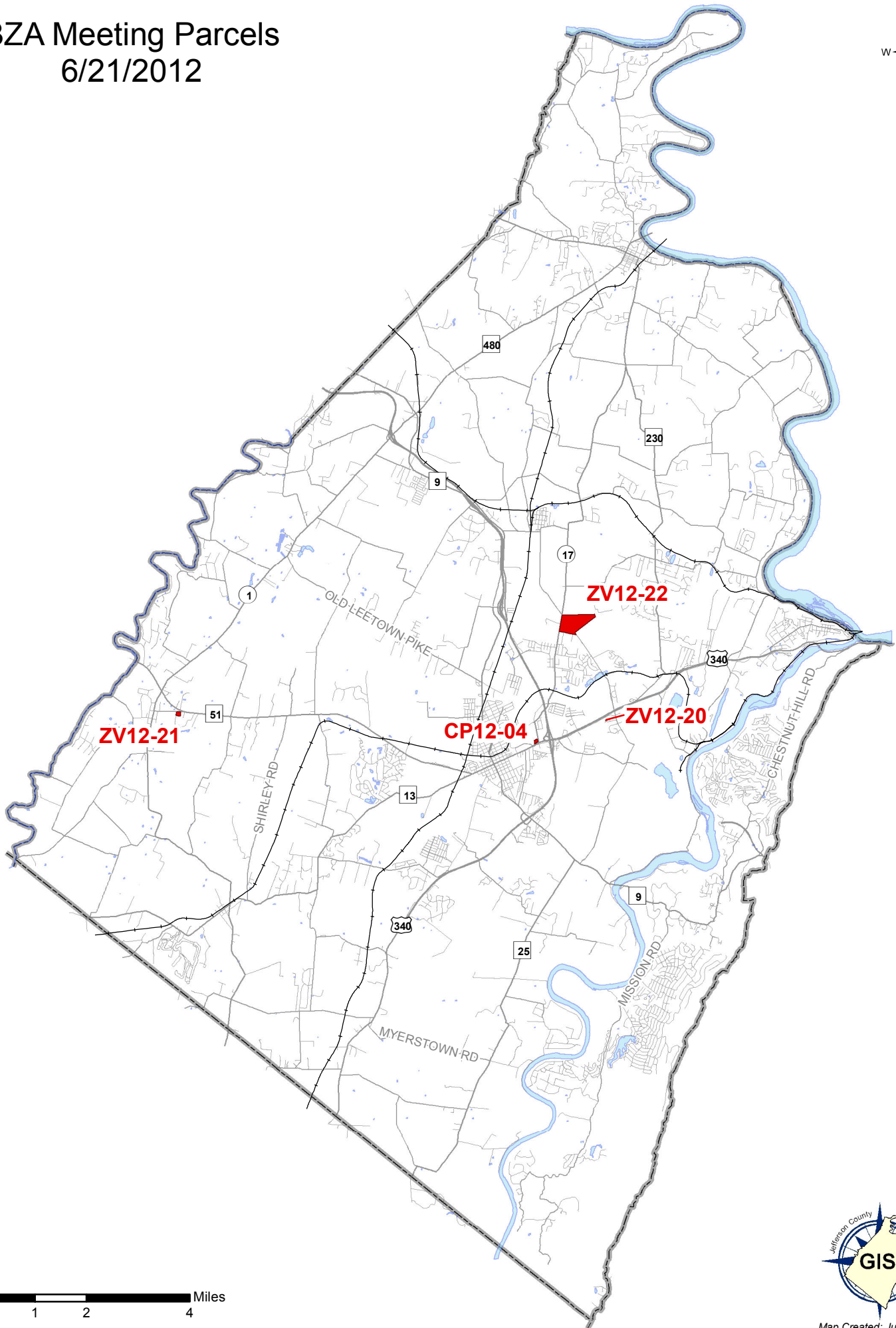
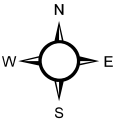
Agenda
Board of Zoning Appeals
June 21, 2012
Page Two

District: Shepherdstown (09);Map: 13; Parcels: 26.1, 26.2, 26.3, 26.4; Zoned: Rural; Size: 13.69 acres; File: #CP12-01. (BZA meeting date 04/19/12)

- b. Request by Linda M. Gutsell to reopen a hearing pursuant to Section 5.8 of the Board of Zoning Appeals (BZA) Rules of Procedure, regarding the April 19, 2012 BZA approval of a Conditional Use Permit application submitted by Twin Oaks Subdivision, LLC for the Morgan's Grove Market, file #CP12-01. (BZA meeting date: 05/17/12)

10. Correspondence.

BZA Meeting Parcels 6/21/2012



Draft Minutes

Jefferson County Board of Zoning Appeals
Thursday, May 17, 2012

The Jefferson County Board of Zoning Appeals met on Thursday, May 17, 2012. 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, Vice Chair; Tyler Quynn and Ed Kelly were present. Staff members present were: Steve Barney, Zoning Administrator; Stephanie Grove and Steve Groh, Assistant Prosecuting Attorneys 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 3:10 p.m.

1. Approval of the minutes from the March 15, 2012 meeting.

Ms. Huddle motioned to approve the minutes. Mr. Quynn seconded the motion and suggested the following corrections:

- a) Page 2, Item #7, paragraph 2, line 9, delete *due to*.
- b) Page 2, Item #7, paragraph 2, line 10, change *videotaping, the photography, filming* to *recording* and add a comma after *meetings*.
- c) Page 6, condition #16, insert a period after the word *Regulations* and capitalize the word *The*.
- d) Page 6, condition #19, rewrite the sentence to state, "*Drive-through restaurants and regular gas stations are prohibited.*"
- e) Page 6, condition #21, exchange the word *inside* with *within*.
- f) Page 6, condition #22, rewrite the sentence to state, "*Business hours are limited to 6:00 a.m. to 10:00 p.m.*"
- g) Page 7, condition #36, insert *an onsite supervising* after the word *finds*.

Mr. Bresee called for a vote which carried unanimously.

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

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

3. Variance request by property owners, Monique Gonzalez and Manuel Mercado, from Section 5.4(B) of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to 16' to allow for the construction of a 12' x 18' deck. Property location: Windmill Crossing Subdivision, 86 Don Quixote Drive, Charles Town, West Virginia. District: Charles Town (02); Map: 9C; Parcel: 101; Zoned: Residential-Light Industrial-Commercial; Size: 2,000 sq. ft.; File: #ZV12-15.

The applicant was not present to represent the request. Mr. Barney provided the Board with a brief summary of the request.

4. Variance request by property owners, James and Lindsay Gahagan, from Section 5.4(B) of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to

16' to allow for the construction of a 12' x 20' deck. Property location: Windmill Crossing Subdivision, 37 Don Quixote Drive, Charles Town, West Virginia. District: Charles Town (02); Map: 9C; Parcel: 142; Zoned: Residential-Light Industrial-Commercial; Size: 3,200 sq. ft.; File: #ZV12-16.

Lindsay Gahagan, applicant, presented her request to the Board. Mr. Bresee called for public comment. There was no public comment.

5. Variance request by property owner, Margaret Kubitschek, from Section 5.4-1 of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to 17' to allow for the construction of a proposed covered porch. Property location: 75 Pathfinder Court, Shepherdstown, WV. District: Shepherdstown (09); Map: 14B; Parcel: 11; Zoned: Rural; Size: .257 acres; File: #ZV12-17.

Mark Doody, contractor for the project, spoke on behalf of the applicant and presented the request to the Board. Mr. Bresee called for public comment. There was no public comment.

5. Variance request by property owner, Barbara Devolites, from Section 5.4(B) of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to 19' to allow for the construction of a 10' x 18' deck. Property location: Windmill Crossing Subdivision, 240 Monte Carlo Way, Charles Town, West Virginia. District: Charles Town (02); Map: 9C; Parcel: 17; Zoned: Residential-Light Industrial-Commercial; Size: 2,343 sq. ft.; File: #ZV12-18.

Barbara Devolites, applicant, presented her request to the Board. Mr. Bresee called for public comment. There was no public comment.

6. Variance request by property owner, Kevin Cox, from Section 5.4(B) of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to 12' to allow for the construction of a 12' x 19' deck with 4' bump-out for steps. Property location: Windmill Crossing Subdivision, 22 Monte Carlo Way, Charles Town, West Virginia. District: Charles Town (02); Map: 9C; Parcel: 63; Zoned: Residential-Light Industrial-Commercial; Size: 3,500 sq. ft.; File: #ZV12-19.

Kevin Cox, applicant, presented his request to the Board. Mr. Bresee called for public comment. There was no public comment.

7. Request by Linda M. Gutsell to reopen a hearing pursuant to Section 5.8 of the Board of Zoning Appeals (BZA) Rules of Procedure, regarding the April 19, 2012 BZA approval of a Conditional Use Permit application submitted by Twin Oaks Subdivision, LLC for the Morgan's Grove Market, File #CP12-01.

