



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, October 22, 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 September 24, 2015 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Variance request from Sections 4.11.A.2 & 4.11E, and Appendix B to remove the side and rear landscaping requirements. Owner: Jefferson County Economic Development Authority. Developer: Mark Cerasi. Location: Burr Industrial Park, Lot 41, 81 Steeley Way, Kearneysville, WV. District: 02; Map: 1; Parcel: 141; Zone: IC; File: ZV15-23.
4. Variance request from Section 5B.1 to reduce rear setback from 20' to 15' for a 10' x 18' deck.. Owner: Adam Sperry. Location: Crosswinds Subdivision, 120 Wind Shear Dr., Charles Town, WV. District: 02; Map: 18A; Parcel: 50; Zone: RG; File: ZV15-24.
5. The Middleway Volunteer Fire Company, Developer, is requesting the following:
  - a) Request for a Special Exception for an outdoor advertising sign per Section 10.5. The sign will be located on a parcel adjacent to the Middleway Volunteer Fire Company (File: SE15-01); and,
  - b) A variance from Section 10.4G & Appendix A to reduce the front setback from 40' to 25' for an outdoor advertising sign for the Middleway Volunteer Fire Company (File ZV15-25) and,
  - c) A variance from Section 9.6C to allow the sign in the required front yard (File ZV15-25).

Property owner: Marshall Edwards, Sr. Location: Southwest corner of the intersection of Leetown Road and Dark Hill Road, Kearneysville, WV. District: 07; Map: 24; Parcel: 2; Zone: R; Size: 81.42 ac.

6. Director's Report.
  - a) Monthly Zoning Certificate Activity Report
7. 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)
  - d) Whistling Farms Bed & Breakfast Litigation CA # 15-C-209 (possible executive session)
8. Discussion with possible deliberative session and signing of draft findings/decisions.

Meeting Date: September 24, 2015 (*see agenda for full item description*)

  - a) Variance request from Section 9.6C to allow an accessory structure in the required front yard; and, Section 9.7 to reduce the front setback from 25' to 10' to construct a 25' x 28' two car garage. Owner: Jeffrey Schneider.
  - b) Variance from Section 9.5B to permit a fence taller than 6' to remain 6" from the property line. Owner: Loretta Holdaway.

Draft Minutes  
Jefferson County Zoning Board of Appeals

1 Meeting Date: September 24, 2015  
2 Meeting Location: Charles Town Library Conference Room  
3 200 East Washington Street, West Virginia  
4  
5 Board members present: Tyler Quynn, Chair; Christy Huddle, Ted Schiltz, Matt Knott and  
6 Jeff Bresee, Alternate  
7 Board members absent: Jeffrey Bannon, Vice Chair (with notification)  
8 Staff members present: David Simon, County Planner; Lydia Lehman, Assistant Prosecuting  
9 Attorney; Jennilee Hartman, Zoning Clerk

10

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

12

13 As the Alternate Board Member, Mr. Bresee filled Mr. Bannon's vacancy.

14

15 Mr. Schiltz moved to begin the meeting at 2:00 p.m. Mr. Quynn called for a vote, which carried  
16 unanimously.

17

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

19

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

21

22 1) Approval of the minutes from the August 27, 2015 meeting.

23

24 Ms. Huddle moved to approve the August 27, 2015 meeting minutes with no corrections.

25 Mr. Quynn called for a vote, which carried four in support and one abstention (Mr. Schiltz did  
26 not attend the August meeting).

27

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

29

30 Ms. Hartman swore in members of the public who indicated they would be providing testimony  
31 at the beginning of the meeting.

32

33 3) Variance request from Section 9.6C to allow an accessory structure in the required front yard;  
34 and, Section 9.7 to reduce the front setback from 25' to 10' to construct a 25' x 28' two car  
35 garage. Owner: Jeffrey Schneider. Location: Riverview Subdivision, 277 Country Rd.,  
36 Harpers Ferry, WV. District: 04; Map: 26; Parcel: 8; Zone: R; Size: 1.732 ac; File: ZV15-21.

37

38 Jeffrey Schneider, owner, was present to address the Board. Mr. Simon briefly presented his  
39 staff report to the Board. Mr. Schneider explained the purpose of the request and answered  
40 Mr. Quynn's questions regarding the proximity of the river. Mr. Mason Carter, the Floodplain  
41 Manager/Ordinance Compliance Officer with the Engineering Department, stated the structure  
42 would be in compliance with the County's Floodplain Ordinance. Mr. Quynn opened the  
43 public hearing. There was no public comment. Mr. Quynn closed the public hearing. The  
44 Board determined a deliberative session was not necessary. Ms. Huddle moved to approve the  
45 variance request for a front yard setback to as little as 10 feet. Mr. Quynn called for a vote,  
46 which carried unanimously.

1 4) Variance request from Section 9.5B to permit a fence taller than 6' to remain 6" from the  
2 property line. Owner: Loretta Holdaway. Location: Shannondale, Section 14J, Lot 36, 294  
3 Red Bird Ln, Harpers Ferry, WV. District: 04; Map: 23F; Parcel: 36; Zone: R; Size: 0.5011  
4 ac; File: ZV15-22.

5  
6 Kevin Dinges, representative for the property owner, was present to address the Board.  
7 Mr. Dinges stated he had built the fence believing a permit was not required and that the intent  
8 of the fence was to prevent a neighboring animal from destroying expensive landscaping.  
9 Mr. Simon briefly presented his staff report to the Board. Mr. Simon explained the beginning  
10 portion of the fence measured 6' in height; however, as the property slopes downward the fence  
11 was built utilizing a 'stair stepping' form of construction. Consequently, by constructing the  
12 fence in this way the fence exceeded 6', which would then require the fence to process a  
13 building permit, thus requiring the corresponding setbacks to be enforced.

14  
15 Mr. Quynn opened the public hearing. George Caltz, neighbor, spoke in support of the request.  
16 John and Michelle Stevens, neighbors, spoke in opposition to the request. Mr. and Mrs. Stevens  
17 stated they were not in objection to the location of fence itself; however, they expressed concern  
18 over the close proximity of the front portion of the fence to Red Bird Lane. The Stevens' stated  
19 the fence blocked their view of oncoming traffic when exiting their driveway. The Stevens also  
20 explained that they objected to the number of 'No Trespassing' signs posted on the side of the  
21 fence that faces their property. It was determined that the fence was approximately 3' from the  
22 property line [as opposed to the 6" as referenced in the ad]. Mr. Stevens presented pictures to  
23 the Board. Mr. Simon also provided pictures to the Board depicting the front portion of the  
24 fence and its proximity to Red Bird Lane. Kim Barret, granddaughter of property owner, spoke  
25 in support of the request. Ms. Barret was sworn in prior to providing testimony as she arrived  
26 after the initial swearing in of the public. Mr. Dinges spoke in rebuttal stating that the front  
27 portion of the fence was erected behind the existing utility pole so that it was not obstructing  
28 visibility. Mr. Dinges added that Red Bird Lane was a dead end road; therefore, there was very  
29 little traffic that travelled on the road.

30  
31 Mr. Schiltz moved to go into deliberative session at 3:02 p.m. Mr. Bresee moved to come out  
32 of deliberative session at \_\_\_\_ p.m. Ms. Lehman left during the deliberative session and was  
33 absent for the remainder of the meeting.

34  
35 Mr. Bresee moved to approve Item #4 with the following conditions:

- 36 1. Remove two (2) feet from the front portion of the fence;  
37 2. Limit the number of signs posted on the fence [facing the Stevens property] to one  
38 sign; and,  
39 3. The variance is limited to the existing fence for the requested property line.

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

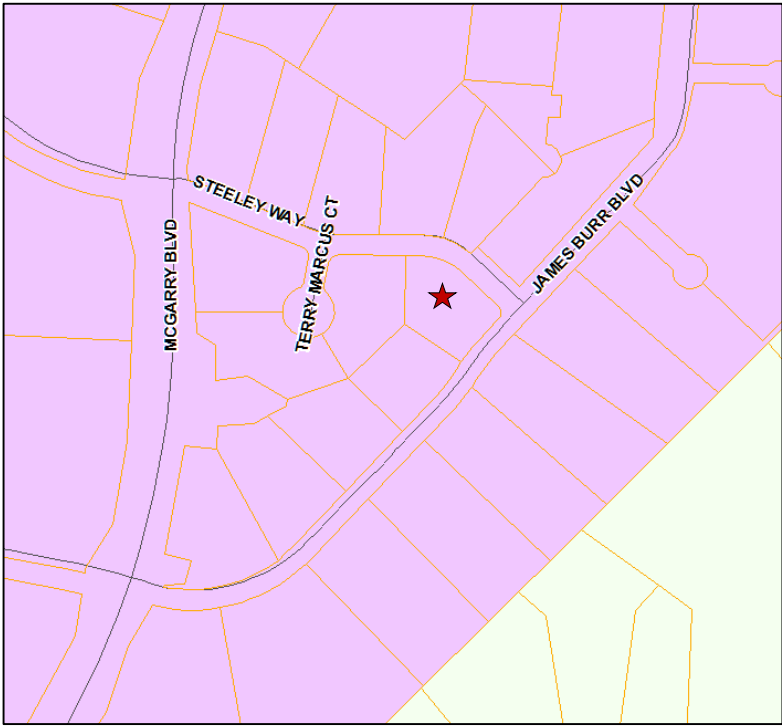
41  
42 5) Director's Report. The Director's Report was postponed due to Ms. Brockman's absence.  
43 a) Monthly Zoning Certificate Activity Report

- 1 6) Legal Update. This item was postponed as Ms. Lehman had left the meeting during the deliberative  
2 session.
- 3 a) William Neufeld Pending Litigation CA #14-C-394
- 4 b) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73
- 5 c) Review and Disposition of Citizens Complaints in relation to the All Good Festival  
6 (possible executive session)
- 7 d) Whistling Farms Bed & Breakfast Litigation CA # 15-C-209 (possible executive session)
- 8
- 9 7) Discussion with possible deliberative session and signing of draft findings/decisions. Postponed.  
10 Meeting Date: July 16, 2015 (*see agenda for full item description*)
- 11 a) Variance from Section 5.7B.1 to reduce the front setback from 40' to 14' for a  
12 constructed 24' x 32' garage and from Section 9.6C to allow an accessory structure  
13 in the required front yard. Owner: Karen Valentine.
- 14 b) Variance from Section 4.10A to waive the site plan requirement; and from Appendix B  
15 to reduce the front parking setback from 15' to 0', to allow the construction of a 25' x  
16 120' parking pad to be used as a drop off/pick up area for families awaiting the school  
17 bus. Owner: Locust Hill HOA Inc.
- 18 c) Discussion & action regarding the Surety Bond Agreement for the All Good Music Festival.
- 19
- 20 Mr. Knott moved to adjourn the meeting at 3: [REDACTED] p.m. Mr. Quynn called for a vote, which carried  
21 unanimously.

