



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, June 23, 2022 at 2:00 p.m.**

Members  
Tyler Quynn, Chair  
Deirdre Catterton, Vice Chair  
Matthew McKinney  
Leeds Corbin  
Steven Guier  
Mikala Shremshock, Alternate

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This meeting will be held both in-person and virtually via ZOOM, which may be accessed from a desktop, laptop, iPad, or from a phone. You may be prompted to download the software or the ZOOM app.

**In-person Meeting Location:** County Commission Meeting Room located in the lower level of the Charles Town Library (entrance on Samuel St.)  
200 East Washington Street, Charles Town, WV 25414

**ZOOM Meeting Information:** Meeting ID: 852 9116 4127  
Meeting Link: <https://us02web.zoom.us/j/85291164127>  
Phone Option (Dial by Location): 301-715-8592  
Find your local number: <https://us02web.zoom.us/u/ksDhbe5PP>

If you wish to participate virtually in public comment for one of the agenda items, please type your name and agenda item # in the chat function at the start of the meeting. Please mute yourself when you are not talking. When participating, please be mindful that your video is streaming to others.

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**All requests are pursuant to the Zoning & Land Development Ordinance.**

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**Approval of Minutes: May 26, 2022**

**Public Hearing – Administer Oath**

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**ITEM #1 FILE #: 22-21-ZV**

**Request:** Variance from Section 4B.7(J)(2)(a) to increase the height of an existing Wireless Telecommunications Tower (designed as a silo) from 120' to 130' to allow additional antennas (co-colocation) within the existing silo structure.

**Owner:** Michael Owens

**Applicant:** SmartLink Group / Bijan Olexo

**Parcel Info:** 11945 Leetown Rd, Kearneysville, WV

Parcel ID: 07000700060000; Size: 404 ac; Zoning District: Rural

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**ITEM #2 FILE #: 22-22-ZV**

**Request:** Variance from Section 5.4B.1 and Appendix A to reduce the Front Setback from 25' to 15'; the Side Setback from 12' to 10'; and the Rear Setback from 20' to 10' for Lots 203-233 & 273-275 in Phase 3 of the Beallair Subdivision.

**Owner:** Beallair Homes, LLC

**Applicant:** Mike Wiley, P.E. / Paul Raco, Consultant

**Parcel Info:** Beallair Subdivision, Phase 3, Lots 203-233 & 273-275

Parcel ID: 04010ARESA; Size: 69.3 ac; Zoning District: Residential Growth

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**Zoning Administrator Report**

- a. Monthly Zoning Certificate Activity Report

**Legal Update**

- a. Discussion of the following pending lawsuits:
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions

**Meeting: April 28, 2022**

1. Variance from Section 9.7. Owner: Potomac Cottage/Starkey. File: 22-13-ZV.
2. Variance from Section 5.4B. Owner: Ian Gibson-Smith. File: 22-17-ZV.
3. Variance from Section 9.7. Owner: Sharon Tennant. File: 22-18-ZV.
4. Variance from Section 10.7E.1. Owner: Charles Town Lodge No. 948 Loyal Order of Moose, Inc. File: 22-19-ZV
5. Variance from Section 9.7. Owner: Daniel Derito. File: 22-20-ZV.

**DRAFT Minutes**

**Jefferson County Board of Zoning Appeals**

- 1 Meeting Date: May 26, 2022  
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held  
3 in-person in the Charles Town Library Conference Room; and virtually  
4 via ZOOM.  
5 Board Members Present: Tyler Quynn, Chair; Deirdre Catterton, Vice Chair; Matthew McKinney,  
6 and Leeds Corbin were all present in-person. Mikala Shremshock,  
7 alternate member was present via ZOOM.  
8 Board Members Absent: Steve Guier with notification  
9 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Mason Carter, Ordinance  
10 Compliance Officer; Stephen Groh, Assistant Prosecuting Attorney;  
11 and Jennilee Hartman, Zoning Clerk

12 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.

13 Ms. Catterton moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which  
14 carried unanimously.

15 Ms. Catterton reviewed meeting protocol for those in attendance. Ms. Beaulieu swore in members of  
16 the public who indicated they would be providing testimony.

17 **Approval of Minutes: April 28, 2022**

18 Mr. McKinney moved to approve the minutes. Mr. Quynn called for a vote, which carried  
19 unanimously.

20 **AGENDA ITEM #1 FILE #: 22-13-ZV (CONTINUED FROM THE APRIL 28, 2022 MEETING)**

- 21 Request: Variance from Section 9.7 to reduce the side setback along the southern property line  
22 from 15' to 3' for a 12' long deck; and to reduce the side setback along the northern  
23 property line from 15' to 6-inches for a 12' long deck with 8' long stairs.  
24 Owner: Potomac Cottage / Robert Starkey  
25 Parcel Info: 1523 Knott Road, Shepherdstown, WV  
26 Parcel ID: 09011A00360000; Size: 2.3 ac; Zoning District: Rural

27 Mr. Quynn requested a deliberative session.

28 Ms. Catterton moved to go into deliberative session at 2:04 pm. Mr. Quynn called for a vote, which  
29 carried unanimously.

30 Mr. McKinney moved to come out of deliberative session at 2:24 pm. Mr. Quynn called for a vote,  
31 which carried unanimously.

32 Mr. Quynn noted that this item was continued from the April 28, 2022 meeting for the purpose of  
33 allowing Mason Carter, the Ordinance Compliance Officer, to take additional site photos and to  
34 obtain new information relevant to the request.

35 Ms. Beaulieu provided an overview of the parcel's history, the applicant's request, and referenced  
36 the new site photos that had been included in the packet from a site visit that was conducted on  
37 May 3, 2022.

38 Mr. Quynn stated that testimony provided by the applicant and the public would be limited to new  
39 information only and each speaker would be limited to three minutes.

1 Mr. David Casto, attorney for the adjacent neighbor (Ms. Amy Bowman), spoke in opposition to  
2 the request. Mr. Casto argued that the application did not meet the four criteria required by West  
3 Virginia State Code.

4 Julie and Robert Starkey, applicants, provided a rebuttal to the opposition. Ms. Starkey explained  
5 that in 2019, the previous property owners had constructed wooden stairs over the existing concrete  
6 stairs as the concrete stairs had become hazardous. Ms. Starkey clarified that the wooden steps were  
7 6" from the Bowman residence. Ms. Starkey stated that they replaced the older deck and the  
8 wooden stairs with the new composite deck and stairs and stated that the new stairs were not any  
9 closer to the Bowman residence than the wooden stairs that were constructed in 2019 had been.

10 Mr. McKinney moved to approve the variance to reduce the side setback along the southern  
11 property line from 15' to 3' for a 12' long deck; and to deny the variance to reduce the side setback  
12 along the northern property line from 15' to 6-inches for a 12' long deck with 8' long stairs.  
13 Mr. McKinney noted that denial of the request is based on the fact that the request would adversely  
14 affect the health, safety and welfare of the adjacent property owner and that the request did not arise  
15 from special conditions or attributes created by the applicant.

16 Ms. Catterton requested an amendment to the motion that the applicant be bound by their  
17 testimony. Mr. Quynn also requested an amendment to the motion noting that the southern side  
18 setback was not increasing the nonconformity of the property based on the location of the existing  
19 home. Mr. McKinney accepted the amendments. Mr. Quynn confirmed that Ms. Shremshock had  
20 reviewed the previous record from the April 28, 2022 meeting. Mr. Quynn called for a vote, which  
21 carried four (4) in support and one (1) in opposition to the motion (Mr. Corbin).

22 **AGENDA ITEM #2 FILE #: 22-17-ZV**

23 Request: Variance from Section 5.4B of the Zoning Ordinance, as amended on 11/07/02, to  
24 reduce the rear setback from 20' to 9' for a 10' x 10' deck expansion.

25 Owner: Ian Gibson-Smith

26 Parcel Info: Deerfield Village, Lot 3, 44 Blossom View Ct., Shepherdstown, WV  
27 Parcel ID: 09014B00030000; Size: .26 ac; Zoning District: Rural

28 Ms. Tuvonya Carey, representative for the property owner, was present to address the Board.

29 Ms. Beaulieu provided an overview of her staff report noting that subject property backed up to a  
30 platted utility easement and open space area. Ms. Carey explained the nature of the request to the  
31 Board noting that the property owner wished to enlarge the existing deck to make it more  
32 functional. Ms. Carey also explained that the property owner had discussed the deck with the  
33 adjoining neighbors and that they did not object to the request. Ms. Carey confirmed that she did  
34 not have letters of support and pointed out that no one had submitted a letter in opposition.

35 Ms. Catterton moved to approve the variance as presented. Mr. Quynn called for a vote, which  
36 carried unanimously.

37 **AGENDA ITEM #3 FILE #: 22-18-ZV**

38 Request: Variance from Section 9.7 to reduce the 6' side and rear setbacks down to 4' for a 40' x  
39 24' detached garage with an attached 16' x 8' lean to.

40 Owner: Sharon Tennant

41 Parcel Info: Mecklenburg Heights, Lot 72, 323 Woodcock Ave., Shepherdstown, WV  
42 Parcel ID: 09007C00070000; Size: .48 ac; Zoning District: Residential Growth

1 Ms. Sharon Tennant, property owner, and Mr. Daniel DeHaven, contractor for the property owner,  
2 were present to address the Board. Ms. Beaulieu provided an overview of her staff report.  
3 Ms. Beaulieu noted that the subject building appears to meet the six foot setback and that the  
4 purpose of the variance is to afford the applicant some flexibility during construction. Ms. Tennant  
5 and Mr. DeHaven explained the nature of the request to the Board noting that the proposed  
6 structure will replace an existing shed. Ms. Beaulieu noted that the applicant had provided a letter  
7 of support from the adjacent property owners [Jerri Burgess, Gary Thomas, and Scott Lowe].  
8 Ms. Tennant confirmed that the garage would be used for personal storage.

9 Mr. Corbin moved to approve the variance with the following conditions:

10 1. That the applicant be bound by their testimony.

11 Mr. Quynn confirmed that there were no members of the public present to provide testimony.

12 Mr. Quynn called for a vote, which carried unanimously.

13 **AGENDA ITEM #4 FILE #: 22-19-ZV**

14 Request: Variance from Section 10.7E.1 to waive the requirement of submitting written  
15 certification from the sign manufacturer verifying that the light intensity has been  
16 factory preset not to exceed the levels specified by the Zoning Ordinance, and that  
17 the intensity level is protected from end-user manipulation by password protected  
18 software or other appropriate methods for a proposed Electronic Sign. The applicant  
19 has represented that the sign will comply with the required brightness levels but that  
20 the sign manufacturer has been unable to provide the required certification.

21 Owner: Charles Town Lodge No. 948 Loyal Order of Moose, Inc.

22 Applicant: Chad Bryan, Trustee

23 Parcel Info: 77 16th Ave, Ranson, WV; Parcel IDs: 02000700110005, 02000700110012,  
24 02000700110013; Combined Acreage: ~ 12 acres; Zoning District: Industrial Commercial

25 Mr. Chad Bryan, trustee for the Moose Lodge, was present to address the Board. Ms. Beaulieu  
26 provided an overview of her staff report. Ms. Beaulieu explained that the proposed electronic sign  
27 is permitted in the proposed location. Ms. Beaulieu stated that the applicant represented that the  
28 proposed sign would adhere to the requirements of the Ordinance. Mr. Bryan explained the nature  
29 of the request to the Board stating that the sign company had been unwilling to provide the required  
30 written certification. Mr. Bryan confirmed that the sign would follow all the requirements of the  
31 Zoning Ordinance and added that he would be willing to provide a notarized document to that  
32 effect. Referring to the last paragraph in Section 10.7, Mr. McKinney expressed his concern that the  
33 proposed sign did not appear to have FCC approval. Ms. Beaulieu stated that she believed the FCC  
34 approval was a general industry standard for electronic signs.

35 Mr. Quynn confirmed that there were no members of the public present to provide testimony.

36 Ms. Catterton moved to approve the variance with the following conditions:

37 1. That the applicant be bound by their testimony, specifically that they will comply with the  
38 sign criteria noted in the Zoning Ordinance.

39 Mr. Quynn called for a vote, which carried four (4) in support and one (1) in opposition to the motion  
40 (Mr. McKinney).

1 **AGENDA ITEM #5 FILE #: 22-20-ZV**

2 Request: Variance from Section 9.7 to reduce side setback from 15' to 1' along a platted 25'  
3 wide access easement for a 30' x 30' accessory structure (detached garage).

4 Owner: Daniel Derito

5 Parcel Info: 105 Burch Meadow Ln, Kearneysville, WV 25430

6 Parcel ID: 07002700040003; Size: 7.62 ac; Zoning District: Rural

7 Mr. Daniel Derito, property owner, was present to address the Board. Ms. Beaulieu provided an  
8 overview of her staff report noting that the applicant had provided a letter of support from the  
9 adjacent property owner (Jack Burch). Mr. Derito explained the nature of the request to the Board  
10 noting that the proposed location was optimal due to existing rock outcroppings and the location of  
11 existing overhead power lines. Mr. Derito added that based on the topography of the property that  
12 he would prefer to build the structure within visual range of the home.

13 Mr. Quynn confirmed that there were no members of the public present to provide testimony.

14 Mr. McKinney moved to approve the variance with the following conditions:

15 1. That the applicant be bound by their testimony.

16 Mr. Quynn called for a vote, which carried unanimously.

17 **Zoning Administrator's Report**

18 a. Monthly Zoning Certificate Activity Report. The Report was included in the mailed packet.

19 Ms. Beaulieu provided the Board an update on the proposed text amendment regarding Solar Energy  
20 Facilities (ZTA22-01). Ms. Beaulieu noted that the next meeting was scheduled for June 23, 2022.

21 **Legal Update**

22 a) Discussion of the following pending lawsuit: None.

23 b) Discussion with possible deliberative session and signing of draft Findings/Decisions.

24 **Meeting: April 28, 2022**

25 1. Variance from Sec. 9.6C & 9.7. Owner: T. & K. Staubs. File: 22-11-ZV.

26 2. Variance from Sec. 9.7. Owner: B. King. File: 22-12-ZV.

27 3. Request for a CUP. Owner: J. Staubs. Applicant: Naille. File: 22-2-CUP.

28 4. Request for a CUP. Owner: T. & A. Fridley. File: 22-3-CUP.

29 5. Variance from Sec. 9.7. Owner: C. Ramey. File: 22-14-ZV

30 6. Variance from Appendix A. Owner: K. Petry. File: 22-15-ZV.

31 7. Variance from Sec. 4.11E. Owner: G. Chicchirichi. Applicant: Sheetz. File: 22-16-ZV.

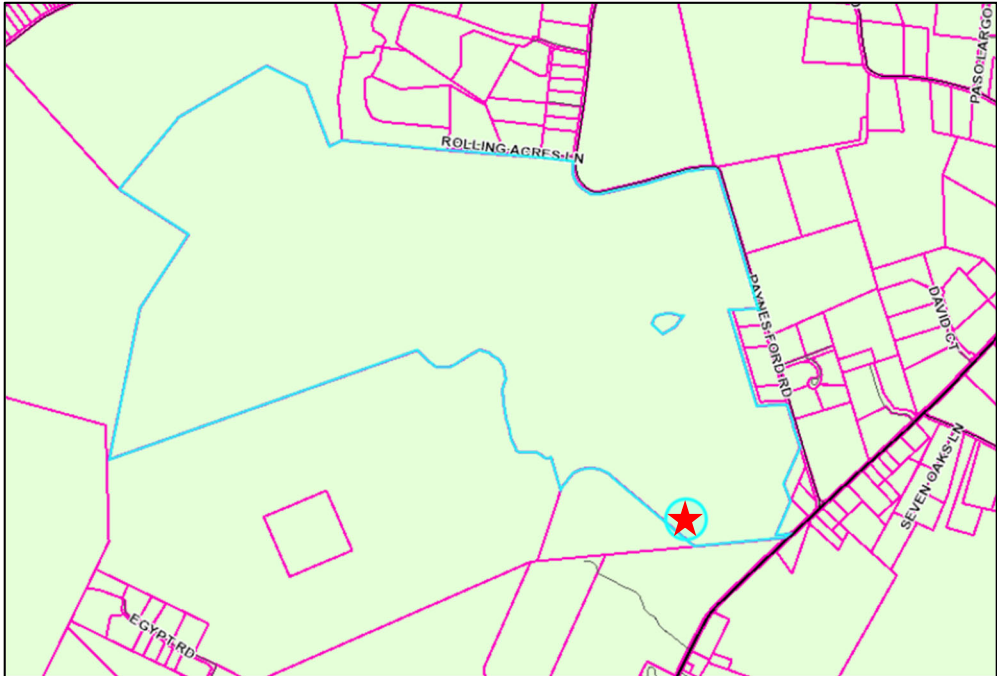
32 Mr. Quynn was provided a copy of the draft Findings for review. Mr. Quynn stated he  
33 would return the signed findings to the office.

34 Ms. Catterton moved to adjourn the meeting at 3:43 pm. Mr. Quynn called for a vote, which carried  
35 unanimously.

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**#22-21-ZV Owens-Smartlink - Variance Request**

Item #1 Variance from Section 4B.7(J)(2)(a) to increase the height of an existing Wireless Telecommunications Tower (designed as a silo) from 120' to 130' to allow additional antennas (co-colocation) within the existing silo structure.

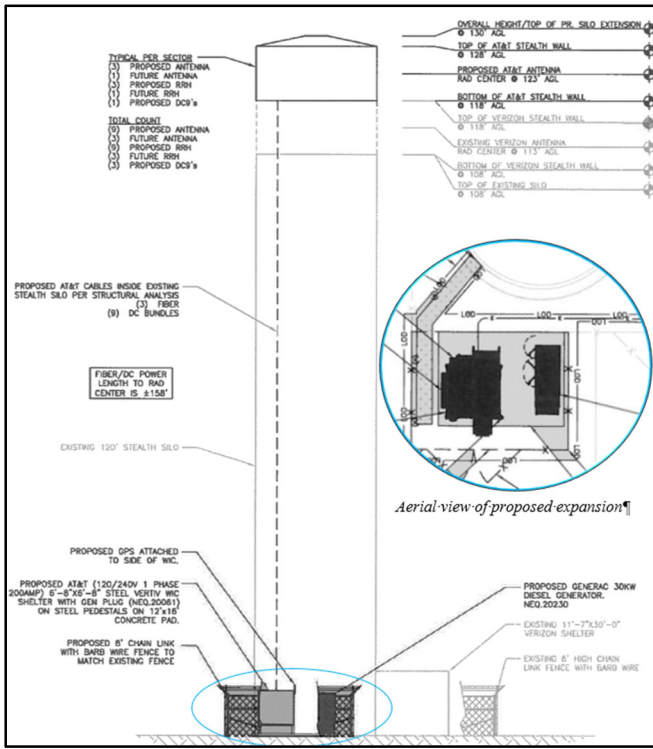
Applicant:	Bijan Olexo , SmartLink Group
Owner:	Michael Owens
Parcel Information and Zoning District:	<p style="text-align: center;">11945 Leetown Rd, Kearneysville, WV          Parcel ID: 07000700060000; Size: 404 ac; Zoning District: Rural</p>  <p style="text-align: center;">★ General location of the existing tower</p>
History:	Project File S11-13 08/09/11: PC approves cell tower Concept Plan 04/10/12: Staff approved site plan Site Plan
Waivers/Variations:	None
Approved Activity:	Telecommunications Tower (silo)
Site Visit Conducted:	Yes – 06/10/22

**Staff Overview**

The subject telecommunications tower was approved as a 120' silo in 2011. A Concept Plan Public Workshop and the required balloon test were completed for the subject 120' support structure, in accordance with Article 4B. There were no public comments and no conditions of approval when the Concept Plan for the tower originally processed.

The subject request is to increase the height of the existing telecommunications facility from 120' to 130' to allow additional antennas (co-location) to be installed within the existing silo structure. The Zoning Ordinance includes a Preferred Structures and Locations Policy which states that co-location and the use of existing or approved towers (including silos), is encouraged.

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The purpose of the height restriction is to encourage new facilities to be located in the Industrial-Commercial zoning district in accordance with the County's preferred locations policy, by allowing a maximum height of 199' in the Industrial-Commercial zoning district. The maximum height in all other zoning districts is 100', except when the support structure is designed as a silo, which has a maximum height allowance of 120'.

The proposed height increase appears to meet the intent of the Zoning Ordinance by allowing additional co-location opportunities. Pursuant to Section 4B.7, a site plan is not required to process because the proposed height increase is less than 10% of the existing height of the tower; however, because the maximum height requirement for a silo support structure is 120' and the fall zone and visual impact study were completed in 2011 for a 120' tower, Staff determined that a height increase above the maximum height provisions would necessitate the Board's evaluation.



\*Google Street View from the intersection of Leetown Road.

**Conditions of Approval**

Should the Board choose to approve this request, possible conditions of approval include:

1. No conditions of approval were identified.

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**SECTION OF ORDINANCE TO BE CONSIDERED:**

**Section 4B.7 Wireless Telecommunication Towers**

J. Design Criteria

Wireless Telecommunication Towers shall comply with the following design criteria:

2. Height Restrictions

- a. Towers in the Industrial-Commercial zoning district shall not exceed 199 feet. Towers in all other zoning districts shall not exceed 100 feet. If a silo is used for a support structure for antennas, the height of the silo shall not exceed 120 feet.
- b. Antennas may extend up to twenty (20) feet above the height of existing electric transmission towers if such height extensions are preferable to placement of a new Tower.

**Section 4B.7 Wireless Telecommunication Towers<sup>35</sup>**

Wireless Telecommunication Towers (hereafter “Tower” or “Towers”) are permitted in all zoning districts subject to the provisions of this section. The provisions of this section apply to an application for a new Tower, as well as for a major modification to an existing Facility or Support Structure that results in a substantial change to the facility or structure, including but not limited to a height extension of more than twenty (20) feet or ten percent (10%) of the current height of a facility or structure, whichever is greater, and/or replacement of the structure.

This section is not applicable to co-location of a new antenna array on an existing structure.

A. Site Plan Required

A minor site plan shall be required for all new Towers, as well as for Major Modifications to an existing Facility or Support Structure resulting in a substantial change to the Facility or Structure. In addition to the site plan review requirements of the Subdivision and Land Development Regulations, the site plan shall include all elements of a Concept Plan as established in Subsection B, and shall address conditions established by the Planning Commission in its review of the Concept Plan.

B. Concept Plan Submittal and Public Hearing Required

In addition to the requirements for a minor site plan, a proposed Tower shall require the submittal of a Concept Plan, subject to the following requirements:

1. Required 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, Section 1.3A, with the exception of Subsections 1.3A.20-22, 24-29, 31-35.
2. The following additional elements must be submitted:
  - a. Outside dimensions, use, and setbacks of all existing and proposed buildings, structures, towers, antennas, utility lines, driveways, and parking areas.
  - b. 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 applicable structures and natural landforms part of the site’s background and foreground landscape.
  - c. Elevations and Cross-Section: Display topography with all proposed facilities including tower, equipment shelter and existing buildings.

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- d. Number, size and location of proposed and existing antennas; number of co-locations possible.
  - e. Method of camouflage (if any).
  - f. Locations of known historic structures.
  - g. A description of the anticipated construction and installation schedule.
  - h. Documentation verifying compliance with applicable Federal Communications Commission (FCC) standards and requirements to provide the proposed services.
  - i. Narrative addressing the design criteria of this section.
  - j. Dates, address list, and notice for Balloon Test.
  - k. Balloon Test exhibits as required in Subsection G of this Section.
  - l. Propagation maps as required in Subsection F of this Section.
  - m. Any other relevant information.
  - n. Additional application requirements of Subsection H of this Section.
3. Submittal and review of a Concept Plan shall follow the review process and timeline established in Section 24.119 – 24.122 of the Subdivision and Land Development Regulations, with the following exceptions:
- a. The application shall be exempt from Section 24.120A, Agency Reviews, and Section 24.120D, WVDOH, except as otherwise provided in this Subsection.
  - b. Following Staff’s determination of the sufficiency of a Concept Plan application:
    - i. Staff shall notify the Jefferson County Historic Landmarks Commission of an application filing.
    - ii. The Applicant shall provide a copy of the completed Concept Plan application to the Appalachian Trail Conservancy and the National Park Service, if required by the Cultural and Historic Sites Review standards of this Section.
  - c. The Concept Plan shall be reviewed at a public hearing conducted at a scheduled Planning Commission meeting. The scope of this public hearing shall include a demonstration of need as required under this Article, neighborhood compatibility, impact on cultural and historic sites, visual mitigation, the submittal and design criteria of this Article, and the compatibility of the facility proposal with the Comprehensive Plan, as well as any relevant information presented by any person that addresses the purpose and intent of this Article. The Planning Commission shall review the proposed Tower for compliance with the standards in this Article and, if applicable, provide conditions relevant to the scope of the public hearing and/or unique characteristics of the proposed development site, to be addressed in Staff’s approval of the site plan.
  - d. Before Staff may approve a site plan for a Tower, the Planning Commission must find, by a majority vote, that the Concept Plan application complies with this Article, and that the application is consistent with the Comprehensive Plan.

C. Retention of Consultants

Staff may elect to retain outside consultants or professional services to review a Concept Plan or site plan application for a Tower and to make recommendations on relevant issues including, but not limited to, verification of the applicant’s compliance with the provisions of this Article, analysis of alternatives, conditions of approval, and compliance with State and Federal rules and

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regulations at the applicant's expense. Fees charged to the applicant shall not exceed the actual cost of services rendered.

D. Applicant's Burden of Proof

The applicant for a site plan for any Tower bears the burden of demonstrating by substantial evidence in a written record that a *bona fide* need exists for the proposed structure at its proposed height and location-as required in Subsection F, "Demonstration of Need", and that it has met all submittal and design criteria in this Article.

E. Proof of Eligibility

Speculative Towers are prohibited. Before an application for a Tower can be processed, a copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the Tower within six (6) months of issuance of a certificate of occupancy for the Tower. Such demonstration shall include submittal of an affidavit by the FCC licensee(s), and a copy of each wireless provider's FCC license. If such FCC licenses have been provided to Staff in conjunction with previous tower applications, the applicant may certify that such licenses remain in full force and effect.

F. Demonstration of Need

As part of its application submission for a Concept Plan and for a site plan the applicant shall be required to submit propagation maps demonstrating a technical need for its proposed Tower and justifying the height of its antennas on the structure. One propagation map shall depict existing coverage without the proposed site and another depicting coverage with the proposed site. Such maps shall identify all adjacent sites whether existing, approved or proposed, and each map shall be accompanied by an engineer's affidavit attesting to the parameters or variables used to create the map.

Such propagation studies shall be submitted in both hard copy and in electronic format to facilitate information sharing, inclusion on the county's web site and to otherwise maximize public awareness.

G. Balloon Test

1. An applicant shall conduct a balloon or crane test to simulate the maximum height of the proposed Tower. Following the test, the applicant shall submit color photo simulations showing the proposed structure as it would appear viewed from the closest residential property or properties and from adjacent roadways. Photographs should be taken from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and from up to five significant structures or locations identified by Staff. A map shall be supplied identifying the location of each photo. Before and after photo exhibits will be presented.
2. Notice of the dates and times of such tests shall be mailed to all property owners within a one-quarter mile (1320 feet radius) from the proposed location, in addition to the Historic Landmarks Commission at least ten (10) days prior to such tests. The applicant shall utilize address and owner information on file at the Jefferson County Assessor's Office. Such notices shall designate a primary date and an alternate date in case of inclement weather. Notices shall state that there is an application to the Planning Commission for a Wireless Telecommunication Tower on the property and provide the file number. Staff shall review and approve the sufficiency of the notice and the list of addresses prior to mailing. An

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affidavit of mailing accompanied by a list of recipients and addresses shall be included in the application file.

3. Such notice shall also be published in the legal advertisements section of a newspaper of general circulation in Jefferson County at least ten (10) days prior to such tests. Such notices shall designate a primary date and an alternate date in case of inclement weather. The newspaper's affidavit of publication shall be submitted as part of the application file.
4. In the event the applicant seeks to increase the height of the proposed Tower, or move its location more than one hundred (100) feet laterally, from that stated in its original notices, additional notice shall be required to be given consistent with the above requirements.

H. Preferred Structures and Locations Policy

1. Co-location Encouraged. Prior to the approval of the construction of a new Tower, it is the policy of Jefferson County to encourage co-location of wireless facilities in the following locations:
  - a. Co-location of antennas on existing electric transmission towers.
  - b. Co-location and the use of existing or approved towers, buildings or alternative structures such as buildings, water towers, silos, church steeples, and utility poles more than fifty (50) feet in height within a one-quarter mile radius of a proposed Tower, where appropriate.
2. Preferred Support Structures. In light of Jefferson County's agricultural, and increasingly residential character, it is the policy of Jefferson County that for Facilities located outside the Industrial-Commercial zoning district, support structures for antennas are desired in the following descending order of preference:
  - a. Silos
  - b. Other Alternative Structures
  - c. Monopoles
  - d. Lattice Towers
3. Preferred Locations. For new Towers, it is the policy of Jefferson County to encourage use of the following facilities or locations, in descending order of priority:
  - a. The Industrial - Commercial District
  - b. Non-residential areas screened by existing vegetation and located outside of the Industrial-Commercial District
4. Application Requirements. In furtherance of the Preferred Structures and Locations Policy in this Article, the following provisions shall apply to an application for a site plan for a Tower:
  - a. The application must demonstrate that the proposed Tower is designed structurally, electrically, mechanically and in all other respects to accommodate additional wireless users unless the applicant demonstrates that structure height, topography, or other factors render this requirement unfeasible. An application must include an affidavit from the tower owner affirming that, subject to exceptions for structure height, topography, or other factors which make co-location unfeasible, the Tower is available for co-location.
  - b. A site plan for a Tower shall not be approved if an electric transmission tower with capacity of 230 kV or less is located above, or within twenty-five (25) feet below, the ground elevation of, and within a one quarter mile radius laterally, of a proposed Tower, unless the applicant can demonstrate that:

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- i. Sufficient easements or other interests in real property cannot be obtained to accommodate the Facility on the electric transmission tower;
  - ii. The electric utility owning the electric transmission tower is unwilling to allow its use for wireless facilities;
  - iii. Reasonable terms, rates, or conditions cannot be negotiated with the electric utility;
  - iv. The location of the Tower will not allow the applicant to meet coverage or capacity requirements; or
  - v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers.
- c. Where suitable electric transmission towers are not available for co-location of antennas, a site plan for a Tower located outside the Industrial-Commercial zoning district shall not be approved unless the applicant demonstrates that the equipment planned for the proposed Tower cannot be accommodated on existing or approved towers, buildings, silos or other alternative structures more than fifty (50) feet in height within a one-quarter mile radius of the proposed Tower due to one or more of the following reasons:
- i. The planned equipment would exceed the structural capacity of the existing or approved tower, building or alternative structures, as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced modified or replaced to accommodate planned or functionally equivalent equipment at a reasonable cost;
  - ii. Existing and approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and licensed professional engineer;
  - iii. Reasonable terms, rates, or conditions cannot be negotiated with the owner of the structure and/or property;
  - iv. The location of the structure will not allow the applicant to meet coverage or capacity requirements; or
  - v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers, buildings or alternative structures.
- d. Antennas associated with an application for a Facility may not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.

