



**Jefferson County**  
**Board of Zoning Appeals Agenda**  
**Thursday, August 24, 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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**Effective July 27, 2023, Public Participation is available in-person only. The meeting will be broadcast live for viewing purposes only.**

**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

**Broadcast Information:** Meeting ID: 890 3088 0337  
Meeting Link: <https://us02web.zoom.us/j/89030880337>  
Phone Option (Dial by Location): 301-715-8592  
Find your local number: <https://us02web.zoom.us/u/kd482iAMld>

*\*If watching live broadcast, please ensure your microphone is muted and 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: July 27, 2023**

**Public Hearing – Administer Oath**

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**ITEM #1 FILE #: 23-24-ZV**

**Request:** Variance request from Section 10.4.A.2 to allow an attached business sign to be installed in a location that faces an adjoining residential property.  
**Owner:** Wall Street Partners WV1 LLC  
**Applicant:** Mid-Atlantic Permitting Services, Inc. / Attn: Ken Padgett  
**Parcel Info:** Kramer Nonresidential Subdivision, Lot 1, 45 Amanda Court, Harpers Ferry, WV  
Parcel ID: 04001000110005; Size: 2.19 ac;  
Zoning District: Residential-Light Industrial-Commercial

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**ITEM #2 FILE #: 23-25-ZV**

**Request:** Variance request from Section 9.7 to reduce the side setback from 12' to 8' along the southern property line for a proposed 28' x 35' detached garage.  
**Owner:** Adranetta Sine (Weimer)  
**Parcel Info:** John Brown Farm Subdivision, River Section, Lot 145A  
50 Wild Dogwood Lane, Harpers Ferry, WV  
Parcel ID: 06008E00080009; Size: 1.02 ac;  
Zoning District: Rural

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**ITEM #3 FILE #: 23-26-ZV**

**Request:** Variance request from Section 5.4(b) of the Zoning Ordinance, as amended 07/15/93, to reduce the rear setback from 20' to 15' along the northern property line for a proposed deck and screened-in porch (325 sq ft total).  
**Owner:** Daniel Shelton  
**Parcel Info:** Bon Aire Village, Lot 13, 25 Bon Aire Drive, Shepherdstown, WV 25443  
Parcel ID: 09008B01500000; Size: ~0.11 ac;  
Zoning District: Rural

## **Zoning Administrator Report**

- a. Monthly Zoning Certificate Activity Report

## **Legal Update**

- a. Discussion of the following pending lawsuits:
  1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities) Rockwell v. JCPC, JCBZA and JCCC
  2. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy Facility / File 22-9-CUP) Rockwell v. JCBZA
  3. Jefferson County Circuit Court Case #CC-19-2023-C-131 f/k/a CC-19-2023-P-95 (RE: Williamson Fence / 23-13-ZV) Gallagher v. JCBZA and Timothy Williamson
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

### **Meeting: July 27, 2023**

1. Variance from Section 9.7. Owner: L. & A. Upwright. Applicant: C. Middleton. File: 23-21-ZV.
2. Request for a Conditional Use Permit to operate a homebased federal firearms business, to include limited gunsmithing (proposed land use as listed in Appendix C: Custom Manufacturing). Owner: R. Uhrich. Applicant: BRNDL Custom Works, LLC. File: 23-7-CUP-ZV.
3. Variance from Section 4.12B for Canter Hollow Apartments. Owner: Cantor Hollow, LLC. Applicant: Keane Enterprises File: 23-23-ZV.

**DRAFT Minutes**

**Jefferson County Board of Zoning Appeals**

- 1 Meeting Date: July 27, 2023
- 2 Meeting Location: County Commission Meeting Room located in the lower level
- 3 of the Charles Town Library (entrance on Samuel St.)
- 4 200 East Washington Street, Charles Town, WV 25414
- 5 Board Members Present: Tyler Quynn, Chair; Matthew McKinney, Vice Chair; Steve Guier,
- 6 Secretary; David Wiegand, Jacob Harris, and Mikala Shremshock,
- 7 Alternate, were present in person.
- 8 Board Members Absent: None
- 9 Staff Members Present: Alexandra Beaulieu, Deputy Director & Zoning Administrator;
- 10 Steve Groh, Assistant Prosecuting Attorney; and
- 11 Jennilee Hartman, Zoning Clerk

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

13 Due to technical difficulties, the virtual meeting option was not available.

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

15 carried unanimously.

**16 Approval of Minutes: June 25, 2023**

17 Mr. Guier moved to approve the minutes as presented. Mr. Quynn called for a vote, which carried

18 unanimously.

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

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

- 21 Request: Variance request from Section 9.7 to reduce the rear setback from 50' to 14' along
- 22 the western property line for an above ground pool.
- 23 Owner: Leon and Andrew Upwright
- 24 Applicant: Cheryl Middleton
- 25 Parcel Info: 2253 S Childs Rd, Kearneysville, WV 25430
- 26 Parcel ID: 07002100030001; Size: 2.23 ac; Zoning District: Rural

27 Ms. Cheryl Middleton, applicant, and Mr. Leon Upwright, property owner, were present to address

28 the Board. Ms. Beaulieu provided an overview of her staff report noting that the applicant did not

29 propose any dimensions for a surrounding deck for the Board to consider. Ms. Beaulieu noted that

30 the adjoining property owner provided a letter of support for the request.

31 Ms. Middleton and Mr. Upwright explained the nature of the request to the Board and noted that

32 they did not know what size deck they would be installing in the future. Ms. Middleton and Mr.

33 Upwright acknowledged that a separate variance would be required for the deck.

34 The Board discussed the option of allowing a deck up to 20' in length to be included as part of the

35 request. Ms. Beaulieu confirmed that the legal ad included text referring to an "above ground pool

36 and surrounding deck".

37 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn

38 closed the public hearing.

39 Mr. McKinney moved to approve the zoning variance request to reduce the rear setback from 50' to

40 14' along the western property line for an above ground pool and a deck/patio up to 20' x 20' in size

41 with the condition that the applicants are bound by their testimony. Mr. Quynn called for a vote,

42 which carried unanimously.

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

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

7 Request 2: Variance request to from Appendix B, Sections 4.6 and 4.11 to eliminate the non-  
8 residential site development standards required for a tree service business (Tree  
9 Nexus). The request includes a reduction of the 25' commercial setback down to  
10 0' along the interior property line; reduction of the 75' distance requirement to  
11 25' along the western property line; and to eliminate the requirement to install a  
12 landscape buffer along the perimeter of the property and the interior property line.  
13 (File #23-22-ZV).

14 Owner: Carl Epstein / Applicant: Tree Nexus

15 Parcel Info: Vacant Parcels; Section 7, Lots 713 & 714 of Riverside Subdivision, Marcum Ln,  
16 Harpers Ferry; Parcel ID: 06002600980000 & 06002600990000;  
17 Combined Size: 2.39 ac; Zoning District: Rural

18 Mr. Carl Epstein submitted an email to the office on July 27, 2023 withdrawing the conditional use  
19 permit and zoning variance requests.

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

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

27 Owner: Ryan Uhrich

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

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

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

31 Mr. Ryan Uhrich, property owner, was present to address the Board. Ms. Beaulieu provided an  
32 overview of her staff report to the Board and reviewed the required criteria for a Conditional Use  
33 Permit. Ms. Beaulieu noted that as presented, the current proposal would not necessitate a site plan  
34 because no new structures were proposed.

35 Mr. Uhrich provided an overview of the proposed land use and addressed the Board's questions.

36 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn  
37 closed the public hearing.

38 The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance.

39 Mr. Wiegand moved to approve the conditional use permit with the following conditions:

- 40 1. The applicant shall obtain a Federal Firearms License (FFL) prior to commencement; and
- 41 2. The applicant is bound by their testimony.

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

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

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

5 Owner: Cantor Hollow, LLC

6 Applicant: Keane Enterprises

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

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

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

10 Mr. Todd Heck, representative with Morris & Ritchie Associates, Inc., was present to address the  
11 Board. Ms. Beaulieu provided an overview of her staff report stating that in July of 2022 the  
12 applicant had received a similar variance to increase the maximum impervious limit for the  
13 proposed apartment complex (see File #22-23-ZV). Ms. Beaulieu stated that the applicant had  
14 redesigned the layout of the proposed apartment complex. Ms. Beaulieu explained that the  
15 Subdivision Regulations state that a modification to a site plan can be administratively approved  
16 provided the number of buildings is not increased by more than 5%. As the modified layout for the  
17 apartment complex exceeds 5% of the total buildings, staff determined that they did not have the  
18 discretion to apply the previous variance approval to the redesigned project.

19 Mr. Heck explained the nature of the request to the Board and clarified that the request is to allow  
20 up to 60% of the subject parcel to be developed. Mr. Heck stated that this would allow his client the  
21 flexibility to include amenities as they finalize the project.

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

24 Mr. Quynn moved to approve zoning variance request #23-23-ZV with the condition that the  
25 applicant is bound by their testimony. Mr. McKinney suggested a friendly amendment to modify  
26 the motion to reaffirm that the maximum impervious surface limit may be up to 60% for the  
27 proposed apartment complex. Mr. Quynn accepted the friendly amendment. Mr. Wiegand seconded  
28 the modified motion, which carried unanimously.

29 **Zoning Administrator Report**

30 a. Monthly Zoning Certificate Activity Report.

31 The Report was included in the mailed packet.

32 Ms. Beaulieu informed the Board that the Comprehensive Plan Update is underway and that staff is  
33 working to obtain a booth at the fair for public outreach.

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

35 The Board discussed various options for conducting their meetings.

36 Mr. Wiegand moved to reinstate the Board's previous meeting option as follows:

37 The meetings shall be in-person only for applicants and the public. ZOOM will be available for live  
38 broadcasts only.

39 Mr. McKinney seconded the motioned, which carried three (3) in support and two (2) in opposition  
40 (Mr. McKinney and Mr. Guier).

41 The Board confirmed that this will go into effect beginning with the August 2023 meeting.

1 **Legal Update**

2 a. Discussion of the following pending lawsuits.

