



Jefferson County
Board of Zoning Appeals
Thursday, August 27, 2015, 2:00 p.m.

Members
Tyler Quynn, Chair
Jeffrey Bannon, Vice Chair
Christy Huddle
Matt Knott
Ted Schiltz
Jeff Bresee, Alternate

The Jefferson County Board of Zoning Appeals will meet in the Charles Town Library Conference Room located at 200 East Washington Street, at the side entrance on Samuel Street, in Charles Town, West Virginia. Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Approval of the minutes from the July 16, 2015 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Variance from Section 4.10A to waive the requirement of a site plan for a 40' x 35' (1,400 sq. ft.) addition to an existing church to be used for children's ministries. Owner: CrossPoint Church of God. Location: 3066 South Childs Rd, Kearneysville, WV. District: 07; Map: 21; Parcel: 5.14; Zone: Rural; Size: 2.64 ac; File: ZV15-18
4. Variance from Section 5.7B.1 to reduce the front setback from 40' to 14' for a constructed 24' x 32' garage and from Section 9.6C to allow an accessory structure in the required front yard.. Owner: Karen Valentine. Location: 384 Potomac Ridge Ln, Shepherdstown WV. District: 09; Map: 10; Parcel: 9.17; Zone: Rural. Size: 3 ac; File: ZV15-19.
5. Variance from Section 4.10A to waive the site plan requirement; and from Appendix B to reduce the front parking setback from 15' to 0', to allow the construction of a 25' x 120' parking pad to be used as a drop off/pick up area for families awaiting the school bus.. Owner: Locust Hill HOA Inc. Charles Town WV. Location: Locust Hill Subdivision Common Area (Parcel A), Oakmont Dr. District: 02; Map: 13A-4; Parcel: 182; Zone: Rural; Size: .423 ac; File: ZV15-20.
6. Discussion and action regarding the Surety Bond Agreement for the recent All Good Music Festival and Camp Out. Documentation from the Principal shall be provided to the Department of Zoning prior to September 1, 2015 for presentation to the County Commission on September 3, 2015 to determine whether the County has incurred any unexpected costs pursuant to the Bond Agreement. The Board of Zoning Appeals may take action to conditionally terminate this Bond only upon confirmation from the County Commission that the Principal has well and truly performed and fulfilled the obligations required under the approved plans and permits.
7. Director's Report.
 - a) Monthly Activity Report
8. Legal Update.
 - a) William Neufeld Pending Litigation CA #14-C-394
 - b) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73
 - c) Review and Disposition of Citizens Complaints in relation to the All Good Festival (possible executive session)
9. Discussion with possible deliberative session and signing of draft findings/decisions.

Meeting Date: July 16, 2015 (*see agenda for full item description*)

 - a) Acceptance of the Compatibility Assessment Meeting Staff Report for the Whistling Wind Farm Bed & Breakfast Conditional Use Permit Application. Owner: Laura & David Humphreys. File: (CP15-02).

- b) Discussion and action on the Whistling Wind Farm Bed & Breakfast Conditional Use Permit, a proposed 3-unit bed & breakfast with no changes to the existing structure. File: CP15-02
- c) Variance from Sec. 4.11A.1 and App. B to waive the all landscaping/buffers that are required for an addition and associated parking. Owner: Uvilla United Methodist Church. File: ZV15-15.
- d) Variance from Sec. 5.4B to reduce the side setback from 12' to 3' and the rear setback from 20' to 10' for a 12' x 20' accessory structure. Owner: Bryan & Kelli LaBombard. File: ZV15-16.
- e) Request by The Middleway Conservancy Association Inc. for a Seasonal Use Permit for 'The Battle of Smithfield Anniversary Re-enactment' to operate from August 28-30, 2015. File: ZV15-17.

Draft Minutes
Jefferson County Zoning Board of Appeals

1 Meeting Date: July 16, 2015
2 Meeting Location: Maintenance Conference Room
3 128 Industrial Blvd., Kearneysville, West Virginia
4
5 Board members present: Tyler Quynn, Chair; Jeffrey Bannon, Vice Chair, Ted Schiltz,
6 Matt Knott (arrived at 2:22 p.m.) and Jeff Bresee, Alternate
7 Board members absent: Christy Huddle (with notification)
8 Staff members present: Jennifer M. Brockman, Director of Planning and Zoning/Acting
9 Zoning Administrator; David Simon, County Planner; Lydia Lehman,
10 Assistant Prosecuting Attorney; Jennilee Hartman, Zoning Clerk

11
12 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

13
14 Mr. Bresee filled Ms. Huddle's vacancy as the Alternate Board Member.

15
16 Mr. Schiltz moved to start the meeting at 2:08 p.m. Mr. Quynn called for a vote, which carried
17 unanimously.

18
19 Mr. Quynn explained how the meeting would be conducted to the public.

20
21 Ms. Hartman swore in members of the public who indicated they would be providing testimony.

22
23 1) Approval of the minutes from the June 25, 2015 meeting.

24
25 Mr. Quynn noted the following correction:

26
27 a) Page 2, line 31, change Bannon to the correct Board member.

28
29 Mr. Bresee moved to approve the minutes as amended. Mr. Quynn called for a vote, which
30 carried four (4) in support and one (1) abstention (Mr. Bannon, as he was not in attendance).

31
32 2) Swearing in of members of the public intending to provide testimony.

33
34 Ms. Hartman swore in members of the public who indicated they would be providing testimony
35 at the beginning of the meeting

36
37 Mr. Quynn revised the order of the Agenda to hear Items # 6 and # 7 to the beginning of the
38 Agenda to allow the applicants a prompt decision.

39
40 6) Variance request from Section 4.11A.1 and Appendix B to waive the front, side and rear landscaping/
41 buffer that is required for the addition of a Fellowship Hall and associated parking. Owner: Uvilla
42 United Methodist Church. Applicant: Ted Schiltz. Location:4179 Shepherdstown Pk., Shepherdstown,
43 WV. District: Shepherdstown-09; Map: 20; Parcel: 13; Size: 2.023 ac; Zone: Rural; File: ZV15-15.

44
45 Ted Schiltz recued himself as a member of the Board and addressed the Board from the podium
46 stating that he would be representing the church as a Trustee. Ms. Brockman briefly presented her
47 staff report to the Board. Mr. Schiltz explained the purpose of his request. Mr. Quynn opened

1 the public hearing. There was no public comment. Mr. Quynn closed the public hearing.
2 The Board determined a deliberative session was not necessary. Mr. Bannon moved to approve
3 the variance as requested. Mr. Quynn offered a friendly amendment to include the following
4 conditions: the applicant is bound by their testimony; the waiver of the buffer applies only to
5 the requested addition; and, the applicant must return to the Board if there is any other request
6 to expand. Mr. Bannon accepted the friendly amendment. Mr. Quynn called for a vote, which
7 carried three (3) in support (Mr. Knott was not yet present at the meeting).

8
9 Mr. Schiltz returned to the table as a member of the Board.

10
11 7) Variance request from Section 5.4B to reduce the side setback from 12' to 3' and the rear setback
12 from 20' to 10' for a 12' x 20' accessory structure. Owner: Bryan & Kelli LaBombard. Location:
13 60 General Kershaw Ct., Harpers Ferry, WV. District: Harpers Ferry-04; Map: 5D; Parcel: 129;
14 Zone: Rural; Size: .75 ac; File: ZV15-16.

15
16 Bryan LaBombard was present to address the Board. Mr. Simon briefly presented his staff
17 report to the Board. Mr. Labombard explained the purpose of his request. Mr. Quynn opened
18 the public hearing. There was no public comment. Mr. Quynn closed the public hearing. The
19 Board determined a deliberative session was not necessary. Mr. Schiltz moved to approve the
20 variance, limiting the approval to the request as presented. Mr. Quynn called for a vote, which
21 carried four (4) in support and one (1) recusal (Mr. Knott as he arrived toward the end of the
22 presentation).

23
24 Mr. Quynn returned to Item # 4 on the Agenda.

25
26 4) Acceptance of the Compatibility Assessment Meeting Staff Report for the Whistling Wind Farm
27 Bed and Breakfast Conditional Use Permit Application (CP15-02). The meeting was held on
28 May 22, 2015 at 10:00 a.m., which resulted in two (2) unresolved issues; therefore, an additional
29 public hearing to discuss only the unresolved issues, is required. Details regarding the CUP
30 application are listed in Item #5.

31
32 Ms. Brockman briefly spoke about the Compatibility Assessment Meeting verifying that the
33 information presented in the Staff Report was an accurate reflection of the resolved and
34 unresolved issues discussed during the meeting. Mr. Schiltz moved to accept the Whistling
35 Wind Farm Compatibility Assessment Meeting Staff Report. Mr. Quynn called for a vote,
36 which carried unanimously.

37
38 5) Discussion and action on the Whistling Wind Farm Bed and Breakfast Conditional Use Permit
39 (CP15-02). The applicant is proposing a 3-unit (5 bedrooms) bed & breakfast with no changes to
40 the existing structure. The proposal includes 5 parking spaces, which will utilize the existing
41 driveway area. A dawn to dusk, lit sign will be located at entrance of property. Owners:
42 David & Laura Humphreys Location: 290 Falling Springs Rd, Shepherdstown, WV 25443.
43 District: Shepherdstown-09; Map: 13; Parcel: 29.41; Size: 20.21 ac; Zone: Residential Growth.

44
45 Mr. Quynn began the Item by explaining the purpose of the public hearing, that anyone offering
46 testimony must limit their discussion to the unresolved issues only, and reiterated that the Planning
47 and Zoning Department does not enforce covenants. Mr. Paul Raco, Consultant, was present to

1 address the Board. Ms. Brockman provided the Board with a detailed summary of the request.
2 Ms. Brockman listed the two unresolved issues resulting from the May 22, 2015 Compatibility
3 Assessment Meeting (CAM):
4

- 5 1. Request for a 75 foot fast growing hedge row to be planted along 67 Falling Spring Rd.
- 6 2. Requested that applicant widen the road (to 20 feet) the entire length without negatively
7 impacting the historic oak trees.
8

9 Ms. Brockman reiterated Mr. Quynn's previous statement, that public comment should be limited
10 to the unresolved issues and its compatibility with the neighborhood.
11

12 Mr. Raco requested that the CAM Staff Report be amended to state, "dusk to dawn". The Board
13 agreed. Mr. Raco identified the property on an exhibit plat and explained that the majority lots
14 subdivided from the parent parcel were created through the exemption process; therefore, it is not
15 considered a conventional subdivision. Mr. Raco informed the Board that the Humphreys had met
16 with Staff, who had provided the Humphreys various suggestions regarding their proposal, which
17 ultimately led to the submission and approval of the original Conditional Use Permit. Mr. Raco
18 further explained that the Humphreys met with the neighboring property owners in an attempt to
19 resolve any outstanding issues prior to the scheduled CAM and from that meeting the Humphreys
20 agreed to the following:
21

- 22 a) Agreed to reduce the sign from 16' to 8' sq. ft. using a solar powered dusk to dawn light
23 directed towards the sign.
- 24 b) Applicant requests that the CUP not run with the land but that the CUP be terminated
25 if and when the Humphries sell the land.
- 26 c) Agreed to pay double HOA dues to cover any additional impact on the HOA maintained road.
27

28 Mr. Raco explained that at the CAM the Humphreys agreed the above noted issues, and to four other
29 issues listed in the CAM Staff Report. Mr. Raco stated that the Humphreys did not agree on two
30 conditions, one of which was the requested 75 foot fast growing hedge row to be planted along
31 Falling Springs Road (Ms. Sutenfield's property). Mr. Bannon asked for clarification regarding
32 the location of the requested buffer. Mr. Raco drew the Board's attention to Ms. Sutenfield's
33 parcel, which was depicted on an Exhibit plat, and Mr. Raco referenced page 6 of the BZA Staff
34 Report. Mr. Raco explained that the planting of the additional buffer would require removal of
35 the natural vegetation to be replaced with an indigenous species, and that the majority of the
36 business conducted by the bed and breakfast would be in the spring & summer months when the
37 natural buffer has full foliage.
38

39 Mr. Raco stated that the applicant was unsure how to respond to the second unresolved issue, as
40 it was requesting that the existing road be widened to 20 feet without damaging the existing
41 trees. Mr. Raco explained that the road is generally 18' wide in multiple places, thus capable of
42 accommodating two cars. Mr. Raco also explained that a wider road makes it appear less rural,
43 allows for vehicles to increase their speed and creates the potential for thru traffic as people may
44 misinterpret the wider road as public access.
45

1 When speaking about the compatibility of the proposal's overall location, Mr. Raco referenced the
2 2014 Comprehensive Plan, which he claimed promoted low impact development outside the urban
3 growth boundary.

4
5 Mr. Raco stated that he was unable to locate any traffic data regarding traffic generated by a 3-unit
6 bed and breakfast. Mr. Raco that he was able to locate a 20 page report that was done by the City of
7 Portland (Oregon) which specifically dealt with a 3-unit bed and breakfast and its trip generation vs.
8 that of a single family home. Mr. Raco read an excerpt from the report, which read, "The Bureau of
9 Transportation's Trip Generation Manual from the Institute of Transportation Engineers (ITE) does
10 not have any comparable trip generation data for the proposed use. The ITE trip generation manual
11 only includes data as it pertains to larger and more traditional motels and hotels and resorts. The
12 proposed B&B will have 3 bedrooms with the fourth bedroom being occupied by the manager or
13 resident. There will be no other outside employees or commercial events associated with the
14 proposed use. Given the nature of the proposed use the number of vehicle likely to access the
15 proposed facility at any given time especially during morning and evening residential peak hours
16 will be minimal. ...Any services for bed and breakfast such as the landscaping, regular maintenance
17 or even cleaning that may be associated with it, will be consistent with a typical single family home."
18 Mr. Raco stated the report was dated December 2014. Mr. Raco provided the Board with pictures
19 pertaining to the orientation of the Humphrey property, the entrance and width of the road and the
20 existing natural buffer along Ms. Suttentfield's property. Mr. Raco concluded by reiterating that the
21 Humphreys have agreed to seven (7) conditions, that a buffer already exists along Ms. Suttentfield's
22 property, that the widening of the existing road is unnecessary and the there is no evidence that a 3-
23 unit bed and breakfast generates more traffic than the current use of the structure as a six bedroom
24 single family home.

25
26 The Board did not have any comments for Mr. Raco. Mr. Quynn opened the public hearing.

27
28 Ms. Jan Hafer, neighboring property owner, spoke in support of the request. Ms. Hafer added
29 that she did not wish for the road to be widened. Ms. Hafer explained that in the 5 years she
30 has lived on the premises the road had not been a safety issue. Ms. Hafer also did not agree
31 with the 75' buffer stating that natural buffer already exists.

32
33 Nance Briscoe, resident of the Cloverdale Subdivision, spoke in opposition to the request; being
34 primarily concerned about the lack of consideration for the subdivision's resident's property
35 rights. Ms. Briscoe questioned the cost of the road widening and the subsequent maintenance.
36 Mr. Quynn stated that neither the County or the Board enforces HOA covenants. Ms. Briscoe
37 requested specific language be added to all applications filed with the Planning and Zoning
38 Department. (See Ms. Briscoe's written testimony in PC File #CP15-02)

39
40 Gale Brown, neighboring property owner, spoke in opposition to the request. Ms. Brown
41 believed the purpose of the request was to widen the road and obtain permission to have people
42 stay in their home in order to make their home more marketable. Ms. Brown believed that if
43 people could try out the accommodations first they may be more willing to make an offer to
44 purchase the home. Ms. Brown was also concerned about widening the road due to the narrow
45 entrance and did not want the stone wall damaged.

