



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, October 27, 2022 at 2:00 p.m.**

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

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

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

**ZOOM Meeting Information:** Meeting ID: 858 0777 8683  
Meeting Link: <https://us02web.zoom.us/j/85807778683>  
Phone Option (Dial by Location): 301-715-8592  
Find your local number: <https://us02web.zoom.us/u/klWts5Iwy>

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

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

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**Approval of Minutes: September 22, 2022**

**Public Hearing – Administer Oath**

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**ITEM #1 FILE #: 22-32-ZV, 22-33-ZV, and 22-34-ZV**

The following three requests pertain to a proposed 10,542 square foot retail store (Dollar General) and associated parking lot.

Request 1: Variance from Section 4.11E to eliminate a portion of the landscape buffer along the southern and western property lines; and Section 4.11I.1 to eliminate the street trees along Amanda Court and Shepherdstown Pike.

Request 2: Variance from Section 11.1A to reduce the number of required parking spaces from 47 to 31; and Appendix B to reduce the front parking setback along Amanda Court from 15' to 8'.

Request 3: Variance from Section 10.4B to reduce the front setback along Amanda Court from 25' to 19' and along Shepherdstown Pike from 25' to 17' for a freestanding sign.

Applicant: A & R Development (Dollar General)

Parcel Info: Iris Wood, Property Owner

Mark Kramer Subdivision, Lot 2, Vacant parcel on the southwest corner of Amanda Ct. and Shepherdstown Pk., Harpers Ferry, WV; Parcel ID: 04001000110005; Size: 2.26 acres;

Zoning District: Residential-Light Industrial-Commercial

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**ITEM #2 FILE #: 22-35-ZV**

Request 1: Variance from Section 9.7 to reduce the side setback along the northern property line from 15' to 6' for a 12' x 32' deck.

Parcel Info: Potomac Cottages, LLC / Attn: Robert and Julie Starkey, Property Owner

1523 Knott Road, Shepherdstown, WV;

Parcel ID: 09011A00360000; Size: 2.3 ac; Zoning District: Rural

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**ITEM #3 FILE #: 22-36-ZV**

Request 1: Variance from Appendix B to reduce the front setback from 25' to 0' along a platted interior access easement for a proposed fueling island and canopy.

Parcel Info: Sheetz, Inc., Property Owner

Vacant parcel at the intersection of Route 340 and Augustine Avenue

Parcel ID: 02001600010000; Proposed Size: 2.5 ac; Zoning District: Highway Commercial

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**ITEM #4 FILE #: 22-38-ZV**

Request 1: Variance from Section 4.3D to expand a nonconforming use (auto repair shop) beyond 35% of the existing square footage of its operation. The request includes construction of a 2,400 sq. ft. storage building to store vehicles for an auto repair business that specializes in repairing vintage sports cars.

Parcel Info: Performance Auto Works, LLC / Attn: Billy Ring, Property Owner

8063 Leetown Rd, Kearneysville, WV,

Parcel ID: 07001900190018; Size: 2.11 ac; Zoning District: Rural

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**ITEM #5 FILE #: 22-8-CUP**

Request: Request for a Conditional Use Permit to operate a *Day Care Center, Large*, as defined in Article 2. The applicant is proposing to convert an existing residence into a day care center to provide care for up to 32 children (maximum). Hours of Operation: Monday through Friday from 6:00 am to 5:30 pm. Proposal includes a fenced play area, onsite parking, and a business sign.

Applicant: Pathway Childcare Center

Parcel Info: Alice Chapman, Owner

15943 Charles Town Rd., Charles Town, WV

Parcel ID: 02019A00020004; Lot Size: 1.7 ac; Zoning District: Rural

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**ITEM #6 FILE #: 22-9-CUP**

Request: Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. This application pertains to approximately 737 acres of the 878-acre Rippon Energy Facility, a 99 MWac solar electric generating facility. The project consists of solar modules and a new substation to connect the solar facility with the electric grid. The project site has existing high voltage power lines running through the property.

Applicant: Rippon Energy Facility, LLC

Parcel Info: Bullsken LLC, Property Owner

673 Old Shennandale Rd, Charles Town WV

Parcel ID: 06001100090000; Lot Size: 133.75 / Project Size: 106.52 ac; Zoning District: Rural

Parcel Info: Clarence E Hough Et Al, Property Owner

Vacant parcel located west of the property addressed as 957 Myerstown Rd, Charles Town, WV;

Parcel ID: 06001000030001; Lot Size: 108.66 ac / Project Size: 99.84 ac; Zoning District: Rural

Parcel Info: View Mountain Farm LLC, Property Owner

28 Dutch Hill Rd, Charles Town, WV;

Parcel ID: 06002100060000; Lot Size: 101.6 ac / Project Size: 97.01 ac; Zoning District: Rural

Parcel Info: Stanley W Jr & Katherine B Dunn, Property Owner

2646 Kabletown Rd, Charles Town, WV;

Parcel ID: 06002100050000; Lot Size: 174.6 ac / Project Size: 165.52 ac; Zoning District: Rural

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Parcel Info: Stanley W Jr & Katherine B Dunn, Property Owner

Vacant parcel located east of the property addressed as 28 Dutch Hill Rd, Charles Town, WV;  
Parcel ID: 06002100070000; Lot Size: 89.39 ac / Project Size: 86.07 ac; Zoning District: Rural

Parcel Info: Stanley W Jr & Katherine B Dunn, Property Owner

Vacant parcel located east of the property addressed as 2646 Kabletown Rd, Charles Town, WV;  
Parcel ID: 06002200050001; Lot Size: 232 ac / Project Size: 169.15 ac; Zoning District: Rural

Parcel Info: Stanley W Jr & Katherine B Dunn, Property Owner

1371 Myerstown Rd, Charles Town, WV;  
Parcel ID: 06001000050000; Lot Size: 366 ac / Project Size: 12.27 ac; Zoning District: Rural

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### **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: September 22, 2022**

1. Request for a Conditional Use Permit to operate a Retail Sales and Service, General business. Applicant: Mission Critical Defense Solutions, LLC. Owners: Elliott Kletter, Jan Kletter, and Marguerite Kletter. File: 22-6-CUP.
2. Request for a Conditional Use Permit to operate a Medical/Dental/Optical Office business. Applicant: Dr. Kolawale Oshiyoye, Kingdom Ventures, LLC. Owners: Crossroads Church Trustees, File: 22-7-CUP.
3. Variance from Section 5.7B. Owner: Stephanie Hazelton & Dale Sanauskas. File: 22-30-ZV.



**DRAFT Minutes**  
**Jefferson County Board of Zoning Appeals**

- 1 Meeting Date: September 22, 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; Steve Guier, and Matthew McKinney (in person).  
6 Mikala Shremshock, alternate member via ZOOM.
- 7 Board Members Absent: Deirdre Catterton, Vice Chair and Leeds Corbin (with notification)
- 8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Steve 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.
- 15 **Approval of Minutes: August 25, 2022**
- 16 Mr. Guier moved to approve the minutes as presented. Mr. Quynn called for a vote, which carried  
17 unanimously.
- 18 Due to technical difficulties, Ms. Shremshock was unable to participate in the meeting. Ms. Shremshock  
19 remained on the virtual meeting until 3:00 p.m. to listen to the meeting but did not vote on any of the  
20 agenda items.
- 21 Ms. Beaulieu swore in members of the public who indicated they would be providing testimony.
- 22 **AGENDA ITEM #1 FILE #: 22-6-CUP**
- 23 Request: Request for a Conditional Use Permit to establish a federal firearms business, located  
24 within an existing barn. The proposed land use designation is listed in Appendix C as  
25 *Retail Sales and Service, General* as defined in Article 2. The proposal consists of  
26 converting an existing structure into a retail business that specifically sells firearms to  
27 local, state, and federal law enforcement agencies, as well as military components.  
28 The business will not be open to the public and will not have employees other than  
29 the owners of the property. At this time, no new structures or additions to existing  
30 structures are proposed. Signage will not be visible to the general public from the  
31 road or adjoining properties.
- 32 Applicant: Mission Critical Defense Solutions, LLC / Elliott Kletter
- 33 Parcel Info: Elliott Kletter, Jan Kletter, and Marguerite Kletter, Property Owners  
34 Febrey Minor Subdivision, Lot B, 500 Febrey Rd., Kearneysville, WV  
35 Parcel ID: 07000200030000; Lot Size: ~116 acres; Zoning District: Rural
- 36 Elliott Kletter, property owner, was present to address the Board. Ms. Beaulieu provided an overview  
37 of her staff report to the Board and reviewed the required criteria for a Conditional Use Permit.
- 38 Ms. Beaulieu stated that as presented, the proposal would not necessitate a site plan.
- 39 Mr. Kletter explained the nature of the request to the Board clarifying that the intended customers  
40 would be local, state and federal law enforcement officers, in their capacity as enforcement officers,  
41 and not as civilians. Mr. Kletter confirmed that the request did not include a shooting range and that  
42 he anticipated approximately 5 -10 customers per month.
- 43 Mr. Quynn opened the public hearing.

1 Martha McIntosh, adjacent property owner, had questions regarding the location of the existing  
2 structure in relation to her house and barn. Ms. McIntosh did not provide testimony that was either  
3 for or against the request.

4 Mr. Quynn closed the public hearing.

5 Mr. McKinney moved to go into deliberative session at 2:32 pm. Mr. Quynn called for a vote,  
6 which carried unanimously.

7 Mr. Guier moved to come out of deliberative session at 2:44 pm. Mr. Quynn called for a vote,  
8 which carried unanimously.

9 The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance.  
10 Mr. McKinney stated that it appears that the project complies with all of the required criteria and  
11 noted that a shooting range is not intended as part of the business operation at this time. Mr.  
12 McKinney concluded that it appeared the use would have little impact, if any, on adjoining  
13 properties. The Board concurred with this assessment.

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

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

16 2. The project shall comply with all local, state and Federal regulations.

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

18 **AGENDA ITEM #2 FILE #: 22-7-CUP**

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

23 Applicant: Dr. Kolawale Oshiyoye, Kingdom Ventures, LLC

24 Parcel Info: Crossroads Church Trustees, Property Owners  
25 7595 Martinsburg Pike, Shepherdstown, WV; Parcel ID: 09007B00010000;  
26 Size: 2.69 ac; Zoning District: Residential Growth

27 Dr. Kolawale Oshiyoye and Dr. Ngozi Ude-Oshiyoye, applicants, were present to address the Board.  
28 Ms. Beaulieu provided an overview of her staff report to the Board and reviewed the required criteria  
29 for a Conditional Use Permit. Ms. Beaulieu stated that as presented, the proposal may not necessitate  
30 a site plan. Ms. Beaulieu explained that the applicants were aware that the parking area had been  
31 expanded beyond what had been evaluated and approved by the Board in 2014 and noted that a  
32 portion of the parking appeared to have been placed within the Division of Highway's right-of-way  
33 and that the parking lot may need to be brought into compliance by either returning the expanded  
34 parking area back to natural condition, processing a site plan, or seeking another variance to waive the  
35 site plan criteria for the expanded parking area.

36 Dr. Oshiyoye and Dr. Ude-Oshiyoye explained the nature of the request to the Board noting that the  
37 Shepherdstown area was lacking in urgent care facilities. Dr. Oshiyoye stated that the proposed land  
38 use would not generate more traffic than the previous church. Dr. Ude-Oshiyoye explained that in  
39 her experience from previous locations, the site had ample parking. Dr. Oshiyoye acknowledged  
40 staff's concern regarding the expanded parking area and agreed to bring the site into compliance.

41 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn  
42 closed the public hearing.

1 The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance.  
2 Mr. McKinney stated that it appears that the project complies with all of the required criteria. The  
3 Board concurred with this assessment.

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

- 5 1. That the applicant be bound by their testimony.
- 6 2. The project shall comply with all local, state and Federal regulations.

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

### 8 **AGENDA ITEM #3 FILE #: 22-30-ZV**

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

11 Parcel Info: Stephanie Hazelton & Dale Sanauskas, Property Owner  
12 Potomac Ridge Subdivision, Lot 3, 50 Valentine Ct., Shepherdstown, WV  
13 Parcel ID: 09001000090013; Size: ~6 acres; Zoning District: Rural

14 Stephanie Hazelton and Dale Sanauskas, property owners, were present to address the Board.

15 Ms. Beaulieu provided an overview of her staff report noting that the subject parcel contained a  
16 1.3 acre preservation easement, which prohibits clearing, cutting, or filling. Ms. Beaulieu also stated  
17 that there was a farmland protection easement on the adjoining property to the west and that the  
18 farmland protection easement prohibits development within the easement.

19 Ms. Hazelton explained the nature of the request to the Board stating that the proposed location was  
20 preferable due to the location of the existing driveway and the access to the home. Ms. Hazelton  
21 explained that the southeast corner of the property was encumbered by a septic reserve area and  
22 underground utilities. Ms. Hazelton acknowledged that they would not be operating a business from  
23 the proposed structure; that it would not contain another residence; and that it would be used for  
24 storage only.

25 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn  
26 closed the public hearing.

27 Mr. McKinney moved to approve the variance with the condition that the applicants were bound by  
28 their testimony. Mr. Quynn called for a vote, which carried unanimously.

### 29 **Zoning Administrator's Report**

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

31 Ms. Beaulieu noted that the next meeting was scheduled for October 27, 2022.

### 32 **Legal Update**

33 a. Discussion of the following pending lawsuit:

- 34 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy  
35 Facilities) Rockwell v. JCPC, JCBZA and JCCC.
- 36 2. Jefferson County Circuit Court Case #CC-19-2022-C-103 (RE: ZTA22-01 Solar Energy  
37 Facilities) Stone v. JCBZA.

38 Mr. Cochran stated that his office had filed a response to this case on behalf of the Board.

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

1                   **Meeting: August 25, 2022**

2                   1. Request by Wild Hill Solar Project for a Conditional Use Permit to operate a Solar  
3                   Energy Facility. Applicant: Wild Hill Solar, LLC. Owners: Clarence & Donna  
4                   Hough, T. Todd & Susan Hough, Charles & Marie Hough (Life). File: 22-5-CUP

5                   2. Variance from Section 9.7. Owner: Garland and Poppy Chrisman. File: 22-27-ZV.

6                   3. Variance from Section 9.7. Owner: Russell and Jackie Keaveny. File: 22-28-ZV.

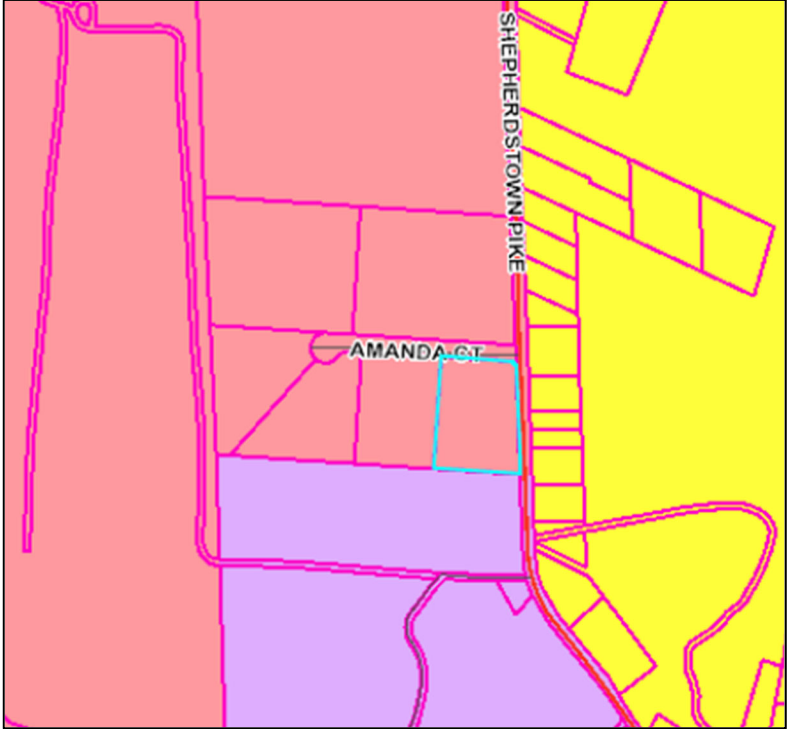
7                   4. Variance from Section 8.2. Owner: Robin Young. File: 22-29-ZV.

8                   Mr. Quynn was provided a copy of the draft Findings for review.

9 Mr. McKinney moved to adjourn the meeting at 3:40 pm. Mr. Quynn called for a vote, which carried  
10 unanimously.

Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-32-ZV Harpers Ferry Dollar General**

Item #1 Request 1 of 3: Variance from Section 4.11E to eliminate a portion of the landscape buffer along the southern and western property lines; and Section 4.11I.1 to eliminate the streets trees along Amanda Court and Shepherdstown Pike for a proposed 10,542 square foot retail store (Dollar General) and associated parking lot.

Property Owner:	Iris Wood	
Applicant:	A & R Development / Attn: Andy Haymaker (Dollar General)	
Consultant:	Thrasher Group, Inc. / Attn: Robert Milne, P.E.	
Parcel Information & Zoning District:	<p style="text-align: center;">Mark Kramer Nonresidential Subdivision, Lot 2  Intersection of Amanda Ct. and Shepherdstown Pk., Harpers Ferry, WV  Parcel ID: 04001000110005; Size: 2.26 acres  Zoning District: Residential-Light Industrial-Commercial</p> 	
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:  East: Residential Growth      South: Industrial-Commercial  North and West: Residential-Light Industrial-Commercial</p>	
<b>History:</b>		
<b>File #</b>	<b>Project Name</b>	<b>Recording Info</b>
97-03-SD	Mark Kramer Nonresidential Subdivision	<a href="#">PB 15, PG 14</a>
Variances/Waivers:	10/11/22: Planning Commission approved the following waivers: To increase the entrance width from 35' to 37'; and, to increase the width of the drive aisle from 24' to 42' (22-20-PCW).	
Approved Activity:	Nonresidential Lot	
Site Visit Conducted:	No	

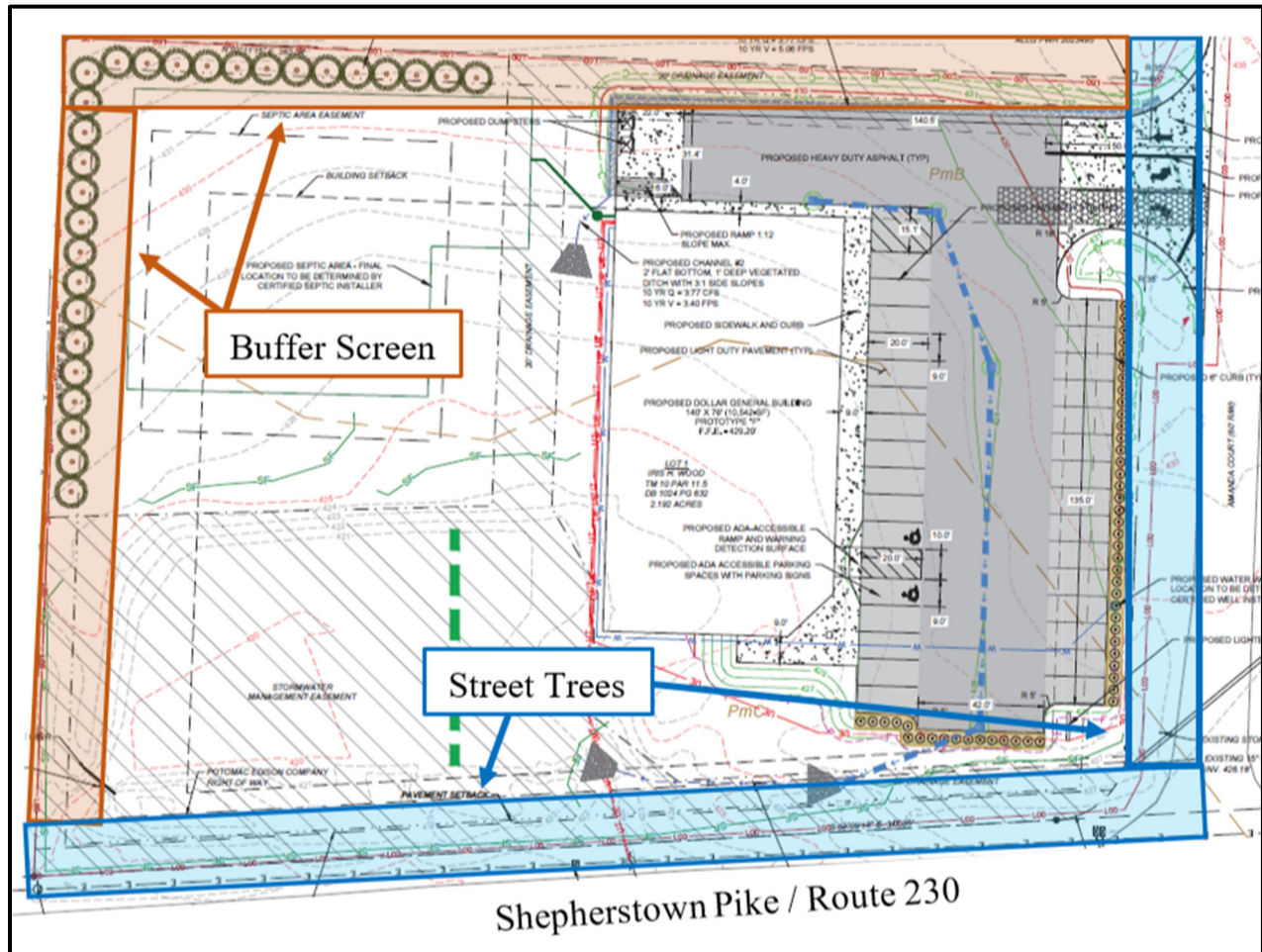


Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-32-ZV Harpers Ferry Dollar General**

**Staff Overview**

The applicant is requesting a variance from Section 4.11E to eliminate a portion of the landscape buffer along the southern and western property lines; and Section 4.11I.1 to eliminate the street trees along Amanda Court and Shepherdstown Pike for a proposed 10,542 square foot retail store (Dollar General) and associated parking lot.

The purpose of landscape buffer requirements is to reduce the impact that a land use might have on an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise.

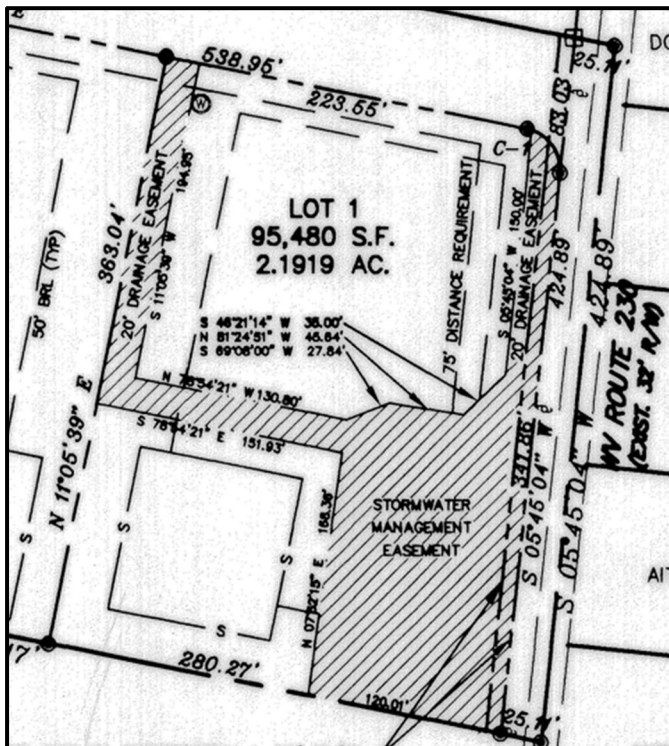


The applicant has represented that there is limited space to install a vegetative buffer along the full perimeter boundary due to the location of an existing drainage/stormwater management easement.

The southern boundary (rear) is proposed to include a partial buffer screen with a portion remaining unscreened. The rear portion of the lot contains the septic reserve area and stormwater management facility. The adjoining property is zoned Industrial Commercial and contains accessory structures associated with Halltown Paperboard (see aerial map on page 3 of this report).

The western boundary is proposed to include a partial buffer screen, with the front portion of the lot remaining unscreened. The subject property line is shared with another non-residential lot in the Kramer Nonresidential Subdivision that is currently undeveloped.

Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-32-ZV Harpers Ferry Dollar General**



The northern and eastern property lines are both designated as front yards because they front platted rights-of-way. The eastern property line fronts Shepherdstown Pike and contains a drainage easement along the full length of the property line. Street trees are not permitted within a drainage easement; therefore, the applicant is requesting to waive the requirement to install street trees in this location.

The northern property line fronts Amanda Court, which is a 60-foot wide right-of-way providing access to the six commercial lots in the Kramer subdivision. Dollar General requires a greater drive aisle width to accommodate truck traffic. In order to install a wider drive aisle, the applicant applied for and was granted a waiver by the Planning Commission to increase the maximum width of the drive aisle from 24' to 42'. In order to accommodate the greater drive aisle width, as well as the existing stormwater



Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-32-ZV Harpers Ferry Dollar General**

management facilities, the applicant is requesting to eliminate the requirement to install street trees along Amanda Court in order to install customer parking spaces closer to the front property line, where street trees would typically be installed.

Compliance with the required street tree and buffer standards as established in the Zoning Ordinance would necessitate modifications to the existing stormwater management facility.

**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:**

- E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.
  1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.



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: \_\_\_\_\_  
Staff Initials: \_\_\_\_\_  
Meeting Date: \_\_\_\_\_  
Fees Paid (\$100 or \$150): \_\_\_\_\_

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: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**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: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Tax District: \_\_\_\_\_ Map No: \_\_\_\_\_ Parcel No: \_\_\_\_\_  
Parcel Size: \_\_\_\_\_ Deed Book: \_\_\_\_\_ Page No: \_\_\_\_\_

**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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Received via email 09/22/22 - jth

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Page 2 of 2

Project Name = Harpers Ferry Dollar General

Request for Variance Request

A variance to reduce the front setback for the pylon (Article 10)

Per the Article a 25' setback is required from the street R/W. the proposed placement of the pylon sign is 19'4" from the Amanda Court R/W (See attached Exhibit). This placement causes the sign to be 4'-8" within the setback.

The proposed building was placed on the parcel to avoid impacts to the existing stormwater easement. Following Dollar General Design guideline for sidewalks, and drive aisle widths, etc., the proposed sign is within the setback.

The proposed location is 19'-4" from Amanda Court R/W. the proposed location does not impact sight distances entering or exiting Amanda Court. The pylon sign is safely outside of the DOH R/W for WV 230.

If the sign was moved outside of the setback, it would impact the parking count. Approving of this variance will not affect public health.

A variance to reduce the parking setback and the number of parking spaces required (Article 11 and Appendix B)

No additional narrative provided, see application

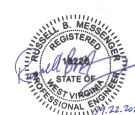
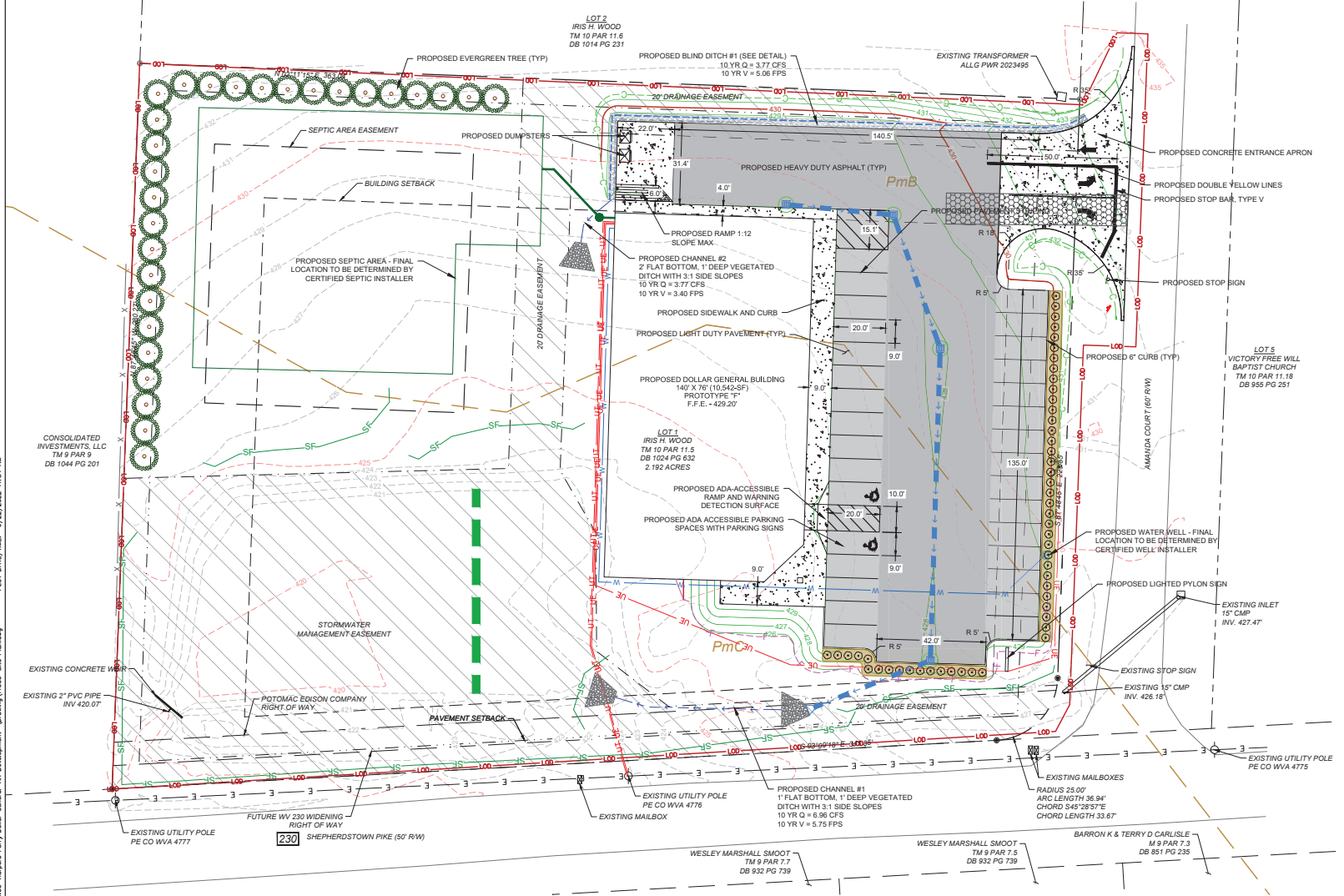
A variance to modify/eliminate the required landscaping requirements (Article 4 and Appendix B)

This variance request is being proposed to eliminate landscaping requirements on portions of western and southern property lines, and the entire eastern property lines. The reason for this request is that these areas are currently part of an existing storm water easement.

A variance to eliminate landscaping requirements along the northern property boundary is being requested as well. To comply with the ordinance the landscaping would need to be placed within the Amanda Court R/W or the layout would need to be shifted south, which would cause impacts to the existing stormwater easement.

This property line is still landscaped by the proposed parking lot landscaping.

PRELIMINARY SITE PLAN				CITY, STATE - STREET: HARPERS FERRY, WV - SHEPHERDSTOWN ROAD AND AMANDA COURT	
BLDG/SALES SF: 10,542	COMPANY: A&R DEVELOPMENT	COMPANY: THE THRASHER GROUP, INC.	DATE: 07/28/22	DEVELOPER	DESIGNER
ACREAGE: 2.19	NAME: RICH WRIGHT	NAME: ROBERT R. MILNE, P.E.			
PARKING SPACES: 31	PHONE #: (859) 618-2126	PHONE #: (340) 326-6141			



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JC 1	RBM	08/08/2022	REVISED TO ADDRESS JEFFERSON COUNTY COMMENTS
JP	RBM	07/28/2022	ISSUED FOR PERMIT PLANS
NO.	BY	DATE	DESCRIPTION

THE THRASHER GROUP INC.  
CIVIL • ENVIRONMENTAL • CONSULTING & FIELD SERVICES  
600 WHITE OAKS BOULEVARD, BRIDGEPORT, WV 26330  
PHONE: (304) 624-4108 • FAX: (304) 624-7831

TTG PROJECT No.  
**T30-11009.00**  
DOLLAR GENERAL PLAN SET No.  
**10,542**  
DOLLAR GENERAL PROTOTYPE VERSION  
**PROTOTYPE "F"**

SITE PLAN  
HARPERS FERRY  
DOLLAR GENERAL  
JEFFERSON COUNTY, WEST VIRGINIA  
SITE PLAN

SHEET No.  
**4**



## Zoning

---

**From:** Zoning  
**Sent:** Thursday, October 20, 2022 3:30 PM  
**To:** 'Christy Huddle'  
**Subject:** RE: Comment re Request 2 of Dollar General variance submission

Good afternoon Christy,

This email is to confirm receipt of your comments for the Dollar General Zoning Variance pertaining to the street trees (File: 22-32-ZV). Your email will be included in the Board's mailed packet for the 10/27/22 meeting.

Thank you and have a nice day.

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

**From:** Christy Huddle <huddlec@gmail.com>  
**Sent:** Thursday, October 20, 2022 2:47 PM  
**To:** Jennilee Hartman <jhartman@jeffersoncountywv.org>  
**Subject:** Comment re Request 2 of Dollar General variance submission

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

Re File 22-32-ZV, 22-33-ZV, 22-34-ZV

I strenuously object to the elimination of street trees along Amanda Court and Shepherdstown Pike. This area of the County is rural in appearance and eliminating the street trees will give the development a barren look. In addition, street trees provide needed shade.

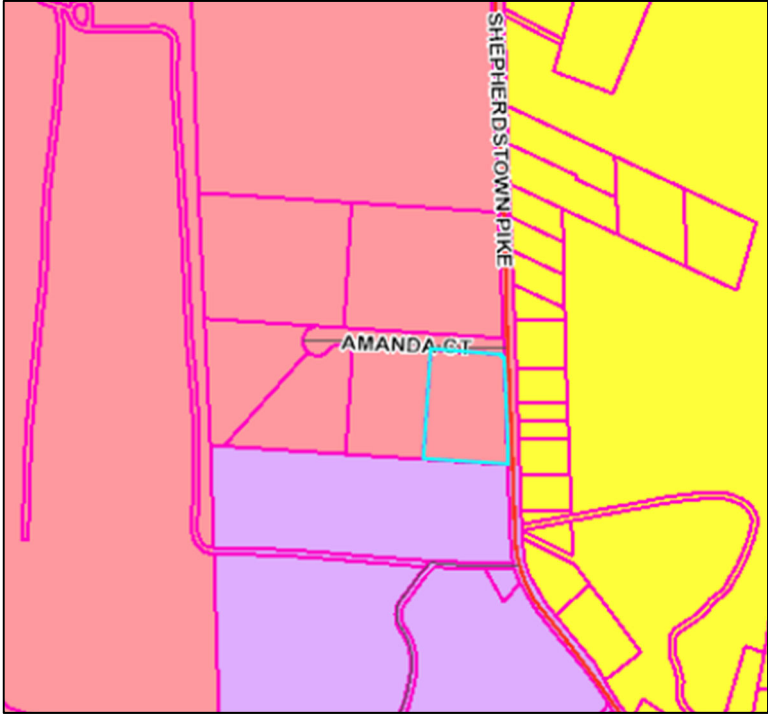
Thank you for your attention.

Christy Huddle  
1220 W Ridge St  
Harpers Ferry WV 25425



Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-33-ZV Harpers Ferry Dollar General**

Item #1 Request 2 of 3: Variance from Section 11.1A to reduce the number of required parking spaces from 47 to 31; and Appendix B to reduce the front parking setback along Amanda Court from 15' to 8' for a proposed 10,542 square foot retail store (Dollar General) and associated parking lot.