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 October 22, 2015

**Mark Cerasi (JCDA) Variance Request (#ZV15-23)**

Item #3 Variance request from Sections 4.11.A.2 & 4.11E, and Appendix B to remove the side and rear landscaping requirements.

APPLICANT:	Kristin Stolipher, Gordon				
OWNER:	Jefferson County Economic Development Authority				
DEVELOPER:	Mark Cerasi				
CONSULTANT:	Gordon				
PROPERTY LOCATION:	Burr Business Park, Lot 41; adjacent to 81 Steeley Way, Kearneysville, WV				
LEGAL DESCRIPTION & ZONING DISTRICT:	<p style="text-align: center;">District: 02; Map: 1; Parcel: 141; Zone: IC; Size: 1.29 ac</p> 				
SURROUNDING PROPERTIES:	<p>Zoning Map Designation:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td><i>North:</i> IC</td> <td><i>South:</i> IC</td> </tr> <tr> <td><i>East:</i> IC</td> <td><i>West:</i> IC</td> </tr> </table>	<i>North:</i> IC	<i>South:</i> IC	<i>East:</i> IC	<i>West:</i> IC
<i>North:</i> IC	<i>South:</i> IC				
<i>East:</i> IC	<i>West:</i> IC				
PRIOR CASES:					
VARIANCE(S):	01/24/06: PC approved variance to waive the required sidewalks, curbs and gutters in the Burr Business Park (Lots 1-44)				
APPROVED ACTIVITY:	Approved Industrial Park (PC File #04-38)				
PROPOSED ACTIVITY:	Requested variance from the County standards for side and rear landscaping requirements at this site in conjunction with the processing of a Site Plan for the development of this site.				

Staff Report  
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**Mark Cerasi (JCDA) Variance Request (#ZV15-23)**

RELEVANT INFORMATION:

**1. Overview of Request**

Variance request from Sections 4.11.A.2, 4.11E, and Appendix B – Non-residential Site Development Standards to remove the side and rear landscaping requirements while processing a Site Plan for Lot 41. The applicant is requesting to be exempted from providing landscaping in accordance with the engineering standards along the rear or side property lines and to use a chain link fence with opaque screening along the 10 foot buffer boundary. They have further indicated that they intend to retain existing vegetation within this 10 foot boundary which may meet some of the intentions of the required landscape buffer.

**2. Previous Case History**

The subject property is located in the Burr Industrial Park (PC File #04-38), which was approved and recorded with the County Clerk's office on December 18, 2007. This section of the industrial park (Lots 1 – 44) received a variance from the Planning Commission from installing road curbs, gutters, and sidewalks.

**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

Landscape buffers are typically included as a land development requirement in local Zoning Ordinances or Subdivision Regulations to absorb, lessen, or neutralize the impacts of one land use from another. Landscape buffers contribute by reducing the impact that a land use might cause to an adjacent property by serving as a barrier to visibility, air borne particles, glare or noise. Ordinances may differentiate between buffers which are screened or buffers which are unscreened based on the types of uses involved.

In the Jefferson County Zoning Ordinance, the largest buffers relate to industrial uses. Historically, buffers between nonresidential and residential uses could also either be screened or unscreened, but this provision was removed from the Ordinance as a part of amendments approved in 2014. In this case, where a commercial development abuts another commercial development, Section 4.11A.2 applies, which states, "All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers." These buffers lessen the mutual impacts between two adjacent commercial uses, including the visual impact of parking and outside storage.

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**Mark Cerasi (JCDA) Variance Request (#ZV15-23)**

Section 4.11E further states that all buffer yards shall “include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise” and that the required vegetative screening has to comply with the County’s standard details for various buffer widths. While these regulations have been in effect since at least 1990 when these details were prepared and appear to have been required in most, if not all, commercial developments in Jefferson County, a recent interpretation has determined that the use of an opaque fence the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise is an acceptable alternative to a landscaped buffer between commercial lots.

It should be noted that there have been numerous requests to be relieved of this requirement over the years and the BZA has reviewed each on a case-by-case basis for consideration of approval. Staff has stated that such an opaque fence shall be completely opaque and shall be constructed of wood boards, and/or brick or masonry walls.

It should also be noted that an amendment to the Zoning Ordinance was processed in 2014 in an attempt to clarify and modify the requirements related to landscaping between commercial uses. The new Section 4.11E.1 states that “any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met....” Because the proposed site plan for this property includes an area for outdoor storage, this Section cannot be applied to this request.

While it appears that the Ordinance does permit the use of an opaque fence between commercial uses which may serve to protect future lot owners from potential incompatible uses, the use of a fence does not offer the benefits of a landscaped buffer such as reducing the heat island effect of adjoining impervious areas, providing shade, filtering runoff, mitigating noise and adding aesthetic value to the development as a whole.

b. Unique characteristics of property

Located within the Burr Business Park, at the corner of Steeley Way and James Burr Blvd. in North Central Jefferson County, the Business Park is in close proximity to WV Rte 9. The location’s proximity to Rte 9 is a feature of the Business Park meant to attract businesses that need convenient access to transportation networks. The Burr Business Park is a master planned nonresidential subdivision owned and developed by the Jefferson County Development Authority with the intent of establishing a business park suitable for shovel-ready development parcels for Light Industrial and



Existing Site Conditions-Intersection of Steeley Way & James Burr Blvd

Commercial activities as a means to incite economic development. All roads and stormwater facilities have been constructed during the initial phases of site development of the business park.

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**Mark Cerasi (JCDA) Variance Request (#ZV15-23)**

The applicant has indicated that Lot 41 has significant existing vegetation and that they intend to retain said existing vegetation within the required 10 foot landscaping buffer which may meet some of the intentions of the required buffer.

Below: Existing unimproved site location



c. Character of area

Currently there are vacant, unimproved commercial lots surrounding the subject parcel. The adjacent parcel to the West of the subject property is occupied by the applicant for their business operations. Across Steeley Way, there is a hub of local operations for a regional residential trash hauling service. There is some natural vegetation currently on the site that will be removed for the proposed office building and storage area. Adjacent lots have similar areas of natural vegetation but it is not anticipated that this vegetation would remain once development occurs. Throughout the Park, as lots develop, the required street trees and screened buffering have been planted along the affected property lines (example below). This parcel has a lot of visibility from both roads and the adjacent driveway. The property to the South (lot 40) is also processing a Site Plan at this time.



Example of existing landscaping in Burr Business Park, further down Steeley Way

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**Mark Cerasi (JCDA) Variance Request (#ZV15-23)**

d. Impact on adjacent properties

Landscaping along the side property lines of Lot 41 would serve to define the property as a separate lot and provide a buffer between the future uses. As Lot 41 fronts on Steely Way and James Burr Blvd, the applicant will be required to meet front yard setbacks and the street planting requirements of Zoning Ordinance Section 4.11H: *Deciduous street trees for shade and aesthetics, planted at the following average spacing 1 tree per 50' where the street frontage is up to 200'; or, the greater of 4 trees or 1 tree per 100' where the street frontage exceeds 200'.* The applicant is not requesting to waive this requirement.



Example of the 5% internal landscaping that was required of the parcel adjacent to Lot 41.

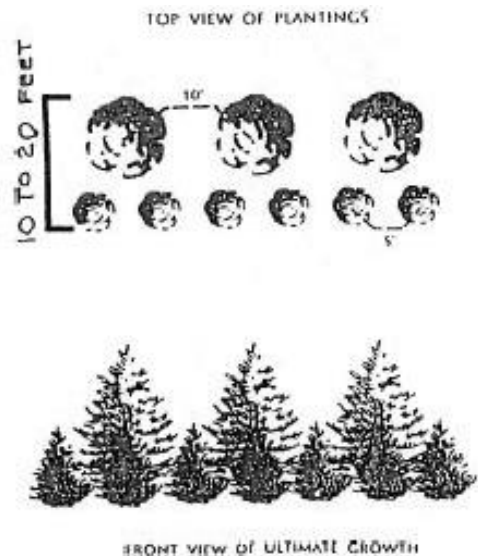
It is worth noting that the Subdivision Regulations also require the applicant to provide internal landscaping that is equal to 5% of the overall square footage of the proposed parking area. This is in addition to the required boundary line landscaping (example above). Should the Board choose to grant a reduction of the side and rear landscaping, it may be beneficial to require a portion of the landscaping which will not be provided to be integrated into the site design, where feasible.

e. Feasibility of complying with the ordinance by other means

The 10 foot screened landscaping along the side and rear lots lines between commercial lots with outdoor storage is a requirement of the Ordinance and can be met in one of three ways:

Detail M-54 Option F:

- ❖ One row of evergreen shrubs with a height of two feet or more when planted, likely to reach a height of six feet or more at maturity, planted every five linear feet; and,
- ❖ One row of medium evergreen trees with a height of six feet or more when planted, likely to reach a height of twenty feet or more at maturity, planted every ten feet



OR

OPTION F

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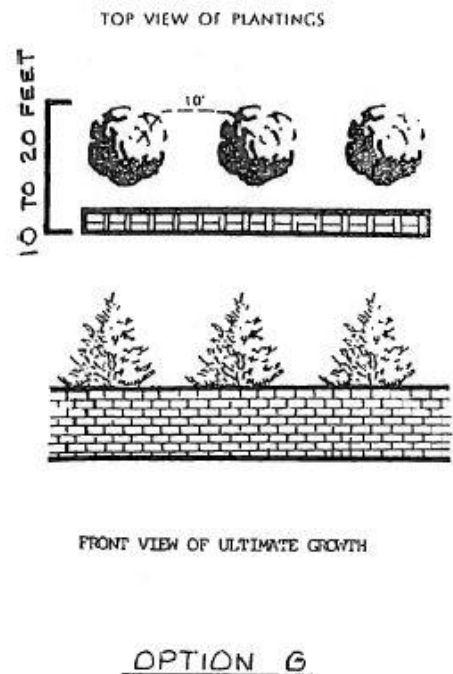
**Mark Cerasi (JCDA) Variance Request (#ZV15-23)**

Detail M-54 Option G:

- ❖ One row of medium evergreen trees with a height of six feet or more when planted, likely to reach a height of twenty feet or more at maturity, planted every ten linear feet; and,
- ❖ A solid board fence, masonry or brick wall with a height of six feet

**OR**

The third option relates to a recent interpretation of the Ordinance that the use of an opaque fence the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise as an acceptable alternative to a landscaped buffer between commercial lots. Staff has stated that such an opaque fence shall be made of durable materials (such as brick, masonry, or board-on-board wood fence), and be 6 feet in height.



