



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Name: CP15-02
Staff Initials: c/c
Fees Paid: \$1,300.00

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

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Application for a Conditional Use Permit

Name of Project:

Whistling Wind Farm Bed and Breakfast

Property Owner Information

Name: David and Laura Humphreys
Mailing Address: P.O. Box 988
City: Shepherdstown State: WV Zip Code: 25443
Phone Number: 304/268-8017 Email: dhumphreys14@yahoo.com

Applicant Contact Information

Name: Dave Humphreys and Paul J. Raco
Mailing Address: Contacts above and below
City: State: Zip Code:
Phone Number: Email:

Registered Engineer(s) or Surveyor(s) Information

Name: P.J. Raco Consulting, LLC Paul J. Raco
Mailing Address: P.O. Box 548
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: 290 Falling Springs Road
City: Shepherdstown State: WV Zip Code: 25443
Tax District: Shepherdstown Map No: 13 Parcel No: 29.41
Parcel Size: Approx 20.21 Acres Deed Book: 623 Page No: 443

Zoning District (please check one)

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APR 24 2015

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

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

Please provide any information or known history regarding this property.

House was constructed under permit in 1990.

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

David Humphreys 4/24/15

Signature of Property Owner

Date

Laura Humphreys 4/24/15

Signature of Property Owner

Date

Do not write below this line

Sketch Plan (Pursuant to Section 7.4 (B)(C))

Support Data (Pursuant to Section 7.4(D))

List of adjacent and confronting (in front of) property owners, with addresses (Section 7.4 E)

Compatibility Assessment Meeting

Date

Location

Notification

Date of public hearing

Advertising date

Posting Requirements
(Number of days prior to
scheduled hearing)

To Be Completed By Staff

Whistling Wind Farm BtB

DEVELOPMENT REVIEW SYSTEM (DRS)

Jefferson County Zoning & Development Review Ordinance - Article 6

LAND EVALUATION SITE ASSESSMENT (LESA) WORK SHEET

PAGE 2 - AMENITIES ASSESSMENT - Max. 75 of 100 LESA POINTS

PROJECT NAME:

TYPE: (R/NR)

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APR 24 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Staff comment:

Site is approximately 1.78 acres per GIS

Staff finds 31% of perimeter undeveloped (384 feet out of 1229 ft., appx.)

located within RG zoning

Accessible to Martinsburg via new Alt 45 but has identified problem area at 4-way :

No housing proposed

Nonresidential project

Nonresidential project

secondary road

Approximately 1.4 miles to Shepherdstown Fire Company

Approximately 1.4 miles to Shepherdstown Fire Company (which houses an ambula

Proposal located in Residential Growth Zone and therefore Soils is not a factor.

a. Size of Site (Acreage) (6 R / 10 NR)	20.21	<u>0</u>	
Adjacent Development (10)	40-65 (or < 400)	<u>5</u>	
c. Distance to Growth Corridor (12)	IN	<u>0</u>	
d. Comprehensive Plan Compatibility			
Compatibility of Site Development with:			
Proximity to Highway Problem Areas (6/12)		<u>6</u>	
Affordable Housing (6)		<u>-</u>	
Park/Historical/Recreational Areas (6 or N/A)		<u>N/A</u>	N/A
e. Proximity to Schools (8 or N/A)		<u>N/A</u>	N/A
f. Roadway Adequacy (6 R / 10 NR)		<u>16</u>	
g. Emergency Services	1.9 miles		
Fire Dept. (4.5)	11	<u>0</u>	
Ambulance (4.5)		<u>0</u>	
Total Amenities Assessment		<u>27</u>	
Total Soils Assessment (Page 1)		<u>N/A</u>	
TOTAL DRS - LESA Score		<u>27</u>	

Under 60? Pass for Development

Conditional Use Permit Application
Support Data
(please attach additional pages if necessary)

1. Name and address of a contact person.

(Refer to Conditional Use Permit Application Section B)

2. Name and address of the owner/developer.

(Refer to Conditional Use Permit Application Section C)

3. Type of development proposed (provide as much detail as possible).

16 $\frac{1}{2}$ → There is an existing 6 bedroom house that will be converted into a 3 unit Bed and Breakfast. There will be 1 single unit with a private bath and 2 family/companion units that each have 2 bedrooms with a shared bath, depending on the needs of the customers. Parking will be provided on the current driveway area of the dwelling unit. There will be no earth movement or modification of the property. A proposed sign, not to exceed 16 square feet will be provided at the entrance of the property with the name of the Bed and Breakfast and other pertinent information such as proprietor's name, address and phone number. The owner of the dwelling will be the proprietor and will continue to reside in the dwelling.