Property Owner:	Iris Wood	
Applicant:	A & R Development / Attn: Andy Haymaker (Dollar General)	
Consultant:	Thrasher Group, Inc. / Attn: Robert Milne, P.E.	
Parcel Information & Zoning District:	<p style="text-align: center;">Mark Kramer Nonresidential Subdivision, Lot 2 Southwest corner of Amanda Ct. and Shepherdstown Pk., Harpers Ferry, WV Parcel ID: 04001000110005; Size: 2.26 acres Zoning District: Residential-Light Industrial-Commercial</p> 	
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: East: Residential Growth      South: Industrial-Commercial North and West: Residential-Light Industrial-Commercial</p>	
<b>History:</b>		
<b>File #</b>	<b>Project Name</b>	<b>Recording Info</b>
97-03-SD	Mark Kramer Nonresidential Subdivision	<a href="#">PB 15, PG 14</a>
Variances/Waivers:	10/11/22: Planning Commission approved the following waivers: To increase the entrance width from 35' to 37'; and, to increase the width of the drive aisle from 24' to 42' (22-20-PCW).	
Approved Activity:	Nonresidential Lot	
Site Visit Conducted:	No	

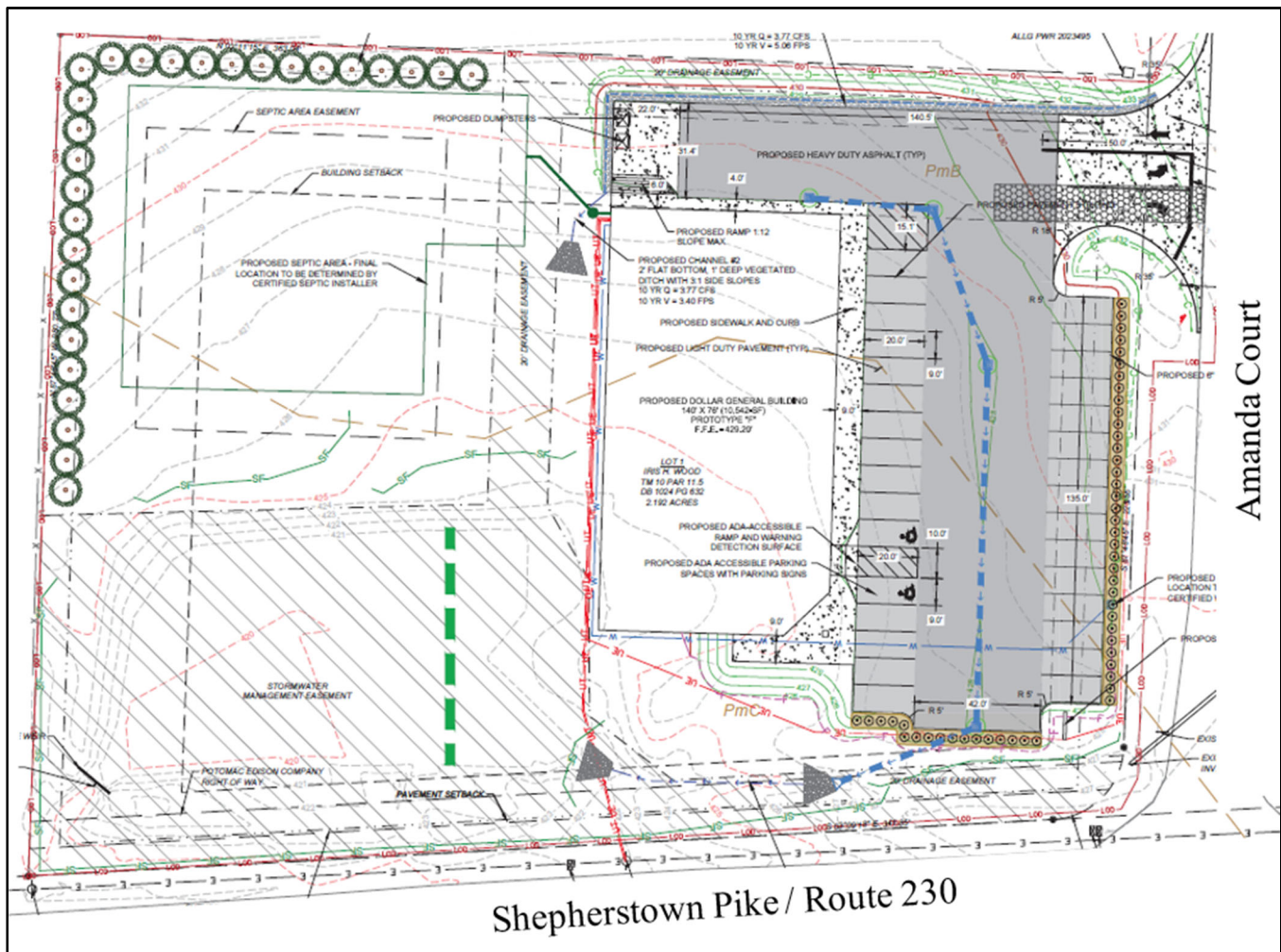
Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-33-ZV Harpers Ferry Dollar General**

**Staff Overview**

The applicant is requesting a variance from Section 11.1A to reduce the number of required parking spaces from 47 to 31; and Appendix B to reduce the front parking setback along Amanda Court from 15' to 8' for a proposed 10,542 square foot retail store (Dollar General) and associated parking lot.

The purpose of nonresidential parking requirements is to ensure that off-street parking, loading, and access demands associated with new development will be met without adversely affecting other nearby land uses and surrounding neighborhoods.

The purpose of parking and drive aisle setbacks is to reduce negative interactions between vehicles, as well as pedestrians, traveling on the roadway and using the parking area. Parking setbacks also serve to reduce the impact that a land use might have on an adjacent property, such as the bright lights from headlights and engine noise.



Section 11.1A of the Zoning Ordinance requires 5.5 parking spaces per 1,000 square feet of floor space. The proposed Dollar General will include a total of 8,496 square feet of customer floor space; therefore, a total of 47 parking spaces is required by the Zoning Ordinance. The applicant is requesting to reduce the number of required parking spaces from 47 to 31 and has stated that the proposed number of parking spaces complies with Dollar General's corporate standards, based on their customer trip calculations.

Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-33-ZV Harpers Ferry Dollar General**

The applicant is also requesting to reduce the front parking setback from 15' to 8' along Amanda Court to accommodate the wider drive aisle that Dollar General prefers for their project sites. The applicant stated that the increased drive aisle width enables tractor trailers entering the loading area to safely maneuver without impacting customer parking spaces. The wider drive aisle shifts the parking spaces into the parking setback area, thereby eliminating sufficient planting area for street trees (see Request #1). Note: the applicant intends to provide the 5% parking lot green space as required by the Subdivision Regulations (shown on application sketch).

Compliance with the required parking setbacks as established in the Zoning Ordinance would require that the drive aisle width be reduced to 40', as opposed to the Dollar General standard width of 47'. Compliance with the required number of parking spaces as established in the Zoning Ordinance would likely necessitate modifications to the existing stormwater management facility, as the building would need to be situated further back on the lot.

### **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 11.1 Non-Residential Parking Standards**

- A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.

Spaces shall be required per use and are as follows:

Shopping Center	5.5 spaces per 1,000 square feet floor space
Retail greater than 2,000 square feet of floor space	

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 35</sup>**

Zoning District	Development Type <sup>Ⓞ</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
												A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)				Commercial Use		Industrial Use	
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear	
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)	
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)	
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)	
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District													





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: 22-33-ZV  
Staff Initials: jth  
Meeting Date: 10/27/22  
Fees Paid (\$100 or \$150): 100.00

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: Iris Wood  
Mailing Address: 12959 Sagel Road, Purcellville, VA, 20132  
Phone Number: (703)472-4076 Email: None

Applicant Contact Information

Name: A R Development, LLC  
Mailing Address: 3120 Wall Street, Lexington, KY 40513  
Phone Number: (859)621-6178 Email: ahaymaker@haymakercompany.com

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

Name: Robert R. Milne, PE, The Thrasher Group, Inc.  
Mailing Address: 600 White Oaks Blvd., PO Box 940, Bridgeport, WV 26330  
Phone Number: (304)326-6141 Email: rmilne@thethrashergroup.com

Physical Property Details

Physical Address: Amanda Court  
City: Harpers Ferry State: WV Zip Code: 25425  
Tax District: Harpers Ferry Map No: 010 Parcel No: 11-005  
Parcel Size: 2.19 Deed Book: 1024 Page No: 632

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Received via email 09/22/22 - jth			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Place Received Date Stamp Here



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

Is there a Code Enforcement action pending in relation to this property?

Yes ☐

No ☒

Reference the section of the Zoning Ordinance pertaining to this request: Article 11 and Appendix B

*Briefly describe the nature of the variance request:*

Requesting a variance to reduce the parking setback and the number of required parking spaces. from 47 spaces to 31 spaces.

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

Front Setback ☒ Side Setback ☐ Rear Setback ☐ Reduction From 15' to 8'

*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:*

This variance request has no affect on public health. This variance request does not impact safety or the rights of adjacent property owners. The parking setback will encroach 7'-2" into the 15' parking setback. Amanda Court R/W is 60' so distance from edge of parking to adjacent property is 67'.

*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?*

Granting the parking setback variance allows the developer to not impact the exsiting stormwater managment facility on the property. Granting the variance for the # of parking spaces minimizes impervious area for build-out, thus allowing more green space.

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

Granting this variance will eliminate unnecessary hardship to the developer in the form of additional construction costs. Granting the variance will prevent impacts to an existing stormwater management facility. Granting the variance helps to reduces the overall impervious area for the project.

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

The intent of the parking setback variance will still be observed based upon the 60' R/W on Amanda Court. Reducing the number of required parking spaces meets the standards of Dollar General and helps to minimize overall impervious area.

*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.

 9/13/22

Signature of Property Owner

Date

Signature of Property Owner

Date

*Notification Requirements (to be completed by staff)*

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

10/27/22

Date of Public Hearing

10/12/22

Advertising Date

10/12/22

Placard Posting Date

Project Name = Harpers Ferry Dollar General

Request for Variance Request

A variance to reduce the front setback for the pylon (Article 10)

Per the Article a 25' setback is required from the street R/W. the proposed placement of the pylon sign is 19'4" from the Amanda Court R/W (See attached Exhibit). This placement causes the sign to be 4'-8" within the setback.

The proposed building was placed on the parcel to avoid impacts to the existing stormwater easement. Following Dollar General Design guideline for sidewalks, and drive aisle widths, etc., the proposed sign is within the setback.

The proposed location is 19'-4" from Amanda Court R/W. the proposed location does not impact sight distances entering or exiting Amanda Court. The pylon sign is safely outside of the DOH R/W for WV 230.

If the sign was moved outside of the setback, it would impact the parking count. Approving of this variance will not affect public health.

A variance to reduce the parking setback and the number of parking spaces required (Article 11 and Appendix B)

No additional narrative provided, see application

A variance to modify/eliminate the required landscaping requirements (Article 4 and Appendix B)

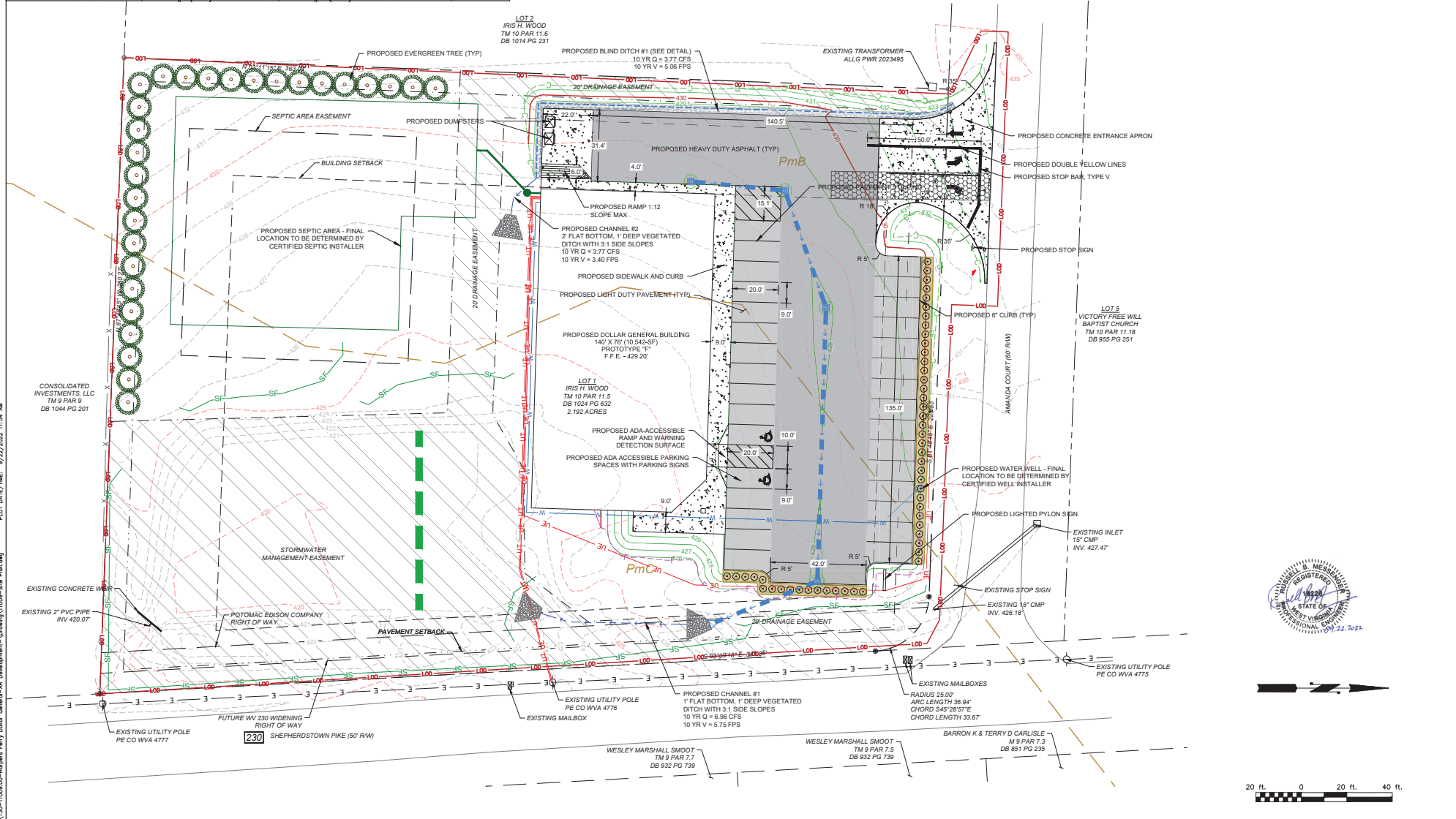
This variance request is being proposed to eliminate landscaping requirements on portions of western and southern property lines, and the entire eastern property lines. The reason for this request is that these areas are currently part of an existing storm water easement.

A variance to eliminate landscaping requirements along the northern property boundary is being requested as well. To comply with the ordinance the landscaping would need to be placed within the Amanda Court R/W or the layout would need to be shifted south, which would cause impacts to the existing stormwater easement.

This property line is still landscaped by the proposed parking lot landscaping.

PRELIMINARY SITE PLAN		CITY, STATE - STREET: HARPERS FERRY, WV - SHEPHERDSTOWN ROAD AND AMANDA COURT	
PROTOTYPE: F	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF: 10,542	COMPANY: A&R DEVELOPMENT	COMPANY: THE THRASHER GROUP, INC.	07/28/22
ACREAGE: 2.19	NAME: RICH WRIGHT	NAME: ROBERT R. MILNE, P.E.	
PARKING SPACES: 31	PHONE #: (859) 618-2126	PHONE #: (340) 326-6141	

CITY, STATE - STREET:		
HARPERS FERRY, WV - SHEPHERDSTOWN ROAD AND AMANDA COURT		
DEVELOPER	DESIGNER	DATE:
BY: A&R DEVELOPMENT	COMPANY: THE THRASHER GROUP, INC.	07/28/22
CH WRIGHT	NAME: ROBERT R. MILNE, P.E.	
#: (859) 618-2126	PHONE #: (340) 326-6141	



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THE THRASHER GROUP, INC.

JC 1	RBM	09.08.2022	REVISED TO ADDRESS JEFFERSON COUNTY COMMENTS
IFP	RBM	07.28.2022	ISSUED FOR PERMIT PLANS

**DOLLAR GENERAL®**



**THRASHER**  
THE THRASHER GROUP INC.  
CIVIL • ENVIRONMENTAL • CONSULTING • FIELD SERVICES  
600 WHITE OAKS BOULEVARD, BRIDGEPORT, WV 26330

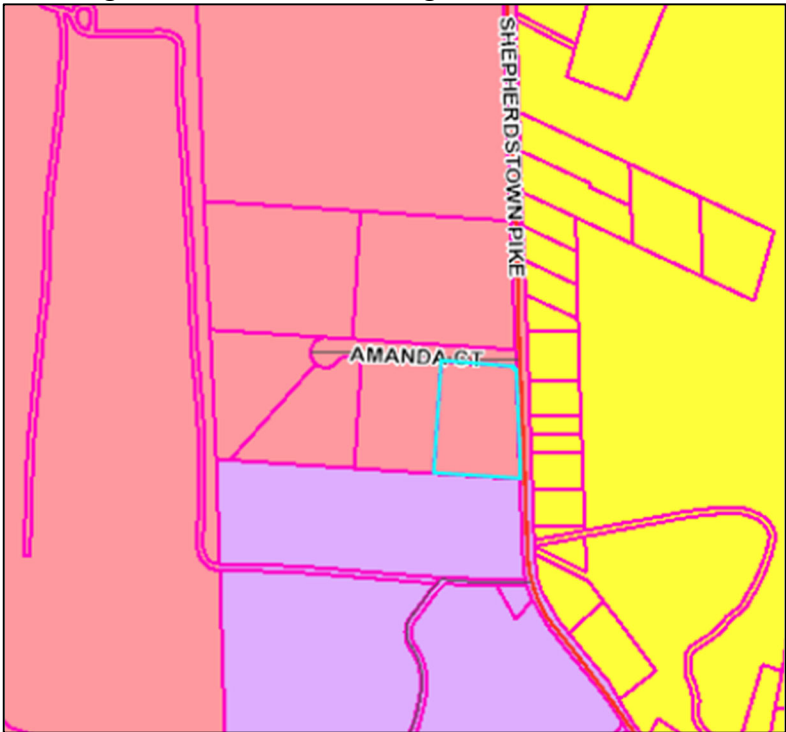
TTG PROJECT No.	T30-11009.00
DOLLAR GENERAL PLAN SET No.	10,542
DOLLAR GENERAL PROTOTYPE VERSION	PROTOTYPE "F"

SITE PLAN  
HARPERS FERRY  
DOLLAR GENERAL  
JEFFERSON COUNTY, WEST VIRGINIA  
SITE PLAN

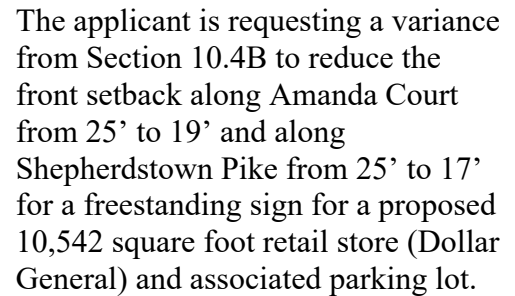
SHEET No.
4

Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-34-ZV Harpers Ferry Dollar General**

Item #1 Request 3 of 3: Variance from Section 10.4B to reduce the front setback along Amanda Court from 25' to 19' and along Shepherdstown Pike from 25' to 17' for a freestanding sign.

Property Owner:	Iris Wood	
Applicant:	A & R Development / Attn: Andy Haymaker (Dollar General)	
Consultant:	Thrasher Group, Inc. / Attn: Robert Milne, P.E.	
Parcel Information & Zoning District:	<p>Mark Kramer Nonresidential Subdivision, Lot 2 Southwest corner of Amanda Ct. and Shepherdstown Pk., Harpers Ferry, WV Parcel ID: 04001000110005; Size: 2.26 acres Zoning District: Residential-Light Industrial-Commercial</p> 	
Surrounding Properties:	<p>Zoning Map Designation: East: Residential Growth South: Industrial-Commercial North and West: Residential-Light Industrial-Commercial</p>	
<b>History:</b>		
<b>File #</b>	<b>Project Name</b>	<b>Recording Info</b>
97-03-SD	Mark Kramer Non-Residential Subdivision	<a href="#">PB 15, PG 14</a>
Variances/Waivers:	10/11/22: Planning Commission approved the following waivers: To increase the entrance width from 35' to 37'; and, to increase the width of the drive aisle from 24' to 42' (22-20-PCW).	
Approved Activity:	Nonresidential Lot	
Site Visit Conducted:	No	

## Staff Overview

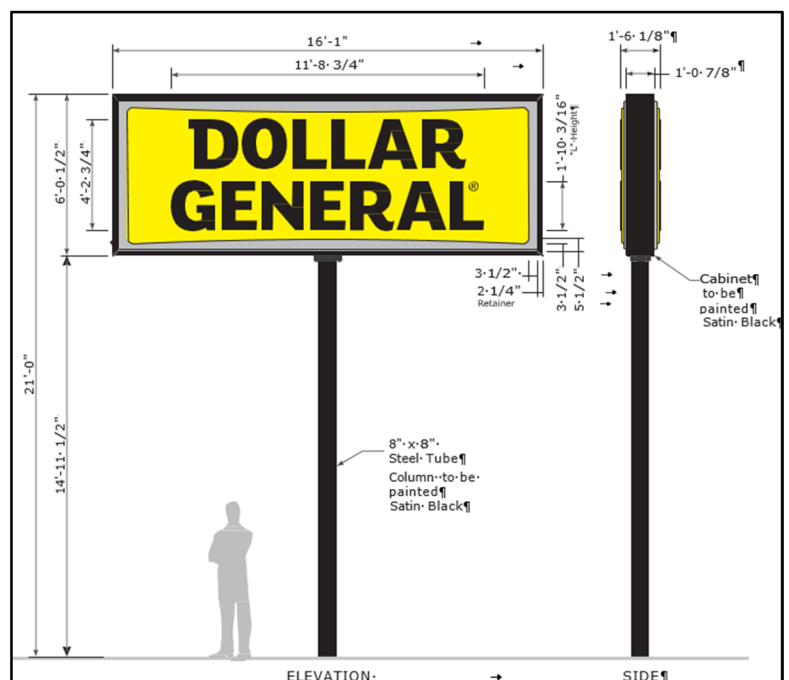


A key purpose of the front yard setback requirement is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that traffic visibility is not impaired for drivers along the right-of-way.

Amanda Court is a platted 60-foot wide right-of-way; therefore, future expansion is not anticipated. There is a nine foot road improvement easement platted along the southern boundary in anticipation of future widening of Route 230.

The Zoning Ordinance allows freestanding signs to be a maximum of 35 feet in height, with a maximum sign face of 100 square feet. The proposed Dollar General sign would be 21 feet in height with a 97.17 square foot sign face.

Compliance with the required setbacks would place the sign within the proposed drive aisle.





Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-34-ZV Harpers Ferry Dollar General**



Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-34-ZV Harpers Ferry Dollar General**

**Conditions of Approval**

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

A. No conditions of approval have been identified.

**Section of Ordinance to be Considered:**

Section 10.4 Signs Requiring a Zoning Certificate<sup>36</sup> Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building. Sign types are defined in Section 2.2.

B. Freestanding Business Signs

Freestanding business signs related to the subject land use are permitted, provided:

1. The lot frontage is at least 40 feet.
2. One freestanding sign per street frontage is permitted. The total area for any sign or signs on one supporting structure shall not exceed 100 square feet and the maximum height of the sign structure shall not exceed 35 feet.
3. Freestanding business signs shall be located in such a manner that no part of the supporting structure is less than 25 feet from the street right-of-way, and that no part of the sign is closer than five feet to the right-of-way. Freestanding business signs shall not face an adjacent residence.
4. Properties which consist of more than one land use shall be required to use a pylon sign. One pylon sign is permitted on each street frontage.
5. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.





**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: 22-34-ZV  
Staff Initials: jth  
Meeting Date: 10/27/22  
Fees Paid (\$100 or \$150): 100.00

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

Phone: (304) 728-3228

**Zoning Variance Request**

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

**Property Owner Information**

Name: Iris Wood  
Mailing Address: 12959 Sagel Road, Purcellville, VA, 20132  
Phone Number: (703)472-4076 Email: None

**Applicant Contact Information**

Name: A R Development, LLC  
Mailing Address: 3120 Wall Street, Lexington, KY 40513  
Phone Number: (859)621-6178 Email: ahaymaker@haymakercompany.com

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

Name: Robert R. Milne, PE, The Thrasher Group, Inc.  
Mailing Address: 600 White Oaks Blvd., PO Box 940, Bridgeport, WV 26330  
Phone Number: (304)326-6141 Email: rmilne@thethrashergruop.com

**Physical Property Details**

Physical Address: Amanda Court  
City: Harpers Ferry State: WV Zip Code: 25425  
Tax District: Harpers Ferry Map No: 010 Parcel No: 11-005  
Parcel Size: 2.19 Deed Book: 1024 Page No: 632

**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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Received via email 09/22/22 - jth

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Article 10

Briefly describe the nature of the variance request:

Request a variance to place the "Dollar General" pylon sign 4'-8" inside the 25' setback.  
Variance from Section 10.4B to reduce the front setback along Amanda Court from 25' to 19' and along Shepherdstown Pike from 25' to 17' for a freestanding sign. - confirmed by applicant (jth)

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

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

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

Placing the sign in the location requested will not affect public health. Placement of the sign in this location does not impact public safety or adjacent property owners. Placement of the sign in this location is outside of the DOH R/W and does not impact sight distance on Amanda Court.

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?

In order to meet the parking requirements for Dollar General and not impact the existing stormwater management facility, this is the best location for the pylon sign.

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

Granting this variance will perserve the number of proposed parking spaces, and still meet the Dollar General standards for parking.

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

The pylon sign is safely outside the DOH Right of Way for WV 230.

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.

 9/13/22  
Signature of Property Owner Date

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

Notification Requirements (to be completed by staff)

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

10/27/22  
Date of Public Hearing

10/12/22  
Advertising Date

10/12/22  
Placard Posting Date

Project Name = Harpers Ferry Dollar General

Request for Variance Request

A variance to reduce the front setback for the pylon (Article 10)

Per the Article a 25' setback is required from the street R/W. the proposed placement of the pylon sign is 19'4" from the Amanda Court R/W (See attached Exhibit). This placement causes the sign to be 4'-8" within the setback.

The proposed building was placed on the parcel to avoid impacts to the existing stormwater easement. Following Dollar General Design guideline for sidewalks, and drive aisle widths, etc., the proposed sign is within the setback.

The proposed location is 19'-4" from Amanda Court R/W. the proposed location does not impact sight distances entering or exiting Amanda Court. The pylon sign is safely outside of the DOH R/W for WV 230.

If the sign was moved outside of the setback, it would impact the parking count. Approving of this variance will not affect public health.

A variance to reduce the parking setback and the number of parking spaces required (Article 11 and Appendix B)

No additional narrative provided, see application

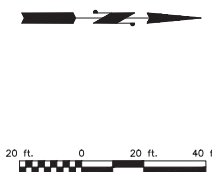
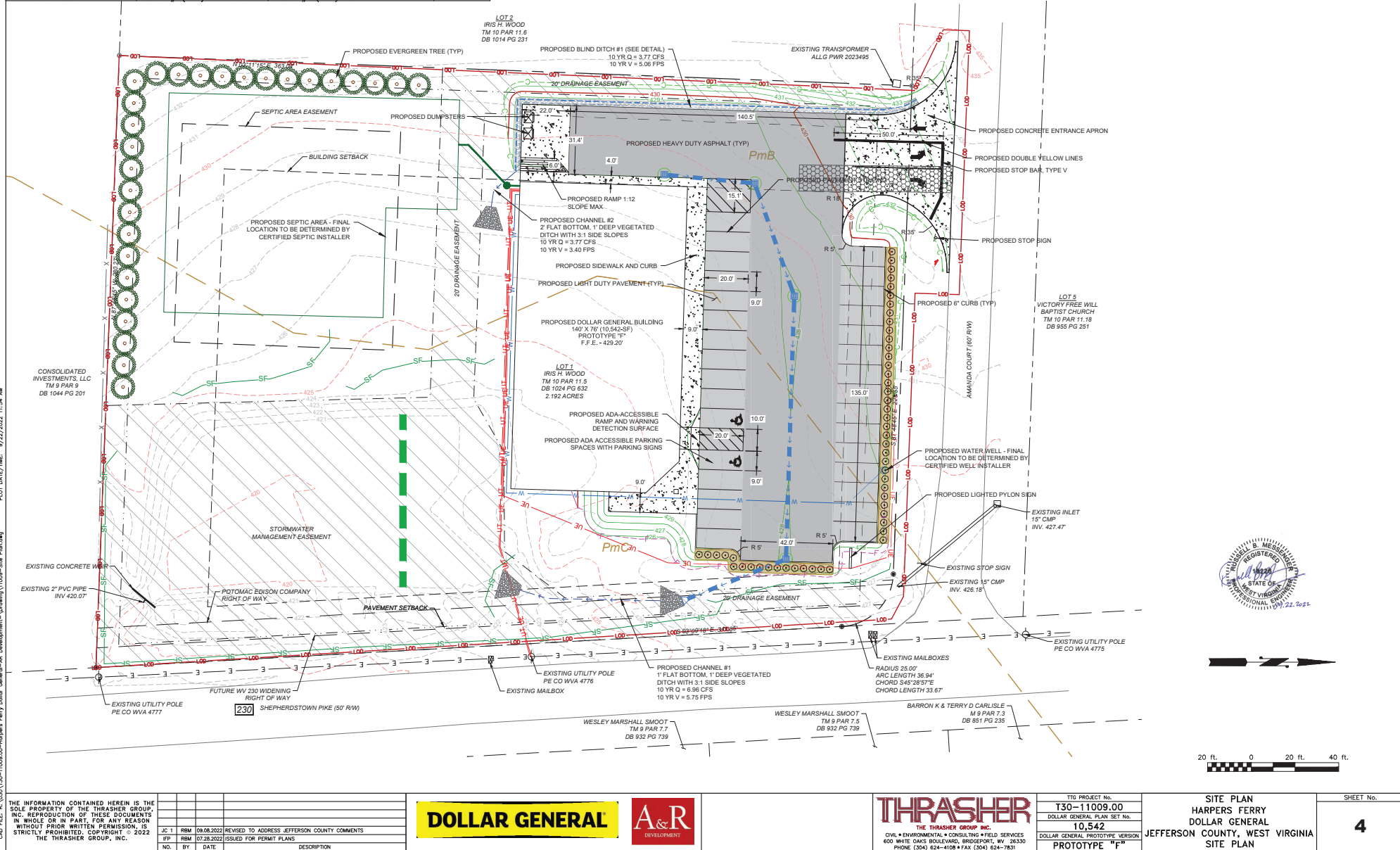
A variance to modify/eliminate the required landscaping requirements (Article 4 and Appendix B)

This variance request is being proposed to eliminate landscaping requirements on portions of western and southern property lines, and the entire eastern property lines. The reason for this request is that these areas are currently part of an existing storm water easement.

A variance to eliminate landscaping requirements along the northern property boundary is being requested as well. To comply with the ordinance the landscaping would need to be placed within the Amanda Court R/W or the layout would need to be shifted south, which would cause impacts to the existing stormwater easement.

This property line is still landscaped by the proposed parking lot landscaping.

PRELIMINARY SITE PLAN				CITY, STATE - STREET: HARPERS FERRY, WV - SHEPHERDSTOWN ROAD AND AMANDA COURT	
PROTOTYPE: F		DEVELOPER	DESIGNER	DATE:	
BLDG/SALES SF: 10,542	COMPANY: A&R DEVELOPMENT	COMPANY: THE THRASHER GROUP, INC.		07/28/22	
ACREAGE: 2.19	NAME: RICH WRIGHT	NAME: ROBERT R. MILNE, P.E.			
PARKING SPACES: 31	PHONE #: (859) 618-2126	PHONE #: (340) 326-6141			



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JC 1	RBM	08/08/2022	REVISED TO ADDRESS JEFFERSON COUNTY COMMENTS
JP	RBM	07/28/2022	ISSUED FOR PERMIT PLANS
NO.	BY	DATE	DESCRIPTION

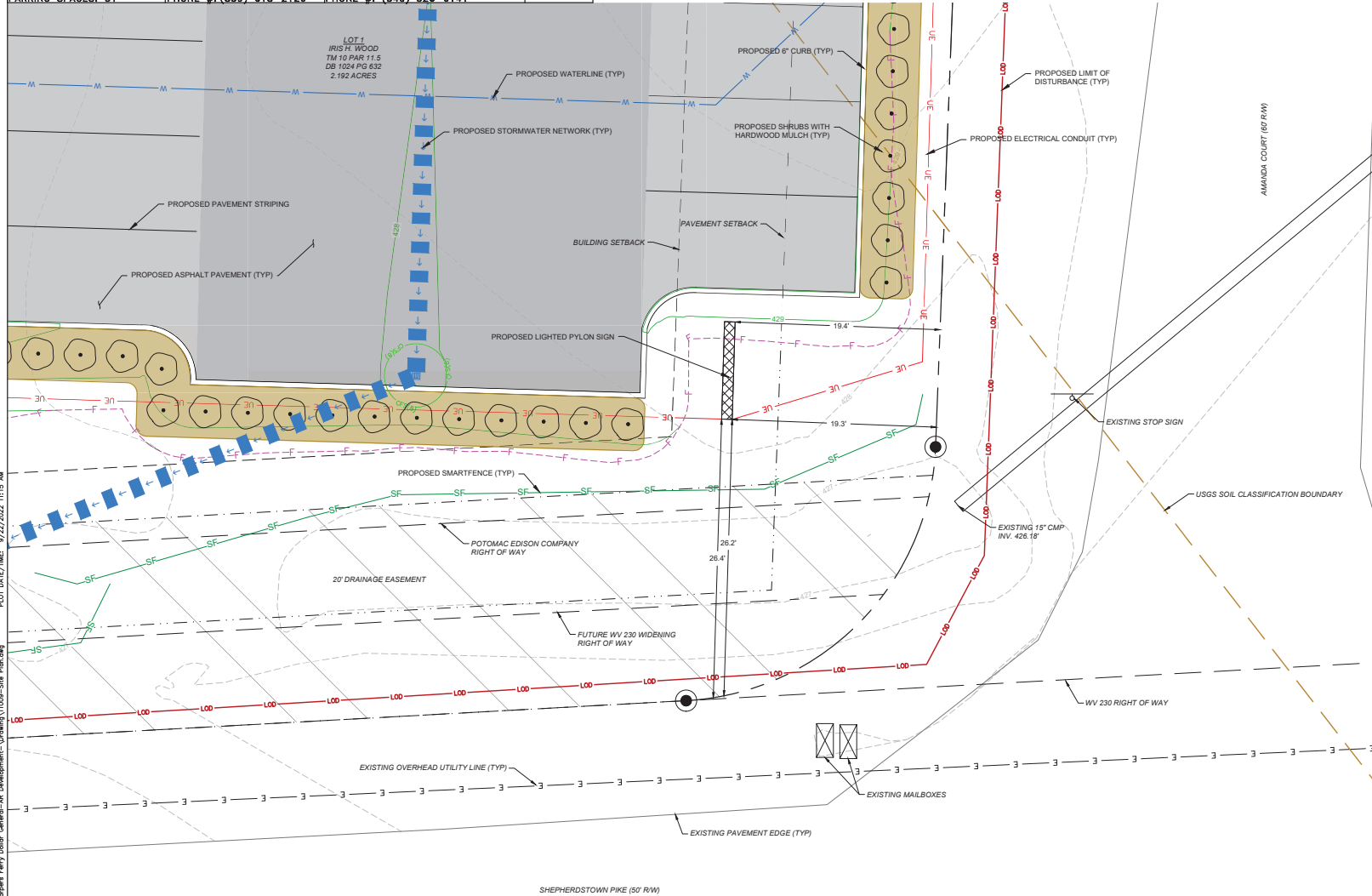
THE THRASHER GROUP INC.  
CIVIL • ENVIRONMENTAL • CONSULTING & FIELD SERVICES  
600 WHITE OAKS BOULEVARD, BRIDGEPORT, WV 26330  
PHONE: (304) 624-4108 • FAX: (304) 624-7831

TTG PROJECT No.  
**T30-11009.00**  
DOLLAR GENERAL PLAN SET No.  
**10,542**  
DOLLAR GENERAL PROTOTYPE VERSION  
**PROTOTYPE "F"**

SITE PLAN  
HARPERS FERRY  
DOLLAR GENERAL  
JEFFERSON COUNTY, WEST VIRGINIA  
SITE PLAN

SHEET No.  
**4**

<b>PRELIMINARY SITE PLAN</b>		<b>CITY, STATE - STREET:</b> HARPERS FERRY, WV - SHEPHERDSTOWN ROAD AND AMANDA COURT	
<b>PROTOTYPE: F</b>	<b>DEVELOPER</b>	<b>DESIGNER</b>	<b>DATE:</b>
<b>BLDG/SALES SF: 10,542</b>	<b>COMPANY: A&amp;R DEVELOPMENT</b>	<b>COMPANY: THE THRASHER GROUP, INC.</b>	<b>07/28/22</b>
<b>ACREAGE: 2.19</b>	<b>NAME: RICH WRIGHT</b>	<b>NAME: ROBERT R. MILNE, P.E.</b>	
<b>PARKING SPACES: 31</b>	<b>PHONE #: (859) 618-2126</b>	<b>PHONE #: (304) 326-6141</b>	



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EX 3	RBM	09.22.2022	VARIANCE REQUEST SIGN EXHIBIT
JC 1	RBM	09.08.2022	REVISED TO ADDRESS JEFFERSON COUNTY COMMENTS
IFP	RBM	07.28.2022	ISSUED FOR PERMIT PLANS
NO.	BY	DATE	DESCRIPTION









**DOLLAR GENERAL®**

**THRASHER**  
THE THRASHER GROUP INC.  
CIVIL • ENVIRONMENTAL • CONSULTING • FIELD SERVICES  
600 WHITE OAKS BOULEVARD, BRIDGEPORT, WV 26330  
PHONE (304) 624-4108 • FAX (304) 624-7831

TTG PROJECT No.
<b>T30-11009.00</b>
DOLLAR GENERAL PLAN SET No.
<b>10,542</b>
DOLLAR GENERAL PROTOTYPE VERSION
<b>PROTOTYPE "F"</b>

SITE PLAN  
HARPERS FERRY  
DOLLAR GENERAL  
JEFFERSON COUNTY, WEST VIRGINIA  
LIGHTED PYLON SIGN EXHIBIT

**EX 3.1**

SQUARE FOOTAGE		COLOR SPECIFICATIONS	
<p align="center"><b>ACTUAL</b></p>  <p align="center"><b>97.17 sq. ft.</b></p>		Yellow:	match Spraylat C8-2633
		Brushed Aluminum:	match Spraylat FM-171
		Black (Copy):	match Spraylat Black
		Satin Black (Metal):	match Black Polyurethane
		Cool Gray:	match PMS Cool Gray 5
		Rock Bottom Gray:	match Sherwin Williams SW7062
		Green:	match PMS 368C



Approved By:



135 South David Lane  
Knoxville, TN 37922  
Office: 865-539-4001  
Fax: 865-539-0851  
[www.linkengr.com](http://www.linkengr.com)

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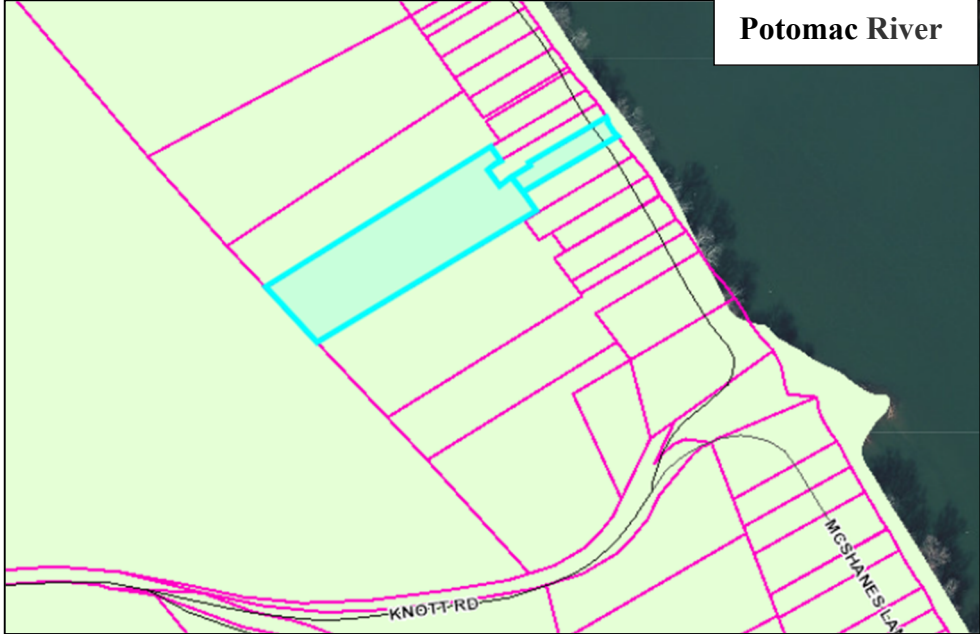
## EXHIBIT "K"



Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022

**#22-35-ZV Potomac Cottage-Starkey Variance Request**

Item #2 Variance from Section 9.7 to reduce the side setback along the northern property line from 15' to 6' for a 12' x 32' deck.

