



AGENDA
Jefferson County Planning Commission
Tuesday, July 14, 2020, 7:00 PM

****Planning Commission meetings are temporarily being held virtually. Please see below.**

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 Citizen's Communication or public comment for one of the agenda items, please type your name, address, and agenda item # in the chat function at the start of the meeting.

****ZOOM Meeting Information:**

Topic: Planning Commission Meeting

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

Join Zoom Meeting

<https://us02web.zoom.us/j/82976736335>

Meeting ID: 829 7673 6335

Dial by your location

+1 301 715 8592 US (Germantown)

Meeting ID: 829 7673 6335

Find your local number: <https://us02web.zoom.us/u/kbQPSGD8ny>

1. Approval of Meeting Minutes: June 02, 2020 and June 23, 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:** File #: 20-3-PCW Request by Federal Group, Inc. (Ken Lowe) for two waivers of the 2008 Subdivision Regulations, as amended:
 - Appendix B, Section 2.2H, which requires a non-residential subdivision to have a 60' road right-of-way rather than an easement; and
 - Sections 21.402D which states that no permanent encroachments, structures, fences or landscaping shall be allowed to be located in any easement area.

Property Owner: Federal Group, Inc.; Property Address: 233 Lowe Drive, Shepherdstown, WV 25443;
Parcel Information: Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 10.9; Size 30.01 acres;
Zone: Residential-Growth

There is no public comment for the following items.

5. **Discussion and Possible Action:** Discussion of next steps related to petition from landowner Hillary Banachowski, represented by ElderBranch, LLC for a proposed text amendment to the Zoning Ordinance to create a process to allow Commercial Cemeteries in the Rural zoning district.
6. **Review and Approval:** Planning Commission's FY 2020 Annual Report to the County Commission per WV Code §8A-2-11. The Planning Commission is required by State Code to make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction.

7. Reports from Legal Counsel
8. Planner's Memo
9. President's Report
10. Actionable Correspondence
11. Non-Actionable Correspondence

Meeting Minutes
Jefferson County Planning Commission
June 02, 2020

The Jefferson County Planning Commission met on May 05, 2020 with the following Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison, Jack Hefestay, Ron Thomas, Steve Stolipher and J Ware. Ray Bruning was late, with notice. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; Rachael Burke, Planning Clerk.

Donnie Fisher, Vice President, was absent, with notice.

The June 2, 2020 Planning Commission meeting was held virtually using ZOOM. The public was invited to join via the agenda, posted to the County site; either by calling in or using the link provided within. Sign-ups for Citizen Communication and Public Hearing were done via the chat function and phone call to our office, prior to the meeting.

Mr. Mike Shepp called the meeting to order at 7:00pm and announced the change of order for the public hearings. He stated that Items # 5 and #6 would be heard before the text amendment public hearing.

1. Approval of the May 5, 2020 meeting minutes, approved as submitted.
2. Citizen Communications. None.
3. Request for postponement. None.
5. **Public Hearing:** Application by Roderick Planes, LLC. Maurice Gladhill (File #20-2-PCV), applicant is requesting a variance to allow early grading for Aspen Greens Subdivision Phase IIB. Said variance is from Section 8.2.c. of the 1979 Subdivision Ordinance, "Storm Water Drainage and Erosion Control" that provides for no grading until after Final Plat approval, recording & bonding.

Ms. Brockman presented the request and history of this project, including issues with the stormwater. Mr. Morris Gladhill, applicant, stated that he had no further comments than the staff had made and reiterated they are eager to move forward with grading.

Mr. Shepp opened the Public Hearing. There was no public comment; Mr. Shepp closed the Public Hearing.

Mr. Stolipher made a motion to approve the request as presented and Mr. Louthan seconded the motion, which carried unanimously.

6. **Public Hearing:** Application by Beallair Homes, LLC. (File #20-3-PCV) applicant is requesting a variance from Article 6, Section 6.3 of the 1979 Subdivision Ordinance to extend the date for the required Final Plat Public Hearing for the next Phase from July 1, 2020 to July 1, 2022, due to issues with the sanitary sewer service provider in this area and the recent shut down of county and state offices.

Ms. Brockman provided an overview of the request. She stated that this project is processing under the old requirements and provided a status of the review of the most recent Phase submitted to the Planning Office. She further explained that the County Commission's

Meeting Minutes
Jefferson County Planning Commission
June 02, 2020

approval of the Senate Bill 595 extension ends on July 1 2020 and they are requesting to extend for an additional 2 years, until 2022.

Mr. Paul Raco, applicant's consultant, also presented a history of the extension approvals. He stated that the next Phase involves the same builder and that the requested extension is due to the sewer service being held up for the last 4 years. He also noted that this development is located within the Envision Jefferson 2035 Comp Plan "Residential Preferred Growth Area". He noted that the applicant is ready to submit for the second round of comments.

Mr. Shepp opened the Public Hearing. There was no public comment; Mr. Shepp closed the Public Hearing.

Mr. Hefestay made a motion to accept the application as submitted and Mr. Ray Bruning seconded the motion, which carried unanimously.

4. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment includes proposed revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.

Ms. Beaulieu provided an overview of the request, including buffering, setbacks, a draft-decommissioning plan submitted with the Concept Plan and a Zoning Certificate. She explained why the Zoning Certificate is needed and touched on the Stormwater Management items.

Mr. Shepp opened the floor to Public Comment. Five 5 people signed up to speak; 2 prior to the meeting and the others within the chat function. The following people spoke regarding the amendment and concerns or edits they proposed:

Doug Rockwell (against)
Robert Aitcheson (against)
Susan Hough (for)
Richard Zigler (for)
David Fish (against)

Staff noted that written public comment was received from Mark Dyck (for); Doug Rockwell (against); Bob Aitcheson (against); Cam Tabb (recommendations for changes to draft); Joyce Rawn (against). All of these Public Comments were distributed to the Planning Commission prior to the meeting.

Mr. Shepp closed the public hearing and reviewed options for how to move forward. He reminded the Planning Commission that their action is to forward the draft as written or as amended based on public comment to the County Commission for their subsequent action. He reminded the Planning Commission that they were meeting at a fourth Tuesday meeting

Meeting Minutes
Jefferson County Planning Commission
June 02, 2020

on June 23rd to discuss the Subdivision Regulations revisions and that this discussion and action could be put on that agenda as well.

Mr. Lorenzetti stated he is currently against the proposed text amendment changes and supported discussing it further at the 6-23-20 meeting.

Mr. Louthan asked to hear Legal Counsel's response to some of the public comment regarding the state law affecting this proposed amendment.

Mr. Cochran stated he would prefer to delay discussion until the 6-23-20 meeting in order to further research options related to the decommissioning bond. He agrees with Roger Goodwin regarding the performance bond not applying to decommissioning, but would like the opportunity to look at other sections of state code for direct authority regarding the bond concerns.

Mr. Louthan made a motion to add the Residential Growth District to the solar amendment as well. Mr. Shepp asked staff about the appropriateness of a motion at this time. Ms. Brockman explained that it would be more appropriate to have this discussion and motion at the 6-23-20 meeting if other action is being delayed to that time. Mr. Cochran agreed, action should all be taken at the next meeting. Mr. Louthan agreed to delay his motion until the next meeting.

Mr. Hefestay made a motion to postpone the action for this agenda item to 6-23-20; Mr. Bruning seconded the motion, which carried unanimously (after discussion and the vote below).

Mr. Lorenzetti mentioned keeping the public comment open and there was discussion. Mr. Shepp mentioned that he had already closed the Public Hearing. Mr. Lorenzetti made a motion to keep the public comment open for 10 business days. Mr. Hefestay seconded the motion, which carried unanimously.

Ms. Brockman noted that all public comment received during this period would be provided to the Planning Commission prior to the 6-23-20 meeting so the members could discuss and consider it at that time.

7. **Discussion and Possible Action:** Petition from landowner Hillary Banachowski, represented by ElderBranch, LLC., to request that the Planning Commission consider within its work plan a proposed text amendment to the Zoning Ordinance to create a process to allow Commercial Cemeteries in the Rural zoning district.

Ms. Beaulieu provided an overview of the request and reminded the Commissioners that if a land use is not listed as a Principal Permitted Use or a Conditional Use, it is treated as if it is prohibited. Therefore, new uses may require text amendments to be permitted. She noted that this request is to allow a commercial cemetery that is not accessory to a church or a funeral home as a Conditional Use.

The Elderbranch representative, Michael Judd, explained the natural cemetery and Hillary Banachowski, the property owner, is willing to sell them approximately 7 acres along Persimmon Lane. There would be no chemicals or metal and is considered a natural burial that would be available to people without a farm. No cremation would be permitted and this would be within small area of the farm. There are also no monuments (which requires

Meeting Minutes
Jefferson County Planning Commission
June 02, 2020

certification they will seek) and no visual markers, except flat native stone with possible engraving with the goal of preserving the land that the cemetery is on and retaining the natural landscape.

Mr. Louthan asked if there will be a graveside service. Mr. Judd explained that there will be graveside similar to other public cemeteries.

Mr. Bruning asked if the text amendment could be this specific.

Ms. Beaulieu said that a text amendment could be this specific but they may want to consider other types of cemeteries as well. She also explained in the 1979 Subdivision Ordinance there was an exemption for cemetery lots. Current regulations do not have any provisions related to cemeteries, except that it would be considered a permitted use in the commercial district. This request relates to the Rural district and at this point, the request is for the Planning Commission to accept into their workplan, to incorporate provisions to allow for cemeteries. This could be a work session or public hearing, at the commission's discretion.

Mr. Stolipher moved a motion to accept into their work plan. Mr. Louthan seconded. A vote was taken 7;1 opposed (Ralph Lorenzetti).

8. **Discussion and Possible Action:** Review of the most recent draft of reorganized Subdivision Regulations (with no edits) for the purpose of preparing for a Public Work Session scheduled for a special called Planning Commission meeting on June 23, 2020 at 7:00 pm.

Ms. Brockman explained where the Planning Commission Committee and the consultant are in the process and what has happened to date. She stated that the Committee have scheduled a Public Workshop for 6-23-20. She explained that the reorganization more closely reflects how things are currently processed in Jefferson County. Specifically, Articles III and IV are lengthier but this will be helpful for landowners, surveyors and engineers processing at this time. Additionally, State Code requires that the stand-alone Improvement Location Permit Ordinance be incorporated into the Subdivision Regulations – this will now be Article V. Phase I only reflects these edits. She reviewed the steps remaining within this process, including public meetings.

She also stated that the 6-23-20 meeting is a workshop and not a Public Hearing. It is intended to inform the PC members and the public about the status of the update. The next step will include revision which will require formal Public Hearings for input into the changes.

Mr. Lorenzetti asked for a printed copy to be placed in the office for people to review. Mr. Shepp asked if action is needed on this. Ms. Brockman stated that they do not need to take action but we will add a link to the website and print off copy.

9. Reports from Legal Counsel: None.
10. Planner's Memo: Status of #8 and update on our office functionality during COVID19 Pandemic. Upcoming meeting Agenda for 6-23-20 and next regular meeting 7-14-20.
11. President's Report

Meeting Minutes
Jefferson County Planning Commission
June 02, 2020

12. Actionable Correspondence

13. Non-Actionable Correspondence:

- E-mail from Hartsell Whitacre, Rolling Knolls HOA president; re: Family Transfer provision.

Ms. Brockman stated we are preparing an organized response to this.

Mr. Stolipher made a motion to adjourn and Mr. Bruning seconded the motion, which carried unanimously.

Mr. Shepp closed the meeting at 8:15pm.

Meeting Minutes
Jefferson County Planning Commission
June 23, 2020

The Jefferson County Planning Commission met on June 23, 2020 with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison, Jack Hefestay, Steve Stolipher, J Ware, Ron Thomas and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; Rachael Burke, Planning Clerk.

The meeting took place via a ZOOM Meeting Room. Access was made available via the agenda, posted to the County site. Sign-ups for Citizen Communication were done prior to the meeting and via the chat function, prior to the meeting. No one signed up via chat, 2 attendees did sign up via phone, prior to the meeting. They planned to call in and did not have access to the chat. Role was taken verbally.

Mr. Mike Shepp called the meeting to order at 7:02 pm and he verified there was a quorum.

1. **Minutes:** The June 2, 2020 Meeting minutes will be reviewed and voted on at the July 14, 2020 meeting.
2. **Citizen Communications:** Robert Aitcheson and Doug Rockwell signed up prior to the meeting to speak.

Mr. Mike Shepp explained that all citizens speaking should not be commenting on either of the agenda items to be discussed tonight. Public Comment is closed for Item #3, ZTA19-03 (Solar Text Amendment), at this time.

Mr. Robert Aitcheson began speaking about the solar text amendment, Mr. Mike Shepp interrupted and the same happened for Mr. Doug Rockwell. He stated further comment will be received at the County Commission regarding this amendment.

3. **Discussion and Action:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03, including review of the public comments submitted through 06-16-20. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment includes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.

Mr. Mike Shepp stated that he reviewed the public comments received through 06-16-20, the end of the Public Comment period. He asked if Mr. Steve Stolipher wanted to address comments made about a possible conflict of interest. Due to technical difficulties, Mr. Stolipher was unable to respond. Mr. Shepp said he would return to that subject once Mr. Stolipher resolved the technical issues. Mr. Shepp went on to explain that a number of the comments were about requiring a decommissioning bond. Mr. Shepp explained the input that the committee and Planning Commission had received from the Director of Engineering, Planning and Zoning on this topic and asked Mr. Nathan Cochran to address the subject.

Mr. Nathan Cochran, County Attorney, informed the Planning Commission that he had researched the decommissioning bond issue as requested by the Planning Commission and suggested that the Planning Commission may want to go into a short executive session.

Mr. Bob Aitcheson objected to the Executive Session because Mr. Cochran had not provided a reason for the Executive Session.

Mr. Cochran noted his objection and stated that he believed there was an attorney-client issue regarding potential liability.

Mr. Shepp requested a motion to go into Executive Session. Mr. Stolipher made a motion to go into Executive Session. Mr. Bruning seconded the motion, which carried unanimously.

Mr. Stolipher made a motion to come out of executive session. Mr. Thomas seconded the motion, which carried unanimously.

Mr. Shepp explained that Mr. Cochran might have a solution for the bond issue.

Mr. Cochran referenced WV Code 7-1-3kk, which provides the County Commission authority to enact ordinances, issue orders, and take other appropriate actions to eliminate hazards to public health and safety, and to abate anything the Commission determines to be a public nuisance. He stated that this section of State Code would allow the Commission to require abandoned solar energy structures to be removed and the land restored to its original condition. Mr. Cochran provided a summary of possible language to incorporate into the decommissioning section of the draft amendment, including surety requirements. Mr. Cochran stated that the County Commission would also need to draft a set of County Solar Decommissioning guidelines to provide a set of actions that a solar company and/or landowner would have to take in order to provide for a decommissioning plan. He advised the Planning Commission that if these provisions were included in the draft Ordinance sent to the County Commission, the guidelines would be drafted by the County Commission.