**I. Cultural and Historic Sites Review**

1. In addition to the notification requirements of this Section, an application for a Tower shall comply with the following:
  - a. An application for a proposed Tower within the Harpers Ferry Overlay District shall be provided, by the applicant, to the National Park Service for review and comment, and the applicant will provide Staff an affidavit certifying delivery.
  - b. An application for a proposed Tower located within one mile of the Appalachian Trail shall be provided, by the applicant, to the Appalachian Trail Conservancy and the

Staff Report  
Jefferson County Board of Zoning Appeals  
June 23, 2022  
**#22-21-ZV Owens-Smartlink - Variance Request**

National Park Service for review and comment, and the applicant will provide Staff an affidavit certifying delivery.

J. Design Criteria

Wireless Telecommunication Towers shall comply with the following design criteria:

1. Antenna Mounting Preferences

Antennas associated with a Tower shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:

- a. Antennas within a cylindrical radome matching the diameter of a monopole.
- b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the Tower.
- c. Antennas mounted as an array arranged around a platform extending from the monopole.

2. Height Restrictions

- a. Towers in the Industrial-Commercial zoning district shall not exceed 199 feet. Towers in all other zoning districts shall not exceed 100 feet. If a silo is used for a support structure for antennas, the height of the silo shall not exceed 120 feet.
- b. Antennas may extend up to twenty (20) feet above the height of existing electric transmission towers if such height extensions are preferable to placement of a new Tower.

3. Fall Zone

- a. With the exception of silos, Towers shall be set back from all property lines a distance equal to 110% of tower height measured from the base of the structure to its highest point. Additional easements may be acquired on adjacent properties to meet the fall zone requirement.
- b. No residential dwellings may be located in the fall zone on either the primary parcel or in any easement area on adjacent parcels.

4. Signage

Signage at any ground-based portion of a Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.

5. Lighting & Marking

Towers shall not be lighted or marked unless required by the FCC or by the FAA.

6. Electrical Supply

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 weekdays between the hours of 8:00 a.m. and 7:00 p.m.

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

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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.

8. Tower Color

Towers shall have a flat gray or galvanized finish unless the Planning Commission determines that another color scheme would be a preferable alternative to address visual mitigation and such scheme is consistent with FCC and FAA standards for antenna structure marking.





**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department 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

ATC 419058  
 OAA767280

File Number: 22-21-ZV

Staff Initials: gjt

Meeting Date: 6-23-22

Fees Paid (\$100 or \$150): 100-

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

Phone: (304) 728-3228

**Zoning Variance Request**

*Variances from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.*

**Property Owner Information**

Name: Michael K. Owens  
 Mailing Address: 6018 Paynes Ford Road  
 Phone Number: 410-332-8661 Email: Douglas.Sampson@saul.com

**Applicant Contact Information**

Name: Bijan Olexo  
 Mailing Address: 1362 Mellon Road, Suite 140 Hanover, MD 21076  
 Phone Number: 301-655-6411 Email: bijan.olexo@smartlinkgroup.com

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

Name: Nicholas A. Barrick, P.E.  
 Mailing Address: KCI Technologies, Inc. 11830 West Market Place, Suite F, Fulton, MD 20759  
 Phone Number: 410-792-8086 Email: corpcom@kci.com

**Physical Property Details**

Physical Address: 11945 Leetown Road  
 City: Kearneysville State: WV Zip Code: 25430  
 Tax District: 07 Map No: 7 Parcel No: 7000600006001  
 Parcel Size: 404.44 Acres Deed Book: WB21 Page No: 720

**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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Place Received Date Stamp Here

**On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of way, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e. the distance of the structure from all property lines), size, and height. Identify all existing buildings, structures, or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.**

Is there a Code Enforcement action pending in relation to this property? Yes  No

Reference the section of the Zoning Ordinance pertaining to this request: Section 4B.7(J)(2)(a)

**Briefly describe the nature of the variance request:**

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC ("AT&T") requests a variance to extend the height of an existing 120' telecommunications tower stealthed as a silo by 10 feet to 130'to allow for teh co-location of AT&T's antennas within teh stealth structure.

**If this request is for a setback variance, please check one of the following:**

Front Setback  Side Setback  Rear Setback  Reduction From \_\_\_\_\_ to \_\_\_\_\_

**Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents:**

See attached Statement of Justification

**In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?**

See attached Statement of Justification

**How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?**

See attached Statement of Justification

**How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?**

See attached Statement of Justification

**Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.**

By signing this application, I give permission for the Office of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

Michael Owen      4.26.22

Signature of Property Owner

Date

Signature of Property Owner

Date

**Notification Requirements (to be completed by staff)**

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 6.1B).

06.23.22

Date of Public Hearing

06.08.22

Advertising Date

06.08.22

Placard Posting Date



AMERICAN TOWER®  
CORPORATION

LETTER OF AUTHORIZATION

Licensee: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility  
ATC Site No/ Name / Project: 419058 / Leetown WV / OAA767280  
Address: 11861 Leetown Road, Kearneysville, WV 25430

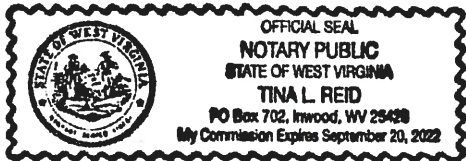
I, Michael Owens, owner of the property identified above or duly authorized agent thereof, do hereby authorize **New Cingular Wireless PCS, LLC d/b/a AT&T Mobility**, American Tower\*, their parents, subsidiaries, affiliates, successors, assigns, contractors, and agents, to act as my non-exclusive agent for the sole purpose of filing and consummating any current or future land-use or construction permit application(s) as may be required by the applicable permitting authorities **New Cingular Wireless PCS, LLC d/b/a AT&T Mobility's** proposed equipment. The Scope of work is as follows:

SCOPE OF WORK:

1. INSTALL STEEL WIC
2. INSTALL 12'x16' CONCRETE PAD
3. INSTALL 30KW DIESEL GENERATOR
4. INSTALL 9 ANTENNAS
5. INSTALL 9 RRH's
6. INSTALL COMPONENTS SUPPORTING ANTENNAS' OPERATION AS DESCRIBED PER DRAWINGS
7. INSTALL COMPOUND EXTENSION

Signature: Michael Owens

Print Name: MICHAEL OWENS



NOTARY BLOCK

State of WV  
County of Berkeley

On April 26, 2022, before me, Tina L. Reid personally appeared Michael Owens who provide to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of WV that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: Tina L. Reid (Seal)  
My Commission Expires: 09/20/2022

\*American Tower as used herein includes any affiliates or subsidiaries of American Tower Corporation

**Statement of Justification in Support of AT&T's Application for a Variance to  
Increase Height of Existing Silo Telecommunications Facility at  
11945 Leetown Road, Kearneysville, WV 25430**

Applicants: New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)  
7150 Standard Drive  
Hanover, MD 21076

Representatives: Douglas A. Sampson & Gregory E. Rapisarda  
Saul Ewing Arnstein & Lehr, LLP  
500 East Pratt Street, Suite 900  
Baltimore, MD 21202-3171  
(410) 332-8661  
Douglas.Sampson@saul.com  
Greg.Rapisarda@saul.com

Bijan Olexo & Ryan Triller  
SmartLink LLC  
1362 Mellon Rd., Suite 140  
Hanover, MD 21076  
(410) 582-8043  
ryan.triller@smartlinkgroup.com  
Bijan.olexo@smartlinkgroup.com

Property Owner: Michael K. Owens  
Tower Owner: American Tower Corporation  
Zoning: Rural (R)  
Tax District: 07  
Parcel No: 7000600006001  
Deed Book: WB21, Page No. 720  
Lot Size: 404.44 Acres

Pursuant to Section 6.2 of the Jefferson County Zoning and Land Development Ordinance ("Zoning Ordinance") and Article 8A-7-11 of the West Virginia State Code, New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC ("AT&T") by its agents Saul Ewing Arnstein & Lehr, LLP and SmartLink LLC, submits this Statement of Justification to support its application for a variance to extend an existing 120' telecommunications silo facility (the "Facility") by ten (10) feet to allow AT&T to co-locate its telecommunications antennas at 11945 Leetown Road, Kearneysville, WV 25430 (the "Property"). The existing Facility is owned by American Tower Corporation, which gave its permission to AT&T to file this application.

This document and attached Exhibits provide justification for AT&T's variance request, and a summary of how and why this proposal conforms with the Zoning Ordinance. This package, and additional or clarifying evidence to be presented at a public hearing, provide the

legal and factual support needed to approve this proposed special exception. Attached are the following exhibits:

### EXHIBITS

Exhibit 1	AT&T FCC Licenses
Exhibit 2	Existing Coverage Radio Frequency Propagation Map
Exhibit 3	Radio Frequency Justification Statement
Exhibit 4	Proposed Coverage Radio Frequency Propagation Map
Exhibit 5	FirstNet Authority Information Sheets
Exhibit 6	Site Plans in 8.5" x 11"
Exhibit 7	FCC Radio Frequency Compliance Letter
Exhibit 8	Letter of Authorization from Property Owner.

#### **I. AT&T GOALS AND NEED FOR IMPROVED WIRELESS SERVICES**

AT&T is licensed by the Federal Communications Commission ("FCC") to provide wireless telecommunications services in Jefferson County, WV. (*See AT&T's FCC Licenses as **Exhibit 1***). AT&T has a significant need for improved coverage in Jefferson County, specifically in the Kearneysville and Leetown area. (*See Existing Coverage Radio Frequency Propagation Map attached as **Exhibit 2***). AT&T needs to add and improve the wireless services in the area, particularly in the areas of Leetown Road (Route 480), Paynes Ford Road, Hite Road, Old Leetown Pike, and Sulphur Springs Road. (*See Radio Frequency Justification Statement attached as **Exhibit 3***). The addition of this site will improve coverage including in-building coverage to Leetown Science Center and Leetown United Methodist Church, which currently have poor AT&T Coverage. (*See Proposed Coverage Radio Frequency Propagation Map attached as **Exhibit 4***). The Proposed site will also ensure overlap coverage, handoffs and off-load traffic among existing AT&T Sites in the area. (*See Exs. 3 & 4*).

The existing Facility was approved by Jefferson County in application No. S11-13 by Verizon Wireless on April 10, 2012. Verizon's antennas are currently located inside the Facility. Unfortunately, the Facility is not designed for the co-location of any additional telecommunications antennas. AT&T believes it could proceed in extending the existing Facility by 10 feet as a matter of right under 47 U.S.C. § 1455(a), more commonly referred to as Section 6409. Section 6409, allows for wireless providers to increase the height of existing towers as a matter of right, provided the expanded height does not substantially change the physical dimensions (which is generally defined as an increase of more than 10% of height or 20 feet, whichever is greater). County staff requested AT&T submit a variance application, which AT&T agreed to do. In addition to meeting the variance requirements, AT&T's application could be approved as a matter of right under Section 6409.

AT&T searched for other existing telecommunications facilities for co-location, but there are none besides the Facility. Without the ability to co-locate on the Facility, AT&T will be required to build a new telecommunications tower in the area to meet its coverage goals. Granting a variance to extend the height of the existing silo Facility (from 120' to 130') would allow AT&T to provide necessary emergency and non-emergency wireless services to the area,

without the need for a whole new facility. Ultimately, this proposal will provide residents, commuters, and visitors with reliable emergency and non-emergency services, better quality services, and diminished occurrences of dropped calls.

## **II. FIRST RESPONDER NETWORK AUTHORITY (“FIRSTNET”)**

The expanded Facility will expand and enhance FirstNet in Jefferson County. FirstNet is a nationwide, high-speed broadband communications platform dedicated solely to first responders and emergency personnel. Following the recommendation of the 9/11 Commission, Congress established FirstNet to ensure a reliable public safety communication network across the country with dedicated bandwidth for use by first responders. (*See FirstNet Authority Information Sheets attached as Exhibit 5*). FirstNet prevents the type of massive wireless communication failures that occurred during the 9/11 terrorist attacks. The federal government entered into an exclusive contract with AT&T to build out FirstNet nationally and ensure this emergency network is available wherever AT&T has sufficient coverage.

## **III. THE PROPOSED VARIANCE FOR THE FACILITY**

The current Facility includes a 120’ silo which contains Verizon telecommunications antennas. The silo sits inside a 50’ x 50’ fenced compound that contains Verizon’s accompanying equipment. AT&T proposes to extend the top of the silo by ten (10) feet, adding matching stealth wall to the existing silo and placing up to 12 AT&T antennas inside the Facility. (*See Facility Site Plans in 8.5” x 11” attached as Exhibit 6 at C-5*). AT&T would expand the existing compound with a new 15’ x 20’ fenced in area for its equipment shelters on a concrete pad. (*See Ex. 6, Site Plans at C-4*). The expanded compound will still fit easily inside the 100’ x 100’ lease area owned by American Tower Corporation.

The extended Facility would alleviate the need for a new monopole or tower in the area. It would also allow AT&T to provide necessary emergency and non-emergency wireless services, including FirstNet, with no visual impact on the surrounding area.

The Facility is unmanned, does not require any public facilities, will not impact traffic, and will not create dust, noise, glare or other adverse effects. A couple of times per year, an AT&T technician in a standard vehicle may need to visit for routine maintenance or inspection. AT&T has certified that the Facility with the new antennas will comply with all FCC rules and regulations, and will comply with the ANCI/IEEE C95.1-1992 exposure levels as adopted by the FCC. (*See FCC Radio Frequency Compliance Letter attached as Exhibit 7*).

## **IV. COMPLIANCE WITH ZONING ORDINANCE VARIANCE REQUIREMENTS**

Co-location of wireless antennas on existing telecommunications towers is permitted in all zoning districts in Jefferson County, including Rural. *See Zoning Ordinance § 4B.5*. Unfortunately, the existing silo Facility does not have any additional co-location spaces for AT&T to install its antennas, so modification of the silo to increase its height is necessary to provide the co-location opportunities preferred by the Jefferson County Zoning Ordinance.

**Section 4B.1 Purpose and Legislative Intent**

*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.*

- **AT&T's Response:** AT&T's variance application is in harmony with the purpose and intent of the telecommunications section of the Zoning Ordinance. Allowing AT&T an opportunity to increase the height of the existing silo Facility, and co-locate its wireless antennas will improve wireless and broadband services for residents and visitors of Jefferson County. Increasing the silo's height by ten (10) feet will not have any adverse visual impact and will help preserve the rural, historic, and agricultural character and quality of the area. AT&T's application also complies with the spirit of the Zoning Ordinance by: (1) using an existing structure such as silos for co-location; (2) minimizing the number of new Wireless Telecommunications Towers in Jefferson County; (3) mitigating potential adverse visual effects and adverse impact to the community with a minimal increase to an existing Facility; and (4) ensuring the public health, safety, welfare, and convenience with reliable emergency and non-emergency wireless and broadband services, including FirstNet.

**Section 6.2 Variances**

*The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.*

*A. The Board shall approve a variance request if the Board finds that a variance:*

*1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;*

- **AT&T's Response:** The modified Facility will not adversely affect the public health, safety or welfare, but will in fact enhance public safety, healthy and welfare by providing increased and improved wireless and broadband coverage for emergency and non-emergency use. Adding AT&T's coverage will also add FirstNet to this area of Jefferson County, bringing first responders dedicated bandwidth for emergency response. FirstNet and the federal government have an exclusive contract with AT&T, and FirstNet is only available where there is adequate AT&T coverage, which this proposed modification will provide. Adding ten (10) feet and additional ground equipment (which will be confined within the existing lease area) will not have any adverse effect on adjacent property owners. At most, the current effects on adjacent properties will remain the same.

*2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;*

- **AT&T's Response:** The Facility itself provides the special conditions and attributes for this Property. The Facility is located in the middle of an area in need of additional wireless and broadband coverage. However, the silo as presently constructed does not have any available space for co-location of antennas of other wireless providers. Co-

location of antennas on existing structures is preferred under the Zoning Ordinance, rather than building new towers. *See* Zoning Ordinance § 4B.1(B). That is why co-locations are permitted uses within all zones of Jefferson County. *See* Zoning Ordinance § 4B.5.

There are no other structures of sufficient height and engineering in the area to provide a co-location opportunity for AT&T. Therefore, unless AT&T is allowed to modify the existing Facility to provide for co-location, AT&T will be forced to seek approval to build a new telecommunications tower to bring necessary emergency and non-emergency wireless and broadband services to the area. Granting the requested variance provides a unique opportunity at this Facility to increase the height of an existing structure by ten (10) feet to provide co-location of AT&T's antennas, without the need for a new tower.

*3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and*

- **AT&T's Response:** AT&T's proposal is a reasonable use of the Property, because it will not increase the use or burden on the Property. The Facility is currently a telecommunications antenna disguised as a silo. If AT&T's variance request is granted, the Facility will still be a stealth telecommunications facility that is simply ten (10) feet taller. Granting the variance will also eliminate the unnecessary hardship of AT&T building a separate and new telecommunications tower, which is discouraged by the Zoning Ordinance when feasible co-location opportunities exist.

*4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

- **AT&T's Response:** If the existing Facility had space for AT&T to co-locate its antennas, it would be allowed to do so by right. However, the existing Facility lacks any co-location space. Therefore, granting a variance to add ten (10) feet to the existing structure will follow the intent of the Zoning Ordinance by allowing AT&T to co-locate its antennas and bring necessary wireless services to the area without the need for a brand new tower. It would be unjust and outside the intent of the Zoning Ordinance to refuse to allow a small modification to the existing facility, which would require either: (1) AT&T to build a new tower in the area; or (2) AT&T customers and first responders to have inadequate wireless and broadband access.

*B. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board in the Office of Planning and Zoning.*

- **AT&T's Response:** Michael Owens, the owner of the property, has signed the variance application form and has also provided a letter of authorization authorizing AT&T to pursue the variance and any other applications or approvals required to modify the existing Facility. (*See* Owner Letter of Authorization attached as **Exhibit 8.**)

*C. Notification for a variance must be conducted according to the requirements of Section 6.1B.*

- **AT&T's Response:** AT&T will comply with all notice requirements set forth in Section 6.1B of the Zoning Ordinance.

*D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.*

- **AT&T's Response:** AT&T looks forward to discussing this application at an upcoming public hearing. AT&T would be happy to provide any additional or clarifying information required by Jefferson County.

**V. CONCLUSION**

AT&T respectfully requests that Jefferson County grant the requested Application for a Variance, or in the alternative determine AT&T may proceed as a matter of right under Section 6409, and approve AT&T's request to extend the existing silo telecommunications Facility by ten (10) feet to provide necessary emergency and non-emergency wireless services to Jefferson County. If you need further information, please contact our zoning attorney, Doug Sampson at 410-332-8661 or [Douglas.Sampson@saul.com](mailto:Douglas.Sampson@saul.com).

# **EXHIBIT 1**

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: CECIL J MATHEW  
NEW CINGULAR WIRELESS PCS, LLC  
208 S AKARD ST., RM 1015  
DALLAS, TX 75202

<b>Call Sign</b> KNLH444	<b>File Number</b>
<b>Radio Service</b> CW - PCS Broadband	

FCC Registration Number (FRN): 0003291192

<b>Grant Date</b> 06-02-2017	<b>Effective Date</b> 08-31-2018	<b>Expiration Date</b> 06-27-2027	<b>Print Date</b>
<b>Market Number</b> BTA461	<b>Channel Block</b> D	<b>Sub-Market Designator</b> 0	
<b>Market Name</b> Washington, DC			
<b>1st Build-out Date</b> 06-27-2002	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

Waivers/Conditions:

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**Licensee Name:** NEW CINGULAR WIRELESS PCS, LLC

**Call Sign:** KNLH444

**File Number:**

**Print Date:**

**700 MHz Relicensed Area Information:**

<b>Market</b>	<b>Market Name</b>	<b>Buildout Deadline</b>	<b>Buildout Notification</b>	<b>Status</b>
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Reference Copy

**REFERENCE COPY**

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**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: LESLIE WILSON  
NEW CINGULAR WIRELESS PCS, LLC  
208 S AKARD ST., RM 1016  
DALLAS, TX 75202

<b>Call Sign</b> KNLF220	<b>File Number</b>
<b>Radio Service</b> CW - PCS Broadband	

**FCC Registration Number (FRN):** 0003291192

<b>Grant Date</b> 06-02-2015	<b>Effective Date</b> 08-31-2018	<b>Expiration Date</b> 06-23-2025	<b>Print Date</b>
<b>Market Number</b> MTA010	<b>Channel Block</b> B	<b>Sub-Market Designator</b> 1	
<b>Market Name</b> Washington-Baltimore			
<b>1st Build-out Date</b> 06-23-2000	<b>2nd Build-out Date</b> 06-23-2005	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

**Waivers/Conditions:**

This license is conditioned upon compliance with the provisions of Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation For Consent to Transfer Control of Licenses and Authorizations, Memorandum Opinion and Order, FCC 04-255 (rel. Oct. 26, 2004).

Commission approval of this application and the licenses contained therein are subject to the conditions set forth in the Memorandum Opinion and Order, adopted on December 29, 2006 and released on March 26, 2007, and revised in the Order on Reconsideration, adopted and released on March 26, 2007. See AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06-74, Memorandum Opinion and Order, FCC 06-189 (rel. Mar. 26, 2007); AT&T Inc. and BellSouth Corporation, WC Docket No. 06-74, Order on Reconsideration, FCC 07-44 (rel. Mar. 26, 2007).

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**Licensee Name:** NEW CINGULAR WIRELESS PCS, LLC

**Call Sign:** KNLF220

**File Number:**

**Print Date:**

**700 MHz Relicensed Area Information:**

<b>Market</b>	<b>Market Name</b>	<b>Buildout Deadline</b>	<b>Buildout Notification</b>	<b>Status</b>
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Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: AT&T WIRELESS SERVICES 3 LLC

ATTN: CECIL J MATHEW  
AT&T WIRELESS SERVICES 3 LLC  
208 S. AKARD ST., RM 1015  
DALLAS, TX 75202

<b>Call Sign</b> WQVN691	<b>File Number</b>
<b>Radio Service</b> AT - AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz)	

FCC Registration Number (FRN): 0023910920

<b>Grant Date</b> 04-08-2015	<b>Effective Date</b> 08-29-2018	<b>Expiration Date</b> 04-08-2027	<b>Print Date</b>
<b>Market Number</b> BEA013	<b>Channel Block</b> I	<b>Sub-Market Designator</b> 0	
<b>Market Name</b> Washington-Baltimore, DC-MD-VA			
<b>1st Build-out Date</b> 04-08-2021	<b>2nd Build-out Date</b> 04-08-2027	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

Waivers/Conditions:

NONE

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**Licensee Name:** AT&T WIRELESS SERVICES 3 LLC

**Call Sign:** WQVN691

**File Number:**

**Print Date:**

**700 MHz Relicensed Area Information:**

<b>Market</b>	<b>Market Name</b>	<b>Buildout Deadline</b>	<b>Buildout Notification</b>	<b>Status</b>
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Federal Communications Commission  
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: AT&T WIRELESS SERVICES 3 LLC

ATTN: CECIL J MATHEW  
AT&T WIRELESS SERVICES 3 LLC  
208 S. AKARD ST., RM 1015  
DALLAS, TX 75202

<b>Call Sign</b> WQVN690	<b>File Number</b>
<b>Radio Service</b> AT - AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz)	

FCC Registration Number (FRN): 0023910920

<b>Grant Date</b> 04-08-2015	<b>Effective Date</b> 08-29-2018	<b>Expiration Date</b> 04-08-2027	<b>Print Date</b>
<b>Market Number</b> BEA013	<b>Channel Block</b> H	<b>Sub-Market Designator</b> 0	
<b>Market Name</b> Washington-Baltimore, DC-MD-VA			
<b>1st Build-out Date</b> 04-08-2021	<b>2nd Build-out Date</b> 04-08-2027	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

Waivers/Conditions:

NONE

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**Licensee Name:** AT&T WIRELESS SERVICES 3 LLC

**Call Sign:** WQVN690

**File Number:**

**Print Date:**

**700 MHz Relicensed Area Information:**

<b>Market</b>	<b>Market Name</b>	<b>Buildout Deadline</b>	<b>Buildout Notification</b>	<b>Status</b>
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**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

LICENSEE: AT&T MOBILITY SPECTRUM LLC

ATTN: CECIL J MATHEW  
AT&T MOBILITY SPECTRUM LLC  
208 S. AKARD ST., RM 1015  
DALLAS, TX 75202

<b>Call Sign</b> WQGA857	<b>File Number</b>
<b>Radio Service</b> AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0014980726

<b>Grant Date</b> 11-29-2006	<b>Effective Date</b> 09-27-2018	<b>Expiration Date</b> 11-29-2021	<b>Print Date</b>
<b>Market Number</b> CMA704	<b>Channel Block</b> A	<b>Sub-Market Designator</b> 0	
<b>Market Name</b> West Virginia 4 - Grant			
<b>1st Build-out Date</b>	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

**Waivers/Conditions:**

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WTB Docket No. 02-353, rel. April 20, 2006.

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**Licensee Name:** AT&T MOBILITY SPECTRUM LLC

**Call Sign:** WQGA857

**File Number:**

**Print Date:**

**700 MHz Relicensed Area Information:**

<b>Market</b>	<b>Market Name</b>	<b>Buildout Deadline</b>	<b>Buildout Notification</b>	<b>Status</b>
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**Federal Communications Commission**  
Wireless Telecommunications Bureau

**RADIO STATION AUTHORIZATION**

LICENSEE: AT&T MOBILITY SPECTRUM LLC

ATTN: FCC GROUP  
AT&T MOBILITY SPECTRUM LLC  
208 S. AKARD ST., RM 2100  
DALLAS, TX 75202

<b>Call Sign</b> KNKN567	<b>File Number</b> 0009621438
<b>Radio Service</b> CL - Cellular	
<b>Market Numer</b> CMA704	<b>Channel Block</b> A
<b>Sub-Market Designator</b> 0	

FCC Registration Number (FRN): 0014980726

<b>Market Name</b> West Virginia 4 - Grant
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<b>Grant Date</b> 09-08-2021	<b>Effective Date</b> 09-08-2021	<b>Expiration Date</b> 10-01-2031	<b>Five Yr Build-Out Date</b>	<b>Print Date</b> 09-08-2021
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**Site Information:**

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
3	39-02-14.4 N	079-05-24.5 W	827.5	46.6	
Address: Charles Knob Mtn (78310)					
City: Moorefield County: GRANT State: WV Construction Deadline:					

**Antenna: 1**

<b>Maximum Transmitting ERP in Watts:</b> 140.820								
Azimuth(from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	461.700	469.800	567.000	454.900	475.900	373.400	378.500	419.800
<b>Transmitting ERP (watts)</b>	27.400	109.300	141.100	52.700	8.100	0.300	0.400	3.000

**Antenna: 2**

<b>Maximum Transmitting ERP in Watts:</b> 140.820								
Azimuth(from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	461.700	469.800	567.000	454.900	475.900	373.400	378.500	419.800
<b>Transmitting ERP (watts)</b>	0.200	1.700	3.700	19.000	34.900	39.700	23.900	5.600

**Antenna: 3**

<b>Maximum Transmitting ERP in Watts:</b> 140.820								
Azimuth(from true north)	0	45	90	135	180	225	270	315
<b>Antenna Height AAT (meters)</b>	461.700	469.800	567.000	454.900	475.900	373.400	378.500	419.800
<b>Transmitting ERP (watts)</b>	113.500	21.500	1.100	1.200	3.700	37.900	158.700	232.900

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: KNKN567

File Number: 0009621438

Print Date: 09-08-2021

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
4	39-15-27.7 N	078-31-29.3 W	610.2	60.7	

Address: Fire Tower Road off Route 50 (78312)

City: Romney County: HAMPSHIRE State: WV Construction Deadline:

Antenna: 1

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.600	345.200	335.500	255.400	278.200	306.800	271.000	307.700
Transmitting ERP (watts)	37.600	164.100	179.900	47.300	6.000	0.400	0.600	2.700

Antenna: 2

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.600	345.200	335.500	255.400	278.200	306.800	271.000	307.700
Transmitting ERP (watts)	0.400	0.600	3.700	47.300	179.900	164.100	37.600	4.600

Antenna: 3

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.600	345.200	335.500	255.400	278.200	306.800	271.000	307.700
Transmitting ERP (watts)	86.100	12.400	0.800	0.700	1.300	18.400	118.900	206.500

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
8	38-38-48.8 N	079-32-31.5 W	1106.4	56.7	

Address: 1239 Shadtree Lane (128859)

City: Circleville County: PENDLETON State: WV Construction Deadline:

Antenna: 1

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	475.300	263.400	219.000	242.400	81.000	55.000	30.000
Transmitting ERP (watts)	318.400	84.200	3.500	0.636	0.636	0.636	5.200	90.300

Antenna: 2

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	475.300	263.400	219.000	242.400	81.000	55.000	30.000
Transmitting ERP (watts)	0.700	38.300	248.800	116.900	6.500	0.500	0.500	0.500

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
9	38-28-28.0 N	079-20-29.6 W	735.2	12.8	

Address: TOWN OF SUGAR GROVE RIGHT SIDE OF ROUTE 2 (78316)

City: BRANDYWINE County: PENDLETON State: WV Construction Deadline:

Antenna: 1

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	95.700	30.000	30.000	30.000	30.000	30.000	30.000
Transmitting ERP (watts)	31.800	29.800	31.700	20.400	4.400	2.900	6.300	24.500

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: KNKN567

File Number: 0009621438

Print Date: 09-08-2021

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
15	38-31-00.5 N	079-28-59.0 W	700.1	34.4	

Address: HARPER ROUTE 220 (79476)  
City: FRANKLIN County: PENDLETON State: WV Construction Deadline:

Antenna: 1  
Maximum Transmitting ERP in Watts: 140.820  
Azimuth(from true north) 0 45 90 135 180 225 270 315  
Antenna Height AAT (meters) 30.000 36.800 30.000 30.000 30.000 30.000 30.000 30.000  
Transmitting ERP (watts) 204.200 235.000 177.800 91.400 24.000 11.200 36.400 120.200

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
17	38-47-12.2 N	079-24-13.0 W	509.0	33.2	

