



Jefferson County
Board of Zoning Appeals
Thursday, September 22, 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: 821 8538 1659
Meeting Link: <https://us02web.zoom.us/j/82185381659>
Phone Option (Dial by Location): 301-715-8592
Find your local number: <https://us02web.zoom.us/u/kdz7xYgoXS>

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: August 25, 2022

Public Hearing – Administer Oath

ITEM #1 FILE #: 22-6-CUP

Request: Request for a Conditional Use Permit to establish a federal firearms business, located within an existing barn. The proposed land use designation is listed in Appendix C as *Retail Sales and Service, General* as defined in Article 2. The proposal consists of converting an existing structure into a retail business that specifically sells firearms to local, state, and federal law enforcement agencies, as well as military components. The business will not be open to the public and will not have employees other than the owners of the property. At this time, no new structures or additions to existing structures are proposed. Signage will not be visible to the general public from the road or adjoining properties.

Applicant: Mission Critical Defense Solutions, LLC / Elliott Kletter

Parcel Info: Elliott Kletter, Jan Kletter, and Marguerite Kletter, Property Owners
Febrey Minor Subdivision, Lot B, 500 Febrey Rd., Kearneysville, WV
Parcel ID: 07000200030000; Lot Size: ~116 acres; Zoning District: Rural

ITEM #2 FILE #: 22-7-CUP

Request: Request for a Conditional Use Permit to operate a Medical/Dental/Optical Office, as defined in Article 2. The proposal consists of converting an existing church into an urgent care and medical office complex. Parking requirements will be met on-site. Signage will adhere to Article 10.

Applicant: Dr. Kolawale Oshiyoye, Kingdom Ventures, LLC

Parcel Info: Crossroads Church Trustees, Property Owners
7595 Martinsburg Pike, Shepherdstown, WV; Parcel ID: 09007B00010000; Size: 2.69 ac;
Zoning District: Residential Growth

ITEM #3 FILE #: 22-30-ZV

Request: Variance from Section 5.7B of the Zoning Ordinance (as amended 05/01/03) to reduce the rear setback from 50' to 5' for a 66' x 40' accessory structure (detached garage).

Parcel Info: Stephanie Hazelton & Dale Sanauskas, Property Owner
Potomac Ridge Subdivision, Lot 3, 50 Valentine Ct., Shepherdstown, WV
Parcel ID: 09001000090013; Size: ~6 acres; 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) Rockwell v. JCPC, JCBZA and JCCC
 - 2. Jefferson County Circuit Court Case #CC-19-2022-C-103 (RE: ZTA22-01 Solar Energy Facilities) Stone v. JCBZA
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions

Meeting: August 25, 2022

- 1. Request by Wild Hill Solar Project for a Conditional Use Permit to operate a Solar Energy Facility. Applicant: Wild Hill Solar, LLC. Owners: Clarence & Donna Hough, T. Todd & Susan Hough, Charles & Marie Hough (Life). File: 22-5-CUP
- 2. Variance from Section 9.7. Owner: Garland and Poppy Chrisman. File: 22-27-ZV.
- 3. Variance from Section 9.7. Owner: Russell and Jackie Keaveny. File: 22-28-ZV.
- 4. Variance from Section 8.2. Owner: Robin Young. File: 22-29-ZV.

DRAFT Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: August 25, 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,
- 6 Steve Guier, and Matthew McKinney.
- 7 Board Members Absent: Mikala Shremshock, alternate member (with notification)
- 8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant
- 9 Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk (ZOOM)

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

11 Mr. Quynn was running late to the meeting (arrived at 2:02 p.m.). Ms. Catterton presided over the

12 meeting as Vice Chair.

13 Mr. McKinney moved to call the meeting to order at 2:00 pm. Ms. Catterton called for a vote,

14 which carried unanimously.

15 Ms. Catterton reviewed meeting protocol for those in attendance.

16 Approval of Minutes: July 28, 2022

17 Mr. Corbin moved to approve the minutes as presented. Ms. Catterton called for a vote, which

18 carried unanimously.

19 Ms. Catterton stated that the Board would address Items 2-4 first and would address Item 1 last.

20 Ms. Beaulieu swore in members of the public who indicated they would be providing testimony.

21 ITEM #2 FILE #: 22-27-ZV

22 Request: Variance from Section 9.7 to reduce the front setback from 20' to 15' along a platted

23 right-of-way (Shade Ln) for a proposed 28' x 16' addition with a 6' x 17' handicap

24 ramp.

25 Applicant: Falconer Design Build c/o James Presley

26 Parcel Info: Garland and Poppy Chrisman, Owner

27 270 Persimmon Ln, Shepherdstown, WV;

28 Parcel ID: 09001400060001; Size: .5 ac; Zoning District: Rural

29 James Presley with Falconer Design Build was present to address the Board. Ms. Beaulieu provided

30 an overview of her staff report. Mr. Presley explained the nature of the request to the Board noting

31 that the property owner recently obtained a new survey of the subject parcel and that the proposed

32 addition would be approximately 12' from the front property line, as opposed to the requested 15'.

33 Ms. Catterton opened the public hearing. No members of the public provided testimony.

34 Ms. Catterton closed the public hearing.

35 Mr. Quynn moved to approve the variance with the condition that the applicant was bound by their

36 testimony. Mr. McKinney suggested a friendly amendment to revise the motion to reflect the revised

37 reduction to 12'. Mr. Quynn accepted the friendly amendment. Ms. Catterton called for a vote,

38 which carried unanimously.

1 **ITEM #3 FILE #: 22-28-ZV**

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

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

8 Russell Keaveny, property owner, was present to address the Board. Ms. Beaulieu provided an
9 overview of her staff report. Mr. Keaveny explained the nature of the request to the Board stating
10 that the proposed addition would benefit his ailing parents and that the specific location was chosen
11 due to existing site constraints such as floodplain and topography. Mr. Keaveny added that the
12 proposed location was optimal due the layout of the existing home and garage access.

13 Ms. Catterton opened the public hearing. No members of the public provided testimony.

14 Ms. Catterton closed the public hearing.

15 Mr. McKinney moved to approve the variance with the condition that the applicant was bound by
16 their testimony. Ms. Catterton called for a vote, which carried unanimously.

17 **ITEM #4 FILE #: 22-29-ZV**

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

20 Parcel Info: Robin Young, Owner
21 John and Susan Holloway Minor Subdivision, Lot 1;
22 141 Sunnyside Ln. Shenandoah Junction, WV
23 Parcel ID: 09001800050008; Size: 3 ac; Zoning District: Rural

24 Robin Young, property owner, was present to address the Board. Ms. Beaulieu provided an overview
25 of her staff report noting that there was a staff oversight in the issuance of the building permit, which
26 allowed the applicant to construct the barn in its present location in 2018. Ms. Beaulieu noted that
27 the structure complies with the accessory structure setback for storage; however, it does not comply
28 with the distance requirement for a structure that houses animals. Ms. Young explained the nature
29 of the request to the Board noting that the barn currently houses two horses and two donkeys.

30 Ms. Young explained that the building permit process was handled by the contractor and she was
31 unaware that the building permit had been issued as a storage structure only. Ms. Young emphasized
32 the fact that the building permit application sketch and construction plans clearly indicated that the
33 proposed structure would be a barn and that the "storage building" option on the first page of the
34 permit application had likely been selected due to there not being an option for a barn. Ms. Young
35 noted that the permit application has since been revised to include options for agricultural structures.

36 Ms. Catterton opened the public hearing. No members of the public provided testimony.

37 Ms. Catterton closed the public hearing.

38 Mr. McKinney moved to approve the variance with the condition that the applicant was bound by
39 their testimony. Ms. Catterton called for a vote, which carried unanimously.

40 Ms. Beaulieu swore in additional members of the public who indicated they would be providing
41 testimony.

1 AGENDA ITEM #1 FILE #: 22-5-CUP

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

10 Applicant: Wild Hill Solar, LLC

11 Parcel Info: Clarence & Donna Hough, Owner

12 Vacant parcel north of the property located at 340 Old Shennandale Rd., Charles
13 Town, WV; Parcel ID: 06000500060000; Lot Size: 49.04 ac / Project Size: 49.04 ac;
14 Zoning District: Rural

15 Parcel Info: T. Todd & Susan Hough, Trustees

16 340 Old Shennandale Rd, Charles Town, WV; Parcel ID: 06000500010000;
17 Lot Size: 206.84 ac / Project Size: 181.70 ac; Zoning District: Rural

18 Parcel Info: Charles & Marie Hough (Life), Owner

19 620 Old Shennandale Rd, Charles Town, WV; Parcel ID: 06001100080000;
20 Lot Size: 118.05 ac / Project Size: 32.11 ac; Zoning District: Rural

21 Mr. Paul Raco with P.J. Raco Consulting, Mr. Christopher Sternhagen with EDF Renewables and
22 Wild Hill Solar, LLC, and Mr. Rob Potesta with Potesta Associates were present to address the
23 Board. Ms. Beaulieu provided an overview of her staff report to the Board and reviewed the required
24 criteria for a Conditional Use Permit and Solar Energy Facility.

25 Mr. Raco presented a detailed PowerPoint presentation of the proposed land use. A printed version of
26 the presentation has been included in the project file. The presentation outlined the project details,
27 such as the scope of work and the proposed location of the solar panels and substation. Mr. Raco
28 outlined how the proposal was consistent with the County's Comprehensive Plan and reviewed how
29 the proposal met the Conditional Use Permit criteria as required by the Zoning Ordinance. Mr. Raco
30 also noted that less than 1/3 of the total project is located outside of the Urban Growth Boundary and
31 subject to the Conditional Use criteria, with the bulk of the project permitted by right. Mr. Raco
32 confirmed that the project would include a decommissioning plan with the WV Department of
33 Environmental Protection. Mr. Raco argued that the solar energy facility would have no greater
34 impact than that of an active farm. Mr. Raco stated that the entrance to the substation would be
35 located off of Old Shennandale Road. Mr. Raco and Mr. Sternhagen addressed the Board's questions
36 regarding environmental and traffic impacts, the energy usage and distribution, and buffering
37 requirements. Mr. Sternhagen confirmed that he had been in contact with both the Sheriff and Fire
38 Departments regarding an emergency management plan.

39 Ms. Catterton opened the public hearing.

40 The following members of the public provided public comment:

41 Property owners Patricia Zigler Wachter, Susan Hough, and Richard Zigler spoke in support of the
42 project. Ms. Patricia Funk spoke in opposition to the request and expressed concerns regarding noise
43 and light pollution, visual impact, EMF radiation, impact on Old Shennandale Road from increased
44 traffic, and property values.

1 Ms. Catterton closed the public hearing.

2 In rebuttal, Mr. Raco stated that there would not be lighting throughout the project and that the
3 project would adhere to the noise level requirements listed in Section 8.9 of the Ordinance. Mr. Raco
4 concluded his presentation by reviewing the project's compatibility with the surrounding area.
5 Mr. Raco confirmed that the only proposed signage would be located at the entrance of the project
6 and that there would not be any commercial signage.

7 In response to Ms. Catterton's questions regarding the impact on wildlife, Mr. Sternhagen stated
8 that the project plans were reviewed by both the West Virginia State Wildlife and the US Fish and
9 Wildlife agencies and that neither had expressed any concerns regarding the impact on wildlife.

10 Mr. Quynn moved to go into deliberative session at 3:45 pm. Ms. Catterton called for a vote, which
11 carried unanimously.

12 Mr. McKinney moved to go back into regular session at 4:12 pm. Mr. Quynn called for a vote, which
13 carried unanimously.

