



Jefferson County
Board of Zoning Appeals Agenda
Thursday, April 27, 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: 823 8804 3945
Meeting Link: <https://us02web.zoom.us/j/82388043945>
Phone Option (Dial by Location): 301-715-8592
Find your local number: <https://us02web.zoom.us/u/k4tzuHb9V>

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: March 23, 2023

Public Hearing – Administer Oath

ITEM #1 FILE #: 23-1-AP

Request: Appeal of the Zoning Administrator’s determination that any nonconforming use that may have existed on the subject parcel when the Zoning Ordinance became effective has been abandoned by virtue of the recordation of the final plat for the Beacon Hill / Waterside Reserve Subdivision.

Owner: Whisper Ridge LLC / Attn: Patricia Sanderson

Applicant: Panhandle Legal / Attn: Christopher Stroeck, Esq.

Parcel Info: Waterside Reserve Subdivision, Open Space Parcel
Vacant parcel located off Wilt Rd., Charles Town, WV
Parcel ID: 02020B0OS10000; Size: 6 acres; Zoning District: Rural

ITEM #2 FILE #: 23-1-SE and 23-15-ZV

Request 1: Request for a Special Exception Permit to allow a 100 square foot Off-Premise sign for Auto Depot (File 23-1-SE).

Request 2: Variance from Section 10.5A.1 to increase the maximum size of an Off-Premise Sign from 60 sq ft to 100 sq ft.; Section 10.5A.2 to allow an Off-Premise Sign to be located closer than 300’ to an existing sign; and Section 10.5A.5 to allow an Off-Premise Sign to be located closer than 300’ to an intersection on a dual highway (File 23-15-ZV).

Owner: Jackson Kiley

Parcel Info: 107 Kerns Drive, Harpers Ferry, WV 25425
Parcel ID: 04000900110000; Size: 2.25 acres; Zoning District: Industrial Commercial

ITEM #3 FILE #: 23-3-CUP - ~~WITHDRAWN~~

Request 1: Request for a Conditional Use Permit to operate a homebased federal firearms business from a portion of a new 40’ x 80’ detached residential storage structure (currently under construction). The use will be primarily conducted online and does not include a readily available inventory. Business hours are by appointment only, with occasional customer visits (1-2 per month) to

ITEM #3 FILE #: 23-3-CUP (continued) – WITHDRAWN

complete the firearm transfer. No employees other than the property owner. No signs are proposed. The proposed land use designation as listed in Appendix C is Retail Sales and Service, General, as defined in Article 2.

Owner: Patrick Kiser

Parcel Info: Shirley Estates, Lot 6, 135 Breeze Knoll Way, Charles Town, WV

Parcel ID: 06000100010006; Parcel Size: 3 acres; Project Size: 1 acre; Zoning District: Rural

ITEM #4 FILE #: 23-13-ZV

Request: Variance from Section 9.7 to reduce the side setback along the northern property line from 12' to 2' for an opaque fence varying in height from 20' to 30'.

Owner: Tim Williamson

Parcel Info: Shannondale, Section 21J, Lots 29, 30, 76, 525 Wren Lane, Harpers Ferry, WV

Parcel ID: 02023L00070000; Size: 1.6 acres; Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

- a. Discussion of the following pending lawsuits:
 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities) Rockwell v. JCPC, JCBZA and JCCC
 2. Jefferson County Circuit Court Case #CC-19-2022-C-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: March 23, 2023

1. Variances from Section. 5.7B. Owner: Bernard and Pamela Kershes. File 23-8-ZV.
2. Variance from Section 9.7. Owner: Karen and Glenn Frail. File: 23-9-ZV.
3. Variance from Appendix A. Owner: Travis and Emily Warner. File: 23-10-ZV.
4. Variance from Appendix A. Owner: Kanette Petry. File: 23-11-ZV and 23-12-ZV
5. Request for a Conditional Use Permit to establish a federal firearms business. Owner: 375 Dorland LLC / Attn: Mark Lazar. File: 23-2-CUP.

DRAFT Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: March 23, 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 (present via telephone conference); Matthew
- 6 McKinney, Vice Chair; and, David Wiegand were present in person.
- 7 Board Members Absent: Steve Guier, Secretary; Jacob Harris, and Mikala Shremshock with
- 8 notification.
- 9 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; and Jennilee Hartman,
- 10 Zoning Clerk.

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

12 Mr. Quynn was present via telephone conference. Mr. McKinney presided over the meeting as he

13 was physically in attendance.

14 Mr. Wiegand moved to call the meeting to order at 2:00 pm. Mr. McKinney called for a vote, which

15 carried unanimously.

16 Mr. McKinney reviewed meeting protocol for those in attendance.

17 **Approval of Minutes: February 23, 2023**

18 Mr. Wiegand moved to approve the minutes as presented. Mr. McKinney called for a vote, which

19 carried unanimously.

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

21 **ITEM #1 FILE #: 23-8-ZV**

22 Request: Variance from Section 5.7(b) of the Zoning Ordinance (as amended 09/28/06) to

23 reduce the rear setback from 50' to 10' for a 30' x 40' accessory structure

24 (detached garage).

25 Owner: Bernard and Pamela Kershesh

26 Parcel Info: Lot 3 of a Family Transfer Subdivision, 294 Sisters Ln., Shepherdstown, WV

27 Parcel ID: 09001100010007; Size: 2 acres; Zoning District: Rural

28 Mr. Bernard Kershesh, property owner, was present to address the Board. Ms. Beaulieu provided an

29 overview of her staff report noting that the adjoining property had recently been placed in a

30 conservation easement. As such, no future development along the subject property line was

31 anticipated.

32 Mr. Kershesh explained the nature of the request to the Board and confirmed that the proposed

33 structure would be for personal use only.

34 Mr. McKinney opened the public hearing. No members of the public provided testimony.

35 Mr. McKinney closed the public hearing.

36 Mr. Wiegand moved to approve variance request #23-8-ZV with the condition that the applicant is

37 bound by their testimony. Mr. McKinney called for a vote, which carried unanimously.

38 **ITEM #2 FILE #: 23-9-ZV**

39 Request: Variance from Section 9.7 to reduce the side setback from 12' to 5' for a 20' x 28'

40 attached garage.

41 Owner: Karen and Glenn Frail

Board of Zoning Appeals

March 23, 2023

Page 2 of 4

1 Parcel Info: Tuscowilla Hills Subdivision, Lot #354, 124 Fenway Drive, Charles Town, WV
2 Parcel ID: 02011B01880000; Size: ~.3 acres; Zoning District: Residential Growth

3 Mr. Glenn Frail, property owner, was present to address the Board. Ms. Beaulieu provided an
4 overview of her staff report.

5 Mr. Frail explained the nature of each request to the Board stating that the purpose of the structure
6 was to protect their vehicle from weather related damage and theft.

7 Mr. McKinney opened the public hearing. No members of the public provided testimony.

8 Mr. McKinney closed the public hearing.

9 Mr. Wiegand moved to approve variance request #23-9-ZV with the condition that the applicant is
10 bound by their testimony. Mr. McKinney called for a vote, which carried unanimously.

11 **ITEM #3 FILE #: 23-10-ZV**

12 Request: Variance from Appendix A to reduce the rear setback from 20' to 14' for a portion of
13 a 10' x 20' deck.

14 Owner: Travis and Emily Warner

15 Parcel Info: Colonial Hills Subdivision, Lot #S51, 58 Branson Circle, Shepherdstown, WV
16 Parcel ID: 09008D00D40000; Size: .28 acres; Zoning District: Residential Growth

17 Mr. Travis Warner, property owner, was present to address the Board. Ms. Beaulieu provided an
18 overview of her staff report and explained that only a portion of the proposed deck would be subject
19 to the required setback.

20 Mr. Warner explained the nature of the request to the Board stating that the deck is designed around
21 the location of the exterior door.

22 Mr. McKinney opened the public hearing. No members of the public provided testimony.

23 Mr. McKinney closed the public hearing.

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

26 **ITEM #4 FILE #: 23-11-ZV and 23-12-ZV**

27 Request #1: Variance from Appendix A to reduce the side setback from 15' to 6' along the eastern
28 property line to accommodate the concrete area surrounding an in-ground swimming
29 pool. The edge of the concrete area is approximately 62' long. (23-11-ZV).

30 Request #2: Variance from Appendix A to reduce the side setback from 15' to 8' along the eastern
31 property line for a 12' x 12' accessory structure (gazebo) (23-12-ZV).

32 Owner: Kanette Petry

33 Parcel Info: French Road, LLC MSD, Lot 4 (Residue), 245 Summerfield Way, Shenandoah
34 Junction, WV Parcel ID: 09002000110004; Size: 5 ac; Zoning District: Rural

35 Ms. Kanette Petry, property owner, was present to address the Board via ZOOM. Mr. McKinney
36 requested that Ms. Beaulieu present both staff reports. Ms. Beaulieu provided an overview of the
37 staff report for request #23-11-ZV. Ms. Beaulieu confirmed that the concrete wall had obtained a
38 variance from the setback requirements in 2022.

39 Ms. Beaulieu provided an overview of the staff report for request #23-12-ZV. Ms. Beaulieu noted
40 that the Zoning Ordinance has a provision to allow storage sheds that are 150 square feet in size to
41 be located as close as five feet to the property line; however, the exception is specific to storage

1 sheds and did not include reference to accessory structures broadly. Therefore, the subject gazebo
2 was not permitted to utilize the reduced setback provision.

3 Ms. Petry explained the nature of each request stating that they had misunderstood that the concrete
4 surrounding the pool needed to adhere to the required setbacks. Ms. Petry also stated that they were
5 unaware that the gazebo would not be considered a storage shed for the purpose of the setback
6 requirements. Ms. Petry acknowledged that the gazebo was built without a building permit and
7 noted that it could be relocated as it was braced to the concrete but it was not set into the concrete.

8 Mr. McKinney opened the public hearing.

9 Mr. David Gray, neighboring property owner, provided testimony.

10 Mr. McKinney closed the public hearing.

11 Ms. Petry stated she did not have any additional information to provide to the Board.

12 In response to Mr. Quynn's inquiry, Ms. Petry confirmed that she had a law degree and that her
13 husband worked in construction. Ms. Petry confirm that her husband built their home.

14 Mr. Wiegand moved to approve variance request #23-11-ZV with the condition that the applicant is
15 bound by their testimony. Mr. McKinney called for a vote, which carried unanimously.

16 Mr. Wiegand moved to approve variance request #23-12-ZV with the condition that the applicants
17 are bound by their testimony. Mr. McKinney called for a vote, which carried two (2) in support and
18 one (1) in opposition (Mr. Quynn). Mr. Quynn stated for the record that he did not believe the
19 property owner met the required criteria for a variance.

20 **ITEM #5 FILE #: 23-2-CUP**

21 Request: Request for a Conditional Use Permit to establish a federal firearms business to
22 include gunsmithing and retail sales. The proposal consists of utilizing a 10 acre
23 portion of the 92 acre tract. The use will initially be conducted from the existing
24 structures, with the option to construct new buildings/additions to existing buildings
25 within the 10 acre area delineated in the application in the future. No signs are
26 proposed. Proposed land use designations as listed in Appendix C are Custom
27 Manufacturing and Retail Sales and Service, General, as defined in Article 2.

28 Owner: 375 Dorland LLC / Attn: Mark Lazar

29 Parcel Info: Daniel Zappe Minor Subdivision, Lot 2, 1195 Chestnut Hill, Harpers Ferry, WV
30 Parcel ID: 04001300370000; Project Size: 10 acres; Parcel Size: 92.6 acres;
31 Zoning District: Rural

32 Mr. Paul Raco with P.J. Raco Consulting, LLC and Mr. Mark Lazar, principal for 375 Dorland LLC,
33 were present to address the Board. Ms. Beaulieu provided an overview of her staff report to the
34 Board and reviewed the required criteria for a Conditional Use Permit. Ms. Beaulieu noted that as
35 presented, the current proposal would not necessitate a site plan because no new structures were
36 proposed.

37 Mr. Raco provided a detailed overview of the conditional use permit application and the associated
38 criteria. Mr. Raco expounded on the definition of artisan as it relates to gunsmithing. Mr. Raco
39 confirmed that the proposal would adhere to all state and federal regulations related to firearms.
40 Mr. Raco and Mr. Lazar addressed the Board's questions regarding the anticipated traffic count and
41 flow.

42 Mr. McKinney opened the public hearing. No members of the public provided testimony.

43 Mr. McKinney closed the public hearing.

- 1 The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance.
2 Mr. Quynn moved to approve the conditional use permit in accordance with Section 6.3E of the
3 Zoning Ordinance, with the condition that the applicant is bound by their testimony. Mr. McKinney
4 called for a vote, which carried unanimously.

5 **Zoning Administrator's Report**

6 Ms. Beaulieu noted the next meeting date was April 27, 2023.

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

8 **Legal Update**

- 9 a. Discussion of the following pending lawsuit(s):

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

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

14 No legal update was provided.

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

16 Meeting: February 23, 2023

17 1. Variances from Sections 8.9A.9 and 11.1A. Applicant: Dewberry / Attn: Carolyn
18 Howard. Owner: SUSO 2 ALABAMA LP. File: 23-4-ZV & 23-5-ZV.

19 2. Variance from Section 10.4B.2. Applicant: Holtzman Oil Corp. Owner: Charles Town
20 Burr Park Station, LLC / Attn: Richard Koonz, Jr. File: 23-6-ZV.

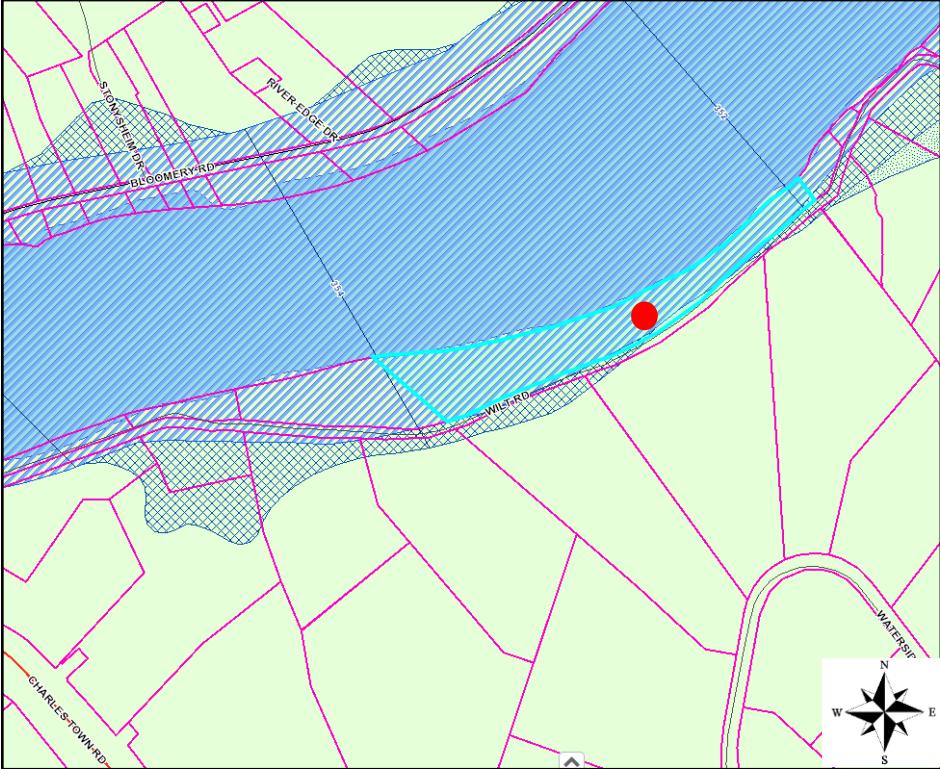
21 3. Variance from Section 9.6C and 9.7. Owner: Douglas and Lenore Stroop. File: 23-7-ZV

22 Mr. McKinney was provided a copy of the draft Findings for review.

23 Mr. Wiegand moved to adjourn the meeting at 3:32 pm. Mr. McKinney called for a vote, which
24 carried unanimously.

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 Jefferson County Board of Zoning Appeals
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Whisper Ridge LLC Appeal (#23-1-AP)

Item #1 Appeal of the Zoning Administrator’s determination that any nonconforming use that may have existed on the subject parcel when the Zoning Ordinance became effective was abandoned by virtue of the recordation of the final plat for the Beacon Hill / Waterside Reserve subdivision.

Owner:	Whisper Ridge, LLC / Attn: Patricia Sanderson
Applicant’s Representative:	Panhandle Legal / Attn: Christopher Stroeck, Esq.
Developer:	N/A
Parcel Information and Zoning District:	<p style="text-align: center;">Wilt Road, Charles Town, WV Parcel ID: 02020B0OS10000; Size: 6 ac; Zone: Rural</p> 
History:	<p>02-37 Beacon Hill Estates Subdivision – Approved 07/30/04 02-37 Beacon Hill Estates Minor Plat Change – Approved 07/19/07 *Changed subdivision name to Waterside Reserve 05-19 Waterside Reserve Phase II (Lots 9-14, 21-28) – Approved 07/19/07</p>
Waivers/Variances:	<p>PC Variance from maximum road grade of nine percent when you have more than ten lots (Section 8.2.A.7 of the Subdivision Ordinance). Approved 06/27/06</p>

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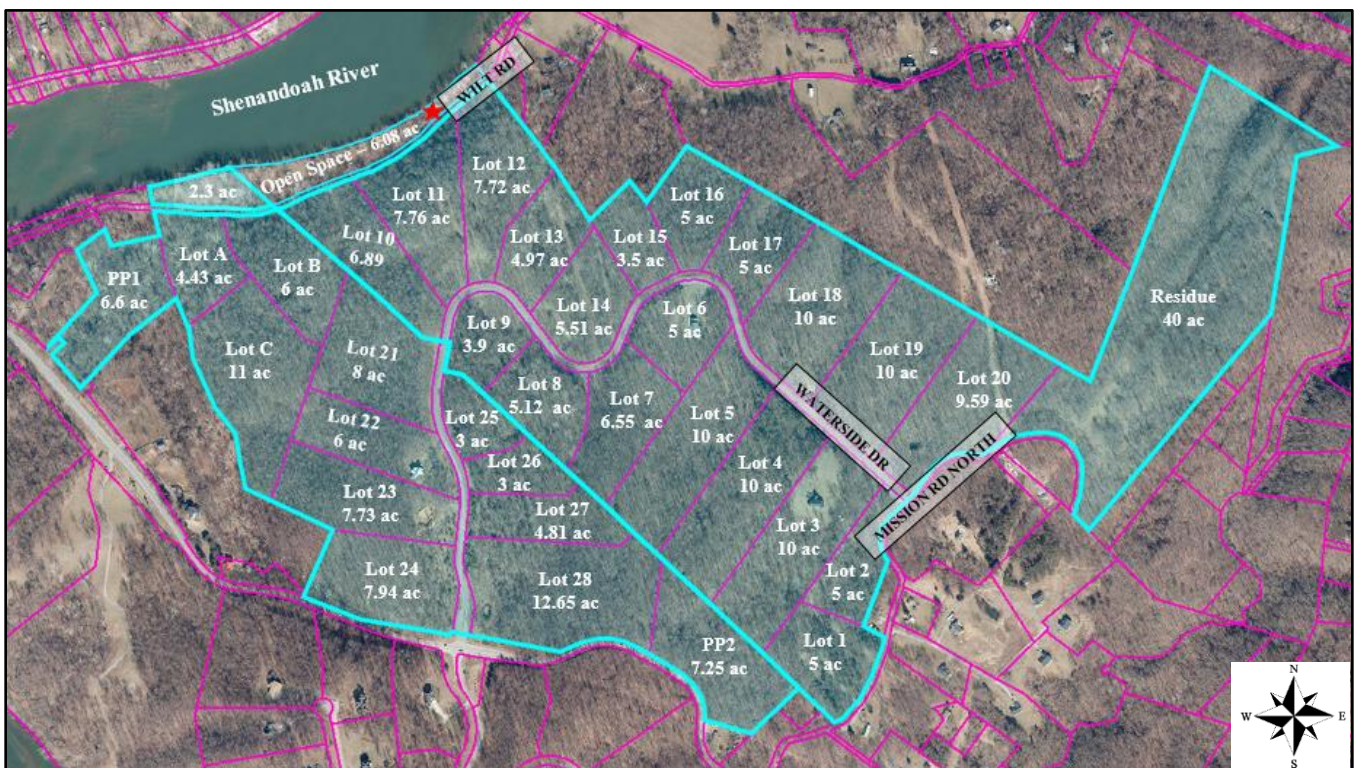
PARCEL INFORMATION / OVERVIEW OF WATERSIDE RESERVE SUBDIVISION

The Waterside Reserve Subdivision is comprised of 31 single family lots. The subdivision was created in two phases, with Phase I being approved in 2004 for the first 21 lots and Phase II being approved in 2007 for an additional 10 lots. The subdivision was created using a combination of the density provisions in Section 5.7D.1 of the Zoning Ordinance in effect at the time (1 lot per 10 acres), as well as a series of boundary line adjustments between existing, platted lots.

A Community Impact Statement (CIS) was required to process as part of the subdivision approval process. There is a CIS for Phase I of the Waterside Reserve Subdivision (fka Beacon Hill Estates) and a CIS for Phase II. Both documents state that a strip of land between Wilt Road and the Shenandoah River is being dedicated as open space for recreational purposes for the property owners (Page 4, Item #12 of the CIS approved 12-10-02 [File #02-37]; Page 10, Item #12 of the CIS approved 07-08-05 [File #05-19]; and Page 10, Item #12 of the CIS approved 07-11-05 [File #05-19]).

Additionally, the CIS states that “Several non-permanent trailers are located along the Shenandoah River and shall be removed prior to the sale of the lots” (Page 3, Item #9 of the CIS approved 12-10-02 [File #02-37]; Page 9, Item #9 of the CIS approved 07-08-05 [File #05-19]; and Page 9, Item #9 of the CIS approved 07-11-05 [File #05-19]).

The final plat that was recorded for the first 21 lots delineates the subject parcel as “Open Space” ([Plat Book: 24 @ Page: 31](#)) and the final plat that was recorded for the additional ten lots includes a note which states, “Proposed Preservation Parcel 1 and 2, and Open Space Parcel 1 are not buildible [sic] lots” ([Note #23, Plat Book: 24 @ Page: 32](#)).



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Whisper Ridge LLC Appeal (#23-1-AP)

OVERVIEW OF THE WHISPER RIDGE, LLC APPEAL

On August 24, 2022 the Ordinance Compliance Officer issued a Notice of Violation to the property owner citing violations for work that was being conducted within the floodplain area and without a building permit. The Notice of Violation also cited a violation with the County’s Zoning Ordinance. Subsequently, the property owner met with staff and submitted documents to support the status of the nonconforming use on the property (see timeline on Page 5 of Staff Report).

After reviewing the support documentation submitted by the property owner and researching the history of the property, Staff provided the following determination on February 28, 2023:

Based on the description of the subject property in the approved Community Impact Statement (CIS), it does not appear that a campground existed at the time the Waterside Reserve Subdivision (fka Beacon Hill Estates) processed in 2002, and the subsequent approvals in 2005. Additionally, there is no evidence of an intent to maintain and/or an intent to continue operating a nonconforming campground documented within the approved CIS. Therefore, any nonconforming use that may have existed on the subject parcel at the time the residential subdivision processed, would have been considered abandoned by virtue of the approved residential subdivision, in accordance with Section 4.3B and the definition of “Abandonment” in Article 2 of the Zoning Ordinance.

The crux of the appellant’s argument is that staff based their determination only upon paper descriptions of the property in the CIS and 2007 recorded plats (see page 4 of appeal). The appellant further states that the campground has operated continuously and that the subdivision plan was never realized (see Page 2, Item 12 of appeal).

Staff contends that a paper description provided in a public meeting before the Planning Commission on multiple occasions, as well as the recordation of the final plat (i.e. a recorded paper description) is a legally binding representation of the intended use of the property wherein the applicant/developer of the proposal is bound by their testimony and such descriptions become conditions of approval for the development.

Article 2 of the Zoning Ordinance defines Abandonment or Abandoned as follows:

The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.

Based on the definition of Abandonment and the written descriptions of the Waterside Reserve Residential Subdivision (fka as Beacon Hill Estates), Staff determined that if a nonconforming campground existed in 2002, the nonconforming use was abandoned by virtue of the approved residential subdivision. The “paper descriptions” are legally binding statements, presented to the Planning Commission on multiple occasions, which described that the intended use of the property was as a residential subdivision.

Staff did not determine whether or not a nonconforming campground had operated continuously on the subject parcel; Staff determined that *if* a nonconforming campground operated continuously on the subject property during and after the approval of the residential subdivision, it would have been operating illegally as there was no reference in the CIS or on the final plat to indicate any intent to

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operate a campground. Exclusion of reference to any existing or proposed uses from the CIS is disingenuous to the Planning Commission, Staff, and the public.

Further, the CIS clearly stated that the subject parcel would be dedicated as open space for recreational purposes for the property owners, which substantiates the determination that any nonconforming use that *may have* existed at the time the subdivision processed was abandoned when the subdivision – which included the aforementioned open space parcel - was approved by the Planning Commission. The CIS also states that several non-permanent trailers located on the property would be removed prior to the sale of the lots, which also supports the determination that any existing uses at the time of application were abandoned with the approval of the residential subdivision.

Nothing in the CIS or the Final Plats for the Waterside Reserve Subdivision (fka Beacon Hill Estates) indicated that the property owner had any intent to continue operating any uses that may have existed prior to the approval of the subdivision. The description within the CIS and on the Final Plats clearly represent the intent to develop the property as a residential subdivision. Therefore, any use that *may have* existed at the time of application was abandoned when the subdivision was approved. Stating that the subdivision plan was never realized is an admission to being in violation of the conditions of approval for the subdivision – conditions that were proffered by the developer at that time, who is the current property owner of the subject parcel, and the appellant.

Excerpts from the CIS for Beacon Hill Estates and Waterside Reserve are noted below and attached for reference. If the developer intended to operate a campground, or intended to continue operating an existing campground, that information should have been disclosed to the Planning Commission at the time the subdivision began processing.

“General Location and Description of Existing Structures

...Several non-permanent trailers are located along the Shenandoah River and shall be removed prior to the sale of the lots.” [Pg 3, Item #9 of CIS, approved 12-10-02 – see attached Exhibit A].

“Approximate Size, Location, and Purpose of Areas to be Dedicated

Open Space: A ... strip of land along the northwest portion of the tract between State Route 9/8 and the Shenandoah River is being dedicated as open space for recreational purposes for the property owners.” [Pg 4, Item #12 of CIS approved 07-11-05 – see attached Exhibit A].

“General Location and Description of Existing Structures

...Several non-permanent trailers are located along the Shenandoah River and shall be removed prior to the sale of the lots.” [Pg 9, Item #9 of CIS, approved 07-11-05 – see attached Exhibit C].

“Approximate Size, Location, and Purpose of Areas to be Dedicated

Open Space: A ... strip of land along the northwest portion of the tract between State Route 9/8 and the Shenandoah River is being dedicated as open space for recreational purposes for the property owners.” [Pg 10, Item #12 of CIS approved 07-11-05 – see attached Exhibit C].

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TIMELINE OF EVENTS LEADING UP TO APPEAL

- August 24, 2022: Ordinance Compliance Officer issued notice of violation to the property owner citing violations with county ordinances including Building Code, the Floodplain Ordinance, the Subdivision Regulations and the Zoning Ordinance [*see attached Exhibit K*].
- September/October 2022: Property owner met with county staff and stated that a campground existed on the property before zoning was adopted. Staff requested documentation to substantiate their position that a campground existed prior to 1988 and had operated continuously.
- December 16, 2022: Property owner submitted letters from campground tenants, the WV State Health Department, the campground business accountant, and members of Whisper Ridge, LLC attesting to the campground having been established prior to 1988 and the continued operation of the campground [*see attached Exhibits F and G*¹].
- January 13, 2023: Staff advised that any nonconforming use that may have existed at the time the residential subdivision processed was abandoned by virtue of the subdivision approval [*see attached Exhibit H*].
- January 25, 2023: Property owner submitted a quitclaim deed to staff, which was recorded in 2011 when the subdivision was transferred to another developer. The property owner stated that pursuant to the quitclaim deed, residents of the Waterside Reserve Subdivision did not have the right to use the subject property. Staff advised that in order to exclude the subject property from the approved subdivision, the CIS and Final Plat would need to be amended. Staff offered to forward the quitclaim deed to legal counsel for advice as to whether the quitclaim deed superseded any Planning Commission approvals [*see attached Exhibit I*].
- February 28, 2023: Staff notified the property owner by email that the 2011 quitclaim deed did not supersede or negate Planning Commission approval. Staff advised that in order to exclude the subject property from the approved subdivision, the CIS and Final Plat would need to be amended. Additionally, staff provided the following zoning determination [*see attached Exhibit J*]:

“...any nonconforming use that may have existed on the subject parcel at the time the residential subdivision processed, would have been considered abandoned by virtue of the approved residential subdivision, in accordance with Section 4.3B and the definition of “Abandonment” in Article 2 of the Zoning Ordinance.”

¹ Exhibit G was not submitted by the property owner. Staff referred to the WVSOS website when reviewing the support letters to ascertain which letters were submitted by the members of Whisper Ridge, LLC.

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Attachments

- Exhibit A – File #02-37 - Beacon Hill Estates CIS Excerpt – 12-10-2002
- Exhibit B – File #05-19 - Beacon Hill Estates CIS Excerpt – 07-08-2005
- Exhibit C – File #05-19 - Beacon Hill Estates CIS Excerpt – 07-11-2005
- Exhibit D - File #05-19 Beacon Hill Estates Concept Plan Sketch
- Exhibit E - File #02-37 Waterside Reserve (fka Beacon Hill Estates) Final Plat MPC Excerpt (recorded on July 19, 2007 in [Plat Book 24 @ Page 31](#))
- Exhibit F - Nonconforming Use Support Documents submitted by property owner on 12-16-2022
- Exhibit G - WV Secretary of State Information for Whisper Ridge, L.L.C.
- Exhibit H – Staff Email dated 01-13-2023
- Exhibit I - Quitclaim Deed Recorded March 24, 2011 in [Deed Book 1091 @ Page 160](#)
- Exhibit J - Zoning Administrator Determination RE Nonconforming Use dated 02-28-2023
- Exhibit K – Notice of Violation Issued August 24, 2022

BOARD OF ZONING APPEALS ROLE

ARTICLE 6: Board of Zoning Appeals Applications³²

The Board of Zoning Appeals, in accordance with the procedures outlined in this Section, shall review and consider the following applications: Appeals, Variances, Conditional Use Permits, Seasonal Use Permits, and Special Exceptions.

In exercising its power and authority, the Board of Zoning Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as the Board deems appropriate.^{17, 21}

Any party may appeal any decision of the Board of Zoning Appeals to the Circuit Court of Jefferson County within 30 days of the Board's decision, pursuant to Chapter 8A of the West Virginia Code, as amended.^{2, 17, 21}

Nothing in this Section shall be construed as permitting the Board of Zoning Appeals to exercise any power or refrain from the performance of any duty not authorized or directed by the provisions of Chapter 8A of the West Virginia Code, as amended, which provisions of the Code are hereby incorporated herein by reference.^{14, 17}

Section 6.1 Appeals³²

The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.

A. Filing an Appeal

1. An appeal to the Board may be taken by any person, board, associate, corporation or official allegedly aggrieved by any administrative decision based or claimed to be based, in whole or in

Staff Report
Jefferson County Board of Zoning Appeals
April 27, 2023
Whisper Ridge LLC Appeal (#23-1-AP)

part, upon the provisions of this Ordinance. The property owner of the subject appeal shall sign the application or an affidavit allowing an agent for the property owner to file the application which shall be submitted.

2. Such appeal shall be filed with the Board within 30 days from the decision appealed.

B. Notification

1. 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.^{5, 17, 21}
2. The subject property shall be posted conspicuously by a zoning notice no less than 28 inches by 22 inches in size, at least 15 days before the hearing. The sign will be prepared by the Office of Planning and Zoning but posting the sign is the responsibility of the applicant. The Board, in its discretion, may otherwise visit the specific property prior to or after the hearing.

C. Public Hearing

1. The Board shall hold a hearing within 45 days of the date the appeal is received in the Office of Planning and Zoning. At the hearing, any party may appear and be heard in person or by agent or attorney.^{5, 8, 17, 21}
2. The Board shall render its determination on the application no more than 30 days following the public hearing by registered mail.

D. Continuance of Hearing

The Board may continue a hearing at another time and/or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session. Any hearing continued shall be held within 30 days from the initial hearing.

02-37

Community Impact Statement
for
BEACON HILL ESTATES SUBDIVISION

650' Northeast of Intersection of US Route 9 & WV Route 9/5
Jefferson County, WV

RECEIVED

DEC 04 2002

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

OCTOBER 25, 2002

Revised December 3, 2002

Made For:

Mission Mountain, L.L.C.
RR 7, Box 106
Charles Town, West Virginia 25414

RECEIVED

DEC 18 2002

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Review Print
Return to Jefferson County
Office of Planning
Zoning & Engineering

RETURNED TO

Site Plans Design

DATE 12/10/02

PREPARED BY:
SITE PLANNING & DESIGN

4603 PALMER ROAD
McGAHEYSVILLE, VA 22840
PHONE: 540-289-7772
FAX: 540-289-7823

EXHIBIT A

Approved for:
By *CIS*
Rep John 12/10/02
County Engineer Date

6. Topography

The topography of the site is dominated by a ridge overlooking the Shenandoah River. The highest point of the tract is approximately 620 feet (National Geodetic Vertical Datum of 1929) and is located along the southern portion of the site. The ridge slopes gradually to the northeast and northwest toward the Shenandoah River and then descends to the river to the lowest elevation of approximately 340 feet.

7. Soil and Drainage Characteristics

See Appendix B – Soils Information

8. Existing Natural or Man-Made Features

The site is primarily wooded with minimal undergrowth. One small clearing occurs within the area of Lot #1 west of Route 9/5. Two sets of overhead utility lines traverse the property. All trees have been removed along the utility rights-of-ways with undergrowth occurring along the forest edge. Three well-defined wet weather stream channels cross through the site as shown on the subdivision sketch plat. A small abandoned quarry exists on the northern portion of Lot #14. Several woods roads traverse through the property with one small area used for dumping of household trash. The dump area shall be cleaned-up and the trash hauled to a local landfill prior to the sale of the lots.

There are no known rock outcroppings, bogs, sinkholes, pond or wetlands on the site.

9. General Location and Description of Existing Structures

An existing trailer is located within the proposed Lot #20 area near Route 9/5. This structure shall be removed prior to sale of the lots. Several non-permanent trailers are located along the Shenandoah River and shall be removed prior to the sale of the lots. No other known man-made structures exist on the site.

10. General Location and Description of Existing Easements or Rights-of-way

Two rights-of-ways exist for the overhead power lines as shown.

EXHIBIT A

11. Existing Covenants or Restrictions

Research of property deeds back to 1941 shown no existing covenants or restrictions.

12. Approximate Size, Location and Purpose of Areas to be Dedicated

A 4.82 acre strip of land along the northwest portion of the tract between State Route 9/8 and the Shenandoah River is being dedicated as open space for recreational purposes for the property owners. A 20-foot pedestrian easement shall be provided for access to the open space area.

13. Intended Improvements

3,400 linear feet of road shall be installed to serve the subdivision. Drainage control and stormwater management structures shall be installed as required to control runoff from roadways prior to entering the natural drainage system.

14. Intended Land Uses

The subdivision shall create 20 residential lots plus the tract residue to accommodate single-family homes as allowed in the Rural Zoning District. House sizes are to be determined by the individual landowner.

15. Intended Earthwork

Earthwork shall be limited to the installation of subdivision roads and driveways. Effort has been taken to minimize the earthwork required to install roads and driveways by designing the road alignment along contour. Blasting shall be limited to those areas where bedrock cannot be removed by conventional earthmoving equipment and is expected to be minimal. Approximately 1.5% (3.0 acres) of the entire tract shall be disturbed by earthwork.

16. Proposed Covenants and Restrictions

See Appendix C – Proposed Covenants and Restrictions

EXHIBIT A

#2 Review Print

05-19

Revised Beacon Hill Subdivision

RECEIVED

To add 10 lots to the approved subdivision

JUL 08 2005

Developed by
Shenandoah Construction LLC

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

RECEIVED

JUL 1 - 2005

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

A Residential Subdivision
Charles Town District
Jefferson County WV

RETURNED TO

Dewberry

DATE 7-7-05

Review Print #2
Return to Jefferson County
Office of Planning
Zoning & Engineering

Prepared for

The Jefferson County Planning Commission

Approved for:
CIS Addendum #1 of 2
By Roger Jones 07/08/05
County Engineer Date

June 2, 2005
Revised June 30, 2005

EXHIBIT B

Prepared by:
Dewberry
Ranson WV
Staff Report Page 13 of 58



Dewberry

8. Existing Natural or Man-Made Features

The site is primarily wooded with minimal undergrowth. One small clearing occurs within the area of Lot #1 west of Route 9/5 (Mission Road). Two sets of overhead utility lines (**now part of the Alleghany Power System**) traverse the property. All trees have been removed along ~~the~~ these utility rights-of-ways with undergrowth occurring along the forest edge. An overhead utility line also runs along a small portion of WV Primary Route 9.

Three well-defined wet weather stream channels cross through the site as shown on ~~the revised Exhibit 2 (page 27) and the Revised Concept Plan subdivision sketch plat~~. A small abandoned quarry exists on the northern portion of Lot ~~#14-15~~. Several woods roads traverse through the property with one small area used for dumping of household trash. **All of the access roads are to be abandoned except for one that leads towards the Potomac River and it will be converted into a walking/bicycling path.** The dump area shall be cleaned-up and the trash hauled to a local landfill prior to the sale of the lots.

There are no known rock outcroppings, bogs, sinkholes, pond or wetlands on the site.

The majority of the area being added to the revised Beacon Hill Estates is wooded and in natural condition. The wooded area consists of hardwood growth, under story vegetation and denser vegetation located in lower lying areas. The property adjoins the Shenandoah River for an additional 450 +/- feet just to the south of the proposed river front access at Beacon Hill Estates. Steep slopes adjoin the river and the intermittent streams draining to the river. Wilt Road (WV Route 9/8) is located along the river front and a number of dirt tracks (including proposed Mannings Ferry Road, part of Mission Ridge subdivision) traverse this area.

9. General Location and Description of Existing Structures

An existing trailer is located within the proposed Lot #20 area near WV Secondary Route 9/5 **is to be removed** and a dilapidated fruit stand **previously** located off of WV Primary Route 9 (within the proposed Right of Way) **are on the site has been removed**. ~~This structure Both structures shall be removed prior to sale of the lots.~~ Several non-permanent trailers are located along the Shenandoah River and shall be removed prior to the sale of the lots. No other known man-made structures exist on the site.

10. General Location and Description of Existing Easements or Rights-of-way

Two rights-of-ways exist for the overhead power lines ~~as shown~~ on the existing approved Beacon Hill Estates Subdivision. Another overhead electric line located in a blanket easement runs alongside WV Primary Route 9. All these rights of way belong to Alleghany Power and vary in width from 20 feet to 80 feet. Wilt Road runs through the property in an existing 30 feet wide right of way.

EXHIBIT B

11. Existing Covenants or Restrictions

Research of property deeds back to 1941 show no existing covenants or restrictions. According to the Mission Ridge CIS, there are no known existing covenants or restrictions on the property. The existing Beacon Hill Estates lots are covered by the covenants at pages 52 to 56 of this document. The portion of Mission Ridge sold is covered by the following restrictions:

- “Use of the land for salvage, landfill, wood processing/treatment or dumping of any material whether biodegradable or not shall be prohibited.”
- All state, federal and local laws, ordinances and regulations concerning or related in any way to environmental or zoning considerations shall be complied with by the grantee, its successors and assigns.”

No covenants proposed as part of the subdivision process for Mission Ridge Subdivision apply to this subdivision

12. Approximate Size, Location and Purpose of Areas to be Dedicated

Open space: A ~~4.82~~ 29.8 acre strip of land along the northwest portion of the tract between State Route 9/8 (Wilt Road) and the Shenandoah River and extending partially up the slopes to Beacon Hill Drive is being dedicated as open space for recreational purposes for the property owners. ~~A 20-foot pedestrian easement shall be provided for access to the open space area.~~ This area will be reached via an existing lane to be improved into a twenty feet wide gravel walking/bicycle trail that will run runs from Beacon Hill Drive to Wilt Road.

Rights of Way: Approximately 7.6 acres will be in dedicated Rights of Way. This right of way will contain Beacon Hill Drive and the cul de sac and will be dedicated to the Homeowners Association for maintenance.

Dedication Easements for future road widening: Along all state maintained roads adjoining or crossing the property, 10 feet wide dedication easements shall be provided either on one side of the road where the road adjoins the property (WV Primary Route 9 and Mission Road) and 10 feet on either side (Wilt Road) where the road bisects the property for future road widening. This will cover 3.1 acres of land.

Storm drainage Improvements: Approximately 4.3 acres of storm drainage easements will be created for storm water management facilities. These easements will be dedicated to the Homeowners Association for access and maintenance.

