



**Jefferson County**  
**Board of Zoning Appeals Agenda**  
**Thursday, October 24, 2024 at 2:00 p.m.**

Members  
Tyler Quynn, Chair  
Matthew McKinney, Vice Chair  
Jacob Harris, Secretary  
David Wiegand  
Stephen Guier  
Mikala Shremshock, Alternate

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**Meeting Location:** County Commission Meeting Room  
Located in the lower level of the Charles Town Library (entrance on Samuel Street)  
200 East Washington Street, Charles Town, WV 25414

**Broadcast Information:** ZOOM Meeting Link: <https://us02web.zoom.us/j/88035694394>  
Phone Option (Dial by Location): 301-715-8592 / Meeting ID: 880 3569 4394

**Note:** *The County does not transcribe meeting proceedings. Any party desiring a meeting transcript is responsible for providing a stenographer at their own expense.*

**All requests are pursuant to the Zoning & Land Development Ordinance.**

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**Approval of Minutes:**

- **Reconsideration of the August 22, 2024 minutes**
- **Approval of the September 26, 2024 and October 4, 2024 minutes**

**Public Hearing – Administer Oath**

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**Item #1      File #: 24-7-CUP**

**Request:** Request for a Conditional Use Permit to expand Executive Emergency Lighting's business operations. The applicant is proposing to expand an existing emergency vehicle outfitting and retrofitting professional office, which is designated as a Contractor with Outdoor Storage (see Article 2). The proposal consists of constructing a new 1,200 square foot building to house vehicles and a workshop for the outfitting work.

**Parcel Info:** Executive Emergency Lighting LLC / Attn: Raymond Muth, Property Owner  
Wilmoth Construction Subdivision, Lot 1, 21 Southpaw Lane, Shepherdstown, WV  
Parcel ID: 09014BWAT10000; Property Size: 2.4 ac; Project Size: 1.4 ac; Zoning District: Rural

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**Item #2      File #: 24-32-ZV**

**Request:** Variance from Section 4.6D & Section 8.2 to reduce the distance requirement along the eastern property line from 50' to 12' for a 24' x 30' barn.

**Parcel Info:** Reiner Castilla Casillo & Lourdes Castillo Santana, Property Owners  
Duncan Minor Subdivision, Lot 2, 414 Kearneysville Pk., Kearneysville, WV  
Parcel ID: 07000300290002; Size: 1 acres; Zoning District: Rural

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**Item #3      File #: 24-33-ZV and 24-34-ZV**

**Request #1:** Variance from Section 9.7 to reduce the rear setback from 12' to 6' for a 12' x 20' accessory structure (Shed #1).

**Request #2:** Variance from Section 9.7 to reduce the rear setback from 12' to 6' for a 12' x 20' accessory structure (Shed #2).

**Parcel Info:** Mark Johnson, Property Owner  
3292 Old Leetown Pike, Ranson, WV  
Parcel ID: 02000500050000; Size: 1.4 acres; Zoning District: Rural

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**Item #4      File #: 24-35-ZV and 24-36-ZV**

Request #1: Variance from Section 9.7 to reduce the side setback from 15' to 6' for a 24' x 32' accessory structure (Shed #1).

Request #2: Variance from Section 9.7 to reduce the side setback from 15' to 5' for an existing 12' x 30' accessory structure (Shed #2).

Parcel Info: Joseph Delauter, Property Owner

58 Keala Dt., Charles Town, WV

Parcel ID: 06002100010006; Size: 2.86 acres; Zoning District: Rural

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**Item #5      File #: 24-37-ZV and 24-38-ZV**

Request #1: Variance from Appendix B to reduce the side setbacks for Buildings #1 and # 2 from 25' to 5' for a proposed interior property line of a boundary line adjustment with Parcel 142.

Request #2: Variance from Appendix B to eliminate the site developments standards pertaining to landscaping and parking & drive aisle setbacks for a proposed interior property line of a boundary line adjustment with Parcel 142.

Parcel Info: MC2 Properties LLC / Mark Cerasi, Property Owner

Building #1: 272 James Burr Blvd, Kearneysville, WV

Building #2: 65 Steeley Way, Kearneysville, WV

Parcel ID: 02000101410000; Size: 1.29 acres; Zoning District: Industrial Commercial

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**Zoning Administrator Report**

- a. 2025 Board of Zoning Appeals Meeting Schedule
- b. Monthly Zoning Certificate Activity Report

**Legal Update**

- a. Discussion with possible deliberative session of the following pending lawsuits:
  - 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy Facility / File 22-9-CUP) Rockwell v. JCBZA
  - 2. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of Zoning Appeals
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

**Meeting: September 26, 2024**

- 1. Variance from App. A. Owners: David Brown and Michelle Mitchell-Brown. File: 24-30-ZV.
- 2. Variance from Sec. 8.17B.1. Owner: Jeanette M. Hawk. Applicant: David Schneider. Files: 24-31-ZV.

**DRAFT Minutes**  
**Jefferson County Board of Zoning Appeals**

1 Meeting Date: August 22, 2024  
2 Meeting Location: County Commission Meeting Room located in the lower level  
3 of the Charles Town Library (entrance on Samuel St.)  
4 200 East Washington Street, Charles Town, WV 25414  
5 Board Members Present: Tyler Quynn, Chair; Matthew McKinney, Vice Chair; Jacob Harris,  
6 Secretary; Mikala Shremshock, Alternate; and David Wiegand were  
7 present in person.  
8 Board Members Absent: Steve Guier with notification  
9 Staff Members Present: Alexandra Beaulieu, Deputy Director & Zoning Administrator; and  
10 Jennilee Hartman, Zoning Clerk were present in person. Steve Groh,  
11 Assistant Prosecuting Attorney, was present via phone conference.

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

13 Mr. McKinney moved to call the meeting to order at 2:02 pm. Mr. Quynn called for a vote, which  
14 carried unanimously.

15 Mr. Quynn reviewed meeting protocol for those in attendance.

16 **Approval of Minutes: July 25, 2024**

17 Mr. Wiegand moved to approve the minutes as presented, which carried unanimously.

18 Mr. Quynn called for Item #4 to be considered first.

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

20 Mr. Harris recused himself from this Item due to a conflict of interest and left the meeting room.

21 **Agenda Item #4      File #: 24-28-ZV and 24-29-ZV**

22 Request #1: Variance from Appendix B to reduce the side setback & unscreened buffer area along  
23 the eastern property line for an addition to an accessory structure and the installation of  
24 a driveway (File 24-28-ZV).

25 Request #2: Variance from Appendix B to allow a portion of a chain link fence up to 8' in height  
26 and a portion of a baseball field to be located within the unscreened buffer area along  
27 the eastern property line (File 24-29-ZV).

28 Parcel Info: Fellowship Bible Church Trustees, Property Owner / Attn: Richard Beddow  
29 160 Daniel Rd, Shenandoah Junction, WV  
30 Parcel ID: 02000300040005; Size: 50± ac; Zoning District: Rural

31 Richard Beddow, Trustee of Fellowship Bible Church, was present to address the Board.

32 Ms. Beaulieu provided an overview of the projects and presented each staff report to the Board.

33 Ms. Beaulieu noted that each request would request a separate motion.

34 Mr. Beddow explained the nature of each request and addressed questions from the Board.

35 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided  
36 testimony. Mr. Quynn closed the public comment portion of the hearing.

37 Mr. McKinney moved for a Summary Approval for File #24-28-ZV in accordance with Section  
38 5.7(9) of the Boards' Rules of Procedure (as amended 01/26/23) with the condition that the applicant  
39 is bound by their testimony. Mr. Wiegand seconded the motion, which carried unanimously.

1 Mr. McKinney moved for a Summary Approval for File #24-29-ZV in accordance with Section  
2 5.7(9) of the Boards' Rules of Procedure (as amended 01/26/23) with the condition that the  
3 applicant is bound by their testimony and that they will maintain the 20' buffer along the eastern  
4 property line. Mr. Wiegand seconded the motion, which carried unanimously.

5 Mr. Harris returned to the meeting room for the duration of the meeting.

6 Mr. Quynn called for Items #2 & 3 to be considered together. Ms. Hartman swore in members of the  
7 public who indicated they would be providing testimony.

8 **Agenda Item #2      File #: 24-26-ZV**

9 Request:      Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed five (5)  
10                      unit campground from 10 acres to 5.92 acres.

11 Parcel Info: Joseph & Shelby Herbert, Property Owners

12                      1122 Duncan Rd, Harpers Ferry, WV

13                      Parcel ID: 09001100100000; Size: 5.92 acres; Zoning District: Rural

14 **Agenda Item #3      File #: 24-27-ZV**

15 Request:      Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed four (4)  
16                      unit campground from 10 acres to 3 acres.

17 Parcel Info: Joseph & Shelby Herbert, Property Owners

18                      Vacant parcel located SE of 1122 Duncan Rd, Harpers Ferry, WV

19                      Parcel ID: 09001100100002; Size: 3 acres; Zoning District: Rural

20 Joseph and Shelby Herbert, property owners, were present to address the Board. Ms. Beaulieu  
21 provided an overview of the projects and presented each staff report to the Board. Ms. Beaulieu  
22 noted that each request would require a separate motion.

23 Mr. Herbert explained the nature of each request and addressed questions from the Board.

24 Mr. Quynn opened the public comment portion of the hearing. The following members of the public  
25 provided testimony: Shawn Paxton, Chris Marshall, Dana Neese-Paxton, Bill Seiders, Charles  
26 Axline, Kathy Loftin, Michael Johnson, Lauren Diehl, and Bob Commisso.

27 Mr. Quynn closed the public comment portion of the hearing.

28 Mr. Herbert and Ms. Herbert addressed the comments presented by the public during their rebuttal.

29 Mr. Wiegand moved to go into deliberative session at 3:49 pm. Mr. Quynn called for a vote, which  
30 carried unanimously.

31 Mr. McKinney moved to go back into regular session at 4:10 pm. Mr. Quynn called for a vote,  
32 which carried unanimously.

33 Mr. Harris moved to approve File #24-27-ZV with the following conditions:

- 34      1. The applicant shall provide a 30' vegetative setback.
- 35      2. Staff's recommended condition of approval. [Excerpt from Staff Report: *The applicant*  
36                      *shall submit documentation reflecting compliance with Section 8.17B of the Zoning*  
37                      *Ordinance and Appendix B, Division 2, Section 8.2B of the Subdivision Regulations to*  
38                      *ensure adequate buffering from adjacent properties is provided in order to protect and*  
39                      *encourage the health, safety, and general welfare of the neighbors.*]
- 40      3. The applicants are bound by their testimony.



1 Mr. Quynn offered a friendly amendment to include the requirement of a site plan. Mr. Harris  
2 accepted the friendly amendment.

3 Mr. McKinney offered a friendly amendment to strike the condition requiring the 30' vegetative  
4 buffer. Mr. Quynn called for a vote on this amendment, which failed two (2) in support of the  
5 amendment (McKinney/Shremshock) and three (3) in opposition to the amendment (Quynn/  
6 Wiegand/Harris).

7 Mr. Wiegand requested an amendment to the motion to require the installation of a 100' long by  
8 8' tall privacy fence to be erected along the northern property line adjoining the Paxton property  
9 [Parcel ID: 09011A00730005]. Mr. Quynn called for a vote on this amendment, which carried  
10 three (3) in support of the amendment (Quynn/Wiegand/Harris) and two (2) in opposition to the  
11 amendment (McKinney/Shremshock).

12 Ms. Beaulieu summarized the full motion to the Board. Mr. Wiegand clarified that the cited  
13 buffer and fence would only apply to the northern property line that borders the residential lot.  
14 Mr. Wiegand also noted that the fence should be appropriately placed to ensure sufficient  
15 protection for the existing home on the adjacent lot.

16 Mr. Quynn called for a vote on the amended motion to grant the request with the following  
17 conditions of approval:

- 18 1. The applicant shall provide a 30' vegetative buffer;
- 19 2. Staff's recommended condition of approval: *The applicant shall submit documentation*  
20 *reflecting compliance with Section 8.17 of the Zoning Ordinance and Appendix B, Division*  
21 *2, Section 8.2B of the Subdivision Regulations to ensure adequate buffering from adjacent*  
22 *properties is provided in order to protect and encourage the health, safety, and general*  
23 *welfare of the neighbors;*
- 24 3. The applicant shall process a site plan;
- 25 4. The applicant shall install a 100' long, 8' tall fence along the northern property line  
26 adjoining the Paxton property [Parcel ID: 09011A00730005]; and
- 27 5. The applicant is bound by their testimony.

28 The motion carried three (3) in support (Quynn/Harris/Shremshock) and two (2) in opposition  
29 (Wiegand/McKinney).

30 Mr. McKinney moved to approve File #24-26-ZV with the following conditions:

- 31 1. The applicant shall obtain site plan approval.
- 32 2. The applicant shall relinquish the previously issued Farm Vacation Enterprise Zoning  
33 Certificate (File #22-1-ZC).

34 Ms. Shremshock offered a friendly amendment to nullify the previously issued Conditional Use  
35 Permit for the Special Event Facility. Mr. Quynn called for a vote, which carried three (3) in  
36 support (Quynn/Harris/Shremshock) and two (2) in opposition (Wiegand/McKinney).

37 Mr. Quynn offered a friendly amendment to include that the applicants are bound by their testimony.  
38 The friendly amendment was accepted.

39 Mr. Quynn called for a vote, which carried three (3) in support (Quynn/Harris/Shremshock) and  
40 two (2) in opposition (Wiegand/McKinney).

1 In response to Mr. Harris' inquiry, Ms. Beaulieu stated that the vegetative buffer and the fence  
2 would not be permitted within the existing [access] easement.

3 Mr. Harris moved to take a five (5) minute break at 4:36 pm. Mr. Quynn called for a vote, which  
4 carried unanimously.

5 Mr. Harris moved to go back into regular session at 4:47 pm. Mr. Quynn called for a vote, which  
6 carried unanimously.

7 Mr. Quynn called for Item #1 to be considered. Ms. Hartman swore in members of the public who  
8 indicated they would be providing testimony.

9 **Agenda Item #1      File #: 24-4-CUP**

10 Request:      Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in  
11 Article 2 of the Zoning Ordinance. Project Name: Franklinton Farm Solar Project. The  
12 proposal consists of constructing an 80-megawatt solar energy facility on 502 acres. The  
13 project consists of rows of solar modules, a new substation to connect the solar facility to  
14 the existing overhead electrical transmission line, and a 20MW Battery Energy Storage  
15 System (BESS). The Project also includes internal access roads, commercial entrance(s),  
16 security fencing, a buffer screen, and stormwater management.

17 Applicant:    Franklinton Farm, LLC / Attn: Ashley Smith, P.E., Enel North America, Inc

18 Parcel Info:   Mark D. Stolipher, Property Owner

19 261 Berry Hill Farm Ln, Summit Point, WV 25446

20 Parcel ID: 06001900070000; Parcel/Project Size: 150.31 ac; Zoning District: Rural

21 Parcel Info:   Mark D. Stolipher, Property Owner

22 2998 Withers Larue Rd, Summit Point, WV 25446

23 Parcel ID: 06001900080004; Parcel/Project Size: 146.84 ac; Zoning District: Rural

24 Parcel Info:   Mark D. Stolipher, Property Owner

25 322 & 288 Scooter Ln, Charles Town, WV 25414

26 Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural

27 Parcel Info:   Michael Paul Chapman, Trustees, Property Owner

28 651 & 653 Franklinton Rd, Summit Point, WV 25446

29 Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac; Zoning District: Rural

30 Ashley Smith with Enel North America, on behalf of Franklinton Farm LLC, Joe Knechtel with  
31 Potesta & Associates, and Paul Raco with P.J. Raco Consulting were present to address the Board.

32 Ms. Beaulieu provided an overview of her staff report to the Board and reviewed each of the criteria  
33 for a Conditional Use Permit.

34 Ms. Smith and Mr. Raco provided an overview of the proposed land use and presented a PowerPoint  
35 presentation that outlined the scope of the project. A copy of the presentation will be included in the  
36 project file. Ms. Smith and Mr. Raco addressed the Boards' questions. Ms. Smith and Mr. Raco  
37 highlighted the fact that the proposed setbacks and landscape buffers exceed the setback and buffer  
38 requirements outlined in the Zoning Ordinance. The applicant submitted a copy of the following  
39 studies, which were referenced during their presentation, for inclusion in the project file:

40 Franklinton Farm Solar Project Glare Analysis, Franklinton Farm Solar Project Pre-Construction  
41 Acoustical Assessment, Franklinton Farm Solar Project Vegetation Management Plan, an  
42 Appraisal Report from Kirkland Appraisals, LLC, and a copy of the Circuit Court's Ruling affirming

1 the Board's decision regarding the Rippon Solar Project. The Board stated they would not have time  
2 to evaluate the submitted materials.

3 Mr. Quynn opened the public comment portion of the hearing.

4 The following members of the public provided testimony concerning the project:

5 Jeffery Albert, Chris Marshall, Rebecca Thompson, Bob Aitcheson, Brian Sokel, Mike Chapman,  
6 Greg Jenkins, Karen Bailey [submitted a Petition and Letters of Support for the project file],  
7 Christine Wimer on behalf of the Jefferson County Foundation, and Kelly Brown.

8 Mr. Quynn closed the public comment portion of the hearing.

9 Addressing the public's concerns regarding health and safety, Ms. Smith stated that they would  
10 develop an emergency response plan that would be shared with local first responders and that training  
11 would be provided to ensure the plan is implemented effectively. Ms. Smith deferred to the following  
12 health, safety, and environmental experts to provide testimony relevant to their fields of study.

13 Mr. Bill Goodfellow, an environmental toxicologist, a principle scientist, and Practice Director at  
14 Exponent, addressed the public's concerns regarding damaged solar panels, the potential for leaching  
15 chemicals related to the damaged solar panels, and biodegradable cleaning solvents. Mr. Ryan Spray,  
16 a chemist with Exponent who specializes in battery and electric chemistry, addressed the public's  
17 concerns regarding the potential hazards of leaching and fire safety as it relates to the battery units.

18 Ms. Smith explained how the proposed project would protect farmland compared to a residential  
19 housing development. Ms. Smith also addressed the Boards' questions regarding the existing slope  
20 and grading for the project. Richard Kirkland, a licensed appraiser, provided an overview of his  
21 findings noting that there was no significant decrease in home values for properties that are adjacent  
22 to a solar farm/facility. Mr. Raco addressed the public's concerns regarding setbacks, stormwater  
23 management, and landscaping installation/management. Bob McClusky, attorney, spoke to the  
24 compatibility of the project as it relates to the Comprehensive Plan and Judge Hammer's ruling in a  
25 previous Circuit Court decision regarding a local solar energy facility.

26 Mr. Wiegand moved to go into deliberative session at 7:13 pm. Mr. Harris seconded the motion,  
27 which carried four (4) in support and one in opposition (McKinney).

28 Mr. McKinney moved to go back into regular session at 7:24 pm. Mr. Quynn called for a vote,  
29 which carried unanimously.

30 The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance  
31 finding that the proposed use did meet the required criteria.

32 Mr. McKinney moved to approve the conditional use permit with the following conditions:

- 33 1. The applicants are bound by their testimony.  
34 2. The applicant shall obtain all necessary approvals and licensing.

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

36 **Zoning Administrator Report**

37 Ms. Beaulieu provided the Board with the following information:

- 38 1. The next regularly scheduled meeting is September 26, 2024.  
39 2. A reminder that the 2045 Comprehensive Plan Update Public Hearing will be held on  
40 August 27, 2024 in the Washington High School Auditorium.

3. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.

Ms. Beaulieu stated that this would be her last meeting as the Zoning Administrator. The Board thanked Ms. Beaulieu for her service and dedication to the Board.

#### **Legal Update**

a. Discussion with possible deliberative session of the following pending lawsuits:

1. Jefferson County Circuit Court Case #CC-19-2023-C-131 (RE: Williamson Fence / 23-13-ZV) Gallagher c JCBZA and Timothy Williamson.

None.

b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

#### **Meeting: July 25, 2024**

1. Variance request from Section 9.7. Owner: Nicholas Lowe. File: 24-23-ZV.

2. Request by Global Environmental & Remediation LLC for a Conditional Use Permit. Owner: Raymond Johnson. File: 24-5-CUP.

3. Variance request from Appendix B and Section 4.11E. Owner: Raymond Johnson. File: 24-24-ZV.

4. Request by Bakerton Central for a Conditional Use Permit. Owner: Carter & Maple Properties, LLC. File: 24-6-CUP.

5. Variance request from Section 8.14B. Owner: Carter & Maple Properties, LLC. File: 24-25-ZV.

No action was taken as the findings were not available.

Mr. Wiegand moved to adjourn the meeting at 7.38 pm. Mr. Harris seconded the motion, which carried unanimously.

## **DRAFT Minutes**

### **Jefferson County Board of Zoning Appeals**

1 Meeting Date: September 26, 2024  
2 Meeting Location: County Commission Meeting Room located in the lower level  
3 of the Charles Town Library (entrance on Samuel St.)  
4 200 East Washington Street, Charles Town, WV 25414  
5 Board Members Present: Tyler Quynn, Chair; Matthew McKinney, Vice Chair; Jacob Harris,  
6 Secretary; David Wiegand, and Steve Guier were present in person.  
7 Board Members Absent: Mikala Shremshock, Alternate  
8 Staff Members Present: Jennifer Brockman, AICP, Chief County Planner & Acting Zoning  
9 Administrator; Jennilee Hartman, Zoning Clerk; and Colin Uhry,  
10 Planning & Zoning Clerk

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

12 Mr. McKinney moved to call the meeting to order at 2:02 pm. Mr. Quynn called for a vote, which  
13 carried unanimously.