Ms. Gutsell, attorney, represented the request on behalf of her client, Twin Oaks Subdivision, LLC. Ms. Gutsell explained that while the City of Shepherdstown had both water and sewer capacity, the lines themselves did not extend to the applicant's property. She stated that the requirement to hook up to the public water and sewer lines would require the line to run over private property, which the applicant has no control over, or the Town must exercise eminent domain, which is also a process

the applicant has no control. Ms. Gutsell questioned whether installation of utility lines crossing private property was the Board's intent when Condition #18 was placed on the proposed project. Ms. Gutsell also offered that the Board may choose to reopen the public hearing because other nearby property owners may not support the Condition if they became aware that they may have to connect to public utilities once the public water and sewer lines are installed. In addition, Ms. Gutsell argued that Condition #26, which restricts the size of the buildings, may have unintended consequences. By limiting the size of all structures on the property the Board has also limited buildings intended for uses that are considered principal permitted uses within this zoning district.

Ms. Huddle questioned if the acreage was large enough to accommodate an onsite alternative system for water and sewer considering the size of the development and the karst geology. Mr. Groh stated that the property was large enough to accommodate a residential system but was unsure of the size requirements for a commercial system.

Peter Corum explained that he believed the size restrictions imposed on the project would hinder the design potential of the proposed structures.

Mr. Barney brought to the Boards attention that Condition #20 regarding the pedestrian access points within the 10 foot landscape buffer would require a variance from Section 4.11 of the Jefferson County Zoning and Land Development Ordinance because the Section requires a continuous buffer.

Mike Austin representing the Shepherdstown Community Club stated he was not opposed to reopening the public hearing.

Mr. Barney provided the Board a copy of an email submitted to the office on April 10, 2012, by Joe and Ann Spurgas which requested that the applicant provide a 2 or 3 tier natural opaque vegetative buffer at least 8' high. Mr. Barney explained that while the Board did not receive the email in the agenda packet for the April 19, 2012 meeting Mr. Spurgas made the request at the March 2, 2012 compatibility assessment meeting and during the subsequent Board of Zoning Appeals public hearing.

Ms. Huddle motioned to go into deliberative session at 3:48 p.m. Mr. Kelly seconded the motion, which carried unanimously. Staff members Jennilee Hartman and Steve Barney left the meeting room.

Ms. Huddle motioned to come out of deliberative session at 4:40 p.m. Mr. Quynn seconded the motion, which carried unanimously.

Board of Zoning Appeals Rulings

3. Variance request by property owners, Monique Gonzalez and Manuel Mercado, from Section 5.4(B) of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to 16' to allow for the construction of a 12' x 18' deck.

Mr. Kelly motioned to approve the above referenced request. Ms. Huddle seconded the motion, which carried unanimously.

4. Variance request by property owners, James and Lindsay Gahagan, from Section 5.4(B) of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to 16' to allow for the construction of a 12' x 20' deck.

Mr. Kelly motioned to approve the above referenced request. Mr. Quynn seconded the motion, which carried unanimously.

5. Variance request by property owner, Margaret Kubitschek, from Section 5.4-1 of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to 17' to allow for the construction of a proposed covered porch.

Mr. Quynn motioned to approve the above referenced request. Mr. Kelly seconded the motion, which carried unanimously.

6. Variance request by property owner, Barbara Devolites, from Section 5.4(B) of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to 19' to allow for the construction of a 10' x 18' deck.

Mr. Kelly motioned to approve the above referenced request. Mr. Quynn seconded the motion, which carried unanimously.

7. Variance request by property owner, Kevin Cox, from Section 5.4(B) of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to 12' to allow for the construction of a 12' x 19' deck with 4' bump-out for steps.

Mr. Kelly motioned to approve the above referenced request. Ms. Huddle seconded the motion, which carried unanimously.

8. Request by Linda M. Gutsell to reopen a hearing pursuant to Section 5.8 of the Board of Zoning Appeals (BZA) Rules of Procedure, regarding the April 19, 2012 BZA approval of a Conditional Use Permit application submitted by Twin Oaks Subdivision, LLC for the Morgan's Grove Market, file #CP12-01.

Ms. Huddle motioned in consideration of the request and the statements of the applicant that the Board finds the following and concludes that the party making the request has not adequately explained why the evidence he or she seeks to present was not presented at the prior meeting. Mr. Kelly seconded the motion, which carried 3 for and 1 opposed (Mr. Quynn).

9. Director's Report. Mr. Barney informed the Board of the June Planning Commission meeting in which the Commercial Zoning Districts amendment may be voted on and then sent to the County Commission for consideration and possible action in July.

10. Legal Update. Ms. Grove informed the Board that she would be completing the draft of the Findings of Fact and Conclusions of Law for the Morgan's Grove Market Conditional Use Permit for signature.
11. Signing of written decisions from prior Board of Zoning Appeals meetings.
 - a. Variance request by property owners, Frank and Tammy Spiker, from Section 9.7 of the Zoning and Land Development Ordinance, for a reduction of the side setback distance from 12' to 5' to allow for the expansion of the existing residence. Property location: 7678 Leetown Road, Kearneysville, West Virginia. District: Middleway (07); Map: 22; Parcel: 15; Zoned: Rural; File: #ZV12-10. (BZA meeting date 03/15/12) Signed.
 - b. Public hearing and action on the Conditional Use Permit application submitted by Twin Oaks Subdivision, LLC for the Morgan's Grove Market to establish "an agricultural based economic empowerment zone." Intended uses are to consist of, but are not limited to, a Food Hub, General Merchandise (retail), Professional/Business Offices, Community Amenities, and other associated uses. Property location: 3988 Kearneysville Pike, Shepherdstown, West Virginia. District: Shepherdstown (09); Map: 13; Parcels: 26.1, 26.2, 26.3, 26.4; Zoned: Rural; Size: 13.69 acres; File: #CP12-01. (BZA meeting date 04/19/12). Not available for signature.
 - c. Postponed from the January 19, 2012 meeting. Variance request by property owner, Brandon French, from Section 9.7 of the Zoning and Land Development Ordinance for a reduction of the rear setback from 50' to 20' to allow for the placement of a 50'x16' storage building. Property location: 47 Harrow Place, Charles Town, West Virginia. District: Charles Town (02); Map: 8-1; Parcel: 32.9; Size: 3 acres; Zoned: Rural; File: #ZV12-01. (BZA meeting date 02/16/12) Signed.
12. Correspondence. None.

Ms. Huddle motioned to adjourn the meeting at 4:56 p.m. Mr. Kelly seconded the motion, which carried unanimously.

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

Jefferson County Board of Zoning Appeals Consideration of a Variance

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

Section 3.4 Boards and Commissions²³

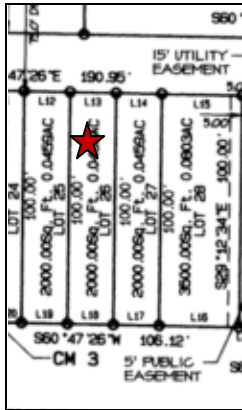
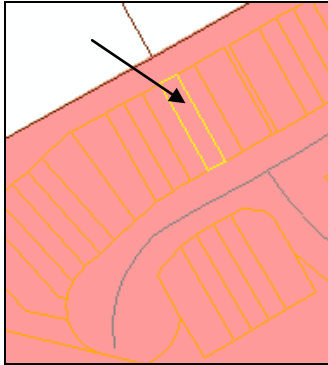
A. Board of Zoning Appeals

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

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 June 21, 2012

Josh and Jessica Powell Variance Request (#ZV12-20)

Item #3 Variance request by property owners, Josh and Jessica Powell, from Section 5.4(B) of the Zoning and Land Development Ordinance for a reduction of the rear setback distance from 20' to 12' to allow for the construction of a 16' x 20' deck.

APPLICANT:	Josh and Jessica Powell
OWNER:	Same as above
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	Windmill Crossing Subdivision, 204 Monte Carlo Way, Charles Town, West Virginia
LEGAL DESCRIPTION:	District: Charles Town (02); Map: 9C; Parcel: 26 
ZONING DISTRICT:	Zoning Map Designation: Residential-Light Industrial-Commercial (R-LI-C) 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North:</i> R-LI-C <i>South:</i> R-LI-C <i>East:</i> R-LI-C <i>West:</i> R-LI-C
LOT AREA:	2,000 square feet
VARIANCE(S):	None
APPROVED ACTIVITY:	Residential
Community Impact Statement	PC Approval: 02/11/03
Preliminary Plat	Staff Approval: 11/22/04
Final Plat (PC File #03-01)	PC Approval: 01/11/05

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 21, 2012

Josh and Jessica Powell Variance Request (#ZV12-20)

RELEVANT INFORMATION:

1. Overview of Request

The applicant seeks a rear yard setback variance of 8' in order to construct a 16' x 20' deck.

Per the material submitted with the variance request, the townhome is approximately 28 feet from the rear property line. The proposed deck would be 20' wide and would extend 16' from the townhome towards the rear property line.

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

Section 9.5 of the Zoning Ordinance allows a 4-foot encroachment into yards for certain types of projections, including uncovered porches, provided that such projections are not over 10 feet in width. This section would not apply in this instance, however, because this structure is 20' in width and encroaches an additional 4' into the rear setback area.

2. Applicant's Justification of Request

In the application submitted for the variance request, the applicant has provided the following responses to the four criteria for a variance:

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

The application states, "The structure we are requesting will not impede upon our neighbor's property on our sides and behind our home is open space."

- 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, "Due to setback requirements, deck site is limited & will not allow adequate living space. A variance will allow for greater usable space."

