BOARD OF ZONING APPEALS

~ AGENDA ~

REGULAR MEETING

City of Ranson 312 S. Mildred Street, Ranson WV 25438
www.ransonwv.gov

April 18, 2024	7:00 P.M.	Council Chamber

LIVE STREAMING AVAILABLE @

https://ransonwv.gov/your-government/agendas-and-minutes/

I. CALL TO ORDER

II. NEW BUSINESS

24-12-VAR Public Hearing -Special Exception request for a material variance for a fence permit submitted by Lazaro Barbosa located at 1724 N Mildred St. (ref. Ranson Code §Sec. 16-179.E.7. Case # BZA-2024-01, Zoned Highway Commercial).
Legal Notice for BZA 1724 N Mildred Street.docx

24-12-VAR- Consideration -Special Exception request for a material variance for a fence permit submitted by Lazaro Barbosa located at 1724 N Mildred St. (ref. Ranson Code §Sec. 16-179.E.7. Case # BZA-2024-01, Zoned Highway Commercial).
DOC024.pdf

III. ADJOURNMENT

Board of Zoning Appeals Request for Action

TO:

FROM: Darla Armstrong, Community & Economic Development

ITEM TYPE: Presentation

AGENDA SECTION: NEW BUSINESS

SUBJECT:

ATTACHMENTS:

Legal Notice for BZA 1724 N Mildred Street.docx

LEGAL NOTICE
PUBLIC HEARING NOTICE
CITY OF RANSON

On Thursday, April 18, 2024, beginning at 7:00 p.m., the Ranson Board of Zoning Appeals will conduct a public hearing at Ranson City Hall, 312 S. Mildred St., Ranson, WV. The purpose of the hearing is to accept public comments on the following:

1) Special Exception request for a material variance for a fence permit submitted by Lazaro Barbosa located at 1724 N Mildred St. (ref. Ranson Code §Sec. 16-179.E.7. Case # BZA-2024-01, Zoned Highway Commercial).

Copies of the Special Exception request are available for review during regular office hours 9:00 a.m. – 5:00 p.m. weekdays, excluding holidays, at Ranson City Hall. All persons are invited to attend and make comments about the application. If you cannot attend but wish to comment, you may submit written comment to the following address for receipt prior to August 20, 2015: City of Ranson, Attn: Planning Director, 312 S. Mildred Street, Ranson, WV 25438. Written comments received prior to April 13, 2024, will be provided to the Board of Zoning Appeals and included with the case file.

Notice of this hearing is published in accordance with W. Va. Code § 8A-8-11 and Ranson Code § 19-18(d).

Board of Zoning Appeals Request for Action

TO:

FROM: Darla Armstrong, Community & Economic Development

ITEM TYPE: Presentation

AGENDA SECTION: NEW BUSINESS

SUBJECT:

ATTACHMENTS:

DOC024.pdf

City of Ranson
Board of Zoning Adjustments
Variance Request

I/We request a variance from the provisions of the Ranson Municipal Zoning Ordinances. List Ordinance(s) number(s):

1. Property Owners: LB Holdings, Inc.
2. Street Address 1724 N. Mildred St.
3. City/State/Zip Ranson WV 25438
4. Phone # (Home)
5. Phone # (Business) 240-675-7149
6. Location of Property: (List cross streets)
7. Lot Size 1.534 acres
8. Zoning District:
9. Tax Map Reference: MAP #: 10 PARCEL #: 0015
10. Briefly describe (in your own words) the nature of your variance request. Please make specific reference to a sketch map

See Attached

11. On a separate sheet, please sketch the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch
12. Please note that variances to the Ranson Zoning Ordinances must comply with Chapter 19-18 of the Ranson Municipal Code. To justify your variance request, please address the following questions
13. Describe how this request is not contrary to the public interest?

See Attached

14. Describe how the literal enforcement of this ordinance will cause an unnecessary hardship to the property owner(s)?

See Attached

15. Describe how this request is not a self-imposed hardship?

See Attached

16. If the variance is granted, how will the spirit of this ordinance and substantial justice be done?

See Attached

Signature of property owner

Signature of property owner

Date of Hearing:

Granted ☐ Yes ☐ No (attach findings of Board)

Signature of Board President

10. Applicant seeks an administrative waiver or variance for this private lot from the chain link fence prohibition in accordance with Smart Code Section 16-179 (e) vii. Please see attached sketch plat depicting security fence surrounding the 1.53-acre private lot as set back from all lot lines.