Mr. Mike Shepp asked Mr. Stolipher if he would like to address public comment regarding a conflict of interest.

Mr. Stolipher explained he spoke with the Ethics Commission and they stated he could participate and that his being a commercial real estate broker would not be a conflict.

Mr. Lorenzetti asked Ms. Angie Banks, County Tax Assessor, questions about the impact of solar facilities on rural properties. Ms. Banks gave a 400-acre farm example. She stated that farm use could be applied on the half of the farm that does not have panels and that the part of the property with solar panels would be taxed as commercial, Class 3 or 4. The person who owns the panels would also be assessed as a public utility and it would be considered industrial.

The Planning Commission discussed their concerns and stated their individual thoughts on the proposed text amendment, including decommissioning concerns once the solar use is discontinued and property tax implications, and alternative revisions that could be proposed. There was some discussion about whether the change in land use or tax classification impacts the property's zoning designation. Ms. Brockman clarified that a change in use does not change the zoning of a property.

Mr. Stolipher made a motion to include Mr. Cochran's guidelines into the document. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Wade Louthan made a motion to add Solar Energy Facilities as a Principal Permitted Use in the Residential Growth Zoning District. Mr. Ray Bruning seconded the motion. The motion passed 7 in favor and 2 opposed (Ron Thomas and Mike Shepp).

Mr. Steve Stolipher made a motion to forward the draft, as amended, to the County Commission with the finding that the proposed text amendment is in conformance with the Comprehensive Plan. Mr. Jack Hefestay seconded the motion. The motion passed with 8 for and 1 against (Ralph Lorenzetti).

4. **Public Workshop:** Regarding the ongoing reorganization and revisions to the Jefferson County Subdivision and Land Development Regulations (to be renamed the Jefferson County Subdivision and Land Development Ordinance) being prepared under contract with Greenway Engineering. The purpose of the Workshop is to provide an overview of the status of Phase 1 of the reorganization of this document. Phase 1 involved reorganization only with no edits or revisions to the text, other than the incorporation of the Improvement Location Permit Ordinance into Article V as required by State Code. The text has been reorganized to better reflect the current review process of both subdivisions (Article III) and site development (Article IV) with all review standards and plan requirements incorporated into the corresponding sections of the ordinance.

Ms. Jennifer Brockman presented the Subdivision and Land Development Reorganization, proposed by Greenway Engineering (Phase I). She did an overview of how to read the edits and review the lengthy document. She also provided an overview of the Phase II plan for revisions and edits, which will include input from surveyors, engineers and staff using this document regularly.

Mr. Shepp verified no action was required on this item.

Mr. Shepp also mentioned that this meeting is Mr. Ray Bruning's last meeting. The Planning Commission wished him the best of luck.

Mr. Ray Bruning motioned to end the meeting and Jack Hefestay seconded the motion, which carried unanimously.

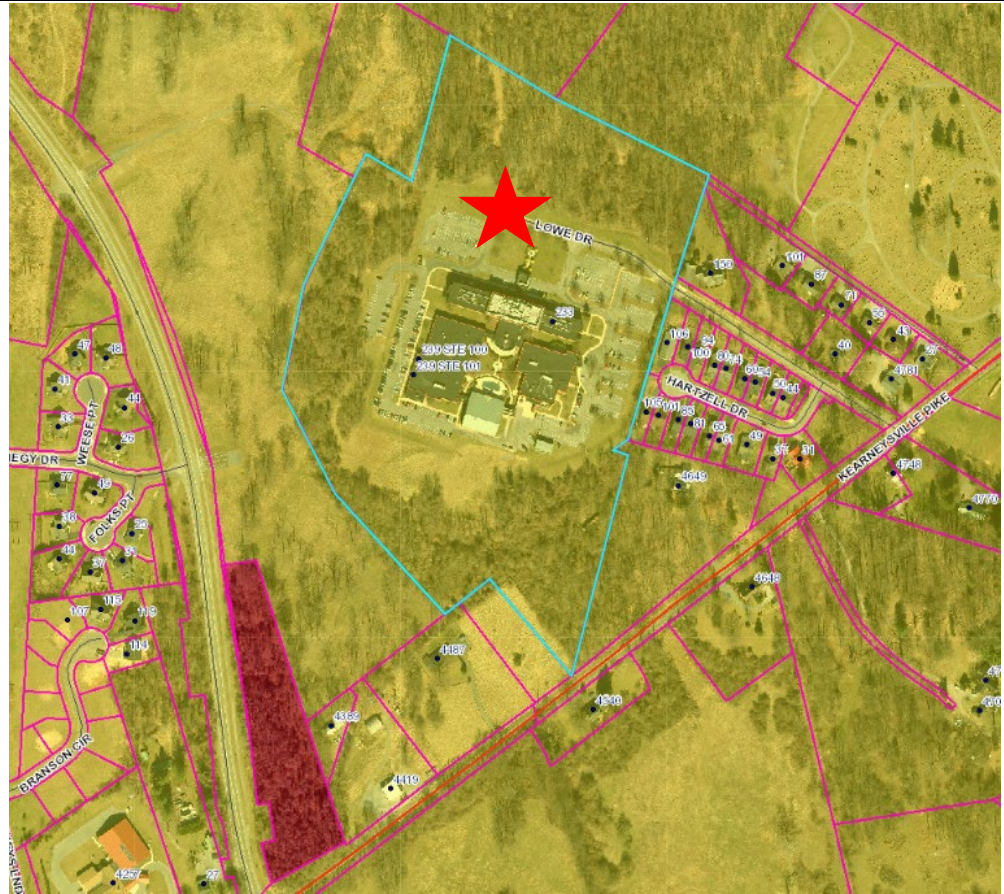
Meeting was closed at 8:00pm.

Staff Report
 Jefferson County Planning Commission Meeting
 July 14, 2020

Item # 4

Public Hearing: File #: 20-3-PCW Request by Federal Group, Inc. (Ken Lowe) for two waivers of the 2008 Subdivision Regulations, as amended:

- Appendix B, Section 2.2H, which requires a non-residential subdivision to have a 60’ road right-of-way rather than an easement; and
- Sections 21.402D which states that no permanent encroachments, structures, fences or landscaping shall be allowed to be located in any easement area.

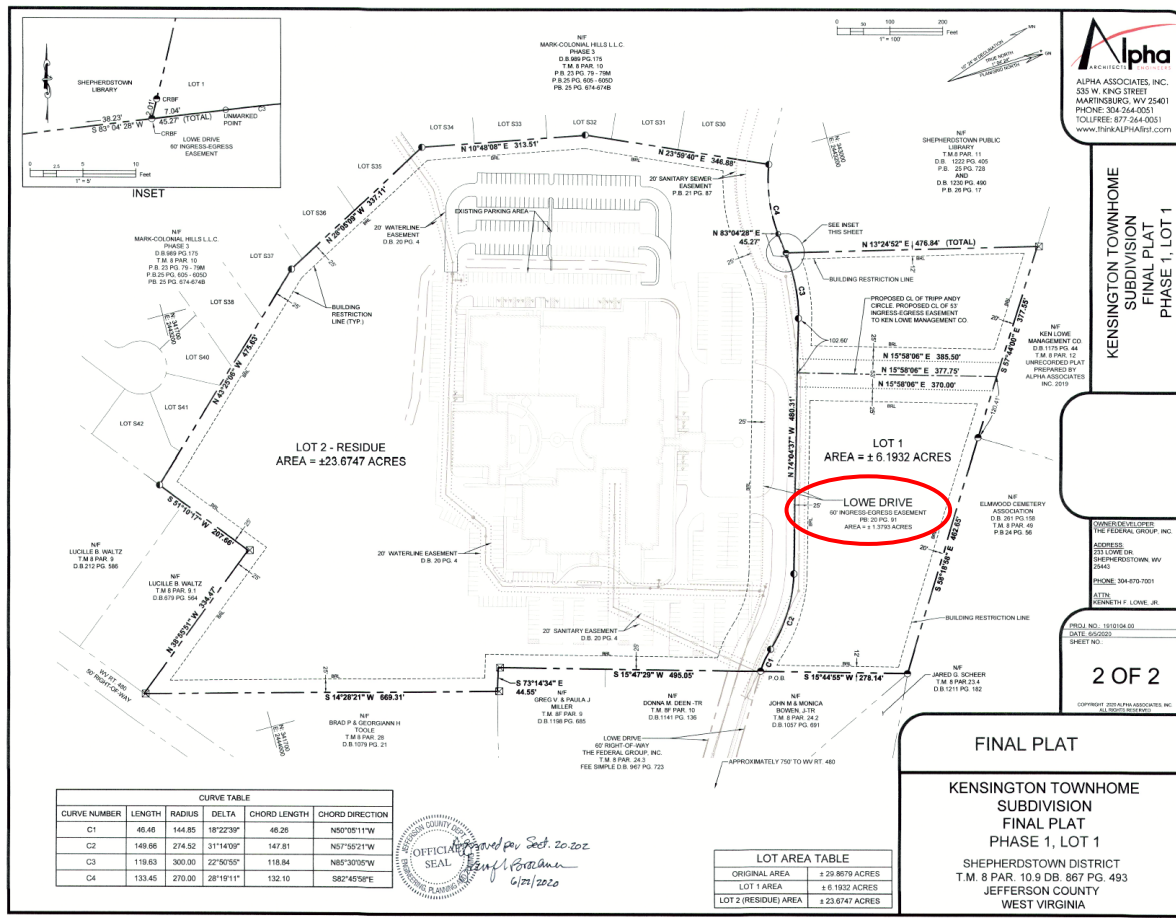
APPLICANT	Federal Group, Inc.	
OWNER/DEVELOPER	Same	
CONSULTANT	Paul Raco	
PROPERTY LOCATION	233 Lowe Drive, Shepherdstown, WV 25443	
LEGAL DESCRIPTION & ZONING DISTRICT	Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 10.9; Size 30.01 acres; Zone: Residential-Growth	
		
ADJACENT ZONING DISTRICTS	<i>North:</i> Residential Growth <i>South:</i> Residential Growth	<i>East:</i> Residential Growth <i>West:</i> Residential Growth
PROPOSED ACTIVITY	Future division of the property into three nonresidential lots	
APPROVALS (CLARION HOTEL AND CONFERENCE CENTER AND KENSINGTON TOWNHOMES)		
Conditional Use Permit (Z96-5)		Federal Training Center Approved on 9/19/96

Staff Report
Jefferson County Planning Commission Meeting
July 14, 2020

<p>Kensington Townhome Community Impact Statement (CIS) -- PC File #06-41</p>	<p>Submitted: 12/21/06 PC Approval: 04/24/07; Approval extended to 01/05/10; Further extended under SB595 to 07/01/20 based on a County Commission approved Resolution on 04/06/17</p>
<p>Kensington Preliminary Plat</p>	<p>Submitted: 06/04/09 County Planner Approval: 12/16/09 County Engineer Approval: 12/28/09 <i>Red-line Revision for Phases 1, 2 & 3 Approved: 6/17/20</i></p>
<p>Kensington Final Plat</p>	<p>PC Public Hearing/Approval: 03/23/10; not bonded and recorded due to SB 595 extensions <i>Phase 1 Lot 1 Final Plat Approval: 6/22/20; not yet recorded</i></p>

Summary of the Request:

The applicant is in the process of creating three non-residential lots from the site currently occupied by the Clarion Hotel and Conference Center. Appendix B, Section 2.2H of the 2008 Subdivision Regulations, as amended, requires a non-residential subdivision to have a 60' road right-of-way established on the Final Plat for the purpose of serving these lots. The applicant is requesting that the existing 60' Access Easement (Lowe Drive) be permitted to be utilized in lieu of creating a right-of-way; and that the existing parking spaces, which cross into the easement, be permitted to remain.



Staff Report
Jefferson County Planning Commission Meeting
July 14, 2020

Site Background:

This property was originally approved as a Conditional Use Permit (Z96-5) on 9/19/96 for the purpose of developing a “main training facility building consisting of 174 sleeping rooms, a dining facility, training classrooms, offices for permanent government staff and office space for the owner/lessor, a gymnasium building, an outdoor pool and outdoor tennis courts,” which is now known as the Clarion Hotel and Conference Center.

Subsequently, the Kensington Townhome Subdivision, creating 36 townhome lots on 6.19 acres of this property, had a Preliminary Plat (#06-41) approved 12/28/09 and Final Plat approved 3/23/10, pending bonding and recording. The Final Plat was valid until 7/1/20 based on a County Commission approved Resolution extending Vested Property Rights approved on 4/6/17.

The applicant would currently like to create a 3-lot subdivision as a revision to the existing Kensington Townhouse Subdivision (#06-41), which is approved, but not yet recorded. Toward this end, in March 2020, a redline revision to the approved Preliminary Plat to create Phases 1, 2 and 3 for these divisions was submitted and approved on 6/17/20. The approval of this redline revision of the Preliminary Plat vacates the previously approved vesting of the Kensington Townhouse plat and initiates the requirement of approval, bonding and recording of a Final Plat within the required two-year time frame, as required under the Subdivision Regulations.

Phase 1 which includes the proposed Lot 1, dividing off the 6.19 acre containing the approved, but not recorded, townhouse development from the balance of the property owned by Federal Land Group for future development was also processed this Spring and approved on 6/22/20. During these reviews the issues related to Lowe Drive being contained in an easement instead of a right-of-way and the parking spaces infringing upon the easement were noticed. It was determined that this issue would need to be corrected with the next submittal or a waiver should be requested.

Phase 2 is proposed to create Lots 2 and 3 and will divide the two buildings approved for the government training facility into two lots with one structure on each lot. Phase 2 will require setback variances and cross access easements for drive aisles, parking and stormwater facilities. Lot 2 is proposed to retain the structure which contains the training facility (does not include lodging or dining) and will require additional parking to meet the needs of that land use. Proposed Lot 3 would retain the hotel and conference center, which includes some training facilities with lodging and dining services.

Phase 3 will be for the development of the Kensington Parcel in accordance with the approved Preliminary Plat or a subsequent Site Plan.

Discussion of Subdivision Regulations:

Appendix B, Section 2.2H of the 2008 Subdivision Regulations, as amended, requires a non-residential subdivision to have a 60’ road right-of-way rather than an easement (Appendix B). A right-of-way is a fee simple property that is owned by an HOA or BOA which allows a common ownership and maintenance agreement for all lots utilizing the right-of-way. An easement is owned by the property owner that it crosses and a maintenance agreement can also be entered into for that.

Sections 21.402D of the 2008 Subdivision Regulations, as amended, states that no permanent encroachments, structures, fences or landscaping shall be allowed to be located in any easement area. During the review of the redline revision to the Preliminary Plat and the Phase 1 Lot 1 Final Plat, it was noted that a small area of the Lowe Drive 60’ easement includes a portion of the existing parking lot, contrary to the Subdivision Regulations.