14 Mr. Quynn reviewed meeting protocol for those in attendance.

#### **15 Approval of Minutes: August 22, 2024**

16 Mr. Wiegand requested an edit to Page 3, Item #25 (Item #4), to change the height of the fence from  
17 8' to 6'. Mr. Wiegand recalled revising the height of the fence based on advice from the Zoning  
18 Administrator.

19 Mr. McKinney moved to approve the minutes as amended, which carried unanimously.

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

#### **21 Agenda Item #1 File #: 24-30-ZV**

22 Request: Variance request from Appendix A to reduce the rear setback from 50' to 4' along the  
23 southern property line for a 15' x 25' accessory structure (greenhouse).  
24 Parcel Info: David Brown and Michelle Mitchell-Brown, Property Owner  
25 229 Bethany Lane, Charles Town, WV  
26 Parcel ID: 06002100070005; Size: 4.53 acres; Zoning District: Rural

27 Ms. Michelle Mitchell-Brown, owner of the property, was present to address the Board.

28 Ms. Brockman provided an overview of her staff report to the Board stating that the request was to  
29 establish a greenhouse structure 4' along the property line, opposed to 50'. It was noted that the  
30 property adjacent to the parcel is under development with a solar company.

31 Ms. Mitchell-Brown explained the nature of the request to the Board.

32 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided  
33 testimony. Mr. Quynn closed the public comment portion of the hearing.

34 Mr. McKinney moved for a Summary Approval in accordance with Section 5.7(9) of the Boards'  
35 Rules of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their  
36 testimony. Mr. Quynn called for a vote, which carried unanimously.

#### **37 Agenda Item #2 File #: 24-31-ZV**

38 Request: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed ten  
39 (10) unit campground from 10 acres to 6.3 acres.  
40 Applicant: David Schneider

1 Parcel Info: Jeanette M. Hawk, Property Owner  
2 328 Harry Shirley Rd, Kearneysville, WV  
3 Parcel ID: 07001800120002; Size: 6.31 acres; Zoning District: Rural

4 Mr. David Schneider, applicant and son of the property owner, was present to address the Board.

5 Ms. Brockman provided an overview of her staff report to the Board stating that the request was to  
6 reduce the minimum lot size for a campground development.

7 Mr. Schneider explained the nature of the request to the Board.

8 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided  
9 testimony. Mr. Quynn closed the public comment portion of the hearing.

10 Mr. McKinney moved for a Summary Approval in accordance with Section 5.7(9) of the Boards'  
11 Rules of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their  
12 testimony. Mr. Quynn called for a vote, which carried unanimously.

### 13 **Zoning Administrator Report**

14 Ms. Brockman provided the Board with the following information:

- 15 1. Ms. Brockman made the Board aware of possible publication issues regarding the Spirit of  
16 Jefferson and possibility of having to postpone the October 24, 2024 meeting. The Board  
17 took this under advisement and stated they'll be ready for adjustments.
- 18 2. Ms. Brockman provided an update regarding the status of the 2045 Comprehensive Plan.
- 19 3. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.

### 20 **Legal Update**

21 a. Discussion with possible deliberative session of the following pending lawsuits:

- 22 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy  
23 Facility / File 22-9-CUP) Rockwell v. JCBZA

24 Mr. Groh stated the case is still ongoing.

- 25 2. Jefferson County Circuit Court Case #CC-19-2023-C-131 (RE: Williamson Fence /  
26 23-13-ZV) Gallagher c JCBZA and Timothy Williamson

27 Mr. Groh stated the case has been resolved independently and the case has been closed.

- 28 3. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany  
29 Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of  
30 Zoning Appeals).

31 Mr. Groh stated the case is still ongoing.

32 b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

### 33 **Meeting: August 22, 2024**

- 34 1. Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in  
35 Article 2 of the Zoning Ordinance. Project Name: Franklinton Farm Solar Project.  
36 Applicant: Franklinton Farm, LLC / Attn: Ashley Smith, P.E., Enel North America,  
37 Inc Owners: Mark D. Stolipher & Michael Paul Chapman. File: 24-4-CUP.

- 1           2. Variance request from Sec. 8.17B.1. Owner: Joseph & Shelby Herbert. File: 24-26-ZV.
- 2           3. Variance request from Sec. 8.17B.1. Owner: Joseph & Shelby Herbert. File: 24-27-ZV.
- 3           4. Variance request from App. B for an addition (File 24-28-ZV) and an 8' tall baseball
- 4           fence (File 24-29-ZV). Owner: Fellowship Bible Church Trustees/Attn: Richard Beddow.
- 5           No action was taken as the findings were not available.
- 6 Mr. Brockman introduced Colin Uhry, the new Planning and Zoning Clerk.
- 7 Mr. McKinney moved to adjourn the meeting at 2:28 pm. Mr. Quynn called for a vote, which carried
- 8 unanimously.





**DRAFT Special Meeting Minutes**  
**Jefferson County Board of Zoning Appeals**


- 1 Meeting Date: October 4, 2024
- 2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held  
3 virtually via ZOOM.
- 4 Board Members Present: Tyler Quynn, Chair; Matthew McKinney, Vice Chair; Steve Guier,  
5 Mikala Shremshock, Alternate, and David Wiegand were in attendance  
6 via ZOOM.
- 7 Board Members Absent: Jacob Harris, Secretary (absent without notice)
- 8 Staff Members Present: Jennifer Brockman, Chief County Planner & Acting Zoning Administrator;  
9 Jennilee Hartman, Zoning Clerk, and Colin Uhry, Planning & Zoning Clerk
- 10 Mr. McKinney moved to call the meeting to order at 2:04 pm. Mr. Quynn called for a vote, which  
11 carried unanimously.
- 12 1. Review and approval of the revised 2024 Board of Zoning Appeals Meeting Schedule as is  
13 relates to the Submission Deadlines. This revision is required due to a change in the Spirit of  
14 Jefferson's publication date.
- 15 Staff explained that the publication date of the newspaper of record, the Spirit of Jefferson,  
16 had changed from a Wednesday to a Thursday. This change necessitates revising the Boards'  
17 application deadline schedule.
- 18 Mr. McKinney moved to adjust submission deadlines to October 15, 2024 and November  
19 12, 2024, respectively. Ms. Shremshock seconded the motion. Mr. Quynn called for a vote,  
20 which carried three (3) in favor and two (2) in opposition (Mr. Quynn and Mr. Wiegand).
- 21 Mr. Wiegand moved to adjourn the meeting at 2:44 pm. Mr. Quynn called for a vote, which carried  
22 unanimously.



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 24, 2024

**Emergency Lighting Services, LLC Conditional Use Permit Request (#24-7-CUP)**

**Item #1** Request for a Conditional Use Permit to expand Executive Emergency Lighting’s business operations. The applicant is proposing to expand an existing emergency vehicle outfitting and retrofitting professional office, which is designated as a Contractor with Outdoor Storage (see Article 2). The proposal consists of constructing a new 1,200 square foot building to house vehicles and a workshop for the outfitting work.

Applicant:	Executive Emergency Lighting LLC / Attn: Raymond & Kerry Muth
Parcel Information and Zoning District:	<p>Wilmoth Construction Subdivision, Lot 1 21 Southpaw Lane, Shepherdstown, WV Parcel ID: 09014BWAT10000; Size: 1.54 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p>Zoning Map Designation: North, East, South, West: Rural</p>
Approvals:	<p>03/11/03: PC approved CUP for a 48-lot single family residential subdivision (File: Z02-07) 06/10/03: PC approved variance request to allow Lot 1 to have direct access onto Route 480. 05/24/04: Deerfield Village subdivision plat recorded in <a href="#">PB 21 @ PG 1</a> 04/13/04: PC approved Deerfield Village Water and Wastewater Treatment Plant (File: S04-01) 05/17/07: BZA approved CUP for a two-lot nonresidential subdivision (File: Z07-01) 06/26/07: PC approved four variances related to the two-lot non-residential subdivision processing requirements.</p>

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 24, 2024

**Emergency Lighting Services, LLC Conditional Use Permit Request (#24-7-CUP)**

	12/03/07: Wilmoth Construction Subdivision recorded in <a href="#">PB 24, PG 69</a> 02/01/17: Staff reissues CUP to reflect new Property Owner name. 06/13/18: Staff reissues CUP to reflect Change in Use / New Tenant. 01/27/22: BZA approves CUP to expand an existing emergency vehicle outfitting and retrofitting professional office. The proposal consists of constructing a new 1,500 square foot building to house vehicles and a workshop for the outfitting work (File 22-1-CUP). 01/27/22: BZA approves variance to waive a site plan.
Site Visit Conducted:	Yes

**Summary of Request and Purpose of Ordinance Requirements**

Request for a Conditional Use Permit to expand Executive Emergency Lighting's business operations. The applicant is proposing to expand an existing emergency vehicle outfitting and retrofitting professional office, which is designated as a Contractor with Outdoor Storage (see Article 2). The proposal consists of constructing a new 1,200 square foot building to house two additional bay areas to meet the needs of the customers, allowing for an indoor locked area for the emergency vehicles when they are being worked on.

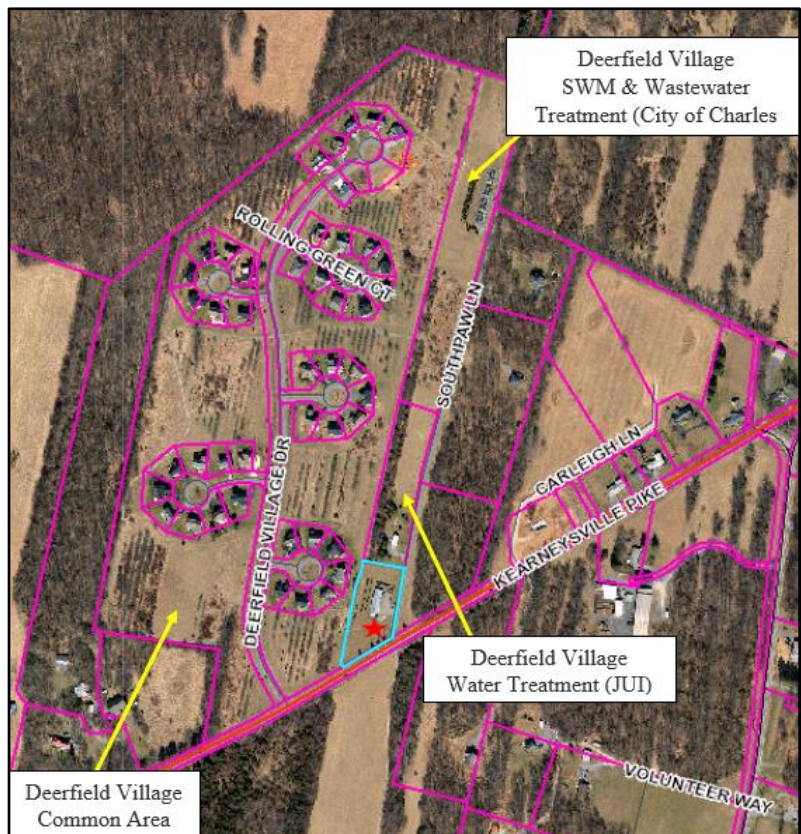
Article 2 defines Contractor with Outdoor Storage as:

“Use of a site for the business of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers.”

**Property Description**

The subject parcel is a 1.5 acre lot, surrounded primarily by residential development. Deerfield Village is to the west and a family-transfer minor subdivision is located to the east.

The Deerfield Village Subdivision was created via the Conditional Use Permit process and included a maintenance building and water treatment plant to serve the Deerfield Village community (CUP File #Z02-07). In 2007, another Conditional Use Permit was granted to allow the lot containing the maintenance building and water treatment plant to be divided into two lots (CUP File #Z07-01). As part of the request to divide the lot, the developer included a request to change





Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 24, 2024

**Emergency Lighting Services, LLC Conditional Use Permit Request (#24-7-CUP)**

the land use designation from a maintenance building to a general contractors/construction office (general office space and sales area), with an interior machine/carpentry shop with indoor and outdoor storage of vehicles, equipment, tools and materials. The Deerfield Village Homeowners Association was supportive of the change in use and the Board of Zoning Appeals granted the request.

Approval for the creation of the subject lot included the following conditions:

1. The area designated for storage of equipment and construction materials be screened from Route 480 and the established neighborhood residences, and that no equipment and construction material be located within the area adjacent to Route 480 as shown on the yellow highlighted map/plat below per the Board of Zoning Appeals action on May 17, 2007 [Exhibit A].
2. Any further change in use or expansion [requires] processing through the Jefferson County Departments of Planning and Zoning to update this certificate; and all other applicable County regulations being followed.

In 2018, the property was purchased by the applicant, Ray Muth, to operate an emergency vehicle outfitting and retrofitting office and workshop. The applicant was granted approval to operate under the previous Conditional Use Permit.

On January 27, 2022, the Board reviewed and approved a Conditional Use Permit to expand the emergency vehicle

outfitting and retrofitting business operation. At that time to the property contained an existing 2,800+ square foot commercial building with a parking area and a fenced-in storage area. The proposed expansion included the construction of a 1,500 square foot building. Additionally, the Board granted a zoning variance to waive the requirement of a site plan with the condition that the applicant replace one existing street tree, to extend the existing landscape buffer along the full length of the proposed addition, and that the dumpster area would be screened. The CUP was issued on February 7, 2022.

The applicant is now requesting to expand the footprint of the existing business by constructing a 1,200 square foot addition for the purpose of enlarging the garage/storage space. The applicant believes that the proposed expansion will not necessitate additional parking as the building will be allowing vehicles previously parked in the two spaces to be housed indoors where the work can be completed. However, as can be seen in the photo, and as reported by a member of the public, overflow parking is regularly occurring along Southpaw Lane, which is not permitted by the local regulations. If this CUP is approved, staff will need to determine if



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**Emergency Lighting Services, LLC Conditional Use Permit Request (#24-7-CUP)**

there is a need for additional parking and if a Site Plan is required per the Subdivision and Land Development Regulations.

**Impact on adjacent properties**

The subject property has always included a non-residential land use. The proposed expansion does not appear to create a significant impact on the adjacent properties other than the potential need for additional on-site parking. Based on the applicant's representation, the proposed expansion does not appear to pose a significant change in traffic patterns.

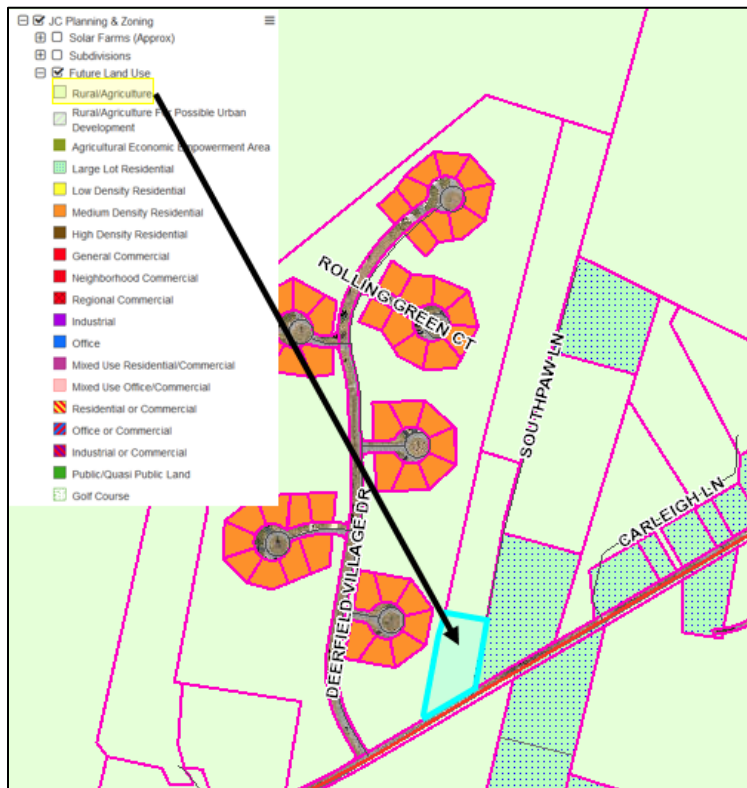
**Conditional Use Permit Process**

Section 6.3 of the Zoning Ordinance states:

"The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as "Conditional Uses (CU)" in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit:"

The following General Standards shall be considered by the Board in approving or denying the CUP:

**1. The proposed use is compatible with the goals of the adopted Comprehensive Plan. (Sec. 6.3A.1)**



The subject parcel is shown as "Rural/Agriculture" on the Envision Jefferson 2035 Comprehensive Plan's Future Land Use Guide. The property is located within the Shepherdstown Growth Management Boundary, but outside of the County's Preferred Growth Area [see Exhibit B on Page 5]. The Comprehensive Plan provides the following overview of the Growth Management Boundary:

In 2014, Shepherdstown adopted a Growth Management Boundary (GMB) which is planned to have growth around the existing core of Shepherdstown and less intense development at the edges of the GMB. The full GMB is shown on the Future Land Use Guide. In Shepherdstown's 2014 Comprehensive Plan, within the GMB, Shepherdstown has also designated three phases of a Municipal

Growth Area which are anticipated to allow phased expansion and urbanized growth within Shepherdstown. While this larger growth and annexation area is recommended in the Shepherdstown 2014 Comprehensive Plan, the *Envision Jefferson 2035 Comprehensive Plan* recognizes a smaller Preferred Growth Area to the west of the Shepherdstown core and the existing County zoning if it remains in the unincorporated area. The Future Land Use Guide of this Plan depicts the GMB and the proposed land uses if it remains unincorporated. The Shepherdstown GMB is treated differently

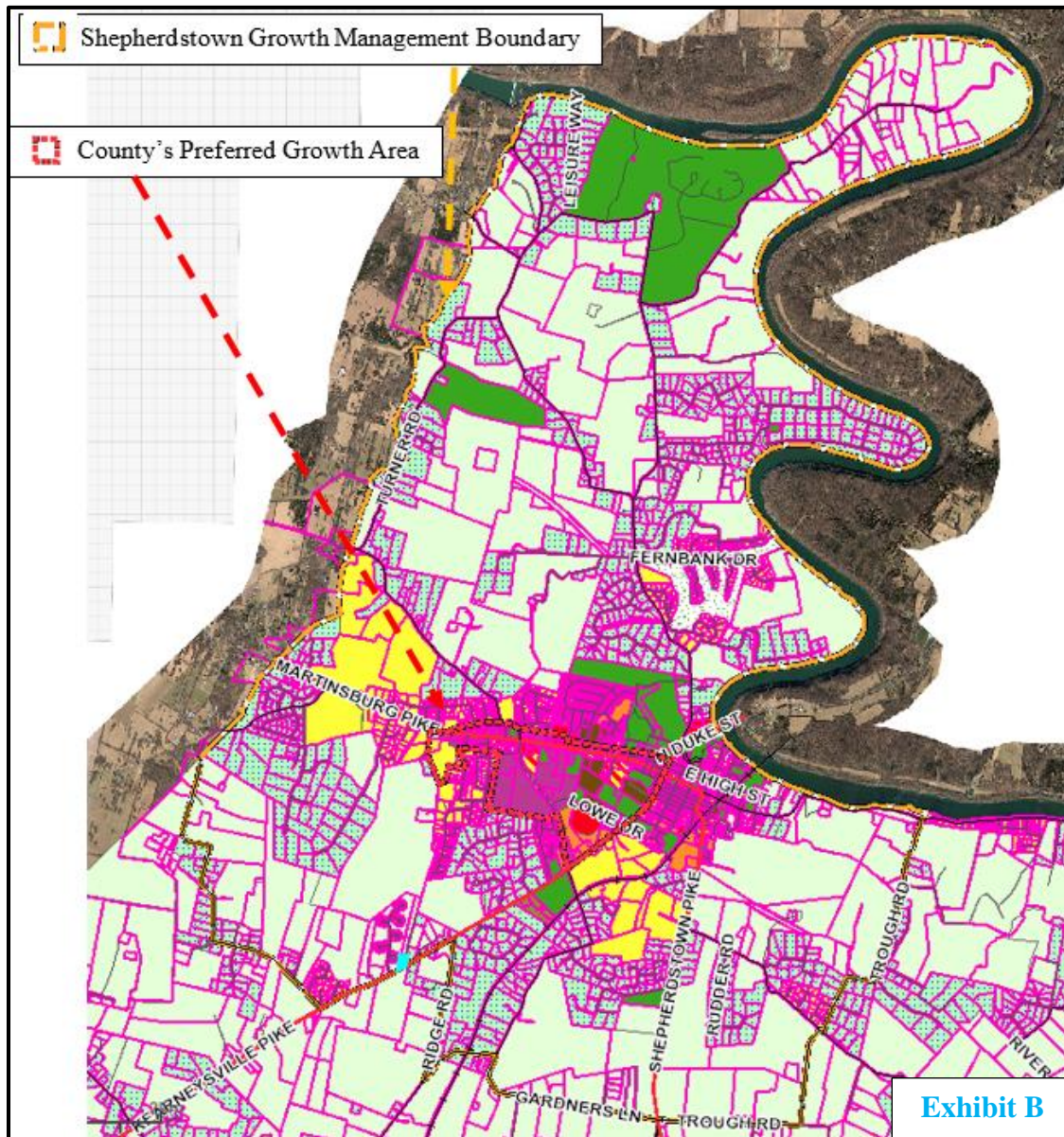


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**Emergency Lighting Services, LLC Conditional Use Permit Request (#24-7-CUP)**

from the Charles Town and Ranson UGBs due to the difference in Shepherdstown's growth management planning recommendations. If the land is annexed by Shepherdstown, the Growth Management recommendations and Comprehensive Plan shall apply (Page 19 of *Envision Jefferson 2035 Comprehensive Plan*).

