



## AGENDA

Jefferson County Planning Commission

Tuesday, April 13, 2021 at 7:00 PM

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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 through a live ZOOM Meeting.

If you wish to make a public comment for one of the agenda items, please type your name, address, and agenda item # in the chat function at the start of the meeting.

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

**Join Zoom Meeting**

<https://us02web.zoom.us/join/register/tZcsc-iqqjotHdZMaLcISFFud5tfJ8kGHob>

**Meeting ID: 831 4124 1772**

**Dial by your location**

**+1 301 715 8592 US (Washington DC)**

**Find your local number: <https://us02web.zoom.us/j/kfJMdU3z5>**

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1. Approval of Meeting Minutes: March 9, 2021
2. Request for postponement.
3. **POSTPONED [Public Workshop:** Concept Plan for the Road Runner Wrecker Service, Inc. The proposal for the Road Runner Wrecker Service (salvage yard) consists of the following: Sidewalks, curbs, scale house, car crusher, decommissioning rack, 2 AST's, 54 (9' x 40') storage containers, 181 proposed parking spaces with 12.5 acres of gravel (includes existing gravel/paved area to be renovated) and 2.6 acres of proposed paving. Owner/Applicant: DLGA, LLC; David & Lisa Butcher. Property Location: 2282 Summit Point Road, Summit Point; Tax District: Kabletown (06); Map: 16; Parcel 10; Total Project Size: 25 acres; Zoning District: Rural. File: 21-1-SP.]
4. **Public Hearing:** Owner/Applicant: William N. Snyder and Mary S. Snyder. Request for Waiver from Section 20.201A.2, which requires all lots in a Minor Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing a waiver from the requirement to allow a 24-foot easement to the two 2-acre parcels on the property (Parcel A and Parcel B.) Property Location: 839 McCormack Lane, Charles Town; Tax District: Kabletown (06); Tax Map 15; Parcel 05; Total Project Size: 306.67 acres (based on survey); Zoning District: Rural. File: 21-4-PCW.
5. **Public Hearing:** Owner/Applicant: Ashley Morgan Smith. Request for a waiver from Section 20.201A.2, which requires all lots in a Minor Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing a waiver from the requirement for a 50-foot easement and is requesting permission to have a direct access to Sandpiper Lane in the Catrow Subdivision. Property Location: 207 Sandpiper Lane, Shepherdstown; Tax District: Shepherdstown (09); Tax Map: 7; Parcel 32.12; Total Project Size: .940 Acres; Zoning District: Residential Growth. File: 21-5-PCW.

6. **Public Hearing:** Owner/Applicant: DR Acquisitions LLC/Gordon. **Request # 1:** (21-6-PCW) Request a waiver from Section 21.101.A of the Subdivision Regulations, which requires blocks to not exceed 6 lots in length on one side of the street, to allow block lengths to contain up to 12 lots on one side of the street.  
**Request # 2:** (21-7-PCW) Waiver of Section 21.104A of the Subdivision Regulations, which requires that the minimum lot frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less, to allow a 60-foot minimum lot frontage/width.  
Property Location: West of Charles Town Road, next to St. James Catholic Church Charles Town; Tax District (02) Charles Town; Tax Map: 17; Parcel 22; Size: 86 acres; Zoning District: Residential Growth. File: 21-6-PCW & 21-7-PCW.
7. **Public Hearing:** Owner/Applicant: Wheatlands Property Management/Jesse Morgan. Request for a waiver from Section 20.203B.1 of the Subdivision regulations, which require a Minor Site Development to process a Site Plan unless it meets the requirements for a “No Site Plan or Stormwater Management Plan”. Because the proposed building renovations/addition to an existing building, which will be used as a restaurant/pub for the existing farm brewery located on this property, exceed 1,200 sq. ft., the applicant is requesting this waiver to be allowed to process under the “No Site Plan” provisions. Property Location: 2153 Berryville Pike, Rippon; Tax District: Kabletown (06) Tax Map: 10A Total Project Size: .69 Acres; Zoning District: Village. File: 21-8-PCW.
8. **Discussion and possible action** related to the policies related to the second (4<sup>th</sup> Tuesday) Planning Commission meetings (Shepp).
9. **Discussion and Approval** Planning and Zoning Quarterly Report FY 2020-2021 3<sup>rd</sup> Quarterly Report
10. **Reports from Legal Counsel.** Jefferson County Circuit Court Case #CC-19-2021-C-33. Discussion/Possible Action.
11. Planner’s Memo
12. President’s Report
13. Actionable Correspondence
14. Non-Actionable Correspondence

Meeting Minutes  
Jefferson County Planning Commission  
March 09, 2021

The Jefferson County Planning Commission met on March 9, 2021 at 7:01 p.m. with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Jack Hefestay, Ron Thomas, Shane Roper, Steve Stolipher, Matt Knott and Jay Ware.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney, Jennilee Hartman, Zoning Clerk and Alice Johns, Planning Clerk.

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.

The Planning Clerk conducted a roll call. Mr. Shepp verified that there was a quorum and called the meeting to order at 7:01 PM.

1. **Approval of Meeting Minutes:** February 9, 2021 and February 23, 2021. The minutes were approved as submitted.
2. **Citizen Communication:** Citizens were able to sign up for this item utilizing the chat function in ZOOM. There were no citizen communications.
3. **Request for postponement:** None
4. **Public Hearing:** Waiver from Section 20.201B.3, which requires all lots in Minor Family Transfer Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing to utilize an existing 40' access easement instead of the required 50' access easement for the creation of a family transfer parcel. Owner: Donna Bent. Property Location: 1332 Billmyer Mill Road, Shepherdstown, WV. Tax District: Shepherdstown (9); Tax Map: 6; Parcel No: 5.6. Total Project Size: 10.38 acres; Zoning District: Rural. (File # 21-3-PCW; discussion and possible action)

Ms. Brockman presented an overview of her staff report to the Commission. The applicant is proposing a family transfer lot for her parents at the southern end of the property and would like to use the existing 40' access easement. The required 50' easement is not possible as the road frontage on Billmyer Mill Road is less than 50 feet. Ms. Brockman noted that the applicant had previously received a setback variance from the existing 40' access easement for existing structures. Staff recommended that if the Planning Commission is inclined to approve the waiver, it should be limited to the one proposed Family Transfer lot for a maximum of three lots.

Ms. Bent, the applicant, was on the ZOOM call and had no further comment.

Mike Shepp, opened the item for public comment. There was no public comment.

Mike Shepp, closed the item for public comment.

Jack Hefestay made a motion to approve the request, which carried unanimously.

Mr. Steve Stolipher recused himself from items #5 and #6 below.

5. **Discussion and Recommendation:** Planning Commission review and recommendation to the County Commission regarding whether the Zoning Map Amendment to rezone the subject parcel from Rural to Highway Commercial is consistent with the 2035 Comprehensive Plan. Owner: Guy Chicchirichi. Applicant: Bob Franks, Sheetz, Inc. Property Location: Northeast of Augustine Avenue and Route 340 intersection in Charles Town. Parcel ID: Tax District: Charles Town (02); Tax Map: 16; Parcel 1. Proposed size: 2.5 acres (File # 21-1-Z).]

Ms. Brockman presented an overview of her staff report to the Commission and stated that the Planning Commission is required to recommend to the County Commission whether the request is consistent with the Comprehensive Plan. The *Envision Jefferson 2035 Comprehensive Plan* generally recommends that all urban development occur within the Urban Growth Boundaries shown on the Future Land Use Guide. She noted that the most of the properties within the Urban Growth Boundaries which are zoned rural are shown as “rural/agriculture land for possible urban development” on the Future Land Use Guide Map; however this particular property is shown as future Large Lot Residential.

The proposed rezoning is located within the Charles Town Urban Growth Boundary at the intersection of Augustine Avenue (a two lane road from town) and US 340 (a four-lane divided federal highway). Access is proposed from Augustine Avenue directly across the street from Washington High School’s driveway. There are existing turn lanes on Augustine Avenue related to the high school and there is a traffic light at US 340 and Augustine Avenue. WV DOH will determine if additional turn lanes will be required for the Sheetz. A traffic impact study has been completed.

Staff recommended that while the future land use map may not show this as future highway commercial, other portions of the Comprehensive Plan recommend that all this rural and undeveloped land within the Urban Growth Boundary be developed at Urban Level Density.

Mr. Mark Dyck with Gordon explained that the property in question used to be larger, but when the US 340 Bypass was constructed, the eastern half of the project became a part of the DOH right-of-way. The remainder of the parcel has been vacant since US 340 was constructed. Mr. Dyck stated that the location of this parcel is suitable for highway/commercial use and would not be suitable for residential development due to the noise and visual impacts of US 340 by pass. The development of a Sheetz at this location will serve the US 340 traveling public, keeping money in the county that is currently flowing to Clarke County. There is water/sewer available to serve to the property.

Mark with Gordon also stated that there is coordination between the Department of Highways to address the entry and exit at this location. He further stated that a Traffic Engineer and a representative with Sheetz were also on the line to address any further questions.

Mr. Hefestay inquired about the existing trees on the property. Mark with Gordon stated that the majority of the trees are on the eastern edge of the property (which is not part of the rezoning request). Any trees which are part of the rezoning request would need to come down.

Mr. Shepp requested clarification regarding the parcel as pictured on the graphic. Ms. Brockman clarified that the entire parcel (4.42 acres) was outlined in blue and that only the 2.5-acre western portion of the property is proposed for rezoning and would require subdivision. Ms. Brockman further clarified that the area around this property is partly in the City of Charles Town and partly in the County and described the various land uses and zoning.

Mr. Hefestay made a motion to recommend to the County Commission that the requested Zoning Map Amendment is in conformance with the Comprehensive Plan. The motion was seconded by Shane Roper, and passed unanimously.

- 6. Discussion and Possible Action:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance; File # ZTA19-03, to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential Growth, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment proposes revisions to

Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.

Mr. Shane Roper recused himself from this item.

Mr. Matt Knott made the motion to go into Executive Session at 7:20 pm. The motion carried unanimously.

Mr. Jack Hefestay made the motion to come out of executive session at 7:54 pm. The motion carried unanimously.

Ms. Alex Beaulieu made a clarification that at the last meeting, the Planning Commission informally agreed that underground utilities should not be subject to the 25-foot setback required for accessory components. Ms. Beaulieu noted that if the Planning Commission would like to incorporate this change as part of the amendment, they should make a formal motion to adopt the change.

Mr. Hefestay made a motion to adopt the revised text on page 4. Mr. Knott seconded the motion, which carried unanimously.

Mr. Shepp reviewed the Findings of Fact and Conclusions of Law by reading the following excerpt:

*For the foregoing reasons, the Planning Commission finds and concludes that the Solar Text Amendment, File No. ZTA 19-03, is consistent with the Comprehensive Plan. To the extent that it may be inconsistent (if at all) the Commission finds that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area, which changes include the demand of citizens for green energy as evidenced during the meetings before the Jefferson County Commission concerning the Rockwool project.*

*Moreover, the Planning Commission advises the County Commission of the Findings and Conclusions herein and further concludes that it is appropriate to forward the STA to the County Commission for further consideration, modification and/or approval in accordance with State Law and the Zoning Ordinance.*

Mr. Hefestay made a motion to accept the Findings of Fact and Conclusions of Law as drafted and to authorize Mr. Shepp to sign on behalf of the Planning Commission. Mr. Knott seconded the motion, which carried unanimously.

Mr. Steve Stolipher and Mr. Shane Roper were admitted back into the meeting after this agenda item was complete.

**7. Discussion and possible Action:** Related to the format of meeting agendas (Shepp).

Mr. Shepp led a discussion related to why Citizens Communication is listed as a section on agenda. He noted that if an item is a public hearing or public workshop, then public comments are accepted *as part of* the public hearing or public workshop. It is unclear why the Planning Commission is inviting the public to speak to an item that is not open for public comment, Mr. Jack Hefestay agreed that removing this item would clean up the agenda and make it more understandable.