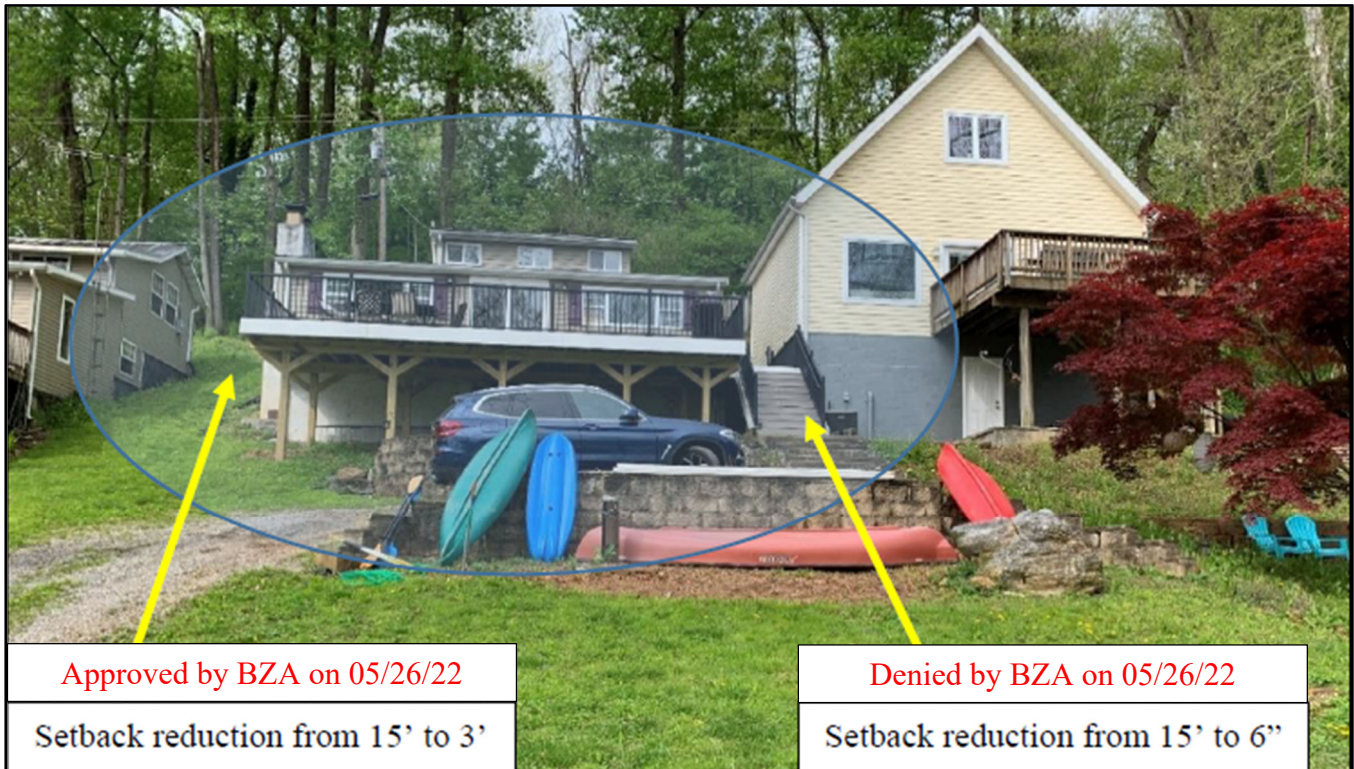
Applicant:	Robert Starkey
Owner:	Potomac Cottage
Parcel Information and Zoning District:	<p style="text-align: center;">1523 Knott Road, Shepherdstown, WV, Parcel ID: 09011A00360000; Size: 2.3 ac; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Districts: North, South, East, West: Rural</p>
History:	<p>11/22/55: River Farm Subdivision Final Plat recorded in <a href="#">DB 208 @ PG 361</a>  08/29/91: boundary line adjustment recorded in <a href="#">DB 690 @ PG 127</a> / <a href="#">PB 10, PG 43</a>  11/22/94: boundary line adjustment recorded in <a href="#">DB 793, PG 24</a>  06/18/02: boundary line correction recorded in <a href="#">DB 961, PG 474</a></p>
Waivers/Variations:	05/26/22: BZA approved request to the side setback along the southern property line from 15' to 3' for a 12' long deck; and, denied the request to reduce the side setback along the northern property line from 15' to 6-inches for a 12' long deck with 8' long stairs (22-13-ZV).
Approved Activity:	<p>Single family dwelling</p> <p>05/03/22: Short Term Rental – PC File #22-24-ZC</p>
Site Visit Conducted:	Site visit conducted on May 3, 2022.

Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**#22-35-ZV Potomac Cottage-Starkey Variance Request**

**Staff Overview**

The subject parcel is Lot 10 of the River Farm Subdivision, which was originally recorded on November 22, 1955. On August 29, 1991, a boundary line adjustment processed to create a single parcel of 2.3 acres.

On May 26, 2022, the Board denied a request to reduce the setback along the northern property line from 15 feet to six inches. Following the Board's action, the applicant removed the portion of the deck that was constructed between the subject property and the adjoining property and installed railing along the edge of the deck. Presently, there are no stairs to access the deck from the outside and access is through the house.



The applicant is presently requesting a setback reduction from 15 feet to six feet along the northern property line to accommodate the modified design and to allow the deck to be placed along the full length of the existing home.

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.

The existing home is considered a non-conforming structure as it was built prior to the adoption of zoning and does not meet current setback requirements. The deck exceeds the 35% expansion provisions permitted by right; therefore, Staff could not administratively approve the request. Pursuant to Section 4.3D, any expansion beyond 35% requires the Board's evaluation.



1523 Knott Road  
Shepherdstown, WV

W  
N  
S  
E

1523 Knott Rd House

Deck

6' Subject Request

Per Board approval on  
May 26, 2022

**Applicant's Sketch – Modified Deck Design**





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: 22-35-ZV  
Staff Initials: jth  
Meeting Date: 10/27/22  
Fees Paid (\$100 or \$150): \$150.00  
\*BP21-97-F

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

Phone: (304) 728-3228

### Zoning Variance Request

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

#### Property Owner Information

Name: Potomac Cottage LLC  
Mailing Address: 8880 Signal Drive, Williamsport, MD 21795  
Phone Number: 301-992-4076 Email: julie@itnyreconsulting.com

#### Applicant Contact Information

Name: Julie Starkey  
Mailing Address: 8880 Signal Drive, Williamsport, MD 21795  
Phone Number: 301-992-4076 Email: julie@itnyreconsulting.com

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

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

#### Physical Property Details

Physical Address: 1523 Knott Road  
City: Shepherdstown State: WV Zip Code: 25443  
Tax District: Shepherdstown (09) Map No: 11A Parcel No: 36  
Parcel Size: .24 ac Deed Book: 1250 Page No: 349

#### 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 09/27/22 via email - jth			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Place Received Date Stamp Here



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

Is there a Code Enforcement action pending in relation to this property?

Yes ☐

No ☒

Reference the section of the Zoning Ordinance pertaining to this request: Section 9.7

*Briefly describe the nature of the variance request:*

We request approval for the setback on the northern side of the property to be decreased from 15' to 6' to allow for a deck that runs 32' along the front of existing structure, which is a house that is 34' in length.

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

Front Setback ☐

Side Setback ☒

Rear Setback ☐

Reduction From 15' to 6'

*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 variance will not adversely affect the neighboring property, as the deck does not intrude farther than the existing side of the house. The deck is no closer to the neighboring property than the house structure itself. The new composite deck replaces a wooden deck and wooden stairs that were deteriorating and unsafe in condition. The previous wooden stairs landed 6' off the property line. Although the new deck is larger than the old deck, noise and foot traffic, which is currently at a level expected for normal home use, is not anticipated to increase due to the fact that the home's occupancy remains limited to 5 people in accordance with Jefferson Co. Health Department regulations. The increased size of the deck does not increase occupancy or usage of the home/property.

*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 deck replaces an older and smaller wooden deck that was falling apart. The materials for the new deck are composite. The new construction is sturdier, safer, and anticipated to remain in excellent condition for a long period of time.

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

The variance will enable us to enjoy a larger area of usable outdoor space facing the beautiful Potomac River. The new deck also eliminates safety concerns associated with the disintegrating wooden deck. The size, materials, and aesthetics of the new deck are anticipated to add to the value of our property and therefore, increase the real estate comparables of adjacent properties.

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

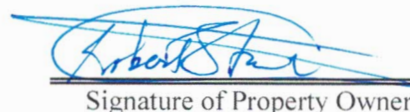
The granting of the variance for the northern side of the deck would be similar to the variance granted in May 2022 for the southern side of the deck, which allowed a decrease in setback from 15' to 3' due to the deck not extending beyond the existing structure.

*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

09/26/2022  
Date

  
Signature of Property Owner

09/26/2022  
Date

*Notification Requirements (to be completed by staff)*

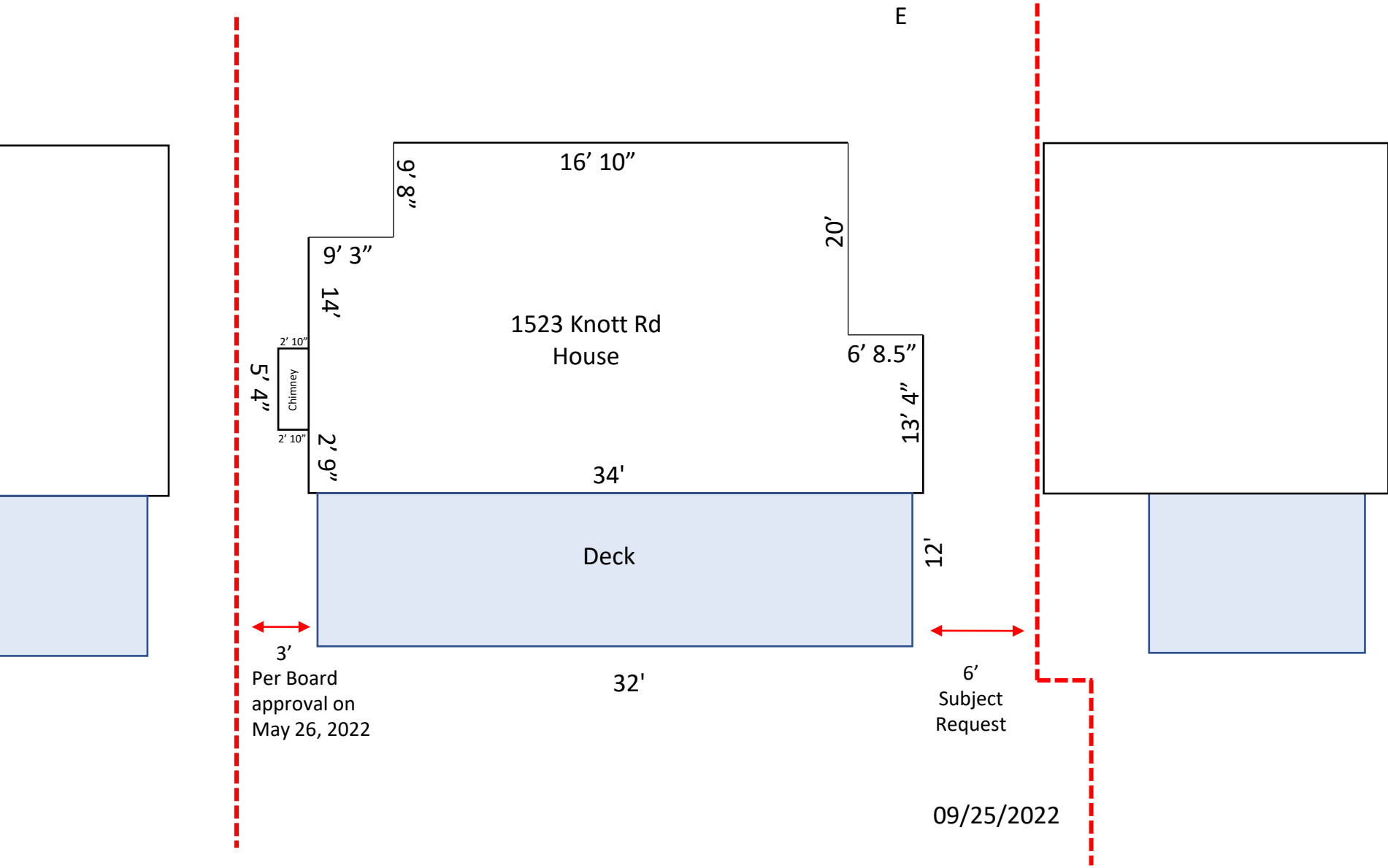
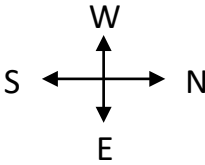
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

10/27/22  
Date of Public Hearing

10/12/22  
Advertising Date

10/12/22  
Placard Posting Date

1523 Knott Road  
Shepherdstown, WV



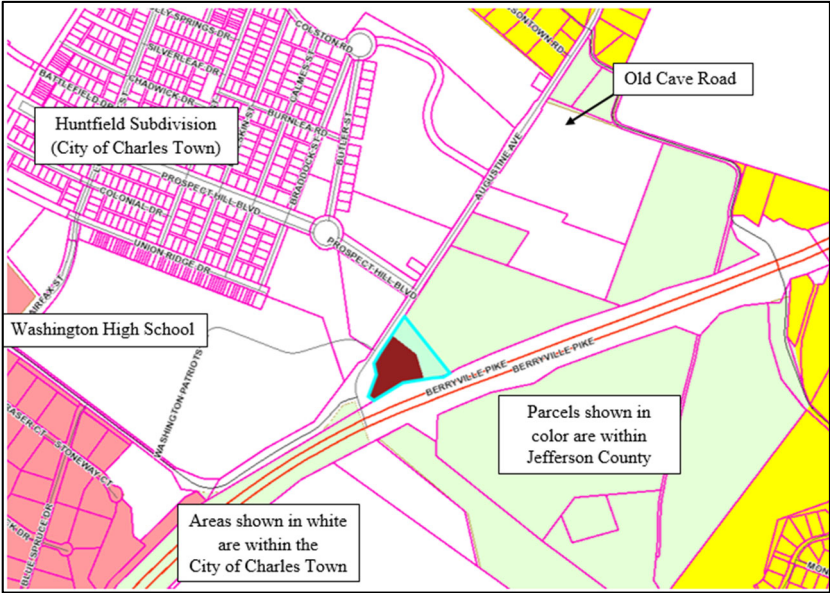




Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022

**22-36-ZV Augustine Sheetz Variance Request**

Item #3 Variance from Appendix B to reduce the front setback from 25' to 0' along a platted interior access easement for a proposed fueling island and canopy.

Owner/Applicant:	Sheetz Inc.
Consultant:	Integrity Federal Services (formerly Gordon)
Parcel Information and Zoning District:	<p>Vacant parcel at the intersection of Route 340 and Augustine Avenue Parcel ID: 02001600010000; Proposed Size: 3 ac; Zoning District: Highway Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Districts:</p> <p>Northeast: Rural      Northwest: Neighborhood Residential (Charles Town) Southeast: Rural      Southwest: General Commercial (Charles Town)</p>
<p><b>History:</b></p> <ul style="list-style-type: none"> <li>21-1-Z &amp; 22-2-Z: two Zoning Map Amendments from Rural to Highway Commercial totaling 3.02 acres of the 4.42 acre parcel (CC approval 3/18/21 &amp; 3/17/22)</li> <li>21-4-SP: Concept Plan for Augustine Ave Sheetz Store (PC Approved 6/8/21)</li> <li>21-17-SD: Chicchirichi Minor Subdivision (<a href="#">PB 26, PG 418</a>)</li> </ul>	
<p><b>Waivers/Variances:</b></p> <p>05/27/21 Board of Zoning Appeals Hearing:</p> <ul style="list-style-type: none"> <li>BZA approved request to eliminate the required 60' easement along a limited access highway; and the required landscape buffer requirement along a limited access highway (21-22-ZV)</li> </ul> <p>04/12/22 Planning Commission Hearing:</p> <ul style="list-style-type: none"> <li>PC approved request to reduce the required road frontage from 200' to 161' for the proposed residue lot that will remain zoned as Rural (22-6-PCW).</li> <li>PC denied request to waive the requirement related to the extension of off-site utilities to allow the subdivision to process as a Minor Subdivision (22-7-PCW).</li> </ul>	

Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022

**22-36-ZV Augustine Sheetz Variance Request**

**06/14/22 Planning Commission Hearing:**

- PC approved a reconsideration request regarding the denial of request 22-7-PCW, which allowed the subdivision to process as a minor.
- Applicant withdrew request to waive of the Archaeological Study as preliminary plat was no longer required. (22-14-PCW).

Applicant withdrew request to reduce the access width for Lot 2 (22-15-PCW).

**Proposed Activity:**

Gas Station, Large to consist of a 6,100 sq. ft. Convenience Store with drive-thru, five (5) fueling islands with canopy, car wash, new roadway, upgraded to traffic signal for Martinsburg Pk, open space, stormwater management areas, the construction of associated utilities, plus associated parking spaces and signage.

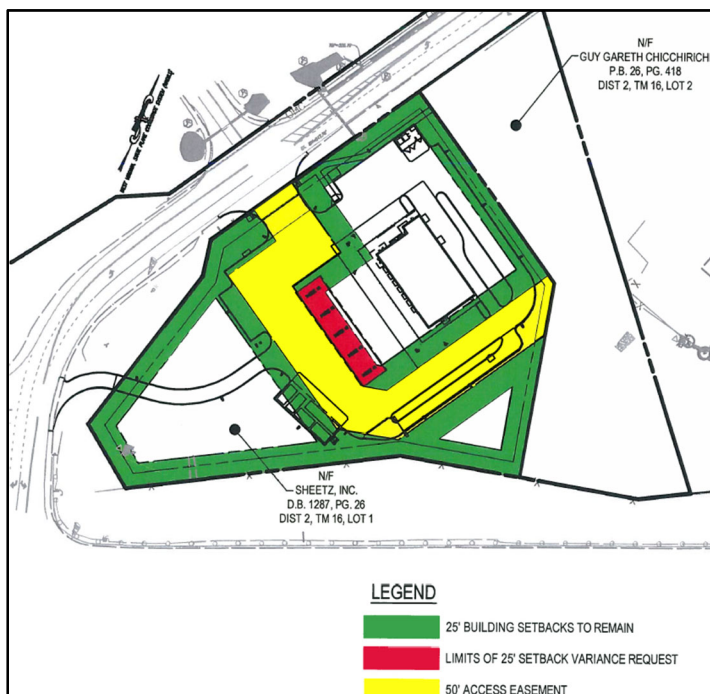
Site Visit Conducted:	Site Visit Not Conducted.
-----------------------	---------------------------

**Staff Overview**

The subject parcel is designated as Lot 1 of the Guy Chicchirichi Minor Subdivision, which was recorded on August 8, 2022 in [Plat Book 26, at Page 418A](#).

The applicant is requesting a variance from Appendix B to reduce the front setback from 25' to 0' along a platted interior access easement to construct a fueling island and canopy.

A key purpose of the front 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.



The applicant is currently processing a Site Plan for a proposed 5,437 square foot convenience store with drive thru, five (5) fueling islands with canopy, stormwater management areas, utilities, and associated parking and signage.

The subject access easement provides access to the adjoining parcel to the northeast and is not anticipated to be expanded. The adjoining property owner has provided a letter of support for the requested setback reduction, to allow the fuel canopy and fuel pumps to be constructed along the access easement.



Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022

**22-36-ZV Augustine Sheetz Variance Request**

**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**

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 35</sup>

Zoning District	Development Type <sup>9</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
												A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)				Commercial Use		Industrial Use	
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear	
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25											





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: 22-36-2v  
Staff Initials: GH  
Meeting Date: 10/27/22  
Fees Paid (\$100 or \$150): 100-

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

Phone: (304) 728-3228

### Zoning Variance Request

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

#### Property Owner Information

Name: Sheetz, Inc.  
Mailing Address: 5700 Sixth Ave, Altoona, PA 16602  
Phone Number: 814-935-4798 Email: bfranks@sheetz.com

#### Applicant Contact Information

Name: Bob Franks - Sheetz, Inc.  
Mailing Address: 5700 Sixth Ave, Altoona, PA 16602  
Phone Number: 814-935-4798 Email: bfranks@sheetz.com

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

Name: Ben Svedlow - Integrity Federal Services  
Mailing Address: 148 N. Queen St. Martinsburg, WV 25404  
Phone Number: 304-725-8456 Email: bsvedlow@ifs-ae.com

#### Physical Property Details

Physical Address: NE of US 340 & Augustine Ave. Intersection  
City: Charles Town State: WV Zip Code: 25414  
Tax District: Charles Town Map No: 16 Parcel No: 1  
Parcel Size: 3.01 Ac. Deed Book: 1287 Page No: 26

#### 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<div>RECEIVED</div> <div>SEP 30 2022</div> <div>JEFFERSON COUNTY PLANNING ZONING &amp; ENGINEERING</div> <div>Place Received Date Stamp Here</div>						
Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)		
<input checked="" 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: Appendix B: Non-Residential Setbacks of HC

*Briefly describe the nature of the variance request:*

~~This is a variance request for the 25' building setback requirements that apply to the 50' access easement that allows access to the adjacent lot to the east. This variance request only applies to the portion of the easement where the fuel canopy encroaches into the setback.~~

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

Front Setback ☒

Side Setback ☐

Rear Setback ☐

Reduction From 25' to 0'

*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:*

~~This variance will not adversely affect the public health, safety or welfare, or the rights of the adjacent property owner as the access is provided by way of an "access easement" and does not run adjacent to a lot but runs through the Sheetz parcel via the proposed drive-aisles. Since the access is not provided via a street or road, no yards are needed.~~

*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 site includes a 50' access easement that roughly splits the site in half and is just provided to give the adjacent property to the east rights to access their property through the Sheetz site and is not intended to be a subdivision street, road, or right-of-way. Therefore, the enforcement of the setbacks to this easement does not achieve the Z.O. intent.~~

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

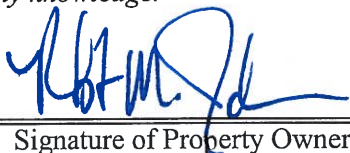
~~Granting this variance will eliminate an unnecessary hardship as the easement currently runs through roughly the center of the site. Due to the shape and location of the easement, applying building setbacks to the entire length would effectively split the usable space of the site in half, limiting allowable non-residential uses.~~

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

~~Granting this variance will allow the intent of the zoning ordinance to be met by only allowing encroachment into the building setback along a small portion of the easement along the fuel canopy. The intent of the ordinance is to provide the appropriate setbacks from a street in a subdivision and since this is not a subdivision, we believe the intent is met.~~

*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

26 SEPT 2022

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).

10/27/22

Date of Public Hearing

10/12/22

Advertising Date

10/12/22

Placard Posting Date

# **Sheetz Augustine Avenue**

## **Variance Request**

September 23, 2022

### **Reference the section of the Zoning Ordinance pertaining to this request:**

**Appendix B: Non-Residential Setbacks for Highway Commercial**

### **Briefly describe the narrative of the variance request:**

This is a variance request for the 25' building setback requirements that apply to the 50' access easement that allows access to the adjacent lot to the east. This variance request only applies to the portion of the easement where the fuel canopy encroaches into the setback.

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

This variance will not adversely affect the public health, safety or welfare, or the rights of the adjacent property owner as the access is provided by way of an "access easement" and does not run adjacent to a lot but runs through the Sheetz parcel via the proposed drive-aisles. Since the access is not provided via a street or road, no yards are needed. Additionally, the adjacent property owner is in support of this request and a letter signed by the adjacent property owner has been included with this application.

### **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 site includes a 50' access easement that roughly splits the site in half and is provided to give the adjacent property rights to access their property through the Sheetz site and is not intended to be a subdivision street, road, or right-of-way. The Zoning Ordinance does not specifically require setbacks on access easements, however vague wording has led to the current scenario under which the setbacks are being applied and IFS is working with staff to amend the ordinance language for future clarity. Since the applicant did not create the current ordinance language, it is not self-imposed.

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

Granting this variance will eliminate an unnecessary hardship as the easement currently runs through roughly the center of the site. Due to the shape and location of the easement, applying building setbacks to the entire length would effectively split the usable space of the site in half, limiting allowable non-residential uses. The plat that created this lot and access easement did not show the setbacks currently being discussed. If enforced, they would effectively make 61% of the lot not usable for construction of the intended use.



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

Granting this variance will only allow encroachment into the building setback along a small portion of the easement along the fuel canopy. The intent of the ordinance is to provide the appropriate setbacks from a street. This is not a street but a drive aisle, therefore, the intent of the Zoning Ordinance is met. As stated above, IFS is working with staff to amend the ordinance language for future clarity.

September 23, 2022

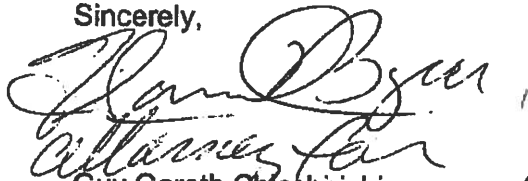
Office of Planning & Zoning  
116 East Washington Street  
P.O. Box 716  
Charles Town, West Virginia 25414

Subject: Sheetz Augustine Avenue – Setback Variance

Reference: Jefferson County Plan #21-4-SP

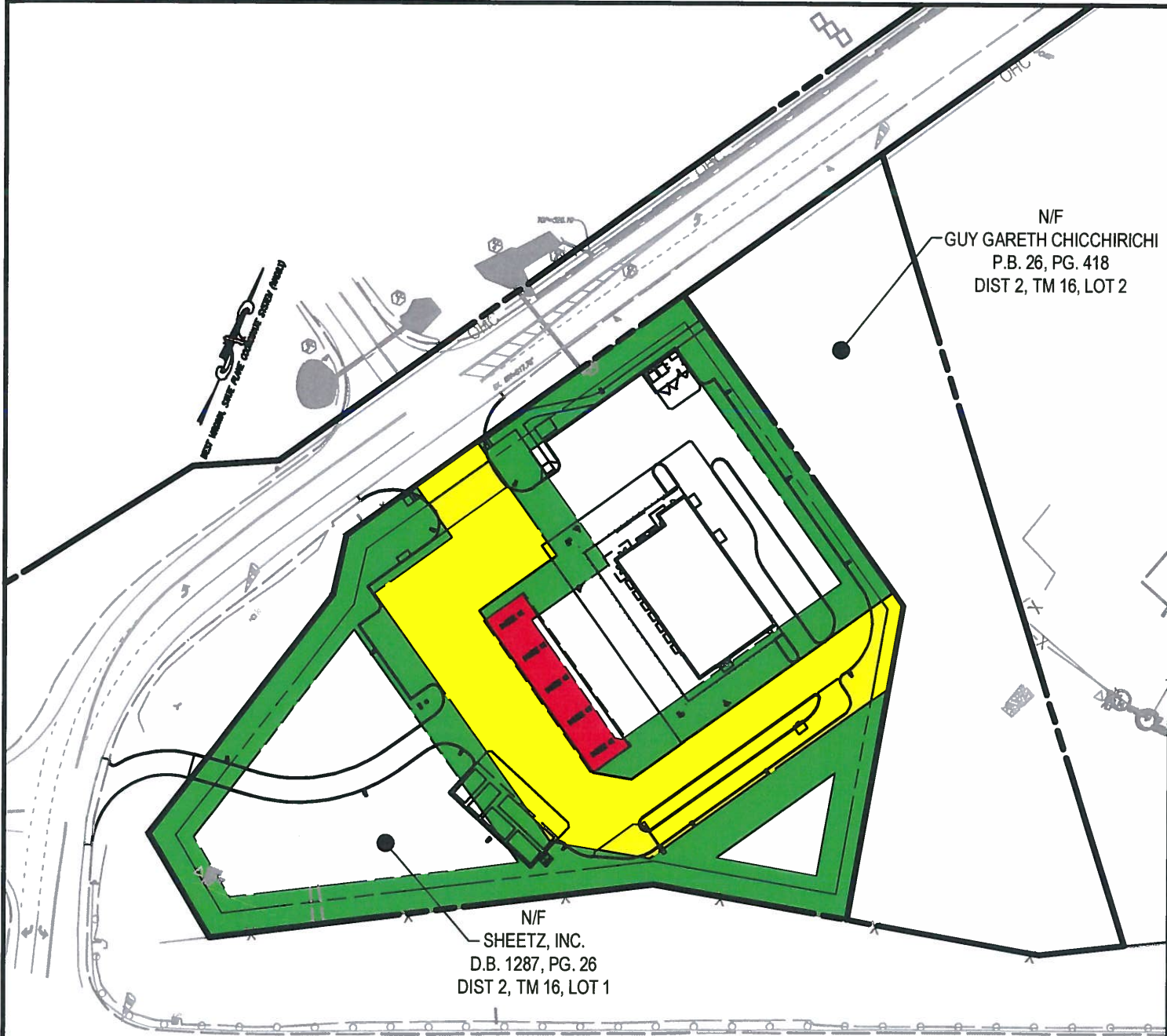
This is in reference to the property adjacent to the Sheetz Augustine Avenue project. I am the property owner of the 1.41 acre property (P.B. 26, PG. 418) adjacent to the Sheetz property. I am in support of this variance request to allow the proposed fuel canopy to encroach into the building setback along the access easement that provides access to my property. I request that the Board of Zoning Appeals approve this variance request.

Sincerely,



Guy Gareth Chicchirichi  
1316 North Mildred Street  
Ranson, WV

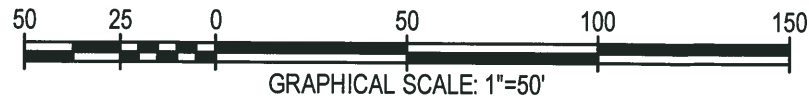
9/29/22  
with approval of client



### LEGEND

- 25' BUILDING SETBACKS TO REMAIN
- LIMITS OF 25' SETBACK VARIANCE REQUEST
- 50' ACCESS EASEMENT

SIGNATURE _____	DATE _____
-----------------	------------



## SHEETZ AUGUSTINE AVENUE

### FUEL CANOPY SETBACK VARIANCE EXHIBIT

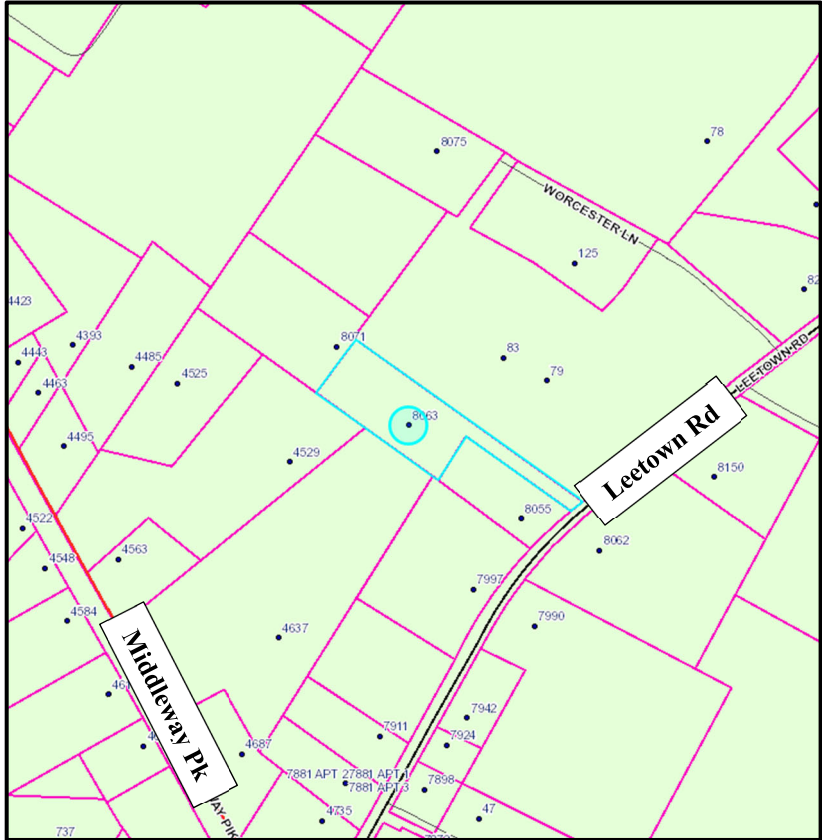


**INTEGRITY  
FEDERAL SERVICES**

CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING  
148 S. Queen Street, Suite 201 • Phone: 304-725-8456  
Martinsburg, WV 25401 • www.ifs-ae.com

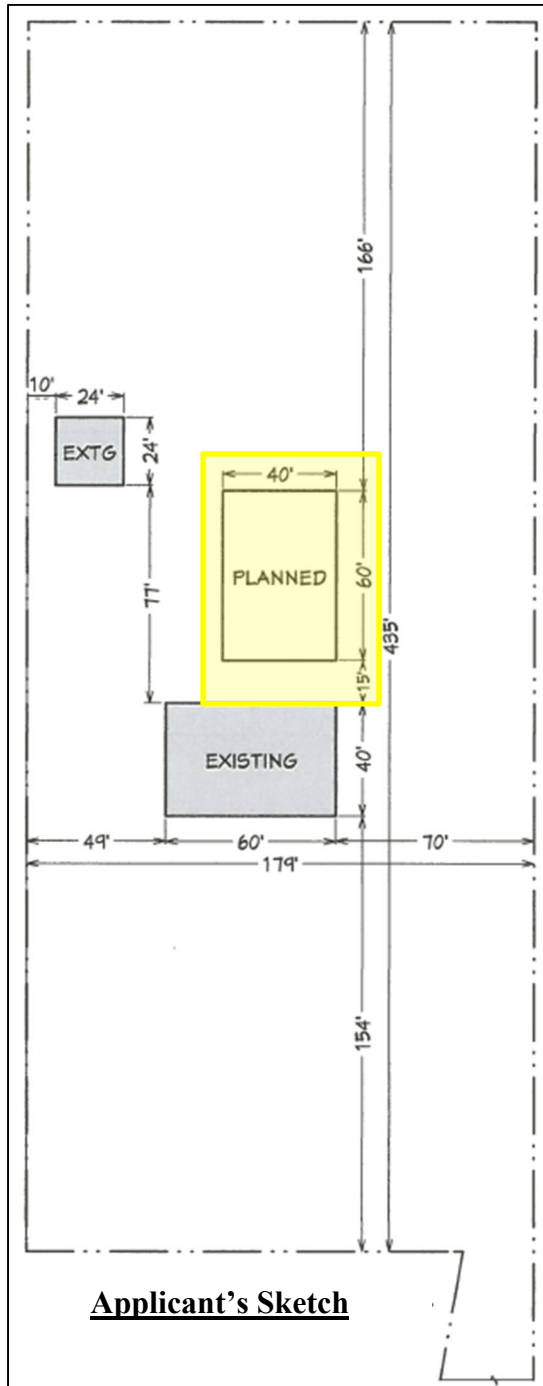
SCALE: 1"=XX'
DATE: 9/19/22
JOB: 3506-0101
DRAWN: BJS
CADD: EXHIBIT.DWG
SHEET:
1 OF 1

## 22-38-ZV Performance Auto Works Variance Request

Owner/Applicant:	Performance Auto Works, LLC / Attn: Billy Ring
Parcel Information and Zoning District:	<p>8063 Leetown Rd, Kearneysville, WV  Parcel ID: 07001900190018; Size: 2.11 acres; Zoning District: Rural</p> 
Surrounding Properties:	<p>Zoning Map Designation:  <i>North, South, East and West: Rural</i></p>
History:	1986 – Outsale Parcel Created (Deed Book: 556 @ Page: 224
Waivers/Variances:	07/17/03 – BZA approved request to allow a greater than 35% expansion of an existing nonconforming use (File #ZV03-19).
Approved Activity:	Legal Nonconforming Auto Repair Shop
Site Visit Conducted:	Site visit not conducted

Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-38-ZV Performance Auto Works Variance Request**

**Staff Overview**



The subject property contains an existing auto repair business with an existing 60' x 40' auto repair garage, surrounding gravel parking area, and gravel access drive. The applicant would like to add a second structure for the purpose of storing cars during maintenance out of harsh weather conditions. The applicant has represented that the bulk of his operation includes repairs on vintage sports cars and that the proposed expansion is not anticipated to increase customer traffic since it will be used as a storage area in lieu of the outdoor gravel area.

