



REVISED Agenda  
Jefferson County Planning Commission  
Tuesday, April 12, 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.

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1. Approval of Meeting Minutes: March 8, 2022
  2. Request for postponement.
  3. **Public Workshop:** Sleepy Hollow Wireless Telecommunications Facility Concept Plan. The purpose of this plan is to construct a 150' telecommunication monopole tower within an existing substation compound Applicant: Richard Marquiss/First Energy. Property Owner: The Potomac Edison Company. Property Location: 1320 Old Country Club Road, Charles Town, WV. Parcel ID: 04001000030005; Size: 3.6692 acres; Zoning District: Residential Growth. File: 22-1-SP.
  4. **Public Hearing:** Request for waiver of Section 11.1.B. which requires a site plan for all new telecommunication towers (Sleepy Hollow Wireless Telecommunications Facility). Applicant: Richard Marquiss/First Energy Property Owner: The Potomac Edison Company. Property Location: 1320 Old Country Club Road, Charles Town, WV. Parcel ID: 04001000030005; Size: 3.6692 acres; Zoning District: Residential Growth. File: 22-8-PCW.
  5. **Public Hearing:** Final Plat Amendment to allow a 22' x 44' inground pool with surrounding concrete to be located within a platted 10' drainage/utility easement. See Note #15 on Final Plat / PC File 05-26. Property Owner/Applicant: Melissa & Lucas Palmer; Property Location: Sheridan Subdivision, Phase II, Lot 160, 68 Wilderness Court, Harpers Ferry, WV. Parcel ID: 04009D01600000; Size: 0.388 ac; Zoning District: Residential Growth; File: 22-1-FPA.
  6. **Public Hearing:** Final Plat Amendment to allow a 12' x 5.5' deck to be located within a platted 12' drainage/utility easement. Property Owner/Applicant: John & Melissa Knott; Property Location: Aspen Green Subdivision, Phase 1A, Lot 20, 80 Quaking Aspen Way, Charles Town, WV. Parcel ID: 02004G00200000; Size: .3179 acre; Zone: Rural. File: 22-2-FPA.
  7. **Public Hearing:** Final Plat Amendment to allow the construction of a detached accessory dwelling unit for a family member. See Note #4 on Final Plat / PC File 01-17. Property Owner/Applicant: John Rolfe; Property Location: Wright's Field Subdivision, Lot 14, 708 Rudder Road Shepherdstown, WV. Parcel ID: 09013A00140000; Size: 4.07 ac; Zoning District: Rural; File: 22-3-FPA.
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8. **Public Hearing:** Request for waiver of Section 20.201A.2.b to reduce the required road frontage from 200' to 161' for a proposed two lot minor subdivision consisting of one 3-acre lot for a proposed gas station and convenience store (zoned Highway Commercial) and a vacant 1.4 acre lot (zoned Rural). Applicant: Bob Franks, Sheetz, Inc. Property Owner: Guy Chicchirichi; Property Location: NE of US 340 & Augustine AVE. Intersection, Charles Town, WV Parcel ID: 02001600010000; Size: 4.41 ac; Zoning District: Highway Commercial/Rural; File: 22-6-PCW.
9. **Public Hearing:** Request for waiver of Section 20.201A.3 to waive the requirement related to the extension of off-site utilities to allow for a proposed two lot minor subdivision. Applicant: Bob Franks, Sheetz, Inc. Property Owner: Guy Chicchirichi; Property Location: NE of US 340 & Augustine AVE. Intersection, Charles Town, WV Parcel ID: 02001600010000; Size: 4.41 ac; Zoning District: Highway Commercial/Rural; File: 22-7-PCW.

**There is no public comment for the following items.**

10. **Discussion and Action:** *For the Planning Commission to vote to approve or deny the King's Crossing Preliminary Plat Application as complete in accordance with Sections 24.113 and 24.114 of the Subdivision Regulation, for the purpose of scheduling a Public Hearing for this application. Property Owner: DR Acquisitions LLC. Property Location: Parcel ID: 0200170022; Size: 86 acre; Zone: Residential Growth. File: 21-8-SD.*
  11. **Review, discussion and possible action** related to the County Commission's amended version of the PC proposed *Envision Jefferson 2035 Comprehensive Plan Amendment (1/6/22)*.
  12. **Discussion and possible action** related to the County Commission's direction to the Planning Commission to initiate a revised amendment to the Zoning Ordinance related to Solar Energy Facilities in conformance with the County Commission's amended *2035 Comprehensive Plan Amendment*.
  13. **Discussion and possible action** related to proposal for update to Subdivision Regulation and Zoning Ordinance updates.
  14. **Discussion and Approval:** Planning and Zoning Quarterly Report for FY 2021-2022 3<sup>rd</sup> Quarter for the County Commission.
  15. **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. Report by counsel regarding Comprehensive Plan Amendment and related issues.
  16. **Planner's Memo**
  17. **President's Report**
    - Discuss meeting format for future meetings.
  18. **Actionable Correspondence**
  19. **Non-Actionable Correspondence**
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Meeting Minutes  
Jefferson County Planning Commission  
March 8, 2022

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

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning; Tanya Lyons Planning Clerk; Jonathan Saunders County Engineer; Nathan Cochran, County Attorney; and Will Rohrbaugh, County's legal representative.

The Planning Commission meeting was held as a hybrid meeting. The Hybrid 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 meeting minutes:**

Hearing no objection, Mr. Shepp approved the February 08, 2022 minutes as presented.

2. Request for postponement. None.

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.

Ms. Jennifer Brockman presented the staff report describing the location of the property and providing an overview of the requirements of the Regulations.

Mr. Paul Raco, representing the applicant, introduced Dan Snyder, the applicant, and provided a summary of the request to waive this requirement. He further noted that the Jefferson County Historic Landmarks Commission provided comments at the Concept Plan Public Workshop and that the land had been evaluated by the state when US 340 was constructed.

Mr. Shepp opened the Public Hearing. No comments were received. The Public Hearing was closed.

Steve Stolipher made a motion to accept the Waiver as submitted. Donnie Fisher seconded the motion, which was approved unanimously.

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.

Ms. Jennifer Brockman introduced the staff report describing the requirements of the Regulations and deferred to Mr. Jonathan Saunders for Engineering's input. The Planning Commission requested that the applicant provided an overview of their request prior to hearing from Mr. Saunders.

Mr. Paul Raco, representing the applicant, explained that the waiver request relates to three specific standards within Table 2.2-1 “Roadway Design Standards” of the Subdivision Regulations for this four lot commercial subdivision. The three standards relate to the following which were explained by Mr. Raco:

- Commercial Road Right of Way Width (requesting 50’ vs 60’), especially since this is a curb and gutter design
  - Required Stopping Sight Distance, related to the vertical curve, which can be mitigated by slower speeds. Applicant agrees to 20 mph for this road
  - Horizontal curve radius, which can also be mitigated by the slower speed
- Mr. Saunders then addressed the Office of Engineering’s analysis of the three waiver requests and why they can be supported with the closed section and the lower speed limit.

Mr. Shepp opened the Public Hearing. No public comment was received. The Public Hearing was closed.

Mr. Jack Hefestay made a motion to accept all 3 waiver as presented; Mr. Matt Knott seconded. Mr. Donnie Fisher requested whether the motion should include the 20mph speed limit as a condition. Mr. Hefestay accepted the amendment and the motion was approved unanimously.

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.

Ms. Jennifer Brockman presented the staff report describing the location of the property and providing an overview of the requirements of the Regulations. She further explained that Mrs. Beahm wants to dedicate a small portion of her land to the church to use for a parking area and that the Board of Zoning Appeals approved a variance to allow the substandard lot provided no structures were constructed on the lot. It cannot be merged with the church lot due to the 20’ access easement in question in this waiver.

Pastor Sam Snow, representing the church, provided an overview of this request and the need to use the easement as it exists. The delay in processing the plat (since the BZA approval) related to the finalization of the easement. Mr. Ed Johnson, surveyor, was also available to address the request.

Mr. Shepp opened the Public Hearing. Mr. Joshua Stillwell, member of the church and whose mother is the neighbor to this potential parking area, spoke in support of the use of this property for parking and requesting approval of the waiver.

Public Hearing was closed.

Mr. Steve Stolipher made a motion to approve the waiver as presented; Donnie Fisher seconded it. The motion passed unanimously.

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.

Ms. Jennifer Brockman presented the staff report explaining the Health Department approval requirements of the Regulations. She explained that staff has recommended asking the health Department to waive their approval under the circumstances, but they were not able to do that, therefore this waiver is required.

Staff agrees that the request to waive health department approval appears reasonable because it is only a half of an acre being gifted to the church for parking purposes only, provided that restriction is made a part of the motion.

Pastor Sam Snow stated that the Health Department originally said that the lot would not be able to be built on because of its size, so no Health Department approval was required. Mr. Ed Johnson stated that the Health Department subsequently stated that the applicant would need to document all surrounding wells and septic reserve areas which would require a significant amount of unnecessary work.

Mr. Shepp opened the Public Hearing.

Mr. Joshua Stillwell spoke in support of the waiver request as the use will be a parking lot. The Public Hearing was closed.

Mr. Jack Hefestay made a motion to approve the waiver request with staff contingency 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. Mr. Donnie Fisher seconded; the motion was approved unanimously.

**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.

Mr. Mike Shepp pointed out that the zoning district in the description should be Rural not Industrial Commercial. Jennifer Brockman agreed.

Ms. Jennifer Brockman described the location of this property and provided an overview of the staff report related to the applicant's request to rezone a total of 102 acres from Rural (R) to Residential Growth (RG). Ms. Brockman described the recommendations of the Land Use and Growth Management Element and the Future Land Use Guide of the *Envision Jefferson 2035 Comprehensive Plan* as it relates to this property. Staff noted that the request appears consistent with the *2035 Plan* because it is within the Residential Preferred Growth Area and shown as future "Low Density Residential" on the Future Land Use Guide. 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. She also reminded the Planning Commission's role only relates to consistency with the *Comprehensive Plan* and the public can chose to speak at the County Commission's Public Hearing scheduled for March 17, 2022.

Mr. Wade Louthan made a motion that the proposed Zoning Map Amendment is found to be consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Mr. Matt Knott seconded the motion, which was approved unanimously.

It was noted that Mr. Chad Wallen, with Integrity Federal Services, representing the applicant, was on the ZOOM meeting and had been overlooked during this discussion.

- 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.

Mr. Steve Stolipher recused himself from this agenda item and left the room.

Ms. Jennifer Brockman described the location of this 0.52-acre portion of the property and how it relates to the previously approved Zoning Map Amendment (File #21-1-Z) for a 2.5-acre portion of the property from Rural to Highway Commercial. Ms. Brockman described the recommendations of the Land Use and Growth Management Element and the Future Land Use Guide of the *Envision Jefferson 2035 Comprehensive Plan* as it relates to this property. Staff noted that while the request is not consistent with the *Envision Jefferson 2035 Comprehensive Plan* Future Land Use Guide (Map), it does conform with other recommendations of the Plan.

Mr. Chad Wallen, Integrity Federal Services, spoke on behalf of the applicant and explained how the survey resulted in the need for the modified request. Mr. Wallen also described some changes from the original Concept Plan which includes a change to the entrance closest to US 340 to a right turn in only and noted that instead of 6 fueling islands it will only be 5 fueling islands.

Mr. Matt Knott made a motion to find that the Zoning Map Request is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Mr. Jack Hefestay second the motion, which carried unanimously.

Mr. Stolipher re-entered the room at the conclusion of this agenda item.

**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, related issues and Jefferson County Circuit Court Civil Action No. 2022-C-6.

Mr. Nathan Cochran stated that due the fact that Items a and b are on-going litigation, he needed to speak to the Commission in executive session and item c also has pending litigation as well.

Mr. Mike Shepp made a motion to go into Executive Session to receive legal advice from the Planning Commission counsel for Items a, b and c listed on the agenda. Wade Louthan seconded 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 if they were on ZOOM.

At 8:05 pm, Mr. Jack Hefestay moved to come out of executive session; Donnie Fisher seconded the motion, which was approved unanimously.

Mr. Shepp made a statement for the record that during the executive session, Commissioner Steve Stolipher left the room and recused himself for items b and c.

#### **10. Planner's Memo**

Ms. Brockman provided an update on the County Commission action on various Planning Commission recommendations; provided information about an upcoming WVU Land Use Law Institute's Mountain Land Use Academy in conjunction with the West Virginia Chapter of the American Planning Association (May 17-18, 2022, Pipestem State Resort Park); and noted that the next meeting is on April 12, 2022.

#### **11. Zoning Administrator's Memo regarding a scrivener's error in the Zoning Ordinance.**

Ms. Alex Beaulieu provided an overview of an error that has been noted in Appendix A. It appears that when the tables were created for the appendices in 2014, the cells did not merge correctly and has impacted the development standards for townhouse. The table just needed to be amended with the correct cell information noted as a scrivener's error. No other information needed to be changed. She noted that no Planning Commission action is needed to formalize the correction.

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

#### **13. Actionable Correspondence. None.**

#### **14. Non-Actionable Correspondence**

- Email from Richard Zigler dated February 20, 2022 regarding the proposed Comprehensive Plan text amendment pertaining to solar energy facilities.

Mr. Jack Hefestay motioned to adjourn the meeting; Mr. Matt Knott seconded the motion, which carried unanimously. The meeting was adjourned at 8:10 pm.

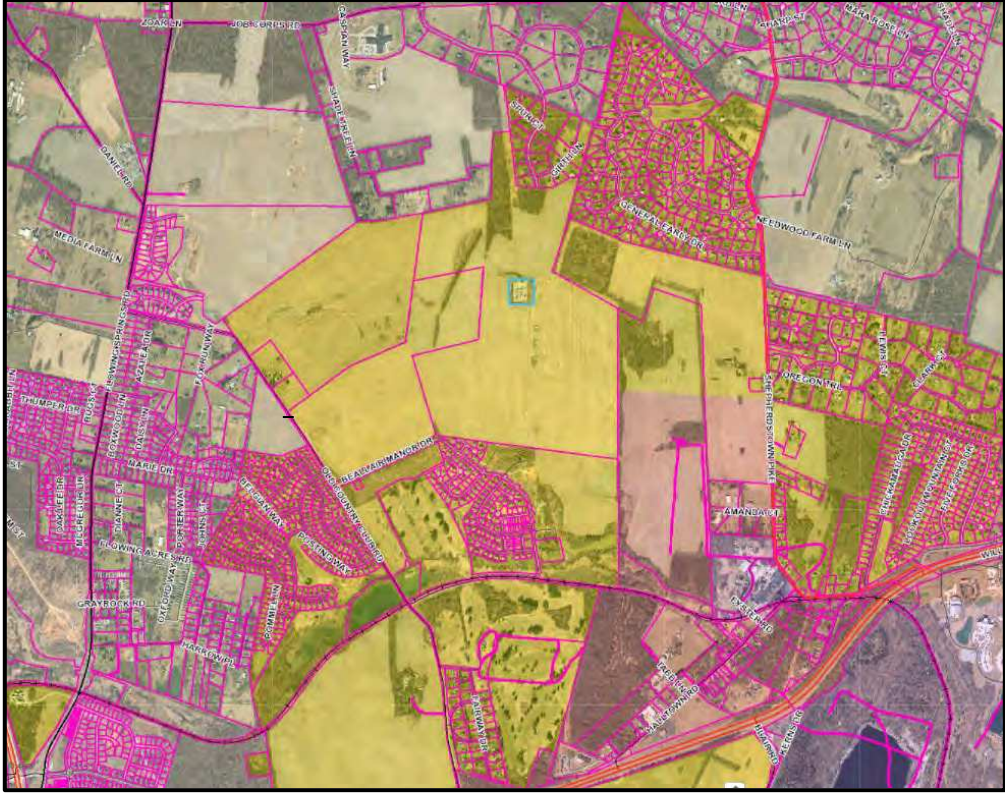
These minutes were prepared by Tanya Lyons, Planning Clerk.



Staff Report  
 Jefferson County Planning Commission Meeting  
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**Sleepy Hollow Cell Tower Concept Plan (22-1-SP)**

**Item #3: Public Workshop:** Request by Richard Marquiss-First Energy for approval of a Minor Site Plan Concept Plan related to the construction of a 150' communications monopole tower within an existing substation compound located 1320 Old Country Club Road.

Applicant	First Energy, Richard A. Marquiss
Owner	The Potomac Edison Company
Surveyor/Engineer	John Melham, Melham Associates, PC
Parcel Information and Location	<p style="text-align: center;">1320 Old Country Club Road, Charles Town, WV          Parcel ID: 04001000030005; Size: 3.6692 acres; Zoning: Residential Growth</p> 
Adjacent Zoning	<i>North, South, East, West:</i> Residential Growth
Waiver/Variance	20-40-ZV Variance to increase the height restriction from 100' to 150' for a proposed wireless telecommunications tower; approved by BZA 12-10-20
Proposed Activity	The purpose of this plan is to construct a 150' communications monopole tower within an existing substation compound.

**Summary of Request**

The subject 3.67-acre site is owned by Potomac Edison and contains an existing substation. The applicant has represented that the monopole communications tower will be utilized only for Potomac Edison's internal data transmission and the tower will be regulated by the Federal Communications

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Commission (FCC). The proposal includes construction of a 150’ monopole facility. While the standard Zoning and Land Development Ordinance height requirement for a telecommunications tower in the Residential Growth (RG) zoning district is 100’, the applicant has received approval from the Board of Zoning Appeals to increase the maximum height of the telecommunications tower to 150’ to allow the tower to function properly at this site.

This application is the first step required by the Zoning and Land Development Ordinance, which includes a Concept Plan, and subsequently a Minor Site Plan. There is also a waiver on this meeting’s agenda to waive the required site plan as the site is already developed. This application/staff report addresses the Concept Plan only.

**Article 4B Purpose Statement**

Section 4B.1 of the Zoning and Land Development Ordinance that regulates Wireless Telecommunications Towers states that:

“The purpose of Article 4B, Wireless Telecommunication Facilities, is to balance the needs of residents of and visitors to Jefferson County for reliable access to wireless telecommunication networks and services with the community’s desire to preserve the County’s rural, historic and agricultural character and the quality of its residential neighborhoods.”

**Site Plan Category**

Article 4B of the Zoning and Land Development Ordinance requires that a site plan for a proposed Wireless Telecommunications Tower shall be processed as a minor site plan. The Ordinance also requires submittal and Planning Commission review of a Concept Plan, prior to submittal of a site plan. The Ordinance specifies that submittal and review of a Concept Plan for a tower shall follow the review process and timeline established in Sections 24.119 – 24.122, with certain exceptions.

**Staff Determination of Application Sufficiency**

Prior to the scheduling of a Concept Plan Public Workshop before the Planning Commission, staff must determine that the plan submitted by the applicant is “sufficient and complete” – i.e. meeting all relevant requirements of the Subdivision and Land Development Regulations and Section 4B.7 of the Zoning and Land Development Ordinance.

Because wireless towers have unique characteristics that distinguish them from other types of development (such as height and visual impact), the Zoning Ordinance specifies submittal requirements that are required in addition to those for a standard Concept Plan. These requirements are as follows:

<b>Zoning Ordinance Required Item</b>	<b>Description</b>	<b>Comment</b>
<b>a.</b> Dimensions, use, and setbacks	Outside dimensions, use, and setbacks of all existing and proposed buildings, structures, towers, antennas, utility lines, driveways, and parking areas.	Meets ordinance requirements. Fall radius area is being merged to site.
<b>b.</b> Height	Height of the proposed tower measured from ground level at the center of the proposed structure, and height comparison to any nearby buildings or trees, or other	A variance to allow the 150’ height of the proposed monopole was approved by the BZA 12/10/20.

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**Sleepy Hollow Cell Tower Concept Plan (22-1-SP)**

	applicable structures and natural landforms part of the site's background and foreground landscape.	
<b>c.</b> Elevations and cross-section	Elevations and Cross-Section: Display topography with all proposed facilities including tower, equipment shelter and existing buildings.	Meets ordinance requirements.
<b>d.</b> Antenna features	Number, size and location of proposed and existing antennas; number of co-locations possible.	Proposed 150' monopole is intended for use by Potomac Edison only and will <u>not</u> provide any colocation opportunities.
<b>e.</b> Method of camouflage	Method of camouflage (if any).	The proposed tower will be galvanized gray to blend in with background sky.
<b>f.</b> Historic structures	Locations of known historic structures.	Letter from JCHLC attached stating that the balloon test was viewed from two National Register historic sites and the JCHLC has no objections to the proposed Concept Plan.
<b>g.</b> Development Schedule	A description of the anticipated construction and installation schedule.	See Sheet 2 of Concept Plan. Anticipated completion date is August 2022.
<b>h.</b> FCC Compliance	Documentation verifying compliance with applicable Federal Communications Commission (FCC) standards and requirements to provide the proposed services.	Provided.
<b>i.</b> Design criteria	Narrative addressing the design criteria of Section 4B.7.	Provided.
<b>j.</b> Balloon test information	Dates, address list, and notice for Balloon Test.	Provided.
<b>k.</b> Balloon test exhibits	Balloon Test exhibits as required in subsection G of Section 4B.7.	Required balloon test and photo simulation taken for BZA Variance and for Concept Plan attached.
<b>l.</b> Propagation maps	Propagation maps as required in subsection F of Section 4B.7.	Provided. Exhibits attached.
<b>m.</b> Additional information	Any other relevant information.	No additional information provided.
<b>n.</b> Preferred Structures and Locations Policy	Additional application requirements of subsection H (Preferred Structures and Locations Policy)	Not applicable.

**Sleepy Hollow Cell Tower Concept Plan (22-1-SP)**

Other required elements for a Wireless Telecommunications Tower Concept Plan are the same as for a site plan submittal as established in the Subdivision and Land Development Regulations, Appendix A, Sec. 1.3A, with the exception of Subsections 1.3A.20-22, 24-29, 31-35. As a result of the sufficiency review, Staff requested a resubmittal of the Concept Plan, which is now deemed sufficient.

**1. Concept Plan Sufficiency and Completeness Review**

During the time period between formal receipt of the application and the Public Workshop, the Concept Plan sufficiency and completeness review process takes place. Sec. 24.106 provides the standard requirements for the Completeness Review. Staff determined that the Concept Plan application was “sufficient and complete” after a resubmittal and a few editorial reviews. The Concept Plan Public Workshop was then placed on the April 12, 2022 Planning Commission agenda with all required public notification.

**2. External Agency Reviews**

Most external agency reviews are not applicable, per Section 4B.7 of the Zoning Ordinance. As required by this section, the Jefferson County Historic Landmarks Commission (JCHLC) was made aware of this application filing. A letter from the JCHLC is attached to this report.

**3. Planning Commission Public Workshop Scope of Review**

For a Wireless Telecommunications Tower, the Concept Plan Public Workshop is the only Planning Commission meeting during which the Planning Commission reviews the proposed plan. The scope of the Public Workshop includes the following:

1. A demonstration of need, as required by Article 4B;
2. Neighborhood compatibility;
3. Impact on cultural and historic resources;
4. Visual mitigation;
5. The submittal and design criteria of Article 4B;
6. The compatibility of the facility proposal with the Comprehensive Plan; and
7. Any relevant information presented by any person that addresses the purpose and intent of Article 4B.

These criteria are individually analyzed below.

**1. A demonstration of need as required by Article 4B**

The purpose of the “demonstration of need” requirement is for the applicant to demonstrate that the proposed tower is necessary for coverage purposes, at the proposed height and at the proposed location. Implicit in this requirement is a demonstration that there are no other feasible alternatives to building a tower, such as co-location of antennas on an existing structure.

The applicant has addressed these criteria as follows:

**a. Submittal of Propagation Maps**

Propagation maps depict cell coverage with and without a proposed tower. These maps, which are prepared by a radio frequency engineer, must be submitted with a tower application.

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The “before” and “after” propagation maps have been submitted which identify a coverage gap in this area of Jefferson County and depict how the proposed 150’ telecommunication facility improve wireless services for the use by Potomac Edison. These maps identify all adjacent sites and are accompanied by an engineer’s affidavit attesting to the parameters used to create the map.

b. Narrative addressing Preferred Structures and Locations Policy (Application Item H)

Section 4B.7 establishes the County’s policy regarding preferred types of wireless antenna support structures, as well as preferred locations for new wireless facilities. The County’s stated first priority for wireless antenna placement is co-location. (This policy statement indicates a County preference, rather than a requirement.)

The proposed tower application is for a new monopole tower, not for a co-location. The documents submitted by the applicant indicate that there are no facilities on which to co-locate to obtain the desired coverage. The proposed 150’ monopole tower is being designed for use by Potomac Edison only and they do not intend to allow any co-location on the structure (see Note #9 on Sheet 2 of the Concept Plan).

Regarding preferred locations for new towers, it is the County’s policy to encourage location in the following areas, in descending order of priority:

- The Industrial - Commercial District
- Non-residential areas screened by existing vegetation and located outside of the Industrial - Commercial District

Staff notes that the proposed tower location is outside of the Industrial - Commercial District, in the Residential Growth District. The tower will be surrounded by an 8-foot fence. The Planning Commission may require that the fencing be screened by a landscaped buffer of at least 10 feet in width, planted along the entire perimeter of the fence (Section 4B.7.B.2.J.7 of the Zoning Ordinance).

**2. Neighborhood compatibility**

Adjacent land uses surrounding the site are zoned Residential Growth, but primarily used for agricultural purposes at this time. A previously approved residential development has been vacated and merged and there are no current land use applications for the property surrounding the Potomac Edison site. The Zoning and Land Development Ordinance does not provide explicit standards for neighborhood compatibility for wireless facilities.

**3. Impact on cultural and historic resources**

Using the County’s GIS data and the GoogleEarth measuring tool, Staff verified that there are no Category I structures within a .75 mile radius of the proposed structure.

The only outside agency required to be contacted for this Concept Plan is the Jefferson County Historic Landmarks Commission (JCHLC), which has submitted a letter stating that they attended the balloon test and drove to two National Register historic sites, which are both over a mile away, and the balloon was not visible from either location.

The site for the proposed tower is not located in the Harpers Ferry Overlay District or within 1 mile of the Appalachian Trail.

**Sleepy Hollow Cell Tower Concept Plan (22-1-SP)**

**4. Visual mitigation**

The proposed tower is designed as a 150' monopole tower for use by Potomac Edison only and with no proposed co-location. The applicant conducted the required balloon test for both the variance request which was reviewed by the BZA and for this Concept Plan. Exhibits depicting the required balloon test and photo simulations of the monopole tower from various locations and distances are attached. The monopole is proposed to be galvanized gray color which is intended to blend in with the background sky.

The application does not show any landscaping around the outside of the leased compound area, which should be discussed as a part of the Workshop. Below is an excerpt from the Zoning Ordinance, addressing fencing requirements for new towers:

**7. Fencing**

Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Planning Commission may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height at planting. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die.

The Planning Commission may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

**5. The submittal and design criteria of Article 4B**

Article 4B of the Zoning Ordinance states that the required submittal elements for a Wireless Telecommunications Tower Concept Plan shall be the same as for a Site Plan as established in the Subdivision and Land Development Regulations, Appendix A, Sec. 1.3A (with certain exceptions). In addition, other elements are required such as elevations and cross-section, locations of known historic structures, Balloon Test exhibits, and other information. Staff finds the application complete with regard to the required submittal elements.

Design criteria (height, color, fall zone, lighting and marking, fencing, and other elements) are established in Section 4B.7.J. Staff finds that the proposed tower design meets these criteria, with the note that the height has been permitted to increase via an approved variance from the Board of Zoning Appeals. The Zoning Ordinance requires that wireless telecommunication towers be set back from all property lines a distance to 110% of tower height, measured from the base of the structure to its highest point, and allows easements to be acquired on adjacent properties to meet the fall zone requirement. The required fall zone is being addressed through a boundary line adjustment with the adjoining property (pending approval).