While the Future Land Use Guide does not reflect the subject parcel as being developed for future commercial use, the subject property has historically served as a non-residential lot and is recognized as such on the Existing Land Use Map.



One major goal of the Plan is to allow Conditional Use Permits to process in the Rural zoning district for non-residential uses which are compatible in scale and intensity with the rural environment. This goal is referenced numerous times throughout the Plan (see excerpts below). In 2016, the Zoning Ordinance was amended to eliminate the LESA system and the CUP process was modified to allow non-residential projects to process in the Rural zoning district.

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**Emergency Lighting Services, LLC Conditional Use Permit Request (#24-7-CUP)**

“...This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and intensity with the rural environment and poses no threat to public health, safety, and welfare.” (Page 36, Rural Land Use)

“Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.” (Page 39, Recommendation #4.b – Rural Land Use Planning Recommendations (Goal 2))

“This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare.” (Page 74, Rural Economic Activities)

“Recommendation 5: Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.

Recommendation 5b: Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations. (Page 77, Agricultural and Rural Economy Recommendations (Goal 8))”

While the LESA point system is no longer in effect, the subject site did pass the LESA point system prior to the Zoning Ordinance being amended in 2016 and as previously noted, the Board of Zoning Appeals granted approval for the non-residential use to be established on this property via the Conditional Use Permit process.

**2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare. (Sec. 6.3A.2)**

The property is located off of State Route 480, Kearneysville Pike. The property is surrounded primarily by residential development. Route 480/Kearneysville Pike is classified as a Minor Arterial road (primary or four lane road) on the Envision Jefferson 2035 Comprehensive Plan’s Roadway Classification Map.

The subject property has historically served as a non-residential property and the non-residential land use was acknowledged and considered during the development of Deerfield Village. The proposed expansion appears to be compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties.

**3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. (Sec. 6.3A.3)**

Based on the information provided, the proposed site development will not hinder nor discourage the appropriate development and use of adjacent land and buildings.

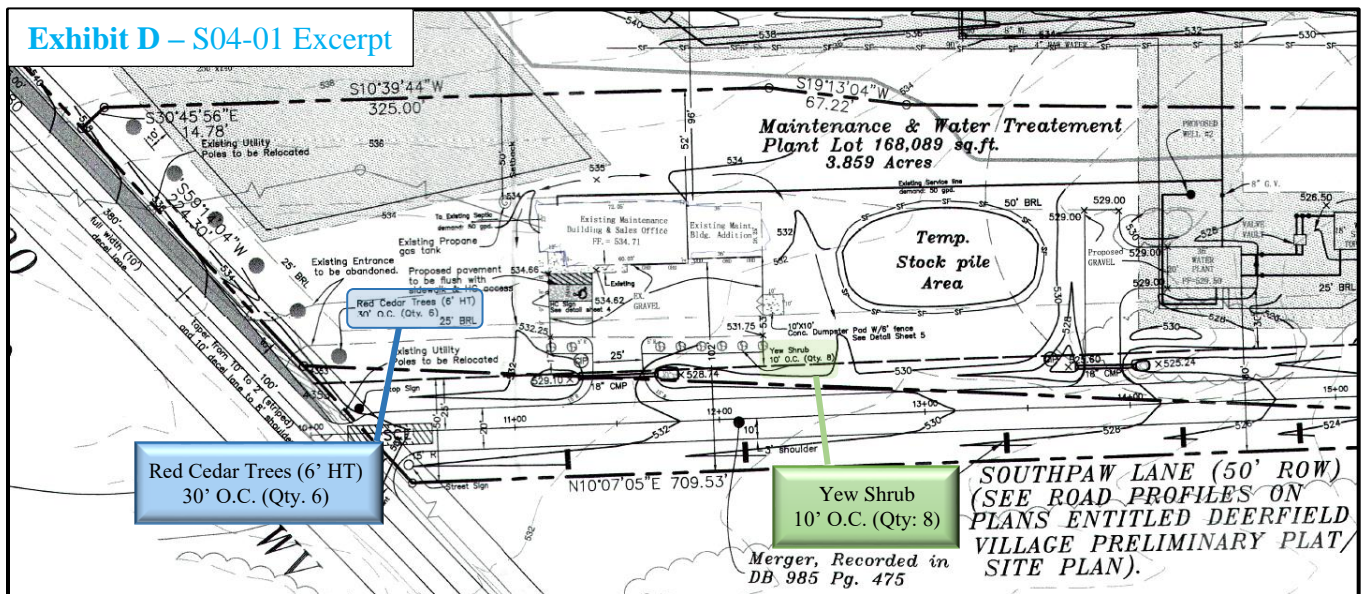


Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 24, 2024

**Emergency Lighting Services, LLC Conditional Use Permit Request (#24-7-CUP)**

- 4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. (Sec. 6.3A.4)**

A site plan processed in 2004 for the Deerfield Village Maintenance Building & Water Treatment Plant (PC File: #S04-01) and stormwater management was addressed for the existing buildings. In 2022, when the BZA reviewed the CUP for the previous expansion and a variance to waive the requirement of a site plan, the BZA required that the applicant replace one existing street tree, extended the existing landscape buffer along the full length of the proposed addition, and screened the dumpster area, to better bring the site into compliance with the County's current requirements. The previous approved Site Plan (File #S04-01) reflects six red cedar trees along the frontage of Route 480 and eight yew shrubs along the frontage of Southpaw Lane (see Exhibit D).



The 2024 aerial photo below and photograph show that the required tree was planted and that additional shrubs were planted in conjunction with the neighboring property's planting to further establish the landscape buffer.



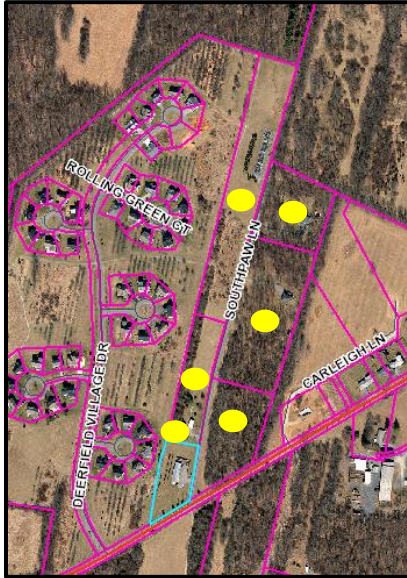
Staff Report  
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October 24, 2024

**Emergency Lighting Services, LLC Conditional Use Permit Request (#24-7-CUP)**

**5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance. (Sec. 6.3A.5)**

As part of the Conditional Use Permit application, the applicant was informed of this criteria and shall comply with this standard.

**6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. (Sec. 6.3A.6)**



Route 480, Kearneysville Pike is classified as a Minor Arterial road (primary or four lane road) on the Roadway Classification Map. Southpaw Lane is designated as a Local Road and is therefore, subject to this criteria.

Southpaw Lane is a 50 foot wide right-of-way serving six lots (●), including the subject lot. On June 26, 2007, the Planning Commission granted a variance to allow the existing 50 foot wide right-of-way (Southpaw Lane) to serve the commercial use approved by the Board of Zoning Appeals.

The applicant represented that it is not anticipated that there would be any additional volume of business or traffic associated with the proposed building as it is merely moving vehicles that were stored outside to new bays so the work can occur inside.

The ITE Trip Generation Report, 9<sup>th</sup> Edition was used to estimate the number of vehicle trips. Land Use Category 150, Warehousing, appears to provide the most compatible traffic model for the proposed use.

The average daily trip calculation for a 1,000 square foot warehouse on a weekday is 3.56 trips. On a Saturday, the average daily trip calculation is 1.23 trips. The average daily trip calculation on a weekday for a 4,300 square foot building would be 15.3 trips and 7.7 trips on Saturdays.



For reference, a traffic count study was conducted by the Department of Transportation in 2017. The study reflects that the annual average daily trips on Route 480, just north of the Southpaw Lane intersection, (Station ID: 196029), was 6,503 (Source: [2017 WVDOT AADT – Traffic Count Study](#)). Based on this data, and the applicant's representation that there is no anticipated change in traffic volume, it appears that the proposed expansion would not have a significant impact on existing traffic patterns.

**7. Historic Landmarks Commission's Findings related to the proposed land use. (Sec. 6.3A.7)**

The subject property does not contain any Category I or II historic sites as defined by the Zoning Ordinance; therefore, this criteria does not apply.



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**Emergency Lighting Services, LLC Conditional Use Permit Request (#24-7-CUP)**

**8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6. (Sec. 6.3A.8)**

Signs accessory to a Conditional Use are subject to Section 10.6 of the Zoning Ordinance, which requires that as part of the application, signage shall be addressed for review and consideration by the Board at the required Public Hearing.

The subject property was previously granted approval for a 5' 6" (H) x 9' (W) sign structure. The sign face is approximately 4' (H) x 6' (W). The current applicant upgraded the sign face to reflect the current business name in 2018. The applicant is not proposing any additional signs for the property; therefore, the criteria is not subject to evaluation by the Board.







JEFFERSON COUNTY, WEST VIRGINIA  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414

File #: 24-7-CUP  
Mtg. Date: 10/24/24  
Fee Paid: \$ 450.00

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

Phone: (304) 728-3228

**Application for a Conditional Use Permit**

Project Name EXECUTIVE EMERGENCY LIGHTING

**Property Owner Information**

Name: RAY MUTH  
Business Name: EXECUTIVE EMERGENCY LIGHTING  
Mailing Address: 21 Southway Lane, SHEPHERDSTOWN WV 25443  
Phone Number: 304-870-4420 Email: RAYMUTH.EEL@GMAIL.COM

**Applicant Information**

Name: RAY MUTH  
Business Name: EXECUTIVE EMERGENCY LIGHTING  
Mailing Address: 21 Southway Lane, SHEPHERDSTOWN, WV 25443  
Phone Number: 304-870-4420 Email: RAYMUTH.EEL@GMAIL.COM

**Consultant Information**

Name: \_\_\_\_\_  
Business Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: 21 Southway Lane, SHEPHERDSTOWN, WV 25443  
Parcel ID: (Tax District / Map No. / Parcel No.) 09014 BWAT 10000  
Parcel Size: 2.40 AC Project Size 1200 sq. ft Deed Book: 1211 Page No: 453

**Zoning District (please check one)**

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

**Provide the Land Use Designation (see Appendix C of the Zoning Ordinance).**

\* Contractor's Office w/ Outdoor Storage gal

**For properties in the Rural Zoning District:**

Is property located on a primary or secondary road?

☒ Yes ☐ No

Name of Road/Route Number: Rt 480 Access off Southway Lane

Provide a detailed description of the proposed business (include information such as hours of operation, anticipated employee and/or customer visits, etc. A site sketch is required to be included with the application, delineating existing and proposed structures and parking areas, proposed signs, proposed landscaping, etc.

THE PROPOSED BUILDING WILL BE 1200 SQ. FT. EXPANSION. THIS WILL ALLOW BUSABLE BAY AREA'S TO BETTER MEET THE NEEDS OF OUR CUSTOMERS. NO INCREASE IN EMPLOYEES, JUST MORE USABLE WORK SPACE. THIS ALSO ALLOWS FOR THE VEHICLES TO MOSTLY ALWAYS BE INSIDE STRUCTURE. WE WILL CONTINUE TO HAVE ADEQUATE PARKING AS THE AREA FOR EXPANSION IS WHERE THE VEHICLES TO BE WORKED ON IS SITTING CURRENTLY.

Provide a detailed response to the following questions to show how the proposed business complies with the criteria in Section 6.3 of the Zoning Ordinance. Feel free to attach a separate sheet with responses.

1. How is the proposed use compatible with the goals of the adopted Comprehensive Plan (Section 6.3A.1)?

THE PROPOSED EXPANSION WILL NOT CHANGE THE USE OR THE AREA AROUND THE PROPERTY. THE EXPANSION WILL BLEND INTO THE EXISTING BUILDING. WHILE ADDING THIS EXPANSION A RE-MAKE OF THE OUTSIDE OF THE BUILDING TO MAKE LOOK NEWER PROPOSED

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties? How will the proposed project mitigate potential threat to public health, safety, and welfare (Section 6.3A.2)?

THE ADDITIONAL INDOOR SPACE WILL ALLOW LOCKED INDOOR AREA FOR EMERGENCY VEHICLES WHILE BEING WORKED ON.

3. Describe how the proposed site development will be designed such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings (Section 6.3A.3).

THE ADDITION WILL BE IN AN AREA ALREADY USED FOR STORAGE AND PARKING AND WILL JUST ALLOW THE VEHICLES TO BE INSIDE & SECURE

4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance (Section 6.3A.4).

☒ I am aware of the landscaping buffer requirements and will adhere to them.

☐ I am aware of the landscaping buffer requirements; however, I may seek a variance to modify them.

5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of the Zoning Ordinance.

☒ I am aware of the standards outlined in Section 8.9 of the Zoning Ordinance and will be in compliance.

6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a primary or secondary road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the Board of Zoning Appeals to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use (Section 6.3A.6).

☐ Trip Generation Data Attached

☒ Not Applicable

The information given is correct to the best of my knowledge. Property Owner Signature Required.

By signing this application, I grant permission for County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.

  
Property Owner Signature

9/25/24  
Date

Property Owner Signature

Date

FLY LINE / BARRIER

Current 30x50

Apron 2

Current Apr 1  
garage

Current Shop

Current office

Proposed 30x40

Dumpster

Proposed  
Entrance  
for  
Dumpster

DITCH LINE

Parking  
Area

Entrance

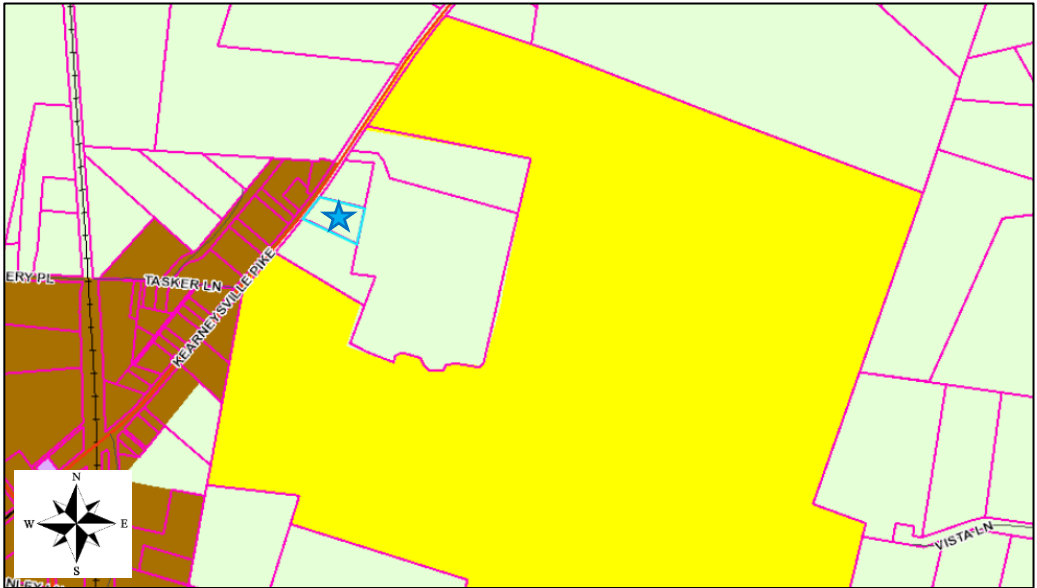
Southpaw Lane





Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024  
**24-32-ZV Castillo Variance Request**

**Item #2:** Variance from Section 4.6D & Section 8.2 to reduce the distance requirement along the eastern property line from 50' to 12'; and, the northern property line from 50' to 40' for an existing 24'x 30' barn.

Owner/Applicant:	Reiner Castilla Casillo & Lourdes Castillo Santana
Parcel Information and Zoning District:	<p>Duncan Minor Subdivision, Lot 2, 414 Kearneysville Pk., Kearneysville, WV Parcel ID: 07000300290002; Size: 1 acres; Zoning District: Rural</p> 
History:	05/01/00: Daniel Duncan Minor Subdivision (PB12/PG41)
Waivers/Variances:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	No.

**Staff Overview**

The subject parcel is designated as Lot 2 of the Daniel Duncan Minor Subdivision, which was recorded in August 15, 1994.

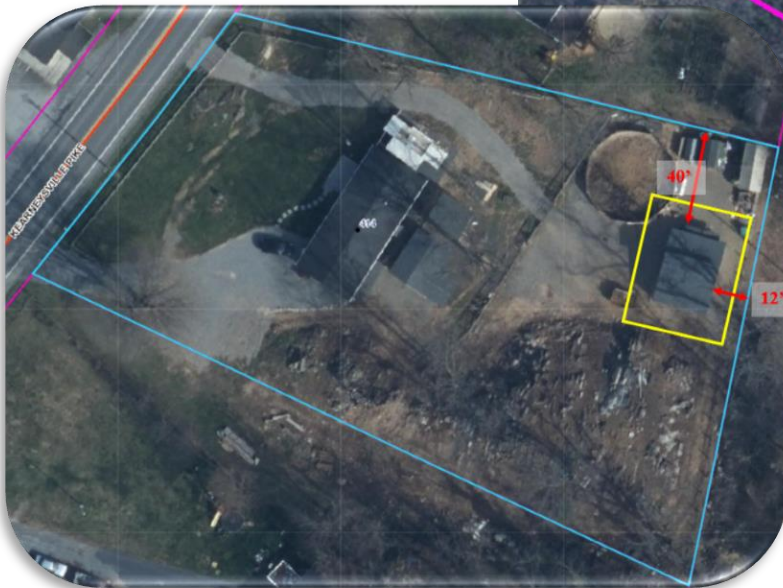
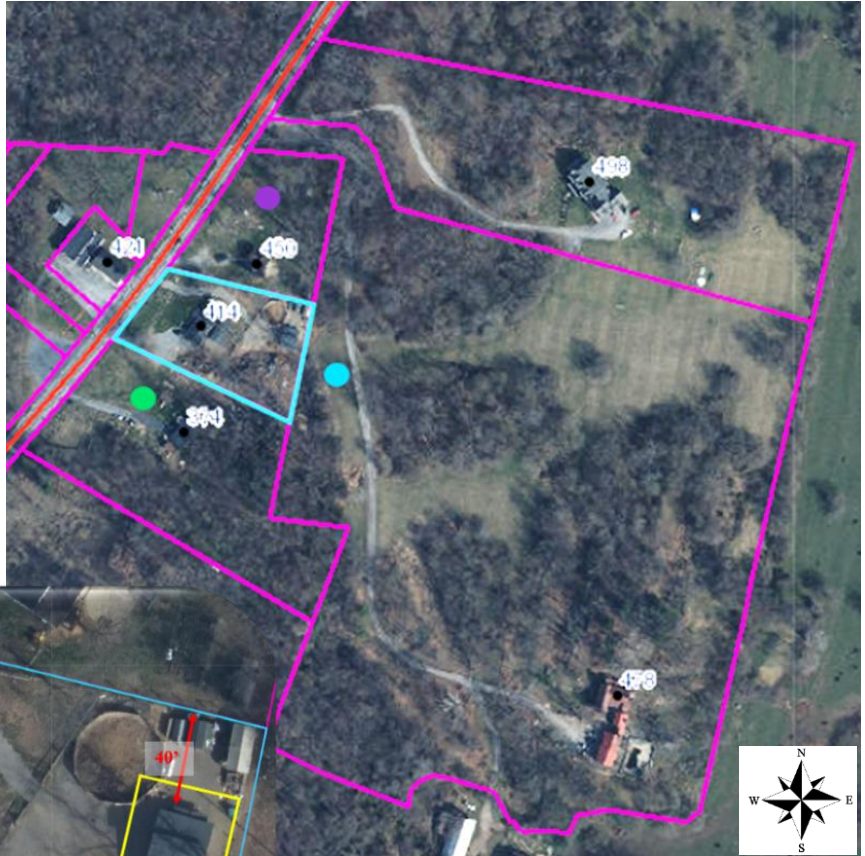
The applicant is requesting a variance from Section 4.6D and Section 8.2 to reduce the distance requirement along the eastern property line (rear) from 50' to 12'; and, the northern property line (side) from 50' to 40' for an existing 24'x 30' barn.

The purpose of the distance requirement referenced in Section 8.2 is to reduce the impact that an agricultural land use involving livestock might have on an adjacent property; to allow for reasonable distance between agricultural activities and residential land uses; and to maintain adequate separation between structures for fire prevention purposes.