Address: GERMANY VALLEY LIMESTONE ROAD (78323)  
City: RIVERTON County: PENDLETON State: WV Construction Deadline:

Antenna: 1  
Maximum Transmitting ERP in Watts: 140.820  
Azimuth(from true north) 0 45 90 135 180 225 270 315  
Antenna Height AAT (meters) 30.000 30.000 30.000 30.000 30.000 30.000 30.000 30.000  
Transmitting ERP (watts) 235.000 229.100 148.300 56.200 13.800 14.800 66.100 166.300

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
20	39-32-46.3 N	077-59-51.4 W	284.1	60.7	1207832

Address: Cannon Hill Road (78322)  
City: HEDGESVILLE County: BERKELEY State: WV Construction Deadline: 07-17-2015

Antenna: 1  
Maximum Transmitting ERP in Watts: 140.820  
Azimuth(from true north) 0 45 90 135 180 225 270 315  
Antenna Height AAT (meters) 161.000 199.700 196.900 188.600 161.800 152.500 66.800 159.200  
Transmitting ERP (watts) 205.100 100.500 15.600 1.200 0.700 1.000 13.600 100.500

Antenna: 2  
Maximum Transmitting ERP in Watts: 140.820  
Azimuth(from true north) 0 45 90 135 180 225 270 315  
Antenna Height AAT (meters) 161.000 199.700 196.900 188.600 161.800 152.500 66.800 159.200  
Transmitting ERP (watts) 2.100 29.600 148.600 187.100 57.800 7.600 0.400 0.600

Antenna: 3  
Maximum Transmitting ERP in Watts: 140.820  
Azimuth(from true north) 0 45 90 135 180 225 270 315  
Antenna Height AAT (meters) 161.000 199.700 196.900 188.600 161.800 152.500 66.800 159.200  
Transmitting ERP (watts) 15.600 1.200 0.700 1.000 13.600 100.500 205.100 100.500

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: KNKN567

File Number: 0009621438

Print Date: 09-08-2021

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
21	39-08-16.5 N	077-49-57.6 W	411.2	115.5	1035680

Address: Ravens Rock Road (99011)

City: Charles Town County: JEFFERSON State: WV Construction Deadline: 07-17-2015

Antenna: 1

Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.300	229.400	309.700	327.700	299.700	250.100	320.800	324.100
Transmitting ERP (watts)	155.700	22.500	2.900	0.423	0.700	3.600	41.300	211.700

Antenna: 2

Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.300	229.400	309.700	327.700	299.700	250.100	320.800	324.100
Transmitting ERP (watts)	1.100	6.000	67.300	228.000	109.700	14.100	1.900	0.500

Antenna: 3

Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.300	229.400	309.700	327.700	299.700	250.100	320.800	324.100
Transmitting ERP (watts)	11.200	1.500	0.500	1.300	7.900	84.900	228.600	91.000

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
30	39-04-32.2 N	078-50-04.8 W	955.9	46.6	

Address: 1299 Neal's Hill (100836)

City: Moorefield County: HARDY State: WV Construction Deadline: 07-17-2015

Antenna: 4

Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	401.200	477.000	459.400	443.700	413.100	475.800	631.400	647.800
Transmitting ERP (watts)	194.700	255.700	76.300	8.900	0.511	0.511	3.200	38.400

Antenna: 5

Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	401.200	477.000	459.400	443.700	413.100	475.800	631.400	647.800
Transmitting ERP (watts)	2.300	28.300	146.200	196.100	60.300	7.000	0.400	0.500

Antenna: 6

Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	401.200	477.000	459.400	443.700	413.100	475.800	631.400	647.800
Transmitting ERP (watts)	50.600	8.600	0.300	0.600	2.600	24.100	87.900	115.200

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: KNKN567

File Number: 0009621438

Print Date: 09-08-2021

**Location Latitude Longitude Ground Elevation Structure Hgt to Tip Antenna Structure Registration No.**  
34 39-37-09.8 N 078-05-57.6 W 412.4 60.7  
Address: 390 Short Lane (112177)  
City: Hedgesville County: MORGAN State: WV Construction Deadline: 07-17-2015

**Antenna: 1**

Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	288.900	210.400	321.600	290.300	237.400	159.300	243.700	281.600
Transmitting ERP (watts)	160.100	22.700	1.700	0.427	0.427	4.100	59.200	213.900
<b>Antenna: 2</b>								
Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	288.900	210.400	321.600	290.300	237.400	159.300	243.700	281.600
Transmitting ERP (watts)	13.800	128.400	279.300	119.800	11.200	0.800	0.600	0.600
<b>Antenna: 3</b>								
Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	288.900	210.400	321.600	290.300	237.400	159.300	243.700	281.600
Transmitting ERP (watts)	0.600	0.600	13.800	128.400	279.300	119.800	11.200	0.800

**Location Latitude Longitude Ground Elevation Structure Hgt to Tip Antenna Structure Registration No.**  
35 39-19-21.8 N 077-43-52.2 W 101.5 26.8  
Address: Church Street (42739)  
City: Harpers Ferry County: JEFFERSON State: WV Construction Deadline: 07-17-2015

**Antenna: 1**

Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	30.000	30.000	30.000	30.000	30.000	30.000	30.000
Transmitting ERP (watts)	1.700	29.100	120.800	41.100	2.900	0.300	0.241	0.241
<b>Antenna: 2</b>								
Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	30.000	30.000	30.000	30.000	30.000	30.000	30.000
Transmitting ERP (watts)	0.200	0.400	11.400	99.800	74.800	7.300	0.900	0.200
<b>Antenna: 3</b>								
Maximum Transmitting ERP in Watts:	140.820							
Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	30.000	30.000	30.000	30.000	30.000	30.000	30.000
Transmitting ERP (watts)	2.900	0.300	0.241	0.241	1.700	29.100	120.800	41.100

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: KNKN567

File Number: 0009621438

Print Date: 09-08-2021

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
36	39-18-37.9 N	078-42-59.8 W	584.3	30.5	1037371

Address: Grassy Lick Road (006550)

City: ROMNEY County: HAMPSHIRE State: WV Construction Deadline: 07-17-2015

**Antenna: 1**

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north) 0 45 90 135 180 225 270 315

Antenna Height AAT (meters) 331.900 281.400 264.300 194.600 86.300 241.100 298.600 293.500

Transmitting ERP (watts) 147.200 185.400 57.300 7.600 0.400 0.600 2.000 29.400

**Antenna: 2**

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north) 0 45 90 135 180 225 270 315

Antenna Height AAT (meters) 331.900 281.400 264.300 194.600 86.300 241.100 298.600 293.500

Transmitting ERP (watts) 0.600 5.000 57.300 189.700 147.200 29.400 3.500 0.400

**Antenna: 3**

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north) 0 45 90 135 180 225 270 315

Antenna Height AAT (meters) 331.900 281.400 264.300 194.600 86.300 241.100 298.600 293.500

Transmitting ERP (watts) 15.400 1.200 0.700 1.000 13.400 99.500 203.200 99.500

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
37	39-19-34.7 N	077-45-35.7 W	195.1	17.7	

Address: Rt 480 and Stubbs Road (43586)

City: Kearneysville County: JEFFERSON State: WV Construction Deadline: 07-17-2015

**Antenna: 1**

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north) 0 45 90 135 180 225 270 315

Antenna Height AAT (meters) 77.900 30.000 91.600 30.000 30.000 68.100 43.600 54.500

Transmitting ERP (watts) 122.500 197.600 20.700 0.400 0.400 0.400 0.400 4.600

**Antenna: 2**

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north) 0 45 90 135 180 225 270 315

Antenna Height AAT (meters) 77.900 30.000 91.600 30.000 30.000 68.100 43.600 54.500

Transmitting ERP (watts) 0.404 0.404 19.300 202.200 119.700 5.700 0.404 0.404

**Antenna: 3**

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north) 0 45 90 135 180 225 270 315

Antenna Height AAT (meters) 77.900 30.000 91.600 30.000 30.000 68.100 43.600 54.500

Transmitting ERP (watts) 0.500 0.400 0.400 0.400 0.400 21.000 191.900 26.500

**Control Points:**

**Control Pt. No. 2**

Address: 7150 STANDARD DRIVE

City: HANOVER County: ANNE ARUNDEL State: MD Telephone Number: (800)988-6895

**Licensee Name:** AT&T MOBILITY SPECTRUM LLC

**Call Sign:** KNKN567

**File Number:** 0009621438

**Print Date:** 09-08-2021

**Waivers/Conditions:**

Commission approval of this application and the licenses contained therein are subject to the conditions set forth in the Memorandum Opinion and Order, adopted on December 29, 2006 and released on March 26, 2007, and revised in the Order on Reconsideration, adopted and released on March 26, 2007. See AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06-74, Memorandum Opinion and Order, FCC 06-189 (rel. Mar. 26, 2007); AT&T Inc. and BellSouth Corporation, WC Docket No. 06-74, Order on Reconsideration, FCC 07-44 (rel. Mar. 26, 2007).

The National Radio Astronomy Observatory (NARO), Green Bank, WV, objects unless and until the special condition of the station license limits the effective radiated power relative to a dipole (ERPd) antenna as follows: For location 30 (39-4-32.2N; 78-50-4.8W): (1) Cellular-GSM to 6 watts per unit bandwidth at 231.1 degrees true azimuth bearing, (2) Cellular-UMTS to 113.3 watts per unit bandwidth at 231.1 degrees True azimuth bearing. For location 17 (38-47-12.12N; 79-24-12.96W): The National Radio Astronomy bservatory (NRAO), Green Bank, WV,bjects unless and until the special condition of the station license limits the effective radiated power relative to a dipole (ERPd) antenna to 372 watts Cellular-GSM at 224.2 degrees true azimuth bearing.

This authorization is subject to the condition that the station license limits the effective radiated power relative to a dipole (ERPd) antenna as follows: For location 3 (39-2-14.4; 79-5-24.5): Cellular-GSM to 89.4 watts per unit bandwidth at 224.4 degrees true azimuth bearing. For location 6 (38-47-26.9; 79-16-4.1): Cellular-GSM to 28.9 watts and Cellular-UMTS to 542 watts per unit bandwidth at 231.6 degrees true azimuth bearing. This authorization is subject to the condition that the station license limits the effective radiated power (ERP) for the following antennas as follows: For location 8 (38-38-48.84; 79-32-31.49): Cellular-GSM to 0.024 watts and Cellular-UMTS to 0.46 watts per unit bandwidth at 227.7 degrees true azimuth bearing.

**REFERENCE COPY**

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



**Federal Communications Commission  
Public Safety and Homeland Security Bureau**

**RADIO STATION AUTHORIZATION**

LICENSEE: FIRST RESPONDER NETWORK AUTHORITY

ATTN: UZOMA ONYEIJE  
FIRST RESPONDER NETWORK AUTHORITY  
12201 SUNRISE VALLEY DRIVE  
RESTON, VA 20192

<b>Call Sign</b> WQQE234	<b>File Number</b>
<b>Radio Service</b> SP - 700 MHz Public Safety Broadband Nationwide License	
<b>Regulatory Status</b> PMRS	

FCC Registration Number (FRN): 0025487950

Grant Date	Effective Date	Expiration Date	Print Date
11-15-2012	12-29-2017	11-15-2022	

**Location:** Nationwide

**Frequency Bands:** 000758.00000000-000769.00000000 MHz  
000788.00000000-000799.00000000 MHz

**Waivers/Conditions:**

This authorization is subject to any rules the Commission may adopt pursuant to its authority under the Middle Class Tax Relief and Job Creation Act of 2012 or the Communications Act of 1934, as amended.

**REFERENCE COPY**

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



**Federal Communications Commission  
Wireless Telecommunications Bureau**

**RADIO STATION AUTHORIZATION**

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: FCC GROUP  
NEW CINGULAR WIRELESS PCS, LLC  
208 S AKARD ST.  
DALLAS, TX 75202

<b>Call Sign</b> WPZA236	<b>File Number</b>
<b>Radio Service</b> WZ - 700 MHz Lower Band (Blocks C, D)	

FCC Registration Number (FRN): 0003291192

<b>Grant Date</b> 02-20-2020	<b>Effective Date</b> 02-20-2020	<b>Expiration Date</b> 06-13-2029	<b>Print Date</b>
<b>Market Number</b> EAG702	<b>Channel Block</b> D	<b>Sub-Market Designator</b> 0	
<b>Market Name</b> Mid-Atlantic			
<b>1st Build-out Date</b> 06-13-2019	<b>2nd Build-out Date</b>	<b>3rd Build-out Date</b>	<b>4th Build-out Date</b>

**Waivers/Conditions:**

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

Operation of the facilities authorized herein, are subject to the condition that harmful interference may not be caused to, but must be accepted from UHF TV transmitters in Canada and Mexico as identified in existing and any future agreements with those countries.

**Conditions:**

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

**Licensee Name:** NEW CINGULAR WIRELESS PCS, LLC

**Call Sign:** WPZA236

**File Number:**

**Print Date:**

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

This application is granted pursuant to the Commission's Order In the Matter of Qualcomm Incorporated Petition for Declaratory Ruling, WT Docket No. 05-7, FCC 06-155, released October 13, 2006.

**Licensee Name:** NEW CINGULAR WIRELESS PCS, LLC

**Call Sign:** WPZA236

**File Number:**

**Print Date:**

**700 MHz Relicensed Area Information:**

<b>Market</b>	<b>Market Name</b>	<b>Buildout Deadline</b>	<b>Buildout Notification</b>	<b>Status</b>
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Reference Copy

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: AT&T MOBILITY SPECTRUM LLC

ATTN: CECIL J MATHEW
AT&T MOBILITY SPECTRUM LLC
208 S. AKARD ST., RM 1015
DALLAS, TX 75202

Table with Call Sign (WPZA207), File Number (0008674718), and Radio Service (WZ - 700 MHz Lower Band (Blocks C, D))

FCC Registration Number (FRN): 0014980726

Table with columns: Grant Date, Effective Date, Expiration Date, Print Date, Market Number, Channel Block, Sub-Market Designator, Market Name, 1st Build-out Date, 2nd Build-out Date, 3rd Build-out Date, 4th Build-out Date

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

Operation of the facilities authorized herein, are subject to the condition that harmful interference may not be caused to, but must be accepted from UHF TV transmitters in Canada and Mexico as identified in existing and any future agreements with those countries.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at http://wireless.fcc.gov/uls/index.htm?job=home and select "License Search". Follow the instructions on how to search for license information.

**Licensee Name:** AT&T MOBILITY SPECTRUM LLC

**Call Sign:** WPZA207

**File Number:** 0008674718

**Print Date:** 08-02-2019

This license is subject to compliance with the conditions set forth in the Commission's Order of Modification, WT Docket No. 12-69, DA 14-43, released January 16, 2014.

Reference Copy

**Licensee Name:** AT&T MOBILITY SPECTRUM LLC

**Call Sign:** WPZA207

**File Number:** 0008674718

**Print Date:** 08-02-2019

**700 MHz Relicensed Area Information:**

<b>Market</b>	<b>Market Name</b>	<b>Buildout Deadline</b>	<b>Buildout Notification</b>	<b>Status</b>
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Reference Copy

## **EXHIBIT 2**

Existing AT&T Coverage without Pebble



# **EXHIBIT 3**



## **RF Justification**

**Site Name: Pebble**

**Address: 11861 LEETOWN Road, KEARNEYSVILLE, JEFFERSON County, WV 25430**

The main objective of this site is to provide AT&T & Firstnet coverage on Leetown Road, Paynes Ford Rd, Hite Road, Old Leetown Pike and Sulphur Springs Rd in Kearneysville WV.

The addition of this site will improve coverage including in-building coverage in above areas including Leetown Science Center, Leetown United Methodist Church, currently these area have poor AT&T Coverage.

The Proposed site will also ensure overlap coverage, handoffs and off-load traffic among existing AT&T Sites Kearneysville, Bardane WT and Aldridge.

Commuters and residents will experience better quality of voice and data services from AT&T with the addition of Pebble site.

Prepared by:

**Gaurav Behl**  
RF Engineer  
[gb943a@att.com](mailto:gb943a@att.com)

Approved by:

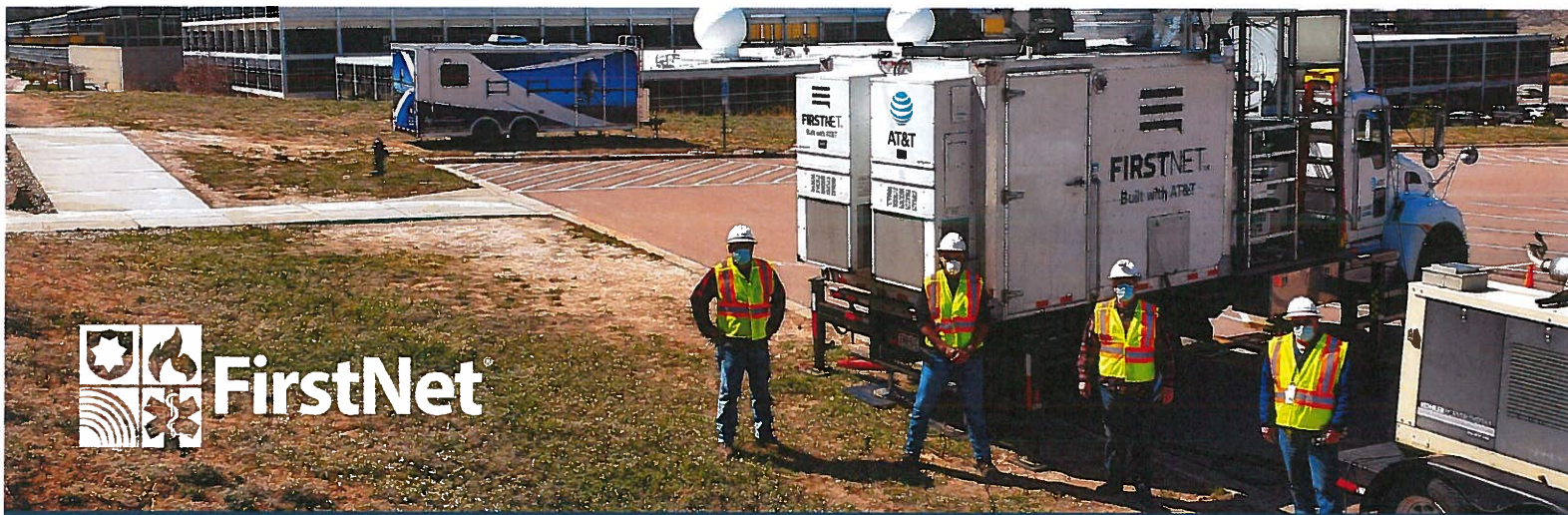
**Sandeep Gupta**  
RF Design Manager

**AT&T Mobility**  
7150 Standard Drive  
Hanover, MD  
21076

# **EXHIBIT 4**



# **EXHIBIT 5**



# Connecting the frontlines during COVID-19 response

## How FirstNet supports public safety during emergencies

### FirstNet: America's Public Safety Network

The Department of Commerce's **First Responder Network Authority** (FirstNet Authority) has delivered a nationwide broadband network to America's first responders, helping them communicate, save lives and protect our communities. The network provides first responders with their own always-on, 24/7, 365 "fast lane" for voice and data communications.

#### SUPPORTING PUBLIC SAFETY RESPONSE TO COVID-19

FirstNet is helping communities respond to COVID-19 by supporting public safety communications across the country. Healthcare workers and first responders are using the FirstNet network to communicate and coordinate operations at COVID-19 testing centers, field hospitals, and incident command posts. The network allows them to maintain reliable communications when and where they need it most – even during surge situations where commercial networks can become congested – and interoperate with other first responders across federal, state, and local agencies. The network's fleet of dedicated deployable assets – more than 70 portable cell sites available 24/7 at no additional charge – has also been called upon to help public safety agencies.

- ✓ More than 50 FirstNet mobile cell sites have been deployed for COVID-19 related emergencies.
- ✓ There are more than 13,000 agencies using more than 1.5 million connections on FirstNet (as of April 2020).
- ✓ The response to COVID-19 led to increased network use. First responders consumed more than 2 times as much data as AT&T commercial customers from January to May 2020. This underscores the need and importance of having a network specifically built for public safety's demanding and lifesaving mission.

#### EMERGENCY OPERATIONS CENTERS AND HEALTHCARE SITES

- FirstNet is working closely with federal, state, local and tribal emergency operations centers (EOCs) to make sure the network addresses first responders' communication needs during COVID-19 response. **FirstNet is working with EOCs in every state and has deployed mobile cell site assets in states including Georgia, California, New York, and Connecticut.**
- FirstNet portable cell sites and other devices have been deployed at testing facilities to ensure reliable communications for when crowds arrive for testing. The nation's first **COVID-19 Dedicated Care Center in Boston** needed reliable communications fast to care for an influx of patients. Thousands of FirstNet Ready™ devices – including smartphones, MiFis and more – were delivered to help first responders test and treat patients.
- FirstNet provided connections for public safety and healthcare workers inside the **US Naval Ship Comfort** in New York harbor by providing kits to install FirstNet service on the ship, and a FirstNet cell tower on wheels was used to bolster emergency communications for workers at the **US Naval Ship Mercy** in Los Angeles.

## CONNECTING RURAL AND TRIBAL LOCATIONS

- To prepare for and meet the demand of caring for COVID-19 patients in rural California, FirstNet supported emergency communications in **Tulare County**, where a remote, makeshift hospital was set up at the Porterville Developmental Center. There, a portable FirstNet cell site was used to provide extra network coverage and capacity for public safety and healthcare workers in and around this critical healthcare facility. “With this support, our first responders and healthcare personnel will have the priority connectivity they need, when they need it.” – **Dennis Townsend, Tulare County (CA) Supervisor**
- The FirstNet Authority is actively working with tribal public safety agencies to support their unique communications needs and challenges for responding to COVID-19. FirstNet deployable assets have been deployed to multiple tribal areas to support communication needs where first responders need connectivity, including on the Navajo Nation. “We appreciate that FirstNet answered our call when we requested the deployable asset to provide critical connectivity for federal and tribal officials responding to the COVID-19 crisis.” – **Chris Becenti, Executive Director, Navajo Nation Telecommunications Regulatory Commission Office**

## KEEPING 9-1-1 DISPATCHERS CONNECTED

- Emergency Communications Centers are critical for an effective emergency response, taking calls for assistance from the public and directing first responders to emergencies. [In the City of Alexandria, Virginia](#), hotspots and smartphones powered by the FirstNet network are enabling 9-1-1 dispatchers to take calls and handle Computer Aided Dispatch (CAD) operations from their homes and remote locations. “We didn’t want to rely on people’s home internet because we know they can lose connectivity. We know we won’t lose connectivity with FirstNet.” – **Renee Gordon, Director of Department of Emergency & Customer Communications (DECC), City of Alexandria, VA**

## COORDINATING MULTI-AGENCY RESPONSE

- In Indiana, Strategic National Stockpile (SNS) medical supplies were received and distributed from a central location at Stout Field, Indiana Air National Guard Headquarters. Multiple state and local agencies came together to ensure that critical supplies reached local communities as quickly as possible. FirstNet provided seamless interoperability with the statewide radio system, which helped multi-agency communications and improved operations at Stout Field, Indiana Air National Guard Headquarters. “The Indiana State Department of Health team leading this effort carried either radios or cell phones – or both – and communication became quite difficult. We suggested they try FirstNet, and connected an existing LMR talkgroup to the FirstNet ePTT app. This solution really simplified and streamlined their communication process. They’re now FirstNet believers.” – **Kelly Dignin, Executive Director, Integrated Public Safety Commission**

# FirstNet: Connecting and Protecting Communities

While COVID-19 has been front and center for all of public safety, agencies have had to respond to other emergencies and incidents, and FirstNet has been there to assist. The network covers more than 99% of the U.S. population, making rural coverage a top priority, and is the only nationwide, high-speed broadband network that is dedicated to America’s first responders.

**Rural and Remote America** – FirstNet is bringing more connectivity and innovation to first responders operating in rural communities across the country. This includes adding rural coverage where it did not previously exist, such as the purpose-built FirstNet cell site on the [Red Cliff Reservation in Wisconsin](#).

**Telehealth** – Health facilities are increasingly using telehealth applications to treat patients from a distance, and these applications can be data intensive and have a low tolerance for latency or jitter. FirstNet provides the bandwidth and capacity that enables video and photos to be used for telehealth purposes. The data prioritization on FirstNet gives first responders and health workers a network that will be there when they need it most.

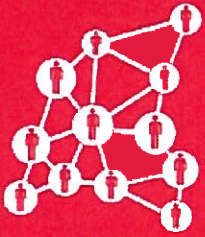
**Innovation** – FirstNet is enabling a growing ecosystem of devices and apps for public safety personnel. More than 100 apps have been tested for additional security and reliability and are identified for public safety’s use in the FirstNet App Catalog. Further, while consumers are using more apps to manage working from home and helping their children with distance learning, public safety agencies across the country are using the FirstNet App Catalog as they adjust and modify their response to COVID-19. In addition, the FirstNet Authority guides the future technology evolution of the network through its Roadmap and investments.



**FirstNet™**

# 10 WAYS FIRSTNET WILL HELP PUBLIC SAFETY SAVE LIVES AND SECURE COMMUNITIES

Across the country, public safety personnel bravely serve their communities every day, answering the call when emergencies strike and risking their lives to secure and protect others. FirstNet is developing the first nationwide public safety broadband network to provide them the advanced communication and collaboration technologies they need. Here are ten ways FirstNet will help public safety save lives and secure communities:



## 1. Improving communications through an interoperable network

Today, first responders rely on more than 10,000 separate, incompatible, and often proprietary radio networks to communicate with each other during emergencies. Sometimes it's hard, or even impossible, for public safety to communicate and work together to save lives. To help address this challenge, the FirstNet network will be a single, nationwide, interoperable LTE network dedicated to public safety communications.



## 2. Connecting responders in rural America

Emergencies don't happen only in highly populated areas – which is why reaching rural America is one of FirstNet's top priorities. FirstNet is addressing rural coverage needs in multiple ways to deploy the network in places where coverage may be difficult. High-power towers can cover more rural space with less total infrastructure, as can deployable and satellite solutions.



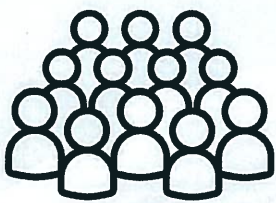
## 3. Enhancing situational awareness in emergencies

FirstNet will carry high-speed data, location information, images, and video that can mean all the difference when seconds count. Just as smartphones have created a new era of real-time information and connectedness for individuals, the FirstNet network, devices, and applications will enable the awareness and collaboration the public safety community needs to save lives.



## 4. Giving public safety true priority

During emergencies, public safety needs to be able to communicate without interruption – lives depend on it. It is vital that our nation's law enforcement officers, firefighters, paramedics, and other responders have true priority for their daily and emergency communications needs. This is why FirstNet is deploying a wireless broadband network dedicated to public safety.



## 5. Offering vital capacity for planned events, large crowds

Emergencies aren't the only times when public safety needs capacity to communicate and send data. Planned events – like concerts, festivals, and sporting events – draw crowds to a single location, making it difficult for public safety to get the robust network capacity they need to do their jobs. That's where FirstNet will help, by providing needed bandwidth to coordinate public safety resources and respond to any incidents.



**FirstNet™**

# 10 WAYS FIRSTNET WILL HELP PUBLIC SAFETY SAVE LIVES AND SECURE COMMUNITIES



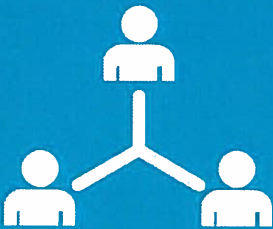
## 6. Delivering actionable data via innovative apps, devices

Public safety needs data communications in the field and innovative public safety communications technology. That's why the FirstNet network is designed to deliver applications, devices, and services tailored to the needs of public safety. FirstNet will be a resilient, reliable network, enabling everything from smartphones to laptops, tablets, dongles, and specialty devices to work when public safety needs them the most.



## 7. Providing reliability and security when disaster strikes

First responders in every state face the challenge of preparing for and responding to natural disasters. Having reliable communications is an integral component of any plan or response effort. FirstNet can help public safety save lives and secure communities by ensuring a reliable communication system is in place to assist public safety and rescue crews before, during, and after a natural disaster.



## 8. Ensuring coordinated response to man-made disasters

In the face of man-made attacks or natural disasters, the ability to communicate is essential to first responders. Incident commanders need to convey vital data to every first responder—fast. They need to know if resources from neighboring jurisdictions can be available. FirstNet is working to deliver a broadband network with interoperability built-in from day one to enhance public safety's ability to protect and serve.



## 9. Driving innovation in life-saving, public safety communications technology

With the potential for millions of users on a single LTE network, FirstNet hopes to foster creation of a new ecosystem in which entities compete to deliver applications and other services through the FirstNet network. The nationwide scale brought by FirstNet will maximize the value of every public safety dollar spent by allowing public safety end-users to take advantage of an increasingly competitive marketplace.



## 10. The network first responders need to keep our communities safe

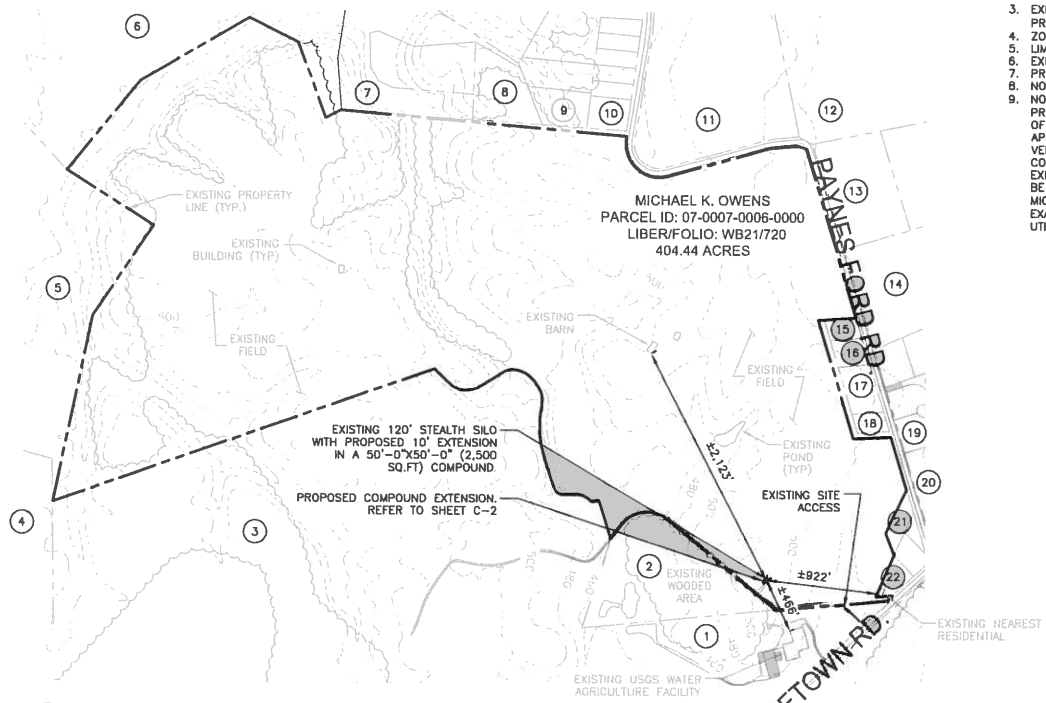
FirstNet is taking a "for public safety, by public safety" approach to planning and deploying the network. Through its consultation and outreach program, FirstNet has worked hand-in-hand with the public safety community to understand the capacity, coverage, service, and other public-safety-grade features they need to communicate and use 21st-century tools on the job.