**6. The compatibility of the facility proposal with the Comprehensive Plan**

**a. Staff Analysis**

The *Envision Jefferson 2035 Comprehensive Plan* includes some discussion of telecommunications facilities under the "Economic Development, Employment, and

**Sleepy Hollow Cell Tower Concept Plan (22-1-SP)**

Infrastructure Element”. The Plan identifies improvements to the County’s telecommunications network, particularly wireless technology and any advanced technologies, as one of the major public infrastructure projects needed to support the success of future economic growth. The subject application is unique in that it will serve a utility provider (Potomac Edison) and will not provide co-location for future providers. The applicant has represented that the tower is necessary to improve internal data transmission, which appears to be consistent with the Plan’s goals to improve wireless technology and support economic growth.

**7. Any relevant information presented by any person that addresses the purpose and intent of Article 4B**

To date, the only written comments received related to the Concept Plan Public Workshop are from the JC Historic Landmarks Commission (attached).

No public comment was received at Board of Zoning Appeals variance public hearing held in December 2020.

The Planning Commission may consider testimony at the Public Workshop regarding the purpose and intent of Article 4B of the Zoning Ordinance.

**4. Staff Recommendation**

The Planning and Zoning Department Staff finds the Sleepy Hollow Telecommunications Monopole Concept Plan to be:

- Complete based on the information provided related to the required criteria outlined in the Subdivision and Land Development Regulations and the Zoning and Land Development Ordinance; and
- Consistent with the Comprehensive Plan.
- As provided for in Section 4B.7.B.2.J.7 of the Zoning Ordinance, the Planning Commission has the discretion to require that fencing be screened by a landscape buffer of at least 10 feet in width, planted along the entire exterior perimeter of the fence.

**5. Planning Commission Direction**

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan. The Subdivision and Land Development Regulations outline the procedure:

1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan has met the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant’s presentation, staff’s explanation, and the solicitation of public comment, the Planning Commission shall:

- Review the proposed Tower for compliance with the standards in Article 4B and, if applicable, provide direction in the form of conditions relevant to the scope of the public

Staff Report  
Jefferson County Planning Commission Meeting  
April 12, 2022

**Sleepy Hollow Cell Tower Concept Plan (22-1-SP)**

workshop and/or unique characteristics of the proposed development site, to be addressed in the Department's approval of the site plan; and

- Determine, by a majority vote, that the Concept Plan application complies with Article 4B of the Zoning Ordinance, and that the application is consistent with the Comprehensive Plan.

The Commission has the option of providing direction at the same meeting during which the Concept Plan Public Workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting, at which the Concept Plan Public Workshop is closed.

The Subdivision and Land Development Regulations outline the direction to be provided to the applicant:

“The Planning Commission shall direct the preparation of a site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.”

It should be noted, that the direction provided to the applicant in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to the Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.

Should the Planning Commission vote to find the application consistent with the Comprehensive Plan, the applicant will submit a minor site plan to Planning, Zoning and Engineering Department for administrative review and approval, unless the subsequent request waiver is approved. The site plan shall address the conditions (if any) identified by the Planning Commission.

**ATTACHMENTS:**

- Jefferson County Historic Landmarks Commission (JCHLC) Letter
- Balloon Test Photos
- Propagation Study maps (with and without Sleepy Hollow) and Study Affidavit



February 16, 2022

Office of Planning and Zoning  
116 E. Washington Street, 2nd Floor, P.O. Box 716  
Charles Town, West Virginia 25414

Ms. Jennifer Brockman,

RE: Sleepy Hollow Tower Site - Concept Plan (File #22-1-SP).  
1320 Old Country Club Rd, Charles Town, WV 25414

I reviewed the Concept Plan for the Sleepy Hollow Tower Site submitted by Melham Associates PC, January 20, 2022. The submittal documents show the existing conditions plan, proposed site tower plan, and tower construction details.

I also attended the balloon test for Sleepy Hollow Tower conducted in November 2020. The proposed tower is 50 feet over the permitted 100-foot limit for communication towers in Jefferson County. The Federal Communications Commission requires a ½ mile radius around cell towers for protection of historic structures. I drove to the two National Register historic sites surrounding the proposed tower location, *Media Farm* and *Beall-Air* which are both over a mile away. The balloon was not visible in either location.

The JCHLC has no objections to the proposed Sleepy Hollow Tower Concept Plan since there are no JC County Historic Resources on the development parcel and the proposed tower does not extend beyond the current parcel boundaries.

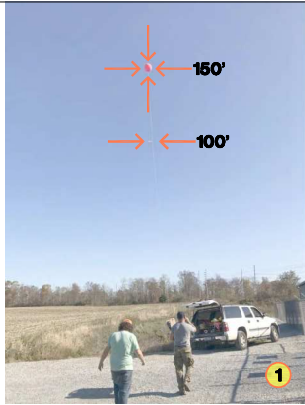
If you have any questions or need additional information, please feel free to contact me.

Martin Burke  
Chair,

cc: John Melham, Melham Associates PC (via email)







View of balloon from north side of substation



View west near balloon tether at northeast corner of substation, looking along northern fence



View south near balloon tether at northeast corner of substation, looking along eastern fence



View from drive at 1/4 mile radius, 1320' from balloon



View from drive at 1/2 mile radius, 2640' from balloon



View north from drive at 1/2 mile radius, 2640' from balloon



View from northwest bend on Old Country Club road (route 24), 4700' from balloon



View from Aspen Greens, approximately 1.0 mile from balloon [BEYOND PLAN AREA]



View from Aspen Greens along Flowing Spring Road (Route 17), approximately 1.1 mile from balloon [BEYOND PLAN AREA]



View from end of drive at Driswood Elementary School, 4300' from balloon [BEYOND PLAN AREA]



View from Shade Tree Lane, 2000' from balloon



View from Breckenridge Way looking south through power line easement, 3600' from balloon [BEYOND PLAN AREA]

architecture  
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landscape architecture  
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surveying

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ASSOCIATES, PC

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Robert J. Heath PE, LLC

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LANSDALE, PA 19446  
267-256-6011

CLIENT

The Potomac Edison  
Company

16455 DOWNSVILLE FREE  
HAGERSTOWN, MD 21740

PROJECT

Sleepy Hollow  
Tower Site

1295 OLD COUNTRY CLUB ROAD  
CHARLES TOWN, WV 25442

PHASE

ZONING VARIANCE  
OFFICE OF PLANNING & ZONING  
JEFFERSON COUNTY, WV

DRAWN

PHOTOGRAPHS

© 2020 MELHAM ASSOCIATES PC

SCALE

NO SCALE

JOB #

10798

CLIENT

1078@PHOTO.PC

DATE

11/12/20

SHEET

1 OF 2



View from Girth Lane,  
2200' from balloon

13



View from Gap View Road and General Semmes Court,  
2700' from balloon

14



View from General Pender Drive,  
1600' from balloon

15



View from General Cobb Drive,  
1800' from balloon

16



View from General Lawton Court,  
2250' from balloon

17



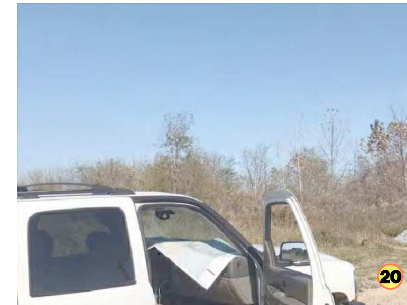
View from Shepherdstown Pike at tree line,  
3800' from balloon

18



View from Clifford Court and Shepherdstown Pike,  
3900' from balloon

19



View from Beallair Manor & Lewis Washington Drive,  
3100' from balloon

20



View from southeast / southwest bend on Beallair Manor Drive,  
2900' from balloon

21



View from Posting Way / Old Country Club Road,  
4300' from balloon

22

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1645E DOWNSVILLE PIKE  
HAGERSTOWN, MD 21740

PROJECT

Sleepy Hollow  
Tower Site

1295 OLD COUNTRY CLUB ROAD  
CHARLES TOWN, WV 26432

PHASE

ZONING VARIANCE  
OFFICE OF PLANNING & ZONING  
JEFFERSON COUNTY, WV

DRAWING

PHOTOGRAPHS

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SCALE

NO SCALE

JOB #

10788

CLIENT

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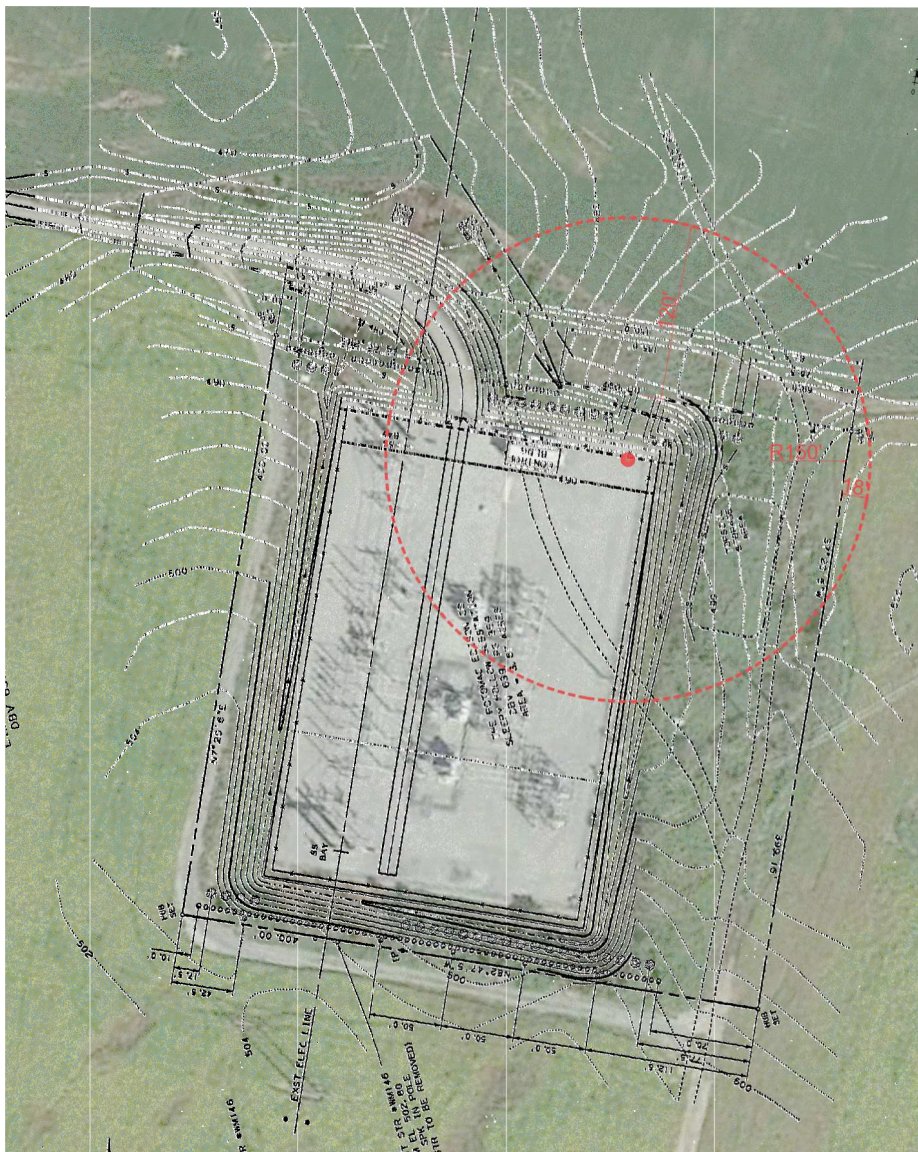
DATE

11/12/20

SHEET

2 OF 2



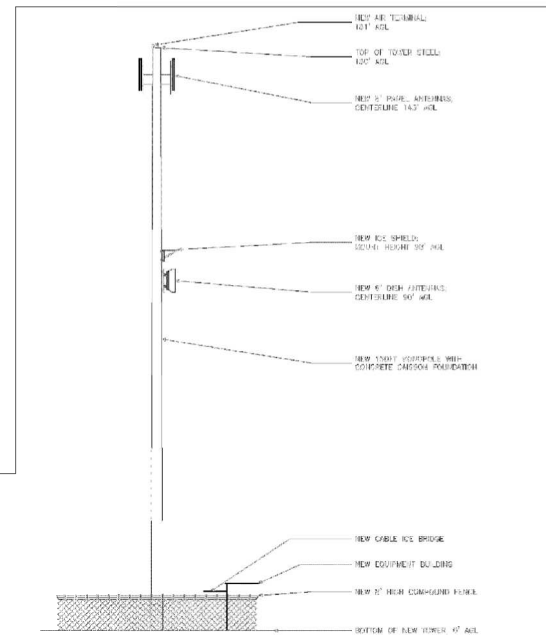


SITE PLAN  
[ALLEGHENY POWER SYSTEM 12/7/93]  
SCALE: 1" = 50'



**Note:**  
All Proposed Antenna Support Structures and the New 1500' Monopole Tower Structures Are To Meet Industry Standards ASA1/6A/71A 222-II and 19C2018-For Structural Integrity.

**TOWER ELEVATION VIEW**



TYPICAL MONOPOLE PHOTOGRAPH  
NO SCALE

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267-256-9911

CLIENT

The Potomac Edison  
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16435 DOWNTOWN PIKE  
HAGERSTOWN, MD 21740

PROJECT

Sleepy Hollow  
Tower Site

1200 OLD COUNTRY CLUB ROAD  
CHARLES TOWN, WV 25414

PHASE

ZONING VARIANCE

OFFICE OF PLANNING & ZONING  
JEFFERSON COUNTY, WV

DRAWING

TOWER DETAILS  
AND SITE PLAN

© 2020 MELHAM ASSOCIATES, PC

SCALE

1" = 50'

JOB #

10788

DATE

10/28/2020

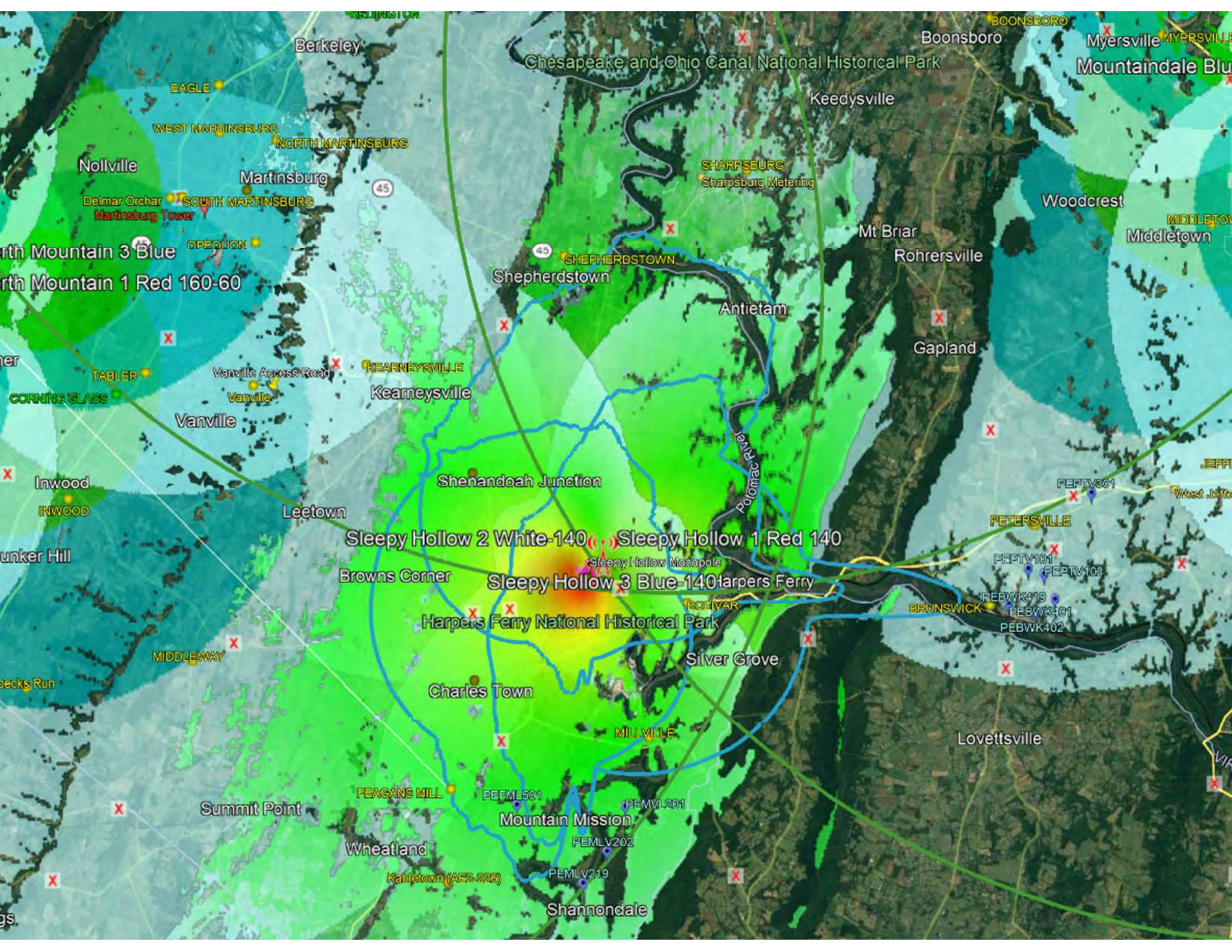
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SHEET

1 OF 1





Berkeley

Chesapeake and Ohio Canal National Historical Park

Boonsboro

Myersville

Keedysville

EAGLE

WEST MARTINSBURG

NORTH MARTINSBURG

Nollville

Martinsburg

SHARPSBURG

Sharpsburg Metering

Delmar Orchard

SOUTH MARTINSBURG

Martinsburg Tower

OPEDION

North Mountain 3 Blue  
North Mountain 1 Red 160-60

45

SHEPHERDSTOWN

Shepherdstown

Mt Briar

Rohrersville

Woodcrest

MIDDLETOWN

Middletown

Antietam

Gapland

TABLER

Vanville Access Road

Vanville

KEARNEYSVILLE

Kearneysville

Vanville

Inwood

INWOOD

Leetown

Shenandoah Junction

Sleepy Hollow 2 White-140

Sleepy Hollow 1 Red 140

Sleepy Hollow Monopole

Browns Corner

Sleepy Hollow 3 Blue-140

Harpers Ferry

Harpers Ferry National Historical Park

BOHVAR

BRUNSWICK

Silver Grove

Charles Town

MILLVILLE

Lovettsville

MIDDLEWAY

Summit Point

FEAGANS MILL

PEFML501

PEMVL201

Mountain Mission

PEMLV202

Wheatland

Shannondale

Kabletown (AE2-226)

PEMLV219

PEPTW801

PETERSVILLE

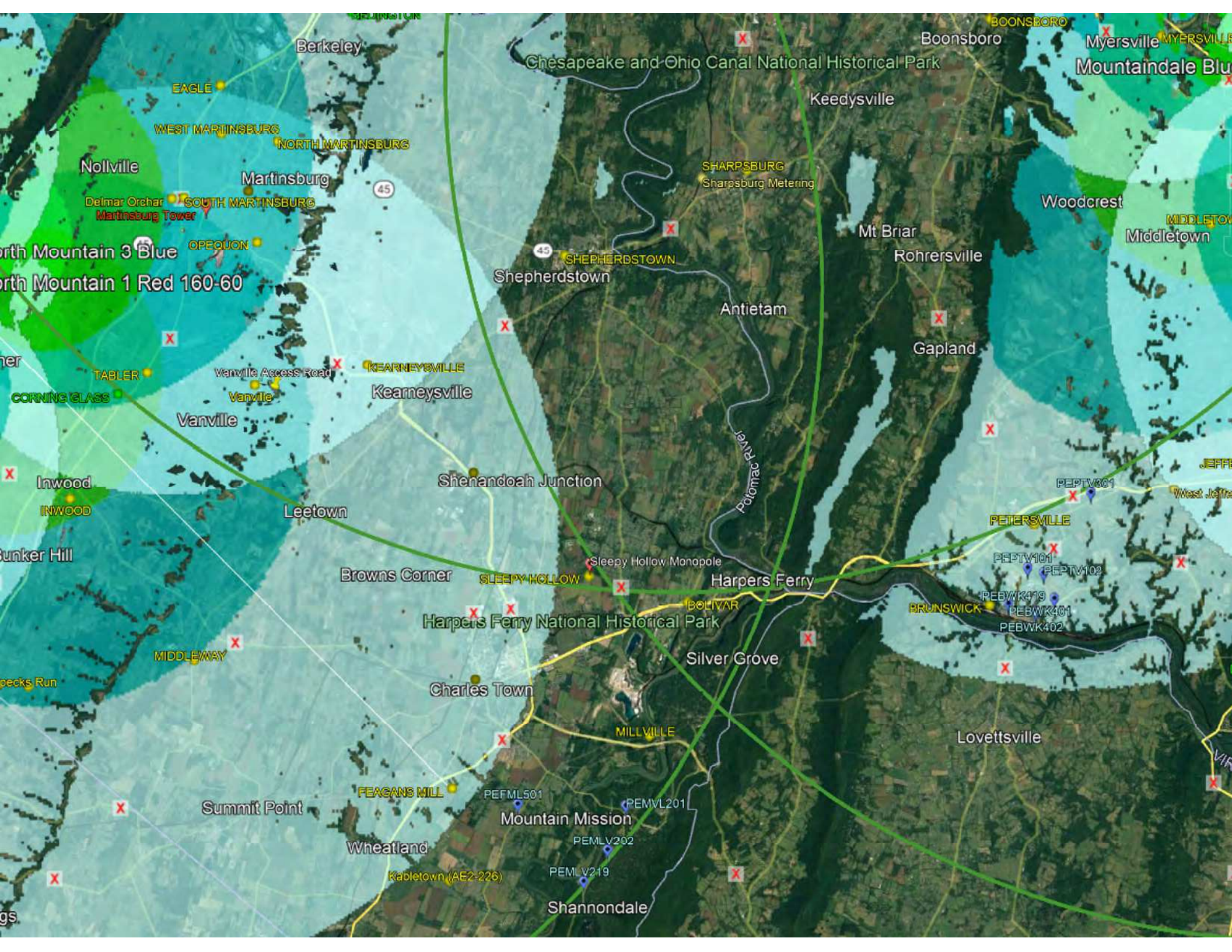
PEPTW101

PEPTW102

PEBWK419

PEBWK401

PEBWK402



North Mountain 3 Blue  
North Mountain 1 Red 160-60

Kabletown (AE2-226)

PEPTW301  
PETERSVILLE  
PEPTW101  
PEPTW102  
PEBWK419  
PEBWK401  
PEBWK402

PEFML501  
Mountain Mission  
PEMLV201  
PEMLV202  
PEMLV219

Summit Point

Wheatland

FEAGANS MILL

Charles Town

MILLVILLE

Silver Grove

BOLIVAR

Harpers Ferry

Sleepy Hollow Monopole

SLEEPY HOLLOW

Browns Corner

Shenandoah Junction

Leetown

Vanville

Vanville Access Road

Kearneysville

TABLER

Inwood

INWOOD

Bunker Hill

CORNING GLASS

her

Nollville

WEST MARTINSBURG

NORTH MARTINSBURG

Martinsburg

SOUTH MARTINSBURG

Delmar Orchard  
Martinsburg Tower

OPEQUON

Berkeley

Chesapeake and Ohio Canal National Historical Park

Keedysville

SHARPSBURG  
Sharpsburg Metering

SHEPHERDSTOWN

Shepherdstown

Antietam

Mt Briar

Rohrersville

Gapland

Woodcrest

MIDDLETOWN

Middletown

Boonsboro

Myersville  
Mountandale Blu

Lovettsville

Shannondale

gs

Office of Planning and Zoning  
Mason Building, 2<sup>nd</sup> Floor  
116 East Washington Street  
Charles Town, WV 25414

RE: 22-1-SP Sleepy Hollow Tower Minor Site Plan

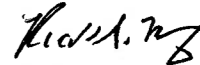
To Whom it May Concern:

The Radio Propagation Studies were performed with RadioCompass v1.4.10.78 using the Longley Rice 1.22 model. The radio propagation model presented with out the affects of the proposed monopole reflect the propagation from Potomac Edison's tower sites North Mountain (Berkeley County, WV) and Mountindale (Frederick County, MD). The radio propagation model presented with the affects of the proposed monopole (Sleepy Hollow) uses the proposed coordinates for the monopole proposed in Project 22-1-SP with an antenna height of 140 feet.

For Sleepy Hollow, three studies are shown, one for each of 3 *dB*Spectra DS7X14PP12SD antennas with azimuths of 0°, 120° and 240°. An ERP of 30 watts was used with 0° of mechanical and electrical down tilt.

Thank you!

Sincerely,



Richard A. Marquiss  
Network Ops Specialist  
301-331-7026





2247 NORTH FRONT STREET  
HARRISBURG, PA 17110 USA

PHONE: (717) 238-5000  
FAX: (717) 236-2600

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March 23, 2022

**NARRATIVE: Potomac Edison Company's 'Sleepy Hollow Tower Site' Concept Plan**

Jefferson County Zoning Ordinances: Section 4B.7 –Wireless Telecommunication Towers Subsection J. 2. a. – permits 100' Tower pursuant to the zoning ordinances.

- West Virginia Code 8A-7-3(e) states: “Essential utilities and equipment are a permitted use in any zoning district.”
- Project proposes a 150' monopole.
- On December 10, 2020, the Board of Zoning Appeals approved a variance for Section 4B.7J.2a to increase the height restriction from 100' to 150' for a proposed telecommunications tower.
- At this time, co-location is not anticipated.

**Benefits of a monopole at the Sleepy Hollow Substation.**

Sleepy Hollow substation is a vital substation for electric supply to Jefferson County, including but not limited to the Charles Town area. The installation of the proposed monopole at that station would allow for a robust communication link that would be owned and maintained by Potomac Edison Company.

The proposed monopole and its' equipment would enhance the visibility and control of the station from the operations centers which will allow for faster responses to changes in the power grid. This monopole and its equipment will lead to shorter outages and allow for problems to be seen before they become outages.

This proposed monopole will make this site a hub for communications to other stations and devices in Jefferson County giving similar benefits to them and thereby making the power grid more stable. Another significant benefit is added security. The proposed monopole will allow Potomac Edison the ability to support a more sophisticated security system including but not limited to real time video. This security system is a very valuable tool in today's environment both as a deterrent and to permit enhanced responses and response times.

**Conclusion:**

This communications tower (monopole) will enhance the operation of the power grid, the safety of the power grid and allow Potomac Edison Company to have increased security systems at their substation.



