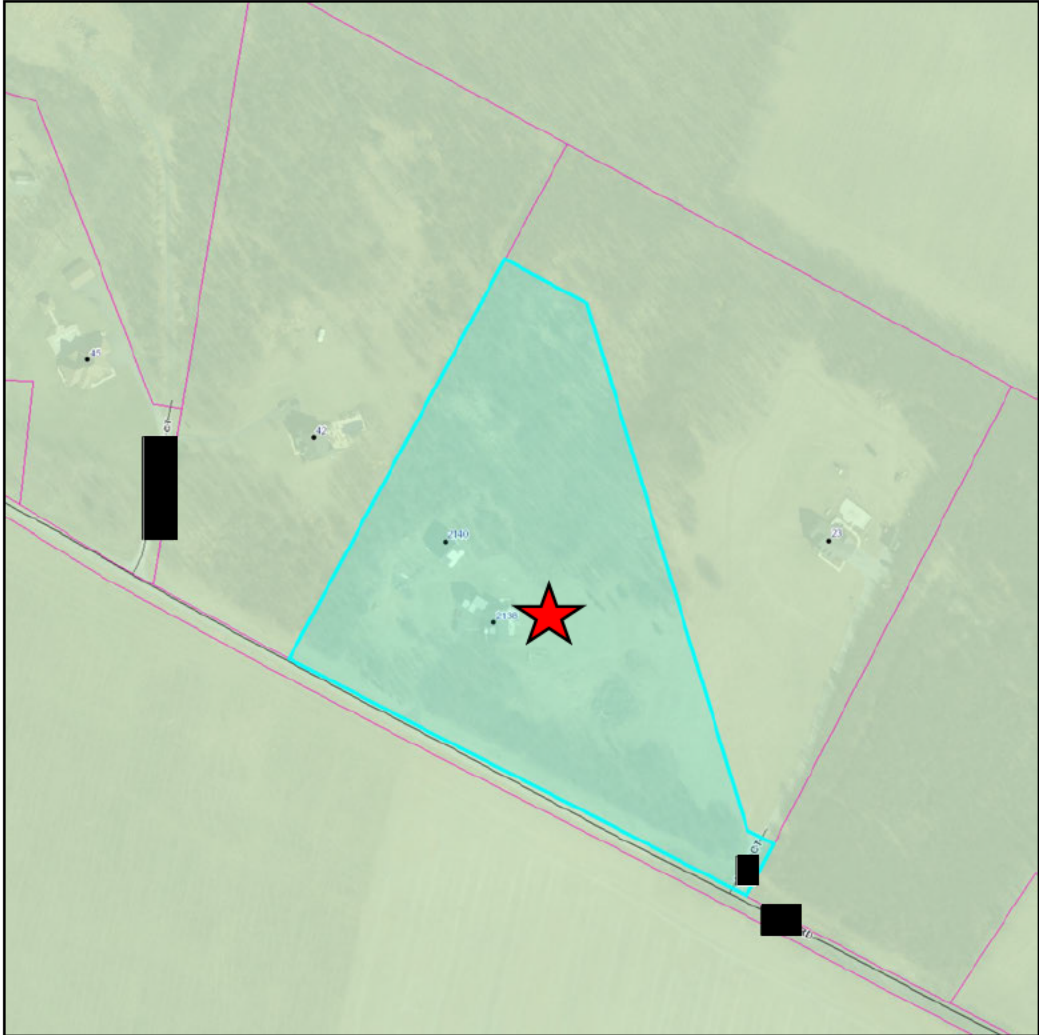


Staff Report
Jefferson County Planning Commission Meeting
April 14, 2026

[REDACTED] (Driveway) Variance (File: 26-3-PCV)

Item #4: Variance from Section 8.2.a.1 of the 1979 Subdivision Ordinance to allow for one additional point of access to be placed along the existing state road.

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:	<i>North, South, East, and West: Rural</i>
Proposed Activity:	Allow for Lot #8 the [REDACTED] Subdivision to establish a driveway that will access off of an existing State Route, opposed to an internal subdivision road.
History:	09/19/03: Approval of the [REDACTED] Final Plat, Recorded in PE [REDACTED]/PG [REDACTED] (File #02-06) 02/25/26: Submission of Variance request to allow for a fence to be placed within the required vegetative buffer within the approved major subdivision, CURRENTLY PENDING (File #26-2-PCV)

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2026

(Driveway) Variance (File: 26-3-PCV)

Summary of the Request:

The applicant is requesting a Variance from Section 8.2.a.1 of the 1979 Subdivision Ordinance to allow for one existing lot to access via [REDACTED] Road, designated as State Route 38.

