



Jefferson County
Board of Zoning Appeals Agenda
Thursday, February 23, 2023 at 2:00 p.m.

Members
Tyler Quynn, Chair
Matthew McKinney, Vice Chair
Steven Guier, Secretary
David Wiegand
Jacob Harris
Mikala Shremshock, Alternate

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

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

ZOOM Meeting Information: Meeting ID: 829 7009 9490
Meeting Link: <https://us02web.zoom.us/j/82970099490>
Phone Option (Dial by Location): 301-715-8592
Find your local number: <https://us02web.zoom.us/u/kdV71ZSZyO>

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

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

Approval of Minutes: January 26, 2023

Public Hearing – Administer Oath

ITEM #1 FILE #: 23-4-ZV and 23-5-ZV

The following two requests pertain to a 2,420 square foot addition to the existing Walmart Store in Charles Town. The existing retail store and shopping center site plan was approved in 1996 (Site Plan File #S96-16).

Request #1: Variance from Section 8.9A.9 to eliminate the requirement to install a frontage road (similar request granted for original site design in 1996 – File #ZV96-55); and Section 8.9.A.10 to maintain landscape buffer standard that was approved in 1996 (File #ZV96-52) along US Route 340 which was reduced from 50’ to a varying width of approximately 21’- 40’; and to reduce the commercial setback from 25’ to 24’ from the edge of the existing landscape buffer for the proposed 2,420 sf addition. (File #23-4-ZV)

Request #2: Variance from Section 11.1A to waive the requirement to install an additional 13 parking spaces for the proposed expansion; to remove ten existing parking spaces where the addition will be constructed; and to reduce the number of required parking spaces from 1,204 (as approved via variance on 08/21/03 – File #ZV03-21) to 1,154 (actual number of parking spaces on site, after construction of proposed addition). (File #23-5-ZV)

Applicant: Dewberry / Attn: Carolyn Howard

Owner: SUSO 2 ALABAMA LP

Parcel Info: 96 Patrick Henry Way, Charles Town WV; Parcel ID: 02000800290002;
Size: ~21 acres; Zoning District: Residential- Light Industrial-Commercial

ITEM #2 FILE #: 23-6-ZV

Request: Variance from Section 10.4B.2 to increase the maximum size of a freestanding sign face from 100 sq. ft. to 122 sq. ft. for a gas station and convenience store (Site Plan File #19-4-S).

Applicant: Holtzman Oil Corp

Owner: Charles Town Burr Park Station, LLC / Attn: Richard Koonz, Jr.

Parcel Info: Burr Business Park, Lot 16A, 60 War Admiral Blvd., Kearneysville, WV;
Parcel ID: 02000100690000; Size: ~5 acres; Zoning District: Industrial Commercial

ITEM #3 FILE #: 23-7-ZV

Request: Variance from Section 9.6C to allow an accessory structure within the required front yard; and Section 9.7 to reduce the front setback from 20' to 10' along a platted 30' wide right-of-way (McShanes Landing Ln) for a 36' x 20' accessory structure (pavilion).

Owner: Douglas and Lenore Stroop

Parcel Info: River Farm Subdivision, Section 3, Lot 12,
200 McShanes Landing Ln, Shepherdstown, WV
Parcel ID: 09011A00550000; Size: ~0.41 ac; Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

- a. Discussion of the following pending lawsuits:
 - 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities) Rockwell v. JCPC, JCBZA and JCCC
 - 2. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy Facility / File 22-9-CUP) Rockwell v. JCBZA
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

Meeting: January 26, 2023

- 1. Variances from Appendix B. Owner: Summit Point Library Commission. File: 23-1-ZV & 23-3-ZV.
- 2. Variance from Section 5.7D.2. Owner: Barry and Jody Swaldo. File: 23-2-ZV.
- 3. Request by “The Quarry” for a Conditional Use Permit to operate a Special Event Facility. Owner: Alexis Bonnell and Kerian McManus. File: 23-1-CUP.

DRAFT Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: January 26, 2023
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; Matthew McKinney, Secretary; Steve Guier,
6 David Wiegand, and Mikala Shremshock, Alternate Member, were all
7 present in person.*
8 Board Members Absent: None
9 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Steve Groh, Assistant
10 Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk

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. Ms. Shremshock initially joined the meeting via ZOOM. Ms. Shremshock
14 arrived at the meeting in person at 2:13 pm.*

15 Mr. Quynn reviewed meeting protocol for those in attendance.

16 Election of Officers

17 Mr. Guier nominated Mr. Quynn as Chair. Mr. Wiegand seconded the nomination, which carried
18 unanimously.

19 Mr. Guier nominated Mr. McKinney as Vice Chair. Mr. Quynn called for a vote, which carried
20 unanimously.

21 Mr. McKinney nominated Mr. Guier as Secretary. Mr. Wiegand seconded the nomination, which
22 carried unanimously.

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

24 Approval of Minutes: December 8, 2022

25 Ms. Beaulieu, Mr. Wiegand, and Mr. Quynn noted corrections to the minutes. Mr. McKinney moved
26 to approve the minutes with the following corrections:

- 27 1. Page 1, Line 15: change the date from *November 9* to *November 10*.
28 2. Page 1, Line 17: note Mr. Wiegand's abstention from voting on the draft minutes as he was
29 not present at the following meeting.
30 3. Page 2, Line 12: change the word *acknowledge* to *acknowledged*.

31 Mr. Quynn called for a vote on the corrected minutes, which carried unanimously.

32 Ms. Hartman swore in members of the public who indicated they would be providing testimony.

33 ITEM #1 FILE #: 23-1-ZV and 23-3-ZV

34 Request #1: Variance from Appendix B to reduce the distance requirement from 75' to 25' along
35 the western property line and the rear setback along the western property line from
36 40' to 25' for an addition to the existing Summit Point Library (23-1-ZV).

37 Request #2: Variance from Appendix B to modify the landscape buffer requirement along the
38 rear (western) property line. The applicant is proposing to utilize existing vegetation
39 along a portion of the property line and a modified planting along the remaining
40 portions of the property line. The modified planting is to accommodate an expansion
41 to the existing stormwater management facility (23-3-ZV).

1 Parcel Info: Summit Point Library Commission, Property Owner

2 49 Church St., Summit Point, WV

3 Parcel ID: 06016C00190001; Size: 1.35 acres; Zoning District: Village

4 Mr. Joe Hague, P.E. with JHA Companies was present to address the Board. Ms. Beaulieu provided
5 an overview of her staff report for each request. Ms. Beaulieu noted that the proposed expansion
6 would necessitate a site plan and that the existing parking lot would be brought into compliance
7 with County regulations.

8 Ms. Shremshock arrived at the meeting in person at 2:13 pm.

9 Mr. Hague explained the nature of each request to the Board stating that it was not feasible to
10 comply with the site development standards due to the subject parcel's lot size and the existing
11 stormwater management features.

12 Regarding request 23-1-ZV, Mr. Hague explained that the pavilion was intentionally designed to be
13 located behind the library in order to provide a safe buffer for the planned children's activities from
14 the three state roads.

15 Regarding request 23-3-ZV, Mr. Hague explained that landscaping is not encouraged or permitted
16 within stormwater management areas. Mr. Hague confirmed that the Library would be retaining
17 some of the existing vegetation; would be planting new shrubs pursuant to Option F of Standard
18 Detail M-54 as a modified buffer planting where there is currently no landscaping along the
19 southern portion of the property; and a portion of the buffer along the northern portion of the
20 property would be planted in accordance with Option F of Standard Detail M-54, as depicted in the
21 application.

22 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn
23 closed the public hearing.

24 Mr. McKinney moved to approve zoning variance 23-1-ZV with the condition that the applicant is
25 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

26 Mr. McKinney moved to approve zoning variance 23-3-ZV with the condition that the Library
27 would install the modified planting screen as depicted on their sketch and that the applicant is
28 bound by their testimony. Mr. Wiegand seconded the nomination, which carried unanimously.

29 **ITEM #2 FILE #: 23-2-ZV**

30 Request: Variance from Section 5.7D.2 of the Zoning Ordinance (as amended 09/28/06) to
31 increase the maximum lot size from 3 acres to approximately 5 acres to allow for a
32 proposed boundary line adjustment between Lot 7 and the Residue Parcel of The
33 Woods at Wheatland Subdivision.

34 Parcel Info: Barry and Jody Swaldo, Property Owner

35 The Woods at Wheatland, Lot 7, 449 Jenkins Hill Rd., Charles Town, WV

36 Parcel ID: 06001200160012; Size: 3 acres; Zoning District: Rural

37 Mr. Barry Swaldo, property owner, was present to address the Board. Ms. Beaulieu provided an
38 overview of her staff report and explained the relevance of the section of Ordinance pertaining to
39 the request. Ms. Beaulieu stated that this request was unique and that the proposed boundary line
40 adjustment did not increase the applicant's development rights. Ms. Beaulieu noted that a boundary
41 line adjustment from the residue parcel to a lot outside of the subdivision would not necessitate a
42 variance and that the variance was specific to the maximum lot size requirements of the cluster
43 development regulation in place at the time the subdivision was created.

1 Mr. Swaldo explained the nature of the request to the Board stating that he intended on clearing the
2 land in order to obtain a better view of the mountains.

3 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn
4 closed the public hearing.

5 Mr. McKinney moved for a Summary Approval in accordance with Section 5.7(9) of the Boards'
6 Rules of Procedure (as amended 10/27/22). Mr. Quynn called for a vote, which carried
7 unanimously.

8 **ITEM #3 FILE #: 23-1-CUP**

9 Request: Request for a Conditional Use Permit to operate a Special Event Facility, as defined
10 in Article 2 of the Zoning Ordinance (Project Name: "The Quarry"). The proposal
11 consists of hosting an average of 15 events per year with a maximum capacity of 125
12 guests. The applicant is proposing a maximum of 30 grass parking spaces. Events
13 that may necessitate additional parking will be addressed by requiring small group
14 transport services.

15 Parcel Info: Alexis Bonnell and Kerian McManus, Property Owner
16 Mallard's Paddle Place Subdivision, Lot 3, 144 Quarry Run Road, Harpers Ferry, WV
17 Parcel ID: 04000400080000; Parcel Size: 21 acres; Project Size: 18 acres;
18 Zoning District: Rural

19 Ms. Alexis Bonnell, property owner, was present to address the Board. Ms. Beaulieu provided an
20 overview of her staff report to the Board and reviewed the required criteria for a Conditional Use
21 Permit. Ms. Beaulieu noted that as presented, the proposal would not necessitate a site plan because
22 no structures were proposed and the parking would occur on grass.

23 Ms. Bonnell explained the nature of the request to the Board and addressed their questions
24 regarding quarry safety, parking, noise, and neighborhood compatibility. Ms. Bonnell stated that the
25 property was unique and she wanted to find a way to share the unique qualities of the property with
26 other people, while continuing to be good stewards of the land. Ms. Bonnell stated that she and her
27 husband do not have any plans to move and that she was agreeable to not transferring the business
28 with any future sale of the property.

29 Mr. Quynn opened the public hearing.

30 The following members of the public provided testimony:

31 Steve Whitmore, Pam Underhill, and Matt Cockerham, adjacent property owners, spoke in support
32 of the request noting that they would be willing to work directly with the applicant pertaining to
33 their concerns regarding noise and traffic as opposed to the Board imposing conditions of approval.
34 Each neighbor addressed questions from the Board, including Mr. Cockerham who stated that the
35 access easement is wide enough to accommodate incoming and outgoing traffic.

36 Joanne Cembrook and Eric Cembrook adjacent property owners, spoke in opposition to the request
37 citing concerns regarding noise, traffic safety, and impact on property values.

38 Mr. Quynn closed the public hearing.

39 In response to the neighbor's concerns regarding traffic safety at the entrance to the property, Mr.
40 Quynn advised that the property owner contact the West Virginia Division of Highways to evaluate
41 the property's entrance(s).

42 Ms. Bonnell addressed the following items during her rebuttal:

- 1 a) Ms. Bonnell stated that the proposal would promote recreational tourism, which is
2 encouraged by the County's Comprehensive Plan.
- 3 b) To mitigate visual and audible impacts, Ms. Bonnell noted that when she purchased the
4 property, she planted 350 Green Giant evergreen trees planted along the perimeter of the
5 property. Ms. Bonnell stated she would be willing to work with her neighbors to identify
6 where to plant additional trees.
- 7 c) Ms. Bonnell stated that only temporary, directional signs would be utilized to identify the
8 property to incoming traffic and no permanent signs were proposed.
- 9 d) Ms. Bonnell stated that the number of events would be limited to a total of 15-events per
10 year.
- 11 e) Ms. Bonnell stated she would be willing to limit the Conditional Use Permit approval to her
12 ownership only and that it would not transfer to the next property owner.
- 13 f) Ms. Bonnell stated she would not be obtaining a WV ABC license for the event venue as the
14 expectation would be that if a guest wanted to provide alcohol to guests at an event, they
15 would hire a caterer/vendor who held an ABC license or it would be a bring your own
16 beverage event.
- 17 g) Ms. Bonnell noted that the 30 parking spaces would be inclusive of all guests as well as all
18 vendors related to the event.
- 19 h) Ms. Bonnell added that use of vendors at events would support other local businesses such
20 as florists, caterers, lodging, etc. and benefit the local economy.
- 21 i) Ms. Bonnell stated she would be willing to require that events end at 9:00 pm and would
22 allow for an additional hour for event clean-up to be completed between 9:00 p.m. and
23 10:00 p.m.
- 24 j) Ms. Bonnell stated she has a decibel meter to monitor noise levels to help ensure
25 compliance with the noise criteria in the Zoning Ordinance.

26 Mr. McKinney moved to go into deliberative session at 4:01 pm. Ms. Shremshock seconded the
27 motion, which carried unanimously.

28 Mr. McKinney moved to come out of deliberative session at 4:39 pm. Ms. Shremshock seconded
29 the motion, which carried unanimously.

30 The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance,
31 noting the following:

- 32 1. The Comprehensive Plan promotes tourism and compatible businesses in the Rural district.
33 The subject request appears to comply with the goals of the Comprehensive Plan and meets
34 the criteria of the Zoning Ordinance.
- 35 2. The proposed use will not pose a threat to the public health, safety, and welfare, particularly
36 if certain conditions of approval are required. The Board acknowledged that the applicant
37 represented that she has a good relationship with the Jefferson County Water Rescue Team
38 and it appears that safety is a priority in using the property, especially any use of the quarry.
39 Traffic increase would be marginal, and no new buildings or permanent parking lots were
40 proposed; therefore, the proposal does not appear to change the character of the area.
- 41 3. The proposed use does not appear to hinder or discourage future development of adjacent
42 land and buildings. The Board noted that the surrounding properties were already

1 substantially developed and future development is not anticipated, nor would it be hindered
2 by the proposed use.