# Sleepy Hollow Tower Site

Parcel ID 04001000030005  
 Minor Site Concept Plan

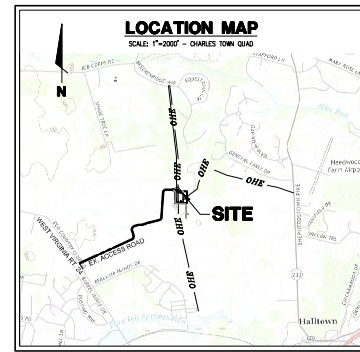
January 20, 2022  
 Revised February 18, 2022  
 Revised March 9, 2022  
 Revised March 23, 2022

Submitted to:  
 Office of Planning and Zoning  
 Mason Building, 2nd Floor  
 116 East Washington Street  
 Charles Town, WV 25414

Submitted by:  
 The Potomac Edison Company  
 10435 Downsville Pike  
 Hagerstown, MD 21740

## Sheet Index

No.	Title
C-1.0	Cover Sheet
C-2.0	Aerial Photograph and Topographic Map
C-3.0	Existing Conditions Plan
C-4.0	Site Plan
C-5.0	Elevations
C-6.0	Details



architecture  
 engineering  
 landscape architecture  
 planning  
 surveying



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1118 WALNUT LANE  
 LANSDALE, PA 19446  
 267-255-0911



10435 DOWNSVILLE PIKE  
 HAGERSTOWN, MD 21740

## Sleepy Hollow Tower Site

1300 OLD COUNTRY CLUB ROAD  
 CHARLES TOWN, WV 25414  
 MINOR SITE PLAN  
 CONCEPT PLAN  
 OFFICE OF PLANNING & ZONING  
 JEFFERSON COUNTY, WV

AERIAL PHOTOGRAPH,  
 TOPOGRAPHIC MAP, AND  
 CONCEPT PLAN FOR  
 BRECKENRIDGE EAST

© 2021 MELHAM ASSOCIATES, PC

1" = 100'



3/23/22

C-1.0

LEGEND	
---	RIGHT-OF-WAY LINE
---	PROPERTY LINE
---	ADJOINING PROPERTY LINE
---	PROPOSED PROPERTY LINE
---	EXISTING ROAD CENTER LINE
---	EXISTING EASEMENT LINE
---	PROPOSED EASEMENT LINE
---	EXISTING CONTOUR LINE
---	PROPOSED CONTOUR LINE
---	EXISTING EDGE OF PAVEMENT
---	PROPOSED EDGE OF PAVEMENT
---	TOWNSHIP/BORO/COUNTY LINE
---	SOIL BOUNDARY LINE
---	EXISTING ELECTRIC WITH UTILITY POLE
---	EXISTING UNDERGROUND ELECTRIC
○	PROPERTY CORNER (FOUND)
○	PROPERTY CORNER (SET)
□	EXISTING STRUCTURES OR FEATURES
□	PROPOSED STRUCTURE
○	12" SILT SOX (COMPOST FILTER SOX)
---	STABILIZED CONSTRUCTION ENTRANCE
---	LIMIT OF CONSTRUCTION
▲	SOIL TEST LOCATION
---	EXISTING FENCE
□	EXISTING SUBSTATION INFRASTRUCTURE (APPROX)

Jefferson County CONSTRUCTION NOTES (Table 1.2-1)	
1.	Erosion & Sediment Control Measures shall be in place and inspected prior to performing any significant earth disturbing activities and site grading.
2.	Earth Work shall be compacted to the percentages of maximum dry density in accordance with AASHTO T99C, as shown below: a. Roadways..... 98% b. Parking Lots for heavy trucks..... 98% c. Parking Lots for passenger vehicles..... 95% d. Utility line trenches..... 98% e. Building Pads..... 100% The above compaction requirements shall be certified by a professional engineer or a soils technician under the direction of a professional engineer, and acceptable to the County Engineer.
3.	Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate.
4.	Work zone temporary traffic control along a public road shall be in accordance with West Virginia Division of Highway requirements and approval.
5.	Seventy-two (72) hours prior to excavation in public right-of-ways or in areas served by underground utilities, call MISS UTILITY 1-800-245-4848.

Jefferson County SITE WORK MILESTONE INSPECTIONS	
The developer shall request County Engineer inspections minimum of 48 hours in advance (Call 304-729-3228). Inspections shall be requested according to the Table of Milestones shown below:	
1.	Installation of Sediment & Erosion Control Devices prior to beginning site grading.
2.	Roadway and/or parking lot subgrade proof roll prior to placing stone base.
3.	Roadway and/or parking lot stone base depth check prior to placing asphalt or concrete pavement.
4.	Water system and Sanitary sewer system inspection and approval by the public service district/utility prior to backfilling of trenches.
5.	Final inspection including but not limited to: seeding & mulching, roadway & parking lot paving, sidewalks, storm drainage and stormwater management systems, traffic control signs & pavement markings, landscaping, etc.
Note: The County Engineer may accept "third-party" inspection and certification reports in place of inspections performed by the Office of Engineering, upon prior approval. "Third-party" inspection reports shall be submitted in the format specified by the County Engineer.	

Jefferson County – Complete List of Waivers/Variations (Table 1.2-2)			
Ordinance	Section of Ordinance	Description of Waiver or Variance	Date Granted
ZONING	SECTION 48.7.02.a VARIANCE	INCREASED THE HEIGHT RESTRICTION FROM 100' TO 150' FOR A PROPOSED COMMUNICATIONS TOWER	12/10/2020

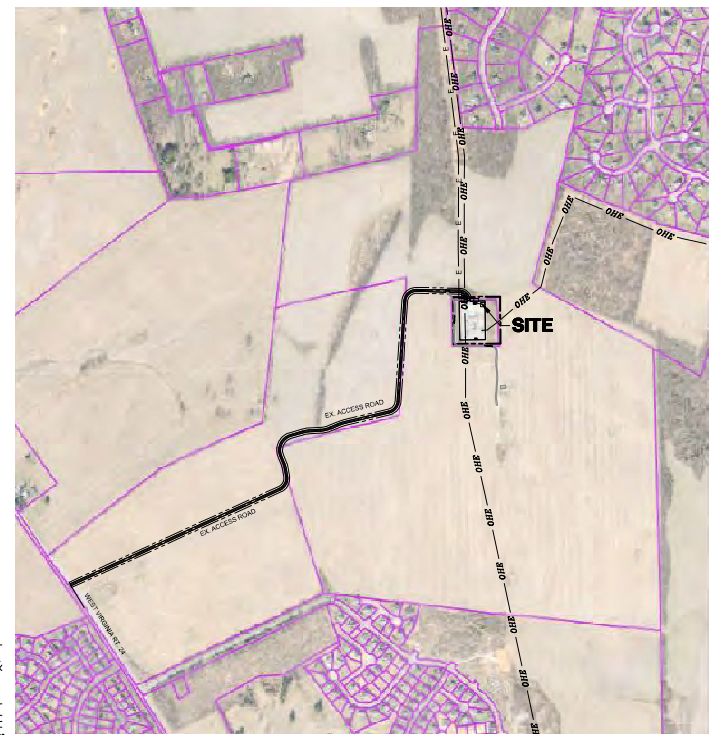
Jefferson County, West Virginia

PRELIMINARY PLAT APPROVAL

SITE PLAN APPROVAL

BY \_\_\_\_\_ Date \_\_\_\_\_  
 County Engineer

BY \_\_\_\_\_ Date \_\_\_\_\_  
 County Planner



TAX MAP OVERLAY  
 SCALE: 1" = 500'



**SITE DATA**

**OWNER:**  
THE POTOMAC EDISON COMPANY  
1445 DOWNVILLE PIKE  
HAGERSTOWN, MD 21740

**APPLICANT:**  
ROHARD A. MAROUSS, FIRST ENERGY  
1665 BOND HAVEN  
MILLERSPORT MD, WALSTON WV-WFSC  
(301) 331-7006, (301) 798-6146  
mroah@melhamassoc.com

**PHYSICAL PROPERTY ADDRESS:**  
1300 OLD COUNTRY CLUB ROAD  
CHARLES TOWN, WV 25414

**TAX DISTRICT:**  
MAP NO. HARRIS FERRY (04)  
PARCEL NO. 0400100030005  
DEED BOOK 801  
PAGE NO. 864

**TOTAL TRACT AREA:**  
EXISTING IMPERVIOUS COVERAGE: 159,832 SF ± (3,669.2 ACRES ±)  
PROPOSED IMPERVIOUS COVERAGE: 73,319 SF ± (1,683.2 ACRES ±) = 45.9% IMPERVIOUS

**EXISTING/PROPOSED WATER SERVICE:** N/A  
**EXISTING/PROPOSED SEWER SERVICE:** N/A  
**EXISTING USE:** N/A (SUBSTATION)  
**PROPOSED USE:** UTILITY (SUBSTATION & TELECOMMUNICATIONS TOWER)

**ZONING DATA**

ZONING DISTRICT:	RESIDENTIAL GROWTH (RG)
DEVELOPMENT TYPE:	COMMERCIAL
MINIMUM LOT AREA (MLA):	N/A
MINIMUM LOT WIDTH:	N/A
MAXIMUM BUILDING HEIGHT:	35'
IMPERVIOUS SURFACE LIMIT:	35%
BUILDING SETBACK REQUIREMENTS:	FRONT 25' SIDE 10' REAR 25'
PARKING/DRIVE AISLE SETBACKS:	FRONT 10' SIDE 10' REAR 10'

**VARIANCE APPROVED**

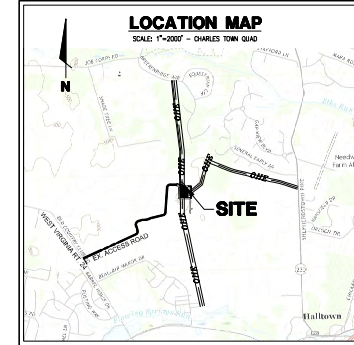
VARIANCE REQUEST FROM SECTION 48-12.2.a TO INCREASE THE HEIGHT RESTRICTION FROM 100' TO 150' FOR A PROPOSED TELECOMMUNICATIONS TOWER WAS GRANTED BY BOA 12/10/20 (20-40-2V).

**CONSTRUCTION SCHEDULE**

TOWER FOUNDATION POURED: JULY 2022  
TOWER FOUNDATION CURE TIME: 28 DAYS  
MONOPOLE AND ANTENNA INSTALLATION: AUGUST 2022

**GENERAL NOTES**

- THE PURPOSE OF THIS PLAN IS TO CONSTRUCT A 150' COMMUNICATIONS MONOPOLE TOWER WITHIN AN EXISTING SUBSTATION COMPOUND.
- EXISTING SUBSTATION LAYOUT AND EXISTING CONDITIONS SHOWN PER 'SLEEPY HOLLOW SUBSTATION SCREENING PLAN' BY ALLEGHENY POWER SERVICE CORP. DATED 12/7/93 SUPPLEMENTED WITH AVAILABLE DEEDS AND AERIAL PHOTOGRAPHY. NO SURVEY HAS BEEN PERFORMED AS PART OF THIS PLAN.
- EXISTING SUBSTATION CONTROL BUILDING LAYOUT TAKEN FROM 'SLEEPY HOLLOW SUBSTATION 16.06 CONTROL BUILDING CABLE TRAY LAYOUT PLAN' BY ALLEGHENY POWER SYSTEM DATED JANUARY 6, 1994.
- EXISTING SUBSTATION ELECTRICAL LAYOUT TAKEN FROM 'SLEEPY HOLLOW SUBSTATION ELECTRICAL LAYOUT ELEVATIONS 0-A, 0-B, C-0 & 1-A/1-B PLAN BY FIRST ENERGY DATED OCTOBER 15, 2016, AND 'SLEEPY HOLLOW SUBSTATION FOUNDATION AND FENCE LAYOUT PLAN' BY FIRST ENERGY DATED JANUARY 6, 1994.
- THERE IS NO 100-YEAR FLOODPLAIN ON THE SITE PER FEMA MAP PANEL 54037C025E DATED 12/18/2009.
- THERE ARE NO WETLANDS WITHIN THE FENCED COMPOUND AREA.
- SOURCE OF BOUNDARY DESCRIPTION TAKEN FROM ALLEGHENY POWER SYSTEM PLANS DATED DECEMBER 7, 1993, ROTATED TO SPDS BY NORTH MAGS.
- BALLOON TEST PERFORMED ONSITE NOVEMBER 4, 2020. SEE ACCOMPANYING REPORT.
- NO CO-LOCATIONS ARE PLANNED FOR THIS PROPOSED TOWER.
- THE PROPOSED TOWER WILL BE CALVAZINIZED GRAY TO BLEND IN WITH BACKGROUND SKY.
- PER GIS TRANSPORTATION W/GOV, OLD COUNTRY CLUB ROAD (WV STATE ROAD 24) IS A MINOR COLLECTOR ROAD WITH A TRAFFIC ADT OF 2394 AS RECORDED IN THE YEAR 2020.
- THE TRAFFIC COUNT/TRIP GENERATION FOR THE PROPOSED PROJECT IS ZERO.
- ACCORDING TO THE 'JEFFERSON JEFFERSON 2035' COMPREHENSIVE PLAN, THE NEAREST HIGHWAY PROBLEM AREA IS DANIEL ROAD, AT THE INTERSECTION WITH FLOWING SPRINGS ROAD JUST NORTH OF OLD COUNTRY CLUB ROAD.
- SIGNAGE AT ANY GROUND-BASED PORTION OF A FACILITY SITE SHALL CONFORM TO FCC AND FAA STANDARDS. NO COMMERCIAL SIGNAGE IS PERMITTED.
- TOWERS SHALL NOT BE LIGHTED OR MARKED UNLESS REQUIRED BY THE FCC OR FAA.
- GENERATORS MAY NOT BE USED AS A PRIMARY ELECTRICAL POWER SOURCE. BACKUP GENERATORS SHALL ONLY BE OPERATED DURING POWER OUTAGES OR FOR TESTING AND MAINTENANCE PURPOSES. TESTING AND MAINTENANCE OF A GENERATOR SHALL ONLY TAKE PLACE ON WEDNESDAYS BETWEEN THE HOURS OF 8:00 A.M. AND 3:00 P.M.
- ALL ADJOINING PROPERTIES ARE VACANT OR AGRICULTURAL USE.
- ACCORDING TO THE 'JEFFERSON JEFFERSON 2035' COMPREHENSIVE PLAN, THE NEAREST KEY INTERSECTION IS THE INTERSECTION OF OLD COUNTRY CLUB ROAD (ROUTE 24) WITH FLOWING SPRINGS ROAD (ROUTE 17). FLOWING SPRINGS ROAD IS CLASSIFIED AS A MAJOR COLLECTOR / SECONDARY HIGHWAY.
- THE PROPOSED FALL RADIOS EXEMPT MUST BE RECORDED PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT.



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landscape architecture  
planning  
surveying

**melham ASSOCIATES, PC**

2247 North Front Street  
Harrisburg, PA 17110

tel 717 238 5000  
fax 717 236 2600  
www.melham.com

1118 WALNUT LANE  
LANSDALE, PA 19446  
267-256-0911

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**PotomacEdison**  
A Fortis Energy Company

16455 DOWNVILLE PIKE  
HAGERSTOWN, MD 21740

PROJECT:

**Sleepy Hollow Tower Site**

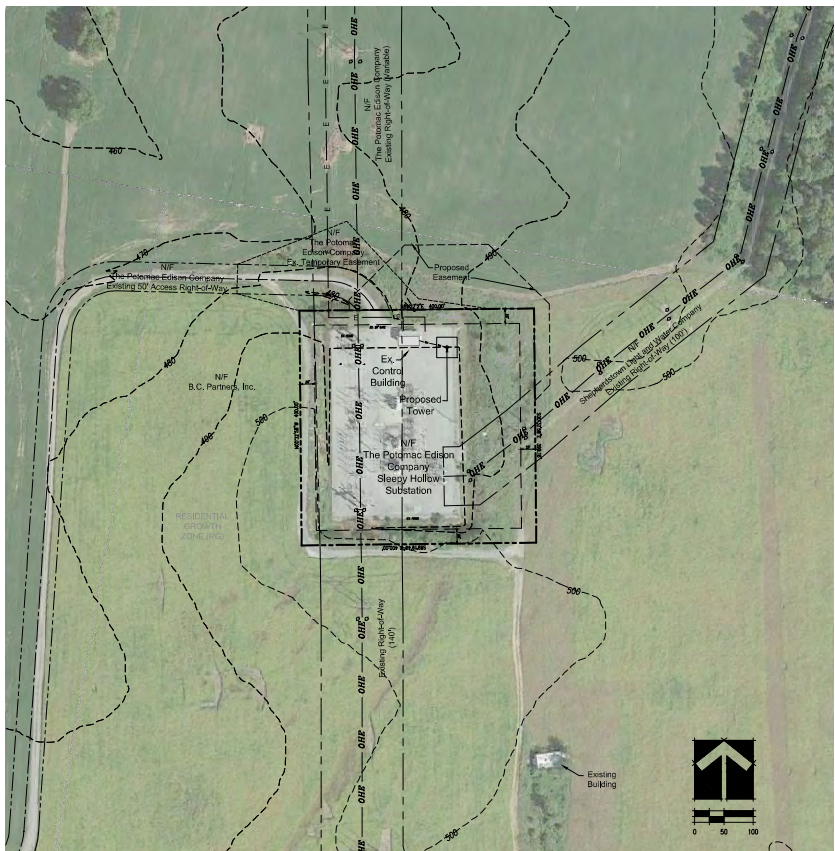
1300 OLD COUNTRY CLUB ROAD  
CHARLES TOWN, WV 25414

PHASE:

MINOR SITE PLAN  
CONCEPT PLAN  
OFFICE OF PLANNING & ZONING  
JEFFERSON COUNTY, WV

01/24/2023

Robert J. Heath PE, LLC



AERIAL PHOTOGRAPH AND TOPOGRAPHIC MAP  
SCALE: 1" = 100'

AERIAL PHOTOGRAPH AND TOPOGRAPHIC MAP

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SCALE:

1" = 100'

JOB # 10788

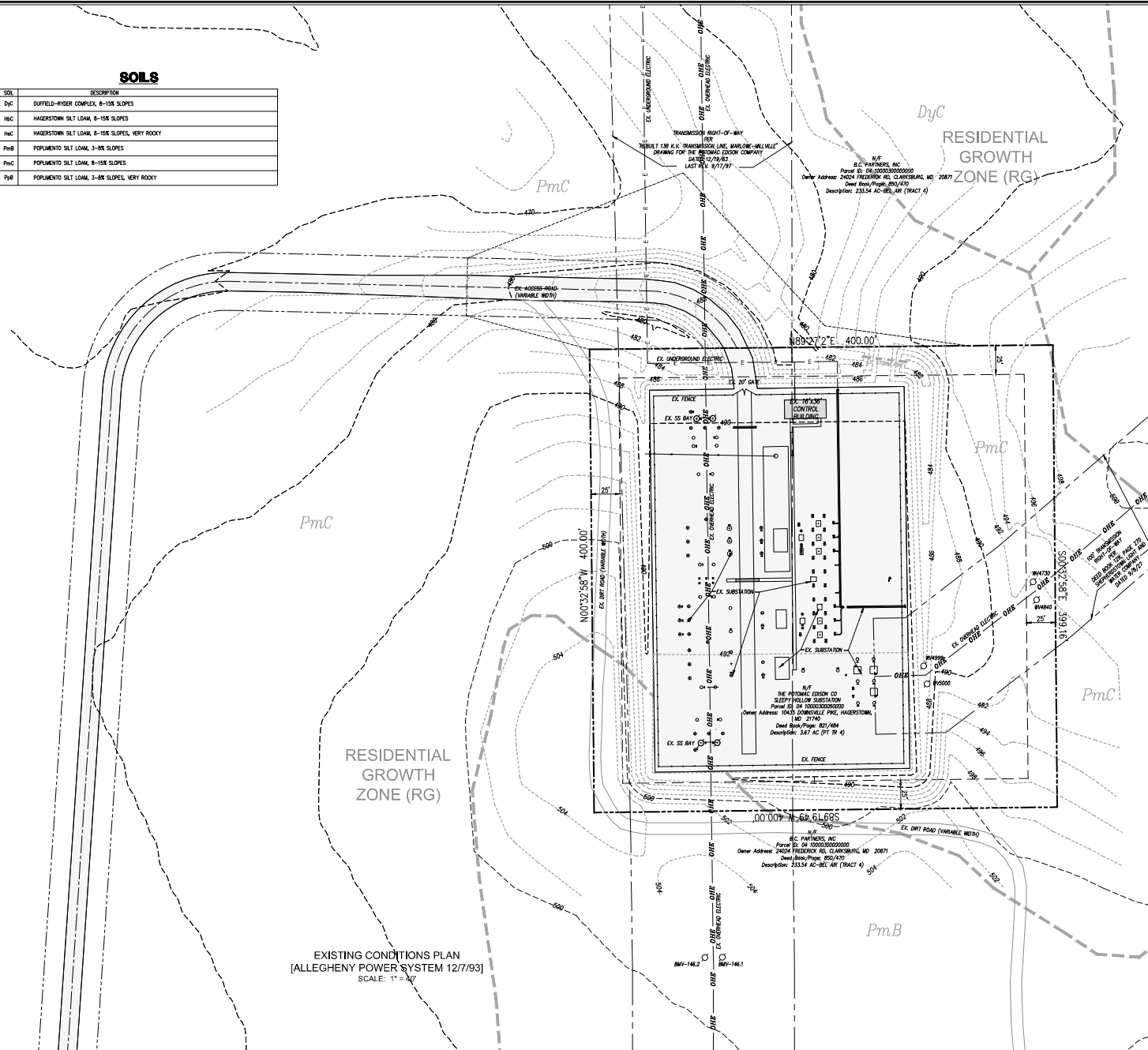
USER 10788@mel.com

DATE 3/23/22

SHEET

**C-2.0**

SOIL	DESCRIPTION
DyC	DUFFIELD-RIDER COMPLEX, 8-15% SLOPES
H8C	HAGERSTOWN SILT LOAM, 8-15% SLOPES
H8c	HAGERSTOWN SILT LOAM, 8-15% SLOPES, VERY ROCKY
PmB	POPOMENTO SILT LOAM, 3-8% SLOPES
PmC	POPOMENTO SILT LOAM, 8-15% SLOPES
PmB	POPOMENTO SILT LOAM, 3-8% SLOPES, VERY ROCKY



EXISTING CONDITIONS PLAN  
 (ALLEGHENY POWER SYSTEM 127/93)  
 SCALE: 1" = 40'

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 267-256-0911

CLIENT

**PotomacEdison**  
 A Potomac Company

10455 DOWNSVILLE PIKE  
 HAGERSTOWN, MD 21740

PROJECT

**Sleepy Hollow  
 Tower Site**

1300 OLD COUNTRY CLUB ROAD  
 CHARLES TOWN, WV 24744

PHASE

MINOR SITE PLAN  
 CONCEPT PLAN  
 OFFICE OF PLANNING & ZONING  
 JEFFERSON COUNTY, WV

DRAWING

EXISTING CONDITIONS  
 PLAN

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SCALE

1" = 40'

JOB #

10785

USER

10785mk.dwg

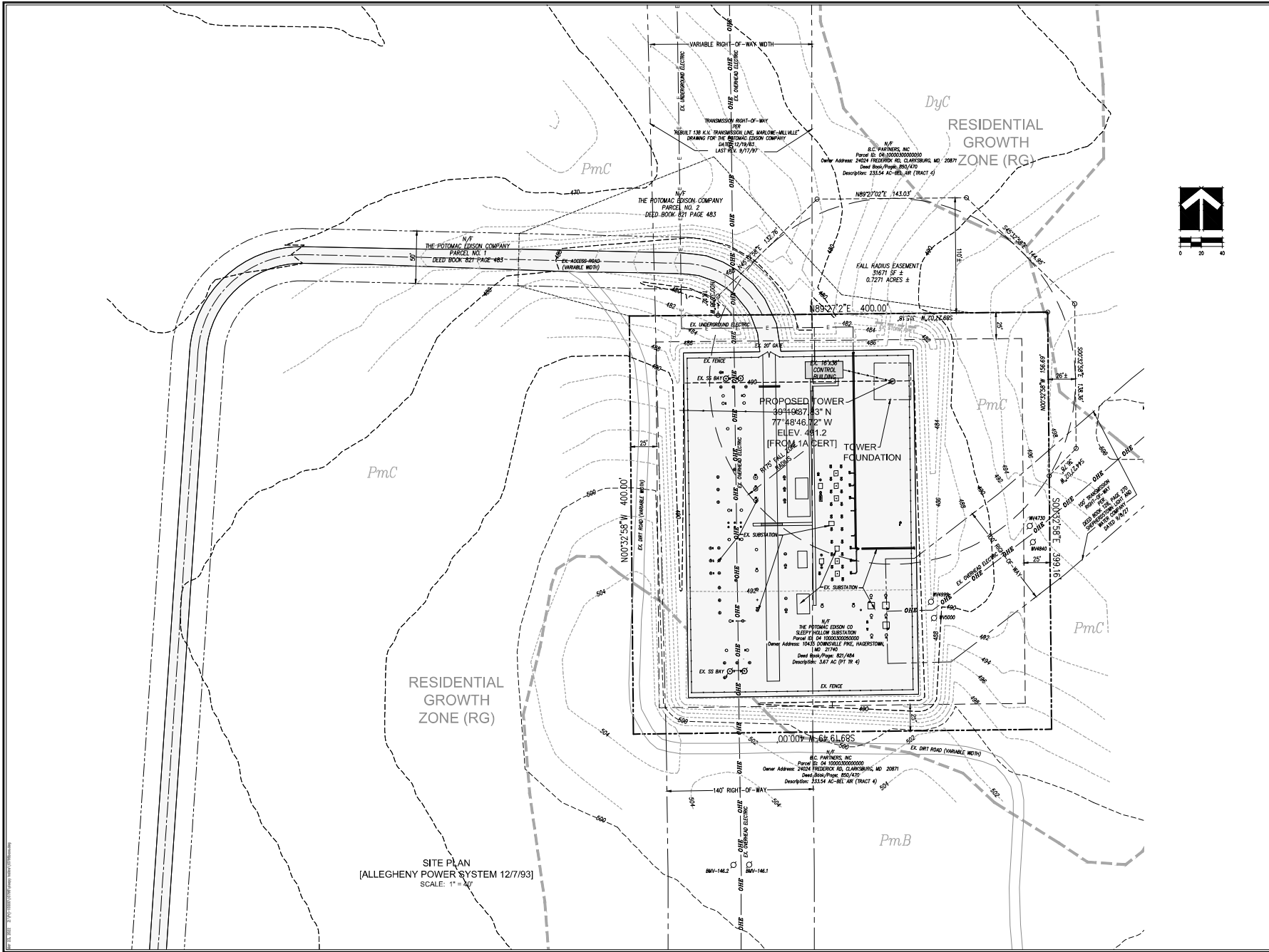
DATE

3/23/22

SHEET

C-3.0



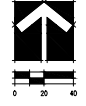


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 267256-0911



10455 DOWNSVILLE PIKE  
 HAGERSTOWN, MD 21740

### Sleepy Hollow Tower Site

1300 OLD COUNTRY CLUB ROAD  
 CHARLES TOWN, WV 24744

MINOR SITE PLAN  
 OFFICE OF PLANNING & ZONING  
 JEFFERSON COUNTY, WV

### SITE PLAN

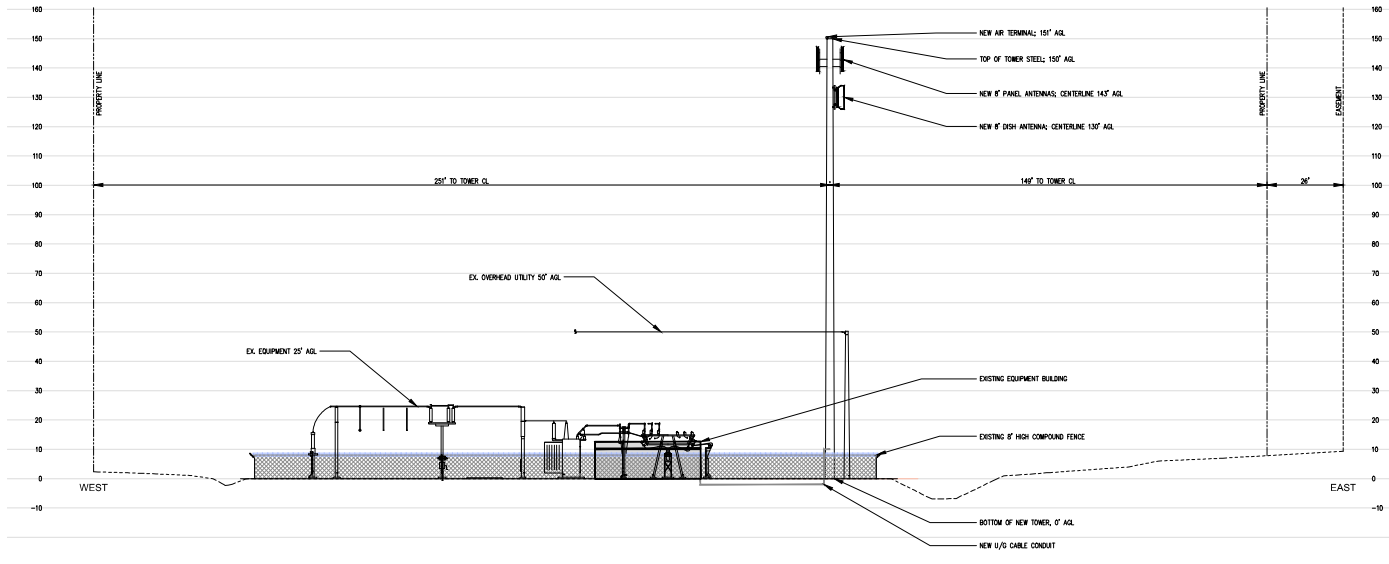
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SCALE: 1" = 40'

