



Agenda  
Jefferson County Planning Commission  
Tuesday, March 8, 2022 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 only.

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\*\***

*Access virtual meeting from desktop, laptop, iPad/tablet, or phone.  
You will be prompted to download the software or install the ZOOM app.*

**Join Zoom Meeting:** <https://us02web.zoom.us/j/89401284216>

**Dial by location:** 301-715-8592 / Meeting ID: : 894 0128 4216

Find your local number: <https://us02web.zoom.us/u/kdGVJJoDz0q>

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1. Approval of Meeting Minutes: February 8, 2022
  2. Request for postponement.
  3. **Public Hearing:** Request for a waiver of Section 24.113.B.10 of the Subdivision Regulations, which requires an Archaeological Survey for all Major Subdivision Preliminary Plats. Applicant: Dan Snyder, P.E., B.C. Partners, Inc. Property Owner: B.C. Partners, Inc. Property Location: Northeast Corner of US 340 and WV 24, Old Country Club Road, WV. Parcel ID: 04001100110000; Size: 9.54 acres; Zoning District: Residential-Light Industrial-Commercial. File: 22-2-PCW.
  4. **Public Hearing:** Request for a waiver from Appendix B Table 2.2-1 “Roadway Design Standards” of the Subdivision Regulations, as it relates to standards for Non-Residential/ Industrial & Commercial Streets, including the required 60’ ROW width (requesting 50’); the required stopping sight distance of 235’ (requesting 207’) and the minimum horizontal curve radius of 300’ (requesting 200’ and 175’). Applicant: Dan Snyder, P.E., B.C. Partners, Inc. Property Owner: B.C. Partners, Inc. Property Location: Northeast Corner of US 340 and WV 24, Old Country Club Road, WV. Parcel ID: 04001100110000; Size: 9.54 acres; Zoning District: Residential-Light Industrial-Commercial. File: 22-3-PCW.
  5. **Public Hearing:** Request for a waiver of Section 20.201C.2 to allow a non-residential lot in a proposed minor subdivision to utilize an existing 20’ access easement (Tabernacle Lane). Applicant: Mission Tabernacle Church. Property Owner: Charlotte Beahm; Property Location: 382 Mission Rd., Harpers Ferry, WV. Parcel ID: 02021A00140000; Size: 1.37 acres; Zoning District: Rural. File: 22-4-PCW.
  6. **Public Hearing:** Request for a waiver of Section 20.201C.3; Appendix B, Sec. 3.1; and Appendix A, Sec. 1.4.28 to allow a non-residential lot in a proposed minor subdivision to process a final plat without obtaining health department approval. The subject lot will consist solely of an overflow parking area for Mission Tabernacle Church. Applicant: Mission Tabernacle Church. Property Owner: Charlotte Beahm. Property Location: 382 Mission Rd., Harpers Ferry, WV. Parcel ID: 02021A00140000; Size: 1.37 acres; Zoning District: Rural. File: 22-5-PCW.
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There is no public comment for the following items.

7. **Discussion and Action for a Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcel (to be known as Green Hill) from Rural to Residential Growth (RG) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: William Reilly. Property Location: Northeast of the Flowing Springs Rd/Daniel Rd intersection Charles Town, WV. Tax District: Charles Town (02), Map: 3; Parcel: 9. Acreage: 102 acres. Zoning District: Industrial Commercial. File: 22-1-Z.
  8. **Discussion and Action for a Zoning Map Amendment Request** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone a 0.52-acre portion of the 4.42-acre subject parcel from Rural to Highway Commercial (HC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: Guy Chicchirichi. Property Location: NE of Augustine Avenue/Route 340 intersection Charles Town, WV. Tax District: Charles Town (02), Map: 16; Parcel: Portion of #1 acreage: 0.52 acres. Zoning District: Rural. File: 22-2-Z.
  9. **Reports from Legal Counsel**
    - a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
    - b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
    - c. Discussion regarding Comprehensive Plan Amendment and related issues.
  9. **Planner's Memo**
  10. **Zoning Administrator's Memo regarding a scrivener's error in the Zoning Ordinance.**
  11. **President's Report**
  12. **Actionable Correspondence**
  13. **Non-Actionable Correspondence**
    - Email from Richard Zigler dated February 20, 2022 regarding the proposed Comprehensive Plan text amendment pertaining to solar energy facilities.
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Meeting Minutes  
Jefferson County Planning Commission  
February 8, 2022

The Jefferson County Planning Commission met on February 08, 2022 at 7:00 pm with the following Planning Commission members present via ZOOM: Mike Shepp, President; Matt Knott, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Jack Hefestay, Donnie Fisher, Ron Thomas, Shane Roper, and J. Ware.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning; Nathan Cochran, County Attorney; and Will Rohrbaugh, County's legal representative.

The Planning Commission meeting was held as a ZOOM only meeting. The ZOOM meeting information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed that a quorum was present.

**1. Approval of the following meeting minutes:**

Hearing no objection, Mr. Shepp approved the January 11, 2022 minutes as presented.

**2. Request for postponement. None.**

**3. Public Hearing: WITHDRAWN** Request for a waiver from Section 20.203B of the Subdivision Regulations, which requires a Site Plan when the footprint of any addition or a new structure (building and/or parking lot) is greater than 1,200 square feet. The applicant is requesting to waive the requirement of a site plan to build a 1500 square foot workshop. Property Owner: Ray and Kerry Muth. Property Location: 21 Southpaw Lane Shepherdstown WV Parcel ID: 09014BWAT10000; Combined Size: 1.2 ac; Zoning District: Rural. File #22-1-PCW.

Mike Shepp asked if this agenda item should be postponed and Jennifer Brockman stated that the waiver was withdrawn.

**4. Reports from Legal Counsel**

Mike Shepp made a motion to go into Executive Session to receive legal advice from the Planning Commission attorneys for Items a, b and c listed on the agenda. Jack Hefestay second the motion; which carried unanimously. The Planning Commission members were reminded to turn off their sound /video in ZOOM and to phone into the Executive Session.

a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.

b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21- 0727, 21-0728, and 21-0731.

c. Discussion regarding Comprehensive Plan Amendment, related issues and Jefferson County Circuit Court Civil Action No. 2022-C-6.

d. Discuss possible Solar Text Amendment under the existing Comprehensive Plan and related issues.

Mr. Jack Hefestay moved to come out of executive session; Donnie Fisher seconded the motion, which was approved unanimously.

Staff Report  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Country Club Commons Waiver Requests (File #22-2-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 Report  
 Jefferson County Planning Commission Meeting  
 March 8, 2022

**Country Club Commons Waiver Requests (File #22-2-PCW)**

**Item # 3: Public Hearing:** Request by Dan Snyder/B.C. Partners, Inc. for a waiver from Section 24.113.B.10 of the Subdivision Regulations, which requires an Archaeological Survey for all Major Subdivision Preliminary Plats.

Owner/ Applicant	B.C. Partners, Inc. /Dan Snyder, P.E.
Parcel Location and Information	<p style="text-align: center;">Northeast Corner of US 340 and WV 24, Old Country Club Road          Parcel ID: 04001100110000; Combined Size: 9.54 ac;          Zoning District: Residential-Light Industrial-Commercial</p> 
Adjacent Zoning Districts	<p><i>North:</i> Residential Growth  <i>East:</i> Residential Growth/Residential-Light Industrial-Commercial (RLIC)  <i>South:</i> Residential-Light Industrial-Commercial (RLIC)/General Commercial (CT)  <i>West:</i> Residential Growth</p>
Proposed Activity	4 Non-Residential Lots and a public street for future commercial pad users
Approvals:	19-17-SD: Country Club Commons proposed Major Non-Residential Subdivision Concept Plan Public Workshop (Approved 2/11/20)

**Site Background:**

The applicant has received approval for the Concept Plan for a Major Non-Residential Subdivision consisting of four (4) commercial lots and a public street for future commercial pad users. After the Concept Plan, a Major Non-Residential Subdivision requires processing a Preliminary Plat and Final Plat.

Staff Report  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Country Club Commons Waiver Requests (File #22-2-PCW)**

In accordance with Section 20.203 of the Subdivision Regulations, once a Major Non-Residential Subdivision, with master planned roads and stormwater is approved, each Site Plan will be permitted to process as a Minor Site Plan, which is administratively approved and does not require a separate Concept Plan.

Article 24, Section 24.113.B.10 of the Subdivision Regulations requires all Major Subdivisions to submit a Phase I Archeological Survey with the submission of a Preliminary Plat. The property is zoned Residential-Light Industrial Commercial and is processing as a Major Non-Residential Subdivision. The applicant is requesting a waiver from the required Phase I Archeological Survey.

**Summary of the Request:**

The applicant has submitted a request to waive the Phase I Archaeological Study, which is required with the submission of a Preliminary Plat by Section 24.113.B.10 the Subdivision Regulations. At the Concept Plan submission, applicants are required to reach out to various outside agencies, including the Jefferson County Historic Landmarks Commission (HLC). At that time, the Jefferson County HLC did not note any concerns. The applicant is requesting that this requirement be waived in light of the fact that there are no known resources on the property.

**Staff Comments:**

Staff understands that the requirement for a Phase I Archaeological Study in a County with as many historic resources as Jefferson County has the potential to identify previously unknown historic resources; however, lands which have historically been used for agricultural purposes have generally been so disturbed as to make it difficult to identify any new resources. The applicant has indicated in their application that that they will commit to notifying the County Historic Landmarks Commission if, during construction, any archaeological finds/remains are discovered.

**Staff Recommendation:**

Staff recommends that this waiver may be a reasonable request for 9.5-acre corner lot that has previously been impacted by the construction of the 4-lane US 340; has been used as the site of a sales trailer and related parking for nearby subdivisions; and is within the County's WV 340 East Preferred Growth Area (PGA). Approval should include the requirement that the applicant will notify the County if any resources are found on site during development.

[Staff also recommends that the Planning Commission collaborate with the SHPO and Jefferson County HLC to amend this requirement to create a requirement that balances the cost of development with the anticipated results.]

**Section of Regulations under Consideration:**

**Sec. 24.113 Major Subdivision Preliminary Plat - Application Submission and Completeness Review**

- B. Submission Contents. The submission shall contain the following elements in the number of copies indicated.
  - 10. Historic Resource Preservation. A Phase I archaeological study is required. A historic resources impact study shall also be included.

Mr. Shepp made a statement for the record that during the executive session, legal issues related to Items a, b and c on the agenda were discussed. Item d was not discussed because the Planning Commission has not received any direction from the County Commission about the Solar Text amendment to the *Envision Jefferson 2035 Comprehensive Plan*.

**5. Planner's Memo.**

Jennifer Brockman reported that on January 20, 2022, the County Commission held the required Public Hearings on the two Zoning Map Amendments reviewed by the Planning Commission (John Morris (21-4-Z) and Arnold Holden (21-5-Z)). They were both approved at the conclusion of the Public Hearings.

She also reported that the County Commission held a Public Hearing on the *Envision Jefferson 2035 Comprehensive Plan* text amendment related to solar facilities and the Public Hearing was left open for 2 weeks for additional comments.

The next regular Planning Commission meeting is March 8. There are currently 2 zoning map amendments and 4 waivers on that agenda.

**6. President's Report.** None.

**7. Actionable Correspondence.** None.

**8. Non-Actionable Correspondence**

Wade Louthan motioned to adjourn the meeting; Matt Knott seconded the motion, which carried unanimously. The meeting was adjourned at 7:54 pm.

These minutes were prepared by Tanya Lyons, Planning Clerk.





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 #: 22-2-PCW  
 Mtg Date: 03-08-22  
 Date Rec'd: 02-15-22  
 Fees Paid: 100.00  
 Staff Int: tl  
 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: \_\_\_\_\_  
 Business Name: B.C. Partners, Inc  
 Mailing Address: 24012 Frederick Road, Suite 200, Clarksburg VA, 20871  
 Phone Number: 304/676-8256 c/o Paul Email: c/o pjraco.consulting@gmail.com

**Applicant Contact Information**

Applicant Name: Dan Snyder, P.E. Paul J Raco Same as owner:   
 Business Name: B.C. Partners, Inc P.J. Raco Consulting, LLC  
 Mailing Address: Above and Below  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

Name: Paul J Raco Robert Barrick, P.E.  
 Business Name: P.J. Raco Consulting, LLC Piedmont Design Group  
 Mailing Address: P.O. Box 548 Charles Town, WV 25414 5283 Corporate Drive, Suite 300, Frederick, MD  
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical Property Details**

Physical Address: Northeast Corner of Route 340 and Route 24, Country Club Road Vacant Lot:   
 Tax District: Harpers Ferry Map No: 11 Parcel No: 11  
 Parcel Size: 9.54 +/- Acres Deed Book: 941 Page No: 546  
 Zoning District: Residential/Light Industrial/Commercial 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?**

Article 24, Section 24.113.B.10 Archeological Survey

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

2/15/22   
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.

03-08-2022   
Public Hearing Date

02/22/2022   
Date Placard Posted

02/22/2022   
Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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

B.C. Partners, Inc.  
Country Club Commons Preliminary Plat  
Waiver Request  
Sections: 24.113B.10 Archeological Study  
Jefferson County Subdivision and Site Development Ordinance  
February 15, 2022

**Brief Description:**

This provision requires a Phase I Archeological Report and a Historic Resources Impact Study. Staff and Design Consultants, Surveyors and Engineers have discussed this provision on various occasions since the first Major Subdivision was processed several years ago. The Staff, Consultants and Engineers have all agreed that this provision be removed or significantly altered since it doesn't appear to provide proper guidance on the contents or how the study should be conducted. Staff has agreed that they didn't know the intent of the writers of the ordinance and thought that it may be that whoever wrote the ordinance thought that this study was more like a Phase 1 Environmental Study that basically required a walk through on the property to identify possible trouble areas. So, since the provision is unclear and not in keeping with the original intent of the requirement, this provision has been routinely waived for all projects since the first Major Subdivision.

Regarding the Historic Resources Impact portion of the project, the JCHLC already reviewed the project during the Concept Plan Stage and did not comment on the property or project.

As an area identified by the County as a Preferred Growth Area (Rt 340 East PGA) in the most recent Comprehensive Plan, this area was already reviewed by many experts and agencies during the drafting of this plan. After this review, it was determined that this area should be permitted to develop with Urban Level Growth. Furthermore, this property has previously been used for commercial with a Sales Office for many years. The facility was already removed from the property and during construction and removal, there was no evidence of archeological significance.

Accordingly, the Applicant believes that they comply with the Historic Resource portion of the provision (with the notification to the HLC) and are asking for a waiver based on the lack of specificity of the provision in the Ordinance. Also, regarding the Phase 1 Archeological Study, the Applicant is seeking a Waiver from providing a full Phase 1 Archeological Report and will ensure that they will walk the property to identify any archeological sites from the surface. The Applicant will also commit to notifying the County if during construction, any archeological resources are discovered.

B.C. Partners, Inc.  
Country Club Commons Preliminary Plat  
Waiver Request  
Sections: 24.113B.10 Archeological Study  
Jefferson County Subdivision and Site Development Ordinance  
February 15, 2022

**Four Criteria:**

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

The project is in an area that is identified as the Route 340 East Preferred Growth Area. This area was established in the Envision Jefferson 2035 Comprehensive Plan. The PGAs are for the development of Urban Level Growth and full development. This property is zoned for high density residential, commercial, and light industrial uses, and this project is a development of commercial uses.

The project will meet the standards of the Subdivision and Site Development Ordinance. The road and common areas including the SWM areas will be privately maintained and will have no public maintenance cost.

Granting the waiver will allow the project to move forward and will generate a great deal of taxes that benefit Parks, Emergency Services and Police.

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

The granting of the waiver will have no effect on the public health safety or welfare of the neighbors or adjacent property owners. The waiver is to not require an expensive study that will have no impact on how to develop under the existing Preliminary Plat or Site Plan Standards in the Ordinance.

The JCHLC did not comment on the Concept plan or any historic resource on site and the Applicant will conform with the Standards of the Ordinance regarding screening and buffering or seek variances.

The Applicant has done his own review of the property regarding any other resource that the Subdivision Ordinance requires to be addressed. Providing an expensive study that the ordinance does not provide any recourse for, is an expense that is not necessary. If any archeological resources are found during grading or construction, the

Applicant will immediately notify the County. Although there still isn't any provision in the Subdivision Ordinance that will address the matter.

The property was used commercially by the long time owners of the property including the construction of parking lot, septic system and well. During that construction, the soil and subsoil have already been disturbed with no evidence of archeological remains.

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

According to the Staff, the intent of the provision is unknown. A review of the Subdivision Ordinance indicates that there isn't any requirement found in the Standards that would address something in an Archeological Study. Therefore, it would appear to be for the benefit of the Applicant. The Applicant is satisfied that the previous construction and review by the JCHLC would have identified any archeological or historical resource. Furthermore, the property is adjacent to Route 340 which underwent multiple EIS and Historical Studies during planning and construction.

County Staff agree that this provision needs to be removed or amended since it does not appear to be tied to any requirement in the ordinance. The Planning Commission has granted multiple waivers to this provision every time it was requested.

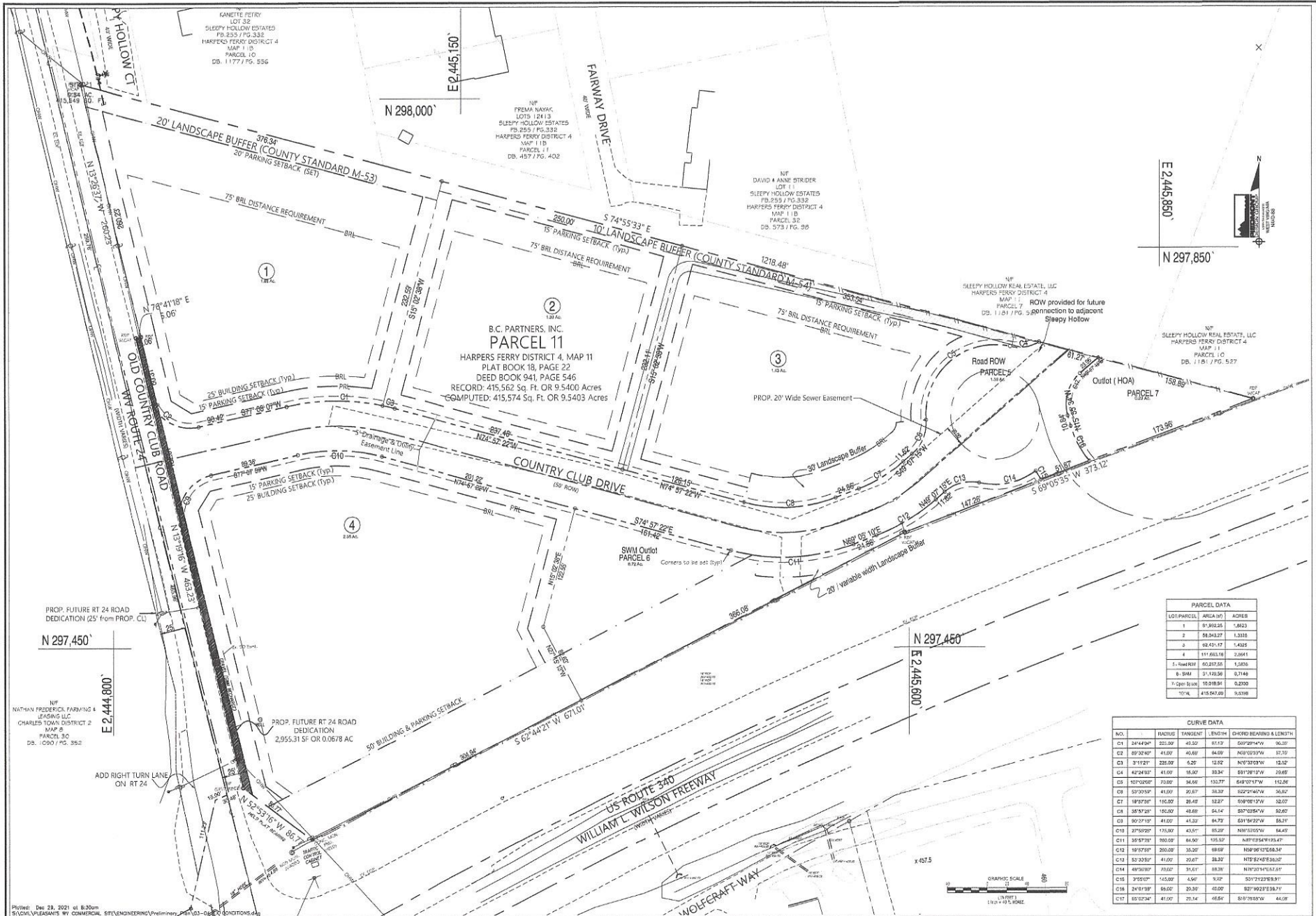
Regarding the Historic Resource Impact, the intent is for the identification of significant historic resources. In this case, the JCHLC did participate in the Concept Plan review and did not make any comment on any historical resource.

Finally, this area is a Preferred Growth Area in the Comprehensive Plan that was developed by experts in all fields in Jefferson County. The assumption is that if there was any indication that this area should be protected or treated specially, then the County would not have identified it as a prime, major development area.

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

There is no purpose identified in the Subdivision Ordinance to provide a study, therefore, neither the County Staff nor the Applicant know what could be required even if a Study was defined or provided. The project will meet all the defined standards in the ordinance. It is a well designed subdivision in an area that is identified in the Comprehensive Plan as a major development area. Furthermore, a portion of the property has been previously graded and used for commercial purposes.

Accordingly, the Applicant respectfully asks that the Planning Commission approve the waiver so that the process can continue in a timely and more cost-effective fashion. The Planning Commission approved the Concept Plan with very little comment. Thank you for your consideration.



PARCEL DATA		
LOT/PARCEL	AREA (SQ. ACRES)	ACRES
1	8,962.25	1.623
2	59,044.37	1.335
3	58,450.17	1.425
4	111,663.18	2.561
5 - 14	80,207.55	1.826
5 - 20	5,128.56	0.114
1 - 20	10,018.94	0.230
10 - 4	418,567.00	9.539

CURVE DATA					
NO.	RADIUS	TANGENT	LENGTH	CHORD BEARING & LENGTH	
C1	24749.04	223.89	45.32	87.17	S69°24'49" W 36.31
C2	29242.41	41.00	46.61	64.69	N0°02'37" W 37.31
C3	31121.21	228.00	5.20	12.92	N10°33'03" W 12.32
C4	42249.51	41.00	16.00	33.34	S81°28'17" W 29.69
C5	107502.00	73.00	94.06	133.77	S49°02'17" W 112.26
C6	57399.00	41.00	50.00	36.30	S22°42'45" W 36.32
C7	18797.00	162.00	28.49	33.27	S09°01'11" W 32.00
C8	38573.00	152.00	48.00	54.14	S27°02'54" W 50.00
C9	90231.00	41.00	41.33	64.72	S31°54'22" W 58.11
C10	27502.00	175.00	43.51	55.20	N0°31'05" W 54.49
C11	35973.00	80.00	64.00	115.52	N0°13'54" W 115.41
C12	18797.00	200.00	35.20	68.69	N0°06'13" W 68.34
C13	53352.00	41.00	20.00	28.32	N75°24'48" W 36.00
C14	48730.00	73.00	94.00	133.77	N0°01'11" W 112.26
C15	37502.00	152.00	48.00	54.14	S27°02'54" W 50.00
C16	24749.04	223.89	45.32	87.17	S69°24'49" W 36.31
C17	55024.00	41.00	25.14	46.64	S10°22'22" W 44.00

REVISIONS

SCALE 1"=40'

DESIGN: [ ] CHECK: [ ] APPROVED: [ ]

SHEET

**4**

DATE: Dec 1, 2021

**PRECISION**  
 ENGINEERS, INC.  
 2000 W. MARKET STREET  
 HARPERS FERRY, WV 25425  
 (304) 896-6611

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**Subdivision Plat**  
**Country Club Commons**  
 Harpers Ferry District  
 Jefferson County, WV

Plotted: Dec 29, 2021 at 8:20am  
 S:\CONTRACTS\WV COMMERCIAL SITE ENGINEERING\Pre\2021\103-0823-00\CONTR01.dwg

Staff Report  
 Jefferson County Planning Commission Meeting  
 March 8, 2022

**Country Club Commons Waiver Requests (File #22-3-PCW)**

**Item # 4: Public Hearing:** Request by Dan Snyder/B.C. Partners, Inc. for a waiver from Appendix B Table 2.2-1 “Roadway Design Standards” of the Subdivision Regulations, as it relates to standards for Non-Residential/ Industrial & Commercial Streets, including the required 60’ ROW width (requesting 50’); the required stopping sight distance of 235’ (requesting 207’) and the minimum horizontal curve radius of 300’ (requesting 200’ and 175’).