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 Mr. Groh informed the Board that a new lawsuit had been filed pertaining a previous  
8 determination made by the Board. Mr. Groh indicated that he would have more information  
9 at the next meeting.

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

11 **Meeting: June 22, 2023**

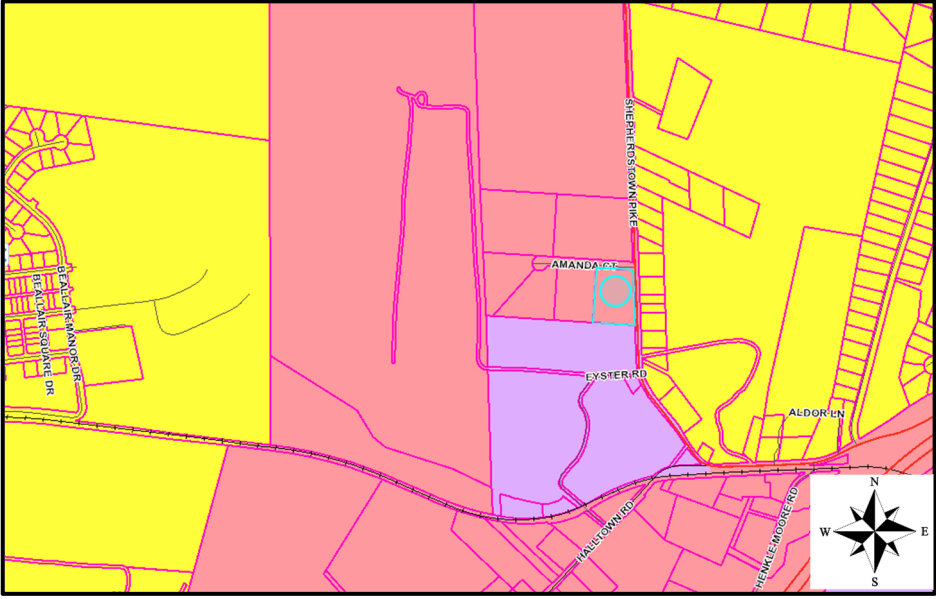
12 1. Variance from Section 9.7. Owner: Lori and Mario DiGiambattista. File: 23-19-ZV

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

14 Mr. Wiegand moved to adjourn the meeting at 3:14 pm. Mr. Quynn called for a vote, which carried  
15 unanimously.

Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 24, 2023  
**23-24-ZV Harpers Ferry Dollar General (sign)**

Item #1 Variance request from Section 10.4.A.2 to allow an attached business sign to be installed in a location that faces an adjoining residential property.

Property Owner:	Wall Street Partners WV1, LLC / Attn: Timothy Haymaker
Applicant:	Mid-Atlantic Permitting Services, LLC / Attn: Ken Padgett
Parcel Information & Zoning District:	<p style="text-align: center;">Lot 1 Kramer Subdivision          45 Amanda Court, Harpers Ferry, WV 25425          Parcel ID: 04001000110005 Size: 2.19 acres          Zoning District: Residential-Light Industrial-Commercial</p> 
Subdivision History	09/16/97: Mark Kramer Nonresidential Subdivision (File: 97-03-SD) recorded in PB 15, PG 14
Variances/Waivers:	<p>10/11/22: PC approved a waiver to increase the entrance width from 35' to 37'; and, to increase the width of the drive aisle from 24' to 42' (22-20-PCW).</p> <p>10/27/22: BZA approved the following variances:</p> <p><u>22-32-ZV</u>: Variance from Sec. 4.11E to eliminate a portion of the landscape buffer along the southern and western property lines; and Sec. 4.11I.1 to eliminate the streets trees along Amanda Court and Shepherdstown Pike.</p> <p><u>22-33-ZV</u>: Variance from Sec. 11.1A to reduce the number of required parking spaces from 47 to 31; and Appendix B to reduce the front parking setback along Amanda Court from 15' to 8'.</p> <p><u>22-34-ZV</u>: Variance from Sec. 10.4B to reduce the front setback along Amanda Court from 25' to 19' and along Shepherdstown Pike from 25' to 17' for a freestanding sign.</p>
Approved Activity:	Dollar General Retail Store (File #22-14-SP – Pending)
Site Visit Conducted:	No.

Staff Report  
Jefferson County Board of Zoning Appeals  
August 24, 2023  
**23-24-ZV Harpers Ferry Dollar General (sign)**

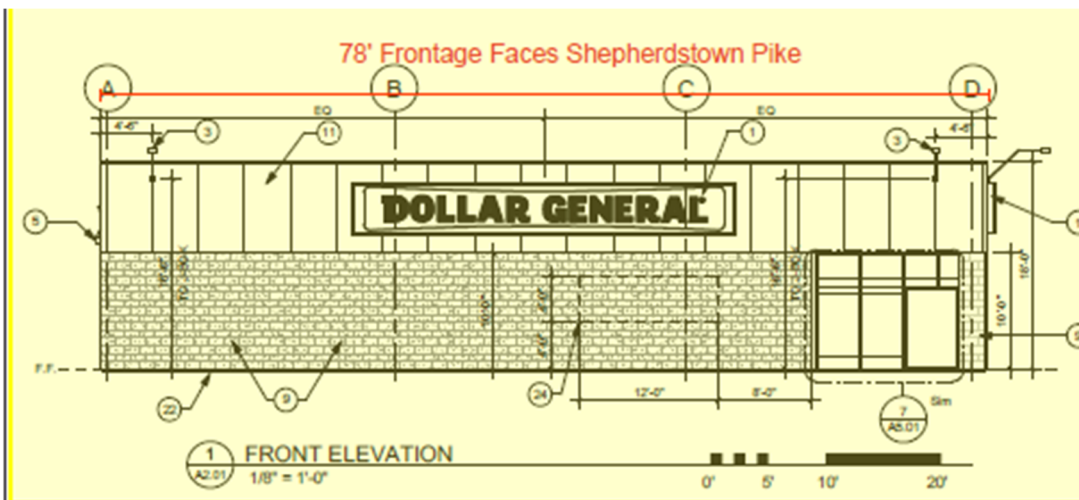
**Staff Overview**

The applicant is requesting a variance from Section 10.4.A.2 to allow an attached business sign to be installed in a location that faces an adjoining residential property.

The intent of restricting a sign from facing a residence is to preserve the residential character of neighborhoods by minimizing the impact of an adjoining commercial lot.

The Ordinance states that signage should be “adequate, but not excessive, for the intended purpose of identification or advertisement.”

The subject property has two frontages, one along Amanda Court, which is an interior subdivision road, and another along Shepherdstown Pike / Route 230. The proposed Dollar General Store site plan includes a freestanding sign on the corner of the property; an attached business sign facing Amanda Court; and an attached sign facing Shepherdstown Pike (subject request). The proposed sign subject to this request will face existing residential dwellings across the road right-of-way (see street view exhibit below).

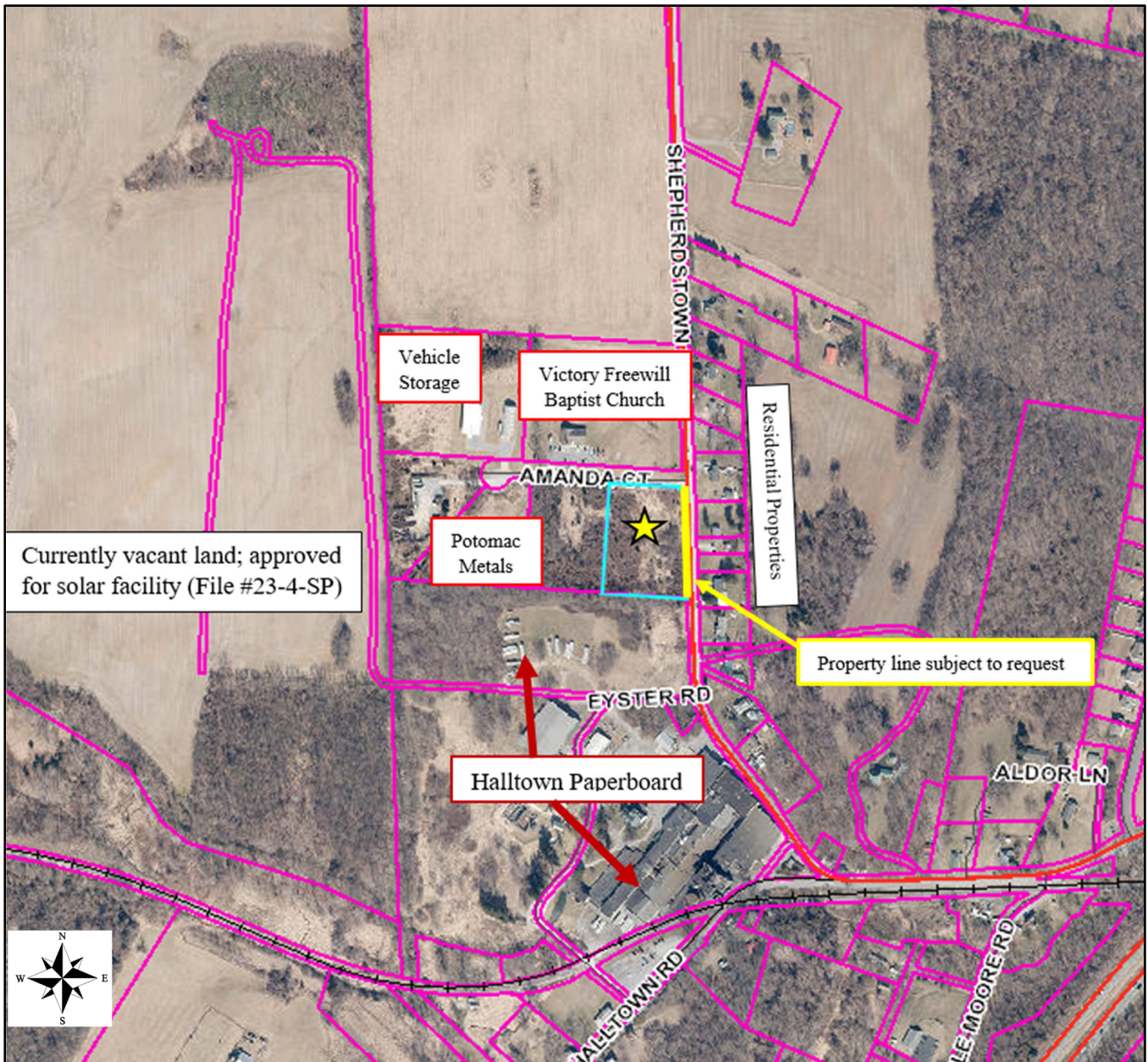


*Applicant's Sign Detail*

Staff Report  
Jefferson County Board of Zoning Appeals  
August 24, 2023

**23-24-ZV Harpers Ferry Dollar General (sign)**

The subject sign is 26' x 3' 9" (97.5' square feet) and proposed to be attached to the side of the retail store facing Shepherdstown Pike. The applicant stated that the sign will aid in identifying the store to motorists, as well as providing an identifier above the entrance to the store. The applicant also stated that lights are turned off when the store closes (hours of operation not included in application; surrounding stores appear to close at 10:00 p.m.).



