



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

File #: 23-2-CUP
R'cvd Date: 02 / 27 / 23
Mtg. Date: 03 / 23 / 23
Fee Paid: \$ 750.00
Staff Int.: jth

Email: zoning@jeffersoncountywv.org

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

Application for a Conditional Use Permit

Project Name

375 Dorland LLC Conditional Use

Property Owner Information

Name: Mark Lazar
Business Name: 375 Dorland LLC
Mailing Address: 1622 Wisconsin Ave, Washington, D.C. 20007 Mail ☐ Yes
Phone Number: Paul 3046768256 Email Response: pjraco.consulting@gmail.com Response: ☒ No

Applicant Information

Name: Mark Lazar
Business Name: 375 Dorland LLC
Mailing Address: above Mail ☐ Yes
Phone Number: _____ Email Response: _____ Response: ☒ No

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

Name: Consultant: Paul J Raco
Business Name: P.J. Raco Consulting, LLC
Mailing Address: P.O. Box 548, Charles Town, WV 25414 Mail ☐ Yes
Phone Number: 3046768256 Email Response: pjraco.consulting@gmail.com Response: ☒ No

Physical Property Details

Physical Address: 1195 Chestnut Hill Road, Harpers Ferry, WV 25425
Tax District: Harpers Ferry Map No: 13 Parcel No. 37
Parcel Size: 92.63+- Acres Net 10+- Ac Deed Book: 1258 Page No: 606

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: Chestnut Hill Road Route 32

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

Custom Assembly/Manufacturing and Warehouse of Firearms according to ATF Licensing. At a Future Date it may include a retail component, so just want it in the CUP in case, so doesn't need to reprocess.

The uses may include all that is permitted by ATF Inspections and Licenses.

Please provide any information or known history regarding this property.

Subdivided because of Highway (new Route 9) This is the large approximately 93 acre Residue that is almost completely wooded with a large electric transmission line crossing it. The Owner/Applicant owns much of the adjacent property including the two front parcels on Chestnut Hill Road, the parcels all of the way to the River, and the lot on the opposite side of Route 9. The use will be conducted over a thousand feet interior.

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.

Property Owner

Date

2/27/2023

Property Owner

Date

2/27/2023

Conditional Use Permit Application
375 Dorland LLC
Mark Lazar
ATF Licensed Firearm Custom Manufacturing/Gunsmithing/Warehousing
Potential Retail in Future
Jefferson County Board of Zoning Appeals
February 27, 2023

1. How is the Proposed Use compatible with the goals of the adopted Comprehensive Plan?

The proposal is to provide support for an existing reputable business in Jefferson County known as the Harpers Ferry Armory (HFA). HFA is a retail establishment in Ranson that provides gun and accessory sales to residents and customers in and around the area. This is a very busy legitimate, ATF Licensed operation to help people safely enjoy their Second Amendment Right. To enhance and provide more local sourcing for the operation, the principals of HFA made a commitment to Jefferson County and bought 9 parcels of land on the East side of the Shenandoah River containing approximately 138 acres. The properties are all contiguous and the Principal of the business lives on one of the properties. The subject parcel is over 92 acres and is nearly covered in trees, except for the area around one house, an accessory structure and two electric transmission lines that traverses the property. The house and accessory structure are both addressed from Chestnut Hill Road and are well internal to the site. The owner is seeking a CUP on 10 acres of the 92 acres around the approximately 28' x 62' house and accessory structure. As such, it is well buffered by forested land. The property is served by one existing driveway and another partial driveway that serve the site from Chestnut Hill Road (Route 32). The intended 10 acre site is well buffered from both surrounding properties and Chestnut Hill Road. Finally, the owner and/or the Principals own 8 other properties in the immediate area and adjacent to the site.

The Envision Jefferson County 2035 Comprehensive Plan supports commercial uses and businesses that the County deems compatible by Conditional Use. This proposed use has been deemed to be an acceptable Conditional Use by the Zoning Ordinance and all other similar operations in more residential areas have been approved by the Board. As such, it is a considered a permitted use as approved by the Board of Zoning Appeals with conditions if necessary.

