



**Jefferson County  
Board of Zoning Appeals  
Thursday, July 23, 2020 at 2:00 p.m.**

Members  
Jeffrey Bannon, Chair  
Tyler Quynn, Vice Chair  
Deirdre Catterton  
Matthew McKinney  
Leeds Corbin

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**By order of the Jefferson County Board of Zoning Appeals, Jeffrey Bannon, Chair, this Board of Zoning Appeals Meeting will be held virtually via ZOOM.**

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

**Please use the following information to join the ZOOM Meeting:**

**<https://us02web.zoom.us/j/86512159382>**

**Meeting ID: 865 1215 9382**

**Dial by your location:**

**+1 301 715 8592 US**

**Meeting ID: 865 1215 9382**

**Find your local number: <https://us02web.zoom.us/u/kb65f6MrBt>**

**Access from desktop, laptop, iPad, or from a phone. You will be prompted to download the software. If accessing from a phone, you must have the ZOOM app.**

**Please mute yourself when you are not talking. When participating, remember that your video is streaming to others.**

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**All requests are pursuant to the Zoning & Land Development Ordinance.**

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**Approval of Minutes: June 25, 2020**

**Public Hearing – Administer Oath**

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**ITEM #1      FILE #: 20-23-ZV**

**Request:**      Variance request from Section 4.3H to increase the number of approved fuel pump islands from two to four for a proposed Citgo gas station (previously Sheetz).

**Owner:**      I & K Farms, LLC

**Applicant:**    Clarence Haymaker

**Parcel Info:**  5437 Charles Town Rd., Kearneysville, WV; Parcel ID: 07003B00450000; Size: .70+ ac;  
Zoning District: Village

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**ITEM #2 FILE #: 20-4-CUP**

**Request:** Request for a Conditional Use Permit to establish a homebased federal firearms business (Green Monstah Firearms, LLC) to include limited gunsmithing from an existing dwelling unit (proposed land use as listed in Appendix C: Custom Manufacturing). The business is primarily internet based. Business hours are by appointment only, with limited customer visits (approximately four per month). No employees other than the residents of the property. No signs are proposed. No new structures or additions to existing structures are proposed.

**Owner:** Richalie Demaine

**Parcel Info:** The Estate of Frances Lloyd Minor Subdivision, Lot 2; 79 Rehoboth Lane, Summit Point, WV  
Parcel ID: 06001200020021; Size: 3 ac.; Zoning District: Rural

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**ITEM #3 FILE #: 20-24-ZV**

**Request:** Variance from Section 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 (no new structures or additions are proposed). See Conditional Use Permit File #20-4-CUP.

**Owner:** Richalie Demaine

**Parcel Info:** The Estate of Frances Lloyd Minor Subdivision, Lot 2; 79 Rehoboth Lane, Summit Point, WV  
Parcel ID: 06001200020021; Size: 3 ac.; Zoning District: Rural

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**Zoning Administrator Report**

- a. Monthly Zoning Certificate Activity Report

**Legal Update**

- a. Possible executive session on the following pending lawsuits. None
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions

**Meeting: June 25, 2020**

1. Variance from Section 5.4(b). Owner: Todd Landis. File: 20-21-ZV.
2. Variance from Section 5.4(b). Owner: Scott and Kelly Meisenzahl. File: 20-22-ZV.

**Minutes**  
**Jefferson County Board of Zoning Appeals**

1 Meeting Date: June 25, 2020  
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held  
3 virtually via ZOOM.  
4 Board Members Present: Jeffrey Bannon, Chair; Tyler Quynn, Vice Chair; and Matt McKinney  
5 Board Members Absent: Deirdre Catterton and Leeds Corbin (absent with notification)  
6 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran,  
7 Assistant Prosecuting Attorney; and, Rachael Burke, Planning Clerk  
8 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.

9 Mr. Quynn called the meeting to order at 2:00 pm. Mr. Bannon called for a vote, which carried  
10 unanimously.

11 **Approval of Minutes: May 28, 2020**

12 Mr. Bannon requested the following edit to the May 28, 2020 meeting minutes:

- 13 a) Page 3, Line 24: change *vacant* to **vacate**.  
14 b) Page 4, Line 25: remove the language that says the item was withdrawn.

15 Mr. Quynn moved to accept the minutes with Mr. Bannon's edits. Mr. Bannon called for a vote,  
16 which carried unanimously.

17 Ms. Beaulieu swore in members of the public who indicated they would be providing testimony.

18 **ITEM #1 FILE #: 20-11-ZV**

19 Request: Variance request from Section 5.4(b) for a reduction of the rear setback requirement  
20 from 20' to 10' for the construction of a 12' x 10' deck.  
21 Owner: Todd Landis  
22 Parcel Info: Lot 22, Crosswinds Subdivision; 423 Crosswinds Drive, Charles Town, WV  
23 Parcel ID: 02018A00220000; Size: .19 acre; Zoning District: Residential Growth

24 Mr. Todd Landis, property owner, was present to address the Board. Ms. Beaulieu provided an  
25 overview of her staff report noting that the rear of the parcel abuts a 35' wide open space parcel of  
26 the adjoining Norborne Glebe Subdivision, which would mitigate any potential impact from the  
27 deck. Mr. Landis explained the nature of the request stating that the proposed location for the deck  
28 was based on an existing sliding glass door which would allow him to utilize the proposed deck  
29 without creating another doorway. Mr. Landis provided an image that showed a tree line in the rear  
30 of the parcel that would offer a natural buffer.

31 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the  
32 public hearing.

33 Mr. McKinney moved to approve the variance as requested. Mr. Bannon called for a vote, which  
34 carried unanimously.

35 **ITEM #2 FILE #: 20-22-ZV**

36 Request: Variance request from Section 5.4(b) for a reduction of the rear setback requirement  
37 from 20' to 10' for the construction of a 14' x 12' sunroom.  
38 Owner: Scott and Kelly Meisenzahl  
39 Parcel Info: Locust Hill Subdivision, Lot 111, 473 Spyglass Hill Drive, Charles Town, WV  
40 Parcel ID: 02013A02430000; Size: .24 ac.; Zoning District: Rural

1 Mr. Scott Meisenzahl, property owner, was present to address the Board. Ms. Beaulieu provided an  
2 overview of her staff report noting that the rear of the parcel abuts the subdivision's open space  
3 area. Ms. Beaulieu stated that the applicants had received a similar variance in 2003 to reduce the  
4 rear setback to 12' for the construction of a deck. Ms. Beaulieu explained that the proposed  
5 sunroom would be constructed where the existing deck is located but would be slightly larger and  
6 encroach further into the setback area. Mr. Meisenzahl explained the nature of the request and stated  
7 that beyond the common area was a large farm. He clarified that only the corner of the sunroom  
8 would be located further into the setback area due to the dimensions of the parcel.

9 Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the  
10 public hearing.

11 Mr. Quynn moved to approve the variance as requested. Mr. Bannon called for a vote, which  
12 carried unanimously.

### 13 **Zoning Administrator's Report**

14 a) Monthly Zoning Certificate Activity Report. The Report was included in the mailed packet.  
15 Ms. Beaulieu updated the Board on the status of the solar energy facilities text amendment stating  
16 that the Planning Commission made a few revisions to the proposed text and forwarded the  
17 amendment to the County Commission to schedule another public hearing. Ms. Beaulieu provided a  
18 status update on the proposed reorganization of the Zoning Ordinance and the Subdivision  
19 Regulations that is being drafted by Greenway Engineering. Ms. Beaulieu also noted that the  
20 Planning Commission accepted a petition to begin drafting new text amendment pertaining to  
21 commercial cemeteries into their work plan. Ms. Beaulieu stated that the next Board meeting would  
22 be on July 23, 2020.

### 23 **Legal Update**

- 24 a) Possible executive session on the following pending lawsuits.  
25 b) Discussion with possible deliberative session and signing of draft Findings/Decisions

### 26 **Meeting: June 25, 2020**

- 27 1. Variance from Sec. 5.7(b). Owner: Matthew Gorsuch and Anna Kent. File: 20-11-ZV.  
28 2. Variance from Sec. 4.10. Owner: Rolling Ridge Foundation. File: 20-12-ZV.  
29 3. Variance from Sec. 5.4(b). Owner: Jocelyn Stokes and Ezra Hall. File: 20-13-ZV.  
30 4. Request by Efstathia Fragogiannis and Jamie Schatteman for a Conditional Use Permit to  
31 operate a Homebased Federal Firearms Business [custom manufacturing]. Owner: Gary  
32 Eisner, et al. File: 20-3-CUP.  
33 5. Variance from Sec. 4.6B. Applicant: Efstathia Fragogiannis and Jamie Schatteman.  
34 Owner: Gary Eisner, et al. File: 20-19-ZV.  
35 6. Variance from Sec. 4.6B and App. B. Owner: Mohammad Murtaza. File: 20-15-ZV  
36 7. Variance from Sec. 4.6B, 8.9A.8, and App. B. Owner: 270 LLC. File: 20-17-ZV  
37 8. Variance from Sec. 9.7. Owner: Rodney Smith. File #20-18-ZV.

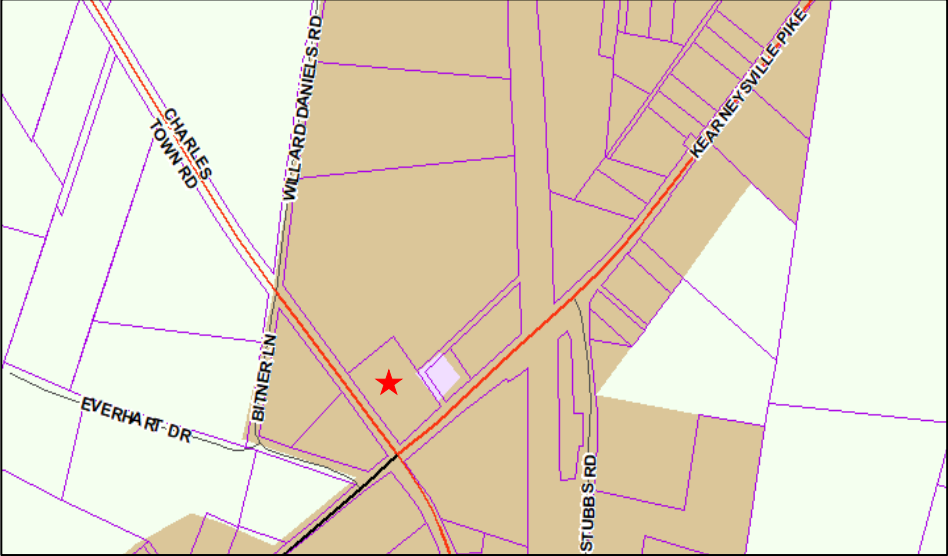
38 Regarding signing the Findings, Mr. Bannon requested that Mr. Cochran research whether electronic  
39 signatures could be implemented. Mr. Cochran stated he would review state law and inform the  
40 Board at their next meeting.

41 Mr. Quynn moved to adjourn the meeting at 2:17 pm. Mr. Bannon called for a vote, which carried  
42 unanimously.

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 July 23, 2020

**I & K Farms, LLC Variance Request (#20-23-ZV)**

Item #1 Variance request from Section 4.3D to increase the number of approved fuel pump islands from two to four.

Applicant:	Clarence Haymaker
Owner:	I & K Farms, LLC
Developer:	N/A
Consultant:	N/A
Parcel Information:	<p style="text-align: center;">5437 Charles Town Road, Kearneysville, WV 25430          Parcel ID: 07003B00450000          Size: .70+ acres; Zone: Village</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;"><i>North:</i> Village                      <i>South:</i> Village  <i>North/East:</i> Village + Industrial-Commercial      <i>West:</i> Village</p>
History:	<p>Former (Sheetz) Gas Station          07/15/89: Boundary line adjustment recorded (DB: 559; PG: 645)</p>
Waivers/Variations:	<p>12/13/18: BZA approved a variance request to reestablish nonconforming use (ZV18-18)          12/12/19: BZA approved a setback reduction for a freestanding sign from 25' to 5' (19-35-ZV).</p>
Approved Activity:	Nonconforming Use: convenience store (PC File #ZC18-32)
Site visit conducted:	No

**Summary of Request and Purpose of Ordinance Requirements**

The applicant is requesting a variance from Section 4.3D to expand the nonconforming use and increase the number of approved fuel pump islands from two to four.