These are the three options for complying with the landscaping buffer requirement.

**5. Conditions of Approval**

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

- a) The variance applies only to this proposed site plan (Lot 41) within the Burr Business Park.
- b) The variance could vary only a portion of the requirement such as one or more of the following:
  - not requiring the evergreen shrubs;
  - specifying a different type of planting; or
  - spacing the evergreen trees wider than every ten feet;

OR:

- c) The variance could provide that the applicant be required to retain the existing vegetation within the required 10 foot landscaping buffer and provide a 6 foot chain link fence within the 10 foot buffer.
- d) Should the Board choose to grant a reduction of the side and rear landscaping, it may be beneficial to require a portion of the landscaping which will not be provided to be integrated into the site design, where feasible, such as adding to the require 5% parking area landscaping.

Note: As an alternative to natural buffers, opaque fencing made of durable materials, 6 feet in height, and constructed of wood boards, and/or brick or masonry walls would be permitted and would not require a variance.

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**Mark Cerasi (JCDA) Variance Request (#ZV15-23)**

**SECTION OF ORDINANCE TO BE CONSIDERED:**

**Section 4.11A.2**

Buffer yard requirements are as shown in Appendix B of this Ordinance, and are summarized in this section.<sup>27</sup>

2. All commercial development adjacent to all other uses must maintain ten(10) foot side and rear yard landscape buffers.<sup>5</sup>

**Section 4.11E**

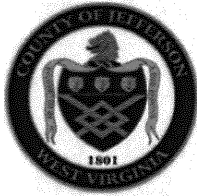
All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.<sup>7, 23, 27, 28</sup> However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:<sup>27, 28</sup>
  - a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every fifty (50) linear feet; at least every other tree shall be an evergreen;
  - b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every fifty (50) linear feet; and
  - c. Three (3) shrubs per each twenty five (25) feet along the property line, round upward.
  - d. These requirements shall be required on both sides of a property line for adjoining properties.
  - e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.<sup>7, 23, and 26</sup>
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.

**Appendix B**

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27</sup>**

Zoning District	Development Type <sup>®</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height <sup>*</sup>	ImperVIOUS Surface Limit	Building Setbacks		Parking/Drive Aisle Setbacks <sup>†</sup>			Distance if Sec. 4.6 applies	Buffers (Sec. 4.11) (Screened / Unscreened)							
												Commercial Use		Industrial Use					
						Front	Side	Rear	Front	Side	Rear	Front, Side, Rear	Front	Side	Rear	Front	Side	Rear	
Industrial - Commercial**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25		15	4	4	75	Narrow Buffer Detail No. M-54		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: #ZV15-23

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: Jefferson County Economic Development Authority

Mailing Address: P.O. Box 237, Charles Town, WV 25414

Phone Number: 304-728-3255

Email: john@jcda.net

Applicant Contact Information

Name: Mark Cerasi

Mailing Address: 179 East Burr Boulevard, Unit H Kearneysville, WV 25430

Phone Number: 888-828-9534

Email: mark@sur-loc.net

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

Name: Gordon

Mailing Address: 301 North Mildred Street; Charles Town, WV 25414

Phone Number: (304)725-8456

Email: kstolipher@gordon.us.com

Physical Property Details

Physical Address: 81 Steeley Way (Lot 41 of Burr Business Park)

City: Kearneysville

State: WV

Zip Code: 25430

Tax District: Charles Town

Map No: 1

Parcel No: 141 (Lot 41)

Parcel Size: 1.29+/- acres

Deed Book: 1080

Page No: 745

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)

RECEIVED

SEP 17 2015

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Place Received Date Stamp Here

Highway Commercial (HC)

Light Industrial (LI)

Major Industrial (MI)

Planned Neighborhood Development (PND)

Office/Commercial Mixed-Use (OC)

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: Section 4.11.A.2, Appendix B and 4.11E

Briefly describe the nature of the variance request:

See Addendum.

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 Addendum.

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 Addendum

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

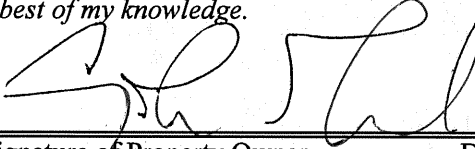
See Addendum.

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

See Addendum.

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.

 9/16/15  
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, OCTOBER 22, 2015

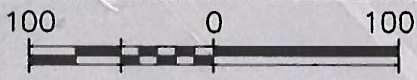
Date of Public Hearing

WEDNESDAY, OCTOBER 09, 2015

Advertising Date

WEDNESDAY, OCTOBER 09, 2015

Placard Posting Date



**Gordon**  
 PROGRAMMING & PLANNING - CIVIL ENGINEERING -  
 LANDSCAPE ARCHITECTURE - SURVEY & MAPPING  
 SECURITY CONSULTING  
 gordonaz.com

APPLE  
 VALLEY  
 WASTE

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STORM WATER  
 MANAGEMENT AREA

TERRY MARCUS CT.  
 60' RIGHT-OF-WAY

STEELEY WAY  
 60' RIGHT-OF-WAY

EXISTING  
 SUR-LOC  
 BUILDING

6,000 SQ. FT.  
 FUTURE  
 EXPANSION

PROPOSED  
 6,000 SQ. FT.  
 BUILDING

FENCE

ASPHALT PARKING AND  
 EQUIPMENT AREA

FENCE

EXISTING MATURE  
 VEGETATION

JAMES BURR BLVD  
 60' RIGHT-OF-WAY

PROPERTY SKETCH

LOT 41 / BURR BUSINESS PARK  
 VARIANCE REQUEST ADDENDUM

*Walter Polip* 9/17/15  
 Signature Date

04-27-2015

SHEET  
 1 / 1

# ZV15-23

**Lot 41 Property**  
Variance Request Addendum  
September 14, 2015

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JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

**Briefly describe the nature of your variance request:**

The requested variance is to remove the screening requirements associated with the side and rear buffers for a commercial development.

- Applicable/Related Sections of the Zoning and Land Development Ordinance
  - Section 4.11.A.2.
    - All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.
  - Appendix B: Non Residential Site Development Standards Table
    - 10 foot side and rear screened buffer (references Section 4.11).
  - Section 4.11.E.
    - All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise.

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

- **Rear Buffer**
  - The health, safety and welfare of the public will not be impacted by the absence of a rear buffer for the property.
    - All distance requirements will be maintained and all activities adjacent to the rear property line will be contained within a fence adjacent to the entire rear property line.
    - There are no operations associated with the proposed facility which will create any noxious or dangerous situations for the adjacent property owner.
  - The rights of the current or future adjacent property owner will be preserved. The adjacent property is owned by the Jefferson County Development Authority (JCDA) and is currently vacant with a plan for a similar office/warehousing use.
    - The property is located in the Burr Business Park which is designated for commercial / industrial uses. Companies often locate in this Park to be surrounded by similar uses and anticipate that future development will be of a complimentary use.
    - The adjacent property is being planned during the same time period as the Lot 41 site, therefore during the JCDA review both entities have been informed of the proposed adjacent uses.
    - The JCDA reviews and approves all development proposed within Burr Business Park and therefore the current/future owners have been informed of the adjacent uses.

- **Side Buffer**

- The health, safety and welfare of the public will not be impacted by the absence of a side buffer for the property.
  - The proposed development is a similar use of the existing adjacent facility.
  - The area in which the side buffer would be located is not open to the public and will only be accessed by the existing Sur-Loc facility as well as the new



office/warehousing facility on Lot 41.

- The rights of the current or future adjacent property owner will be preserved.
  - Both the adjacent property and the subject property are similar uses and as such, it does not appear that the addition of a landscaping buffer will provide any benefit to these owners.
  - Any future potential owners of the subject property would be aware of the property's condition prior to purchase and therefore would not be impacted. Should future owners of these facilities wish to plant additional buffers, they would be able to do so.

**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 a variance?**

- **Rear Buffer**

- Installation of the buffer yard will require the removal of existing vegetation. This existing vegetation will serve as a buffer to the adjacent lot. The limits of clearing and grading for the development will be located at the edge of the proposed pavement along the rear property line. No grading is anticipated within the 10' buffer area. Essentially the buffer requires removal of trees in order to plant trees.
- The property is located in a business park which is intended for commercial and industrial development. Business Parks are different from other areas within Jefferson County in that it is a planned development under the control of the JCDA. The JCDA monitors and approves proposed development within the Park. Areas outside of the County's Business Parks often require buffers to protect less intense zoning districts / uses from more intense and incompatible uses.

- **Side Buffer**

- The adjacent property and subject property will be similar uses and the addition of a landscaping buffer does not appear to provide any added benefit to these business owners.

