

Conditional Use Permit Application

The requirements for a Conditional Use Permit are outlined in Article 6, Section 6.3 of the Jefferson County Zoning and Land Development Ordinance.

While not required, all applicants are encouraged to schedule a Pre-Proposal Conference with the Office prior to the submission of a Conditional Use Permit application.

Please submit the following documents:

- ☒ **Conditional Use Permit Application Form (attached) with application fee**
 - Application Fee: \$250 + \$50/acre
- ☒ **Site Sketch**
 - Show location of proposed building(s) / additions to existing buildings
 - Show location of proposed parking area
 - Show location of proposed access
 - Show location of proposed sign(s)
 - Show topography, natural features, etc.
 - Show existing vegetation and/or location of proposed landscaping
- ☐ **Narrative (optional)**
 - Description of the proposed land use. May include information pertaining to hours of operation, number of employees, number of customers, etc.
 - Traffic characteristics – type and frequency of traffic (i.e. both existing traffic and level of traffic that would be generated by proposed land use.
 - Any other relevant information.
- ☒ **List of adjoining property owners**
 - This includes the properties located across any road, right-of-way, or easement.
The Jefferson County Court House is the source for property owner information.

Note: Approval of a Conditional Use Permit, with or without conditions, allows the proposed land use only. Further processing may be required (i.e. site plan).

A Conditional Use Permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. (Section 3.2G)



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

File #: 22-1-CUP
R'cvd Date: 01 / 03 / 22
Mtg. Date: 01 / 27 / 22
Fee Paid: \$350.00 / chk # 1032
Staff Int.: AB

Email: zoning@jeffersoncountywv.org

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

Application for a Conditional Use Permit

Project Name

Executive Emergency Lighting Storage/Workshop Building

Property Owner Information

Name: Raymond, Jr. and Kerry Muth

Business Name: _____

Mailing Address: 21 Southpaw Lane, Shepherdstown, WV 25443

Phone Number: c/o 304/676-8256 Email Response: pjraco.consulting@gmail.com

Mail ☒ Yes
Response: ☐ No

Applicant Information

Name: Ray Muth

Business Name: Executive Emergency Lighting, LLC

Mailing Address: 21 Southpaw Lane, Shepherdstown, WV 25443

Phone Number: above/below Email Response: _____

Mail ☐ Yes
Response: ☐ No

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

Name: Paul J Raco

Business Name: P.J. Raco Consulting, LLC

Mailing Address: P.O. Box 548, Charles Town, WV 25414

Phone Number: 304/676-8256 Email Response: pjraco.consulting@gmail.com

Mail ☒ Yes
Response: ☐ No

Physical Property Details

Physical Address: 21 Southpaw Lane, Shepherdstown, WV

Tax District: Shepherdstown

Map No: 14B

Parcel No. WAT1

Parcel Size: 1.2 +- Acres

Deed Book: 1211

Page No: 453

Zoning District (please check one)

Residential
Growth
(RG)

☐

Industrial
Commercial
(I-C)

☐

Rural*
(R)

☒

Residential-
Light Industrial-
Commercial
(R-LI-C)

☐

Village
(V)

☐

Neighborhood
Commercial
(NC)

☐

General
Commercial
(GC)

☐

Highway
Commercial
(HC)

☐

Light
Industrial
(LI)

☐

Major
Industrial
(MI)

☐

Planned
Neighborhood
Development
(PND)

☐

Office/
Commercial
Mixed-Use
(OC)

☐

* For properties in the Rural Zoning District:

Is property located on a primary or secondary road?

☒ Yes ☐ No

Name of Road and/or Route Number: Route 480

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

Commercial Use Small Expansion of Emergency Vehicle Outfitting and Retrofitting, Professional Offices and Related Uses Per Attached Zoning Certificate. New Building will be approximately 1500 sq. ft. and is intended to house vehicles and workshop for the outfitting work

Please provide any information or known history regarding this property.

Property had a Conditional Use Permit for Construction Company and Carpentry and Professional Office. Property currently has the Attached Zoning Certificate for the existing use. See attached ZC for description.

Please respond in detail to the following questions to show how the proposed project complies with the criteria located in Section 6.3 of the Zoning Ordinance:

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

See Attached

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties? How will the proposed project mitigate potential threat to public health, safety, and welfare? *Sec. 6.3A.2*

See Attached

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

See Attached

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

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

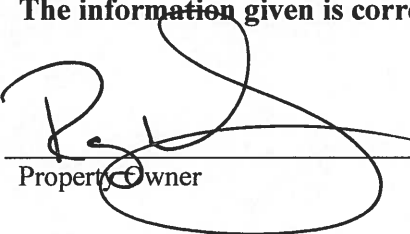
☒ I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

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

☐ Applicable (Trip Generation Data attached)

☒ Not Applicable

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



Property Owner

12/29/21

Date

Property Owner

Date

Raymond Jr and Kerry Muth
Executive Emergency Lighting, LLC
Conditional Use Permit Application
New 30' x 50' Building Added to Existing Business
Jefferson County Board of Zoning Appeals
January 3, 2022

1. How is the Proposed Use compatible with the goals of the adopted Comprehensive Plan?

This is an interesting area in the County. It is the residue of a residential cluster subdivision that is served by a hybrid public/central Water and Sewer System. The intent of the development was to preserve as much of the apple orchard around clusters of cul-de-sacs with houses. As such, it is well buffered by open space. This lot was the front lot of three lots that was used for the Construction and Sales Office for the Subdivision and the Construction Office for the developer/builder after the subdivision after the houses were built. The other two lots that were a part of this land became the Water Tower System/Lot owned by Jefferson Utilities for the Water System and the Public Service District Lot for the Sewer/Wastewater Treatment System that is now owned by the City of Charles Town. As such, Southpaw Lane is nearly a commercial grade road by width and construction. It is a paved road with ditches, swales and culverts for the water runoff and has a wide, paved entrance apron where it enters onto Route 480. There are also three residential lots that are served by this road. There is little traffic on the road and this subject parcel is the front parcel, so the traffic associated with this business is limited to the entrance area only.

