



Jefferson County
Board of Zoning Appeals
Thursday, August 25, 2022 at 2:00 p.m.

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

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: 830 2008 5324
Meeting Link: <https://us02web.zoom.us/j/83020085324>
Phone Option (Dial by Location): 301-715-8592
Find your local number: <https://us02web.zoom.us/u/kcZyb3pYIb>

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.

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

Approval of Minutes: July 28, 2022

Public Hearing – Administer Oath

ITEM #1	FILE #: 22-5-CUP
Request:	Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. Project Name: Wild Hill Solar. The subject application pertains to the 262 acre portion of the 841-acre project that is located outside of the Charles Town Urban Growth Boundary, to the west of Kabletown Road. The project includes construction of a 92.5 megawatt alternating current solar energy facility comprised of rows of solar modules and includes construction of a new substation to connect the solar facility with the electric grid. The project site has existing high voltage power lines running through a portion of the property.
Applicant:	Wild Hill Solar, LLC
Parcel Info:	Clarence & Donna Hough, Owner Vacant parcel north of the property located at 340 Old Shennandale Rd., Charles Town, WV Parcel ID: 06000500060000; Lot Size: 49.04 ac / Project Size: 49.04 ac; Zoning District: Rural
Parcel Info:	T. Todd & Susan Hough, Trustees 340 Old Shennandale Rd, Charles Town, WV; Parcel ID: 06000500010000; Lot Size: 206.84 ac / Project Size: 181.70 ac; Zoning District: Rural
Parcel Info:	Charles & Marie Hough (Life), Owner 620 Old Shennandale Rd, Charles Town, WV; Parcel ID: 06001100080000; Lot Size: 118.05 ac / Project Size: 32.11 ac; Zoning District: Rural
ITEM #2	FILE #: 22-27-ZV
Request:	Variance from Section 9.7 to reduce the front setback from 20' to 15' along a platted right-of-way (Shade Ln) for a proposed 28' x 16' addition with a 6' x 17' handicap ramp.
Applicant:	Falconer Design Build c/o James Presley
Parcel Info:	Garland and Poppy Chrisman, Owner 270 Persimmon Ln, Shepherdstown, WV; Parcel ID: 09001400060001; Size: .5 ac; Zoning District: Rural

ITEM #3 FILE #: 22-28-ZV

Request: Variance from Section 9.7 to reduce the front setback from 40' to 20' along the eastern property line (Macbeth Drive) and the southern property line (Bedford Drive) for a 36' x 26' addition (attached in-law suite).

Parcel Info: Russell and Jackie Keaveny, Owner
Avon Bend Subdivision, Lot 115; 551 Macbeth Dr., Charles Town, WV
Parcel ID: 06009F00240000; Size: 4 ac; Zoning District: Rural

ITEM #4 FILE #: 22-29-ZV

Request: Variance from Section 8.2 to reduce the distance requirement from 50' to 15' along the western property line for an existing 48' x 28' barn.

Parcel Info: Robin Young, Owner
John and Susan Holloway Minor Subdivision, Lot 1;
141 Sunnyside Ln. Shenandoah Junction, WV
Parcel ID: 09001800050008; Size: 3 ac; Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

- a. Discussion of the following pending lawsuits:
 - 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities)
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions

Meeting: July 28, 2022

- 1. Request for a Conditional Use Permit to operate a Solar Energy Facility. Applicant: Horus West Virginia 1. Owners: Thorn Hill LLC & Peel Properties WVA LLC. File: 22-4-CUP
- 2. Variance from Section 4.12B & 4.11C. Applicant: Keane Enterprises. Owner: Miller Gerald A Estate. File: 22-23-ZV and 22-24-ZV.
- 3. Variance from Section 5.7B. Owner: Chad Dinges. File: 22-25-ZV.
- 4. Variance from Section 5.7B. Owner: Brian and Vanessa McGuigan. File: 22-26-ZV.

DRAFT Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: July 28, 2022
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
3 in-person in the County Commission Meeting Room located in the
4 lower level of the Charles Town Library; and virtually via ZOOM.
5 Board Members Present: Tyler Quynn, Chair; Deirdre Catterton, Vice Chair; Leeds Corbin, Steve
6 Guier, Matthew McKinney, and Mikala Shremshock, alternate member.
7 Board Members Absent: None
8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Stephen Groh and Nathan
9 Cochran, Assistant Prosecuting Attorneys; and Jennilee Hartman,
10 Zoning Clerk (ZOOM)

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

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

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

16 **Approval of Minutes: June 23, 2022**

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

19 Mr. Quynn called on the applicant for Item #4.

20 **AGENDA ITEM #4 FILE #: 22-26-ZV**

21 Request: Variance from Section 5.7B of the Zoning Ordinance (as amended 07/15/93) to reduce
22 the side setback from 15' to 5' and the rear setback from 50' to 5' for a 30' x 24'
23 accessory structure.

24 Parcel Info: Brian and Vanessa McGuigan, Owner
25 William Martin MSD, Lot 2, 59 Flat Earth Ln, Harpers Ferry, WV
26 Parcel ID: 04000300010011; Size: 1 acres; Zoning District: Rural

27 Brian and Vanessa McGuigan, property owners, were present via ZOOM to address the Board.

28 Ms. Beaulieu provided an overview of her staff report noting that the applicant provided a letter of
29 support from the adjacent property owner. Ms. Beaulieu explained that the applicants were aware
30 that no business could be operated from the structure without further processing.

31 Mr. and Ms. McGuigan explained the nature of the request to the Board stating that the front of the
32 property contained the septic reserve area and that a utility line ran along the western corner of the
33 rear property line. Additionally, Ms. McGuigan noted that the adjacent property affected by the
34 requested was owned by family member who did not object to the proposed location.

35 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn
36 closed the public hearing.

37 Mr. Guier moved to approve the variance with the condition that the applicant was bound by their
38 testimony. Mr. Quynn called for a vote, which carried unanimously.

39 Mr. Quynn called on the applicant for Item #3.

1 AGENDA ITEM #3 FILE #: 22-25-ZV

2 Request: Variance from Section 5.7B of the Zoning Ordinance (as amended 06/28/06) to reduce
3 the rear setback from 50' to 15' for a 20' x 30' accessory structure (detached garage).

4 Parcel Info: Chad Dinges, Owner

5 Michael & Malisa Pindell Pindell MSD, Lot 1, 87 Broadview Ct., Charles Town, WV

6 Parcel ID: 06000900040005; Size: 3 acres; Zoning District: Rural

7 Mr. Chad Dinges, property owner, was present via ZOOM to address the Board. Ms. Beaulieu
8 provided an overview of her staff report. Ms. Beaulieu clarified an inaccuracy in the application
9 regarding the platted setbacks and confirmed that the subject property line was correctly platted as a
10 front. Ms. Beaulieu added that the applicant was aware that no business could be operated from the
11 structure without further processing.

12 Mr. Dinges explained the nature of the request to the Board noting that the septic reserve area is
13 located towards the front of the property. Mr. Dinges stated that he would like the garage to be in
14 close proximity to the existing house.

15 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn
16 closed the public hearing.

17 Ms. Shremshock moved to approve the variance with the condition that the applicant was bound by
18 their testimony. Mr. Quynn called for a vote, which carried unanimously.

19 Mr. Quynn called on the applicant for Item #1.

20 AGENDA ITEM #1 FILE #: 22-4-CUP

21 Request: Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in
22 Article 2 of the Zoning Ordinance. Project Name: Blake Solar Project. The subject
23 request is for the 270 acre portion of the proposed 516 acre project, which is located
24 outside of the Charles Town Urban Growth Boundary, on the east side of Kabletown
25 Road. The Blake Solar Project capacity at point of interconnection is 80MWac and
26 consists of single-axis trackers, 535W modules, and 3.38MW inverters. The project
27 site contains existing high voltage power lines running through the property and a new
28 substation will be constructed to connect the solar facility with the electric grid.

29 Applicant: Horus West Virginia 1

30 Parcel Info: Thorn Hill LLC, Owner

31 Vacant parcel on east side of Kabletown Road, located .1 mile south from the
32 intersection of Charles Town Road and Kabletown Road, Charles Town, WV;

33 Parcel ID: 02001900140000; Lot Size: 171.59; Zoning District: Rural

34 Parcel Info: Peel Properties WVA LLC, Owner

35 Vacant parcels on the south side of Charles Town Road, located .2 miles east from the
36 intersection of Charles Town and Kabletown Road, Charles Town, WV.;

37 Parcel ID: 02001900150003; Lot Size: 51.19; and, Parcel ID: 02001900150002;

38 Lot Size: 46.24; Zoning District: Rural

1 Mr. Mark Dyck with Integrity Federal Services and Mr. Braden Houston with Horus West Virginia 1
2 were present to address the Board. Ms. Beaulieu provided an overview of her staff report to the
3 Board and reviewed the required criteria for a Solar Energy Facility.

4 Mr. Dyck and Mr. Houston presented a detailed PowerPoint presentation of the proposed land use.
5 A printed version of the presentation has been included in the project file. The presentation outlined
6 the project details, which included the overall size of the project in relation to the property's
7 acreage. Mr. Dyck noted that the proposal would be replacing a previously approved subdivision
8 that had been platted for 179 single family homes. Mr. Dyck highlighted the fact that the applicant
9 would be voluntarily providing a supplemental buffer in addition to the required buffer. Mr. Dyck
10 explained that the decommissioning plan and associated bond would be in accordance with the WV
11 Department of Environmental Protection's (DEP) requirements. Mr. Dyck outlined how the
12 proposal was consistent with the County's Comprehensive Plan and reviewed how the proposal met
13 the Conditional Use Permit criteria noted in the Zoning Ordinance.

14 Mr. Quynn opened the public hearing.

15 The following members of the public provided public comment: Alan Dattelbaum, David Yates Sr.,
16 Chris Bearup, Justin and Abigail Stone, Paula Salva, Keith and Mindy DeCarlo, Alan Engelberg,
17 Philip Fanelli, Anastasya Tabb, William Kelly Baty, and Michael Hamilton. Comments included,
18 but were not limited to the following topics: environmental impacts, health impacts, effect on
19 property values, project design (setbacks, landscaping and buffers, etc.), and property maintenance.
20 Members of the public were also concerned with where the panels would be manufactured, the
21 physical location of the applicant's company headquarters, and questioned who would benefit from
22 the energy produced by the facility.

23 Mr. Quynn closed the public hearing.

24 Mr. Dyck and Mr. Houston provided a rebuttal and addressed concerns expressed by the public
25 including the following:

- 26 • Erosion and sediment control will follow NPDES permitting requirements, which is regulated
27 by the WV Department of Environmental Protection. The intent is to disturb as little ground
28 as possible so as to minimize the amount of reseeding that will be required.
- 29 • The required infrastructure from the northern portion of the project would require boring
30 under Kabletown road.
- 31 • The inverters will be shielded to reduce the negative impact of any noise/heat produced by the
32 panels.
- 33 • Acknowledging that the Ordinance does not require buffering from a Category II historic
34 structure, the applicant is willing to meet with the Stone family to discuss placement of the
35 buffer to make sure their concerns are met.
- 36 • Mr. Dyck explained that the applicant has the option to apply for a Letter of Map Amendment
37 from FEMA, which serves to correct the current FEMA mapping of the property. Mr. Dyck
38 clarified that the project's design would not physically alter the floodplain.
- 39 • It was clarified that the proposed six (6) foot fence would not include barbed wire so as to not
40 deter local wildlife.

- 1 • Mr. Houston argued that the grass planted between the panels necessitated less fertilizer than a
2 typical agricultural land use and stated that no pesticides would be used in the maintenance
3 after the grass has been established.
- 4 • Mr. Houston stated that solar energy facilities have been found to be environmentally safe and
5 encouraged the public to contact the DEP for information regarding their concerns on
6 hazardous waste and pollutants.
- 7 • With respect to the decommissioning of the project, the applicant must submit a
8 Decommissioning Plan and post a bond with the DEP to ensure that the property is returned to
9 its original condition.
- 10 • The power generated by the facility is directed to FirstEnergy. FirstEnergy determines where
11 the power supply is routed based on their customers' current needs.
- 12 • Mr. Houston explained that the company's US headquarters are physically located in Florida
13 and noted that the company is owned by a Spanish firm, whose stock is publicly traded.

14 Mr. Dyck and Mr. Houston addressed questions from the Board.

15 Ms. Catterton moved to go into deliberative session at 4:11 pm. Mr. Quynn called for a vote, which
16 carried unanimously.

17 Mr. McKinney moved to go back into regular session at 5:09 pm. Mr. Quynn called for a vote, which
18 carried unanimously.

19 The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance.

20 Mr. McKinney moved to approve the Conditional Use Permit with the following conditions:

- 21 1. That the applicant be bound by their testimony, including the supplemental buffer of at least
22 150' from the existing residences.
- 23 2. The applicant shall obtain all necessary licenses and permits before moving forward with
24 the project.
- 25 3. The owner is required to consolidate the previously recorded Thorn Hill subdivision plat.

26 Mr. Quynn offered a friendly amendment to include that the proposal will comply with all State and
27 Federal regulations. Mr. McKinney accepted the friendly amendment.

28 Mr. Guier seconded the motion, which carried four (4) in support and one in opposition (1)
29 (Ms. Catterton).

30 Mr. Quynn called on the applicant for Item #2.

31 **AGENDA ITEM #2 FILE #: 22-23-ZV AND 22-24-ZV**

32 Request 1: Variance from Section 4.12B to increase the maximum impervious surface limit from
33 50% to 60% for the proposed Miller Station Apartment complex.

34 Request 2: Variance from Section 4.11C to eliminate a portion of the required landscape buffer
35 along the southern property line (approximately 475 feet) for the proposed Miller Station
36 Apartment complex.

37 Applicant: Keane Enterprises

1 Parcel Info: Miller Gerald A Estate, Owner
2 Miller Station Nonresidential Subdivision, Lots 1 – 8,
3 Vacant lots located on Captain Chews Trace, Charles Town, WV
4 Parcel ID: Tax District: 02, Map: 8C, Parcels: 1 – 8. Size: 10 acres (combined);
5 Zoning District: Residential-Light Industrial-Commercial

6 Mr. Todd Heck with Morris & Richie Associates was present to address the Board. Ms. Beaulieu
7 provided an overview of her staff report for Request #1. Ms. Beaulieu explained that the proposal
8 would be replacing a previously approved subdivision of eight (8) nonresidential lots. Ms. Beaulieu
9 explained the purpose of maximum impervious surface limitations.

10 Mr. Heck explained the nature of the request to the Board stating that the developer of the project
11 was interested in providing additional parking spaces, sidewalks, and a community building for the
12 apartment complex and noted that the additional amenities would result in a greater impervious area
13 calculation.

14 Mr. Quynn opened the public hearing. No members of the public provided testimony.

15 Mr. Guier moved to go into deliberative session at 5:33 pm. Mr. Quynn called for a vote, which
16 carried unanimously.

17 Mr. McKinney moved to go back into regular session 5:43 pm. Mr. Quynn called for a vote, which
18 carried unanimously.

19 Mr. Quynn closed the public hearing.

20 Mr. Guier moved to approve the variance for Request #1 with the condition that the applicant was
21 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

22 Ms. Beaulieu provided an overview of her staff report for Request #2.

23 Mr. Heck explained the nature of the request to the Board stating that the utility company will not
24 allow landscaping to be installed within the existing power line easement. Mr. Heck added that
25 impact on the adjacent apartment complex would be minimal as the topography of the site would
26 provide a natural buffer to prevent glare from headlights, etc. Mr. Heck explained that common
27 engineering practices discourage the installation of landscaping near a stormwater management
28 pond as it can lead to erosion.

29 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn
30 closed the public hearing.

31 Mr. McKinney moved to approve the variance for Request #2 with the condition that the applicant
32 was bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

33 **Zoning Administrator's Report**

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

35 Ms. Beaulieu noted that the next meeting was scheduled for August 25, 2022.

36 **Legal Update**

37 a. Discussion of the following pending lawsuit:

1 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy
2 Facilities). No discussion.

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

4 **Meeting: June 23, 2022**

5 1. Variance from Section 4B.7(J)(2)(a). Owner: Michael Owens. Applicant:
6 SmartLink Group / Bijan Olexo File: 22-21-ZV.

7 2. Variance from Section 5.4B.1. Owner: Beallair Homes, LLC. File: 22-22-ZV.

8 Ms. Catterton was provided a copy of the draft Findings for review.

9 Mr. McKinney moved to adjourn the meeting at 5:47pm. Mr. Quynn called for a vote, which carried
10 unanimously.

Staff Report
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22-5-CUP Wild Hill Solar Project Conditional Use Permit Request

- Item #1 Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. Project Name: Wild Hill Solar. The subject application pertains to the 262 acre portion of the 841-acre project that is located outside of the Charles Town Urban Growth Boundary, to the west of Kabletown Road. The project includes construction of a 92.5 megawatt alternating current solar energy facility comprised of rows of solar modules and includes construction of a new substation to connect the solar facility with the electric grid. The project site has existing high voltage power lines running through a portion of the property.

Applicant:	Wild Hill Solar, LLC
Owner:	Multiple Owners / See Exhibit Below
Engineer/Surveyor:	Joe Knechtel, Potesta & Associates
Consultant:	Paul Raco, P.J. Raco Consulting, LLC
Parcel Information / Zoning District:	<p style="text-align: center;">Multiple Vacant Parcels / See Exhibit Below</p>
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;">North: Residential Growth & Rural; East, South, West: Rural</p>
Approvals:	None
Current Applications:	Wild Hill Solar Project
	<ul style="list-style-type: none"> Conditional Use Permit Public Hearing: 08/25/22 Board of Zoning Appeal Meeting Concept Plan Workshop: 09/13/22 Planning Commission Meeting
Site Visit Conducted:	No site visit was conducted.

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22-5-CUP Wild Hill Solar Project Conditional Use Permit Request

Property Owners / Locations

Map Ref .#	Property Owner:	Physical Address	Parcel Information:
1.	Clarence & Donna Hough	Vacant parcel east of the property located at 1343 Roper North Fork Rd, Charles Town	Parcel ID: 06001100070001; Lot Size: 107.38 ac / Project Size: 107.38 ac Zone: Rural
2.	Zigler, Inc.	1079 Roper North Fork Rd., Charles Town	Parcel ID: 06000400090000; Lot Size: 350.95 / Project Size: 350.95 Zone: Rural
3.	John Samuel & Alice Rissler Estate	616 Uinta Farm Ln., Charles Town	Parcel ID: 02001600060000; Lot Size: 293.33 / Project Size: 120.56 ac Zone: Rural
4.	Clarence & Donna Hough	Vacant parcel north of the property located at 340 Old Shennandale Rd., Charles Town	Parcel ID: 06000500060000; Lot Size: 49.04 ac / Project Size: 49.04 ac Zone: Rural
5.	T. Todd & Susan Hough, Trustees	340 Old Shennandale Rd Charles Town	Parcel ID: 06000500010000; Lot Size: 206.84 ac / Project Size: 181.70 ac Zone: Rural
6.	Charles & Marie Hough, Life	620 Old Shennandale Rd Charles Town	Parcel ID: 06001100080000; Lot Size: 118.05 ac / Project Size: 32.11 ac Zone: Rural

Parcels highlighted in green are subject to the Conditional Use requirements because they are located outside of the County's identified Urban Growth Boundary. The other parcels have been included for informational purposes only, as they are part of the full project.