Section 4.3D limits the administrative approval of nonconforming use expansions to 35%. Once a use is proposed to expand beyond 35%, the Ordinance states that the use shall meet all applicable requirements of the Zoning Ordinance, unless otherwise allowed by the Board of Zoning Appeals. As the site was developed for nonresidential use prior to the adoption of zoning, the site is considered nonconforming because it does not conform to the current site development standards such as distance requirements, landscaping, etc.

In 2003, the Board granted a variance to the previous property owner to construct a 1,620 square foot building. The previous property owner never constructed the building and as variance carry with the land, the current property owner would be permitted to construct a 1,620 square foot building without applying for a variance.

The subject request is to construct a 2,400 square foot storage building, which is an increase of 780 square feet from what was approved by the Board in 2003 and therefore, necessitates the Board's review.

While the majority of the properties in close proximity are primary residential or agricultural, Tri-State Auctions is in close proximity to the north on Middleway Pike and Cody's Salvage Yard is slightly to the north on Leetown Road. Both of these properties contain existing nonconforming uses.

The applicant provided letters of support from each of the adjoining property owners as delineated on the map provided on page three of this report, with the exception of one property owner who has verbally stated that they are not opposed to the request (see applicant's documentation).



Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022  
**22-38-ZV Performance Auto Works Variance Request**



**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 4.3 Nonconforming Uses**

Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time that this ordinance is subsequently amended, may continue to be used even though such building, structure, or premises does not conform to use, setbacks or dimensional regulations of the zoning district in which it is located; subject, however, to the following provisions:<sup>7, 32</sup>

- A. Nonconforming structures may be upgraded or repaired, or alterations made to the facilities.<sup>7, 23, 32</sup>
- B. Repair includes the following: replacement of same size (+/-35%) porches, awnings, decks roofs, overhangs, patios, or any other similar construction as approved by the Zoning Administrator. However, expansion of any nonconforming structure or use shall be limited to the lot that existed at the time of adoption of this Ordinance. Additional acreage shall not be added to enlarge any nonconforming use unless a variance is approved by the Board of Zoning Appeals after review and a public hearing in accordance with Section 6.1C.<sup>7, 23, 32</sup>
- B. Whenever a nonconforming use has been abandoned for a period of twelve (12) months, such use shall not be reestablished and any future use shall be in conformance with the provisions of this Ordinance.<sup>5, 17, 21</sup>
- C. A nonconforming use may not be substituted for any other nonconforming use without the Board of Zoning Appeals review and public hearing, provided, however, to the following: upon notice to

Staff Report  
Jefferson County Board of Zoning Appeals  
October 27, 2022

**22-38-ZV Performance Auto Works Variance Request**

the Zoning Administrator with an application for and approval of a Zoning Certificate a nonconforming retail, service, or wholesale operation may be substituted with another retail, service or wholesale operation without such public hearing; provided again, however, the intended use does not include an adult use.<sup>7, 17, 21</sup>

- D. Effective October 14, 1999, whenever a nonconforming structure or use expands over 35% of the existing square footage of its operation said use shall meet all the applicable requirements of this Ordinance unless otherwise allowed by the Board of Zoning Appeals. Any nonconforming structure or use that expanded between October 5, 1988 and October 14, 1999 may expand under this provision as if they have never utilized this provision in the past.<sup>7, 8, 12, 17, 21, 23, 32</sup>



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: 22-382V  
Staff Initials: gt  
Meeting Date: 10-27-22  
Fees Paid (\$100 or \$150): 100-

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

Phone: (304) 728-3228

### Zoning Variance Request

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

#### Property Owner Information

Name: Performance Auto Works LLC  
Mailing Address: 8063 Leetown Rd Kearneysville WV 25430  
Phone Number: 304-728-8222 Email: pawmotorsports@frontier.net.net

#### Applicant Contact Information

Name: Lawrence William King III  
Mailing Address: 8063 Leetown Rd Kearneysville WV 25430  
Phone Number: 304 839-2725 Email: Same as PAW

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

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

#### Physical Property Details

Physical Address: 8063 Leetown Road  
City: Kearneysville, State: WV Zip Code: 25430  
Tax District: 07 Map No: 19 Parcel No: 19.18  
Parcel Size: 2.11 acres Deed Book: 1140 Page No: 163

#### 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"/>
<b>RECEIVED</b>			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)
<b>OCT - 3 2022</b>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>JEFFERSON COUNTY PLANNING ZONING &amp; ENGINEERING</b>						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: 4.3.D

*Briefly describe the nature of the variance request:*

I wish to add a 40'x60' storage building, which is more than the allowed expansion of 35% for a nonconforming use in a rural district.

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

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

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

This additional space is primarily for storage and will not result in additional traffic to and from the site. It will not be an eyesore or cause harm or hardship to the neighbors or to the public.

*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?*

My business is repairing vintage sports cars. Several years ago, a number of my customer cars, which were stored outside my building, were damaged in a hail storm. Since then, I have stored these valuable cars indoors, in rented space, at Summit Int. Speedway. The rent has recently doubled, so I need to move the cars, preferably to onsite storage at my place of business.

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

Granting this variance will allow me to operate my business in a more economical and efficient manner and to continue to use my property for car repair, as it has been used for many years.

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

Granting this variance will protect the health, safety, and welfare of Jefferson County and support existing commercial activity, without adversely affecting land use.

*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.

Lane W. R. III 10.1.22  
Signature of Property Owner Date

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

*Notification Requirements (to be completed by staff)*

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

10/27/22  
Date of Public Hearing

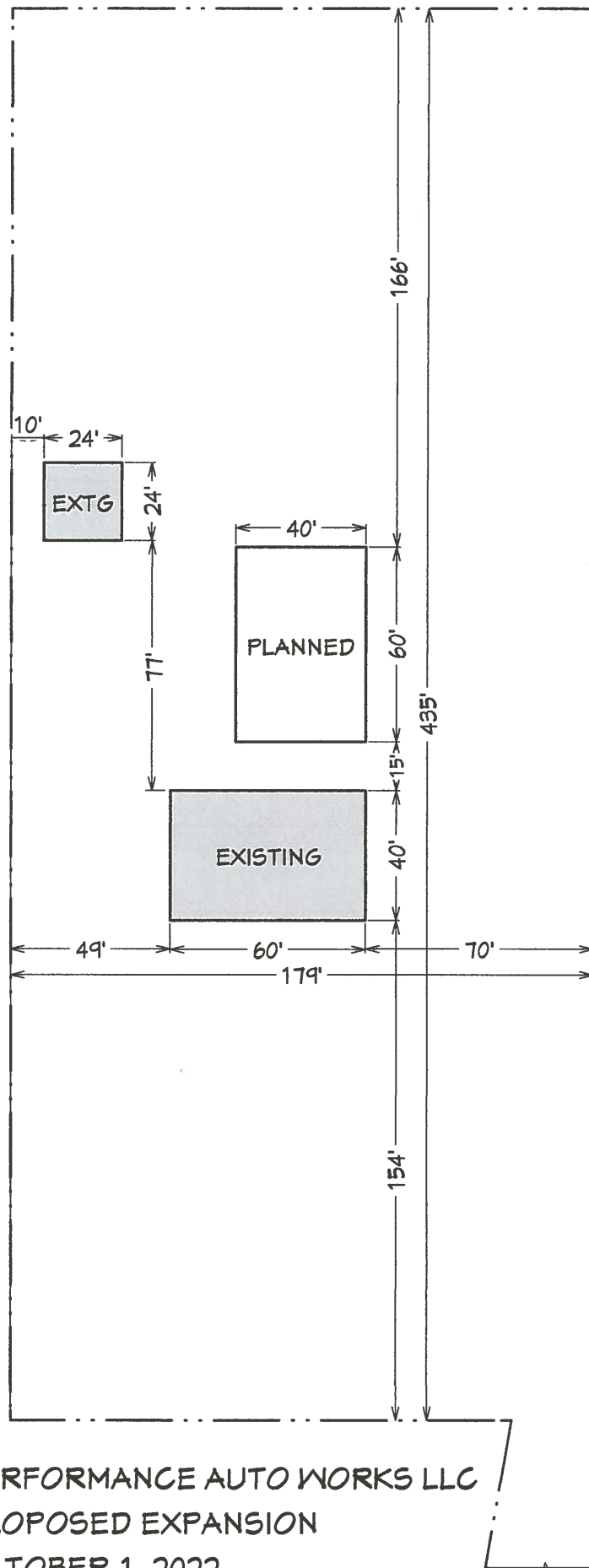
10/12/22  
Advertising Date

10/12/22  
Placard Posting Date

My business is repairing vintage sports cars. Several years ago, a number of my customers' cars, which were stored outside my building, were damaged in a hail storm. Since then, I have stored these valuable cars indoors, in rented space, at Summit Point Speedway. The rent has recently doubled, so I need to move these cars, preferably to onsite storage at my place of business.

Lan W. TG # 10.1.22





PERFORMANCE AUTO WORKS LLC  
PROPOSED EXPANSION  
OCTOBER 1, 2022

*Lane W. King III* 10/1/22

Corners are to be set #5  
Rebars unless otherwise  
noted.

# RESIDUE

of D1 M19 P19  
HAYSLETT  
DB 266 P457

## RECEIVED

JUL 6 8 2003

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

DB 267 P545 NORTH

### SECOND OUTSALE

P19 D1 M19 P19  
HAYSLETT  
DB 266 P457

2.41 AC

D1 M19 P16.3  
SHIRLEY  
DB 407 P558



D1 M19 P16.1  
HOUSE  
DB 517 P86

D1 M19 P19.1  
WHITE  
DB 550 P446

153.76'  
S 37° 50' 00" W

N 44° 10' 00" W  
335.65'

S 45° 50' 00" W  
65.04'

Approved Subdivision  
Exemption (Section 2.1.1.c)

Jonathan W. Hartley  
Planning Director

5/12/86 PLAT of SURVEY showing a

### SECOND OUTSALE

MIDDLEWAY DISTRICT  
JEFFERSON COUNTY, W.V.

SURVEYED: 06 Feb. 1986 SCALE: 1" = 100'

R. Michael Shepp, LLS

APPALACHIAN SURVEYS, INC.

P.O. Box 35 CHARLES TOWN, W.V.



#1592

State of West Virginia, County of Jefferson, Sct.

IN THE CLERK'S OFFICE OF COUNTY COMMISSION:

On MAY 12 1986, at 4:20 P.M., the foregoing  
Deed of B. & S. was received in my said office and duly ad-  
mitted to record.

Test,

John E. Ott  
Clerk of County Commission

Laura W. B. #

10/1/22

To whom it may concern

This letter is to state and confirm that we have no objection to the addition that performance autoworks is currently requesting to add their present building

Our property borders on the north side of their property. This will have no negative effect on our property or our lifestyle.

We hope that this letter will aid in performance autoworks' effort to expand a very successful business

Thank you

A handwritten signature in blue ink that reads "Joanna Ferrell". The signature is written in a cursive, flowing style with a period at the end.

Mr. Ferrell

To whom it may concern

This letter is to state and confirm that we have no objection to the addition that performance autoworks is currently requesting to add their present building

Our property borders on the south side of their property. This will have no negative effect on our property or our lifestyle.

We hope that this letter will aid in performance autoworks' effort to expand a very successful business

Thank you

 9/30/22

Mr. Hoeksema

To whom it may concern

This letter is to state and confirm that we have no objection to the addition that performance autoworks is currently requesting to add their present building

Our property borders on the west side of their property. This will have no negative effect on our property or our lifestyle.

We hope that this letter will aid in performance autoworks' effort to expand a very successful business

Thank you

Mr. Harden

A handwritten signature in blue ink that reads "Jim Hardka". The signature is written in a cursive style with a long, sweeping underline.



To whom it may concern

This letter is to state and confirm that we have no objection to the addition that performance autoworks is currently requesting to add their present building

Our property borders on the South side of their property. This will have no negative effect on our property or our lifestyle.

We hope that this letter will aid in performance autoworks' effort to expand a very successful business

Thank you

Mrs. Linda Shirley

*Linda M Shirley*

**RECEIVED**

OCT - 5 2022

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

RECEIVED

OCT - 5 2022

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

To whom it may concern

This letter is to state and confirm that we have no objection to the addition that performance autoworks is currently requesting to add their present building

Our property borders on the South side of their property. This will have no negative effect on our property or our lifestyle.

We hope that this letter will aid in performance autoworks' effort to expand a very successful business

Thank you

Mrs. Teresa Shirley

9/30/22

Theresa Shirley had triple bypass surgery  
and is out of town living with her daughter  
until she recovers but says she supports anything  
i need to do

Laurence W. Ring

Laurence W. Ring

RECEIVED

OCT - 5 2022

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

## 2023 Rates - 2023 Rules and Regulations Update

From: Gasoline Alley (gasalley@summitpointtraining.com)

Date: Wednesday, September 7, 2022 at 03:33 PM EDT

Gasoline Alley Tenant:

As you may or may not be aware, Summit Point Raceway Associates was divested from Xator Corporation and once again became a stand-alone company on June 1, 2022. We along with many other organizations are feeling the effects of the increased costs of goods and services created largely by COVID, which have required us to reanalyze our pricing structure and offerings. Included in this analysis was a survey of our costs and the local rental market for comparable rental units with less amenities.

As of January 1, 2023, Gasoline Alley rental unit rates:

Large Unit (720 sq f.): \$1,260.00 per month

Small Unit (360 sq ft): \$ 630.00 per month

*current 635.00 and units are 667 sqft*

We will continue to offer the multi-unit discount of 8% for 3 or more units and the full payment discount of 5%.

Additionally, we will continue to strive on beautification throughout the facility, which includes Gasoline Alley. We have updated our rules for the facility and have attached them for your review. We request you read the document, as there are changes. The updated rules and regulations will go into effect January 1, 2023. Please initial each page and return the document to the office.

We are excited about the future of Summit Point Motorsports Park, and hope that you will continue to support the services we provide. We realize this increase may not be welcomed, but we feel that the new pricing structure is in line with our local competition and increased facility costs we are experiencing. We value all Summit Point visitors and patrons, and we look forward to serving the racing community for many years to come.

Regards,

Summit Point Management Team



GA Schedule 1 Rules and Regulations Update 09012022.pdf  
130.1kB

**JEFFERSON COUNTY, WEST VIRGINIA**

**Office of Planning & Zoning**

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

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

Phone: (304) 728-3228

Fax: (304) 728-8126

File Number: 22-38-2V

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

Applicant PRINTED Name:

Lawrence W. Ring III

Applicant Signature:

Law W. Ring III

Contact Number:

304 728-8222 / 304 839 2725

Date:

10-1-22

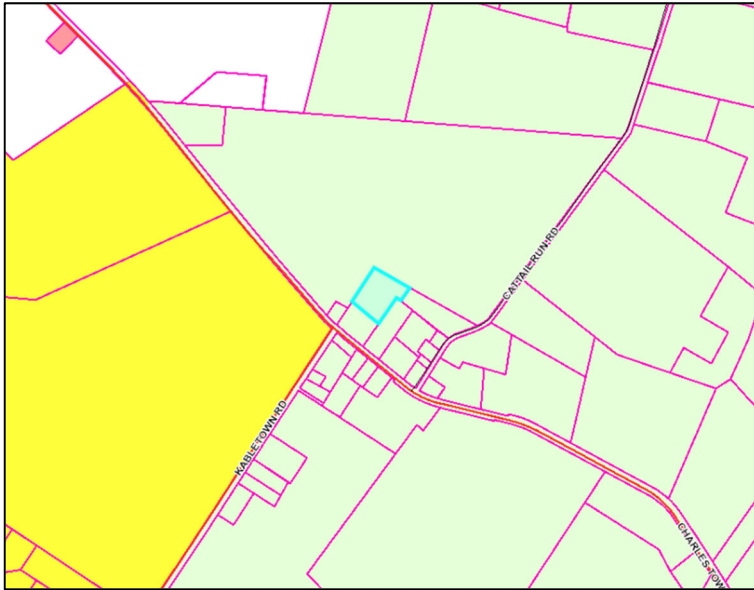
**RECEIVED**

**OCT - 3 2022**

**JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING**

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 27, 2022  
**22-8-CUP Pathway Childcare (Day Care)**

Item #5 Request for a Conditional Use Permit to operate a Day Care Center, Large, as defined in Article 2. The applicant is proposing to convert an existing residence into a day care center to provide care for up to 32 children (maximum). Hours of Operation: Monday through Friday from 6:00 am to 5:30 pm. Proposal includes a fenced play area, onsite parking, and a business sign.

Owner/Applicant:	Alice Chapman
Parcel Information / Zoning District:	<p style="text-align: center;">15943 Charles Town Rd., Charles Town, WV  Parcel ID: 02019A00020004; Lot Size: 1.7 ac; Zoning District: Rural</p>  <p style="text-align: center;">*The white areas of map are within the City of Charles Town's jurisdiction.</p>
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:  North, East, South, West: Rural</p>
Approvals:	12/30/88: Family Transfer conveyance recorded in DB 621, PG 67
Site Visit Conducted:	No.

**Summary of Request and Purpose of Ordinance Requirements**

Request for a Conditional Use Permit to operate as a *Day Care Facility, Large* as defined in Article 2. The applicant is proposing to convert the existing residence into a day care center to provide care for up to 32 children (maximum). Proposed hours of operation are Monday through Friday, from 6:00 a.m. to 5:30 p.m. The business proposal includes a fences play area, onsite parking, and a business sign.

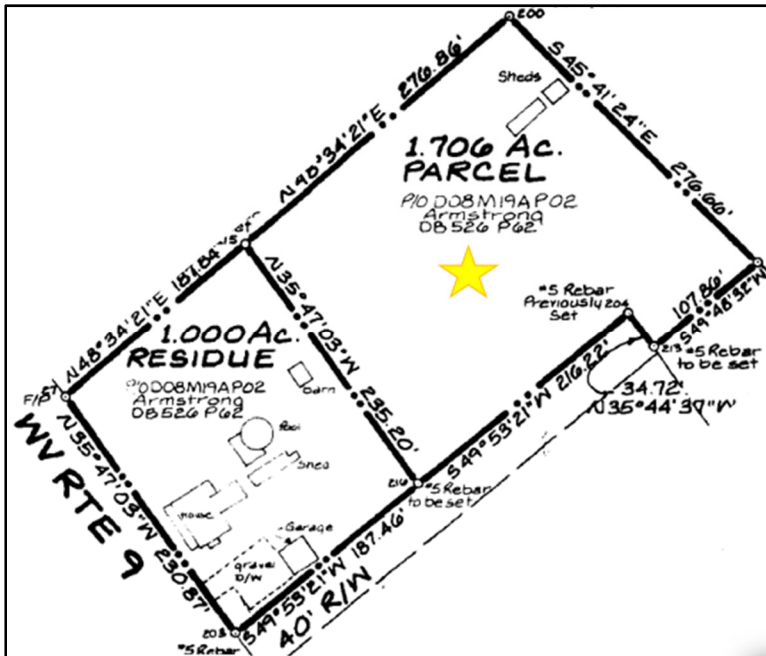
Article 2 defines *Day Care Facility, Large* as:

“A facility: (1) licensed by the state, if applicable; (2) providing care for six or more children or adults who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight; and (3) which may include some instruction.”



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 27, 2022  
**22-8-CUP Pathway Childcare (Day Care)**

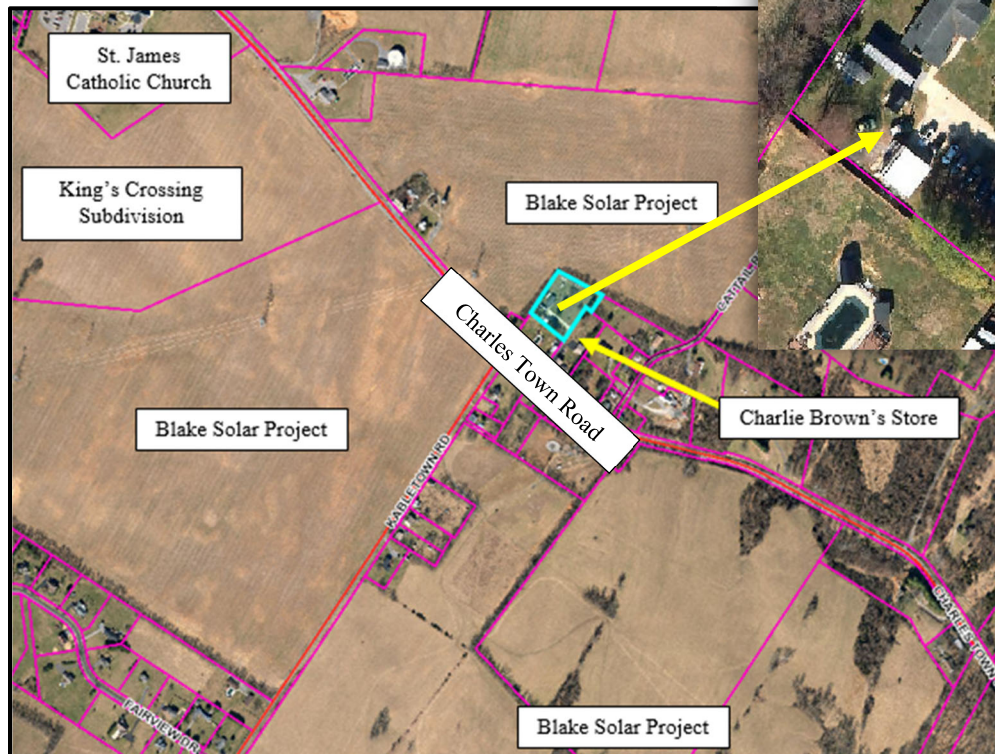
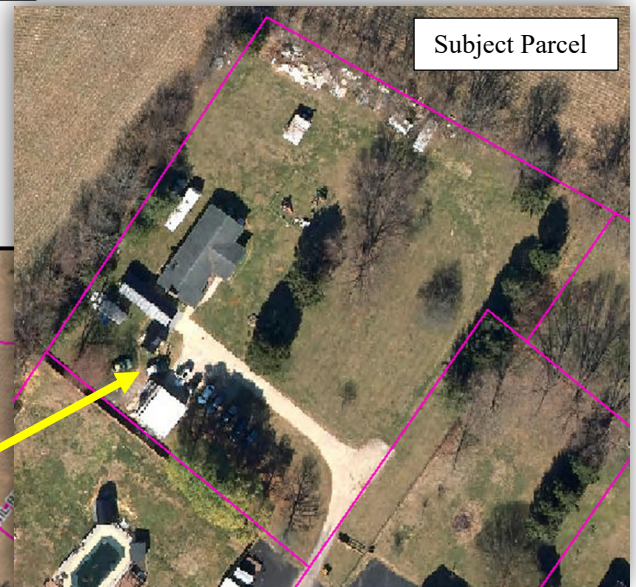
**Property Description**



The subject parcel was created through the family transfer exemption process on December 30, 1988. As part of this process, the parcel was restricted to one single family residence only.

The property is surrounded by agricultural and residential properties to the north, west, and south; to the east is a nonconforming business, Charlie Brown's.

The property shares an access with Charlie Brown's. While the property to the north and west of the subject parcel is currently agricultural, a portion of a large scale solar energy facility is proposed to occur on this property.



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 27, 2022  
**22-8-CUP Pathway Childcare (Day Care)**

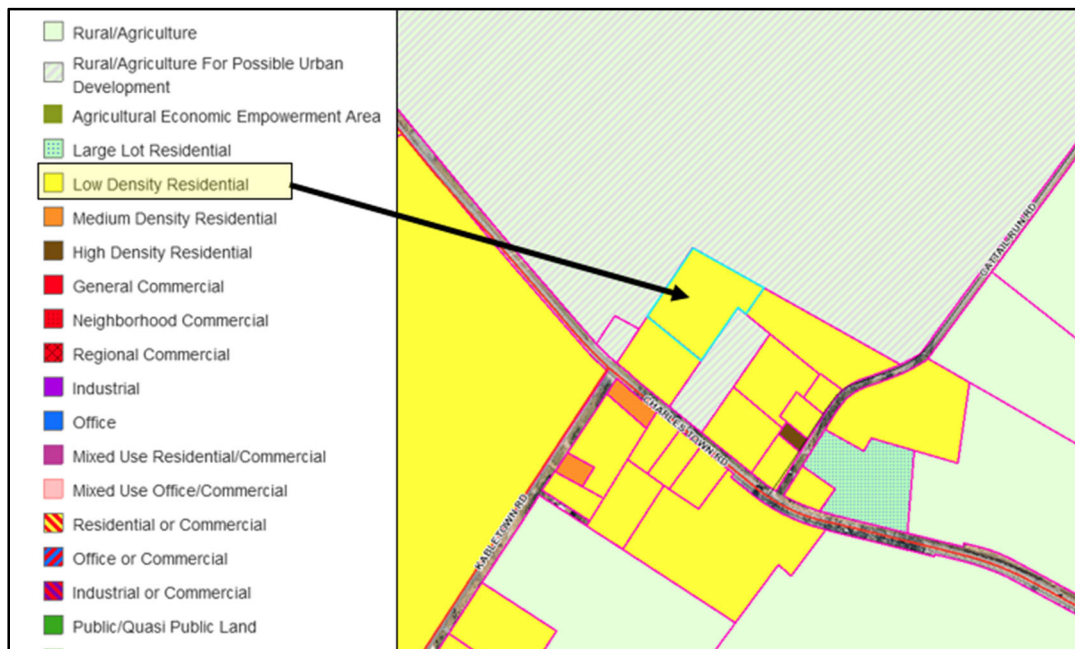
**Conditional Use Permit Process**

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 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 subject parcel is shown as “Low Density Residential” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide. The property is located within the Charles Town Urban Growth Boundary.

One major goal of the Plan is to allow Conditional Use Permits to process in the Rural zoning district for non-residential uses which are compatible in scale and intensity with the rural environment. This goal is referenced numerous times throughout the Plan (see excerpts below).

“...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))



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 27, 2022  
**22-8-CUP Pathway Childcare (Day Care)**

“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)

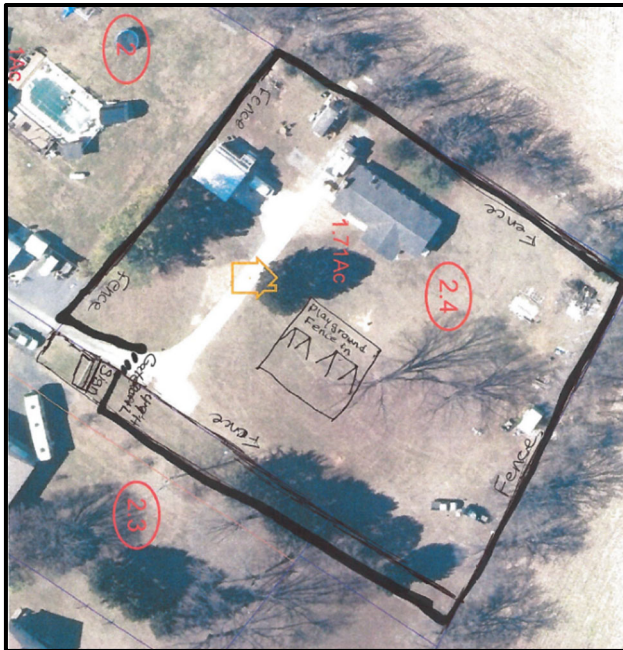
“Recommendation 5: Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.

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 is proposing to operate a daycare center from an existing residence. The applicant is proposing to install a banner sign on their fence. Parking is proposed to occur within the existing driveway area.

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 applicant intends to convert an existing residence and aside from a fenced play yard, no new structures or additions are proposed.

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)**

Based on the information provided, the proposal appears to comply with the “No Site Plan” criteria in the Subdivision Regulations because the applicant is not proposing to construct any new buildings and additional parking does not appear to be required at this time. If a site plan is not required by the Ordinance, then landscaping and buffer standards will not be enforced unless the Board requires as a condition of approval.

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.

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**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)**

The subject parcel is located off of a platted 40' right-of-way, which has access to Charles Town Road. Charles Town Road is classified as a Minor Arterial Road (Primary or Four Lane Road).

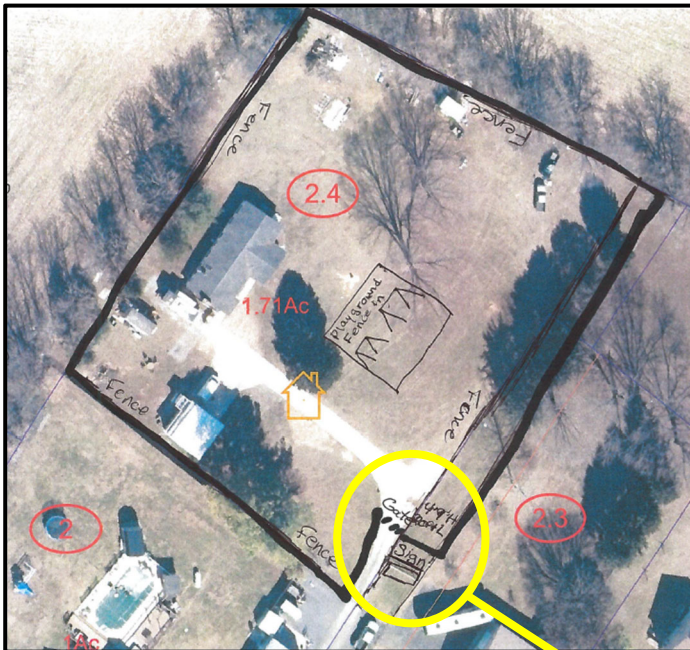
The applicant has represented that drop-off and pickup times are staggered.

**Note:** Staff advised that the applicant will need to obtain an updated entrance permit from the Division of Highways for the change in use from residential to commercial. Staff also advised that the applicant consult with the owners of Charlie Brown's to confirm whether or not use of the access easement is restricted to residential use.

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

The subject property 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. (Sec. 6.3A.8)**



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 is proposing to attach a sign on the existing fence. It appears that based on the orientation of the proposed sign, that it may not face any residential dwellings; however, Staff believes that the fence is located within the platted right-of-way, and signs are not permitted within a platted right-of-way. If it is determined that the fence is located within the platted right-of-way, then a variance may be required in order to have a sign in the proposed location.







## Conditional Use Permit Application

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

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

### Please submit the following documents:

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

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

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



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

File #: 22-8-CUP  
R'cvd Date: 9/30/22  
Mtg. Date: 10/27/22  
Fee Paid: \$ 350.  
Staff Int.: JH

Email: zoning@jeffersoncountywv.org

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

Application for a Conditional Use Permit

Project Name Pathway Childcare

Property Owner Information

Name: Alice Chapman  
Business Name: Pathway Childcare  
Mailing Address: 15943 Charles Town Rd Charles Town WV 25414 Mail ☒ Yes  
Phone Number: 304-270-8329 Email Response: pathwayc3@gmail.com Response: ☐ No

Applicant Information

Name: Alice Chapman  
Business Name: Pathway Childcare  
Mailing Address: 15943 Charles Town Rd Charles Town WV 25414 Mail ☒ Yes  
Phone Number: 681-252-4484 Email Response: pathwayc3@gmail.com 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: 15943 Charles Town Rd Charles Town WV 25414  
Tax District: Charles Town District Map No: 19A Parcel No: 2.4  
Parcel Size: 1.706 acres Deed Book: 1101 Page No: 192

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 checked="" 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: Charles Town Rd 115 South  
of "Old Route 9"

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

To change House into Childcare facility; playground area. We be childcare for 12 children to start, will expand to up to 32 children in the future. Will provide childcare and Before & After School care. Please provide any information or known history regarding this property. Previously owned by Donald & Marlene Ricketts

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 I am zoned

Rural, and I believe what I propose to do will be a great addition to this Comprehensive Plan. Rural area never have enough childcare. There are large communities near me with little or no childcare options.

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

There is a store "Charlie Brown's" already existing and a Solar farm coming soon. It will provide much needed childcare needed school District. There is potential threat to public health safety or welfare

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 Development of this childcare facility will provide much needed help needed in the community. It is located on 1.706 acres not on main highway completely fenced in with natural tree barriers.

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. I will have 6 family dropping of

Children between 6 to 830 AM to pickup between 3-6 PM Mon-Friday 2 staff entering exiting also

☐ Applicable (Trip Generation Data attached)

☒ Not Applicable

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

Alice Chapman 10/11/2022  
Property Owner Date

Property Owner

Date



Alice Chapman &lt;pathwayc3@gmail.com&gt;

---

**Proposed land use**

3 messages

---

**Alice Chapman** <pathwayc3@gmail.com>  
To: Alice Chapman <pathwayc3@gmail.com>

Tue, Sep 27, 2022 at 2:57 PM

I am proposing that my land and home be used to house pathway Child Care facility. Location 15943 Charlestown road Charlestown West Virginia 25414. We will service local families for their child care needs whether it be preschool or before and after school care. Our hours of operation will be 6:00 a.m. to 5:30 p.m. Monday through Friday. We share the right away with Charlie Brown's store which is already a designated bus stop which will not be a nuisance for the store they do not open until 8:30 9:00 a.m. every morning. All our children will be on the bus by 8:20 so there is no problem with the morning interfering with their business. This will also bring more Business two Charlie Brown store with parents wanting to pick up milk bread eggs etc on their way home. To me it's definitely a win-win situation. I will be servicing six families 12 children total to begin with I am seeking a conditional use for up to 32 children and two staff members. Most children will be dropped off from 6:00 a.m. to 8:30 a.m. and then again picked up in between the hours of 3:00 p.m. to 5:30 p.m. latest pick up would be 6:00 p.m. . There will be no midday drop offs or pickups unless it's a necessity such as sick child or child being dropped off late due to doctor's appointment etc. We also have added in our parent handbook that apparent must abide by the rule of safe driving entering and exiting of Charlie Brown's store parking lot and entering our property. We also added in our handbook that Charlie Brown store is not responsible for anything including lost stolen or any incidents or accidents on their property. That all liability falls solely on pathway child care facility.

---

**Alice Chapman** <pathwayc3@gmail.com>  
To: Alice Chapman <pathwayc3@gmail.com>

Tue, Sep 27, 2022 at 3:03 PM

Within the next year we will be adding a home to this property. Due to the fact that I'm giving up my home to turn it in to the daycare facility.

[Quoted text hidden]

---

**Alice Chapman** <pathwayc3@gmail.com>  
To: Alice Chapman <pathwayc3@gmail.com>

Tue, Sep 27, 2022 at 3:05 PM

We will be adding a sign at the end of our driveway a 4ft 9 inches x 20ft sign which will not be a nuisance to the public or any property near us

On Tue, Sep 27, 2022, 2:57 PM Alice Chapman <pathwayc3@gmail.com> wrote:

[Quoted text hidden]

# West Virginia Department of Agriculture

Kent A. Leonhardt, Commissioner  
Joseph L. Hatton, Deputy Commissioner



September 20, 2022

Alice Chapman

15943 Charles Town Rd.  
Charles Town WV, 25614

Dear Alice,

I have evaluated the integrated pest management plan you submitted to my office according to the criteria below. My comments concerning your plan are as follows:

- ☒ No changes are necessary.
- ☐ The policy statement was not included.
- ☐ The pest management objectives were not included.
- ☐ A method for educating building occupants was not included.
- ☐ The inspection activities were not specified.
- ☐ The monitoring activities were not specified.
- ☐ The evaluation methods were not specified.
- ☐ A system for notification of employees and parents was not specified.