The Site is buffered from the State Road (to the point that the business sign is somewhat hidden). There is also a restriction associated with the original CUP limiting any storage or vehicles in the front yard between the building and Route 480. Furthermore, there is a buffer planting between the subject location of the addition and the Deerfield Village Subdivision.

The Envision Jefferson County 2035 Comprehensive Plan supports commercial uses and businesses that the County deems compatible by Conditional Use. This proposed use (addition and existing use) has been deemed to be an acceptable Conditional Use by the Zoning Ordinance (and previous BZA. As such, it is a considered a permitted use as approved by the Board of Zoning Appeals with conditions if necessary.

The subject property is also within the Shepherdstown Growth Management Boundary which is Shepherdstown's version of the Urban Growth Boundary that is used around Charles Town and Ranson. This boundary is considered by Code to be where a municipality envisions their town/city to expand to within the next 20 years. These areas are recognized as growth areas in the County and are shown on the attached Future Land Development Map in the Comprehensive Plan.

As noted on the attached Comprehensive Plan Highway Classification Map, this property is located on Route 480 which is a Minor Arterial Road. This is the second highest rated classification in the County and places it in one of the best rated roads in the County according to the Plan. Accordingly, this project is not required to provide additional traffic study numbers

for consideration. Also, according to the attached Comprehensive Plan's Highway Problem Area Map, there is no Highway problem Areas within the vicinity of the project. The closest problem area is the four-way stop inside of Shepherdstown over a mile away.

Accordingly, the small addition to this existing, important Jefferson County Business is very much compatible with the Envision Jefferson 2035 Comprehensive Plan.

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties?

The developer and owner of Deerfield Village originally developed this property adjacent to the subdivision. A Conditional Use Permit (07-01) was granted in 2007 for a Construction Business and Professional Office that included: General Office Space and Sales Area; Interior Machine/Carpentry Shop with indoor and outdoor storage of vehicles, equipment, tools and machinery and a proposed business sign. In 2018, this use was converted into Executive Emergency Lighting, LLC with a new Zoning Certificate (ZC18-20) issued by the Zoning Administrator to expand the definition of the uses to: Use of indoor and outdoor space for construction and/or installation of emergency equipment including but not limited to lights, sirens, restraining brackets, etc. that are commonly associated with converting vehicles into emergency vehicles such as police cruisers, ambulances, fire trucks, etc.

This CUP Application is merely a request to build a 30' x 50' building for the same use that is currently conducted on the site with Executive Emergency Lighting. The building is intended for some of the larger vehicles to be worked on inside as opposed to outside. The proposed location of the building is in an area already used for the outdoor vehicle work and is also screened from the neighboring residences. There will not need to be additional parking, as it will be for the existing operations. No additional site improvements will need to be constructed as a part of this limited expansion other than the new building and an entrance drive just to pull the vehicles into and out of the building.

Generally, there will not be additional volume of business or traffic associated with the new building since the area was already being used as a part of the existing Conditional Use Permit. The existing Southpaw Lane is separate from the Deerfield Subdivision Road, and it currently serves the Water Tower site and a Minor Subdivision. There should be no change to the existing use, nor should there be any negative effect on the potential for surrounding properties' ability to develop.

3. How will the proposed project mitigate potential threat to public health, safety, and welfare?

The use of the facility has been commercial for over 14 years and this particular use has been undertaken since 2018. The current use is the conversion of factory vehicles into emergency service vehicles such as police cruisers. Thus far, the neighbors that have spoken to the Applicant are supportive of this use on the property and in their neighborhood. This is because it is a low impact use and most traffic that comes to the property are involved with public safety operations and emergency response vehicles such as ambulances, fire equipment and police

cruisers. The public view this as an enhancement to the public safety of the area. Otherwise, there is no effect on public health, safety, and welfare. The proposed small additional building is a (engineered or architectural) sealed building that will be constructed to current Building Code Standards. During construction, Erosion and Sediment Control measures will also be implemented and the County will not issue a Use and Occupancy Permit unless and until the site is stabilized after completion.

There have been no violations on the site for the existing use since the CUP was issued many years ago, and particularly since the current owners took over the CUP and converted the use to Executive Emergency Lighting. The business is a locally owned small business, and the owners are on site routinely managing the business. If there are any issues, they can easily be brought to the owners' attention on site and they will be addressed.

4. Describe how the proposed site development will be designed such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings?

Since the use already exists, there will be little affect on the surrounding land and existing uses. All the adjacent property owners will be allowed to use their property for any permitted use regardless of this addition. The owner may add an entrance to the building but will maintain the culvert and ditch line. The entrance will not be a new public entrance to the site but will add the ability to drive the vehicles into the structure to be out of the open area. Again, Southpaw Lane is nearly (if not) a Commercial Grade County Road that was constructed by developers to serve the construction office and water and sewer lots in the rear. It is a well maintained road and there should be no additional impact to the road due to the additional building that will primarily allow some vehicles to be worked on out of the elements and out of the outside storage areas.

The existing site is well designed, and the additional building will not negatively affect the surrounding area or anyone's ability to use or develop their land. The use has already been determined to be appropriate for this parcel by both the BZA and the Zoning Administrator. This addition will not add any additional use to the property.