The Comprehensive Plan addresses Rural Area Land Use both as it relates to Agricultural Land mostly West of the Shenandoah River and the Mountain area East of the Shenandoah River. Nearly all of the Rural Land Use Planning Recommendations in this section of the Plan pertain to Agriculture or Residential Uses and Farm Related Business expansion on Farms. In this section of the Plan, it does promote 'Artisan' businesses in the Rural Zone. Certainly, the custom work on firearms can fall under this category.

Recommendation 3 of the Rural Land Use Planning Recommendations on Page 39 of the Plan can be broadly applied for this use:

3. “Revise existing Jefferson County land use requirements and site plan standards to reduce regulatory barriers related to agricultural and/or **artisan operations**.
 - a. **Revise local regulations to balance production and marketing of artisan or agricultural products on-site**, considering the individual use, size, and scale of the operation as appropriate to the property site” (emphasis added).

There are however several recommendations that deal with the expansion of County Businesses and the Rural Economy in Jefferson County:

Recommendations:

Economic Development Recommendations, Page 70:

5. Create a business friendly environment in Jefferson County.
 - a. Streamline the State licensing of various business enterprises by providing regional or satellite offices in Jefferson County (page 70 Economic Development Recommendation)

Rural Economy Recommendations, Page 77, 78 and 79:

5. Amend the Zoning and Land Development Ordinance **to permit additional nonresidential rurally compatible uses**.
 - b. 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.
8. Coordinate with key agricultural and rural stakeholders to identify ways to **expand marketing and value added production activities for farmers and artisans on their properties in rural areas of Jefferson County**.
 - a. Amend existing regulations in order to identify and **facilitate ways to allow the sale of items** grown, processed, **crafted, or manufactured in Jefferson County** on farms other than the farm where the product originated.
 - b. Develop a streamlined process for such uses when there are minimal impacts to surrounding neighbors.
9. Collaborate with the local artisan community and Jefferson Arts Council to review and amend the local land use regulations **to promote and enhance the viability and livelihood of artisans in the rural areas of Jefferson County**.
 - a. Encourage local non-profit organizations and local and regional economic development agencies to create a regular forum where all County artisans, businesses, and members of the non-profit and arts communities can meet to network and collaborate.

b. Work to improve connections between County businesses and artisans that may have products and services that can be sold in local stores or other businesses.

There is also narrative in the Rural Economy section that also supports this type of business in the rural area including the following statement on page 72:

“The County’s citizens benefit from the proximity of rural based activities and services and the rural enterprises benefit from nearby markets for goods and services. With this potential, the rural areas of Jefferson County should be seen as ripe for investment and reinvestment.”

Accordingly, the use of the existing house and land would allow an important Jefferson County Business to expand, as well as to allow it to source its commodities from a location in the County. The expansion of this business on this property is compatible with the Envision Jefferson 2035 Comprehensive Plan. This aspect of the business is very much a rural based business that is the primary type of business that is promoted by the Plan in the Rural District. The existing house and accessory buildings are internal to the 92 acre property and will be the center of the 10 acre portion included in the application. Any additional buildings that may need to be constructed in the future will follow the existing rules for site planning if applicable, but this application for Zoning Conditional Use Permit wanted to address (and be permitted for) all of the uses listed on the form and included in the ATF Application as presented to the Office.

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties, and poses no threat to public health, safety and welfare?

This CUP Application is a request to use the existing house/building for an ATF Regulated Use, which requires permits and inspections, on an overall 92+ acre property that will be limited to 10 acres internal to the property. The building and area is located in a heavily forested area that is served by an existing long gravel driveway. Another existing driveway that is at the front of the property may also be ultimately used for access. The immediate intended use is for a gunsmithing and custom manufacturing and storage operation that is intended to serve the existing Harpers Ferry Armory. Initially, the use may involve 1-3 employees and may expand at a later date under applicable site planning regulations to allow more employees and retail sales. Again, all operations will be under the ATF purview. Similar uses have been approved by the Board for Conditional Use Permits as required. This application just wants to be transparent so that further zoning processing is not needed with further expansion.

Many of the customers of the intended use and the Harpers Ferry Armory are from this area of the County. While this will allow local sourcing and storage of some of the products that feed into the existing retail shop (HFA), even if the use is expanded to retail, much of the users are anticipated to be served from the area. The location of the building and 10 acres around the building is within a tree canopied area and is not readily visible from neighbors or the State Road (Chestnut Hill Road). The use is minimal and is supported by the plan and there will be little or no clearing or earthwork associated with the existing site. If additional buildings are later added, they will meet the site planning regulations as appropriate or otherwise receive Planning

Commission Approval. It is in an area that is already screened. There will not need to be additional parking, as there is an area for parking for the anticipated several employees. Any new parking that may be needed if there is an expansion will be addressed by the Planning Department and Planning Commission. No additional site improvements are anticipated at this time other than maintenance of the existing drives as appropriate.

