



AGENDA

Jefferson County Planning Commission

Tuesday, October 13, 2020, 7:00 PM

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: Oct 13, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89303867922>

Meeting ID: 893 0386 7922

Dial by your location

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1. Approval of Meeting Minutes: September 08, 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** (PC File #ZTA20-02): Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to Permitted Use (P). The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 5 District Regulations, Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C, Principal Permitted and Conditional Uses Table.
5. **Public Hearing:** Request by property owners Christopher and Kimberly Purvis for a Final Plat Amendment for Lot #14 in the Spruce Hill Subdivision (File #02-28). The request is to allow a 192 sf shed within an easement (See Final Plat note #23 in Plat Book: 19; Page: 57). The property is designated as Tax District: Kabletown (06); Tax Map: 3C; Parcel: 14; Zoned: Residential-Light Industrial-Commercial; Size: 1.23 acres.
6. **Public Hearing** (File #19-16-SD): Final Plat Public Hearing for the Beallair Subdivision, Phase 4A, Lots 134-159 and Residue Parcel A. Applicant: Mike Wiley, Piedmont Design Group. Owner: Beallair Homes, LLC. The property is designated as Tax District: Harpers Ferry (04); Tax Map: 10A; Parcel: RESA; Zoned: Residential Growth; Size: 69.3 acres.
7. **Public Hearing** (File #20-6-PCW): Request by property owners Larry & Tammy Sirbaugh for a waiver from Section 20.201B3, that requires access via a 50' access easement. The applicant wishes to access via a state road. The property is designated as Tax District: Kabletown (06); Tax Map: 20A; Parcel: 5; Zoned: Rural; Size: 9.65 acres.

8. **Public Hearing** (File #20-7-PCW): Request by applicant, Kyle Carter, for a waiver from Section 20.201A to have direct access to Old Country Club Road, without a 50' access easement to the residue property. The property is designated as Tax District: Harpers Ferry (04); Tax Map: 10; Parcel: 1; Zoned: Residential Growth; Size: 137.17 acres.
9. **Public Hearing** (File #20-8-PCW): Request by applicant, Tripp Lowe, for a waiver from Section 20.201 to process as a Minor Subdivision for 6 duplexes on 2 parcels, because the lots already have access to roads, utilities, and SWM which would normally be designed via the Major Subdivision process. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 23.5 & 23.6; Zoned: Residential Growth; Size: 0.75 & 0.46 acres (respectively).

There is no public comment for the following items.

10. **Discussion and Possible Action** (PC File #ZTA20-01): Proposed text amendment to the Jefferson County Zoning Ordinance to create provisions to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C, Principal Permitted and Conditional Uses Table.
11. **Discussion and Action:** Quarterly Report for July-September 2020 review and send to County Commission.
12. Reports from Legal Counsel
13. Planner's Memo
14. President's Report
15. Actionable Correspondence
16. Non-Actionable Correspondence

Meeting Minutes
Jefferson County Planning Commission
September 08, 2020

The Jefferson County Planning Commission met on September 08, 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, Ron Thomas and Shane Roper. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; Alexandra Beaulieu, Zoning Administrator; and Rachael Burke Planning Clerk.

J Ware was absent without prior notification.

By order of the President, the Planning Commission meeting was held virtually via ZOOM. Access information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:04 pm. Mr. Shepp verified we had a quorum at the start of the meeting.

1. Introduction of new Planning Commission member, Shane Roper. Welcome!
2. **Minutes:** Approval of the August 11, 2020 meeting minutes. Approved as submitted.
3. **Citizen Communications:** Citizens were able to sign up for this item utilizing the chat function in ZOOM prior to the commencement of the meeting. There were no citizens signed up to speak.
4. **Request for postponement.** None.
5. **Public Hearing:** Smartlink, LLC. submitted a Concept Plan for AT&T to build a 199 ft. monopole Cell Tower (195' monopole with a 4' lighting rod) which will include 6 antennas and a 3,600 sq. ft. fenced compound on a vacant parcel located on the corner of South Childs Road and Leetown Road. The property is designated as Tax District: Middleway (07); Tax Map: 25; Parcel: 11.2; Zoned: Rural; Size: 17 acres (File #: 20-4-SP).

Ms. Brockman asked who was present for the project. Christopher Burns, AT&T introduced himself and fellow staff and Engineers representing the project.

Ms. Brockman did an overview of the applicants' request, including items from the Concept Plan submission: Coverage area comparison map, balloon tests/photo simulation and she reviewed the itemized requirements for Concept Plan. She also explained Historic Landmarks submitted a letter and NEPA report, which stated there was not any significant structures within the area of impact. She brought up that the Planning Commission should discuss the required fall radius and landscape buffer along the fencing.

Mr. Christopher Burns, applicant and AT&T representative, explained that three other wireless carriers could co-locate on this monopole. This location was chosen for multiple reasons. He reviewed the coverage gaps to the West of Charles Town and stated this pole would remedy that gap, including improving E911 services and First Net coverage, which is intended to prevent communication problems in the event of a disaster. He stated that the NEPA Report (over 200 pages) Exhibit J was done to ensure this project would not affect historic or environmental items within the area. He emphasized the need for emergency and non-emergency coverage.

Mr. Shepp opened the floor to public comment. No one was signed up to speak. Mr. Shepp asked if the Planning Commission had any questions about the request.

Mr. Hefestay asked about the 100' height maximum vs the requested height. Mr. Burns offered to provide further maps at the other heights. He explained the best coverage is obtained at this height and also touched on FAA guidelines.

Mr. Shepp explained that a variance from the 100' requirement in Rural zoning was approved by the Board of Zoning Appeals. Ms. Brockman stated that in the Industrial Commercial Zone, towers can be 199' and that this language was drafted in 2012. She also mentioned not a lot of towers have processed under this new language. There are other 199' towers in the County that pre-date the current Ordinance.

Mr. Hefestay asked about the buffer/landscape.

Mr. Burns explained that they didn't propose landscaping but are willing to install it. He also mentioned that they are within the required setbacks and reviewed the fall radius technology and how the tower is designed to break at break points and for it to fall onto itself; Thus, the fall zone is could be reduced by more than half.

Ms. Brockman also mentioned a written comment that was received after the packet deadline, but was e-mailed to the members on the date of the meeting as a hand out (from Rob Aitcheson), which stated that the tower location is within a Civil War study area.

Ms. Brockman stated that the required fall zone is 110% of the Tower height and generally an easement is provided to ensure that the owner does not put something within the radius.

Mr. Burns clarified a shovel study was conducted for 17 locations on the site, less than 10 ft apart that analyzed the dirt as far back as the Mesozoic era; and that no historic artifacts were found.

Mr. Thomas asked about what the landscaping preference is. Ms. Brockman stated it was at the commissions discretion. He also asked Mr. Burns about their willingness to adhere a landscape buffer along the two roads.

Mr. Burns advised they would be willing to implement that.

Mr. Thomas made a motion to accept the Concept Plan as submitted, to include a landscape buffer 10' wide and 6' tall along the sides that face S. Childs Road and Leetown Road. He also requested that the easement be established for the fall zone of the monopole tower. Mr. Louthan seconded the motion. A vote was taken: 6 in favor; 2 opposed (Jack Hefestay and Ralph Lorenzetti).

6. **Public Hearing:** Request by applicant, Townhomes Rental, LLC., for a waiver (File #20-5-PCW) from Appendix B Section 2.5I, which requires parking area access driveways and entrances leading from the public road or subdivision street, and the parking area internal access drives connecting physically separated parking bays, to not exceed an 8% grade The applicant is requesting, just under 12% grade. The property is designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.1 & 1.2; Zoned: Residential-Light Industrial-Commercial; Size: 7 and 16.62 acres.

Ms. Brockman provided an overview of her staff report.

Mr. Paul Raco presented the request for a waiver for the slope on a small portion of the driveway in the commercial portion. He also clarified that this area is not owned by Hoy Shingleton Trustee; but is owned by Townhouse Rental, LLC. He explained this slope is within the gated portion serving the commercial mini storages. The builder is working with the topo of the property and that these are 2 story mini storages, including a walk out bottom level. There will be no parking in this area and plenty of room, the slope will not exceed 12%.

Mr. Thomas made a motion to approve the waiver to be kept under a 12% grade. Mr. Fisher seconded the motion, which carried unanimously.

7. **Public Hearing:** Request by the applicant, Townhomes Rental, LLC, to approve the Preliminary Plat for Rocky Ridge Subdivision (File # 19-7-SD) in accordance with the Sections 24.114 and 24.115 of the Subdivision Regulations. The property is designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.1 & 1.2; Zoned: Residential-Light Industrial-Commercial; Size: 7 and 16.62 acres.

Ms. Brockman provided an overview of the Rocky Ridge Preliminary Plat. She explained the Stormwater, water and sanitary sewer is being provided by Berkeley County and that they have approved the design of these facilities. She explained a buffer was asked for by Hospice at the Concept Plan stage, but it is not a requirement. Whether the proposed landscaping satisfies this request will be up to the commission. The Final Plat will be administratively approved; therefore, this is the last time this project comes before the Commission.

Mr. Shepp opened the floor to public comment.

Mr. DeWalt, CFO for Hospice, explained that a letter was sent prior to the meeting to the Planning Office (included in the packet) and he is reiterating the importance of road access and that its unencumbered use is critical. They requested a construction entrance and a dense natural border.

Mr. Lorenzetti asked for clarity about the buffer. Mr. DeWalt asked for a natural vegetative barrier and to not see the townhouses at all.

Mr. Raco explained that they accommodated the request by adding a buffer down the boundary line and normally the commercial use is required to input the buffer rather than the residential use. The applicant does not want to commit to the county landscape design standard. If commercial was buffering to them, the commercial would have had to do 3 rows of plantings. The applicant removed 12-14 townhouses to incorporate rain gardens and shortened the top and bottom rows of townhouses to minimize the impact on the Hospice property. The applicant also worked with the WV Division of Highways regarding Hospice's other request, but were not able to receive approval of the full commercial construction entrance. They offered to bring in construction via the first entrance along Hospice Lane and to provide the local builders contact information in case of the rare event of a road blockage.

Mr. Lorenzetti asked about the school bus stop and Mr. Raco mentioned that it would come in off of the first entrance. For clarification on buffering, they have committed to planting, not a grass or juniper. It will be bushes and trees – just not a completely screened buffer.

Mr. Stolipher moved to approve the Preliminary Plat as submitted. Mr. Fisher seconded the motion. Mr. Lorenzetti made a motion to amend the motion to include the landscape buffer. Mr. Hefestay seconded the amended motion. Mr. Shepp asked if there is any discussion about the amendment. Mr. Fisher asked for clarity of the motion. The developer has been asked to provide the buffer as shown, not the one requested by Hospice. A vote was taken on the amendment, which carried unanimously. A vote was taken on the original motion, as amended, which carried unanimously.

8. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning Ordinance to create provisions to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use in the Residential-Light Industrial-Commercial and Industrial

Commercial zoning districts. The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C, Principal Permitted and Conditional Uses Table. PC File #ZTA20-01.

Ms. Beaulieu provided an overview of the proposed text amendment, noting that the amendment includes provisions to allow commercial cemeteries to process by right in the RLIC and IC zoning districts, utilizing the commercial site development standards in Appendix B; and as a conditional use in the Rural zoning district with specific site development criteria including buffer requirements and setbacks.

Mr. Shepp opened the floor to Public Comment. The following person was signed up to speak: Christine Marshall.

Ms. Marshall spoke about concerns with water run-off and leaching from decomposing bodies contaminating the ground water.

Mr. Louthan asked if there were any state regulations to address stormwater management concerns.

Ms. Beaulieu stated that she had previously reached out to the Health Department to inquire about permitting requirements for cemeteries. She stated that the Health Department did not have an approval process for cemeteries. Ms. Beaulieu also spoke with representatives from the Department of Environmental Protection (DEP), who stated that a ground water permit was not required for cemeteries, and that a typical stormwater construction permit would be required for disturbed land.

Mr. Lorenzetti asked about the natural cemetery details and perpetual care for the cemetery if it were to go under.

Ms. Beaulieu stated that there are no embalming fluids or casings used in natural and green burials. The standard is 4-6' depth for burial, which is nowhere near the water table.

Ms. Jane Denison and Mr. Michael Judd, applicants, were present to address questions from the Commission. Mr. Judd explained that West Virginia has a cemetery association to oversee the long term care and maintenance of cemeteries. He also noted that they require a \$10,000 deposit to help with upkeep of the grounds.

Planning Commissioners explained that they wanted additional time to research the land use. Mr. Stolipher suggested that Public Comment period remain open for two weeks.

Mr. Lorenzetti made a motion to extend public comment for two weeks and put it on the October 13, 2020 Planning Commission Meeting, to allow time for research. Mr. Stolipher seconded the motion, which carried unanimously.

9. **Discussion and Possible Action:** Request from Gordon for the Planning Commission to consider within its work plan a proposed text amendment to the Zoning Ordinance to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to Permitted Use (P).

Ms. Beaulieu provided an overview of the proposed text amendment, noting that in addition to the change in land use classification in Appendix C, the amendment proposes eliminating Section 5.8C.3.

Mr. Wallen, with Gordon, represented the request. He explained there is a reliance on drive-throughs due to the pandemic. He stated that "Gas Station – Large" is a conditional use in General

Commercial zoning but is permitted in the RLIC zone; however, drive through restaurants require a Conditional Use.

Mr. Stolipher made a motion to accept the request into their work plan and to schedule a public hearing. Mr. Louthan seconded the motion, which passed with a vote of 7 in favor and 1 opposed (Ralph Lorenzetti).

10. **Reports from Legal:** Mr. Cochran has no report.

11. **Planner's Memo:** Ms. Brockman reviewed the status of office availability and the next Planning Commission Meeting is October 13, 2020.

Mr. Shepp asked about any restriction for the number of people in the office. Ms. Brockman stated there is no limit.

12. **President's Report:** None.

13. **Actionable Correspondence:** None.

14. **Non-Actionable Correspondence:** Letter from Robert Aitcheson.

Mr. Lorenzetti mentioned making the letter from the ethics committee available to the County Commission and Mr. Stolipher agreed to do that.

Mr. Hefestay made a motion to adjourn the meeting at 8:33 pm. Mr. Fisher seconded the motion, which carried unanimously.

Mr. Shepp closed the meeting.



Jefferson County, West Virginia

Office of Planning and Zoning
116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: Planning Commission
FROM: Alexandra Beaulieu, Zoning Administrator
DATE: October 6, 2020
RE: ZTA20-02, Drive Through Restaurants – 10-13-20 PC Public Hearing

On September 8, 2020, Chad Wallen with GORDON presented a request to the Jefferson County Planning Commission to consider amending the Zoning Ordinance to change the classification for a Drive-Through Restaurant in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to a Permitted Use (P). In addition to amending Appendix C, the proposal also includes eliminating Section 5.8C.3, which currently states:

“Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan.”

GORDON is representing Sheetz, who is the contract purchaser for the property located at 7948 Martinsburg Pike in Shepherdstown, WV.