# **EXHIBIT 6**





- ① US BUREAU OF FISHERIES  
404M  
PARCEL ID: 07-11-0002-0000  
47.9 AC
- ② UNITED STATES OF AMERICA  
SONE GATEWAY CENTER  
STE 700  
NEWTON CORNER, MA 02158  
PARCEL ID: 19-07-0007-0007-0001  
18.6 AC
- ③ OWENS MICHAEL K ET AL  
6018 PAYNES FORD ROAD  
KEARNEYSVILLE, WV 25430  
PARCEL ID: 19-07-0007-0007-0000  
208.7 AC
- ④ FREMSTAD JOSEPHINE M &  
DONALD D 751 4183 SULPHUR  
SPRINGS ROAD  
KEARNEYSVILLE, WV 25430  
PARCEL ID: 19-07-0012-0001-0000  
153.52 AC
- ⑤ THE BOWER LLC.  
PO BOX 599  
CHARLES TOWN, WV 25414  
PARCEL ID: 19-07-0007-0002-0000  
268.0 AC
- ⑥ SPITZEN ARNOLD J ET AL 3500 S.  
1119 DALE DRIVE  
SILVER SPRING, MD 20910  
PARCEL ID: 19-07-0007-0003-0000  
108.54 AC
- ⑦ GOLDBRANSON RUSSELL A  
246 ROLLING ACRES LANE  
KEARNEYSVILLE, WV 25430  
PARCEL ID: 19-07-0007-0005-0015  
10.0 AC
- ⑧ PLOTNER ALLEN W & PAMELA A  
PO BOX 373  
KEARNEYSVILLE, WV 25430  
PARCEL ID: 19-07-0007-0005-0013  
5.5 AC
- ⑨ MORRIS FREDERICK B JR  
& TARA A  
72 ROLLING ACRES LANE  
KEARNEYSVILLE, WV 25430  
PARCEL ID: 19-07-0007-0005-0021  
3.0 AC
- ⑩ HANCOCK DAVID R & JENNIFER H  
STINCHCOMB  
5392 PAYNES FORD ROAD  
KEARNEYSVILLE, WV 25430  
PARCEL ID: 19-07-0007-0005-0001  
1.9 AC
- ⑪ WOODSON JULIANNA R  
5259 PAYNES FORD ROAD  
KEARNEYSVILLE, WV 25430  
PARCEL ID: 19-07-0008-0001-0000  
52.63 AC
- ⑫ CATHOLIC DIOCESE OF WHEELING  
61 14TH STREET  
WHEELING, WV 26003  
PARCEL ID: 19-07-0008-0001-0004  
73.54 AC



**SITE NOTES**

1. APPLICANT/OWNER: AT&T MOBILITY  
CONTACT: JESSE BIRD  
7150 STANDARD DRIVE  
HANOVER, MD 21076
2. SITE DATA:  
PARCEL ID: 07-0007-0006-0000  
WATER DESIGNATION: N/A  
SEWER DESIGNATION: N/A  
SITE AREA: 404.44 AC.  
SITE ADDRESS: 11861 LEETOWN ROAD  
KEARNEYSVILLE, WV 25430
3. EXISTING USE: FARM/TELECOMMUNICATION FACILITY  
PROPOSED USE: FARM/TELECOMMUNICATION FACILITY
4. ZONING OF SITE IS RURAL
5. LIMIT OF DISTURBANCE = 461 sq.ft.
6. EXISTING IMPERVIOUS AREA = 14,053 sq.ft
7. PROPOSED IMPERVIOUS AREA = 411 sq.ft
8. NO COMMERCIAL SIGNAGE IS PROPOSED.
9. PRIOR TO DOING ANY EXCAVATION IN THIS AREA, THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MUST BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATED AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

DRAWN BY:	JW	
CHECKED BY:	JM	
APPROVED BY:	GT	
NO.	DATE	DESCRIPTION
A	6/30/21	PRELIMINARY DRAWINGS
B	12/14/21	REVISED PER COMMENTS
C	12/28/21	NEW LEASE DESIGN
D	3/14/22	ISSUED FOR PERMITTING

**KCI TECHNOLOGIES**  
KCI TECHNOLOGIES, INC.  
11850 West Market Place, Suite F  
Fulton, MD 20759  
Phone: 410.792.8086

**NICHOLAS A. BARRICK**  
REGISTERED  
No. 20290  
STATE OF WEST VIRGINIA  
PROFESSIONAL ENGINEER  
3/14/22

ENGINEER  
NICHOLAS A. BARRICK, PE  
WV LICENSE NO. 20290

**at&t**  
7150 STANDARD DRIVE  
HANOVER, MD 21076

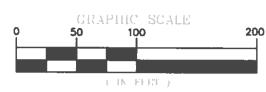
**smartlink**  
1382 MELLON RD, SUITE 140  
HANOVER, MD 21076

**PEBBLE**  
FAX: 12081637  
SITE ID#: 4639  
11945 LEETOWN ROAD  
KEARNEYSVILLE, WV 25430

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SCALE:	AS NOTED
DATE:	3/14/22
KCI JOB NUMBER:	01802184.ATT04
SHEET TITLE:	

- LEGEND**
- PROPERTY LINE
  - EX. EDGE OF ROAD
  - EX. BUILDING
  - EX. FEATURES
  - EX. FENCE
  - EX. MONOPOLE
  - PROP. EQUIPMENT
  - PROP. TELECOM LINE
  - PROP. ELECTRIC LINE

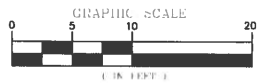
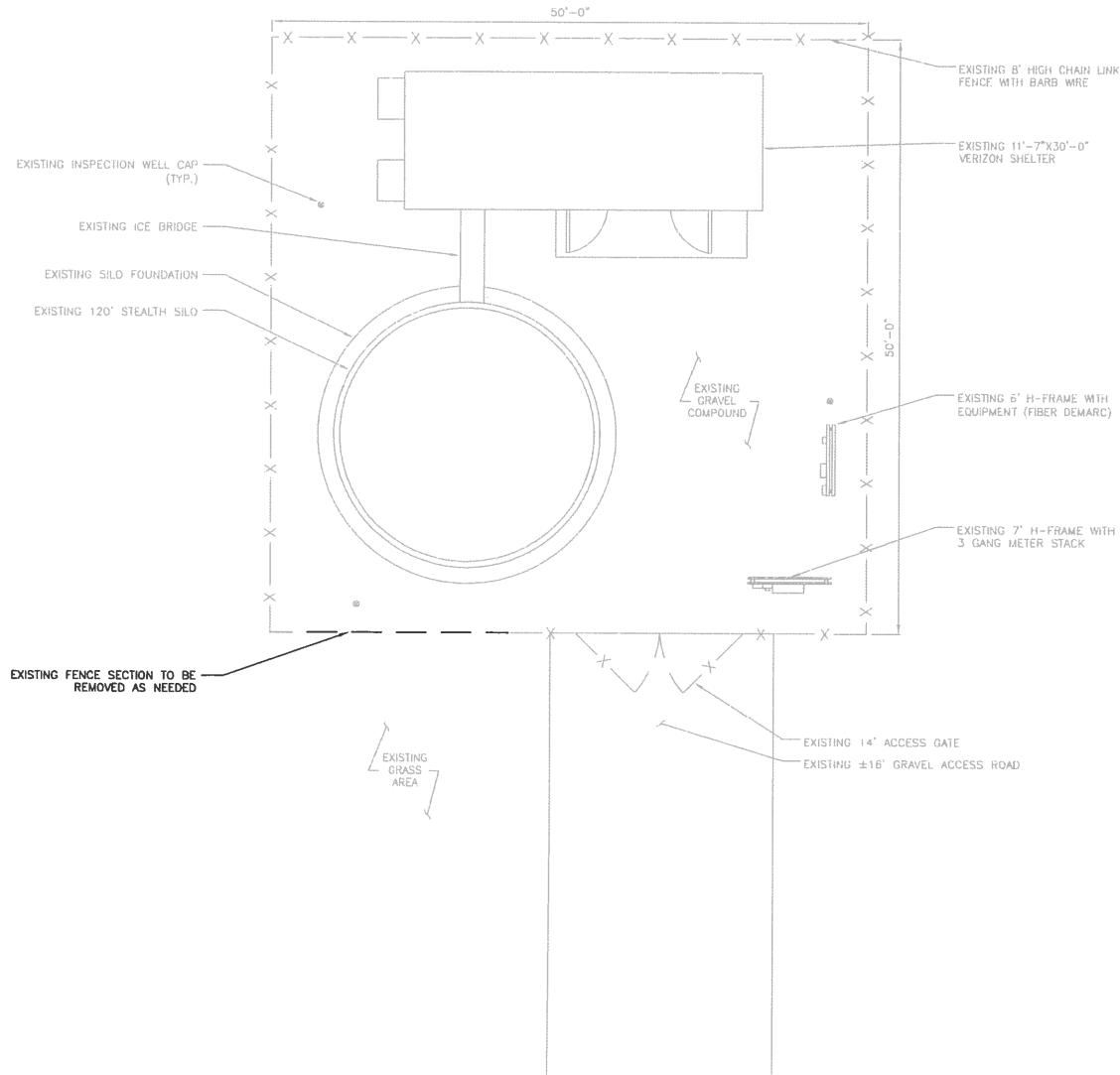


**PROPERTY PLAN**  
SCALE: 1"=100' (1"=50') ON 22"x34" SHEET

**PROPERTY PLAN**

SHEET

**C-1**



**EXISTING/ DEMOLITION PLAN**

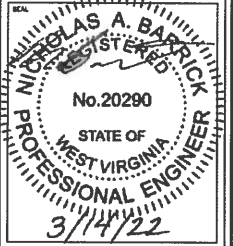
SCALE: 1"=10' (1"=5') ON 22"x34" SHEET

1

DRAWN BY:	JW	
CHECKED BY:	JM	
APPROVED BY:	GT	
NO.	DATE	DESCRIPTION
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11630 West Market Place, Suite F  
Fulton, MD 20759  
Phone: 410.792.8086



ENGINEER:  
NICHOLAS A. BARRICK, PE  
WV LICENSE NO. 20290



**PEBBLE**

FAR: 12801837  
SITE ID#: 4838  
11845 LETTOWN ROAD  
KEARNEYVILLE, WV 25430

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SCALE: AS NOTED  
DATE: 3/14/22  
KCI JOB NUMBER: 011803184.ATT04  
SHEET TITLE

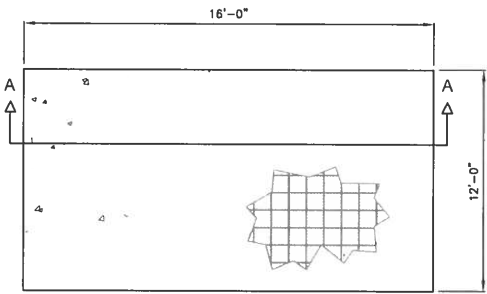
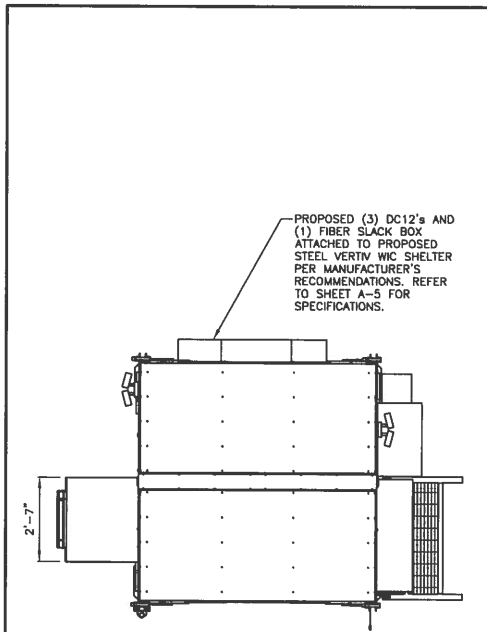
**EXISTING/ DEMOLITION PLAN**

SHEET  
**C-2**

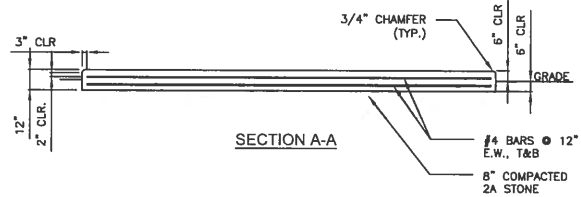








- WIC SHELTER SLAB NOTES:
1. VERIFY DIMENSIONS WITH WIC MANUFACTURER.
  2. REMOVE ALL LOOSE INORGANIC OR UNSUITABLE SOIL TO UNDISTURBED BEARING STRATA W/ ALLOWABLE SOIL BEARING PRESSURE OF 2000 PSF.
  3. CONCRETE STRENGTH SHALL BE 4000 PSI, MIN.
  4. SLAB SHALL BE LEVEL  $\pm 1/4"$
  5. THE "UNDISTURBED SOIL" BASE SHALL BE COMPACTED TO AT LEAST 95% MODIFIED PROCTOR MAXIMUM DENSITY PER ASTM D 1557 METHOD C.

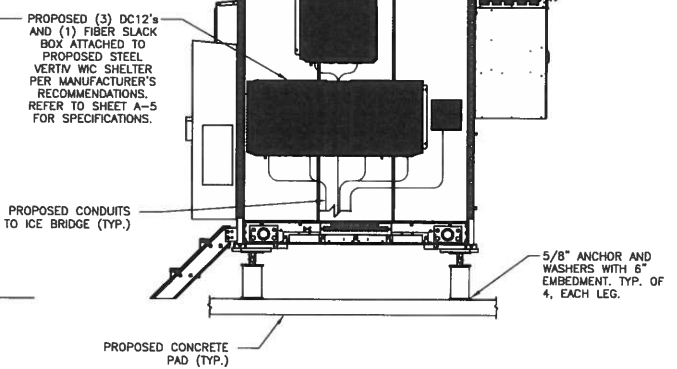
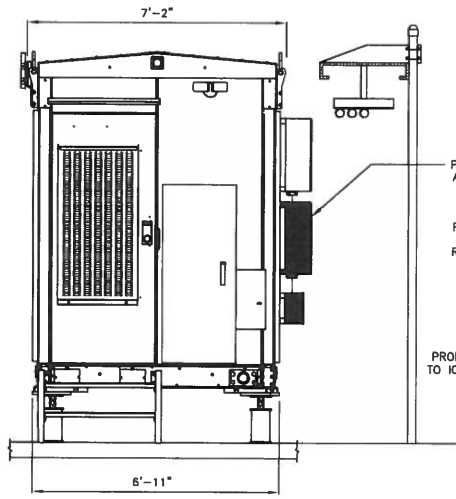
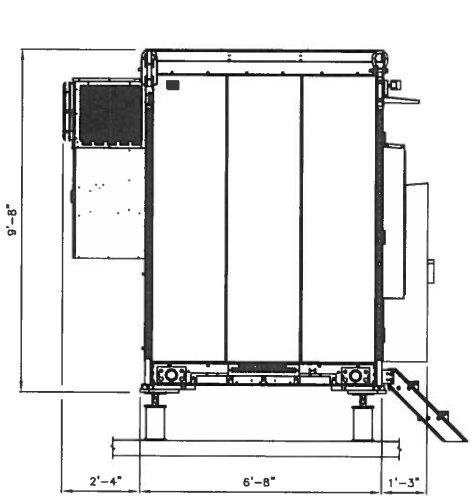


WIC SHELTER FOUNDATION DETAIL  
SCALE: N.T.S.

DRAWN BY:	JW	
CHECKED BY:	JM	
APPROVED BY:	GT	
NO.	DATE	DESCRIPTION
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B	12/14/21	REVISED PER COMMENTS
C	12/28/21	NEW LEASE DESIGN
D	3/14/22	ISSUED FOR PERMITTING

**KCI**  
TECHNOLOGIES  
KCI TECHNOLOGIES, INC.  
11830 West Market Place, Suite F  
Fulton, MD 20759  
Phone: 410.792.8086

SEAL  
**NICHOLAS A. BARRICK**  
REGISTERED  
No. 20290  
STATE OF  
WEST VIRGINIA  
PROFESSIONAL ENGINEER  
3/14/22



VERTIV WIC SHELTER NEQ. 20061  
SCALE: N.T.S.

ENGINEER  
NICHOLAS A. BARRICK, PE  
WV LICENSE NO. 20290

**at&t**  
7150 STANDARD DRIVE  
HANOVER, MD 21078

**smartlink**  
1362 MELLOW RD. SUITE 140  
HANOVER, MD 21078

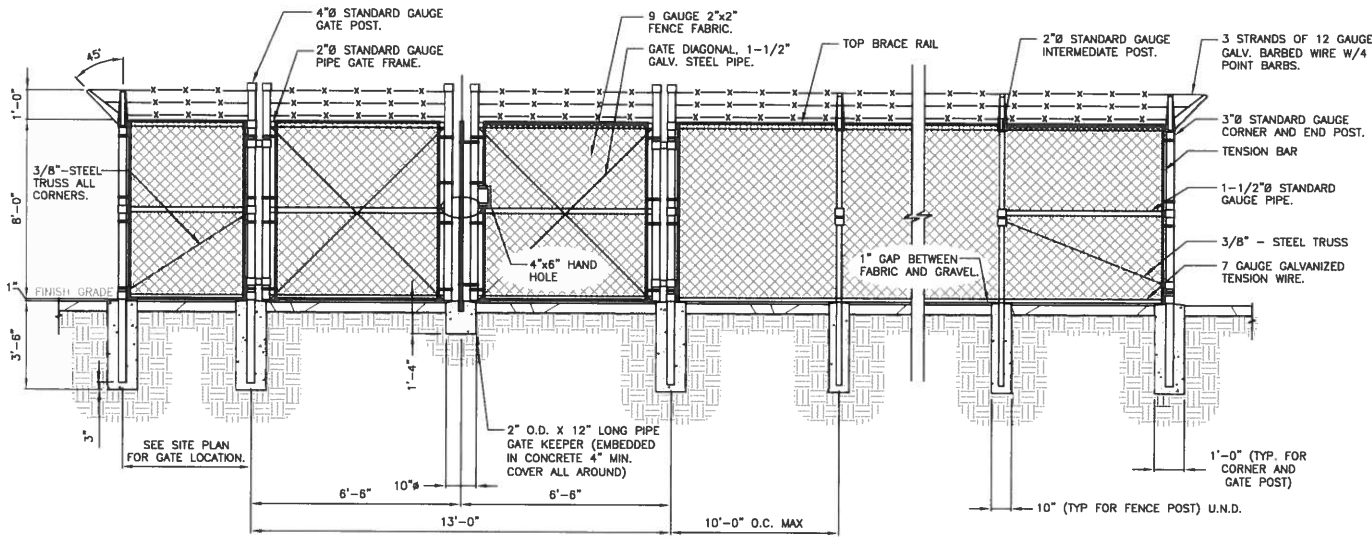
**PEBBLE**  
FAX: 12601037  
SITE ID# 4839  
11945 LEETOWN ROAD  
KEARNEYVILLE, WV 25430

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SCALE: AS NOTED  
DATE: 3/14/22  
KCI JOB NUMBER: 011802184.ATD4  
SHEET TITLE  
WIC SPECIFICATIONS  
SHEET  
C-6

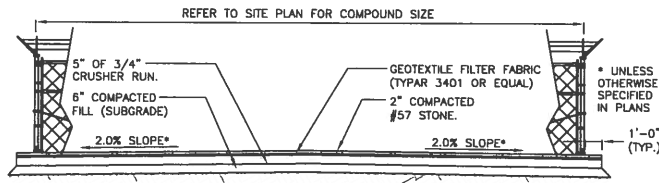






- NOTES:**
1. ALL FENCING MATERIAL MUST BE GALVANIZED.
  2. ALL POSTS MUST HAVE STEEL CAPS.
  3. ALL POSTS AND BRACING MUST BE SCH. 40
  4. INSTALL FENCING PER ASTM F-567
  5. INSTALL GATES PER ASTM F-900
  6. ALL CONCRETE FOUNDATIONS TO HAVE A MINIMUM OF 4000 PSI.
  7. REFER TO FENCE SPECIFICATIONS FOR FURTHER INFORMATION.
  8. LOCATE FENCE AS SHOWN ON SITE PLAN.
  9. CONTRACTOR TO PROVIDE AND INSTALL "STYMELOCK" ON COMPOUND GATE. WORK WITH CLIENT ON GATE COMBO.

**FENCING DETAIL**  
SCALE: N.T.S. 1



**COMPOUND SECTION**  
NOT TO SCALE

- NOTES:**
1. SITE WILL BE GRADED TO ALLOW DRAINAGE AWAY FROM TOWER AND EQUIPMENT PAD.
  2. PRIOR TO LAYING THE STONE, THE COMPOUND SHOULD BE CLEARED OF ALL ORGANIC MATTER, STERILIZED WITH WEED KILLER, AND THEN TREATED WITH HERBICIDE.
  3. AFTER PROJECT COMPLETION ALL DISTURBED AREAS MUST BE SEEDED WITH LOW MAINTENANCE GRASS.
  4. STONE SHALL BE COMPACTED 95% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D-1557 TO PREVENT IMMEDIATE EROSION AND EASE IN DRIVING ACCESSIBILITY.

**COMPOUND DETAIL**  
SCALE: N.T.S. 2

DRAWN BY:	JW	
CHECKED BY:	JM	
APPROVED BY:	GT	
NO.	DATE	DESCRIPTION
A	6/30/21	PRELIMINARY DRAWINGS
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C	12/29/21	NEW LEASE DESIGN
D	3/14/22	ISSUED FOR PERMITTING

**KCI TECHNOLOGIES**  
KCI TECHNOLOGIES, INC.  
11830 West Market Place, Suite F  
Fulton, MD 20759  
Phone: 410.792.8086

**NICHOLAS A. BARRICK**  
REGISTERED  
No. 20290  
STATE OF WEST VIRGINIA  
PROFESSIONAL ENGINEER  
3/14/22

ENGINEER:  
NICHOLAS A. BARRICK, PE  
WV LICENSE NO. 20290

**at&t**  
7150 STANDARD DRIVE  
HANOVER, MD 21076

**smartlink**  
1382 MELLON RD. SUITE 140  
HANOVER, MD 21076

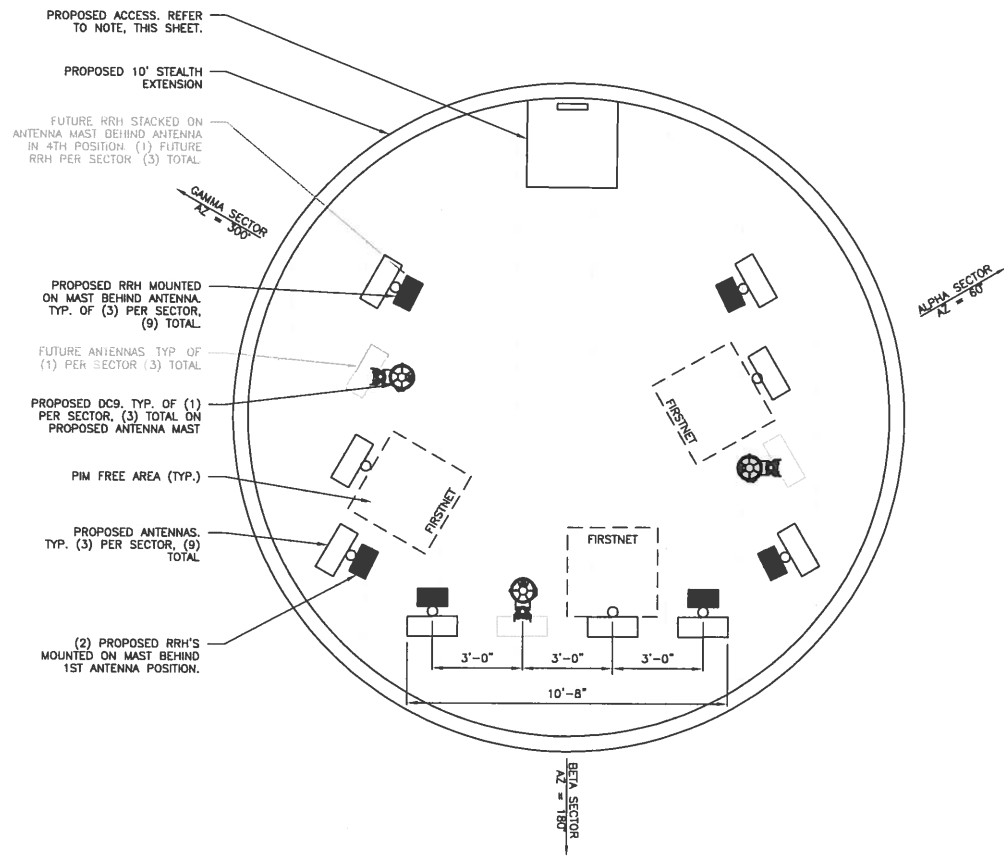
**PEBBLE**  
FAR: 12881027  
SITE ID#: 4639  
11645 LEETOWN ROAD  
KEARNEYVILLE, WV 25430

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SCALE:	AS NOTED
DATE:	3/14/22
KCI JOB NUMBER:	01180218A.ATT04
SHEET TITLE:	

**CONSTRUCTION DETAILS**

SHEET  
**C-9**

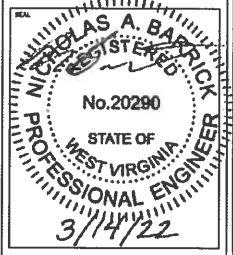


NOTE:  
 PROPOSED SILO EXTENSION NOT DESIGNED BY KCI. ANTENNA PLACEMENT AND ACCESS LOCATION TO BE VERIFIED WITH FINAL EXTENSION DESIGN BY OTHERS.

PROPOSED ANTENNA CONFIGURATION  
 SCALE: 1"=3' (1"=1.5') ON 22"x34" SHEET

DRAWN BY:	JW	
CHECKED BY:	JM	
APPROVED BY:	GT	
NO.	DATE	DESCRIPTION
A	6/30/21	PRELIMINARY DRAWINGS
B	12/14/21	REVISED PER COMMENTS
C	1/23/22	NEW LEASE DESIGN
D	3/14/22	ISSUED FOR PERMITTING

**KCI**  
 TECHNOLOGIES  
 KCI TECHNOLOGIES, INC.  
 11830 West Market Place, Suite F  
 Fallon, MD 20759  
 Phone: 410.792.8086



ENGINEER:  
 NICHOLAS A. BARRICK, PE  
 WV LICENSE NO. 20290

**at&t**  
 7150 STANDARD DRIVE  
 HANOVER, MD 21078

**smartlink**  
 1382 MELLON RD. SUITE 140  
 HANOVER, MD 21078

**PEBBLE**  
 FAB: 12891027  
 SITE ID#: 4838  
 11845 LESTOWN ROAD  
 KEARNEYVILLE, WV 25430

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SCALE: AS NOTED  
 DATE: 3/14/22  
 KCI JOB NUMBER: 011802184.ATT04  
 SHEET TITLE  
**ANTENNA LAYOUT AND MOUNTING DETAIL**

SHEET  
**A-1**

ANTENNA SCHEDULE

SECTOR POSITION	STATUS	ANTENNA MANUFACTURE	ANTENNA MODEL	ANTENNA DIMENSIONS	RAD CENTER	AZIMUTH	TMA/RRU QUANTITY & MODEL	ANTENNA E-TILT	ANTENNA M-TILT	FIBER/POWER FEEDERS	TRUNK LENGTH
A-1	PROPOSED	COMMSCOPE	NNHH-65C-R4	96"x19.6"x7.8"	123' AGL	60'	(1) AIRSCALE DUAL RRH 4T4R B25/66 320W (AHLFB)	2'	2'		
A-2	PROPOSED	COMMSCOPE	NNHH-65C-R4	96"x19.6"x7.8"	123' AGL	60'	(1) B12/14/29 TRIBAND RRH 370W (AHLBBA)	2'	2'	(1) 24 PAIR FIBER-OPTIC TRUNK CABLE (PER SECTOR)	±158'
A-3	FUTURE	-	-	-	-	-	-	-	(3) 9-C DC TRUNK CABLES (PER SECTOR)		
A-4	PROPOSED	COMMSCOPE	NNHH-65C-R4	96"x19.6"x7.8"	123' AGL	60'	(1) AIRSCALE RRH 4T4R B5 160W (AHCA)	2'	2'		
B-1	PROPOSED	COMMSCOPE	NNHH-65C-R4	96"x19.6"x7.8"	123' AGL	180'	(1) AIRSCALE DUAL RRH 4T4R B25/66 320W (AHLFB)	2'	2'	(1) 24 PAIR FIBER-OPTIC TRUNK CABLE (PER SECTOR)	
B-2	PROPOSED	COMMSCOPE	NNHH-65C-R4	96"x19.6"x7.8"	123' AGL	180'	(1) B12/14/29 TRIBAND RRH 370W (AHLBBA)	2'	2'	(3) 9-C DC TRUNK CABLES (PER SECTOR)	±158'
B-3	FUTURE	-	-	-	-	-	-	-			
B-4	PROPOSED	COMMSCOPE	NNHH-65C-R4	96"x19.6"x7.8"	123' AGL	180'	(1) AIRSCALE RRH 4T4R B5 160W (AHCA)	2'	2'		
G-1	PROPOSED	COMMSCOPE	NNHH-65C-R4	96"x19.6"x7.8"	123' AGL	300'	(1) AIRSCALE DUAL RRH 4T4R B25/66 320W (AHLFB)	2'	2'	(1) 24 PAIR FIBER-OPTIC TRUNK CABLE (PER SECTOR)	±158'
G-2	PROPOSED	COMMSCOPE	NNHH-65C-R4	96"x19.6"x7.8"	123' AGL	300'	(1) B12/14/29 TRIBAND RRH 370W (AHLBBA)	2'	2'	(3) 9-C DC TRUNK CABLES (PER SECTOR)	
G-3	FUTURE	-	-	-	-	-	-	-			
G-4	PROPOSED	COMMSCOPE	NNHH-65C-R4	96"x19.6"x7.8"	123' AGL	300'	(1) AIRSCALE RRH 4T4R B5 160W (AHCA)	2'	2'		
GPS - (MOUNTED ON WC SHELTER)							(1) 1/2" COAX				±25'

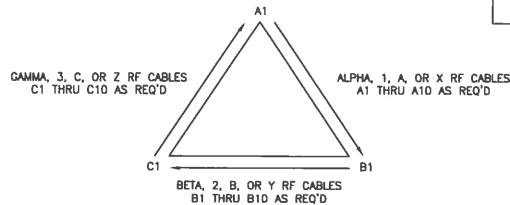
CABLE SYSTEM & RF SYSTEM DESIGN PLAN NOTES:

- SECTOR ORIENTATION/AZIMUTH WILL VARY FROM REGION TO REGION AND IS SITE SPECIFIC. REFER TO SEPARATE RF REPORT FOR EACH SITE TO DETERMINE THE ANTENNA LOCATION AND FUNCTION OF EACH TOWER SECTOR FACE.
- THE STANDARD IS BASED ON EIGHT COLORED TAPES - RED, BLUE, GREEN, YELLOW, BROWN, ORANGE, WHITE, AND SLATE (GREY). THESE TAPES SHOULD BE READILY AVAILABLE TO THE ELECTRICIAN OR CONTRACTOR ON SITE.
- USING COLOR BANDS ON THE CABLES, MARK ALL RF CABLE BY SECTOR AND CABLE NUMBER AS SHOWN ON "CABLE MARKING COLOR CONVENTION TABLE".
- COLOR CODE TAPE SHALL BE 3" WIDE AT TOP AND MIDDLE OF TOWER AND 2" WIDE AT THE BOTTOM. ALL JUMPERS SHALL BE INCLUDED.
- ALL COLOR CODE TAPE SHALL BE 3M-35 AND SHALL BE INSTALLED USING A MINIMUM OF (3) WRAPS OF TAPE AND SHALL BE NEATLY TRIMMED AND SMOOTHED OUT SO AS TO AVOID UNRAVELING.
- ALL COLOR BANDS INSTALLED AT OR NEAR THE GROUND SHALL BE A MINIMUM OF 3/4" WIDE.
- ALL COLOR CODES SHALL BE INSTALLED SO AS TO ALIGN NEATLY WITH ONE ANOTHER FROM SIDE-TO-SIDE.