13. This request is not contrary to the public interest because safety concerns require that this private lot and warehouse structure be securely protected from intrusion by vandals and illicit activity especially given its proximity to the new Elementary School directly across from it.

14. Literal enforcement of the Ordinance will cause unnecessary hardship to the property owner because there exists no practical means of securing the property without the use of this fencing.

15. Applicant relied in good faith on the commercial advertising of this property and was informed that a permit was not required for the fencing which has already been installed at great expense ($26,938.07).

16. The spirit of the Ordinance and substantial justice will be done if the waiver is granted. A waiver is authorized by Section 16-50 (g) (2) of the Ordinance reading: "2)Whenever extraordinary hardships or practical difficulties may result from strict compliance with this article, the property owner may request a waiver of such section."

The intent of the Ordinance is to encourage well-planned growth for the city and its environs, and help insure wise, productive, and harmonious uses of land. *See* Section 19-1 (b) of the Ordinance. The planned use of this land is entirely consistent with the surroundings and fencing is vital to protecting the Applicant's vehicles to be parked on the property and to the general health, safety, and welfare of the citizens of the community by preventing vandals and illicit activity on this private lot near an elementary school and adjoining residence. The warehouse building on the property was constructed on the lot between 1988 and 1996 (prior to annexation into Ranson) by the husband of its owner, Donna Roberts, who is now the current owner of the adjoining residential lot. Ms. Roberts subsequently permitted this Lot's use by Ray Mitchell for the operation of a pest control business and Mr. Mitchell then sold the lot to applicant.

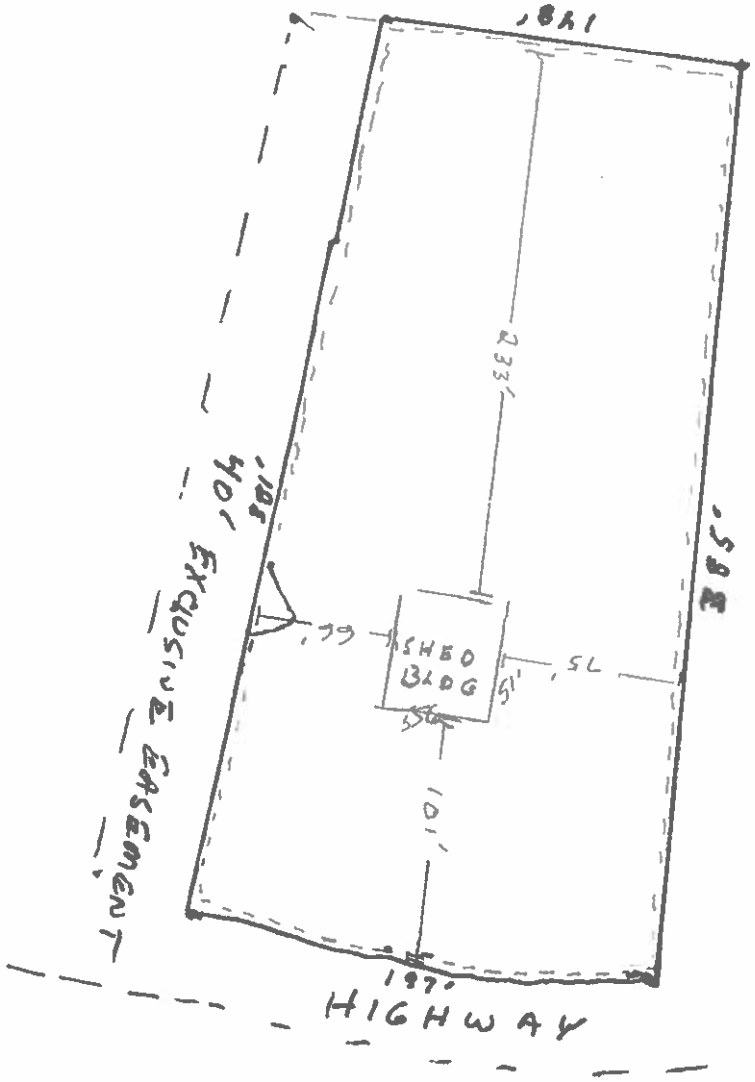
Therefore, granting the waiver will be consistent with the spirit of the ordinance and do substantial justice.