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Jefferson County Board of Zoning Appeals  
October 24, 2024  
**24-32-ZV Castillo Variance Request**

The applicant has submitted a copy of the structural assessment for the barn in question as well as other structures and a fence previously constructed from Ian Cozen, PE, from Cozen Consulting Engineers, LLC. This letter has provided direction on improvements that should be made to the barn if the setback variance is approved.

The applicant has also provided the following letters of support from three of the surrounding property owners: R. & B. Either (●), C. Dugan (●), and S. Lee (●).



Pursuant to [WV Code Chapter §8A-7-11](#) and Article 2 of the [Jefferson County Zoning Ordinance](#), a variance is defined as "...a deviation from the minimum standards of the zoning ordinance and

shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve change the zoning classifications of a parcel of land."

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 6, Section 6.2 of the [Zoning Ordinance](#), the Board shall consider the following criteria and shall grant a variance if it finds that the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024  
**24-32-ZV Castillo Variance Request**

**Conditions of Approval**

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

1. No conditions of approval have been identified.

**Section of Ordinance to be Considered**

**Section 8.2    Animal Housing and Feeding Pens<sup>23, 32</sup>**

Housing for farm animals and feeding pens shall be set back a minimum of 50' from all property lines; excluding chicken coops which may be setback 25' from all property lines if no roosters are housed there.





JEFFERSON COUNTY, WEST VIRGINIA  
Department of Engineering, Planning, and Zoning  
Office of Planning and Zoning  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414  
www.jeffersoncountywv.org

File Number: 24-32-ZV  
Staff Initials: gt  
Meeting Date: 10-24-24  
Fees Paid (\$100 or \$150): 150-

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

Phone: (304) 728-3228

**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: Reinier Castilla Castillo, And Lourdes Castillo Santana  
Mailing Address: 414 Kearneysville Pike, Kearneysville, WV 25430  
Phone Number: 240-586-1154, 301-788-7864 Email: \_\_\_\_\_

**Applicant Contact Information**

Name: Same as above and/or Celia Lainez, friend and  
Mailing Address: translator 304-582-0319  
Phone Number: \_\_\_\_\_ Email: Celia.Lainez@gmail.com

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

Name: Ian Cozema, PE; Cozema Consulting Engineers, LLC  
Mailing Address: 260 Kimberwicke Dr. N. Charles Town, WV 25414  
Phone Number: 703-508-3098 Email: ICozema@Cozensce.com

**Physical Property Details**

Physical Address: 414 Kearneysville Pike  
City: Kearneysville State: WV Zip Code: 25430  
Tax District: Middleway Map No: 3 Parcel No: 29.2  
Parcel Size: 1 Acre Deed Book: 1282 Page No: 278

**Zoning District (please check one)**

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<b>RECEIVED</b>							
SEP 25 2024							
JEFFERSON COUNTY PLANNING ZONING & ENGINEERING			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>



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: Sec. 4.6D

Briefly describe the nature of the variance request:

gt Reduce the rear distance for a 24' x 30' horse barn.

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

Front Setback ☐

Side Setback ☐

Rear Setback ☒

Reduction From

50'

to

12'

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:

gt Our neighbors are in support of this request.  
\* See attached letters.

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?

gt Due to a misunderstanding, we believed the property was "unrestricted". We were not aware of the building permit process.

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

gt The property has a lot of rock outcropping. The current location is the only flat area to place a barn.

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

gt Approving the request will allow the agricultural use to continue. The barn has been assessed by an Engineer. 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 Office 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.

Signature of Property Owner

Date

09/24/2024

Signature of Property Owner

Date

09/24/2024

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 6.1B).

10.24.24

Date of Public Hearing

10.03.24

Advertising Date

10.09.24

Placard Posting Date





#### Section 4.6 Distance Requirements

- A. Industrial uses are subject to this subsection, unless otherwise specified in this Ordinance. Any uses (not including parking) or buildings subject to compliance with this Section shall be located at least 200 feet from:<sup>27</sup>
1. Any lot in the Residential Growth District;<sup>27</sup>
  2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;<sup>1</sup>
  3. Any lot which is part of a recorded subdivision; and
  4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.
- B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:<sup>7, 27</sup>
1. Any lot in the Residential Growth District;
  2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
  3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.<sup>23</sup>
- C. A commercial use (not including parking) located in the Neighborhood Commercial District or the Office/Commercial Mixed Use shall be located at least 25 feet from a land use identified in Section 4.6B.1-3.<sup>27</sup>
- D. Housing for farm animals and feeding pens shall be set back a minimum of 50 feet from all property lines; excluding chicken coops which may be set back 25 feet from all property lines, if no roosters are housed there.<sup>32</sup>
- E. Structure used to store manure shall comply with distance requirements specified in 4.6A.<sup>32</sup>
- F. All portions of a kennel land use must be buffered pursuant to Article 4 and set back at least 300' from any other property line that contains a residence. If the adjacent use is a commercial use, setbacks shall conform with commercial setbacks in Appendix B.<sup>32</sup>
- G. Historic Sites are subject to this subsection, unless otherwise specified in this Ordinance. All properties designated as a historic site shall be subject to a protection radius as described in this section when a non-residential development or major residential subdivision is proposed. A protection radius is the area surrounding a historic site not exceeding the boundary lines of the property.<sup>35</sup>
1. **Protection Radius:** Category I historic sites shall be subject to a 200-foot protection radius, as measured from the center of the site or principal structure. When an entire site is placed on the National Register and contains historic structures, preference shall be given to the Property Owner as to whether the protection radius is applied to the center of the principal historic structure or the center of the area of property on the National Register. The protection radius shall only apply to a property or structure listed on the National Register and does not apply to federally designated battlefields or historic districts broadly, but may apply to an individual parcel that is part of a federally designated battlefield or historic district, if the property or structure is listed on the National Register.



Charles Dugan, Jr.  
478 Kearneysville Pike  
Kearneysville, WV 25430

Jefferson County Zoning Board of Appeals  
P. O. Box 716  
116 East Washington Street  
Charles Town, WV 25414

Dear Board Members,

My name is Charles Dugan, Jr., and my property address is 478 KEARNEYSVILLE PIKE, KEARNEYSVILLE WV 25430, I'm the neighbor of Reinier Castillo Castilla and Lourdes Castillo Santana, I've known them since they bought the house in May 2022. I want to confirm by this letter that I have no objection to them having the barn where it is currently located, nor do I have any objection to it not being within the 50-foot requirement of their property line.

I understand my neighbors, Reinier Castilla Castillo and Lourdes Castillo Santana are seeking a variance from the side and rear setbacks, I hope that this letter from their next-door neighbor will help them get their variance request approved so that they can keep their barn where it is currently located.

I appreciate your consideration of their request.

Sincerely,

Charles Dugan, Jr.

A handwritten signature in black ink, appearing to read 'Charles Dugan, Jr.', written in a cursive style.

RILEY & BRIANNA ETHIER  
450 Kearneysville Pike  
Kearneysville, WV 25430

August 24, 2024  
Jefferson County Zoning Board of Appeals  
P. O. Box 716  
116 East Washington Street  
Charles Town, WV 25414

Dear Board Members,

We are Riley and Brianna Ethier, and our property address is 450 KEARNEYSVILLE PIKE, KEARNEYSVILLE WV 25430, legal description: LOT 1 DUNCAN MINOR SUBD. We are the next-door neighbors of Reinier Castillo Castilla and Lourdes Castillo Santana; we've known them since we bought our house in February of 2023. We want to confirm by this letter that we have no objection to them having the barn where it is currently located, nor do I have any objection to it not being within the 50-foot requirement of their property line.

We understand our neighbors, Reinier Castilla Castillo and Lourdes Castillo Santana are seeking a variance from the side and rear setbacks, we hope that this letter from their next-door neighbors will help them get their variance request approved so that they can keep their barn where it is currently located.

We appreciate your consideration of their request.

Sincerely,

A handwritten signature in cursive script that reads "Riley and Brianna Ethier". The signature is written in dark ink and is positioned above a horizontal line.

Riley and Brianna Ethier

Steven A. Lee  
374 Kearneysville Pike  
Kearneysville, WV 25430  
(304) 886-9776

August 24, 2024  
Jefferson County Zoning Board of Appeals  
P. O. Box 716  
116 East Washington Street  
Charles Town, WV 25414

Dear Board Members,

My name is Steven A. Lee, and my property address is 374 KEARNEYSVILLE PIKE, KEARNEYSVILLE WV 25430, legal description: lot LOT 3 DUNCAN MINOR SUBD. I'm the neighbor of Reinier Castillo Castilla and Lourdes Castillo Santana, I've known them since they bought the house in May 2022. I want to confirm by this letter that I have no objection to them having the barn where it is currently located, nor do I have any objection to it not being within the 50-foot requirement of their property line.

I understand my neighbors, Reinier Castilla Castillo and Lourdes Castillo Santana are seeking a variance from the side and rear setbacks, I hope that this letter from their next-door neighbor will help them get their variance request approved so that they can keep their barn where it is currently located.

I appreciate your consideration of their request.

Sincerely,



Steven A. Lee



July 22, 2024

Reinier & Lourdes Castillo  
414 Kearneysville Pike  
Kearneysville, WV 25430

Re: Professional Engineering and Consulting Services  
Structural Assessment Report for Lot Improvements:  
414 Kearneysville Pike  
Kearneysville, WV 25430

To whom it may concern,

Cozens Consulting Engineers, LLC (CCE) was contracted by the Owners of 414 Kearneysville Pike to perform a structural assessment and to provide structural framing plans and elevation drawings of several unpermitted structures which were constructed at the subject property. The unpermitted construction was reviewed and the attached set of drawings include a) a site plan showing the location of each structure; b) plan view drawings showing the floor plans (where applicable), roof plans and framing plans of each structure; and c) elevation drawings showing the approximate height of all unpermitted construction.

The following sheets contain a summary of our findings regarding the structural adequacy and code compliance of each of the structures (based on the 2018 IRC codes). The attached sheets include summary reports regarding the following structures:

Page 2 – Shed Construction  
Page 3 – Chicken Coop Deck & Shed Construction  
Page 4 – Pavilion Roof Structure Construction  
Page 5 – Barn Structure Construction  
Page 6 – Privacy Fence Construction

This letter was prepared for the exclusive use of our client and his/her agents/designees, including third party inspectors and local permit and inspection jurisdictions. We do not intend any other party to rely upon the information contained in this letter without our express written consent. The opinions, conclusions, and recommendations expressed in these reports are based on the findings of our inspections and evaluations.

Signed by:

Respectfully,

DocuSigned by:

*Ian Cozens*

302265313097468

Ian Cozens, PE

Cozens Consulting Engineers, LLC



7/23/2024

Cozens Consulting Engineers, LLC  
260 Kimberwicke Dr N  
Charles Town, WV 25414  
703-508-3098



### **Shed Construction**

The Owners of 414 Kearneysville Pike constructed an unpermitted shed approximately 10 feet behind the rear Southeast corner of the single-story residence on the property.

The shed is approximately 16'-2" long by 10'-4" wide. The shed consists of wood framed floors with 2x6 joists at 16" spacings, wood framed walls with 2x4 studs at 16" spacing, typically and 2x6 roof rafters at 24" spacings, typically. The shed is bears on six (6) 12" diameter footings, which extend 30 inches beneath grade. In front of the shed is a wood framed deck, 16'-2" long by 4' wide which is also constructed on six (6) 12" footings. The shed is approximately 10'-6" in height from grade to the peak of the gabled roof. The shed features an asphalt shingle gabled roof which spans from the front to the rear of the shed. See Sheet S101 for plan views of the shed/deck, framing plans and roof plans. See Sheet S200 for elevation views of the shed/deck structures.

The interior floor plan of the shed features an area for washing and drying of clothing, an area for food preparation (includes a countertop, cabinets, sink, refrigerator and freezer, and a storage closet. An electrical hook-up was run from the existing single-story residence to the rear of the newly constructed shed to provide electricity to the various appliances and light fixtures. The electrical work is outside the scope of this report and any electrical permits required should be obtained through a licensed electrician.

We did not observe any deficiencies in the construction of this shed and it is considered code compliant with the 2018 IRC code. No additional modifications or improvements are required.

Signed by:



DocuSigned by:

*Ian Cozens*

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7/23/2024



### **Chicken Coop & Deck Construction**

The Owners of 414 Kearneysville Pike constructed an unpermitted chicken coop on a wood-framed deck structure. The deck structure was originally located too close to the property line, so the Property Owners relocated the chicken coop and deck structure to a location where its nearest setback to the property line is 50'-9" (a 50' setback is required for chicken coops housing roosters per our understanding).

The wood-framed deck size is approximately 9'-4" by 12'-6" and supports an existing shed that is used to house chickens (including roosters). The existing deck is provided with 6x6 posts installed on 12" diameter footings that extend 30" below grade at the four (4) corners.

The wood-framed deck structure does not currently meet IRC code requirements. Singly ply 2x6 beams exist at the front, rear and middle of the deck structure which are inadequate to support dead and live loads as required by IRC 2018 and ASCE-7. Our chicken coop deck framing plan (see 2/S102) provides details for the improvement of the existing deck structure by adding additional 2x6 members to each beam to create 2-ply 2x6 beams at the front, rear and middle of the deck as well as to add three (3) 12' diameter footings, 30" beneath grade, and 6x6 posts to the beam spanning at the middle of the deck structure (which is currently propped up on two (2) vertical 2x8's. Additionally, supplemental joists are required to maintain a maximum joist spacing of 16 inches. See sheet S102 for plan views of the deck structure, framing plans for the deck and roof plans of the shed structure. The new deck framing plan will bring the deck into compliance with the 2018 IRC requirements.

The elevation of the deck walking surface is approximately 4'-6" above grade at the front of the deck. The rear elevation of the deck is only 9" above grade level. The height of the chicken coop "shed" is approximately 7'-6" above the deck horizontal surface. See sheet S201 for elevation views of the deck/chicken coop shed structures.

Note – We have advised the Owners to refrain from making any additional improvements or repairs to these structures until the construction plans and assessment reports have been approved by the Jefferson County permit office and permits have been issued. The remaining repairs will be performed only after issuance of the building permit.

Signed by:



DocuSigned by:

*Ian Cozens*

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7/23/2024



### **Pavilion Roof Structure**

The Owners of 414 Kearneysville Pike constructed an unpermitted pavilion roof structure. The pavilion roof structure is located approximately 10 feet behind the existing single story residential structure on the property.

The pavilion structure is an "L" shaped gabled roof structure measuring 20'x16' with a 10'x9' dormer framed roof extending towards the rear of the lot. The pavilion structure is constructed on preservative treated 6x6 posts which bear on 30"x30" footings which extend 30" beneath grade. See 1/S103 for a foundation plan of the structure.

The roof of the pavilion is framed with 2x8 rafters at 16" spacings, typically. A 2x12 ridge board is provided at the peak of the pavilion roof. Each rafter is provided with a Simpson Strong-Tie H2A hurricane tie at all locations where the rafters bear on the beams. The rafters are typically provided with a 1' overhang at the perimeter of the pavilion structure. The beams rest on 2-2x10 beams which typically span about 9-10 feet between supports. Where the rear pavilion extension meets the 20'x16' pavilion structure, the beams are face mounted to 6x6 posts with Simpson Strong-Tie LUS210 face mount hangers. The roof of the pavilion is decked with 5/8" plywood decking and asphalt shingles were already installed.

The pavilion roof structure was provided with collar ties installed near the top of the roof structure. Since the roof structure is framed with a non-load bearing ridge board, it requires the installation of 2x6 rafter ties installed in the lower 1/3 of the roof height or ceiling joists installed directly above the roof beams. Once the pavilion roof structure has the rafter ties or ceiling joists installed, the structure should be compliant with the 2018 IRC.

Note – We have advised the Owners to refrain from making any additional improvements or repairs to these structures until the construction plans and assessment reports have been approved by the Jefferson County permit office and permits have been issued. The remaining repairs will be performed only after issuance of the building permit.

Signed by:



DocuSigned by:

*Ian Cozens*

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7/23/2024



**Barn Structure**

The Owners of 414 Kearneysville Pike constructed an unpermitted barn structure. The pavilion roof structure is located so that it has a 12’-6” setback to the rear lot line.

The barn structure is a 24’x30’ structure with four (4) horse stalls and a hallway with open access at the front and rear of the structure. An attic storage space was constructed above the bar measuring 24’ by 10’-4 ½”. The barn is currently constructed on three (3) rows of 30”x30” footings extending 30” beneath grade at the front, rear and mid-point of the barn. Each footing has a 6x6 post extending up to support 2-2x8 beams with notched connections, creating an existing beam span of 12’ for each of the four (4) beams.

The 2-2x8 beams spanning 12’ do not have adequate capacity to support the upper-level attic and roof loads. In order to repair the overloaded conditions, we have proposed to add two (2) additional rows of footings (30”x30”, 30” beneath grade) and 4x4 posts with new Simpson Strong-Tie post-to-beam connectors (LPC4Z), which will support the existing 2-2x8 beams and will shorten their spans to 6’ at each location. This will enable the framing to adequately support the attic and roof loads of the structure in compliance with the 2018 IRC. See drawings 4 & 5 on S104 to see the proposed foundation and framing plan which includes the additional footings/posts described above.

The walls of the barn were created with T1-11 siding on the interior and exterior of the barn. The siding is mounted to horizontal 4x4 rails which extend between the vertical 6x6 posts supporting the structure.

Elevation drawings of the barn structure are shown on Sheet S203. The height of the barn is approximately 17’-4 ½” from grade to the top-level roof peak. A door is provided at the attic level at the front elevation of the barn. A ladder is currently needed to access the attic. The Owners have indicated they would like to construct a deck & stairway structure to access the barn attic at some point in the future, however that is outside the scope of this current set of plans.

Note – We have advised the Owners to refrain from making any additional improvements or repairs to these structures until the construction plans and assessment reports have been approved by the Jefferson County permit office and permits have been issued. The remaining repairs will be performed only after issuance of the building permit.

Signed by:



DocuSigned by:  
*Ian Cozens*  
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7/23/2024



**Privacy Fence Construction**

The Owners of 414 Kearneysville Pike constructed an unpermitted privacy fence. The fence currently extends 20'-2" from the northeast front corner of the existing residential structure on the property. The height of the existing fence is 7'-2". The existing fence construction consists of 2x4 studs with 2x4 bottom and top plates on the wall.

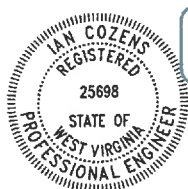
The Owners have proposed to reduce the height of the fence to be 6'-0" or less, which does not require a Building Permit per the Office of Building Permits & Inspections website.

The current fence construction is not adequate to support the wind loadings for a fence exceeding 6'-0". If the homeowners reduce the fence to a height of 6'-0" or less, no building permits or review is required.

Fence details have been provided for a privacy fence up to 8'-0" in height on Sheet S300. If the Owners opt to reduce the height of the privacy fence to 6'-0" or less, however, no additional repairs are needed since a fence 6'-0" or less does not require a building permit. If the Owners decide to construct a privacy fence between 6'-0" and 8'-0", the fence details provided should be adequate to resist the design wind loadings per the 2018 IRC and ASCE 7-16.

Note – We have advised the Owners to refrain from making any additional improvements or repairs to these structures until the construction plans and assessment reports have been approved by the Jefferson County permit office and permits have been issued. The remaining repairs will be performed only after issuance of the building permit.

Signed by:



DocuSigned by:

*Ian Cozens*

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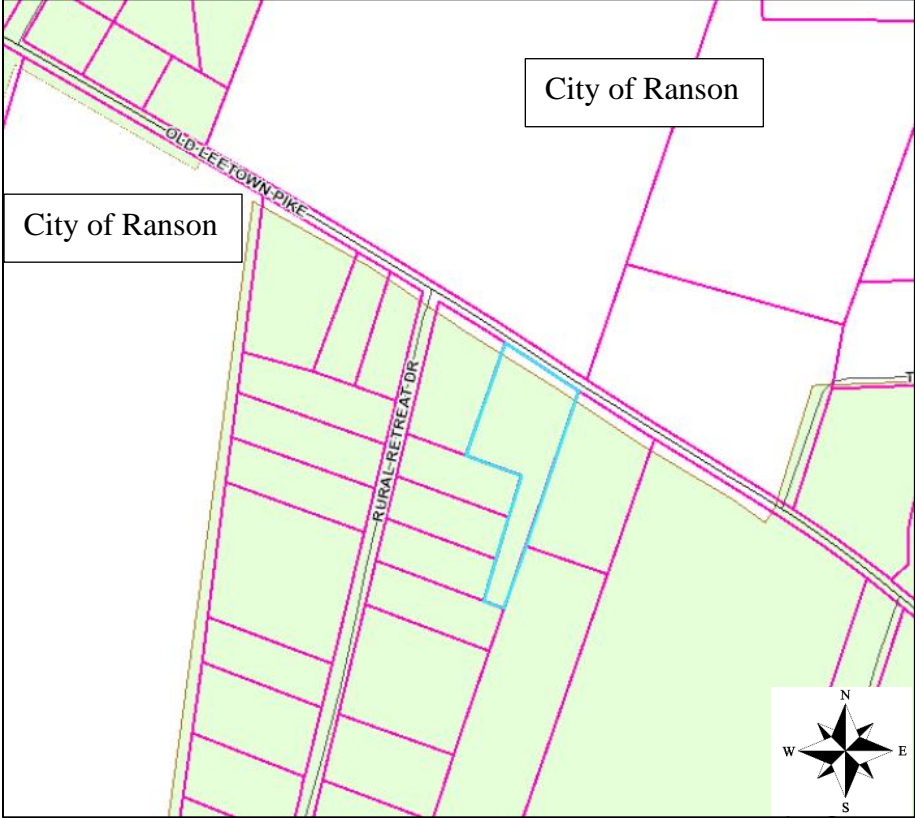
7/23/2024



Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**24-33-ZV Johnson (Shed #1) Variance Request**

**Item #3 (Request #1):** Variance from Section 9.7 to reduce the rear setback from 12' to 6' for a 12' x 20' accessory structure (Shed #1).