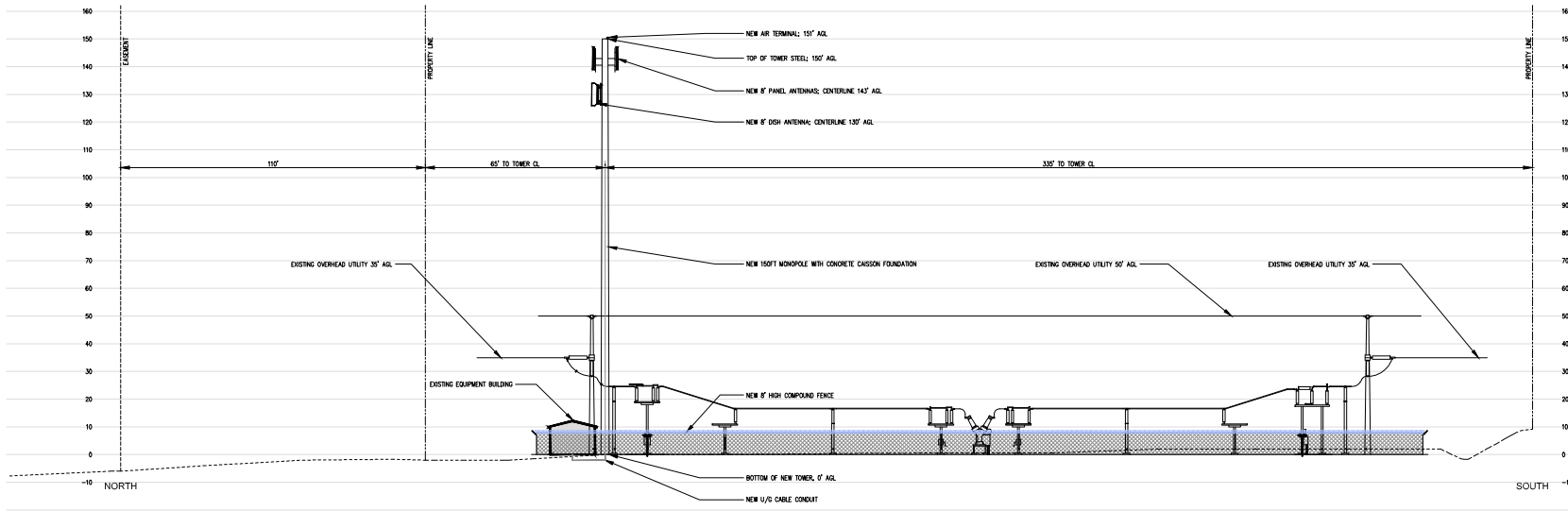


3/23/22

### C-4.0



ELEVATION WEST-EAST  
SCALE: 1" = 20'



ELEVATION NORTH-SOUTH  
SCALE: 1" = 20'

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ASSOCIATES, PC

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Robert J. Heath PE, LLC

1118 WALNUT LANE  
LANSDALE, PA 19446  
2672562911

CLIENT

**PotomacEdison**  
A PotomacEnergy Company

10455 DOWNSVILLE PIKE  
HAGERSTOWN, MD 21740

PROJECT

## Sleepy Hollow Tower Site

1300 OLD COUNTRY CLUB ROAD  
CHARLES TOWN, WV 26434

PHASE

MINOR SITE PLAN  
CONCEPT PLAN  
OFFICE OF PLANNING & ZONING  
JEFFERSON COUNTY, WV

DRAWING

### ELEVATIONS

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SCALE

1" = 40'

JOB #

10785

USER

1078@melham.com

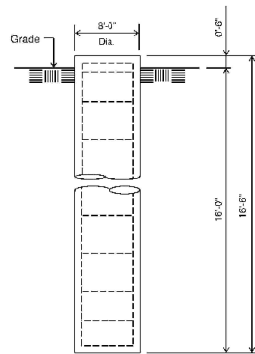
DATE

3/23/22

SHEET

C-5.0





**ELEVATION VIEW**  
(80.72 Cu. Yds.)

Rebar Schedule for Pier	
Pier	(48) #8 vertical rebar w/ #5 ties, (2) within top 5' of pier, then 7" C/C

**TOWER FOUNDATION DETAILS**

- Notes:**
- Concrete shall have a minimum 28-day compressive strength of 4,500 psi, in accordance with ACI 318-14.
  - Rebar to conform to ASTM specification A615 Grade 60.
  - All rebar to have a minimum of 3" concrete cover.
  - All exposed concrete corners to be chamfered 3/4".
  - The foundation design is based on the geotechnical report by Kleinfelder, Inc., Project No. 20223415.001A, dated December 17, 2021.
  - See the geotechnical report for drilled pier installation requirements, if specified.
  - The bottom anchor bolt template shall be positioned as closely as possible to the bottom of the anchor bolts.



**TYPICAL MONOPOLE PHOTOGRAPH**  
NO SCALE



**Sleepy Hollow Tower Site**

1300 OLD COUNTRY CLUB ROAD  
CHARLES TOWN, WV 24744

PHASE

MINOR SITE PLAN  
CONCEPT PLAN  
OFFICE OF PLANNING & ZONING  
JEFFERSON COUNTY, WV

DRAWING

**TOWER DETAILS AND SITE PLAN**

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SCALE

1" = 40'

JOB#

10785

USER

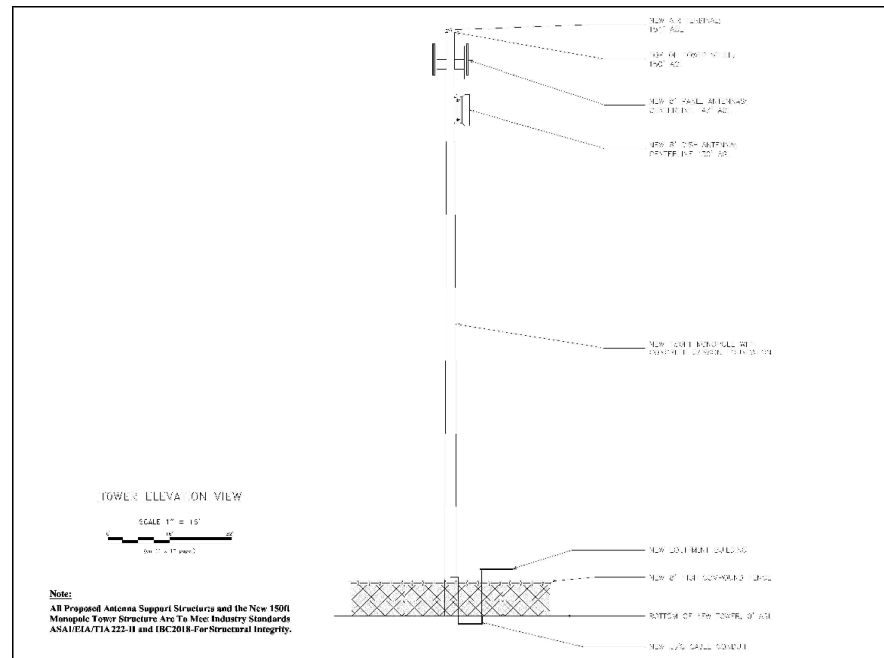
10785mk.dwg

DATE

3/23/22

SHEET

**C-6.0**



**TOWER ELEVATION VIEW**

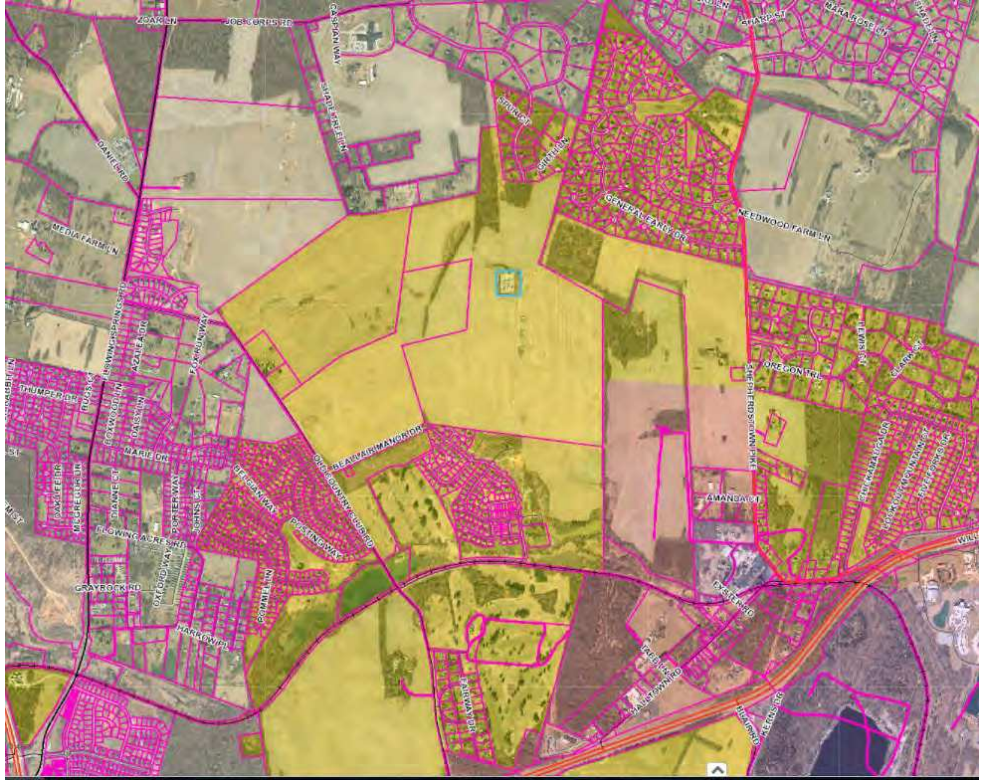
SCALE 1" = 40'  
(0.1" = 4' 0")

**Note:**  
All Proposed Antenna Support Structures and the New 150ft Monopole Tower Structure Are To Meet Industry Standards ANSI/EIA/TIA 223-II and IBC2018 For Structural Integrity.

Staff Report  
 Jefferson County Planning Commission Meeting  
 April 12, 2022

**Sleepy Hollow (Cell Tower) Waiver Request (File #: 22-8-PCW)**

**Item #4: Public Hearing:** Request for a waiver from Section 11.1B of the Subdivision Regulations, which requires a Site Plan for all new telecommunication towers.

Owner/ Applicant	The Potomac Edison Company-First Energy/Richard Marquiss
Parcel Location and Information	<p style="text-align: center;">1320 Old Country Club Rd, Charles Town          Parcel ID: 04001000030005; Size: 3.6692 ac;          Zoning District: Residential Growth</p> 
Adjacent Zoning Districts	<i>North, South, East, West: Residential Growth</i>
Proposed Activity	The applicant proposes a new 150' telecommunications tower located within the existing fenced substation facility, which is completely surfaced with crushed stone. There is no new impervious area, nor the need for any stormwater management
Approvals:	<ul style="list-style-type: none"> <li>• Public Workshop for Sleepy Hollow Cell Tower Concept Plan (22-1-SP) on 4-12-22 Planning Commission Agenda</li> <li>• Property owned by Potomac Edison since 1995 and developed as an electrical substation</li> </ul>
Waivers/Variances:	20-40-ZV Variance to increase the height restriction from 100' to 150' for a proposed wireless telecommunications tower; approved by BZA 12-10-20

**Summary of the Request**

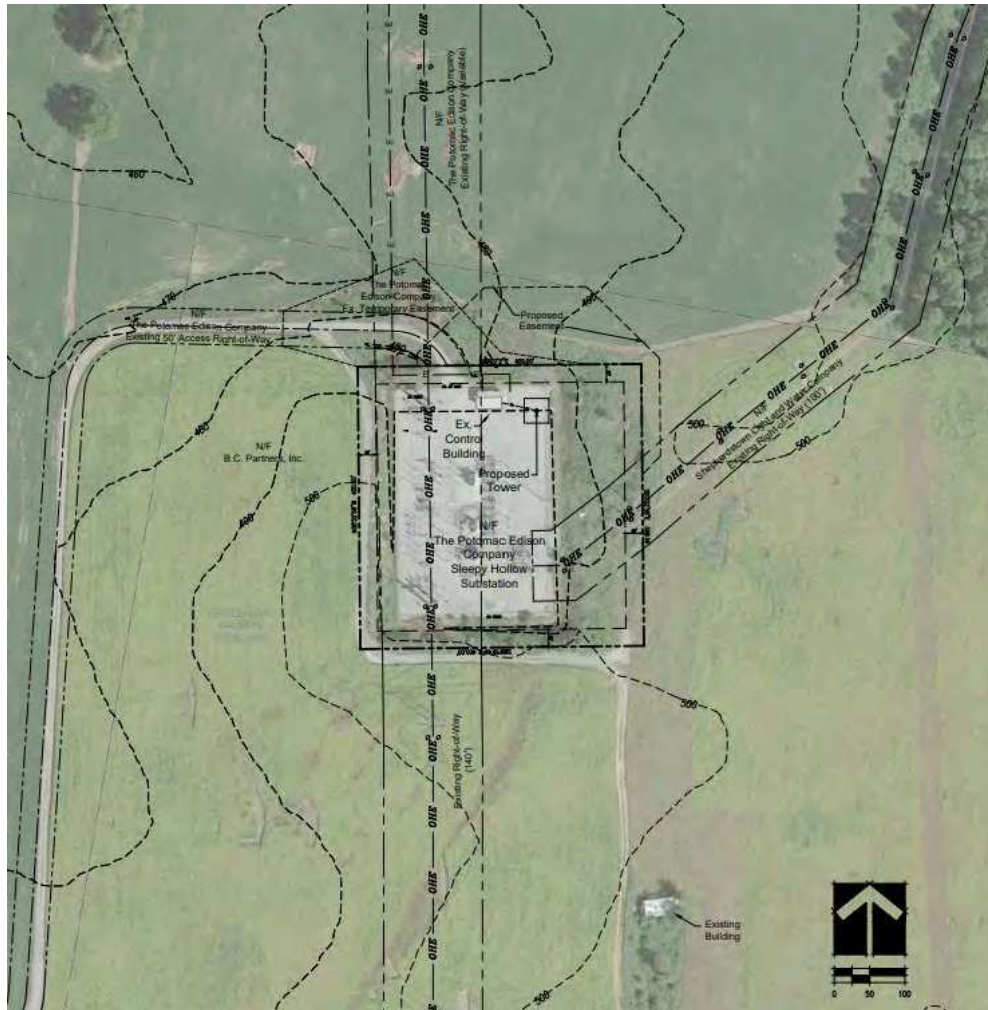
The applicant is requesting to waive the required Minor Site Plan for their proposed 150' monopole tower within the existing substation property. The 3.67-acre site is owned by Potomac Edison and is fully

Staff Report  
Jefferson County Planning Commission Meeting  
April 12, 2022

**Sleepy Hollow (Cell Tower) Waiver Request (File #: 22-8-PCW)**

developed as an electrical substation. The applicant has represented that the tower will be utilized only for Potomac Edison’s internal data transmission and no co-location will be permitted.

The application notes that because the property is completely surfaced with crushed stone for the substations and no new impervious area is needed for the proposed monopole, no stormwater management will be required. They are concluding that this means there is no need to process a Site Plan for this property at this time.



**Subdivision Requirements and Discussion**

Section 11.1B, “Site Plans for Communications Towers”, of the Subdivision Regulations, states that “any site developed for a communication tower shall require a Site Plan”. Additionally, Section 4.B7 (A) of the Jefferson County Zoning and Land Development Ordinance requires a minor site plan to be processed for all new wireless telecommunications towers, after the submission of a Concept Plan. Because this section of the Zoning Ordinance refers to the Subdivision Regulations, this waiver will be all that is required to eliminate this requirement.

Section 20.203 “Minor Site Development” of the Subdivision Regulations (excerpt below), requires all projects to process a Site Plan if the footprint of the proposed addition or the new structure is greater than 1,200 square feet; OR if additional parking is required per the Zoning Ordinance; OR if the disturbed

Staff Report  
Jefferson County Planning Commission Meeting  
April 12, 2022

**Sleepy Hollow (Cell Tower) Waiver Request (File #: 22-8-PCW)**

area is more than 5,000 square feet. Additionally, Section 20.203B of the Subdivision Regulations states that a Concept Plan is required if the all new structures or new additions to structures located on the parcel total more than 5,000 square feet.

The applicant is requesting that this proposed project be classified as a “No Site Plan” because they believe that the construction of the proposed 150’ monopole on the existing impervious area will not require any engineered site improvements that would generally be incorporated into a Site Plan. No additional parking is being generated and the footprint of the monopole will be on a currently graveled area of the property. A 165’ fall zone easement (or property merger) will be required under which no residential structures can be constructed.

Should the Planning Commission grant the waiver, the applicant will still need to process a Zoning Certificate and will also be required to obtain any necessary agency approvals prior to the issuance of a building permit. As for stormwater management, a limited site plan would only address the increase in impervious area being proposed. Since the tower structure is being proposed on an existing site with existing access road, the increase in impervious area should be minimal or below the “No Site Plan” criteria found in Section 20.203B.1 of the Subdivision Regulations.

**Staff Recommendation**

Site Plans are engineered documents that depict the site improvements required by the Subdivision Regulations, including, but not limited to, stormwater management, landscaping, parking and drive aisle layout, bonding and signage. It is generally preferred that Site Developments in commercial zoning districts or for any commercial developments meet the Site Plan requirements of the Subdivision Regulations. The uniqueness of the requested installation of the proposed monopole within a previously developed electrical substation does create an opportunity for the applicant to make their argument to the Planning Commission for a determination regarding the waiver request. Under these unique circumstances, Staff recommends waiving the requirement for a site plan, but requiring the submittal of a plan meeting the “No Site Plan” criteria for the Project File.

It should be noted that if the Planning Commission is inclined to grant the waiver from requiring a site plan, that the applicant will still need to process a Zoning Certificate and will also be required to obtain any necessary agency approvals prior to the issuance of a building permit.

**Sleepy Hollow (Cell Tower) Waiver Request (File #: 22-8-PCW)**

**Sections of Subdivision Regulations under Consideration:**

**Section 20.203 Minor Site Development**

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

**B. Site Plan Classifications**

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

1. **No Site Plan or Stormwater Management Plan.** No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:
  - a. The footprint of the addition or the new structure is less than 1,200 square feet; and
  - b. No additional parking is required per Zoning Ordinance standards; and
  - c. The disturbed area is no more than 5,000 square feet.

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

**Waiver Requirements**

The applicant has provided 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**  
**Dept. of Engineering, Planning, and Zoning**  
**Office of Planning and Zoning**  
 116 East Washington Street, P.O. Box 716  
 Charles Town, WV 25414  
 www.jeffersoncountywv.org

File Number: 22-8-PCW  
 Staff Initials: jth  
 Sketch Received: x  
 List of Adjoiners: x  
 Fees Paid: 100.00

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

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

**Waiver Request**

*Note: Waivers from the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.*

*Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.*

**Property Owner Information**

Name: POTOMAC EDISON COMPANY  
 Mailing Address: 10435 DOWNSVILLE PIKE HAGERSTOWN MD 21740  
 Phone Number: (301)331-7026 Email: rmarqui@firstenergycorp.com

**Applicant Contact Information**

Name: First Energy Richard Marquiss  
 Mailing Address: 10802 Bower Ave Williamsport MD  
 Phone Number: (301)331-7026 Email: rmarqui@firstenergycorp.com

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

Name: Melham Associates, PC John Melham  
 Mailing Address: 2247 N Front Street Harrisburg PA 17110  
 Phone Number: (717)2385000 Email: jason@melham.com

**Physical Property Details**

Physical Address 1320 OLD COUNTRY CLUB RD CHARLES TOWN WV 25414  
 Tax District: Harpers Ferry (04) Map No: 10 Parcel No: 0400100030005  
 Parcel Size: 3.6692 acres Deed Book: 821 Page No: 484

**Zoning District (please check one)**

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

Received 03/18/22 - jth

Place Date Stamp Here

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

~~Section 11.1.B. 'Any site developed for a communication tower shall require a Site Plan.'~~

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

~~The plan proposes a new communications tower located within the existing fenced substation facility, which is completely surfaced with crushed stone. There is no new impervious area, nor the need for any stormwater management. The Concept Plan and attachments submitted to date have addressed the intention of the Site Plan.~~

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

~~The project will have no effect on County maintenance costs, open space, or parkland.~~

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

~~The project will have no effect on public health, safety, or welfare of the adjacent property owners. An easement for the fall zone has been purchased from adjoining landowner.~~

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

~~The Concept Plan and attachments submitted to date have addressed the intention of the Site Plan.~~

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

~~The Concept Plan and attachments submitted to date have addressed the intention of the Site Plan. An additional 3-6 month delay to submit a Site Plan containing essentially the same information will unnecessarily delay installation of the tower. Enhanced communication among energy facilities will improve the existing energy grid.~~

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

3/18/22

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

John Melham, agent for Owner

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

**To Be Completed By Office**

04/12/22 Date of Public Meeting/Public Hearing

03/29/22 Date Property to be Posted By

\_\_\_\_\_  
Official/Administrative Body

03/24/22 Date Adjoiner Letters to be Mailed

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

Approved       Denied

**SITE DATA**

**OWNER:** THE POTOMAC EDISON COMPANY  
1445 DOWNVILLE PIKE  
HAGERSTOWN, MD 21740

**APPLICANT:** ROHARD A. MAROUSS, FIRST ENERGY  
1065 BOND HAVEN  
MILLERSPORT MD, WALSTON WV-WFSC  
(301) 331-7006, (301) 798-6146  
marouss@firstenergy.com

**PHYSICAL PROPERTY ADDRESS:** 1300 OLD COUNTRY CLUB ROAD  
CHARLES TOWN, WV 25414

**TAX DISTRICT:** HARRIS FERRY (04)  
**MAP NO.:** 10  
**PARCEL NO.:** 0400100030005  
**DEED BOOK:** 801  
**PAGE NO.:** 864

**TOTAL TRACT AREA:** 159,832 SF ± (3.6662 ACRES ±)  
**EXISTING IMPERVIOUS COVERAGE:** 73,319 SF ± (1.6832 ACRES ±) = 45.9% IMPERVIOUS  
**PROPOSED IMPERVIOUS COVERAGE:** 73,319 SF ± (1.6832 ACRES ±) = 45.9% IMPERVIOUS

**EXISTING/PROPOSED WATER SERVICE:** N/A  
**EXISTING/PROPOSED SEWER SERVICE:** N/A  
**EXISTING USE:** N/A (SUBSTATION)  
**PROPOSED USE:** UTILITY (SUBSTATION & TELECOMMUNICATIONS TOWER)

**ZONING DATA**

ZONING DISTRICT:	RESIDENTIAL GROWTH (RG)
DEVELOPMENT TYPE:	COMMERCIAL
MINIMUM LOT AREA (MLA):	N/A
MINIMUM LOT WIDTH:	N/A
MAXIMUM BUILDING HEIGHT:	35'
IMPERVIOUS SURFACE LIMIT:	35%
BUILDING SETBACK REQUIREMENTS:	FRONT 25' SIDE 10' REAR 25'
PARKING/DRIVE AISLE SETBACKS:	FRONT 10' SIDE 10' REAR 10'

**VARIANCE APPROVED**

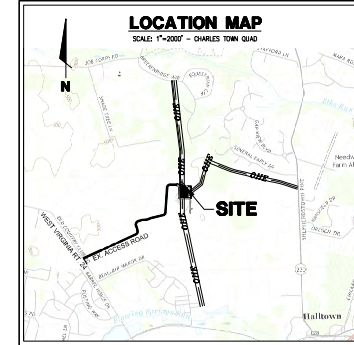
VARIANCE REQUEST FROM SECTION 48-12.2.a TO INCREASE THE HEIGHT RESTRICTION FROM 100' TO 150' FOR A PROPOSED TELECOMMUNICATIONS TOWER WAS GRANTED BY BOA 12/10/20 (20-40-2V).

**CONSTRUCTION SCHEDULE**

TOWER FOUNDATION POURED: JULY 2022  
TOWER FOUNDATION CURE TIME: 28 DAYS  
MONOPOLE AND ANTENNA INSTALLATION: AUGUST 2022

**GENERAL NOTES**

- THE PURPOSE OF THIS PLAN IS TO CONSTRUCT A 150' COMMUNICATIONS MONOPOLE TOWER WITHIN AN EXISTING SUBSTATION COMPOUND.
- EXISTING SUBSTATION LAYOUT AND EXISTING CONDITIONS SHOWN PER 'SLEEPY HOLLOW SUBSTATION SCREENING PLAN' BY ALLEGHENY POWER SERVICE CORP. DATED 12/7/93 SUPPLEMENTED WITH AVAILABLE DEEDS AND AERIAL PHOTOGRAPHY. NO SURVEY HAS BEEN PERFORMED AS PART OF THIS PLAN.
- EXISTING SUBSTATION CONTROL BUILDING LAYOUT TAKEN FROM 'SLEEPY HOLLOW SUBSTATION 16.06 CONTROL BUILDING CABLE TRAY LAYOUT PLAN' BY ALLEGHENY POWER SYSTEM DATED JANUARY 6, 1994.
- EXISTING SUBSTATION ELECTRICAL LAYOUT TAKEN FROM 'SLEEPY HOLLOW SUBSTATION ELECTRICAL LAYOUT ELEVATIONS 0-H, 0-H, C-0 & H-H' PLAN BY FIRST ENERGY DATED OCTOBER 15, 2016, AND 'SLEEPY HOLLOW SUBSTATION FOUNDATION AND FENCE LAYOUT PLAN' BY FIRST ENERGY DATED JANUARY 6, 1994.
- THERE IS NO 100-YEAR FLOODPLAIN ON THE SITE PER FEMA MAP PANEL 54037C025E DATED 12/18/2009.
- THERE ARE NO WETLANDS WITHIN THE FENCED COMPOUND AREA.
- SOURCE OF BOUNDARY DESCRIPTION TAKEN FROM ALLEGHENY POWER SYSTEM PLANS DATED DECEMBER 7, 1993, ROTATED TO SHOW BY NORTH MAGNET.
- BALLOON TEST PERFORMED ONSITE NOVEMBER 4, 2020. SEE ACCOMPANYING REPORT.
- NO CO-LOCATIONS ARE PLANNED FOR THIS PROPOSED TOWER.
- THE PROPOSED TOWER WILL BE CALVAZINIZED GRAY TO BLEND IN WITH BACKGROUND SKY.
- PER GIS TRANSPORTATION/WISGOV, OLD COUNTRY CLUB ROAD (BY STATE ROAD 24) IS A MINOR COLLECTOR ROAD WITH A TRAFFIC ADT OF 2394 AS RECORDED IN THE YEAR 2020.
- THE TRAFFIC COUNT/TRIP GENERATION FOR THE PROPOSED PROJECT IS ZERO.
- ACCORDING TO THE 'JEFFERSON COUNTY 2035 COMPREHENSIVE PLAN, THE NEAREST HIGHWAY PROBLEM AREA IS DANIEL ROAD, AT THE INTERSECTION WITH FLOWING SPRINGS ROAD JUST NORTH OF OLD COUNTRY CLUB ROAD.
- SIGNAGE AT ANY GROUND-BASED PORTION OF A FACILITY SITE SHALL CONFORM TO FCC AND FAA STANDARDS. NO COMMERCIAL SIGNAGE IS PERMITTED.
- TOWERS SHALL NOT BE LIGHTED OR MARKED UNLESS REQUIRED BY THE FCC OR FAA.
- GENERATORS MAY NOT BE USED AS A PRIMARY ELECTRICAL POWER SOURCE. BACKUP GENERATORS SHALL ONLY BE OPERATED DURING POWER OUTAGES OR FOR TESTING AND MAINTENANCE PURPOSES. TESTING AND MAINTENANCE OF A GENERATOR SHALL ONLY TAKE PLACE ON WEDNESDAYS BETWEEN THE HOURS OF 8:00 A.M. AND 3:00 P.M.
- ALL ADJOINING PROPERTIES ARE VACANT OR AGRICULTURAL USE.
- ACCORDING TO THE 'JEFFERSON COUNTY 2035 COMPREHENSIVE PLAN, THE NEAREST KEY INTERSECTION IS THE INTERSECTION OF OLD COUNTRY CLUB ROAD (ROUTE 24) WITH FLOWING SPRINGS ROAD (ROUTE 17). FLOWING SPRINGS ROAD IS CLASSIFIED AS A MAJOR COLLECTOR / SECONDARY HIGHWAY.
- THE PROPOSED FALL RADIOS EXEMPT MUST BE RECORDED PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT.