Owner/Applicant:	B.C. Partners, Inc. /Dan Snyder, P.E.
Parcel Location and Information:	<p style="text-align: center;">Northeast Corner of US 340 and WV 24, Old Country Club Road          Parcel ID: 04001100110000; Combined Size: 9.54 ac;          Zoning District: Residential-Light Industrial-Commercial</p> 
Adjacent Zoning Districts:	<p><i>North:</i> Residential Growth  <i>East:</i> Residential Growth/Residential-Light Industrial-Commercial (RLIC)  <i>South:</i> Residential-Light Industrial-Commercial (RLIC)/General Commercial (CT)  <i>West:</i> Residential Growth</p>
Proposed Activity:	4 Non-Residential Lots and a public street for future commercial pad users
Approvals:	19-17-SD: Country Club Commons proposed Major Non-Residential Subdivision Concept Plan Public Workshop (Approved 2/11/20)

Staff Report  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Country Club Commons Waiver Requests (File #22-3-PCW)**

**Site Background:**

The applicant has received approval for the Concept Plan for a Major Non-Residential Subdivision consisting of four (4) commercial lots and a public street for future commercial pad users. After the Concept Plan, a Major Non-Residential Subdivision requires processing a Preliminary Plat and Final Plat. In accordance with Section 20.203 of the Subdivision Regulations, once a Major Non-Residential Subdivision, with master planned roads and stormwater is approved, each Site Plan will be permitted to process as a Minor Site Plan, which is administratively approved and does not require a separate Concept Plan.

The Country Club Commons development is proposed to have Commercial Street with a full access to Old Country Club Road and a proposed right-in access from US 340. During the Concept Plan Public Workshop, it was noted that proposed design of a 50' right-of-way did not meet the Subdivision Regulations requirements for commercial streets and a waiver would be required. As the applicant has worked on the road design for the preliminary plat, other waivers have been noted and are included in this request. The applicant is also working with WV DOH on the entrances to the state roads and access points.

**Summary of the Request:**

The applicant has submitted a request to waive the following requirements found in Appendix B, Table 2.2-1 "Roadway Design Standards" of the Subdivision Regulations, as it relates to standards for Non-Residential/ Industrial & Commercial Streets:

1. the required 60' ROW width (requesting 50');
2. the required stopping sight distance of 235' (requesting 207'); and
3. the minimum horizontal curve radius of 300' (requesting 200' and 175').

The discussion and recommendations below are grouped by the section requested to waive and it is possible to recommend separate approvals for these requests.

**Engineering Staff Discussion/Recommendations:**

1. The applicant is requesting a **waiver to reduce the minimum Right of Way** (ROW) for a non-residential street from 60' to 50'.

A 60' ROW is needed to provide enough width for a non-residential open (with ditch line) road cross-section. An open road cross section requires the following:

- 26' asphalt pavement,
- two 4' gravel shoulders,
- two 6' 4-to-1 slope into the ditch line,
- two 3' 2-to-1 slope out of the ditch line,
- 4' sidewalk placed 1' off the property line for a total of 5' for one side.

For a total of 57'.

A closed (with curb and gutter) road cross-section eliminates the need for shoulders and a ditch line which reduces the cross section around 26' depending on the grade of the existing ground.

The applicant is proposing a closed road cross-section with a 50' ROW and two 5' drainage/utility easements.

**Country Club Commons Waiver Requests (File #22-3-PCW)**

Table 2.2-1 of the Jefferson County Subdivision and Land Development Regulation only has the 60' ROW requirement for non-residential street and does not differentiate between an open or closed road cross-sections.

**Recommendation**

*A closed road cross-section requires less width than your standard open road cross-section. Therefore, staff recommends approval of the waiver to reduce the ROW from 60' to 50'.*

2. The applicant is requesting to **reduce the minimum stopping sight distance for a non-residential street** of 235' to below 200'. The stopping sight distance for the applicant's current road design is 207' and 191' for 2 separate vertical curves at 25 MPH speed limit. Please be aware that the section of road with the proposed 191' stopping sight distance is in the cul-de-sac. The applicant is considering the cul-de-sac with a raised planter to be a traffic-calming device (roundabout).

The applicant is designing the road at 25 mph speed limit. Exhibit 3-2 show that at a speed of 25 mph and a 9% downgrade (most conservative) that the stopping sight distance is 173'. The applicant has designed the road to meet this requirement.

Metric							US Customary						
Design speed (km/h)	Stopping sight distance (m)						Design speed (mph)	Stopping sight distance (ft)					
	Downgrades			Upgrades				Downgrades			Upgrades		
	3 %	6 %	9 %	3 %	6 %	9 %		3 %	6 %	9 %	3 %	6 %	9 %
20	20	20	20	19	18	18	15	80	82	85	75	74	73
30	32	35	35	31	30	29	20	116	120	126	109	107	104
40	50	50	53	45	44	43	25	158	165	173	147	143	140
50	66	70	74	61	59	58	30	205	215	227	200	184	179
60	87	92	97	80	77	75	35	257	271	287	237	229	222
70	110	116	124	100	97	93	40	315	333	354	289	278	269
80	136	144	154	123	118	114	45	378	400	427	344	331	320
90	164	174	187	148	141	136	50	446	474	507	405	388	375
100	194	207	223	174	167	160	55	520	553	593	469	450	433
110	227	243	262	203	194	186	60	598	638	686	538	515	495
120	263	281	304	234	223	214	65	682	728	785	612	584	561
130	302	323	350	267	254	243	70	771	825	891	690	658	631
							75	866	927	1003	772	736	704
							80	965	1035	1121	859	817	782

**Exhibit 3-2. Stopping Sight Distance on Grades**

**Recommendation**

*Staff recommends approval of the waiver to reduce the 235' stopping sight distance to 173' at a speed limit of 25 MPH.*

3. The applicant is requesting to **reduce the minimum horizontal curve radius of 300' for a non-residential street** to 175' at a 25 MPH speed limit.

The table below shows that at a 25 MPH speed limit and a -2.5% cross slope that the minimum horizontal curve radius is 203'. The proposed 175' would not meet this standard. If the speed limit is

Staff Report  
 Jefferson County Planning Commission Meeting  
 March 8, 2022

**Country Club Commons Waiver Requests (File #22-3-PCW)**

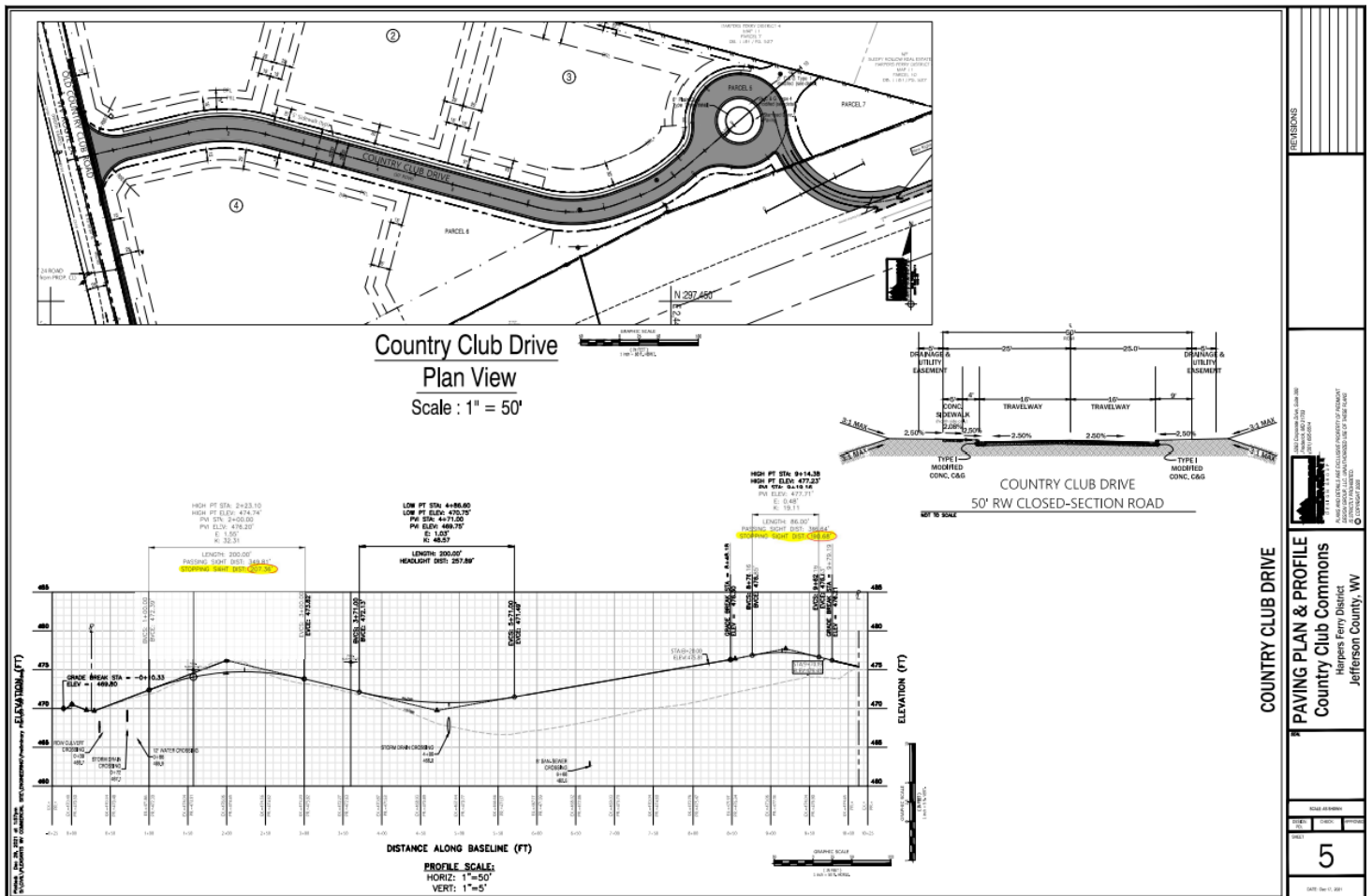
lowered to 20 MPH, the horizontal curve radius is then reduced to 108.5'. The proposed 175' would meet this standard.

**US CUSTOMARY**

$e$ (%)	$V_d = 15$ mph $R$ (ft)	$V_d = 20$ mph $R$ (ft)	$V_d = 25$ mph $R$ (ft)	$V_d = 30$ mph $R$ (ft)	$V_d = 35$ mph $R$ (ft)	$V_d = 40$ mph $R$ (ft)	$V_d = 45$ mph $R$ (ft)
-6.0	58	127	245	429	681	1067	1500
-5.0	56	121	231	400	628	970	1350
-4.0	54	116	219	375	583	889	1227
-3.0	52	111	208	353	544	821	1125
-2.8	51	110	206	349	537	808	1107
-2.6	51	109	204	345	530	796	1089
-2.4	51	108	202	341	524	784	1071
-2.2	50	108	200	337	517	773	1055
-2.0	50	107	198	333	510	762	1039
-1.5	49	105	194	324	495	736	1000
0	47	99	181	300	454	667	900
1.5	45	94	170	279	419	610	818
2.0	44	92	167	273	408	593	794

**Recommendation**

*Staff recommends approval of the waiver to reduce the horizontal curve radius from 300' to 175' if the applicant will reduce the posted speed limit to 20 MPH.*



Staff Report  
 Jefferson County Planning Commission Meeting  
 March 8, 2022

**Country Club Commons Waiver Requests (File #22-3-PCW)**

**Section of Regulations under Consideration:**

<b>Table 2.2-1 Roadway Design Standards<sup>4</sup></b>				
	Residential Local Street Maximum 12 Lot Subdivision	Residential Local Street (Max. 25 lots or units)	Residential Collector Street (Greater than 25 lots or units)	Non-Residential/ Industrial & Commercial Street
ADT	N/A	< or = to 200	>200	N/A
Minimum Turn Lane Width		-	12'	12'
Minimum Horizontal Curve Radius	100'	100'	150'	300'
Minimum Turning Flare Radius at pavement edge	30'	30'	30'	35'
Stopping sight distance	100'	100'	175'	235'
Minimum Road Grade	1.5%	1.5%	1.5%	0.5% w/C&G
	Minimum Road Grade may be 0.50% if 1-1/2' deep x 2' wide flat bottom trapezoidal road drainage ditch provided.			
Maximum Road Grade	10%	9.0%	9.0%	9.0%
Maximum Internal Subdivision Intersection Approach Grade	8%	8%	6%	6%
Pavement Width	20'	20'	22'	26'
Pavement Surface Type	6" Depth Crusher Run Stone	Bituminous Asphalt (per std. detail)	Bituminous Asphalt (per std. detail)	Bituminous Asphalt (per std. detail)
Pavement cross slope	3/8" per ft.	3/8" per ft.	3/8" per ft.	3/8" per ft.
Shoulder Width	3'	3'	3'	4'
Shoulder Type	Crusher Run Stone	Crusher Run Stone	Crusher Run Stone	-
Shoulder cross slope	3/4" per ft.	3/4" per ft.	3/4" per ft.	-
Ditch depth	1.5'	1.5'	1.5'	-
Ditch slope in:	4:1	4:1	4:1	-
Ditch slope out:	2:1	2:1	2:1	-
Ditch Line Treatment	Per Stormwater Management Regulations			-
Minimum Road R.O.W. Width	50'	50'	50'	60'
Minimum Cul-de-sac R.O.W. Radius	-	60'	60'	60'
Cul-de-sac pavement radius	-	50'	50'	50'
Cul-de-sac R.O.W. Fillet Radius		25'	25'	30'
Hammer Head or "Y" Turnaround Allowed	Yes (see std. detail)	No	No	No
Subdivision Roadway Entrance Apron (from edge of existing road).	20'x25'x2-1/2" Bituminous Asphalt Surface	-	-	25'x6" WWF Reinforced 3,000 psi Portland Cement Conc
Sidewalk	-	-	-	Minimum 4' width; no closer than 1' from P/L or 4' from curb or edge of roadway.

Staff Report  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Country Club Commons Waiver Requests (File #22-3-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.



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 #: 22-3-PCW  
 Mtg Date: 03-08-22  
 Date Rec'd: 02-15-22  
 Fees Paid: 100.00  
 Staff Int: tl  
 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: \_\_\_\_\_  
 Business Name: B.C. Partners, Inc  
 Mailing Address: 24012 Frederick Road, Suite 200, Clarksburg VA, 20871  
 Phone Number: 304/676-8256 c/o Paul Email: c/o pjraco.consulting@gmail.com

**Applicant Contact Information**

Applicant Name: Dan Snyder, P.E. Paul J Raco Same as owner:   
 Business Name: B.C. Partners, Inc P.J. Raco Consulting, LLC  
 Mailing Address: Above and Below  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

Name: Paul J Raco Robert Barrick, P.E.  
 Business Name: P.J. Raco Consulting, LLC Piedmont Design Group  
 Mailing Address: P.O. Box 548 Charles Town, WV 25414 5283 Corporate Drive, Suite 300, Frederick, MD  
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical Property Details**

Physical Address: Northeast Corner of Route 340 and Route 24, Country Club Road Vacant Lot:   
 Tax District: Harpers Ferry Map No: 11 Parcel No: 11  
 Parcel Size: 9.54 +/- Acres Deed Book: 941 Page No: 546  
 Zoning District: Residential/Light Industrial/Commercial 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?**

Apendix B, Table 2.2-1 Roadway Design Standards: 60' ROW Width to 50' ROW Width  
 Stopping Sight Distance from 235' to 207'  
 Minimum Horizontal Curve Radius from 300' to 200' and 175'

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

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.

[Signature] UP 2/15/22  
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.

03 08-2022  
Public Hearing Date

02/22/2022  
Date Placard Posted

02/22/2022  
Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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

B.C. Partners, Inc.  
Country Club Commons Preliminary Plat  
Waiver Request  
Section: Table 2.2-1 Roadway Design Standards  
Jefferson County Subdivision and Site Development Ordinance  
February 15, 2022

**Brief Description:**

The Roadway Design Standards Table 2.2-1 is attached. This Table has multiple levels of standards for various Residential Roads based on levels of use and number of lots. However, for Nonresidential Subdivisions, there is only one category regardless of level of use or more appropriately number of lots, type of truck traffic and speed limit of the nonresidential road. Here is a brief description of the waivers from three specific standards from this Table.

1. Reduction of the ROW from 60' to 50'. This width of ROW is established for both industrial and commercial purposes. A 4 lot commercial subdivision that has little anticipated truck traffic and no industrial uses, the 60' is excessive. When the PPC was held with the Staff and at the Concept Plan Workshop with the Planning Commission, all involved anticipated (and announced) that a 50' wide ROW would be adequate if all the requirements of road surface, street trees, sidewalks, etc. could be met. In this case, the attached Cross Section of the proposed road design illustrates that the required elements will fit within the 50' wide proposed ROW. While the standard of road width is only 26 feet, the Applicant is proposing a 30 feet wide road within the same 50' requested ROW.
2. Reduction of the Stopping Site Distance (Vertical Curve) in one location from a required 235' to a proposed 207'. As previously stated, this standard in the Table is for all commercial and industrial roads without considering the type of uses or speed limit. Many jurisdictions and accepted engineering standards consider the speed limit and the circumstance where the (vertical) curve is located. In this subdivision, the location of area where the stopping sight distance is reduced from 235' to 207' is outside of the cul-de-sac (Round About). The traffic is already slowed based on this traffic calming device. Furthermore, the speed limit proposed for this road is only 25 MPH. The 235' standard is also generally intended to apply to a higher speed limit road which would require more of a stopping sight distance.

Finally, Per Table 3-2 of AASHTO's 'A Policy on Geometric Design of Highways and Streets' [hereinafter AASHTO], for a proposed 25 mph speed limit, stopping sight distance on grades for all slope values on both up- and down-grades are less than 200'. Therefore, according to AASHTO for this 25 MPH road design, the provided 207' stopping sight distance is adequate.

3. Reduction of the curve radii for two horizontal curves from 300' to 200' and 175' respectively. Again, the standards in the table don't take into account the specific type of traffic, number of lots and speed limit in the particular commercial or industrial proposal. The purpose of this design is to keep traffic calm and slow through this subdivision. The speed limit is proposed to be 25 MPH and is a short road that will either end in a cul-de-sac for turnaround or traffic will go through as a roundabout. There are only 4 lots and will have limited tractor trailer traffic to include only limited delivery trucks for a restaurant and/or a convenience store. Just like the vertical curve standard, the horizontal curve standard in the Table is designed to generally apply to all commercial and industrial subdivision including a multiple lot industrial business park. It is not warranted for a 4 lot commercial limited sized development road with traffic calming devices planned.

Finally, Per Section 5.3.1.4 and Table 3-7 of the AASHTO Manual, for a local road at the proposed 25 mph speed limit, the minimum horizontal curve radius is 154'. The proposed 200' and 175' curve radii in this road design comply with the AASHTO requirement.

Accordingly, the reductions to the Table Standards are supported by the proposed road cross section and the AASHTO standards for this designed 25 MPH road.

B.C. Partners, Inc.  
Country Club Commons Preliminary Plat  
Waiver Request  
Section: Table 2.2-1 Roadway Design Standards  
Jefferson County Subdivision and Site Development Ordinance  
February 15, 2022

**Four Criteria:**

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

The project will meet the other standards of the Subdivision and Site Development Ordinance and the cited AASHTO standards for a 25 MPH Road. The road and common areas including the SWM areas will be privately maintained and will have no public maintenance cost.

Regarding the ROW width, all of the required elements fit in the proposed cross section which is within the requested 50' ROW.

Granting the waiver will allow the project to move forward and will generate a great deal of taxes that benefit Parks, Emergency Services and Police.

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

The granting of the waiver recognizes that there are many different scenarios for a commercial or industrial road design other than the one general design standard found in the Table. As indicated in the Description, the proposed horizontal curve radii, and the stopping sight distance (vertical curve) are within the recognized AASHTO recommendations for a 25 MPH Road design.

Regarding the ROW width, the required elements fit in the proposed 50' wide ROW and it is supported by the Staff.

These waivers only effect the internal road design and should not have an impact on the external neighbors. And the reduction of both curve standards is supported by the AASHTO safety standards for this type of road with a proposed low speed limit. The allowance of the reductions would also enhance the traffic calming intent of the proposed road design.

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

The Table in the ordinance is set up to provide a general standard that would apply to multiple types of commercial and industrial roads. The cited AASHTO Manual provides for lessor standards for a 25 MPH road that is proposed.

Furthermore, the Table standard is set up to apply generally across the board for smaller or larger subdivisions including commercial or industrial traffic, and a variety of high and low employment providers. This subdivision is only a four lot commercial subdivision with small lots that are not large employment centers. The design for this road in this scenario more than meets the intent and purpose of the provisions in the Table.

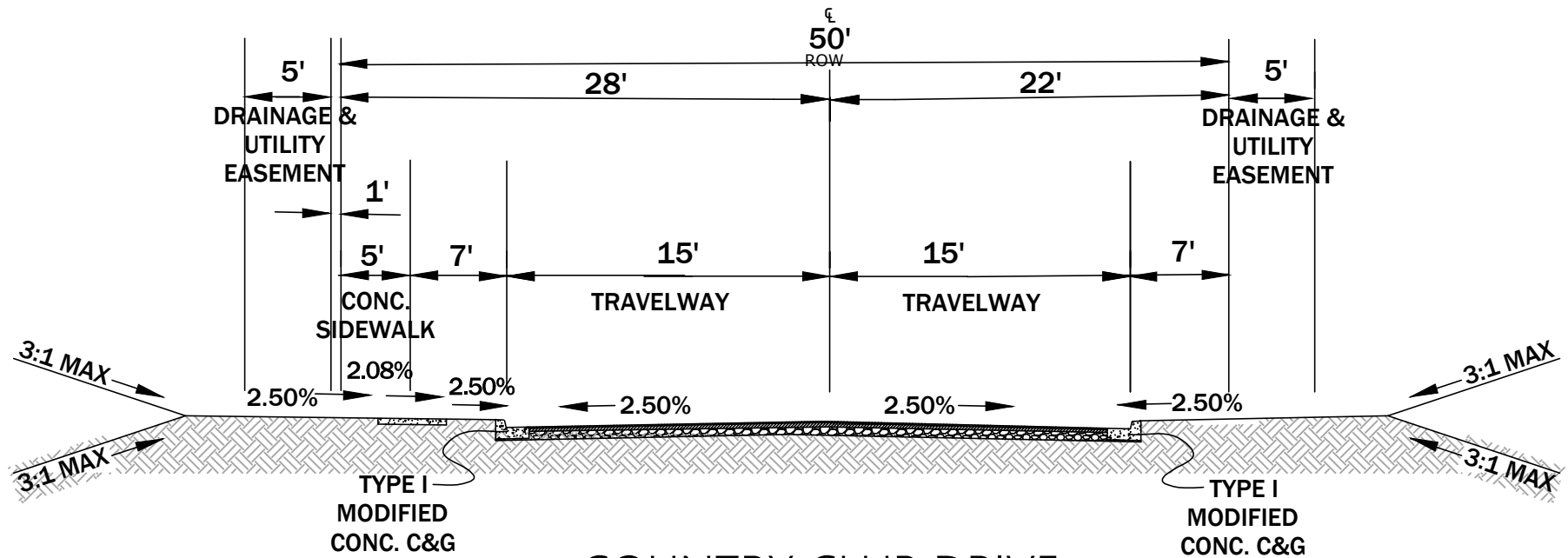
Regarding the ROW width, the 60' width is also set up for a variety of commercial and industrial scenarios that may require wider ROWs. In this case, all of the required elements of the ordinance fit within the proposed 50' ROW.

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

As demonstrated with the provided AASHTO standards, the proposed 25 MPH road as designed is set up to provide for traffic calming with a cul-de-sac that will also function as a roundabout for traffic entering from the neighboring property and Route 340 if approved. The proposed cross section will include street trees and a sidewalk that will be more indicative of a downtown streetscape as opposed to a suburban plaza. The design of the subdivision includes this road to function as a frontage road to Route 340 that should allow traffic interconnectivity between properties along Route 340.

