



AGENDA

Jefferson County Planning Commission

Tuesday, April 14, 2020, 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.

***This meeting will NOT be a LIVE broadcast on our website. Instead, it will be accessible live through ZOOM Meeting. If you wish to participate in public comment for one of the agenda items, please type your name, address and item # in the chat function at the start of the meeting. Please use the following information:**

Time: Apr 14, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting: <https://zoom.us/j/174643639>

Meeting ID: 174 643 639

One tap mobile

+1 929 205 6099, 174643639# US (New York)

+1 312 626 6799, 174643639# US (Chicago)

Dial by your location: +1 301 715 8592 US

Meeting ID: 174 643 639

1. Approval of Meeting Minutes: March 10, 2020.
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:** Request by Roger and Sherley Channing for a Final Plat Amendment to lift the Single Family restriction from Lot 20 of the Mission Ridge Subdivision (PC File #03-03) for the purpose of building an in-law suite above a detached garage. The property is designated as Tax District: Charles Town (02); Tax Map: 21F, Parcel: 20; Zoned: Rural; Size: 5.18 acres.
5. **Public Hearing:** Request by Joshua and Andrea Baddorf (File #06-34) for a Final Plat Amendment to lift the single family restriction for Lot C of the Herpst-Gregory Land Minor Subdivision, recorded 01/03/07 (PB23/PG87). The single family restriction is found in Note 312 on this subdivision plat. The property is designated as Tax District: Harpers Ferry (04); Tax Map: 11, Parcel: 12.2; Zoned: Rural; Size: 5.1 acres.
6. **Public Hearing:** Request by Rodney & Stacy Smith (File #80-04) for a Final Plat Amendment to vacate the storm drainage easement located on Lot 1C of the Grainlands Subdivision, approved June 10, 1980. The property is designated as Tax District: Kabeltown (06); Tax Map: 2; Parcel: 2.2; Zoned: Rural; Size: 5.1 acres.

7. **Public Hearing:** Request by Diana Townsend (File #90-46) for a Final Plat Amendment to change the platted setbacks of 30' front, 15' side and 40' rear to the setbacks required in the Zoning Ordinance in effect at the time the subdivision processed of 25' front, 12' side and 12' rear. This request is related to Duplex Lot 4 found on "Final Plat showing Locust Hill DP1-DP8 & Lots 48-64 and Residue B," (PB12/PG8-8D) and the note on PB12/PG8D., The property is designated as Tax District: Charles Town (02); Tax Map: 13A; Parcel: 70; Zoned: Rural; Size: 0.1947 acres.
8. **Variance 1979 Subdivision Ordinance:** Subdivision Variance request by Roderick Planes, LLC., for Aspen Greens Phase IIB (File#20-1-PCV) for a variance from Article 6; Section 6.3 of the 1979 Subdivision Ordinance to extend, for an additional two years, the required Final Plat Public Hearing for Phase IIB, previously granted a three-year variance extension, which extended it to 6/10/20. The property is designated as Tax District: Charles Town (02); Tax Map: 4; Parcel: 19. Zoned: Rural; Size: 110 acres.

There is no public comment for the following items.

9. **Discussion and Possible Action:** 3rd Quarter Report for review and approval to go to County Commission
10. Reports from Legal Counsel
11. Planner's Memo
12. President's Report
13. Actionable Correspondence
14. Non-Actionable Correspondence

Meeting Minutes
Jefferson County Planning Commission
March 10, 2020

The Jefferson County Planning Commission met on March 10, 2020 with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; J Ware, Jack Hefestay and Ray Brunning. Staff members present included: Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; Rachael Burke, Planning Clerk.

Mr. Donnie Fisher and Ron Thomas were absent with prior notification.

Mr. Mike Shepp called the meeting to order at 7:00 pm.

1. Approval of the February 11, 2020 meeting minutes, approved as submitted.
2. Citizen Communications. None.
3. Request for postponement. None.
4. **Public Hearing:** Major Site Plan for the Martinsburg Pike ROCS Site Plan Application (#18-06-S), consisting of a 6,000 sq. ft. gas station with convenience store, including 5 fuel islands and 10 gas pumps. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8A; Parcels: 19, 21 and 23; Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 3.56 acres combined (total of 3 lots).

Mr. Ralph Lorenzetti disclosed that his wife is associated with the adjoining property, WVU Medical Center. He does not believe there is a conflict.

Ms. Jennifer Brockman provided an overview of the Major Site Plan. She explained all comments have been addressed by the applicant at this time. The BZA approved the required variances related to setbacks for each of the lots and therefore, the applicant is able to keep them as separate lots, instead of processing a merger. There is a 60' access easement to the property in the rear of this property to meet their future needs. This Public Hearing is required for Major Site Plans in the Subdivision Regulations.

Mr. Jason Gerhart introduced himself as a representative of the applicant and did not have anything further to add to the presentation.

Mr. Mike Shepp opened the floor to public comment. There was no one signed up to speak. Therefore, he then closed the floor for public comment.

Mr. Steve Stolipher made a motion to approve the Martinsburg Pike ROCS Major Site Plan. Mr. Jack Hefestay seconded the motion, which carried unanimously.

5. **Discussion and Action:** Request by Michael C. Wilson (File #20-1-PCW). Applicant is requesting a waiver from Section 20.201A(2) of the 2008 Subdivision Regulations, as amended, which requires all lots in minor residential subdivisions to have motor vehicle access via 50' access easement, provided that the access easement serves no more than 5 lots. Applicant is requesting to utilize an existing 30' easement (Amnesty Way) to access a proposed two additional lots for a total of 6 lots. The property is designated as Tax District: Shepherdstown (09); Tax Map: 4; Parcel: 5; Zoned: Rural; Size: 22.276 acres.

Mr. Mike Shepp recused himself, as he created the 2007 Wilson Minor Subdivision Plat, when he was working as a surveyor.

Mr. Ralph Lorenzetti also recused himself due to a personal conflict with purchase of a property that would possibly need a similar waiver. Secretary Wade Louthan asked Steve

Stolipher to act as the President for this agenda item in the absence of Mike Shepp and Donnie Fisher.

Ms. Jennifer Brockman provided an overview of the location and explained that in 2007 a Minor Subdivision was approved to create 2 lots and a Residue; which results in a total of 4 lots accessing Amnesty Way currently. Mr. Wilson is requesting a two-part waiver: First, he is proposing 6 lots total and 5 lots are the maximum allowed to process as a Minor Subdivision on a 50' access easement. Second, the Minor process requires a 50' access and Amnesty Way is only a 30' platted easement. Staff recommends that it may be logical for the Planning Commission to approve the waiver to allow one additional lot and a Residue on the 30' access easement, but not to permit the waiver to allow two additional lots and a residue. She also noted that the 30' access cannot be changed due to having to acquire land from other property owners.

Mr. Michael Wilson provided detail about where the old farmhouse is located and explained it could still be used but that it is not being rented out currently. None of the other lots have sold at this time.

Mr. Steve Stolipher opened the floor to public comment.

The following people spoke in opposition to the waiver request, siting concerns with the road width, unique problems with possible expansion of the road, and access for emergency and utility vehicles. A petition with 22 signatures of surrounding property owners and picture exhibits reflecting the road width was also provided:

- James (Jim) Surkamp, 64 Larkspur Lane
- David Michael Glenn, 406 Glen Road
- Suzanne Offutt, 155 Glenn Road
- Jen Pirrone, 291 Steamboat Run
- Sarah Cooper, 358 Glen Road
- Jason Dom, 197 Glen Road
- Casey Reese, 122 Larkspur Lane
- Peggy Gordon, 184 Amnesty Way

Mr. Stolipher closed public comment.

Mr. Michael Wilson spoke in rebuttal with concerns about statements made and assured that there would not be an access concern after design by an engineer.

Ms. Jennifer Brockman clarified, in response to public comments, that there have not been any changes in these provisions of the Zoning Ordinance since 1988, and that property owners in the Rural District have always been able to do two lots and a residue every 5 years, with the appropriate access. She explained there are no county road standards for Minor Subdivisions, just a minimum access easement width. She also noted that only when a subdivision is over 30 lots, does the Subdivision Regulations require two entrances. By right, the applicant is allowed the 5th lot, on a 50' easement, but not the 6th lot that he is asking for as part of this waiver request.

The Planning Commission asked the applicant questions about a pull off lane. They also discussed what is he allowed to do within our ordinance currently, with staff.

Ms. Jennifer Brockman explained that the access is required to become a Right-of Way during the Major Subdivision process and further clarified he was granted a variance to do the 2007 Minor Subdivision (2 lots and a residue). At that time a 40' access easement was required for Minor Subdivisions and Amnesty Way is within a 30' easement.

Mr. Wade Louthan made a motion to deny the waiver request. Mr. Jack Hefestay seconded the motion. The vote was 3 for and 2 against the denial of the waiver. Mr. Ray Brunning and Mr. Steve Stolipher were opposed to denying the waiver request.

6. **Reports from Legal Counsel.** None.

7. **Planners Memo:**

- Ms. Jennifer Brockman reviewed the status of the Greenway Subdivision and Zoning Ordinance Amendments.

8. **President's Report:**

Mr. Mike Shepp explained that the Solar Farms committee met and there is another meeting scheduled to continue the discussion.

9. **Actionable Correspondence:** None.

10. **Non-Actionable Correspondence:**

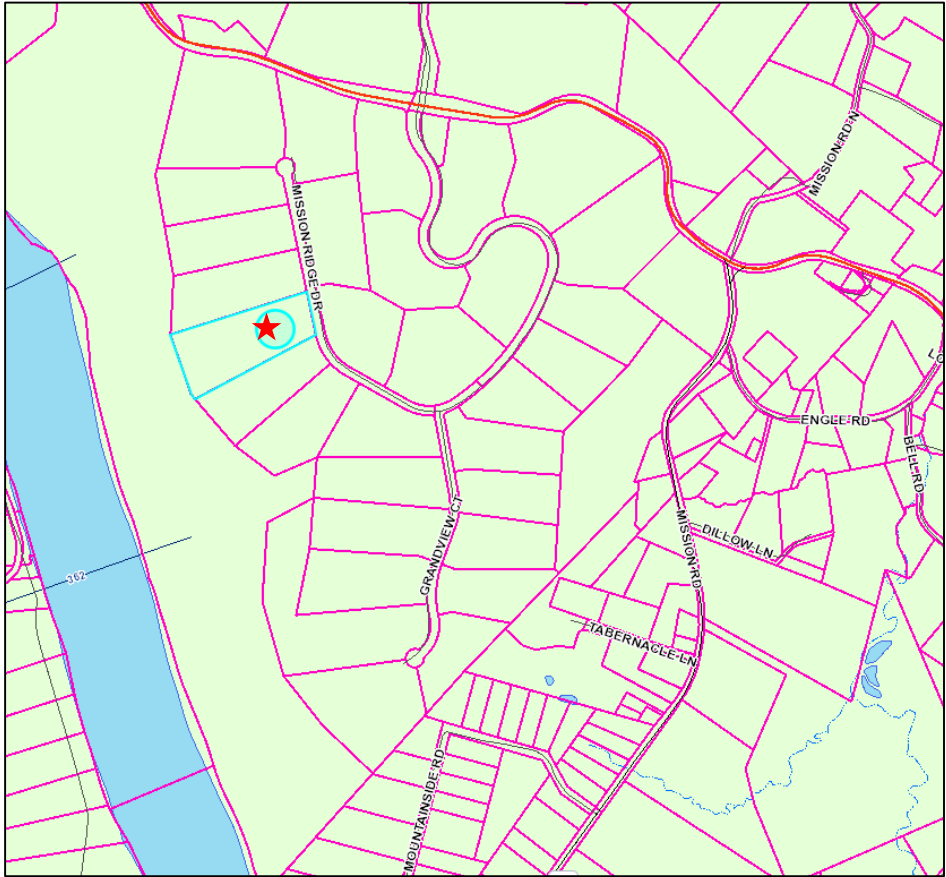
- Letter from Carmen Creamer discussed between the Planning Commission and Staff.

Mr. Shepp closed the meeting at 7:55pm.