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

The application states, "As homeowners this structure will allow us to enjoy the outdoors of our property and to entertain guests from time to time."

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

The application states, "We will follow all necessary procedures to obtain a building permit as well as have all required inspections."

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 21, 2012

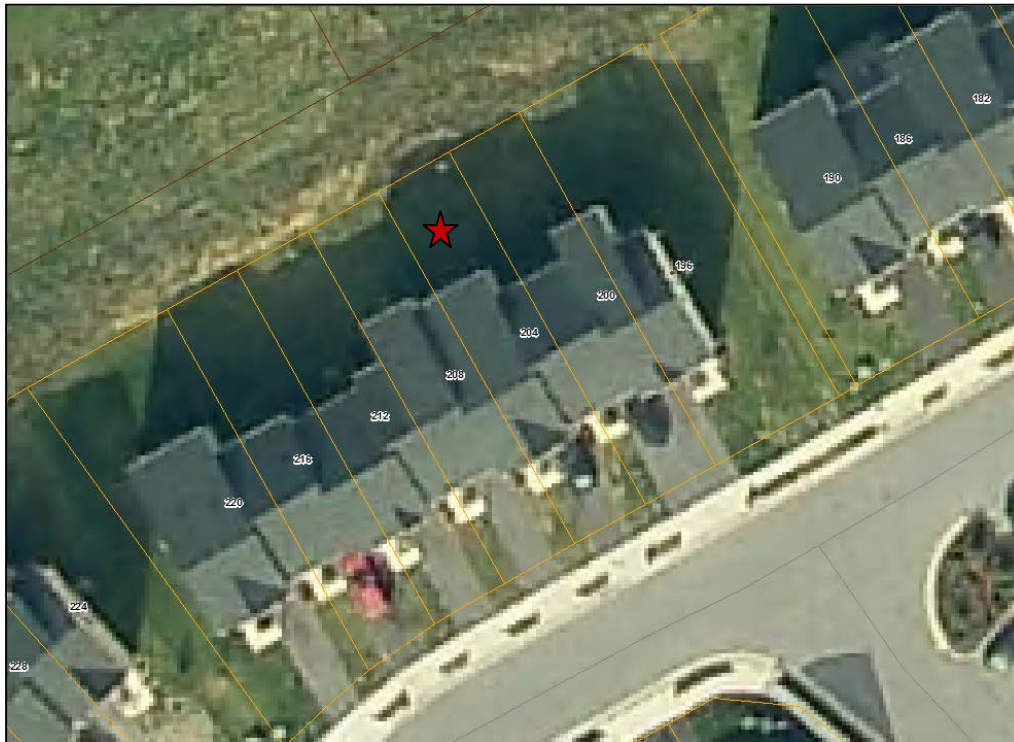
Josh and Jessica Powell Variance Request (#ZV12-20)

3. Staff Evaluation of Request

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

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

The applicant's rear property line adjoins the subdivision's dedicated utility easement. Therefore granting this variance would not appear to adversely affect adjacent property owners to the rear.



4. Possible Conditions of Approval

No conditions of approval are identified for this variance request.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 June 21, 2012

Josh and Jessica Powell Variance Request (#ZV12-20)

SECTION OF ORDINANCE TO BE CONSIDERED:

Table 5.4 - 1 Residential Growth District - Height and Yard Requirements^{5, 19, 23}

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

2V12-20

JEFFERSON COUNTY BOARD OF ZONING APPEALS
VARIANCE REQUEST

RECEIVED

MAY 07 2012

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

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

Property Owner(s): Josh & Jessica Powell

Address: 204 Monte Carlo Way
Charles Town, WV 25414

Phone Number: 443-614-4359

Location of Property: Windmill Crossing (see Map & directions attached)

Lot Size: .0459 acres

Deed Book Reference: Deed Book Number 1058 Page Number 249

Tax Map Reference: District 02 Map 9C Parcel 0026

Zoning District: R-11-C

Section of Ordinance: 5.4(B)

Sketch on a separate 8 1/2" X 11" sheet of paper the shape and location of the lot indicating all roads, rights of ways, and easements. Show the location of the intended construction or land use indicating building setbacks (distance structure is from all boundary lines) size and height. Identify all existing buildings, structures or land uses on the property. Sign and date the sketch.

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

We are requesting a variance in order for us to build a deck onto the back of our townhouse that will extend past the set back line of our property from 20 to 12. The deck will be 20x16.

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
MAY 07 2012
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

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

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

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

The structure we are requesting will not ^{impede upon} ~~be visible to~~ our neighbors' ~~eyes~~ ^{property on} our sides and behind our home is open space.

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:

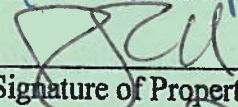
Due to set back requirements, deck size is limited, it will not allow adequate outdoor living space. A variance will allow for greater usable space.

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

As home owners this structure will allow us to enjoy the outdoors of our property and to entertain guests from time to time.

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

We will follow all necessary procedures to obtain a building permit as well as have all required inspections.


Signature of Property Owner

John Powell
Print Name

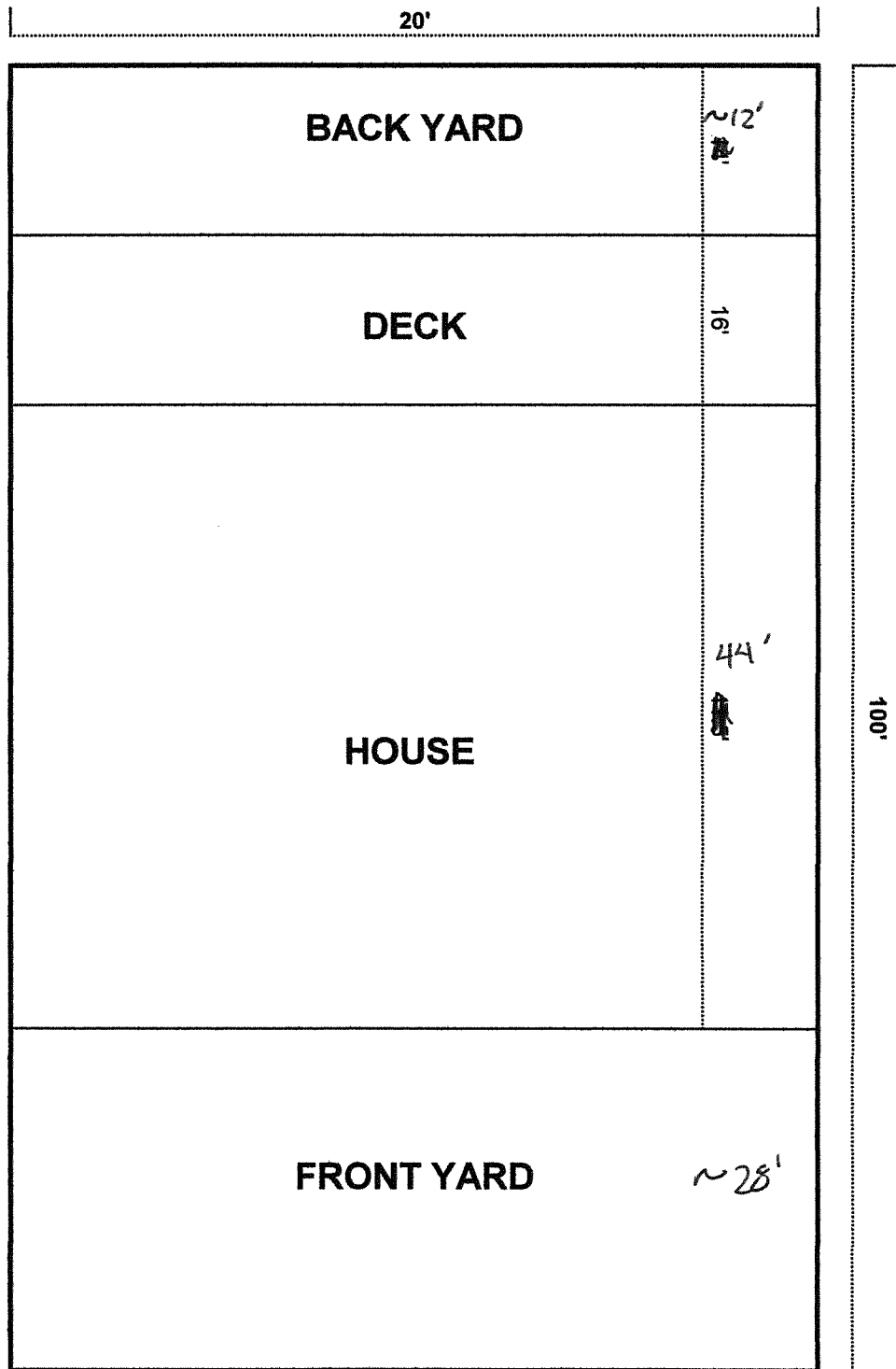
5-7-12
Date

FOR OFFICIAL USE ONLY	
Fees Paid: <u>\$100.00</u>	Date Application / Fees Received: <u>May 7, 2012</u>
Date of meeting / Public Hearing: <u>June 21, 2012</u>	
Official Administrative Body: <u>Jefferson County Board of Zoning Appeals</u>	
Posting Requirements: <u>15</u>	Number of Days Prior to Scheduled Hearing
Advertising Dates: <u>WEDNESDAY JUNE 6, 2012</u>	
Official Action of Board: _____	