The rules for Integrated Pest Management Programs in Schools and Child Care Centers state that each child care shall maintain an Integrated Pest Management file. This file must contain the following items: (1) the integrated pest management plan, (2) monitoring diagrams of the facility, (3) Pest Surveillance Data Sheets, (4) treatment records of the facility, including a floor plan indicating treatment locations, (5) labels of pesticide products used at the facility, and (6) copies of safety data sheets for pesticide products used.

**Also, please note that pesticide applications are only to be made by certified pesticide applicators or registered technicians working under their supervision. No pesticides, including those purchased at a retail store, are to be applied by child care staff unless properly licensed with the WVDA. Please be advised any noncompliance could result in penalties of up to \$1000 per violation.**

Sincerely,

A handwritten signature in cursive script that reads "Jennifer L. Shivley".

Jennifer L. Shivley  
Compliance Assistance Specialist  
Pesticide Regulatory Programs  
304-558-2209 Office  
304-206-0679 Work Cell  
Jshivley@wvda.us



# Entrance Permit Application

PLEASE PRINT LEGIBLY

Sent  
9/14/2022  
(AC)

DATE APPLIED FOR: 9/14/2022

COUNTY: Jefferson

OWNER/DEVELOPER NAME: Pathway Childcare Center  
Alice Chapman

ROUTE NO: 115 South 101st Rd

PHONE NO: 304 270 8329

ADDRESS OF APPLICANT: 15943 Charles Town Rd Charles Town  
WV 25414

EMAIL ADDRESS: pathwayc3@gmail.com

EXACT LOCATION OF APPROACH (Please be specific. Example: East side of John Doe Road, 1.25 miles north of Jane Doe Road): Coming on to 115 South 101st Rd from Charlie  
Brown's Store (House behind store shared right away)

**NOTE: Property owner must stake location of approach or approaches out in field with blue and gold ribbon.**

## TYPE OF APPROACH:

	(Please mark)	WIDTH (16' - 20')
Private	<input checked="" type="checkbox"/>	
Commercial	<input type="checkbox"/>	min 25'
Minor Subdivision	<input type="checkbox"/>	
Major Subdivision	<input type="checkbox"/>	min 25'
Heavy Equipment	<input type="checkbox"/>	
Miscellaneous (state purpose)	<input type="checkbox"/>	

## REQUIRED DOCUMENTATION

PRIVATE APPROACH (See A for required documentation)

COMMERCIAL APPROACH (See B for required documentation)

SUBDIVISION (Minor - See C for required documentation, Major - See D for required documentation)

HEAVY EQUIPMENT (See E for required documentation)

MISCELLANEOUS (See F for required documentation)

22-8-cvp

FID	TAX_YEAR	PARID	Ownership	OWNER_ADDR
8476	2022	02 19A0002000000000	WHITE RICHARD A SR & SHERYL L	15939 CHARLES TOWN RD
8477	2022	02 19A0001000000000	BROOKS MELODY	15887 CHARLES TOWN RD
8478	2022	02 19A000200030000	BROWN CHARLES J SR	15949 CHARLES TOWN RD
8479	2022	02 19A000200010000	BURKE GEORGE & ANN S ROWE	48 PRIVATE CT
8486	2022	02 19A000200040000	CHAPMAN ALICE	15943 CHARLES TOWN RD
8497	2022	02 190001000000000	HIGH HORIZONS FARM INC	336 ROSEMONT WAY

RECEIVED

SEP 30 2022

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

CITYNAME	STATE	ZIP	DEED_BOOK	DEED_PAGE
CHARLES TOWN	WV	25414	634	423
CHARLES TOWN	WV	25414	1143	737
CHARLES TOWN	WV	25414	620	439
BUNKER HILL	WV	25413110	1121	712
CHARLES TOWN	WV	25414	1101	192
CHARLES TOWN	WV	25414	1208	227



1.33A



fence

ance

Fence

22/11/2020

11/6/97

4/19/12  
Caterpillar







Alice Chapman <pathwayc3@gmail.com>

---

## Fence

1 message

---

Alice Chapman <alichap20@gmail.com>

Tue, Sep 27, 2022 at 11:26 AM

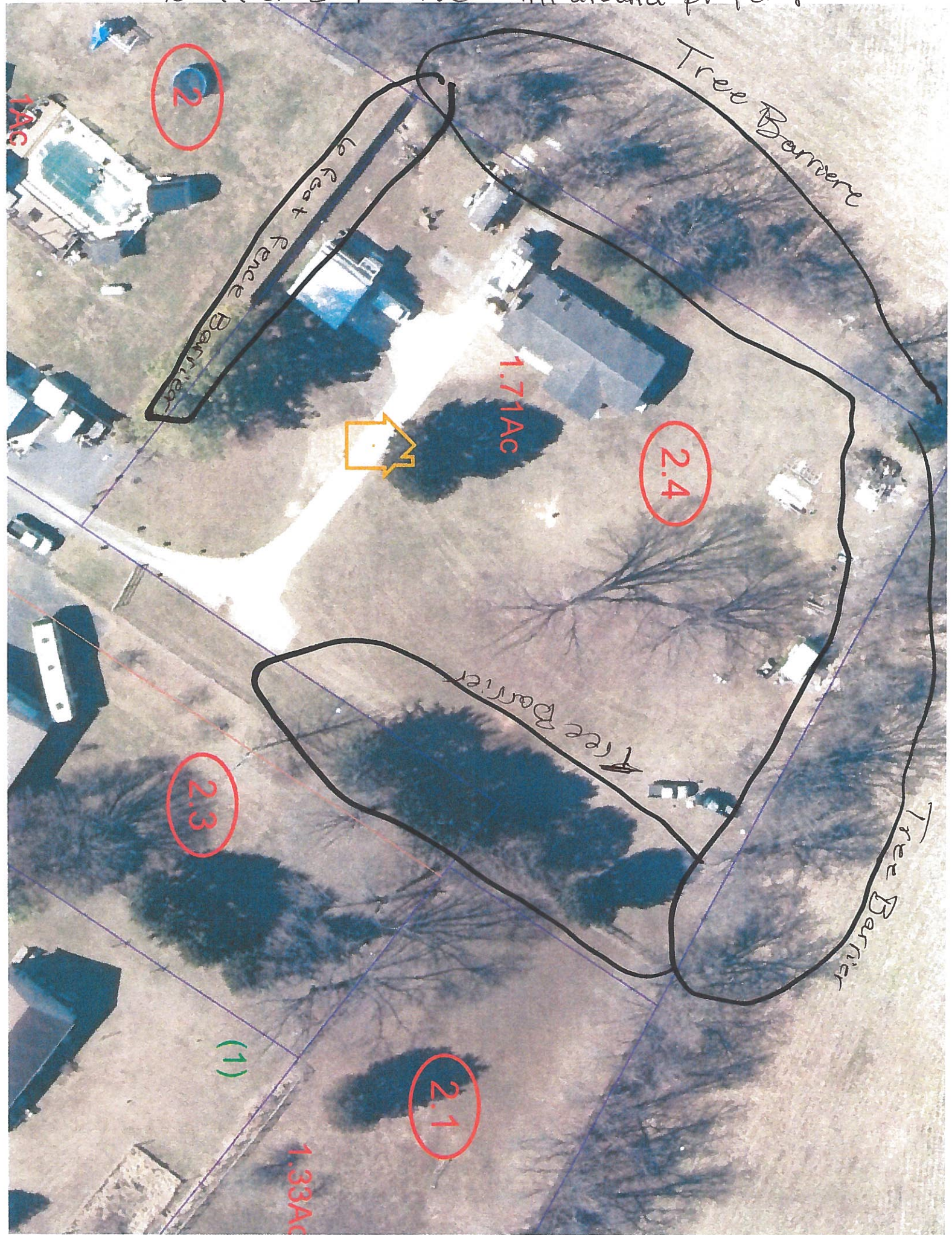
To: Alice Chapman <pathwayc3@gmail.com>



IMG\_20220927\_112342171\_HDR.jpg  
7959K



100 ft x 2 ft barrier all around property



2

100 ft x 2 ft barrier

Tree Barrier

1.71Ac

2.4



2.3

Tree Barrier

Tree Barrier

2.1

(1)

1.33Ac



parking spaces



2

1Ac

1.71Ac

2.4

Parking  
2

2.3

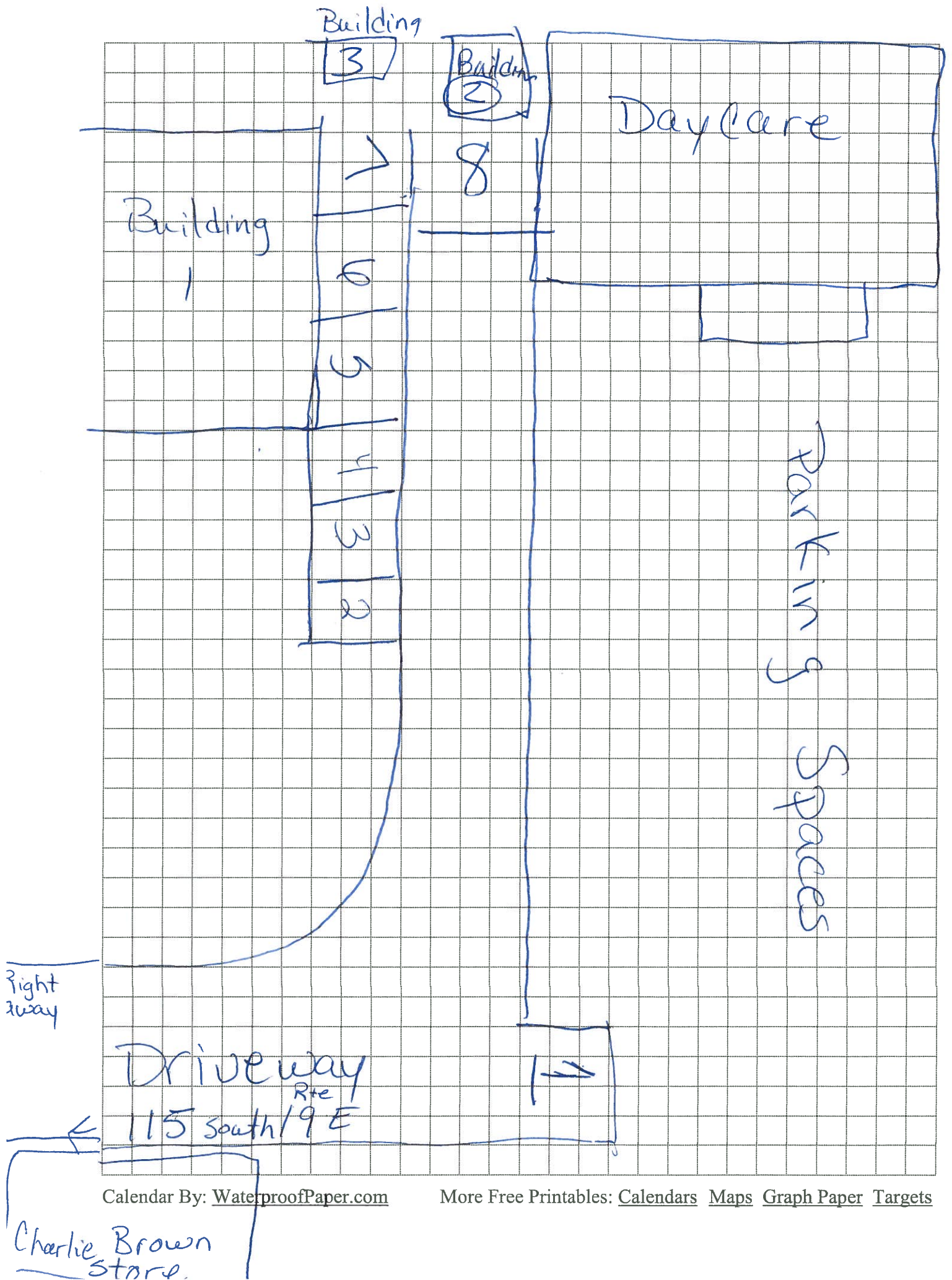
(1)

2.1

1.33Ac









Childcare building, Building 1-15 &



2

Building 3

Building 1

1.71AC

2.4

Pathway  
Childcare

Concrete platform

Building 2

2.3

(1)

2.1

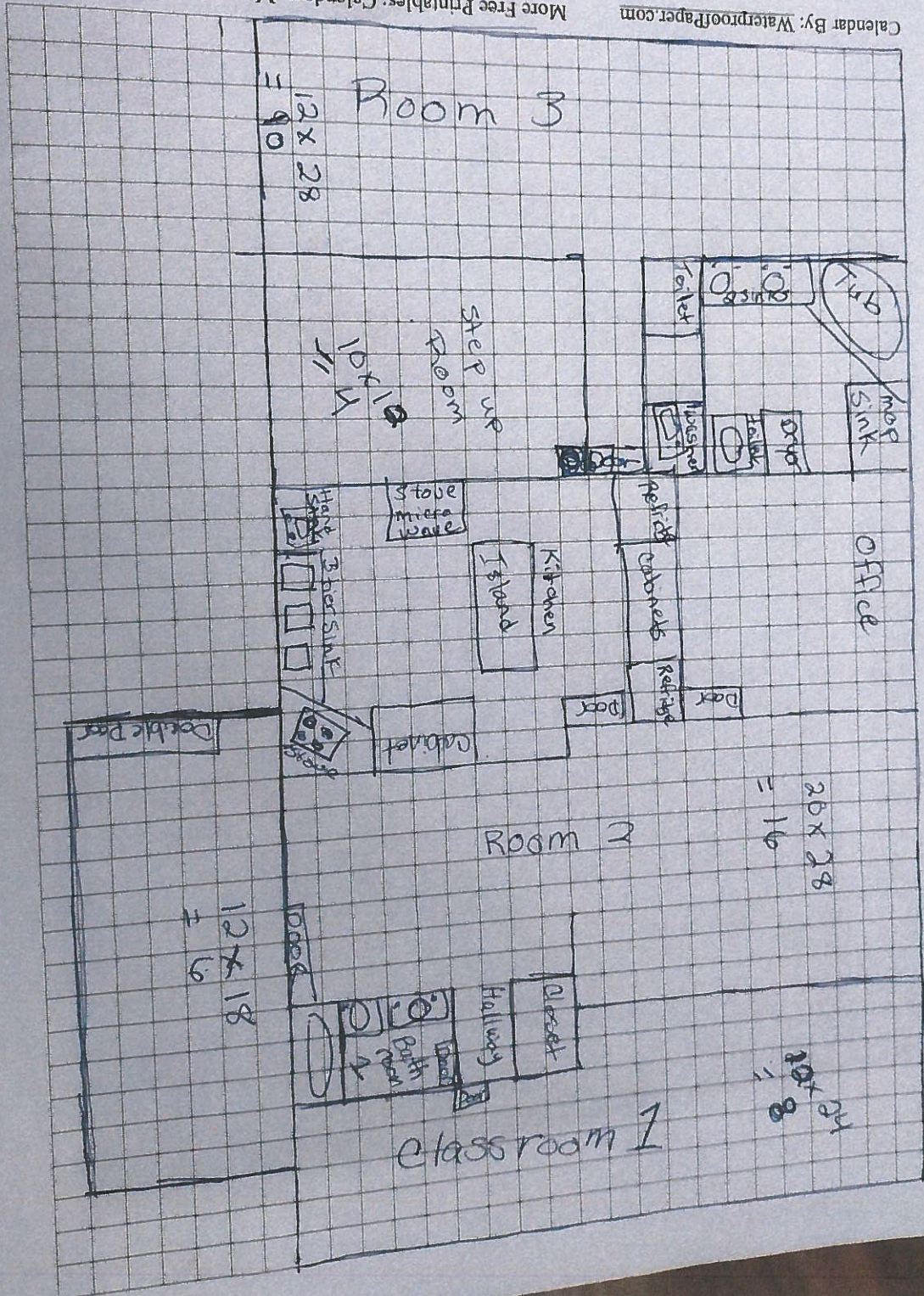
1.33AC



[illegible]



Calendar By: WaterprooFPaper.com  
More Free Printables: Calendars Maps Graph Paper Targets

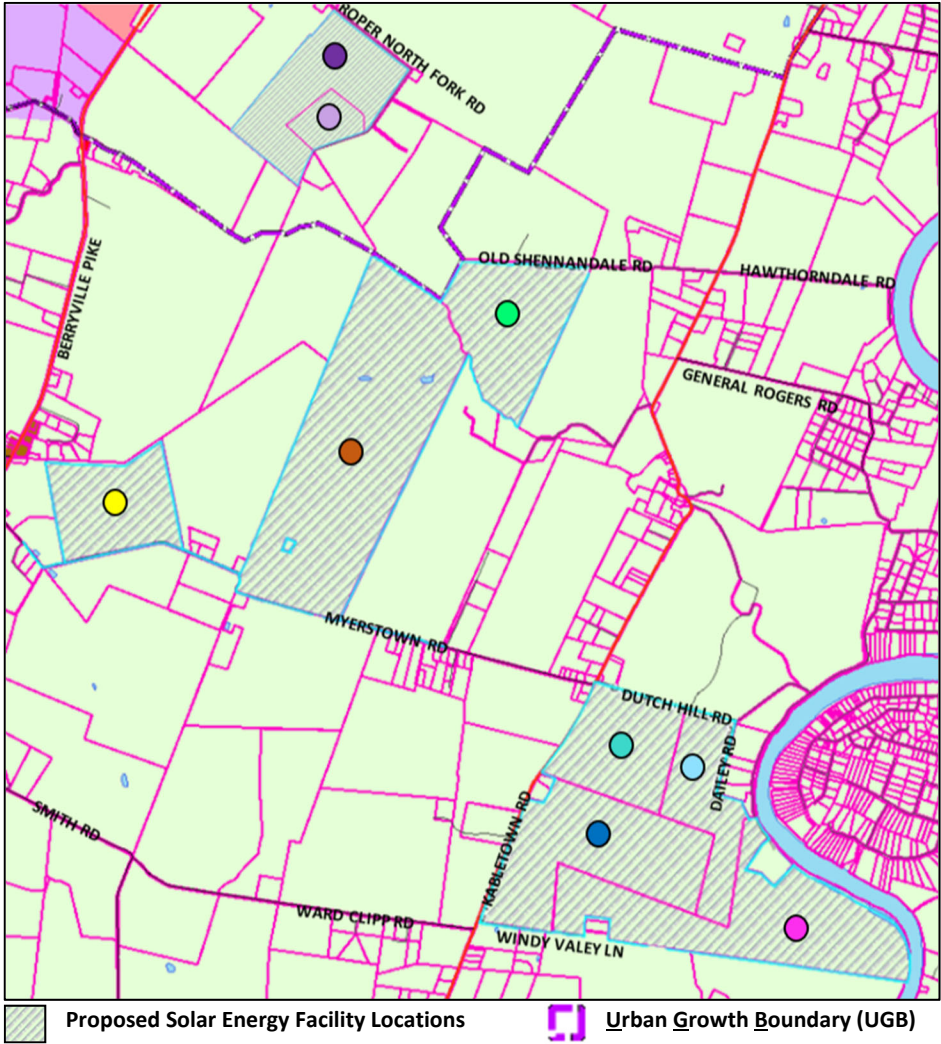




Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 27, 2022










**22-9-CUP Rippon Energy Facility Conditional Use Permit Request**

Item #6 Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. This application pertains to approximately 737 acres of the 878-acre Rippon Energy Facility, a 99 MWac solar electric generating facility. The project consists of solar modules and a new substation to connect the solar facility with the electric grid. The project site has existing high voltage power lines running through the property.

Applicant:	Rippon Energy Facility, LLC
Owner:	Multiple Owners / See Exhibit Below
Consultant:	Torch Clean Energy, Sam Gulland and Brian Kusiak
Parcel Information/ Zoning District:	<p style="text-align: center;">Multiple Vacant Parcels / See Exhibit Below</p>  <p style="text-align: center;"> <span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> Proposed Solar Energy Facility Locations         <span style="display: inline-block; width: 15px; height: 15px; background-color: #ADD8E6; border: 1px solid black; margin-left: 20px; margin-right: 5px;"></span> Urban Growth Boundary (UGB)       </p>
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North, East, South, West: Rural</p>
Approvals:	None
Current Applications:	<u>Rippon Energy Facility</u> 10/27/22 Board of Zoning Appeals Meeting Conditional Use Permit Public Hearing 11/15/22 Planning Commission Meeting Concept Plan Workshop
Site Visit Conducted:	No site visit was conducted.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 27, 2022  
**22-9-CUP Rippon Energy Facility Conditional Use Permit Request**

**Property Owners / Property Locations**

Map Reference	Property Owner	Property Location
	Bullskin LLC	673 Old Shennandale Rd, Charles Town WV Parcel ID: 06001100090000; Lot Size: 133.75 / Project Size: 106.52 ac;
	Clarence E Hough, Et Al	Vacant parcel located west of the property addressed as 957 Myerstown Rd, Charles Town, WV; Parcel ID: 06001000030001; Lot Size: 108.66 ac / Project Size: 99.84 ac;
	View Mountain Farm LLC	28 Dutch Hill Rd, Charles Town, WV; Parcel ID: 06002100060000; Lot Size: 101.6 ac / Project Size: 97.01 ac;
	Stanley & Katherine Dunn	2646 Kabletown Rd, Charles Town, WV; Parcel ID: 06002100050000; Lot Size: 174.6 ac / Project Size: 165.52 ac;
	Stanley & Katherine Dunn	Vacant parcel located east of the property addressed as 28 Dutch Hill Rd, Charles Town, WV; Parcel ID: 06002100070000; Lot Size: 89.39 ac / Project Size: 86.07 ac
	Stanley & Katherine Dunn	Vacant parcel located east of the property addressed as 2646 Kabletown Rd, Charles Town, WV; Parcel ID: 06002200050001; Lot Size: 232 ac / Project Size: 169.15 ac;
	Stanley & Katherine Dunn	1371 Myerstown Rd, Charles Town, WV; Parcel ID: 06001000050000; Lot Size: 366 ac / Project Size: 12.27
	Stiles Family Partnership LLC	Vacant parcel located north of the property addressed as 1337 Roper North Fork Rd, Charles Town, WV Parcel ID 06001100060001; Lot Size: 25.14 ac
	Stiles Family Partnership LLC	Vacant parcel located north of the property addressed as 1337 Roper North Fork Rd, Charles Town, WV Parcel ID 06001100060000; Lot Size: 115.8 ac

\*All of the subject parcels are zoned Rural.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 27, 2022  
**22-9-CUP Rippon Energy Facility Conditional Use Permit Request**

**Summary of Request and Purpose of Ordinance Requirements**

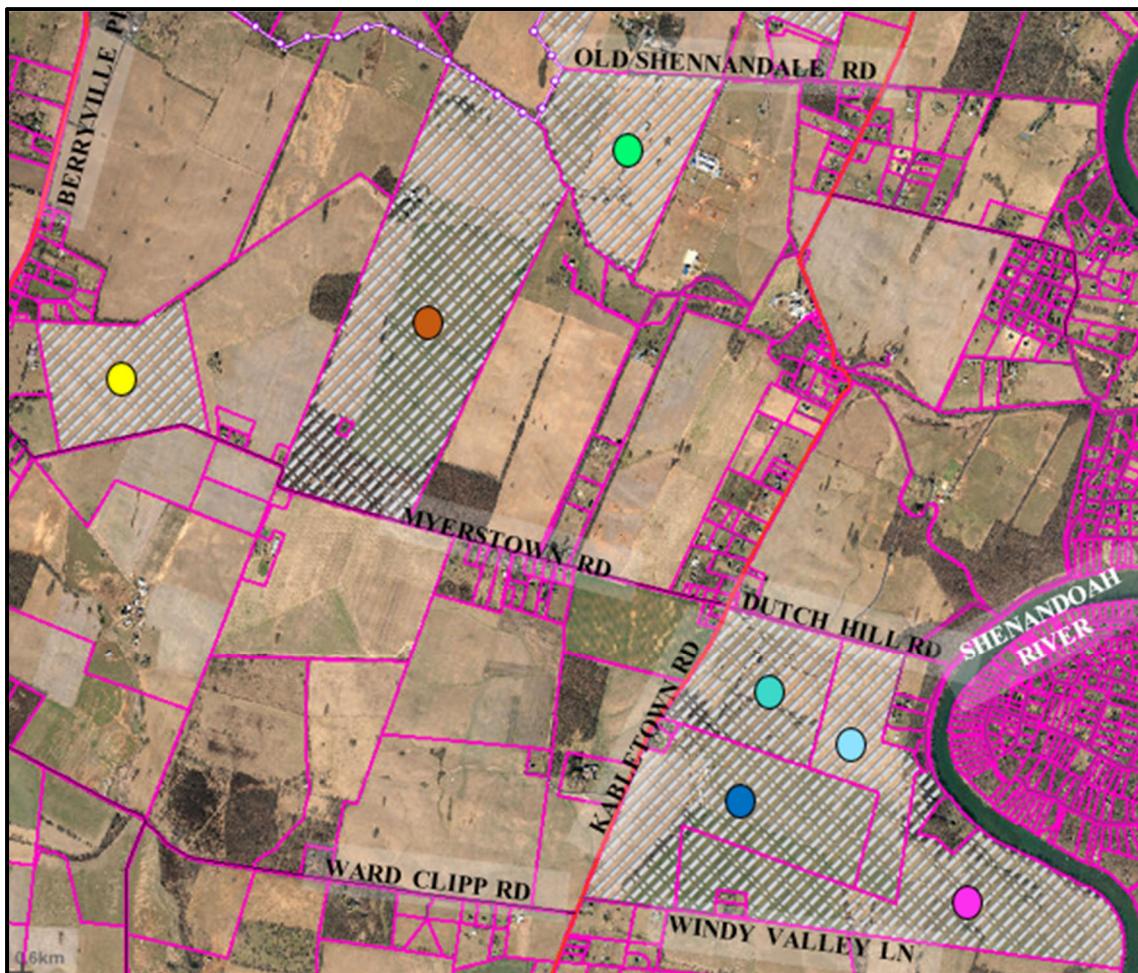
Article 2 defines *Solar Energy Facility* as:

“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 737 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**

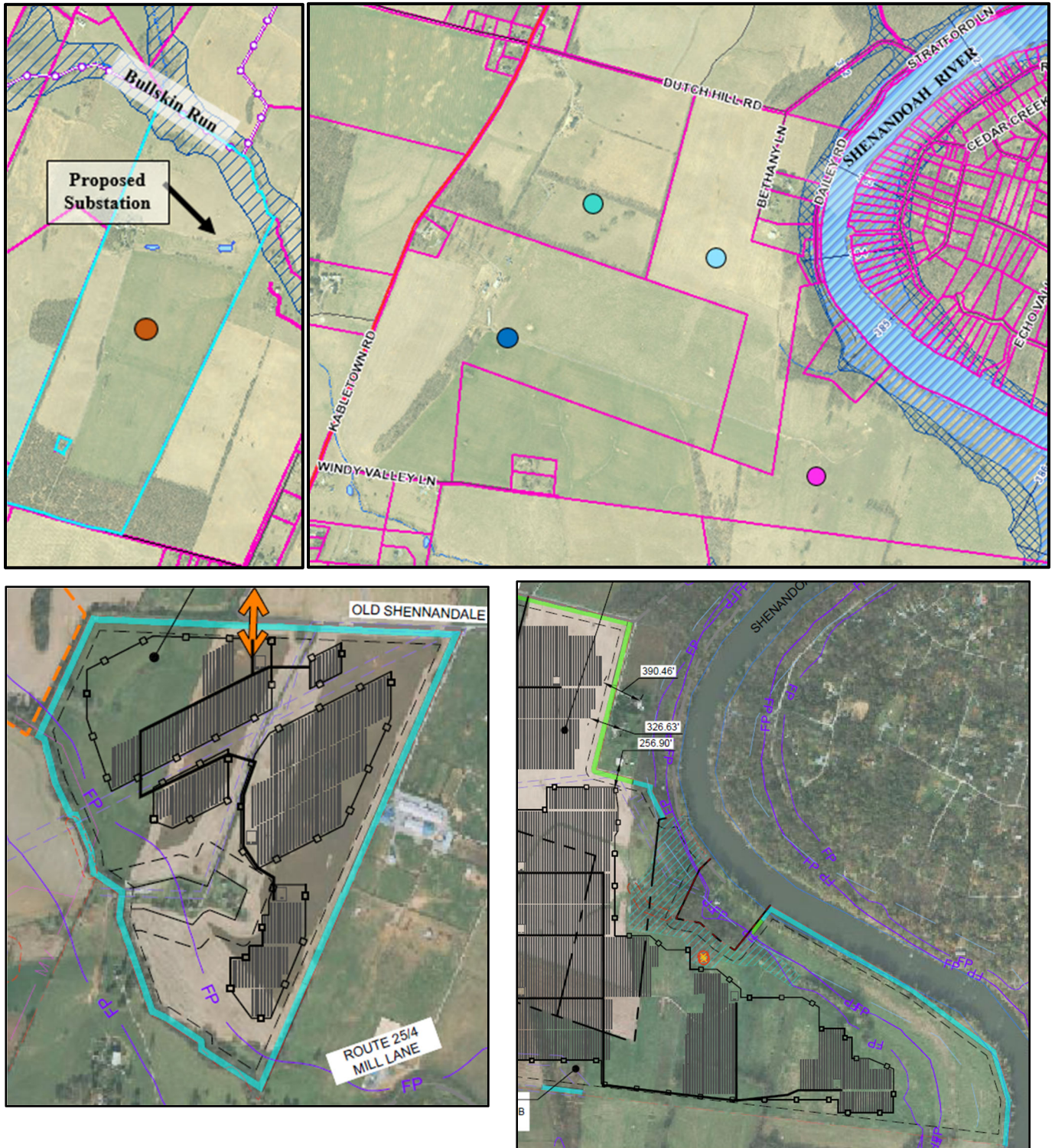
The subject parcels, comprised of 737 acres, are currently used for agricultural purposes. Per the applicants’ executive summary, the parcels that comprise the proposed project site “have been used for agricultural purposes, including cropland, hayfields, and pasture. The land is generally cleared land, but includes some trees along rock outcroppings, field boundaries, and along the Shenandoah River and Bullskin Creek.”





Staff Report  
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Due to the proximity to the Shenandoah River and Bullskin Run, portions of the project site are located within the delineated floodplain area; however, all of the panels will be outside of the floodplain area and will comply with the 25-foot setback requirement from the edge of the delineated floodplain area.



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
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**22-9-CUP Rippon Energy Facility Conditional Use Permit Request**

**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 21 of the application states that the project is expected to operate for a minimum of 30 years, and notes that if the solar facility is decommissioned after 30 years, the land could be restored to its original condition.

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 pages 21-23 of their application.

Section 6.3 of the Zoning Ordinance states:

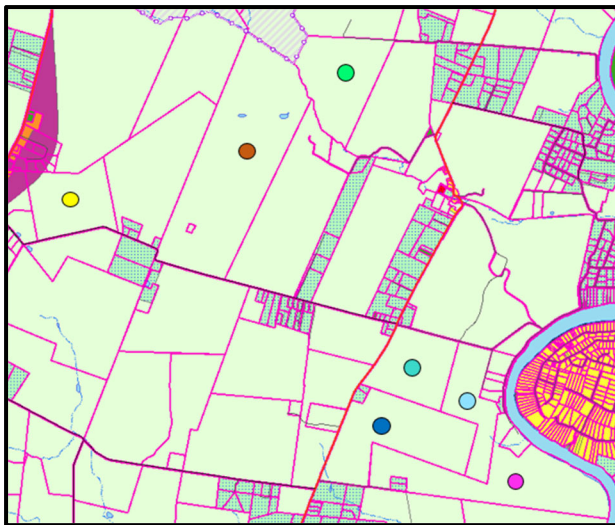
“The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental 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 8 of their application.

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



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October 27, 2022  
**22-9-CUP Rippon Energy Facility Conditional Use Permit Request**

**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.

- 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 9 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 9 of their application.

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Jefferson County Board of Zoning Appeals Meeting  
October 27, 2022  
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**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 10 & 20 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 3 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 19 & 20 of their application.

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

The applicant stated that they consulted with the West Virginia Department of Arts, Cultures, and History (WVDACH) as to the type of historical survey that will be required by their office. WVDACH requires that a Phase I Archaeology and Architecture Study be completed for their consideration (Page 18 of application).

The project site includes two parcels, each with a Category II Historic Structure identified by the Historic Land Marks Commission.

1. The property located at 1371 Myerstown Rd contains Eastwood.
2. The property located at 673 Old Shennandale Road contains the William Osborne 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 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.

As part of the Concept Plan process, the Historic Landmarks Commission will be notified of the proposed project. Staff also emailed the HLC on 10/18/2022 to specifically identify the two structures noted above.



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
October 27, 2022

**22-9-CUP Rippon Energy Facility 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)**

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.

## **Conditional Use Permit Application**

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

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

### **Please submit the following documents:**

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

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

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



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

File #: 22-9-CUP  
R'cvd Date: 10/03/22  
Mtg. Date: 10/27/22  
Fee Paid: \$ 37,100  
Staff Int.: jth / AB

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

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

**Application for a Conditional Use Permit**

**Project Name**

Rippon Energy Facility, LLC

**Property Owner Information**

Name: Multiple Owners (see attached)  
Business Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Mail ☐ Yes  
Phone Number: \_\_\_\_\_ Email Response: \_\_\_\_\_ Response: ☐ No

**Applicant Information**

Name: Sam Gulland  
Business Name: Rippon Energy Facility, LLC  
Mailing Address: 230 Court Square, Suite B102, Charlottesville, VA 22902 Mail ☐ Yes  
Phone Number: 703-999-4280 Email Response: sgulland@torchcleanenergy.com Response: ☐ No

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

Name: Sophia Huang, P.E.  
Business Name: Kimley-Horn and Associates, Inc.  
Mailing Address: 11400 Commerce Park Drive Suite 400 Reston, VA 20191 Mail ☐ Yes  
Phone Number: 703-674-1300 Email Response: Sophia.Huang@kimley-horn.com Response: ☐ No

**Physical Property Details**

Physical Address: Multiple Addresses (see attached)  
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 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"/>	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 consists of the construction and operation of a Solar Energy Facility on approx. 632 acres of seven parcels in the Kabletown tax district, connecting to an existing 138 kV transmission line via substation.

**Please provide any information or known history regarding this property.**

The properties are all zoned Rural and have been historically been used for agricultural production.

**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.**

(See attached)

Property Owner

Date

(See attached)

Property Owner

Date



## Rippon Energy Facility – Conditional Use Permit Application


**Property Owner Information****Parcel 1**

Property Address	673 OFF OLD SHENNANDALE RD
Parcel ID	06 11000900000000
Tax District	06
Map Number	11
Parcel Number	09
Deed Book	1084
Deed Page Number	276
Property Owner	<b>Bullskin LLC</b>
Owner Address	3250 Highland Place, Washington, DC 20008
Owner Phone	
Owner Email	

Owner Agent Name:

Robert Mathias

Owner Agent Signature:

  
3C6A30F067AC474

Date:

9/27/2022

**RECEIVED****OCT - 3 2022****JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING**

Rippon Energy Facility – Conditional Use Permit Application

**Parcel 2**

Property Address	Meyerstown Rd.
Parcel ID	06 10000300010000
Tax District	06
Map Number	10
Parcel Number	03
Deed Book	1209
Page Number	172
Property Owner	<b>Hough, Clarence E et al.</b>
Owner Address	620 Old Shennandale Rd, Charles Town, WV 25414
Owner Phone	
Owner Email	

Owner Agent Name:

Clarence Hough

Owner Agent Signature:

~~Date:~~ Todd Hough:

Date: 28 September 2022

**RECEIVED**

OCT - 3 2022

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Rippon Energy Facility – Conditional Use Permit Application

**Parcel 3**

Property Address	Kabletown Rd
Parcel ID	06 21000600000000
Tax District	06
Map Number	21
Parcel Number	06
Deed Book	945
Deed Page Number	636
Property Owner	<b>View Mountain Farm, LLC</b>
Owner Address	PO Box 933, Harpers Ferry, WV 25425
Owner Phone	
Owner Email	

Owner Agent Name:

Neal Snyder

Owner Agent Signature:

Neal Snyder  
9/28/22

Date:

**RECEIVED**

**OCT - 3 2022**

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Rippon Energy Facility – Conditional Use Permit Application

**Parcels 4, 5, 6, and 7**

Property Address	2046 Kabletown Rd	E Dutch Hill Rd	Windy Valley Ln	1371 Myerstown Rd
Parcel ID	06 21000500000000	06 21000700000000	06 22000500010000	06 10000500000000
Tax District	06	06	06	06
Map Number	21	21	22	10
Parcel Number	05	07	05	05
Deed Book	1016	1016	1090	540
Deed Page Number	601	601	239	249
Properties Owner	<b>Dunn, Stanley W. Jr. &amp; Katherine B.</b>			
Owner Address	1371 Myerstown Rd, Charles Town, WV 25414			
Owner Phone				
Owner Email				

Owner Agent Name:

Stanley Dunn, Jr. (Owner)

Owner Agent Signature:

*Stanley Dunn Jr.*  
*Katherine Dunn*

Date:

Owner Agent Name:

Katherine B. Dunn (Owner)

Owner Agent Signature:

*September 28, 2022*

Date:

**RECEIVED**

OCT - 3 2022

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

22-9-CUP - Application Page 7 of 27



## Rippon Energy Facility – Conditional Use Permit Application

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

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As amended in April of 2022, Jefferson County's Comprehensive Plan explicitly encourages development of Solar Energy Facilities in Jefferson County, both in areas within the Urban Growth Boundary as a Principal Permitted Use and outside of it through the Conditional Use Process. The proposed Rippon Energy Facility will be partially sited on land within the Urban Growth Boundary as well as on land outside of the UGB in the Rural Zone. This narrative document serves to support the application for Conditional Use approval for the portion of the project that is sited in the Rural Zone.