CABLE IDENTIFICATION NOTES:

- SUBCONTRACTOR SHALL COORDINATE COLOR CODING WITH THE MASTER COLOR CODE DOCUMENT.
- SUB CONTRACTOR SHALL INSTALL A BRASS IDENTIFICATION TAG (1-1/2" IN DIAMETER WITH 1/4" STAMPED LETTERS AND NUMBERS) ONE AT THE ANTENNA PORT CONNECTION NEAR THE END OF THE JUMPER AND ONE ON EACH END OF THE JUMPER SERVING THE RADIO EQUIPMENT. EACH TAG WILL BE STAMPED WITH "ATT" AND THE ANTENNA PORT IDENTIFICATION NUMBER EXAMPLE BELOW. TAGS SHALL BE ATTACHED WITH CORROSION PROOF UV RESISTANT MRE OR CABLE-TY.

RF DESIGN NOTE:  
THIS ANTENNA AND COAX CABLE SCHEDULE HAS BEEN CREATED USING THE FOLLOWING RFDS DATED 6/18/21. ALL ANTENNA DESIGN, ZONING, STRUCTURAL ANALYSIS PERMITS AND COMPLIANCE SUBMISSIONS ARE COORDINATED WITH THE AFOREMENTIONED DOCUMENT.



PROPOSED ANTENNAS	TOTAL
(3) PER SECTOR	(9)
FUTURE ANTENNAS	
(1) PER SECTOR	(3)

PROPOSED RRH	TOTAL
B12/14/29 NOKIA TRIBAND RRH (AHLBBA)	(3)
AIRSCALE DUAL RRH 4T4R B25/66 320W AHLFB	(3)
AIRSCALE RRH 4T4R B5 160W AHCA	(3)
TOTAL	(9)
FUTURE RRH (PER SECTOR)	TOTAL
(1) FUTURE RRH	(3)

RF SCHEDULE AND NOTES

SCALE: N.T.S.

DRAWN BY:	JW	
CHECKED BY:	JM	
APPROVED BY:	GT	
NO.	DATE	DESCRIPTION
A	8/30/21	PRELIMINARY DRAWINGS
B	12/14/21	REVISED PER COMMENTS
C	12/29/21	NEW LEASE DESIGN
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**KCI TECHNOLOGIES**  
KCI TECHNOLOGIES, INC.  
11830 West Market Place, Suite F  
Fulton, MD 20759  
Phone: 410.792.8086

**NICHOLAS A. BARRICK, P.E.**  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF WEST VIRGINIA  
No. 20290  
3/14/22

ENGINEER: NICHOLAS A. BARRICK, P.E.  
WV LICENSE NO. 20290

**at&t**  
7150 STANDARD DRIVE  
HANOVER, MD 21078

**smartlink**  
1362 BELLON RD. SUITE 140  
HANOVER, MD 21078

**PEBBLE**

PAR: 12891027  
SITE ID#: 4819  
11846 LESTOWN ROAD  
KEARNEYVILLE, WV 25430

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SCALE: AS NOTED  
DATE: 3/14/22  
KCI JOB NUMBER: 011802104.ATT04  
SHEET TITLE

RF SCHEDULE AND NOTES

SHEET

A-2





700 RRH

SPECIFICATIONS	
LxWxD (IN.)	24"x14.09"x7.83"
WEIGHT (LBS.)	101.4

NOKIA AIRSCALE RRH 4T4R B12/14/29 TRIBAND AHLBBA

SCALE: N.T.S.

1



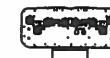
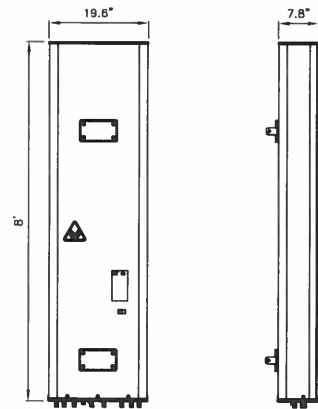
850 RRH

SPECIFICATIONS	
LxWxD (IN.)	13.3"x11.6"x6.5"
WEIGHT (LBS.)	16.7

NOKIA AIRSCALE RRH 4T4R B5 160W AHCA

SCALE: N.T.S.

2

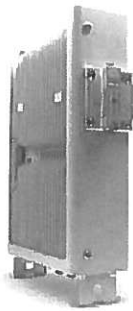


SPECIFICATIONS	
LxWxD (IN.)	96"x19.6"x7.8"
WEIGHT (LBS.)	99.2

PROPOSED COMMSCOPE NNHH-65C-R4

SCALE: N.T.S.

3



1900 RRH

SPECIFICATIONS	
LxWxD (IN.)	11.8"x15.7"x4.7"
WEIGHT (LBS.)	40

NOKIA AIRSCALE RRH 4T4R B25/66 320W AHFIB

SCALE: N.T.S.

4

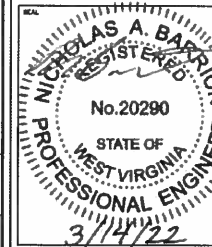
RF DESIGN NOTE:  
THIS ANTENNA AND COAX CABLE SCHEDULE HAS BEEN CREATED USING THE FOLLOWING RFDS DATED 8/18/21. ALL ANTENNA DESIGN, ZONING, STRUCTURAL ANALYSIS PERMITS AND COMPLIANCE SUBMISSIONS ARE COORDINATED WITH THE AFOREMENTIONED DOCUMENT.

DRAWN BY: JW  
CHECKED BY: JM  
APPROVED BY: GT

NO.	DATE	DESCRIPTION
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B	12/14/21	REVISED PER COMMENTS
C	12/28/21	NEW LEASE DESIGN
D	3/14/22	ISSUED FOR PERMITTING



KCI TECHNOLOGIES, INC.  
11830 West Market Place, Suite F  
Fulton, MD 20759  
Phone: 410.792.8086



ENGINEER:  
NICHOLAS A. BARRICK, PE  
WV LICENSE NO. 20290



7150 STANDARD DRIVE  
HANOVER, MD 21078



1362 MELLON RD. SUITE 140  
HANOVER, MD 21078

**PEBBLE**

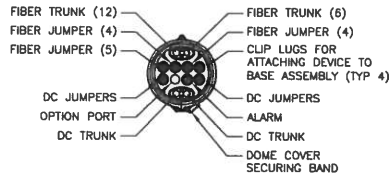
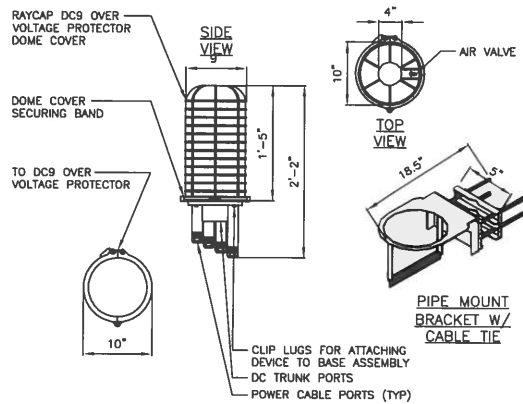
FAR: 12891027  
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DATE: 3/14/22  
KCI JOB NUMBER: 01180218A.AT04  
SHEET TITLE

EQUIPMENT SPECIFICATIONS

SHEET  
**A-4**



- NOTES:
1. AT&T SUPPLIES DC9 SURGE DOME AND PIPE MOUNTING BRACKETS. CONTRACTOR SHALL SUPPLY MOUNTING PIPE OR UNISTRUT.
  2. DC9 WEIGHT: 32.8LBS

RAYCAP DC9 FIBER/DC DOME DETAIL

1

SCALE: N.T.S.

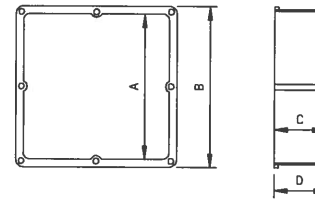


SPECIFICATIONS	
LxWxD (IN.)	26"x24"x8.8"
WEIGHT (LBS.)	56.3

DC12-48-60-0-25E DETAIL

2

SCALE: N.T.S.



FRONT

SIDE

PRODUCT CODE	PART NUMBER	A	B	C	D	GASKET CODE	SCREW CODE	VOLUME
078250	JB12124	12"	12.687"	4"	4.25"			577.4 CID
078251	JB12126	12"	12.687"	6"	6.25"	072749	072513 (8) 072549 (4)	846.0 CID
078252	JB12128	12"	12.687"	8"	8.25"			1,102.0 CID

FIBER/DC SLACK BOX DETAIL

3

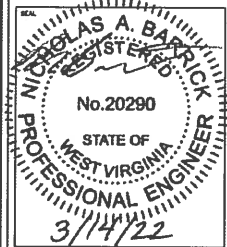
SCALE: N.T.S.

DRAWN BY: JW  
CHECKED BY: JM  
APPROVED BY: GT

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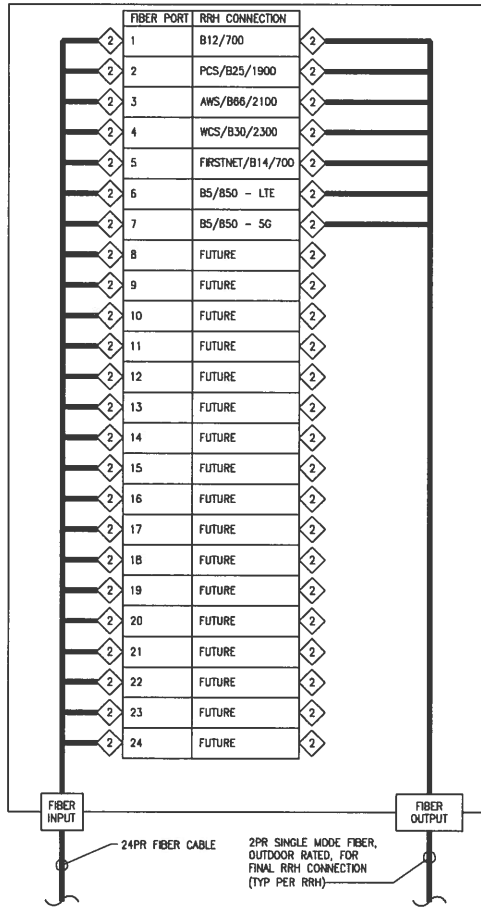
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DATE: 3/14/22  
KO\_JOB NUMBER: 01802184.AT104  
SHEET TITLE

EQUIPMENT  
SPECIFICATIONS

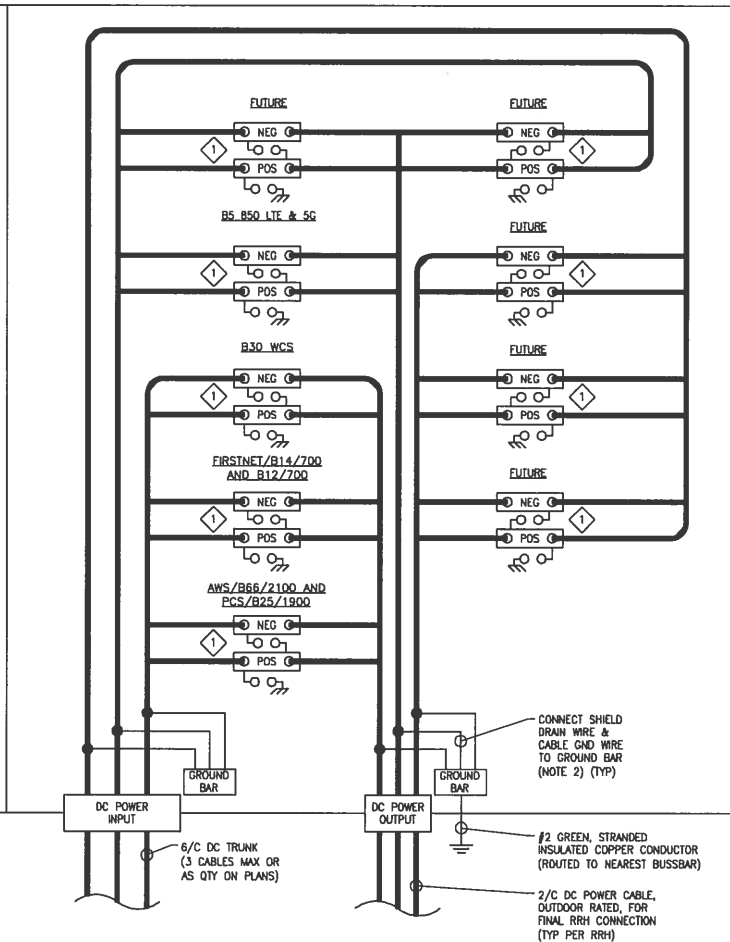
SHEET

A-5

DC9 FIBER CONNECTIONS



DC9 DC POWER CONNECTIONS



NOTES:

- TRUNK GLAND KITS:  
TRUNK GLAND KIT A: OVAL GASKET FOR #4 AND #6AWG TRUNK (CEO, 21428)  
TRUNK GLAND KIT B: OVAL GASKET FOR (2) #4 AWG TRUNKS (CEO, 21429)  
TRUNK GLAND KIT C: OVAL GASKET FOR (2) #8 AWG TRUNKS (CEO, 21434)
- WHEN SHIELDED CABLE IS USED CONNECT CABLE SHIELD DRAIN WIRE AND GROUND WIRE TO GROUND BAR.
- FIRST SQUID INSTALLED WILL BE ALARMED TO THE LOWEST BAND (OR FIRST INSTALLED) RRH ON ALPHA SECTOR. IN THE EVENT THE ALARM CABLE CANNOT BE CONNECTED TO ALPHA IT WILL BE ACCEPTABLE TO ALARM TO THE CLOSEST PHYSICAL SECTOR ON AN EXCEPTION BASIS.
- 2ND SQUID INSTALLED WILL BE ALARMED TO THE LOWEST BAND (OR FIRST INSTALLED) RRH ON BETA SECTOR.
- 3RD SQUID INSTALLED WILL BE ALARMED TO THE LOWEST BAND (OR FIRST INSTALLED) RRH ON GAMMA SECTOR.
- AN RRH WILL NEVER HAVE MORE THAN ONE SQUID ALARMED ON IT.
- SQUID ALARMS ARE NOT TO BE DAISS CHAINED.

- ② = LC CONNECTOR
- ① = STRIKESORB PROTECTION MODULE BY RAYCAP

DC9 WIRING DIAGRAM  
SCALE: N.T.S.

DRAWN BY: JW  
CHECKED BY: JM  
APPROVED BY: GT

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Phone: 410.792.8086

**NICHOLAS A. BARRICK**  
REGISTERED PROFESSIONAL ENGINEER  
No. 20290  
STATE OF WEST VIRGINIA  
3/14/22

ENGINEER:  
NICHOLAS A. BARRICK, PE  
WV LICENSE NO. 20290

**at&t**  
7150 STANDARD DRIVE  
HANOVER, MD 21076

**smartlink**  
1362 MELLON RD. SUITE 140  
HANOVER, MD 21076

**PEBBLE**  
FAR: 12891037  
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DC9 WIRING DIAGRAM  
A-6  
SHEET

120/240V, 1Ø, 3W  
200A MAIN C.B.

PANEL SCHEDULE PTLC

CKT. NO.	CKT BKR AMPS	DESCRIPTION	DESCRIPTION	CKT BKR AMPS	CKT. NO.
1	30	RECTIFIER SHELVES 1&2	RECTIFIER SHELVES 7&8	30	2
3					4
5	30	RECTIFIER SHELVES 3&4	RECTIFIER SHELVES 9&10	30	6
7					8
9	30	RECTIFIER SHELVES 5&6	RECTIFIER SHELVES 11&12	30	10
11					12
13	—	SPACE	SPACE	—	14
15	—	SPACE	SPACE	—	16
17	—	SPACE	SPACE	—	18
19	—	SPACE	SPACE	—	20
21	—	SPACE	SPACE	—	22
23	—	SPACE	SPACE	—	24
25	25	TO HVAC	EX. LIGHTS	15	26
27			OUTLETS	20	28
29	—	SPACE	SPACE	—	30
31	—	SPACE	SPACE	—	32
33	—	SPACE	SPACE	—	34
35	—	SPACE	SPACE	—	36
37	—	SPACE	SPACE	—	38
39	—	SPACE	BATTERY CHARGER	20	40
41	—	SPACE	BLOCK HEATER	20	42

NOTES:

1. LOAD CENTER IS WITHIN POWER ENCLOSURE, FACTORY INSTALLED BY VERTIV.

ELECTRICAL PANEL

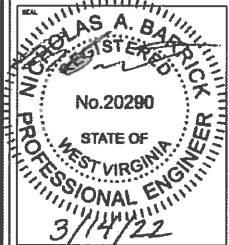
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1

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WV LICENSE NO. 20280



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HANOVER, MD 21076



1362 MELLON RD. SUITE 140  
HANOVER, MD 21076

PEBBLE

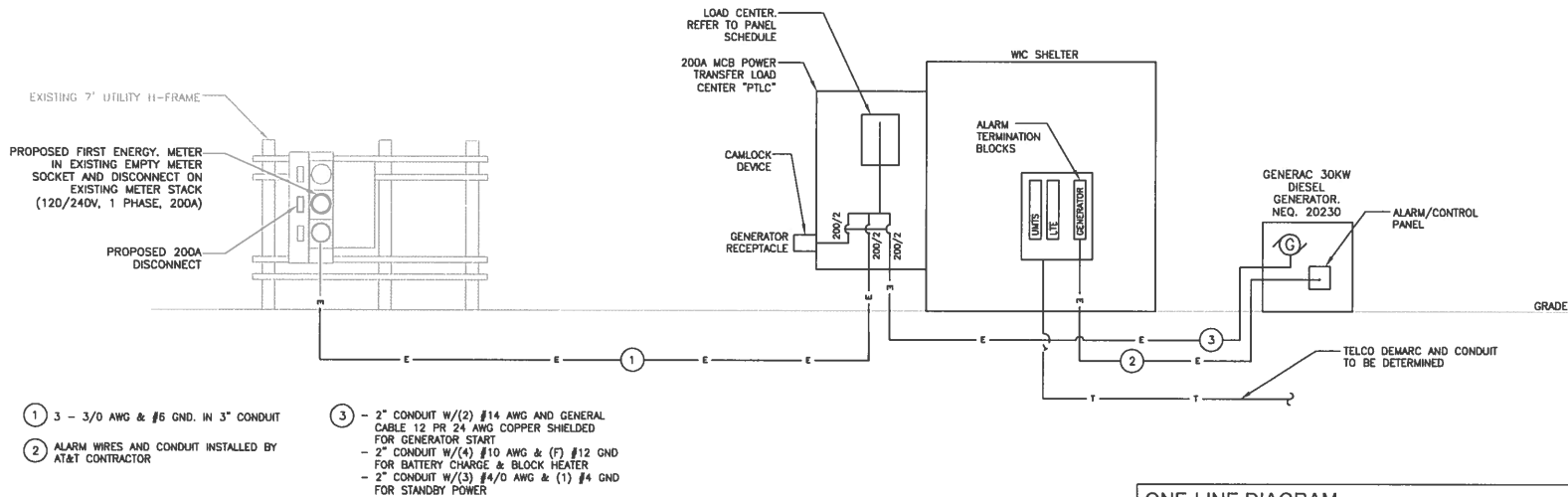
PAR: 12891027  
SITE ID#: 4039  
11045 LEETOWN ROAD  
KEARNEYVILLE, WV 26430

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DATE: 3/14/22  
KCI JOB NUMBER: 011802184.ATD4  
SHEET TITLE

ELECTRICAL SPECIFICATIONS

SHEET  
E-1



ONE-LINE DIAGRAM

SCALE: N.T.S.

2

DISTRIBUTION ROW #3	POSITION	VOLTAGE	CB SIZE
FIF FUSE PANEL #1-A	1	24	100
	2	24	100
FIF FUSE PANEL #2-A	3	24	100
	4	24	100
	5	24	100
	6	24	100
	7	24	100
	8	24	100
	9	24	100
	10	24	100
	11	24	100
	12	24	100
	13	24	100
	14	24	100
	15	24	100
	16	24	100
	17	24	100
	18	24	100
	19	24	100
	20	24	100
	21	24	100
	22	24	100
	23	24	100
	24	24	100
	25	24	100
	26	24	100

DISTRIBUTION ROW #2	POSITION	VOLTAGE	CB SIZE
AIRSCALE DUAL RRH 4T4R B25/66 320W AHIB	1	48	50
NOKIA TRIBAND RRH B12/14/29 370W AHLBBA	2	48	50
AIRSCALE RRH 4T4R B5 160W AHCA	3	48	50
	4	48	50
AIRSCALE DUAL RRH 4T4R B25/66 320W AHIB	5	48	50
NOKIA TRIBAND RRH B12/14/29 370W AHLBBA	6	48	50
AIRSCALE RRH 4T4R B5 160W AHCA	7	48	50
	8	48	50
AIRSCALE DUAL RRH 4T4R B25/66 320W AHIB	9	48	50
NOKIA TRIBAND RRH B12/14/29 370W AHLBBA	10	48	50
AIRSCALE RRH 4T4R B5 160W AHCA	11	48	50
	12	48	50
	13	48	50
	14	48	50
	15	48	50
	16	48	50
	17	48	50
	18	48	50
	19	48	50
SIAD	20	48	20
SIAD	21	48	20
TRANSPORT NID	22	48	20
FSM4	23	48	40
FSM4	24	48	40
FSM4	25	48	40
FSM4	26	48	40

DISTRIBUTION ROW #1	POSITION	VOLTAGE	CB SIZE
FIF FUSE PANEL #1-B	1	24	100
	2	24	100
FIF FUSE PANEL #2-B	3	24	100
	4	24	100
	5	24	100
	6	24	100
	7	24	100
	8	24	100
	9	24	100
	10	24	100
	11	24	100
	12	24	100
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	15	24	100
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	17	24	100
	18	24	100
	19	24	100
	20	24	100
	21	24	100
	22	24	100
	23	24	100
	24	24	100

DC POWER BREAKER SCHEDULE	1
SCALE: N.T.S.	

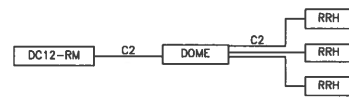


FIGURE 1 - TRUNK CABLE TO DC9 (DOME)

MAXIMUM CABLE LENGTHS FOR FIGURE 1

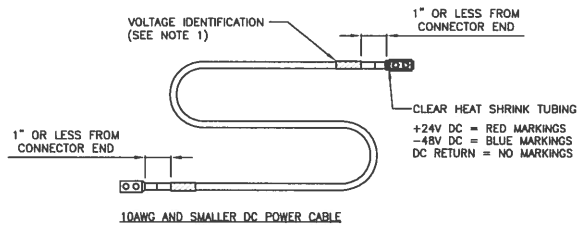
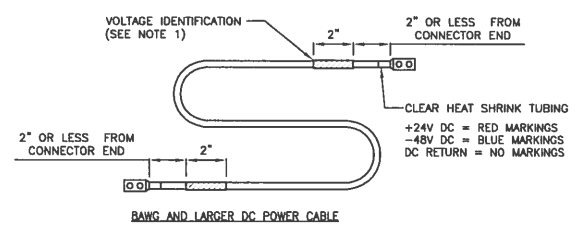
CABLE	6 AWG	8 AWG	10 AWG	12 AWG
C1	450	265	165	104
C2	16	16	16	16

- NOTES:
1. CABLE LENGTHS ARE APPLICABLE FOR ALL RRH MODELS.
  2. NOMINAL SYSTEM VOLTAGE IS -48V DC, SUPPLIED FROM A 48V BATTERY. NORMAL OPERATING VOLTAGE IS 52V.
  3. CABLE LENGTHS BASED ON ROSENBERGER CABLES.

DC CONDUCTOR SPECIFICATIONS	2
SCALE: N.T.S.	

- NOTES:
1. VOLTAGE IDENTIFICATION WIRES SHALL BE APPLIED TO BOTH ENDS OF ALL NEW DC POWER WIRING USING UL224-VW-1 FLAME RETARDANT UL LISTED THIN WALL HEAT SHRINK TUBING OF APPROPRIATE COLOR. ALTERNATIVELY IT SHALL BE ACCEPTABLE TO APPLY VOLTAGE IDENTIFICATION MARKINGS TO DC WIRING WITH APPROPRIATELY COLORED ELECTRICAL TAPE THAT SHALL BE APPLIED IN TWO HALF-LAPPED LAYERS WITH THE FINAL TWO WRAPS APPLIED FULLY OVERLAPPING WITHOUT TENSION. WHENEVER POSSIBLE THE ELECTRICAL TAPE VOLTAGE IDENTIFICATION MARKINGS SHALL BE FULL COVERED WITH CLEAR UL224 VW-1 FLAME RETARDANT UL LISTED THIN WALL HEAT SHRINK TUBING TO PREVENT UNWINDING OR MOVEMENT OF ELECTRICAL TAPE DESIGNATIONS.
  2. AT&T COMPLIANT THIN WALL CLEAR OR COLORIZED HEAT SHRINK IS AVAILABLE FOR ALL DC POWER WIRING SIZES FROM BURNDY (HSC-FR & HS-FR) AND THOMAS & BETTS (CPO SERIES). OTHER MANUFACTURER HEAT SHRINK SHALL BE ACCEPTABLE ONLY IF IN FULL COMPLIANCE WITH SPECIFICATION PROVIDED ABOVE.
  3. DESIGNATION TAGS SHALL BE AFFIXED TO BOTH CABLE ENDS AS SPECIFIED IN AT&T DOCUMENT ATT-7P-76300, SECTION L.

DC POWER WIRING IDENTIFICATION DETAIL	3
SCALE: N.T.S.	



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**NICHOLAS A. BARRICK**  
 REGISTERED PROFESSIONAL ENGINEER  
 No. 20290  
 STATE OF WEST VIRGINIA  
 3/14/22

ENGINEER:  
 NICHOLAS A. BARRICK, PE  
 WV LICENSE NO. 20290

**at&t**  
 7156 STANDARD DRIVE  
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**smartlink**  
 1362 MELLON RD. SUITE 140  
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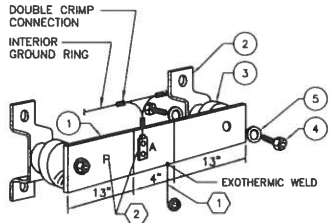
SCALE:	AS NOTED
DATE:	3/14/22
KCI JOB NUMBER:	D1180218A.ATT04
SHEET TITLE:	

**DC POWER DETAILS**

SHEET	<b>E-2</b>
-------	------------







EACH GROUND CONDUCTOR TERMINATING ON ANY GROUND BAR SHALL HAVE AN IDENTIFICATION TAG ATTACHED AT EACH END THAT WILL IDENTIFY ITS ORIGIN AND DESTINATION.

**SECTION "P" - SURGE PROTECTORS**

- CABLE ENTRY PORTS (HATCH PLATES) (#2)
- GENERATOR FRAMEWORK (IF AVAILABLE) (#2)
- TELCO GROUND BAR (#2)
- COMMERCIAL POWER COMMON NETRAL/GROUND BOND (#2)
- +24V POWER SUPPLY RETURN BAR (#2)
- -48V POWER SUPPLY RETURN BAR (#2)
- COAX SUPPRESSION

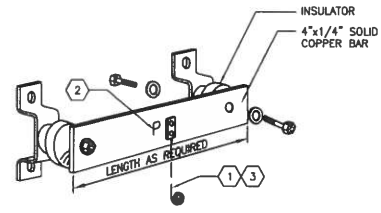
**SECTION "I" - ISOLATED GROUND ZONE**

ALL COMMUNICATIONS EQUIPMENT FRAMES. ISOLATED GROUND BAR - IGB (#2)

**NOTES:**

1. EXOTHERMICALLY WELD #2 AWG BARE TINNED SOLID COPPER CONDUCTOR TO GROUND BAR. ROUTE CONDUCTOR TO BURIED GROUND RING AND PROVIDE PARALLEL EXOTHERMIC WELD.
2. USE PERMANENT MARKER TO DRAW THE LINES BETWEEN EACH SECTION AND LABEL EACH SECTION ("P", "A", "I") WITH 1" HIGH LETTERS.
3. APPLY NO-OX OR EQUIVALENT TO MATING SURFACE OF LUG AND WIPE CLEAN EXCESS COMPOUND.