architecture  
engineering  
landscape architecture  
planning  
surveying



2247 North Front Street  
Harrisburg, PA 17110  
tel 717 238 5000  
fax 717 236 2600  
www.melham.com



1118 WALNUT LANE  
LANSDALE, PA 19446  
267256-0911



1645 DOWNVILLE PIKE  
HAGERSTOWN, MD 21740

**Sleepy Hollow Tower Site**

1300 OLD COUNTRY CLUB ROAD  
CHARLES TOWN, WV 25414

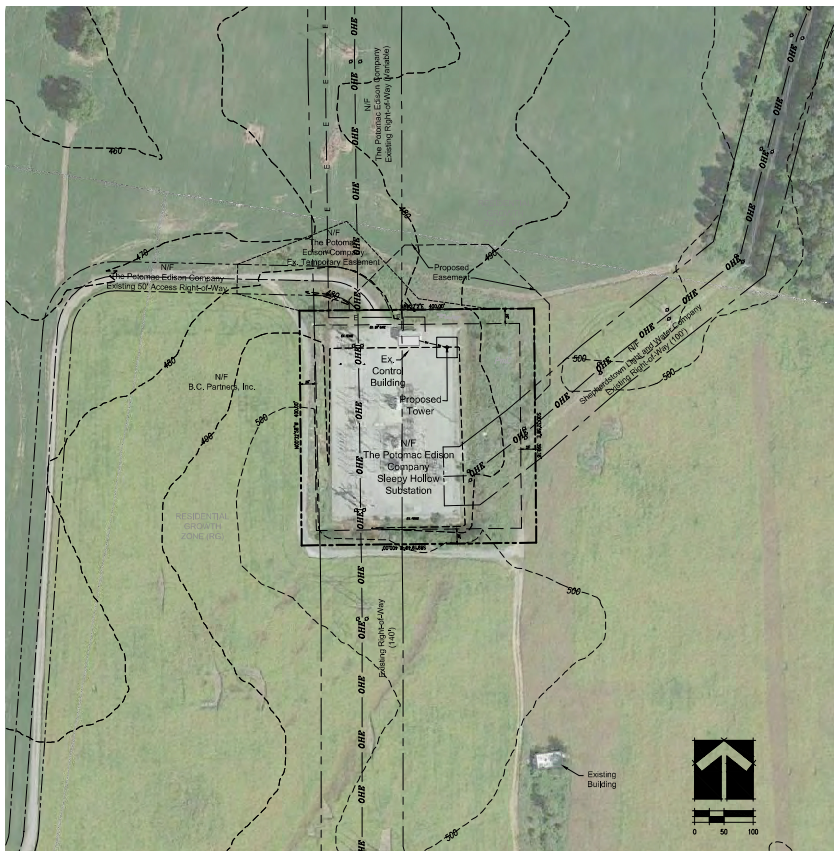
MINOR SITE PLAN  
CONCEPT PLAN  
OFFICE OF PLANNING & ZONING  
JEFFERSON COUNTY, WV

**AERIAL PHOTOGRAPH AND TOPOGRAPHIC MAP**

© 2021 MELHAM ASSOCIATES, PC  
SCALE: 1" = 100'

JOB # 10788  
USER 10788@wv.gov  
DATE 3/23/22  
SHEET

**C-2.0**



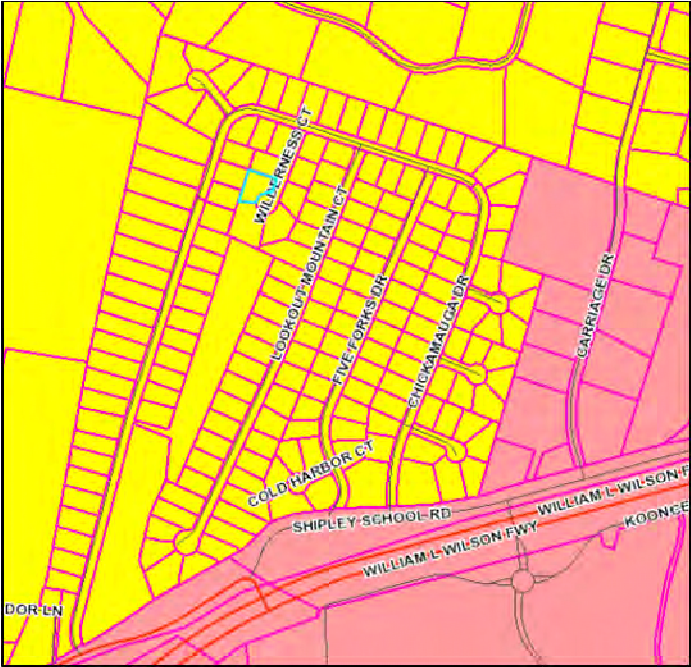
AERIAL PHOTOGRAPH AND TOPOGRAPHIC MAP  
SCALE: 1" = 100'



Staff Report  
 Jefferson County Planning Commission Meeting  
 April 12, 2022

**Palmer Final Plat Amendment (File #: 22-1-FPA)**

**Item # 5: Public Hearing:** Request by property owners Lucas & Melissa Palmer for a Final Plat Amendment to allow a 22' x 44' in-ground pool with surrounding concrete to be located within a platted 10' drainage/utility easement. See Note #15 on Final Plat / PC File 05-26.

Applicant/ Owner	Lucas & Melissa Palmer
Property Location & Information	<p style="text-align: center;">Sheridan Subdivision, Lot 160, 68 Wilderness CT., Harpers Ferry, WV          Parcel ID: 04009D01600000; Size: 0.4 ac;          Zoning District: Residential Growth</p> 
Surrounding Zoning:	North, South, East, West: Residential Growth
Proposed Activity	A 22' x 44' inground pool with surrounding concrete to be located within a platted 10' drainage/utility easement.
History:	<p>Sheridan Subdivision (File 00-33), Phase I, approved 9/23/03 (PB20/PG39):          Lots 1, 26, 38-78, 94, 109, 132, 159 &amp; Residues A-F  <b>Sheridan Subdivision (File 05-26) (subject parcel), Phase II, 08/31/06,</b>          (PB23/PG40):          Lots 2-25, 27-37, 79-93, 95-108, 110-131, 133-158, 160-178          Minor Plat Change (SWM #2): Plat Book 25, Page 248, entry sign          Minor Plat Change (Lots 12-23): Plat Book 25, Page 539          Minor Plat Change (Lots 1-4): Plat Book 25, Page 571</p>
Waivers/ Variances	<p>PC granted Phase I variances to allow lot dimensions to exceed 3:1 (10-9-01) and 6-month extension from CIS approval (09-24-02).          3/24/22: BZA approved a Zoning Variance to reduce the side setback from 12' to 5' and the rear setback from 20' to 5' for the 22' x 44' in-ground pool with surrounding concrete.</p>



Staff Report  
Jefferson County Planning Commission Meeting  
April 12, 2022

**Palmer Final Plat Amendment (File #: 22-1-FPA)**

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment was required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the March 9, 2022 edition of the Spirit of Jefferson newspaper for the April 12, 2022 Planning Commission meeting.

While the 1979 Subdivision Regulations do not contain the restrictive language about permanent encroachments, structures, fences or landscaping being prohibited within any easement area, easements are reserved for specific purposes and staff determined that a structure in one of these required easements requires a Final Plat Amendment. Based on the size of the structure, it is expected that impact on adjoining properties would be minimal. The applicant should be advised that they will need to assume all liability should construction within the drainage easement negatively impact themselves or their neighbors.

**Recommendation**

A review of the As-Built plans in the file indicates that no stormwater management features or utilities were installed within these easement on Lot 160. Therefore, staff recommends approval of the requested Final Plat Amendment to allow the proposed construction within the drainage/utility easement.

Such approval should also be conditioned on the homeowner acknowledging that they fully understand that if there is any negative effect on the drainage in that area, the project is undertaken at the homeowner's risk and the homeowner will need to work with the HOA and impacted properties to resolve the issue.





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-FPA  
 Date Rec'd: 02-28-22  
 Mtg Date: 04-12-22

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

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

**Final Plat Amendment Application**

A request to amend, modify and/or vacate an approved plat must comply with Section 24.202 of the Jefferson County 2008 Subdivision Regulations, as amended.

**Property Owner Information**

Owner Name: Melissa and Lucas Palmer  
 Business Name: \_\_\_\_\_  
 Mailing Address: 608 Wilderness Ct Harpers Ferry, WV 25425  
 Phone Number: 304-218-1342 ; 304-218-1038 Email: MelissaPalmer23@gmail.com ; lcpalmer@gmail.com

**Applicant Information**

Applicant Name: Melissa and Lucas Palmer Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: 608 Wilderness Ct Harpers Ferry, WV 25425  
 Phone Number: 304-218-1342 ; 304-218-1038 Email: MelissaPalmer23@gmail.com ; lcpalmer@gmail.com

**Consultant Information**

Consultant Name: Brian Stoner (store manager)  
 Business Name: Flohr Pools Inc.  
 Mailing Address: 1406 Oak Ridge Pl. Hagerstown, MD 21740  
 Phone Number: 301-791-3400 Email: BStoner@flohrpools.com

**Physical Property Details**

Physical Address: 608 Wilderness Ct Harpers Ferry, WV 25425  
 Parcel ID: 0160 0000 0000 Parcel Size: 0.388 deeded acres  
 Zoning District: 4 - Harpers Ferry District Deed Book: 11660 Page No: 244

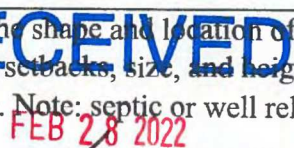
**Plat Information**

Plat Title: Sheridan Phase II - PB23 Pg. 40A Note No: 15  
 Recordation Date: 08/25/00 Plat Book: 23 Page No: 40

**Describe the nature of your proposed amendment.**

Request is to waive Note #15 on the approved final plat recorded in Plat Book 23 at Page 40 to allow the construction of a proposed pool (with surrounding concrete and/or decking) to be located within the 10' drainage/utility easement.

Sketch the shape and location of the lot. Show the location of the proposed construction/land use. Include building setbacks, size, and height. Identify existing easements, roads, buildings/structures, or land uses on the property. Note: septic or well relocations require a survey plat and approval by the Health Department.



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

JEFFERSON COUNTY PLANNING  
 ZONING & ENGINEERING

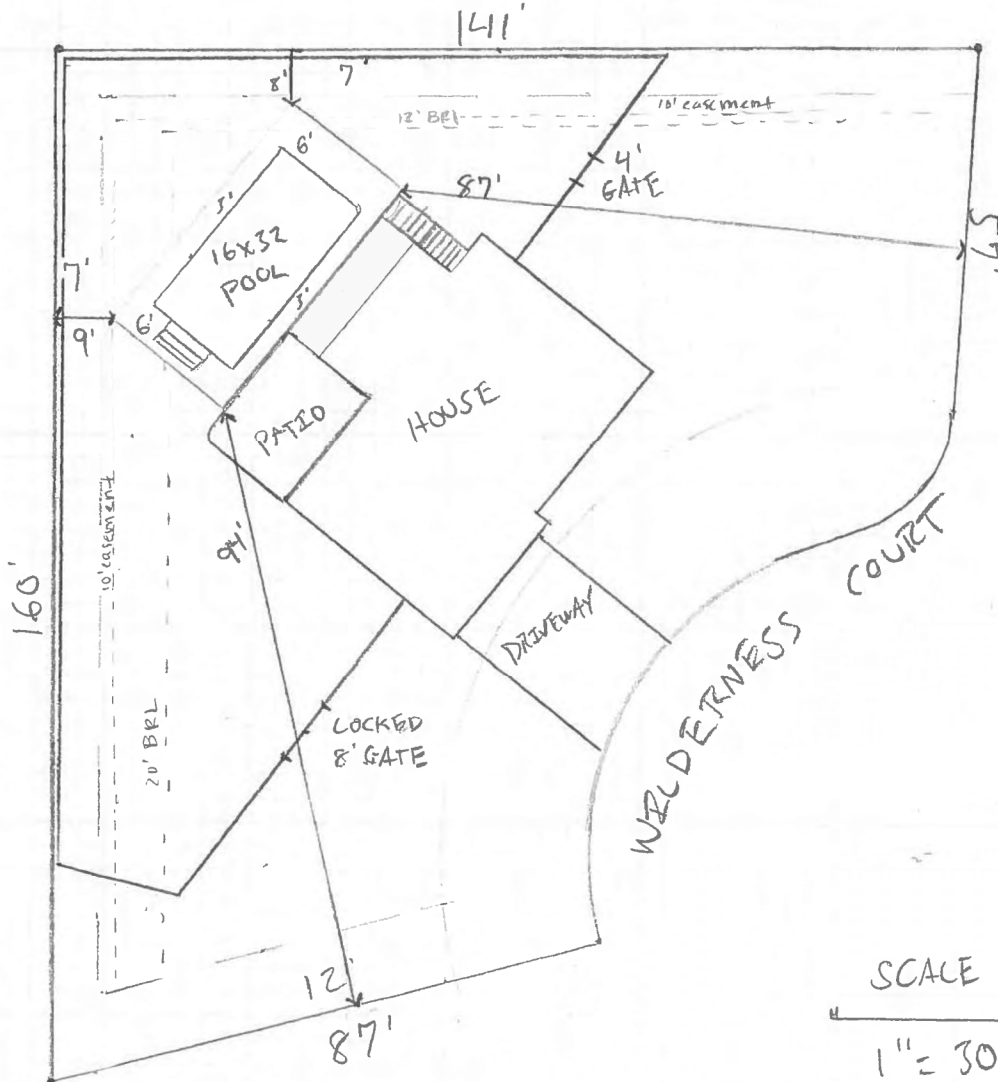
By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

Melissa a Palmer 2/27/22  
 Property Owner/Applicant Signature Date

Property Owner/Applicant Signature Date

LOT 160

LUKE PALMER  
 MELISSA PALMER  
 68 WILDERNESS CT.  
 HARPERS FERRY, MD  
 25425



\* PROPOSED 16' x 32' POOL WITH DECKING

\* SETBACKS REDUCED TO 7' SIDES/REAR

\* POOL CODE FENCE TO HAVE SELF LATCHING / CLOSING GATES

\* DOORS AND WINDOWS TO HAVE ALARMS COMPLETE WITH UL STD 2017  
 CERTIFIED TO CSA C22.2 NO. 205

\* Building Restriction Lines  
 Front - 25' Rear - 20' Side - 12'

\* 10' wide drainage and utility easement along all lot lines

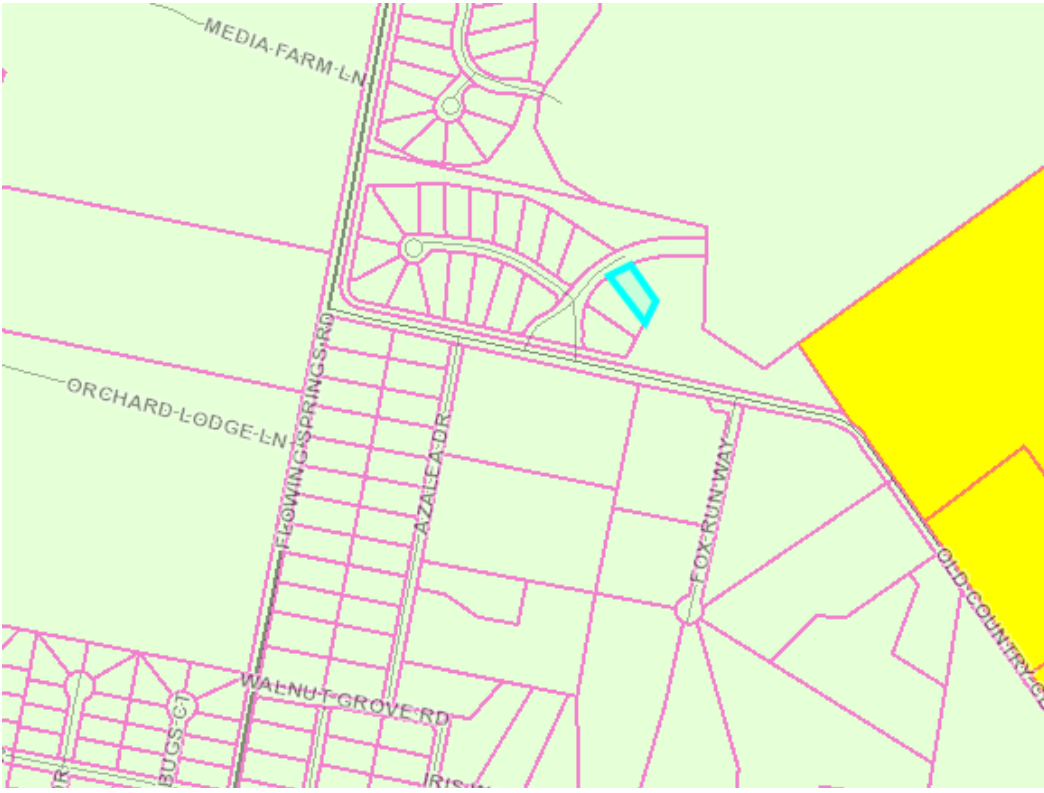
**FLOHR POOLS INC.**  
 1350 Lincoln Way East  
 CHAMBERSBURG, PA 17201  
 Phone (717) 264-4373  
*mpalmer 2/27/22*

JOB \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
 CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 SCALE \_\_\_\_\_

Staff Report  
 Jefferson County Planning Commission Meeting  
 April 12, 2022

**Knott- Aspen Greens Lot 20 easement (File #: 22-2-FPA)**

**Item # 6: Public Hearing:** Request by property owners John & Melissa Knott for a Final Plat Amendment to allow a 12' X 5.5' deck to be constructed 4' into a 12' platted utility/drainage easement for Lot 20 of Aspen Greens.

Applicant/ Owner	John & Melissa Knott
Property Location & Information	<p style="text-align: center;">Aspen Greens, Lot 20, 80 Quaking Aspen Way, Charles Town, WV          Parcel ID: 02004G00200000; Size: 0.32 ac; Zoning District: Rural</p> 
Surrounding Zoning:	North, South, East, West: Rural
Proposed Activity	Construction of a 12' x 5.5' deck 4' into a 12' platted utility/drainage easement
Property History	<p>203 lots (total for all phases);          Phase IIB (File #20-1-SD), which is in process, consists of 39 lots          Phase IIA (File #14-01), approved; recorded 8/31/15, consists of 26 lots (PB25/PG520-520B)  <b>Phase IA (File #07-15)</b>, approved; recorded 9/6/12, consists of 20 lots (PB25/PG350-350B)          Conditional Use Permit (File #Z02-06), approved, 12/20/07; extended to 12/20/10 and 7/1/12</p>
Planning Commission Variance - Phase IA	PCV 18-01: Variance reducing the required 0.5 slope to 0.27 for Aspen Greens Phase IA; PC approved 3/13/18 to accept the variance provided a note should be made to the file regarding an agreement that the HOA will maintain the pipe.

Staff Report  
Jefferson County Planning Commission Meeting  
April 12, 2022

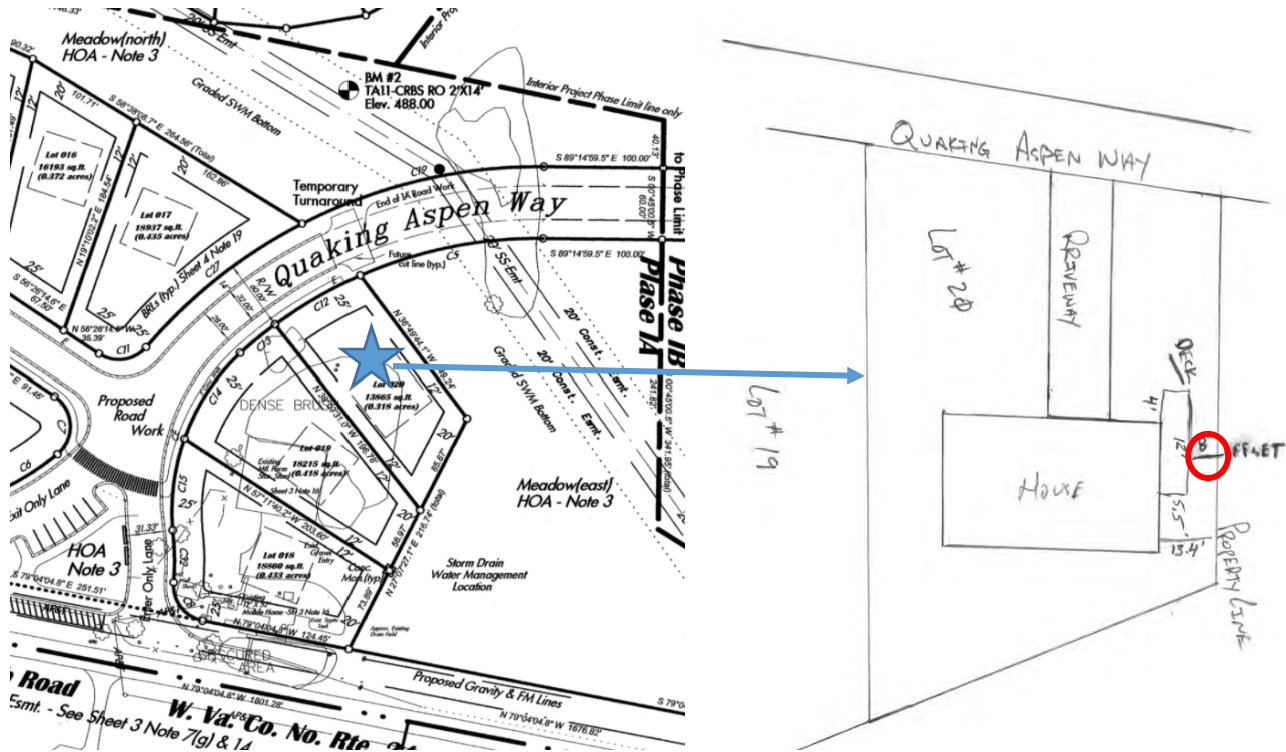
**Knott- Aspen Greens Lot 20 easement (File #: 22-2-FPA)**

**Summary of the Request:**

The applicant is seeking approval of a Final Plat Amendment to allow a 12' x 5.5' deck to be constructed 4 feet into a 12-foot platted utility drainage easement. Note #24 of the Phase IA Final Plat, recorded at PB25/PGs350-350B, states the following:

*24. EASEMENTS: A BLANKET EASEMENT shall be given to the appropriate Public Service District within all subdivision right-of-ways for the purpose of constructing water and or sewer lines and any utilities. UTILITY-DRAINAGE GRADING EASEMENTS 12' WIDE along all front and side lot lines and 20' WIDE along all rear lot lines are now created. Structures, fences or landscaping within these easements are subject to being moved or replaced at lot owner expense should an unforeseen necessary access be required. Lot owner use exclusion is not intended. This easement on Lot 17 shall be 20' along road frontage lines as needed for waterline maintenance access.*

Staff has historically determined that no construction is permitted within any platted drainage and utility easements. For this reason, Planning Commission action is required to approve a Final Plat Amendment to permit the encroachment of the proposed deck into the required easement.



If the deck remains proposed as 12' long, the Board of Zoning Appeals will also be required to approve a variance to allow encroachment into the required 12' side setback.

**Plat Amendment Requirements**

Section 24.202A of the Jefferson County Subdivision and Land Development Regulations,

Staff Report  
Jefferson County Planning Commission Meeting  
April 12, 2022

**Knott- Aspen Greens Lot 20 easement (File #: 22-2-FPA)**

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

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

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment was required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the March 9, 2022 edition of the Spirit of Jefferson newspaper for the April 12, 2022 Planning Commission meeting.

While the 1979 Subdivision Ordinance does not contain the restrictive language about permanent encroachments, structures, fences or landscaping being prohibited within any easement area, easements are reserved for specific purposes and staff determined that a structure in one of these required easements requires a Final Plat Amendment. Based on the size of the structure and the fact that the deck will adjoin a common open space area, there will no impact on adjoining properties. The applicant needs to be informed that they will need to assume all liability should construction within the utility/drainage easement negatively impacts themselves or their neighbors.

**Recommendation**

Staff recommends approval of the requested Final Plat Amendment to allow the proposed construction of a deck within the platted utility/drainage easement.

Such approval should be conditioned on the homeowner acknowledging that they fully understand that if there is any negative effect on the drainage in that area, the project is undertaken at the homeowner’s risk and the homeowner will need to work with the HOA and impacted properties to resolve the issue.





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-EPZ  
 Date Rec'd: 03/02/22  
 Mtg Date: 04/12/22

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

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

**Final Plat Amendment Application**

A request to amend, modify and/or vacate an approved plat must comply with Section 24.202 of the Jefferson County 2008 Subdivision Regulations, as amended.

**Property Owner Information**

Owner Name: John & Melissa Knott  
 Business Name: \_\_\_\_\_  
 Mailing Address: 80 QUAKING ASPEN WAY CHARLES TOWN 25414  
 Phone Number: (304) 839-1825 Email: knott\_ra260@hotmail.com

**Applicant Information**

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

**Consultant Information**

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

**Physical Property Details**

Physical Address 80 QUAKING ASPEN WAY CHARLES TOWN 25414  
 Parcel ID: 02004G00200000 Parcel Size 0.3179  
 Zoning District: Rural Deed Book: 1272 Page No: 348

**Plat Information**

Plat Title: Aspen Greens, Lot 20 Note No: 24  
 Recordation Date 09-06-12 gn Plat Book: 25 gn Page No: 350B gn

**Describe the nature of your proposed amendment.**

To allow a 12' x 5.5' deck 4' into a platted 12' utility/drainage easement.

Sketch the shape and location of the lot. Show the location of the proposed construction/land use. Include building setbacks, size, and height. Identify existing easements, roads, buildings/structures, or land uses on the property. Note: septic or well relocations require a survey plat and approval by the Health Department.