3 4. The Board acknowledged that the applicant had installed trees to along the perimeter of the
4 property to mitigate impact on adjoining properties and to improve the property. The Board
5 also acknowledged that the applicant stated she was willing to work in collaboration with
6 adjoining property owners to plant additional trees where needed.

7 5. The Board acknowledged that the applicant was taking the necessary steps to ensure
8 compliance with Section 8.9 by purchasing the decibel meter and agreeing to a reasonable
9 end time for events.

10 6. The Board stated that Engle Switch Road not named in the Highway Problem Areas map
11 and that the anticipated traffic count would be a minimal increase to the existing road.

12 Additional discussion regarding the conditional use criteria ensued.

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

14 1. Event parking is prohibited on the southeast end of the property.

15 2. The southeast gate located along Engle Switch Road shall be closed during events except in
16 the event of an emergency. Only the main entrance will be used during the events.

17 3. Event parking is limited to the northwest corner of the property.

18 4. The applicant is bound by their testimony.

19 Mr. Quynn offered an amendment to include the following condition:

20 1. As proffered by the applicant, the conditional use permit shall become void after the sale of
21 the property to anyone outside of the family.

22 Mr. Quynn called for a vote on the amendment, which carried three (3) in support and two (2) in
23 opposition (Mr. McKinney and Ms. Shremshock).

24 Mr. Wiegand offered a second amendment to the amended motion to include the following
25 condition:

26 1. To limit the number of event to three (3) events per month.

27 Mr. Quynn called for a vote on the second amendment, which carried three (3) in support and two
28 (2) in opposition (Mr. McKinney and Ms. Shremshock).

29 Mr. Quynn called for a vote on the amended motion, which carried unanimously.

30 **Review and Approval of the revised Board of Zoning Appeals Rules of Procedure (RoP), as**
31 **amended by the Board on 10/27/22.**

32 The Board requested that the original text of Section 3.4 remain in the RoP and the reference to the
33 Secretary language be added as a new Section (3.5).

34 Mr. Guier moved to approve the changes as discussed. Mr. Quynn called for a vote, which carried
35 unanimously.

36 **Zoning Administrator's Report**

37 Ms. Beaulieu noted the next meeting date was February 23, 2023.

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

1 **Legal Update**

2 a. Discussion of the following pending lawsuit:

3 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy
4 Facilities) Rockwell v. JCPC, JCBZA and JCCC.

5 2. Jefferson County Circuit Court Case #CC-19-2022-C-103 (RE: 22-4-CUP Blake Solar
6 Energy Facility) Stone v. JCBZA.

7 3. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy
8 Facility / File 22-9-CUP) Rockwell v. JCBZA.

9 Mr. Groh informed the Board that Items #1 and #3 listed above are still ongoing and that
10 Item #2 has been resolved and may be removed from the agenda.

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

12 Meeting: December 8, 2022

13 1. Variance from Section 9.7. Owner: Ricki & Dawn Hoffman. File: 22-39-ZV.

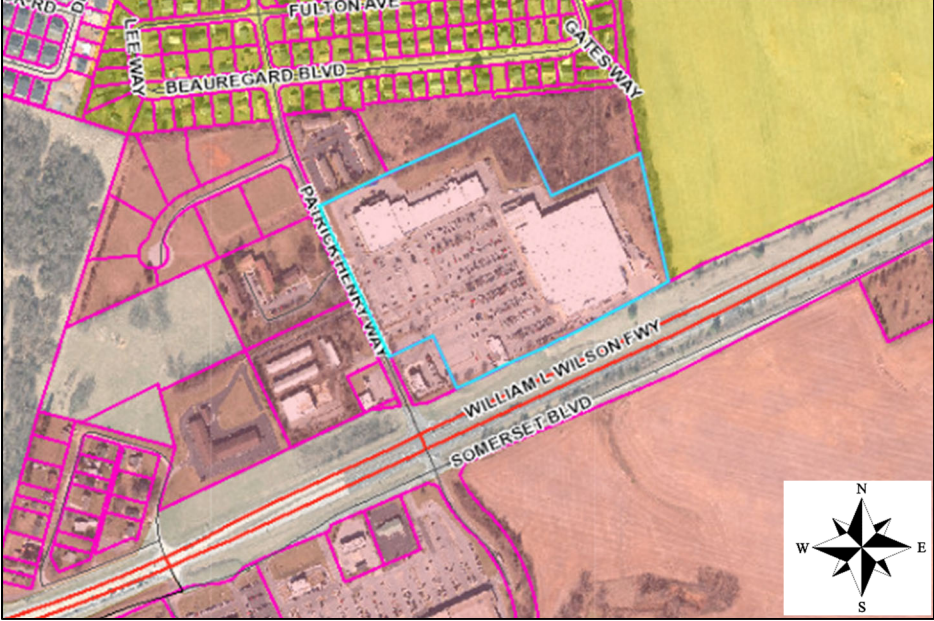
14 2. Variance from Section 4.11 and Appendix B. Owner: SAB real Estate. File: 22-40-ZV.

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

16 Mr. McKinney moved to adjourn the meeting at 5:15 pm. Mr. Quynn called for a vote, which carried
17 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 February 23, 2023
23-4-ZV: Walmart Expansion Variance Request

Item #1 Request #1: Variance from Section 8.9A.9 to eliminate the requirement to install a frontage road (similar request granted for original site design in 1996 – File #ZV96-55); and Section 8.9.A.10 to maintain landscape buffer standard that was approved in 1996 (File #ZV96-52) along US Route 340 which was reduced from 50’ to a varying width of approximately 21’-40’; and to reduce the commercial setback from 25’ to 24’ from the edge of the existing landscape buffer for the proposed 2,420 sf addition.

Owner	SUSO 2 Alabama LP
Consultant	Dewberry / Attn: Carolyn Howard
Parcel Information and Zoning District:	<p>96 Patrick Henry Way, Charles Town WV; Parcel ID: 02000800290002; Size: ~21 acres; Zoning District: Residential- Light Industrial-Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North, South, and West: Residential- Light Industrial-Commercial East: Residential Growth</p>
History:	Walmart Site Plan: a redevelopment of the existing commercial shopping center (File: 96-16-S)
Waivers/Variances:	<p>08/15/96: BZA approved the following variances:</p> <ul style="list-style-type: none"> • Reduction of the side distance requirement from 75' to 45' (ZV96-49) • Reduction of the front parking setback from 15' to 10' (ZV96-50) • Reduction of the front setback from 25' to 5' for a retaining wall (ZV96-51) • Reduction of the landscape buffer from 50' to 30' (ZV96-52) • Reduction of the side setback from 50' to 30' for a retaining wall (ZV96-53) • Reduction of the rear setback from 50' to 10' for a retaining wall (ZV96-54) • Elimination of the frontage road requirement (ZV96-55) • Establish a Fast Food Restaurant within a commercial building (ZV96-56) <p>06/19/97: BZA approved a variance to allow a freestanding sign along Route 340 (ZV97-18)</p>

Staff Report
 Jefferson County Board of Zoning Appeals
 February 23, 2023

23-4-ZV: Walmart Expansion Variance Request

	07/17/97: BZA approved a variance for placement of a temporary leasing sign (ZV97-31) 06/18/98: BZA approved a variance to utilize 80 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV98-09) 02/17/00: BZA approved a variance to utilize 89 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV00-01) 09/20/01: BZA approved a variance to allow the garden center seasonal use within the parking lot of shopping center (ZV01-22) 08/21/03: BZA approved a variance to reduce the number of parking spaces from 1238 to 1204 for the expansion of the garden center. Does not impact the seasonal use items in parking lot (cont'd from 07/17/03) (ZV03-21) 02/14/23: PC approved waiver to eliminate the requirement to process a site plan for the proposed 2,420 square foot addition.
Approved Activity:	Shopping Center
Site Visit Conducted:	Site visit not conducted.

Staff Overview

The applicant is proposing a 2,420 square foot addition along the southern portion of the existing Walmart Store in Charles Town. The existing Walmart retail store and shopping center site plan was approved in 1996 (Site Plan File #S96-16). The purpose of the proposed expansion is to streamline their customer pick up services.

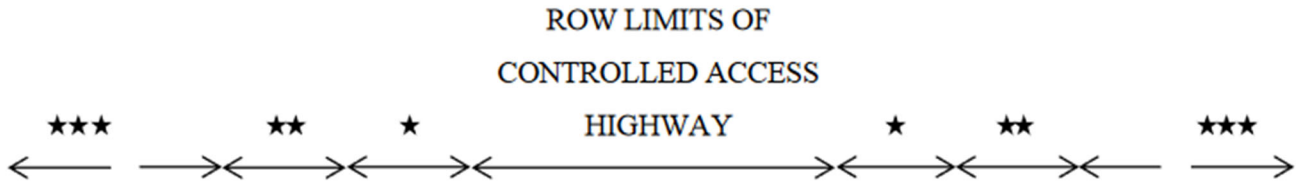
The applicant is requesting a variance from Section 8.9A.9 to eliminate the required frontage road for projects located along a limited access highway (Route 340). The purpose of a frontage road is to ensure access is available to properties along a limited access highway and connect these properties to local roads that have direct access to the limited access highway. The applicant was granted a similar request in 1996 (File #ZV96-55). Providing an easement for a frontage road on this property does not appear to be feasible, based on how the site was previously developed.

The applicant is also requesting a variance from Section 8.9A.10 to maintain the previously approved landscape buffer along US Route 340, which was reduced from 50' to a varying width of approximately 21'- 40' (as depicted in site plan file S96-16); and to reduce the 25' setback to 24' from the edge of the modified landscape buffer to allow construction of a proposed 2,420 sf addition. Below is a diagram depicting the road frontage, buffer, and setback requirements for development along a controlled access highway.

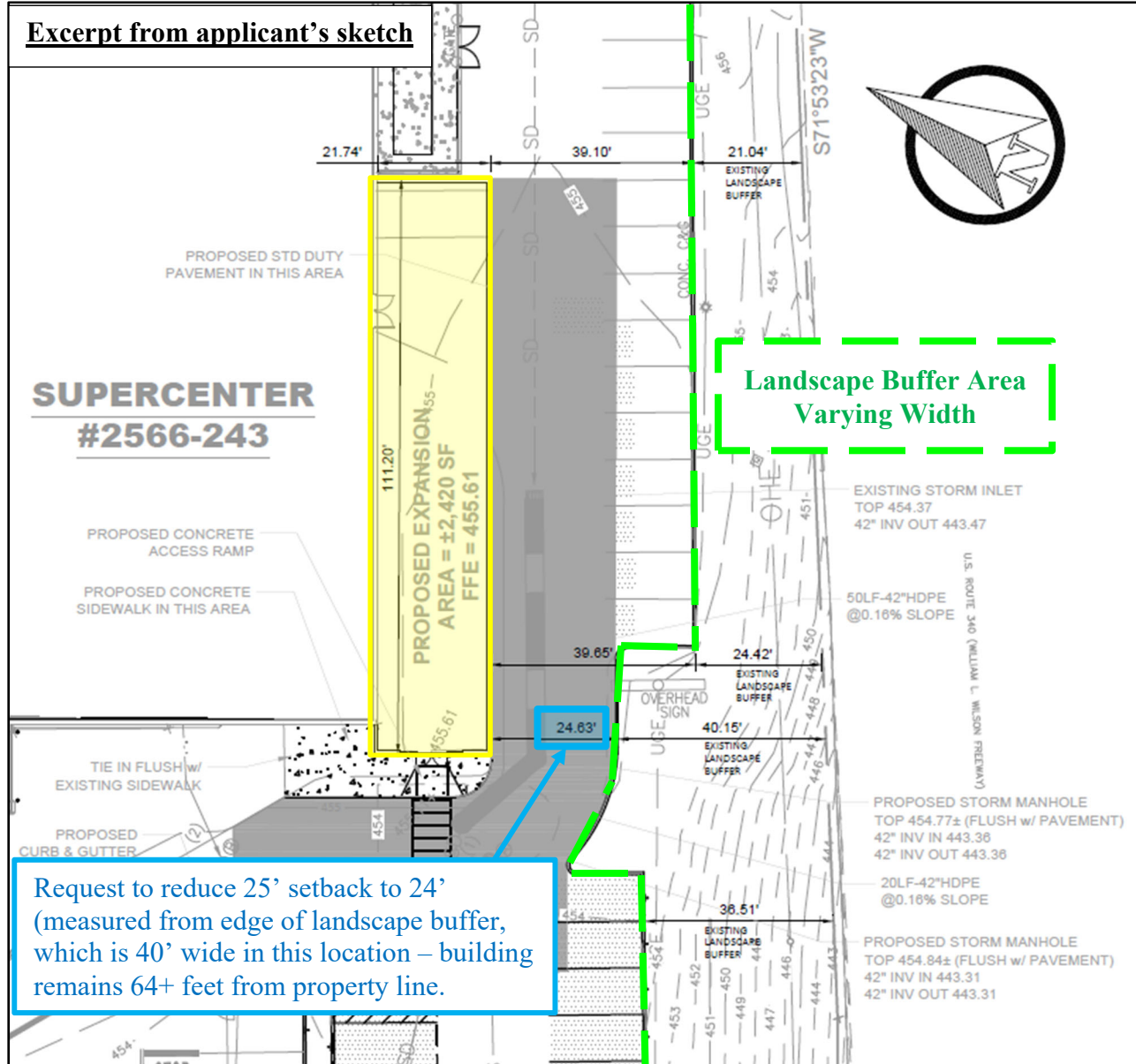
On February 14, 2023 the Planning Commission granted a request to waive the requirement to process a site plan for the proposed addition with the understanding that the Board would be evaluating the subject two requests related to the required parking and setbacks/landscaping. While similar variances were granted related to the landscape buffer requirements, the proposed expansion necessitates additional evaluation of the standards. Staff does not have the administrative discretion to modify the site development standards.