Summary of Request and Purpose of Ordinance Requirements

Article 2 defines *Solar Energy Facility* as:

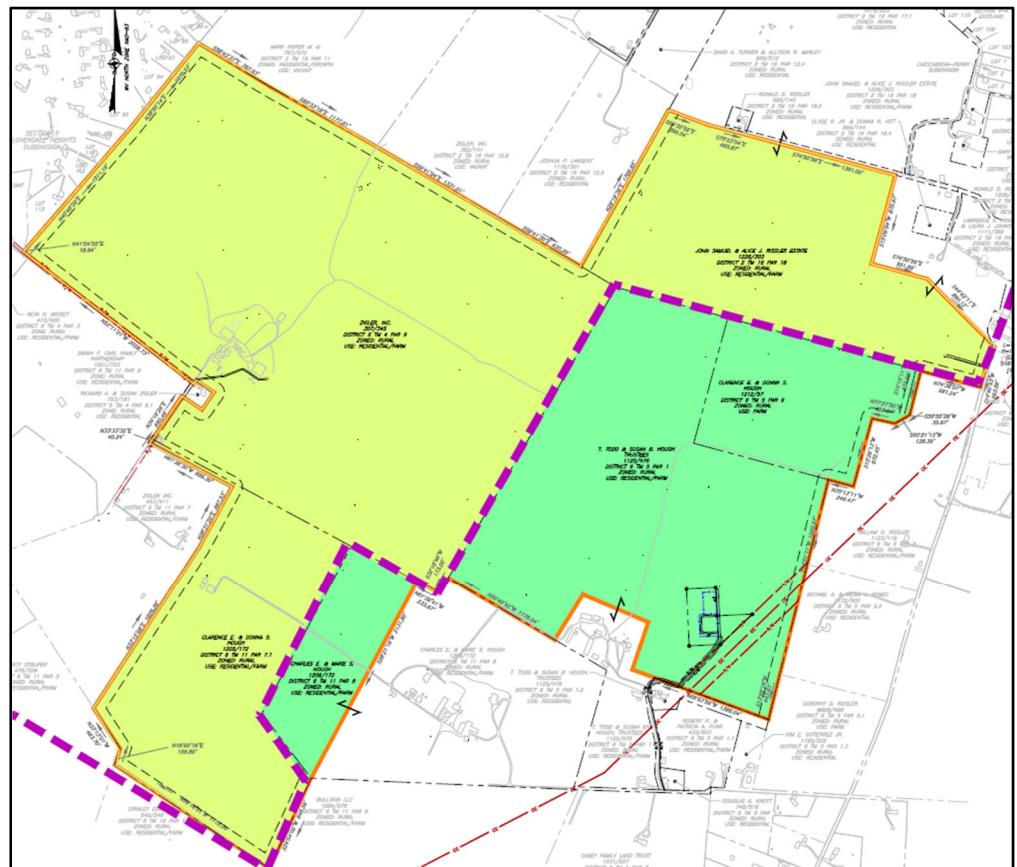
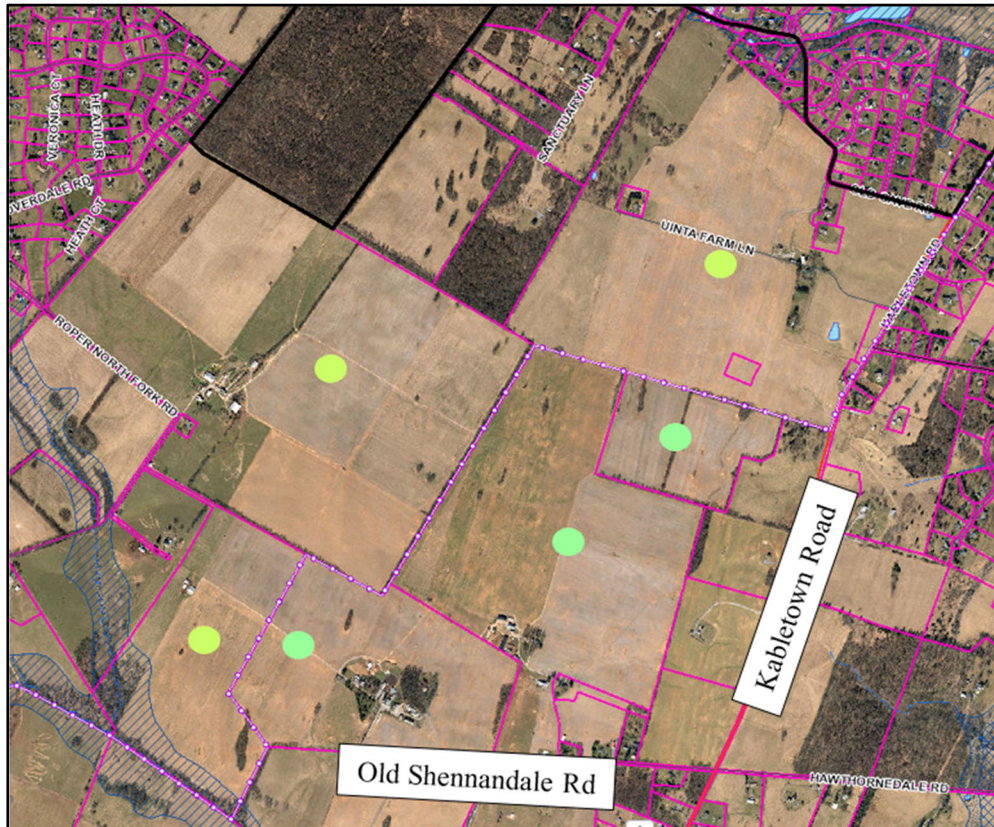
“A facility that generates electricity from sunlight by utilization of photovoltaic (PV) technology and distributes the generated electrical power. On-site components of the facility may include solar panels and other accessory components including, without limitation, Essential Utility Equipment, transformers, inverters, cabling, electrical lines, substations, and other improvements necessary to support generation, collection, storage, and transmission of electrical power.”

The subject request pertains to the portion of the solar energy facility project that will occur on the 262 acres located outside of the Charles Town Urban Growth Boundary. The full project is proposed to occur on a total of 841 acres, with 262 acres located within the Charles Town Urban Growth Boundary, where solar energy facilities are permitted by right.

Property Description

The subject parcels, comprised of 262 acres total, are currently used for agricultural purposes.

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Conditional Use Permit Process

The applicant has provided information summarizing how the proposed project will comply with the criteria outlined in Sections 8.20 and 6.3 of the Zoning Ordinance.

Page 5 of their application states that Wild Hill proposes to lease the subject parcels for a period of 30 or more years and notes that if the solar facility is decommissioned after 30 years, then the land could be reverted back to farm activities.

Decommissioning and bonding shall be in accordance with the WV Department of Environmental Protection, pursuant to WV State Code §22-32-1, et. sec. or its successor. The applicant has provided an overview of the decommission process on page 25 of their application.

Section 6.3 of the Zoning Ordinance states:

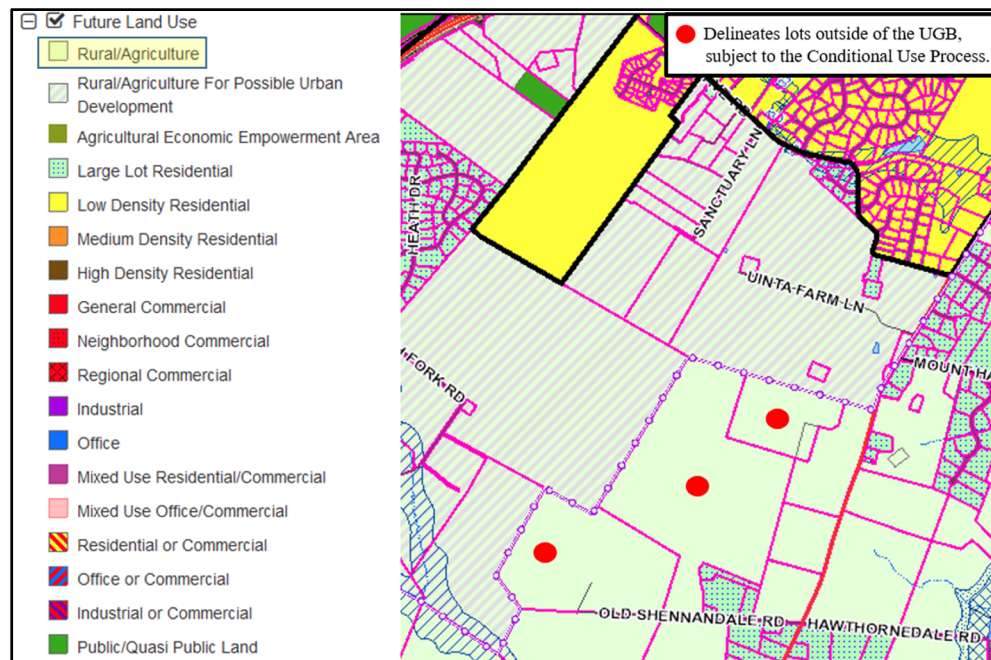
“The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit:

- A. The Board shall consider each Conditional Use Permit request that is filed in accordance with this Ordinance and the procedural requirements of the Board of Zoning Appeals. The Board may require reasonable conditions or special requirements which allows for the proper integration of the proposed uses into the community and are directly related to and incidental to the proposed conditional use permit. The following General Standards shall be considered by the Board in approving or denying the CUP:”

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan. (Sec. 6.3A.1)

The applicant has addressed this criteria on Page 3 of their application.

The subject parcel is shown as “Rural/Agricultural” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see exhibit on next page). The portion of the project subject to this request is located outside of the Charles Town Urban Growth Boundary.



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22-5-CUP Wild Hill Solar Project Conditional Use Permit Request

One theme repeated throughout the Comprehensive Plan is to allow non-residential uses which are compatible in scale and intensity with the rural environment to process as a conditional use (see excerpts below). In March 2017, the Zoning Ordinance was amended to update the Conditional Use Permit process in accordance with the recommendations of the Comprehensive Plan.

The Plan also includes several references to encourage the creation of and the use of renewable energy sources. It should be noted that in April 2022, the County Commission amended the Plan to clarify and state that solar energy facilities are a permitted use in areas located inside of the Urban Growth Boundary and a conditional use in areas outside of the Urban Growth Boundary (see Infrastructure and Technology Recommendation 8 on Page 93 of the amended Plan – listed below). The Zoning Ordinance was subsequently amended to include the new Section 8.20 with provisions to process Solar Energy Facilities.

Excerpts from the Envision Jefferson 2035 Comprehensive Plan

“...This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and intensity with the rural environment and poses no threat to public health, safety, and welfare.” (Page 36, Rural Land Use)

“Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.” (Page 39, Recommendation #4.b – Rural Land Use Planning Recommendations (Goal 2))

“This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare.” (Page 74, Rural Economic Activities)

“Recommendation 5: Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.

Recommendation 5b: Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations. (Page 77, Agricultural and Rural Economy Recommendations (Goal 8))”

Recommendation 8: Encourage public entities to utilize alternative and renewable energy sources for a variety of needs, specifically Solar Energy Facilities in areas inside of the Urban Growth Boundary and the Preferred Growth Area as a Principal Permitted Use, and outside of the Urban Growth Boundary and the Preferred Growth Area, by the Conditional Use Process. *(amended by action of the County Commission 04-05-22 and affirmed by the Planning Commission on 04-12-22.)*

8.a Enable the construction of renewable energy generation facilities by residents and businesses.

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22-5-CUP Wild Hill Solar Project Conditional Use Permit Request

- 2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare. (Sec. 6.3A.2)**

The applicant has addressed this criteria on Page 4 of their application.

- 3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. (Sec. 6.3A.3)**

The proposed solar energy facility is not anticipated to have any impact on future development and use of adjacent land and buildings. The applicant has addressed this criteria on page 5 of their application.

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

The applicant shall comply with the buffer requirements established in Section 8.20 of the Zoning Ordinance. The Concept Plan exhibit reflects compliance with the landscaping buffer requirements. The applicant has addressed this criteria on Pages 5 & 6 of their application.

- 5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance. (Sec. 6.3A.5)**

As part of the Conditional Use Permit application, the applicant was informed of this criteria and shall comply with this standard. The applicant has acknowledge and stated they will comply with this requirement on page 6 of their application.

- 6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. (Sec. 6.3A.6)**

Kabletown Road (CR 25) is classified as a Major Collector (secondary road). The applicant has provided trip generation data for Kabletown Road on Pages 6 & 7 of their application.

- 7. Historic Landmarks Commission's Findings related to the proposed land use. (Sec. 6.3A.7)**

The subject properties do not contain any Category I or II historic sites as defined by the Zoning Ordinance; therefore, this criteria does not apply. As part of the Concept Plan process, the Historic Landmarks Commission will be notified of the proposed project.

The applicant represented that a Phase I Archeological Survey was completed and that it was approved by the State Historic Preservation Office (SHPO) of the West Virginia Division of Culture and History (see page 8 of their application).

- 8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6. (Sec. 6.3A.8)**

Section 8.20 of the Zoning Ordinance states that no signage or advertising is permitted on the solar energy facility, other than an identifying sign at the entrance of the facility, which shall be approved administratively in accordance with Article 10.

B. Setback Standards to operate a Nature Center and Preserve:

Enclosed structures over 250 square feet that are solely for the purpose of housing animals shall be setback 50 feet.

All structures and motorized trails shall meet commercial setbacks of 25 feet with the exception that accessory structures under 250 square feet that are associated with the maintenance of the land use shall be setback ten feet.

All non-motorized trails and non-amplified outdoor activity areas shall meet a minimum ten foot setback. Motorized vehicles associated with the maintenance of the land use are permitted within the non-motorized trails.

C. Landscaping Standards to operate a Nature Center and Preserve:

In lieu of this Ordinance's landscaping standards, a ten foot woodland preservation buffer shall be required along the perimeter of the land use. This ten foot buffer is not required along the interior property lines of the land use. There shall be no clearing or cutting within the buffer with the exception of removing dead, dying, and/or diseased trees. The woodland preservation buffer may be used for passive recreation such as pedestrian, bike, or equestrian trails provided that:

1. No trees, shrubs, hedges, or walls are removed.
2. Not more than 20% of the width of the buffer is impervious surface.
3. The total width of the buffer area is maintained.

D. Noise Standards to operate a Nature Center and Preserve:

This land use is restricted to the noise standards of Section 8.9A.1 of this Ordinance. The Residential Growth District measurement shall apply when the use is adjacent to a lot that contains a residence, or is zoned Rural or Residential Growth.

Section 8.19 Crematorium³⁷

A. Crematorium, Livestock

A Livestock Crematorium shall process as a Conditional Use Permit in all zoning districts other than Rural, unless such use is determined by the Zoning Administrator to be accessory to an active agricultural use.

B. Crematorium, Pet

A Pet Crematorium shall process as a Principal Permitted or Conditional Use in zones as designated in Appendix C. In the Rural Zoning District, a Pet Crematorium may process utilizing the Site Plan Exemption for the Rural District.

Section 8.20 Solar Energy Facilities⁴³

Solar Energy Facilities shall process as a Principal Permitted Use in areas inside of the Urban Growth Boundary and the Preferred Growth Area as delineated on the Future Land Use Guide in the Comprehensive Plan. Solar Energy Facilities shall process as a Conditional Use in areas outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA).

All projects shall process a Concept Plan in accordance with the requirements listed below under Subsection B. For projects that require processing a Conditional Use Permit, a Concept Plan shall process subsequent to the Board of Zoning Appeals approval.

For projects that will occur across parcels located both inside and outside the County's UGB/PGA areas, an applicant may choose to process in two phases, with the first phase addressing the parcels located within the UGB/PGA areas as a Principal Permitted Use and the second phase processing a Conditional Use Permit to allow the Board to evaluate compatibility of the second the phase outside of the UGB/PGA areas. Should the Board issue a Conditional Use Permit, a Concept Plan shall process and shall include an exhibit depicting the full-buildout of the entire Solar Energy Facility project.

A Pre-Proposal Conference is recommended for all solar projects, pursuant to the Jefferson County Subdivision and Land Development Regulations.

A. Process for Solar Energy Facilities as a Conditional Use

1. Projects which will occur on properties located outside of the UGB/PGA areas as delineated on the Future Land Use Guide shall process a Conditional Use in accordance with Article 6.
2. In addition to the criteria established in Article 6, the following exhibits shall be included with the Conditional Use Permit application for the Board's evaluation:
 - a. Submit a sketch depicting the location of the proposed project and delineate the distance of the panels from the external property lines.
 - b. Submit a brief description of the timeline of the lease or operating plan, and an overview of the plan for removal of the solar energy facility. The decommissioning plan and bond shall be in accordance with the West Virginia Department of Environmental Protection (WVDEP), pursuant to WV State Code §22-32-1, et. sec. or its successor.
3. Should the Board issue a Conditional Use Permit, the applicant shall proceed with application for a Concept Plan, pursuant to the criteria listed below under subsection B.

B. Process for Solar Energy Facilities as a Principal Permitted Use

1. A Concept Plan, pursuant to the Minor Site Development Concept Plan standards established in the Jefferson County Subdivision and Land Development Regulations is required; except that after the Planning Commission direction is given, the next steps are Application for a Zoning Certificate and Building Permit. In addition to the Concept Plan requirements outlined in the Subdivision Regulations, the Concept Plan shall also include the following criteria:
 - a. Property or Properties Location;
 - b. Access Points;
 - c. Anticipated location of all proposed components of the Solar Energy Facility. Each proposed solar panel is not required to be shown on the Concept Plan, if compliance with setbacks can be established by what is depicted on the Concept Plan; and
 - d. Landscaping, Buffering, Ground Cover Plan, and Fencing. The landscaping plan shall include a note stating, "It will be the responsibility of the landowner to replace any trees, shrubs, or vegetation that die."

If the project is to be completed in phases, the Concept Plan shall reflect phasing of the project.

2. Decommissioning Outline

- a. A narrative outlining the decommissioning of the Solar Energy Facility shall be included with the Concept Plan. This narrative shall include a description of the timeline of the lease or operating plan, and a general plan for removal of the Solar Energy Facility.

- b. The company shall provide to the Department of Engineering, Planning, and Zoning proof of application for a decommissioning plan and bond when such application is filed with the WVDEP as required by WV State Code §22-32-1, et. sec. or its successor.
- c. Staff shall be notified by certified mail at least 60 days in advance of the intended decommissioning of the Solar Energy Facility. Staff will place the notice on the next regularly scheduled Planning Commission meeting under “non-actionable correspondence”.
- d. Failure of the Lessee or Property Owner to meet and/or comply with the decommissioning plan as approved by the WVDEP may result in legal action pursuant to Article 3, Section 3.3 of this Ordinance and/or any applicable State Law.

C. Setbacks, Landscaping, and Buffer Standards for a Solar Energy Facility

- 1. Multiple adjacent properties under the same ownership or lease by the same company shall be considered one property for the purpose of these regulations. Internal boundary lines on adjacent properties under the same ownership or lease by the same company are not subject to the setbacks or buffer requirements provided below.
- 2. Setbacks
 - a. Solar Panels
 - i. Front, Side, and Rear Setbacks shall be 100 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.
 - ii. The above referenced setback may be decreased to 50 feet provided it includes a six foot high opaque buffer within the setback area comprised of two rows of evergreen trees that are six feet tall at the time of planting or a solid fence. Alternatively, a 50 foot strip of existing, mature woodlands may be allowed in lieu of a planted buffer or fence if documentation is submitted documenting how the existing mature woodlands complies with the required buffer standard.
 - iii. Solar panels and accessory components may be located on a common side or rear lot line of contiguous property owned by the same entity.
 - b. Accessory components, excluding solar panels and underground utilities.
 - i. Front, side, and rear setbacks shall be 25 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.
- 3. Landscaping and Buffer Standards
 - a. Solar Panels that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use or structure as determined by the Zoning Administrator, shall provide a 20 foot wide buffer along common property lines. The buffer shall be provided anywhere within the 200 foot radius from the structures/uses herein and is not required to be provided along the entire length of the common property line.
 - b. The buffer screen may be either vegetative or opaque fencing and may be placed anywhere within the buffer area. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers. Existing, natural vegetation may be used in lieu of a planted buffer if documentation is submitted to the Zoning Administrator verifying how the existing natural vegetation complies with the required buffer standard.
 - c. Accessory Components (excluding solar panels) that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use as determined by the Zoning Administrator, shall comply with the commercial provisions of

Section 4.11, with the exception that the Zoning Administrator can allow the use of existing, natural vegetation as appropriate to achieve the intent of the required buffering.