Beyond its compatibility with that explicit encouragement of solar energy facilities in the County, the proposed Rippon Energy Facility will help further several additional goals established by *Envision Jefferson 2035*:

ENVISION JEFFERSON 2035 TEXT	PROJECT CONTRIBUTION
<u>Land Use and Growth Management Element</u> Goal #10: Objective #9: Encourage the creation of and use of a variety of energy sources (including renewable energy) within Jefferson County in ways that respect the character of the County. <p style="text-align: right;">p. 196</p>	The setbacks and buffers discussed will protect viewsheds from public rights-of-way and neighboring properties, ensuring that the development of this renewable energy source will be done with respect to the character of the County.
<u>Economic Development, Employment &amp; Infrastructure</u> Goal #6: Encourage the Growth of Jefferson County's Economy and Enable the Creation of High Quality Jobs within the County. <p style="text-align: right;">p. 194</p>	The Project plans to contract with local businesses for much of the site preparation, including a business owned by one of the landowners. An economic impact report has estimated that the construction phase of the Project would directly support 97 jobs, representing \$4.6 million in labor income.
<u>Finance and Public Safety</u> Goal # 24: Ensure that Adequate Short and Long Term Financing is Available to Support the Current Capital and Operating Needs of the County and its Residents as well as the Requirements of Future Growth in Jefferson County. <p style="text-align: right;">p. 204</p>	The Project is a long-term asset that will provide steady revenues to the County over its life and will fund education, emergency services, and other County projects.
<u>Land Use &amp; Growth Management</u> Goal #2: Maintain and Enhance the Agricultural and Artisan Economy, Rural Land Uses, Rural Neighborhoods, and Rural Character of the Areas of the County Outside the Preferred Growth Areas. <p style="text-align: right;">p. 191</p>	Solar is a use that is compatible with agriculture. The Site will be seeded with a diverse mix of native grasses and plants that support pollinators and other wildlife. This will provide benefits to the farmland around it. Sheep grazing will also be considered on the Site as a means of controlling vegetation, providing local agricultural opportunities, and enhancing the soils.

## Rippon Energy Facility – Conditional Use Permit Application

<u>Agricultural &amp; Rural Economy</u> Goal #8: Retain, Strengthen, and Enable the Growth of Jefferson County’s Rural, Cultural and Artisan Economies. p. 195	The Project plans to contract with local businesses for much of the site preparation, including a business owned by one of the landowners.
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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. 6.3 A.2*

---

- Solar is wholly compatible with agriculture and with an agriculture community. The Project is a safe, passive use of the land that allows for continued agricultural use of the land and can provide benefits to the land around it.
- The Project will help ensure that the Kabletown District maintains a rural setting with open space and low traffic on its roads.
- The Project is a Low Intensity Use:
  - Traffic: Once operational, the Project will not measurably increase traffic in the area and will produce less traffic than some agricultural uses.
  - Noise: The operation of photovoltaic panels produces no discernible noise, with only periodic negligible audio produced by the shifting of the single-axis trackers, and the materials that comprise these panels have repeatedly been found to have no toxic environmental impacts.
  - Pollution: No component of the Project can pollute the land or waters of Jefferson County. Establishing a meadow with deep-rooted grasses will prevent erosion near the Shenandoah River and Bullskin Creek and will reduce pollution and runoff.
- Safety: Solar is a safe and passive technology, and the Project will comply with National Electric Code and local ordinances to install a fence of a minimum of 6-ft around all equipment used.

---

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 6.3 A.3*

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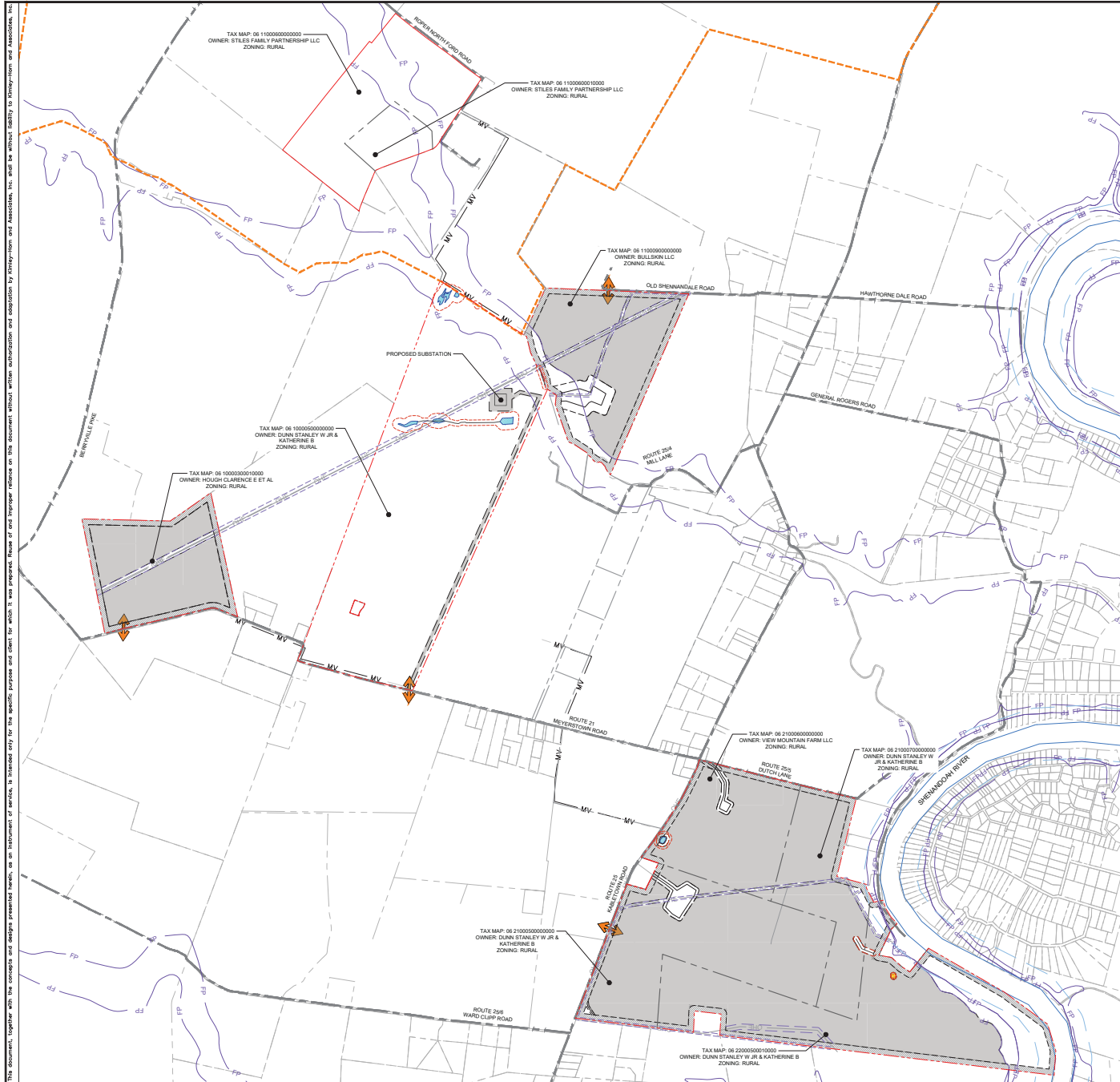
While solar generation is inherently a low-intensity use as noted in the response to the second question of this application form, the Rippon Energy Facility is taking several steps to further minimize the possibility of the project’s development adversely impacting the development and use of adjacent land and buildings:

- **Property Setbacks:** The proposed design of the Project, as reflected in the Concept Plan submitted on September 30<sup>th</sup>, 2022, incorporates the full 100’ setback of solar panels and accessory equipment from external property lines and public rights-of-way, as well as the required 200’ setback from residences.

## Rippon Energy Facility – Conditional Use Permit Application

- **Supplemental Landscaping:** Though the County’s zoning ordinance requires no screening or vegetative buffer if generation equipment is setback 100’ from property lines and rights-of-way, the Rippon Energy Facility offers substantial screened planting to minimize viewshed impacts from neighboring residences and key rights-of-way, including:
  - Myerstown Rd.
  - Kabletown Rd.
  - Dutch Ln.
  - Roper North Fork Rd.
- **Pollinator Habitats:** Torch Clean Energy incorporates the planting of pollinator-friendly native grasses into all of its mid-Atlantic projects to contribute to both the health and biodiversity of local ecosystems and provide benefit to neighboring agricultural operations. The landscaping plan proposed in the Rippon Energy Facility’s Concept Plan displays pollinator-friendly native grasses seeded in the vegetative buffers encompassing much of the Project.
- **Restricted Construction Hours:** To minimize any disruption to neighboring residences during its construction phase, the Project is offering as a condition of its permit restricted hours for general construction as well as committing to not perform any pile driving on weekends.

Please reference the attached Application Narrative for greater detail of the mitigation measures list of Supplemental Conditions the Project has proposed.



GRAPHIC SCALE IN FEET  
0 425 850 1700

LEGEND:

- OVERALL PROJECT LIMITS (EXTERIOR PARCEL BOUNDARY)
- ADJACENT PARCEL BOUNDARY
- INTERIOR PARCEL BOUNDARY
- 100' PROPERTY LINE SETBACK
- DELINEATED WETLANDS
- DELINEATED STREAM
- 50' STREAM & WETLAND BUFFER
- FEMA FLOODPLAIN
- SHENANDOAH RIVER APPROXIMATE OUTLINE
- SHENANDOAH RIVER 300' RIPARIAN BUFFER
- KARST FEATURES
- 50' BUFFER FROM HIGH RISK KARST FEATURES
- OVERHEAD ELECTRIC LINES
- APPROXIMATE ELECTRIC EASEMENTS
- 100' PROPERTY LINE SETBACK AREA
- PROJECT BUILDABLE AREA
- EXISTING RIGHT OF WAY CENTERLINE
- JEFFERSON COUNTY URBAN GROWTH BOUNDARY
- PROPOSED MEDIUM VOLTAGE ROUTE
- PROPOSED ACCESS POINTS

NOTES:

- LAYOUT SHOWN WITHIN THESE PLANS IS CONCEPTUAL AND MAY CHANGE DURING FINAL ENGINEERING DESIGN.
- BASED ON WRITTEN INSTRUCTIONS FROM THE COUNTY. OPEN THROAT KARST FEATURES MAY BE REMEDIATED. ONCE REMEDIATED, FEATURES WILL NOT REQUIRE A BUFFER.

PROJECT PARCELS - ACREAGES							
OWNER	LAND USE	PARCEL ID	TOTAL PARCEL AREA (AC)	CUP PROJECT AREA (AC)	100' PROPERTY LINE SETBACK (AC)	N UGB	
DUNN STANLEY W JR & KATHERINE B	POL	06 10000000000000	395.62	12.37		No	
STILES FAMILY PARTNERSHIP LLC	PV	06 10000000000000	25.14	NOT IN CUP	NOT IN CUP	Yes	
STILES FAMILY PARTNERSHIP LLC	PV	06 10000000000000	115.79	NOT IN CUP	NOT IN CUP	Yes	
BULLION LLC	PV	06 10000000000000	134.00	53.92	22.95	No	
DUNN STANLEY W JR & KATHERINE B	PV	06 21000000000000	175.00	154.47	11.05	No	
DUNN STANLEY W JR & KATHERINE B	PV	06 21000000000000	89.00	78.43	7.64	No	
DUNN STANLEY W JR & KATHERINE B	PV	06 22000000000000	232.00	137.37	31.78	No	
HOUGH CLARENCE E ET AL	PV	06 10000000000000	109.00	79.47	28.37	No	
VIEW MOUNTAIN FARM LLC	PV	06 21000000000000	102.00	87.49	9.52	No	

REV

DATE

TORCH CLEAN ENERGY

Kimley-Horn

KHA PROJECT

11/05/2022

DATE

9/30/2022

SCALE AS SHOWN

DESIGNED BY SAH

DRAWN BY BAH

CHECKED BY SNM

RIPPOON ENERGY FACILITY PREPARED FOR TORCH CLEAN ENERGY

JEFFERSON COUNTY

CUP PROJECT AREA MAP

APPROVAL

SHEET NUMBER

C2.0



# **Rippon Energy Facility, LLC**

Kabletown District (06)  
Jefferson County, West Virginia



## **Conditional Use Permit Application Narrative**

**Submitted: October 3<sup>rd</sup>, 2022**

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## Executive Summary

Rippon Energy Facility, LLC, a subsidiary of Torch Clean Energy (“Torch”), requests a Conditional Use Permit from Jefferson County to construct and operate the portion of its proposed 99 MWac solar photovoltaic energy generation facility, as described in this application narrative.

The Rippon Energy Facility (the “Project”) is proposed on nine parcels in Jefferson County sited in the Kabletown District in and around the Urban Growth Boundary (“UGB”) with two of the parcels in the UGB and seven parcels located outside of the UGB. This CUP-eligible portion of the Project area totals approximately 635 acres, including solar arrays and accessory components, interconnection facilities, property line setbacks, vegetative buffers, and erosion and sediment control features.

The Project is sited with the following considerations:

- Solar arrays will leave space for agricultural cultivation to continue, enabling a hybrid use of rural properties that enables landowners to diversify income while continuing to farm.
- The Project uses existing topography and vegetation to minimize impacts to the surrounding viewshed and is designed to avoid impacts to cultural and environmental resources.
- The Project will provide clean energy that matches the electricity consumption of approximately 18,000 homes in West Virginia.
- The Project will inject direct economic activity into the County during the construction and operating periods.

## Torch Clean Energy

Torch Clean Energy is a renewable energy and battery storage developer with extensive experience developing, permitting, designing, and building solar, wind, and battery energy storage projects. Torch has over 3,000 MW of high-quality solar and battery projects under development throughout the United States, with eight utility scale projects that are expected to begin construction in 2022 including the 130MW Bartonsville Energy Facility in Frederick County, VA.

## 1. Parcels and Zoning

All constituent parcels of the proposed Project are located in the Kabletown District, in the County's Rural District. The different parcels that comprise the Site have been used for agricultural purposes, including cropland, hayfields, and pasture. The land is generally cleared land, but includes some trees along rock outcroppings, field boundaries, and along the Shenandoah River and Bullskin Creek. The Site includes land in the 100-Year Flood Zone in the vicinity of those bodies of water.

The parcels are as follows:

<p><b>Parcel 1: 673 Off Old Shennandale Rd</b>  Tax District: 6, Tax Map: 11, Parcel: 9  Deed Book 1084, Page: 276  Zoning: Rural</p> <p>Parcel Size: 133.75  Project Area<sup>1</sup>: 106.52</p>	
<p><b>Parcel 2: Meyerstown Rd.</b>  Tax District: 6, Tax Map: 10, Parcel: 3.1  Deed Book: 1209, Page: 172  Zoning: Rural</p> <p>Parcel Size: 108.66  Project Area: 99.84</p>	
<p><b>Parcel 3: Kabletown Rd</b>  Tax District: 6, Tax Map: 21, Parcel: 6  Deed Book: 945, Page: 636  Zoning: Rural</p> <p>Parcel Size: 101.61  Project Area: 97.01</p>	

<sup>1</sup> Project Area calculations include all land used for the generation facility (e.g. panel arrays, accessory components, access roads, point of interconnection, etc.) as well as property setbacks and landscaping. See Appendix A: CUP Project Area for an outline of these Project Areas on each parcel and Table 1: Approximate Proposed Land Use Areas contains summary of approximate areas of proposed land uses.



<p><b>Parcel 4: 2046 Kabletown Rd</b> Tax District: 6, Tax Map: 21, Parcel: 5 Deed Book: 1016, Page: 601 Zoning: Rural</p> <p>Parcel Size: 174.64 Project Area: 165.52</p>	
<p><b>Parcel 5: E Dutch Hill Rd</b> Tax District: 6, Tax Map: 21, Parcel: 7 Deed Book: 1016, Page: 601 Zoning: Rural</p> <p>Parcel Size: 89.39 Project Area: 86.07</p>	
<p><b>Parcel 6: Windy Valley Ln</b> Tax District: 6, Tax Map: 22, Parcel: 5.1 Deed Book: 1090, Page: 239 Zoning: Rural</p> <p>Parcel Size: 232.03 Project Area: 169.15</p>	
<p><b>Parcel 7: 1371 Myerstown Rd</b> Tax District: 6, Tax Map: 10, Parcel: 5 Deed Book: 540, Page: 249 Zoning: Rural</p> <p>Parcel Size: 366.62 Project Area: 12.27</p>	

## Floodplain

The 100-year floodplain (“Floodplain”) as outlined in the National Flood Hazard Layer overlaps with three parcels in this Project’s CUP application. **Figure 1** below features clips from the Project’s Concept Plan application showing the two different floodplain areas and their overlaps with Project parcels. Project infrastructure will be outside the Floodplain except where underground cables or roads may need to cross a Floodplain.

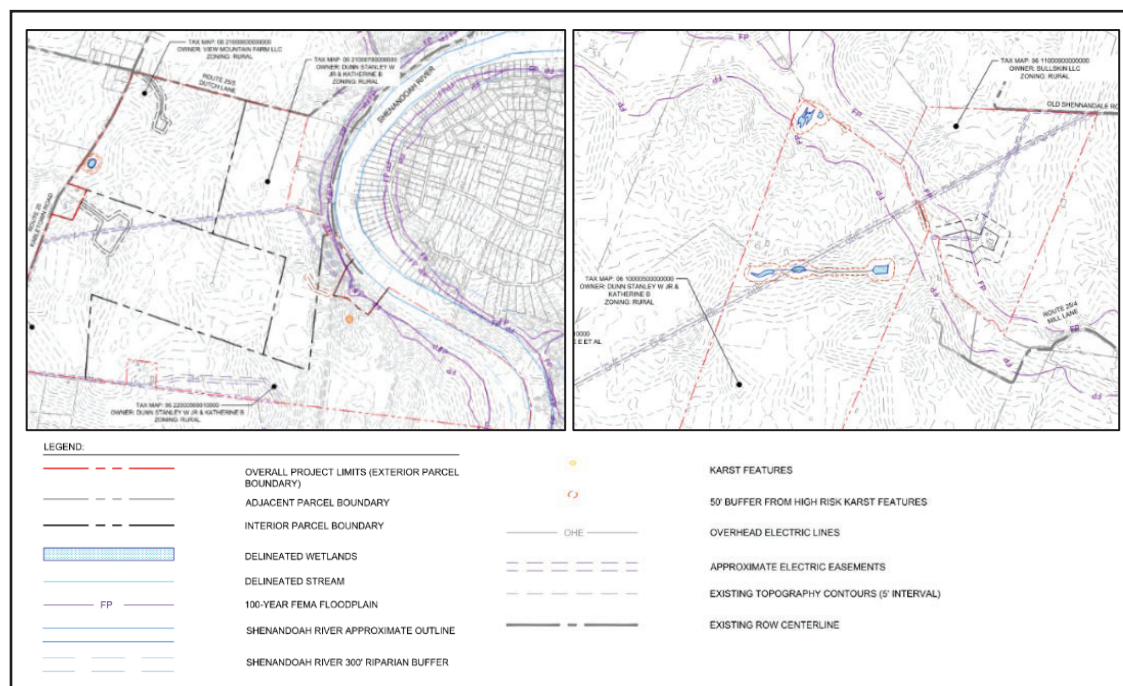


Figure 1: Clips from Concept Plan Present Conditions Exhibit show the locations of floodplains on Project parcels.

## Wetlands

The Applicant engaged environmental engineering firm, Greenway Engineering, to conduct desktop review and wetland delineation on the Project’s parcels.<sup>2</sup> These reviews and studies delineated multiple streams, but only two streams intersect with the Project area.

The Army Corps of Engineers provided the Project with a preliminary jurisdictional decision in July 2022 confirming the results of these wetland delineations.

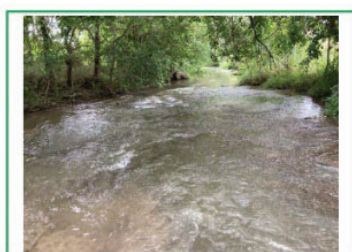


Photo 12: Bullskin Run flowing along southern limits of Bullskin Farm parcel.

Figure 2: “Bullskin Run”, forming the boundary between parcels 06 11000900000000 and 06 10000500000000.

Figure 3: “Stream C” on parcel 06 10000500000000



Photo 31: Stream C. Photo facing east.

<sup>2</sup> Wetlands have not yet been delineated on the westernmost parcel, 06 10000300010000, but Greenway will conduct this analysis after this autumn’s harvest.

## Historical

The Application performed a desktop review to determine if there were any existing know historical sites with the Site and consulted with West Virginia Department of Arts, Cultures and History (“WVDACH”) as to the type of historical survey that will be required and will complete a Phase 1 Archaeology and Architecture study and provide the results to WVDACH for their consideration and guidance.

## 2. Proposed Uses

The primary components of a solar generation facility are:

- A. Solar photovoltaic panels mounted on single-axis trackers and steel posts (example pictured)
- B. Inverters and transformers (example pictured)
- C. Perimeter Fencing (example pictured)
- D. Landscaping
- E. Maintenance Aisles for vegetation management
- F. Stormwater Management (“SWM”) infrastructure
- G. Underground DC and AC cabling
- H. Substation for interconnection

During construction of the Project, additional temporary components may be installed:

- Construction trailers
- Temporary Erosion & Sediment Control Basins
- Storage Containers
- Laydown Area



Figure 1: PV Panel mounted on Single-Axis Tracker



Figure 7: Inverters are installed periodically toward the interior of PV arrays.



Figure 8: Fencing with a minimum height of 6-ft will enclose facility equipment.



## Land Use Summary

This CUP application proposes the following uses on the portion of the Project that would be sited in the Rural zone outside of the Urban Growth Boundary:

*Table 1: Approximate Proposed Land Use Areas*

USE	APPROX. ACREAGE
Photovoltaic Panel Arrays	394
Property Setbacks & Buffers <sup>3</sup>	103
Point-of-Interconnection	3
Other (e.g. Access Roads, SWM)	236
<b>Total Project Area</b>	<b>736</b>
Underground Utility Easements*	18

## Facility Summary

The Project will produce over 200,000 megawatt-hours of clean energy in its first year of operation, which represents the energy consumption of approximately 18,000 homes. The Project will generate electricity from photovoltaic solar modules that will be attached to a racking supported by driven posts. Single-axis trackers will be used to follow the sun from east to west and increase the efficiency of the solar arrays. A series of central inverters will be used to convert the electricity from direct current to alternating current.

The Project will interconnect to an existing FirstEnergy 138-kilovolt overhead transmission line between Millville and Old Chapel. No new transmission-voltage lines will be built for the Project.

The attached Project Sketch Plan provides a map of the solar array areas, the proposed point of interconnection with the gen-tie system, vegetative buffer zones, perimeter fencing, access points and access points.

## 3. Traffic Impacts

As shown on the Project Sketch (Appendix A), the Project will use commercial entrances on Kabletown, Myerstown, Old Shennandale, and Roper North Fork Roads. The primary delivery point and laydown yard for the Project will be on Kabletown Road, approximately 3500 feet south of the intersection with Myerstown Road. This entrance will be used by the majority of construction and operations vehicles, given the layout of the Project. All entrances shall ensure proper sight distance in both directions and shall obtain permits from the West Virginia Department of Highways ("WVDOT").

<sup>3</sup> See Section 4: Setbacks, Buffers & Landscaping for details of proposed setbacks and buffers.

\* Underground utilities are not subject to land use review, but we have included for reference the approximate locations of our proposed underground electrical gen-tie lines as well as the locations and estimated land area of the easements that will enable them.



Construction Traffic will include deliveries of materials: solar modules, steel piles, electrical conductor, and accessory equipment including fencing, seed, gravel. The primary route for this delivery is expected to be Kabletown Road via US Route 340 to the Kabletown entrance.

Torch has provided a map that shows the Highway Problem Areas in the vicinity of the Project. The two relevant areas are 90-degree turns on Meyerstown Road. The use of this portion of Meyerstown Road can be minimized, and it is not expected to be used for deliveries to the Kabletown Road entrance. The Project will coordinate with the WVDOH regarding these roads and will consider the use of temporary signs during the construction period, and measures to increase driver sight distances near these areas.

During the Operations Phase, the Project will not measurably increase traffic in the area. Maintenance of the solar equipment and the Site's vegetation will require approximately 2-4 trips per month at most in each of the Site's entrances. This is significantly less than a potential residential development, and less than some types of current agricultural uses. Once operational, the Project will help keep traffic at low levels in the County's rural district.

## 4. Buffers, Setbacks & Planting

While solar generation is inherently a low-intensity use as noted in the response to the second question of this application form, the Rippon Energy Facility is taking several steps to further minimize the possibility of the project's development adversely impacting the development and use of adjacent land and buildings:

- **Property Setbacks:** The proposed design of the Project, as reflected in the Concept Plan submitted on September 30<sup>th</sup>, 2022, incorporates the full 100' setback of solar panels and accessory equipment from external property lines and public rights-of-way, as well as the required 200' setback from residences.
- **Supplemental Landscaping:** Though the County's zoning ordinance requires no screening or vegetative buffer if generation equipment is setback 100' from property lines and rights-of-way, the Rippon Energy Facility offers substantial screened planting to minimize viewshed impacts from neighboring residences and key rights-of-way, including:
  - Myerstown Road
  - Kabletown Road
  - Dutch Lane
- **Pollinator Habitats:** Torch Clean Energy incorporates the planting of pollinator-friendly native grasses into all of its mid-Atlantic projects to contribute to both the health and biodiversity of local ecosystems and provide benefit to neighboring agricultural operations. The landscaping plan proposed in the Rippon Energy Facility's Concept Plan displays pollinator-friendly native grasses seeded in the vegetative buffers encompassing much of the Project.

## 5. Decommissioning Overview

### West Virginia Decommissioning Code

The West Virginia Wind and Solar Energy Facility Reclamation Act establishes, in Article 32 of Chapter 22 of the Code of West Virginia (§22-32-1 through (§22-32-8), the decommissioning responsibilities of the owners of solar and wind generation facilities in West Virginia, and it establishes requirements for the development and execution of decommissioning agreements to the relevant public agencies as well as the posting of financial security sufficient to cover the costs of decommissioning and reclamation of land.

**Rippon Energy Facility, LLC will be the owner of this proposed solar generation facility, and it will adhere to all requirements established by this statute.**

### Operational Timeline

The Project is expected to operate for a minimum of 30 years, based on the useful life of the equipment and the warranties that guarantee that equipment. The Plan describes the approach for removal of the Project and land restoration activities.

### Decommissioning of Solar Facility

The Owner shall arrange for and be responsible for the decommissioning of the Project, including the following:

#### Equipment Dismantling and Removal

Many of the Project's components are largely composed of recyclable materials, including glass semiconductor material, steel, and wiring. When the project reaches the end of its operational life, reusable and recyclable parts will be dismantled, removed from the site, and transported to reuse or recycling facilities. All waste resulting from the decommissioning of the facility will be transported by a certified and licensed contractor and taken to a landfill facility.

#### Above-ground Structure Decommissioning

##### *Solar Panel Arrays and Project Substation:*

- De-energize and disconnect the Project from the utility power grid;
- Disconnect all above ground wirings, cables, fuses and electrical and protection components and reuse or recycle off-site by an approved facility;
- Remove concrete foundations of inverter and transformer pads
- Remove PV modules and metallic structures and ship to reuse or recycling facilities for aftermarket use or recycling and material reuse;
- Remove all waste;
- Remove the perimeter fence if desired by landowner and recycle off-site by an approved metal recycler; and
- Remove inverters, transformers, meters, fans, lighting fixture and other electrical components and recycle off-site by an approved recycler.

##### *Access Roads:*

- Consult with landowner (if applicable) to determine if any access roads should be left in place for their continued use.
- If access road is deemed unnecessary, remove access road, and restore access road location as practicable to its previous condition with native soils and seeding.

### *Below-ground Structure Decommissioning*

- Disconnect all underground cables and transmission lines and remove and recycle off-site by an approved recycling facility; and
- Remove all racking below and above ground, including the steel pile foundations.

This Plan is based on current best industry practices and procedures. These practices may be subject to revision based on the development of new and improved decommissioning practices in the future.

### **Site Restoration**

The Owner will develop a comprehensive restoration plan designed to restore the site so it can be returned to its previous use. Restoration will include the following:

- Redistribution of topsoil, if necessary, to provide similar ground cover as was present prior to the site disturbance.
- De-compacting of access roads and other areas where soils have been compacted where desired by landowner.

Where Project infrastructure has been removed, disturbed areas will be seeded with a quick growing native species to prevent topsoil erosion. Erosion and control measures will be installed at ditches and will be left in place until groundcover is fully established.

### **Managing Excess Materials and Waste**

During the decommissioning phase, waste materials will be removed in accordance with applicable local regulations. It is the goal of the Owner to reuse and recycle materials to the extent practicable and to work with local subcontractors and waste firms to segregate material to be recycled. As an example, it is anticipated that nearly 100% of the above grade metal is salvageable based on current industry practices and trends.

Many components of the Project are reusable or recyclable and have salvage value. The Owner will manage decommissioning to minimize, to the extent practicable, the volume of project components and materials discarded as waste. **Table 2** below outlines the anticipated disposition methods of the different Project components.

*Table 2: Anticipated Project Decommissioning Disposition Methods*

<b>Anticipated Project Decommissioning Disposition Methods</b>	
Concrete Foundations	Crush and recycle
Solar Panels	Reuse or recycle
Metal racks and mounts	Salvage/recycle
Steel piles and rack foundations	Salvage/recycle
Wiring and cabling	Recycle/salvage
Inverters, transformers, and breakers	Salvage/recycle/reuse
Granular material	Reuse/dispose
Fence steel	Salvage/recycle
Project Substation Controls	Dispose/reuse

Major pieces of equipment such as transformers and breakers are recyclable and reusable and will have significant market value. The solar panels are expected to retain over 80% of their generation

capability after 30 years of operation and the potential for re-use is high. If the panels are beyond their life span, existing solar panel manufacturers have programs to buy and salvage panels. These programs extract the raw materials in the panels to make new panels at a significant discount from new material costs. Recycled materials include semiconductors and glass. Other components such as electrical cable have a high salvage-market value due to their copper and aluminum content. The same is true for the steel and aluminum racks and foundations that support the solar panels.



## 6. Supplemental Conditions

In the interest of maximizing public benefit and minimizing adverse impacts from this development, the applicant offers several supplemental conditions beyond what is required by Jefferson County and West Virginia code. These conditions have been developed both internally and in communication with project neighbors.

1. Floodplain; Conserved Trees. The Facility or any part thereof shall not be located within 500 feet of the bank of the Shenandoah River, or in the 100 Year Flood Zone associated with the Shenandoah River at the time of the Building Permit issuance. Other 100 Year Flood Zones shall only be disturbed for access roads and electrical crossings where necessary.
2. Conserved Trees. Existing vegetation shall be used for screening where practicable. Additionally, Operator shall not cut, prune, or remove trees identified in the Concept Plan as the "Preserved Existing Treeline Adjacent to Shenandoah River".
3. Panel Information. Operator will provide technical specification sheets and information on panel components for the specific model selected to the County prior to the issuance of the Building Permit.
4. Panel Height. Installed solar modules, shall not exceed fifteen (15) feet in height, measured from grade to the top of the panel when at maximum tilt.
5. Insurance. From and after the start of commercial operations, the Operator shall secure and maintain during the Project's Operational Phase Commercial General Liability for personal injuries, death and property damage, and umbrella insurance coverage for the duration of the Conditional Use Permit in the minimum amounts set forth below:
  - a. Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence / \$2,000,000 aggregate;
  - b. Automobile Coverage: \$1,000,000 per occurrence;
  - c. Excess Liability: \$4,000,000;
  - d. Workers' Compensation and Employers Liability Insurance in accordance with applicable statutory amounts.
6. Insurance Certificates. The Operator's insurance policies shall be issued by an insurance company licensed to do business in the State and with an AM Best's rating of at least 'A'. Prior to the commencement of construction and annually afterwards, Applicant shall provide the Zoning Administrator certificates of insurance that document the levels of insurance.
7. Sewage Sludge. The Applicant shall not use or distribute sewage sludge on the Property during construction or operation of the Project.
8. Change in Ownership. If any change of ownership of the Operator causes a change in contact information for the Project, Owner shall update the Zoning Administrator within 60 days.
9. Storage of Panels. A sealed construction trailer, ConEx, storage container, or enclosed building shall be maintained on the Site for the storage of damaged solar panels prior to removal from the Site.

10. Use of Blasting in Construction. Good faith efforts shall be used to avoid blasting on the Site. If blasting is necessary, Owner shall consult with a qualified geotechnical engineering firm to develop best practices to be followed.
11. Construction Access. Construction and operational traffic for the portion of the Project located east of Kabletown Road and south of Dutch Hill Lane shall be limited to entrances from Kabletown Road.
12. Construction Hours. All construction that produces noise beyond the surroundings of the Facility shall be limited to between the hours of 7:00am and 6:00pm Monday through Friday and between 8:00am and 5:00pm on Saturday. The driving of piles shall only occur between 7:00am and 5:00pm Monday through Friday and 8:00am to 1:00pm on Saturday.

## Appendix A: Project Sketch

Exhibit C2.0, entitled CUP Project Area Map, from the Rippon Energy Facility Concept Plan application submitted September 30<sup>th</sup>, 2022 will serve as the Project Sketch and has been submitted separately with this Conditional Use Permit application.

## **Appendix B: N.C. Clean Energy Technology Center at N.C. State University, “Health and Safety Impacts of Solar Photovoltaics.”**

We have attached this report for County and community reference.





## Zoning

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**From:** Brian Kusiak <bkusiak@torchcleanenergy.com>  
**Sent:** Thursday, October 20, 2022 2:36 PM  
**To:** Zoning  
**Cc:** Sam Gulland  
**Subject:** Rippon Energy Facility - EMF Memo  
**Attachments:** Rippon Energy Facility - EMF Memo - Tetra Tech.pdf

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

Alex,

Because community members have raised similar public safety concerns in the hearings for other solar facilities in the county, we engaged an engineering firm called Tetra Tech, Inc. to produce a memorandum regarding electric and magnetic fields (“EMF”) and “Dirty Power” as those topics may relate to our proposed Rippon Energy Facility.

Please find that memo attached to this email. We hope that it provides relevant and helpful information for County staff, the Board of Zoning Appeals, the Planning Commission, and the communities of Jefferson County and the Kabletown District to inform their reviews of this proposed project.

Please let us know if you have any additional questions.

Thank you,  
Brian

Brian Kusiak  
Torch Clean Energy  
804.337.4572 | bkusiak@torchcleanenergy.com  
230 Court Square, Suite B102, Charlottesville, VA 22902



# MEMO

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**To:** Brian Kusiak, Rippon Energy Facility, LLC

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**Cc:** Hannah Young, Project Manager, Tetra Tech, Inc.

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**From:** Dr. Bob Pearson, Senior Project Manager, Tetra Tech, Inc.