4. Acreage of original tract and property to be developed.

(Refer to Conditional Use Permit Application Section E)

5. General description of surface conditions (topography).

The property is generally clear of tree cover with several outcrops of rocks and trees. The topography is gently rolling with the dwelling/Bed and Breakfast sitting at the high point on the property at 480' per the attached Topography information. The topography ranges from approximately 440' to 480'.

6. Soil and drainage characteristics.

The property is large, with little percentage of impervious surface based on the size of the overall parcel. Accordingly, there are no adverse drainage issues and no evidence of erosion on or off site in the general area.

7. General location and description of any existing structures.

(See Sketch Plan)

16 58 ft² Externally LIT sign
4/30/15 RSK

8. General location and description of existing easements or rights-of-way.

(See Sketch Plan)

9. Existing covenants and restrictions on the land.

According to a legal review, there are no covenants or restrictions imposed on the property that would prevent a Bed and Breakfast within the dwelling unit.

10. Intended improvements and proposed building locations including locations of signs (in addition to narrative, please also show locations on sketch plan).

There are no anticipated changes to the property, other than striping of intended parking areas on the existing driveway parking area and a sign that would not exceed 16 sq. ft. as previously described.

16 sq. ft. Externally Lit Sign

11. Intended land uses.

The single family dwelling will remain an owner occupied dwelling unit with the addition of 3 Bed and Breakfast Units that would occupy existing bedrooms. Breakfast will be served daily, when occupied by guests. Existing Falling Springs Road and Driveway will be utilized as access to Morgan Grove Road (Rt 16/5).

12. Earth work that would alter topography.

As explained, there will be no earthwork that would alter the topography.

13. Tentative development schedule.

The owners anticipate opening shortly after the Conditional Use Permit is issued, hopefully in June or July, 2015.

14. Extent of the conversion of farm land to urban uses.

There will be no conversion of farm land to urban use. The owner has horses and will continue to have horses when the Bed and Breakfast is opened. The property is zoned for residential growth, so the use of the existing dwelling unit for a small Bed and Breakfast, is a minor, compatible use compared to the urban uses permitted in the Residential Growth District.

15. Affected wildlife populations.

There will be no negative effect on the wildlife, since nothing will change on the property. The property and neighborhood enjoys the typical small wildlife found in a semi-rural setting, which includes: deer, fox, birds, squirrels, rabbits, fox, etc. Typically, patrons of Bed and Breakfasts retreat to enjoy the wildlife and natural habitat in the area.

16. Ground water and surface water and sewer lines within 1320 feet.

The local neighborhood is served by existing wells. There will be no effect on the groundwater because there will be no new wells or earthwork. There are no known sewer lines within the surrounding area. Surface water includes Town Run which meanders in the area just West of the Railroad track along Morgan Grove Road. Again, there will be no adverse effect on Town Run, since there will be no earthwork or additional impervious surface added.

17. Distance to fire and emergency services that would serve the site.

Shepherdstown Fire and Ambulance Department is 1.9 miles from the site and will be the primary responder to the site.

18. Distance to the appropriate elementary, middle, and high school.

Though not applicable due to the nature of the use, Shepherdstown Elementary and Middle Schools are located within 2 miles of the site (approximately 1.4 and 1.2 miles respectively). Jefferson High School is less than 7 miles from the site (approximately 6.8 miles).