4. Security and Access

- a. A security fence with secured gates shall be erected around the operating areas of the Solar Energy Facility with a minimum height of six feet and a maximum height of ten feet.
 - i. Arrangements shall be made with the appropriate Fire Department for Access. A letter documenting approval of access from the Fire Department shall be provided with the Zoning Certificate application. The Fire Department shall respond within 15 days of the date of the letter. If no response is provided, the Fire Department shall be deemed by this Ordinance to have approved the access.
 - ii. Upon three business days' notice by the Department of Engineering, Planning, and Zoning, access shall be provided to Staff.

D. A Zoning Certificate based on an approved Concept Plan is required prior to initiating any use regarding Solar Energy Facilities.

In addition to the standards found in Section 8.20, any Zoning Certificate regarding Solar Energy Facilities shall be issued conditioned on all other State Regulations and approvals being granted, including, but not limited to, the WV Public Service Commission, WVDEP applicable NPDES Permits and Decommissioning Bonds, Fire Marshal approval, Building Permits through the Department of Engineering, Planning, and Zoning, and approval of the Stormwater Management Report pursuant to the Jefferson County Stormwater Management Ordinance.

E. Stormwater Management

Stormwater Management shall be required in accordance with the Jefferson County Stormwater Management Ordinance. Solar Energy Facilities may be exempt from providing stormwater management if the conditions for granting exemption under Article I.D.2.h of the Stormwater Management Ordinance are satisfied.

F. General Requirements

1. Design, construction, and installation of the Solar Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM) or other similar certifying organizations and shall comply with the West Virginia Fire and Building Codes, including compliance with the Jefferson County Building Code.
2. Prior to commencing the transmission of electricity, the Solar Energy Facility shall provide documentation evidencing an interconnection agreement or similar agreement with the applicable public utility or approved entity in accordance with applicable law.
3. Generation of electrical power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.
4. Solvents necessary for the cleaning of the Solar Panels shall be biodegradable.
5. Internal wiring, excluding that which is on or between the Solar Arrays, connected to substations or between Solar Panels, shall be located underground, except where necessary to mitigate impact to environmental and/or terrain features.
6. Onsite lighting shall be the minimum necessary for security and onsite management and maintenance and shall comply with the standards outlined in the Subdivision Regulations.

7. Photovoltaic Panels shall use antireflective glass that is designed to absorb rather than reflect light.
8. Ground Cover comprised of natural vegetation is required. Ground cover that uses native or naturalized perennial vegetation and that provides foraging habitat that is beneficial for songbirds, gamebirds, and pollinators is encouraged but not required.
9. Collocation of other agricultural activities such as small market hand-picked crops, grazing, and apiary activities are permitted and encouraged.
10. No signage or advertising is permitted on the Solar Energy Facility other than an identifying sign at the entrance of the Facility that shall be approved by the Zoning Administrator in accordance with Article 10. All other signage must be approved by Special Exception by the Board of Zoning Appeals.
11. Solar Energy Facilities shall comply with Article 8, Section 8.9 of this Ordinance.
12. The Solar Energy Facility Use is not considered abandoned until such time it is Decommissioned.
13. Damaged or unusable panels shall be repaired, replaced, or removed within 60 days from discovery of damage; provided, however, longer periods may be approved by the County Engineer due to extenuating circumstances.



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

File #: 22-5-CUP
R'cvd Date: 07/ 06 / 22
Mtg. Date: 08/ 25 / 22
Fee Paid: \$ 13,500
Staff Int.: jth

Email: zoning@jeffersoncountywv.org

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

Application for a Conditional Use Permit

Project Name

Property Owner Information

Name: _____
Business Name: _____
Mailing Address: _____ Mail ☐ Yes
Phone Number: _____ Email Response: _____ Response: ☐ No

Applicant Information

Name: _____
Business Name: _____
Mailing Address: _____ Mail ☐ Yes
Phone Number: _____ Email Response: _____ Response: ☐ No

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

Name: _____
Business Name: _____
Mailing Address: _____ Mail ☐ Yes
Phone Number: _____ Email Response: _____ Response: ☐ No

Physical Property Details

Physical Address: _____
Tax District: _____ Map No: _____ Parcel No: _____
Parcel Size: _____ Deed Book: _____ Page No: _____

Zoning District (please check one)

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

* For properties in the Rural Zoning District:
Is property located on a primary or secondary road?

☐ Yes ☐ No

Name of Road and/or Route Number: _____

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

Solar Energy Facility (per Draft Amendment Section 8.2 Dated May 17th 2022). Proposed land use consist of the construction of a Solar Energy Facility on approx. 841 acres of leased land on six parcels in the Kabletown and Charles Town Tax Districts. Connecting to the existing 138kV overhead electric transmission line.

Please provide any information or known history regarding this property.

Zoned Rural. The subject properties have been historically used as agricultural land.

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

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

See Attached

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

See Attached

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

See Attached

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

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

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

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

☒ Applicable (Trip Generation Data attached)

☐ Not Applicable

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

Clarence E. Hough 6-21-22
Property Owner Date
Donna J. Hough 6-21-22

6-21-22
Susan B. Hough 6-21-22
Property Owner Date

CONIDTIONAL USE PERMIT SUBMITTAL MATERIALS

Reponses to Application Items

1. Compatibility of the Use with the Goals of the Comprehensive Plan:

- The site is compatible with the goals of the comprehensive plan and will ensure the preservation and enhancement of the agricultural economy, rural land use, rural neighborhoods, and rural character of Jefferson County. As discussed below, the facility will be only a temporary land use; the project will be subject to state law requiring a bond to decommission the solar facility and restore the land after the life of the solar facility ends. The project will assist the site owners, who are farmers who desire to retain an agricultural use of their adjacent properties, by providing supplemental income that will allow them to maintain the adjacent agricultural use.
- This facility will be adjacent to, and a continuation of, a proposed solar facility that will be within the Urban Growth Boundary. It thereby minimizes the use of properties not already subject to approval as a Principal Permitted Use. This solar facility would also have easy access to the grid since it is traversed by an existing overhead transmission line. Therefore, a proposed solar facility, located adjacent to a solar facility, and having its own access to the grid is more compatible to the goals than a solar facility located further away, which would require construction of new and extensive infrastructure across rural areas to connect to the grid. By locating adjacent to existing transmission infrastructure, the facility minimizes impacts on surrounding rural and agricultural uses.
- This proposed Wild Hill Solar Facility was already processed and approved under the Planning Commission and County Commission approved Ordinance Amendments as shown on the attached Concept Plan (File #21-3-SP). It was the only Solar Project that was processed through the entire Concept Plan process and was approved as a Principal Permitted Use, meeting both the Zoning Standards and the Concept Plan requirements in effect at the time of processing. Since that approval, nearly the same Concept Plan Standards have been adopted by the County, along with the same landscaping, setbacks and buffering requirements. This Concept Plan presented now is the same Plan that was approved under those standards at that time. The only thing that has changed is that the Solar Zoning Standards have changed to allow the majority of the Wild Hill Project as a Principal Permitted Use and a smaller portion of the project as a Conditional Use.
- The existing landowners of facility will continue to be the landowners, leasing their land for the generation of solar energy. They will continue to farm on their adjacent land. Also, once the lease ends for the solar facility, this land can be converted back to farmland after the Solar Farm is decommissioned, unlike other properties and farms that may be permanently converted into housing developments.

2. Compatibility of Use in Intensity and Scale with the Existing and Potential Land Uses on the Enjoining and Confronting Properties and Without Posing Risks to Public Health and Welfare:

- Again, the Concept Plan (File #21-3-SP) was already approved as designed in conformance with the previous standards and the newly adopted standards of the Zoning and Site Development Ordinances. This proposed Wild Hill Solar Facility project is subject to the CUP process and will be adjacent to, and a continuation of, a larger proposed solar facility within the Urban Growth Boundary, subject to this PPU process, which was already processed with the Concept Plan 21-3-SP. The solar facility within the urban growth will bound this proposed facility on two sides to the west and north, and is approximately twice the land area of this proposed solar facility.
- Accordingly, this smaller portion of the project that is subject to the CUP process is compatible in scale and intensity to the Principal Permitted Use of the larger portion of the project to the West. The other areas around the CUP portion will continue to be farmed during the duration of the Wild Hill Solar Project and will be reclaimed as farmland at the conclusion of the project.
- Several of the property owners (Clarence and Donna Hough, Todd and Susan Hough, Charles and Marie Hough) own parcels that are either within the proposed solar facility in the urban Growth Boundary or on adjacent land outside of the proposed solar facility. Those existing landowners will continue to farm on their adjacent lands.
- Once the lease ends for the solar facility, this land can be converted back to farmland after the solar farm is decommissioned, unlike other properties and farms that may be converted into housing developments.
- The scale and intensity of the use of the CUP area of the Wild Hill Solar Project will also remain compatible with the surrounding land uses in terms of sound, traffic, dust, and other things typically involved in the farming of the surrounding areas.
- It will be less intrusive than the permitted residential development in the rural district which could develop into one house lot for every 5 acres of a farm. So, all of the surrounding land could develop into 20 houses per 100 acres, which would be more intensive than the development of solar panels that need virtually no services and cause little noise and hardly any traffic.
- Furthermore, the solar panels and support infrastructure will use industry approved material and will be installed utilizing the Public Service Commission, Department of Environmental Protection, Department of Highway, and Jefferson County newly written standards so that there will be no risks to public health and welfare.

- Photovoltaic (PV) solar cells are inherently passive in operation, air, water, noise, and light pollution will be negligible. Low maintenance requirements will minimize site traffic.
- The project will consist of rows of solar modules with internal access roads, commercial entrance off Kabletown Road, will be surrounded by security fencing and required zoning buffer, screening and stormwater management. The site will be seeded with pollinator friendly and resistant ground cover. Existing vegetations and trees will be retained to the extent possible at outside property boundaries and buffer areas to assist in natural screening.

3. Use Will Not Hinder or Discourage the Appropriate Development and Use of Adjacent Land and Buildings:

- The Development of the Wild Hill Solar Facility will be in compliance with both the Zoning and Concept Plan Standards that were written and approved by Jefferson County. All other permitted uses, existing, proposed, or possible, will still be able to be developed without harm because of the existence of the portion of the Project that is subject to the CUP. This includes potential rural housing developments or the continuation of farming on the adjacent and confronting lands.
- Furthermore, the development of the Solar Facility requires suitable buffers to the neighboring properties based on the various surrounding uses that will be installed and maintained by the applicant.
- Wild Hill proposes to lease these parcels for a period of 30 or more years. If the solar facility is decommissioned after 30 years, this land can be reverted back to farming activities.
- The project will consist of rows of solar modules with internal access roads, commercial entrance(s), will be surrounded by security fencing and required zoning buffer, screening and stormwater management. The site will be seeded with pollinator friendly and resistant ground cover reducing soil erosion, and dust, odor and noise pollution that is currently generated by farming activities.
- Existing vegetations and trees will be retained to the extent possible at outside property boundaries and buffer areas to assist in natural screening. As mentioned above, the solar farm is inherently passive in operation. Daily vehicle trips for maintenance will be minimal and will not produce conditions that hinder growth on adjacent properties.

4. Neighborhood Character and Surrounding Property Values will be Safeguarded by the Implementation of the Buffering Requirements:

- This proposed Wild Hill Solar Facility will follow the new buffering requirements in the ordinance that were tailored just for solar facilities. These buffer requirements were

developed with the first set of amendments to the ordinances and were kept in the second adopted set of standards. These standards were developed using public comment and staff and Planning Commission study of many Solar Facility Ordinances around the country. These standards are greater than many other higher intensity commercial developments.

- The original Concept Plan 21-3-SP met and exceeded these buffering standards after the initial public concept plan workshop. The Applicant has carried the same standards forward with this plan.

Most of the area subject to this facility is on and adjacent to agricultural lands that are already buffered from housing and roads. Two county requirements will minimize any visual impacts: First, the county stormwater management requirements limit the lowest point of the panel to the ground to be not more than 10 feet. Second, the Ordinance establishes a minimum buffer distance between the solar panels and external project boundary lines of 100 and 200 feet from neighboring residences or historic structure. In addition, solar panels proposed for this project will have a maximum highest point of 10 feet which is well under the county's stormwater management requirement, further reducing any visual impacts. Also, any existing or proposed plantings or fencing used for buffering shall be maintained or replaced by the applicant. In order to comply with the West Virginia Public Service Commission's Siting Certificate, this solar facility had to conduct an Architectural Survey where the view shed was reviewed from local historic properties and districts. This survey was reviewed and approved by the State Historic Preservation Office (SHPO) of the West Virginia Division of Culture and History.

- The future values will be protected by the fact that the developed areas in the CUP portion can be returned to open land at the conclusion of the Solar leases. Farmers will remain the owners of the land for the foreseeable future.

5. Commercial and Industrial Development Shall be in Conformance with Article 8, Section 8.9:

- This CUP Plan and the Concept Plan Process will be approved with this condition. The Applicant recognizes Section 8.9 and will be in conformance.

6. Traffic

The proposed commercial entrance is on Kabletown Road (CR 25). CR 25 carries around 1,630 Average Daily Traffic (ADT) (West Virginia Division of Transportation Data Viewer). The roadway is one lane in each direction with a posted speed limit of 40 mph. The pavement width is approximately 20 feet with two 10-foot travel lanes, with variable width shoulders from 0 feet to 1.5 feet. The minimum right-of-way width is 30 feet (15 feet from centerline). The road surface appears to be in good condition. Peak period traffic volumes do not exceed 180 vehicles for both directions. Peak traffic periods are 7 to 8 a.m. and 4 to 5 p.m.

- Potesta & Associates, Inc. (POTESTA) contacted the West Virginia Division of Highways' (WVDOH) District 5 office and requested that they review this location off Kabletown Road to determine if this would be a viable entrance location. A stake was placed at the proposed entrance and WVDOH verified, by viewing this stake in the field, that this location should be viable. This information was relayed to POTESTA on June 3, 2020. POTESTA also conducted a sight distance profile and determined that this entrance meets the WVDOH sight distance requirements.
- Due to the limited personnel, the operations and maintenance of the solar facility will result in minimal vehicular traffic generation. Two to three utility-type maintenance vehicles would be anticipated to support the site operations. These vehicles would be anticipated to generate an average of two trips per day with a maximum of four trips per day. The maintenance and operations work efforts would generally require vehicular trips to the site outside of the a.m. and p.m. peak traffic periods. Occasional water delivery trucks (one per week) would be anticipated to the facility, but the need would be sporadic, and their delivery times would vary during the day and would generally be outside of the a.m. and p.m. peak traffic periods. Typical operation and maintenance procedures for the facility would include inspection of each of the solar panel sites on a frequency of at least once per week, informal site inspections and corrective maintenance for the facility occurring on an as-needed basis, conducting ground maintenance of the facility during growing season months (a couple times per year if mechanically mowing), or multiple times per week if managing alternate strategies such as sheep grazing.
- Trip Generation – “Solar Facility” is not listed on table 24-119.B.5.b, nor is it included in the International Transportation Manual; therefore, trip generation data developed for a previous EDF Solar facility project will be presented for this project.

Per “EDF Morris Ridge Solar Farm – Effect on Transportation Report, April 2020”

Trip Generation for Wild Hill

- ☐ Vehicles per Day = 2-3 vpd
- ☐ Maximum and Average Trips Per Day = Max-4 vpd / Ave-2 vpd
- Due to the minimal trips generated by the maintenance and operations of the facility, the existing low volume of traffic along the site access roadways and the rural nature of the site (not an urbanized congested location), the traffic impacts on the roadway operating level of service will be negligible.

Highway Problem Areas

None within a 1-mile radius of the facility's proposed entrance on Kabletown Road, although Highway Problem Areas 27 and 28 are located at two 90-degree turns on Myerstown Road, which connects Kabletown Road to US Route 340. This route from the proposed entrance via Kabletown Road/Myerstown Road to US Route 340 (an arterial route) is not expected to be the common route

from this facility. The common route from this facility to the closest arterial route is expected to be via Kabletown Road to Route 155 and then to US Route 340. If travelers from the facility do access US Route 340 via Myerstown Road, the anticipated very low trip generation from this site is not expected to have an adverse effect on local traffic patterns.

7. Historic Compliance

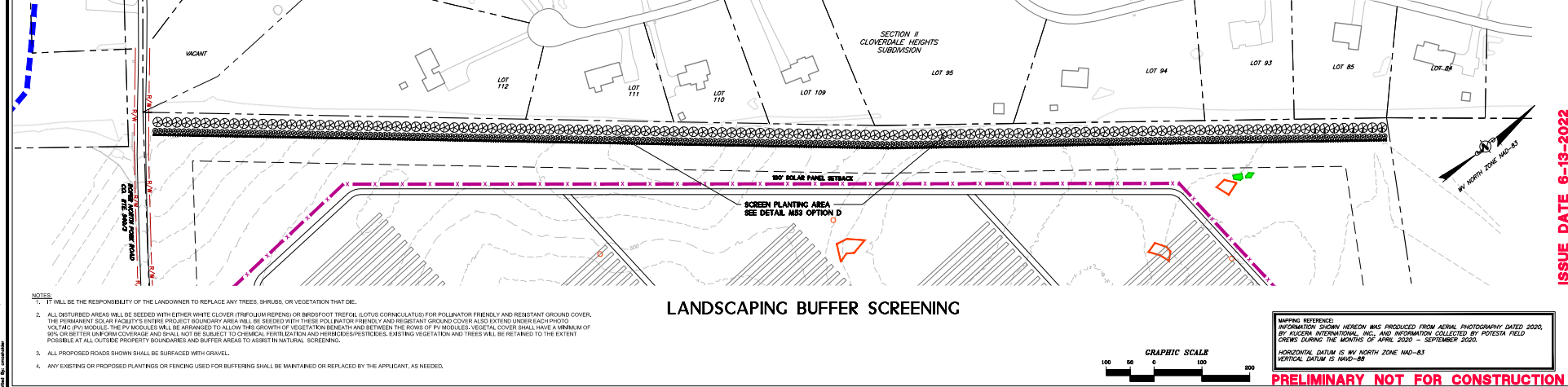
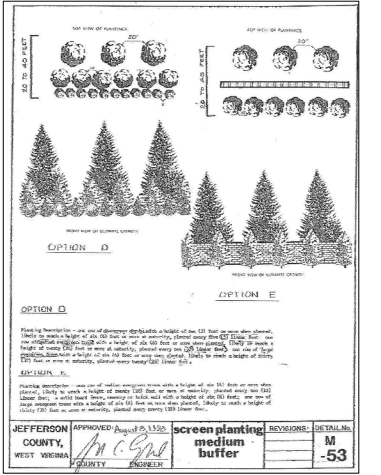
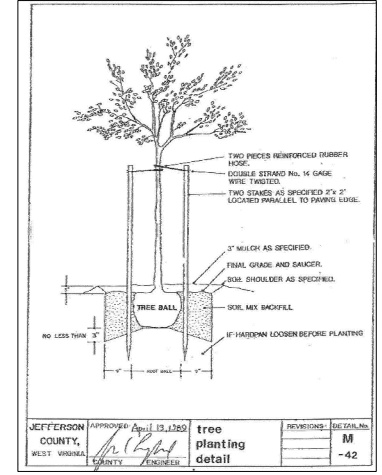
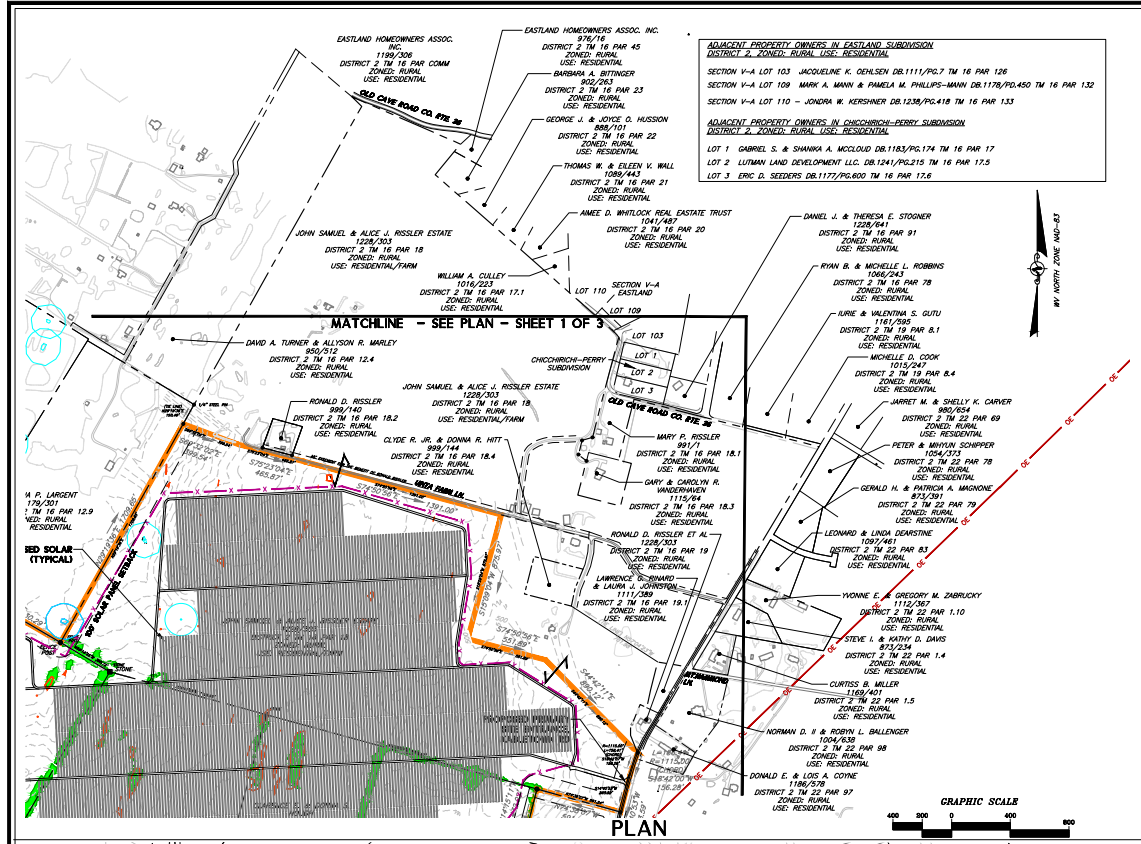
- In order to comply with the West Virginia Public Service Commission's Siting Certificate, this solar facility had to conduct a Phase I Archeological Survey, and Architectural Survey. Both of those surveys were approved by the State Historic Preservation Office (SHPO) of the West Virginia Division of Culture and History.
- The proposed buffering requirements per the ordinance amendment are greater for historic structures and areas, and the plan meets those standards. The Historic Landmarks Commission is welcome to comment on the plan.