NEWTON INSTRUMENT COMPANY, INC. BUTNER, N.C.			
NO.	REQ.	PART NO.	DESCRIPTION
①	1	1/4"x4"x30"	PREDRILLED GND. BAR
②	2	A-6056	WALL MTG. BRKT.
③	2	3061-4	INSULATORS
④	4	3012-1	5/8"-11 x 1" H.H.C.S.
⑤	4	3015-B	5/8 LOCKWASHER



EACH GROUND CONDUCTOR TERMINATING ON ANY GROUND BAR SHALL HAVE AN IDENTIFICATION TAG ATTACHED AT EACH END THAT WILL IDENTIFY ITS ORIGIN AND DESTINATION.

- CONNECTION FOR:
- COAXIAL CABLE SHIELD
  - CABLE ENTRY PORTS (HATCH PLATES)
  - 24V & 48V DC POWER RETURN BAR
  - TELCO BAR
- CONNECTION FOR (CONTINUED):
- COAXIAL CABLE SURGE SUPPRESSORS
  - RECTIFIER FRAMES
  - GENERATOR FRAME WORK
  - MASTER GROUND BAR

**DETAIL NOTES:**

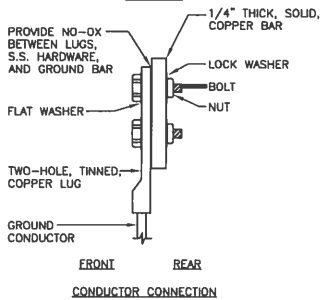
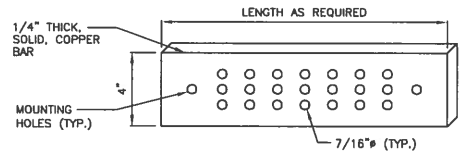
1. TWO-HOLE, LONG BARREL COMPRESSION LUG WITH 2AWG STRANDED COPPER CONDUCTOR AND GREEN THW INSULATION TO GROUND BAR. ROUTE CONDUCTOR AS APPLICABLE TO BURIED GROUND CONDUCTOR OR MASTER GROUND BAR AND CONNECT WITH TWO-HOLE LUG TO "P" SECTION.
2. USE PERMANENT MARKER TO LABEL THE WHOLE BAR AS "P" WITH 1" HIGH LETTERS.
3. FOR GROUND BAR LOCATED OUTDOORS, ON-GRADE ONLY, EXOTHERMICALLY WELD A 2 AWG BARE TINNED COPPER CONDUCTOR TO GROUND BAR AND EXOTHERMICALLY WELD TO BURIED GROUND CONDUCTOR.
4. APPLY NO-OX OR EQUIVALENT TO MATING SURFACE OF LUG AND WIPE CLEAN EXCESS COMPOUND.

EXTERIOR GROUND BAR DETAIL 1

SCALE: N.T.S.

INSTALLATION OF GROUND WIRE TO CABLE GROUND BAR DETAIL 2

SCALE: N.T.S.

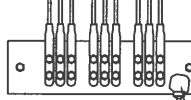


EXTERIOR GROUND BAR DETAIL 3

SCALE: N.T.S.

FLAT WASHERS ON ALL LUGS. NO OVERLAPPING PERMITTED.

#6 AWG FROM ANTENNA/RRH/FILTER GROUND KIT



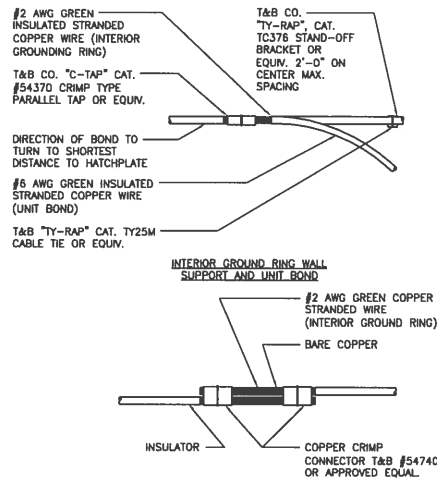
NOTE: ALL GROUND LUGS SHALL HAVE CLEAR HEAT SHRINK SLEEVE. MARKING TAPE SHALL NOT BE APPLIED OVER HEAT SHRINK.

#2 AWG GREEN, BARE, TINNED, SOLID COPPER GROUND CONDUCTOR (FROM CABLE GROUND BAR AT BOTTOM)

GROUND MOUNTED BUS BARS REQUIRE 2 EXOTHERMIC WELDS

SECTOR GROUND BAR DETAIL 4

SCALE: N.T.S.



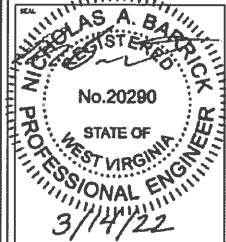
INTERIOR GROUND RING SPLICE DETAIL 5

SCALE: N.T.S.

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APPROVED BY:	GT	
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WV LICENSE NO. 20290



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HANOVER, MD 21076

**PEBBLE**

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876 006-9239  
11945 LEETOWN ROAD  
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KCI JOB NUMBER: 011802184.ATTOR  
SHEET TITLE

**GROUNDING DETAILS**

SHEET  
**GR-3**







# **EXHIBIT 7**



January 03, 2022

**Subject:** re: Proposed Telecommunications Facility at 11861 LEETOWN Road,  
KEARNEYSVILLE WV 25430 (AT&T Site Name Pebble)

To Whom It May Concern,

AT&T Mobility operates a Personal Communication Service authorized by the Federal Communications Commission (FCC) to provide state of the art digital wireless communications in many parts of the nation, including Jefferson County WV. AT&T Mobility's operations and network are licensed and regulated by the FCC.

The antennas, as proposed and designed for the above noted site, comply with all applicable FCC requirements. In addition, the proposed site meets all applicable ANSI/IEEE C95.1-1992 exposure levels, as adopted by the FCC requirements.

The means used to determine the RF levels for this installation were generated thru the "link budget" i.e. computer model calculation. This formula determines the RF level by calculating the transmit power, antenna gain and equipment specifications of the base station components.

AT&T Mobility is committed to compliance with all government regulations and standards and will undertake the best efforts to prevent harmful radiofrequency interference from its wireless telecommunications facilities to other authorized wireless telecommunications operators in the surrounding area, including those related to public safety. AT&T only operates on the frequencies approved by the Federal Communication Commission for their use. The approved AT&T radio frequencies will not harm others who are operating within their own frequencies.

Please contact me if you have any questions

Sincerely,

A handwritten signature in black ink, appearing to read "Gaurav Behl".

*Gaurav Behl*  
RF Engineer

*AT&T Mobility*  
7150 Standard Drive  
Hanover, MD  
(c) 703-870-0852  
gb943a@att.com

# **EXHIBIT 8**



AMERICAN TOWER®  
CORPORATION

LETTER OF AUTHORIZATION

Licensee: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility  
ATC Site No/ Name / Project: 419058 / Leetown WV / OAA767280  
Address: 11861 Leetown Road, Kearneysville, WV 25430

I, Michael Owens, owner of the property identified above or duly authorized agent thereof, do hereby authorize **New Cingular Wireless PCS, LLC d/b/a AT&T Mobility**, American Tower\*, their parents, subsidiaries, affiliates, successors, assigns, contractors, and agents, to act as my non-exclusive agent for the sole purpose of filing and consummating any current or future land-use or construction permit application(s) as may be required by the applicable permitting authorities **New Cingular Wireless PCS, LLC d/b/a AT&T Mobility's** proposed equipment. The Scope of work is as follows:

SCOPE OF WORK:

1. INSTALL STEEL WIC
2. INSTALL 12'x16' CONCRETE PAD
3. INSTALL 30KW DIESEL GENERATOR
4. INSTALL 9 ANTENNAS
5. INSTALL 9 RRH's
6. INSTALL COMPONENTS SUPPORTING ANTENNAS' OPERATION AS DESCRIBED PER DRAWINGS
7. INSTALL COMPOUND EXTENSION

Signature: Michael Owens

Print Name: MICHAEL OWENS



NOTARY BLOCK

State of WV  
County of Berkeley

On April 26, 2022, before me, Tina L. Reid personally appeared Michael Owens, who provide to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of WV that the foregoing paragraph is true and correct.

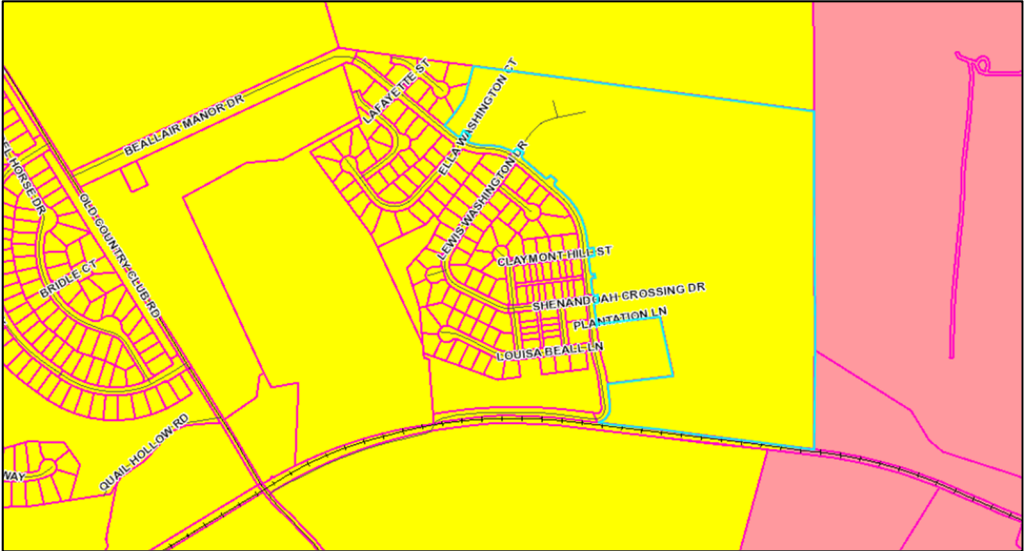
Witness my hand and official seal.

Signature Tina L. Reid (Seal)  
My Commission Expires: 09/20/2022

\*American Tower as used herein includes any affiliates or subsidiaries of American Tower Corporation

Staff Report  
 Jefferson County Board of Zoning Appeals  
 June 23, 2022  
**22-22-ZV Beallair (Phase 3) Variance Request**

Item #2 Variance from Section 5.4B.1 and Appendix A to reduce the front setback from 25' to 15'; the side setback from 12' to 10'; and the rear setback from 20' to 10' for Lots 203-233 & 273-275 in Phase 3 of the Beallair Subdivision.

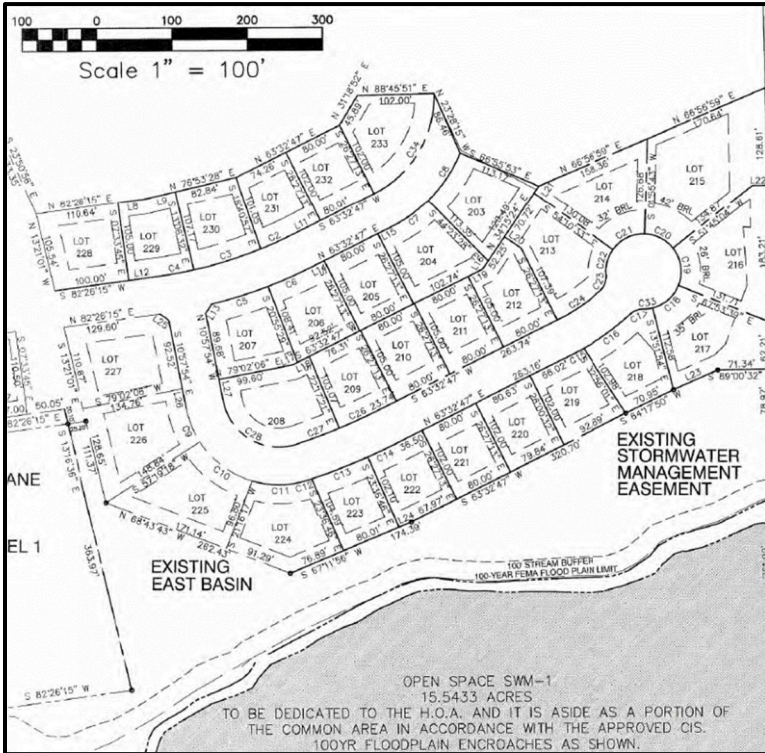
Owner/Applicant:	Beallair Homes, LLC	
Consultant:	P.J. Raco Consulting, LLC / Paul Raco	
Parcel Information & Zoning District:	<p style="text-align: center;">Beallair Subdivision along Beallair Manor Drive          Phase 3, Lots 203-233 &amp; 273-275; Lot sizes: 8,000 – 15,000 square feet          Parcel ID: 04010ARESA0000; Zoning District: Residential Growth</p> 	
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:  <i>North, South, West:</i> Residential Growth  <i>East:</i> Residential-Light Industrial-Commercial</p>	
<b>History:</b>		
File #	Project Name	Recording Info
02-36-SD	Beallair Phase I, Lots 1-49 and Residue Parcels A, B, C, D & E	<a href="#">PB 21, PG 54</a>
05-41-SD	Beallair Phase II, Lots 50-133, Residue Parcel A	<a href="#">PB 23, PG 91</a>
	• 05/15/14: Minor plat change: revise and update drainage areas	<a href="#">PB 25, PG: 457</a>
	• 05/23/16: Minor plat change: revise easements and access on Lot 103	<a href="#">PB 25, PG 563</a>
	• 08/23/16: Minor plat change: revise setbacks and model home note	<a href="#">PB 25, PG 589</a>
	• 08/16/17: Minor plat change: revise setbacks	<a href="#">PB 25, PG 641</a>
	• 02/05/20: Minor plat change: convert TH to SF	<a href="#">PB 26, PG 170</a>
08-21-SD	Beallair Commercial Parcel 1, Plantation Ln and Residue Parcel A	<a href="#">PB 25, PG 184</a>
19-16-SD	Beallair Phase 4A, Lots 134-159 and Residue Parcel A	<a href="#">PB 26, PG 216</a>
21-31-SD	Beallair Phase 3, Lots 203-233, 273-275, 283-304 Open Space SWM-1 and Residue Parcel A <i>*Phase subject to the request*</i>	<a href="#">PB 26, PG 351</a>
22-15-SD	Beallair Phase 4 and 5, Lots 160-202, 234-272, 276-282	Pending

Staff Report  
 Jefferson County Board of Zoning Appeals  
 June 23, 2022  
**22-22-ZV Beallair (Phase 3) Variance Request**

<b>Subdivision Variances: (PC approved the following variances)</b>	
<b>Mtg. Date</b>	<b>Request</b>
03/25/03:	<ul style="list-style-type: none"> <li>• Reduce finished road width from 20' to 15' for one-way rear access drives w/ no shoulders;</li> <li>• No curb &amp; gutter in alleys; or, the one-way rear access drives;</li> <li>• Allow an inverted crown for drainage in one-way rear access drives;</li> <li>• Allow two (2) side-by-side, on-site parking spaces;</li> <li>• Reduce ROW width from 50' to 44' in the main road passing through the TND villa areas;</li> <li>• Reduce one-way rear access drives from 50' to 20' to serve the garages.</li> </ul>
03/23/04:	<ul style="list-style-type: none"> <li>• Min. finished road width from 24' to 15' for rear access drives;</li> <li>• No curbs included with the rear access drives;</li> <li>• No sidewalks on the one-war rear access drives;</li> <li>• A reduction from 3' to 2.5' for the back of the curb from the edge of the pavement;</li> <li>• No buffer screening between common areas &amp; adjoining single family lots.</li> </ul>
09/12/06:	Request to extend the 24-month provision for a period of 12 months to 09/12/07.
08/26/08:	Request to extend the 24-month provision for a period of 12 months to 08/26/09.
<b>Zoning Variances: (BZA approved the following variances)</b>	
<b>Mtg. Date</b>	<b>Request</b>
07/19/12:	Reduce the rear setback from 20' to 17' for a 12' x 16' screened porch (ZV12-24).
07/24/14:	Reduce the rear setback from 20' to 3' to construct a deck.
04/28/16:	Reduce the rear setback from 20' to 10' to construct a deck (ZV16-09).
07/28/16:	Reduce rear setback from 20' to 12' for Lots 112, 127, and 128 (ZV16-12).
07/28/16:	Allow a staffed model home on Lot 111 (ZV16-13).
10/27/16:	Allow a staffed model townhome on Lot 51 (ZV16-21).
03/23/17:	Allow a staffed model townhome on Lots 50-67 (ZV17-02).
09/28/17:	Reduce front setback from 25' to 10' along Clover Lea Way for Lots 50-67 (ZV17-14).
09/28/17:	Reduce the 25' front setback to the following: to 10' along the S boundary for Lots 283-289; to 10' along the E boundary for Lot 283; to 10' along the N boundary for Lots 290-296; 10' along the E boundary for Lot 296; to 10' along the S boundary for Lots 297-304; to 18' along the E boundary for Lot 297 (ZV17-15).
09/27/18:	Reduce the rear setback from 20' to 18' to allow for a home (ZV18-14).
04/25/19:	Allow a staffed model home on Lot 68 (19-7-ZV).
05/23/19:	Reduce front setbacks from 25' to 20'; side setbacks from 12' to 10' and rear setbacks from 20' to 15' for Lots 68-72, 78, 106-108, 118, 121-124, and 129 (19-10-ZV).
01/23/20:	Reduce front setback from 25' to 20', the side setback from 12' to 10', and, the rear setback from 20' to 15' for lots 134-159 (19-33-ZV).
Approved Activity:	Single-Family Residence
Site Visit Conducted:	No

Staff Report  
 Jefferson County Board of Zoning Appeals  
 June 23, 2022  
**22-22-ZV Beallair (Phase 3) Variance Request**

**Staff Overview**



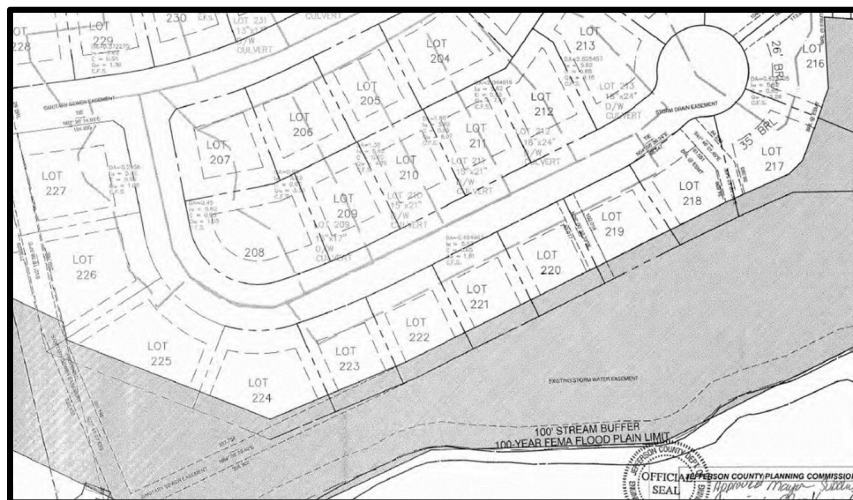
The applicant is requesting a variance from Section 5.4B.1 and Appendix A to reduce the front setback from 25' to 15'; the side setback from 12' to 10'; and the rear setback from 20' to 10' for Lots 203-233 & 273-275 in Phase 3 of the Beallair Subdivision.

A key purpose of front yard setback requirements is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that sight visibility is not impaired for drivers along the right-of-way.

The purpose of side and rear yard setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to

maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements.

The applicant has acknowledged that a reduction of the required setbacks does not negate any platted easements, such as the stormwater management easement along the rear portion of Lots 216-225 (see exhibit below).



It is feasible to comply with the required setbacks established in the Zoning Ordinance. The applicant has represented that housing market trends have evolved since the subdivision began processing 20 years ago and that the requested variance would allow the developer to design housing that meets current market demands.

Staff Report  
 Jefferson County Board of Zoning Appeals  
 June 23, 2022  
**22-22-ZV Beallair (Phase 3) Variance Request**

**Conditions of Approval**

Should the Board choose to approve this request, possible conditions of approval include:

1. No conditions of approval have been identified.

**Section of Ordinance to be Considered:**

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

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance.<sup>32</sup>

The following regulations govern development within the Residential Growth District.

**A. Principal Permitted and Conditional Uses<sup>23,27, 32</sup>**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 32</sup>
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>

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

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.<sup>23, 27</sup>

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

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



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department 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: 22-22-ZV

Staff Initials: AB

Meeting Date: 06-23-22

Fees Paid (\$100 or \$150): \$100

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

Phone: (304) 728-3228

**Zoning Variance Request**

*Variations from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.*

**Property Owner Information**

Name: Beallair Homes LLC  
 Mailing Address: 5283 Corporate Drive, Suite 300, Frederick, MD 21703  
 Phone Number: 301/788-2217 Email: c/o pjraco.consulting@gmail.com

**Applicant Contact Information**

Name: Mike Wiley, P.E. Paul J. Raco, Consultant  
 Mailing Address: Above and Below  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

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

Name: Consultant: P.J. Raco Consulting, LLC Paul J Raco  
 Mailing Address: P.O. Box 548 Charles Town, WV 25414  
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical Property Details**

Physical Address: Lots 203-233 & 273-275 in Phase 3 Beallair on Shenandoah Crossing Dr & Jane Washington Ct  
 City: Charles Town State: WV Zip Code: 25414  
 Tax District: Harpers Ferry Map No: 10A Parcel No: see attached  
 Parcel Size: Varies starting at 8000 sq ft +- see attached Deed Book: 975 Page No: 635

**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"/>

**RECEIVED**  
**MAY 27, 2022**  
 Jefferson County, WV  
 Office of Planning & Zoning

Place Received Date Stamp Here

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"/>

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of way, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e. the distance of the structure from all property lines), size, and height. Identify all existing buildings, structures, or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? Yes  No

Reference the section of the Zoning Ordinance pertaining to this request: Section 5.4B.1 and Appendix A

Briefly describe the nature of the variance request:

Rear Setback Reduction from 20' to 10' Side Setback Reduction from 12' to 10'  
Front Setback Redution from 25' to 15'

If this request is for a setback variance, please check one of the following:

Front Setback  Side Setback  Rear Setback  Reduction From see to above

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents:

See Attached

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

See Attached

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

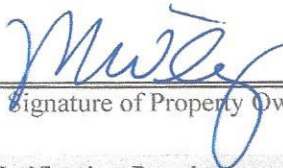
See Attached

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

See Attached

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Office of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.



05/20/22

Signature of Property Owner

Date

Signature of Property Owner

Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 6.1B).

Thursday, June 23, 2022

Date of Public Hearing

Wednesday, June 8, 2022

Advertising Date

Wednesday, June 8, 2022

Placard Posting Date

**JEFFERSON COUNTY, WEST VIRGINIA**

**Office of Planning & Zoning**

116 East Washington Street  
P.O. Box 716  
Charles Town, West Virginia 25414

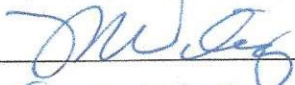
Phone: (304) 728-3228  
Fax: (304) 728-8126

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

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File Number: 22-22-ZV

I authorize Planning and Zoning staff to make necessary revisions to the enclosed submission, if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: Michael Wiley  
Applicant Signature:   
Contact Number: (304) 788-2217  
Date: 04/24/10

Beallair Homes, LLC  
DBA Wormald Homes at Beallair, LLC  
Beallair Subdivision Phase 3  
Lots 273-275 and 203-233  
Request for Variance  
Article 5, Sections 5.4B(1)  
Jefferson County Zoning Ordinance  
May 27, 2022

## **Brief Description**

As you are aware from the other sections that have been before the Board, Beallair Subdivision is an ongoing approved subdivision on Country Club Road. Currently, there are multiple sections of Villas and Single Family Dwellings. The developer of the Subdivision and the Applicant are subsidiaries of the same company operating under Wormald.

As the Board knows, the Beallair Community was the first development in Jefferson County that developed under the concept of small lots with large amounts of Community and Open Space. The community includes a Manor House that has been turned over to the HOA and has been converted to Assembly and Business Use, so that the HOA can continue to hold functions in the Historic Washington Home.

The Community was processed and approved in the early 2000s and the Final Plat was recorded for Phase I in 2004 and Phase 2 was recorded in 2007. The most recent Phase 3 was recorded this past year. Since the original sections, the Ordinances have adapted to allow more creativity for these types of developments including small lots with small setbacks, alleyways, parkland, and other design considerations. Since Beallair was basically the first Community in Jefferson County to use more neotraditional design, the County understood that there would be variances needed as the project was being built. Now that the Development is down to a few remaining sections, the long time original owner/developer and Staff understand that the lot setbacks need to be amended to fit this concept of a Subdivision. The Staff and Board has said that they prefer to do it after the sections are recorded and understand that we would continue to come back to request modifications to the setbacks as the sections develop.

If you recall the previous argument for reduced setbacks in this subdivision include the extraordinary changes in the housing market since the project began. This was further complicated by the housing downturn in the mid-2000s which has caused the Community to take much more time to built out and complete. The good news continue to be that this developer and builder has remained committed to this Community and has provided a long term and stable ownership in Beallair. Many other developments were not finished, and the developer moved on and the banks had to look for new owners to continue the developments. Beallair's continued ownership and consistent builder, along with the HOA has made Beallair a beautiful and well-organized community. The downside is that due to housing and marketing trends and multiple changes in the Building Code over the last 15 years, necessitates modifications to setbacks on the remaining sections and lots to be as consistent with the previous sections and existing community, but allow for the changes in the type of homes that are being built.

This requested approval of a new building window allows for the builder to market the lots to different buyers and offers them some flexibility in changes to the houses as they are being constructed which almost always happens when the house purchasers modify the footprint as the houses are being finished on the lot. Most of these changes only need slight modifications for eaves, porches, overhangs, steps, etc. Again, to make it easier for Staff, Board, Residents, and Applicant, we hope that this will address all of the lots in the section without the need to come back before the Board lot by lot, change by change. The request is to vary the remaining Front Setbacks from 25 Feet to 15 Feet, the remaining Side Setbacks from 12 Feet to 10 Feet and the remaining Rear Setbacks from 20 Feet to 10 Feet. The rear setbacks along the SWM area (Lots 216-225) won't be affected since those lots have a 20' SWM Easement along their rear.

The purpose of this standardized reduction in Front, Side and Rear Setbacks for this section is to avoid multiple requests to the Board and to avoid minor shifts in the building while being constructed that necessitates a variance after a violation may occur in the past.

The Applicant believes that due to the uniqueness of the long time developed small lot subdivision, combined with the intent of the Ordinance, the neo-traditional style of type of the Beallair Community and the emerging housing trends over the last 17 years that Beallair has been building in this Community, all justifies the request for a variance that applies to the lots in Phase 3 (and most likely in the final phases as they develop). Accordingly, and respectfully, the Applicant asks the Board to grant the setback variance as requested.

Thank you for your consideration of the request.

Beallair Homes, LLC  
DBA Wormald Homes at Beallair, LLC  
Beallair Subdivision Phase 3  
Lots 273-275 and 203-233  
Request for Variance  
Article 5, Sections 5.4B(1)  
Jefferson County Zoning Ordinance  
May 27, 2022

1. Granting the variances will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

There will be no impact on the public health, safety, or welfare, as these Lots are in a well maintained, actively developing community. Phase 3 is the latest section in Beallair which is the original, groundbreaking Neo-Traditional Community that was processed in Jefferson County. The County, Staff and Developer understand that there would be the need for variances in the future to accommodate this type of development as the Community was being built. As explained in the Description, this subdivision has unique characteristics that support the reduction of setbacks. Most of these lots are the smaller lots, have two Front setbacks, have easements, are odd shaped or are around cul-de-sacs that have unique needs for reduced setbacks. These reductions do not affect the Building Code requirements for Fire Safety and other safety elements of the Code.

Regarding these safety standards, the construction of the houses will meet all Building Code Standards, as well as all Health Department Standards. The construction of a small portions of the houses up to two feet into the 12-foot side setbacks and up to 10 feet into the Front and Rear setbacks do not affect the safety of the general public at all. These Lots and this project were created with a sense of Community with large, open communal areas that promote neighborhood gatherings and block parties. These setback reductions will make this section consistent with the entire community. Lots in these types of subdivisions in other jurisdictions sometimes have 0' (Zero) Side Front and Side Setbacks in order to put the houses closer to the streets and sidewalks like a traditional urban community. They offset the smaller lots and lessor setbacks with larger, community oriented open and common spaces. In Beallair's case, they have well maintained green areas and the Historic Manor House to gather. Additionally, if the variance is granted, the construction of houses on the remaining Lots in this section would be completed in a quicker manner, which would minimize any disruption in the neighborhood

Many of the existing dwellings within the Beallair Community were granted setback variances to accommodate little portions of a house to fit on these lots and allows some flexibility with buyer changes during construction. This variance will allow the Public, Board and Applicant to act in a manner to finish the

construction on these Lots without the need of coming back for individual variances for a foot here and there for porches, eaves, jut-outs, bay windows, etc. It will also eliminate the need to come back if the stakeout of the house site is off because of problems encountered during the foundation construction.

2. *In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought, and which were not created by the person seeking the variance?*

This subdivision is unique in Jefferson County in that the original subdivider is also still the owner of the remaining lots and sections and is the builder for these lots. Their houses in the Beallair Community are designed and built to create a cohesive, well-coordinated community. In this instance, the special circumstances include the type of development and the uniqueness of the remaining sections including the sizes, shapes, two Fronts, Easements, and location around the cul-de-sacs. As the Applicant gets down to these remaining couple of sections, and their constraints for similar house construction to the other sections, the Applicant agreed with the Staff to come after each section is recorded for the variances. The County Staff recognizes the need to modernize the Zoning Ordinance to allow more flexible design standards to accommodate changing housing and design trends. Many developments, such as Beallair, use unconventional designs that call for the need for flexible setbacks as little as 0' Front and Side Lot Lines. This is a very Historic Community that includes an extremely historical house. Developments in other Historic areas around the Country allow for more traditional (old city style) housing and setbacks. This variance will allow the more traditional style to continue on the remaining lots and sections.

The Applicant has not left this Community after 17 years of changing housing needs, a severe recession and many changes to the ordinance and market trends. However, because of the longtime commitment to Jefferson County, there have been changing, and emerging design, housing and marketing needs that necessitate tweaks in County Ordinances or variances that need to be granted over the years. This Community needs to be finished and the setback variances on this section and the last sections will allow the Community to be completed.

