



**Jefferson County**  
**Board of Zoning Appeals Agenda**  
**Thursday, July 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

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

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

**ZOOM Meeting Information:** Meeting ID: 840 2003 6221  
Meeting Link: <https://us02web.zoom.us/j/84020036221>  
Phone Option (Dial by Location): 301-715-8592  
Find your local number: <https://us02web.zoom.us/u/kuHlcoDFK>

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

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

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**Approval of Minutes: June 22, 2023**

**Public Hearing – Administer Oath**

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

**Request:** Variance request from Section 9.7 to reduce the rear setback from 50' to 5' along the western property line for an above ground pool.  
**Owner:** Leon and Andrew Upwright  
**Applicant:** Cheryl Middleton  
**Parcel Info:** 2253 S Childs Rd, Kearneysville, WV 25430  
Parcel ID: 07002100030001; Size: 2.23 ac; Zoning District: Rural

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**ITEM #2 FILE #: 23-6-CUP and 23-22-ZV**

**Request 1:** Request for a Conditional Use Permit to operate as a Contractor with Outdoor Storage, as defined in Article 2 of the Zoning Ordinance (Project Name: "Tree Nexus"). The proposal consists of parking employee vehicles and storing company vehicles and equipment related to a tree service business. No signs are proposed as part of the operation. No customers will visit the property (File #23-6-CUP)

**Request 2:** Variance request to from Appendix B, Sections 4.6 and 4.11 to eliminate the non-residential site development standards required for a tree service business (Tree Nexus). The request includes a reduction of the 25' commercial setback down to 0' along the interior property line; reduction of the 75' distance requirement to 25' along the western property line; and to eliminate the requirement to install a landscape buffer along the perimeter of the property and the interior property line. (File #23-22-ZV).

**Owner:** Carl Epstein / **Applicant:** Tree Nexus  
**Parcel Info:** Vacant Parcels; Section 7, Lots 713 & 714 of Riverside Subdivision, Marcum Ln, Harpers Ferry  
Parcel ID: 06002600980000 & 06002600990000; Combined Size: 2.39 ac;  
Zoning District: Rural

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**ITEM #3 FILE #: 23-7-CUP**

**Request:** Request for a Conditional Use Permit to operate a homebased federal firearms business, to include limited gunsmithing from an existing dwelling unit (proposed land use as listed in Appendix C: Custom Manufacturing). The business is primarily internet based. No employees other than the residents of the property. Business hours are by appointment only, with limited customer visits (approximately two per month). No signs are proposed.

**Owner:** Ryan Uhrich

**Applicant:** BRNDL Custom Works, LLC / Attn: Ryan Uhrich

**Parcel Info:** 412 Revenoor Rd, Harpers Ferry, WV 25425

Parcel ID: 06006K00260000; Size: .52 ac; Zoning District: Rural

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**ITEM #4 FILE #: 23-23-ZV**

**Request:** Variance from Section 4.12B to increase the maximum impervious surface limit from 50% to 60% for the proposed Canter Hollow Apartment complex (fka Miller Station Apartments).

**Owner:** Cantor Hollow, LLC

**Applicant:** Keane Enterprises

**Parcel Info:** Vacant lots located on Captain Chews Trace, Charles Town, WV

Parcel ID: Tax District: Charles Town (02); Tax Map: 8C; Parcels: 1 – 8.

Size: 10 acres (combined); Zoning District: Residential-Light Industrial-Commercial

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**Zoning Administrator Report**

- a. Monthly Zoning Certificate Activity Report

**Discussion regarding the continuation of hybrid meeting options (TQ)**

**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: June 22, 2023**

- 1. Variance from Section 9.7. Owner: Lori and Mario DiGiambattista. File: 23-19-ZV

**DRAFT Minutes**

**Jefferson County Board of Zoning Appeals**

- 1 Meeting Date: June 22, 2023
- 2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
- 3 in-person in the County Commission Meeting Room located in the
- 4 lower level of the Charles Town Library and virtually via ZOOM.
- 5 Board Members Present: Tyler Quynn, Chair; Matthew McKinney, Vice Chair; Steve Guier,
- 6 Secretary; and Mikala Shremshock, Alternate were present in person.
- 7 Mr. Dave Wiegand was present via ZOOM.
- 8 Board Members Absent: Jacob Harris
- 9 Staff Members Present: Alexandra Beaulieu, Deputy Director and Zoning Administrator;
- 10 Steve Groh, Assistant Prosecuting Attorney

11 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.  
12 Mr. Guier moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which  
13 carried unanimously.

**14 Approval of Minutes: May 25, 2023**

15 Mr. McKinney moved to approve the minutes as presented. Mr. Quynn called for a vote, which  
16 carried unanimously.

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

**18 ITEM #1 FILE #: 23-19-ZV**

- 19 Request: Variance request from Section 9.7 to reduce the side setback from 6' to 4' along
- 20 the northern property line for a 14' x 32' detached garage.
- 21 Owner: Lori and Mario DiGiambattista
- 22 Parcel Info: Avon Bend Subdivision, Section 23H, Lot 2359
- 23 974 Avon Bend Rd, Charles Town, WV
- 24 Parcel ID: 06009G00250000; Size: .76 ac; Zoning District: Rural

25 Mr. Mario DiGiambattista and Ms. Lori DiGiambattista, property owners, were present to address  
26 the Board. Ms. Beaulieu provided an overview of her staff report. Ms. Beaulieu suggested that a  
27 possible condition of approval be that no business could be operated from the structure without  
28 review from the Board.

29 Mr. DiGiambattista explained the nature of the request to the Board noting that only a portion of the  
30 proposed structure would be encroaching into the setback. Mr. DiGiambattista stated that the  
31 subject location was selected because it is a generally flat area and close to the home and out of the  
32 septic reserve area.

33 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn  
34 closed the public hearing.

35 Mr. Guier moved to approve zoning variance request #23-19-ZV with the condition that the  
36 applicants are bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

**37 Zoning Administrator Report**

38 a. Monthly Zoning Certificate Activity Report.

39 The Report was included in the mailed packet.

40 Ms. Beaulieu noted the next meeting date was July 27, 2023.

**41 Legal Update**

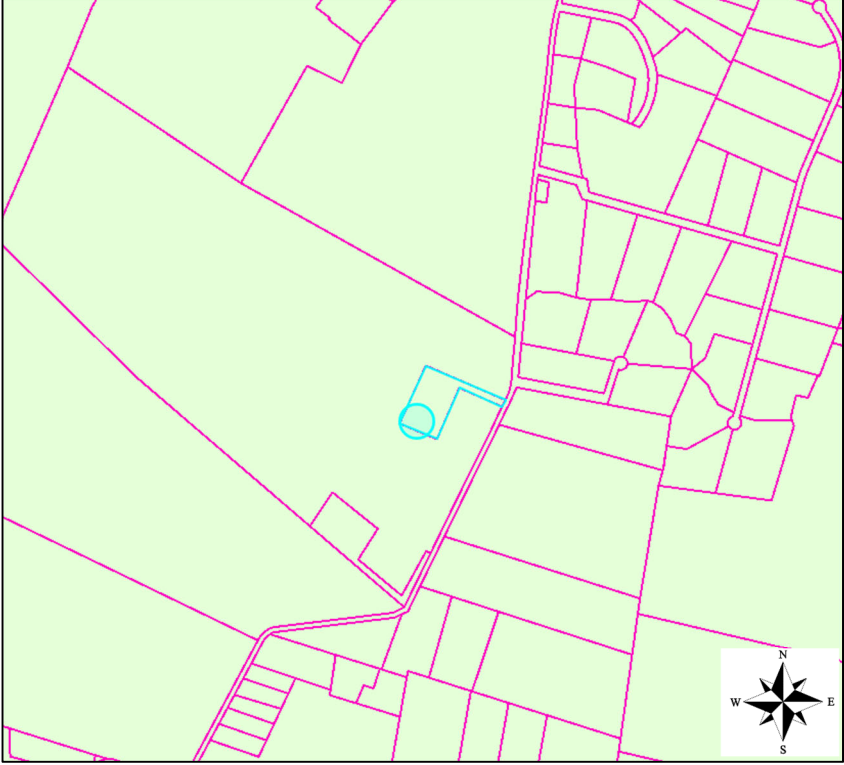
- 1 a. Discussion of the following pending lawsuits. Mr. Groh stated that he would forward a  
2 recent appeal that was filed with Intermediate Court.
- 3 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy  
4 Facilities) Rockwell v. JCPC, JCBZA and JCCC
- 5 2. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy  
6 Facility / File 22-9-CUP) Rockwell v. JCBZA
- 7 b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

8 **Meeting: May 25, 2023**

- 9 1. Request for a Conditional Use Permit to operate a Special Event Facility (Project  
10 Name: Colonial Estate). Applicant: Potomac Adventure, LLC / Attn: Cathy Gray.  
11 File: 23-3-CUP.
- 12 2. Variance from Appendix A. Applicant: TriState Investments / Attn: Chris Hill.  
13 File: 23-16-ZV.
- 14 3. Variance from Section 5.7B. Property Owner: Jason Duncan. File: 23-17-ZV.
- 15 4. Variance from Appendix A. Owner: David Brown & Michelle Mitchell-Brown.  
16 File: 23-18-ZV
- 17 5. Request for a Conditional Use Permit to operate a Commercial Storage Facility.  
18 Property Owner: Valley Storage Shepherdstown / Attn: Todd Snook. File: 23-5-CUP.
- 19 Mr. Quynn was provided a copy of the draft Findings for review.
- 20 Mr. Wiegand moved to adjourn the meeting at 2:18 pm. Mr. Quynn called for a vote, which carried  
21 unanimously.

Staff Report  
 Jefferson County Board of Zoning Appeals  
 July 27, 2023  
**23-21-ZV Upright (Pool Setback) Variance Request**

Item #1 Variance from Section 9.7 to reduce the rear setback from 50’ to 14’ along the western property line for a proposed above ground pool.

Owner:	Leon and Andrew Upright
Applicant:	Cheryl Middleton
Parcel Information and Zoning District:	<p style="text-align: center;">2253 S Childs Rd, Kearneysville, WV          Parcel ID: 07002100030001; Size: 2.23 ac; Zoning District: Rural</p> 
History:	05/20/75: Grantham MSD recorded in <a href="#">Deed Book 389 @ Page 753</a>
Waivers/Variations:	None
Approved Activity:	Single Family Dwelling
Site Visit Conducted:	No.

**Staff Overview**

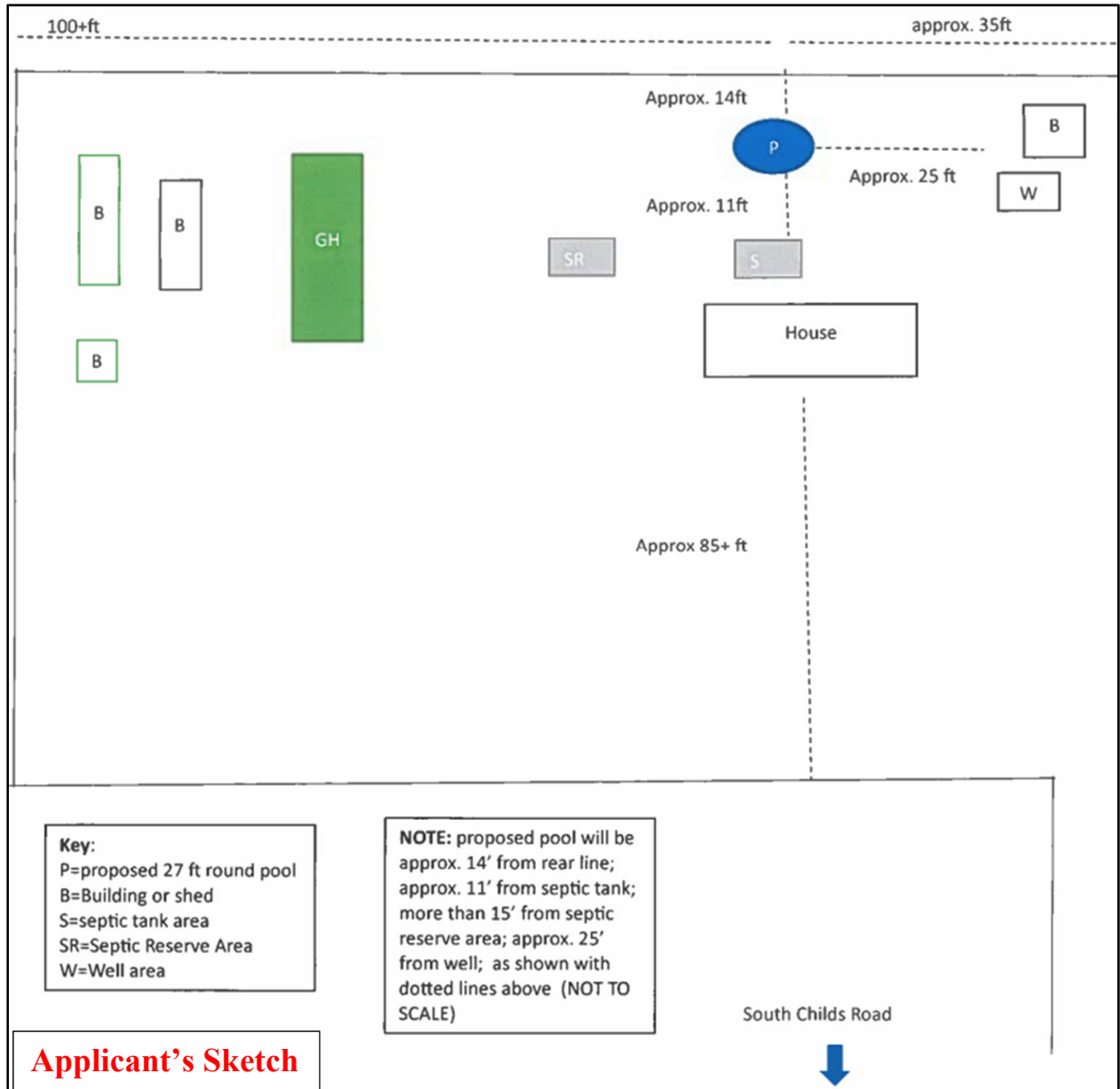
The subject parcel was created in 1975, prior to the adoption of zoning. As such, the setbacks are pursuant to the provisions of Section 9.7 of the Zoning Ordinance as follows: 40’ Front; 15’ Side; and **50’ Rear**. The applicant represented that the edge of the above ground pool will be 14’ from the subject property line and that they intend to construct a deck around the pool in the future, which may necessitate a separate variance.

The purpose of a rear 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.

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

**23-21-ZV Upright (Pool Setback) Variance Request**

The subject property line adjoins a 96.85 acre parcel. The applicant has provided a letter of support from the adjoining property owners, William and Kerry Grantham. The subject location was selected to accommodate existing structures on the property and to keep within reasonable proximity to the house while staying outside of the septic reserve area.



Staff Report  
Jefferson County Board of Zoning Appeals  
July 27, 2023  
**23-21-ZV Upright (Pool Setback) Variance Request**



Property Lines Are Not Accurate



Pursuant to [WV Code Chapter §8A-7-11](#) and Article 2 of the [Jefferson County Zoning Ordinance](#), a variance is defined as “...a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve change the zoning classifications of a parcel of land.”

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 6, Section 6.2 of the [Zoning Ordinance](#), the Board shall consider the following criteria and shall grant a variance if it finds that the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

Staff Report  
Jefferson County Board of Zoning Appeals  
July 27, 2023  
**23-21-ZV Upright (Pool Setback) Variance Request**

**Conditions of Approval**

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

1. No conditions of approval were identified.

**Section of Ordinance to be Considered:**

**Section 9.7 Other Exceptions<sup>3</sup>**

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:<sup>23</sup>

Residential Growth District<sup>23</sup>

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: 23-21-ZV  
 Staff Initials: AB  
 Meeting Date: 07-27-23  
 Fees Paid (\$100 or \$150): chk#5064  
\$100

Email: [zoning@jeffersoncountywv.org](mailto: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: Leon Upwright and Andrew Upwright  
 Mailing Address: 2253 S Childs Road, Kearneysville, WV 25430  
 Phone Number: 3048395325 Email: aupwri02@yahoo.com

**Applicant Contact Information**

Name: Cheryl Middleton  
 Mailing Address: 2253 S Childs Road, Kearneysville, WV 25430  
 Phone Number: 3042799369 Email: cmiddl01@yahoo.com \* send receipt

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

Name: N/A  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: 2253 S Childs Road  
 City: Kearneysville State: WV Zip Code: 25430  
 Tax District: 07 Map No: 21 Parcel No: 0003 0001 0000  
 Parcel Size: 2 1/5 Deed Book: 1158 Page No: 323

**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"/>	
<div style="border: 2px solid blue; padding: 10px; width: fit-content;"> <p align="center"><b>RECEIVED</b>  <b>JUNE 21, 2023</b>          JEFFERSON COUNTY, WV          DEPARTMENT OF ENGINEERING,          PLANNING, &amp; ZONING  <small>Place Received Date Stamp Here</small></p> </div>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

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

Briefly describe the nature of the variance request:

To adjust the rear setback requirement for accessory structures, to include, but limited to an above ground pool and future potential pool deck; At this time, we plan to install a 27' round above ground pool that will be approximately 14' from the rear property line.

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

Front Setback  Side Setback  Rear Setback  Reduction From 50' to 5ft

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

The adjacent property owner is a family member and the property surrounding our property is farmland. The adjacent property owner has submitted a letter of support for the variance request.

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 parcel is oddly shaped and the requirement for a 50' rear setback for a property that is only 2 1/5 acres is not reasonable.

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

Given the layout of the parcel and the existing structures, there are limited options to place accessory structures without varying from the mandated setback requirements. This variance will allow us to proceed with installation of an above ground pool and a future deck for the pool

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

Granting this variance request will allow beneficial use of the entire property without affecting the adjacent property owner

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

 6/21/23  
Signature of Property Owner Date

 6/21/23  
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).

July 27, 2023  
Date of Public Hearing

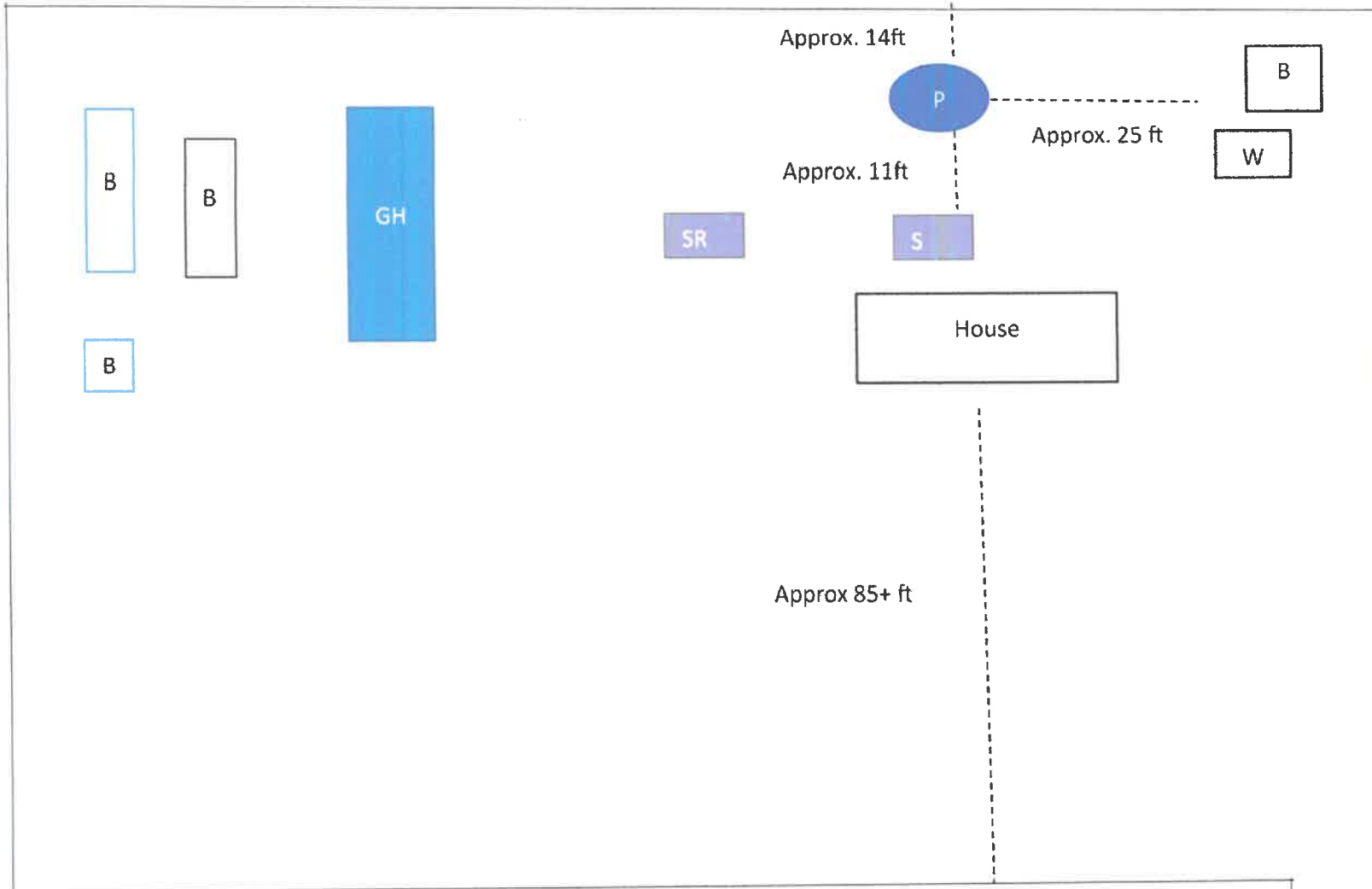
July 12, 2023  
Advertising Date

July 12, 2023  
Placard Posting Date

100+ft

approx. 35ft

23-21-ZV



**Key:**  
 P=proposed 27 ft round pool  
 B=Building or shed  
 S=septic tank area  
 SR=Septic Reserve Area  
 W=Well area

**NOTE:** proposed pool will be approx. 14' from rear line; approx. 11' from septic tank; more than 15' from septic reserve area; approx. 25' from well; as shown with dotted lines above (NOT TO SCALE)

South Childs Road



Google Maps



Imagery ©2023 CNES / Airbus, Commonwealth of Virginia, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 100 ft

June 6, 2023

To Whom It May Concern:

We understand that Leon and Andrew Upwright are requesting a variance to the rear setback limit on their property located at 2253 S. Childs Road, Kearneysville, WV 25430 to accommodate accessory structures. This request is because their property is 2 1/5 acres, and per the Jefferson County Zoning Ordinance, the rear setback limit for accessory structures is 50 feet for parcels exceeding 2 acres in the Rural Agricultural District. We are the owners of the property surrounding the Upwright property as well are relatives to Leon and Andrew. We take no issue and actively support their request for a variance to the rear setback limit. We do not have a concern if they chose to place accessory structures within up to a foot of the rear property line, including, but not limited to an above ground pool with a deck.