Staff Report
Jefferson County Planning Commission Meeting
July 14, 2020

Waiver Requirements:

The applicant provided a response to the requirements found in “Division 24.300 Waivers” of the Subdivision Regulations in the waiver application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- (4) that the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

Staff Recommendation:

This application includes two separate waiver requests related to Sections of the 2008 Subdivision Regulations, as amended:

- 1) Appendix B, Section 2.2H which requires a non-residential subdivision to have a 60’ road right-of-way rather than an easement; and
- 2) Sections 21.402D which states that no permanent encroachments, structures, fences or landscaping shall be allowed to be located in any easement area.

Staff has no objection to allowing the easement to remain as an easement rather than a right-of-way.

Staff does have some concern regarding the parking spaces overlapping into the 60’ easement. Eventually, this easement is planned to connect to the new Shepherdstown Library and through Colonial Hills Phase 3 to Alternate WV 45 (Potomac Farms Rd). It is believed that at some point the parking lot will need to be redesigned to move all spaces out of the easement and to meet the required setbacks and staff recommends that a condition requiring this to be addressed when the rest of the road is designed be included in any motion of approval.



JEFFERSON COUNTY, WEST VIRGINIA
Dept. of Engineering, Planning, and Zoning
Office of Planning and Zoning
 116 East Washington Street, P.O. Box 716
 Charles Town, WV 25414
 www.jeffersoncountywv.org

File Number: 20-3-PCW
 Staff Initials: RBB
 Sketch Received: yes
 List of Adjoiners: [initials]
 Fees Paid: 100

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

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

Waiver Request

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

Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.

Property Owner Information

Name: Federal Group, Inc
 Mailing Address: 233 Lowe Drive, Shepherdstown, WV 25443
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Name: Ken Lowe and Below
 Mailing Address: Above and Below
 Phone Number: _____ Email: _____

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

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

Physical Property Details

Physical Address: 233 Lowe Drive, Shepherdstown, WV
 Tax District: Shepherdstown Map No: 8 Parcel No: 10.9
 Parcel Size: 30 Acre +/- Deed Book: 867 Page No: 493

Zoning District (please check one)

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

RECEIVED
 JUN 3 2020
 23 RBB
 JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

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

Section 21.402D and Appendix B, Section 2.2H

Briefly Describe the Nature of Your Waiver Request:

See Attached

Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

See Attached

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

See Attached

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

See Attached

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

See Attached

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

[Handwritten Signature]

Signature of Property Owner

June 22, 2020

Date

Signature of Property Owner

Date

To Be Completed By Office

_____ Date of Public Meeting/Public Hearing

_____ Date Property to be Posted By

_____ Official/Administrative Body

_____ Date Adjoiner Letters to be Mailed

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



Approved



Denied

Federal Group, Inc
Lowe Drive
Request for Waiver
Jefferson County Subdivision Ordinance
Section 21.402D and Appendix B, Section 2.2H
June 23, 2020

Brief Description:

The Applicant owns and is the original developer of the Clarion Hotel and the Federal Meeting and Training/Convention Center including Lowe Drive. The project was initially developed being served by the 60' Right of Way (ROW) and Road known as Lowe Drive. This ROW turns into a 60' Easement and Lowe Drive on the actual 30 acre tract of land that the facilities are located. Since it was originally developed with a Site Plan, only an Easement, as opposed to a ROW was necessary to develop when it was processed in the early 1990s.

The same Easement was conveyed to the neighboring property for the Colonial Hills Subdivision which was developed by a separate property owner and the 60' Easement was approved to be used for that subdivision without the request to convert it to a ROW. This conveyance took place in the mid-2000s. Finally, the use of the 60' Easement (the same Lowe Drive) was also approved for the development of the Townhouse project known as Kensington in the past 10 years by the Planning Commission and Staff.

When the Applicant proposed to separate the lot where Kensington Townhouses were approved for financing purposes, the Staff noticed that the Easement was never required to be converted to a ROW, even though it was approved as an Easement for the last three developments. The Staff asked that the conversion or a waiver be processed to rectify the matter. Accordingly, the Applicant is requesting that the 60' Easement that contains Lowe Drive, remains an Easement for the existing developments and approvals, as well as, for any and all of the future development along Lowe Drive which may even include the Shepherdstown Library at some point.

There really is no difference between an Easement and a ROW from the standpoint of what can happen with the two different titles, other than the Ordinances would allow a 60' area that was created as a ROW, to be conveyed to a third party as a separate parcel of land. According to the attorneys retained by the Federal Group, an Easement serves all the purposes needed for the Federal Group. It can be properly conveyed as an Easement and achieve all the intents and purposes of a ROW such as maintenance agreements and access.

Accordingly, the Applicant is requesting that the long ago created 60' Access Easement that contains Lowe Drive remain an Easement as opposed to be required to be changed to a ROW for the purposes of past, present and future developments on the property and neighboring properties that may utilize the Easement. The purpose of this request is so that this waiver addresses previous approved developments on the Easement and for it to remain as an Easement without the need to convert it to a ROW in the future.

Federal Group, Inc
Lowe Drive
Request for Waiver
Jefferson County Subdivision Ordinance
Section 21.402D and Appendix B, Section 2.2H
June 23, 2020

Four Criteria:

1. *Explain how the design of the Project will provide public benefit in the form in the reduction of Public maintenance costs, greater open space, parkland consistent with the County Park Plans or benefits of a similar nature;*

There is and will be no public cost since Lowe Drive was constructed and is maintained privately. Regardless whether it is called an Easement or ROW, the road and area that includes Lowe Drive will be privately maintained by existing or future roadway and access agreements. This is true unless the WV DOH takes the Road into the State Road system. However, there are no current plans for the State to acquire the property.

Lowe Drive has existed like this in an Easement since the original Clarion and Federal Government utilized facility in the 1990s and the easement over Lowe Drive was conveyed to neighboring development in the mid-2000s. Nothing is planned to change if it were permitted to remain as an Easement as opposed to a ROW.

The small area of the Easement that includes a portion of the parking lot in no way impacts any aspect of the function of the existing Lowe Drive. It is no different than an internal access drive that goes through an existing parking lot that serves any commercial development.

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

If the waiver is granted, it will have no adverse effect on public health, safety, or welfare since nothing will change. Lowe Drive will remain as is and it will continue to serve the properties that are permitted to use the Easement now and in the future. Nothing is planned to alter the configuration at this time. Plus, all future development along Lowe Drive or that is permitted to use Lowe Drive will still need to process an updated Department of Highways permit to access Route 480

Furthermore, the slight encroachment of the parking lot into the 60' Easement would not change if it were converted to a ROW. This encroachment in no way affects the function or safety of Lowe Drive. The public or staff did not even know that it existed

like this for 15 years until it was shown on the latest plat creating the 6 acre Kensington parcel.

3. *Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance;*

The intent of an Easement vs a ROW in the Ordinance for purposes of conveying the right of passage and allowing it to be maintained is the same in this instance since the Applicant wants to retain the Title of the Property. The only think that would be different is if the Owner would want to convey the land under which the Easement exists, would it need to be a separate parcel of land such like a ROW. In this case, all other purposes of a ROW are served by the existence of Lowe Drive within an Easement.

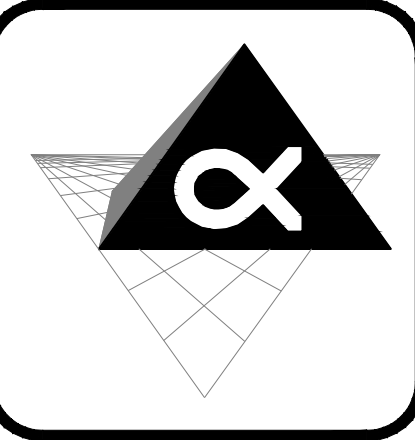
The portion of the existing parking lot that encroaches in the Easement has also existed since the project developed in the 1990s. It has not caused any negative issue. The Applicant understands that if any future circumstance causes the need to expand the width of the Road Surface into an area that is impact by the small portion of the parking lot, then he would relocate that area.

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

There is nothing to gain to convert the easement to a ROW for the Public or County. However, if the waiver isn't granted to allow it to remain an Easement and allow the encroachment of the small portion of parking lot, the applicant would have to spend a considerable amount of resources to process a new plat to change the name of the area from Easement to ROW and to tear out several parking spots and relocate them elsewhere on the property. This will certainly not make it a better project than how it existed for many, many years as is.

Based on the above, the Applicant respectfully requests that the Planning Commission grant the waiver to allow the 60' area that contains the Lowe Drive to remain an easement for the existing developments that utilized the Easement and Future Developments that process. Likewise, the existing improvements to Lowe Drive and parking should be granted the approval to remain as is for future development that utilizes Lowe Drive. Thank you.

PRELIMINARY PLAT FOR KENSINGTON TOWNHOME SUBDIVISION PHASES 1, 2 AND 3 SHEPHERDSTOWN DISTRICT JEFFERSON COUNTY, WEST VIRGINIA



ALPHA
ASSOCIATES, INCORPORATED
ARCHITECTS ENGINEERS SURVEYORS
535 WEST KING STREET
MARTINSBURG, WV 25401
PHONE: 304-264-0051
FAX: 304-264-0707
TOLL FREE: 877-264-0051
EMAIL: alpha@alphaaec.com
www.alphaaec.com

AGENCY REVIEW

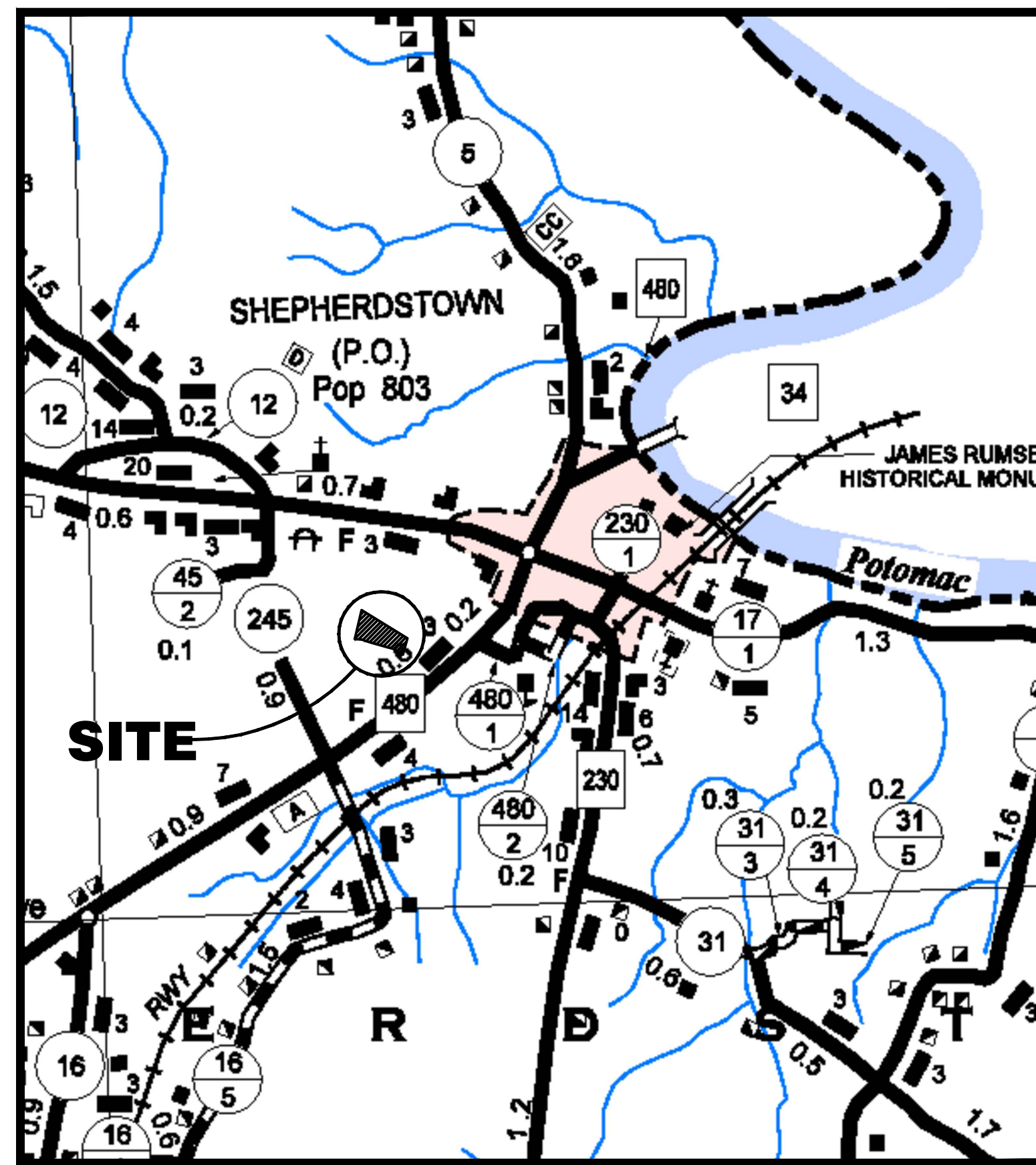
REVISIONS	
ITEM	DATE
ADDED C-4.2	7/10/09
JCPC COMMENTS	8/25/09
CORRECT OWNER/DEVELOPER INFO	11/13/09
JCPC COMMENTS	12/9/09
REDLINE REVISION	3/3/20
JCPC COMMENTS	4/16/20
JCPC COMMENTS	5/6/20
JCPC COMMENTS	5/5/20