13. Intended Improvements

Approximately ~~3400~~ 6000 linear feet of 20 feet wide paved road shall be installed to serve the subdivision. This roadway will be located within a 50 feet wide right of way built in accordance with Jefferson County

Changes to original CIS shown by ~~strike through and underline~~, Additions shown by bold Roman 1st Rev. shown hi-lited in yellow

EXHIBIT B

05-19

Revised Beacon Hill Subdivision

To add 10 lots to the approved subdivision

**Developed by
Shenandoah Construction LLC**

Review Print #1
Return to Jefferson County
Office of Planning
Zoning & Engineering

A Residential Subdivision

Charles Town District
Jefferson County WV

RETURNED TO
Dewberry
DATE 6-13-05

Prepared for

The Jefferson County Planning Commission

See Separate Addendum #1 & #2

Approved for:
CIS
By Rogers **Date** 07/11/05
County Engineer

June 2, 2005

RECEIVED RECEIVED

JUL 1 - 2005

JUN - 2 2005

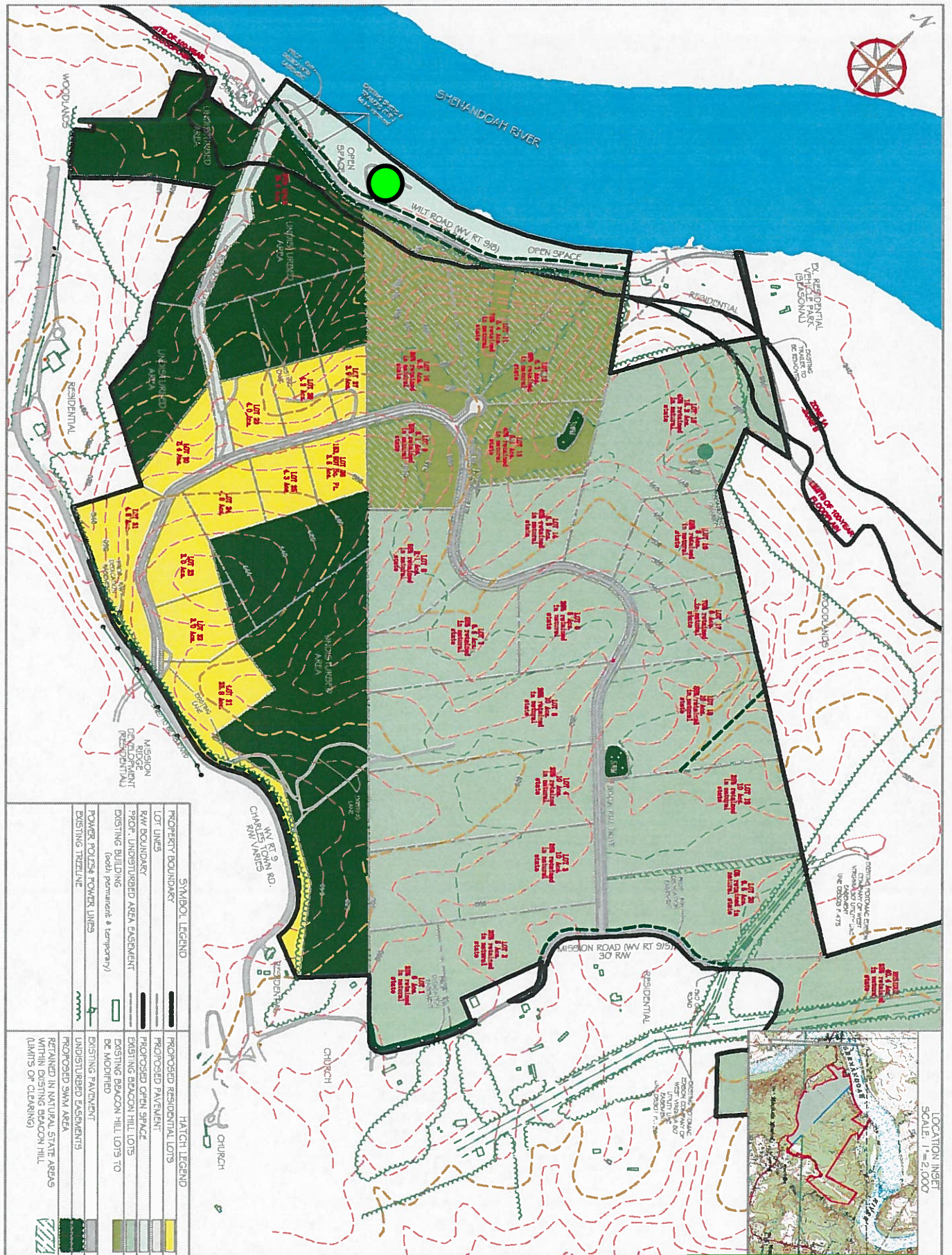
JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING
JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING

Prepared by:
Dewberry
Ranson WV

EXHIBIT C



Dewberry



SYMBOL LEGEND

	PROPERTY BOUNDARY		HATCH LEGEND
	LOT LINES		PROPOSED RESIDENTIAL LOTS
	RAW BOUNDARY		PROPOSED PAVEMENT
	PROPOSED UNDISTURBED AREA EASEMENT		PROPOSED OPEN SPACE
	EXISTING BUILDING		EXISTING BEACON HILL LOTS
	EXISTING POWER LINES		EXISTING BEACON HILL LOTS TO BE MODIFIED
	EXISTING TRENCHLINE		EXISTING PAVEMENT
	POWER POLES		UNDISTURBED EASEMENTS
	EXISTING SWM AREA		PROPOSED SWM AREA
	RETAINED IN NATURAL STATE AREAS		RETAINED IN NATURAL STATE AREAS (LIMITS OF CLEARING)



CONCEPT PLAN
BEACON
 AS REV
 CHARLES
 DISTRICT
 JEFFERSON COUNTY
 WEST VIRGINIA

EXHIBIT C

8. Existing Natural or Man-Made Features

The site is primarily wooded with minimal undergrowth. One small clearing occurs within the area of Lot #1 west of Route 9/5 (Mission Road). Two sets of overhead utility lines traverse the property. All trees have been removed along the these utility rights-of-ways with undergrowth occurring along the forest edge. An overhead utility line also runs along a small portion of WV Primary Route 9.

Three well-defined wet weather stream channels cross through the site as shown on the revised subdivision sketch plat. A small abandoned quarry exists on the northern portion of Lot #14. Several woods roads traverse through the property with one small area used for dumping of household trash. The dump area shall be cleaned-up and the trash hauled to a local landfill prior to the sale of the lots.

what
15?
what will be done w/ roads?

There are no known rock outcroppings, bogs, sinkholes, pond or wetlands on the site.

The majority of the area being added to the revised Beacon Hill Estates is wooded and in natural condition. The wooded area consists of hardwood growth, under story vegetation and denser vegetation located in lower lying areas. The property adjoins the Shenandoah River for an additional 450 +/- feet just to the south of the proposed river front access at Beacon Hill Estates. Steep slopes adjoin the river and the intermittent streams draining to the river. Wilt Road (WV Route 9/8) is located along the river front and a number of dirt tracks (including proposed Mannings Ferry Road, part of Mission Ridge subdivision) traverse this area.

9. General Location and Description of Existing Structures
An existing trailer is located within the proposed Lot #20 area near WV Secondary Route 9/5 and a dilapidated fruit stand located off of WV Primary Route 9 (within the proposed Right of Way) are on the site. This structure Both structures shall be removed prior to sale of the lots. Several non-permanent trailers are located along the Shenandoah River and shall be removed prior to the sale of the lots. No other known man-made structures exist on the site.

label on concept plan

10. General Location and Description of Existing Easements or Rights-of-way

Two rights-of-ways exist for the overhead power lines as shown on the existing approved Beacon Hill Estates Subdivision. Another overhead electric line located in a blanket easement runs alongside WV Route 9. All these rights of way belong to Alleghany Power and vary in width from 20 feet to 80 feet. Wilt Road runs through the property in an existing 30 feet wide right of way.

11. Existing Covenants or Restrictions

Research of property deeds back to 1941 show no existing covenants or restrictions. According to the Mission Ridge CIS, there are no known existing covenants or restrictions on the property. - *what about any new covenants from Beacon Hill or Mission Ridge?*

Changes to original CIS shown by strike through and underline, Additions shown by bold Rom

EXHIBIT C

12. Approximate Size, Location and Purpose of Areas to be Dedicated

Open space: A ~~4.82~~ 29.8 acre strip of land along the northwest portion of the tract between State Route 9/8 (Wilt Road) and the Shenandoah River and extending partially up the slopes to Beacon Hill Drive is being dedicated as open space for recreational purposes for the property owners. A 20-foot pedestrian easement shall be provided for access to the open space area. This area will be reached via an existing lane that runs from Beacon Hill Drive to Wilt Road.

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13. Intended Improvements

Approximately ~~3400~~ 6000 linear feet of road shall be installed to serve the subdivision. Drainage control and stormwater management structures shall be installed as required to control runoff from roadways prior to entering the natural drainage system.

provide ROW width ✓ signs? bus shelter? mail? water & sewer.

14. Intended Land Uses

The subdivision shall create 20 ~~31~~ residential lots plus the tract residue to accommodate single-family homes as allowed in the Rural Zoning District. House sizes are to be determined by the individual landowner.

break down existing & new being created - sounds like 14 21 new lots are being proposed

15. Intended Earthwork

Earthwork shall be limited to the installation of subdivision roads, storm water management basins and driveways. Effort has been taken to minimize the earthwork required to install roads and driveways by designing the road alignment along contour. Blasting shall be limited to those areas where bedrock cannot be removed by conventional earthmoving equipment and is expected to be minimal.

Approximately 5 to 7 % (~~3.0~~ 14 to 20 acres) of the entire tract shall be disturbed by earthwork.

measures to be taken to protect adjacent properties?

EXHIBIT C

Changes to original CIS shown by strike through and underline. Additions shown by bold Roman typeface.



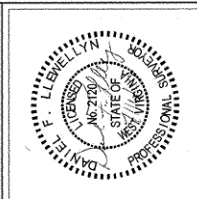
SITE PLANNING & DESIGN

4603 PALMER ROAD
MCRAHEYSVILLE, VA 22840
PHONE: 540-289-7772
FAX: 540-289-7823

WATERSIDE RESERVE SUBDIVISION

CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WV

DEED BOOK 988 PAGE 889
TAX MAP 20, PARCEL 36
OWNER/DEVELOPER
GREENBRIER, L.L.C.
36 BARKETON ROAD
HARRERS FERRY,
WEST VIRGINIA 25425
PHONE: (304) 775-3721



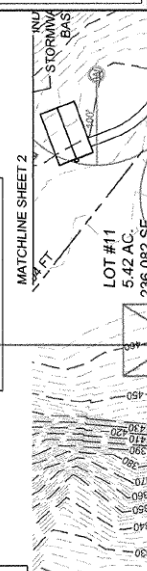
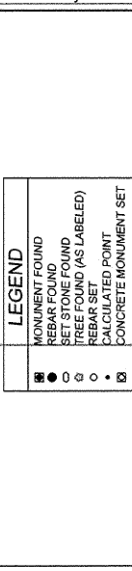
FINAL PLAN

REV.	DATE	REQUESTED BY:

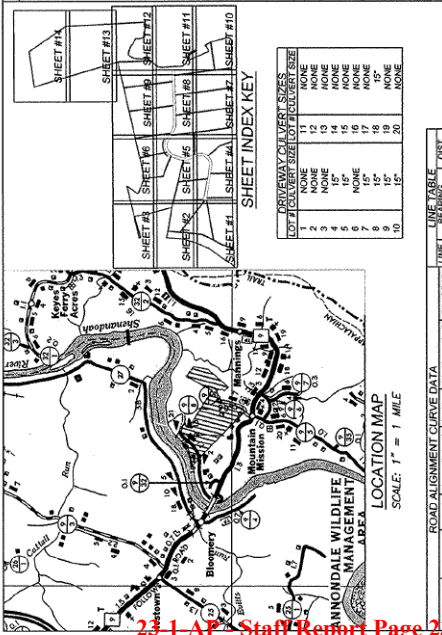
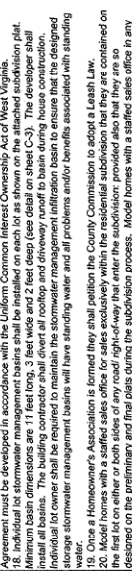
SHEET 1 OF 14

PROJECT #:	504-0702-32
DATE:	JUNE 29, 2007
DRAFT:	JUNE 29, 2007
SCALE:	1" = 100'
FIELD BOOK:	SPD 001
DRAWN BY:	DLL
CHECKED BY:	DLL
APPROVED BY:	GDG

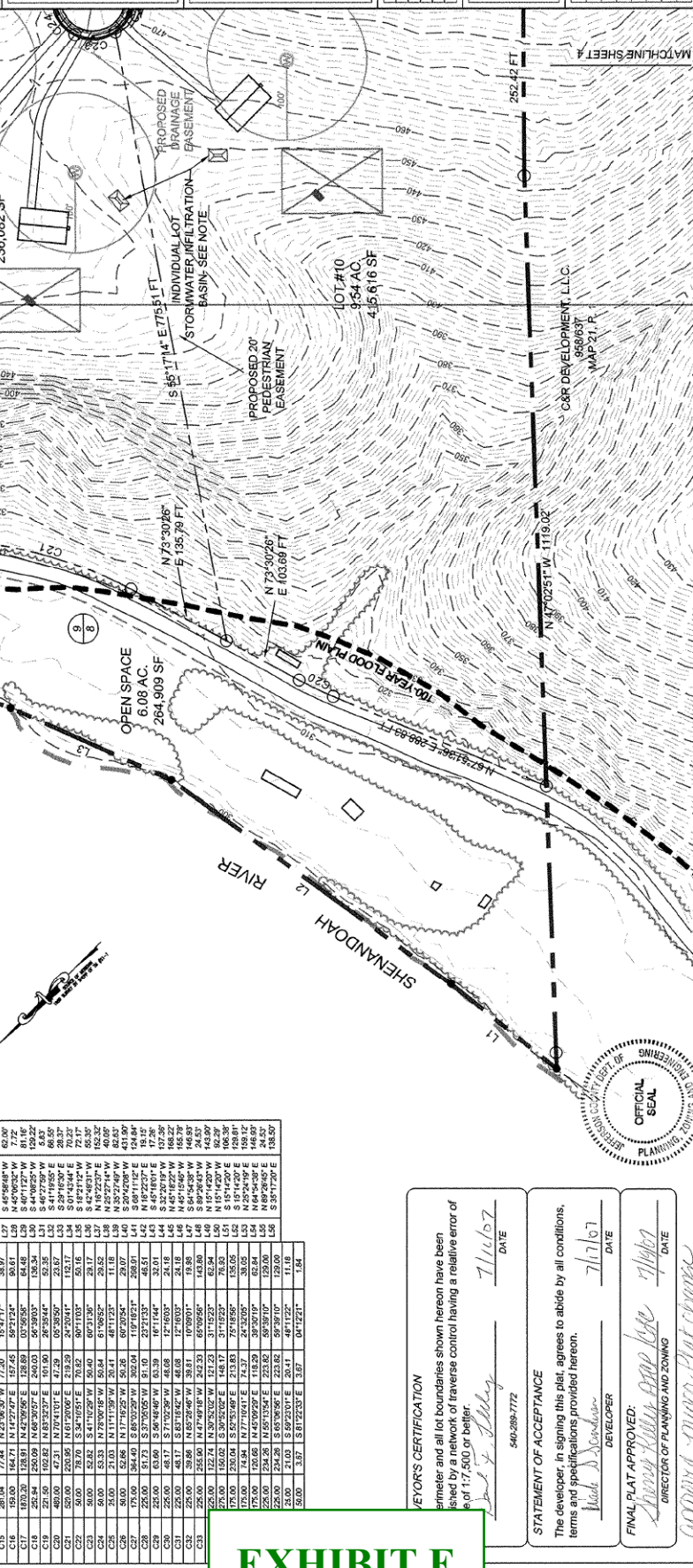
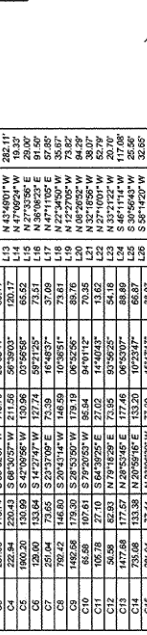
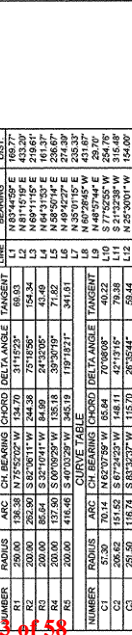
LOT#	ACREAGE	LOT AREA TO REMAIN IN NATURAL CONDITION (ACRES)	LOT AREA TO REMAIN IN NATURAL CONDITION (SQUARE FOOTAGE)	
1	5.00	10.24%	25%	54,450.00
2	5.00	11.14%	25%	54,450.00
3	10.00	12.32%	25%	108,900.00
4	10.00	13.48%	25%	108,900.00
5	10.00	14.65%	25%	108,900.00
6	10.00	15.82%	25%	108,900.00
7	6.55	21.63%	55%	156,924.99
8	5.12	20.73%	55%	122,664.58
9	5.10	20.30%	55%	122,165.60
10	9.54	30.66%	85%	353,228.04
11	5.42	25.63%	70%	165,266.64
12	6.31	30.22%	85%	233,654.05
13	5.51	19.33%	40%	88,882.42
14	15.24	23.51%	40%	265,541.73
15	15.24	23.51%	40%	265,541.73
16	5.01	25.60%	70%	152,724.99
17	5.01	25.60%	70%	152,724.99
18	10.00	24.47%	55%	238,650.00
19	10.00	10.55%	25%	108,900.00
20	9.59	8.86%	0%	0.00
RESIDUE	40.42	12.98%	25%	440,173.87



LOT#	ACREAGE	LOT AREA TO REMAIN IN NATURAL CONDITION (ACRES)	LOT AREA TO REMAIN IN NATURAL CONDITION (SQUARE FOOTAGE)	
1	5.00	10.24%	25%	54,450.00
2	5.00	11.14%	25%	54,450.00
3	10.00	12.32%	25%	108,900.00
4	10.00	13.48%	25%	108,900.00
5	10.00	14.65%	25%	108,900.00
6	10.00	15.82%	25%	108,900.00
7	6.55	21.63%	55%	156,924.99
8	5.12	20.73%	55%	122,664.58
9	5.10	20.30%	55%	122,165.60
10	9.54	30.66%	85%	353,228.04
11	5.42	25.63%	70%	165,266.64
12	6.31	30.22%	85%	233,654.05
13	5.51	19.33%	40%	88,882.42
14	15.24	23.51%	40%	265,541.73
15	15.24	23.51%	40%	265,541.73
16	5.01	25.60%	70%	152,724.99
17	5.01	25.60%	70%	152,724.99
18	10.00	24.47%	55%	238,650.00
19	10.00	10.55%	25%	108,900.00
20	9.59	8.86%	0%	0.00
RESIDUE	40.42	12.98%	25%	440,173.87



NUMBER	ARC	CHORD	DELTA ANGLE	TANGENT	
C1	57.30	70.14	N 67°07'56" W	65.84	70°08'00"
C2	206.62	151.52	S 67°23'25" W	146.11	47°15'15"
C3	200.00	202.30	S 52°10'11" W	244.38	31°25'00"
C4	200.00	85.64	S 52°10'11" W	84.50	24°32'00"
C5	200.00	133.64	S 52°10'11" W	129.96	20°56'58"
C6	180.20	130.00	S 50°29'25" W	125.06	20°56'58"
C7	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C8	180.20	130.00	S 50°29'25" W	125.06	20°56'58"
C9	180.20	130.00	S 50°29'25" W	125.06	20°56'58"
C10	65.50	107.41	S 52°10'11" W	84.50	24°32'00"
C11	105.78	27.10	S 64°39'25" E	27.02	14°06'43"
C12	105.78	27.10	S 64°39'25" E	27.02	14°06'43"
C13	105.78	27.10	S 64°39'25" E	27.02	14°06'43"
C14	105.78	27.10	S 64°39'25" E	27.02	14°06'43"
C15	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C16	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C17	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C18	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C19	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C20	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C21	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C22	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C23	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C24	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C25	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C26	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C27	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C28	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C29	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C30	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C31	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C32	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C33	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C34	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C35	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C36	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C37	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C38	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C39	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C40	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C41	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C42	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C43	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C44	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C45	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C46	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C47	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C48	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C49	201.04	133.64	S 52°10'11" W	129.96	20°56'58"
C50	201.04	133.64	S 52°10'11" W	129.96	20°56'58"



23-1 AP Staff Report Page 23 of 58

WATERSIDE RESERVE SUBDIVISION

BEACON HILL ESTATES

EXHIBIT E

DEVELOPER'S CERTIFICATION

I, the undersigned, certify that the boundaries shown hereon have been established by a network of traverse control having a relative error of 1:7,500 or better.

Paul J. Doherty DATE: 7/11/07

540-289-7772

STATEMENT OF ACCEPTANCE

The developer, in signing this plat, agrees to abide by all conditions, terms and specifications provided hereon.

Paul J. Doherty DATE: 7/11/07

FINAL PLAN APPROVED:

David J. Doherty DATE: 7/11/07

David J. Doherty DIRECTOR OF PLANNING AND ZONING

Exhibit F

- Nonconforming Use Support Documents Submitted by Property Owner on 12-16-2022
 - Index of Letters:
 - 1. Cover Letter from Whisper Ridge, LLC / Patricia (Trish Sanderson)**
 2. Kenneth Wilt – 1280 Wilt Road, Charles Town, WV
 3. David Wilt, Jr – 1169 Hostler Road, Harpers Ferry, WV
 4. WV Department of Health and Human Resources – Bureau for Public Health
 - 5. Donald K. Price, CPA for Whisper Ridge, LLC**
 6. Steve Stolipher, County Commissioner
 7. Mark Rodgers – 1530 Wilt Road, Charles Town, WV
 - 8. Patricia (Trish) Sanderson – Member of Whisper Ridge, LLC**
 - 9. Wade Sanderson – Member of Whisper Ridge, LLC**
 - 10. David Leonard, Jr. – Member of Whisper Ridge, LLC**
 11. Garland David Engle – 25 Family Tie Lane, Harpers Ferry, WV
 12. Laurie Cook – 195 Radiant Drive, Martinsburg, WV
 13. Norma Jean Cross – 422 W Washington St. Charles Town, WV
 14. Tricia Jackson – County Commissioner
 15. Google Map Images Submitted by Property Owner

EXHIBIT F

**Whisper Ridge, LLC.
36 Bakerton Rd
Harpers Ferry, WV 25425**

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

December 15, 2022

Jefferson County Planning and Zoning
116 East Washington Street
P.O. Box 716
Charles Town, WV 25414

Re: Charles Town District; tax map #20B, Parcel 00S1.0000; Deed Book 1091, Page 160
("Campground")

We are writing regarding your request to show that our Campground has been in existence since 1988.

Patricia (Trish) Sanderson, Wade Sanderson, and David Leonard, Jr. were the members of Mission Mountain, LLC. and Greenbrier Investments, LLC. These two entities are no longer operating as of 2012/2013. We are also the members of Whisper Ridge, LLC.

The Campground was owned by Lawrence Wilt from around 1940 until he passed away in 1980. At that time his wife, Grace Wilt, and daughter, Carolyn Young, became the owners. The Wilts/Young operated the Property as a Campground from the 1960's until 2002 when they sold the Property to Mission Mountain, LLC. Charlie Wilt, the brother of Lawrence Wilt, managed the Campground and collected the money from the campers for Lawrence until Charlie passed away in 1992. After that time, the Campground was managed by his wife and daughter (Grace and Carolyn) until it was sold to Mission Mountain in 2002.

Several of the campers that had been camping at the Property while the Wilt's owned it remained as camping tenants after Mission Mountain took ownership. Jeannie Cross, one of the former Wilt campers, is still camping at the Campground, and we have included a letter from her.

In 2002, prior to purchasing the Property from Wilt/Young, we talked to many of the campers that were on site. There were approximately 40+ camp sites along the Property. At that time, they were paying their camping rent to Wilt/Young with many of them having camped on the Property since the beginning of 1970. Several of those campers talked about other campers who camped at Hobo Flats before they did dating back into the 1960's. We noted that there was electric to most of the campers and that there was an operational well on site with a stamped lid showing an install date of 1970. I contacted the Jefferson County Health Department to see if there were any records on the well depth, etc.. but since this well was drilled in 1970, there were no county records. With a well on site in 1970, there would also be electric.

After Mission Mountain purchased the Property in 2002, we rented it as a Campground until the Property was transferred to Greenbrier Investments, LLC. in 2005. Greenbrier rented the Property as a Campground until it was transferred to Whisper Ridge, LLC. in 2010. Currently, Whisper Ridge is the owner and has collected the Campground rents from 2010 to present. I am including a letter from our

long-time accountant that verifies that we have received camping income each year since our purchase in 2002.

I am including a letter from Mr. Kenneth Wilt who was the son of Charlie Wilt. It attests to the fact that this property has been a Campground for over 60 years.

I am including a letter from David Wilt, another family relative that attests to the fact that this property has been a Campground since the 1960's.

I spoke with Alan Marchun, an Engineer with the WV State Health Department who has been working in this county for the state of WV Health Department since 1991. From his attached letter you can see that he has been aware of this Campground since 1991 when he first started to work here and surmised from his visit and the condition of the Property that the Campground had been in existence for many, many years prior to his visit and continues until the present time.

The Property history shows that this has been a Campground continuously since the 1960's to the present time. Prior to our purchase, the Property was known as "Hobo Flats." Ask any longtime resident of the county, and most will either know of the Campground or have camped there themselves.

I was able to find several google maps from 1988 to 2003 which show campers on the Property prior to our purchase. While some of the photos available were difficult to see due to the tree cover, etc...many were very clear and demonstrated that it was a Campground prior to our purchase in 2002.

We are including letters from several of the local people to further establish that this has been a Campground continuously since prior 1988.

Please consider this the proof necessary to show that this Campground is "grandfathered" in as a non-conforming use and is not subject to current zoning requirements.

Sincerely,



Patricia (Trish) Sanderson, Member

Attachments:

Letter from Kenneth Wilt, neighbor and relative of prior owner
Letter from David Wilt, relative
Letter from Alan Marchun, State Health Department
Letter from Donald Price, Accountant
Letter from Steve Stolipher, Jefferson County Commission
Letter from Mark Rodgers, neighbor and county resident
Letter from Trish Sanderson, county resident
Letter from Wade Sanderson, county resident
Letter from David Leonard, Jr., county resident
Letter from Garland Engle, county resident
Laurie Cook, camper
Norma Jean Cross, county resident and camper
Google Maps showing Campground from 1988-2003

EXHIBIT F

December 11, 2022

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

To whom it may concern:

Re: 6 acres along Shenandoah River (across from Moulton Park), along Wilt Road., formerly owned by Lawrence Wilt, Grace Wilt, and Carolyn Young currently owned by Whisper Ridge.

I live at 1280 Wilt Road in Charles Town, WV at the end of Wilt Road. My property has been in our family for generations. Originally owned by my grandfather, Charles H. Wilt (passed away in 1949) it was then transferred to my father, C.W. (Charlie) Wilt (passed away in 1992) and then to me, Kenneth, L. Wilt in 1980.

The Whisper Ridge property referenced above was owned by my father's brother/my uncle, Lawrence Wilt. He bought the property around 1940, and it remained in the family until sold in 2002.

There has been a campsite continuously at the above referenced property for over 60 years. My father, Charlie Wilt, collected the rent from the campers on my uncle Lawrence's property for my uncle beginning in the 1950's. When my Uncle Lawrence passed away in 1980, he continued to collect the camping rent for my Aunt Grace and their daughter Carolyn Young until 1992 when my father passed away.

After my father's death, from 1992 to 2002, when the property was sold, the campers would either pay my Aunt Grace Wilt or their daughter, Carolyn Young. Since it was often more convenient, they would sometimes leave the payment with me or my wife, Libby, to pass along to Grace Wilt and Carolyn Young.

As my property is located at the end of Wilt Road, I pass the Whisper Ridge property often coming to or from my home. It appears that the property continued as a campsite continuously after it was sold in 2002 to present.

Sincerely,



Kenneth L. Wilt

EXHIBIT F

December 11, 2022

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

To whom it may concern:

Re: Campsite/Hobo Flats located across from Moulton Park, owned by Whisper Ridge, LLC.

My name is David Wilt, Jr. and I have lived at 1169 Hostler Road, Harpers Ferry since 1975. Prior to that I lived at Alstadt Farm on old Rt 340 in Harpers Ferry. My home has always been close to the campsite that was Hobo Flats and currently owned by Whisper Ridge.

I have lived in Jefferson County all my life and run the Wilt's Fruit Stand in Harpers Ferry. My father Harold Wilt started the business in 1959. Lawrence Wilt, Grace Wilt and Carolyn Young, the former owners of Hobo Flats were relatives.

I used to go to Hobo Flats to fish and boat every year since from the 1960's to the present. I would first go with my parents and then, once I had children, I would take them. There were well over 40 campsites on this property and most had electricity to their campsites. Rent from the campers was paid to Charlie Wilt, the brother of Lawrence, for most of that time. After Lawrence passed away, it was paid to his daughter Carolyn or his wife, Grace. When Trish Sanderson and David Leonard, purchased the property in 2002, camping rent began to be paid to them.

I haven't been able to go as often as I used to since my wife, Becky, passed away in 2018 but still manage at least once or twice a year.

Hobo Flats now called Whisper Ridge has continuously been a campsite since before the 1960's to this day

Sincerely,



David Wilt, Jr.

EXHIBIT F



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Bureau for Public Health
Office of Environmental Health Services

Bill J. Crouch
Cabinet Secretary

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

December 6, 2022

Ref: Wilt Road Campground

To Whom it may concern:

My name is Alan Marchun, and I am the Supervisor of the WV Bureau for Public Health, Office of Environmental Health Services, Kearneysville District Health Office.

During the summer of 1991, this office investigated a potential public water system involving a campground, owned at that time by Mrs. Grace Wilt. The property was located about ½ mile on the left passed the bridge on Wilt Road, Charles Town.

Campers were observed all along the property, with a well located on the west end. It was apparent due to the condition of the campers, etc. that the property had likely been a campground many years.

The investigation revealed that while it was a campground and did have a well, the number of campers utilizing the well did not meet the EPA definition of a public water system and the facility did not require further regulation by this office.

This office monitors eight counties within the Eastern Panhandle, including Jefferson Co. I have regularly driven by this property since 1991 and in my opinion, it has likely been a campground since before 1991 until the present.

Sincerely,

Alan Marchun
Technical Analyst Supervisor
Kearneysville District Office

EXHIBIT F

Donald K. Price, CPA, PC

Certified Public Accountant and Consultant
114 Stonebrook Road, Winchester, VA 22602
Post Office Box 849, Stephens City, VA 22655
Office (540) 550-9677 Fax (888) 459-6634
donald@dkpcpa.biz

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

December 6, 2022

To whom it may concern:

I have been the accountant for Patricia Sanderson, David Leonard, Jr., and Wade Sanderson for the past 30 years. I have prepared their personal and related entity tax returns. This includes Mission Mountain, LLC (2002-2012/final), Greenbrier Investments, LLC (2005-2013/final), and Whisper Ridge, LLC (2006 to Present).

In 2002, Mission Mountain, LLC purchased the 6 acres along the Shenandoah River on Wilt Road, Charles Town, WV (along with other properties). Mission Mountain, LLC received camping income from 2002 to 2005 and then the property was transferred to Greenbrier Investments, LLC. Greenbrier received camping income from 2005 until the property was transferred to Whisper Ridge, LLC, in 2010. Whisper Ridge has received the camping income from 2010 to the present.

Sincerely yours,

Donald K Price
Donald K. Price, CPA

EXHIBIT F

December 12, 2022

RECEIVED

DEC 16 2022

RE: Whispering Ridge LLC Land Parcel ID 02 20B00S100000000

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

To Whom It May Concern:

I am writing in reference to the Whispering Ridge, LLC. Property that is adjacent to the Shenandoah River and is also known locally as Hobo Flats.

The property has been a campground site for as long as I can remember and well before 1987. I recall fishing and camping there along the riverbank when I was a child.

The Wilt family were the prior owners of the property. I am certain a family member could provide further details on the use and history of the property as they are very familiar with the land.

I would also recommend the use of aerial photography software such as Google Earth, with the historical photo feature, which would demonstrate the prior structures on the property over the course of time.

Please feel free to contact me with any questions.

Sincerely,

Steve Stolipher

304-283-0614

EXHIBIT F

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

December 2, 2022

My name is Mark Rodgers, and I live at 1530 Wilt Road, Charles Town, WV. My Grandfather, Jesse Hawkins, purchased 1530 Wilt Road in 1987, and I moved here in the early 2000's after his death. Before I moved here, I often visited my Grandfather.

I can certify that the property containing about 6 acres, along Wilt Road, Charles Town, currently owned by Whisper Ridge, LLC. (across from Moulton Park) has continuously been a campsite since prior to 1987 to the present time. It was originally called Hobo Flats, and I would go to the property when visiting my Grandfather as well as visit after Sandersons/Leonard purchased the property from the Wilts.

I have spent time every year since prior to 1987 visiting with people that I know who camped at the property or camping their myself.

Before the Sandersons/Leonards purchased the property, the campers paid their rent to the Wilts or Carolyn Young. Most of the campers had been camping at the property since the 1960/1970's. There was a well on part of the property (that still exists) and electric to many of the campsites.

I have found this campsite and the people that camp here to be good neighbors and hope to see it continue.

Sincerely,



EXHIBIT F

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

December 7, 2022

Re: Campsite containing 6 acres; Charles Town District; tax map #20B, Parcel 0OS1.0000;
Deed Book 1091, Page 160

My name is Patricia (Trish) Sanderson, and I am a lifetime resident of Jefferson County.

Our father would take us to this Campsite to fish/swim/boat with other family members beginning in the early 1970's to around 1982 when I was able to go alone. At that time, Mr. (Pete) Peterson, a long-time camper and family friend, rented his camping lot from the Wilts.

When I first began going to the property in the early 1970's, it was known as Hobo Flats and had well over 40 campsites with electric to most.

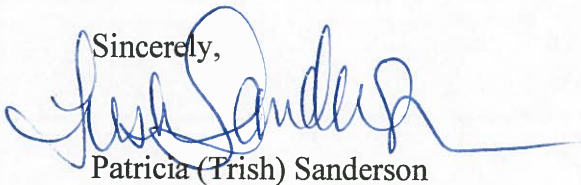
I know it has been a campsite from the early 1970's to the present time. We would visit the campsite several times a year from the early 1970's to 2002 when we bought it. After 2002 to the present, we camped even more often.

Per the Wilt Family, it began as a campsite over 60 years ago and was managed as a campsite continuously with the Wilts collecting the rent until it was sold to us in 2002. We have managed the Property and collected rent continuously as a campground from our purchase in 2002 until the present time.

We currently call the property Whisper Ridge, but it is still known locally as Hobo Flats.

I hope this addresses all your questions regarding this campground.

Sincerely,



Patricia (Trish) Sanderson

EXHIBIT F

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

December 7, 2022

Re: Charles Town District; tax map #20B, Parcel 00S1.0000; Deed Book 1091, Page 160

My name is Wade Sanderson, and I am a lifetime resident of Jefferson County.

My parents began taking us to this campsite in the 1970's. We would visit family friends, Judy and Pete Peterson, to fish and boat at their campsite. At that time, the rent was paid to the Wilts until 2002 and there were over 40 campers all along the site, much as it is now.

I have been at the campsite each year since I began going and can confidently say that this has continuously been a campsite from the early 1970's to present.

After our purchase of the property in 2002 to present, the rent was paid to us and has continued as a campsite.

Sincerely,



Wade Sanderson
45 Bridle Court
Charles Town, WV 25414

EXHIBIT F

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

206 N. Fairfax Blvd.
Ranson, WV 25438
November 22, 2022

To whom it may concern:

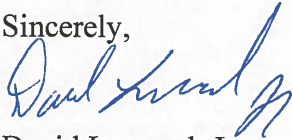
Re: Charles Town District; tax map #20B, Parcel 00S1.0000; Deed Book 1091, Page 160

My name is David Leonard, Jr. and I have lived in Jefferson County since 1985 but have been visiting the area since 1979.

When I first began to come to Jefferson County, my friends and I would go to Hobo Flats (the above referenced property) to fish and camp. The whole area had campers/trailers and was a campground. We have always enjoyed the river and when the property came on the market in 2002, we knew that it was something we wanted to buy.

This property has been a campground since the early 1970's to the present time. I can personally say that it has been a campground continuously since 1979 to present.

Sincerely,



David Leonard, Jr.

EXHIBIT F

December 7, 2022

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

I am a resident of Jefferson County and have lived close to the property known as Hobo Flats (6 acres on the Shenandoah River/Wilt Road/Whisper Ridge) all my life. This property has been a campsite from (at least) 1979 to present. I was at the property in 1979 for my high school graduation party. There were campers all along the property with most having electric. Rent at that time was paid to the Wilts.

As I live close to the property, I have seen the campers there every year since. I have also been back many times to visit others that are camping there.

It is nice to have a local campsite available and hope that this will be allowed to continue.

Sincerely,

Garland David Engle
25 Family Tie Lane
Harpers Ferry, WV 25425

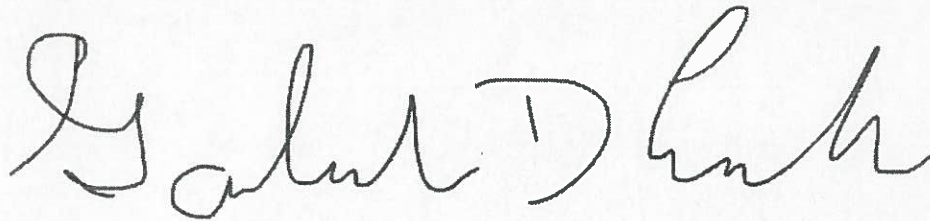


EXHIBIT F

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

195 Radiant Drive
Martinsburg, WV 25404
November 22, 2022

To whom it may concern:

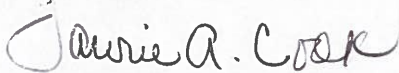
My name is Laurie Cook, and I was born and raised in Jefferson County, WV.

I have been camping at the 6 acres, along Wilt Road, Charles Town, currently owned by Whisper Ridge, LLC. from 2002-present. I paid my camping rent to Mission Mountain, then Greenbrier, and now Whisper Ridge. From 2002 to 2019 I helped Trish Sanderson manage the campsite.

From 1985 to 2002, I visited others who camped at the property (such as Bucky, Jeannie Cross, Mr. Peterson) and can verify that it has been a campsite from prior to 1985 to present with an average of 40 campers/campsites available. Most of the campsites had electric available to them, and it was my understanding the electric hookups had been on site from the 1960's. At that time it was called Hobo Flats.

We enjoy our time camping on the river and hope to continue.

Sincerely,



Laurie Cook

EXHIBIT F

December 7, 2022

RECEIVED

DEC 16 2022

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

I am a lifetime resident of Jefferson County.

I began camping at Hobo Flats with my Aunt and Uncle (Bob & Joan Slusher) before 1970. At that time up until today, there were over 40 campers all along the entire property with electric to most. Some stayed all year and some were here 9 months or so. At that time the rent was paid to Charlie Wilt and then Mrs. Wilt or her daughter after Charlie he passed away.

I have had my own campsite since 1984. I paid my rent to the Wilts until it was sold to Leonard/Sanderson in 2002. After they bought it, I began paying Trish Sanderson and have paid her every year since.

I start camping as soon as the weather permits and visit when it is too cold to camp. I really enjoy having a local campsite available and trust that this will be allowed to continue.

Sincerely,

Norma Jean Cross

Norma Jean (Jeanie) Cross
422 W. Washington Street
Charles Town, WV 25414

EXHIBIT F

January 25, 2023

Jefferson County Planning and Zoning
116 East Washington Street
P.O. Box 719
Charles Town, WV 25414

RE: Whisper Ridge, LLC in Harpers Ferry, WV

To Whom It May Concern:

As a lifelong resident of Jefferson County, I am writing in support that the Whisper Ridge campground, also known to many as Hobo Flats, which has always been a campground.

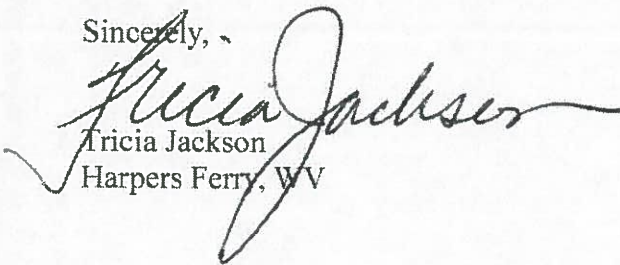
While it appears the name of the LLC has changed several times over the last several years, even under the membership and interest of Patricia Sanderson, Wade Sanderson, and David Leonard, Jr. going from Mountain Mission to Greenbrier Investments, to now Whisper Ridge, the use of the land has remained consistent as a campground. The campsite predates the three entities previously named in the paragraph with ownership by the Wilt/Young families who also used the land for camping purposes.

Furthermore, tax records and assessment data support the fact that the land has been consistently used as a campground with no drastic changes to its characteristics that would make its use anything other than a campground.

It is my hope and recommendation that Whisper Ridge, LLC continue to operate and provide the much-needed recreational and family fun activities that are a rarity these days.

Please let me know if you have any questions.