PHYSICAL PROPERTY DETAILS

Property Owner	Charles E. & Marie S. Hough – LIFE	T. Todd & Susan H. Hough, Trustees	Clarence & Donna S. Hough
Physical Address	620 Old Shennandale Road Charles Town, WV 25414	340 Old Shennandale Road Charles Town, WV 25414	Vacant Parcel – north of the property located at 340 Old Shennandale Road Charles Town, WV 25414
Phone Number	(304) 725-5790	(304) 279-0132	(304) 725-9655
Deed Book	1209	1125	1212
Page	172	476	57
Parcel ID	District 6, TM#11, Parcel 8	District 6, TM#5, Parcel 1	District 6, TM#5, Parcel 6
Zoning District	Rural	Rural	Rural
Total Parcel Size	118.05 Acres	206.84 Acres	49.04 Acres
Project Area	32.11 Acres	181.70 Acres	49.04 Acres
in Urban Growth Area?	NO	NO	NO

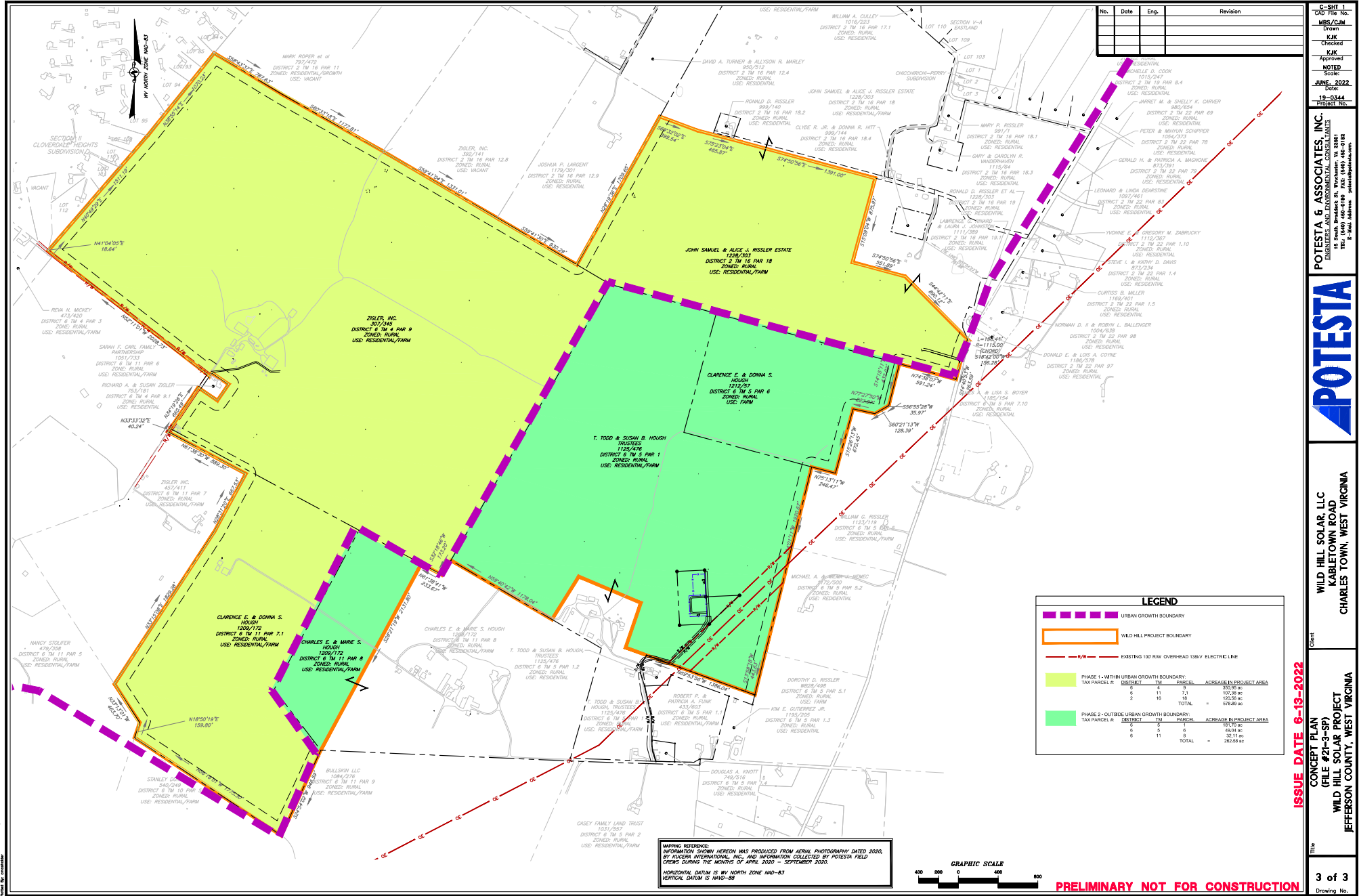
ADJOINING PROPERTIES

1. TM 5 PAR 5
Owner: William G. & Barbara W. Rissler
Address: 3432 Macintyre Drive, Murrys ville, PA 15668
2. TM 5 PAR 5.2
Owner: Michael A. & Wilma J. Nemec
Address: 5203 Kabletown Road, Charles Town, WV 25414
3. TM 5 PAR 5.1
Owner: Dorothy D. Rissler
Address: 4052 Cypress Street, Zachary, LA 70791
4. TM 5 PAR 1.2
Owner: Todd T. & Susan B. Hough, Trustees
Address: 219 Ann Lewis Road, Charles Town, WV 25414
5. TM 11 PAR 8
Owner: Charles E. & Marie S. Hough
Address: 620 Old Shennandale Road, Charles Town, WV 25414
6. TM 16 PAR18
Owner: John Samuel & Alice J. Rissler Estate
Address: 616 Uinta Farm Lane, Charles Town, WV 25414
7. TM 4 PAR 9
Owner: Zigler, Inc.
Address: 1083 Roper North Fork Road, Charles Town, WV 25414
8. TM 11 PAR 7.1
Owner: Clarence E. & Donna S. Hough
Address: 620 Old Shennandale Road, Charles Town, WV 25414



MAPPING REFERENCE:
INFORMATION SHOWN HEREON WAS PRODUCED FROM AERIAL PHOTOGRAPHY DATED 2020,
BY ACCEM INTERNATIONAL, INC., AND INFORMATION COLLECTED BY POTESTA FIELD
CREWS DURING THE MONTHS OF APRIL 2020 - SEPTEMBER 2020.
HORIZONTAL DATUM IS WY NORTH ZONE NAD-83
VERTICAL DATUM IS NAVD-88

PRELIMINARY NOT FOR CONSTRUCTION



No.	Date	Eng.	Revision
1			
2			
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C-SHT 1
CAD FILE NO.
MS/TC/M
Drawn
KJK
Checked
KJK
Approved
Score
JUNE 2022
19-0344
PROJECT NO.

POTESTA & ASSOCIATES, INC.
LANDSCAPE AND ENVIRONMENTAL CONSULTANTS
15 South Broad Street, Suite 200, Charlottesville, VA 22901
TEL: (800) 600-8186 FAX: (434) 446-9186
E: info@potesta.com WEBSITE: www.potesta.com



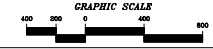
WILD HILL SOLAR, LLC
KABLETOWN ROAD
CHARLES TOWN, WEST VIRGINIA

Client
CONCEPT PLAN
(FILE #21-3-SP)
WILD HILL SOLAR PROJECT
JEFFERSON COUNTY, WEST VIRGINIA

Title
3 of 3
Drawing No.

LEGEND			
URBAN GROWTH BOUNDARY			
WILD HILL PROJECT BOUNDARY			
EXISTING 107 KV OVERHEAD 138V ELECTRIC LINE			
PHASE 1 - WITHIN URBAN GROWTH BOUNDARY			
TAX PARCEL #	DISTRICT	TM	PARCEL
6	4	8	355.85 ac
6	11	7.1	107.28 ac
2	16	16	135.56 ac
TOTAL			598.69 ac
PHASE 2 - OUTSIDE URBAN GROWTH BOUNDARY			
TAX PARCEL #	DISTRICT	TM	PARCEL
6	5	6	45.94 ac
6	11	8	32.17 ac
TOTAL			78.11 ac

MAPING REFERENCE:
INFORMATION SHOWN HEREON WAS PRODUCED FROM AERIAL PHOTOGRAPHY DATED 2020,
BY KUSHA INTERNATIONAL, INC., AND INFORMATION COLLECTED BY POTESTA FIELD
CREWS DURING THE MONTHS OF APRIL 2020 - SEPTEMBER 2020.
HORIZONTAL DATUM IS BY NORTH ZONE NAD-83
VERTICAL DATUM IS NAVD-88



PRELIMINARY NOT FOR CONSTRUCTION

CONCEPT PLAN SUBMITTAL MATERIALS

Wild Hill Solar Project Kabletown, West Virginia

Prepared for:

**Wild Hill Solar, LLC an Indirect Subsidiary of
EDF Renewables, Inc.**

10 Second Street, NE, Suite 400
Minneapolis, Minnesota 55413

Prepared by:

Potesta & Associates, Inc.

7012 MacCorkle Avenue, SE
Charleston, West Virginia 25304
Phone: (304) 342-1400 Fax: (304) 343-9031
Email: potesta@potesta.com

Project No. 0101-19-0344-001

June 9, 2022

The logo for Potesta & Associates, Inc. features the word "POTESTA" in a bold, dark blue, sans-serif font. To the left of the text is a stylized graphic element consisting of a dark blue triangle pointing right, with a lighter blue triangle inside it, creating a sense of depth or a 3D effect. The entire logo is set against a white background.

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REVISED CONCEPT PLAN SUBMITTAL MATERIALS

Wild Hill Solar Project Kabletown, West Virginia

1.0 PROJECT DESCRIPTION

Wild Hill Solar, LLC (Wild Hill) an indirect subsidiary of EDF Renewables, Inc (EDF), is proposing to construct a 92.5-megawatt alternating current solar energy generating facility, known as Wild Hill Solar (the Project), on approximately 841 acres on six contiguous parcels owned by five separate property owners. The project is located approximately 2.5 miles south of the city of Charles Town situated between U.S. Highway 340 (to the west) and Route 25, Kabletown Road, (to the east) and is surrounded by agricultural and residential land uses. Approximately 579 acres of this solar project land is within the Urban Growth Boundary, and approximately 262 acres are outside of this Urban Growth Boundary. Wild Hill proposes to lease these parcels for a period of 30 or more years. The project will consist of rows of solar modules which are installed in arrays dispersed throughout the leased land. The project will have a substation connected to the existing 138-kilovolt overhead electrical transmission line passing through the southeast corner of the project area. This substation will be situated on a proposed 4.61-acre subdivided parcel which will have a 50-foot access easement through Mr. Todd Hough's property off of Shennandale Road. The project will include internal access roads, commercial entrance(s), will be surrounded by security fencing and required zoning buffer, and stormwater management.

2.0 PROJECT AND ADJOINING PROPERTIES

Parcels to be Leased (within Solar Project)

Property Owner	Zigler, Inc.	Clarence & Donna S. Hough	John Samuel & Alice J. Rissler Estate	Charles E. & Marie S. Hough – LIFE	T. Todd & Susan H. Hough, Trustees	Clarence & Donna S. Hough
Physical Address	1079 Roper North Fork Rd., Charles Town, WV 25414	Vacant Parcel - east of the property located at 1343 Roper North Fork Rd. Charles Town, WV 25414	616 Uinta Farm Ln., Charles Town, WV 25414	620 Old Shennandale Rd., Charles Town, WV 25414	340 Old Shennandale Rd., Charles Town, WV 25414	Vacant Parcel – north of the property located at 340 Old Shennandale Rd., Charles Town, WV 25414
Deed Book	307	1209	1228	1209	1125	1212
Page	345	172	303	172	476	57
Parcel ID	District 6, TM#4, Parcel 9	District 6, TM#11, Parcel 7.1	District 2, TM#16, Parcel 18	District 6, TM#11, Parcel 8	District 6, TM#5, Parcel 1	District 6, TM#5, Parcel 6
Zoning District	Rural	Rural	Rural	Rural	Rural	Rural

Total Parcel Size	350.95 Acres	107.38 Acres	293.33 Acres	118.05 Acres	206.84 Acres	49.04 Acres
Project Area	350.95 Acres	107.38 Acres	120.56 Acres	32.11 Acres	181.70 Acres	49.04 Acres
in Urban Growth Area?	YES	YES	YES	NO	NO	NO

Adjoining Property Information

- | | |
|--|--|
| <p>1. Vacant TM 4 PAR 4
Owner: Cloverdale Heights Homeowners Association Inc.
Address: 209 Cloverdale Road
Charles Town, WV 25414
Zoned: Rural</p> <p>2. Lot 112 TM 4 PAR 121
Owner: Amanda L. Thomas
Address: 153 Heath Court
Charles Town, WV 25414
Zoned: Rural</p> <p>3. Lot 111 TM 4 PAR 120
Owner: Glendwell J. & Joann L. Lloyd
Address: 133 Heath Court
Charles Town, WV 25414
Zoned: Rural</p> <p>4. Lot 110 TM 4 PAR 119
Owner: William P. & Jamie L. Loewendick
Address: 111 Heath Court
Charles Town, WV 25414
Zoned: Rural</p> <p>5. Lot 109 TM 4 PAR 118
Owner: Timothy B. & Marta C. Sheehy
Address: 71 Heath Court
Charles Town, WV 25414
Zoned: Rural</p> <p>6. Lot 95 TM 4 PAR 104
Owner: Lowell V. & Teresa L. Barnard
Address: 362 Cloverdale Road
Charles Town, WV 25414
Zoned: Rural</p> | <p>7. Lot 94 TM 4 PAR 103
Owner: Nathan A. & Katie S. Madrid
Address: 434 Cloverdale Road
Charles Town, WV 25414
Zoned: Rural</p> <p>8. Lot 93 TM 4 PAR 102
Owner: Jamie H. & Gary D. Sharp
Address: 46 Brighton Place
Charles Town, WV 25414
Zoned: Rural</p> <p>9. Lot 85 TM 4 PAR 94
Owner: Steven Krop
Address: 544 Cloverdale Road
Charles Town, WV 25414
Zoned: Rural</p> <p>10. Lot 84 TM 4 PAR 93
Owner: Randy T. & Teresa R. Kelley
Address: 582 Cloverdale Road
Charles Town, WV 25414
Zoned: Rural</p> <p>11. TM 16 PAR 11
Owner: Mark E. Roper, et al.
Address: 418 S. Samuel Street
Charles Town, WV 25414
Zoned: Residential/Growth</p> <p>12. TM 16 PAR 12.8
Owner: Zigler Inc.
Address: 1343 Roper North Fork Road
Charles Town, WV 25414
Zoned: Rural</p> |
|--|--|

13. TM 16 PAR 12.9
Owner: Joshua P. Largent
Address: 469 Sanctuary Lane
Charles Town, WV 25414
Zoned: Rural
14. TM 16 PAR 18
Owner: John Samuel & Alice J. Rissler
Estate
Address: 616 Uinta Farm Lane
Charles Town, WV 25414
Zoned: Rural
15. TM 16 PAR 18.2
Owner: Ronald D. & Tracey H. Rissler
Address: 616 Uinta Farm Lane
Charles Town, WV 25414
Zoned: Rural
16. TM 16 PAR 19.1
Owner: Lawrence G. Rinard & Laura J.
Johnston
Address: 5731 Kabletown Road
Charles Town, WV 25414
Zoned: Rural
17. TM 5 PAR 5
Owner: William G. & Barbara W.
Rissler
Address: 3432 Macintyre Drive
Murrysville, PA 15668
Zoned: Rural
18. TM 5 PAR 5.2
Owner: Michael A. & Wilma J. Nemec
Address: 5203 Kabletown Road
Charles Town, WV 25414
Zoned: Rural
19. TM 5 PAR 5.1
Owner: Dorothy D. Rissler
Address: 4052 Cypress Street
Zachary, LA 70791
Zoned: Rural
20. TM 5 PAR 1.2
Owner: Todd T. & Susan B. Hough,
Trustees
Address: 219 Ann Lewis Road
Charles Town, WV 25414
Zoned: Rural
21. TM 5 PAR 1
Owner: Todd T. & Susan B. Hough,
Trustees
Address: 219 Ann Lewis Road
Charles Town, WV 25414
Zoned: Rural
23. TM 11 PAR 9
Owner: Bullskin LLC
Address: 3250 Highland Place
Washington, DC 20008
Zoned: Rural
24. TM 10 PAR 5
Owner: Stanley W. Jr. & Katherine B. Dunn
Address: 1371 Meyerstown Road
Charles Town, WV 25414
Zoned: Rural
25. TM 11 PAR 5
Owner: Nancy C. Stolipher
Address: 1599 Roper North Fork Road
Charles Town, WV 25414
Zoned: Rural
26. TM 11 PAR 7
Owner: Zigler Inc.
Address: 1083 Roper North Fork Road
Charles Town, WV 25414
Zoned: Rural
27. TM 11 PAR 6
Owner: Sarah F. Carl Family
Partnership
Address: 14707 Essington Road
Rockville, MD 20853
Zoned: Rural