Mr. Shepp also explained that a request had come in about scheduling a second meeting in April. Mr. Shepp would like to revisit the Planning Commission's 4<sup>th</sup> Tuesday meeting policy, but as it is not on today's agenda, this discussion will be placed on the Agenda for the April 13, 2021 meeting with Discussion and Possible action.

Mr. Steve Stolipher stated that there was an ethics opinion regarding removing the Citizens Communications section from Agenda. Mr. Nathan Cochran confirmed that there is an ethics opinion from the Attorney General's office which states there is not a requirement for public comment as part of the Open Meetings Act. Mr. Donnie Fisher provided an example of public citizen who provided comment under Citizens Communication in the past. The example provided related to the Shepherdstown bike path. Ms. Brockman explained that citizens could always contact the Planning & Zoning office and request that an item be listed on the agenda.

The motion to delete Citizens Communications section on the agenda was made by Mr. Mike Shepp, which was seconded by Jack Hefestay, and carried unanimously.

8. **Review and approval:** Planning and Zoning FY 2021 2<sup>nd</sup> Quarterly Report

Mr. Donnie Fisher made a motion to forward the Planning and Zoning FY 2021 2<sup>nd</sup> Quarterly Report to the County Commission. Mr. Jack Hefestay seconded the motion and the motion passed unanimously.

9. **Reports from Legal Counsel:** None.

10. **Planner's Memo:** Ms. Brockman provided an overview of the items noted on the Planner's Memo included in the packet.

Mr. Shepp asked about the status of this year's budget and reminded the Commission that state law says they should have input into the Planning Commission's portion of the budget. Ms. Brockman said that she would follow up with Roger Goodwin, Director of Engineering, Planning and Zoning, on the status of the budget for the upcoming Fiscal Year.

11. **Presidents Report:** None.

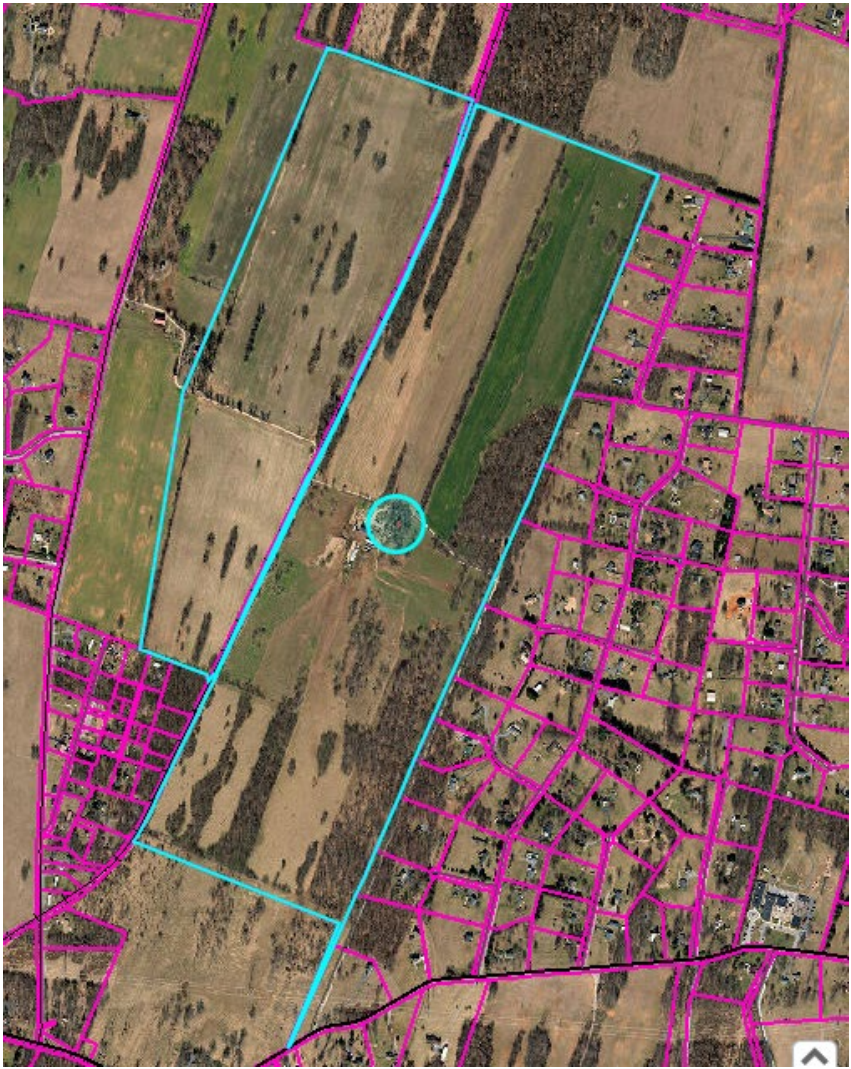
Mr. Jack Hefestay made a motion to adjourn the meeting at 8:16 pm. Mr. Donnie Fisher seconded the motion, and the motion carried unanimously.

These minutes were prepared by Alice Johns, Planning Clerk.

Staff Report  
 Jefferson County Planning Commission Meeting  
 April 13, 2021

**Snyder Waiver Request (File #: 21-4-PCW)**

**Item # 4: Public Hearing:** Request by applicant William Snyder for Waiver from Section 20.201A.2, which requires all lots in a Minor Subdivision to have motor vehicle access via a 50’ access easement. The applicant is proposing a waiver from the requirement to allow a 24- foot easement to the two 2-acre parcels on the property (Parcel A and Parcel B.)

Applicant	William N. Snyder and Mary S. Snyder
Property Location & Information	<p style="text-align: center;">839 McCormack Lane Charles Town, WV        Tax District: Kabletown (06); Map: 15; Parcel: 05 (Parcel ID: 06001500050000)        Size: 306.67 acres (based on survey) ; Zoning District: Rural</p> 
Adjacent Zoning Districts	<p style="text-align: center;"><i>North:</i> Rural      <i>East:</i> Rural      <i>South:</i> Rural      <i>West:</i> Rural</p>
Proposed Activity	<p>Property is proposed to be placed under a farmland conservation easement and would like to retain the option to divide off one 2-acre lot and identify a second 2-acre homestead location, allowing both to utilize the existing 24’ access easement.</p>

Staff Report  
Jefferson County Planning Commission Meeting  
April 13, 2021  
**Snyder Waiver Request (File #: 21-4-PCW)**

**Summary of the Request:**

The applicant is proposing to put 304.67 acres of the 306.67-acre farm under a farmland conservation easement to be held by the Jefferson County Farmland Protection Board. As a part of the easement, they are reserving the right to convey one 2-acre parcel, shown as Parcel A on the application, at some time in the future. The other 2-acre area, shown as Parcel B, will remain part of the Property and be under the conservation easement. No other subdivision will be permitted on the property. Currently these two parcels are served by McCormack Lane which is composed of a 50-foot easement from Summit Point Road to the property line, and continued as a 24-foot access road through the farm property.

Section 20.201A.2 requires all lots in a Minor Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing a waiver from this 50-foot access easement requirement to allow the two 2-acre parcels on the property (shown as Parcel A and Parcel B) to utilize the existing access drive within a proposed 24-foot access easement. Both proposed Parcels A and B are occupied by existing residential structures.

**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 Discussion and Recommendation:**

The purpose of the 50' access easement for all Minor Subdivisions is to ensure that there is adequate area for the development of a road for any future lots that may be created. In this case, Staff concurs that it seems reasonable to allow the two existing residences on the 306+ acre farm proposed for a farmland conservation easement, which will allow no future residential development, to continue to utilize the existing driveway within a 24' easement.



Jefferson County, West Virginia  
 Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
 116 E. Washington Street, 2<sup>nd</sup> Floor  
 P.O. Box 716  
 Charles Town, West Virginia 25414

File #: 21-4-PCW  
 Mtg Date: 4/13/2021  
 Date Rec'd: 3/19/2021  
 Fees Paid: 100.00  
 Staff Int: aej  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

**Property Owner Information**

Owner Name: William N. Snyder and Mary S. Snyder  
 Business Name: \_\_\_\_\_  
 Mailing Address: 1034 Shirley Road, Summit Point WV 25446  
 Phone Number: 304-839-1664 Email: westcows@aol.com

**Applicant Contact Information**

Applicant Name: \_\_\_\_\_ Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

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

**Physical Property Details**

Physical Address: 839 McCormack Lane, Charles Town, WV 25414 Vacant Lot:   
 Tax District: Kabletown Map No: 06 Parcel No: 19-06-0015-0005-0000  
 Parcel Size: 306.67 ac Deed Book: 1054 Page No: 413  
 Zoning District: Rural

**On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.**

Included  Not applicable (include a vicinity map if a sketch is not applicable)

**What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?**

Sec. 20.201 Minor Subdivisions A.2

**Briefly Describe the Nature of Your Waiver Request:** We are requesting a waiver from the requirement for a 50-foot access easement to the two 2-acre residential parcels on the property (Parcel A and Parcel B). The entire property will be placed under a conservation easement held by the Jefferson County Farmland Protection Board. We are reserving the right to convey Parcel A in the future. Parcel B will remain part of the Property. No other subdivision will be permitted on the property. Currently the two parcels are served by McCormack Lane, composed of a 50-foot access easement from Summit Point Road to the property line, and continued as a 24-foot access road into the 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 Farmland Protection Board's agricultural conservation easement on the 306.67 acre property will restrict the use of the property for agricultural uses in perpetuity. No residential development in addition to the two existing residences will be permitted. This easement contributes to the goals of the county's "Envision Jefferson 2035 Comprehensive Plan" by preserving the county's historic cultural and natural resources.

**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 existing McCormack Lane will remain in use as it has been historically, since 1902. There will be no changes that will adversely affect the general public or adjacent property owners or residents.

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

The existing McCormack Lane, a private road, will serve only the two existing residences on the property.

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

The existing historic lane into the property will serve only the two existing residences and the farm that has been in existence since the 1750s. The protection of the property will contribute to the county's rural character.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

W. Nicholas Snyder 3-19-21  
Property Owner/Applicant Signature Date

Mary J. Snyder 3-19-21  
Property Owner/Applicant Signature Date

**Notification Requirements**

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

4/13/2021  
Public Hearing Date

3/30/2021  
Date Placard Posted

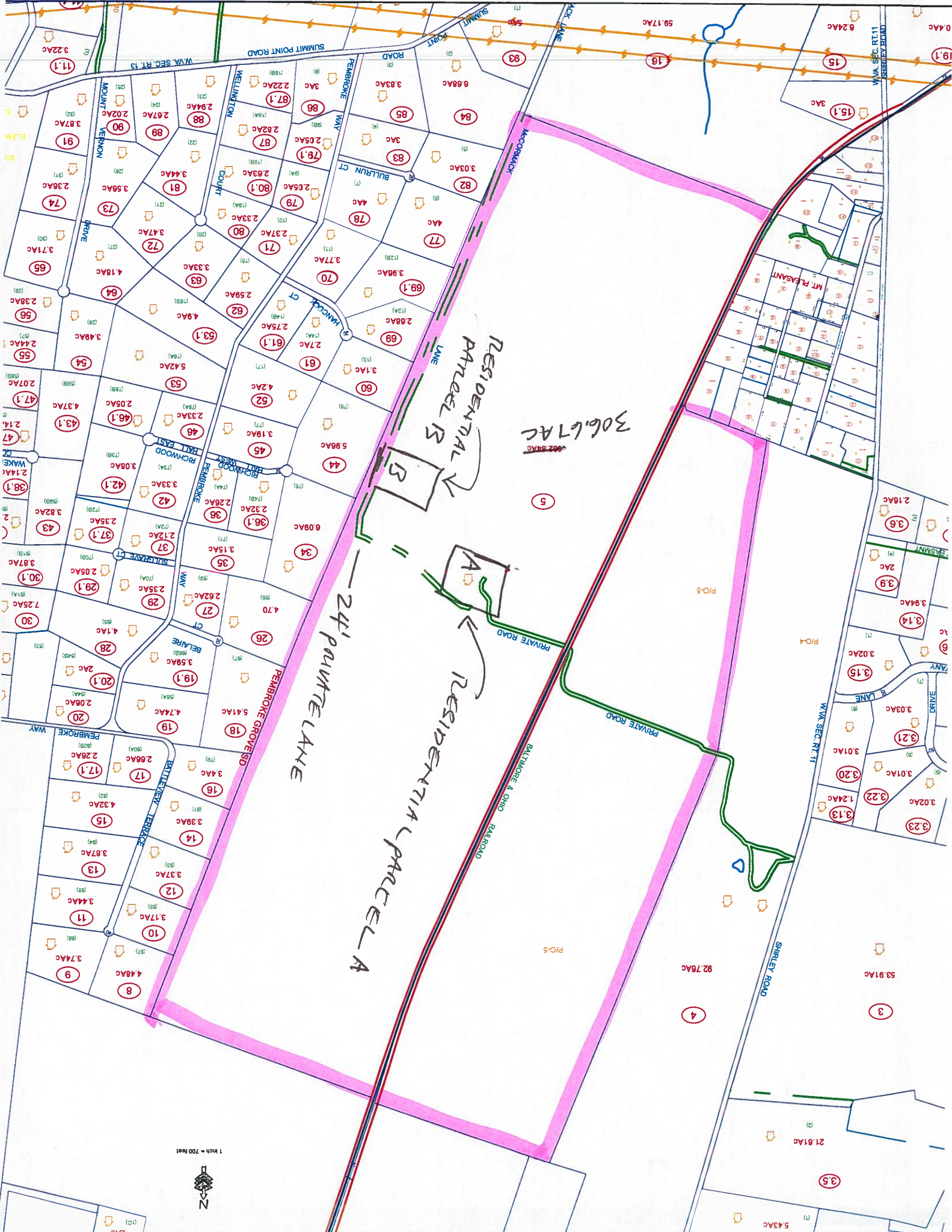
3/30/2021  
Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