Raymond Jr and Kerry Muth
Executive Emergency Lighting, LLC
Conditional Use Permit Application
New 30' x 50' Building Added to Existing Business
Jefferson County Board of Zoning Appeals
January 3, 2022

TD: 09 / Map: 14B / Pcl: COMM.0000
Deeded Owner: DEERFIELD VILLAGE PROPERTY OWNERS ASSOC INC
Owner Address: PO BOX 263
City: SHEPHERDSTOWN
State: WV
Zip: 25443

TD: 09 / Map: 14 / Pcl: 0009.0001
Deeded Owner: CORUM ENID S ET AL
Owner Address: 3116 KEARNEYSVILLE PIKE
City: SHEPHERDSTOWN
State: WV
Zip: 25443

TD: 09 / Map: 14 / Pcl: 0009.0000
Deeded Owner: HARVEY SARAH J & MATTHEW L
Owner Address: 232 SOUTH PAW LN
City: SHEPHERDSTOWN
State: WV
Zip: 25443

TD: 09 / Map: 14B / Pcl: WAT2.0000
Deeded Owner: JEFFERSON UTILITIES INC
Owner Address: 270 INDUSTRIAL BLVD
City: KEARNEYSVILLE
State: WV
Zip: 25430

Site Plan

SET BACKS:

55' From Rear Property

27' From Side Property Line

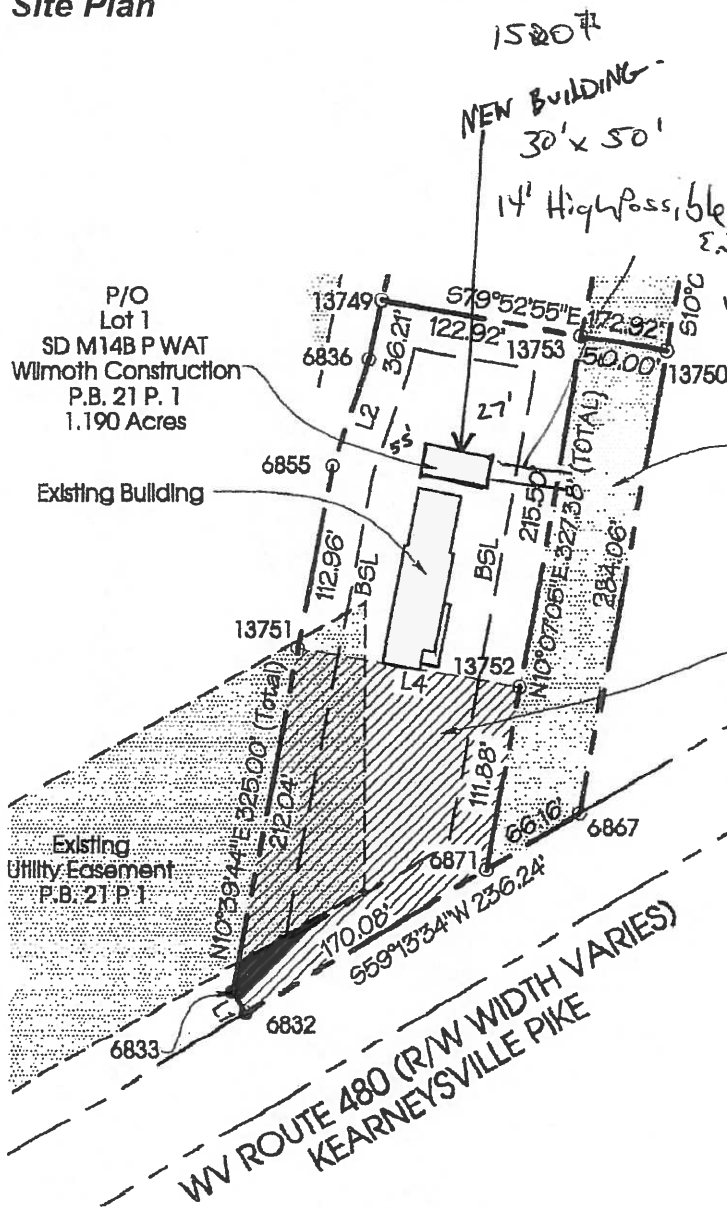
324' From Front Property Line

50' From Front Property Line

10' space Between OLD & NEW Building.