Official Signature and Seal: _____	

Joshua C Powell
Building Structure Addition - Deck
204 Monte Carlo Way, Charles Town, WV
Community- Windmill Crossing
Lot #26
21-Apr-2012

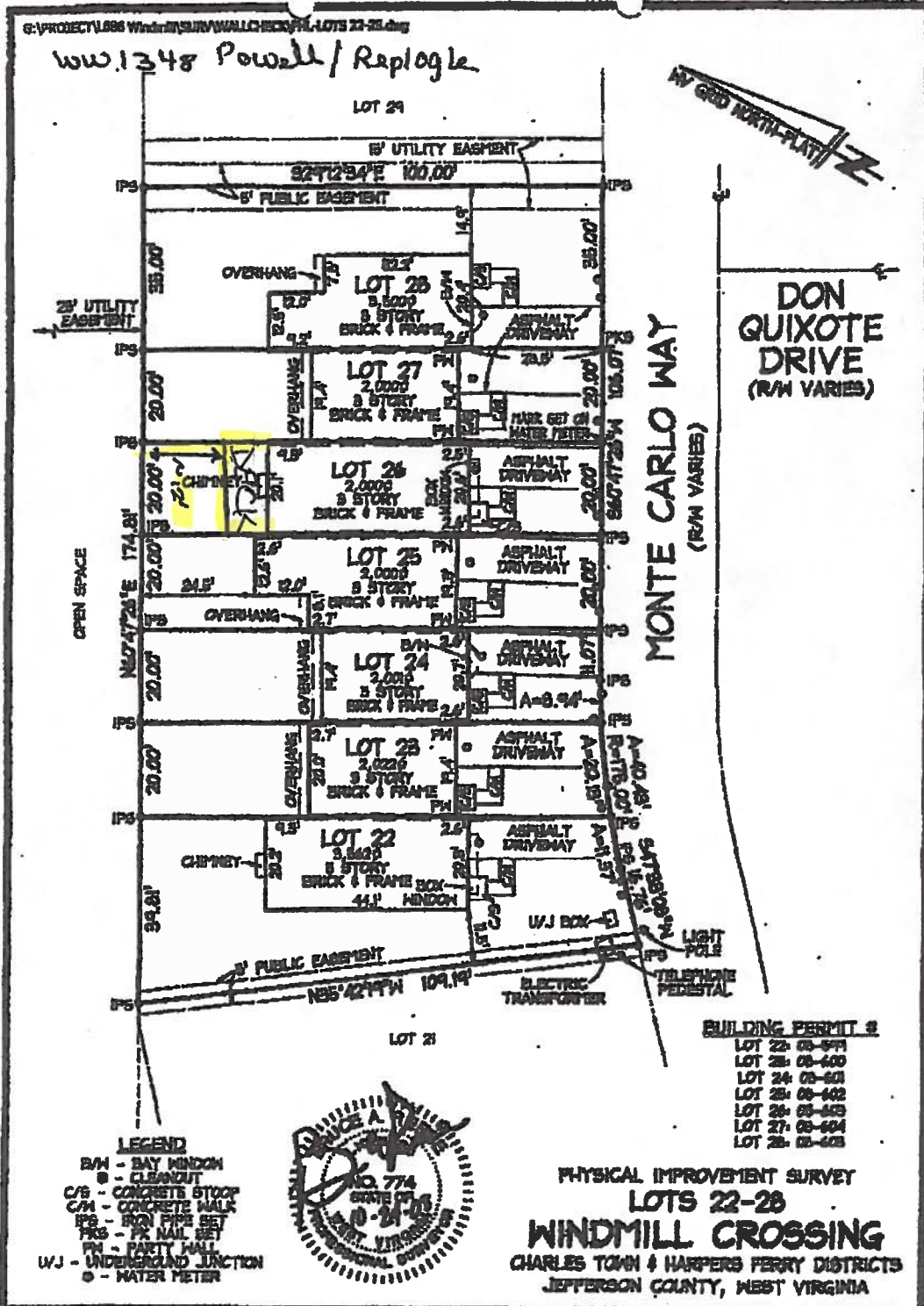
#7112-20



G:\PROJECT\1886 Windmill\SURV\WALLCHECK\FIL-LOTS 22-28.dwg

ww.1348 Powell / Rapplogle

#2112-20



BUILDER: RYAN HOMES

DRAFTED BY: MFM

The Engineering Groupe Inc.

Engineers / Surveyors / Planners
 11200 Campus Drive, Suite 200 Woodbridge, Virginia 22192
 Phone (703) 670-0725 Fax (703) 670-7769

NO TITLE REPORT FURNISHED

SCALE: 1"=25'

FINAL: OCTOBER 24, 2006
 DATE: SEPTEMBER 15, 2006

#ZV12-20



Notes

Address - Joshua Powell

Trip to:

204 Monte Carlo Way

Charles Town, WV 25414-6031

2.81 miles / 6 minutes

A 116 E Washington St, Charles Town, WV 25414-1004

● 1. Start out going **northeast** on **E Washington St / US-340-BR N / WV-51 E** toward **S Samuel St**. Continue to follow **E Washington St**. [Map](#) **1.2 Mi**
1.2 Mi Total

↑  2. **E Washington St** becomes **US-340 N**. [Map](#) **1.3 Mi**
2.5 Mi Total

↘ 3. Turn **right** onto **Marlowe Rd**. [Map](#) **0.1 Mi**
Marlowe Rd is 0.8 miles past Somerset Village Rd
If you reach Halltown Rd you've gone about 0.4 miles too far
2.6 Mi Total

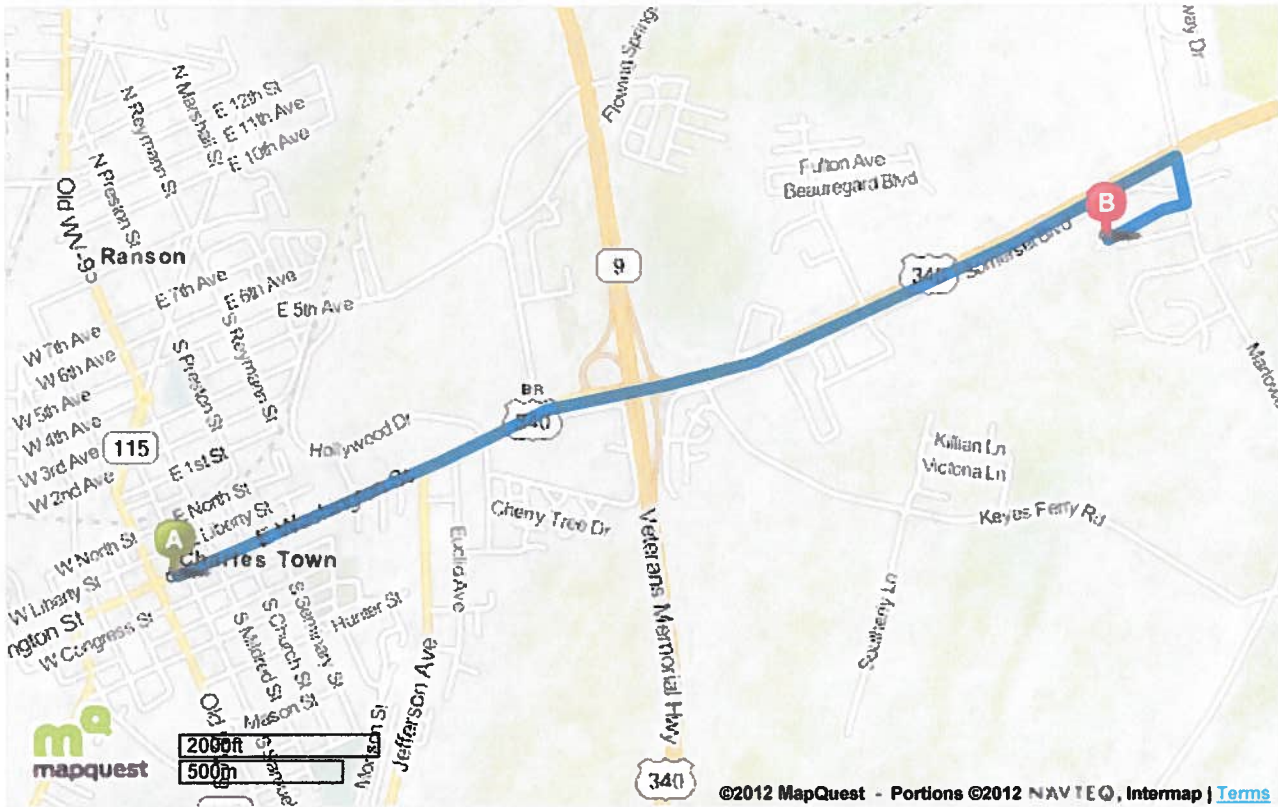
↘ 4. Take the **2nd right** onto **Monte Carlo Way**. [Map](#) **0.2 Mi**
Monte Carlo Way is just past Somerset Blvd
If you are on Marlowe Rd and reach Don Quixote Dr you've gone a little too far
2.8 Mi Total

■ 5. **204 MONTE CARLO WAY** is on the **right**. [Map](#)
Your destination is just past Aladdin Way
If you reach the end of Monte Carlo Way you've gone a little too far

B 204 Monte Carlo Way, Charles Town, WV 25414-6031

2/12-20

Total Travel Estimate: 2.81 miles - about 6 minutes





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Recommended for You

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 June 21, 2012

William and Kristin Friend Variance Request (#ZV12-21)

Item #4 Variance request by property owners, William and Kristin Friend, from Section 9.7 of the Zoning and Land Development Ordinance, for a reduction of the rear setback distance from 50' to 20' to allow for the construction of a 30' x 40' storage building.