Date: \_\_\_ / \_\_\_ / \_\_\_



RESIDENTIAL PARCEL B

RESIDENTIAL PARCEL A

306.67 AC

24' PRIVATE LANE

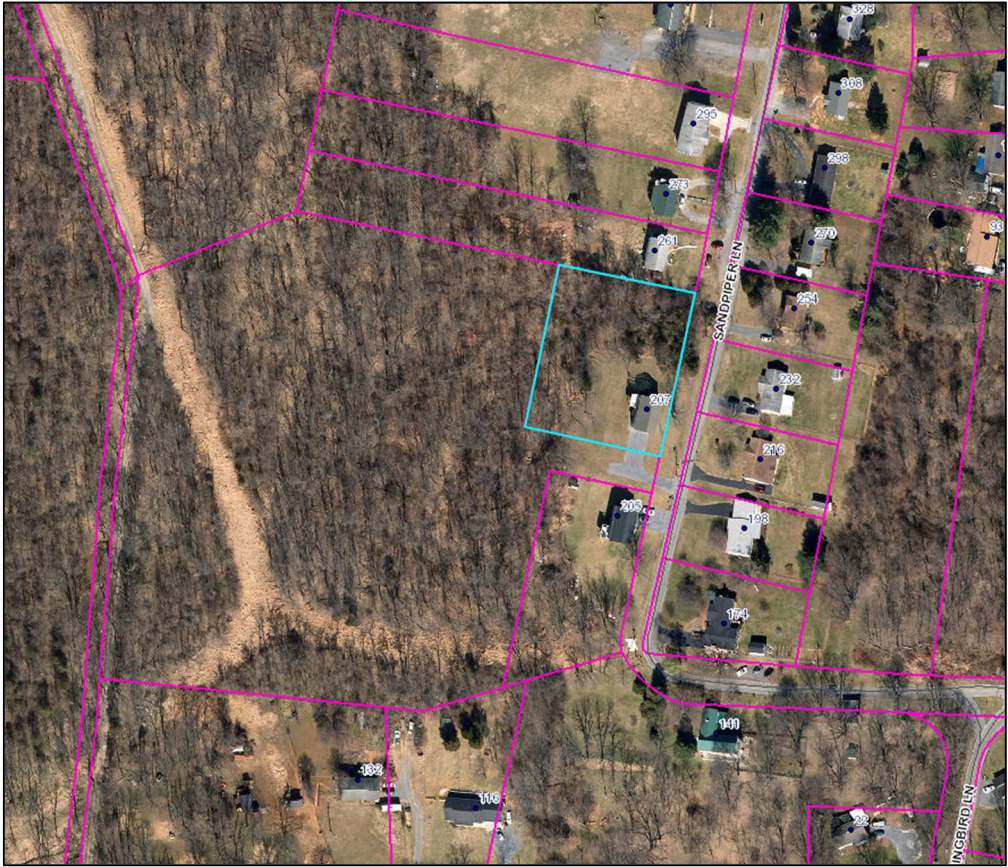
1 inch = 700 feet



Staff Report  
 Jefferson County Planning Commission Meeting  
 April 13, 2021

**Smith Waiver Request (File #: 21-5-PCW)**

**Item # 5: Public Hearing:** Request for a waiver from Section 20.201A.2, which requires all lots in a Minor Subdivision to have motor vehicle access via a 50' access easement. The applicant is requesting a waiver from the requirement for a 50-foot easement and is requesting permission for 207 Sandpiper Lane to have a direct access to Sandpiper Lane in the Catrow Subdivision.

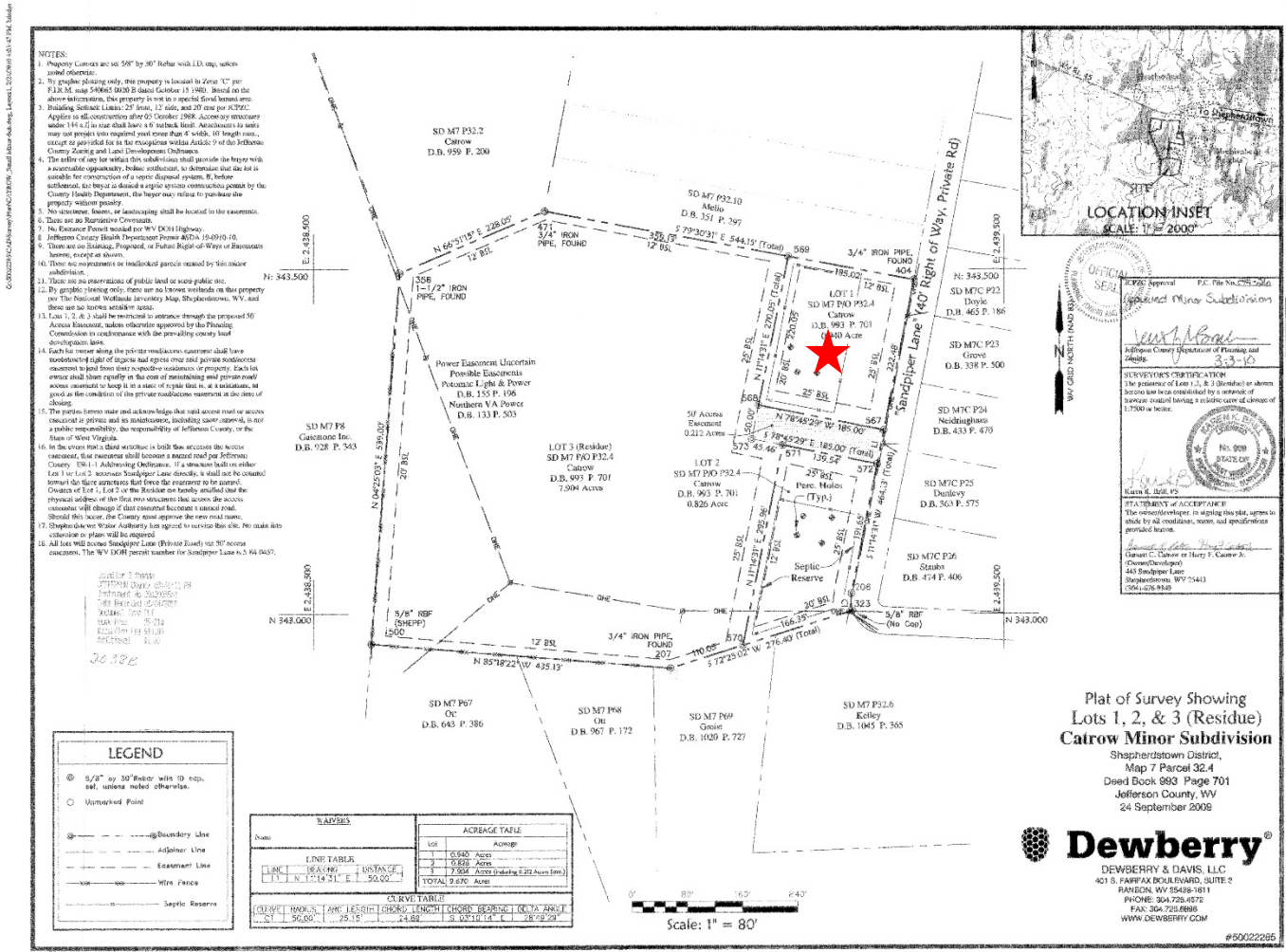
Applicant	Ashley Morgan Smith	
Property Location & Information	<p style="text-align: center;">207 Sandpiper Lane Shepherdstown (Catrow Minor Subdivision, Lot 1)          Tax Dist.: Shepherdstown (09); Map: 7; Parcel: 32.12 (Parcel ID: 09000700320012)          Size: .940 acres ; Zoning District: Residential Growth</p> 	
Adjacent Zoning Districts	<i>North:</i> Residential Growth <i>South:</i> Residential Growth	<i>East:</i> Residential Growth <i>West:</i> Residential Growth
Proposed Activity	To allow 207 Sandpiper Lane to have direct access to Sandpiper Lane instead of to the required 50' access easement found on Lots 1, 2, & 3 (Residue) Catrow Minor Subdivision (PB25/PG210).	
Approvals	Lots 1, 2 & 3 Catrow Minor Subdivision (PC File #09-26) recorded in Courthouse: 03/04/10	

Staff Report  
 Jefferson County Planning Commission Meeting  
 April 13, 2021

**Smith Waiver Request (File #: 21-5-PCW)**

**Background:**

The Catrow Minor Subdivision, Lots 1, 2, & 3-Residue (PB25/PG210), approved in 2010, was the resubdivision of a lot in Section D of Mecklenburg Heights, which was approved prior to the adoption of a Subdivision Ordinance in Jefferson County. Catrow Minor Subdivision is a three-lot Minor Subdivision off a private right-of-way, Sandpiper Lane. The 2008 Subdivision and Land Development Regulations (adopted 10/9/08) were the rules in effect when the Catrow Minor Subdivision was approved. The current Subdivision Regulations are based on these 2008 Subdivision Regulations and were amended 2/1/18. Both versions of the Regulations require that all lots in a minor subdivision, regardless of the zoning district, have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots. In 2010, this easement was required to be retained with the residue lot.



**Summary of the Request:**

The applicant is requesting a waiver from Sections 20.201 and 20.202(C) of the 2008 Subdivision Regulations (adopted 10/9/08) which required all lots to face on an access easement having a width of 50 feet and that the easement be part of the residue or remaining property. Applicant is requesting that Lot 2 of the Catrow Minor Subdivision (PC File #09-26) be permitted to utilize a separate driveway onto Sandpiper Lane.

Staff Report  
Jefferson County Planning Commission Meeting  
April 13, 2021

**Smith Waiver Request (File #: 21-5-PCW)**

**Summary of the Request:**

The applicant is requesting a waiver from Section 20.201A.2 of the Subdivision Regulations, which requires all lots in a Minor Subdivision to have motor vehicle access via a 50' access easement. The applicant is requesting a waiver of that requirement to allow Lot 1 of the Catrow Minor Subdivision (PC File #09-26) to be permitted to utilize a separate driveway onto Sandpiper Lane.

**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 Comments and Recommendation:**

The requirement that all Minor Subdivision lots access via a 50' access easement is intended to minimize the number of driveways intersecting state roads throughout the County. In this particular case, the Minor Subdivision is accessing a privately owned and maintained subdivision road.