19. Traffic characteristics - type and frequency of traffic; adequacy of existing transportation routes.

There will be limited additional traffic generated from the property. As a 6 bedroom house, the owner could have 5 bedrooms occupied by family or guests now. Accordingly, by utilizing these bedrooms for paid guests would have no more effect than unpaid guests. The closest ADT from the 2011 WVDOH study is on Route 16/5 nearly adjacent to this site. It lists the ADT at this location at 1043 trips per day. There is no anticipated negative effect on the adequacy of the transportation routes. The adjacent public road is used to access Morgan Grove Park which is utilized by the local youth soccer league.

20. Demand for school services created by this development.

There will be no demand for school services created by this Bed and Breakfast.

21. Proximity and relationship to historic structures or properties within two hundred (200) feet.

Attached is a map that shows the local neighborhood's historic resources. The area is rich in history and has been recognized as such because of the hard work of local owners and historians. A Bed and Breakfast that doesn't alter the landscape will fit in quite well in this great neighborhood. Although it appears that the Falling Spring Quarter and the Morgan Grove Historic District is within 200 feet of the subject property, there are others that are in the neighborhood. These include: Morgan's Spring House and Falling Springs. There should be no negative effect on these historic resources.

22. Proximity to recreational facilities.

The property is nearly adjacent (less than .5 miles) to the Morgan Grove Park. This park is owned by the Shepherdstown Men's Club and maintained and operated by the Jefferson County Parks and Recreation Commission. This is a well maintained, multi-faceted recreation area. The Shepherdstown Men's Club treats this park with great care and is a monument of pride in the community. The park contains soccer fields, multi-purpose fields, Town Run, Picnic Pavilions and a Kitchen, restroom facilities and walking, jogging and hiking areas. Many people enjoy this recreational area.

23. Relationship of the project to the Comprehensive Plan.

The new 2015 Jefferson County Comprehensive Plan supports projects like this. Although the property is located in the Residential Growth District, there is little interest in developing the area out as residential due to the great history of the neighborhood. This neighborhood is on the outskirts of the Residential Growth District and is more appropriately recognized as a rural or semi-rural area. The history of this neighborhood as recognized by the surrounding owners and the National Register is better served by low impact uses such as a Bed and Breakfast on 20 acres. The new Comprehensive Plan also recognizes the need to allow these types of proposals along with Home Occupations and Cottage Industries with much less regulatory control. The 3 unit Bed and Breakfast in this area is very much compatible with the new Comprehensive Plan.

Conditional Use Permit Supplemental Information
As Required by the Jefferson County Zoning and Land Development Ordinance
In addition to the Conditional Use Permit application, please submit the following items:

- Support Data (Section 7.4D)
- Sketch Plan (Section 7.4A-C)
- A list of all adjacent and confronting property owners, with tax map and parcel numbers, and mailing addresses. (This includes the properties located across any road, right-of-way or easement. The Jefferson County Court House is the source of property owner information.)

The process and requirements for a Conditional Use Permit application are summarized below. For details regarding the full process and requirements, please see Articles 6 and 7 of the Jefferson County Zoning and Land Development Ordinance.

	Process Steps	Dates
1	Application and fees submittal	Applications may be submitted to the Planning and Zoning Department at any time during business hours
2	Scheduling of a Compatibility Assessment Meeting	At least 10 days following submittal of a complete application
3	Applicant submits 15 copies of Support Data and 15 copies of Sketch Plan.	At least 15 days before the meeting date
4	Planning and Zoning Department publishes notice of Compatibility Assessment Meeting	At least 15 days before the meeting date
5	Applicant posts sign (provided by Planning and Zoning Department) on property	At least 15 days before the meeting date
6	Compatibility Assessment Meeting	Within thirty (30) days from the date that the meeting is scheduled by the staff
7	Board of Zoning Appeals Meeting (if not subject to public hearing)	May be heard on the next available Board of Zoning Appeals agenda.
8	Board of Zoning Appeals Meeting (if subject to public hearing)	Between 30 and 60 days from the date of the Compatibility Assessment Meeting.