Next Steps

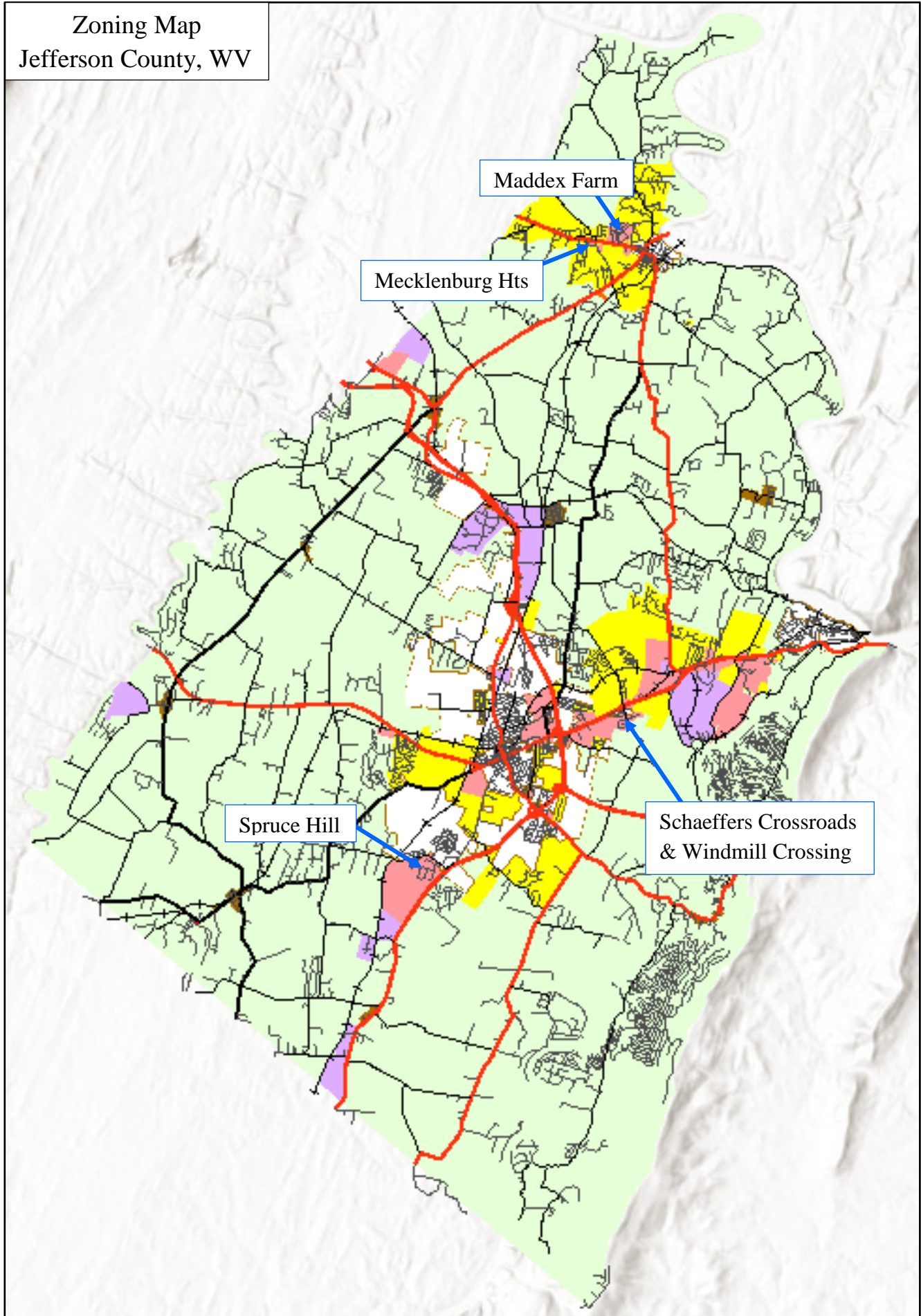
The Planning Commission is required to make a recommendation to the County Commission as to whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan*.

The Planning Commission may vote on the amendment as it is presented or they may make additional revisions to the text as part of their recommendation to the County Commission.

Attachment:

- ZTA20-02, Drive-Through Restaurants DRAFT Text Amendment as proposed by GORDON – includes cover letter with recommendations from the Comprehensive Plan.

Zoning Map
Jefferson County, WV



Maddex Farm

Mecklenburg Hts

Spruce Hill

Schaeffers Crossroads
& Windmill Crossing



August 12, 2020

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

Re: Zoning Ordinance Text Amendment – Drive-Through Restaurants

GORDON is a planning and engineering firm located in the eastern panhandle that represents both developers and existing business owners in Jefferson County. Over the last several years there has been a growing trend for gas stations to provide a drive-through option for customers. This option allows for increased food sales and is invaluable to individuals with disabilities. The pandemic of 2020 has led society to evaluate how goods and services are obtained and resulted in substantial demand for drive-through services at both gas stations and restaurants. While it is hopeful that current events will not be repeated, the potential for future events must now be recognized by both business owners and citizens.

It is requested that the "Restaurant, Fast Food, Drive-Through" use be classified as a permitted use in the Residential-Light Industrial-Commercial (RLIC) District. "Restaurant, Fast Food, Drive-Through" is a Conditional Use under the current regulations. See proposed red line revisions for the Jefferson County Zoning and Land Development Ordinance included with this request.

Drive-through restaurants are permitted in all commercial districts except for the Office-Commercial Mixed Use (OC) and RLIC Districts. A review of the Zoning Map did not identify any land mapped in the OC District but includes multiple parcels within the RLIC District. The majority of land zoned RLIC is located in the Urban Growth Boundary identified in the Comprehensive Plan or adjacent to Arterial Roads. This identifies the RLIC as an appropriate zone to permit drive-through restaurants.

The proposed Zoning Ordinance Text Amendment does not conflict with and is consistent with the 2035 Envision Jefferson Comprehensive Plan (the Plan). Including:

- From WV Code as referenced in the Comprehensive Plan (Page 9): A comprehensive plan aids the planning commission in designing and recommending to the governing body ordinances that result in preserving and enhancing the unique quality of life and culture in that community and in adapting to future changes of use of an economic, physical or social nature.
- Economic Development, Employment, and Infrastructure (Goals and Supporting Plan Recommendations: Pg. 12 & 16)
- Finance and Public Safety (Goals and Supporting Plan Recommendations: Pg. 12 & 16)

Thank you in advance for your time and consideration of this request.

Sincerely,

Chad Wallen
GORDON



Sender's Direct Telephone (814) 626-8327
Sender's Direct Facsimile (814) 941-5105

VIA ELECTRONIC MAIL

August 21, 2020

Jefferson County Office of Planning and Zoning
Attn: Alexandra Beaulieu, Zoning Administrator
116 East Washington Street, Suite 200
Charles Town, WV 25414
Email: abeaulieu@jeffersoncountywv.org

Re: Jefferson County PINs: 09 8001300000000, 09 80014000000000, 09 8001500020000 and
09 8001000020000

Dear Ms. Beaulieu:

Please be advised that Sheetz, Inc. ("Sheetz"), the contract purchaser of the above-described land in Jefferson County, West Virginia, has retained William H. Gordon Associates, Inc., d/b/a GORDON, as its consultant and agent for purposes of assisting and representing Sheetz in the pursuit of a zoning text amendment allowing for drive through facilities in the RLIC District. GORDON is authorized to file applications, correspond with County staff, and present and answer questions on behalf of Sheetz at County meetings and hearings pertinent to the requested text amendment.

Thank you, and please do not hesitate to reach out directly with any questions.

Respectfully,

Kyle R. Smith
Sr. Associate Real Estate Counsel
Enc.

cc: Bob Franks, Engineering/Permit Manager

- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
 - (d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.²³
3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.³²
 4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.³²
 5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
 6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.³⁴

Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District¹

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.²³

A. Principal Permitted and Conditional Uses^{23, 27, 32}

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.^{27, 32}

2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.^{27, 32}

B. Standards²³

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.^{23, 27}
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.²⁷

C. Site Development Standards^{23, 27}

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.²⁷
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.^{5, 7, 23, 27}

TO BE
REMOVED

- ~~3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan.^{23, 26, 32}~~
4. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.^{7, 27}

Section 5.9 Reserved²³

Section 5.10 Village (V) District^{8, 23, 32, 35}

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.²⁷

A. Principal Permitted Uses

1. Residential Land Uses
 - a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.
2. Non-Residential Land Uses in Existing Structures

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	
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	

Staff Report
 Jefferson County Planning Commission Meeting
 October 13, 2020

Christopher & Kimberly Purvis (PC File #02-20)

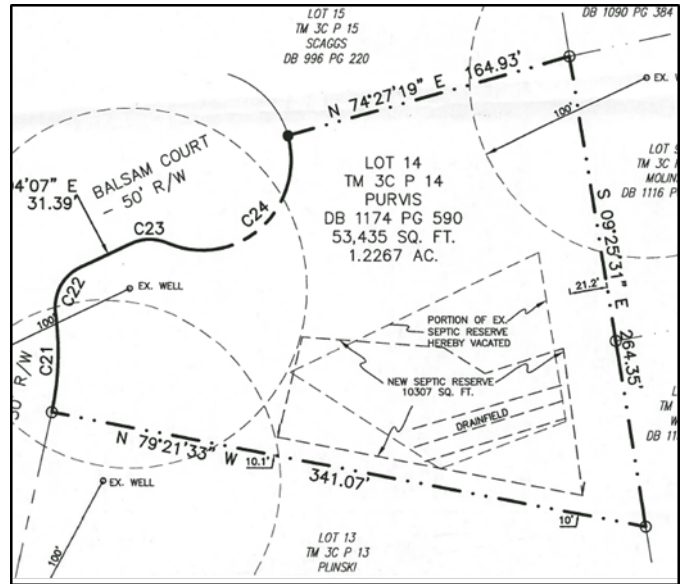
Item #5 Public Hearing: Request by property owners Christopher and Kimberly Purvis for a Final Plat Amendment for Lot #14 in the Spruce Hill Subdivision (File #02-28). The request is to allow a 192 sf shed within an easement (See Final Plat note #23 in Plat Book: 19; Page: 57).

APPLICANT:	Christopher & Kimberly Purvis		
OWNER:	Same as above		
DEVELOPER:	Same as above		
SURVEYOR/ENGINEER:	N/A		
PROPERTY LOCATION:	30 Balsam Ct., Charles Town, WV 25414		
LEGAL DESCRIPTION & ZONING MAP DESIGNATION:	<p style="text-align: center;">Tax District: Kabletown (06); Tax Map: 3C; Parcel: 14; Size: 1.23 ac; Zone: Residential-Light Industrial-Commercial</p>		
SURROUNDING PROPERTIES:	North: RLIC South: RLIC	East: RLIC West: RLIC	
APPROVED ACTIVITY:	Single Family Residence		
APPROVALS:	9/24/20: BZA Variance for side/rear setback approved, pending PC approval 8/20/20: Minor Plat Change Lot 14, Septic Reserve; DB1247/PG83 08/28/02: Final Plat Approved; recorded in PB19/PG57		

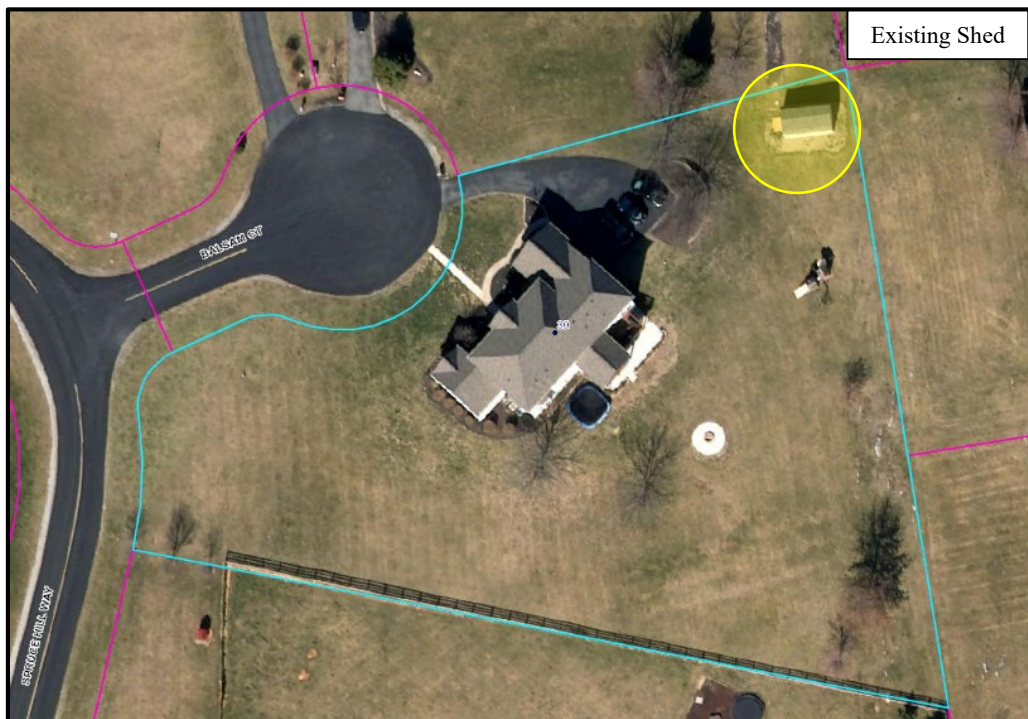
Staff Report
Jefferson County Planning Commission Meeting
October 13, 2020

Overview of Request

The applicant is seeking approval of a Final Plat Amendment for Lot #14 in the Spruce Hill Subdivision (File #02-28). The request is to allow a 192 sq. ft. shed within an easement (See Final Plat note #23 in PB19/P57). The applicant also recently received approval from the Board of Zoning Appeals (BZA) to reduce the side setback from 12' to 7' and the rear setback from 20' to 11' for the same existing 12' x 20' (240 sf) accessory structure.



Minor Plat Change (septic area)
Deed Book 1247 at Page 83



Staff Report
Jefferson County Planning Commission Meeting
October 13, 2020

The subject parcel is Lot 14 of the Spruce Hill Subdivision, which was recorded on August 28, 2002 in [Plat Book 19 at Page 57](#). On August 20, 2020, the applicant recorded an approved minor plat change to relocate septic reserve area for the purpose of installing an above ground swimming pool. During the process of obtaining permits for the swimming pool, the applicants became aware that permits were required for sheds and informed the Office of Building Permits that they had placed a shed on their property after obtaining approval from their Homeowners Association. At that point, it was discovered that the shed had been placed within the required setback area and within a recorded easement. Staff advised that a Zoning Variance and a Final Plat Amendment would be required in order to keep the shed in the same location. The Zoning Variance has been approved by the BZA.

Plat Amendment Requirements

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

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

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

Subdivision Plat Note #23 on Final Plat Section One Spruce Hill Subdivision states that a 10’ drainage and utility easement is reserved along the side and rear property lines for all lots within the Spruce Hill Subdivision. While the 1979 Subdivision Regulations do not contain the restrictive language about permanent encroachments, structures, fences or landscaping being prohibited within any easement area, easements are reserved for specific purposes and staff determined that a structure in one of these required easements requires a Final Plat Amendment. Based on the size of the structure, it is expected that impact on adjoining properties would be minimal. The applicant noted that the Homeowners Association approved the requested location back in March of 2019 and a letter from the HOA is attached to their application.

Recommendation

Staff recommends approval of the requested Final Plat Amendment to allow the existing shed to encroach within the required drainage and utility easement with the full understanding that if there is any negative effect on the drainage in that area, the homeowner will need to work with the HOA and impacted properties to resolve the issue.

From: [Kim Purvis](#)
To: [Planning Department](#)
Cc: [Permits Engineering Dept](#)
Subject: RE: Final Plat Amendment 30 Balsam Ct.
Date: Tuesday, September 1, 2020 10:00:27 PM

Rachael,

Thank you for reaching out to us with the information below. We would like to be put on the list for the Oct 13th meeting to discuss the placement of our shed. We would like to keep our shed in its current location which is within the easement of our property. Our request is to allow our shed to be located within the easement, referred to in note #23 within Plat Book: 19; Page: 57 Section 1 of Spruce Hill. Please let me know if this email is sufficient to be included in the Oct 13th meeting. Thank you for your time and we look forward to hearing from you.

Respectfully,

Kim & Chris Purvis

Sent from [Mail](#) for Windows 10

From: [Planning Department](#)
Sent: Wednesday, August 26, 2020 1:34 PM
To: panta420@hotmail.com
Cc: [Permits Engineering Dept](#)
Subject: Final Plat Amendment 30 Balsam Ct.