In June 2018, the Mecklenburg Maintenance Association, which maintains Sandpiper Lane as well as other roads in this subdivision, wrote a letter, attached to this report, supporting a similar request and requesting that Lots 1 and 2 be permitted to access directly on to Sandpiper Lane as the other lots in the neighborhood do. The nature of this development does not appear to be negatively affected by this waiver request.

Staff does not object to the approval of this waiver that will allow Lot 2 to have direct access to Sandpiper Lane rather than accessing the internal 50' easement on the plat.

June 15th, 2018

**Mecklenburg Maintenance Association, Inc. (MMA)  
P.O. Box 1464  
Shepherdstown, WV 25443**

To: Jefferson County Department of Planning and Zoning (JCDPZ)  
116 East Washington Street  
P.O. Box 716  
Charles Town, WV 25414

**RE: Harry F. Catrow  
207 Sandpiper Lane (Lot 1) and 205 Sandpiper Lane (Lot 2) Driveways**

To Whom It May Concern:

I am writing you at the request of Harry F. Catrow regarding the installation of driveways for two new residential houses on the lots referenced above.

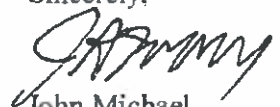
Mr. Catrow contacted me via phone on June 14th, 2018 and stated that your organization (JCDPZ) had informed him that he may have to install a single "shared" driveway for two new houses on the above lots due to a 50' right of way shown on the county plat that exists between the two structures. Mr. Catrow further asked me if the MMA would have any problem with each of the new houses having their own separate driveways and, if not, asked that I write a letter to the JCDPZ to indicate as such.

On behalf of the MMA, I am informing the JCDPZ that the MMA does *not* oppose the installation of separate driveways for the two new houses. More specifically, we strongly encourage the JCDPZ to issue a permit(s) to allow Mr. Catrow to construct a separate driveway dedicated solely for the new house constructed on Lot 2 at 205 Sandpiper Lane, Shepherdstown, WV 25443 in addition to a separate driveway dedicated solely to the new house on Lot 1 at 207 Sandpiper Lane.

It is the MMA's position that, when possible, each individual single family residential structure in Mecklenburg Heights Subdivision should have their own driveway. We believe this for numerous reasons including the avoidance of possible property owner disputes, property owners' privacy, and conformance to the existing construction of almost every driveway in the development.

Thank you for your time and consideration. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at 304-671-8268.

Sincerely,



John Michael  
MMA President

RECEIVED

JUN 18 2018

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING



Jefferson County, West Virginia  
 Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
 116 E. Washington Street, 2<sup>nd</sup> Floor  
 P.O. Box 716  
 Charles Town, West Virginia 25414

File #: 21-5-PCW  
 Mtg Date: 4/13/21  
 Date Rec'd: 3/19/21  
 Fees Paid: 100.00  
 Staff Int: aeg  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

**Property Owner Information**

Owner Name: Ashley Morgan Smith  
 Business Name: \_\_\_\_\_  
 Mailing Address: 207 Sandpiper Lane Shepherdstown, WV 25443  
 Phone Number: 301-471-6073 Email: ashley.m.smith14508@gmail.com

**Applicant Contact Information**

Applicant Name: \_\_\_\_\_ Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

Name: N/A  
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: 207 Sandpiper Lane Shepherdstown, WV 25443 Vacant Lot:   
 Tax District: 09 Map No: 07 Parcel No: 0032.0012  
 Parcel Size: 0.940 AC Deed Book: 1210 Page No: 729  
 Zoning District: \_\_\_\_\_

**On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.**

Included  Not applicable (include a vicinity map if a sketch is not applicable)

**What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?**  
Requesting to waive the used of the easement access road in order to enter and exit property within Catrow Sub-division. Requesting to have private entrance/exit soley on 207 Sandpiper Lane's Property

**Briefly Describe the Nature of Your Waiver Request:**  
Requesting to have direct access to my property from Sandpiper Lane forgoing use of the easement access road in the catrow sub-division. Making a pave driveway from Sandpiper Lane directly to garage on my property (207 Sandpiper Lane)

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.

**This will not impact any of the above mentioned items.**

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.

**If granted this will greatly impact all landowners within the easement access. No one will have to share the cost of the paved driveway. Safer for owners to directly access their own properties individually**

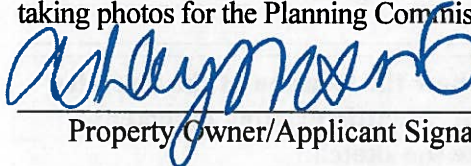
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

**If granted, I will diligently follow all new ordinance guidelines**

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

**If granted this will create a more peaceful relationship between landowners and will foster a better environment with private access to individual properties and no longer need to rely on another land owner to help pay for paving or maintenance of this area**

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

 3/19/21  
Property Owner/Applicant Signature      Date

\_\_\_\_\_  
Property Owner/Applicant Signature      Date

**Notification Requirements**

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

\_\_\_\_\_  
Public Hearing Date

\_\_\_\_\_  
Date Placard Posted

\_\_\_\_\_  
Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

Date: \_\_\_ / \_\_\_ / \_\_\_


Staff Report  
 Jefferson County Planning Commission Meeting  
 April 13, 2021

**Kings Crossing Waiver Request (File #21-6-PCW and #21-7-PCW)**

**Item # 6: Public Hearings:**

**Request # 1:** (21-6-PCW) Request a waiver from Section 21.101.A of the Subdivision Regulations, which requires blocks to not exceed 6 lots in length on one side of the street, to allow block lengths to contain up to 12 lots on one side of the street.

**Request # 2:** (21-7-PCW) Waiver of Section 21.104A of the Subdivision Regulations, which requires that the minimum lot frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less, to allow a 60-foot minimum lot frontage/width.

Applicant	DR Acquisitions LLC
Owner/Developer	Same
Consultant	Gordon: Tom Evans
Property Location & Information	<p style="text-align: center;">West of Charles Town Road, next to St. James Catholic Church Tax District:          Charles Town (02); Map: 17; Parcel: 22 (Parcel ID: 0200170022)          Size: 86+ acres ; Zoning District: Residential Growth</p> 
Adjacent Zoning Districts	<p><i>North:</i> Residential Growth (Crosswinds)/Neighborhood Commercial (CT) (Church)  <i>East:</i> Rural/Neighborhood Residential (CT)  <i>South:</i> Residential Growth (undeveloped)  <i>West:</i> Neighborhood Residential (CT) (Norborne Glebe)</p>
Proposed Activity	Major Residential Subdivision (21-8-SD) with 175 single-family detached and 229 attached (townhome) lots (anticipated 404 residential lots); Concept Plan Public Workshop scheduled for 5/11/21.

**Summary of the Request:**

Applicant is proposing a Major Residential Subdivision with a mixture of single family attached and detached lots. The Concept Plan Public Workshop will be held at the May 11, 2021 Planning Commission meeting. The applicants are requesting the following two waivers which will influence the design of the overall development.

Staff Report  
Jefferson County Planning Commission Meeting  
April 13, 2021

**Kings Crossing Waiver Request (File #21-6-PCW and #21-7-PCW)**

**Request # 1:** (21-6-PCW) Request a waiver from Section 21.101.A of the Subdivision Regulations, which requires blocks to not exceed 6 lots in length on one side of the street, to allow block lengths to contain up to 12 lots on one side of the street.

**Request # 2:** (21-7-PCW) Waiver of Section 21.104A of the Subdivision Regulations, which requires that the minimum lot frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less, to allow a 60-foot minimum lot frontage/width.

**NOTE:** *These are two separate waivers that will require separate action by the Planning Commission but are included in the same staff report.*

**Kings Crossing Waiver Request (File #21-6-PCW and #21-7-PCW)**

**21-6-PCW WAIVER REQUEST #1 FOR SECTION 21.101.A (BLOCK LENGTH)**

**Summary of the Request:**

The applicant is requesting a waiver of this section to allow block lengths up to 12 lots on one side of the street. Section 21.101A of the Jefferson County Subdivision and Land Development Regulations states that blocks “shall not, in most instances, exceed *six lots in length on one side of the street*” (emphasis added). It further states that the length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection. There is some provision for longer blocks in rural subdivisions if there are topographic constraints, but only if there are no more than nine total lots in the subdivision and the lots are over ¾ acre in land area each. This proposed development is zoned Residential Growth and these criteria do not apply.

There is an additional division in the Subdivision Regulations (21.300 Modification of Development Standards) which states that the maximum length of blocks is set to provide connectivity between adjoining parcels as they develop separately over time and that there are conditions that can exist that warrant longer lengths. In this case, the entire property is being developed and connectivity is being provided to adjoining properties to allow ease of access and reduced trip lengths. The criteria set forth in Sec. 21.305, which allows the modification of Block Length do not apply in this particular situation and therefore, this waiver is requested from Section 21.101.A.

**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 Comments:**

Generally blocks are defined as areas of land bounded by streets, other transportation features and/or public open spaces. The length of blocks influence the interconnectivity of neighborhoods and the walkability of communities. The standard width of the lots found within the blocks can also impact the length of the blocks. Waiver #2 (21-7-PCW) below also requests narrower lot widths than required by the ordinance, which would result in a greater number of lots within a standard block. Blocks found in more

Staff Report  
Jefferson County Planning Commission Meeting  
April 13, 2021

**Kings Crossing Waiver Request (File #21-6-PCW and #21-7-PCW)**

urban environments with a rectilinear grid street pattern lend themselves to a smaller number of lots in a given block to allow for greater interconnectivity; however in rural subdivisions with curvilinear streets, it is reasonable to allow blocks to contain additional lots, particularly along open space areas. In areas where block lengths have more numerous lots, it is recommended that additional pedestrian connectivity be utilized to break up the length of the blocks and allow access to open space and common areas.

**Staff Recommendation:**

Planning and Zoning staff recommends that the waiver be granted to allow block lengths up to 12 lots on one side of the street, with the condition that pedestrian connectivity be provided to common open space areas and adjoining developments as possible. The request results in a more flexible subdivision design that integrates open space and parkland into the development and results in open space areas that protect the natural terrain while still providing adequate interconnectivity to adjoining lots and developments.

Staff Report  
Jefferson County Planning Commission Meeting  
April 13, 2021

**Kings Crossing Waiver Request (File #21-6-PCW and #21-7-PCW)**

**21-7-PCW WAIVER REQUEST #2 FOR SECTION 21.104.A (LOT FRONTAGE)**

**Summary of the Request:**

The applicant is requesting a waiver of this section to allow the lots to have a minimum frontage of 60'. Section 21.104A of the Jefferson County Subdivision and Land Development Regulations, "Lot Width and Frontage", states that "the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less." As the Residential Growth Zoning District does not generally have a minimum lot width, the 80' would apply for this development. Lot widths are measured at the setback lines and lot frontage is measured along the street property line.

**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 Comments:**

As the Residential Growth Zoning district does not have a minimum lot frontage other than for the small lots, the 80' minimum lot frontage has been determined to apply. The intent of the lot frontage guidelines is to establish uniform land subdivisions in Jefferson County. The 80 foot lot frontage requirement is intended to provide for a suburban or relatively large lot development. The proximity of this proposed subdivision to the urban areas of the County and the neighboring Charles Town lots creates an opportunity for creating a development that integrates with the Charles Town neighborhoods more effectively. The smaller lot widths result in smaller lot sizes, which also create higher density, and in turn, requires a greater percentage of open space/parkland. Therefore the smaller lot widths and sizes allows the development of a neighborhood with greater open space integrated throughout the development and integrated with the adjacent land uses.

**Staff Recommendation:**

Planning and Zoning staff recommend that if the decrease in the lot frontage requirements for this subdivision provides greater open space, meets all other land development standards set forth by the County, and does not negatively impact the surrounding neighborhoods, the waiver request meets the criteria for approving such waivers.