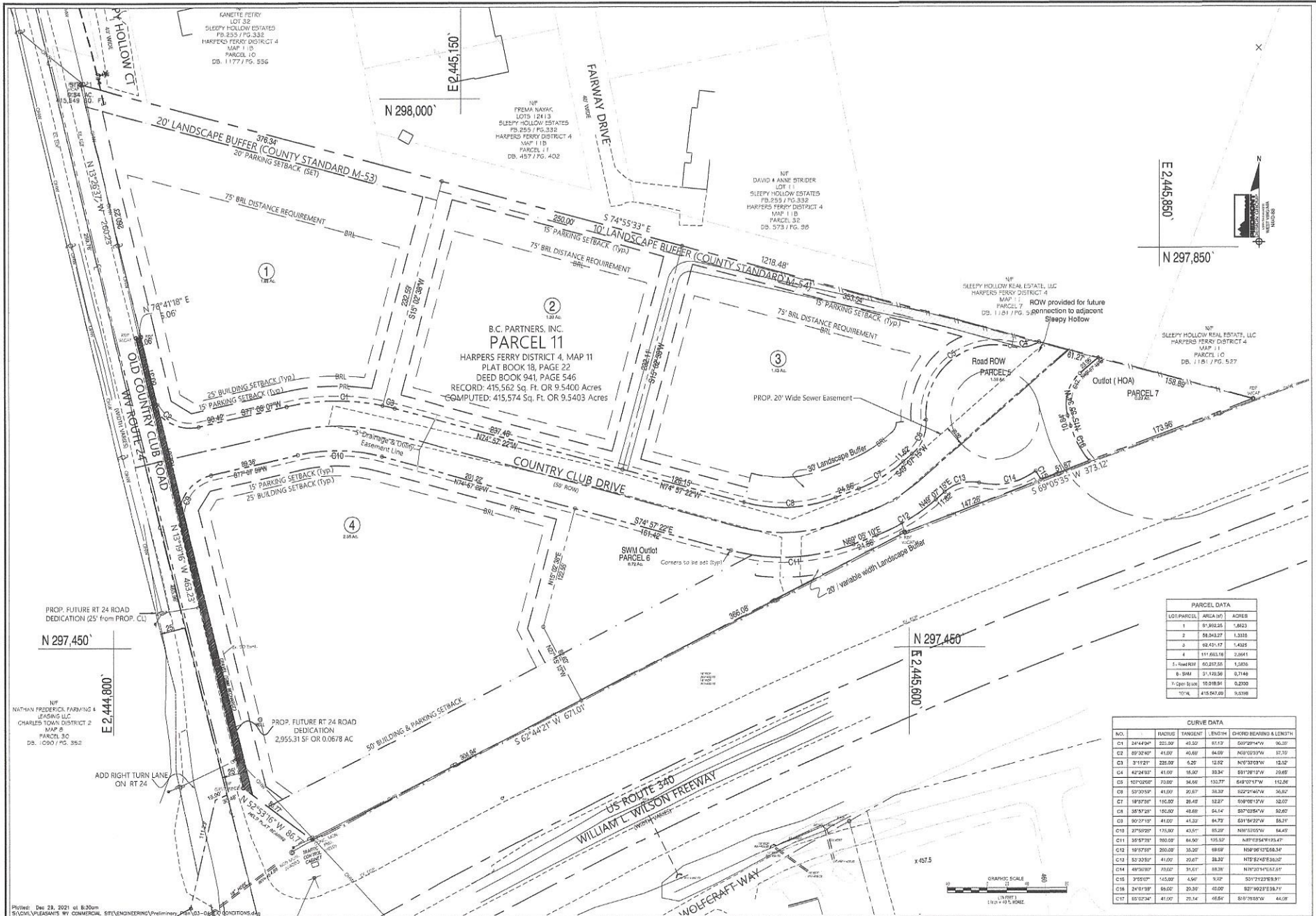
This is a well designed project that serves the needs of the area in addition to allowing the needed design for the Applicant. The addition of the ROW to the edge of the Eastern property will allow the property to utilize the road without adding additional access to Route 340. The design of the road provides for buffer and green space along with street trees along Route 340.

Accordingly, the Applicant respectfully asks that the Planning Commission approve the waiver(s) as requested, so that the process can continue in a timely and more cost-effective fashion. The Planning Commission approved the Concept Plan with little comment and at the time had the support of the closest neighbors. Thank you for your consideration.



COUNTRY CLUB DRIVE  
50' RW CLOSED-SECTION ROAD

NOT TO SCALE



**REVISIONS**

**Subdivision Plat**  
**Country Club Commons**  
 Harpers Ferry District  
 Jefferson County, WV

**SCALE 1"=40'**

**4**

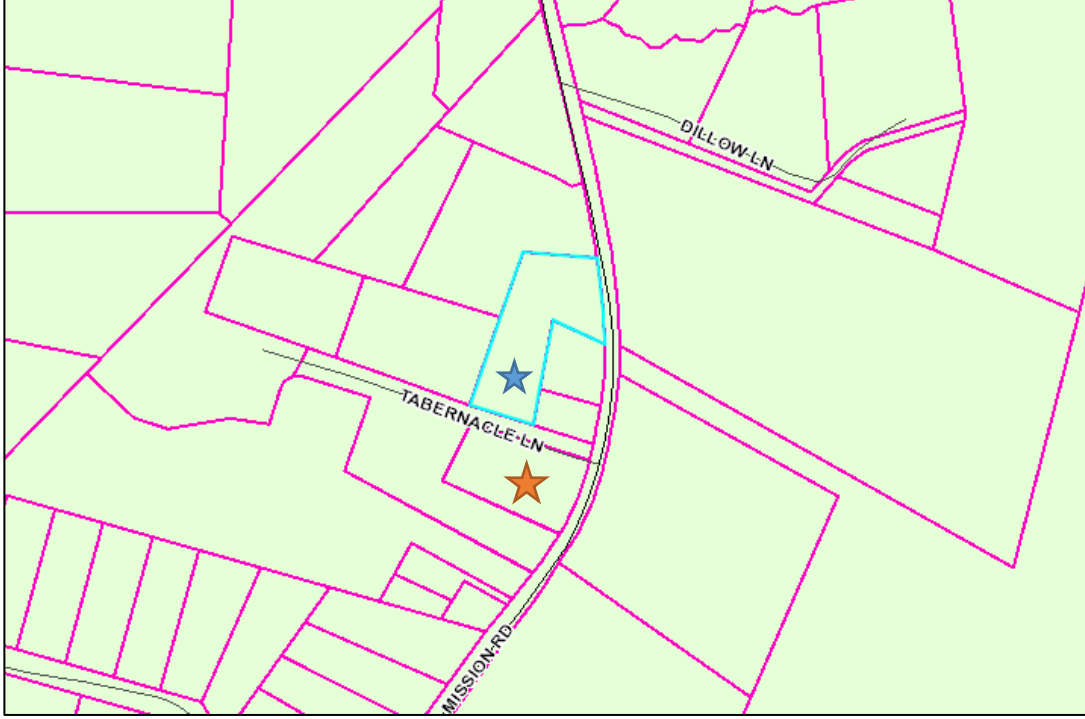
DATE: Dec 1, 2021

Plotted: Dec 29, 2021 at 8:20am  
 S:\CONTRACTS\WV COMMERCIAL SITE ENGINEERING\Preliminary\1003-0823-00\CONTR01.dwg

Staff Report  
 Jefferson County Planning Commission Meeting  
 March 8, 2022

**Mission Tabernacle Waiver Request (File #22-4-PCW)**

**Item # 5: Public Hearing:** Request for a waiver of Section 20.201C.2 to allow a non-residential lot in a proposed minor subdivision to utilize an existing 20' access easement (Tabernacle Lane).

Applicant:	Mission Tabernacle Holiness Church
Owner:	Charlotte Beahm
Parcel Information and Zoning District:	<p style="text-align: center;">382 Mission Rd., Harpers Ferry, WV          Parcel ID: 02021A00140000; Size: 1.37 ac; Zoning District: Rural</p> 
Surrounding Zoning:	North, East, South, West: Rural
History:	<p>The 0.86-acre property, shown with the orange star, has been owned by the Mission Tabernacle Church since 1974. Structure as of 2013: 5,075 sf.</p> <p>In 2014, the Church processed a Site Plan (S13-06) and a Building Permit for a 1,907 sf addition.</p> <p>The 1.37-acre property, shown with the blue star, is the subject of this waiver request and has no other history with the Planning Commission.</p>
Waivers/Variances:	<p>05/27/21: BZA approved a variance for the Beahm property from the minimum lot size to allow the creation of a 16,800 sf lot to be donated to the Mission Tabernacle Holiness Church for the purpose of creating an overflow parking area.</p> <p>03/21/13: BZA approved a variance for the Church property for a reduction of setback distances, to waive landscape buffer and street tree requirements, and to reduce required parking spaces to allow for an addition to an existing church.</p>
Approved Activity:	Land use subject to the request: proposed parking for a nonconforming church on a nearby lot across Tabernacle Lane.

Staff Report  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Mission Tabernacle Waiver Request (File #22-4-PCW)**

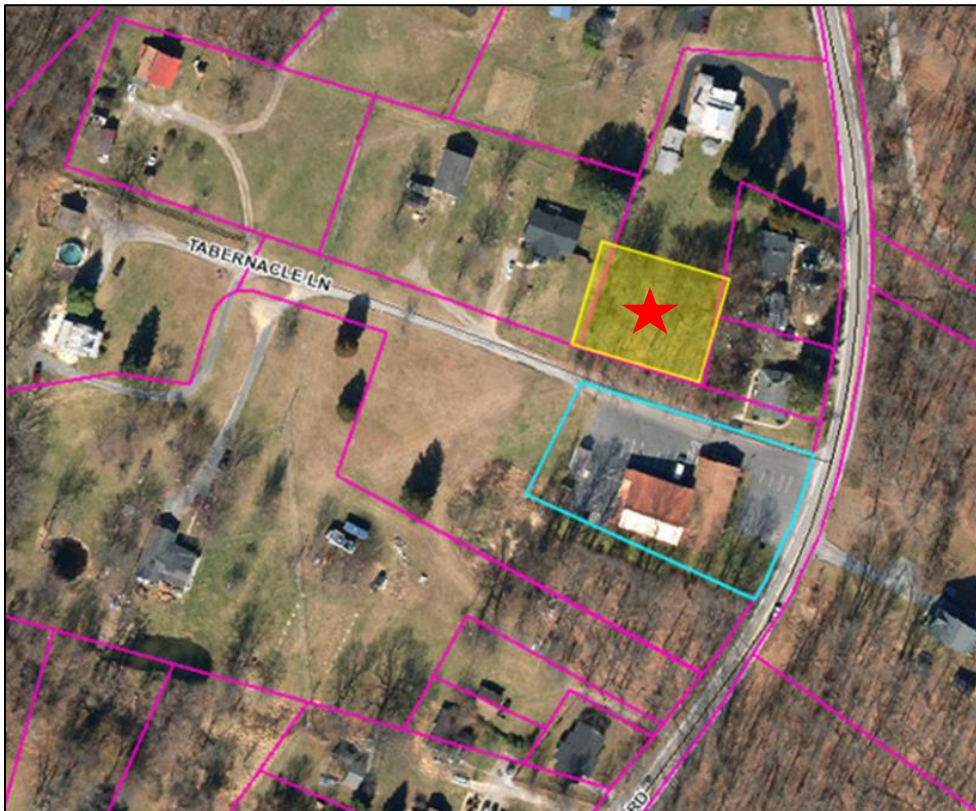
**Summary of the Request:**

The applicant, Mission Tabernacle Church, is requesting a waiver from Section 20.201C.2 to allow a lot in a proposed minor non-residential subdivision to utilize an existing access easement (Tabernacle Lane) which currently serves 4 homes, one vacant lot, and the Mission Tabernacle Holiness Church. The existing access easement is approximately 20' in width. The proposed lot is intended to serve as an overflow parking area for the church, which is located on the west side of Tabernacle Lane.

**Relevant Site Information:**

The subject parcel is currently 1.37 acres and owned by Norman and Charlotte Beahm. The property owners would like to donate a portion of their property to Mission Tabernacle Holiness Church for the purpose of creating an overflow parking area.

On May 27, 2021, the Board of Zoning Appeals granted a variance to reduce the minimum lot size from 40,000 sf to 16,800 sf, to allow for the creation of a lot to be donated to the Mission Tabernacle Holiness Church for the purpose of creating an overflow parking area. The BZA approval included the condition that the proposed 16,800 sf lot cannot contain a residence.



★ Proposed location of the subject lot.

**Staff Discussion:**

The applicant is now ready to proceed with processing a subdivision plat; however, as the existing access easement does not meet the criteria in the Subdivision Regulations, a waiver is required.

Section 20.201C allows a lot in the Rural zoning district to be divided once for the purpose of establishing a permitted nonresidential land use. Item #2 of this Section states the following:

Staff Report  
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March 8, 2022

**Mission Tabernacle Waiver Request (File #22-4-PCW)**

“All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. ...”

As Tabernacle Lane is not within a 50’ easement or right-of-way, and is not built to County standards, this waiver is required. The access easement in question, Tabernacle Lane, is only 20’ in width and appears to be paved at least as far back as the proposed lot.



**Staff Recommendation:**

Because the proposed lot is intended to serve the existing church, any additional traffic to the site appears minimal. Tabernacle Lane currently serves five (5) residential lots, 4 of which are currently occupied by houses, and the church. The narrower roadway is likely to keep through traffic driving very slowly. As the church has existed in this area for a number of decades, pedestrians/church goers are likely already expected in this area during church hours. If approved, it is expected that members crossing the easement from the overflow parking can be managed by the church.

Note that as part of the subdivision process, a WV Division of Highways entrance permit from Mission Road will be required.

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**Mission Tabernacle Waiver Request (File #22-4-PCW)**

**Sections of Subdivision Regulations under Consideration:**

**Sec. 20.201 Minor Subdivisions**

**C. Non-Residential.**

The re-subdividing of a lot located in an approved industrial park or existing major non-residential subdivision shall be permitted to follow the minor non-residential subdivision process. **When non-residential development is provided for in the Rural district, such development may utilize the minor non-residential subdivision provisions provided only one parcel is being subdivided off and only one use will be established on the lot.** All minor non-residential subdivisions shall contain, but are not limited to, the following criteria:

1. **Lots.** A minor non-residential subdivision divides the property into more than one lot.
2. **Access.** All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. Lots having direct access to a state road are not permitted to process as a minor, **except for those proposals utilizing the non-residential permitted uses in the Rural District.**
3. **Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.

**Waiver Requirements:**

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

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



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 #: 224-PCW  
 Mtg Date: 3/18/22  
 Date Rec'd: 2/16/22  
 Fees Paid: 100-  
 Staff Int: JAT  
 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: Charlotte K Beahm  
 Business Name: 382 Mission Rd Harpers Ferry WV 25425  
 Mailing Address: \_\_\_\_\_  
 Phone Number: 304-725-2677 Email: \_\_\_\_\_

**Applicant Contact Information**

Applicant Name: Mission Tabernacle Pastor SAM SNOW Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: P.O. Box 814 Ranson, WV 25438  
 Phone Number: 540-336-9911 Email: pastoropt@gmail.com

**Consultant Information**

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

**Physical Property Details**

Physical Address: Tabernacle Lane Vacant Lot:   
 Tax District: 02 Map No: 21A Parcel No: 14  
 Parcel Size: 0.3609 Deed Book: 311 Page No: 148  
 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?

20.2015.2

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

To Allow a lot in a proposed minor subdivision to utilize an existing 20' access easement

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.

overflow parking lot for Church

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.

now it is over grown trees and brush with trash being dumped at times

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

this does not create more traffic it just directs it to safer parking

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

Donor desires to grant Church more parking

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.

Rev. [Signature] 2-16-22

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.

03-08-22

Public Hearing Date

02-22-22

Date Placard Posted

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Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

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

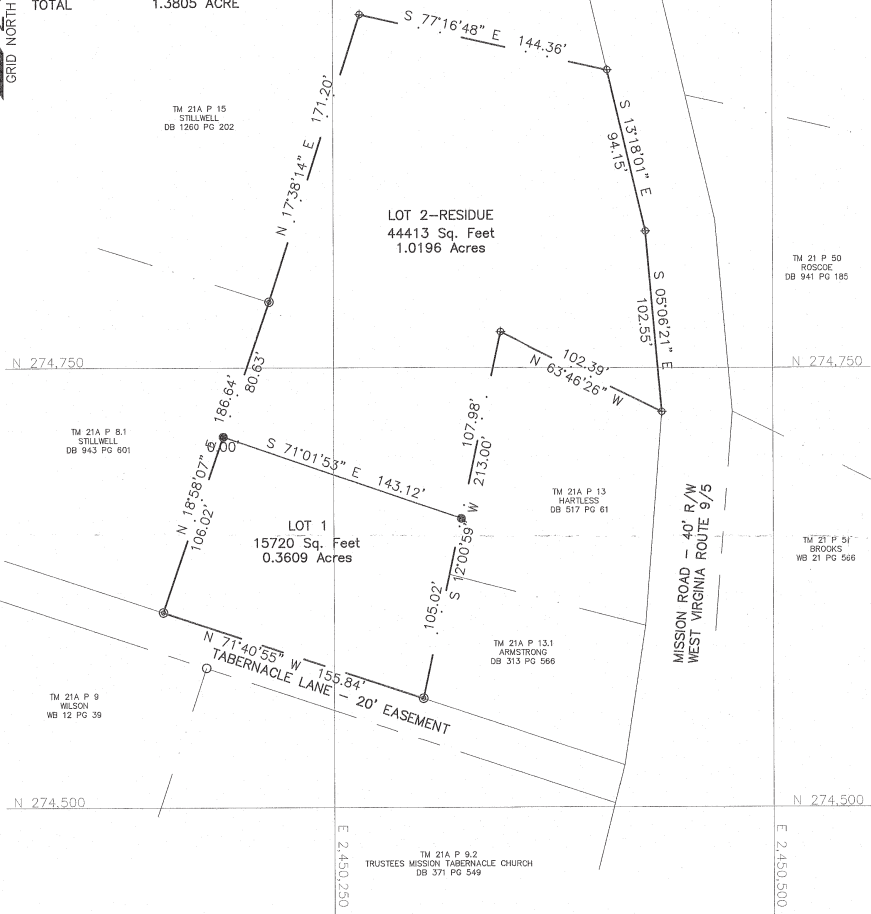


- LEGEND:  
 ⊙ FOUND STEEL PIN  
 ⊕ FOUND IRON PIPE  
 ● SET 5/8" REBAR & CAP

N 275,000



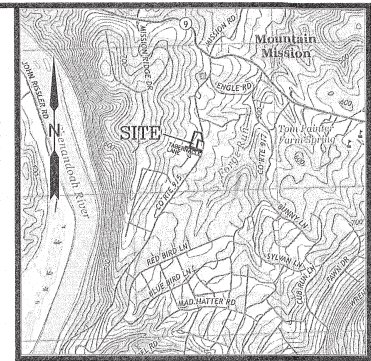
AREA TABULATION:  
 LOT 1 0.3609 ACRE  
 LOT 2-RESIDUE 1.0196 ACRE  
 TOTAL 1.3805 ACRE



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

JEFFERSON COUNTY PLANNING COMMISSION - WAIVERS  
 (TABLE 1.2-2)

SECTION OF ORDINANCE	DESCRIPTION OF WAIVER	DATE GRANTED



VICINITY MAP  
 SCALE: 1" = 2000'

- NOTES:
- PROPOSED EASEMENTS OR RIGHTS-OF-WAYS: NONE
  - THERE ARE NO FUTURE EASEMENTS OR RIGHTS-OF-WAYS PROPOSED
  - THERE ARE NO LANDS RESERVED FOR PUBLIC OR SEMI-PUBLIC USE.
  - PROPERTY DOES NOT LIE IN A 100-YEAR FLOOD PLAIN AND LIES ZONE X OF FIRM COMMUNITY PANEL NUMBER 54037C0235E EFFECTIVE DECEMBER 18, 2009.
  - THE SELLER OF ANY LOT WITHIN THIS SUBDIVISION SHALL PROVIDE THE BUYER WITH A REASONABLE OPPORTUNITY, BEFORE SETTLEMENT, TO DETERMINE THAT THE LOT IS SUITABLE FOR THE CONSTRUCTION OF A SEPTIC DISPOSAL SYSTEM. IF, BEFORE SETTLEMENT, THE BUYER IS DENIED A SEPTIC CONSTRUCTION PERMIT BY THE JEFFERSON COUNTY HEALTH DEPARTMENT, THE BUYER MAY REFUSE TO PURCHASE THE LOT WITHOUT PENALTY.
  - THERE ARE NO RESTRICTIVE COVENANTS PLANNED FOR THESE LOTS.
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  - NO STRUCTURES, FENCES OR LANDSCAPING SHALL BE LOCATED IN THE EASEMENTS.
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  - THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY MAP INDICATES THAT THERE ARE NO WETLANDS.
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  - THE JEFFERSON COUNTY 6911 ADDRESSING ORDINANCE STATES THAT ANY EASEMENT OR RIGHT-OF-WAY LEGALLY ACCESSED BY 3 OR MORE ADDRESSABLE STRUCTURES SHALL BE NAMED THE GIS/ADDRESSING OFFICE SHALL COORDINATE AND OVERSEE THE NAMING OF THE COMMON EASEMENT OR RIGHT-OF-WAY UPON CONSTRUCTION OF THE THIRD ADDRESSABLE STRUCTURE THAT ACCESSES THE PREVIOUSLY UNNAMED EASEMENT OR RIGHT-OF-WAY.
  - The road and access easement is privately held and the cost and expense of maintaining the private road and easement, including snow removal, shall be shared between the lot owners and is not a public responsibility nor the responsibility of Jefferson County, WV.

APPROVED  
 JEFFERSON COUNTY  
 PLANNING COMMISSION

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

CHARLOTTE K. BEAHM

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

EDWARD L. JOHNSON JR.  
 PROFESSIONAL SURVEYOR #866

FINAL PLAT  
 LOT 1 AND LOT 2-RESIDUE  
 CHARLOTTE K. BEAHM MINOR SUBDIVISION  
 DEED BOOK 311 PAGE 148 TAX MAP 21A PARCEL 14  
 CHARLES TOWN DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA  
 SCALE: 1" = 50' SEPTEMBER 9, 2021

OWNERS/DEVELOPERS CHARLOTTE K. BEAHM 382 MISSION ROAD HARPERS FERRY, WV 25425  
 PASTOR SAMUEL SNOW C/O MISSION TABERNAACLE 25 TABERNAACLE LANE HARPERS FERRY, WV 25425 (540)336-9911

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

OFFICE OF PLANNING & ZONING

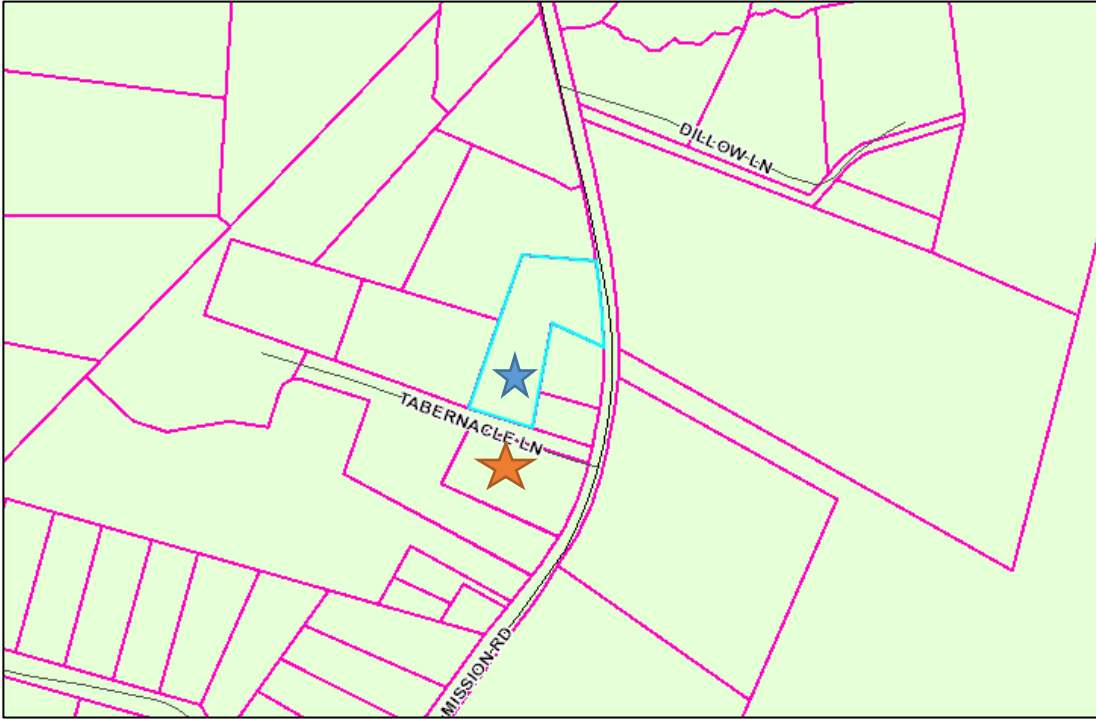
APPLICABLE ZONING AND SUBDIVISION ORDINANCE  
 ZONING ORDINANCE: ADOPTED JULY 7, 1998  
 AMENDMENTS: DECEMBER 17, 2020  
 SUBDIVISION ORDINANCE: ADOPTED OCTOBER 9, 2008  
 EFFECTIVE AMENDMENTS:  
 JANUARY 1, 2014 AND FEBRUARY 1, 2018



Staff Report  
 Jefferson County Planning Commission Meeting  
 March 8, 2022

**Mission Tabernacle Waiver Request (File #22-5-PCW)**

**Item # 6: Public Hearing:** Waiver of Section 20.201C.3; Appendix B, Section 3.1; and, Appendix A, Section. 1.4.28 to allow a lot in a proposed minor subdivision to process a final plat without obtaining health department approval. The subject lot will consist solely of an overflow parking area for Mission Tabernacle Church.