COVER SHEET

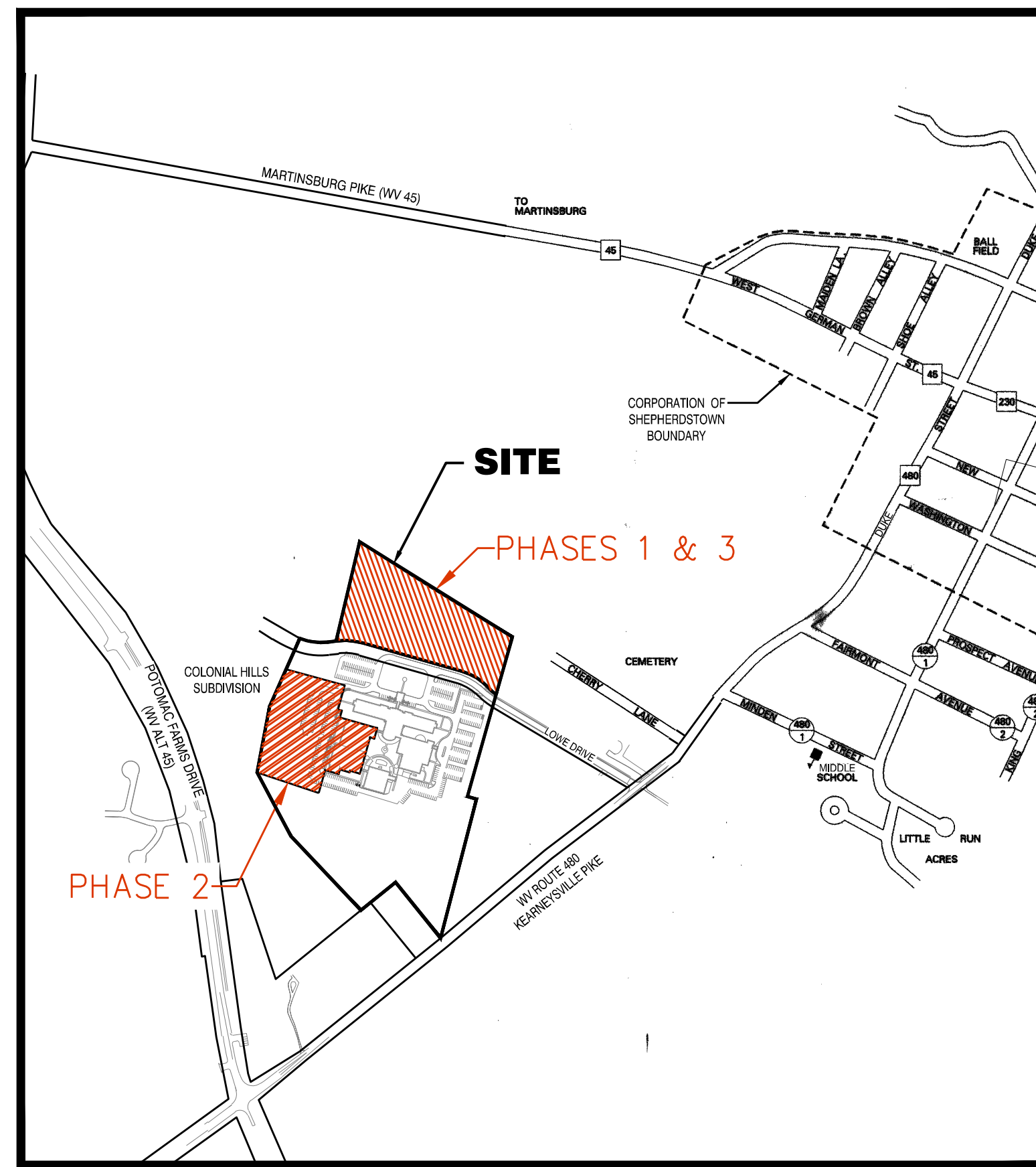
PRELIMINARY PLAT
FOR
KENSINGTON TOWNHOME
SUBDIVISION
PHASES 1, 2 AND 3
SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
TM: 8, PARCEL: 10.9; DB: 867, PG: 493

DR'N.: DFS/WAR
P.M.: RP/EI | P.I.C.: RWK
PROJ. NO.: 0808108.00
DATE: MAY 2009
SHEET NO.:
G-0.0

RED LINE CHANGES



VICINITY MAP
OF
SHEPHERDSTOWN, WEST VIRGINIA
SCALE: 1" = 2000'



LOCATION MAP
OF
PROJECT SITE
SCALE: 1" = 600'

LIST OF DRAWINGS	
DWG.	TITLE
GENERAL	
G-0.0	COVER SHEET (REDLINE CHANGE)
G-0.1	GENERAL NOTES
G-0.2	OVERALL LAYOUT (REDLINE CHANGE)
CIVIL	
C-1.0	PRELIMINARY PLAT
C-1.1	UTILITY EASEMENT PLAT
C-2.0	GRADING PLAN
C-3.0	UTILITY PLAN
C-4.0	ROAD PROFILES
C-4.1	ROAD PROFILES AND DETAILS
C-4.2	WV ROUTE 480 IMPROVEMENTS PLAN
C-5.0	WATER LINE PROFILES
C-6.0	SEWER LINE PROFILES
C-7.0	STORM DRAIN PROFILES
C-7.1	STORM DRAIN PROFILES
C-8.0	SEDIMENT AND EROSION CONTROL PLAN, NOTES AND DETAILS
C-9.0	UNDERGROUND STORM WATER MANAGEMENT SYSTEM 1 PLAN AND DETAILS
C-9.1	UNDERGROUND STORM WATER MANAGEMENT SYSTEM 2 PLAN AND DETAILS
C-10.0	SITE DETAILS
C-11.0	LANDSCAPING PLAN
C-12.0	LIFT STATION PLAN AND DETAILS

CONSTRUCTION NOTES

- (a) THE DEVELOPER SHALL REQUEST COUNTY ENGINEER INSPECTIONS 48 HOURS IN ADVANCE WHENEVER POSSIBLE (CALL 728-3228). INSPECTIONS SHALL BE REQUESTED ACCORDING TO THE TABLE OF MILESTONES BELOW.
- | TABLE OF MILESTONE INSPECTIONS | DATE INSPECTED | INSPECTOR'S INITIALS |
|--|----------------|----------------------|
| 1. INSTALLATION OF SEDIMENT CONTROL DEVICES * | | |
| 2. COMPLETION OF UNDERGROUND UTILITY INSTALLATION ** | | |
| 3. COMPLETION OF GRADING FOR ROADS ** | | |
| 4. COMPLETION OF GRADING FOR BUILDINGS | | |
| 5. COMPLETION OF BASE STONE INSTALLATION AND COMPACTION ** | | |
| 6. COMPLETION OF SIDEWALKS | | |
| 7. COMPLETION OF FINAL GRADING AND SEEDING | | |
| 8. COMPLETION OF FINAL PROJECT DETAILS | | |
| 9. COMPLETION OF STORMWATER MANAGEMENT ROUGH GRADING | | |
| 10. COMPLETION OF STORMWATER MANAGEMENT DETAILS | | |
- * - MUST BE INSPECTED PRIOR TO ANY OTHER WORK
** - MUST BE INSPECTED PRIOR TO BEING COVERED
- (b) EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN PLACE PRIOR TO PERFORMING ANY SIGNIFICANT EARTH DISTURBING ACTIVITIES.
- (c) EARTHWORK SHALL BE COMPACTED TO THE PERCENTAGES OF MAXIMUM DRY DENSITY (ACCORDING TO AASHTO 1990) AS SHOWN BELOW:
- | | |
|--|------|
| 1. ROADWAYS | 98% |
| 2. BUILDING PADS | 100% |
| 3. PARKING LOTS FOR PASSENGER VEHICLES | 95% |
| 4. PARKING LOTS FOR HEAVY TRUCKS | 98% |
| 5. UTILITY TRENCHES | 98% |
- COMPACTION OF SUBGRADES SHALL BE CERTIFIED BY A PROFESSIONAL ENGINEER OR TECHNICIAN CERTIFIED BY THE WVDOH OR A PROFESSIONAL INSTITUTE ACCEPTABLE TO THE COUNTY ENGINEER, AS MEETING THE ABOVE STANDARD.
- (d) CHANGES OR REVISIONS IN CONSTRUCTION PLANS AND SPECIFICATIONS SHALL NOT BE MADE UNLESS FIRST APPROVED BY THE COUNTY ENGINEER AND OTHER APPROPRIATE SERVICES.
- (e) TRAFFIC CONTROL SIGNS SHALL COMPLY WITH THE STANDARDS OF THE WV DEPARTMENT OF TRANSPORTATION.
- (f) THE FOLLOWING VARIANCES HAVE BEEN APPROVED BY THE JEFFERSON CO. PLANNING COMMISSION:
- A VARIANCE TO REOPEN THE SUBDIVISION FILE AND EXTEND THE EXPIRATION PERIOD FOR THE C.I.S. BY ONE YEAR WAS GRANTED BY THE PLANNING COMMISSION ON JANUARY 13, 2009.
 - A VARIANCE TO EXTEND THE EXPIRATION PERIOD FOR THE C.I.S. BY THREE MONTHS WAS GRANTED BY THE PLANNING COMMISSION ON DECEMBER 8, 2009.

DEVELOPER ACCEPTANCE STATEMENT:
THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.

DATE: _____

OWNER ACCEPTANCE STATEMENT:
THE OWNER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.

DATE: _____

I HEREBY CERTIFY THAT THIS PLAT IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT THE RELATIVE ERROR OF CLOSURE IS 1:7500, OR BETTER.

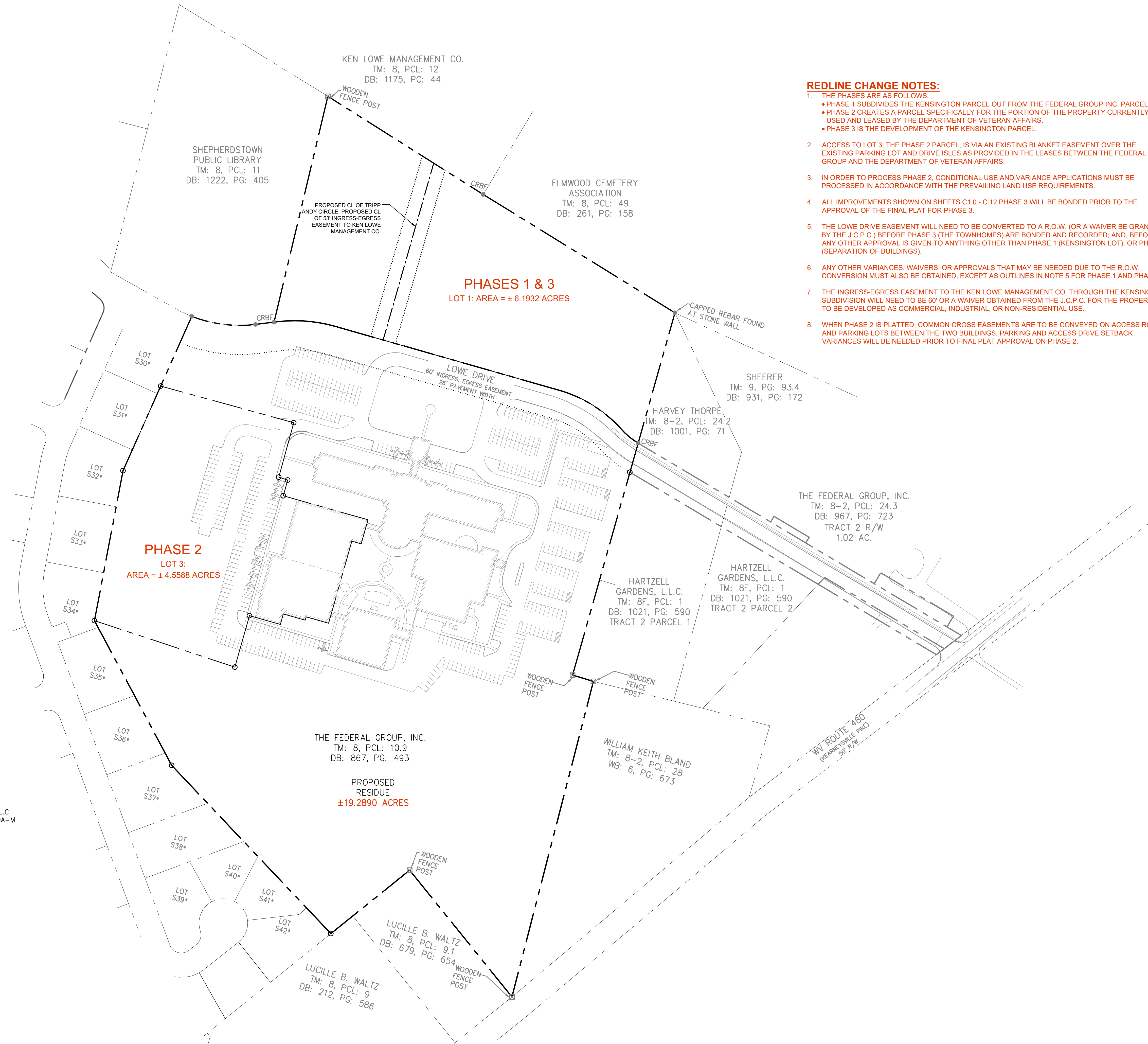
RICHARD W. KLEIN
P.S. LICENSE WV #1427

RICHARD W. KLEIN
P.E. LICENSE WV #7624

PRELIMINARY PLAT APPROVED BY THE JEFFERSON COUNTY DEPARTMENT OF ENGINEERING

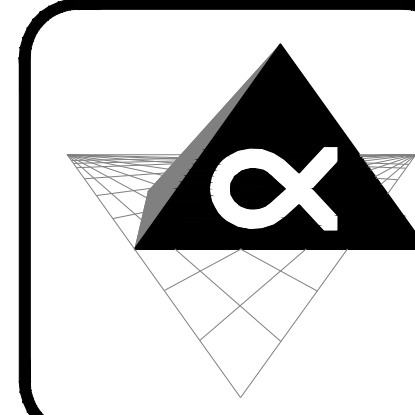
JEFFERSON COUNTY ENGINEER DATE: _____

* = DENOTES LOTS IN THE COLONIAL HILLS PHASE III SUBDIVISION.
OWNER: MARK-COLONIAL HILLS L.L.C.
PC: 23, PG: 79, 79A-M



REDLINE CHANGE NOTES:

- THE PHASES ARE AS FOLLOWS:
 - PHASE 1 SUBDIVIDES THE KENSINGTON PARCEL OUT FROM THE FEDERAL GROUP INC. PARCEL.
 - PHASE 2 CREATES A PARCEL SPECIFICALLY FOR THE PORTION OF THE PROPERTY CURRENTLY USED AND LEASED BY THE DEPARTMENT OF VETERAN AFFAIRS.
 - PHASE 3 IS THE DEVELOPMENT OF THE KENSINGTON PARCEL.
- ACCESS TO LOT 3, THE PHASE 2 PARCEL, IS VIA AN EXISTING BLANKET EASEMENT OVER THE EXISTING PARKING LOT AND DRIVE ISLES AS PROVIDED IN THE LEASES BETWEEN THE FEDERAL GROUP AND THE DEPARTMENT OF VETERAN AFFAIRS.
- IN ORDER TO PROCESS PHASE 2, CONDITIONAL USE AND VARIANCE APPLICATIONS MUST BE PROCESSED IN ACCORDANCE WITH THE PREVAILING LAND USE REQUIREMENTS.
- ALL IMPROVEMENTS SHOWN ON SHEETS C1.0 - C.12 PHASE 3 WILL BE BONDED PRIOR TO THE APPROVAL OF THE FINAL PLAT FOR PHASE 3.
- THE LOWE DRIVE EASEMENT WILL NEED TO BE CONVERTED TO A R.O.W. (OR A WAIVER BE GRANTED BY THE J.C.P.C.) BEFORE PHASE 3 (THE TOWNHOMES) ARE BONDED AND RECORDED; AND, BEFORE ANY OTHER APPROVAL IS GIVEN TO ANYTHING OTHER THAN PHASE 1 (KENSINGTON LOT), OR PHASE 2 (SEPARATION OF BUILDINGS).
- ANY OTHER VARIANCES, WAIVERS, OR APPROVALS THAT MAY BE NEEDED DUE TO THE R.O.W. CONVERSION MUST ALSO BE OBTAINED, EXCEPT AS OUTLINES IN NOTE 5 FOR PHASE 1 AND PHASE 2.
- THE INGRESS-EGRESS EASEMENT TO THE KEN LOWE MANAGEMENT CO. THROUGH THE KENSINGTON SUBDIVISION WILL NEED TO BE 80' OR A WAIVER OBTAINED FROM THE J.C.P.C. FOR THE PROPERTY TO BE DEVELOPED AS COMMERCIAL, INDUSTRIAL, OR NON-RESIDENTIAL USE.
- WHEN PHASE 2 IS PLATTED, COMMON CROSS EASEMENTS ARE TO BE CONVEYED ON ACCESS ROADS AND PARKING LOTS BETWEEN THE TWO BUILDINGS. PARKING AND ACCESS DRIVE SETBACK VARIANCES WILL BE NEEDED PRIOR TO FINAL PLAT APPROVAL ON PHASE 2.