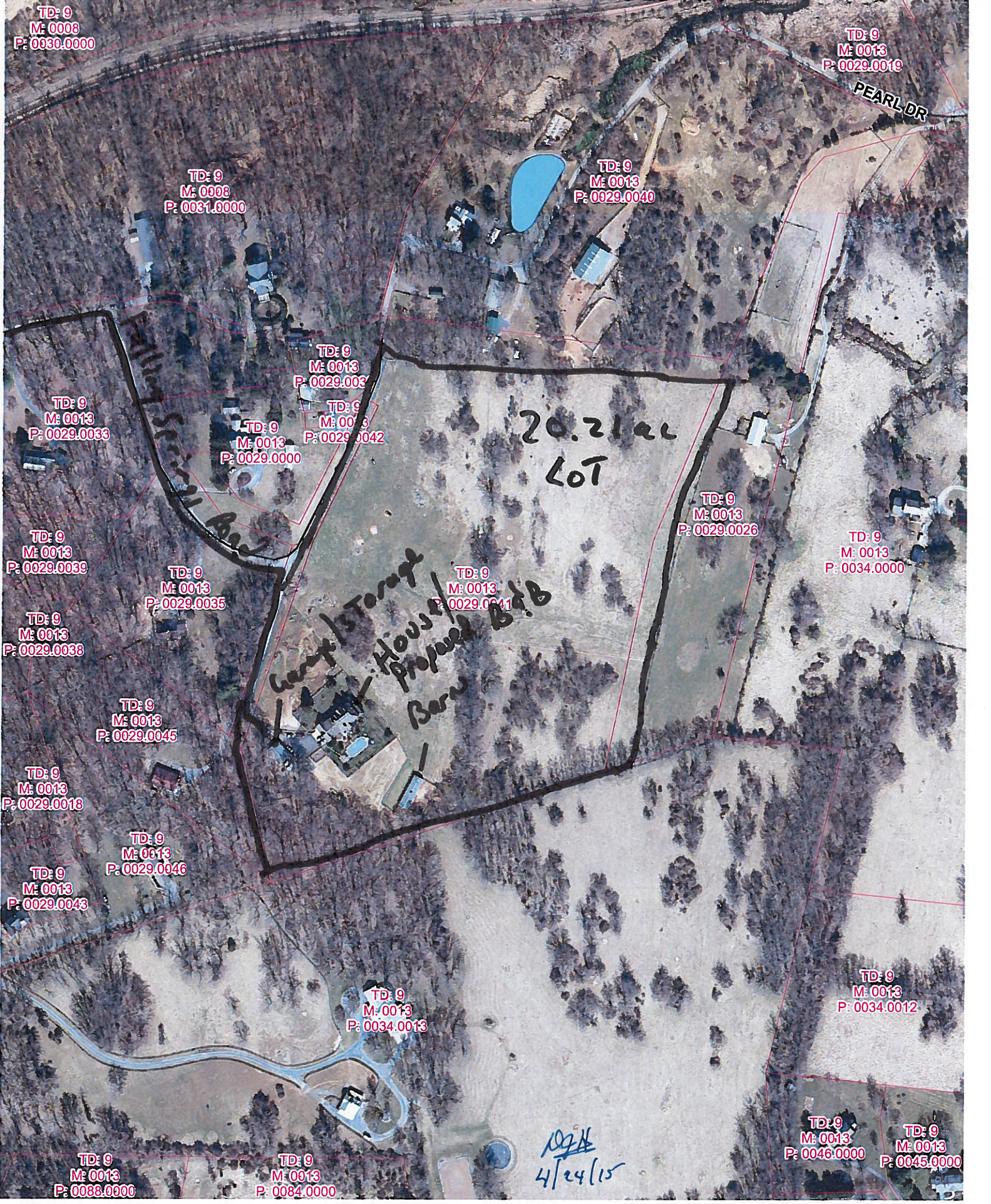
Copies of the application, sketch plan, and development review data shall be available for public review in the Planning Office at such time as the proposed development is advertised in the newspaper.