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."

Staff Report  
Jefferson County Board of Zoning Appeals  
August 24, 2023  
**23-24-ZV Harpers Ferry Dollar General (sign)**

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.

**Conditions of Approval**

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

1. All exterior lights facing Shepherdstown Pike shall be turned off at closing, including any lighting placed to illuminate the subject sign.

**Section of Ordinance to be Considered:**

Section 10.4 Signs Requiring a Zoning Certificate<sup>36</sup>

Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.<sup>2</sup> Sign types are defined in Section 2.2.

A. Attached Business Signs

1. The total area of the sign shall be no more than two square feet for each foot in length of the frontage of the building.<sup>36</sup>
2. Attached business signs shall not be attached to the side of the building that faces an adjoining residence.<sup>32, 35, 36</sup>
3. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.<sup>36</sup>



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

File Number: 23-24-ZV  
 Staff Initials: AB  
 Meeting Date: 08-24-23  
 Fees Paid (\$100 or \$150): \$100.00

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: WALL STREET PARTNERS WV1, LLC - TIMOTHY A. HAYMAKER  
 Mailing Address: 3120 WALL STREET #200 LEXINGTON, KY 40573  
 Phone Number: 859-685-3034 Email: ahaymaker@haymakercompany.com

**Agent Contact Information**

Name: KEN PADGETT | MID-ATLANTIC PERMITTING SERVICES, LLC  
 Mailing Address: 6 BAFFIN BAY CT. ROCKVILLE, MD 20853  
 Phone Number: 301-370-2126 Email: Ken@Mid-AtlanticPermits.com

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

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

**Local Property Details**

Physical Address: 45 AMANDA CT.  
 City: HARPERS FERRY State: WV Zip Code: 25425  
 Tax District: HARPERS FERRY Map No: 10 Parcel No: 11.5  
 Parcel Size: 2.19 AC Deed Book: 1294 Page No: 150

**Zoning District (please check one)**

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input checked="" type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<div style="border: 2px solid blue; padding: 10px; text-align: center;"> <p><b>RECEIVED</b>  <b>JULY 7, 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: SECTION 10.4 A. 2.

*Briefly describe the nature of the variance request:*

INSTALLTION OF A BUILDING MOUNTED SIGN ON A BUILDING ELEVATION THAT FACES AN ADJOINING RESIDENTIAL PROPERTY.

*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:*

Granting the variance for the building mounted sign will not affect the public health, safety or welfare, or the rights of residents. The wall mounted sign will be attached to the building causing no harm and will be several hundred feet away from a residents home. With increased customer awareness, sales will increase and tax dollars will increase.

*In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?*

Granting this variance will allow a wall mounted sign to be install on the main road, Shepherstown Rd, as Amanda Court is a dead end road. Lights are also off when the store closes and the store will provide a closer source for staples without the residents having to drive into town, especially on rainy or snowy days.

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

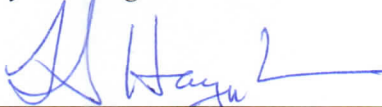
The additional sign will be above the building entrance and facing the main road. It will provide direction in and out of the building and allows travelers and residents along Shephersville Rd to quickly identify our business. Those that live in that area can conveniently make a trip to the store to pick up items they need for day to day use.

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

Zoning Ordinance can still be observed but with taking into consideration of the property for this store and the roads that the building face. We want to make sure direction is provided, confusion is eliminated and business is brought to the town. Thank you for your consideration

*Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.*

By signing this application, I give permission for the Office of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.



Signature of Property Owner

6-28-23

Date

Signature of Property Owner

Date

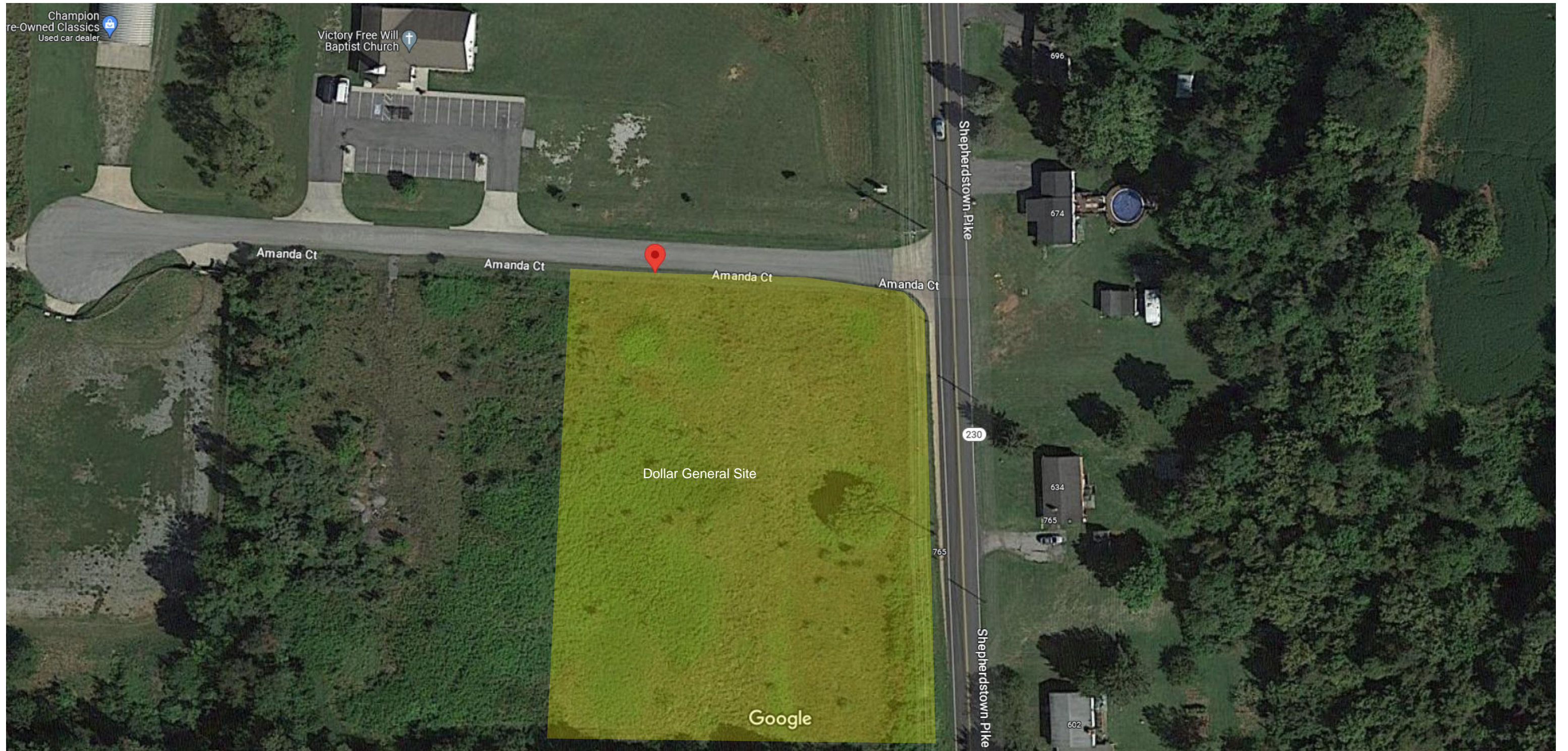
*Notification Requirements (to be completed by staff)*

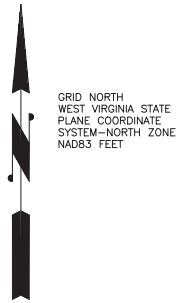
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