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 Jefferson County Board of Zoning Appeals Meeting  
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**I & K Farms, LLC Variance Request (#20-23-ZV)**

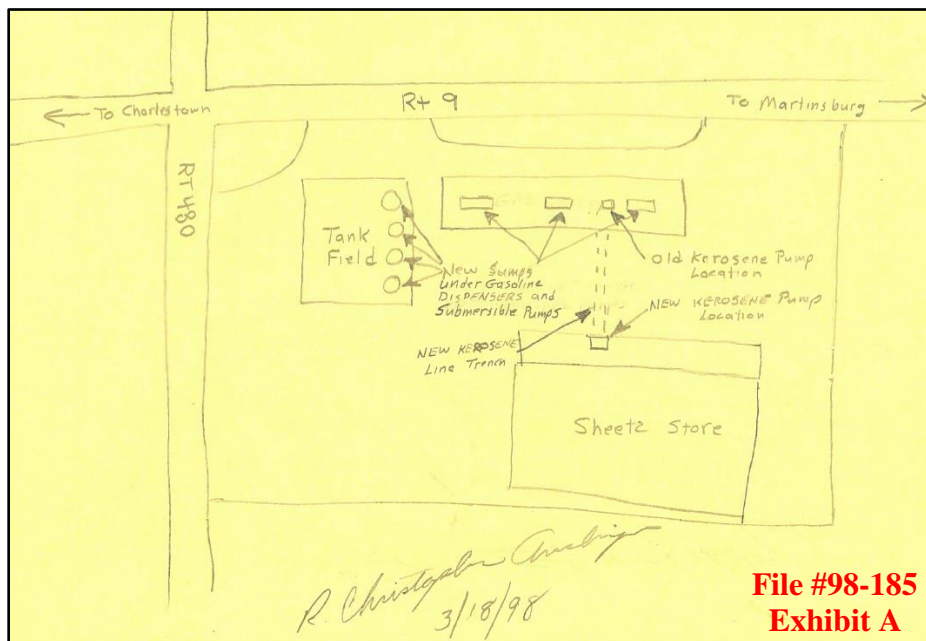
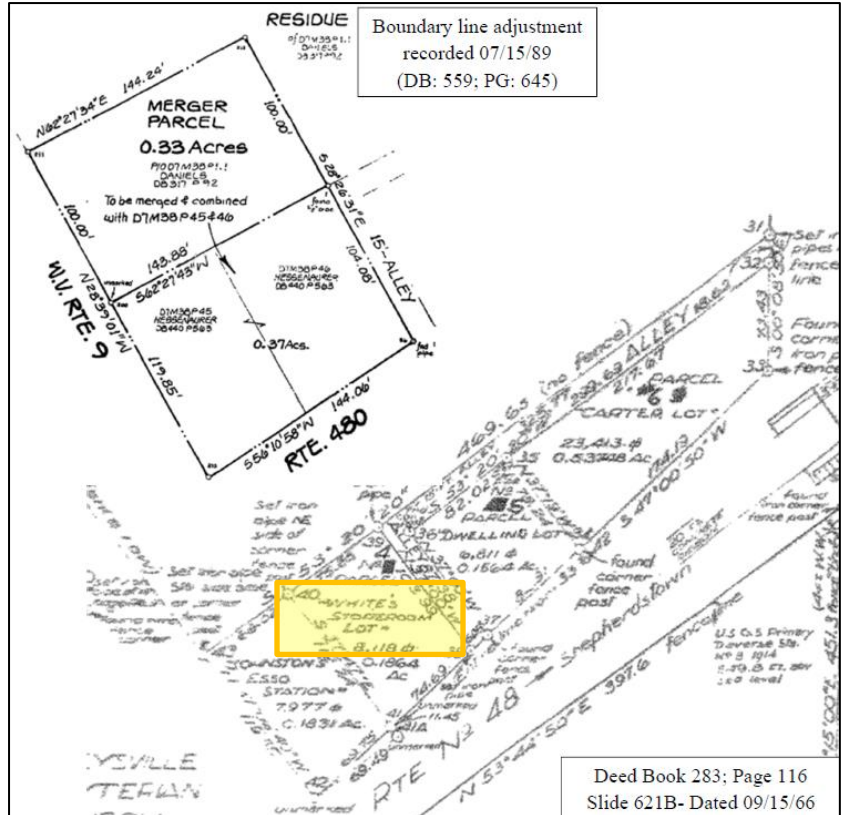
**Staff Evaluation of Request**

The subject parcel appears to have included a service station as early as the 1960's (DB 283, PG 116 / Slide 621B, dated September 1966).

The surrounding land uses include a combination of non-residential and residential land uses. On December 13, 2018, the Board granted a variance to allow the nonconforming use to be reestablished and approved two fuel pump islands as requested.

Staff advised that a nonconforming use can expand by 35% with administrative approval; however, the proposed four fuel pump islands exceeds the permitted 35% expansion and therefore, in accordance with Section 4.3D, Staff advised seeking a variance to increase the number of permitted fuel pump islands from two to four.

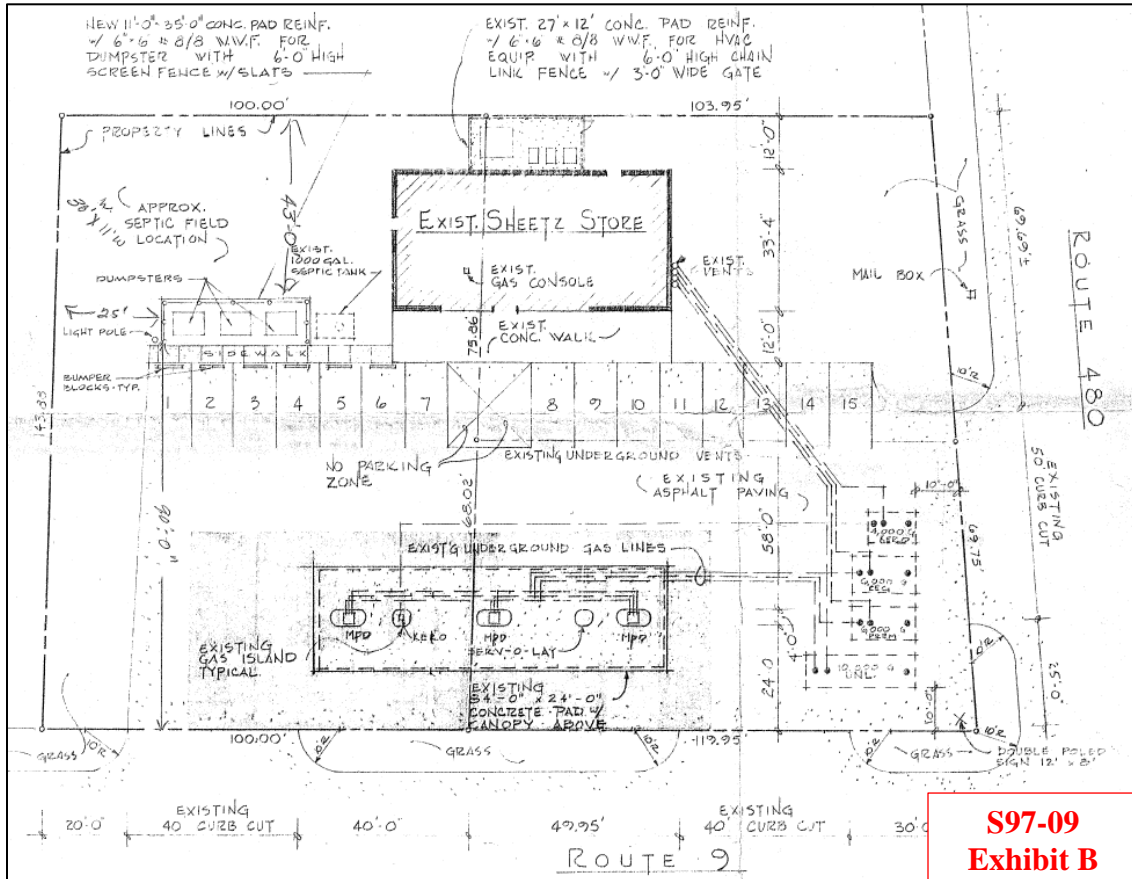
In researching the history of the subject property, it appears that in 1998 a building permit was applied for (File #98-185) which reflects that there were previously three fuel pump islands (see exhibit A).



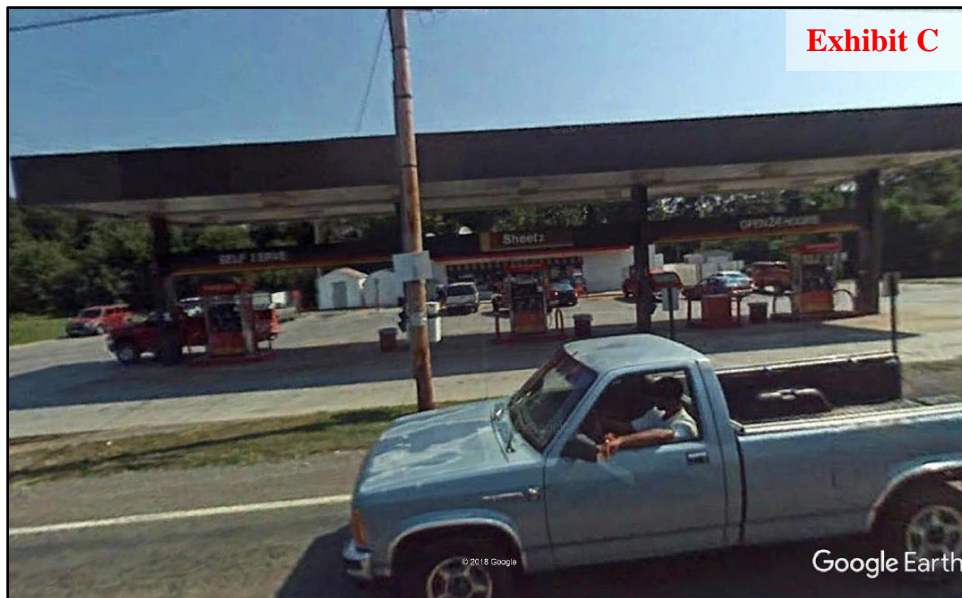
Staff Report  
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**I & K Farms, LLC Variance Request (#20-23-ZV)**

There is also a site plan from 1997 pertaining to an enclosed dumpster area. While the Site Plan does not appear to have been approved by the Office of Planning and Zoning, it does reflect three existing fuel pump islands (see Exhibit B).



Additionally, a Google Earth street view image from May 2010 reflects three fuel pump islands (see Exhibit C).



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**I & K Farms, LLC Variance Request (#20-23-ZV)**

The surrounding properties include a combination of non-residential and residential land uses (see Exhibit D).



\*Note: the CUP listed on the above aerial recently expired. The property owner for the subject request recently acquired the adjoining parcel and their representative has indicated that they would like to apply for another CUP to establish the same land use.

Based on the history of the subject property which appears to reflect that three fuel pump islands were located on site for several years, and the fact that surrounding properties support a number of non-residential land uses, it appears that an increase from the previously approved two fuel pump islands (2018) to four fuel pump islands would have minimal impact on the surrounding properties.

It is not feasible to comply with the Ordinance without Board approval because the 2018 request was to reestablish a nonconforming use, with a proposal to install two fuel pump islands. This request was granted by the Board. The alternative options for the subject property would be to either apply for a Conditional Use Permit to establish a Gas Station or to rezone the property to a zoning district that would allow for a Gas Station by right (Principal Permitted Use).

**Conditions of Approval**

Should the Board choose to approve this request, possible conditions of approval include:

1. None

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**I & K Farms, LLC Variance Request (#20-23-ZV)**

**SECTION OF ORDINANCE TO BE CONSIDERED:**

**Section 4.3 Nonconforming Uses**

Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time that this ordinance is subsequently amended, may continue to be used even though such building, structure, or premises does not conform to use, setbacks or dimensional regulations of the zoning district in which it is located; subject, however, to the following provisions:<sup>7, 32</sup>

- A. Nonconforming structures may be upgraded or repaired, or alterations made to the facilities.<sup>7, 23, 32</sup>
- B. Repair includes the following: replacement of same size (+/-35%) porches, awnings, decks roofs, overhangs, patios, or any other similar construction as approved by the Zoning Administrator. However, expansion of any nonconforming structure or use shall be limited to the lot that existed at the time of adoption of this Ordinance. Additional acreage shall not be added to enlarge any nonconforming use unless a variance is approved by the Board of Zoning Appeals after review and a public hearing in accordance with Section 6.1C.<sup>7, 23, 32</sup>
- B. Whenever a nonconforming use has been abandoned for a period of twelve (12) months, such use shall not be reestablished and any future use shall be in conformance with the provisions of this Ordinance.<sup>5, 17, 21</sup>
- C. A nonconforming use may not be substituted for any other nonconforming use without the Board of Zoning Appeals review and public hearing, provided, however, to the following: upon notice to the Zoning Administrator with an application for and approval of a Zoning Certificate a nonconforming retail, service, or wholesale operation may be substituted with another retail, service or wholesale operation without such public hearing; provided again, however, the intended use does not include an adult use.<sup>7, 17, 21</sup>
- D. Effective October 14, 1999, whenever a nonconforming structure or use expands over 35% of the existing square footage of its operation said use shall meet all the applicable requirements of this Ordinance unless otherwise allowed by the Board of Zoning Appeals. Any nonconforming structure or use that expanded between October 5, 1988 and October 14, 1999 may expand under this provision as if they have never utilized this provision in the past.<sup>7, 8, 12, 17, 21, 23, 32</sup>
  - 1. When a nonconforming use can be computed by units such as apartment units, motel/hotel units, mobile home parks, and similar uses, the 35% expansion shall be limited to 35% of the number of existing units.<sup>8</sup>
- E. A nonconforming shopping center (including spaces that were not leased in the existing building at the time of the adoption of this Ordinance) may substitute uses according to Section 4.3C.<sup>7</sup>
- F. Section 4.3 is subject to Chapter 8A of the West Virginia Code, as Amended.<sup>17, 21, 23</sup>
- G. This Section (4.3) does not apply to industrial uses that existed at the adoption of the ordinance. Such industries may expand provided that they meet the site plan standards of this Ordinance, in addition to those of the Jefferson County Subdivision and Land Development Regulations.<sup>8, 23</sup>
- H. A nonconforming structure or use destroyed by a natural or unnatural calamity cannot be rebuilt without approval of the Board of Zoning Appeals upon application by the owner and pursuant to the variance and appeal procedures outlined in Article 6. This provision will not apply to existing residential dwelling units.<sup>12, 17, 21, 23, 32</sup>





**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department 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: 20-23-ZV  
 Staff Initials: JA  
 Meeting Date: 7/23/20  
 Fees Paid (\$100 or \$150): 100

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

Phone: (304) 728-3228

**Zoning Variance Request**

*Variances from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.*

**Property Owner Information**

Name: J+K Farms LLC Mahommed Chaman  
 Mailing Address: 145 Augustine Cove, Charles Town, W.Va. 25414  
 Phone Number: 304-283-8542 Email: Mogham01@yahoo.com

**Applicant Contact Information**

Name: Clarence Haymaker  
 Mailing Address: 120 N. George Street Unit 3 Charles Town, W.Va. 25414  
 Phone Number: 540-539-1896 Email: WVACommercialVca@aol.com

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

Name: Gordon and Associates  
 Mailing Address: 148 S. Queen Street Martinsburg, W.Va. 25401  
 Phone Number: 304-725-8456 Email: rperks@gordon-us.com

**Physical Property Details**

Physical Address: 5437 Charles Town Road  
 City: Kearneysville State: W. Va. Zip Code: 25430  
 Tax District: Middlewood 07 Map No: 3 B Parcel No: 45  
 Parcel Size: .71 Acres Deed Book: 999 1219 Page No: 567 89

**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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RECEIVED**

**JUN 15 2020**

**JEFFERSON COUNTY PLANNING  
 ZONING & ENGINEERING**  
Place Received Date Stamp Here

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"/>

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of way, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e. the distance of the structure from all property lines), size, and height. Identify all existing buildings, structures, or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property?