Generally, there will not be a large volume of business or traffic associated with the use initially, but may expand later and be addressed. Gunsmithing and Custom Assembly/Manufacturing our ATF associated terminology, but most of the businesses approved included those in the ATF licenses for the previously approved CUPs. This area is rural, and the use is very rural in nature. Again, even if a retail component is added later, it is anticipated that the business will be generated from local area residents. According to the Applicants, many of the customers that utilize the facility in Ranson to buy their firearms are residents of this area of the County.

In terms of public health, safety and welfare, this area of the county, as well as all of the rural areas of the County, are used heavily for hunting and discharging of weapons as the Constitution allows under the Second Amendment. Providing a location for gunsmithing and customizing (and even sales) by an already proven and successful local business and owner, would allow a closer and safer source for such supply. The existing HFA has the proper permits and has been operational in Jefferson County for some time under the regulation of ATF. The expansion of the business and services to this site will not only allow economic growth for the County, but it allows for the expansion to remain in Jefferson County. The Plan supports the expansion of existing businesses in the County.

Furthermore, as already indicated, the use will be limited to an internal 10 acres of a 92+ acre wooded site and all of the uses will be permitted and monitored by the ATF, among other agencies (Local, State, and Federal).

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?

Neither the proposed immediate use, nor the listed potential uses of the site under this CUP will have any impact on the potential for development or use of the adjacent land or buildings. In fact, the Owner/Applicant/Principals own 8 other properties in the area totaling around 138 acres including the land West to the Shenandoah River. The Applicant at least part time resides on the adjoining properties.

4. Highway Problem Area Map and Anticipated Trip Generation:

The Highway Problem Area Map from the Envision Jefferson 2035 Comprehensive Plan is attached and reflects no Highway Problem Areas adjacent or near the property. Since the property is not on a Primary Road, the Applicant has provided the following Trip Generation estimates based on the Harpers Ferry Armory's trips. With only an anticipated shift of 3 employees in its initial phase, the Applicant estimates that the trips will be less than 12 trips per day which is just greater than a typical residence. It is also anticipated to have a couple

deliveries or shipments a day and that may increase the total trips to 20 at the outside maximum according to the Applicant. Over the course of a 10 hour day, that may mean two trips an hour since the employees would be spread out across the day. Again, these are all estimates provided by the Applicant based on his Business. If the property continues as a Satellite Retail facility to the existing operation in Ranson, then that number may double. The WV 2020 ADT Map Shows the Average Daily Trips of Chestnut Hill Road is between 1536 and 2165 Trips.