14 Mr. Quynn presided over the remainder of the meeting as Chair.

15 The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance.
16 Mr. Quynn stated that it appears that the project complies with all of the required criteria. Mr. Guier
17 stated that he agreed it met the criteria and that the proposed use would maintain the agricultural
18 land.

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

- 20 1. That the applicant be bound by their testimony.
- 21 2. The applicant shall process a Concept Plan through the Planning Commission.
- 22 3. The project shall comply with all local, state and Federal regulations.

23 Mr. Guier seconded the motion, which carried unanimously.

24 **Zoning Administrator's Report**

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

26 Ms. Beaulieu noted that the next meeting was scheduled for September 22, 2022.

27 **Legal Update**

28 a. Discussion of the following pending lawsuit:

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

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

32 **Meeting: July 28, 2022**

33 1. Request for a Conditional Use Permit to operate a Solar Energy Facility. Applicant:
34 Horus West Virginia 1. Owners: Thorn Hill LLC & Peel Properties WVA LLC.
35 File: 22-4-CUP

36 2. Variance from Section 4.12B & 4.11C. Applicant: Keane Enterprises. Owner: Miller
37 Gerald A Estate. File: 22-23-ZV and 22-24-ZV.

Board of Zoning Appeals

August 25, 2022

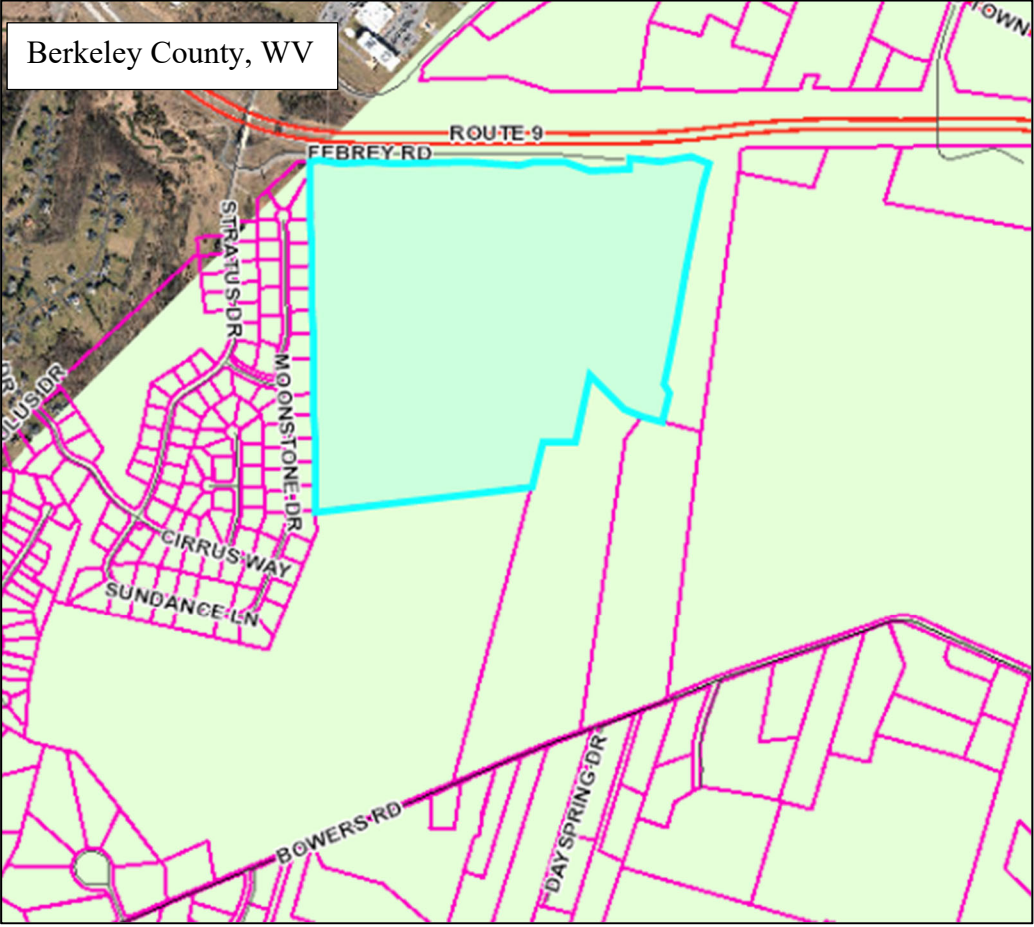
Page 5 of 5

- 1 3. Variance from Section 5.7B. Owner: Chad Dinges. File: 22-25-ZV.
- 2 4. Variance from Section 5.7B. Owner: Brian and Vanessa McGuigan. File: 22-26-ZV.
- 3 Mr. Quynn was provided a copy of the draft Findings for review.
- 4 Ms. Catterton moved to adjourn the meeting at 4:23 pm. Mr. Quynn called for a vote, which carried
- 5 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 September 22, 2022

22-6-CUP Mission Critical Defense Solutions Conditional Use Permit Request

Item #1 Request for a Conditional Use Permit to establish a federal firearms business, located within an existing barn. The proposed land use designation is listed in Appendix C as *Retail Sales and Service, General* as defined in Article 2. The proposal consists of converting an existing structure into a retail business that specifically sells firearms to local, state, and federal law enforcement agencies, as well as military components. The business will not be open to the public and will not have employees other than the owners of the property. At this time, no new structures or additions to existing structures are proposed. Signage will not be visible to the general public from the road or adjoining properties.

Applicant:	Mission Critical Defense Solutions, LLC / Elliott Kletter
Property Owner:	Elliott Kletter, Jan Kletter, and Marguerite Kletter
Parcel Information and Zoning District:	<p>Febrey Minor Subdivision, Lot B, 500 Febrey Rd., Kearneysville, WV Parcel ID: 07000200030000; Lot Size: ~116 acres; Zoning District: Rural</p> 
Surrounding Properties:	<p>Zoning Map Designation: North, East & South: Rural West: Rural and Berkeley County, WV</p>
Approvals:	Rita Febrey Minor Subdivision (recorded on 06/05/2018 in PB 25 PG 744)
Site Visit Conducted:	No

22-6-CUP Mission Critical Defense Solutions Conditional Use Permit Request

Summary of Request and Purpose of Ordinance Requirements

Request for a Conditional Use Permit to establish a federal firearms business, located within an existing barn. The proposed land use designation is listed in Appendix C as *Retail Sales and Service, General* as defined in Article 2. The proposal consists of converting an existing structure into a retail business that specifically sells firearms to local, state, and federal law enforcement agencies, as well as military components. The business will not be open to the public and will not have employees other than the owners of the property. At this time, no new structures or additions to existing structures are proposed. Signage will not be visible to the general public from the road or adjoining properties.

Article 2 defines *Retail Sales and Service, General* as:

“A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does.”

Based on the size of the existing structure, the land use would be classified as *Retail Sales, Limited*, which is further defined as,

“Establishments of up to 10,000 square feet of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, boutiques, and book stores. This use does not include Convenience Store, and does not include any other use specifically classified in another definition herein.”

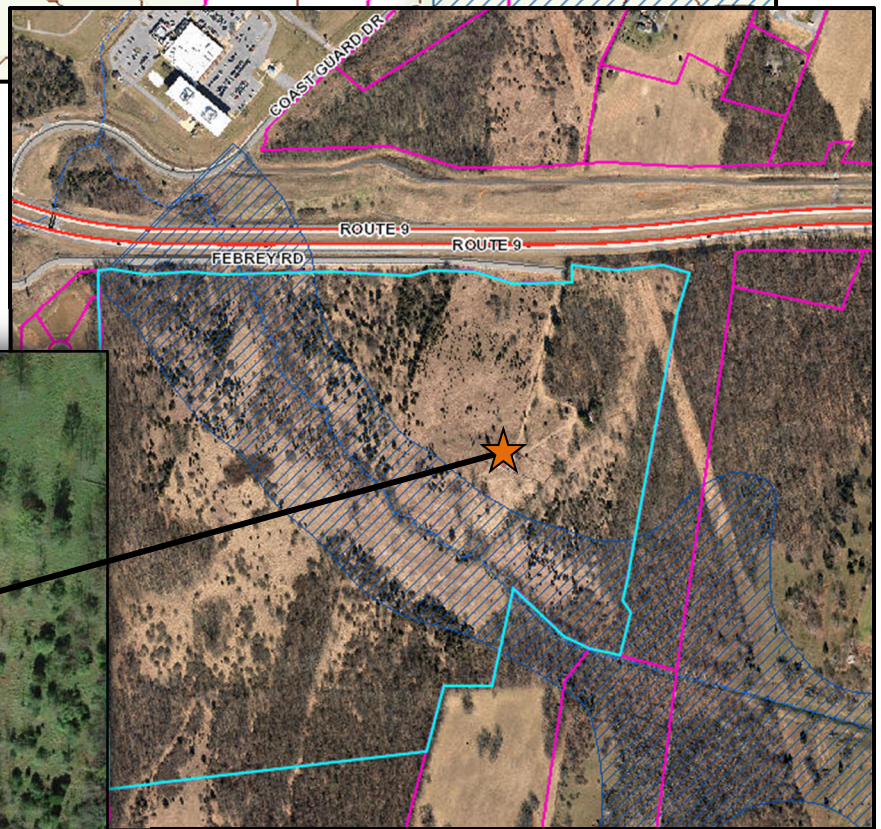
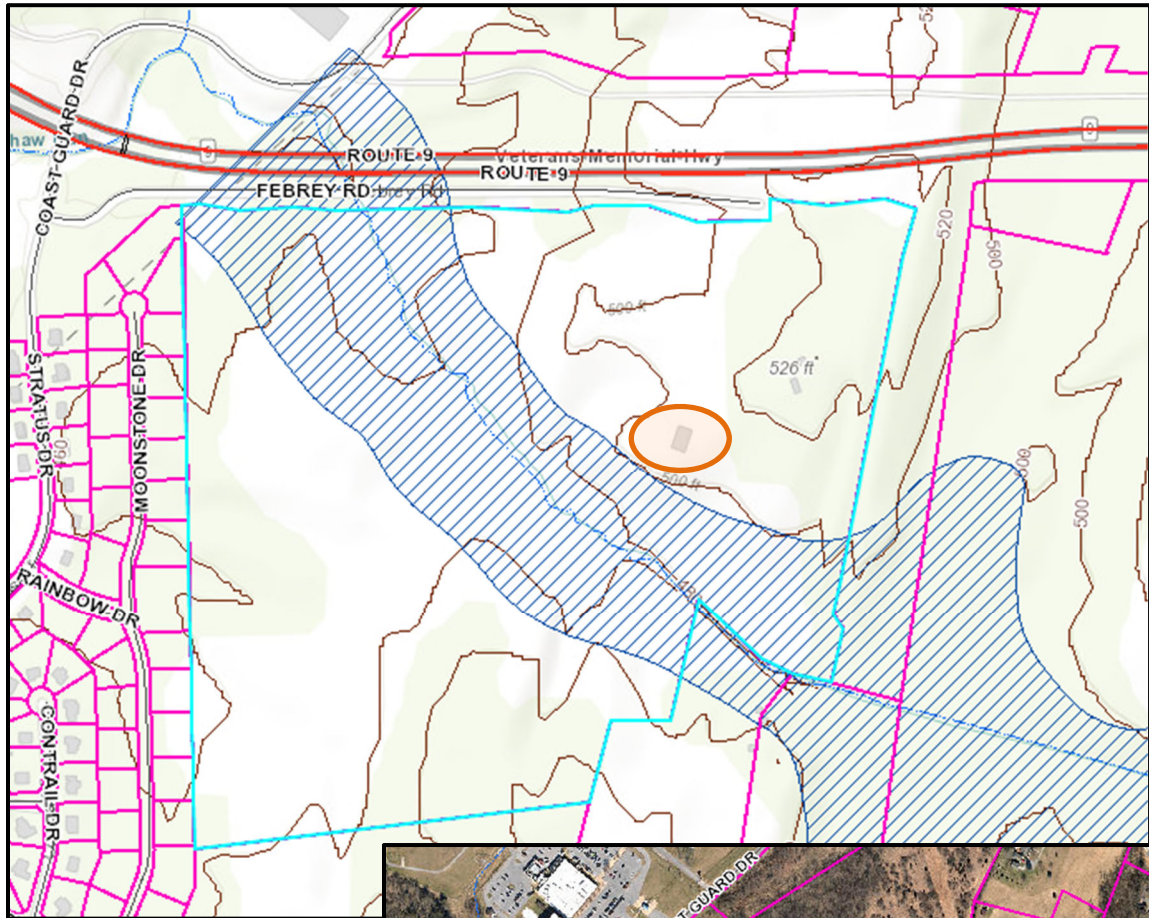
Property Description

The subject parcel contains an existing metal pole barn which the applicant intends to convert to use for the federal firearms retail endeavor. A portion of the property is located within the floodplain; therefore, any non-residential buildings and associated parking will be required to be setback 25' from the delineated floodplain area.