Sincerely,



Tricia Jackson
Harpers Ferry, WV

RECEIVED

JAN 25 2023

JEFFERSON CO
ZONING & E

EXHIBIT F



Legend

-  Moulton Park
-  Shenandoah River at Moulton Park

EXHIBIT F

April 1988

Google Map

Google Earth

Image U.S. Geological Survey

300 ft

EXHIBIT F

March 1989
Google Map

Google Earth

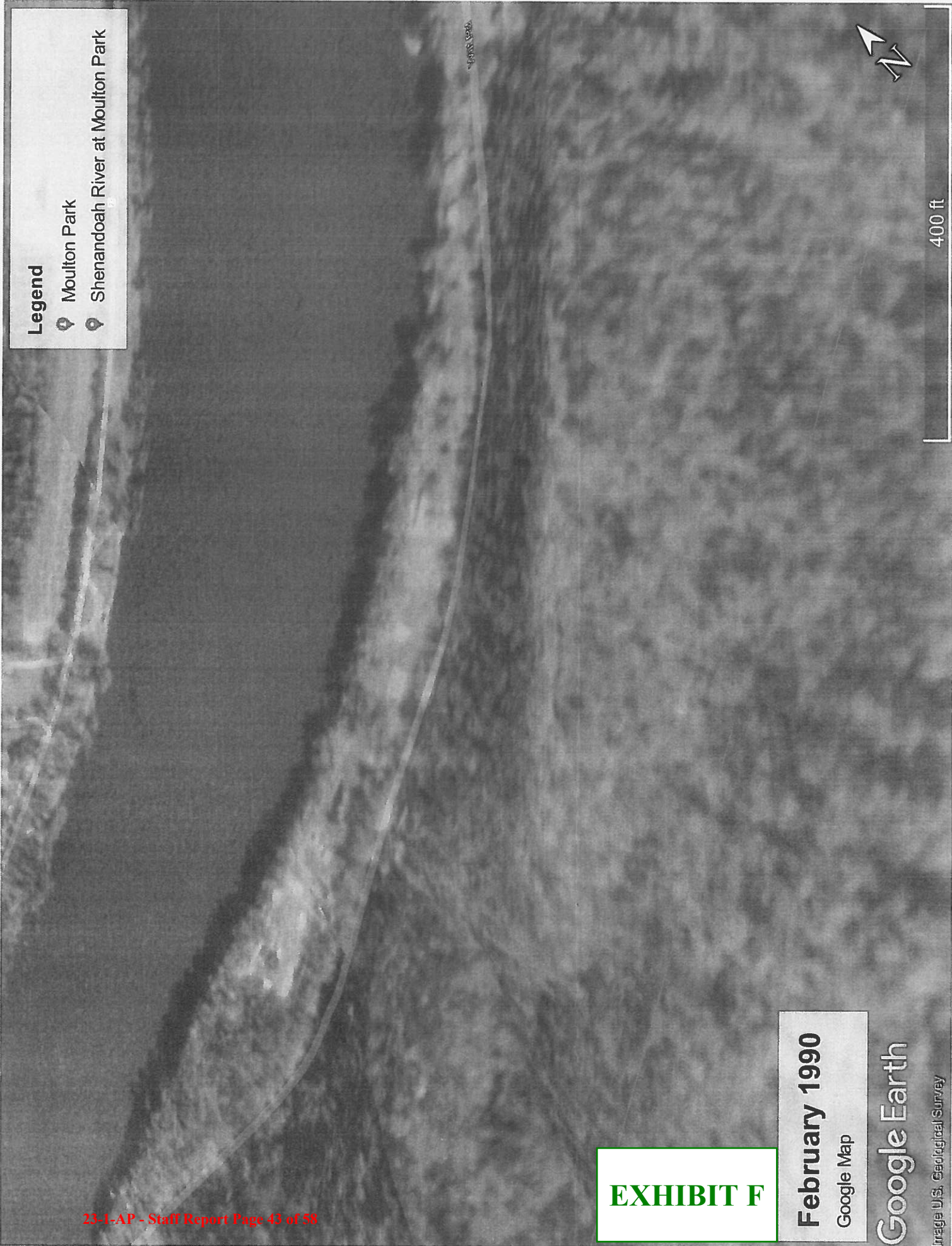
Image U.S. Geological Survey



Legend

- 📍 Moulton Park
- 📍 Shenandoah River at Moulton Park

300 ft



Legend

-  Moulton Park
-  Shenandoah River at Moulton Park

400 ft

EXHIBIT F

February 1990

Google Map

Google Earth

Image U.S. Geological Survey

EXHIBIT F

March 1997

Google Map

Google Earth

Image U.S. Geological Survey

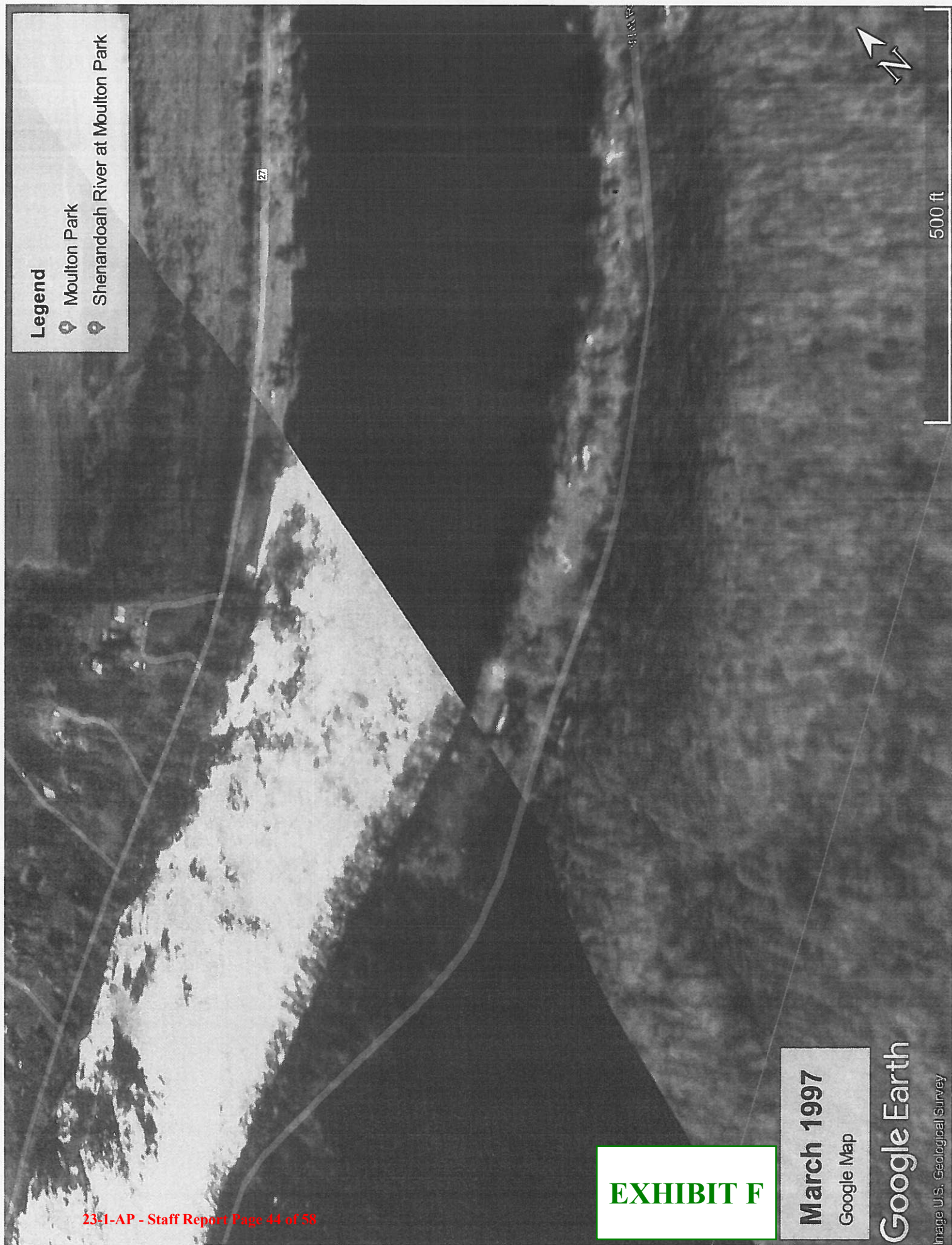
Legend

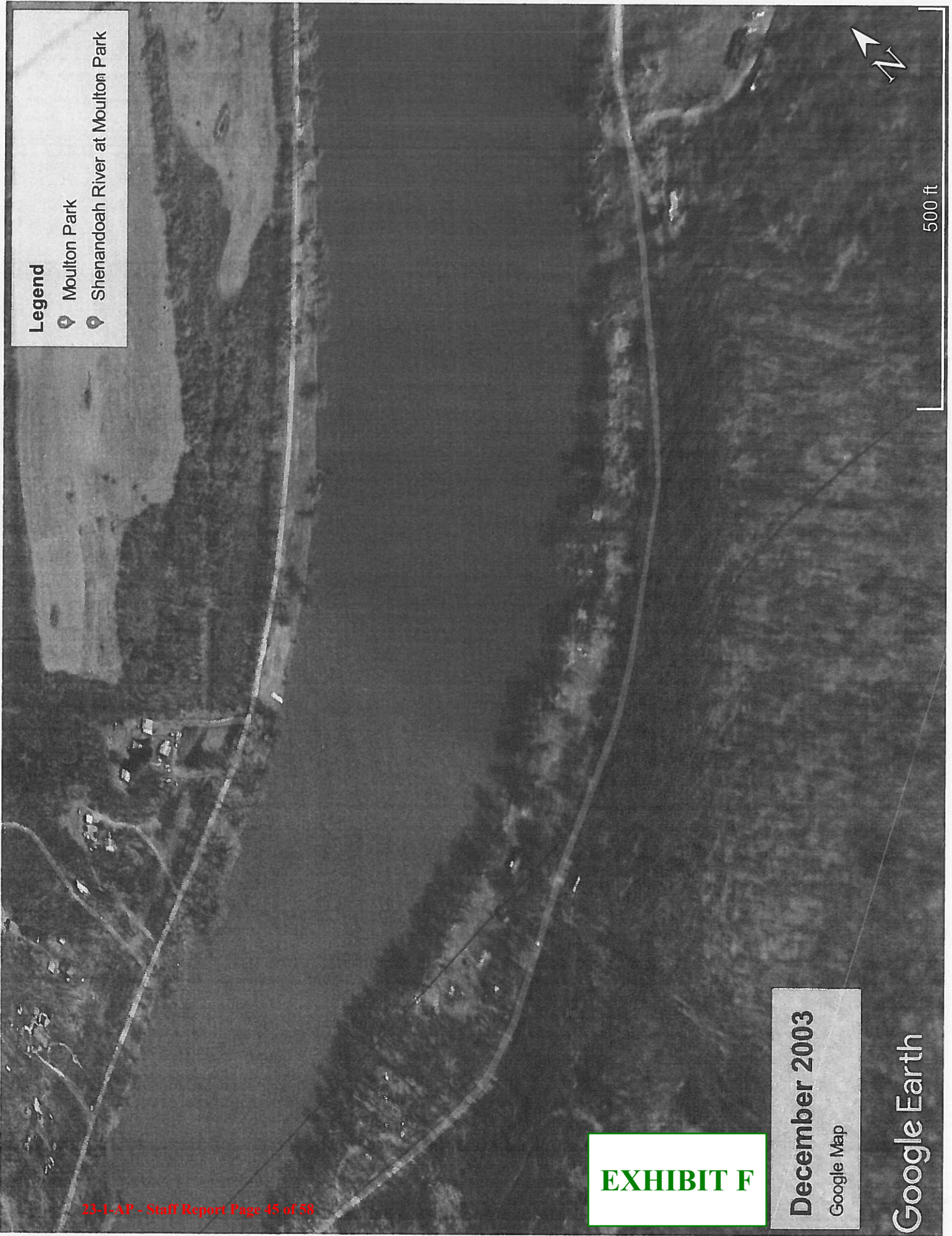
 Moulton Park

 Shenandoah River at Moulton Park



500 ft





Legend

-  Moulton Park
-  Shenandoah River at Moulton Park



500 ft

EXHIBIT F

December 2003
Google Map

Google Earth

You are viewing this page over a secure connection. Click here for more information.

West Virginia Secretary of State — Online Data Services

Business and Licensing

Online Data Services Help

Business Organization Detail

NOTICE: The West Virginia Secretary of State's Office makes every reasonable effort to ensure the accuracy of information. However, we make no representation or warranty as to the correctness or completeness of the information. If information is missing from this page, it is not in the The West Virginia Secretary of State's database.

WHISPER RIDGE, L.L.C.

Organization Information								
Org Type	Effective Date	Established Date	Filing Date	Charter	Class	Sec Type	Termination Date	Termination Reason
LLC Limited Liability Company	4/28/2006		4/28/2006	Domestic	Profit			

Organization Information			
Business Purpose	5311 - Real Estate and Rental and Leasing - Real Estate - Lessors of Real Estate (residential, nonresidential buildings & dwellings, miniwarehouses, self-storage units, other)		Capital Stock
Charter County	Jefferson	Control Number	0
Charter State	WV	Excess Acres	
At Will Term	A	Member Managed	MBR
At Will Term Years		Par Value	
Authorized Shares		Young Entrepreneur	Not Specified

EXHIBIT G

Addresses

Type	Address
Designated Office Address	36 BAKERTON ROAD HARPERS FERRY, WV, 25425
Mailing Address	36 BAKERTON ROAD HARPERS FERRY, WV, 25425 USA
Notice of Process Address	BENCHMARK GENERAL CONTRACTING, LLC 36 BAKERTON ROAD HARPERS FERRY, WV, 25425
Principal Office Address	36 BAKERTON ROAD HARPERS FERRY, WV, 25425 USA
Type	Address

Officers

Type	Name/Address
Member	BENCHMARK GENERAL CONTRACTING, LLC 36 BAKERTON ROAD HARPERS FERRY, WV, 25425
Member	DAVID LEONARD JR 36 BAKERTON RD HARPERS FERRY, WV, 25425
Member	WADE SANDERSON 36 BAKERTON RD HARPERS FERRY, WV, 25425
Organizer	PATRICIA SANDERSON 10086 CHARLES TOWN RD RANSON, WV, 25438
Type	Name/Address

Annual Reports

Filed For	EXHIBIT G
2022	
2021	

Zoning

From: Zoning
Sent: Friday, January 13, 2023 5:00 PM
To: 'trish@crestarrealty.com'
Cc: Planning Department; Mason Carter; engineering
Subject: Wilt Rd Property / Waterside Reserve Open Space
Attachments: 05-19 Beacon Hill Concept Plan Sketch.pdf

Ms. Sanderson,

Thank you for submitting the letters of support for the parcel designated as Parcel S1 on Tax Map 20B in the Charles Town (02) tax district (Parcel ID: 02020B00S10000).

Please note that in researching the files related the Waterside Reserve subdivision (fka Beacon Hill Estates), it appears that the subject parcel was designated as open space to serve as a recreation area for the residents of Waterside Reserve (fka Beacon Hill Estates). Page 9 of the approved Community Impact Statement (CIS), Item #9 includes the following statement: "...Several non-permanent trailers are located along the Shenandoah River and shall be removed prior to the sale of the lots."

Item #12 on page 10 of the CIS states, "An approximate 5 acre strip [later amended to 29.8 acre strip] of land along the northwest portion of the tract between State Route 9/8 and the Shenandoah River is being dedicated as open space for recreational purposes for the property owners."

Based on the description of the property in the approved CIS, it does not appear that a campground was existing at the time the Beacon Hill Estates Subdivision processed in 2002. Further, based on the approved CIS, there is no evidence of an intent to maintain/continue operating a nonconforming campground. In the event that a nonconforming campground ever existed on the subject parcel, the nonconforming use would have been abandoned by virtue of the approved subdivision.

In order to establish a campground on the subject lot, you will need to apply for an amendment to the approved Community Impact Statement, which requires a public hearing before the Planning Commission. If that is approved, then a redline revision to the Preliminary Plat, followed by a minor plat change to the final plat, would also be required.

Upon approval of the above referenced steps, a site plan is required to process in accordance with Division 8 of the Jefferson County Subdivision Regulations. Based on the size of the parcel, waivers and/or variances from the design criteria for a campground may also be required.

If you have any questions, please let me know.

Respectfully,

Alexandra Beaulieu
Deputy Director & Zoning Administrator
Department of Engineering, Planning, & Zoning
Jefferson County, WV
304-728-3228

EXHIBIT H

MICHAEL J NOVOTNY
36 BAKERTON RD
HARPERS FERRY, WV 25425-4106

Jennifer S Mashan
JEFFERSON County 04:21:48 PM
Instrument No 2011007719
Date Recorded 03/24/2011
Document Type DEED
Book-Page 1091-160
Recording Fee \$11.00
Additional \$5.00

Mail to: Michael J. Novotny 36 Bakerton Road, Harpers Ferry, WV 25425

DEED

(QUITCLAIM)

THIS QUITCLAIM DEED is made and entered into this 24th day of March, 2011 by and between WATERFORD BEND, LLC, Grantor, a Delaware limited liability company licensed to do business in West Virginia, and WHISPER RIDGE, L.L.C, Grantee, a West Virginia limited liability company.

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt of which is also hereby acknowledged, Waterford Bend, LLC does hereby QUITCLAIM, grant and convey, without warranty of any kind, all of its right, title and interest if any there may be, including all rights of use and occupation unto Whisper Ridge, LLC, together with all rights, improvements, privileges, rights-of-way and appurtenances thereunto belonging or in any wise appertaining, the following-described lot, tract or parcel of real estate, situate, lying and being in Charles Town District, Jefferson County, West Virginia, being more particularly described as follows:

All of that certain tract or parcel of real estate containing 6.08 acres as more fully shown and designated as "OPEN SPACE 6.08 AC." on the Final Plat of "Beacon Hill Estates Subdivision" dated July 11, 2002, prepared by Site Planning and Design, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Cabinet 21 at Slide 21-21M, and also shown on the Final Plats of Waterside Reserve drawn by SP&D Planning & Design dated June 29, 2007, and recorded in the aforesaid Clerk's Office in Plat Book 24 at page 31 (Sheets 1 - 14) and at page 32.

Grantor intends by this conveyance to confirm that the said 6.08 acre parcel is not a part of Waterside Reserve Subdivision, fka Beacon Hill Subdivision, and further, intends to release and relinquish all rights if any it and its successors in title have as an owner of a lot in Waterside Reserve Subdivision to use or occupy the said 6.08 acre parcel.

THIS CONVEYANCE IS MADE SUBJECT AND TOGETHER WITH any matters of record pertaining thereto.

DECLARATION OF CONSIDERATION

As provided by law, the undersigned hereby declares that the total consideration paid for the real estate transferred by this document is less than ONE HUNDRED DOLLARS (\$100.00), it being a quitclaim conveyance.

RECEIVED

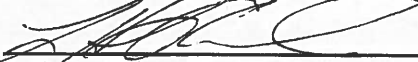
EXHIBIT I

JAN 25 2023

JEFFERSON COUNTY PLANNING
& ENGINEERING

WITNESS the following signature and seal.

WATERFORD BEND, LLC
a Delaware limited liability company

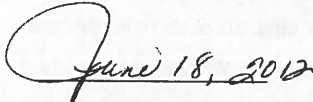
By: 
L. Hunter Wilson, Vice President

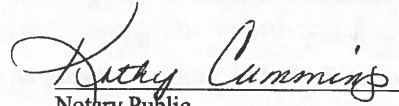
STATE OF WEST VIRGINIA,

COUNTY OF BERKELEY, to-wit

The foregoing instrument was acknowledged before me this 24 day of March 2011, by L. Hunter Wilson, Vice President of WATERFORD BEND, LLC a Delaware limited liability company, on behalf of the limited liability company.

My commission expires:


(SEAL)


Notary Public



THIS DOCUMENT PREPARED BY:

M. Shannon Brown, Esquire
M. SHANNON BROWN, P. L. L.C.
471 B & O Overpass Road
Hedgesville, WV 25427
West VA Bar License # 4228
VA Bar License # 42073

EXHIBIT I

SUPPLEMENTAL DECLARATION OF RESERVATIONS AND RESTRICTIVE
COVENANTS

WATERSIDE RESERVE

THIS SUPPLEMENTAL DECLARATION is made as of this day of March, 2011, by Waterford Bend, LLC, a Delaware limited liability company licensed to do business in West Virginia ("Developer").

WHEREAS, Developer has recorded that Declaration of Reservations and Restrictive Covenants for Waterside Reserve dated February 18, 2011; and

WHEREAS, said Declaration reserves the right to the Developer to amend said Declaration by subsequent recorded document on an individual or property-wide basis in accordance with Article II, Section 3 of said Declaration; and

WHEREAS, Developer has deemed it beneficial to The Properties to amend said Declaration in regard to clarifying the acreage of the Open Space as shown and designated on the Plats referenced for Waterside Reserve in the Declaration.

NOW, THEREFORE, Developer amends said Declaration to add the following as an additional paragraph/provision at the end thereof:

ARTICLE XXII

"The Open Space designated and shown on that Final Plat of Waterside Reserve drawn by SP&D Site Planning & Design dated June 29, 2007, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 24 at page 31 (Sheets 1 – 14) consists of 2.33 acres as part of the Roads and Other Common Facilities as defined in Article 1 of said Declaration.

A 6.08-acre parcel adjacent as shown on said Final Plat is owned by Whisper Ridge, LLC, pursuant to Deed dated July 27, 2010, recorded in the aforesaid Clerk's Office in Deed Book 1082 at page 56 and is not part of Waterside Reserve.

Said Open Space is originally shown and identified on that Final Plat entitled "Beacon Hill Estates Subdivision" dated July 11, 2002, prepared by Site Planning and Design and recorded in the aforesaid Clerk's Office in Plat Cabinet 21 at Slide 21 – 21M.

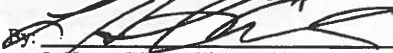
Reference is made to a Quitclaim Deed from Waterford Bend, LLC, to Whisper Ridge, LLC, recorded in the aforesaid Clerk's Office prior hereto.

The Declaration, as hereby amended, remains in full force and effect as to all remaining terms and conditions thereof.

EXHIBIT I

WITNESS the following signature and seal.

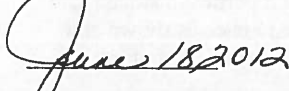
WATERFORD BEND, LLC
a Delaware limited liability company

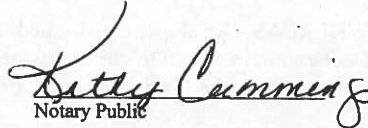
By: 
L. Hunter Wilson, Vice President

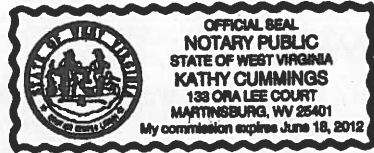
STATE OF WEST VIRGINIA,
COUNTY OF BERKELEY, to-wit

The foregoing instrument was acknowledged before me this 1 day of March
2011, by L. Hunter Wilson, Vice President of WATERFORD BEND, LLC a Delaware limited
liability company, on behalf of the limited liability company.

My commission expires:


(SEAL)
June 18, 2012


Notary Public



MICHAEL J NOVOTNY
36 BAKERTON RD
HARPERS FERRY, WV 25425-4106

Jennifer S Mashan
JEFFERSON County 04:28:54 PM
Instrument No 2011007725
Date Recorded 03/24/2011
Document Type COV
Book-Page 1091-178
Recording Fee \$5.00
Additional \$6.00

THIS DOCUMENT PREPARED BY:

M. Shannon Brown, Esquire
M. SHANNON BROWN, P. L. L.C.
471 B & O Overpass Road
Hedgesville, WV 25427
West VA Bar License # 4228
VA Bar License # 42073

EXHIBIT I

Zoning

From: Zoning
Sent: Tuesday, February 28, 2023 4:27 PM
To: 'Trish Sanderson'
Cc: Mason Carter; engineering; Planning Department
Subject: Parcel OS1 on Tax Map 20B in the Charles Town (02) tax district (Parcel ID: 02020B00S10000)
Attachments: 05-19 Beacon Hill Concept Plan Sketch.pdf; Exhibit A - 02-37 Beacon Hill SD CIS Excerpt 12-10-02.pdf; Exhibit B - 05-19 Beacon Hill Subdivision Excerpt 07-08-05.pdf; Exhibit C - 05-19 Beacon Hill CIS Excerpt 07-11-05.pdf; 02-37 Waterside Reserve (fka Beacon Hill Estates) Final Plat MPC Excerpt.pdf

Ms. Sanderson,

On January 25, 2023 you met with our Office and submitted deeds related to the approximately six acre tract located off of Wilt Rd (Parcel ID: 02020B00S10000). This email is in response to your inquiry pertaining to the relevance of the quitclaim deed that was recorded in March 2011, wherein the subject parcel was excluded from the recreational area for residents of the Waterside Reserve Subdivision (PC File #s 02-37 and 05-19). In addition to the quitclaim deed, you submitted three other documents for consideration, including a copy of the supplemental declaration of reservations and restrictive covenants from March 2011. Below is a summary of my discussion with legal following their review of the documents you submitted, as well as a summary of my determination regarding the status of a nonconforming use as a result of an approved residential subdivision.

In speaking with the Assistant Prosecuting Attorney, the quitclaim deed does not negate or supersede Planning Commission action related to the approvals for the Waterside Reserve Subdivision (fka Beacon Hill Estates). The County's legal counsel concurred with Staff that pursuant to the Planning Commission's approval of the Waterside Reserve Subdivision, the subject lot was approved as open space for the subdivision and may not be used or developed for anything other than the approved open space area.

Nonconforming Use – Zoning Determination

Research related to the Waterside Reserve Subdivision (fka Beacon Hill Estates) reflects that the subject parcel was designated as open space to serve as a recreation area for the residents of the subdivision. The excerpts listed below are from the approved Community Impact Statements for the Waterside Reserve Subdivision (fka Beacon Hill Estates), during which you were the landowner/developer.

- “An existing trailer is located within the proposed Lot #20 area near Route 9/5. This structure shall be removed prior to the sale of the lots. Several non-permanent trailers are located along the Shenandoah River and shall be removed prior to the sale of the lots. [Page 3, Item #9 of the Community Impact Statement, approved 02-10-02 – Exhibit A, attached]
- “...Several non-permanent trailers are located along the Shenandoah River and shall be removed prior to the sale of the lots.” [Page 9, Item #9 of the Community Impact Statement, approved 07-08-05 – Exhibit B, attached]
- “An approximate 5 acre strip [later amended to 29.8 acre strip] of land along the northwest portion of the tract between State Route 9/8 and the Shenandoah River is being dedicated as open space for recreational purposes for the property owners.” [Page 10, Item #12 of the Community Impact Statement, approved 07-11-05 – Exhibit C, attached]

EXHIBIT J

Based on the description of the subject property in the approved Community Impact Study (CIS), it does not appear that a campground existed at the time the Waterside Reserve Subdivision (fka Beacon Hill Estates) processed in 2002, and the subsequent approvals in 2005. Additionally, there is no evidence of an intent to maintain and/or an intent to continue operating a nonconforming campground documented within the approved CIS. Therefore, any nonconforming use that *may* have existed on the subject parcel at the time the residential subdivision processed, would have been considered abandoned by virtue of the approved residential subdivision, in accordance with Section 4.3B and the definition of “Abandonment” in Article 2 of the Zoning Ordinance.

Nonconforming Uses are subject to Section 4.3 of the Zoning Ordinance. Section 4.3B specifically states, “Whenever a nonconforming use has been abandoned for a period of twelve (12) months, such use shall not be reestablished and any future use shall be in conformance with the provisions of [the Zoning] Ordinance.”

Article 2 of the Zoning Ordinance defines Abandonment as, “The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.”

If you have any questions, please let me know.

Respectfully,

Alexandra Beaulieu
Deputy Director & Zoning Administrator
Department of Engineering, Planning, & Zoning
Jefferson County, WV
304-728-3228

Attachments: Exhibit A, Exhibit B, Exhibit C, Concept Plan Sketch, and Final Plat Excerpt

EXHIBIT J

JEFFERSON COUNTY, WEST VIRGINIA

Engineering Department
116 East Washington Street
P.O. Box 716
Charles Town, West Virginia 25414

Phone: 304-728-3257
Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

NOTICE OF VIOLATION

ISSUED BY: D. Mason Carter NOTICE DATE: August 24, 2022
Ordinance Compliance Officer & Land Development Coordinator

Certified Mail Return Receipt #7021 2720 0000 8119 2253

PROJECT: J.C.P.C. N/A

Charles Town District, Tax Map #19, Parcel #45
Deed Book 1144, Page 206

OWNER of RECORD: Waterside Reserve
9107 Fernwood Road
Bethesda, MD 20817

Attn: To Whom It May Concern:

The Owner/Developer/Contractor is hereby notified that it appears that a campground with electrical hookups has been constructed on your property (which is in the floodplain/Floodway) without an Improvement Location Permit, which is a violation of the Jefferson County Subdivision and Land Development Regulation, and the Building Code Enforcement Ordinance. The property is not in compliance with the following ordinances sections:

1. Sec. 24.505 of the Jefferson County Subdivision and Land Development Regulation:

An improvement location permit and/or building permit is required prior to the erection, relocation, or alteration of a building or structure, prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use, and prior to any land altering activity in a flood prone area.

2. Building Code Enforcement Ordinance of the International Residential Code, Section:

“Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the

EXHIBIT K

installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permits.”

In accordance with Article 25 (Enforcement and Penalties) of the Jefferson County Subdivision and Land Development Regulation, and Article 3, Section 3.3 (Enforcement) of the Jefferson County Zoning and Land Development Ordinance, the Owner/Developer/Contractor is hereby notified of this violation and is requested that the violation be terminated within 15 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Ordinance Compliance Officer and/or staff, pursuant to 8A-10-1,2 and 3, of the West Virginia State Code, as amended, to:

- (a) Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved, or
- (b) Seek a misdemeanor conviction in magistrate court or circuit court.

At a minimum, the following action is required to bring the project into compliance:

- A. Apply for the Improvement Location Permits for the Electrical hookups; and apply for Subdivision/Zoning approval for a campground establishment by September 9, 2022, or remove all campers and electrical hookups by the above date.
- B. **Structure will have to comply with the Jefferson County Floodplain Ordinance.**
- C. Structure must meet all setbacks.

Cc: Owner/Developer by regular USPS Delivery

Matt Harvey, Jefferson County Prosecuting Attorney
Alex Beaulieu, Zoning Administrator
Jennie Brockman, Jefferson County Planning
Roger Goodwin, Jefferson County Building Code Official
Tom Hanson, Jefferson County Sheriff

EXHIBIT K



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
 Email: zoning@jeffersoncountywv.org
 Phone: 304-728-3228

File #: 23-1-AP
 Meeting Date: 04-27-23
 Date Rec'd: 03-29-23
 Fees Paid: 100-
 Staff Initials: gtt

Appeal of an Administrative Decision Application

Pursuant to Article 6 of the Zoning Ordinance, the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance or any ordinance adopted thereto. The property owner of the subject appeal shall sign the application or an affidavit allowing an agent for the property owner to file the application which shall be submitted. Such appeal shall be filed with the Board within thirty (30) days from the decision appealed.

Project Name and/or File Number being Appealed

Whisper Ridge, LLC property formerly known as Hobo Flats

Project Name

File Number
RECEIVED

Appellant Information

Owner Name: Whisper Ridge, LLC
 Business Name: Whisper Ridge, LLC
 Mailing Address: 36 Bakerton Road, Harpers Ferry WV 25425
 Phone Number: 304-671-8181 Email: trishsandersonwv@gmail.com

MAR 29 2023
 JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

Appellant Consultant Information

Name: Christopher P. Stroech, Esquire
 Business Name: Panhandle Legal
 Mailing Address: 116 W. Washington Street, P.O. Box 550, Charles Town WV 25414
 Phone Number: 304-930-1945 Email: cstroech@panhandle-legal.com

Physical Property Details (subject to the Appeal) if applicable

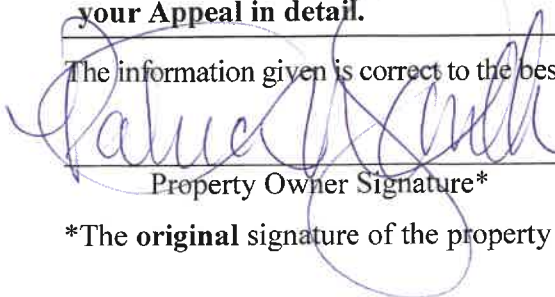
Owner Name: Whisper Ridge, LLC
 Mailing Address: 36 Bakerton Road, Harpers Ferry WV 25425 (Physical address: Wilt Road)
 Physical Address: _____ Vacant Lot:
 Tax District: Charles Town Map No: 20B Parcel No: 00S1
 Parcel Size: 6.08 acres Deed Book: 1091 Page No: 160
 Zoning District: _____

Decision/Determination Being Appealed

Adverse decision by Jeff. Co. Dept. of Engineering, Planning & Zoning by email dated 2/28/23 regarding a parcel owned by Appellant, determined that any nonconforming use that may have existed on the subject parcel when the "ZLDO" became effective has been abandoned.

On a separate sheet of paper describe the nature of the Appeal. Explain the reason/justification for your Appeal in detail.

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


 Property Owner Signature* _____ Date 3/29/23

Property Owner Signature* _____ Date _____

*The original signature of the property owner is required. A copy of the signature will not be accepted.

JEFFERSON COUNTY BOARD OF ZONING APPEALS

In re: Whisper Ridge, LLC

Appeal No.: _____

**Adverse Decision by Department of
Engineering, Planning, & Zoning**

APPEAL OF AN ADMINISTRATIVE DECISION

The Appellant, Whisper Ridge, LLC, by counsel, Christopher P. Stroeck, Esq., does hereby appeal the adverse decision by the Jefferson County Department of Engineering, Planning, & Zoning (“EPZ”). Alexandra Beaulieu, Deputy Director of EPZ, by email dated February 28, 2023, and regarding a parcel owned by the Appellant, determined that any nonconforming use that may have existed on the subject parcel when the Zoning and Land Development Ordinance (“ZLDO”) became effective has been abandoned by virtue of the recordation of the final plat for the Beacon Hill / Waterside Reserve Subdivision. The Appellant seeks a hearing and process pursuant to Section 6.1 of the ZLDO and hereby states as follows:

Facts and Procedural History

1. The subject property, Parcel ID: 02020B0OS1000, is an approximate six (6) – acre tract located off of Wilt Road along the Shenandoah River.
2. From 1940 to 2002, the property was owned by Lawrence Wilt and his family and operated as a campground known as “Hobo Flats.”
3. The ZLDO was adopted in 1988, thus classifying the campground use as a nonconforming use under Section 4.3.
4. In 2002, the property was transferred to Mission Mountain, LLC. *See* Deed attached as Exhibit A.
5. The property was used as a campground under the ownership of Mission Mountain, LLC from 2002 to 2010.

6. On July 27, 2010, the property was transferred from Mission Mountain, LLC to Whisper Ridge, LLC. *See* Deed attached as Exhibit B.
7. The property was never dedicated by the Declaration or any amendments to the Declaration for Beacon Hill / Waterside Reserve Subdivision.
8. On March 1, 2011, Waterford Bend, LLC amended its Declaration to make clear that the property is not part of the Beacon Hill / Waterside Reserve Subdivision. *See* Supplemental Declaration attached as Exhibit C.
9. On March 24, 2011, Waterford Bend, LLC made clear by quit claim deed that it did not have any interest in the property. *See* Deed attached as Exhibit D.
10. Waterford Bend, LLC has made clear in its individual deeds that the property is not part of the Beacon Hill / Waterside Reserve Subdivision. *See* exemplar Deed as Exhibit E.
11. The property has been used as a campground under the ownership of Whisper Ridge, LLC from 2010 to present.
12. The Appellant acknowledges that the paper plan at one time was to incorporate the property as open space for the proposed Beacon Hill / Waterside Reserve Subdivision. This plan was never realized.
13. The property never ceased to be used as a campground and was never physically altered to transition to common space.
14. The property has received campground income annually from 1940 to present. The Wilt family has confirmed camping income from 1940 to 2002. The Appellant and the Appellant's accountant has confirmed income from 2002 to present.

15. The property was only identified as open space on paper in the Community Impact Statements (“CIS”) for Beacon Hill and in the 2007 recorded Plat for the Beacon Hill / Waterside Reserve Subdivision.
16. From 1940 to 2022, the campground operated continuously without issue.
17. In August, 2022, the EPZ issued a notice of violation for the use of the property as a campground. *See* NOV attached as Exhibit F.
18. On October 13, 2022, the Appellant met with the EPZ regarding the alleged violation. Appellant was asked to provide documentation to show that the property had been used as a campground since the ZLDO was adopted in 1988.
19. The Appellant submitted an abundant amount of documentation confirming that the property has been used as a campground since 1940, well before 1988. This documentation includes letters from county commissioners, the Appellant’s accountant, the WV State Health Department, family, and neighbors confirming the campground activity. *See* Campground Use Verifications attached as Exhibit G.
20. On January 25, 2023, the Appellant met again with the EPZ and provided additional documentation verifying that the lot owners of Waterside Reserve have no legal right to use the property.

EPZ Decision

The EPZ issued its final determination by email dated February 28, 2023. The EPZ determined that “any nonconforming use that may have existed on the subject parcel at the time the residential subdivision processed, would have been considered abandoned by the virtue of the approved residential subdivision.” Upon information and belief, the EPZ based its determination

only upon paper descriptions of the property in the CIS and the 2007 recorded Plat. *See* Email w/attachments attached as Exhibit H.

Codified Applicable Law

Pursuant to Section 4.3 of the ZLDO:

Any building, structure or premises lawfully existing at the adoption of this Ordinance, or lawfully existing at the time this [O]rdinance is subsequently amended, may continue to be used even though such building, structure, or premises does not conform to use, setbacks or dimensional regulations of the zoning district in which it is located; subject, however, to the following provisions:

...B. Whenever a nonconforming use has been abandoned for a period of twelve (12) months, such use shall not be reestablished and any future use shall be in conformance with the provisions of this Ordinance.

...F. Section 4.3 is subject to Chapter 8A of the West Virginia Code, as Amended.

Pursuant to Section 2.2 of the ZLDO:

Abandonment or Abandoned. The relinquishment of property or cessation of the use of property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.

Pursuant to W.Va. Code § 8A-7-10 (2023):

(d) If a use of a property that does not conform to the zoning ordinance has ceased and the property has been vacant for one-year, abandonment will be presumed unless the owner of the property can show that the property has not been abandoned: Provided, That neither the absence of natural resources extraction or harvesting nor the absence of any particular agricultural, industrial or manufacturing process may be construed as abandonment of the use. If the property is shown to be abandoned, then any future use of the land, buildings or structures shall conform with the provisions of the zoning ordinance regulating the use where the land, buildings or structures are located, unless the property is a duly designated historic landmark, historic site or historic district.

Appeal of Decision

The Appellant appeals both determinations of the EPZ that: I) a campground may not have existed at the time the subdivision was approved in 2002; and II) that any nonconforming campground use that did exist was abandoned by virtue of the approved subdivision in 2002.

I) Based upon the evidence produced, a campground did exist at the time the subdivision was approved in 2002.

The Appellant contends that a campground existed at the property before the adoption of the ZLDO in 1988. The EPZ seems to suggest otherwise without any direct evidence.

“A nonconforming use is “[a] use which lawfully existed prior to the enactment of a zoning ordinance, and which is maintained after the effective date of the ordinance, although it does comply with the zoning restrictions applicable to the district in which it is situated[.]”

H.R.D.E., Inc. v. Zoning Officer, 430 S.E.2d 341 (1993).

The Appellant has produced documentation, as requested by the EPZ, that confirms that the property has been used as a campground prior to 1988; and as a result, such campground use vested as nonconforming upon the adoption of the ZLDO in 1988. *See* Exhibit G.

These letters include 1) statements from family members of prior owners confirming campground use from 1940 to present; 2) statement from WV Health and Human Resources Supervisor, Alan Marchun, confirming campground use before 1991 to present; 3) statement of Appellant’s accountant confirming that the property has received camping income annually from 2002 to present; and 4) public statements confirming campground use prior to and consistently since 1988, including letters from Jefferson County Commissioners Stolipher and Jackson.

The EPZ has based its determination that a campground did not exist on the property in 2002 only upon the paper descriptions as set forth in the 2002 CIS, the amended 2005 CIS,

and the 2007 recorded Plat. The EPZ has not produced any direct evidence that the property has not continuously been used a campground since 1988, or that the property has been continuously vacant for twelve (12) months.

II) The campground use as vested in 1988 has not been abandoned.

The property has been used as a campground since well before 1988 when the nonconforming campground use vested with the adoption of the ZLDO. Such use has not been abandoned as defined by applicable law.

The ZLDO expressly states that Section 4.3 (Nonconforming Uses) is subject to Chapter 8A of the West Virginia Code. ZLDO, Section 4.3(F). Pursuant to W.Va. Code § 8A-7-10 (2023):

(d) If a use of a property that does not conform to the zoning ordinance has ceased and the property has been vacant for one-year, abandonment will be presumed unless the owner of the property can show that the property has not been abandoned: Provided, That neither the absence of natural resources extraction or harvesting nor the absence of any particular agricultural, industrial or manufacturing process may be construed as abandonment of the use. If the property is shown to be abandoned, then any future use of the land, buildings or structures shall conform with the provisions of the zoning ordinance regulating the use where the land, buildings or structures are located, unless the property is a duly designated historic landmark, historic site or historic district (emphasis added).

This Section indicates that both the subject nonconforming use must cease AND the property must be vacant for one year to presume abandonment. This clearly states that the property must actually be vacant for abandonment and relates directly to the actual use that is or is not occurring on the subject property.

The Appellant contends that the EPZ has the burden to prove the abandonment. In the context of abandoning an easement - “abandonment of an easement...may be proved by nonuse combined with circumstances which evidence an intent to abandon” the easement.

Abandonment in this context must be shown by clear and convincing evidence. Syl. Pt. 2, Strahin v. Lantz, 193 W.Va. 285 (1995). The burden of proof for abandonment was discussed in Pappas v. Zoning Bd. of Adjustment, 527 Pa.Cmwlth. 149 (1991), where the Pennsylvania Supreme Court determined that the burden of proof for abandonment is on the party asserting the same. Id., at 154, citing to Faith Presbyterian Church v. Bensalem Township Zoning Hearing Board, 114 Pa.Cmwlth. 107 (1987).

Most notably, in Poole v. Berkeley County Planning Com'n., 200 W.Va. 74 (1997), the West Virginia Supreme Court, in determining whether or not abandonment occurred, disregarded a change of ownership in the subject property [a paper change] and focused instead on the actual use of the property. The Court, citing to a previous case, found as follows:

In Longwell, beer was permitted to be sold at a restaurant in Bridgeport, West Virginia, pursuant to a 'grandfather' exception to a 1955 zoning ordinance. The selling of beer at the restaurant thus constituted a lawful, non-conforming use of the property. In 1971, the property was sold to James Longwell who closed the restaurant from 1974 to 1979 for remodeling. In 1979, a new ordinance was adopted confirming the prohibition of the sale of beer at such restaurants. In Longwell, this Court, affirming a ruling adverse to Longwell, concluded the lawful, non-conforming use of the property had been abandoned and that, accordingly, the property was subject to the prohibition of the sale of beer. Nevertheless, rather than focusing upon the change in ownership of the property in 1971, this Court, in Longwell, emphasized the closing, or interruption, of the business from 1974 to 1979. As the Longwell opinion states: '[W]e affirm the lower court's holding on the basis that, during the period from 1974 to 1979 when no restaurant selling beer was operating on the premises the property owner's 'grandfathered' right to sell beer expired.

By contrast, in the action now before us [Poole], although there was a change in the ownership of the property, there was never an abandonment or interruption of the use of the property as a salvage yard.

Id., at Section II.

In Sayers v. Bd. of Zoning Appeals of Wardensville, No. 14-0087 (2014), the Court found convincing evidence that no appliance repair shop was actually operating on the premises during

the relevant timeframe sufficient to confirm abandonment of a nonconforming use. The Court focused on the actual use or lack thereof – not the plan or intent for the property. Id., at 405. In Par Mar v. City of Parkersburg, 183 W.Va. 706 (1990), the Court similarly relied upon the actual use of the subject property as a commercial use to confirm abandonment.

Based upon the evidence presented in this matter, the nonconforming campground use has not been abandoned. Statements clearly confirm that the property has never been vacant for twelve (12) months or more. These statements verify that the property has been used continuously as a campground well before 1988 and to the present. The accountant for the involved entities states that the property has generated campground income from 2002 to the present.