14' High

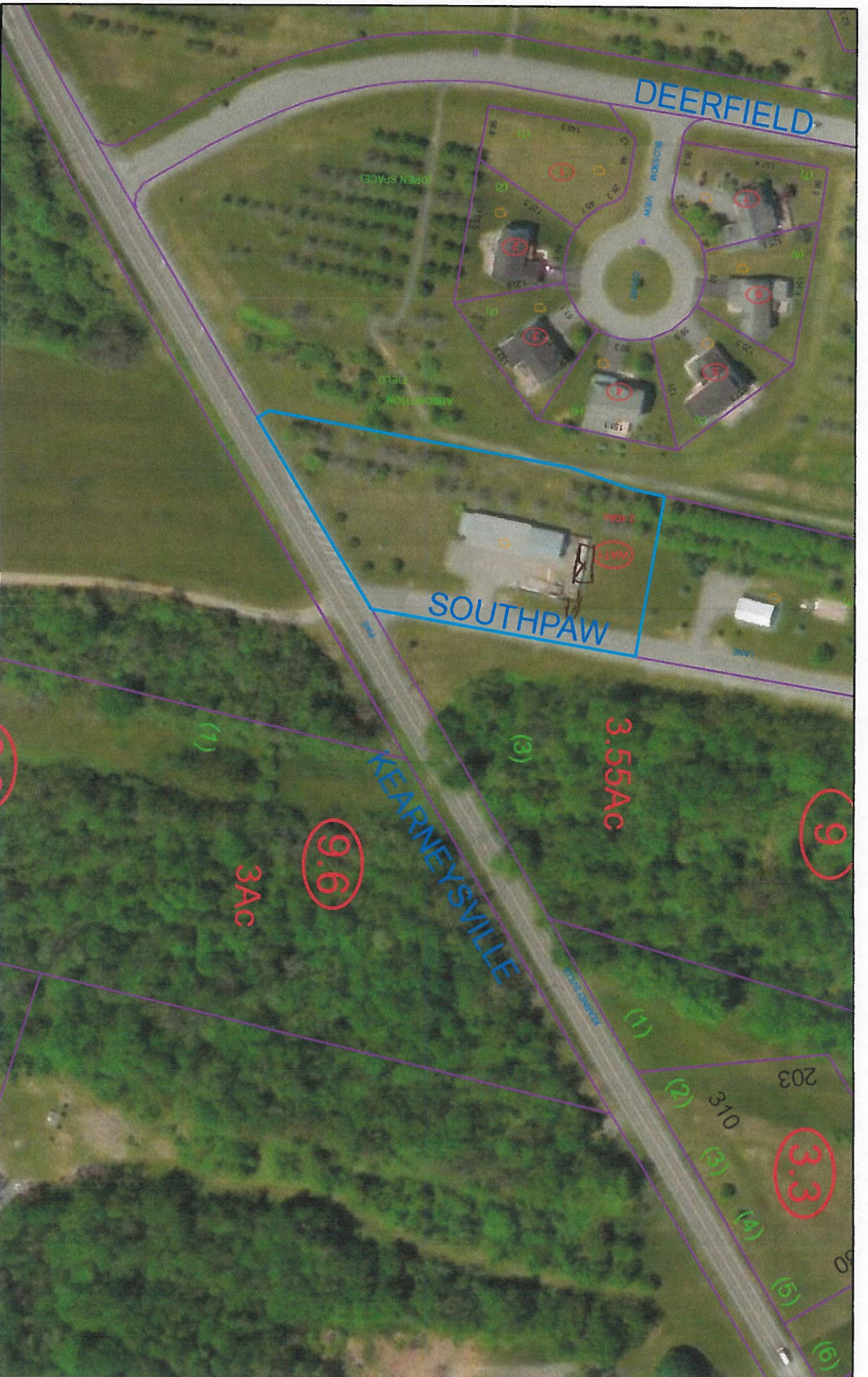
Restricted Area
No Parking of
construction equipment
No Building
0.538 Acre



gh
13/22

Approved on
11/10/2021

Viewer Map

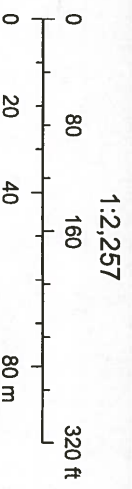


December 8, 2021

Existing Conditions

Source: Jefferson County Government

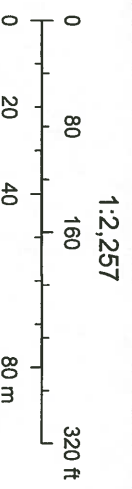
Maxar



The map displays a land area in Kearneysville, West Virginia, with various parcels and roads. Key features include:

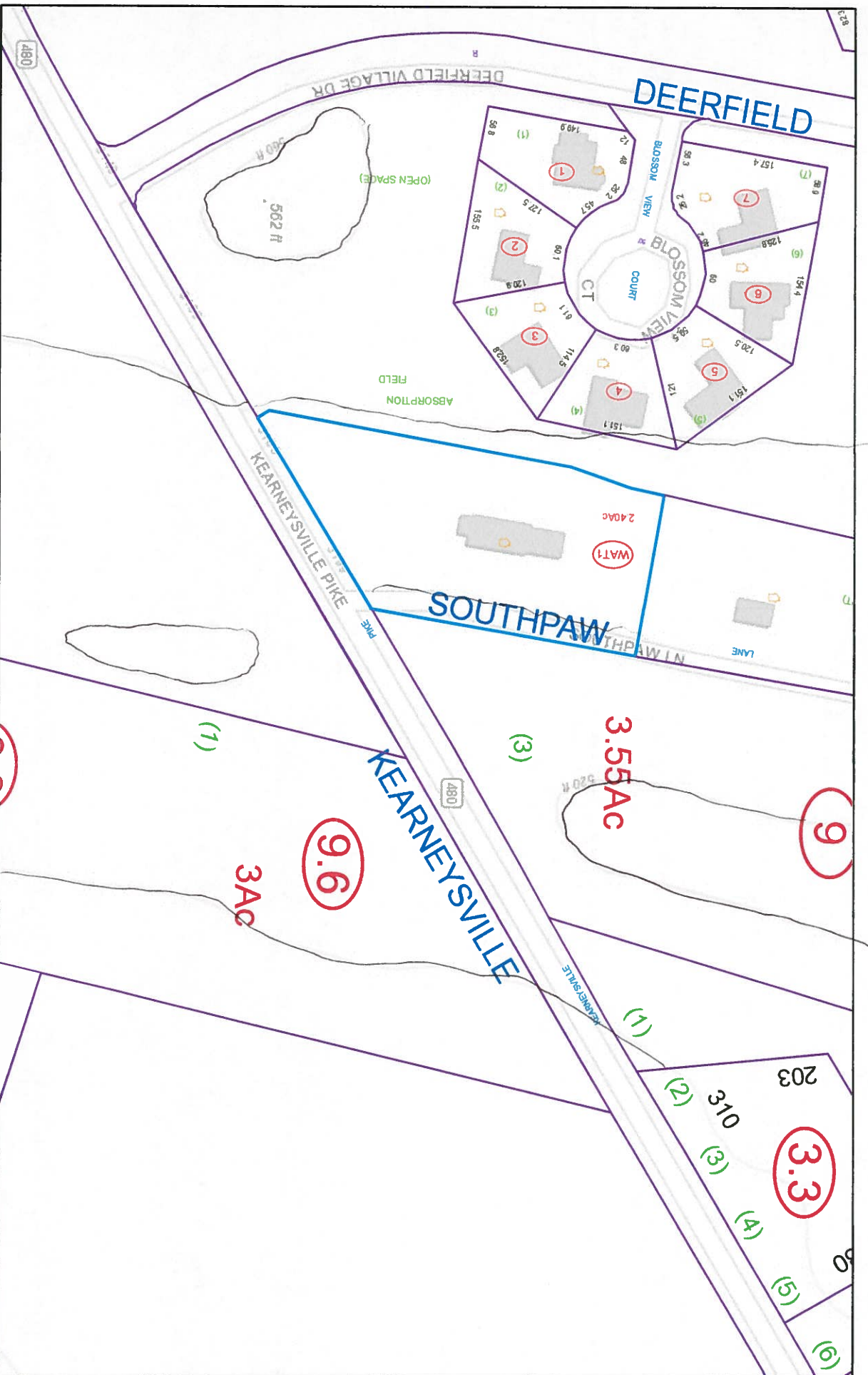
- Roads:** Southpaw Lane, Kearneysville Pike, and Blossom View Ct.
- Parcels:** Several parcels are highlighted with red circles and numbers: 9, 3.55AC, 3.3, 18, 9.6, 3AC, and 22.49AC.
- Development:** Blossom View development with a central court and several numbered lots (1-6).
- Other Features:** Absorption Field, WAT1, and Southpaw Lane.

