



AGENDA

Jefferson County Planning Commission

Tuesday, September 13, 2016, 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.

1. Approval of Meeting minutes:
 - July 26, 2016.
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. Request for postponement
4. **Public Hearing:** Waiver request for Charles Town Self-Storage Expansion (PCW#16-08). The applicant is requesting for a waiver from Section 20.102(B) to divide the Site Plan review process, allowing a submission of a separate Grading Plan during the Site Plan review process. The property is designated as Tax District: Charles Town (02); Tax Map: 9; Parcel: 8.3; Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 5.4 acres; Owner: CTSS, LLC.

There is no public comment for the remaining items.

5. Planning Commission By-Laws. Discussion/possible drafting of policy regarding criteria for scheduling a fourth Tuesday meeting of the Planning Commission.
6. Review and approval of the Planning Commission's Annual Report to the County Commission per WV Code §8A-2-11. The Planning Commission is required to make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction.
7. Reports from Legal Counsel and legal advice to the Planning Commission.
 - a) Active Litigation:
 - Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session
 - Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.
8. Planners Memo.
9. President's Report.
10. Actionable Correspondence.

11. Non-Actionable Correspondence.

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record. Feel free to submit your comments to office of the Departments of Planning and Zoning.

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on the Departments page within the County's website at www.jeffersoncountywv.org. Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

Jefferson County Planning Commission
July 26, 2016

The Jefferson County Planning Commission met on July 26, 2016 with the following Commission members present: Wade Louthan, Vice President; Gary Phalen, Gene Taylor, J Ware, Dickie Childs, and Peter Onoszko. Staff members present included Jennifer Brockman, County Planner; Lydia Lehman, Assistant Prosecuting Attorney; Jonathon Saunders, County Engineer; and Rhonda Greenholtz, Planning Clerk.

Mike Chapman, President; Steve Stolipher and Donnie Fisher, Secretary, were absent with notice.

Mr. Wade Louthan, Vice President, presided over the meeting and called the meeting to order at 7:00 PM.

Mr. Wade Louthan welcomed new County Commissioner and Planning Commission member Mr. Peter Onoszko to the Board.

1. Approval of the minutes from the following Planning Commission Meetings

- June 14, 2016 (corrected)
- July 12, 2016

The June 14, 2016 and the July 12, 2016 minutes were approved with no objections

2. Citizen Communications. None.

3. **Public Hearing:** Request by applicant CTSS, LLC. (PCW#16-07) for a waiver from Section 21.402.D that requires no permanent encroachments, structures, fences, or landscaping within the easement area. The applicant is proposing an asphalt driveway, curb, chain link fence, trees and shrubs to be located within the easement area. The property is designated as Tax District: Charlestown (02); Tax Map: 9; Parcel: 8.3; Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 5.4 acres; Owner: CTSS, LLC.

Ms. Jennifer Brockman provided an overview of the project stating that the Concept Plan had previously been approved by this board and since that time a portion of Parcel 8.1 had been merged with Parcel 8.3. An existing permanent drainage easement on Parcel 8.1 held by the West Virginia Department of Highways (WVDOH) is located on the property. Ms. Brockman deferred to the applicant to present their request, after which time the Engineering, Planning and Zoning Department will present their recommendation.

Mr. Jason Gerhart, Gordon, represented the applicant. Mr. Robert Glen, with the law firm Jackson Kelly, council for the applicant, was also present. Mr. Gerhart spoke on the request. The drainage easement was granted when the Route 340 extension was completed over 30 years ago for storm drainage pipes from Keyes Ferry Road, through the property and the property to the south, and then back to Keyes Ferry Road, were installed. The easement was not purchased as a fee simple right of way and therefore is not property owned by the WDOH. The easement was created for WVDOH access to maintain the storm drainage pipes. In the layout of the storage facility, no buildings are proposed to be located within this easement. The applicant is proposing to locate the drive aisle and fencing that will border the property within this easement. The WVDOH has been contacted regarding this request. The applicant is seeking approval of this waiver contingent upon receiving WVDOH approval.

Mr. Glen spoke to clarify that the easement is not a “fee simple” transfer which would imply the WVDOH owned the easement.

Mr. Dickie Childs asked why the drive aisles and fencing are not to be located further in the property as to not encroach in to the easement.

Mr. Glenn responded that the “Rule of Reasonability” comes into play here as the applicant is aware that any repairs or activities that require access to the easement would be allowed and the applicant is also aware that any damage to any fencing, drive aisles, or landscaping would be the responsibility of the applicant to fix.

Mr. Childs asked the applicant if the WVDOH has given permission to allow encroachments in the easement area.

Mr. Glenn spoke that a meeting is set up with the WVDOH to discuss this matter.

Ms. Brockman spoke that Planning and Zoning staff recommends a conditional approval contingent upon written WVDOH approval.

Mr. Jonathon Saunders, County Engineer, recommended denial unless approval is granted by the WVDOH.

Mr. Glenn spoke that he believes that the Engineering staff’s denial of the waiver would warrant another Public Hearing.

Mr. Louthan opened the floor to public comment. No public comment was had.

Mr. Louthan closed the floor to public comment.

Mr. Gene Taylor made a motion that the waiver be approved contingent upon receiving written WVDOH approval.

Mr. Childs seconded the motion.

A vote was called for which carried unanimously.

There is no public comment for the remaining items.

Ms. Brockman informed the Commission that Gordon has requested a second meeting in August to hear another waiver for this site. The waiver application was submitted after the deadline date for the August 9, 2016 regular scheduled meeting. There are no actionable items to be heard at the August 9 meeting. Therefore, staff requested that the regular meeting be canceled. Mr. Louthan formally cancelled the August 9, 2016 meeting.

The requested second meeting would generally occur on the fourth Tuesday of the month; however the fourth week of August is the County Fair and generally public meetings are not held so as not to infringe on their ability to attend this event. Mr. Gary Phalen stated that quite a few Planning Commission members are active in the Fair and there may not be a quorum. A quorum of the Planning Commission is not available for an August 23, 2016 meeting; therefore, Ms. Brockman stated the waiver will be heard at the regular scheduled meeting September 13, 2016.

Ms. Brockman informed the Planning Commission members of an upcoming informational workshop and Public Hearing being held by the WVDOH. The public meeting/hearing for the US 340 South Four Lane Improvement Study: VA line to Charles Town Bypass (State Project: U219-340-0.00, Federal Project: NH-03401(030) E) includes an informal workshop which is scheduled from 5:00 PM to 8:00 PM and will be held in the Council Chambers of Charles Town City Hall located at 101 East Washington Street, Charles Town. Following the workshop, the Public Hearing Portion will occur from 8:00 PM to 10:00 PM the same evening. Once the alternative is approved and the Record of Decision is published, the Envision Jefferson 2035 Comprehensive Plan will need to be reviewed and possibly amended.

4. Request for postponement. None
5. President's Report. None.
6. Actionable Correspondence. None
7. Non-Actionable Correspondence. None

Mr. Louthan motioned to adjourn the meeting at 7:25 PM.

STAFF REPORT

Jefferson County Planning Commission

September 13, 2016

	required.
SITE PLANS	05/19/04: Site Plan Phase II and Buildings 3, 4, & 5 (File #S03-11) 08/11/05: Redline revision to add additional employee & handicap parking. S16-01: Under review at this time.
BUILDING PERMITS/ ZONING CERTIFICATES	01/06/03: Buildings 1 & 3 (Permit #'s 03-13, 03-14) 10/24/03: Building 2 (Permit #03-1238) 08/09/04: Storage Bins (Permit #04-884) 11/17/04: Building 4 (Permit #04-1274) 08/22/06: Building 5 (Permit #06-1010)
PLANNING COMMISSION VARIANCES/WAIVERS	02/24/04: Variance to reduce driveway grade requirements (Sec. 9, 1979 Sub. Ord.) 03/23/04: Variance to allow Ph. II to process under Art. 11 instead of Art. 9 w/ no FP (1979 Sub. Ord.) 07/26/16: Waiver from Section 21.402.D to allow encroachments in a WVDOT drainage easement along the eastern boundary of the project -- Contingent upon WVDOT approval.
BOARD OF ZONING APPEALS VARIANCES	07/18/02: Reduce parking & access drive setbacks from 15' to 5' for mini storage unit (ZV02-26). 03/24/16: Variance from Sec. 4.11A.1 and App B to reduce the side & rear setback from 50' to 25'; and to eliminate the required residential landscape buffer to allow for the construction of a proposed 37,500 sq. ft. self-storage facility (ZV16-05). 03/24/16: Variance from App B to reduce the rear setback from 50' to 25' for the existing bowling alley to accommodate a proposed lot line adjustment (File: ZV16-06).

Background

The applicant has submitted a Site Plan to permit the construction of an additional 37,500 square feet self-storage building as an expansion to the existing Charles Town Self Storage facility, which has not yet been approved. A merger of 2.2 acres from the rear portion of Parcel 8.1 (approx. 5.0 acres) with Parcel 8.3 (3.2 acres) was administratively in April, 2016 and recorded among the Land Records of Jefferson County on July 22, 2016 in Plat Book 25 Page 577.