Owner:	Mark Johnson
Parcel Information & Zoning District:	<p style="text-align: center;">3292 Old Leetown Pike, Ranson, WV Parcel ID: 02000500050000; Size: 1.4 acres; Zoning District: Rural</p> 
History:	09/24/57: Created via Will (recorded Deed Book 220 / PG 545)
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit Conducted:	No

**Staff Overview**

The subject parcel was created in 1957, prior to the enactment of zoning (1988). Lots on record prior to the adoption of the zoning ordinance are subject to Section 9.7. As such, the required setbacks for the subject lot are: 20' Front, 12' Side, and **12' Rear**. The applicant is requesting to reduce the rear setback requirement along the southern property line from 12' to 6' for a proposed 12' x 20' (240 square foot) accessory structure (one of two).

The purpose of a side setback requirement 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  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**24-33-ZV Johnson (Shed #1) Variance Request**

The applicant has provided a letter of support from the adjacent property owner (●) most likely impacted by the subject to the request.



Pursuant to [WV Code Chapter §8A-7-11](#) and Article 2 of the [Jefferson County Zoning Ordinance](#), a variance is defined as “...a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land.”

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 6, Section 6.2 of the [Zoning Ordinance](#), the Board shall consider the following criteria and shall grant a variance if it finds that the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024  
**24-33-ZV Johnson (Shed #1) Variance Request**

**Conditions of Approval**

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

1. No business may be operated from the accessory structure without further evaluation from the Office of Planning and Zoning.

**Section of Ordinance to be Considered:**

**Section 9.7 Other Exceptions<sup>3</sup>**

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

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:<sup>23</sup>

Residential Growth District<sup>23</sup>

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

Rural Agricultural and Industrial Commercial

Single Family Residences

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

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.







JEFFERSON COUNTY, WEST VIRGINIA  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414

File #: 24-33-ZV  
Mtg. Date: 10.24.24  
Fee Paid: \$ 150-

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

Phone: (304) 728-3228

**Zoning Variance Application**

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 parcel's zoning classification.

**Property Owner Information**

Owner Name: Mark B. Johnson  
Business Name: \_\_\_\_\_  
Mailing Address: 3292 Old Leetown Pike, Ranson WV 25438  
Phone Number: (304) 671-6808 Email: Mark Johnson 362@gmail.com

**Applicant Contact Information**

Applicant Name: \_\_\_\_\_ Same as owner: ☒  
Business Name: — Same as —  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

Consultant Name: NA  
Business Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: 3292 Old Leetown Pike, Ranson, WV 25438 Vacant Lot: ☐  
Parcel ID: (Tax District / Map No. / Parcel No.) Charles Town/M5/Parcel: 5  
Parcel Size: 1.4 AC Deed Book: 1115 Page No: 725

**Zoning District (please check one)**

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

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

**RECEIVED**

Date Received:

SEP 26 2024

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Briefly describe the nature of the request (include the dimensions of the proposed structure, if applicable):

Section of the Zoning Ordinance pertaining to this request:

We request that the rear setback be reduced from 12' to 6'. This is to allow for the addition of 2- 12x20 Storage sheds and locate them a short distance further from the rear of the house.

\* Accessory Structure # 1 811

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

☐ Front Setback

☐ Side Setback

☒ Rear Setback

Reduction from 12' to 6'

**Required Sketch:** 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.

**Required Responses:** Each of the following questions must be answered in detail. The Board will evaluate your request based on the answers provided (attach a separate sheet of paper if necessary).

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 reduction in setback will not affect the well and septic system, electric service, safety, ingress / egress, or rights of the property owners due to the distance from any of the areas of concern.

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 special condition + attributes arise from the need to manage and maintain the trees, shrubs, garden + general landscaping and house maintenance

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

The reduction of setback will provide an improved view, backyard space, + clear path to the garden.

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

The Zoning Ordinance regulations maintain the intent of providing a fair + positive outcome for the property owners.

☒ I authorize the Planning and Zoning staff to revise the application/sketch on my behalf. I understand that said revisions will be discussed with me prior to revising the application/sketch.

The information given is correct to the best of my knowledge. Property Owner Signature Required.

By signing this application, I grant permission to County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.

Mark R. Johnson

Property Owner Signature

9/24/24

Date

Property Owner Signature

Date

## Request for Building Permit and Variance

Mark R. Johnson

3292 Old Leetown Pike

Jefferson County

Ranson, WV. 25438

Property - Map/Parcel 5 0005 0000 0000 1 ¼ Acre and Strip

Deed Page Book – 1115 / 725

Request to locate and construct 2 large storage sheds, dimensions 12 x 20, purchased through The Home Depot from Tuff Sheds. Located in the backyard, facing the house. For the purpose of storing family items, hobby and craft materials, furniture, and other household items currently stored at a commercial storage facility. The sheds will be a Smoky Slate Green color so as to match the house. The locations and color of the sheds will make them barely visible from the road.

The sheds will be installed on a bed of #56 gravel which will be contained by pressure treated lumber. In order to maximize the back yard space, we request that a variance be granted to change the rear setback from 12 ft. to 6 ft. This space is currently unused on both sides of the fence, and the owner of the adjacent property, Mr. Corey Farmer, of #71 Rural Retreat Drive, has no objections to the decreased setback.

I, Corey Farmer, give permission to Mark Johnson, to construct storage sheds with reduced setback along the adjacent property described above.

Name  Date 9-23-24

Name  Date 9-23-24



# Jefferson County WV My Government Online Map

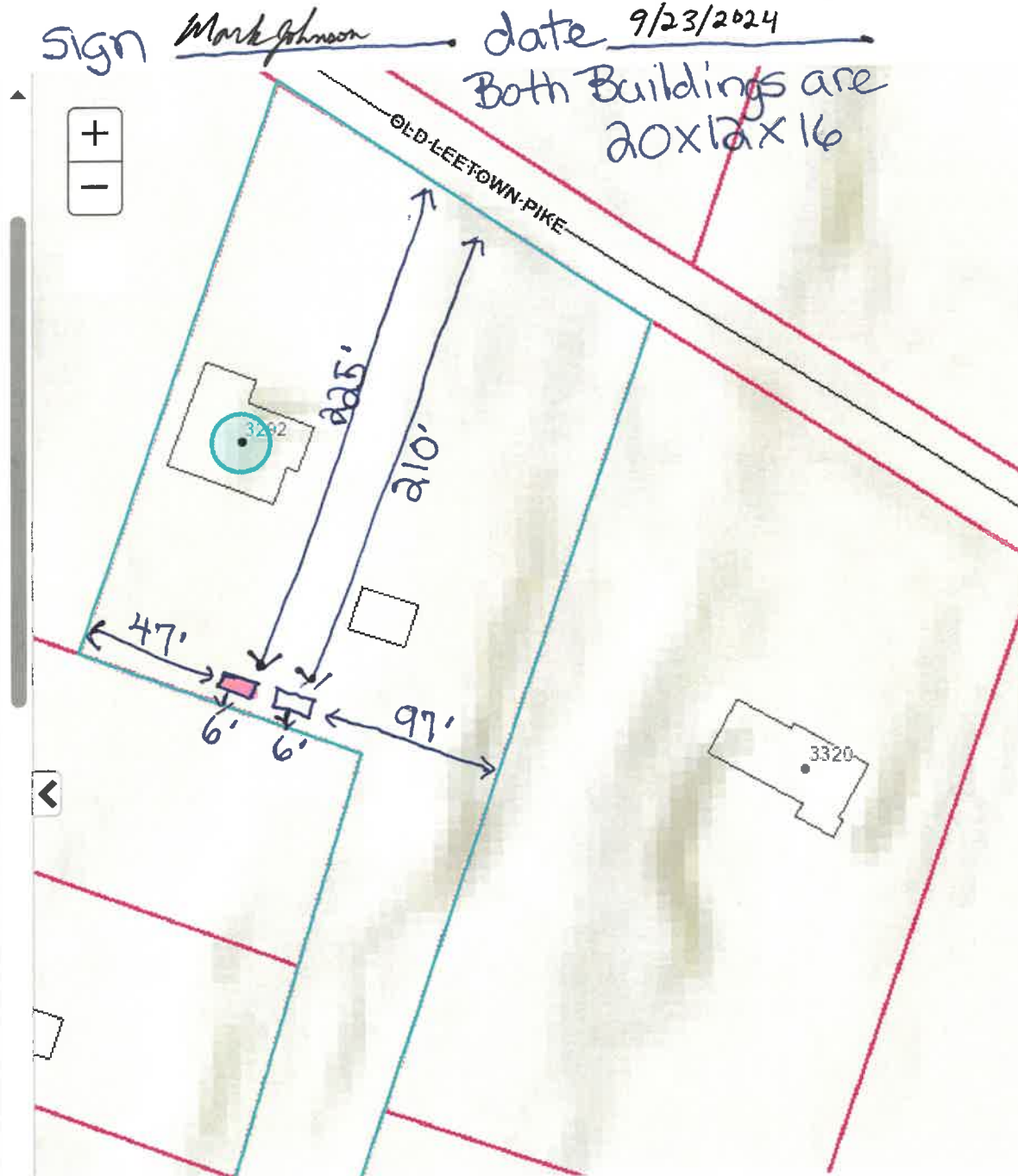
Jefferson County GIS/Addressing Office

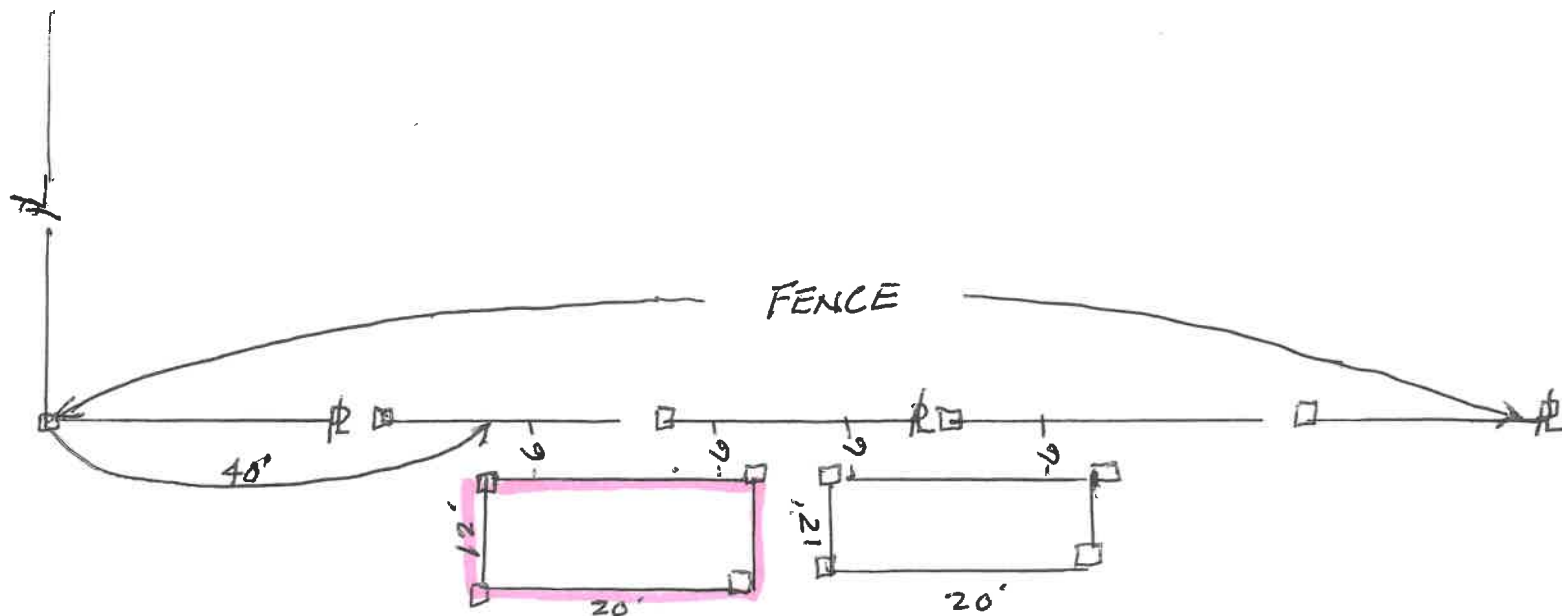
#1  
Help

- ☐ AccessLines
- ☒ Buildings
- ☐ State Routes (DOH-2012)
- ☒ Roads (Labels)
- ☒ Roads
- ☐ Proposed Roads
- ☒ Railroads
- ☐ MiscPoly

- ☐ Boundaries
- ☒ Latest Parcels
- ☐ JC Engineering
- ☐ Water Features
- ☐ Utilities
- ☐ Historic
- ☐ Recreation
- ☐ Special Land
- ☐ Burr Park
- ☐ Geology
- ☐ Emergency
- ☐ JC Planning & Zoning
- ☐ Charles Town
- ☐ Ranson
- ☐ All Zones

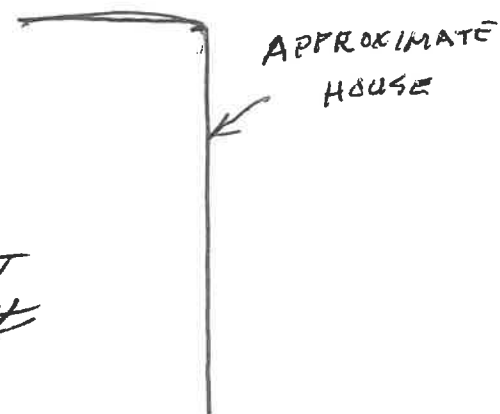
Find





1/2" FENCE PER DEED & PLAT DATED 1968  
THIS IS ONLY A DEPICTION OF SAID  
FOR SHEDS ON MARK JOHNSON PROPERTY  
FOR VARIANCE, FROM

VERL S. LEAVITT  
V. S. Leavitt





MOORE



0 1 2 3  
C. EDWIN HULTMAN CO. • Restoration of Public Records

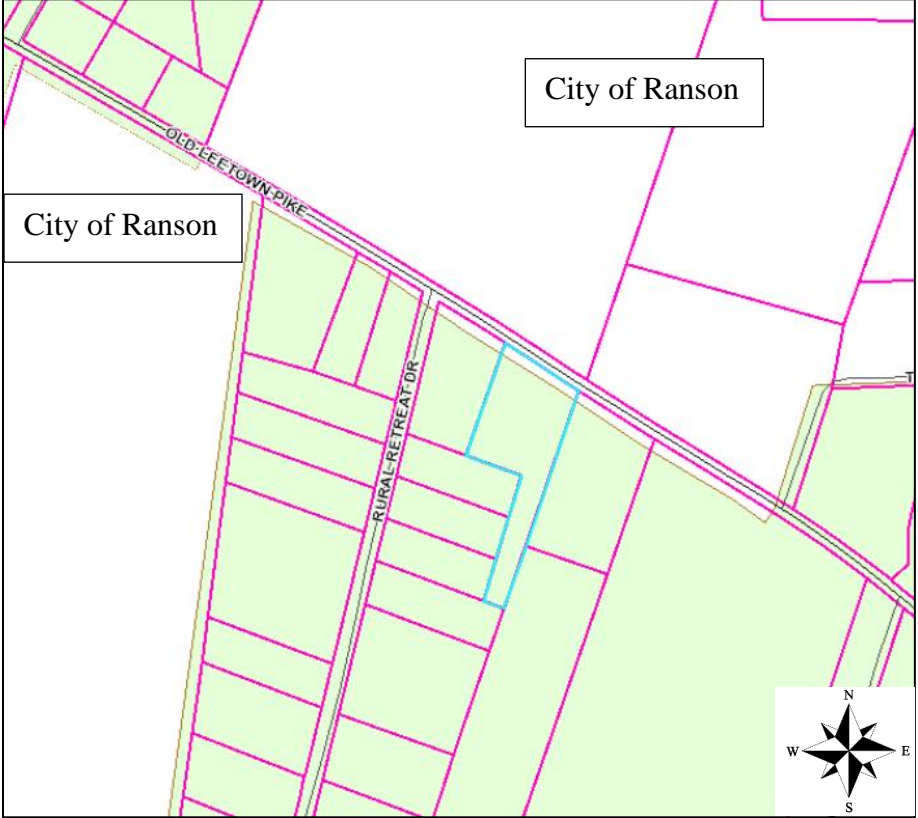
PLAT OF LOTS 5-16  
RURAL RETREAT DIVISION  
LEETOWN ROAD  
CHARLES TOWN DIST. JEFFERSON CO. W. VA.  
SCALE 1"=100'  
MARCH 30, 1928  
R.G. HODGES JR. SUR.



Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**24-34-ZV Johnson (Shed #2) Variance Request**

**Item #3 (Request #2):** Variance from Section 9.7 to reduce the rear setback from 12' to 6' for a 12' x 20' accessory structure (Shed #2).

Owner:	Mark Johnson
Parcel Information & Zoning District:	<p style="text-align: center;">3292 Old Leetown Pike, Ranson, WV Parcel ID: 02000500050000; Size: 1.4 acres; Zoning District: Rural</p> 
History:	09/24/57: Created via Will (recorded Deed Book 220 / PG 545)
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit Conducted:	No

**Staff Overview**

The subject parcel was created in 1957, prior to the enactment of zoning (1988). Lots on record prior to the adoption of the zoning ordinance are subject to Section 9.7. As such, the required setbacks for the subject lot are: 20' Front, 12' Side, and **12' Rear**. The applicant is requesting to reduce the rear setback requirement along the southern property line from 12' to 6' for a second proposed 12' x 20' (240 square foot) accessory structure (two of two).

The purpose of a side setback requirement 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  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**24-34-ZV Johnson (Shed #2) Variance Request**

The applicant has provided a letter of support from the adjacent property owner (●) most likely impacted by the subject to the request.



Pursuant to [WV Code Chapter §8A-7-11](#) and Article 2 of the [Jefferson County Zoning Ordinance](#), a variance is defined as "...a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land."

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 6, Section 6.2 of the [Zoning Ordinance](#), the Board shall consider the following criteria and shall grant a variance if it finds that the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024  
**24-34-ZV Johnson (Shed #2) Variance Request**

**Conditions of Approval**

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

1. No business may be operated from the accessory structure without further evaluation from the Office of Planning and Zoning.

**Section of Ordinance to be Considered:**

**Section 9.7 Other Exceptions<sup>3</sup>**

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

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:<sup>23</sup>

Residential Growth District<sup>23</sup>

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

Rural Agricultural and Industrial Commercial

Single Family Residences

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

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.





JEFFERSON COUNTY, WEST VIRGINIA  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414

File #: 24-34-2V  
Mtg. Date: 10-24-24  
Fee Paid: \$ 150-

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

Phone: (304) 728-3228

**Zoning Variance Application**

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 parcel's zoning classification.

**Property Owner Information**

Owner Name: Mark R. Johnson  
Business Name: \_\_\_\_\_  
Mailing Address: 3292 Old Leetown Pike, Ranson WV 25438  
Phone Number: (304) 671-6808 Email: Mark.r.johnson362@gmail.com

**Applicant Contact Information**

Applicant Name: \_\_\_\_\_ Same as owner: ☒  
Business Name: — Same as —  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

Consultant Name: NA  
Business Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Vacant Lot: ☐

Physical Address: 3292 Old Leetown Pike, Ranson, WV 25438  
Parcel ID: (Tax District / Map No. / Parcel No.) Charles Town/M5/Parcel: 5  
Parcel Size: 1.4 AC Deed Book: 1115 Page No: 725

**Zoning District (please check one)**

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

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

**RECEIVED**

SEP 26 2024

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Date Received:



Briefly describe the nature of the request (include the dimensions of the proposed structure, if applicable):

Section of the Zoning Ordinance pertaining to this request:

We request that the rear setback be reduced from 12' to 6'. This is to allow for the addition of 2- 12x20 Storage sheds and locate them a short distance further from the rear of the house.

\* Accessory Structure #2 gnt

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

☐ Front Setback ☐ Side Setback ☒ Rear Setback Reduction from 12' to 6'

**Required Sketch:** 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.

**Required Responses:** Each of the following questions must be answered in detail. The Board will evaluate your request based on the answers provided (attach a separate sheet of paper if necessary).

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 reduction in setback will not affect the well and septic system, electric service, safety, ingress / egress, or rights of the property owners due to the distance from any of the areas of concern.

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 special condition + attributes arise from the need to manage and maintain the trees, shrubs, garden + general landscaping and house maintenance.

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

The reduction of setback will provide an improved view, backyard space, + clear path to the garden.

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

The Zoning Ordinance regulations maintain the intent of providing a fair + positive outcome for the property owners.

☒ I authorize the Planning and Zoning staff to revise the application/sketch on my behalf. I understand that said revisions will be discussed with me prior to revising the application/sketch.