Tax Map
Jefferson County, Assessor Office



WashCo MD, VITA, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Viewer Map



December 8, 2021

Topo Map

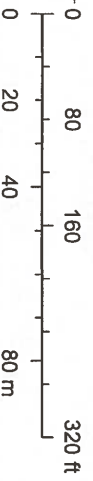
Source Jefferson County Government

No discernible slope other than

Ditch line

Washco MD, VITA, West Virginia GIS, Esri, HERE, Garmin, INCREMENT P,

1:2,257



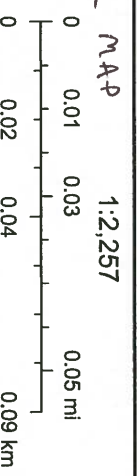
Viewer Map



December 8, 2021

Existing: Geology, Water Resources, Historic MAP
None on Property or Adjacent

Source: Jefferson County



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

Future Land Development Jefferson County, WV

White Areas subject to Municipal development rules
Yellow Areas subject to Special Management Area rules
Green Areas subject to County Zoning Regulations

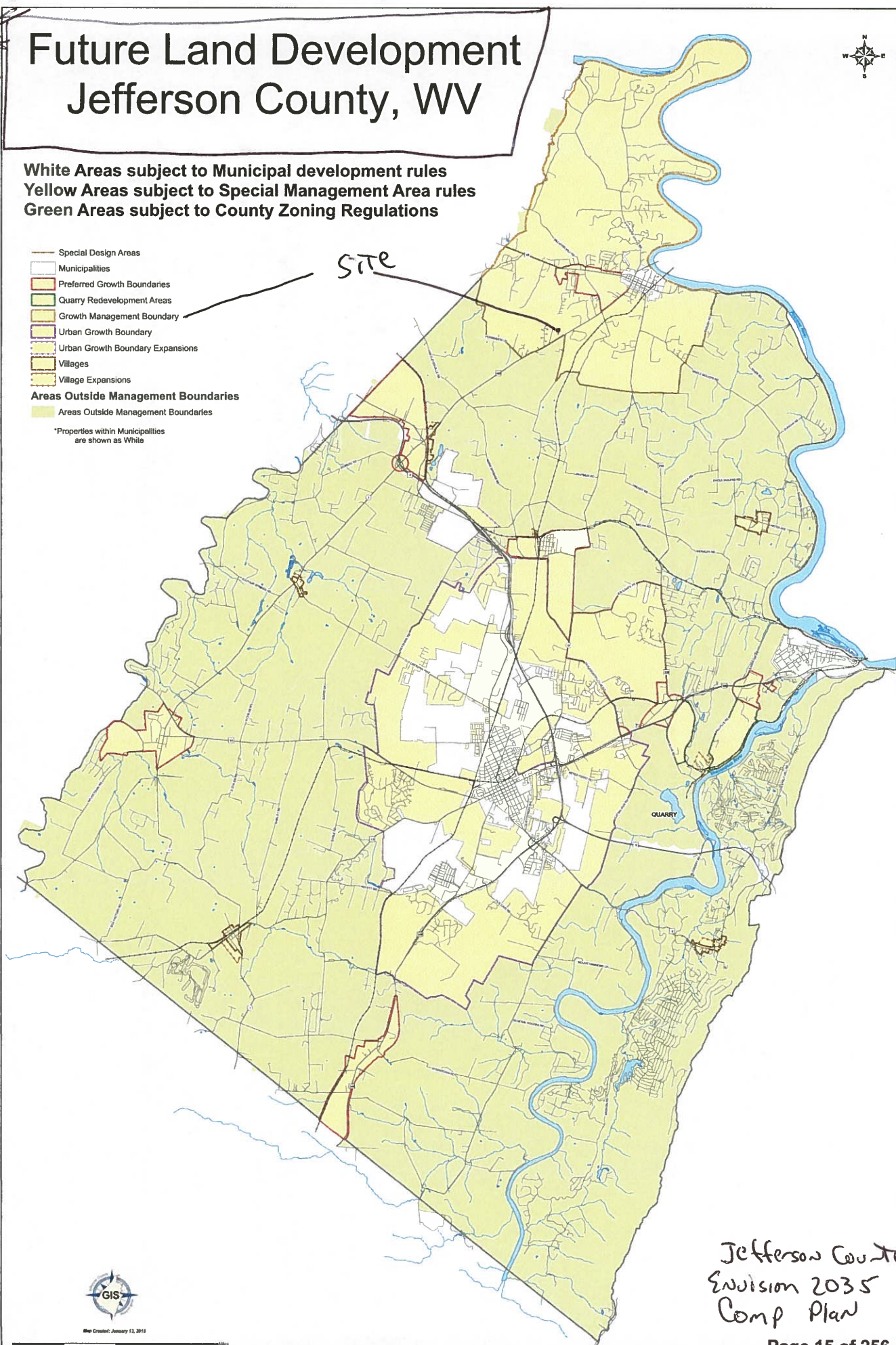
- Special Design Areas
- Municipalities
- Preferred Growth Boundaries
- Quarry Redevelopment Areas
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansions
- Villages
- Village Expansions