Jefferson County, West Virginia  
 Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
 116 E. Washington Street, 2<sup>nd</sup> Floor  
 P.O. Box 716  
 Charles Town, West Virginia 25414

21-6-PCW  
 21-7-PCW  
 File #:  
 Mtg Date:  
 Date Rec'd: 3/23/21  
 Fees Paid: 200.00  
 Staff Int: acj  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

**Property Owner Information**

Owner Name: c/o Matt Stare  
 Business Name: DR Acquisitions LLC  
 Mailing Address: 10212 Governor Lane Blvd, Suite 1006; Williamsport, MD 21795  
 Phone Number: 240-420-6046 Email: mstare@drbgroup.com

**Applicant Contact Information**

Applicant Name: \_\_\_\_\_ Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

Name: Tom Evans  
 Business Name: GORDON  
 Mailing Address: 148 S. Queen Street, Suite 201; Martinsburg, WV 25401  
 Phone Number: 304-725-8456 Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: West of Charles Town Road, next to St James Catholic Church Vacant Lot:   
 Tax District: Charles Town (02) Map No: 17 Parcel No: 22  
 Parcel Size: 86+/- Acres Deed Book: 994 Page No: 667  
 Zoning District: Residential Growth (RG)

**On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.**

Included  Not applicable (include a vicinity map if a sketch is not applicable)

**What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?**

Section 21.101.A. (Block Length) and Section 21.104.A. (Lot Frontage).

**Briefly Describe the Nature of Your Waiver Request:**

Section 21.101.A. (Block Length): Allow block lengths to contain up to 12 lots on one side of the street.  
Section 21.104.A. (Lot Frontage): Allow a 60 foot minimum lot frontage / width.

Block Length 21-6-PCW  
Lot Frontage 21-7-PCW

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

See attached.

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

See attached.

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

See attached.

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

See attached.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

 3/23/2021  
Property Owner/Applicant Signature      Date

Property Owner/Applicant Signature      Date

**Notification Requirements**

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

4/13/2021  
Public Hearing Date

3/30/2021  
Date Placard Posted

3/30/2021  
Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

Date: \_\_\_ / \_\_\_ / \_\_\_

## **Kings Crossing**

### **Waiver Request Addendum (Lot Frontage)**

March 23, 2021

**What Section of the Subdivision Regulations are you requesting to waive.**

**Section 21.104.A. Frontage.** The minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. Flag lots and lots on cul-de-sacs may be permitted to have a minimum frontage of 24 feet based on design and engineering approval.

**Briefly describe the narrative of your waiver request:**

It is requested that the 80' minimum lot frontage for single-family detached units be reduced by 20' to a 60' minimum lot frontage. We are not proposing any change to the minimum or average lot area requirements.

Appendix A of the Jefferson County Zoning and Land Development Ordinance does not have a minimum lot width for a single family detached dwelling, and there is also a provision for "small lot single-family detached dwellings" which allow a minimum lot width of 35'. The requested 60' minimum lot width is greater than both of these requirements.

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

Kings Crossing will cater to the housing trend that provides narrower lots in exchange for greater backyard open space. We are not proposing to reduce the lot size, but simply to adjust the dimensions to better fit today's housing product and consumer demands. Historically, residential developments have been proposed with 80 to 100' lot depths, but in Kings Crossing the lots are proposed to be a minimum of 115' deep, with many lots in excess of that. This offset of increased lot depth and subsequent backyards provides a benefit by reducing overall HOA and community maintenance costs, and allows more land to be set aside for community open space and parks. The required minimum lot width of 80' could be achieved through reducing the amount of parkland / open space proposed at Kings Crossing.

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

The reduction of permitted lot width by 20' at Kings Crossing will not impact the public's health, safety or welfare nor will it impact adjacent property owners and/or residents rights.

There are provisions within the Zoning and Land Development Ordinance (referenced by the Subdivision Ordinance) which allow for a 35' detached single-family residence and townhouse lot widths of 18-20' (could be less based on minimum lot area). The Zoning and Land Development Ordinance would not provide provisions for a lot which is 35' wide if the reduced lot frontage was a detriment to the health, safety or welfare of Jefferson County citizens. Our request is in excess of this 35' minimum requirement.

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

As discussed in response to the public health & safety section of this document, the Zoning and Land Development Ordinance provides provisions for a minimum lot width of 35'. The requested waiver will provide a minimum lot width which is double that which the Ordinance determines acceptable.

Through its regulations, the Ordinance encourages density where public water and sanitary sewer is available. The proposed development will be served by public water/sanitary sewer and is similar in design to that of adjacent neighborhoods. Density is achieved through reduced lot widths, areas and additional housing options.

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

Today's housing market includes a demand for smaller homes on narrower lots which have access to larger backyards and common open space areas. Granting this waiver request will allow this market sector to be recognized in Jefferson County and will blend the proposed development with adjacent neighborhoods.

This community will provide larger community open spaces for its residents to enjoy. The proposed open space and density is in part due to the reduced lot width/area. The increase in open space also highlights and protects the natural resources of the site. The Kings Crossing vision includes smaller lots with less maintenance and a highly amenitized neighborhood focused around central opens space.

**Kings Crossing**  
**Waiver Request Addendum (Block Length)**  
March 23, 2021

**What Section of the Subdivision Regulations are you requesting to waive.**

Section 21.101.A. **Block Length.** The blocks shall not, in most instances, exceed six lots in length on one side of the street. For attached units, that shall not exceed 12 lots. The length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection. Blocks may be longer in rural subdivisions due to topographic constraints and/or the total number of lots in the subdivision does not exceed 9 and the lots are over  $\frac{3}{4}$  acre in land area each.

**Briefly describe the narrative of your waiver request:**

It is requested that blocks may include up to twelve (12) lots on one (1) side of the street for single-family detached units. Block length requirements are not applicable to lots located along the perimeter of the property or lots abutting open space. Block lengths shall only apply to blocks interior to the community. Blocks are defined as "An area of land surrounded on all sides by streets or other transportation right-of-ways or by physical barriers such as water bodies or public open spaces. Blocks are normally divided into lots".

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

The increased block length relates directly to a reduced lot width (60') requested under a separate waiver for this community. Parkland requirements are based upon the density of a proposed subdivision. A density of 2 to 4 units per acre require that 4% of the community shall be reserved for open space, A density of 4 to 6 units per acre require 7% open space. The reduced lot width allows for a density of 4.7 dwelling units per acre which increases parkland requirements.

The increased block length allows for flexibility in the design of the proposed community. This flexibility allows the integration of parkland into the developments design and into the existing terrain. A rigid block structure based on the number of lots as opposed to actual distances can create an excessive amount of roads when lots of reduced width are utilized. This excessive street structure limits the ability to integrate contiguous parkland into the community.

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

The number of lots proposed in a block at Kings Crossing will not impact the public's health, safety or welfare nor will it impact adjacent property owners and/or residents rights.

Public health, safety or welfare is not impacted by the number of lots provided within a single block. The Subdivision Ordinance states that the length of a block shall be determined with due regard to the provision of adequate sites for buildings, fire access, emergency service, and polices protection. Blocks located within a grid system provide interconnections within a community for these emergency responders and these interconnections are maintained in the design of Kings Crossing. The lots will provide adequate sites for the proposed unit types and no modifications to required building setbacks are being requested.

Adjacent uses to Kings Crossing include single-family residential, Route 115 and vacant land. The proposed residential use is compatible with the adjacent residential properties and provides a block structure similar to that of Crosswinds Drive and Barksdale Drive. Similar to the block length proposed within Kings Crossing, blocks along Crosswinds Drive contain up to 14 lots and Barksdale Drive contains up to 19 lots.

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

The intent of the Ordinance is to control block length. The metric used by the Ordinance to control block length is number of lots. The variable in this method of measurement is that lot widths will vary and there are no maximum width requirements. In addition, Kings Crossing is seeking a related waiver to reduce the minimum lot width to 60'. So, a block of six-120 foot wide lots is the exact same length as a block of 12-60 foot lots. This allows the possibility for a block of six (6) lots could have greater length than a block of 20 lots.

As discussed in response to the public health & safety section of this document, proposed blocks will provide adequate building sites, fire access, emergency service, and police protection. The actual length of the block does not necessarily change, just the number of units allowed within that block.

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


The proposed block structure and length allows for the protection of existing natural resources, reduces excessive streets/impervious areas and will create a community in harmony with surrounding neighborhoods.

As discussed earlier, the requested waiver is directly related to the lot width waiver submitted under a separate application. Today's housing market includes a demand for smaller homes on smaller lots which have access to larger common open space areas. Granting this waiver request will allow this market sector to be recognized in Jefferson County and will blend the proposed development with adjacent neighborhoods.

Staff Report  
 Jefferson County Planning Commission Meeting  
 April 13, 2021

**Wheatland Property Management/Jesse Morgan Waiver Request (File #: 21-8-PCW)**

**Item # 7:** Request for a waiver from Section 20.203B.1 of the Subdivision Regulations, which requires a Minor Site Development to process a Site Plan unless it meets the requirements for a “No Site Plan or Stormwater Management Plan”.

Applicant	Wheatland Property Management
Owner/Developer	Jesse Morgan
Property Location & Information	<p style="text-align: center;">2153 Berryville Pike Rippon, WV        Tax District: Kabletown (06); Map: 10A; Parcel: 24 (Parcel ID: 06010A00240000)        Size: 1.64 acres; Zoning District: Rural &amp; Village</p> 
Adjacent Zoning Districts	<p style="text-align: center;"><i>North:</i> Rural/Village      <i>East:</i> Village  <i>South:</i> Village              <i>West:</i> Rural</p>
Proposed Activity	A proposed building renovation/addition to an existing building to be used as a restaurant/pub for the existing farm brewery located on this property.
Approvals	<p>10/24/19: BZA approved a variance to waive the requirement for processing a site plan for the 35-space parking lot and related improvements (19-31-ZV)        10/24/19: BZA approved CUP to operate a Restaurant associated with the existing farm brewery; including an addition to the existing structure and a 35-space parking lot (19-3-CUP)</p>

Staff Report  
Jefferson County Planning Commission Meeting  
April 13, 2021

**Wheatland Property Management/Jesse Morgan Waiver Request (File #: 21-8-PCW)**

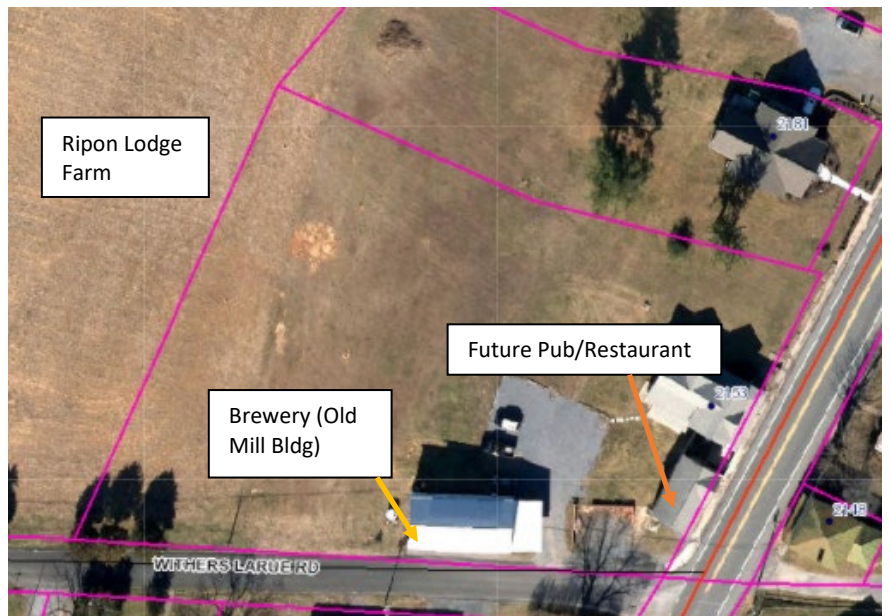
	<p>08/19/19: Approved boundary line adjustment resulting in split zoned lot</p> <p>10/25/18: BZA approved CUP for a Professional Office (A-Zone Environmental; CUP18-01)</p> <p>10/25/18: BZA approved a variance to reduce the number of parking spaces for a Professional Office from 10 to 6 (ZV18-16)</p> <p>ZC16-40: Use of mill building as a Farm-Brewery. Use of the house as a two family dwelling unit.</p> <p>ZC13-04: Microbrewery with tasting room, pub-style restaurant serving no more than 200 seats, store, country inn and office and two-family dwelling. Hours of operation are limited to 8:00 am - 12:00 p.m.</p> <p>10-10-13: BZA approves an amendment to the approved CUP (Z11-01) to add a four unit residential dwelling.</p> <p>10-18-12: BZA approves 18-extension for the CUP to 06/01/14.</p> <p>04-21-11: BZA approves CUP for a micro-brewery with tasting room, future pub/restaurant, store, country inn and office. (Z11-01).</p> <p>04-21-11: BZA approves reduction of front yard setback to 8' (ZV11-06).</p>
--	---

**Summary of the Request**

The applicant has proposed building renovations and an addition to an existing building on the corner of Berryville Pike and Withers-Larue Road, which will be used as a restaurant/pub for the existing farm brewery located on this property. The use is approved based on a previously approved CUP. Because the proposed addition exceeds 1,200 sq. ft., the applicant is requesting this waiver to be allowed to process under the “No Site Plan” provisions.