Hi Kimberly,

I hope this e-mail finds you well. I realize you have been in communication with Alex, the Zoning Administrator and the permits desk, yesterday. I was asked to reach out and provide steps for the Final Plat Amendment request to go before the Planning Commission.

You will need to put the request in writing, please feel free to respond to this e-mail with it. This process requires a 30 day Ad for notice. If I receive an e-mail response with your written request by Tuesday, September 1, 2020, then you could be on the October 13, 2020 Planning Commission Meeting. You will need to be present at the meeting to represent your request. These last few months have been ZOOM meetings and I can provide you that information, if that continues to be the case, for that meeting.

Please be sure to include the following information in your written request; To allow a shed to be located within the easement, referred to in note #23 within Plat Book: 19; Page: 57 Section 1 of Spruce Hill.

I look forward to your response.



Spruce Hill Estates Homeowner's Association

Charles Town, WV

22 September 2020

Dear Board of Zoning Appeals,

I am writing this letter to inform the Board of Zoning Appeals for Jefferson County, West Virginia, that the Spruce Hill Estates Homeowner's Association is aware of the construction and location of the shed at 30 Balsam Court. The homeowners requested, and received, approval from the Community Architectural Review Committee (ARC), as required by our community standards, for the construction of this shed. The HOA is aware that the Board of Zoning Appeals is prepared to grant a variance for the shed being constructed within the allocated 10 foot setback for a utility/drainage easement. While the HOA is not prepared to assume any liability for this structure, we do not take exception to its location, and any liability due to the location of the structure shall be the sole responsibility of the property owner. The homeowner has followed all required processes for the HOA with respect to this shed.

Respectfully,

Jeremy R. Chrisman

Jeremy Chrisman

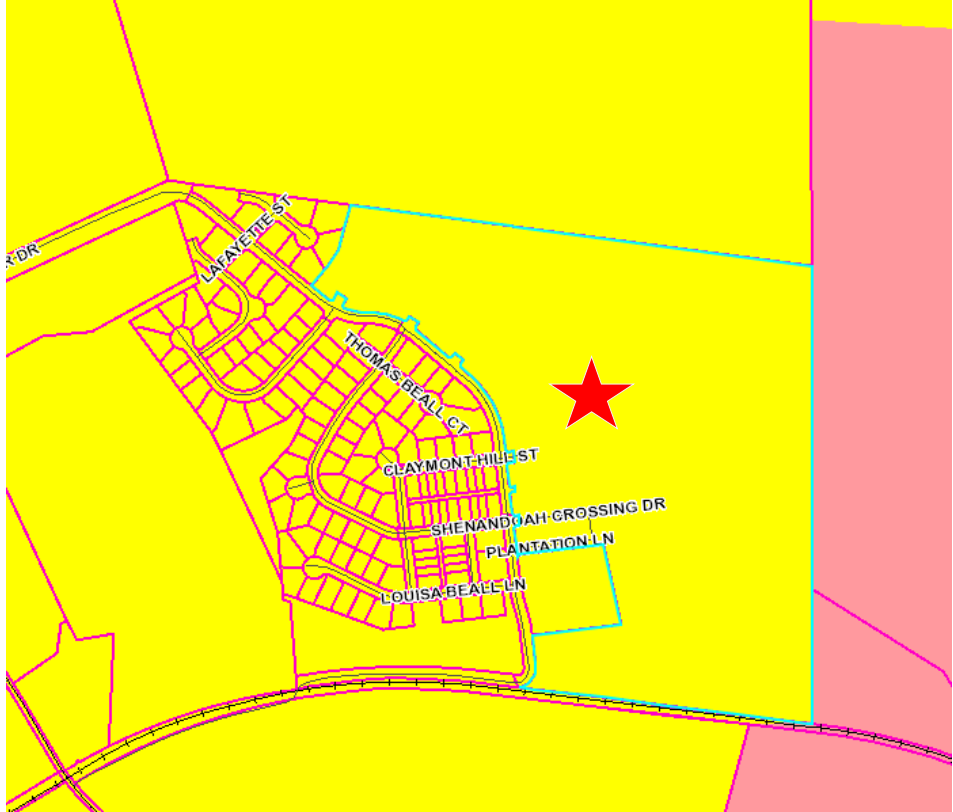
President, Spruce Hill Estates HOA

Shehoa.jc@gmail.com

Staff Report
 Jefferson County Planning Commission Meeting
 October 13, 2020

Beallair Phase 4A Final Plat (PC File#19-16-SD)

Item #6: Final Plat Public Hearing for the Beallair Subdivision, Phase 4A, Lots 134-159 and Residue Parcel A. Applicant: Mike Wiley, Piedmont Design Group. Owner: Beallair Homes, LLC.

APPLICANT:	Piedmont Design Group, Mike Wiley
OWNER:	Beallair Homes, LLC.
DEVELOPER:	Same
SURVEYOR/ENGINEER:	Piedmont Design Group
PROPERTY LOCATION:	East of Beallair Manor Dr. Residue A
LEGAL DESCRIPTION AND ZONING:	Harpers Ferry (04); Map: 10A; Parcel(s): RESA; Zoning: Residential Growth 
SURROUNDING PROPERTIES:	North: Residential Growth South: Residential Growth East: Residential-Light Industrial-Commercial West: Residential Growth
LOT AREA:	69.3 Acres
PROPOSED DENSITY:	Lots 134-159 & Residue Parcel A
DEVELOPMENT HISTORY	Community of Beallair Subdivision (PC Files 02-36, 05-41, 08-21, 19-16-SD) <ul style="list-style-type: none"> • 9/1/20 – Beallair Phase 4A Final Plat (19-16-SD) submitted for review (<u>3rd Review, essentially complete</u>) • 6/2/20 – PC approved a variance to extend the 2-year deadline to hold a final plat public hearing to 07/01/22 • 11/12/19 – Beallair Phase 4A Preliminary Plat (19-16-SD), 26 proposed lots, submitted for review (<u>5th Review; Pending Final Approval</u>). • 7/13/10 (PC), 6/21/12 (CC), 8/8/14 (CC), and 3/13/17 (CC) – This Project fell under 2010 SB 595 allowing the each of these extensions, the most recent of

Staff Report
Jefferson County Planning Commission Meeting
October 13, 2020

	<p>which provided that a Final Plat public hearing for the next phase of development occurs by July 1, 2020.</p> <ul style="list-style-type: none"> • 10/27/09 – Phase 3 Final Plat approved, 1 commercial lot & 1 residue lot. • 9/14/09 – Phase 3 Preliminary Plat (PC File #08-21) approved. • 7/28/09 – PC approved a variance to extend the 2-year deadline to hold a Final Plat public hearing to 12/31/09 • 8/26/08 – PC approved a variance to extend the 2-year deadline to hold a Final Plat public hearing to 08/26/09. • 10/24/06 – Phase 2 Final Plat approved, 84 lots and a residue. • 9/12/06 – PC approved a variance to extend the 2-year deadline to hold a final plat public hearing to 09/12/07. • 9/8/06 – Phase 2 Preliminary Plat (PC File #05-41) approved. • 9/14/04 – Phase 1 Final Plat approved, 49 lots and 5 residues. • 7/16/04 – Preliminary Plat, Phase I (PC File #02-36) approved. • 2/23/04 - PC variances approved: <ul style="list-style-type: none"> ○ Min. finished road width from 24’ to 15’ for rear access drives; ○ No curbs included with the rear access drives; ○ No sidewalks on the one-way rear access drives; ○ A 3’ reduction from the back of the curb to 2.5’ from the edge of the pavement; ○ No buffer screening between common areas and adjoining properties with single family detached residences. • 3/25/03 - PC variances approved: <ul style="list-style-type: none"> ○ Min. width of finished road reduced from 20’ to 15’ for one-way rear access drives w/ no shoulders; ○ No curb & gutter to be places in alleys; ○ No curb & gutter in the one-way rear access drives; ○ To install an inverted crown to act as drainage conveyance in one-way rear access drives; ○ Be allowed to have 2 spaces on-site parking side-by-side on the double wide driveway; ○ Reduction of ROW width from 50’ to 44’ in the main road passing through the TND villa areas; and, ○ Reduction of ROW from 50’ to 20’ for one-way rear access drives serving the garage areas. <p>11/26/02 – CIS approved by the PC.</p>
--	--

Background

The Community of Beallair Subdivision is located on Old Country Club Road, north of the railroad tracks and is approved for a total of 254 detached single family homes and 54 attached single family homes on 125 acres. Phases 1 through 3 have been approved and recorded. Phase 4A is currently under review and is requesting Planning Commission approval of the Final Plat. Additional phases will complete the balance of the detached and attached single family lots over time. Since this Subdivision started before the 2008 Subdivision Regulations were adopted, this Subdivision is governed by the 1979 Subdivision Ordinance. The development also preserves the historic manor house on the property and turned the home into a HOA amenity.

Staff Report
Jefferson County Planning Commission Meeting
October 13, 2020

The Request:

All developments approved under the 1979 Subdivision Regulations are required to have Final Plat approval every 2 years, which allows the Community Impact Statement (CIS) to remain valid and the development itself to retain its vested rights. The applicant is complying with that time requirement by submitting a Final Plat for approval prior to the expiration date, which was extended by the Planning Commission to July 1, 2022.

The 1979 Subdivision Regulations limits the type of discussion that can occur during the Planning Commission Public Hearing on a Final Plat as follows:

FINAL PLAT PUBLIC HEARING held before the Planning Commission during a regular meeting. New or revised information not previously considered at the Community Impact Evaluation stage is solicited from the public. The Planning Commission, after considering public comment, all previous information and comment, the provisions of this Ordinance, and the provisions of Section 8-24-30 of the West Virginia Code, approves, approves with conditions or disapproves the subdivision proposal and Final Plat.

The Planning Commission shall approve, approve with conditions, or disapprove a subdivision proposal and Final Plat within 60 days from the day the final plat and support material are submitted to the Planning Commission office. Failure to take action within the 60 day period shall result in final plat approval, unless a waiver of the 60 day period is granted to the Planning Commission by the subdivider.

As the application was submitted on September 1, 2020, the October Planning Commission meeting is the only meeting within the required 60-day period; however, there are still some outstanding comments to be resolved:



- Preliminary Plat approval is required prior to approval of the Final Plat
- The Tax Mapper still has issues with the closure of many of the lots on both the Preliminary and Final Plats
- Engineering still has some outstanding comments related to notes and permit numbers on the Final Plat
- A letter from WV DOH on their letterhead or an approved permit is required to be submitted and referenced on the Final Plat.

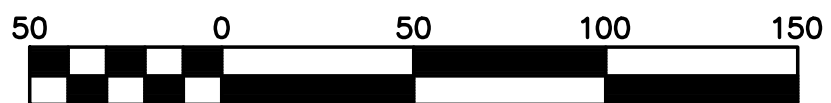
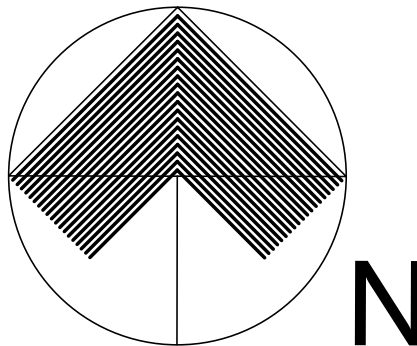
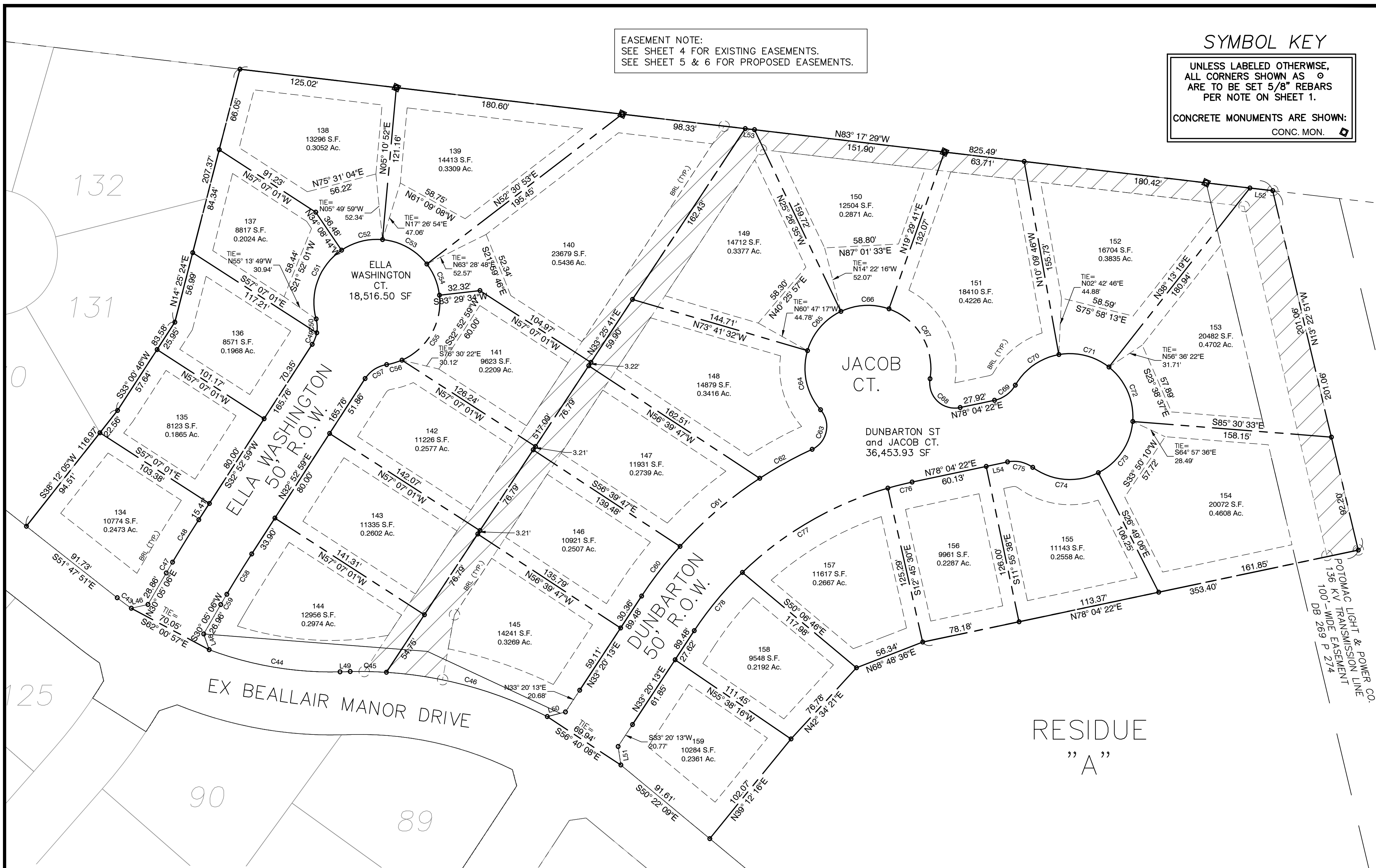
If the Final Plat is approved by the Planning Commission, the applicant shall have 90 days from time of approval to bond and record the Final Plat. If the Final Plat is approved with conditions, the Planning Commission should authorize staff to ensure the conditions are met prior to signing off on the Plat. Discussion should occur as to whether the 90 days to bond and record is then from the PC approval or the date the plat is signed.

Recommendation:

The Final Plat has been reviewed by staff and most outstanding comments have been addressed; however, there are still some unresolved Final Plat issues and outstanding comments related to the Preliminary Plat. The Final Plat complies with the approved Community Impact Statement and will conform with the Preliminary Plat when is approved. Staff recommends “approval with conditions” related to the final resolution of outstanding comments and approval of the Preliminary Plat.

