



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Engineering, Planning and Zoning**  
**Office of Planning and Zoning**  
 116 East Washington Street, 2<sup>nd</sup> Floor  
 P.O. Box 716  
 Charles Town, West Virginia 25414

File #: CUP 17-02  
 Mtg. Date: / /  
 Fee Paid: \$ 300.00  
 Staff Int.: rlg

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

**Application for a Conditional Use Permit**

Conditional Use Permit process is outlined in Article 6 of the Zoning Ordinance

**Project Name**

Middleway Antique Shop and Information Center

**Property Owner Information**

Name: Timothy Johnson  
 Business Name: \_\_\_\_\_  
 Mailing Address: 501 Whispering Echoes Drive, Kearneysville, WV 25430 Mail  Yes  
 Phone Number: 304.725.3072 Email Response: \_\_\_\_\_ Response:  No

**Applicant Information**

Name: Tim Johnson  
 Business Name: \_\_\_\_\_  
 Mailing Address: 7279 Queen Street, Kearneysville, WV 25430 Mail  Yes  
 Phone Number: 304.725.3072 Email Response: \_\_\_\_\_ Response:  No

**Engineer(s), Surveyor(s), or Consultant(s) Information**

Name: Paul J Raco  
 Business Name: P. J. Raco Consulting, LLC  
 Mailing Address: P.O. Box 548, Charles Town, WV 25414 Mail  Yes  
 Phone Number: 304.676.8256 Email Response: pjraco.consulting@gmail.com Response:  No

**Physical Property Details**

Physical Address: 7279 Queen Street (Middleway)  
 Tax District: Middleway Map No: 22A Parcel No. 33  
 Parcel Size: 0.2659 67' x 180' Deed Book: 1118 Page No: 570

**Zoning District (please check one)**

|   |   |   |  |  |  |
|---|---|---|--|--|--|
| Residential Growth (RG)<br><input type="checkbox"/> | Industrial Commercial (I-C)<br><input type="checkbox"/> | Rural* (R)<br><input type="checkbox"/>            | Residential-Light Industrial-Commercial (R-LI-C)<br><input type="checkbox"/> | Village (V)<br><input checked="" type="checkbox"/>                 | Neighborhood Commercial (NC)<br><input type="checkbox"/>     |
| General Commercial (GC)<br><input type="checkbox"/> | Highway Commercial (HC)<br><input type="checkbox"/>     | Light Industrial (LI)<br><input type="checkbox"/> | Major Industrial (MI)<br><input type="checkbox"/>                            | Planned Neighborhood Development (PND)<br><input type="checkbox"/> | Office/Commercial Mixed-Use (OC)<br><input type="checkbox"/> |

\* For properties in the Rural Zoning District:  
 Is property located on a primary or secondary road?  Yes  No

Name of Road and/or Route Number: N/A

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**Sketch Plan (see cover sheet for description)**

Attached

**A list of all adjacent and confronting property owners (see cover sheet for description)**

Attached

**Please provide any information or known history regarding this property.**

Used previously for Antique Sales

**Please respond (in detail) to the following statements located in Section 6.3 of the Zoning Ordinance:**

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan. *Section 6.3A.1*

SEE Attached

2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety, and welfare. *Section 6.3A.2*

See Attached

3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. *Section 6.3A.3*

See Attached

4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. *Section 6.3A.4*

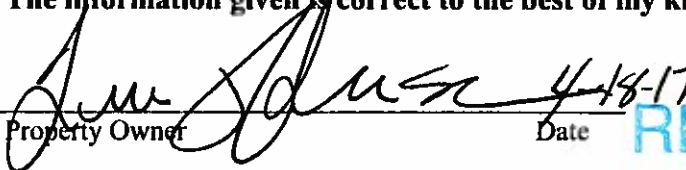
- I am aware of the landscaping buffer requirements and will adhere to them. N/A per ZA
- I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

5. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the Board of Zoning Appeals to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use. *Section 6.3A.6*

Applicable (Trip Generation Data attached)

Not Applicable

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

X  4/18-17

Property Owner

Date

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Property Owner

Date

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## Conditional Use Permit Application

The requirements for a Conditional Use Permit are outlined in Article 6, Section 6.3 of the Jefferson County Zoning and Land Development Ordinance.

Noticing requirements shall comply with Section 6.3C.

- Staff will notify the adjacent and confronting property owners of the date, time, and location of the Public Hearing by registered mail.
- Staff will publish notice of a public hearing in the Spirit of Jefferson at least 15 days prior to the public hearing.
- The subject property shall be posted with a zoning notice at least 15 days prior to the public hearing. The sign will be prepared by Staff but posting the sign is the responsibility of the applicant.

Commercial and Industrial Uses shall be in conformance with Section 8.9 of the Zoning Ordinance.

While not required, all applicants are encouraged to schedule a Pre-Proposal Conference with the Office prior to the submission of a Conditional Use Permit application.

A Conditional Use Permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. (Section 3.2G)

In addition to the Conditional Use Permit application form, please submit the following support documentation:

- ✓  Sketch
- ✓  Narrative (optional)
- ✓  List of adjoining property owners

1. Sketch:

- ✓ a. Show in simple form the proposed layout of lots, parking areas, recreational areas, streets, building areas (existing and proposed), lighting, signage, and other features in relation to each other and to the tract boundaries.
- ✓ *serial* b. Delineate natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries.
- ✓ c. Show adjoining and confronting properties and associated land use (Residential or Non-Residential/Commercial).
- ✓ d. General location and description of existing easements or rights-of-way.

2. Narrative (optional). the BZA may inquire on topics related but not limited to the following items:

- a. Type of development proposed at full build-out (provide as much detail as possible).
- b. Covenants and Restrictions and/or Plat Restrictions. It is the responsibility of the applicant to research any private agreements relating to the subject property, contact the Homeowners' Association, or seek the advice of a surveyor, engineer, or attorney.

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- c. The business owner is responsible for ensuring compliance with all local, state, and federal taxing requirements.
  - d. Intended improvements and proposed building locations (including locations and size of sign). This should also be depicted on the sketch.
  - e. Proximity and relationship to historic structures or properties within two hundred feet.
  - f. Traffic characteristics – type and frequency of traffic (i.e. both existing traffic and level of traffic that would be generated by the proposed land use); adequacy of existing transportation routes.
  - g. Any other relevant information that would aid the Board of Zoning Appeals in reviewing the request (i.e. hours of operation, number of employees, etc.).
3. List of all adjacent and confronting property owners. This includes the properties located across any road, right-of-way, or easement. The Jefferson County Court House is the source for property owner information.
    - a. Include map and parcel numbers, as well as mailing addresses.

Note: Approval of a Conditional Use Permit, with or without conditions, allows the proposed land use only. Further processing may be required (i.e. site plan). All approved land uses must receive an approved Zoning Certificate from the office prior to the commencement of the approved land use.

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**Middleway Conservancy Association, Inc.**

175 East Street  
Middleway, WV 25430

13 January 2017

To whom it may concern:

The Middleway Conservancy Association has no objection to the proposal of Tim Johnson in establishing an antique shop on his property at 7279 Queen Street, Kearneysville (Middleway), WV 25430. Mr. Johnson has agreed that the store will include sufficient space to display pictures, maps, brochures, publications, artifacts and other such information regarding Middleway history and architecture.

We believe this use of the building is an appropriate use of the property and will enhance the attractiveness of the village.

Sincerely,



William D. Chappell  
Vice-Chairman  
Middleway Conservancy Association  
304-724-2242

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JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

Conditional Use Permit Application  
Middleway Antique Shop and Information Center  
7279 Queen Street (Middleway)  
Kearneysville, WV 25430  
April 17, 2017

**Brief Narrative on Proposed Project:**

The Applicant purchased the John Smith House in the Historic District of Middleway. This structure is one of the oldest structures in West Virginia. The house was purchased from the Middleway Conservancy Association, Inc. with the understanding that it would be used as an Antique Shop and Visitor's and Information Center. A letter from the Conservancy Association is attached. The Historic Landmarks Commission was also consulted and were in attendance at the Pre-Proposal Conference held by the Planning, Zoning and Engineering Staff on January 25, 2017. All of those in attendance agreed that this was an appropriate use that would allow the Owner to restore the house.

When the Village Districts were created in Jefferson County as a part of the Zoning Ordinance, the intent was to allow the adaptive reuse of structures without the need for a site plan since the structures already were existing. The Conditional Use process was established to address the use to make sure that the use was compatible in the Village and would serve the Village.

In this case, the Middleway Village is also a Historic District, so the proposal also needs to seek comments from the appropriate Historic Groups associated with the District. The Middleway Conservancy has deemed the proposed use as an Antique Shop and Information Center to be compatible within the Middleway Village.

Conversion of existing structures in Villages do not need to conform to any buffering or landscaping requirements and most setbacks. The John Smith House meets those setback requirements as determined by the Zoning Administrator.

The proposed plan includes the renovation and restoration of the historic structure that would allow both antique sales and visitor information to be displayed. The total square footage involved will be determined by plans prepared by an Architect and by what will be permitted from Building Code Compliance. However, the total square footage will be contained within the structure. The house is served by an existing driveway and will utilize an existing off-street area for parking in the rear that has enough spaces per the requirements of the zoning ordinance.

The proposal will include a sign with the name of the shop and possibly other descriptive information. The sign will not be bright colors and will not exceed 18 sq. ft.

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ZONING & ENGINEERING

Conditional Use Permit Application  
Middleway Antique and Visitor's Center  
7279 Queen Street (Middleway)  
Kearneysville, WV 25430  
April 17, 2017

**Conditional Use Criteria:**

1. *The proposed use is compatible with the goals of the adopted Comprehensive Plan:*

A proposed Antique Shop in an existing historic house and historic district is compatible with the Comprehensive Plan. Throughout the plan, it endorses the adaptive reuse and renovation/restoration of historic structures. In this case, the Middleway Conservancy has approved the plan to move forward with the restoration and use of the property for both the Information Center and the Antique Shop.

Page 28 of the Comprehensive Plan states:

"In many cases, the repurposing of a building not only benefits the community by redefining the fabric of a neighborhood, but tends to be less costly than new construction once financial incentives are factored into the total cost. The reuse of older buildings also benefits the environment by retaining a building that might otherwise end in a landfill, saving the use of new building materials, and not developing on existing farmland or open space. With abandoned or underutilized structures, the concept of reutilization and revitalization is something that should be explored; however, at times the State Building Code makes rehabilitation of existing structures difficult."

However, the narrative on Page 4 is the statement that most reflects the proposal's conformance and compatibility with the Envision Jefferson 2035 Comprehensive Plan:

**"Rehabilitation of Historic Structures**

Rehabilitation and re-purposing buildings in historic districts is key to maintaining community identity and an economically sound investment in the community. Many of the village areas in Jefferson County were established around a small center with at least one and traditionally several mixed-use structures. These structures tended to be of a live-work form, with a shopkeeper having their business on the ground floor and living quarters either at the rear of the store or on an upper floor. Other types of uses typically include one or more civic buildings such as a church, post office, or small school.

Over time, maintenance on structures was deferred, and a number of the buildings became underutilized as the population aged, schools were consolidated, and businesses closed. With the focus on increasing the viability of the villages, including the revitalization of the historic downtowns it is important to make it possible for businesses to relocate into these centers and be successful. By working to ensure that funding and other resources are available to assist in the rehabilitation of these

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structures, it is hoped that the viability of businesses in the village will be heightened and retention of key structures that enhance the village atmosphere will take place.”

These statements in the Plan recognize that the allowance for adaptive reuse and re-purposing buildings is an incentive for individuals to restore and renovate existing historic structures. Renovation and restoration is a costly process and these costs need to be offset by allowing appropriate uses within the rehabilitated structures. The proposed use as an Antique Shop and Information Center is very compatible with the Comprehensive Plan.

Finally, the very first recommendation under the Village section of the Comprehensive Plan (Page 45) makes it clear that the proposal is consistent with the Plan:

**“Village Recommendations (Goal 3)**

1. Create village plans for the redevelopment and expansion of the County’s villages through collaboration with key stakeholders.
  - a. Identify opportunities for restoration, rehabilitation and adaptive reuse of structures within village areas.”

This proposed Antique Shop conforms totally to this recommendation in the Comprehensive Plan.

2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety, and welfare:

The property is located on the main street of Middleway. The structure is located just off the road as was typical for small villages and towns. It is typical of a main street central business district. The structure is like many of the existing structures in the historic district. At one point, this structure was used for Antique sales, so this use was conforming in the past. The renovation and restoration of this structure for the requested use may stimulate others along Queen Street to do the same. As illustrated in the Plan, the intent of Village Districts is to allow the utilization of existing structures for small scale commercial uses to revitalize and serve the community. This proposal has the approval of the Conservancy and should be a good start to revitalize Middleway.

Since the structure exists and already has off-street parking, it should not impact the neighboring structures. One side is adjacent to a platted Right of Way. The Applicant will utilize the existing entrance, parking and septic system, so there will be no impact on the health, safety and welfare of the community. As stated earlier, the structure was previously used for Antique sales. The Applicant is also proposing a waiver from any site plan requirement to minimize any construction efforts on the property not associated with the actual renovation of the building.

Furthermore, this proposal will not impact the intensity of any potential land uses on the neighboring property in any way. As a matter of fact, it will positively impact the neighborhood and hopefully spur other restoration efforts in Middleway.

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3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings:

As stated earlier, the Applicant strongly believes the contrary. This proposal will have a positive impact on the adjacent land and buildings. In fact, the Applicant believes that this proposal may actually encourage appropriate development on the adjacent properties. There will be no construction on the property since the parking area and driveway already exists.

Also, the restoration of the building should enhance the property values in the area. The renovated structure will be much more aesthetically pleasing. This adaptive reuse will allow the rehabilitation of a very historic structure.

4. Landscaping Buffer:

This is not applicable in an existing structure that is located in the Village District.

5. Rural District Roadway Adequacy:

This is not applicable since this property is not in the Rural District.

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Conditional Use Permit Application  
Middleway Antique Shop and Information Center  
7279 Queen Street (Middleway)  
Kearneysville, WV 25430  
April 17, 2017

Adjoining Property Information:

**Tax Year: 2017**

**Parcel: 07 22A003400000000**

**Deeded Owner: RING LAWRENCE W JR**

Parcel ID: 07 22A003400000000

Tax Year: 2017

Deeded Owner: RING LAWRENCE W JR

C/O:

Owner Address: 7313 QUEEN ST

City: KEARNEYSVILLE

State: WV

Zip: 25430

**Tax Year: 2017**

**Parcel: 07 22A002600000000**

**Deeded Owner: BERRY LLOYD A III**

Parcel ID: 07 22A002600000000

Tax Year: 2017

Deeded Owner: BERRY LLOYD A III

C/O:

Owner Address: HC 65 BOX 280

City: HARMAN

State: WV

Zip: 26270

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**Tax Year: 2017**

**Parcel: 07 22A002700000000**

**Deeded Owner: BARROW MARION L**

Parcel ID: 07 22A002700000000

Tax Year: 2017

Deeded Owner: BARROW MARION L

C/O:

Owner Address: 1223 DOUBLE CHURCH RD

City: STEPHENS CITY

State: VA

Zip: 22655

**Tax Year: 2017**

**Parcel: 07 22A003200000000**

**Deeded Owner: GUPTA SABHASH C**

Parcel ID: 07 22A003200000000

Tax Year: 2017

Deeded Owner: GUPTA SABHASH C

C/O:

Owner Address: PO BOX 352

City: GAMBRILLS

State: MD

Zip: 21054

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**Tax Year: 2017**

**Parcel: 07 22A006200000000**

**Deeded Owner: TOBORG MARY A-TR**

Parcel ID: 07 22A006200000000

Tax Year: 2017

Deeded Owner: TOBORG MARY A-TR

C/O:

Owner Address: 3201 CREST AVE

City: CHEVERLY

State: MD

Zip: 20785

**Tax Year: 2017**

**Parcel: 07 22A006400000000**

**Deeded Owner: SMITH TIMOTHY D ET AL**

Parcel ID: 07 22A006400000000

Tax Year: 2017

Deeded Owner: SMITH TIMOTHY D ET AL

C/O:

Owner Address: 132 NO NAME LN

City: KEARNEYSVILLE

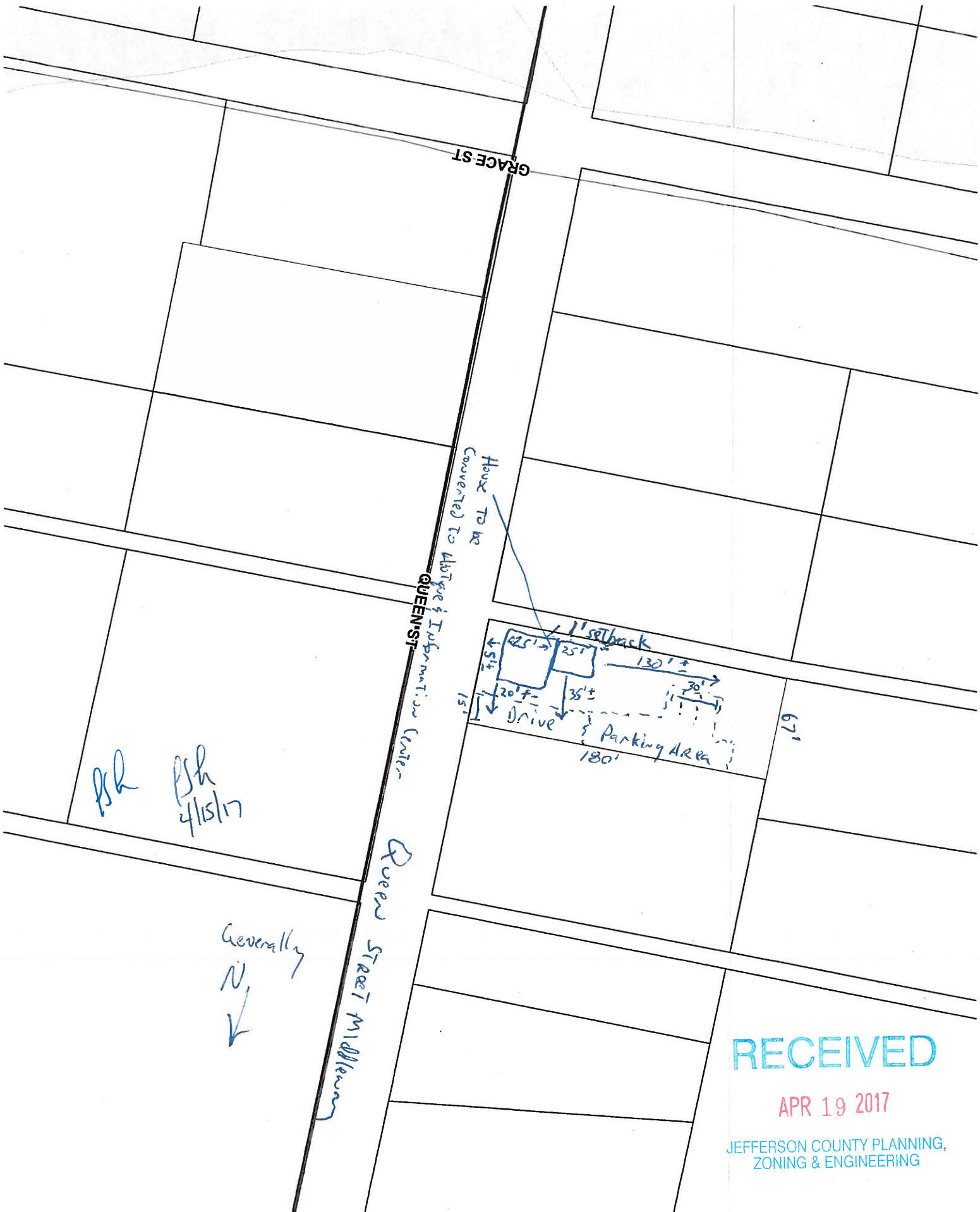
State: WV

Zip: 25430

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PR  
4/15/17

GRACE ST

QUEEN ST

EXISTING  
PARKING  
EX DRIVE

KING ST

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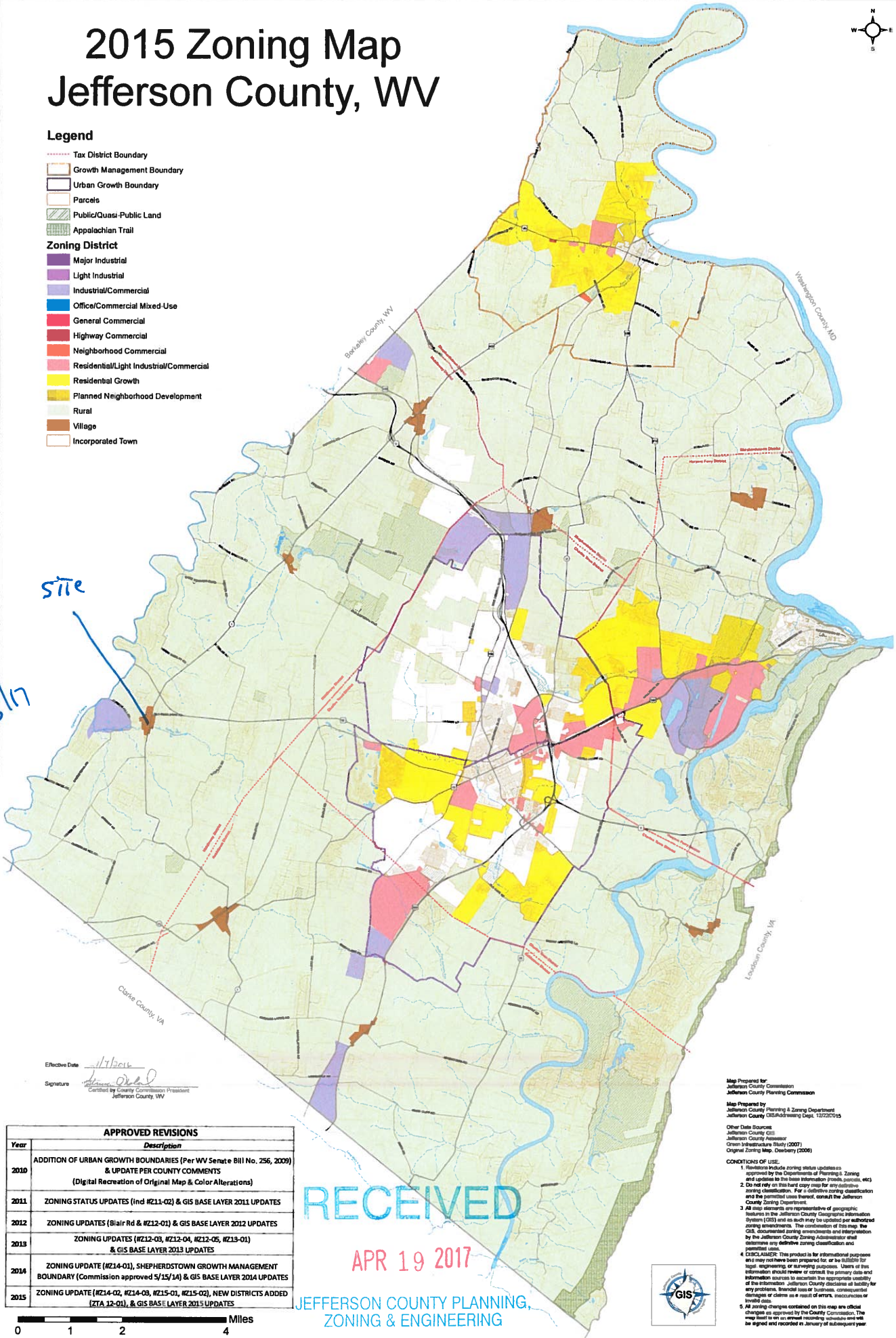
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# 2015 Zoning Map Jefferson County, WV



## Legend

- Tax District Boundary
- Growth Management Boundary
- Urban Growth Boundary
- Parcels
- Public/Quasi-Public Land
- Appalachian Trail
- Zoning District**
- Major Industrial
- Light Industrial
- Industrial/Commercial
- Office/Commercial Mixed-Use
- General Commercial
- Highway Commercial
- Neighborhood Commercial
- Residential/Light Industrial/Commercial
- Residential Growth
- Planned Neighborhood Development
- Rural
- Village
- Incorporated Town



Effective Date: 1/1/2015  
 Signature: [Signature]  
 Certified by County Commission President  
 Jefferson County, WV

Map Prepared for:  
 Jefferson County Commission  
 Jefferson County Planning Commission

Map Prepared by:  
 Jefferson County Planning & Zoning Department  
 Jefferson County GIS/Planning Dept. 12/22/2015

Other Data Sources:  
 Jefferson County GIS  
 Jefferson County Assessor  
 Green Infrastructure Plan (2007)  
 Original Zoning Map, Dec 2009 (2008)

**CONDITIONS OF USE:**

1. Jefferson County zoning status updates are approved by the Departments of Planning & Zoning and update to the base information (roads, parcels, etc) and update to the base information (roads, parcels, etc) zoning classification. For a definitive zoning classification and the permitted uses thereof, consult the Jefferson County Zoning Department.
2. All map elements are representative of geographic features in the Jefferson County Geographic Information System (GIS) and as such may be updated per authorized zoning amendments. The construction of this map, the GIS, documented zoning amendments and interpretation by the Jefferson County Zoning Administration shall determine any definitive zoning classification and permitted uses.
3. **DISCLAIMER:** This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or planning purposes. Users of this information should review or consult the primary data and information sources to ascertain the appropriate usability of the information. Jefferson County disclaims all liability for any problems, financial losses or business consequential damages or claims as a result of errors, inaccuracies or invalid data.
4. All zoning changes contained on this map are official changes as approved by the County Commission. The map must be on an annual recording schedule and will be signed and recorded in January of subsequent year.

| Year | DESCRIPTION  |
|------|--|
| 2010 | ADDITION OF URBAN GROWTH BOUNDARIES (Per WV Senate Bill No. 256, 2009) & UPDATE PER COUNTY COMMENTS (Digital Recreation of Original Map & Color Alterations) |
| 2011 | ZONING STATUS UPDATES (Ind #211-02) & GIS BASE LAYER 2011 UPDATES  |
| 2012 | ZONING UPDATES (Blair Rd & #212-01) & GIS BASE LAYER 2012 UPDATES  |
| 2013 | ZONING UPDATES (#212-03, #212-04, #212-05, #213-01) & GIS BASE LAYER 2013 UPDATES  |
| 2014 | ZONING UPDATE (#214-01), SHEPHERDSTOWN GROWTH MANAGEMENT BOUNDARY (Commission approved 5/15/14) & GIS BASE LAYER 2014 UPDATES                                |
| 2015 | ZONING UPDATE (#214-02, #214-03, #215-01, #215-02), NEW DISTRICTS ADDED (ZTA 12-01), & GIS BASE LAYER 2015 UPDATES   |

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