1 John Barrat, neighboring property owner, spoke in opposition to the request. Mr. Barrat stated
2 the applicant would not be able to meet one of the conditions of the CUP, which required them
3 to pay for the upgraded insurance. Mr. Barrat informed the Board that their insurance provider
4 would be dropping their coverage should a commercial operation be added to subdivision.
5 Mr. Barrat consulted other companies, whose quotes far exceeded their existing rate. Mr. Barrat
6 clarified that his testimony at the CAM was not recorded correctly. Mr. Barrat stated that he
7 believed the road was not wide enough to accommodate the B&B; yet, he did not want the
8 road widened. Mr. Barrat further cited various sections of the Subdivision Regulations which
9 referenced road widths within subdivisions, attempting to prove that Falling Springs Road was
10 inadequate for the requested use.

11
12 Diana Suttentfield, neighboring property owner, read her testimony to the Board (see copy in
13 PC File #CP15-02). Ms. Suttentfield was in objection to the proposed bed and breakfast.
14 Ms. Suttentfield explained how her parcel was created and when her home and art studio
15 were built. Ms. Suttentfield explained to the Board that she had invested a great deal of time
16 into researching the historic relevance of the area so that it could be added to the Historic
17 Register and was concerned that the proposed Bed and Breakfast would attract tourists to their
18 community. Further, Ms. Suttentfield expressed concern that they would have no control over
19 the people utilizing the road.

20
21 Braun Hamstead, Attorney representing John Barrat and Diana Suttentfield, began to address
22 the Board. Mr. Racó stated his objection for the record citing Section 7.7C of the Zoning
23 Ordinance, which states that a speaker may have 5 minutes to testify or a representative of a
24 group may have 15 minutes. As Ms. Suttentfield and Mr. Barrat had already spoken, they
25 cannot have a representative now speak on their behalf. Mr. Quynn agreed with Mr. Racó's
26 objection and stated the Board would not hear testimony from Mr. Hamstead. Mr. Hamstead
27 objected to Mr. Racó's request and Mr. Quynn's decision. Mr. Hamstead requested that the
28 Board consult with legal counsel and not a member of the public. Mr. Quynn reaffirmed his
29 decision.

30
31 As no other members of the public wish to provide testimony, Mr. Racó returned to the
32 podium for rebuttal. Mr. Racó stated for the record, the insurance issues have been addressed;
33 however, the Ordinance prohibits discussion of the resolved issues. Mr. Racó pointed out that
34 there were only two unresolved issues that were for consideration, 1) The 75' plantings along
35 Ms. Suttentfield's property line, which she did not elaborate on during her testimony; and,
36 2) The widening of Falling Springs Road, of which everyone who offered testimony was
37 opposed to widening the road. To address Ms. Suttentfield's testimony, Mr. Racó briefly
38 explained that the purpose in adding the historical information in the CUP application was
39 because the application requires it.

40
41 The Board had no questions for Mr. Racó. Mr. Bresee moved to go into deliberative session at
42 3:31 p.m. Mr. Quynn called for a vote, which carried unanimously. Mr. Schiltz moved to come
43 out of deliberative session at 4:00 p.m.

1 Mr. Knott moved to approve the Whistling Wind Farm Bed and Breakfast Conditional Use
2 Permit (CP15-02) for a 3-unit (5 bedrooms) bed & breakfast with no changes to the existing
3 structure. The proposal includes 5 parking spaces, which will utilize the existing driveway area.
4 An 8 square foot, dusk to dawn, lit sign will be located at entrance of property. Mr. Knott added
5 that the application was approved with all the conditions as noted in the CAM Staff Report and that
6 the applicant would not be required to widen the road and would not be required to plat the 75'
7 hedgerow along the property line. Further, the Board finds the use compatible and the applicant is
8 bound by their testimony. Mr. Quynn called for a vote, which carried four (4) in support and one
9 (1) opposed (Mr. Schiltz).

10
11 6) Variance request from Section 4.11A.1 and Appendix B to waive the front, side and rear
12 landscaping/buffer that is required for the addition of a Fellowship Hall and associated parking.
13 Owner: Uvilla United Methodist Church. Applicant: Ted Schiltz. Location: 4179 Shepherdstown
14 Pk., Shepherdstown, WV. District: Shepherdstown-09; Map: 20; Parcel: 13; Size: 2.023 ac;
15 Zone: Rural; File: ZV15-15.

16
17 This item was addressed at the beginning of the meeting. This item was approved.

18
19 7) Variance request from Section 5.4B to reduce the side setback from 12' to 3' and the rear setback
20 from 20' to 10' for a 12' x 20' accessory structure. Owner: Bryan & Kelli LaBombard. Location:
21 60 General Kershaw Ct., Harpers Ferry, WV. District: Harpers Ferry-04; Map: 5D; Parcel: 129;
22 Zone: Rural; Size: .75 ac; File: ZV15-16.

23
24 This item was addressed at the beginning of the meeting. This item was approved.

25
26 8) Request by The Middleway Conservancy Association Inc., applicant, for a Seasonal Use Permit
27 for 'The Battle of Smithfield Anniversary Re-enactment' to operate from August 28-30, 2015.
28 The event is to consist of a re-enactment of civil war camp life, drills and other educational
29 activities. Re-enactment Activities: Carmen Quinones, 7513 Queen St (D: 07/M: 22A/P: 18/
30 Z: Village); William & Linda Chappell, 175 East St (D: 07/M: 22B/P: 28/Z: Rural & Village);
31 Jeffrey & Dorothea Dehart, 207 East St, (D: 07/M: 22B/P: 29/Z: Rural & Village); **Withdrawn:**
32 **Cecil White, et al, 99 Old Middleway Rd (D: 07/M: 22/P: 25)**; Public Parking: Dan & Anne
33 Bowers, 272 Mason Farm Dr (D: 07/M: 22/P: 12.9 Z: Rural); **Middleway United Methodist**
34 **Church, Withdrawn: 328 King St (D: 07/22A/ P: 19)** Middleway United Methodist Church,
35 7437 Queen St (D: 07/M: 22A/P: 43, 44Z: Village); (Grace Church Parish Hall, 112 East St,
36 (D: 07/22A/ P: 70Z: Village) **Withdrawn: Triluminar Masonic Hall, 105 East St (D: 07/**
37 **M: 22A/P: 72); Cecil White, et al, 99 Old Middleway Rd (D: 07/M: 22/P: 25).**

38
39 Ms. Brockman presented information about the request from her staff report to the Board.
40 Peter Fricke, representative with the Middleway Conservancy Association, Inc., provided the
41 Board with a brief presentation, explaining the date and time of the event, encampment location,
42 parking sites, etc. Mr. Fricke also informed the Board that he has contacted the Department of
43 Highway's, the Sheriff's Department and Department of Health and has received information
44 from them. Mr. Fricke added that the Middleway Conservancy Assoc. also carries liability
45 insurance and will ensure the coverage is adequate for the event.

1 Mr. Quynn opened the public hearing.

2

3 Tom Aitcheson, neighboring property owner, spoke in support of the request. Janet Aitcheson,
4 neighboring property owner and secretary of the Middleway Conservancy Assoc., spoke in
5 favor of the request.

6

7 Mr. Fricke drew the Board's attention to the numerous letters of support, submitted by adjacent
8 property owners, that were included in the meeting packet. Mr. Fricke informed the Board that
9 the residents of Middleway were notified by mail of the event and most had replied in support
10 of the event.

11

12 The Board felt that a deliberative session was unnecessary.

13

14 Mr. Knott moved to approve the Seasonal Use Permit as requested with the following conditions:

15

a) The applicant must have an approved Zoning Certificate.

16

b) The applicant must obtain either approval by, or documentation stating services are not
17 required by, the Health Department, the Department of Highways, and the Sheriff's
18 Department.

19

c) Provide a copy of the Proof of Liability Insurance.

20

d) The applicant is bound by their testimony.

21

22 Mr. Quynn called for a vote, which carried unanimously.

23

24 8) Director's Report.

25

a) Monthly Activity Report. No action taken.

27

b) Ms. Brockman updated the Board on the following items:

28

i) Regarding the Bolivar Urban Growth Boundary, the Planning Commission had
29 determined that it was not specifically defined in the Comprehensive Plan. The
30 PC's recommendation has been forwarded to the CC and is awaiting action.

31

ii) The Planning Commission is aware of the fact that the Mass Gathering text
32 amendment is still pending. The PC has determined that it would be better to
33 wait on an After Action Report from the Department of Homeland Security and
34 Emergency Management regarding the All Good Festival before drafting any
35 additional language.

36

iii) Morgan's Grove Market is requesting a Rezoning. The Public Hearing is
37 scheduled for 08/11/15.

38

39 9) Legal Update.

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41 Mr. Bannon moved to go into deliberative session at 4:31 p.m. to discuss pending litigation
42 with Attorney Lehman. Mr. Schiltz moved to come out of deliberative session at 4:46 p.m.

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- a) All Good Music Festival Pending Litigation CA #14-C-390. None.
 - b) William Neufeld Pending Litigation CA #14-C-394. None.
 - c) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73
- 10) Signing of Findings of Fact and Conclusions of Law/written decisions from prior Board of Zoning Appeals meetings.

Meeting Date: June 25, 2015

- a) Variance request from Section 9.7 to reduce the side setback from 15' to 5' for an existing deck that was constructed without a building permit. Owner: Laurice Berry. Location: 155 Hollow Tree Ln, Kearneysville, WV. District: Kabletown 06; Map: 19A; Parcel: 1.1; Zone: Rural; File: ZV15-09.
- b) Variance request from Sections 4.11.B.2, 4.11.B.3, 4.11.E and Appendix B to remove the front, side and rear buffers/screening for an industrial development. Owner: Delaware Corp dba Kent Cartridge of America, Owners, Panhandle Builders & Excavating, Applicant. Location: 795 Hite Rd, Kearneysville, WV. District: Middleway 07; Map: 8; Parcel: 4; Zone: Rural; File: ZV15-12.
- c) Variance request from Table 5.4-1 to reduce the side setback from 12' to 8' and rear setback from 20' to 5' to allow for the installation of an irregularly shaped in-ground pool. Owner: Roy Jr. & Kristin Vella. Location: Breckenridge Subdivision, 47 Shire Ct, Charles Town, WV. District: Charles Town 02; Map: 4F; Parcel: 190; Zone: Residential Growth; File: ZV15-13.
- d) Variance request from Table 5.4-1 to reduce the side setback from 12' to 6' for the attached garage of a townhouse unit. Owner/Developer: Pete Kubic. PFK, LLC. Location: Locust Hill Subdivision, Lot TH73, Baltustrol Dr, Charles Town, WV. District: Charles Town 02; Map: 13A; Parcel: 555; Zone: Rural; File: ZV15-14.

Mr. Knott moved to adjourn the meeting at 4:46 p.m. Mr. Quynn called for a vote, which carried unanimously.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2015

CrossPoint Church of God Variance Request (#ZV15-18)

2. Previous Case History

On February 10, 2004, the Planning Commission approved a site plan for a 6,233 square foot addition. This addition was permitted to occur within the required 50 foot setback utilizing Section 4.3A in the Zoning Ordinance which allows the expansion of a nonconforming use of up to 35% of the original nonconformity. As the original structure was already located within the 50' setback, the length of the side of the 2004 addition was 35% of the original side of the church structure.

On August 28, 2014, the applicant requested a variance from Sections 4.11A.1 & 4.11J to reduce the landscaping buffer from 15' to 11'6" and from Section 5.7B.2 & Appendix B to reduce the side setback from 50' to 11'6" to construct the requested 40' x 35' addition. The requested was granted unanimously with the following conditions:

- a) The variance is limited to the proposed 1,400 square foot addition;
- b) The applicant shall retain as much of the existing treed buffer as possible, and replace as much of the impacted screened buffer as possible.

Although the landscape buffer variance request would become void if the waiver of site plan is granted, the side setback request would still apply to the structure as a building permit will still be necessary.

Applicant's Justification of Request

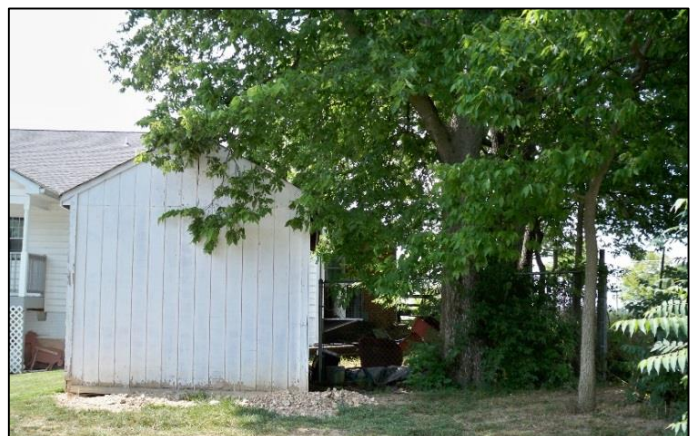
In the attached application submitted for the variance request the applicant provided a response to the following four criteria for a variance:

- a) *Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.*
- 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.*
- d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

3. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

The Zoning Ordinance requires the submittal and approval of a site plan for all non-single family residential development in accordance with the requirements of the Subdivision and Land Development Regulations. In accordance with the Subdivision Regulations, the request to construct a 40' x 35' addition (1,400 square feet) to the church requires a Site Plan with Construction Documents which could process through the Minor Site Plan process.



Construction of the addition will require removal of the shed

Staff Report
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August 27, 2015

CrossPoint Church of God Variance Request (#ZV15-18)

The purpose of site plan requirements is to ensure that a site is developed in a manner that protects public health, safety, welfare, and community character. The design requirements of the Jefferson County Zoning Ordinance, as well as the Subdivision and Land Development Regulations, are reflected in a site plan which includes the following:

- Stormwater management
- Buffering of adjacent properties via landscaping and/or fencing
- Handicapped accessibility (parking, accessible route to building entrances)
- Adequate parking
- Setbacks from property lines and roads
- Other factors (lighting, etc)

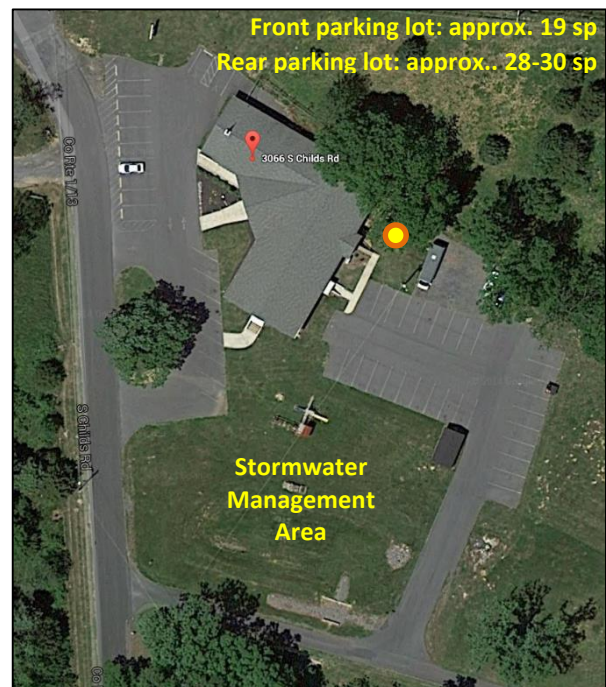


Location of proposed addition

As this property has long been developed for this church structure and its proposed addition, many of the required components of a site plan have already been met. Parking for churches is based on the sanctuary seating, so no additional parking is required. Also, the on-site stormwater management area is adequate to handle the 1,400 square foot proposed addition.

b. Unique characteristics of property

The CrossPoint Church of God sits on a lot facing South Childs Road, near the intersection of South Childs Road with Middleway Pike/WV 51. The church sits on an irregularly shaped lot with the neighboring property to the north along WV 51, which comes to a very narrow point near the intersection. This neighboring property is along the side yard for which a variance was previously approved for the purpose of constructing this addition. Siting the building addition in this area allows the church to continue to use the existing parking area, septic reserve area, and stormwater pond as well as other features of the balance of the property and should have a minimal impact on the neighboring property.