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**Date:** October 13, 2022

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**Subject:** EMF and “Dirty Power” in Context to the Proposed Rippon Solar Project, Jefferson County, West Virginia

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## Introduction

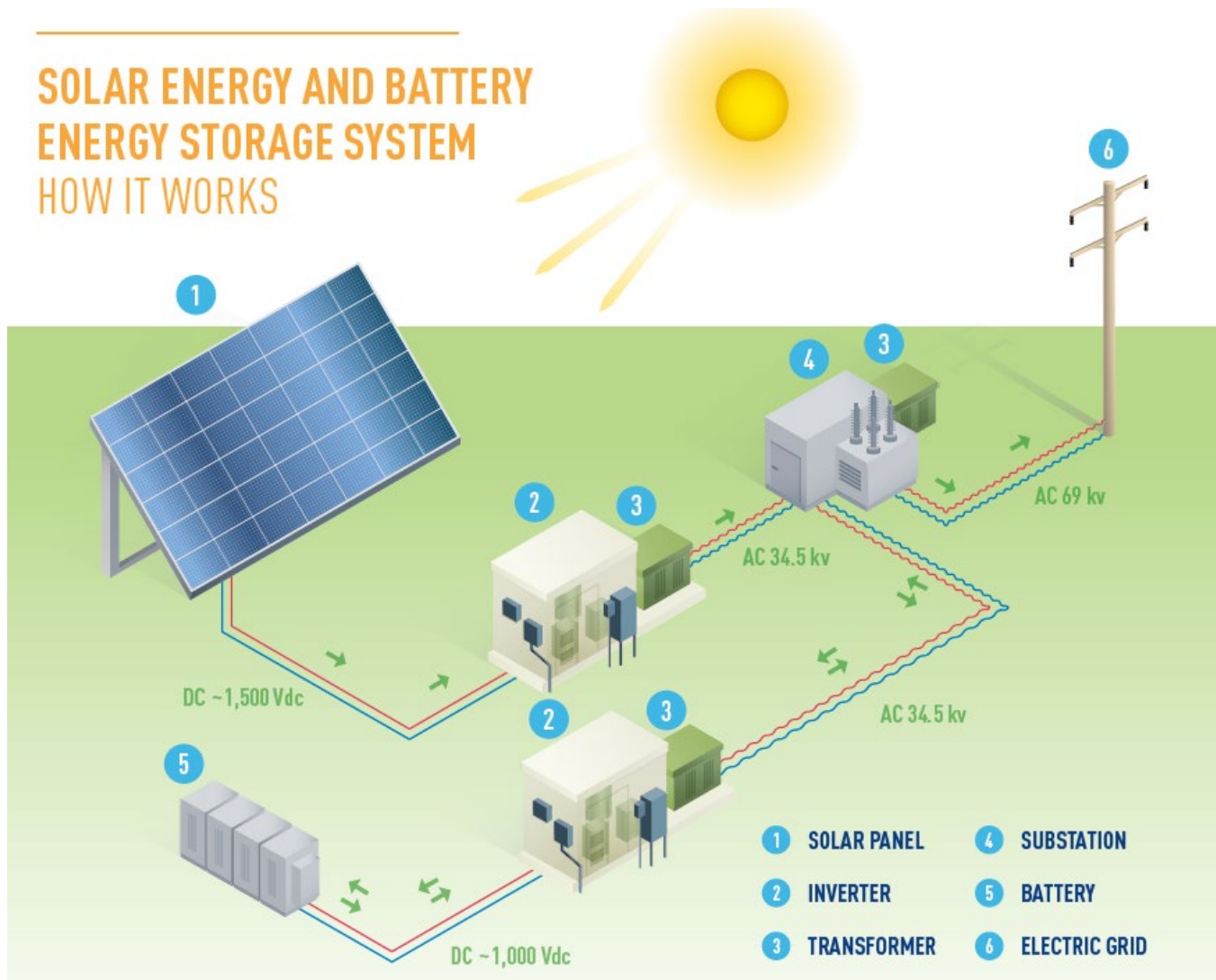
Rippon Energy Facility, LLC (Rippon Energy Facility) is proposing to build a utility scale solar electric generation project in Jefferson County, West Virginia. The proposed Rippon Solar Energy Project (the Project) would generate up to 99 megawatts of alternating current (MWac) of peak electric power and occupy up to approximately 878 acres of land in Jefferson County. Rippon Energy Facility is proposing to install solar panels on single-axis trackers mounted to steel posts across three or four non-contiguous arrays. Electricity from the solar energy facility would be sent to an existing Potomac Edison Company electric transmission line that crosses through the Project site.

Solar energy is the conversion of sunlight into usable energy forms. The sun’s rays transmit light energy, in the form of photons, which can be converted to electricity using certain materials that naturally release electrons when exposed to light. These materials are contained within the photovoltaic solar panels. When the sun shines on the solar panels, direct current (DC) electricity is produced. The DC electricity is then fed into a solar inverter to convert the DC electricity to 60 hertz (Hz) alternating current (AC) electricity (the form of electricity that is used by the power grid and household appliances). A transformer is also used to increase or decrease the voltage level of the AC electricity. Figure 1 provides an overview of the different components of a solar energy system.

The Project will consist of solar panels on ground-mounted racks, low-voltage DC cabling, inverters to convert DC to AC electricity, transformers to step up the voltage of the AC electricity from the inverters, belowground AC collector lines, and a substation to convert the produced power to 138 kilovolts (kV) and deliver the power to the Potomac Edison Company Old Chapel to Millville 138-kV transmission line, which crosses through the northern portion of the Project site. The substation that will connect the collector lines from the various panel arrays to the transmission line will be located adjacent to the existing transmission line southwest of Bullskin Run.



# SOLAR ENERGY AND BATTERY ENERGY STORAGE SYSTEM HOW IT WORKS



**Figure 1.** Solar Energy Project Components

In public meetings for other utility scale solar facilities, community members have raised concerns regarding electric and magnetic fields (EMF) and adverse impacts to nearby residents. This technical memorandum aims to address concerns regarding EMF in relation to solar projects.

## Electric and Magnetic Fields

Electric facilities such as the proposed Project produce EMF when they are in operation. These fields are caused by distinct aspects of the operation of the facility and can be evaluated separately.

Electric fields are produced whenever a conductor such as a power line is connected to a source of electrical voltage—plugging an electric appliance such as a toaster into a wall outlet in a home, for example. When the toaster is plugged in, a voltage is induced in the cord to the toaster that causes an electric field to be created

around the cord. The electric field remains constant even when the toaster is not being used. In other words, even if the toaster is off, there is an electrical field around the electric cord. Electric field strengths are measured in units of volts per meter (V/m) or kilovolts per meter (kV/m), where 1 kV/m = 1000 V/m.

Magnetic fields are produced whenever an electrical current flows in a conductor. In the toaster example, if the toaster is being used, allowing electricity to flow to the toaster, a magnetic field is created around the electric cord in addition to the electric field. The magnetic field will vary with the amount of power being produced by the solar farm, which is highest at midday and absent at night. Magnetic fields are measured in milliGauss (mG). The strength of both electric and magnetic fields decreases rapidly with distance from the source.<sup>1</sup>

Since the Project will have both DC and AC electricity, it will produce both DC and AC EMF. The Project solar panels and underground DC collector lines will produce low levels of DC EMF while the Project's inverters, transformers, substation, AC collector lines, and 138-kV AC transmission line will produce low levels of AC EMF.

DC electricity is considered "static" because it does not vary in the direction of the current. Static electric fields are created by the separation of a positive and negative electric charge and are created naturally by the earth's atmosphere during stormy conditions or by friction (e.g., "static cling" of clothes from the dryer). Static magnetic fields are created by magnets or by the flow of DC electricity. The earth has a naturally occurring static magnetic field, which is what enables a compass to point north and be used for directional finding. The earth's DC magnetic field varies between 350 and 700 mG, depending on the location.

The DC magnetic fields produced by the solar panels will be a few mG, which is significantly less than the earth's natural magnetic field and therefore would not be detectable above the baseline levels of the earth's natural magnetic field at the Project's location. Additionally, strength of the DC magnetic field is estimated to be zero within 50 feet of the solar panels because the magnetic field decreases rapidly with distance from the source. While the closest home to the Project's property boundaries is approximately 40 feet, the Project's design incorporates a 100-foot setback from its property boundaries, and in most cases, the nearest panels will be set back even farther. The panels will be set back from the property boundary in accordance with Jefferson County Zoning and Land Development Ordinance. These measures ensure that even the closest homes will be located much farther than the distance at which the DC magnetic field from the panels can be measured; the electric fields produced by the solar panels will be zero within 50 feet of the solar panels because the electric fields will be quickly absorbed by the metal components of the solar panels, which will be grounded. The low-voltage DC cabling will be buried at a depth of 3 to 5 feet and will have both positive and negative conductor lines located close together underground; therefore, they will have no measurable EMF aboveground because the magnetic fields from the positive and negative lines will cancel each other out, a phenomenon called phase cancellation.

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<sup>1</sup> For more information about EMF, please review the following publication: "EMF Electric and Magnetic Fields Associated with the Use of Electric Power Q&A," which is published by the National Institute of Environmental Health Sciences of the National Institutes of Health. This publication can be downloaded at: [https://www.niehs.nih.gov/health/materials/electric\\_and\\_magnetic\\_fields\\_associated\\_with\\_the\\_use\\_of\\_electric\\_power\\_questions\\_and\\_answers\\_english\\_508.pdf](https://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf)

Therefore, the DC EMF produced by the Project's solar panels and collector lines would be unmeasurable at the property boundary.

The inverters located near the solar panels and the transformers in the substation will act as point sources of AC EMF because they each have discrete locations within the Project site. Each of these components will produce low levels of AC EMF that will decrease with distance at a rate equal to the cube of the distance decay rate. In other words, for each doubling of the distance from the EMF source, the EMF will drop by a factor of eight. As an example, if the magnetic field level near a transformer is 10 mG at a distance of 10 feet, the field level will drop to one-eighth of this, or 1.25 mG, at 20 feet, and to 0.16 mG at 40 feet. This same decay rate would also apply to the electric fields from these same devices. Electric fields will also diminish from absorption by any vegetation (including low-growing vegetation) located in its path because the plants effectively ground the electric fields. Inverters are typically located toward the interior of panel arrays, and the smallest distance between an inverter location and a residence in the Project's design is approximately 400 feet, with most inverters being at a much greater distance from any residence. The substation transformers will only be located within the substation located in the central part of the project area which is located more than 1200 feet from the closest house. Therefore, no EMF from the Project inverters and substation transformers would reach the homes located near the Project site.

The linear AC collector power lines within the Project will also produce low levels of AC EMF. The 34.5-kV AC collector lines running from the inverters to the Project substation will be buried underground and will thus produce very low levels of EMF fields due to the earth absorbing the electric fields and phase cancellation of both electric and magnetic fields. The closest underground collector line that will have AC EMF to the closest residence is approximately 130 feet. The EMF field at 130 feet from this buried collector line would be zero at the residence.

The existing 138-kV Potomac Edison Company overhead transmission line extending northeast and southwest from the Project substation in the northern portion of the Project area currently produces low levels of EMF. These EMF fields quickly dissipate to background levels within a few hundred feet from the 138-kV line. Since the 138-kV power line is at least 240 feet from the closest residences near the Project site, the EMF from the 138-kV power line will drop to zero well before reaching the homes near the Project. The net result will be that the total level of EMF from the Project will be zero at the residences near the Project.

These levels of EMF can be compared to EMF levels from common household appliances that we are all exposed to every day. The levels of magnetic fields from common household appliances are shown in Figure 2. These levels of magnetic field commonly experienced within a home are far higher than the levels that would be experienced within a residence from a field that originates from the solar facility.

Some states, including New York and Florida, have adopted EMF exposure standards for members of the general public for power lines constructed within their jurisdiction. However, neither the State of West Virginia nor the federal government have adopted acceptable EMF public exposure standards for power lines. Therefore, no public EMF exposure standards apply to the Rippon Energy Facility Project.

Sources of Magnetic Fields (mG)*								
Distance from source					Distance from source			
	6"	1'	2'	4'	6"	1'	2'	4'
<b>Kitchen Sources</b>					<b>Kitchen Sources</b>			
<b>BLENDERS</b>					<b>ELECTRIC OVENS</b>			
Lowest	30	5	–	–	Lowest	4	1	–
Median	70	10	2	–	Median	9	4	–
Highest	100	20	3	–	Highest	20	5	1
<b>CAN OPENERS</b>					<b>ELECTRIC RANGES</b>			
Lowest	500	40	3	–	Lowest	20	–	–
Median	600	150	20	2	Median	30	8	2
Highest	1500	300	30	4	Highest	200	30	9
<b>COFFEE MAKERS</b>					<b>REFRIGERATORS</b>			
Lowest	4	–	–	–	Lowest	–	–	–
Median	7	–	–	–	Median	2	2	1
Highest	10	1	–	–	Highest	40	20	10
<b>DISHWASHERS</b>					<b>TOASTERS</b>			
Lowest	10	6	2	–	Lowest	5	–	–
Median	20	10	4	–	Median	10	3	–
Highest	100	30	7	1	Highest	20	7	–
<b>FOOD PROCESSORS</b>					<b>Bedroom Sources</b>			
Lowest	20	5	–	–	<b>DIGITAL CLOCK****</b>			
Median	30	6	2	–	Lowest	–	–	–
Highest	130	20	3	–	Median	1	–	–
<b>GARBAGE DISPOSALS</b>					High	8	2	1
Lowest	60	8	1	–	<b>ANALOG CLOCKS</b>			
Median	80	10	2	–	<b>(conventional clockface)****</b>			
Highest	100	20	3	–	Lowest	1	–	–
<b>MICROWAVE OVENS***</b>					Median	15	2	–
Lowest	100	1	1	–	Highest	30	5	3
Median	200	4	10	2	<b>BABY MONITOR (unit nearest child)</b>			
Highest	300	200	30	20	Lowest	4	–	–
<b>MIXERS</b>					Median	6	1	–
Lowest	30	5	–	–	Highest	15	2	–
Median	100	10	1	–				
Highest	600	100	10	–				

**Figure 2.** Magnetic Field Exposure from Common Household Appliances<sup>1</sup>

## “Dirty” Power

Some have expressed concern that the operation of solar electric systems produce “dirty” power. Dirty power is electricity that contains high radio frequency (RF) noise in addition to pure 60-Hz electric power. “Dirty” power is not usually produced by utility scale power generators because they are typically subject to national power quality standards<sup>2</sup> for conducted or radiated higher frequency emissions from their systems. However, many smaller consumer electronic devices are exempt from these standards due to their small size. These consumer devices can produce higher frequency noise that results in “dirty” power. Such small consumer devices include

<sup>2</sup> The Institute of Electrical and Electronics Engineers (IEEE) sets standards for the power and energy industry. IEEE 1547 is a widely adopted standard addressing the performance, operation, testing, safety considerations, and maintenance of a grid interconnection.



personal computers, electric razors, electric power tools, florescent light bulbs, light dimmer switches, etc. Also, smaller consumer sized “square wave” or “modified sine wave” inverters used in residential home solar systems have limited filtering and can cause non sinusoidal voltage waveforms, which can cause significant issues with other consumer equipment such as radios or other electronic devices.

In contrast, large commercial multi-step inverters such as those proposed for installation at the Project include adequate high-frequency voltage filtering, resulting in a near-perfect sine wave with very low harmonic distortion. The power output of the Project inverters will be a 60-Hz sine wave with very low harmonic distortion since the inverters are designed to have a Total Current Harmonic Distortion (THD) of less than 1.2 percent. This THD level is less than the standard set by IEEE 1547 (an industry standard that applies to the power output from these inverters), which sets the THD limits for equipment to a total of 5 percent across all frequencies. Therefore, the actual harmonic distortion from the Project inverters easily complies with the IEEE 1547 standard as the THD is less than 1.2 percent, and no further high frequency filtering will be required to condition the 60-Hz output power from the inverters. In addition, the electricity produced by the inverters will transmit through the medium- and high-voltage transformers located within the Project substation. These transformers will effectively block high-frequency noise by filtering the electricity to smooth 60-Hz sinewaves before it is delivered to the grid.

The inverters that Rippon Energy Facility plans to use to convert the DC electricity from the solar panels to 60 Hz AC electric power will use high frequencies in their operation; however, the frequencies used are less than 1 megahertz and therefore do not cause interference with higher frequency communications (radio, TV, or cell phones). The inverters will meet RF radiation standards for a Class B digital device as required by part 15 of the Federal Communications Commission Rules (Code of Federal Regulations Title 47, Part 15). These limits are designed to provide reasonable protection against harmful RF interference to electronic devices in a nearby residence. Since the inverters are designed to operate without interference near a residence, and the nearest residence to a Project inverter is some distance away, any low level of RF produced by the inverter will dissipate near the inverter within the Project’s property boundaries and will not be measurable or noticeable at the Project boundary or at the nearest residence.

## **Cardiac Pacemakers**

A cardiac pacemaker is an electronic device that is implanted into a patient to sense the cardiac activity of the heart and then send a signal to the heart that provides an appropriate pacing of the heart. The functioning of a cardiac pacemaker can be compromised by exposure to extremely high electromagnetic fields, generally of 100 mG or higher. Contemporary pacemakers are protected against this kind of interference by shielding of the device and in the operation of the pacemaker. Depending on the strength of the electromagnetic field, a transient effect on the pacemaker in the vicinity of electrical devices such as a handheld electric drill or other electric appliance, which produces an extremely high magnetic field, is possible. In this case, the pacemaker cannot deliver a pacing pulse or unnecessarily accelerates the heart rhythm. When exposed to these very high EMF fields, the pacemaker is prevented from delivering appropriate pacing signals to the heart. In this case, some pacemakers are designed to start pacing the heart with a steady asynchronous pacing rhythm, such as 60

beats per minute, until the high-level EMF is removed. When this happens, the pacemaker returns to normal function.

The levels of EMF necessary to interfere with a modern cardiac pacemaker are far higher than the levels that will be produced by the solar farm. This includes EMF levels next to the power lines and inverters within the solar farm as well as the Potomac Edison Company transmission line. EMF levels from the Project will not cause interference to a modern properly operating pacemaker.

**Note:**

*This memo was authored by Dr. Robert Pearson, a nationally recognized expert concerning environmental issues in the electric utility industry. Dr. Pearson has over 45 years of experience in environmental and technical engineering, regulatory review and assessment, preparation of industrial compliance policy, and environmental consulting.*



## **22-9-CUP Rippon Energy Facility Public Comment**

- Submitted 2022-10-20 by Doug Rockwell
- Submitted 2022-10-20 by Jeanine Jalil
- Submitted 2022-10-20 by Greg Heflebower
- Submitted 2022-10-20 by Betsy Smith
- Submitted 2022-10-20 by Russel and Cyndi Rexroat





MEMO

Submitted by Doug Rockwell for  
the 10/27/22 BZA Packet.

October 20, 2022

TO: The Board of Zoning Appeals

From: Doug Rockwell  
733 Dailey Road  
Charles Town, WV 25414

Subject: Rippon Energy Facility, LLC  
File No #22-15-SP

For your consideration please find enclosed:

- 1) A copy of Section 6.3 of the County Zoning Ordinance
- 2) Conditions
- 3) A copy of the concept plan dated September 30, 2022 sheets C0.0 through C4.0

RECEIVED

OCT 20 2022

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

## Section 6.2 Variances<sup>32</sup>

The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.<sup>23</sup>

- A. The Board shall approve a variance request if the Board finds that a variance:
  1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
  2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
  3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
  4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.<sup>17, 21</sup>
- B. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board in the Office of Planning and Zoning.
- C. Notification for a variance must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.

## Section 6.3 Conditional Use Permit<sup>32</sup>

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.<sup>2, 32</sup>

- 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 in approving or denying the CUP:
  1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.
  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.
  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.
  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.
  5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.
  6. 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 BZA to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use.

7. For Historic Sites, the Historic Landmarks Commission, with the property owner's consent, may visit the property to review the proposed land development plan and use for sites designated as Category I or II. The Historic Landmarks Commission may make reasonable recommendation to the Board of Zoning Appeals on the suitability of a proposed multi-family dwelling or non-residential use for the building seeking a Conditional Use Permit. The Historic Landmarks Commission's recommendations may include the following findings:<sup>35</sup>
  - 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 of Zoning Appeals 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.

8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6.<sup>36</sup>
- B. The owner or authorized representative of the owner of the property for which the Conditional Use Permit is being requested shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The Conditional Use Permit request shall be filed with the Board at the Office of Planning and Zoning.
- C. Staff will notify the adjacent and confronting property owners of the date, time, and location of the Public Hearing by registered mail. Notification for a Conditional Use Permit must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.
- E. If there are no negative public comments received by the Board, the Board shall issue the Conditional Use Permit but may require reasonable conditions.

#### **Section 6.4 Seasonal Uses<sup>5, 7, 32</sup>**

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing according to the requirements of Section 6.1C. Newspaper notification requirements of Section 6.1B apply. Seasonal uses cannot be approved for longer than one year at a time.<sup>17, 21, 23</sup>

#### **Section 6.5 Special Exception Permit<sup>26, 32, 36</sup>**

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals subject to a public hearing in accordance with the following.
  1. The public hearing is subject to the notification requirements of Section 6.1B.
  2. The public hearing shall be conducted according to the requirements of Section 6.1C.
  3. Such hearing may be continued according to the requirements of Section 6.1D.



## Conditions

With respect to the Supplemental Conditions, Pages 13 and 14, of the Conditional Use Permit application narrative submitted October 3, 2022, the following modification and additions should be made:

### Modification

12 Construction Hours. All construction that produces noise beyond the Facility shall be limited to between the hours of 7:00 am and 6:00 pm Monday through Friday and between 8:00am and 5:00 pm on Saturday. The drilling of piles shall only occur between 7:00 am and 5:00 pm Monday through Friday and between 8:00am and 1:00pm on Saturday.

### Additions

13. Inverters and Transformers. Inverters and transformers shall be set back at least four hundred (400) feet from any residence that exists at the time of the Conditional Use Permit approval.

14. Transmission Line. Any offsite transmission line to a substation shall be underground.

15. Invasive Species. On all leased and owned properties, the Operator shall use best management practices to control or remove any invasive plant species as defined by the West Virginia Department of Agriculture.

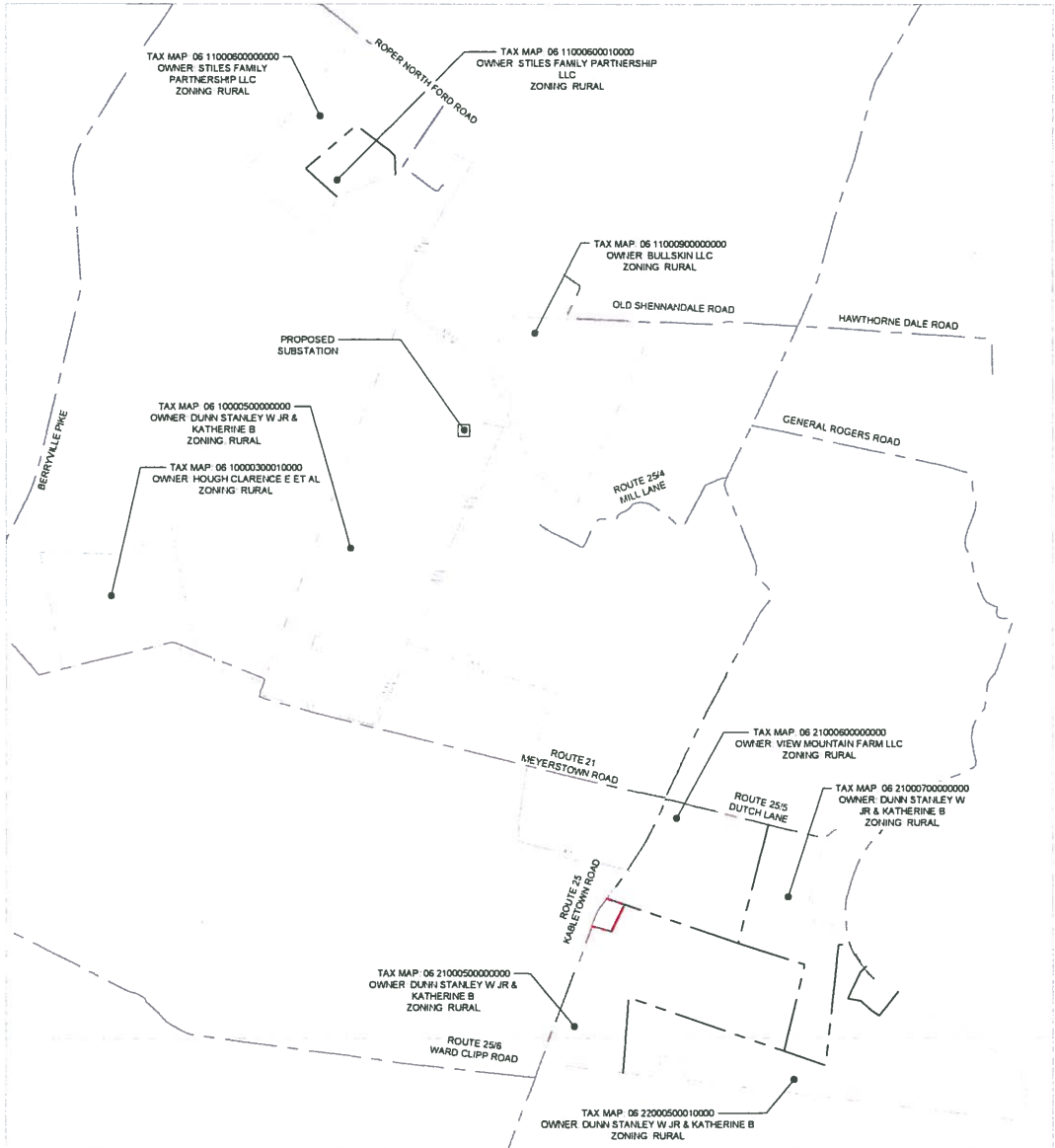
16. Rating. Operator will procure solar panels from a manufacturer receiving a Tier 1 rating from Bloomberg New Energy Finance or a top performer in the then current PV Module Reliability Scorecard Report by PVEL.

CONCEPT PLAN

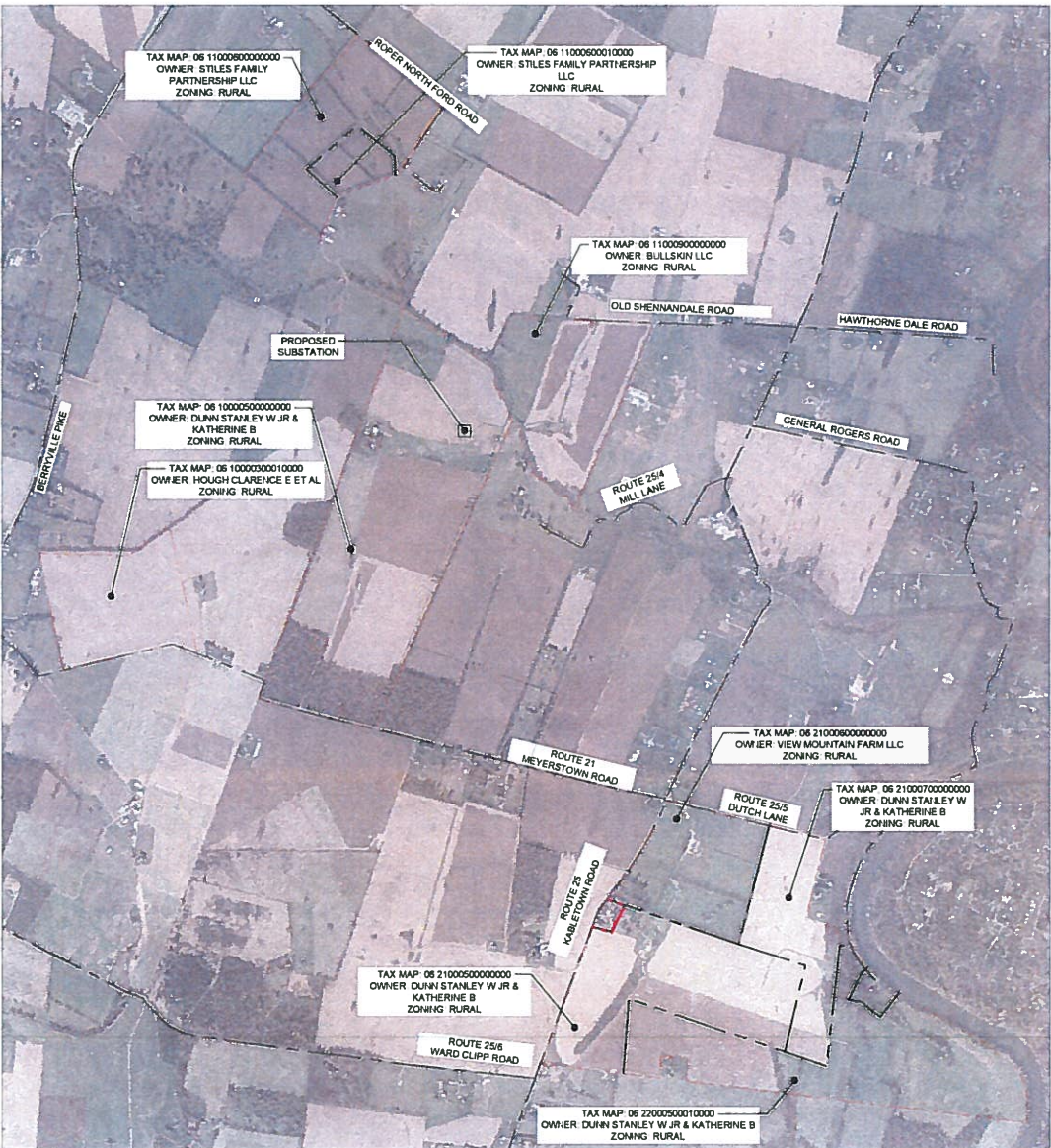
RIPPON ENERGY FACILITY

JEFFERSON COUNTY, WV

KABLETOWN (06) TAX DISTRICT



PARCEL MAP  
SCALE 1" = 1500'



VICINITY MAP  
SCALE 1" = 1500'

APPLICANT  
RIPPON ENERGY FACILITY, LLC  
230 COURT SQUARE, SUITE 8102  
CHARLOTTEVILLE, VA 22803  
PHONE 804-337-4572  
CONTACT BRIAN KUSIAK  
EMAIL BKUSIAK@TORCHCLEANENERGY.COM

CIVIL ENGINEER  
KIMLEY HORN AND ASSOCIATES, INC.  
11400 COMMERCE PARK DRIVE, SUITE 400  
RESTON, VA 20191  
PHONE 703-215-8462  
CONTACT SOPHIA HUANG, P.E.  
EMAIL SOPHIA.HUANG@KIMLEY-HORN.COM



REV DATE



KimleyHorn  
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
11400 COMMERCE PARK DRIVE, SUITE 400  
RESTON, VA 20191  
PHONE 703-215-8462  
WWW.KIMLEY-HORN.COM

NHA PROJECT  
110188002  
DATE  
9/30/2022  
SCALE AS SHOWN  
DESIGNED BY SAH  
DRAWN BY BAH  
CHECKED BY SMM

RIPPON ENERGY  
FACILITY  
PREPARED FOR  
TORCH CLEAN ENERGY  
JEFFERSON COUNTY  
WEST VIRGINIA

COVER SHEET

APPROVAL  
SHEET NUMBER  
C0.0



# SITE INFORMATION

## SOLAR PANEL SETBACKS

- FRONT 100' (50' WITH LANDSCAPE BUFFER)
- SIDE 100' (50' WITH LANDSCAPE BUFFER)
- REAR 100' (50' WITH LANDSCAPE BUFFER)

## ACCESSORY COMPONENTS SETBACKS

- FRONT 25'
- SIDE 25'
- REAR 25'

## LANDSCAPE BUFFERS

SEE SHEET C4.0 LANDSCAPE BUFFERS

## FENCING

A FARMSTEAD FENCE WITH SECURED GATES SHALL BE ERRECTED AROUND THE OPERATING AREAS OF THE SOLAR ENERGY FACILITY.

## LIGHTING

ONSITE LIGHTING SHALL BE MINIMUM NECESSARY FOR SECURITY. ONSITE MANAGEMENT AND MAINTENANCE LIGHTING SHALL COMPLY WITH THE STANDARDS OUTLINED IN THE SUBDIVISION REGULATIONS.

## CONCEPT PLAN NOTES

### CONCEPT PLAN

1 THE CONCEPT PLAN INCLUDES SECTIONS OF THE PROJECT THAT ARE PRINCIPAL PERMITTED USES AND COMDITONAL USES (SEE VICINITY MAP ON THIS SHEET).

### SOLAR AS A PRINCIPAL PERMITTED USE

- 1 THE PROPOSED SOLAR ENERGY FACILITY WITHIN THE CHARLES TOWN URBAN GROWTH BOUNDARY IS PERMITTED AS A PRINCIPAL PERMITTED USE AND MUST COMPLY WITH ALL REGULATIONS RELATED SOLAR FACILITIES IN JEFFERSON COUNTY.
- 2 DEVELOPMENT OF THE SOLAR FACILITY WILL BE PERMITTED ONCE THE FOLLOWING HAVE OCCURRED:
  - 2.1 APPROVAL OF A CONCEPT PLAN
  - 2.2 APPLICANT HAS COMPLIED WITH JEFFERSON COUNTY STORMWATER MANAGEMENT REQUIREMENTS
  - 2.3 WV DEPARTMENT OF TRANSPORTATION HAS APPROVED ENTRY PERMITS
  - 2.4 WV DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS APPROVED THE NPDES PERMIT
  - 2.5 APPLICANT HAS SATISFIED ALL WV STATE REQUIREMENTS AS THEY RELATE TO BONDING AND DECOMMISSIONING
  - 2.6 JEFFERSON COUNTY HAS ISSUED A BUILDING PERMIT FOR THE PROJECT.

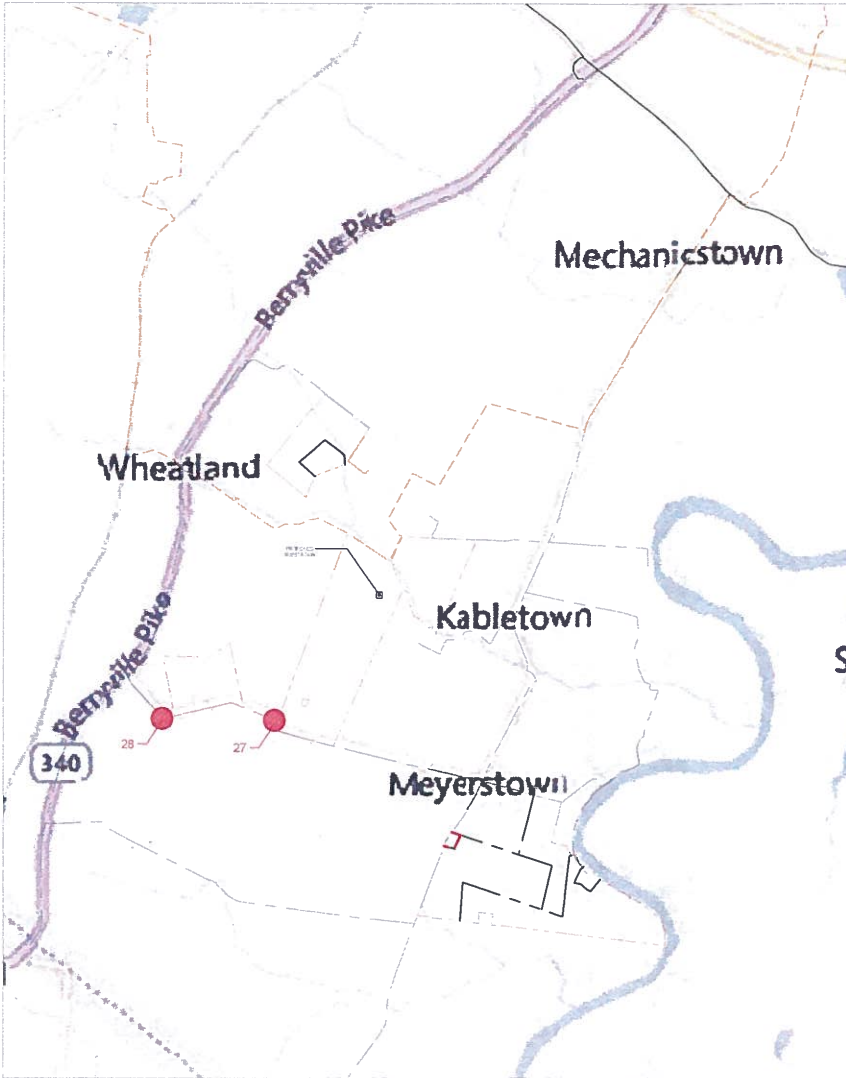
### SOLAR AS A CONDITIONAL USE PERMIT

- 1 THE PROPOSED SOLAR ENERGY FACILITY WITHIN THE CHARLES TOWN URBAN GROWTH BOUNDARY IS PERMITTED AS A PRINCIPAL PERMITTED USE AND MUST COMPLY WITH ALL REGULATIONS RELATED SOLAR FACILITIES IN JEFFERSON COUNTY.
- 2 DEVELOPMENT OF THE SOLAR FACILITY WILL BE PERMITTED ONCE THE FOLLOWING HAVE OCCURRED:
  - 2.1 APPROVAL OF THE CONDITIONAL USE PERMIT BY THE BOARD OF ZONING APPEALS
  - 2.2 COMPLIANCE WITH ALL CONDITIONS RELATED TO THE CONDITIONAL USE PERMIT APPROVAL
  - 2.3 APPROVAL OF A CONCEPT PLAN (PROCESSING CONCURRENTLY WITH THE PRINCIPAL PERMITTED USE PORTION OF THE PROJECT)
  - 2.4 APPLICANT HAS COMPLIED WITH JEFFERSON COUNTY STORMWATER MANAGEMENT REQUIREMENTS
  - 2.5 WV DEPARTMENT OF TRANSPORTATION HAS APPROVED ENTRY PERMITS
  - 2.6 WV DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS APPROVED THE NPDES PERMIT
  - 2.7 APPLICANT HAS SATISFIED ALL WV STATE REQUIREMENTS AS THEY RELATE TO BONDING AND DECOMMISSIONING
  - 2.8 JEFFERSON COUNTY HAS ISSUED A BUILDING PERMIT FOR THE PROJECT.