APPLICANT:	William and Kristin Friend
OWNER :	Same
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	498 Old Middleway Road, Kearneysville, West Virginia
LEGAL DESCRIPTION:	District: Middleway (07); Map: 22; Parcel: 33.20 
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:	4 acres
PRIOR CASES:	None
VARIANCE(S):	None
APPROVED ACTIVITY:	Residential

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 21, 2012

William and Kristin Friend Variance Request (#ZV12-21)

RELEVANT INFORMATION:

1. Overview of Request

The applicant is seeking a reduction of the rear setback distance from 50' to 20' construct a 30' x 40' storage building.

2. Previous Case History

There is no previous case history for this property.

3. Applicant's Justification of Request

In the application submitted for the variance request, the applicant has provided the following responses to the four criteria for a variance:

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

The application states, "The variance will insure that the surrounding neighbors and their view are not adversely affected."

b) *Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance.*

The application states, "There are no special conditions or attributes causing a need for the variance on this property. However, we are trying to protect our neighbor's view shed."

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

The application states, "By placing the building closer to the boundary the cost of excavating will be less and will allow the rest of the land to be used productively for agriculture."

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

The application states, "Placing the building closer to the rear boundary will allow for less of an impact on the aesthetics of the community."

4. Staff Evaluation of Request

Lots that are located in the Rural District, and for which no setback was established by the Planning Commission, the setback requirements of Section 9.7 apply. For this lot, the applicable rear yard setback is 50'.

The proposed building is considered a residential accessory structure. The Zoning Ordinance (Section 9.6B) allows some flexibility regarding the required setbacks for accessory structures, which may be located "not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two." However, use of this provision would only yield a setback reduction of 10', and the applicants seek a setback reduction of 30'.

The property has substantial lot area (4 acres), which could allow for placement of the storage building in an alternate location. However, it is noted that the applicants have submitted a drawing showing the

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 21, 2012

William and Kristin Friend Variance Request (#ZV12-21)

existing layout of the site and the proposed location of the storage building. The drawing shows that some of the lot area is in agricultural use, with three gardens, a moveable chicken house and pasture, and two 100' rows of blackberry plants. A septic drainfield and reserve area is located near the front of the property.

A 2010 aerial photo of the property does not appear to show that all parts of the site are encumbered by these other uses. However, staff notes that the application indicates an intent to “allow the rest of the land to be used productively for agriculture”, which could entail the location of buildings near the perimeter of the lot in order to maximize the amount of uninterrupted ground area.

The owners of the adjacent lot located to the rear of the subject property have submitted a letter indicating support for granting the variance.



*General
location of
proposed shed*

5. Conditions of Approval

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

- a. The structure is limited to the size and the use described in the application submitted for this variance.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 21, 2012

William and Kristin Friend Variance Request (#ZV12-21)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.7 Other Exceptions

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

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

Rural Agricultural and Industrial Commercial

Single family residences --

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

ZV12-21

**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): William Kyle Friend, Kristin Renee Friend

Address: 498 Old Middleway Rd.
Rearneysville, WV 25430

Phone Number: (302) 740-1484 or (304) 676-3486

Location of Property: Heading west on Rt. 51 from Charles Town,
bear left at Y intersection, 3rd house on left

Lot Size: 4 acres

Deed Book Reference: Deed Book Number 1052 Page Number 454

Tax Map Reference: District 07 Map 22 Parcel 33.20

Zoning District: Rural

Section of Ordinance: 9.7

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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.

Due to the county zoning and development ordinance we are
unable to put our future building where we and our neighbors
would like it. If we are forced to place it 50' from the rear
boundary line it will block the view of our elderly neighbors
who enjoy sitting on their porch and watching traffic. At
their request we are applying for the variance to place the

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.

future building 20' from the rear boundary line
belonging to said neighbors.

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 variance will insure that the surrounding neighbors and their view are not adversely affected.

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

There are no special conditions or attributes causing a need for the variance on this property. However we are trying to protect our neighbors view shield.

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

By placing the building closer to the boundary the cost of excavating will be less and will allow the rest of the land to be used productively for agriculture.

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

Placing the building closer to the rear boundary will allow for less of an impact on the aesthetics of the community.

Kristin Friend

William Kyle Friend

Signature of Property Owner

Kristin Friend

William Kyle Friend

Print Name

5-17-12

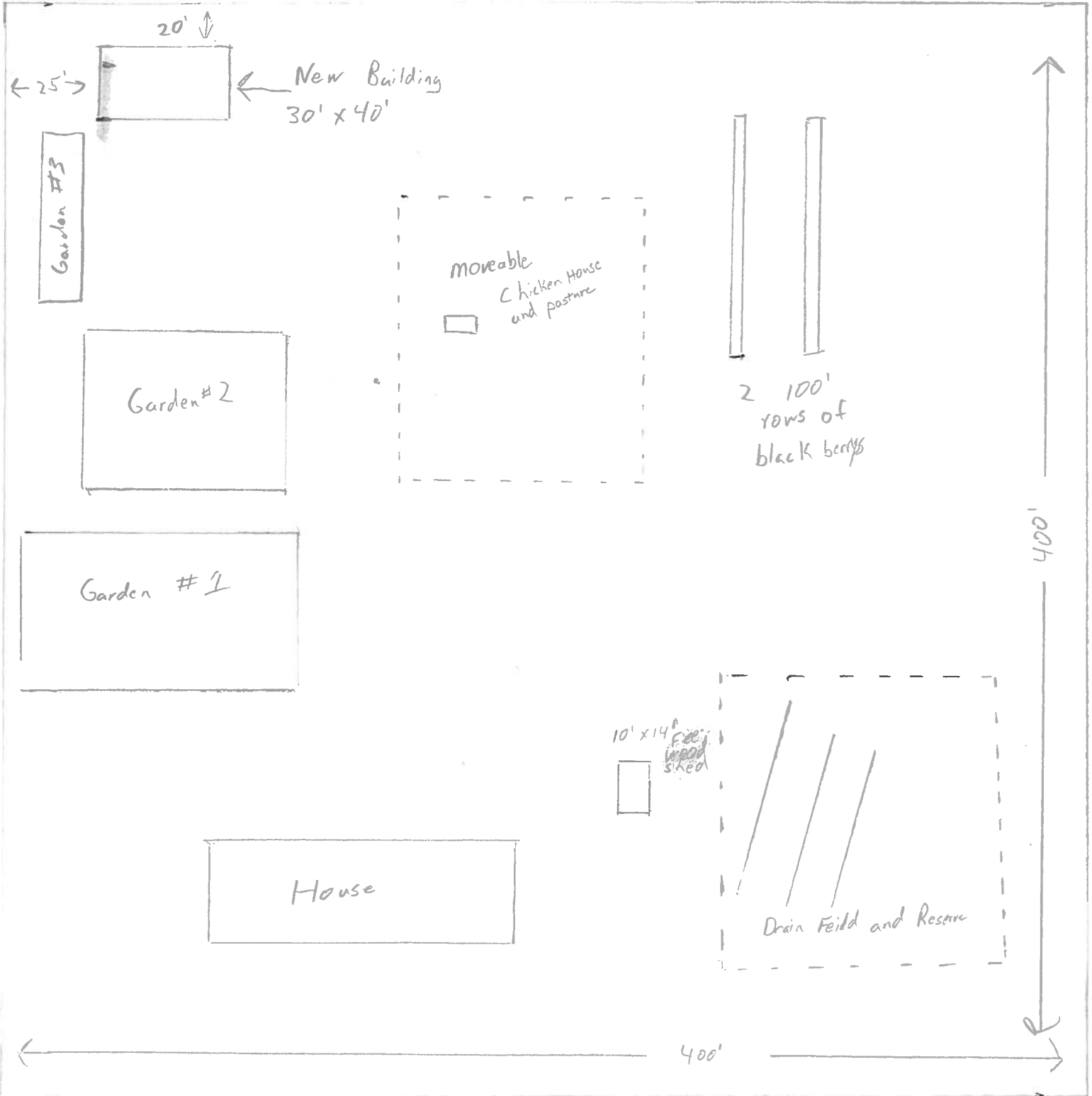
5-17-12

Date

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

Official Signature and Seal: _____	

Neighbors Home



← Charles Town

Old Middleway Rd.

#7V12-21

Old Madison I.

ZV12-21

69 Old Madison Lane
Kearneysville, WV 25430

June 3, 2012

Jefferson County Board of Zoning Appeals,

We would like to express our approval of our neighbors Kyle and Kristin Friend's variance request for a storage building. The variance would place the building 20 feet from our property line, which is the back of their property, and we have no problem with that. Varying the placement of the building will actually allow our view of the mountains from our front porch to be preserved. We fully agree with their variance request. If you need to contact us about this matter you can reach us at 304-725-5658.