● Proposed location of the 1,400 sq. ft. addition

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2015

CrossPoint Church of God Variance Request (#ZV15-18)

c. Character of area

The property is located in a fairly rural area with a number of large rural residential lots in the vicinity. The area is heavily wooded and the church property itself has a fairly dense thicket of trees around much of the property's boundary. The church is a nonconforming use in that it sits within the required 50 foot side yard setback and landscape buffer. This request is to allow a building addition to the church without processing a site plan.

d. Impact on adjacent properties

The construction of proposed addition will occur whether a site plan is required or not. The setback and landscape variances have already been approved. Because of the shape of the neighboring property to the north and the location of the existing church structure, the proposed addition will have little to no impact on the neighboring property. The processing of a site plan would ensure that the parking and stormwater requirements are met; however, these are currently adequate to include the proposed addition and do not require changes.

e. Feasibility of complying with the ordinance by other means

A site plan could be processed for the proposed addition; however, the cost of processing such a plan when the parking, stormwater, landscaping and setbacks have already been addressed seems unnecessary.

4. Conditions of Approval

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

1. The variance to waive the requirement of a site plan for a 40' x 35' (1,400 sq. ft.) addition to an existing church is limited to the proposed 1,400 square foot addition;
2. The applicant shall continue to retain as much of the existing treed buffer as possible and replace as much of the impacted screened buffer as possible.
3. Should the applicant wish to retain the existing shed currently located in the proposed building area, a building permit must be obtained to relocate the accessory structure prior to its removal.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.10 Site Plan Requirements

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.^{23, 26}



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338

Charles Town, WV 25414

File Number: ZV 15-18

Staff Initials: CLK

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

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

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Variance Request

Variances from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: CrossPoint (Ranson (Childs Road)) Church of God: Pastor Harold R. Newsome, Senior Pastor

Mailing Address: 3066 S Childs Road, Kearneysville, WV 25430

Phone Number: 304/725-0482 Email:

Applicant Contact Information

Name: Mason Carter, Mission Director, Associate Pastor Paul Raco or Mike Shepp for posting or Administrative

Mailing Address: Same as Above/Below

Phone Number: Email: mason7869@frontiernet.net

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name: P.J. Raco Consulting, LLC, Paul J. Raco; Allegheny Surveys, PLLC, Mike Shepp 304/724-5008

Mailing Address: P.O. Box 548, Charles Town, WV 25414

Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: 3066 S Childs Road

City: Kearneysville State: WV Zip Code: 25430

Tax District: Middleway Map No: 21 Parcel No: 5.14

Parcel Size: 2.64 Acres Deed Book: 558 Page No: 22

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural (R) is checked.

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JUL 29 2015

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Place Received Date Stamp Here

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of way, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e. the distance of the structure from all property lines), size, and height. Identify all existing buildings, structures, or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? Yes No

Reference the section of the Zoning Ordinance pertaining to this request: Article 4, Section 4.10A

Briefly describe the nature of the variance request:

See Attached

If this request is for a setback variance, please check one of the following:

Front Setback Side Setback Rear Setback Reduction From _____ to _____

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents:

See Attached

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

See Attached

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

See Attached

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

See Attached

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

Harold Newson 7/27/2015
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 3.4A(3)(b).

08/27/15
Date of Public Hearing

08/12/15
Advertising Date

08/12/15
Placard Posting Date

ZV15-18

CrossPoint Church
Childs Road (Ranson) Church of God
Request for a Variance from Article 4, Section 4.10
Jefferson County Zoning Ordinance
July 29, 2015

BRIEF DESCRIPTION OF THE REQUEST:

CrossPoint Church at Childs Road Church of God is seeking a variance from the Jefferson County Zoning Ordinance to add a small area for a Children's Ministry at their Church at the corner of Childs Road and Route 51. This request is from Article 4, Section 4.10, which requires a site plan for all new construction or expansion of commercial, institutional, industrial and multi-family land uses. CrossPoint is asking for permission to build the addition without paying for another engineered site plan, because of the small size of the addition in relationship to the larger facility on the already approved engineered site plan. The intended area is for CrossPoint's Children's Ministry for use during the weekly services.

CrossPoint Church is the current Church that operates out of the previous Ranson (Childs Road) Church of God along Route 51. The congregants are primarily the same parishioners that were members of this Church when they processed a complete engineered site plan for the facility in 2004. That plan and facility met all existing County standards including parking, access, erosion and sediment control and Stormwater Management facilities. The congregation would like to add an approximate 1400 sq. ft. addition that will be located in an area that is between the existing parking lot and the main Church facility. This area already contains an impervious wood base and concrete walkway, so there will only be a small area of impervious area added to the overall site. The location of this addition will not cause any water to drain off of the site towards either Route 51 or Childs Road because of the grade of the site. This area will continue to drain toward the existing engineered SWM area.

There is no evidence of erosion or sediment problems on the site and the existing SWM basin rarely contains any water. The facility appears to operate below capacity and there is no evidence of standing water anywhere on the site. This small addition of the Children's Ministry in this particular location should have absolutely no negative effect on the existing approved site plan or SWM facility. Furthermore, since the children are already attending Church during the service, there will be no additional parking required due to this addition.

Finally, the addition will meet all Building Code standards for the construction, so there will be no safety problems associated with the addition. The BZA already granted a setback variance for the addition last year. In the time between that approval and this request, Staff has encouraged the Applicant to seek this variance from the site plan submission.

Based on the fact that there will be no additional parking needed, there is an existence of an approved SWM facility already properly functioning on the site, there will be no additional run-off directed to any public roadway and that there already is an approved engineered site plan for the site, CrossPoint would respectfully ask for a variance from the site plan requirements for this small addition.

Thank you for your kind consideration of this request.

CrossPoint Church
Childs Road (Ranson) Church of God
Request for a Variance from Article 4, Section 4.10
Jefferson County Zoning Ordinance
July 29, 2015

#ZV15-18

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JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Four Criteria:

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

There will not be an adverse effect on any adjoining properties. The property and land has historically been used as a Church and a parking lot. As a matter of fact, the property and existing Church already completed an entire engineered site plan process in 2004. Accordingly, the improvements on site are already constructed to County standards regarding parking, stormwater management, access, stormwater management, etc. The relatively small addition, compared to the size of the existing structure and site, will have no impact on the surrounding area. Furthermore, there won't be any significant increase in runoff since the property is already graded towards the existing SWM Facility. Finally, a large portion of the area planned for the addition is already improved by a concrete sidewalk and a wooden floor.

Public health and safety will not be adversely affected since the addition will be used for a Children's Ministry and the users of the area will already be at the weekly services. As such, there will be no increase in traffic, water/sewer usage or parking. Also, where the addition is being proposed, even if there was going to be a small increase in impervious area, it will drain directly to the existing, approved SWM area. As the sketch indicates, no drainage can enter onto any public roads from this addition.

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:

As explained in the description, the uniqueness of this situation is that the property already completed a site plan and improvements to ensure that the site is designed to County Standards. Also, because of where the addition is being constructed, there will be no change in parking, drainage, access, etc., from when the original site plan was approved. There is no evidence of erosion, sediment or standing water on the site. In fact, the existing approved SWM basin rarely has standing water in it. A large portion of the area for the addition is already improved by a concrete sidewalk and a wooden floor.

Also, due to the nature of the use, the addition is really only for the people that are already attending the Church Services. Since the Church already paid for a site plan and constructed improvements to serve the site, the Applicant shouldn't have to expend

additional funds for another site plan when the existing improvements can adequately serve the small addition.

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

The hardship would be that the Church would have to assume the cost of another site plan for such a small addition which could be as much as \$20,000. This would seem to be a waste of scarce Church resources when the congregants already paid for the site plan and necessary improvements. The area for the addition is in a small area tucked in between the existing Church and existing parking. There is no evidence of any problems associated with this site. Access and parking will remain the same and the existing SWM facility is functioning as designed. Nothing else is changing from the original site plan, other than the small addition.

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

The intent of the Ordinances is to protect a neighborhood from new uses that could possibly have a negative impact. In this case, the Church, parking, SWM, access, etc. have been there for many years, with no negative impact. This site is a planned and engineered site that was constructed under the County Standards. There is not going to be a new use, new parking or new access. The proposal is only to add a small addition to facilitate some extra worship and ministry area for children who are already attending services. Therefore, the intent of the ordinance and already approved site plan will continue to be met. Furthermore, CrossPoint Church will continue to provide for the safety of the parishioners since the addition will be built under the existing Building Codes in Jefferson County.

Substantial Justice would be to allow the small addition to be at a Church that has existed without problems for many years without the additional expense of another site plan. As the sketch indicates, a new site plan would serve no purpose because of the way the site is graded, the fact that there will be no neighbors impacted, no impact on parking and that the existing SWM facilities are functioning properly.

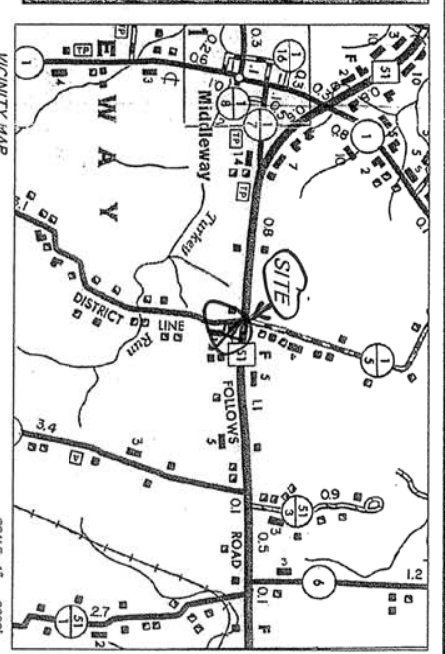
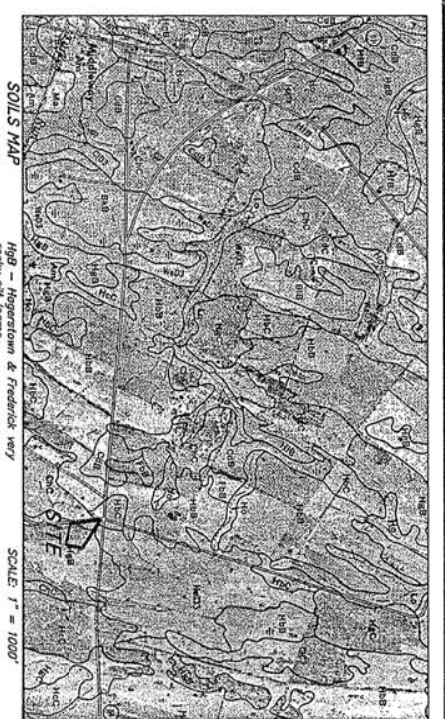
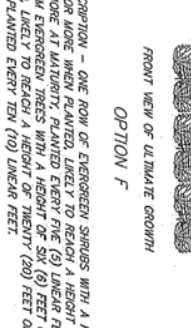
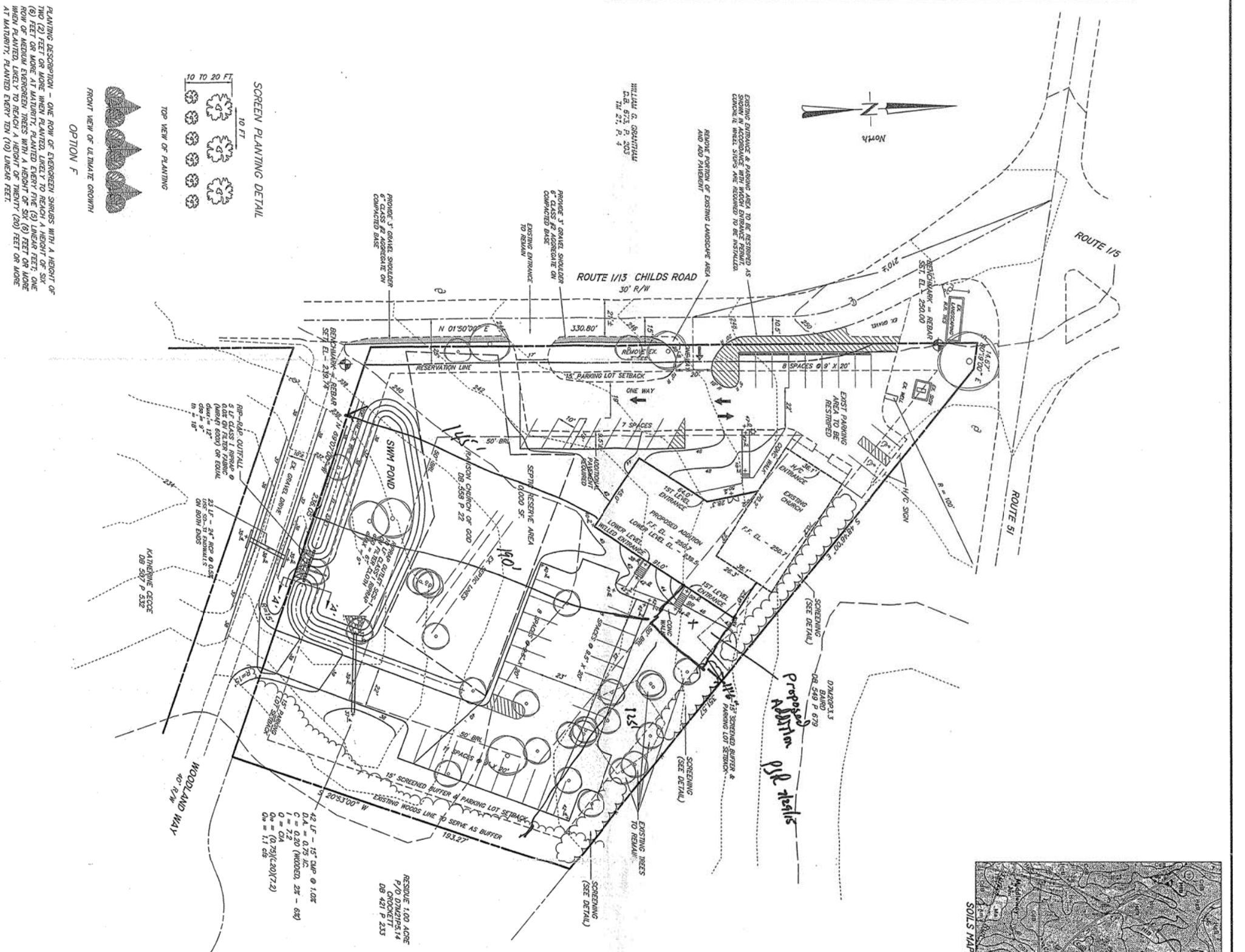
Accordingly, CrossPoint Church would ask the Board to grant the variance from the site plan for the proposed small addition for the Children's Ministry. Thank you.



ZV15-18

JUL 29 2015

JEFFERSON COUNTY PLANNING,



4. THE DEVELOPER SHALL REQUEST COUNTY ENGINEER INSPECTIONS 48 HOURS IN ADVANCE WHENEVER POSSIBLE (CALL 756-9281) INSPECTIONS SHALL BE REQUESTED ACCORDING TO THE TABLE OF MILESTONES SHOWN BELOW.