Areas Outside Management Boundaries

- Areas Outside Management Boundaries

*Properties within Municipalities
are shown as White

SITE



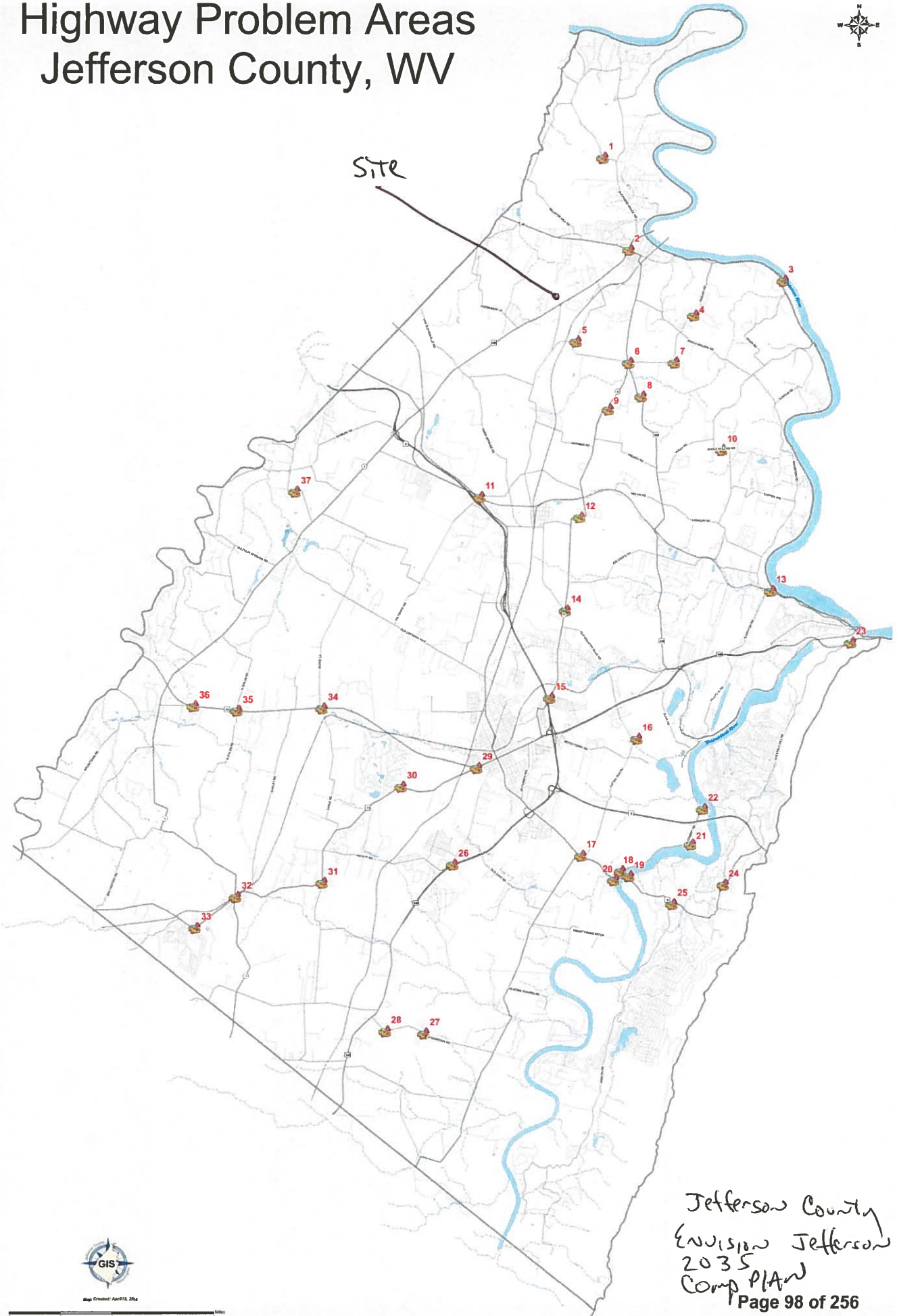
Map Created: January 13, 2010

Jefferson County
Envision 2035
Comp Plan

Highway Problem Areas Jefferson County, WV



Site



Jefferson County
Envision Jefferson
2035
Comp Plan
Page 98 of 256



Functional Highway Systems Classification

- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local
- Urban Growth Boundaries
- Towns

Data Sources:
Jefferson County GIS/Addressing Office
Jefferson County Department of Planning and Zoning
West Virginia Department of Transportation



0 0.5 1 2 3 4 5 Miles

Roadway Classification Map Envision Jefferson 2035

Validation of 2007 COP 07-01

COPY

JEFFERSON COUNTY
DEPARTMENT OF PLANNING, ZONING, & ENGINEERING
CONDITIONAL USE PERMIT
DEERFIELD VILLAGE TWO LOT SUBDIVISION - #Z07-01

This is to certify that effective May 17, 2007, the property described as:

Developer/Owner:	Deerfield Real Estate, LLC*
Address:	P.O. Box 279, Shepherdstown, WV 25443
Telephone Number:	(304) 876-6241
Tax Map Reference:	Shepherdstown District, Map 14, Parcel 9.3
Deed Book Reference:	Deed Book 957, Page 100
Project Name:	Deerfield Village Two Lot Subdivision
Zoning District:	Rural

has been granted permission to use said property in the following way: **creation of a two lot subdivision; Lot 1 will consist of a general contractors/construction office (general office space and sales area), interior machine/carpentry shop with indoor and outdoor storage of vehicles, equipment, tools and material and a proposed business sign; and, Lot 2 will consist of the existing water treatment plant and associated appurtenances all of which is to be deeded to Jefferson Utilities.**