Despite being referenced as open space in the 2002 and 2005 CIS for Beacon Hill and the 2007 Plat, the property was never physically altered in any way to transition from a campground to open space. The property was owned by Mission Mountain, LLC and then Whisper Ridge, LLC. Neither of these entities sold individual lots within the Beacon Hill / Waterside Reserve Subdivision. The property was never dedicated by the Declaration or amendments thereto for the Beacon Hill / Waterside Reserve Subdivision. Accordingly, no individual owners ever had the right to use the property as common space, and in fact, they were specifically excluded from using this property.¹

The statements in the CIS referenced by the EPZ actually support Appellant's position that this property was a campground. The CIS specifically references "non-permanent trailers"

¹ The second CIS added a separate 2.6 acre parcel along the Shenandoah River for the residents of the Beacon Hill / Waterside Subdivision to use as common space.

that will be removed prior to the sale of the lots. Campgrounds have “non-permanent trailers.” These trailers were never removed as indicated in the CIS. These trailers were replaced over time with other “non-permanent trailers,” as often occurs in a campground. The property never ceased operating as a campground and was never vacant for more than twelve (12) months as is clearly required by state code. Although the plan to transition the property to common space was referenced in the CIS and Plat, the property was never actually used as common space. As similar to Poole, the paper plan for this property is not authoritative to show abandonment.

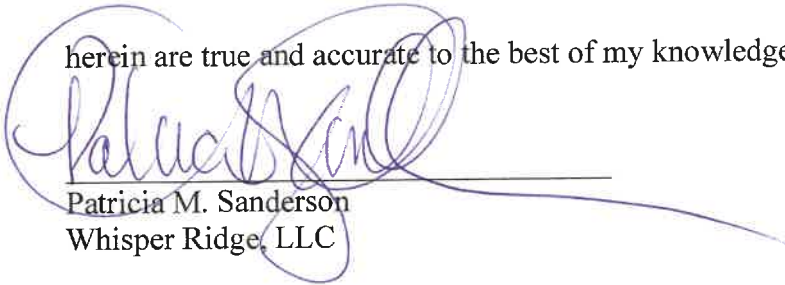
Property rights are preserved and protected by the United States and West Virginia Constitutions and the due process considerations that attach to such rights. The EPZ is attempting to subvert these protections through a strained interpretation of abandonment for a nonconforming use that has been in place for over eighty (80) years. State code makes clear that the property must be vacant for more than twelve (12) months. Applicable cases make clear that the actual use of the property is determinative. There is no authority that supports the EPZ’s decision that abandonment can be confirmed by a paper plan alone. The EPZ has thus failed to meet its burden.

For these reasons, the nonconforming campground use that existed from at least 1940 and continues to this day has not been abandoned. The EPZ has not met its burden in demonstrating abandonment. The paper plan for the property as open space does not override the actual use of the property as a campground. Appellant seeks a determination by this Board that the EPZ was incorrect in making such determinations, and further that the nonconforming campground use does not need to comply with the ZLDO.

VERIFICATION

I, Patricia M. Sanderson, do hereby certify that the facts and allegations as set forth

herein are true and accurate to the best of my knowledge and belief.



Patricia M. Sanderson
Whisper Ridge, LLC

WHISPER RIDGE, LLC
Defendant, By Counsel



Christopher P. Stroeck, Esq., WVSB #9387
Panhandle Legal
116 W. Washington Street, Suite 2E
P.O. Box 550
Charles Town WV 25414
P. (304) 930-1945
F. (304) 930-1387
E. cstroeck@panhandle-legal.com

CERTIFICATE OF SERVICE

I, Christopher P. Stroeck, Esquire, Attorney for Appellant, do hereby certify that I have served a true copy of the attached Zoning Appeal Application and attachments upon Alexandra Beaulieu, Deputy Director & Zoning Administrator, Office of Planning & Zoning, Dept. of Engineering, Planning & Zoning, 116 E. Washington Street, 2nd Floor, Charles Town WV 25414, by hand delivering a true copy thereof to her or the clerk of her Office this 29th day of March, 2023.



Christopher P. Stroeck, Esquire

THIS DEED, made and entered into this 18th day of December 2002, by and between GRACE VIRGINIA WILT and CAROLYN L. YOUNG, parties of the first part, hereinafter referred to as Grantors, and MISSION MOUNTAIN, L.L.C., a limited liability company, party of the second part, hereinafter referred to as Grantee.

WITNESSETH: That for and in consideration of the sum of FIVE DOLLARS and 00/100 (\$5.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said Grantors do hereby grant, bargain, sell and convey, and by these presents have granted, bargained, sold and conveyed unto the Grantee, in fee simple, with covenants of general warranty, and against all liens and encumbrances, that certain lot or parcel of real estate, with the improvements and appurtenances thereunto belonging, situate in the Charles Town District, Jefferson County, West Virginia, and more particularly described as follows:

PARCEL ONE: All that certain piece, parcel or tract of land situate on the east side of Shenandoah River, in Charles Town Magisterial District, Jefferson County, West Virginia, and being the same land conveyed by Frank Beckwith, Special Commissioner, to St. George T. Brooke, trustee for Mrs. Lena T. Lucas by deed dated January 4, 1911, of record in the Office of the Clerk of the County Court of Jefferson County, West Virginia, in Deed Book 105, at page 293, and therein described as follows: BEGINNING at the corner of the Little and Maltby tracts (fig. 1 on plat); thence S. 47-30 E. 253 poles to John Longerbeam's corner (fig. 2); thence with his line N. 42-30 E. 70.6 poles to a stake (fig. 3); thence by a new line N. 47-30 W. 77.85 poles to a stake (fig. 4); thence N. 42-30 E. 62 poles to a stake in G.W. Wilt's Heirs line (fig. 5); thence with said heirs line N. 50- W. 78.39 poles to a stone (fig. 6); thence N. 26-30 W. 19.12 poles (7) thence N. 73 E. 44 poles (8); thence N. 55 W. 63.16 poles to river bank (9); thence up stream 1.8 poles (fig. 10) corner to J. H. Hostler; thence with his lines S. 63/15 E. 3.3 poles; thence S. 46-15 E. 15.8 poles; thence S. 59 E. 23.5 poles; thence S. 36-30 W. 14.4 poles; thence S. 31-15 W. 31.5 poles; thence N. 34 W. 35.7 poles; thence up the river with the meanders thereof to the beginning, containing one hundred forty-five acres two roods and four perches; be the same more or less. **TOGETHER WITH** a small piece or parcel of land lying on the Northerly side of West Virginia State Route No. 9, adjoining the larger tract herein conveyed, and the lands of John Harder, Longerbeam, Brooke L. Wynkoop and others, fronting on the State Route aforesaid, which separates the land herein conveyed from the other land owned by Frank J. T. Brooke, et al., lying on the southerly side of the said State Route No. 9. **SAVING AND EXCEPTING THEREFROM** All that certain lot or parcel of real estate lying to the west of Mission Road (State Secondary Rt. 9/5) in the Charles Town District, Jefferson County, West Virginia, and being more particularly bounded and described as follows: BEING ALL of the 2.0873 acre merger parcel lying to the west and including the aforesaid road as the same is designated and described on the Plat made by Ed Johnson & Associates, Inc., dated April 8, 1998, a copy of which is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, being conveyed to Grace Virginia Wilt and Carolyn L. Young as recorded in Deed Book 902, at page 754. **FURTHER SAVING AND EXCEPTING THEREFROM** all that certain parcel being described as follows: All that certain strip of land 20 feet in width on each



side of the center of the road, as presently traveled and as may be located by the State Road Commission, through the property of the part of the first part, on State Project No. None, situated in Jefferson County, approximately One mile in a easterly direction from W. Va., Route 9, on the waters of Shenandoah River, and commonly known as Lawrence Wilt Road, conveyed to the State of West Virginia, by the State Road Commission of West Virginia, a corporation, as recorded in Deed Book 185, at page 71.

AND BEING part of the same real estate conveyed to Lawrence E. Wilt, by deed dated 29th day of January 1941, from Frank J.T. Brooke and Anna R. Brooke, his wife, Anne Brooke Harold, widow, Francis J. Brooke, Jr., and Elizabeth B. Brooke, his wife, Lena McNamara, and A.L. McNamara, her husband, Lucy B. Brooke, widow, Beverly F. McLaughlin, unmarried, Virginia B. Sloss and James L. Sloss, her husband, Henry L. Brooke and Madelaine Brook, his wife, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 153, at page 414. The said Lawrence E. Wilt passed from his life on July 20, 1980, Intestate, and pursuant to the records set forth in the Fiduciaries office of Jefferson County, West Virginia, Lawrence E. Wilt was survived by his wife, Grace Virginia Wilt and Carolyn L. Young, his daughter, his sole heirs, the Grantors named herein.

PARCEL TWO: All that certain tract or parcel of land lying east of the Shenandoah River in Jefferson County, West Virginia, bound and described as follows: Beginning at the southwest corner at a stone, thence along line of William painter's heirs to the center of Big Run and oak tree is marked as the corner land of same, thence by Big Run until it intersects line of John Wiley, thence west along said line to place of beginning, containing three acres, more or less.

AND BEING part of the same real estate conveyed to Lawrence E. Wilt, by deed dated 2nd day of March 1942, from James Engle and Sarah E. Engle, his wife, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 184, at page 505.

PARCEL THREE: All those two certain tracts or parcel of land, situate on the east side of the Shenandoah River, in Charles Town District, Jefferson County, West Virginia, bounded and described according to survey made by M.W. McDonald, County Surveyor, as follows, to-wit: **(Tract 1)** BEGINNING at a stone (1) at the southern corner of this tract in line of Dillow and others and being a corner of the property of St. Andrew's Mission, thence N. 44-30 E. 31.5 poles with Dillow and others to corner of Longerbeam (2), thence N. 45-30 W. 34 poles with Longerbeam to line of Virginia Lucas devisees (3), thence S. 44-30 W. 31.5 poles with the same to line of said St. Andrew's Mission (4), thence S. 45-30 E. 34 poles with the same to the beginning, containing 6.75 acres, more or less, designated as Tract 1 on the aforesaid plat. **(Tract 2)** BEGINNING at a stone (5) in line of Dillow and others and corner with Longerbeam, thence N. 44-30 E. 98 poles with

Dillow and others to a stone pile in line of Hostler (6), thence N. 42 E. 25.5 poles with Hostler to corner of Northern Virginia Power Company, (7), thence N. 54 ½ W. 50.5 poles with said Power Company to corner of Wilt (8), thence S. 27 W. 104.16 poles with Wilt to another corner of Wilt (9), thence N. 50 W. 58.24 poles with Wilt to white oak corner of Virginia Lucas' devisees (10), thence S. 42-30 W. 62 poles with the same to a point (11), thence S. 47-30 E. 68 poles to a line of Harder (12), thence N. 42-30 E. with Harder to a stone (13), thence S. 45-30 E. 160 feet with Harder and 56 poles with Longerbeam to beginning, containing 74.6 acres, more or less, designated as Tract 2 on plat. **SAVING AND EXCEPTING THEREFROM** all that certain parcel containing 2.139 acres, more or less, as set forth in that certain deed dated December 10, 1991, to Wayne B. Mingin and Patricia L. Mingin, his wife, as recorded in the aforesaid Clerk's office in Deed Book 700, at page 501. **FURTHER SAVING AND EXCEPTING THEREFROM** all that certain parcel containing 25,600.00 square feet, more or less, as set forth in that certain deed dated March 10, 1953, to Thomas Painter, Robert Turner and Thomas Kerns, Trustees of the Murrill Hill Methodist Church as recorded in Deed Book 191, at page 361. **FURTHER SAVING AND EXCEPTING THEREFROM** all that certain parcel described as follows: Beginning at a point 10 feet from an old fence, being the line of The Episcopal Church Mountain Mission property; thence in a westerly direction with the north line of West Virginia State Route No. 9, 175 feet more or less, to the line of Northern Virginia Power Company right-of-way; thence with the line of said right-of-way following the curve thereof in an northeasterly direction 155 feet, more or less, to a point in the westerly line of the Wilt reserved right-of-way 10 feet from said fence, the line of the Episcopal Church Mountain Mission property, thence with the said right of way keeping 10 feet from, and parallel to said fence line of Mountain Mission property, 160 feet to the point of beginning, being conveyed to Robert Fummery and Agnes D.Pummery, his wife, as recorded in Deed Book 267, at page 293. **FURTHER SAVING AND EXCEPTING THEREFROM** all that certain parcel containing 0.490 acre, more or less, and that certain parcel containing 0.520 acre, more or less, being conveyed to Aster McDaniel and Sandra M. McDaniel, his wife, as recorded in Deed Book 380, at page 340. **AND FUTHER SAVING AND EXCEPTING THEREFROM** all that parcel containing approximately 1.5 acres, more or less, being conveyed to Kenneth F. Hardy, as recorded in Deed Book 493, at page 668.

AND BEING part of the same real estate conveyed to Lawrence E. Wilt, by deed dated 23rd day of February 1932, from Henrietta L. Bedinger, unmarried, Dorothy B. Kennedy, and Gordon Kennedy, her husband, Virginia B. Winton and Robert P. Winton, her husband, Sallie Bedinger Hopkins and Henry Thomas Hopkins, her husband, Evelina B. Trapnell and Richard W. Trapnell, her husband, Thomas W. Perkins, Guardian, of Virginia Lucas Trapnell, an infant, Thomas W. Perkins, Guardian of Laura A. Sweet, as infant, S.D.S. Ranson, Guardian of William Wade Ranson, an infant, and S.D.S. Ranson, Guardian of Brooke S. Ranson, an infant, and recorded in the Office of

the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 137, at page 33.

PARCEL 4: All that certain tract or parcel of land containing about one and one half acre of land, situate in the county of Jefferson on the east side of the Shenandoah River, and located on what is known as Forge Hill, adjoining the lands of John Hostler and other land of the said Lawrence Wilt.

AND BEING part of the same real estate conveyed to Lawrence Wilt, by deed dated 30th day of April 1938, from William Melton and Fanny Melton, his wife, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 147, at page 376.

PARCEL 5: All that certain lot or parcel of real estate lying to the west of Mission Road (State Secondary Rt. 9/5) in the Charles Town District, Jefferson County, West Virginia, and being more particularly bounded and described as follows: BEING ALL of the 2.0873 acre merger parcel lying to the west and including the aforesaid road as the same is designated and described on the Plat made by Ed Johnson & Associates, Inc., dated April 8, 1998, a copy of which is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia,

AND BEING part of the same real estate conveyed to Grace Virginia Wilt and Carolyn L. Young, by deed dated 20th day of May 1998, from Grace Virginia Wilt and Carolyn L. Young, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 902, at page 754.'

SUBJECT TO that certain right-of-way granted to Northern Virginia Power Company as set forth and recorded in Deed Book 194, at page 150.

SUBJECT TO that certain right-of-way granted to Potomac Light and Power Company as set forth and recorded in Deed Book 269, at page 418.

SUBJECT TO that certain right-of-way granted to Potomac Edison Company of West Virginia as set forth and recorded in Deed Book 301, at page 126, and in Deed Book 301, at page 128, and in Deed Book 303, at page 475.

SUBJECT TO that certain right-of-way granted to Shenandoah Mobile Company, a Virginia corporation, as set forth and recorded in Deed Book 949, at page 662.

This conveyance is made subject to and together with any other covenants, condition, agreements, easements, rights, rights-of-way and/or restrictions of record and in existence.

DECLARATION OF CONSIDERATION OR VALUE

Under the penalties of fine and imprisonment as provided by law, the undersigned Grantors hereby declare that the total consideration for the property transferred by the document to which this declaration is appended is \$817,500.00.

WITNESS the following signatures.

Grace Virginia Wilt

Grace Virginia Wilt

Carolyn L. Young

Carolyn L. Young



STATE OF TENNESSEE
COUNTY OF Jefferson to-wit:

The foregoing instrument was acknowledged before me this 19 day of December 2002, by Grace Virginia Wilt, a Grantor named herein.

Joseph H. Buck
Notary Public

My commission expires: 9-24-2006

STATE OF TENNESSEE
COUNTY OF Jefferson to-wit:



The foregoing instrument was acknowledged before me this 19 day of December 2002, by Carolyn L. Young, a Grantor named herein.

Joseph H. Buck
Notary Public

My commission expires: 9-24-2006

THIS DEED PREPARED BY:
David D. Pill, Esquire, PILL & PILL
P.O. Box 440, 1444A Edwin Miller Boulevard,
Martinsburg, West Virginia 25401

AFTER RECORDING, PLEASE RETURN TO:
Mountain Mission, L.L.C.

RR 7 Box 106
Charles Towner WV
25414

JEFFERSON COUNTY, WV
FILED
December 30, 2002 16:38:24

JOHN E. OTT
COUNTY CLERK
TRANSACTION NO: 2002029615
Transfer Tax: \$3,597.00

BOOK OF DEEDS
Book: 00968 Page: 00689

dsb/43516 Wilt and Young to Mountain Mission LLC Deed



DEED

THIS DEED is made effective as of the 27th day of July, 2010, by and between MISSION MOUNTAIN, L.L.C., party of the first part and hereinafter referred to as "Grantor", and WHISPER RIDGE, L.L.C., party of the second part and hereinafter referred to as "Grantee".

WITNESSETH: That for valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey unto the Grantee, with covenants of general warranty, all of that certain tract or parcel of real estate with improvements thereon and appurtenances thereunto belonging, located in Charles Town District, Jefferson County, West Virginia and being more particularly bounded and described as follows:

All of that certain lot or parcel of real estate containing 6.08 acres and designated as "Open Space 6.08 Acres" as shown on the Final Plat of "Waterside Reserve" recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Cabinet 24, at Slide 31.

AND BEING a portion of the real estate that was conveyed to the Grantor herein by deed dated December 18, 2002, and recorded in the said Clerk's Office in Deed Book 968, page 689.

DECLARATION OF CONSIDERATION AND WITHHOLDING EXEMPTION

Under the penalties of fine and imprisonment as provided by law, the undersigned Grantor hereby declares that the total consideration paid for the property transferred by this document is Fifteen Thousand Two Hundred Dollars (\$15,200.00).

The undersigned, pursuant to the Withholding Tax on West Virginia Source Income of Non-Residents, hereby certifies under the penalties of perjury that the Grantor is a West Virginia limited liability company.



WITNESS the following signature:

Mission Mountain, L.L.C.

By:  Member
Patricia M. Sanderson, member

STATE OF WEST VIRGINIA
COUNTY OF JEFFERSON, to-wit:

The foregoing instrument was acknowledged before me this 27th day of July,
2010, by Patricia M. Sanderson, as member of Mission Mountain, L.L.C.




NOTARY PUBLIC

Jennifer S Wagan
JEFFERSON County 01:10:15 PM
Instrument No 2010015319
Date Recorded 07/28/2010
Document Type DEED
Book-Page 1082-156
Recording Fee \$11.00
Transfer Tax \$68.20
HB4331 Tax \$34.10
Additional \$25.00

This instrument was prepared by Michael J. Novotny
36 Bakerton Road
Harpers Ferry, WV 25425

SUPPLEMENTAL DECLARATION OF RESERVATIONS AND RESTRICTIVE
COVENANTS

WATERSIDE RESERVE

THIS SUPPLEMENTAL DECLARATION is made as of this 1 day of March, 2011, by Waterford Bend, LLC, a Delaware limited liability company licensed to do business in West Virginia ("Developer").

WHEREAS, Developer has recorded that Declaration of Reservations and Restrictive Covenants for Waterside Reserve dated February 18, 2011; and

WHEREAS, said Declaration reserves the right to the Developer to amend said Declaration by subsequent recorded document on an individual or property-wide basis in accordance with Article II, Section 3 of said Declaration; and

WHEREAS, Developer has deemed it beneficial to The Properties to amend said Declaration in regard to clarifying the acreage of the Open Space as shown and designated on the Plats referenced for Waterside Reserve in the Declaration.

NOW, THEREFORE, Developer amends said Declaration to add the following as an additional paragraph/provision at the end thereof:

ARTICLE XXII

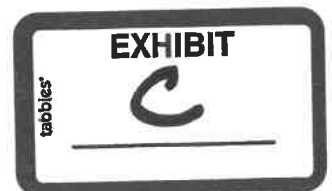
"The Open Space designated and shown on that Final Plat of Waterside Reserve drawn by SP&D Site Planning & Design dated June 29, 2007, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 24 at page 31 (Sheets 1 – 14) consists of 2.33 acres as part of the Roads and Other Common Facilities as defined in Article 1 of said Declaration.

A 6.08-acre parcel adjacent as shown on said Final Plat is owned by Whisper Ridge, LLC, pursuant to Deed dated July 27, 2010, recorded in the aforesaid Clerk's Office in Deed Book 1082 at page 56 and is not part of Waterside Reserve.

Said Open Space is originally shown and identified on that Final Plat entitled "Beacon Hill Estates Subdivision" dated July 11, 2002, prepared by Site Planning and Design and recorded in the aforesaid Clerk's Office in Plat Cabinet 21 at Slide 21 – 21M.


Reference is made to a Quitclaim Deed from Waterford Bend, LLC, to Whisper Ridge, LLC, recorded in the aforesaid Clerk's Office prior hereto.

The Declaration, as hereby amended, remains in full force and effect as to all remaining terms and conditions thereof.



WITNESS the following signature and seal.

WATERFORD BEND, LLC
a Delaware limited liability company


By: 
L. Hunter Wilson, Vice President


STATE OF WEST VIRGINIA,

COUNTY OF BERKELEY, to-wit

The foregoing instrument was acknowledged before me this 1 day of March
2011, by L. Hunter Wilson, Vice President of WATERFORD BEND, LLC a Delaware limited
liability company, on behalf of the limited liability company.

My commission expires:


(SEAL)


Notary Public



MICHAEL J NOVOTNY
36 BAKERTON RD
HARPERS FERRY, WV 25425-4106

Jennifer S Mashan
JEFFERSON County 04:28:54 PM
Instrument No 2011007725
Date Recorded 03/24/2011
Document Type COV
Book-Page 1091-178
Recording Fee \$5.00
Additional \$6.00

THIS DOCUMENT PREPARED BY:

M. Shannon Brown, Esquire
M. SHANNON BROWN, P. L. L.C.
471 B & O Overpass Road
Hedgesville, WV 25427
West VA Bar License # 4228
VA Bar License # 42073

MICHAEL J NOVOTNY
36 BAKERTON RD
HARPERS FERRY, WV 25425-4106

Jennifer S Washan
JEFFERSON County 04:21:48 PM
Instrument No 2011007719
Date Recorded 03/24/2011
Document Type DEED
Book-Page 1091-160
Recording Fee \$11.00
Additional \$5.00

Mail to: Michael J. Novotny 36 Bakerton Road, Harpers Ferry, WV 25425

DEED

(QUITCLAIM)

THIS QUITCLAIM DEED is made and entered into this 24th day of March, 2011 by and between WATERFORD BEND, LLC, Grantor, a Delaware limited liability company licensed to do business in West Virginia, and WHISPER RIDGE, L.L.C., Grantee, a West Virginia limited liability company.

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt of which is also hereby acknowledged, Waterford Bend, LLC does hereby QUITCLAIM, grant and convey, without warranty of any kind, all of its right, title and interest if any there may be, including all rights of use and occupation unto Whisper Ridge, LLC, together with all rights, improvements, privileges, rights-of-way and appurtenances thereunto belonging or in any wise appertaining, the following-described lot, tract or parcel of real estate, situate, lying and being in Charles Town District, Jefferson County, West Virginia, being more particularly described as follows:

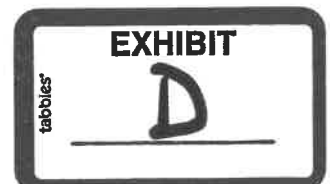
All of that certain tract or parcel of real estate containing 6.08 acres as more fully shown and designated as "OPEN SPACE 6.08 AC." on the Final Plat of "Beacon Hill Estates Subdivision" dated July 11, 2002, prepared by Site Planning and Design, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Cabinet 21 at Slide 21-21M, and also shown on the Final Plats of Waterside Reserve drawn by SP&D Planning & Design dated June 29, 2007, and recorded in the aforesaid Clerk's Office in Plat Book 24 at page 31 (Sheets 1 - 14) and at page 32.

Grantor intends by this conveyance to confirm that the said 6.08 acre parcel is not a part of Waterside Reserve Subdivision, fka Beacon Hill Subdivision, and further, intends to release and relinquish all rights if any it and its successors in title have as an owner of a lot in Waterside Reserve Subdivision to use or occupy the said 6.08 acre parcel.

THIS CONVEYANCE IS MADE SUBJECT AND TOGETHER WITH any matters of record pertaining thereto.

DECLARATION OF CONSIDERATION

As provided by law, the undersigned hereby declares that the total consideration paid for the real estate transferred by this document is less than ONE HUNDRED DOLLARS (\$100.00), it being a quitclaim conveyance.



WITNESS the following signature and seal.

WATERFORD BEND, LLC
a Delaware limited liability company

By: 
L. Hunter Wilson, Vice President

STATE OF WEST VIRGINIA,

COUNTY OF BERKELEY, to-wit

The foregoing instrument was acknowledged before me this 24 day of March 2011, by L. Hunter Wilson, Vice President of WATERFORD BEND, LLC a Delaware limited liability company, on behalf of the limited liability company.

My commission expires:


(SEAL)


Notary Public



THIS DOCUMENT PREPARED BY:

M. Shannon Brown, Esquire
M. SHANNON BROWN, P. L. L.C.
471 B & O Overpass Road
Hedgesville, WV 25427
West VA Bar License # 4228
VA Bar License # 42073

Mail to: Mr. and Mrs. Michael Christiani, 8701 Overlook Rd., McLean, VA 22102

DEED

THIS DEED, made and entered into this 9th day of March, 2011 by and between **WATERFORD BEND, LLC**, a Delaware limited liability company authorized to do business in West Virginia, party of the first part, Grantor, and **MICHAEL G. CHRISTIANI AND NANCY CHRISTIANI**, husband and wife, parties of the second part, Grantees.

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt of which is also hereby acknowledged, the said party of the first part does hereby bargain, sell, grant and convey unto the parties of the second part, as joint tenants with rights of survivorship and not as tenants in common, with covenants of General Warranty in fee simple, together with all rights, improvements, privileges, rights-of-way and appurtenances thereunto belonging or in any wise appertaining, the following-described lot, tract or parcel of real estate, situate, lying and being in Charles Town District, Jefferson County, West Virginia, being more particularly described as follows, to-wit:

Lot No. 8, containing 5.12 acres, "Waterside Reserve" as is more fully shown upon a Final Plat drawn by SP&D Site Planning & Design dated June 29, 2007, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 24 at page 31 (Sheets 1 - 14), and Lot No. 9, containing 3.9007 acres, as resurveyed and re-platted from the aforesaid Plat by that Final Plat drawn by Huron Consulting dated April 2007, and recorded in the aforesaid Clerk's Office in Plat Book 24 at page 32 (Sheets 1 - 7).

AND BEING a portion of the same real estate conveyed to Waterford Bend, LLC, Grantor herein, from Fifth Third Bank, an Ohio corporation, by Deed dated December 29, 2010, recorded in the aforesaid Clerk's Office in Deed Book 1088 at page 516.

THIS CONVEYANCE IS MADE SUBJECT to those covenants, restrictions and assessments more particularly set forth in that Declaration of Reservations and Restrictive Covenants for Waterside Reserve dated February 18, 2011, and any Supplemental Declaration thereto, to be recorded in the aforesaid Clerk's Office preceding this instrument.

THIS CONVEYANCE IS FURTHER MADE SUBJECT to all rights-of-way and easements of record and in existence, including but not limited to the right of Grantor, others and all property owners within Waterside Reserve, their guests and invitees, to use all subdivision Roads and Other Common Facilities (specifically including that 2.33-acre Open Space riverfront parcel shown on the said Plats, and specifically not including the adjacent 6.08-riverfront parcel owned by Whisper Ridge, LLC, which parcel is not part of Waterside Reserve).

DECLARATION OF CONSIDERATION

As provided by law, the undersigned hereby declares that the total consideration paid for the real estate transferred by this document is TWO HUNDRED ONE THOUSAND EIGHT HUNDRED DOLLARS. (\$201,800.00).



WITNESS the following signature and seal.

WATERFORD BEND, LLC
a Delaware limited liability company

By: *L. Hunter Wilson*
L. Hunter Wilson, Vice President

STATE OF WEST VIRGINIA,

COUNTY OF BERKELEY, to-wit

The foregoing instrument was acknowledged before me this 9th day of March, 2011, by L. Hunter Wilson, Vice President of WATERFORD BEND, LLC a Delaware limited liability company, on behalf of the limited liability company.

My commission expires:

June 18, 2012
(SEAL)

Kathy Cummings
Notary Public



MICHAEL G CHRISTIANI
8701 OVERLOOK RD.
NOCLEAN, VA 22102-1523

Jennifer S Maghan
JEFFERSON County 09:03:03 AM
Instrument No 2011007748
Date Recorded 03/25/2011
Document Type DEED
Book-Page 1091-160
Recording Fee \$11.00
Transfer Tax \$888.80
HB4331 Tax \$444.40
Additional \$25.00

THIS DOCUMENT PREPARED BY:

M. Shannon Brown, Esquire
M. SHANNON BROWN, P. L. L.C.
471 B & O Overpass Road
Hedgesville, WV 25427
West VA Bar License # 4228
VA Bar License # 42073

JEFFERSON COUNTY, WEST VIRGINIA

Engineering Department

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

NOTICE OF VIOLATION

ISSUED BY: D. Mason Carter NOTICE DATE: August 24, 2022
Ordinance Compliance Officer & Land Development Coordinator

Certified Mail Return Receipt #7021 2720 0000 8119 2260

PROJECT: J.C.P.C. N/A

Charles Town District, Tax Map #20B, Parcel #0OS1.0000
Deed Book 1091, Page 160

OWNER of RECORD: Whisper Ridge LLC
36 Bakerton Road
Harper Ferry, WV 25425

Attn: To Whom It May Concern:

The Owner/Developer/Contractor is hereby notified that it appears that a campground with electrical hookups has been constructed on your property (which is in the floodplain/Floodway) without an Improvement Location Permit, which is a violation of the Jefferson County Subdivision and Land Development Regulation, and the Building Code Enforcement Ordinance. The property is not in compliance with the following ordinances sections:

1. Sec. 24.505 of the Jefferson County Subdivision and Land Development Regulation:

An improvement location permit and/or building permit is required prior to the erection, relocation, or alteration of a building or structure, prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use, and prior to any land altering activity in a flood prone area.

2. Building Code Enforcement Ordinance of the International Residential Code, Section:

"Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the



installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permits."

In accordance with Article 25 (Enforcement and Penalties) of the Jefferson County Subdivision and Land Development Regulation, and Article 3, Section 3.3 (Enforcement) of the Jefferson County Zoning and Land Development Ordinance, the Owner/Developer/Contractor is hereby notified of this violation and is requested that the violation be terminated within 15 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Ordinance Compliance Officer and/or staff, pursuant to 8A-10-1,2 and 3, of the West Virginia State Code, as amended, to:

- (a) Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved, or
- (b) Seek a misdemeanor conviction in magistrate court or circuit court.

At a minimum, the following action is required to bring the project into compliance:

- A. Apply for the Improvement Location Permits for the Electrical hookups; and apply for Subdivision/Zoning approval for a campground establishment by September 9, 2022, or remove all campers and electrical hookups by the above date.
- B. **Structure will have to comply with the Jefferson County Floodplain Ordinance.**
- C. Structure must meet all setbacks.

Cc: Owner/Developer by regular USPS Delivery

Matt Harvey, Jefferson County Prosecuting Attorney
Alex Beaulieu, Zoning Administrator
Jennie Brockman, Jefferson County Planning
Roger Goodwin, Jefferson County Building Code Official
Tom Hanson, Jefferson County Sheriff

Whisper Ridge, LLC.
36 Bakerton Rd
Harpers Ferry, WV 25425

12-16-22
Submitted
to Engineering

December 15, 2022

Jefferson County Planning and Zoning
116 East Washington Street
P.O. Box 716
Charles Town, WV 25414



Re: Charles Town District; tax map #20B, Parcel 00S1.0000; Deed Book 1091, Page 160
("Campground")

We are writing regarding your request to show that our Campground has been in existence since 1988.

Patricia (Trish) Sanderson, Wade Sanderson, and David Leonard, Jr. were the members of Mission Mountain, LLC. and Greenbrier Investments, LLC. These two entities are no longer operating as of 2012/2013. We are also the members of Whisper Ridge, LLC.

The Campground was owned by Lawrence Wilt from around 1940 until he passed away in 1980. At that time his wife, Grace Wilt, and daughter, Carolyn Young, became the owners. The Wilts/Young operated the Property as a Campground from the 1960's until 2002 when they sold the Property to Mission Mountain, LLC. Charlie Wilt, the brother of Lawrence Wilt, managed the Campground and collected the money from the campers for Lawrence until Charlie passed away in 1992. After that time, the Campground was managed by his wife and daughter (Grace and Carolyn) until it was sold to Mission Mountain in 2002.

Several of the campers that had been camping at the Property while the Wilt's owned it remained as camping tenants after Mission Mountain took ownership. Jeannie Cross, one of the former Wilt campers, is still camping at the Campground, and we have included a letter from her.

In 2002, prior to purchasing the Property from Wilt/Young, we talked to many of the campers that were on site. There were approximately 40+ camp sites along the Property. At that time, they were paying their camping rent to Wilt/Young with many of them having camped on the Property since the beginning of 1970. Several of those campers talked about other campers who camped at Hobo Flats before they did dating back into the 1960's. We noted that there was electric to most of the campers and that there was an operational well on site with a stamped lid showing an install date of 1970. I contacted the Jefferson County Health Department to see if there were any records on the well depth, etc.. but since this well was drilled in 1970, there were no county records. With a well on site in 1970, there would also be electric.

After Mission Mountain purchased the Property in 2002, we rented it as a Campground until the Property was transferred to ~~Greenbrier Investments, LLC. in 2005.~~ ~~Greenbrier rented the Property as a Campground until it was transferred~~ to Whisper Ridge, LLC. in 2010. Currently, Whisper Ridge is the owner and has collected the Campground rents from 2010 to present. I am including a letter from our

*Greenbrier only took ownership of Mountain/SD property.

error found after Submission

**Whisper Ridge, LLC.
36 Bakerton Rd
Harpers Ferry, WV 25425**

December 15, 2022

Jefferson County Planning and Zoning
116 East Washington Street
P.O. Box 716
Charles Town, WV 25414

Re: Charles Town District; tax map #20B, Parcel 00S1.0000; Deed Book 1091, Page 160
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After Mission Mountain purchased the Property in 2002, we rented it as a Campground until the Property was transferred to Greenbrier Investments, LLC. in 2005. Greenbrier rented the Property as a Campground until it was transferred to Whisper Ridge, LLC. in 2010. Currently, Whisper Ridge is the owner and has collected the Campground rents from 2010 to present. I am including a letter from our

long-time accountant that verifies that we have received camping income each year since our purchase in 2002.

I am including a letter from Mr. Kenneth Wilt who was the son of Charlie Wilt. It attests to the fact that this property has been a Campground for over 60 years.

I am including a letter from David Wilt, another family relative that attests to the fact that this property has been a Campground since the 1960's.

I spoke with Alan Marchun, an Engineer with the WV State Health Department who has been working in this county for the state of WV Health Department since 1991. From his attached letter you can see that he has been aware of this Campground since 1991 when he first started to work here and surmised from his visit and the condition of the Property that the Campground had been in existence for many, many years prior to his visit and continues until the present time.

The Property history shows that this has been a Campground continuously since the 1960's to the present time. Prior to our purchase, the Property was known as "Hobo Flats." Ask any longtime resident of the county, and most will either know of the Campground or have camped there themselves.

I was able to find several google maps from 1988 to 2003 which show campers on the Property prior to our purchase. While some of the photos available were difficult to see due to the tree cover, etc...many were very clear and demonstrated that it was a Campground prior to our purchase in 2002.

We are including letters from several of the local people to further establish that this has been a Campground continuously since prior 1988.

Please consider this the proof necessary to show that this Campground is "grandfathered" in as a non-conforming use and is not subject to current zoning requirements.

Sincerely,



Patricia (Trish) Sanderson, Member

Attachments:

Letter from Kenneth Wilt, neighbor and relative of prior owner

Letter from David Wilt, relative

Letter from Alan Marchun, State Health Department

Letter from Donald Price, Accountant

Letter from Steve Stolipher, Jefferson County Commission

Letter from Mark Rodgers, neighbor and county resident

Letter from Trish Sanderson, county resident

Letter from Wade Sanderson, county resident

Letter from David Leonard, Jr., county resident

Letter from Garland Engle, county resident

Laurie Cook, camper

Norma Jean Cross, county resident and camper

Google Maps showing Campground from 1988-2003

December 11, 2022

To whom it may concern:

Re: 6 acres along Shenandoah River (across from Moulton Park), along Wilt Road., formerly owned by Lawrence Wilt, Grace Wilt, and Carolyn Young currently owned by Whisper Ridge.

I live at 1280 Wilt Road in Charles Town, WV at the end of Wilt Road. My property has been in our family for generations. Originally owned by my grandfather, Charles H. Wilt (passed away in 1949) it was then transferred to my father, C.W. (Charlie) Wilt (passed away in 1992) and then to me, Kenneth, L. Wilt in 1980.

The Whisper Ridge property referenced above was owned by my father's brother/my uncle, Lawrence Wilt. He bought the property around 1940, and it remained in the family until sold in 2002.

There has been a campsite continuously at the above referenced property for over 60 years. My father, Charlie Wilt, collected the rent from the campers on my uncle Lawrence's property for my uncle beginning in the 1950's. When my Uncle Lawrence passed away in 1980, he continued to collect the camping rent for my Aunt Grace and their daughter Carolyn Young until 1992 when my father passed away.

After my father's death, from 1992 to 2002, when the property was sold, the campers would either pay my Aunt Grace Wilt or their daughter, Carolyn Young. Since it was often more convenient, they would sometimes leave the payment with me or my wife, Libby, to pass along to Grace Wilt and Carolyn Young.

As my property is located at the end of Wilt Road, I pass the Whisper Ridge property often coming to or from my home. It appears that the property continued as a campsite continuously after it was sold in 2002 to present.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth L. Wilt". The signature is written in dark ink and is positioned below the typed name.

Kenneth L. Wilt

December 11, 2022

To whom it may concern:

Re: Campsite/Hobo Flats located across from Moulton Park, owned by Whisper Ridge, LLC.

My name is David Wilt, Jr. and I have lived at 1169 Hostler Road, Harpers Ferry since 1975. Prior to that I lived at Alstadt Farm on old Rt 340 in Harpers Ferry. My home has always been close to the campsite that was Hobo Flats and currently owned by Whisper Ridge.

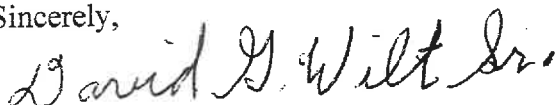
I have lived in Jefferson County all my life and run the Wilt's Fruit Stand in Harpers Ferry. My father Harold Wilt started the business in 1959. Lawrence Wilt, Grace Wilt and Carolyn Young, the former owners of Hobo Flats were relatives.

I used to go to Hobo Flats to fish and boat every year since from the 1960's to the present. I would first go with my parents and then, once I had children, I would take them. There were well over 40 campsites on this property and most had electricity to their campsites. Rent from the campers was paid to Charlie Wilt, the brother of Lawrence, for most of that time. After Lawrence passed away, it was paid to his daughter Carolyn or his wife, Grace. When Trish Sanderson and David Leonard, purchased the property in 2002, camping rent began to be paid to them.

I haven't been able to go as often as I used to since my wife, Becky, passed away in 2018 but still manage at least once or twice a year.

Hobo Flats now called Whisper Ridge has continuously been a campsite since before the 1960's to this day

Sincerely,

A handwritten signature in cursive script that reads "David G. Wilt Jr." The signature is written in dark ink and is positioned below the word "Sincerely,".

David Wilt, Jr.



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Bureau for Public Health
Office of Environmental Health Services

Bill J. Crouch
Cabinet Secretary

December 6, 2022

Ref: Wilt Road Campground

To Whom it may concern:

My name is Alan Marchun, and I am the Supervisor of the WV Bureau for Public Health, Office of Environmental Health Services, Kearneysville District Health Office.

During the summer of 1991, this office investigated a potential public water system involving a campground, owned at that time by Mrs. Grace Wilt. The property was located about ½ mile on the left passed the bridge on Wilt Road, Charles Town.

Campers were observed all along the property, with a well located on the west end. It was apparent due to the condition of the campers, etc. that the property had likely been a campground many years.

The investigation revealed that while it was a campground and did have a well, the number of campers utilizing the well did not meet the EPA definition of a public water system and the facility did not require further regulation by this office.

This office monitors eight counties within the Eastern Panhandle, including Jefferson Co. I have regularly driven by this property since 1991 and in my opinion, it has likely been a campground since before 1991 until the present.

Sincerely,

A handwritten signature in cursive script that reads "Alan F. Marchun".

Alan Marchun
Technical Analyst Supervisor
Kearneysville District Office

Donald K. Price, CPA, PC

Certified Public Accountant and Consultant
114 Stonebrook Road, Winchester, VA 22602
Post Office Box 849, Stephens City, VA 22655
Office (540) 550-9677 Fax (888) 459-6634
donald@dkpcpa.biz

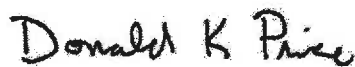
December 9, 2022

To whom it may concern:

I have been the accountant for Patricia Sanderson, David Leonard, Jr., and Wade Sanderson for the past 30 years. I have prepared their personal and related entity tax returns. This includes Mission Mountain, LLC (2002-2012/final), Greenbrier Investments, LLC (2005-2013/final), and Whisper Ridge, LLC (2006 to Present).

In 2002, Mission Mountain, LLC purchased the 6 acres along the Shenandoah River on Wilt Road, Charles Town, WV (along with other properties). Mission Mountain, LLC received camping income from 2002 to 2010 and then the property was transferred to Whisper Ridge, LLC. Whisper Ridge has received the camping income from 2010 to the present.

Sincerely yours,


Donald K. Price, CPA

January 25, 2023

Jefferson County Planning and Zoning
116 East Washington Street
P.O. Box 719
Charles Town, WV 25414

RE: Whisper Ridge, LLC in Harpers Ferry, WV

To Whom It May Concern:

As a lifelong resident of Jefferson County, I am writing in support that the Whisper Ridge campground, also known to many as Hobo Flats, which has always been a campground.