TABLE OF MILESTONE INSPECTIONS	DATE INSPECTED	INSPECTOR
1. INSTALLATION OF SEDIMENT CONTROL DEVICES**		
2. COMPLETION OF UNDERGROUND UTILITY INSTALLATION**		
3. COMPLETION OF GRADING FOR ROADS**		
4. COMPLETION OF GRADING FOR BUILDINGS		
5. COMPLETION OF BASE STONE INSTALLATION AND COMPACTION**		
6. COMPLETION OF SIDEWALKS		
7. COMPLETION OF FINAL GRADING AND SEEDING		
8. COMPLETION OF FINAL PROJECT DETAILS		
9. COMPLETION OF STORM WATER MANAGEMENT AND ROUGH GRADING		
10. COMPLETION OF STORM WATER MANAGEMENT DETAILS		

GENERAL NOTES

1. ALL WORK AND MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THE B.O.C.A. BASIC BUILDING CODE AND ALL FEDERAL AND LOCAL MUNICIPAL LAWS AND REGULATIONS.
2. IT WILL BE THE CONTRACTOR'S RESPONSIBILITY TO ADEQUATELY BRACE THE STRUCTURES DURING ALL PHASES OF CONSTRUCTION.
3. THE CONTRACTOR SHALL NOTIFY ALL LOCATIONS AND DIMENSIONS WITH STRUCTURAL DRAWINGS AND SPECIFICATIONS TO THE ARCHITECT AND ENGINEER.
4. CONTRACTOR SHALL NOTIFY ARCHITECT AND ENGINEER OF ANY MATERIALS TO BE USED PRIOR TO BEGINNING CONSTRUCTION. (1-800-245-4646)
5. PAVING SHALL BE INSTALLED IN SUCH A MANNER AS TO ENSURE POSITIVE DRAINAGE IN ALL AREAS AS SHOWN.
6. CONTRACTOR SHALL INSTALL SLOTTED DRAINAGE TO COUNTY STANDARDS.
7. THE CONTRACTOR SHALL NOTIFY THE STATE OF A DISCREPANCY BETWEEN THE SCALED AND BOUNDARY INFORMATION TAKEN FROM A PLAT ENTITLED 'PLAT OF SURVEY SHOWING A FIRST COURSE & RESERVE' RECORDED AT DEED BOOK 583 PAGE 141.
8. TOPOGRAPHY IS FIELD RUN BY LAYELLE & ASSOCIATES, INC. DATED AUGUST, 2003. DATUM FOR TOPOGRAPHY IS ASSUMED.
9. THIS PROPERTY IS MAPPED ON FEMA PANEL 840003 0044 B ZONE C. IT IS NOT MAPPED IN A 1% SETBACKS SHALL BE SET ON ALL SIDES PER ZONING AND DETACHMENT REVIEW ORDINANCE.
10. ERECTION COUNTY: WV, SECTION 5.701.
11. PARKING LOT GRADUES - MIN 0.5% MAX 6.5%. CONTRACTOR RESERVE RIGHT TO FIELD REUSE FOR STABILIZATION AREAS. (SEE TEMPORARY & PERMANENT SEEDING NOTES ON SHEET 3)
12. SITE STABILIZATION AREAS (SEE TEMPORARY & PERMANENT SEEDING NOTES ON SHEET 3)
13. ALL UTILITIES SHALL BE DEEPER THAN THE PROPOSED FOUNDATION.
14. USE SHALL BE FOR CHURCH FACILITY.
15. ALL UTILITIES SHALL BE DEEPER THAN COUNTY REQUIREMENTS.
16. CONTRACTOR SHALL FIELD GRADE AND/OR PREP DRAINPOUNTS TO ENSURE PROPER DRAINAGE AWAY FROM BUILDINGS.
17. HIGHWAY ENTRANCE PERMIT IS # 5-02-0670
18. HIGHWAY ENTRANCE PERMIT IS # 5-02-0670
19. PERMIT IS # 5-02-0670. WELL PERMIT # 100033
20. THIS SITE CONTAINS NO NON-TOTAL WETLANDS AREAS PER FIELD INSPECTION BY THIS FIRM.
21. PARKING REQUIRED
22. ARTICLE 11.1(C) NON-RESIDENTIAL PARKING STANDARDS
23. CHURCHES = 1 SPACE FOR EACH 5 PERSONS FOR WHICH SEATING IS PROVIDED IN THE SANCTUARY
24. PARKING PROVIDED = 44 SPACES INCLUDING 2 HANDICAP SPACES
25. TOTAL ALLOWABLE SEATING = 220
26. AREA CALCULATIONS
27. TOTAL SITE AREA: 71,498 S.F. or 1.64 AC
28. ASPHALT PAVING LOT: 21,686 S.F.
29. BUILDING FOOTPRINT: 6,233 S.F.
30. SIDEWALK: 1,078 S.F.
31. TOTAL GREEN SPACE REMAINING: 42,501 S.F. or 96%

OWNER'S ACCEPTANCE STATEMENT

The Owner, in signing this plat, agrees to abide by all conditions, terms and specifications provided herein.

Roger Goodwin, P.E.
 Owner
 Date: 12-1-04

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THE BOUNDARY HAS BEEN REESTABLISHED AND ALL INFORMATION HAS BEEN FOUND OR RESET BY ME, AND HAS AN ERROR OF CLOSURE THAT IS EQUAL TO OR GREATER THAN 1 PART IN 7,500. CERTAINS (FIRM) FIELD AND APPROXIMATE OF SITE.

Daniel P. Lavelle, R.L.S. NO. 1958
 Daniel P. Lavelle, R.L.S. NO. 1958

APPROVED SITE PLAN

Approved for:
Roger Goodwin, P.E.
 COLONY ENGINEER

OWNER - PASTOR R. EARL WILCOURNE
 CHILDS ROAD CHURCH OF GOD
 ROUTE 1, BOX 151P
 CHARLESTOWN, WV 25414

RECEIVED IN FILE
 JUL 29 2015

LAVELLE & ASSOCIATES INCORPORATED
 ENGINEERS • PLANNERS • SURVEYORS
 336 EAST SECOND STREET • FREDERICK, MARYLAND 21701
 OFFICE • (301) 695-9722 • FAX (301) 695-6766

RECEIVED
 FEB - 2, 2004

SITE PLAN
 CHILDS ROAD CHURCH OF GOD
 DEED BOOK 558, PAGE 22
 TAX MAP 21, PARCEL 5.14
 MIDDLEWAY DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

DATE: OCTOBER, 2002
 SCALE: 1" = 30'
 PROJ. NO. 02-097
 FILE: SITE PLAN
 DRAWN: RBA
 PAGE: 1 OF 3

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2015

Karen Valentine Variance Request (#ZV15-19)

RELEVANT INFORMATION:

1. Overview of Request

Variance request from Section 9.6C to reduce the front setback from 40' to 14' to construct a 24' x 32' garage and from Section 9.6C to allow an accessory structure in the required front yard.



(Above: View of the approximate proposed site of the garage; picture from existing parking pad)



(Above: Approximate location of proposed Garage on the Valentine's property; picture from edge of tree stand)

2. Previous Case History

On February 28, 2006, the Potomac Ridge Subdivision (formerly known as the Rattlesnake Run Subdivision) was approved by the Planning Commission and was subsequently recorded with the County Courthouse on March 31, 2006. On November 25, 2008, a minor plat change was recorded to reflect a change in the subdivision and internal road names. The subdivision received a variance from the Planning Commission on October 25, 2005, to utilize an alternate septic system.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2015

Karen Valentine Variance Request (#ZV15-19)

b. Unique characteristics of property

The applicant's property on Potomac Ridge Lane is situated on a ridge off of River Road southeast of Shepherdstown, within close proximity to the Potomac River. The subdivision that the property is part of has been limited in its overall development at this point. This property is part of a subdivision of custom built homes that afford the residents privacy, as well as solitude, as a thicket of trees still blanket the area creating abundant natural shade and acting as a natural buffer between properties.



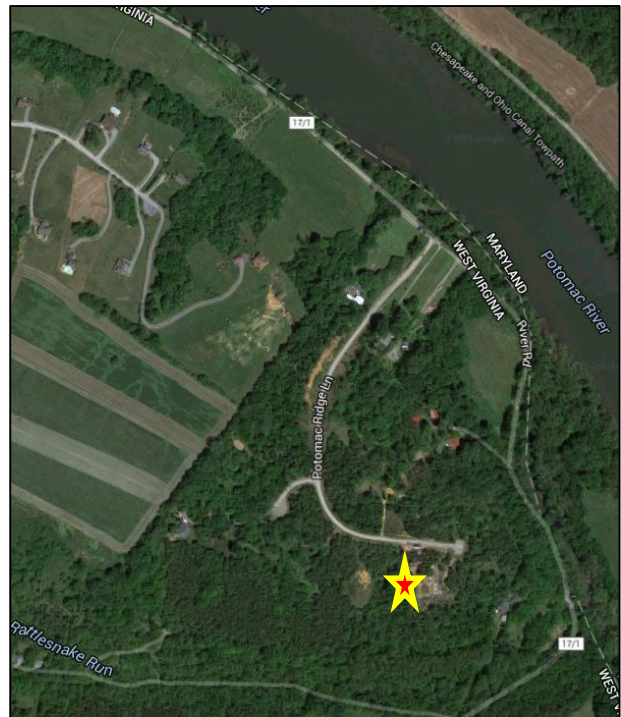
(Above: Street View of the property from Potomac Ridge Lane)

c. Character of area

The property is located in a rural area with a number of rural residential lots in the vicinity. The area is heavily wooded and the applicant's property itself has a fairly dense wooded boundary around much of the property. This request is to reduce the front setbacks to allow a garage to be constructed closer to the street and within the required front yard. There are only a few developed properties in this subdivision; there are few structures or garages located with immediate frontage to Potomac Ridge Lane.

d. Impact on adjacent properties

The applicant's requested variance to allow the garage to be located closer to the street, through a reduced setback, should have a minimal impact on that neighboring property. All other setbacks are being met by the applicant's property.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2015

Karen Valentine Variance Request (#ZV15-19)

e. Feasibility of complying with the ordinance by other means

To comply with the ordinance by other means would create hardship upon the applicant through either a reduced the size of the proposed garage or constructing the garage in closer proximity to the house than spatial limitations would allow. Meeting the setback requirement would require more trees to removed and otherwise impact an existing tree stand deeper into the applicant's property.

5. Conditions of Approval

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

1. The variance is limited to the proposed 24' x 32' garage.
2. Per the conditions of approval for the Potomac Ridge Subdivision, the applicant shall retain as much of the existing tree buffer as possible.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 5.7 Rural District

b) Minimum Lot Area, Lot Width and Yard Requirements

Minimum lot sizes, lot width, and yard requirements are as follows for principal permitted uses. For any residential use that complies with the Development Review System, the setbacks and lot shall be as outlined in Article 5.4(b). [AMENDED BY ACT OF THE COUNTY COMMISSION ON SEPTEMBER 13, 1990]

<u>Type</u>	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Depth</u>	<u>Rear Yard Depth</u>
Dwellings	40,000 sq. ft.	100	40	15	50

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- c) No accessory building shall be erected within the required front yard.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338

Charles Town, WV 25414

File Number: ZV15-19

Staff Initials: CFC

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

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

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Variance Request

Variances from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: KAREN VALENTINE
Mailing Address: P.O. Box 1445 SHEPHERDSTOWN WV 25443
Phone Number: 304 261 1532 Email: riverkv@gmail.com

Applicant Contact Information

Name: ''
Mailing Address: ''
Phone Number: '' Email: ''

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name:
Mailing Address:
Phone Number: Email:

Physical Property Details

Physical Address: 384 POTOMAC RIDGE LANE
City: SHEPHERDSTOWN State: WV Zip Code: 25443
Tax District: SHEPHERDSTOWN Map No: 10 Parcel No: 9.17
Parcel Size: 3.005 ACRES Deed Book: 1114 Page No: 129

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural (R) is checked.

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JUL 31 2015
JEFFERSON COUNTY PLANNING ZONING & ENGINEERING

Place Received Date Stamp Here

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of way, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e. the distance of the structure from all property lines), size, and height. Identify all existing buildings, structures, or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? Yes No

Reference the section of the Zoning Ordinance pertaining to this request: 5.7B + 9.6C

Briefly describe the nature of the variance request:

I am requesting to build a 2 car garage off of my approved parking area. The variance would lessen the required distance from the lane according to current setbacks

If this request is for a setback variance, please check one of the following:

Front Setback Side Setback Rear Setback Reduction From 40' to 15'14" ^{8/18/15}

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents:

There is no obstruction from sightline or negative effect to others based on the proposed location. The structure will be constructed with matching materials thus show improvement to property

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

The variance is sought so that the garage can be constructed with minimal impact on the site. It is also the most logical location as it is adjacent to the house and the driveway/parking area.

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

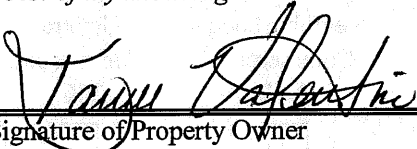
To build a garage elsewhere on the property would require loss of multiple trees, damage to natural landscape as well as major financial implications to extend driveway requiring additional variance.

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

It will allow for a garage ~~in~~ within close proximity to existing approved access and residence with minimal environmental impact. Based on existing well/septic and topography this is the optimal location for the structure.

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

 7-30-15
Signature of Property Owner Date

Signature of Property Owner Date

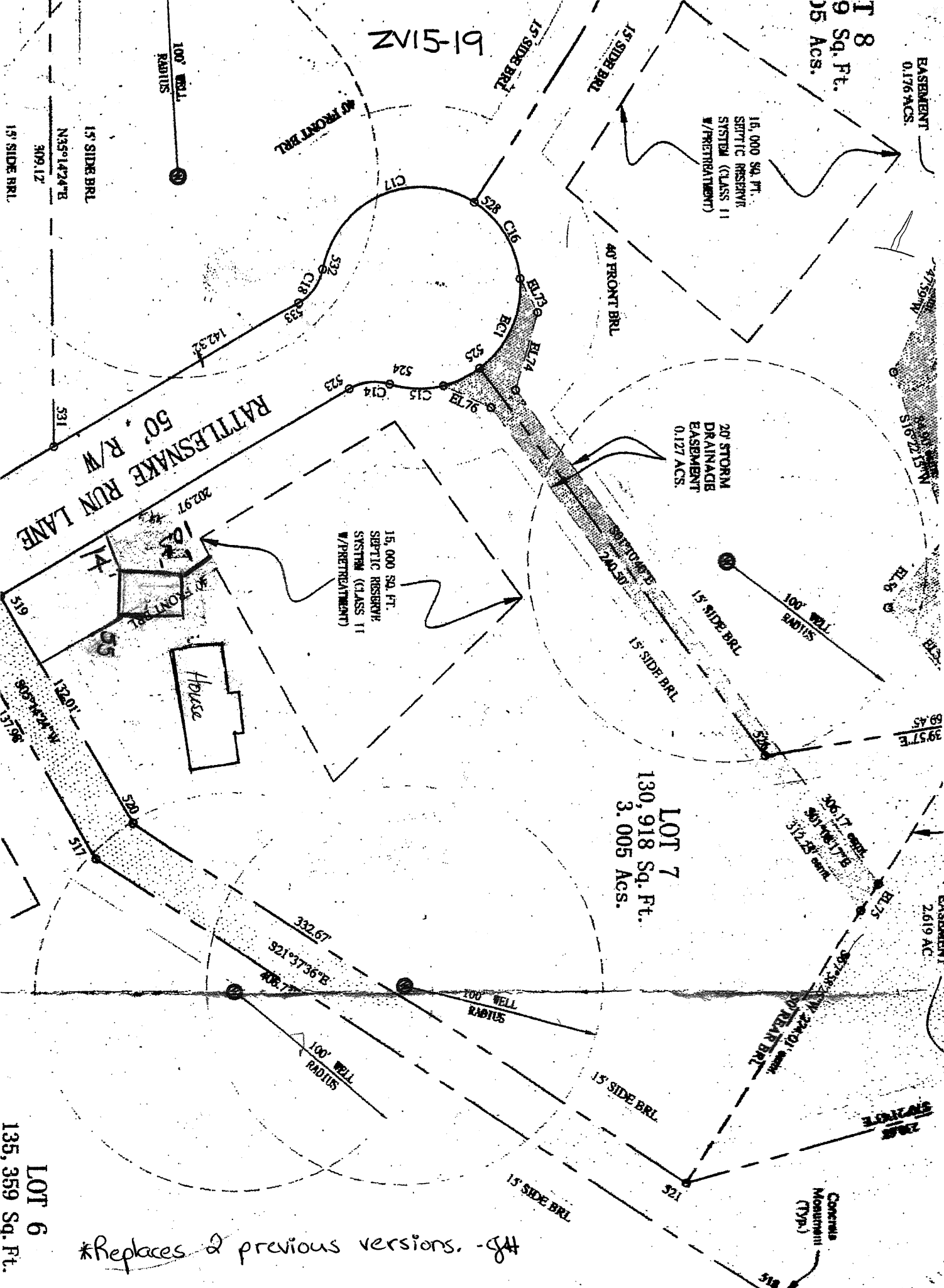
Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 3.4A(3)(b)).