Staff Report
 Jefferson County Board of Zoning Appeals
 February 23, 2023
23-4-ZV: Walmart Expansion Variance Request

All front setbacks (building and parking lot) are to be measured from the landscape buffer.
 (See diagram)



- ★ Maximum 60' easement or dedication for frontage road
- ★★ 50' landscaped buffer strip
- ★★★ Setbacks



Staff Report
 Jefferson County Board of Zoning Appeals
 February 23, 2023
23-4-ZV: Walmart Expansion 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 8.9 Industrial and Commercial Uses²³

A. Industrial and commercial uses in all districts shall comply with the following standards:

9. Frontage Road

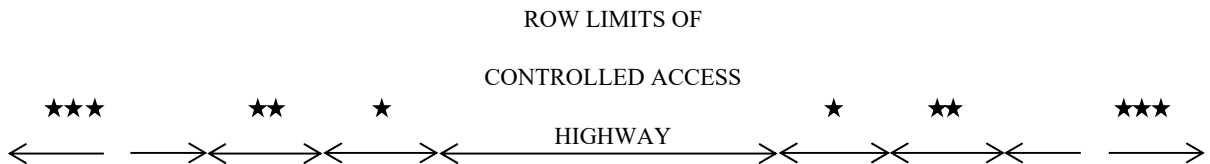
Easements or fee simple dedications will be provided along all limited access highways at the site plan or subdivision phases. Said easement/dedication shall not exceed 60 feet in width. The width may vary but must be adequate for extension, continuation or establishment of a minimum 20' wide paved frontage road.

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.²⁷

A fifty (50) foot wide landscape buffer strip will be provide along all limited access highways. A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)



- ★ Maximum 60' easement or dedication for frontage road
- ★★ 50' landscaped buffer strip
- ★★★ Setbacks

This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.⁵



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: 23-4-ZV
 Staff Initials: gt
 Meeting Date: 02-23-23
 Fees Paid (\$100 or \$150): 100

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: SUSO 2 Alabama LP, a Delaware limited partnership
 Mailing Address: c/o Slate Asset Management L.P., 121 King Street West, Suite 200, Toronto, Ontario M5H 3T9 Canada
 Phone Number: +1 416 583 1732 Email: stelios@slateam.com

Applicant Contact Information

Name: Walmart c/o Mike Rutherford, Senior Project Manager
 Mailing Address: 2608 SE J Street, Bentonville, AR 72716
 Phone Number: 479-270-7024 Email: Mike.Rutherford@walmart.com

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

Name: Dewberry Engineers c/o Carolyn Howard, PE
 Mailing Address: 551 Piney Forest Road, Danville, VA 24540-3353
 Phone Number: 434-549-8505 Email: choward@dewberry.com

Physical Property Details

Physical Address: 96 Patrick Henry Way
 City: Charles Town State: WV Zip Code: 25414
 Tax District: _____ Map No: 8 Parcel No: 02 8002900020000
 Parcel Size: 21.33 acres Deed Book: 1170 Page No: 471

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input checked="" 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"/>

RECEIVED

JAN 24 2023

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 8.9A.10

Briefly describe the nature of the variance request:

Section 8.9A.10 requires a 50-foot wide landscape buffer strip along limited access highways; there is an existing minimum buffer width of approx. 22 feet at the location of the proposed building addition.

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:

The variance is for an existing condition, as perviously approved by Jefferson County.

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 plan was previously approved by Jefferson County.

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

The variance will allow the existing parking and truck turning area to remain as previously approved by Jefferson County.

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

The 50-foot buffer strip requirement is primarily in areas where there is a frontage road. There is not a frontage or other existing road at this location.

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.

SUSO 2 Alabama LP, by its general partner, SUSO 2 Alabama GP LLC, by its manager, Slate U.S. Opportunity (No. 2) Holding L.P., by its general partner, Slate U.S. Opportunity (No. 2) Holding (LP) L.P., by its manager, Slate Holding (GP), LLC

 _____
Signature of Property Owner Date 1/27/23

Signature of Property Owner Date

Paul F. Wells, executing solely in his capacity as Manager of Slate Holding (GP), LLC. The undersigned shall have no personal liability as a result of executing this application solely in his capacity as Manager of Slate Holding (GP), LLC.

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).

02-23-23

Date of Public Hearing

02-08-23

Advertising Date

02-08-23

Placard Posting Date



MEMORANDUM

PREPARED FOR: Jefferson County, WV Board of Zoning Appeals

PREPARED BY: Carolyn A. Howard, PE

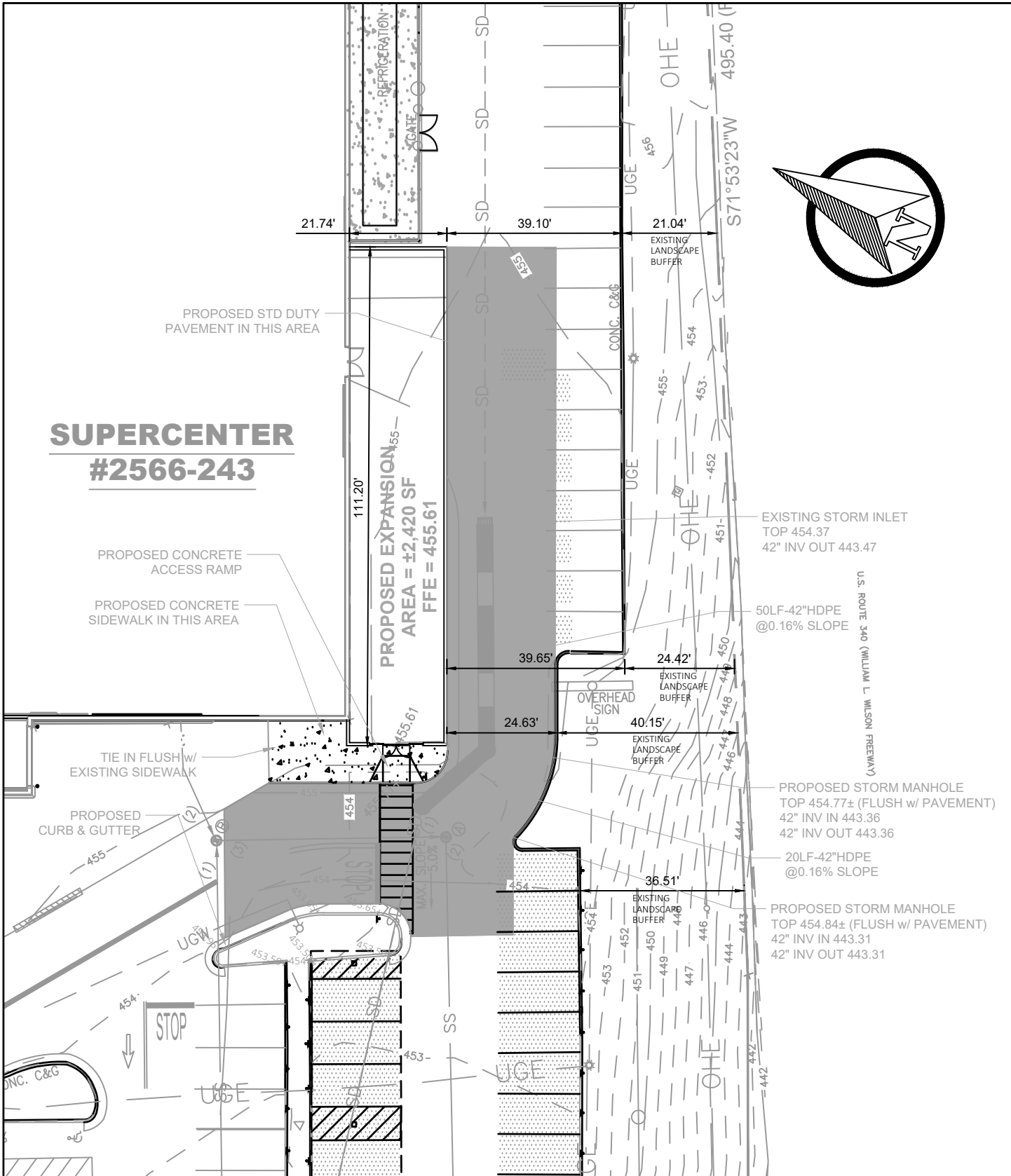
DATE: February 2, 2023

SUBJECT: 2566.243 Walmart Proposed Building Addition: Section 8.9 A.10 Variance Request

This memorandum is supplemental to the Zoning Variance Request related to Section 8.9 A.10 of the Zoning Ordinance for the Walmart located at 96 Patrick Henry Way dated January 24, 2023.

The proposed building addition and dimensions related to the landscape buffer strip along US Route 340, a controlled access highway, are shown on the attached Exhibit 1. At the location of the proposed addition, the existing landscape buffer is defined by the back of curb along the existing parking and drive aisles and is currently less than the required 50-feet with a variable width of approximately 21 to 40 feet from the property line. The existing buffer will be retained following construction.

The distance from the existing landscape buffer to the existing building face varies from approximately 46 to 61 feet. The proposed addition is approximately 21 x 111; therefore, the distance from the existing landscape buffer to the proposed building varies from approximately 24.5 to 39 feet, as the proposed building expansion is 21.74 feet in width from the existing building.



**SUPERCENTER
#2566-243**

**PROPOSED EXPANSION⁴⁵⁵
AREA = ±2,420 SF
FFE = 455.61**

PROPOSED CONCRETE
ACCESS RAMP
PROPOSED CONCRETE
SIDEWALK IN THIS AREA

TIE IN FLUSH w/
EXISTING SIDEWALK
PROPOSED CURB & GUTTER

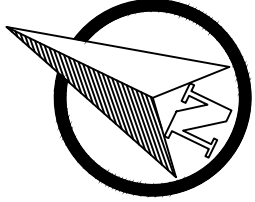
EXISTING STORM INLET
TOP 454.37
42" INV OUT 443.47

50LF-42"HDPE
@0.16% SLOPE

PROPOSED STORM MANHOLE
TOP 454.77± (FLUSH w/ PAVEMENT)
42" INV IN 443.36
42" INV OUT 443.36

PROPOSED STORM MANHOLE
TOP 454.84± (FLUSH w/ PAVEMENT)
42" INV IN 443.31
42" INV OUT 443.31

U.S. ROUTE 340 (WILLIAM L. WILSON FREEWAY)



Dewberry
Dewberry Engineers Inc.
551 Piney Forest Road
Danville, VA 24540-3353
434.797.4497

SCALE: 1"=30'

TITLE Section 8.9 Variance Request	DATE 2/02/2023	REVISION .	SHEET NO. EXHIBIT1
PROJECT 2566-WALMART CHARLESTOWN-WV	PROJ. NO. 50151987	DRAWING NO. .	

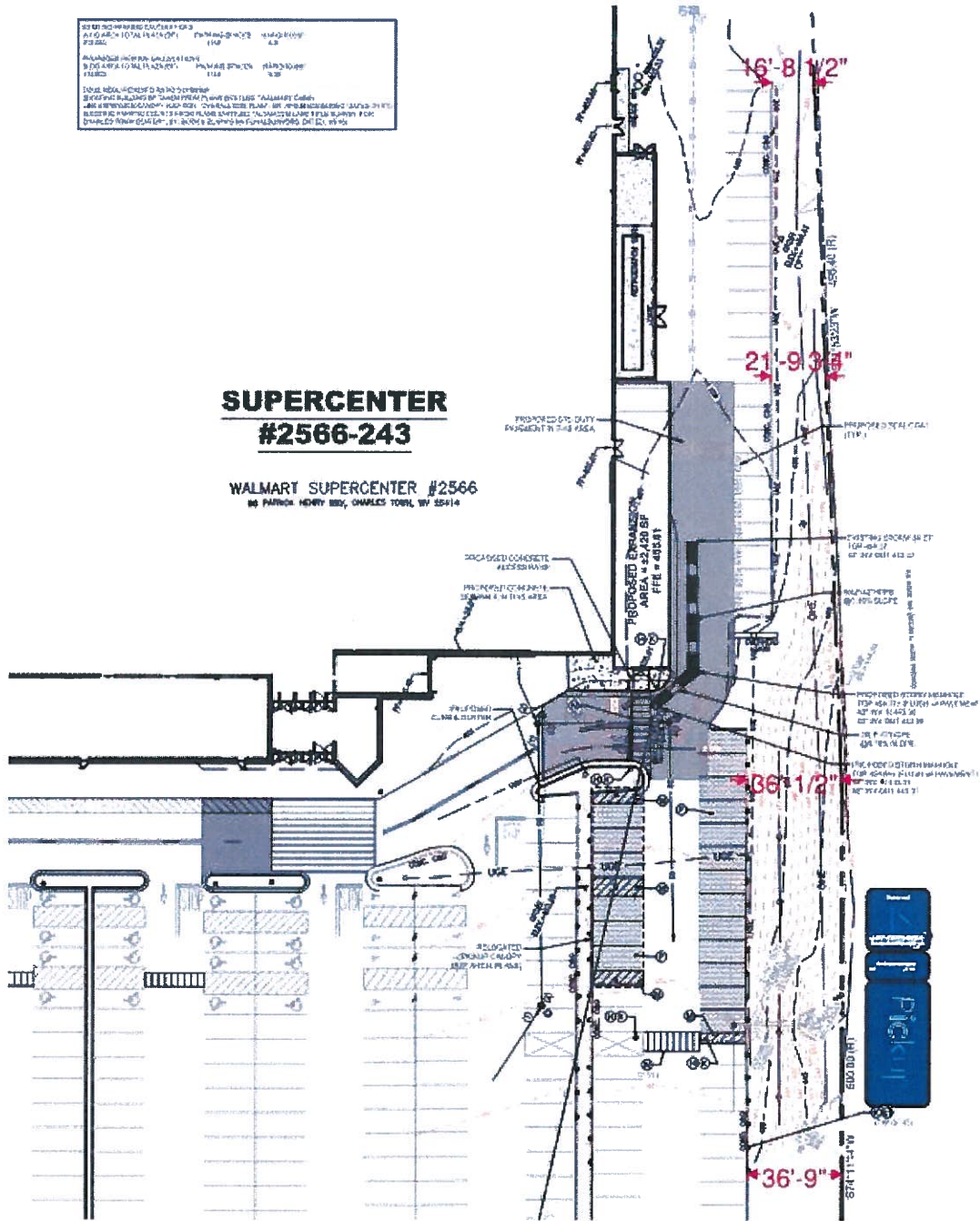
**WALMART 2566 CHARLES TOWN, WV
SECTION 8.9 VARIANCE REQUEST EXHIBIT**

PERMITTED SQUARE FEET	11,000	PERMITTED SQUARE FEET	11,000
PERMITTED TOTAL AREA	11,000	PERMITTED TOTAL AREA	11,000
PERMITTED TOTAL AREA	11,000	PERMITTED TOTAL AREA	11,000
PERMITTED TOTAL AREA	11,000	PERMITTED TOTAL AREA	11,000