Based on aerial data, it appears that the existing pole barn is over 2,000 linear feet from the closest residence to the east and around 1,800 linear feet from the closest residence to the west. There are no residences to the south of the property and to the north is Febrey Road, which appears to currently only serve the subject parcel.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 22, 2022

22-6-CUP Mission Critical Defense Solutions Conditional Use Permit Request



22-6-CUP Mission Critical Defense Solutions Conditional Use Permit Request

Impact on adjacent properties

The applicant represented that the business will not have regular hours of operation and will not be open to the public. The existing structure will be utilized as storage space as well as a location for clients to pick up their purchased items at a pre-arranged time. The property has direct access off Febrey Road and presently, the subject parcel appears to be the only lot utilizing this access road. Therefore, it appears that the impact on surrounding properties would be minimal.

Conditional Use Permit Process

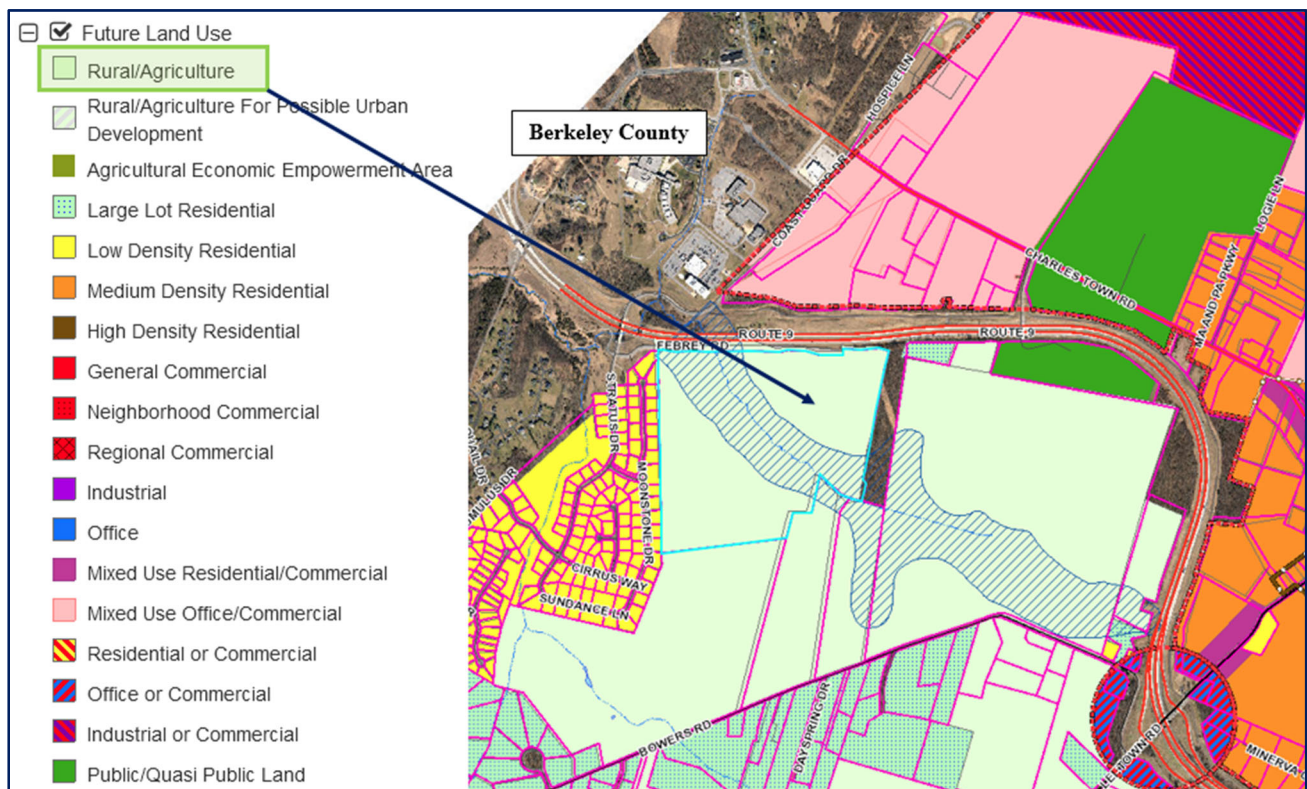
Section 6.3 of the Zoning Ordinance states:

“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:”

The following General Standards shall be considered 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 subject parcel is shown as “Rural/Agriculture” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see below) and is located outside of the County’s urban growth boundary.



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).

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 22, 2022

22-6-CUP Mission Critical Defense Solutions Conditional Use Permit Request

Excerpts from the Envision Jefferson 2035 Comprehensive Plan

“...allow the use of a more traditional CUP process in the Rural District for non-residential uses which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare.” (Page 14, Goals and Objectives)

“...This Plan recommends eliminating the LESA system and modifying the CUP process for use exclusively for non-residential development projects in the Rural Zoning District.” (Page 24, Rural/Agricultural Areas)

“...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))

“While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. 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))”

- 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 in their application.

No additions or new structures are proposed at this time. Any signage would not be visible from the road or adjoining properties. No shooting range for testing firearms is proposed at this time and the applicant is aware that any expansion of the proposed business will necessitate additional processing before the Board, unless a text amendment is processed or the property is rezoned.

22-6-CUP Mission Critical Defense Solutions Conditional Use Permit Request

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)

Based on the information provided, the proposed site development will not hinder nor discourage the appropriate development and use of adjacent land and buildings.

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 will not be required to process a site plan at this time because there are no new buildings or additions proposed, and no additional parking is required to be installed; therefore, landscaping is not required to be installed in accordance with Appendix B and Section 4.11.

The property is surrounded by existing vegetation and the existing structure that is subject to the request exceeds the 75' distance requirement from all property lines.

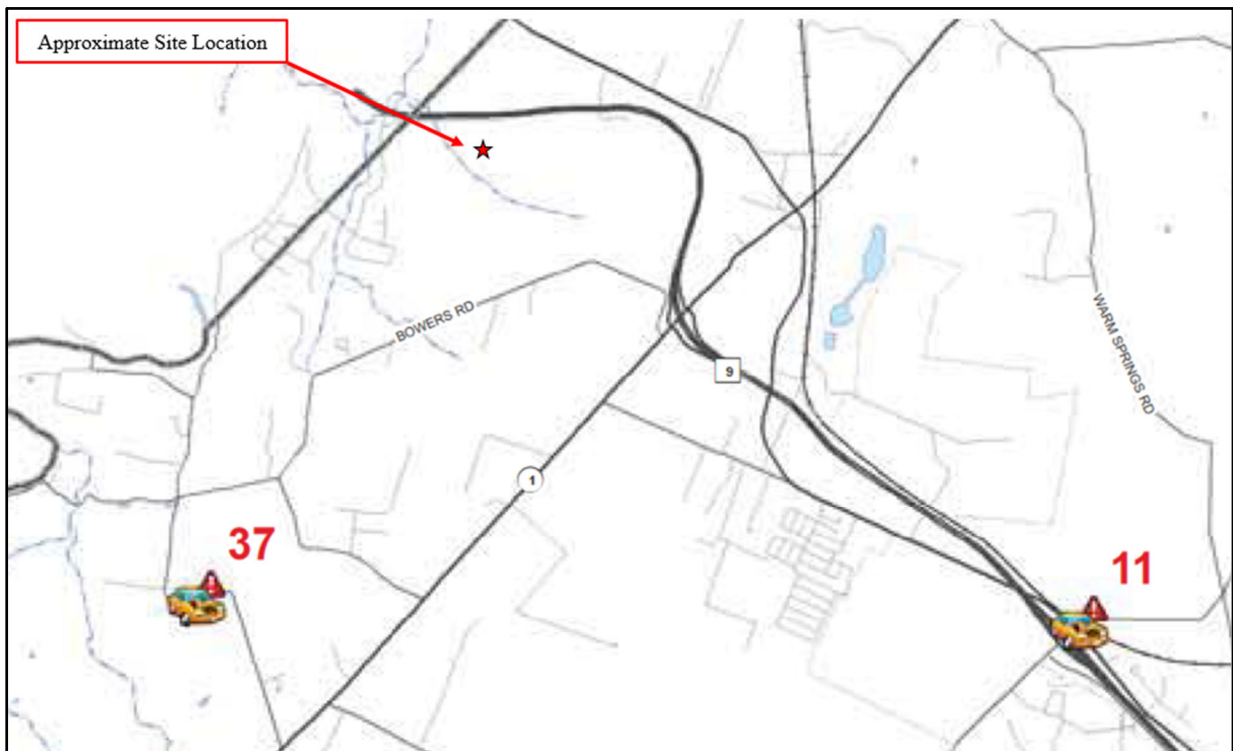
5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance. (Sec. 6.3A.5)

As part of the Conditional Use Permit application, the applicant was informed of this criteria and shall comply with this standard.

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)

Febrey Road is classified as a Local Road and is subject to this criteria. Based on the applicant's representation that he is the only employee and that the business will not be open to the general public, it appears that the proposed land use would create a minimal increase in average daily trips.

Below is an excerpt from the Comprehensive Plan's Highway Problem Areas Map.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 22, 2022

22-6-CUP Mission Critical Defense Solutions Conditional Use Permit Request

#11 – Luther Jones Road – Intersection with Wiltshire Road and Old Charlestown Road –Limited stacking area at light due to tracks. Development is expected to take place in this area over next to decades.

#37 - Paynes Ford Road – 3,500 feet west of Leetown Road –Two 90 degree turns.