Applicant:	Mission Tabernacle Holiness Church
Owner:	Charlotte Beahm
Parcel Information and Zoning District:	<p style="text-align: center;">382 Mission Rd., Harpers Ferry, WV          Parcel ID: 02021A00140000; Size: 1.37 ac; Zoning District: Rural</p> 
Surrounding Zoning:	North, East, South, West: Rural
History:	<p>The 0.86-acre property, shown with the orange star, has been owned by the Mission Tabernacle Church since 1974. Structure as of 2013: 5,075 sf.</p> <p>In 2014, the Church processed a Site Plan (S13-06) and a Building Permit for a 1,907 sf addition.</p> <p>The 1.37-acre property, shown with the blue star, is the subject of this waiver request and has no other history with the Planning Commission.</p>
Waivers/Variances:	<p>05/27/21: BZA approved a variance for the Beahm property from the minimum lot size to allow the creation of a 16,800 sf lot to be donated to the Mission Tabernacle Holiness Church for the purpose of creating an overflow parking area.</p> <p>03/21/13: BZA approved a variance for the Church property for a reduction of setback distances, to waive landscape buffer and street tree requirements, and to reduce required parking spaces to allow for an addition to an existing church.</p>
Approved Activity:	Land use subject to the request: proposed parking for a nonconforming church on a nearby lot across Tabernacle Lane.

Staff Report  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Mission Tabernacle Waiver Request (File #22-5-PCW)**

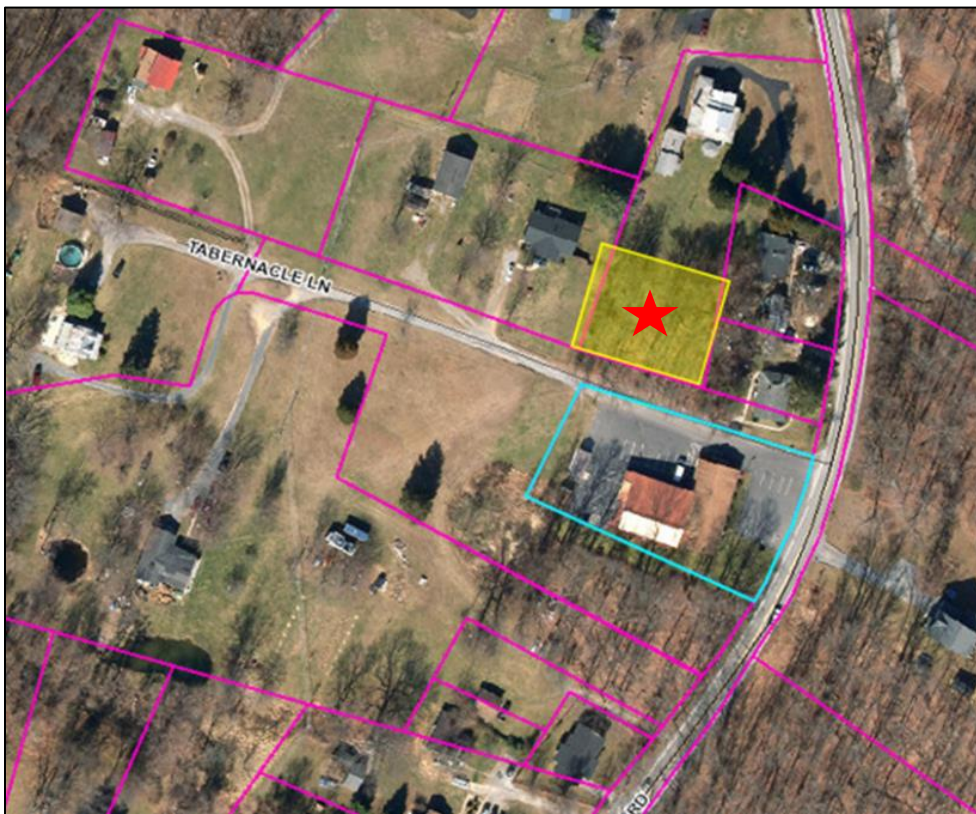
**Summary of the Request:**

The applicant, Mission Tabernacle Church, is requesting a waiver from Section 20.201C.3; Appendix B, Section 3.1; and, Appendix A, Section. 1.4.28 to allow a lot in a proposed minor nonresidential subdivision to process a final plat without obtaining health department approval. It is the applicant's intent to utilize the proposed lot as an overflow parking area for the church.

**Relevant Site Information:**

The subject parcel is currently 1.37 acres and owned by Norman and Charlotte Beahm. The property owners would like to donate a portion of their property to Mission Tabernacle Holiness Church for the purpose of creating an overflow parking area.

On May 27, 2021, the Board of Zoning Appeals granted a variance to reduce the minimum lot size from 40,000 sf to 16,800 sf, to allow for the creation of a lot to be donated to the Mission Tabernacle Holiness Church for the purpose of creating an overflow parking area. The BZA approval included the condition that the proposed lot cannot contain a residence.



★ Proposed location of the subject lot.

**Staff Discussion/:**

The applicant is now ready to proceed with processing a subdivision plat; however, various sections of the Subdivision Regulations (noted below) require approval from the Jefferson County Health Department prior to Final Plat approval. Generally, the creation of a lot is required to document that it is buildable by ensuring that it meets the required minimum lot size, can be approved for a well and septic by the Health Department or water and sewer by the relevant utility provider, and has approval for an entrance from a state road by the WV DOH. In this case, the intent of the Beahm family is to dedicate a 0.39+/- acre

Staff Report  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Mission Tabernacle Waiver Request (File #22-5-PCW)**

portion of their family home lot to the church to provide an overflow area for parking. If this area was not separated from the church lot by Tabernacle Lane, this area could be merged with the church lot and would not require this waiver.

**Staff Recommendation:**

As the proposed lot has received a variance from the BZA to be less than the required minimum lot size, does not adjoin the church lot, and is only proposed to be used for overflow parking, which does not require water or sanitary sewer service, it seems reasonable to consider waiving the Health Department requirement. If the Planning Commission is inclined to approve this request, staff strongly recommends that a condition be included that no structures requiring water or wastewater facilities may be constructed on the site without returning to the Planning Commission or Board of Zoning appeals for further consideration.

**Sections of Subdivision Regulations under Consideration:**

**Sec. 20.201 Minor Subdivisions**

**C. Non-Residential.**

The re-subdividing of a lot located in an approved industrial park or existing major non-residential subdivision shall be permitted to follow the minor non-residential subdivision process. **When non-residential development is provided for in the Rural district, such development may utilize the minor non-residential subdivision provisions provided only one parcel is being subdivided off and only one use will be established on the lot.** All minor non-residential subdivisions shall contain, but are not limited to, the following criteria:

1. **Lots.** A minor non-residential subdivision divides the property into more than one lot.
2. **Access.** All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. Lots having direct access to a state road are not permitted to process as a minor, except for those proposals utilizing the non-residential permitted uses in the Rural District.
3. **Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.

**Appendix B, Sec. 3.1 Water & Sanitary Sewer Systems**

**A. Well & Septic Systems.**

1. Individual well and/or septic systems, where allowed, shall be approved by the Jefferson County Health Department. A copy of the approved Health Department permit shall be submitted prior to approval of the Preliminary or Final Plat.
2. Location of the septic system percolation test holes and septic reserve area shall be shown on the Preliminary Plats and Final Plats. A 100' buffer separating any well from any septic reserve area and existing drain field shall be shown on the Preliminary Plats and Final Plats.
3. Effective as of March 1, 1989, in all subdivisions to be served by individual wells, all such wells shall be pressure grouted. A note shall be placed on all plats stating the following:

Staff Report  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Mission Tabernacle Waiver Request (File #22-5-PCW)**

“Verification from a well driller that a pressure grouted well is drilled and is producing water at a quantity approved by the Jefferson County Health Department and/or the West Virginia Bureau of Health shall be submitted to the Planning Commission prior to the issuance of an Improvement Location Permit. Certification that the water is potable must be submitted to the Planning Commission Office within 6 months of the issuance of an Improvement Location Permit.”

4. In subdivisions to be served by individual wells and/or septic systems a note shall be placed on the Final Plat alerting the public that:

“The Public Service District may require in the future each property owner to abandon existing well and septic systems and to connect to a centralized system when and if it becomes available.”

**Appendix A, Sec. 1.4 Final Plat**

The Final Plat shall be drawn or reproduced on Mylar for recordation. The plat shall be drawn at a scale of one inch (1") equals one hundred feet (100') or larger and shall be eighteen inches (18") by twenty-four (24") in size. More than one sheet may be used provided all sheets are indexed on the cover sheet.

The Final Plat is the plat for recordation of the lots created by the subdivision. The Final Plat shall show or be accompanied by:

28. Note on the plat, the West Virginia Bureau of Health and/or Jefferson County Health Department permit numbers for water/well and septic/sanitary sewer systems; and provide a copy of the approved plans and permits.

**Waiver Requirements:**

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

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



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 Department of Engineering, Planning and Zoning  
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 116 E. Washington Street, 2<sup>nd</sup> Floor  
 P.O. Box 716  
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File #: 22-5-PCW  
 Mtg Date: 3/18/22  
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 Fees Paid: 100  
 Staff Int: gt  
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**Planning Commission Waiver Request**

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**Property Owner Information**

Owner Name: Charlotte Beam  
 Business Name: B  
 Mailing Address: 382 Mission Rd Harpers Ferry, WV 2542  
 Phone Number: 304 725 2677 Email: \_\_\_\_\_

**Applicant Contact Information**

Applicant Name: MISSION Tabernacle Same as owner:   
 Business Name: Pastor SAM SNOW  
 Mailing Address: P.O. BOX 814 RANSON WV 25428  
 Phone Number: 540-336-9911 Email: pastorapt@gmail.com

**Consultant Information**

Name: Ed Johnson + Associates  
 Business Name: 674 Acorn circle  
 Mailing Address: \_\_\_\_\_  
 Phone Number: 304-279-9924 Email: edjohn54@frontier.net.net

**Physical Property Details**

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Section 20, 201C, 3 Appendix B Sec 3.1, and Appendix A, Sec 1.4.28 to Allow a lot in a proposed minor subdivision to process a final plat without  
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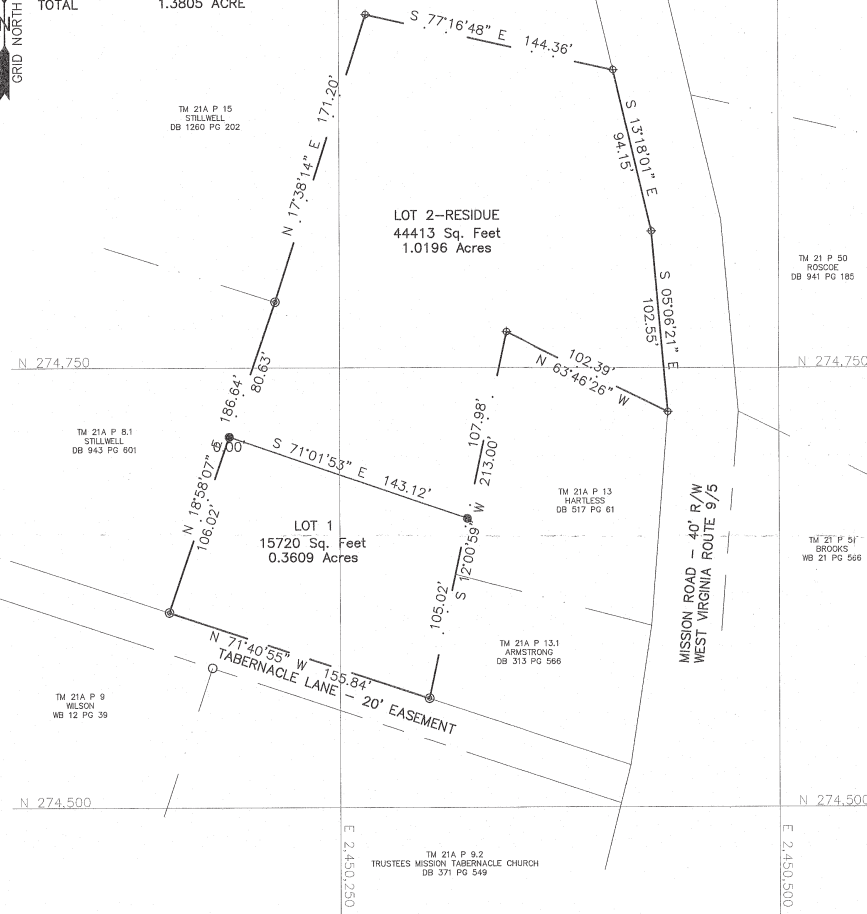
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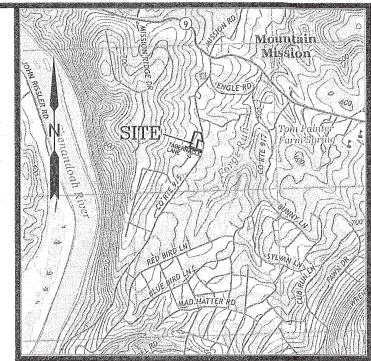
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JEFFERSON COUNTY PLANNING COMMISSION - WAIVERS  
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 JEFFERSON COUNTY  
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CHARLOTTE K. BEAHM

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

EDWARD L. JOHNSON JR.  
 PROFESSIONAL SURVEYOR #866

OFFICE OF PLANNING & ZONING

APPLICABLE ZONING AND SUBDIVISION ORDINANCE  
 ZONING ORDINANCE: ADOPTED JULY 7, 1998  
 AMENDMENTS: DECEMBER 17, 2020  
 SUBDIVISION ORDINANCE: ADOPTED OCTOBER 9, 2008  
 EFFECTIVE AMENDMENTS:  
 JANUARY 1, 2014 AND FEBRUARY 1, 2018

FINAL PLAT  
 LOT 1 AND LOT 2-RESIDUE  
 CHARLOTTE K. BEAHM MINOR SUBDIVISION  
 DEED BOOK 311 PAGE 148 TAX MAP 21A PARCEL 14  
 CHARLES TOWN DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA  
 SCALE: 1" = 50' SEPTEMBER 9, 2021

OWNERS/DEVELOPERS	CHARLOTTE K. BEAHM 382 MISSION ROAD HARPERS FERRY, WV 25425	PASTOR SAMUEL SNOW C/O MISSION TABERNAACLE 25 TABERNAACLE LANE HARPERS FERRY, WV 25425 (540)336-9911
REVISIONS:	ED JOHNSON AND ASSOCIATES, INC. LAND SURVEYORS 674 ACORN CIRCLE HARPERS FERRY, WEST VIRGINIA 25425 (304)725-6060	



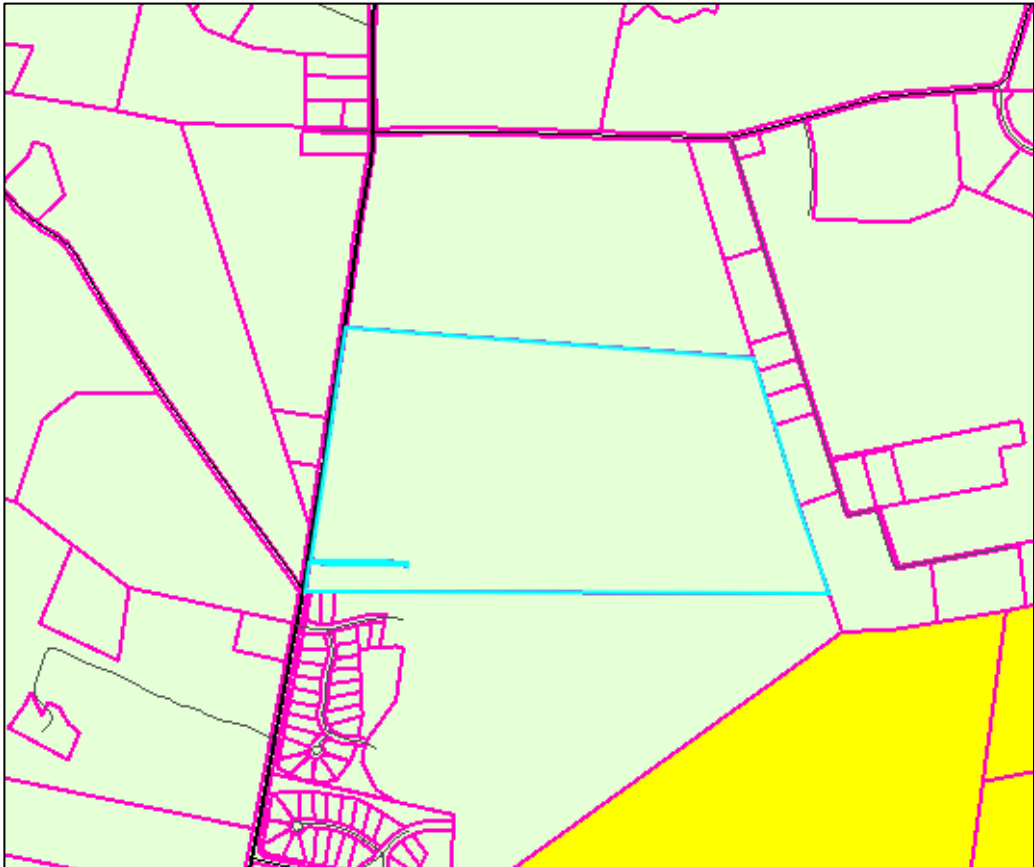
## Staff Report

Jefferson County Planning Commission Meeting

March 08, 2022

### Green Hill Rezoning Request (22-1-Z)

**Item # 7:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcel from Rural to Residential Growth is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Owner:	William Reilly, Managing Member
Consultant:	Chad Wallen, Integrity Federal Services
Parcel Information:	<p style="text-align: center;">Vacant parcel located northeast of the Flowing Springs Rd and Daniel Rd intersection, Charles Town, WV  Tax District: Charles Town (02), Map: 03; Parcel: 9;  Total Acres: 102; Zoning District: Rural</p> 
Adjoining Zoning:	North, East, West: Rural; South; Rural and Residential Growth
Proposed Request:	To rezone from Rural (R) to Residential Growth (RG)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that the request is <b>consistent</b> with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Previous Approvals	
Conditional Use Permit (CUP)	01/22/03: Neighborhood Compatibility Meeting 04/08/03: CUP public hearing – Approved 09/28/04: PC approved an 18-month tolling of time for the CUP to 04/08/06.

## Staff Report

Jefferson County Planning Commission Meeting

March 08, 2022

### Green Hill Rezoning Request (22-1-Z)

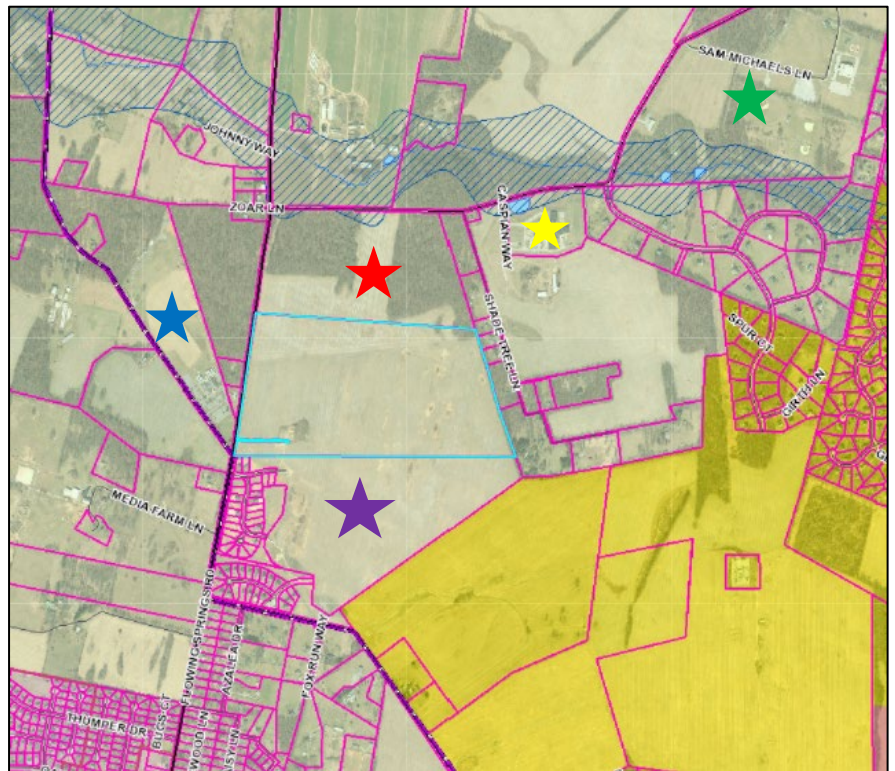
<i>F.K.A. Forest View Subdivision</i> <b>PC File #Z02-01</b>	02/01/07: CUP signed (official issuance) 08/01/08: CUP Expiration Date 03/20/08: BZA granted an extension of the CUP to 02/01/2010. 02/01/10: Renewed expiration date
Community Impact Statement (CIS) <b>PC File #06-35</b>	04/24/07: PC Approval 11/17/09: Expiration Date
Preliminary Plat	01/04/08: Staff Review Meeting 07/29/08: Staff Approval
Final Plat	09/23/08: PC granted variance to extend the final plat 05/16/09. 05/12/09: PC denied variance to extend the final plat.
Other Approvals:	Court Order allowing for a tolling of time for a period of 1290 days (Case No. 02-C-217) 01/11/08: Groundwater protection plan approved 04/26/07: JC Addressing approved WV Senate Bill 595 (2010) time extension did not apply to this project.

### Applicant's Request

The applicant's request is to rezone a total of 102 acres (outlined in blue), to be referred to as Green Hill, from Rural (R) to Residential Growth (RG).

### Neighboring Uses

This area of the County is on the northern edge of the urbanizing area north of Job Corps Road, consisting primarily of residential uses and related community facilities. Immediately to the west, across Flowing Springs Road, is a 50-acre parcel occupied by Fellowship Bible Church, which includes an outdoor recreation area at its western edge (blue star). To the north is the previously approved Daniel's subdivision, which has expired (red star). Northeast is the location of Driswood Elementary School (yellow star). Farther northeast is the 130-acre Sam Michael's Park, including the Community Center, pavilions, an outdoor amphitheater, and ball fields (green star). To the south is the Aspen Green Subdivision, which is in its 3<sup>rd</sup> section and has a total build out of 205 lots (purple star). To the south east of the property in question is a large area zoned Residential Growth which consists of the 133 acre Butler Farm, which has no current plans for development, and 470 +/- acres owned by BC Partners which just voided its previously approved Breckenridge East subdivision.



**Staff Report**  
Jefferson County Planning Commission Meeting  
March 08, 2022  
**Green Hill Rezoning Request (22-1-Z)**

**Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff’s professional recommendation is that the request is **consistent** with the *2035 Plan* because it is shown as future “Low Density Residential” on the Future Land Use Guide. The current zoning permits agricultural and rural cluster density residential land uses. The owner-initiated rezoning to Residential Growth (RG) would allow for a variety of residential land uses such as single family, two family dwellings and/or townhome units.

It should be noted that Staff has no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

**Zoning Map Amendment Public Hearing Process**

Article 12 of the Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.” [See WVC 8A-7-9(c)].

**Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary**

The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

**A. Land Use and Growth Management Element/ Future Land Use Guide**

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17).

The land use area types include Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of the *2035 Plan*; and Rural/Agricultural Areas and Villages, where limited development is possible but is not intended for urban-scale development. (p. 17)

The property that is the subject of this rezoning request is located within the “Residential Preferred Growth Area” (p.23). During the *Envision Jefferson 2035 Comprehensive Plan* public input process, it was determined that it is important to denote the “areas where a concentration of existing or approved residential development currently exists, but may be not be fully developed, and is outside of the Urban Growth Boundary (UGB)”. It further noted that one such area exists that consists of properties currently zoned for Residential Growth (RG) or which had vested development rights to develop at a

## Staff Report

Jefferson County Planning Commission Meeting

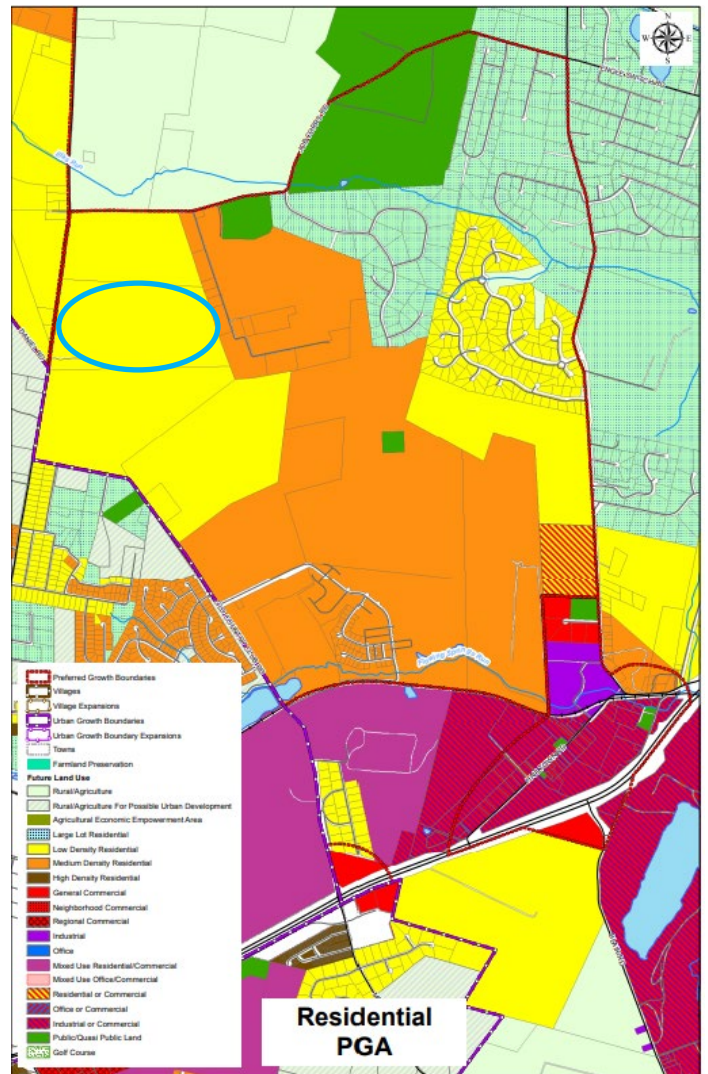
March 08, 2022

### Green Hill Rezoning Request (22-1-Z)

low medium density residential rate. Some of the vested rights that existed when the *2035 Plan* was approved, have expired and will require rezoning consistent with the Future Land Use Guide. This core residential area, bounded by Old Country Club Road, Flowing Springs Road, Job Corps Road, Shepherdstown Pike (WV 230) to the railroad tracks, is depicted by a Preferred Growth Area boundary, but is compromised only of future large lot, low density, and medium density residential uses. It is anticipated that this will be a primarily detached single-family suburban housing area. The property in question (circled in blue) falls within this anticipated future residential area.