Regards,



William W. Grantham, Jr



Kerry L. Grantham

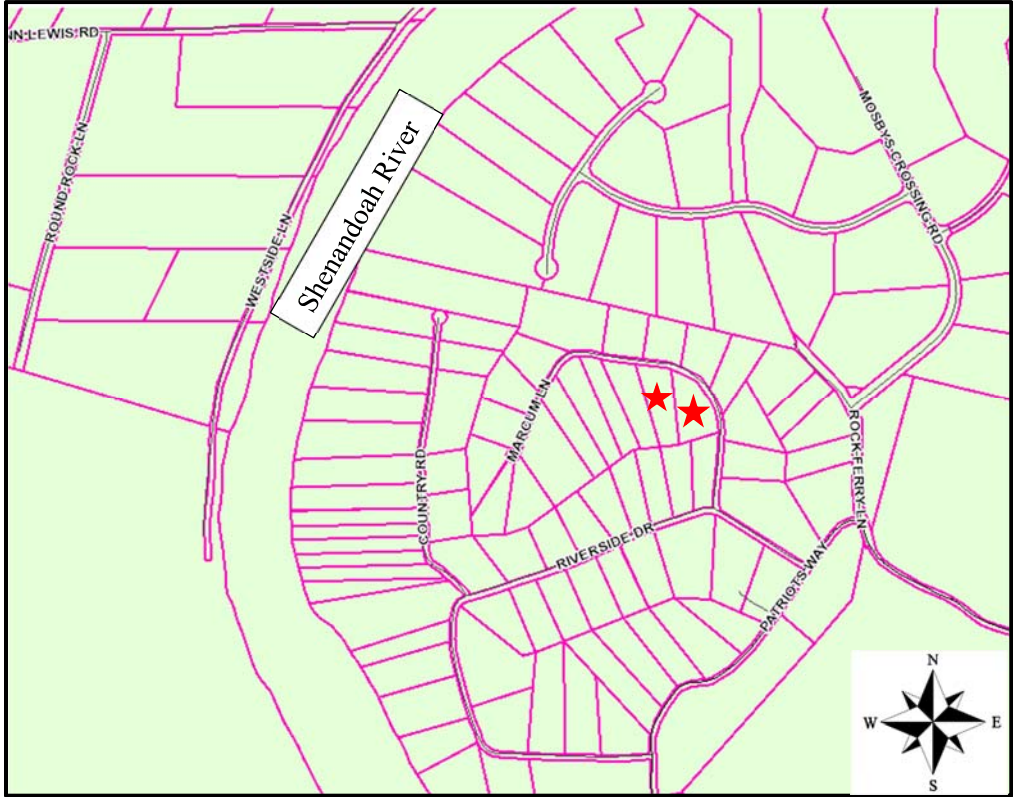
23-21-ZV



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 July 27, 2023

**23-6-CUP Carl Epstein dba Tree Nexus (Contractor with Outdoor Storage)  
 Conditional Use Permit Request**

Item #2 **Request 1:** Request for a Conditional Use Permit to operate a Contractor with Outdoor Storage, as defined in Article 2 of the Zoning Ordinance (Project Name: Tree Nexus). The proposal consists of parking employee vehicles and storage of company vehicles and equipment related to a tree service business. Maximum of 3 employees. No customers will visit the property. No signs are proposed as part of the operation.

Owner:	Carl Epstein
Applicant:	Tree Nexus / Attn: Carl Epstein
Parcel Information and Zoning District:	<p style="text-align: center;">Vacant Parcels; Lots 713 &amp; 714 of the Riverside Subdivision;          Marcum Lane, Harpers Ferry, WV          (Parcel IDs: 06002600980000 &amp; 06002600990000);          Parcel Size: 2.39 acres (combined); Zoning District: Rural</p> 
Surrounding Properties:	Zoning Map Designation: North, South, East, & West: Rural
History:	Riverside Subdivision, Section 7: Deed Book 291 @ Page 68 on 09/27/67
Approved Activity:	Detached Garage – personal storage only (Building Permit #20-215)
Site Visit Conducted:	Site Visit Conducted on 07/20/23.

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

Request for a Conditional Use Permit to operate a Contractor with Outdoor Storage, as defined in Article 2 of the Zoning Ordinance (Project Name: Tree Nexus). The proposal consists of parking employee vehicles and storage company vehicles and equipment related to a tree service business. No signs are proposed as part of the operation. No customers will visit the property.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023

**23-6-CUP Carl Epstein dba Tree Nexus (Contractor with Outdoor Storage)  
Conditional Use Permit Request**

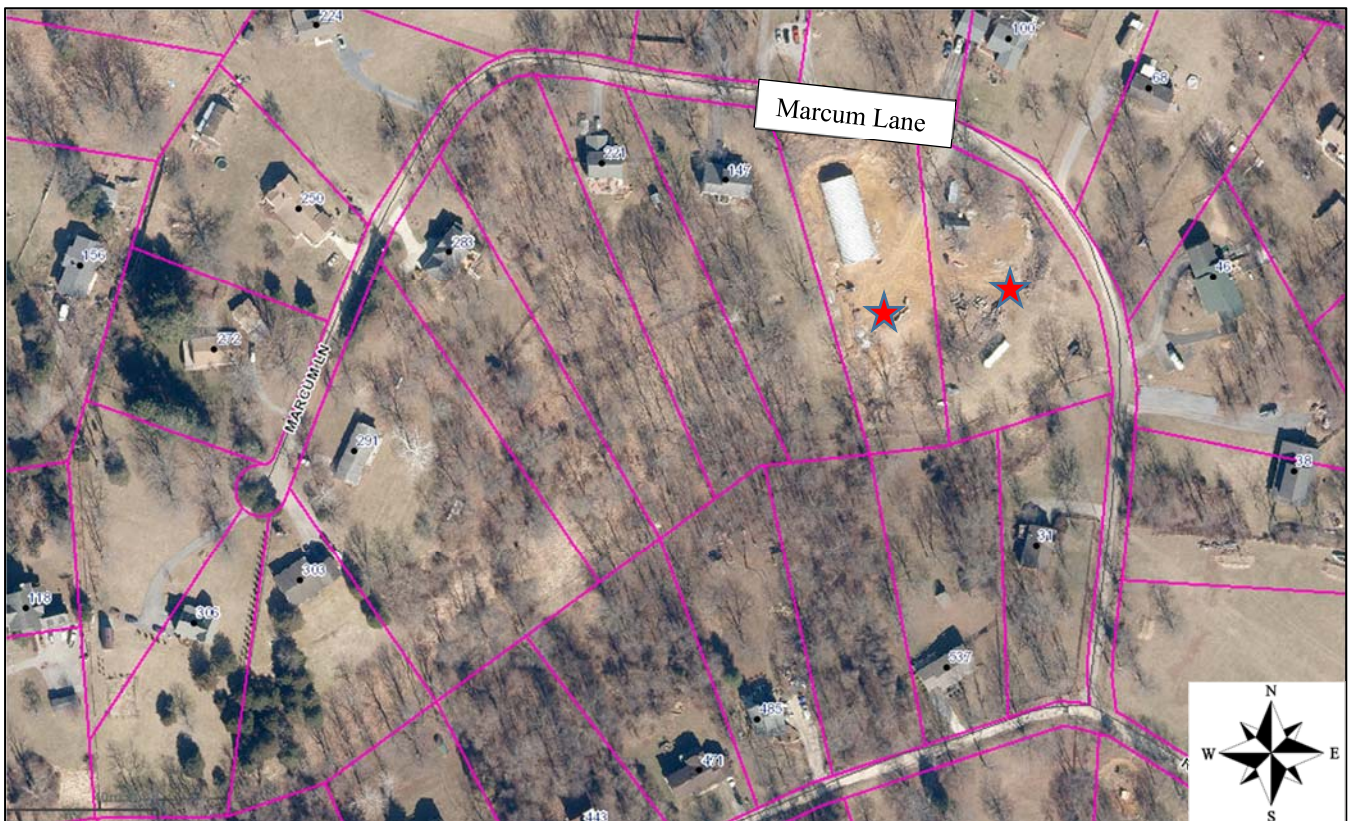
Article 2 defines Contractor with Outdoor Storage as:

Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers.

The applicant's description of the business is provided on page 4 of the application which states that the business will be operated during regular business hours, Monday through Friday, 8:00 a.m. – 5:00 p.m. There are three company vehicles (pickup trucks) and trailers, along with tree maintenance equipment. The applicant originally represented to staff that he has a sawmill that is used as a hobby (see letter dated April 25, 2023 at the end of the staff report). The applicant has also stated that the existing storage building that was construct in 202 is for personal storage only and will not be used as part of the business. There are three employees, including the applicant/property owner. There are no signs proposed with this request and the applicant stated that customers will not visit the property.

**Property Description**

The subject parcels are Lots 713 & 714 of the Riverside Subdivision, which was created prior to the adoption of zoning. The total acreage combined is 2.39 acres.



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023

**23-6-CUP Carl Epstein dba Tree Nexus (Contractor with Outdoor Storage)  
Conditional Use Permit Request**

**Conditional Use Permit Process**

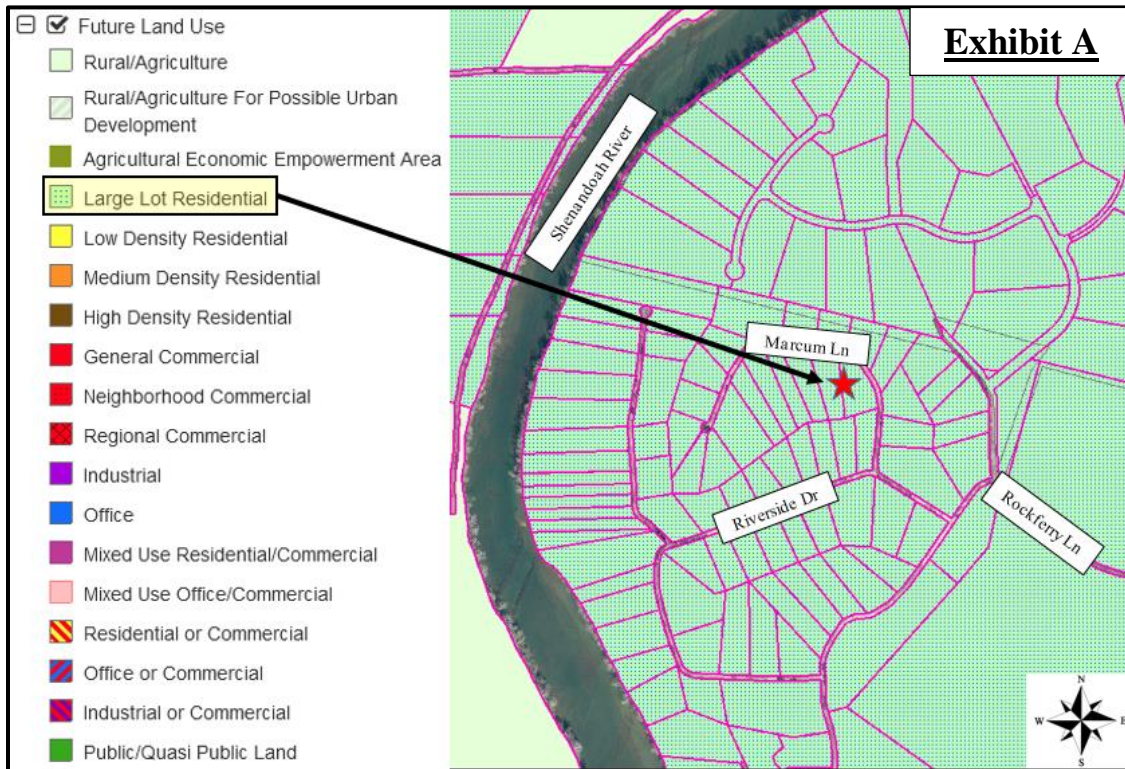
Section 6.3 of the Zoning Ordinance states:

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

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

**1. The proposed use is compatible with the goals of the adopted Comprehensive Plan. (Sec. 6.3A.1)**

The subject parcel is shown as “Large Lot Residential” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see Exhibit A below). The property is located outside of the County’s identified preferred growth areas and urban growth boundaries.



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

In March 2017, in accordance with the goals of the adopted Comprehensive Plan, the County Commission modified the Conditional Use permit process through a text amendment to the Zoning Ordinance. As part of that text amendment, the County Commission also amended Appendix C to include a list of commercial land uses that were identified as appropriate land uses to process under the Conditional Use Permit provisions. The land use designation **Contractor with Outdoor Storage** is listed as an appropriate commercial land use to process as a Conditional Use in the Rural zoning district.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023

**23-6-CUP Carl Epstein dba Tree Nexus (Contractor with Outdoor Storage)  
Conditional Use Permit Request**

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

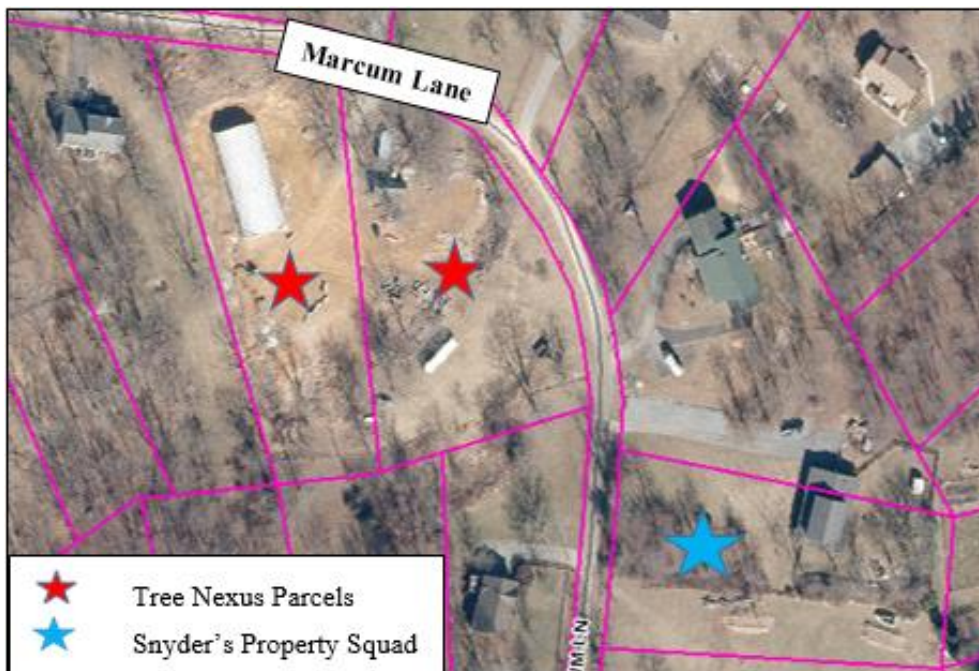
“...This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and intensity with the rural environment and poses no threat to public health, safety, and welfare.” (Page 36, Rural Land Use)

“Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.” (Page 39, Recommendation #4.b – Rural Land Use Planning Recommendations (Goal 2))

“Recommendation 5: Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses (Page 77, Agricultural and Rural Economy Recommendations (Goal 8)).

Recommendation 5b: Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations. (Page 77, Agricultural and Rural Economy Recommendations (Goal 8))”

- 2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare. (Sec. 6.3A.2)**



The property is located within Section 7 of the Riverside residential subdivision. The property is surrounded primarily by residential uses. There is an existing landscaping business located across Marcum lane to the south-east of the subject parcels.

The subject request is to allow use of two lots within the subdivision to be used

**23-6-CUP Carl Epstein dba Tree Nexus (Contractor with Outdoor Storage)  
 Conditional Use Permit Request**

for a tree service business (Tree Nexus). The property owner currently stores company vehicles and equipment on the subject parcels. There are three employees who visit the site to park their personal vehicles while using company vehicles and equipment. No signs are proposed and no customers will visit the properties. The applicant has represented that the existing storage structure on the property is utilized for personal storage only and will not be used as part of the business operation.

Appreciating that the property is primarily surrounded by residential uses, based on the applicant’s description of a low-intensity business, the proposed use appears to be compatible in intensity and scale with the residential neighborhood and does not appear to pose any threat to public health, safety, and welfare.

**3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. (Sec. 6.3A.3)**

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

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

The applicant has represented that existing vegetation will be retained around the perimeter of the property and has included a variance request to waive the requirement to install a landscape buffer (File #23-22-ZV).

It is not anticipated that a site plan will be required for the proposed site development because no buildings are proposed and the gravel/asphalt parking and equipment storage areas *may* comply with the “No Site Plan” criteria in the Subdivision Regulations. If the Conditional Use Permit is granted, the applicant will need to submit a dimensioned sketch to the County Engineering to show compliance with the “No Site Plan” criteria.

The Board has the authority to impose conditions of approval in order to ensure compatibility with surrounding properties, include the condition to install landscaping or opaque fencing along the exterior property lines.

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

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

Section 8.9 Industrial and Commercial Uses <sup>23</sup>		
A. Industrial and commercial uses in all districts shall comply with the following standards:		
1. Noise		
All noise shall be muffled so as not to be objectionable due to intermitting, beat frequency, or shrillness. Noise levels shall not exceed the following sound levels dB(A). The sound-pressure level shall be measured at the property line with a sound level meter.		
Sound Measured In	DAY 7 AM - 6 PM	NIGHT 6 PM - 7 AM
Adjoining Agricultural or Residential Growth District	60 dB(A)	50 dB(A)
Residential Uses in R-LI-C District	65 dB(A)	55 dB(A)
Commercial Uses	70 dB(A)	60 dB(A)
Light Industrial Uses adjacent to noise source	85 dB(A)	80 dB(A)

The following sources of noise are exempt:

- a. Transportation vehicles not under the control of the industrial use.
- b. Occasionally used safety signals, warning devices and emergency pressure relief valves.
- c. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 July 27, 2023

**23-6-CUP Carl Epstein dba Tree Nexus (Contractor with Outdoor Storage)  
 Conditional Use Permit Request**

**6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan’s Highway Road Classification Map. (Sec. 6.3A.6)**



Marcum Lane is classified as a Local Road and is subject to this criteria. The applicant provided a trip generation summary on pages 3 & 4 of their application. The applicant has stated that they will not have any customers visit the site and that there are three employees who will use the site on a daily basis. Each lot would be permitted to have a single family residence. The anticipated daily trips associated with the business appears to be consistent with a typical single family residence.

Below is an excerpt from the Comprehensive Plan’s Highway Problem Areas Map followed by the map index for Problem area 25.

Highway Problem Areas in Jefferson County			
Number	Route/Road	Location	Problem
25	WV 115	At Mission Road	Multiple Accident Location Long dead-end road with only 1 point of ingress/egress

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

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

**8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6. (Sec. 6.3A.8)**

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

The applicant represented that no signs are proposed as part of the business. Any future signs may necessitate review and approval by the Board of Zoning Appeals.

April 25, 2023

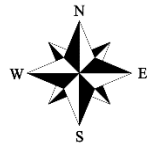
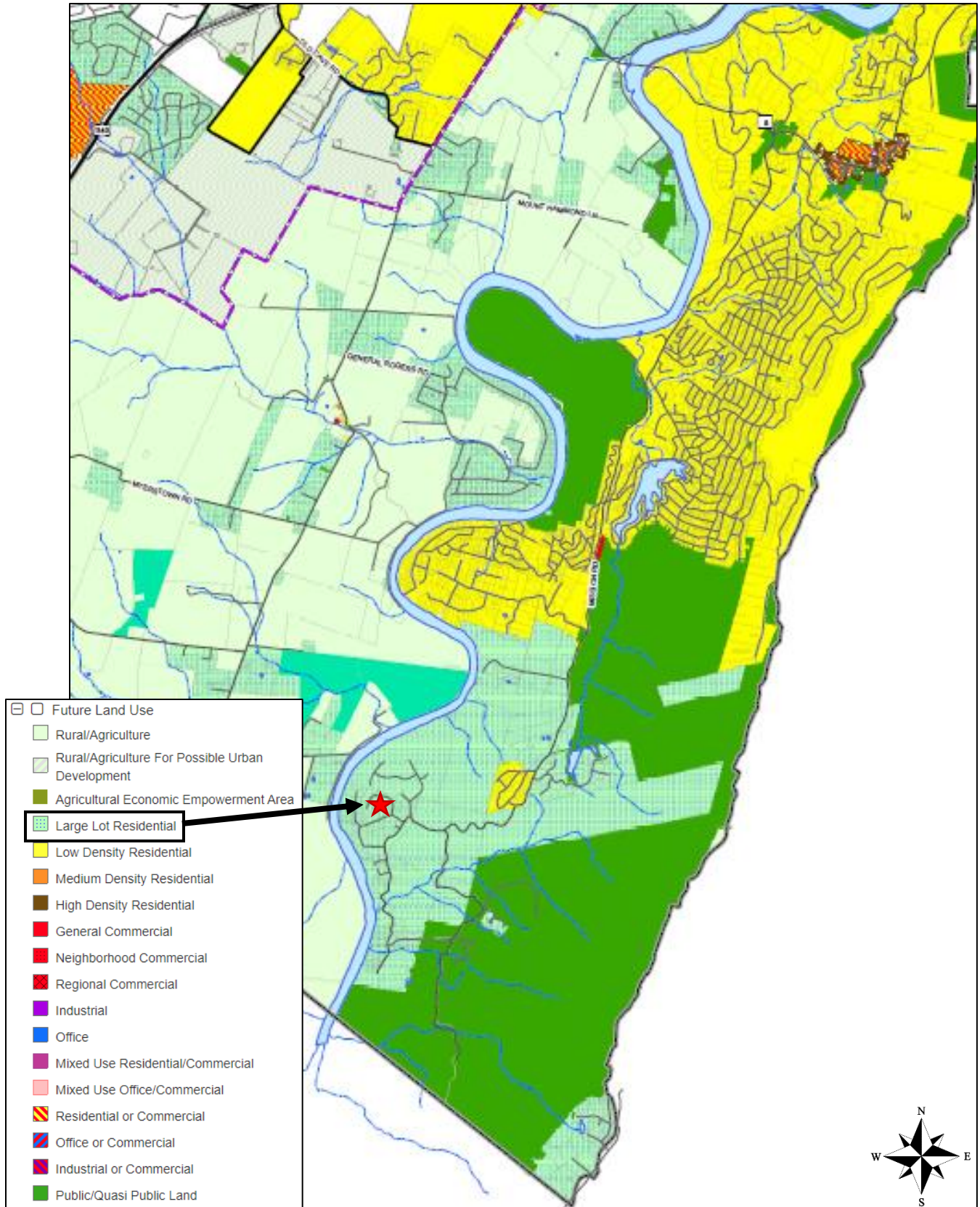
Hello, my name is Carl Epstein and this is in reference to Lot number 713 and 714 on Marcum Lane in Harpers Ferry, WV 25425. I have quite a few pieces of personal equipment like a bobcat and a mini excavator and some logs that I work with on my personal sawmill as a hobby. I Recently Added , some equipment that allowed me to run a small family owned tree service business out of this location. The work is all done offsite but the employees would meet me here at my property and we would get in a couple of vehicles and go out to the job in the morning and then come back in the night. There would probably be two employees plus myself so three people at any given time on the property in the morning.

The equipment used would be all stored in the chipper truck ie chainsaws etc. The building is just used for my personal use and storage. The equipment would include a Ford F550 chipper truck and a brush chipper hooked on the back with a trailer ball. A Ford F350 single rear wheel pick up truck that tows a flat Bed trailer. And a Ford F150 that would also tow a small flatbed trailer. I would leave the F550 chipper truck in the F350 here at night and the F150 is my personal transportation vehicle. So 2 vehicles would be left on the property each night. The business is structured so that I do not run equipment back-and-forth on the roads in my community all day.