**See Highway Problem Areas Map and Table (Pages 98 and 99 of the Envision Jefferson 2035 Comprehensive Plan [attached].*

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

The subject property contains a Category II Historic Structure identified by the Historic Landmarks Commission as the Van Metre House. Section 3.4D.4.b of the Zoning Ordinance defines Category II resources as follows:

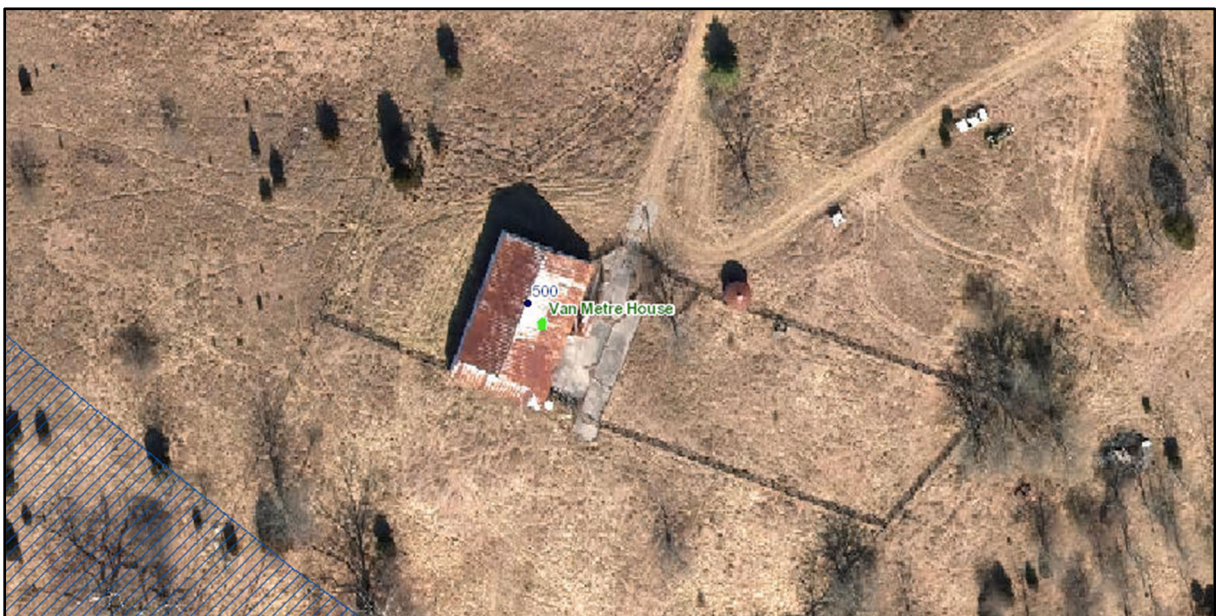
These sites are classified as important. This category includes Jefferson County Landmarks, historic sites that may be National Register eligible, and other Civil War battle sites. Sites in this Category may have been altered or changed to such a degree that they no longer retain the same level of integrity as the original condition.

The Ordinance states that the Historic Landmarks Commission may make reasonable recommendation to the Board of Zoning Appeals on the suitability of a proposed non-residential use for the building seeking a Conditional Use Permit and may include the following findings:

- a. Compatibility of the proposed use with the historic structure.
- b. Any modifications to the building’s façade is consistent and compatible with the building’s architecture, style, and massing; and
- c. Proposed parking and other activities are suitably located so as to preserve the historic character.

The Board may consider these findings and if determined appropriate, may require compliance with some or all of the Historic Landmarks Commission’s recommendations as a condition of approval.

Staff notified the Historic Landmarks Commission of the application on 09/13/2022.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 22, 2022

22-6-CUP Mission Critical Defense Solutions Conditional Use Permit Request

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)

The applicant did not provide any information on proposed signs. The application states that any signage will not be visible from the road or adjoining properties. Based on the location of the existing structure, it appears that any signs the applicant may erect could comply with the provisions of Article 10. Any electronic signs would be subject to the Board's review at a future meeting.



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 #: 22-6-CUP
 R'cvd Date: 08 / 24 / 22
 Mtg. Date: 09 / 22 / 22
 Fee Paid: \$ 300.00
 Staff Int.: jth

Email: zoning@jeffersoncountywv.org Phone: (304) 728-3228
 Fax: (304) 728-8126

Application for a Conditional Use Permit

Project Name Mission Critical Defense Solutions (MCDS) LLC
FEL Application / Permit

Property Owner Information

Name: Elliott A Kletter
 Business Name: Pine Run Ranch LLC
 Mailing Address: 273 Equestrian Circle Sherandoah Jet WV 25442 Mail Yes
 Phone Number: 304 582 9525 Email Response: Kletterelliott@gmail.com Response: No

Applicant Information

Name: Elliott A Kletter
 Business Name: Mission Critical Defense Solutions LLC
 Mailing Address: 273 Equestrian Circle Sherandoah Jet WV 25442 Mail Yes
 Phone Number: 304-582-9525 Email Response: Kletterelliott@gmail.com Response: No

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

Name: _____
 Business Name: N/A
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Response: _____ Response: No

Physical Property Details

Physical Address: 500 FEBREY RD Kearneysville WV 25430
 Tax District: Middleway Map No: M-2 Parcel No: 3
 Parcel Size: 116 Acres Deed Book: ~~115-1~~ 1287 jth Page No: ~~106~~ 285 jth

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (I-C)	Rural* (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Commercial (GC)	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"/>	<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: Febrey Rd

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

Retail Sales & Service (General)

Please provide any information or known history regarding this property.

This was an old Beef Cattle Ranch about 20 some years ago. There is an existing and in good shape barn on the property. There is a lot of over grown bushes, shrubs, & trees.

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

Comprehensive Plan supports the Conditional Use Permit Process for non-residential uses in the rural district.

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

The business will be using the existing building that is on the property originally for Documentation/Storage. In the future (10 year plan) the property will have a new building to support the business as it scales. Continued in detail on back.

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

The Business will adhere to all requirements/restrictions as well as best safety practices. The land itself on the other end of the property will remain a newly restored Beef Cattle Ranch. Continued on Back.

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

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

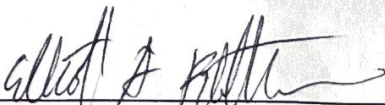
I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

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

Applicable (Trip Generation Data attached)

Not Applicable

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



Property Owner

8/23/2022

Date

Property Owner

Date

Zoning

From: Elliott Kletter <kletterelliott@gmail.com>
Sent: Wednesday, August 24, 2022 2:58 PM
To: Zoning
Cc: missioncriticaldefensesolution@gmail.com
Subject: MCDS Conditional Use Permit Application
Attachments: KletterFebreyRdReport Site Sketch.pdf; 500 Febrey Rd 20220805.pdf; Conditional Use Permit Application .pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Alex,

as we have discussed on the phone before; Mission Critical Defense Solutions (MCDS) LLC is requesting a conditional use permit at 500 Febrey Road Kearneysville WV 25430.

I have all required attachments based on the application.

Please let me know if I need to provide additional information.

I look forward to your response if what I have provided is sufficient for the 9/22/2022 hearing.

Thanks

Narrative (Recap):

MCDS is applying for an Federal Firearms License (FFL) to support local county, state, & federal law enforcement agencies, as well as military components. MCDS is currently supporting said agencies above, but is missing a key component, the ability to sell firearms. MCDS does not plan and has not applied for any "manufacturing" of firearms at this time.

Currently the land is owned by Pine Run Ranch LLC which is owned by me Elliott A Kletter. MCDS will be leasing no more than 1 acre from Pine Run Ranch LLC to operate its corporate headquarters out of. The remaining land will be restored to its original use of cattle ranching. In the future (10 year plan) MCDS will be adding an additional building to the property to better suit its growth and customer needs. Currently, MCDS is owned by 3 people which includes myself. MCDS has no employees. MCDS will have no open hours to the public, but only to its customers. There are no set hours, this is based on specific Service Level Agreements (SLA's), with each customer.

In regards to traffic there should be minimal traffic increase since the address will only operate as the company's HQ for storage and documentation purposes. All business will typically be delivered to customers at their location. No signs will be posted either on the property that the general public would be able to see from the road or adjoining property owners.

List of adjoining property owners to the best of my ability using the [Jefferson County West Virginia Tax Map Viewer \(wvassessor.com\)](http://wvassessor.com) site, based on the most recent tax year.

Deeded Owner: COOPER OTTOWAY & MONTCELLO
C/O:
Owner Address: 14443 WARRENTON RD
City: FREDERICKSBURG
State: VA
Zip: 22406
Deed Book/Page: 819/685

Deeded Owner: MCINTOSH MARTHA A
C/O:
Owner Address: 4529 BOWER RD
City: KEARNEYSVILLE
State: WV
Zip: 25430
Deed Book/Page: 280/230

Deeded Owner: WHITMORE JAY A
C/O:
Owner Address: 1985 GLEASON RD
City: PIKETON
State: OH
Zip: 45661
Deed Book/Page: 1270/57

Deeded Owner: TATTERSON THOMAS J
C/O:
Owner Address: 176 CASTANEA DR
City: MARTINSBURG
State: WV
Zip: 25403
Deed Book/Page: 295/336

Deeded Owner: KNOCK KATHLEEN C
C/O:
Owner Address: 3561 BOWERS RD
City: KEARNEYSVILLE
State: WV
Zip: 25430
Deed Book/Page: 1229/595

Deeded Owner: RHODES CHRISTOPHER & MARYBETH
C/O:
Owner Address: 92 MOONSTONE DR
City: KEARNEYSVILLE
State: WV
Zip: 25430
Deed Book/Page: 1269/646

Deeded Owner: GALLAGHER CASS & CAROL L
C/O:
Owner Address: 120 MOON STONE DR

City: KEARNEYSVILLE
State: WV
Zip: 254302675
Deed Book/Page: 1275/205

Deeded Owner: NORIEGA SHAIA K
C/O:
Owner Address: 154 MOONSTONE DR
City: KEARNEYSVILLE
State: WV
Zip: 25430
Deed Book/Page: 1271/221

Deeded Owner: HESSLER SHERRY
C/O:
Owner Address: 182 MOON STONE DR
City: KEARNEYSVILLE
State: WV
Zip: 254302675
Deed Book/Page: 1283/667

Deeded Owner: JH REAL ESTATE LLC
C/O:
Owner Address: 3029 ROHRBAUGH RD
City: SEVEN VALLEYS
State: PA
Zip: 17360
Deed Book/Page: 1229/655

Deeded Owner: DAN RYAN BUILDERS INC
C/O:
Owner Address: 60 THOMAS JOHNSON DR
City: FREDERICK
State: MD
Zip: 21702
Deed Book/Page: 1111/132

Deeded Owner: ILA PROPERTIES INC
C/O:
Owner Address: 4115 CHARLES TOWN RD
City: KEARNEYSVILLE
State: WV
Zip: 25430
Deed Book/Page: 1202/398

Deeded Owner: ILA PROPERTIES INC
C/O:
Owner Address: 4115 CHARLES TOWN RD
City: KEARNEYSVILLE
State: WV
Zip: 25430

Deed Book/Page: 1202/398

Deeded Owner: POTOCAK JENNIFER & MARTIN SULSKY

C/O:

Owner Address: 346 MOON STONE DR

City: KEARNEYSVILLE

State: WV

Zip: 254302651

Deed Book/Page: 1279/260

Deeded Owner: KELSEY RICHARD A & DEANNA M

C/O:

Owner Address: 372 MOON STONE DR

City: KEARNEYSVILLE

State: WV

Zip: 254302651

Deed Book/Page: 1282/381

Deeded Owner: WALBERG JOHN C & JULIE

C/O:

Owner Address: 396 MOONSTONE DR

City: KEARNEYSVILLE

State: WV

Zip: 25430

Deed Book/Page: 1270/262

Deeded Owner: WILLIAMS ELROY & SARA L

C/O:

Owner Address: 428 MOON STONE DR

City: KEARNEYSVILLE

State: WV

Zip: 254302685

Deed Book/Page: 1281/553

Deeded Owner: ILA PROPERTIES INC

C/O:

Owner Address: 4115 CHARLES TOWN RD

City: KEARNEYSVILLE

State: WV

Zip: 25430

Deed Book/Page: 1202/398

Deeded Owner: DAN RYAN BUILDERS INC

C/O:

Owner Address: 60 THOMAS JOHNSON DR

City: FREDERICK

State: MD

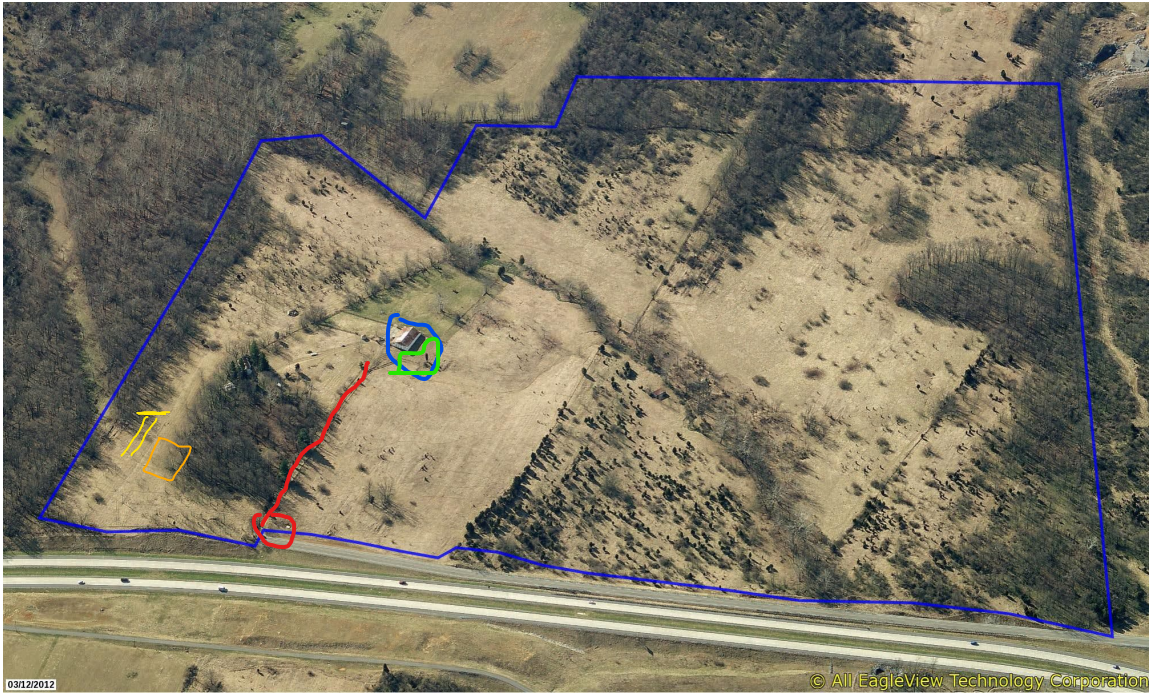
Zip: 21702

Deed Book/Page: 1111/132

--

Elliott Kletter

- Red circle is access area off of Febrey Road, and line is access way to barn.
- Blue Circle is around proposed Barn to be used in the mean-time, until new building is built.
- Green area is where I typically park and where customers would ideally park as well.
- Orange box, is proposed new building in time (not to scale)
- Yellow, is proposed shooting lane with 12' burm (Dirt) and natural tree buffer, along with additional rubber back stops before the burm.



Aerial View of Subject Property Looking South



Aerial View of Subject Property Looking West

Zoning

From: Zoning
Sent: Wednesday, September 14, 2022 9:06 AM
To: 'John Walberg'
Subject: RE: Mission Critical Defense Solutions Proposal

Good morning,

This email is to confirm receipt of your comments related to the Mission Critical Defense Solutions Conditional Use Permit (project file 22-6-CUP). Please be advised that your comments will be included in the 09/22/22 Board of Zoning Appeals Meeting packet.

Thank you,

Jennilee Hartman, Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: John Walberg <jgwalberg@gmail.com>
Sent: Wednesday, September 14, 2022 8:55 AM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Mission Critical Defense Solutions Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

John & Julie Walberg
396 Moonstone Dr.
Kearneysville, WV 25430

Jefferson County Planning and Zoning committee
116 Washington Street 2nd Floor, P.O. Box 716
Charles Town, West Virginia

To Jefferson County Planning Committee.

The following inquiry is in reference to certified correspondence #7015 0640 0004 5288 0772 and the request by Mission Critical Defense Solutions to establish a federal firearms business, located with an existing barn at 500 Febry Road, Kearneysville, WY. The following statements and questions should be considered by the zoning board.

- It is my understanding that only adjoining property owners have been notified of this meeting and proposed conditional use. This has the potential to impact the entire Quail Ridge community. I would recommend that all homeowners and HOA be notified.
- Due to the close proximity of the residential area to the homeowner's community are there any assurances that there would be no discharge of a firearm and there are no plans to expand the business to include a firing range?
- In the nature of the request, the applicant indicates that the business will "sell firearms to local state, and federal law enforcement agencies, as well as military components".

- Traditionally law enforcement agencies purchase directly from the manufacturer to take advantage of available discounts. Does “Mission Critical Defense Solutions” have a contract with any state or local law enforcement to sell firearms? Does “Mission Critical Defense Solutions have an agreement with any agency to provide military components?
- Has any member of the Zoning board reached out to law enforcement as a consultant to the request?
- In the nature of the request the applicant indicates that; “At this time, no new structures or additions to existing structures are proposed.” Let us assume the business is a successful endeavor. What are the considerations and limitations if any for building and expanding the business footprint? Does the approval for the conditional use permit limit any future structure used for the business?

Thank you in advance for your time and consideration in this matter.

Best regards,

John G. Walberg

--

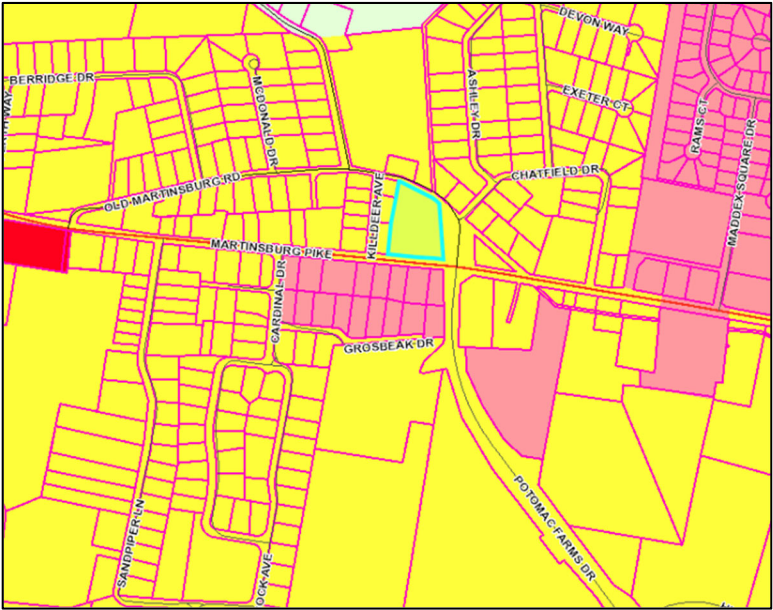
John G. Walberg

jgwalberg@gmail.com

218-349-9500

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 September 22, 2022
22-7-CUP Kingdom Ventures LLC Conditional Use Permit Request

Item #3 Request for a Conditional Use Permit to operate a Medical/Dental/Optical Office, as defined in Article 2. The proposal consists of converting an existing church into an urgent care and medical office complex. Parking requirements will be met on-site. Signage will adhere to Article 10.

Applicant:	Dr. Kolawale Oshiyoye, Kingdom Ventures, LLC
Owner:	Crossroads Church Trustees
Parcel Information and Zoning District:	<p style="text-align: center;">7595 Martinsburg Pike, Shepherdstown, WV Parcel ID: 09007B00010000; Size: 2.69 ac; Zoning District: Residential Growth</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North, East, West: Residential Growth South: Residential - Light Industrial - Commercial</p>
Approvals:	12-11-14: Waiver of Site Plan to allow the expansion of a gravel parking lot (File#ZV14-21).
Site Visit Conducted:	No

Summary of Request and Purpose of Ordinance Requirements

Request for a Conditional Use Permit to operate a Medical/Dental/Optical Office as defined in Article 2. The proposal consists of converting an existing church into an urgent care and medical office complex. The applicant represented that in the beginning stages of the business, they anticipate 10 to 15 patients a day and once fully operational, the expectation would be to increase to 30 to 40 patients a day. Parking requirements will be met on-site.

Article 2 defines Medical/Dental/Optical Office as: “A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.”

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 22, 2022
22-7-CUP Kingdom Ventures LLC Conditional Use Permit Request

Property Description

The subject parcel contains an existing church, parsonage, and parking lot. Based on County records, it appears that a church has existed on the property since the early 1960's. The property is surrounded by residential and non-residential development. Within close proximity is a nonconforming shopping center that contains the Dollar General, Shepherdstown Pharmacy, Subway, as well as a book store and tanning salon. Across the street to the east is Brown's auto care center.



Impact on adjacent properties

The impact on adjacent properties is expected to be minimal because access is available directly off of Martinsburg Pike and sufficient space for parking is available onsite. The change in use from a church to an urgent care and medical office complex does not appear to pose a significant change in traffic patterns. The surrounding area is primarily zoned Residential Growth, with Residential-Light Industrial-Commercial and General Commercial zoning in the nearby vicinity (see zoning map on page 1).

Conditional Use Permit Process

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.”

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 22, 2022
22-7-CUP Kingdom Ventures LLC Conditional Use Permit Request

The following General Standards shall be considered in approving or denying the CUP:

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.

The subject parcel is shown as “Public/Quasi Public Land” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide based on the property historically being used as a church. The property is located within the Shepherdstown Preferred Growth Boundary, which identifies where urban level growth is expected to occur and where it is expected that public utilities may be available and/or extended.



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.

The applicant has addressed this criteria in their application.

The subject parcel contains an existing church, parsonage, and parking lot. Based on County records, it appears that a church has existed on the property since the early 1960’s. The property is surrounded by residential and non-residential development. Within close proximity is a nonconforming shopping center that contains the Dollar General, Shepherdstown Pharmacy, Subway, as well as a book store and tanning salon. Across the street to the east is Brown’s auto care center.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 22, 2022
22-7-CUP Kingdom Ventures LLC Conditional Use Permit Request



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.

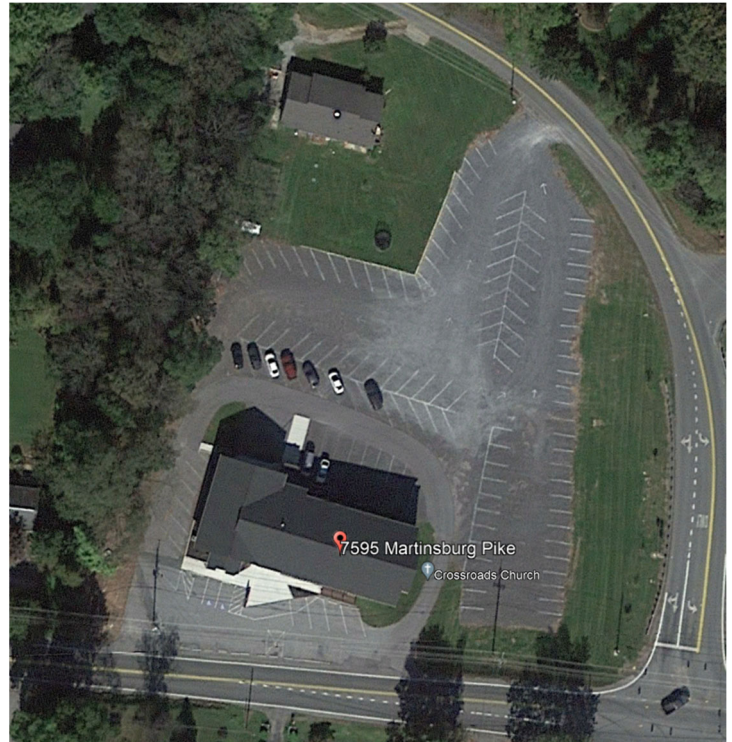
The applicant has addressed this criteria. The proposed use appears to be consistent with the overall character of the area. Based on the information provided, the proposed site development will not hinder nor discourage the appropriate development and use of adjacent land and buildings.