CONDITIONAL UPON:

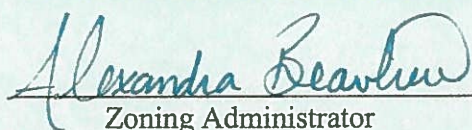
1. The area designated for storage of equipment and construction materials be screened from Route 480 and the established neighborhood residences, and that no equipment and construction material be located within the area adjacent to Route 480 as shown on the attached yellow highlighted map/plat per the Board of Zoning Appeals action on May 17, 2007 (Minutes and highlighted map/plat labeled as Exhibit 4 from Dewberry dated 2/12/07 are attached).
2. Any further change in use or expansion processing through the Jefferson County Departments of Planning and Zoning to update this certificate; and, all other applicable County regulations being followed.

In the event that construction is not commenced by **NOVEMBER 17, 2008**, said permission will expire unless an extension is granted. Extensions must be formally requested of the Jefferson County Departments of Planning and Zoning, for consideration by the Board of Zoning Appeals, prior to the expiration date.

This certificate in no way relieves the owner, applicant or user from any requirements of the Jefferson County Ordinances unless appropriate variances are granted by the appropriate County authority.

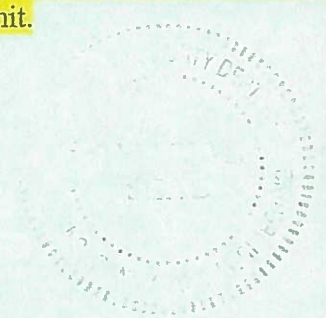
*Original Conditional Use Permit issued by Sherry Kelly, Zoning Administrator on October 4, 2007.

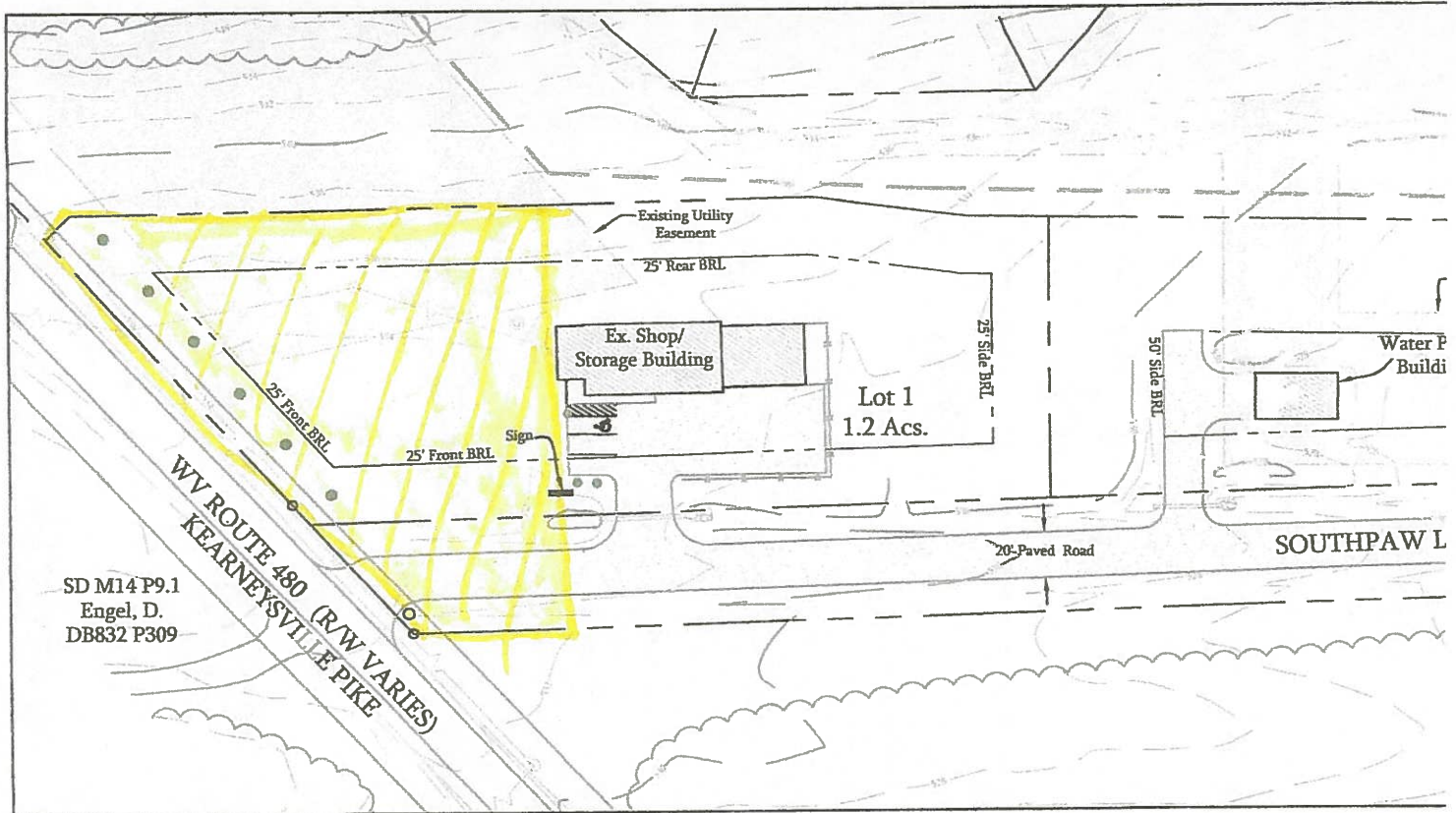
Per property owner's request, the Office of Planning and Zoning issued a revised Permit to reflect the current property owner as Deerfield Real Estate, LLC. No other changes made. Change in owner does not affect the conditions placed on the original Conditional Use Permit.