**Background**

The development of the micro-brewery with tasting room and related pub/restaurant at the northwest corner of Berryville Pike and Withers-Larue Road has been underway for 10 years. The applicant has acquired multiple adjoining lots at this intersection to provide enough space to allow for the development of this proposed use adjoining the 194+ acre family farm, Ripon Lodge Farm. Malting barley is one of the products grown on the farm, which is planned to be used in the brewery in the future. The brewery was established under the Farm

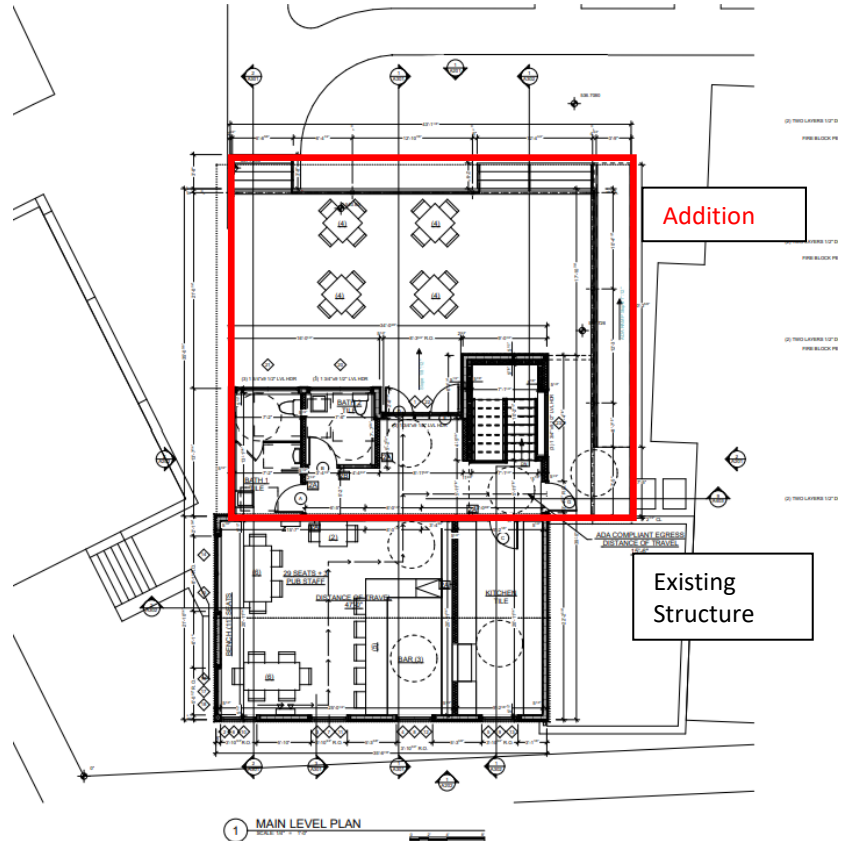


Brewery provisions of the Zoning Ordinance, is located in the old Mill Building, and began production in 2019. The proposed pub/restaurant will be in the historic structure on the corner which has been used as a store, post office and residential structure.

**Wheatland Property Management/Jesse Morgan Waiver Request (File #: 21-8-PCW)**

The property in question was merged with a portion of the farm so that all aspects of the farm brewery and restaurant/pub will be on one property, adjoining the Ripon Lodge Farm. The applicant has previously received a zoning variance to allow for the development of a 35-space parking lot to the west of the brewery without processing a site plan.

The current building permit application includes the renovation of the historic structure on the corner and an addition which includes a footprint of slightly over 1,500 sq. ft., including indoor and covered outdoor seating areas. The building permit is still under review and the size of the footprint would require processing a Limited Site Plan (see below) if the requested waiver is not approved.



**Subdivision Requirements and Discussion**

The relevant section of the Subdivision Regulations is Section 20.203 “Minor Site Development”. The following excerpts detail how a minor site development is determined (“A”) and then how the Site Plan is classified (“B”).

**“Sec. 20.203 Minor Site Development**

Minor Site Developments are those proposals that do not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure.

**A. Minor Site Development Determination**

1. . . . . Building(s), both new and additions to existing, where new structures or new additions to structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively.
2. Building(s), both new and additions to existing, where all new structures or new additions to structures located on the parcel total more than 5,000 and less than 250,000 square feet gross floor area (GFA) on any site shall:
  - a. Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.

**Wheatland Property Management/Jesse Morgan Waiver Request (File #: 21-8-PCW)**

b. In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.

. . . . .

**B. Site Plan Classifications**

All Minor Site Developments shall be processed utilizing one of the following Site Plan Classifications. Unless explicitly stated within this Section, all requirements of these Regulations apply to each of the classifications below, including the requirements of Appendix A and Appendix B. Minor Site Development may require Stormwater Management Plans and stormwater management activities per the Jefferson County Stormwater Management Ordinance.

1. No Site Plan or Stormwater Management Plan. No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:

- a. The footprint of the addition or the new structure is less than 1,200 square feet; and
- b. No additional parking is required per Zoning Ordinance standards; and
- c. The disturbed area is no more than 5,000 square feet.

Note: Once the total of any additions or new structures processed under this provision since October 5, 1988 exceeds 1,200 square feet, it shall process as a Limited Site Plan or a Full Site Plan, as appropriate.

2. Limited Site Plan

A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management (quantity and quality) for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:

- a. An addition to an existing structure, or, ancillary to an existing use; and
- b. The footprint does not exceed 3,000 square feet or 35% of the existing structure, whichever is smaller.
- c. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.2

3. Full Site Plan

Any development which does not meet all of the criteria for a limited site plan shall meet all the requirements of these Regulations.”

Based on the excerpts from this Section, the proposed addition that is referenced in this application is classified as a Minor Site Development (because it is less than 5,000 square feet) and a Limited Site Plan (because it is more than 1,200 square feet). The required limited site plan would be processed administratively. This waiver request is to be classified as a “No Site Plan” rather than a “Limited Site Plan” which would allow the development to proceed with a Zoning Certificate and a Building Permit.

Staff Report  
Jefferson County Planning Commission Meeting  
April 13, 2021

**Wheatland Property Management/Jesse Morgan Waiver Request (File #: 21-8-PCW)**

**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**

If the applicant reduced the addition to less than 1,200 sq. ft., it would meet the requirements of a “no site plan” in Section 20.203B.1. All previous versions of the addition showed less than 1,200 sq. ft., so the Site Plan was not anticipated. The current proposed addition includes a large covered outdoor patio for customer seating which increased the proposed area for the addition. It seems reasonable to allow some area of addition to occur without a Site Plan, but at some point it will be necessary to consider the impact of the development in this area on stormwater control. If the Planning Commission is inclined to approve this waiver, staff recommends setting a maximum square footage to qualify as “no site plan”. The current building permit which is under review appears to show an addition of 1,505 square feet so perhaps 1,600 sq. ft. would be a reasonable maximum..





Jefferson County, West Virginia  
 Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
 116 E. Washington Street, 2<sup>nd</sup> Floor  
 P.O. Box 716  
 Charles Town, West Virginia 25414

File #: 21-8-PCW  
 Mtg Date: 4/13/21  
 Date Rec'd: 3/23/21  
 Fees Paid: 100.00  
 Staff Int: ACG  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

**Property Owner Information**

Owner Name: Jesse Morgan  
 Business Name: Wheatlands Property Management LLC  
 Mailing Address: 600 S Mildred St, Charles Town, WV 25414  
 Phone Number: 304-839-2263 Email: jessefmorgan@gmail.com

**Applicant Contact Information**

Applicant Name: Same as above Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

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

**Physical Property Details**

Physical Address: 2153 Berryville Pike, Rippon, WV 25441 Vacant Lot:   
 Tax District: 6 Map No: 10A Parcel No: 24  
 Parcel Size: 1.64 Deed Book: 1027 Page No: 38  
 Zoning District: Village

**On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.**

Included  Not applicable (include a vicinity map if a sketch is not applicable)

**What Section of the Subdivision Regulations and year of the Regulations are you requesting to**

**Waive?** ~~Section 4.10 -- Site Plan Requirements~~ **Waiver from Section 20.203B.1 of the Subdivision Regulations.**

**Briefly Describe the Nature of Your Waiver Request:**

I am requesting a waiver to the Site Plan requirements for building renovations / addition to an existing building which will be used as a restaurant/pub for the existing farm brewery located on the 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 design of the project is offer outdoor covered seating to the public for the enjoyment of sitting outside with views of our surrounding farmland. Given the recent interest in outdoor and socially distanced gatherings, the outdoor seating will also provide a healthy outdoor environment that the current building without the addition would not afford.

**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 building renovations/addition will provide a healthy outdoor seating environment. The brewery and pub/restaurant will bring a business to the area that will highlight our farm heritage and agricultural products. The business will also provide jobs, and as research suggests increase adjacent property values.

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

The intent of the ordinance was to allow flexibility to rural and agricultural residents and businesses to improve their properties without excessive costs or disruptions to their rural landscapes. Granting the waiver will allow for the reasonable redevelopment of the property without excessive costs and the ability to maintain the rural landscape, both of which are essential to the business of opening a small farm brewery.

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

The waiver would allow for the better preservation of the rural nature of the village of Rippon by not requiring excessive paving and stormwater management areas as would be required by a site plan. The project will include Low Impact Development techniques that will provide for the protection of quantity and quality of stormwater.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

Property Owner/Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Property Owner/Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

**Notification Requirements**

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

4/13/21  
Public Hearing Date

3/30/21  
Date Placard Posted

3/30/21  
Date Adjainers Mailed

**Planning Commission Determination**

Approved

Denied

Date: \_\_\_ / \_\_\_ / \_\_\_







# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

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

P.O. Box 338

Charles Town, WV 25414

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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

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

### MEMO

**TO:** Jefferson County Planning Commission  
**FROM:** Jennifer M. Brockman, AICP, County Planner  
**DATE:** October 11, 2016  
**RE:** 4<sup>th</sup> Tuesday Meeting Policy

The following is a Planning Commission initiated policy clarifying the provision of Section 4.1 of the Planning Commission By-laws which state "An additional regular meeting may be called by the President or by two or more members of the Planning Commission for a specific agenda item on the fourth Tuesday of each month at 7:00 p.m. at the location noted in this section. Such regular meeting shall be called at least seven (7) days prior to the fourth Tuesday to allow for posting of the agenda."

#### Policy Regarding Planning Commission Meetings on Fourth Tuesdays:

In accordance with Section 4.1 of the Planning Commission Bylaws, an additional regular meeting of the Planning Commission may be called by the President or by two or more members of the Planning Commission, for the fourth Tuesday of the month, under the following circumstances:

- 1) If the regular 2<sup>nd</sup> Tuesday meeting agenda is full, as determined by staff, in consultation with the Planning Commission President; or
- 2) If there is a timing issue caused by action of the Office of Planning and Zoning staff or the Planning Commission; or
- 3) If action is required within a set time frame by locally adopted ordinances, regulations or state law; or
- 4) For Planning Commission initiated items such as text amendment or long range planning projects.