ALPHA
ASSOCIATES, INCORPORATED
ARCHITECTS ENGINEERS SURVEYORS
535 WEST KING STREET
MARTINSBURG, WV 25401
PHONE: 304-264-0051
FAX: 304-264-0707
TOLL FREE: 877-264-0051
EMAIL: alpha@alphaec.com
www.alphaec.com

AGENCY REVIEW

REVISIONS

ITEM	DATE
ADDED C-4.2	7/10/09
JCPC COMMENTS	8/25/09
CORRECT OWNER/DEVELOPER INFO	11/13/09
JCPC COMMENTS	12/9/09
JCPC COMMENTS	4/16/20
JCPC COMMENTS	5/6/20
JCPC COMMENTS	6/5/20

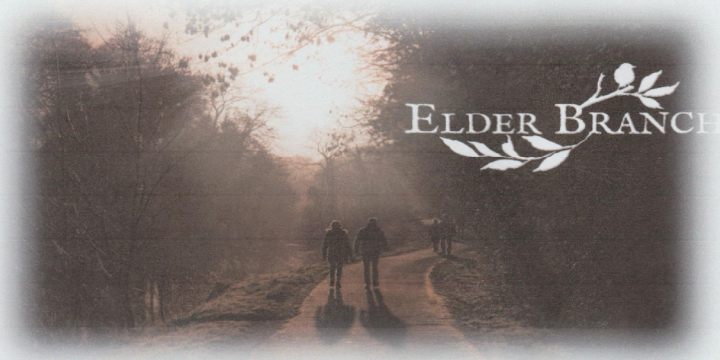
OVERALL LAYOUT

PRELIMINARY PLAT
FOR
KENSINGTON TOWNHOME
SUBDIVISION
PHASES 1, 2 AND 3
SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
TM: 8, PARCEL: 10.9; DB: 867, PG: 493

DR'N.: DFS/WAR
P.M.: RP/EI | I.C.: RWK
PROJ. NO.: 0808108.00
DATE: MAY 2009
SHEET NO.:

G-0.2

RED LINE CHANGES



May 18, 2020

Jefferson County Department of Engineering, Planning, and Zoning
104 East Washington Street
Charles Town, WV 25414

RE: Zoning Ordinance Text Amendment for Commercial Cemeteries

Section 12.4.B of the Zoning and Land Development Ordinance allows for members of the County to propose text amendments to the Planning Commission. ElderBranch LLC is working with landowners in the County and proposes this text amendment on their behalf.

ElderBranch seeks to establish several small cemeteries in the West Virginia and Maryland region and is in the process of purchasing land from a Jefferson County resident. Our vision is for a natural burial cemetery in a park-like setting for people to visit their loved ones. This land use will provide value to rural landowners and is consistent with the 2035 Envision Jefferson Comprehensive Plan ("Plan") central goal: the "enhancement of the rural economy," which includes uses outside of traditional agriculture. Cemeteries are also an important part of the community and can be a place of reflection and reverence.

ElderBranch looks forward to working with the County on this proposed amendment.

Very truly yours,

Jane Dennison

Co-Director, ElderBranch LLC

May 16, 2020

Jefferson County Planning Commission
The Mason Building, 2nd Floor
116 East Washington Street, Suite 200
Charles Town, WV 25414

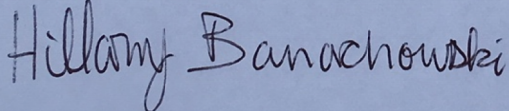
Dear Commissioners,

I am a resident of Jefferson County and run the Sacred Roots Herbal Sanctuary in Shepherdstown, WV, where we raise Certified Naturally Grown herbs (sacredrootswv.com).

I am requesting that the County amend its Zoning Ordinance to allow for commercial cemeteries in the Rural District as a Conditional Use. Having this use as an option would provide value to landowners and the County as a whole. It would also be consistent with the Comprehensive Plan's stated goal: the "Enhancement of the Rural Economy."

I am working with Michael Judd and Jane Dennison, co-directors of ElderBranch LLC, who will coordinate directly with the County in the development and adoption of this amendment. ElderBranch LLC was formed with the purpose of establishing natural burial cemeteries that respect the land and environment and allow people to be buried in environmentally-friendly ways. This would be a wonderful opportunity for the residents of the County to build community and remembrance of those that have passed. I hope that the Commission will allow the County's people to have this option to honor their loved ones.

Sincerely,



Hillary Banachowski
1799 Persimmon Lane
Shepherdstown, WV

Article 2. Definitions

"Cemetery" shall mean land that is used or dedicated for a burial park for earth interments.

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground ³¹	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
<u>Cemetery, Commercial</u>								<u>CU</u>		<u>CU</u>	<u>CU</u>		
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet ³⁷	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	

Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	P	CU	
Land Use	NC	GC	HC	LI	MI	PND¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

- | | | | |
|-----|----------------------------------|------|--|
| NC | Neighborhood Commercial | OC | Office / Commercial Mixed-Use |
| GC | General Commercial | R | Rural |
| HC | Highway Commercial | RG | Residential Growth District |
| LI | Light Industrial | RLIC | Residential-Light Industrial-Commercial District |
| MI | Major Industrial | IC | Industrial-Commercial District |
| PND | Planned Neighborhood Development | V | Village District |

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

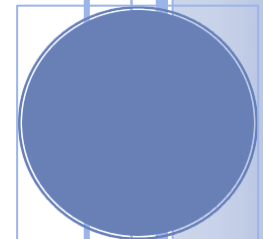
² Approval process is per the Salvage Yard Ordinance.

ANNUAL REPORT FOR PLANNING AND ZONING

FY 2020 (July 1, 2019 – June 30, 2020)

West Virginia Code §8A-2-11, “Planning Commission's Powers and Duties” states that a planning commission is required to “make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction”.

To that end, the following is an overview of the major activities undertaken over the past fiscal year by the Jefferson County Office of Planning and Zoning, Planning Commission, and Board of Zoning Appeals, prepared by the Office of Planning and Zoning and approved to be forwarded to the County Commission of Jefferson County by the Planning Commission on July 14, 2020.



FY 2020 Annual Report for Planning and Zoning (July 1, 2019 – June 30, 2020)

Attached is an electronically generated report of all applications submitted and reviewed within FY2020. This data is being provided as a part of the Annual Report from the Planning Commission and Offices of Planning and Zoning to the County Commission as required by State Law. 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: **12 Meetings (4 by ZOOM)**

Subdivision Regulations Text Amendments **1**

Greenway Subdivision Regulations Reorganization and Amendments underway

Zoning Ordinance Text Amendments **4**

#ZTA19-01: Zoning Ordinance Text Amendment to revise Article 2 Definitions; Section 8.14 Rural Reception/Event Facility; and Appendix C to create a process to allow special event facilities in the Rural, Residential Growth, and Village zoning districts.

PC PH 7/9/19; CC PH 9/19/19; PC reviewed 11/12/19; CC approved as revised 11/21/19

#ZTA19-02: Zoning Ordinance Text Amendment to revise Appendix C: Principle Permitted and Conditional Uses Table to change the provision for Churches in the IC Zone from Not Permitted (NP) to a Conditional Use (CU).

PC PH 7/9/19; CC PH 8/29/19; Approved 9/19/19

#ZTA19-03: Zoning Ordinance Text Amendment to allow Solar Energy Facilities in the Rural District.

PC Committee formed; PC PH 6/2/20; Discussion and Recommendation to CC 6/23/20

#ZTA19-04: Petition to request that the PC consider a Zoning Ordinance Text Amendment to allow Commercial Cemeteries in the Rural zoning district

PC added to their work plan 5/5/20

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.

PC review and recommendation 11/12/19; Approved by CC 1/30/20

Major Subdivision Concept Plan Public Workshop **1**

#19-7-SD Rocky Ridge Major Residential Subdivision, including 132 townhouse units, a mini storage facility (four units 260' long, varying depth) and a boat and RV parking area on 16.6 acres.

PC accepted the Concept Plan as submitted with some recommendations 7/9/19

BOARD OF ZONING APPEALS (BZA) ITEMS

Board of Zoning Appeals Meetings: **12 meetings (3 by ZOOM)**

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

PLANNING & ZONING STAFF ITEMS

Pre-Proposal Conference (PPC) Meetings: 51 Total (24 Subdivision & 27 Site Plan)

Information Request Forms (IRFs) -- general inquiries from the public: 141 Total

Zoning and Land Development Fees Collected: **\$ 67,329.28**

Planning and Zoning FY 2020 Annual Report

7/1/2019 - 6/30/2020 (Generated 7/1/2020)

Type	Project Number	Creation Date	Owner Name	Location	Status	Description
Conditional Use Permit	19-2-CUP	9/23/2019	BURR PARK LLC	73 EDMOND RD STE 2, KEARNEYSVILLE, WV	Closed	Request for a Conditional Use Permit to operate a Church that includes office space, meeting rooms and services for approximately 120 attendees. Applicant will utilize the existing parking and signage on site.
	19-3-CUP	9/30/2019	WHEATLANDS PROPERTY MANAGEMENT LLC - Jesse Morgan	2153 BERRYVILLE PIKE, CHARLES TOWN, WV	Closed	Request for a Conditional Use Permit to operate a Restaurant associated with the existing farm brewery, including construction of an addition to the existing structure and a 35 space parking lot.
	20-1-CUP	2/3/2020	Potomac Crossroads Counseling, LLC - Kenneth Lowe	4781 Kearneysville Pike, Shepherdstown, WV	Closed	Request to operate a Medical/Dental/Optical Office and/or Professional Office to operate a counseling facility with approximately eight therapists that meet with not more than eight clients during one appointment time.
	20-2-CUP	3/2/2020	CHARLES A II & VIRGIE A MOORE	194 HUYETT RD, CHARLES TOWN, WV	Closed	Request for a Conditional Use Permit to operate a Nonprofit Commercial Use consisting of an outreach ministry to serve the community by offering free clothing, food, financial assistance, etc.
	20-3-CUP	4/29/2020	EISNER GARY A ET AL - Gary Eisner	76 BELLEVIEW LN, CHARLES TOWN, WV	Closed	Request for a Conditional Use Permit to establish a homebased federal firearms business to include limited gunsmithing located in the existing garage, primarily internet based; proposed land use is listed in Appendix C: Custom Manufacturing.
	20-4-CUP	6/22/2020	GREEN MONSTAH FIREARMS, LLC - RICHALIE DEMAINE	79 REHOBOTH LN, SUMMIT POINT, WV	Open	Request for a Conditional Use Permit to establish a homebased federal firearms business to include limited gunsmithing from an existing dwelling unit, primarily internet based; proposed land use is listed in Appendix C: Custom Manufacturing.
					Type Total:	6
				Category Total:	6	
Easements	19-2-E	9/9/2019	Harry & Carol Kable	336 Rosemont Way, Charles Town, WV	Closed	Permanent Easement Norfolk Southern
	19-3-E	11/14/2019	CASE LINDA W-TR - Linda Case	1735 LLOYD RD, CHARLES TOWN, WV	Closed	49.8905 ac Conservation Easement to WV Land Trust
	19-4-E	12/4/2019	WILLARD HENRY A III & JOHN B	1502 RIVER RD, SHEPHERDSTOWN, WV	Closed	92.952 acre Farmland Protection Easement (includes the 3 acre residential dwelling area)
	19-5-E	12/6/2019	MAGAHA T L SONS INC	7924 MIDDLEWAY PIKE, CHARLES TOWN, WV	Closed	14.545 acre Farmland Protection Easement
	19-6-E	12/27/2019	CASE LINDA - TR & POTOMAC VALLEY AUDOBON SOCIETY INC	1469 LLOYD RD, CHARLES TOWN, WV	Closed	12.75 acre Conservation Easement PVAS to WV Land Trust
	19-7-E	3/6/2020	T.L. Magaha & Sons, Inc.	7924 Middleway Pike, Charles Town, WV	Closed	Proposed 280.599 ac Battlefield Easement - withdrawn
	20-1-E	5/15/2020	MAGAHA T L SONS INC	7924 MIDDLEWAY PIKE, CHARLES TOWN, WV	Closed	Magaha Lot 2R Lot 4; 175.827 ac Farmland Protection Easement
				Type Total:	7	
				Category Total:	7	
Merger or Boundary Line Adjustment	19-21-M	7/15/2019	JC2017 LLC	Greenbriar Lots 1 & 2	Closed	0.22 acre merger
	19-22-M	8/8/2019	David and Mary Wright	South Childs Road	Closed	To dissolve previously approved the Bowman Minor Subdivision (PC File #08-27).
	19-23-M	8/20/2019	RICHARDSON REBECCA A	1036 HIDDEN HOLLOW DR, KEARNEYSVILLE	Closed	Lots 36 & 39, Section 3, Hidden River Farm; 0.8207 acre merger
	19-24-M	9/10/2019	PARKER PAUL C & DENISE A	328 PALOMINO PL, CHARLES TOWN, WV	Closed	merged Lots 80 & 81, Spring Valley Hunt and Country Club Subdivision - Claymont Court Section One
	19-25-M	9/17/2019	KALLENBORN JAMES P & RAKEL R BOISVERT	Wide Horizon Blvd	Closed	Lots 10 and 11 RIVER BEND Section Part 3, HIDDEN RIVER - already merged - need to process MSD
	19-26-M	9/18/2019	Seneca Crossing, LLC.	Shepherdstown, WV	Closed	merged 40 townhome lots on 4.48 acres for redivision as a 3 lot non-residential subdivision (Seneca Crossing South)
	19-27-M	9/20/2019	PANGLE WAYNE	340 KELLY DR, HARPERS FERRY, WV	Closed	Boundary Line Adjustment to consolidate Lots 1-3 and 8-10 into one 2.029 acre parcel.
	19-28-M	9/23/2019	CTCF, LLC - Ott	470 HALLTOWN RD, HARPERS FERRY, WV	Closed	0.0305 acre merger between Lots 8 and 9 of Lucus Extension to Halltown.
	19-29-M	11/1/2019	BURNS BESSIE M	1238 LLOYD RD, SUMMIT POINT, WV	Closed	33.37 acre merger between Tax Map 12 Parcels 5 & 5.1 Kabletown District
	19-30-M	11/6/2019	Jason Gray - Nada Santmier	1619 BOWERS RD, KEARNEYSVILLE, WV	Closed	0.0058 acre merger - Lot 6 & Lot 7, Opequon Forest Park 1
	19-31-M	11/27/2019	CASE LINDA W-TR	1735 LLOYD RD, CHARLES TOWN, WV	Closed	Boundary Line Adjustment associated with conservation easement.
	19-32-M	12/10/2019	CROGHAN JOHN T & EDITH C - EST	1930 BAKERTON RD, HARPERS FERRY, WV	Closed	1.0 acre merger Lot 2 & Residue, Croghan Tract "Peacher's Mill"
	19-33-M	12/27/2019	Mitchell Levendusky and Deborah Santucci	192 Scarlet Oak Dr, Harpers Ferry, WV	Closed	Merger of Lots 7, 8, 9 and 17 of Section XII, Keyes Ferry Subdivision
	20-1-M	1/8/2020	David Lutman	Musgrove Minor Subdivision, Buckingham Lane	Closed	0.78 acres between Lots 1 & 2 Musgrove Minor Subdivision
	20-2-M	1/13/2020	WILLIAMSON TIMOTHY G	525 WREN LN, HARPERS FERRY, WV	Open	Lots 28 & 29, Section 21-J, Shannondale
	20-3-M	2/21/2020	Charles Town Burr Park Station, LLC	Wiltshire Road, WV	Open	Merger of Burr Industrial Park, Lots 16A and 16B
	20-4-M	4/23/2020	David & Kimberly Powell, III and Michael Oehlsen	249 & 277 Ryans Glen Dr, Charles Town, WV	Closed	2,554 sq ft merger Lots 10 & 11 Ryans Glen Subdivision
	20-5-M	6/3/2020	Roger & Sherley Channing and William & Carolyn Beck	691 MISSION RIDGE DR, HARPERS FERRY, WV	Open	Lots 19, 20 & 21 Mission Ridge
	20-6-M	6/29/2020	Richard Kroll and Charlotte Bennett Bufton	7583 LEETOWN RD, KEARNEYSVILLE, WV	Open	0.24 acre merger between Lots 1 & 2 P to C Conveyance of Charlotte Bennett Bufton
				Type Total:	19	
				Category Total:	19	
Miscellaneous Fees	19-11-Q	7/12/2019	N/A		Closed	Zoning Map
	19-12-Q	8/5/2019	PLOTNER JARROD C & SHANNONS	4 BELMEADE WAY, SHEPHERDSTOWN, WV	Closed	The Point, Lot 1 MPC Septic Reserve Relocation
	19-13-Q	8/30/2019	David and Mary Wright	South Childs Road, Kearneysville, WV	Closed	Minor Plat Change Septic Reserve Relocation
	19-14-Q	9/23/2019	KEEGAN CHARLES E JR ET AL	Wildflower Lane, Shepherdstown	Closed	Minor Plat Change Septic Reserve Relocation
	19-15-Q	10/24/2019	ALLINGER TY B & BRANDY L	41 LOUISE CT, CHARLES TOWN, WV	Closed	Lot 17 Sec. II, Schaeffers Crossroads; Septic Reserve Relocation
	19-16-Q	10/25/2019	Crofts at Shepherdstown Homeowners Association - Peter Corum	Shepherdstown, WV	Withdrawn	Addition of Security Gate and Control Box at the Crofts
	19-17-Q	11/4/2019	FREY CHRISTOPHER J JR	Meandering Lane, Kearneysville, WV	Closed	Minor Plat Change Lot 1 Sledobnick Child to Parent plat; relocate septic reserve
	19-18-Q	12/10/2019	MCGEE CIVIL CONSTRUCTION LLC	306 JAMES BURR BLVD, KEARNEYSVILLE, WV 25430	Closed	McGee Civil Construction redline revision to relocate structure, etc. S18-07 Lot 40 Expansion