Date of Public Hearing

Advertising Date

Placard Posting Date

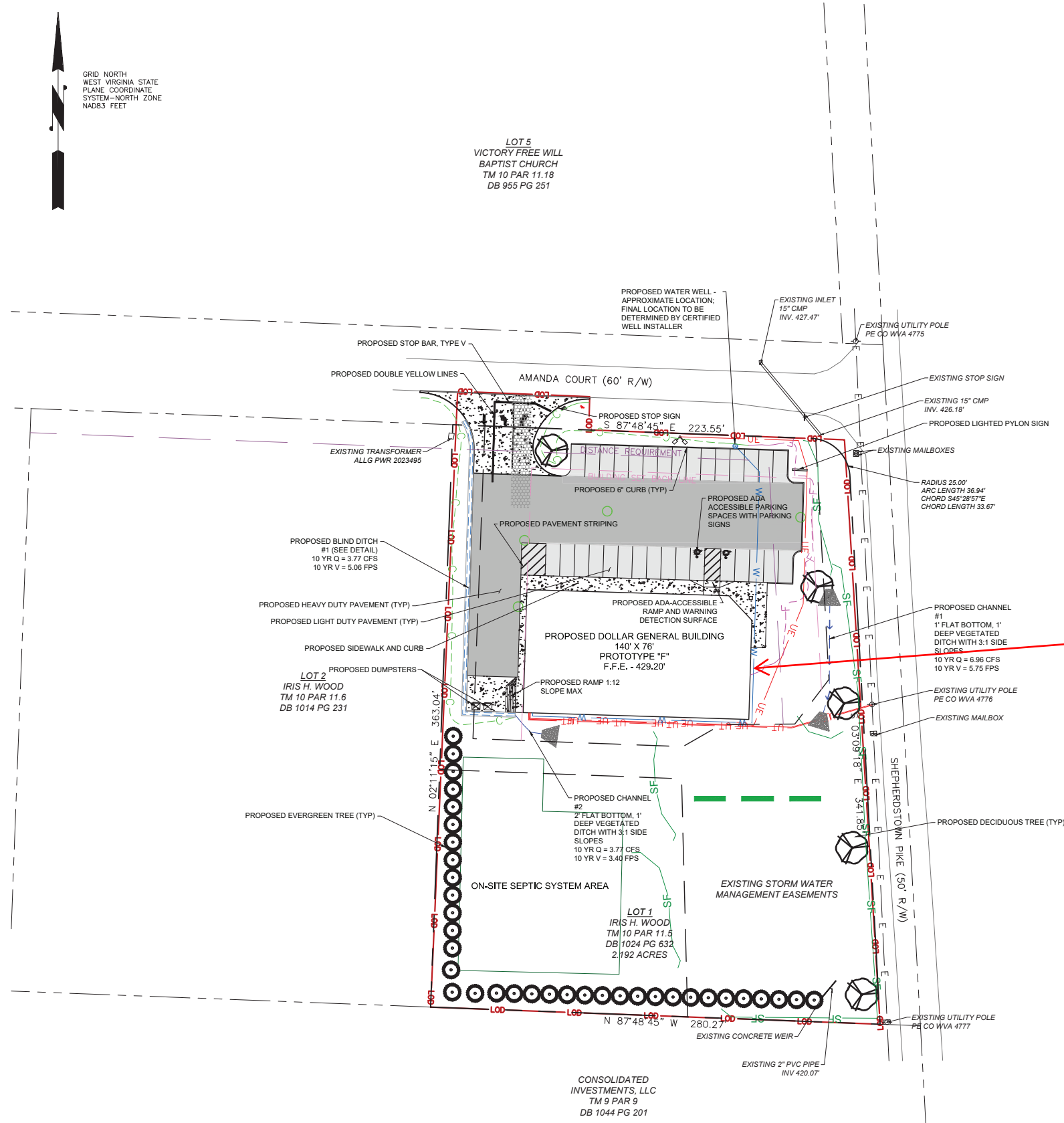




24501 Harpers Ferry, WV - Shepherdstown Pk  
 Prototype: 10640 F  
 Acreage: 2.192  
 Parking:31

**APPROVED**  
 By Sarah James Myatt at 8:21 am, Sep 13, 2022

A&R Development  
 Rich Wright  
 559-618-2125



Wall Sign

LAYOUT TAB: ALTA

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NO.	BY	DATE	DESCRIPTION



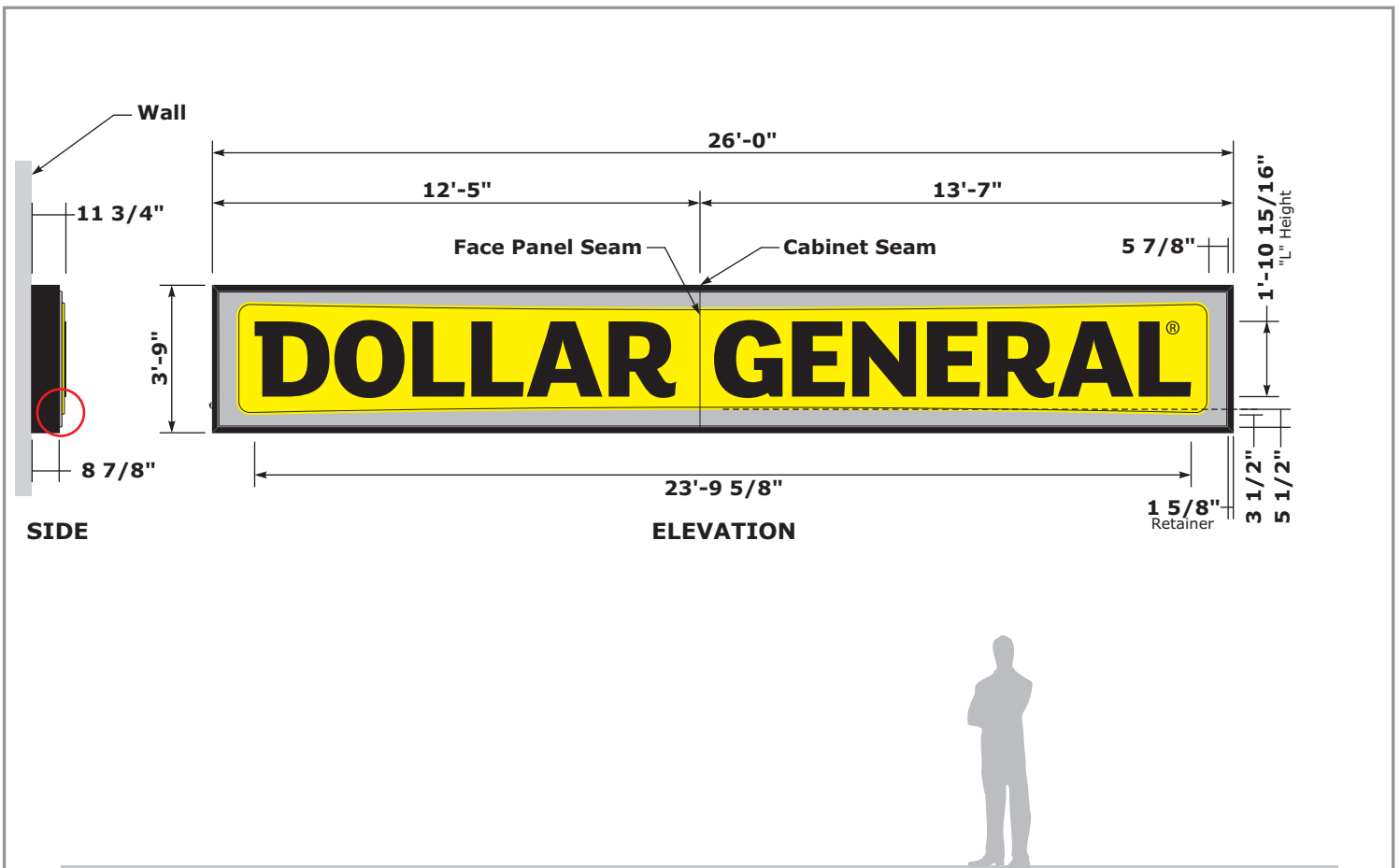
SCALE:	
DRAWN:	DATE:
CHECKED:	DATE:
APPROVED:	DATE:
SURVEY DATE:	
SURVEY BY:	
FIELD BOOK No.:	



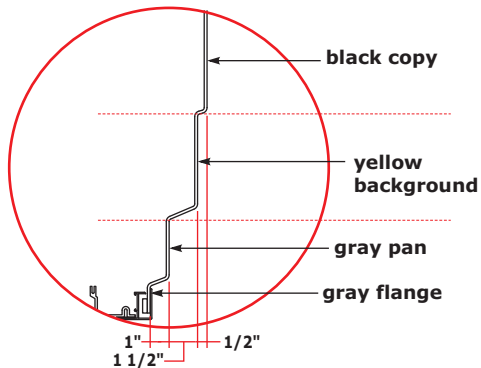
PHASE No.	
CONTRACT No.	
PROJECT No.	T30-11009

A&R DEVELOPMENT  
 HARPERS FERRY DOLLAR GENERAL  
 JEFFERSON CO., HARPERS FERRY, WEST VIRGINIA  
 ALTA SURVEY

SHEET No.  
**3**



**.150" clear UV polycarbonate (Spartech) pan formed face with Black copy over Spraylat C8-2633 Yellow on PMS Cool Gray 5 background. Cabinet to be painted Semi-Gloss Black.**



**FACE EMBOSMENT DETAIL**

SQUARE FOOTAGE
ACTUAL
97.50 sq. ft.

COLOR SPECIFICATIONS	
Yellow:	match Spraylat C8-2633
Brushed Aluminum:	match Spraylat FM-171
Black (Copy):	match Spraylat Black
Semi-Gloss Black (Metal):	match Black Polyurethane
Cool Gray:	match PMS Cool Gray 5
Rock Bottom Gray:	match Sherwin Williams SW7062
Green:	match PMS 368C



File Name: Dollar General Cutsheets 2013	
Project #: 13-0181	Page 11 of 33
Date: 08/30/2013	
Approved By:	

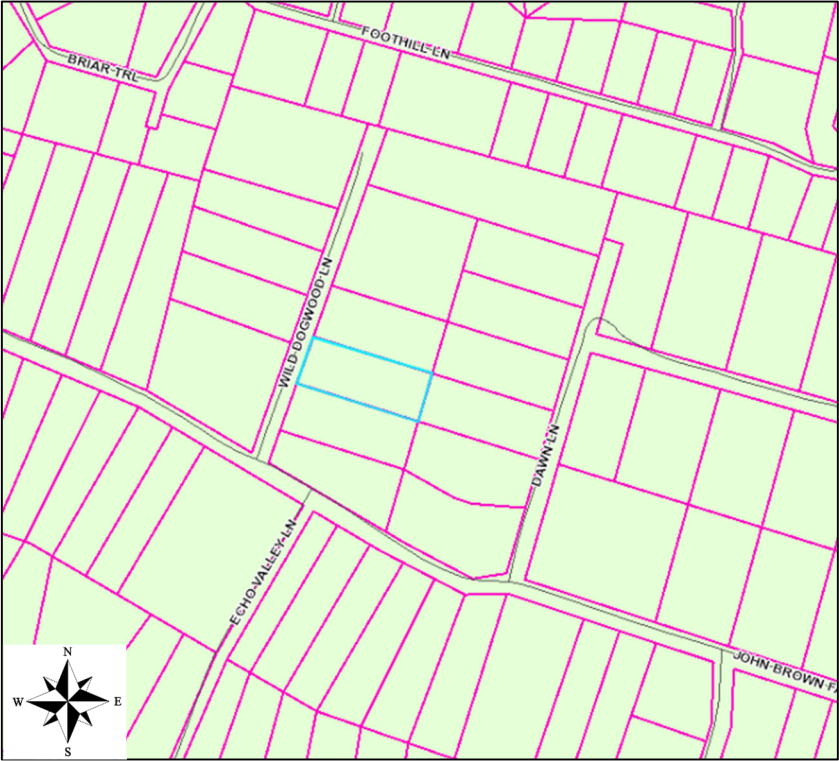


135 SOUTH DAVID LANE  
KNOXVILLE, TN 37922  
OFFICE: 865-539-4001  
FAX: 865-539-0851  
WWW.LINKENGR.COM



Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 24, 2023  
**23-25-ZV Adranetta Weimer (Sine) Variance Request**

Item #2 Variance request from Section 9.7 to reduce the side setback from 12' to 8' along the southern property line for a 28' x 35' detached garage.