EASEMENT NOTE:
SEE SHEET 4 FOR EXISTING EASEMENTS.
SEE SHEET 5 & 6 FOR PROPOSED EASEMENTS.

SYMBOL KEY
UNLESS LABELED OTHERWISE,
ALL CORNERS SHOWN AS 
ARE TO BE SET 5/8" REBARS
PER NOTE ON SHEET 1.
CONCRETE MONUMENTS ARE SHOWN:
 CONC. MON.



Scale 1" = 50'

SWALE SECTION PERMITTED ON ALL LOTS
UNLESS LISTED IN THE TABLE BELOW
DRIVEWAY CULVERT TABLE

LOT NUMBER	DIAMETER OF PIPE
134	D/W CULVERT 15"x21"
135	D/W CULVERT 13"x17"
136	D/W CULVERT 13"x17"

REVISIONS
DATE DESCRIPTION

JEFFERSON COUNTY PLANNING COMMISSION

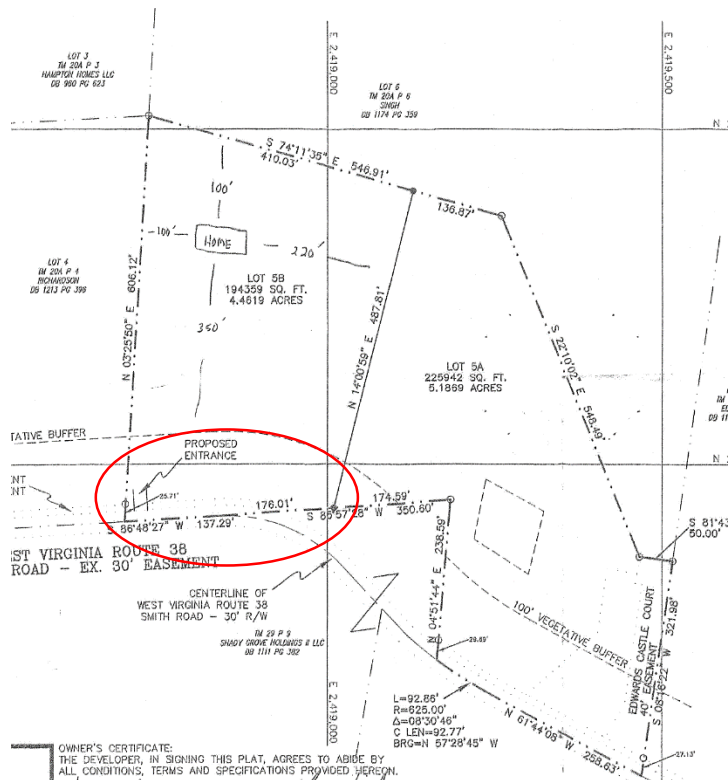
BY _____ DATE _____

FINAL PLAT
SHOWING LOTS 134-159
AND RESIDUE PARCEL A
BEALLAIR - PHASE 4A
OWNER: BEALLAIR HOMES, LLC
SURVEYOR/ENGINEER: PIEDMONT DESIGN GROUP, LLC
HARPERS FERRY MAGISTERIAL DISTRICT
TAX MAP 10A PARCEL RESIDUE A
DEED BOOK 975 PAGE 635 AND DEED BOOK 977 PAGE 490 & 495
JEFFERSON COUNTY, WV
SEPTEMBER 2020
SHEET 2 OF 6

Staff Report
Jefferson County Planning Commission Meeting
October 13, 2020

via a 50' access easement, provided that the access easement serves no more than 12 Family Transfer lots. The request is to allow the one lot being created to have direct access to Smith Road (WV State Route 38). Lot 5 of Smith Mountain View Estates is one of three lots that accesses off Edwards Castle Court, created as a part of Smith Mountain View Estates.

Section 20.201B(3) further states that lots having a minimum road frontage of 200 feet may have single access on an existing WV DOH right-of-way or easement; however, due to the configuration of this lot around another parcel, it is not possible to meet the 200 foot requirement.



Property Development Rights:

The Smith Mountain View Estates plat states that the property was developed under the one lot/10 acres with the 3-acre minimum provisions of the 1979 Subdivision Regulations. The plat further states that the original 97.3894-acre parcel had the rights to a maximum of 9 lots plus a residue and that the Smith Mountain View Estates subdivision used all of the development rights allowed by ordinance. As the Smith Mountain View Estates subdivision plat utilized all of the development rights permitted, this property can only be further subdivided as a Family Transfer, which is being proposed.

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:

Staff Report
Jefferson County Planning Commission Meeting
October 13, 2020

- (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:

Staff acknowledges that due the size and configuration of the lot, it would be difficult to provide an additional access to Edwards Castle Court for the proposed lot. Provided that WV DOH approval can be obtained for an additional access on to the state road, staff does not have an issue with the proposed waiver.



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: 20-6-PCW
 Staff Initials: JMB
 Sketch Received:
 List of Adjainers: _____
 Fees Paid: \$ 100

RECEIVED

SEP 15 2020

Phone: (304) 728-3228
 Fax: (304) 728-8126
**JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING**

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

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: Larry & Tammy Sirbaugh
 Mailing Address: 45 Edwards Castle Court
 Phone Number: 304-261-7453 Email: Brick24fan@cs.com

Applicant Contact Information

Name: Larry Sirbaugh
 Mailing Address: 45 Edwards Castle Court
 Phone Number: 304-261-7453 Email: Brick24fan@cs.com

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

Name: Ed Johnson
 Mailing Address: 674 Acorn Circle Harpers Ferry, WV 25425
 Phone Number: 304-279-9924 Email: Surveyor54@icloud.com

Physical Property Details

Physical Address 45 Edwards Castle Court Charles Town WV 25414
 Tax District: Kabletown Map No: 20A Parcel No: 5
 Parcel Size: 9.65 Deed Book: 1167 1192 AB Page No: 418 317 AB

Zoning District (please check one)

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

Place Date Stamp Here

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

Constructing a new driveway into sub-division off of state rd.
Section 20.201B (RPB)

Briefly Describe the Nature of Your Waiver Request:

I am sub-dividing a lot for a parent to child transaction. Just need a driveway off of state road. There are already two people in the sub-division that has driveways off of the state road. DOT has already approved the driveway

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

There will be a culvert installed to provide adequate draining of the rain water and trees removed for better line of sight

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.

Proposed driveway will be directly across from a farm field, no other driveways will be close to it

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

Driveway will be construction to the ordinance of the DOT permit that has been issued.

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

Removal of trees for better line of sight, culvert installed for drainage.

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

Signature of Property Owner

Date

James L. Smith 9/15/2020
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

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

Briefly Describe the Nature of Your Waiver Request:

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.

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.

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

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

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

Sam Subram 9/14/20
Signature of Property Owner Date

Signature of Property Owner Date

To Be Completed By Office

_____ Date of Public Meeting/Public Hearing

_____ Date Property to be Posted By

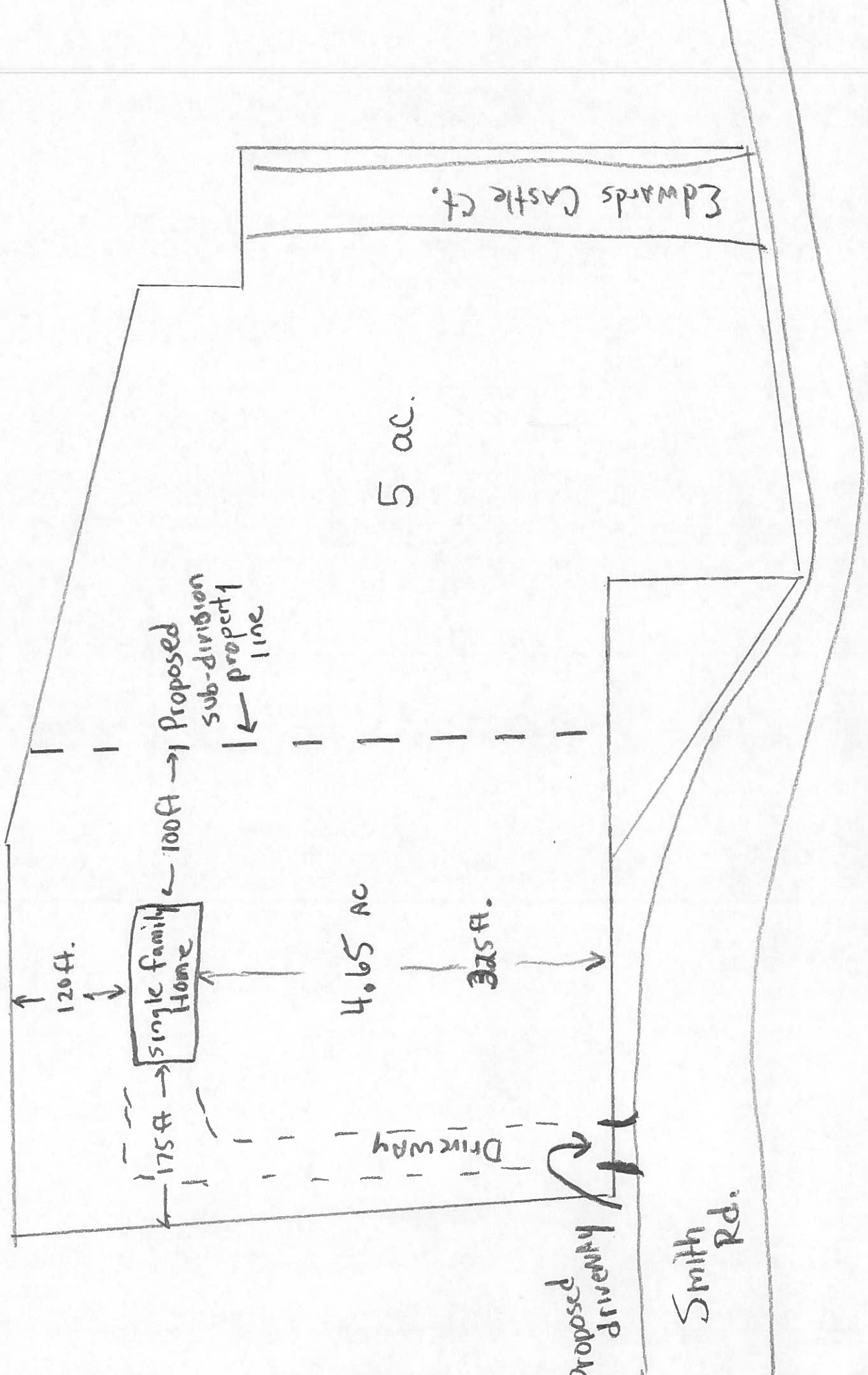
_____ Official/Administrative Body

_____ Date Adjoiner Letters to be Mailed

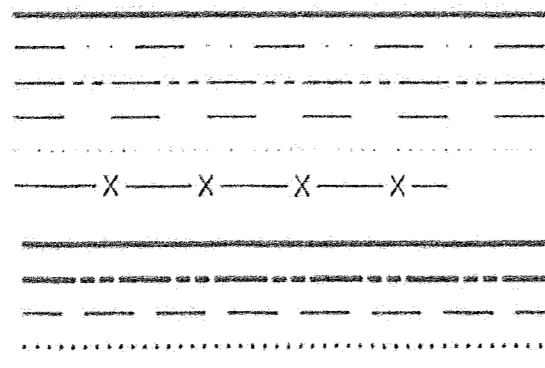
Approved/Denied by a vote of _____ for and _____ against this _____ day of _____, _____

Approved **Denied**

Lot 5 Smith Mountain Estates 9.65 AC



DESCRIPTIVE LINES EXISTING
TRACT BOUNDARY
PROPERTY LINES OF ADJACENT TRACTS
RIGHT-OF-WAYS
RESTRICTION LINES
EASEMENTS AND OTHER RESERVED AREAS
FENCE LINE
DESCRIPTIVE LINES PROPOSED:
LOT BOUNDARIES
RIGHT-OF-WAYS
RESTRICTION LINES
EASEMENTS AND OTHER RESERVED AREAS



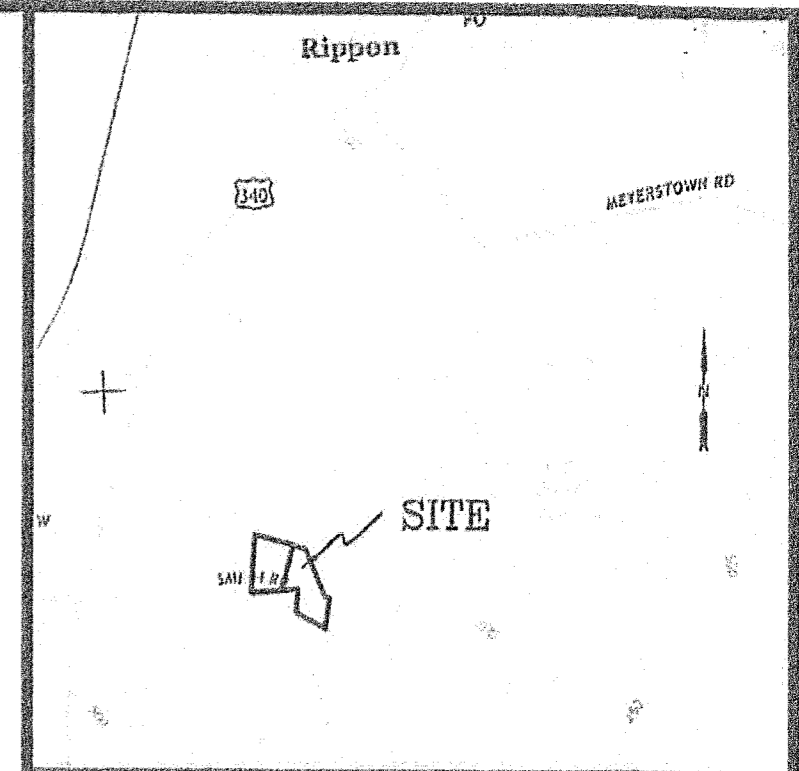
JEFFERSON COUNTY PLANNING COMMISSION - WAIVERS (TABLE 1.2-2)		
SECTION OF ORDINANCE	DESCRIPTION OF WAIVER	DATE GRANTED
	NONE	