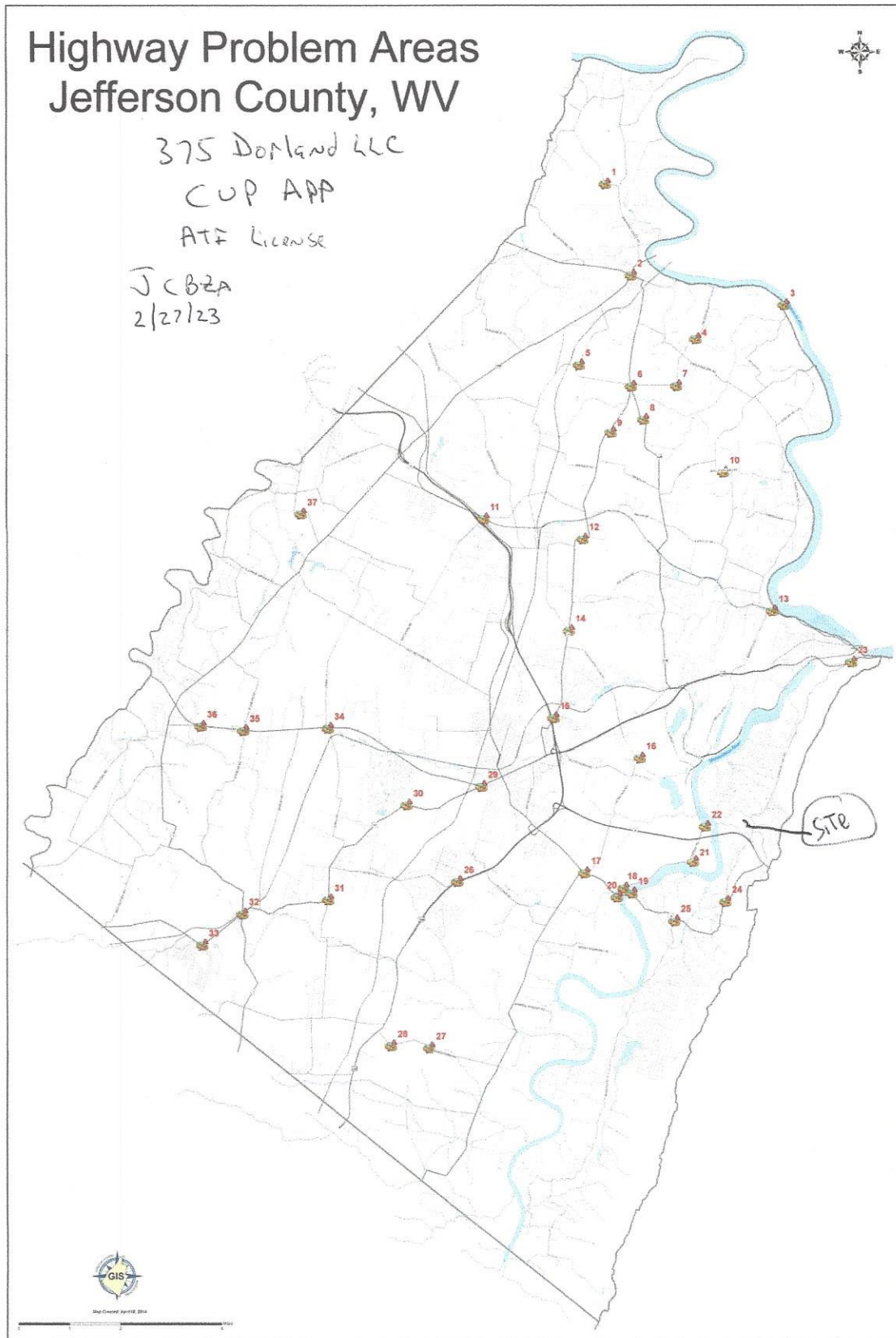
375 Dorland LLC
Mark Lazar
ATF Licensed Firearm Custom Manufacturing/Gunsmithing/Warehousing
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Addendum

Pursuant to a meeting with the Zoning Administrator please add the following to the CUP packet previously submitted for 375 Dorland, LLC.

There is a required testing component of the firearm assembly that is incidental to the Custom Manufacturing process. This testing is limited and is in no way open to the public on the land that is subject to the Conditional Use Permit. It is not a public range and the Applicant/Owner understand that if they want to pursue a public range, then a variance in the size of the property would be needed if the subject property is less than 150 acres.

Any testing of the firearms, including discharge, is regulated as a part of the FFL License under the prevue and inspection of the ATF. Furthermore, the 375 Dorland LLC operation will follow all safety guidelines under that permit.





CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	440.00'	276.64'	272.11'	S12°06'55"E	36°11'26"
C2	940.00'	262.09'	261.24'	S38°06'53"E	15°58'30"
C3	515.00'	153.75'	153.18'	S54°41'16"E	17°06'19"
C4	155.00'	88.19'	87.01'	S38°53'58"E	32°36'05"
C5	1220.00'	179.10'	178.94'	S26°48'15"E	6°24'40"
C6	1520.00'	206.94'	206.78'	S34°54'37"E	7°48'01"
C7	184.87'	164.41'	169.05'	S27°38'07"E	60°57'18"

LINE	BEARING	DISTANCE
L1	S64°26'14"E	28.22'
L2	S35°22'39"W	59.22'
L3	S63°14'25"E	72.03'
L4	S59°13'13"E	22.43'
L5	S34°47'59"W	5.00'
L6	S02°09'28"E	38.39'
L7	S53°06'47"E	39.32'
L8	S05°14'48"E	5.74'
L9	S05°33'20"E	127.11'
L10	S04°57'19"E	5.87'
L11	N07°01'03"W	146.48'
L12	N86°17'45"W	72.74'
L13	N51°10'17"W	59.22'
L14	N32°39'09"E	159.55'
L15	N19°32'38"W	17.46'