	20-1-Q	1/8/2020	Lutman Land Development, LLC	Lot 1, Musgrove Minor Subdivision, Buckingham Lane	Closed	Minor Plat Change; drainfield and well relocation
	20-2-Q	2/6/2020	CHANNING ROGER J & SHERLEY A	691 MISSION RIDGE DR, HARPERS FERRY, WV	Closed	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.
	20-3-Q	2/11/2020	DESAI MANISH B	3507 MISSION RD, HARPERS FERRY, WV	Closed	Request for an ABC Determination
					Type Total:	11
					Category Total:	11
Planning Commission Variance (1979 Subdiv Ord)	20-1-PCV	3/6/2020	Roderick Planes, LLC. - Maurice Gladhill	Aspen Green Subdivision Phase IIB	Closed	Requesting a 2 year extension from the 1979 Subdivision Ordinance Article 6; Section 6.3
	20-2-PCV	5/7/2020	Roderick Planes, LLC, Maurice Gladhill (as Managing Partner)	Aspen Greens Subdivision Phase IIB	Open	Variance from Section 8.2.c. to allow for grading before Final Plat approval, recording & then bonding.
	20-3-PCV	5/12/2020	Beallair Homes, LLC.	Community of Beallair Subdivision Phase 4A	Open	Requesting a 2 year extension from the 1979 Subdivision Ordinance Article 6; Section 6.3
					Type Total:	3
					Category Total:	3
Planning Commission Waiver	19-11-PCW	7/18/2019	BOYD LARRY H & DONNA K - Larry and Donna Boyd	303 WILLINGHAM RD, CHARLES TOWN, WV	Closed	Request to waive the Preliminary Plat requirement for an Archaeological Study for Ancient Oaks Cluster Subdivision.
	19-12-PCW	7/22/2019	KURZ EDWARD S JR & FRANCES H	25 FOXWOOD FARM DR, KEARNEYSVILLE, WV	Closed	Request to waiver Section 20.201A.2 that requires a 50' access easement, for both entrances off of Middleway Pike.
	19-13-PCW	7/24/2019	Epic at Burr Park, LLC.	Wiltshire Road, Burr Park	Closed	Request to waive Section 22.208A and Appendix B Section 10.6 that requires sidewalks along the road right-of-way (Wiltshire Road and War Admiral Boulevard) for non-residential site development.
	19-14-PCW	8/19/2019	Bradley Askin	WV 115 (Old Charles Town Rd)	Closed	Request to waive Section 20.201A(2) which requires all lots in minor residential subdivisions to have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots (Minerva Court is proposed to serve 10 lots and to serve two minor subdivisions.)
	19-15-PCW	8/20/2019	SAB Real Estate 2, LLC. (ROCS)	Martinsburg Pike (WV 45)	Closed	Request to waive Section 20.102B to allow for site grading to commence prior to site plan approval.
	19-16-PCW	8/27/2019	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	MOTORSPORTS PARK CIRCLE, SUMMIT POINT	Closed	Request to waive Section 21.402.D to allow two freestanding signs within the planned 10' sidewalk easement.
	19-17-PCW	11/1/2019	Rahil Nawhz, II	Hite Road	Closed	Request to waive Section 20.201 and 20.202(C) to change the existing ROW Entrance to this property due to the location of the septic reserve.
	19-18-PCW	11/19/2019	TOWNHOMES RENTAL LLC	4115 CHARLES TOWN RD, KEARNEYSVILLE, WV	Closed	Request to waive Section 24.113B.10, Article 24 that requires a Phase I Archaeological Study.
	20-1-PCW	2/12/2020	WILSON MICHAEL C & ALLA A	225 AMNESTY WAY, SHEPHERDSTOWN, WV	Closed	Request to waive Section 20.201A(2) to be permitted to utilize an existing 30' easement (Amnesty Way) to access a proposed two additional lots for a total of 6 lots. DENIED
	20-2-PCW	4/14/2020	WILSON MICHAEL C & ALLA A	225 AMNESTY WAY, SHEPHERDSTOWN, WV	Closed	Resubmittal of request to waive Section 20.201A(2) to be permitted to utilize an existing improved 30' easement (Amnesty Way) to access a proposed two additional lots for a total of 6 lots. Approved
	20-3-PCW	6/23/2020	FEDERAL GROUP INC	233 LOWE DR, SHEPHERDSTOWN, WV	Open	Request to waive Sections 21.402D and Appendix B, Section 2.2H which requires a non-residential subdivision to have a 60' road right-of-way rather than an easement (Appendix B) and states that no permanent encroachments, structures, fences or landscaping shall be allowed to be located in any easement area (21.402D)
					Type Total:	11
					Category Total:	11
Site Plan	18-06-S	12/6/2019	SAB Real Estate 2, LLC. - Jason Roach	Martinsburg Pike, Shepherdstown WV	Closed	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: Approved 3/26/20
	19-4-S	7/1/2019	EPIC at Burr Park, LLC.	Holtzman Oil Corp. Wiltshire Road	Open	Site Plan Burr Business Park Lot 16 to include a 4,760 S.F. Convenience Store building with fueling stations, truck parking, drive aisles, and associated infrastructure
	19-5-S	7/10/2019	MC2 PROPERTIES LLC	272 JAMES BURR BLVD, KEARNEYSVILLE, WV	Open	Site Plan for Burr Business Park Lot 41 expansion to include an 8,000 S.F. storage building with additional asphalt parking, and expanded chain link fence.
	19-6-S	9/25/2019	FELLOWSHIP BIBLE CHURCH-TR'S - Richard Beddow	160 DANIEL RD, SHENANDOAH JUNCTION, WV	Open	Site Plan for Phase 1B & 1D Fellowship Bible Church
	19-7-S	10/24/2019	Kelly McGee; McGee Civil Construction, LLC	Steeley Way, Kearneysville, WV	Open	Site Plan for Burr Business Park Lots 27 and 28 (for a warehouse building, storage building, drive aisles and parking areas with associated utilities)
	19-8-S	11/18/2019	TOWNHOMES RENTAL LLC	4115 CHARLES TOWN RD, KEARNEYSVILLE, WV	Open	Joint Review with Subdivision: Site Plan for storage facility with various unit sizes (approx. 61,100 sq/ft total), RV and boat storage and a stormwater facility.
	15-5-SP	12/18/2019	Shepherdstown Public Library	Low Drive extended, Shepherdstown, WV	Open	Site Plan for new library facility
	13-07-SP	2/27/2020	Harpers Ferry Holding, LLC. - Mathew Knott	408 Aldstads Hill Rd., Harpers Ferry, WV	Open	Redline Revision for Maintenance Shed and Bus Parking
	20-1-SP	2/5/2020	Arcland - Noah Merkhams	107 KEYES FERRY RD, CHARLES TOWN, WV	Open	Site Plan for Parking for RV storage
	20-2-SP	2/14/2020	Shenandoah Valley Holdings LLC	315 JAMES BURR BLVD, KEARNEYSVILLE, WV	Open	The construction of a distillery building, drive aisles, parking areas with associated drainage structures SWM facilities, and utilities.
	20-3-SP	2/21/2020	Krop Properties, LLC.	War Admiral Boulevard	Open	Site Plan for the construction of a store, playground, congregation area, drive aisles and parking areas with associated drainage structures, SWM facilities and utilities.
	20-4-SP	2/25/2020	Richard and Phillip Childs	Corner of S. Childs & Leetown Roads	Open	Proposed AT&T 195 ft monopole cell tower with 6 Antennas and a 3,600 square foot fenced compound on the ground.
	14-02-SP	3/6/2020	ST. JAMES LUTHERAN CHURCH	4328 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION, WV	Open	Site Plan for a paved parking lot
	05-09-SP	4/2/2020	SEBBAHI REAL ESTATE LLC	multiple suites 99 Cary Lu Circle	Open	Revised Site Plan (redline revision) for Old 340 Business Center include the construction of two flex-use buildings, mini storage, boat and rv parking/storage driveway, parking lot and SWM Facility
					Type Total:	14
				Category Total:	14	
Special Exception Permit	19-1-SE	9/3/2019	M E CHURCH - SOUTH - Charlotte Bennett	11133 LEETOWN RD, KEARNEYSVILLE, WV 25430	Closed	Request for a Special Exception Permit to allow a 91" (long) x 21 3/4" (high) electronic sign to remain affixed to the existing Leetown United Methodist Church Sign.
					Type Total:	1
				Category Total:	1	
	19-13-SD	8/13/2019	WALLS WALTER ET AL	879 KEARNEYSVILLE PIKE, KEARNEYSVILLE, WV	Closed	Lot 1 Residue & Lot 2
	19-14-SD	8/28/2019	KNIGHTEN WILLIAM A JR - William Knighten	Kearneysville Pike, Shepherdstown, WV	Closed	Lots 1, 2, and 3-Residue.
	19-15-SD	9/6/2019	MARRONE PATRICK L & BETH	1032 OLD CAVE RD, CHARLES TOWN, WV	Closed	3 Lots & Residue
	19-12-SD	7/15/2019	AUTOMATED MERCHANDISING SYSTEMS INC	255 W BURR BLVD, KEARNEYSVILLE, WV	Open	To subdivide existing Lot 19/20 within Burr Industrial Park into Lot 19 and Lot 20.
	17-20-SD	7/26/2019	BOYD LARRY H & DONNA K	303 WILLINGHAM RD, CHARLES TOWN, WV	Open	Major Residential 8-Lot Cluster Subdivision (Ancient Oaks)
	18-05-SD	8/13/2019	Magnolia WV, LLC.	Between Citizen's Way and Belvedere Farm Court, Charles Town	Open	Final Plat Magnolia Springs Subdivision, Phase 1 (94 of 300 Lots)