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

- **Rear Buffer**

- If granted, this variance will preserve existing vegetation which would otherwise be removed. The preservation of the existing vegetation will provide an established buffer and relieve the property owner of the unnecessary cost associated with both the removal of existing vegetation and installation of new plant material.
- The ten (10) foot buffer area will include existing vegetation, a reasonable use of land for an area required to contain a vegetative screen.
- The intended use of land within the Burr Business Park is for commercial and industrial uses. It is reasonable to assume that any future use of the adjacent lot will be similar or of greater intensity than what is proposed with the Sur-Loc expansion. While the intent of buffers within the ordinance is to protect property owners from uses which are not compatible, the Park represents a location which encourages similar commercial / industrial uses.



- **Side Buffer**

- The adjacent property and subject property will be similar uses and the addition of a landscaping buffer does not appear to provide any added benefit to these business owners.
- The use of the buffer area as part of the facilities interior land is reasonable given that the proposed development is a similar use as the existing facility as opposed to a conflicting use that may require a landscaping buffer.

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

**• Rear Buffer**

- The preservation of the vegetation within the buffer area will accomplish the intent of the rear buffer requirements in the ordinance.
- The existing Sur-Loc facility was not required to provide the rear buffer pursuant to the previous version/interpretation of the Zoning Ordinance. The elimination of the buffer will allow the existing facility to expand in a pattern consistent with the requirements of the existing facility.
- Buffers are provided to protect certain uses from a more intense land use. The entire Burr Business Park is intended for commercial and industrial development. The need to protect complimentary uses from one another in this setting is an unintended consequence of the Zoning Ordinance regulations.



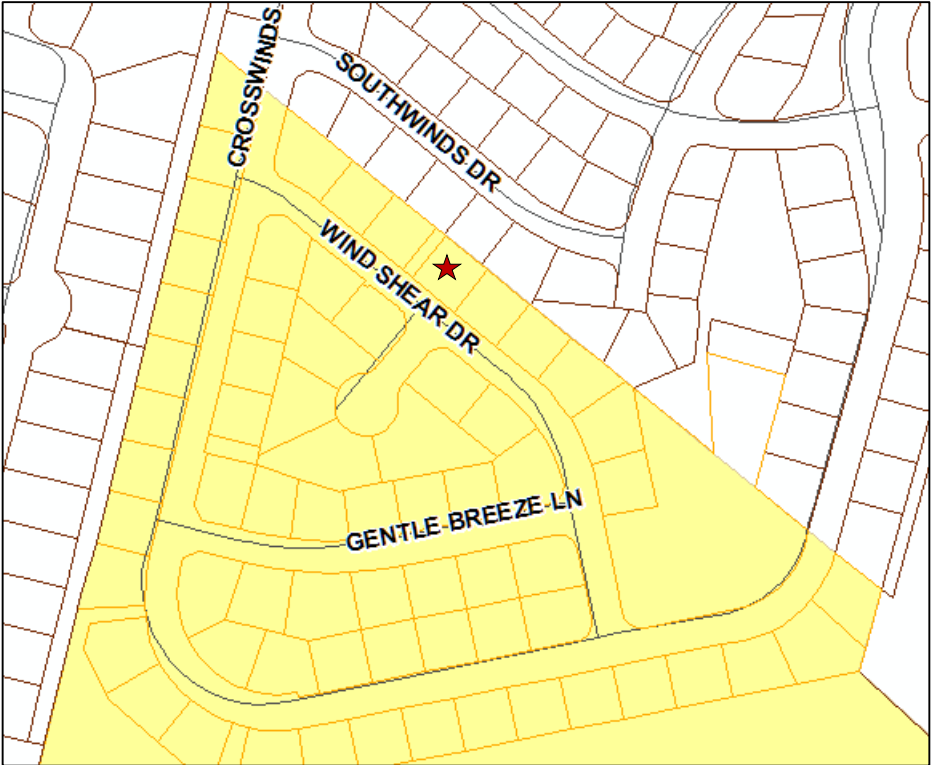
**• Side Buffer**

- The adjacent property and subject property will be similar uses and the addition of a landscaping buffer does not appear to provide any added benefit to these business owners. The removal of the buffer requirement will recognize that the facilities are similar uses and a landscaping buffer does not provide any added benefit.
- The proposed development is designed to allow for a side buffer if it becomes necessary at a future time. This will allow for the intent of the Zoning Ordinance to be observed under future unforeseen circumstances.
- The side buffer would not protect any land owner or adjacent use from the proposed facility and will not achieve any Zoning Ordinance objectives for providing a land use buffers.

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 October 22, 2015

**Adam Sperry Variance Request (#ZV15-24)**

Item #4 Variance request from Section 5B.1 to reduce rear setback from 20' to 15' for a 10' x 18' deck.

APPLICANT:	Adam Sperry
OWNER:	Same as above
DEVELOPER:	Same as above
CONSULTANT:	Brick Street Construction
PROPERTY LOCATION:	Crosswinds Subdivision, 120 Wind Shear Dr., Charles Town, WV
LEGAL DESCRIPTION & ZONING DISTRICT:	<p style="text-align: center;">District: 02; Map: 18A; Parcel: 50; Zone: RG; Size: 0.166 ac</p> 
SURROUNDING PROPERTIES:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> Charles Town                      <i>South:</i> RG  <i>East:</i> Charles Town                         <i>West:</i> RG</p>
PRIOR CASES:	Crosswinds Subdivision, Section I Lots 39-66 (PC File #98-07)
VARIANCE(S):	N/A
APPROVED ACTIVITY:	Residential Subdivision

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 22, 2015

**Adam Sperry Variance Request (#ZV15-24)**

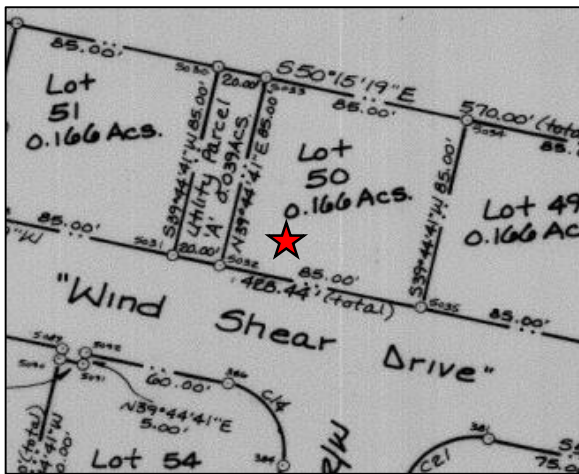
RELEVANT INFORMATION:

**1. Overview of Request**

A variance request from Section 5B.1 to reduce rear setback from 20' to 15' for a 10' x 18' deck to provide access from the second story of the home.

**2. Previous Case History**

The subject property is Lot 50 in the Crosswinds Subdivision, Section I Lots 39-66 (PC File #98-07), which was recorded in the County Clerk's office on July 29, 1998.



Red Star – The applicant's property – Lot 50  
Plat Book 16, Page 4A

**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

The purpose of side and rear yard setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements.

Staff Report  
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October 22, 2015

**Adam Sperry Variance Request (#ZV15-24)**

b. Unique characteristics of property

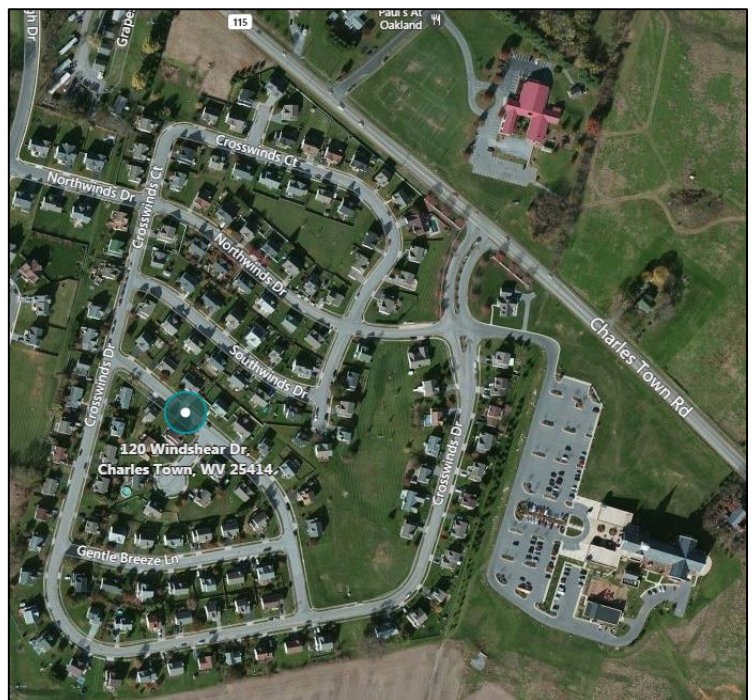
Crosswinds Subdivision is partially located within the County and partially within the Charles Town city limits. The applicant's property shares characteristics with many of the houses in the Crosswinds development. This property is one of two houses that are situated across from the entrance of the development's cul-de-sac. The tract home style of construction does not create many opportunities for unique characteristics. Because of the type of development and lot sizes of this development, rear yards tend to be shallow and wide. As a result of this housing development pattern, the applicant's ability to build a reasonably-sized residential deck is inhibited by both the building restrictions lines on their property and the proximity of the house to the rear property line that is currently delineated by a residential fence. While these elements are not unique to this property, they are unique to this development and have created a situation where a variance would be required to have a moderately sized deck. It should also be noted that it appears that many of lots in the Charles Town portion of the development have installed decks in their rear yards.



The rear of the applicant's property from an oblique angle

c. Character of area

The Crosswinds Subdivision is located off of Charles Town Road/WV Route 115, in an area past Route 340 but before Kabletown Road and the old bridge over the Shenandoah. It is within the Charles Town Urban Growth Boundary and is partially developed within the City of Charles Town limits. Crosswinds, the adjoining Norborne Glebe Subdivision, and Oakland Heights, located across WV 115, all define the southern suburban edge of Charles Town. The properties to the south of these developments are occupied by two large churches on either side of WV 115. The area then becomes more rural between the subdivisions and churches and the Shenandoah River.