Section 7.4A-C

A sketch plan detailing the project shall be submitted. The sketch plan shall:

- Include the entire original parcel as it appeared on the date the Zoning and Land Development Ordinance took effect (Oct. 5, 1988).
- Be drawn to a reasonable scale (e.g. 1" = 50', 1" = 100', or 1" = 200').
- Show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries.
- Include contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Departments of Planning, Zoning, and Engineering, superimposed on the sketch plan. The source of all contour lines shall be noted on the plan (Please note: Upon request, the GIS/Addressing Department will provide a contour map).
- Delineate natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries.

The sketch plan should be accompanied by a tract location map and a soils report indicating the soil types on the parcel and a map delineating the boundaries of each soil type. For soil maps and data, see the USDA NRCS web soil survey at <http://websoilsurvey.nrcs.usda.gov>



TD: 9
M: 0008
P: 0030.0000

TD: 9
M: 0013
P: 0029.0019

TD: 9
M: 0008
P: 0031.0000

TD: 9
M: 0013
P: 0029.0040

TD: 9
M: 0013
P: 0029.003

TD: 9
M: 0013
P: 0029.0042

TD: 9
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P: 0029.0000

TD: 9
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P: 0029.0033

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P: 0046.0000

TD: 9
M: 0013
P: 0045.0000

10/21
4/24/15

Cp15.02

~~Post 4/24/15~~
1

16" ext. LIT sign
sign PSH

House
B4B

±40'
Garage

±70'
10101

Perkins
66

Perkins
①
②
③
④
⑤



NOTE

Contours 179,265,367,577,500,239 and 365 are shown as dashed lines. All others are to be set as shown unless otherwise noted