Sincerely,

Harold Poston and Betty Poston

Harold Poston
Betty Poston

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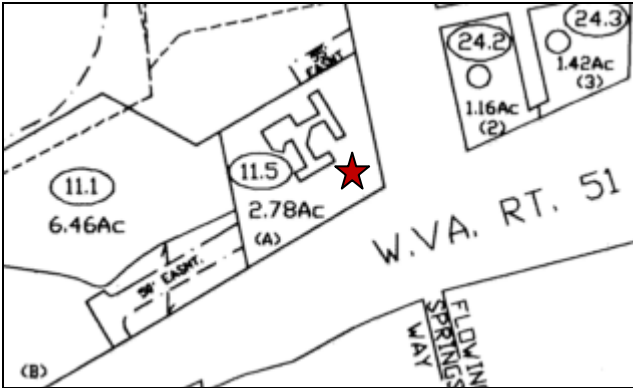
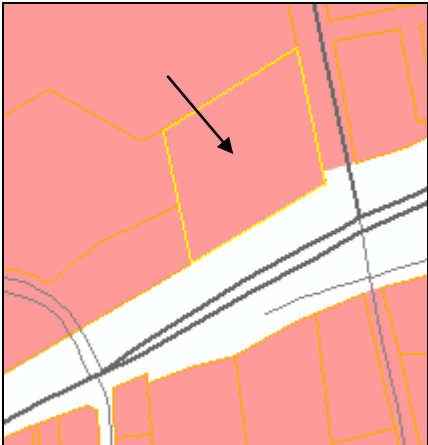
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JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Compatibility Assessment Meeting Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 June 21, 2012

**Proposed Renovation and Addition to Existing Sheetz Convenience Store
 Conditional Use Permit (#CP12-04)**

Proposed Use: Conditional Use Permit for the Proposed Renovation and Addition to Existing Sheetz Convenience Store.

APPLICANT:	Rick Turner, Diamond Z Engineering
OWNER:	Sheetz Incorporated
DEVELOPER:	
SURVEYOR/ENGINEER:	W.H. Gordon Associates
PROPERTY LOCATION:	51 Flowing Springs Road, Charles Town, West Virginia District: Charles Town (2); Map: 8; Parcel: 11.5
LEGAL DESCRIPTION:	
ZONING DISTRICT:	<p style="text-align: center;">Zoning Map Designation: Residential-Light Industrial-Commercial</p> 
SURROUNDING PROPERTIES:	<p style="text-align: center;">Zoning Map Designation:</p> <p><i>North:</i> R-LI-C <i>South:</i> R-LI-C <i>East:</i> R-LI-C <i>West:</i> R-LI-C</p>
LOT AREA:	2.781 acres
APPROVED ACTIVITY:	Sheetz Convenience Store
Conditional Use Permit #Z96-04	Official Issuance Signature: 09/19/96 Expiration Date: 01/23/98
Conditional Use Permit #Z97-07	Official Issuance Signature: 07/22/97 Expiration Date: 01/22/99

Compatibility Assessment Meeting Staff Report
Jefferson County Board of Zoning Appeals Meeting
June 21, 2012

Conditional Use Permit #CP12-04	Submitted: 05/18/12 Site Assessment Passed: N/A Compatibility Assessment Meeting: 06/08/12 BZA Meeting: 06/21/12 Official Issuance Signature: TBD Expiration Date: TBD
APPLICABLE DATES:	No Board of Zoning Appeals Public Hearing Required

RELEVANT INFORMATION:

A Compatibility Assessment Meeting regarding the proposed renovation and addition to an existing Sheetz convenience store was held on June 8, 2012 at 10:00 a.m. in the Charles Town Library Meeting Room, located at 200 E Washington Street, Charles Town, West Virginia.

1. Presentation of the Proposed Land Use

The proposed use was presented by Rick Turner with Diamond Z Engineering, representative for the project, who stated the following:

Description of Use

The project is to consist of increasing the existing 4,222 square foot convenience store with a 1,941 square foot addition by remodeling the interior and exterior of the structure. The applicant also seeks to reconfigure a portion of the existing canopy and install/replace existing signage.

Employees and Hours of Operation

The number of employees and hours of operation are not proposed to change.

Parking and Access

The existing parking lot provides adequate parking for the proposed addition. No changes are proposed to the driveways accessing the site.

Signage and Lighting

The signage along Route 17 (Flowing Springs Road) is to remain in the same location. The pole sign and storefront signage are to be updated with the newer version of the Sheetz logo, but the area of the signs is not proposed to increase.

2. Staff Comments

Staff asked the applicant to clarify the changes to the interior of the store. Mr. Turner displayed a drawing which indicated an expanded area for customer queuing and the self-serve coffee bar, customer restrooms, and beer cooler.

3. Public Testimony

Laura Gatto, a representative from Hollywood Casino, asked questions regarding any proposed changes to signage and site access.

4. Outcome

The meeting resulted in no unresolved issues.

#CP12-04



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

Charles Town, WV 25414

Proj. File Number: _____

Fees Paid (\$): _____

Staff Initials: _____

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

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Application for a Conditional Use Permit

A. Name of Project

PROPOSED RENOVATION AND ADDITION TO EXISTING SHEETZ CONVENIENCE STORE

B. Applicant Contact Information

Applicant Name: Rick Turner - Diamond Z Engineering

Mailing Address: 5670 State Road

City: Cleveland State: OH Zip Code: 44134

Phone Number: 440-842-6501 Email: rick.turner@diamondzengineering.com

C. Property Owner Information

Name of Property Owner: Sheetz Incorporated

Mailing Address: 5700 Sixth Avenue

City: Altoona State: PA Zip Code: 16602

Phone Number: 814-946-3611 Email: tcolumbu@sheetz.com

D. Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Jason Gerhart - WH Gordon & Assoc

Mailing Address of Engineer(s) or Surveyor(s): 301 N. Mildred Street

City: Charles Town State: WV Zip Code: 25414

Phone Number: 304-725-8456 Email: JGerhart@whga.com

E. Physical Property Details

Physical Property Address: 51 Flowing Springs Road

City: Charles Town State: WV Zip Code: 25414

Tax District: Charles Town Map #: 8 Parcel #: 11.5

Parcel Size: 2.781 acres Deed Book: 856 Deed Bk. Pg. #: 133

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

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F. Please provide any information or known history regarding this property (e.g., zoning certificate, site plan, subdivision variance, etc.)

Original CUP for Sheetz development certified July 23, 1996, signed Sep. 19, 1996.

Revised CUP for addition of a second canopy and 4 dispensers certified and signed July 22, 1997.

G. Original signatures of all property owners are required. The information given is correct to the best of my knowledge.

RM Turner 5/18/12
Signature of Property Owner 1 Date

Signature of Property Owner 2 Date

Do not write below this line

- Sketch Plan (Pursuant to Section 7.4 (B)(C))
- Support Data (Pursuant to Section 7.4(D))
- List of adjacent and confronting (in front of) property owners, with addresses (Section 7.4 E)

Compatibility Assessment Meeting

Date

Notification

Date of public hearing

Advertising date

Posting Requirements (Number of days prior to scheduled hearing)

To Be Completed By Staff

Conditional Use Permit Application
Support Data
(please attach additional pages if necessary)

1. Name and address of a contact person.

(Refer to Conditional Use Permit Application Section B)

2. Name and address of the owner/developer.

(Refer to Conditional Use Permit Application Section C)

3. Type of development proposed (provide as much detail as possible).

Add 1,941 SF to existing 4,222 SF convenience store to bring total area to 6,163 SF.
Remodel store interior and exterior.
Remove the portion of canopy that connects the gas canopies to the building.
Erect small canopy above entrance door in place of canopy being removed.
Install 4 signs on building.
Install 2 new ground signs on existing foundations.

4. Acreage of original tract and property to be developed.

(Refer to Conditional Use Permit Application Section E)

5. General description of surface conditions (topography).

Existing gas station paved with concrete. Grade is relatively flat with water draining to catch basins and stormwater detention system.

6. Soil and drainage characteristics.

N/A

7. General location and description of any existing structures.

(See Sketch Plan)

8. General location and description of existing easements or rights-of-way.

(See Sketch Plan)

9. Existing covenants and restrictions on the land.

There are no known covenants or restrictions.

10. Intended improvements and proposed building locations including locations of signs (in addition to narrative, please also show locations on sketch plan).

Add 1,941 SF to existing 4,222 SF convenience store to bring total area to 6,163 SF.

Remodel store interior and exterior.

Remove the portion of canopy that connects the gas canopies to the building.

Erect small canopy above entrance door in place of canopy being removed.

Install 4 signs on building. Install 2 new ground signs on existing foundations.

11. Intended land uses.

Sheetz Convenience Store and Gas Station

12. Earth work that would alter topography.

No earthwork will take place that will alter the topography

13. Tentative development schedule.

Construction will begin as soon as necessary approvals can be obtained.

14. Extent of the conversion of farm land to urban uses.

No farm land will be affected by this project.

15. Affected wildlife populations.

No wildlife will be affected by this project.