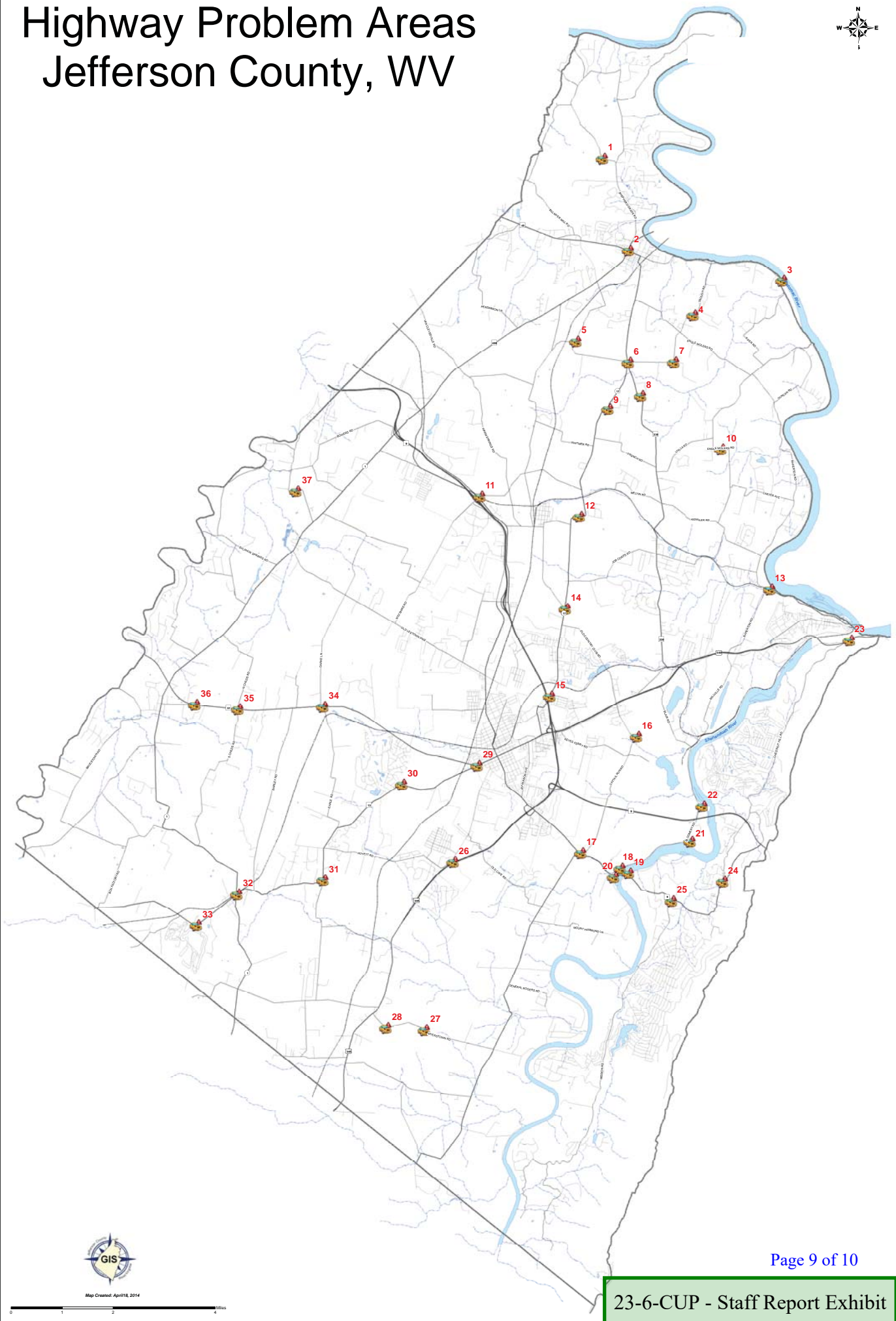
Thank you. Carl Epstein  
571-352-7312

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023

**23-6-CUP Carl Epstein dba Tree Nexus (Contractor with Outdoor Storage)  
Conditional Use Permit Request**



# Highway Problem Areas Jefferson County, WV



Highway Problem Areas in Jefferson County			
Number	Route/Road	Location	Problem
1	Scrabble Road	1/4 mile West of Sheperherd Grade Road	90 Degree turn
2	WV 45	Intersection with WV 480, WV 45 and WV 230	Road width through historic area limits turn movements
3	River Road	Near Potomac Ridge Lane	Prone to flooding
4	Trough Road	One mile east of WV 230	90 Degree turn
5	Ridge Road	Intersection with Gardners Lane	Poor intersection angle causing poor visibility
6	Intersection of WV 230 and Flowing Springs Road	Intersection of WV 230, Flowing Springs Road, Gardners Lane and Trough Road	High number of access and turning movements, visibility constraints
7	Trough Road	1/2 mile north of Engle Molers	Two 90 degree turns
8	WV 230	1 mile south of Flowing Springs Rd	S Curve
9	Flowing Springs Road	Approximately 1 south of WV 230 intersection	Curve
10	Engle Molers Road	1/4 mile south of Uvilla	Two 90 degree turns
11	Luther Jones Road	Intersection with Wiltshire Road and Old Charlestown Road	Limited stacking area at light due to tracks. Development is expected to take place in this area over next two decades
12	Flowing Springs Road	Approximately 700 feet north of Shenandoah Junction Road	Two 90 degree turns
13	Bakerton Road	Bakerton Road Tunnel	Sharp Curve, Poor Sight Distance, One Lane Tunnel
14	Daniel Road	Intersection with Flowing Springs Road just north of Old Country Club Road	Poor intersection angle causing poor visibility
15	Sun Road	Intersection with WV 9 West	No merge lane on Route 9
16	Cattail Run Road	Intersection with Marlow RD and Cattail RD	90 Degree turn
17	Cattail Run Road	At intersection with WV 115	Poor sight distance pulling onto WV 115
18	Bloomery Road	1,000 north of WV 115	Within 100 Year Floodplain, periodic flooding
19	Wilt Road	From WV 115 at to dead end	Within 100 Year Floodplain, periodic flooding
20	John Rissler Road	From WV 115 at Bloomery to dead end	Within 100 Year Floodplain, periodic flooding
21	Bloomery Road	2,500 South of Rt. 9 tunnel	90 Degree turn
22	Bloomery Road	1,250 north of WV 115	90 Degree turn
23	US 340 and Chestnut Hill Road	Intersection with Chestnut Hill Road	Inadequate Turning Area onto Chestnut Hill Road; Poor intersection angle causing poor visibility, steep slope
24	WV 115	At Chestnut Hill	Poor intersection angle causing poor visibility
25	WV 115	At Mission Road	Multiple Accident Location Long dead-end road with only 1 point of ingress/egress
26	Augustine Ave	Intersection with US 340	Adjacent intersection with Hyuett Road may lead to stacking during peak hours.
27	Meyerstown Road	One mile east of US 340	Two 90 degree turns
28	Meyerstown Road	1/2 mile east of US 340	90 degree turn
29	Summit Point Road	Intersection with WV 51 (Washington St)	Poor intersection angle causing poor visibility, intersection at capacity
30	Summit Point Road	Near Lindsay Drive	90 Degree turn
31	Summit Point Road	Intersection with Lloyd Road	90 Degree Turn
32	Summit Point Road	At intersection with Leetown Road and Summit Point Road	Poor intersection angle causing poor visibility
33	Summit Point Road	In vicinity of Summit Point Raceway	90 Degree turn
34	WV 51	Intersection with Earl and Darke Lane	Misalignment of intersection
35	WV 51	Intersection with Childs Road	Poor sight distance turning onto WV 51
36	Old Middleway Road	Intersection with WV 51	Poor sight distance and intersection angle
37	Paynes Ford Road	3,500 feet west of Leetown Road	Two 90 degree turns



Entrance to Properties



View from back of property toward Marcum Lane





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

File #: 23-6-CUP  
 R'cvd Date: 06/ 01 / 23  
 Mtg. Date: 07 / 27 / 23  
 Fee Paid: \$ \_\_\_\_\_  
 Staff Int.: jth

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

Phone: (304) 728-3228

**Application for a Conditional Use Permit**

**Project Name**

Tree Nexus

**Property Owner Information**

Name: Carl Epstein  
 Business Name: Tree Nexus  
 Mailing Address: 20780 Eskridge Ct Sterling, VA 20165 Mail  Yes  
 Phone Number: 5713527312 Email Response: carljepstein@gmail.com Response:  No

**Applicant Information**

Name: Carl Epstein  
 Business Name: Tree Nexus  
 Mailing Address: 20780 Eskridge Ct Sterling, VA 20165 Mail  Yes  
 Phone Number: 5713527312 Email Response: carljepstein@gmail.com Response:  No

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

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

**Physical Property Details**

Physical Address: lot 713 and 714 Marcum Lane, Harpers ferry WV 25424  
 Tax District: Kabletown (06) Map No: 26 Parcel No. 98 & 99  
 Parcel Size: 1.18 & 1.21 = 2.39 ac combined Deed Book: 1212 Page No: 704

**Zoning District (please check one)**

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

\* For properties in the Rural Zoning District:  
 Is property located on a primary or secondary road?  Yes  No

Name of Road and/or Route Number: Marcum lane if this is a secondary road?

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

I have a small 3 man tree service business. I want to park my trucks on the property at night. There will be no customers coming to the property and no signs and no business conducted at the property, just used as a storage lot for the business vehicles and equipment (SEE ATTACHED)

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

This has always been an empty lot. I purchased it and added a storage building a few years ago. I use the building for my personal wood working hobby use. (SEE ATTACHED)

**Please respond in detail to the following questions to show how the proposed project complies with the criteria located in Section 6.3 of the Zoning Ordinance:**

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

see attached

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties? How will the proposed project mitigate potential threat to public health, safety, and welfare? *Sec. 6.3A.2*

see attached

3. Describe how the proposed site development will be designed such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. *Section 6.3A.3*

There will be no changes to the property. I have an existing driveway and an existing flat area. Also see attached.

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

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

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

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

I am aware of the standards outlined in Section 8.9 of the Zoning Ordinance and will be in compliance.

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

Applicable (Trip Generation Data attached)

Not Applicable

**The information given is correct to the best of my knowledge. Property Owner Signature Required.**

*Carl Epstein*

5/30/2023

Property Owner

Date

Property Owner

Date

Carl Epstein  
Marcum lane property  
Zoning change  
Lot 713 and 714

Property History. I purchased this property in 2018. Both lots for 28k because it was a mess. Someone had gone over it with a bulldozer and then used it for a dump property that was never developed in the community. I removed many trailer loads of what looked like construction debris, probably from when other houses were built years ago. The weeds were over 6 ft tall. Since then I have added a water well, had the property perk tested, built a storage building and had permanent electric installed. The neighbors used to see piles of debris and a lot full of weeds. Now the lot is much improved and buildable for a future house. This was a much needed upgrade to the community. I would now like to run a 3 man tree business out of the property.

Answer to question 1 comprehensive plan

The total area of change will be less than 1 lot per 15 acres. In this case it will be a total of 2 lots totaling 2.39 acres to change from rural to allow a small business parking and remain rural zoning. This is not a high density area having approx 1 house per acre or one house per 2 acres. Since there will be no residence at this property there will be no impact on local infrastructure.

Answer to question 2 compatible with intensity and scale.

Having this area used for the parking of company vehicles will not hinder future development of any neighboring properties and will not degrade property value. Most of the property is surrounded by a natural raised hill barrier that impedes the view of the equipment and there will be no signs or advertisements of any kind so no one will ever know there is a business there except for seeing some company equipment in the parking areas. There are only 2 company employees so there will only be 2 single cars driving on the road in the morning and 2 single cars leaving at the pm. All parking is on the property and will not be on or along Marcum lane. The existing building height is used for personal use and will not be altered. There will be no changes to the existing impervious land surface on the property.

The current road Marcum lane has approx 20 resident houses all with multiple cars that go up and down Marcum lane all day. Me having 3 pickup trucks leave in the morning will have no effect at all on this road or to the residents.

There will be no toxic waste or hazardous chemicals stored. Only the same things like a gas can that all the other houses have already.

There will be no changes to the property at all. I have an existing building for my personal storage. There is an existing driveway and an existing flat area. The building will remain personal. The driveway will not change and the flat areas will be used to park the 3 pickup trucks and related tree trailers and brush chipper on.

Neighbors

All on marcum lane 31,221, 146, 126, 100

We will have normal day hours. Leave approx 8 am and back approx 5 pm. M-F.

This is a small 3 man tree service business. There are 3 pickup trucks and a couple trailers that will leave in the am and return in the pm. There will be no customers on this property and no signage on the property. The existing building is for my personal storage and not for business use. There is no address and no mailbox at this property so there will officially be no business listed here. It is literally me parking my work trucks and equipment on my personal property and no customers will ever know this property exists. No advertisements will ever show this property. There is existing vegetation surrounding most of the property.

Thank you,

Carl Epstein  
5/30/2023

N  
|

# Marcum lane

There is a natural grass hill about 3 feet high along the whole property along Marcum lane that helps impede the view of the property from the road as well as natural vegetation.

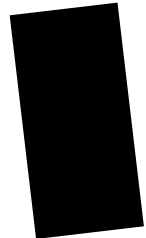
On the west side property line the building and parking lot are about 6 feet lower than the property line and there is natural vegetation along the property line that impedes the view from the west side neighbor.

existing tree line

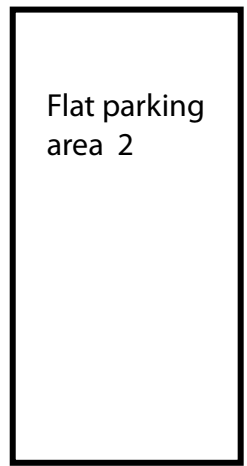
existing driveway

existing tree line

existing shrub line



existing building



Flat parking area 2



flat parking area 1

existing tree and vegetation line

slope downhill to bottom of image

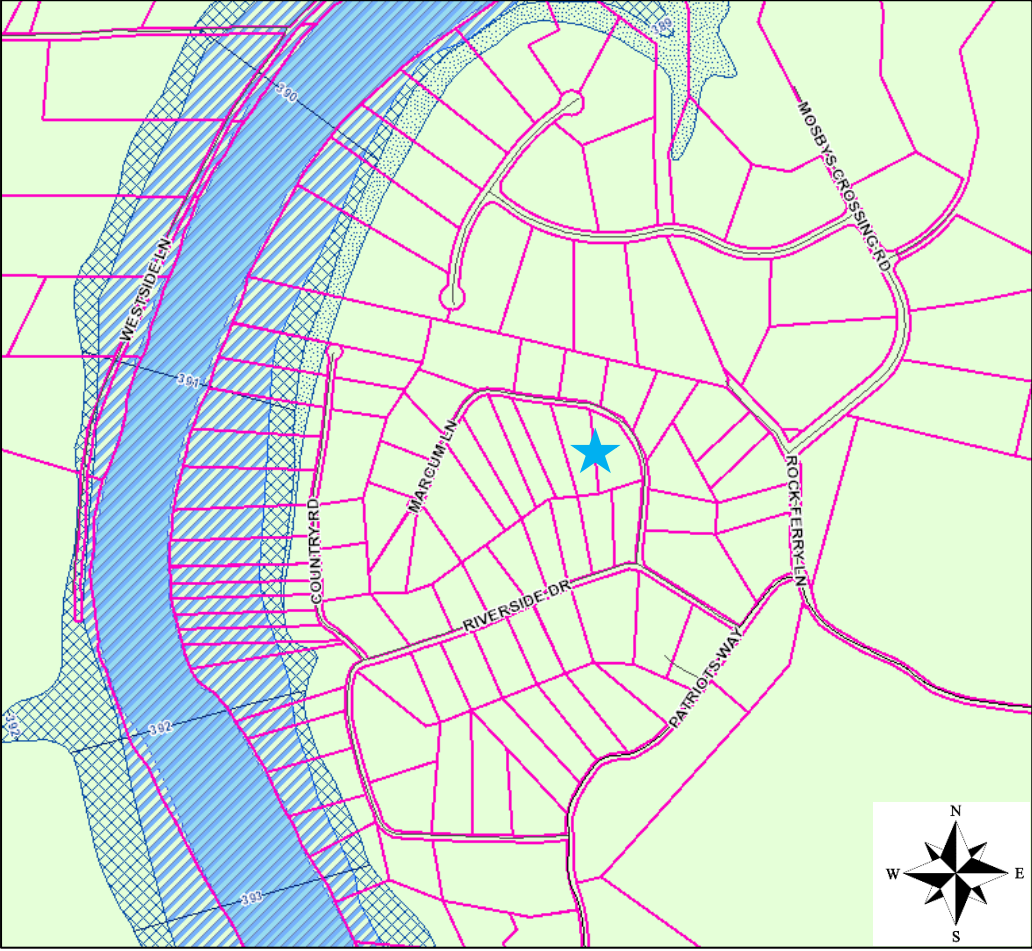
Hill slopes up from here to parking area 2

## Lot 713 and 714



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 July 27, 2023  
**23-22-ZV Carl Epstein / Tree Nexus Variance Request**

Item #2 **Request 2:** Variance request to from Appendix B, Sections 4.6 and 4.11 to eliminate the non-residential site development standards required for a tree service business (Tree Nexus). The request includes a reduction of the 25' commercial setback down to 0' along the interior property line; reduction of the 75' distance requirement to 25' along the western property line; and to eliminate the requirement to install a landscape buffer along the perimeter of the property and the interior property line.

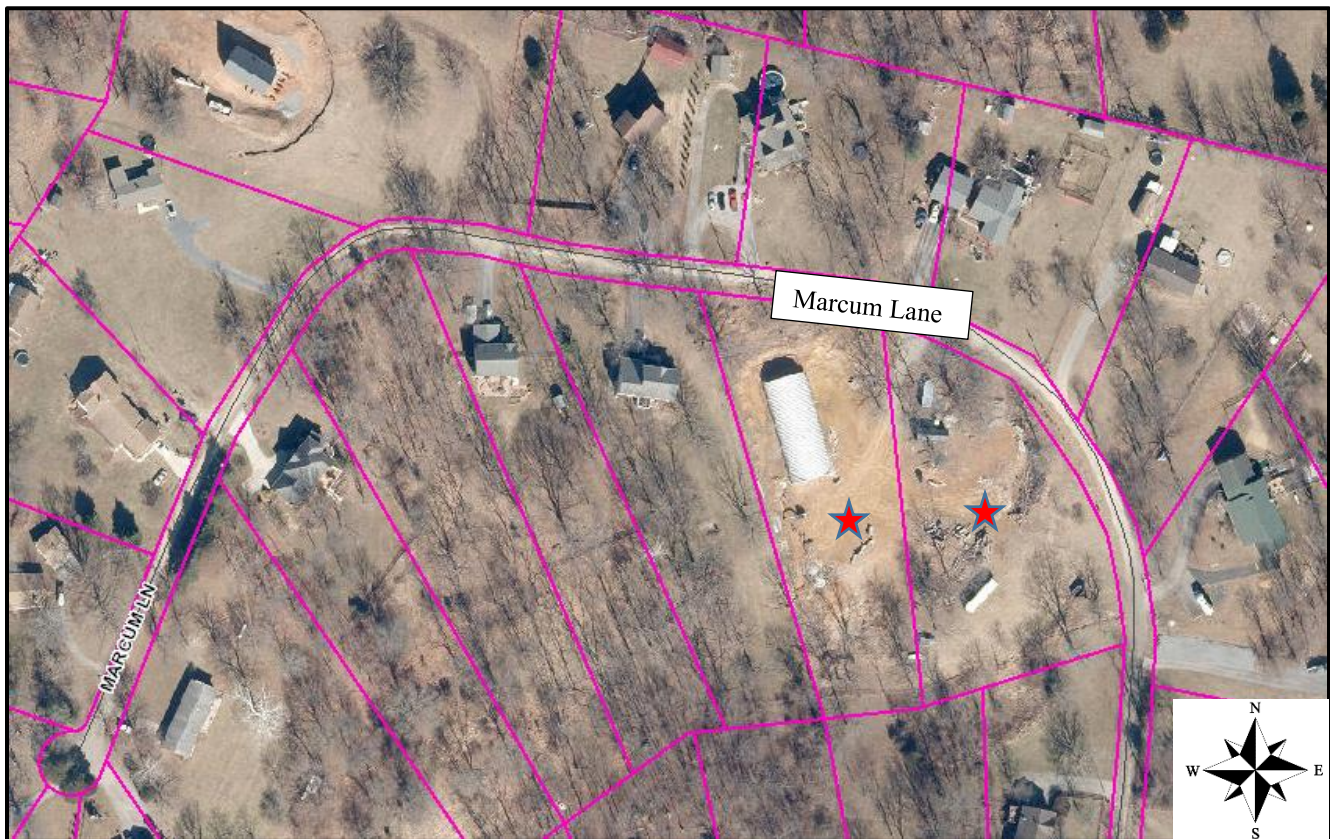
Owner:	Carl Epstein
Applicant:	Tree Nexus / Attn: Carl Epstein
Parcel Information and Zoning District:	<p style="text-align: center;">Vacant Parcels; Section 7, Lots 713 &amp; 714 of Riverside Subdivision          Marcum Lane, Harpers Ferry, WV          Parcel IDs: 06002600980000 and 06002600990000; Combined Size: 2.39 ac;          Zoning District: Rural</p>
	
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:          North, South, East, West: Rural</p>
History:	Riverside Subdivision, Section 7: Deed Book 291 @ Page 68 on 09/27/67
Approved Activity:	Detached Garage – personal storage only (Building Permit #20-215)
Site Visit Conducted:	Site visit conducted on 07/20/23.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023  
**23-22-ZV Carl Epstein / Tree Nexus Variance Request**

**Staff Overview**

The applicant is requesting a variance from Appendix B and Sections 4.6 and 4.11 to eliminate the non-residential site development standards required for a tree service business (Tree Nexus), classified as a Contractor with Outdoor Storage in Appendix C of the Zoning Ordinance. The request includes reduction of the commercial distance requirement from 75' to 25' along the exterior property lines (Section 4.6); to reduce the 25' setback from the interior property line down to 0' (Appendix B); to eliminate the requirement to install a landscape buffer along the perimeter of the property and the interior property line (Appendix B & Section 4.11).

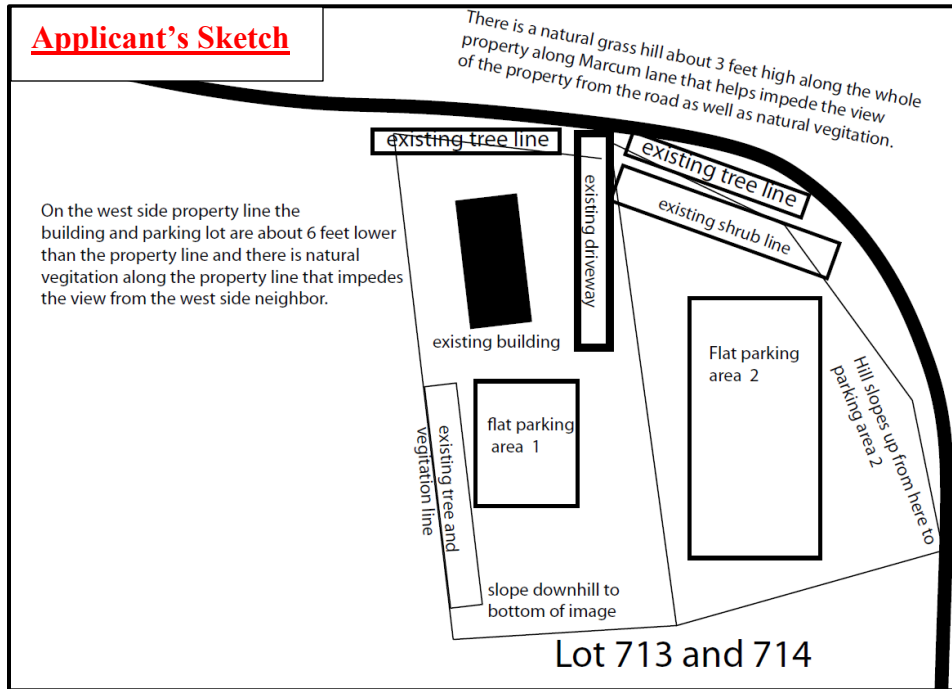
The purpose of non-residential site development standards is to lessen the impact of a commercial use on a residential use, including the visual impact created from the glare of exterior lights.



The subject Lot 713 currently contains a detached garage that is being used for personal storage. Pursuant to the Building Permit that was issued, no business may be operated from the structure (Permit #20-215). The applicant represented on page 4 of their Conditional Use Permit application that the existing structure will not be used as part of the business and is only for personal storage.

The applicant has identified two relatively flat areas to park employee cars (maximum of three) and company vehicles, as well as equipment associated with the business. Based on the topography of the properties, the applicant stated that proposed parking and storage areas will be approximately 25' from the western property line and will not comply with the 75' distance requirement for non-residential development (see application addendum dated 07/01/23). It appears that some vegetation exists on the properties; however, the existing vegetation does not appear to be comparable with the 20' minimum landscape buffer that is required in Appendix B and Section 4.11.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023  
**23-22-ZV Carl Epstein / Tree Nexus Variance Request**



Pursuant to [WV Code Chapter §8A-7-11](#) and Article 2 of the [Jefferson County Zoning Ordinance](#), a variance is defined as "...a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve change the zoning classifications of a parcel of land."