#### B. Appendix G - Land Use Map Classifications

The property that is a part of this Zoning Map Amendment request is shown on the Future Land Use Guide as Future “Low Density Residential”. Appendix G of the *2035 Plan* provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may require new zoning categories, the land uses were not intended to be a comprehensive list of possible zoning districts.



Appendix G of the *2035 Plan* states that the “Low Density Residential” land use category is a land use category which anticipates “land occupied by a single family residential development, with a density of one unit per acre to 2.99 units per acre. Lots in this category may be served by either on-site well and septic systems or a public water and sewer system as the number of units per acre increases” (p.235).

As the current Jefferson County Zoning Ordinance does not include a variety of zoning categories which anticipate certain residential densities, Residential Growth is a category that would permit Low Density Residential land uses.

#### Proposed Zoning District – Residential Growth (RG)

The purpose of the Residential Growth (RG) District (Section 5.4) is to “provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate

## Staff Report

Jefferson County Planning Commission Meeting

March 08, 2022

### Green Hill Rezoning Request (22-1-Z)

and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance” (complete description attached).

#### **Staff Discussion and Recommendation**

This property has been zoned Rural since zoning went into to effect in 1988. Under the previous Zoning Ordinance, this property, as well as the properties to the north and south, received approval for Conditional Use Permits (CUPs) that would allow the development of these properties at suburban residential subdivision densities. In order to proceed with these CUPs, public water and sanitary sewer was required, Years of disagreements between the Charles Town Utility Board (CTUB) and the now-defunct Jefferson County Public Service District (JCPSD), delayed most of these approved residential developments. Aspen Green was the only development in the Flowing Springs corridor that was able to move forward with its development through the last decade.

After the adoption of the *2035 Plan*, based on the recommendations of the *Plan*, the County Commission approved a text amendment eliminating the use of the Land Evaluation Site Assessment (LESA) system and modifying the CUP process so that it could not be used for future residential development projects in the Rural Zoning District. The *2035 Plan* was the first Jefferson County Comprehensive Plan to include a Future Land Use Map/Guide, which is intended to be a tool to provide a visual definition of future growth and areas where potential owner initiated zoning map amendments (rezoning requests) might occur within the timeframe of the *Plan*. The *2035 Plan* stated that “by creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”(pp. 16-17).

Based on these recommendations of the *2035 Plan* related to the Residential Preferred Growth Area and the Future Land Use Map/Guide, staff finds that the proposed Residential Growth (RG) rezoning for the lot included in this application to be **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*.

#### **Planning Commission Action**

Article 12 of the Zoning Ordinance, in accordance with State Code, requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. Such recommendation will be required to be sent to the County Commission prior to the County Commission’s public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on February 3, 2022 and the required Public Hearing has been scheduled on March 17, 2022. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

#### **Attachment:**

- Section 5.4 Residential Growth (RG) District

## Staff Report

Jefferson County Planning Commission Meeting

March 08, 2022

### Green Hill Rezoning Request (22-1-Z)

#### ATTACHMENT:

#### Section 5.4 Residential Growth (RG) District

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance.

The following regulations govern development within the Residential Growth District.

##### A. Principal Permitted and Conditional Uses.

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.

##### B. Minimum Lot Area, Height, and Yard Requirements

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.
2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.
3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.

##### C. Commercial Services in Residential Developments

1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the Conditional Use Permit process as outlined in Section 6.3 of this Ordinance. Any proposed commercial use that is served from a road that is proposed to be located on the perimeter of the project or on a State Road shall be required to be considered as a part of the Conditional Use Public Hearing process.

**Staff Report**

Jefferson County Planning Commission Meeting

March 08, 2022

**Green Hill Rezoning Request (22-1-Z)**

D. Standards for Commercial Uses

1. Commercial uses are subject to the following access requirements:
  - a. Such uses will not use adjacent residential roads for through traffic; and
  - b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.
2. Commercial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.





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 #: 22-1-Z  
 Date Rec'd: 01/26/22  
 Fees Paid: 6100-  
 Staff Int: gt

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

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

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code.

**Property Owner Information**

Owner Name: William Reilly, Managing Member  
 Business Name: Flowing Springs Road LLC  
 Mailing Address: 21631 Ridgetop Circle, Suite 250; Sterling, VA 20166  
 Phone Number: 703-444-4100 Email: bill@championtitle.com

**Applicant Contact Information**

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

**Consultant Information**

Name: Chad Wallen  
 Business Name: Integrity Federal Services  
 Mailing Address: 148 S. Queen Street, Suite 201; Martinsburg, WV 25401  
 Phone Number: 304-725-84566 Email: cwallen@ifs-ae.com

**Physical Property Details**

Physical Address: Northeast of the Flowing Springs Rd / Daniel Rd intersection Vacant Lot:   
 Tax District: Charles Town (2) Map No: 3 Parcel No: 9  
 Parcel Size: 102.00 acres Deed Book: 1255 Page No: 569

**Current Zoning District**

Rural (R)

**Proposed Zoning District**

Residential Growth (RG)

---

**Substantiation for the Request**

---

For a Zoning Map Amendment (rezoning) request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

---

Describe your proposed use/project and describe why this Zoning Map Amendment is necessary for the proposed use (and/or project) described.

---

See Attached

---

---

Describe how this Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

---

See Attached

---

---

Discuss any change(s) of transportation characteristics (i.e. type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original Ordinance was adopted.

---

See Attached

---

---

A plat or sketch shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

---

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

---

Property Owner Signature\*

Date

Property Owner Signature\*

Date

\*The **original** signature of the property owner is required. A copy of the signature will not be accepted.

A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.

# **Zoning Map Amendment Application Addendum**

## **Green Hill Rezoning**

January 25, 2022

### **Owner / Applicant:**

Flowing Springs Road LLC  
21631 Ridgetop Circle, Suite 250  
Sterling, VA 20166

### **Property Tax Identification:**

Charles Town District (2), Map Number 3, Parcel 9

### **Deed Information:**

Deed Book 1255, Page Number 569

### **Property Characteristics:**

Location: Northeast of the Flowing Springs Rd & Daniel Rd intersection

Current Zoning: Rural (R)

Current / Historic Use: Agricultural

Area of Rezoning: 102.00+/- Acres

### **Requested Zoning District:**

Residential Growth (RG)

### **Table of Exhibits**

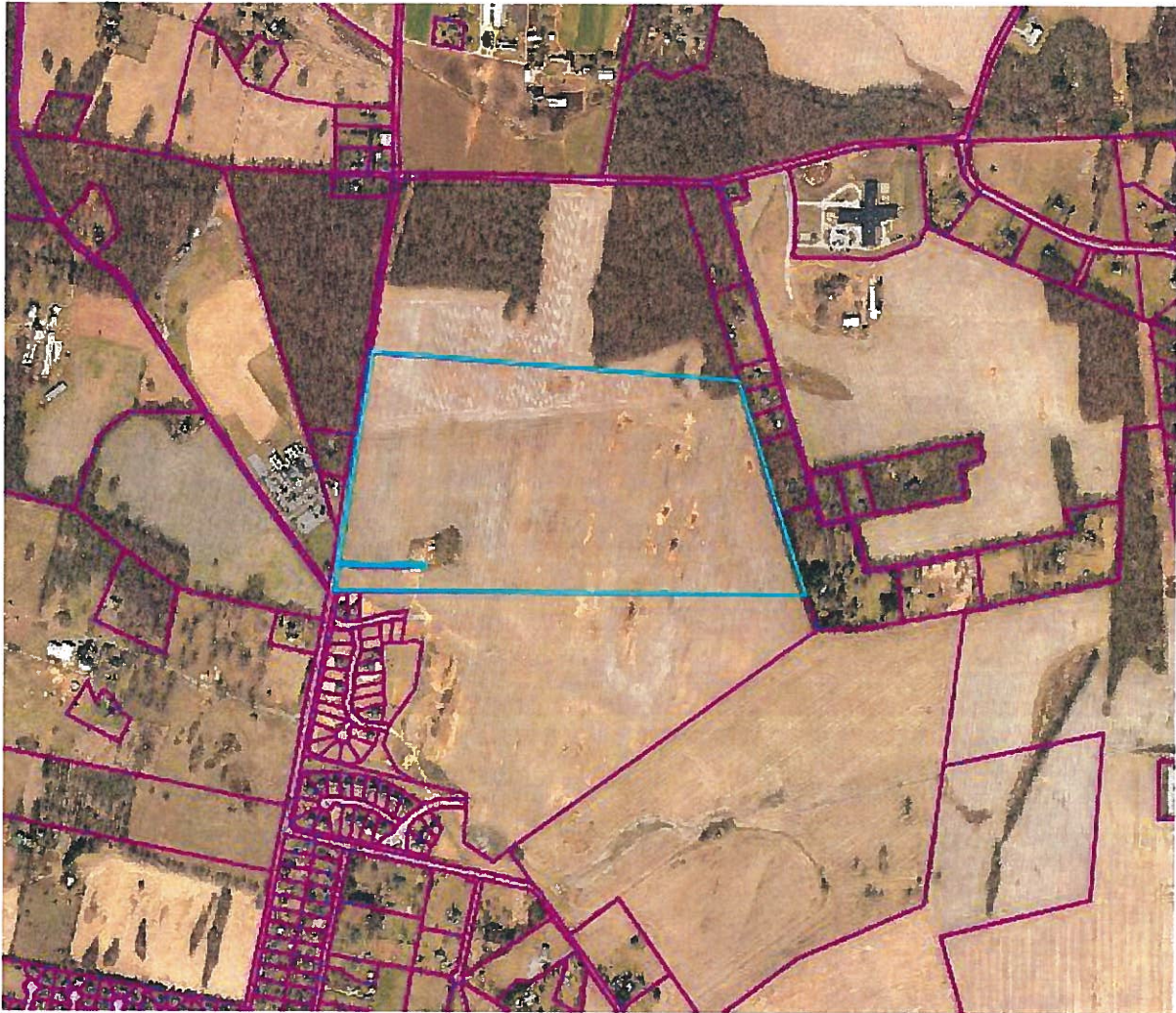
1. Vicinity Map
2. Aerial Overlay
3. Existing Conditions Map
4. Concept Sketch

**Substantiation for Request**

**Existing Characteristics**

The property is located east of Flowing Springs Road approximately two (2) miles north of the Route 9 Flowing Springs Road exit.

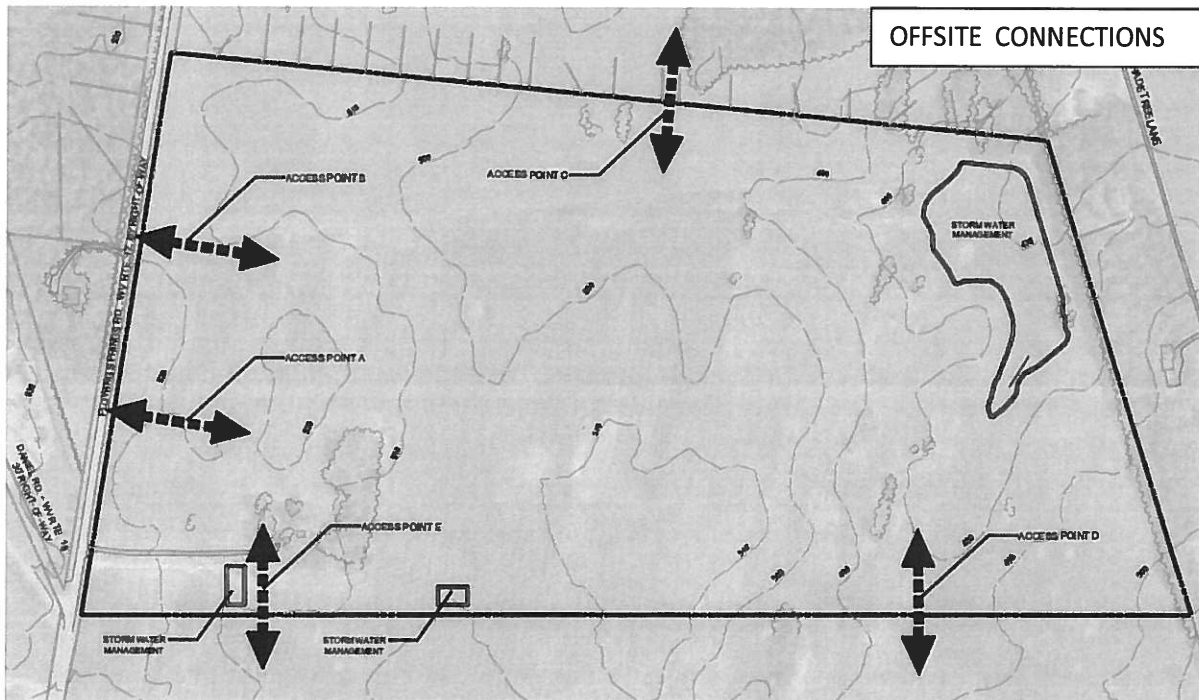
The property's use is currently agricultural. The property is 0.8 miles from Driswood Elementary School, 1.2 miles from Jefferson High School and 1.5 miles from Wildwood Middle School.



**Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.**

The proposed residential density for the property is not permitted in the Rural district of the Zoning Ordinance. The Residential Growth district will allow the property to be developed as envisioned by the comprehensive plan (Low Density Residential).

It is proposed that the property be developed as a residential community under the regulations of the Residential Growth (RG) zoning district. It is anticipated the development will include single-family detached homes, but any uses under the RG district will be permitted. The development will include open spaces, storm water management facilities, utilities, and roads. Access will be provided through two (2) entrances from Flowing Springs Road. There will also be two (2) connections to the Aspen Greens development to the south and one (1) connection to future development to the north (previously known as Daniels Forest). Like all subdivisions in Jefferson County, the proposed development of the property will be subject to the County's regulations, review, and approval process.



**Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan (the Plan).**

**1. Preferred Growth Areas (Page 23)**

**g. Residential Preferred Growth Area**

Based on comments received during the Envision Jefferson 2035 public input process, it was determined that it is important to denote the areas where a concentration of existing or approved residential development currently exists but may not be fully developed and is outside of the Urban Growth Boundary (UGB). One such residential area exists that consists of properties currently zoned for Residential Growth (RG) or which have a vested development right to develop at a low density or medium density residential rate. This core residential area, bounded by Old Country Club Road, Flowing Springs Road, Job Corps Road, Shepherdstown Pike (WV 230) to the railroad tracks, is depicted by a Preferred Growth Area boundary, but is comprised only of future large lot, low density, and medium density residential uses. It is anticipated that this will be a primarily detached single family suburban housing area.

The inclusion of the property within the Residential Preferred Growth Area demonstrates the Plans vision for development to occur on the subject property. The Comprehensive Plans Urban Level Development Recommendations (Goal 1) include the following for Preferred Growth Areas:

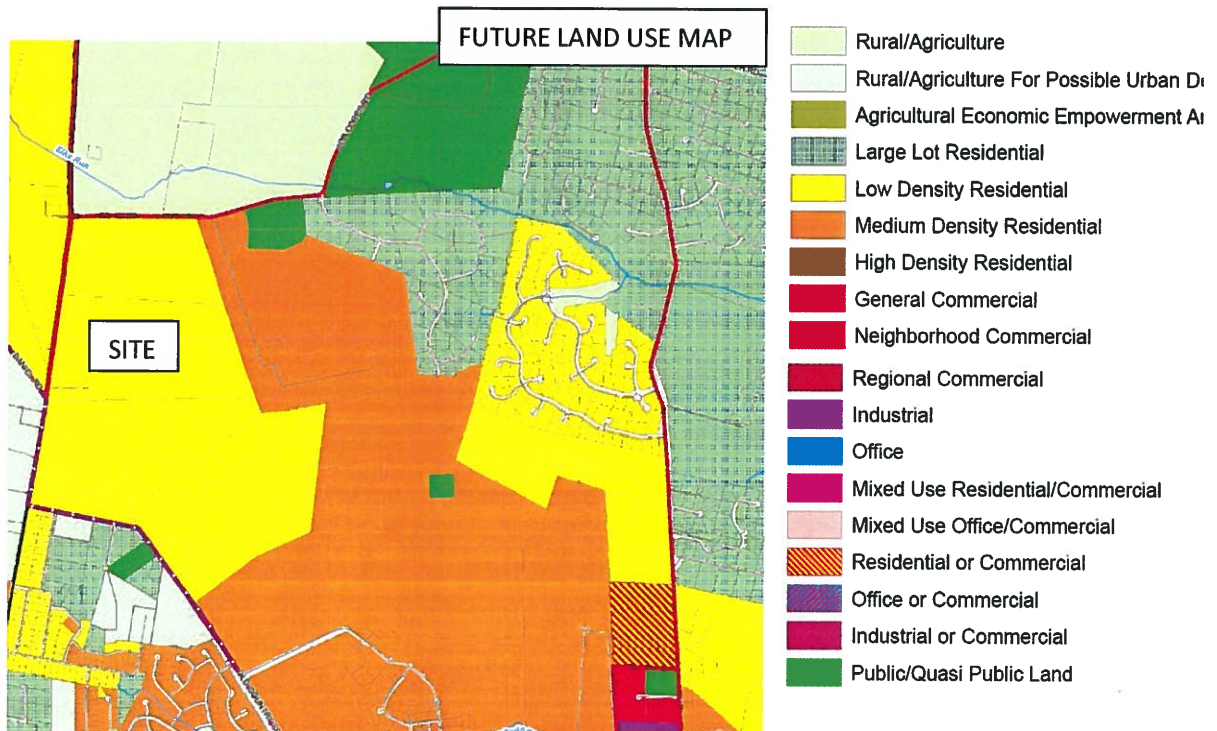
- Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.
- Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.
- Encourage the location of new infrastructure (water, sewer, utilities) within municipalities, UGBs, PGAs, or Villages.
- Direct new development to be contained in municipalities, UGBs, PGAs, Villages, and areas zoned for Residential Growth (RG), where public water and sewer will be available. (Jefferson Utilities and the Charles Town Utility Board have been contacted to verify that both water and sanitary sewer service is available for the property. Utilities will be accessed through the adjacent subdivisions.)

2. Future Land Use Guide – (Pages 26 & 235)

**Low Density Residential**

This land use category reflects land occupied by a single family residential development, with a density of one unit per acre to 2.99 units per acre. Lots in this category may be served by either on-site well and septic systems or a public water and sewer system as the number of units per acre increases.

A Low Density Residential use is identified by the Plan for the subject property. The proposed single-family detached residential development is consistent and supported by the comprehensive plan. The Plan states on page 26 that “Land Use Classifications are intended to provide guidance to the Planning Commissions when considering owner initiated zoning map amendments”.



Preferred Growth Area

3. Urban Level Development Recommendations (Page 30)

2.	Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:
	a. Economic Well-Being of the County; or
	b. Error or Under Scrutinized Property on the Future Land Use Guide; or
	c. Change in Neighborhood; or
	d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
	e. Environmental impacts are considered.

- a) Economic Well Being: Residential Land Use in Jefferson County has not met the comprehensive plans growth projections of 0.95% per year and is only at 0.55% as of 2019. The lack of residential growth has impacted the strength of the local economy. While there are pockets of residential activity, the County is not benefiting from a robust residential economy.
  
- b) Future Land Use Guide: Low Density Residential is identified as the appropriate use of the property by the comprehensive plan. The proposed Residential Growth zoning district is consistent with this recommended future land use.

**Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.**

The Original Zoning Ordinance was adopted on July 7, 1988. Some changes in the immediate area of the properties include:

1. Schools: There are two (2) schools located within 1.5 miles of the property which did not exist when the zoning ordinance was adopted: Wildwood Middle School and Driswood Elementary School.
2. Surrounding Development: The property is located next to the Aspen Green subdivision and will connect to this development's roads and utilities. Potomac Towne Center is located 1.5 miles from the property and also did not exist when the zoning ordinance was adopted. Green Hill residents will have the opportunity of acquiring goods and services from the Potomac Towne Center development (clothing, restaurants, home goods...).
3. Transportation: A 4-lane divided Route 9 was constructed, providing a high-capacity road corridor between Jefferson County and Interstate 81. Green Hill is within 2.0 miles of the Flowing Springs Road / Route 9 intersection and within 1.5 miles of the Route 9 signalized intersection at Potomac Towne Center.

As required with any property, an entrance permit from the West Virginia Department of Transportation (WVDOT) will be needed. Obtaining an entrance permit requires review by the WVDOT to ensure that safe and adequate access can be provided. It is anticipated that improvements to the traffic signal and intersection will be requested by WVDOT.