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 4.10 of the Zoning Ordinance requires that a site plan process for all commercial development in accordance with the requirements of the Subdivision Regulations. The Subdivision Regulations require a site plan to process for new buildings and/or additions to existing buildings. It is possible that the project may comply with the "No Site Plan" criteria and therefore, landscaping and buffer requirements would not be required unless the Board requires landscaping and buffer screens as a condition of approval.

Note: The applicants were informed during a Pre-Proposal Conference meeting that the parking lot appears to have expanded beyond the parameters of the variance that was granted by the Board in 2014, which allowed the church to install additional parking spaces without processing a site plan (File #ZV14-21). Based on aerial imagery, the parking lot has more than doubled in size and is in violation of the County's land development regulations. The violation can be addressed by either processing a site plan to address the parking lot expansion or by processing a variance to continue without processing a site plan. Alternatively, some of the parking could be removed and returned to natural vegetation.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 22, 2022
22-7-CUP Kingdom Ventures LLC Conditional Use Permit Request



5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.

As part of the Conditional Use Permit application, the applicant was informed of this criteria and shall comply with this standard.

6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map.

The subject parcel is zoned Residential Growth; therefore, this criteria does not apply.

7. Historic Landmarks Commission's Findings related to the proposed land use.

The referenced parcel does not contain any Category I or II historic sites as defined by the Zoning Ordinance; therefore, this criteria does not apply.

8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6.

Signs accessory to a Conditional Use are subject to Section 10.6 of the Zoning Ordinance, which requires that as part of the application, signage shall be addressed for review and consideration by the Board at the required Public Hearing.

The applicant did not provide any examples of potential signs for the proposed land use; however, the applicant did state that signage would be similar to what is currently on the property.

Depending upon the configuration of any proposed signs, a variance may be required from Section 10.4 which states that business signs shall not face an adjoining residence. This provision applies to both freestanding signs and attached business signs.



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 #: 22-7-CUP
 R'cvd Date: 8/29/22
 Mtg. Date: 09/22/22
 Fee Paid: \$ 400-
 Staff Int.: gt

Email: zoning@jeffersoncountywv.org

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

Application for a Conditional Use Permit

Project Name

Property Owner Information

Name: Crossroads Church Trustees
 Business Name: Crossroads Church
 Mailing Address: 950 Foxcroft Ave. Martinsburg, WV 25401
 Phone Number: 3042601341 Email Response: dustinbrown@xrchurch.net Mail Yes
 Response: No

Applicant Information

Name: KOLAWOZ OSTYUM E
 Business Name: KINCHOM VENTURES LLC
 Mailing Address: 202 FOXCROFT AVENUE MARTINSBURG WV 25401 Mail Yes
 Phone Number: 240 476 0741 Email Response: geminik@real.com Response: No
hw@mail-com

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

Name: Butch Cazin
 Business Name: Long + Foster
 Mailing Address: _____
 Phone Number: _____ Email Response: butch@buthcazin.com Mail Yes
 Response: No

Physical Property Details

Physical Address: 7595 MARTINSBURG PIKE
 Tax District: 09 Map No: 7B Parcel No. 1
 Parcel Size: 8 ACRES 2.69 AC Deed Book: 1145 Page No: 692 gt

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (I-C)	Rural* (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Commercial (GC)	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"/>	<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: MARTINSBURG PIKE

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

See attached gti

Please provide any information or known history regarding this property.

PROPERTY WAS PREVIOUSLY USED AS A CHURCH WITH TWO CROSS ROAD CHURCH

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

THE

PROPOSED USE IS COMPATIBLE WITH ADOPTED CP IN THE FOLLOWING WAYS: IT ALLOWS FOR GROWTH OF THE AREA WITHOUT ANY FURTHER UNUSUAL BURDEN TO THE COMMUNITY. THE NEW PROPOSED USE LESSENS TRAFFIC, PROVIDES MUCH NEEDED SERVICE TO THE COMMUNITY.

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

PROPOSED USE WILL SUBVINE TRAFFIC IN THE SENSE THAT NO PROLONGED PARKING OR HEAVY PARKING BURDEN THAT OCCURRED WITH THE CHURCH. PROPOSED USE IS FOR URGENT CARE

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 REVISIONS

THE PROPOSED BRINGS NO FURTHER UNUSUAL BURDEN COMPARED TO PREVIOUS USE - THE TRAFFIC BURDEN, NOISE BURDEN WILL BE VIRTUALLY ELIMINATED COMPARED TO PREVIOUS CHURCH USE.

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

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

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

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

Applicable (Trip Generation Data attached)

Not Applicable

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



Property Owner

8/26/22

Date

Property Owner

Date

Addendum To Conditional Use Permit Application

Dear County Official/Council,

To Whom It May Concern

The commercial property on 7595 Martinsburg Pike, shepherdstown wv is under contract for our purchase. The current proposal is to use this building for a medical practice in the form of an urgent care. This is a service that is not currently available in the community and we will love to serve the community in this way.

In comparison to previous use of property, there will be no traffic burden in the parking lot and adjoining community due to the quick nature of patient visits with urgent care. In our current medical office there has never been any traffic issues in the 6years we have owned the practice.

The proposed practice will employ over 4 -5 employees to start. At the outset we will expect 10 to 15 patients per day. And when fully operational we expect 30 to 40 patients a day. Proposed hours of operation are 9am to 7pm daily.

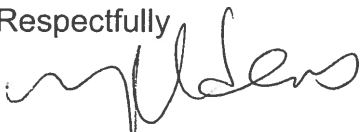
Further we intend to rent out retail spaces to other specialist medical practices and allied medical ventures.

Now previous occupancy of this property was for religious purposes. The crossroad church occupied the space as upward of 1,000 members which brought an undue traffic burden to the community. This burden persists for the entire duration of church service which spans many days of the week.

Signage for the building will be similar to what is currently there.

Our 5 year plan is to expand the building to accommodate tenants.

Respectfully



Dr & Dr Mrs Oshiyoye

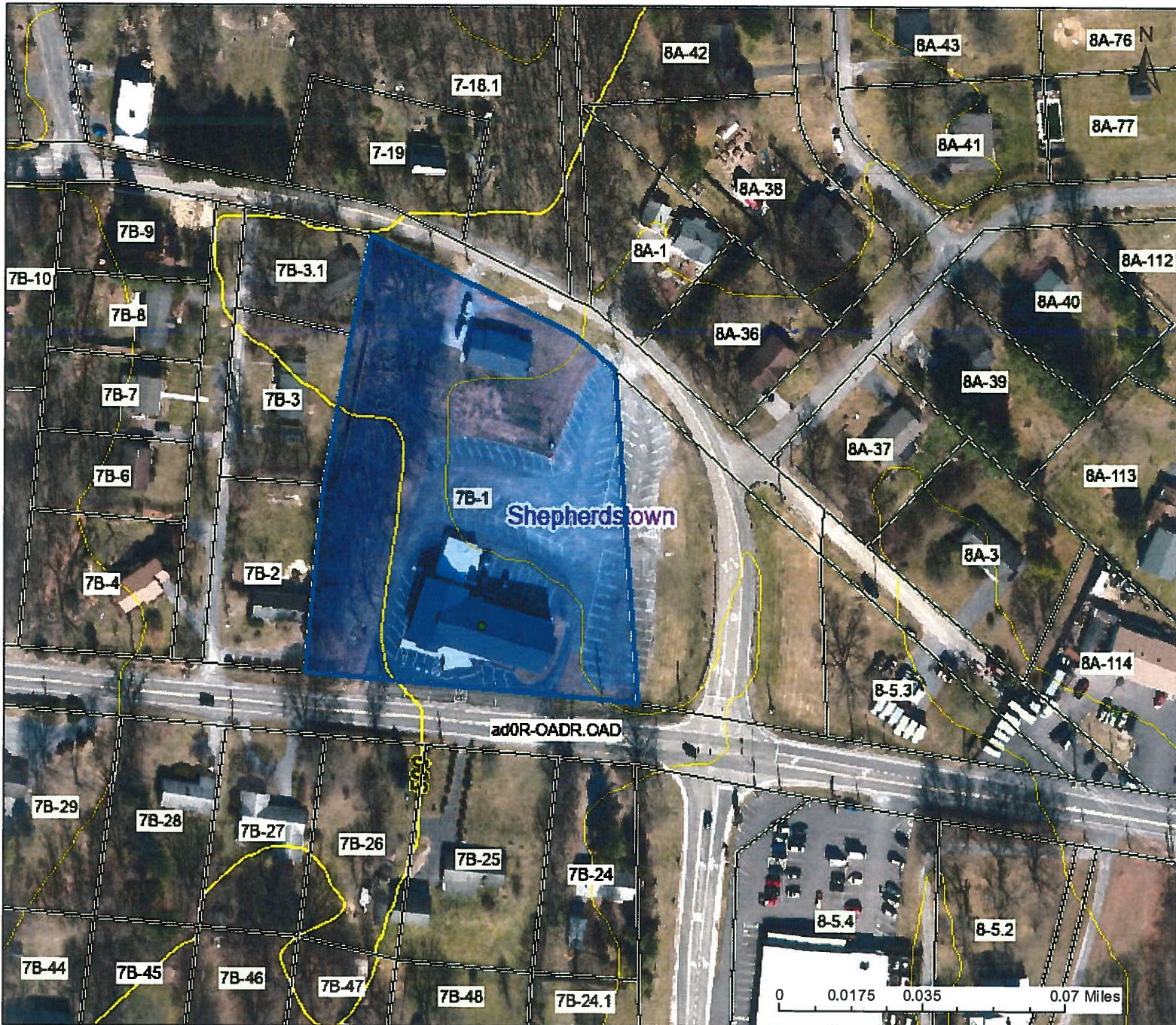


RECEIVED

AUG 29 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

My Map



User Notes:

Map created on August 29, 2022

Owner(s):

No Parcel Selected

Address:

No Parcel Selected

Class Type:

No Parcel Selected

Legal Description:

No Parcel Selected



7-19

7-18.1

8A-1

8A-3

7B-9

7B-3.1

7B-3

7B-1

7B-2

7B-28

7B-27

7B-26

7B-25

7B-24

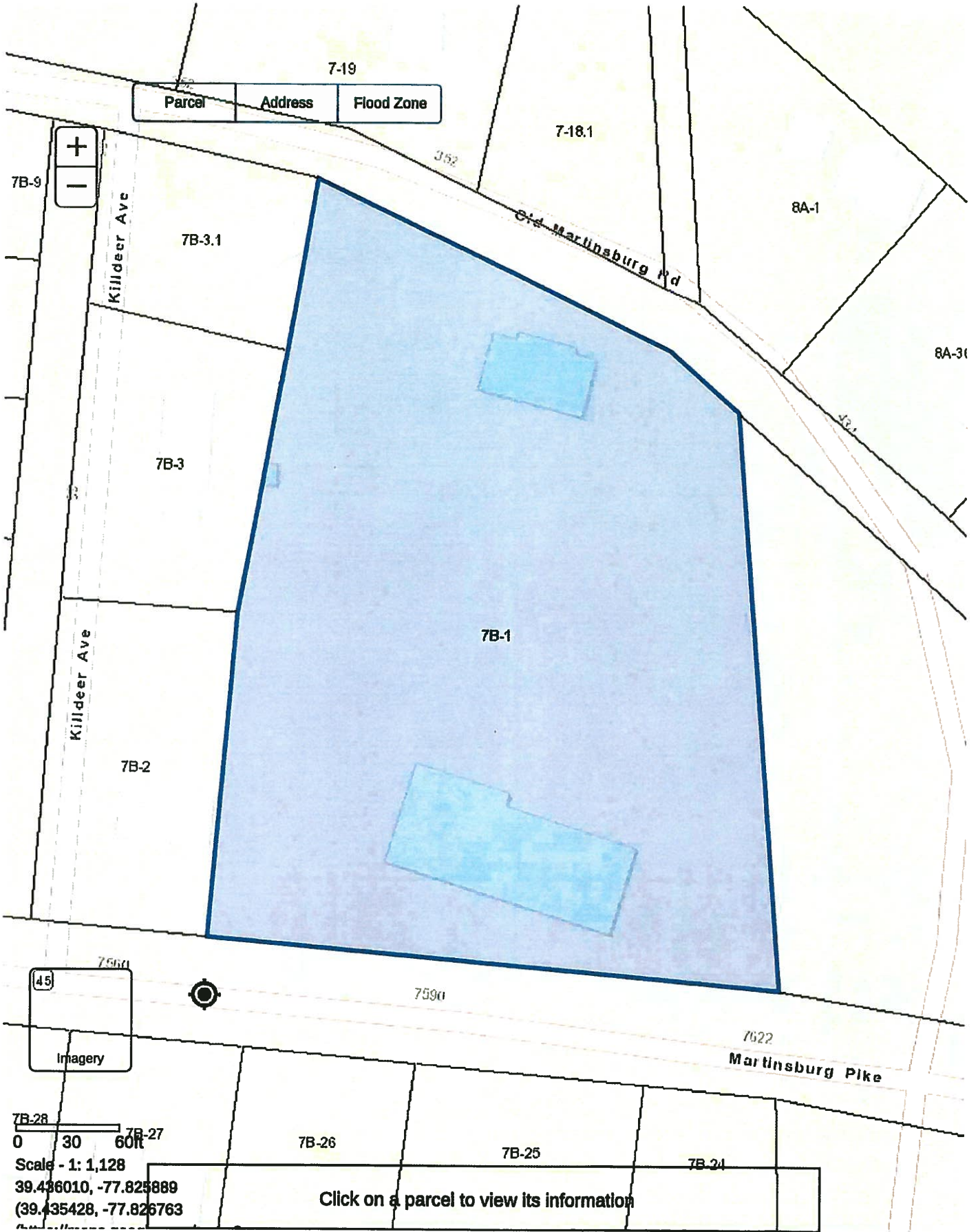
Scale 1:28

904.485.2111

904.384.2111

77.826783

Click on a parcel to view its information



Parcel Address Flood Zone

7-19

7-18.1

8A-1

8A-30

7B-3.1

7B-3

7B-1

7B-2

7590

7590

7622

Martinsburg Pike



0 30 60ft

Scale - 1: 1,128
 39.436010, -77.825889
 (39.435428, -77.826763)

Click on a parcel to view its information

WV Real Estate Assessment Data



About New Search Structure Drawing

Parcel ID 19-09-007B-0001-0000 Tax Year 2022 County Jefferson Date 6/27/2022
 Root PID 1909007B000100000000

Property Owner and Mailing Address

Owner(s) CROSSROADS CHURCH TRUSTEES
 Mailing Address SHEPHERDSTOWN, WV 25443

Property Location

Physical Address 7595 MARTINSBURG PIKE
 E-911 Address See end of report for listing of multiple E-911 addresses for this parcel
 Parcel ID 19-09-007B-0001-0000
 County 19 - Jefferson
 District 9 - Shepherdstown District
 Map [007B](#) (Click for PDF tax map)
 Parcel No. 0001
 Parcel Suffix 0000
 Map View Link <https://mapwv.gov/parcel/?pid=19-09-007B-0001-0000>

General Information

Tax Class	Book / Page	Deeded Acres	Calculated Acres	Legal Description
3	1145 / 692	1.000	-	GANO
3	1145 / 692	1.000	-	2.69 A., GANO
			2.69	

Cost Value

Dwelling Value \$170,800
 Other Bldg/Yard Values \$1,017,320
 Commercial Value ---

Appraisal Value

Land Appraisal \$112,700
 Building Appraisal \$1,188,100
 Total Appraisal \$1,300,800

Building Information

Property Class R - Residential
 Land Use 620 - Religious
 Sum of Structure Areas 2,790
 # of Buildings (Cards) 2

Card	Year Built	Stories	CG	Architectural Style	Exterior Wall	Basement Type	Square Footage (SFLA)	Building Value
2	1980	1	2P	Conventional	Brick	Full	2,790	\$170,800
							2,790	\$170,800

Map View Link <https://mapwv.gov/parcel/?pid=19-09-0078-0001-0000>

General Information

Tax Class	Book / Page	<u>Deeded Acres</u>	<u>Calculated Acres</u>	Legal Description
3	1145 / 692	1.000	-	GANO
3	1145 / 692	1.000	-	2.69 A., GANO
		2.69		

Cost Value

Dwelling Value	\$170,800
Other Bldg/Yard Values	\$1,017,320
Commercial Value	---

Appraisal Value

Land Appraisal	\$112,700
Building Appraisal	\$1,188,100
Total Appraisal	\$1,300,800

Building Information

Property Class	R - Residential
Land Use	620 - Religious
Sum of Structure Areas	2,790
# of Buildings (Cards)	2

Card	Year Built	Stories	CG	Architectural Style	Exterior Wall	Basement Type	Square Footage (SFLA)	Building Value
2	1980	1	2P	Conventional	Brick	Full	2,790	\$170,800
							2,790	\$170,800

Card	Year Built	Allic	Fuel	Heat System	Heat/AC	Bedrooms	Full Baths	Half Baths	Total Rooms
2	1980	None	Electric	Electric	Central A/C	3	2	1	7
						3	2	1	7

Other Building and Yard Improvements

Bldg/ Card #	Line	Type	Year Built	CG	Units	Size	Area	Replace Cost	Adjusted Replace Cost
1	1	Church Exempt	1964	22	1	40x60	2,400	\$149,140	\$269,640
1	2	Church Exempt	1987	22	1	x	4,648	\$413,540	\$747,680
					2		7,048	\$562,680	\$1,017,320

Flood Zone Information

Learn more at [WV Flood Tool](#)

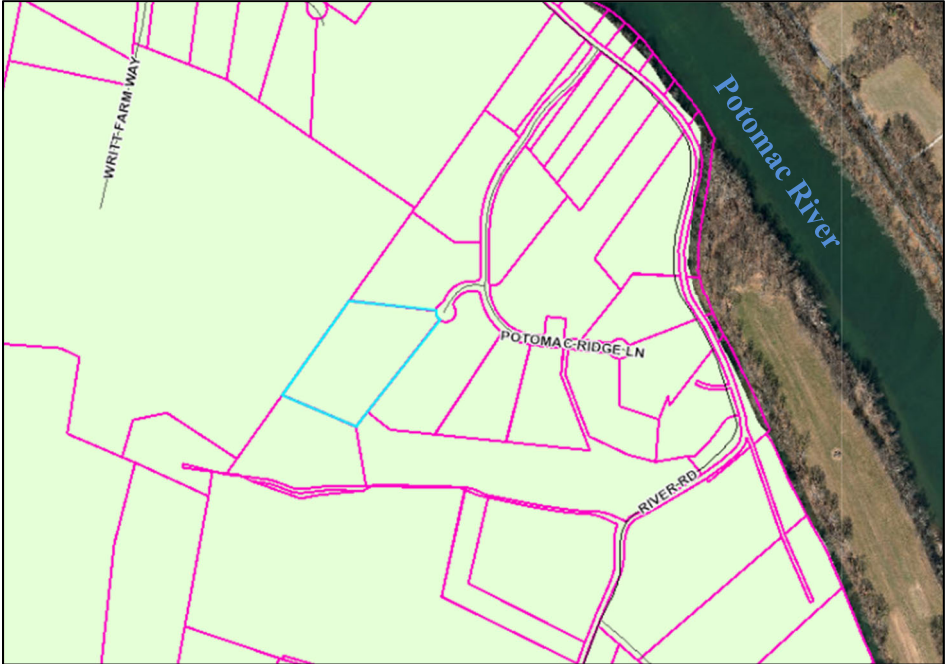
Acres (c.)	Risk	
2.69	Low	This parcel appears not to be within any identified flood hazard zone.

Sales History

[Learn More](#)

Staff Report
 Jefferson County Board of Zoning Appeals
 September 22, 2022
22-30-ZV Hazelton-Sanauskas Variance Request

Item #3 Variance from Section 5.7B of the Zoning Ordinance (as amended 05/01/03) to reduce the rear setback from 50' to 5' for a 66 x 40' accessory structure (detached garage).

Owner/Applicant:	Stephanie Hazelton & Dale Sanauskas
Parcel Information and Zoning District:	<p>Potomac Ridge Subdivision, Lot 3, 50 Valentine Ct., Shepherdstown, WV Parcel ID: 09001000090013; Size: ~6 acres; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: <i>North, South, East and West: Rural</i></p>
History:	<p>03/31/06: Rattlesnake Run Subdivision Final Plat recorded in PB 23, PG 1 11/25/08: Potomac Ridge Subdivision Minor Plat Change to rename the subdivision to Potomac Ridge recorded in PB 25, PG 85</p>
Waivers/Variations:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	Site visit not conducted