Yes

No

Reference the section of the Zoning Ordinance pertaining to this request:

Sec. 4.3 H D SA

Briefly describe the nature of the variance request:

The e-store is approved for gasoline filling station. We are requesting to increase the approved 2 fueling tanks to 4 fueling island to coincide with the new proposed canopy.

If this request is for a setback variance, please check one of the following:

Front Setback

Side Setback

Rear Setback

Reduction From

to

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents:

It is the same operation as the previous owner.

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

Tanks and pumps were removed by the previous owner. New modern pumps and tanks will be installed.

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

It will allow the property to be used for its highest and best use.

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

Property is already approved for a convenience store with gas pumps.

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Office of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

*M. Blumens*

6-12-2020

Signature of Property Owner

Date

Signature of Property Owner

Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 6.1B).

07/23/20

Date of Public Hearing

7/8/20

Advertising Date

7/8/20

Placard Posting Date





Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 July 23, 2020

**Green Monstah Firearms, LLC**  
**Conditional Use Permit Request (#20-4-CUP)**

Item #2 Request by Richalie Demaine for a Conditional Use Permit to operate a homebased federal firearms business, to include limited gunsmithing, from an existing dwelling unit (proposed land use as listed in Appendix C: Custom Manufacturing). The business is primarily internet based. No employees other than the residents of the property. Business hours are by appointment only, with limited customer visits (approximately four per month). No signs are proposed.

Applicant:	Richalie Demaine
Property Owner:	Same
Developer:	Same
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">79 Rehoboth Lane, Summit Point, WV 25446                  Parcel ID: 06001200020021; Size: 3 acres; Zoning District: Rural</p>
Surrounding Properties:	Zoning Map Designation: North & South: Rural      East & West: Rural
Approvals:	The Estate of Frances L. Lloyd Minor Subdivision, Lots 1, 2, 3 Residue, and 4 (recorded on 03/16/2016 in <a href="#">PB 25, PG 547</a> )
Site Visit Conducted:	No.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
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**Green Monstah Firearms, LLC  
Conditional Use Permit Request (#20-4-CUP)**

**Summary of Request and Purpose of Ordinance Requirements**

Request by Richalie Demaine for a Conditional Use Permit to operate a homebased federal firearms business, to include limited gunsmithing, from an existing dwelling unit (proposed land use as listed in Appendix C: Custom Manufacturing). The business is primarily internet based. No employees other than the property owner (applicant). Business hours are by appointment only, with limited customer visits (approximately four per month). No signs are proposed.

Article 2 defines Custom Manufacturing as: “Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking.”

**Property Description**

The subject parcel is Lot 2 of the Estate of Frances Lloyd Minor Subdivision which was recorded on March 16, 2016 in [Plat Book 25 at Page 547](#). The property contains an existing residential dwelling unit and gravel driveway/parking area. It is surrounded primarily by residential development. It should be noted that while the referenced subdivision was created with a Single Family Restriction on the property (Note #2), the Conditional Use Permit process allows an applicant to apply for a non-residential land use in accordance with Appendix C and requires that the Board evaluate each individual request based on compatibility with surrounding properties.



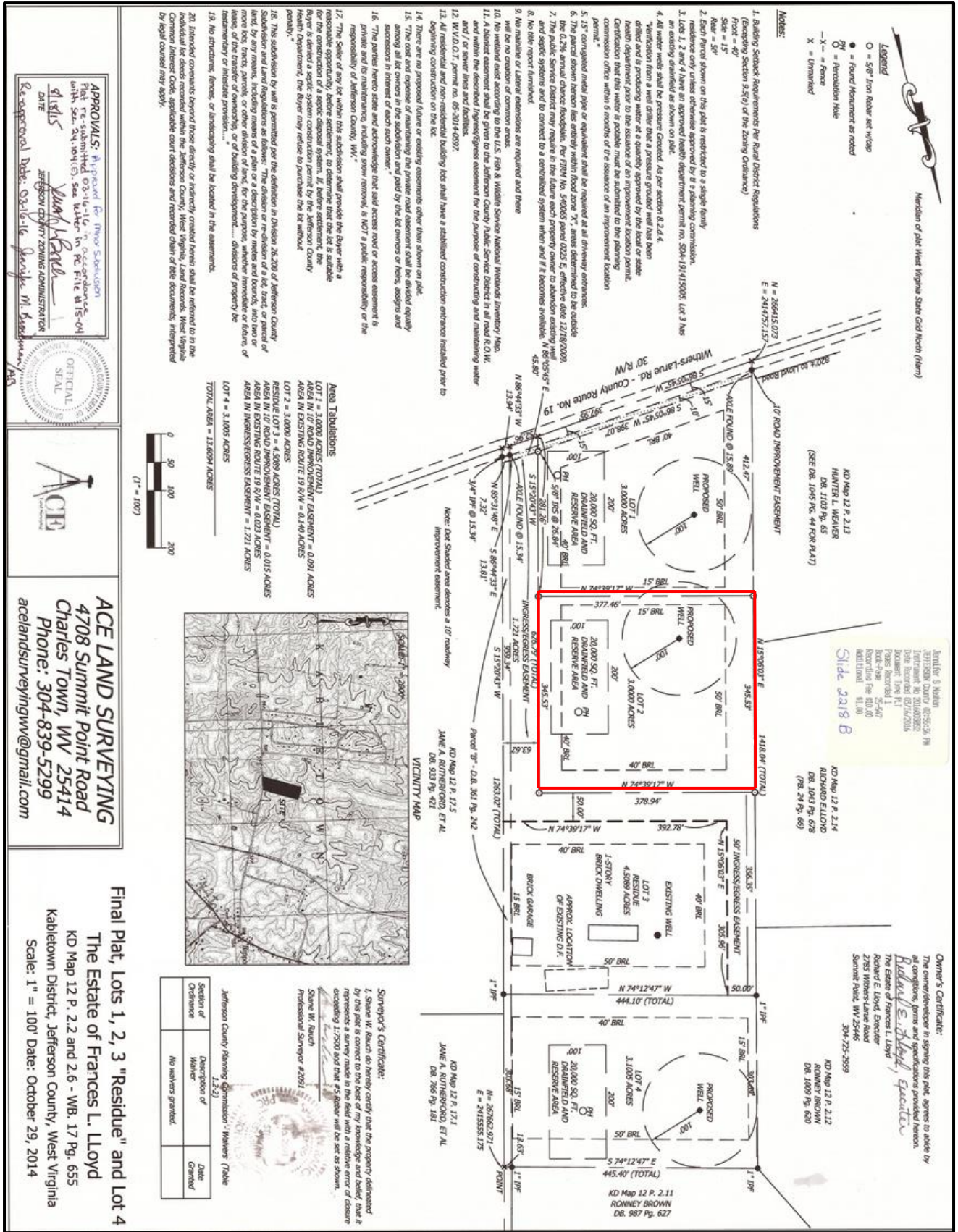
# Staff Report

## Jefferson County Board of Zoning Appeals Meeting

### July 23, 2020

## Green Monstah Firearms, LLC

### Conditional Use Permit Request (#20-4-CUP)



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 23, 2020

**Green Monstah Firearms, LLC**  
**Conditional Use Permit Request (#20-4-CUP)**

**Impact on adjacent properties**



The proposed use is primarily an internet-based home business; however, Section 4A.1.E.4 states that “Any business which involved the storage of weapons such as firearms (other than residents’ hunting, protection, and leisure weapons)” cannot be established as a Home Occupation or Cottage Industry. A previous determination, which was upheld by the Board of Zoning Appeals, stated that storage of firearms constitutes any length of time that a firearm is on premises (PC File AP12-02). Therefore, Staff advised that a Conditional Use Permit would be required to address the fact that firearms will be on site for one or more days until the transfer is completed and the customer picks up the item(s).

The applicant has represented that customers would visit the property by appointment only, with an approximate number of four appointment per month. The business would not have regular business hours

(i.e. the public could not walk in and purchase a firearm). The only employee is the property owner. Based on the limited volume of customers and that all other aspects of the land use will be contained within the existing dwelling unit, it is expected that the impact on adjacent properties will be minimal.

Access is available directly off of a 50’ wide right-of-way (Rehoboth Lane), which is maintained by the members of the Homeowners Association.

**Conditional Use Permit Process**

Section 6.3 of the Zoning Ordinance states:

“The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit:”

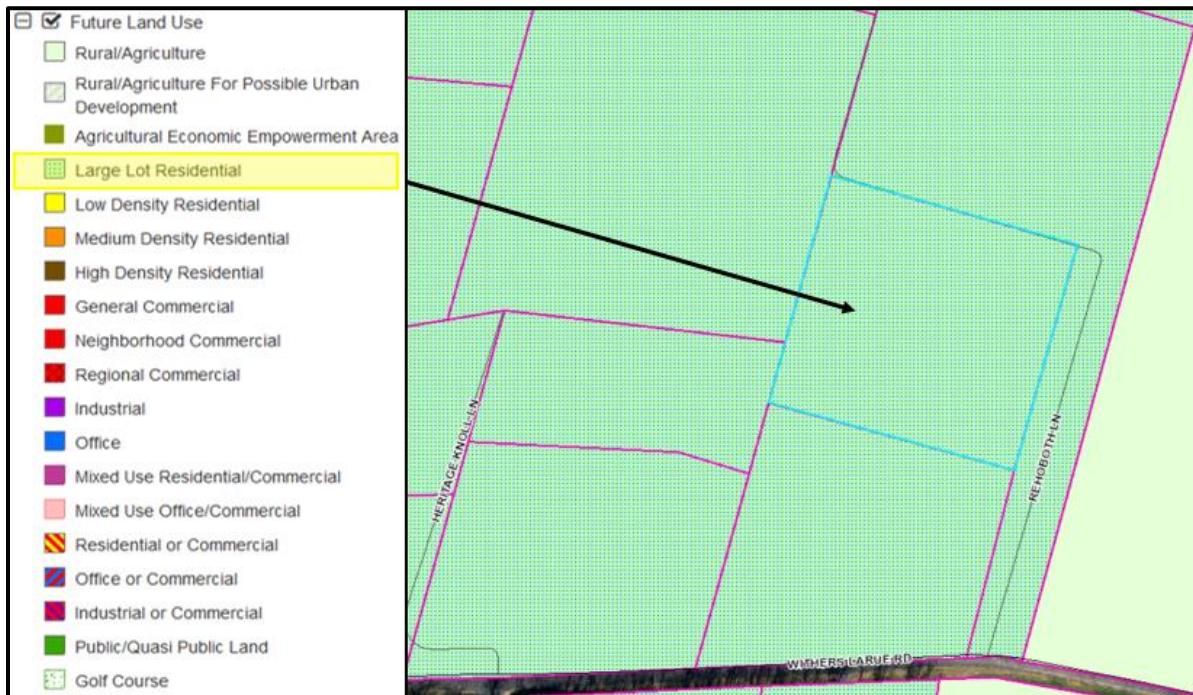
The following General Standards shall be considered in approving or denying the CUP:

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July 23, 2020

**Green Monstah Firearms, LLC  
Conditional Use Permit Request (#20-4-CUP)**

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

The subject parcel is shown as “Large Lot Residential” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see below) and outside of the County’s urban growth boundary; however, one of the Plan’s goals is to allow Conditional Use Permits to process in the Rural district for non-residential uses which are compatible in scale and intensity with the rural environment.



“...allow the use of a more traditional CUP process in the Rural District for non-residential uses which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare.” (Page 14, Goals and Objectives)

“...This Plan recommends eliminating the LESA system and modifying the CUP process for use exclusively for non-residential development projects in the Rural Zoning District.” (Page 24, Rural/Agricultural Areas)

“...This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and intensity with the rural environment and poses no threat to public health, safety, and welfare.” (Page 36, Rural Land Use)

“Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.” (Page 39, Recommendation #4.b – Rural Land Use Planning Recommendations (Goal 2))

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 23, 2020

**Green Monstah Firearms, LLC  
Conditional Use Permit Request (#20-4-CUP)**

“While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare.”  
(Page 74, Rural Economic Activities)

“Recommendation 5: Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.

Recommendation 5b: Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations. (Page 77, Agricultural and Rural Economy Recommendations (Goal 8))”

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

The proposed land use does not appear to pose any threat to public health, safety, and welfare.

With regard to compatibility, no additions or new structures are proposed. No signs or changes to the exterior are proposed. The only employee resides on premises and the proposed number of customers is approximately four per month; therefore, the expected traffic increase is minimal and would not exceed the number of daily trips for a typical residence. Based on this criteria, the proposed land use appears to be compatible in scale and intensity with the existing and potential land uses.

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

Based on the information provided, the proposed site development will not hinder nor discourage the appropriate development and use of adjacent land and buildings.