The purpose of having roads access off of internal subdivision roads opposed to State Routes in the 1979 Subdivision Ordinance was to account for lack of congestion in the area. The Smith Mountain View Estates Subdivision, recorded at Plat Book [REDACTED] Page [REDACTED], platted three secondary roads that connect to [REDACTED] Road. Lot #8 is currently platted to establish driveway access off of [REDACTED] Court. Currently the driveway has direct access off of [REDACTED] Road and is already built, with approval incorrectly being granted under Building Permit #16-526. Building Permit #16-526 also contains approval from the Division of Highways, which states the entrance off [REDACTED] Road is compliant with the organization's guidelines.

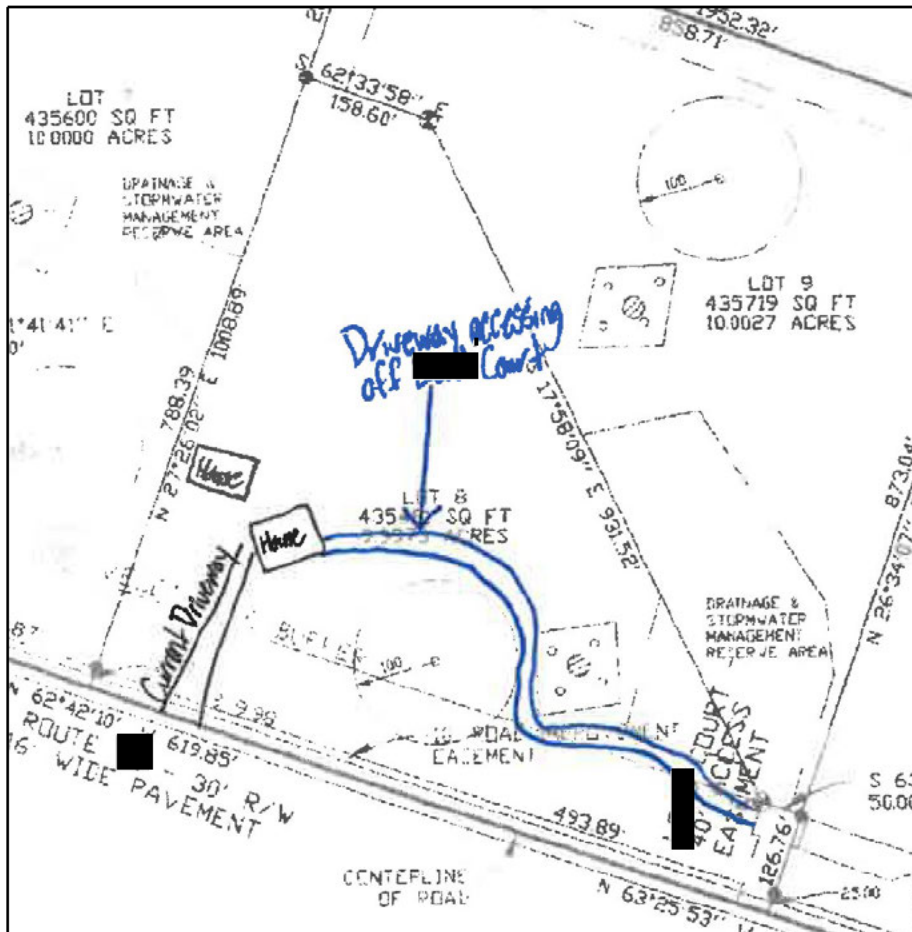


Figure 1

Establishment of the driveway to access off of [REDACTED] Road would require running the path of the driveway to not overlap with the Drainage & Stormwater Management, Well, or Septic Reserve areas. A potential path can be seen in *Figure 1* of the Staff Report.

If the Variance request is granted, this would also bring the property back into compliance, as Section 8.2.a.1 directly prohibits the lot to access off of the existing State Route. No further processing would need to be completed as the driveway is currently existing and has received approval from the Division of Highways in June of 2016.

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

Staff Report
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[REDACTED] (Driveway) Variance (File: 26-3-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.1 of the 1979 Subdivision Ordinance to allow for an additional point of access to be placed along [REDACTED] Road, allowing Lot #8 of the [REDACTED] to continue utilizing the existing driveway. Attached to the Staff Report is the approved permit from the Division of Highways, showing that the organization has also granted approval and approval of this Variance will allow for the property to be brought back into compliance without fully removing the driveway.

Attached:

DOH Permit #05-2016-0249