Review of the Request

This particular waiver request is different from most other waiver requests. The applicant is not requesting a waiver from any standards or procedures in this request. The applicant is planning to meet all standards and processes as required in the Zoning Ordinance and Subdivision Regulations; however, the applicant would like to split the approval process, allowing grading, utility installation and other site improvements to occur prior to full approval of the site plan. In the current Ordinance and Regulations, the applicant is required to have an approved site plan before any site grading or other site improvements can occur.

STAFF REPORT

Jefferson County Planning Commission

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On two other occasions (PCW 10-04, William H. Scott Inter Vivos Trust (SPARC)/ STASIS project and PCW12-08 Morgan's Grove Market (MGM)), the County has granted a waiver for "early grading" but it has not ever permitted utility installation or other improvements to occur prior to approval of the full site plan. If this waiver is approved, all grading and requested improvements will require a separate set of construction drawings and a separate bond.

Many communities have a process in place in their Subdivision Regulations that allows for rough site grading before issuance of a final site plan or issuance of a building permit, but generally these processes do not allow early utility installations or other improvements with the grading permit. It is understood that if this waiver request is approved, the applicant shall assume the risk that during site plan review a change could occur which would affect the grading that was previously completed. A bond would be required for any work related to the rough grading, utility installation or other improvements.

Staff Comments

While this waiver application specifically excludes grading or any other improvements within the WVDOH easement found along the eastern edge of the property, staff still has some concern that allowing any work on the site prior to receiving DOH approval for the work within their easement may create a conflict. The applicant's previous waiver request to allow encroachments, fences, and landscaping within the WVDOH drainage easement was approved conditionally requiring the WVDOH to provide written approval of the request to the Planning Commission staff. This approval has not yet been received.

Additionally, staff has some concerns about the breadth of the request. While many communities allow separate approval of rough site grading prior to full approval of a site plan, the additional request of allowing utility installation and other site improvements allows a more significant impact on a site that does not yet have full site plan approval.

The County Engineer is also providing a separate staff report with his review and recommendation, which is attached.

Waiver Requirements:

The Subdivision Regulations require that in order to grant a waiver the following four criteria must be met; however, since the applicant is not requesting a waiver from any requirements and will follow all standards and requirements, the four criteria are less relevant to this request. The criteria are listed below for your review.

The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.

The waiver, if granted, will not adversely affect the public health, safety or welfare or the rights of adjacent property owners or residents.

The waiver, if granted, will be in keeping with the intent and purpose of these Regulations.

The waiver, if granted, will result in a project of better quality and/or character.

Staff Recommendation

Staff recommends approval of the waiver request for the purposes of early grading only, including any recommendations of the Jefferson County Engineer; however, staff does not recommend approval of utility installation and other site improvements prior to full approval of the site plan. Approval of the early

STAFF REPORT

Jefferson County Planning Commission

September 13, 2016

grading waiver shall require conformance with all recommendations of the Jefferson County Engineer. The applicant is still required to conform with all other standards and processes found in the Jefferson County Subdivision Regulations.

Engineering Report

Charles Town Self Storage
Waiver for Early Grading
09/13/2016

Request:

CTSS, LLC is requesting a waiver from the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (2008), Major Site Plan Concept Plan - Submission and Completeness Review, Section 20.102.B, which states:

“Approval Required. Before development of the land is commenced, subdivision plats and site plans must be approved by the Planning Commission, recorded, and surety posted for required improvements in accordance with these Regulations and the Comprehensive Plan.”

The applicant is requesting a waiver to begin site grading, utility installation and all other site improvement except for the building foundation prior to an approved site plan.

Findings:

Jefferson County does not have a grading permit process. A site plan has to be approved before any site work and building construction can begin.

The planning commission has granted an early grading permits before. The Grading Permit was issued under the following conditions:

1. The grading permit is issued to allow the owner to perform site grading for the building pads. This permit is subject to the requirements of the sediment and erosion control plan submitted and approved as part of the grading plan and building permit application; and
2. The building permit is issued only for the foundations of the proposed buildings (building construction will stop at the foundations until the site plan is approved); and
3. The owner/Developer assumes all risk for “jump-starting” the project and understands that the final site plan design approved by the planning commission might necessitate some changes and additional construction cost; and
4. Provide bonding of all proposed site improvements pertaining to the permit.

However, it appears the applicant is requesting to be allowed to start all site work outside the WVDOT drainage easement and no foundation and building permits are being requested at this time.

Conclusion:

The engineering department recommends that only "Site Grading" be approved not utilities or any other site improvements. The county engineer supports approval of this waiver provided the developer agrees to assume all risk for "jump-starting" the project; to limit all work to just site grading; obtains a NPDES permit; submits a satisfactory site grading plan for review and approval; provides bonding for the sediment and erosion control/SWM, etc.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

Staff Initials:
Sketch Received:
List of Adjoiners:
Fees Paid:

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

Waiver Request

Note: Waivers from the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.

Sketch on a separate sheet of paper the shape and location of 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. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.

Property Owner Information

Name: CTSS, LLC.
Mailing Address: P.O. BOX 25523, WASHINGTON, D.C. 20027
Phone Number: 202-243-7530 Email: TOM@ARC.LAND

Applicant Contact Information

Name: CTSS, LLC.
Mailing Address: P.O. BOX 25523, WASHINGTON, D.C. 20027
Phone Number: 202-243-7530 Email: TOM@ARC.LAND

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

Name: GORDON
Mailing Address: 301 NORTH MILDRED STREET, CHARLES TOWN, WV 25414
Phone Number: 304-725-8456 Email: KSTOLIPHER@GORDON.US.COM

Physical Property Details

Physical Address: KEYES FERRY ROAD
City: CHARLES TOWN State: WV Zip Code: 25414
Tax District: CHARLES TOWN (2) Map No: 9 Parcel No: 8.3
Parcel Size: 5.40+/- AC. (AFTER MERGER) Deed Book: 25 Page No: 577

Zoning District (please check one)

Residential Growth (RG) [] Industrial Commercial (IC) [] Rural (R) [] Residential-Light Industrial-Commercial (R-LI-C) [X] Village (V) [] Neighborhood Commercial (NC) [] General Commercial (GC) []
Highway Commercial (HC) [] Light Industrial (LI) [] Major Industrial (MI) [] Planned Neighborhood Development (PND) [] Office/Commercial Mixed-Use (OC) []

Place Date Stamp Here

What Section of the Subdivision Regulations are you Requesting to Waive?

SECTION 20.102 (B)

Briefly Describe the Nature of Your Waiver Request:

THIS REQUEST IS TO WAIVE THE REQUIREMENT THAT THE SITE PLAN BE APPROVED BEFORE CONSTRUCTION CAN COMMENCE. WE ARE REQUESTING THAT THE OWNERS CONTRACTOR BE ABLE TO START GRADING, UTILITY INSTALLATION AND ALL OTHER SITE IMPROVEMENTS WITH THE EXCEPTION OF THE BUILDING FOUNDATION (OUTSIDE OF THE WVD0H DRAINAGE EASEMENT) PRIOR TO SITE PLAN APPROVAL WHICH IS ANTICIPATED WITHIN THE NEXT MONTH.

Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature. THE WAIVER WILL BENEFIT THE COUNTY IN THE FORM OF INCREASED TAX BASE AND BUSINESS ONCE THE NEW FACILITY IS COMPLETE.

Explain how the waiver, if granted, will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents.

THIS WAIVER WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH/SAFETY/WELFARE SINCE CONSTRUCTION EFFORTS WOULD HAPPEN ONCE THE SITE PLAN WAS COMPLETED. EARLIER CONSTRUCTION EFFORTS WILL HAVE A POSITIVE IMPACT ON THE PROJECT COMPLETION.


Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

THIS WAIVER WILL BE IN KEEPING WITH THE INTENT AND PURPOSE OF THE ORDINANCE SINCE THESE EFFORTS ARE PART OF THE SITE PLAN PROCESS AND AN EARLY GRADING PERMIT WOULD BE SUPPORTED BY THE COUNTY'S INTEREST IN PROMOTING ECONOMIC DEVELOPMENT.

Explain how the waiver, if granted, will result in a project of better quality and/or character.

THE WAIVER IF GRANTED WILL ALLOW A JUMP START ON THE PROJECT AND PROVIDE FOR THE ABILITY TO BEGIN EARTHWORK WHILE THE WEATHER IS OPTIMAL AND HELPING COMPLETE THE PROJECT FASTER.

Original signature is required. The information given is correct to the best of my knowledge.

