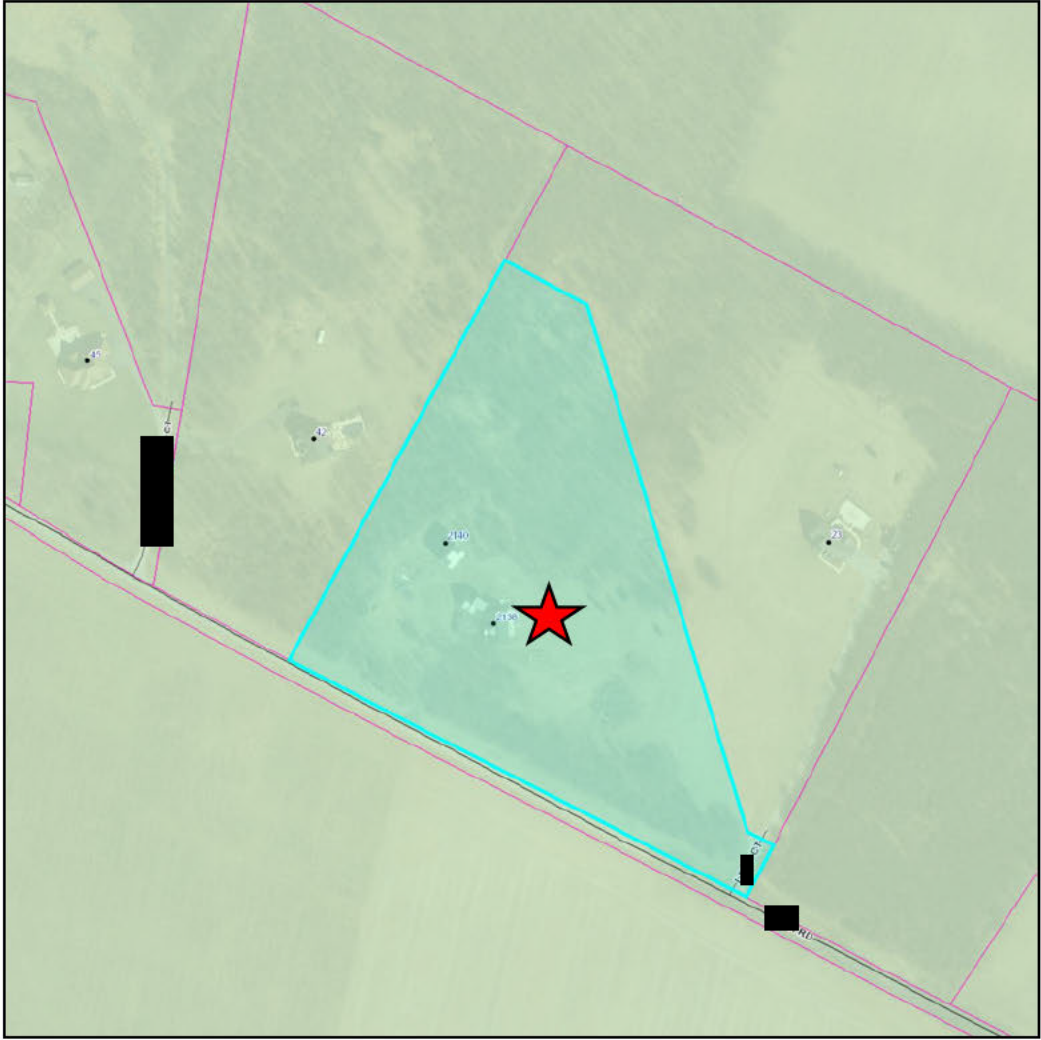


Staff Report
Jefferson County Planning Commission Meeting
April 14, 2026

[REDACTED] (Vegetative Buffer) Variance (File: 26-2-PCV)

Item #3: Variance from Section 8.2.a.23 of the 1979 Subdivision Ordinance to allow for a fence to be placed within the required vegetative buffer of Lot 8 in the [REDACTED] subdivision.