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**Adam Sperry Variance Request (#ZV15-24)**

This subdivision is like many of the residential subdivisions throughout Jefferson County. Winding circulator roads lead to cul-de-sacs in the development. The Crosswinds Subdivision consists of a variety of architectural styles and construction materials, which creates a unified appearance, as each style of home is laid out in an interspersed manner in the development

d. Impact on adjacent properties

The impact on adjacent properties within the Crosswinds Subdivision will be negligible. As indicated in the applicant's request, Crosswinds has numerous properties that have rear yard amenities such as a rear deck, this type of amenity is not out of place in the neighborhood. A fence already exists along the rear and side property lines which does not inconvenience neighbors. The deck's size and location are not of proportions that will be an eye-sore or public safety concerns to the community.

e. Feasibility of complying with the ordinance by other means

The applicant wishes to construct a deck on his property; however, due to the limited size of the rear yard and the required 20' setback, the applicant cannot construct the deck as proposed without approval of the requested variance.

Section 9.6 *Projections into the Yard*, allow for structures to extend into any required yard up to four (4) feet; provided that such projections are not over ten (10) feet in width. Utilizing this provision, the applicant could reconfigure the proposed 10' x 18' deck to an 11' by 10' deck. While it may be possible to locate a deck within the ample side yards present on the applicant's property, decks are not commonly found in side yards and generally there are no door opening to accommodate such a location.



The applicant provided staff with this graphic map that shows the proposed deck

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 October 22, 2015

**Adam Sperry Variance Request (#ZV15-24)**

**5. Conditions of Approval**

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

- a) The variance applies only to a reduction in rear setback from 20 feet to 15 feet for the construction of a deck.

**SECTION OF ORDINANCE TO BE CONSIDERED:**

Section 5.4.(B).1:

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. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health Regulations<sup>23,27</sup>

**APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27</sup>**

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks			
							Front	Side	Street Side	Rear
Residential Growth	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"
	Duplex Dwelling Unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"
Townhouse Dwelling	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

File Number: ZV15-24
Staff Initials: CLK
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: Adam Sperry
Mailing Address: 120 Wind Shear Drive Charles Town, WV 25414
Phone Number: 240-357-6365 Email: Sperry822@aol.com

Applicant Contact Information

Name: Adam Sperry
Mailing Address: 120 Wind Shear Drive Charles Town, WV 25414
Phone Number: 240-357-6365 Email: Sperry822@aol.com

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

Name: Brick Street Construction
Mailing Address:
Phone Number: Email:

Physical Property Details

Physical Address: 120 Wind Shear Drive (CROSSWINDS)
City: Charles Town State: WV Zip Code: 25414
Tax District: 02-Charles Town Map No: 18A Parcel No: 50
Parcel Size: 0.166 Acrs. Deed Book: 1087 Page No: 736

Zoning District (please check one)

Residential Growth (RG) [checked]
Industrial Commercial (IC) [ ]
Rural (R) [ ]
Residential-Light Industrial-Commercial (R-LI-C) [ ]
Village (V) [ ]
Neighborhood Commercial (NC) [ ]
General Commercial (GC) [ ]

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JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Place Received Date Stamp Here

Highway Commercial (HC) [ ]
Light Industrial (LI) [ ]
Major Industrial (MI) [ ]
Planned Neighborhood Development (PND) [ ]
Office/Commercial Mixed-Use (OC) [ ]

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: 5.4B.1 - SH 10/2/15

Briefly describe the nature of the variance request:

Property lines in Crosswinds are very close to homes in most cases. Need a shorter setback than 20 feet to build a <sup>rear</sup> deck of useful size.

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

Front Setback  Side Setback  Rear Setback  Reduction From 20 ft to 15 ft

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:

Deck will remain a considerable distance from neighbor's property and is fenced within my yard. Given the small & odd property shapes within Crosswinds development, many back decks are much closer than 20 feet from property line.

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?

Due to small size of property and placement of house by builder, there is not adequate space to build a useful size deck & meet the zoning ordinance of 20' from property lines.

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


Back deck will be the only means of exit from the back of the house. Currently, there is one way in and out of the house aside from the garage door which also exits out the front. Both front door & garage must go <sup>down</sup> stairs.

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

It will allow me to use my property without being detrimental to my neighbors <sup>make better</sup>

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.

 9/16/15  
Signature of Property Owner Date

\_\_\_\_\_  
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

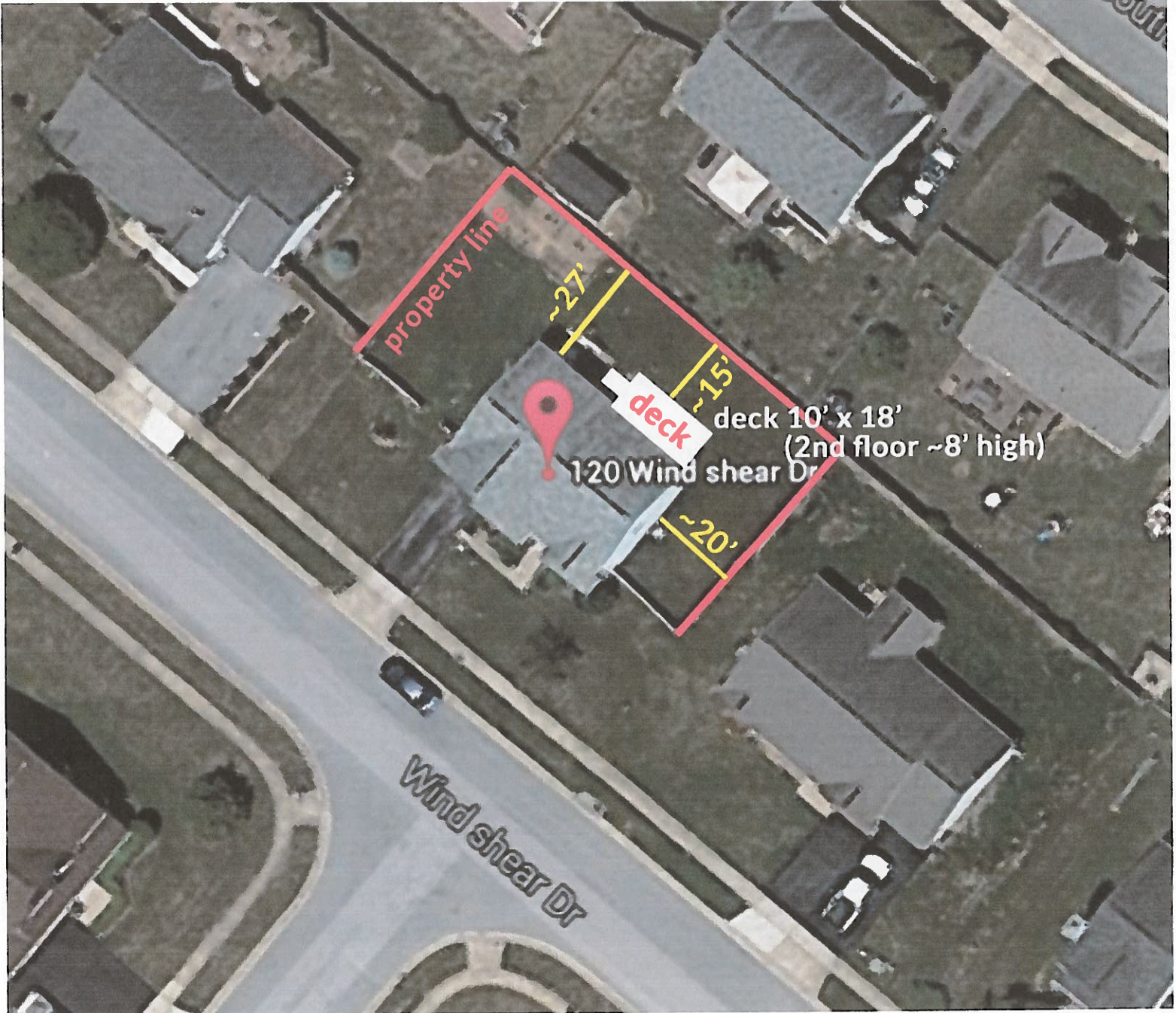
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THURSDAY, OCTOBER 22, 2015  
Date of Public Hearing