LAZAR or
375 Dorland LLC
IRON PIPE

$\times 1000$

Upper row

+500'

EX DRIVE

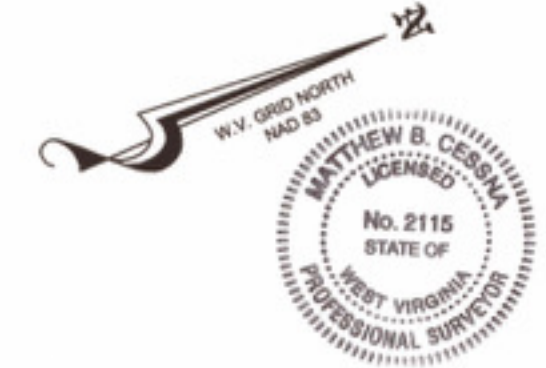
+ 500

AT Future
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DESIGN: 11/11/11
LAZAR
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BARB...
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1. A302



SURVEYOR'S CERTIFICATION

I hereby certify to the best of my professional knowledge and belief that the plat shown hereon is correct; that it is part of the land described in a deed from Barbara A. Cronise to Barbara A. Cronise, Trustee or the Barbara A. Cronise Trust dated October 9, 2005 and recorded in Deed Book 1015, page 512 and a deed from Nancy J. Stowers to Larry W. Stowers and Nancy J. Stowers, Trustees of the Larry and Nancy Stowers Trust dated January 22, 2006 and recorded in Deed Book 1046, page 435 among the Land Records of Berkeley County, West Virginia.

I also certify that these documents were prepared by me or that I was in responsible charge over their preparation, and that I am a duly licensed professional land surveyor under the laws of the state of West Virginia, License No. 2115, Expiration Date: 6/30/15.

Matthew B. Cessna
Professional Surveyor

3/26/15
Date

NOTES:
Property is subject to an easement to CR TV Cable, Inc. recorded at Deed Book 693, page 590. Said easement begins on the west side of Chestnut Hill Road near the property line of Chestnut Hill Methodist Church and runs through the property in a northerly direction to a point near the intersection of Chestnut Hill Road and Keyes Gap Road. Actual location of easement is unknown.

TAX MAP 13-37		DISTRICT 4	
DRAWING NUMBER 1 OF 1			
DRAWN BY: M. Cessing		DATE: 3/26/15	
CHECKED BY:		DATE:	
SCALE:			