28. TM 4 PAR 9.1
Owner: Richard A. & Susan Zigler
Address: 1083 Roper North Fork Road
Charles Town, WV 25414
Zoned: Rural
29. TM 4 PAR 3.1
Owner: Reva N. Mickey
Address: 377 Roper North Fork Road
Charles Town, WV 25414
Zoned: Rural
30. TM 5 PAR 1.4
Owner: Douglas A. Knott
Address: 336 Old Shennandale Road
Charles Town, WV 25414
Zoned: Rural
31. TM 5 PAR 1.3
Owner: Kim E. Gutierrez Jr.
Address: 182 Old Shennandale Road
Charles Town, WV 25414
Zoned: Rural
32. TM 5 PAR 1.1
Owner: Robert P. & Patricia A. Funk
Address: 252 Old Shennandale Road
Charles Town, WV 25414
Zoned: Rural
33. TM 22 PAR 97
Owner: Donald E. & Lois A. Coyne.
Address: 5712 Kabletown Road
Charles Town, WV 25414
Zoned: Rural
34. TM 5 PAR 7.10
Owner: James A. & Lisa S. Boyer
Address: 5404 Kabletown Road
Charles Town, WV 25414
Zoned: Rural
35. TM 19 PAR 8.4
Owner: Michelle D. Cook
Address: 6171 Kabletown Road
Charles Town, WV 25414
Zoned: Rural
36. TM 19 PAR 8.1
Owner: Iurie & Valentina S. Gutu
Address: 80 Old Cave Road
Charles Town, WV 25414
Zoned: Rural
37. TM 16 PAR 78
Owner: Ryan B. & Michelle L. Robbins
Address: 18 Devonshire Drive
Charles Town, WV 25414
Zoned: Rural
38. TM 16 PAR 91
Owner: Daniel J. & Theresa E. Stogner
Address: 27 Devonshire Drive
Charles Town, WV 25414
Zoned: Rural
39. TM 16 PAR 17.6
Owner: Eric D. Seeders
Address: 300 Old Cave Road
Charles Town, WV 25414
Zoned: Rural
40. TM 16 PAR 18.1
Owner: Mary P. Rissler
Address: 279 Old Cave Road
Charles Town, WV 25414
Zoned: Rural
41. TM 16 PAR 18.3
Owner: Gary & Carolyn R. Vanderhaven
Address: 283 Old Cave Road
Charles Town, WV 25414
Zoned: Rural

42. TM 16 PAR 18.4
Owner: Clyde R. Jr. & Donna R. Hitt
Address: 97 Water Side Street
Ridgely, WV 26753-7336
Zoned: Rural
43. TM 16 PAR 17.5
Owner: Lutman Land Development LLC
Address: 412 W. Burr Boulevard
Kearneysville, WV 25430
Zoned: Rural
44. TM 16 PAR 17
Owner: Gabriel S. & Shanika A. McCloud
Address: 53 Monte Carlo Way
Charles Town, WV 25414
Zoned: Rural
45. TM 16 PAR 126
Owner: Jacqueline K. Oehlsen
Address: 32 Abbington Court
Charles Town, WV 25414
Zoned: Rural
46. TM 16 PAR 132
Owner: Mark A. Mann & Pamela M. Phillips-Mann
Address: 41 Abbington Court
Charles Town, WV 25414
Zoned: Rural
47. TM 16 PAR 133
Owner: Jondra W. Kershner
Address: 26 Sheffield Court
Charles Town, WV 25414
Zoned: Rural
48. TM 16 PAR 17.1
Owner: William A. Culley
Address: PO Box 217
Summit Point, WV 25446
Zoned: Rural
49. TM 16 PAR 20
Owner: Aimee D. Whitlock Real Estate Trust
Address: 39 Terrace View
Charles Town, WV 25414
Zoned: Rural
50. TM 16 PAR 21
Owner: Thomas W. & Eileen V. Wall
Address: 75 Terrace View
Charles Town, WV 25414
Zoned: Rural
51. TM 16 PAR 22
Owner: George J. & Joyce O. Hussion
Address: 95 Terrace View
Charles Town, WV 25414
Zoned: Rural
52. TM 16 PAR 23
Owner: Barbara A. Bittinger
Address: 123 Terrace View
Charles Town, WV 25414
Zoned: Rural
53. TM 16 PAR 45
Owner: Eastland Homeowners Assoc. Inc.
Address: PO Box 21
Rippon, WV 25441
Zoned: Rural
54. TM 16 PAR 12.4
Owner: David A. Turner & Allyson R. Marley
Address: PO Box 1072
Harpers Ferry, WV 25425
Zoned: Rural
55. TM 22 PAR 78
Owner: Peter & Mihyun Schipper
Address: 30 Green Valley Drive
Charles Town, WV 25414
Zoned: Rural

- | | |
|---|---|
| <p>56. TM 22 PAR 79
 Owner: Gerald H. & Patricia A. Magnone
 Address: PO Box 1311
 Charles Town, WV 25414
 Zoned: Rural</p> | <p>61. TM 22 PAR 98
 Owner: Norman D. II & Robyn L. Ballenger
 Address: 20 Mount Hammond Lane
 Charles Town, WV 25414
 Zoned: Rural</p> |
| <p>57. TM 22 PAR 83
 Owner: Leonard & Linda Dearstine
 Address: 40 Windsor Drive
 Charles Town, WV 25414
 Zoned: Rural</p> | <p>62. TM 16 PAR 19
 Owner: Ronald D. Rissler Et al.
 Address: 616 Uinta Farm Lane
 Charles Town, WV 25414
 Zoned: Rural</p> |
| <p>58. TM 22 PAR 1.10
 Owner: Yvonne E. & Gregory M. Zabrucky
 Address: 5952 Kabletown Road
 Charles Town, WV 25414
 Zoned: Rural</p> | <p>65. TM 5 PAR 2
 Owner: Casey Family Land Trust
 Address: 118 Country Club Circle
 Winchester, VA 22602
 Zoned: Rural</p> |
| <p>59. TM 22 PAR 1.4
 Owner: Steve I. & Kathy D. Davis
 Address: 5908 Kabletown Road
 Charles Town, WV 25414
 Zoned: Rural</p> | <p>66. TM 22 PAR 69
 Owner: Jarret M. & Shelly K. Carver
 Address: 20 Green Valley Drive
 Charles Town, WV 25414</p> |
| <p>60. TM 22 PAR 1.5
 Owner: Curtiss B. Miller
 Address: 19 Mt. Hammond Lane
 Charles Town, WV 25414
 Zoned: Rural</p> | <p>67. TM 16 PAR COMM
 Owner: Owner: Eastland Homeowners Assoc. Inc.
 Address: P.O. Box 21
 Rippon, WV 25441</p> |

3.0 TRAFFIC IMPACT DATA

The Average Daily Traffic (ADT) of Adjoining Road (at proposed entrance) - Berryville Pike (US Route 344) carries approximately 14,003 ADT near Wheatland and Roper North Road Intersection. The roadway transitions from two lanes to four lanes near this intersection and has a posted speed of 55 mph. Kabletown Road (CR 25) carries around 1,630 ADT (West Virginia Division of Transportation Data Viewer). The roadway is one lane in each direction with a posted speed limit of 40 mph. The pavement width is approximately 20 feet with two 10-foot travel lanes, with variable width shoulders from 0 feet to 1.5 feet. The minimum right-of-way width is 30 feet (15 feet from centerline). The road surface appears to be in good condition. Peak period traffic volumes do not exceed 180 vehicles for both directions. Peak traffic periods are 7 to 8 am and 4 to 5 pm.

Potesta & Associates, Inc. (POTESTA) contacted the West Virginia Division of Highways' (WVDOH) District 5 office and requested that they review this location to determine if this would be a viable entrance location. A stake was placed at the proposed entrance and WVDOH verified, by viewing this stake in the field, that this location should be viable and relayed this information to POTESTA on June 3, 2020. POTESTA also conducted a sight distance profile and determined that this entrance meets the WVDOH sight distance requirements.

Trip Generation – “Solar Facility” is not listed on table 24-119.B.5.b, nor is it included in the International Transportation Manual; therefore, trip generation data developed for a previous EDF Solar facility project will be presented for this project.

Per “EDF Morris Ridge Solar Farm – Effect on Transportation Report, April 2020”

Maintenance and Operations Traffic Trip Generation

Due to the limited personnel, the operations and maintenance of the Project will result in minimal vehicular traffic generation. Two to three utility type maintenance vehicles would be anticipated to support the site operations. These vehicles would be anticipated to generate an average of two trips per day with a maximum of four trips per day. The maintenance and operations work efforts would generally require vehicular trips to the site outside of the AM and PM peak traffic periods. Occasional water delivery trucks (one per week) would be anticipated to the Project but the need would be sporadic, and their delivery times would vary during the day and would generally be outside of the AM and PM peak traffic periods. Typical operation and maintenance procedures for the facility would include:

- Inspection of each of the solar panel sites on a frequency of at least once per week.
- Informal site inspections and corrective maintenance for the facility occurring on an as-needed basis.
- Conducting ground maintenance of the facility during growing season months; a couple times per year if mechanically mowing, or multiple times per week if managing alternate strategies such as sheep grazing.

Due to the minimal trips generated by the maintenance and operations of the facility, the existing low volume of traffic along the site access roadways, and the rural nature of the site (not an urbanized congested location), the traffic impacts on the roadway operating level of service will be negligible.

Trip Generation for Wild Hill

- Vehicles per Day = 2-3 vpd
- Maximum and Average Trips Per Day = Max-4 vpd / Ave-2 vpd

Highway Problem Area

None within a 1-mile radius of the project (Envision Jefferson 2035 Comprehensive Plan, dated 2015)

Nearest Key Intersections

- (1) Route 25/3 Shennandale Road with Route 25 Kabletown Road (secondary) from 0.8 mile from proposed entrance.
- (2) Route 115 Shennandale Road (Primary) with Route 25 Kabletown Road (secondary) from 1.8 miles from proposed entrance. (Envision Jefferson 2035 Comprehensive Plan, dated 2015)

4.0 STORMWATER NARRATIVE

Stormwater Management for this solar project will follow the amended Jefferson County Stormwater Management Ordinance, Article I D.2.h for Solar Energy Facilities. A stormwater Management report with documentations and drawings will be submitted to Jefferson County for review and approval.

The solar project will also develop the required Erosion and Sediment Control Plan Stormwater Pollution Prevention Plan, and Groundwater Protection Plan to make application to register for the West Virginia Department of Environmental Protection National Pollution Discharge Elimination System (NPDES) permit for this construction.

The solar facility will be constructed on agricultural land, normally planted in row crops, hay/straw and used for grazing. The solar facility will be seeded with pollinator friendly and resistant ground cover such white clover or equivalent and will not be used for grazing.

5.0 LANDSCAPING AND GROUND COVER PLAN

Disturbed areas will be seeded with either white clover (*trifolium Repens*) or Birdsfoot Trefoil (*Lotus Corniculatus*) for pollinator friendly and resistant ground cover. The permanent solar facility's entire project boundary area will be seeded with these pollinator friendly and resistant ground cover to also extend under each Photo Voltaic (PV) module. The PV modules will be arranged to allow this growth of vegetation beneath and between the rows of PV modules. Vegetal cover shall have a minimum of 90 percent or better uniform coverage and shall not be subject to chemical fertilization and herbicides/pesticides. Existing vegetations and trees will be retained to the extent possible at outside property boundaries and buffer areas to assist in natural screening.

6.0 DECOMMISSIONING PLAN OUTLINE*

DECOMMISSIONING

DECOMMISSIONING DURING CONSTRUCTION, ABANDONMENT, OR COMPLETION OF PROJECT

- Completed useful life of the project (30 years life expected) or if the project is deenergized for greater than six months, decommissioning plan will go into effect.
- Or unlikely event that construction cannot be completed.

DECOMMISSIONING AFTER CEASING OPERATION

- Operational lifespan of 30 or more years. Proper maintenance, component replacement and repowering can extend life.

GENERAL ENVIRONMENTAL PROTECTION DURING DECOMMISSIONING

- General environmental protection and mitigation measures would be implemented. (similar to construction phase).

PRE-DISMANTLING ACTIVITIES

- De-energized and isolated from all external electrical lines.
- Staging areas would be delineated at appropriate locations.
- Temporary erosion and sedimentation control measures will be implemented.

EQUIPMENT DISMANTLING AND REMOVAL

Solar Panels

- Each panel will be disconnected and unfastened from the mounting rack and removed.
- Fixed racks be disassembled and removed from the site.
- The pilings will be removed.
- The metal racking components may be reused or recycled for future use.

Electrical Equipment and Collector System Inverters

- Will be removed and shipped off-site for eventual reuse or disposal.
- The piles and associated foundations will be removed from the site.
- Decommission up to the point of interconnection.

Substation

- All aboveground structure and electrical equipment will be removed.
- Land to be restored to original grade.
- Concrete foundations removed to at least 3 feet below original grade.
- All granular and geotextile materials would be removed.

Access Roads

- All access roads will be removed.
- All granular and geotextile materials would be removed from the site by dump truck.

Storage Infrastructure and Perimeter Fence

- Storage and operation infrastructure (e.g., temporary construction trailer) will be removed from the site by truck.
- Foundations associated with these facilities would be removed to a depth of at least 3 feet below original grade.
- Perimeter fencing would be removed and recycled or reused unless landowner(s) prefers to retain portions of fence.

SITE REHABILITATION/RESTORATION - Rehabilitation Plan will develop at the time of decommissioning. To include:

- Agricultural areas will be restored to their original condition, as appropriate.
- Access roads and other compacted areas to be de-compacted, and returned to pre-construction condition, or natural grade as appropriate.
- Disturbed areas will be immediately returned to agricultural uses.
- Erosion and sediment control left in place until ground cover is fully established.

Water Quality

- Jefferson County to be consulted for any decommissioning work near streams/waterbodies.

Agricultural Lands

- Any agricultural lands that have become compacted would be de-compacted and returned to pre-construction condition, or natural grade as appropriate.

Spills

- Strict spill prevention and spill response procedures will be in place

MANAGING EXCESS MATERIALS AND WASTE

Typical waste materials and modes of disposal:

- Concrete foundations - Crush and recycle as granular material.
- Solar Panels - Reuse or recycle.
- Steel and aluminum racks and mounts - Salvage for reuse or recycle for scrap.
- Cabling – Recycle.
- Inverter step-up transformers, inverters, and circuit breakers - Salvage for reuse or recycle for scrap.
- Granular material - Reuse or dispose in landfill.
- Oils/lubricants – Recycle.
- Hazardous materials - Dispose through licensed hauler.

- Geotextile material - Dispose in landfill.
- Miscellaneous non-recyclable materials - Dispose in landfill.

EMERGENCY RESPONSE AND COMMUNICATIONS PLANS

- Environmental Procedures.
- Occupational Health and Safety Procedures.
- Health and Safety Plan considering both public and occupational health and safety issues.

**Decommissioning plan will adhere to any plan approved by the Jefferson County Commission.*

22-5-CUP Wild Hill Solar Project Pubic Comment

- Submitted 2022-08-16 by Zigler-Kotch

Jefferson County Planning Commission
116 East Washington Street
Charles, Town WV 25414
Zoning@jeffersoncountywv.org

RE: File 22-5-CUP / Wild Hill Solar

Dear Commissioners,

I am writing to you in favor of solar for Jefferson County.

Wild Hill is being built by a financially secure and stable company with more than 90 solar projects, across the United States. This stability allows for the hiring of local carpenters, electricians, and construction workers. It also provides the experience for decommissioning /recycling of the solar panels and post.

In 2021 the West Virginia Public Safety Commission hearing covered every aspect, including EPA concerns. The Wild Hill Project was approved for a sitting certificate for construction and operation. The case number is 20-0845-E-SCS-PW. Included in this case is the testimony and rebuttal testimony by Emily Dalager which answers the repetitive questions and concerns presented by opposing parties.

Please consider the benefits of an increased tax for a growing community, local employment verses carpenters, electricians, and construction workers having to travel to the job sites out of county/state. Wages kept within the community means increased sales for local merchants and restaurants.

As you know, eastern West Virginia does not have coal mines or natural gas rigs. The Potomac and Shenandoah River levels decrease and increase with rain, eliminating hydro power. We have sunshine and can be on the cutting edge of an additional power source.

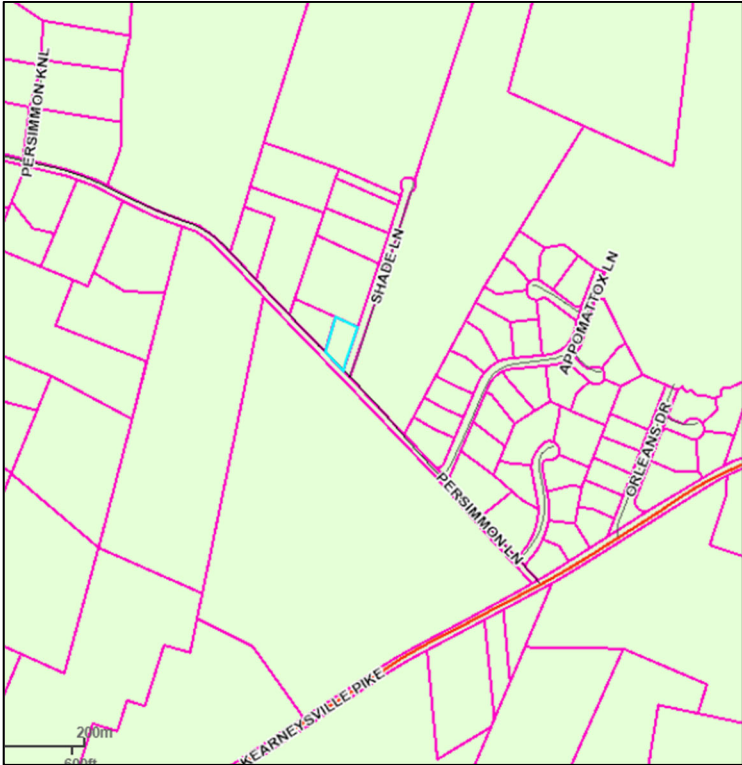
In thirty years, my generation will be expiring. However, the next generation of these farm families will have the option to return to farming, building homes or whatever the future may require or allow.

Thank you for your consideration.

Sincerely,
Jean Zigler Kotch

Staff Report
Jefferson County Board of Zoning Appeals
August 25, 2022
#22-27-ZV Chrisman Variance Request

Item #2 Variance from Section 9.7 to reduce the front setback from 20' to 15' along a platted right-of-way (Shade Ln) for a proposed 28' x 16' addition with a 6' x 17' handicap ramp.