WEDNESDAY, OCTOBER 7, 2015  
Advertising Date

WEDNESDAY, OCTOBER 7, 2015  
Placard Posting Date

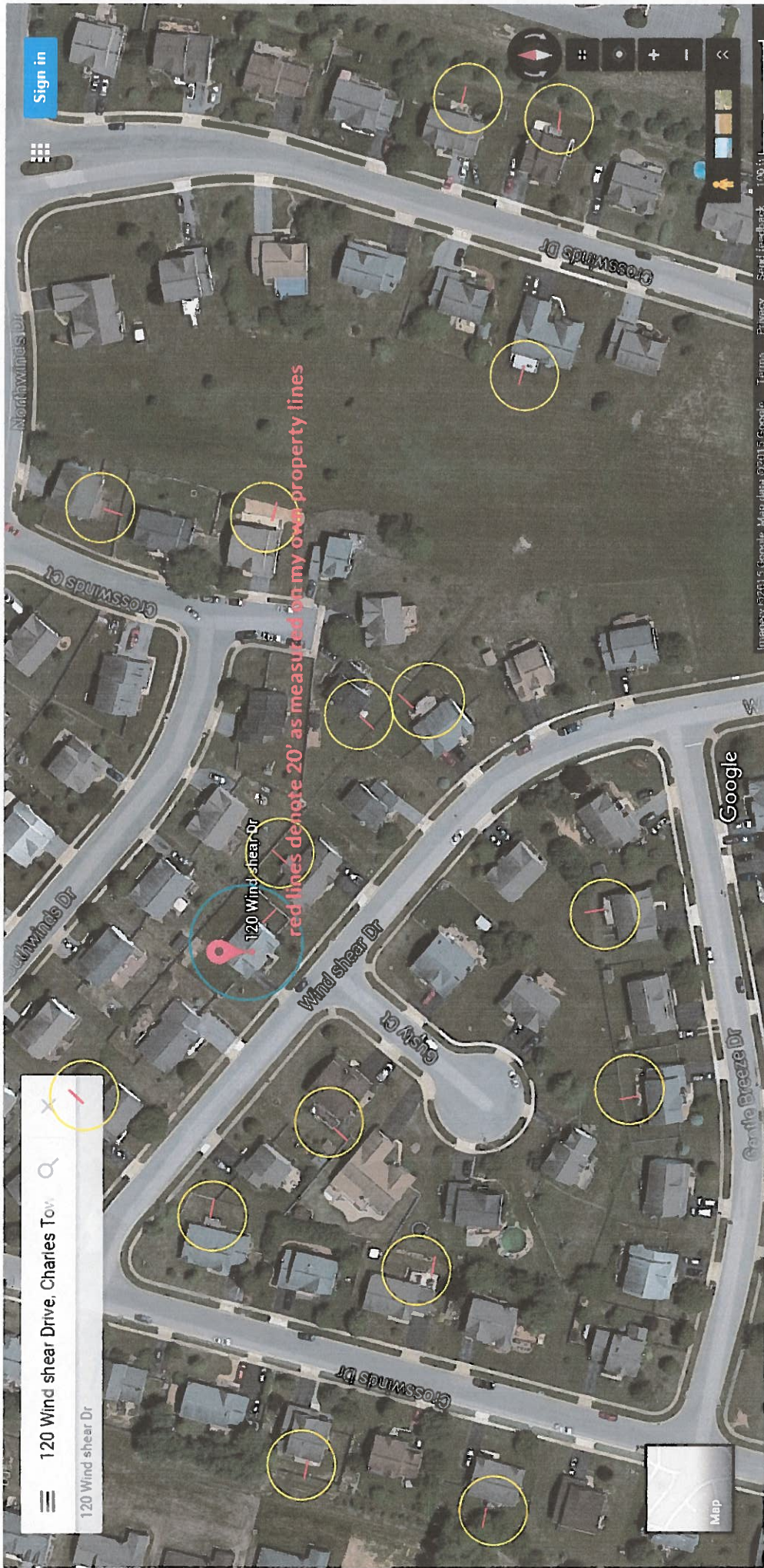
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JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING



Sign in

120 Wind shear Drive, Charles Town, WV

120 Wind shear Dr

120 Wind Shear Dr

red lines denote 20' as measured on my own property lines

#ZV1524

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JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 22, 2015

**Middleway Volunteer Fire Company Variance Request (#ZV15-23)**

**RELEVANT INFORMATION:**

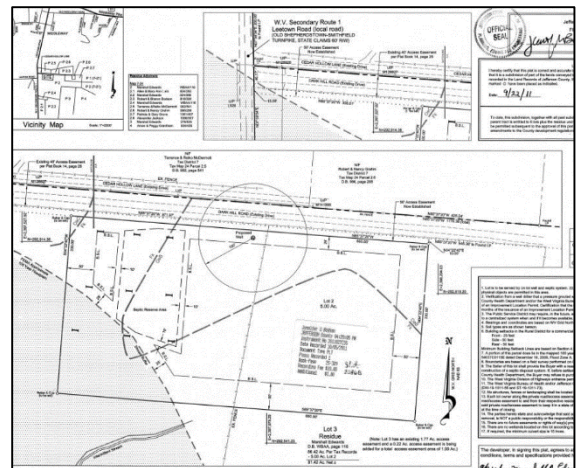
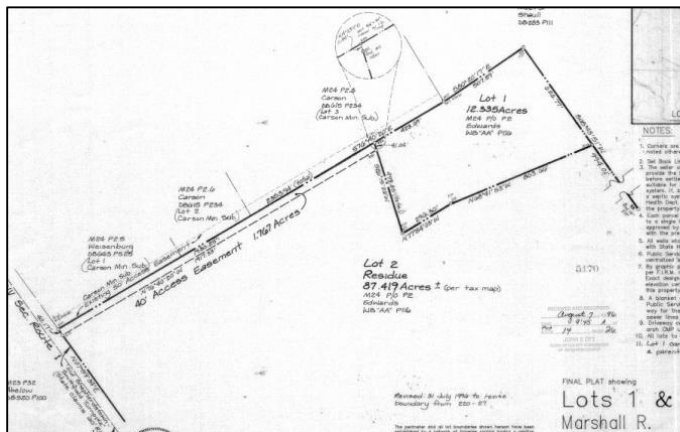
**1. Overview of Request**

The Middleway Volunteer Fire Company, Developer, is requesting the following:

- 1) Request for a Special Exception for an outdoor advertising sign per Section 10.5.  
The sign will be located on a parcel adjacent to the Middleway Volunteer Fire Company (File: SE15-01); and,
- 2) A variance from Section 10.4G & Appendix A to reduce the front setback from 40' to 25' for an outdoor advertising sign for the Middleway Volunteer Fire Company (File ZV15-25).
- 3) A variance from Section 9.6C to allow the sign in the required front yard (File ZV15-25).

**2. Previous Case History**

On August 7, 1996, the then -100 acres was subdivided to create a twelve (12) acre lot, leaving a balance of approximately 87 acres that was designated as the Residue parcel. The applicant further subdivided the Residue via the Edwards Subdivision of Lot 2 for Marshall Edwards, Sr. (File #11-03), which was recorded in the County Clerk's office on October 5, 2011. The purpose of the subdivision was to create a five (5) acre parcel to be utilized by the Middleway Volunteer Fire Company as the location for their Firehouse. The remaining 81+ acres (Lot 3-Residue) are the subject of this request, as it is the location on which the proposed sign for the Middleway Volunteer Fire Company is intending to be erected.



**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.*

Staff Report  
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**Middleway Volunteer Fire Company Variance Request (#ZV15-23)**

**4. Staff Evaluation of Request**

a. Source and purpose of ordinance requirements

Please note that separate approvals are required for the Special Exception and the variance. As the applicant has several requests before the BZA regarding Special Exceptions [Section 10.5B.1]; setbacks for Outdoor Advertising signs [10.4G and Appendix A], and structures in front yards [9.6C], staff will enumerate them and describe their purpose:

**File (SE15-01) - Special Exceptions (Section 10.5B.1)**

Because the proposed sign is not located on the same property as the Middleway Volunteer Fire Department (MVFD) building, it is considered an “outdoor advertising sign” by the Jefferson County Zoning and Land Development Ordinance. As such, Section 10.5B.1 requires the applicant to submit an application for a Special Exception to request permission for the construction of the proposed sign on property that they do not own that directs visitors to the location of the Middleway Volunteer Fire Department (MVFD).

The owner, Marshall Edwards, Sr, has given permission for the MVFD to construct a sign on his property, which abuts the lot on which the MVFD building is located. The Zoning Ordinance requires a Special Exception to be applied for because a freestanding sign is only permitted on the property on which the business it is advertising is located and generally, the Zoning Ordinance does not permit off-site signage in the County. The provision in the Zoning Ordinance related to Special Exceptions addresses the manner by which outdoor advertising signage is permitted in Jefferson County and permits public input into such requests. The Ordinance states that the BZA needs to determine if the sign conforms to existing state law and does not have negative impact on adjacent properties or the intent of this Ordinance.

The Zoning Ordinance defines *Sign, Outdoor Advertising* as “A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located. This term shall include billboards.” As outdoor advertising signs are only permitted under the Special Exception Uses of Section 10.5, and the proposed sign meets the classification of outdoor advertising signs, the proposed sign as described by the applicant, requires the application for a Special Exception Use Permit to allow the sign to be placed on Mr. Edwards’s property.

**File (ZV15-25) - Section 10.4G: Required Setbacks; Section 9.6C: Front Yard Restrictions; and Appendix A;**

Section 10.4G of the Zoning Ordinance requires all outdoor advertising, excluding billboards subject to Section 10.4H, to comply with the front yard setback provisions in the districts in which they are permitted. Appendix A states that the required front yard setback in the Rural District is 40 feet. The applicant has requested a variance be approved for the location of their sign, in regards to the requirements of the Zoning Ordinance Sections 10.4G and 9.6C, as well as the building setback standards from Appendix A of the Zoning Ordinance.

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October 22, 2015

**Middleway Volunteer Fire Company Variance Request (#ZV15-23)**

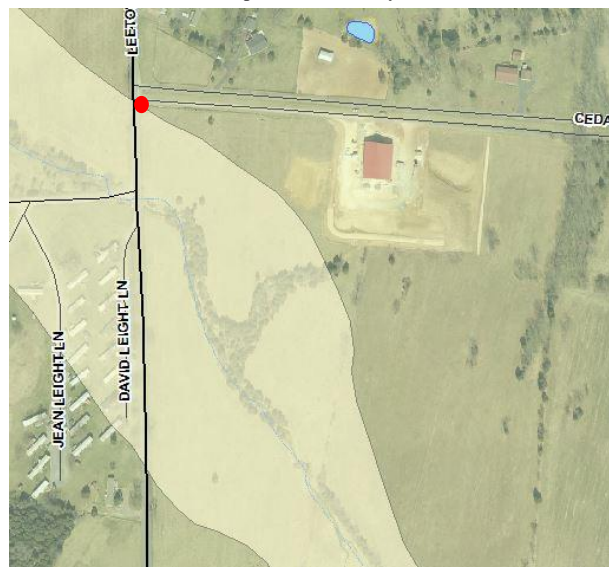
The variance request from Section 10.4G is required due to the applicant's request to not abide by the front yard setback provisions due to spatial limitations on the proposed site of the MVFD sign. Generally, the purpose of the front yard setback requirements is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that sight visibility is not impaired for drivers along the right-of-way. In particular, the requirement of Section 10.4G that outdoor advertising signs meet front yard setbacks is likely intended to minimize the negative effect that off-site signage along roadways can have on the travelling public.