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 6, Section 6.2 of the [Zoning Ordinance](#), the Board shall consider the following criteria and shall grant a variance if it finds that the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and

Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

**Conditions of Approval**

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

1. The approval is limited to the use as proposed in the Conditional Use Permit, including hours of operation being M-F, 8:00 a.m. - 5:00 p.m. with a maximum of three employees.
2. The property owner shall ensure that the parking and storage areas are at least 25' from all exterior property lines;
3. The property owner shall ensure that all existing vegetation is maintained along the western and southern property lines. The property owner shall replace any trees that die for as long as the business is being operated from this location.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023  
**23-22-ZV Carl Epstein / Tree Nexus Variance Request**

**Sections of Ordinance to be considered:**

**Appendix B and Standard Detail M-53 (attached)**

**Section 4.6 Distance Requirements**

- B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:<sup>7, 27</sup>
1. Any lot in the Residential Growth District;
  2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
  3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.<sup>23</sup>

**Section 4.11 Landscaping, Screening and Buffer Yard Requirements**

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.<sup>27</sup>

- D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.
- E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.
1. Vegetative screening shall comply with Standard Details M52, **M53** or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.<sup>7, 23, 27, 28</sup>
  2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
  3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
  4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.
- F. In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.<sup>23</sup>
- G. All buffer yards shall be maintained by the property owner.

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

Zoning District	Development Type <sup>⊖</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use						
											A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use	
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25		15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25		15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use		25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District											
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)	N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A	N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A	N/A	N/A	N/A	
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A				
	Commercial or Industrial**	See IC District															
Village (V)	Commercial <sup>‡</sup>	N/A	N/A	35	N/A	25	10	40	See IC District								
	Industrial**	See IC District			35	See IC District											
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District											
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 <sup>£</sup>	10 <sup>⊖</sup>	See I-C District		25	See IC District					
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District								
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25									
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25									
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50									
	Industrial	3 ac ***	N/A	75	90%	25	50	50									
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 <sup>£</sup>	10 <sup>⊖</sup>	See IC District								
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).														

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by "ac" (acres).

\* Maximum building height is subject to Sec. 9.2

\*\* If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

\*\*\* MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

\*\*\*\* Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

‡ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

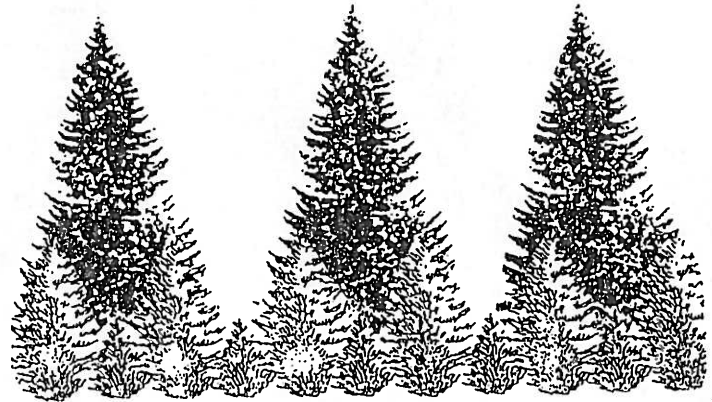
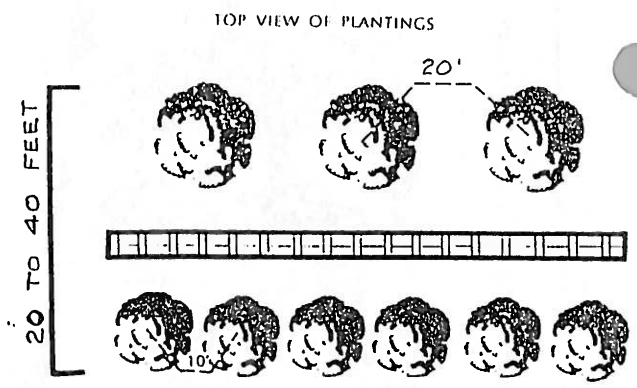
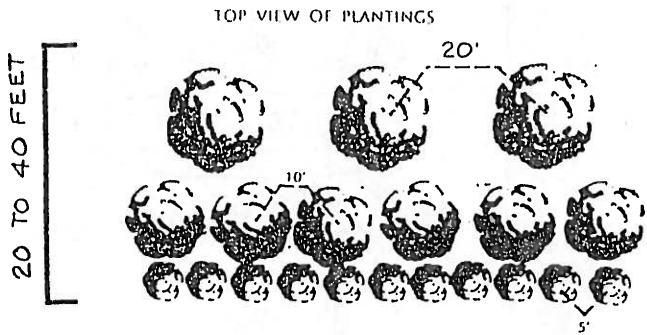
‡ Setback may be reduced if adjacent to industrial use.

⊖ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

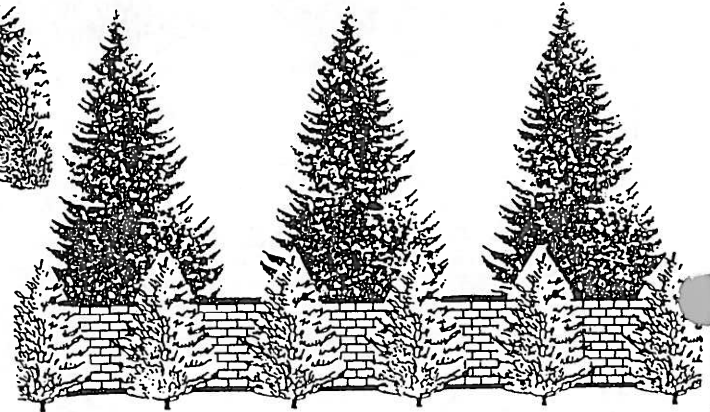
⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.



FRONT VIEW OF ULTIMATE GROWTH

OPTION D



FRONT VIEW OF ULTIMATE GROWTH

OPTION E

OPTION D

Planting Description - one row of evergreen shrubs with a height of two (2) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every five (5) linear feet; one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

OPTION E

Planting Description - one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; a solid board fence, masonry or brick wall with a height of six (6) feet; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: August 8, 1990	screen planting medium buffer	REVISIONS:	DETAIL No.
	<i>[Signature]</i>		COUNTY	ENGINEER



**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: 23-22-ZV  
 Staff Initials: AB  
 Meeting Date: 07-27-23  
 Fees Paid (\$100 or \$150): \$100 / CC

Email: [zoning@jeffersoncountywv.org](mailto: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: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

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

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

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

**Physical Property Details**

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

**Zoning District (please check one)**

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<div style="border: 2px solid blue; padding: 5px; text-align: center;"> <p><b>RECEIVED</b>  <b>June 23, 2023</b>            Jefferson County, WV            Office of Planning &amp; Zoning</p> </div>			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"/>

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Appendix B, Sections 4.6 & 4.11 AB

Briefly describe the nature of the variance request:

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

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

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

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?

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

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

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.

*Carl Epstein*

6/22/2023

Signature of Property Owner

Date

Signature of Property Owner

Date

Notification Requirements (to be completed by staff)  
July 27, 2023

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).

July 27, 2023

Date of Public Hearing

July 12, 2023

Advertising Date

July 12, 2023

Placard Posting Date

## Zoning

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**From:** Carl Epstein <carljepstein@gmail.com>  
**Sent:** Saturday, July 1, 2023 4:38 PM  
**To:** Zoning  
**Subject:** Re: Tree business on Marcum lane

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

Yes, the storage area would be closer than 75 feet on the west side. More like 25 ft. The property ground level is about 5 feet lower than the dirt hill between my property and the west side, neighbors property. Meaning we are sunken down about 5 feet, plus there is natural vegetation along probably 80% of the west side. I could plant more vegetation if needed but that would be my optimum is to park less than 75 feet on the west side

Thanks, Carl

On Sat, Jul 1, 2023 at 12:43 Zoning <[Zoning@jeffersoncountywv.org](mailto:Zoning@jeffersoncountywv.org)> wrote:

Good afternoon,

I am working on my staff report and the legal ad for the variance application related to the tree-removal business. For question #2 on page 2 of the variance application, you stated “I have two lots sided by side and this variance in [sic] only for the property line where my 2 properties meet. It does not effect [sic] the outer perimeter setback.”

Can you confirm that the storage areas used for business equipment will be 75’ from the western property line (see screenshot below – the blue line represents 75’ from the western property line)? The sketch you included with the CUP application reflects the flat parking area as being closer than 75’. If any of the storage area will be closer than 75’, let me know and we can include your email as an addendum to the application. It would be helpful to have confirmation before 5:00 p.m. on Wednesday, July5 so we can finalize the legal ad and adjainer letter.



Thank you!

Alex

N  
|

# Marcum lane

There is a natural grass hill about 3 feet high along the whole property along Marcum lane that helps impede the view of the property from the road as well as natural vegetation.

On the west side property line the building and parking lot are about 6 feet lower than the property line and there is natural vegetation along the property line that impedes the view from the west side neighbor.

existing tree line

existing tree line

existing shrub line

existing driveway

existing building

Flat parking area 2

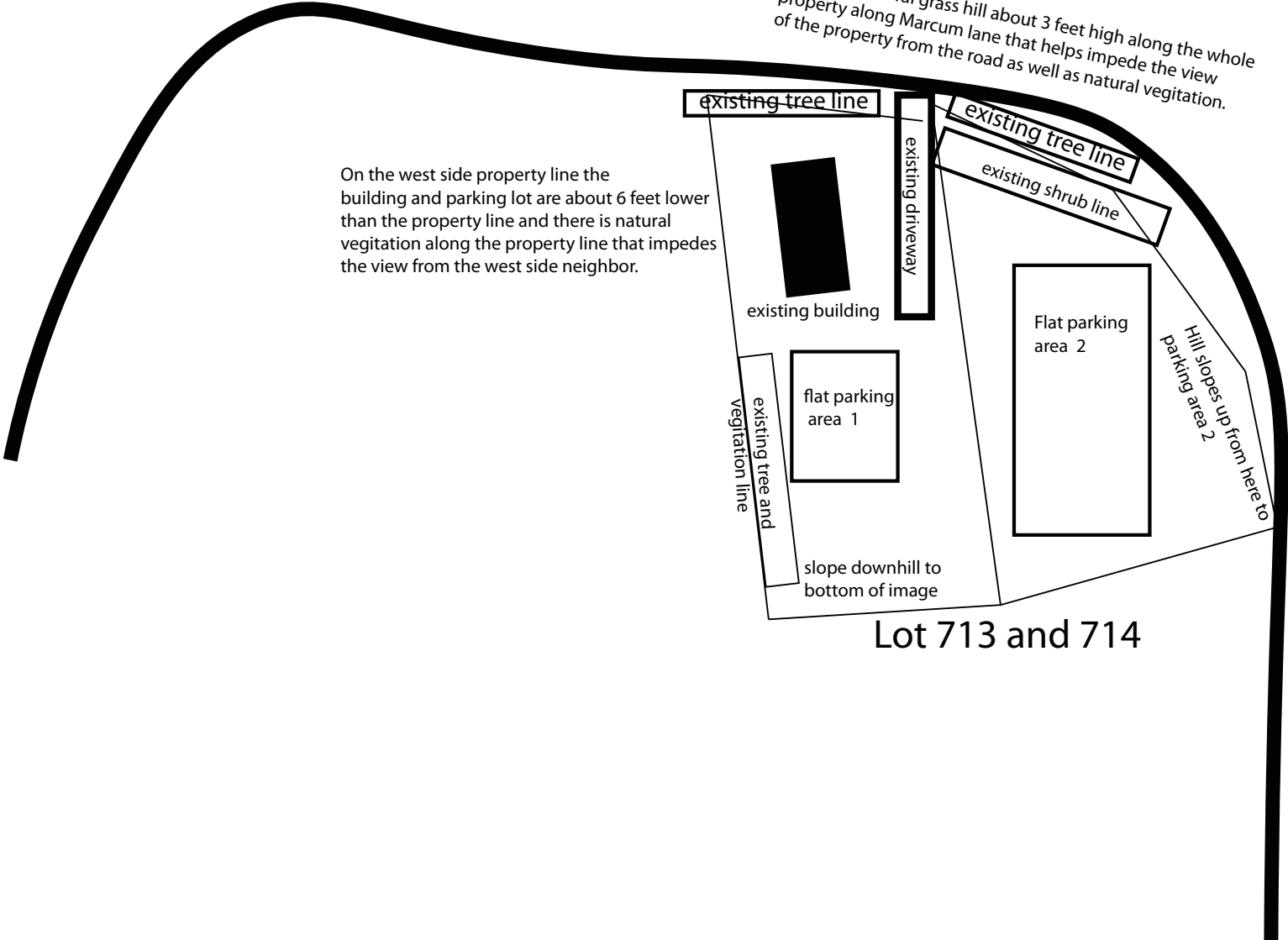
flat parking area 1

existing tree and vegetation line

Hill slopes up from here to parking area 2

slope downhill to bottom of image

Lot 713 and 714





## **23-6-CUP and 23-22-ZV Epstein -Tree Nexus (Contractor)**

### **Public Comment Index**

- Submitted 2023-07-17 Susan Egerton
- Submitted 2023-07-18 Pamela Sessions
- Submitted 2023-07-19 Terri McLellan and Maria Hopgood
- Submitted 2023-07-20 Kandi and Michael Kaiser
- Submitted 2023-07-20 Mary Ellen Rostetter
- Submitted 2023-07-20 Daniel Rostetter



**From:** Zoning  
**Sent:** Monday, July 17, 2023 9:28 AM  
**To:** 'Susan Egerton'  
**Subject:** RE: Zoning appeal for Lots 713 and 714 Marcum Lane, Harpers Ferry, WV

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's packet for the upcoming July 27, 2023 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, July 21, 2023.

Thank you,

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

**From:** Susan Egerton <sjegerton@LIVE.COM>  
**Sent:** Sunday, July 16, 2023 2:14 PM  
**To:** Zoning <Zoning@jeffersoncountywv.org>  
**Subject:** RE: Zoning appeal for Lots 713 and 714 Marcum Lane, Harpers Ferry, WV

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

To whom it may concern:

As owner of Lot 715(31 Marcum Lane, Harpers Ferry, WV 25425), next door to Mr. Epstein, I want to strongly object to the appeal by this property owner for the following reasons:

1. Lots 713 and 714 have been an eyesore since purchased by Mr. Epstein, they are not vacant lots, they are a construction site and storage lot for a myriad of equipment including, an airplane hangar(located as close as possible to another neighbor's property line) that contains a sawmill and kiln, which are more than likely a fire hazard, during an extreme fire season and 6 or 7 miles from the only firefighting equipment/station. The "vacant" lots are also used to store numerous construction and personal equipment, including flatbed trailers, 5<sup>th</sup> wheel trailer, boats, skid loaders, and at times anywhere from 3-8 vehicles(trucks, cars etc)
2. More vehicles, create more dust, fumes and wear and tear on gravel roads, all the vehicles drive directly in front of my house, and although Mr. Epstein has done some work on Marcum Lane road surface, and it was not helpful, he created ditches that now can't be mowed and what he has added to Marcum Lane, does not justify the animosity he has created in the Riverside/Marcum Lane neighborhood. He has created an eyesore and has caused an environmental impact on our RURAL neighborhood and is only applying for an appeal because one of his neighbors complained, not out of concern for the neighborhood, neighbors or environment.
3. During May-October there is almost enough leaf/tree cover to block some of the view of Lots 713 and 714, the rest of the year, I have a clear view of all this equipment and construction site, including the bright metal airplane hangar/building, and year round I can hear the beep, beep of equipment backing up and a running sawmill at any time of the day when I am at home with windows open, out on my deck or outdoors enjoying my property. The construction noise and commercial vehicles driving back and forth can start at early morning hours, even on weekends.

4. I must reiterate that these "vacant" lots are already being used for commercial purposes, this is not a simple property owner building his own retirement home as Mr. Epstein claimed when he first bought the property. There must be close to \$750,000 worth of equipment and vehicles on this property, has he been paying Jefferson County taxes for the past 3-5 years since he started building and storing everything here? It seems Mr. Epstein has been profiting from ownership of Lots 713 and 714 since almost Day 1, while neighbors, myself included, have a drop in our property values and potential difficulties in selling our properties.

Thank you for your time and consideration for denying this appeal for a Conditional Use Permit to operate a Contractor with Outdoor Storage for Lots 713 & 714.

Please don't hesitate to reply to this email with any questions.

Sincerely,  
Susan J. Egerton

TO: Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 E. Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

FROM: Pamela A. Sessions  
537 Riverside Drive  
Harpers Ferry, WV 25425

DATE: July 17, 2023

RE: Certified Mail #7015 0640 0004 5288 2424  
Board of Zoning and Appeals  
Public Hearing July 27, 2023 at 2:00pm

Carl Epstein, Property Owner – Lots 713/714 Marcum Lane, Harpers Ferry, WV 25425  
Request 1 – Conditional Use Permit for Tree Nexus  
Request 2 – Variance Request to eliminate the *Non-Residential* site development

In response to the above-mentioned Permit Requests from Carl Epstein, I've outlined below and have attached photos backing up many reasons why Mr. Epstein's Requests should be **Denied**.

Riverside has always been zoned a **Residential Community** (see attached document from WV Property Viewer). This document clearly states that the **Class Type is Residential** for the property described as Section 7, Lots 713/714 Riverside.

In addition to the WV Property Viewer photo, attached is an aerial view photo taken from my property. As you can clearly see, the property in question is an eyesore to all who live here. It has been cleared of trees, grass, etc. to transform the property into a huge dirt parking lot for housing large equipment and trailers along with the huge metal Quonset Hut that has been built. **ALL of the surrounding properties are Residential Homes with well-maintained yards and landscaping.**

One more attached photo shows a portion of what I see at the bottom of my property (Quonset Hut, equipment, trailers) – you may think that the trees hide what has become a horrible mess behind me, but from September-May each year (winter months) there is no foliage to hide what that property has become. It's a fully open extension of my backyard with nothing to block the scene of a huge dirt parking lot, huge metal building, large equipment, large trailers, etc.

The final two attached photos are examples of the large sized equipment being housed on the property and being hauled **daily** on large trailers along Marcum Lane and Riverside Drive (roads that accommodate only about a 1.5 lane of traffic). Constantly hauling this equipment is causing damage to our "orphan" roads (our roads are not maintained by WVDOT).

There are many reasons to *disallow the approval* of Carl Epstein's Two Permit Requests:

- The eyesore of his entire property – Large Metal Quonset Hut, Large Equipment, Large Trailers, Large Dirt Parking Lot, Junk Pile of Logs, Tent, etc.
- The daily noise as well as damage to our orphan roads due to the constant hauling of large equipment in and out of the Riverside Community
- The possibility of Property Values Falling (if they haven't already) within the Riverside Community because of the mess that has been created due to the operation of the Tree Nexus Business
- Lots 713/714 do *not* have a Street Address and there are No Permanent Residents, evidencing that this property has always been used for the sole purpose of operating the Tree Nexus Business and/or other Businesses within the *Residentially Zoned* Riverside Community
- Employee traffic in and out as well as their cars/trucks parked on the property

In summary, *the Riverside Community is and always has been Zoned Residential*. The Business that Carl Epstein operates from the Marcum Lane property is clearly *NOT* residentially associated. He is operating his full-fledged Tree Nexus Business from his *Residentially Zoned* property and it needs to be *STOPPED!*

I do not wish any ill effects to Mr. Epstein's Business but the Business needs to be relocated from the Riverside Residentially Zoned Community to a Properly Zoned Business Community that can accommodate his needs.

Thank you for providing my neighbors and myself with the opportunity to share our opinions, concerns and grievances with the Jefferson County Board of Zoning Appeals regarding Carl Epstein's Applications for the Two Permit Requests.

***The Riverside Community Should Remain a  
Residentially Zoned Community***

***Please do NOT Approve Any Portions of the Two Permit Requests  
Filed by Carl Epstein with The Jefferson County Zoning Office***



Figure 1 EquipDriveby1



Figure 2 EquipDriveby2



Figure 3 EquipTrailers



Figure 4 PropView Aerial

 A screenshot of the West Virginia Property Viewer web application. The interface includes a search bar, navigation tools, and a map showing a residential neighborhood. A specific parcel is highlighted with a red outline. Below the map, a detailed information panel is displayed.
 

Parcel ID: 19-06-0026-0098-0000			
Owners:	EPSTEIN CARL & ELENA	Community:	JEFFERSON
Address:	MARCUM LN	E-911 Address:	N/A
Class Type:	Residential	External Links:	<a href="#">7/6</a>
Legal Description:	SEC 7 # 713 RIVERSIDE	Flood Info:	Parcel appears to be in a LOW RISK flood hazard zone. Learn more at WV Flood Tool
<a href="#">Click here for parcel assessment report</a>		<a href="#">Having questions about a property?</a>	

Figure 5 WV PropViewer

## Zoning

---

**From:** Zoning  
**Sent:** Tuesday, July 18, 2023 11:30 AM  
**To:** 'psessions3@aol.com'  
**Subject:** RE: Carl Epstein Requests for Permits

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's packet for the upcoming July 27, 2023 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, July 21, 2023.

Thank you,

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

**From:** psessions3@aol.com <psessions3@aol.com>  
**Sent:** Tuesday, July 18, 2023 11:18 AM  
**To:** Zoning <Zoning@jeffersoncountywv.org>  
**Subject:** Carl Epstein Requests for Permits

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

Attached is my letter as well as five photos in response to the Certified Letter sent me regarding Carl Epstein's two Requests for Permits within the Riverside Community.

Thank you for providing an opportunity for my neighbors and myself to share our opinions, concerns and grievances regarding these Permit Requests.

Pamela A. Sessions  
Certified Letter 7015 0640 0004 5288 2424



Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
Office of Planning and Zoning  
116 E. Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414

RE: **Certified Mail #7015 0640 0004 5288 2394**

Board of Zoning and Appeals

Public Hearing July 27, 2023 at 2:00pm

Carl Epstein, Property Owner – Lots 713/714 Marcum Lane, Harpers Ferry, WV 25425

Request 1 – Conditional Use Permit for Tree Nexus

Request 2 – Variance Request to eliminate the *Non-Residential* site development

July 16, 2023

Dear Sir or Madam:

When Carl first arrived and bought the property across the street from us, it was an empty lot with many different animals, including deer and fox who lived there. He came and introduced himself and has done a few projects for us including opening up a storm drain, that we share across our properties and Marcum Lane. He worked with the fire department and has been kind to us and has helped fix our gravel roads on Marcum (see **Figures 1, 2, 3**).

When he first moved in, I asked what his plans were for the property and he said he was going to build a nice house. A nice house is far from what he has built. That structure is massive and is

an eye sore (see **Figure 4**). He has a working kiln in it and has a business building furniture and uses the logs he brings home from the Tree Nexus gig to use for his business.

His property in this neighborhood is an eye sore, and he brings in equipment and all this crew following with the heavy equipment, and you can hear him coming, when he arrives in the neighborhood on Patriots Way. He comes through and down the hill on Marcum, with his equipment bouncing which makes a lot of noise. The business that he runs on his property is not just Tree Nexus and he is also doing landscaping and furniture building, as he told me he makes \$15,000 tables for high end customers. When he is running his equipment over there, there is a lot of noise and he brings in lots of logs, which we use to sit out on our front porch but with that view, it is gross.

He claims he built a burn around the property to keep the eye sore hidden but he built it up with logs and it looks bad (see **Figure 5**). He used to keep the property well maintained but now he doesn't even mow, and it looks over grown. He brings his things he does not want to keep in VA to this property so he has all kinds of equipment all over the place.

I believe he runs multiple businesses off that property, not just Tree Nexus and if you look back at some of his LLCs, I think he still runs those (see **Figures 6 & 7**). All of these companies are Virginia based, but he claims he is just storing the equipment here. I know he is doing work over there and his crew comes and goes with him. Many days 2-3 trucks with the lift come and go, and other days it is the Bobcat and other days it is logs that comes back on a flat bed. He is also grinding logs there too. He is not just storing equipment, he is running a business across the street from our property on Marcum Lane.