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

No new buildings or additions are proposed and no additional parking is required to be installed; therefore, the applicant would not be required to process a Site Plan and landscaping would not be required to be installed in accordance with Appendix B and Section 4.11. As a condition of approval, the Board can consider a requiring that a vegetative buffer or fencing be installed.

\*Note: as part of the subject request, the applicant is requesting to eliminate the required 75’ distance requirement along the rear portion of the property (File #20-24-ZV), which would typically serve as a buffer between residential land uses; however, because the proposed use would be established in an existing structure, it is not feasible to comply with this requirement.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 23, 2020

**Green Monstah Firearms, LLC  
Conditional Use Permit Request (#20-4-CUP)**

**5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance. (Sec. 6.3A.5)**

As part of the Conditional Use Permit application, the applicant was informed of this criteria and shall comply with this standard.

**6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. (Sec. 6.3A.6)**

Rehoboth Lane is classified as a Local Road on the Highway Road Classification Map and is, therefore, subject to this criteria. Please note, when referencing the Traffic Generation Manual, there was a category for Manufacturing; however, it should be noted that the subject request does not include any outside employees from those who reside on premises and the anticipated number of customers who will visit the property per month is not expected to exceed four; therefore, the required data is somewhat irrelevant as the proposed use is far less intense than a standard manufacturing facility with daily trips generated from employees and deliveries, etc.

In referencing the Traffic Generation Manual, the average daily trip calculation for a 1,000 square foot manufacturing facility on a weekday is 3.82 trips; with peak hour trips being .79 trips in the a.m. and .75 trips in the p.m. On a Saturday, the average daily trip calculation is 1.49 trips and the peak hour trips is .28.

As a reference, a traffic count study was conducted by the Department of Transportation in 2017. The study reflects that the average daily trips on Withers Larue Rd (Station ID 193045) was 694 (Source: [2017 WVDOT AADT – Traffic Count Study](#)). The proposed land use would create a minimal increase in average daily trips when considering these numbers.

In referencing the Highway Problem Areas Map, there are no problem areas in the near vicinity to the subject location. The closest problem area was identified on Berryville Pike at the intersection of Augustine Avenue (#26). *\*See Highway Problem Areas Map and Table (Pages 98 and 99 of the Envision Jefferson 2035 Comprehensive Plan [attached].*

Note: the proposed land use does not comply with the home occupation or cottage industry land provisions because Section 4A.1E.4 states that “Any business which involved the storage of weapons such as firearms (other than residents’ hunting, protection, and leisure weapons)” cannot be established as a Home Occupation or Cottage Industry. When evaluating trip generation data, it may be worth considering that the Cottage Industry provision would allow up to 60 trips per week, with a maximum of 15 business related visits per day. A Cottage Industry land use would process administratively via a Zoning Certificate Application.

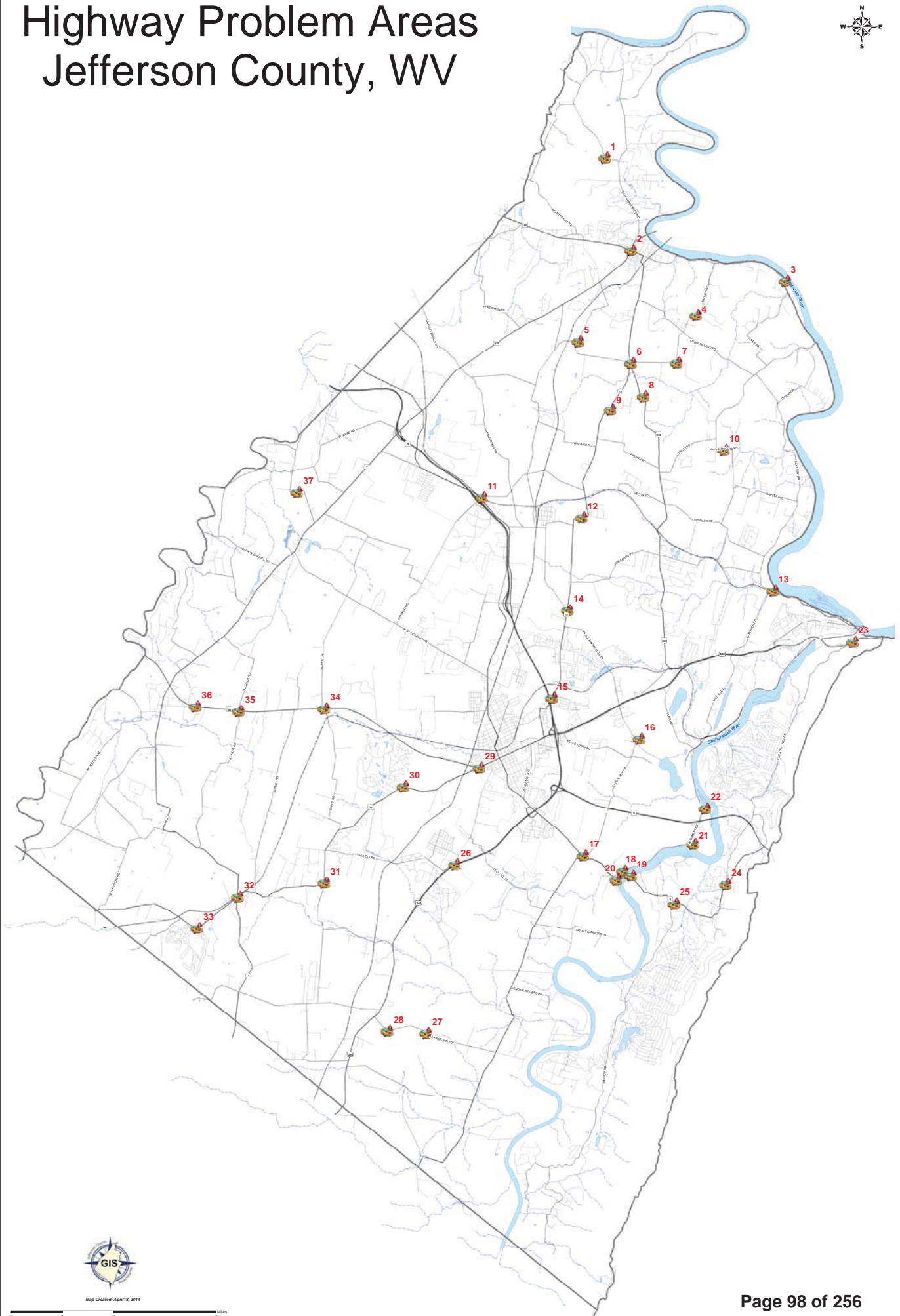
**7. Historic Landmarks Commission's Findings related to the proposed land use. (Sec. 6.3A.7)**

The subject property does not contain any Category I or II historic sites as defined by the Zoning Ordinance; therefore, this criteria does not apply.

**8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6. (Sec. 6.3A.8)**

No signs are proposed as part of the request; therefore, this criteria is not applicable.

# Highway Problem Areas Jefferson County, WV



Map Created: April 8, 2014

0 1 2 4 Miles

Highway Problem Areas in Jefferson County			
Number	Route/Road	Location	Problem
1	Scrabble Road	1/4 mile West of Sheperherd Grade Road	90 Degree turn
2	WV 45	Intersection with WV 480, WV 45 and WV 230	Road width through historic area limits turn movements
3	River Road	Near Potomac Ridge Lane	Prone to flooding
4	Trough Road	One mile east of WV 230	90 Degree turn
5	Ridge Road	Intersection with Gardners Lane	Poor intersection angle causing poor visibility
6	Intersection of WV 230 and Flowing Springs Road	Intersection of WV 230, Flowing Springs Road, Gardners Lane and Trough Road	High number of access and turning movements, visibility constraints
7	Trough Road	1/2 mile north of Engle Molers	Two 90 degree turns
8	WV 230	1 mile south of Flowing Springs Rd	S Curve
9	Flowing Springs Road	Approximately 1 south of WV 230 intersection	Curve
10	Engle Molers Road	1/4 mile south of Uvilla	Two 90 degree turns
11	Luther Jones Road	Intersection with Wiltshire Road and Old Charlestown Road	Limited stacking area at light due to tracks. Development is expected to take place in this area over next two decades
12	Flowing Springs Road	Approximately 700 feet north of Shenandoah Junction Road	Two 90 degree turns
13	Bakerton Road	Bakerton Road Tunnel	Sharp Curve, Poor Sight Distance, One Lane Tunnel
14	Daniel Road	Intersection with Flowing Springs Road just north of Old Country Club Road	Poor intersection angle causing poor visibility
15	Sun Road	Intersection with WV 9 West	No merge lane on Route 9
16	Cattail Run Road	Intersection with Marlow RD and Cattail RD	90 Degree turn
17	Cattail Run Road	At intersection with WV 115	Poor sight distance pulling onto WV 115
18	Bloomery Road	1,000 north of WV 115	Within 100 Year Floodplain, periodic flooding
19	Wilt Road	From WV 115 at to dead end	Within 100 Year Floodplain, periodic flooding
20	John Rissler Road	From WV 115 at Bloomery to dead end	Within 100 Year Floodplain, periodic flooding
21	Bloomery Road	2,500 South of Rt. 9 tunnel	90 Degree turn
22	Bloomery Road	1,250 north of WV 115	90 Degree turn
23	US 340 and Chestnut Hill Road	Intersection with Chestnut Hill Road	Inadequate Turning Area onto Chestnut Hill Road; Poor intersection angle causing poor visibility, steep slope
24	WV 115	At Chestnut Hill	Poor intersection angle causing poor visibility
25	WV 115	At Mission Road	Multiple Accident Location Long dead-end road with only 1 point of ingress/egress
26	Augustine Ave	Intersection with US 340	Adjacent intersection with Hyuett Road may lead to stacking during peak hours.
27	Meyerstown Road	One mile east of US 340	Two 90 degree turns
28	Meyerstown Road	1/2 mile east of US 340	90 degree turn
29	Summit Point Road	Intersection with WV 51 (Washington St)	Poor intersection angle causing poor visibility, intersection at capacity
30	Summit Point Road	Near Lindsay Drive	90 Degree turn
31	Summit Point Road	Intersection with Lloyd Road	90 Degree Turn
32	Summit Point Road	At intersection with Leetown Road and Summit Point Road	Poor intersection angle causing poor visibility
33	Summit Point Road	In vicinity of Summit Point Raceway	90 Degree turn
34	WV 51	Intersection with Earl and Darke Lane	Misalignment of intersection
35	WV 51	Intersection with Childs Road	Poor sight distance turning onto WV 51
36	Old Middleway Road	Intersection with WV 51	Poor sight distance and intersection angle
37	Paynes Ford Road	3,500 feet west of Leetown Road	Two 90 degree turns

DRAFT





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

File #: CUP 20-4-CUP  
 Mtg. Date: 07/23/20  
 Fee Paid: \$300.00/CHK#173  
 Staff Int.: AD

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

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

**Application for a Conditional Use Permit**

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

**Project Name**

Green Monstah Firearms, LLC

**Property Owner Information**

Name: Richalie Demaine  
 Business Name: Green Monstah Firearms, LLC  
 Mailing Address: 79 Rehoboth Ln, Summit Point, WV 25446 Mail  Yes  
 Phone Number: 603-321-8651 Email Response: richie@greenmonstahfirearms.co Response:  No

**Applicant Information**

Name: Richalie Demaine  
 Business Name: Green Monstah Firearms, LLC  
 Mailing Address: 79 Rehoboth Ln, Summit Point, WV 25446 Mail  Yes  
 Phone Number: 603-321-8651 Email Response: richie@greenmonstahfirearms.co Response:  No

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

Name: \_\_\_\_\_  
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Mail  Yes  
 Phone Number: \_\_\_\_\_ Email Response: \_\_\_\_\_ Response:  No

**RECEIVED**  
 JUN 22 2020  
 JEFFERSON COUNTY PLANNING  
 ZONING & ENGINEERING

**Physical Property Details**

Physical Address: 79 Rehoboth Ln, Summit Point, WV 25446  
 Tax District: Kabletown (06) Map No: 12 Parcel No. 02-21  
 Parcel Size: 3 ACRES Deed Book: 1194 1239 gm Page No: 558 137 gm

**Zoning District (please check one)**

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

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

Name of Road and/or Route Number: Rehoboth Ln

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

Attached

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

Attached

**State the proposed land use as listed in Appendix C and provide a description of the proposed use.**

I would like to continue my business as a Federal Firearms Licensee - both gunsmith and dealer.

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

The current house was built in 2018. I do not know any other history on the property.

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

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

Yes.

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

There will be no change to the current property as most of the retail business is conducted online or off-site.

There will not be many customers who actually visit the property.

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

There will not be any modification to the property. The number of customers actually visiting the property will be minimal. In the past 5 years in operation, the number of customers per month was under 4. The gun-smithing only uses hand tools so there will be no disruption to the neighboring properties.

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

I am aware of the landscaping buffer requirements and will adhere to them.


I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

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

Applicable (Trip Generation Data attached)

Not Applicable

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

  
Property Owner  
22 JUN 2020  
Date

\_\_\_\_\_  
Property Owner  
\_\_\_\_\_  
Date

**Narrative:**

Almost six years ago, I became a federal firearms licensee and ran a firearms store out of my home in Washington State. My business has just about doubled each year, and I have expanded my services. Now my business is not only an in-home business, but I am online and ship across the country, I attend multiple gun shows a month, and also provide gunsmithing work.