Staff Overview

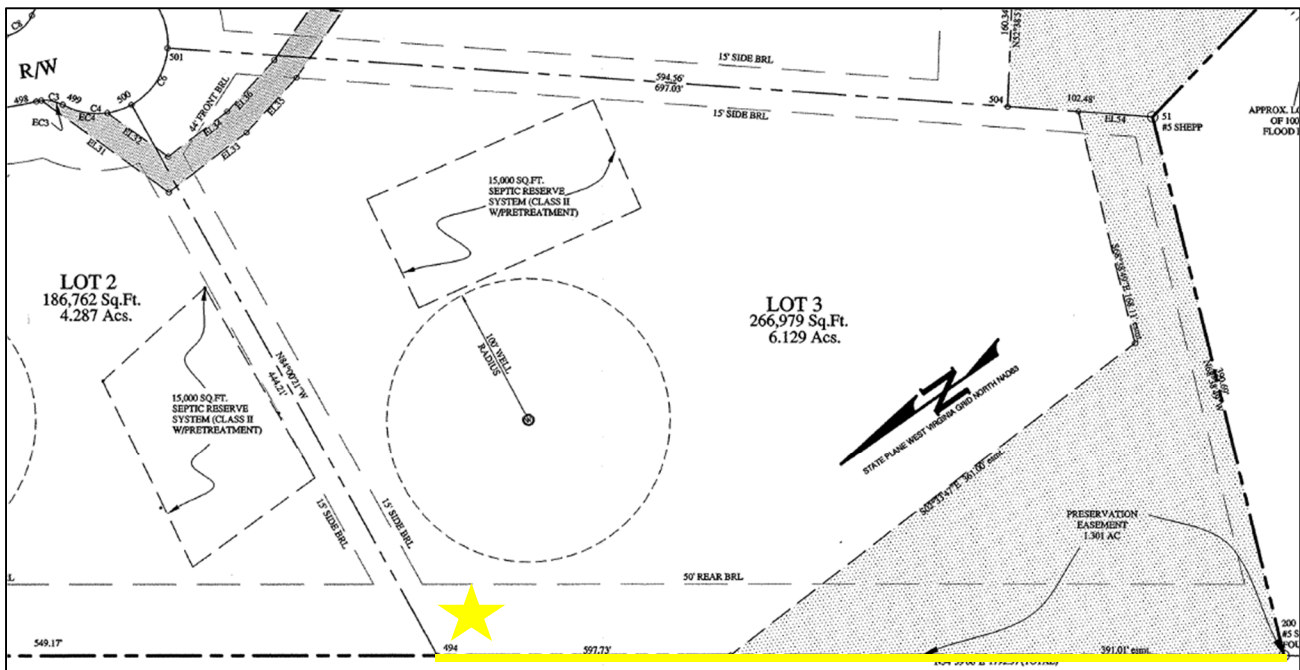
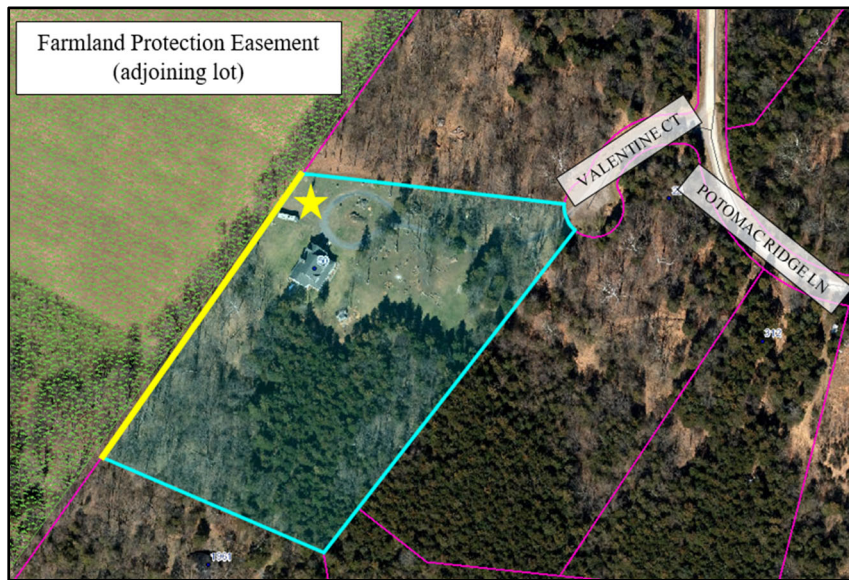


The subject parcel is designated as Lot 3 of the Potomac Ridge Subdivision. Pursuant to Note #1 on the Final Plat, the required setbacks are 40' Front, 15' Side, and 50' Rear. The applicant is requesting to construct a 66' x 40' (2,640 sq ft) detached garage for personal storage approximately 5' from the rear (western) property line.

Staff Report
Jefferson County Board of Zoning Appeals
September 22, 2022
22-30-ZV Hazelton-Sanauskas Variance Request

The purpose of side and rear setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements.

Based on the acreage of the property, it is feasible to comply with the Ordinance. Approximately 1.3 acres of the subject parcel contains a preservation easement, which prohibits clearing, cutting, or filling. The applicant represented that the proposed location was selected based on the proximity to the existing home & driveway, as well as to avoid the septic reserve area.



Staff Report
 Jefferson County Board of Zoning Appeals
 September 22, 2022
22-30-ZV Hazelton-Sanauskas Variance Request

Conditions of Approval

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

1. No business may be operated from this structure without additional review from the Board.

SECTION OF ORDINANCE TO BE CONSIDERED:

SECTION 5.7 Rural District

(b) Minimum Lot Area, Lot Width and Yard Requirements

& Minimum lot sizes, lot width, and yard requirements are as follows for principal permitted uses. For any residential use that complies with the Development Review System, the setbacks and lot shall be as outlined in Article 5.4(b).

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard Depth</u>	<u>Rear Yard Depth</u>
Dwellings	40,000 sq. ft.	100	40	15	50
Churches	2 acres	200	50	50	50
Schools, Grades K-4	10 acres +	500	100	100	100
Schools, Grades 5-8	20 acres +	500	100	100	100
Schools, Grades 9-12	30 acres +	500	100	100	100
Hospitals	10 acres	500	100	100	100
Other permitted uses	40,000 sq. ft.	100	40	50	50



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: 22-30-ZV
 Staff Initials: gt
 Meeting Date: 9-22-22
 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: DALE A. Sannauskas + Stephanie Hazelton
 Mailing Address: 50 Valentine Court Shepherdstown, WV 25443
 Phone Number: 570-499-4210/210-240-1626 Email: arneta2@hotmail.com

Applicant Contact Information

Name: SAME AS ABOVE
 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: 50 Valentine Court
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: 9 - Shepherdstown Map No: 10 Parcel No: 9.13
 Parcel Size: 6.1 acres Deed Book: 1202 Page No: 486

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"/>	
RECEIVED			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"/>
AUG 25 2022							

Place Received Date Stamp Here
**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: Sec. 5.7B gH

Briefly describe the nature of the variance request:
Requesting setback Variance to build detached garage

If this request is for a setback variance, please check one of the following:
Front Setback Side Setback Rear Setback Reduction From 50 ft to 5 ft

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:
There is a field behind us that is used for hay twice a year + setback reduction will have zero impact. Field is unable to be subdivided.

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?
Proposed location is optimal for access to house and structure - Away from Septic Field

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?
Variance will Allow Driveway and access to house not be compromised

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?
Rear of property backs up to hay field with a 50ft Strip of trees between hayfield and property. No encroachment or hardship will be observed from farmer behind us

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]
Signature of Property Owner
15 AUG 2022
Date

[Signature]
Signature of Property Owner
8-15-22
Date

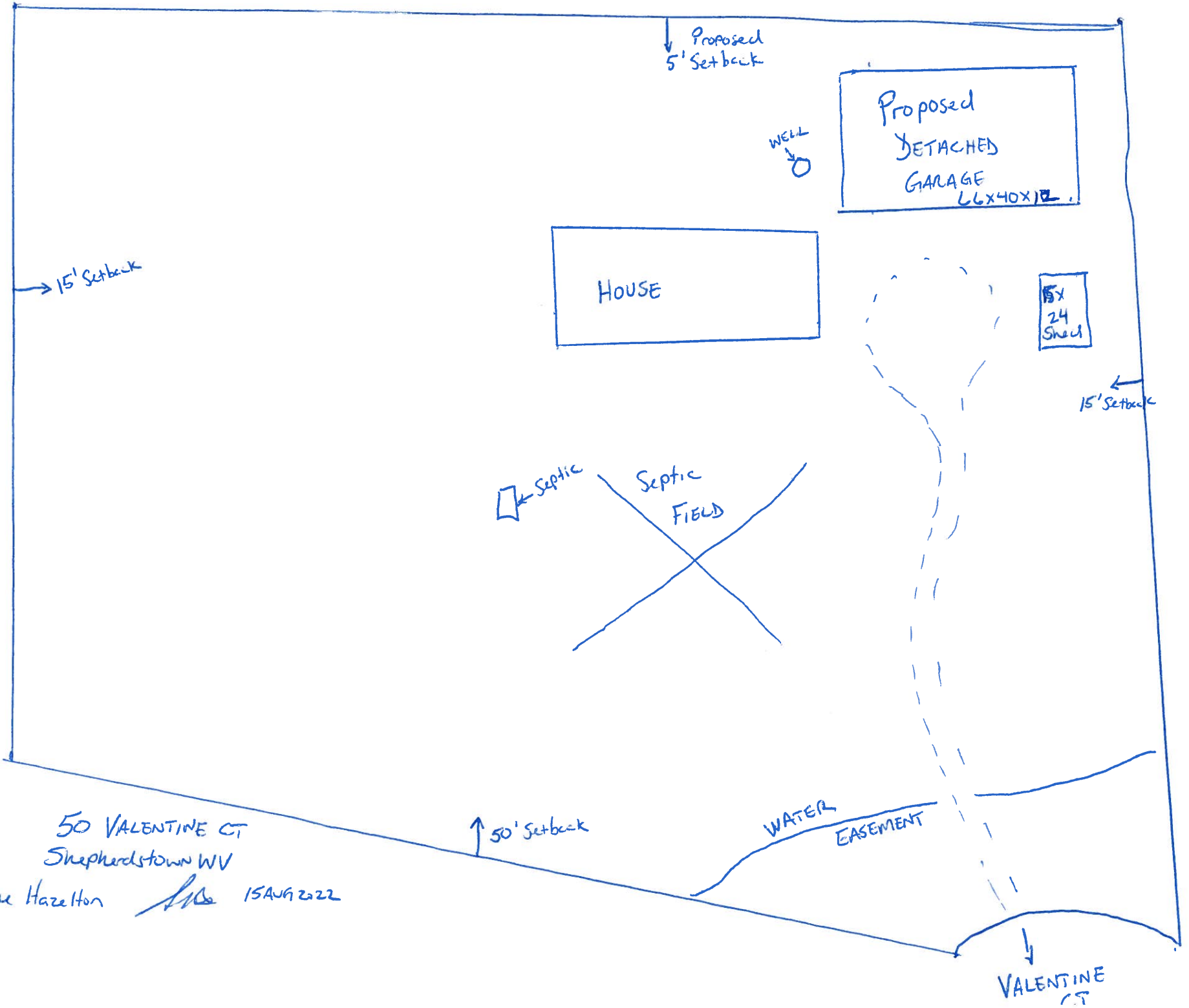
Notification Requirements (to be completed by staff)

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).

09-22-22
Date of Public Hearing

09-07-22
Advertising Date

09-07-22
Placard Posting Date



50 VALENTINE CT
Shepherdstown WV

Stephanie Hazelton *[Signature]* 15 AUG 2022



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

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report September 22, 2022 Board of Zoning Appeals Meeting

Date of Memo: September 14, 2022

1) **Upcoming BZA meeting**

- The next regular meeting is scheduled for **October 27, 2022** (deadline for submission is Monday, October 3, 2022).



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor, P.O. Box 716
Charles Town, West Virginia 25414
www.jeffersoncountywv.org

September 2022
Zoning Certificate Activity Report

File # 22-45-ZC
Request: Change in Tenant: Eastern Panhandle Preparatory Academy (formerly Jefferson Academy)
Property Owner: Jefferson Academy LLC / Attn: Sayeed Ahmed
Applicant: Eastern Panhandle Preparatory Academy / Attn: Roy Berlocker
Parcel Information: 449 Rose Hill Dr., Kearneysville, WV 25430
Parcel ID: 07002000070001 (school) and 07002000070001 (vacant);
Zoning District: Rural; Size: 30 (combined)*; Deed Book: 1108; Page: 451;
*Boundary Line Adjustment via Deed Book 956, Page 377; Site Plan File: S00-05 and 09/11/1990 PC approved waiver of site plan for addition.
Date of Issuance: 08/31/22

File # 22-51-ZC
Request: Agricultural Use: Christmas Tree Farm
Property Owner: William and Brandi Shultz
Applicant: North Wood End Farm – Santa’s Woods
Parcel Information: 137 Wood End Farm Ln, Summit Point, WV 25446
Parcel ID: 06000100030000; Size: ~80 acres
Zoning District: Rural; Deed Book: 1167; Page: 345;
See PB 25, PG 439 for current parcel configuration
Date of Issuance: 09/01/22