Owner:	Adranetta Weimer (Sine)
Parcel Information and Zoning District:	John Brown Farm Subdivision, River Section, Lot 145A 50 Wild Dogwood Lane, Harpers Ferry, WV Parcel ID: 06008E00080009; Size: 1.02 ac; Zoning District: Rural
	
History:	11/09/1966: John Brown Farm Subdivision recorded in <a href="#">DB 284 @ PG 175</a>
Waivers/Variations:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	No.

**Staff Overview**

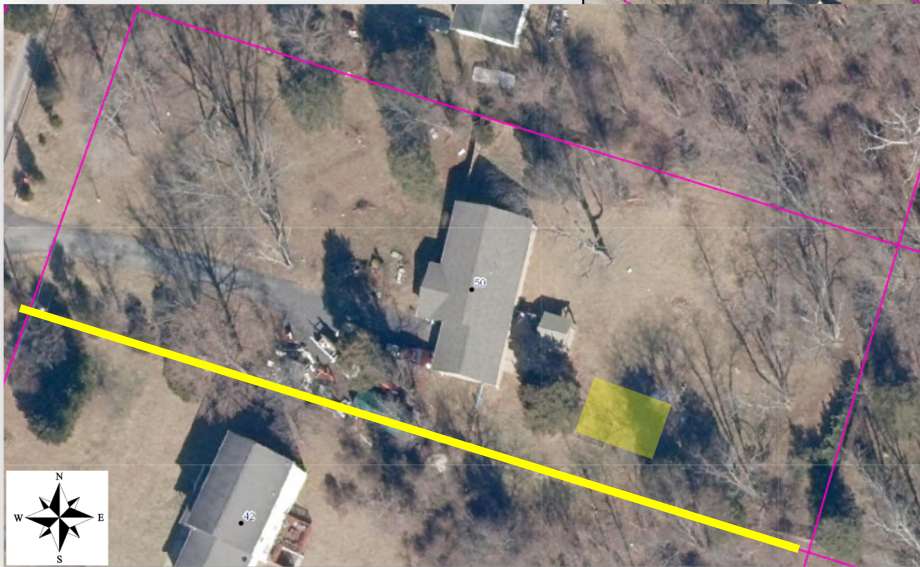
The subject parcel is Lot 145A of the John Brown Farm subdivision, which was recorded in 1966, prior to the adoption of the Zoning Ordinance; therefore, the lot is subject to the setback requirements in Section 9.7 of the Zoning Ordinance (25' Front; **12' Side**; and 12' Rear).

The applicant is requesting to reduce the side setback from 12' to 8' along the southern property line for the purpose of constructing a 28' x 35' (980 sq ft) detached garage.

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

Staff Report  
Jefferson County Board of Zoning Appeals  
August 24, 2023  
**23-25-ZV Adranetta Weimer (Sine) Variance Request**

The dwelling located on the adjoining parcel to the south is approximately 113' from the subject property line (see image below). The applicant stated that the purpose of the structure would be for personal storage, to protect property from the elements and theft.



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

Staff Report  
Jefferson County Board of Zoning Appeals  
August 24, 2023  
**23-25-ZV Adranetta Weimer (Sine) Variance Request**

4. 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 business may be operated from this structure without further review from the Board.

**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: 23-25-2V  
 Staff Initials: gn  
 Meeting Date: 100-  
 Fees Paid (\$100 or \$150): D8-24-23

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: Adranetta Sine  
 Mailing Address: 50 wild dogwood lane harpers ferry WV  
 Phone Number: 540-771-6148 Email: Adranetta@rocketmail.com

**Applicant Contact Information**

Name: Adranetta Sine  
 Mailing Address: 50 wild dogwood lane harpers ferry WV  
 Phone Number: 540-771-6148 Email: Adranetta@rocketmail.com

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

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

**Physical Property Details**

Physical Address: 50 Wild Dogwood Lane  
 City: Harpers Ferry State: WV Zip Code: 25425  
 Tax District: Kabletown (06) Map No: 8E Parcel No: 8.9  
 Parcel Size: 1.02 acres Deed Book: 1174 Page No: 144

**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"/>	
<p align="center"><b>RECEIVED</b></p> <p align="center">JUL 26 2023</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING &amp; ENGINEERING</p> <p align="center"><small>Please Received Date Stamp Here</small></p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

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

Briefly describe the nature of the variance request:

To move side building set back to 8 ft. from the original 12 ft. in the rear of the property. Bldg. size 28' x 35'

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

Front Setback  Side Setback  Rear Setback  Reduction From 12' to 8'

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

this reduction of boundary will not impede on anyone's property. It is also not in sightline of neighbors

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?

Due to existing property conditions. The back yard is the only suitable place for structure. (The drain field is in front and house placement ext.)

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

It will provide extra storage for personal property. It will better protect our property from the elements and theft.

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

This will allow us the ability to make due with what we have instead of feeling the need to move.

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Office of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

[Signature] 7/23/2023  
Signature of Property Owner Date

[Signature] 7/23/23  
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).

08-24-23  
Date of Public Hearing

08-09-23  
Advertising Date

08-09-23  
Placard Posting Date

Site

Residence

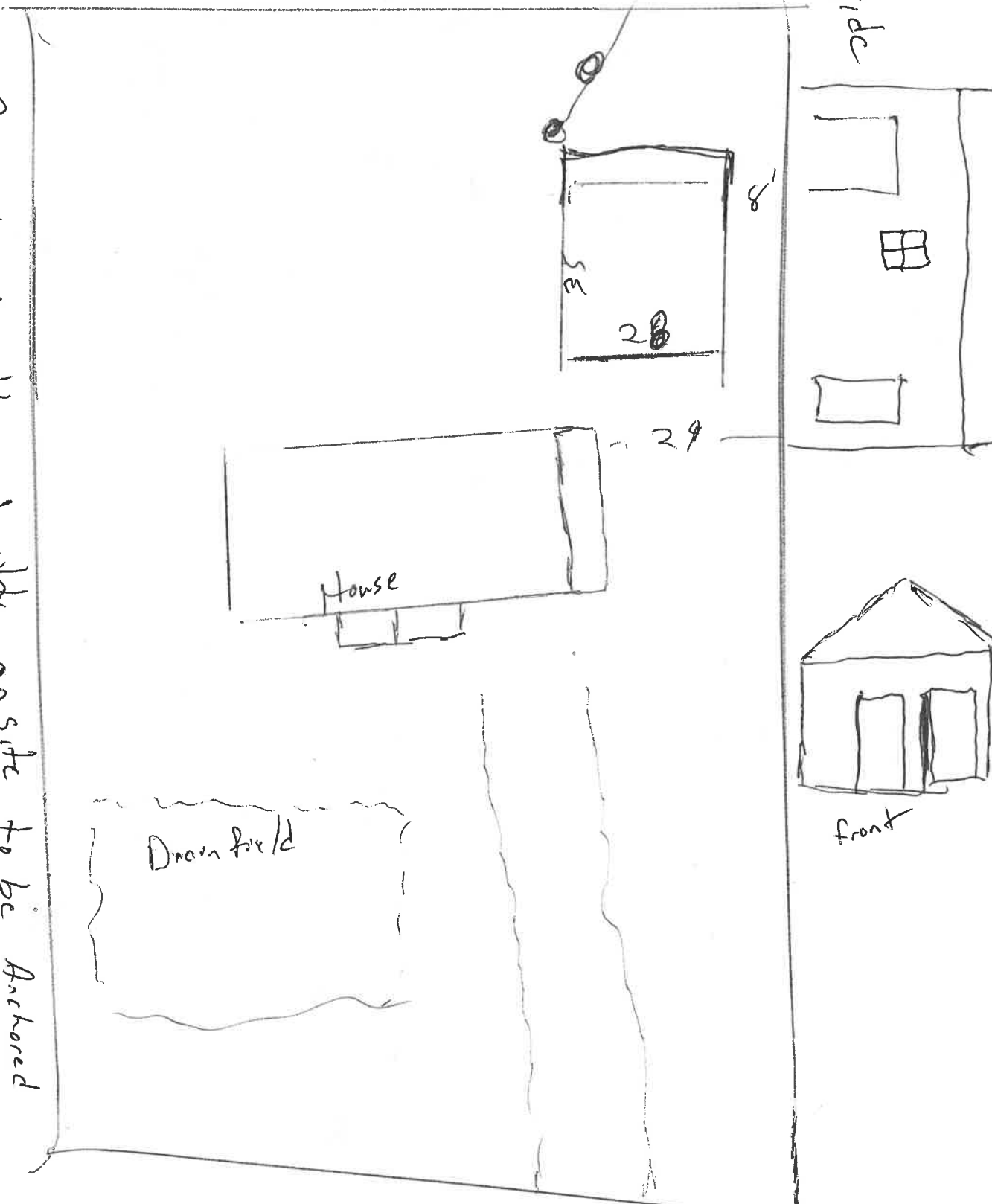
50 wild Dog wood

7/23/14

DM

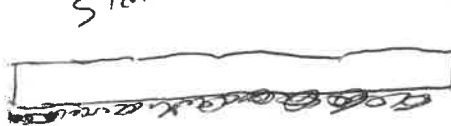
well 30 ft behind proposed building

Metal building built onsite to be Anchored to slab. Gases 28 x 35 proposed & set from my property line