TOTAL AREA: 11,000 SQ. FT.
 PERMITTED SQUARE FEET: 11,000
 PERMITTED TOTAL AREA: 11,000
 PERMITTED TOTAL AREA: 11,000

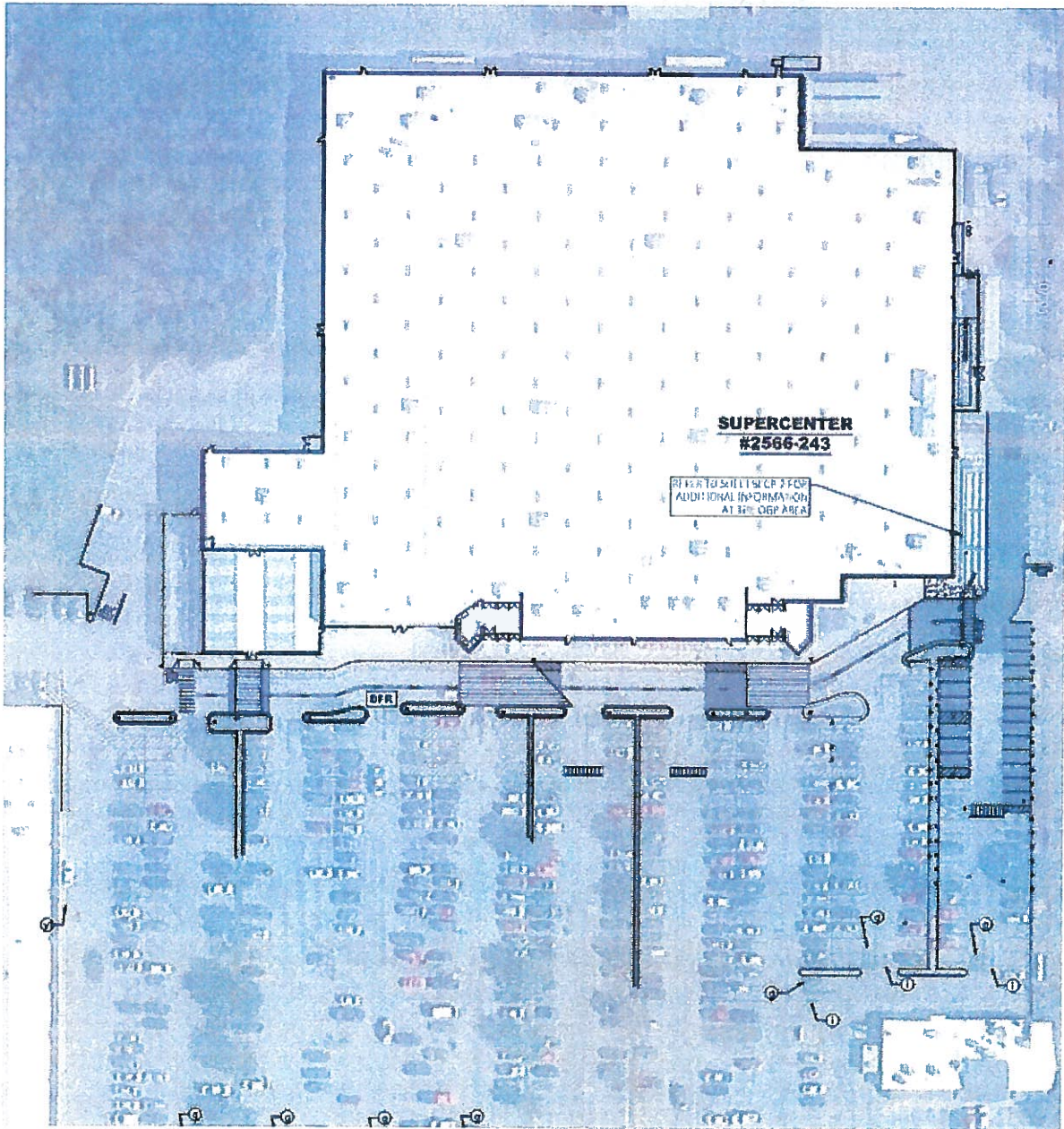
**SUPERCENTER
#2566-243**

WALMART SUPERCENTER #2566
86 PATRICK HENRY RD., CHARLES TOWN, WV 25414



Carolyn A. Howard
Carolyn Howard
January 24, 2023

WALMART 2566 CHARLES TOWN, WV
SECTION 8.9 VARIANCE REQUEST EXHIBIT

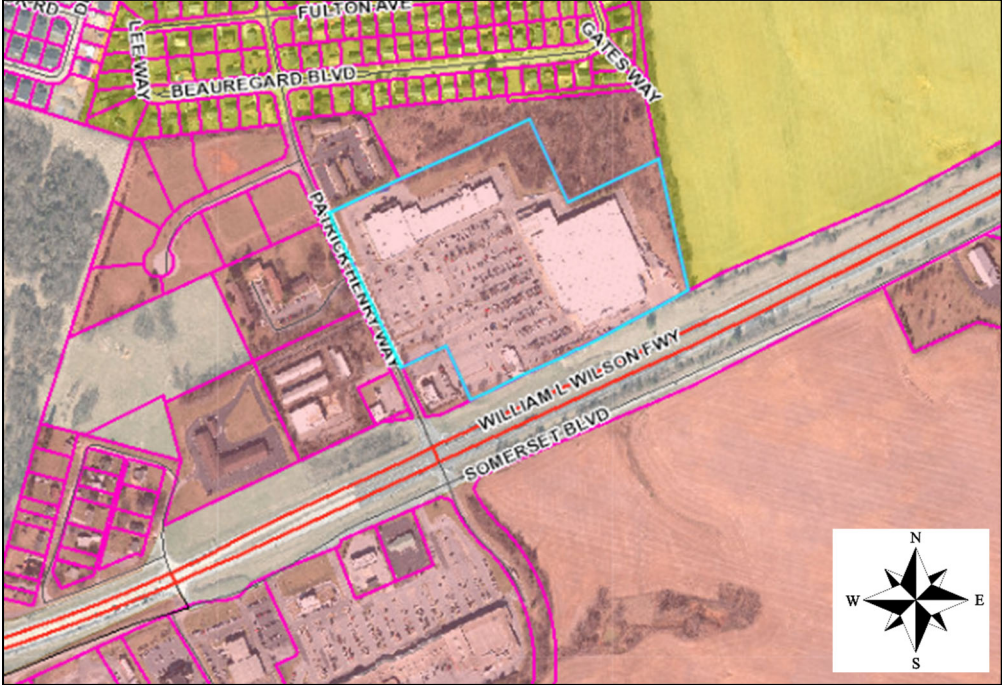


Carolyn A. Howard

Carolyn Howard
January 24, 2023

Staff Report
 Jefferson County Board of Zoning Appeals
 February 23, 2023
23-5-ZV: Walmart Expansion Variance Request

Item #1 Request #2: Variance from Section 11.1A to waive the requirement to install an additional 13 parking spaces for the proposed expansion; to remove ten existing parking spaces where the addition will be constructed; and to reduce the number of required parking spaces from 1,204 (as approved via variance on 08/21/03 – File #ZV03-21) to 1,154 (actual number of parking spaces on site, after construction of proposed addition).

Owner	SUSO 2 Alabama LP
Consultant	Dewberry / Attn: Carolyn Howard
Parcel Information and Zoning District:	<p style="text-align: center;">96 Patrick Henry Way, Charles Town WV; Parcel ID: 02000800290002; Size: ~21 acres; Zoning District: Residential- Light Industrial-Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North, South, and West: Residential- Light Industrial-Commercial East: Residential Growth</p>
History:	Walmart Site Plan: a redevelopment of the existing commercial shopping center (File: 96-16-S)
Waivers/Variances:	<p>08/15/96: BZA approved the following variances:</p> <ul style="list-style-type: none"> • Reduction of the side distance requirement from 75' to 45' (ZV96-49) • Reduction of the front parking setback from 15' to 10' (ZV96-50) • Reduction of the front setback from 25' to 5' for a retaining wall (ZV96-51) • Reduction of the landscape buffer from 50' to 30' (ZV96-52) • Reduction of the side setback from 50' to 30' for a retaining wall (ZV96-53) • Reduction of the rear setback from 50' to 10' for a retaining wall (ZV96-54) • Elimination of the frontage road requirement (ZV96-55) • Establish a Fast Food Restaurant within a commercial building (ZV96-56) <p>06/19/97: BZA approved a variance to allow a freestanding sign along Route 340 (ZV97-18)</p>

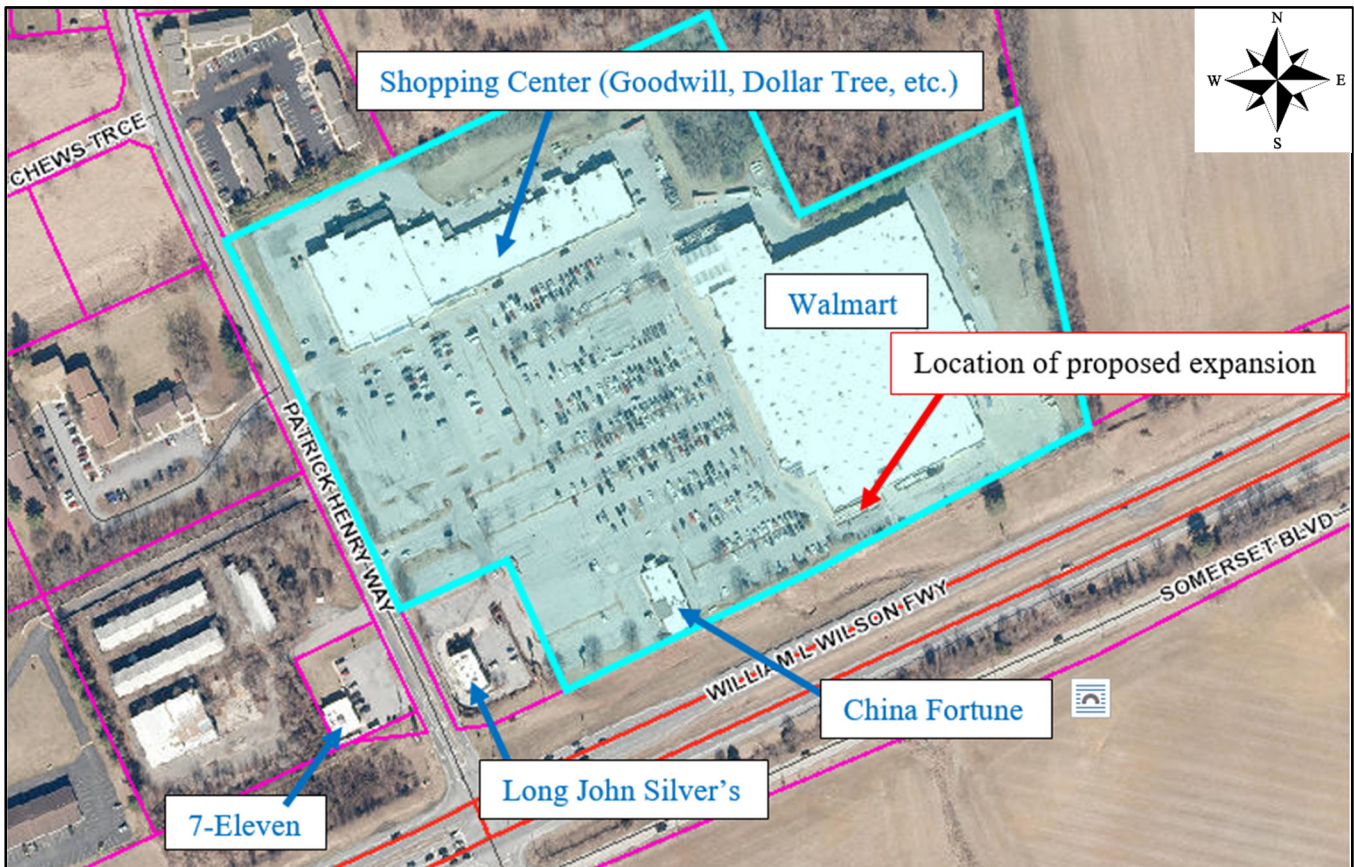
Staff Report
 Jefferson County Board of Zoning Appeals
 February 23, 2023

23-5-ZV: Walmart Expansion Variance Request

	07/17/97: BZA approved a variance for placement of a temporary leasing sign (ZV97-31) 06/18/98: BZA approved a variance to utilize 80 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV98-09) 02/17/00: BZA approved a variance to utilize 89 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV00-01) 09/20/01: BZA approved a variance to allow the garden center seasonal use within the parking lot of shopping center (ZV01-22) 08/21/03: BZA approved a variance to reduce the number of parking spaces from 1238 to 1204 for the expansion of the garden center. Does not impact the seasonal use items in parking lot (cont'd from 07/17/03) (ZV03-21) 02/14/23: PC approved waiver of site plan for 2,420 square foot addition.
Approved Activity:	Shopping Center
Site Visit Conducted:	Site visit not conducted.

Staff Overview

The applicant is proposing a 2,420 square foot addition along the southern portion of the existing Walmart Store in Charles Town. The existing Walmart retail store and shopping center site plan was approved in 1996 (Site Plan File #S96-16). The purpose of the proposed expansion is to streamline their customer pick-up services.



Staff Report
Jefferson County Board of Zoning Appeals
February 23, 2023
23-5-ZV: Walmart Expansion Variance Request

Article 11 establishes that permanent, off-street vehicular parking shall be provided for all nonresidential land uses. The purpose of nonresidential parking requirements is to ensure that parking is safe for users, e.g. having a solid, level surface, adequate drive aisles, suitable topography, etc. Part of ensuring that parking is safe for motorists is providing a sufficient number of spaces to prevent motorists from parking within drive aisles and creating safety hazards in navigating the parking lot. There is a balance between ensuring that an adequate number of parking spaces remain available to customers and not providing excess parking spaces, which creates additional stormwater runoff as a result of an increase in impervious area.

The applicant has stated that the proposed addition will streamline their customer pickup services, which will allow for a fast turn-over of vehicles and reduce the number of parking spaces needed to support in-store shoppers.

Section 11.1A requires 5.5 parking space per 1,000 square feet of customer floor space for a shopping center and retail stores over 2,000 square feet. Based on the square footage of the proposed addition (2,420 sf), the applicant would be required to install an additional 13 parking spaces. The applicant is requesting relief from the parking standard requiring an additional 13 parking spaces to be installed to support the proposed addition.