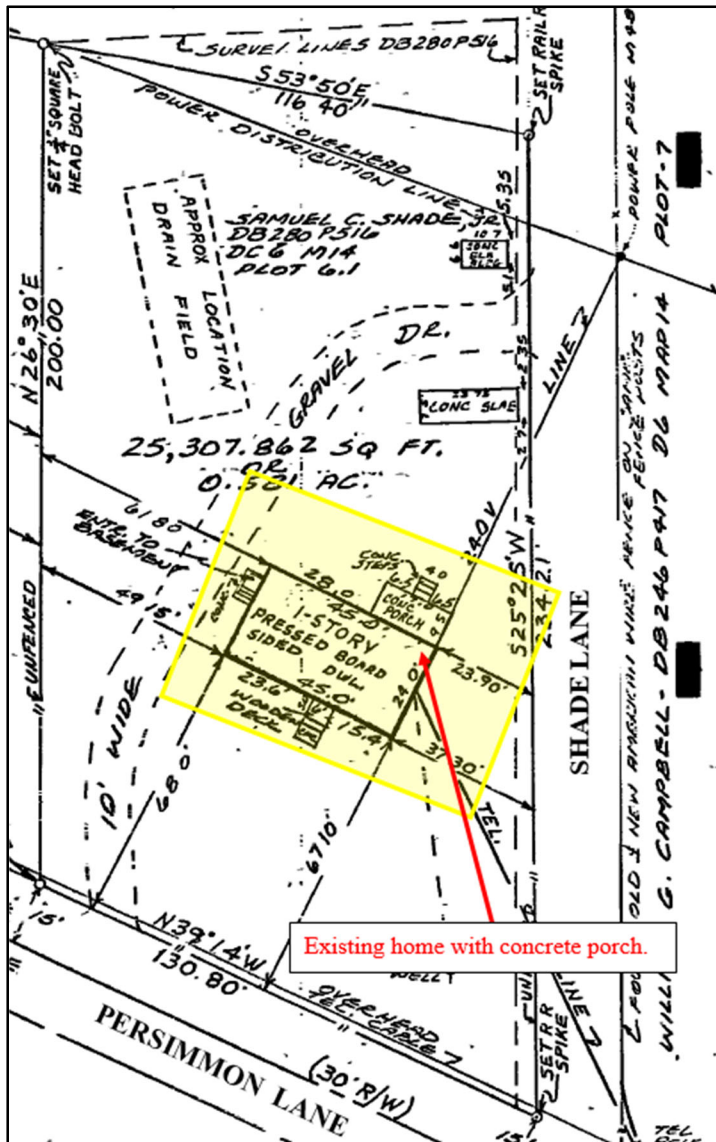
Owner:	Garland and Poppy Chrisman
Applicant:	Falconer Design Build / Attn: James Presley
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">270 Persimmon Ln, Shepherdstown, WV Parcel ID: 09001400060001; Size: .5 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North, East, South, West: Rural</p>
History:	None
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit Conducted:	No.

Staff Overview

The subject parcel was created prior to the adoption of any land development regulations in the County; therefore, the setbacks are pursuant to Section 9.7. As Shade Lane is a platted 50' wide right-of-way (see Plat Book 10 @ Page 19), the eastern property line is designated as a front yard and a 20' front setback is required.

A key purpose of the front yard setback requirement 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 traffic visibility is not impaired for drivers along the right-of-way.

Staff Report
Jefferson County Board of Zoning Appeals
August 25, 2022
#22-27-ZV Chrisman Variance Request



Based on a property survey that was completed in 1977, it appears that the existing dwelling is approximately 23' from the edge of the platted right-of-way and that the back porch is 19-20'. The applicant intends to remove the back porch and replace with a 28' x 16' screened-in porch. Additionally, the applicant would like to install a handicap ramp along the side of the existing residence to provide access to the screened in porch. The handicap ramp will encroach within the setback area by approximately five feet and therefore, necessitates the subject variance request.

It may be feasible to comply with the Ordinance by other; however, the applicant has represented that placement of the handicap ramp in the proposed location would allow continued use of the existing ingress and egress from the home and enhance the quality of life for the owners and their aging father.



Conditions of Approval

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

1. No conditions of approval have been identified.

Staff Report
Jefferson County Board of Zoning Appeals
August 25, 2022
#22-27-ZV Chrisman Variance Request

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.



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: 22-27-2V

Staff Initials: SH

Meeting Date: 8-25-22

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

Email: 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: Garland Chrismen
Mailing Address: 270 Persimmon Ln.
Phone Number: (304) 839-3339 Email: chrismgarland@yahoo.com

Applicant Contact Information

Name: James R. Presley
Mailing Address: 4972 River Road
Phone Number: (304) 671-1921 * Email: falconerdesignbuild@gmail.com

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

Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 270 Persimmon Ln.
City: Shepherdstown State: W.V Zip Code: 25443
Tax District: 69 Map No: _____ Parcel No: _____
Parcel Size: .51 Deed Book: 1182 Page No: 299

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)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Office/Commercial Mixed-Use (OC)
						<input type="checkbox"/>

RECEIVED

JUL 22 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

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: 9.7 g1

Briefly describe the nature of the variance request:

We request to be within the 20' side set back on shade ln.
Addition: 28' x 16' w/ 6' x 17' Handicap Ramp g1

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

Front Setback



Side Setback



Rear Setback



Reduction From

20'

to

15'

g1

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:

The existing deck is already inside the the 20' setback. We would like
to rebuild the existing deck for structural reasons

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?

The current home and deck predate the adoption of zoning as it pertains
to this property.

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

Because the owner is caring for an elderly family member and they need this
handicapped ramp for him to enter or exit the home safely.

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

The requested handicapped ramp will still be 15' off of the lane and the quality of
life of the owners and their aging father will be greatly improved.

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.

Barbara Chinner
Signature of Property Owner

7/23/22
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).

08-25-22

Date of Public Hearing

08-10-22

Advertising Date

08-10-22

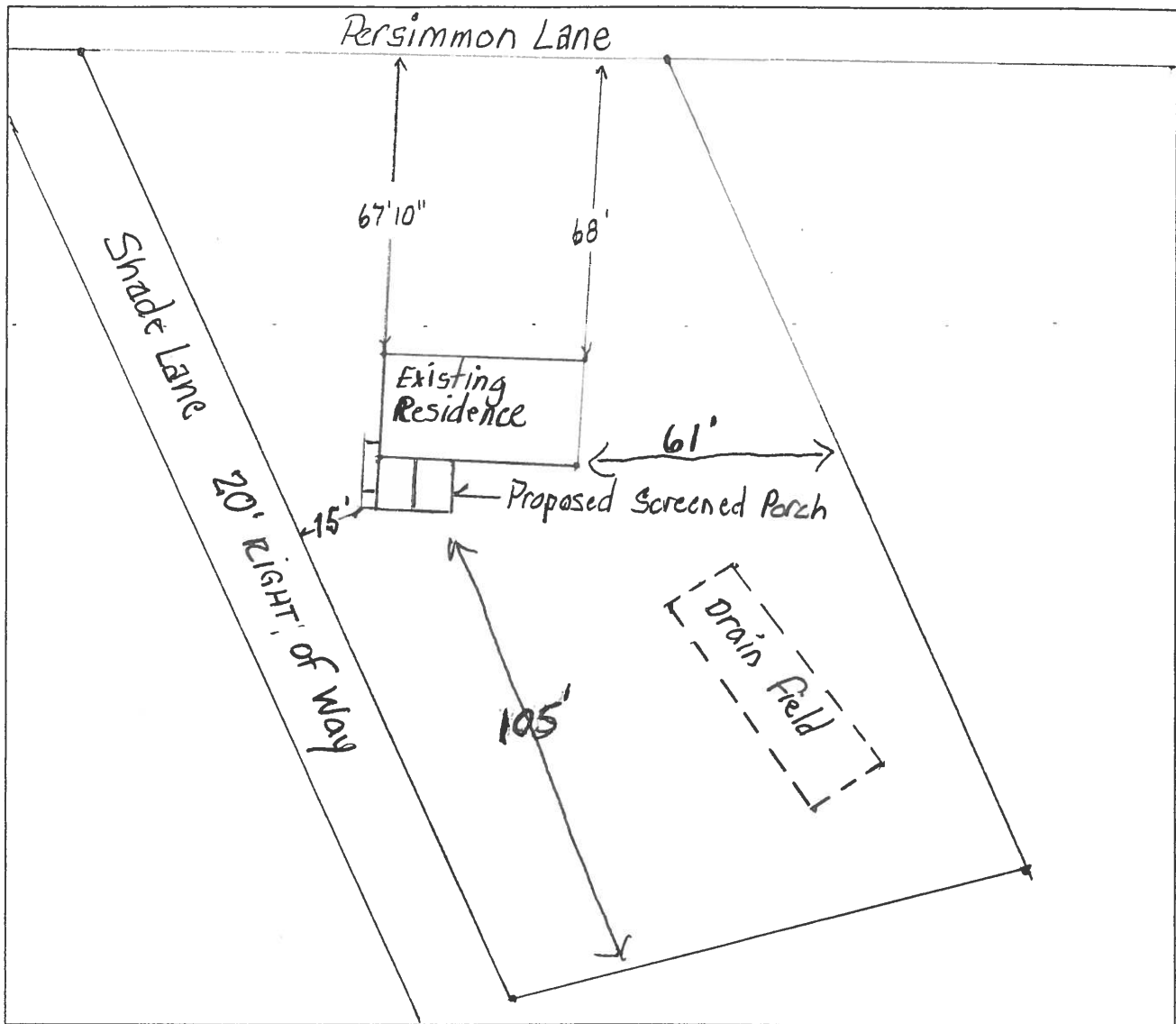
Placard Posting Date

PROPERTY SKETCH SHEET

Sketch the shape and location of the lot and show the following:

1. All existing roads with names and/or route numbers.
2. All rights-of-way and/or easements.
3. Septic reserve areas.
4. Location of the intended construction or land use; and show the building setback lines and the distances from the property line to the setback lines; and the distance from the property line to the structure.
5. Show the size and height of the structure.
6. Show all existing buildings/structures on the parcel/property.
7. On Additions; Please indicate number of bedrooms and if adding a kitchen.
8. Show intended driveway and distance from driveway access point to nearest property corner along the road.

Note: The sketch may be on a separate sheet; however, it shall be signed and dated by the applicant.



Property Owner's (original/no copies) Signature:

Salvador Chiriquian

Date:

7-20-22

Handicap ramp to grade

Engineered Trusses
24" O.C.

16'

Asphalt Shingles to match
Existing

* Left Side Elev

Siding to Match
Existing

* Right Side Elevation

36"

DBL 2x10 P.T.
13'9"

Vinyl
Lattice
to grade

* Notes *

1. All footings are 32" Deep x 18" wide
2. Galvanized Simpson hangers will be used at all framing intersections
3. Galvanized $\frac{1}{2}$ " Carriage bolts will be used where framing meets posts.
4. Gutters & Downspouts to match will be used where appropriate.
5. All screened sections will be 1"x3" pine removable grills w/ black metal screen.
6. All interior framing will be sheathed w/ $\frac{1}{4}$ " paint grade plywood to be painted by others.

Existing Residence

$\frac{5}{4}$ " Composite
Decking

Approx.
12'

5'

6'

6"x6" p.t. posts
to code

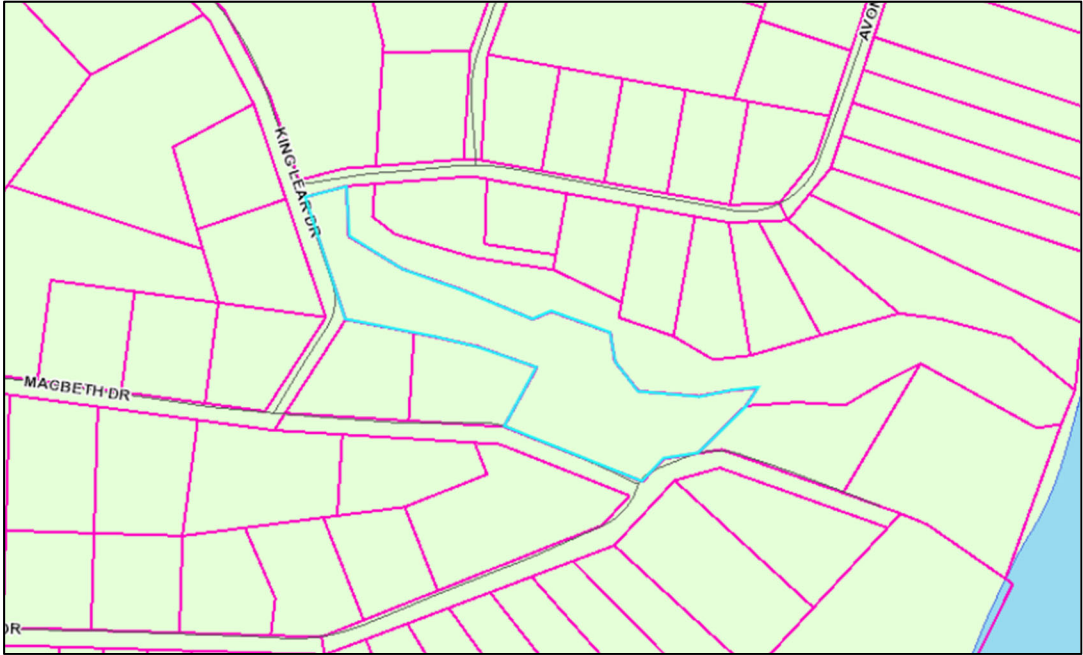
Floor framing
not be attached
existing resi

2x10 p.t. joist @

16'

Staff Report
Jefferson County Board of Zoning Appeals
August 25, 2022
#22-28-ZV Keaveny Variance Request

Item #3 Variance from Section 9.7 to reduce the front setback from 40' to 20' along the eastern property line (Macbeth Dr) and the southern property line (Bedford Dr) for a 36' x 26' addition/in-law suite.

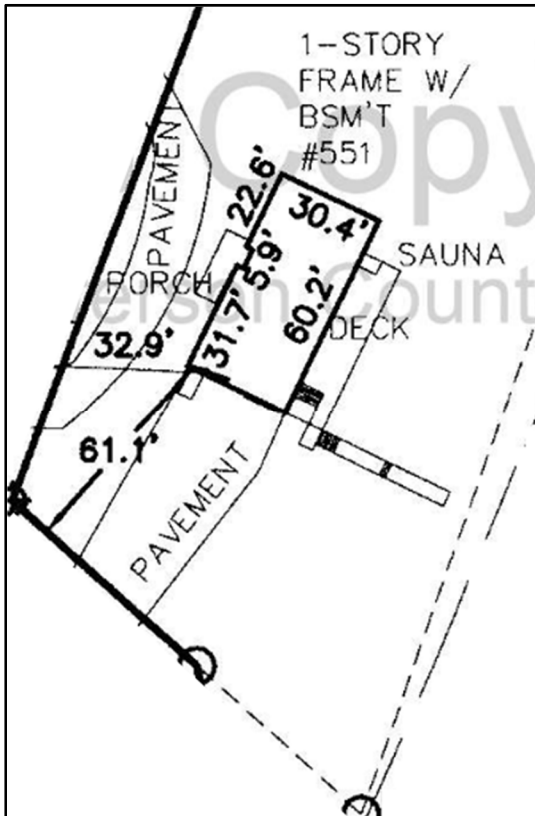
Owner/Applicat:	Russell and Jackie Keaveny
Parcel Information and Zoning District:	<p>Avon Bend Subdivision, Lot 115, 551 Macbeth Dr., Charles Town, WV Parcel ID: 06009F00240000; Size: 4 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North, East, South, West: Rural</p>
History:	<p>01/23/1990: Three Avon Bend parcels previously recorded in the 1960s were consolidated into a single 4.12 acre parcel via an approved boundary line adjustment recorded in DB 648, PG 192.</p> <p>06/05/2012: A resurvey plat was recorded in in DB 1110, PG 281 and reflected the actual acreage as 3.86 acres.</p>
Waivers/Variances:	None
Approved Activity:	Residential
Site Visit Conducted:	No.

Staff Overview

The subject parcel was created prior to the adoption of any land development regulations in the County; therefore, the setbacks are pursuant to Section 9.7. Based on the subject parcel's acreage the front setback is 40'.

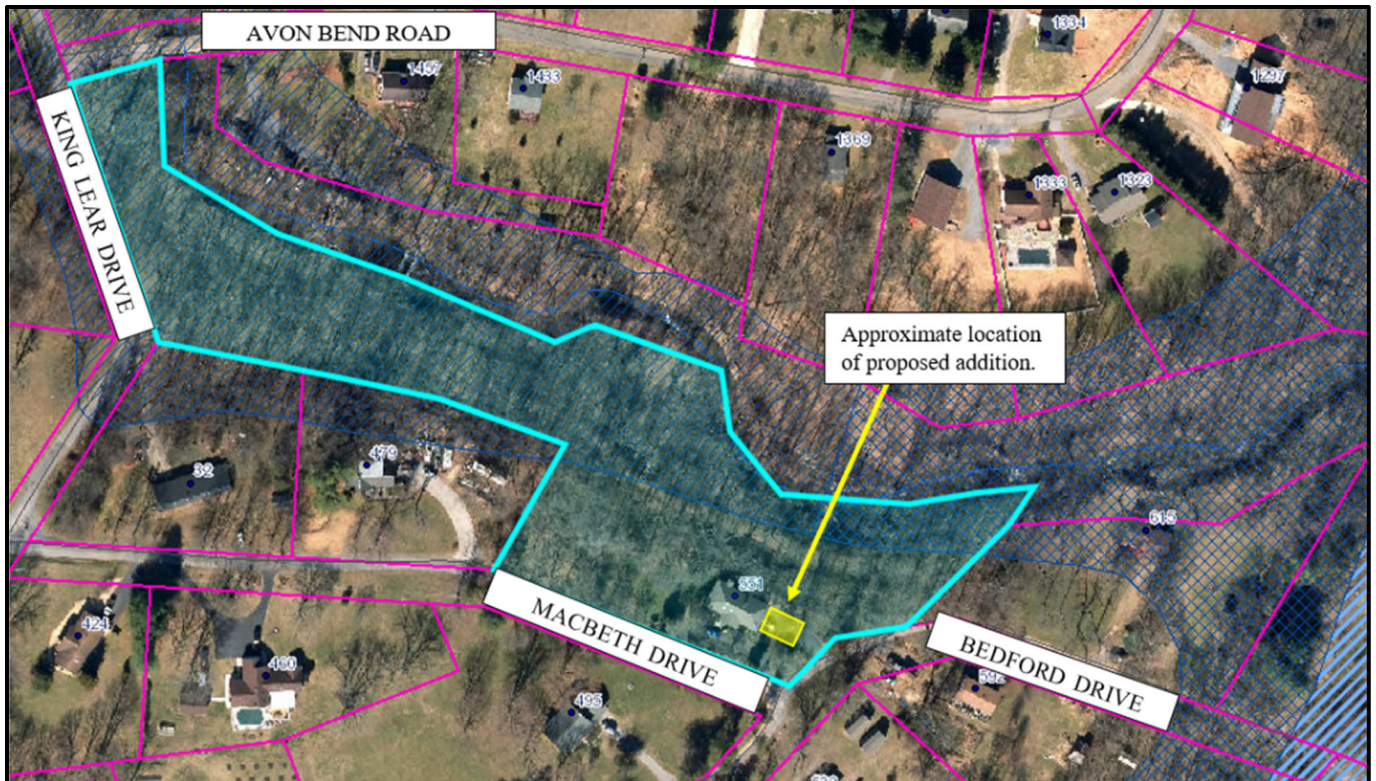
A key purpose of the front yard setback requirement is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that traffic visibility is not impaired for drivers along the right-of-way.

Staff Report
Jefferson County Board of Zoning Appeals
August 25, 2022
#22-28-ZV Keaveny Variance Request



The house was constructed between 1987 and 1988, just prior to the adoption of zoning. Based on a survey that was completed in 2012, the existing dwelling is 32.9' from Macbeth Drive and 61.1' from Bedford Drive. The nonconforming use provisions would allow for a 35% linear expansion along Macbeth Drive; however, as the proposed addition will encroach further into the front setback area along Bedford Drive, a variance is required.

While the lot is just slightly less than four acres in size, a significant portion of the lot is located within the floodplain. The applicant has also represented that a significant slope exists to the rear of the home and the septic reserve area is to the west of the home. Based on this information, compliance with the required setbacks does not appear feasible.



Staff Report
Jefferson County Board of Zoning Appeals
August 25, 2022
#22-28-ZV Keaveny 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 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.