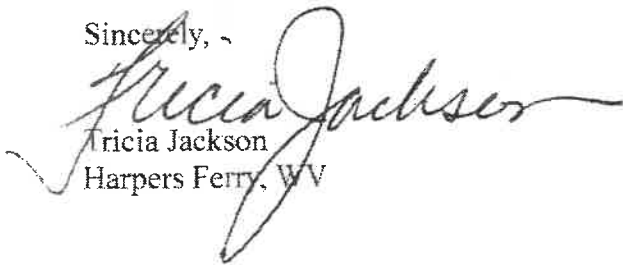
While it appears the name of the LLC has changed several times over the last several years, even under the membership and interest of Patricia Sanderson, Wade Sanderson, and David Leonard, Jr. going from Mountain Mission to Greenbrier Investments, to now Whisper Ridge, the use of the land has remained consistent as a campground. The campsite predates the three entities previously named in the paragraph with ownership by the Wilt/Young families who also used the land for camping purposes.

Furthermore, tax records and assessment data support the fact that the land has been consistently used as a campground with no drastic changes to its characteristics that would make its use anything other than a campground.

It is my hope and recommendation that Whisper Ridge, LLC continue to operate and provide the much-needed recreational and family fun activities that are a rarity these days.

Please let me know if you have any questions.

Sincerely, ~



Patricia Jackson
Harpers Ferry, WV

December 12, 2022

RE: Whispering Ridge LLC Land Parcel ID 02 20B00S100000000

To Whom It May Concern:

I am writing in reference to the Whispering Ridge, LLC. Property that is adjacent to the Shenandoah River and is also known locally as Hobo Flats.

The property has been a campground site for as long as I can remember and well before 1987. I recall fishing and camping there along the riverbank when I was a child.

The Wilt family were the prior owners of the property. I am certain a family member could provide further details on the use and history of the property as they are very familiar with the land.

I would also recommend the use of aerial photography software such as Google Earth, with the historical photo feature, which would demonstrate the prior structures on the property over the course of time.

Please feel free to contact me with any questions.

Sincerely,

Steve Stolipher

304-283-0614

December 2, 2022

My name is Mark Rodgers, and I live at 1530 Wilt Road, Charles Town, WV. My Grandfather, Jesse Hawkins, purchased 1530 Wilt Road in 1987, and I moved here in the early 2000's after his death. Before I moved here, I often visited my Grandfather.

I can certify that the property containing about 6 acres, along Wilt Road, Charles Town, currently owned by Whisper Ridge, LLC. (across from Moulton Park) has continuously been a campsite since prior to 1987 to the present time. It was originally called Hobo Flats, and I would go to the property when visiting my Grandfather as well as visit after Sandersons/Leonard purchased the property from the Wilts.

I have spent time every year since prior to 1987 visiting with people that I know who camped at the property or camping their myself.

Before the Sandersons/Leonards purchased the property, the campers paid their rent to the Wilts or Carolyn Young. Most of the campers had been camping at the property since the 1960/1970's. There was a well on part of the property (that still exists) and electric to many of the campsites.

I have found this campsite and the people that camp here to be good neighbors and hope to see it continue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Rodgers', with a large, sweeping flourish at the end.

December 7, 2022

Re: Campsite containing 6 acres; Charles Town District; tax map #20B, Parcel 00S1.0000;
Deed Book 1091, Page 160

My name is Patricia (Trish) Sanderson, and I am a lifetime resident of Jefferson County.

Our father would take us to this Campsite to fish/swim/boat with other family members beginning in the early 1970's to around 1982 when I was able to go alone. At that time, Mr. (Pete) Peterson, a long-time camper and family friend, rented his camping lot from the Wilts.

When I first began going to the property in the early 1970's, it was known as Hobo Flats and had well over 40 campsites with electric to most.

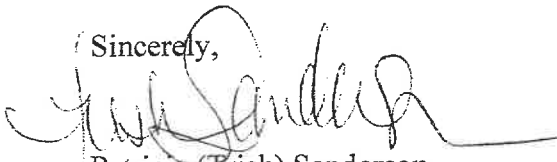
I know it has been a campsite from the early 1970's to the present time. We would visit the campsite several times a year from the early 1970's to 2002 when we bought it. After 2002 to the present, we camped even more often.

Per the Wilt Family, it began as a campsite over 60 years ago and was managed as a campsite continuously with the Wilts collecting the rent until it was sold to us in 2002. We have managed the Property and collected rent continuously as a campground from our purchase in 2002 until the present time.

We currently call the property Whisper Ridge, but it is still known locally as Hobo Flats.

I hope this addresses all your questions regarding this campground.

Sincerely,



Patricia (Trish) Sanderson

December 7, 2022

Re: Charles Town District; tax map #20B, Parcel 00S1.0000; Deed Book 1091, Page 160

My name is Wade Sanderson, and I am a lifetime resident of Jefferson County.

My parents began taking us to this campsite in the 1970's. We would visit family friends, Judy and Pete Peterson, to fish and boat at their campsite. At that time, the rent was paid to the Wilts until 2002 and there were over 40 campers all along the site, much as it is now.

I have been at the campsite each year since I began going and can confidently say that this has continuously been a campsite from the early 1970's to present.

After our purchase of the property in 2002 to present, the rent was paid to us and has continued as a campsite.

Sincerely,

A handwritten signature in black ink, appearing to read "Wade Sanderson", followed by a long horizontal line extending to the right.

Wade Sanderson
45 Bridle Court
Charles Town, WV 25414

206 N. Fairfax Blvd.
Ranson, WV 25438
November 22, 2022

To whom it may concern:

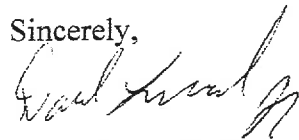
Re: Charles Town District; tax map #20B, Parcel 00S1.0000; Deed Book 1091, Page 160

My name is David Leonard, Jr. and I have lived in Jefferson County since 1985 but have been visiting the area since 1979.

When I first began to come to Jefferson County, my friends and I would go to Hobo Flats (the above referenced property) to fish and camp. The whole area had campers/trailers and was a campground. We have always enjoyed the river and when the property came on the market in 2002, we knew that it was something we wanted to buy.

This property has been a campground since the early 1970's to the present time. I can personally say that it has been a campground continuously since 1979 to present.

Sincerely,



David Leonard, Jr.

December 7, 2022

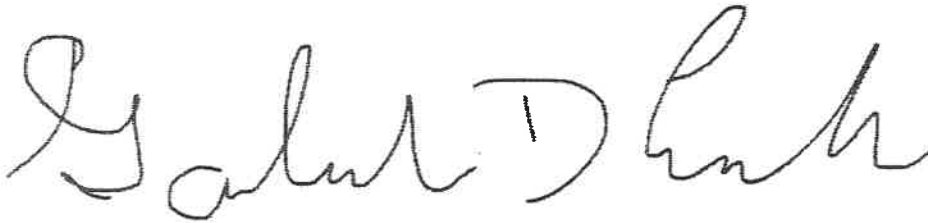
I am a resident of Jefferson County and have lived close to the property known as Hobo Flats (6 acres on the Shenandoah River/Wilt Road/Whisper Ridge) all my life. This property has been a campsite from (at least) 1979 to present. I was at the property in 1979 for my high school graduation party. There were campers all along the property with most having electric. Rent at that time was paid to the Wilts.

As I live close to the property, I have seen the campers there every year since. I have also been back many times to visit others that are camping there.

It is nice to have a local campsite available and hope that this will be allowed to continue.

Sincerely,

Garland David Engle
25 Family Tie Lane
Harpers Ferry, WV 25425

A handwritten signature in cursive script that reads "Garland D Engle". The signature is written in dark ink on a white background.

195 Radiant Drive
Martinsburg, WV 25404
November 22, 2022

To whom it may concern:

My name is Laurie Cook, and I was born and raised in Jefferson County, WV.

I have been camping at the 6 acres, along Wilt Road, Charles Town, currently owned by Whisper Ridge, LLC. from 2002-present. I paid my camping rent to Mission Mountain, then Greenbrier, and now Whisper Ridge. From 2002 to 2019 I helped Trish Sanderson manage the campsite.

From 1985 to 2002, I visited others who camped at the property (such as Bucky, Jeannie Cross, Mr. Peterson) and can verify that it has been a campsite from prior to 1985 to present with an average of 40 campers/campsites available. Most of the campsites had electric available to them, and it was my understanding the electric hookups had been on site from the 1960's. At that time it was called Hobo Flats.

We enjoy our time camping on the river and hope to continue.

Sincerely,

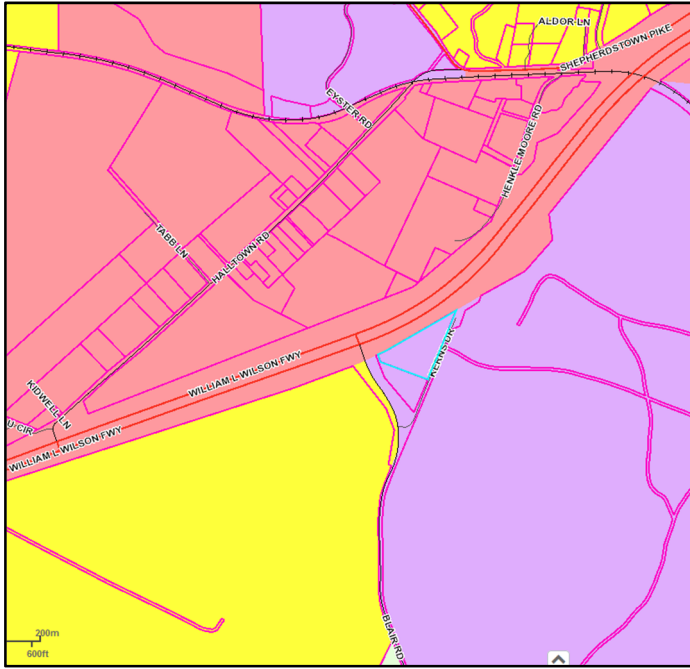
A handwritten signature in cursive script that reads "Laurie A. Cook". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Laurie Cook

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 April 27, 2023
**Auto Depot – Off-Premises Sign
 Special Exception Request File #23-1-SE) &
 Variance Request #23-15-ZV**

Item #2 Request #1: Request for a Special Exception Permit to allow a 100 square foot off-premises sign for Auto Depot (File #23-1-SE).

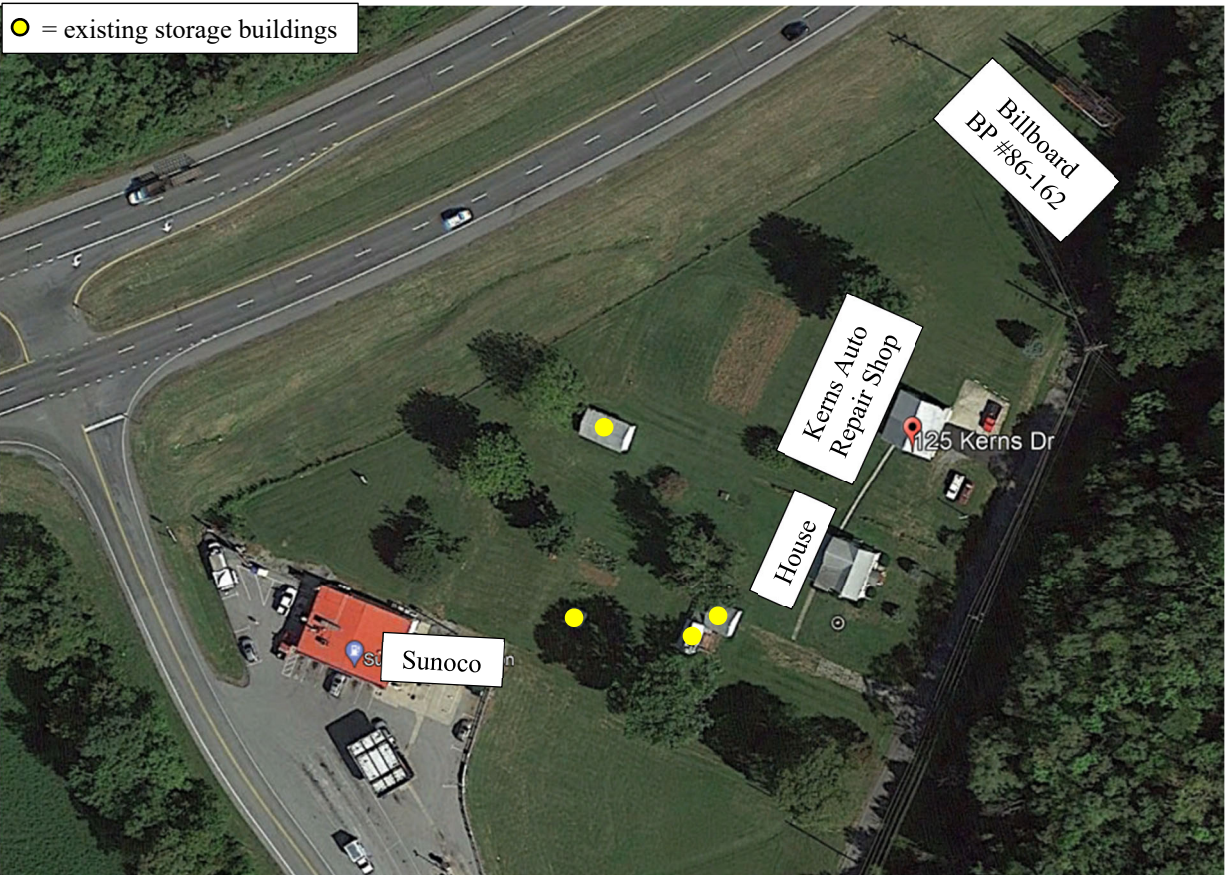
Request #2: Variance request from the requirements of Section 10.5A to increase the maximum size for an off-premises sign from 60 sq. ft. to 100 sq. ft.; to allow an off-premises sign to be located closer than 300’ to an existing sign; and to allow an off-premises sign to be closer than 300’ to an intersection on a dual highway (File #23-15-ZV).

Owner/Applicant:	Jackson Kiley
Developer:	N/A
Consultant:	N/A
Parcel Info & Zoning District:	<p style="text-align: center;">107 Kerns Drive, Harpers Ferry, WV 25425 Parcel ID: 04000900110000; Size: 2.25 ac; Zoning District: Industrial Commercial</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation: North: Residential-Light Industrial-Commercial South: Industrial Commercial East: Industrial Commercial West: Residential Growth</p>
History:	Nonconforming residential lot Kerns Auto Repair Shop (non-conforming business) Billboard Sign (Permit #86-162)
Waivers/Variations:	None.
Site Visit Conducted:	April 17, 2023 & April 20, 2023

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Variance Request #23-15-ZV**

Staff Overview

The subject parcel is located along Route 340. The property contains a residential structure, a garage structure that appears to have previously operated as an auto repair shop, a couple of storage structures, a billboard, and a small free-standing sign. All of the structures on premises appear to have been constructed prior to the adoption of zoning in the County and are considered nonconforming structures as they do not comply with the County’s current regulations.



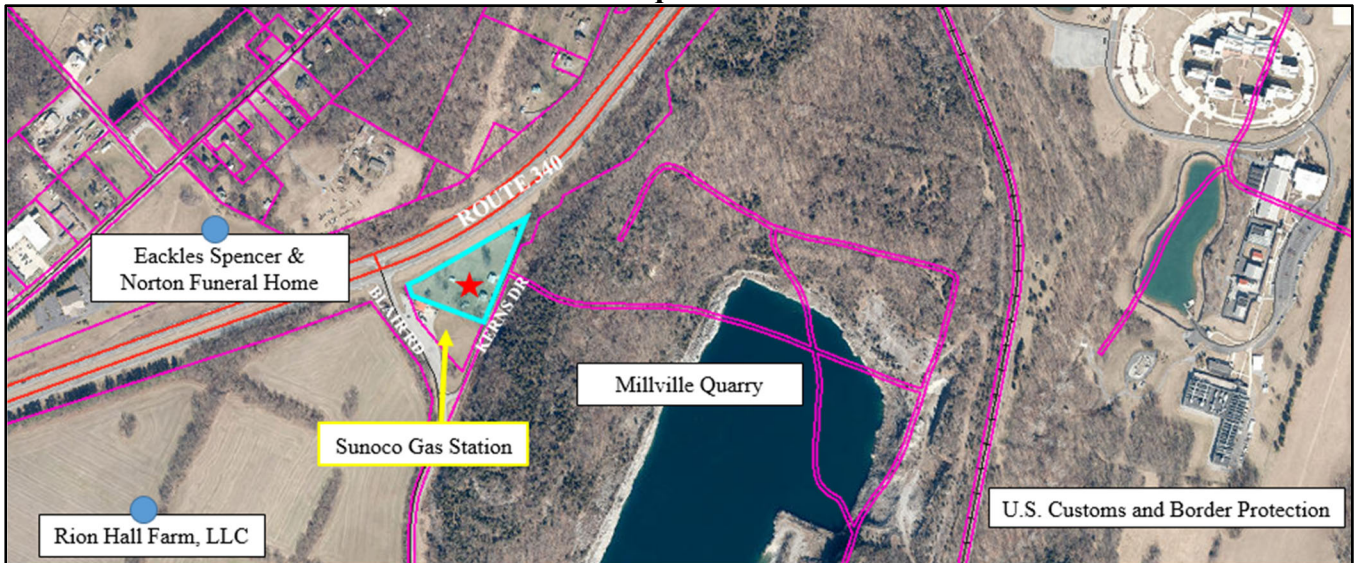
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Billboard Sign Constructed in 1986

The adjoining parcel to the west contains the Sunoco Gas Station and convenience store, as well as a seafood vender. The adjoining parcel to the east is part of the Millville Quarry properties. The property is abuts Route 340 to the north.

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The applicant has represented that they intend to relocate their auto sales and service business to the subject parcel at a future date and that in the interim, they would like to erect a business sign on the subject property to advertise their existing business which is currently located off of Berryville Pike (Route 340 South). Because the proposed sign is not located on the same property as the Auto Depot business, the sign is classified as an Off-Premises Sign by Article 10 of the Zoning Ordinance.

Article 2 of the Zoning Ordinance defines an Off-Premises Sign as: *A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such a sign is located.*

Section 10.5A requires that Off-Premises Signs process a Special Exception Permit before the Board of Zoning Appeals. The subject request is to allow a 100 square foot Off-Premises Sign to be placed on the property, which is zoned Industrial-Commercial.



Proposed Sign Graphic

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The second part of the request is a variance to deviate from the minimum standards outlined in Section 10.5A as follows:

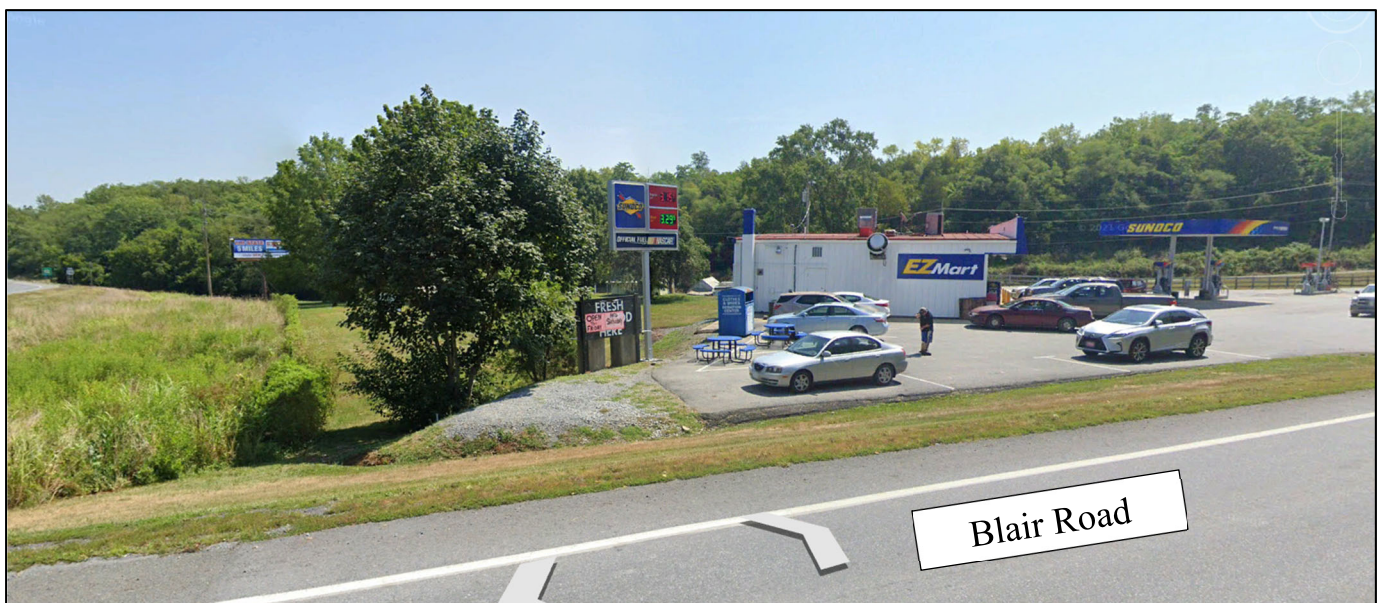
- Increase the maximum size from 60 square feet to 100 square feet (section 10.5A.1);
- Allow the sign to be placed closer than 300’ to an existing sign (Section 10.5A.2); and
- Allow the sign to be placed closer than 300’ to an intersection on a dual highway (Section 10.5A.5).

Article 10 states, “The purpose of this section is to regulate all exterior signs and interior signs placed for exterior observance so as to protect 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.”

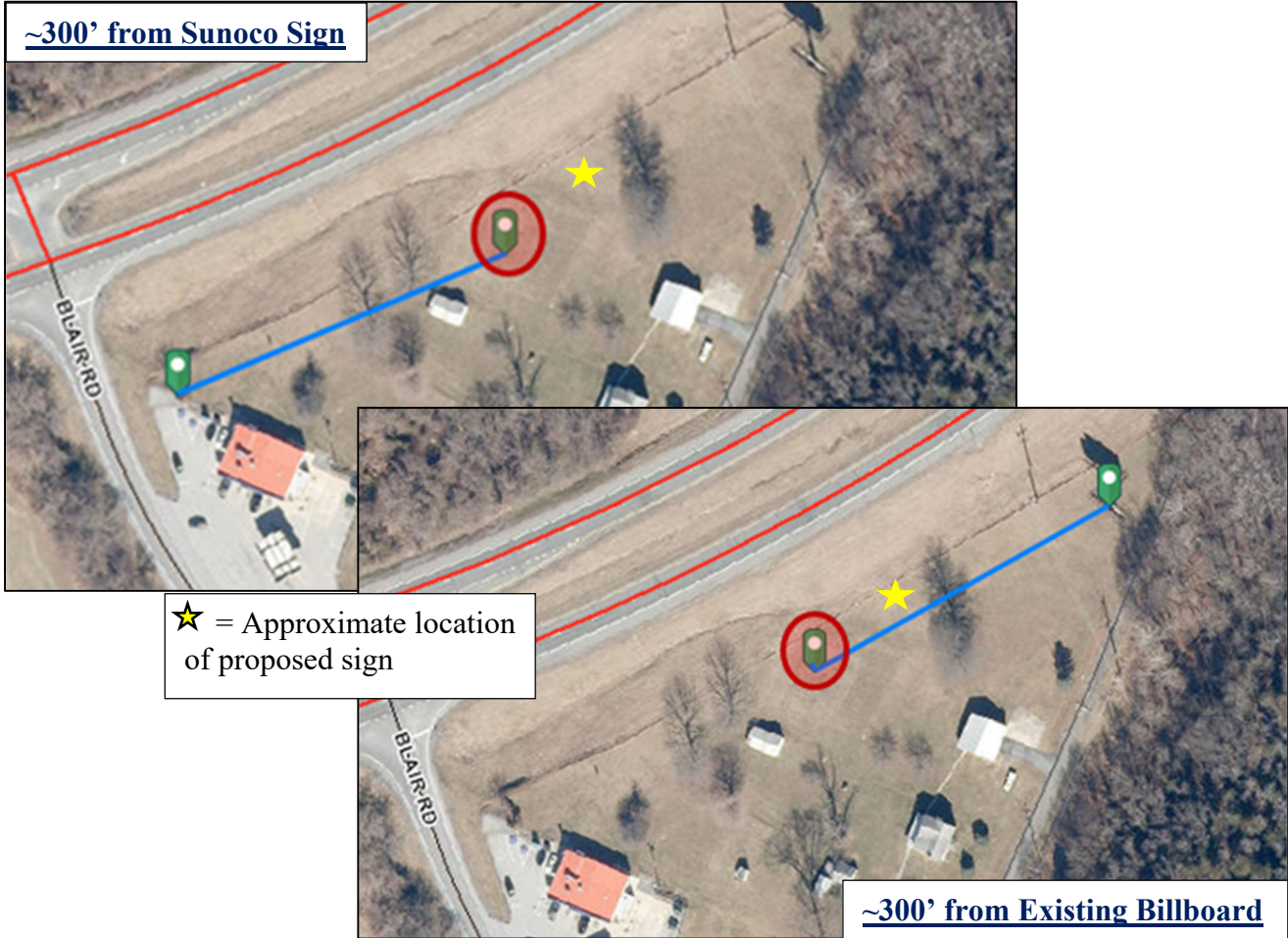
Off-Premises Signs essentially become the principal use of the property as they are not accessory to a land use/business on the same property. The Board’s role in evaluating a Special Exception Permit Application for an Off-Premises Sign is to determine if such a sign conforms to existing state law and does not have a negative effect on the neighborhood or intent of the Zoning Ordinance (see Section 6.5B).

Regarding state laws, Staff is not aware of any rules or regulations under the WV Division of Highways that would prohibit placement of the sign in the proposed location. The applicant will be required to place the sign at least 25-feet from the edge of the platted DOH right-of-way and shall delineate setbacks on the building permit application form.

Regarding impact on the neighborhood, the subject location is along a dual access highway and situated between two commercial parcels. The adjoining parcel to the west contains Sunoco gas station and the adjoining parcel to the east is part of the Millville Quarry operation. While it is feasible to comply with the 300-foot distance requirements (see exhibit on Page 6), placement of the proposed sign in the subject location does not appear to create a negative effect on the neighborhood.



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Jefferson County Board of Zoning Appeals Meeting
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**Auto Depot – Off-Premises Sign
Special Exception Request File #23-1-SE) &
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Conditions of Approval

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

1. Approval of the Special Exception Permit and Variance request is limited to the subject Auto Depot sign.

SECTION OF ORDINANCE TO BE CONSIDERED:

ARTICLE 10

Section 10.5 Signs Requiring a Special Exception Permit

The following signs shall require processing a Special Exception Permit before the Board of Zoning Appeals pursuant to Section 6.5. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the Special Exception application.

A. Off-Premises Signs

Signs approved by the Board shall adhere to the following:

1. Off-Premises Signs shall not exceed 60 square feet and shall be no more than 25 feet in height.
2. When located in the commercial/industrial zoning districts, there shall be a minimum of 300 feet between signs.
3. When located in the Rural/residential zoning districts, there shall be 1,000 feet between signs.
4. Off-Premises Signs shall comply with front yard setback provisions in the districts in which they are permitted.
5. Off-Premises Signs shall not be located closer than 300 feet to an intersection on a dual or proposed dual highway or within 100 feet of any other intersection; however, signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
6. In addition to the provisions herein, electronic signs shall also 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, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: SE 23-1-SE
 Mtg. Date: 04/27/23
 Fee Paid: \$ 100-
 Staff Int.: JH
 Rec'd 03/21/23 (jth)

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Application for a Special Exception

The Special Exception process is outlined in Article 6 of the Zoning Ordinance. See Supplemental Handout for additional information.

Type of Special Exception

Accessory Dwelling Unit Off-Premises Sign Special Event Facility

Property Owner Information

Name: Jackson Kiley
 Business Name: Auto Depot
 Mailing Address: PO Box 107 Rippon WV 25441 Mail Yes
 Phone Number: 304 725 7050 Email Address: Autodepotofct@yahoo.com Response: No

Applicant Information

Name: Jackson Kiley
 Business Name: Auto Depot
 Mailing Address: PO Box 107 Rippon WV 25441 Mail Yes
 Phone Number: 304 725 7050 Email Address: Autodepotofct@yahoo.com Response: No

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

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

Physical Property Details

Physical Address: 107 Kerns Dr Harper Ferry WV 25425
 Tax District: District 04 Map No: 9 Parcel No. 11
 Parcel Size: 2.25 acres Deed Book: 1294 Page No: 507 570 (jth)

Zoning District (please check one)

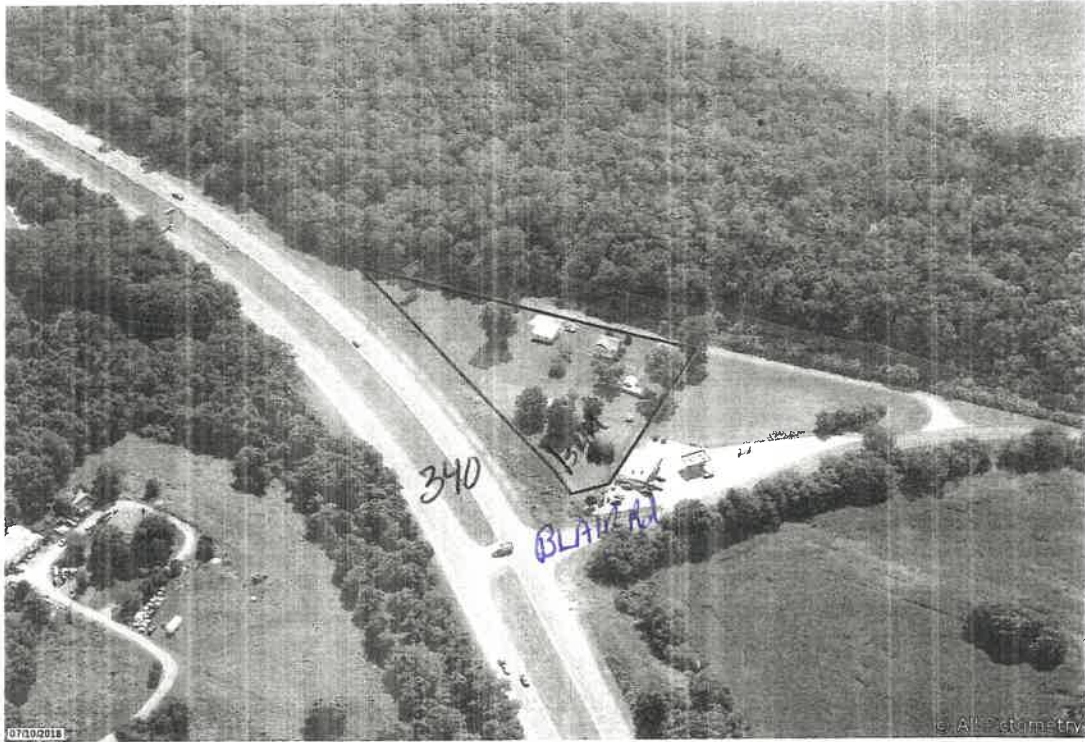
Residential Growth (RG)	Industrial Commercial (I-C)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>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

Sketch Plan (see Supplemental Handout for description) Attached

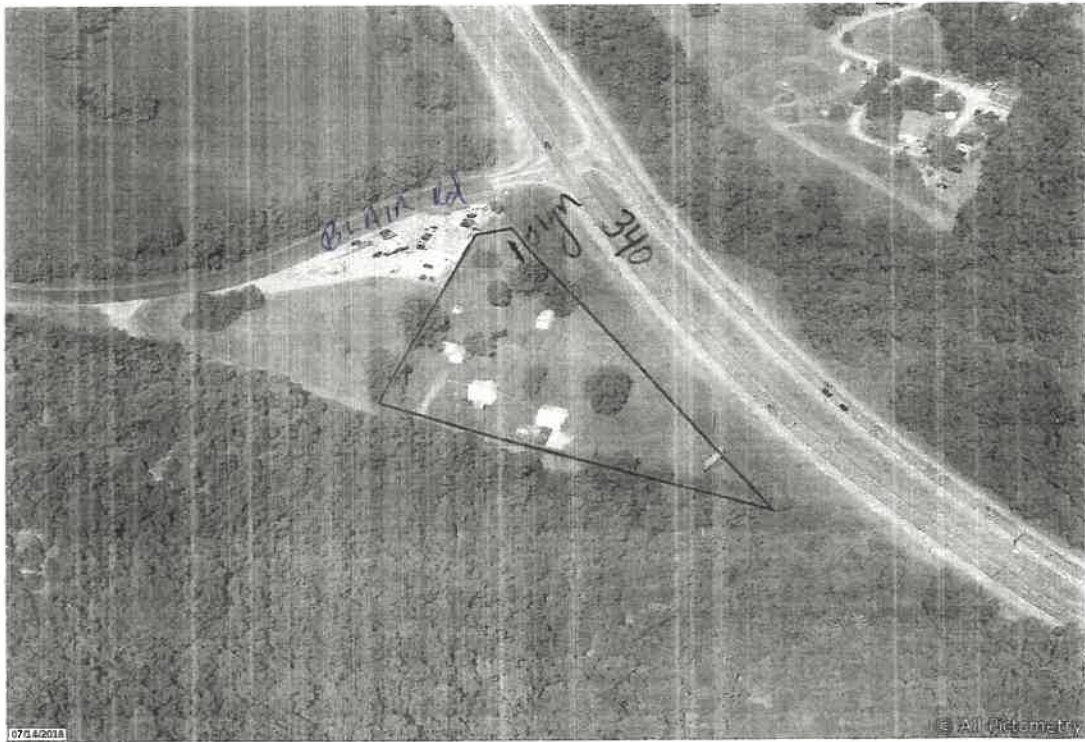
The information given is correct to the best of my knowledge.

Jackson Kiley
 Property Owner _____ Date _____

Property Owner _____ Date _____



Aerial View of Subject Property Looking East



Aerial View of Subject Property Looking West

Property Information:

Applicant Name(s): Jackson Kiley
 Property Owner Name(s): Jackson Kiley
 Physical Address: 107 Kerns Drive Harpers Ferry WV 25425
 Parcel ID: 04000900110000 Zoning District: Industrial - Commercial

Type of Sign and requirements (defined per Section 2.2):

- Sign, Off-Premises* "A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located."
1. Off-Premises Signs shall not exceed 60 square feet and shall be no more than 25 feet in height.
 2. When located in the commercial/industrial zoning districts, there shall be a minimum of 300 feet between signs.
 3. When located in Rural/residential zoning districts, there shall be 1,000 feet between signs.
 4. Off-Premises Signs shall comply with front yard setback provisions in the districts in which they are permitted.
 5. Off-Premises Signs shall not be located closer than 300 feet to an intersection on a dual or proposed dual highway or within 100 feet of any other intersection; however, signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
 6. In addition to the provisions herein, electronic signs shall also conform to the criteria outlined in Section 10.7.
- Sign, Billboard* "A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located."
1. No billboard sign face shall exceed a total of 300 square feet in surface area including trim, nor shall it contain more than one message per sign face.
 2. No billboard shall exceed 35 feet in height.
 3. No billboard shall be closer to any public highway right-of-way than 300 feet.
 4. Placement of a billboard must be in a location that is within 800 feet of an existing business.
 5. There shall be a minimum of 1000 feet between billboards.
 6. A billboard shall be no closer than 500 feet from church, school, or cemetery.
- I certify that the sign shall adhere to Section 10.2 and 10.5 of the Zoning Ordinance, as noted above.

Jackson Kiley
 Property Owner Signature

3/20/23
 Date

Off-Premises Signs – Supplemental Requirements

Jefferson County Zoning and Land Development Ordinance, as amended December 2, 2021

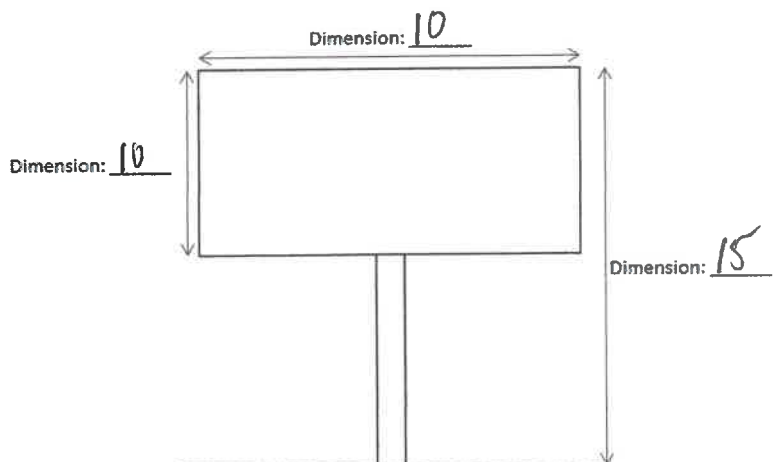
The requirements for an Off-Premises Sign, including a Billboard sign, are established in Article 10 of the Zoning Ordinance. As noted in this Article, it is intended that the placement of a particular sign will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and proportions to its surroundings. Per Section 10.5, all Off-Premises Signs and Billboard signs shall process a Special Exception before the Board of Zoning Appeals prior to the issuance of a building permit.

Section 10.2 - General Provisions for Signs

- a) No signs, other than subdivision signs approved by the Planning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road or within any stormwater, drainage, or utility easement.
- b) No sign shall be permitted which imitates or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines.
- c) No sign which implies the need or requirement of stopping or the existence of danger shall be displayed.
- d) No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- e) No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.
- f) No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.
- g) Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.
- h) Animated signs, as defined by Section 2.2, are prohibited.
- i) Inflatable signs, as defined by Section 2.2, are prohibited. Residential, seasonal lawn decorations are exempt from this provision.
- j) Vehicle signs, as defined by Section 2.2, are prohibited per Section 4.4J.

Location and Dimensions of Sign

Provide a sketch depicting the shape of the entire lot, adjacent roads and existing structures. Show the location of the proposed sign and the distance to each property line. If known, include an image of the proposed sign. Provide the following dimensions:



Example of proposed sign submitted by applicant on 04/10/23





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: 23-15-ZV
 Staff Initials: gnt
 Meeting Date: 04-27-23
 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: Jackson Kiley
 Mailing Address: P.O. Box 107 Rippon WV 25441
 Phone Number: 304-725-7050 Email: autodepotofct@yahoo.com

Applicant Contact Information

Name: Same as property owner
 Mailing Address: _____
 Phone Number: _____ Email: _____

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

Name: N/A
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 107 Kerns Drive
 City: Harpers Ferry State: WV Zip Code: 25414
 Tax District: Harpers Ferry (04) Map No: 9 Parcel No: 11
 Parcel Size: 2.25 acres Deed Book: 1294 Page No: 570

Zoning District (please check one)

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

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APR 03 2023

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

Place Received Date Stamp Here

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

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 10.5A.1 & Section 10.5A.2

Briefly describe the nature of the variance request:

To increase the minimum square footage of a proposed off-premises sign from 60 square feet to 100 square feet; and to allow the proposed sign to be located closer than 300 feet from the existing Sunoco Sign. *The Sunoco sign is not in use*

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

Front Setback Side Setback Rear Setback Reduction From 300' 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 Jefferson Community.

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 60 foot sign does not allow enough room to accommodate the services we provide as well as the brands provided.

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

No unnecessary hardship should come from increasing sign area by an additional 40 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 both properties which we feel the request for an additional 40 feet is in line 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] 4/3/23
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

04-27-23
Date of Public Hearing

04-12-23
Advertising Date

04-12-23
Placard Posting Date



Aerial View of Subject Property Looking East



Aerial View of Subject Property Looking West

ITEM #3 FILE #: 23-3-CUP – WITHDRAWN

Request 1: Request for a Conditional Use Permit to operate a homebased federal firearms business from a portion of a new 40' x 80' detached residential storage structure (currently under construction). The use will be primarily conducted online and does not include a readily available inventory. Business hours are by appointment only, with occasional customer visits (1-2 per month) to complete the firearm transfer. No employees other than the property owner. No signs are proposed. The proposed land use designation as listed in Appendix C is Retail Sales and Service, General, as defined in Article 2.

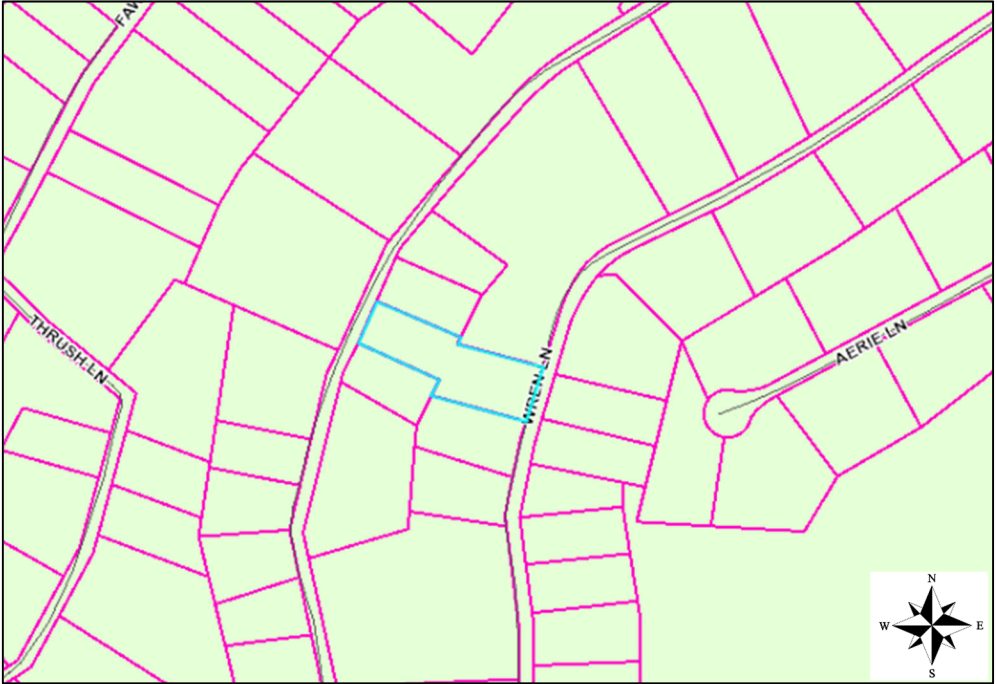
Owner: Patrick Kiser

Parcel Info: Shirley Estates, Lot 6, 135 Breeze Knoll Way, Charles Town, WV
Parcel ID: 06000100010006; Parcel Size: 3 acres; Project Size: 1 acre; Zoning District: Rural

Staff Report
 Jefferson County Board of Zoning Appeals
 April 27, 2023

23-13-ZV Williamson Variance Request

Item #4 Variance from Section 9.7 to reduce the side setback from 12' to 2' for an opaque fence varying in height from 20' to 30'.