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

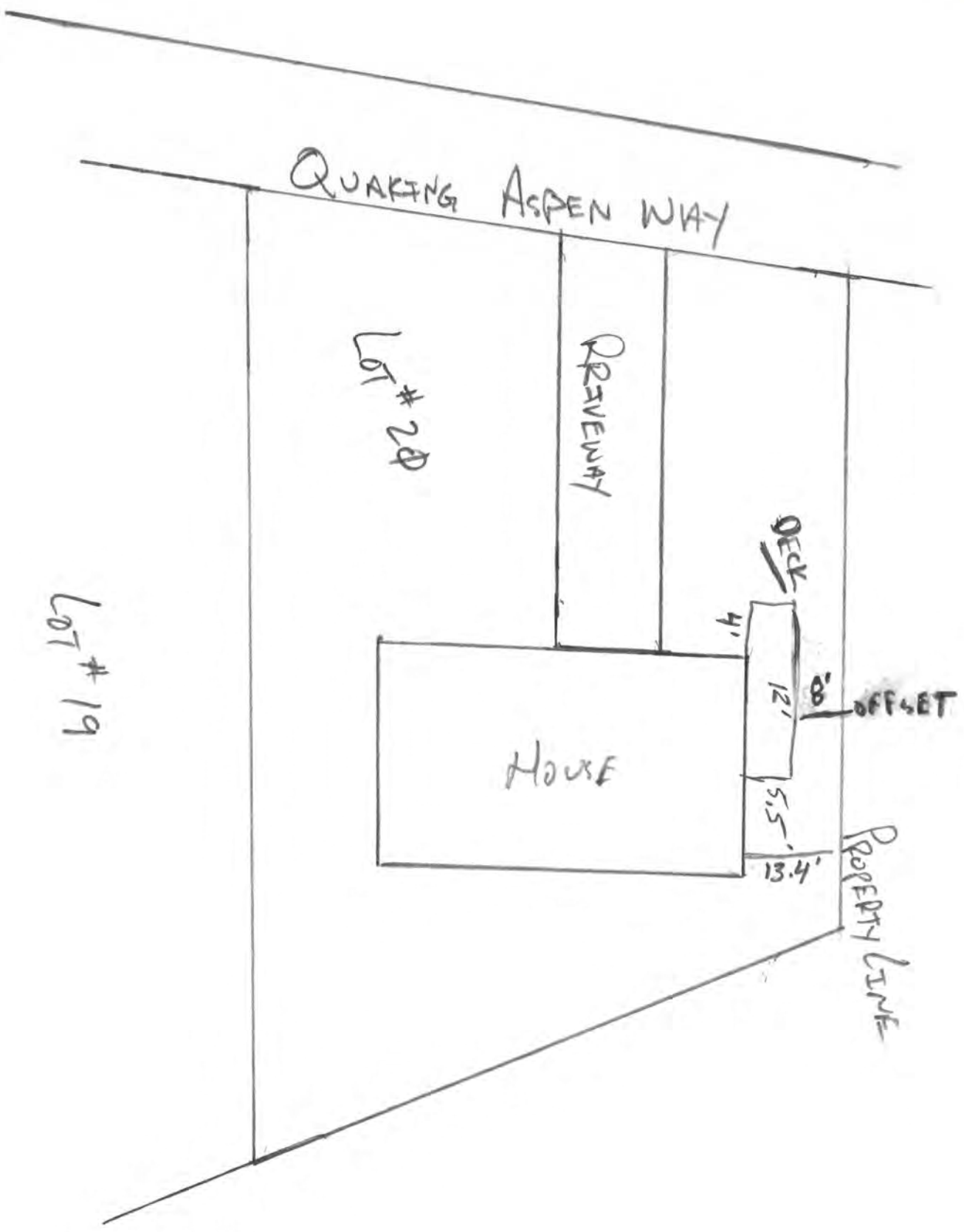
By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

03/01/22  
 Property Owner/Applicant Signature Date

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

180870888

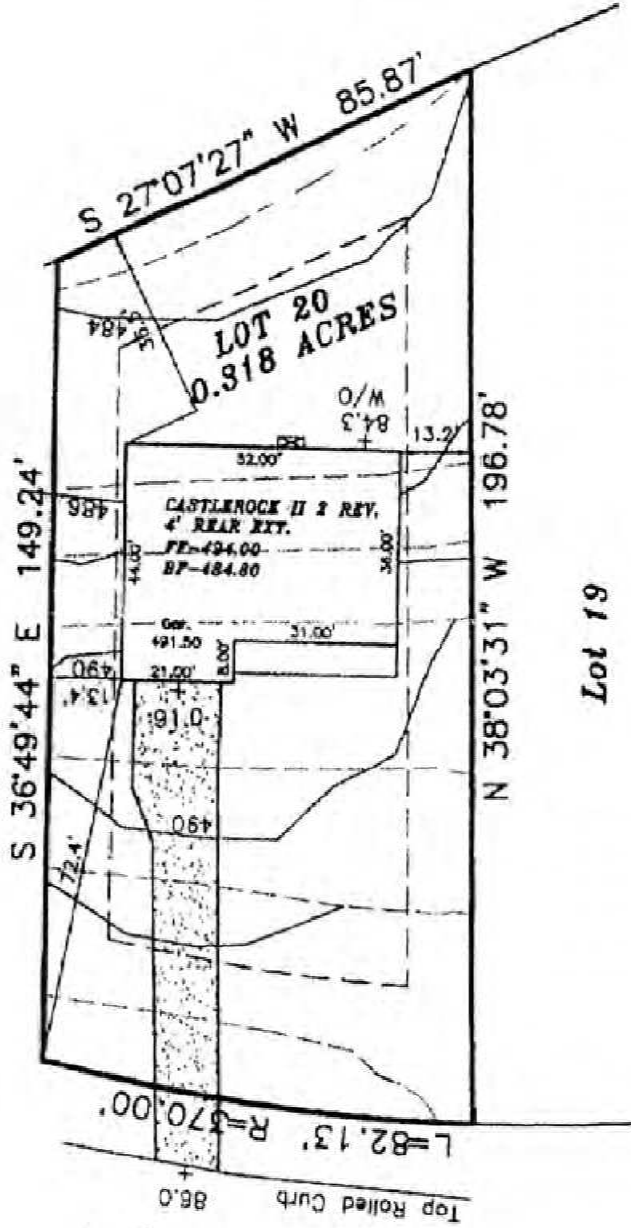
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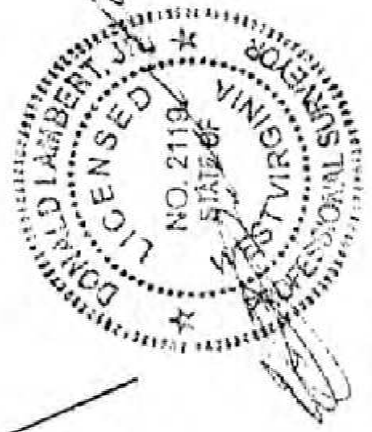
**Plot Plan (3)**

Lot 20, Ph. 1A - ASPEN GREENS  
 Charles Town Dist. - Jefferson CO.  
 PB. 25 PG. 350 - TM. 4G P. 20  
 Scale - 1" = 40' August 16, 2018

28062321  
 [Signature]



SWM Parcel



**DL Consulting, PLLC**

Land Surveyors - Consultants  
 281 Candlewood Lane - Great Cacapon, WV. 21  
 (304) 947-5999 • (304) 947-7092 (Fax)

QUAKING ASPEN  
 WAY - 60' R/W

**BRLS:** 25' Front  
 12' Side  
 20' Rear

Note - This plot plan is to be used for the original house construction only. A final house location survey should be used to obtain as-built conditions to show any field

2019-Mar-18 | 5:04 PM EDT


[Signature]



Staff Report  
 Jefferson County Planning Commission Meeting  
 April 12, 2022

**Rolfe-Wright’s Field Final Plat Amendment (22-3-FPA)**

**Item #7: Public Hearing:** Request for a Final Plat Amendment in the Wright’s Field Subdivision, Lot 14. Request to waive Note #4 on the approved Final Plat recorded in Plat Book 19/Page 29B, to allow the construction of an accessory dwelling unit for a family member.

Applicant/Developer:	John (Jason) Rolfe		
Property Location and Legal Information	<p style="text-align: center;">Wright’s Field Subdivision, Lot 14; 708 Rudder Rd., Shepherdstown, WV.          Parcel ID: 09013A00140000; Size: 4 ac; Zoning District: Rural</p> 		
Surrounding Properties:	North: Rural South: Rural	East: Rural West: Rural	
Approved Activity:	Single Family Residence		
Approvals:	Wright’s Field Subdivision, Lot 14, (File: 01-17) recorded 04/04/02 at Plat Book 19/Pages 29-29E		

**Overview of Request**

The subject parcel is designated as Lot 14 in the Wright’s Field Subdivision, which was recorded on April 4, 2022 in Plat Book 19/Pages 29-29E. This subdivision is in the Rural Zoning District. At the time the plat was approved, the Subdivision Ordinance required all subdivisions to include a note that restricted each lot to a single-family residence only. This note, found on Page 29B, is no longer required for subdivisions. This note (Note # 4) is the subject of this Final Plat Amendment request.

The applicants would like to lift the single-family residence restriction to allow for the construction of an accessory dwelling unit, attached to a detached garage, for a family member. A dwelling unit is for a

Staff Report  
Jefferson County Planning Commission Meeting  
April 12, 2022

**Rolfe-Wright’s Field Final Plat Amendment (22-3-FPA)**

family member (blood relative) and is considered an “in-law suite” in the Zoning Ordinance. Detached in-law suites are permitted in the Rural Zoning District in accordance with Section 8.15A of the current Zoning Ordinance on properties of at least 2 acres in size.



**Zoning Ordinance Requirements**

If the Planning Commission approves this Final Plat Amendment to lift the single-family restriction for Lot 14 of the Wright’s Field Subdivision, the applicant may apply for a Zoning Certificate to process under the zoning requirements for In-Law Suites/Accessory Dwelling Units in the Rural Zoning District. Section 8.15A of the Zoning Ordinance has various provisions that must be complied with, including, but not limited to, the requirement that the accessory unit must be secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area.

**Plat Amendment Requirements**

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

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

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment was required to be placed on the Planning Commission agenda for a Public

Staff Report  
Jefferson County Planning Commission Meeting  
April 12, 2022

**Rolfe-Wright's Field Final Plat Amendment (22-3-FPA)**

Hearing and Planning Commission action. The required 30-day public notice has been advertised in the March 9, 2022 edition of the Spirit of Jefferson newspaper for the April 12, 2022 Planning Commission meeting.

**Recommendation**

Staff recommends approving the requested Final Plat Amendment to lift the single-family restriction (Note #4) for the sole purpose of constructing an accessory dwelling unit on Lot 14 of the Wright's Field Subdivision. If approved, the applicant will need to apply for a Zoning Certificate for the Accessory Dwelling Unit prior to applying for a Building Permit.





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-FPA  
 Date Rec'd: 03/01/22  
 Mtg Date: 04/12/22

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

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

**Final Plat Amendment Application**

A request to amend, modify and/or vacate an approved plat must comply with Section 24.202 of the Jefferson County 2008 Subdivision Regulations, as amended.

**Property Owner Information**

Owner Name: John (Jason) Rolfe  
 Business Name: \_\_\_\_\_  
 Mailing Address: 708 Rudder Road Shepherdstown, WV 25443  
 Phone Number: 304-620-2623 Email: jjrolfe7189@gmail.com

**Applicant Information**

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

**Consultant Information**

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

**Physical Property Details**

Physical Address 708 Rudder Road Shepherdstown, WV 25443  
 Parcel ID: 19-09-013A-0014-0000 Parcel Size: 4.07 acres  
 Zoning District: 9 - Shepherdstown District Deed Book: 987 Page No: 744

**Plat Information**

Plat Title: Wright's Field Note No: 4  
 Recordation Date: April 4, 2002 Plat Book: 19 Page No: 29B

**Describe the nature of your proposed amendment.**

I request to waive Note #4 on the approved final plat recorded in Plat Book 19 at Page 29B, to allow the construction of an accessory dwelling unit for a family member.

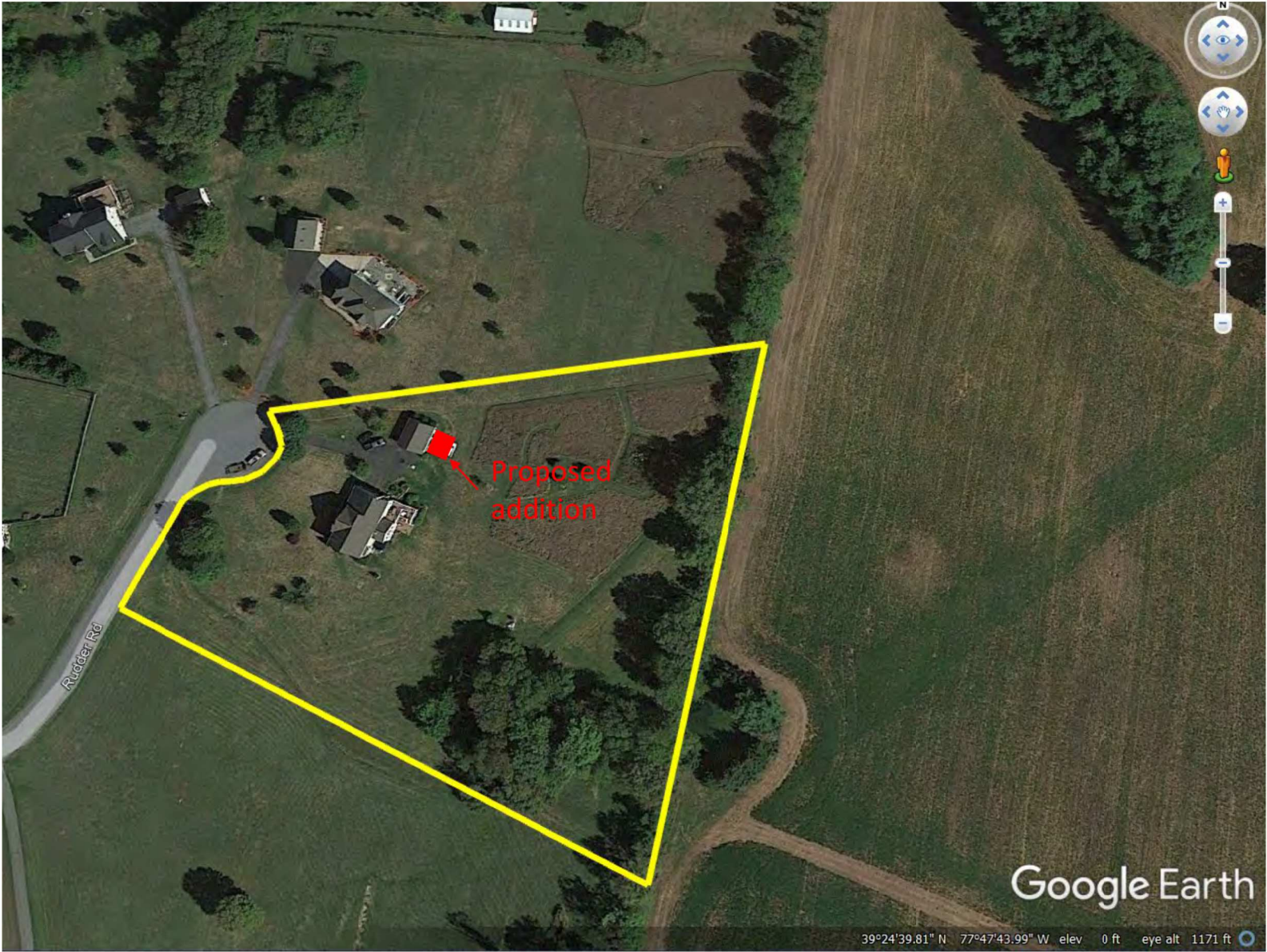
Sketch the shape and location of the lot. Show the location of the proposed construction/land use. Include building setbacks, size, and height. Identify existing easements, roads, buildings/structures, or land uses on the property. Note: septic or well relocations require a survey plat and approval by the Health Department.

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

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.

John Jason Rolfe 02/28/2022  
 Property Owner/Applicant Signature Date

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

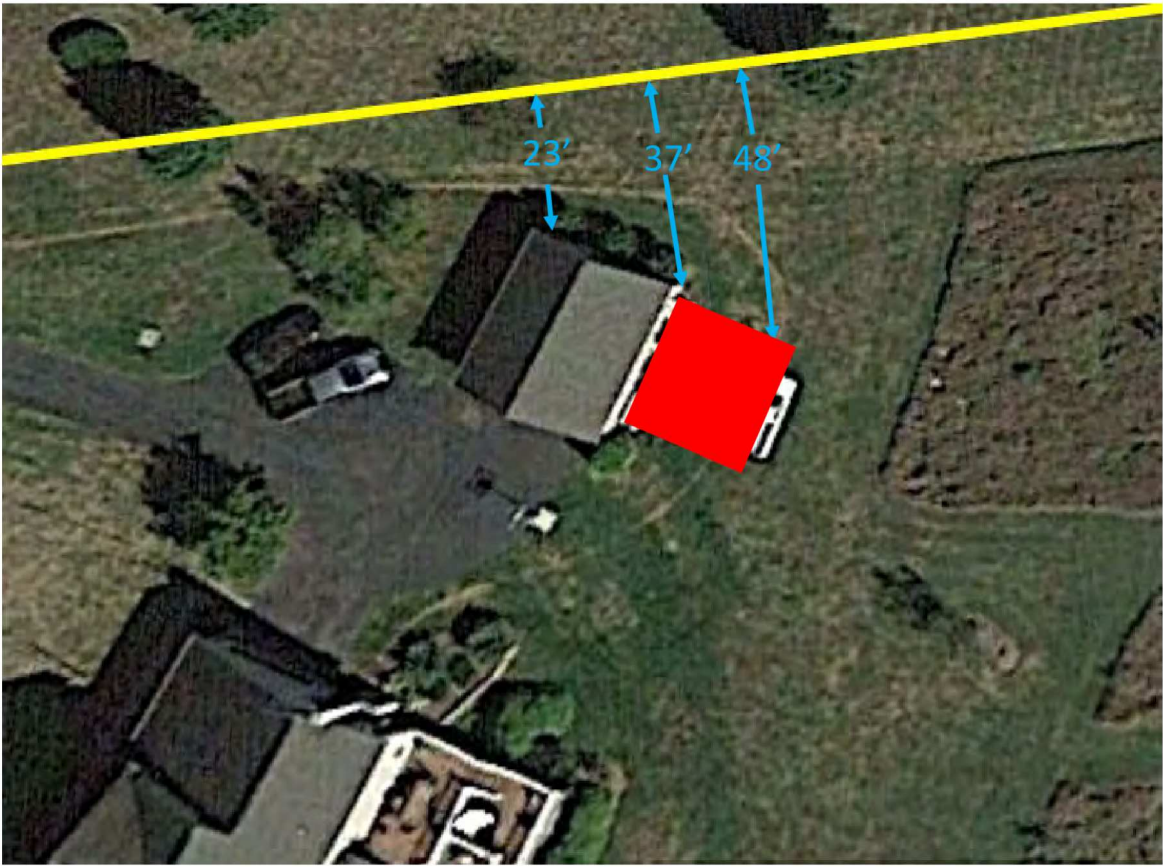


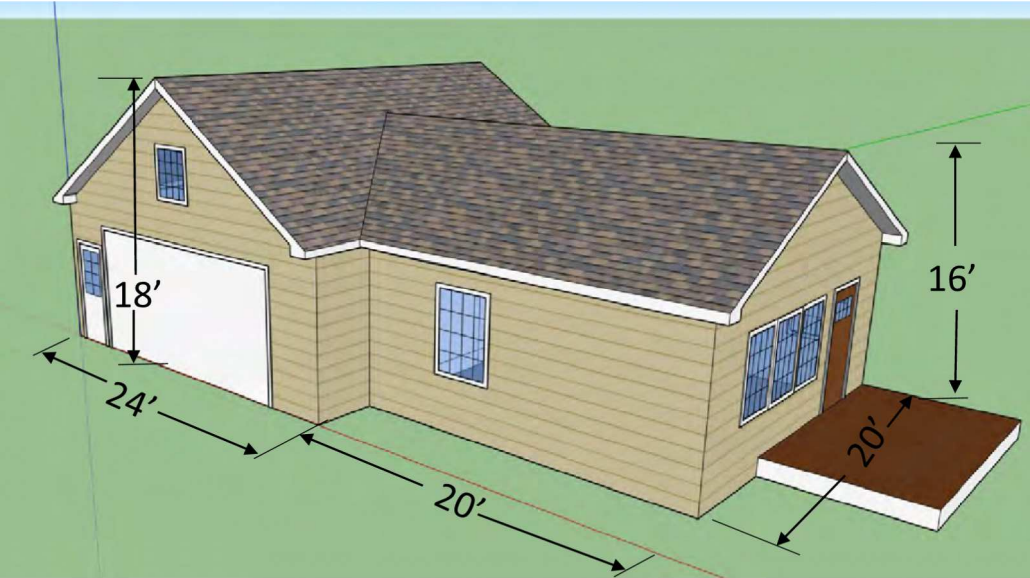
Proposed  
addition

Rueder Rd

Google Earth

39°24'39.81" N 77°47'43.99" W elev 0 ft eye alt 1171 ft











TERRENCE J. REIDY  
HEALTH OFFICER

GILLIAN R. BEACH  
ACTING ADMINISTRATOR

1948 WILTSHIRE ROAD, SUITE 1  
KEARNEYSVILLE, WV, 25430  
PHONE: 304-728-8416  
FAX: 304-728-3319  
WWW.JCHDWV.ORG

---

TO: Jefferson County Environmentally Health Staff  
FROM: Gillian Beach, RS, CPO-I GRB 8/7/2020  
SUBJECT: EH Policy S-5: Garage Apartments and Mother-In-Law Suites  
DATE: August 7, 2020

### **PURPOSE**

The purpose of this policy is to create a procedure to guide the Jefferson County Health Department (JCHD) Environmental Health (EH) Division Staff on how to handle applications for garage apartments and mother-in-law suites.

Jefferson County has received numerous applications and requests for garage apartments and mother-in-law suites from individuals that are not required to subdivide their property per Jefferson County Engineering, Planning, and Zoning Department's regulations. The *Sewer Systems Sewage Treatment Systems and Sewage Tank Cleaners Legislative Rule 64CSR09* require a subdivision any time a tract of land has been divided for the purpose of dwelling or by act of construction.

Our office reached out to the Head of West Virginia's Onsite Program, Rick Hertges to ask if and when an exception might be made to our rule. He stated that an exception could be made for garage apartments or mother-in-law suites if the garage is next to the house, and there is no plan to sell the buildings separately. He also stated that the property owners should be cautioned that they will need to establish another septic reserve area that is entirely useable and can be approved by the health department at such time in the future that they may change their mind and want to sell the buildings separately.

### **RESPONSIBILITIES**

All Jefferson County Health Department (JCHD) EH Division staff are responsible for adhering to this policy.

## **PROCEDURES**

When an application is received for a septic system for a garage apartment or mother-in-law suite where a separate dwelling already exists or will also be built, a Sanitarian shall thoroughly review the application to determine if it meets the following requirements:

- Both dwellings are owned by same individual(s)
- The garage apartment or mother-in-law suite is within 100 feet of the primary residence or dwelling and/or attached to the primary residence or dwelling
- The garage apartment or mother-in-law suite has no more than one bedroom
- Not more than one garage apartment or mother-in-law suite will be permitted per lot.
- The application shows useable (will be determined by a soils evaluation) septic reserve areas for both dwellings- septic reserve area sizing to be determined by the date the lot was created

When all of the above requirements are met, a subdivision will not be required. If all of the above requirements cannot be met, the Sanitarian will instruct the applicant that they must apply for a subdivision. When a subdivision is required 4 copies of each of the following documents must accompany the *ES-76 Subdivision Approval Application Form*:

- Plat plan of property (show lot layout, lot dimensions, lot numbers, streets, location of percolation test holes and six-foot observation trench, location of wells and public water lines, location of septic reserve area sized as required by the most recent requirements for new subdivisions)
- Percolation test report sheet with results for each proposed lot

When a permit is issued for a lot with two dwellings, the Sanitarian must note on the permit that if the building with the garage apartment or mother-in-law suite is sold to a separate party, the lot must be subdivided and each lot including the residue must have a septic system and septic reserve area within the boundaries of the lot serving the dwelling on that lot. The septic reserve areas must be sized based on the most recent requirements for new subdivisions.

**WRIGHTS FIELD HOMEOWNERS ASSOCIATION**  
**P.O. Box 792**  
**Shepherdstown, WV 25443**  
**ARCHITECTURAL REQUEST CHANGE**

Name: Jason and Kara Rolfe  
Address: 708 Rudder Road, Shepherdstown, WV 25443 \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

Day Phone: 304-620-2623 \_\_ Evening Phone: Same \_\_\_\_\_

DESCRIPTION OF PROPOSED EXTERIOR CHANGE. Include as much detail as possible including photograph or drawing, materials to be used, style, and color and other helpful information. Provide a SITE PLAN or SURVEY showing where improvements are located. If the work is to be performed by someone other than the Homeowner, please provide the contractor's name and telephone number. Attach a separate sheet if more space is needed. Please allow approximately three weeks for response.

We would like to add an addition onto the back side of our detached garage to create a living space for Kara's aging mother who is suffering from Alzheimer's disease. The additional living space will exactly match the existing detached garage's siding and roofing materials and colors.

We have been in touch with the Jefferson County planning and zoning staff and we will meet all the requirements to build the addition. One of Jefferson County's criteria is that the space being built is for blood relatives, and is not to be used as a rental dwelling.

Estimated beginning date: April 23, 2022 Projected completion date: June 30, 2022

I understand that approval does not relieve me of the responsibility for obtaining any necessary building permits and variances, observing all local zoning ordinances and following any other city or county regulations/ordinances. If approved by the Board of Directors, I agree to make the changes under the terms and conditions as specified in the approval letter. All improvements must be on my property or property lines. If any portion of the Association property is disturbed or damaged by either my contractor, or myself then I agree to be responsible for and to restore the common elements to their original condition(s).

Signature of Applicant: John Jason Rolfe Date: 03/04/2022

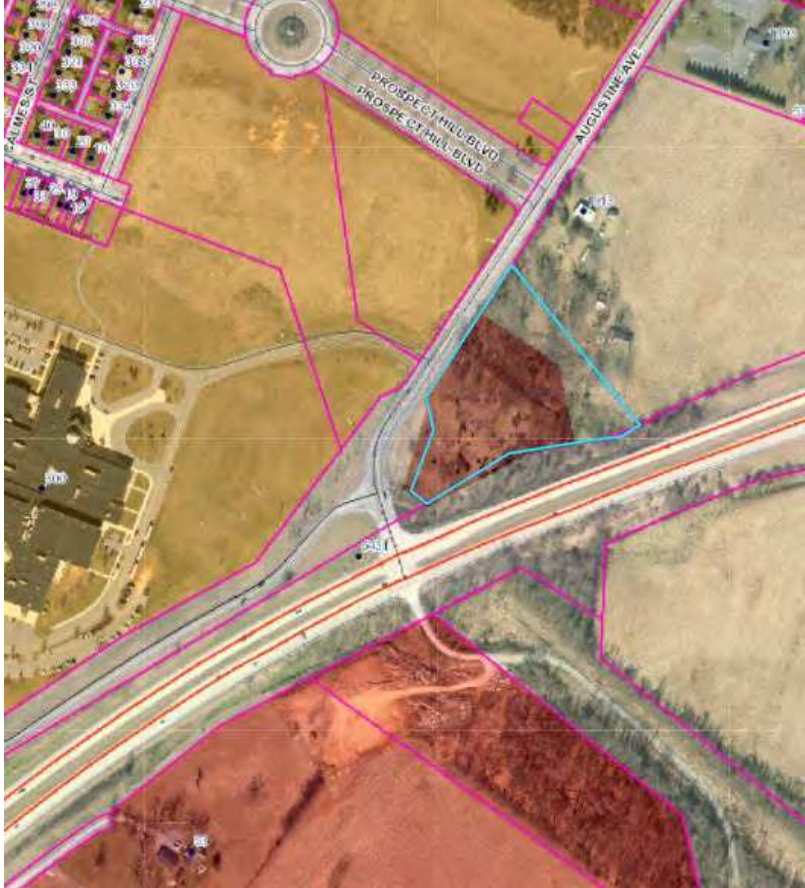
BOARD OF DIRECTORS' ACTION:  
Approved: EA Breckinridge Date: 3/28/2022  
Signature/Title Vice - President -----



Staff Report  
 Jefferson County Planning Commission Meeting  
 April 12, 2022

**Sheetz Augustine Ave Waiver Request (File #22-6-PCW)**

**Item #8: Public Hearing:** Request for a waiver from Section 20.201A.2.b of the Subdivision Regulations, to reduce the required road frontage from 200' to 161' for the proposed residue lot that will remain zoned as Rural.