Subdivision	18-25-SD	9/19/2019	Seneca Crossing, LLC.	Martinsburg Pike, Shepherdstown WV	Open	3 Lot Non Residential Major Subdivision	
	19-16-SD	11/8/2019	BEALLAIR HOMES LLC	Beallair Manor Drive, Charles Town, WV	Open	Beallair Subdivision Phase 4A Preliminary Plat Showing Lots 134-159 & Residue Parcel A	
	19-17-SD	12/30/2019	B.C. Partners, Inc.	corner of US 340 and Old Country Club Road (WV 24)	Open	Concept Plan for Country Club Commons, a proposed Major Non-Residential Subdivision with 4 lots and a public street for future commercial pad-users.	
	92-14-SD	1/3/2020	N/A		Closed	94 file input into MyGov for Pennoni Roger Harris	
	05-27-SD	11/14/2019	WINDMILL CROSSING HOME OWNERS ASSOCIATION INC		Closed	Import Paper to Digital File for Bob with Piedmont	
	05-41-SD	1/24/2020	Beallair Homes, LLC.	Beallair Manor Drive, Charles Town, WV	Open	Redlined Revision Preliminary Plat/Minor Plat Change to Final Plat to change townhouse lots to small SF detached lots	
	20-1-SD	2/20/2020	Roderick Planes, LLC. - Maurice Gladhill	Corner of Flowings Springs Road (WV17) and Old Country Club Road (WV 24)	Open	Preliminary Plat Phase IIB (Lots 47-85), 39 Single Family Residences + Residue with Access through existing Phase IIA entry	
	06-41-SD	3/6/2020	The Federal Group, Inc. - Ken Lowe	233 Lowe Dr, Shepherdstown, WV	Open	Preliminary Plat Redline creating 3 lots and Phase 1 Final Plat	
	20-2-SD	3/6/2020	MAGAHA T L SONS INC - MAGAHA T L SONS INC	7924 MIDDLEWAY PIKE, CHARLES TOWN, WV	Closed	Minor Subdivision/Merger creating lots 2R, 3, 4 and 5	
	20-3-SD	3/24/2020	Robert & Nancy Tabb	1885 Drake Lane, Kearneysville, WV	Closed	MSD creating Lot 3B and Lot 3 Residue	
	20-4-SD	4/13/2020	A, Bradley Askin, Tr	Minerva Court	Closed	Lots 3-Residue, 4 & 5 Rentier Bradacious Revocable Trust Minor Subdivision	
	20-5-SD	4/13/2020	A, Bradley Askin, Tr	Minerva Court	Closed	Lots 6, 7, & 8-Residue Rentier Bradacious Revocable Trust Minor Subdivision	
	20-6-SD	5/1/2020	H&G Catrow Contracting, Inc. - Harry & Garnett Catrow	443 Sandpiper Ln., Shepherdstown, WV	Open	Catrow Minor Subdivision Lots 3A & 3B	
	20-7-SD	5/15/2020	Lutman Land Development	Quinn Lea Road	Open	Lutman Family Transfer Parcels 4A and 4B MSD	
	20-8-SD	5/15/2020	Lutman Land Development	Old Cave Road (WV 36), Charles Town, WV	Open	Lots 1-5 Residue Strider Cluster Subdivision	
	20-9-SD	5/28/2020	WALLS RAY E & NORA L & DORIS MECHANICK - LIFE - Nora L. Walls	274 VAN CLEVESVILLE RD, KEARNEYSVILLE, WV	Open	Combined MSD Lots 1, 2, & 3- Residue and Merger Plat	
					Type Total:	22	
					Category Total:	22	
	Zoning Certificate	19-19-ZC	7/2/2019	BURR PARK LLC - Vincent Petti	73 EDMOND RD STE 4, KEARNEYSVILLE, WV	Closed	To increase the occupancy of the existing Day Care Center, Large from 12 children to 30 children.
		19-20-ZC	7/17/2019	JEFFERSON UTILITIES INC - Lee Snyder	307 W BURR BLVD, KEARNEYSVILLE, WV	Closed	To remove nine antennas and to install eight new antennas and four RRUs on the existing water tower.
		19-21-ZC	7/17/2019	JEFFERSON UTILITIES INC	307 W BURR BLVD, KEARNEYSVILLE, WV	Closed	Install three new antennas, relocate six RRH from the ground to the tank, add three new RRH to the tank, remove 18 coax lines and add four new HFC.
		19-22-ZC	7/26/2019	Jennifer Deal	124 PLEASANT ALY, SUMMIT POINT, WV	Closed	A three room Bed and Breakfast per Section 8.3; Dog friendly.
19-23-ZC		8/7/2019	BANKS T NEILL & KENNA	3343 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION, WV	Closed	Remove 12 antennas and install six new antennas to an existing 197' self supporting cell tower / Co-Located Telecommunications Facility.	
19-24-ZC		8/16/2019	SUNNYSIDE LIMITED PARTNERSHIP	844 WHEATLAND RD, CHARLES TOWN, WV	Closed	Swapping antennas	
19-25-ZC		8/22/2019	LEFEVRE THOMAS E	237 TEL FARM LN, KEARNEYSVILLE, WV	Closed	Replace six antennas on an existing 199' telecommunication facility.	
19-26-ZC		8/29/2019	Elizabeth Hendricks	5388 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION, WV	Closed	Rural Event/Reception Facility, Small	
19-27-ZC		9/4/2019	GARZA ROBERT C & DELIA M	10101 LEETOWN RD, KEARNEYSVILLE, WV	Closed	Convert remaining portion of the existing barn into 18 additional dog kennels for a total of 2800 sf., including a 300 sf Public Grooming facility. Five additional gravel parking spaces will be added.	
19-28-ZC		9/25/2019	BREEDEN RONALD L JR & ROBIN A	4827 BOWERS RD, KEARNEYSVILLE, WV	Closed	Accessory Dwelling Unit: In-Law Suite for Family Member	
19-29-ZC		9/26/2019	LEFEVRE THOMAS E	237 TEL FARM LN, KEARNEYSVILLE, WV	Closed	Tower equipment modification (antennas) on an existing 199' telecommunication facility.	
19-30-ZC		10/21/2019	WILT KENNETH L	539 MISSION RD N, HARPERS FERRY, WV	Closed	Installation of new antennas and associate equipment	
19-31-ZC		10/21/2019	Tri-State Investment Properties - Chris Hill	248 CHERRY TREE DR, CHARLES TOWN, WV	Closed	To operate a Large Day Care Center with approximately 50 children ages 6 weeks to 5 years old.	
19-32-ZC		11/7/2019	JEFFERSON REALTY LLC	4843 MIDDLEWAY PIKE STE 100, KEARNEYSVILLE, WV	Closed	A 41" (H) x 75" (W) Electronic Sign on an existing Freestanding Sign structure	
19-33-ZC		11/8/2019	KITA LLC	43 RULAND RD STE F, KEARNEYSVILLE, WV	Closed	Commercial Use: Chinese foot massage, cleaning and aromatherapy	
19-34-ZC		11/8/2019	Brian Renzella	75 SYBIL CT, SHEPHERDSTOWN, WV	Closed	Home Occupation, Level 1: Cosmetic Tattooing	
19-35-ZC		11/15/2019	ANNA S TAYLOR - ANNA TAYLOR	397 FRUIT HILL LN, SHEPHERDSTOWN, WV	Closed	Cottage Industry: Web and Graphic Design Business in a detached garage	
19-37-ZC		12/2/2019	LOCK BRYAN S & THERESA S	Charles Town Road, Harpers Ferry, WV	Closed	Accessory Dwelling Unit: In-Law Suite	
19-36-ZC		12/23/2019	S & T GROUP LLC	Subway, 7670 MARTINSBURG PIKE STE 3, SHEPHERDSTOWN, WV	Open	Replace face of 4'x16' sign; remove/replace 2'x8' sign. Replacement is ACM panel w/ routed PVC lettering.	
19-38-ZC		12/30/2019	DDS LLP	1453 N MILDRED ST, RANSON, WV	Open	Leasing of this existing structure for Automobile Repair, Sales and Service, while their structure is rebuilt	
20-1-ZC		1/21/2020	KITA LLC	59 RULAND RD STE D, KEARNEYSVILLE, WV	Closed	Professional Office - Edward Jones Financial Advisors	
20-2-ZC		1/23/2020	Rock Spring Church - Michael Lowrey	114 Poor Farm Rd, Kearneysville, WV	Closed	Addition of six classrooms for expansion of church preschool and daycare	
20-4-ZC		1/29/2020	GLADSTONE LAWRENCE E & ALISA A	961 CHERRY RUN RD, HARPERS FERRY, WV	Closed	Cottage Industry: Pottery Studio	
20-3-ZC		1/31/2020	Daniel Gainsburg	26 Maddex Square Dr, Shepherdstown, WV	Closed	Removing "Rite Aid" signs and adding "Walgreens" signage.	
20-5-ZC		2/11/2020	MULLEN ROBERT S & CHRISTINE M	4893 CHARLES TOWN RD STE 101, KEARNEYSVILLE, WV	Closed	Change in Nonconforming Use: Customize headstones	
20-6-ZC		2/11/2020	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	770 HARDESTY RD, SUMMIT POINT, WV	Closed	The removal/replacement of antennas on an existing telecommunications tower	
20-7-ZC		2/26/2020	SEBBAHI REAL ESTATE LLC	99 CARY LU CIR STE 105, HARPERS FERRY, WV	Closed	Shopping Center: Change in tenant	
20-8-ZC		3/13/2020	POTOMAC VALLEY AUDUBON SOCIETY INC	1469 LLOYD RD, CHARLES TOWN, WV	Closed	Nature Center and Preserve; main office for Potomac Audubon Society; indoor space for programs related to the Preserve with an associated parking lot	
20-9-ZC		3/16/2020	BAILEY JOSHUA T	21 TROTTING WAY, CHARLES TOWN, WV	Closed	Day Care Center, Small operated from the home with up to five children. No employees.	
20-10-ZC		4/10/2020	Matthew Rushizky	8428 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN, WV	Closed	Shentel / NBC, LLC Addition of six antennas and six radio heads at 155' of a 200' existing tower.	
20-11-ZC		4/22/2020	N/A	331 Marlow Rd, Charles Town, WV	Closed	Construction of Accessory Dwelling Unit - In-Law Suite	
20-12-ZC		5/4/2020	Summit Community Bank	88 Somerset Blvd, Charles Town, WV	Closed	Change in Ownership (Previously MVB Bank - Site Plan File #S06-05)	
20-13-ZC	5/20/2020	Roger Channing	691 Mission Ridge Road, Harpers Ferry, WV	Closed	Accessory Dwelling Unit - In-Law Suite		
20-14-ZC	5/28/2020	SUSO 2 ALABAMA LP	96 PATRICK HENRY WAY, CHARLES TOWN, WV	Closed	Temporary sale of state legal fireworks: 20' x 40' temporary tent and a 10' x 20' storage container: 6/20/20 to 07/05/20 from 9:00 am to 10:00 pm. Removal: 07/10/20		
20-15-ZC	5/28/2020	SAIGURU LLC	106 JEFFERSON TERRACE RD, CHARLES TOWN, WV	Open	Temporary sale of state legal fireworks: 30' x 50' temporary tent and a 10' x 20' storage container: 06/24/20 to 07/05/20 from 9:00 am to 12:00 am. Removal: 07/10/20		

	18-32-ZC	6/5/2020	Mary Schreyer	5437 Charles Town Rd, Kearneysville, WV	Closed	Approval to continue non-conforming use. The existing convenience store (formerly Sheetz) is a nonconforming use located on a nonconforming lot; <u>subject to the provisions of Section 4.3</u>
	20-16-ZC	6/5/2020	The Kentland Foundation, Inc - Jack Walker	98 Somerset Village Blvd, Charles Town, WV	Closed	Temporary sale of legal fireworks: 8' x 40' temporary stand; 06/19/20 to 07/10/20 from 9:00 am to 10:00 pm.
	20-17-ZC	6/5/2020	Mohammad Murtaza - Mohammad Murtaza	14840 Charles Town Rd, Charles Town, WV	Closed	Professional Office - satellite office for small law firm. Will be used to meet clients a few times a month. Law office will have no more than two employees <u>at the office.</u>
					Type Total:	38
					Category Total:	38
Zoning Map Amendment	19-1-Z	10/30/2019	Murall Limited Partnership	Route 115, Kearneysville, WV	Open	Petition for a Map Amendment to rezone from Rural to General Commerical.
					Type Total:	1
					Category Total:	1
Zoning Variance	19-16-ZV	7/1/2019	EPIC at Burr Park, LLC - Andre Fontaine	Wiltshire Road	Closed	Variance request from Section 10.4B.2 to increase the permitted freestanding nonresidential sign height from 35' to 65'.
	19-17-ZV	7/1/2019	EPIC at Burr Park, LLC - Andre Fontaine	Wiltshire Road	Closed	Variance from Section 4.11E to reduce the required side and rear landscape buffer to allow the proposed modified planting standard.
	19-22-ZV	8/27/2019	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	Motorsports Park Circle, Summit Point, WV	Closed	Variance request from Section 10.4B.3 to reduce the front setback from 25' to 1' for a 96" (length) x 48" (width) x 7'4" (height) freestanding sign (Motorsports Park Circle-West Entrance).
	19-23-ZV	8/27/2019	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	Motorsports Park Circle, Summit Point, WV	Closed	Variance request from Section 10.2C to allow for a 96" (length) x 48" (width) x 7'4" (height) freestanding sign in the required right-of-way (Motorsports Park Circle-East Entrance).
	19-24-ZV	8/30/2019	GALLUP MICHAEL & JENNIFER HILLMANN	4174 FLOWING SPRINGS RD, SHENANDOAH JUNCTION, WV	Closed	Variance from Section 4.10A to waive the requirement of a site plan for a dog kennel and associated parking lot; and Section 11.1B to allow for a modified parking standard.
	19-25-ZV	9/3/2019	Leroy Delauder	762 WILTSHIRE RD, KEARNEYSVILLE, WV	Closed	Variance from Section 9.6C to allow an accessory structure in the required front yard; and, Section 9.7 to reduce the front setback from 20' to 3' for a 12' x 20' shed.
	20-1-ZV	1/3/2020	Newman Sisk	Border Road and Southard Lane, Kearneysville, WV	Closed	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 36' x 44' attached garage.
	19-18-ZV	7/18/2019	QUYNN PATRICIA A	7017 FLOWING SPRINGS RD, SHENANDOAH JUNCTION, WV	Open	Variance from Appendix A to reduce the side setback from 15' to 0' for an existing 15' x 28' garage.
	19-20-ZV	7/29/2019	Seneca Crossing LLC	Martinsburg Pike, Shepherdstown, WV	Open	Variance from Section 10.2C to allow a 9' (horizontal/long) x 8' (high) x 2' (wide) subdivision/monument sign in the right-of-way (McClaine Way).
	19-21-ZV	7/29/2019	Seneca Crossing, LLC	Martinsburg Pike, Shepherdstown, WV	Open	Variance from Section 10.4B.3 to reduce the front setback from 25' to 15' for a 9' (horizontal/long) x 2' (wide) x 27" (high) base of a monument sign.
	19-26-ZV	9/12/2019	BARGER PRESTON L & TANA S D	188 Wide Horizon BLVD, Kearneysville, WV	Open	Variance from Section 9.6B to reduce the rear setback from 24' to 12' for an existing 24' x 12' accessory structure.
	19-27-ZV	9/12/2019	BARGER PRESTON L & TANA S D	188 Wide Horizon BLVD, Kearneysville, WV	Open	Variance from Section 9.6B to reduce the rear setback from 45' to 12' for a 45' x 40' in-ground swimming pool including the surrounding concrete.
	19-28-ZV	9/24/2019	Jefferson County Development Authority	McGee Civil Construction Lots 27 and 28 Steeley Way	Open	Variance from Section 4.11A.2 & 4.11E.1 and Appendix B to reduce the landscaping buffer between Lots 27 and 28 in the Burr Industrial Park; and to allow for a 50' unscreened buffer along the rear property line of both lots.
	19-29-ZV	9/25/2019	Keith Cranford - Keith Cranford	corner of Euclid Ave and First St, Charles Town	Open	Variance from Appendix A to reduce the side setback from 8' to 4' for an existing 40' x 44' garage to be converted into a house.
	19-30-ZV	9/30/2019	CUSTER PAMELA & THOMAS L II	1906 KABLETOWN RD, CHARLES TOWN, WV	Open	Variance from Section 9.7 to reduce the side setback from 12' to 1' for a 24' x 30' accessory structure.
	19-31-ZV	9/30/2019	WHEATLANDS PROPERTY MANAGEMENT LLC	2153 BERRYVILLE PIKE, CHARLES TOWN, WV	Open	Variance from Section 4.10A to waive the requirement of processing a site plan for a 35 space parking lot with drive aisles and sidewalks which will support a proposed Restaurant (File 19-3-CUP).
	19-32-ZV	10/21/2019	Seneca Crossing LLC - Eric Lewis	50 Maclaine Way, Shepherdstown, WV	Open	Variance from Section 4.11A.2, 4.11E and Appendix B to reduce the landscape buffer from 10' to 0' on the southern boundary of Lot 1 and to retain an unscreened landscape buffer on the northern boundary of Lot 2; and to install a 6' privacy fence between Lots 1 and 2 in lieu of the required buffer.
	19-33-ZV	10/22/2019	BEALLAIR HOMES LLC	Beallair Manor Drive, Charles Town, WV	Open	Variance from Section 5.4B.1 and Appendix A to reduce the rear setbacks from 20' to 15'; the front setbacks from 25' to 20'; and the side setback from 12' to 10' for the proposed Phase 3A Lots 134-159.
	19-34-ZV	10/22/2019	BEALLAIR HOMES LLC	Beallair Manor Drive, Charles Town, WV	Open	Variance from Appendix A to reduce the side setback from 5' to 2'; and, the rear setback from 20' to 10' to allow for the construction of a 10' x 16' deck on Villa Lots 50-67 (Phase 2) and Villa Lots 283-304 (Phase 3).
	19-35-ZV	11/14/2019	I&K FARM LLC	5437 CHARLES TOWN RD, KEARNEYSVILLE, WV	Open	Variance from Section 10.4B.3 to reduce the front setback from 25' to 5' along Route 480 and along Route 115 for a 20' tall Freestanding Sign with a 5' (W) x 8' (H) sign face.
	19-36-ZV	11/15/2019	COSTELLO JOSEPH D & CHRISTINA R POLEN	115 LEYLAND LN, HARPERS FERRY, WV	Open	Variance from Section 5.7B and 9.6C to reduce the front setback from 40' to 22' for a 24' x 41' accessory structure.
	19-37-ZV	12/13/2019	SAB REAL ESTATE 2 LLC	8272 MARTINSBURG PIKE, SHEPHERDSTOWN	Open	Variance from Sections
	19-38-ZV	1/3/2020	Richard Childs	Leetown Road, Summit Point, WV 25446	Open	Variance from Section 4B.7.J.2a to increase the height restriction for a telecommunications tower from 100' to 199'.
	20-2-ZV	1/29/2020	JULIAN MICHAEL A & PEGGY S	27 LACE LEAF WAY, CHARLES TOWN, WV	Closed	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.
	20-3-ZV	1/29/2020	GRAHAM ROBERT L & NANCY J	1191 TUSCAWILLA DR, CHARLES TOWN, WV	Closed	Variance from Section 9.7 to reduce the side setback from 8' to 4' for a 24' x 24' attached garage.
	20-4-ZV	2/4/2020	Lutman Land Development, LLC - David Lutman	Old Cave Road, Charles Town, WV	Closed	Variance from 5.7D.2.b.(b) - Request to allow the 50% green space to be allocated on each of the individual lots within the cluster.
	20-6-ZV	3/2/2020	WALKER TERRY L & MARGARET R	10179 LEETOWN RD, KEARNEYSVILLE, WV	Closed	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.
	20-7-ZV	3/2/2020	Shepherdstown Public Library	Lowe Drive extended, Shepherdstown, WV	Closed	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.
	20-8-ZV	3/2/2020	LOWE KENNETH F JR-REV TRUST - Kenneth Lowe	4781 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV	Closed	Variance from section 4.6B to reduce the distance requirement from 75' to 50' along the western boundary (rear) and from 75' to 25' along the northern boundary (right side); and from Appendix B to reduce the commercial building setback from 25' to 20' along the northern boundary (right side); and to reduce the parking setback from 4' to 0' along the western (rear) and northern (right side) boundaries to allow for the operation of Potomac Community Center (File #20-1-CUP).