16. Ground water and surface water and sewer lines within 1320 feet.

There are no known public uses of ground water within 1320 feet of the property. There are no surface waters or permanent surface water features evident within 1320 feet of the property. There is an on site storm water collection and detention system that empties into the open field to the north of the facility. A forced main sanitary sewer runs along the north and west boundaries of the property. The line is operated by the Jefferson County PSD.

17. Distance to fire and emergency services that would serve the site.

Fire service is provided by the Independent Fire Company 4, located 1.5 miles from the site and by Citizens Fire Company 2, located 1.3 miles from the site. Law enforcement is provided by the Jefferson County Sheriff's Department, located 1.3 miles from the site. Emergency services are provided by Jefferson Memorial Hospital, located 1.2 miles from the site.

18. Distance to the appropriate elementary, middle, and high school.

No public school services will be affected by this project.

19. Traffic characteristics - type and frequency of traffic; adequacy of existing transportation routes.

Traffic will continue to be handled by US Route 340, a controlled access road, and Secondary Route 17.

SEE REVISED ANSWER ON ADDENDUM 19

ADDENDUM 19

Traffic will be handled by Route 340 business and Secondary Route 17. The West Virginia Department of Highways provided the following 2008 traffic count data.

Route 340 east of Route 17	38,000 daily trips
Route 17 at Route 340 business	11,600 daily trips
Route 17/4 at Route 17	15,100 daily trips

Traffic volume was evaluated using the ITE trip generation manual, Land Use 853. In the previous CUP submittal, the traffic volume was calculated by the number of fueling positions. The number of fueling positions remains unchanged at 18, yielding, ADT = 9,767.

If traffic volume had previously been calculated by square footage, the original store of 4,222 sq. ft. would have yielded ADT = 3,552. The proposed store of 6,163 sq. ft., would yield ADT = 5,243. Since it is the higher number, ADT = 9,767 will be used.

Based on the methodology used in the ITE trip generation manual, no additional traffic is generated by the proposed development.

20. Demand for school services created by this development.

The proposed project will not cause an increase in demand for school services.

21. Proximity and relationship to historic structures or properties within two hundred (200) feet.

There are no known historic structures or properties within 200 feet.

22. Proximity to recreational facilities.

There will be no impact to existing recreational facilities.

23. Relationship of the project to the Comprehensive Plan.

The proposed project is compatible with the existing Residential Growth - Light Industrial - Commercial zoning.

Conditional Use Permit Supplemental Information
As Required by the Jefferson County Zoning and Land Development Ordinance
In addition to the Conditional Use Permit application, please submit the following items:

- Support Data (Section 7.4D)
- Sketch Plan (Section 7.4A-C)
- A list of all adjacent and confronting property owners, with addresses

The process and requirements for a Conditional Use Permit application are summarized below. For details regarding the full process and requirements, please see Articles 6 and 7 of the Jefferson County Zoning and Land Development Ordinance.

	Process Steps	Dates
1	Application and fees submittal	Applications may be submitted to the Planning and Zoning Department at any time during business hours
2	Scheduling of a Compatibility Assessment Meeting	At least 10 days following submittal of a complete application
3	Applicant submits 15 copies of Support Data and 15 copies of Sketch Plan.	At least 15 days before the meeting date
4	Planning and Zoning Department publishes notice of Compatibility Assessment Meeting	At least 15 days before the meeting date
5	Applicant posts sign (provided by Planning and Zoning Department) on property	At least 15 days before the meeting date
6	Compatibility Assessment Meeting	Within thirty (30) days from the date that the meeting is scheduled by the staff
7	Board of Zoning Appeals Meeting (if not subject to public hearing)	May be heard on the next available Board of Zoning Appeals agenda.
8	Board of Zoning Appeals Meeting (if subject to public hearing)	Between 30 and 60 days from the date of the Compatibility Assessment Meeting.

Copies of the application, sketch plan, and development review data shall be available for public review in the Planning Office at such time as the proposed development is advertised in the newspaper.

Section 7.4A-C

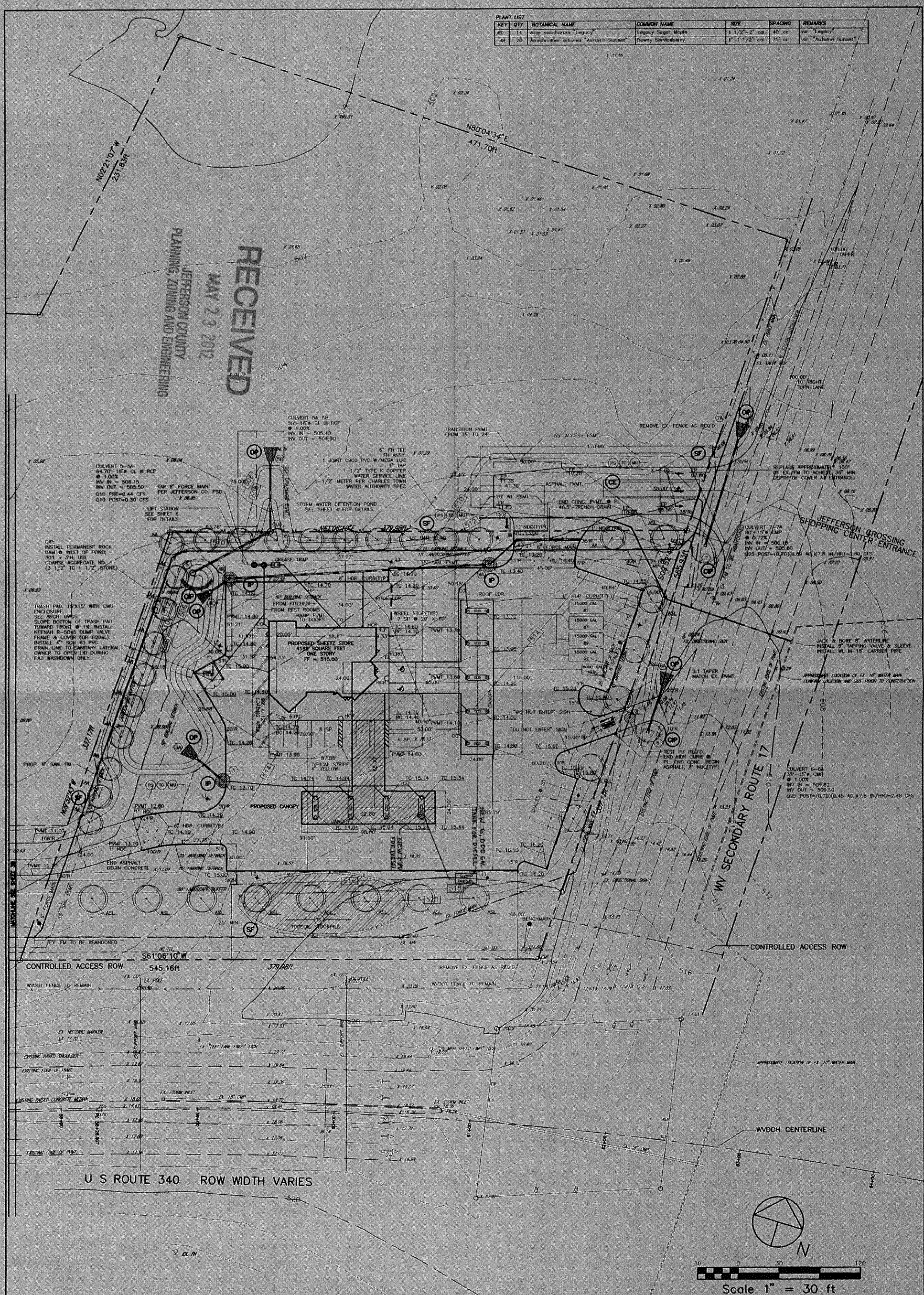
A sketch plan detailing the project shall be submitted. The sketch plan shall:

- Include the entire original parcel as it appeared on the date the Zoning and Land Development Ordinance took effect (Oct. 5, 1988).
- Be drawn to a reasonable scale (e.g. 1" = 50', 1" = 100', or 1" = 200').
- Show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries.
- Include contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Departments of Planning, Zoning, and Engineering, superimposed on the sketch plan. The source of all contour lines shall be noted on the plan (Please note: Upon request, the GIS/Addressing Department will provide a contour map).
- Delineate natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries.