By:  OTSS, LLC
Signature of Property Owner
Date 7-22-16

Signature of Property Owner Date

To Be Completed By Office

_____ Date of Public Meeting/Public Hearing

_____ Date Property to be Posted By

_____ Official/Administrative Body

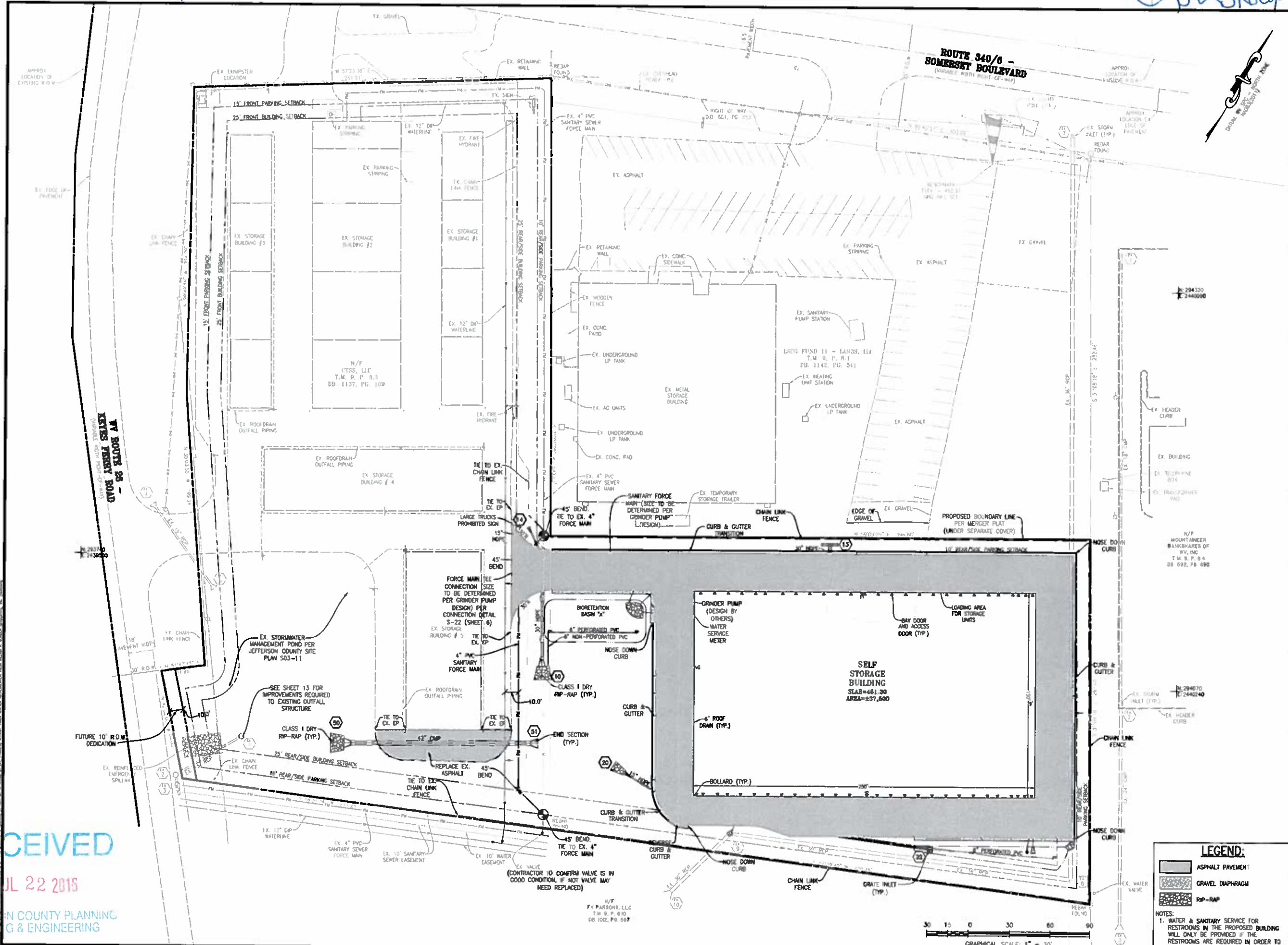
_____ Date Adjoiner Letters to be Mailed

Approved/Denied by a vote of _____ for and _____ against this _____ day of _____, _____

Approved Denied

#PCW16-08

Walter Stokely 7/23/16



PROGRAMMING AND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
SURVEY AND MAPPING
SECURITY CONSULTING

Gordon

301 N. Mildred Street, Suite 1
Charlottesville, VA 22904
Phone: 804-725-8456
www.gordoninc.com



NO.	DATE	REVISIONS
1.	05/28/2016	UTILITY COMMENTS
2.	06/30/2016	COUNTY COMMENTS

SITE PLAN

CHARLES TOWN SELF STORAGE EXPANSION

TAX MAP 9 PARCEL 63 BK 26 PG 677
CHARLES TOWN TAX DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

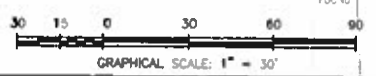
SCALE	HORIZ: 1" = 30'
DATE	APRIL 2016
JOB	2581-0102
DRAWN	SMW
CHECKED	JPG
CADD	C-CS-101.DWG
NCS	CS-101
SHEET	04 OF 18

RECEIVED
JUL 22 2016
JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

LEGEND:

- ASPHALT PAVEMENT
- GRAVEL DIAPHRAGM
- RP-RAP

NOTES:
1. WATER & SANITARY SERVICE FOR RESTROOMS IN THE PROPOSED BUILDING WILL ONLY BE PROVIDED IF THE RESTROOMS ARE REQUIRED IN ORDER TO MEET BUILDING CODE.





Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

MEMO

To: Jefferson County Planning Commission

From: Jennifer Brockman, AICP, County Planner

Date: September 13, 2016

RE: Review and approval of the Planning Commission's Annual Report to the County Commission per WV Code §8A-2-11

The Planning Commission's duties and responsibilities are set forth in WV Code §8A-2-11. Among these is the requirement to "make an annual report to the appropriate governing body concerning the operation of the Planning Commission and the status of planning within its jurisdiction". The format of this report is provided for in state law and, for Jefferson County, has changed considerably over the years. Attached is the Planning and Zoning staffs' recommended draft Annual Report for Fiscal Year 2016 (July 2015-June 2016), based on the County Commission's requested quarterly report format.

This report provides an overview of the projects completed and pending by the Jefferson County Planning Commission, Jefferson County Board of Zoning Appeals, as well as projects completed administratively. The Planning Commission needs to review the Annual Report and make a recommendation to forward it to the County Commission.

three (3) members nor more than five (5) members of the Planning Commission. Appointments to committees shall be made by a majority vote of the Planning Commission.

Article III - Officers

Section 3.1– Elections

At its first regular meeting each January, the Planning Commission shall elect a President, Vice President, and Secretary.

Section 3.2 – President

The President shall preside at all public hearings and meetings held by the Planning Commission. The President may call special meetings of the Planning Commission as necessary, and is empowered to certify by signature or otherwise any official and valid action of the Planning Commission. The President shall also perform such duties and functions as may from time to time be required by the Planning Commission.

Section 3.3 – Vice President

During any absence of the President, the Vice President shall assume the duties and functions of President. The Vice President shall also perform such duties and functions as may from time to time be required by the Planning Commission.

Section 3.4 – Secretary

The Secretary shall perform such duties and functions as may from time to time be required by the Planning Commission.

Section 3.5 – Absence of President and Vice President

In the absence of both the President and Vice President, any present member may call to order a regular or special meeting of the Planning Commission, which shall thereupon immediately empower one or more of its present members to fulfill the duties and functions of President and/or Vice President during said absence.

Section 3.6 – Replacing Officers

In the event of the death, resignation, or removal of an officer of the Planning Commission, the Planning Commission shall thereupon elect one of its members to complete the unexpired term. A three-fifths majority of the total membership of the Planning Commission may, at any regular meeting, remove the President and/or the Vice President from office, provided that a new election to fill the remaining term(s) of office is immediately held.

Article IV - Meetings

Section 4.1 – Regular Meetings

The Planning Commission shall hold regular meetings on the second Tuesdays of each month at 7:00 p.m. in the ground floor meeting room of the Old Charles Town Library, at 200 East Washington Street, Charles Town, West Virginia. Prior notice shall be provided in the event that any regular meeting is held at a different location. An additional regular meeting may be called by the President or by two or more members of the Planning Commission for a specific

agenda item on the fourth Tuesday of each month at 7:00 p.m. at the location noted in this section. Such regular meeting shall be called at least seven (7) days prior to the fourth Tuesday to allow for posting of the agenda. A regular meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

Section 4.2 – Special Meetings

A special meeting may be called by the President or by two or more members of the Planning Commission to be held on a different day and/or a different time than regular meetings. Pursuant to W.Va. Code § 8A-2-7, notice for all special meetings shall be in writing, include the date, time and place of the special meeting as well as the purpose of the meeting, and be sent to all members at least two days before the special meeting. A special meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

Section 4.3 – Recording of Meetings

All meetings of the Planning Commission shall be recorded, and such recordings shall be maintained and made available, upon request and in accordance with the procedures of the Planning Commission and/or its staff, to the public.

Section 4.4 – Agendas

An agenda shall be made available at least seven (7) days prior to the start of all regular and special meetings. Items shall be listed on the agenda in such a manner as to sufficiently identify the substance of the item and allow for a vote on the item by the Planning Commission if necessary. The Planning Commission may deviate from an agenda's order if necessary.

Section 4.5 – Quorum

In order to conduct a regular or special meeting, a quorum of the members must be present. A majority of the members of the Planning Commission shall constitute a quorum. No action of the Planning Commission shall be official or valid unless authorized by a majority of members present at a regular or special meeting.

An individual confined to home due to serious illness or injury may attend the Planning Commission meeting via telephone or other electronic media with prior approval of the President and will count towards a quorum.

Section 4.6 – Procedures for Conducting Meetings

In the absence of state law or of other procedures of the Planning Commission, Roberts Rules of Order, current edition, shall be the parliamentary authority of Planning Commission meetings.