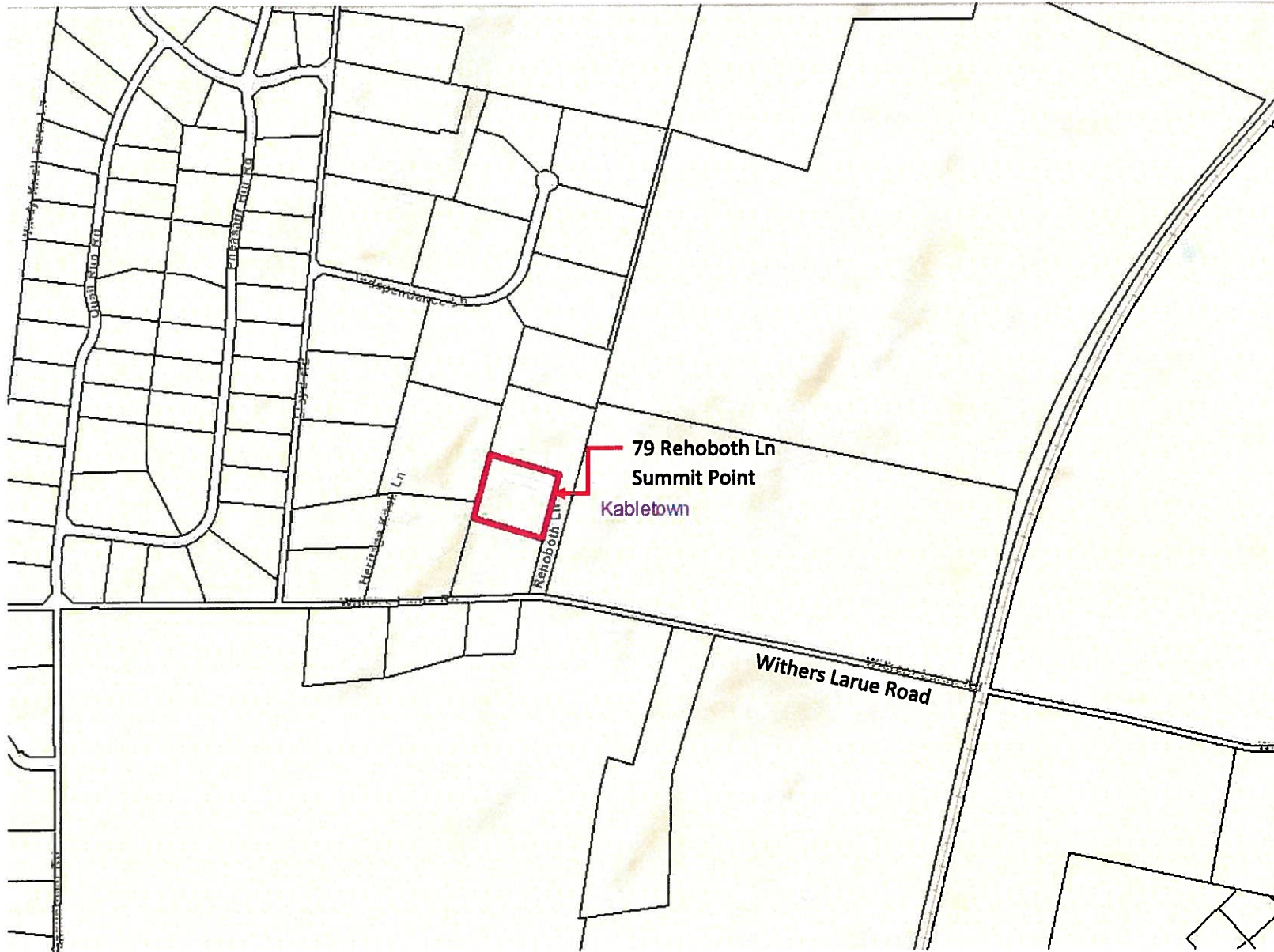
I recently relocated to Summit Point, WV from Washington and want to establish my business here in West Virginia. I currently hold 2 FFLs and would like to transfer them both to Summit Point. One will remain at my house and the second will be moved to a commercial address when I can find an appropriate piece of property.

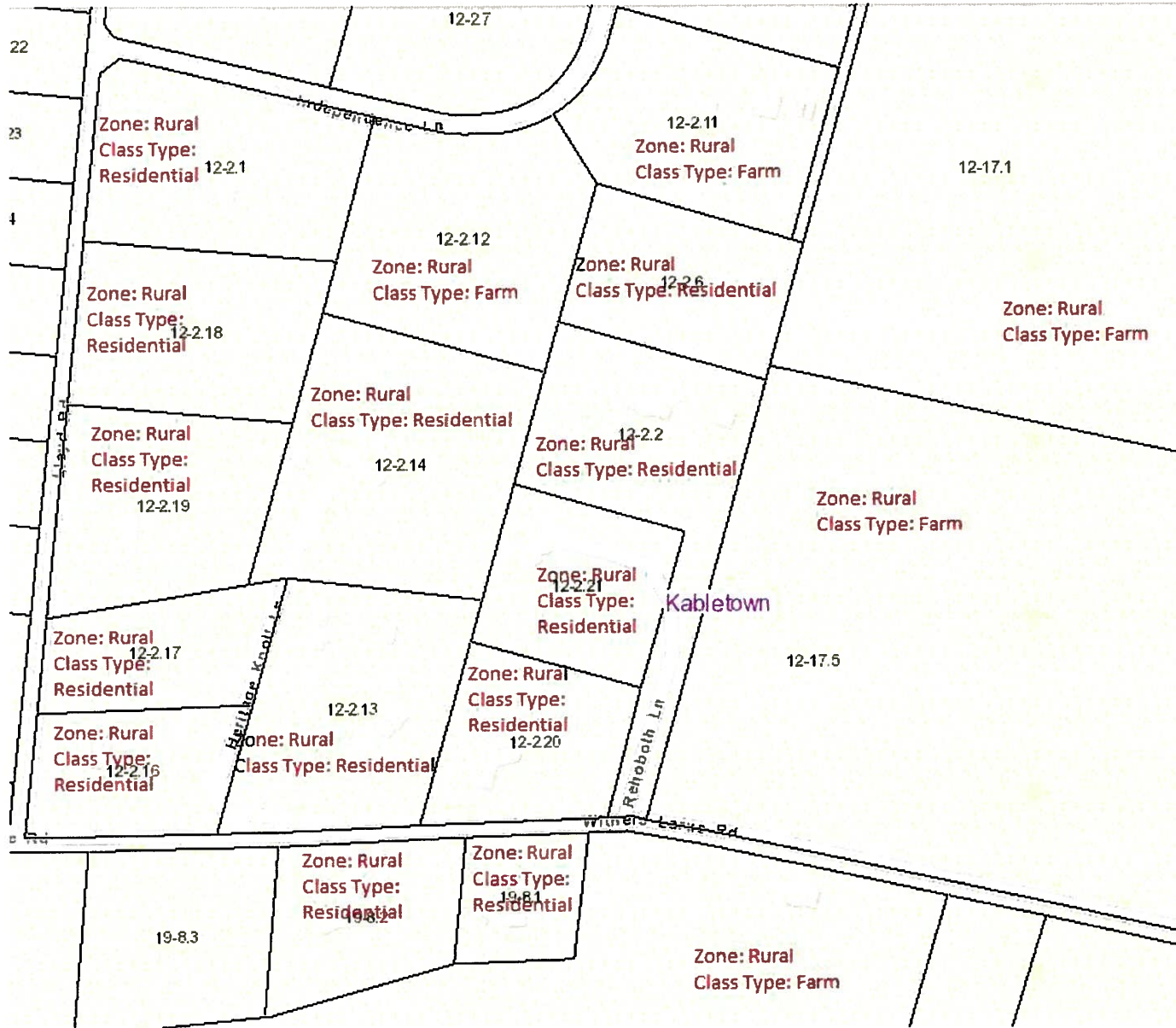
Most of the retail side of my business is conducted online or offsite at gun shows. The number of customers that will be visiting my residence will be very minimal. Since I have been in business, the number of customers that pick-up product at my residence has been under 4 per month with many months being zero. I am also the only employee of the company.

It has always been a policy that those customers who would like to pick-up product on-site have to make an appointment and provide an order in advance. I do not keep any product on shelves for display. All product is stored in bins for transport to shows.

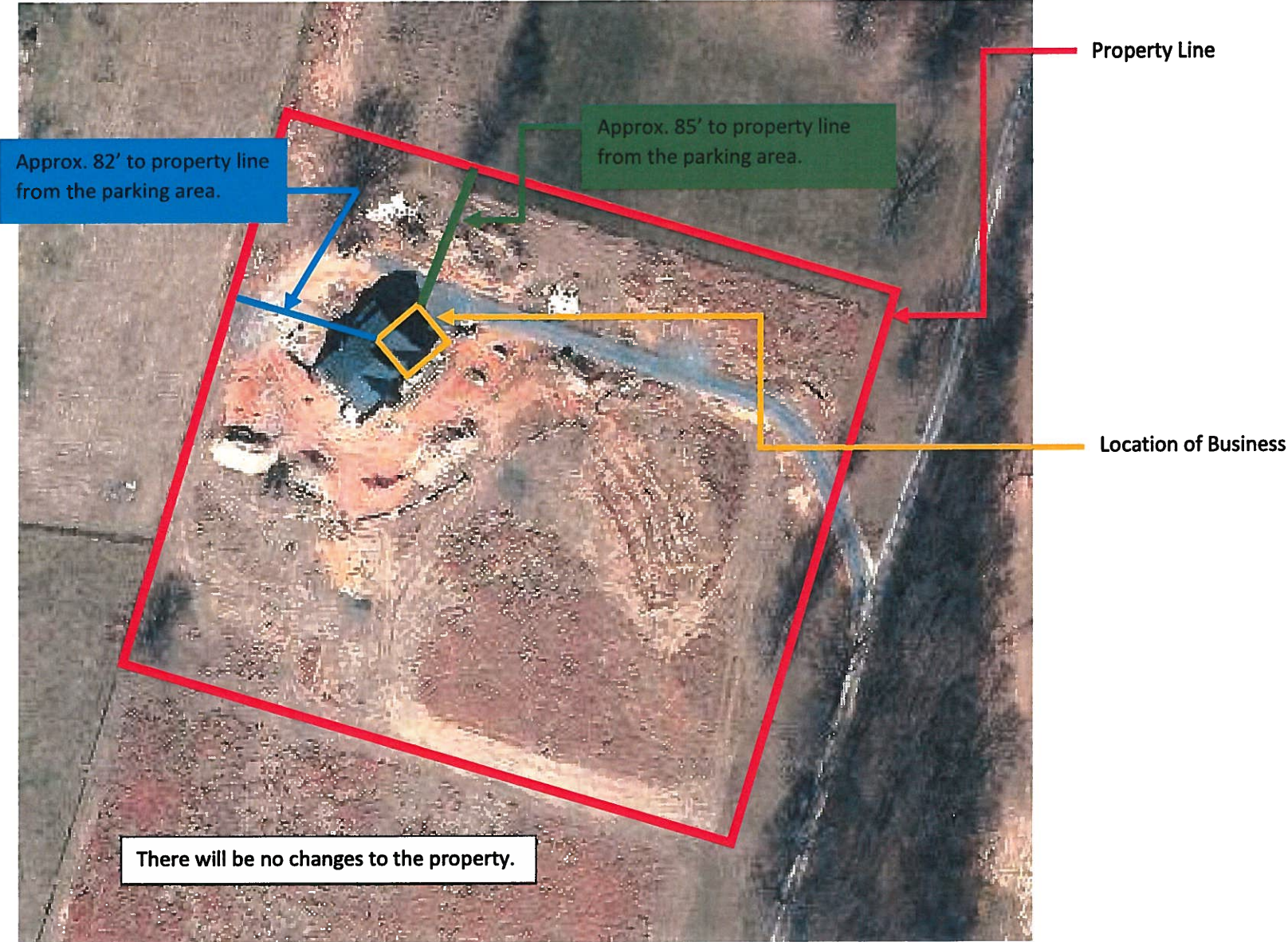
I perform gunsmithing work on site. I receive a firearm from a customer for the strict purpose of repairing, modifying, embellishing, refurbishing, or installing parts in or on those firearms. Once the work is completed, I return the firearm(s), and charge the customer for labor and parts. As a gunsmith, I use hand tools only and there will not be any machinery or equipment onsite. In the last couple years, this has become a large portion of my business.

Thank You,  
Richalie Demaine,  
Green Monstah Firearms, LLC











Owner: ALAN W & LORRAINE E THATCHER  
116 REHOBOTH LN, SUMMIT POINT, WV, 25446  
Lot: 12-2.2

Owner: RICHARD E & ESTHER S LLOYD  
PO BOX 51, RIPPON, WV 25441  
Lot: 12-2.14

Owner: JAMES FITZWATER & KELLY PELKEY-FITZWATER  
21 REHOBOTH LN, SUMMIT POINT, WV, 25446  
Lot: 12-2.20

Owner: KEVEN D WEAVER  
PO BOX 23, RIPPON, WV, 25441  
Lot: 12-2.13

Green Monstah Firearms, LLC  
Conditional Use Permit 20-4  
Zoning Variance 20-24

Richalie Demaine

79 Rehoboth Ln, Summit Point

Reply to neighbor's concerns:

I would like to first say that I will not disrupt my neighbors in any way. My business is mostly off site and online, which will cause no disruption to the neighbors. Since this business is run out of my home and I do have small children, I limit how many in person customers I have.

I do currently have a Federal Firearms License for my address in Washington State. I have had a website and Facebook page for the business for years. The ATF is in possession my official change of address request and I am in communication with the local ATF agent here in West Virginia. My current Federal Firearms License does not allow me to sell any firearms here in West Virginia and I have not sold anything here in West Virginia. I have had a couple of requests for transfer and purchases and I have informed each one that I am unable to process anything until the ATF issues a new license.