Owner Applicant:	Tim Williamson
Parcel Information and Zoning District:	Shannondale, Section 21J, Lots 29-30 & 76 525 Wren Lane, Harpers Ferry WV Parcel ID: 02023L00070000; Size: 1.59 ac; Zoning District: Rural
	
History:	04/19/71: Shannondale Subdivision, Section 21J recorded in PB 1 @ PG 173 09/13/21: Plat of resurvey recorded in PB 26 @ PG 282
Waivers/Variations:	None
Approved Activity:	Single Family Dwelling
Site Visit Conducted:	Site Visit Not Conducted.

Staff Overview

The subject parcel is comprised of Lots 29-30 & 76, which are located within Section 21J of the Shannondale Subdivision, which was recorded in 1971, prior to the adoption of the Zoning Ordinance. The plat does not reference any setbacks; therefore, the lot is subject to Article 9, Section 9.7 of the Zoning Ordinance, which requires a 12' side setback for a lot that is between 40,000 square feet and 2 acres in size.

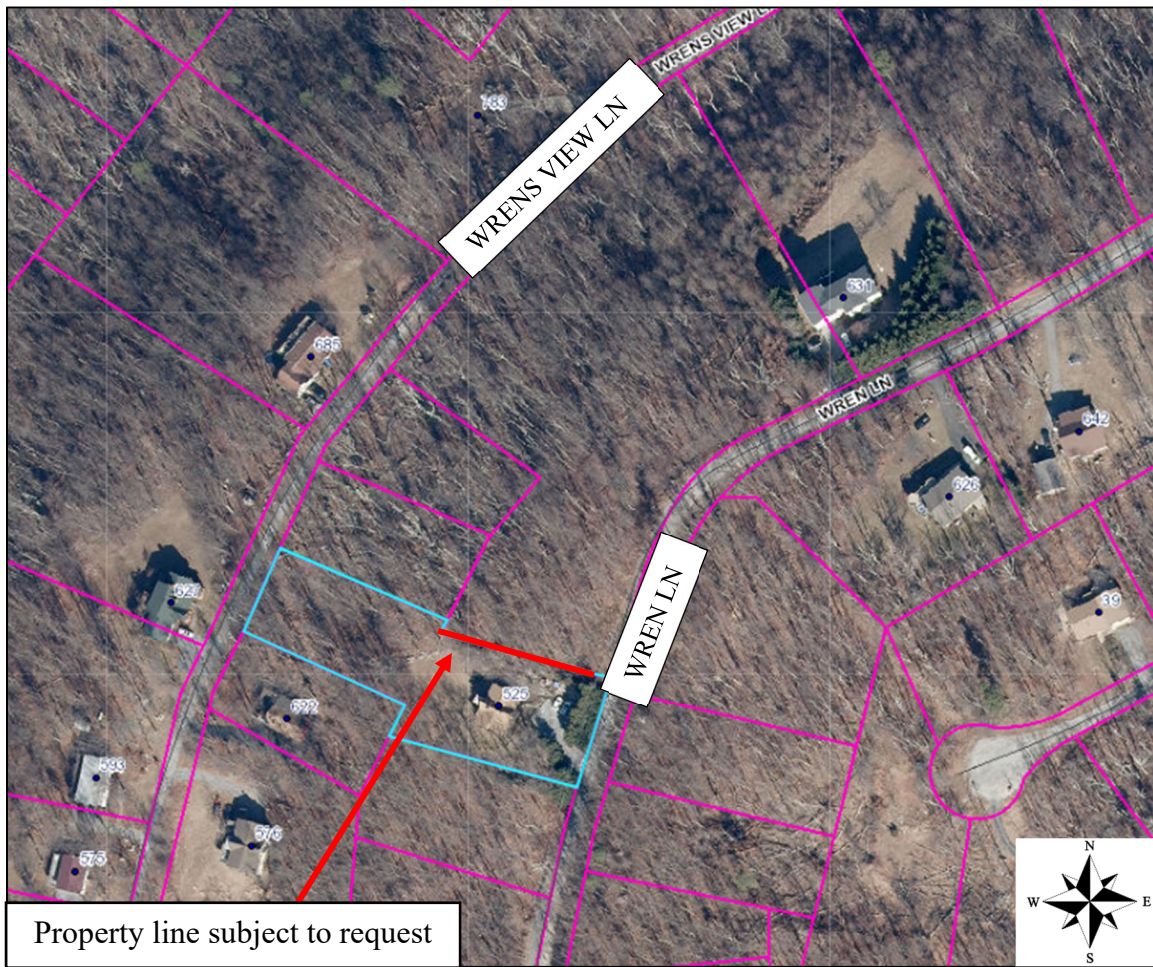
The purpose of a side setback requirement is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention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

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Jefferson County Board of Zoning Appeals
April 27, 2023

23-13-ZV Williamson Variance Request

Pursuant to Section 9.5A of the Zoning Ordinance, fences that are over six feet in height are subject to setback requirements. The applicant is proposing to erect a 133' long opaque fence that will vary in height between 20' – 30' along a portion of the northern property line.

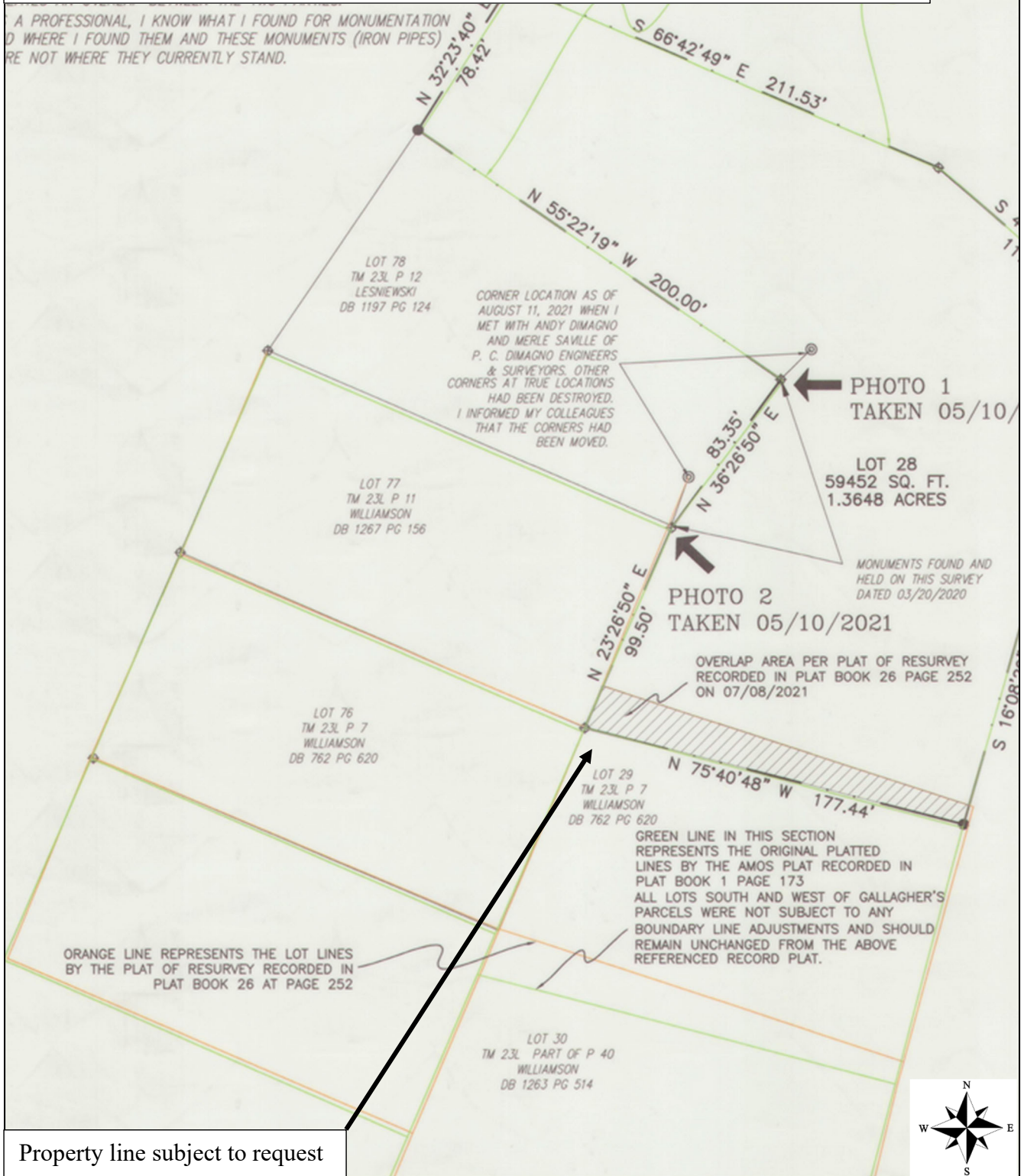
The applicant has represented that due to the location of a 14' x 30' in-ground swimming pool with surrounding 4' concrete apron, the fence cannot comply with the required 12' side setback. The applicant has stated that the fence will provide a buffer screen between the subject property and the adjoining property.



Staff Report
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23-13-ZV Williamson Variance Request

Excerpt from Plat of Resurvey that was conducted in March 2020 and recorded in September 2021 as a result of a property line dispute and court order ([PB 26 @ PG 282](#)).



Staff Report
Jefferson County Board of Zoning Appeals
April 27, 2023

23-13-ZV Williamson Variance Request

Conditions of Approval

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

1. No portion of the proposed fence shall be located within 25' of the front property line.

Section of Ordinance to be Considered

Section 9.5 Projections Into Yards⁸

- A. **Fences and walls over six feet in height shall meet building lines and yard requirements.** A building permit is required before construction. Fences and walls six feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.²³

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

Residential Growth District²³

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

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: 23132V
 Staff Initials: gjt
 Meeting Date: 04-27-23
 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: Timothy G. Williams
 Mailing Address: 325 Green Lane, Haysers Ferry WV 25425
 Phone Number: (202) 269-6324 Email: tim@fealts.com

Applicant Contact Information

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

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

Name: N/A
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 325 Green Lane
 City: Haysers Ferry State: WV Zip Code: 25425
 Tax District: Charles Town Map No: 05-236 Parcel No: 7
 Parcel Size: 0.4449 AC or 19,424 sq ft Deed Book: 762 Page No: 260

Zoning District (please check one)

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

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MAR 31 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: _____

Briefly describe the nature of the variance request:

Request for 20' tall fence, 133 LF along North Boundary of lot 29. Fence posts set at 2' O.C. from New Line

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

Front Setback Side Setback Rear Setback Reduction From 12' to 2'

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:

Granting variance will not restrict views of public or adjacent property owners views of valley

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?

Owner has lost ownership of 10' of property at North side perimeter of lot 29

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

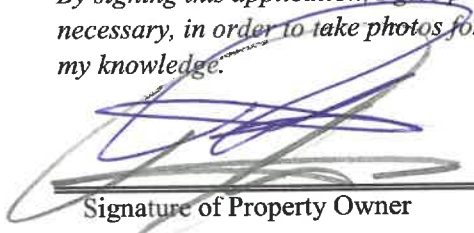
Variance will permit owner to enjoy back yard free from debris items and not have fence / photographs people on the property

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

Variance will allow right to privacy of lot 29

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.

 3/31/2003
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

04-27-23
Date of Public Hearing

04-12-23
Advertising Date

04-12-23
Placard Posting Date

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

Email: zoning@jeffersoncountywv.org

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

File Number: 23-13-ZV

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

Applicant PRINTED Name:

Timothy G. Williamson

Applicant Signature:

[Handwritten Signature]

Contact Number:

(202) 369-6324

Date:

3/31/2023

MORTGAGE INSPECTION

LOT 29 & LOT 76
SECTION 21-J
SHANNONDALE
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

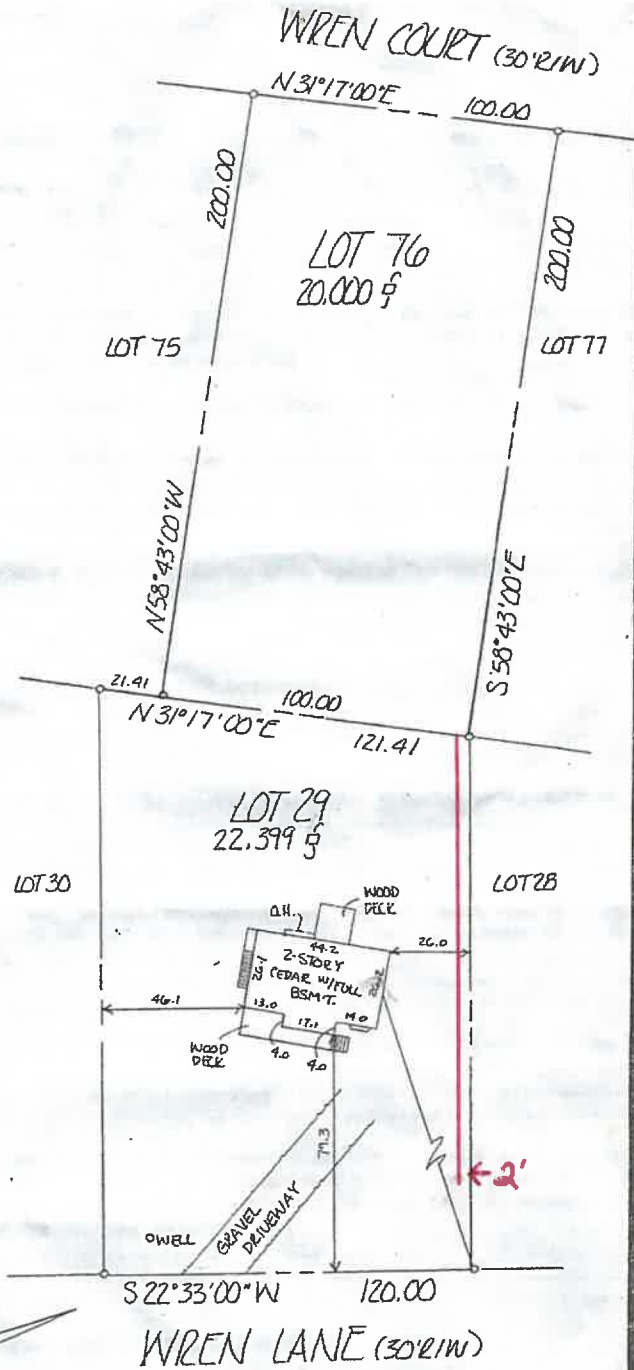
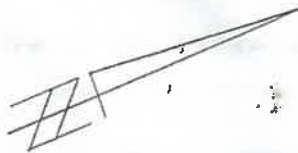
OWNER

LIANNE AISTACH

PROPERTY DOES NOT LIE IN A 100-YEAR FLOOD PLAIN & LIES IN ZONE C OF FIRM COMMUNITY PANEL NO. 540065 0052 B. EFFECTIVE OCT. 15, 1980.

THIS IS NOT A PROPERTY SURVEY. PROPERTY CORNER MARKERS ARE NOT GUARANTEED.

Received 11/25/93



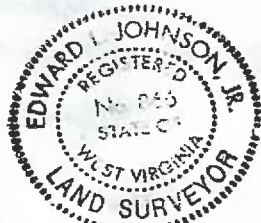
NOTE:

THIS MORTGAGE INSPECTION HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS (IF ANY) OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES OR ANY OTHER IMPROVEMENTS.

SURVEYOR'S CERTIFICATE

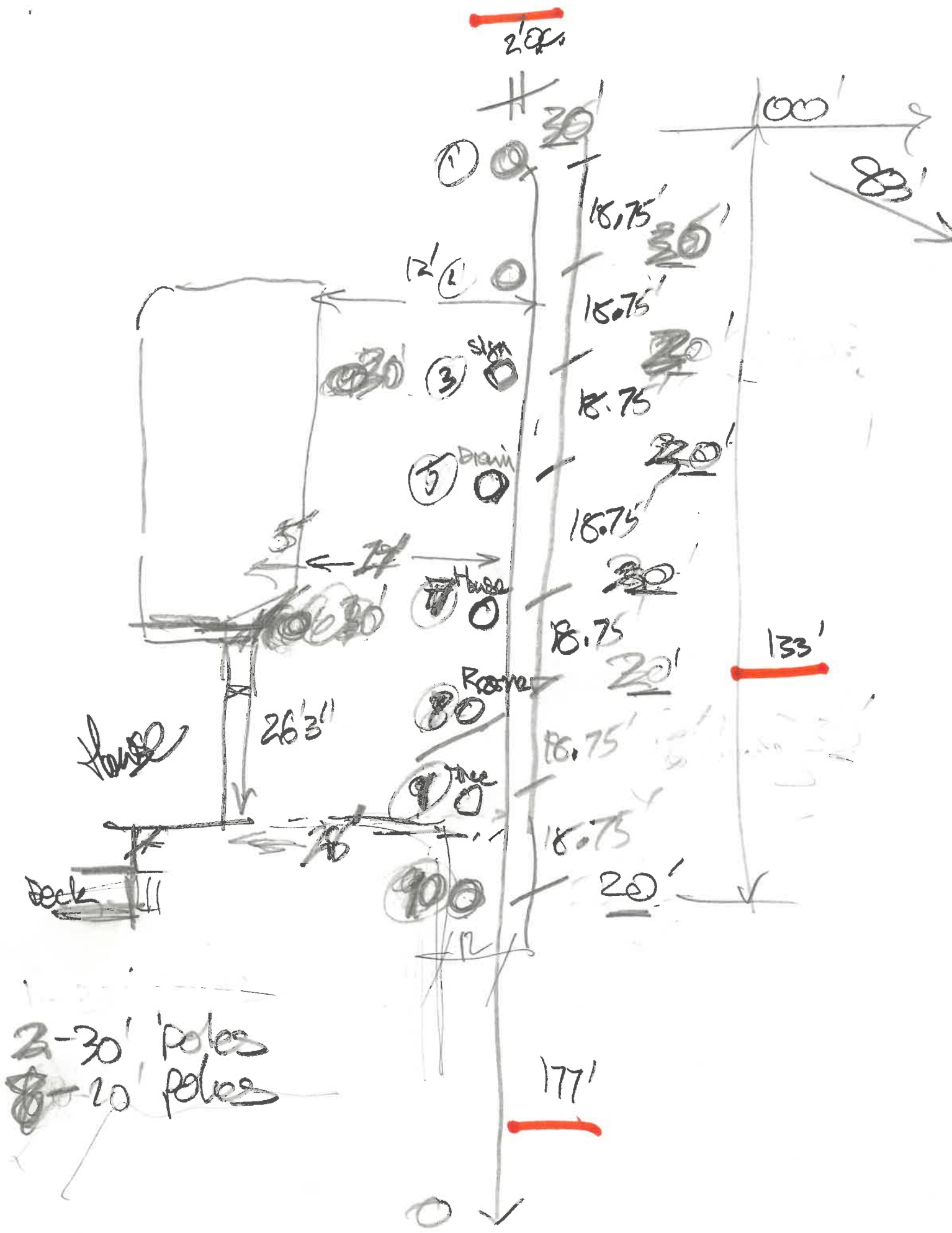
I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO ENCROACHMENTS UNLESS SHOWN HEREON. SEE NOTE ABOVE.

Edward L. Johnson Jr.
EDWARD L. JOHNSON JR.
WV RLS #866 VA RLS #1621
MD RLS #10816



ED JOHNSON & ASSOCIATES
PO BOX 726
SHEPHERDSTOWN, WV 25443
(304)876-0886

SCALE: 1" = 50'
DATE: November 22, 1993
DRAWN BY: CLH



Background: 1993-2023

- Early 1970's - Charles M. Johnson t/a Shannondale Inc. sells Lot 28 to Wm. Douglas Taylor for unknown sum.
- 1991 - Wm. Douglas Taylor sells Lot 28 to Michael M. Johnson t/a Shannondale for \$5.00
- 1993 - Michael M. Johnson and Luann Alspach sell Lots 29 & 76 to Tim Williamson for \$106,400 w/ a never expiring option to buy on Lot 28 for \$5,000. Michael M. Johnson avoids two suits for breaching sales contracts with Tim Williamson and Luann Alspach.
- 1993 -2020 - For 27 yrs Tim Williamson notoriously occupies Lot 28
- 1994 - Michael M. Johnson sells Lots 27 and 28 to James and Marsha Kelly for \$28,000
- 2000 - James and Marsh Kelly sell Lots 27 and 28 to Luis and Sabrina Blanco for \$32,000
- 2019 - Luis and Sabrina Blanco sell Lots 27 and 28 to Susan Gallagher Revocable Trust for \$34,000
- 2020 - Tim Williamson files adverse possession claim on Lot 28 in Jefferson County Court
- 2022 – Jefferson County Permit 20—632 is issued, and 14' x 30' pool with 4' concrete apron installed 12' from north property boundary at Lot 29.
- 2022 – Judge Debra McLaughlin dismisses Tim Williamson's claim on Lot 28, w/ Court Order changing legal description of deeds for Lots 29 and 28 conveying trapezoid -shaped area, 2,753 SF (0.0632 acre) in size from Lot 29 to Lot 28, and moving Lot 28 boundary corner 20' south at Lot 77 boundary, and 7.5' south at Wren Lane
- 2022-2023 – Wood fence is removed, 12 cameras are installed, 2-3 times/week neighbors walk the fence line to take pictures of everything, anything moving at Lot 29.
- Between 2020-2023 – WV State Police and Jefferson County Sherriff Deputies respond to my 45+ - 911 calls on neighbor for harassment, trespassing, and vandalism

Scorched Earth and Surveillance 2023





Peeping Tom Trail



Peeping Tom Pull Off



Camera



Camera



Camera

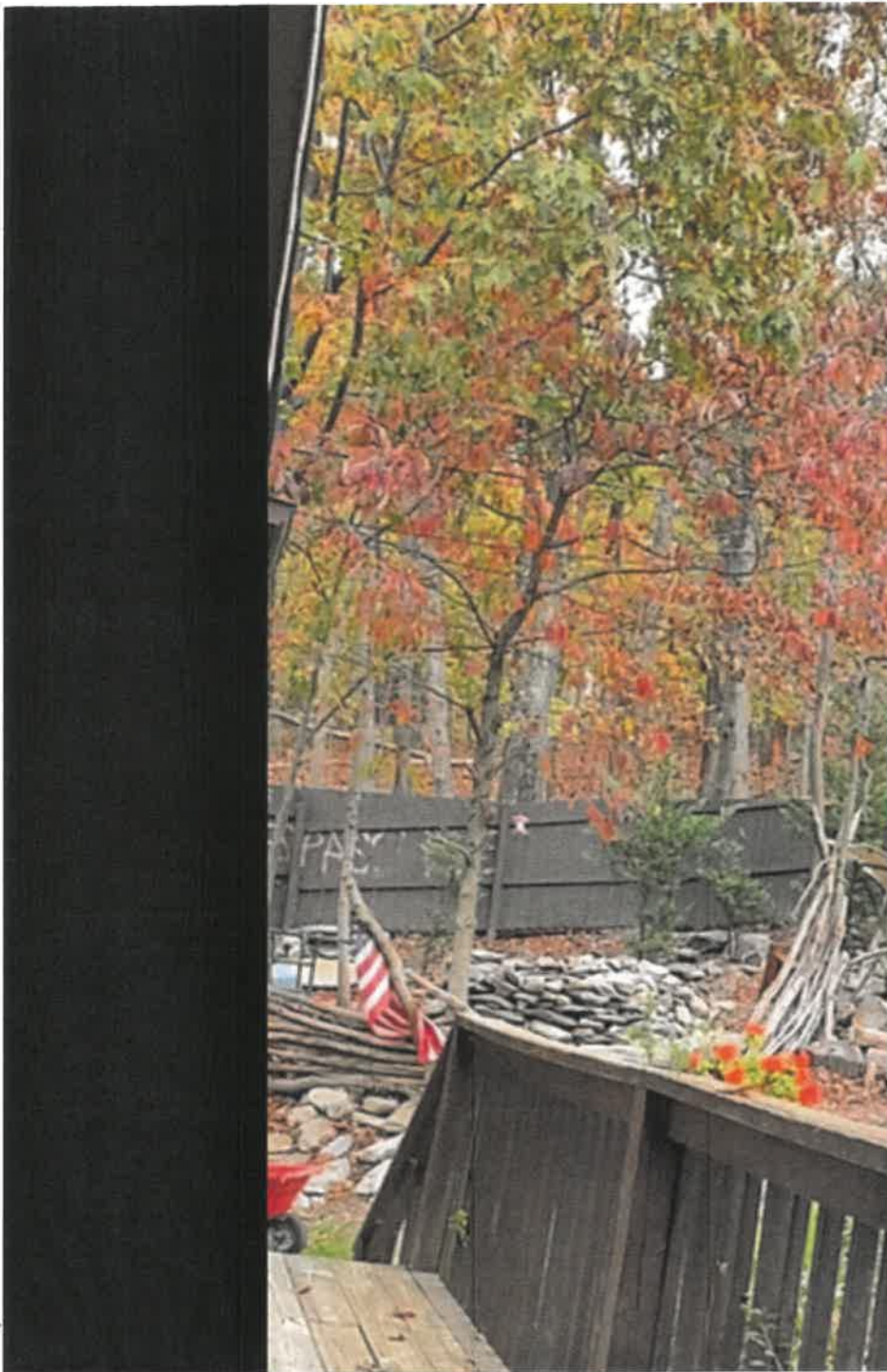
Peeping Tom
Gawking Area







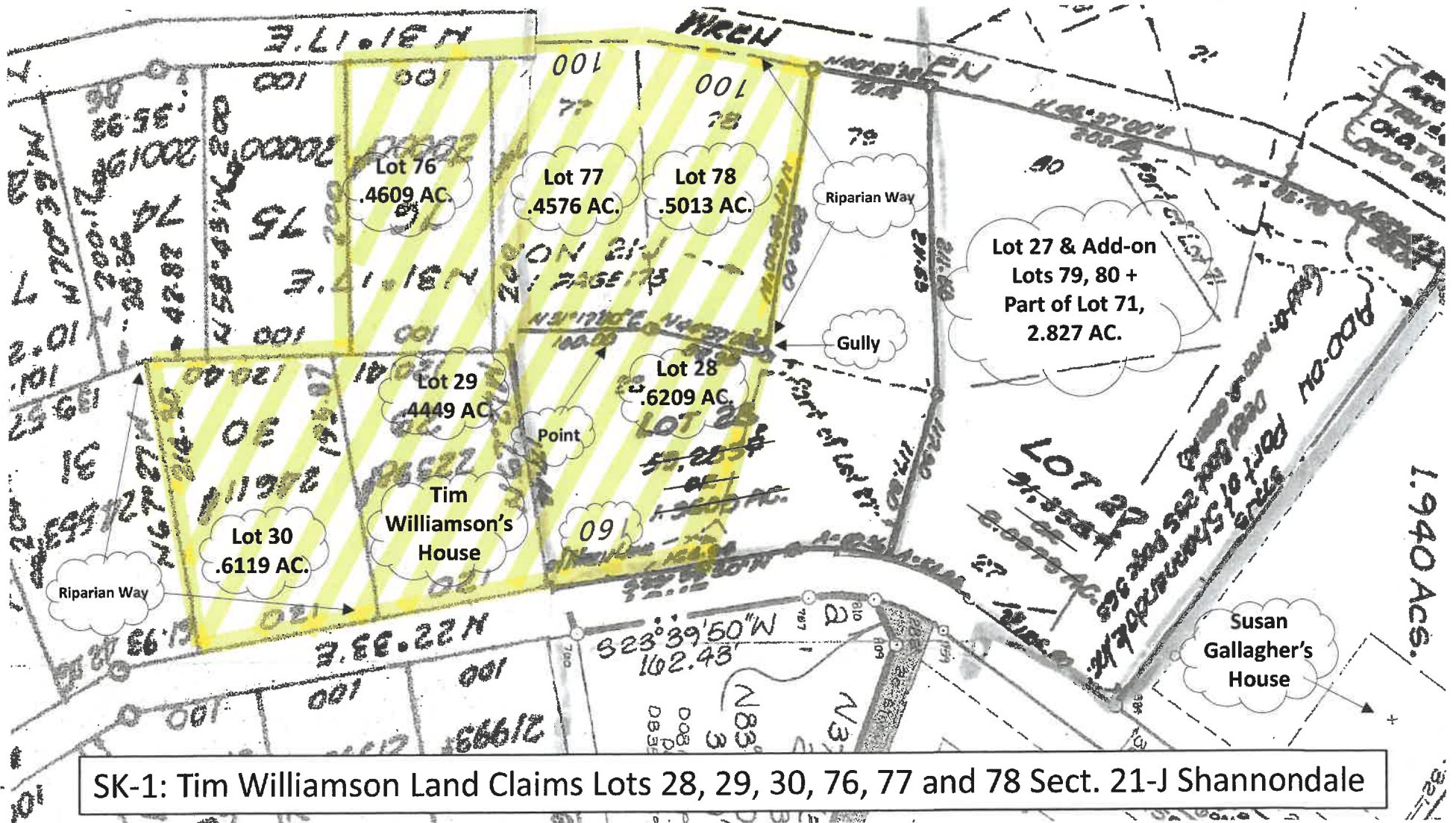
Before & After Pool 2022



Adverse Possession 1993-2020

Notes:

1. Extra 7.56' of property exists between 1) DB 1228 PG. 677, and 2) DB 762 PG. 260
2. Extra 20" of property exists between: 1) DB 1009, PG 260; 2) DB 1124 PG. 389; 3) DB 762 PG. 260; 4) DB 1007 PG. 130; 5) DB 1197 PG 124; and 6) DB 1228 PG. 677
3. Susan Gallagher RT Fence Encroachment at Lot 29 = **0.0632 AC.**
4. Lot 28 = 0.6209 AC. in 1971, and =1.3600 AC in 1991 (+0.7391 AC.)
5. Lot 29 = .5141 AC. in 1971, and =.5081 AC. in 2021 by survey (-0.0123 AC.)
6. Lots 29 and 76 = 1.043 AC. by deed in 1993, by taxes 93-2021 and = 0.9627 AC.in 2021 by survey (-0.0803 AC.) Note: Q3+Q6 = -0.0171 AC.
7. Lot 30 = .5649 AC. in 1971, and =.6119 AC. in 2021 by survey (+0.0470 AC.)
8. Lots 29 and 30 = 1.0700 AC in 1971, and = 1.1137 in 2021 by survey (+0.0437 AC.)
9. Lots 29, 30, 76, 77 and 78 = 2.5335 AC. and + 28 = 3.1544 AC. by survey



SK-1: Tim Williamson Land Claims Lots 28, 29, 30, 76, 77 and 78 Sect. 21-J Shannondale

Clerk of

3126
DEED

BOOK NO. 683 JEFFERSON COUNTY

THIS DEED, made and entered into this 29th day of April, 1991, by and between **WM. DOUGLAS TAYLOR**, Trustee, party of the first part and hereinafter **GRANTOR**, and **SHANNONDALE, INCORPORATED**, party of the second part and hereinafter **GRANTEE**,

WITNESSETH: That for and in consideration of the sum of **FIVE DOLLARS (\$5 00)**, cash in hand paid, the receipt of which is hereby acknowledged, the said **GRANTOR** hereby grants and conveys, and by these presents has granted and conveyed, unto the said **GRANTEE**, in fee simple, with covenants of Special Warranty, all of the following lot or parcel of real estate, with the appurtenances thereunto belonging, situate in Charles Town District, Jefferson County, West Virginia and more particularly described as follows

copy of plat attached.

Lot No 28, Section 21-J, Shannondale, as the same is shown and designated on a plat thereof by Wallace R Amos, W V L L S. No 55, dated April, 1991, a copy of which is attached hereto and incorporated herein by reference for a more particular metes and bounds description thereof

The lands hereby conveyed are contiguous and adjacent to each other, having been conveyed to **Wm. Douglas Taylor**, as Trustee, by deed dated the 29th day of April, 1991, presented for recordation in the office of the Clerk of the County Commission of Jefferson County, West Virginia immediately preceding this deed and of record therein in Deed Book No _____, at Page _____, and this conveyance is made for the purpose of adjusting the boundary line of Lot No 28, Section 21-J, as originally shown on the plat of said section of record in the aforesaid Clerk's office in Plat Book No 1, at page 173, which is owned by said Trustee by virtue of the above set forth deed, thus creating a single lot of 59,283 square feet or 1 3689 acres, as the same is more fully shown upon the first above referenced plat

The property hereby conveyed includes combined portions of Lots Nos 27, 28 and all of 79, Section 21-J, and the portion of Wren Lane, Shannondale, as previously shown upon the last above referenced plat, this property cannot be subsequently subdivided, sold or used separately except in accordance with then existing rules and regulations of the Jefferson County Planning Commission

Additionally, the portion of Lot No 27, Section 21-J, shown upon the plat attached hereto that now lies within Wren Lane is now a platted Right of Way and cannot be used or sold otherwise

AND BEING part of Parcel One, of the real estate conveyed unto the Grantor from the said Grantee by a strawman deed dated the 29th day of April, 1991, presented for recordation in the aforesaid Clerk's office immediately preceding this deed and of record therein in Deed Book No _____, at Page _____

THIS CONVEYANCE IS MADE TOGETHER WITH AND SUBJECT TO the rights, covenants, restrictions, reservations, utility easements and rights of way applicable to Section 21-J, Shannondale, as the same are set forth in deeds of record in the aforesaid Clerks office

DECLARATION OF CONSIDERATION

The undersigned hereby declares that this conveyance is exempt from the requirements for West Virginia's Excise Tax on the Transfer of Real Property in that it is part of a strawman conveyance without actual consideration.

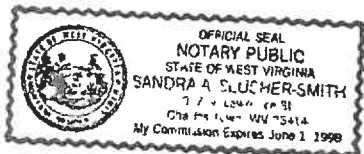
Witness the following signatures and seals.

Wm Douglas Taylor
Wm Douglas Taylor, Trustee

STATE OF WEST VIRGINIA
COUNTY OF JEFFERSON, to-wit

I, Sandra A. Slucher-Smith, a Notary Public in and for above State, do hereby certify that Wm Douglas Taylor, as Trustee, has this day acknowledged before me the foregoing deed, bearing date of the 29th day of April, 1991

Given under my hand this 24 day of June, 1991



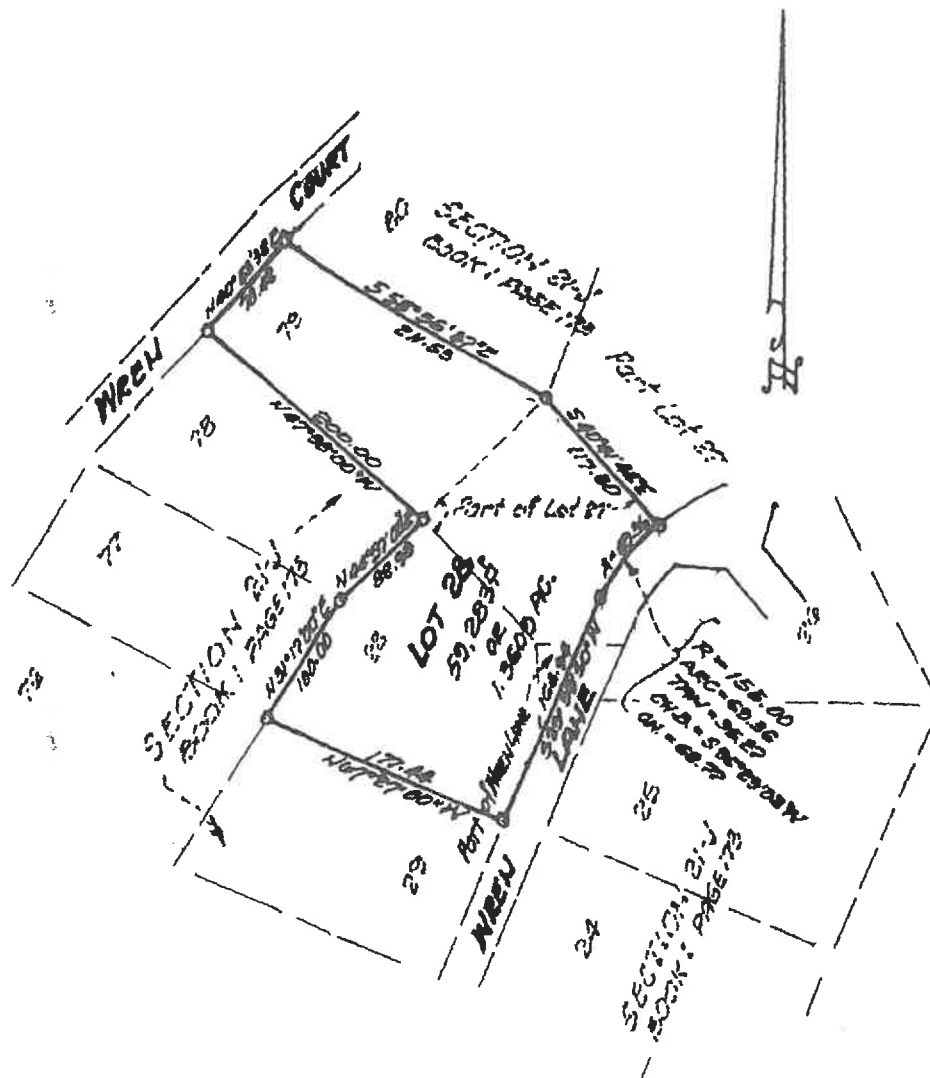
Sandra A. Slucher-Smith
Notary Public

My commission expires 6-1-98

Prepared by
WM. DOUGLAS TAYLOR
ATTORNEY AT LAW
1107 Winchester Avenue
Post Office Box 884
Martinsburg, West Virginia 25401
(304) 267-2804



Approved Subdivision Exemptions - Merged Parcels
Raul J. Raco (Seal 10)
Director of Planning
May 23, 1991



I hereby certify that the plat delineated is correct; that it is a merger of Lot 28, Lot 29 and part of Lot 27, Part of Waterway, Section 21-J, Shannondale as the is shown on plat recorded in Plat Book 101 Page 170 all among the Land Records of Jefferson County, West Virginia.

Wallace R. Amos
Wallace R. Amos

LOT 28
MEMBER OF
LOT 28, LOT 29 & PART OF LOT 27
SECTION 21-J
-SHANNONDALE-
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE 1"=100' APRIL, 1991

WALLACE R. AMOS
Licensed Land Surveyor
West Virginia No. 55
P.O. Box 415 Route 2
Harpers Ferry, WV 25425

State of West Virginia, County of Jefferson, Sect.
IN THE CLERK'S OFFICE OF COUNTY COMMISSION:
On JUN 07 1991, at 3:30 P M., the foregoing
Deed of B. & S. was received in my said office and duly
admitted to record.

• Test.

John E. Ott
Clerk of County Commission

3127

DEED

THIS DEED, made and entered into this 29th day of April, 1991, by and between **WM. DOUGLAS TAYLOR**, Trustee, party of the first part and hereinafter GRANTOR, and **SHANNONDALE, INCORPORATED**, party of the second part and hereinafter GRANTEE,

WITNESSETH: That for and in consideration of the sum of FIVE DOLLARS (\$5 00), cash in hand paid, the receipt of which is hereby acknowledged, the said GRANTOR hereby grants and conveys, and by these presents has granted and conveyed, unto the said GRANTEE, in fee simple, with covenants of Special Warranty, all of the following lot or parcel of real estate, with the appurtenances thereunto belonging, situate in Charles Town District, Jefferson County, West Virginia and more particularly described as follows

Lot No 27, Section 21-J, Shannondale, as the same is shown and designated on a Plat thereof by Wallace R Amos, W V L L S No 55, dated April, 1991, a copy of which is attached hereto and incorporated herein by reference for a more particular metes and bounds description thereof

The lands hereby conveyed are contiguous and adjacent to each other, having been conveyed to **WM Douglas Taylor**, as Trustee, by deed dated the 29th day of April, 1991, presented for recordation in the office of the Clerk of the County Commission of Jefferson County, West Virginia immediately preceding this deed and of record therein in Deed Book No _____, at Page _____, and this conveyance is made for the purpose of adjusting the boundary line of Lot, No. 27, Section 21-J, as originally shown on the plat of said section of record in the aforesaid Clerk's office in Plat Book No 1, at page 173, which is owned by said Trustee by virtue of the above set forth deed, thus creating a single lot of 91,358 square feet or 2 0973 acres, as the same is more fully shown upon the first above referenced plat

The property hereby conveyed includes combined portions of Lots Nos 27 and 80, Section 21-J, Lot No 71, Section 22-J, as previously shown upon the recorded original plats of said Sections of Shannondale and that previously unplatted "Add-on Part of Shannondale" as shown upon the aforesaid plat attached hereto, this property cannot be subsequently subdivided, sold or used separately except in accordance with the existing rules and regulations of Jefferson County Planning Commission

Additionally, the portion of Lot No 27, Section 21-J, shown upon the plat attached hereto that now lies within Wren Lane is now a platted Right-of-Way and cannot be used or sold otherwise

AND BEING part of Parcels One, Two and Three of the real estate conveyed unto the Grantor from the said Grantee by a strawman deed dated the 29th day of April, 1991, presented for recordation in the aforesaid Clerk's office immediately preceding this deed and of record therein in Deed Book No _____, at Page _____

THIS CONVEYANCE IS MADE TOGETHER WITH AND SUBJECT TO the rights, covenants, restrictions, reservations, utility easements and rights of way applicable to Section 21-J, Shannondale, as the same are set forth in deeds of record in the aforesaid Clerks office

DECLARATION OF CONSIDERATION

The undersigned hereby declares that this conveyance is exempt from the requirements for West Virginia's Excise Tax on the Transfer of Real Property in that it is part of a strawman conveyance without actual consideration

Witness the following signatures and seals

Wm Douglas Taylor
Wm Douglas Taylor, Trustee

STATE OF WEST VIRGINIA
COUNTY OF JEFFERSON, to-wit

I, Sandra A. Sushler-Smith, a Notary Public in and for above State, do hereby certify that Wm Douglas Taylor, as Trustee, has this day acknowledged before me the foregoing deed, bearing date of the 29th day of April, 1991

Given under my hand this 7th day of June 1991

Sandra A. Sushler-Smith
Notary Public

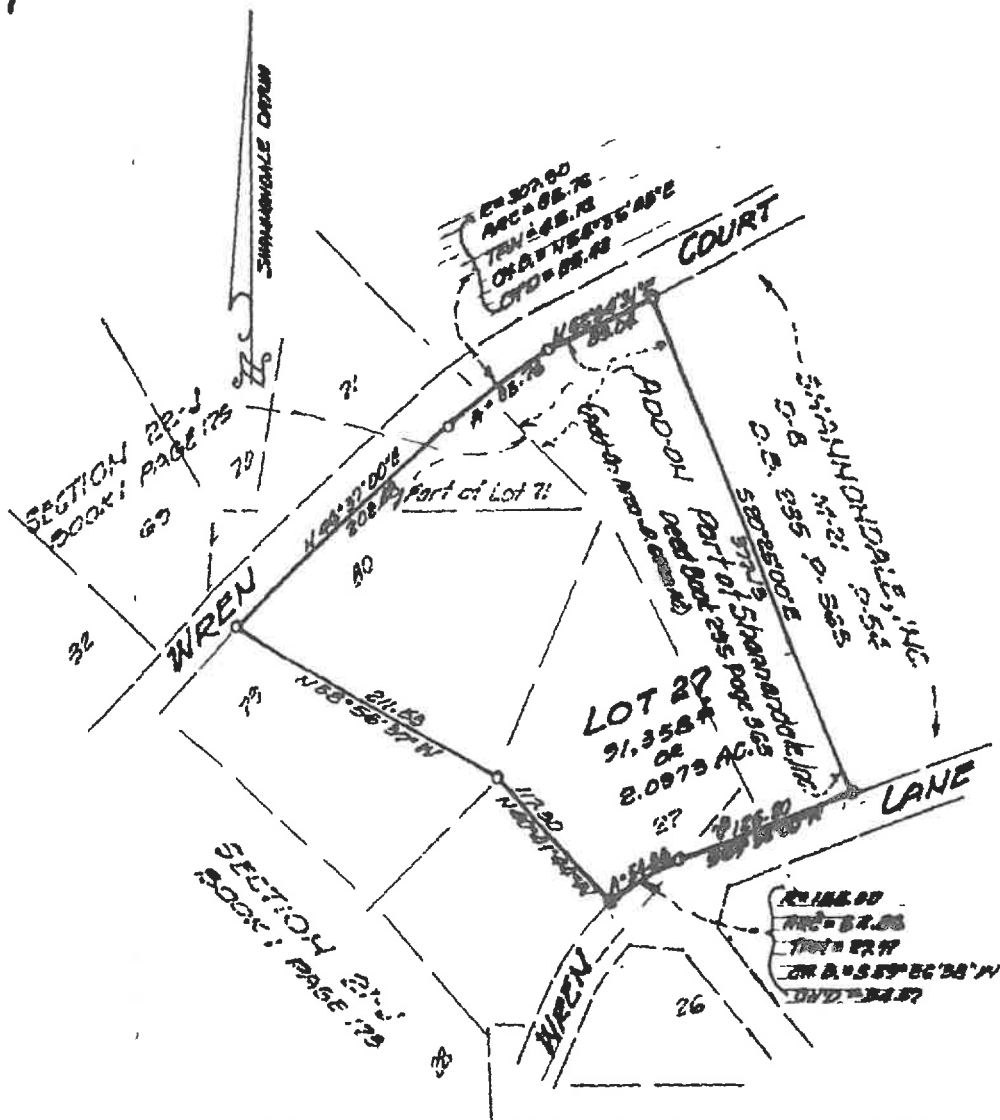


My commission expires 6-1-98

Prepared by
WM. DOUGLAS TAYLOR
ATTORNEY AT LAW
1107 Winchester Avenue
Post Office Box 804
Martinsburg, West Virginia 25401
(304) 267-2884



Approved Subdivision
Exemptions - Mager Revuls (Sec 21-J)
Paul J. Raworth
Director of Planning
May 23, 1991



I hereby certify that the plat delineated is correct; that it is a merger of part of lot 27, lot 28, lot 26, Section 21-J, SHANNONDALE as same is recorded in Plat Book 1 of Page 173, and part of lot 71 Section 22-J, SHANNONDALE, recorded in Book 1 of Page 175, and a part of SHANNONDALE, INC., recorded in Deed Book 235 of Page 563 all among the land records of Jefferson County, West Virginia.