The variance request for section 9.6C is based on the request to not abide by the regulation that prohibits accessory structures from being placed in the required front yard of a property. This requirement is intended to further ensure that front yards are kept clear of accessory structures that may detract from the primary use permitted on a given property. This requirement is less critical on a large agricultural property such as the one that is the subject of this request.

b. Unique characteristics of property

The agricultural fields that surround the MVFD's property lends to the rural character to the area. The parcel of land upon which the MVFD is constructed was subdivided from the Edwards farm. This adjacent farm is now the proposed location for the proposed MVFD sign which will to direct public safety/fire & rescue and the general public to the MVFD Firehouse location for emergency services. The location of the property proposed to be used for the sign is at the intersection of Leetown Road and Dark Hill Road, at the entrance to the Dark Hill Road which leads towards the MVFD Firehouse. Cedar Hollow Lane runs parallel to Dark Hill Road. The area of the Edwards property where the sign is proposed to be located falls within an identified flood plain related to a tributary of Turkey Run. All requirements of the County's Flood Plain Ordinance will need to be addressed by the applicant as a part of the building permit process if this Special Exception and variance is approved.

(Below: Aerial of MVFD on that includes the tan color which represents the 100 year (Class A) Flood Plain and Existing Sign location (red dot)

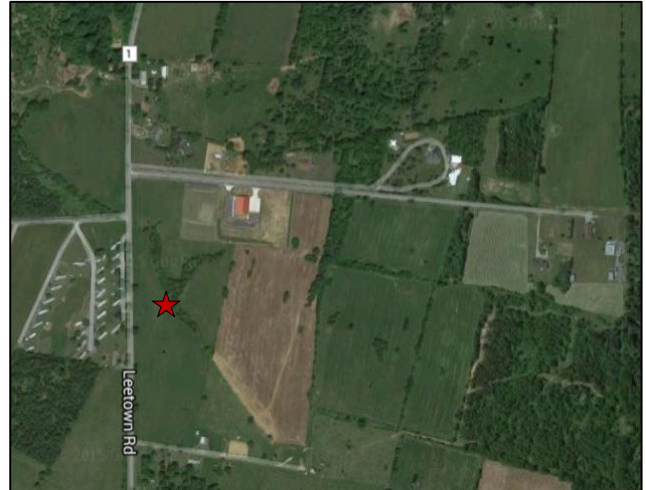


Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 22, 2015

**Middleway Volunteer Fire Company Variance Request (#ZV15-23)**

c. Character of area

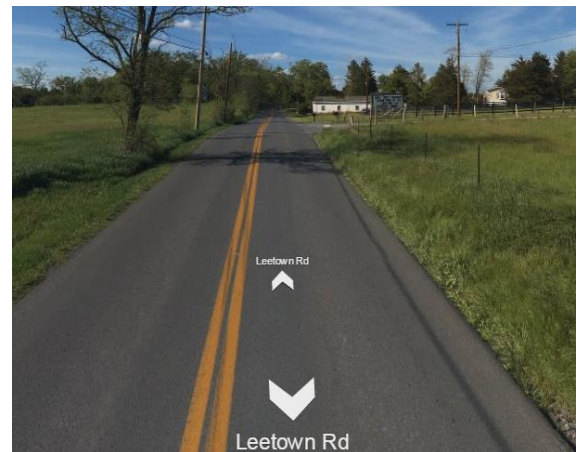
The area is rural in character. Middleway is a historic community in Jefferson County with a rich heritage dating back to the early 1730s, which generates great pride in the residents. This also allows for opportunities for historic re-enactments of field combat by historical enthusiasts. The main thoroughfare through this area, Leetown Road, undulates through the community like a wave through the rolling hills of southeastern Jefferson County. There is limited density in this part of the county, apart from the cluster of historic properties near the center of Middleway, and a cluster of mobile homes near the applicant's site, as seen in the picture above.



The MVFD property is located off Leetown Road/WV Route 1, on Dark Hill Road. It currently has a wood-framed sign that has a marquee that uses removable sliding vinyl letters to promote public events and public safety messages which has been in place without the benefit of a building permit or zoning certificate. The current sign is near the location of the proposed new sign. The applicant has expressed frustration with the physical effects of repeated vandalism, and conveyed that the new design is meant to increase the durability of the sign. The new sign will also be required to meet all setbacks and other standards of the Ordinance.

d. Impact on adjacent properties

The proposed location of the sign identifying the MVFD will be limited in its projection, as well as its size. The fact the proposed location is in close proximity to the 100 year flood plain also will have ramification on its eventual construction which will be required to be in compliance with Jefferson County Flood Plain Ordinance standards.



With that being said, there will be some impact on adjacent properties. The signs location will not impede sight lines for those driving south on Leetown Road.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 22, 2015

**Middleway Volunteer Fire Company Variance Request (#ZV15-23)**

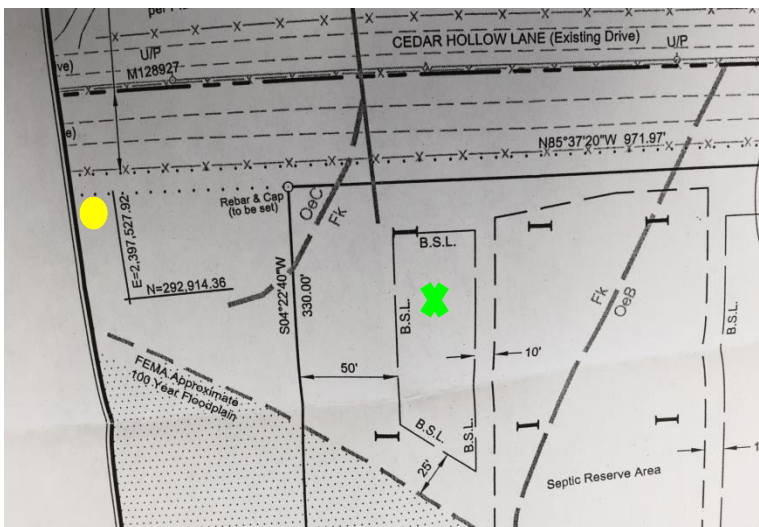
The potential impact on an adjacent property is that it is possible that the sign's size and location may block the view of northbound traffic on Leetown Road from Cedar Hollow Lane, a road that runs parallel Dark Hill Road (the road on which the MVFD Firehouse is located). The location of the proposed sign, along with the potential for overgrowth of tall grass, increases the possibility that citizens who use Cedar Hill Lane may have obstructed views of oncoming traffic when entering Leetown Road. It is critical that if the setback variance is approved, that the applicant verify that the proposed sign meets the sight triangle requirements of the Subdivision Regulations as a part of their Building Permit application.

View from adjacent property's access easement



e. Feasibility of complying with the ordinance by other means

The feasibility of complying with the ordinances that the applicants seeks variance from is difficult. If the applicant is not permitted to erect a sign on the adjoining Edwards farm, they would have to erect the sign on their own property. In the image below, staff has included an image from the site plan that shows the only area that the MVFD would be able to erect a sign. The green X shows the permitted location that abides by required buffers and setbacks. The yellow donut represents the location of the current sign.



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 October 22, 2015

**Middleway Volunteer Fire Company Variance Request (#ZV15-23)**

**5. Conditions of Approval**

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

- a) Approval of this Special Exception and Variance permits only one sign for the sole purpose of advertising the location of the Middleway Volunteer Fire Department and its related activities, in the approximate location discussed in this application.
- b) Any proposed sign shall conform to all other requirements of the Building Code, Flood Plain Ordinance and shall not be placed in a manner that impacts the sight triangle for either Dark Hill or Cedar Hollow Lane or the traveling public.

**SECTION OF ORDINANCE TO BE CONSIDERED:**

**Section 10.5 Special Exception Uses<sup>26</sup>**

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals following a public hearing.
  - 1. The public hearing shall be conducted according to the requirements of Section 3.4A.3(c).
  - 2. Such hearing may be continued according to the requirements of Section 3.4A.3(d).
  - 3. The public hearing is subject to the notification requirements of Section 3.4A.3(b).
- B. The following uses may be approved as a Special Exception:
  - 1. Outdoor advertising signs including billboards. The Board of Zoning Appeals shall determine if such a sign conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.<sup>17, 21</sup>

**Section 10.4 Signs Requiring a Zoning Permit**

- G. All outdoor advertising, excluding billboards subject to Section 10.4H, shall comply with front yard setback provisions in the districts in which they are permitted.

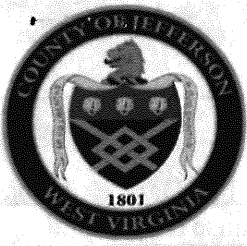
**Section 9.6 Accessory Structures**

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.

**Appendix A Residential Site Development Standards Table**

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.**	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Side Street	Rear		
Rural See also Sec. 5.7	Dwellings		40,000	N/A	100	35	40	15	*	50	N/A	N/A



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

File Number: SE15-01
Staff Initials: JH
Fees Paid: \$

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

Email: zoningdepartment@jeffersoncountywv.org
planningdepartment@jeffersoncountywv.org

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

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [ ] Special Exception: [X]

Property Owner Information

Name: Marshall Edwards, Sr.
Mailing Address: 6118 Leetown Rad
City: Keanreysville State: WV Zip Code: 25430
Phone Number: 304-725-9396 Email: nancyedwards@frontier.com

Applicant Contact Information

Applicant Name: Middleway Volunteer Fire Company
Mailing Address: PO BOX 1
City: Summit Point State: WV Zip Code: 25446
Phone Number: 304-725-0006 Email:

Registered Engineer(s) or Surveyor(s) Information

Name: Stewart Signs Co.
Mailing Address: 2201 Cantu Ct. Ste 215
City: Saraota State: FL Zip Code: 34232
Phone Number: 800-237-3928 Email:

Physical property details

Physical Address: Same as owner.
City: Keaneyville State: WV Zip Code: 25430
Tax District: 7 Map No.: 24 Parcel No.: 28 JH
Parcel Size: 7 ac 81.42 ac JH Deed Book: 110 Page No.: 494

Zoning District (please check one)

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Rural (R-A) Residential Growth (R-G) Industrial Commerical (I-C) Residential-Light Industrial-Commercial (R-L-C) Village (V)
[X] [ ] [ ] [ ] [ ]

**Name of Temporary Business or Event**

Outdoor Advertising Sign - Middleway Volunteer Fire Company

**Description of Seasonal Use**

To install a permanent outdoor sign advertising the Middleway Volunteer Fire Company on 110 Dark Hill Road. The fire hall is located on the adjacent parcel. This request requires a Special Exception because a freestanding sign is only permitted on the property that it is advertising.