With regards to my website, it is run by a company called Gearfire. Gearfire partners with distributors and live streams their inventory on my website. I do not have the items listed on my website in my inventory. When a customer goes to my website and purchases an item, that item is then ordered directly through my account with the distributor. The distributor then drop ships the item to the customer's Federal Firearms Licensee in their state. The benefits of Gearfire for a small business, like me, is they can offer a large selection of inventory without having to pre-purchase that inventory. It also helps with shipping and such since the distributor ships directly to the customers FFL and I do not have to physically ship anything. I hope this better explains how my website runs.

Just to clarify, the zoning variance is to go from 75' to 50', measured off the entire structure. My current plan is to run the business out of the garage and that is over 80' from the property line. Mr. & Mrs. Lloyd's home is to the North West of my property and my garage faces the North East. Mr. & Mrs. Lloyd should not be able to directly into my garage and only see a car in the driveway.

Automatic firearms are governed under the 1934 National Firearms Act (NFA). They are extremely regulated, expensive to acquire, and extremely rare. It is also illegal for civilians to own fully automatic firearms that have been manufactured after 1986 as part of the Firearms Owners' Protection Act which makes the number of automatic firearms that civilians can purchase extremely limited. These types of firearms are not something I am licensed to deal in so they should not be a concern. Semi-automatic firearms are the most popular firearm today. They account for roughly 50% of the total firearms owned and are extremely popular to hunt with.

According to several real estate agents I have spoken with, the type of business I am running will not affect values in the neighborhood nor is there any clause that requires any neighbor to disclose a home-based business of another neighbor. I will not have a sign stating there is a business anywhere on the property and the amount of traffic will be extremely limited. I am a very small business and there will not be people flocking from all over the region to visit my business. Federal Law restricts who an FFL can sell to as well. As an FFL, I can only sell to a resident of the state in which I am licensed. If a non-resident wishes to purchase a firearm, I have to ship it to an FFL in their state of residence. As I

stated in my narrative, there will not be a retail store available for people to shop. Most of what is done in my home is gunsmithing. In fact, the average person would not even know there is a business run out of the home.

When I was looking at the home, I was told there was no covenants on the property. After an offer was placed on the home, I was informed that there were covenants. I did not feel my business would apply to the covenants since there is an exception to allow a business and I felt my business met that exception. However, I did speak to the attorney that was working on the transaction and the covenants were removed from my understanding.

I do not stock ammunition as part of my regular items since most people can go online and purchase it at a cheaper cost than I can sell it for while making a profit. With that, ammunition does not randomly explode. Ammunition that is stored in the boxes sold by the manufacturer is not dangerous in a fire. Firearms are not a fire hazard.

I have been in business almost 6 years and have averaged the number of customers coming to my residence and that is how I came up with 4 customers per month. Most of my sales are online (to out of state customers) or at gun shows. This is my residence and I have small children; I do not want random people stopping by my home. This is one reason I run my business the way I do. I have only lived in the neighborhood a few months but have had around 8 vehicles visit per month from friends, family, or contractors giving estimates.

If you look at attachment #1, you will see my sales by location. Edgewood is where my business was located. It was a total of 7.39% of my total sales. This volume of sales very minimal impact to my home. I have listed the locations that were gun shows as such. I have also listed the out of state customers and wholesale as a separate category. If you look at attachment #2, you will see my customer count from Jan 2019 – April 2020 (I did not show May, June, or July since I was moving).

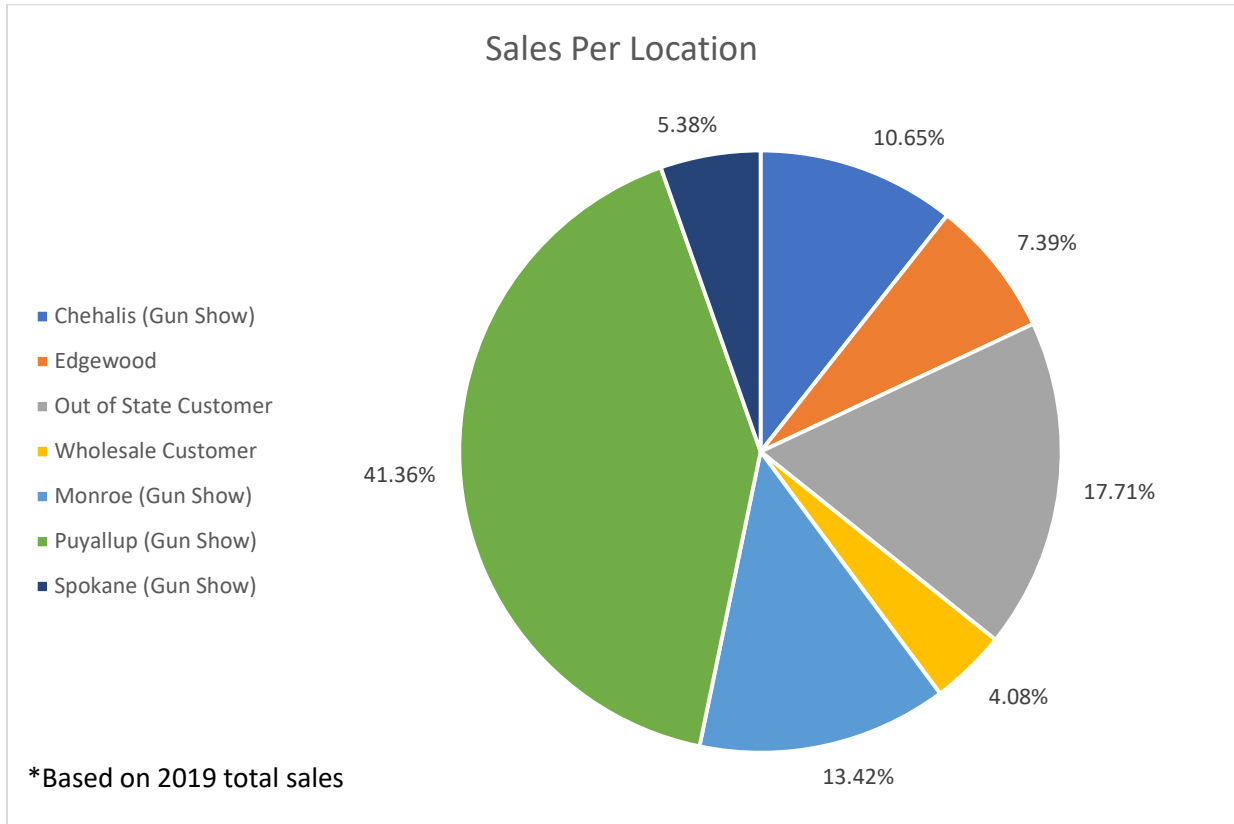
UPS, FedEx, and USPS are at my home for package deliveries from Amazon and other online stores approximately 10 times per month currently as most of my shopping is done online. The impact of additional business delivery would be nonexistent. There are never business deliveries from any sort of freight trucks.

I have taken every precaution for theft that I can. My home has a 24-hour monitored security system, I have security cameras to monitor who is on my property, and all product is secured.

In almost 6 years in business, I have not disturbed my neighbors in any way, and I plan to keep it that way. It will not be noticeable that a business is run out of my home.

Thank You,  
Richalie Demaine

Attachment #1



Attachment #2: Customer Count for the last 16 months

Month	Customer Count
Jan-19	3
Feb-19	4
Mar-19	4
Apr-19	4
May-19	2
Jun-19**	8
Jul-19	0
Aug-19	1
Sep-19	0
Oct-19	1
Nov-19	2
Dec-19	2
Jan-20	0
Feb-20	1
Mar-20	3
Apr-20	1
Average	2.25

\*\* NOTE: June 2019 was a strange month because new restrictive firearms law took effect 1 Jul

20-4-CUP  
20-24-ZV

PO Box 51  
Rippon, WV 25441

July 12, 2020

Board of Zoning Appeals  
116 E Washington Street  
Charles Town, WV 25414

RECEIVED

JUL 13 2020

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Dear Board Members of Zoning Appeals,

Richard E. Lloyd and Esther S. Lloyd ask that you deny the request by Richalie Demanie, Green Monstah, Firearms, LLC. for a Conditional Use Permit to establish a homebased firearms business and blacksmithing business from their home and a 25' variance.

Our home was built in 2006 and faces the back of said property Lot #2. When my husband, his sister and brother developed the Minor Subdivision to settle the estate of their mother, Francis Lloyd, restrictions were put in place to protect us and our home and anyone purchasing and building on the Minor Subdivision. There are 4 custom built homes behind the Minor Subdivision on Heritage Knoll Lane built by Third Day Builders, LLC. The subdivision, Clearfield, which is behind our property would also be affected by allowing Richalie Demanie, Green Monstah Firearms, LLC. to operate from home. Our home would be affected the most.

A 25' of a 75' variance would place the selling of firearms very close to our front yard. We would literally be so close that we would have facial recognition of their customers. The thought of this happening has been very stressful. We are in no way anti guns, but we do feel that all automatic and semi- automatic guns should be for the military and police. We would like to go to bed stress free without guns and mass shooting.

On another note, Green Monstah Firearms, LLC is up and running with the address 79 Rehoboth Lane, Summit Point, WV. We have received calls from neighbors asking who is selling guns on Withers Larue Road. If they have sold guns already, it seems that would be breaking the law. I saw the site on Facebook and the internet myself. This will be left for ATF to figure out.

We have spoken to several real estate agents and have been told that our property values would take a hit. The requirement to disclose presence of a home gun dealer upon sale of neighbors' homes will deter buyers. The restrictions are similar to developments including Eastland, Pembroke, Huntfield, Cloverdale and others. The restrictions are there to protect homeowners. All of the homes surrounding the Minor Subdivision and Lot #2 are comparable to Eastland homes. If they are granted a Conditional Use Permit and a 25' variance it would establish a precedent for the future lifting of business restrictions in all developments in our community. I don't understand why a family would move their family and an established firearms business over 2,000 miles and buy a home knowing there is a NO business restriction and possibly be in court for a couple of years. I realize that we are 50 miles from DC, close to NY and Interstate 81, but they should have bought property with no business restrictions. If they are allowed to run a firearms business from their home, it is inconceivable to believe due to the proximity to these places that they would only have 4 customers a month.

Among feeling unsafe in my home if this business were to be approved, there are many other factors that come into play regarding why this should not be approved:

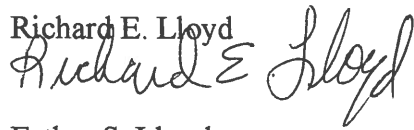
\* Copy included in 07/23/20 BZA mtg. packet. - JBT

1. The potential for an increase in violence and criminals in the residential neighborhoods with children and families;
2. Fire and explosive hazard from large quantities of stored firearms and ammunition in close proximity to the homes of neighboring residents;
3. Increased traffic in the residential area due to the firearms and ammunition sales business. This could change the neighborhood's appeal and also decrease the quality of living for current residents;
4. Increased strain on local law enforcement to oversee home gun dealers.

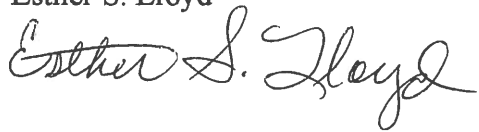
**PLEASE DENY THE REQUEST**

Sincerely,

Richard E. Lloyd



Esther S. Lloyd



James B. Crawford, III (WV & VA)  
Katherine N. Ridgeway (WV)  
E. Adelaide Crawford (WV)  
Edwin B. Yost (VA)  
Stephen G. Butler (VA)  
Attorneys

120 N George Street, Ste 100  
Charles Town, WV 25414

214 Lutz Avenue  
Martinsburg, WV 25405

112 S Cameron Street  
Winchester, VA 22601

Pamela T. Hinkle  
Cheryl Brown  
Paralegals

[www.clgpllc.com](http://www.clgpllc.com)

To: Board of Zoning Appeals

From: Richard and Ester Sue Lloyd

Subject: Application of Variance for Richalie Demaine, Green Monstah Firearms, LLC

1. We are opposed to the application of Richalie Demaine, Green Monstah Firearms, LLC, owner/applicant.
2. The reason for our opposition is that our property and Richalie Demaine's property are in a quiet, residential area and that the variance would result in additional traffic and noise and would be inconsistent with the environment.
3. The restrictive covenants which applies to the applicant's lot would prohibit the activity that they seek to do.
4. Customers and deliveries would clearly violate the attached covenants.

Sincerely

  
James B. Crawford, III

**RECEIVED**

**JUL 14 2020**

**JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING**

\* Copy included in the 07/23/20 B2A mtg packet. -gAI

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in Deed Book 361 at Page 242 and the second from Donald W. Luttrell dated July 15, 1997 and recorded in the aforesaid Clerk's Office in Deed Book 875 at Page 54. Hunter Russell Lloyd died on November 10, 2000 and by the survivorship provisions of the aforesaid deeds, his interest vested in Frances L. Lloyd. Frances L. Lloyd died on April 9, 2009 and by her Last Will and Testament duly probated in the aforesaid Clerk's Office in Will Book 17 at Page 655, devised the herein described real estate unto the Grantors herein.

THIS CONVEYANCE IS MADE SUBJECT TO the rights of Lots 1 and 2 to use that 1.7271 acre parcel entitled "Ingress/Egress Easement" as shown on the plat on the aforesaid Ace Survey plat as the same fronts on these respective parcels only.

THIS CONVEYANCE IS ALSO MADE SUBJECT, HOWEVER to all those reservations, restrictions, easements and notes as more particularly set forth on the aforesaid plat.