LOT 27
 MERGER OF
 PART OF LOT 71 SECTION 22-J
 PARTS OF LOT 27 & 28 SECTION 21-J
 ADD-ON
 SECTION 21-J
- SHANNONDALE -
 CHARLES TOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA
 SCALE 1"=100' APRIL, 1991

Wallace R. Amos
 Wallace R. Amos

WALLACE R. AMOS
 Licensed Land Surveyor
 West Virginia No. 55
 P.O. Box 415 Route 2
 Harpers Ferry, WV 25426

State of West Virginia, County of Jefferson, Sct.
 IN THE CLERK'S OFFICE OF COUNTY COMMISSION:
 On JUN 07 1991, at 3:30 P M., the foregoing
 Deed of B. & S. was received in my said office and duly
 admitted to record.

Test,
 John E. Ott
 Clerk of County Commission

6904

THIS DEED, made this 1st day of August, 1994, by and between SHANNONDALE, INCORPORATED, party of the first part and hereinafter referred to as Grantor and JAMES J. KELLY and MARSHA L. KELLY, husband and wife, parties of the second part and hereinafter referred to as Grantees.

WITNESSETH: That for and in valuable consideration, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto said Grantees, with general warranty of title, free and clear of all monetary liens and encumbrances, as joint tenants with the rights of survivorship as at common law and not as tenants in common, in fee simple, all the following lots or parcels of real estate, with the appurtenances thereunto belonging, situate on the east side of the Shenandoah River in the Charles Town District, Jefferson County, West Virginia and more particularly bounded and described as follows:

BEING all of Lots Nos. 27 (2.0973 ac.) and 28 (1.3600 ac.), Section 21-J, Shannondale, as the same are shown and designated on plats made by Wallace R. Amos, W.V.L.D.S., No. 55, dated April, 1991, said plat being attached to the hereinafter mentioned deeds to the grantor herein.

AND BEING the same real estate that was conveyed to the Grantor herein by Wm. Douglas Taylor, Trustee, by two deeds, both dated the 29th day of April, 1991, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 683, at Page 474, and the second recorded in the aforesaid Clerk's Office in Deed Book 683, at Page 477, to which reference is hereby made.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to all those reservations, restrictions, easements and other matters as more particularly set forth on the plat of the aforesaid subdivision which are as follows:

1. TRAILER AND TEMPORARY BUILDINGS: Except with the written consent of Shannondale, Inc., no structure, tent, trailer, or other living quarters, temporary or permanent, shall

be placed upon any part of the property. No inoperative vehicles or materials may stored on the property.

2. DESIGN AND MATERIALS: Building may be contemporary, period or modern design, and may be constructed of wood logs, stone, brick or composition, but must be finished or painted in such a manner as not to detract from, or mar the natural beauty of the surroundings.

3. TOILET FACILITIES: No outhouses shall be permitted on any part of the property. All toilet facilities must be completed within the main dwelling erected thereon, and prior to the occupancy of the same and shall comply with the regulations of both the state of West Virginia Health Department and Shannondale, Inc.

4. BUILDING LINES: No structure may be placed nearer than 25 feet from any road line, or nearer than 12 feet from side or rear line.

5. FLOOR AREA: No cabin or dwelling shall be built unless it contains a minimum ground floor area of 900 square feet, exclusive of porches and patios, and the side nearest the road is at least 20 feet wide.

6. FIRES AND CHIMNEYS: No open fires shall be permitted on any part of the property. Outdoor fireplaces, if built, and all chimneys shall be provided with fires screens.

7. TREES: No trees over two inches in diameter shall be cut down without permission of Shannondale, Inc.

8. SIGNS: No signs shall be erected, permitted or maintained upon the property without the written consent of Shannondale, Inc.

9. GUNS AND SHOOTING: No rifles, shotgun or small arm shall be discharged anywhere upon the property, except in areas reserved and designed for same.

10. WATER, ETC.: Since no commercial enterprise will be permitted which could destroy the desirability and beauty of

this natural woodland the seller reserves all oil, water and mineral rights. However this does not prohibit the development of a water well for private use.

11. ROADS: Road maintenance fees shall be paid annually to Shannondale, Inc., or its assigned agent on these lots. The fee shall be \$30.00 per year, per lot and the assessment shall be re-evaluated each five years based on the Federal Government cost of living index. Failure to pay road fees within 60 days of the due dated shall automatically create a lien on the property. Under no circumstances shall this fee exceed \$100.00 per year.

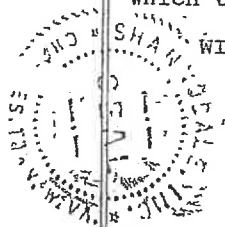
12. RIGHTS OF WAY FOR UTILITIES: Seller reserves a right-of-way with right of entry upon, over, across or through said lot for purpose of constructing, operating maintaining and repairing pole lines for electrical and telephone service, and other utilities, reserving to the seller the sole right to convey the rights hereby reserved.

13. NATURAL CONDITION: 70% of all lot areas shall remain in natural condition. Trees and slopes shall be preserved within this provision.

DECLARATION OF CONSIDERATION OR VALUE

The undersigned Grantor does hereby certify that the total consideration paid for the property conveyed by the document to which this declaration is attached was \$28,000.00.

WITNESS the following signature and seal.



SHANNONDALE, INCORPORATED

Michael M. Johnson (SEAL)
MICHAEL M. JOHNSON, President

James J. Kelly (SEAL)
JAMES J. KELLY

Marsha L. Kelly (SEAL)
MARSHA L. KELLY

CRAWFORD & JACKSON
ATTORNEYS AT LAW
LIBERTY & GEORGE STREETS
POST OFFICE BOX 288
CHARLES TOWN WV
25414-0288

THIS DEED, made this 28th day of November, 2000, by and between **JAMES J. KELLY** and **MARSHA L. KELLY**, parties of the first part and hereinafter referred to as Grantors, and **MANUEL LUIS M. BLANCO** and **SABRINA Y. ARPA-BLANCO**, parties of the second part and hereinafter referred to as Grantees.

WITNESSETH: That for and in valuable consideration, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey unto said Grantees, with general warranty of title, free and clear of all monetary liens and encumbrances, as joint tenants with the rights of survivorship as at common law and not as tenants in common, in fee simple, to wit:

All that certain lot or parcel of real estate situate in Charles Town District, Jefferson County, West Virginia, and more particularly described as follows:

BEING all of Lots 27 and 28, 2.0973 acres and 1.3600 acres, respectively, Section 21-J, Shannondale, as the same are designated and described on a plat made by Wallace R. Amos, W.V.L.L.S., No. 55, dated April, 1991, and said plat being attached to a deed and recorded in the Office of the Clerk of the County Commission, Jefferson County, West Virginia in Deed Book 683, at Page 477 and Deed Book 683, at Page 474, respectively, to which plat reference is hereby made for a further description of the property.

AND BEING the same real estate that was conveyed to the Grantor herein by a deed from Shannondale, Incorporated, dated August 1, 1994 and recorded in the aforesaid Clerk's Office in Deed Book 786, at Page 625.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to all those reservations, restrictions, easements and other matters of record, and more particularly to those covenants recorded in the aforesaid Clerk's Office in Deed Book 786, at Page 625.

DECLARATION OF CONSIDERATION OR VALUE

The undersigned Grantors do hereby certify that the total consideration paid for the property conveyed by the document to which this declaration is attached was \$32,000.00.

WITNESS the following signature and seal.

James J. Kelly (SEAL)
JAMES J. KELLY

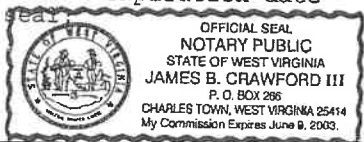
Marsha L. Kelly (SEAL)
MARSHA L. KELLY

STATE OF WEST VIRGINIA

COUNTY OF JEFFERSON, to-wit:

The foregoing instrument was acknowledged before me this 28th day of November, 2000, by JAMES J. KELLY and MARSHA L. KELLY.

Commission expiration date and seal



[Signature]
NOTARY PUBLIC

This document was prepared by James B. Crawford, III of CRAWFORD & JACKSON P.L.L.C., Attorneys at Law, 120 N. George Street, P.O. Box 266, Charles Town, WV 25414.

JBCIII/smc/00-955J

JEFFERSON COUNTY, WV
FILED
November 28, 2000 12:30:55

JOHN E. OTT
COUNTY CLERK
TRANSACTION NO: 2000023173
Transfer Tax: \$140.80

BOOK OF DEEDS
Book: 00942 Page: 00709



AWFORD & JACKSON
P.L.L.C.
ATTORNEYS AT LAW
120 N. GEORGE STREETS
POST OFFICE BOX 266
CHARLES TOWN, WV
25414-0266

WOOD POLES, CROSSARMS AND BRACES

<u>DRAWING NUMBER</u>	<u>DRAWING TITLE (DESCRIPTION)</u>
W1.1G	POLE FRAMING GUIDE
W2.1G	CROSSARM DRILLING GUIDE
W3.1, W3.2	CROSSARM BRACES

CONSTRUCTION SPECIFICATIONS FOR POLES AND CROSSARMS

In distributing the poles, large, choice, dense poles shall be used at transformer, deadend, angle, and corner locations.

Poles shall be set so that alternate crossarm gains face in opposite directions, except at terminal and deadends where the gains of the last two (2) poles shall be on the side facing the terminal or deadend. On unusually long spans, the poles shall be set so that the crossarm is located on the side of the pole away from the long span. On lines that curve, crossarms shall be installed on the side of the pole which faces the midpoint of the curve. On sloping terrain, crossarms shall be installed on the uphill side of the pole. Where pole top insulator brackets or pole top pins are used, they shall be located on the opposite side of the pole from the gain.

Poles shall be set in an alignment and plumb, except at corners, terminal, angles, junctions, or other points of strain, where they shall be set and raked against the strain so that the conductors are in line.

Poles shall be raked against the conductor strain not less than 1 inch for each 10 feet of pole length nor more than 2 inches for each 10 feet of pole length after the conductors are installed at the required tension.

Pole backfill shall be thoroughly tamped in full depth. Excess dirt shall be banked around the pole.

TABLE W*Pole Setting Depths*

The minimum depth for setting poles must be as follows:

<u>Length of Pole (Feet)</u>	<u>Setting in Soil (Feet)</u>	<u>Setting in All Solid Rock (Feet)</u>
20	4.0	3.0
25	5.0	3.5
30	5.5	3.5
35	6.0	4.0
40	6.0	4.0
45	6.5	4.5
50	7.0	4.5
55	7.5	5.0
60	8.0	5.0

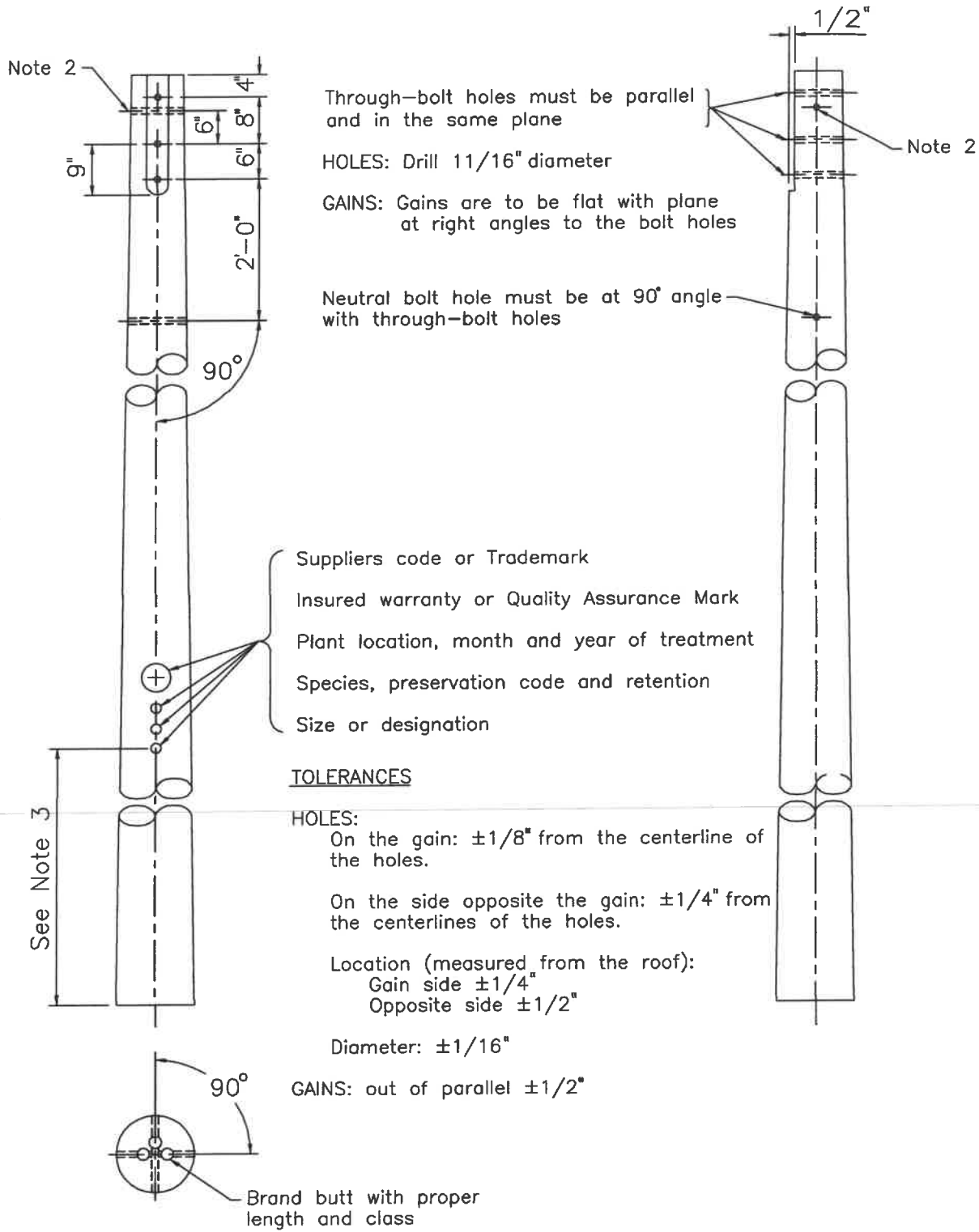
“Setting in Soil” depths must apply:

- A. Where poles are to be set in soil;
- B. Where there is a layer of soil or more than two (2) feet in depth over solid rock;
- C. Where the hole in solid rock is not substantially vertical or the diameter of the hole at the surface of the rock exceeds approximately twice the diameter of the pole at the same level.

“Setting in All Solid Rock” depths must apply where poles are to be set in solid rock and where the hole is substantially vertical, approximately uniform in diameter and large enough to permit the use of tamping bars the full depth of the hole.

Where there is a layer of soil two (2) feet or less in depth over solid rock, the depth of the hole must be the depth of the soil in addition to the depth specified under “Setting in All Solid Rock” provided, however, that such depth must not exceed the depth specified under “Setting in Soil.”

On sloping ground, the depth of the hole must be measured from the low side of the hole.



NOTES:

1. All poles shorter than 50 feet must be bored, roofed and gained before treatment, except that Class 7 and smaller poles need not be gained unless requested by purchaser. Roofs may be flat or at a 15° angle at the producer's option.
2. Anti-split bolt hole is optional and is to be drilled only when so specified by the purchaser.
3. Bottom of brand or center of metal disk shall be 10' $\pm 2"$ from the pole butt for poles less than 55' in length; 14' $\pm 2"$ for poles 55' and longer.

POLE FRAMING GUIDE		
DEC 1998		
RUS		W1.1G

Tim Williamson

From: no-reply@mygovernmentonline.org
Sent: Wednesday, June 22, 2022 5:16 PM
To: Timothy Williamson
Subject: Project 20-632 - Revisions/Documents Required Notification

Categories: Red Category

Tim,

Here are the revised approved plans that include the in-ground swimming pool.

Thanks!

Duane Dunn

External Attachments:
[20-632 Plans A-Approved AMENDED.pdf](#)

20-632

Approved for:

Permit Number

IN-GROUND SWIMMING POOL

Shane C. [Signature]

Plan Reviewer

06/22/2022 5:07:34 PM

Date

Minimum required inspections in order:

1. Footing (hole ready for setting pool)
2. Final

(plus all 3rd party electrical inspections)

Width

PLANS REVIEWED AND ACCEPTED
JEFFERSON COUNTY WV
PER 2015 ICC INTERNATIONAL
SWIMMING POOL & SPA CODE

Length: 30'

POOL BARRIERS
Owner is responsible for meeting
the requirements set forth
Per 2015 ISPSC Section 305
at Final Inspection

Swimming Pools
with a powered safety cover
used to meet Barrier
Requirements must comply with
ASTM F 1346
Per 2015 ISPSC Section 305.1
Exc. #2

Depth: 3'-6" to 6'

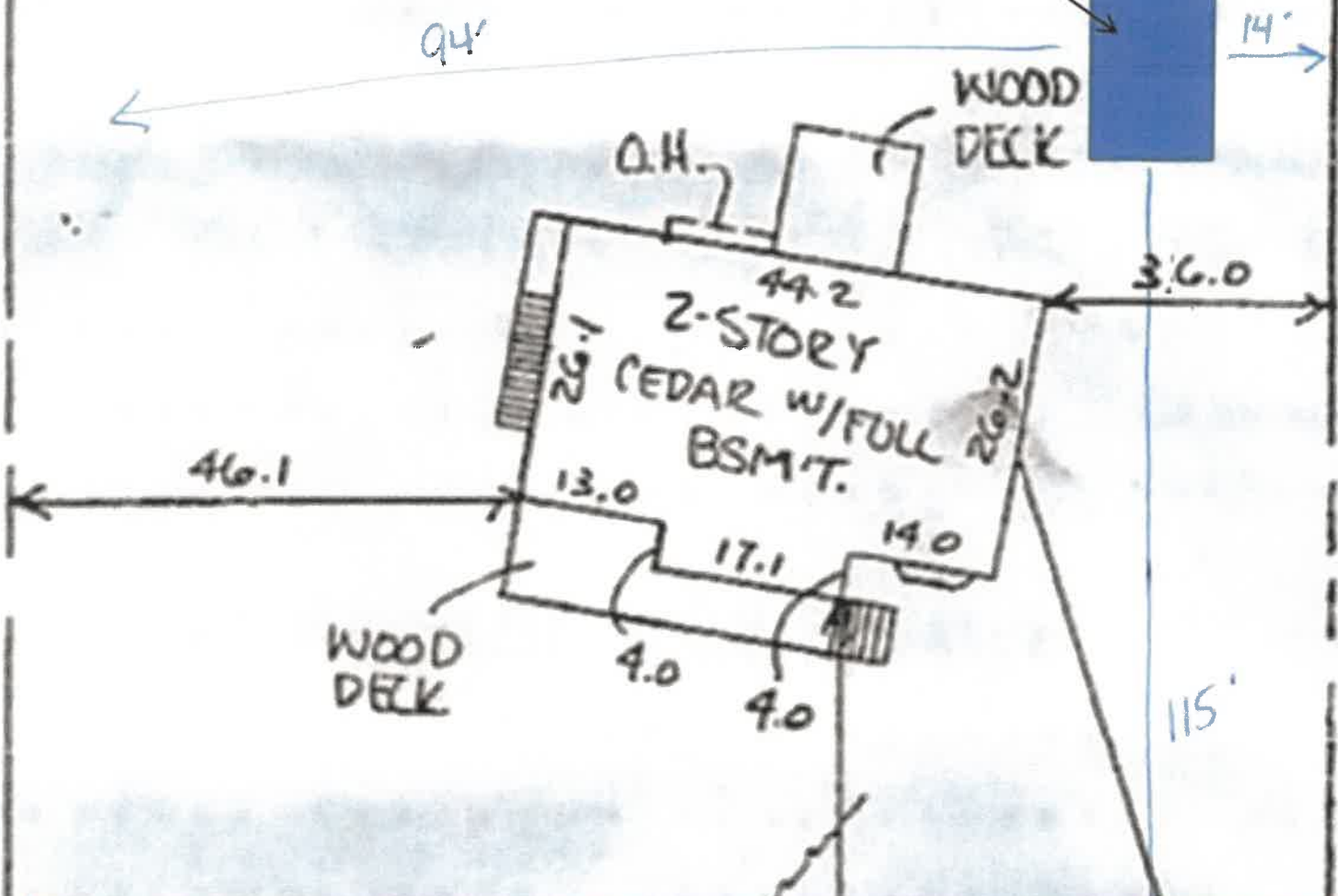
PLEASE NOTE THE FOLLOWING:

Per **2015 IRC R106.3.1**, an approved set of construction documents **MUST** be kept at the site of work and be available to the inspector at time of inspection.

Non-compliance may result in re-inspection fees.

LOT 29
22,399 sq

Latham
Providence
14'x30'
Fiberglass
Pool



SWIMMING POOL or SPA INFORMATION

Spa (includes Hot Tubs)

In-Ground Pool

Above Ground Pool
JEFFERSON COUNTY
ENGINEERING & SURVEYING
INCORPORATED
10/16/15

Will the structure have electrical work installed (wiring, outlets, lights, etc.)? Yes or No

Pool Size/Area Dimensions 14' x 30' 14' x 30' 4' concrete apron

(For in-ground pool, dimensions shall be measured from outer edge of concrete deck/walkway)

Year of Pool/Spa: 2017 Make & Model of Pool/Spa: INPEX Latham Providence

Estimated Value (pool/spa, fence, & deck (if deck is added)): \$ 50000

General Notes

General

The swimming pools and spas consist of one-piece fiberglass construction shop-formed over a mold. The material is fiberglass reinforced plastic (FRP), a minimum of 1/4 inch (6.4 mm) thick composed of isophthalic resin, vinyl ester resin, and fiberglass. The surface finish is a neo pentyl glycol gel coat. Latham Pools produces various styles of swimming pools and spas. When installed in accordance to Latham Pools installation procedures, the pools and spas comply with applicable requirements of the following codes:

- 2015/2018/2021 International Building Code® (IBC)
- 2015/2018/2021 International Residential Code (IRC)
- 1997 Uniform Building Code (UBC)
- BOCA® National Building Code/2003 (NBPC)
- 2012/2015 International Plumbing Code® (IPC)
- 2009/2012 IAPMO Uniform Plumbing Code (IAPMO UPC)
- 2012 ANSI/APSP/ICC-5 Residential Inground Swimming Pools
- 2014 ANSI/APSP/ICC-3 Permanently Installed Residential Spas and Swim Spas
- 2013 ANSI/APSP/ICC-7 Suction entrapment Avoidance
- 2011 ANSI/APSP-16
- 2018/2021 International Swimming Pool and Spa Code - (ISPS-ICC)
- 2007 ANSI/ASME-A112.19.8
- 2014/2017/2020 National Electric Code (NEC)
- 2015/2018 Uniform Swimming Pool, Spa, Hot Tub Code (USPSHTC)

The overall pool dimensions, depths and capacities are shown in Table 1 and Table 4. The units comply with ANSI/NSPI-5, specified in Section AG103.1 of the IRC, and IAPMO IGC-2000*, specified in the UPC.

Models described in Table 2, Table 3, and Table 4 can be placed up to 19-1/2 inches (49.5mm) above ground. These pools and spas may be placed with or without concrete or wood decking. Unless elevated portions of the units are protected from sunlight by soil berms, decking, etc., these portions must be coated with a UV-inhibiting opaque paint that is compatible with the laminate.

All plumbing must comply with the IPC or UPC. Electrical work must comply with the code in effect at the construction site. The pool and spa must remain full of water at all times. A permanent sign, bearing the following statement, must be attached to the pumping equipment. Notice-The pool or spa is designed to remain full of water at all times. The pool shell may be damaged if the water level is allowed to drop below the skimmer. When appreciable draw-down is noticed or if it becomes necessary to drain the pool or spa, contact Latham Pools or its dealers for instructions.

A permanent label must be installed adjacent to the above sign indicating the Latham Pools dealer's name, address and telephone number.

Installation Procedure.

Latham pools and spas may be installed without a soil investigation by a registered design professional (RDP), subject to the building official's approval, provided none of the following conditions are encountered at the site:

1. The existence of uncontrollable groundwater within the depth of the pool or spa excavation.
2. The existence of an uncompacted fill in contact with any portion of the pool or spa.
3. The existence of any soil types with an angle of repose that will not support the walls of the excavation at desired slopes
4. Danger to adjacent structures posed by the proposed pool or spa location.
5. The existence of any cracks or openings in soil that would not confine sand or 1/2" clean gravel bedding.

If any of the conditions above is encountered, excavation must cease immediately. The specified conditions at the site must then be reviewed and recommendations made by the RDP. The building official must approve the RDP's report before work is completed. The pool or spa excavation profile must coincide with the contours of the pool. The over excavation is minimum 6 inches (152mm) on the

sides and ends. The over excavation at the pool bottom is minimum 4 inches (102mm). The backfill for the pool or spa bottom is a layer of 3-inch-thick (76mm) bedding sand or 1/2" clean gravel matching the pool or spa profile.

This backfill layer is compacted using a manual tamper and water. The pool or spa is then set into place using a crane, excavator or manually and be within 1 inch (25mm) of level. Simultaneous water-fill and backfill operations then commence. The backfill is compacted with a tamper and water. The installer must ensure that the backfill level and water level are approximately the same throughout this procedure. After completion of the backfill and plumbing, the decking is placed. Decks are prepared as indicated in Figures 1 through 4:

1. Cantilevered concrete decks are constructed as noted in Figure 1 in all cases.
2. Cantilevered decks are constructed with brick or stone as noted Figure 2 in all cases.
3. Raised bond beams are constructed as noted in Figure 3 in all cases.
4. Aboveground installations are constructed as noted in Figure 4 in all cases.

Barriers are required where pools are on premises of UBC Group R, Division 3, Occupancies or IBC Group R Occupancies. The barriers must comply with Appendix Chapter 4, Division 1, of the UBC or Section 3109.4 of the IBC

Expansive soils:

For installation of pools or spas in expansive soils, the following additional installation details must be followed subject to code official's approval:

1. All surfaces adjacent to the pool or spas must be excavated to a minimum depth of 12 inches (305 mm) beneath the pool bottom and minimum 6 inches (152 mm) behind the pool walls.
2. Any soft or loose soils exposed by step 1 must be removed until exposed material is solid. If the soil is still soft and loose, the upper 6 inches (152 mm) of all horizontal excavation surfaces must be scarified and compacted with mechanical equipment. The compacted surfaces and the excavated wall surfaces must be maintained in a moist condition until the first lift of backfill or fill is placed against the surface. The term compaction implies any method necessary to consolidate the native and fill materials to keep the pool or structure from settling.
3. The excavated bottom area of the pool or spa must be backfilled with granular import material to approximately 6 inches (152 mm) below the bottom of the pool or spa, wetted and compacted.
4. The remaining 6 inches (152 mm) must be backfilled beneath the pool or spa and outside the pool walls with compacted clean granular import material. The pool or spa must be filled with water as backfilling progresses to a level equivalent to that of the backfill. The backfill must be placed in compacted layers of approximately 6 inches (152 mm) while a uniform height of backfill is maintained around the pool or spa.
5. Positive surface drainage away from the perimeter of the pool and surrounding deck is required and critical to installations in highly expansive soils. Surface area drains and surface drainage swales or sub-drains must be placed as needed to prevent ponding or saturation of the soil around the perimeter and vicinity of the pool to prevent excessive shrink-swell or volume changes in the soil.

Identification.

Latham pools and spas are identified by the following information imprinted on the top step of the pool or spa: manufacturer's name (Latham Pools) and address, pool or spa model designation, a coded serial number and the evaluation report number (ESR-2014). The units also bear the label of the quality control agency, Columbia Research & Testing Corporation (AA-527).

Findings: That the fiberglass one piece swimming pools and spas are in compliance with the above listed codes as noted in ESR-2014 subject to the following conditions.

1. The construction and package installation comply with the report and the manufacturer's instructions.

2. Electrical and plumbing installation comply with the respective codes in effect at the construction site.

3. That all pools are installed in accordance with manufacturer's recommendations.

4. The pools and spas produced by Latham Pools Northeast, Inc. 176 Latham Drive Industrial Park, Jane Lew, West Virginia; Latham Pools Central, Inc., 10600 West Interstate 20 East, Midland, Texas; and Latham Pools, Inc., 121 Crawford Road, Williams, California; Latham Pools Southeast, 40119 Country Road 54E, Zephyrhills, FL are manufactured under a quality control program with inspections by Columbia Research & Testing Corporation (AA-527)

20-632

RECEIVED
APR 19 2022
JEFFERSON COUNTY
ENGINEERING DEPARTMENT

SELECT PROVIDENCE 14 (see page 2 for specs)

CODE COMPLIANCE
WEST VIRGINIA
INTERNATIONAL RESIDENTIAL CODE - 2015
INTERNATIONAL SWIMMING POOL & SPA CODE - 2015

ELECTRICAL & PLUMBING

THE CONSTRUCTION AND INSTALLATION OF ELECTRIC WIRING, GROUNDING AND BONDING, AND EQUIPMENT ARE SUBJECT TO THE STATE CODE AND TO THE CURRENT ADOPTED NATIONAL ELECTRIC CODE REQUIREMENTS. ALL PLUMBING MUST COMPLY WITH THE CURRENT ADOPTED STATE CODE.

POOL IS IN COMPLIANCE TO American National Standard for Residential Inground Swimming Pools ANSI/APSP/ICC-5 -11

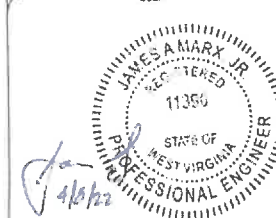
Table of Contents	
Page 1	General Notes/Expansive Soils
Page 2	Tables 1-3
Page 3	Figures 1-8
Page 4	Pool Models
Page 5	Pool Models
Page 6	Pool Models
Page 7	Spa Models & Tanning Ledges
Page 8	Alternative Recirculation Systems

Length, width and depth may vary up to 3% - all dimensions are to outside edge of coping, measured from parallel lines

Reviewed by:

Columbia Research & Testing
10140 Starr Road, P.O. Box 933
Windsor, CA 95492
Phone 707-495-0420
IAS and ICC/ES Approved Testing Laboratory

Seal



James A. Marx, Jr.
WV Professional Engineer Lic. 11390

Project Name and Address

Name: Tim Williamson
Company:
Address: 525 Wren Lane
Harpers Ferry, WV 25425

Date

Latham Pool Products Inc.
 DBA Latham Grand, Latham Select
 Viking Pool, Blue Hawaiian Pools, Trilogy Pools
 ICC Evaluation Report Number (ESR-2014)

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 Williams, CA Phone: (930) 473-5319 Fax: (930) 473-5303
 Zephyrhills, FL Phone: (813) 783-7438 Fax: (813) 789-7214

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of 8

TABLE 1- POOLS

POOL	CODE	SIZE WIDTH x LENGTH	DEPTHS		GALLONS APPROX.	SQUARE FEET	PAGE NUMBER	POOL TYPE
			SHALLOW	DEEP				
Aruba	ARU	11' x 22'	3'-6"	5'	5,200	177	Page 4	Type 0
Astoria	FRX	15'-10" x 40'	3'-6"	7'	15,600	548	Page 4	Type 0
Axiom 12	CRUM	12' x 26'	4' x 5'		5,300	214	Page 4	Type 0
Axiom 12 Deluxe	CRUD	12' x 26'	3' x 4'-7"		4,400	209	Page 4	Type 0
Axiom 14	CRUL	14' x 30'	4' x 6'		8,000	297	Page 4	Type 0
Axiom 16	CRUJ	16' x 35'	4'-6", 6'-6"		11,600	395	Page 4	Type 0
Barcelona	BAR	16' x 38'	3'-6", 7'		18,500	518	Page 4	Type 0
Bay Isle	BHBY	14'-6" x 29'-10"	3', 6'-6"		10,000	318	Page 4	Type 0
Bermuda	AL	12' x 26'	3'-6", 5'-6"		7,000	226	Page 4	Type 0
Cambridge	LN	16' x 36'	3'-6", 7'		18,000	451	Page 4	Type 0
Cancun	CC	16' x 35'	3'-6", 6'-6"		14,000	397	Page 4	Type 0
Cancun Deluxe	CCX	16' x 35'	4'-3", 6'-6"		11,500	381	Page 4	Type 0
Cape Cod	CA	14' x 31'	3'-6", 6'		12,000	325	Page 4	Type 0
Caribbean	MR	16' x 40'	3'-6", 6'-6"		17,000	468	Page 4	Type 0
Claremont	V	14' x 33'	3'-7", 5'-4"		11,700	416	Page 4	Type 0
Corinthian 12	RT12	12' x 25'	3'-6", 5'-5"		5,100	254	Page 4	Type 0
Corinthian 14	RT14	14' x 30'	3'-6", 6'		8,200	365	Page 4	Type 0
Corinthian 16	RT16	15'-10" x 40'	3'-6", 7'		15,400	563	Page 4	Type 0
Coronado	BHBI	15' x 34'	3'-6", 6'-6"		13,000	410	Page 5	Type 0
Delray	B	11'-10" x 25'-5"	4'-6"		8,100	264	Page 5	Type 0
Fiji	FJI	15' x 34'	3'-6", 6'		12,000	375	Page 5	Type 0
Fortitude	CRSBL	14' x 30'	3'-6", 6'		11,300	363	Page 5	Type 0
Freeport	FP	12' x 25'-1"	3'-7", 5'-5"		6,000	213	Page 5	Type 0
Gemini	TGEM	16' x 32'-7"	3'-9", 5'-4"		9,000	364	Page 5	Type 0
Genesis	TGEN	16' x 40'-2"	3'-10", 8'-6"		20,000	553	Page 5	Type 1
Gulf Coast	GC	15' 10" x 39'-7"	3'-5", 7'-11"		19,600	506	Page 5	Type 1
Gulf Shore	GS	15'-7" x 34'-8"	3'-7", 5'-10"		15,000	423	Page 5	Type 0
Hellos	THEL	12' x 24'	3'-9", 5'-4"		7,500	264	Page 5	Type 0
Jamaica	LD	9'-10" x 19'-5"	3'-2", 5'		3,750	138	Page 5	Type 0
Java	JV	12' x 26'-9"	3'-6", 5'-5"		6,800	233	Page 5	Type 0
Key West	BFF	12' x 25'-7"	3'-7", 6'		9,000	230	Page 5	Type 0
Kingston	AP	16' x 38'	3'-6", 5'-8"		17,500	555	Page 5	Type 0
Laguna	LG	14' x 30'	3'-6", 6'		10,000	310	Page 5	Type 0
Laguna Deluxe	LGX	14' x 30'	4', 6'		9,000	300	Page 5	Type 0
Lake Shore	CD	16' x 33'	3'-7", 5'-5"		15,000	480	Page 5	Type 0
Milan	CTL	10' x 16'	4'		2,450	135	Page 5	Type 0
Monaco	AT	16' x 40'	3'-8", 8'		21,000	585	Page 5	Type 1
Ocean Breeze	OB	16' x 40'	3'-6", 5'-8"		18,900	585	Page 5	Type 0
Olympia 12	FR12	12' x 26'	3'-6", 5'-8"		7,600	275	Page 6	Type 0
Olympia 14	FR14	14' x 30'	3'-6", 6'		1,120	377	Page 6	Type 0
Olympia 16	FR16	16' x 35'	3'-6", 6'-6"		15,250	510	Page 6	Type 0
Picasso	TPIC	12'-2" x 24'-1"	3'-9", 5'-4"		5,600	213	Page 6	Type 0
Providence 14	SE14	14' x 30'	3'-6", 6'-1"		7,900	371	Page 6	Type 0
Rockport	RP	14' x 30'	3'-7", 5'-11"		12,800	314	Page 6	Type 0
Sirius	CRSBM	12' x 24'	3'-6", 5'-6"		6,700	239	Page 6	Type 0
St. Lucia	CM	12'-3" x 23'-11"	3'-6", 5'		6,000	211	Page 6	Type 0
St. Thomas	L	14' x 31'-6"	3'-7", 7'		13,700	396	Page 6	Type 0
Star gaze 14	RRT14	14' x 35'	3'-6", 6'		10,500	429	Page 6	Type 0
Synergy	TSYN	16' x 40'-2"	3'-10", 6'-3"		18,000	553	Page 6	Type 0
Valencia	ST	14'-4" x 27'-7"	3'-7", 5'-10"		10,000	288	Page 6	Type 0
Vista Isle	BHVI	12' x 28'	3', 6'-10"		8,000	284	Page 6	Type 0

TABLE 2- POOLS

ABOVE GROUND INSTALLATION	
CODES	CODES
ARU	LD
AL	JV
CP	BFF
SP	CRUD
RT12	MTK
B	CTL
CRUM	TPIC
FR12	CRSBM
FP	CM
THEL	BHVI

TABLE 3- SPAS

SPAS	CODE	SIZE WIDTH x LENGTH	DEPTHS		GALLONS APPROX.	SQUARE FEET	PAGE NUMBER
			SHALLOW	DEEP			
Meridian	TMRD	7'-9" x 7'-9"	2'-11"		675	51	Page 7
Mystic	M	9'-8" x 9'-8"	3'-4"		550	64	Page 7
Mystic Spillover	MSW	9'-8" x 10'-6"	3'-4"		550	64	Page 7
Placid	BOS	8'-1" x 8'-1"	3'		475	45	Page 7
Placid Spillover	BOSSW	8'-1" x 8'-11"	3'		475	45	Page 7
Regal	RG	7'-8" x 9'-8"	3'-4"		600	52	Page 7
Regal Spillover	RGSW	8'-6" x 9'-8"	3'-4"		600	52	Page 7
Royal	RY	9'-8" x 7'-8"	3'-4"		600	63	Page 7
Royal Spillover	RYSW	9'-8" x 8'-6"	3'-4"		600	63	Page 7
Shasta	LRS	7' x 7'	3'		420	31	Page 7
Shasta Spillover	LRSSW	7' x 7'-10"	3'		420	31	Page 7
Superior	CS	8'-1" x 12'-1"	3'		700	73	Page 7
Superior Spillover	CSSW	8'-11" x 12'-1"	3'		700	73	Page 7
Tanning Ledges							
Gemini Tanning Ledge	TGEM1	8'-10" x 18'-3"	10"		300	93	Page 7
Genesis/Synergy Side Tanning Ledge	TGEM2	9'-4" x 16'-6"	10"		400	92	Page 7
Hermosa	VFTL	6'-10" x 10'-7"	10"		200	50	Page 7
Large Picasso Tanning Ledge	TPCLT	8'-8" x 15'-10"	10"		300	90	Page 7
Rectangle Tanning Ledge	RTL	7'-8" x 15'-8"	10"		400	105	Page 7
Semicircle	TSCT	8'-4" x 16'	10"		400	92	Page 7

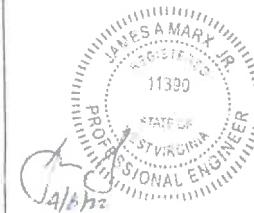
NOTES

Latham Pool Products Inc.
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 Viking Pool, Blue Hawaiian Pools, Trilogy Pools
 ICC Evaluation Report Number (ESR-2014)

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 Zephyrhills, FL Phone: (813) 783-7439 Fax: (813) 783-7214

Reviewed by:
 Columbia Research & Testing
 10140 Starr Road, P.O. Box 903
 Windsor, CA 95492
 Phone 707-495-0420
 IAS and ICC/ES Approved Testing Laboratory

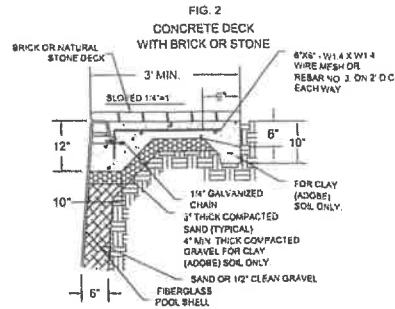
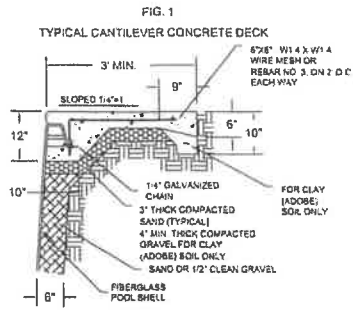
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Length, width and depth may vary up to 5% - all dimensions are to outside edge of coping, measured from parallel lines

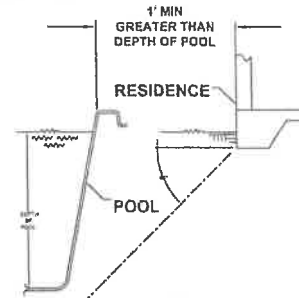


FIG. 6
ANGLE OF REPOSE
(NO INCREASED PRESSURE ON POOL WALLS FROM ADJACENT STRUCTURE)

NOTES

Latham Pool Products Inc.
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 Viking Pool, Blue Hawaiian Pools, Trilogy Pools
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 Zephyrhills, FL Phone: (813) 783-7439 Fax: (813) 783-7214

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FIG. 3
TYPICAL BOND BEAM CONSTRUCTION

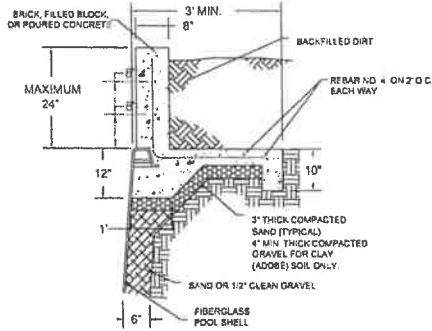


FIG. 5
TYPICAL BOND BEAM WITH SPA

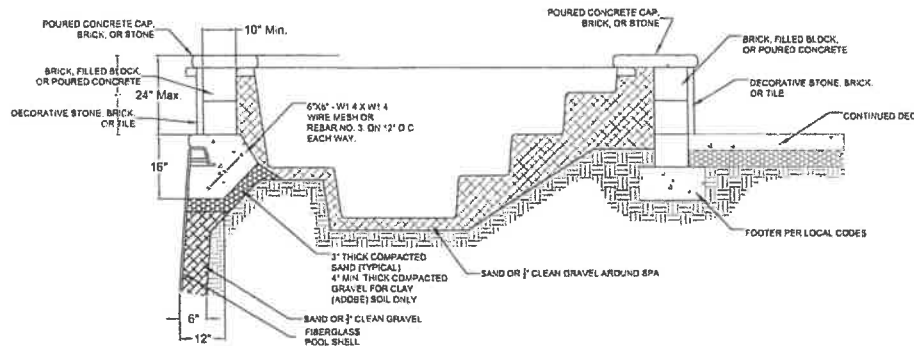


FIG. 4
TYPICAL ABOVE GROUND INSTALLATION
(POOLS 12' WIDE AND UNDER)

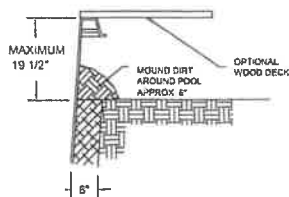


FIG. 6
TYPICAL CANTILEVER CONCRETE DECK
(For rectangle pools up to 12' wide or freestam pools up to 14' wide)
(NOT FOR USE IN EXPANSIVE SOILS)

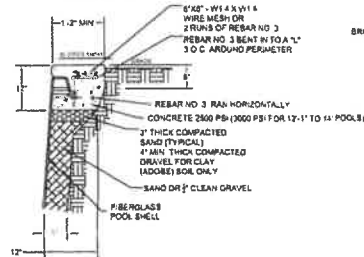
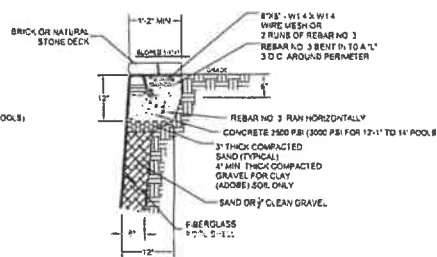
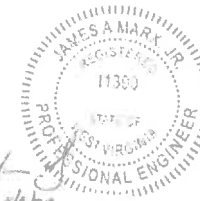


FIG. 7
CONCRETE DECK WITH BRICK OR STONE
(For rectangle pools up to 12' wide or freestam pools up to 14' wide)
(NOT FOR USE IN EXPANSIVE SOILS)

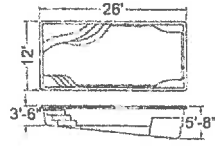


Reviewed by
 Columbia Research & Testing
 10140 Starr Road, P.O. Box 633
 Windsor, CA 95492
 Phone: 107-495-0420
 IAS and ICC/ES Approved Testing Laboratory

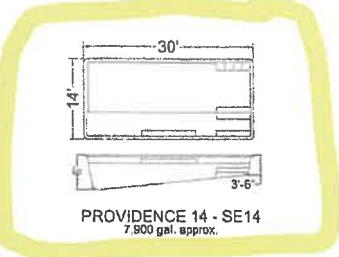
Seal



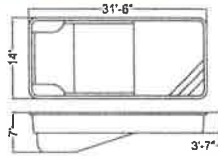
Length, width and depth may vary up to 3% - all dimensions are to outside edge of coping, measured from finished lines.