Section 4.7 – Open Governmental Proceedings

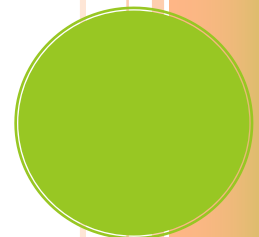
All meetings and actions of the Planning Commission shall comply with the requirements of West Virginia's open meetings laws, codified at W.Va. Code § 6-9A-1, et seq.

ANNUAL REPORT FOR PLANNING AND ZONING

FY 2016 (July 1, 2015 – June 30, 2016)

An overview of the major activities undertaken over the past fiscal year by the Jefferson County Departments of Planning and Zoning, Planning Commission, and Board of Zoning Appeals.

8/9/2016



Annual Report for Planning and Zoning

FY 2016 (July 1, 2015 – June 30, 2016)

PROJECTS UNDERTAKEN

PLANNING COMMISSION ITEMS		
Planning Commission Meetings: 16 Total		
Subdivision Regulations Text Amendments		2 Total
		Status
STA15-04	Replace Section 7.3 Campground Requirements with a new Division 8.0 regarding Campgrounds Regulations; add Definitions	CC Public Hearing 1/21/16; Work Session scheduled for 8/3/16
STA15-05	Major and Minor Site Plan and Subdivision Processes (Multiple Sections of the Subdivision Regulations), including making Final Plats an administrative process.	Adopted 12/17/15; effective 01/01/16
Zoning Ordinance Text Amendments		5 Total
		Status
ZTA14-02	Mass Event Regulations – on-going; PC held second Public Hearing on 12-08-15; CC postponed future Public Hearing until Summer 2016 at their 2/4/16 meeting.	Pending CC PH TBD
ZTA15-01	Appendix C, Principal Permitted Uses Table; Change Cultural Facility from “Not Permitted” (NP) to “Permitted” (P) in Residential Growth.	Adopted 10-01-15
ZTA15-02	New Article 8, Section 8.17 Campgrounds; new Definitions; Amendments to Appendix C, Principal Permitted Uses	CC Public Hearing 1/21/16; Work Session scheduled for 8/18/16
ZTA15-03	Article 12 Zoning Map and Text Amendments	Adopted 03-17-16
ZTA16-01	Replace nontraditional zoning ordinance with a traditional zoning ordinance by eliminating the DRS/LESA CUP Process (Articles 6 and 7) and replace it with a traditional Principal Permitted and Conditional Use process; increase the density provisions of the Rural Zoning Cluster Development in Section 5.7; amend various sections related to rural land use throughout the Ordinance	PC Public Hearing 05-17-16; referred to CC at 07-21-16 meeting; Workshop scheduled for Sept. 2016

Long Range Planning:		Status
No long range projects this Fiscal Year		
Major Site Plans or Subdivisions (PC) 2 Total		Status
15-09	Breckenridge East, Phase 1A (Lots 10-22 & Residue) Final Plat Public Hearing The project consists of 13 single family lots on 67.67 acres. The property is located along Old County Club Rd, southeast of the intersection with Flowing Springs Rd.	PC Approval 8/11/15
16-01	Daniels Forest Subdivision -- Final Plat Public Hearing The project consists of dividing the 101+ acre parcel into two (2) lots. The property is located on both the west and east side of Route 17 (Flowing Springs Road) at its intersection with Route 22 (Job Corp Road).	PC Approval 2/23/16
Concept Plan (Public Workshop before PC) 4 Total		Status
S15-03	Advance Auto Parts, 475 Euclid Avenue, Charles Town Minor Site Plan with Concept Plan -- 6,912 square foot new retail Automotive Parts sales and warehouse establishment with associated parking.	Approved 8/11/15
S15-04	Dollar General Store, Middleway Minor Site Plan with Concept Plan -- 9,100 sq. ft. new structure for 7,310 square foot retail store, plus stockroom, and parking.	Approved 8/11/15
S15-05	Shepherdstown Public Library, Lowe Drive adjacent to the Clarion Hotel and Conference Center Minor or Major Site Plan with Concept Plan -- construction of a new 13,500 square foot public library building and associated parking.	Approved 10/13/15
S16-01	Charles Town Self Storage, Keyes Ferry Rd, Charles Town Minor Site Plan with Concept Plan -- construction of a new 37,500 square foot self-storage facility to be located to the east of an existing storage facility	Approved 4/12/16
Waiver/Variance from Sub. Regulations (PC) 7 Total		Status
PCW15-02	Primax Properties, LLC , applicant/Martin and Brenda Lookingbill, owner; future Advance Auto Parts, 475 Euclid Avenue, Charles Town Waiver from Section 21.202(B) and 22.208 requiring the installation of a sidewalk along Euclid Avenue.	Disapproved 8/11/15

PCW15-03	Amy Secrist, applicant, Route 230/Shepherdstown Pike, formerly site of Big Arm Bar & Grill, Shepherdstown Waiver from Appendix B, Sections 2.5(M) and 9.5 requiring off-street parking to be paved; propose to utilize the existing gravel parking lot for the proposed reuse of the vacant building for a private school (Morgan Academy).	Approved 10/13/15
PCV15-04	DR Acquisitions, LLC, owner, Wilderness Court, Sheridan Estates subdivision Variance from the 1979 Subdivision Ordinance, Section 8.2.a.14 requesting a reduction in the requirement for diameter of a cul-de-sac from 80' to 65'.	Approved 11/10/15
PCW16-01	Daniel Zappe, 1195 Chestnut Hill Road Waiver from Section 21.104.B.1 requiring a 3:1 depth to width ratio to allow the property owner to subdivide his lot to create two legal lots where Route 9 divides his parcel	Approved 2/9/16
PCW16-02	Jefferson County Development Authority, Parcels: 102 & 103 Waiver from Section 21.402D requiring that no permanent encroachments, structures or fences be placed within any easement area. The applicant is proposing to install shrubs and a chain link fence in the water easement and sewer easement in two separate locations on the site.	Approved 4/12/16
PCW16-03	Uvilla United Methodist Church Waiver from Appendix B, Section 2.3 (B) requiring that a non-residential subdivision entrance apron be constructed of WWF reinforced 3,000 psi Portland cement concrete. The applicant is proposing to utilize the existing asphalt entrance apron and is also asking for a waiver from the entrance width limit requirement	Approved 6/14/16
PCW16-04	John R. & Judy L. Shea, Owner, Summit Point Waiver from Section 20.201(A) 2 requiring lots in the Rural District to access a road right-of way having a width of 50'	Approved 6/14/16
Zoning Map Amendments/Rezoning Requests (PC) 2 Total		Status
Z15-01 (continued from FY15)	Twin Oaks Subdivision, LLC, Peter Corum and J. Edward Slonaker, owners, Morgan Grove Market Change from Rural (R) to Neighborhood Commercial (NC)	PC found ZMA <u>not</u> consistent with Comp Plan 8/11/15; CC approved 9/3/15
Z15-02	Charles M. Carter, owner/Harry Catrow, applicant, Martinsburg Pike (Route 45) Change from Rural (R) to General Commercial (GC)	PC found ZMA consistent with Comp Plan 9/8/15; CC approved 9/17/15

BOARD OF ZONING APPEALS ITEMS		
Board of Zoning Appeals Meetings: 12 Total		
Zoning Variance Requests (BZA)		27 Total
		Status
ZV15-15	Uvilla United Methodist Church Variance from Sec. 4.11A.1 and Appendix B to waive the front, side and rear landscaping/buffer that is required for the addition of a Fellowship Hall.	Approved 7/16/15
ZV15-16	Bryan & Kelli LaBombard Variance from Sec. 5.4B to reduce the side setback from 12' to 3' and the rear setback from 20' to 10' for a 12' x 20' accessory structure.	Approved 7/16/15
ZV15-17	Middleway Conservancy Association, Inc Seasonal Use Permit for The Battle of Smithfield Anniversary Re-enactment from August 28 – 30, 2015. The event is to consist of a re-enactment of civil war camp life, drills and other educational activities.	Approved 7/16/15
ZV15-18	Cross Point Church of God, South Childs Rd Variance from Sec. 4.10A to waive the site plan for a 40' x 35' addition.	Approved 8/27/15
ZV15-19	Karen Valentine, 384 Potomac Ridge Ln, Shepherdstown Variance from Sec. 5.7B & 9.6C to the front setback from 40' to 14' for a 24' x 32' garage.	Approved 8/27/15
ZV15-20	Locust Hill HOA Inc. -- Locust Hill Subdivision Common Area (Parcel A) Variance from Sec. 4.10A to waive the site plan; and, App B to reduce the front parking setback from 15' to 0' for a 25' x 120' parking pad	Approved 8/27/15
ZV15-21	Jeffrey Schneider, 277 Country Rd., Harpers Ferry Variance request from Sec. 9.6C to allow an accessory structure in the required front yard; and, Sec. 9.7 to reduce the front setback from 25' to 10' to construct a 25' x 28' garage.	Approved 9/24/15
ZV15-22	Loretta Holdaway, 294 Red Bird Ln., Harpers Ferry Variance request from Sec. 9.5B to permit a fence taller than 6' to remain 6" from the property line.	Approved with conditions 9/24/15
ZV15-23	Burr Industrial Park, Lot 41, 81 Variance from Sections 4.11.A.2, 4.11E and Appendix B to remove the side and rear landscaping requirements.	Approved 10/22/15
ZV15-24	Adam Sperry, 120 Wind Shear Dr., Charles Town, Variance from Sec. 5B.1 to reduce rear setback from 20' to 15' for a 10' x 18' deck.	Approved 10/22/15