THIS CONVEYANCE IS ALSO MADE SUBJECT to the following covenants and restrictions:

1. No commercial or business building shall be established upon or permitted upon any Lot and no commercial or business activity shall be established upon or permitted upon any lot with the exception of a business activity that does not generate any additional traffic to and from the lot in the form of customers, the public, deliveries or employees. A further criterion for this exception is that there shall be no signs identifying the business activity and it shall not

- 
- be apparent or noticeable to the neighborhood that there is a business activity being conducted on the lot.
2. All dwellings and residences shall be of quality workmanship and material, having a minimum square footage of living space (excluding basements, garages, porches) of 2,000 square feet. All residences shall be "stick" built with no modular unit permitted.
  3. Buildings must meet the setback and easement requirements as indicated in the recorded Final Plat.
  4. All Lots shall be served by individual wells and septic systems to be installed and maintained in accordance with the rules and regulations of County and State Health Departments, and all electric, telephone and other utility lines shall be installed underground.
  5. No structures may be located or erected within the drainage/drain field easements as stipulated by County and State Health Departments.
  6. No building of a temporary nature may be placed or maintained upon any Lot except as needed during bona-fide housing construction, such as a construction trailer, and may not be used for living space or place of residence, and for a period not to exceed one year in any event.
  7. No mobile homes or trailers for hauling (including all trucks larger than a ¾ ton pickup truck), or industrial or commercial equipment of any type may be placed or maintained upon any Lot. Recreational trailers and travel vehicles and boats must be located out of view of other Lots at all times.
  8. No Lot may be further subdivided in any manner except for minor boundary adjustments.
  9. No signs, billboards or advertising of any nature shall be erected, placed or maintained on any Lot except address identification signs, "residence for sale" signs, and small temporary signs such as yard sale and political

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election posters. Such temporary signs should not exceed three (3) feet by two (2) feet in size, and should remain in place no longer than four (4) weeks. However, this shall not be deemed to prohibit the Developer from erecting a suitable entrance (with Subdivision name sign) to the Subdivision, and/or street signs and other signs identifying facilities in the Subdivision.

10. No nuisance caused or created by noise, noxious odors or otherwise shall be permitted or maintained by any Owner or tenant or guest and it shall be left to the sole discretion of the Developer, to determine whether or not any nuisance exists and to regulate and control such nuisance by their rules and regulations and in addition, the Developer shall be vested with the sole authority and power to cause such nuisance or nuisances to be discontinued where, in their discretion, such nuisance or nuisances exists.
11. ANIMALS: Domesticated common house pets, goats, cows, horses, and sheep shall be permitted upon the property. Chickens shall be permitted but they need to be contained. No other animals shall be raised, bred or kept for profit nor shall the parcel be used for a feedlot. However, no dog or pet shall be permitted to run at large on the adjoining properties, or to roam or run outside the boundaries of the property except under leash control by its owner or keeper.
12. Recreational or off-the-road three-wheel or four-wheel motorized vehicles shall be permitted in the Subdivision (on your lot only - not to be rode on the Right of way).
13. All construction must be completed within one year of its commencement.
14. Final grading and seeding of all disturbed areas must be completed upon substantial completion of residential construction (weather conditions reasonably permitting; time for grading and seeding to be extended where

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construction is completed during winter months, but in no event to be completed later than April 15).

15. No part of any Lot may be sold, leased or otherwise used as a road or access right-of-way to any land outside the Subdivision, without the prior express written consent of the Developer.
16. Water flow both during and after residential construction must be adequately ditched and controlled so as to avoid runoff to the Subdivision road adjoining Lots and to control erosion.
17. No lot shall be used or maintained as a dumping ground for rubbish and no garbage, junk, junked or unlicensed cars or vehicles, waste or refuse shall be allowed to exist or accumulate upon the lot except as set forth below. Composing is allowed, provided that the composing material is contained and does not attract animals or violate the odor provisions above. Further, all trash or other refuse must be kept or stored in covered metal or plastic container. Trash and other refuse must be carried away on a regular (minimum weekly) basis. Containers may be placed in the open only on scheduled pick up days.
18. No Owner shall erect or cause to be erected any structure within any easement area on his Lot, nor shall any such easement be obstructed, nor shall any Owner obstruct, divert or otherwise interfere with any drainage ditch.
19. ANTENNAS: No antennas shall be permitted except those allowed by the developer. However, this is not to exclude a satellite dish to be located in the backyard and subject to the approval of the developer.
20. No pesticides or other products or materials toxic to the environment shall be used on any part of the grounds, lawns or plantings.

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21. Any propane tanks of capacity greater than that which may be placed immediately adjacent to a structure shall be buried.
22. No lot shall be fenced in any manner except as follows:
- (a) A fence may be installed to enclose a swimming pool provided the maximum height of the fence is six (6) feet or the minimum height required by the State of West Virginia or Jefferson County law, ordinance, statute, rule or regulation mandating the fencing of private swimming pools.
- (b) A fence may be installed to border or enclose all or a portion of the back yard of any lot provided the fence is placed no closer to the front lot line of the lot than the rear wall of the residential building constructed on the lot, and further subject to the requirements that the height and color of the fence and the materials used to construct the fence will be subject to the written approval of the Developer or their successors or assigns. The Developer, or their successors or assigns may institute a written policy specifying examples of standardized fences which will be permitted to be installed under the terms of this paragraph, the installation of which will not require further written approval of the Developer or their successors or assigns. Chain link fence may not be installed on any lot in regard to the matters set forth in this paragraph.
23. Outbuildings, storage buildings, and storage barns may be constructed on the lot provided they do not violate the setback provisions set forth in this Declaration of Covenants and Restrictions, provided they are located in the back yard of the lot, and provided they are constructed of wood and of a barn type design with a color matching that of the home on the same lot. No outbuildings, storage barns, or storage buildings made of metal shall be constructed, placed, or located upon any lot.
24. VEHICLES: No unlicensed or unused vehicles shall be parked or abandoned on said lot. No vehicles of any kind shall be parked on the right of way. Motor like equipment

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including construction or similar equipment shall not be store in the open.

25. The right of way shall be maintained by all lot owners. All cost shall be split equally. If an owner owns more than one lot, it will be considered one lot for the maintenance of the right of way.

DECLARATION OF CONSIDERATION OR VALUE  
AND APPLICABILITY OF WITHHOLDING TAX

The undersigned Grantor does hereby certify that the total consideration paid for the property conveyed by the document to which this declaration is attached was \$340,000.00 and under the penalties of perjury, that the Grantors are residents of the State of West Virginia.

Wanda L. Harrell (SEAL)  
Wanda L. Harrell

Richard E. Lloyd (SEAL)  
Richard E. Lloyd

Russell E. Lloyd (SEAL)  
Russell E. Lloyd

## Zoning

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**From:** Zoning  
**Sent:** Wednesday, July 15, 2020 10:47 AM  
**To:** 'Kelly Pelkey-Fitzwater'; Planning Department  
**Subject:** RE: conditional use permit to establish a home based federal firearms business at 79 Rehoboth Lane by Richalie Demaine.

Good morning Ms. Pelkey-Fitzwater,

This email is to confirm that we have received your comments pertaining to File #20-4-CUP. They will be included in the 07/23/2020 Board of Zoning Appeals packet.

Thank you and have a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk  
304-728-3228

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**From:** Kelly Pelkey-Fitzwater <kpelkey@shentel.net>  
**Sent:** Tuesday, July 14, 2020 6:20 PM  
**To:** Planning Department <PlanningDepartment@jeffersoncountywv.org>; Zoning <Zoning@jeffersoncountywv.org>  
**Subject:** conditional use permit to establish a home based federal firearms business at 79 Rehoboth Lane by Richalie Demaine.

### Ms. Beaulieu

I'm writing in response to the request for a conditional use permit to establish a home based federal firearms business at 79 Rehoboth Lane by Richalie Demaine.

My husband and I moved into our custom built home at 21 Rehoboth Lane this past February. We searched for months and finally found the perfect location, choosing this site for its beauty and serenity. It's close to town but far away from any commercial area.

My fear is that the acceptance of this application will open the door to other similar applications and we are eventually surrounded by a thriving commercial district. My concern is that 4 customers grows into a constant flow of traffic on our very small access road that we have to maintain ourselves as it's not a state road. We are further concerned that having a commercial establishment next door would cause property values to decline. The final concern would be the safety of having a stockpile of flammable ammunition and gun powder in close proximity to our home.

I don't care what product is being sold, nor would I have a problem with a strictly internet based business. My problem is the increase in traffic from customer coming to the residence and thus making the area into a shopping area instead of a living area.

My husband and I would prefer vote no to the permit.

Kelly Pelkey-Fitzwater  
James Fitzwater, Jr.  
21 Rehoboth Lane  
Summit Point, WV 25446  
304-890-9351

## Zoning

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**From:** Zoning  
**Sent:** Wednesday, July 15, 2020 11:34 AM  
**To:** 'kevin weaver'  
**Subject:** RE: Denial of Request for a Conditional Use Permit

Good morning Mr. Weaver,

This email is to confirm that we have received your comments pertaining to File #20-4-CUP. They will be included in the 07/23/2020 Board of Zoning Appeals packet.

Thank you and have a nice day.

Sincerely,

Jennilee Hartman, Zoning Clerk  
304-728-3228

-----Original Message-----

From: kevin weaver <weaver.thirdday@gmail.com>  
Sent: Wednesday, July 15, 2020 11:31 AM  
To: Zoning <Zoning@jeffersoncountywv.org>  
Subject: Denial of Request for a Conditional Use Permit

Dear Board of Zoning Appeals,

I, Kevin Weaver, am requesting that the request for a Conditional Use Permit to establish a homebased federal firearms business to include limited gunsmithing from an existing dwelling unit requested by Richalie Demanie, Green Monster Firearms, LLC be DENIED.

I am concerned about having a firearms business bordering my property for the following reasons:

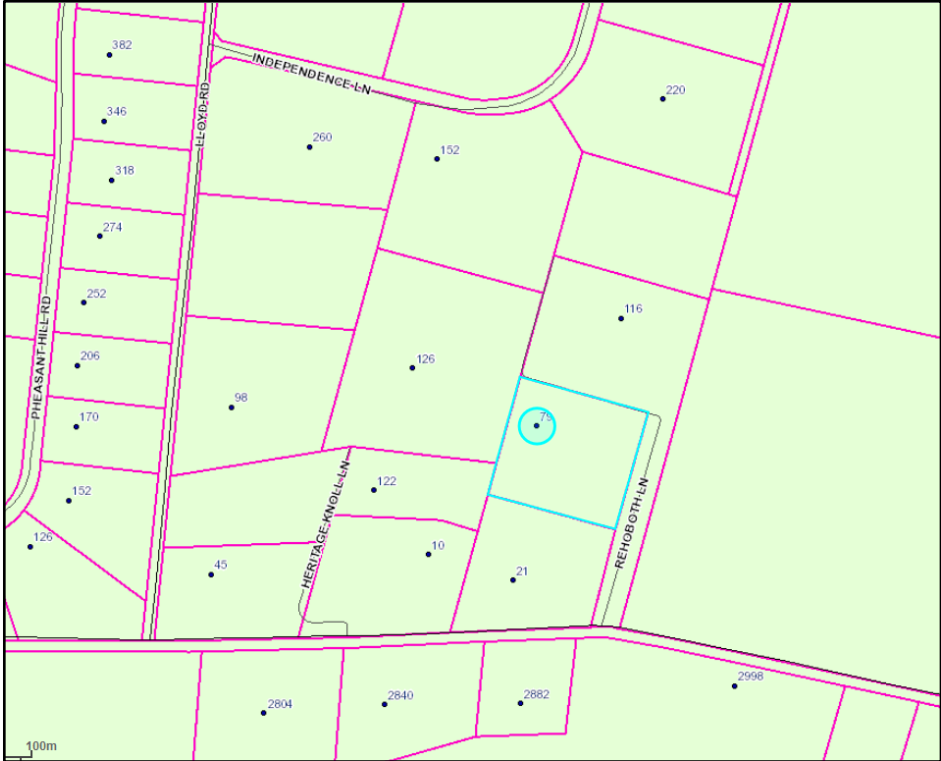
1. The safety of residents in close proximity poses concerns for the possible increase in violence.
2. Potential theft of firearms and ammunition through burglary or robbery.
3. Negative impact on property values.
4. Fire/explosive hazard caused by firearms and ammunition being stored in close proximity to the homes of neighboring residents.

Sincerely,

Kevin Weaver  
Third Day Builders

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 July 23, 2020  
**Richalie Demaine Variance Request (#20-24-ZV)**

Item #3 Variance from Section 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 (no new structures or additions are proposed). See Conditional Use Permit File#20-3-CUP.