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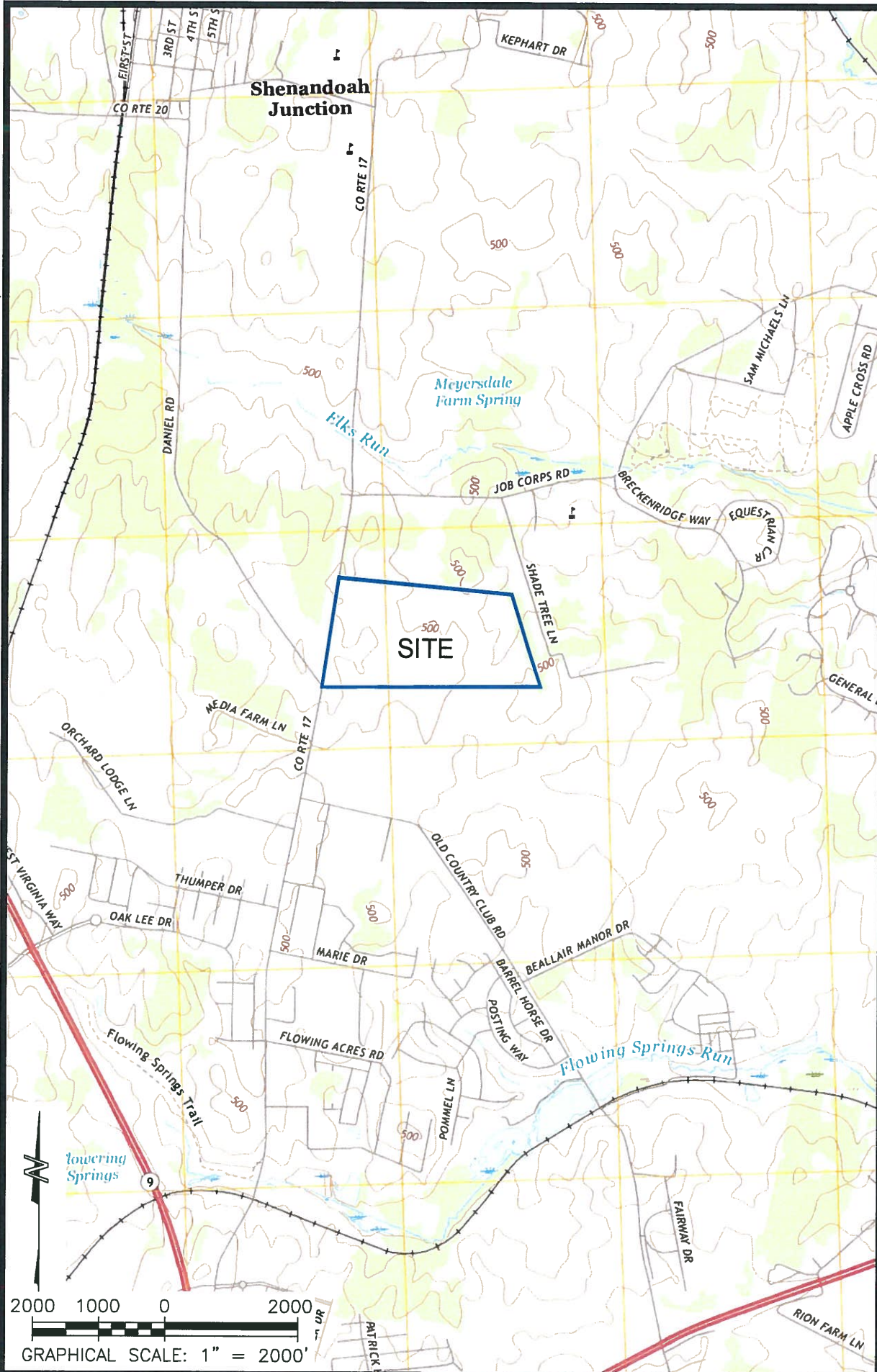


IFS-AE.com

# ZONING MAP AMENDMENT EXHIBIT 1 - VICINITY MAP

1-25-2022

## GREEN HILL REZONING JEFFERSON COUNTY, WV



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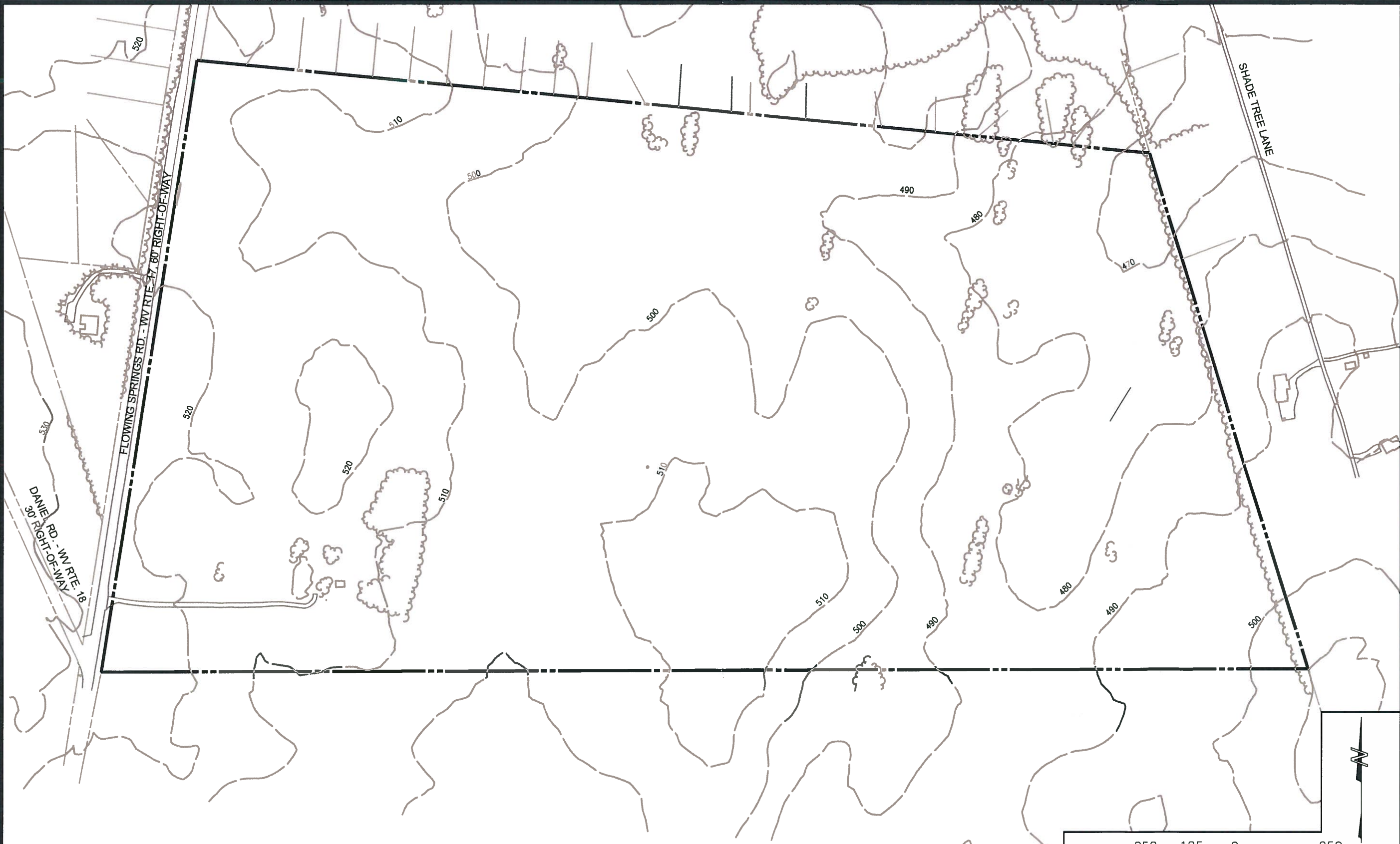


# ZONING MAP AMENDMENT EXHIBIT 2 - AERIAL OVERLAY

1-25-2022

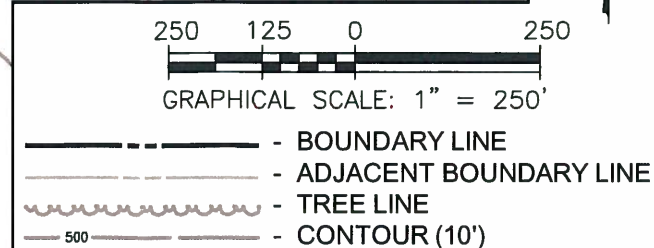
**GREEN HILL REZONING**  
JEFFERSON COUNTY, WV

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NOTES:

1. CONTOURS SHOWN AT 10' INTERVALS. TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.
2. BOUNDARY OBTAINED FROM FINAL PLAT PREPARED BY APPALACHIAN SURVEYS, INC. DATE AUGUST 12, 1992.



**ZONING MAP AMENDMENT**  
**EXHIBIT 3 - EXISTING CONDITIONS**

1-25-2022

**GREEN HILL REZONING**  
**JEFFERSON COUNTY, WV**

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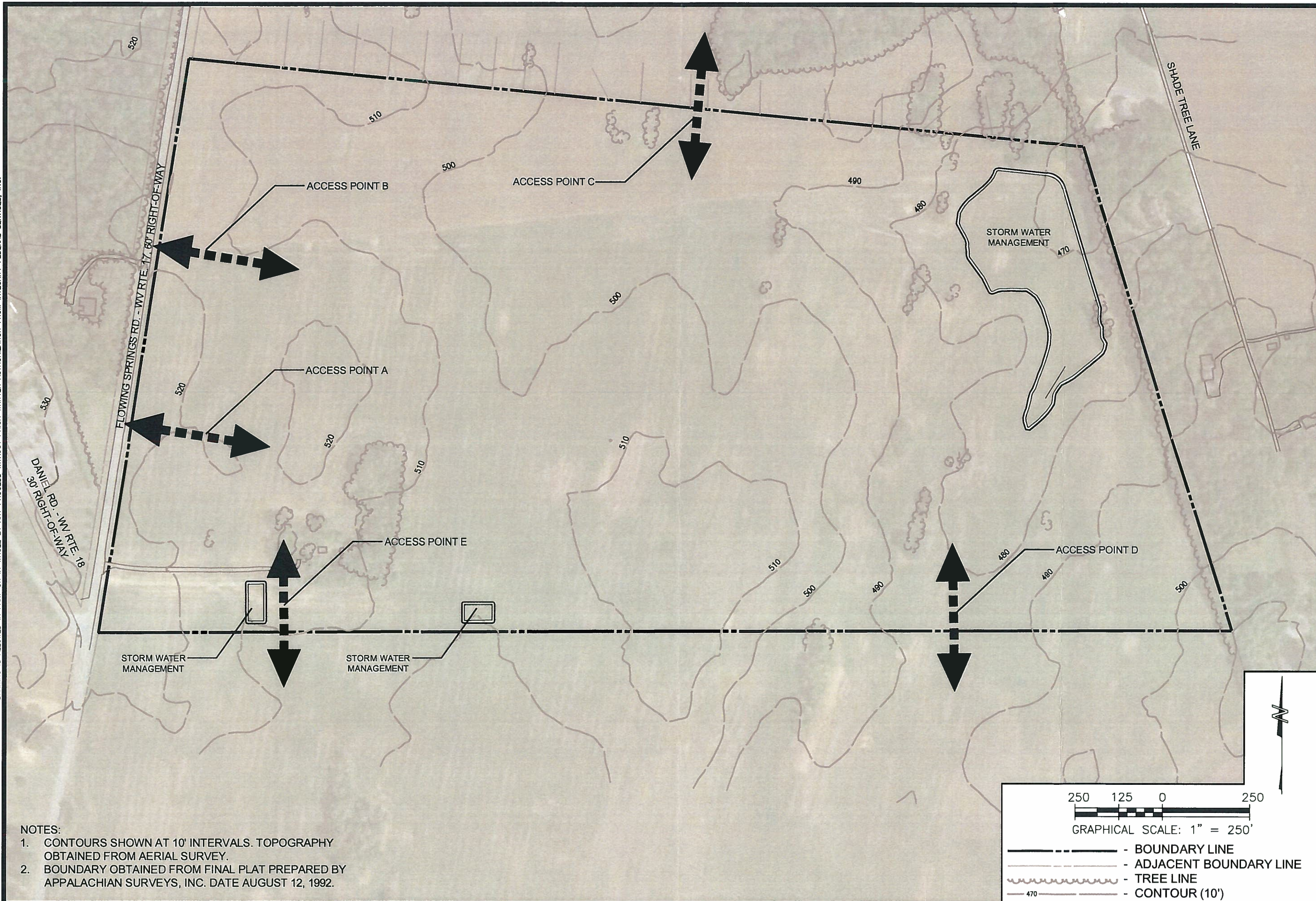


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# ZONING MAP AMENDMENT EXHIBIT 4 - CONCEPT SKETCH

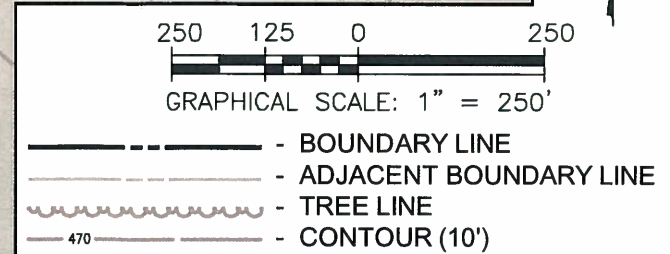
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## GREEN HILL REZONING JEFFERSON COUNTY, WV



**NOTES:**

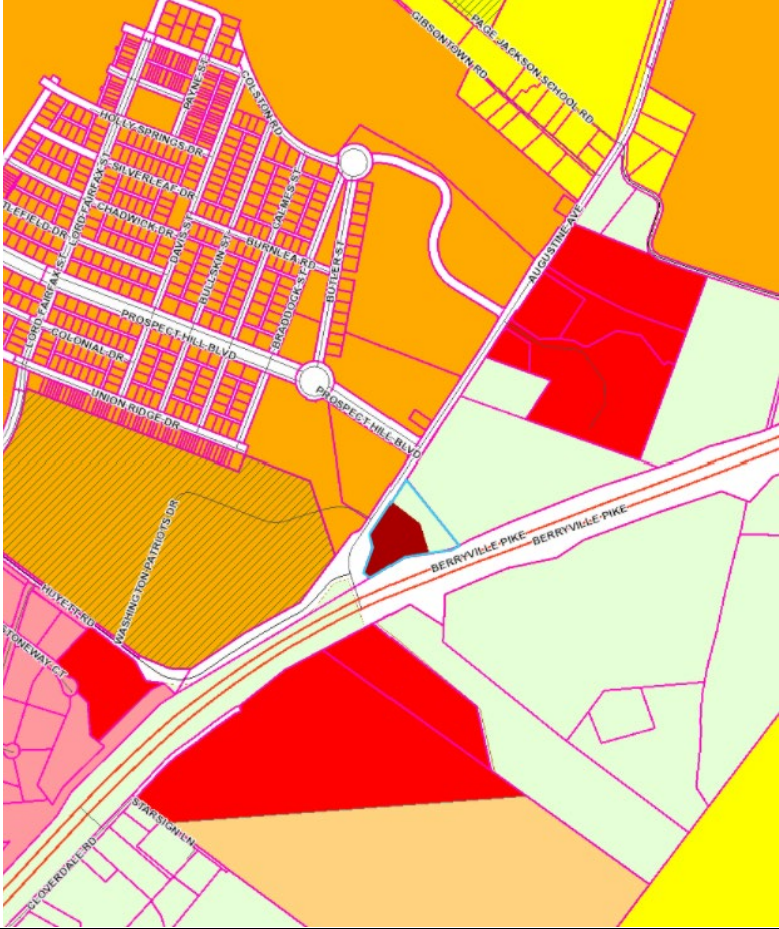
1. CONTOURS SHOWN AT 10' INTERVALS. TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.
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**Staff Report**  
 Jefferson County Planning Commission Meeting  
 March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

**Item # 8** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment by property owner Guy Chicchirichi to rezone the subject portion of a parcel from Rural to Highway Commercial is consistent with the 2035 *Envision Jefferson Comprehensive Plan*.

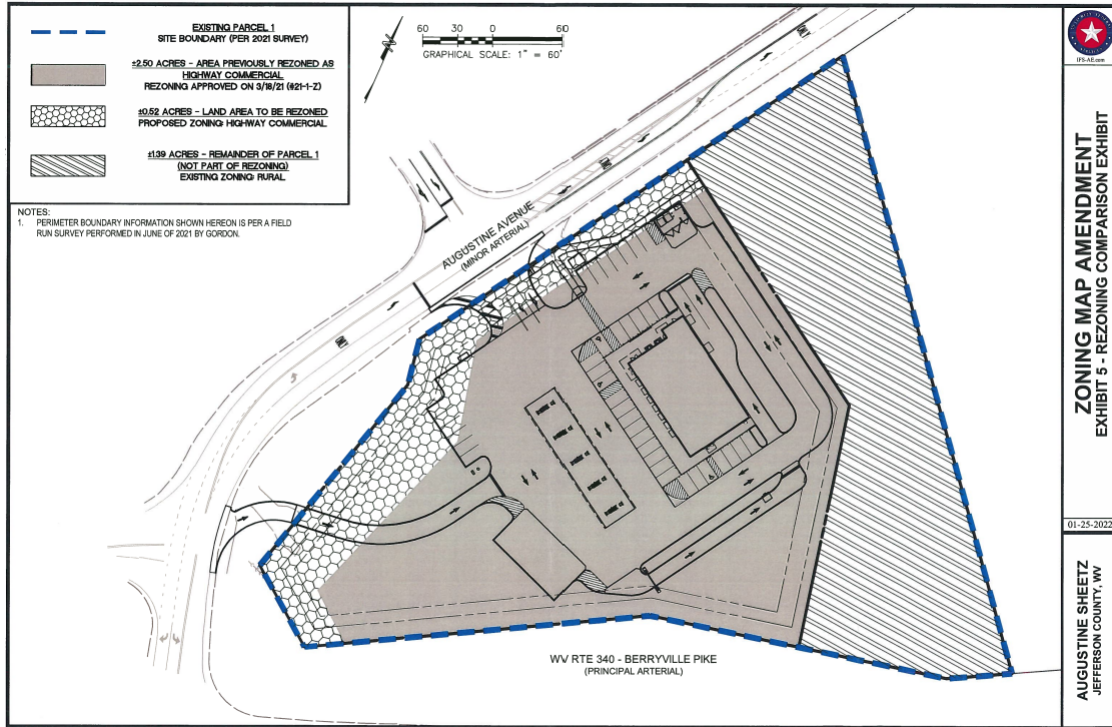
Owner:	Guy Chicchirichi
Applicant:	Bob Franks, Sheetz, Inc.
Consultant:	Chad Wallen, Integrity Federal Services
Property Location:	NE corner of Augustine Ave. & US 340 intersection, south of Charles Town
Legal Description:	<p style="text-align: center;">Charles Town (02); Tax Map: 16; Parcel: 1; DB1227/PG447;                  Proposed Area to rezone: 0.52 acres of a 4.42 acre site; Zoned: Rural</p> 
Surrounding Properties:	<p><i>Northeast:</i> Rural      <i>Northwest:</i> Neighborhood Residential (Charles Town)  <i>Southeast:</i> Rural      <i>Southwest:</i> General Commercial (Charles Town)</p>
Current Use:	Vacant; 2.5 acres of this parcel previously zoned to Highway Commercial (HC)
Proposed Request	To rezone an additional 0.52 acres from Rural to Highway Commercial (HC)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that while the request is not consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> Future Land Use Guide (Map), it does conform with other recommendations of the <i>Plan</i> .

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

**Applicant's Request**

In 2021, the applicant requested that a 2.5-acre portion of the 4.42-acre (File #21-1-Z; shown in gray below) be rezoned from Rural (R) to Highway Commercial (HC). This was approved by the County Commission on March 18, 2021. The current request is to rezone an additional 0.52 acres (shown below) from Rural to Highway Commercial (HC) to accommodate the full design of the proposed Sheetz Gas Station, Large, and Convenience Store.



**Existing Conditions/Neighboring Uses**

The proposed area to be rezoned is immediately adjacent to the previously rezoned 2.5 acres. This property is located on the north side US 340 across Augustine Avenue from the driveway into Washington High School and generally across from the Huntfield Subdivision.

Augustine Avenue is a two-lane state road leading southwest out of Charles Town. US 340 is a four-lane divided highway going east-west across Jefferson County. The intersection essentially functions as a T intersection; however, there are properties zoned General Commercial in the city of Charles Town on the south side of US 340 with access to this intersection.

This intersection is served by traffic light and has left turn lanes in both directions. US 340 is one of two roadways that are designated as Principal Arterials in Jefferson County. Principal Arterials are defined as highways that provide higher speed travel and mobility for long distance trips to and through communities and to minor arterials and collector routes. Access may be limited by medians as in this area.

**Scope of this Assessment**

This staff report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff's professional recommendation is that while

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

the original 2.5 acre request and this 0.52 acre request is not consistent with the Future Land Use Guide (Map) of the *2035 Plan*, because it is designated as Future Large Lot Residential, it is located within the Charles Town Urban Growth Boundary (UGB), which is slated for urban development, and is consistent with other recommendations of the text of the Plan as discussed below.

It should be noted that Staff have no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

**Zoning Map Amendment Public Hearing Process**

Article 12 of the Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.” [See WVC 8A-7-9(c)].

**Relevant Envision Jefferson 2035 Comprehensive Plan Elements and Commentary**

The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

**A. Land Use and Growth Management Element: Charles Town Urban Growth Boundary (UGB)**

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17): Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) are the areas of Jefferson County where urban scale development is to be targeted; and Rural/Agricultural Areas and Villages, are where limited development is possible, but not intended for urban-scale development.

The *Envision Jefferson 2035 Plan* recommends that new development should take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of the *Plan*. By encouraging higher densities within the Urban Growth Boundaries and Preferred Growth Areas and working closely with municipalities, the best result can be accomplished by providing opportunities for development within these areas with established infrastructure systems. It also noted that these statements are not about reducing development, but about growing in a fashion that more efficiently uses existing infrastructure and services (p.27).

Goal #1 of the *Plan* clearly states that the goal is to require urban intensity residential and non-residential development to occur within existing urbanized areas, approved Urban Growth Boundaries, Villages, and/or the County’s identified Preferred Growth Areas. (p. 190) The fifth recommendation under this Goal is to “create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations” (p.30).

The property which is the subject of this request (both the previously rezoned 2.5 acres and this 0.52 acre request) is located within the Charles Town Urban Growth Boundary (See Section B below).

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

The proposed “Gas Station, Large” is the type of urban non-residential land use that should be located within an Urban Growth Boundary. It is a Principal Permitted Use in the proposed Highway Commercial (HC) Zoning District.

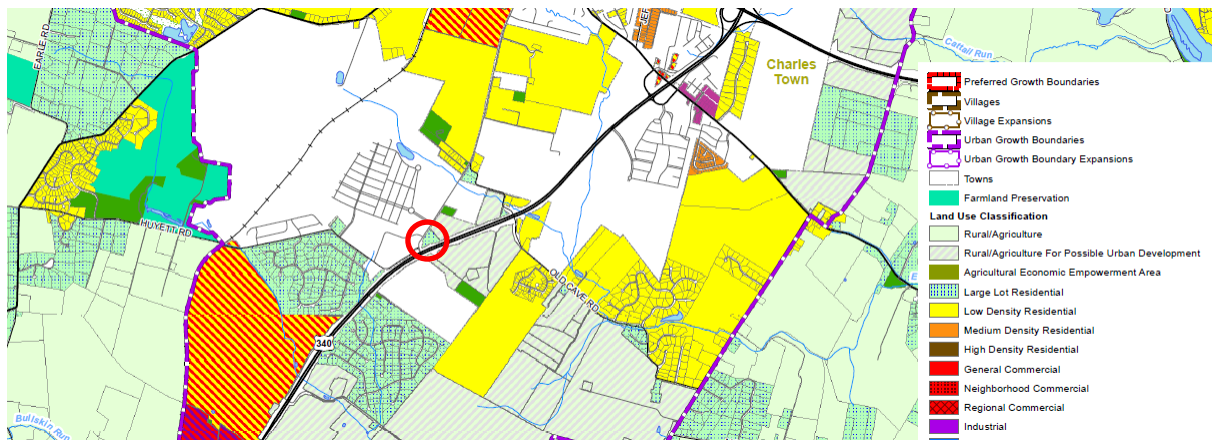
**B. Future Land Use Guide/Map**

The property in question is located within the Charles Town Urban Growth Boundary (UGB) and is designated as Future Large Lot Residential.

The discussion of the Urban Growth Boundary in the *Plan* (pp 18-19) explains that the *Plan* expects that properties within the UGB may be annexed into the adjoining municipality that created the UGB; however, property located within the UGB could choose not to annex and then develop the land under the County’s land development standards instead. In such circumstances, the UGB acts as a Preferred Growth Area for the County and urban level development is still anticipated in these areas.

It further explains that within the UGBs, an intentional decision was made to depict property as it is either zoned or used. As such, there are large tracts of land designated rural, which are not expected to remain rural in the future. Because the properties in the UGB could develop either within the municipalities through annexation or in the County, it was determined that it was best to show the existing land uses or zoning designation, including rural zoning, on the Future Land Use Guide within the UGB. It is not the intention of the Future Land Use Guide or this Plan for these areas to remain rural; the designation is temporary until the property owner determines if they desire to develop in either the municipality or the County.

The excerpt from the Charles Town UGB Future Land Use Map below reflects that decision and identifies most of the Rural land as “Rural/Agriculture for Possible Urban Development”; however, it appears that a few random lots identified as existing “large lot residential” were not provided with alternate future land use designations. It seems reasonable for the Planning Commission to find that the intention of the Plan was for all non-urbanized land within the UGB to be anticipated to have a future urban land use proposed, such as the proposed gas station; particular as this is an expansion of a previously approved rezoning for the same purpose.



**Proposed Zoning District – Highway Commercial (HC)**

This petition is requesting that an additional 0.52-acre portion of the parcel, immediately adjoining the previously rezoned 2.5-acres portion of this property, be rezoned to Highway Commercial (HC). If approved, the combined 3.0+/- acre is portion of the property will be subdivided along the zoning

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

boundary. The purpose of the Highway Commercial (HC) District (Section 5.13) is to “provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways” (complete description attached). The purpose statement further states that uses in this zone may have a greater impact on surrounding areas as a result of significant truck traffic and other factors and may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses. The proposed location for the proposed “Gas Station, Large” is immediately north of a limited access four lane highway with a traffic light, which should be adequate for the expected traffic. Proposed access will be from Augustine Avenue, which is a state road (WV 340/18) and currently includes turn lanes related to the High School. Approval of access points and whether additional turn lanes are required will be the responsibility of the WV DOH.

**Staff Recommendation**

Staff finds that although the proposed rezoning of the original 2.5 acres and this 0.52 acres from the same parcel, from Rural (R) to Highway Commercial (HC), are not consistent with the Future Land Use Guide (Map) of the *2035 Plan* because it is designated as Future Large Lot Residential, the 3.0 +/- acres are located within the Charles Town Urban Growth Boundary (UGB), which is the area in which the *Plan* states urban level development should occur, and is consistent with other recommendations of the text of the *2035 Plan*.

**Planning Commission Action**

Article 12 of the Zoning Ordinance and the relevant sections of WV State Code requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. Such recommendation is required to be sent to the County Commission prior to the County Commission’s public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on February 3, 2022 and the required Public Hearing has been scheduled on March 17, 2022. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

**Attachments:**

- Section 5.13 Highway Commercial (HC) District

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 8, 2022

**Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (22-2-Z)**

**ATTACHMENTS:**

**Section 5.13 Highway Commercial (HC) District** *(as amended 12/17/20)*

- A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large buildings that exceed 100,000 square feet of gross floor area for an individual building and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.
- B. Location. This zoning category is intended for use on properties:
  - 1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  - 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
  - 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.32
  - 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.32
- D. Site Development Standards
  - 1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
- E. Additional Requirements
  - 1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.