Owner	Guy Chicchirichi
Applicant	Bob Franks, Sheetz, Inc.
Property Location	NE corner of Augustine Ave. & US340 intersection south of Charles Town
Surveyor/Engineer	Integrity Federal Services, Ben Svedlow
Property Location & Information	<p>Tax District: Charles Town (02); Tax Map: 16; Parcel: 1; Parcel ID: 02001600010000;          Size: 4.42 acres; Zoning: Highway Commercial (3.02 acres) &amp; Rural (1.4 acres)</p> 
Adjacent Zoning	<p><i>North/West:</i> Incorporated Town (Neighborhood Residential);  <i>South:</i> Incorporated Town(General Commercial) and County (Rural); <i>East:</i> Rural</p>
Proposed Activity	Request to reduce the required road frontage for a Minor Subdivision from 200' to 161' for the proposed residue, which will remain, zoned Rural.
Previous Approvals	<p>3/17/22: CC approval of Zoning Map Amendment (22-2-Z) from Rural to Highway Commercial for 0.52 acres of the 4.42 acre parcel          6/8/21: PC Approved Concept Plan for Charles Town Sheetz Store (21-4-SP) for 2.5 acres of a 4.42 acre site          5/27/21: BZA Approved Variance for Charles Town Sheetz Store (21-22-ZV) to eliminate the required 60' easement along a limited access highway; and the required landscape buffer requirement along a limited access highway          3/18/21: CC approval of Zoning Map Amendment (21-1-Z) from Rural to Highway Commercial for 2.5 acres of the 4.42 acre parcel</p>

Staff Report  
Jefferson County Planning Commission Meeting  
April 12, 2022

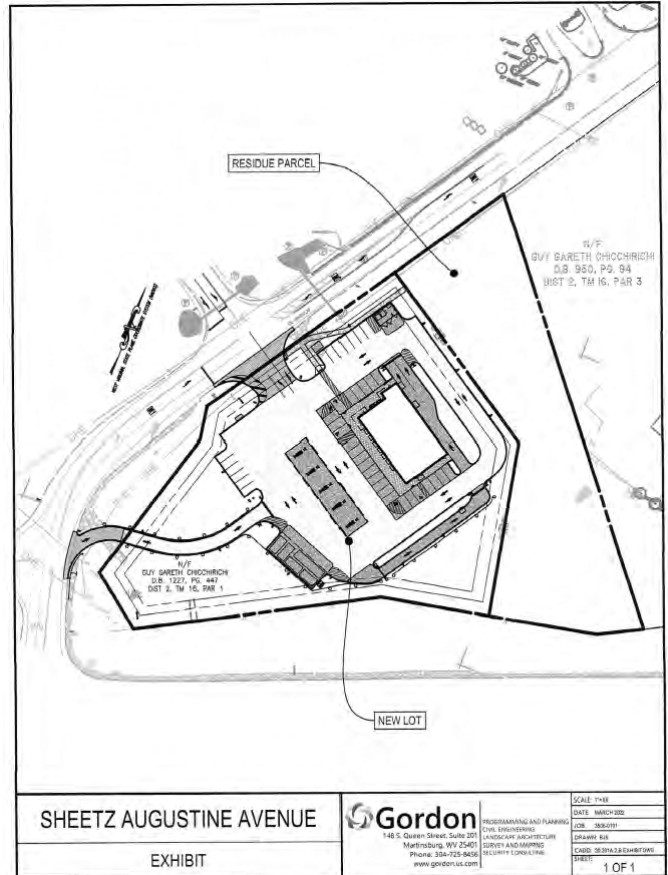
**Sheetz Augustine Ave Waiver Request (File #22-6-PCW)**

**Summary of the Request:**

The applicant is requesting a waiver from Section 20.201A.2.b (see excerpt below) to allow the proposed subdivision of the 4.42 acre Chicchirichi property into the 3.02 acre Highway Commercial lot for the Augustine Avenue Sheetz and the 1.4 acre Rural residue. The Minor Subdivision process requires all lots to access a 50' access easement or, in the Rural Zoning District, to have a minimum of 200' of road frontage. The proposed residue is proposed to have a 161' frontage on Augustine Avenue (WV 340/18).

**Relevant Site Information:**

The subject parcel has been partially rezoned to allow for the development of a Sheetz convenience store and gas station at the northeast corner of Augustine Avenue and US 340. As properties cannot be developed with two zoning categories, a minor subdivision is required to divide off the commercial property from the balance of the rural property. Due to the configuration of the site, the residue parcel cannot meet the required 200' of road frontage. Alternatively, the required shared 50' access easement cannot be met due to the configuration of the proposed Sheetz convenience store and gas station. The WV DOH will be required to approve an access for the residue parcel as a part of the Minor Subdivision.



**Staff Discussion/Recommendation:**

It is critical that the 3.02-acre commercially zoned portion of this lot be separated from the 4.42-acre parent lot in order for the Augustine Avenue Sheetz Site Plan to be approved. It is possible to merge the rural portion of the property with the adjoining 19+ acre rurally zoned property also owned by Guy Chicchirichi or to create the proposed subdivision with the requested waivers. If the Planning Commission grants this waiver, the applicant still will be required to receive approval from the WV DOH to allow an additional access point on Augustine Avenue prior to approval of the requested minor subdivision. It is possible that WV DOH will require the proposed lot to combine its entrance with the adjoining Chicchirichi property.

Whether this proposed lot has 200' of frontage or the 161' proposed, it will still have an impact of the flow of traffic on Augustine Avenue, which is managed by the WV DOH. Generally, the interconnectivity of adjoining lots along a busy road such as Augustine Avenue is a preferred planning concept. Some thought should be given to the option for future interconnectivity with the Sheetz property and/or the larger Chicchirichi property depending on future zoning and site development plans. Typically, entrances entering on the same side of the street are separated 150' from center to center.

Staff recommends approval of the waiver if the applicant receives an approved WVDOH permit and separates the proposed entrance 150' from any other entrance.

**Sheetz Augustine Ave Waiver Request (File #22-6-PCW)**

**Sections of Subdivision Regulations under Consideration:**

**Sec. 20.201 Minor Subdivisions**

Minor subdivisions are those that do not require the development of new off-tract infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas, and result in the creation of five (5) residential lots or less, or two (2) nonresidential lots or less, including the parent parcel or residue, from contiguously owned parcels of record. Such subdivisions are approved by the staff. Further subdivision of a parent parcel beyond the maximum lots allowed to be created via the minor process after October 5, 1988 shall be classified as a Major Subdivision and processed accordingly, unless a waiver is applied for and approved by the Planning Commission. A list of all deed transfers since October 5, 1988 shall be submitted with each plat.

**A. Residential**

All minor residential subdivisions shall conform with the following:

1. A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
2. All lots, regardless of the zoning district, shall have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots to either:
  - a. A WV DOH road right-of-way or easement; or
  - b. A road in a major subdivision that meets county roadway design standards (Table 2.2-1)  
However, in the Rural District, lots having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet
3. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.

**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 #: 22-6-PCW  
 Mtg Date: 4-12-22  
 Date Rec'd: 4-16-22  
 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: GUY CHICCHIRICHI  
 Business Name: N/A  
 Mailing Address: 1316 N. MILDRED ST; RANSON, WV  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

Applicant Name: BOB FRANKS Same as owner:   
 Business Name: SHEETZ, INC.  
 Mailing Address: 5700 SIXTH AVENUE; ALTOONA, PA  
 Phone Number: 814-935-4798 Email: BFRANKS@SHEETZ.COM

**Consultant Information**

Name: BEN SVEDLOW  
 Business Name: INTEGRITY FEDERAL SERVICES  
 Mailing Address: 148 NORTH QUEEN ST; MARTINSBURG, WV 25401  
 Phone Number: 304-725-8456 Email: BSVEDLOW@IFS-AE.COM

**Physical Property Details**

Physical Address: NE OF US 340 AND AUGUSTINE AVENUE INTERSECTION, CHARLES TOWN, WV Vacant Lot:   
 Tax District: CHARLES TOWN Map No: 16 Parcel No: 1  
 Parcel Size: 4.41 AC. Deed Book: 1227 Page No: 447  
 Zoning District: HIGHWAY COMMERCIAL AND 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?**

THIS APPLICATION IS REQUESTING TO WAIVE SECTIONS 20.201A.2.b OF THE 2018 JEFFERSON COUNTY SUBDIVISION ORDINANCE.

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

THE PURPOSE OF THIS APPLICATION IS TO REQUEST TO REDUCE THE REQUIRED ROAD FRONTAGE FROM 200' TO 161' FOR THE PROPOSED RESIDUE LOT THAT WILL REMAIN ZONED AS RURAL.

**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.**

THERE WILL BE NO INCREASE, OR REDUCTION IN COUNTY MAINTENANCE COSTS, AN INCREASE IN PUBLIC OPEN SPACE, OR PARKLAND RESULTING FROM THE GRANTING OF THIS WAIVER REQUEST. DUE TO THE NATURE OF THIS REQUEST, NO IMPACT TO THESE ITEMS CAN BE ACHIEVED TO BENEFIT THE COUNTY.

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

IF GRANTED, THE WAIVER WILL HAVE NO ADVERSE AFFECT TO PUBLIC HEALTHL, SAFETY, OR WELFARE. THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS WILL NOT BE IMPACTED EITHER. THE ADJACENT OWNER WILL NOT BE IMPACTED AS THEY HAVE ADEQUATE SPACE FOR A DRIVE-WAY THAT MAINTAINS 200' OF SEPERATION FROM ADJACENT DRIVE-WAYS.

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

THE FUTURE RESIDUE PARCEL WILL HAVE THE ABILITY TO CONSTRUCT AN ENTRANCE ALONG THE AUGUSTINE AVENUE R.O.W. THAT MEETS AND EXCEEDS 200 FEET OF SEPARATION FROM EXISTING AND PLANNED DRIVE-WAY CENTERLINES.

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

IF GRANTED, THIS WILL ALLOW THE ADJACENT OWNER TO RETAIN A PORTION OF HIS LOT BY CREATING A NEW LOT FOR THE SHEETZ DEVELOPMENT. IN ADDITION, NO DRIVE-WAY EXISTS ON THE PARCEL TODAY.

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

  3/16/22

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.

Public Hearing Date

Date Placard Posted

Date Adjainers Mailed

### Planning Commission Determination

Approved

Denied

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

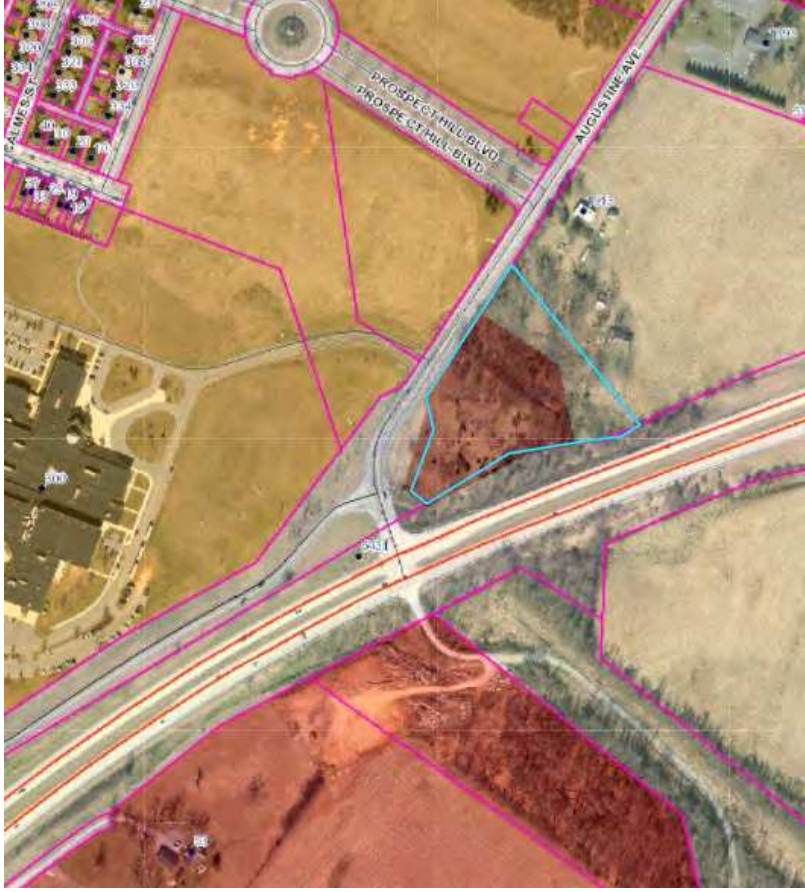




Staff Report  
 Jefferson County Planning Commission Meeting  
 April 12, 2022

**Sheetz Augustine Ave MSD Waiver Request (File #22-7-PCW)**

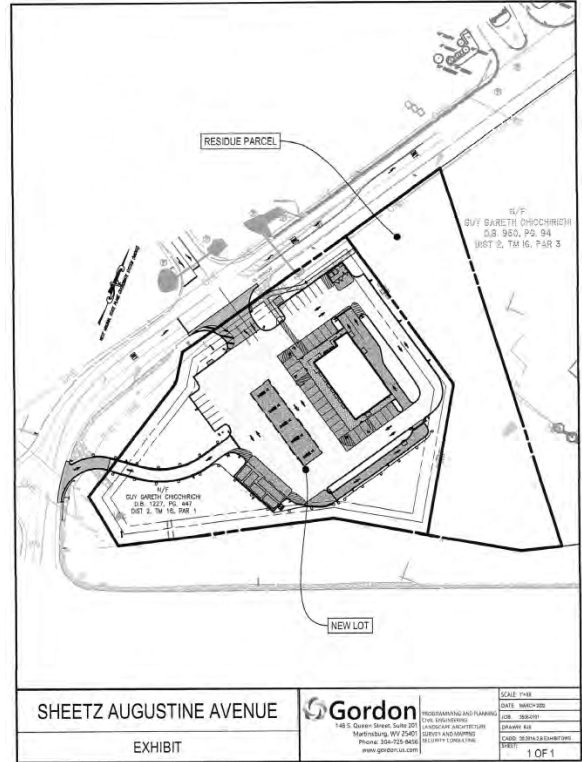
**Item #9: Public Hearing:** Waiver from Section 20.201A.3 of the Subdivision Regulations, to waive the requirement related to the extension of off-site utilities to allow the subdivision to process as a Minor Subdivision.

Owner	Guy Chicchirichi
Applicant	Bob Franks, Sheetz, Inc.
Property Location	NE corner of Augustine Ave. & US340 intersection south of Charles Town
Surveyor/Engineer	Integrity Federal Services, Ben Svedlow
Property Location & Information	<p>Tax District: Charles Town (02); Tax Map: 16; Parcel: 1; Parcel ID: 02001600010000;          Size: 4.42 acres; Zoning: Highway Commercial (3.02 acres) &amp; Rural (1.4 acres)</p> 
Adjacent Zoning	<p><i>North/West:</i> Incorporated Town (Neighborhood Residential);  <i>South:</i> Incorporated Town(General Commercial) and County (Rural); <i>East:</i> Rural</p>
Proposed Activity:	Request to process as a Minor Subdivision and waive the requirement of Utility Approval
Previous Approvals	<p>3/17/22: CC approval of Zoning Map Amendment (22-2-Z) from Rural to Highway Commercial for 0.52 acres of the 4.42 acre parcel          6/8/21: PC Approved Concept Plan for Charles Town Sheetz Store (21-4-SP) for 2.5 acres of a 4.42 acre site          5/27/21: BZA Approved Variance for Charles Town Sheetz Store (21-22-ZV) to eliminate the required 60' easement along a limited access highway; and the required landscape buffer requirement along a limited access highway          3/18/21: CC approval of Zoning Map Amendment (21-1-Z) from Rural to Highway Commercial for 2.5 acres of the 4.42 acre parcel</p>

**Sheetz Augustine Ave MSD Waiver Request (File #22-7-PCW)**

**Summary of the Request:**

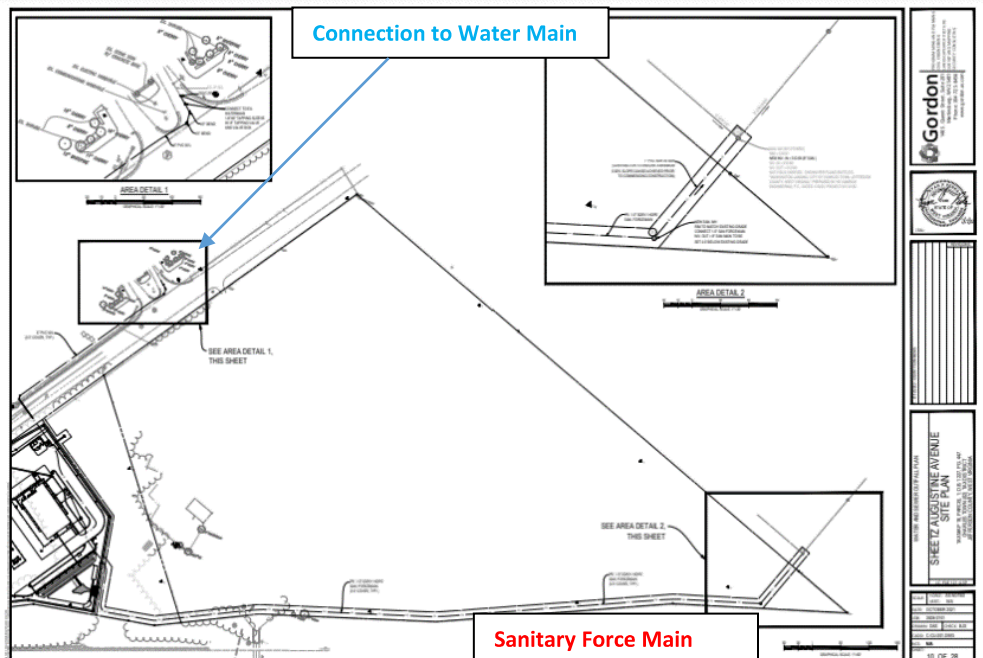
The applicant is requesting a waiver from Section 20.201A.3 (see excerpt below) to allow the proposed subdivision of the 4.42 acre Chicchirichi property into the 3.02 acre Highway Commercial lot for the Augustine Avenue Sheetz and the 1.4 acre Rural residue to process as a Minor Subdivision. One of the key differences between the Minor and Major Subdivision processes relates to the provision of utilities to the property. By definitions, minor subdivisions are those that do not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure. Therefore, all minor subdivisions require documentation of permit approval from the West Virginia Bureau of Health and/or the Jefferson County Health Department for on-site well and septic sewer systems, or letters of water and/or sewer availability from the relevant public utility providers. This request is to waive this requirement and to allow the applicant to process a minor subdivision without utility approval.



**Relevant Site Information:**

The subject parcel has been partially rezoned to allow for the development of a Sheetz convenience store and gas station at the northeast corner of Augustine Avenue and US 340. As properties cannot be developed with two zoning categories, a subdivision is required to divide off the commercial property from the balance of the rural property. The Augustine Avenue Sheetz Site Plan is processing as a Major Site Plan because it requires the extension of off-site water and sewer utilities. The draft Site Plan for the Augustine Sheetz indicates that a sanitary sewer force main will be along the southern edge of the Chicchirichi property to the Sheetz property and the water main will be extended from the entrance to the Huntfield Subdivision along Augustine Avenue to the Sheetz property.

Therefore, eventually, the 1.4 acre rural residue will have public water and sewer adjoining the property which will not require the off-site extension of utilities, but allow lateral service lines to the property.



Staff Report  
Jefferson County Planning Commission Meeting  
April 12, 2022

**Sheetz Augustine Ave MSD Waiver Request (File #22-7-PCW)**

**Staff Discussion/Recommendation:**

The applicant is ready to proceed with processing a subdivision plat, if the road frontage and utility provider waivers are approved, so that the Site Plan for the Augustine Avenue Sheetz can be approved. There are often timing issues for new developments in areas that utilities and road improvements are planned that can potentially benefit multiple properties in the future. While it may seem reasonable to allow the processing of this subdivision as a Minor Subdivision, it will be important to have conditions on the plat that restrict any potential building permits or site development plans from being approved unless and until the Health Department permits and/or utility provider availability letters can be obtained. A note to this effect should be required on the Minor Subdivision if the Planning Commission is inclined to approve this waiver request.

**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.

**Sheetz Augustine Ave MSD Waiver Request (File #22-7-PCW)**

**Sections of Subdivision Regulations under Consideration:**

**Sec. 20.201 Minor Subdivisions**

Minor subdivisions are those that do not require the development of new off-tract infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas, and result in the creation of five (5) residential lots or less, or two (2) nonresidential lots or less, including the parent parcel or residue, from contiguously owned parcels of record. Such subdivisions are approved by the staff. Further subdivision of a parent parcel beyond the maximum lots allowed to be created via the minor process after October 5, 1988 shall be classified as a Major Subdivision and processed accordingly, unless a waiver is applied for and approved by the Planning Commission. A list of all deed transfers since October 5, 1988 shall be submitted with each plat.

**A. Residential**

All minor residential subdivisions shall conform with the following:

1. A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
2. All lots, regardless of the zoning district, shall have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots to either:
  - a. A WV DOH road right-of-way or easement; or
  - b. A road in a major subdivision that meets county roadway design standards (Table 2.2-1)  
However, in the Rural District, lots having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet
3. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, Engineering Standards. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.

**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.



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 #: 22-7-PCW  
 Mtg Date: 04-12-22  
 Date Rec'd: 3-17-22  
 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: GUY CHICCHIRICHI  
 Business Name: N/A  
 Mailing Address: 1316 N. MILDRED ST; RANSON, WV  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

Applicant Name: BOB FRANKS Same as owner:   
 Business Name: SHEETZ, INC.  
 Mailing Address: 5700 SIXTH AVENUE; ALTOONA, PA  
 Phone Number: 814-935-4798 Email: BFRANKS@SHEETZ.COM

**Consultant Information**

Name: BEN SVEDLOW  
 Business Name: INTEGRITY FEDERAL SERVICES  
 Mailing Address: 148 NORTH QUEEN ST; MARTINSBURG, WV 25401  
 Phone Number: 304-725-8456 Email: BSVEDLOW@IFS-AE.COM

**Physical Property Details**

Physical Address: NE OF US 340 AND AUGUSTINE AVENUE INTERSECTION, CHARLES TOWN, WV Vacant Lot:   
 Tax District: CHARLES TOWN Map No: 16 Parcel No: 1  
 Parcel Size: 4.41 AC. Deed Book: 1227 Page No: 447  
 Zoning District: HIGHWAY COMMERCIAL AND 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?**

THIS APPLICATION IS REQUESTING TO WAIVE SECTION 20.201A.3 OF THE 2018 JEFFERSON COUNTY SUBDIVISION ORDINANCE.

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

THE PURPOSE OF THIS APPLICATION IS TO REQUEST TO WAIVE THE REQUIREMENT OF UTILITY APPROVAL.

**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.**

THERE WILL BE NO INCREASE, OR REDUCTION IN COUNTY MAINTENANCE COSTS, AN INCREASE IN PUBLIC OPEN SPACE, OR PARKLAND RESULTING FROM THE GRANTING OF THIS WAIVER REQUEST. DUE TO THE NATURE OF THIS REQUEST, NO IMPACT TO THESE ITEMS CAN BE ACHIEVED TO BENEFIT THE COUNTY.

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

IF GRANTED, THE WAIVER WILL HAVE NO ADVERSE AFFECT TO PUBLIC HEALTHL, SAFETY, OR WELFARE, OR THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS AS THE UTILITIES WILL BE PROVIDED AFTER THE SHEETZ SITE PLAN HAS BEEN APPROVED AND CONSTRUCTION HAS COMMENCED; AND, TO ALLOW THE PROPOSED ONE-LOT SUB-DIVISION TO PROCESS AS A MINOR.

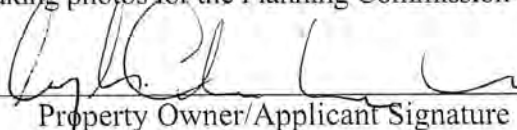
**Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.**

IF GRANTED, THIS WAIVER WILL BE KEEPING WITH THE INTENT AND PURPOSE OF THIS ORDANCE BECAUSE AS A CONDITION OF APPROVAL OF THIS WAIVER, ONCE UTILITIES HAVE BEEN INSTALLED IN ACCORDANCE WITH THE SHEETZ SITE PLAN THAT A MINOR PLAT CHANGE WILL BE REQUIRED TO REFLECT THE UTILITIES APPROVAL.

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

IF GRANTED, THIS WILL ALLOW FOR THE SUBSEQUENT APPROVAL OF THE SHEETZ SITE PLAN, ALLOWING THE PROJECT TO CONTINUE TO MOVE FOWARD THROUGH THE PERMITTING PROCESS AND UTLIMATELY BEGIN PROVIDING SERVICES TO THE AREA.

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

 3/16/22  
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.

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

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

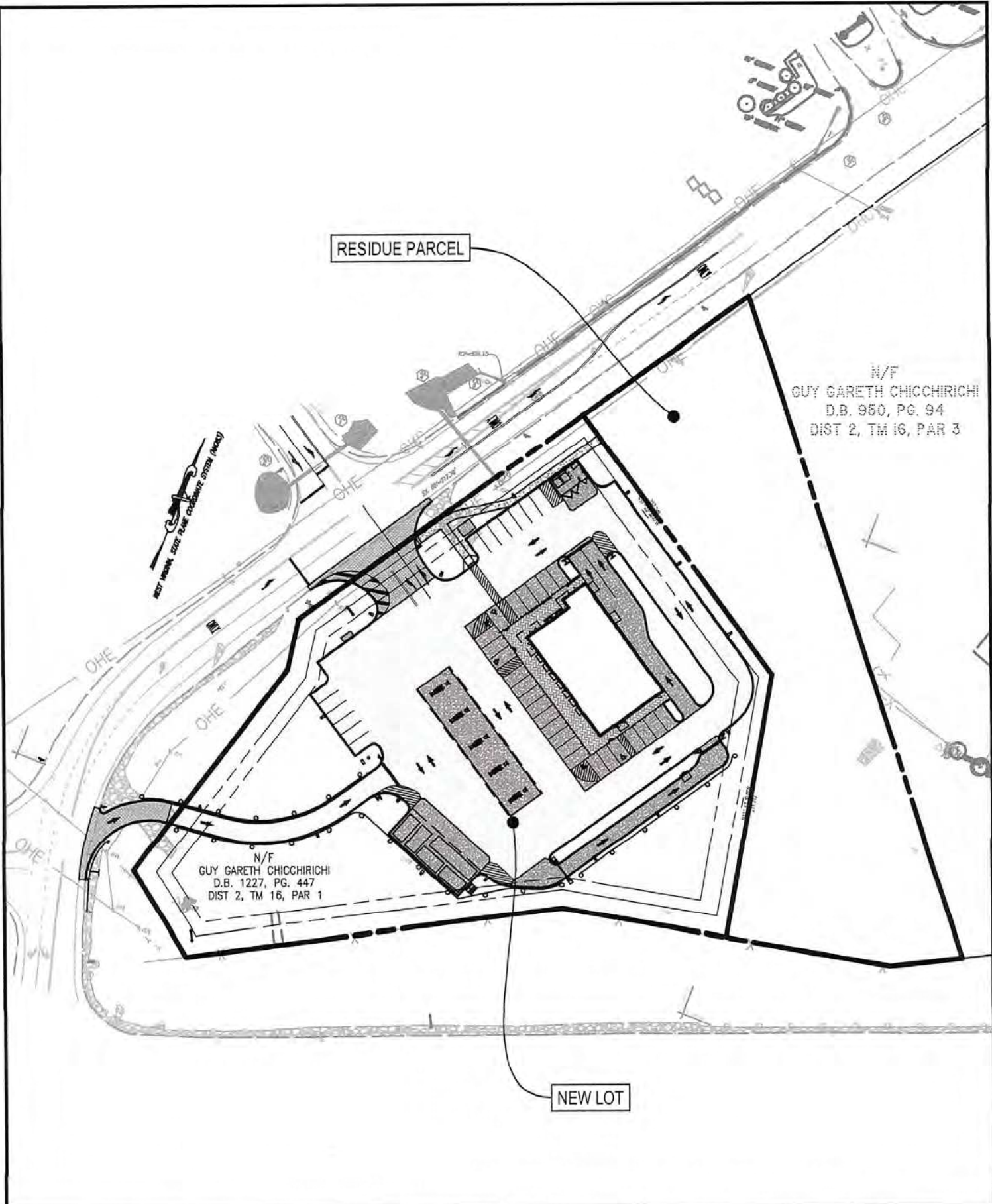
\_\_\_\_\_  
Date Adjoiners Mailed

### Planning Commission Determination

Approved

Denied

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



# SHEETZ AUGUSTINE AVENUE

EXHIBIT



148 S. Queen Street, Suite 201  
Martinsburg, WV 25401  
Phone: 304-725-8456  
www.gordon.us.com

PROGRAMMING AND PLANNING  
CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE  
SURVEY AND MAPPING  
SECURITY CONSULTING

SCALE: 1"=XX'
DATE: MARCH 2022
JOB: 3506-0101
DRAWN: BJS
CADD: 20.201A.3 EXHIBIT DWG
SHEET:
1 OF 1



**JEFFERSON COUNTY COMMISSION'S AMENDMENT TO THE PROPOSED  
AMENDMENTS TO THE JEFFERSON COUNTY COMPREHENSIVE PLAN**

The proposed amendments to the Jefferson County Comprehensive Plan that were submitted to the Jefferson County Commission by the Jefferson County Planning Commission on January Sixth, 2022, shall be amended by the County Commission, pursuant to W.Va. Code 8A-3-10 and related statutes, as follows:

The County Commission hereby substitutes in place of all such proposed language the following language which shall be added to the end of paragraph 8(a) on page 93 of the current Comprehensive Plan:

“, specifically Solar Energy Facilities in areas inside of the Urban Growth Boundary and the Preferred Growth Area as a Principal Permitted Use and outside of the Urban Growth Boundary and the Preferred Growth Area by the Conditional Use Permit process,”.