ZV15-25 And SE15-01	Marshall Edwards, Sr./ Middleway Volunteer Fire Company Variance from Sec. 10.4G & App. B to reduce the front setback from 40' to 25' for the sign; and, from Sec. 9.6C to allow the sign in the required front yard; and Special Exception for an outdoor advertising sign per Sec. 10.5.	Approved 10/22/15
ZV15-26	Brett and Anne Basham Variance from Sec. 9.7 & App A to reduce side setback from 15' to 10' for an addition to the existing home.	Approved 11/12/15
ZV15-27	Jefferson Business Park Association, LLC, Chevrolet Drive Variance from App B & Sec. 4.11A, 5.6D.1, and 5.8C.2 to reduce the rear building setback from 50' to 37' for an existing building; and, to eliminate the required internal landscape buffer and the internal building, parking and drive aisle setbacks.	Approved 11/12/15
ZV15-28	United Methodist Church Trustees, Shenandoah Junction Variance from Sec. 10.4C to reduce the setback of 25' to 15' to replace the existing freestanding sign.	Approved 12/10/15
ZV15-29	Elena Mestre and Eric Hyman, 110 Fairmont, Shepherdstown Variance request from Sec. 9.7 and Appendix A to reduce the front setback on Church St. from 20' to 7' for a 12' x 15' breezeway, a 25' x 28' attached garage with a 5' x 25' attached porch	Approved 12/10/15
ZV16-01	Joann Conte/Jessica Howard, 148 David Court, Kearneysville Variance from Sec. 8.2 to reduce the distance requirement for barns from the 75' to 47'.	Approved 1/28/16
ZV16-02	Daniel McGinn, Owner, Burr Business Park, Lot 11 Variance from Sec. 4.11A.2, 4.11E & App B to remove the side and rear landscape/screening buffer for a private commercial warehouse/garage.	Approved 2/25/16
ZV16-03	United Methodist Church Trustees, Shenandoah Junction Variance request from Sections 10.4.C to reduce the setback of 25' to 0' to replace an existing freestanding sign	Approved 3/24/16
ZV16-04	United Methodist Church Trustees, Shenandoah Junction Variance from Sec. 4.10A and Appendix B to waive the requirement of a site plan and to reduce the setback for a gravel parking lot to 0'.	Approved 3/24/16
ZV16-05	CTSS, LLC, Keyes Ferry Road Variance from App B to reduce the rear setback from 50' to 25' for the existing bowling alley to accommodate a proposed lot line adjustment.	Approved 3/24/16
ZV16-06	LSCG Fund 11 Lanes, LLC, Keyes Ferry Road Variance from Sec. 4.11A.1, Sec. 4.11E.1 and App B to reduce the side and rear setback from 50' to 25'; and, to eliminate the required residential landscape buffer.	Approved 3/24/16

ZV16-07	Decker Holding, LLC, Owner/Kubic Enterprises, Applicant Lots 2 and 3, Burr Business Park Variance from Sec. 4.11A.2 and App. B to eliminate the landscaping, parking, drive aisle and building setback requirements for the interior lot line between Lots 2 & 3; and, to reduce the landscape buffer along the side of Lot 3 and the rear of Lots 2 and 3.	Approved 4/28/16
ZV16-08	Christopher & Victoria Dudash, Owner, 444 Cattail Run Rd Variance from Sec. 5.7B to reduce the rear setback from 50' to 35' for the construction of 40' x 60' garage	Approved 4/28/16
ZV16-09	Yin Xu, Owner/Brick Street Construction., Applicant, 33 Lousia Beall Lane, Variance from 5.4B to reduce the rear setback from 20' to 10' to construct a deck	Approved 4/28/16
SU16-01	Middleway Conservancy Association, Inc (multiple property owners) Seasonal Use Permit for The Battle of Smithfield Anniversary Re-enactment from August 12-14, 2016. The event is to consist of a re-enactment of civil war camp life, drills and other educational activities	Approved 5/26/16
ZV16-11	Bret Skirvin, Site Enhancement Services, Inc., Applicant Primax Properties, LLC, Owner, Future Advanced Auto Parts, Corner of Washington and Euclid St. Charles Town Variance from Sec. 10.4B to increase the maximum square footage of two proposed business signs from 144 sq. ft. to 264 sq. ft. (Washington St.) and from 192 sq. ft. to 264 sq. ft. (Euclid Ave.); and, to allow signage to face a residential property	Disapproved increase in size; Approved facing residential property 6/23/16
Conditional Use Permit (CUP) Applications (BZA) 1 Total		Status
CP15-02 (continued from FY15)	David & Laura Humphreys, owners, 290 Falling Springs Rd., Shepherdstown Whistling Wind Farm 3-unit (5 bedrooms) Bed & Breakfast	Approved 7/16/15
Zoning Appeal of Administrative Decision (BZA) 1 Total		Status
AP15-03	Brian Billey – Appeal of an administrative determination to enforce a 2013 memorandum which restricted shipping containers from being used as residential accessory structures.	Zoning Administrator's Determination Upheld

PLANNING & ZONING STAFF ITEMS		
Pre-Proposal Conference (PPC) Meetings: 35 Total (20 Subdivision & 15 Site Plan)		
Information Request Forms (IRFs -- general inquiries from the public; generally provided written responses): 245 Total		
Zoning and Land Development Fees Collected: \$20,298.61		
Zoning Certificates (Staff)		50 Total
		Status
See page 12 for detailed list of Zoning Certificates.		48 Issued; 0 Pending; 1 Withdrawn; 1 Terminated 0 denied
Minor Site Plans (Staff)		12 Total
		Status
S13-07	River Riders, Inc. – Minor Full Site Plan with Concept Plan. 24,800 sq. ft. expansion to existing all-inclusive family adventure resort.	Approved 08/17/15 Appr. Redline 04/11/16
S14-02	St. James Lutheran Church – Limited Site Plan	Pending
S15-01	Trustees of Uvilla United Methodist Church of the Baltimore Annual Conference – Minor Site Plan – 2,860 sq. ft. expansion to include fellowship hall, kitchen, & vestibule.	Approved 03/08/16
S15-02	Kent Cartridge – Minor Site Plan with Concept Plan – 20,000 sq. ft. expansion to include 2 restrooms and a warehouse.	Approved 09/09/15
S15-03	Advanced Auto Store – Minor Site Plan with Concept Plan – 7,000 sq. ft. new structure for retail auto parts store and parking.	Approved 04/21/16
S15-04	Dollar General Store (Middleway) – Minor Site Plan with Concept Plan – 9,100 sq. ft. new structure for retail and parking.	Approved 11/09/15
S15-06	Burr Business Park Lot 41 6,000 sf commercial bldg.	Approved 11/03/15 Appr. Redline 06/08/16
S15-07	Burr Business Park Lot 40 2,400 sf warehouse & office	Approved 10/28/15
S15-08	Burr Business Park Lot 11 10,492 sf private museum	Approved 03/01/16

S16-01	Charles Town Self Storage, Keyes Ferry Rd, Charles Town Minor Site Plan Construction of a new 37,500 square foot self-storage facility to be located to the east of an existing storage facility.	Concept Plan approved 4/12/16; Site Plan pending
S16-02	Burr Business Park, Lots 2 & 3 Apple Valley Waste Construction of 21,200 sf warehouse & office	Approved 05/11/16
Minor Subdivisions (Staff)		21 Total
Status		
15-04 (continued from FY 15)	Estate of Frances L. Lloyd Minor Subdivision -- Lots 1, 2 & 3 (Res)	Approved 07-14-15
15-06 (continued from FY 15)	Robert A. & Esther M. Wolfrey Minor Subdivision -- Lots 1, 2 & 3 (Res)	Approved 07-09-15
15-08 (continued from FY 15)	Bohrer Minor Subdivision -- Lots 1, 2 & 3 (Res)	Approved 08-14-15
15-10 (continued from FY 15)	Edwards Minor Subdivision -- Lots 1 & 2 (Res)	Approved 09-14-15
15-11	Milton Minor Subdivision -- Lots 1-4	Approved 10-19-15
15-12	Isenhardt Minor Subdivision -- Lots 1 & 2	Approved 09-14-15
15-13	Smith Minor Subdivision Family Transfer -- Lots 1 & 2 (Res)	Approved 09-11-15
15-14	Stokes Estate Minor Subdivision -- Lots 1, 2 & 3 (Res)	Approved 09-25-15
15-15	James and Barbara Rowan Minor Subdivision – 1 Lot and a Residue	Approved 12-03-15
15-16	John Hessenauer, Jr. Minor Subdivision – 1 Lot and a Residue	Approved 12-12-15
15-17	Timothy Grim and Brenda Turner-Grim - 2 Lots and a Residue	Approved 12-23-15
15-18	Jefferson Business Park Associates, LLC (Alex Chevrolet Building) – 2 Lots and a Residue	Pending
15-19	James Gibson – 1 Lot and a Residue	Pending
15-20	Lawrence Elmer Vickers, Jr. – 1 Lot and a Residue	Approved 01-14-16
16-01	Daniel's Forest – 1 Lot and a Residue	Approved 02-23-16