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 #: 22-2-2  
 Date Rec'd: 01/26/22  
 Fees Paid: 1050-  
 Staff Int: gt

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

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

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code.

**Property Owner Information**

Owner Name: Guy Chicchirichi  
 Business Name: \_\_\_\_\_  
 Mailing Address: 1316 N. mildred Street, Ranson, WV 25438  
 Phone Number: 304-279-0556 Email: gchicc@frontiernet.com

**Applicant Contact Information**

Applicant Name: Sheetz, Inc , Bob Franks Same as owner:   
 Business Name: Sheetz, Inc.  
 Mailing Address: 5700 Sixth Avenue, Altoona, PA 16602  
 Phone Number: 814-935-4798 Email: bfranks@sheetz.com

**Consultant Information**

Name: Chad Wallen  
 Business Name: Integrity Federal Services  
 Mailing Address: 148 S. Queen Street, Suite 201, Martinsburg, WV 25401  
 Phone Number: 304-725-8456 Email: cwallen@ifs-ae.com

**Physical Property Details**

Physical Address: Northeast of Augustine Avenue/Route 340 intersection Vacant Lot:   
 Tax District: 02-Charles Town Map No: 16 Parcel No: Portion of #1  
 Parcel Size: 0.52 Acres to be rezoned Deed Book: 1227 Page No: 447

**Current Zoning District**

Rural (R)

**Proposed Zoning District**

Highway Commercial (HC)

---

**Substantiation for the Request**

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For a Zoning Map Amendment (rezoning) request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

---

Describe your proposed use/project and describe why this Zoning Map Amendment is necessary for the proposed use (and/or project) described.

---

See Attached

---

---

Describe how this Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

---

See Attached

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Discuss any change(s) of transportation characteristics (i.e. type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original Ordinance was adopted.

---

See Attached

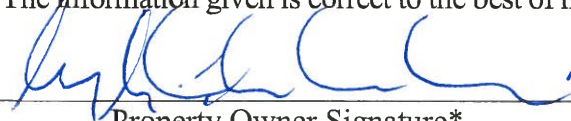
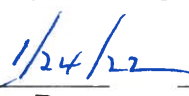
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A plat or sketch shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

---

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

   
\_\_\_\_\_  
Property Owner Signature\*                      Date

\_\_\_\_\_  
Property Owner Signature\*                      Date

\*The **original** signature of the property owner is required. A copy of the signature will not be accepted.

A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.

# **Zoning Map Amendment Application Addendum**

## **Augustine Avenue Sheetz**

January 25, 2022

### **Owner:**

Guy Chicchirichi  
1316 N. Mildred St  
Ranson, WV 25438

### **Applicant:**

Sheetz Inc; Bob Franks  
5700 Sixth Avenue  
Altoona, PA 16602

### **Property Tax Identification:**

Charles Town District (9), Map Number 16, Portion (3.0 acres) of Parcel 1. A subdivision or boundary line adjustment will be processed to divide the area of rezoning into its own parcel.

### **Deed Information:**

Deed Book 1227, Page Number 447

### **Property Characteristics:**

Location: Northeast of the Augustine Avenue and Berryville Pike (Route 340).  
Current Zoning: Rural (R)  
Current / Historic Use: Vacant / Agricultural  
Tract Size: 4.4+/- Acres  
Area of Rezoning: 0.52+/- Acres

### **Table of Exhibits & Attachments**

1. Vicinity Map
2. Aerial Overlay
3. Existing Conditions
4. Concept Plan
5. Rezoning Comparison Exhibit
6. County Commission Meeting Minutes (3-18-2021)
7. Planning Commission Meeting Minutes (3-9-2021)

**Zoning Map Amendment Summary**

On March 18, 2021, the County Commission approved a zoning map amendment request to convert 2.5 acres of the 4.4-acre parcel from Rural to Highway Commercial. Since that approval the property has moved through the development review process of Jefferson County.

During this process, a boundary survey was conducted and revealed the actual boundary was different than shown on County tax map information, which the original rezoning was based. The updated boundary information and engineering design requires that an additional 0.52 acres be added to the project and Highway Commercial zone.

The proposed use has not changed, the rezoning of an additional 0.52 acres is consistent with the comprehensive plan as determined with the previous Planning Commission recommendations and approval by the County Commission.

The following substantiation for request and supporting documentation is provided as submitted in 2021. Meeting minutes from the previous rezoning and an exhibit demonstrating the boundary discrepancy has been included as part of this submission.

**Substantiation for Request**

- 1. Provide commercial services to a growing area of the County.** There are multiple subdivisions representing hundreds of homes within a one-mile radius including: Huntfield, Spruce Hill, Cloverdale Heights, Cave Quarter Estates, and Washington Landing Apartments (under construction, 250+ units). There are no commercial uses within this one-mile radius. Residents currently travel to Charles Town, Ranson or commercial establishments along Route 340/Somerset Blvd. for all goods and services. Providing a commercial use to this neighborhood would reduce traffic along these corridors and provide a commercial service to the south end of Augustine Avenue.



- 2. The current zoning designation as Rural provides limited options for by-right commercial development.** A zoning map amendment is required to allow commercial development. The property is located in an area of growing residential development and will provide needed food and fueling services. The Highway Commercial zone is appropriate due to the property's location adjacent to a Principal Arterial road.
- 3. This Sheetz will support travelers on the Route 340 corridor.** The subject parcel will provide travelers an easy access for refueling, restrooms, food, and other goods. Similar establishments along the Route 340/9 corridor require patrons to navigate both Collector and Local roads, increasing congestion of the County's road network.
- 4. No burden would be placed on existing public infrastructure with this rezoning.** Water and sanitary sewer will be extended and connect to CTUB's system along Augustine Avenue. There is existing capacity within CTUB's systems, and the cost of extension will be the Applicants responsibility and not the public. As a commercial development, no additional burdens will be placed on the school system or other County facilities.



**Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.**

The proposed use includes the development of a Sheetz store (Zoning Use: Gas Station, Large). The development will include a 6,100+/- sq. ft. building, six fueling islands (12 pumps), drive thru and associated infrastructure improvements.

The proposed commercial development of the property is not a permitted use in the current Rural district. The preferred use as a Sheetz convenience store is justified under the Substantiation for Request section of this document.

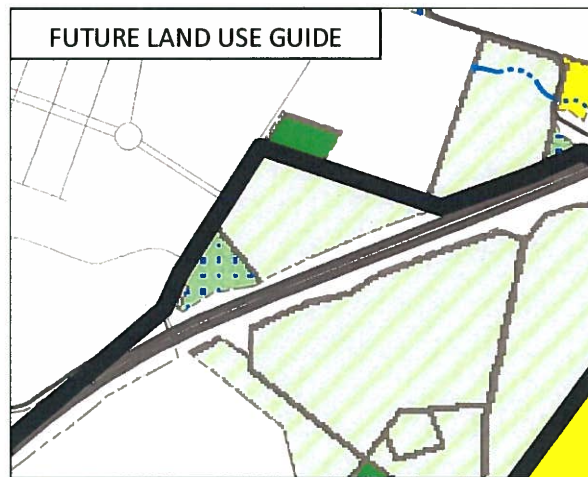


**Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan (the Plan).**

- **Urban Level Development Recommendations (Goal 1.2.a, Page 30): Economic Well Being of the County**
  - The proposed commercial development will expand the County's commercial real estate tax base.
  
- **Finance Recommendations (Goal 24.1, Page 141): Develop policies that result in a well-balanced tax base that is not overly reliant on residential taxes, but is diversified by the presence of a robust commercial and industrial tax base.**
  - The property will contribute to the commercial tax base of the County.
  
- **Urban Level Development Recommendations (Goal 1.2.b, Page 30): Error or Under Scrutinized Property on the Future Land Use Guide**
  - The Land Use Guide identifies the property within the Charles Town Urban Growth Boundary which identifies property suitable for urban development. Designation on the same map as Large Lot Residential conflicts with itself.
  - The property was not located in the Comprehensive Plans' 2004 Growth Area. The Charles Town Urban Growth Boundary was expanded with the current Comprehensive Plan to include the subject property and areas south of Route 340. The Future Land use Guide was not updated to reflect this expansion.
  - This property is the only undeveloped parcel in the entire Charles Town Urban Growth Boundary designated as Large Lot Residential on the Future Land Use Guide. All other areas designated as Large Lot Residential include an existing residence and/or associated accessory use.
  - All land adjacent to the property is designated as municipal land or land for potential urban development. The subject property is the sole parcel in the immediate area with limited density and use.

- **Future Land Use Guide**

- The property's designation a Large Lot Residential is not in character with surrounding properties or other parts of the Comprehensive Plan, such as the Urban Growth Boundary.
- The property is surrounded by the City of Charles Town and land designated as Potential Urban Development. Municipal land is located to the north and west, Route 340 to the south and land designated for "Possible Urban Development" to the east and south. These future adjacent uses recognize this areas development potential which does not include Large Lot Residential.
- While the reason for the Large Lot Residential designation is not clear, it is assumed this future use was influenced by the existing zoning classification as Rural, availability of utilities or its location in a once underdeveloped area of the County. The Comprehensive Plans Future Land Use Guide fails to account for the construction of Route 340, Jefferson High School, Huntfield and associated extension of utilities along the Augustine Avenue corridor.



- City of Charles Town
- Rural/Agriculture For Possible Urban Development
- ▨ Large Lot Residential
- Public/Quasi Public Land

**Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.**

- **Transportation Characteristics – Substantial development of the immediate and regional road network.** The Route 340 highway was constructed after the adoption of the Zoning Ordinance. Route 340 is one of three Principal Arterial roads in the County and represents one of the most significant transportation improvements in Jefferson County. The adjacent 340 corridor supports the proposed use and development as a gas station will service the needs of Route 340 travelers.
- **Transportation Characteristics – Future improvements for Route 340 to the Virginia line.** The future realignment and expansion to 4 lanes by WVDOH signifies the importance of this corridor and the County’s transportation network. The traffic along this corridor promotes adjacent development and viability of commercial uses. Sheetz will provide services which cater to both the immediate neighborhood and Route 340.
- **Transportation Characteristics – Adjacency to the Augustine Avenue / Route 340 intersection.** As a significant part of the County’s roads system, the site’s proximity to this signalized intersection is crucial to the development of the south end of Augustine Avenue. The applicant has been in contact with WVDOH, HEMPO, City of Charles Town and Jefferson County BOE Transportation Division to assist in developing the scope for a traffic study. The traffic study is underway, and discussions will continue with approval agencies, including the Jefferson County Planning Commission, throughout the develop process. Access to Augustine Avenue will require approval by the WVDOH prior to construction.
- **Neighborhood Characteristics – The ongoing development along the south end of Augustine Avenue lacks commercial services.** The south end of Augustine Avenue has seen substantial development since the adoption of the ordinance. This development includes Huntfield, Spruce Hill (north & south), and Jefferson High School. Washington Landing, a 250+ apartment complex is also under construction. There are currently no commercial uses in the immediate area to serve these developments and residents must drive into Charles Town or use Route 340 to obtain services. The addition of Sheetz will

help reduce the traffic along these corridors through providing services to an underserved area of the County.

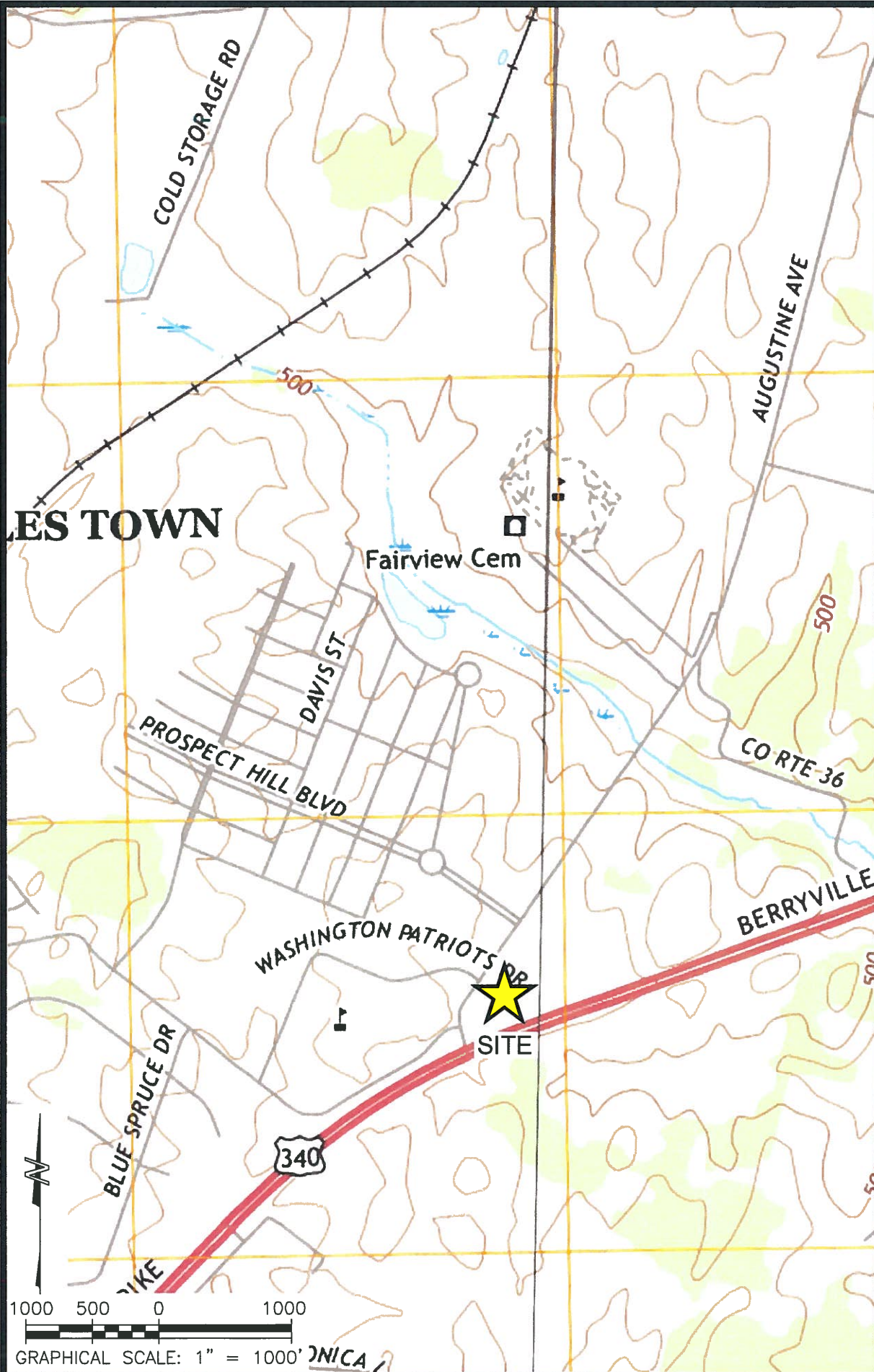


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# ZONING MAP AMENDMENT EXHIBIT 1 - VICINITY MAP

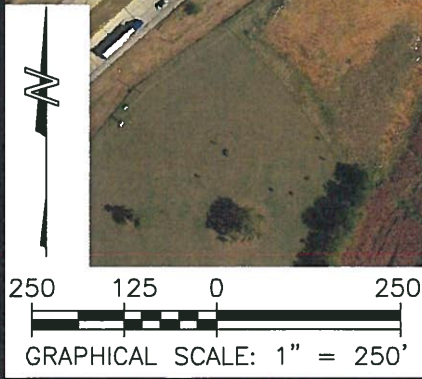
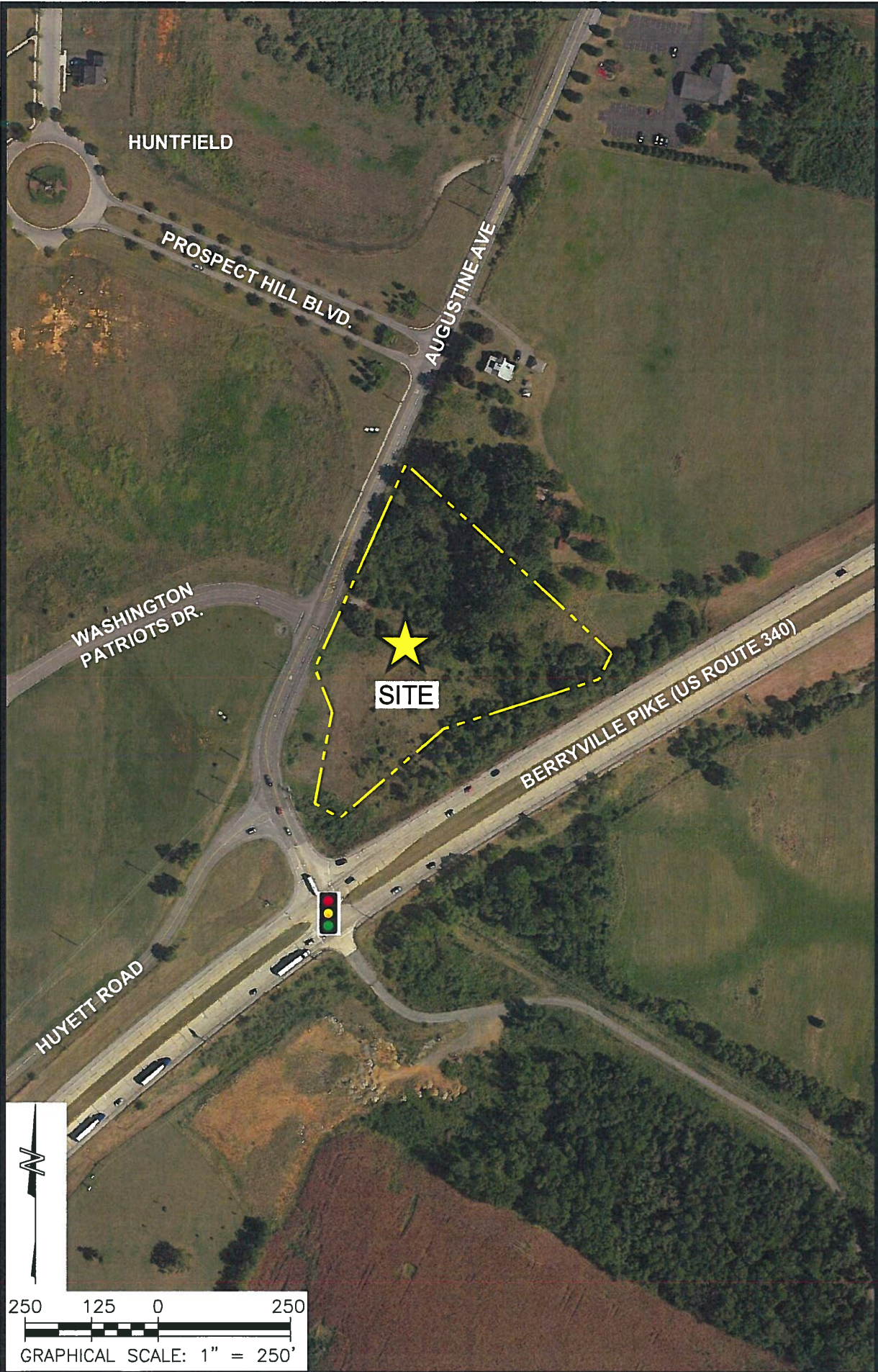
01-19-2021

AUGUSTINE SHEETZ  
JEFFERSON COUNTY, WV





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# ZONING MAP AMENDMENT EXHIBIT 2 - AERIAL OVERLAY

REVISED  
1-25-2022

01-19-2021

**AUGUSTINE SHEETZ**  
JEFFERSON COUNTY, WV







# ZONING MAP AMENDMENT EXHIBIT 3 - EXISTING CONDITIONS

REVISED  
01-25-2022  
01-19-2021

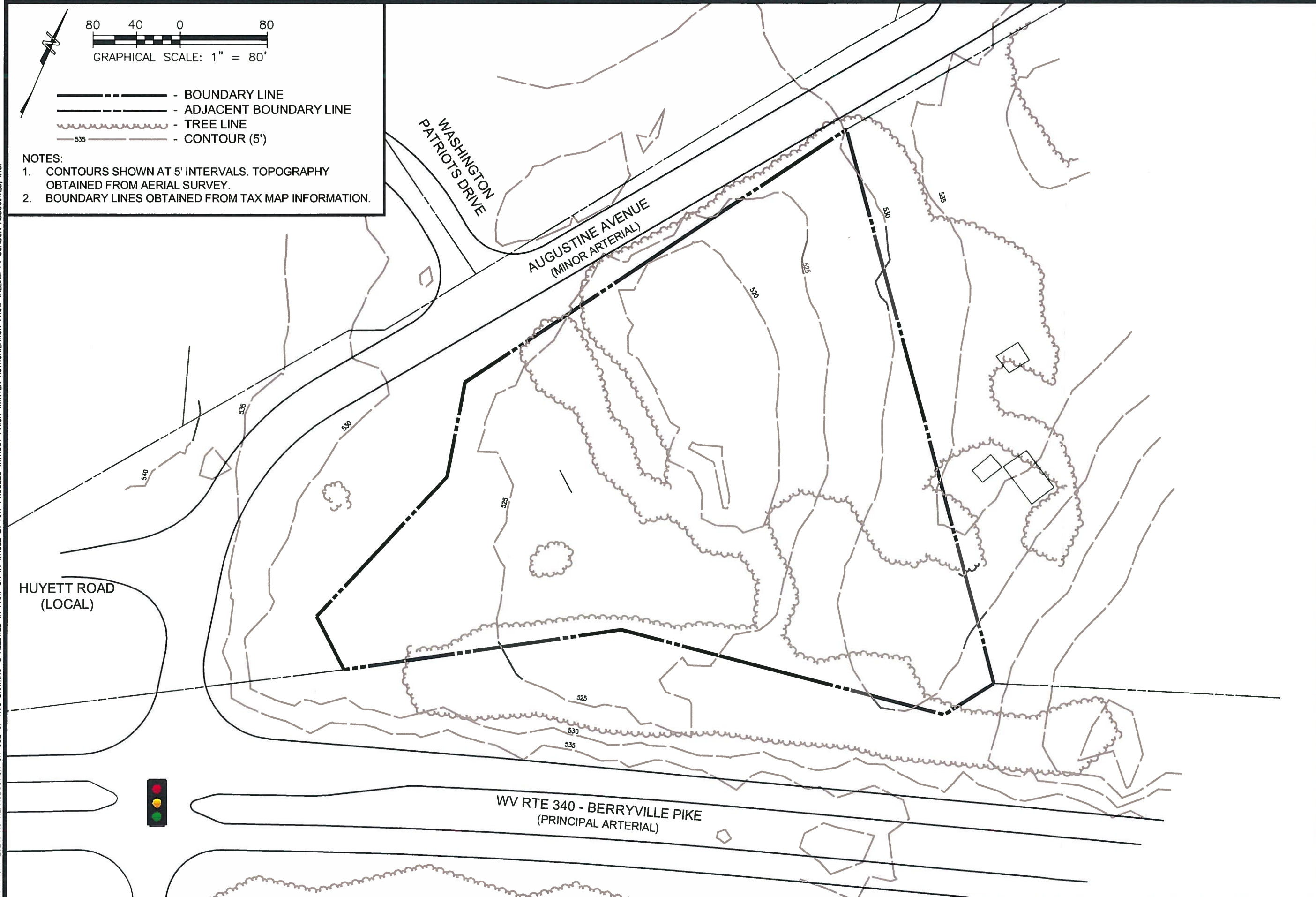
AUGUSTINE SHEETZ  
JEFFERSON COUNTY, WV



-  - BOUNDARY LINE
-  - ADJACENT BOUNDARY LINE
-  - TREE LINE
-  - CONTOUR (5')

- NOTES:
1. CONTOURS SHOWN AT 5' INTERVALS. TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.
  2. BOUNDARY LINES OBTAINED FROM TAX MAP INFORMATION.