Approved by action of the Planning Commission

  8   For   0   Against

President

10/11/2016

Date





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

## 3<sup>rd</sup> Quarterly Report for Planning and Zoning FY 2021 (January 1, 2021 – March 31, 2021)

Attached is an electronically generated report of all applications submitted and reviewed within the 3<sup>rd</sup> Quarter of FY2021. This data is being provided as a part of the 3<sup>rd</sup> 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 Major updates and revisions on hold

#### Zoning Ordinance Text Amendments

**1**

**#ZTA19-03:** Zoning Ordinance Text Amendment to allow Solar Energy Facilities to process as a Principal Permitted Use and/or a Conditional Use in the various zoning districts (sent back to PC by CC).

*PC PH 2/9/21; recommendation to CC 2/23/21; CC PH scheduled for 4/12/21*

#### Zoning Map Amendments/Rezoning

**2**

**#20-2-Z:** Zoning Map Amendment: Planning Commission review and recommendation regarding whether the petition for a Zoning Map Amendment by property owner Chris Livingston, Dead Rock Contractor Services to rezone 0.88 acres (total of Parcels: 23 and 27), from Residential Growth to General Commercial is consistent with the 2035 Comprehensive Plan.

Property Owner/Applicant: Chris Livingston, Dead Rock Contractor Services.

Property Location: Vacant parcel located immediately north of the intersection of Shipley Road and US Route 340.

Parcel ID: Tax District: Harpers Ferry (04); Map: 9; Parcels: 23 and 27.

*PC review and recommendation to the CC that the requested rezoning is consistent with the Envision Jefferson 2035 Comprehensive Plan 2/9/21; CC PH 2/18/21; Approved 3/4/21.*

**#21-1-Z:** Zoning Map Amendment: Planning Commission review and recommendation regarding whether the petition for a Zoning Map Amendment by Applicant: Bob Franks, Sheetz, Inc to rezone 2.5 acres of a 4.42 acre site from Rural to Highway Commercial is consistent with the 2035 Comprehensive Plan.

Property Owner: Guy Chicchirichi.

Property Location: Northeast of Augustine Avenue and Route 340 intersection in Charles Town.

Parcel ID: Tax District: Charles Town (02); Tax Map: 16; Parcel: 1..

*PC review and recommendation to the CC that the requested rezoning is consistent with the Envision Jefferson 2035 Comprehensive Plan 3/9/21; CC PH 3/18/21; Approved 3/18/21.*

## **Concept Plan Public Workshops**

**2**

#20-9-SP Concept Plan for the Stiles Agriculture Enterprises, Agricultural Event Center, and Farm Vacation Enterprises. The proposal consists of an Agricultural Event Center for up to 800 guests and Farm Vacation Lodging with up to five (5) units (or more, if Ordinance allows) with associated parking and signage. Property Owner: Stanley and Barbara (deceased) Stiles. Property Location: 118 Goshen Arrabon Ln, Charles Town, WV. Tax District: Kabletown (06); Tax Map: 21; Parcel: 4; Size: 17 acres; Zoning District: Rural.

*Public Workshop 1/12/21; PC accepted the Concept Plan as submitted with the condition that should the WV Division of Highways (DOH) require a traffic study that the applicant will comply.*

#20-10-SP Concept Plan for the Shepherdstown Sheetz (Store 160). The project is a Gas Station, Large to consist of a 6,100 sq. ft. Convenience Store with drive-thru, five (5) fueling islands with canopy, car wash, new roadway, upgraded to traffic signal for Martinsburg Pike, open space, stormwater management areas, the construction of associated utilities, plus associated parking spaces and signage. Owner: James W Van Evera III et al. Developer: Bob Franks, Sheetz Inc. Property Location: 7948 Martinsburg Pike, Shepherdstown WV. Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 13, 15.2 and portions of Parcels: 10.2 and 14. Total Project Size: 5.4 acres; Zoning District: Residential-Light Industrial-Commercial.

*Public Workshop 2/9/21; PC accepted the Concept Plan as submitted with no conditions.*

## **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:**

20 Total (13 Subdivision & 7 Site Plan)

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

28 Total

**Zoning and Land Development Fees Collected:**

\$ 29,388.40

<b>Regional Transportation Planning Meetings (primarily remote)</b>	
Eastern Panhandle Transit Authority (EPTA) Board Meetings and EPTA Safety Committee Meetings	1/11/21; 2/8/21; 3/15/21; 3/19/21 (safety)
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	1/20/21; 3/17/21
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Long Range Transportation Plan	1/27/21
Martinsburg Pike Corridor Vision Plan Stakeholder Meetings	2/4/21; 3/25/21 (in person/ all day); 3/26/21 (a.m.)
WV51/W. Washington Street, traffic safety, pedestrian mobility improvements plan	3/4/21
WV DOH/Regional Planners Roundtable	3/31/21

<b>Local and Regional Planning Meetings (all remote)</b>	
Jefferson County Multi-Jurisdictional Hazard Mitigation Plan Annual Review	1/19/21
Jefferson County Parks and Recreation Infrastructure Committee	1/27/21
WV APA Chapter Transition Leadership/Executive Committee Meetings (ZOOM); WV APA Chapter-wide Meeting/Elections (ZOOM)	1/14/21; 2/17/21; 2/25/21 2/5/21 (Chapter);
WV APA Strategic Planning Effort	3/16/21
APA Chapter Presidents Council	2/4/21; 2/18/21; 2/19/21
Land Use Planning Webinars	1/14/21; 1/21/21; 2/24/21

**Planning and Zoning FY 2021 3rd Quarterly Report  
1/1/2021 - 3/31/2021 (Generated 4/6/2021)**

Type	Project Number	Creation Date	Owner Name	Location	Status	Description
Conditional Use Permit	21-1-CUP	3/1/2021	CONSTRUCTION TECHNOLOGIES INC - Kristen Stolipher	1508 CLOVERDALE RD STE 100, CHARLES TOWN, WV 25414	Open	Request for a CUP to operate as a Contractor with Outdoor Storage, as defined in Article 2; consisting of converting an existing, vacant structure and including associated parking and a 10' x 2'-6" (25 square feet) attached business sign.
						<b>Category Total:</b>
Easements	21-1-E	1/19/2021	GILLS - ASHBAUGH	295 HOSTLER RD APT 1, HARPERS FERRY, WV 25425	Closed	Creation of an access easement
	21-2-E	1/20/2021	Murall Limited Partnership - Ken Lowe	Vacant parcel at the intersection of Charles Town Road and Coast Guard Drive, Kearneysville, WV	Open	Creation of a utility easement beginning at Coast Guard Dr, across parcel 1.3 to service parcel 1.1
						<b>Category Total:</b>
Merger or Boundary Line Adjustment	21-1-M	1/15/2021	GROVE ALTON R & BARBARA	14024 LEETOWN RD, KEARNEYSVILLE, WV 25430	Open	BLA between two lots owned by a single entity.
	21-2-M	2/4/2021	MOWREY TIMOTHY M	12 SECRET PL, HARPERS FERRY	Open	Merge all lots together in Keyes Ferry
	21-3-M	2/4/2021	SMITH DAVID O & TAMMY L	Shepherd Grade Road	Open	The intent of this deed is to correct and clarify a parent-to-child transfer that was inadvertently transferred without PZ approval.
	21-4-M	2/8/2021	HEINZ CAROL L	4066 BOWERS RD, KEARNEYSVILLE, WV 25430	Open	Adjusting the interior property line of two parcels owned by Heinz.
	21-5-M	2/12/2021	RAYMOND E. MABUS - RAYMOND E. MABUS	74 WOODCUTTERS LN, HARPERS FERRY, WV 25425	Open	Consolidate two lots.
	21-6-M	2/22/2021	Harpers Ferry Holdings LLC - Matthew Knott	1816 Potomac Street, Harpers Ferry, WV 25425	Open	Boundary Line Adjustment between Tax Dist. 04, Map 6 Parcel 19 & Map 3 Parcel 33.1
	21-7-M	2/23/2021	Lutman Land Development - David Lutman	near Hackney Lane and Quonson Lane	Open	Boundary Line Adjustment between Tax District 06, Map 3A, Parcels 129 and 127
	21-8-M	3/1/2021	Ronald and Joan Garvin - Robert and Joanne Breiner	535 SHEPHERD LN, SHEPHERDSTOWN, WV 25443	Open	Boundary Line Adjustment between Tax District 09, Map 08, Parcels 6.9 and 68
	21-9-M	3/1/2021	George and Dena Breeden	Annie Grove Road	Open	Boundary line adjustment between 2 lots owned by the Breedens
	21-10-M	3/23/2021	Family Adventure Resort LLC - Matthew Knott	408 Alstadts Hill Rd, Harpers Ferry, WV 25425	Open	Boundary Line Adjustment River Riders
						<b>Category Total:</b>
Miscellaneous Fees	21-3-Q	2/25/2021	Rahil Nawhz, II	Hite Road	Closed	MPC to septic reserve area
	21-4-Q	3/10/2021	LOWE KENNETH F JR-REV TRUST	40 LOWE DR, SHEPHERDSTOWN, WV 25443	Open	Low-Price MSD MPC (easement)
						<b>Category Total:</b>
Planning Commission Waiver	21-1-PCW	1/13/2021	White Oaks Farm - William Gaestel	2842 WARM SPRINGS RD, SHENANDOAH JUNCTION, WV 25442	Open	Waiver from Section 20.201 to allow five total lots to process as a minor subdivision.
	21-2-PCW	1/15/2021	Bret de Pedro - Bret de Pedro	Summit Point Road, Summit Point	Open	Waiver from Appendix B, Section 10.5 to utilize gravel instead of concrete/asphalt and to reduce the depth of the gravel for the proposed drive aisle and parking areas for RP Performance, Inc.
	21-3-PCW	2/16/2021	BENT RUSSELL C & DONNA C	1332 BILLMYER MILL RD, SHEPHERDSTOWN, WV 25443	Open	Waiver from Section 20.201B.3 to utilize an existing 40' access easement instead of the required 50' access easement
	21-4-PCW	3/19/2021	N/A	839 McCormack Lane, Charles Town, WV 25414	Open	waiver from requirement for a 50 foot access easement
	21-5-PCW	3/19/2021	Ashley Morgan Smith	207 Sandpiper Lane, Shepherdstown, WV 25443	Open	Waiver from Section 20.201A.2, which requires access via a 50' access easement, to allow private entrance for 207 Sandpiper Lane
	21-6-PCW	3/23/2021	DR Acquisitions - Matt Stare	Vacant Lot West of Charles Town Road, Charles Town	Open	Waiver of 21.101A re: Block Length, Kings Crossing Subdivision
	21-7-PCW	3/23/2021	DR Acquisitions LLC - Matt Stare	Vacant Lot West of Charles Town Road, Charles Town	Open	Waiver of Section 21.104A re: minimum lot frontage, King's Crossing Subdivision
	21-8-PCW	3/23/2021	WHEATLANDS PROPERTY MANAGEMENT LLC	2153 BERRYVILLE PIKE, CHARLES TOWN, WV 25414	Open	Waiver of Site Plan requirements