THURSDAY, AUGUST 27, 2015 e
Date of Public Hearing 7:00 P.M.

Advertising Date

Placard Posting Date



ZV15-19

T 8
9 Sq. Ft.
0.176 ACS.

EASEMENT
0.176 ACS.

16,000 SQ. FT.
SEPTIC RESERVE
SYSTEM (CLASS II
W/PRETRTMENT)

20' STORM
DRAINAGE
BASEMENT
0.127 ACS.

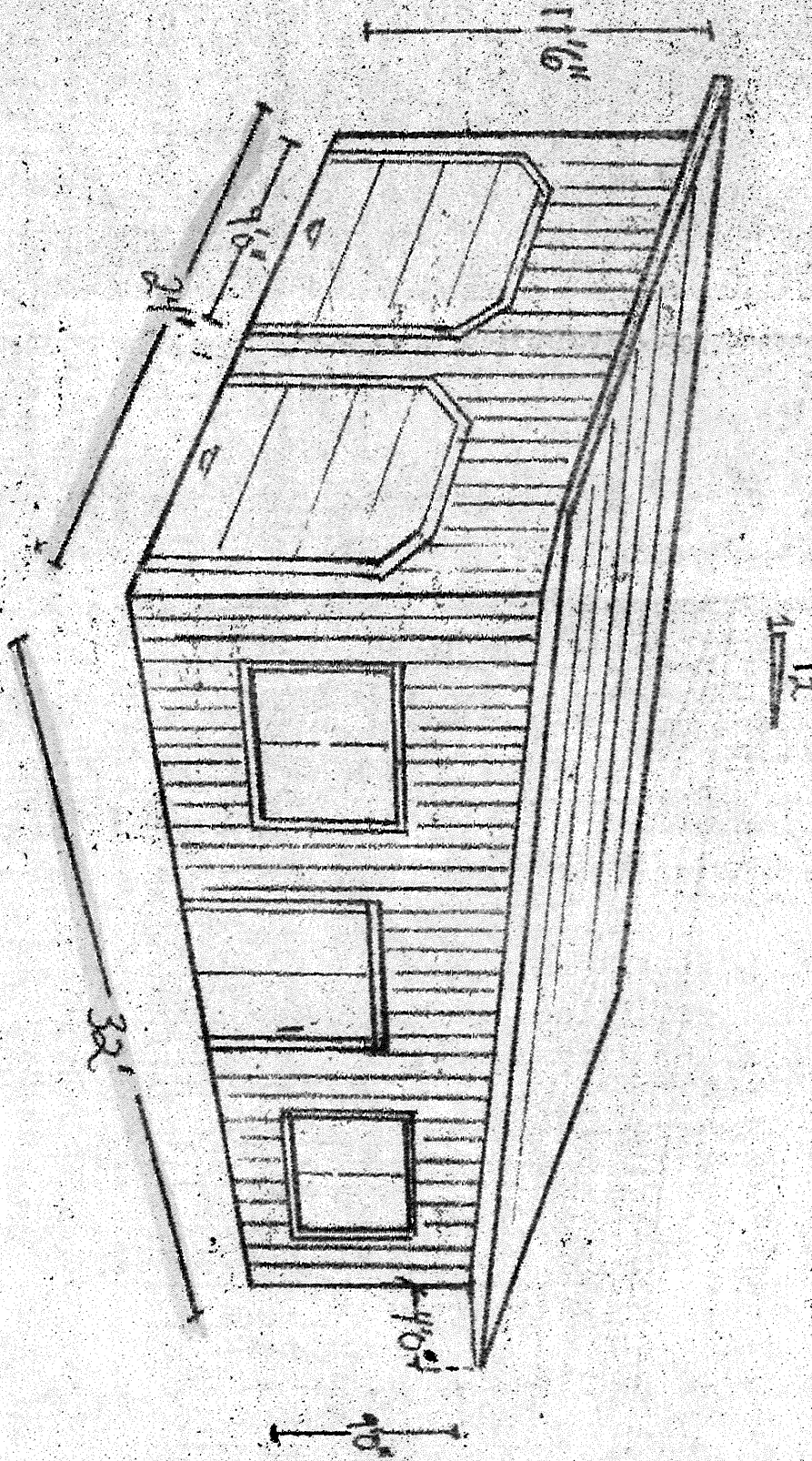
15,000 SQ. FT.
SEPTIC RESERVE
SYSTEM (CLASS II
W/PRETRTMENT)

House

LOT 7
130,918 Sq. Ft.
3.005 ACS.

LOT 6
135,359 Sq. Ft.

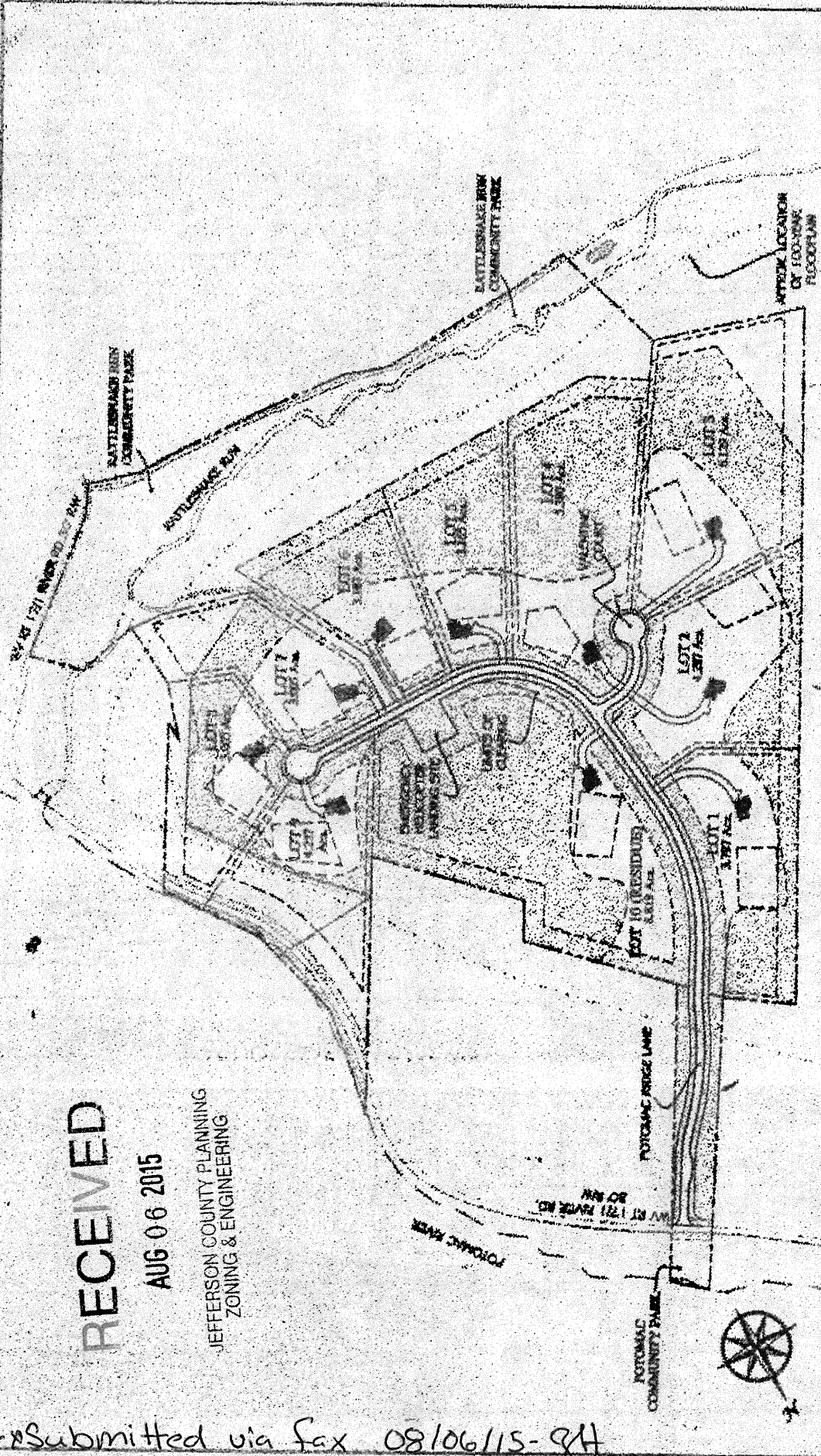
*Replaces 2 previous versions. -JA



#2015-19

* Replaces 7/31/15 version - JH Submitted via fax 08/06/15

#211519



RECEIVED

AUG 06 2015

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Submitted via fax 08/06/15 gH



POTOMAC
RIDGE









From: karen valentine <riverkv@gmail.com>
Sent: Thursday, August 20, 2015 12:46 PM
To: Zoning Department
Subject: Fwd: Karen's Variance.pdf
Attachments: Karen's Variance.pdf

----- Forwarded message -----

From: "dominic valentine" <dom@wvobserver.com>
Date: Aug 20, 2015 12:34 PM
Subject: Fwd: Karen's Variance.pdf
To: "karen valentine" <riverkv@gmail.com>
Cc:

Ms. Valentine,

We have reviewed the documents and as the legal representative of Rattlesnake LLC, owner of lot 4 in Potomac Ridge Subdivision, we are not opposed to the proposed location of the new construction of a garage put forth by Karen Valentine.

Please strike the name "Singh Birdsong" from the record as owner of Lot 4 and replace with Rattlesnake, LLC.

Best,

Dominic Valentine
Manager
Rattlesnake LLC

Begin forwarded message:

From: karen valentine <riverkv@gmail.com>
Subject: Karen's Variance.pdf
Date: August 20, 2015 at 11:20:46 AM EDT
To: Joseph Valentine <joepval@gmail.com>, dominic <dom@wvobserver.com>

LOT 8
889 Sq. Ft.
0.05 Acs.

EASEMENT
0.176 ACS.

15,000 SQ. FT.
SEPTIC RESERVE
SYSTEM (CLASS 11
w/PRE-TREATMENT)

20' STORM
DRAINAGE
EASEMENT
0.127 ACS.

LOT 7
130,918 Sq. Ft.
3.005 Acs.

**MUST BE POSTED BY
WEDNESDAY, AUGUST 12, 2015
ZV15-19**

15,000 SQ. FT.
SEPTIC RESERVE
SYSTEM (CLASS 11
w/PRE-TREATMENT)