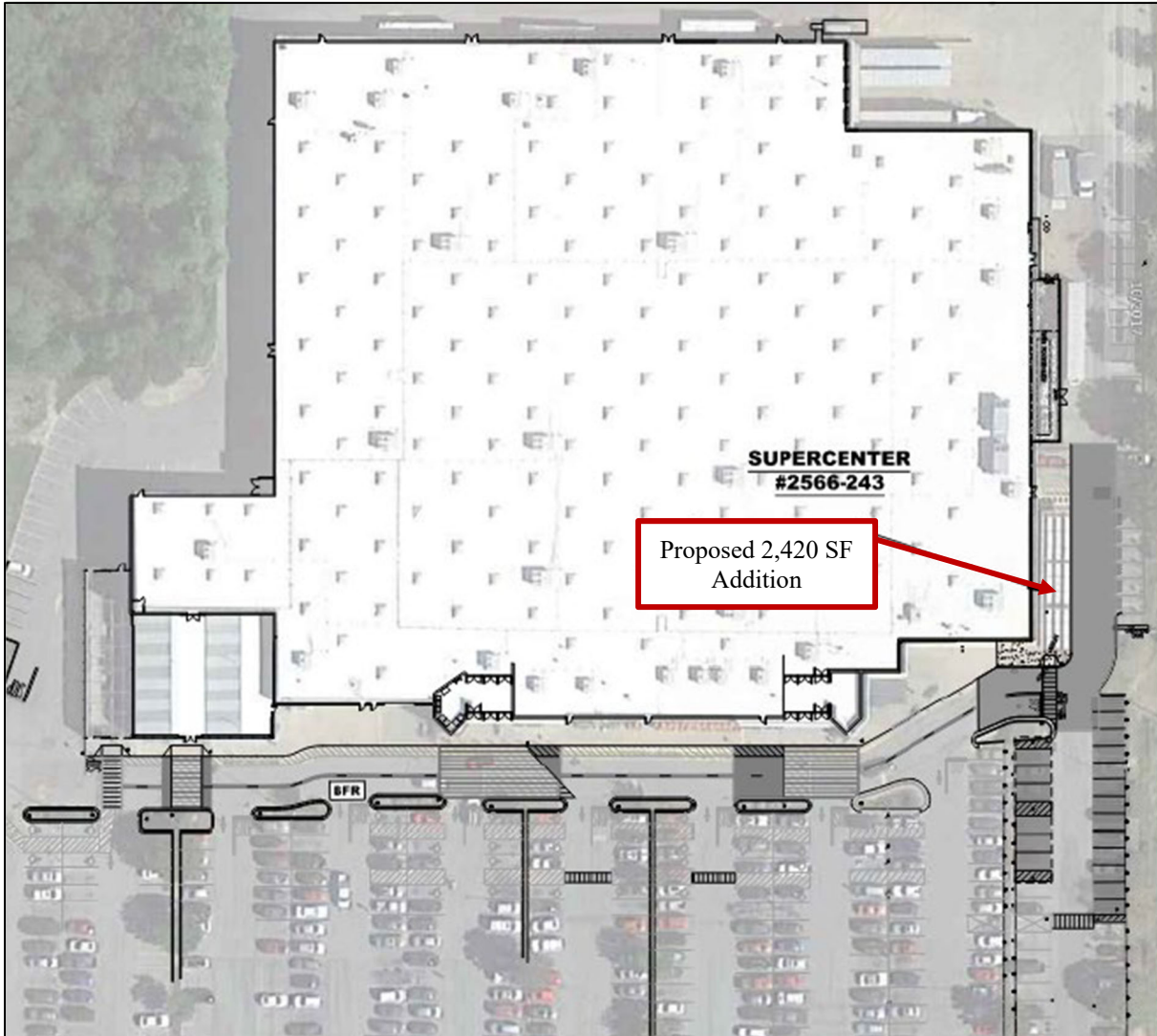
The applicant is also requesting to eliminate ten of the existing parking spaces where the addition will be constructed and to reduce the number of required parking spaces from 1,204 as approved by variance in 2003 (File #ZV03-21) to 1,154 (actual number of spaces on site, after construction of proposed addition). The total reduction would be 63 parking spaces from the Walmart parking lot area:

- 1996 Required Parking = 1,210 spaces for all retailers/restaurants on lot (Site Plan File #S96-16)
- 2003 Required Parking = 1,204 spaces (pursuant to Variance File #ZV03-21)
- 2023 expansion = **1,217 spaces required** (1,204 required + 13 required for addition)
- Actual Existing Spaces = 1,164 spaces (pursuant to applicant's recent survey)
- Addition will eliminate 10 spaces from what exists on site
- **Total Actual Spaces (after addition) = 1,154 spaces**
- 1,217 (required) – 1,154 (actual) = 63 spaces

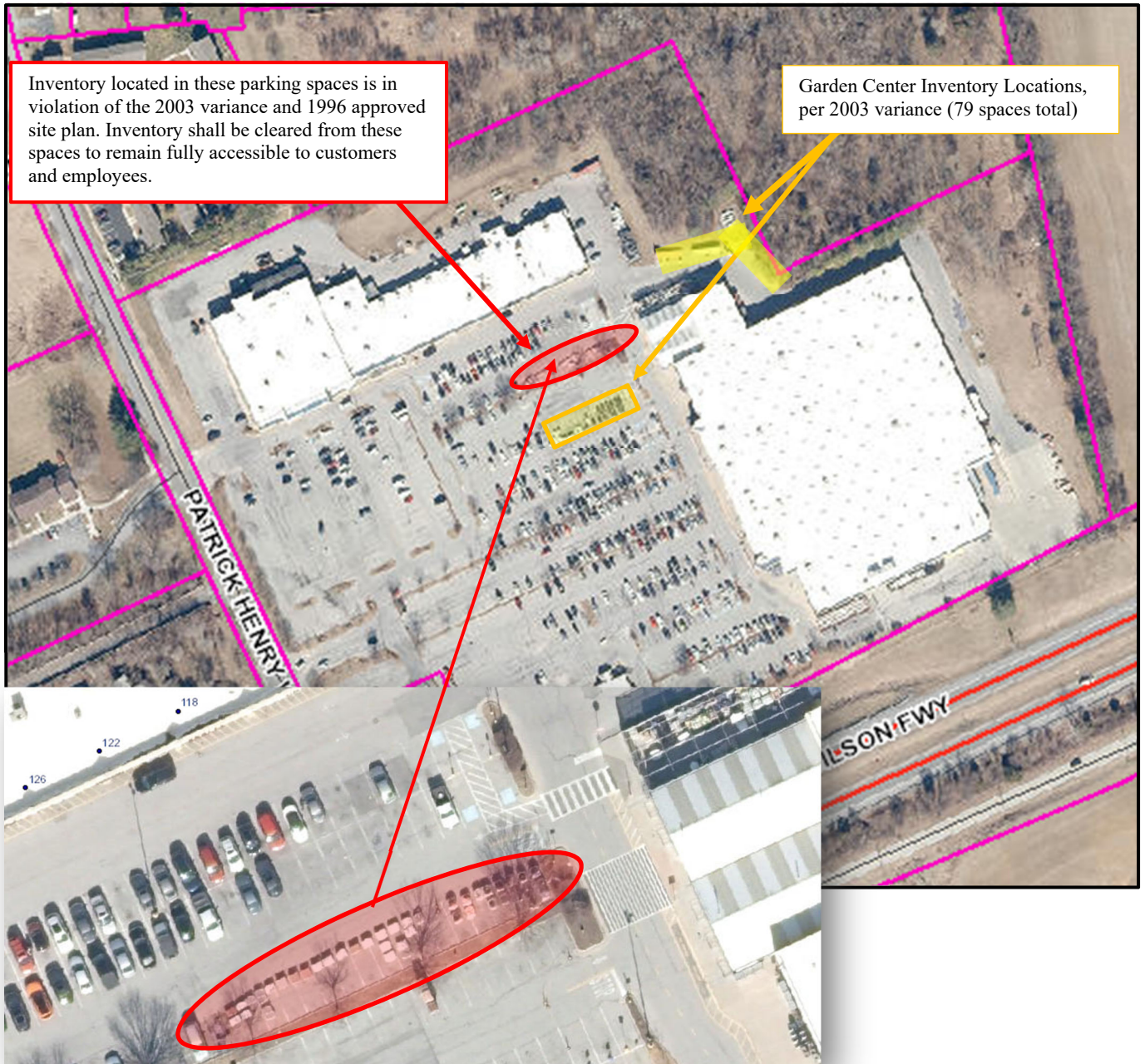
Note: *In 2004, Long John Silver's processed a Site Plan to demolish the existing restaurant and rebuilding a new restaurant. The number of required parking spaces was reduced from 29 (per 1996 site plan) to 20 (2004), which would account for nine of the unaccounted required parking spaces noted in the existing parking calculations provided by the applicant.*

In researching the history of the property, Walmart has processed a number of variances over the years to utilize 89 parking spaces for an outdoor display of garden center/seasonal items. The 2003 variance request was similar in nature to the subject request in that Walmart was granted relief from installing the additional parking spaces required for the addition, as well as an elimination of ten of the existing parking spaces that had been used for outdoor display area to construct the garden center addition. Additionally, the request included maintaining use of the corralled area within the parking lot every March through August for the garden center, which alleviated the need to come back to the Board every year for the same request, and reduced the total number of parking spaces utilized for outdoor display garden center inventory items to 79.

Staff Report
Jefferson County Board of Zoning Appeals
February 23, 2023
23-5-ZV: Walmart Expansion Variance Request



Staff Report
Jefferson County Board of Zoning Appeals
February 23, 2023
23-5-ZV: Walmart Expansion Variance Request



Conditions of Approval

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

1. Parking spaces shall not be used for storage of inventory items except for the 79 parking spaces delineated on the 2003 variance sketch (attached) to allow display of garden center/seasonal items March through August. All other areas in the parking lot currently used for storage of inventory shall be cleared and remain fully accessible for use by customers and employees; and
2. Use of parking spaces for temporary sales (e.g. sale of fireworks, etc.) shall not be permitted (see attached exhibit for example of previous approval of temporary sales).

Staff Report
Jefferson County Board of Zoning Appeals
February 23, 2023
23-5-ZV: Walmart Expansion Variance Request

Section of Ordinance to be Considered

ARTICLE 11: OFF-STREET PARKING STANDARDS²³

Section 11.1 Non-Residential Parking Standards

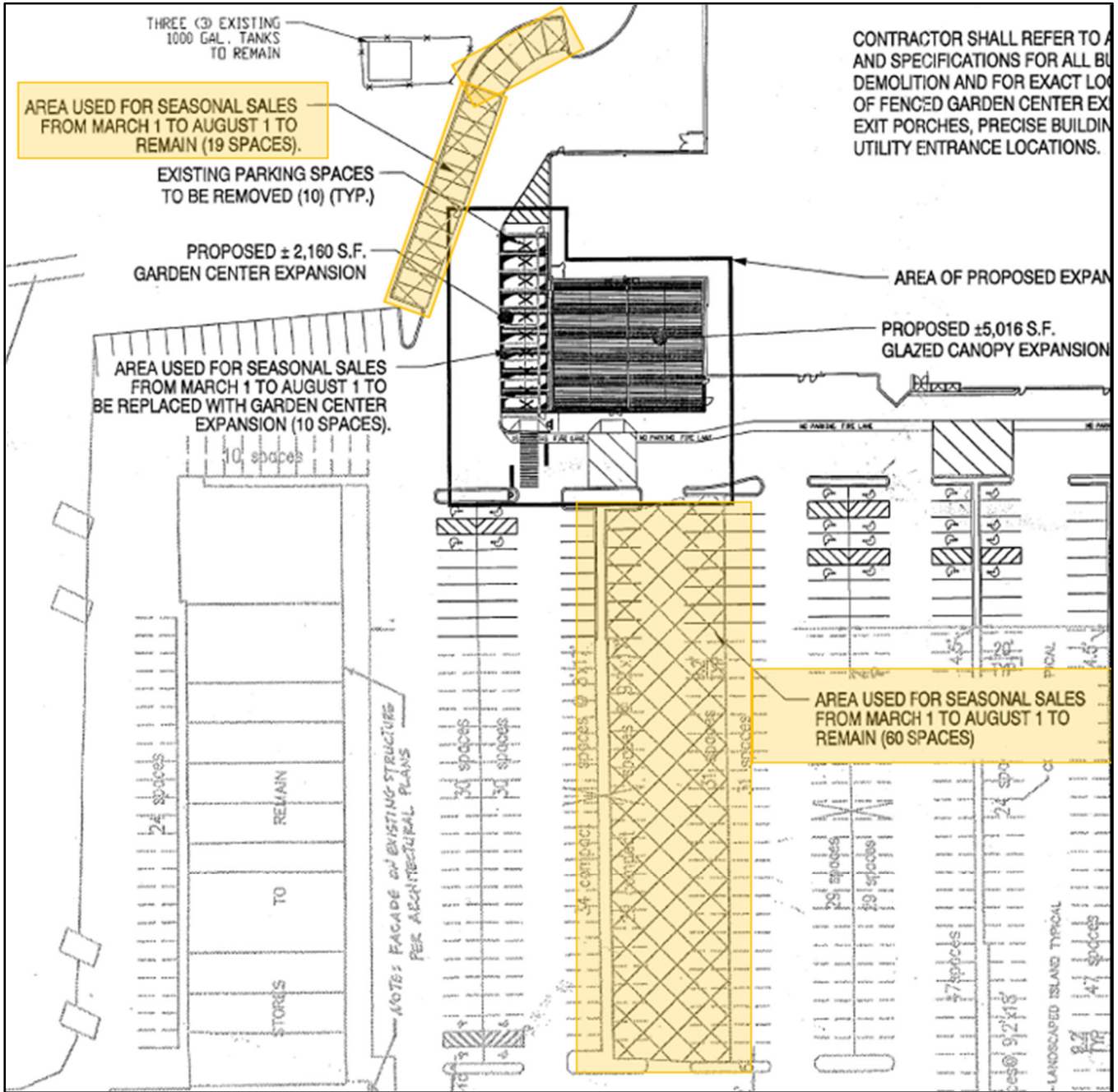
- A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per use and are as follows:⁵

Shopping Center ²³	5.5 spaces per 1,000 square feet floor space
Retail greater than 2,000 square feet of floor space	

Staff Report
Jefferson County Board of Zoning Appeals
February 23, 2023
23-5-ZV: Walmart Expansion Variance Request