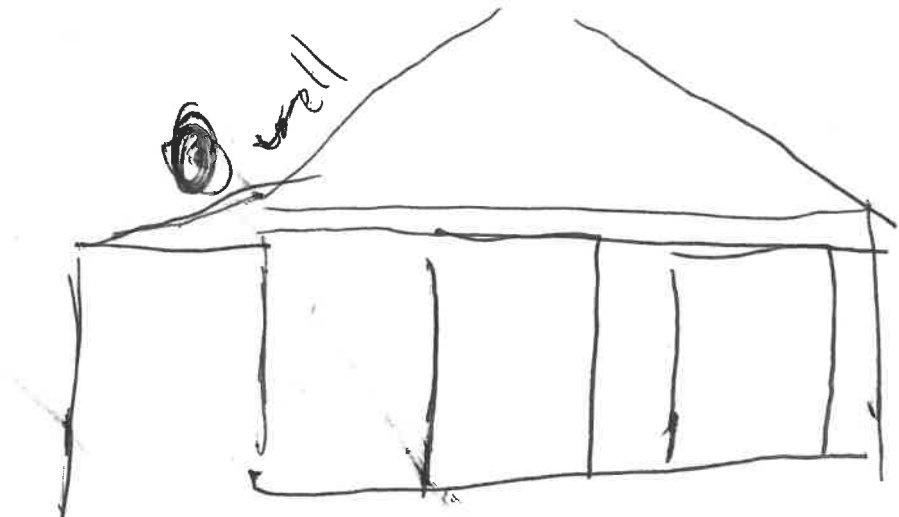


50 wild Dogwood

slab

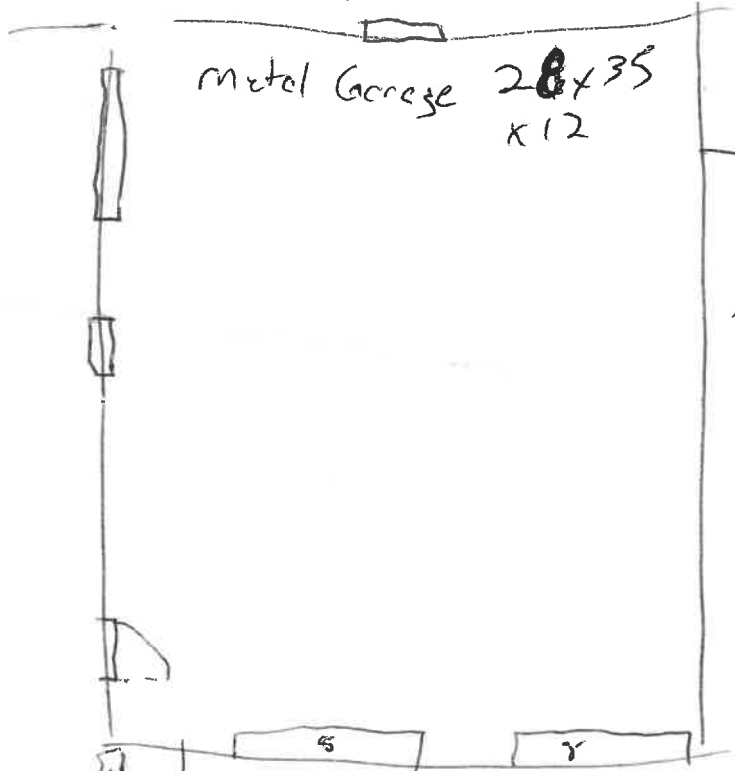


4" concrete  
2" gravel with moisture barrier

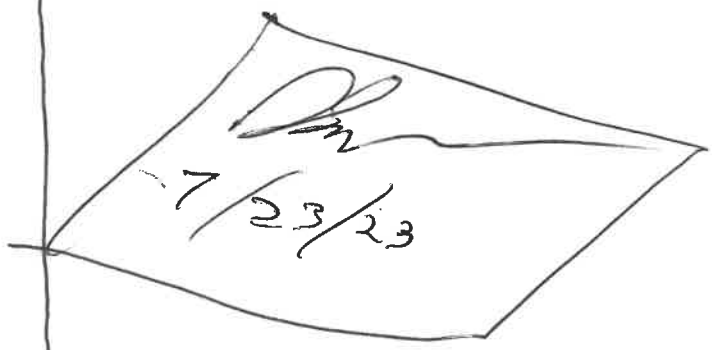


— 28 —

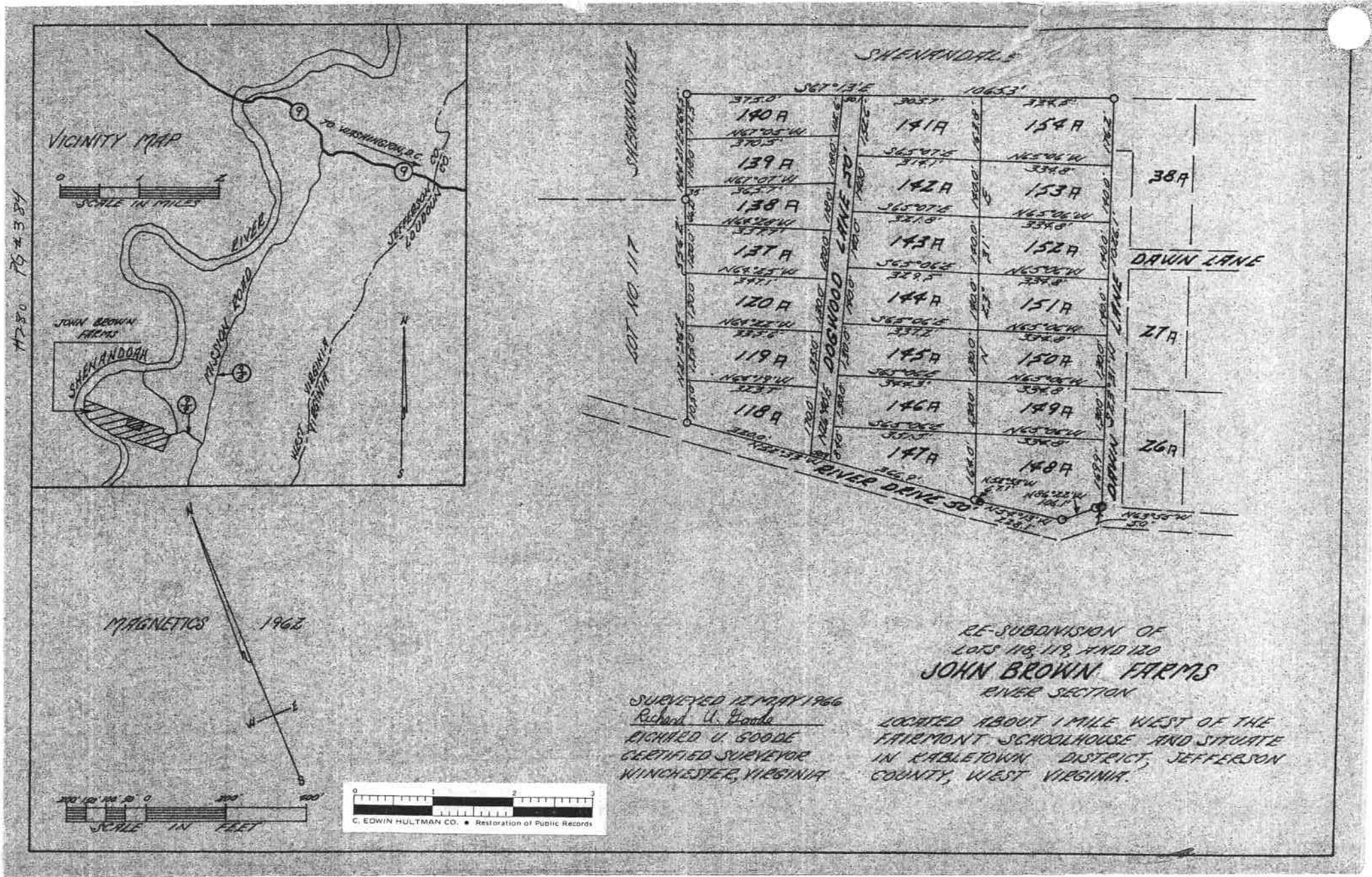
Metal Garage 28x35  
x12



18 ft



10201 WOLF  
 152  
 WEST 421  
 10201 WOLF  
 152



RE-SUBDIVISION OF  
 LOTS 118, 119, AND 120  
**JOHN BROWN FARMS**  
 RIVER SECTION

SURVEYED 12 MAY 1966  
 Richard U. Goode  
 RICHARD U. GOODE  
 CERTIFIED SURVEYOR  
 WINCHESTER, VIRGINIA

LOCATED ABOUT 1 MILE WEST OF THE  
 FAIRMONT SCHOOLHOUSE AND SITUATE  
 IN KABLETOWN DISTRICT, JEFFERSON  
 COUNTY, WEST VIRGINIA.