3. *How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?*

The granting of the variance will help the Community to continue and be that much closer to completion after years of development. While this is a very community-oriented development, the Applicant believes that the sooner Phase 3 is completed with the house construction on the lots, the sooner the construction

traffic, equipment and workers can be removed from this neighborhood. The unnecessary hardship of the uniqueness of this development utilizing older subdivision and zoning ordinances makes it harder for similar house construction on these Lots. The Applicant and Community would like the development to be completed in this and the remaining sections and this variance will allow the flexibility to accomplish this task. The remaining Phases in other areas will be developed and will also try to reflect these more flexible design characteristics. The County is working on a Proposal to rewrite the Zoning and Subdivision Ordinances that have not had a major rewrite since around the time that Beallair was first created. It will be an enhancement to add design standards in the Ordinance that have been learned from the experiences in Beallair.

This property is in the Residential Growth District and the Preferred Residential Growth Area in the Comprehensive Plan. This area is recognized in the Plan to be the primary area for dense and urban level growth. This means there is an accepted need to have smaller lot sizes and more dense setback requirements in these preferred urban growth areas. The subdivision Concept Plan has been approved for some time and the owner and builder held onto the development even after the housing bubble burst in order to finish the development as envisioned by the Applicant and approved by the County. In this instance a shift of setbacks to be more consistent with the setbacks permitted on even smaller lots would be helpful to complete the houses in this section. While smaller houses can be accommodated on these lots, the Applicant is confident that the existing residents of the larger houses do not want a shift to smaller houses in this community that may adversely affect their property values. With the revised setback, the Lots and development will still conform with that original vision and County approval. This is especially true since the County now allows even lessor setbacks on smaller lots.

Finally, if the variance were denied, the hardship would be that the Community takes even longer to be completed which would keep the construction ongoing in this Neighborhood. This will continue to disrupt the lives of people that have lived in the Community for over 10 to 15 years. Also, the hardship for both the Applicant and Residents will be that smaller houses will need to be placed on these lots that do not necessarily fit in the neighborhood. As such, they would not be compatible from an aesthetical or property value standpoint.

4. How will granting this variance allow the intent of this Zoning Ordinance to be observed and substantial justice to be done.

The purpose of setbacks between lots and buildings is to protect property owners from uses that do not complement each other, as well as provide enough room for fire safety and emergency service access. In this case, these lots will have no issue with Fire Safety or Access. There would be no adverse effect to allow the reduced setbacks that are already allowed for smaller lots with less open

space that exists in Beallair. Additionally, regarding fire safety, the designed house will meet or exceed any Building Code requirement for construction.

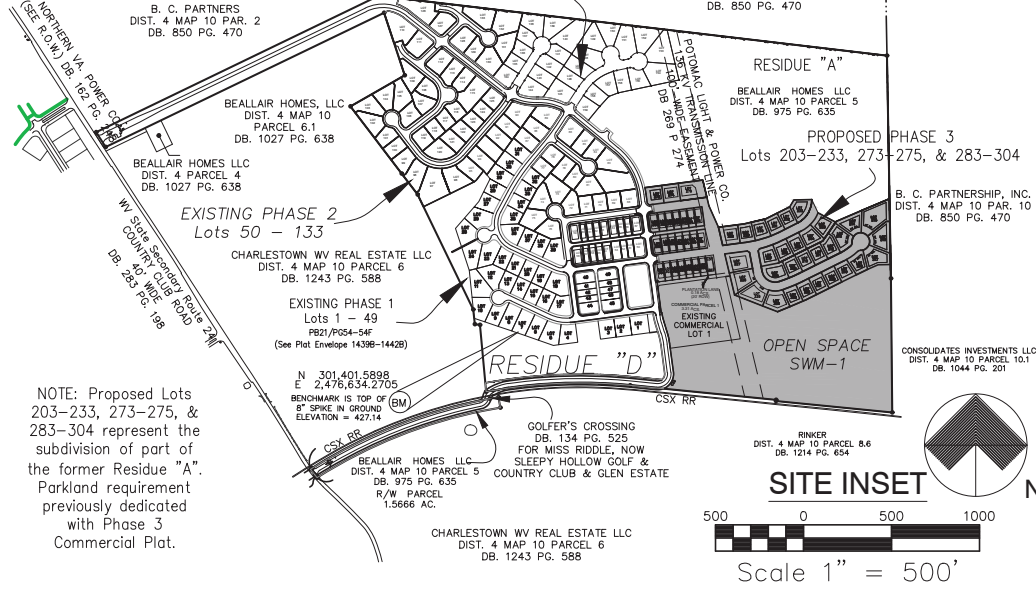
As stated above, the variance requested is for an item that typically would protect one property owner from building something that would negatively affect a neighboring property. In this instance, the variance will allow similar types of houses to be built on the remaining unique lots and everyone that purchases a lot in this section will know about the reduced setbacks. The setback reductions are to accommodate houses with some things like front porches, odd shapes, and changes in design after an owner change during construction on lots that have odd building envelopes, without modifying the intent of the Ordinance.

The Ordinance was modified to allow setbacks as small as 10' for Fronts and 5' sides on even smaller lots. Therefore, the intent of the ordinance is to allow the flexibility of more house on a lot while requiring more community space. Beallair very much meets and exceeds the increased requirement for open, common space. This intent of the Ordinance is met with the granting of the variance for the remaining lots.

Substantial justice would be to approve the requested variance, so that the Lots and houses can be completed with no further disruption in the neighborhood. The County and Applicant knew that this Community would be a changing community that would need variances from a traditional zoning ordinance in order to accommodate this newer style of development. This section and remaining sections are designed to be unique enough in shape and frontage, yet consistent with the previous sections. Accordingly, this section needs some type of modification to accommodate a similar style house to others in the neighborhood. This variance will hopefully alleviate coming back on an individual Lot by Lot basis which extends the time, cost and added disruption to the community. Hopefully, the Board agrees with this approach.

The Board's approval of the variances would be greatly appreciated.

FUTURE RIGHT-OF-WAYS SHOWN ON THIS SET OF FINAL PLATS ARE TENTATIVE AND SUBJECT TO SUBSEQUENT REVIEW OF PRELIMINARY AND FINAL PLATS OF FUTURE PHASES.



NOTE: Proposed Lots 203-233, 273-275, & 283-304 represent the subdivision of part of the former Residue "A". Parkland requirement previously dedicated with Phase 3 Commercial Plat.

**OWNER/DEVELOPER:**  
BEALLAIR HOMES, LLC  
5285 CORPORATE DRIVE, SUITE 300  
FREDERICK, MARYLAND 21703  
301-695-6614

**OWNER/DEVELOPER'S STATEMENT OF ACCEPTANCE**  
THE OWNER AND DEVELOPER, BY SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.  
  
EDWARD E. WORMALD  
MANAGING PARTNER  
BEALLAIR HOMES, LLC

DATE \_\_\_\_\_

**CONDITIONS:**

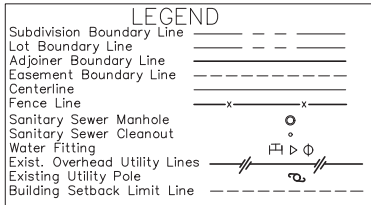
- EACH PARCEL SHOWN ON THIS PLAT SHALL BE RESTRICTED TO A SINGLE-FAMILY RESIDENCE, ONLY, UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION IN CONFORMANCE WITH THE PREVAILING COUNTY LAND DEVELOPMENT LAWS. ALL LOTS WITHIN THIS SUBDIVISION ARE PROHIBITED FROM CONSTRUCTING PRIVATE ON-SITE SEWAGE DISPOSAL (SEPTIC SYSTEMS) AND PRIVATE ON-SITE WELLS.
- TYPICALLY, SINGLE FAMILY DETACHED BUILDING SETBACKS ARE 25' FRONT, 20' REAR AND 12' SIDE. EXCEPTIONS TO THE 25' FRONT SETBACKS ARE: LOTS 214 (32'), 215 (42'), 216 (26'), AND 217 (35').
- TYPICALLY, DETACHED SMALL LOT BUILDING SETBACKS (283-304) ARE 10' FRONT, 5' SIDE AND 20' REAR. SEE JEFFERSON COUNTY ZONING ORDINANCE ART. 9 FOR OTHER SETBACK EXCEPTIONS.
- ALL INTERNAL SUBDIVISION ROADS, STORMWATER MANAGEMENT PARCELS, PARKS AND GREENSPACE PARCELS TO BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION (HOA). HOA MEMBERSHIP IS REQUIRED. HOA MUST BE ESTABLISHED AS SOON AS 50% OF THE LOTS ARE SOLD. THE HOA IS ALSO RESPONSIBLE FOR MAINTENANCE OF LANDSCAPE EASEMENTS.
- UPON ESTABLISHMENT OF THE HOA, THE JEFFERSON COUNTY COMMISSION SHALL BE PETITIONED BY THE HOA TO ADOPT AN ANIMAL LEASH LAW.
- THE DEVELOPED LOTS OF THIS PROJECT ARE NOT IN A 100-YR FLOOD PLAIN PER FIRM MAP 540065 0035C DATED 2 AUG. 1993. LOTS ARE IN ZONE C ON SAID MAP. OPEN SPACE SWM-1 IS LOCATED WITHIN THE 100YR FLOODPLAIN. FEMA 100-YR FLOOD PLAIN IS AS DELINEATED ON THIS PLAT.
- LOT DRIVEWAYS TO BE CONSTRUCTED PER JEFFERSON COUNTY DETAIL R-31.
- ALL PERMANENT LOT CORNER MARKERS (UNLESS SUSCEPTIBLE TO DESTRUCTION BY SUBDIVISION IMPROVEMENTS GRADING) AND PERMANENT MONUMENTS SHALL BE IN PLACE PRIOR TO THE CONVEYANCE OF INDIVIDUAL LOTS. ALL OTHER LOT CORNER MARKERS SHALL BE IN PLACE PRIOR TO THE FINAL RELEASE OF THE CONSTRUCTION BOND. LOT CORNERS WILL CONSIST OF 30" LONG X 3/4" DIAMETER SECTIONS OF STEEL ROD SUITABLE FOR MAGNETIC DETECTION. CERTIFICATION OF SUCH SHALL BE LONG BY 8 PROVIDED BY A WEST VIRGINIA LICENSED LAND SURVEYOR.
- A BLANKET EASEMENT SHALL BE GIVEN TO THE APPROPRIATE UTILITY COMPANIES IN ALL SUBDIVISION RIGHT-OF-WAYS FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING PUBLIC UTILITIES. ADDITIONALLY, EACH LOT IN PHASE 3 SHALL HAVE A 10'-WIDE DRAINAGE AND UTILITY EASEMENT ALONG ALL LOT LINES.
- STAFFED MODEL HOME/SALES OFFICE TO BE PLACED ON LOT #273, #289, #290 OR #304 (LIMITED TO 1 AT ANY GIVEN TIME). #WV00115924 - #WV104140-1.
- WVDOH HIGHWAY ENTRANCE PERMIT 5-06-0517; WATER & SEWER WVOEHC HEALTH DEPARTMENT PERMIT 15,996; WV NPDES PERMIT #WV00115924 - #WV104140-1.
- LOT ACCESS IS LIMITED TO INTERIOR SUBDIVISION ROADS ONLY.
- MINIMUM LOT AREA (MLA) AND AREA PER DWELLING UNIT (ADU) REQUIREMENTS OF THE JEFFERSON COUNTY ZONING AND DEVELOPMENT REVIEW ORDINANCE HAVE BEEN ADHERED TO BY THIS SUBDIVISION PLAN. SEE SHEET 2 FOR COMPUTATION.
- DRIVEWAY CULVERTS ARE REQUIRED FOR PHASE 3 RESIDENTIAL LOTS. SEE SHEET 6 OF 6.

THE FOLLOWING VARIANCES AND OR REQUESTS HAVE BEEN APPROVED BY THE JEFFERSON COUNTY PLANNING AND ZONING COMMISSION. SEE JCPZC SUBDIVISION FILE FOR SPECIFIC VARIANCE REQUEST DETAILS.

SECTION	DESCRIPTION	DATE APPROVED
8.2.A.5	RIGHT-OF-WAY WIDTH	3-25-2003
8.2.A.7	PAVEMENT WIDTH	3-25-2003
8.2.A.11	INVERTED CROWN ON ONE-WAY DRIVES	3-25-2003
8.2.B.1	CURB AND GUTTER	3-25-2003
8.2.B.4	GUTTERS	3-25-2003
8.2.C.7.B	ON-SITE PARKING SPACES	3-25-2003
8.3.C.1.A	FINISHED ROAD WIDTH OF REAR ACCESS DRIVES SHALL BE 15'	3-23-2004
8.3.C.1.B	NO CURBS WILL BE PROVIDED ALONG REAR ACCESS DRIVES	3-23-2004
8.3.C.1.C	NO SIDEWALKS WILL BE PROVIDED ON THE ONE-WAY REAR ACCESS DRIVES.	3-23-2004
8.3.C.1.D	RIGHT-OF-WAY FOR REAR ALLEY FRONTAGE WHERE THERE ARE NO SIDEWALKS REQUIRED, WILL BE LOCATED 2' FROM THE EDGE OF PAVEMENT	3-23-2004
8.3.C.5.A	NO BUFFER SCREENING WILL BE PROVIDED BETWEEN COMMON AREAS AND ADJOINING PROPERTIES WITH SINGLE-FAMILY DETACHED RESIDENCES	3-23-2004
6.3	12-MONTH EXTENSION OF TIME TO PROCESS FINAL PLAT	9-12-2006
6.3	12-MONTH EXTENSION OF TIME TO PROCESS FINAL PLAT	8-26-2009

**BZA APPROVED THE FOLLOWING VARIANCES:**

- 07-19-12: REDUCE THE REAR SETBACK FROM 20' TO 17' FOR THE CONSTRUCTION OF A 12' X 16' SCREENED PORCH. (ZV12-24).
- 07-24-14: REDUCE THE REAR SETBACK FROM 20' TO 3' TO CONSTRUCT A DECK. 04-28-18: REDUCE THE REAR SETBACK FROM 20' TO 10' TO CONSTRUCT A DECK. (ZV16-09).
- 07-28-16: REDUCE REAR SETBACK FROM 20' TO 12' FOR LOTS 112, 127, AND 128 (ZV16-12).
- 07-28-16: ALLOW A STAFFED MODEL HOME ON LOT 111 (ZV16-13).
- 10/27/16: ALLOW A STAFFED MODEL TOWNHOME ON LOT 51 (ZV16-21).
- 03/23/17: ALLOW A STAFFED MODEL TOWNHOME ON LOTS 50-67 (ZV17-02) 09/28/17: REDUCE FRONT SETBACK FROM 25' TO 10' ALONG CLOVER LEA WAY FOR LOTS 50-67. (ZV17-14).
- 09/28/17: REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE SOUTHERN BOUNDARY FOR LOTS 283 THROUGH 289; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE EASTERN BOUNDARY FOR LOT 283; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE NORTHERN BOUNDARY FOR LOTS 290 THROUGH 296; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE EASTERN BOUNDARY FOR LOT 296; TO REDUCE THE FRONT SETBACK DISTANCE FROM 25' TO 10' ALONG THE SOUTHERN BOUNDARY FOR LOTS 297 THROUGH 304; AND TO REDUCE THE FRONT SETBACK DISTANCE FROM 25' TO 18' ALONG THE EASTERN BOUNDARY FOR LOT 297. (ZV17-15)
- 09/27/18: REDUCE REAR SETBACK FROM 20' TO 18' TO ALLOW THE INADVERTENT ENCROACHMENT OF A HOME UNDER CONSTRUCTION ON PHASE 2 LOT 125. (ZV18-14)
- 04/25/19: ALLOW STAFFED MODEL HOME ON LOT 68, PHASE II. (19-7-ZV)
- 05/23/19: REDUCE FRONT SETBACK FROM 25' TO 20'; SIDE SETBACK FROM 12' TO 10'; AND THE REAR SETBACK FROM 20' TO 15' FOR LOTS 66-72, 78, 106-108, 118, 121-124, AND 129. (19-10-ZV)
- 01/23/20: REDUCE THE FRONT SETBACK FROM 25' TO 20'; THE SIDE SETBACK FROM 12' TO 10'; AND THE REAR SETBACK FROM 20' TO 15' FOR PHASE 4A, LOTS 134-139. (19-33-ZV).



**SURVEYOR:**  
MICHAEL T. WILEY, PE, PS  
WV PROFESSIONAL SURVEYOR NO. 1044  
FOR BEALLAIR HOMES, LLC 5283 CORPORATE DRIVE, SUITE 300 FREDERICK, MARYLAND 21703  
301-695-6614

**SURVEYOR'S CERTIFICATION**  
I, MICHAEL T. WILEY, A WEST VIRGINIA PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS SEALED PLAN IS ACCURATE, COMPLETE AND REASONABLY MEETS OR EXCEEDS MINIMUM ACCEPTABLE SURVEYING STANDARDS AND THOSE STATE AND/OR COUNTY CODE PROVISIONS APPLICABLE ON THIS DATE. THIS SUBDIVISION COMPLIES WITH THE JEFFERSON COUNTY SUBDIVISION REGULATIONS, SECTION 8.1.B.6 FOR CLOSURE WITHIN 1:7500.

MICHAEL T. WILEY, PE, PS  
WV SURVEYOR NO. 1044  
FOR BEALLAIR HOMES, LLC  
WV COA 9-5636

DATE \_\_\_\_\_

JEFFERSON COUNTY PLANNING COMMISSION

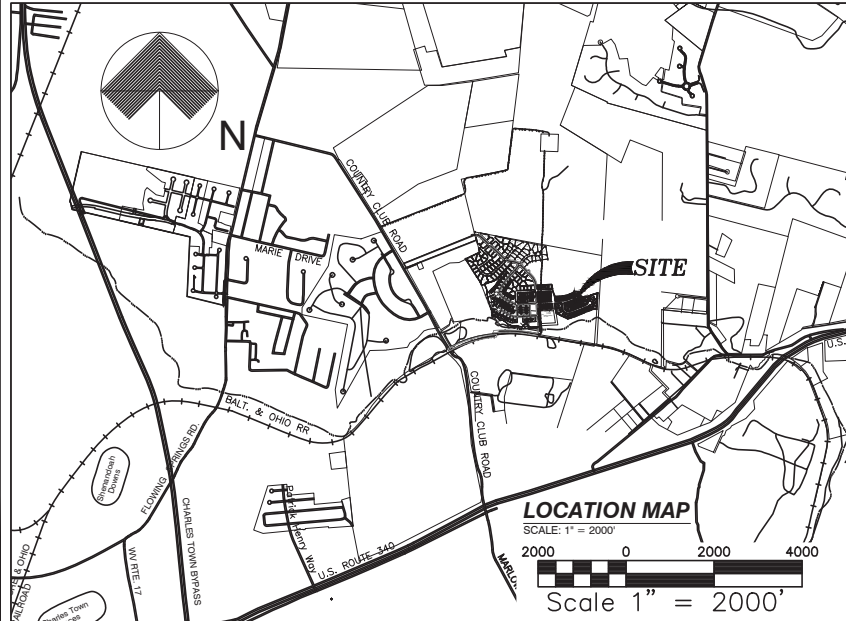
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**SHEET INDEX**

SHEET	DESCRIPTION
COVER	SHEET 1 OF 6
MLA / ADU COMPUTATIONS	SHEET 2 OF 6
LOTS	SHEET 3 OF 6
RESIDUE A	SHEET 4 OF 6
OPEN SPACE SWM-1	SHEET 5 OF 6
MISC. ESMTS	SHEET 6 OF 6

**REVISIONS**

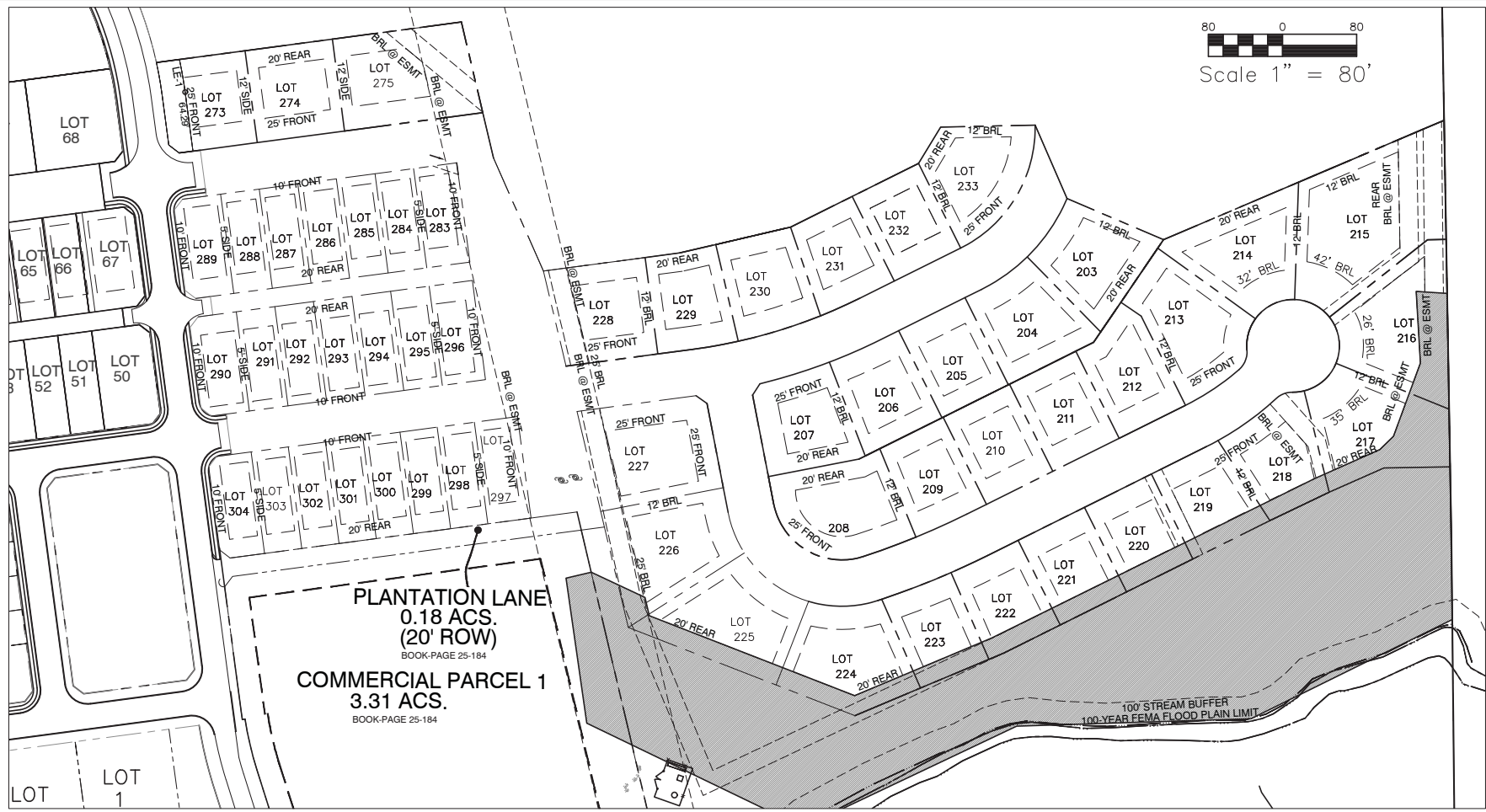
DATE	DESCRIPTION



**LOCATION MAP**  
SCALE: 1" = 2000'  
2000 0 2000 4000  
Scale 1" = 2000'

Platred: Jan 24, 2022 at 3:24pm  
 G:\Work\BEALLAIR\Beallair\_Phase\_3\_Final\_Plat\Phase\_3\_Final\_Plat\_2021.01-Cover-BAEPF.dwg

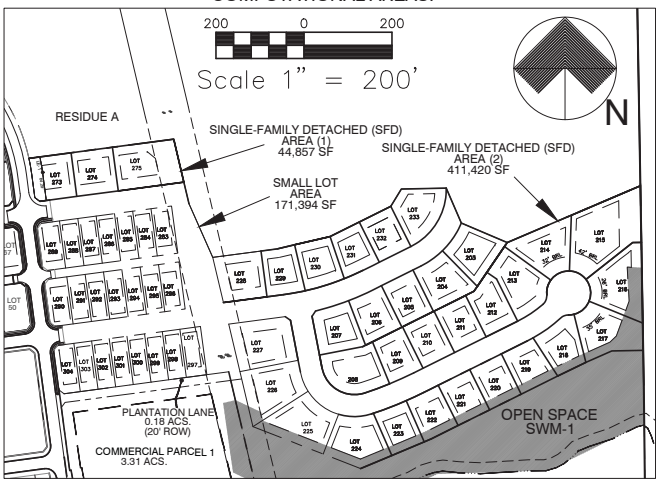
**FINAL PLAT COVER SHEET**  
**SHOWING LOTS 203-233, 273-275, 283-304, OPEN SPACE SWM-1 AND RESIDUE PARCEL A**  
**BEALLAIR - PHASE 3 - RESIDENTIAL**  
 HARPERS FERRY MAGISTERIAL DISTRICT  
 MAP 10 PARCELS 3.2-3.4  
 DEED BOOK 975 PAGE 635 AND DEED BOOK 977 PAGE 490 & 495  
 JEFFERSON COUNTY, WV  
 OCTOBER 2021  
 SHEET 1 OF 6



**PLANTATION LANE**  
 0.18 ACS.  
 (20' ROW)  
 BOOK-PAGE 25-184

**COMMERCIAL PARCEL 1**  
 3.31 ACS.  
 BOOK-PAGE 25-184

INSET SHOWING AREA USED TO DETERMINE MLA/ADU COMPUTATIONAL AREAS.



**COMPUTATION FOR MLA/ADU FOR THE SINGLE-FAMILY DETACHED (SFD) AREA OF THE PHASE 3 DEVELOPMENT.**

**COMPUTATION OF DETACHED SINGLE-FAMILY AREA REQUIREMENTS PER ZONING ORDINANCE SECTION 5.4B:**

MLA REQUIRED - 6,000 SQ. FT. MINIMUM LOT AREA  
 MLA PROVIDED - SINGLE FAMILY DETACHED LOT AREAS EXCEED 6,000 S.F.  
 (See Sheet 4 for Lot Area Table)

ADU REQUIRED - 10,000 SQ. FT.	
ADU PROVIDED - 13,420 SQ. FT.	
Total Phase 3 SFD Lot Area =	456,277 SQ. FT.
Subtract 100-YR Flood Plain Area,	
Including Sensitive Natural Area	0 SQ. FT.
Subtract Buffer to Sens. Natural Area	0 SQ. FT.
Total remaining area =	456,277 SQ. FT.

Divided by 34 SFD lots = 13,420 SQ. FT. per lot which exceeds the minimum ADU required.

**COMPUTATION FOR MLA/ADU FOR THE DETACHED SMALL LOT AREA OF THE PHASE 3 DEVELOPMENT (LOTS 283 - 304)**  
 (See Sheet 3 for Parkland Area.)

**COMPUTATION OF SMALL LOT SINGLE-FAMILY AREA REQUIREMENTS PER ZONING ORDINANCE SECTION 5.4B:**

MLA REQUIRED - 3,200 SQ. FT. MINIMUM AND LESS THAN 6,000 SQ. FT. LOT AREA  
 MLA PROVIDED - ALL SMALL LOT SINGLE FAMILY DETACHED LOT AREAS EXCEED 3,200 SQ. FT. AND DO NOT EXCEED 6,000 SQ. FT.  
 (See Sheet C-4 for Lot Area Table)

ADU REQUIRED: 7,500 SQ. FT.	
ADU PROVIDED: 7,790 SQ. FT.	
Small Lot Area	171,394 SQ. FT.
Subtract Sensitive Natural Area	0 SQ. FT.
Subtract Buffer to a Sensitive Natural Area	0 SQ. FT.
Subtract Hillside Development Area	0 SQ. FT.
Subtract Sensitive Natural Area	0 SQ. FT.
Subtract 100-YR Flood Plain Area	0 SQ. FT.
Total remaining area =	171,394 SQ. FT.

Divided by 22 DSL lots = 7,790 SQ. FT. per lot which exceeds the minimum ADU required.  
 SEE INSET AT RIGHT FOR DELINEATION OF SMALL LOT COMPUTATIONAL AREA.

SHEET INDEX	REVISIONS DATE	DESCRIPTION
COVER		
MLA / ADU COMPUTATIONS	SHEET 2 OF 6	
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RESIDUE A	SHEET 4 OF 6	
OPEN SPACE SWM-1	SHEET 5 OF 6	
MISC. ESMTS	SHEET 6 OF 6	

JEFFERSON COUNTY PLANNING COMMISSION

BY \_\_\_\_\_ DATE \_\_\_\_\_

**FINAL PLAT**  
 MLA / ADU COMPUTATIONS  
 SHOWING LOTS 203-233, 273-275, 283-304,  
 OPEN SPACE SWM-1 AND RESIDUE PARCEL A  
**BEALLAIR - PHASE 3 - RESIDENTIAL**  
 HARPERS FERRY MAGISTERIAL DISTRICT  
 MAP 10 PARCELS 3.2-3.4  
 DEED BOOK 975 PAGE 635 AND DEED BOOK 977 PAGE 490 & 495  
 JEFFERSON COUNTY, WV  
 OCTOBER 2021  
 SHEET 2 OF 6

**PROPOSED LOTS FOR PHASE 3**

Lots 283-304 are Small Lots.  
Lots 203-233 & 273-275 are Single-Family Detached Lots.

NOTE: See sheet 4 for Lot Area Table

EXIST. 25' LANDSCAPE ESMT.  
(Typical) to be maintained by Homeowners Association.  
PB 21 Pg 54

PROP. 25' LANDSCAPE ESMT.  
(Typical) to be maintained by Homeowners Association.  
NOTE: See sheet 6 for Miscellaneous Easement boundary information.

PROPOSED UTILITY ESMT (SEE SHEET 2)

R.O.W. NAME	ACRES
CLAYMONT HILL STREET	0.35579
CLOVER LEA WAY	0.57051
SHENANDOAH CROSSING DRIVE	1.00447
JANE WASHINGTON COURT	1.07429
PLANTATION LANE	0.18819

PROPOSED UTILITY ESMT (SEE SHEET 2)

100 0 100 200 300

Scale 1" = 100'  
**RESIDUE "A"**

NOTE: See sheet 4 for Residue "A" boundary and metes & bounds information.