The information given is correct to the best of my knowledge. Property Owner Signature Required.

By signing this application, I grant permission to County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.

Mark R. Johnson 9/24/24  
Property Owner Signature Date

Property Owner Signature Date

## Request for Building Permit and Variance

Mark R. Johnson

3292 Old Leetown Pike

Jefferson County

Ranson, WV. 25438

Property - Map/Parcel 5 0005 0000 0000 1 ¼ Acre and Strip

Deed Page Book – 1115 / 725

Request to locate and construct 2 large storage sheds, dimensions 12 x 20, purchased through The Home Depot from Tuff Sheds. Located in the backyard, facing the house. For the purpose of storing family items, hobby and craft materials, furniture, and other household items currently stored at a commercial storage facility. The sheds will be a Smoky Slate Green color so as to match the house. The locations and color of the sheds will make them barely visible from the road.

The sheds will be installed on a bed of #56 gravel which will be contained by pressure treated lumber. In order to maximize the back yard space, we request that a variance be granted to change the rear setback from 12 ft. to 6 ft. This space is currently unused on both sides of the fence, and the owner of the adjacent property, Mr. Corey Farmer, of #71 Rural Retreat Drive, has no objections to the decreased setback.

I, Corey Farmer, give permission to Mark Johnson, to construct storage sheds with reduced setback along the adjacent property described above.

Name  Date 9-23-24

Name  Date 9-23-24



# Jefferson County WV My Government Online Map

Jefferson County GIS/Addressing Office

Help

#2

- ☐ AccessLines
- ☒ Buildings
- ☐ State Routes (DOH-2012)
- ☒ Roads (Labels)
- ☒ Roads
- ☐ Proposed Roads
- ☒ Railroads
- ☐ MiscPoly

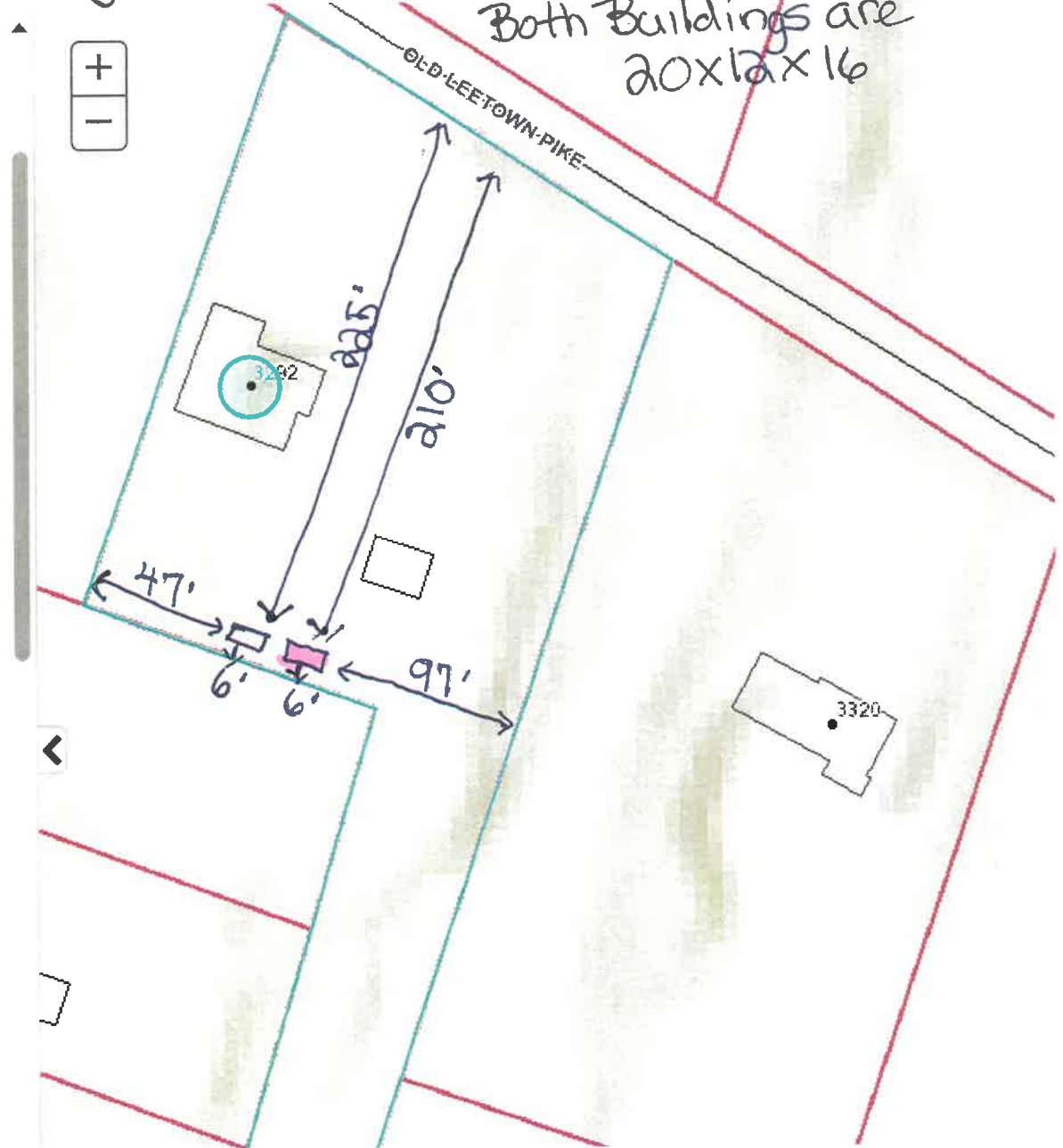
- ☐ Boundaries
- ☒ Latest Parcels
- ☐ JC Engineering
- ☐ Water Features
- ☐ Utilities
- ☐ Historic
- ☐ Recreation
- ☐ Special Land
- ☐ Burr Park
- ☐ Geology
- ☐ Emergency
- ☐ JC Planning & Zoning
- ☐ Charles Town
- ☐ Ranson
- ☐ All Zones

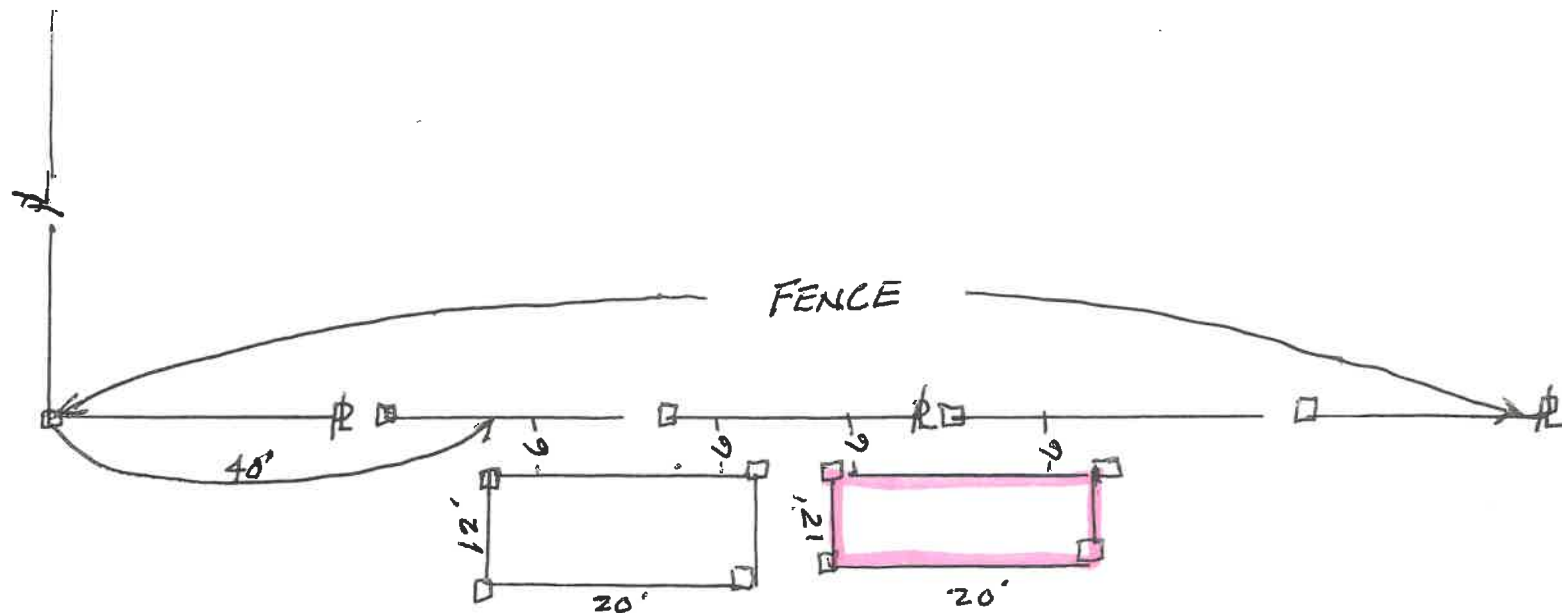
Find

Sign Mark Johnson

date 9/23/2024

Both Buildings are  
20x12x16



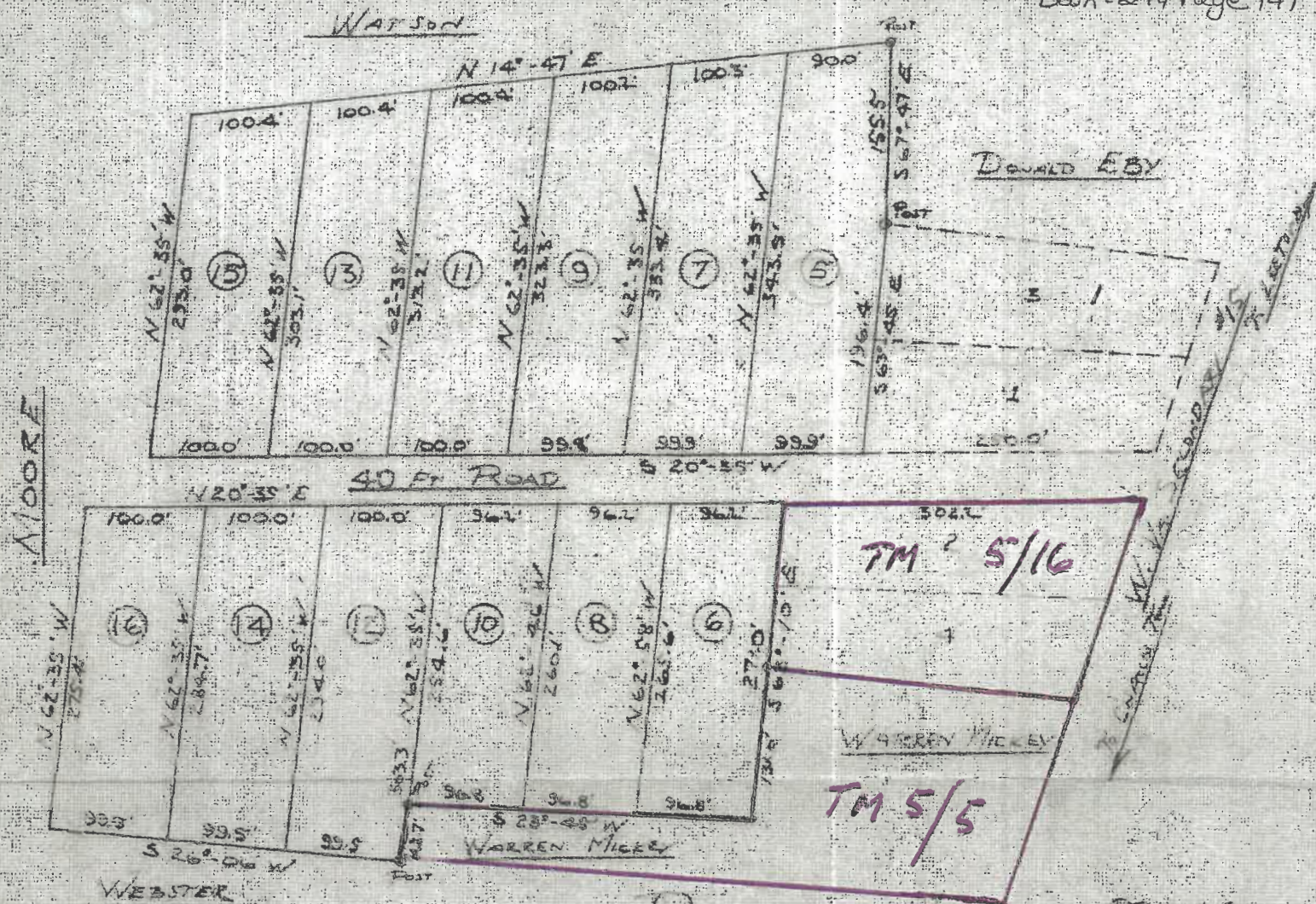


1/2" FENCE PER DEED & PLAT DATED 1968  
THIS IS ONLY A DEPICTION OF SAID  
FOR SHEDS ON MARK JOHNSON PROPERTY  
FOR VARIANCE, FROM

VERL S. LEAVITT  
Verl S. Leavitt

#2





PLAT OF LOTS 5-16  
RURAL RETREAT DIVISION  
LEETOWN ROAD

CHARLES TOWN DIST. JEFFERSON CO. V. VA.

Scale 1" = 100'

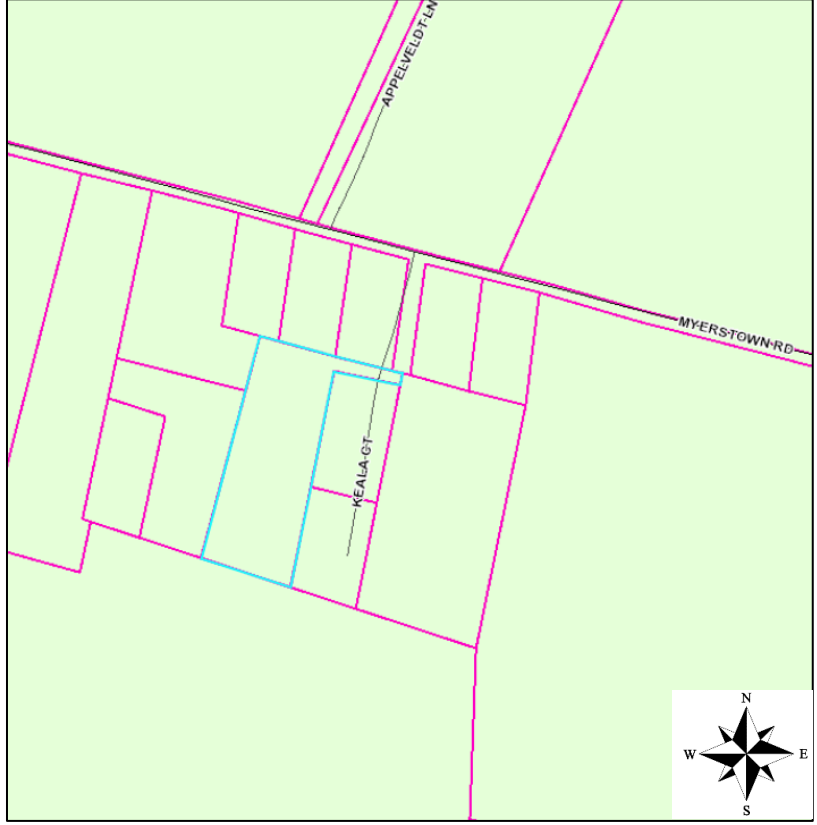
MARCH 20, 1968  
R. G. HOOPER Jr. Sr.



Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**24-35-ZV Delauter (Shed #1) Variance Request**

**Item #4 (Request #1):** Variance from Section 9.7 to reduce the side setback from 15' to 6' for a 24' x 32' accessory structure (Shed #1).

Owner:	Joseph Delauter
Parcel Information & Zoning District:	<p style="text-align: center;">58 Keala Dt., Charles Town, WV Parcel ID: 06002100010006; Size: 2.86 acres; Zoning District: Rural</p> 
History:	<p>03/15/74: Creation of a 10-acre parcel (recorded in Deed Book 371 / PG 632)</p> <p>07/12/78: Property divided in half via an outsale (recorded in Deed Book 442 / Page 519)</p> <p>10/13/88: Property was divided into two family transfer lots. Subject parcel was the residue (recorded in Deed Book 615 / Page 272)</p>
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit Conducted:	No

**Staff Overview**

The subject parcel is a result of several previously approved subdivision exemptions. The most recent subdivision exemption was approved shortly after the adoption of zoning (10/05/1988). As such, Section 9.7 of the Zoning Ordinance would apply. The required setbacks for the subject lot are: 40' Front, **15' Side**, and 50' Rear. The applicant is requesting to reduce the side setback requirement along the western

Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**24-35-ZV Delauter (Shed #1) Variance Request**

property line from 15' to 6' for a proposed 24' x 32' (768 square foot) accessory structure for storing garden equipment and lawn mowers.

The purpose of a side setback requirement 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.

The applicant has indicated that due to the slope of the property that the proposed site is the only feasible location to construct the accessory structure.



Pursuant to [WV Code Chapter §8A-7-11](#) and Article 2 of the [Jefferson County Zoning Ordinance](#), a variance is defined as "...a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land."

Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**24-35-ZV Delauter (Shed #1) Variance Request**

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 6, Section 6.2 of the [Zoning Ordinance](#), the Board shall consider the following criteria and shall grant a variance if it finds that the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

**Conditions of Approval**

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

1. No business may be operated from the accessory structure without further evaluation from the Office of Planning and Zoning.

**Section of Ordinance to be Considered:**

**Section 9.7 Other Exceptions<sup>3</sup>**

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

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:<sup>23</sup>

Residential Growth District<sup>23</sup>

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

Rural Agricultural and Industrial Commercial

Single Family Residences

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

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.





JEFFERSON COUNTY, WEST VIRGINIA  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414

File #: 24-35-2V  
Mtg. Date: 10.24.24  
Fee Paid: \$ 150

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

Phone: (304) 728-3228

**Zoning Variance Application**

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 parcel's zoning classification.

**Property Owner Information**

Owner Name: Joseph F. Delauter  
Business Name: \_\_\_\_\_  
Mailing Address: 58 Keala Ct Charles Town WV 25414  
Phone Number: 301 748 4329 Email: JoeyDZ440@gmail.com

**Applicant Contact Information**

Applicant Name: \_\_\_\_\_ Same as owner: ☒  
Business Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

Consultant Name: \_\_\_\_\_  
Business Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Vacant Lot: ☐

Physical Address: 58 Keala Ct Charles Town WV 25414  
Parcel ID: (Tax District / Map No. / Parcel No.) 06 21 0001, 0006  
Parcel Size: 2.86 Deed Book: 1262 Page No: 25

**Zoning District (please check one)**

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

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

Date Received:

**RECEIVED**

SEP 26 2024



Briefly describe the nature of the request (include the dimensions of the proposed structure, if applicable):

Section of the Zoning Ordinance pertaining to this request:

Replace A 12X20 with A 24X32 Shed

\*Accessory Structure #1 gt

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

☐ Front Setback

☒ Side Setback

☐ Rear Setback

Reduction from 15' to 6'

**Required Sketch:** 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.

**Required Responses:** Each of the following questions must be answered in detail. The Board will evaluate your request based on the answers provided (attach a separate sheet of paper if necessary).

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

Shed was there, Neighbors tree fell on it  
Neighbor Cut trees back (after) talked  
with him about New and he WAS OK  
with the New 24X32

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?

Land is not Level

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

Land is not Level, ONLY AREA I Can put  
If I Try to do the 15' my Septic is there  
and its Siopped

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

It will help me out with Storing (Garden)  
Equipment & Lawn Mowers

☒ I authorize the Planning and Zoning staff to revise the application/sketch on my behalf. I understand that said revisions will be discussed with me prior to revising the application/sketch.

The information given is correct to the best of my knowledge. Property Owner Signature Required.

By signing this application, I grant permission to County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.