AREA TABULATION:
LOT 5A 5.1869 ACRES
LOT 5B 4.4619 ACRES
TOTAL 9.6488 ACRES

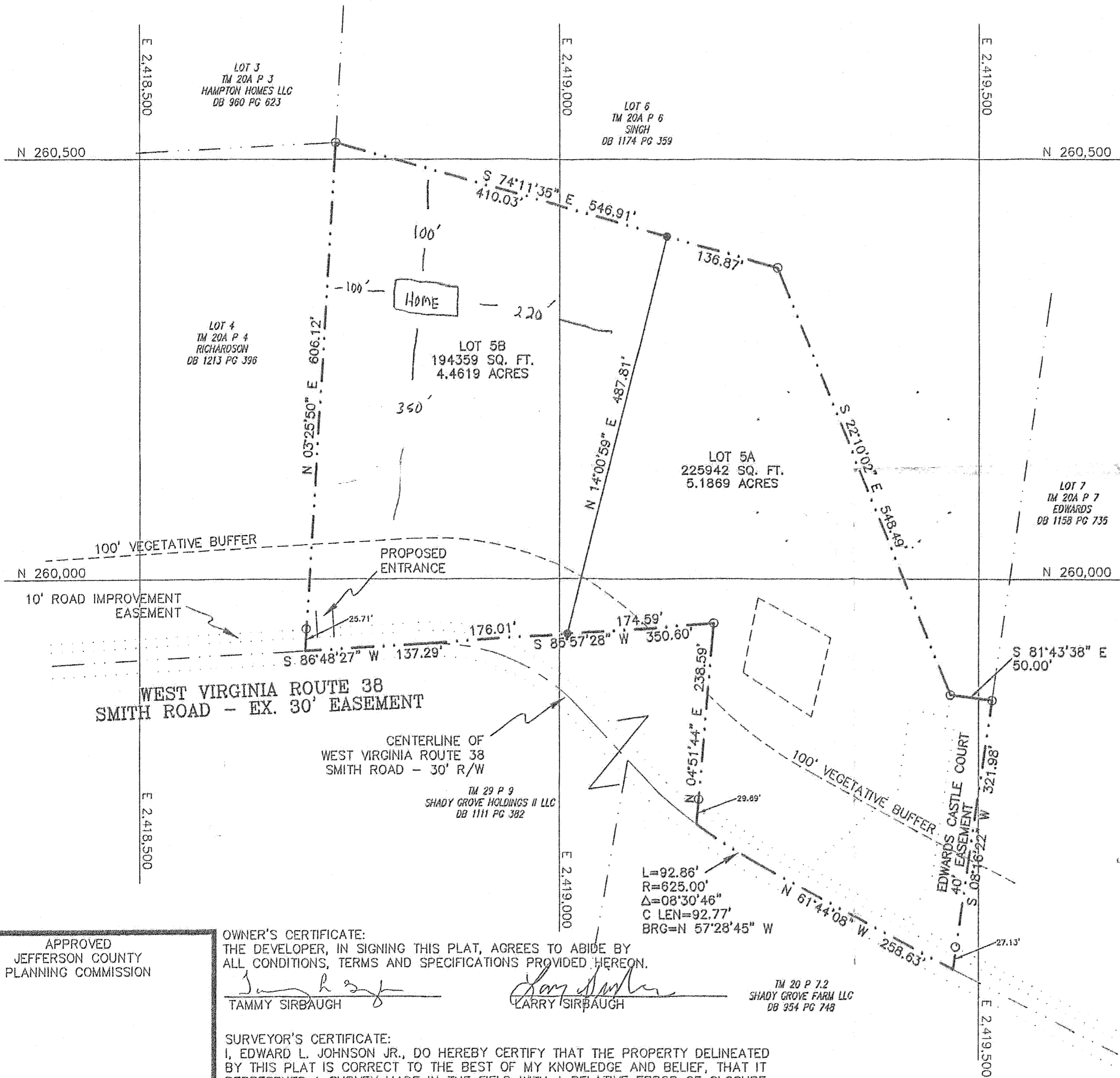
LEGEND:
○ FOUND REBAR
● SET 5/8" REBAR & CAP
○ PERCOLATION TEST HOLE
◆ OBSERVATION HOLE



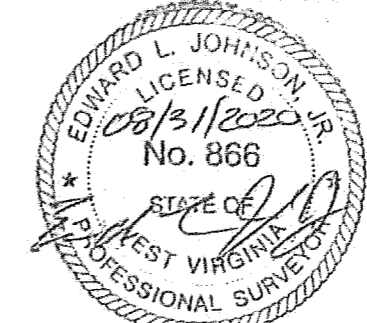
WEST VIRGINIA STATE
GRID NORTH ZONE



VICINITY MAP
SCALE: 1" = 2000'



- NOTES:
- PROPOSED EASEMENTS OR RIGHTS-OF-WAYS: NONE
 - THERE ARE NO FUTURE EASEMENTS OR RIGHTS-OF-WAYS PROPOSED
 - THERE ARE NO LANDS RESERVED FOR PUBLIC OR SEMI-PUBLIC USE.
 - A PORTION OF THE PROPERTY LIES IN A 100-YEAR FLOOD PLAIN AND LIES IN ZONE A & ZONE X OF FIRM COMMUNITY PANEL NUMBER 54037C0225E EFFECTIVE DECEMBER 18, 2009.
 - THE SELLER OF ANY LOT WITHIN THIS SUBDIVISION SHALL PROVIDE THE BUYER WITH A REASONABLE OPPORTUNITY, BEFORE SETTLEMENT, TO DETERMINE THAT THE LOT IS SUITABLE FOR THE CONSTRUCTION OF A SEPTIC DISPOSAL SYSTEM. IF, BEFORE SETTLEMENT, THE BUYER IS DENIED A SEPTIC CONSTRUCTION PERMIT BY THE JEFFERSON COUNTY HEALTH DEPARTMENT, THE BUYER MAY REFUSE TO PURCHASE THE LOT WITHOUT PENALTY.
 - THERE ARE NO RESTRICTIVE COVENANTS PLANNED FOR THESE LOTS.
 - WAIVERS HAVE BEEN APPLIED FOR AND GRANTED
 - THERE ARE NO DRAINAGE EASEMENTS
 - NO STRUCTURES, FENCES OR LANDSCAPING SHALL BE LOCATED IN THE EASEMENTS.
 - ALL LOTS SHALL HAVE A DRIVEWAY CULVERT WITH A MINIMUM 15" CMP OR EQUIVALENT.
 - JEFFERSON COUNTY HEALTH DEPARTMENT APPROVAL FOR WELLS AND SEPTIC RESERVES PERMIT 3DA-
 - EXISTING EASEMENTS - 40' ACCESS EASEMENT - EDWARDS CASTLE COURT, 10' ROAD IMPROVEMENT EASEMENT & DRAINAGE AND STORMWATER MANAGEMENT RESERVE AREA.
 - VERIFICATION FROM A WELL DRILLER THAT A PRESSURE GROUTED WELL IS DRILLED AND IS PRODUCING WATER AT A QUANTITY APPROVED BY THE JEFFERSON COUNTY HEALTH DEPARTMENT AND/OR THE WEST VIRGINIA BUREAU OF HEALTH SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT. CERTIFICATION THAT THE WATER IS POTABLE MUST BE SUBMITTED TO THE PLANNING COMMISSION OFFICE WITHIN 6 MONTHS OF THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT.
 - THE PUBLIC SERVICE DISTRICT MAY REQUIRE IN THE FUTURE EACH PROPERTY OWNER TO ABANDON EXISTING WELL AND SEPTIC SYSTEMS AND TO CONNECT TO A CENTRALIZED SYSTEM WHEN AND IF IT BECOMES AVAILABLE.
 - ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDING LOTS SHALL HAVE A STABILIZED CONSTRUCTION ENTRANCE INSTALLED PRIOR TO BEGINNING CONSTRUCTION ON A LOT.
 - THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY MAP INDICATES THAT THERE ARE NO WETLANDS.
 - A BLANKET EASEMENT IS GRANTED TO THE APPROPRIATE PUBLIC SERVICE DISTRICT IN ALL ROAD RIGHT-OF-WAYS FOR CONSTRUCTION AND MAINTENANCE OF WATER AND SANITARY SEWER LINES.
 - THE JEFFERSON COUNTY E911 ADDRESSING ORDINANCE STATES THAT ANY EASEMENT OR RIGHT-OF-WAY LEGALLY ACCESSED BY 3 OR MORE ADDRESSABLE STRUCTURES SHALL BE NAMED. THE GIS/ADDRESSING OFFICE SHALL COORDINATE AND OVERSEE THE NAMING OF THE COMMON EASEMENT OR RIGHT-OF-WAY UPON CONSTRUCTION OF THE THIRD ADDRESSABLE STRUCTURE THAT ACCESSES THE PREVIOUSLY UNNAMED EASEMENT OR RIGHT-OF-WAY.



FINAL PLAT
A RESUBDIVISION OF LOT 5, SMITH MOUNTAIN VIEW ESTATES
PLAT BOOK 20 PAGE 38
LOT 5A & LOT 5B-RESIDUE
TAMMY SIRBAUGH AND LARRY SIRBAUGH
MINOR SUBDIVISION
DEED BOOK 1192 PAGE 317 TAX MAP 20A PARCEL 5
KABLETOWN DISTRICT JEFFERSON COUNTY WEST VIRGINIA
SCALE: 1" = 100' AUGUST 29, 2020

OWNERS/DEVELOPERS
TAMMY & LARRY SIRBAUGH
45 EDWARDS CASTLE COURT
CHARLES TOWN, WV 25414
(304) 261-7453

ED JOHNSON AND ASSOCIATES, INC.
LAND SURVEYORS
674 ACORN CIRCLE
HARPERS FERRY, WEST VIRGINIA 25425
(304) 725-6060

SHEET 1 OF 1

APPROVED
JEFFERSON COUNTY
PLANNING COMMISSION

OWNER'S CERTIFICATE:
THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.
TAMMY SIRBAUGH
LARRY SIRBAUGH

SURVEYOR'S CERTIFICATE:
I, EDWARD L. JOHNSON JR., DO HEREBY CERTIFY THAT THE PROPERTY DELINEATED BY THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT REPRESENTS A SURVEY MADE IN THE FIELD WITH A RELATIVE ERROR OF CLOSURE EXCEEDING 1:7,500 AND THAT #5 REBAR WILL BE SET AS SHOWN.
EDWARD L. JOHNSON JR.
PROFESSIONAL SURVEYOR #866

APPLICABLE ZONING AND SUBDIVISION ORDINANCE
ZONING ORDINANCE: ADOPTED JULY 7, 1988
AMENDMENTS: NOVEMBER 21, 2019
SUBDIVISION ORDINANCE: ADOPTED OCTOBER 9, 2008
EFFECTIVE AMENDMENTS:
JANUARY 1, 2014 AND FEBRUARY 1, 2018

RECEIVED

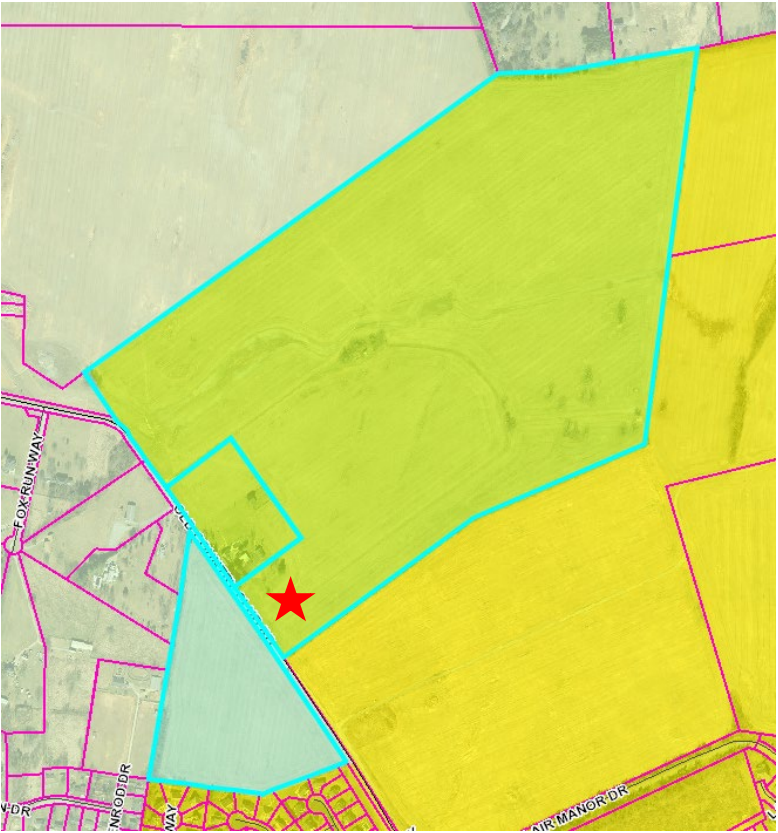
SEP 18 2020

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

OFFICE OF PLANNING & ZONING

Staff Report
 Jefferson County Planning Commission Meeting
 October 13, 2020

Item # 8- Public Hearing (File # 20-7-PCW): Request by applicant, Kyle Carter for a waiver from Section 20.201A to have direct access to Old Country Club Road, without a 50' access easement to the residue property.

APPLICANT	Butler Family Investments, LLC.	
OWNER/DEVELOPER	Same	
PROPERTY LOCATION	Old Country Club Rd., WV	
LEGAL DESCRIPTION & ZONING DISTRICT	Tax District: Harpers Ferry (04); Tax Map: 10; Parcel: 1 Zoned: Residential Growth and Rural; Size: 137.17 acres.	
		
ADJACENT ZONING DISTRICTS	North: Rural South: Rural & Residential Growth	East: Residential Growth West: Rural
PROPOSED ACTIVITY	Subdividing one lot	
APPROVALS	PPC held 9-16-20	

Summary of the Request:

The applicant is requesting a waiver from Section 20.201.A of the 2008 Subdivision Regulations, as amended, 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 or 12 Family Transfer lots. The request is to allow one proposed 3.13-acre lot to have direct access to Old Country Club Road (WV 24) without requiring a 50-foot access to serve the balance of the farm. The proposed

Staff Report
Jefferson County Planning Commission Meeting
October 13, 2020

lot will have over 400 feet of frontage and the balance of the farm also will have over 700 feet of frontage.

Relevant Site Information:

One unique aspect of this property is that it is partially zoned Rural (SW of Old Country Club road) and partially zoned Residential Growth (NE of Old Country Club Road). If the proposed subdivision were within the Rural portion of the property, Section 20.201A(2) would allow a proposed lot with more than 200 feet of road frontage to have its own access without sharing a 50' access easement.

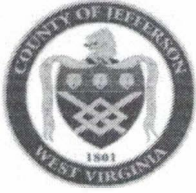
Waiver Requirements:

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:

Staff acknowledges that the fact that this farm is split zoned creates a unique situation, which allows the subdivision of lots under different provisions of the Subdivision Regulations. The proposed 3.13-acre lot in the Residential Growth zone requires the processing of this waiver. It appears to be a reasonable request to allow this lot to have a separate access from the rest of the farm and any potential future subdivision.



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: 20-7-PCW _____
 Staff Initials: RBB _____
 Sketch Received: yes _____
 List of Adjoiners: yes _____
 Fees Paid: 102.75 via
 phone _____
Phone: (304) 728-3228
Fax: (304) 728-8126

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

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: Butler Family Investments, LLC
 Mailing Address: 1474 Old Country Club Rd, Charles Town, WV 25414
 Phone Number: 304-725-8287 Email: jodygirlcarter@yahoo.com

Applicant Contact Information

Name: Kyle S Carter
 Mailing Address: 25 Baltic Ln, Ranson, WV 25438
 Phone Number: 540-660-5469 Email: warmsprings@outlook.com

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

Name: Gary A. Frey
 Mailing Address: P.O. Box 1218, Harpers Ferry, WV 25425
 Phone Number: 304-820-9331 Email: gfrey.surveyor@frontier.com

Physical Property Details

Physical Address _____
 Tax District: Harpers Ferry (04) Map No: 10 Parcel No: 1
 Parcel Size: 137.168 Deed Book: 850 Page No: 375

Zoning District (please check one)

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

Place Date Stamp Here

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

Minor Subdivision in a Residential Growth District easement requirements

Section 20.201A RBB

Briefly Describe the Nature of Your Waiver Request:

To subdivide, through the Minor Subdivision process, a lot of ~3 acres that would have direct access to Old Country Club Road without a fifty (50) foot access easement to the residue property

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

The subdivision of this land is intended for a single family home utilizing private utilities and therefore will have minimal to no impact on the county

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.