Applicant/Owner:	[REDACTED] ([REDACTED], [REDACTED], [REDACTED], and [REDACTED])
Property Location & Information:	[REDACTED] Road, Charles Town, WV Parcel ID: [REDACTED]; Size: 10 acres; Zoning District: Rural 
Surrounding Zoning:	North, South, East, and West: Rural
Proposed Activity:	Allow for Lot #8 the [REDACTED] Subdivision to place a four board Kentucky fence within the required vegetative buffer.
History:	09/19/03: Approval of the [REDACTED] Final Plat, Recorded in PE [REDACTED]/PG [REDACTED] (File #02-06) 03/17/26: Submission of Variance request to allow for one additional point of access to be placed on the existing state road, CURRENTLY PENDING (File #26-3-PCV)

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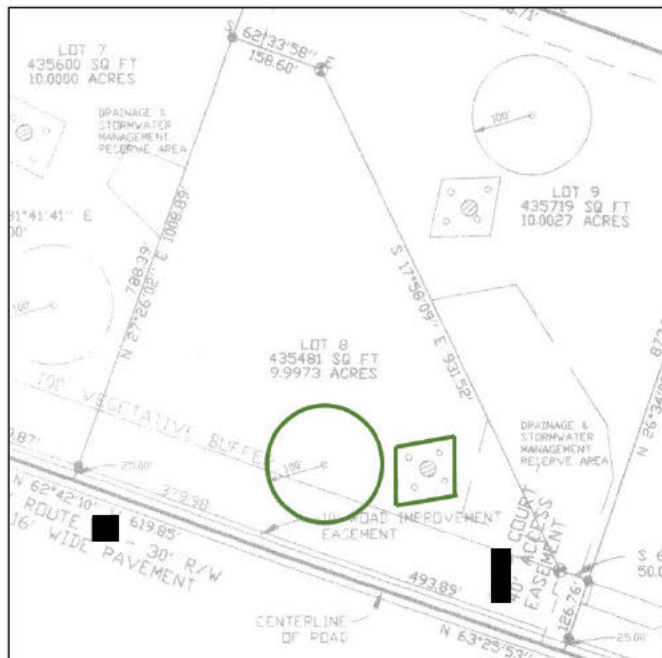
[REDACTED] (Vegetative Buffer) Variance (File: 26-2-PCV)

Summary of the Request:

The applicant is requesting a Variance from Section 8.2.a.23 of the 1979 Subdivision Ordinance to allow for a four board Kentucky fence to be placed along the frontage of [REDACTED] Road, placing the fence within the required vegetative buffer.



Drainage & Stormwater Management Area



Well & Septic Reserve Areas

The purpose of the vegetative buffer in the context of the 1979 Subdivision Ordinance is to preserve the green space and character on the property along the main access road of the subdivision. The applicant made note in the application that they would not be removing additional vegetation in the buffer area, only to install fencing in the area. With further correspondence, the applicant confirmed that they do not intend on placing fencing within the platted Drainage & Stormwater Management or Septic Reserve areas. Any proposed fencing placed within the areas would not require a Variance to be processed as the areas lie outside the required vegetative buffer, however a Final Plat Amendment would need to be processed to relocate as no fencing is permitted in the Drainage & Stormwater Management or Septic Reserve areas.

If the Variance is granted, the applicant would be permitted to place fencing within the vegetative buffer provided that they meet all Zoning and Building Permits regulations. Fencing requirements are found in Section 9.5 of the Zoning and Land Development Ordinance.

Variance Request Requirements (1979 Subdivision Ordinance):

The applicant provided a response to the requirements found in "Section 17.1 Variance" of the Subdivision Ordinance in the variance application. A variance request shall clearly specify the nature of the variance being requested and the reasons for the request.

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[REDACTED] **(Vegetative Buffer) Variance (File: 26-2-PCV)**

A variance request may be granted by the Planning Commission only when it is determined that:

- a) The request is not contrary to the public interest.
- b) A literal enforcement of this Ordinance will result in an unnecessary hardship.
- c) The request is not the result of a self-imposed hardship.
- d) The spirit of this Ordinance will be observed and substantial justice done.

Note: The Variance Policy in effect requires that the property be posted with a placard and that letters are sent to adjacent and confronting property owners one week prior to the meeting.

Staff Discussion and Recommendation:

Staff recommends approving the Variance request from Section 8.2.a.23 of the 1979 Subdivision Ordinance to allow for a fence to be placed within the required vegetative buffer as approval will have minimal impact on the greenspace on the property. There are no conditions of approval Staff is requesting from the Planning Commission.