20-9-ZV	3/5/2020	MOORE CHARLES A II & VIRGIE A	194 HUYETT RD, CHARLES TOWN, WV	Closed	Variance from Section 4.6B and Appendix B to reduce the distance requirement from 75' to 0' on all sides; to reduce the setbacks from 25' to 0' on the eastern property line and 25' to 20' on the northern property line (front); and to reduce the parking setback from 4' to 0' along the western property line for Church Without Walls Ministries of Jefferson County to process in an existing residence
20-10-ZV	3/27/2020	William Hoak	675 Jefferson Orchard Rd, Kearneysville, WV	Closed	Reduction from 50' rear setback to 38' for a 12' x 12' deck
20-11-ZV	4/15/2020	Matthew Gorsuch	901 Marsh Hawk Way, Shepherdstown, WV	Closed	Variance from Section 5.7(b) [ZO in effect in 2004] to reduce the front setback from 40' to 34.8' for an existing house that was built within the setback area.
20-12-ZV	4/27/2020	Rolling Ridge Foundation, LLC / Friends Wilderness Center	305 Friends Way, Harpers Ferry, WV	Closed	Variance request from Section 4.10 to waive the requirement to process a Site Plan for a proposed campground.
20-13-ZV	4/27/2020	Jocelyn Stokes	170 Hensel Dr, Shepherdstown, WV 25443	Closed	Variance request from Section 5.4(b) [ZO in effect in 1990] to reduce side setback from 12' to 10' for a 10' x 22' deck.
20-15-ZV	5/4/2020	MURTAZA MOHAMMAD	14840 CHARLES TOWN RD, CHARLES TOWN, WV	Closed	Variance from Sections 4.6, and Appendix B for the following: to reduce the side setback from 25' to 6.5' on the western boundary line; and, to reduce the distance requirement from 75' to 32' on the eastern boundary line.
20-17-ZV	5/4/2020	270 LLC - Lee Snyder	270 INDUSTRIAL BLVD, KEARNEYSVILLE, WV	Closed	Variance from Section 8.9A.8 to reduce the setback requirement from 75' to 20' to replace an existing above ground propane tank with a new 30,000 gallon above ground fuel tank.
20-16-ZV	5/4/2020	MOORE CHARLES A II & VIRGIE A	194 HUYETT RD, CHARLES TOWN, WV	Open	Variance from Section 10.2 to reduce the front setback and to allow a freestanding business sign to face a residence.
20-18-ZV	5/4/2020	SMITH RODNEY K & STACY L	EARLE RD, CHARLES TOWN, WV	Closed	Variance from Section 9.7 to reduce the Rear setback from 50' to 15' for the construction of a 3,400 square foot new home and a 45' x 16' foot in-ground swimming pool with surrounding concrete.
20-19-ZV	5/9/2020	EISNER GARY A ET AL - Gary Eisner	76 BELLEVIEW LN, CHARLES TOWN, WV	Open	variance from Section 4.6B to reduce the distance requirement from 75' to 50'
20-21-ZV	5/18/2020	LANDIS TODD & NANCY T	423 CROSSWINDS DR, CHARLES TOWN, WV	Open	Variance request from Section 5.4(b) for a reduction of the rear setback requirement from 20' to 10' for the construction of a 12' x 10' deck.
20-22-ZV	5/29/2020	Scott and Kelly Meisenzahl - Scott and Kelly Meisenzahl	473 Spyglass Hill Drive, Charles Town, WV	Open	Variance request from Section 5.4(b) [of 2003 Zoning Ordinance] to reduce the rear setback from 20' to 10' for the purpose of constructing a 14' x 12' sunroom.
18-18-ZV	6/5/2020	Mary Schreyer	5437 Charles Town Rd, Kearneysville, WV	Closed	In accordance with Section 4.3H, variance request to reestablish a nonconforming use. The applicant is requesting to reinstall two (2) fuel pump islands that were removed at the request of the WV DEP.
20-23-ZV	6/16/2020	I&K FARM LLC	5437 Charles Town Rd, Kearneysville, WV	Open	Variance from Section 4.3H to increase the permitted fuel pumps from two (2) islands to four (4) islands.
20-24-ZV	6/22/2020	GREEN MONSTAH FIREARMS, LLC - RICHALIE DEMAINE	79 REHOBOTH LN, SUMMIT POINT, WV	Open	Variance from Sections 4.6B to reduce the 75' distance requirement to 50' along the rear property line for the purpose of operating a homebased federal firearms business from an existing dwelling unit (see Conditional Use Permit File #20-4-CUP).
19-19-ZV	7/29/2019	GARZA ROBERT C & DELIA M	10045 LEETOWN RD, KEARNEYSVILLE, WV	Withdrawn	WITHDRAWN 08-14-19 - Variance from Section 4.10 to waive the requirement of a site plan to install a maximum 1,600 square foot gravel parking lot for the purpose of adding 18 stalls to expand the operations of the existing dog kennel (Tri-State Pet Care).
20-14-ZV	5/1/2020	Patrick Shunney	11426 Leetown Road, Kearneysville, WV	Withdrawn	Variance request from Section 9.7 to reduce side setback from 8' to 4' for a detached garage.
20-20-ZV	5/12/2020	GRAHAM BRYAN & JENNIFER BLIMLINE	32 SCOTT DR, SHEPHERDSTOWN, WV	Withdrawn	Variance from Sections 9.5B and 9.7 to allow an 8' privacy fence to be located 12" from the eastern property line.
				Type Total:	47
				Category Total:	47
				Grand Total:	181

Regional Transportation Planning Meetings	
Eastern Panhandle Transit Authority (EPTA) Board and Safety Committee Meetings EPTA Audit Bid Opening	7/15/19; 8/19/19; 9/16/19; 10/3/19; 10/21/19; 11/18/19; 12/16/19; 1/13/20; 2/10/20; 3/15/20; 3/19/20 (phone); 4/20/20 (ZOOM); 5/18/20 (ZOOM); 6/10/20; (ZOOM) 6/15/20 (ZOOM)
EPTA Transit Development Plan (TDP) Stakeholder Meetings	9/24/19; 12/9/9; 4/30/20; 6/9/20 (ZOOM)
Regional Division of Highways/Planners Roundtable Meetings	9/25/19; 2/26/20
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	8/21/19; 10/16/19; 1/15/20; 3/18/20; 5/20/20 (ZOOM);
MARC Public Hearing	9/7/19
HEPMPO US Bike Route 11 Public Meeting	12/4/19; 2/27/20

Regional/State Planning Related Meetings	
Maryland APA Chapter 2019 State Conference	10/6/19 - 10/8/19
Envision Jefferson 2035 Comp Plan presentation to JCDA Board	10/10/19
Safe Water Conservation Collaborative Meeting	12/18/19; 3/26/20 (ZOOM); 5/28/20 (ZOOM); 6/25/20 (ZOOM)
2019 West Virginia State Auditor's Training Seminar, Martinsburg	10/3/19
Chamber of Commerce Legislative Recap	6/11/20 (ZOOM)

PLANNING COMMISSION MEMBERS – FY 2020

1. Mike Shepp, President (term expires 03/31/21)
2. Donnie Fisher, Vice President (term expires 03/31/23)
3. Wade Louthan, Secretary (term expires 03/31/22)
4. Steve Stolipher (term expires 03/31/21)
5. Ron Thomas (term expires 03/31/23)
6. Ray Bruning (*resigned 6/24/20*)
7. Jack Hefestay (term expires 03/31/22)
8. J Ware (term expires 03/31/22)
9. Ralph Lorenzetti, CC Liaison (term expires 12/31/2020)

BOARD OF ZONING APPEALS MEMBERS – FY 2020

1. Jeffrey C. Bannon, Chair (term expires 01/01/22)
2. J. Tyler Quynn, Vice Chair (term expires 01/01/23)
3. Deirdre Catterton, Alternate (term expires 01/01/21)
4. Matt McKinny (term expires 01/01/21)
5. Leeds Corbin (01/01/23)

DEPARTMENTS OF PLANNING & ZONING STAFF – FY 2020

1. Jennifer M. Brockman, AICP, County Planner
2. Alexandra Beaulieu, Zoning Administrator
3. Jennilee Hartman, Zoning Clerk
4. Rachael Burke, Planning Clerk



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

Planner's Memorandum Planning Commission Meeting July 14, 2020

1) Updated Status of Engineering, Planning and Zoning County Offices during COVID-19 Virus Pandemic (from website)

YOU MUST WEAR A MASK TO ENTER THE BUILDING AND IT MUST BE KEPT ON WHILE YOU ARE IN THE BUILDING. PLEASE DO NOT ENTER THE BUILDING IF THERE ARE MORE THAN TWO (2) PEOPLE IN THE LOBBY. KEEP AT LEAST SIX (6) FEET APART. IF YOU NEED TO GO TO PLANNING & ZONING OR GIS/ADDRESSING PLEASE CHECK IN AT THE PERMIT DESK BEFORE GOING UPSTAIRS.

DO YOU CURRENTLY HAVE ANY OF THE FOLLOWING SYMPTOMS?

- FEVER (100.4 DEGREES F OR HIGHER) OR A SENSE OF A FEVER?
- NEW COUGH THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
- NEW SHORTNESS OF BREATH THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
- NEW SORE THROAT THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
- NEW MUSCLE ACHES (MYALGIAS – JOINT PAIN) THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION, OR THAT MAY HAVE BEEN CAUSED BY A SPECIFIC ACTIVITY (SUCH AS PHYSICAL EXERCISE)?
- NEW LOSS OF TASTE OR SMELL?
- OTHER FLU-LIKE SYMPTOMS THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?

THANK YOU FOR YOUR UNDERSTANDING AND PATIENCE.

2) Greenway Ordinance/Regulation Amendment Update

- a) Greenway working on the various staff proposed edits and revisions submitted last Fall.
- b) After PC review and input, a Public Hearing before the Planning Commission and County Commissions will be required in order to result in the revised, reorganized Subdivision Regulations that meet the needs and expectations of the Planning Commission.

3) Status of Zoning Ordinance Text Amendments

- a) ZTA19-03: Text Amendment re: Solar Energy Facilities (forwarded to CC for their 7/16 meeting to schedule a Public Hearing)
- b) ZTA20-01: Text Amendment re: Commercial Cemeteries in the Rural Zone

4) Upcoming PC meetings

- b) Next Regular meeting: August 11, 2020