The residual property still has over five hundred (500) feet of access to adjoining State Road (Old Country Club Rd) which could be used to access the remaining portions of the property

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

The residual property still has over five hundred (500) feet of access to adjoining State Road (Old Country Club Rd) which could be used to access the remaining portions of the property

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

The residual property still has over five hundred (500) feet of access to adjoining State Road (Old Country Club Rd) which could be used to access the remaining portions of the property

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

Jody B. Carter 9/21/2020
Signature of Property Owner 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**

Adjoining Property Owners

Roderick Plans, LLC
PO Box 777
Frederick MD, 21705

Jody K B & Christopher Carter
1474 Old Country Club Rd
Charles Town, WV 25414

BC Partners INC
24024 Frederick Rd
Clarksburg, MD 20871



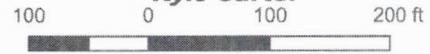
Prepared By:
Gary A. Frey, P.S.
 P.O. Box 1218 Harpers Ferry, WV 25425
 304-820-9331

Date: September 4, 2020
 Project No.: 20-16-J-HF
 Scale: 1"=100'
 Jefferson County
 Deed Book 850-375 & 976-61
 Jefferson County
 Harpers Ferry District Map 10 Parcel 1
 1474 Old Country Club Road

Legend

- | | |
|-----------------------|--------------------------------|
| —⊕— Overhead Electric | ▨ Proposed Access Easement |
| — Property Line | ▩ Proposed Driveway |
| — Proposed Lot Line | ▧ Proposed House |
| --- Right of Way | ▨ Proposed Septic Reserve Area |
| — Setbacks | ▩ Proposed Well |

Preliminary Lot Layout Sketch
Showing Lot 1
 for
Kyle Carter




Staff Report
 Jefferson County Planning Commission Meeting
 October 13, 2020

Kenneth F. Lowe Revocable Trust (File #: 20-8-PCW)

Item # 9

Public Hearing: Request by applicant, Tripp Lowe, for a waiver from Section 20.201 to process as a Minor Subdivision for 6 duplexes on 2 parcels, because the lots already have access to roads, utilities, and SWM which would normally be designed via the Major Subdivision process.

APPLICANT	Tripp Lowe
OWNER/DEVELOPER	Kenneth F. Lowe Revocable Trust
CONSULTANT	Paul Raco
PROPERTY LOCATION	Lowe Dr., Shepherdstown, WV 25443
LEGAL DESCRIPTION & ZONING DISTRICT	Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 23.5 and 23.6; Size .75 & .46 acres respectively; Zone: Residential Growth
	
ADJACENT ZONING DISTRICTS	<i>North:</i> Residential Growth <i>East:</i> Residential Growth <i>South:</i> Residential Growth <i>West:</i> Residential Growth
PROPOSED ACTIVITY	6 duplexes, on 2 parcels
APPROVALS	PB22/PG59-59A (11/23/05) Lowe-Price Minor Subdivision which created Lot 1-A, Lot 1-B, and Lot 1 (Residue). Lots 1 (Residue) and 1-B are the properties involved in this application.

Summary of the Request:

The applicant is requesting a waiver from Section 20.201 which states that “subdivision of a parent parcel beyond the maximum lots allowed to be created via the minor process after October 5, 1988

Staff Report
Jefferson County Planning Commission Meeting
October 13, 2020

shall be classified as a Major subdivision and processed accordingly, unless a waiver is applied for and approved by the Planning Commission.” It further states that Minor Subdivisions are those that do not require the development of new off-tract infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas, and result in the creation of five (5) residential lots or less, including the parent parcel or residue, from contiguously owned parcels of record.

In this case, the “parent parcel” which existed in 1988 has already been divided into 3 lots (in 2005) and therefore has the right to create two additional lots under the Minor Subdivision process. The proposal is to re-divide two lots into 6 duplex lots, which would require processing as a Major Subdivision. Because the lots are proposed on a previously approved county grade road and have access to public water and sewer without any main line extensions, the applicant is requesting approval of a waiver to be permitted to process these lots as a Minor Subdivision.

Waiver Requirements:

The applicant provides a response to the requirements found in “Division 24.300 Waivers” of the Subdivision Regulations, which is attached to the 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:

Planning and Engineering staff concur that because the proposed six lot duplex subdivision does not require the development of new off-tract infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas understands it is reasonable to process the proposed six lot duplex subdivision as a Minor Subdivision. There is an increase in impervious surface. Therefore, stormwater should be addressed during the review of the plat. The applicant has provided information as to how the proposed use is compatible with the surrounding neighborhood and how the lots will be served by the existing road and utilities.

Table B-1 — Runoff Curve Numbers for Urban Areas ¹

(Reprinted from: 210-VI-TR-55, Second Ed., June 1986)

Cover Description	Curve numbers for hydrologic soil group				
	Average percent impervious area ²	A	B	C	D
<i>Fully developed urban areas (vegetation established)</i>					
Open space (lawns, parks, golf courses, cemeteries, etc.) ³ :					
Poor condition (grass cover < 50%)		68	79	86	89
Fair condition (grass cover 50% to 75%)		49	69	79	84
Good condition (grass cover > 75%)		39	61	74	80
Impervious areas					
Paved: parking lots, roofs, driveways, etc. (excluding right-of-way)		98	98	98	98
Streets and roads:					
Paved: curbs and storm sewers (excluding right of way)		98	98	98	98
Paved; open ditches (including right-of-way)		83	89	92	98
Gravel (including right-of-way)		76	85	89	91
Dirt (including right-of-way)		72	82	87	89
Western desert urban areas:					
Natural desert landscape (pervious areas only) ⁴		63	77	85	88
Artificial desert landscaping (impervious weed barrier, desert shrub with a 1 to 2 inch sand or gravel mulch and basin boarders)		96	96	96	96
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (town houses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82
<i>Developing urban areas</i>					
Newly graded areas (pervious areas only, no vegetation) ⁵		77	86	91	94
Idle lands (CN's are determined using cover types similar to those in Table B-3)					

¹ Average runoff condition and $I_a = 0.2S$ ² The average percent impervious area shown was used to develop composite CN's. Other assumptions are as follows: impervious areas are directly connected to the drainage system, impervious areas have a CN of 98, and pervious areas are considered equivalent to open space in good hydrologic condition. CN's for other combinations of conditions may be computed using Figure B-3 or B-4.³ CN's shown are equivalent to those of pasture. Composite CN's may be computed for other combinations of open space cover type.⁴ Composite CN's for natural desert landscaping should be computed using Figure E-3 or B-4 based on the impervious area percentage (CN = 98) and the pervious area CN. The pervious area CN's are assumed equivalent to desert shrub in poor hydrologic Condition.⁵ Composite CN's to use for the design of temporary measures during grading and construction should be computed using Figure B-3 or B 4 based on the degree of development (impervious area percentage) and the CN's for newly graded pervious areas.



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: 20-8-FCW
 Staff Initials: RBB
 Sketch Received: ✓
 List of Adjoiners: ✓
 Fees Paid: 100.00

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: Kenneth F Lowe Revocable Trust
 Mailing Address: P.O. Box 575, Shepherdstown, WV 25443
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Name: Tripp Lowe and Paul J Raco, P.J. Raco Consulting LLC
 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 Lowe Drive, Shepherdstown, WV
 Tax District: Shepherdstown Map No: 8 Parcel No: 23.5 and 23.6
 Parcel Size: 1.25 Acre +- Deed Book: 839 Page No: 731

Zoning District (please check one)

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

RECEIVED

SEP 22 2020

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

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

Section 20.201

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

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

See Attached

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

See Attached

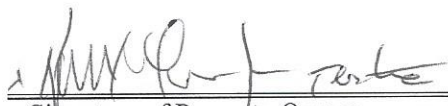
See Attached

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

See Attached

See Attached

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

 9/2/2020
Signature of Property Owner Date

Signature of Property Owner Date

To Be Completed By Office

_____ Date of Public Meeting/Public Hearing

_____ Date Property to be Posted By

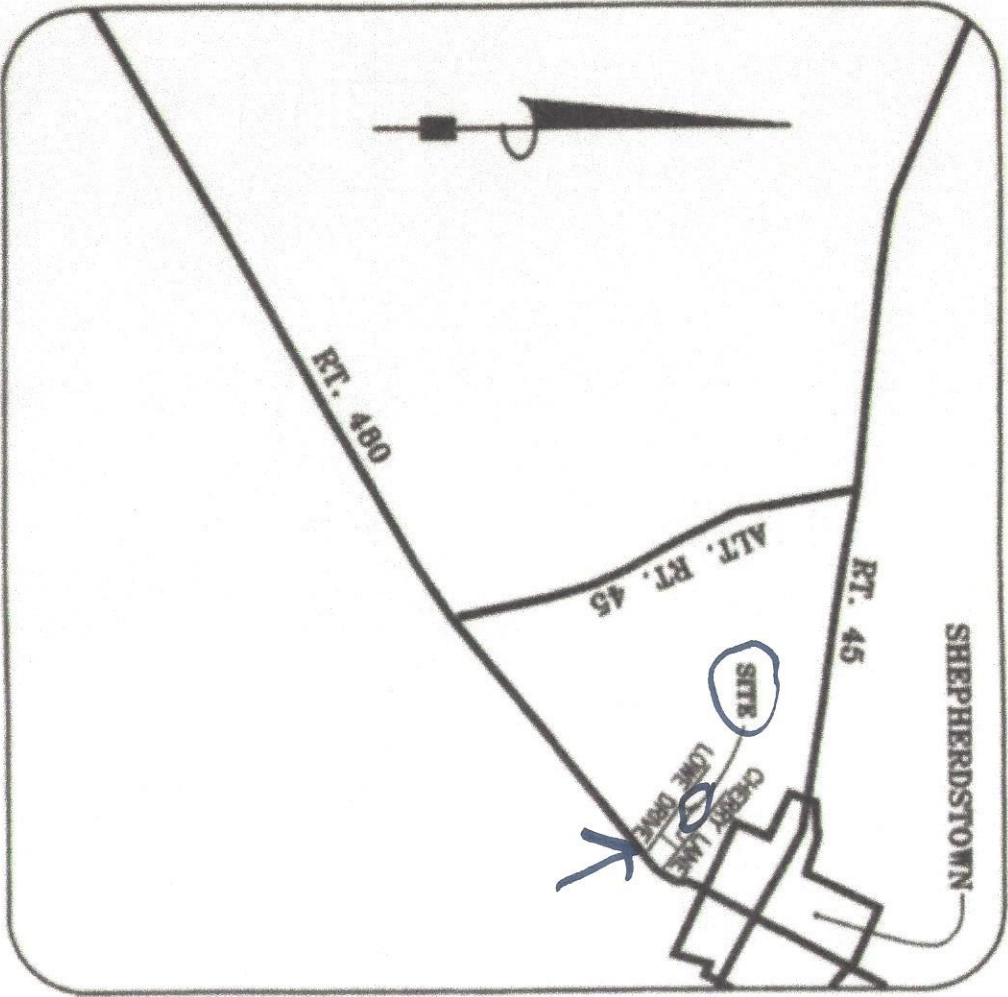
_____ Official/Administrative Body

_____ Date Adjoiner Letters to be Mailed

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

Approved **Denied**

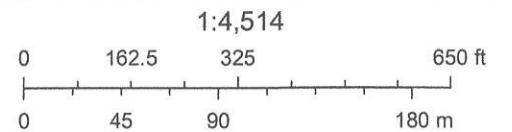
VICINITY MAP



Viewer Map



September 22, 2020



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

Me
Copyright 2014



Jefferson County, West Virginia

Office of Planning and Zoning
116 East Washington Street, 2nd Floor
Charles Town, WV 25414

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

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

MEMO

TO: Planning Commission
FROM: Alexandra Beaulieu, Zoning Administrator
DATE: September 1, 2020
RE: ZTA20-01, Commercial Cemeteries – September 8, 2020 Public Hearing

On June 2, 2020, Jane Dennison, with ElderBranch, LLC on behalf of property owner Hillary Banachowski, presented a request to the Jefferson County Planning Commission to consider amending the Zoning Ordinance to incorporate provisions to allow Commercial Cemeteries to process in the Rural zoning district. The request was submitted under the provisions of Section 12.4 “Procedure for Initiating a Zoning Ordinance Text Amendment”. The Planning Commission accepted the request into their work plan.

On August 11, 2020, the Planning Commission directed Staff to draft the language of the amendment in the appropriate context, and scheduled a Public Hearing on the proposed amendment for their regular September 8, 2020 Planning Commission meeting.

The proposed amendment includes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (new Section 8.21 Commercial Cemeteries); Article 11, Off-Street Parking Standards; and Appendix C, Principal Permitted and Conditional Uses table.

Next Steps

After receiving input from the public at the public hearing, the Planning Commission will finalize the draft text and make a recommendation regarding the potential text amendment to the County Commission, who are also required to hold a Public Hearing. The Planning Commission is also required to determine whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan* as a part of their recommendation.

Attachment:

- Excerpts from Envision Jefferson 2035 Comprehensive Plan RE: Non-Residential Uses in the Rural District
- ZTA20-01, Commercial Cemeteries DRAFT Text Amendment

Zoning

From: Beach, Gillian R <Gillian.R.Beach@wv.gov>
Sent: Wednesday, June 3, 2020 11:06 AM
To: Zoning
Subject: RE: [External] Cemeteries

Hi Alex,

The Health department does not have any jurisdiction over this type of use. I think the WV Department of Environmental Protection may. The phone number I have for their office is (304) 822-7266.

Gillian

Gillian Beach, RS, CPO-I
Sanitarian Supervisor
Jefferson County Health Department
1948 Wiltshire Rd, Kearneysville, WV 25430
(304) 728-8416 ext 3033
(304) 728-3314 (fax)

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From: Zoning <Zoning@jeffersoncountywv.org>
Sent: Tuesday, June 2, 2020 8:14 PM
To: Beach, Gillian R <Gillian.R.Beach@wv.gov>
Subject: [External] Cemeteries

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Hi Gillian,

I hope you are doing well and staying sane during this crazy time.

I was wondering if you could point me in the direction of where I might find requirements for processing a cemetery. Does the Health Department have any permitting requirements for this type of use? If not, can you tell me who may have purview over this type of use?

I appreciate any direction you may be able to provide.

Thank you,

Alex

With Jefferson County's close proximity to the Washington, D.C. and Baltimore, MD Metropolitan Areas, the possibility of rejuvenated local agricultural activity exists. Niche farming has expanded for both foods and materials used in the creation of goods. As value added agricultural and rural land use activities increase, they enable the retention of the agricultural and rural environment. These value added activities assist in providing farmers with additional revenue sources to maintain the farms. The growing movement toward more localized food sources has resulted in the creation of community farmers' markets, the revitalization of local farm markets, and the expansion and awareness of community supported agriculture (CSA) programs. Similarly local restaurants and schools are increasingly utilizing local grown food in their facilities.

Rural Land Use

One of the highest priorities of the Envision Jefferson 2035 Steering Committee and the public was the desire to preserve the rural landscapes, heritage, and lifestyle that attracted many residents to Jefferson County. Comments were received that indicated Jefferson County needs to balance the demands of growth with the protection of agricultural lands. Efforts of the agricultural and artisan communities can create desirable places for tourism to thrive. In these communities, visitors can visit working farms, shop at an artisan studio, and eat at restaurants that are either located on farms or that serve food derived from local enterprises.

The form and types of development that takes place in the rural environment should be respectful of the rural culture and historic nature of the community. Many of the residential and commercial structures built in Jefferson County are similar in design and scale to types of buildings constructed in other areas of the U.S. without consideration of local architectural style.

A variety of tools and means exist to assist in the protection of lands with prime or statewide importance, soils and active farm sites. These tools range from policy, such as purchase of development rights, to land development standards that allow for flexibility of agriculture based uses and activities on the farm.

Since zoning was adopted in Jefferson County, large residential developments and non-agricultural commercial developments were permitted in the Rural District through the Land Evaluation Site Assessment (LESA) system/Conditional Use Permit (CUP) process. As a result, rural land has been converted to non-agricultural uses. For this reason, this Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the rural zoning district. The cluster provisions should be reviewed and amended to consider a higher density for rural/agricultural lots utilizing the cluster provision. **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. Additionally, this Plan recommends that the “by right” provisions in the Rural zoning district be retained allowing one lot per 15 acres, as well as the provisions allowing the transfer of land between parent and child and the minor subdivision process² for lots of record as of October 5, 1988.