LAZARO BARBOSA

L B HOLDINGS

1724 N MILDRED ST

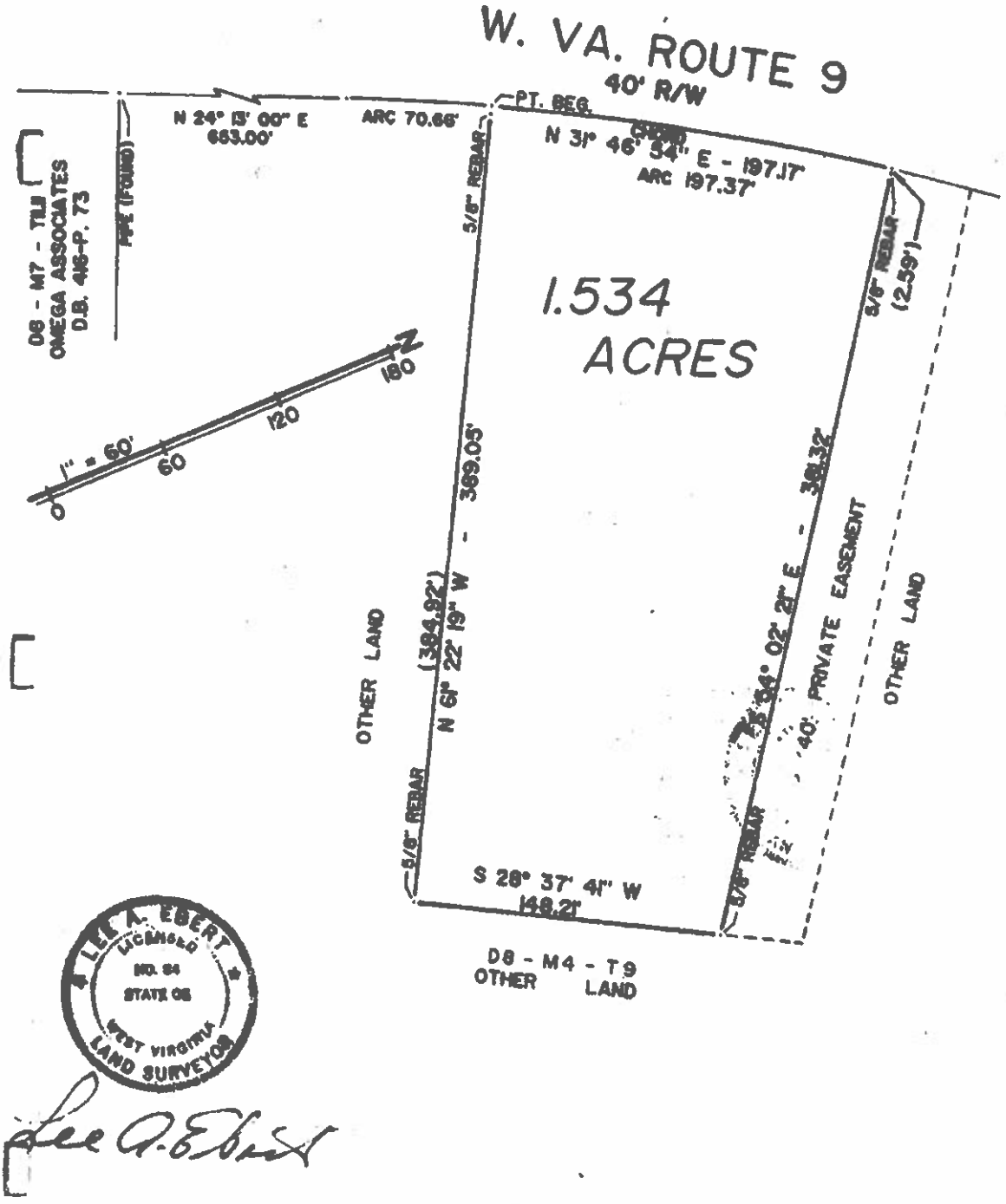
RANSON WV



PERIMETER SKETCH
BASED ON EBERT DB 321 329

ALL DISTANCES APPROX - NOT TO SCALE

---- PERIMETER CHAIN LINK FENCE LOCATED APPROX. 10' FROM HIGHWAY 6' FROM ALL OTHER BOUNDARY LINES


W. VA. ROUTE 9
40' R/W
PT. BEG.
N 24° 13' 00" E
663.00'
ARC 70.66'
N 31° 46' 34" E - 197.17'
ARC 197.37'
1.534
ACRES
08 - M7 - T18
OMEGA ASSOCIATES
D.B. 46-P. 73
PIPE (FOUND)
5/8" REBAR
5/8" REBAR
(2.59')
1" = 60'
0
60
120
180
OTHER LAND
N 6° 22' 19" W - 369.05'
(384.92')
S 25° 34' 02" E - 38.32'
40' PRIVATE EASEMENT
OTHER LAND
5/8" REBAR
5/8" REBAR
S 28° 37' 41" W
148.21'
08 - M4 - T9
OTHER LAND
LEE A. EBERT
LICENSED
NO. 84
STATE OF
WEST VIRGINIA
LAND SURVEYOR