Due to the reasons outlined in our letter, we recommend denying both of Mr. Epstein's requests.

Sincerely,

Terri McLellan and Maria Hopgood

46 Marcum Lane

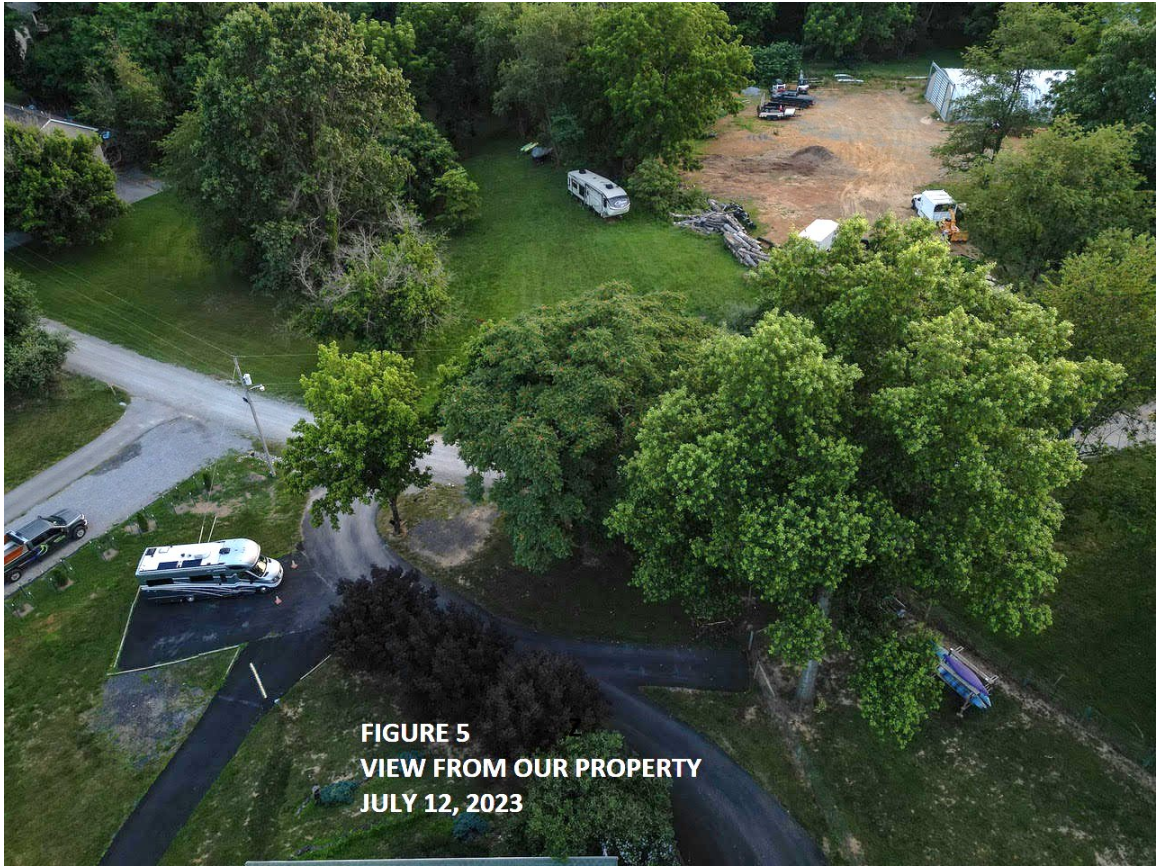
Harpers Ferry, WV 25425



**FIGURE 1  
MARCUM LANE HEADING TOWARDS RIVERSIDE DRIVE**



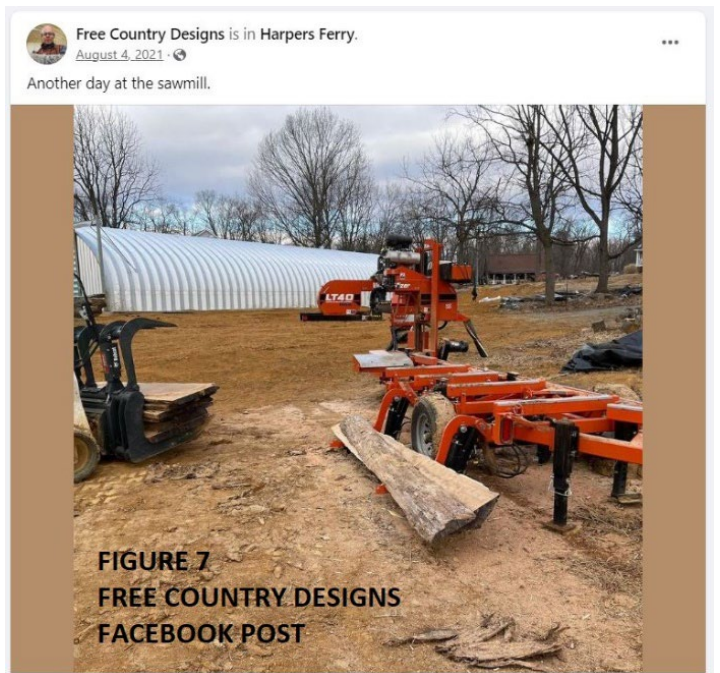
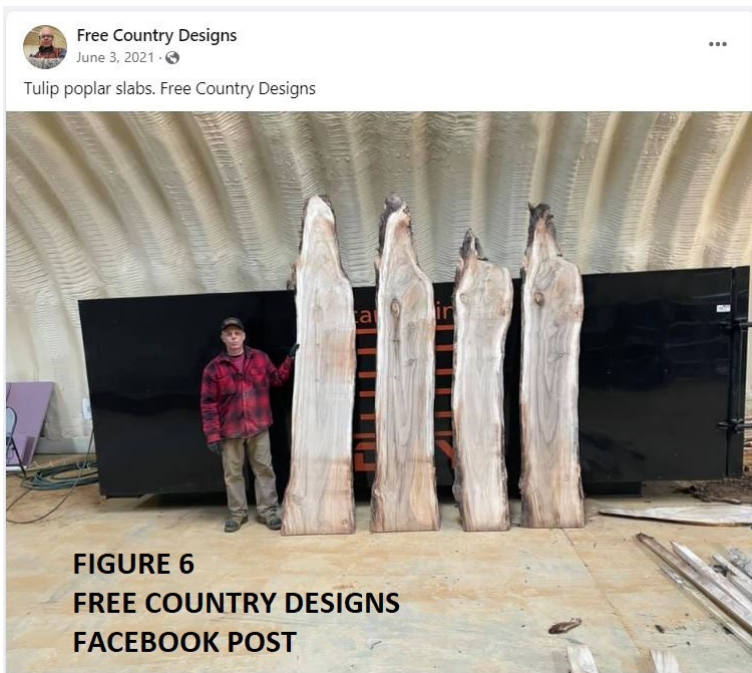
**FIGURE 2  
MARCUM LANE HEADING AWAY  
FROM RIVERSIDE DRIVE**



**FIGURE 5  
VIEW FROM OUR PROPERTY  
JULY 12, 2023**



**FIGURE 3  
VIEW FROM OUR DRIVEWAY**



## Zoning

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**From:** Zoning  
**Sent:** Wednesday, July 19, 2023 9:58 AM  
**To:** 'maria hopgood'  
**Cc:** Terri McLellan  
**Subject:** RE:

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's packet for the upcoming July 27, 2023 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, July 21, 2023.

Thank you,

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

**From:** maria hopgood <maria.hopgood@gmail.com>  
**Sent:** Tuesday, July 18, 2023 8:20 PM  
**To:** Zoning <Zoning@jeffersoncountywv.org>  
**Cc:** maria hopgood <maria.hopgood@gmail.com>; Terri McLellan <raftingirl55@hotmail.com>  
**Subject:**

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

Hello,

Please find the enclosed comments and photos in response to Carl Epstein's 2 requests before the Board of Zoning Appeals on July 27, 2023.

Thank you,  
Maria D. Hopgood & Terri McLellan  
46 Marcum Lane  
Harpers Ferry, WV  
304-724-5373 (H)

23-6-CUP &

RECEIVED

23-22-2V

July 19, 2023

JUL 20 2023

TO: Jefferson County Office of Planning and Zoning

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

RE: Board of Zoning Appeals- Case #: 7015 0640 0004 5288 2431- Request for conditional use permit and variance request made by Mr. Carl Epstein/Tree Nexus

FROM: Kandi and Michael Kaiser, Riverside residents

**PURPOSE: WE OBJECT TO THE CONDITIONAL USE PERMIT AND VARIANCE REQUEST**

**Issue:** The Riverside neighborhood is located at the far end of Mission Road here in Jefferson County, WV. Mr. Carl Epstein, of Tree Nexus, is requesting a conditional use permit and variance request to enable the continued unlawful use of lots in our neighborhood to support any or all of his businesses. Those businesses include Free Country Designs, LLC, ENgrained, LLC, and Tree Nexus, LLC (previously known as 1250 Ground Works, LLC), all of which are in various stages of compliance. The lots and properties referenced in the Zoning requests are currently zoned Rural. Mr. Epstein has been illegally using those lots to operate his businesses since purchasing the land in September of 2018.

**We have substantial concerns regarding the proposed variance and permit requests for the following reasons:**

- 1. Mr. Carl Epstein has provided neither a business proposal nor a request to the Riverside Subdivision to remove deed restrictions.**
- 2. These requests contradict the existing deed restrictions of the Riverside Subdivision.**
- 3. Existing poor road conditions will grow.**

4. **Increased traffic and safety concerns are likely.**
5. **Carl Epstein has no residence in Riverside.**
6. **Environmental impact has not been assessed.**
7. **Approval of these requests could lead to future large-scale business development in our residential neighborhood.**

Discussion of each reason is listed below.

1. **Mr. Carl Epstein has provided neither a business proposal nor a request to the Riverside Subdivision to remove deed restrictions.**

Riverside residents were given no notice that an extremely large metal quonset hut was being built in our subdivision for commercial or industrial use. After Mr. Epstein bought the lots, the clearing of the land looked to be for building a residential structure. Instead, a concrete slab was poured, the metal structure was erected, and all debris from the lots was pushed to their edges or burned.

2. **These requests contradict the existing deed restrictions of the Riverside Subdivision.**

The original Riverside deed dated April 3, 1976, located in Jefferson County Clerk's Office Deed Book 404 page 435-439, very clearly states that "No building other than a single detached dwelling shall be erected or placed upon said lot and such building shall never be used or occupied for any purpose other than that of a private residence exclusively." This is explicitly referenced in Mr. Epstein's deeds for both properties, which were signed by the requestor thereby accepting all conveyances referenced in the Jefferson County Deed Book 1212, page 704. Riverside residents, especially those living on Marcum Lane, must now endure the

unsightly property that has become a dumping ground for Tree Nexus's refuse each time they drive by.

### **3. Existing poor road conditions will grow.**

All of the roads in Riverside are unpaved, dirt and gravel roads, with the majority of them being private. The county does not provide maintenance on private roads, thus it is on the shoulders of Riverside residents to do so. Normal wear and tear from residents' personal vehicles is considerable. However, adding Mr. Epstein's workers' personal vehicles and his fleet of commercial and industrial equipment to our private roads has already proven to cause a significant increase in road damage. Mr. Epstein's poor attempt earlier this year to fix a portion of Marcum Lane only made a bad situation worse.

### **4. Increased traffic and safety concerns are likely.**

Because Mr. Epstein has increased the number of workers for his business, there is an obvious increase in traffic in our neighborhood. His employees drive their personal vehicles to his property, park the vehicles there for the day, then leave the development in one of his company trucks, oftentimes pulling equipment on trailers behind them. Mr. Epstein's employees show little to no respect for residents of Riverside while driving on our roads. They seldom yield or show consideration for Riverside residents attempting to get to or from work and home. Since our school bus stops only at the entrance to our neighborhood, many students and families walk to and from the bus stop. Some middle and high school students walk half a mile to reach the bus stop, with most of it being along Mr. Epstein's workers' path and their trucks. The safety of our children should be of utmost importance to anyone that drives on our roads. Walking within

that only residential structures are to be built on any lot in Riverside. The original deed goes on to say, "As appurtenant to the residence, and to be used only in connection with it, a carport or garage may be erected on any lot..." No residence or dwelling exists on Mr. Epstein's properties. While Tree Nexus is named in the conditional use permit, Mr. Epstein operates multiple businesses from his lots in Riverside. Hidden within the quonset hut is CNC machinery which is used to manufacture goods for ENgrained, LLC or Free Country Designs, LLC. Mr. Epstein's manufacturing businesses are only registered in VA, listing Drake Auto as the LLC address on record(23571 Pebble Run Place, #150, Sterling, VA 20166). That means not only is Riverside suffering from Mr. Epstein, but Jefferson County is, as well.

#### **6. Environmental impact has not been assessed.**

As with any business, there is an obvious environmental impact. Where there once stood trees and grass-covered rolling hills now stands two lots void of most previous vegetation, heavy equipment, a quonset hut, piles of dirt and rocks, mounds of wood debris, and a porta john. To be clear, most of the wood debris did not come from the clearing of the two lots in Riverside. Rather, it is brought into our neighborhood after the completion of contracted jobs. If it rains, the lots become muddy messes that transfer to the road leading out. One can only imagine the kinds of chemicals, oils, and other manufacturing wastes that Mr. Epstein's businesses entail that could be seeping into our neighborhood grounds and water. His lots also drain into a natural runoff that leads directly to the Shenandoah River. In addition to these pollutants, Mr. Epstein's sawmill and heavy equipment cause noise pollution throughout the week for anyone within earshot. One can oftentimes hear the steady hum of machines working all day long in what used to be a quiet neighborhood.

could be seeping into our neighborhood grounds and water. His lots also drain into a natural runoff that leads directly to the Shenandoah River. In addition to these pollutants, Mr. Epstein's sawmill and heavy equipment cause noise pollution throughout the week for anyone within earshot. One can oftentimes hear the steady hum of machines working all day long in what used to be a quiet neighborhood.

**7. Approval of these requests could lead to future large-scale business development in our residential neighborhood.**

When we moved here 13 years ago, there were only houses and homes. If these requests are granted to Mr. Epstein, we fear a domino effect would occur and forever impact our small community of families. Previously, a different neighbor attempted to start a mechanical shop out of his garage. When wreckers began hauling junk cars into the neighborhood and the air tools woke our child at 3am, we filed a formal complaint through the Zoning Board. Fortunately, the property owner complied with county ordinances and additional legal actions were not necessary. If we do not adhere to the zoning ordinances or deeded guidelines, what is to stop any future person from coming in and making all of Riverside their own personal wasteland? Please think of the neighborhoods you live in. Would you appreciate a non-resident coming in and abusing the beautiful community in which you live?

**We respectfully insist that these variance requests are denied. The future of our families and the Riverside neighborhood depends on it.**

**Conclusion:**

The seven issues discussed above are vitally important to the community of Riverside. The request for conditional use and variance request permits submitted by Carl Epstein must be denied.

Thank you for your consideration of these issues. It is our ultimate hope and desire that the right decision is made, and the Riverside neighborhood remains just that, a neighborhood.

Sincerely,

*Kandi M. Kaiser*      *Michael J. Kaiser*  
Kandi M. Kaiser & Michael J. Kaiser

A. Davis by Deed dated August 19, 1987, and recorded in said Clerk's Office in Deed Book 585 at Page 491. Harry L. & E. Louise Davis were granted a fifty percent undivided interest in the property as joint tenants with right of survivorship, and Harry L. Jr. & Marilyn Davis were granted the remaining fifty percent undivided interest in the property as joint tenants with right of survivorship. Harry L. Davis [Sr.] died May 04, 2014, and by the survivorship interest as aforesaid, title to an undivided fifty percent interest in the property vested in E. Louise Davis. E. Louise Davis died May 01, 2018, testate, and by her Will, probated in said Clerk's Office in Will Book 29 at Page 428, she devised her interest in the property to Harry L. Davis, Jr. and Harry L. Davis, III, share and share alike.

THIS CONVEYANCE is made subject to any and all exceptions, covenants, conditions, restrictions, reservations, easements, rights-of-way and more particularly those matters of record in the aforesaid Clerk's Office in Deed Book 404 at Page 435.

1234

THIS DEED Made this 3rd day of April, 1976, by and between JAMES L. GLYPH and BLANCHE T. GLYPH, husband and wife, and, JAMES L. GLYPH, JR. and KAY S. GLYPH, husband and wife, parties of the first part, and, JACK K. POUND and ELIZABETH A. POUND, husband and wife, 2331 Trott Avenue, Vienna, Virginia, 22180, parties of the second part.

WITNESSETH: That for and in consideration of the sum of Three Thousand Five Hundred Eighty-five (\$3,585.00) Dollars, cash in hand paid, the receipt of which is hereby acknowledged, the said parties of the first part do hereby grant and convey, with covenants of general warranty, unto Jack K. Pound and Elizabeth A. Pound, as joint tenants with right of survivorship as at common law and not as tenants in common, those two certain tracts or parcels of real estate, being a part of East Mount Gilead Farm, situate on the east side of the Shenandoah River in Kabetown District, Jefferson County, West Virginia, together with all rights, ways and appurtenances thereunto belonging, which said tracts or parcels of real estate are more particularly bounded and described as Lots 713 and 714, Section 7, Riverside, as designated on that certain plat made by Lee A. Ebert, dated August, 1967, designated as "Riverside - Sec. 7" attached to, made a part of and recorded with that certain deed dated September 27, 1967, from James L. Glyph, et. ux., et. als., to Harry L. Davis, et. ux., in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 291, at Page 68, as follows:

LOT 713: BEGINNING at an iron pin in the south line of Marcum Lane, a corner to Lot 712, Section 7; thence with the east line of said lot, S. 08° 55' 20" E. 410.26 feet to an iron pin, a corner to Lots 712, 716 and 717, Section 7; thence with the north line of Lot 716, Section 7, S. 87° 19' 30" E. 100.00 feet to an iron pin, a corner to Lot 714, Section 7; thence with the west line of said lot, N. 00° 58' E. 367.19 feet to an iron pin in the south line of Marcum Lane; thence with the same, N. 75° 50' W. 175.00 feet to the point of beginning, containing 1.18 acres.

LOT 714: BEGINNING at an iron pin in the south line of Marcum Lane, a corner to Lot 713, Section 7; thence with the east line of said lot, S. 00° 58' W. 367.19 feet to an iron pin in the north line of Lot 716, Section 7; thence with the same, N. 77° 36' E. 210.73 feet to an iron pin in the west line of Marcum Lane; thence with the same, N. 04° 50' W. 115.24 feet, N. 28° 20' W. 132.41 feet, N. 48° 42' W. 79.14 feet, N. 60° 30' W. 77.73 feet to the point of beginning, containing 1.21 acres.

TOGETHER WITH all right to the use of Riverside Park Area as the same is designated and described in that certain dedication dated October 2, 1965, by James V. Milano, et. ux., et. als., and recorded in the aforesaid County Clerk's Office in Deed Book 276, at Page 418.

AND ALSO TOGETHER WITH the right to use all streets, roads and ways, as the same are shown on the plat hereinbefore mentioned, and such other roads and streets as are now platted or which may be platted over the property known as East Mount Gilead Farm, jointly and in common with other lot owners in the subdivision of Riverside for purposes of erecting, laying, maintaining and using electric, telephone and water lines and drainage as well as passage and transportation of all kinds.

The real estate herein conveyed is a part of a larger tract or parcel of real estate which was conveyed unto James V. Milano, James L. Glymph and James L. Glymph, Jr. from Virginia F. Burns, widow, by deed dated October 1, 1964, and recorded in the aforesaid County Clerk's Office in Deed Book 270, at Page 286. The one-third (1/3) undivided interest of James V. Milano was conveyed to James L. Glymph by deed dated March 31, 1966, and recorded in the aforesaid County Clerk's Office in Deed Book 279, at Page 294, to which said deeds and references therein contained, reference is hereby made.

This conveyance is subject to easements of record for electric utility purposes, and such easements as may be disclosed by a reasonable inspection of the property conveyed.

Reference is made to that certain Power of Attorney from Blanche T. Glymph to James L. Glymph, dated August 14, 1965, and recorded in the aforesaid County Clerk's Office in Deed Book 275, at Page 300; and that certain Power of Attorney from Kay S. Glymph to James L. Glymph, Jr. dated June 25, 1966, and recorded in the aforesaid County Clerk's Office in Deed Book 281, at Page 184.

The parties of the second part, in accepting this conveyance, accept the same subject to the restrictions and conditions hereinafter set forth, and, for themselves, their heirs, successors and assigns, covenant that they shall faithfully observe and perform the restrictions and conditions as follows:

1. No trailer shall be erected on the premises and the said tracts or parcels herein conveyed shall not be subdivided into smaller parcels or lots less than one acre in area. No building other than a single detached dwelling shall be erected or placed upon said lot and such building shall never be used or occupied for any purpose other than that of a private residence exclusively. As appurtenant to the residence, and to be used only in connection with it, a carport or garage may be erected on any lot, whether the same be attached or detached from the said dwelling.

2. No dwelling shall be erected on any lot unless the same be provided with an automatic garbage disposal connected to the plumbing in said dwelling and indoor toilet facilities of a flush type with a septic tank with underground drain pipes, constructed in accordance with state and county health regulations.

3. No dwelling shall be erected on any lot unless it contains a minimum floor area of 400 square feet, if the same be a one-story dwelling, and, if the same be more than a one-story dwelling, it shall contain a minimum floor area of 700 square feet, excluding therefrom porches and patios.

The restrictions imposed herein shall inure to the benefit of all of the purchasers, their respective heirs, successors and assigns of lots or subdivisions hereafter made, platted or sold by the said James L. Glymph, et. ux., et. als., from the residue of the tract known as East Mount Gilead Farm.

DECLARATION OF CONSIDERATION OR VALUE: Under the penalties of fine and imprisonment, as provided by law, JAMES L. GLYMPH, whose address is 4100 David Lane, Alexandria, Virginia, 22311, does hereby declare that the total consideration paid for the property conveyed by the document to which this declaration is appended is Three Thousand Five Hundred Eighty-five (\$3,585.00) Dollars.

WITNESS the following signatures and seals.



*[Signature]* (SEAL)  
James L. Glymph

BLANCHE T. GLYMPH

BY: *[Signature]* (SEAL)  
James L. Glymph, her Attorney in Fact

*[Signature]* (SEAL)  
James L. Glymph, Jr.

KAY S. GLYMPH

BY: *[Signature]* (SEAL)  
James L. Glymph, Jr., her Attorney in Fact

Stolen Copy

Stolen Copy

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

I, Donna M. Coulter, a Notary Public, in and for the County and State aforesaid, hereby certify that JAMES L. GLYMPE and BLANCHE T. GLYMPE, by JAMES L. GLYMPE, her Attorney in Fact, husband and wife, and JAMES L. GLYMPE, JR. and KAY S. GLYMPE, by JAMES L. GLYMPE, JR., her Attorney in Fact, husband and wife, whose names are signed to the writing hereto annexed, bearing date the 3rd day of April, 1976, have this day acknowledged the same before me in my said County.

Given under my hand this 3rd day of April, 1976.

My commission expires March 17, 1986.

*Donna M. Coulter*  
\_\_\_\_\_  
Notary Public

This deed was prepared by  
F. Dean Nichols, Attorney  
at Law, Charles Town, W. Va. 25414.

State of West Virginia, County of Jefferson, Sct.

IN THE CLERK'S OFFICE OF COUNTY COMMISSION:

On APR 8 1976 at 9:15 A.M., the foregoing Deed of B. & S. was received in my said office and duly admitted to record.

Test,

John E. Ott  
Clerk of said Commission



7:23

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Free Country Designs

Jun 3, 2021



Our Woodmizer LX250 sawing a 33 inch tulip poplar tree into live edge wood slabs.



Free Country Designs

Jun 3, 2021



Free country designs  
Woodmizer LX250



Free Country Designs updated their profile picture.



7:23

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Free Country Designs updated their profile picture.