## Sheet List Table

Sheet Number	Sheet Title
C0.0	COVER SHEET
C0.1	LEGEND AND NOTES
C1.0	EXISTING CONDITIONS
C2.0	BUILDABLE AREA MAP
C3.0	CONCEPT PLAN
C4.0	LANDSCAPE BUFFERS

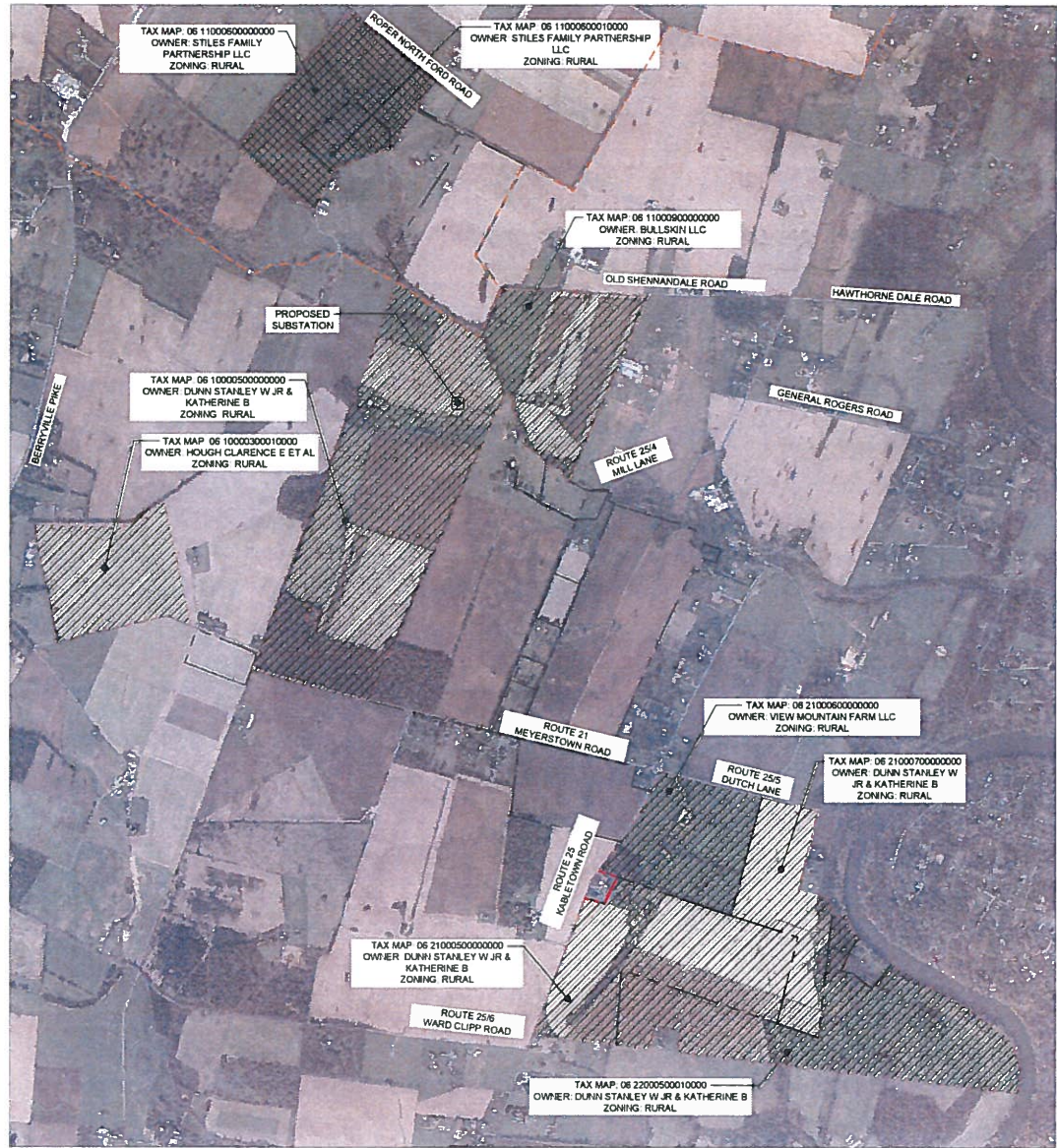
ADJACENT PROPERTY INFORMATION				
TAX CLASS	PARCEL PIN	OWNER	DEED BOOK	DEED PAGE
2	19-06-22-0011-0000	GRAY DIANNA L HOOVER ET AL	1228	516
2	19-06-11-0005-0001	STOLIPER DOUGLAS L & NANCY C	336	637
2	19-06-11-0007-0000	ZIGLER INC	457	411
2	19-06-04-0009-0001	ZIGLER RICHARD A & SUSAN	753	181
2	19-06-04-0009-0000	ZIGLER INC	307	345
2	19-06-05-0002-0000	CASEY FAMILY LAND TRUST	1031	557
2	19-06-10-0007-0000	BULLSKIN LLC	1133	50
2	19-06-05-0001-0000	HOUGH T TODD & SUSAN B TR	1125	476
2	19-06-22-0021-0000	ROGERS JAMES A & PATRICIA F RISSLER	941	610
2	19-06-22-0004-0000	ROGERS JAMES A ET UX	684	607
2	19-06-21-0004-0001	STILES FAMILY PARTNERSHIP #4	817	340
2	19-06-22-0001-0007	COST ROBERT D & NORA A	824	114
2	19-06-22-0005-0000	KEIPER ROY C & SUSAN E	819	644
2	19-06-22-0001-0000	THOMPSON KYLE R & COLLEEN C MCOUILLAN	1238	94
2	19-06-22-0005-0002	SMITH RUTH C	1027	349
2	19-06-21-0004-0000	STILES STANLEY E & BARBARA R	817	328
2	19-06-21-0007-0001	ROSENTHAL ERIKA & BEVERLY MCINTYRE	1108	82
2	19-06-21-0005-0002	GRAY DIANA L	658	224
2	19-06-21-0005-0001	DUVALL HENRY & RACHELL	1237	543
2	19-06-21-0007-0004	CURRY ZACHARY D & PENNY L	1198	447
2	19-06-21-0007-0002	SPUNCH IRREVOCABLE TR	1120	46
2	19-06-21-0006-0004	ROWLEY WILLIAM M & PAMELA K	1126	430
2	19-06-21-0006-0002	DEVILLIER MARK & DONNA	1212	67
2	19-06-09-0015-0000	BETHKE KATIE A	1167	21
2	19-06-09-0016-0000	HOWELL FRANK D & SHIRLEY A	231	554
2	19-06-10-0004-0000	OTT PATRICIA A & JAMES G HEFLEBOWER	WB3	272
2	19-06-10-0005-0001	SMITH MICHAEL A & ANN D	698	1
2	19-06-10-0003-0000	CEPELKA JOSEPH V & DONNA H	972	660
3	19-06-10-0002-0003	ATHEY LUCY M	1108	637
2	19-06-11-0004-0000	BURNS FARM LIMITED PARTNERSHIP	983	629
2	19-06-11-0008-0000	HOUGH CHARLES E & MARIE S-LIFE	1209	172
2	19-06-11-0005-0000	STOLIPHER NANCY C	479	358
2	19-06-21-0008-0001	ROCKWELL CAROL K	968	708
2	19-06-04-0003-0001	MICKEY REVA N	473	420
3	19-06-10-0002-0007	ATHEY LUCY M	1164	664
3	19-06-10-0002-0008	ATHEY LUCY M	1108	637
3	19-06-10-0002-0009	ATHEY LUCY M	1108	637
2	19-06-10-0003-0002	REXROAT RUSSEL & CYNDI	1240	622
2	19-06-11-0002-0000	STOLIPHER NANCY C	WB 31	487
2	19-06-21-0007-0003	BURKE CHRISTOPHER D & SUSAN L	1235	543
2	19-06-21-0007-0005	JAILL AIMAN S	1231	101
2	19-06-09-0017-0000	AVON WOOD FARM LLC	1147	94
2	19-06-09-0017-0000	AVON WOOD FARM LLC	1147	94



VICINITY MAP  
HIGHWAY PROBLEM AREAS  
REF. ENVISION JEFFERSON 2035 COMPREHENSIVE PLAN  
1" = 3000'

HIGHWAY PROBLEM AREAS IN JEFFERSON COUNTY			
NUMBER	ROUTE/ROAD	LOCATION	PROBLEM
27	MEYERSTOWN ROAD	ONE MILE EAST OF US 340	TWO 90 DEGREE TURNS
28	MEYERSTOWN ROAD	1/2 MILE EAST OF US 340	90 DEGREE TURN

JEFFERSON COUNTY HIGHWAY PROBLEM AREAS



VICINITY MAP  
URBAN GROWTH BOUNDARY  
1" = 1500'

GRAPHIC SCALE IN FEET  
0 750 1500 3000



CONDITIONAL USE PERMIT PARCELS



PRINCIPAL PERMITTED USE PARCELS



OVERALL PROJECT BOUNDARIES  
(EXTERIOR PARCEL LIMITS)



INTERIOR PARCEL LINES



OWNER	PROPOSED USE	PARCEL ID	PARCEL ADDRESS	DEED BOOK	DEED PAGE
BULLSKIN LLC	PHOTOVOLTAIC ARRAY	06 110009000000000	673 OFF OLD SHENNANDALE RD	1084	276
STILES FAMILY PARTNERSHIP LLC	PHOTOVOLTAIC ARRAY	06 110006000000000	OFF ROPER NORTH FORK RD	1051	733
STILES FAMILY PARTNERSHIP LLC	PHOTOVOLTAIC ARRAY	06 110006000000000	ROPER NORTH FORK RD	1051	733
DUNN STANLEY W JR & KATHERINE B	PHOTOVOLTAIC ARRAY	06 210005000000000	2046 KABLETOWN RD	1016	601
DUNN STANLEY W JR & KATHERINE B	PHOTOVOLTAIC ARRAY	06 210007000000000	E DUTCH HILL RD	1016	601
DUNN STANLEY W JR & KATHERINE B	PHOTOVOLTAIC ARRAY	06 220005000000000	WINDY VALLEY LN	1060	239
HOUGH CLARENCE E ET AL	PHOTOVOLTAIC ARRAY	06 100003000000000	MEYERSTOWN RD	1209	172
VIEW MOUNTAIN FARM LLC	PHOTOVOLTAIC ARRAY	06 210006000000000	KABLETOWN RD	945	636
DUNN STANLEY W JR & KATHERINE B	POI & UNDERGROUND UTILITY EASEMENT	06 100005000000000	1371 MEYERSTOWN RD	540	249
ADAMS FRANKLIN W & JUNE O	UNDERGROUND UTILITY EASEMENT	06 200009000000000	MYERSTOWN RD	1081	195
ADAMS FRANKLIN W & JUNE O	UNDERGROUND UTILITY EASEMENT	06 200009000000000	MYERSTOWN RD	1081	195
ATL FARMS LLC	UNDERGROUND UTILITY EASEMENT	06 960040000000000	MEYERSTOWN RD	1213	288
BULLSKIN LLC	UNDERGROUND UTILITY EASEMENT	06 100006000000000	654 MEYERSTOWN RD	1084	276
HOUGH CLARENCE E & DONNA S	UNDERGROUND UTILITY EASEMENT	06 210006000000000	MEYERSTOWN RD	1209	172
HOUGH CLARENCE E & DONNA S	UNDERGROUND UTILITY EASEMENT	06 110007000000000	OFF OLD SHENNANDALE RD	1209	172
WALSH HEATHER & SEAN	UNDERGROUND UTILITY EASEMENT	06 100008000000000	366 APPLEVELDT LN	1168	293

REV DATE

TORCH  
CLEAN ENERGY

Kimley»Horn

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11400 CONVENT PARK DR, SUITE 400  
RESTON, VA 20191  
PHONE: 703-874-1300  
WWW.KH-CORP.COM

NHA PROJECT  
110185002  
DATE  
9/30/2022  
SCALE  
AS SHOWN  
DESIGNED BY  
SAH  
DRAWN BY  
BAH  
CHECKED BY  
SMH

RIPON ENERGY  
FACILITY  
PREPARED FOR  
TORCH CLEAN ENERGY  
JEFFERSON COUNTY  
WEST VIRGINIA

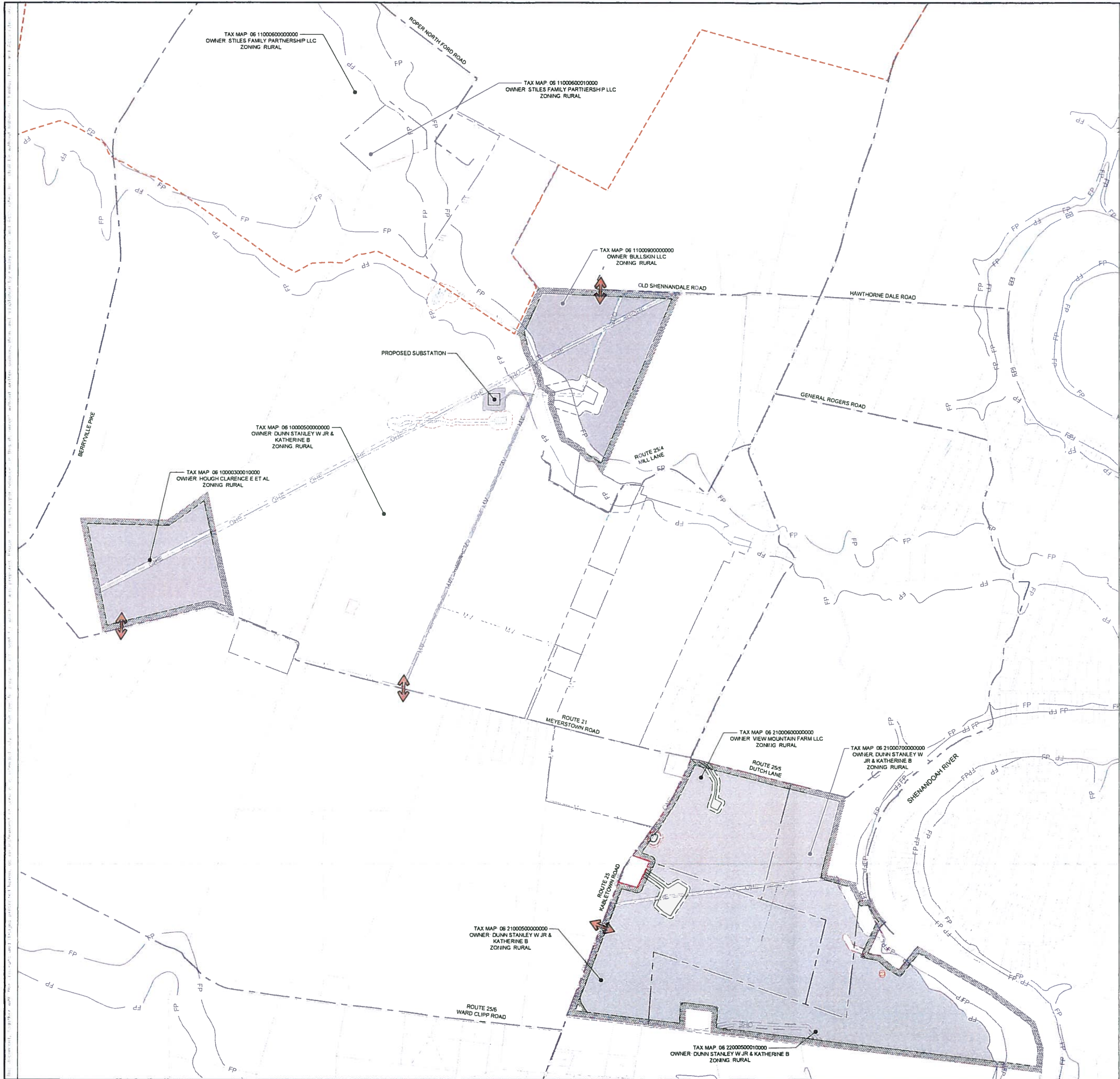
LEGEND AND NOTES

APPROVAL

SHEET NUMBER

C0.1





LEGEND

- Overall Project Limits (Exterior Parcel Boundary)
- Adjacent Parcel Boundary
- Interior Parcel Boundary
- 100' Property Line Setback
- Delineated Wetlands
- Delineated Stream
- 50' Stream & Wetland Buffer
- FEMA Floodplain
- Shenandoah River Approximate Outline
- Shenandoah River 300' Riparian Buffer
- Karst Features
- 50' Buffer from High Risk Karst Features
- Overhead Electric Lines
- Approximate Electric Easements
- 100' Property Line Setback Area
- Project Buildable Area
- Existing Right of Way Centerline
- Jefferson County Urban Growth Boundary
- Proposed Medium Voltage Route
- Proposed Access Points

NOTES

- LAYOUT SHOWN WITHIN THESE PLANS IS CONCEPTUAL AND MAY CHANGE DURING FINAL ENGINEERING DESIGN
- BASED ON WRITTEN INSTRUCTIONS FROM THE COUNTY, OPEN THROAT KARST FEATURES MAY BE REMEDIATED, ONCE REMEDIATED, FEATURES WILL NOT REQUIRE A BUFFER

PROJECT PARCELS - ACREAGES						
OWNER	LAND USE	PARCEL ID	TOTAL PARCEL AREA (AC)	CUP PROJECT AREA (AC)	100' PROPERTY LINE SETBACK (AC)	IN UGB
DUNN STANLEY W JR & KATHERINE B	POI	06 10000500000000	366.62	12.27	-	No
STILES FAMILY PARTNERSHIP LLC	PV	06 11000500010000	25.14	NOT IN CUP	NOT IN CUP	Yes
STILES FAMILY PARTNERSHIP LLC	PV	06 11000600000000	115.79	NOT IN CUP	NOT IN CUP	Yes
BULLSKIN LLC	PV	06 11000900000000	134.60	83.92	22.63	No
DUNN STANLEY W JR & KATHERINE B	PV	06 21000500000000	175.50	154.47	11.05	No
DUNN STANLEY W JR & KATHERINE B	PV	06 21000700000000	89.00	78.43	7.64	No
DUNN STANLEY W JR & KATHERINE B	PV	06 22000500010000	232.00	137.37	31.78	No
HOUGH CLARENCE E ET AL	PV	06 10000300010000	109.00	78.47	20.37	No
VIEW MOUNTAIN FARM LLC	PV	06 21000600000000	102.00	87.49	9.52	No

REV      DATE

TORCH  
CLEAN ENERGY

KimleyHorn  
2022 KIMLEY-HORN AND ASSOCIATES, INC.  
11400 COMMERCE PARK DR, SUITE 400  
RESTON, VA 20191  
PHONE: 703-674-1300  
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KHA PROJECT 110188002  
DATE 9/30/2022  
SCALE AS SHOWN  
DESIGNED BY SAH  
DRAWN BY BAH  
CHECKED BY SAM

RIPON ENERGY  
FACILITY  
PREPARED FOR  
TORCH CLEAN ENERGY  
JEFFERSON COUNTY  
WEST VIRGINIA

CUP PROJECT  
AREA MAP





NORTH

GRAPHIC SCALE IN FEET

0 425 850 1700

LEGEND

OVERALL PROJECT LIMITS (EXTERIOR PARCEL BOUNDARY)

INTERIOR PARCEL BOUNDARY

100' PROPERTY LINE SETBACK

DELINEATED WETLANDS

DELINEATED STREAM

50' STREAM & WETLAND BUFFER

FEMA FLOODPLAIN

PROPOSED ACCESS ROADS

PROPOSED ACCESS POINTS

PROPOSED CHAIN LINK FENCE

PROPOSED INVERTERS

PROPOSED SOLAR EQUIPMENT

PROPOSED UNDERGROUND MV LINE

SHENANDOAH RIVER APPROXIMATE OUTLINE

SHENANDOAH RIVER 300' RIPARIAN BUFFER

KARST FEATURES

50' BUFFER FROM HIGH RISK KARST FEATURES

OVERHEAD ELECTRIC LINES

APPROXIMATE ELECTRIC EASEMENTS

PROPOSED VEGETATIVE BUFFER  
SEE SHEET C4.0 FOR MORE DETAIL

PRESERVED VEGETATIVE BUFFER

PRESERVED EXISTING TREELINE  
ADJACENT TO SHENANDOAH RIVER

EXISTING RIGHT OF WAY CENTERLINE

JEFFERSON COUNTY URBAN GROWTH BOUNDARY

JEFFERSON COUNTY HIGHWAY PROBLEM AREAS  
(SEE SHEET C0.1 FOR MORE DETAIL)

- NOTES
- 1 LAYOUT SHOWN WITHIN THESE PLANS IS CONCEPTUAL AND MAY CHANGE DURING FINAL ENGINEERING DESIGN
  - 2 ACCESS POINTS SHOWN WITHIN THESE PLANS ARE CONCEPTUAL AND MAY CHANGE DURING FINAL ENGINEERING DESIGN AND VDOT APPROVAL
  - 3 BASED ON WRITTEN INSTRUCTIONS FROM THE COUNTY, OPEN THROAT KARST FEATURES MAY BE REMEDIATED ONCE REMEDIATED. FEATURES WILL NOT REQUIRE A BUFFER

REV

DATE


**TORCH**  
CLEAN ENERGY

**Kimley-Horn**  
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
11400 COMMERCE PARK DR., SUITE 400  
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KHA PROJECT	DATE	SCALE	DESIGNED BY	DRAWN BY	CHECKED BY
110188002	9/30/2022	AS SHOWN	SAH	BAH	SAM

RIPON ENERGY  
FACILITY  
PREPARED FOR  
TORCH CLEAN ENERGY

JEFFERSON COUNTY  
WEST VIRGINIA

CONCEPT PLAN

APPROVAL

SHEET NUMBER

C3.0









Submitted by Jeanine Jalil for  
the 10/27/22 BZA Packet.

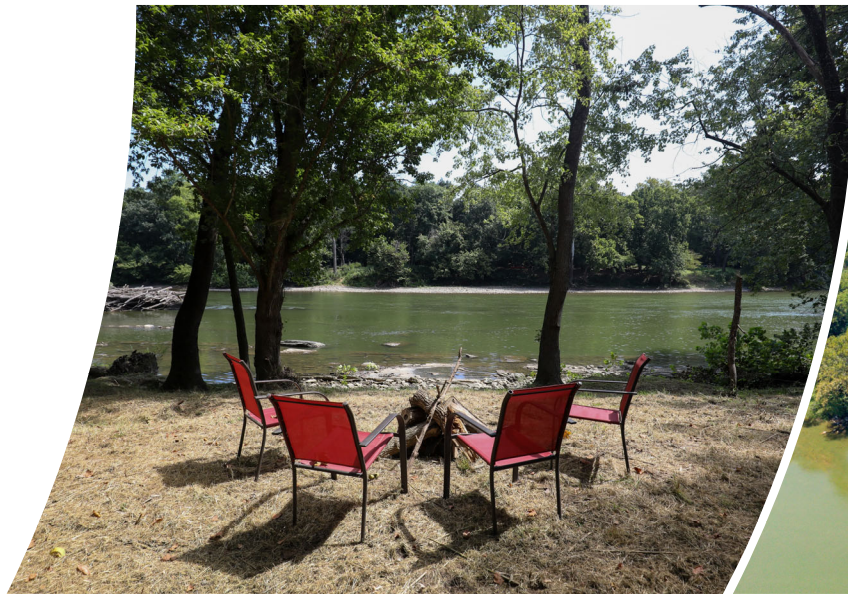


# Jalil Home

229 BETHANY LANE  
CHARLES TOWN, WV 25414

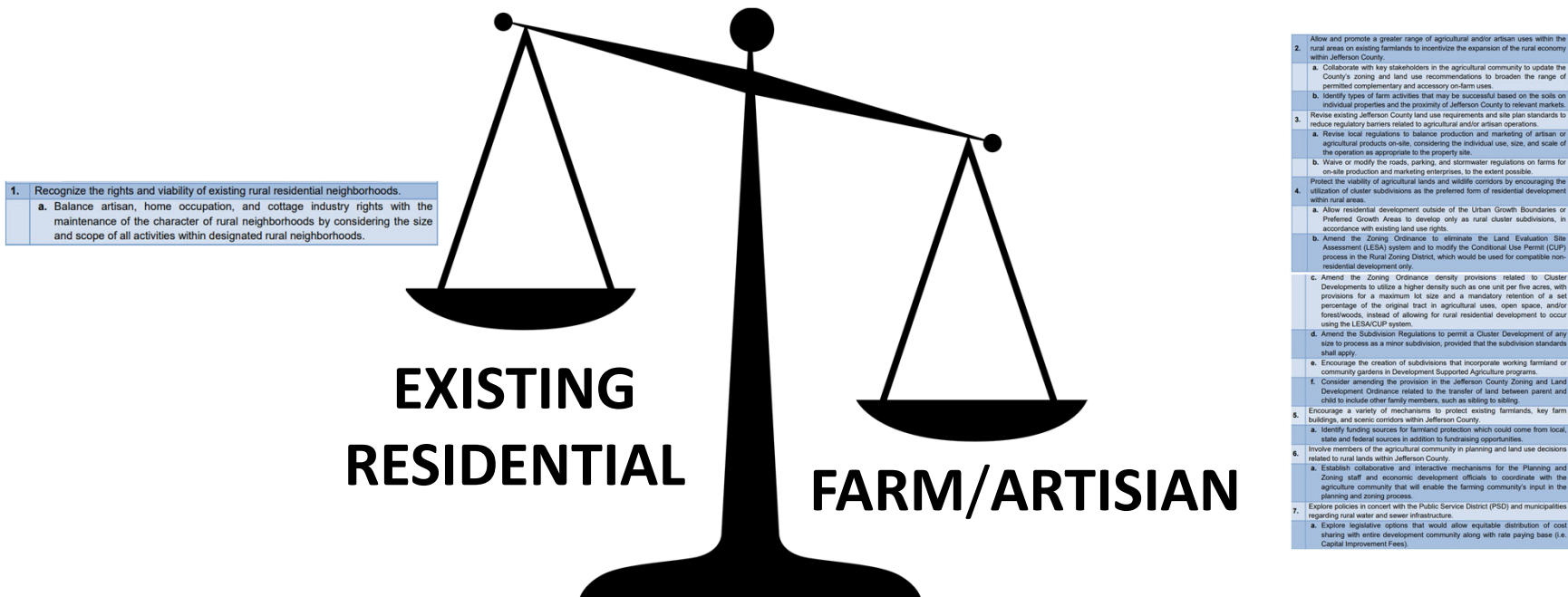


Conservation of resources are important to everyone, except when the well-funded developments erase the smaller details in the name of progress. This is where I live in Jefferson County, a beautiful location along the Shenandoah River in Kabletown, WV. Out of the five homes along Daily Rd and Bethany Lane, I lived in and renovated a log home, and converted a commercial building into our personal residence. I collaborated with local contractors, artists, and companies to revitalize these homes, because it is crucial to support our community and the people who call “Wild and Wonderful” Jefferson County their home.



# Envision 2035 Jefferson Comprehensive Plan

## Rural Land Use Planning Recommendations (Goal 2) pg. 39,40 in blue



The 2035 Plan does not uphold the rights of the existing residents adjacent to farms by reducing regulatory barriers, modifying roads, and reducing stormwater regulations near our homes. While the solar initiative satisfies the farmers and the county's goals, it will deteriorate residential values, wildlife, and the culture of these communities.





Remember, this is where I live, I should have a right to protect my investment as well.

## QUESTIONS

- What year were the sediment and erosion tests/studies completed to provide a greenlight to this project? Who performed these tests?
- Will the County or Torch perform a Glint and Glare Assessment Tests for the homes on Bethany Lane (Solar Panels will face directly into the front of our homes)?
- What will happen to our road maintenance on Dutch Hill Lane?
- What West Virginia Companies will be involved in the installation?
- What percentage of the revenue stays with WV?
- What are the tax breaks for the Solar Company?
- What percentage of this project is the county or state subsidized with our taxes?
- Will West Virginia benefit from the power or will it go somewhere else?
- How will this impact the current sale of my home and every home within a 10-mile radius? My home is for sale currently, my husband passed in March, I am unable to support this lifestyle any longer and this proposal is not a benefit to potential buyers.
- With all the current supply shortages and economic disruption, wouldn't it be reasonable to reassess the importance of utilizing our local resources and farmland? Just because it was a good plan in the past does not equate to a good plan now.
- At what stage in these developments did we as homeowners get a voice without pursuing lawyers and lawsuits?
- With two additional facilities up for approval along Kabletown Rd, is this the desired outcome for the development for the 2035 plan of over 2,000 acres of solar farms next to other small communities within a 5-miles?
- Did the committee analyze the solar impact on house values? If so, where can I find this information? The study below and was completed in 2019.  
<https://www.sciencedirect.com/science/article/pii/S0301421521001968>





# Envision Jefferson 2035 Comprehensive Plan



We are the “existing neighborhood” next to a farm, where is our representation?  
Does the current proposal recognize the “rights and viability” of our neighborhood?

## Zoning

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**From:** Zoning  
**Sent:** Thursday, October 20, 2022 11:12 AM  
**To:** 'Jeanine Jalil'; Planning Department  
**Subject:** RE: Aiman Jalil Estate - Rippon Energy Zoning Appeal Public Hearing PowerPoint

Good morning,

This email is to confirm receipt of the attached PowerPoint Presentation for the Rippon Energy Facility CUP (File: 22-9-CUP). The Presentation will be included in the Board's mailed packet for the 10/27/22 meeting.

Please note, every attempt will be made to display the Presentation during the meeting as well.

Thank you and have a nice day.

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

**From:** Jeanine Jalil <j9jalil@outlook.com>  
**Sent:** Thursday, October 20, 2022 10:53 AM  
**To:** Zoning <Zoning@jeffersoncountywv.org>; Planning Department <PlanningDepartment@jeffersoncountywv.org>  
**Subject:** Aiman Jalil Estate - Rippon Energy Zoning Appeal Public Hearing PowerPoint

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

Good morning Tanya and Alex,

Hope your day is enjoyable on this crisp morning!

Attached is the PowerPoint presentation that I would like to submit for the upcoming meeting on Oct 27 at 2:00 pm. Please email or call if the format is not suitable.

Thank you,

Jeanine Jalil  
703-597-4201



## Zoning

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**From:** Zoning  
**Sent:** Thursday, October 20, 2022 1:19 PM  
**To:** 'Greg Heflebower'; jgheflebower@gmail.com  
**Subject:** RE: [Possible Spam]

Good afternoon,

This email is to confirm receipt of your comments for the Rippon Energy Facility CUP (File: 22-9-CUP). Your email will be included in the Board's mailed packet for the 10/27/22 meeting.

Thank you and have a nice day.

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

**From:** Greg Heflebower <jgheflebower@gmail.com>  
**Sent:** Thursday, October 20, 2022 1:14 PM  
**To:** Zoning <Zoning@jeffersoncountywv.org>; jgheflebower@gmail.com; Greg Heflebower <jgheflebower@gmail.com>  
**Subject:** [Possible Spam]

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

Hello

Please let me know that you received my email...thank you.

### Questions for the Planning Commission

1. Is any member of the Planning Commission requesting a Conditional Use Permit to operate a Solar Energy Facility?
2. Does any member of the Planning Commission have a family member requesting a Conditional Use Permit to Operate a Solar Energy Facility?
3. Does the Planning Commission have a Solar Ordinance for the County? If so, where is this posted?



4. What are the long-term consequences of having an industrial solar plant next to my farmland and residence?
5. What safety measures will be put in place to protect my farm and my residences?
6. What buffers will be implemented to deflect the sight of the solar farm?
7. At what cost will this decrease my farmland and my residences next to this planned facility?
8. Is there a decommissioning plan when this facility is done?
9. What happens if the company folds?
10. Who is responsible for cleanup and any toxic waste that may come from this facility?
11. What happens when the solar developer sells their interest to another solar plant? Will the agreement still be in effect.
12. Are there any inspections to be done by an independent government agency?
13. Where will this information be communicated?
14. Will the adjacent land holders be notified directly and immediately after each and every inspection?
15. Who do I contact directly if I have any questions, concerns or complaints about this facility?

Regards

Greg Heflebower

## Zoning

---

**From:** Zoning  
**Sent:** Thursday, October 20, 2022 3:17 PM  
**To:** 'Betsy'  
**Subject:** RE: zoning meeting for solar panels

Good afternoon,

This email is to confirm receipt of your comments for the Rippon Energy Facility CUP (File: 22-9-CUP). Your email will be included in the Board's mailed packet for the 10/27/22 meeting.

Thank you and have a nice day.

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

**From:** Betsy <mistyridgefarm@aol.com>  
**Sent:** Thursday, October 20, 2022 3:14 PM  
**To:** Zoning <Zoning@jeffersoncountywv.org>  
**Subject:** zoning meeting for solar panels

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

i received a letter from the office of Planning and Zoning concerning a scheduled meeting on Oct 27th, i am totally surprised that the county of Jefferson would allow such an eye sore to invade the beautiful country side we have in Jefferson county, all this farm and crop land will be destroyed so a few can put some money in their pocket, and destroy the property value of our homes that will be adjacent to this eye sore.... not to mention the possible planting of trees such as Cyprus that grow over 80 feet tall. For me, in particular, this proposed eye sore is going to surround my property on 3 sides, i will be shut in and all my views that i have worked so hard to pay for will be destroyed, as will the value of my property... If Mr dunn likes these solar panels so much perhaps he should put them around his house where the general public cant see them from the road..

property owner  
windy valley lane  
Betsy Smith



## Planning Department

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**From:** cyndi rexroat <cyndirexroat@gmail.com>  
**Sent:** Thursday, October 20, 2022 4:58 PM  
**To:** Planning Department  
**Subject:** Re: Rippon Energy Project

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

Thank you for sending this so quickly.

We have a few questions:

1. What is the start and finish dates of this project? We will be holding wedding events beginning Spring 2023 and need to understand the noise and traffic impact.
2. When and how will adjacent property owners be notified if the proposed substation site is changed to the Option 2 site?
3. What is the noise level produced by the substation?
4. Are there pictures available of the substation?
5. How much traffic will traverse Meyerstown road via 340?

Thank you,

On Tue, Oct 18, 2022 at 3:05 PM Planning Department <[PlanningDepartment@jeffersoncountywv.org](mailto:PlanningDepartment@jeffersoncountywv.org)> wrote:

Mr. and Mrs. Rexroat,

As discussed earlier this afternoon, below are links to the internal pages on the County's website where you can view Conditional Use Permit applications and Concept Plan applications.

- [Conditional Use Permits](#)
- [Concept Plans](#)

The BZA Agenda Packet for the Thursday, October 27 meeting will be posted online [[click here](#)] this Friday.

Please let me know if you have any questions.







# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

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## **Zoning Administrator's Report October 27, 2022 Board of Zoning Appeals Meeting**

**Date of Memo: October 18, 2022**

### **1) Remaining BZA meetings for 2022**

- The next regular meeting is scheduled for **November 10, 2022** (deadline for submission was Monday, October 17, 2022). One variance application was submitted for consideration during this meeting.
- The last regular meeting for 2022 is scheduled for **December 8, 2022** (deadline for submission is Monday, November 14, 2022).



Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 E. Washington Street, 2<sup>nd</sup> Floor, P.O. Box 716  
Charles Town, West Virginia 25414  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**October 2022**  
**Zoning Certificate Activity Report**

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File # 22-53-ZC  
Request: Modifications to an existing Nonconforming Use – 360’ Telecommunications Tower  
Property Owner: American Towers LLC  
Project Applicant: Loudoun County Department of Information Technology / Attn: Bryan Scallon  
Parcel Information: 17340 Poppy Road, Bluemont, VA 20135  
Parcel ID: 06002500080003; Size: 2.01 acres; Zoning District: Rural;  
Deed Book: 988; Page: 186  
Date of Issuance: 09/19/2022

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File # 22-54-ZC  
Request: Nonconforming Use: Shopping Center, Change in Tenant  
Property Owner: S&T Group, LLC / Attn: Steve Secrist  
Project Applicant: Panhandle Puffs, LLC / Attn: Amanda Kressley  
Parcel Information: 7670 Martinsburg Pike, Unit 7, Shepherdstown, WV 25443  
Parcel ID: 0900080005; Size: 1.89 acres;  
Zoning District: Residential Growth; Deed Book: 1000; Page: 103  
Date of Issuance: 09/19/2022

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File # 22-57-ZC  
Request: Modifications to an existing Nonconforming Use – 360’ Telecommunications Tower  
Property Owner: American Towers LLC  
Project Applicant: Morrison Hershfield / Attn: Carina Perez (on behalf of T-Mobile)  
Parcel Information: 17340 Poppy Road, Bluemont, VA 20135  
Parcel ID: 06002500080003; Size: 2.01 acres; Zoning District: Rural;  
Deed Book: 988; Page: 186  
Date of Issuance: 09/27/2022

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File # 22-59-ZC  
Request: Modifications to an existing 199’ Telecommunications Tower site  
Property Owner: Sunnyside Ltd. Partnership, Attn: James Huyett  
Project Applicant: T-Mobile/SBA, Attn: Andrew Martin  
Parcel Information: 844 Wheatland Rd, Charles Town, WV 25414  
Parcel ID: 06001200120001; Size: 4.65 acres;  
Zoning District: Industrial Commercial; Deed Book: 1001; Page: 681;  
PC File: 01-07 (new telecommunication facility)  
Date of Issuance: 10/20/2022

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File # 22-62-ZC  
Request: Modifications to an Existing 120’ Telecommunications Tower (Silo); Tower Height Increase – Pursuant to 22-21-ZV  
Property Owner: Michael K. Owens, et al  
Project Applicant: Smartlink Group obo AT&T Mobility, LLC / Attn: Ryan Conn  
Parcel Information: 11945 Leetown Road, Kearneysville, WV 25430  
Parcel ID: 07000700060000; Size: ~404.6 acres;  
Zoning District: Rural; Will Book: 21; Page: 720; PC File #S11-13  
Date of Issuance: 10/07/2022

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