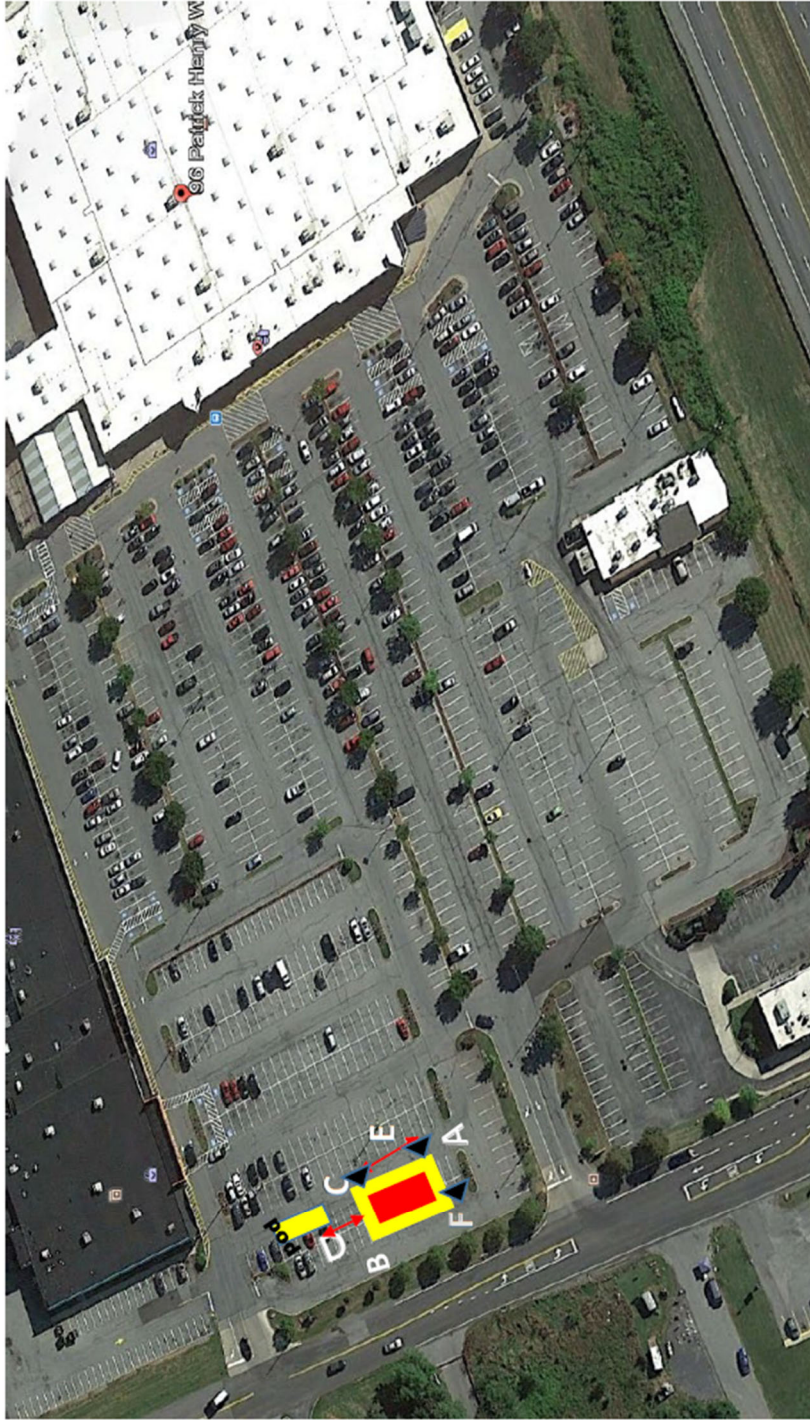
Exhibit 1: 2003 Variance Exhibit Delineating Parking Spaces Utilized for Outdoor Display of Seasonal Items March - August



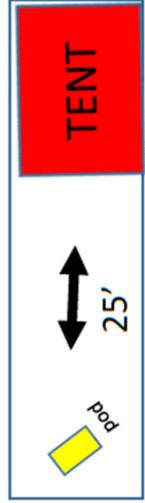
Staff Report
 Jefferson County Board of Zoning Appeals
 February 23, 2023
23-5-ZV: Walmart Expansion Variance Request

Exhibit 2: 2022 Sketch delineating location of temporary sale of fireworks operation

Store: Charles town Plaza Address: 96 PATRICK HENRY WAY CHARLES TOWN, WV 25414 Location#: FWV0096

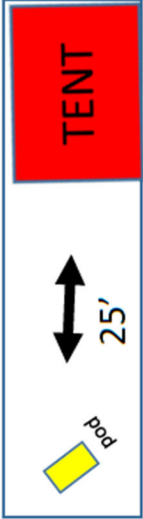
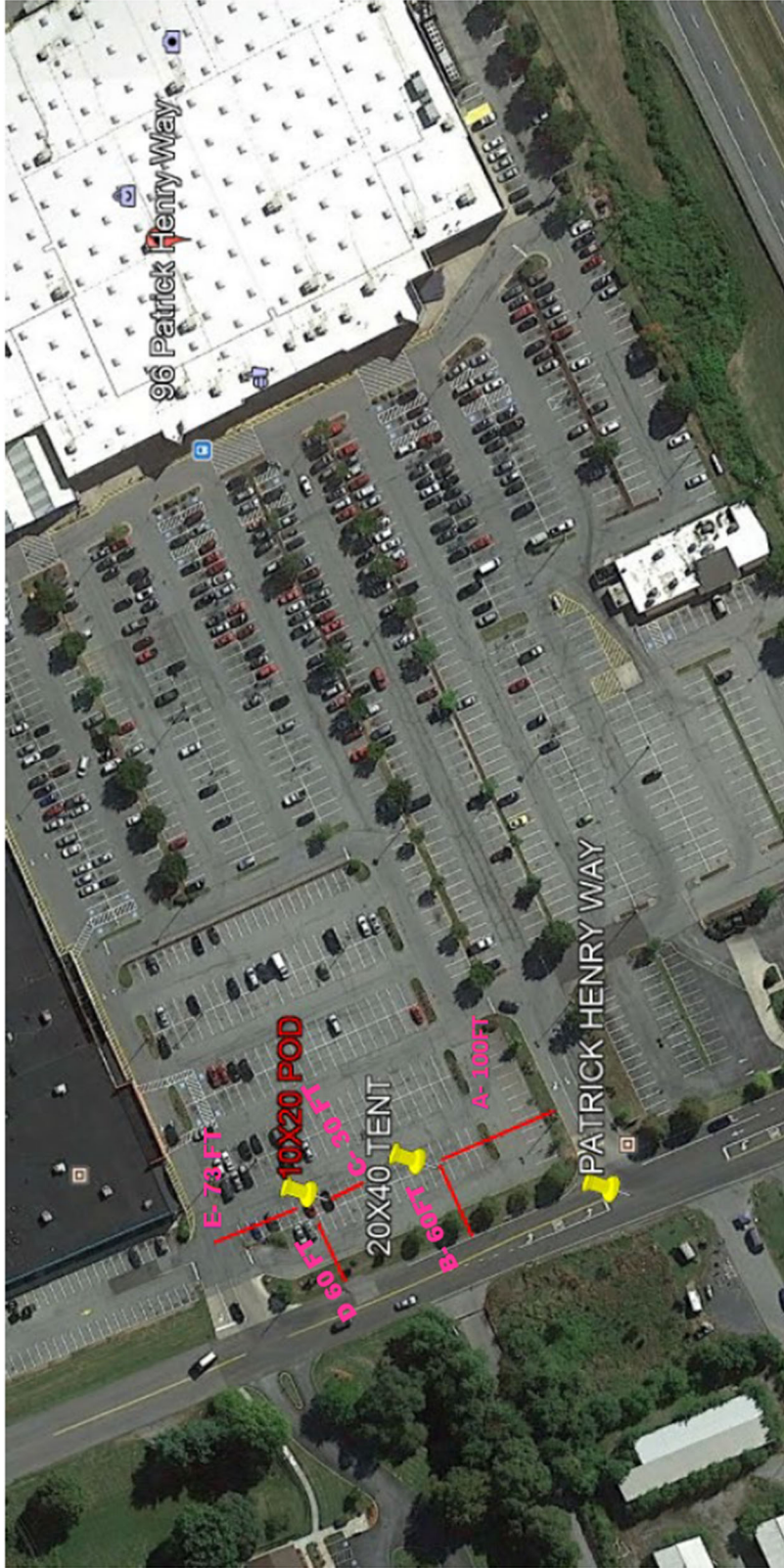


- A- Approximately but no less than 30' from curb to parking barricade
- B- Approximately but no less than 25' from curb to back side of tent -no public access from this side
- C- 10' barricade to pre vent parking next to tent = represented as a yellow solid line.
- D- Generator
- E- Approximately but no less than 70' along front side of tent plus barricade -2 public entrances/exits
- F- Public Entrance/Exit as indicated by ▲



Staff Report
Jefferson County Board of Zoning Appeals
February 23, 2023
23-5-ZV: Walmart Expansion Variance Request

Store: Charles town Plaza Address: 96 PATRICK HENRY WAY CHARLES TOWN, WV 25414 Location#: FWV0096





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: 23-5-ZV
 Staff Initials: gt
 Meeting Date: 02-23-23
 Fees Paid (\$100 or \$150): 100

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: SUSO 2 Alabama LP, a Delaware limited partnership
 Mailing Address: c/o Slate Asset Management L.P., 121 King Street West, Suite 200, Toronto, Ontario M5H 3T9 Canada
 Phone Number: +1 416 583 1732 Email: stelios@slateam.com

Applicant Contact Information

Name: Walmart c/o Mike Rutherford, Senior Project Manager
 Mailing Address: 2608 SE J Street, Bentonville, AR 72716
 Phone Number: 479-270-7024 Email: Mike.Rutherford@walmart.com

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

Name: Dewberry Engineers c/o Carolyn Howard, PE
 Mailing Address: 551 Piney Forest Road, Danville, VA 24540-3353
 Phone Number: 434-549-8505 Email: choward@dewberry.com

Physical Property Details

Physical Address: 96 Patrick Henry Way
 City: Charles Town State: WV Zip Code: 25414
 Tax District: _____ Map No: 8 Parcel No: 02 8002900020000
 Parcel Size: 21.33 acres Deed Book: 1170 Page No: 471

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input checked="" 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"/>

RECEIVED

JAN 24 2023

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 11.1

Briefly describe the nature of the variance request:

Section 11.1 requires 5.5 parking spaces per 1000 square feet (sf) of floor space. There are 1158 existing spaces and 210,585 sf of floor space within the shopping center resulting in a ratio of 5.5 parking spaces. The proposed project will increase the floor area by 2420 sf & reduce the number of parking spaces by 10 resulting in a ratio of 5.39.

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:

The addition is for a customer pick-up facility which will allow a fast turn-over of vehicles and reduce the number of parking spaces required for in-store shopping.

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?

n/a

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

The proposed project does not require an increase in impervious area. If additional parking were added, there would be additional impervious area, which would negatively impact downstream waterways and require additional stormwater management.

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

The variance will allow the customer pick-up facility to be constructed, which will ultimately reduce the number of in-store shoppers and, therefore, the need for a higher parking ratio and will also minimize additional impacts to downstream stormwater systems.

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.

SUSO 2 Alabama LP, by its general partner, SUSO 2 Alabama GP LLC, by its manager, Slate U.S. Opportunity (No. 2) Holding L.P., by its general partner, Slate U.S. Opportunity (No. 2) Holding (GP) L.P., by its manager, Slate Holding (GP), LLC

Signature of Property Owner  Date 1/24/23

Signature of Property Owner _____ Date _____

Paul F. Wells, executing solely in his capacity as Manager of Slate Holding (GP), LLC. The undersigned shall have no personal liability as a result of executing this application solely in his capacity as Manager of Slate Holding (GP), LLC

Notification Requirements (to be completed by staff)

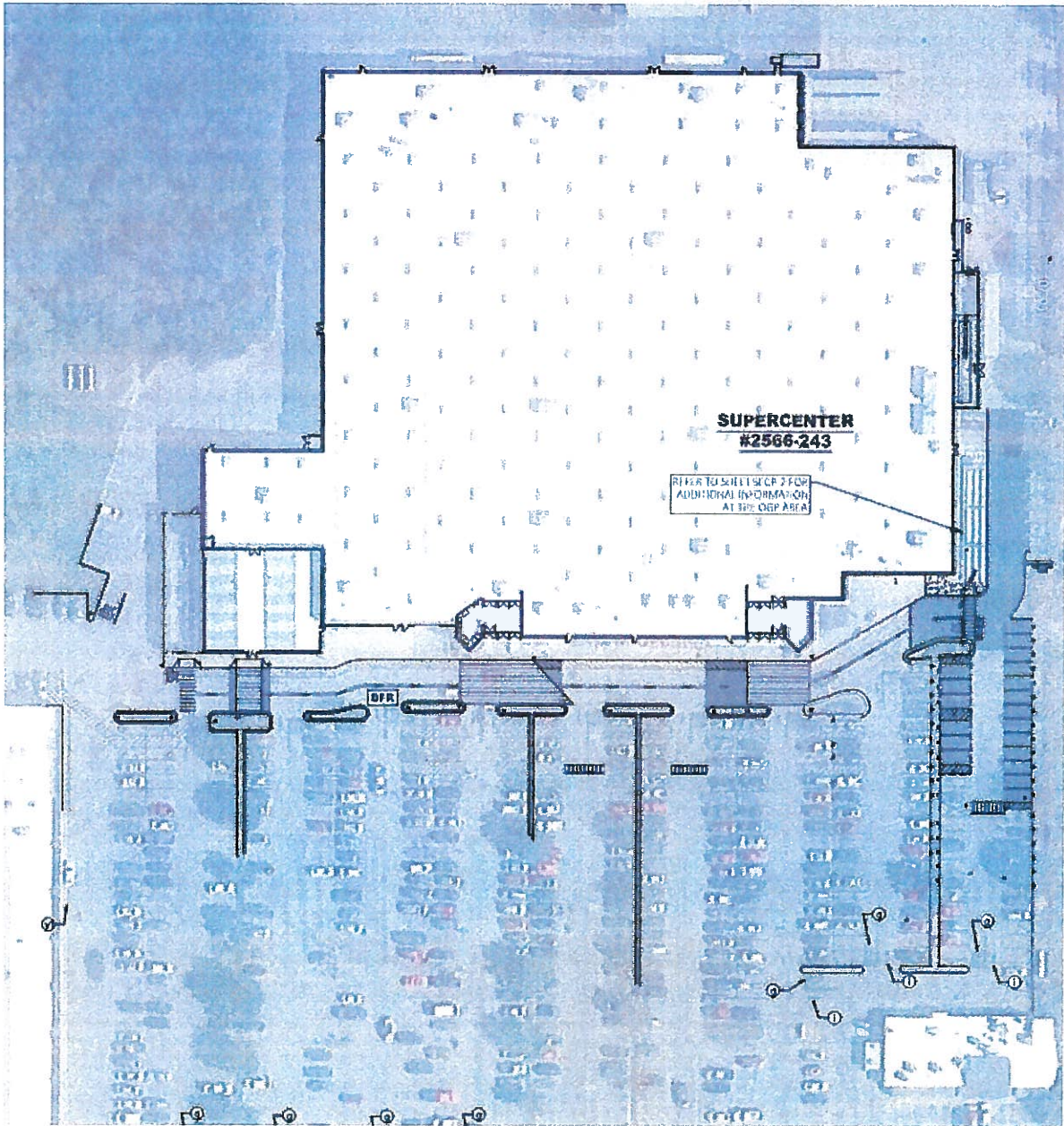
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