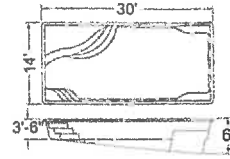
OLYMPIA 12 - FR12
7,600 gal. approx.



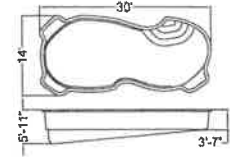
PROVIDENCE 14 - SE14
7,900 gal. approx.



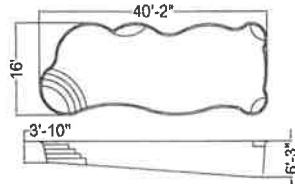
ST. THOMAS - L
13,700 gal. approx.



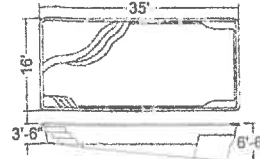
OLYMPIA 14 - FR14
11,200 gal. approx.



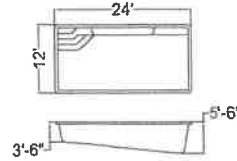
ROCKPORT - RP
12,600 gal. approx.



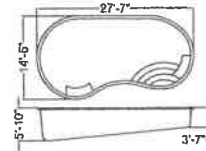
SYNERGY - TSYN
18,000 gal. approx.



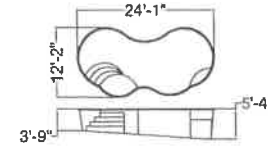
OLYMPIA 16 - FR16
15,250 gal. approx.



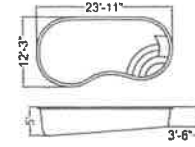
SIRIUS - CRSBM
6,700 gal. approx.



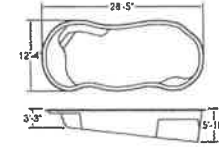
VALENCIA - ST
10,000 gal. approx.



PICASSO - TPIC
10,000 gal. approx.



ST. LUCIA - CM
8,000 gal. approx.



VISTA ISLE - BHVI
8,000 Gal. Approx.

NOTES

Latham Pool Products Inc.
DBA Latham Grand, Latham Select
Viking Pool, Blue Hawaiian Pools, Trilogy Pools
ICC Evaluation Report Number (ESR-2014)

Latham, NY Phone: (800) 833-3800
Jane Lew, WV Phone: (304) 864-6954 Fax: (304) 864-7198
Midland, TX Phone: (432) 561-9933 Fax: (432) 561-9924
Williams, CA Phone: (530) 473-5319 Fax: (530) 473-5393
Zephyrhills, FL Phone: (813) 783-7439 Fax: (813) 783-7214

Reviewed by:

Columbia Research & Testing
10140 Starr Road, P.O. Box 933
Windsor, CA 95492
Phone 707-485-0420
IAS and ICC/ES Approved Testing Laboratory

Seal



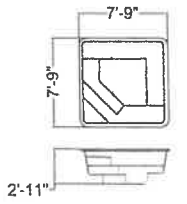
4/28/22

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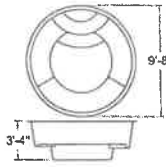
6

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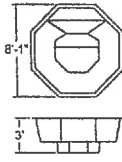
Length, width and depth may vary up to 3% - all dimensions are to outside edge of coping, measured from parallel lines.



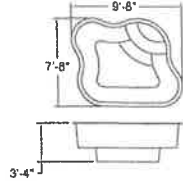
MERIDIAN - TMRD
675 gal. approx.



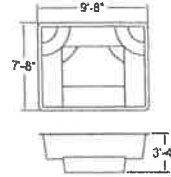
MYSTIC - M
550 Gal. Approx.



PLACID - BOS
475 Gal. Approx.



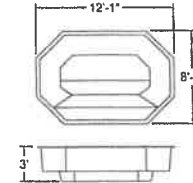
REGAL - RG
600 Gal. Approx.



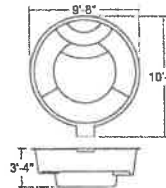
ROYAL - RY
600 Gal. Approx.



SHASTA - LRS
420 Gal. Approx.



SUPERIOR - CS
700 Gal. Approx.



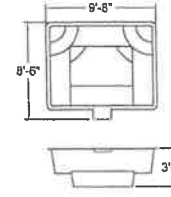
MYSTIC SPILLWAY - MSW
550 Gal. Approx.



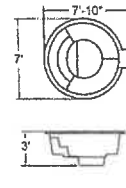
PLACID SPILLWAY - BOSSW
475 Gal. Approx.



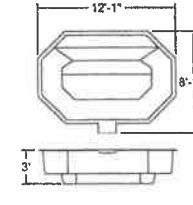
REGAL SPILLWAY - RGSW
600 Gal. Approx.



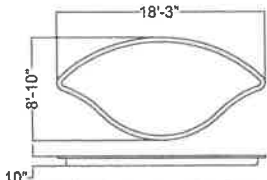
ROYAL SPILLWAY - RSW
600 Gal. Approx.



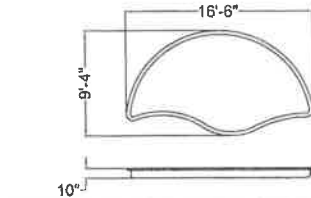
SHASTA SPILLWAY - LRSSW
420 Gal. Approx.



SUPERIOR SPILLWAY - CSSW
700 Gal. Approx.



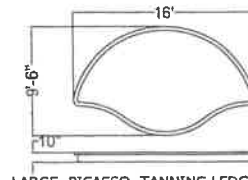
GEMINI TANNING LEDGE - TGEMT
550 gal. approx.



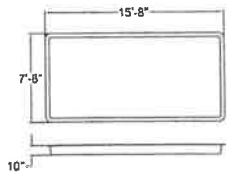
GENESIS/SYNERGY SEMI-CIRCLE TANNING LEDGE - TGENT
575 gal. approx.



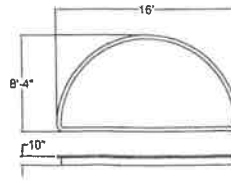
HERMOSA - VFLL
200 Gal. Approx



LARGE PICASSO TANNING LEDGE - TPCLT
560 gal. approx.



RECTANGLE TANNING LEDGE - RTL
400 Gal. Approx.



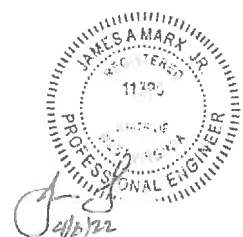
SEMI CIRCLE TANNING LEDGE - TSCT
400 Gal. Approx.

NOTES

Latham Pool Products Inc.
DBA Latham Grand, Latham Select
Viking Pool, Blue Hawaiian Pools, Trilogy Pools
ICC Evaluation Report Number (ESR-2014)

Latham, NY Phone: (800) 833-3900
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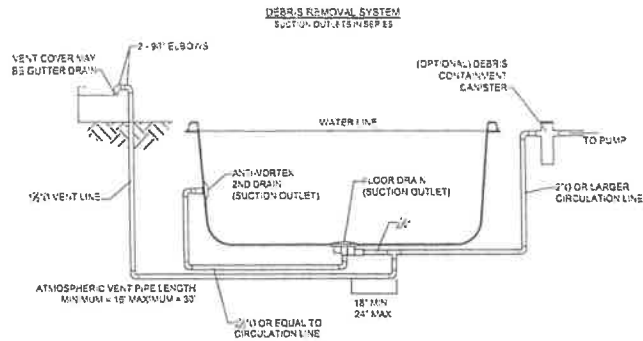
Reviewed by:
Columbia Research & Testing
10140 Star Road, P.O. Box 833
Windsor, CA 95492
Phone 707-495-0420
IAS and ICC/ES Approved Testing Laboratory



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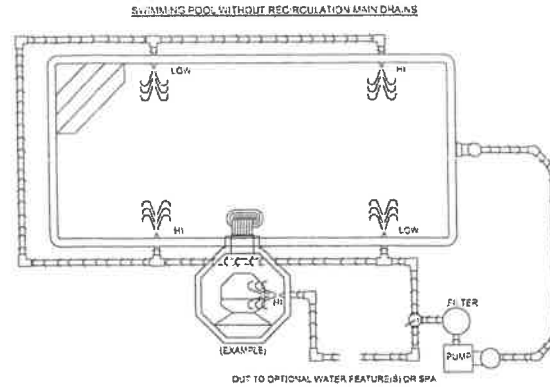
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GENERAL NOTES

- 1 THE DEBRIS REMOVAL SYSTEM IS TO BE INSTALLED IN ACCORDANCE WITH DRAIN MANUFACTURER'S RECOMMENDATIONS
- 2 CONTRACTOR TO INSTALL VACUUM RELEASE BACKUP SYSTEM
- 3 ALL PIPING TO BE SCHEDULE 40 PUC BEARING NSF APPROVAL UNLESS OTHERWISE NOTED
- 4 THE FLOOR DRAIN MEETS THE REQUIREMENTS OF ANSI/ASME A112.18.2 (2007) AND DRAIN COVERS MEET THE REQUIREMENTS OF ANSI/ASME A112.18.2 (2007) FOR ANTI-HAIR AND BODY ENTRAPMENT AND ANSI/APSP/ICC-7-2013 STANDARD
- 5 THIS DRAWING WILL SUPPLEMENT CONTRACTOR'S SPECIFICATION DRAWING ON FILE FOR METHODS AND MATERIALS OF CONSTRUCTION. REFER TO CONTRACTOR'S ENGINEERED AND SEALED SPECIFICATION DRAWING ON FILE WITH THE BUILDING DEPARTMENT
- 6 ATTACH PLACARD WHICH STATES THAT VENT IS A SWIMMING POOL SAFETY DEVICE AND SHOULD NOT BE TAMPERED WITH
- 7 THE MAXIMUM VACUUM WITH ONE SUMP PLUGGED AND TO RELEASE A BODY ENTRAPMENT ON THE OTHER SUMP WILL NOT EXCEED 4.5 INCHES OF MERCURY IN 3 SECONDS
- 8 MAXIMUM SUCTION PIPE VELOCITY SIX (6) FPS OR 50 GPM
- 9 AN APPROVED VACUUM RELEASE SYSTEM SUCH AS THE VAC-ALERT SVRS SYSTEM IS AN ALTERNATIVE TO THE OTHER SYSTEMS SHOWN

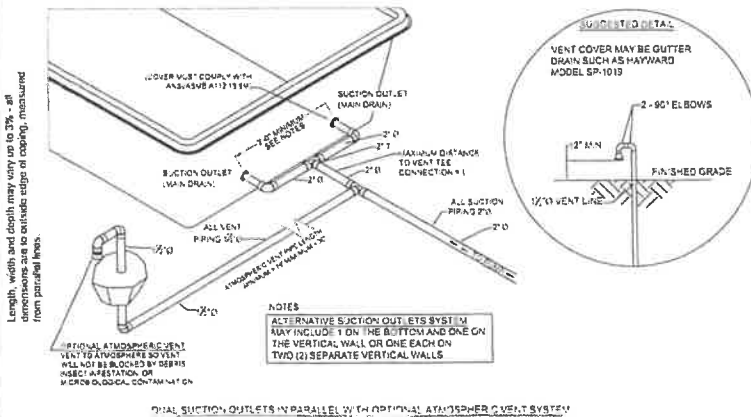


STANDARD NOTES

- 1 USE 2" SCHEDULE 40 PUC
- 2 DO NOT USE 90 DEGREE ELBOWS ON SUCTION SIDE
- 3 CHECK VALVES MAY BE NEEDED IF EQUIPMENT IS MORE THAN 10' ABOVE WATER LINE
- 4 KEEP VALVES WITHIN 5' OF THE PUMP AND ON FL. OR

LEGEND

- FIBER OPTIC LIGHT
- SKIMMER
- RETURN
- SHALLOW
- T JOINT
- 3" MAIN DRAIN
- 3-WAY VALVE
- PLUMBING



Length, width and depth may vary up to 3% - all dimensions are to estimate edge of coping, measured from parallel lines.

NOTES
ALTERNATIVE SUCTION OUTLETS SYSTEM MAY INCLUDE 1 ON THE BUTTEN AND ONE ON THE VERTICAL WALL OR ONE EACH ON TWO (2) SEPARATE VERTICAL WALLS

OPTIONAL SUCTION OUTLETS IN PARALLEL WITH OPTIONAL ATMOSPHERIC VENT SYSTEM

NOTES

Latham Pool Products Inc.
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Viking Pool, Blue Hawaiian Pools, Trilogy Pools
ICC Evaluation Report Number (ESR-2014)

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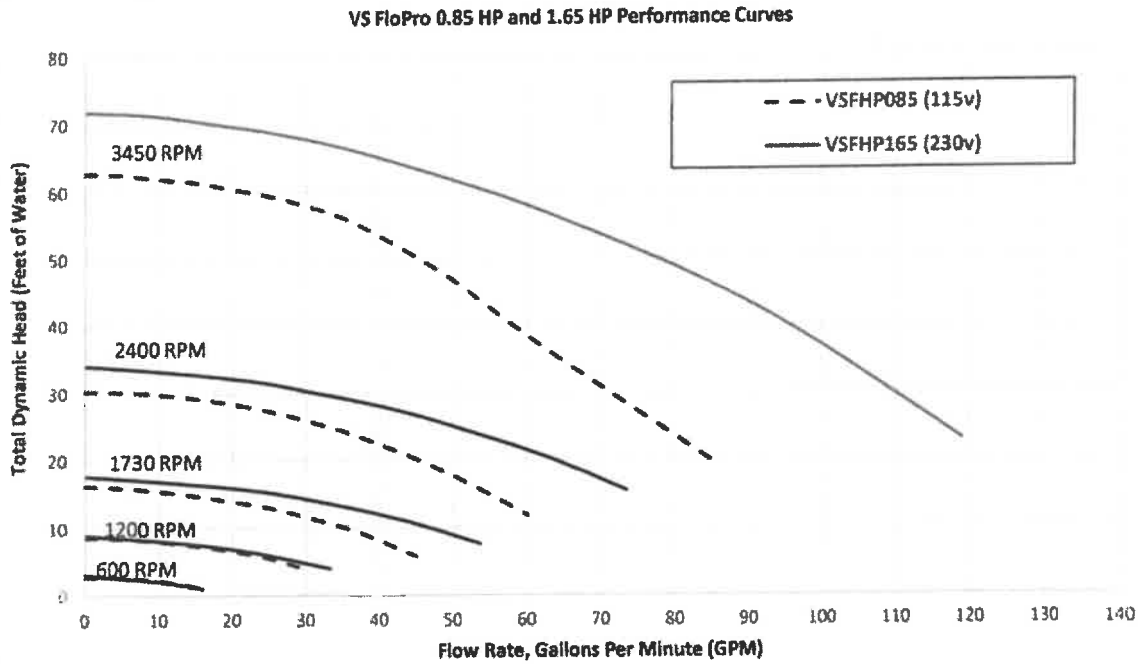
JAMES A MARY JR.
REG. STATE OF FLORIDA
11120
1900 W
PROFESSIONAL ENGINEER

Page

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of 8

7.3 Performance Curves



~7,900 gal Pool = 1.82 hrs @ 72 gpm exchange

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JEFFERSON COUNTY
ENGINEERING, PLANNING AND ZONING



Width: 14'

Length: 30'



Depth: 3'-6" to 6'-1"





Coverstar System Warranty

CoverSafe, Inc. is the designated distributor of Coverstar automatic pool cover products for the Northeastern U.S. and is responsible for responding to all warranty claims on behalf of Coverstar, LLC.

NON-TRANSFERABLE LIMITED WARRANTY ON MECHANISM:

Eclipse System, CS300HD Spa: Limited twenty year warranty.
CS3000, Atom Low Offset, Infinity 4000: Limited ten year warranty.

Coverstar warrants the Coverstar pool cover mechanism to perform the function of covering and uncovering a pool for twenty years from the date of shipment. The mechanism includes all mechanical parts on the reel mechanism except for rope pulleys, guide feeds and sliders that are considered consumed through use. Extrusions of the cover system, electrical components including key switches, water feature controls etc, hydraulic motors and power pack are warranted for three years. Coverstar electric motors are warranted for five years against factory defects and water damage. A recessed system must have adequate drainage and drainage from the housing must be maintained by the pool owner. Failure to maintain drainage will void the mechanism warranty. CoverSafe, Inc. will repair or replace failures in components free of charge for parts and labor at its factory.

WHAT IS NOT COVERED: This limited warranty does not cover conditions caused by abuse, neglect, abnormal wear and tear, electrolysis, or improper operation or installation, including your failure to comply with printed instructions or the operational video furnished with the cover system. Unreasonable use or failure to provide reasonable and necessary maintenance of the pool chemistry, fabric, rope, operating mechanism, and extrusions of the cover systems or defects arising from an improper installation are not covered. Hydraulic units will not be covered if there is fluid in the contactors or damage caused by over filling the fluid tank. Contamination found in the hoses, tank, or valves will void the warranty. Hydraulic hoses are not covered by the warranty. Shipping expense to and from the Coverstar authorized service center is the responsibility of the cover owner. The cover pump is not covered by Coverstar, but is warranted by the pump manufacturer according to its own warranty. All pump repairs are performed at an authorized service center listed in the pump instruction set. CoverSafe, Inc. is not an authorized pump repair or service center. This limited mechanism warranty is non-transferable. This limited warranty will be void unless the purchase price of the cover or system is paid for in full, prior to delivery to Coverstar, of the warranty notice. Coverstar shall not be responsible for any representations, whether express or implied, made by its employees, agents, representatives, distributors, contractors or other similar persons that conflict with the terms of this limited warranty unless such representations are contained in writing signed by the president of Coverstar. In no event shall Coverstar's waiver of any of the terms and conditions hereunder be deemed a continuing waiver or constitute a waiver, whether express or implied, of any of the remaining terms and conditions hereof. The above warranties do not apply to: (i) conditions resulting from a

defect in a component part that is not a part of the Coverstar pool cover system; (ii) normal fading and deterioration of surfaces resulting from exposure to the elements except conditions that affect ASTM F1346-91 safety performance; (iii) damage resulting from acts of God or events beyond the control of Coverstar including, but not limited to, earthquake, flood, high wind, tornadoes, fire, hail, lightning, power surges etc., or (iv) systems in which any non-Coverstar parts have been used as part of the system or repair work done by non-authorized service personnel.

LIMITED SEVEN YEAR ULTRAGARD III™ WARRANTY: The sole and exclusive remedy, with respect to any failure of the UltraGard III™ fabric covered by this warranty is as follows: For thirty-six months from the date of manufacture, Coverstar will repair or replace an UltraGard III™ fabric or heat sealed webbing that fails to meet ASTM F1346-91 safety standards without charge for materials or factory labor. During the thirty-seventh through the eighty-fourth months of the limited warranty period, the cost of factory repair or replacement will be prorated 1/84 per month for each month of the warranty period from the date of shipment from Coverstar. Labor to remove or replace a cover is not covered under this warranty. Shipping expenses to and from the service center are the responsibility of the cover owner.

WHAT IS NOT COVERED: This warranty does not cover deterioration caused by improper chemical balance in the pool water, damage by animals, abuse, abrasion, neglect, puncture, exposure to damaging chemicals, or abnormal wear and tear. Cosmetic or physical changes to the pool cover including, but not limited to, fading, discoloration, deterioration, pin holing, plastic loss, or stiffening resulting from exposure to the pool environment is not covered unless it has caused the cover to fail to meet ASTM F1346-91 safety standards. Powerflex™ rope is covered for breakage for a period of two years. Otherwise, broken ropes are only covered if it is determined that they had a manufacturing defect. Claims for repair to the pool, equipment, decks, water, or any surrounding material through installation or use of the cover system are excluded. Damage to a cover that is the result of an act of God or events or conditions not within the control of Coverstar Inc. including, but not limited to: damage caused by earthquake, flood, tornado, hail, high wind, falling objects, etc., improper installation, improper operation, or failure to provide care and maintenance in accordance with Coverstar's owner's manual or video instructions is not covered. This limited warranty will be void unless the purchase price of the cover or system is paid for in full, prior to delivery to Coverstar of the warranty notice. Coverstar shall not be responsible for any representations, whether express or implied, made by its employees, agents, representatives, distributors, contractors or other similar persons that conflict with the terms of this limited warranty unless such representations are contained in writing signed by the president of Coverstar. In no event shall Coverstar's waiver of any of the terms and conditions hereunder be deemed a continuing waiver or constitute a waiver, whether express or implied, of any of the remaining terms and conditions hereof. Additional limitations may apply, visit our website's warranty information page at Coversafe.com/support/warranty/

Parts	Warranty Period	Warranted by
Mechanism: All Mechanical parts of the drive system except rope pulleys, guide feeds and sliders. These parts are considered consumed through use.	- Eclipse System, CS300HD Spa: 20 years* - CS3000, Atom Low Offset, Infinity 4000: 10 years* <small>*Non-transferable Limited Warranty</small>	Coverstar, LLC
Extrusions: Guides, leading edge tube, lids, roll up tube.	3 years	Coverstar, LLC
Electrical Components: Motor, keyswitch, hydraulic power pack, feature controls.	- Motor: 5 years - All other components: 3 years	Coverstar, LLC
Fabric: Cover material, heat sealed webbing.	7 years* <small>*First 36 months includes full repair or replacement. After 36 months it is pro-rated from the 1st to the 72nd month.</small>	Coverstar, LLC
Cover Pump: Little Giant	3 years	Coverstar, LLC
Labor:	1 year from date of installation of a full cover system or replacement fabric.	CoverSafe, Inc.

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JUN 21 2022

JEFFERSON COUNTY

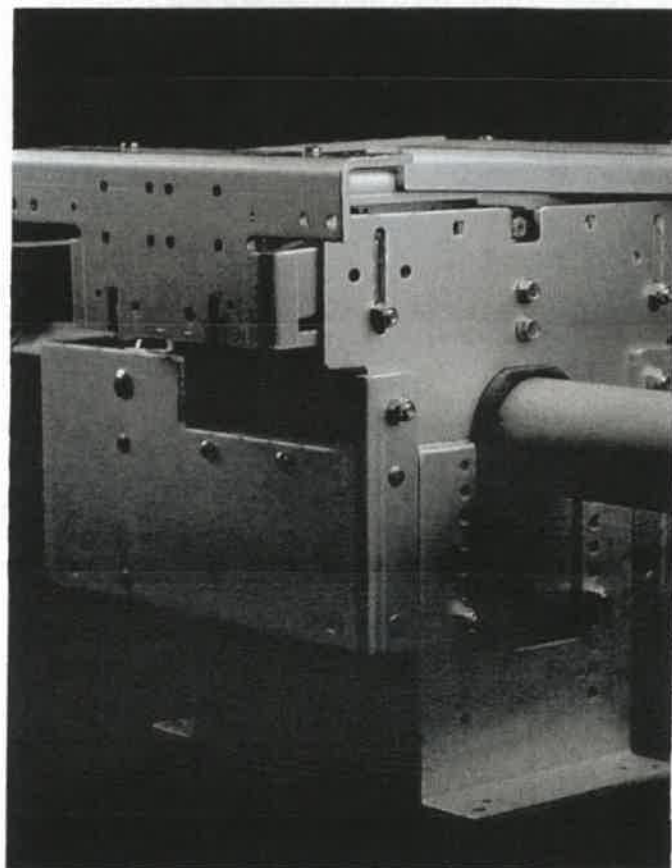
Register your warranty online at Coversafe.com/support/warranty

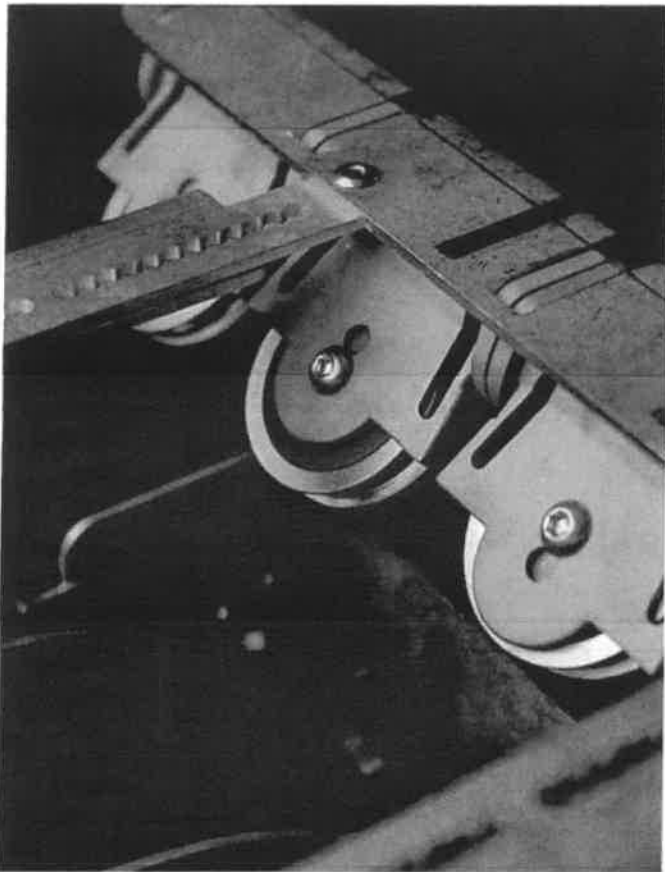


WHY COVERSTAR

Reliable Mechanism

Ultra strong stainless steel components make Coverstar the most durable and reliable automatic safety cover on the market. Nothing stands up better in the harsh, corrosive pool environment. That's why Coverstar mechanism warranties are among the best in the industry.





WHY COVERSTAR

Rope Pulleys

High quality rope pulleys are crucial to overall cover system performance. That's why Coverstar uses special custom-designed and field-tested rope pulleys that provide maximum reliability in the pool environment.

WHY COVERSTAR

Wireless Touch Pad

Ideal when a second control switch is needed in an area where conduit and wires can't be run. The wireless touch pad must be mounted in a location where the pool is in full view.





WHY COVERSTAR

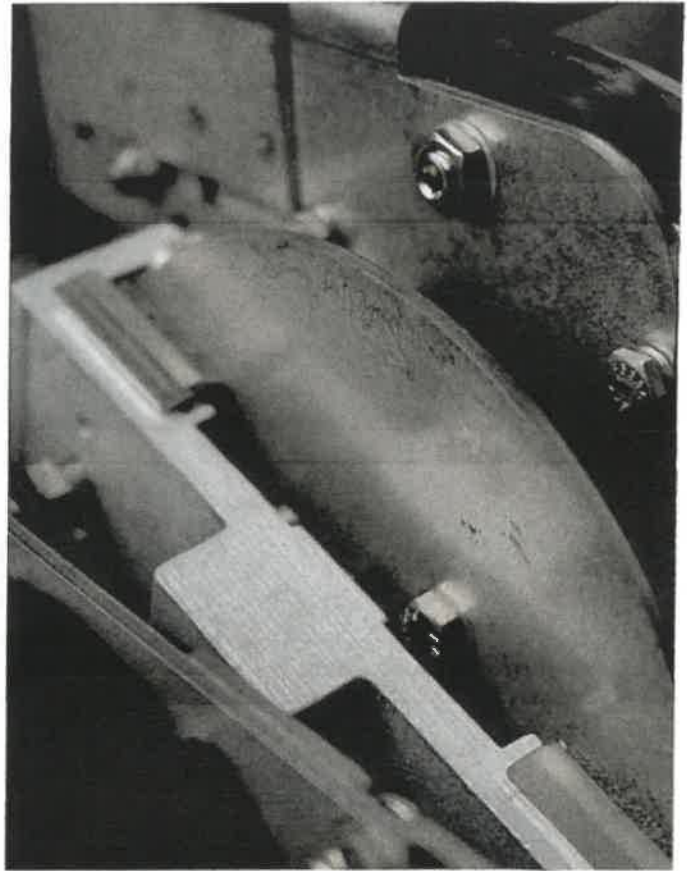
Sealed Motor

The motor's hardened stainless steel shaft and oil bathed gears eliminate motor problems. It is sealed against water by the original motor manufacturer. The motor can operate even when completely submerged if the housing is temporarily flooded. Other, less reliable means of motor protection could mean an expensive motor repair.

WHY COVERSTAR

Adjustable Torque Limiter

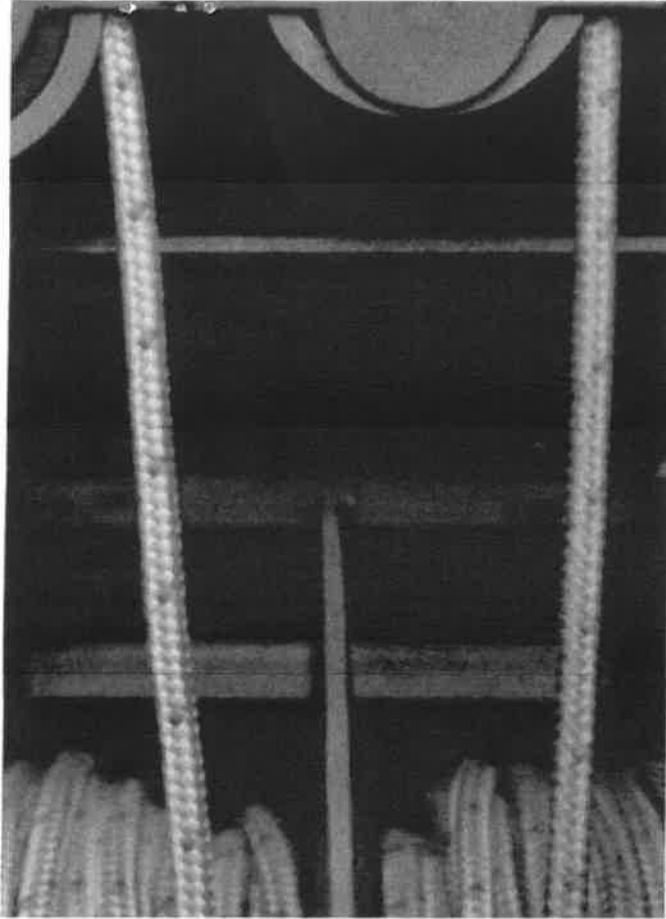
A mechanical torque limiter protects the motorized mechanism from too much stress. Other automatic covers often use an electronic torque limiter that can fail in the harsh pool environment.



WHY COVERSTAR

High Tech PowerFlex Ropes

ropes

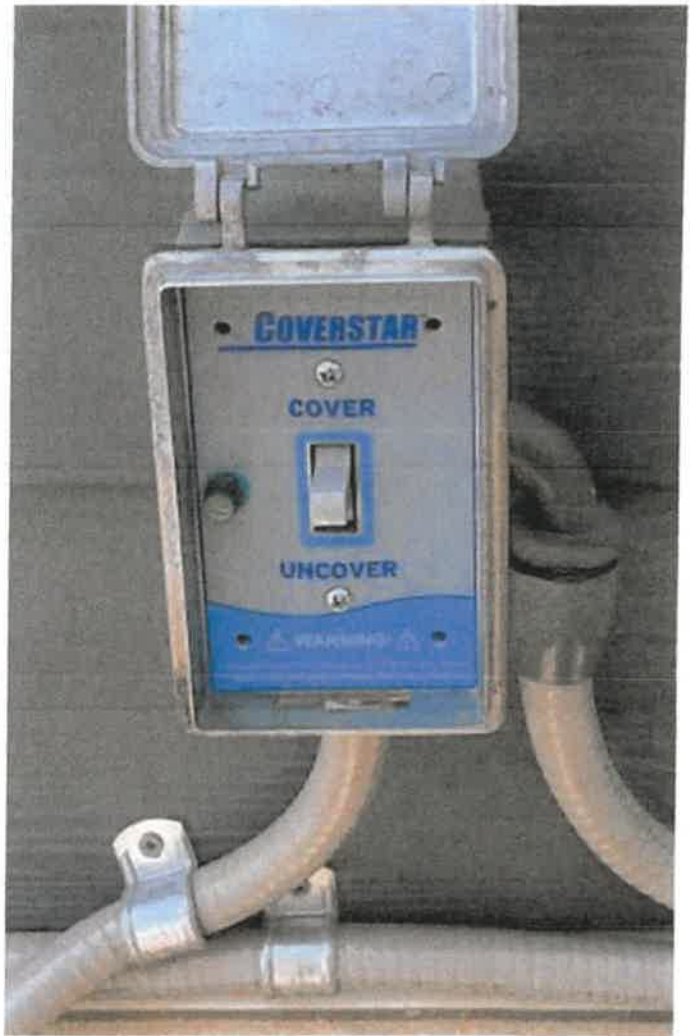


PowerFlex Rope behaves like a shock absorber that allows it to be more forgiving and self-adjusting during operation. It also resists distortion that is common with autocover ropes, making it easier to install and operate with fewer adjustments. PowerFlex ropes comes with an industry leading 2 year no break warranty.

WHY COVERSTAR

Keyed Safety Switch

The weather-proof toggle switch locks for secured access. In less than a minute your pool is opened or closed.



Planning Department

From: Planning Department
Sent: Wednesday, April 19, 2023 4:47 PM
To: 'Barbara Durant'
Cc: Chuck Brightman
Subject: RE: Variance 23-13-ZV

Good afternoon,

This email is to confirm receipt of your written comments, which will be included in the Board's April 27, 2023 packet. The final packet will be posted to the [County's webpage](#) no later than Friday, April 21, 2023.

Thank you and have a nice day.

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

From: Barbara Durant <bdurant@live.com>
Sent: Wednesday, April 19, 2023 11:27 AM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Cc: Chuck Brightman <sbright27@msn.com>
Subject: Re: Variance 23-13-ZV

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

Greetings Planning Department,

Thank you for the information you provided today. We recently bought the house on [685 Wrens View Lane](#) and are so excited about living there! We purchased the property specifically to enjoy the beautiful views of West Virginia in our retirement. Thus, we are very much against the proposed fence, as our front view will entirely face it. Our views are immersed in nature and a fence would sadly destroy that. Had the fence been present at the time of the sale of the house, we probably wouldn't have purchased it.

Further, it's very sad and troubling that anyone would want (or need) to erect a fence due to neighbor disputes. We have since noticed the video camera and find it to be an invasion of privacy in such a beautiful and natural setting. Are video cameras legal that face private property? Is there any possibility of mediation?

I'd like to attend the meeting but if Zoom is available it would really help.

Thank You,
Barbara Durant
Sam Brightman

Sent from my iPhone



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
April 27, 2023 Board of Zoning Appeals Meeting

Date of Memo: April 21, 2023

- 1) The next regular meeting is scheduled for **May 25, 2023**
 - Deadline for submission is Monday, May 1, 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
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April 2023
Zoning Certificate Activity Report

File #	23-14-ZC
Request:	Country House on the Shenandoah River- Short Term Rental
Property Owner:	Songyee and Jefferson Yarborough
Parcel Information:	33 Bedford Ct., Harpers Ferry, WV 25425 Parcel ID: 06009E00230000; Size: 1.38 ac; Zoning District: Rural; Deed Book: 1256, Page: 724
Date of Issuance:	03/20/2023
File #	23-17-ZC
Request:	Colonial Estate: Short Term Rental
Property Owner:	K5 Investments, Inc. / Attn: Keith and Kelly La Gala
Parcel Information:	350 Bakerton Road, Harpers Ferry, WV 25425 Parcel ID: 04000700060000; Size: 13.4 ac; Zoning District: Residential Growth; Deed Book: 1271 @ Page: 250
Date of Issuance:	04/14/2023
File #	23-18-ZC
Request:	Accessory Dwelling Unit – Detached In-Law Suite
Property Owner:	Jefferson Utilities, Inc.
Applicant:	MasTec Network Solutions / Attn: Joshua Schakola
Parcel Information:	Parcel ID: 02004E0WTT0000; Size: .38 acres; Zoning District: Rural; Deed Book: 868; Page: 336; Plat of Survey in Deed Book: 866; Page: 70 Site Plan Files: #S97-07 (water tank) and #S11-03 (telecommunications)
Date of Issuance:	03/30/2023
File #	23-20-ZC
Request:	Colonial Estate: Short Term Rental
Property Owner:	Joseph and Shelby Herbert
Parcel Information:	1122 Duncan Road, Harpers Ferry, WV 25425 Parcel ID: 09001100100000; Size: 5.92 acres; Zoning District: Rural; Deed Book: 1261; Page: 356
Date of Issuance:	04/14/2023