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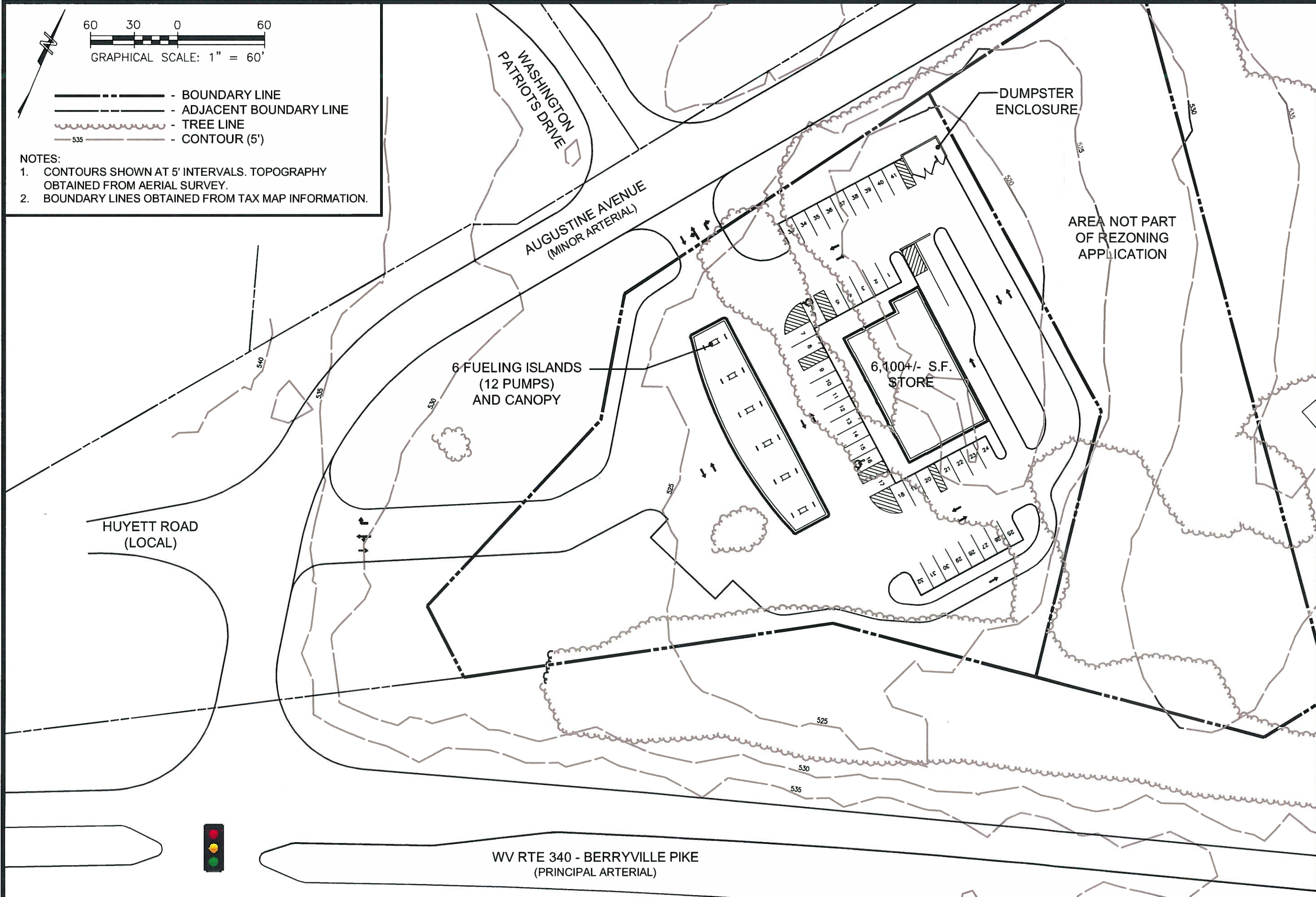


**ZONING MAP AMENDMENT  
EXHIBIT 4 - CONCEPT PLAN**

01-19-2021

**AUGUSTINE SHEETZ  
JEFFERSON COUNTY, WV**

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- — — — — BOUNDARY LINE
- — — — — ADJACENT BOUNDARY LINE
- ~ ~ ~ ~ ~ TREE LINE
- 535— CONTOUR (5')

NOTES:  
1. CONTOURS SHOWN AT 5' INTERVALS. TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.  
2. BOUNDARY LINES OBTAINED FROM TAX MAP INFORMATION.



WV RTE 340 - BERRYVILLE PIKE  
(PRINCIPAL ARTERIAL)

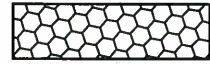
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**EXISTING PARCEL 1  
SITE BOUNDARY (PER 2021 SURVEY)**



**±2.50 ACRES - AREA PREVIOUSLY REZONED AS  
HIGHWAY COMMERCIAL  
REZONING APPROVED ON 3/18/21 (#21-1-Z)**



**±0.52 ACRES - LAND AREA TO BE REZONED  
PROPOSED ZONING: HIGHWAY COMMERCIAL**

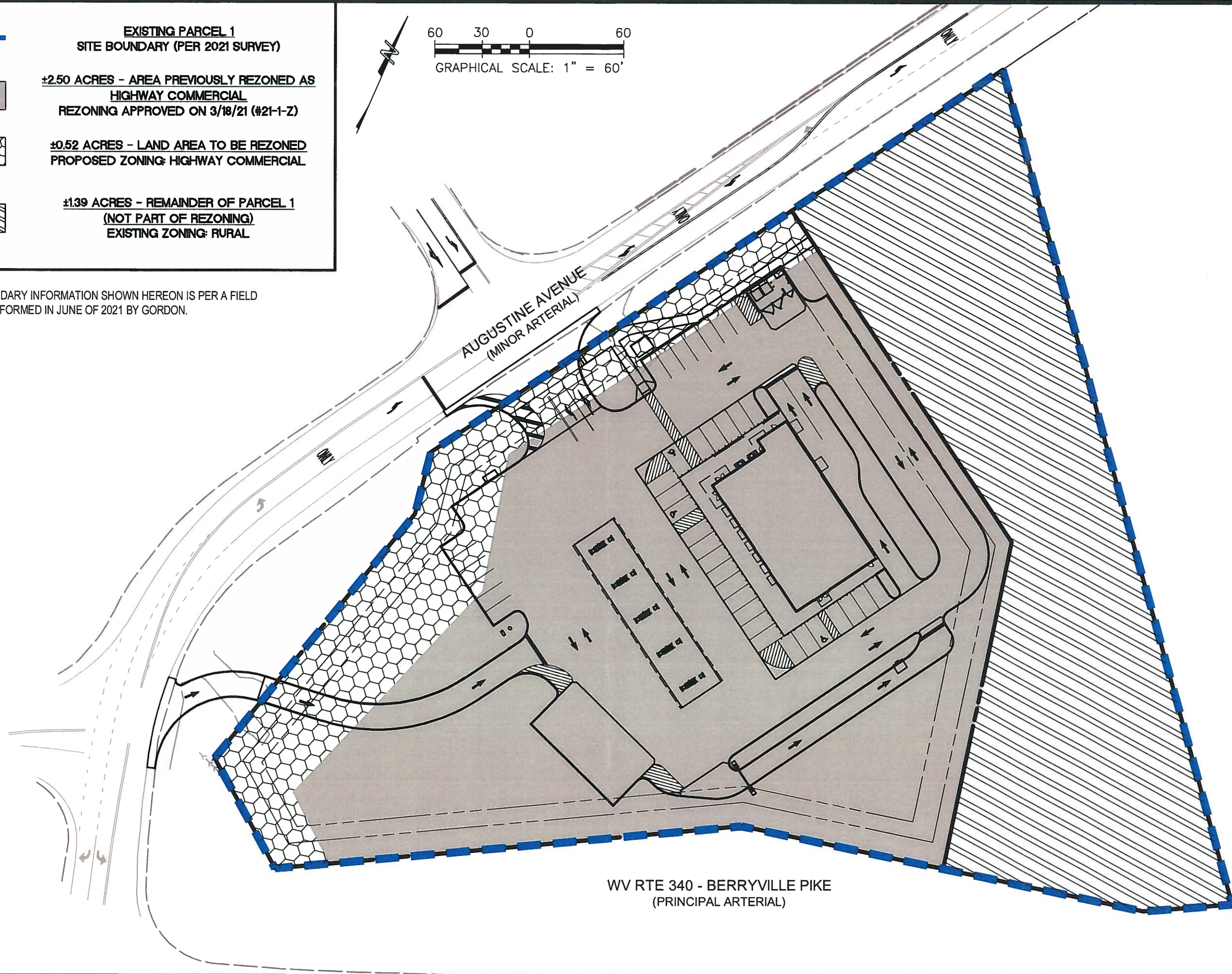


**±1.39 ACRES - REMAINDER OF PARCEL 1  
(NOT PART OF REZONING)  
EXISTING ZONING: RURAL**



**NOTES:**

- 1. PERIMETER BOUNDARY INFORMATION SHOWN HEREON IS PER A FIELD RUN SURVEY PERFORMED IN JUNE OF 2021 BY GORDON.



**ZONING MAP AMENDMENT  
EXHIBIT 5 - REZONING COMPARISON EXHIBIT**

01-25-2022

**AUGUSTINE SHEETZ  
JEFFERSON COUNTY, WV**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
869	AV/56	MONROE		\$ 609.00
1273	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 121,328.87
1274	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 2,396.77
1275	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 9,438.21
1276	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 1,020.89
<b>TOTAL</b>				<b>\$ 134,793.74</b>

**Motion by Mr. Compton to approve the Manual Checks for March 19, 2021 in the amount \$134,793.74. Motion seconded and unanimously approved.**

### PAYROLL APPROVAL

**Motion by Ms. Tabb to approve the Payroll for March 4, 2021 in the amount of \$280,406.04. Motion seconded and unanimously approved.**

### PUBLIC COMMENT

Public Comment was received by the following: Amanda Stroud

Please refer to the archived meetings on the jeffersoncountywv.org website to listen to public comment.

### PRESENTATIONS

#### 1. Public Hearing

- Zoning Map amendment (rezoning) for property designated as Tax District: Charles Town (02); Tax Map: 16; Parcel: 1. The property is located northeast of Augustine Avenue and Route 340 intersection in Charles Town, WV.

- o Vice President Stolipher recused himself and President Compton opened the public hearing at 6:30 pm. Chad Wallen, representation for the applicant, explained the requested amendment and Jennie Brockman, Planning Director, stated the Planning Commission found the request to compatible with the Comprehensive Plan. Public comments were made by the following:

- Amanda Stroud, Resident – spoke in favor of the rezoning request.
- Richard Ziegler, Resident – spoke in favor of the rezoning request.

- There being no further public comment, motion by Mr. Compton to close the public hearing and approve the Sheetz Zoning Map Amendment (Rezoning) Request for the 2.5 acre portion of the property identified as Tax District: Charles Town (02); Tax Map: 16;

**Parcel: a portion of parcel 1 located northeast of Augustine Avenue/Route 340 intersection and rezone 2.5 acres of the 4.4 acre parcel from Rural to Highway Commercial. Motion seconded and passes 3-1 with Commissioner Tabb opposing and Commissioner Stolipher abstaining.**

2. Michelle Gordon, Finance Director

a. Review and Approval of the FY2021-2022 Draft Budget (Levy Estimate)

- **Motion by Mr. Compton to approve the release of the FY2021-2022 Draft Levy Estimate as amended by Ms. Gordon. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to amend Mr. Compton's motion to include merit and COLA increases for all county employees to approved in the FY2021-2022 Draft Levy Estimate in the amount of \$270,000 contingent upon receipt of the first American Rescue Plan payment and final guidance that allows for use of the funds in the proposed manner. Motion dies for lack of a second.**

b. Review of FY21 financials as of 02/28/2021

c. FY21 COVID19 Emergency Financial Policy

- **Motion by Ms. Tabb to amend the COVID-19 Emergency Financial Policy and remove the restrictions on equipment, materials, and supplies, contracted and professional services and vacant positions and leave the four other categories in effect. Motion seconded and unanimously approved.**

d. Revisions to Policy 304 P-Card Procedures

- **Motion by Mr. Compton to approve County Policy 304 – P-Card Procedures as presented by Ms. Gordon on March 18, 2021 and effective March 18, 2021. Motion seconded and unanimously approved.**

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



# 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 March 8, 2022

### 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. Masks only need to be worn if you are not fully vaccinated 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) Recent County Commission Action:

- **February 17, 2022:** County Commission postponed taking any action on the proposed for *Envision Jefferson 2035 Comprehensive Plan* text amendment regarding solar facilities (Public Hearing was held 2/3/22)

### 3) 2022 Mountain State Land Use Academy

West Virginia University College of Law, Land Use and Sustainable Development Law Clinic, is hosting this Academy on May 17-18, 2022, at Pipestem Resort State Park. An in-person meeting of the West Virginia Chapter of the American Planning Association will also be held in the afternoon March 17, 2022. (see attached)

### 4) Upcoming PC meetings

Next Regular meeting: **April 12, 2022**

**Jennilee Hartman**

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**From:** WV Land Use <jesse.richardson@mail.wvu.edu>  
**Sent:** Monday, January 24, 2022 4:00 PM  
**To:** Jennifer Brockman  
**Subject:** 2022 Mountain State Land Use Academy: Agenda, Award Nominations

**WVU****LAW**  
**Land Use and Sustainable Development Law Clinic**

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**- 2022 Mountain State Land Use Academy -**  
**Agenda and Award Nominations**



**Mountain State Land Use Academy**

**May 17 and 18, 2022**

# Pipestem Resort State Park

Join us for a reception on May 17 and a full day of sessions on May 18.

We are looking forward to seeing you at the [Mountain State Land Use Academy](#) on May 17-18, 2022, at Pipestem Resort State Park. This year, the Academy is held jointly with the West Virginia Chapter of the American Planning Association meeting. This email outlines several important deadlines.

- On May 17, the West Virginia Chapter of the American Planning Association will meet from 4-5:30 p.m.
- A reception will be held from 6-8 p.m.
- A full day of sessions will start at 9 a.m. on May 18, with registration at 8:30 a.m.
- Sessions include Rural Housing, Planning for the Apocalypse, Broadband, Local Government and the Law, and Unpacking West Virginia Land Use Tools.
- The Academy closes with a local food and beverage reception at 4:30 p.m.

## 2022 MSLUA Agenda

### Hotel

A block of rooms is reserved at Pipestem Resort State Park. The conference rate is \$96/night. Call 304-466-1800, ask for reservations and mention the Mountain State Land Use Academy. Deadline for the room block is April 17, 2022.

### Registration

Registration is coming soon. The registration fee is \$100.

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## Call for Nominations

We are seeking nominations for the following awards. Please submit letters of nomination no later than February 21, 2022, to [jesse.richardson@mail.wvu.edu](mailto:jesse.richardson@mail.wvu.edu).

### **West Virginia Chapter of the American Planning Association Citizen Planner Award**

The Citizen Planner Award, sponsored by the West Virginia Chapter of the American Planning Association, honors a volunteer citizen planner for their work to advance planning in the State of West Virginia. The awardee could be a member of a Planning Commission, a member of a Board of Zoning Appeals, or another citizen planner who advances planning without compensation.

### **Joyce McConnell Award for Professional Contributions to Planning**

The Joyce McConnell Award for Professional Contributions to Planning honors a land use planner, attorney, architect, engineer, local government staff person, or another professional who advances land use planning in the State of West Virginia through their professional work. The award is named in honor of former West Virginia University Provost Joyce McConnell, a property and land use law professor dedicated to serving the citizens of West Virginia.

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**Land Use and Sustainable Development Law Clinic**



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You received this email because you've expressed interest in the WVU Land Use and Sustainable Development Law Clinic and its programs and work throughout the Mountain State.

**Our mailing address is:**

## Mountain State Land Use Academy Agenda

May 17, 2022

4:00 p.m. to 5:30 p.m. - West Virginia APA Meeting

6:00 p.m. to 8:00 p.m. - Cocktail Hour

May 18, 2022

8:30 a.m. - Registration

9:00 a.m. - Plenary Session #1: Planning for the Apocalypse

9:50 a.m. - Keynote: Rural Housing - Mel Jones

10:40 a.m. - Awards

11:00 a.m. to 11:15 a.m. - Break

11:15 a.m. Breakout Session 1

- SALDOs
- Fueling Mind, Body and Economy
- Open Government Meetings/Public Participation/Zoom Meetings/Transparency

12:05 p.m. - Lunch/Networking

1:30 p.m. - Breakout Session 2

- Land Use Law Update
- Know Your Assets
- Resilient Community Skills

2:30 p.m. - Breakout Session 3

- Historic Preservation
- Unpacking WV Land Use Tools
- Broadband, Local Government and the Law

3:20 p.m. to 3:35 p.m. - Break

3:35 p.m. - Plenary #2: Food and Beverage Tourism

4:30 p.m. to 6:00 p.m. - Reception with Local Food and Beverages





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

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

Phone: (304) 728-3228

**Zoning Administrator’s Memo**  
**March 8, 2022 Planning Commission Meeting**  
**Date of Memo: March 2, 2022**

In the interest of transparency, I would like to make the Planning Commission aware of a formatting error that was identified in the Zoning Ordinance, specifically, in Appendix A – Residential Site Development Standards.

I intend to correct the formatting/scrivener’s error and record the correction. This memo is for informational purposes only and does not require formal action by the Planning Commission. Below is a screenshot reflecting the table with the formatting error and the corrected table.

**APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32</sup>**

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Street Side	Rear		
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20	N/A	N/A
	Duplex Dwelling Unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
	Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"	"		
	Townhouse Dwelling	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	12 side 15 front 15 rear	12 side 15 front 15 rear
Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30	N/A	N/A	
Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	*	12			
	30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	*	12			
	Under 30,000 sq. ft.	N/A	N/A	N/A	40	20	8	*	12			

**Error:** the right two columns do not apply to townhouse dwellings. These standards apply only to multi-family development (see Exhibit 1)

**APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32</sup>**

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Street Side	Rear		
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20	N/A	N/A
	Duplex Dwelling Unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
	Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"	"		
	Townhouse Dwelling	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	N/A	N/A
Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30			
Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	*	12			
	30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	*	12			
	Under 30,000 sq. ft.	N/A	N/A	N/A	40	20	8	*	12			

**Correction:** the right two columns should read “N/A” for townhome development (see Exhibit 2)

**Attachments:**

1. Exhibit 1 – Appendix A – Incorrect Formatting
2. Exhibit 2 – Appendix B – Corrected Formatting

Zoning District	Land use	Land Use Subtype	Minimum Lot Area (MLA) in sq. ft.***	Area per Dwelling Unit (ADU) in sq. ft.	Min. Lot Width	Maximum Building Height (feet)*	Setbacks (feet)				Parking / Drive Aisle Setbacks	Screened buffers (Sec. 4.11)	
							Front	Side	Street Side	Rear			
Residential Growth	Single family detached dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A	
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"			
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"			
	Small lot single-family detached dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20			
	Duplex dwelling unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20			
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"			
		Townhouse	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	12' side, 15' front & rear	12' side, 15' front & rear
		Multi-family dwelling (See also Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30		
		Single-family dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 square feet --	N/A	N/A	N/A	40	25	12	‡	12	N/A	N/A
			30,000 sq. ft. to 40,000 sq. ft.--	N/A	N/A	N/A	40	20	10	‡	12		
		Under 30,000 square feet --	N/A	N/A	N/A	40	20	8	‡	12			
Rural (See also Sec. 5.7)	Dwellings		40,000	N/A	100	35	40	15	‡	50	N/A	N/A	
	Single-family dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres --	N/A	N/A	N/A	35	40	15	‡	50			
		40,000 sq. ft. to 2 acres --	N/A	N/A	N/A	35	25	12	‡	12			
		30,000 sq. ft. to 39,999 sq. ft. --	N/A	N/A	N/A	35	20	10	‡	12			
		under 30,000 sq. ft. --	N/A	N/A	N/A	35	20	8	‡	12			
	Cluster Subdivision	See Residential Growth											
	Residential use that complies with the Development Review System	See Residential Growth											
Village	Residential uses	See Residential Growth											
Residential-Light													
Industrial- Commercial	Residential uses	See Residential Growth <sup>ϕ</sup>											
Industrial-Commercial	Residential uses	See Residential Growth											
Neighborhood Commercial	Residential uses	See Residential Growth											
General Commercial	Residential uses	See Residential Growth											
Highway Commercial	Residential uses	N/A											
Light Industrial	Residential uses	N/A											
Major Industrial	Residential uses	N/A											
Office / Commercial Mixed Use	Residential uses	See Residential Growth											
Planned Neighborhood Development	Residential uses	See Residential Growth. Note: the Planning Commission may amend site development standards for a land use in the Planned Neighborhood Development district pursuant to Article 5 of this Ordinance.											

The requirements in this table are in addition to any other applicable requirements in the text of the Zoning and Land Development Ordinance. See also Article 8 of the ordinance for site development standards for certain land uses.

In the event of a conflict with the text of the Zoning and Land Development Ordinance, this table shall prevail.

All dimensions are in feet unless otherwise indicated.

\* Maximum height subject to Section 9.2

\*\*Exterior side only

\*\*\* The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.

\*\*\*\*The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway.

‡See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

For all lots approved prior to Sept. 1, 1989, lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'. NOTE: All detached accessory structures under 144 square feet in size - 6' setback. (Res Growth District)

<sup>ϕ</sup>In the Residential - Light Industrial - Commercial District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10', if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence. [Note: the change to this section is also under consideration in other amendments currently under review]

See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32</sup>

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft. ***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11		
							Front	Side	Street Side	Rear				
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A		
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"				
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"				
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20				
		Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20				
	Duplex Dwelling Unit	Public/Central water and sewer	N/A	10,000	N/A	"	"	"	"	"				
		Townhouse Dwelling <sup>42</sup>	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15			20	
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30			12 side 15 front 15 rear	12 side 15 front 15 rear
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12			N/A	N/A
30,000 sq. ft. to 40,000 sq. ft.		N/A	N/A	N/A	40	20	10	‡	12					
Under 30,000 sq. ft.		N/A	N/A	N/A	40	20	8	‡	12					
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	‡	50	N/A	N/A		
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	‡	50				
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	‡	12				
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	‡	12				
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	‡	12				
	Cluster Subdivision	See RG District												
Village (V)	Residential uses	See RG District												
Residential-Light Industrial-Commercial (RLIC)	Residential uses	See RG District <sup>ϕ</sup>												
Industrial-Commercial (IC)	Residential uses	See Rural setbacks for lots not previously stipulated by the Planning Commission.												
Neighborhood Commercial (NC)	Residential uses	See RG District												
General Commercial (GC)	Residential uses	See RG District												
Highway Commercial (HC)	Residential uses	N/A												
Light Industrial (LI)	Residential uses	N/A												
Major Industrial (MI)	Residential uses	N/A												
Office / Commercial Mixed Use (OC)	Residential uses	See RG District												
Planned Neighborhood Development (PND)	Residential uses	See RG District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).												

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

For all lots approved prior to Sept. 1, 1989, lots under 40,000 sq. ft. side & rear setbacks for residential accessory structures shall be 6'. NOTE: In RG district side & rear setbacks for accessory structures under 144 sq. ft. shall be 6'. See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.

All dimensions are in feet unless otherwise indicated.

ϕ In the RLIC and RG districts, townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10', if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

‡ See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

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\*\*\*\* The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway.

# Non-Actionable Correspondence

**From:** Zoning  
**Sent:** Monday, February 28, 2022 3:11 PM  
**To:** Planning Department  
**Subject:** FW: Comprehensive Plan amendments for solar

Please include this email in the PC agenda packet under “Non-Actionable Correspondence”

Thanks –

Alex

**From:** Richard Zigler <[rzigler01@gmail.com](mailto:rzigler01@gmail.com)>  
**Sent:** Wednesday, February 23, 2022 10:53 PM  
**To:** Zoning <[Zoning@jeffersoncountywv.org](mailto:Zoning@jeffersoncountywv.org)>  
**Subject:** Re: Comprehensive Plan amendments for solar

Sorry. You are correct. The missive I sent to your office should have gone to the JCC. Thank you.

On Tue, Feb 22, 2022 at 4:53 PM Zoning <[Zoning@jeffersoncountywv.org](mailto:Zoning@jeffersoncountywv.org)> wrote:

Mr. Zigler,

This email is to confirm that our Office is in receipt of your submission.

Please be advised, the Board of Zoning Appeals is a quasi-judicial board tasked with reviewing appeals, variances, special exceptions, conditional use permits, etc. in accordance with the Zoning Ordinance. The BZA has not been involved in the current amendment to the Comprehensive Plan nor were they involved in the previous amendment to the Zoning Ordinance.

Did you perhaps intend for this email to go to the Planning Commission? Please let me know.

Thank you,

Alexandra Beaulieu

Zoning Administrator

Jefferson County, WV

304-728-3228

**From:** Richard Zigler <[rzigler01@gmail.com](mailto:rzigler01@gmail.com)>  
**Sent:** Sunday, February 20, 2022 4:26 PM  
**To:** Zoning <[Zoning@jeffersoncountywv.org](mailto:Zoning@jeffersoncountywv.org)>  
**Subject:** Comprehensive Plan amendments for solar

My name is Richard Zigler. I reside at 1083 Roper North Fork Road, Charles Town, WV.

Politically, there is a need to update, specifically by amendment, the Envision 2035 Comprehensive Plan in regards to commercial solar arrays. There are just such proposed amendments before the Jefferson County Commission. Last year, the WVPSA granted Site Certification last year for Wild Hill Solar, LLC. project. As part of the decision, the Chair of that commission stated that there was no need for further revisions to the zoning ordinances, nor the comprehensive plan of the county, to allow such projects to move forward.

I realize that this Board of Zoning Appeals is subordinate to the JCC, but you also have the purview and duty to urge passage of the amendments. The current Comprehensive Plan does not disallow commercial solar facilities. In fact, there are several places where the "Goals" of the Plan appear to endorse and encourage such business ventures favorably.

Please see fit to encourage the Jefferson County Commission to move forward with the proposed amendments.

Thank you for your time.