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: 22-28-ZV

Staff Initials: gt

Meeting Date: 08-25-22

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

Email: 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: Russell KEAVENY
 Mailing Address: 551 Macbeth Drive, Charles Town, WV 25414
 Phone Number: 304-261-5791 Email: RpKEAVENY@ACI.COM

Applicant Contact Information

Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

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

Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 551 Macbeth Dr.
 City: Charles Town State: WV Zip Code: 25414
 Tax District: JEFFERSON Map No: 9F Parcel No: 24
 Parcel Size: 3.84 Deed Book: 1268 Page No: 401

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<div style="font-size: 2em; font-weight: bold; color: blue;">RECEIVED</div> <div style="color: red; font-weight: bold;">JUL 25 2022</div> <div style="color: blue; font-weight: bold;">JEFFERSON COUNTY PLANNING & ENGINEERING</div>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <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: Sec. 9.7

Briefly describe the nature of the variance request:

See attached g11

Variance to reduce the front setback from 40' to 20' for a 26' x 36' addition. (per applicant email 07/29/22 jth)

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

Front Setback ☒ Side Setback ☐ Rear Setback ☐ Reduction From 40' to 20' per applicant email 07/29/22 (jth)

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 - g11

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 - g11

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

See attached - g11

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

See attached - g11

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.

R. K. [Signature] 7/25/2022
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).

08.25.22

Date of Public Hearing

08.10.22

Advertising Date

08.10.22

Placard Posting Date

Keaveny Zoning Variance Request Form Page 2 of 2

Contractor:

Ryan "Chet" Bennett
CB Builders LLC
831 Naomi Lane, Kearneysville, WV 24530
304-671-3997

Question 1:

There will be no negative impact with this addition. The addition will be in an existing driveway with no negative impact or visible interference from either Macbeth Drive or Bedford Drive.

Question 2:

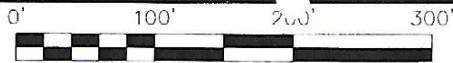
The majority of this lot is on a floodplain. Directly behind the house is an unbuildable slope (see attached pictures). There is not enough space available in front of the house between the house and Macbeth Drive, and the space west of the house is where the septic tank and absorption field are located. The requested site in the existing driveway to the east of the house is the only option for an addition.

Question 3:

My wife and I are the only care givers for my parents. This request is for an in-law suite for my 72 year old bed-bound mother and 82 year old father with cancer. The proposed in-law suite will be located above a garage. They can drive their wheel-chair van into the garage and take an elevator from the garage directly to their living space without having to be exposed to the elements or navigate stairs.

Question 4:

A majority of my 3.836 acre lot is unsuitable for building due to the floodplain and slopes. Zoning allows for an in-law suite.



WEST VIRGINIA STATE
GRID NORTH ZONE

EDGE OF
PAVEMENT

100-YEAR FLOOD PLAIN
AS DETERMINED FROM
WV FLOOD TOOL
FIRM MAP 54037C0230E
EFFECTIVE DECEMBER 18, 2009

KING LEAR DRIVE
WV ROUTE 25/11
40' R/W

AVON BEND ROAD
WV ROUTE 25/14
40' R/W

ZONE X

ZONE A

TM 9F P 22
LOT 113
LEVI
DB 564 PG 557

TM 9F P 23
LOT 114
DUNCAN
DB 798 PG 332

TM 9F P 40
MCCRACKIN
DB 1078 PG 49

MACBETH DRIVE
WV ROUTE 25/10
40' R/W

ORIGINAL
LOT 115

167109 SQ. FT.
3.836 ACRES

1-STORY
FRAME W/
BSM'T
#55'
30.4'
32.6'
31.7'
38.26'
80.21'
DECK
SAUNA

BOUNDARY FOLLOWS
THE CENTERLINE
MEANDERS OF BULLSKIN RUN
ALONG THESE LINES



LEGEND:

- ⊕ 3/4" IRON PIPE FOUND
- REBAR FOUND (#5=5/8", #4=1/2")
- △ SET MAG NAIL
- SET 5/8" REBAR & CAP
- ◇ SPIKE FOUND

LINE	BEARING	DISTANCE
L1	S 80°11'24" W	64.09'
L2	S 41°58'21" W	69.39'
L3	N 66°52'32" E	44.52'
L4	S 09°45'00" E	63.76'
L5	N 79°18'44" E	72.71'
L6	N 83°41'41" E	59.18'

PLAT OF RESURVEY
THE PROPERTY OF
DALE W. SEHNERT
DEED BOOK 958 PAGE 664
TAX MAP 9F PARCEL 24
LOT 115, SECTION 1 AVON BEND
AND ADDITIONAL LANDS

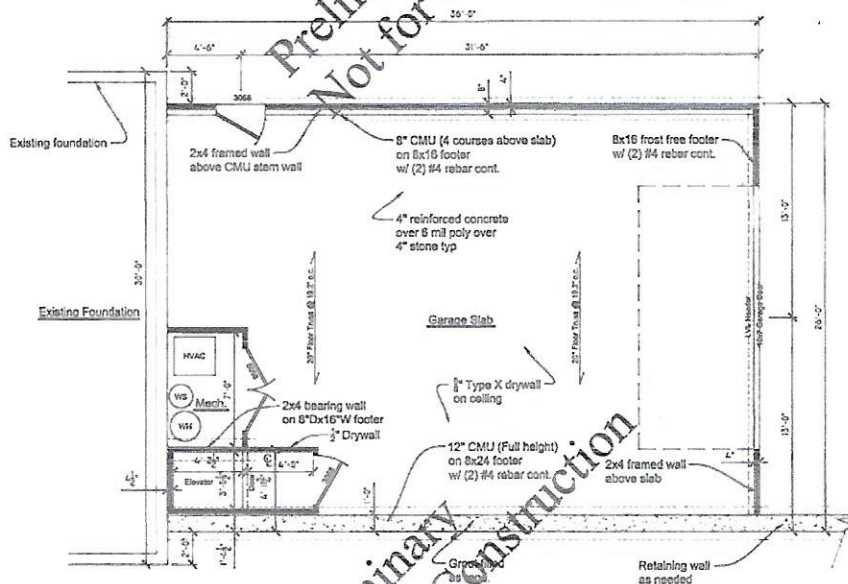
KABLETOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1" = 100' MAY 8, 2012

ED JOHNSON AND ASSOCIATES, INC.
LAND SURVEYORS
P.O. BOX 1277
CHARLES TOWN, WEST VIRGINIA 25414
(304)725-6060

20' from Macbeth
and Bedford
*per applicant email

Always check for adequate soil conditions (2000 psf min.)
 Footers to be a minimum of 24" below grade
 Foundation walls to be CMU.
 Provide anchor bolts @ 6'-0" o.c. typ (12" from all ends)
 All details and structural components to be approved by local code authorities.
 It is the responsibility of the builder and local building officials to verify that the dwelling is structurally sound and in code compliance and adjust as required onsite.

Note:
Footers to be 2500 psi min.
Slab to be 3500 psi min.



R. Kang 7/26/22

A-3

KEAVENY ADDITION
CB BUILDERS, LLC

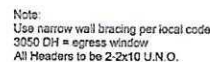
CUSTOM HOUSE DESIGNS, LLC
843 SPECKS RUN RD
BUNKER HILL, WV 25413
304-671-7255

DATE	6/30/22	REVISIONS:
DESIGN		
DRAWN		
DWG #	22-127	CUSTOM HOUSE DESIGNS

Notes:

- Window sizes may differ from plan depending on the manufacture
- Exterior walls to be 2x4's @ 16" o.c. typ
- 3050 D14 = egress window
- All stairways to maintain 68" of headroom
- All stairs to have a min. 9" tread and max 6 1/2" rise.
- All interior and exterior finishes to be determined by the contract.
- All interior walls to be 2x4's @ 16" o.c. TYP
- If interior doors not dimensioned then they will be centered and or have a minimum of 3" swing clearance.
- The contractor shall verify all dimensions shown in this plan
- Fingert must be used TDD by the manufacturer.
- All stairs TDD by final grade.

KEAVENY ADDITION
CB BUILDERS, LLC



General Building Notes:
Building Codes: 2015 IRC, 2009 IECC
All smoke detectors to be interconnected.
Leave a min. of 6" of all foundation walls exposed after backfill.
All column to beam connections to be bolted.
All joists to be doubled when supporting HVAC equipment and at all floor penetrations.
All framing lumber to be SPF #2 or better U.N.O.
All stairways and stairways to be 36" min. finished.
All stairs to have a max. of 8 1/4" finished rise and a min. of a 9" finished tread.
All bathrooms to have a min. of 6'-8" headroom over fixtures and 21" clearance in front of tubs, toilets and lavatories and 24" in front of shower opening.
All handrails to be installed at 34" - 38".
All doors between garage and living space to be fire-rated.
Tempered glass shall be required over bathtubs, adjacent to doors within a 24" door arc. Window glass is within 18" of floor, end in stairways.

Additional Notes:

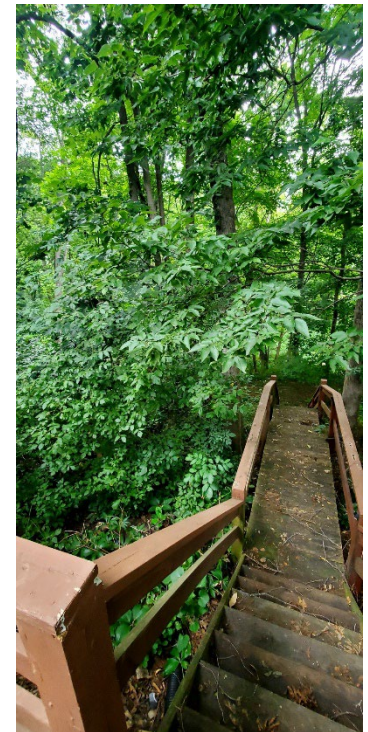
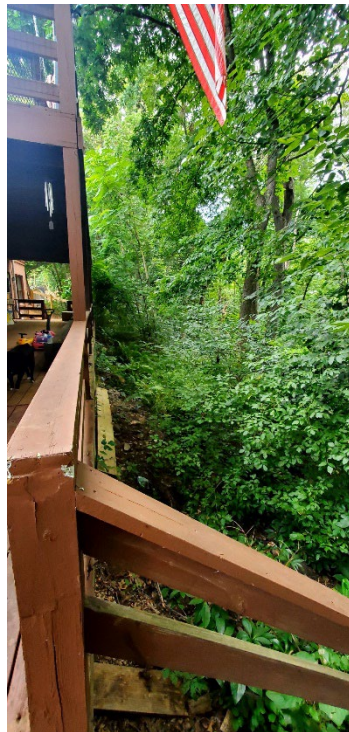
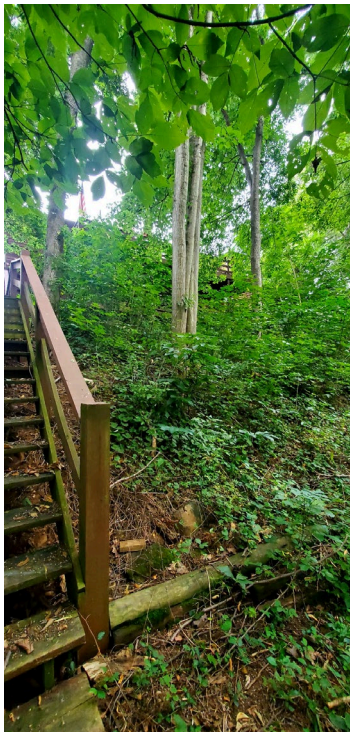
1. Use narrow wall bracing per local code.
2. Total length of dryer duct is 35' max which includes duct elbows. Deduction of 2' for every 45° and 5' for every 90°. Duct to terminate not less than 3" from any opening.
3. Structure must conform to Radian's specifications.
4. Smoke Detector locations and bedroom windows must comply w/ current code.
5. Concrete not exposed to weather min. 2500 psi
6. Do not use or occupy without final inspection and certificate of use and occupancy
7. Basement egress must comply with current code.
8. CO Detectors required with fuel fired heating appliances or attached garage
9. Hurricane straps required on all roof trusses
10. Outside hose bibe require anti-siphon device
11. Windows may require full pressure tested
12. Hurricane straps req'd (Duck Joints to beam)

DATE	6/30/22	REVISIONS:
DESIGN		
DRAWN		
DWG #	22-127	CUSTOM HOUSE DESIGNS

Rough View from Street of Where the Addition Would End Behind Trees



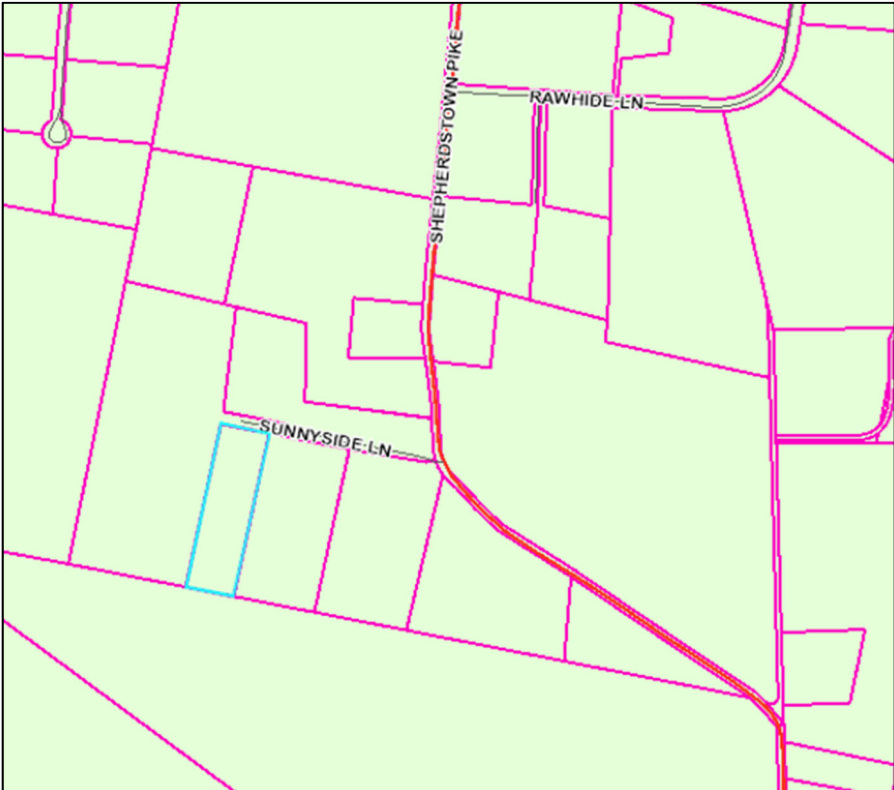
Rear Slope



Staff Report
Jefferson County Board of Zoning Appeals
August 25, 2022

22-29-ZV Young Variance Request

Item #4 Variance from Section 8.2 to reduce the distance requirement from 50' to 15' along the western property line for an existing 48' x 28' barn.

Owner/Applicant:	Robin Young
Consultant:	n/a
Parcel Information and Zoning District:	<p style="text-align: center;">John and Susan Holloway Minor Subdivision, Lot 1 141 Sunnyside Ln. Shenandoah Junction, WV Parcel ID: 09001800050008; Size: 3 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Districts: North, East, South, and West: Rural</p>
History:	John and Susan Holloway MSD recorded on 10/31/17 in PB 25, Page 656
Waivers/Variations:	n/a
Approved Activity:	Single Family Dwelling
Site Visit Conducted:	Site Visit Not Conducted.

Staff Overview

The subject parcel is designated as Lot 1 of the John and Susan Holloway Minor Subdivision, which was recorded on October 31, 2017 in [Plat Book 25, Page 656](#). Section 8.2 of the Zoning Ordinance requires structures that house or feed animals to be located a minimum of 50' from all property lines. The applicant is requesting a variance from Section 8.2 to reduce the distance requirement from 50' to 15' for an existing 48' x 28' horse barn.

Staff Report
Jefferson County Board of Zoning Appeals
August 25, 2022

22-29-ZV Young Variance Request

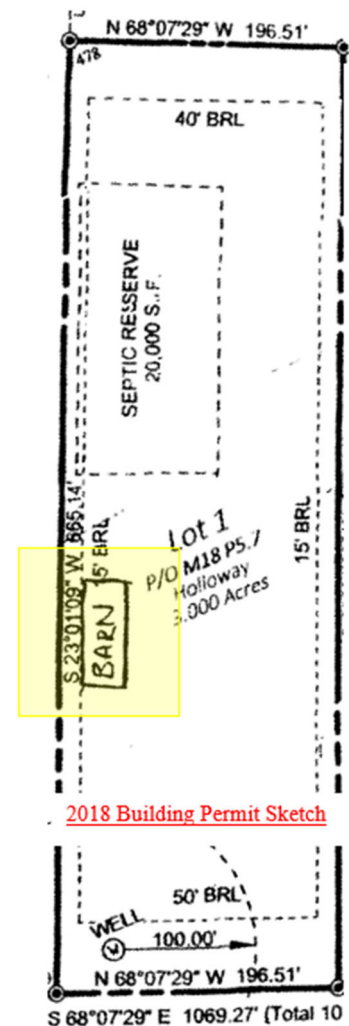
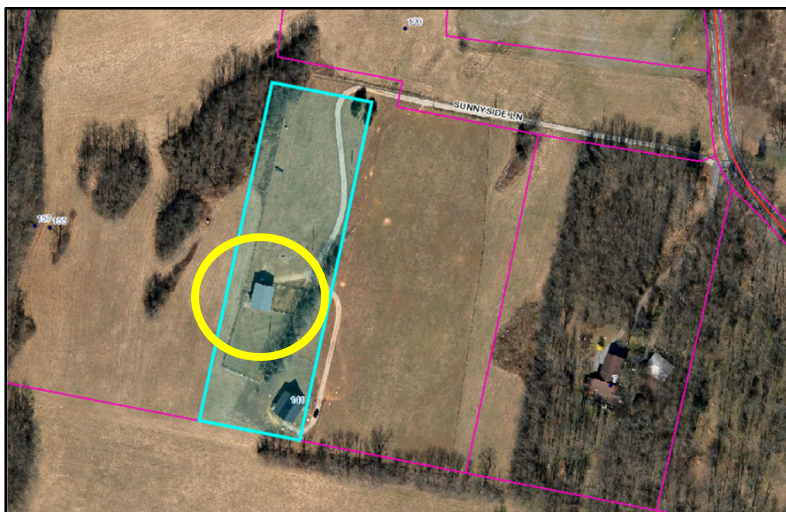
<p>JEFFERSON COUNTY ENGINEERING DEPARTMENT OFFICE OF PERMITS & INSPECTIONS 116 EAST WASHINGTON STREET, Suite 100 P.O. Box 716 CHARLES TOWN, WEST VIRGINIA 25414 (304) 725-2998</p> <p>Deck, Garage, Storage-Bldg., Replacement Windows, Sign or Chimney BUILDING PERMIT APPLICATION</p> <p>1. <u>TYPE OF PERMIT</u></p> <p><input type="checkbox"/> Deck <input type="checkbox"/> Attached Garage <input type="checkbox"/> Detached Garage <input type="checkbox"/> Sign <input checked="" type="checkbox"/> Storage Building <input type="checkbox"/> Chimney</p> <p><input type="checkbox"/> Other (Describe) _____</p> <p>Size/Dimensions of Structure: <u>48' x 28'</u></p>	<p>Permit Fee: \$ <u>167.52</u></p> <p>Please make checks payable to: Jefferson County Commission</p> <p>Date: <u>5/9/18</u></p> <p>Rec'd by: <u>Wendy S.</u></p> <p>Permit no. <u>18-269</u></p>
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Due to an error in processing, a building permit was issued in 2018 for a storage building rather than a horse barn, despite the fact that the permit sketch and construction plans indicated that the proposed structure would be a horse barn. The first page of the building permit application indicated that the structure was a storage building and therefore, the code compliance review (setbacks, floodplain, etc.) was conducted for a storage structure and not for a horse barn.

A storage structure is permitted to be located 15' from the side property line and the subject structure complies with the 15' setback. Pursuant to Section 8.2, any structures that house or feed animals are subject to a 50' distance requirement. If the application had been reviewed as a horse barn, the applicant would have been notified of the 50' distance requirement during the review process.