Joseph E. Delauter 9/25/24

Property Owner Signature

Date

Property Owner Signature

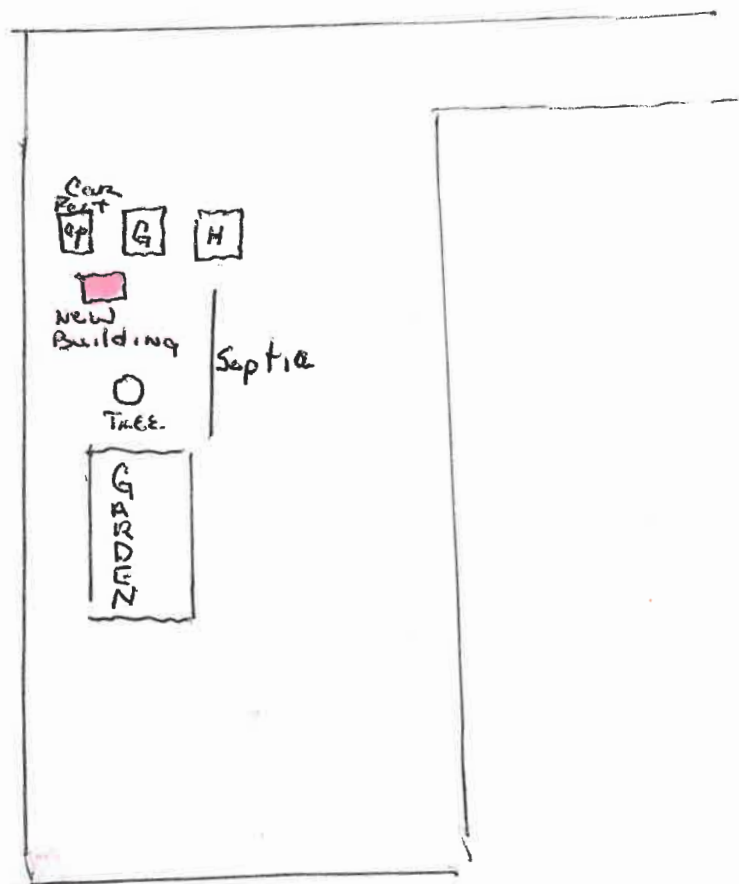
Date



For Sheds over 150 sq ft

Setbacks	Front - 40'
	Sides - 15'
	rear - 50'

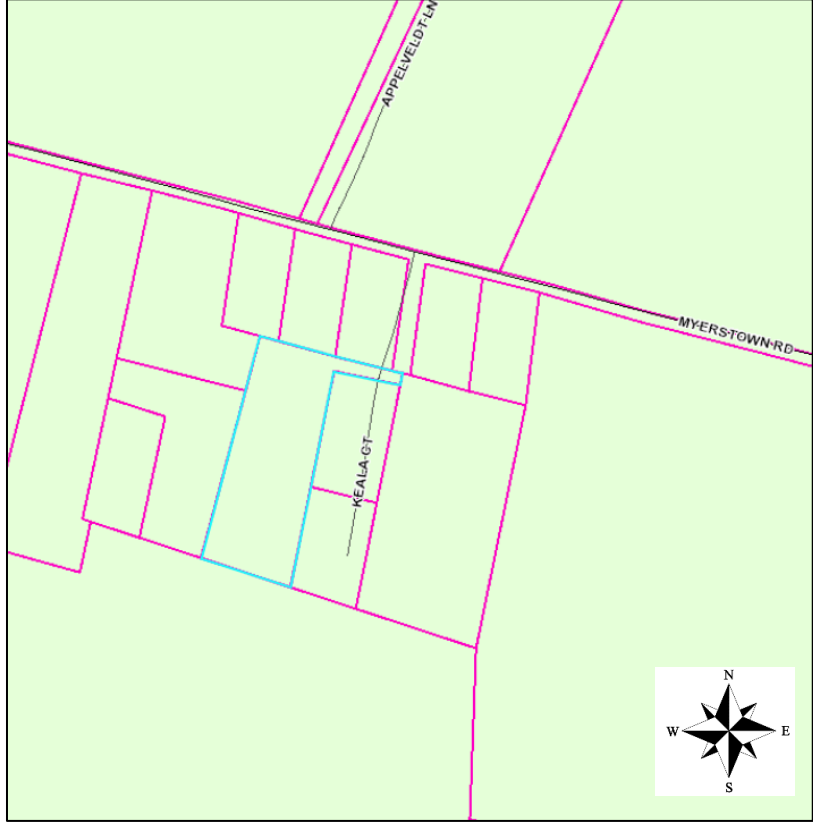
#1  
24-35-2V



Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**24-36-ZV Delauter (Shed #2) Variance Request**

**Item #4 (Request #2):** Variance from Section 9.7 to reduce the side setback from 15' to 5' for an existing 12' x 30' accessory structure (Shed #2).

Owner:	Joseph Delauter
Parcel Information & Zoning District:	<p style="text-align: center;">58 Keala Dt., Charles Town, WV Parcel ID: 06002100010006; Size: 2.86 acres; Zoning District: Rural</p> 
History:	<p>03/15/74: Creation of a 10-acre parcel (recorded in Deed Book 371 / PG 632)</p> <p>07/12/78: Property divided in half via an outsale (recorded in Deed Book 442 / Page 519)</p> <p>10/13/88: Property was divided into two family transfer lots. Subject parcel was the residue (recorded in Deed Book 615 / Page 272)</p>
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit Conducted:	No

**Staff Overview**

The subject parcel is a result of several previously approved subdivision exemptions. The most recent subdivision exemption was approved shortly after the adoption of zoning (10/05/1988). As such, Section 9.7 of the Zoning Ordinance would apply. The required setbacks for the subject lot are: 40' Front, **15' Side**, and 50' Rear. The applicant is requesting to reduce the side setback requirement along the western property line from 15' to 5' for an existing 12' x 30' (360 square foot) carport accessory structure.



Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**24-36-ZV Delauter (Shed #2) Variance Request**

The purpose of a side setback requirement 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.

The applicant represented to staff that they were unaware that a building permit was required for a portable carport. The applicant included in their application that the current location is preferable due to its close proximity off the existing driveway.





Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**24-36-ZV Delauter (Shed #2) Variance Request**

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 2 of the [Jefferson County Zoning Ordinance](#), a variance is defined as "...a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land."

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 6, Section 6.2 of the [Zoning Ordinance](#), the Board shall consider the following criteria and shall grant a variance if it finds that the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

**Conditions of Approval**

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

1. No business may be operated from the accessory structure without further evaluation from the Office of Planning and Zoning.

**Section of Ordinance to be Considered:**

**Section 9.7 Other Exceptions<sup>3</sup>**

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

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:<sup>23</sup>

Residential Growth District<sup>23</sup>

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

Rural Agricultural and Industrial Commercial

Single Family Residences

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

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.





JEFFERSON COUNTY, WEST VIRGINIA  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414

File #: 24-36-2V  
Mtg. Date: 10-24-24  
Fee Paid: \$ 0.00

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

Phone: (304) 728-3228

**Zoning Variance Application**

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 parcel's zoning classification.

**Property Owner Information**

Owner Name: Joseph F. Delander  
Business Name: \_\_\_\_\_  
Mailing Address: 58 Keala Ct Charles Town WV 25414  
Phone Number: 301 748 4329 Email: JoeyDZ440@gmail.com

**Applicant Contact Information**

Applicant Name: \_\_\_\_\_ Same as owner: ☒  
Business Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

Consultant Name: \_\_\_\_\_  
Business Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Vacant Lot: ☐

Physical Address: 58 Keala Ct. Charles Town WV 25414  
Parcel ID: (Tax District / Map No. / Parcel No.) 06 21 0001.0006  
Parcel Size: 2.86 Deed Book: 1262 Page No: 25

**Zoning District (please check one)**

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

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

**RECEIVED**

Date Received:

**SEP 26 2024**

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Briefly describe the nature of the request (include the dimensions of the proposed structure, if applicable):

Section of the Zoning Ordinance pertaining to this request:

Need A Variance for Side Set back Due  
To Structure in place

\* Accessory Structure #2 got ~12' x 30'

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

☐ Front Setback

☒ Side Setback

☐ Rear Setback

Reduction from 15' to 5'

**Required Sketch:** 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.

**Required Responses:** Each of the following questions must be answered in detail. The Board will evaluate your request based on the answers provided (attach a separate sheet of paper if necessary).

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

Lot Next to us is wooded w/ Abandon  
Structure

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?

location of building for parking Purposes  
from Driveway

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

It Allows Covered parking for Vehicles

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

It is on a Residential Lot in a rural Area  
Used for personal, Non Commercial use

☒ I authorize the Planning and Zoning staff to revise the application/sketch on my behalf. I understand that said revisions will be discussed with me prior to revising the application/sketch.

The information given is correct to the best of my knowledge. Property Owner Signature Required.

By signing this application, I grant permission to County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.

Joseph F. Delauter 9/25/24

Property Owner Signature

Date

Property Owner Signature

Date

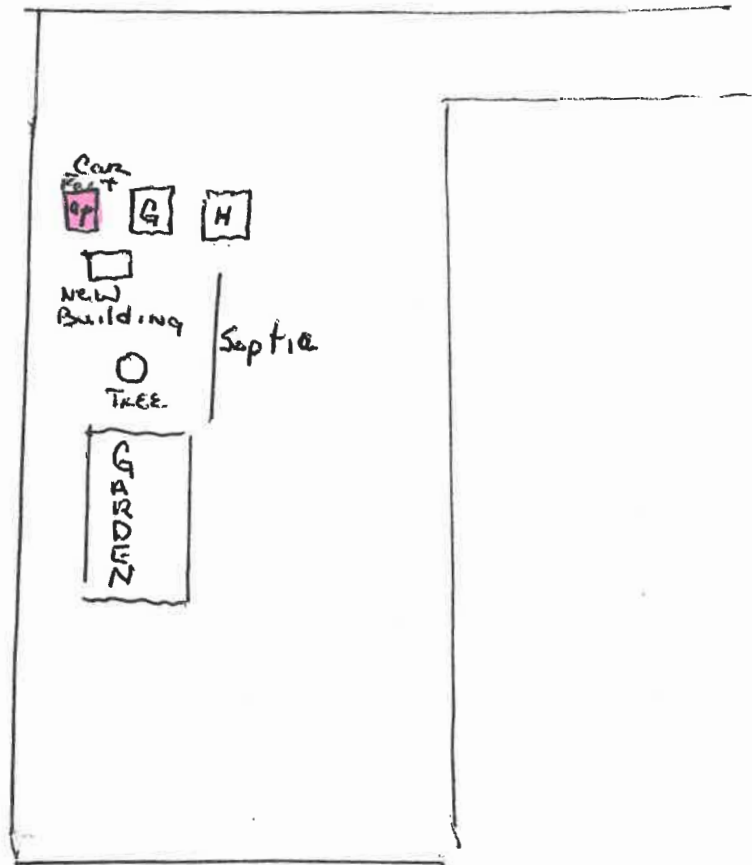




For Sheds over 150 sq ft  
 Setbacks Front - 40'  
 Sides - 15'  
 Rear - 50'

#2  
 24-36-ZV





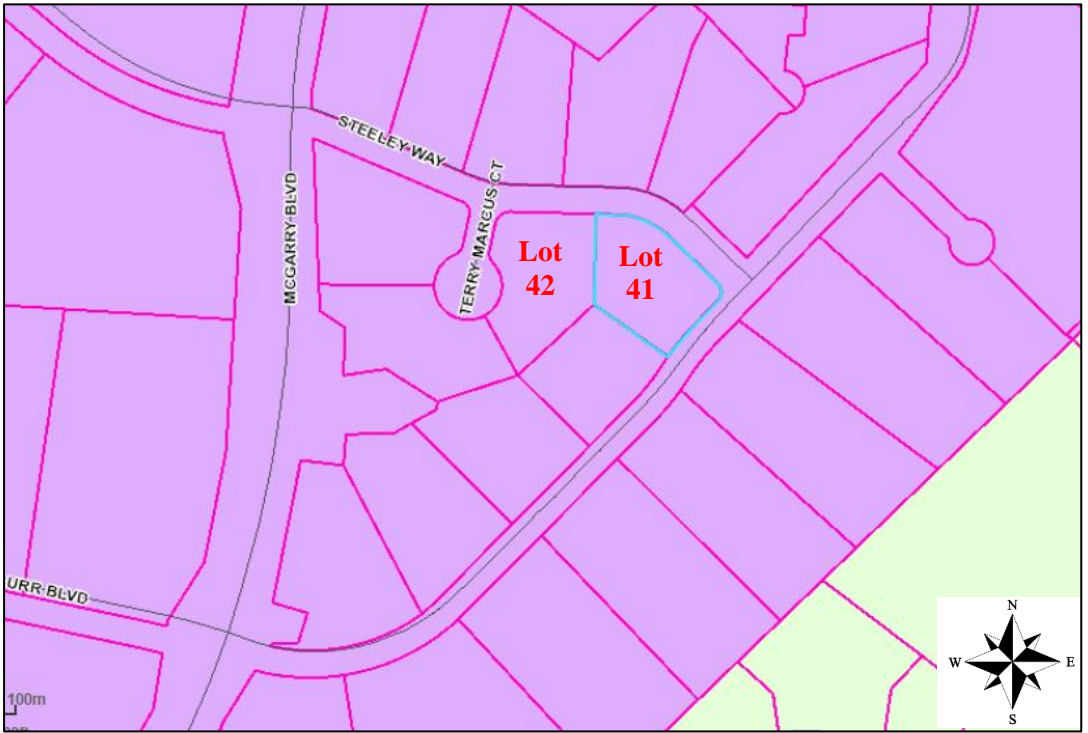
Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**#24-37-ZV and 24-38-ZV MC2 Properties Variance Request**

**Item #5:** The applicant is requesting the following variances:

Request #1: Variance from Appendix B to reduce the side setbacks for Buildings #1 and # 2 from 25' to 5' for a proposed interior property line of a Boundary Line Adjustment with Parcel 142.

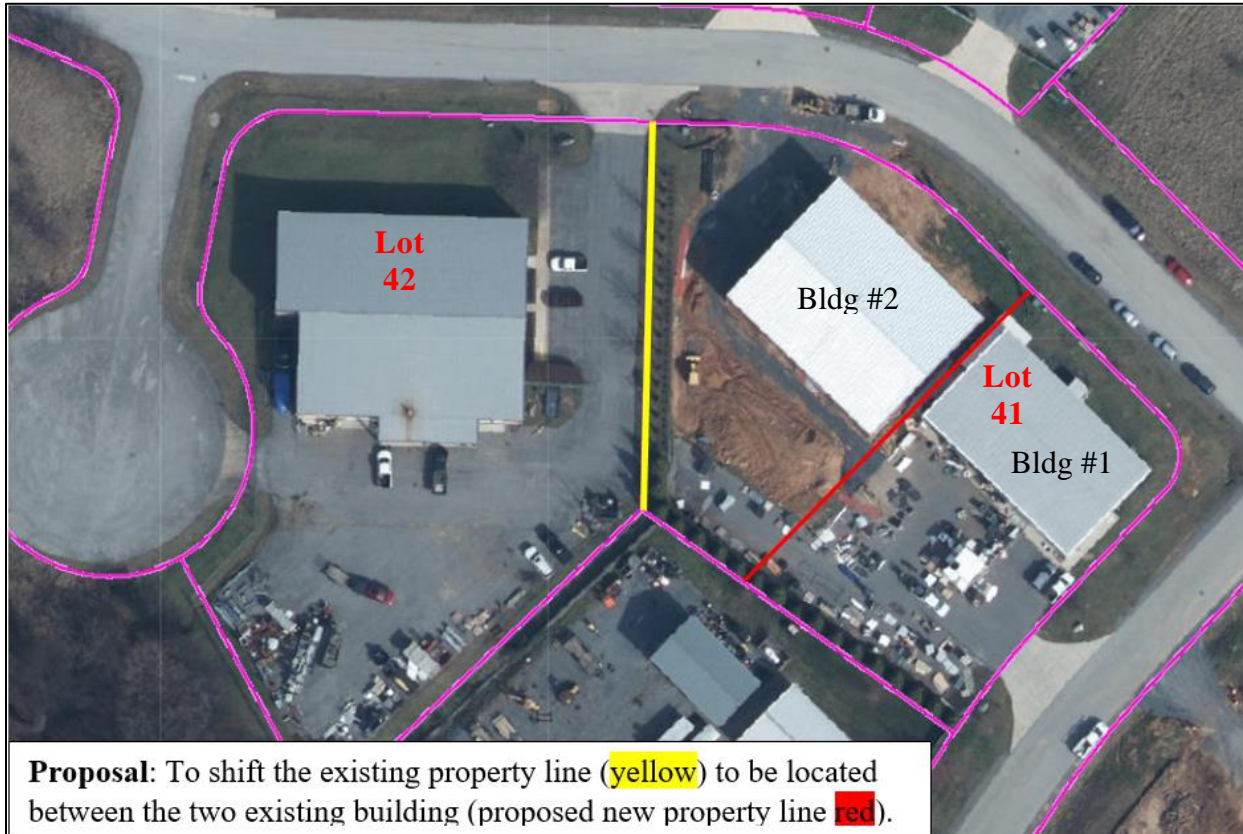
Request #2: Variance from Appendix B to eliminate the site developments standards pertaining to landscaping and parking & drive aisle setbacks for a proposed interior property line of a Boundary Line Adjustment with Parcel 142.

Owner:	MC2 Properties LLC
Applicant:	Mark Cerasi
Parcel Information & Zoning District:	<p style="text-align: center;">Burr Business Park, Lot 41 Building #1: 272 James Burr Blvd, Kearneysville, WV Building #2: 65 Steeley Way, Kearneysville, WV Parcel ID: 02000101410000; Size: 1.29 acres Zoning District: Industrial Commercial</p> 
Subdivision History:	<p>2007/12/18: Burr Business Park Subdivision, Lots 1-44 (recorded PB 24, PG 73) 2008/05/06: Minor Plat Change re floodplain &amp; SWM (recorded PB 25, PG 28) 2006/01/24: PC approved waiver re: Sidewalk requirement for Burr Park.</p>
Waivers/Variances:	2015/10/22: BZA approved variance re: landscape buffer
Approvals:	<p>2023/03/02: Burr Lot #41 Plan Approved (File #19-5-SP) – <i>Under Construction</i> 2015/11/03: Burr Lot #41 Plan Approved (File #15-06-SP) 2011/10/11: Burr Lot #42 Plan Approved (File #11-10-SP) – <i>Adjacent Lot</i></p>
Site Visit:	Site visit not conducted.

Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024  
**#24-37-ZV and 24-38-ZV MC2 Properties Variance Request**

**Staff Overview**

The property owner is proposing a Boundary Line Adjustment between Lots 41 and 42 of the Burr Business Park. The applicant would like to shift the existing property line between the two lots (depicted below in yellow) to the area between the two existing buildings on Lot 41 (new line depicted below in red). In order to proceed with the proposed Boundary Line Adjustment, staff advised that a variance is required to eliminate the site development standards for the internal lot line.



The applicant is requesting a variance from Appendix B to eliminate the following site development standards:

Request #1: Variance from Appendix B to reduce the side setbacks for Buildings #1 and # 2 from 25' to 5' for a proposed interior property line resulting from a Boundary Line Adjustment with Parcel 142 (Lot 42).

According to the approved site plan, the existing buildings located on Lot 41 are approximately 12' apart. The applicant is requesting to plat the new property line between the existing buildings. While a surveyor has not confirmed the exact location of the proposed property line, Staff believes that the buildings will be no closer than five (5) feet to the new line. The applicant has been informed that they will need to work with the West Virginia Fire Marshal to ensure that the new line will not create any issues related to building code.

The purpose of building 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  
Jefferson County Board of Zoning Appeals  
October 24, 2024

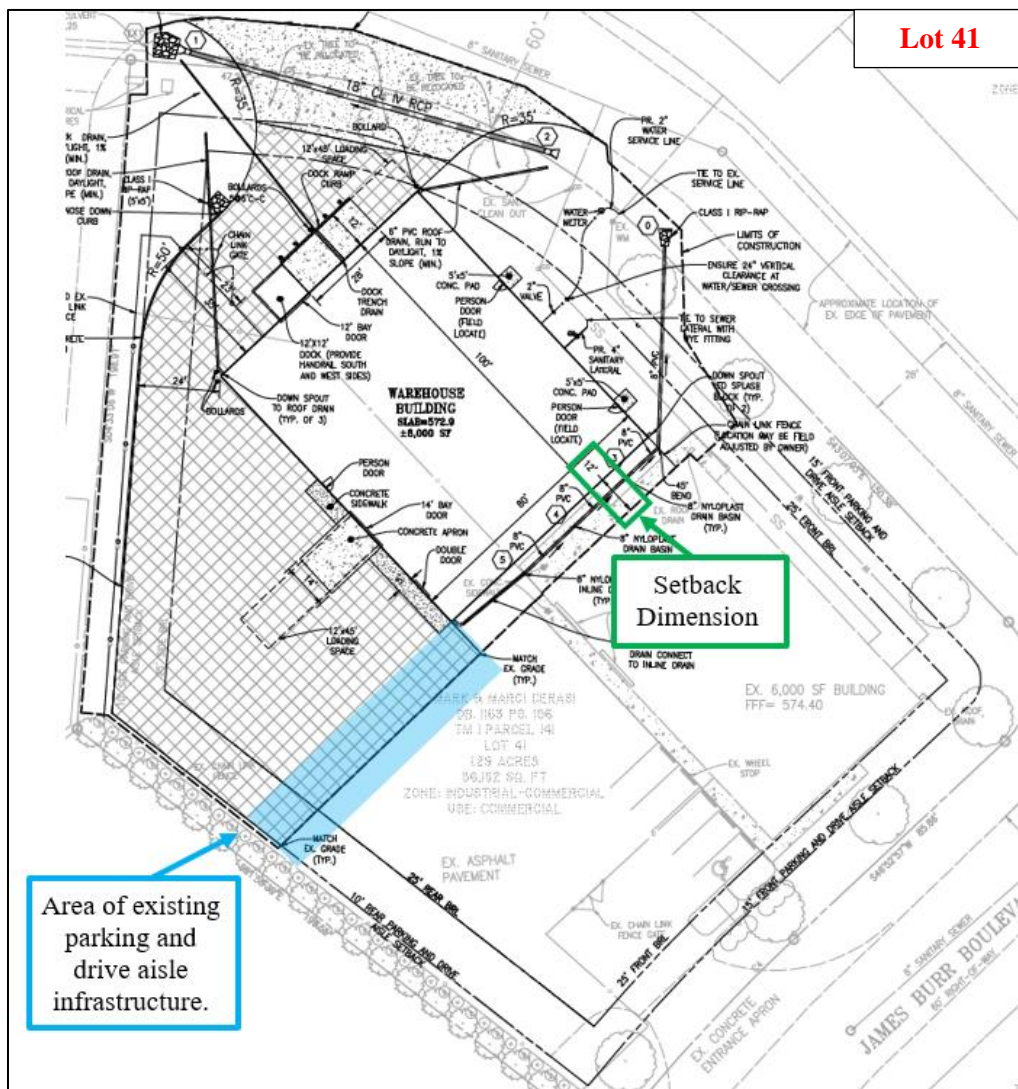
**#24-37-ZV and 24-38-ZV MC2 Properties Variance Request**

Request #2: Variance from Appendix B to eliminate the site developments standards pertaining to landscaping and parking & drive aisle setbacks for a proposed interior property line resulting from a Boundary Line Adjustment with Parcel 142 (Lot 42).