02-23-23
Date of Public Hearing

02-08-23
Advertising Date

02-08-23
Placard Posting Date

**WALMART 2566 CHARLES TOWN, WV
SECTION 8.9 VARIANCE REQUEST EXHIBIT**



Carolyn A. Howard

Carolyn Howard
January 24, 2023

	A		B	C	(A ÷ C) x B	D		D ÷ (A ÷ C)	E	F	E ÷ (F ÷ C)	
			Required			Existing			Proposed			
Tenant	Building Area (sf)	Use Category	No. of Spaces	Per X square feet ¹	Total Spaces ²	No. of Spaces ³	No. of ADA Spaces	Total Spaces	Ratio ²	No. of Spaces	Building Area (sf)	Ratio ²
Walmart	144,318	Shopping Center	5.50	1000	794	726	32	758	5.25	748	146,738	5.10
Existing Retail	58,175	Shopping Center	5.50	1000	320	284	12	296	5.09	296	58,175	5.09
Long John Silver's / A&W	2,860	Restaurant	1.00	50	35	36	2	38	1.11	38	2,860	1.11
China Fortune	5,458	Restaurant	1.00	50	66	70	2	72	1.10	72	5,458	1.10
Totals	210,811				1215	1116	48	1164		1154	213,231	

Information is derived from an ALTA / NSPS Land Title Survey dated January 13, 2021 prepared by Bock & Clark Corporation an NV5 Company.

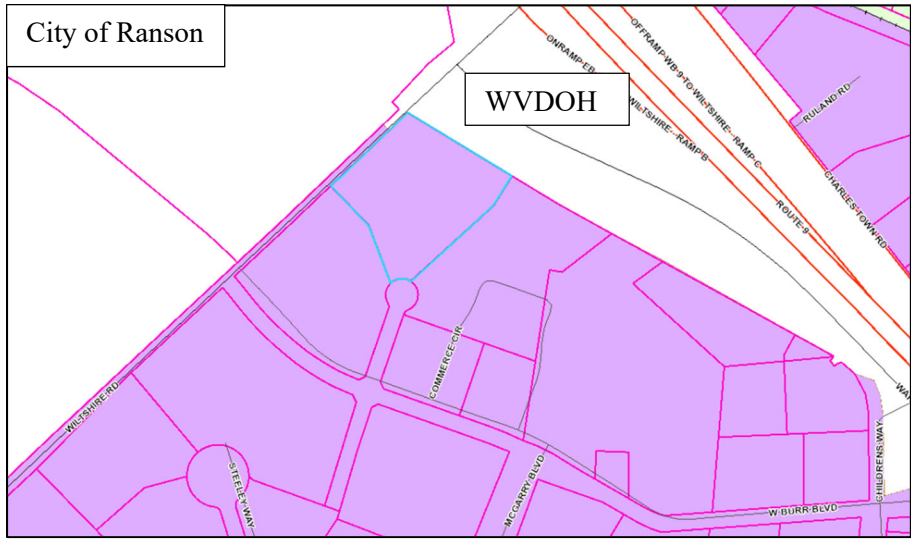
¹ Restaurant requirement is 1 spaces per 50 square feet of customer floor space, as per the Jefferson County Zoning and Land Development Ordinance Article 11 Off-Street Parking Standards

² Calculations assume 60 percent of the gross floor area is customer floor space for restaurant uses.

³ The calculations exclude 3 spaces on the east side of Walmart currently used for storage.

Staff Report
 Jefferson County Board of Zoning Appeals
 February 23, 2023
23-6-ZV: Holtzman Oil Corp Variance Request

Item #2 Variance from Section 10.4B.2 to increase the maximum size of a freestanding sign face from 100 sq. ft. to 122 sq. ft. for a gas station and convenience store (Site Plan File #19-4-S).

Owner:	Charles Town Burr Park Station, LLC / Attn: Richard Koontz, Jr.
Applicant:	Holtzman Oil Corp
Parcel Information	<p>Burr Business Park, Lot 16A, 60 War Admiral Blvd., Kearneysville, WV; Parcel ID: 02000100690000; Size: ~5; Zoning District: Industrial Commercial</p> 
History:	19-4-S: Construction of a Gas Station, Large with ~4,700 sq. ft. convenience store and associated fuel pumps.
Waivers/Variances:	<p>07/25/19: BZA approved the following variances:</p> <ul style="list-style-type: none"> • 19-16-ZV: Section 10.4B.2 to increase the permitted freestanding business sign height from 35' to 65'. • 19-17-ZV: App. B and Sec. 4.11E to allow the proposed modified planting standard from a previous variance for lots within the Burr Industrial Park granted in 2016 (ZV16-14) to be utilized; and Sec. 8.9A.10 to allow the street tree standard in lieu of the required 50' landscape buffer strip for lots along or .5 miles from a limited access highway.
Approved Activity:	Gas Station and Convenience Store
Site Visit Conducted:	Site visit not conducted. Placard photos submitted 02-03-23.

Staff Evaluation of Request

The applicant is requesting to construct a 122 sq. ft. sign face for a gas station with convenience store located in Burr Park. The Ordinance limits the maximum square footage of a sign face to 100 sq. ft.

In 2019, the applicant was granted a variance to increase the height of a pole sign from 35' to 65' on the same property, located at the corner of Wiltshire Boulevard and War Admiral Boulevard (see Exhibit A below for 2019 sign request). The subject sign would be a second freestanding sign, proposed along Wiltshire Boulevard (see Exhibit B below). The applicant has represented that the additional square footage for the second sign is needed in order to accommodate all of the tenant signs while also advertising the fuel prices.

Staff Report
Jefferson County Board of Zoning Appeals
February 23, 2023
23-6-ZV: Holtzman Oil Corp Variance Request

Article 10, Section 10.1 states that the purpose of sign provisions is “...to regulate all exterior signs ... so as to protect the property values and the character of the County. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building, or use.”

Conditions of Approval

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

1. Article 10 allows digital signs by right in the Industrial-Commercial zoning district; therefore, it may be reasonable to include as a condition of approval that if the sign is ever upgraded or the business changes, if a digital sign is proposed, a digital sign would require approval from the Board (if proposed to retain the varied height).

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 10.4 Signs Requiring a Zoning Certificate³⁶

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.
4. Freestanding business signs shall not face an adjacent residence.
5. 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.^{8, 32, 35}
6. 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: 23-6-ZV
 Staff Initials: gh
 Meeting Date: 02-23-23
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Charles Town Burr Park Station, LLC
 Mailing Address: P.O. Box 8 Mount Jackson, VA 22842
 Phone Number: (540) 477-3131 Email: mtusing@holtzmancorp.com

Applicant Contact Information

Name: Holtzman Oil Corp.
 Mailing Address: P.O. Box 8 Mount Jackson, VA 22842
 Phone Number: (540) 477-3131 Email: mtusing@holtzmancorp.com

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

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

Physical Property Details

Physical Address: 60 War Admiral Road
 City: Kearneysville State: WV Zip Code: 25414
 Tax District: Charles Town Map No: 1 Parcel No: 69/60-1 gnt
 Parcel Size: 5.02 Ac Deed Book: ~~4409~~ 1252 gnt Page No: ~~7~~ 1 gnt

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input checked="" type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center">RECEIVED</p> <p align="center">JAN 27 2023</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING & ENGINEERING</p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 10.4B.2 (jth)

Briefly describe the nature of the variance request:

Increase the allowable square footage of the sign to 122 sqft for a 30' high freestanding sign as the second freestanding sign.

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:

Increasing the sign square footage should have no adverse impact to the public health, safety or welfare, and in fact, being able to directly communicate the services offered at this additional retail space would positively impact the public health, safety or welfare of the community of Jefferson County.

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 allowable 100 square footage does not allow enough room to accommodate fuel pricing, which is mandatory, as well as promote the brands housed at this location.

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

No unnecessary hardship should come from increasing this sign an additional 22 square feet.

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

We believe the intent to cap the signage size at a reasonable size sign but also promote the retail options on each property which we feel the request for the addition 22 square feet is in align with the original perceived intent.

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 1-26-23
Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

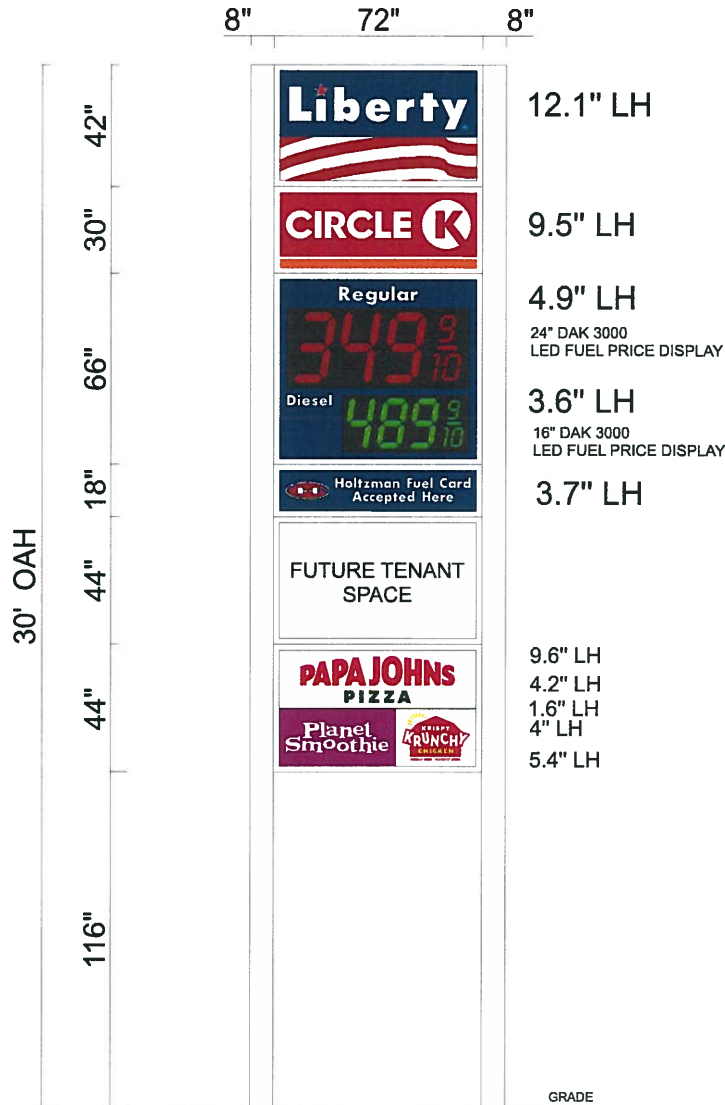
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

02-23-23
Date of Public Hearing

02-08-23
Advertising Date

02-08-23
Placard Posting Date

OPTION 3
 122 SQ FT
 30' Overall Height



eddie edwards
signs
Incorporated

540-434-8595 800-697-7446
 FAX: 540-434-8561

560 WATERMAN DR.
 HARRISONBURG, VA 22802

eesigns.biz

PROJECT: _____

**HOC
 Burr Park**

This document represents only an approximation of material colors specified. Actual product colors may vary from this print or digital image.

* CUSTOMER APPROVAL: _____

* AUTHORIZED SIGNATURE _____

* DATE _____

WORK ORDER NO. _____

REVISIONS

- 1 10/26/2022
- 2 10/28/2022
- 3 11/2/2022
- 4 11/3/2022
- 5 11/16/2022

REPRESENTATIVE **EM**

PROJECT MANAGER **MR**

DRAWN BY **KB**

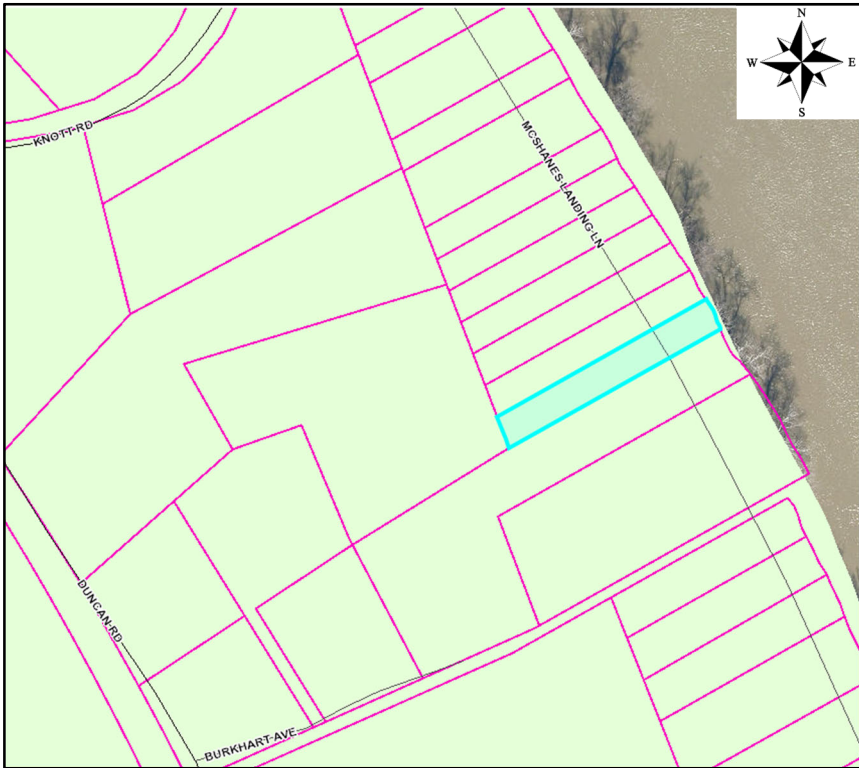
DATE **9/23/2022**

FILE NAME **HOC - Burr Park Monument**

NOT TO SCALE

Staff Report
 Jefferson County Board of Zoning Appeals
 February 23, 2023
23-7-ZV: Stroop Variance Request

Item #3 Variance from Section 9.6C to allow an accessory structure within the required front yard; and, Section 9.7 to reduce the front setback from 20' to 10' for a proposed 36' x 20' accessory structure (pavilion).