The purpose of the distance requirement referenced in Section 8.2 is to reduce the impact that an agricultural land use involving livestock might have on an adjacent property; to allow for reasonable distance between agricultural activities and residential land uses; and to maintain adequate separation between structures for fire prevention purposes.

Because the structure was constructed in 2018, it is not feasible to comply with the Ordinance by any other means.



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Conditions of Approval

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

1. No conditions of approval were identified.

Section of Ordinance to be Considered

Section 8.2 Animal Housing and Feeding Pens^{23, 32}

Housing for farm animals and feeding pens shall be set back a minimum of 50' from all property lines; excluding chicken coops which may be setback 25' from all property lines if no roosters are housed there.



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: 22-29-ZV
 Staff Initials: gt
 Meeting Date: 8-25-22
 Fees Paid (\$100 or \$150): N/A
waived per BR
 Phone: (304) 728-3228

* ADDRESS CHANGE PER
 COUNTY 5/21

Email: zoning@jeffersoncountywv.org

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: ROBIN YOUNG PREVIOUSLY *
 Mailing Address: 141 SUNNYSIDE LN. (5431 Shepherdstown Pike.) Shenandoah Jct WV
 Phone Number: 681-319-5943 Email: robinyoungstudio@gmail.com 25442

Applicant Contact Information

Name: ROBIN YOUNG
 Mailing Address: same as above
 Phone Number: _____ Email: _____

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

Name: WILLOUGHBY CONSTRUCTION + CONSULTING
 Mailing Address: 12006 MARGARET DRIVE Hagerstown, Md. 21742
 Phone Number: 301-582-8299 Email: info@willoughbyllc.com

Physical Property Details

Physical Address: 141 SUNNYSIDE LN (PREVIOUSLY 5431 Shepherdstown Pike)
 City: Shenandoah Jct. State: WV Zip Code: 25442
 Tax District: Shepherdstown 9 Map No: 18 Parcel No: 5.8
 Parcel Size: 3 acres Deed Book: 1198 Page No: 487

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"/>
RECEIVED						
JUL 28 2022						
JEFFERSON COUNTY PLANNING ZONING & ENGINEERING						
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 8.2

Briefly describe the nature of the variance request:

PERMIT ISSUED FOR "STORAGE BUILDING" (ERROR OF CONTRACTOR CHECKING WRONG BOX) BARN BUILT 15' SET BACK/SIDE IN 2018. PLANS SUBMITTED CLEARLY SAYS "HORSE BARN" ASKING FOR VARIANCE FROM 50' SET BACK TO ALLOW 15' SETBACK

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

Front Setback ☐

Side Setback ☒

Rear Setback ☐

Reduction From

50

to 15

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:

THE BACK SIDE OF THE BARN IS THE SIDE NEXT TO PROPERTY LINE, SET BACK 15' NO ANIMALS ENTER/EXIT OR USE THAT SIDE OF THE BARN, THAT SIDE ONLY USED FOR STORAGE. ON OPPOSITE SIDE OF BARN, USED BY ANIMALS IS ~~43'~~ FROM BOUNDARY LINE

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?

Contractors prepared permits, architect drawings and sent to me in Arkansas to sign. They had mistakenly checked box "storage building" rather than "BARN". Drawings were labeled "ROBIN YOUNG HORSE BARN".

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

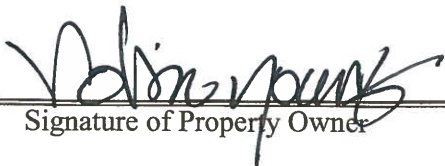
I MOVED HERE TO CREATE 3 ACRE FARM FOR MY 2 HORSES + 2 DONKEY FOR ALL OF US TO LIVE OUT OUR LIVES. I AM 70, THEY ARE ALL RESCUES, HORSES 25, DONKEYS 15. THEY USE PASTURE + PUT IN BARN ON OPPOSITE SIDE OF FENCE/BOUNDARY IN FRIGID

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

AT THE TIME I BUILT HOUSE + BARN (2018) MY 3 ACRES WERE IN MIDDLE OF A 30 ACRE AAN FIELD NO OTHER ADJUSES/NEIGHBORS. 28 ACRES SURROUNDING ME HAS BEEN SOLD (2020?) TO A DEVELOPER BUILDING HOUSES. THIS IS WHERE THE COMPLAINT CAME FROM.

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.


Signature of Property Owner

7/28/22
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).

08-25-22

Date of Public Hearing

08-10-22

Advertising Date

08-10-22

Placard Posting Date

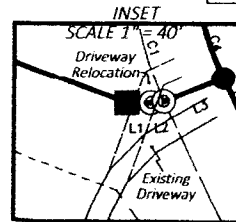
SD M18 P5.7
Holloway
DB 949 P 153
PB 18 P 76
23.100 Acres
(After Merger)

Lot 2
Total 23.100 Acres
26.100 Acres

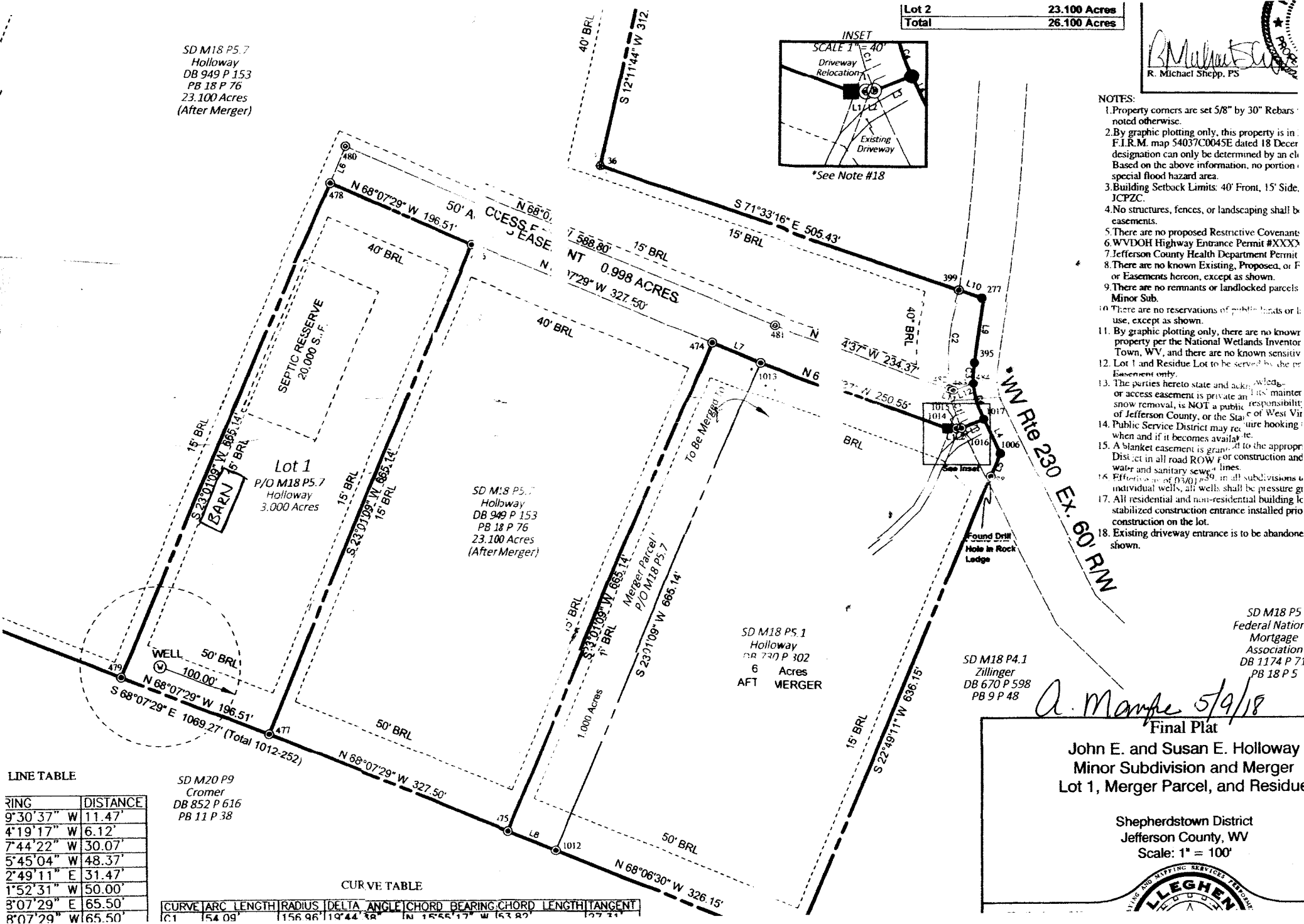
R. Michael Shepp, P.S.

NOTES:

1. Property corners are set 5/8" by 30" Rebars noted otherwise.
2. By graphic plotting only, this property is in F.I.R.M. map 54037C0045E dated 18 Decer designation can only be determined by an el Based on the above information, no portion special flood hazard area.
3. Building Setback Limits: 40' Front, 15' Side, JCPZC.
4. No structures, fences, or landscaping shall be easements.
5. There are no proposed Restrictive Covenants.
6. WVDOH Highway Entrance Permit #XXXX
7. Jefferson County Health Department Permit
8. There are no known Existing, Proposed, or F or Easements hereon, except as shown.
9. There are no remnants or landlocked parcels Minor Sub.
10. There are no reservations of public lands or l use, except as shown.
11. By graphic plotting only, there are no knowr property per the National Wetlands Inventor Town, WV, and there are no known sensitiv
12. Lot 1 and Residue Lot to be served by the pr Easement only.
13. The parties hereto state and acknowledge, or access easement is private and its mainte snow removal, is NOT a public responsibility of Jefferson County, or the State of West Vir
14. Public Service District may require hooking when and if it becomes available.
15. A blanket easement is granted to the approp District in all road ROW for construction and water and sanitary sewer lines.
16. Effective as of 03/01/2019, in all subdivisions individual wells, all wells shall be pressure gr
17. All residential and non-residential building le stabilized construction entrance installed prio construction on the lot.
18. Existing driveway entrance is to be abandone shown.



*See Note #18



SD M18 P5
Federal Nation
Mortgage
Association
DB 1174 P 71
PB 18 P 5

SD M18 P4.1
Zillinger
DB 670 P 598
PB 9 P 48

SD M18 P5.1
Holloway
DB 730 P 302
6 Acres
AFT MERGER

A. Manfre 5/9/18
Final Plat

John E. and Susan E. Holloway
Minor Subdivision and Merger
Lot 1, Merger Parcel, and Residue

Shepherdstown District
Jefferson County, WV
Scale: 1" = 100'



LINE TABLE

RING	DISTANCE
9°30'37" W	11.47'
4°19'17" W	6.12'
7°44'22" W	30.07'
5°45'04" W	48.37'
2°49'11" E	31.47'
1°52'31" W	50.00'
8°07'29" E	65.50'
8°07'29" W	65.50'

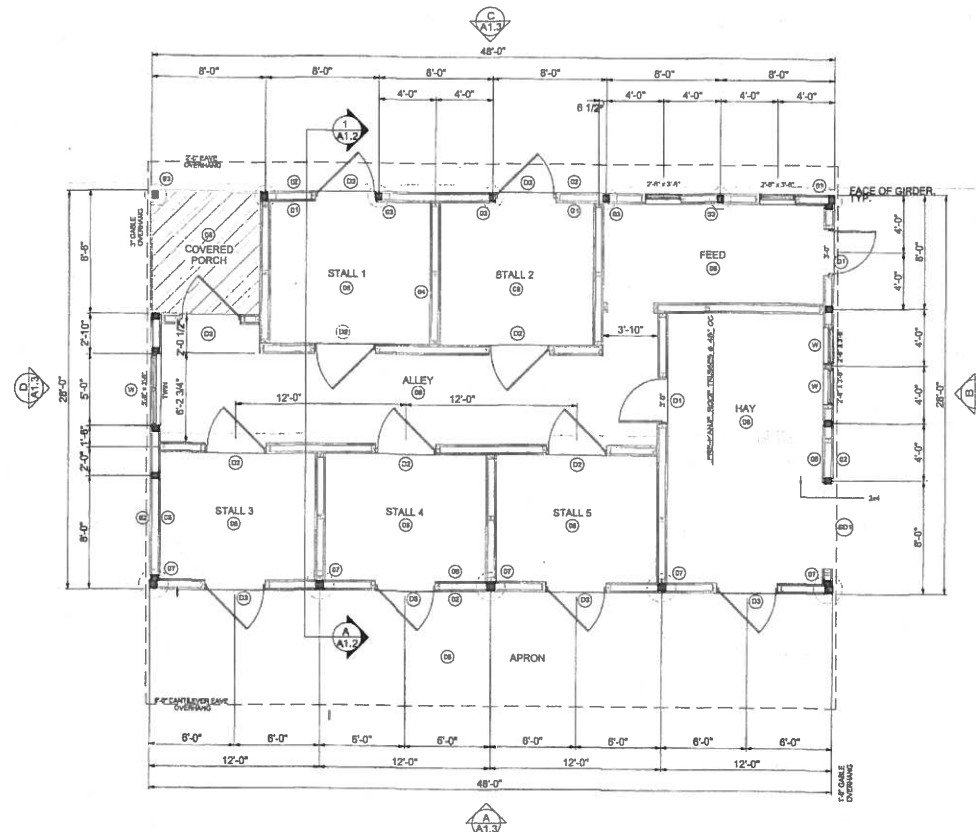
SD M20 P9
Cromer
DB 852 P 616
PB 11 P 38

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C1	154.09'	156.96'	19°44'38"	N 15°55'17" W 153.82'	127.21'	

PROPERTY LINE

GROUND LEVEL FLOOR FINISHES	
D1	WALL C.A.S. (2) PLY 3/4" TREATED LAM POSTS @ 24" OC. W/ (2) 11" 3/4" LVL GIRDERS 112" FROM BLAS FLOOR TO TOP OF GIRDERS
D2	WALL BOND OVER 3/4" PURLINS @ 24" OC.
D3	1/2" 80# CONG. FOOTER W/ BELOW GRADE W/ 3/4" CONG. FILL
D4	1/2" 80# CONG. FOOTER W/ TREATED BOTTOMS (1) 24" YELLOW PINE 128 BOWERS HOLE. (2) 4" FROM BLAS FLOOR TO TOP OF POST
D5	WALL: (2) PLY 3/4" TREATED LAM POSTS @ 24" OC. W/ (2) 11" 3/4" LVL GIRDERS 112" FROM BLAS FLOOR TO TOP OF GIRDERS
D6	WALL A.A.S. (2) PLY 3/4" TREATED LAM POSTS @ 24" OC. W/ (2) 11" 3/4" LVL GIRDERS 112" FROM BLAS FLOOR TO TOP OF GIRDERS
D7	3/4" 80# CONG. FOOTER W/ BELOW GRADE W/ 3/4" CONG. FILL
D8	1/2" 80# CONG. FOOTER W/ BELOW GRADE W/ 3/4" CONG. FILL
D9	1/2" 80# CONG. FOOTER W/ BELOW GRADE W/ 3/4" CONG. FILL
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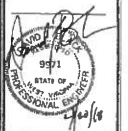
GROUND LEVEL FLOOR PLAN
SCALE 1/4" = 1'-0"

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Cheney, WA 99004
(509) 897-8888
(509) 897-8889 Fax
info@db-ai.com

ROBIN YOUNG HORSE BARN
WILLOUGHBY CONSTRUCTION
SHEPHERDSTOWN, WV



REVISION DATE
ISSUE DATE
APR 20, 2016
DRAWING TITLE
GROUND LEVEL FLOOR PLAN
PROJECT NO.
8027
SHEET NUMBER
A1.1



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

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Zoning Administrator's Report

August 25, 2022 Board of Zoning Appeals Meeting

Date of Memo: August 12, 2022

1) Upcoming BZA meeting

- The next regular meeting is scheduled for September 22, 2022 (deadline for submission is Monday, August 29, 2022).



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August 2022
Zoning Certificate Activity Report

File #	22-41-ZC
Request:	Change in Tenant: Bakerton Market
Property Owner:	Always Ltd. / Attn: Gerald Ballenger and Wanda Mason-Ballenger
Applicant:	Bakerton Central LLC / Attn: Kevin Cuellar
Parcel Information:	834 Carter Ave., Harpers Ferry, WV 25425 Parcel ID: 04003A00260000 (store) & 04003A00260000 (septic); Zoning District: Village; Size: .9 acres (combined); Deed Book: 984; Page: 102
Date of Issuance:	07/27/2022
File #	22-43-ZC
Request:	Agricultural Special Event Facility & Farm Vacation Enterprise
Property Owner:	James Gibson
Parcel Information:	201 Needwood Farm Lane, Harpers Ferry, WV 25425 Parcel ID: 04000500110000; Size: 156.86 acres; Zoning District: Rural; Deed Book: 1112; Page: 240; Parent to Child Division Recorded in Plat Book 25 @ Page 579
Date of Issuance:	08/02/2022
File #	22-44-ZC
Request:	Farm Vacation Enterprise
Property Owner:	Stiles Family Partnership LLC / Attn: Chris Stiles
Parcel Information:	Located on south and west side of Roper North Fork Road, Charles Town, WV Current Parcel ID: 06001100060000; Size: ~116 acres (vacant) Current Parcel ID: 06001100060001; Size: ~25 acres (vacant) Zoning District: Rural; Deed Book: 1272; Page: 279; Reconfigured Lots A-D per Boundary Line Adjustment #22-28-M (pending)
Date of Issuance:	08/02/2022
File #	22-46-ZC
Request:	Farm Vacation Enterprise
Property Owner:	Reed Mayer and Michaela Van Mecl
Parcel Information:	743 Windward Lane, Shepherdstown, WV 25443; Parcel ID: 06000600110000; Size: ~79.5 acres; Current Parcel ID: 06000600110001; Size: ~ 14.87 acres (vacant); Zoning District: Rural; Deed Book: 1281; Page: 533
Date of Issuance:	08/09/2022
File #	22-47-ZC
Request:	Change in Tenant: Spirit Halloween
Property Owner:	B33 Jefferson Crossing II, LLC
Applicant:	Spirit Halloween / Contact: Brandi Dusenbery
Parcel Information:	186 Flowing Springs Road, Charles Town, WV 25414 Parcel ID: 02000800240004; Size: 15.16 acres; Zoning District: Residential-Light Industrial-Commercial; Deed Book: 1239; Page: 670; See PC File: 94-04 (site plan)
Date of Issuance:	08/03/2022

Zoning Certificate Activity Report

August 2022

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File #	22-48-ZC
Request:	Bed and Breakfast
Property Owner:	Alexis Bonnell & Kerian McManus
Parcel Information:	144 Quarry Run Road, Harpers Ferry, WV 25425 Parcel ID: 04000400080000; Size: 21.14 acres; Zoning District: Rural; Deed Book: 1232, Page: 524; Plat Book: 10, Page 63
Date of Issuance:	08/11/2022

File #	22-49-ZC
Request:	Existing Telecommunications Tower Modification
Property Owner:	Kenneth Wilt
Applicant:	Mastec Network Solutions, LLC / Attn: Lauren Farrow
Parcel Information:	539 Mission Road North, Harpers Ferry, WV 25425 Parcel ID: 02002000310000; Size: 53 acres; Zoning District: Rural; Deed Book: 1045; Page: 445; Site Plan File #S10-11
Date of Issuance:	08/12/2022

File #	22-50-ZC
Request:	Change in Tenant: Rural Tactical Solutions
Property Owner:	Mark O'Dell
Applicant:	Rural Tactical Solutions / Attn: Vincent Sheeler
Parcel Information:	340 Defense, 459 Berryville Pk, Charles Town, WV 25414 Parcel ID: 06002900010000; Size: ~10 acres; Zoning District: Industrial Commercial; Deed Book: 968; Page: 1212; Site Plan S10-04 & ZC15-18
Date of Issuance:	08/16/2022