16-02	Billie Garde – 1 Lot and a Residue	Approved 06-09-16
16-03	D'Angelo MSD -- Lot 1 & Lot 2 (Res) to be Merged	Approved 07-06-16
Boundary Line Adjustments (Staff) 19 Total		Status
10-02-15	Wilber Alger, Jr. – Middle of the Way Real Estate	Approved
10-16-15	Samuel Donley, Jr – Samuel Donley, III	Approved
10-16-15	Harry and Mary Morgan - George and Mary Harris	Approved
10-29-15	Burr Business Park Lots 11 and 12	Approved
11-17-15	Oak Meadow, LLC – Oak Meadow, LLC	Approved
11-23-15	Sylvia and Brian Stephens – Sylvia and Brian Stephens	Denied; recommended applicant apply before the PC
11-24-15	Keith Janssen – Edward and Helen Moore	Pending (applicant placed on hold)
01-04-16	Richard and Barbara Nickell – Michael and Susan Carroll	Approved
01-19-16	Julia Garvin	Approved
02-14-16	John Hessenauer, Jr. – Jeanne & Donald Norris	Approved
03-03-16	Gregory & Amy Byrne “Trussell’s Addition”	Approved
03-21-16	Jackson Woods Subdivision – Tolling of the Bond	Pending
03-23-16	William Knighten	Approved
03-29-16	Eric and Ana Brown – Leslie Williams	Approved
04-12-16	Harpers Ferry Holdings	Approved
04-29-16	Daniel & Jenny Hunter – Pigs, Inc., A Sanctuary	Approved
05-09-16	David & Darlene Woolwine – James & Susan Donoghue-Rick	Approved
05-11-16	S. Wayne and Vicki D’Angelo	Approved
06-14-16	Aubrey and Debora Henry	Approved

ITEMS REQUIRING COMMISSION ATTENTION		Status
ZTA14-02	Mass Event Regulations (Zoning Ordinance Text Amendment) PC held second Public Hearing on 12-08-15 and forwarded to CC for action	CC postponed future PH until Summer 2016 (2/4/16)
ZTA15-02	New Article 8, Section 8.17 Campgrounds; new Definitions; Amendments to Appendix C, Principal Permitted Uses	CC Public Hearing 1/21/16; Work Session scheduled for August 2016
ZTA16-01	Replace nontraditional zoning ordinance with a traditional zoning ordinance by eliminating the DRS/LESA CUP Process (Articles 6 and 7) and replace it with a traditional Principal Permitted and Conditional Use process; increase the density provisions of the Rural Zoning Cluster Development in Section 5.7; amend various sections related to rural land use throughout the Ordinance	PC Public Hearing 05-17-16; referred to CC at 07-21-16 meeting; Workshop scheduled for 9/1/16
WV DOH US 340 South Improvement Study Workshop/ Public Hearing	Informational Workshop/Public Hearing: Tuesday, August 30, 2016 Council Chambers of Charles Town City Hall 5:00 PM to 8:00 PM Open House Format/Informational (reps from WVDOH and FHWA) 8:00PM to 10:00PM Public Hearing. Focus: Preferred Alternative (4A) and the Supplemental Draft Environmental Impact Statement for proposed 5 mile project, constructing a 4-lane divided highway to complete the 2 lane gap section	Envision Jefferson 2035 recommends a Small Area Plan for this area once the Record of Decision is published by the DOH
PROPOSED PROJECTS/UNDERWAY		Status
ZTA16-___	Planning Commission's #1 priority text amendment: Revise landscape regulations in Zoning Ordinance.	TBD
ZTA16-___	Historic Landmarks' Commission Revise Zoning Ordinance to implement Envision Jefferson 2035 recommendations regarding Historic Resource Demolition and Adaptive Reuse.	TBD

PLANNING COMMISSION MEMBERS – FY 2016

1. Mike Chapman, President (term expires 03/31/17)
2. Wade Louthan, Vice President (term expires 03/31/19)
3. Donnie Fisher, Secretary (term expires 03/31/17)
4. Richard (Dick) Childs (term expires 03/31/17)
5. Clifford (Gene) Taylor (term expires 03/31/18)
6. Steve Stolipher (term expires 03/31/18)
7. Gary Phalen (term expires 03/31/19)
8. J Ware (term expires 03/31/19)
9. Eric Bell, County Commission Liaison

BOARD OF ZONING APPEALS MEMBERS – FY 2016

1. J. Tyler Quynn, Chair (term expires 01/01/17)
2. Jeffrey C. Bannon, Vice Chair (term expires 01/01/19, reappointed)
3. Christy Huddle (term expires 01/01/18)
4. Matt Knott (term expires 01/01/17)
5. Ted Schiltz (term expires 01/01/18)
6. Jeffrey Bresee, Alternate (term expires 01/01/18)
7. Craig Foster, Alternate (term expires 01/01/17)

DEPARTMENTS OF PLANNING AND ZONING STAFF – FY 2016

1. Jennifer M. Brockman, AICP – Director of Planning and Zoning /
Acting Zoning Administrator
2. A. David Simon, County Planner training for Zoning Administrator
(part year)
3. Alexandra Beaulieu, Office/Project Manager
4. Jennilee Hartman, Zoning Clerk
5. Rhonda Greenholtz, Planning Clerk
6. Christine Chalmers, Office Clerk

Zoning Certificates Issued		50 Total	Approval Date
ZC15-07	CHARLES J. BROWN – OWNER; SHERYL GRAY - APPLICANT Change in Tenant to continue business, established in 1988, consisting of general retail sale of clothing, groceries, sporting goods, tobacco/tobacco products, smoking accessories, guns/ammunition and beer. 15949 Charles Town Road; Charles Town, West Virginia 25414 Zone: Rural		7/14/15
ZC15-23	SHENANDOAH PROFESSIONAL CENTER, INC. – OWNER/ WILT'S FRUIT STAND – APPLICANT Outdoor Fruit Stand 36 Bakerton Road; Harpers Ferry, West Virginia 25425 Zone: Residential-Light Industrial-Commercial		7/24/15
ZC15-24	SHENANDOAH PROFESSIONAL CENTER, INC. – OWNER DAND E. NOVELTIES – APPLICANT Ice Cream Sales from truck parked on property. 36 Bakerton Road; Harpers Ferry, West Virginia 25425 Zone: Residential-Light Industrial-Commercial		7/6/15
ZC15-27	WVW GENERAL PARTNERSHIP, MICHAEL R. SKIGEN, CPA - OWNER DAN ALLER & MARK GRUNER / D&M ENTERPRISES – APPLICANT Expand number of outdoor table spaces for existing Halltown Flea Market from currently approved 21 spaces to 70 total spaces. Jefferson Business Center; 197 Halltown Road Zone: Residential-Light Industrial-Commercial		7/29/15
ZC15-29	CSX TRANSPORTATION / OWNER CONTACT: HDR, INC. – CONTACT: AUBYN WILLIAMS, AICP Installation of a 60' Positive Train Control (PTC) tower within CSX right-of-way. Shenandoah Junction - Jefferson County, WV Zone:Rural		7/29/15
ZC15-30	STEVEN H. LASHLEY- OWNER/APPLICANT Accessory Agricultural Dwelling Unit. 273 Job Corps Road; Shenandoah Junction, WV 25442 Zone: Rural		7/6/15
ZC15-36	GILBERT A. MOBLEY, SR. / OWNER CARL C. WEBSTER & CONNIE D. KITTS / APPLICANTS Antiques/Crafts/Collectables Shop with retail sales/indoor storage merchandise and an Open-Air Flea Market with thirty-six (36) rental spaces, and a 2,000 sq. ft. exterior retail space. 6468 Charles Town Road; Kearneysville, West Virginia 25430 Zone: Rural		7/9/15