Applicant:	Douglas and Lenore Stroop
Owner:	Same as above
Consultant:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">River Farm Subdivision, Section 3 Lot 12 200 McShanes Landing Ln, Shepherdstown, WV Parcel ID: 09011A00550000; Size: .41 ac; Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North, South, & West: Rural; East: Potomac River / Maryland
History:	Final Plat Recorded in Deed Book 225 @ Page 481 on July 12, 1958
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit Conducted:	Site Visit Not Conducted

Staff Evaluation of Request

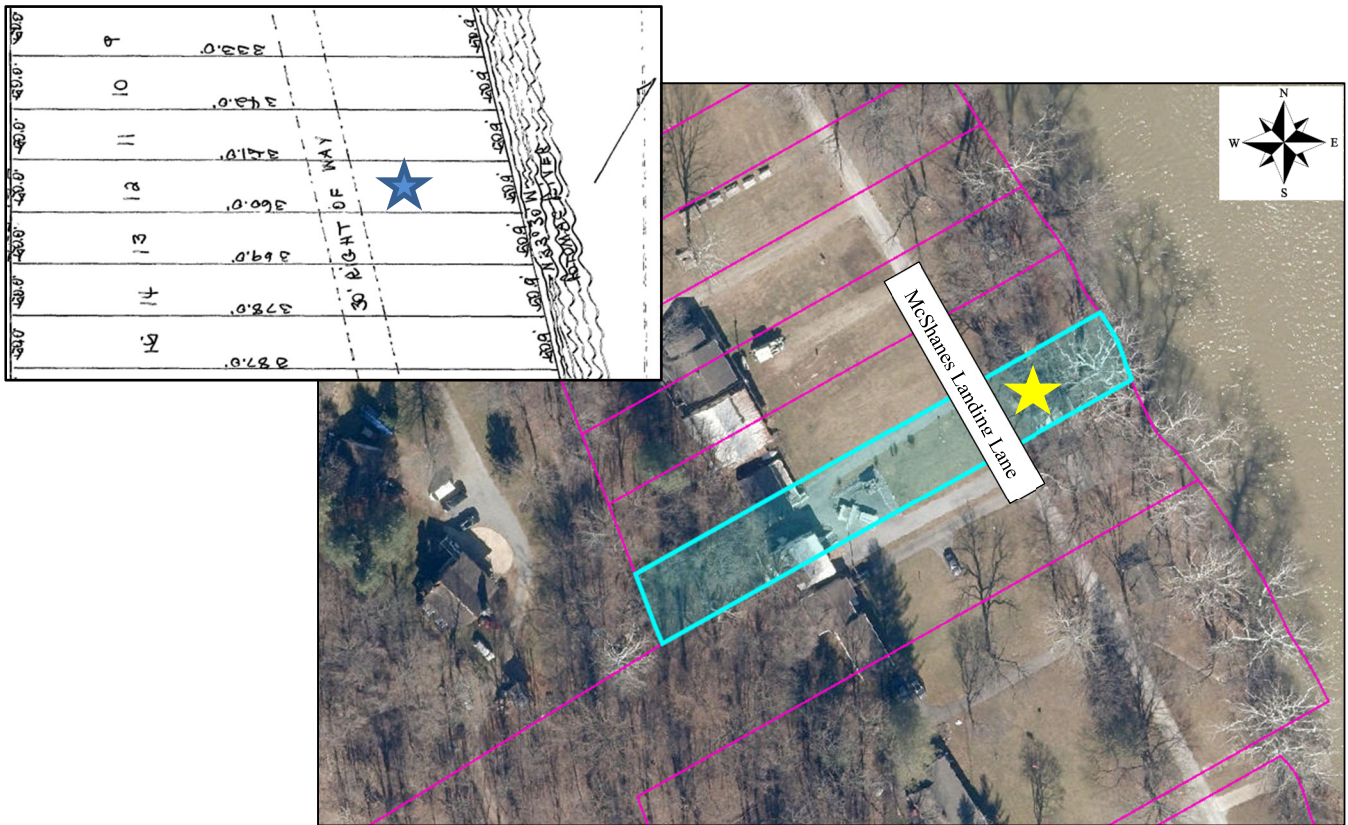
The applicant is requesting to reduce the front setback from 20' to 10' along a platted right-of-way (McShanes Landing Lane) for the purpose of construction a 36' x 20' pavilion (720 square feet).

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

Staff Report
Jefferson County Board of Zoning Appeals
February 23, 2023
23-7-ZV: Stroop Variance Request

The subject parcel is Lot 12 in Section 3 of the River Farm Subdivision. This section of the subdivision was platted in 1958, prior to the adoption of any County rules and regulations.

McShanes Landing Lane is a 30' wide right-of-way, platted through the eastern portion of the lot. The applicant is proposing to construct a 36' x 20' pavilion to the east of McShanes Landing Lane, on the portion of the lot that fronts the Potomac River. Pursuant to Section 9.7 of the Zoning Ordinance, the structure is subject to a 20' front setback from the edge of the platted right-of-way and the applicant would like to place the structure 10' from the platted right-of-way.



The property is surrounded by residential development, with the Potomac River to the east. There are no known plans to widen McShanes Landing Lane, which is a private road, maintained by the River Farm Subdivision residents.

It may be feasible to comply with the Ordinance by constructing the proposed pavilion on the other side of McShanes Landing Lane; however, the applicant has represented that the identified location is preferred to provide a covered area to host friends and family gatherings along the river.

Conditions of Approval

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

1. No conditions of approval were identified.

Staff Report
Jefferson County Board of Zoning Appeals
February 23, 2023
23-7-ZV: Stroop Variance Request

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

Section 9.7 Other Exceptions³

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

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

Rural Agricultural and Industrial Commercial

Single Family Residences

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

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



JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning, and Zoning
Office of Planning and Zoning
 116 East Washington Street, P.O. Box 716
 Charles Town, WV 25414
 www.jeffersoncountywv.org

File Number: 23-7-ZV
 Staff Initials: gH
 Meeting Date: 02-23-23
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Douglas E. STROOP
 Mailing Address: 2141 NATIONAL FRUIT Rd. GERRARDS TOWN 25420
 Phone Number: 540 550 2727 Email: douglasstroop@gmail.com

Applicant Contact Information

Name: Douglas E. STROOP
 Mailing Address: 2141 NATIONAL FRUIT Rd GERRARDSTOWN WV 25420
 Phone Number: 540 550 2727 Email: douglasstroop@gmail.com

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

Name: A F M'COMICK STRUCTURAL Eng.
 Mailing Address: Extler Hotel Shepards TOWN
 Phone Number: 304 876 1161 Email: www.mcomick.northwestern.edu

Physical Property Details

Physical Address: 200 McSHANES LANDING HARPERS FERRY WV 25425
 City: Harpers Ferry State: WV Zip Code: 25425
 Tax District: 09 Shepards TOWN Map No: 11A 0055 0000 0000 Parcel No: _____
 Parcel Size: 360' x 160' Deed Book: 826 Page No: 463

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential-Light Industrial-Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input checked="" type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center">RECEIVED</p> <p align="center">JAN 30 2023</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING & ENGINEERING</p> <p align="center"><small>Place Received Date Stamp Here</small></p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 9.7 gpt

Briefly describe the nature of the variance request:

To construct a pavilion which would require utilizing a portion of the 20' set back from ROW

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

Front Setback Side Setback Rear Setback Reduction From Row set back 20' to 10'

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:

Said construction would NOT block or obstruct ANY activity or block view of ROW entry. It would also physically line up with neighboring existing pavilions on each side.

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?

With limited area between ROW and river bank, I would need to utilize a portion of set back area from ROW to have a reasonable amount of area to construct

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

The allowance of constructing a pavilion will allow for covered eating area which will be used for family and neighborhood gatherings. It will also add aesthetics to property and will blend well with neighboring structures

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

Said property was deeded in 1959 well before the 20' set back was implemented. Family owned since then, I am simply hoping to enhance family gathering facilities which would entail using a portion of the 20' set back from ROW

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] 1/29/2023
Signature of Property Owner Date

[Signature] 1/29/2023
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).

02-23-23
Date of Public Hearing

02-08-23
Advertising Date

02-08-23
Placard Posting Date

EXISTING
RESIDENTIAL STRUCTURE

50'

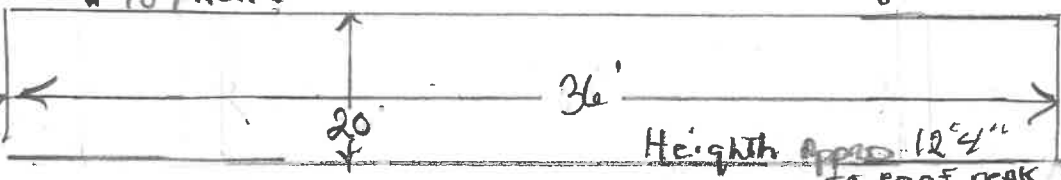
300'

30' ROW

25' CENTER
OF ROW
↓ TO PAVILION

20' SET BACK AREA - REQUEST FOR 10'

7' SIDE



10' Pole pavilion
METAL ROOF
BUILT TO
ENG. SPEC.

Height approx 12'4"
TO ROOF PEAK

ELEVATION FROM RIVER APPROX 25'

↓ TO RIVER

[Signature]
1/29/2023

[Wavy line] RIVER *[Wavy line]*



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report February 23, 2023 Board of Zoning Appeals Meeting

Date of Memo: February 14, 2023

- 1) The next regular meeting is scheduled for **March 23, 2023** (deadline for submission is Monday, February 27, 2023).
- 2) Two alternate member positions remain open. One term ending 01/01/24 and the other term ending 01/01/25.

Persons interested in serving on the Board of Zoning Appeals should contact the County Commission Office at 304-728-3284 / jjames@jeffersoncountywv.org.



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

February 2023
Zoning Certificate Activity Report

File #	22-70-ZC
Request:	Accessory Dwelling Unit: In-Law Suite
Property Owner:	Julie Reynes
Parcel Information:	Potomac Ridge Subdivision, Lot 7 384 Potomac Ridge Lane, Shepherdstown, WV 25443 Parcel ID: 09001000090017; Size: 3.35 acres; Zoning District: Rural; Deed Book: 1201; Page: 335; Plat Book: 25; Page: 85; <i>*Planning Commission Approval (File 22-7-FPA); and Board of Zoning Appeals Approval (22-37-ZV)</i>
Date of Issuance:	01/27/2023
File #	23-1-ZC
Request:	Wayside View Agricultural Special Event Facility & Farm Vacation Enterprise; and, Bed & Breakfast and
Property Owner:	Russel and Cyndi Rexroat
Parcel Information:	191 Myerstown Road, Charles Town, WV 25414 Parcel ID: 06001000030002; Size: 15.78 acres; Zoning District: Rural; Deed Book: 1240; Page: 622; Concept Plan approved 09/14/21 (File #21-6-SP)
Date of Issuance:	01/20/2023
File #	23-2-ZC
Request:	Cottage Industry: Massage Therapy (Body Restore Massage Therapy)
Property Owner:	Robert and Lisa Biggs
Applicant:	Tiffany Biggs
Parcel Information:	7067 Flowing Springs Road, Shenandoah Junction, WV 25442 Parcel ID: 09001700040006; Size: ~4.3 acres; Zoning District: Rural; Deed Book: 1168; Page: 201
Date of Issuance:	01/20/2023
File #	23-4-ZC
Request:	ROCS Gas Station and Convenience Store Freestanding Electronic Sign
Property Owner:	SAB Real Estate 2 LLC / Attn: Jacob Roach
Applicant:	Gregory E. Kennedy, Attorney
Parcel Information:	8310 Martinsburg Pike, Shepherdstown, WV 25443 Parcel ID: 09008A00190000 (sign), 09008A00210000 (infrastructure); 09008A00230000 (store); Combined acreage: ~3.6 acres; Zoning District: Residential- Light Industrial-Commercial; Deed Book: 1199; Page: 721; Site Plan: 18-6-S; Zoning Variance: 19-14-ZV
Date of Issuance:	02/02/2023

Zoning Certificate Activity Report

February 2023

Page 2 of 2

File #	23-5-ZC
Request:	Office Building - Change in Tenant- WV Adventure Children's Dentistry
Property Owner:	Jefferson Crossing Offices LLC / Attn: Sam Pozez and Norman Pozez
Applicant:	WV Adventure Children's Dentistry / Attn: Andrew Lusk
Parcel Information:	Jefferson Crossing II – Lot #8 46 Trifecta Pl, Suite 100, Charles Town, WV 25414 Parcel ID: 02000800240011; Size: 3.2 acres; Zoning District: Residential-Light Industrial-Commercial; Deed Book: 1242; Page: 622; Site Plan File #S06-11
Date of Issuance:	02/03/2023

File #	23-7-ZC
Request:	Professional Office, Small: Business Meeting Room (776 sf) to operate Monday – Friday; 9:00 am – 5:00 pm; Parking for up to 12 vehicles. No employees and no signage proposed.
Property Owner:	Bruce Kaiser
Parcel Information:	12 Steptoe Street, Summit Point, WV 25446 Parcel ID: 06016B00150000; Size: .72 acres; Zoning District: Village; Deed Book: 669; Page: 639
Date of Issuance:	02/10/2023

File #	23-8-ZC
Request:	Retail Sales, Limited and Accessory Use: Axe Throwing Lanes
Property Owner:	Tina Krop
Parcel Information:	640 War Admiral Blvd., Kearneysville, WV 25430 Parcel ID: 02000100270000; Size: 4.7 acres; Zoning District: Industrial-Commercial; Deed Book: 1228; Page: 568 Site Plan File #20-3-SP; PC Waiver: 22-9-PCW
Date of Issuance:	02/06/2023

File #	23-9-ZC
Request:	The Cabin at Alta Vista - Short Term Rental
Property Owner:	Travis Johnson
Parcel Information:	553 Alta Vista Drive, Harpers Ferry, WV 25425 Parcel ID: 06006D02340000; Size: .82 ac; Zoning District: Rural; Deed Book: 1271, Page: 564
Date of Issuance:	02/06/2023