**FREDERICK
SEIBERT &
ASSOCIATES, INC.**  ©2015

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225

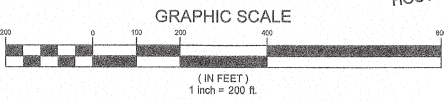
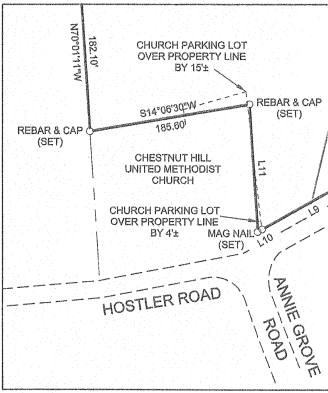
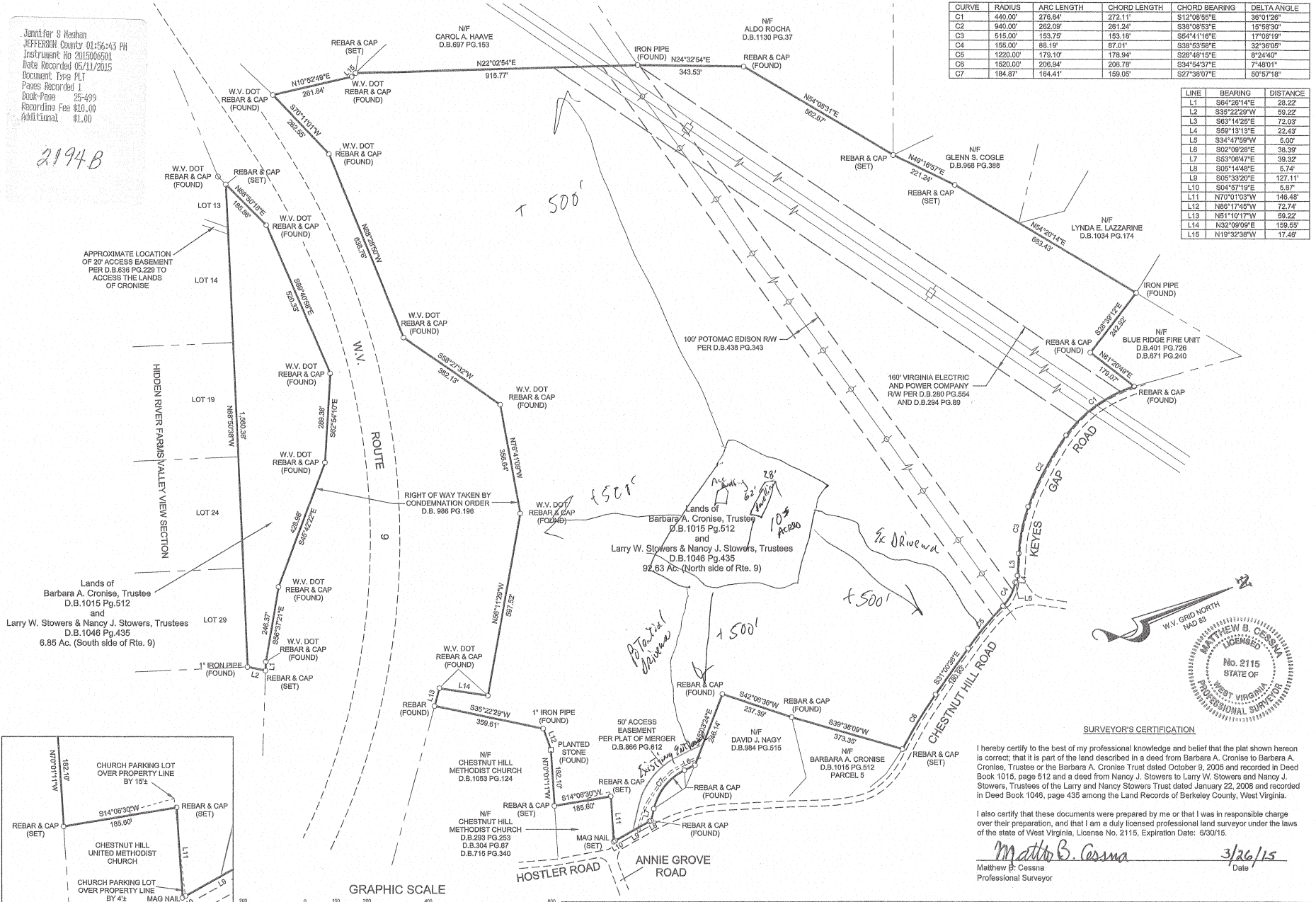
Boundary Line Survey
of the lands of
Barbara A. Cronise, Trustee
Larry W. Stowers, Trustee
Nancy J. Stowers, Trustee
Situate along the west side of Chestnut Hill Road
and on both sides of W.V. Route 9

Janifer S. Hagan
JEFFERSON County 01:56:43 PM
Instrument No 2015006501
Date Recorded 05/11/2015
Document Type PLT
Pages Recorded 1
Book Page 25-499
Recording Fee \$10.00
Additional \$1.00