ZC15-37	AMERICAN TOWERS, LLC, OWNER (EMILY HANNON) ADVANTAGE ENGINEERS, APPL. (ANDREW SWANEKAMP) Property contains existing 360' self-support tower. T-Mobile to install one (1) microwave dish at 275'; one (1) ODU; one (1) LMR-400 cable and one new IDU in an existing cabinet. No height increase or ground disturbance is proposed for this use. 17435 Raven Rock Road; Charles Town, West Virginia 25414 Zone: Rural	7/22/15
ZC15-38	DAVID & LAURA HUMPHREYS – OWNERS/APPLICANTS Bed & Breakfast consisting of three units (5 bedrooms). 290 Falling Springs Road; Shepherdstown, West Virginia 25443 Zone: Residential-Growth	7/24/15
ZC15-39	WVA 340 LLC c/o UNIWEST COMMERCIAL REALTY, OWNER (LINDA L. LYONS) SMI SIGN SYSTEMS, INC, APPL. (DECHIELE HUNTSBERRY) Replace existing channel neon letters mounted with LED channel letters mounted to raceway to read "Great Wall". 176 Flowing Springs Road; Charles Town, West Virginia 25414 Zone: Residential-Light Industrial-Commercial	7/30/15
ZC15-40	WVA 340 LLC c/o UNIWEST COMMERCIAL REALTY, OWNER (LINDA L. LYONS) "SPIRIT OF HALLOWEEN", APPLICANT (TED ROSER) Operation of Seasonal Halloween Retail Shop from August – mid-November 2015 for the sale of Halloween costumes and décor. 186 Flowing Springs Road; Charles Town, West Virginia 25414 Zone: Residential-Light Industrial-Commercial	7/31/15
ZC15-41	JOHN DARNALL ET AL TRUSTEES, OWNER VERIZON WIRELESS, APPLICANT (PHIL STETLER) Verizon Wireless to install 3 remote radio heads; 3 distribution boxes; and 3 new hybriflex cables at 155'. No additional height increase to tower or ground disturbance. 3343 Shepherdstown Pike; Shenandoah Junction, WV 25442 Zone: Rural	8/4/15
ZC15-42	KENNETH L. WILT, OWNER VERIZON WIRELESS, APPLICANT (PHIL STETLER) Verizon Wireless to install 3 remote radio heads; 3 distribution boxes 163.0'; and 3 hybriflex cables. No additional height increase to tower or ground disturbance. 543 Mission Road North; Charles Town, West Virginia 25442 Zone: Rural	8/13/15
ZC15-43	HOT SPOT CT REAL ESTATE, LLC – OWNER; 1012 EAST WASHINGTON STREET, LLC, APPLICANT (MICHAEL SHIELDS) Pawn Shop Services 314 Prospect Avenue; Charles Town, West Virginia 25414 Zone: Residential-Light Industrial-Commercial	9/1/15

ZC15-44	<p>RE-ENACTMENT ACTIVITIES and PUBLIC PARKING (multiple properties)/MIDDLEWAY CONSERVANCY ASSOCIATES, INC – PETER FRICKE, APPLICANT</p> <p>The Battle of Smithfield Anniversary Re-enactment. A three-day (72 hour) re-enactment of civil war camp life, drills and other educational activities in the Rural and Village Zoning Districts. Seasonal Use Permit (#ZV15-17) approved by the BZA on 7/16/15 (with conditions). Certificate valid for this event from August 28 – 30, 2015.</p> <p>Zone: Rural & Village</p>	8/27/15
ZC15-45	<p>PERMELYNN of WESTCHESTER, INC. c/o KIMCO REALTY CORP. – OWNER/TIMOTHY KUCHAR- APPLICANT</p> <p>Temporary sale of rugs and blankets conducted from a 24' long covered trailer with an attached 10' x 20' shade canopy. Dates of operation: September 11th to Oct 12, 2015</p> <p>96 Patrick Henry Way; Charles Town, West Virginia 25402</p> <p>Zone: Residential-Light Industrial-Commercial</p>	9/2/15
ZC15-46	<p>GEORGE W. & MARY L. RUSHIZKY, OWNERS</p> <p>VERIZON WIRELESS, APPLICANT (BEN PELLETIER)</p> <p>Property contains existing 200.1' self-support telecommunications tower. Verizon Wireless to install 6 new antennas at 128.0'; 6 new RRHs; 6 new RET cables; 3 Distribution Boxes; and 1 1-5/8" Hybrid. No height increase or ground disturbance is proposed for this use.</p> <p>8422 Shepherdstown Pike; Shepherdstown, West Virginia 25443</p> <p>Zone: Rural</p>	9/10/15
ZC15-47	<p>DAVID & LAURA HUMPHREYS – OWNERS / APPLICANTS</p> <p>Farm Vacation Enterprise providing lodging and meals in three (3) lodging units consisting of five bedrooms.</p> <p>290 Falling Springs Road; Shepherdstown, West Virginia 25443</p> <p>Zone: Residential-Growth</p>	10/1/15
ZC15-48	<p>MARK ODELL– OWNER; RIVER VIEW DEFENSE, LLC / STEVEN SHEARD, CEO – APPLICANT; 340 DEFENSE GUN SHOP / CONTACT: MARK PANTALONE - APPLICANT</p> <p>Operate a Gun Shop as a Federal Firearm Licensed Dealer at an existing Shooting Range site. No modification to property.</p> <p>459 Berryville Pike; Summit Point, West Virginia 25446</p> <p>Zone: Industrial-Commercial</p>	9/21/15
ZC15-49	<p>ESTATE OF ALICE S. GLENN, OWNER (MARSHALL GLENN II)</p> <p>VERIZON WIRELESS, APPLICANT (BEN PELLETIER)</p> <p>Property contains existing 81'.0" self-support telecommunications silo. Verizon Wireless to install 3 Remote Radio Heads at 73'.0", 3 Distribution Boxes and 3 Hybridflex Cables. No height increase or ground disturbance is proposed for this use.</p> <p>178 Golf Course Drive; Charles Town, West Virginia 25414</p> <p>Zone: Residential-Growth</p>	10/15/15

ZC15-50	BLUE RIDGE COUNTRY CLUB, INC., OWNER; GEORGE R. MOXLEY, APPLICANT Second floor expansion for a meeting room to replace Club House previously destroyed by fire. 935 Persimmon Pear Road; Harpers Ferry, West Virginia 25425 Zone: Rural	10/13/15
ZC15-52	Stephen Smith – Owner/Applicant Temporary use of 2 existing c-containers for storage of materials related to the construction of a home with a valid Building Permit. 198 Kelcar Dr.; Summit Point, WV 25446 Zoned: Rural	10/21/15
ZC15-53	Consolidated Investments (Kevin Hayward), Owner Halltown Mill (Martin Weller), Applicant Replacement of existing baghouse with a new baghouse. Zoned: Industrial-Commercial	10/19/15
ZC15-54	SBABA, LLC – Owner; David Silveous – Applicant Christmas tree sales from Nov. 23 to Dec. 23, 2015. 21 Tusawilla Drive, Charles Town, WV 25414 Zoned: Residential Growth.	11/16/15
ZC15-55	Sunnyside Limited Partnership (Barbara Huyett) – Owner T-Mobile – Applicant Wireless facility co-location; 844 Wheatland Road, Charles Town Zoned: Industrial-Commercial	11/24/15
ZC15-56	James and Gina Helms – Owners/Applicant Home Occupation, Level I. Operation of an internet based business from home that deals in the on-line sale of tactical gear delivered via drop shipment to the customer. Low volume customer visits to residence for short durations. No manufacturing, storage of inventory, or retail sales on premises. 317 Stratus Drive; Kearneysville, West Virginia 25430 Zone: Rural	1/20/16
ZC15-57	Dr. Benjamin and Dr. Michelle Byers, Owner/Applicant State licensed spay/neuter clinic for dogs and cats to be located in existing stone accessory structure. 1517 Billmyer Rd; Shepherdstown, WV 25443 Zoned: Rural	1/4/16
ZC16-01	David Waddell – Owner/Applicant; Champion Auto, Inc. Classic Automobile Storage and Dealership 118 Amanda Court; Harpers Ferry, WV 25425 Zoned: Residential Light Industrial Commercial	2/3/16
ZC16-02	Leslie Cromer, Owner, Majestic Reins Stables, LLC Convert office trailer to farm caretaker residential unit. 4937 Shepherdstown Pike, Shenandoah Junction, WV 25442 Zoned: Rural	2/3/16

ZC16-03	Jefferson Business Park Association, LLC, Owner Wade Johnson – Applicant Collision Repair Facility to include an existing paint booth. 1 Chevrolet Drive, Charles Town, WV 25414 Zoned: Residential-Light Industrial-Commercial.	3/9/16
ZC16-04	WVA340 LP (M. Collier) – Owner; Jefferson Crossing II – Lot 8 Doctor’s Office / Podiatrist. 44 Trifecta Place, Unit 200, Charles Town, WV 25414 Zoned: Residential-Light Industrial-Commercial	3/4/16
ZC16-05	WVA340 LP (M. Collier) – Owner; Jefferson Crossing II – Lot 8 Insurance Agency 44 Trifecta Place, Unit 200, Charles Town, WV 25414 Zoned: Residential-Light Industrial-Commercial	3/4/16
ZC16-06	Rodney Kidwell – Owner Insurance Agency to include two illuminated signs. 35 Halltown Road, Harpers Ferry, WV 25425 Zoned: Residential-Light Industrial-Commercial	3/4/16
ZC16-07	7-Eleven, Inc. Store #20685 – Owner Change in Tenant 7364 Martinsburg Pike, Shepherdstown, WV 25443 Zoned: Residential-Growth	3/8/16
ZC16-08	Amy Secrist – Owner; Morgan Academy Private school catering to up to 60 students. Shepherdstown Pike, Shepherdstown, WV 25443 Zoned: Residential Growth	3/10/16
ZC16-09	Kenneth Wilt – Owner Telecommunications tower improvements. 524 Mission Road, North; Harpers Ferry, WV 25425 Zoned: Rural	3/25/16
ZC16-10	American Towers, LLC Telecommunications tower improvements. 17435 Ravens Rock Road, Charles Town, WV 25414 Zoned: Rural	4/7/16
ZC16-12	GEORGE W. RUSHIZKY, OWNER; US CELLULAR, BRIAN CRAWFORD – APPLICANT Property contains existing 200.0'(±) self-support telecommunications tower. US Cellular to reinforce existing gusset plates and replace diagonal brace bolts at 60'-66.7' elevation 8428 Shepherdstown Pike; Shepherdstown, West Virginia 25443 Zone: Rural	4/13/16
ZC16-13	JEFFERSON UTILITIES, INC. – OWNER/AT&T MOBILITY - JOSE PUGEDA – APPLICANT AT&T Mobility will replace 3 existing antennas with 3 new antennas; & 3 new radio head units on an existing 158.0' water tower antenna. 426 Oak Lee Drive; Ranson, West Virginia 25438 (Water Tower) Rural	5/5/16