**LOT LINE TABLE**

NUMBER	DIRECTION	DISTANCE
L1	N 52°33'45" W	14.14'
L2	S 37°26'15" W	14.14'
L3	S 52°33'45" E	14.14'
L4	N 37°26'15" E	14.14'
L5	S 52°33'45" E	14.14'
L6	S 37°26'15" W	14.14'
L7	S 52°33'45" E	14.14'
L8	N 82°26'15" E	37.83'
L9	S 76°53'28" W	39.84'
L11	N 63°32'47" E	41.46'
L12	N 82°26'15" E	37.83'
L13	N 32°53'48" E	14.43'
L14	N 63°32'47" E	21.95'
L15	N 63°32'47" E	19.61'
L16	S 34°15'24" W	13.57'
L17	N 63°32'47" E	7.52'
L18	S 63°32'47" W	17.50'
L19	N 63°32'47" E	21.43'
L20	S 55°44'36" E	26.56'
L21	S 34°15'24" W	11.10'
L22	N 89°00'32" E	20.00'
L23	N 66°14'26" E	64.61'
L24	N 67°11'56" E	17.48'
L25	S 54°23'24" E	14.55'
L26	S 10°57'54" E	27.23'
L27	S 10°57'54" E	29.67'
L28	N 07°33'45" W	20.00'
L29	N 07°33'45" W	44.00'
L30	S 07°33'45" E	50.00'
L31	S 82°26'15" W	23.00'
L32	S 82°26'15" W	26.00'
L33	S 82°26'15" W	16.00'
L34	S 82°26'15" W	16.00'
L35	S 82°26'15" W	16.00'
L36	S 82°26'15" W	16.00'

**LOT CURVE TABLE**

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C1	04°49'12"	425.00	35.75	17.89	N 09°58'21" W	35.74
C2	04°38'06"	575.00	46.51	23.27	N 65°11'50" E	46.50
C3	09°15'58"	575.00	92.99	46.60	N 72°48'32" E	92.89
C4	04°59'24"	575.00	50.08	25.05	N 79°56'33" E	50.06
C5	07°12'30"	625.00	78.63	39.37	S 72°40'46" W	78.58
C6	05°31'12"	625.00	80.21	30.18	N 66°18'55" E	60.19
C7	17°59'15"	195.00	61.05	30.78	N 54°34'40" E	60.80
C8	22°52'29"	195.00	76.71	38.86	N 34°22'02" E	76.22
C9	21°42'48"	125.00	47.37	23.97	S 21°49'18" E	47.09
C10	40°37'54"	125.00	88.64	48.28	S 52°59'39" E	88.80
C11	34°50'01"	125.00	76.00	39.22	N 89°16'19" E	74.83
C12	00°16'51"	885.00	4.34	2.17	N 71°44'05" E	4.34
C13	05°11'11"	885.00	80.11	40.09	S 68°58'49" W	80.08
C14	02°50'26"	885.00	43.88	21.94	N 64°58'01" E	43.87
C15	02°52'57"	325.00	14.46	7.23	N 62°16'19" E	14.46
C16	13°44'17"	325.00	77.93	39.15	N 54°07'43" E	77.74
C17	43°30'19"	25.00	18.88	9.97	N 69°00'29" E	18.53
C18	54°01'44"	50.00	47.15	25.49	N 49°07'14" E	45.42
C19	80°21'17"	50.00	32.67	29.07	S 08°04'17" E	30.27
C20	49°49'21"	50.00	43.48	23.22	N 65°05'36" W	42.12
C21	56°06'18"	50.00	48.96	26.64	N 63°52'35" E	47.03
C22	41°00'34"	50.00	35.79	18.70	S 15°19'18" W	35.03
C23	54°13'58"	25.00	23.66	12.80	S 21°56'10" W	22.79
C24	14°29'30"	275.00	69.56	34.96	N 56°18'02" E	69.37
C25	10°19'27"	855.00	60.10	30.36	N 65°38'56" E	60.09
C27	04°06'36"	855.00	60.38	30.20	S 69°46'57" W	60.37
C28	97°10'51"	75.00	127.21	85.04	N 59°33'20" W	112.50
C33	14°37'03"	50.00	12.76	6.41	S 83°27'02" W	12.72
C34	64°41'48"	145.00	163.72	91.83	N 31°12'07" E	155.17

NOTE: THERE ARE NO OFFSITE MAN-MADE STRUCTURES WITHIN 200' DOWNSTREAM OF ANY PIPE OUTFALL.

**SYMBOL KEY**

UNLESS LABELED OTHERWISE, ALL CORNERS SHOWN AS ARE TO BE SET 5/8" REBARS PER NOTE ON SHEET 1.

CONCRETE MONUMENTS ARE SHOWN: CONC. MON.

JEFFERSON COUNTY PLANNING COMMISSION

BY	DATE	REVISIONS	DESCRIPTION
COVER		SHEET 1 OF 6	
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LOTS		SHEET 3 OF 6	
RESIDUE A		SHEET 4 OF 6	
OPEN SPACE SWM-1		SHEET 5 OF 6	
MISC. ESMTS		SHEET 6 OF 6	

**OPEN SPACE SWM-1**

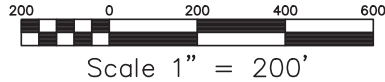
NOTE: See sheet 5 for OPEN SPACE SWM-1 boundary and metes & bounds information.

	PARKLAND REQUIREMENT TABULATIONS BOOK-PAGE 25-184				
	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5
RESIDENTIAL LAND** (ACRES)	10.5170	21.0014	10.9855	10.8830	12.2841
REQUIRED PARKLAND (ACRES)	4%	4%	4%	4%	4%
PROVIDED PARKLAND** (ACRES)	0.42	0.84	0.44	0.80	0.49
PARCELS	0.42	0.20	0.00	0.00	0.00
EASEMENTS	0.00	0.62	0.44	0.80	0.49
<b>TOTAL</b>	<b>0.4219</b>	<b>0.91</b>	<b>0.44</b>	<b>0.80</b>	<b>0.49</b>

**FINAL PLAT RESIDENTIAL LOTS**  
**SHOWING LOTS 203-233, 273-275, 283-304,**  
**OPEN SPACE SWM-1 AND RESIDUE PARCEL A**  
**BEALLAIR - PHASE 3 - RESIDENTIAL**  
HARPERS FERRY MAGISTERIAL DISTRICT  
MAP 10 PARCELS 3.2-3.4  
DEED BOOK 975 PAGE 635 AND DEED BOOK 977 PAGE 490 & 495  
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LOT AREA TABLE

LOT	SQUARE FEET	ACRES
203	10,733	0.2464
204	10,628	0.2440
205	8,400	0.1928
206	9,240	0.2121
207	10,072	0.2312
208	12,750	0.2927
209	8,369	0.1921
210	8,400	0.1928
211	8,400	0.1928
212	9,164	0.2104
213	12,711	0.2918
214	12,456	0.2859
215	22,206	0.5098
216	15,114	0.3470
217	13,956	0.3204
218	9,781	0.2245
219	8,845	0.2031
220	8,184	0.1879
221	8,160	0.1873
222	8,467	0.1944
223	8,219	0.1887
224	13,028	0.2991
225	13,887	0.3188
226	13,794	0.3167
227	14,556	0.3342
228	11,059	0.2539
229	8,751	0.2009
230	9,247	0.2123
231	8,255	0.1895
232	8,160	0.1873
233	11,025	0.2531
273	9,468	0.2174
274	9,500	0.2181
275	14,548	0.3340
283	5,076	0.1165
284	4,536	0.1041
285	4,536	0.1041
286	4,536	0.1041
287	4,536	0.1041
288	4,536	0.1041
289	5,462	0.1254
290	5,462	0.1254
291	4,536	0.1041
292	4,536	0.1041
293	4,536	0.1041
294	4,536	0.1041
295	4,536	0.1041
296	5,076	0.1165
297	5,193	0.1192
298	4,475	0.1027
299	4,475	0.1027
300	4,475	0.1027
301	4,475	0.1027
302	4,475	0.1027
303	4,475	0.1027
304	5,148	0.1182
Lots	473,163	10.8623
ROW	139,098	3.1933
Residue A	1,330,125	30.5355
OPEN SPACE SWM1	677,068	15.5433
Commercial Lot	144,371	3.3143
Plantation Lane	7,871	0.1807



RESIDUE "A"  
Line Table

NUMBER	DIRECTION	DISTANCE
L41	S 34°15'24" W	5.65'
L42	N 05°22'09" W	14.14'
L43	N 39°37'51" E	23.00'
L44	S 39°37'51" W	23.00'
L45	S 84°37'51" W	14.14'

RESIDUE "A" Curve  
Table

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C36	37°59'11"	425.00	281.77	146.28	N 31°22'33" W	276.64

\*RESIDUES REMAINING AFTER RECORDATION OF SUBSEQUENT PHASES

ITEM	AREA TABULATIONS (ACRES) (THRU THIS PLAT)					TOTAL
	PHASE 1	PHASE 2	PHASE 3 COMMERCIAL	PHASE 4A	PHASE 3	
RIGHT-OF-WAY	13.0586	4.3833	0.1807	1.2619	3.1933	22.0778
RESIDENTIAL LOTS	10.5170	21.0015	0.0000	7.8159	10.8623	50.1967
COMMERCIAL LOT	0.0000	0.0000	3.3143	0.0000	0.0000	3.3143
PARK LAND PARCELS	0.4219	0.2856	0.0000	0.0000	0.0000	0.7075
OPEN SPACE SWM1						15.5433
RESIDUES	D*	C*	A	A	A*	
	5.8143	2.0444	RESERVED FOR FUTURE LOTS	RESERVED FOR FUTURE LOTS	30.5355	38.3942
<b>TOTAL</b>	<b>29.8118</b>	<b>27.7148</b>	<b>3.4950</b>	<b>9.0778</b>	<b>60.1344</b>	<b>130.2338</b>

Area Tabulation

Current Development (Phase 3)					Remaining after Phase 3	
PARCEL DESIGNATIONS	ACRES IN SWM/PARKLAND	ACRES IN ROW	ACRES IN LOTS	TOTAL IN ACRES	PARCEL DESIGNATIONS	TOTAL IN ACRES
BEGINNING TOTAL : RESIDUE A				60.1344	RESIDUE A (Remaining)	30.5355
RESIDUE A (Phase 3 Contribution)		3.1933	10.8623 Res.	14.0556	RESIDUE B (Remaining)	0
OPEN SPACE SWM1				15.5433	RESIDUE C (Remaining)	2.0444
RESIDUE A (Undeveloped)				30.5355	RESIDUE D (Remaining)	5.8143
<b>TOTALS</b>		3.1933	10.8623 Res.			

0.4401 (PARKLAND EASEMENT PROVIDED)

TOTAL RESIDUES REMAINING (A, C & D)

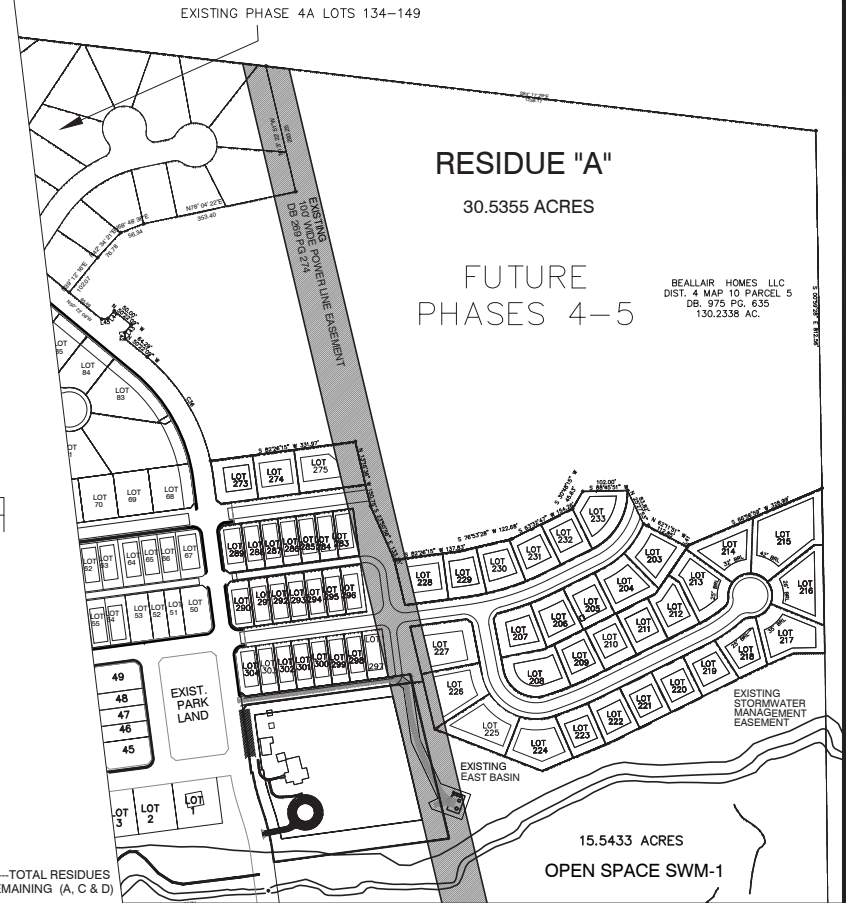
NOTE: NOT INCLUDED IN THE ABOVE COMPUTATIONS OF THE BEALLAIR DEVELOPMENT, IS THE SEPARATE RIGHT-OF-WAY PARCEL THAT EXISTS SOUTH OF THE CSX RAILROAD TRACKS. IT HAS BEEN DEDICATED, IN ENTIRETY, TO ROAD RIGHT-OF-WAY. NO CHANGES TO SAID PARCEL ARE PLANNED FOR BEALLAIR PHASE 3.

SYMBOL KEY

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

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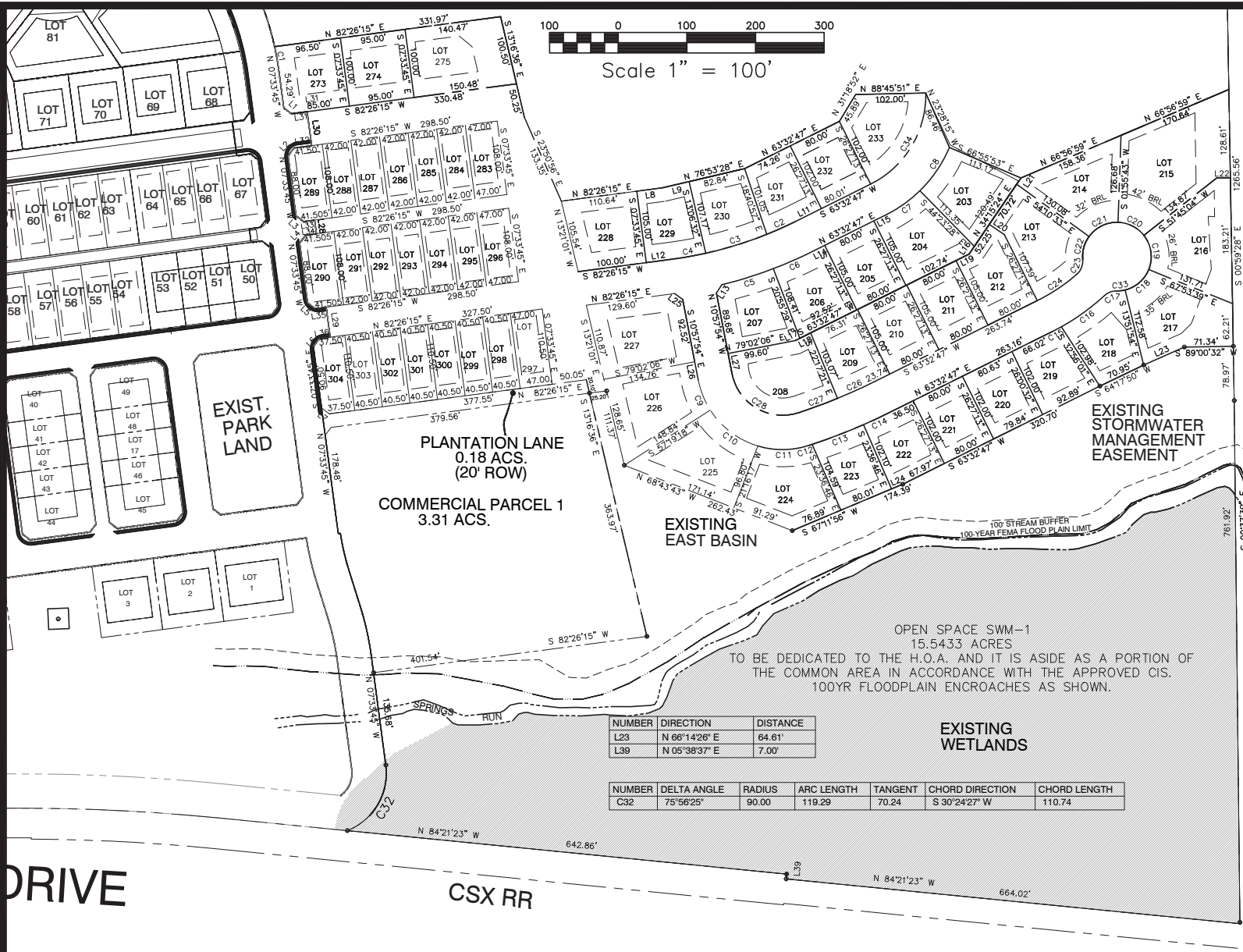
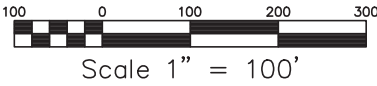
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PROPOSED PHASE 3  
LOTS 203-233,  
273-275, & 283-304

JEFFERSON COUNTY PLANNING COMMISSION  
BY \_\_\_\_\_ DATE \_\_\_\_\_

**FINAL PLAT**  
**RESIDUE A**  
**SHOWING LOTS 203-233, 273-275, 283-304,**  
**OPEN SPACE SWM-1 AND RESERVED PARCEL A**  
**BEALLAIR - PHASE 3 - RESIDENTIAL**  
HARPERS FERRY MAGISTERIAL DISTRICT  
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PLANTATION LANE  
0.18 ACS.  
(20' ROW)

COMMERCIAL PARCEL 1  
3.31 ACS.

EXISTING  
EAST BASIN

EXISTING  
STORMWATER  
MANAGEMENT  
EASEMENT

OPEN SPACE SWM-1  
15.5433 ACRES  
TO BE DEDICATED TO THE H.O.A. AND IT IS ASIDE AS A PORTION OF  
THE COMMON AREA IN ACCORDANCE WITH THE APPROVED CIS.  
100YR FLOODPLAIN ENCROACHES AS SHOWN.

EXISTING  
WETLANDS

NUMBER	DIRECTION	DISTANCE
L23	N 66°14'26" E	64.61'
L39	N 05°38'37" E	7.00'

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH
C32	75°56'25"	90.00'	119.29'	70.24'	S 30°24'27" W	110.74'

NOTE:  
DRIVEWAY CULVERTS ARE  
REQUIRED FOR DRAINAGE THE  
10YR FREQUENCY RAINFALL  
EVENT. DRIVEWAY CULVERTS ARE  
REQUIRED FOR FLOWS EQUAL TO  
OR GREATER THAN 2.3 CFS.  
GIVEN THE TYPICAL URBAN  
RUNOFF COEFFICIENT (0.65),  
DRAINAGE AREAS GREATER THAN  
27,000 SQUARE FEET SHALL  
REQUIRE A DRIVEWAY CULVERT.  
ALL PROPOSED DRIVEWAY  
CULVERT DRAINAGE AREAS ARE  
LESS THAN 25,000 SQUARE FEET.  
THEREFORE NO DRIVEWAY  
CULVERTS ARE REQUIRED FOR  
ANY OF THE PHASE 3 LOTS SHOWN  
HEREIN.

DRIVE

CSX RR

**SYMBOL KEY**

UNLESS LABELED OTHERWISE,  
ALL CORNERS SHOWN AS   
ARE TO BE SET 5/8" REBARS  
PER NOTE ON SHEET 1.

CONCRETE MONUMENTS ARE SHOWN:  
CONC. MON.

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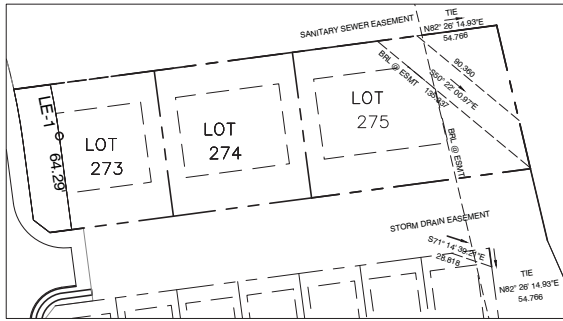
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JEFFERSON COUNTY PLANNING COMMISSION

BY \_\_\_\_\_ DATE \_\_\_\_\_

REVISIONS DATE	DESCRIPTION

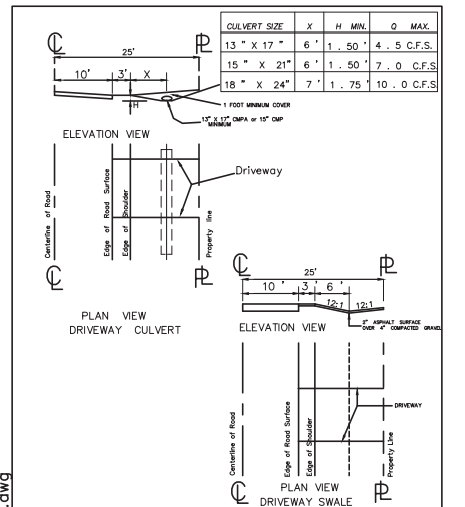
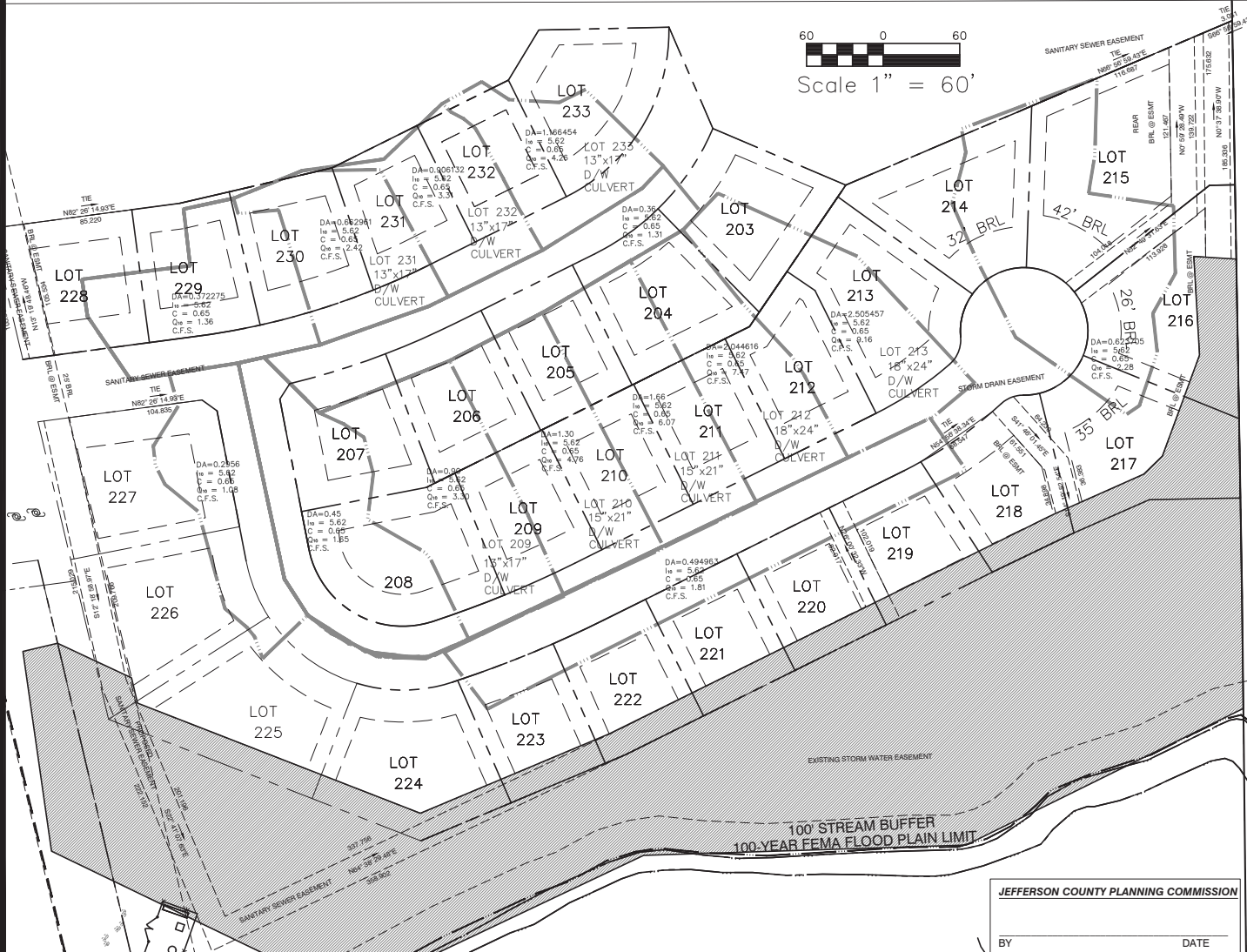
**FINAL PLAT**  
OPEN SPACE SWM-1  
**SHOWING LOTS 203-233, 273-275, 283-304,**  
**OPEN SPACE SWM-1 AND RESIDUE PARCEL A**  
**BEALLAIR - PHASE 3 - RESIDENTIAL**  
HARPERS FERRY MAGISTERIAL DISTRICT  
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ESMSTS & D/W CULVERTS	SHEET 6 OF 6			

LOT	DRAINAGE AREA	RUNOFF COEFFICIENT	10YR COEFFICIENT	10YR FLOW	D/W
233	50810.72 SQ. FT.	0.65	5.62	4.2610547 CFS	13" x 17"
232	39471.11 SQ. FT.	0.65	5.62	3.3101002 CFS	13" x 17"
231	28878.66 SQ. FT.	0.65	5.62	2.4217981 CFS	13" x 17"
230	16216.29 SQ. FT.	0.65	5.62	1.3599195 CFS	SWALE
228 - 229	LESS THAN LOT 230				SWALE
225	12878.20 SQ. FT.	0.65	5.62	1.0799827 CFS	SWALE
226 - 227	LESS THAN LOT 225				SWALE
218	21560.57 SQ. FT.	0.65	5.62	1.8080984 CFS	SWALE
219 - 224	LESS THAN LOT 218				SWALE
217	27168.58 SQ. FT.	0.65	5.62	2.2783933 CFS	SWALE
214 - 215	LESS THAN LOT 217				SWALE
213	109137.70 SQ. FT.	0.65	5.62	9.1524336 CFS	18" x 24"
212	2,505,457 ACRES	0.65	5.62	7.4689823 CFS	18" x 24"
211	2,044,616 ACRES	0.65	5.62	6.0643759 CFS	15" x 21"
210	56726.20 SQ. FT.	0.65	5.62	4.717133 CFS	15" x 21"
209	39297.88 SQ. FT.	0.65	5.62	3.25573 CFS	13" x 17"
208	19710.75 SQ. FT.	0.65	5.62	1.6519697 CFS	SWALE
203	15544.59 SQ. FT.	0.65	5.62	1.3018999 CFS	SWALE
204 - 207	LESS THAN LOT 203				SWALE

See Driveway Detail Below.



JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: March 29, 1988	ENGINEER	OPENSECTION RESIDENTIAL DRIVEWAY	REVISIONS: December 6, 1988	DETAIL No. R - 31
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**FINAL PLAT**  
**EASEMENTS and DRIVEWAY CULVERTS**  
**SHOWING LOTS 203-233, 273-275, 283-304,**  
**OPEN SPACE SWM-1 AND RESIDUE PARCEL A**  
**BEALLAIR - PHASE 3 - RESIDENTIAL**  
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JEFFERSON COUNTY PLANNING COMMISSION  
 BY \_\_\_\_\_ DATE \_\_\_\_\_





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

P.O. Box 716

Charles Town, WV 25414

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

Phone: (304) 728-3228

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## Zoning Administrator's Report June 23, 2022 Board of Zoning Appeals Meeting

**Date of Memo: June 14, 2022**

### 1) **Zoning Ordinance Text Amendment Update - Solar Energy Facilities (File #ZTA22-01)**

- 06/09/22: County Commission held a public hearing on a draft text amendment to the Zoning Ordinance (File #ZTA22-01). The amendment proposes the creation of provisions to allow large scale solar facility projects that are proposed to be located within the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA) as delineated on the Future Land Use Guide in the Comprehensive Plan to process as a Principal Permitted Use; and for projects located outside of the UGB/PGA areas to process as a Conditional Use.
- The motion to approve the text amendment as drafted failed with a split vote of two in support (TJ and CA) and two opposed (CH and JT). The text amendment is on the County Commission's 06/16/22 agenda for reconsideration.

### 2) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **July 28, 2022** (deadline for submission is Tuesday, July 5, 2022).



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

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**June 2022**  
**Zoning Certificate Activity Report**

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File # 22-29-ZC  
Request: Change in Tenant: Yarnability (retail)  
Property Owner: Rodney Kidwell  
Applicant: Yarnability / Attn: Karen Frail  
Parcel Information: 35 Halltown Road, Harpers Ferry, WV 25425  
Parcel ID: 04001100050000; Size: .43 acres; Zoning District: Residential-Light  
Industrial-Commercial; Deed Book: 987 Page: 55  
Date of Issuance: 05/31/2022

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File # 22-31-ZC  
Request: Telecommunication Tower Modifications  
Property Owner: Kenneth and Elizabeth Wilt  
Applicant: T-Mobile / Contact: Levi Potensky  
Parcel Information: 543 Mission Road North, Harpers Ferry, WV 25425  
Parcel ID: 02002000310000; Size: ~53 acres;  
Zoning District: Rural; Deed Book: 1045; Page: 445; PC File #S99-07  
Date of Issuance: 06/15/2022

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File # 22-32-ZC  
Request: Home Occupation, Level 2: Butler Real Estate Brokerage  
Property Owner: David and Gail Butler  
Parcel Information: 501 Persimmon Ln, Shepherdstown, WV 25443  
Parcel ID: 09001500110003; Size: 2.03 acres; Zoning District: Rural;  
Deed Book: 1271; Page: 314; Plat Book 26; Page: 291 (subdivision plat)  
Date of Issuance: *To be issued 06/21/2022*

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File # 22-33-ZC  
Request: Telecommunication Tower Modifications  
Property Owner: Matthew Rushizky, Personal Representative  
Applicant: Mastec Network Solutions / Attn: Lauren Farrow  
Parcel Information: 8428 Shepherdstown Pike, Shepherdstown, WV 25443  
Parcel ID: 09000900040000; Size: 205.97 acres  
Zoning District: Rural; Deed Book: 355; Page: 629; Site Plan File #S97-4  
Date of Issuance: 06/15/2022

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