					<b>Category Total:</b>	<b>8</b>
<b>Site Plan</b>	21-1-SP	2/8/2021	DLGA LLC - David Butcher	2282 SUMMIT POINT RD, SUMMIT POINT, WV 25446	Open	Expansion of an existing salvage yard
					<b>Category Total:</b>	<b>1</b>
<b>Subdivision</b>	21-1-SD	1/15/2021	PATRICK RILEY	4436 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430	Open	Proposed 3 lot MSD
	21-2-SD	1/21/2021	304 Investments Inc	938 BILLMYER MILL RD, SHEPHERDSTOWN, WV 25443	Open	Proposed 3 lot MSD
	21-3-SD	1/25/2021	LK LAND HOLDINGS LLC	off Border Road	Open	Proposed 3 lot MSD
	21-4-SD	1/29/2021	Butler Family Limited Partnership	Old Country Club Road	Open	Proposed 2 lot MSD
	21-5-SD	2/25/2021	FIDDLERS 1 LLC	54 FIDDLERS WAY, SHEPHERDSTOWN, WV 25443	Open	Proposed 2 lot MSD
	21-6-SD	2/25/2021	Lutman Land Development LLC - Dave Lutman	Shepherdstown Pike, Shenandoah Junction, WV 25442	Open	Proposed 2 lot Holloway MSD
	21-7-SD	2/25/2021	KIRBY REBECCA J & EARL D ALLARA JR	1599 OLD CAVE RD, CHARLES TOWN, WV 25414	Open	2 lot family transfer MSD
	21-8-SD	3/5/2021	DR Acquisitions	Charles Town Road, Charles Town, WV	Open	Residential Subdivision with 404 lots (179 SFD and 229 SFA) plus associated infrastructure (King's Crossing)
	21-9-SD	3/12/2021	Richard Boswell	102 EDGEWOOD DR, KEARNEYSVILLE, WV 25430	Open	Minor Subdivision creating a single one (1) acre lot through the family transfer process.
	21-10-SD	3/15/2021	RANDELL NEAL & AMANDA REED	365 VAN CLEVESVILLE RD, KEARNEYSVILLE, WV 25430	Open	2 Lot Minor Subdivision
	21-11-SD	3/26/2021	Rt 17 FSR, LLC - Dave Lutman	Vacant Parcel - Corner of French Road & Flowing Springs Road, Shenandoah Junction, WV 25442	Open	4 lot MSD and BLA with Russo
					<b>Category Total:</b>	<b>11</b>
<b>Zoning Certificate</b>	21-1-ZC	1/11/2021	B33 Jefferson Crossing II LLC	178 FLOWING SPRINGS RD, CHARLES TOWN, WV 25414	Closed	Shopping Center: Change in Tenant. Retail Sale and Services, General: Smoke Shop
	21-2-ZC	1/20/2021	Charles Town Holdings CRE, LLC Sule Qazi	107 KEYES FERRY RD, CHARLES TOWN, WV 25414	Closed	Change in tenant: Fireworks storage and sale
	21-3-ZC	1/25/2021	STILES STANLEY E & BARBARA R	118 GOSHEN ARRABON LN, CHARLES TOWN, WV 25414	Closed	Agricultural Event Center for up to 800 guests and Farm Vacation Lodging up to 5 units with associated parking and signage.
	21-4-ZC	2/4/2021	Birdge 33 Jefferson Crossing LLC - Omar Halik	71 JEFFERSON CROSSING WAY STE F, CHARLES TOWN, WV 25414	Closed	Shopping Center: Change in Tenant Personal Services: Laundromat
	21-5-ZC	2/10/2021	LEE JOSEPH R - JOSEPH LEE	206 MEADOW BLUFF LN, KEARNEYSVILLE, WV 25430	Closed	Accessory Dwelling Unit: In-Law Suite
	21-6-ZC	3/17/2021	B&J Partnership - Adam Criswell	426 INDUSTRIAL BLVD, KEARNEYSVILLE, WV 25430	Closed	Change in tenant from Royal Vendors to Speedway Motors (225,850 square feet) / no outdoor storage proposed; Warehousing & Distribution
	21-7-ZC	3/17/2021	B&J Partnership, Ltd - Adam Criswell	426 INDUSTRIAL BLVD, KEARNEYSVILLE, WV 25430	Closed	Change in tenant from Royal Vendors to Coin Acceptors, Inc. (10,000 square feet) / no outdoor storage proposed; Warehousing
	21-8-ZC	3/17/2021	B&J Partnership, Ltd - Adam Criswell	426 INDUSTRIAL BLVD, KEARNEYSVILLE, WV 25430	Closed	Change in tenant from Royal Vendors to UFP Ranson, LLC. (60,000 square feet) / no outdoor storage proposed; Warehousing (lumber storage)
	21-9-ZC	3/18/2021	LESTER RICHARD E & CRYSTAL L LUNCZYNSKI	49 HITE RD, KEARNEYSVILLE, WV 25430	Closed	Accessory Dwelling Unit: In Law Suite
	21-10-ZC	3/22/2021	RUSHIZKY GEORGE W & MARY L - Matthew Rushizky	8428 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN, WV 25443	Closed	Smartlink Group / T-Mobile - installation of 10' x 4' concrete generator pad.
	21-11-ZC	3/24/2021	AMERICAN TOWERS INC	17340 POPPY RD, BLUEMONT, VA 20135	Closed	Modifications to existing telecommunications tower to include: installation of new antennas and unmanned equipment in an existing fenced in compound.
	21-12-ZC	3/26/2021	DLGA LLC - David Butcher	2282 SUMMIT POINT RD, SUMMIT POINT, WV 25446	Open	Expansion of an existing salvage yard
	21-13-ZC	3/29/2021	PAUL ASHBAUGH - PAUL ASHBAUGH	18619 CHARLES TOWN RD, HARPERS FERRY, WV 25425	Closed	Change in Owner for Existing Nonconforming Use: Convenience Store (issued 04-06-21) Request includes addition of barber/beauty shop to the convenience store (BZA approval required)
				<b>Category Total:</b>	<b>13</b>	
<b>Zoning Map Amendment</b>	21-1-Z	1/19/2021	Guy Chicchirichi	Augustine Ave, Charles Town, WV 25414	Open	To rezone 2.1 of the 4.42 acres from Rural to Highway Commercial.
					<b>Category Total:</b>	<b>1</b>

Zoning Variance	21-1-ZV	1/4/2021	GROOM DAVID J & MARCI A	294 SUNDANCE LN, KEARNEYSVILLE, WV 25430	Open	Variance from Section 5.4B of the Zoning Ordinance, as amended 10/04/99 to reduce the rear setback from 20' to 10' for a 26' x 30' accessory structure.
	21-2-ZV	1/4/2021	FEDERAL GROUP INC	233 LOWE DR, SHEPHERDSTOWN, WV 25443	Open	Variance from Section 4.11.A. and Appendix B to utilize the 50' unscreened buffer option in lieu of the required vegetative screened buffer.
	21-3-ZV	1/4/2021	FEDERAL GROUP INC	233 LOWE DR, SHEPHERDSTOWN, WV 25443	Open	Variance from Section 4.6 to reduce the distance requirement from 75' to 0'; Section 4.11A to reduce the buffer requirement of 20' to 0'; and Appendix B to reduce the building setback from 25' to 0' and parking/drive aisle setback from 10' to 0' to allow for a proposed subdivision.
	21-4-ZV	1/15/2021	MATHIAS PATRICIA A	209 CEDAR DR, KEARNEYSVILLE, WV 25430	Closed	Variance from Section 9.6C to allow an accessory structure in the required front yard; and, Section 9.7 to reduce the front setback along Happy Creek Dr. from 30' to 20' and the front setback along Cedar Dr. from 30' to 5' for an existing 24' x 24' garage.
	21-5-ZV	1/29/2021	Keith Cranford	438 EUCLID AVE, CHARLES TOWN, WV 25414	Closed	Variance from Section 9.6C to allow an accessory structure in the required front yard; and Section 9.7 to reduce the front setback along an undeveloped platted 60' Right-of-Way (First Street) for a 24' x 40' garage.
	21-6-ZV	2/26/2021	Arcadia Land Inc.	Flowing Springs Road, Shenandoah Junction, WV 25442	Open	Variance from Section 8.10 to allow a sales trailer on a lot that is not part of the originally platted Harvest Hills Subdivision.
	21-7-ZV	2/26/2021	Potomac Crossroads Counseling, LLC - Kathy Morotti	4781 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV 25443	Open	Variance request from Section 10.48.3 to reduce the front setback from 25' to 0' for a 4' x 5' (8' tall) Freestanding Business Sign; and Section 10.48.4 to allow the proposed sign to face a residence.
	21-8-ZV	3/1/2021	PETROPOULEAS STEFANOS P	811 WILLOW SPRING DR, CHARLES TOWN, WV 25414	Postponed	Variance request from Section 10.48.3 to reduce the front setback from 25' to 1' for an 8.5' x 3' (25.5 square feet) Freestanding Electronic Business Sign; and, Section 10.7G to reduce the distance requirement of an Electronic Sign from a traffic light from 300' to approximately 190'.
	21-9-ZV	3/4/2021	West Group Holding LLC - Kristen Stolipher	Cloverdale Road, Charles Town, WV 25414	Open	Request to reduce the distance requirement and commercial setbacks as follows from 75' and 25' down to 15' along the north-eastern boundary line. The request includes conversion of an existing structure to a Contractor Office with Outdoor Storage and a future 1,000 square foot building.
	21-10-ZV	3/29/2021	Norman and Lora Corbin	2751 ENGLE MOLERS RD, HARPERS FERRY, WV 25425	Open	Variance request from Section 5.7D.2.b.iii(b) to allow a lot within a cluster development to utilize a separate access. The applicant is proposing to use an existing driveway as opposed to the newly platted access easement.
	21-11-ZV	3/26/2021	JENKINS WILLIAM L ET AL	911 JEFFERSON AVE, CHARLES TOWN, WV 25414	Open	Variance from Section 9.7 to reduce the front setback from 20' to 10' for a single family dwelling.
	21-12-ZV	3/29/2021	DLGA LLC - David Butcher	2282 SUMMIT POINT RD, SUMMIT POINT, WV 25446	Open	Variance request from Appendix B to reduce the side setback from 50' to 25' for 54 storage units/sea containers. The total length of the proposed encroachment area is approximately 54'.
	21-13-ZV	3/29/2021	DR Acquisitions LLC - Matt Powell	Vacant Lot West of Charles Town Road, Charles Town, WV 25414	Open	Variance request from Appendix A to reduce the side setback from 12' to 10' for all single family lots in the proposed King's Crossing subdivision.
	21-14-ZV	3/29/2021	VAN EVERA JAMES W III ET AL	7948 MARTINSBURG PIKE, SHEPHERDSTOWN, WV 25443	Open	Variance request from Section 4.11.E.1 and Appendix B to modify the vegetative buffer requirement for a commercial use next to a lot in the Residential Growth zoning district to the standard for a commercial use adjacent to a commercial use (Section 4.11.E.1 subsections a-e). Additionally, the request proposes to utilize any existing vegetation on the side and rear property lines in lieu of the required planted landscaping.
	21-15-ZV	3/30/2021	LUTHERAN CHURCH - Adam Link	4338 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION, WV 25442	Open	Variance from Section 4.11 and Appendix B to utilize existing vegetation in lieu of the required planted landscaping per Stand Detail M-53.
					<b>Category Total:</b>	<b>15</b>
					<b>Grand Total:</b>	<b>64</b>



# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

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## Planner's Memorandum Planning Commission Meeting April 13, 2021

### 1) Status of Engineering, Planning and Zoning County Offices during COVID-19 Virus Pandemic

The Department of Engineering, Planning and Zoning Mason Building is open to the public effective 4/7/21. Masks must be worn at all times and social distancing will be observed.

BUILDING PERMITS & INSPECTIONS 304-725-2998 [permits@jeffersoncountywv.org](mailto:permits@jeffersoncountywv.org)

IMPACT FEES 304-728-3331 - [mmason@jeffersoncountywv.org](mailto:mmason@jeffersoncountywv.org)

ENGINEERING 304-728-3257 - [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

PLANNING & ZONING 304-728-3228 - [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org),

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

GIS & ADDRESSING 304-724-6759 - [gis@jeffersoncountywv.org](mailto:gis@jeffersoncountywv.org)

### 2) Subdivision Regulation Amendment Update

a) On hold

### 3) Status of Zoning Ordinance Text Amendments

a) ZTA19-03: Text Am. Re: Solar Energy Facilities in the Rural District (CC Public Hearing set for 4/12/21)

### 4) Upcoming PC meetings

a) Next Regular meeting: May 11, 2021

- King's Crossing Concept Plan Public Workshop
- Road Runner Wrecker Concept Plan Workshop