Lee A. Ebert

The Accompanying Plat represents a Boundary Survey of a Portion of the Land conveyed to Willard O. Lloyd by Deed dated 1 April 1946 in Deed Book 164, Page 441. The said Land fronts the Southeastern Boudnary Line of W. Va. Route 9, and lies in Charles Town District, Jefferson County, West Virginia:

Beginning at a point in the Southeastern Line -Arc Line- of W. Va. Route 9, a corner to the Retained Portion; thence with the said Arc Line 197.37 ft. (Chord N 31° 46' 54" E - 197.17 ft., Radius 1,282.584 ft.) to a corner to the said Retained Portion; thence with the Three Following Lines of the said Other Land, S 54° 02' 21" E - 2.59 ft. to a 5/8" rebar, and continuing, S 54° 02' 21" E - 381.32 ft. IN ALL to a 5/8" rebar; thence S 28° 37' 41" W- 148.21 ft. to a 5/8" rebar; thence N 61° 22' 19" W - 384.92 ft. to a 5/8" rebar, and continuing, N 61° 22' 19" W - 389.05 ft. IN ALL to the beginning.

Containing: 1.534 Acres

Surveyed: 12 April 1988

LEE A. EBERT LICENSED NO. 84 STATE OF WEST VIRGINIA LAND SURVEYOR

Lee A. Ebert

State of West Virginia, County of Jefferson, Sct.
IN THE CLERK'S OFFICE OF COUNTY COMMISSION:
On MAY 4 1988, at 10:50 A M., the foregoing Deed of B. & S. was received in my said office and duly admitted to record.

Test,

John E. Ott
Clerk of County Commission

WV Flood Map



This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

HIGH RISK	
	Regulatory Floodway
Zone AE	1-Percent-Annual-Chance Flood Hazard Area **With Base Flood Elevation** (BFE)
Zone A	1-Percent-Annual-Chance Flood Hazard Area **Without BFE** (may have Advisory Flood Heights)
Advisory	1-Percent-Annual-Chance Future Conditions (High Risk Advisory Flood Zones)

Download the Full Legend for all flood tool symbols
https://www.mapwv.gov/flood/map/docs/wv_flood_tool_legend.pdf

Disclaimer:
The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. Refer to the official Flood Insurance Study (FIS) for detailed flood elevation data in flood profiles and data tables. WV Flood Tool (*https://www.MapWV.gov/flood*) is supported by FEMA, WV NFIP Office, and WV GIS Technical Center.

Flood Info Location — *Map created on 1/24/2024*

User Notes	
Flood Hazard Area	
Flood Zone	
Stream	
Watershed (HUC8)	Shenandoah (2070007)
Flood Height	
Water Depth	
Elevation	560.2 ft (Source: FEMA 2012) (NAVD88)
Community & ID	Jefferson County (ID: 540065)
FEMA Map & Date	54037C0130E; Effective Date: 12/18/2009
Location (lat, long)	
Parcel ID	19-02-0004-0008-0001
E-911 Address	

Jefferson County West Virginia
Tax Map Viewer

Tax Year: 2024
Parcel: 08 10001500000000
Deeded Owner: LB HOLDINGS INC

Parcel ID: 08 10001500000000
Tax Year: 2024
Deeded Owner: LB HOLDINGS INC
C/O:
Owner Address: 57 PREENING RD
City: HEDGESVILLE
State: WV
Zip: 254276877
Deed Book/Page: 1292/660
Description: 1.54 AC EDGEWOOD-LLOYD
Year Built: 0
Stories: 0
Square Foot Living Area: 0
Rooms: 0
Bedrooms: 0
Full Baths: 0
Half Baths: 0
Heat Type:
Fuel Type:
Heat System:
Last Sale Date:
Last Sale Amount: 0
Legal Area: 0
Calculated Parcel Area (SF): 84469
County Tax Infomation: County Tax Info
Map Card Viewer: Map Card
Plat: Plat
State Info: State Info
State Assessment Info: State Assessment Info