The sketch plan should be accompanied by a tract location map and a soils report indicating the soil types on the parcel and a map delineating the boundaries of each soil type. For soil maps and data, see the USDA NRCS web soil survey at <http://websoilsurvey.nrcs.usda.gov>

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	REMARKS
45	14	Acer saccharinum 'Legacy'	Legacy Sugar Maple	1 1/2" - 2" cal.	40' oc.	var. Legacy
44	20	Asteracanthus phoeniceus 'Autumn Straw'	Downy Serviceberry	1" - 1 1/2" cal.	70' oc.	var. Autumn Straw

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JOB NO. 957803 SHEET 3A/7	DATE 04/09/07 SCALE 1" = 30' DRAWN JCL CHECKED JCL		PAINTER-LEWIS, P.L.C. 302 South Braddock Street, Suite 200 Winchester, Virginia 22601 Telephone (540)662-5792 Facsimile (540)662-5793	PROJECT SHEETZ INCORPORATED ROUTE 304 & ROUTE 17 JEFFERSON COUNTY, WEST VIRGINIA	DRAWING TITLE SITE PLAN	5 FEB96 ADDED NEW DIESEL PUMP 86D
						4 22-RIL97 ADD CANOPY / 4 MPD UCL
3 5MAY97 RELOCATE 6" FORCE MAIN UCL						
2 15APR97 COUNTY COMMENTS UCL						
1 4APR97 SHIFT BUILDING JCL						
NO. DATE DESCRIPTION BY						

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MAY 23 2012

JEFFERSON COUNTY
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VICINITY MAP 1" = 1 MILE

LINE	DIRECTION	DISTANCE
L1	S82°31'00"E	21.78
L2	N61°06'19"E	170.96
L3	N88°59'41"E	56.00
L4	N88°59'41"W	75.00
L5	S81°06'19"W	20.00
L6	S82°31'00"E	75.00
L7	N82°38'46"W	8.82
L8	S21°21'44"W	89.30
L9	N82°38'46"E	10.66
L10	N61°06'19"E	20.00
L11	S82°38'46"E	15.00
L12	S82°38'46"E	15.00
L13	S82°38'46"E	15.00
L14	S61°05'59"W	7.44

CURVE LENGTH	DELTA	RADIUS	TANGENT DIRECTION	CHORD
C1	13.52	8770.56	20.67	7.02
C2	13.52	8770.56	20.67	7.02
C3	16.78	5220.05	20.67	10.11
C4	16.78	5220.05	10.11	18.14

CHARLES TOWN RACING
LTD. PARTNERSHIP
D.B. 515 PG. 125
MAP 08 PARCEL 11

PLAT NORTH
REF. D.B. 576 PG. 597

APPROVED BY THE
JEFFERSON COUNTY
PLANNING COMMISSION
PLANNING DIRECTOR
DATE

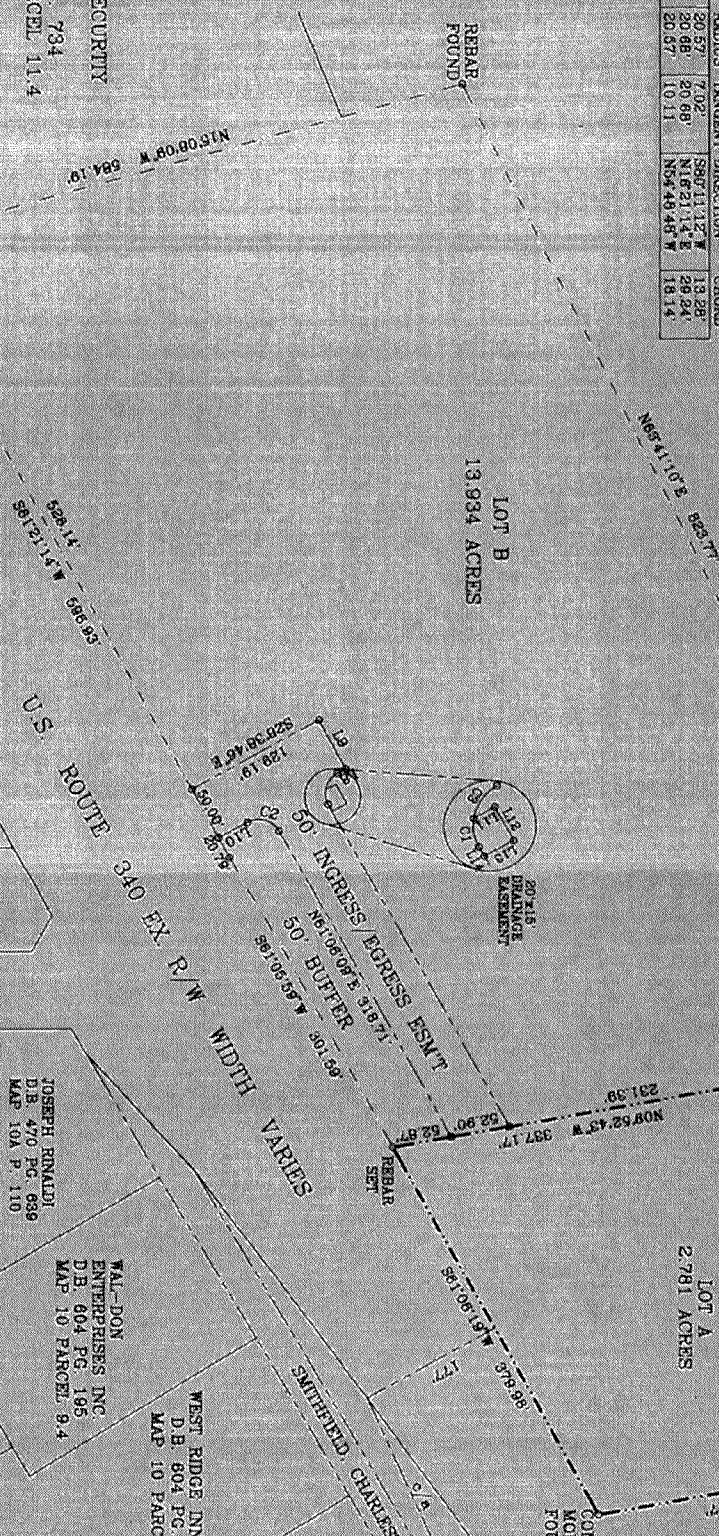
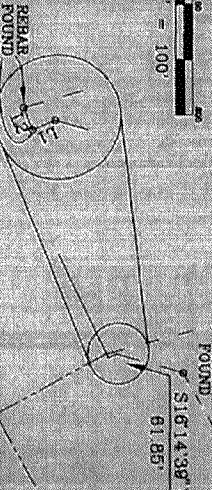
JEFFERSON SECURITY
BANK
D.B. 594 PG. 734
MAP 08 PARCEL 11.4



DEVELOPER
SHEETZ INCORPORATED
5700 SIXTH AVENUE
ALTOONA, PA. 16602
(814) 946-3611

SOUTHLAND
CORPORATION
D.B. 399 PG. 374
MAP 10A P. 76

COMMUNITY OIL
CO. INC.
D.B. 217 PG. 413
MAP 10A P. 76



JUDY
MOLER
D.B. 636 PG. 115
10A P. 107
15' R/W

JOSEPH
STEVENSON
D.B. 132 PG. 132
10A P. 112

LEE MOORE
D.B. 712 PG. 707
10A P. 112

JOSEPH PINAUDI
D.B. 470 PG. 688
MAP 10A P. 110

WAL-DON
ENTERPRISES INC.
D.B. 604 PG. 195
MAP 10 PARCEL 9.4

WEST RIDGE INN INC.
D.B. 604 PG. 195
MAP 10 PARCEL 9.5

FCT CORP.
D.B. 598 PG. 187
MAP 10 PARCEL 9.17

S & S PROPERTIES
D.B. 791 PG. 291
MAP 10 PARCEL 9.18

FCT CORPORATION
D.B. 596 PG. 187
MAP 10 PARCEL 9

WV LIMITED
PARTNERSHIP
D.B. 792 PG. 98
MAP 08 PARCEL 24

WV LIMITED
PARTNERSHIP
D.B. 792 PG. 98
MAP 08 PARCEL 24.1

WV LIMITED
PARTNERSHIP
D.B. 792 PG. 98
MAP 08 PARCEL 24.2

WV LIMITED
PARTNERSHIP
D.B. 792 PG. 98
MAP 08 PARCEL 24.3

WV LIMITED
PARTNERSHIP
D.B. 792 PG. 98
MAP 08 PARCEL 24.4

WV LIMITED
PARTNERSHIP
D.B. 792 PG. 98
MAP 08 PARCEL 24.5

- NOTES:
1. LOT A = 2.781 ACRES
 2. RESIDUE = 13.934 ACRES
 3. TOTAL AREA = 16.715
 4. THE PROPERTY SHOWN HEREON IS TO BE SERVED BY PUBLIC WATER & PUBLIC SEWER BY GRAPHIC PLOTTING THIS PROPERTY IS IN ZONE "C" AREA OF MINIMAL FLOODING AS PER F.I.R.M. MAP 640066 0050 C DATED AUG. 2, 1993
 5. ALL LOT CORNERS ARE TO BE 5/8" x 24" SET UNLESS OTHERWISE SHOWN

STATEMENT OF ACCEPTANCE
THE DEVELOPER IN SIGNING THIS PLAT AGREES TO ACCEPT AND ABIDE BY ALL APPLICABLE STANDARDS AND REGULATIONS PROVIDED HEREON.

SUBJECT'S CERTIFICATION
I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WAS MADE BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCORDS TO THE STANDARDS OF CLSURE 17600 OR BETTER.

FINAL PLAT
SHOWING LOTS A & B
PROPERTY OF CHARLES TOWN RACING
LTD. PARTNERSHIP
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, W. VA.
REF. D.B. 687 PG. 743
MAP 08 P/O PARCEL 11.1

TRUMAN YEBERHETSKY & ROBERTS
SURVEYORS & ENGINEERS
P.O. BOX 536 INWOOD, W. VA. 25426
(304) 229-2123

DRAWN BY DATE SCALE DWG. NO.
GSS 10/29/96 1"=100' 95-312