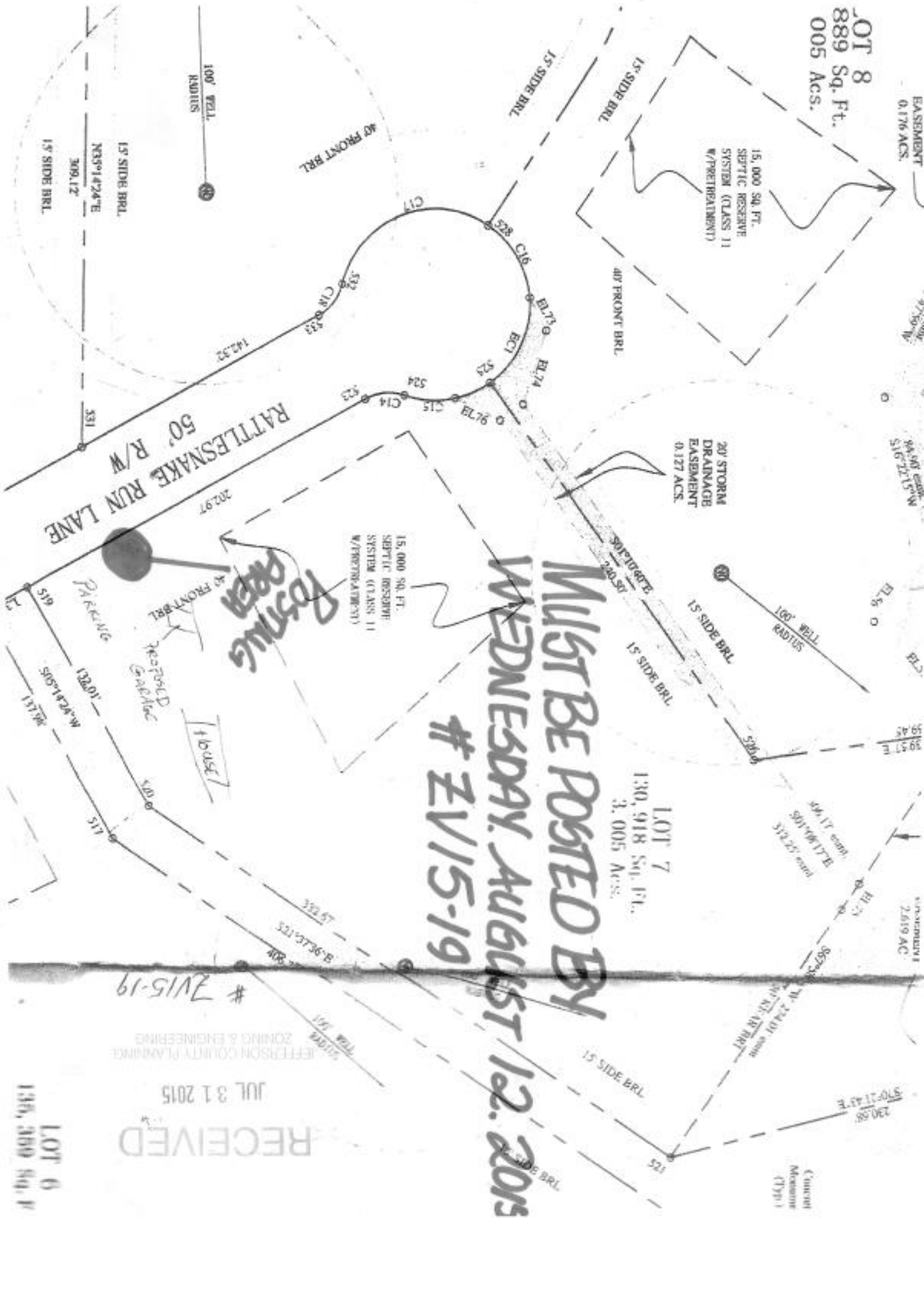
**POSTING
AREA**

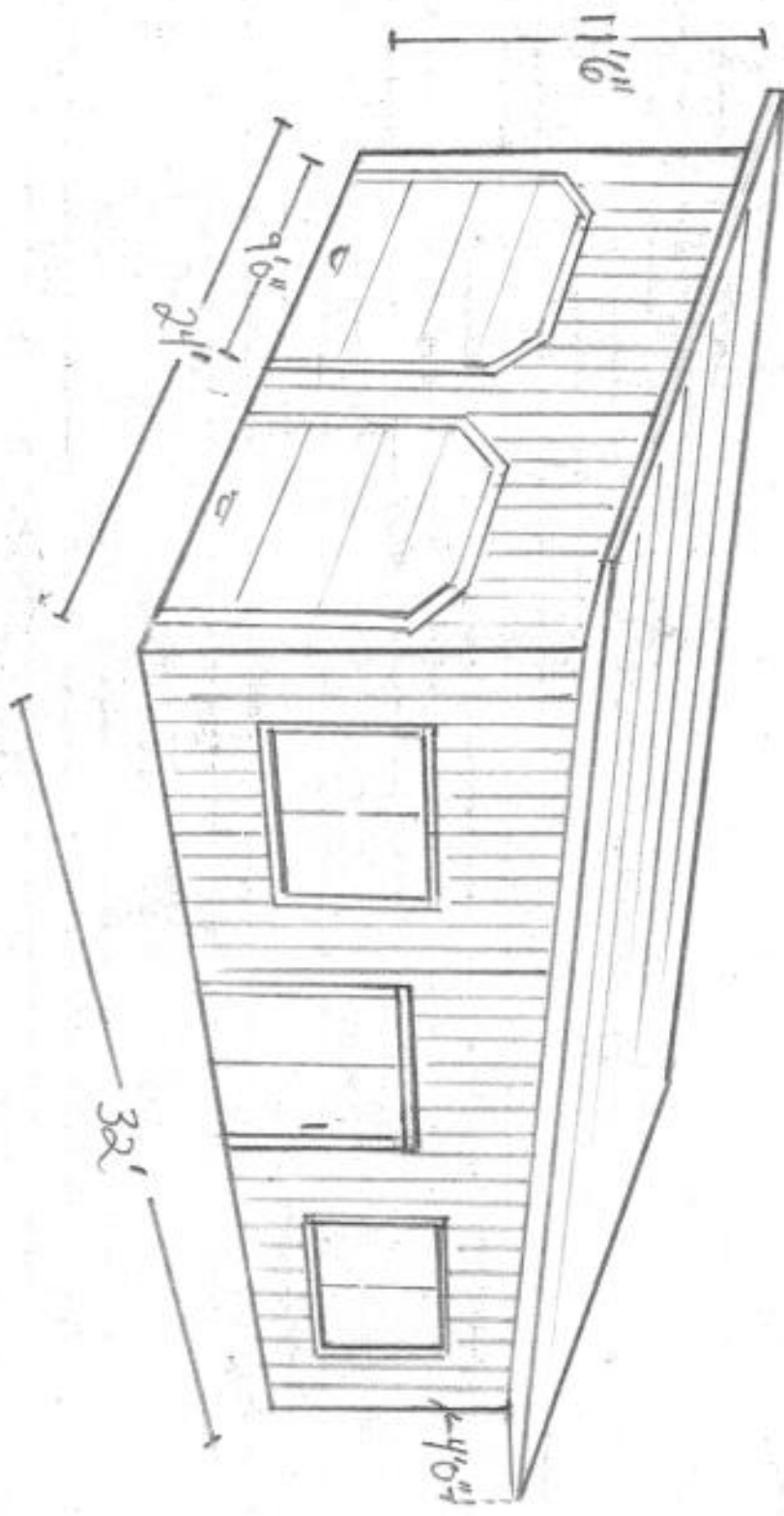
JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

JUL 31 2015

RECEIVED

LOT 6
136,389 Sq. Ft.





12

Re: Jefferson County Planning and Zoning #ZV15-19

Reason: Setback distance from the road for garage

- The garage will match the existing house and shed in style, colors, materials, and roofing.
- The arborist/conservation consultant is Shawn Walker
Trees101, LLC
He has provided advice as to positive thinning of struggling cedars to promote growth of more established species.
Also has helped to designate area to avoid to prevent root damage to the mature trees on property. This site is consistent with report.
- This site is adjacent to the existing parking area preventing any further excavation.
- This site is in proximity the house and is congruent building patterns/styles of the area.
- Great attention has been placed on avoiding any environmental damage and abiding by septic regulations/setbacks.

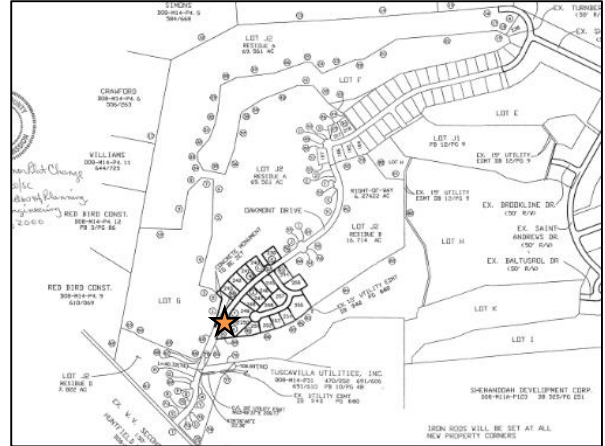

Karen Valentine

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2015

Locust Hill HOA Variance Request (#ZV15-20)

2. Previous Case History

The Locust Hill Subdivision was approved as a Conditional Use Permit in 1992 for 387 single family residences, 200 townhomes and 60 duplexes. The final plat for this section, Locust Hill Lots 239-258 and Parcels A and B, was approved by the Planning Commission and recorded in the courthouse on February 15, 2000 (see PC File #99-23).



3. Applicant's Justification of Request

In the attached application submitted for the variance request the applicant provided a response to the following 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.*
- 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.*
- d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

Two variances are under consideration. The first relates to the Zoning Ordinance requirement that submittal and approval of a site plan is required for all non-single family residential development in accordance with the requirements of the Subdivision and Land Development Regulations. In accordance with the Subdivision Regulations, the request to pave a 25' x 120' portion (3,000 square feet) of the HOA property for the proposed community use of temporary parking for the bus shelter requires a Full Site Plan with Construction Documents which could process through the Minor Site Plan process.

The purpose of site plan requirements is to ensure that a site is developed in a manner that protects public health, safety, welfare, and community character. The design requirements of the Zoning Ordinance, as well as the Subdivision Regulations, are reflected in a site plan which includes the following:

- Stormwater management
- Buffering of adjacent properties via landscaping and/or fencing
- Handicapped accessibility (parking, accessible route to building entrances)
- Adequate parking
- Setbacks from property lines and roads
- Other factors (lighting, etc)

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 27, 2015

Locust Hill HOA Variance Request (#ZV15-20)

As this unimproved parking pad has historically been used in an informal manner for student drop off and pick up at the bus shelter and has had gravel added to prevent erosion, the impact of paving this is not as significant as the creation of a new parking lot on a completely undeveloped site. Adequate stormwater management exists within the development and paving of this site will reduce mud and dirt on the roadway in this area.



Above: Existing conditions of gravel and dirt pad where parents wait/Vehicles stacked in pad waiting for the bus

The second variance request relates to reducing the parking setback requirement. The property is located in the Rural Zoning District and has an approved Conditional Use Permit. The Zoning Ordinance, Section 5.7B.1, states that “setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.” Parking and drive aisle setbacks for non-residential uses on properties less than 1.5 acres are 15 feet in the front and 4 feet in the side and rear.

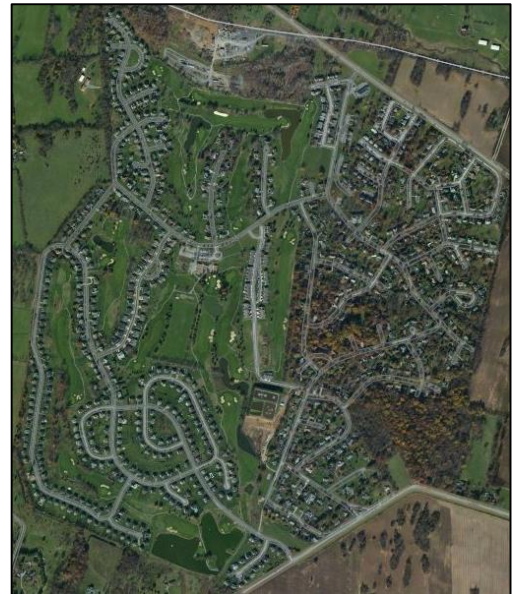
The purpose of the non-residential parking requirements is to ensure that adequate off-street parking space is available for commercial land uses. The requirement for permanent parking is to ensure that parking is safe for users, e.g. having a solid level surface (either compacted earth or paving material), adequate drive aisles, and has suitable topography. Typically all parking and drive aisles are required to be set 15 feet from the front property line to ensure there is adequate stacking distance for cars entering and exiting the parking lot and to minimize negative interactions between cars, as well as pedestrians, traveling on the road way and using the parking area. This proposed parking area will allow cars to pull directly on to the road from each proposed space. While it is not generally a standard planning or engineering practice to allow this type of direct access, the use of the parking pad could be managed by signage encouraging or requiring parents to back into these parking spaces to provide better visibility to the bus shelter and the traveling traffic on the road.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
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Locust Hill HOA Variance Request (#ZV15-20)

b. Unique characteristics of property

The Locust Hill subdivision was constructed to have the Locust Hill Golf Course nestled between the looping residential streets of this community. The parcel in question is near the southern most entrance to the neighborhood. Behind the subject parcel, an open space area with a water feature and an 8' wide dirt and gravel trail used for golf carts and walking is adjacent and runs parallel to the subject parcel. The area of the parcel that is the focus of this variance request is an unimproved strip of dirt and gravel which is proposed to be paved.



c. Character of area

The Locust Hill subdivision consists of the Locust Hill Golf Course, as well as a variety of residential structures including single family homes, duplexes, and townhomes. The neighborhood is well integrated into the golf course's footprint. The community has seen a phased development pattern being implemented on undeveloped lots in the subdivision over the past two decades.

d. Impact on adjacent properties.

Parking setbacks serve to minimize negative interactions between vehicles in motion and those which are stationary, along with ensuring clear sight lines for pedestrians in the vicinity. Parking setbacks also serve to reduce the impact that a land use might have on an adjacent property, such as the headlights, noise, and odor emitted from vehicles. While there are not many homes in the immediate vicinity of the proposed parking pad, there is one home to the northwest of the subject area. The subject parcel would only be occupied twice daily on a limited basis, to provide drop off/pick up parking for neighborhood parents waiting for their children.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
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Locust Hill HOA Variance Request (#ZV15-20)

Letters of support from the Jefferson County Schools-Transportation Department, Axel and Barbara Carroll (adjacent property to the north) and the Locust Hill Home Owner's Association have been submitted and are included in the packet as reference.



Above: Facing parking pad from road.



Above: Facing parking pad from water feature

e. Feasibility of complying with the ordinance by other means

Should the Board not grant the variance request, the applicant would not be able to construct an improved pad on which parents could wait for their school-age children. The vehicle traffic would continue to deteriorate the dirt and gravel area currently in use. Included in their request, the applicant has submitted a cost estimate for the proposed parking pad to ensure the Board has adequate documentation of their hardship.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 August 27, 2015

Locust Hill HOA Variance Request (#ZV15-20)

5. Conditions of Approval

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

- a) Install signage or provide other public notice that states that parking is limited to 30 minutes and permitted only on school days, during the hours before and after school that provides parents with a reasonable window of time to allow them to wait for their children.
- b) Install a Children Crossing sign.
- c) Require vehicles parking in these spaces to back into the spaces to provide better visibility to the bus shelter and the traveling traffic on the road.
- d) Require striping of the proposed spaces that meet current parking standards (9' x 20').
- e) Implement design standards to reduce the environmental impact (i.e. porous asphalt or landscaping, etc.).

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.10 Site Plan Requirements

Site Plan Requirement:

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.^{23, 26}

Parking Setback Requirement:

APPENDIX B: - NON-RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE²⁷

Zoning District	Development Type ^o	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks*			Distance if Sec. 4.6 applies	Buffers (Sec. 4.11) (Screened / Unscreened)							
						Front	Side	Rear	Front	Side	Rear		Front, Side, Rear	a Residential district, or any lot with a residence, school, church, or institution of human care			Commercial Use			Industrial Use
Industrial - Commercial**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Front, Side, Rear	Narrow Buffer Detail No. M-54	N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25	50 (or 25 if adjacent to industrial use)		15	10	10	75	Front, Side, Rear	Medium Buffer Detail No. M-53	N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Industrial	3 acres****	N/A	75	90%	50 (or 25 if adjacent to industrial use)			25 (or 20 if adjacent to industrial use)			200	Front, Side, Rear	Wide Buffer Detail No. M-52	25(S)	20(S)	20(S)	N/A	20(S)	20(S)
Residential-Light Industrial-Commercial	Commercial or Industrial	N/A	N/A	60	80%	See Industrial - Commercial District														
Rural	Churches	2 acres	200	35	N/A	25	50	50	See Parking / Drive Aisle Setbacks for			N/A	50(U) or 15(S)	N/A	10(S)	10(S)	N/A	10(S)	10(S)	



JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning and Zoning
 116 East Washington Street, P.O. Box 338
 Charles Town, WV 25414

File Number: ZV15-20
 Staff Initials: CLC
 Fees Paid (\$100 or \$150): \$100.00

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

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
 Fax: (304) 728-8126

Zoning Variance Request

Variations from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: Locust Hill Unit Owners Association Inc - Charles Town WV
 Mailing Address: C/O Clagett Management 142 N. Queen Street Martinsburg WV 25401
 Phone Number: 304-596-6630 x1062 Email: rhall@clagett.com

Applicant Contact Information

Name: Renee Hall
 Mailing Address: 142 N Queen St Martinsburg WV 25405
 Phone Number: 304 596 6630 x1062 Email: rhall@clagett.com

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name: Appalachian Surveys P.L.C
 Mailing Address: 401 S Fairfax Blvd Suite 3 Ranson WV 25438-1611
 Phone Number: 304-724-5010 Email: _____

Physical Property Details

Physical Address: Oakmont Drive
 City: Charles Town State: WV Zip Code: 25414
 Tax District: Charles Town Map No: 13A-4 Parcel No: 182
 Parcel Size: .423 Deed Book: 1015 Page No: 371

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Place Received Date Stamp Here

JUL 31 2015
 RECEIVED
 JEFFERSON COUNTY PLANNING,
 ZONING & ENGINEERING

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of way, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e. the distance of the structure from all property lines), size, and height. Identify all existing buildings, structures, or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? Yes No

Reference the section of the Zoning Ordinance pertaining to this request: _____

Briefly describe the nature of the variance request:

See attached

If this request is for a setback variance, please check one of the following:

Front Setback Side Setback Rear Setback Reduction From _____ to _____

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents:

Because the only adjacent property owner(s) have provided letters of support for this request and use.
See attached

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

Mothers of school age children already, and will continue to park in this common area ~~and~~ by allowing the variance
See attached

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

see attached

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

see attached

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

Deane Hall 7/31/15
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 3.4A(3)(b).

AUGUST 27, 2015 @ 2:00 P.M.
Date of Public Hearing

WEDNESDAY, AUGUST 12, 2015
Advertising Date

WEDNESDAY, AUGUST 12, 2015
Placard Posting Date

RECEIVED

AUG 06 2015

BRIEF DESCRIPTION OF THE REQUEST

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Locust Hill Unit Owners Association, Inc. at Summit Point Rd, Charles Town WV is seeking a variance from the Jefferson County Zoning Ordinance to add a small parking pad in a LHUOA owned common area located on Oakmont Drive, for the purpose of providing a safe area for children to enter and exit vehicles in order to board and de-board the school buses at the already approved and established bus stop. This request is for a variance from the requirement of a site plan, because of the small area involved, (25'x120'=3000 sq. ft) because the community is a private community that was developed through all of the property processes and procedures in accordance with an approved site plan. This common space is not otherwise used for any purpose by residents but does become very muddy and is unsightly because grass will not grow in the heavily compacted surface due to the continued use by residents during the school year. The small access road shown on the survey, is not an easement or right of way, but is an obviously traveled path by LHGC to access their green and LHUOA has allowed that without any written agreements. This path would not be affected by the installation of this parking pad. The parking pad would reduce, if not eliminate congestion on the roadway and allow for parents to move off of the street, into a safe area for the children to enter and exit vehicles, thereby removing sight obstructions in the roadway for the bus driver and other passing vehicles, and for children to cross to the bus stop, as well as allow snow removal equipment to properly clear the roadways during inclement weather.