Jun 3, 2021



2



Free Country Designs

Jun 3, 2021

Custom order for an American flag



7:24

33%

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freecountrydesigns.com  

## Menu

### Contact Free Country Designs

Thank you for your interest. For questions or comments, please use the information listed here. We look forward to hearing from you soon.

#### Phone

(571) 352-7312

#### Email

Email [Carl@freecountrydesigns.com](mailto:Carl@freecountrydesigns.com)

#### Hours of Operation

Monday–Friday, 9:00 a.m.–5:00 p.m.

#### Address

23571 Pebble Run Place, #150  
Dulles, VA 20166

#### Service Area

Nationwide

7:23

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Free Country Designs Message Us



Free Country Designs is in Harpers Ferry, WV.

Aug 4, 2021

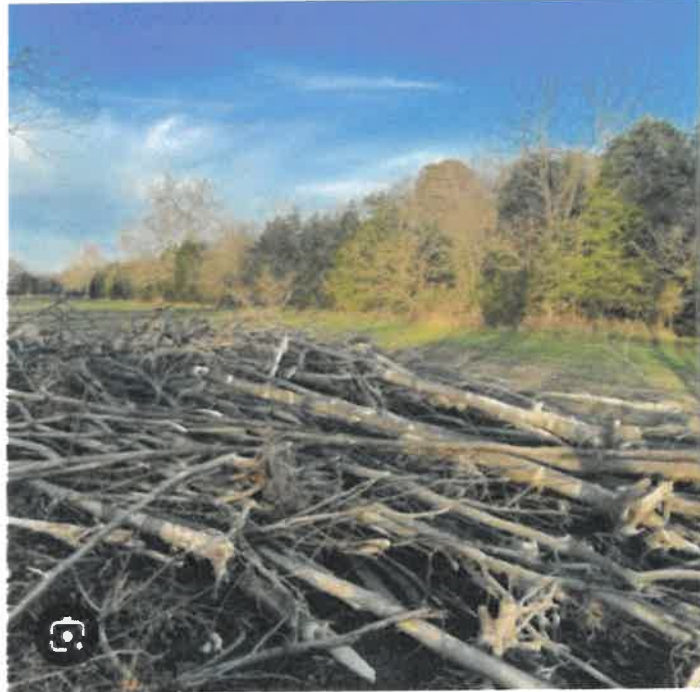
Another day at the sawmill.



Free Country Designs

Jun 3, 2021

Our Woodmizer LX250 sawing a 33 inch tulip poplar tree into live edge wood slabs.



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Jun 3, 2021



Tulip poplar slabs. Free Country Designs



Free Country Designs





Mary Ellen Rostetter  
147 Marcum Ln Harpers Ferry, WV 15425  
703-862-0487

To: Jefferson County, Office of Planning and Zoning  
Subj: File #23-6-CUP, Disapproval of Request

1. The commercial activity that is being requested has been happening illegally for four years.
2. The property is not being occupied as a residence and only for commercial use. There isn't even a mailbox attached to the property anywhere. There is also a porta potty on the property.
3. The property is covered in heavy equipment, and as an "eyesore" in the neighborhood, has a negative effect on the surrounding residents' quality of life.
4. The activity going on in this property will cause a major decrease in property value for surrounding neighbors.

## Zoning

---

**From:** Zoning  
**Sent:** Thursday, July 20, 2023 4:39 PM  
**To:** 'Emily Madsen'  
**Subject:** RE: Opposition from next-door neighbor, 23-6-CUP

Good afternoon,

Please note that our office is in receipt of your email and your comments will be included in the Board's packet for the upcoming July 27, 2023 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, July 21, 2023.

Thank you,

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

**From:** Emily Madsen <oboemadsen@gmail.com>  
**Sent:** Thursday, July 20, 2023 3:33 PM  
**To:** Zoning <Zoning@jeffersoncountywv.org>  
**Subject:** Opposition from next-door neighbor, 23-6-CUP

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

To whom it may concern,

Attached is a letter opposing request 23-6-CUP.

Thank you.  
Mary Ellen Rostetter



**23-6-CUP and 23-22-ZV**

07/23/2023

**Jefferson County Zoning – Plots 713 and 714 – Marcum Lane**  
Zoning@Jeffersoncountywv.org

I am writing this letter on behalf of my Mother, Mary Ellen Rostetter, who resides at 147 Marcum Lane

- unsightly, unkept and lack of gardening
- Noise pollution in that higher than normal machinery sounds are heard throughout the day
- cause duress and stress for my mother as well as notable anxiety over the lack of care of the neighbor's property and different expectations of following the rules that are currently upheld by fellow neighbors
- Lowers property value of neighboring structures
- Does not use the property as a primary residence

Due the following reasons, I hope the neighborhood takes into considerations the impact this has in my mother, the immediate next door neighbor, as well as the rest of the neighborhood. My mother is a quiet person who keeps to herself, and just because my father just passed away, the timing is a bit ironic, and hopeful it's mere coincidence.

We hope the correct and fair actions are taken during this process.

Thank you for your time

Daniel Rostetter

808/269/8395



dannyrostetter@gmail.com



## Zoning

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**From:** Zoning  
**Sent:** Friday, July 21, 2023 9:11 AM  
**To:** 'Daniel Rostetter'  
**Subject:** RE: Letter from Daniel Rostetter - Marcum Lane - Plots 713 and 714

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's packet for the upcoming July 27, 2023 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, July 21, 2023.

Thank you,

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

**From:** Daniel Rostetter <daniel.rostetter@fourseasons.com>  
**Sent:** Thursday, July 20, 2023 5:06 PM  
**To:** Zoning <Zoning@jeffersoncountywv.org>  
**Subject:** Letter from Daniel Rostetter - Marcum Lane - Plots 713 and 714

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

Hello,

Please find a letter pertaining to lots 713 and 714. We hope this is taking into consideration and thank you for your time.

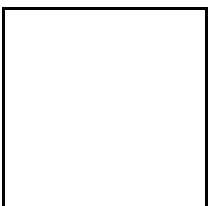
Daniel Rostetter  
Guest Experience Manager

Four Seasons Resort Maui  
3900 Wailea Alanui Drive, Kihei, HI 96753

Voice: 1-808-874-8000

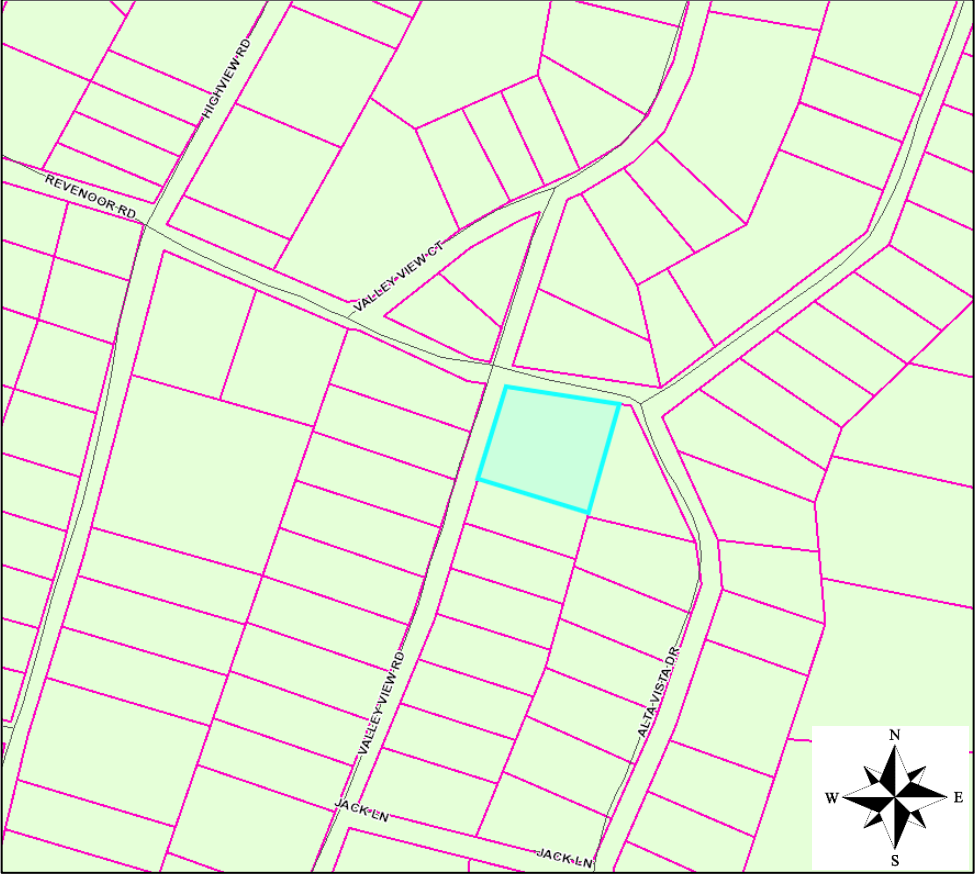
<https://www.fourseasons.com/maui/>

Need Anything? Click [HERE](#) to Chat with us.



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 July 27, 2023  
**23-7-CUP BRNDL Custom Works LLC (Ryan Uhrich)**  
**Conditional Use Permit Request**

Item #3 Request for a Conditional Use Permit to operate a homebased federal firearms business, to include limited gunsmithing from an existing dwelling unit (proposed land use as listed in Appendix C: Custom Manufacturing). The business is primarily internet based. No employees other than the residents of the property. Business hours are by appointment only, with limited customer visits (approximately two per month). No signs are proposed.

Property Owner:	Ryan Uhrich
Applicant:	BRNDL Custom Works, LLC
Parcel Information and Zoning District:	412 Revenoor Rd, Harpers Ferry, WV 25425 Parcel ID: 06006K00260000; Lot Size: ~.52 acres; Zoning District: Rural
	
Surrounding Properties:	Zoning Map Designation: North, South, East, & West: Rural
Approvals:	Section 21-F, Shannondale Subdivision in DB 269 @ PG 90 (09/11/1964)
Site Visit Conducted:	Site visit not conducted.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023  
**23-7-CUP BRNDL Custom Works LLC (Ryan Uhrich)**  
**Conditional Use Permit Request**

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

Request for a Conditional Use Permit to operate a homebased federal firearms business, to include limited gunsmithing from an existing dwelling unit (proposed land use as listed in Appendix C: Custom Manufacturing). The business is primarily internet based. No employees other than the residents of the property. Business hours are by appointment only, with limited customer visits (approximately two per month). No signs are proposed.

Article 2 defines *Custom Manufacturing* as:

“Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking.”

The proposed use is primarily an internet based home business; however, Section 4A.1.E.4 states that “Any business which involves the storage of weapons such as firearms (other than residents’ hunting, protection, and leisure weapons)” cannot be established under the Home Occupation provisions. A previous determination, which was upheld by the Board of Zoning Appeals, stated that storage of firearms constitutes any length of time that a firearm is on premises (PC File #AP12-02). Therefore, Staff advised that the business could not be administratively approved as a home occupation and that a Conditional Use Permit would be required to address the fact that firearms will be on premises for a period of time until the transfer is completed and the customer(s) picks up the item(s).

The applicant represented that customers will visit the property by appointment only, with an approximate number of two appointments per month. The business would not have regular business hours or readily available inventory (i.e. the public cannot walk-in and purchase a firearm).



**Property Description**

The subject parcel is Lots 36 & 37 of Section 21F in Shannondale. The lots were created prior to the adoption of the Subdivision Ordinance in 1979 or the Zoning Ordinance in 1988; therefore, the lots are considered nonconforming as they do not comply with the current development standards.

The property contains an existing residential dwelling unit and gravel driveway/parking area. It is surrounded primarily by vacant wooded lots and some residential lots.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023  
**23-7-CUP BRNDL Custom Works LLC (Ryan Uhrich)**  
**Conditional Use Permit Request**

**Conditional Use Permit Process**

Section 6.3 of the Zoning Ordinance states:

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

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

**1. The proposed use is compatible with the goals of the adopted Comprehensive Plan. (Sec. 6.3A.1)**

The subject parcel is shown as “Low Density Residential” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see below). The property is located outside of the County’s identified preferred growth areas and urban growth boundaries.



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

In March 2017, in accordance with the goals of the adopted Comprehensive Plan, the County Commission modified the Conditional Use Permit process through a text amendment to the Zoning Ordinance. As part of that text amendment, the County Commission amended Appendix C to include a list of commercial land uses that were identified as appropriate land uses to process under the Conditional Use Permit provisions. The land use designation **Custom Manufacturing** is listed as an appropriate commercial land use to process as a Conditional Use in the Rural zoning district.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023  
**23-7-CUP BRNDL Custom Works LLC (Ryan Uhrich)**  
**Conditional Use Permit Request**

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

“...This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and intensity with the rural environment and poses no threat to public health, safety, and welfare.” (Page 36, Rural Land Use)

“Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.” (Page 39, Recommendation #4.b – Rural Land Use Planning Recommendations (Goal 2))

“Recommendation 5: Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses (Page 77, Agricultural and Rural Economy Recommendations (Goal 8)).

Recommendation 5b: Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations. (Page 77, Agricultural and Rural Economy Recommendations (Goal 8))”

- 2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare. (Sec. 6.3A.2)**

The applicant addressed this criteria on page four of their application.

Based on the description of the proposed business and the low-intensity of the business, the proposed land use appears to be compatible in intensity and scale with the existing and potential land uses and does not appear to pose any threat to public health, safety, and welfare.

- 3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. (Sec. 6.3A.3)**

Based on the information provided by the applicant on page four of their application, the business will occur within the existing home and no site development is proposed; therefore, the proposal will not hinder nor discourage the appropriate development and use of adjacent land and buildings.

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

The property contains existing vegetation along the perimeter. No new buildings or additions are proposed and no additional parking is required to be installed; therefore, the applicant would not be required to process a site plan and landscaping would not be required to be installed in accordance with Appendix B and Section 4.11 of the Zoning Ordinance.

Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 July 27, 2023  
**23-7-CUP BRNDL Custom Works LLC (Ryan Uhrich)**  
**Conditional Use Permit Request**

As a condition of approval, the Board can consider requiring that a vegetative buffer or fencing be installed.

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

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

**Section 8.9 Industrial and Commercial Uses<sup>23</sup>**

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

1. Noise

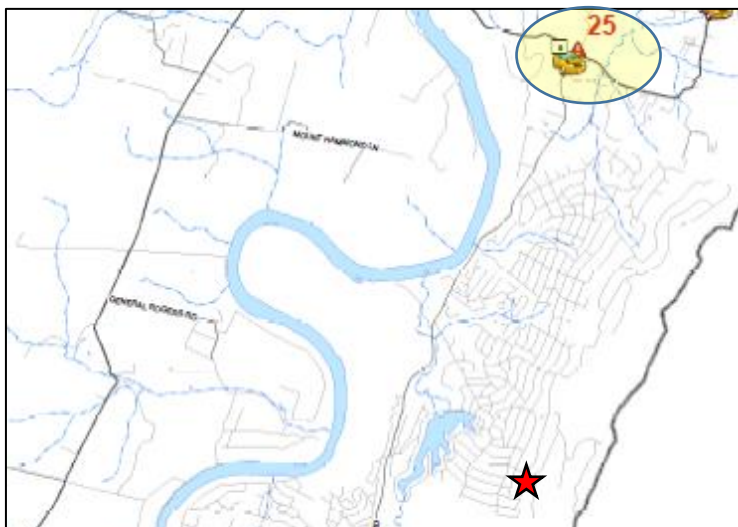
All noise shall be muffled so as not to be objectionable due to intermitting, beat frequency, or shrillness. Noise levels shall not exceed the following sound levels dB(A). The sound-pressure level shall be measured at the property line with a sound level meter.

Sound Measured In	DAY	NIGHT
	7 AM - 6 PM	6 PM - 7 AM
Adjoining Agricultural or Residential Growth District	60 dB(A)	50 dB(A)
Residential Uses in R-LI-C District	65 dB(A)	55 dB(A)
Commercial Uses	70 dB(A)	60 dB(A)
Light Industrial Uses adjacent to noise source	85 dB(A)	80 dB(A)

The following sources of noise are exempt:

- Transportation vehicles not under the control of the industrial use.
- Occasionally used safety signals, warning devices and emergency pressure relief valves.
- Temporary construction activity between 7:00 a.m. and 7:00 p.m.

**6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan’s Highway Road Classification Map. (Sec. 6.3A.6)**



The property is located off of State Route 901/33, Revenoor Road, which is classified as a Local Road and is subject to this criteria. The applicant provided a trip generation summary on page four of their application. The anticipated number of trips per month is consistent with a residential use.

Below is an excerpt from the Comprehensive Plan’s Highway Problem Areas Map followed by the map index for Problem Area 25.

Highway Problem Areas in Jefferson County			
Number	Route/Road	Location	Problem
25	WV 115	At Mission Road	Multiple Accident Location Long dead-end road with only 1 point of ingress/egress

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023  
**23-7-CUP BRNDL Custom Works LLC (Ryan Uhrich)**  
**Conditional Use Permit Request**

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

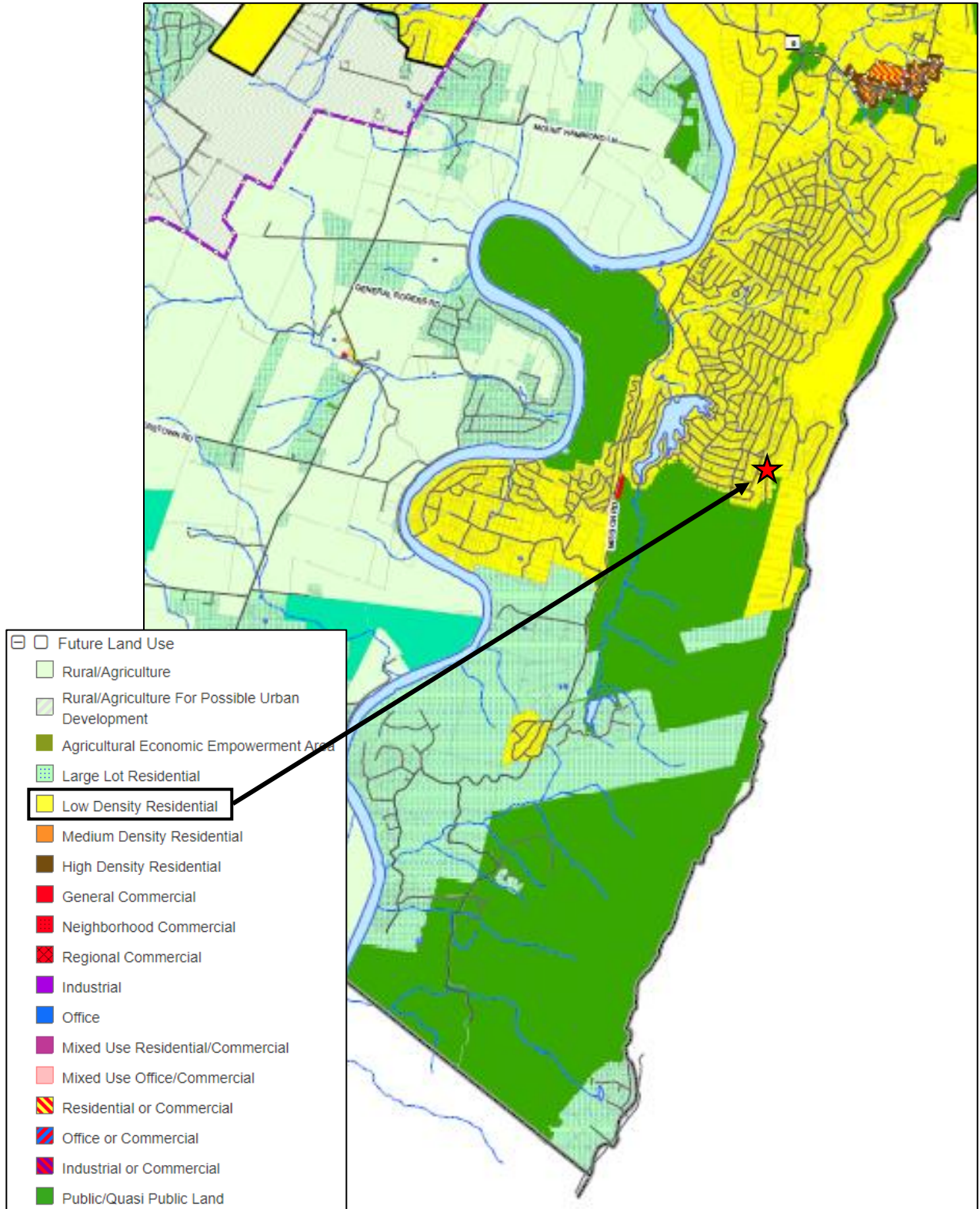
The subject property does not contain any Category I or II historic sites as defined by the Zoning Ordinance; therefore, this criteria does not apply.

**8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6. (Sec. 6.3A.8)**

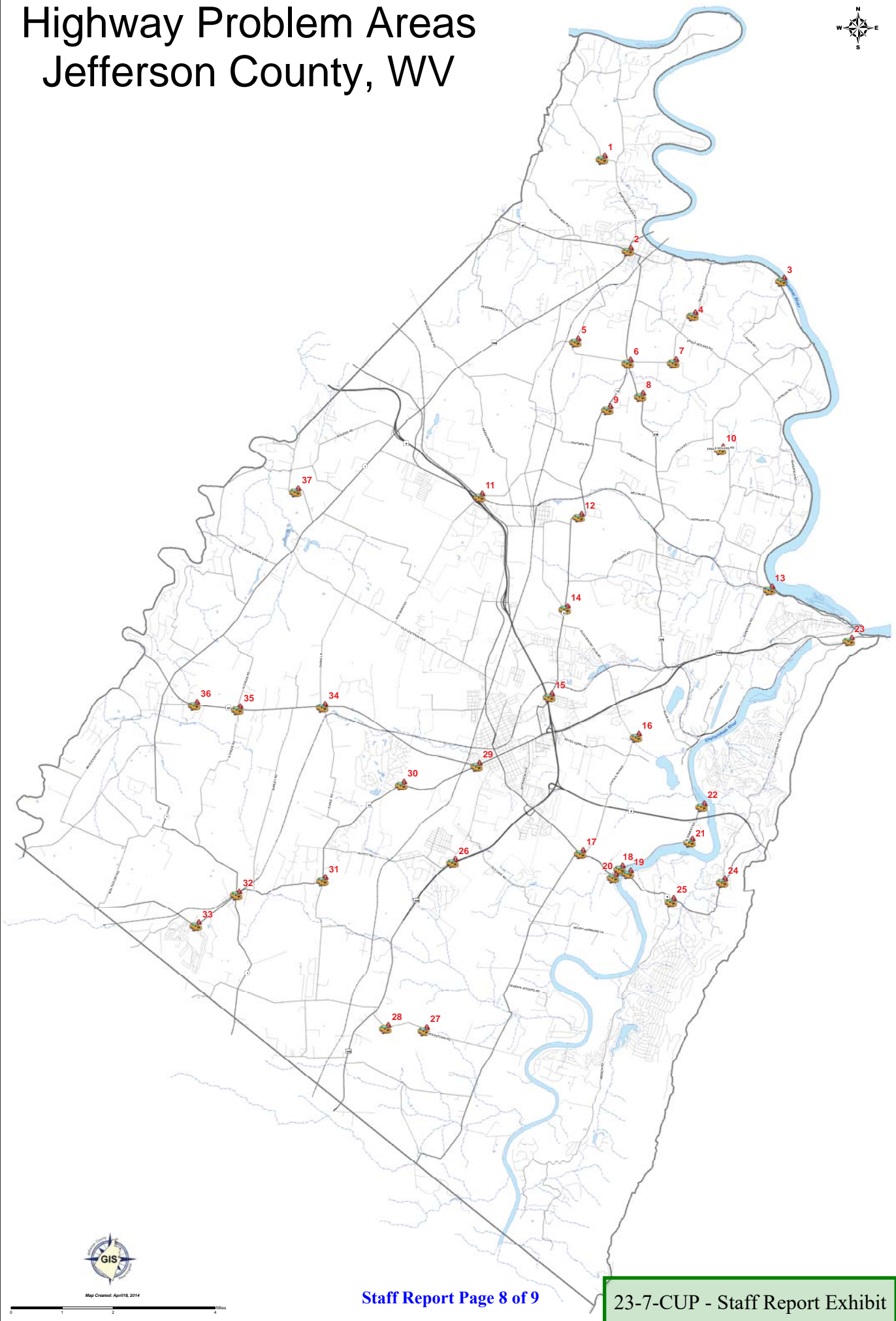
Signs accessory to a Conditional Use are subject to Section 10.6 of the Zoning Ordinance, which requires that as part of the application, signage shall be addressed for review and consideration by the Board at the required Public Hearing.