The request includes eliminating the landscape buffer and the 10' parking and drive aisle setback. As presented, it is not feasible to plant trees between the two structures. Additionally, a fence would not be permitted because of the underground infrastructure between the two buildings (drain pipe, etc).

The purpose of the landscape buffer requirements is typically to lessen the impact between adjacent land uses, including the visual impact of parking, truck loading area, etc. Landscape buffers contribute by reducing the impact that a land use might cause to an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise.

The purpose of parking and drive aisle setbacks is to reduce negative interactions between vehicles, as well as pedestrians, traveling on the roadway and using the parking area. Parking setbacks also serve to reduce the impact that a land use might have on an adjacent property, such as the bright lights from headlights and engine noise.





Staff Report  
Jefferson County Board of Zoning Appeals  
October 24, 2024

**#24-37-ZV and 24-38-ZV MC2 Properties Variance Request**

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 2 of the [Jefferson County Zoning Ordinance](#), a variance is defined as “...a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land.”

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 6, Section 6.2 of the [Zoning Ordinance](#), the Board shall consider the following criteria and shall grant a variance if it finds that the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

**Conditions of Approval**

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

1. No buildings shall cross the internal lot line.
2. A note shall be added to the site plan stating, “The owner/developer agrees that if either of the individual lots are conveyed to an outside party, all appropriate or necessary road access and/or parking easements will be conveyed to the grantee if appropriate at the time of such transfer.”

**Section of Ordinance to be Considered:**

**Appendix B: Non-Residential Site Development Standards Table (attached)**





JEFFERSON COUNTY, WEST VIRGINIA  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414

File #: 24-37-ZV  
Mtg. Date: 10-24-24  
Fee Paid: \$ 150

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

Phone: (304) 728-3228

**Zoning Variance Application**

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 parcel's zoning classification.

**Property Owner Information**

Owner Name: Mark A. Cerasi  
Business Name: Dura-trac Flooring LLC/ MC2 Properties  
Mailing Address: 272 James Burr Blv Kearneysville, Wv. 24530  
Phone Number: 3042797731 Email: [mark@duratrac.net](mailto:mark@duratrac.net)

**Applicant Contact Information**

Applicant Name: Same as owner: ☒  
Business Name:  
Mailing Address:  
Phone Number: Email:

**Consultant Information**

Consultant Name:  
Business Name:  
Mailing Address:  
Phone Number: Email:

**Physical Property Details** \*65 Steeley Way and 272 James Burr Blvd - Kearneysville, WV Vacant Lot: ☐

Physical Address: 63 Steeley Way Kearneysville, wv. 25430 \*

Parcel ID: (Tax District / Map No. / Parcel No.) 02000101410000

Parcel Size: 1.29 acres (jth) Deed Book: 1196 (jth) Page No: 327 (jth)

**Zoning District (please check one)**

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

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

Date Received:

Received via email 09/27/24 (jth)

**Briefly describe the nature of the request (include the dimensions of the proposed structure, if applicable):**

Section of the Zoning Ordinance pertaining to this request: Planning Dept. as the blueprints and Diagram of building. for the purposes of selling the building. Variance 1 Addressing the 25' set back. We spoke with Mark at the Fire marshals office. We have 12' in between buildings and he said that would be acceptable as long as we had interior 2 hour UL fire walls on facing sides of each of the buildings

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

☐ Front Setback ☒ Side Setback ☐ Rear Setback Reduction from 25' to 12'

**Required Sketch:** 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.

**Required Responses:** Each of the following questions must be answered in detail. The Board will evaluate your request based on the answers provided (attach a separate sheet of paper if necessary).

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 only adjacent owners are me and JJ Crewe Company. I am next to the building I am requesting the variance on, and JJ Crewe is on the other side of said building and Crewe is the company that would like to buy the building and needs the variance to get the loan 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 the variance?

The reason for the variance is this property location to the buyer and the need to expand his business and possible his labor force for Jefferson County

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

Due to economic reasons, we are forced to sell this building and recoup our business losses. This will eliminate our financial hardships and bring more jobs to the county.

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

This specific exception (or variance) to zoning rules will still respect the overall purpose of those rules and ensure fairness and in addition, the change will still align with the goals of the zoning laws while also being fair to the people affected by the decision.

☒ I authorize the Planning and Zoning staff to revise the application/sketch on my behalf. I understand that said revisions will be discussed with me prior to revising the application/sketch.

**The information given is correct to the best of my knowledge. Property Owner Signature Required.**

By signing this application, I grant permission to County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.



Property Owner Signature

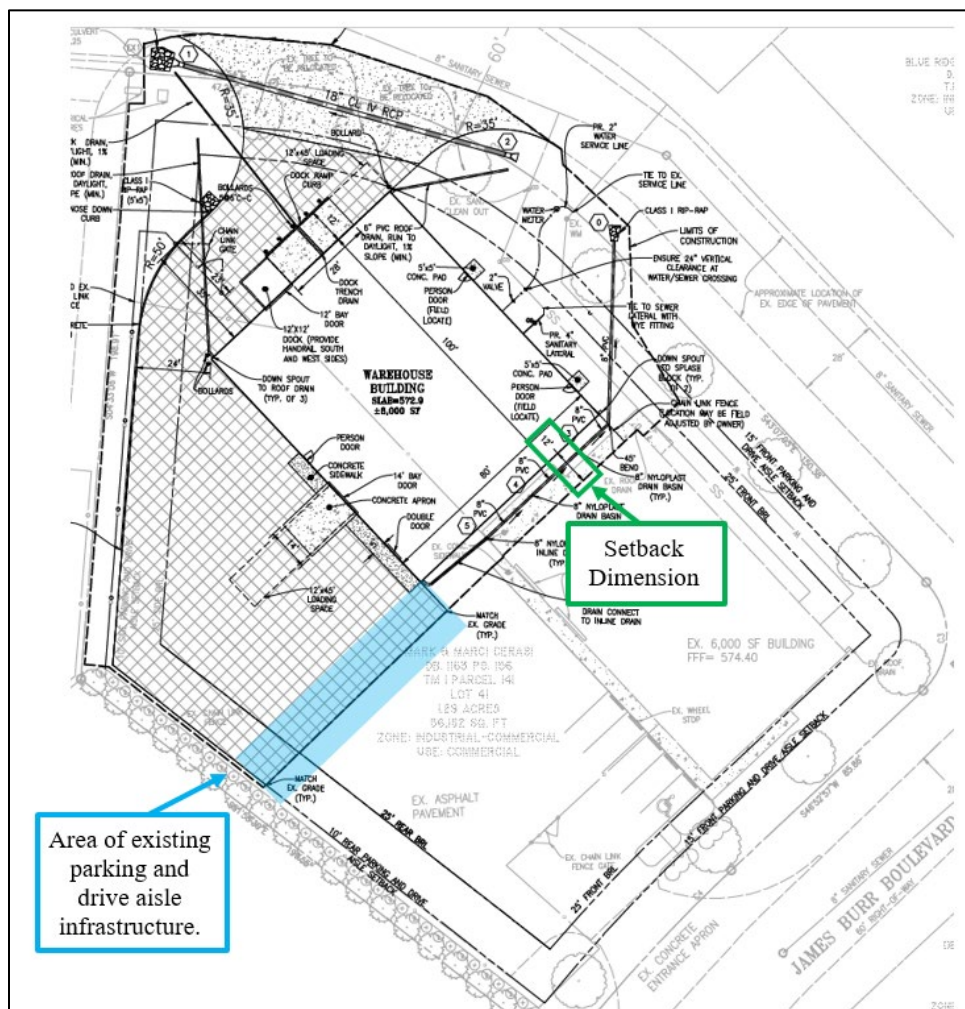
9/26/2021

Date

Property Owner Signature

Date









JEFFERSON COUNTY, WEST VIRGINIA  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414

File #: 24-38-ZV  
Mtg. Date: 10-24-24  
Fee Paid: \$ 150

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

Phone: (304) 728-3228

**Zoning Variance Application**

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 parcel's zoning classification.

**Property Owner Information**

Owner Name: Mark A. Cerasi  
Business Name: Dura-trac Flooring LLC/ MC2 Properties  
Mailing Address: 272 James Burr Blv Kearneysville, Wv. 24530  
Phone Number: 3042797731 Email: [mark@duratrac.net](mailto:mark@duratrac.net)

**Applicant Contact Information**

Applicant Name: Same as owner: ☒  
Business Name:  
Mailing Address:  
Phone Number: Email:

**Consultant Information**

Consultant Name:  
Business Name:  
Mailing Address:  
Phone Number: Email:

**Physical Property Details** \*65 Steeley Way & 272 James Burr Blvd. - Kearneysville, WV Vacant Lot: ☐

Physical Address: ~~63~~ Steeley Way Kearneysville, wv. 25430 \*

Parcel ID: (Tax District / Map No. / Parcel No.) 02000101410000

Parcel Size: 1.29 acres (jth) Deed Book: 1196 (jth) Page No: 327 (jth)

**Zoning District (please check one)**

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

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

Date Received:

Received via email 09/27/24 (jth)



**Briefly describe the nature of the request (include the dimensions of the proposed structure, if applicable):**

Section of the Zoning Ordinance pertaining to this request: Planning Dept. as the blueprints and Diagram of building. for the purposes of selling the building. Variance 2 Addressing the landscape buffer, drive isle and parking setbacks. We are waiting to eliminate all site development standards for the proposed internal property line.

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

☐ Front Setback ☐ Side Setback ☐ Rear Setback Reduction from \_\_\_\_\_ to \_\_\_\_\_

**Required Sketch:** 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.

**Required Responses:** Each of the following questions must be answered in detail. The Board will evaluate your request based on the answers provided (attach a separate sheet of paper if necessary).

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 only adjacent owners are me and JJ Crewe Company. I am next to the building I am requesting the variance on, and JJ Crewe is on the other side of said building and Crewe is the company that would like to buy the building and needs the variance to get the loan 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 the variance?

The reason for the variance is this property location to the buyer and the need to expand his business and possible his labor force for Jefferson County

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

Due to economic reasons, we are forced to sell this building and recoup our business losses. This will eliminate our financial hardships and bring more jobs to the county.

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

This specific exception (or variance) to zoning rules will still respect the overall purpose of those rules and ensure fairness and in addition, the change will still align with the goals of the zoning laws while also being fair to the people affected by the decision.

☒ I authorize the Planning and Zoning staff to revise the application/sketch on my behalf. I understand that said revisions will be discussed with me prior to revising the application/sketch.

**The information given is correct to the best of my knowledge. Property Owner Signature Required.**

*By signing this application, I grant permission to County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.*



Property Owner Signature

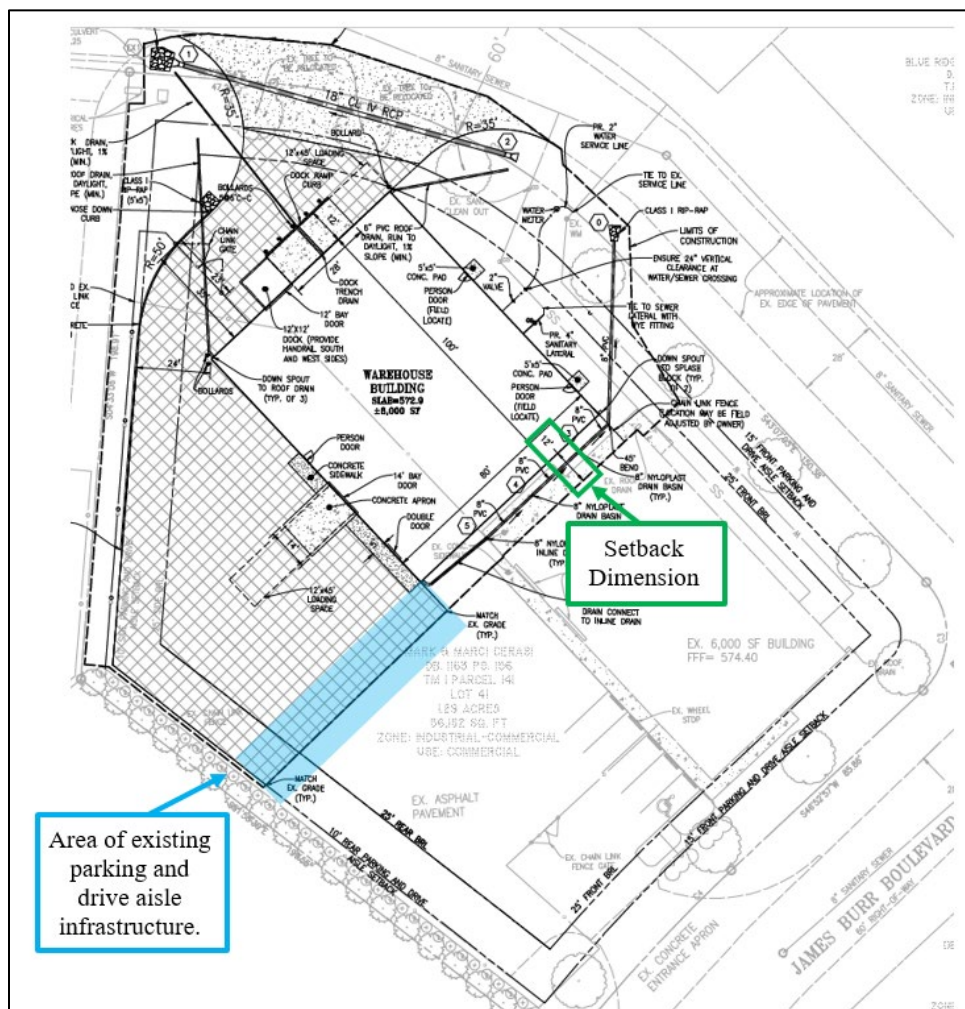
9/26/2024

Date

Property Owner Signature

Date









# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

## Zoning Administrator's Report

October 24, 2024 Board of Zoning Appeals Meeting

Date of Memo: October 18, 2024

- 1) Next regular meeting scheduled for November 14, 2024
  - Request this meeting be cancelled due to lack of agenda items
- 2) The following regular meeting scheduled for December 12, 2024
  - Deadline for submission is Tuesday, November 12, 2024.

### 3) 2045 Comprehensive Plan Status Update

The RECOMMENDED 2045 *Comprehensive Plan* is available on the County's website:

<https://www.jeffersoncountywv.org/county-government/departments/engineering-planning-and-zoning/2024-comprehensive-plan-update>

The Planning Commission recommended this draft to the County Commission at their October 8, 2024 meeting.

Per WV Code 8A-3-7b, after the 2045 *Comprehensive Plan* was recommended to the County Commission for consideration and adoption, the Planning Commission presented the recommended Comprehensive Plan to the County Commission at their October 17, 2024 meeting.

Per WV Code 8A-3-7c, after the presentation of the recommended 2045 *Comprehensive Plan* by the Planning Commission to the governing body and prior to adoption, the governing body shall hold a public hearing after giving notice. At the October 17, 2024 County Commission meeting, the County Commission scheduled a Public Hearing to be held on December 4, 2024 at 6 pm at Jefferson High School Auditorium, with an Open House with staff from 5 pm to 6 pm.

Per WV Code 8A-3-8, within the latter of ninety days or three scheduled meetings after the submission of the recommended comprehensive plan to the County Commission, the County Commission must act by either adopting, rejecting or amending the 2045 *Comprehensive Plan*. The 90 days ends on January 14, 2025.

- 4) Two alternate member positions remain open. One term ending 01/01/25 and the other term ending 01/01/27.
  - Persons interested in serving on the Board of Zoning Appeals should contact the County Commission Office at 304-728-3284 / [jjames@jeffersoncountywv.org](mailto:jjames@jeffersoncountywv.org).

### 5) Zoning Certificate Activity Report



Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 E. Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414

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

Phone: 304-728-3228

**DRAFT**  
**2025 MEETING SCHEDULE**  
**JEFFERSON COUNTY BOARD OF ZONING APPEALS**

Board of Zoning Appeals meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street at 2:00 p.m.

**Scheduled Meetings**

Thursday, January 23, 2025

Thursday, February 27, 2025

Thursday, March 27, 2025

Thursday, April 24, 2025

Thursday, May 22, 2025

Thursday, June 26, 2025

Thursday, July 24, 2025

Thursday, August 28, 2025

Thursday, September 25, 2025

Thursday, October 23, 2025

Thursday, November 13, 2025\*

Thursday, December 11, 2025\*

\*Meeting dates have been modified in observance of the Thanksgiving and Christmas Holidays.

The required zoning variance request form signed by the legal property owner, supporting documentation and applicable fees must be submitted to the office by close of business on the Submission Deadline date in order for the request to be sufficiently review and noticed in the Spirit of Jefferson. For all other applications please contact the office for the Submission Deadline date.

Changes in the time or location of the meeting shall be noticed on the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). Note: if the President of the County Commission or the Chair of the Board of Zoning Appeals determines that weather conditions make travel unsafe for the public, County offices may close and/or the Board of Zoning Appeals meeting may be cancelled. Please check the County's website for possible meeting updates during inclement weather.

Agenda items that have been deferred due to a cancellation will be rescheduled. Per the Board's Rule of Procedure, no additional newspaper notice shall be given. All signs must remain posted on the respective properties until the rescheduled meeting date. Please call the office or check the County's website for the rescheduled meeting date.





Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 E. Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**October 2024**

**Zoning Certificate Activity Report**

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<b>File #</b>	<b>24-39-ZC</b>
Request:	Farm Adapted for use as a Rural Vacation Area
Property Owner:	Stiles Family Partnership #2 / Attn: Chris Stiles
Consultant:	P.J. Raco Consulting, LLC/ Attn: Paul Raco
Parcel Information:	Chris Stiles Minor Subdivision, Lot #1 Vacant - Myerstown Road, Kabletown, WV Parcel ID: 06002000110001; Size: 1.99 acres; Zoning District: Rural; Deed Book: 1213; Page: 151; Subdivision Plat Book: 22 @ Page 80; Boundary Line Adjustment Plat Book: 25 @ Page 697
Date of Issuance:	09/30/2024

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<b>File #</b>	<b>24-40-ZC</b>
Request:	Modifications to an Existing Telecommunications Tower
Property Owner:	Kenneth Wilt
Applicant:	SmartLink Group / Contact: Rency Yeatts (Verizon Representative)
Parcel Information:	543 Mission Road North, Harpers Ferry, WV 25425 Parcel ID: 02002000310000; Size: ~53 acres; Zoning District: Rural; Deed Book: 1045; Page: 445; PC File #S99-07
Date of Issuance:	09/30/2024

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<b>File #</b>	<b>24-42-ZC</b>
Request:	Accessory Dwelling Unit
Property Owner:	Steve Lana & Maureen Smolke
Parcel Information:	Potomac Ridge Plus PCL, Lot 9 415 Potomac Ridge Lane, Shepherdstown WV 25443 Parcel ID: 09001000090019; Size: 3.06 ac; Zoning District: Rural Deed Book: 1119; Page: 705; Plat Book: 25, Page: 85A *Final Plat Amendment to lift the single family restriction (#24-5-FPA)
Date of Issuance:	10/17/2024

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<b>File #</b>	<b>24-43-ZC</b>
Request:	Accessory Dwelling Unit
Property Owner:	Jason & Dawn White
Parcel Information:	49 Boyer Lane, Summit Point, WV 25446 Parcel ID: 06001900030001; Size: 3.1 ac; Zoning District: Rural Deed Book: 1318; Page: 300; Plat Book: 26, Page: 726A *Variance Request to lift the single family restriction (#24-3-PCV)
Date of Issuance:	10/17/2024

**JEFFERSON COUNTY  
COMMISSION'S**

# **2045 COMPREHENSIVE PLAN PUBLIC HEARING**

**JEFFERSON HIGH  
SCHOOL AUDITORIUM  
DECEMBER 4, 2024  
6:00 PM**

4141 Flowing Springs Rd,  
Shenandoah Junction, WV 25414

*Open House for Q&A  
begins at 5:00 PM and  
ends at 6:00 PM*

**Join our Public Hearing and  
let your voice be heard!**

## **CONTACT US**



(304) 728-3228



complan2045@jeffersoncountywv.org

**At our Open  
House, Staff will be  
available to  
answer questions  
about the 2045  
Comprehensive  
Plan**

*Participate on Zoom  
by using the link on  
our website*



**At our Public Hearing, you'll  
have the opportunity to speak for three  
minutes about the proposed  
Comprehensive Plan or provide your  
thoughts in written comment. Come  
out to Jefferson High School, where  
there will be space for everyone to  
share their thoughts on the future of  
Jefferson County!**