There is no evidence of erosion or sediment problems in the area in question and it is already used, and has been used for years by resident mothers, to park and drop off or pickup up school age children. While not entirely impervious, the area is heavily compacted and so this small impervious area would not adversely affect the storm water runoff, and is not in a storm water management area.

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

There will not be an adverse effect on any adjoining properties. In fact letters of support of this parking pad are included from the Locust Hill Golf Course owner, Wayne Clark, and the adjacent property owner, Axell & Barbara Carroll.

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

When the community was developed, very limited consideration was given by the developer for safe standing or parking areas for school age children and their parents.

Mothers of school age children already and will continue to park in this common area and by allowing the variance would all of an official parking area, thereby removing congestion on the roadways and thus creating a safer area for children to enter and exit vehicles and clear line of sight for children to cross the roadway and for other vehicles, including bus drivers, to see the children. It would also eliminate an "eyesore" as the area gets muddy, is a spotty dirt area with limited amounts of grass. The area is bare because it is so heavily compacted, nothing will grow.

There is no evidence of erosion or sediment problems in the area in question and it is already used, and has been used for years by resident mothers, to park and drop off or pickup up school age children. While not entirely impervious, the area is heavily compacted and so this small impervious area would not adversely affect the storm water runoff, and is not in a storm water management area. It does become a muddy mess however, because grass will not grow in the area from the heavy compaction and continues use.

The parking pad would be a clean surface, striped for orderly parking and a landscape buffer would added to soften the appearance.

The Jefferson County Transportation Department, as evidenced by their letter of support (attached), is in favor of a designated parking area for parents that provides an added element of safety for children by eliminating vehicles from the roadway.

3. How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of land:

The hardship would be that the Association would have to assume the cost of another site plan for such a small area that could be as much as \$7,000, that is an amount equal to the cost of the parking pad. This appears to be a waste of Association funds that are already strictly limited by Chapter 36B WV UCIOA. SWM of the area will continue to function as it always has.

This area is already being used as a parking area for mothers of school age children and years of previous attempts to keep them off of the grass have failed because parents want a safe place for their children to exit and enter their vehicles.

This parking area would have signage specifying its limited and restricted use and would be monitored and towing enforced at all other times other than those designated for the purpose intended.

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

The intent of the ordinances is to protect a neighborhood from new uses that could possibly have a negative impact. In this case, the area is already been deemed a "defacto parking area" by resident mothers and by installing a parking pad at an already approved and established school bus stop. Aesthetically, the parking pad would eliminate a muddy dirt area and would enhance the appearance of the area. It would provide an element of safety for school age children and the transportation department as evidenced by their letter of support; and as previously stated, would not adversely impact neighbor as evidenced by their letters of support.

Accordingly, Locust Hill UOA, Inc, would ask the Board to grant the variance from the site plan for the proposed parking pad addition for the school aged children's parents to park.

Renee Hall

From: wclark@pga.com
Sent: Monday, December 22, 2014 3:08 PM
To: Renee Hall
Subject: RE: FW: Survey - Parking Lot

The Locust Hill HOA has approval to place a parking lot near the bus stop that is located nearest to the Locust Hill golf Course 16th green, providing that it does not encompass any area of the golf course, and that only temporary parking is allowed by the HOA.

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

From: "Renee Hall" <rhall@clagett.com>
Sent: Monday, December 22, 2014 2:54pm
To: "Wayne Clark (wclark@pga.com)" <wclark@pga.com>
Subject: FW: Survey - Parking Lot

Wayne,

I am prepared to submit Locust Hill's application to P & Z for the parking lot and would like to include your letter or email of support, or even no contest.

I would appreciate it if you could respond this week if at all possible. Thank you

Renee' Hall, CMCA, AMS
Community Manager
304-596-6630 x1025

DISCLAIMER:

This e-mail is only intended for the person(s) to whom it is addressed and may contain confidential information. Unless stated to the contrary, any opinion or comments are personal to the writer and do not represent the official view of the company. If you have received this e-mail in error, please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

This company is a debt collector. This communication is being sent in an effort to collect a debt and any information obtained will be used for that purpose.

From: Renee Hall
Sent: Tuesday, December 09, 2014 2:09 PM
To: Wayne Clark (wclark@pga.com)
Subject: Survey - Parking Lot

Wayne,

Attached is the survey for the plat off Oakmont belonging to LHUOA where we will be submitting to the PC for a change of use to install a parking pad for parents to use while waiting for the school buses.

The only thing we are asking from you that is representative of the golf course, is your vote of support or at the very least, a statement of no objection.

While the exact layout has not yet been determined we do not anticipate it will prevent you from crossing over LHUOA property to access the area behind the pond.

Thank you and please let me know if you need anything further to respond

Renee' Hall, CMCA, AMS

Community Manager

304-596-6630 x1025

DISCLAIMER:

This e-mail is only intended for the person(s) to whom it is addressed and may contain confidential information. Unless stated to the contrary, any opinion or comments are personal to the writer and do not represent the official view of the company. If you have received this e-mail in error, please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

This company is a debt collector. This communication is being sent in an effort to collect a debt and any information obtained will be used for that purpose.

December 13, 2014

Ms. Renee Hall, CMCA, AMS
Community Manager
Clagett Enterprises
142 N. Queen St.
Martinsburg, WV 25401

To Whom It May Concern:

The purpose of the letter is to voice our recommendation for a change in use for Parcel A belonging to LHUOA. We are one of the adjacent property owners and are in favor of a classification that would allow a paved parking space to be installed by LHUOA, for the specific use of residents while dropping off and picking up children from the school bus stop. We are one of the adjacent property owners, residing at 253 Oakmont Drive.

As an adjacent property owner we daily see the parents and children while they wait for the busses. I have attached pictures of the area showing how the parent's vehicles decimate the green space creating a mud pit. Not only is that a concern to us but the way the parents park has become a safety issue. There is no organization in how they park. Not only do they drive their cars onto the green space ruining the grass but they spend time chatting while their children are running around back and forth over the road and towards the pond.

I would suggest a 12-15 space asphalt, striped car parking area be installed "with a curb or vehicle stopping blocks" to keep the vehicles from coming up and over the green space to park. The parents would either have to pull or back into a space. To make it ascetically pleasing the blocks or curb should be painted yellow and some sort of vegetation (bush type) be installed behind the area to define the parking area and keep vehicles from jumping over the curb and onto the green space.

At this point the vehicles are not encroaching on our property but they are getting closer. They are however encroaching on the golf community's space and access road and that could become a concern in the future. When they park on the grass close to the curb rather than go over the curb on Oakmont they drive to putting green access/cart road and then back on to Oakmont. This leaves ruts and tracks. I would not be surprised if the golf community has not complained.

It would be in the best interest of the LHUOA to install a parking area and I would highly endorse it. Should you need any further information or if we can be of any further assistance please feel free to contact us at our residence on 304-725-2089. Thank you.

Sincerely,

"Signed"

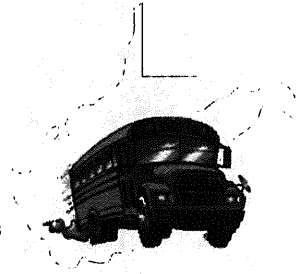
Axel and Barbara Carroll
253 Oakmont Drive
Charles Town, WV 25414

Jefferson County Schools

Department of Transportation

754 Shenandoah Junction Road, Shenandoah Junction WV 25442
(Office) 304-725-7664 / (Fax) 304-725-5042

transportation.jeff@access.k12.wv.us



July 27, 2015

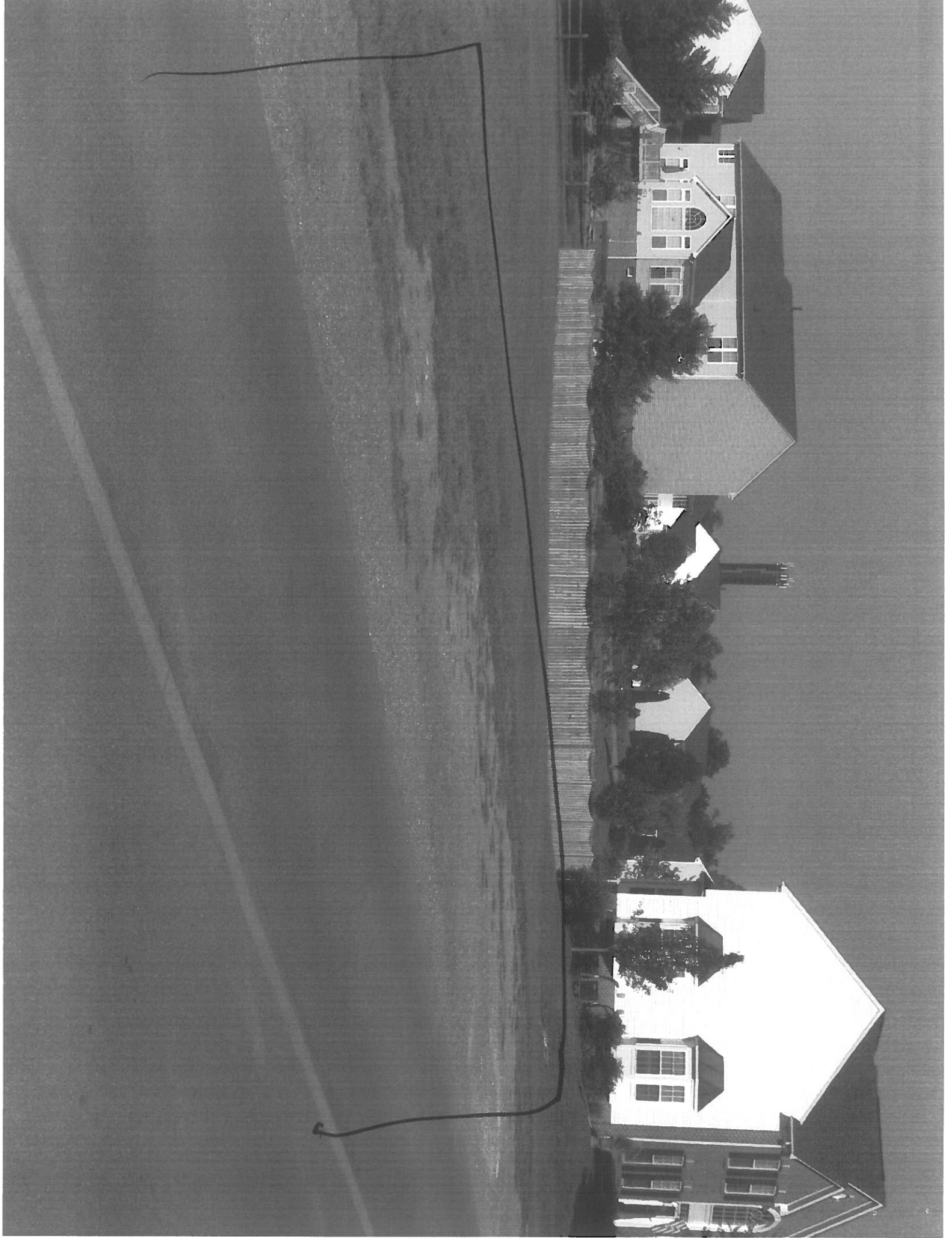
Ms. Renee Hall
Clagett Management

Dear Ms. Hall

Per our conversation this morning, The Jefferson County Schools' Transportation Department concurs with the efforts of the Locust Hill community to construct a parking area for parents located at the current School Bus Stop on Oakmont Drive.

Regards,

Larry Willingham
Routing Specialist
Jefferson County Schools-Transportation Department







SCHOOL
BUS STOP
AHEAD





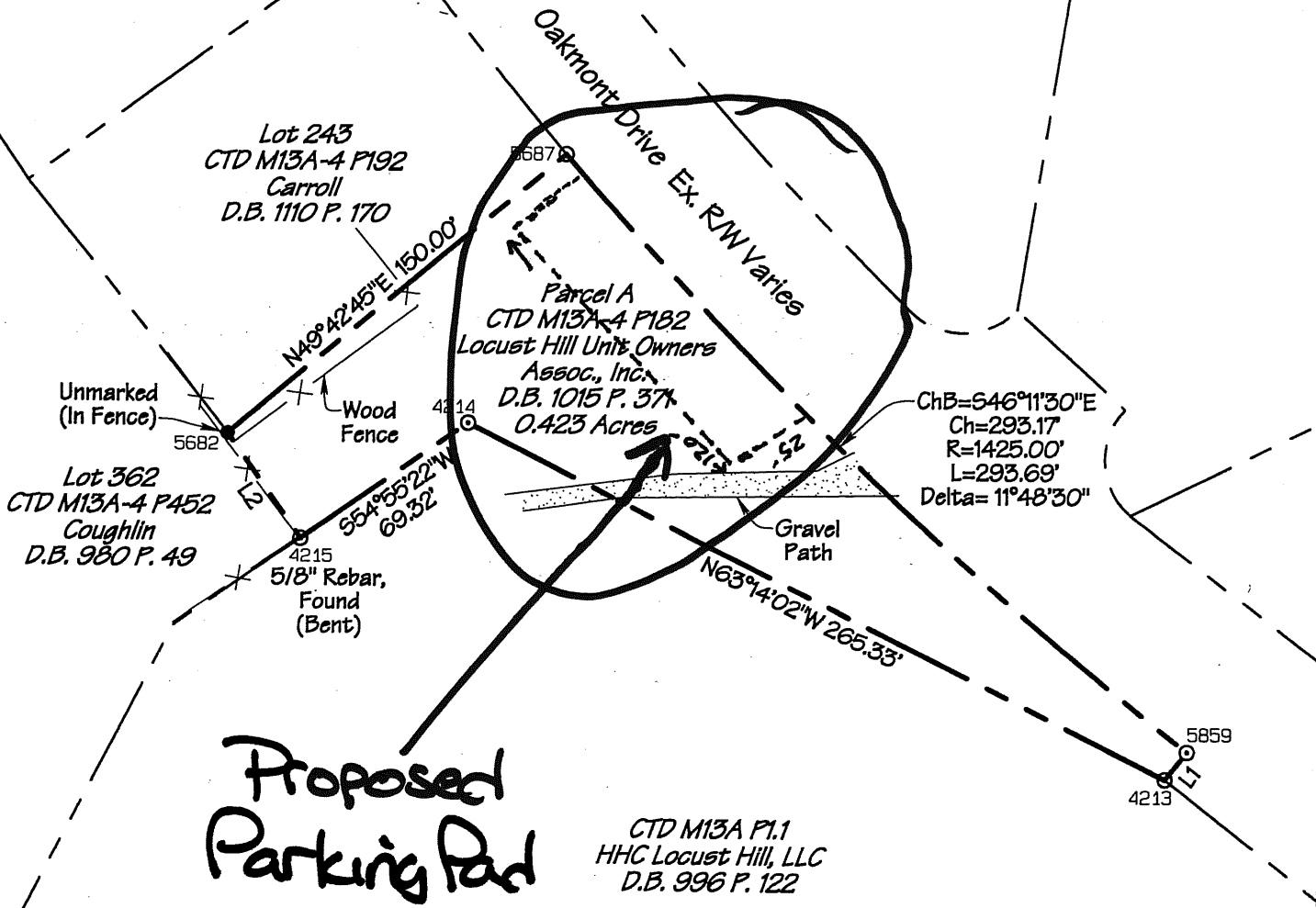
SPEED
HUMP
AHEAD

Scale: 1" = 60'



LINE TABLE

LINE	BEARING	DISTANCE
L1	S37°54'15"W	11.89'
L2	N35°04'38"W	43.60'



NOTES:

1. Property corners are set 5/8" by 30" Rebars with ID caps, unless noted otherwise.
2. By graphic plotting only, this property is in Zone "X" per F.L.R.M. map 54037C0120E dated 18 December 2009. Exact designation can only be determined by an elevation certificate. Based on the above information, this property is not in a special flood hazard area.