**Name of Primary Contact/Responsible Party During Business Hours**

The Middleway Volunteer Fire Co. will be responsible for the sign.

**Primary Contact Telephone Number**

304-725-0006

**Duration of Temporary Use/Window of Authorization**

Start Date: N/A

End Date: N/A

Total Number of Days: N/A

**Hours of Operation of Seasonal Use**

N/A

**How is the Property Currently Used?**

Farm and existing residential home. The Middleway Volunteer Fire Company has an existing sign on the property that they would like to replace.

**What is the Proposed Use of the Property?**

The proposed sign is to replace the existing wood sign that is currently being destroyed by vandalism. The new sign will have changeable letters in an enclosed unit.

*On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.*

*Please specify the number and location of the existing/proposed parking spaces (if necessary).*

N/A

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

Marshall R. Edwards 10-07-15

Signature of Property Owner 1      Date

\_\_\_\_\_  
Signature of Property Owner 2      Date

**Notification Requirements**

10/22/15

Date of Public Hearing

10/07/15

Advertising Date

15-days

Posting Requirements  
(number of days prior to  
scheduled hearing)

***Official Action of Board***

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***Official Signature and Seal***

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***President's Signature*** ***Date***



JEFFERSON COUNTY, WEST VIRGINIA

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

File Number: #ZY15-25
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

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: MARSHALL R. EDWARDS SR.
Mailing Address: 6118 Keeton Road, Kearneysville, W.V. 25430
Phone Number: 304-725-9396 Email: NANCYEDWARDS@FRONTIER.COM

Applicant Contact Information

Name: MIDDLEWAY VOLUNTEER FIRE CO. / 110 DARK HILL RD / KEARNEYSVILLE W.V. 25430
Mailing Address: P.O. BOX 1 Summit Point, W.V. 25446
Phone Number: 304-725-0006 Email:

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

Name: STEWART SIGNS CO.
Mailing Address: 2201 CANTU CT. Suite 215 SARASOTA, FL. 34232
Phone Number: 800-237-3928 Email:

Physical Property Details

Physical Address: Same as owner, Kearneysville, W.V. 25430
City: KEARNEYSVILLE State: W.V. Zip Code: 25430
Tax District: 7 Map No: 24 Parcel No: 2904
Parcel Size: 91.425 ACRES Deed Book: 1100 Page No: 494

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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& 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: ART 10.4G + App B + 9.6C

Briefly describe the nature of the variance request:

Put sign on our property to locate Fire Co. sign  
\* To locate fire co. sign on our property, - 8ft / N.L.E.  
in the front setback.

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

Front Setback  Side Setback  Rear Setback  Reduction From 40' to 25' gH

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:

The sign will not block the view of oncoming traffic.

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 fire co. lot could not be platted on Lee town because of the Floodplain,  
resulting in less buildable area. Have to apply for an "outdoor  
advertising sign" that has greater setbacks than regular signs. 8ft

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

This sign is needed to alert people of fire co. location; this  
location is mostly Floodplain and cannot be built on. Current sign  
is vandalized; new design will prevent this from happening.

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

Intent of Ordinance to promote safety. Advertising location of the  
fire co. meets this intent.

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.

Marshall B. Eberhardt 9-23-15  
Signature of Property Owner Date

\_\_\_\_\_  
Signature of Property Owner Date

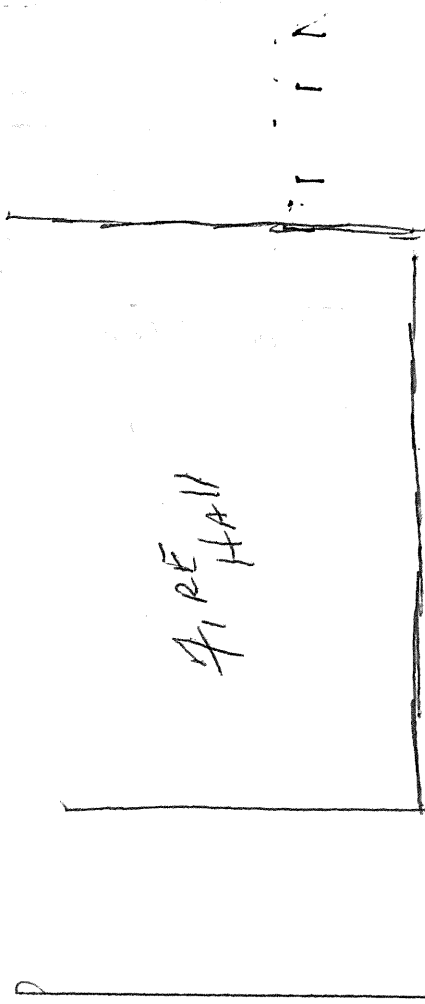
Notification Requirements (to be completed by staff)

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)).

10/22/15  
Date of Public Hearing

10/07/15  
Advertising Date

10/07/15  
Placard Posting Date



FIRE HALL

RIGHT OF WAY

MEASURED FROM EDGE OF ROAD

30 FT  
5 FT  
15 FT  
15 FT

15'

RECEIVED

SEP 23 2015

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

STREAM

RT1 ←→

#216525

RHINTON RD

1000

1000

1000

1000

1000



# Jefferson County, West Virginia

## Departments of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

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## Director's Report Board of Zoning Appeals Meeting October 22, 2015

### 1) Pending Zoning Ordinance and Subdivision Regulation Amendments:

#### a) Campgrounds:

- i. Public Hearing held September 8, 2015 – PC recommended edits underway for discussion at 11-10-15 PC meeting

#### b) Major and Minor Subdivision and Site Plan Process:

- i. Public Hearing held October 13, 2015 – PC recommended approval of the language to the County Commission; CC PH TBD

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

- i. Work Session/discussion scheduled for special PC meeting on 10-27-15

#### d) Article 12 Zoning Ordinance

- i. Discussion of proposed amendments required to Article 12 to bring it into conformance with the requirements of WV Code 8A – awaiting final language from legal for 11-10-15 PC meeting

#### 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 met with Engineering and Building staff for recommendations; memo to be prepared TBD

#### f) LESA/Conditional Use and Cluster Subdivision Provision Modifications

- i. Staff to coordinate with Legal to draft amendments to Zoning Ordinance regarding recommendations of the *Envision Jefferson 2035 Comprehensive Plan* regarding modifications to the LESA/Conditional Use and Cluster Subdivision provisions of the Rural Zoning District (pages 38-40 of the *2035 Plan*) – date TBD

#### g) Other Text amendments needed:

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

2) **Upcoming BZA meeting**

a) **REMINDER of DATE CHANGE:**

Next Regular Meeting: **November 12, 2015**

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Zoning**

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

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

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

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MEMORANDUM

TO: Board of Zoning Appeals Members

CC: Engineering & Building Permits Departments

FROM: Acting Zoning Administrator, Jennifer M. Brockman

DATE: October 16, 2015

SUBJECT: October Monthly Report of Department Activities

**ISSUED ZONING CERTIFICATES**

---

#ZC15-48 MARK ODELL– OWNER  
RIVER VIEW DEFENSE, LLC / CONTACT: STEVEN SHEARD, CEO - APPLICANT  
340 DEFENSE GUN SHOP / CONTACT: MARK PANTALONE - APPLICANT

*Issuance Date:* September 21, 2015  
*Proposed Use:* Operate a Gun Shop as a Federal Firearm Licensed Dealer at an existing Shooting Range site. No modification to property.  
*Physical Location:* 459 Berryville Pike; Summit Point, West Virginia 25446  
*Zone:* Industrial-Commercial

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#ZC15-47 DAVID & LAURA HUMPHREYS – OWNERS / APPLICANTS

*Issuance Date:* October 01, 2015  
*Proposed Use:* Farm Vacation Enterprise providing lodging and meals in three (3) lodging units consisting of five bedrooms.  
*Physical Location:* 290 Falling Springs Road; Shepherdstown, West Virginia 25443  
*Zone:* Residential-Growth

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## ISSUED ZONING CERTIFICATES

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#ZC15-50 BLUE RIDGE COUNTRY CLUB, INC. – OWNER  
GEORGE R. MOXLEY- APPLICANT

*Issuance Date:* October 13, 2015  
*Proposed Use:* Second floor expansion for a meeting room to replace Club House previously destroyed by fire.  
*Physical Location:* 935 Country Club Drive; Harpers Ferry, West Virginia 25425  
*Zone:* Rural

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#ZC15-49 MARSHALL GLENN II / RE: ESTATE OF ALICE S. GLENN – OWNERS  
VERIZON WIRELESS / CONTACT: BEN PELLETIER- APPLICANT

*Issuance Date:* October 15, 2015  
*Proposed Use:* Property contains existing 81.0' self-support telecommunications silo. Verizon Wireless to install three (3) Remote Radio Heads (RRH) at 73.0', three (3) Distribution Boxes and three (3) Hybriflex Cables to be installed along an existing cable routing. No height increase or ground disturbance is proposed for this use.  
*Physical Location:* 178 Golf Course Drive; Charles Town, West Virginia 25414  
*Zone:* Residential-Growth

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## PENDING ZONING CERTIFICATES

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#ZC15-51 EUGENE AND SARAH ABELOW – OWNERS  
EUGENE ABELOW - APPLICANT

*Issuance Date:* TBD  
*Proposed Use:* Increase number of residential rental units by three – from current 10 units to proposed 13 units.  
*Physical Location:* 1585 Gardners Lane; Shepherdstown, West Virginia 25443  
*Zone:* Rural

---

#ZC15-52 STEPHEN M. SMITH – OWNER/APPLICANT

*Issuance Date:* TBD  
*Proposed Use:* Temporary use of two (2) existing C-containers for storage of materials related to construction of home. Both C-containers to be removed from property upon completion of construction of home and within three (3) years of Zoning Certificate issuance date.  
*Physical Location:* 4462 Bowers Road, West Virginia 25430  
*Zone:* Rural

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