Pursuant to W.Va. Code 8A-3-10 and related statutes, the Jefferson County Commission hereby informs the Planning Commission that the reason for the amendment is to conform to the attached agreed settlement Order, styled as an Agreed Order Dissolving Injunction, that was entered by the Circuit Court of Jefferson County on March 31, 2022 as agreed by the parties to Jefferson County Circuit Court case number 2022-C-9.

By a majority vote at a duly called meeting of the Jefferson County Commission this Fifth day of April, 2022.

JEFFERSON COUNTY COMMISSION

BY



Caleb Hudson, President





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

## 3<sup>rd</sup> Quarterly Report for Planning and Zoning FY 2022 (January 1, 2022 – March 31, 2022)

Attached is an electronically generated report of all applications submitted and reviewed within the 3<sup>rd</sup> Quarter of FY2022. This data is being provided as a part of the 3<sup>rd</sup> Quarterly Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

### PLANNING COMMISSION ITEMS

**Planning Commission Meetings:** **4 Meetings**

**Subdivision Regulations Text Amendments** **On-going Major updates/revisions on hold**

**Zoning Ordinance Text Amendments** **1 scrivener’s error correction**

**3/8/22:** The Zoning Administrator reported a formatting error that was identified in the Zoning Ordinance, specifically, in Appendix A – Residential Site Development Standards related to parking/drive aisle setbacks and screened buffer for townhouse and explained proposed correction which was recorded.

***Envision Jefferson 2035 Comprehensive Plan Text Amendments*** **1**

**On-going:** County Commission’s request (9/2/21) to the Planning Commission to draft an amendment to the *Envision Jefferson 2035 Comprehensive Plan* to identify and secure the role of solar facilities throughout the rural and residential zoning districts in Jefferson County.

*Draft Amendment presented to the CC by the PC 1/6/22; CC PH held 2/3/22 and left open until 2/17/22; no action taken in this quarter*

**Zoning Map Amendments/Rezoning** **4**

•March 17, 2022: Approved the following Zoning Map Amendments after their Public Hearing:

**#22-2-Z** Planning Commission review and recommendation to the County Commission regarding whether petition for a Zoning Map Amendment to rezone the subject property from Rural to Highway Commercial (HC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: Guy Chicchirichi/Sheetz. Property Location: NE corner of Augustine Ave. & US 340 intersection. Tax District: Charles Town (02); Tax Map: 16; Parcel: 1. Size: 0.52 acres of a 4.42 acre site.  
*PC review and recommendation to the CC that the proposed Zoning Map Amendment is compatible with the Comprehensive Plan 3/08/22 PC meeting; CC PH 3/17/22; approved.*

**#22-1-Z** Planning Commission review and recommendation to the County Commission regarding whether petition for a Zoning Map Amendment to rezone the subject property from Rural to Residential Growth (RG) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: William Reilly, Managing Member (Green Hill). Property Location: Vacant parcel located northeast of the Flowing Springs Rd (WV17) and Daniel Rd (WV18) intersection. Tax District: Charles Town (02); Tax Map: 03; Parcel: 9. Size: 102 acres.  
*PC review and recommendation to the CC that the proposed Zoning Map Amendment is compatible with the Comprehensive Plan 3/08/22 PC meeting; CC PH 3/17/22; approved.*

**#21-5-Z** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Industrial-Commercial to Residential Growth is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: Arnold Holden. Property Location: NW of Shenandoah Road and Ridge Road, Shenandoah Junction, WV. Tax District: Charles Town (02), Map: 1; Parcels: 29 and 45. Combined acreage: 76.22 acres.  
*PC review and recommendation to the CC that the proposed Zoning Map Amendment is compatible with the Comprehensive Plan 1/11/22 PC meeting; CC PH 1/20/22; approved.*

**#21-4-Z**  
*(revised)* Planning Commission review and recommendation to the County Commission regarding whether the *revised* petition for a Zoning Map Amendment to rezone the subject parcels from Village to *Residential-Light Industrial-Commercial* is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: John Morris. Property Location: 16, 30, and 36 Old Leetown Road, Kearneysville, WV. Tax District: Middleway (07), Map: 11; Parcels: 2.1 and 2.2. Combined acreage: 1-acre.  
*PC review and recommendation to the CC that the proposed Zoning Map Amendment is compatible with the Comprehensive Plan 1/11/22; CC PH 01/20/22; approved.*

**Concept Plan Public Workshops** **none this quarter**

**BOARD OF ZONING APPEALS (BZA) ITEMS**

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

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

**PLANNING & ZONING STAFF ITEMS**

**Pre-Proposal Conference (PPC) Meetings:** 23 Total (11 Subdivision & 12 Site Plan)

**Information Request Forms (IRFs) -- general inquiries from the public:** 35 Total

**Zoning and Land Development Fees Collected:** \$ 112,143.24

<b>Regional Transportation Planning Meetings (all remote)</b>	
Eastern Panhandle Transit Authority (EPTA) Board Meetings	1/24/22; 3/21/22
EPTA Safety Committee	2/14/22
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	2/2/22
HEPMPO Long Range Plan TAC Meetings	2/23/22

<b>Local and Regional Planning Meetings (all remote)</b>	
WV APA Chapter Executive Committee Meetings (ZOOM);	1/25/22; 2/22/22 3/14/22
WV APA Chapter Membership Committee	2/15/22 3/15/22
Mid Atlantic Planning Collaboration Webinar (Land Use Law/Planning Professional Credits)	3/17/22

**Planning and Zoning FY 2022 3rd Quarterly Report  
01/01/2022 - 03/31/2022 (Generated 4/1/2022)**

Type	Project Number	Creation Date	Owner Name	Location	Status	Description
Conditional Use Permit	22-1-CUP	1/3/2022	MUTH RAYMOND M JR & KERRY F	21 SOUTHPAW LN, SHEPHERDSTOWN	Closed	CUP to expand an existing emergency vehicle outfitting and retrofitting professional office.
	22-2-CUP	3/24/2022	STAUBS JOHN T	3807 CHESTNUT HILL RD, HARPERS FERRY	Open	CUP to operate a Restaurant/ Mobile Food Truck with a 10' x 10' tent with a bench and two picnic tables will be provided.
					<b>Category Total:</b>	<b>2</b>
Easements	22-1-E	3/21/2022	H&G CATROW CONTRACTING INC	7174 MARTINSBURG PIKE, SHEPHERDSTOWN	Open	Create a 50' access easement across two properties
	22-2-E	3/31/2022	AAL LLC	8285 MARTINSBURG PIKE, SHEPHERDSTOWN	Open	40 2-bedroom apartments with associated parking and signage.
					<b>Category Total:</b>	<b>2</b>
Merger or Boundary Line Adjustment	22-1-M	1/5/2022	SECATELLO CONTRACTING, LLC - VINCENT SECATELLO	4590 BOWERS RD, KEARNEYSVILLE	Open	First of two related merger plats (w/ 22-5-M). Final configurations for this first step: Parcel 1.3 = 17.8549 acres; Parcel 2 = 48.1763 acres
	22-2-M	1/11/2022	GUY GARETH CHICCHIRICHI	AUGUSTINE AVE, CHARLES TOWN	Open	BLA of 1.4 acres from Parcel 1 to Parcel 3.
	22-3-M	1/19/2022	LOUGHLIN SHAWN P A G & TONI L	310 FRISKY CT, HARPERS FERRY	Open	Proposed "land swap" to correct a setback violation on the Loughlin property (Parcel 28.3).
	22-4-M	2/2/2022	KRAUS JAMES M	1559 KNOTT RD, SHEPHERDSTOWN	Open	BLA from Rife to Kraus to correct a setback violation.
	22-5-M	2/2/2022	SECATELLO CONTRACTING, LLC - VINCENT SECATELLO	4590 BOWERS RD, KEARNEYSVILLE	Open	Second of two related merger plats (w/ 22-1-M). Final Configurations: Parcel 1.3 = 6.09 acres; Parcel 2: 51.058 acres.
	22-6-M	2/3/2022	HY-CREST FARMS LLC - Arnie Dailey	1694 S CHILDS RD, KEARNEYSVILLE	Open	BLA of 4.092 acres from Parcel 6 (Hy-crest) to Parcel 6.14 (Schneider); Creation of a 50' access easement for Parcel 6.
	22-7-M	2/3/2022	HY-CREST FARMS LLC - Arnie Dailey	1694 S CHILDS RD, KEARNEYSVILLE	Open	BLA of 1.526 acres from Parcel 6 (Hy-crest) to Parcel 6.12 (Carroll).
	22-8-M	2/11/2022	FRICKEY PAULA JEAN	297 MCQUILKIN RUN WAY, SHEPHERDSTOWN	Open	BLA of 0.1288 acres from Parcel 1.17 to Parcel 1.18.
	22-9-M	2/23/2022	AAL LLC	8285 MARTINSBURG PIKE, SHEPHERDSTOWN	Open	Consolidation of Seneca Crossing North (PB 24/PG 52(A-I)) consisting of 25 residential lots, common areas, and SWM facilities.
	22-10-M	2/24/2022	GUGULIS MICHAEL W & KATHERINE C TR	SAVANNAH DR, CHARLES TOWN	Open	Combining Lot 3 of the Chad Johnson MSD and Lot 4 of the Karen Miller MSD into a single parcel.
	22-11-M	2/28/2022	CHAPMAN PAUL D TRUST	1621 BERRYVILLE PIKE, CHARLES TOWN	Open	BLA of 0.140 acres from parcel 4 to parcel 3
	22-12-M	2/28/2022	CHAPMAN PAUL M	1657 BERRYVILLE PIKE, CHARLES TOWN	Open	BLA of 0.49 acres from parcel 2 to parcel 3
	22-13-M	3/23/2022	VALERI JOYCE S - TR VALERI FAMILY REV TRUST	4364 OLD LEETOWN PIKE, RANSON	Open	BLA between Lot 1 and Lot 2. Final: Lot 1 = 0.7944 ac; Lot 2 = 1.0275 ac
	22-14-M	3/24/2022	LAKESIDE DRIVE LLC - Susan Reichel	LAKESIDE DR, HARPERS FERRY	Open	BLA to split Lot 13 between Lot 14 and Lot 12.
	22-15-M	3/28/2022	SCHEERER JARED G	101 CHERRY LN, SHEPHERDSTOWN	Open	BLA from Lowe to Scheerer to correct a setback violation.
	22-16-M	3/28/2022	Dead Rock Contractor Services, LLC Chris Livingston	Vacant Parcel, Charles Town	Open	To consolidate two existing lots shown as a single parcel.
	22-17-M	3/29/2022	POTOMAC EDISON COMPANY - Wendy Jones	1320 OLD COUNTRY CLUB RD, CHARLES TOWN	Open	Potomac Edison - BC Partners (Sleepy Hollow Tower Site)
	22-18-M	3/31/2022	WINKLEPLECK KENNETH D & MARIA C ET AL	76 GRUBER RD, SUMMIT POINT	Open	BLA of 1.4908 acres from Parcel 1.1 to Parcel 1.3
				<b>Category Total:</b>	<b>18</b>	
Miscellaneous Fees	22-1-MPC	1/4/2022	Susan Healy	VACANT, Harpers Ferry	Closed	Minor Plat Change to relocate the septic reserve area - Lot 23 Lake Forest Estates
	22-2-MPC	1/7/2022	COLLIER MARTIN P & KIBONG LEE - PAUL & LEE COLLIER	Vacant Parcel - Waterside Drive, Harpers Ferry	Closed	Minor Plat Change: relocate septic reserve area for Lot 23 of Waterside Reserve Phase II Subdivision
	22-3-MPC	3/17/2022	KLEFFNER JURGEN M & VERONICA D	1325 SHIRLEY RD, SUMMIT POINT	Open	Kleffner MSD, Lot 3 - Septic Reserve Relocation
	22-4-MPC	3/18/2022	CORBIN NORMAN R IV & CHERYL L	2751 ENGLE MOLERS RD, HARPERS FERRY	Open	Minor Plat Change: relocate driveway and reallocate the required greenspace area.
	22-5-MPC	3/25/2022	DECK ANDREW N & MARCY J	11 SHADY MEADOWS CT, CHARLES TOWN	Open	Apple Blossom Meadows, Lot 7 - septic reserve relocation
				<b>Category Total:</b>	<b>5</b>	

Planning Commission Waiver	22-1-PCW	1/3/2022	EXECUTIVE EMERGENCY LIGHTING LLC - RAYMUND MUTH	21 SOUTHPAW LANE, SHEPHERDSTOWN	Withdrawn	Waiver from Section 20.203B of the Sub. Regulations, which requires a Site Plan
	22-2-PCW	2/15/2022	B.C. Partners, Inc	Country Club Road, Charles Town	Open	Request for a waiver of Section 24.113.B.10 of the Sub. Regs (Archaeological Survey) for all Major Subdivision Preliminary Plats.
	22-3-PCW	2/15/2022	B.C. Partners, Inc	Country Club Road, Charles Town	Open	Request for a waiver from various commerial road standards from Appendix B Table 2.2-1 "Roadway Design Standards" of the Subdivision Regulations.
	22-4-PCW	2/16/2022	BEAHM NORMAN A & CHARLOTTE	382 MISSION RD, HARPERS FERRY	Open	Waiver of Section 20.201C.2 to allow a lot in a proposed minor subdivision to utilize an existing 20' access easement (Tabernacle Lane).
	22-5-PCW	2/16/2022	BEAHM NORMAN A & CHARLOTTE	382 MISSION RD, HARPERS FERRY	Open	Waiver of 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 for a church parking lot to process a final plat without obtaining health department approval.
	22-6-PCW	3/18/2022	Guy Chicchirichi	Vacant Lot, NE OF US 340 AND AUGUSTINE AVENUE INTERSECTION, CHARLES, WV	Open	Waiver from Section 20.201A.2.b to reduce the required road frontage from 200' to 161' for the proposed residue lot that will remain zoned as Rural
	22-7-PCW	3/18/2022	Guy Chicchirichi	NE OF US 340 AND AUGUSTINE AVENUE INTERSECTION, CHARLES TOWN, WV	Open	Waiver from Section 20.201A to waive the requirement related to the extension of off-site utilities to allow the subdivision to process as a Minor Subdivision.
	22-8-PCW	3/18/2022	POTOMAC EDISON COMPANY	1320 OLD COUNTRY CLUB RD, CHARLES TOWN	Open	Request for a waiver from Section 11.1B of the Subdivision Regulations, which requires a site plan for all new telecommunication towers.
						<b>Category Total:</b>
Final Plat Amendments	22-1-FPA	2/28/2022	PALMER LUCAS J & MELISSA A	68 WILDERNESS CT, HARPERS FERRY	Open	Final Plat Amendment to allow a 22' x 44' inground pool to be located within a platted 10' drainage/utility easement. See Note #15 on Final Plat / PC File 05-26.
	22-2-FPA	3/1/2022	KNOTT MELISSA B - John Knott	80 QUAKING ASPEN WAY, CHARLES TOWN	Open	Final Plat Amendment to allow a 12' x 5.5' deck to be located within a platted 12' drainage/utility easement. See Note #24 on Final Plat / PC File 07-15.
	22-3-FPA	3/1/2022	ROLFE JASON & KARA M	708 RUDDER RD, SHEPHERDSTOWN	Open	Final Plat Amendment to allow the construction of a detached accessory dwelling unit for a family member. See Note #4 on Final Plat / PC File 01-17.
					<b>Category Total:</b>	<b>3</b>
Site Plan	22-1-SP	1/19/2022	POTOMAC EDISON COMPANY	1320 OLD COUNTRY CLUB RD, CHARLES TOWN	Open	Concept Plan for new 150' Monopole Telecommunications Facility to be constructed within an existing substation compound.
	22-1-NSP	3/29/2022	NORTOM INVESTMENTS LLC	69 CLENDENING DR, KEARNEYSVILLE	Open	Outdoor Storage Area for Rockwool Inventory in existing NorTom parking lot.
	22-2-SP	3/30/2022	JEFFERSON COUNTY COMMISSION	235 SAM MICHAELS LN, SHENANDOAH JUNCTION	Open	Master Plan Layout for full build-out of Sam Michaels Park.
					<b>Category Total:</b>	<b>3</b>
Subdivision	22-1-SD	1/5/2022	Secatello Contracting, LLC - Vincent Secatello	Vacant Parcel - Bowers Road, Kearneysville	Open	2-Lots and a Residue Minor Subdivision
	22-2-SD	1/5/2022	SECATELLO CONTRACTING, LLC - VINCENT TODD SECATELLO	4590 BOWERS RD, KEARNEYSVILLE	Open	Cluster Subdivision - Lots 2A, 2B, 2C, 2D, and 2E-Residue
	22-3-SD	2/16/2022	WILSON MICHAEL C & ALLA A	225 AMNESTY WAY, SHEPHERDSTOWN	Open	Minor Subdivision 2 lots and 1 residue
	22-4-SD	2/17/2022	O'SULLIVAN FARMS LLC	1501 EARLE RD, CHARLES TOWN	Open	MSD for Lots A and B-Residue
	22-5-SD	2/22/2022	Sam Staley	STALEY DR, SHEPHERDSTOWN	Open	Creation of three family transfer lots
	22-6-SD	3/4/2022	Jo Shue-Powless	60 KIDWILER RD, HARPERS FERRY	Open	Family Transfer MSD - 3 lots
	22-7-SD	3/7/2022	OUELLETTE JOHN J & TINA J	772 N CHILDS RD, KEARNEYSVILLE	Open	Creation of 1 family transfer lot and a residue.
	22-1-RR	3/10/2022	ILA Properties, Inc.	Charles Town Road, Kearneysville, WV 25430	Open	Redline Revision (pavement)
	22-8-SD	3/25/2022	GAESTEL WILLIAM H	1602 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV 25443	Open	William Gaestel Family Transfer, Lots 1-Residue, and 2-4
22-9-SD	3/25/2022	FINCH GREGORY L & MELANIE M	Kearneysville Pike, Shepherdstown, WV 25443	Open	Gregory and Melanie Finch FT MSD, Lots 1-3, and 4-Residue	

	22-10-SD	3/28/2022	LUTMAN LAND DEVELOPMENT LLC - Dave Lutman	45 FOX MEADOW LN, SUMMIT POINT, WV 25446	Open	Minor Subdivision of property formerly addressed as 1319 Shirley Road. Lost 1-4 (residue)
					<b>Category Total:</b>	<b>10</b>
Redline Revisions	22-1-RR	3/10/2022	ILA Properties, Inc.	Charles Town Road, Kearneysville	Open	Redline Revision (pavement)
					<b>Category Total:</b>	<b>1</b>
Zoning Certificate	22-1-ZC	1/11/2022	HERBERT JOSEPH A & SHELBY M	1122 DUNCAN RD, HARPERS FERRY	Closed	Farm Vacation Enterprise - five lodging units.
	22-2-ZC	1/11/2022	HERBERT JOSEPH A & SHELBY M	1122 DUNCAN RD, HARPERS FERRY	Open	Farm Vacation Enterprise
	22-3-ZC	1/31/2022	GRANTHAM JOHN W & SHAUNA F	364 WOOD END FARM LN, SUMMIT POINT	Closed	Agricultural Event Facility & Farm Vacation Enterprise (garage apartment)
	22-4-ZC	1/31/2022	SNYDER STEPHEN P & KATIE MCELROY-WOODRUM - STEPHEN SNYDER	38 MARCUM LN, HARPERS FERRY	Closed	Zoning Certificate to operate under the Landscaping land use designation.
	22-5-ZC	2/3/2022	HALVERSON DEBORAH	8025 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN	Closed	Proposed Use: Farm Vacation Enterprise
	22-6-ZC	2/25/2022	TODORA MATTHEW	245 MASON DR, HARPERS FERRY	Closed	Short Term Rental
	22-7-ZC	3/7/2022	OUELLETTE JOHN J & TINA J	772 N CHILDS RD, KEARNEYSVILLE	Closed	Accessory Dwelling Unit for son
	22-8-ZC	3/9/2022	SUNNYSIDE LIMITED PARTNERSHIP	844 WHEATLAND RD, CHARLES TOWN	Closed	To install a generator and pad within an existing fenced cell tower compound.
	22-9-ZC	3/9/2022	KROP PROPERTIES LLC	640 WAR ADMIRAL BLVD, CHARLES TOWN	Closed	The project consists of seasonal retail items, a food truck, alcohol sales, outdoor seating area. Approximately 10 employees. Up to 30 parking spaces will be provided.
	22-10-ZC	3/9/2022	BANKS T NEILL & KENNA	3343 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION	Closed	Tower and Ground modifications to an existing telecommunications facility site.
	22-11-ZC	3/22/2022	BROWN ALVIN L & CYNTHIA D	2464 HITE RD, KEARNEYSVILLE	Closed	Equipment modifications to existing 300' nonconforming telecommunications tower.
	22-12-ZC	3/25/2022	LEFEVRE THOMAS E	237 TEL FARM LN, KEARNEYSVILLE,	Closed	Tower equipment modification (antennas) on an existing 196' telecommunication facility.
	22-13-ZC	3/29/2022	Dead Rock Contractor Services, LLC Chris Livingston	ShIPLEY Road, Charles Town	Open	Contractor's Office with Outdoor Storage: 1500 SF Steel Building with Office & Storage and parking lot
	22-14-ZC	3/29/2022	D'ANGELO STANLEY W	1333 MOUNT HAMMOND LN, CHARLES TOWN	Open	Tower equipment modification (antennas) on an existing 195' telecommunication facility.
					<b>Category Total:</b>	<b>14</b>
Zoning Map Amendment	22-1-Z	1/26/2022	FLOWING SPRINGS ROAD LLC	Flowing Springs Road, Charles Town	Open	To rezone 102 acres from Rural to Residential Growth (PC review/recommendation to the CC re: whether the ZMA petition is consistent with Comp Plan.)
	22-2-Z	1/26/2022	Guy Chicchirichi	Augustine Ave, Charles Town	Closed	To rezone 0.52 acres of the remaining 1.92 acres from Rural to Highway Commercial (PC review/recommendation to the CC re: whether the ZMA petition is consistent with Comp Plan.)
					<b>Category Total:</b>	<b>2</b>
	22-1-ZV	1/3/2022	STAUBS KIMBERLIN L & TOMMY G SR	88 CAVALIER DR, HARPERS FERRY	Closed	Variance request from Section 9.7 & 9.6C to reduce the front setback from 20' to 15' for a proposed 28' x 30' detached garage.
	22-3-ZV	1/3/2022	PINE PROPERTIES LLC - DONALD PINE	989 ENGLE MOLERS RD, HARPERS FERRY	Closed	Variance request from Sections 9.5(b) and 5.7(b) of the April 8, 2005 Zoning Ordinance, as amended, to reduce the side setback from 15' to 0' for a 9' tall privacy fence.
	22-2-ZV	1/3/2022	MENGES JOEL & ANTOINETTE SIGNORI	222 MADDEX DR, SHEPHERDSTOWN	Closed	Variance request from Sections 5.4B (01/10/02 Zoning Ordinance, as amended) to reduce the side and rear setbacks from 12' to 4' and 20' to 13' for a proposed 16' x 40' in-ground pool with surrounding concrete.
	22-4-ZV	1/3/2022	MUTH RAYMOND M JR & KERRY F RAY MUTH	21 SOUTHPAW LN, SHEPHERDSTOWN	Closed	Variance request from Section 4.10A to waive the requirement to process a site plan for a proposed expansion to an existing commercial building.
	22-5-ZV	1/28/2022	BRITTON SHERRY M & TIMMY D	153 CARDINAL KNOLL LN, SHENANDOAH JUNCTION	Open	Variance from Section 5.7B of the Zoning Ordinance (as amended 02/11/98) to reduce the front setback from 40' to 10'; and the rear setback from 50' to 10' to allow for the replacement of an existing singlewide mobile home with a new ~2,200 square foot home.

Zoning Variance	22-6-ZV	1/28/2022	SACCUCCI MARC A	290 MADDEX DR, SHEPHERDSTOWN	Open	Variance from Section 5.4B of the Zoning Ordinance (as amended 05/01/03) to reduce the front setback from 25 to 20' to construct a front porch.
	22-7-ZV	1/28/2022	RAPATTONI CHERYLE JOANNA	267 RIVERSIDE DR, HARPERS FERRY	Open	Variance from Section 9.7 to reduce the side setback along the northern boundary from 12' to 5' for a 26' x 31' detached garage with covered breezeway.
	22-8-ZV	1/28/2022	RAPATTONI CHERYLE JOANNA	267 RIVERSIDE DR, HARPERS FERRY	Open	Variance from Section 9.7 to reduce the side setback along the southern boundary from 12' to 6' for a 30' x 33' addition.
	22-9-ZV	1/31/2022	PALMER LUCAS J & MELISSA A	68 WILDERNESS CT, HARPERS FERRY	Open	Variance request from Section 5.4B of the Zoning Ordinance, as amended on 04/08/05, to reduce the side setback from 12' to 5'; and, to reduce the rear setback from 20' to 5' for a 22' x 44' in-ground pool including surrounding concrete.
	22-10-ZV	2/28/2022	B.C. Partners, Inc	Old Country Club Road, Charles Town	Open	Variance request from Section 8.9A,10 to modify the 50' landscape buffer requirement along a limited access highway for a proposed four (4) lot nonresidential subdivision.
	22-11-ZV	3/17/2022	STAUBS KIMBERLIN L & TOMMY G SR	88 CAVALIER DR, HARPERS FERRY	Open	Variance request from Section 9.7 & 9.6C to reduce the front setback from 20' to 5' for a proposed 36' x 26' detached garage.
	22-12-ZV	3/24/2022	KING BRIAN B	76 BRIERLY SPRING LN, SHEPHERDSTOWN	Open	Variance from Section 9.7 to reduce the front setback from 40' to 18' to construct an addition to an existing home.
	22-13-ZV	3/25/2022	POTOMAC COTTAGE LLC - Robert Starkey	1523 KNOTT RD, SHEPHERDSTOWN	Open	Variance from Section 9.7 to reduce the size setback from 8' to 6" for a deck.
						<b>Category Total:</b>
					<b>Grand Total:</b>	<b>81</b>





**Jefferson County, West Virginia**  
**Department of Engineering, Planning, and Zoning**  
**Office of Planning and Zoning**  
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**Planner's Memorandum**  
**Planning Commission Meeting**  
**April 12, 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:**

- **March 30, 2022 Special Meeting:** County Commission approved an agreed order related to and impacting the proposed *Envision Jefferson 2035 Comprehensive Plan* text amendment regarding solar facilities (Public Hearing was held 2/3/22) which will require further action by the Planning Commission
- **March 17, 2022:** Approved the following Zoning Map Amendments after their Public Hearing:
  - 22-1-Z Green Hill: 102 acres, Charles Town (02); Tax Map: 03; Parcel: 9, from Rural to Residential Growth (RG)
  - 22-2-Z Guy Chicchirichi/Sheetz: 0.52 acre portion of Charles Town (02); Tax Map: 16; Parcel: 1 from Rural to Highway Commercial (HC)

**3) 2022 Mountain State Land Use Academy**

Reminder: 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 May 17, 2022.

**4) Upcoming PC meetings**

Next Regular meeting: **May 17, 2022\*** (*Jennie will be out of town*)

**NOTE:** Meeting date is on the 3<sup>rd</sup> Tuesday in May due to the County Office closure related to the Primary Elections on May 10, 2022.