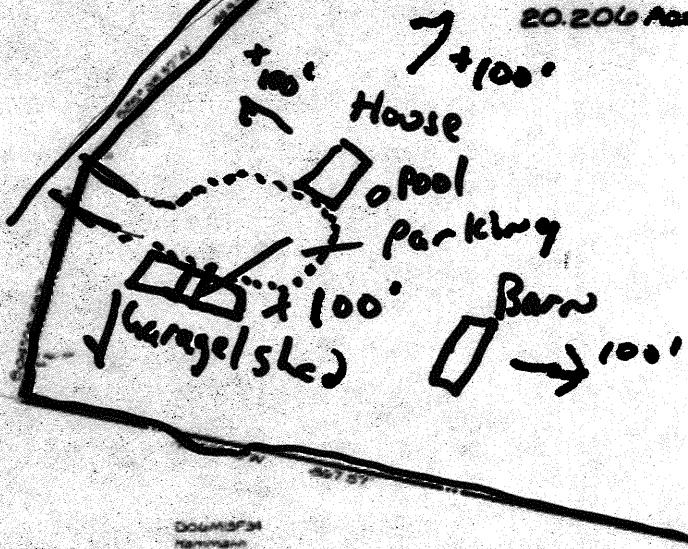
P87P36 NORTH

Down 3724
Bearing
DB 204 P123

P10 LOT 4
RESIDUE

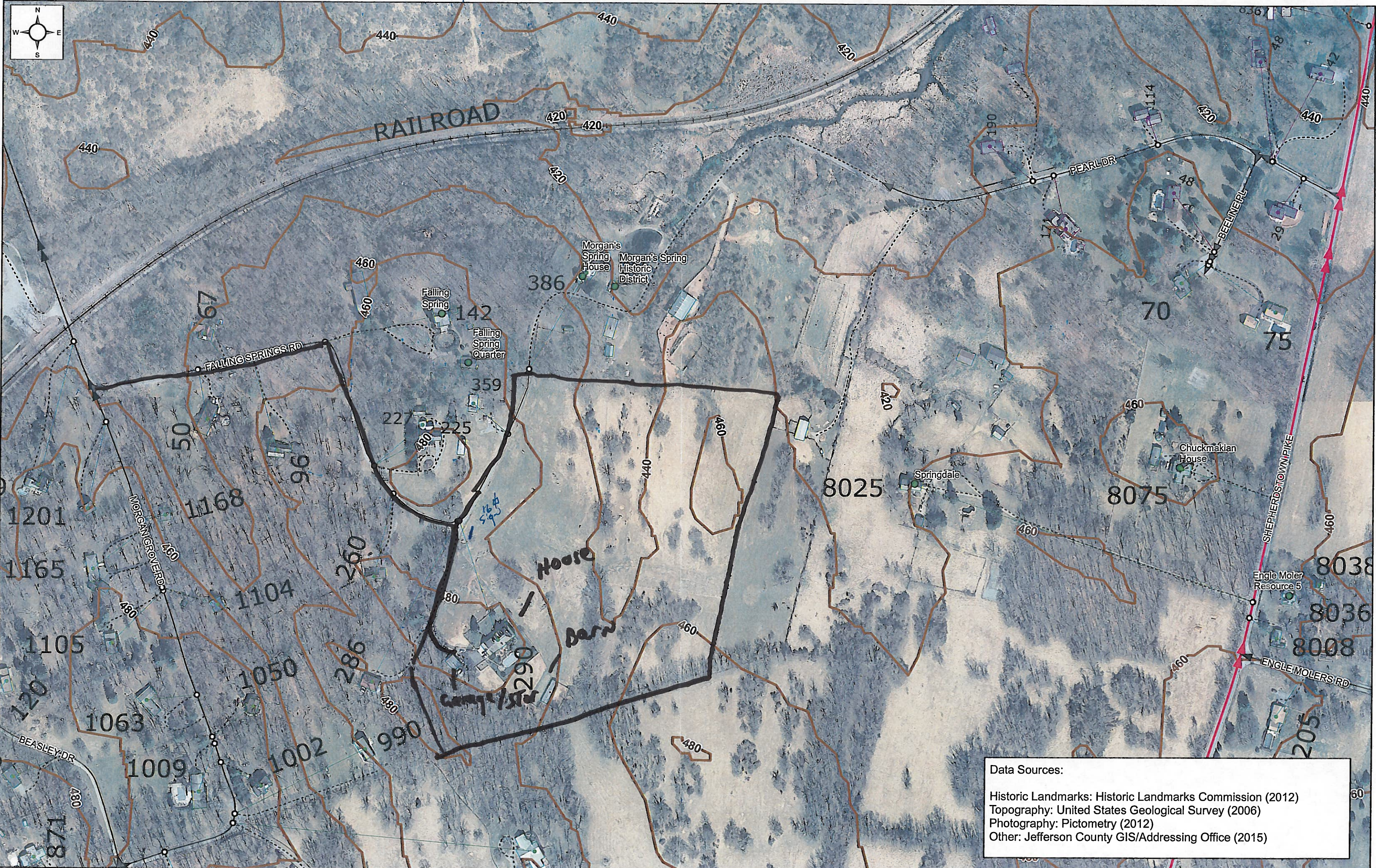
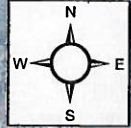
Down 113 P214
Conservation Fund
DB 544 P123

20.206 Acres



Down 113 P
Harrison
DB 544 P123

4/24/15



Data Sources:
 Historic Landmarks: Historic Landmarks Commission (2012)
 Topography: United States Geological Survey (2006)
 Photography: Pictometry (2012)
 Other: Jefferson County GIS/Addressing Office (2015)

Whistling Wind Farm Bed and Breakfast
David and Laura Humphreys
Conditional Use Permit
Adjoining Property Owners Information
April 24, 2015

Shepherdstown District

Map 13:

Parcel 29:
Danielle Polen
453 Park Road
Washington, DC 20010

Parcel 29.26:
John, III and Patricia Stealey
P.O. Box 572
Shepherdstown, WV 25443

Parcel 29.36:
Michael and Susan McKee
P.O. Box 811
Shepherdstown, WV 25443

Parcel 29.40
Robert Michael Shepp and Dr. Janet Olcott
P.O. Box 1162
Shepherdstown, WV 25443

Parcel 29.45
Jan Hafer
286 Falling Springs Road
Shepherdstown, WV 25443

Parcel 34.13
Mary Ann Hammann
984 Morgan Grove Road
Shepherdstown, WV 25443

Map 8:

Parcel 31:
Edward and Lorrie Schwartz
293 Duncan Field Lane
Charles Town, WV 25414

Cp 15.02

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APR 24 2015

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