There are two types of non-residential CUPs proposed by this Plan in the Rural District which may require different types of review. One type consists of fairly intensive uses that could occur on a farm, but may not be appropriate to be a by-right use in the Rural District. The second type is for uses not on a farm or uses that are not agricultural in nature. This second type of rural CUP should only be proposed on a small portion of a rural property to help preserve farmland and open space and continue agricultural operations. This requires amending the Zoning Ordinance to eliminate the LESA system and could require modifying the CUP process.

Although members of Jefferson County’s agricultural community are active in numerous civic and community organizations, a number of farm operators stated that issues related to agriculture in Jefferson County are not understood well by the community, County staff, and community leaders. By engaging the farm community to provide greater input into the planning process, it is hoped that the needs of farm operators will be more effectively addressed by both staff and the political leadership of Jefferson County. It is anticipated that residents and staff would be in a position to learn more about the role of agriculture and the impacts of farming activities in Jefferson County. Therefore, the ability to farm in Jefferson County would be better understood. Additional information about the rural economy can be found in the Agricultural and Rural Economy section of the Economic Development, Employment and Infrastructure Element.

Other appropriate uses in the Rural District are value added agricultural operations and artisan activities, as described below.

Value Added Agriculture

Farm operators and artisans who participated in the Envision Jefferson 2035 process, expressed concerns regarding regulatory requirements on existing and potential activities that could take place on farms. Some of the areas of concerns related to state and/or federal regulations to mitigate the impact of agricultural, mining, or industrial activities on the region’s air, water, and soils. Other concerns voiced related to County ordinances and “the right to farm” are discussed below.

There are opportunities to review and amend local requirements related to production and marketing of agricultural products on the farm or in a residential properties. Site plan standards should also be reviewed and amended as it relates to agricultural

² Jefferson County Zoning and Land Development Ordinance, Section 5.7(D) states that any property that was a lot of record as of October 5, 1988 may create two lots and a residue every five years through the Minor Subdivision Process (page 72 of the current Zoning Ordinance, effective 06-01-14).

and septic systems, with a limited probability that public services will be extended to these properties in the future. The preservation of the quality of life and rural lifestyle for existing and future residents is of great importance for property owners in these communities.

The following recommendations address the needs of the agricultural community, artisan community and the rural environment.

Rural Land Use Planning Recommendations (Goal 2)	
1.	Recognize the rights and viability of existing rural residential neighborhoods.
	a. Balance artisan, home occupation, and cottage industry rights with the maintenance of the character of rural neighborhoods by considering the size and scope of all activities within designated rural neighborhoods.
2.	Allow and promote a greater range of agricultural and/or artisan uses within the rural areas on existing farmlands to incentivize the expansion of the rural economy within Jefferson County.
	a. Collaborate with key stakeholders in the agricultural community to update the County's zoning and land use recommendations to broaden the range of permitted complementary and accessory on-farm uses.
	b. Identify types of farm activities that may be successful based on the soils on individual properties and the proximity of Jefferson County to relevant markets.
3.	Revise existing Jefferson County land use requirements and site plan standards to reduce regulatory barriers related to agricultural and/or artisan operations.
	a. Revise local regulations to balance production and marketing of artisan or agricultural products on-site, considering the individual use, size, and scale of the operation as appropriate to the property site.
	b. Waive or modify the roads, parking, and stormwater regulations on farms for on-site production and marketing enterprises, to the extent possible.
4.	Protect the viability of agricultural lands and wildlife corridors by encouraging the utilization of cluster subdivisions as the preferred form of residential development within rural areas.
	a. Allow residential development outside of the Urban Growth Boundaries or Preferred Growth Areas to develop only as rural cluster subdivisions, in accordance with existing land use rights.
	b. 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.

2.B. Agricultural and Rural Economy

One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the concept of preservation but of creating opportunities for farms to be economically viable. This would include identifying ways to protect and enhance the farms and open spaces that provide the rural character along with the agribusinesses that have been the historical heart of the Jefferson County economy. One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses.

There must be a viable rural economy to maintain the rural landscape. The rural economy is much more than traditional farming. It includes innovative agriculture, horticulture, forestry, commercial and non-commercial equine industry, other forms of animal husbandry, tourism, rural based public and commercial recreation, ancillary rural business, and compatible rural institutional uses. Many of these sectors are growing and collectively contribute significantly to Jefferson County's economy and provide several thousand jobs. The County's citizens benefit from the proximity of rural based activities and services and the rural enterprises benefit from nearby markets for goods and services. With this potential, the rural areas of Jefferson County should be seen as ripe for investment and reinvestment.

A key aspect of the County's rural economy is recognizing the changes in the regional and national marketplace that might affect agricultural activities at the local level. In some instances, farm operators have adapted to these changes by diversifying into additional farm based activities, changing the types of farming activities taking place on a site, or seeking to include direct sales and on-site marketing, and value added processing of crops or products. The ability of a farm operator to diversify or change their operations to meet the needs of the marketplace is an important consideration in providing a framework for the continuation and enhancement of farm and agricultural activities in Jefferson County.

The enhancement of the rural economy is a central focus of the rural strategy of this Plan and requires the support of the Jefferson County Development Authority and other organizations which support the agricultural economy. A broad-based rural economy can be a net-revenue generator for the County because tax revenues generally exceed expenditures for rural properties. The County recognizes its fiscal responsibility to protect the land resource for the rural economy, to provide fundamental protection for rural businesses, to ensure prudent fiscal management of limited public resources, and to provide needed protection of the public health and safety.

Rural Economic Activities

The agricultural community in Jefferson County recommended the following priorities to strengthen the rural economy:

Agricultural Community Priorities
Diversify farm operations through the sale and marketing of value added products (such as the processing and marketing of products on-site);
Allow farm operators to work with nearby farm operators to market and sell each other's goods on each individual farm;
Allow a wider range of service activities to take place on agricultural properties.

The rural areas of Jefferson County include not only farms and residences, but also a variety of small artisan studios and other cottage industries. While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners. Some uses may require performance standards which should be incorporated into the local land use regulations.

By enabling farm operators to have more options and encouraging the creation of cottage industries that reflect the rural aesthetic, the viability of operating rural based businesses in the County's rural areas will be enhanced in the coming decades. While Jefferson County has modified its Zoning and Land Development Ordinance to allow for a greater variety of uses, additional steps might be needed to improve opportunities for farm operators to continue or expand their businesses, and for artisans and other individuals to operate small businesses that complement these activities. A streamlined process for uses with minimal impacts to surrounding neighbors should be developed.

The land use component of this Plan recognizes an example of a non-residential Conditional Use Permit (CUP) in the Rural area referred to as an Agricultural Based Economic Empowerment Area, defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. Other appropriate uses in the Rural district (some of which may require a CUP) include, but are not limited to, artisan activities; home based businesses; agricultural equipment sales, rental, and repair services; veterinary services; farm co-ops; product storage and seed supply; agri-tourism, bed-and-breakfast enterprises; farm markets, wayside stands, and similar types of uses, provided that these uses are designed in a manner compatible with the rural character of the area.

There are many creative people that live and work in Jefferson County, using their talents to create poetry, pottery, paintings, plays, performances, photographs, novels, fabric art, sculpture, carvings, installations, music and dance, and the fine art and culture of all forms. The County is home to numerous cultural and historical organizations as well as artist studios, galleries, museums, and theaters which host a number of activities and events throughout the year. These activities and organizations add to the cultural value in the County and provide economic resources for the artisan. This Plan supports the artisan community and its needs for developing a robust economic and cultural community.

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. Some non-agricultural/non-residential related rural CUPs should only be proposed on a small portion of a rural property to help preserve farmland and open space, and continue agricultural operations. This requires eliminating the Land Evaluation Site Assessment (LESA) system and modifying the CUP process. For additional discussion, see Rural Land Use Planning Section (page 34).

Agricultural Service Facilities

An issue expressed by members of Jefferson County's agricultural community during the planning of this document was the lack of agricultural service facilities located in Jefferson County. Farm operators currently travel to Winchester, Hagerstown, or Frederick to purchase farm machinery or to get their machinery repaired. Farmers raising livestock also need to travel out of state to sell or purchase animals at auctions. There are few large animal veterinarians in Jefferson County that can assist with maintaining the health of animals or be available in case of emergency. There are no meat processing facilities in the County and nearby out of state facilities are limited to mass production which excludes small farmers from receiving this service. The lack of service facilities could have a negative impact on the maintenance or expansion of agricultural activities in Jefferson County in the coming years.

Distribution and Marketing of the County's Agricultural Products

In recent years, there has been a change in the way farm products are marketed and sold in Jefferson County. In the past, a large number of farm products cultivated on Jefferson County farms were commodities, with little differentiation between the products of individual farm operators. Currently this is changing due to the increasing reliance of the local farm community on farmers' markets and direct sales to local and regional restaurants. There are several farmers' markets operating in Jefferson County on a weekly basis, during the growing season, at temporary sites. A permanent year-round farmers' market could provide opportunities for a winter market in a place that could also be used for the sales of arts and crafts, root crops, or value added products. Incorporating a farmers' market into a regional agricultural center

Agricultural and Rural Economy Recommendations (Goal 8)	
1.	Support West Virginia's and Jefferson County's "Right to Farm" policies which protect the rights of existing and future farms and farmers by developing zoning standards, other legislation, and educational programs designed to reduce potential conflicts arising from the proximity of agriculture to residential development (State Code § 19-19; Section 4.5 of the County's Zoning Ordinance).
	a. Identify and utilize a wider variety of funding sources that could serve to expand the County's farmland protection program.
	b. Create an educational pamphlet informing developers, realtors, and potential homeowners of the offsite impacts of living adjacent to farming activities.
2.	Enact Zoning Ordinance provisions to reduce the intensity of residential development in the Rural zone, other than by clustering, thereby protecting and increasing the investment potential and attractiveness of the agricultural lands for families, entrepreneurs, and businesses.
	a. Decrease the problems of rural traffic volume and the need for additional costly public infrastructure services in rural areas while conserving areas of the Rural zone for agricultural uses and the rural economy through support for rural cluster development vs large subdivisions of new home growth.
3.	Support the rural economy by amending the Subdivision Regulations to establish rural business site plan standards to include:
	a. performance criteria, including compatible size, scale, use, intensity, traffic capacity limits, employee limits, site design standards (i.e. buffering, siting), and standards that protect public health, safety, and welfare; and
	b. the adaptive reuse of existing historic and agricultural structures.
4.	Collaborate with the County's agricultural community to assess the current land use regulations and determine what opportunities for agriculture might currently exist and what additional opportunities might be able to succeed in Jefferson County.
5.	Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.
	a. Incorporate into the zoning provisions innovative agricultural uses including the creation of standards which permit flexibility in the sale of farm products and related auxiliary products.
	b. 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.

Campsite ³¹	Generally means an area where an individual, family, or group can pitch or place a camping unit; a campground may contain many campsites.
Campsite Pad ³¹	An area within a campsite intended for the exclusive occupancy by a camping unit or units under the control of a camper.
Car Wash ²⁷	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.
Caretaker Residence ^{23, 31}	A permanent or temporary residential structure that is secondary or accessory to the primary use of the property for the use of a caretaker or security guard.
Cell on Wheels“COW” ²²	A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
Change of Use ^{23,32}	Any use which is different than the previous use of a building or land.
<u>Cemetery</u>	<u>Land that is used or dedicated for a burial park for earth interments. Also includes crematoriums, mausoleums, columbariums, and necessary sales and maintenance facilities when operated in conjunction with and within the boundaries of such cemetery.</u>
<u>Cemetery, Family</u>	<u>Burial site for persons related by blood, marriage, or household. Such sites are exempt from zoning review.</u>
Church ²³	A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
Clustering ^{5, 23, 32}	Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks, recreational areas or sensitive natural areas. Overall density of the total parcel does not change unless otherwise provided for in this Ordinance. See Section 5.7 for minimum area per dwelling unit and minimum lot area.
Co-location ^{10, 22}	For purposes of regulating commercial wireless telecommunication facilities, co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, combiners, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other components or improvements associated with a wireless telecommunication facility.

Section 8.21 Commercial Cemeteries

Commercial Cemeteries in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts shall process in accordance with the site development standards applicable to these districts, with the exception that burial plots shall be 100' from any property line adjoining a residential property.

The following standards shall apply to the development of commercial cemeteries in the Rural zoning district:

A. General Standards:

1. A Conditional Use Permit is required in accordance with Article 6.
2. The minimum lot size for any cemetery shall be 10 acres.
3. The Rural Site Plan standards, found in the Jefferson County Subdivision and Land Development Regulations, may be utilized.

B. Setback Standards

1. The Front, Side, and Rear setbacks shall be 100 feet for all cemeteries.
2. Office and maintenance buildings may be located 25' from the front property line and 50' from the side and rear property lines.
3. Passive recreational trails may be installed 25' feet from all property lines, provided the total width of the required buffer is maintained.
4. Parking and drive aisles shall be setback 25' from all property lines, provided the total width of the required buffer is maintained.

C. Landscaping Standards

1. The landscaping requirements of this Ordinance apply. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
 - a. In lieu of a planted buffer, existing, natural vegetation may be used if documentation is submitted to the Zoning Administrator verifying how the existing, natural vegetation complies with the required buffer standard.

~~A.D.~~ In lieu of the standard variance process, any proposed deviation from the required parking, building setbacks, landscaping, and signage standards set forth in this Ordinance shall be included in the Conditional Use Permit application and reviewed for approval by the Board of Zoning Appeals.

ARTICLE 11: OFF-STREET PARKING STANDARDS²³

Section 11.1 Non-Residential Parking Standards

- A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per use and are as follows:⁵

Ambulance Facility	2 spaces per ambulance
Auto Sales and Service	1 space per 300 square feet of gross floor space
Auto Service Station	2 spaces per service bay; plus, 1 space per employee
Bank, Financial Institution ²³	1 space per 200 square feet of floor space; plus, 5 queuing spaces for each drive-up teller
Bowling Lanes	5 spaces per bowling lane
<u>Cemetery</u>	<u>1 space per employee on maximum working shift; plus, 3 spaces (minimum) per acre.</u>
Church	1 space for each 5 persons for which seating is provided in the sanctuary
Commercial Retail Sales Less than 2,000 square foot floor space	1 space per 150 square feet retail floor space
Commercial Retail Low customer turn over, large indoor display, e.g. carpet, furniture or appliance sales	1 space per 500 square feet retail floor space
Community Center, Cultural Facility ²³	1 space per 400 square feet floor space
Private Club, Lodge	1 space for each 2 persons for which seating or lodging is provided
Educational (Schools)	1 space per employee; ample student and visitor parking
Fire Station	10 spaces minimum
Hospital ²³	1.5 spaces for each bed; plus, 1 space for every employee
Hotel, Resort	1 space per guest room; plus, 1 space per 5 employees
Manufacturing Plant	1 space per employee on maximum working shift

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	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
<u>Commercial Cemetery</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>Sec. 8.21</u>
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	



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

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Email: planningdepartment@jeffersoncountywv.org

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1st Quarterly Report for Planning and Zoning FY 2021 (July 1, 2020 – September 30, 2020)

Attached is an electronically generated report of all applications submitted and reviewed within the 1st Quarter of FY2021. This data is being provided as a part of the 1st Quarterly Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

PLANNING COMMISSION ITEMS

Planning Commission Meetings: **3 Meetings**

Subdivision Regulations Text Amendments **on-going coordination with Greenway for Major updates and revisions**

Zoning Ordinance Text Amendments **1**

#ZTA20-01: Zoning Ordinance Text Amendment to create provisions to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district and a Principal Permitted Use in the RLIC and IC zoning districts. *PC PH 9/8/20; still under review*

Zoning Map Amendments/Rezoning **none this quarter**

Cell Tower Concept Plan Public Workshop **9/8/20**

#20-4-SP Smartlink, LLC. AT&T 199 ft. monopole Cell Tower (195' monopole with a 4' lighting rod) which will include 6 antennas and a 3,600 sq. ft. fenced compound on a vacant parcel located on the corner of South Childs Road and Leetown Road.