The applicant represented that no signs are proposed as part of the expansion. Any future signs may necessitate review and approval by the Board of Zoning Appeals.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
July 27, 2023  
**23-7-CUP BRNDL Custom Works LLC (Ryan Uhrich)**  
**Conditional Use Permit Request**



# Highway Problem Areas Jefferson County, WV



Map Created: April, 2014



Highway Problem Areas in Jefferson County			
Number	Route/Road	Location	Problem
1	Scrabble Road	1/4 mile West of Sheperherd Grade Road	90 Degree turn
2	WV 45	Intersection with WV 480, WV 45 and WV 230	Road width through historic area limits turn movements
3	River Road	Near Potomac Ridge Lane	Prone to flooding
4	Trough Road	One mile east of WV 230	90 Degree turn
5	Ridge Road	Intersection with Gardners Lane	Poor intersection angle causing poor visibility
6	Intersection of WV 230 and Flowing Springs Road	Intersection of WV 230, Flowing Springs Road, Gardners Lane and Trough Road	High number of access and turning movements, visibility constraints
7	Trough Road	1/2 mile north of Engle Molers	Two 90 degree turns
8	WV 230	1 mile south of Flowing Springs Rd	S Curve
9	Flowing Springs Road	Approximately 1 south of WV 230 intersection	Curve
10	Engle Molers Road	1/4 mile south of Uvilla	Two 90 degree turns
11	Luther Jones Road	Intersection with Wiltshire Road and Old Charlestown Road	Limited stacking area at light due to tracks. Development is expected to take place in this area over next two decades
12	Flowing Springs Road	Approximately 700 feet north of Shenandoah Junction Road	Two 90 degree turns
13	Bakerton Road	Bakerton Road Tunnel	Sharp Curve, Poor Sight Distance, One Lane Tunnel
14	Daniel Road	Intersection with Flowing Springs Road just north of Old Country Club Road	Poor intersection angle causing poor visibility
15	Sun Road	Intersection with WV 9 West	No merge lane on Route 9
16	Cattail Run Road	Intersection with Marlow RD and Cattail RD	90 Degree turn
17	Cattail Run Road	At intersection with WV 115	Poor sight distance pulling onto WV 115
18	Bloomery Road	1,000 north of WV 115	Within 100 Year Floodplain, periodic flooding
19	Wilt Road	From WV 115 at to dead end	Within 100 Year Floodplain, periodic flooding
20	John Rissler Road	From WV 115 at Bloomery to dead end	Within 100 Year Floodplain, periodic flooding
21	Bloomery Road	2,500 South of Rt. 9 tunnel	90 Degree turn
22	Bloomery Road	1,250 north of WV 115	90 Degree turn
23	US 340 and Chestnut Hill Road	Intersection with Chestnut Hill Road	Inadequate Turning Area onto Chestnut Hill Road; Poor intersection angle causing poor visibility, steep slope
24	WV 115	At Chestnut Hill	Poor intersection angle causing poor visibility
25	WV 115	At Mission Road	Multiple Accident Location Long dead-end road with only 1 point of ingress/egress
26	Augustine Ave	Intersection with US 340	Adjacent intersection with Hyuett Road may lead to stacking during peak hours.
27	Meyerstown Road	One mile east of US 340	Two 90 degree turns
28	Meyerstown Road	1/2 mile east of US 340	90 degree turn
29	Summit Point Road	Intersection with WV 51 (Washington St)	Poor intersection angle causing poor visibility, intersection at capacity
30	Summit Point Road	Near Lindsay Drive	90 Degree turn
31	Summit Point Road	Intersection with Lloyd Road	90 Degree Turn
32	Summit Point Road	At intersection with Leetown Road and Summit Point Road	Poor intersection angle causing poor visibility
33	Summit Point Road	In vicinity of Summit Point Raceway	90 Degree turn
34	WV 51	Intersection with Earl and Darke Lane	Misalignment of intersection
35	WV 51	Intersection with Childs Road	Poor sight distance turning onto WV 51
36	Old Middleway Road	Intersection with WV 51	Poor sight distance and intersection angle
37	Paynes Ford Road	3,500 feet west of Leetown Road	Two 90 degree turns





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

File #: 23-7-CUP  
 R'cvd Date: 06/- 30 / 23  
 Mtg. Date: 07/ 27 / 23  
 Fee Paid: \$ 300.00  
 Staff Int.: AB

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

Phone: (304) 728-3228

**Application for a Conditional Use Permit**

**Project Name**

BRNDL Custom Works LLC

**Property Owner Information**

Name: Ryan Uhrich  
 Business Name: BRNDL Custom Works LLC  
 Mailing Address: 412 Revenoor Rd. Harpers Ferry, WV 25425 Mail  Yes  
 Phone Number: (301) 943-1687 Email Response: ruhricht9@gmail.com Response:  No

**Applicant Information**

Name: Ryan Uhrich  
 Business Name: BRNDL Custom Works LLC  
 Mailing Address: 412 Revenoor Rd. Harpers Ferry, WV 25425 Mail  Yes  
 Phone Number: (301) 943-1687 Email Response: ruhricht9@gmail.com Response:  No

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

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

**Physical Property Details**

Physical Address: 412 Revenoor Rd. Harpers Ferry, WV 25425  
 Tax District: Kabletown Map No: 6K Parcel No. 19-06-006K-0026-0000  
 Parcel Size: 0.52 acres Deed Book: 1254 Page No: 595

**Zoning District (please check one)**

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

\* For properties in the Rural Zoning District:  
 Is property located on a primary or secondary road?  Yes  No

Name of Road and/or Route Number: Revenoor Road

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

Personal Services: Gunsmith - please see attached proposal.

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

House was built in 1973. No other known history.

**Please respond in detail to the following questions to show how the proposed project complies with the criteria located in Section 6.3 of the Zoning Ordinance:**

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

See attached.

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties? How will the proposed project mitigate potential threat to public health, safety, and welfare? *Sec. 6.3A.2*

See attached.

3. Describe how the proposed site development will be designed such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. *Section 6.3A.3*

See attached.

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

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

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

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

I am aware of the standards outlined in Section 8.9 of the Zoning Ordinance and will be in compliance.

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

Applicable (Trip Generation Data attached)

Not Applicable

**The information given is correct to the best of my knowledge. Property Owner Signature Required.**

*Ryan Ulrich*

6/30/23

Property Owner

Date

Property Owner

Date

Conditional Use Permit Application  
BRNDL Custom Works LLC  
Ryan Uhrich  
412 Revenoor Rd.  
Harpers Ferry, WV 25425

**Conditional Use Criteria:**

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

**Section 6.3A.1**

The proposed internet-based business will be conducted within the existing structure with no changes required to the existing infrastructure, utilities, or roads is compatible with the goals of the adopted Comprehensive Plan.

**2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety, and welfare. Section 6.3A.2**

The property is located at the top of Revenoor Road in Shannondale, very limited traffic in that part of the neighborhood. I am not proposing any changes to the existing structure and I will be utilizing the existing driveway entrance, exit, and parking on the premises.

This proposal will not have any impact on the potential land uses of the neighboring properties and poses no threat to public health, safety, and welfare. I do not plan to have any exterior signage and I will not carry any readily available inventory that would be available to purchase on site. My business hours are going to be appointment only and it is solely for the few transfers (1 to 2 a month) and repairs/modifications that will be picked up by friends or family. This proposal will in no way affect the day to day lives of the surrounding neighbors.

**3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. Section 6.3A.3**

This proposal will not have a negative impact on the appropriate development and use of adjacent land and buildings. The existing structure will not need any changes so there will be no disturbance to the neighbors. The business is purely an internet-based business with no employees, no exterior signage, and no readily available inventory, therefore, limited traffic (1 or 2 customers a month).

**Proposal Description:**

I am a graduate of the Pennsylvania Gunsmithing School and as a certified gunsmith I have plans for starting my own at-home custom gunsmithing business. The plan for the business is to create made-to-order firearm builds that once completed get shipped out to the FFL where the customer is located around the country as well as repairs/modifications to the firearms of friends and family.

I will be conducting all my business online or offsite at gun shows so there will be virtually no customers coming to the business unless it is by appointment. There will be around 1-2 firearms transfers a month from online dealers to my business for friends and family. I will not have any products on display, everything that is for sale will be in bins either to be shipped or taken offsite to gun shows.

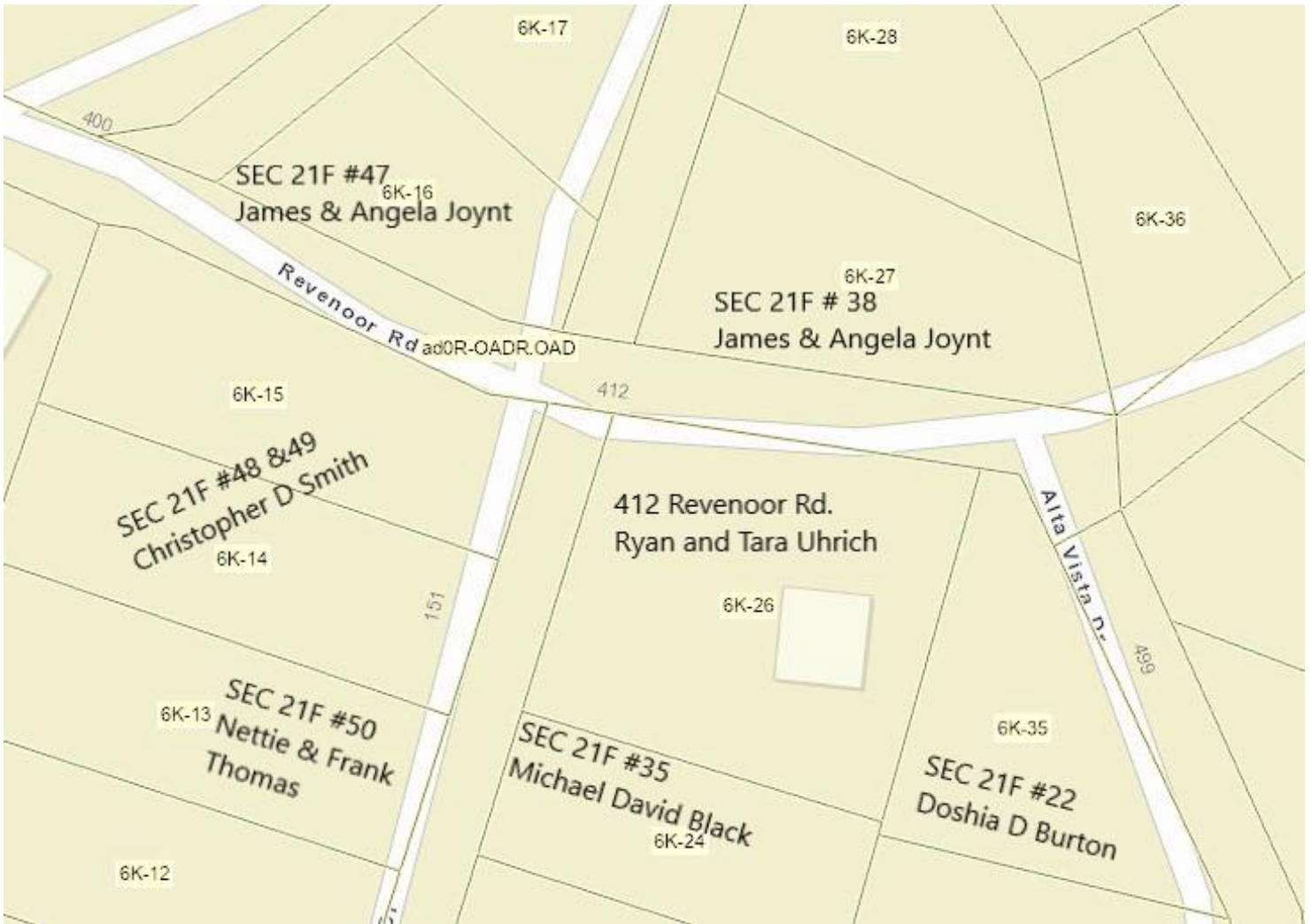
The gunsmithing repairs and modifications side of the business is primarily for friends and family, so there will be very few of their firearms stored on site for a short amount of time. I am the only employee for the business.

I am not proposing to make any changes to the building or existing structure.

BRNDL Custom Works LLC

Ryan Uhrich

412 Revenoor Rd. Harpers Ferry, WV 25425



BRNDL Custom Works LLC

Ryan Uhrich

412 Revenoor Rd. Harpers Ferry, WV 25425

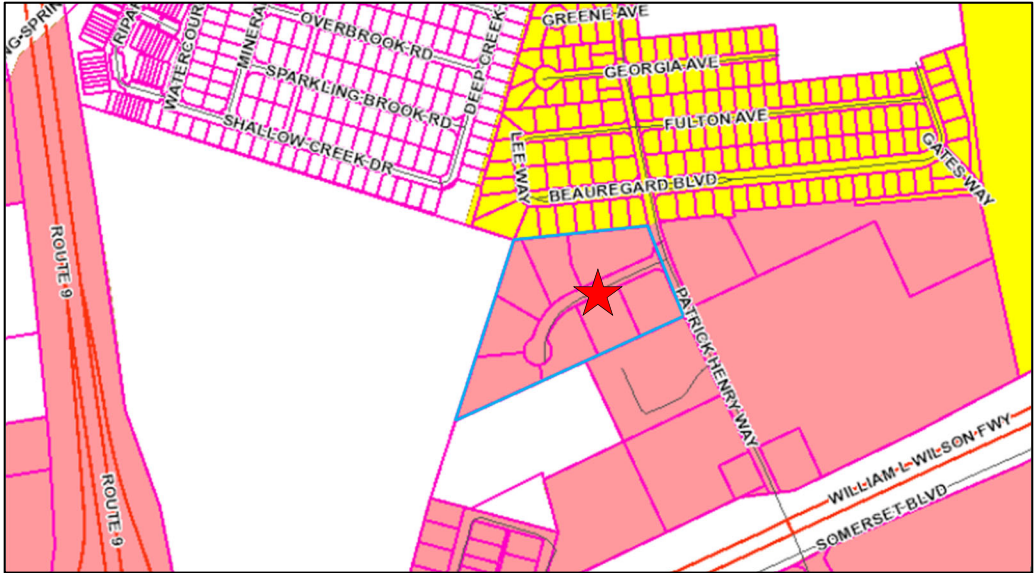




Staff Report  
 Jefferson County Board of Zoning Appeals  
 July 27, 2023

**23-23-ZV Canter Hollow Apartments (fka Miller Station Apartments)**

Item #4 Variance from Section 4.12B to increase the maximum impervious surface limit from 50% to 60% for the proposed Canter Hollow Apartment complex (fka Miller Station Apartments).

Property Owner:	Cantor Hollow, LLC
Applicant:	Keane Enterprise / Contact: Andy Shuckra
Consultant:	Morris & Ritchie Associates, Inc. / Contact: Todd Heck, Principal
Parcel Information & Zoning District:	<p style="text-align: center;">Miller Station Subdivision, Lots 1 – 8,          located on Captain Chews Trace, Charles Town, WV          Tax District: Charles Town (02), Map: 8C, Parcels: 1 - 8; Combined Size: 10 acres          Zoning District: Residential-Light Industrial-Commercial</p>  <p style="text-align: center;">*White areas are located within the City of Ranson</p>
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:          North: Residential Growth          East: Residential-Light Industrial-Commercial (RLIC)          South: RLIC &amp; City of Ranson; West: City of Ranson</p>
Variances/Waivers:	<p>07/28/22 – BZA approved variance from Section 4.12B to increase the maximum impervious surface limit from 50% to 60%. File #22-23-ZV.          07/28/22 – BZA approved variance from Section 4.11C to eliminate a portion of the required landscape buffer along the southern property line. File #22-24-ZV.</p>
Approved Activity:	<p>07/28/03 – Miller Station Commercial Subdivision; 8 Commercial Lots. File #01-31-SD / PB20 @ PG 23.          08/09/22 – PC Approved Concept Plan for Miller Station Apartment Complex 7 garden style apartments with 218 units. File #22-6-SP.          07/25/23 - PC Public Workshop RE: revised Concept Plan for Canter Hollow Apartment Complex modified layout. File #22-6-SP.</p>
Site Visit Conducted:	No. Applicant emailed photo of posted placard on 07/07/23.

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

**23-23-ZV Canter Hollow Apartments (fka Miller Station Apartments)**

**Staff Overview**

The applicant is requesting a variance from 4.12B to increase the maximum impervious surface limit from 50% to 60% for the proposed Canter Hollow Apartment complex (fka Miller Station Apartments), which consists of 19 Apartment Buildings with 143 units total, associated parking spaces, SWM facilities, and signage.

A key purpose of regulating impervious surface area in the Zoning Ordinance is to promote and preserve open space, as well as to regulate density for residential development. Additionally, establishing a maximum limit reduces the volume of stormwater runoff created by impervious surfaces.

*As the Board may recall, a similar request was granted in July 2022 (File #22-23-ZV) for Miller Station Apartments. The property owner is requesting to modify the design of the apartment complex under the new name “Canter Hollow Apartments”. Staff advised that another variance would be required because even though the overall impervious area is being reduced from the original proposal, the new design includes more apartment buildings with less units and excludes the community building/leasing office that was originally proposed. See table below for comparison of the changes between to the two designs.*

<b><u>2022 Impervious Area = 56.6%</u></b>			<b><u>2023 Impervious Area = 54.7%</u></b>		
<b># of Buildings in 2022</b>	<b># of Buildings in 2023</b>	<b># of Units in 2022</b>	<b># of Units in 2023</b>	<b>Parking Spaces in 2022</b>	<b>Parking Spaces in 2023</b>
7	19	218	143	371	312

Density for multi-family development is based on a minimum area per dwelling unit of 2,000 square feet. The subject lot is approximately 436,259 square feet (10 acres), which would allow for a maximum density of 218 units (see applicant’s maximum allowable area table below).

<b>Total Lot Area</b>	<b>436,259</b>	<b>SF</b>
<b>Permitted Area per dwelling unit</b>	<b>2,000</b>	<b>SF</b>
<b>TOTAL LOT AREA (436,259 SF) / (2,000 SF) = 218.13</b>		
<b>Max Dwelling Units</b>	<b>218.13</b>	
<b>Proposed Dwelling Units</b>	<b>143</b>	<b>Units</b>

Parking is based on the number of bedrooms per unit (see applicant’s parking tabulations below). The proposed design includes a combination of two and three bedroom units, which would require a total of

<b>Apartment Unit / Type</b>		<b>Parking Per Unit</b>	<b>Parking Required</b>	<b>*Parking Provided</b>
24 Units	2 Bedroom (43.6%)	1.5	36	-
119 Units	3 Bedroom (33.6%)	2	238	-
<b>143 Total Units</b>			<b>274</b>	<b>312</b>
<b>Notes:</b>				
<b>*Proposed Parking subject to final design</b>				
<b>Prvided parking: 95 Garages, 95 Driveways &amp; 127 Surface parking spaces</b>				
<b>* (8) ADA Parking Spaces provided</b>				

274 parking spaces. The applicant is proposing to install a total of 312 parking spaces, which exceeds the required number of parking spaces by 38.

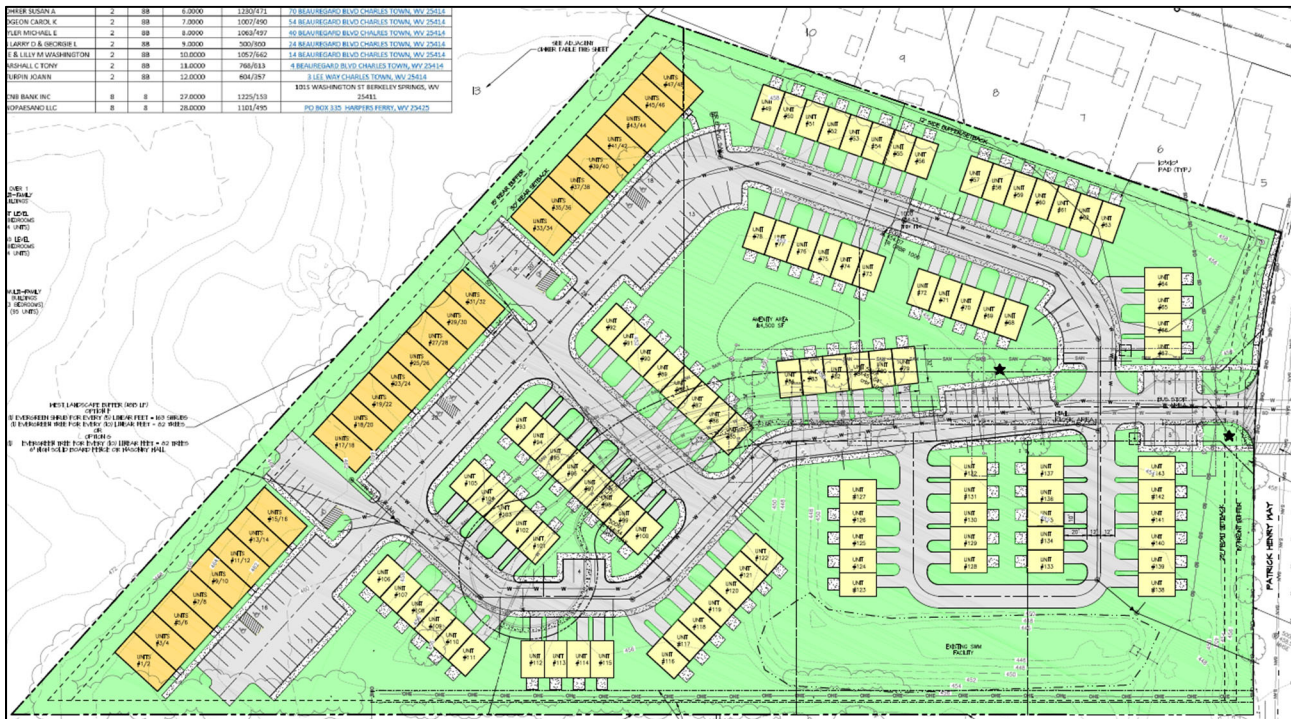
Staff Report  
 Jefferson County Board of Zoning Appeals  
 July 27, 2023

**23-23-ZV Canter Hollow Apartments (fka Miller Station Apartments)**

While the proposed project design complies with the minimum area per dwelling unit requirements, the overall design exceeds the impervious area limitations by approximately **4.7%** (see applicant's land coverage calculations below).

	SF	AC	%
<b>*Max Land Coverage Allowed</b>	<b>218,129.50</b>	<b>5.01</b>	<b>50.0%</b>
<b>**Proposed Land Coverage</b>	<b>238,709.00</b>	<b>5.48</b>	<b>54.7%</b>
<b>*Per section 4.12.B impervious surfaces coverage is based on residential structures, parking areas, and interior streets.</b>			
<b>** A variance has been requested to at allow up to 60% impervious surfaces.</b>			

The County Engineer stated that any stormwater runoff from the site should be less than or meet the pre-conditional runoff with the final approved design. Engineering does not oppose the request.



It is feasible to comply with the requirements of the Ordinance by modifying the proposed design including a reduction in parking spaces. **Note:** in the Residential-Light Industrial-Commercial zoning district, the impervious surface limit for non-residential development is 80% and the site was previously approved for eight non-residential lots (Project File #01-31).