ZC16-14	GORDON HOCKMAN – OWNER/APPLICANT Construction of a 20' x 50' wood-frame building and attached deck, on the pad site of a recently demolished structure, for the seasonal sale of farm produce and cold storage of produce. 8033 Charles Town Road; Kearneysville, West Virginia 25430 Zone: Industrial-Commercial	5/5/16
ZC16-15	JOSE F. OSORIO – OWNER/APPLICANT Rodeo/ Calf Roping/ Bull Wrestling/ Horse Racing Event with approved parking for up to 100 spectator vehicles; permitted as "Agricultural Tourism". Bi-Monthly Event to be hosted from May to November (annually). 1196 Van Clevesville Road; Kearneysville, West Virginia 25430 Zone: Rural	5/2/16
ZC16-16	MIDDLEWAY CONSERVANCY ASSOCIATION, INC- PETER FRICKE – APPLICANT (multiple property owners for re-enactment activities and public parking) A three-day re-enactment of civil war camp life, drills and other educational activities in the Rural and Village Zoning Districts. Seasonal Use Permit (#SU16-01) was approved by the BZA on 5/26/16. Certificate is valid for this event from 8/12 – 8/14/16. Zone: Village & Rural	6/6/16
ZC16-17	GEORGE W. RUSHIZKY – OWNER/AT&T MOBILITY -- ADAM KNUBEL – APPLICANT Property contains existing 200.0'(±) self-support telecommunications tower. AT&T to remove/relocate/install wireless communications antennas, RRH's and associated support equipment on existing antenna mount at 146' and install associated support equipment at ground level and on existing LTE cabinet on existing equipment pad. 8428 Shepherdstown Pike; Shepherdstown, West Virginia 25443 Zone: Rural	5/23/16
ZC16-18	RODNEY W. KIDWELL – OWNER/ JASON HAHN - APPLICANT Retail Sales to include Harley Davison apparel, Justice Bros. products and AMS oil products. 35 Halltown Road; Harpers Ferry, West Virginia 25425 Zone: Residential-Light Industrial-Commercial	5/24/16
ZC16-19	DECISIVE COMMUNICATIONS, INC. – OWNER/APPLICANT Office cubicles and a warehouse for Telecommunication Equipment, to include fiber, conduit and cable TV materials. 147 Edmond Road; Charles Town, West Virginia 25414 Zone: Industrial-Commercial	5/24/16
ZC16-20	WVA 340, LLC – OWNER/ ANDREW H. SAIKIN - APPLICANT Temporary sale of legal fireworks from an 8' x 45' sea-container sales stand. June 8, 2016 - July 8, 2016; 9:00 a.m.-10:00 p.m. daily. (Location: Martins Grocery Store Parking Lot) 186 Flowing Springs Road; Charles Town, West Virginia 25414 Zone: Residential- Light Industrial-Commercial	5/24/16

ZC16-21	ROBERT BIGGS, JR. & LISA M. BIGGS – OWNERS/RG BIGGS EXCAVATING - APPLICANT Landscaping Business to include limited excavating work. 7067 Flowing Springs Road; Shenandoah Junction, WV 25442 Zone: Rural	5/24/16
ZC16-22	B. JEANNE KOZAK & L. DANIEL PECK – OWNERS/ WILLIAM MOON - APPLICANT Insurance Agency. Will use existing sign on road. 8354 Martinsburg Pike, Unit 6; Shepherdstown, WV 25442 Zone: Residential-Light Industrial-Commercial	5/24/16
ZC16-23	HOT SPOT CT REAL ESTATE LLC (BRENT JACKSON), OWNER/APPLICANT Pawn Shop 1012 East Washington Street; Charles Town, WV 25442 Zone: Residential-Light Industrial-Commercial	5/24/16
ZC16-24	JEFFERSON UTILITIES, INC., OWNER; SHENANDOAH PERSONAL COMMUNICATIONS, LLC, (SHENTEL), APPLICANT (JUSTIN BLANSET) Property contains existing 125' tall Water Tower antenna site. Shentel to install 6 new 2.5GHz antennas at 118'; 3 microwave dish antennas and equipment inside existing Water Tower compound, per plans and code. Proposed modification requires no ground disturbance or electrical work. 426 Oak Lee Drive; Ranson, West Virginia 25430 Zone: Rural	6/24/16
ZC16-25	GYPSY FLEA MARKET - KEVIN DROST, OWNER; AMERICAN PROMOTIONAL EVENTS dba TNT FIREWORKS (VANESSA HIXON), APPLICANT Temporary sale of legal fireworks in a 20' x 40' tent and storage container. June 18, 2016 –July 6, 2016, from 9:00 a.m. - 9:00 p.m. 154 Wolfcraft Lane; Charles Town, WV 25414 Zone: Residential-Light Industrial-Commercial	6/15/16
ZC16-26	PERMELYNN OF WESTCHESTER, INC., OWNER/ AMERICAN PROMOTIONAL EVENTS dba TNT FIREWORKS - VANESSA HIXON, APPLICANT Temporary sale of legal fireworks in a 20' x 40' tent and storage container. June 27, 2016 –July 06, 2016, 9:00 a.m.-10:00 p.m. Tent removal no later than July 09, 2016. (Walmart Parking Lot) 96 Patrick Henry Way; Charles Town, West Virginia 25414 Zone: Residential-Light Industrial-Commercial	6/29/16
ZC16-27	RAI PROPERTIES, LLC – OWNER /CC'S NAILS – APPLICANT Nail Salon / Personal Services 43 Ruland Road, Suite G; Kearneysville, West Virginia 25430 Zone: Industrial-Commercial	6/22/16

ZC16-28	PERMELYNN OF WESTCHESTER, INC., OWNER; WHOLESALE FIREWORKS ENTERPRISES, LLC (LYNETTE WHITE), APPLICANT Temporary sale of legal fireworks conducted from a 20' x 50' tent. June 27, 2016 –July 04, 2016, 9:00 a.m.-10:00 p.m. Tent removal no later than July 09, 2016. (Walmart Parking Lot) 96 Patrick Henry Way; Charles Town, West Virginia 25414 Zone: Residential-Light Industrial-Commercial	6/24/16
Terminated Zoning Certificate Applications		
ZC15-51	EUGENE AND SARAH ABELOW, OWNERS/APPLICANT Increase number of residential rental units by three – from current 10 units to proposed 13 units. 1585 Gardners Lane; Shepherdstown, West Virginia 25443 Zone: Rural	Terminated due to insufficient information
Withdrawn Zoning Certificate Applications		Date Withdrawn
ZC16-11	CHRISTOPHER DUDASH – OWNER / APPLICANT Cottage Industry. Office area (20' x 30') to be located within a detached 40' x 60' structure. 444 Cattail Run Road; Charles Town, West Virginia 25414 Zone: Rural	Withdrawn by Applicant / April 08, 2016
Denied Zoning Certificates		Denial Date
None		



Jefferson County, West Virginia

Departments of Planning and Zoning

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Planner's Memorandum Planning Commission Meeting September 13, 2016

1) Reminder Letters

Letters were sent to all vested projects that received extensions until July 1, 2017, by action of the County Commission on August 28, 2014, reminding them of their required next steps to keep their projects active.

2) Department Reorganization

Full report was included in September 1, 2016 County Commission packet, presented to the CC by Roger Goodwin. Further discussion of financial implications will occur at the September 15, 2016 CC meeting.

3) Ongoing Zoning Ordinance and Subdivision Regulation Amendments

a) Campgrounds (STA15-04 & ZTA 15-02):

- County Commission follow up to work session continued to 9/15/16

b) LESA/Cluster Amendment (ZTA16-01)

- Amendment to replace the current nontraditional Zoning Ordinance with a traditional Zoning Ordinance Zoning and Land Development Ordinance – tentatively on 9/15/16 CC agenda for discussion

c) Mass Events Ordinance (ZTA 14-02):

- CC Public Hearing postponed until Summer 2016 – no action to date

4) Upcoming Zoning Ordinance and Subdivision Regulation Amendments

a) Historic Resource Demolition and Adaptive Reuse

- JCHLC drafting proposed language

b) Landscape Standards

- PC's top priority – stakeholder meeting set with staff for 9/23/16 3 pm

c) Signage

- US Supreme Court ruling in 2015 may impact changes; focus on animated vs digital signs to be addressed; sign industry may need early input

d) Parking Standards

e) Subdivision Regulations Amendments

- Staff initiating amendments related to sections requiring frequent interpretations and issues, including but not limited to processing mergers/lot line adjustments; contents of minor subdivisions, etc. Stakeholder input may be required early in process

5) Upcoming PC meeting

- a) Next Regular Meeting: October 11, 2016