Plat of Survey Showing

Parcel "A" (Common Area)
 Locust Hill Unit Owners Association, Inc.

Charles Town District
 Jefferson County, WV
 Date: 11 October 2011
 Scale: 1" = 60'



RECEIVED



RECEIVED

Form B-5

JUN 04 2015

Jefferson County, West Virginia

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Surety Bond
(All Good Festival)

<p>BOND NO. PB12055700016</p>	<p>DATE BOND EXECUTED: 05/28/2015</p>									
<p>PRINCIPAL(S)/CO-PRINCIPAL(S): (Legal Name(s), Status, Business Address(es) and Phone Numbers)</p> <p>TIM WALTHER PRESIDENT WALTHER PRODUCTIONS INC. 2801 CHEVY CHASE CIRCLE JEFFERSON, MD 21755</p> <p>(Hereinafter "Principal" whether one or more than one)</p>	<p>TYPE OF ORGANIZATION: (check one)</p> <p>() Individual () Partnership or Joint Venture () Limited Liability Company (<input checked="" type="checkbox"/>) Corporation () Other (specify) _____</p> <p>STATE OF INCORPORATION OR ORGANIZATION: MARYLAND</p>									
<p>SURETY(IES): (Name(s), Business Address(es) and Phone Numbers)</p> <p>Philadelphia Indemnity Insurance Company 1 Bala Plaza, Suite 100 Bala Cynwyd, PA 19004</p> <p>A.M. Best No. 003616 A.M. Best Rating A++ A.M. Best F.S.C. XV NAIC No. 18058</p> <p>(Herein after "Surety" whether one or more than one)</p>	<p>SUM OF BOND:</p> <table border="1"> <thead> <tr> <th colspan="3">Bond Amount in Dollar Figures</th> </tr> <tr> <th>Million(s)</th> <th>Thousand(s)</th> <th>Hundred(s)</th> </tr> </thead> <tbody> <tr> <td>\$</td> <td>60</td> <td>00</td> </tr> </tbody> </table> <p>Bond Amount in Words SIXTY THOUSAND</p> <p>Event Approval Date: ___/___/___</p> <p>Event Name: ALL GOOD MUSIC FESTIVAL AND CAMPOUT</p> <p>JCPC Project File No. _____</p>	Bond Amount in Dollar Figures			Million(s)	Thousand(s)	Hundred(s)	\$	60	00
Bond Amount in Dollar Figures										
Million(s)	Thousand(s)	Hundred(s)								
\$	60	00								

KNOW ALL MEN BY THESE PRESENTS, that, we, the Principal and Surety hereto recite and declare that:

1. We are held and firmly bound to the Obligee, the Board of Zoning Appeals of Jefferson County, West Virginia (herein after called "County"), a political subdivision of the State of West Virginia, in the sum written above in lawful money of the United States of America, to be paid to the County, its successors or assigns, for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by this Bond.
2. The condition of this Bond is that if the Principal shall in every respect discharge its obligations under the event identified above, as required by law and the approved plans and/or permits, by September 1, 2015, and if the County does not incur any unexpected costs that are related to the event, then this Bond shall be void; otherwise, and only if the County incurs unexpected costs that are related to the event identified above, and based upon the approved Concept Plan, this Bond shall remain in full force until discharged in accordance with its terms, as determined by the County. This Bond shall only be terminated upon written release by the Board of Zoning Appeals of Jefferson County, stating that the Principal has well and truly performed and fulfilled the obligations required under the approved plans and/or permits for the event.
3. If the Principal fails to complete its obligations, the County shall notify the Principal and Surety that they are in default. If such obligations are not then completed by the Principal and Surety within fifteen (15) days after notification by the County, the Surety shall pay to the County the amount of the incurred unexpected costs that are related to the event within thirty (30) days of the initial notification referenced above. Payment by the Surety shall not be conditional on suit by the County. The County may extend the time period for completion of the Principal's and Surety's obligations; any time extension granted shall be in writing.
4. Surety expressly Waives any right to receive notice of, review, or approve any revisions to the approved project plans, and no such revision shall in any way affect the obligation of the Surety under this Bond.
5. In the event that any suit, action, or proceeding is brought by any Party in order to enforce the provisions of this Bond, it is expressly agreed and understood that, regardless of when the breach of the underlying project obligations occurs, or the breach of this Bond occurs, the measure of damages recoverable shall be computed as the unexpected costs incurred by the County that are related to the event. Notwithstanding any provision to the contrary, the total amount of damages shall be limited to the total amount of the Bond.
6. Nothing in the Bond shall be construed as creating an obligation upon the County to pay for the completion or correction of the work guaranteed under

IN WITNESS WHEREOF, the parties hereto have caused this BOND to be executed under the Seal as of the day and year on the date set forth above.

PRINCIPAL / CO-PRINCIPAL

SIGNATURE: *Tim Walther* (SEAL)

NAME: TIM WALTHER (Typed)

TITLE: PRESIDENT (Typed)

SIGNATURE: _____ (SEAL)

NAME: _____ (Typed)

TITLE: _____ (Typed)

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

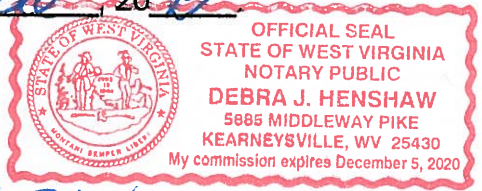
STATE OF West Virginia, COUNTY OF Jefferson, to wit:

I Debra J. Henshaw, a Notary Public in and for the State and County aforesaid, do hereby certify that Tim Walther and _____, as principal and _____, respectively of the _____,

whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this 4th day of June, 2015

Debra J. Henshaw



My Commission Expires: December 5, 2020

BOND NO. PB12055700016

IN WITNESS WHEREOF, the parties hereto have caused this BOND to be executed under the seal as of the day and year on the date set forth above.

CORPORATE SURETY

NAME: Philadelphia Indemnity Insurance Company
(Typed)

ADDRESS: 1 Bala Plaza, Suite 100
(Mailing Address)


Bala Cynwyd PA 19004
(City) (State) (Zip Code)

TELEPHONE NO.: 610-617-7900
(Typed)

STATE OF INCORPORATION OR ORGANIZATION: PA

LIABILITY LIMIT: _____

Attorney(s)-In-Fact

SIGNATURES: 1.  (SEAL) 2. _____ (SEAL)

NAME: David Gonsalves _____
(Typed) (Typed)

TITLE: Attorney in Fact _____
(Typed) (Typed)

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

STATE OF South Carolina, COUNTY OF Lancaster, to wit:

I Sara D. Carnes, a Notary Public in and for the State and County aforesaid, do hereby certify that David Gonsalves and _____, as Attorney in fact and _____, respectively of the Surety, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this 28th day of May, 2015.



Sara D. Carnes
Notary Public, State of South Carolina
My Commission Expires May 17, 2023

My Commission Expires: 05/17/2023

PHILADELPHIA INDEMNITY INSURANCE COMPANY

231 St. Asaph's Rd., Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint: **David Gonsalves, Elspeth Barnes, and Sara Carnes, of The Bond Exchange Inc, City of Charlotte, State of North Carolina** its true and lawful Attorney(s) in fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$7,500,000.00*****

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of **PHILADELPHIA INDEMNITY INSURANCE COMPANY** at a meeting duly called the 1st day of July, 2011.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

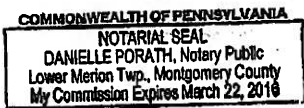
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 7TH DAY OF FEBRUARY 2013.



(Seal)

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 7th day of February 2013, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public: Danielle Porath
residing at: Bala Cynwyd, PA
My commission expires: March 22, 2016

I, Craig P. Keller, Executive Vice President, Chief Financial Officer and Secretary of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 28th day of May, 2015



Craig P. Keller, Executive Vice President, Chief Financial Officer & Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Director's Report Board of Zoning Appeals Meeting August 27, 2015

1) Pending Zoning Ordinance and Subdivision Regulation Amendments:

a) Campgrounds:

- i. Public Hearing tentatively scheduled for September 8, 2015

b) Major and Minor Subdivision and Site Plan Process:

- i. Committee presentation and Commission discussion and recommendation tentatively scheduled for September 22, 2015

c) Mass Events Ordinance (#ZTA 14-02):

- i. Work Session/discussion and possible recommendation tentatively scheduled for September 22, 2015

d) LESA/Conditional Use and Cluster Subdivision Provision Modifications

- i. Initiation of draft amendments to Jefferson County Land Development and Zoning Ordinance regarding recommendations of the *Envision Jefferson 2035 Comprehensive Plan* regarding modifications to the LESA/Conditional Use provisions of the as well as modifications to the Cluster Subdivision provisions of the Rural Zoning District (pages 38-40 of the *2035 Plan*)
- ii. Staff to coordinate with Legal to determine the notice requirements of the state law and work with the County Commission to determine the next steps
- iii. Potential workshop with representatives of the agricultural community in the near future

e) Historic Resource Demolition and Adaptive Reuse

- i. Proposed amendment to the sections of the Ordinance relative to the demolition of and adaptive reuse of historic resource sites – P&Z staff to coordinate with Engineering and Building staff for recommendations

f) Article 12 Zoning Ordinance

- i. Amendments required to Section 12.2C, 12.2D and 12.3 to bring it into conformance with the requirements of WV Code 8A; Discussion scheduled for September 22, 2015

g) Other Text amendments needed:

- i. Parking Standards – tentative timeframe?
- ii. Landscape Standards – tentative timeframe?
- iii. Signage – tentative timeframe?

2) Upcoming BZA meeting

- a) Next Regular Meeting: **September 24, 2015**

JEFFERSON COUNTY, WEST VIRGINIA
Department of Zoning

116 East Washington Street
P.O. Box 338
Charles Town, West Virginia 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

MEMORANDUM

TO: Board of Zoning Appeals Members
CC: Engineering & Building Permits Departments
FROM: Acting Zoning Administrator, Jennifer M. Brockman
DATE: August 21, 2015
SUBJECT: August Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

#ZC15-35 RAI PROPERTIES, LLC / CONTACT: JAMES RULAND - OWNER
SPECTRUM / CONTACT SETH & RAY MILLER / APPLICANTS

Issuance Date: June 29, 2015
Proposed Use: Karate Classes.
Physical Location: 59 Unit A Ruland Road; Kearneysville, WV 25430
Zone: Industrial-Commercial

#ZC15-37 AMERICAN TOWERS, LLC / CONTACT: EMILY HANNON - OWNER
ADVANTAGE ENGINEERS / CONTACT: ANDREW SWANEKAMP – APPLICANT

Issuance Date: July 22, 2015
Proposed Use: Property contains existing 360' (or top of antenna on existing tower: 368") self-support tower. T-Mobile to install one (1) microwave dish at 275'; one (1) ODU; one (1) LMR-400 cable and one new IDU in an existing cabinet. No height increase or ground disturbance is proposed for this use.
Physical Location: 17435 Raven Rock Road; Charles Town, West Virginia 25414
Zone: Rural

ISSUED ZONING CERTIFICATES

ZC15-23 SHENANDOAH PROFESSIONAL CENTER, INC. – OWNER/
WILT’S FRUIT STAND – APPLICANT

Issuance Date: July 24, 2015
Proposed Use: Outdoor Fruit Stand
Physical Location: 36 Bakerton Road; Harpers Ferry, West Virginia 25425
Zone: Residential-Light Industrial-Commercial

#ZC15-38 DAVID & LAURA HUMPHREYS – OWNERS/APPLICANTS

Issuance Date: July 24, 2015
Proposed Use: Bed & Breakfast consisting of three units.
Physical Location: 290 Falling Springs Road; Shepherdstown, West Virginia 25443
Zone: Residential-Growth

#ZC15-27 WVV GENERAL PARTNERSHIP BY MICHAEL R. SKIGEN, CPA - OWNER
DAN ALLER & MARK GRUNER / D&M ENTERPRISES – APPLICANT

Issuance Date: July 29, 2015
Proposed Use: Expand number of outdoor table spaces for existing Halltown Flea Market from currently approved 21 spaces to 70 total spaces.
Physical Location: Jefferson Business Center; 197 Halltown Road
Zone: Residential-Light Industrial-Commercial

#ZC15-29 CSX TRANSPORTATION / OWNER
CONTACT: HDR, INC. – CONTACT: AUBYN WILLIAMS, AICP

Issuance Date: July 30, 2015
Proposed Use: Installation of a 60’ Positive Train Control (PTC) tower within CSX right-of-way.
Physical Location: Shenandoah Junction - Jefferson County, WV
Zone: Rural

ISSUED ZONING CERTIFICATES

#ZC15-39 WVA 340 LLC c/o UNIWEST COMMERCIAL REALTY /
CONTACT: LINDA L. LYONS – OWNER
SMI SIGN SYSTEMS, INC / CONTACT: DECHIELE HUNTSBERRY - APPLICANT

Issuance Date: July 30, 2015

Proposed Use: Replace existing 17' x 23" x 5" channel neon letters mounted to raceway with new 17' x 23" x 5" LED channel letters mounted to raceway to read "Great Wall".

Physical Location: 176 Flowing Springs Road; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

#ZC15-40 WVA 340 LLC c/o UNIWEST COMMERCIAL REALTY /
CONTACT: LINDA L. LYONS – OWNER
TED ROSER w/ "SPIRIT OF HALLOWEEN" /
CONTACT: DECHIELE HUNTSBERRY - APPLICANT

Issuance Date: July 31, 2015

Proposed Use: Operation of Seasonal Halloween Retail Shop from August – mid-November 2015 for the sale of Halloween costumes and décor, to be located in existing, currently unoccupied, retail shop.

Physical Location: 186 Flowing Springs Road; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

#ZC15-41 JOHN DARNALL ET AL TRUSTEES, c/o SANDRA FEIZOLLAHI - OWNER
VERIZON WIRELESS / CONTACT: PHIL STETLER – APPLICANT

Issuance Date: August 04, 2015

Proposed Use: Verizon Wireless to install three (3) remote radio heads, one (1) at each sector; three (3) distribution boxes, one (1) at each sector at 155'; and three (3) new hybridflex cables to be installed along existing cable routing. No additional height increase to tower. No ground disturbance.

Physical Location: 3343 Shepherdstown Pike; Shenandoah Junction, WV 25442
Zone: Rural

ISSUED ZONING CERTIFICATES

#ZC15-42 KENNETH L. WILT - OWNER
VERIZON WIRELESS / CONTACT: PHIL STETLER – APPLICANT

Issuance Date: August 13, 2015
Proposed Use Verizon Wireless to install three (3) remote radio heads (RRH), one (1) at each sector; three (3) distribution boxes, one (1) at each sector at 163.0'; and three (3) hybridflex cables to follow existing cable routing. No additional height increase to tower. No ground disturbance.
Physical Location: 543 Mission Road North; Charles Town, West Virginia 25442
Zone: Rural

PENDING ZONING CERTIFICATES

#ZC15-07 CHARLES J. BROWN – OWNER
SHERYL GRAY - APPLICANT

Issuance Date: TBD
Proposed Use: Change in Tenant. Current owner turning over operation of existing business to daughter. Said business, established in 1988, consists of general retail sale of clothing, groceries, sporting goods, tobacco/tobacco products, smoking accessories, guns/ammunition and beer.
Physical Location: 15949 Charles Town Road; Charles Town, West Virginia 25414
Zone: Rural

#ZC15-43 HOT SPOT CT REAL ESTATE, LLC – OWNER
1012 EAST WASHINGTON STREET, LLC / CONTACT: MICHAEL- APPLICANT

Issuance Date: TBD
Proposed Use: Pawn Shop
Physical Location: 314 Prospect Avenue; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial