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2020

Channing – Lot 20 Mission Ridge (PC File #03-03)

Public Hearing: Request by property owners Roger and Sherley Channing for a Final Plat Amendment to lift the Single Family restriction from Lot 20 of the Mission Ridge Subdivision (PC File #03-03) for the purpose of building an in-law suite above a detached garage.

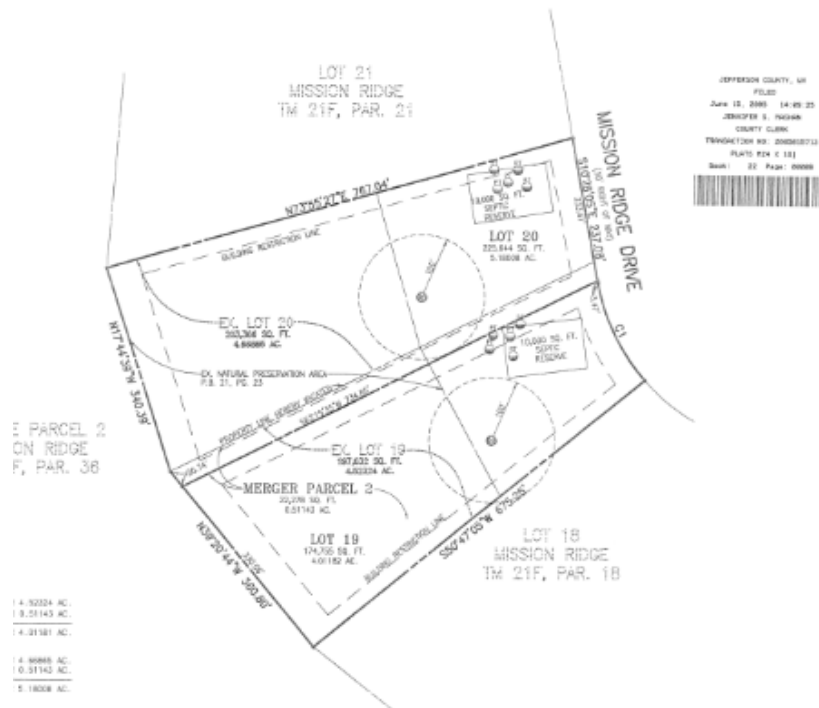
APPLICANT:	Roger and Sherley Channing	
OWNER:	Same as above	
DEVELOPER:	Same as above	
SURVEYOR/ENGINEER:	N/A	
PROPERTY LOCATION:	691 Mission Ridge Drive, Harpers Ferry, WV 25425	
LEGAL DESCRIPTION & ZONING MAP DESIGNATION:	Tax District: Charles Town (02); Tax Map: 21F; Parcel: 20; Size: 5.18 ac; Zone: Rural	
		
SURROUNDING PROPERTIES:	North: Rural South: Rural	East: Rural West: Rural
APPROVED ACTIVITY:	Single Family Residence	
APPROVALS:	Mission Ridge Major Subdivision Final Plat, Recorded 8/17/04 (PB21/PG23); Merger Plat Lots 19 and 20 Mission Ridge, Recorded 6/15/05 (PB22/PG9)	

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2020

Background

On August 17, 2004, a Major Subdivision Plat known as Mission Ridge was recorded that created 32 lots on 151 acres, plus 93.7 acres of open space, and 7.7 acres of required right-of-way on the “South Tract” and an 81 acre “North Tract”, which was subsequently developed as Waterside Reserve Subdivision. Both of these subdivisions are subject to the Hillside Protection provisions of the Subdivision Regulations and require substantial areas of “Natural Area Preservation” on each lot and in the common open space. The property is zoned Rural.

Lot 20 is a part of the Final Plat recorded at PB21/PG23 which included a Note#11 that states “The Proposed Use for this site is Single-Family detached residential, therefore each lot is restricted to one single family dwelling unit.” Lot 20 was further enlarged slightly to its current size of 5.18 acres via a merger that occurred in 2005. This merger did not change any of the previous Major Subdivision notes. Note #11 is the subject of this plat amendment request. It should be noted that there may also be covenants to this effect; however, covenants are not enforced by the County so this request may also require approval of the appropriate HOA.



The applicants live on the referenced 5.18 acre property. The applicants would like to build an “in-law suite” accessory dwelling unit above a detached garage for their son to live in so that he can act as a caretaker for the applicants who are experiencing medical issues. Detached in-law suites are permitted in the Rural Zoning District in accordance with Section 8.15A of the current Zoning Ordinance on properties of at least 2 acres in size.

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2020

Zoning Ordinance Requirements

If the Planning Commission approves this Final Plat Amendment lifting the single family restriction for Lot 20 of the Mission Ridge Subdivision, the applicant can process under the zoning requirements for In-Law Suites/Accessory Dwelling Units in the Rural Zoning District. Section 8.15A of the Zoning Ordinance has various provisions that must be complied with, including, but not limited to, the requirement that the accessory unit must be secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area.

Plat Amendment Requirements

Section 24.202A of the Jefferson County Subdivision and Land Development Regulations, “Amendment, Modification, and the Vacating of Subdivision Plats”, states that the Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

1. All of the property that is affected by the amendment is under the ownership of the applicant;
2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment is required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the Spirit of Jefferson newspaper.

Recommendation

Staff recommends approving the requested Final Plat Amendment to delete Note #11 as it relates to Lot 20 of Mission Ridge Major Subdivision found on PB21/PG 23, as modified on PB22/PG9, as specified in the request. If approved, the applicant will need to apply for a Zoning Certificate for the Accessory Dwelling Unit prior to applying for a Building Permit.

2/3/2020

Roger and Sherley Channing

691 Mission Ridge Dr.

Harpers Ferry, WV 25425

Jefferson County, WV Office of Planning & Zoning

116 East Washington Street, PO Box 716

Charles Town WV 25414

RECEIVED

FEB 04 2020

**JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING**

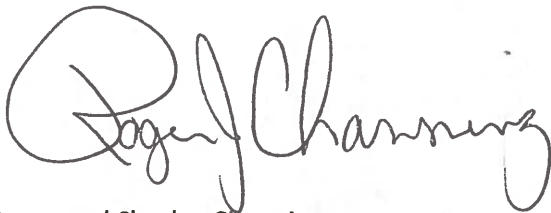
To Whom It May Concern,

This letter is a request for a Plat Amendment to have the single-family restriction (Note 11 on Plat Book District 2 - Charles Town, Book 1039, Page 559) lifted from our plat (Parcel 21F/0020 Mission Ridge). We are proposing to build a "in-law" suite over our garage adjacent to the house. The purpose of the suite is to enable my son to assist us as caretaker. My wife and I are experiencing multiple medical issues and need a full-time family presence.

It is my understanding that I am required to submit this formal letter of request, so Legal ad can be posted in the March 11 edition of the Spirit of Jefferson, 30 days prior to the April Planning Commission meeting. After the ad runs, the request will be presented to the Planning Commission at their meeting scheduled for the April 14, 2020.

Please feel free to contact us at 304 535 8749 or 571 308 4524. My email is channing.roger@gmail.com.

Thank You!



Roger and Sherley Channing

Mission Ride – Lot 20

Channing.roger@gmail.com

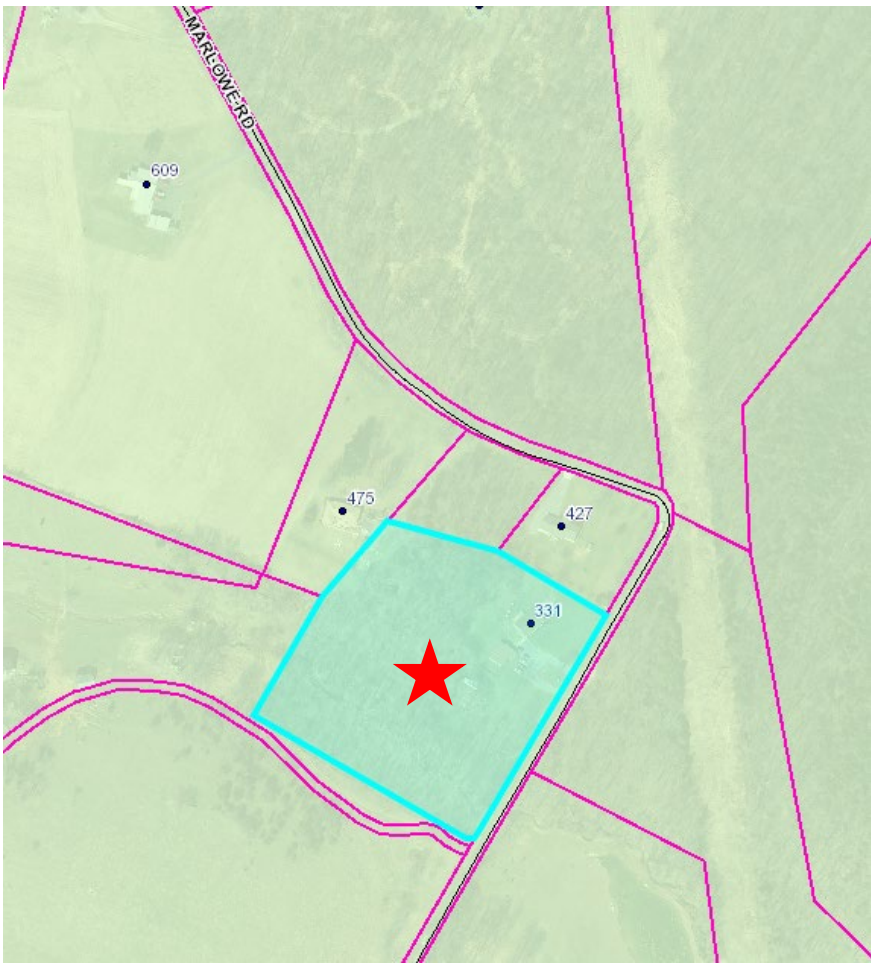
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C: 5713084524

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2020

Joshua & Andrea Baddorf (PC File #89-19)

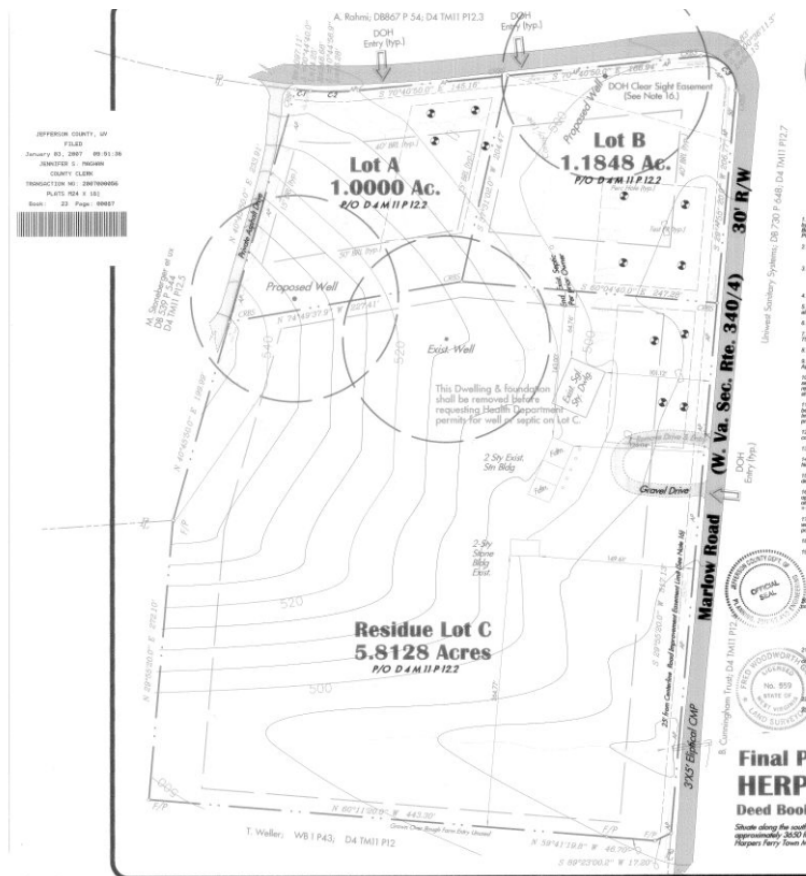
Public Hearing: Request by Joshua & Andrea Baddorf (File #06-34) for a Final Plat Amendment to lift the single family restriction for Lot C of the Herpst-Gregory Lands Minor Subdivision, recorded 01/03/07 (PB23/PG87). The single family restriction is found in note #12 on this subdivision plat.

APPLICANT:	Joshua & Andrea Baddorf
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	N/A
PROPERTY LOCATION:	331 Marlowe Rd., Charles Town, WV 25414
LEGAL DESCRIPTION & ZONING MAP DESIGNATION:	Tax District: Harpers Ferry (04); Tax Map: 11; Parcel: 12.2; Size: 5.81 ac; Zone: Rural
	
SURROUNDING PROPERTIES:	North: Rural South: Rural East: Rural West: Rural
APPROVED ACTIVITY:	Single Family Residence
APPROVALS:	12/29/06: Final Plat Approved; recorded in Plat Book 23, Page 87 (1/3/07)

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2020

Overview of Request

The Herpst-Gregory Lands Minor Subdivision, which created three lots (A-C), was approved 12/29/06 and recorded 1/3/07. This property is in the rural Zoning District. At the time the plat was approved, the Subdivision Regulations required all Minor Subdivisions to include a note that restricted each lot to a single-family residence only unless otherwise approved by the Planning Commission in accordance with the County prevailing land development laws. This note is no longer required for Minor Subdivisions. This note is the subject of this plat amendment request.



The applicants live on the referenced 5.8128-acre property. The applicants would like to build a detached in-law suite for their mother on the property in addition to their home. Detached in-law suites are permitted in the Rural Zoning District in accordance with Section 8.15A of the current Zoning Ordinance on properties of at least 2 acres in size.

Zoning Ordinance Requirements

If the Planning Commission approves this Final Plat Amendment lifting the single family restriction for Lot C, the applicant can process under the zoning requirements for In-Law Suites/Accessory Dwelling Units in the Rural Zoning District. Section 8.15A of the Zoning Ordinance has various provisions that must be complied with, including, but not limited to, the requirement that the accessory unit must be secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area.

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2020

Plat Amendment Requirements

Section 24.202A of the Jefferson County Subdivision and Land Development Regulations, “Amendment, Modification, and the Vacating of Subdivision Plats”, states that the Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

1. All of the property that is affected by the amendment is under the ownership of the applicant;
2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment was required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the Spirit of Jefferson newspaper.

Recommendation

Staff recommends approving the requested Final Plat Amendment to delete Note #12 as it relates to Lot C of Herpst-Gregory Lands Minor Subdivision found on PB23/ PG87 as specified in the request. If approved, the applicant will need to apply for a Zoning Certificate for the Accessory Dwelling Unit prior to applying for a Building Permit.

Joshua and Andrea Baddorf
331 Marlowe Rd.
Charles Town, WV 25414
02/28/2020

Jefferson County, WV Office of Planning & Zoning
116 East Washington Street, PO Box 716
Charles Town, WV 25414

To Whom It May Concern,

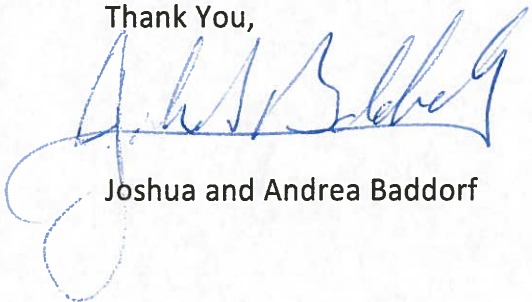
This letter is a request for a Plat Amendment to have the single-family restriction lifted from our plat (Name: Final Plat of Minor Subdivision on Herpst-Gregory Lands, Plat Book 23; Page 87 (Note #: 12 is the Single Family Restriction) Property Details: Tax District: 04 Harpers Ferry; Map: 11 and Parcel 12.2; 5.1 acres.)

We recently purchased this property so we could take care of my mother and have her close to the grandkids. We will be using the second building as an in-law suite and adding a garage between the main house and the second building.

It is my understanding that I am required to submit this formal letter of request, so Legal ad can be posted in the March 11 edition of the Spirit of Jefferson, 30 days prior to the April Planning Commission meeting. After the ad runs, the request will be presented to the Planning Commission at their meeting scheduled for the April 14, 2020.

Please feel free to contact us at 304 860 9022. My email is joshuabaddorf@gmail.com

Thank You,



Joshua and Andrea Baddorf

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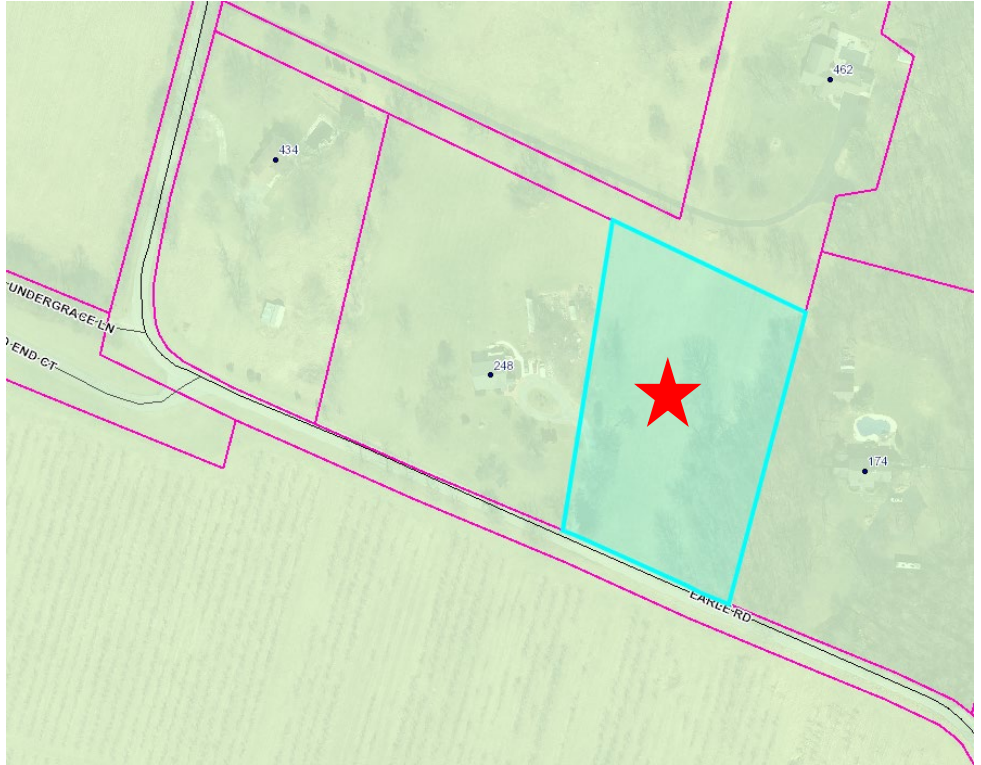
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**JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING**

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2020

Rodney & Stacy Smith (PC File #89-19)

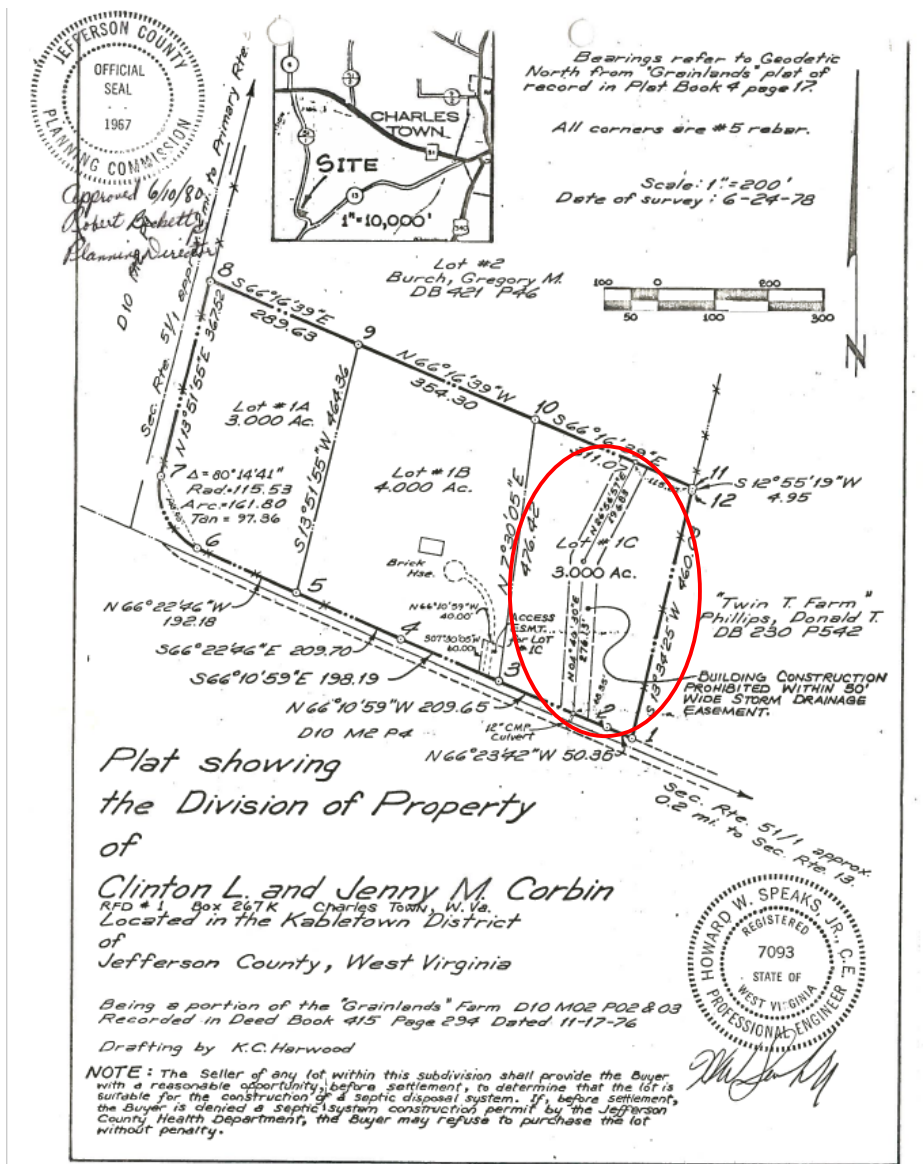
Public Hearing: Request by Rodney & Stacy Smith (File #80-04) for a Final Plat Amendment to vacate the storm drainage easement located on Lot 1C of the Grainlands Subdivision, approved June 10, 1980.

APPLICANT:	Rodney & Stacy Smith		
OWNER:	Same as above		
DEVELOPER:	Same as above		
SURVEYOR/ENGINEER:	N/A		
PROPERTY LOCATION:	Vacant parcel on Earle Road (Lot 1C), approximately 700' southeast of the intersection of Earle Rd and Undergrace Ln and Wood End Ct.		
LEGAL DESCRIPTION & ZONING MAP DESIGNATION:	<p style="text-align: center;">Tax District: Kabletown (06); Tax Map: 2; Parcel: 2.10; Size: 3 ac; Zone: Rural</p> 		
SURROUNDING PROPERTIES:	North: Rural South: Rural	East: Rural West: Rural	
APPROVED ACTIVITY:	Single Family Residence		
APPROVALS:	06/10/80: Clinton and Jenny Corbin Final Plat Approved (DB471/PG535) 11/17/76: PB4/PG 17 Survey Grainlands Farm		

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2020

Background/Discussion of Request

The Grainlands Subdivision, creating Lots 1A through 1C, was approved by a plat recorded in DB471/PG535 in June, 1980. During the review of this plat, the County Engineer made a comment that Lot 1C was bisected by a substantial swale that would impact the buildability of the lot. The Engineer asked for the area of the swale to be dimensioned on the plat and for building construction to be prohibited in that area. This resulted in the 50' wide storm drainage easement shown on the plat below, with a note prohibiting building construction in this area.



Because of this easement, this property has never been built on. The applicant has submitted a letter from the property owner and a previous property owner attesting that there has never been standing or running water in the easement in the last 40 years. For this reason, the applicants have submitted this Final Plat Amendment request asking that this easement be removed from Lot 1C of the Grainlands Subdivision (and 1980 Clinton and Jenny Corbin Plat).

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2020

Plat Amendment Requirements

Section 24.202A of the Jefferson County Subdivision and Land Development Regulations, “Amendment, Modification, and the Vacating of Subdivision Plats”, states that the Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

1. All of the property that is affected by the amendment is under the ownership of the applicant;
2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment is required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the Spirit of Jefferson newspaper.

Site Visit

The lot is divided by a natural drainage swale. Looking from the road to the North, the lot has a rock outcropping to the East and a maintained lawn to the West with a swale in the middle (see attached photos). The USGS map, attached, shows a swale in this location and that may be the reason the previous engineer recommended a drainage easement. If a house were built on this lot, the issue would not only be passing the water flow around the house but also saturation of water into the ground causing flooding of a basement. Typically, soils in low drainage area are not suitable for a common foundation. Therefore, Engineering would recommend a professional engineer analyze the site before any structures are built.

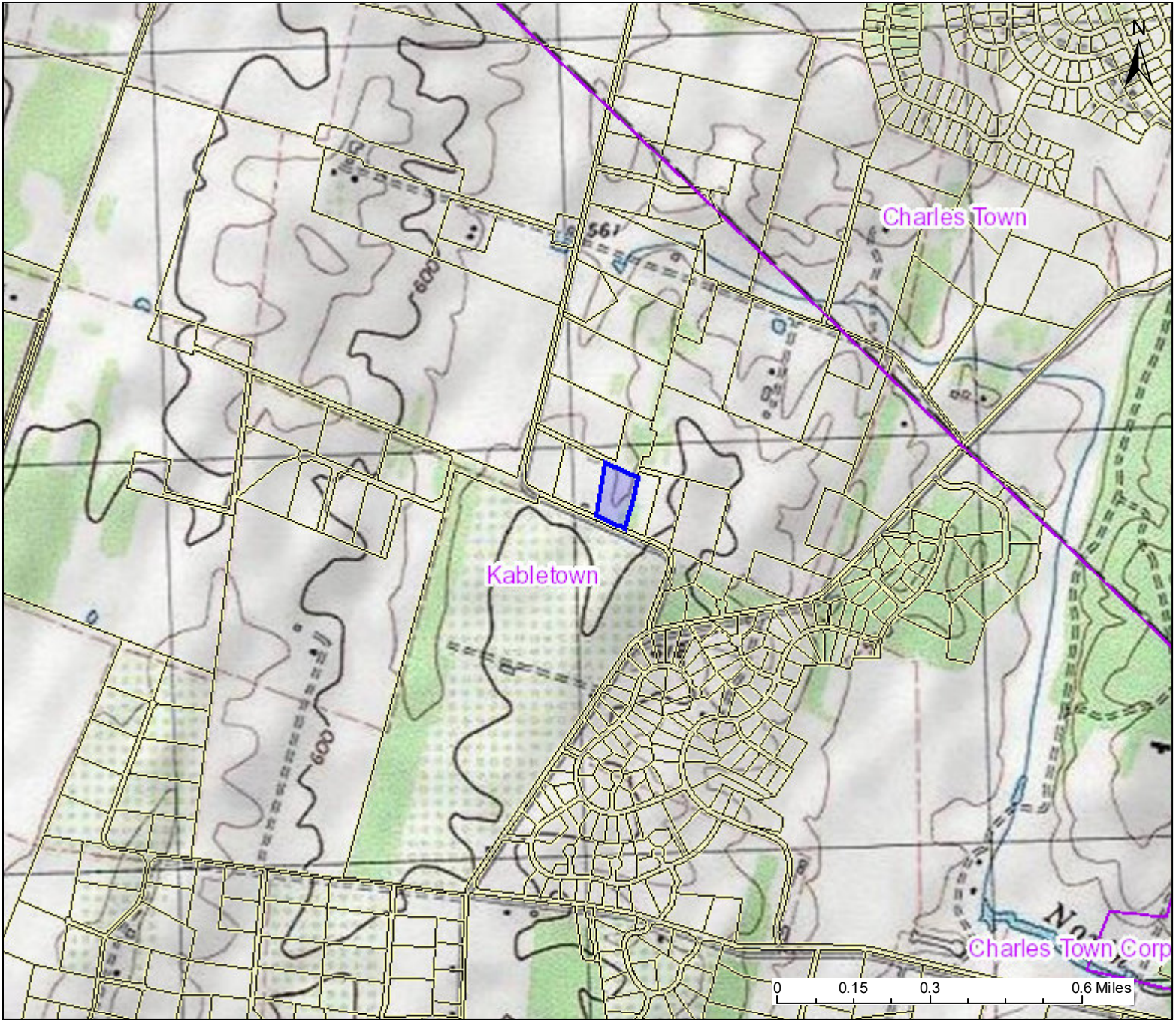
Recommendation

Staff recommends approval of this request for a Final Plat Amendment to relocate the 50’ wide storm drainage easement from Lot 1C of the Grainlands Subdivision (and 1980 Clinton and Jenny Corbin Plat) provided that an engineering analysis is performed by a professional engineer before any structures are built. Staff also recommends that the Planning Commission authorize the staff to review and approve the plat amendment reflecting the requested change prior to recordation.

ATTACHMENTS:



- Two photos of Site
- USGS map of Site

PARCEL ID: 19-06-0002-0002-0010



User Notes:

Legend

-  Districts
-  WVParcels

Map created on April 6, 2020

Owner(s):
SMITH RODNEY K & STACY L

Address:
248 EARLE RD

Class Type:
Residential

Legal Description:
LT #1C (3 AC) GRAINLANDS





#80-04

March 6th, 2020

Jefferson County Planning and Zoning
104 E. Washington Street
Charles Town, WV 25414

Rodney & Stacy Smith
462 Earle Rd
Charles Town, WV 25414

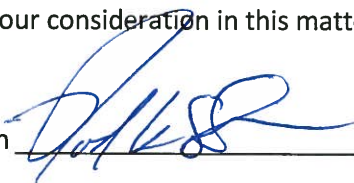
Water Easement on Lot 1C of Grainland Subdivision be vacated

We are writing regarding Lot 1C of Grainlands Subdivision. As current owners of the property, we are seeking approval that the storm drainage easement from the property be vacated.

I have owned the adjacent property since 1995 and Stacy has been aware of the property since 2000. Both can attest that there has never been any standing or running water for the allocated easement. Thus, we are requesting that the easement be vacated.

Thank you for your consideration in this matter.

Rodney K. Smith



Date: 3/6/2020

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MAR 06 2020

**JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING**

#80-04

March 6th, 2020

Jefferson County Planning and Zoning
104 E. Washington Street
Charles Town, WV 25414

Rodney & Stacy Smith
462 Earle Rd
Charles Town, WV 25414

Water Easement on Lot 1C of Grainland Subdivision be vacated

We are writing regarding Lot 1C of Grainlands Subdivision. As previous owners of the property, and current owners of the adjacent property for the past 40+ years. We can ~~cert~~⁴ify that there has never been any standing or running water for the allocated easement.

Thank you for your consideration in this matter.

The Corbin's:



Date:

3-6-2021

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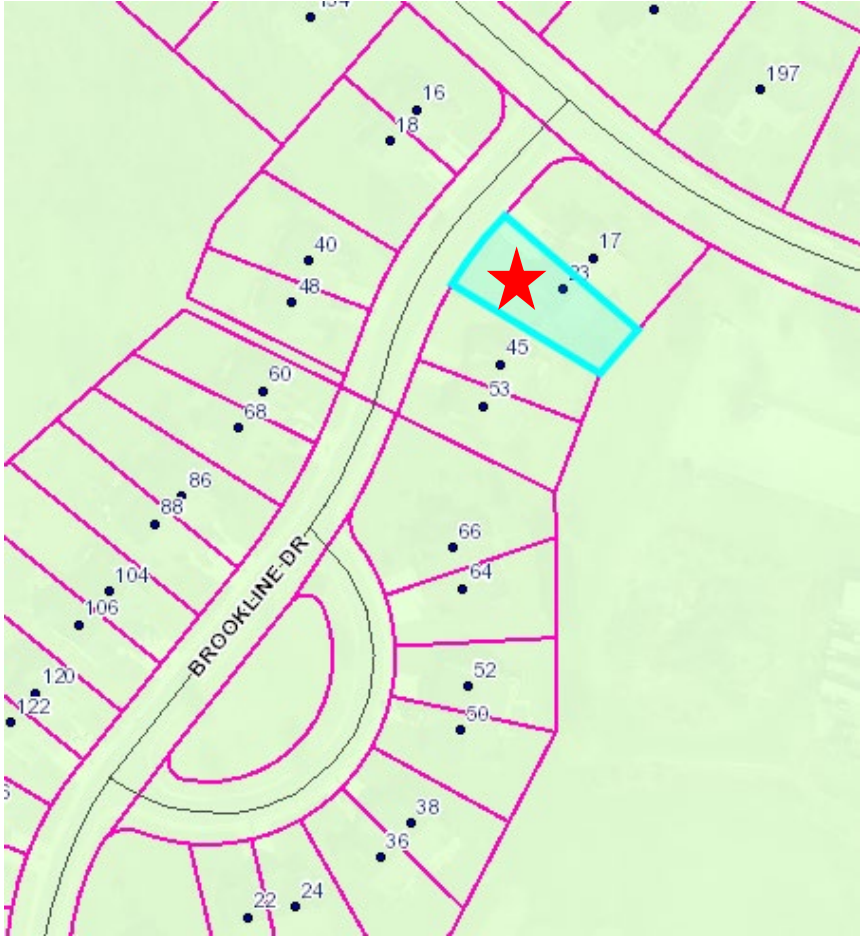
MAR 06 2020

**JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING**

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2020

Diana Townsend (PC File #90-46)

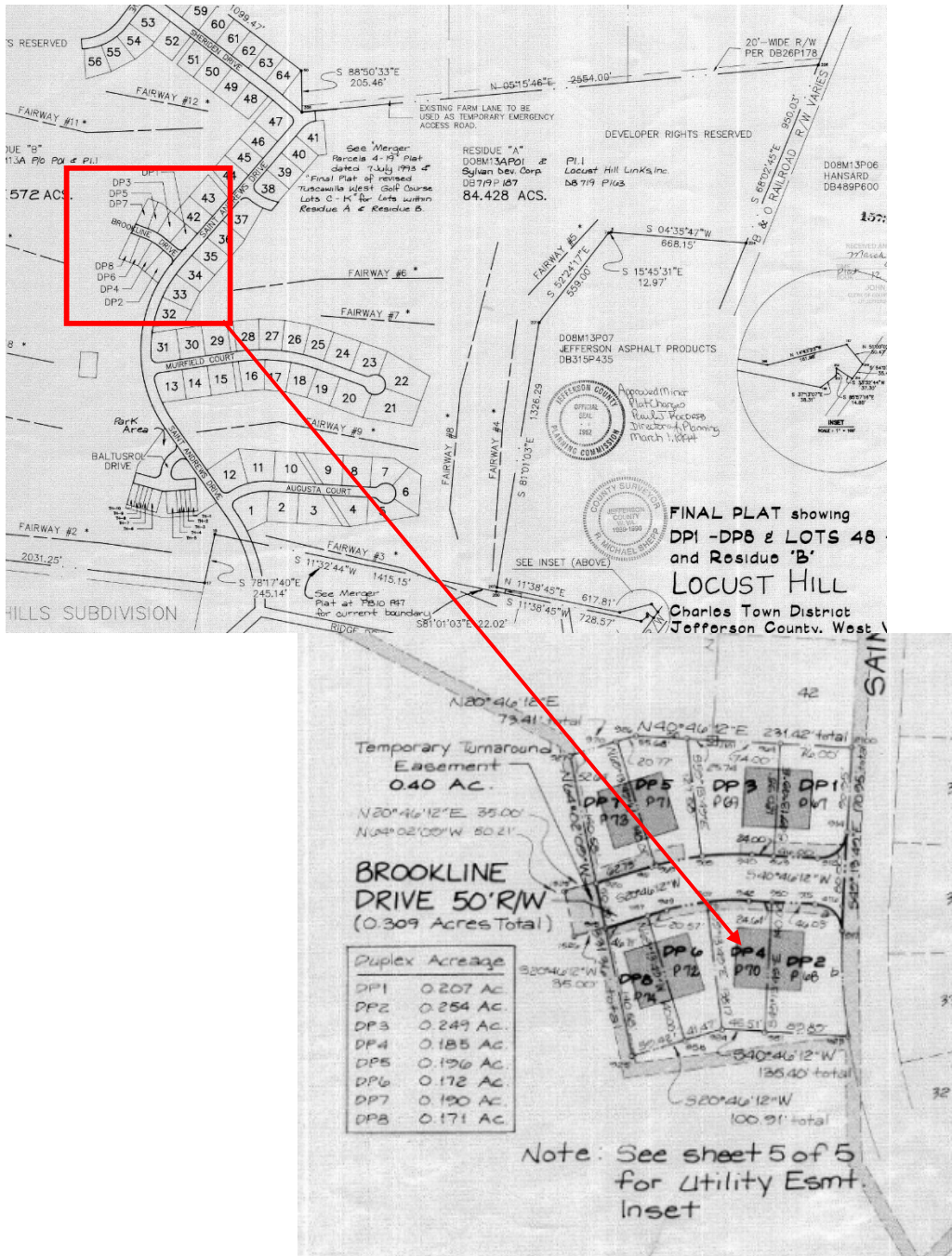
Public Hearing: Request by Diana Townsend (File #90-46) for a Final Plat Amendment to change the platted setbacks of 30' front, 15' side and 40' rear to the setbacks required in the Zoning Ordinance in effect at the time the subdivision processed of 25' front, 12' side and 12' rear. This request related to Duplex Lot 4 found on "Final Plat showing Locust Hill DP1-DP8 & Lots 48-64 and Residue B" (PB12/PG8-8D) and the note on PB12/PG8D.

APPLICANT:	Diana Townsend		
OWNER/DEVELOPER:	Same as above		
SURVEYOR/ENGINEER:	N/A		
PROPERTY LOCATION:	23 Brookline Dr., Charles Town, WV 25414		
LEGAL DESCRIPTION & ZONING MAP DESIGNATION:	Tax District: Charles Town (02); Tax Map: 13A; Parcel: 70; Size: 0.1947 ac; Zone: Rural		
			
SURROUNDING PROPERTIES:	North: Rural South: Rural	East: Rural West: Rural	
APPROVED ACTIVITY:	Townhouse Lot		
APPROVALS:	03/01/94: Minor Plat Change Approved; recorded in Plat Book 12, Pages 8-8D		

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2020

Background

The Locust Hill Subdivision was approved as a Conditional Use Permit in 1992 for 387 single family residences, 200 townhomes and 60 duplexes (#Z92-7). This was a modification of a previously approved 1989 CUP which included the golf course and a mixture of single family and multi-family lots. The final plat for this section, Locust Hill DP1-DP8 & Lots 48-64 and Residue B, which includes 8 duplex lots, was approved by the Planning Commission and recorded on March 1, 1994.



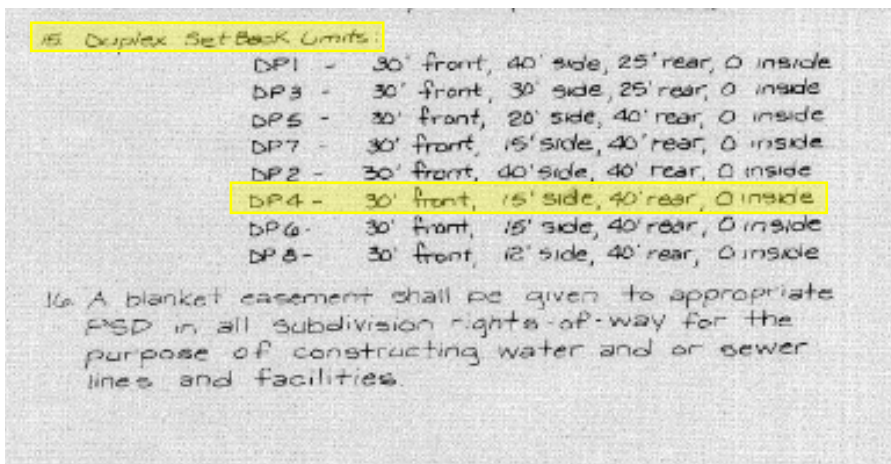
Staff Report
Jefferson County Planning Commission Meeting
April 14, 2020

The Request

The applicant is interested in adding a deck to her duplex unit and would like for it to be larger than would be permitted by the platted setbacks.

Zoning Ordinance Requirements

The 1994 Plat which included these 8 duplex lots included a note (See Note #15 highlighted below) that required the setbacks for the duplex lots to be 30' front, 15' side and 40' rear. The Zoning Ordinance in effect at the time required setbacks of 25' front, 12' side and 12' rear for duplex lots (See Section 5.4B below). Because the setbacks are a platted requirement and not a Zoning Ordinance requirement, the applicant needs to process a minor plat amendment rather than a Zoning Variance. If the Planning Commission approves this minor plat amendment, the requested setbacks would be in effect for this lot.



Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2020

SECTION 5.5(b) RESIDENTIAL/GROWTH DISTRICT HEIGHT AND YARD REQUIREMENTS			
<u>Development Type</u>	<u>Minimum Lot Area/ Area per Dwelling Unit</u>	<u>Required Yards</u>	<u>Maximum Building Height*</u>
1. Single family detached dwelling			
Public/Central water and sewer	10,000 sq. ft.	25 ft. front	40 ft.
Public/Central water or sewer	20,000 sq. ft.	12 ft. side	
No Public/Central water or sewer	40,000 sq. ft.	12 ft. rear	
2. Duplex dwelling unit			
Public/Central water and sewer	7,500 sq. ft.	25 ft. front	40 ft.
Public/Central water or sewer	10,000 sq. ft.	12 ft. side (exterior only)	
No Public/Central water or sewer	20,000 sq. ft.	12 ft. rear	
3. Townhouse			
Public/Central water and sewer	1,800 sq. ft. minimum area per dwelling unit	25 ft. front	40 ft.
	3,500 sq. ft. minimum lot area	12 ft. side (exterior only)	
		12 ft. rear	
4. Multi-family dwelling			
Public/Central water and sewer	2,000 sq. ft. minimum lot area per family	25 ft. front	40 ft.
	20,000 sq. ft. lot area	12 ft. side (exterior only)	
		20 ft. rear	

*Note: Subdivisions which processed via the Development Review Process (Conditional Use Permit) were subject to the setbacks established in the Residential Growth (see above table Section 5.5(b)).

Plat Amendment Requirements

Section 24.202A of the Jefferson County Subdivision and Land Development Regulations, “Amendment, Modification, and the Vacating of Subdivision Plats”, states that the Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

1. All of the property that is affected by the amendment is under the ownership of the applicant;
2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

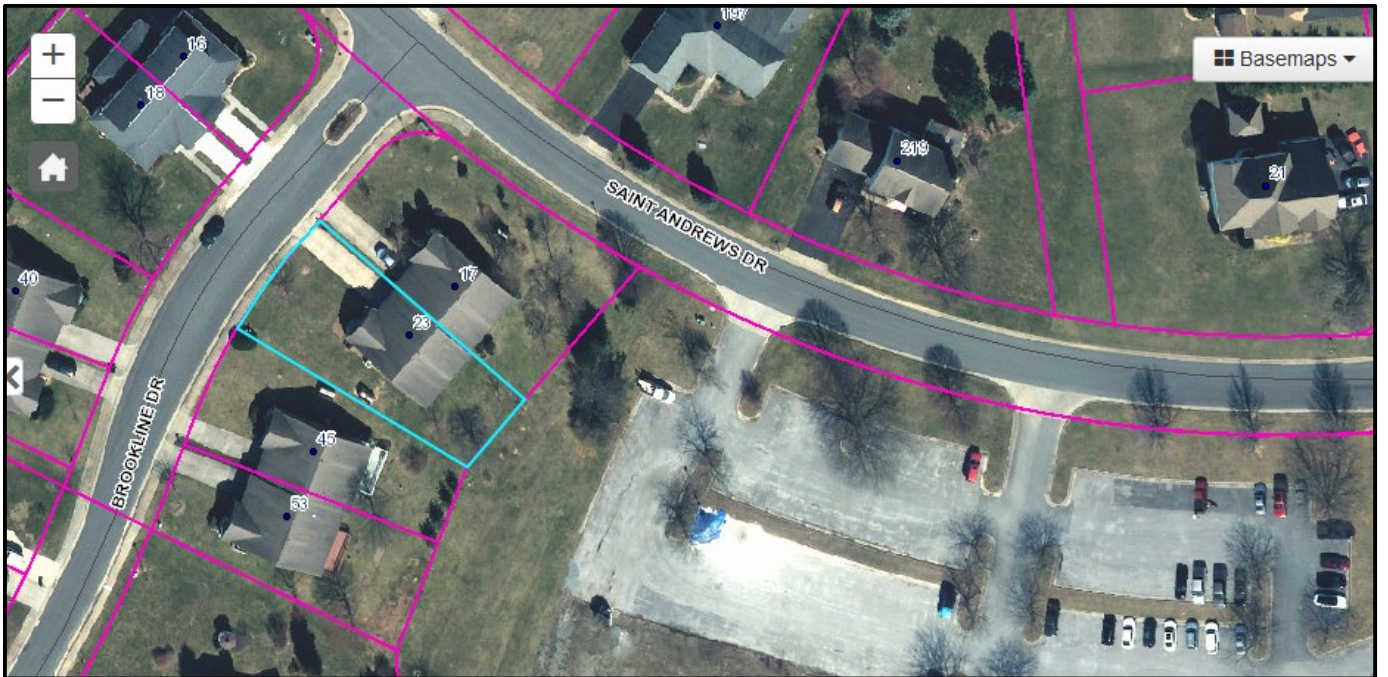
Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment was required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the Spirit of Jefferson newspaper.

Recommendation

Staff believes that it is reasonable to approve the requested Final Plat Amendment to modify the setback requirements for this Lot to be in conformance with the Zoning Ordinance setback requirements in effect for duplex lots at the time the plat was recorded. The requested setbacks of 25’ front, 12’ side and

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2020

12' rear for Duplex Lot 4 (23 Brookline Drive) would allow the deck to be constructed within the requirements in effect at the time the lot was created.



4 Seasons Services LLC

To: Jefferson County Planning Commission

March 06, 2020

From: Bill Curtis 4Seasons Services LLC

Subject: Property Set Back

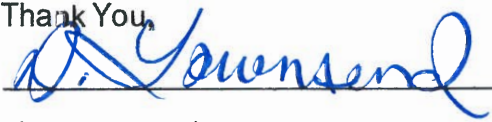
Reference: Diana Townsend @ 23 Brookline Drive Charles Town WV 25414

Ms. Townsend had purchased the property in July 2019, she wanted a larger deck and hired a contractor to build the deck and in the contract the contractor was to obtain building permit to be in compliance with the county. Ms. Townsend later found out the contractor did not get a permit after a visit from the Jefferson County Engineering Department.

During the process to obtain a permit I discovered that the deck was impeding into the setbacks listed on the Locust Hill Final Plat ([page 2](#) and [page 5](#)) pertaining to the duplexes were greater than what the County would have required when it was originally platted in 1990.

I would like to request a reduction in the platted setbacks of 30' front, 15' side, and 40' to the setbacks that would have been required at that time which are 25' front and 12' side and rear, the deck would be compliance to the property setbacks and we could move forward with obtaining the necessary permit for the deck.

Thank You,



Diana Townsend Home Owner



Bill Curtis Owner / Operator

4 Seasons Services LLC

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**JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING**

Charles Town Wv 25414

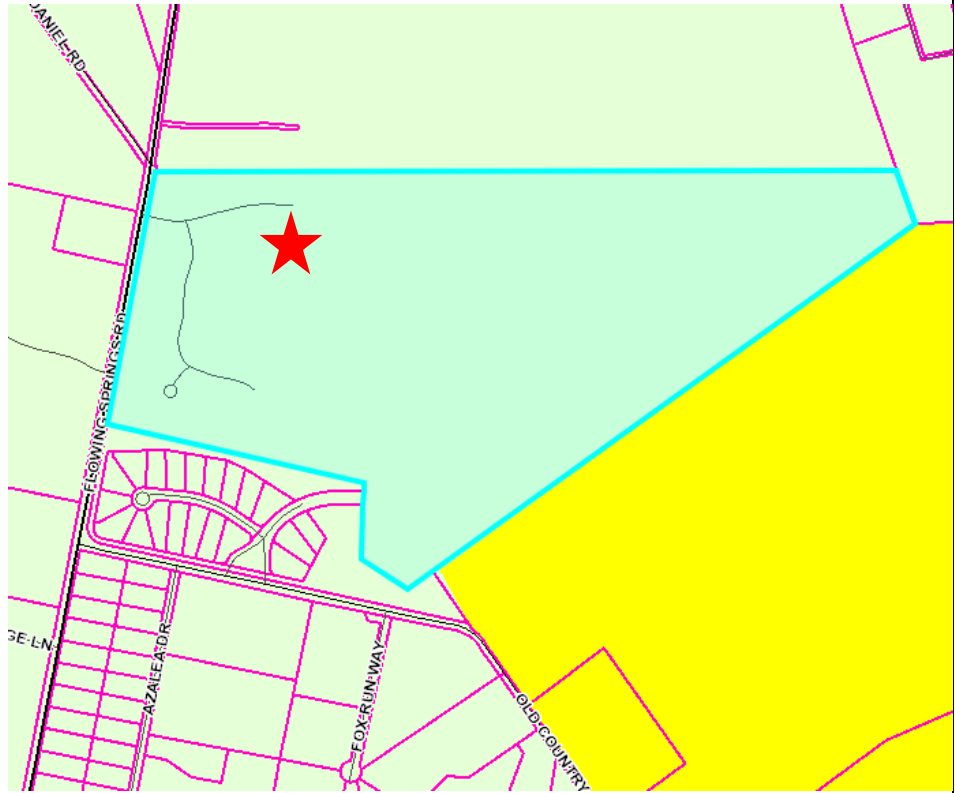
Contact : 304-218-7793

* Scheduled for 04/14/20 PC Mtg. *HT*

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2020

Aspen Greens Subdivision Ordinance Variance Request (#20-1-PCV) Public Hearing

Item #8: Subdivision Variance request by Roderick Planes, LLC., for Aspen Greens Phase IIB (File#20-1-PCV) for a variance from Article 6; Section 6.3 of the 1979 Subdivision Ordinance to extend, for an additional two years, the required Final Plat Public Hearing for Phase IIB, previously granted a three-year variance extension, which extended it to 6/10/20.

APPLICANT:	Roderick Planes, LLC		
OWNER:	Maurice Gladhill		
DEVELOPER:	Same		
SURVEYOR/ENGINEER:	Gates Associated, Inc.		
PROPERTY LOCATION:	This property is located northeast of the intersection of Old Country Club Road and Flowing Springs Road.		
LEGAL DESCRIPTION:	District: Charles Town (02); Map: 4; Parcel: 19 		
ZONING DISTRICT:	Rural (with an approved CUP)		
SURROUNDING PROPERTIES:	North: Rural	South: Rural	West: Rural
	East: Residential Growth/Rural		
LOT AREA:	Total: 110 acres; Total for all Phases		
PROPOSED DENSITY:	203 lots (total for all phases); Phase IIB, which is in process, consists of 39 lots Phase IIA, approved; recorded 8/31/15, consists of 26 lots		

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2020

APPROVALS:	
Conditional Use Permit (File #Z02-06)	Approved Official Issuance Signature: 12/20/07 BZA Variance Approved to Extend CUP to: 12/20/10; 7/01/12 Recordation of the Phase 1A Final Plat deems CUP to be “commenced”
Community Impact Statement	PC Approval: 03/25/08 PC Variance Approved to Extend CIS to: 12/31/09; 12/20/10; 07/01/2012; 4/10/15; 12/08/2015; 6/10/20 (the time required to hold a FP PH for the Phase IIB or other next phase)
Preliminary Plat	Approved: 04/10/12 (Phase IA; PC File #07-15; 20 lots) Approved: 03/16/15 (Phase IIA; PC File # 14-01; 26 lots)
Final Plat	Phase 1A FP (PC File # 07-15) PC approved: 6/12/12 (recorded 9/6/12) Phase IIA FP (PC File #14-01) PC approved: 06/09/15 (rec. 8/31/15)
Planning Commission Variance	PC Variance File #PCV 18-01: Reduction from the required .5 slope to .27 for Aspen Greens Phase IA; PC approved 3/13/18 to accept the variance provided a note should be made to the file regarding an agreement that the HOA will maintain the pipe. PC Variance File #19-1-PCV; Variance from Section 8.2a(2) which requires two entrances for a subdivision with more than 50 lots; PC approved 4/9/19 which allows the 66 lots included in Phases IIA and IIB to utilize one access point off Flowing Springs Rd

Background:

Aspen Greens Subdivision is located northeast of the intersection of Old Country Club Road and Flowing Springs Road. Because this Subdivision began processing before the 2008 Subdivision Regulations were adopted, the Subdivision is being reviewed under the 1979 Subdivision Regulations. The CUP and CIS are approved for a build-out of 203 total lots.

To date, Phases IA and IIA have been approved and recorded:

- Phase IA consists of Lots 1-20 (20 lots) and access to these lots is via Quaking Aspen Way off of Old Country Club Road; approved, bonded and recorded 9/6/12.
- Phase IIA consists of Lots 21-46 (26 lots) and access to these lots is via Wintergreen Way off of Flowing Springs Road; approved, bonded and recorded 8/31/15. Phase IIA included partial construction of Ladysthumb Circle.

Proposed Phase IIB, which is now under review, will complete Ladysthumb Circle and a portion of Wintergreen Way. Phase IIB includes the proposed Lots 47 - 85 (39 additional lots). The next phase (Phase IIB) is required to have a Public Hearing held by June 10, 2020, based on a Variance approved 7/11/17.

Future phases include Phase IB (35 lots) and Phase III (82 lots) which include the connection of Quaking Aspen Way and Wintergreen Way and which will provide the required two Access Points for subdivisions with more than 50 lots (Section 8.2a(2) of the 1979 Subdivision Ordinance).

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2020

The Request:

The applicant is requesting an additional two-year extension, from June 10, 2020 to June 10, 2022, to advance through the next Final Plat public hearing for this development. Per Section 6.3 of the 1979 Jefferson County Subdivision Ordinance, a Final Plat public hearing is required to be processed within 24 months of the previous phase. The applicant's last Final Plat approval (Phase IIA) was at the June 9, 2015 Planning Commission meeting. The next Final Plat was required to have a Public Hearing before the Planning Commission by June 9, 2017. This time frame was extended three years, to June 10, 2020, via approval of a variance at the 7/11/17 Planning Commission meeting.

The current variance application is requesting that the requirement for the next Final Plat Public Hearing before the Planning Commission be further extended for an additional two years.

It should be noted that the Aspen Greens project was not impacted by changes in the state law in 2010, often referred to as Senate Bill 595, which provided automatic extensions of time for certain projects because it did not meet the definition of "valid" and "outstanding" as of January 1, 2010. As a result, this project must process a variance in order to be provided with an extension of time. Projects which do qualify for the extension currently have a completion date of July 1, 2020 to complete their next phase.

Variance Requirements:

The variance process in the 1979 Subdivision Ordinance is different from the waiver process outlined in the 2008 Subdivision Regulations. In order to grant a variance the following four criteria must be met. The applicant has addressed these points in their attached application:

- a) The request is not contrary to the public interest.*
- b) A literal enforcement of this Ordinance will result in unnecessary hardship.*
- c) The request is not the result of a self-imposed hardship.*
- d) The spirit of this Ordinance will be observed and substantial justice done.*

Staff Comments:

Staff agrees that the request for a variance of an additional two years to extend the time limit to hold a Final Plat Public Hearing is not contrary to the public interest. The applicant intends to continue the development in accordance with the CUP and CIS approved by the Planning Commission. It should be noted that since the previous 36-month extension was approved, the applicant has worked on plans for a significant crossing of the storm drainage channel required to serve other phases of this development and has continued to make a good faith effort towards approval of the next phase of the development.

A literal enforcement of the 1979 Subdivision Ordinance would require the applicant to start the project over under the 2008 Subdivision Regulations if a Final Plat is not scheduled for a public hearing by June 10, 2020. Beginning the process over would not likely change the layout of the project from the currently approved preliminary layout and the Final Plats that have been recorded, but may require reengineering to meet current standards. The Preliminary Plat for Phase IIB has been submitted and is through its first review. A project of this size and scope requires significant work and communication between the applicant and various departments and agencies. It is unlikely that the full two years will be required to process this phase through the Final Plat Public Hearing but the extension does not seem unreasonable.

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2020

Recommendation:

Since the variance is only for a time extension and not a variance of the site layout, Staff recommends granting the variance for an additional two years (to June 10, 2022). As noted in the applicant's request and shown by their action, the applicant is creating a high quality development and has worked with local utility providers to anticipate future development and maintenance needs.

The next step for this project is completion of the Preliminary Plat with construction documents for Phase IIB, which has been submitted and is currently under review. Under the 1979 Ordinance, Preliminary Plats are administratively approved. The Final Plat can be submitted once the Preliminary Plat has been approved and scheduled for a Public Hearing once staff review is complete.



JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning and Zoning
 116 East Washington Street, 2nd Floor, P.O. Box 338
 Charles Town, WV 25414

File Number: 20-1-PC
 Staff Initials: RBB
 Fees Paid: \$ 100

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

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

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

Subdivision Ordinance Variance Request

To be used in accordance with the 1979 Subdivision Ordinance - 8/94 Salvage Yard Ordinance

Please note variances to the Subdivision Ordinance must comply with Article 17 of the Ordinance. Sketch on a separate sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date sketch. Provide a vicinity map.

I/We request a variance from the provisions of the 1979 Jefferson County Subdivision Ordinance

Property owner information

Name of Property Owner: Roderick Planes, LLC, Maurice Gladhill (as Managing Partner)
 Mailing Address: 5509 Mount Zion Road, Box 777
 City: Frederick State: Maryland Zip Code: 21705
 Phone Number: -800-245-0691 Email: mgladhill@aol.com

Applicant contact information

Applicant Name: Same as Owner
 Mailing Address: _____
 City: _____ State: _____ Zip Code: _____
 Phone Number: _____ Email: _____

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Fred Gates, PS, President (as Project Consultant)
 Mailing Address of Engineer(s) or Surveyor(s): Gates Associated, Inc. ; 153 Venice Way
 City: Shepherdstown State: WV Zip Code: 25441
 Phone Number: 1-304-876-6124 Email: gatesassociated@aol.com

Physical property details

Physical Property Address: ASPEN GREENS @ Intersectin of Co. Rte. 17 & 24
 City: NE of Charles Town State: WV Zip Code: 25414
 Tax District: Charles Town (02) Map No: 4 Parcel No: 19
 Parcel Size: 110 Ac Deed Book: 952 Page No: 565

Zoning District (please check one):

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

Attached:

1. Memo Letter Dated 23 January 2020 Outlining Work Time Hurdles needed for proper professional inclusion
2. Relative to this request as submitted on 20 Feb 20 with Preliminary Plan is Soil Report, Addendum, etc. referenced for added details.
3. MyGov Account 20-1-SD (Prior File References #07-15, & 19-1-PCV)

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**JEFFERSON COUNTY PLANNING
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Section of Ordinance for which the variance is requested:

Please describe the nature of the variance request:

Existing Project Time Variance granted 7/11/17 is to 6/10/20 not allowing time for submission reviews made because of necessary work discovered inclusions. This request is for an additional two years for bureaucracy oversight reviews to allow final plat recording as required. The Loop Road Variance granted 4/09/19 included the need for bridge construction submission essentially creating a second full Preliminary Plan.

Explain why this request is NOT contrary to the public interest:

Public interest requires professional input results now included in the work both Phase IIB and Con/Span Preliminary Plan submissions on referenced MyGov submissions referenced above.

Explain how enforcement of this Ordinance will result in unnecessary hardship:

Developer has supported independent Professional input discovered in the process of providing information discussed in the 4/09/19 Variance Request Meeting with costs for long term best county improvements. Failing to provide time for work completion would result in unnecessary loss of development investment to date. Note that developer has no control over timeliness of oversight all of which add steps with every re-submission.


Explain how this request is NOT the result of a self-imposed hardship:

Soil Bore test results were unknown until performed with results unexpected. Subsequent professional input and design were required just to learn if the bridge structure were possible. After added foundation option choices in design careful thought for inclusions of site work by Project PE caused minor adjustments in plan sets prior to submission on 20 Feb 20. Time line limits used in Ordinances are totally outdated and unrealistic with today's required reviewer times given their self created submission hurdles requiring more complex submission steps & internal evaluations.

Explain how the spirit of this Ordinance will be observed and substantial justice will be done:

This developer has already entertained a ICPC approved Coving Design Concept with upgrades above Jefferson County requirements. Work to date shows care for quality results attributable to developer's direct involvement with every project design element. This care for quality needs your support. To refuse to continue to support this concept plan would harm the good faith with which this developer has invested since starting in 2001 and as he continues to complete the actual ordinance needs outlined herein.

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

			
Signature of Property Owner	Date	Signature of Property Owner	Date

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

Approved Denied

DATE: 23 January 2020

SUBJECT: ASPEN GREENS Part of Phase IIB
Methodology of CON/SPAN Bridge Processing

TO: Roger Goodwin, County Chief Engineer,
Jefferson County Engineering Department

FROM: Fred Gates, ASPEN GREENS, Project Consultant


CON/SPAN BRIDGE INCLUSION TIMING - Approved ASPEN GREENS Concept plan loop road requires a watershed drainage crossing at some Phase stage. Grading design considerations during 2018 for the third Phase IIB Preliminary Plan creation impacted the design of surface water flows, inclusive of a yet-to-be designed and built Con/Span bridge over the now constructed canal through ASPEN GREENS. Bridge bore test stakes, set 13 December 2018, led to engaging Triad Engineering, Inc. for geotechnical exploration of bridge support soils. An approaching Phase IIB lot-count would total 85 lots, being above the required 50 lot maximum for Loop Road requirement. This was discussed in a PPC meeting with JCPC staff requesting their advice on the best path forward. The bridge was a required part of the approved concept plan for proposed 203 lots.

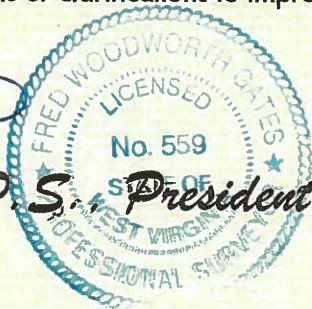
VARIANCE REQUEST - On 9 April 2019, ASPEN GREENS was granted a Variance by the Planning Commission on 1979 Subdivision Ordinance Section 8.2,a(2) which requires a subdivision loop road when 50 lots are reached. This limit would be breached with the submission of the next Phase IIB. This Variance was granted based on the Phase IIB design inclusions, which included a loop road as part of the 85 lot count. Widening roads to that loop would permit emergency vehicle access as intended by the ordinance, among other emergency features constructed in this development design. Planning Commission Meeting discussion included completion of the Quaking Aspen Way and Wintergreen Way loop with the phase submission following Phase IIB. Appended to this was the developer-agreed submission with Phase IIB of construction drawings for the concept needed loop road Con/Span Bridge over the constructed, existing through-site graded canal. This canal was designed to serve future offsite (and onsite surface) flows from within the watershed above ASPEN GREENS.

PHASE IIB & BRIDGE PRELIMINARY PLAN WORK AFTER VARIANCE GRANTING - The Triad Engineering, Inc. Report of Geotechnical Exploration (Copy submitted herewith, dated 17 May 2019) found, among others, "soft soil conditions and shallow groundwater encountered in the test borings (therefore) it is our opinion that excessive settlement of the structure would occur." The report also included "suitable systems" that may remedy conditions. Project Consultant Coordinator, Gates Associated, Inc., called a meeting on 5 June 2019 of input team members. The goal was to bring the decisions needed to allow Roderick Plains, LLC, a choice by Site Manager of ASPEN GREENS, a path forward. Participants present are listed under title asterisk on the CON/SPAN PRELIMINARY PLAN Sheet 1-GS as "ROSTER OF PROFESSIONALS SCOPE OF WORK". After considering individual option comments, the developer directed micro-pile construction be pursued. An Addendum (Copy submitted herewith) to the Geotechnical Report of

17 May 2019, dated 11 June 2019 by Triad Engineering, Inc., included considered recommendations for proper installation of intended micro-piles. With this added Triad Addendum, Contech Engineered Solutions, LLC directed CBC Engineering to design adequate Micropile Foundation Plans and Pile Cap Plans, with details for proper installation by Contractor. Con/Span Preliminary Plan submission includes the CBC plans as Sheets 6B-1 to 3. Contech Engineered Solutions, LLC then completed BRIDGE STRUCTURE Contract Drawings & Details with Specifications for Installation which are now included as Sheets 6A-CT1 to 11 in said bridge Preliminary Plan set. Once these drawings were in hand with some adjusted dimensions revised, the Project Engineer for Phase IIB, proceeded to establish grading, bridge placement adjustments, details of work water flow through work area with management details, consideration of both ground & storm water management, erosion concerns control measures, location of utilities, traffic/pedestrian safety, and work staging space with the sequence of construction now included in Con/Span Preliminary Plans as Sheets 2-GS & 5-GS. Adjusted bridge was re-staked 6 January 2020 for Project Engineer's site visual confirmation relative to current canal crossing road and bridge work space of plans. Bridge construction must interface with the construction of Quaking Aspen Way plan inclusions. This reader is directed to ASPEN GREENS Phase IIB Preliminary Plans Sheets 7A-GS and 7K-GS and other related sheets therein. Please note the necessary and pertinent interrelated details in these documents for cooperative coverage of the professionals' best use during the bridge work ahead.

Please advise questions or clarifications to improve this work.


Fred W. Gates, P. S., President
GATES ASSOCIATED, Inc.
153 Venice Way
Shepherdstown, WV 25443



304-876-6124 (voicemail)
240-720-5801 (voicemail)
gatesassociated@aol.com (email)



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office 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

3rd Quarterly Report for Planning and Zoning FY 2020 (January 1, 2020 – March 31, 2020)

Attached is an electronically generated report of all applications submitted and reviewed within the 3rd Quarter of FY2020. This data is being provided as a part of the 3rd Quarterly Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

PLANNING COMMISSION ITEMS

Planning Commission Meetings: **2 Meetings**

Subdivision Regulations Text Amendments **1**

Greenway Subdivision Regulations Reorganization and Amendments underway

Zoning Ordinance Text Amendments **1**

ZTA19-03: Zoning Ordinance Text Amendment to allow Solar Farms in the Rural District; PC Committee formed to review alternative processes for Solar Farms

Zoning Map Amendments/Rezoning **1**

Zoning Map Amendment petition by property owner Murall Limited Partnership for a property located near the Jefferson and Berkeley County lines; currently zoned Rural/requesting General Commercial zoning; designated as Tax District: Middleway (07); Tax Map: 2; Parcel: 1.3; Size: 5.68 acres. *Approved by CC 1/30/20*

Concept Plan Public Workshop **none this quarter**

BOARD OF ZONING APPEALS (BZA) ITEMS

Board of Zoning Appeals Meetings: **2 meetings**

Zoning Appeal of Administrative Decision: **none this quarter**

PLANNING & ZONING STAFF ITEMS

Pre-Proposal Conference (PPC) Meetings: 16 Total (7 Subdivision & 9 Site Plan)

Information Request Forms (IRFs) -- general inquiries from the public: 38 Total

Zoning and Land Development Fees Collected: \$ 11,405.95

Regional Transportation Planning Meetings	DATE
Eastern Panhandle Transit Authority (EPTA) Board Meetings	1/13/20; 2/10/20; 3/15/20; 3/19/20
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	1/15/20; 3/18/20
HEPMPO US Bike Route 11 Public Meeting	2/27/20
WVDOH/Planner Roundtable Meeting	2/26/20
Regional Planning Meetings	
Safe Water Conservation Collaborative Meeting via ZOOM	3/26/20

	A	B	C	D	E	F	G	H
1	Planning and Zoning FY 2020 3rd Quarter Quarterly Report 1/1/2020 - 3/31/2020 (Generated 4/6/2020)							
2	Type	Project Number	Creation Date	Owner Name	Mailing	Location	Status	Description
3	Conditional Use Permit	20-1-CUP	2/3/2020	Potomac Crossroads Counseling, LLC - Kenneth Lowe	4781 Kearneysville Pike, Shepherdstown, WV 25443	4781 Kearneysville Pike, Shepherdstown, WV 25443	Open	Establish Counseling Offices in existing Residential structure
4		20-2-CUP	3/2/2020	Chareles A II & Virgie A Moore	170 Huyett Rd, Charles Town, WV 25414	170 Huyett Rd, Charles Town, WV 25414	Open	Request to operate a Nonprofit Commercial Use, as defined in Article 2, including operating an outreach ministry to serve the community by offering free clothing, food, financial assistance, etc.
5								Type Total:
6								Category Total:
7	Easements	19-7-E	3/6/2020	T.L. Magaha & Sons, Inc.	7924 Middleway Pike, Charles Town, WV 25414	7924 Middleway Pike, Charles Town, WV 25414	Open	Proposed 280,599 ac easement
8								Type Total:
9								Category Total:
10	Merger or Boundary Line Adjustment	20-1-M	1/8/2020	David Lutman	412 W. Burr Blvd., Kearneysville, WV 25430	Buckingham Lane, Kabletown District	Closed	Lot 1/Lot2 Musgrove Minor Subdivision
11		20-2-M	1/13/2020	Williamson, Timothy G	525 Wren Lane, Harpers Ferry, WV 25425	525 Wren Lane, Harpers Ferry, WV 25425	Open	Lots 28 & 29
12		20-3-M	2/21/2020	Charles Town Burr Park Station, LLC	PO Box B, Mt. Jackson, VA 22842	corner of War Admiral and Wiltshire Roads	Open	Merger Burr Industrial Park, Lots 16A and 16B, for a proposed Gas Station and Convenience Store .
13								Type Total:
14								Category Total:
15	Miscellaneous Fees	20-1-Q	1/8/2020	Lutman Land Development, LLC	412 W. Burr Blvd., Kearneysville, WV 25430	Buckingham Lane, Kabletown District	Closed	Lot 1 Musgrove Minor Subdivision Minor Plat Change
16		20-2-Q	2/6/2020	Channing, Roger J & Sherley A	691 Mission Ridge Rd, Harpers Ferry, WV 25425	691 Mission Ridge Rd, Harpers Ferry, WV 25425	Open	Lot 20 Mission Ridge (PC File #03-03) Request to Lift Single Family Restriction
17		20-3-Q	2/11/2020	Desai Manish B	25335 Diligence Ct, Aldie, VA 20105	3507 Mission Rd, Harpers Ferry, WV 25425	Closed	J&J Foodway LLC Request for an ABC Determination
18								Type Total:
19								Category Total:
20	Planning Commission Variance (1979 ZO)	20-1-PCV	3/6/2020	Roderick Planes, LLC. - Maurice Gladhill	5509 Mount Zion Road Box 777, Frederick, MD 21705	NE Corner Old Country Club and Flowing Springs Roads	Open	Applicant is requesting a 2 year extension from the 1979 Sub. Ord. Article 6; Section 6.3
21								Type Total:
22								Category Total:
23	Planning Commission Waiver	20-1-PCW	2/12/2020	Wilson, Michael C & Alla A	620 Quarry View Ct Unit 407, Reisterstown, MD 21136	225 Amnesty Way, Shepherdstown, WV 25443	Open	Waiver from Section 20.201A(2) of the 2008 Sub. Regs. to utilize an existing 30' easement (Amnesty Way) to access a proposed two additional lots for a total of 6 lots.
24								Type Total:
25								Category Total:
26	Site Plan	20-1-SP	2/5/2020	Arcland - Noah Merkhams	PO Box 25523, Washington, DC 20027	107 Keyes Ferry Rd, Charles Town, WV 25414	Open	Parking for RV storage
27		20-2-SP	2/14/2020	Jefferson County Development Authority	PO Box 237, Charles Town, WV 25414	315 James Burr Blvd, Kearneysville, WV 25430	Open	The construction of a distillery building and related site improvements.
28		20-3-SP	2/21/2020	Krop Properties, LLC.	544 Cloverdale Rd., Charles Town, WV 25414	War Admiral Boulevard	Open	Construction of a store, playground, congregation area, and related site improvements.
29		20-4-SP	2/25/2020	Richard and Phillip Childs	PO Box 124, Summit Point, WV 25446	corner of South Childs and Leetown Road	Open	AT&T is proposing to build a 195ft monopole Cell tower which will include 6 Antennas and a 3,600 sq ft fenced compound on the ground.
30		14-02-SP	3/6/2020	St. James Lutheran Church of Uvilla	4328 Shepherdstown Pike Shenandoah Junction WV 25442	4328 Shepherdstown Pike Shenandoah Junction WV 25442	Open	Parking Lot
31		13-07-SP	2/27/2020	Harpers Ferry Holding, LLC. - Mathew Knott	408 Alstadts Hill Rd., Harpers Ferry, WV 25425	408 Alstadts Hill Rd., Harpers Ferry, WV 25425	Open	Redline Revision for Maintenance Shed
32								Type Total:
33							Category Total:	
34	Subdivision	05-41-SD	1/24/2020	Beallair Homes, LLC.	5283 Corporate Dr. Suite 300, Frederick, MD 21703	east of Old Country Club Road	Open	Preliminary Plat/Final Plat
35		20-1-SD	2/20/2020	Roderick Planes, LLC. - Maurice Gladhill	5509 Mount Zion Rd., Frederick, MD 21705	NE Corner Old Country Club and Flowing Springs Roads	Open	Phase IIB (Lots 47-85) 39 Single Family Lots + Residue with Access through existing Phase IIA
36		06-41-SD	3/6/2020	The Federal Group, Inc. - Ken Lowe	233 Lowe Dr., Shepherdstown, WV 25443	233 Lowe Dr., Shepherdstown, WV 25443	Open	Redline Revision to Kenningson Townhome Preliminary Plat to divide off Townhouse lot
37		20-2-SD	3/6/2020	Magaha T L Sons Inc	7924 Middleway Pike, Charles Town, WV 25414	7924 Middleway Pike, Charles Town, WV 25414	Open	Lots 2R, 3, 4 and 5
38		20-3-SD	3/24/2020	Robert & Nancy Tabb	1885 Drake Lane, Kearneysville, WV 25430	1885 Drake Lane, Kearneysville, WV 25430	Open	Creating Lot 3B and a Residue
39		92-14-SD	1/3/2020	N/A			Open	94 file input into MyGov for Pennoni Roger Harris
40							Type Total:	
41							Category Total:	
42	Zoning Certificate	20-1-ZC	1/21/2020	Kita LLC	2668E 27th St, Brooklyn, NY 11235	59 Ruland Rd Ste D, Kearneysville, WV 25430	Closed	Professional Office - Edward Jones Financial Advisors
43		20-2-ZC	1/23/2020	Rock Spring Church - Michael Lowrey	114 Poor Farm Rd, Kearneysville, WV 25430	114 Poor Farm Rd, Kearneysville, WV 25430	Closed	Addition of six classrooms for expansion of church preschool and daycare
44		20-4-ZC	1/29/2020	Gladstone, Lawrence E & Alisa	961 Cherry Run Rd, Harpers Ferry, WV 25425	961 Cherry Run Rd, Harpers Ferry, WV 25425	Closed	Cottage Industry: Pottery Studio
45		20-3-ZC	1/31/2020	Daniel Gainsburg	5547 29th St, Washington, DC 20015	26 Maddex Square Dr, Shepherdstown, WV 25443	Closed	Removing "Rite Aid" signs and adding "Walgreens" signage.
46		20-5-ZC	2/11/2020	Mullen Robert S & Christine M	139 Sweet Briar Rd, Martinsburg, WV 25401	4893 Charles Town Rd Ste 101, Kearneysville, WV 25430	Closed	Change in Nonconforming Use: Customize headstones
47		20-6-ZC	2/11/2020	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	PO Box 190, Summit Point, WV 25446	770 Hardesty Rd, Summit Point, WV 25446	Closed	The removal/replacement of antennas on an existing telecommunications tower
48		20-7-ZC	2/26/2020	Sebbahi Real Estate LLC	319 Lutz Ave, Martinsburg, WV 25404	99 Cary Lu Cir Ste 105, Harpers Ferry, WV 25425	Open	Shopping Center: Change in tenant

	A	B	C	D	E	F	G	H
49		20-8-ZC	3/13/2020	Potomac Valley Audubon Society Inc	PO BOX 578, Shepherdstown, WV 25443	1469 Lloyd Rd, Charles Town, WV 25414	Closed	Nature Center and Preserve for Potomac Audubon Society main office; indoor space for programs related to the Preserve; associated parking lot; to host programs for preschool, home schooling, summer camps, adults and families; and special events.
50		20-9-ZC	3/16/2020	Bailey, Joshua T	21 Trotting Way, Charles Town, WV 25414	21 Trotting Way, Charles Town, WV 25414	Open	Cottage Industry: Day Care. Small operated from the home with up to five children. No employees.
51							Type Total:	9
52							Category Total:	9
53		19-38-ZV	1/3/2020	Richard Childs	4360 Leetown Road, Summit Point, WV 25446	Leetown Road, Summit Point, WV 25446	Open	Variance from Section 4B.7.J.2a to increase the height for a cell tower from 100' to 199'.
54		20-1-ZV	1/3/2020	Newman Sisk	P.O. Box 474, Charles Town, WV 25414	Border Road and Southard Lane, Kearneysville, WV 25430	Open	Variance from Section 9.7 to reduce the side setback from 15' to 0' to convert an accessory structure into a residential dwelling unit; and, to reduce the rear setback from 50' to 28' to allow for a 26' x 44' attached garage.
55		20-2-ZV	1/29/2020	Julian, Michael A & Peggy S	27 Lace Leaf Way, Charles Town, WV 25414	27 Lace Leaf Way, Charles Town, WV 25414	Open	Variance from Appendix A to reduce the two front setbacks from 20' to 19' and 13' respectively and the side setback from 8' to 7' to complete the construction of a home with an attached garage.
56		20-3-ZV	1/29/2020	Graham, Robert L & Nancy J	1191 Tusawilla Dr, Charles Town, WV 25414	1191 Tusawilla Dr, Charles Town, WV 25414	Open	Variance from Section 9.7 to reduce the side setback from 8' to 4' for a 24' x 24' attached garage
57		20-4-ZV	2/4/2020	Lutman Land Development, LLC - David Lutman	412 W Burr Blvd, Kearneysville, WV 2430	Old Cave Road, Charles Town, WV 25414	Open	Variance from 5.7D.2.b.i(b) to allow the 50% green space to be allocated on each of the individual lots within the cluster.
58		20-6-ZV	3/2/2020	Walker, Terry L & Margaret R	10179 Leetown Rd, Kearneysville, WV 25430	10179 Leetown Rd, Kearneysville, WV 25430	Open	Variance to reduce the side setback from 15' to 1' along the northern boundary to replace a 24' x 24' detached garage that was destroyed by fire.
59	Zoning Variance	20-7-ZV	3/2/2020	Shepherdstown Public Library	PO BOX 278, Shepherdstown, WV 25443	Lowe Drive extended, Shepherdstown, WV 25443	Open	Variance from Section 4.11 and Appendix B to allow a 50' unscreened buffer in lieu of the required planted landscaping per Standard Detail M-53; and Section 4.6 to reduce the distance requirement from 75' to 40' from the front property line.
60		20-8-ZV	3/2/2020	Lowe, Kenneth F Jr -Rev Trus - Kenneth Lowe	PO Box 575, Shepherdstown, WV 25443	4781 Kearneysville Pike, Shepherdstown, WV 25443	Open	Variance from Section 4.6B to reduce the distance requirement along two boundaries; and from Appendix B to reduce the commercial building setbacks and to reduce the parking setback to allow for the operation of Potomac Crossroads Counseling per File #20-1-CUP.
61		20-9-ZV	3/5/2020	Moore, Charles A II & Virgie A	170 Huyett Rd, Charles Town, WV 25414	170 Huyett Rd, Charles Town, WV 25414	Open	Variance from Section 4.6B and Appendix B to reduce the distance requirement on all sides; to reduce the setbacks from two property lines; and to reduce the parking setback for the Church Without Walls Ministries of Jefferson County to operate in an existing residence.
62		20-10-ZV	3/27/2020	William Hoak	761 Jefferson Orchard Rd, Kearneysville, WV 25430	675 Jefferson Orchard Rd, Kearneysville, WV 25430	Open	Reduction from 50' rear setback to 38' for a 12' x 12' deck
63							Type Total:	10
64							Category Total:	10
65							Grand Total:	40



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

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Planner's Memorandum

Planning Commission Meeting

April 14, 2020

1) Status of County Offices during COVID-19Virus Pandemic

BY ORDER OF THE JEFFERSON COUNTY COMMISSION ON APRIL 2, 2020, ALL COUNTY OFFICES WILL CONTINUE TO BE CLOSED TO THE PUBLIC. THIS INITIALLY BECAME EFFECTIVE MARCH 18, 2020 AND HAS BEEN EXTENDED THROUGH APRIL 30, 2020 IN RESPONSE TO THE COVID-19 VIRUS. THE COUNTY WILL RE-EVALUATE THE SITUATION AS NEEDED.

WHILE THE OFFICES ARE CLOSED TO THE PUBLIC WE WILL CONDUCT BUSINESS AS BEST WE CAN UNDER THE CIRCUMSTANCES. YOU MAY CONTACT OUR OFFICES AT THE TELEPHONE NUMBERS LISTED BELOW OR VIA EMAIL AS FOLLOWS:

BUILDING PERMITS & INSPECTIONS:	304-725-2998	permits@jeffersoncountywv.org
IMPACT FEES:	304-728-3331	mmason@jeffersoncountywv.org
ENGINEERING:	304-728-3257	engineering@jeffersoncountywv.org
PLANNING:	304-728-3228	planningdepartment@jeffersoncountywv.org
ZONING:	304-728-3228	zoning@jeffersoncountywv.org
GIS & ADDRESSING:	304-724-6759	gis@jeffersoncountywv.org

BUILDING INSPECTIONS WILL BE CONDUCTED BY THE BUILDING INSPECTORS, HOWEVER, NO ONE CAN BE PRESENT ON SITE DURING THE INSPECTION PROCESS. IF THIS CANNOT BE OBSERVED, INSPECTORS HAVE BEEN INSTRUCTED TO NOT CONDUCT THE INSPECTION AND TO LEAVE THE SITE. THANK YOU FOR YOUR UNDERSTANDING DURING THIS TIME OF UNCERTAINTY.

2) Greenway Ordinance/Regulation Amendment Update

- a) Status Update – PC Committee and staff has continued working with Greenway on the proposed reorganization of the Subdivision Regulations and Zoning Ordinance. On April 3, 2020, a fully reorganized draft of the Subdivision Regulations was distributed to the staff and Committee which is now under review. Once this is deemed complete, a joint work session with the County Commission and a Public Hearing will be scheduled.

3) Status of Zoning Ordinance Text Amendments

- a) ZTA19-03: Planning Commission Committee on Solar Farms met on March 27, 2020 via ZOOM to discuss the potential Zoning Ordinance Text Amendment to allow Solar Farms in the Rural District

4) Upcoming PC meetings

- a) Next Regular meeting: May 5, 2020

**** Note change in meeting date due to original Primary date ****