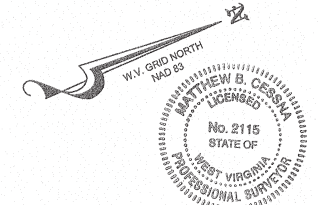
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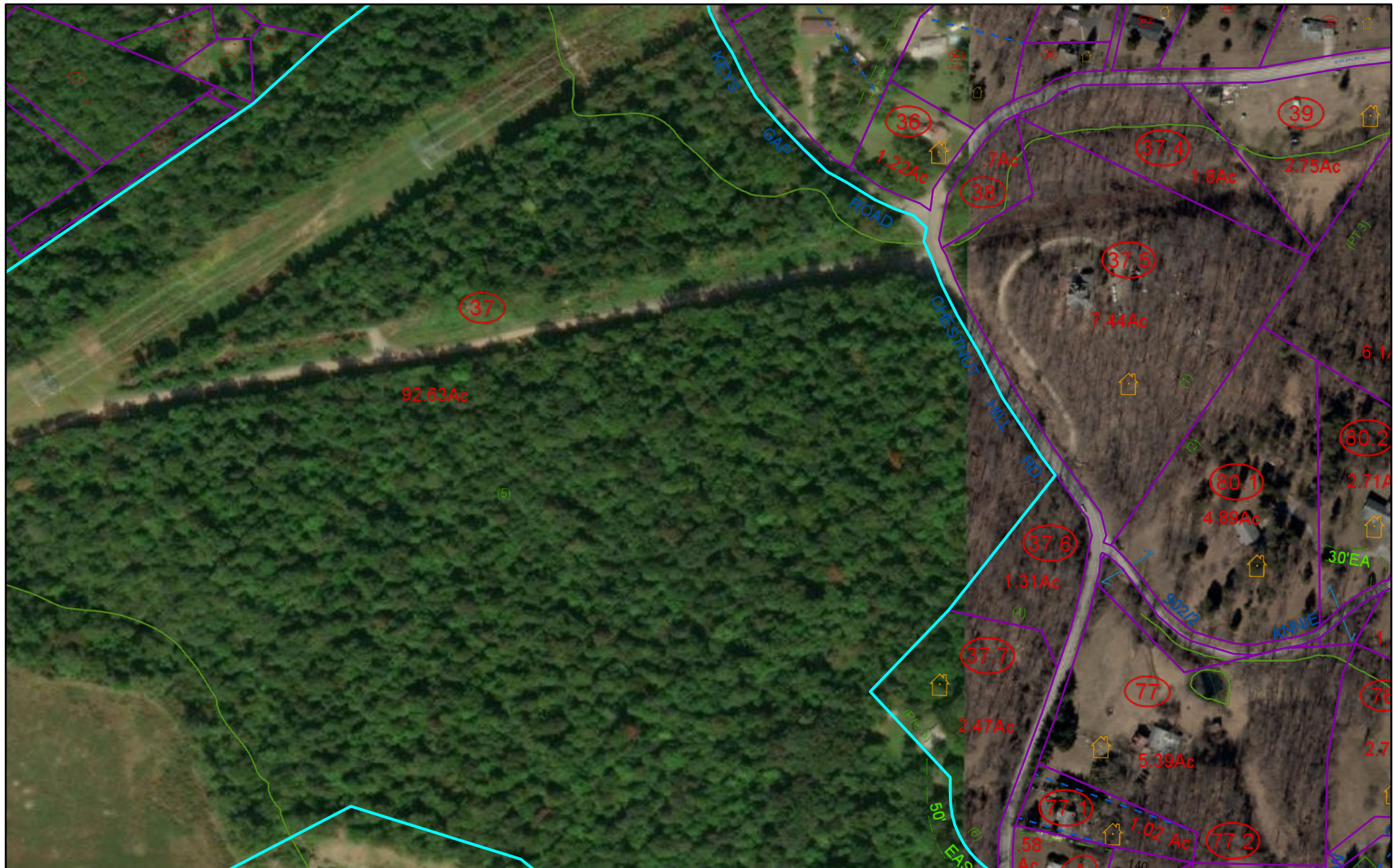
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Matthew B. Cessna 3/26/15
Matthew B. Cessna Date
Professional Surveyor

TAX MAP 13-37 DISTRICT 4
DRAWING NUMBER 1 OF 1
DRAWN BY: M. Cessna DATE: 3/26/15
CHECKED BY: DATE:
SCALE: 1" = 200'

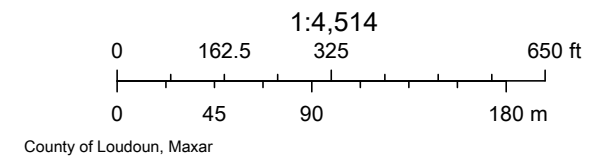
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CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 791-9080 (301) 410-7478 (1717) 587-1027 FAX (301) 739-4998

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Situate along the west side of Chestnut Hill Road
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JEFFERSON COUNTY, WEST VIRGINIA

Viewer Map



February 27, 2023





► [Print](#)