Staff Report  
Jefferson County Board of Zoning Appeals  
July 27, 2023  
**23-23-ZV Canter Hollow Apartments (fka Miller Station Apartments)**

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 2 of the [Jefferson County Zoning Ordinance](#), a variance is defined as “...a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve change the zoning classifications of a parcel of land.”

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 6, Section 6.2 of the [Zoning Ordinance](#), the Board shall consider the following criteria and shall grant a variance if it finds that the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and

Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

**Conditions of Approval**

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

1. No conditions of approval were identified by staff.

**Section of Ordinance to be Considered:**

Section 4.12 Design Standards for Multi-Family Developments<sup>23</sup>

- A. Common open space shall be oriented to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational use shall be within the 100 year Floodplain.
- B. Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed 50 percent of the gross land area.
- C. Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least 25 feet from any street right-of-way.



**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: 23-23-ZV  
 Staff Initials: AB  
 Meeting Date: 07-27-23  
 Fees Paid (\$100 or \$150): \$100

Email: [zoning@jeffersoncountywv.org](mailto: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: Cantor Hollow LLC  
 Mailing Address: P.O. Box 1573 Ashburn, VA 20146  
 Phone Number: 571-223-0001 Email: ashuckra@keaneenterprises.com

**Applicant Contact Information**

Name: Andy Shuckra, Keane Enterprise  
 Mailing Address: 44031 Pipeline Plaza, Suite100  
 Phone Number: 571-223-0001 Email: ashuckra@keaneenterprises.com

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

Name: Todd Heck, Principal Morris & Ritchie Associates, Inc.  
 Mailing Address: 205 E. Hirst Rd., Suite 106 Purcellville, VA 20132  
 Phone Number: 540-974-2976 Email: theck@mragta.com

**Physical Property Details**

Physical Address: Captain Chews Trce. (See Attached for associated parcels which be subject to a merger plat)  
 City: Charles Town State: WV Zip Code: \_\_\_\_\_  
 Tax District: Charles Town District Map No: 8C Parcel No: Parcels 1-8  
 Parcel Size: (Total = 10.04 AC) Deed Book: ~~63~~ 1301 Page No: ~~71~~ 267

**Zoning District (please check one)**

/AB

/AB

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

**RECEIVED**  
**JUNE 30, 2023**  
 Jefferson County, WV  
 Office of Planning & Zoning

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: 4.12.B

*Briefly describe the nature of the variance request:*

To increase the impervious surface coverage for interior streets, parking areas and residential structures from 50% to 60% of the gross land area.

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

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

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

The variance request will not adversely affect the adjacent property as the proposed improvements will be contained on-site and the modest increase of the impervious areas will be mitigated through the proposed SWM / BMP program that will be provided.

*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 requested variance is necessary to allow for a meaningful internal pedestrian sidewalk system connecting the proposed multifamily buildings and supporting amenities and additional visitor parking areas.

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

This variance is a modest 10% increase and does not create any kind of hardship. This requested change in the variance will be included and treated as part of the SWM/BMP program and therefore no negative impacts will be brought on by this request.

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

The intent of the Zoning Ordinance is to limit the amount of impervious surface. We believe this request is in the best interest of the development as it will allow for adequate parking, amenities and pedestrian connective.

*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.*

[See Attached](#)

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).

July 27, 2023

Date of Public Hearing

July 12, 2023

Advertising Date

July 12, 2023

Placard Posting Date

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 4.12.B

Briefly describe the nature of the variance request:

To increase the impervious surface coverage for interior streets, parking areas and residential structures from 50% to 60% of the gross land area.

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

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

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

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6/30/23

Signature of Property Owner

Date

Signature of Property Owner

Date

Notification Requirements (to be completed by staff)

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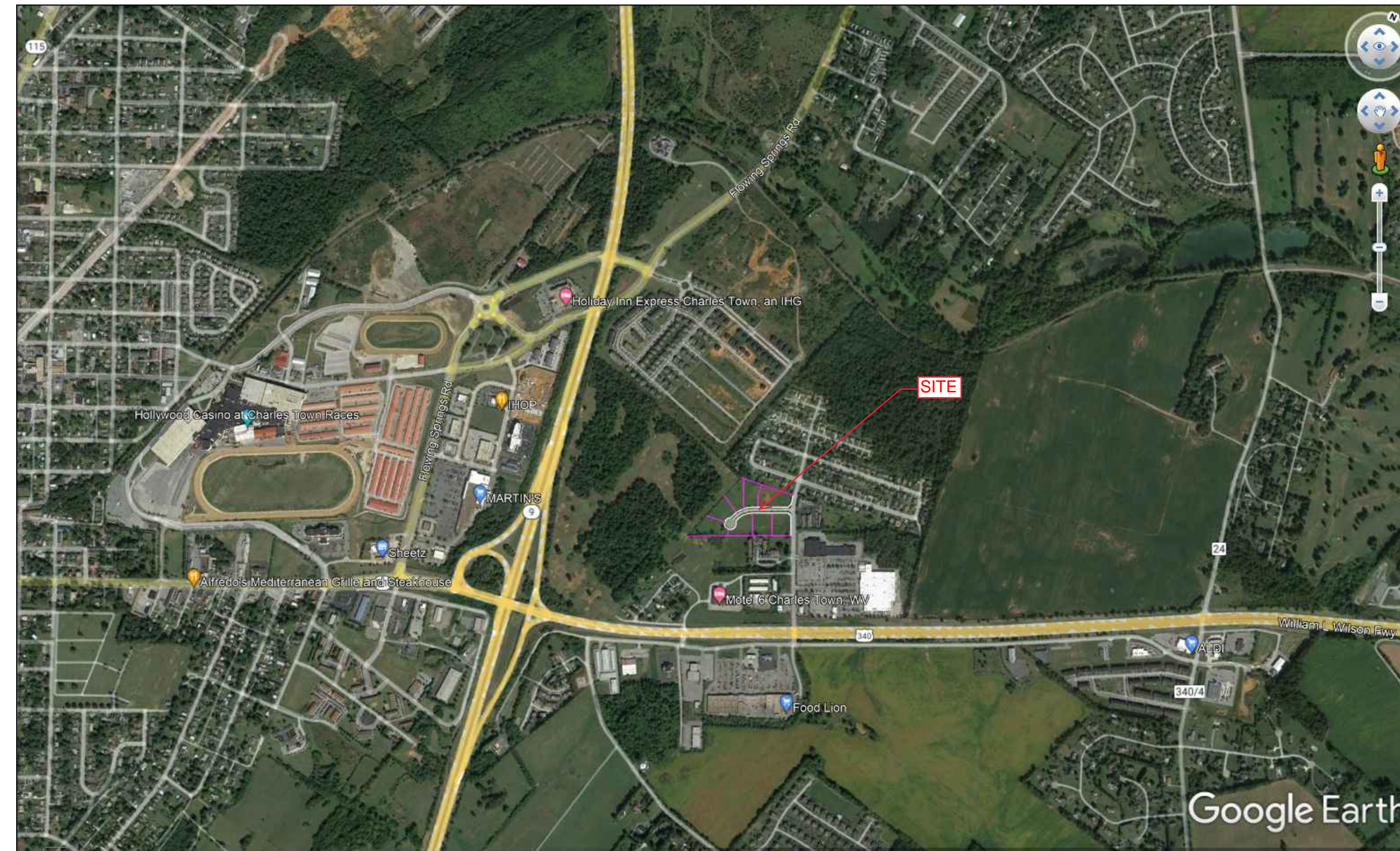
# CANTER HOLLOW

## CONCEPT PLAN

### JEFFERSON COUNTY, WV

#### CONCEPT PLAN NOTES:

- SEE GENERAL LOCATION MAP THIS SHEET FOR ZONING DISTRICTS WITHIN 500' OF THE SUBJECT PROPERTY.
  - A CONCEPT PLAN ON 24x36 WHITE PAPER CAN BE FOUND ON SHEET 2.
  - SEE SHEET 2 FOR THE LAYOUT OF LOTS, RECREATION AREAS AND ROADS.
  - BUILDING AREAS WILL BE CONFINED TO SETBACK LINES.
  - ACTUAL BUILDING FOOTPRINTS MAY VARY WITH FINAL ARCHITECTURAL DESIGN.
- ZONING INFORMATION: SEE TABS THIS SHEET**
- SEE SHEET 2 FOR THE PROPERTY'S "SITE RESOURCES".
  - ALL STATE, FEDERAL AND LOCAL REGULATIONS WILL BE OBSERVED IF ANY UNKNOWN SITE RESOURCES ARE DISCOVERED DURING CONSTRUCTION.
  - THERE ARE NO FLOODPLAINS ON THE SUBJECT PROPERTY PER FEMA MAPS.
  - SEE SHEET 2 FOR ADJACENT PROPERTY INFORMATION.
- PROPOSAL DESCRIPTION: THE REQUESTED CONCEPT PLAN INCLUDES 143 MULTIFAMILY UNITS, OPEN SPACE, STORMWATER MANAGEMENT AREAS AND THE CONSTRUCTION OF ASSOCIATED UTILITIES. SIDEWALKS SHALL BE PROVIDED. NO RESTRICTIVE COVENANTS/ CONDITIONS/ RESTRICTIONS ARE PROPOSED AT THIS TIME BUT MAY BE PROVIDED AT TIME OF FINAL PLAN.**
- TRAFFIC IMPACT DATA**
- SEE TRAFFIC ANALYSIS MEMO PREPARED BY AMT DATED 6/1/2022 AND REVISED THROUGH 7/1/2022
  - THE WV DOT ONLINE TRAFFIC COUNTS PRO21/WIDE AVERAGE DAILY TRAFFIC COUNTS FOR THE FOLLOWING LOCATIONS: ROUTE 340 = 30,001
  - PROPOSED TRIP GENERATION FOR MULTIFAMILY UNITS BASED ITC TRIP GENERATION MANUAL AND SECTION 24.110(B)5.D. OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS ARE AS FOLLOWS:  
PEAK HOUR TRIPS: 143 (MULTIFAMILY UNITS) x 0.80 = 115  
AVERAGE DAILY TRIPS: 143 (MULTIFAMILY UNITS) = 510
  - THE NEAREST KEY INTERSECTION AS DEFINED IN THE CONCEPT PLAN CHECKLIST IS ROUTE 340 AND PATRICK HENRY WAY
  - AS DEFINED BY THE ENVISION JEFFERSON 2035 COMPREHENSIVE PLAN, HIGHWAY PROBLEM AREA NUMBER 15 IS WITHIN ONE (1) MILE RADIUS OF THE PROPERTY. THE PROBLEM AREA IS AT THE INTERSECT OF FLOWING SPRINGS CONNECTOR RT 11 / B AND RT 9. NO MERGE LANES ON RT 9.
  - A LIST OF ALL ADJOINING PROPERTIES AND OWNERS ADDRESS'S ARE INCLUDED AS PART OF THIS SUBMISSION. PROPERTY OWNERS INFORMATION IS PROVIDED PURSUANT TO JEFFERSON COUNTY ASSESSOR'S RECORDS.
  - WATER AND SANITARY SEWER SERVICE WILL BE PROVIDED BY THE CITY OF CHARLES TOWN. PRELIMINARY DISCUSSION WITH THE CITY OF CHARLES TOWN INDICATES THERE IS CAPACITY TO SERVE THE PROPOSED DEVELOPMENT. EXACT CONNECTIONS WILL BE DETERMINED THROUGH COORDINATION WITH THE CITY OF CHARLES TOWN DURING SITE PLAN DEVELOPMENT
  - SEE SHEET 2 FOR EXISTING CONDITIONS WHICH HAS BEEN BASED ON A COMPILATION OF GIS INFORMATION, FIELD SURVEY DATA AND PLANS OF RECORD. THE TOPOGRAPHIC CONTOUR INTERVAL IS (2) FOOT. HORIZONTAL DATUM IS NAD83 WEST VIRGINIA STATE PLANE, NORTH ZONE. VERTICAL DATUM IS NAVD83.



GENERAL LOCATION MAP

OWNER / APPLICANT  
CANTOR HOLLOW, LLC  
C/O KEANE ENTERPRISE, INC.  
ATTENTION: ANDY SHUCKRA  
P.O. BOX 1573  
ASHBURN, VA 20146  
ASHUCKRA@KEANEENTERPRISES.COM

PREPARED BY  
MORRIS & RITCHIE ASSOCIATES, INC.  
205 E. HIRST ROAD, SUITE 106  
PURCELLVILLE, VIRGINIA 20132  
CONTACT: TODD HECK  
703-994-4047  
THECK@MRAGTA.COM

Sheet List Table	
Sheet Number	Sheet Title
1	COVER SHEET & NOTES
2	EXISTING CONDITIONS
3	CONCEPT PLAN

ZONING SUMMARY			
ZONING DISTRICT	RESIDENTIAL-LIGHT INDUSTRIAL-COMMERCIAL (R-LI-C) (ADMINISTERED UNDER RESIDENTIAL GROWTH (RG) DISTRICT)		
LAND USE	MULTI-FAMILY (SUBJECT TO SECTION 4.1.2)		
LAND USE SUBTYPE	PUBLIC / CENTRAL WATER AND SEWER		
MIN. LOT AREA	20,000	SF	
EXISTING LOT AREA	436,259	SF	10.02 AC
AREA PER DWELLING UNIT	2,000	SF	
MAX UNITS	218		(436,259 / 2,000 = 218.12)
PROPOSED UNITS	143		
MAX BUILDING HEIGHT	40	FT	(SUBJECT TO SECTION 9.2)
PROPOSED BUILDING HEIGHT	40	FT	PROPOSED BUILDINGS WILL BE (3) STORY
Section 9.2 Building Height Limitations Building height limitations shall not apply for public utilities, agricultural uses, communication poles and towers, chimneys, steeples, water tanks, electric generating plants, electric transforming or switching equipment, flagpoles, fire or observation towers, monuments, or to tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, hospitals, schools, colleges and public buildings. Commercial wireless communications facilities shall comply with Article 4B.7, 10, 22			
SETBACKS	FRONT	25	FT
	SIDE	12	FT (FOR EXTERIOR ONLY)
	STREET SIDE	15	FT
	REAR	30	FT
PARKING / DRIVE AISLE SETBACKS	FRONT	15	FT
	SIDE	12	FT
	REAR	15	FT
SCREENED BUFFERS	FRONT	15	FT (SUBJECT TO SECTION 4.1.1)
	SIDE	12	FT
	REAR	15	FT
SECTION 4.12 DESIGN STANDARDS FOR MULTIFAMILY DEVELOPMENTS			
A	Common open space shall be oriented to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational uses shall be within the 100 year Floodplain.		
B	Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed 50 percent of the gross land area. (SEE CALCULATIONS ON LAYOUT)		
C	Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least 25 feet from any street right-of-way.		
SECTION 21.205 OF THE SUBDIVISION REGULATIONS 15% OF THE LAND IS REQUIRED TO BE RESERVED FOR OPEN SPACE (10 ACRES X 15% = APPROX. 1.5 ACRES) UP TO 60% MAY BE MET WITH PASSIVE OPEN SPACE AND THE REST HAS BE ACTIVE RECREATION AND WILL BE DETAILED ON FUTURE SITE PLAN.			

Maximum Allowed Density		
Total Lot Area	436,259	SF
Permitted Area per dwelling unit	2,000	SF
TOTAL LOT AREA (436,259 SF) / (2,000 SF) = 218.13		
Max Dwelling Units	218.13	
Proposed Dwelling Units	143	Units

Miller Station Apartments Tabulations			
Apartment Unit / Type	Parking Per Unit	Parking Required	*Parking Provided
24 Units   2 Bedroom (43.6%)	1.5	36	-
119 Units   3 Bedroom (33.6%)	2	238	-
<b>143 Total Units</b>		<b>274</b>	<b>312</b>

Notes:  
\*Proposed Parking subject to final design  
Provided parking: 95 Garages, 95 Driveways & 127 Surface parking spaces  
\* (8) ADA Parking Spaces provided

Land Coverage			
	SF	AC	%
*Max Land Coverage Allowed	218,129.50	5.01	50.0%
**Proposed Land Coverage	238,709.00	5.48	54.7%

\*Per section 4.12.B impervious surfaces coverage is based on residential structures, parking areas, and interior streets.  
\*\* A variance has been requested to at allow up to 60% impervious surfaces.

**MORRIS & RITCHIE ASSOCIATES, INC.**  
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
205 E. HIRST ROAD, SUITE 106  
PURCELLVILLE, VA 20132  
(703) 994-4047  
MRAGTA.COM

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CANTER HOLLOW  
(COVER SHEET & NOTES)  
JEFFERSON COUNTY, WEST VIRGINIA  
DATE: 6/30/23

L:\Projects\Miller Station\Concept Plan\21796-Canter Hollow Concept.dwg, 6/30/2023 7:57:47 AM, C:\Stephenson, L.L., Copyright 2022 Morris & Ritchie Associates, Inc.

REFERENCE NUMBER	OWNER	TD	MAP	PARCEL ID	DEED BOOK / PAGE	ADDRESS
1	PATRICK HENRY WAY LTD PTN	2	8	29.0007	923/643	15825 SHADY GROVE RD. STE 25 ROCKVILLE, MD 20850
2	SUSO 2 ALABAMA LP	2	8	29.0002	1170/471	400 SYMPHONY CIR STE 350 COCKEYSVILLE, MD 21030
3	PHA ASSOCIATES LIMITED PARTNERSHIP	2	8	29.0004	849/214	1375 PICCARD DR. STE 150 ROCKVILLE MD, 20850
4	KHEMLICHI LARSEN	2	8B	4.0000	1225/381	278 PATRICK HENRY WAY CHARLES TOWN, WV 25414
5	STRICKLER HELEN M	2	8B	5.0000	1117/328	279 PATRICK HENRY WAY CHARLES TOWN, WV 25414
6	BOHRER SUSAN A	2	8B	6.0000	1230/471	70 BEAUREGARD BLVD CHARLES TOWN, WV 25414
7	PIDGEON CAROL K	2	8B	7.0000	1007/490	54 BEAUREGARD BLVD CHARLES TOWN, WV 25414
8	STYLER MICHAEL E	2	8B	8.0000	1063/497	40 BEAUREGARD BLVD CHARLES TOWN, WV 25414
9	BREEDEN LARRY D & GEORGIE L	2	8B	9.0000	500/360	24 BEAUREGARD BLVD CHARLES TOWN, WV 25414
10	YATES MARY E & LILLY M WASHINGTON	2	8B	10.0000	1057/662	14 BEAUREGARD BLVD CHARLES TOWN, WV 25414
11	MARSHALL C TONY	2	8B	11.0000	768/613	4 BEAUREGARD BLVD CHARLES TOWN, WV 25414
12	TURPIN JOANN	2	8B	12.0000	604/357	3 LEE WAY CHARLES TOWN, WV 25414
13	CNB BANK INC	8	8	27.0000	1225/153	1015 WASHINGTON ST BERKELEY SPRINGS, WV 25411
14	UNOPAESANO LLC	8	8	28.0000	1101/495	PO BOX 335 HARPERS FERRY, WV 25425

**LEGEND**

UNITS #1/2	1 OVER 1 MULTI-FAMILY BUILDINGS (24 UNITS)
UNITS #3/4	1ST LEVEL (2) BEDROOMS (24 UNITS)
UNITS #5/6	2ND LEVEL (3) BEDROOMS (24 UNITS)
UNIT #7	MULTI-FAMILY BUILDINGS (3 BEDROOMS) (95 UNITS)
UNIT #8	
UNIT #9	

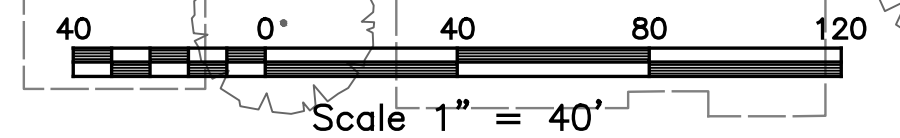
WEST LANDSCAPE BUFFER (1615 LF)  
 OPTION F  
 (1) EVERGREEN SHRUB FOR EVERY (5) LINEAR FEET = 163 SHRUBS  
 (2) EVERGREEN TREE FOR EVERY (10) LINEAR FEET = 82 TREES  
 OR  
 OPTION G  
 (1) EVERGREEN TREE FOR EVERY (10) LINEAR FEET = 82 TREES  
 6' HIGH SOLID BOARD FENCE OR MASONRY WALL

SOUTH LANDSCAPE BUFFER (41012 LF)  
 OPTION F  
 (1) EVERGREEN SHRUB FOR EVERY (5) LINEAR FEET = 215 SHRUBS  
 (2) EVERGREEN TREE FOR EVERY (10) LINEAR FEET = 108 TREES  
 OR  
 OPTION G  
 (1) EVERGREEN TREE FOR EVERY (10) LINEAR FEET = 108 TREES  
 6' HIGH SOLID BOARD FENCE OR MASONRY WALL

NORTH LANDSCAPE BUFFER (1574 LF)  
 OPTION F  
 (1) EVERGREEN SHRUB FOR EVERY (5) LINEAR FEET = 116 SHRUBS  
 (2) EVERGREEN TREE FOR EVERY (10) LINEAR FEET = 58 TREES  
 OR  
 OPTION G  
 (1) EVERGREEN TREE FOR EVERY (10) LINEAR FEET = 58 TREES  
 6' HIGH SOLID BOARD FENCE OR MASONRY WALL

EAST LANDSCAPE BUFFER (1415 LF)  
 (4) DECIDUOUS TREES PER (100) LINEAR FEET = 11 TREES

**NOTES**  
 1. PROPOSED BUILDING FOOTPRINTS, LOCATIONS AND UNITS COUNTS ARE SUBJECT TO CHANGE WITH FINAL ARCHITECTURAL AND ENGINEERING DESIGN AND WILL NOT EXCEED THE MAXIMUM ALLOWED 143 UNITS.  
 2. THE 15% OPEN SPACE FOR ACTIVE AND PASSIVE RECREATION AREAS WILL BE PROVIDED IN ACCORDANCE WITH SECTION 21.205 AND FURTHER DETAILED AT SITE PLAN.



**MRA**  
**MORRIS & RITCHIE ASSOCIATES, INC.**  
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 MRAGTA.COM

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 CANTER HOLLOW  
 (CONCEPT LAYOUT)  
 JEFFERSON COUNTY, WEST VIRGINIA  
 DATE: 6/30/23



# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

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## Zoning Administrator's Report July 27, 2023 Board of Zoning Appeals Meeting

**Date of Memo: June 27, 2023**

- 1) The next regular meeting is scheduled for **August 24, 2023**
  - Deadline for submission is Friday, July 28, 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](mailto:jjames@jeffersoncountywv.org).
- 3) 2045 Comprehensive Plan Status Update



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

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**July 2023**  
**Zoning Certificate Activity Report**

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<b>File #</b>	<b>23-32-ZC</b>
Request:	Agricultural Special Event Facility: North Wood End Farm LLC (dba Santa's Woods)
Property Owner:	William and Brandi Shultz
Parcel Information:	137 Wood End Farm Ln., Summit Point, WV 25446 Parcel ID: 06000100030000; Size: 80 acres; Zoning District: Rural; Deed Book: 1167; Page: 345; Final Plat recorded in Plat Book 25 @ Page 535
Date of Issuance:	06/23/2023
<b>File #</b>	<b>23-33-ZC</b>
Request:	Home Occupation Level I: Salt City Leatherworks, LLC
Property Owner:	Kyle Halm
Parcel Information:	438 Maddex Dr, Shepherdstown, WV 25443 Parcel ID: 09008C02310000; Size: .25 ac; Zoning District: Residential Growth; Deed Book: 1285; Page: 318; Final Plat recorded in Plat Book 22 @ Page 7A-D
Date of Issuance:	06/23/2023
<b>File #</b>	<b>23-34-ZC</b>
Request:	Bed & Breakfast (owner occupied short term rental)
Property Owner:	Daniel DeFinis
Parcel Information:	76 Old Sycamore Lane, Harpers Ferry, WV Parcel ID: 04001101320000; Size: .692 ac; Zoning District: Rural; Deed Book: 1274, Page: 696
Date of Issuance:	06/27/2023

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