Zoning Administrator

Department of Engineering, Planning, and Zoning Seal:

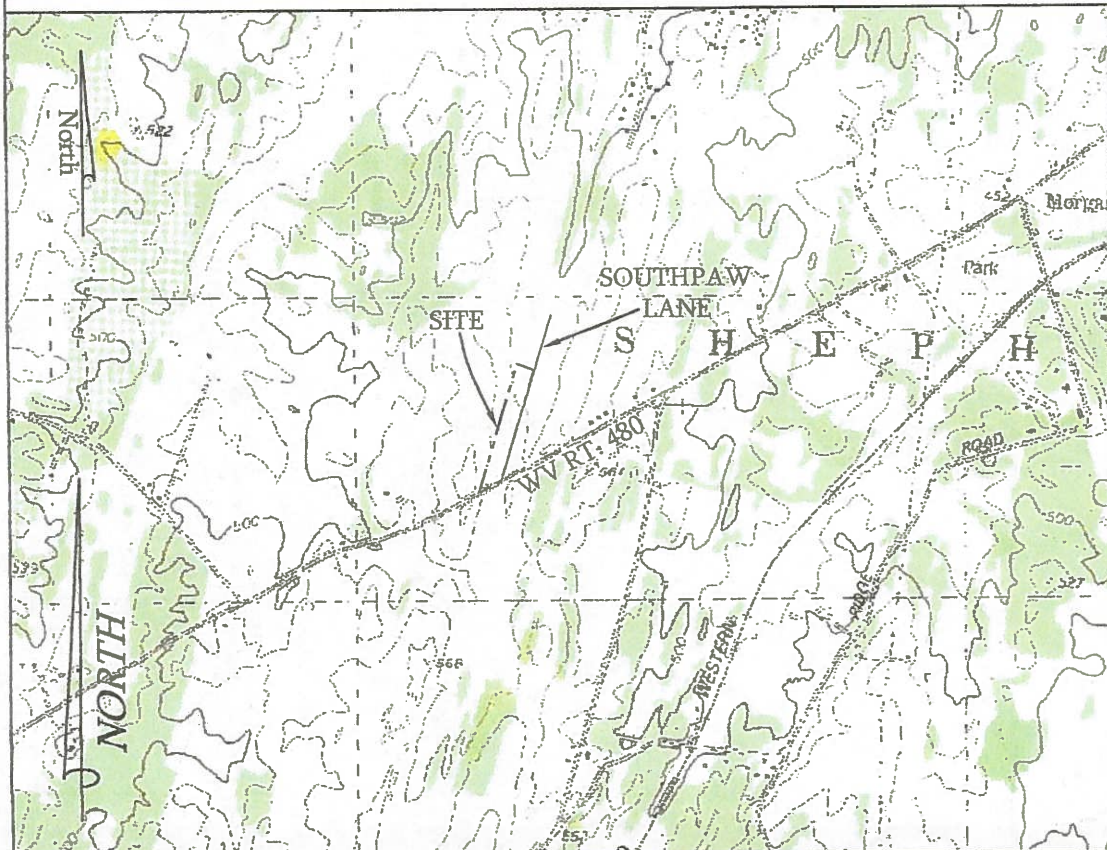
February 1, 2017
Date





Site Location Map

Scale 1" = 2000'



See Existing CUP for Any and All Exclusions/conditions

No Equipment or Construction material

IF

2018 CUP Change of Use / Tenant ZC18-20

#ZC18-20

JEFFERSON COUNTY
OFFICE OF PLANNING & ZONING
ZONING CERTIFICATE

This is to certify that the use cited on this form is a Permitted Use in the Zone where it is proposed, by virtue of the following justification and is subject to the conditions imposed below:

Change in Use / Tenant
Previous Approval Granted via Conditional Use Permit #Z07-01

This Certificate does not constitute a Certificate of Occupancy and does not exempt the Owner and/or the Applicant from obtaining appropriate approvals from all Local, State, and Federal requirements.

PROPERTY DESCRIPTION

Property Owner Name: Deerfield Real Estate, LLC
Mailing Address: P.O. Box 279, Shepherdstown, WV 25443
Telephone Number: 304-876-6241

Applicant Name: Executive Emergency Lighting, LLC / Attn: Ray Muth
Telephone Number: 540-295-1099 / raymuth.eel@gmail.com

Parcel Information: 21 South Paw Lane, Shepherdstown, WV 25443
Tax District: Shepherdstown (09); Tax Map: 14B; Parcel: Wat1; Size: 1.2 acres
Zoning District: Rural; Deed Book: 1153; Page: 200; Plat Book: 24; Page: 69

APPROVED USE

General Office Space and Sales Area; Interior machine/carpentry shop with indoor and outdoor storage of vehicles, equipment, tools, and materials, and a proposed business sign (Z07-01).

Use of indoor and outdoor space for construction and/or installation of emergency equipment including but not limited to lights, sirens, restraining brackets, etc. that are commonly associated with converting vehicles into emergency vehicles such as police cruisers, ambulances, fire trucks, etc.

RESTRICTIONS/CONDITIONS:

- The area designated for storage of equipment and construction materials shall be screened from Route 480 and the established neighborhood residences;
- No equipment or construction material shall be located within the area adjacent to Route 480 as shown on the attached sketch and highlighted in yellow (see also CUP application #Z07-01);
- Section 8.9 shall apply.

Any future change in use or expansion will require processing through the Jefferson County Department of Engineering, Planning, and Zoning to update this Certificate and ensure compliance with County Regulations.

Alexandra Beaulieu

Alexandra Beaulieu
Zoning Administrator

June 13, 2018
Date of Issuance