A280 79 x 384



# Jefferson County WV My Government Online Map

## Jefferson County GIS/Addressing Office

Help

TD: 06 / Map: 8E / Pcl: 0008.0009

Deeded Owner: WEIMER ADRANETTA I

Owner Address: 50 WILD DOGWOOD LN

City: HARPERS FERRY

State: WV

Zip: 25425

Deed Book/Page: [1174/144](#)

Description: LT #145A-RIVER SEC-JOHN BROWN FARM

Lot Size: 1.02

Tax Class: 2

Living Unit: 1

Year Built: 2016

Stories: 1

First Floor Area: 1410

Rooms: 7

Bedrooms: 3

Full Baths: 2

Half Baths: 0

Heat Type: Central with A/C

Fuel Type: Electric

Heat System: Heat Pump

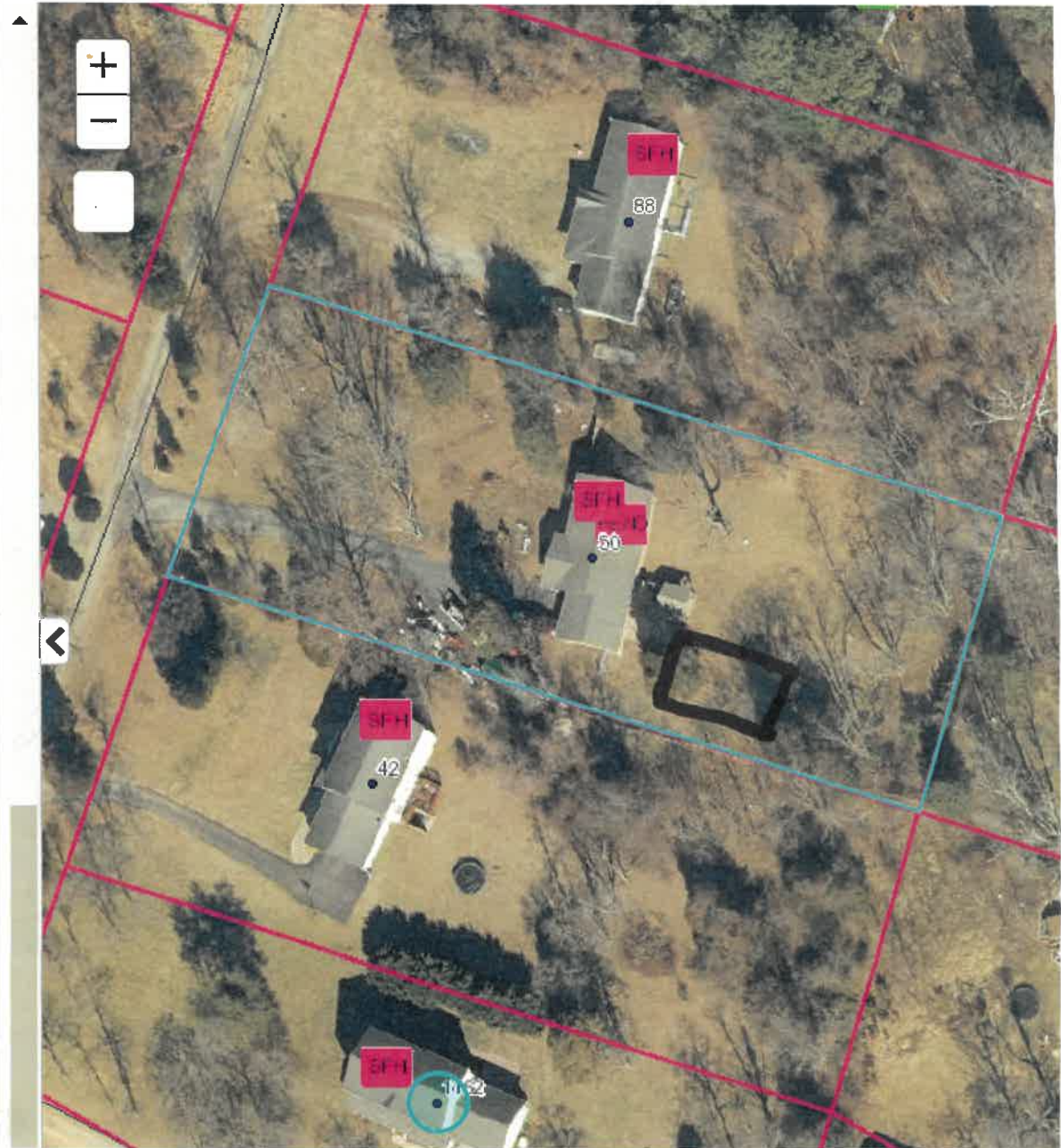
Last Sale Date: 2016-05-13

Last Sale Amount: 200000

Tax Year: 2023

Map Card: [Map Card](#)

County Tax Information: [County Tax Info](#)



▶ Measurement

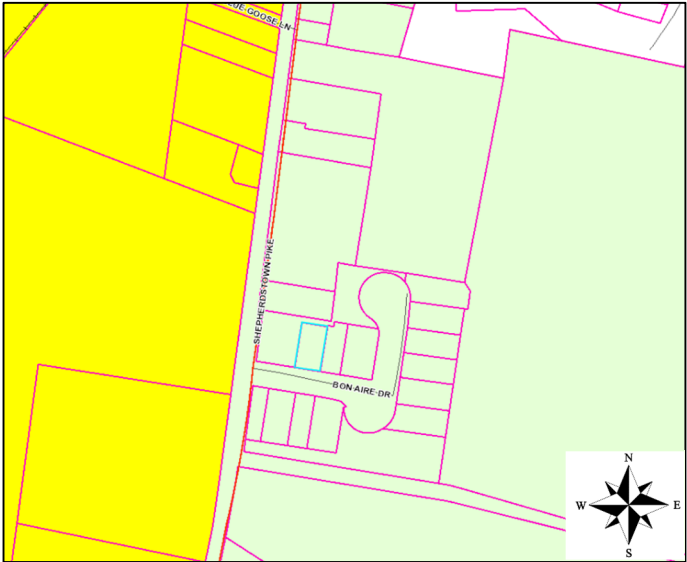


Staff Report  
 Jefferson County Board of Zoning Appeals

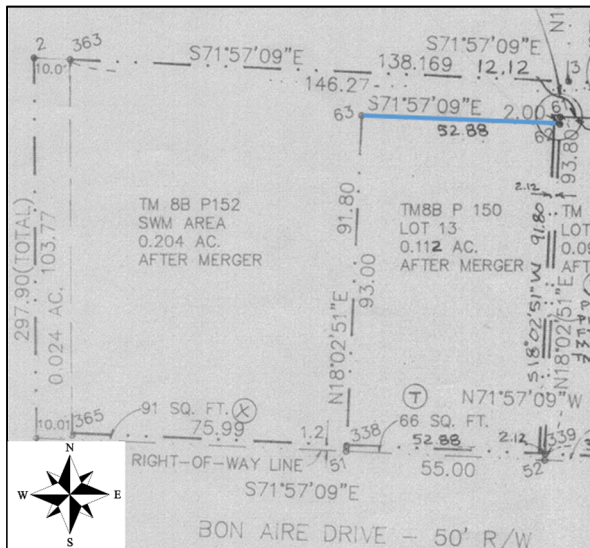
August 24, 2023

**23-26-ZV Shelton (Deck Setback) Variance Request**

Item #3      Variance request from Section 5.4(b) of the Zoning Ordinance, as amended 07/15/93 to reduce the rear setback from 20' to 15' along the northern property line for a proposed deck and screened in porch (325 sq ft total).

Owner/ Applicant:	Daniel Shelton and Katherine Buchanan
Parcel Information and Zoning District:	Bon Aire Village, Lot 13 25 Bon Aire Dr, Shepherdstown, WV 25443 Parcel ID: 09008B01500000; Size: ~0.11 ac; Zoning District: Rural
	
History:	09/28/93: Bon Aire Village Conditional Use Permit Issued (File #Z93-3) 07/11/94: Bon Aire Village final plat recorded in Plat Book 12, Page 32 12/20/94: Bon Aire Village Boundary Line Adjustment recorded in Plat Book 13, Page 18
Waivers/Variations:	None
Site Visit Conducted:	No