Applicant:	Richalie Demaine
Property Owner:	Same as applicant
Developer:	Same as applicant
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">79 Rehoboth Lane, Summit Point, WV 25446          Parcel ID: 06001200020021; Size: 3 acres; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North, South, East, & West: Rural
History:	The Estate of Frances L. Lloyd Minor Subdivision, Lots 1, 2, 3 Residue, and 4 (recorded on 03/16/2016 in <a href="#">PB 25, PG 547</a> )
Waivers/Variances:	None.
Approved Activity:	Single Family Residence.
Site Visit Conducted:	No.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 23, 2020  
**Richalie Demaine Variance Request (#20-24-ZV)**

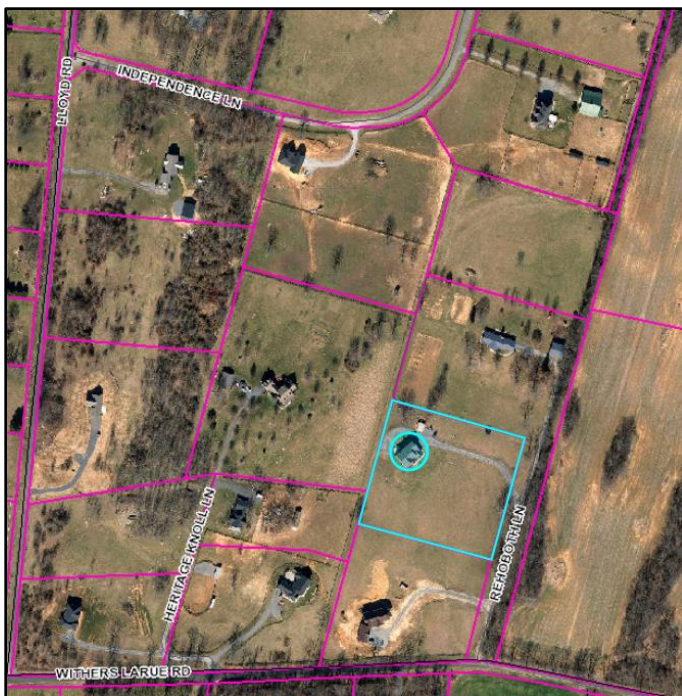
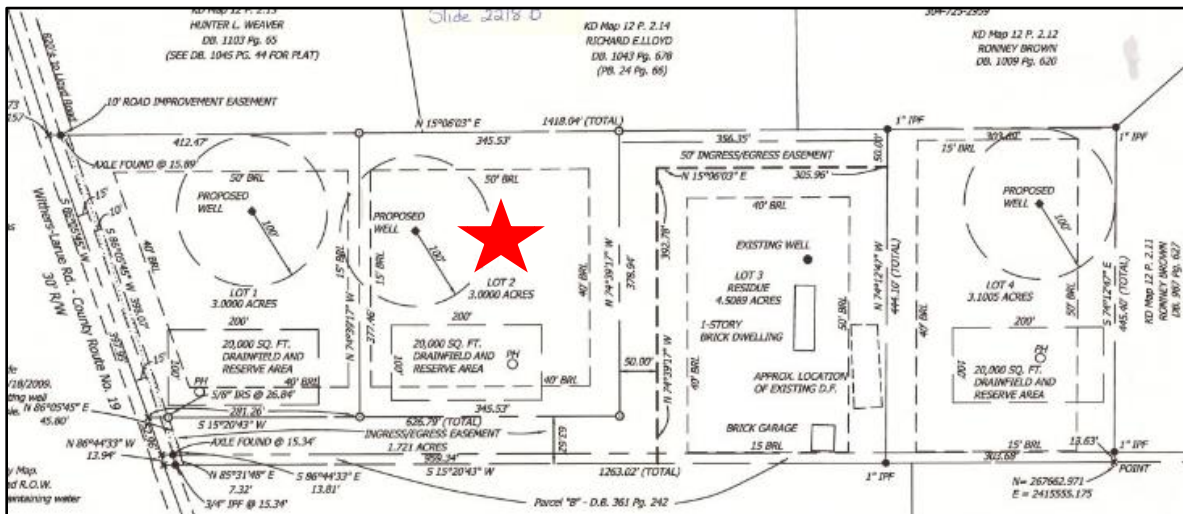
**Summary of Request and Purpose of Ordinance Requirements**

The applicant is requesting a variance from Section 4.6B to reduce the distance requirement from 75' to 50' along the rear property line to allow for the operation of homebased federal firearms business from an existing dwelling unit. No new structures or additions are proposed.

The purpose of the distance requirement is typically to lessen the impact of a non-residential use on a residential use, church, institution of human care, or historic site, including the visual impact created from the glare of exterior lights.

**Property Description**

The subject parcel is Lot 2 of the Estate of Frances L. Lloyd Minor Subdivision, which was recorded on March 16, 2016. The property contains an existing residential dwelling unit and gravel driveway/parking area. It is surrounded primarily by residential development.



The purpose of the distance requirement is typically to lessen the impact between adjacent land uses, including the visual impact of the glare created from exterior lighting. The applicant has not proposed any changes to the exterior of the building and it is not expected that outdoor lighting would provide any offensive glares beyond what is created from a residential use. Reducing the required 75' distance requirement to 50' along the rear property line is not expected to have any adverse impact on adjoining properties as there are no regular business hours and clients will visit the site by appointment only.

It is not feasible to comply with the distance requirement established in the Ordinance because the structure is existing and cannot be relocated.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 23, 2020  
**Richalie Demaine Variance Request (#20-24-ZV)**

**Conditions of Approval**

Should the Board choose to approve this request, possible conditions of approval include:

1. No conditions of approval were identified.

**Section of Ordinance to be Considered:**

**Section 4.6 Distance Requirements**

- B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:<sup>7, 27</sup>
1. Any lot in the Residential Growth District;
  2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
  3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.<sup>23</sup>





**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department 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: 20-24-ZV  
 Staff Initials: GAH  
 Meeting Date: 7/23/20  
 Fees Paid (\$100 or \$150): 100

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

Phone: (304) 728-3228

**Zoning Variance Request**

*Variances from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.*

**Property Owner Information**

Name: Richalie Demaine  
 Mailing Address: 79 Rehoboth Ln, Summit Point, WV 25446  
 Phone Number: 603-321-8651 Email: richie@greenmonstahfirearms.com

**Applicant Contact Information**

Name: Richalie Demaine  
 Mailing Address: 79 Rehoboth Ln, Summit Point, WV 25446  
 Phone Number: 603-321-8651 Email: richie@greenmonstahfirearms.com

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

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: 79 Rehoboth Ln  
 City: Summit Point State: WV Zip Code: 25446  
 Tax District: Kabletown Map No: 12 Parcel No: 02-21  
 Parcel Size: 3 acres Deed Book: 1194 / 1239 GAH Page No: 558 / 137 GAH

**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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>RECEIVED</b> <b>JUN 22 2020</b> <b>JEFFERSON COUNTY PLANNING ZONING &amp; ENGINEERING</b>			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"/>

Place Received Date Stamp Here

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of way, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e. the distance of the structure from all property lines), size, and height. Identify all existing buildings, structures, or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? Yes  No

Reference the section of the Zoning Ordinance pertaining to this request: \_\_\_\_\_

Briefly describe the nature of the variance requested:

The house setback is 50'. The required is 75'.

If this request is for a setback variance, please check one of the following:

Front Setback  Side Setback  Rear Setback  Reduction From 75' to 50'

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents:

The actual work will take place in the garage and that is over 80' front the rear property line. The gunsmithing is also performed with hand tools so there will be no noise to the adjacent property. The entrance to the garage is not at the rear of the house but the side of the house so the rear property won't be able to see any work being done.

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

The house was built with the 50' setback.

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?


It will allow me to operate my business out of my home.

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

By granting the variance, you allow me to legally have my home based business with no negative impacts to any parties involved.

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Office of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

  
Signature of Property Owner      22 JUN 2020  
Date

\_\_\_\_\_  
Signature of Property Owner      Date

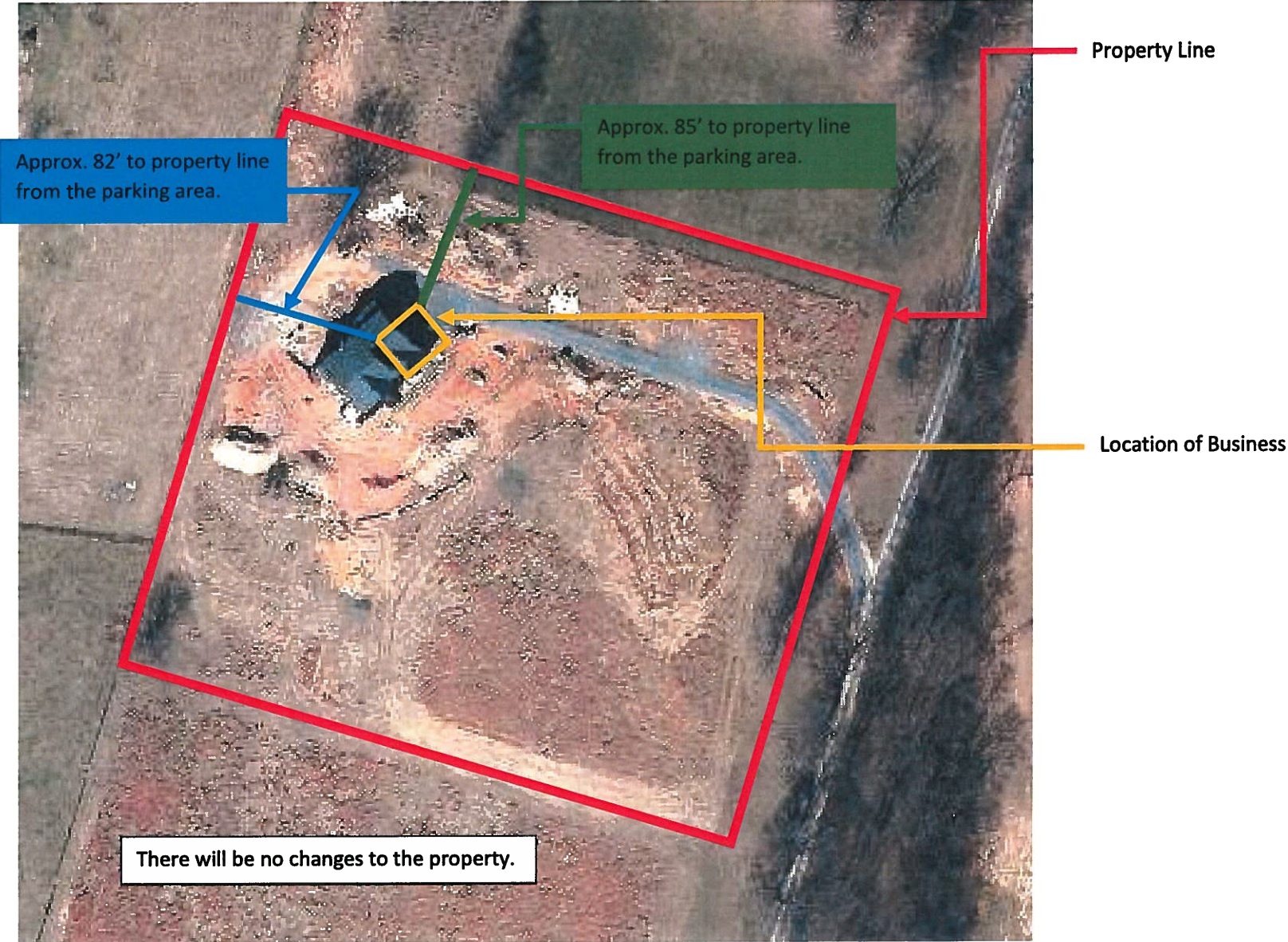
Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 6.1B).

07/23/20  
Date of Public Hearing

07/08/20  
Advertising Date

07/08/20  
Placard Posting Date







# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

P.O. Box 716

Charles Town, WV 25414

Email: [zoning@jeffersoncountyv.wv.org](mailto:zoning@jeffersoncountyv.wv.org)

Phone: (304) 728-3228

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## Zoning Administrator's Report July 23, 2020 Board of Zoning Appeals Meeting

**Date of Memo: July 10, 2020**

### 1) **Text Amendments:**

- ZTA19-03 – Proposed Text Amendment to the Zoning Ordinance to create provisions to allow Solar Energy Facilities to process in Jefferson County. On June 23, the Planning Commission voted to incorporate revisions based on public input, including revisions to the decommissioning plan to include surety requirements; and to change Appendix C to reflect that solar facilities are permitted in the Residential Growth (RG) zoning district (in addition to the zoning districts already listed as permitted). The Planning Commission voted to send the draft as amended to the County Commission, with the recommendation that the proposed text is consistent with the adopted Comprehensive Plan. The revised draft will be included on the 07-16-20 County Commission Agenda (virtual meeting) with a request to schedule Public Hearing.
- Greenway Engineering continues to work on the reorganization of the Subdivision Regulations and Zoning Ordinance. A Public Workshop was held on June 23 to review the status of Phase I. The next step, Phase II, includes revisions to both the Subdivision Regulations and the Zoning Ordinance. A Public Hearing will be held on any proposed revisions.
- ZTA20-01 – Petition to create a new definition for “cemetery” and request to amend Appendix C to reflect “Commercial Cemetery” as a Conditional Use in the Rural zoning district. The Planning Commission voted to accept into their workplan to incorporate provisions to allow commercial cemeteries at their June 2 meeting. This topic will be included on their July 14 agenda for the purpose of requesting direction on next steps, including when to schedule a public hearing.

### 2) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **August 27, 2020** (deadline for submission is Monday, August 3, 2020).



Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 E. Washington Street, 2<sup>nd</sup> Floor, P.O. Box 716  
Charles Town, West Virginia 25414  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**July 2020**  
**Zoning Certificate Activity Report**

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File #	20-16-ZC - <b>Revised</b>
Request:	Temporary Sale of Legal Fireworks
Property Owner:	The Kentland Foundation, Inc.
Applicant:	Four Seasons of McLean, LDT / Attn: David Woods
Parcel Info:	Somerset Village Shopping Center; 98 Somerset Village Blvd. Charles Town, WV Parcel ID: 02000900080007; Size: 15.07 acres; Zoning District: Residential-Light Industrial-Commercial; Site Plan File #87-21
Issuance Date:	06-05-2020 – <b>Reissued 07/09/2020 to extend operations until July 31, 2020</b>
File #	20-18-ZC
Request:	Professional Office and Warehouse: The Veterans Administration, Veteran Health Administration, and Office of Emergency Management
Property Owner:	Nortom Investments, LLC / Attn: Robert Maloney
Applicant:	Colliers International / Attn: David Hackbirth, Jr.
Parcel Info:	Burr Industrial Park, Lot 1, 69 Clendening Dr., Kearneysville, WV 25430 Parcel ID: 02000100530000; Size: 14.15 acres; Zoning District: Industrial Commercial
Issuance Date:	07-06-2020

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