PC accepted the Concept Plan as submitted with a recommendation to include a landscape buffer 10' wide and 6' tall along the sides that face S. Childs Road and Leetown Road and that an easement be established for the fall zone of the monopole tower.

BOARD OF ZONING APPEALS (BZA) ITEMS

Board of Zoning Appeals Meetings: **3 meetings**

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

PLANNING & ZONING STAFF ITEMS

Pre-Proposal Conference (PPC) Meetings: 25 Total (12 Subdivision & 13 Site Plan)

Information Request Forms (IRFs) -- general inquiries from the public: 34 Total

Zoning and Land Development Fees Collected: \$ 25,598.88



Regional Transportation Planning Meetings	
Martinsburg Pike Corridor (University Dr to Alt 45) Discussion	7/9/2020
Eastern Panhandle Transit Authority (EPTA) Board Meetings and EPTA Safety Committee Meetings	7/20/20; 8/4/20; 8/17/20; 9/21/20
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	8/19/20
WV DOH/Regional Planners Roundtable	9/23/20

Regional Planning Meetings	
Potomac Basin Comprehensive Water Resource Plan (Virtual Meetings)	8/14/20; 8/21/20; 9/11/20
WV APA Chapter Transition Leadership Meetings	8/25/20; 9/2/20; 9/15/20; 9/29/20
Safe Water Conservation Collaborative Meeting via ZOOM	9/1/20

	A	B	C	D	E	F	G
1	Planning and Zoning FY 2021 1st Quarterly Report 7/1/2020 - 9/30/2020 (Generated 10/02/2020)						
2	Type	Project Number	Creation Date	Owner Name	Location	Status	Description
3	Conditional Use Permit	20-5-CUP	7/30/2020	I&K FARM LLC	5409 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430	Open	Request for a Conditional Use Permit for Valley Used Cars to operate an Automobile Repair, Sales, and Service business utilizing the existing structures and parking areas.
4		20-6-CUP	7/31/2020	MAIN ANDREW W & NARIMAN N	Lewisville Road, Summit Point, WV 25446	Open	Request for a Conditional Use Permit for Teyta's Treats to operate as a Restaurant.
5		20-7-CUP	8/31/2020	Bret de Pedro - Bret de Pedro	Summit Point Road, Summit Point, WV 25446	Open	Request for a Conditional Use Permit to operate an Automotive Repair, Sales and Service.
6							Type Total:
7						Category Total:	3
8	Merger or Boundary Line Adjustment	20-7-M	7/10/2020	MILTON JAMES NEVIN	8554 SUMMIT POINT RD, CHARLES TOWN, WV 25414	Open	Boundary Line Adjustment of 16.82 acres from Parcel 30.2 to Parcel 30.
9		20-8-M	7/16/2020	SNYDER RODNEY J	116 WILDWOOD FARM LN, SHENANDOAH JUNCTION, WV 25442	Open	BLA between Parcels 4, 4.1, and 4.2
10		20-9-M	7/20/2020	LUTMAN LAND DEVELOPMENT LLC - DAVID LUTMAN	389 HACKNEY LN, CHARLES TOWN, WV 25414	Open	.04 acre BLA between Parcel 89 and 109
11		20-10-M	7/23/2020	LLD LLC - Dave Lutman	Old Cave Road, Charles Town, WV 25414	Closed	BLA between Lots 1 - 5 Strider Cluster Subdivision
12		20-11-M	7/24/2020	CAGE LLC	171 EUCLID AVE, CHARLES TOWN, WV 25414	Open	BLA between Lots 11 and 12, Euclid Avenue
13		20-12-M	7/28/2020	KNOLL CLIFFORD H & HILLARY BANACHOWSKI	1799 PERSIMMON LN, SHEPHERDSTOWN, WV 25443	Open	1799 Persimmon Lane & Lot 4 Residue
14		20-13-M	8/10/2020	MCCRACKEN DORIS E - TR	1457 AVON BEND RD, CHARLES TOWN, WV 25414	Open	Lots 2005 & 2006 Section 20 Avon Bend
15		20-14-M	8/31/2020	FLEMING ANDREW P & SARAH	345 SHVEDA WAY, SHEPHERDSTOWN, WV 25443	Open	BLA between Family Parcel 1 and Lot 4
16		20-15-M	9/3/2020	LOCK BRYAN S & THERESA S	20449 CHARLES TOWN RD, HARPERS FERRY, WV 25425	Open	To merge 5.6172 acres from parcel 56 (Hott) to parcel 47 (Lock)
17						Type Total:	9
18						Category Total:	9
19	Miscellaneous Fees	20-5-Q	8/17/2020	Christopher & Kimberly Purvis	30 Balsam Ct., Charles Town, WV 25414	Closed	Minor Plat Change: Relocating the septic reserve
20		20-6-Q	9/21/2020	N/A		Open	Printed Map for GIS of Subdivisions
21		20-7-Q	9/30/2020	N/A		Closed	24x36 zoning map
22		20-4-Q	7/30/2020	LUTMAN LAND DEV.	770 S CHILDS RD, KEARNEYSVILLE, WV 25430	Closed	Laycock, Lot 2 MPC: Relocating septic reserve area
23							Type Total:
24						Category Total:	4
25	Planning Commission	20-4-PCW	7/16/2020	VARIETY PROPERTIES LLC - BRET HALE	25 MA AND PA PKWY, KEARNEYSVILLE, WV 25430	Open	Waiver from Section 20.201A(2) to reduce the required access easement width from 50' to 40' for a proposed two lot minor subdivision.
26		20-5-PCW	8/18/2020	ILA Properties, LLC. - Joshbeen Grewal	4115 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430	Open	Waiver from Appendix B Sect. 2.5I driveway slope
27		20-6-PCW	9/15/2020	SIRBAUGH TAMMY & LARRY	45 EDWARDS CASTLE CT, CHARLES TOWN, WV 25414	Open	Waiver from Section 20.201B3, that requires access via a 50' access easement (File # 20-6-PCW) to access via a state road.

	A	B	C	D	E	F	G
28	Waiver	20-7-PCW	9/21/2020	Butler Family Investments, LLC.	Old Country Club Rd Charles Town, WV 25414	Open	Waiver from Section 20.201A to have direct access to Old Country Club Road, without a 50' access easement to the residue property.
29		20-8-PCW	9/22/2020	Kenneth F. Lowe Revocable Trust - Kenneth Lowe, Jr.	Lowe Drive, Shepherdstown, WV	Open	Waiver from Section 20.201 to process as a Minor Subdivision for 6 duplexes, on 2 parcels.
30						Type Total:	5
31						Category Total:	5
32	Site Plan	20-5-SP	7/31/2020	FEDERAL GROUP INC	233 LOWE DR, SHEPHERDSTOWN, WV 25443	Open	
33		20-6-SP	9/2/2020	Jefferson County Development Authority	Lots 13 & 14 Burr Business Park James Burr Boulevard	Open	Proposed transfer depot and trailer storage with a 2,400 SF office building.
34		20-7-SP	9/25/2020	RANKIN PROPERTIES LLC - Christopher Rankin	POTOMAC FARM DRIVE, SHEPHERDSTOWN, WV 25443	Open	Professional Center to consist of one 2-story building with a 5,100 sf retail space (first floor) and 5,100 office space (second story); one 6,000 sf single-story building divided into six (6) single-story building 1,000 sf retail/office spaces and parking and signage.
35						Type Total:	3
36						Category Total:	3
37	Subdivision	20-10-SD	7/10/2020	FRENCH CHARLES R ET AL	6803 FLOWING SPRINGS RD, SHENANDOAH JUNCTION, WV 25442	Open	Family Transfer
38		20-11-SD	7/14/2020	James and Mary Kallenborn - James Kallenborn	Hidden River Farm River Bend Rd & Wide Horizon Blvd	Open	Minor Subdivision: Resubdivision of lots 10 and 11 in Hidden River Farm
39		20-12-SD	8/24/2020	GOODE MICHAEL C TR	487 MILL LN, CHARLES TOWN, WV 25414	Open	2 lot minor subdivision
40		20-13-SD	9/1/2020	SHENANDOAH PROPERTIES WV LLC - Vincent and Alicia Secatello	3495 OLD LEETOWN PIKE, RANSON, WV 25438	Open	2 Lots + Residue (MSD)
41		20-14-SD	9/4/2020	SILLS STEPHANIE N	329 BORDER RD, KEARNEYSVILLE, WV 25430	Open	Stephanie Sils MSD, Lot 2-Residue and Lot 3
42		20-15-SD	9/10/2020	Magnolia WV, LLC.	Between Euclid Ave and Citizen's Way	Open	Phase 3: Proposed 97 single family lots plus Residue.
43		20-16-SD	9/10/2020	VARIETY PROPERTIES LLC - William Walls	25 MA AND PA PKWY, KEARNEYSVILLE, WV 25430	Open	2 lot MSD
44		20-17-SD	9/18/2020	RAI PROPERTIES LLC	130 E BURR BLVD, KEARNEYSVILLE, WV 25430	Open	2 lot Minor Commercial Subdivision
45		20-18-SD	9/25/2020	HY-CREST FARMS LLC - Arnold Dailey	KEITH DR, SUMMIT POINT, WV 25446	Open	Subdivision of Lot 28 in Summit View Estates into 3 new lots.
46		20-19-SD	9/25/2020	BRIAN AND ANGELA WILT	JOHN BROWN FARM RD, HARPERS FERRY, WV 25425	Open	Lot 1, 2 and 3-Residue MSD
47						Type Total:	10
48					Category Total:	10	
49		20-18-ZC	7/1/2020	NORTOM INVESTMENTS LLC - ROBERT MALONEY	69 CLENDENING DR, KEARNEYSVILLE, WV 25430	Closed	Office Space for the Veterans Administration, Veteran Health Administration, and Office of Emergency Management for approximately 45 employees, with up to 60 during a disaster; warehouse space for general storage or supplies.
50		20-19-ZC	8/11/2020	JORDAN AND CHLOE BUTTS	6433 MARTINSBURG PIKE, SHEPHERDSTOWN, WV 25443	Closed	Agricultural Special Event Facility Wedding Venue. Operating weekends. Approximately 100 grass parking spaces.

	A	B	C	D	E	F	G	
51	Zoning Certificate	20-20-ZC	8/21/2020	RUSHIZKY GEORGE W & MARY L - Matthew Rushizky	8428 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN, WV 25443	Closed	AT&T Replace antennas on an existing tower.	
52		20-22-ZC	9/2/2020	Road Runner Wrecker Service, Inc. - David Butcher	2282 Summit Point Rd, Summit Point, WV 25446	Closed	Road Runner Wrecker Service Change in Owner - nonconforming salvage and recycling yard	
53		20-21-ZC	9/3/2020	AMERICAN TOWERS INC	17340 POPPY RD, BLUEMONT, VA 20135	Closed	Proposed work on the existing 364' nonconforming tower: 1) Remove (2) existing radios. 2) Install new pipe mount. 3) Install (2) pair fiber & coax cables on existing waveguide ladder using 8 hole grommets. 4) Install (1) new radio on horizontal port on dish. 5) Install (1) new radio on vertical. Port on dish. 6) Complete closeouts.	
54		20-23-ZC	9/4/2020	KROP PROPERTIES LLC	640 WAR ADMIRAL BLVD, CHARLES TOWN, WV 25414	Open	To operate Retail Sales	
55		20-25-ZC	9/18/2020	ROGER LEE SHELTON AND MICHELLE KRASSOWSKI	1339 JOHN BROWN FARM RD, HARPERS FERRY, WV 25425	Open	Home Occupation, Level 2: Pet Sitting/Doggie Daycare and Internet Pet Supply Business. Including owner's dogs, pet sitting is limited to a six (6) dog total. No kennels permitted. Relocation of existing dog sitting business (See ZC10-08).	
56		20-24-ZC	9/11/2020	KYPER RONALD J	1060 OLD CAVE RD, CHARLES TOWN, WV 25414	Postponed	Accessory Dwelling Unit: Personal Use	
57		20-26-ZC	9/30/2020	Cristhian Torrico-Caceres	358 JEFFERSON AVE, CHARLES TOWN, WV 25414	Open	Day Care Center, Large: A facility: (1) licensed by the state, if applicable; (2) providing care for six or more children or adults who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight; and (3) which may include some instruction. To operate Monday - Friday. One employee. Up to 4 parking spaces.	
58							Type Total:	9
59							Category Total:	9
60	Zoning Variance	20-25-ZV	7/20/2020	LEE JOSEPH R - JOSEPH LEE	206 MEADOW BLUFF LN, KEARNEYSVILLE, WV 25430	Open	Variance from Section 9.6C and 9.7 to reduce the front setback from 40' to 20' to construct a single-family dwelling unit.	
61		20-26-ZV	7/24/2020	CAGE LLC	171 EUCLID AVE, CHARLES TOWN, WV 25414	Open	Variance from Section 9.7 to reduce the side setback for proposed Lot 11A from 8' to 5.4'; to reduce the front setback for proposed Lot 12A from 20' to 2.8' to allow for a proposed boundary line adjustment.	
62		20-27-ZV	8/4/2020	ASBURY METHODIST CHURCH TRUSTEES	4257 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV 25443	Open	30x40 steel building for storage	
63		20-28-ZV	8/21/2020	PAUL LANCE A & MICHELLE L	70 KILLIAN LN, CHARLES TOWN, WV 25414	Open	Variance from Section 5.4B to reduce the side setback from 12' to 8' and the rear setback from 20' to 8' for a 12' x 16' (192 sf) accessory structure.	
64		20-29-ZV	8/24/2020	PURVIS CHRISTOPHER M & KIMBERLY A - Kimberly Purvis	30 BALSAM CT, CHARLES TOWN, WV 25414	Open	Variance from Section 5.4B of the Zoning Ordinance (amended 05/11/03) to reduce the side setback from 12' to 7' and the rear setback from 20' to 11' for a 12' x 20' (240 sf) accessory structure.	
65		20-30-ZV	8/31/2020	NEUBAUER SHARON A	59 SWEARINGEN WAY, SHEPHERDSTOWN, WV 25443	Open	Variance from Section 5.4B to reduce the rear setback from 20' to 11' for a 16' wide deck.	

	A	B	C	D	E	F	G
66		20-31-ZV	8/31/2020	Lutman Land Development	2751 ENGLE MOLERS RD, HARPERS FERRY, WV 25425	Open	Variance from Section 5.7D.2.b.i(b) to allow the required 50% green space to be allocated on four of the proposed lots within the cluster.
67		13-37-ZV	9/22/2020	RAI Group 41, LLC - Jim Ruland	130 & 150 E. Burr Blvd, Kearneysville, WV 25430	Closed	Variance request from Section 4.11A for a reduction of the required parking and access drive setbacks from 10' to 0'; and from Section 5.6D.5 for a reduction of the required landscape buffer between two commercial uses from 10' to 0', for the purpose of subdividing Parcel 93 (referred to as Lot 41) to create two individual commercial lots (Lots 40 and 41).
68		20-32-ZV	9/25/2020	HDW LLC	104 MADDEX SQUARE DR, SHEPHERDSTOWN, WV 25443	Open	Variance from Section 10.4B.3 to reduce the front setback from 25' to 1.5' for a 64" W x 84" H (35 sf) double-sided monument sign.
69		20-33-ZV	9/30/2020	HDW LLC	104 MADDEX SQUARE DR, SHEPHERDSTOWN, WV 25443	Open	Variance from Section 4.6B.2 to reduce the distance requirement from 75' to 65' along the rear property line for an 8' x 12' (96 sf) accessory structure.
70						Type Total:	10
71						Category Total:	10
72						Grand Total:	53