**Staff Overview**



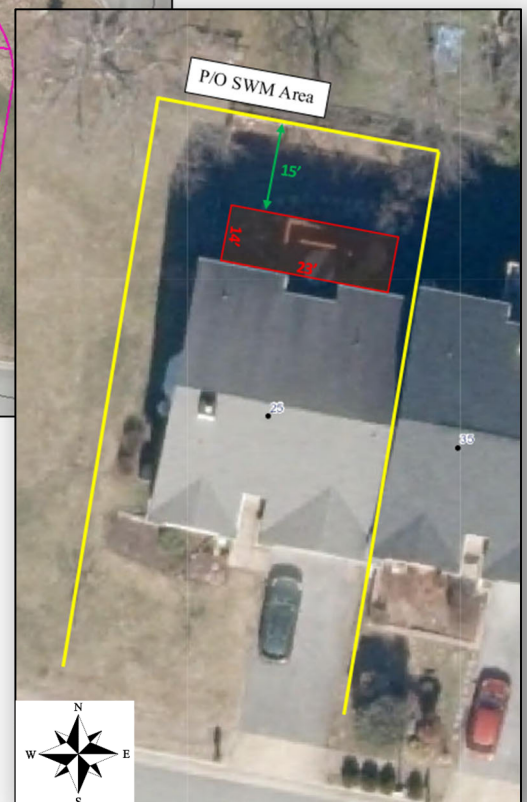
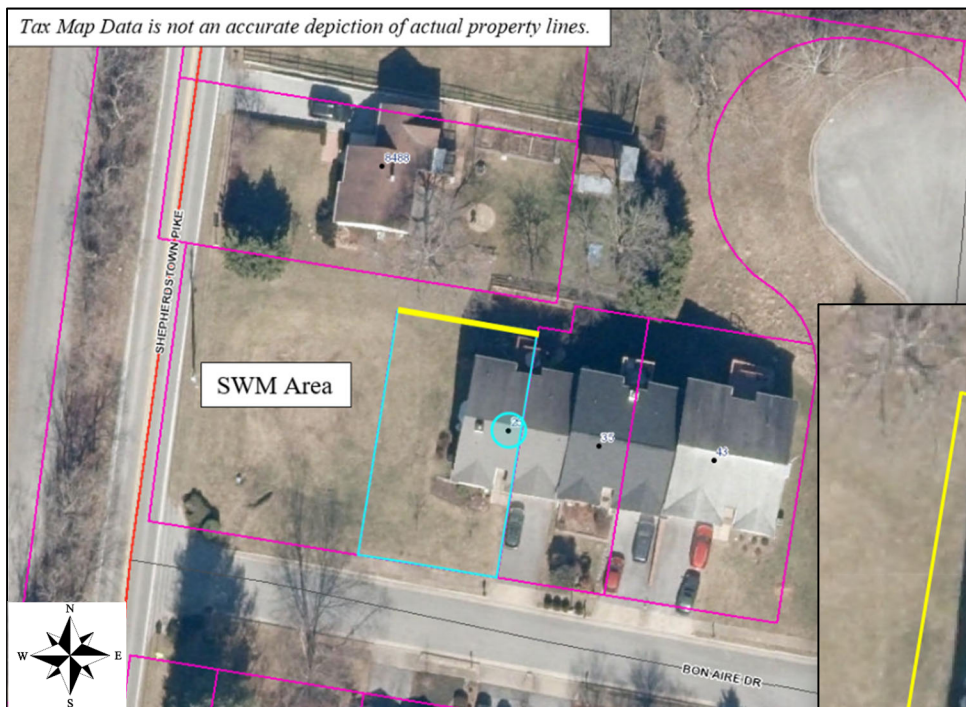
The Bon Aire Village subdivision processed as a Conditional Use to allow a greater density than what was permitted by right at that time. The Conditional Use Permit was issued on 09/28/93 and the Final Plat was recorded in 1994. A subsequent boundary line adjustment was recorded shortly thereafter. Pursuant to Section 5.7(b) of the Zoning Ordinance, as amended on 07/15/93, lots that were created through the conditional use permit process were permitted to utilize the Residential Growth setbacks listed in Section 5.4(b). As such, the required setbacks for the subject parcel are 25' Front; 12' Side; and **20' Rear**.

Staff Report  
Jefferson County Board of Zoning Appeals  
August 24, 2023  
**23-26-ZV Shelton (Deck Setback) Variance Request**

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.

The applicant purchased the existing home in May 2023. The home had an existing deck that appears to have been constructed without a building permit several years ago. The current property owners applied for a building permit to replace and enlarge the existing deck, as it was in disrepair. During the building permit review process, they became aware that the previous deck did not comply with the setback requirements and therefore, the new deck would necessitate a setback variance in order to bring the property into compliance. The applicants are actively working to bring the property into compliance with the County's rules and regulations.

The subject property line adjoins a ~12' wide portion of the platted stormwater management area. The County has not received any complaints related to stormwater runoff issues. The applicant has provided a letter of support from the adjoining property owners, Luis Dusing (north) and Lance Dom (east).



Staff Report  
Jefferson County Board of Zoning Appeals  
August 24, 2023

**23-26-ZV Shelton (Deck Setback) 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
4. 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.

**Section of Ordinance to be Considered**

**SECTION 5.7 Rural District**

**(b) Minimum Lot Area, Lot Width and Yard Requirements**

Minimum lot sizes, lot width, and yard requirements are as follows for principal permitted uses. For any residential use that complies with the Development Review System, the setbacks and lot shall be as outlined in [Article 5.4\(b\)](#).

**SECTION 5.4b Residential Growth District - Height And Yard Requirements**

<u>Development Type</u>	<u>Minimum Lot Area (MLA) Area per Dwelling Unit (ADU)</u>	<u>Required Yards</u>	<u>Maximum Building</u>
Townhouse	1,400 sq. ft. MLA	25 ft. front	40 ft.
Public/Central water and sewer	3,500 sq. ft. ADU	12 ft. side (exterior only) 20 ft. rear	





**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: 23-26-ZV  
 Staff Initials: ort  
 Meeting Date: 08-24-23  
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

**Zoning Variance Request**

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

**Property Owner Information**

Name: Daniel R Shelton / Kathrine C Buchanan  
 Mailing Address: 25 Bon Aire Drive Shepherds town, WV 25443  
 Phone Number: 202-683-8421 Email: dan.roland.shelton@gmail.com

**Applicant Contact Information**

Name: Daniel R Shelton  
 Mailing Address: same as above  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

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

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

**Physical Property Details**

Physical Address: 25 Bon Aire Drive  
 City: Shepherds town State: WV Zip Code: 25443  
 Tax District: D9 Map No: 8B Parcel No: 150  
 Parcel Size: .1174 AC Deed Book: 1301 Page No: 279

**Zoning District (please check one)**

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p align="center"><b>RECEIVED</b></p> <p align="center">JUL 27 2023</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING &amp; ENGINEERING</p> <p align="center"><small>Place Received Date Stamp Here</small></p>			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: Sec. 5.7B + 5.4B gpt

Briefly describe the nature of the variance request:

Replacement of previous deck in deteriorating condition. Per permit 23-434, 6x6 support posts are 13' from back of house, 21' from property line with 8488 Shepherdstown Pike & 7' from boundary of Water Management Area (communal property)

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

Front Setback

Side Setback

Rear Setback

Reduction From 20 to 15' gpt

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:

New deck will NOT impact efficacy of Water Management Area. I currently maintain (mow) this section of communal property. Please note memo of support from adjacent home/property owners.

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?

This request is to replace a previous deck in deteriorating condition. A preliminary search by the Permitting Office suggests that previous deck was never permitted, (constructed mid-1990s) so unclear if constructed to code.

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

New deck will be substantially sturdier, more accessible for mobility impaired, and safer

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

New deck will be safer, much more aesthetically pleasing, and will (presumably) increased assessed value of property.

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.

Daniel Rebuton 07/27/23  
Signature of Property Owner Date

Kathleen Clark July 27, 2023  
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

08-24-23  
Date of Public Hearing

08-09-23  
Advertising Date

08-09-23  
Placard Posting Date



23-26-ZV

Jefferson County Zoning Board:

Dan Shelton has discussed with me the plans for the replacement deck to be constructed at 25 Bon Aire Drive, since the structure is adjacent to my property/home. I have no objections to the deck per the approved permit (23-434).

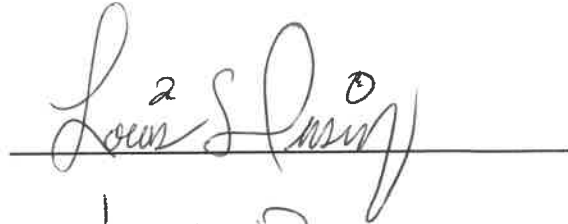
Sincerely,



Lance Dom

~~8488 Rolling Springs Road~~

35 Bon Aire Drive



Louis Dusing

~~35 Bon Aire Drive~~

8488 Shepherdstown Pike



# 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 August 24, 2023 Board of Zoning Appeals Meeting

**Date of Memo: August 8, 2023**

- 1) The next regular meeting is scheduled for **September 28, 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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**August 2023**  
**Zoning Certificate Activity Report**

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<b>File #</b>	<b>23-36-ZC</b>
Request:	Accessory Dwelling Unit: In-Law Suite
Property Owner:	Martin Collier and Kibong Lee
Applicant:	Antrec Engineering/ Contact: Willard Haas
Parcel Information:	Waterside Reserve Subdivision, Lot 23 133 Waterside Drive, Harpers Ferry, WV 25425 Parcel ID: 02020B00230000; Size: 7.73 acres; Zoning District: Rural; Deed Book: 1259; Page: 6; Plat Book: 24; Page: 32
Date of Issuance:	08/08/2023
<b>File #</b>	<b>23-37-ZC</b>
Request:	Shopping Center Change in Tenant / Spirit Halloween
Property Owner:	B33 Jefferson Crossing II, LLC
Applicant:	Spirit Halloween / Contact: Brandi Dusenbery
Parcel Information:	186 Flowing Springs Road, Charles Town, WV 25414 Parcel ID: 02000800240004; Size: 15.16 acres; Zoning District: Residential-Light Industrial-Commercial; Deed Book: 1239; Page: 670; See PC File: 94-04 (site plan)
Date of Issuance:	07/20/2023
<b>File #</b>	<b>23-38-ZC</b>
Request:	Change In Tenant: Personal Services
Property Owner:	SUSO 2 Alabama, LP / Contact: Stelios Mourtzakis
Applicant:	Adagio Academy of the Performing Arts / Attn: Jessica Stephey
Parcel Information:	Charles Town Plaza, 108 Patrick Henry Way, Charles Town, WV 25414 Parcel ID: 02000800290002; Size: 21.33 acres
Date of Issuance:	07/28/2023
<b>File #</b>	<b>23-41-ZC</b>
Request:	Shopping Center Change in Tenant / Jefferson Day Report Center
Property Owner:	PG Cappella / Attn: Pascale Colandrea
Applicant:	Jefferson Day Report Center / Contact: Kelly Franklin, Executive Director
Parcel Information:	130 E. Burr Blvd., 1 <sup>st</sup> Floor, Kearneysville, WV Parcel ID: 02000100930000; Size: 1.12 acres; Zoning District: Industrial Commercial; Deed Book: 1263; Page: 732; Final Plat: 26 @ Page: 204 (File #20-17-SD)
Date of Issuance:	08/15/2023
<b>File #</b>	<b>23-42-ZC</b>
Request:	Change in Tenant / Automobile Repair, Sales and Service
Property Owner:	Adcock Properties LLLP
Applicant:	Charles Town Auto LLC / Attn: Renn Kirby
Parcel Information:	25 Troy Drive, Charles Town, WV 25414 Parcel ID: 02000900080005; Size: 3.5 acres; Zoning District: Residential-Light Industrial-Commercial; Deed Book: 1252; Page: 71; Final Plat: 25 @ Page: 551 (File #15-18)
Date of Issuance:	08/16/2023

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