



**Jefferson County**  
**Board of Zoning Appeals Agenda**  
**Thursday, February 22, 2024 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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**Meeting Location:** County Commission Meeting Room  
Located in the lower level of the Charles Town Library (entrance on Samuel Street)  
200 East Washington Street, Charles Town, WV 25414

**Broadcast Information:** ZOOM Meeting ID: 813 9740 3372  
ZOOM Meeting Link: <https://us02web.zoom.us/j/81397403372>  
Phone Option (Dial by Location): 301-715-8592

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

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**Approval of Minutes: January 25, 2024**

**Public Hearing – Administer Oath**

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**Item #1 File # 23-36-ZV – postponed from December 14, 2023 and January 25, 2024**

**Request:** Variance request from Section 9.7 to reduce the front setback along Mahoney Drive from 20' to 4' and, to reduce the rear setback along the eastern property line from 12' to 2' for an existing 12' tall fence.

**Owner:** Guy Chappuis

**Parcel Info:** 26 Benson Drive, Harpers Ferry, WV

Parcel ID: 04003A00370000; Size: .58 acres, Zoning District: Village

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**Item #2 File # 24-1-CUP and 24-5-ZV**

**Request 1:** Request for a Conditional Use Permit to operate a homebased federal firearms business from an existing dwelling unit (proposed land use designation as listed in Appendix C of the Zoning Ordinance: Retail Sales and Service, General). The applicant anticipates approximately 10-20 customers per month. No employees other than the residents of the property. No signs are proposed (File #24-1-CUP).

**Request 2:** Variance request from Section 4.6B to eliminate the 75' distance requirement along the northern, southern, and eastern property lines to operate a homebased federal firearms business from an existing dwelling unit. (File #24-5-ZV).

**Owner:** William & Kristen McClain

**Applicant:** Double Tap Arms, LLC

**Parcel Info:** Sheridan Estates, Lot 135, 374 Lookout Mountain Ct., Harpers Ferry, WV

Parcel ID: 04009D01350000; Size: .42 acres; Zoning District: Residential Growth

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**Item #3 File # 24-2-CUP**

**Request:** Request for a Conditional Use Permit to operate an assisted living facility from an existing dwelling unit (proposed land use designation as listed in Appendix C of the Zoning Ordinance: Nursing or Retirement Home). The facility will provide homecare for up to 32 residents with up to 12 caregivers/employees. All parking will occur on site. No signs are proposed.

**Owner:** Mark and Jennifer Baldwin

**Applicants:** Blue Iris LLC / Attn: Sharon Hallinan, Manager

Songbird House LLC / Attn: Beata Scott

**Parcel Info:** Kristie George Minor Subdivision, Lot B, 1163 Gardners Ln, Shepherdstown, WV

Parcel ID: 09001700090003; Size: 6.63 acres; Zoning District: Rural

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**Item #4**     **File # 24-3-CUP and 24-6-ZV WITHDRAWN BY APPLICANT**

Request 1: Request for a Conditional Use Permit to operate a tree service business (proposed land use designation as listed in Appendix C of the Zoning Ordinance: Contractor with Outdoor Storage). The proposal consists of constructing a 40' x 60' pole building on a 125' x 150' gravel pad to be used for employee parking and equipment storage, as well as maintenance of company vehicles and equipment. The business would employ up to 10 employees. No customers will come to the property. No signs are proposed. (File #24-3-CUP).

Request 2: Variance request from the following provisions: (File #24-6-ZV)

1. Appendix B and Section 4.11E to utilize existing vegetation in lieu of a planted buffer along the front (southern), side (eastern), and rear (northern) property lines.
2. Appendix B to eliminate the building setbacks and landscaping requirements along the internal property line between Parcels 7 & 7.1 (common ownership).

Owner: Erik and Cheryl Berndt

Applicant: Viking Tree Service, LLC

Parcel Info: Vacant parcel located northeast of 1227 River Road, Shepherdstown, WV  
Parcel ID: 09001000070000; Size: 6 acres; Zoning District: Rural

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**Item #5**     **File # 24-7-ZV**

Request: Variance request from Appendix B and Section 4.11 to eliminate the required street tree and landscaping buffer to allow for the expansion of an existing commercial facility (DALB Inc.).

Owner: DALB, Inc. / Ken Steeley

Parcel Info: Burr Industrial Park, Lots 1 & 2, 73 Industrial Blvd., Kearneysville, WV  
Parcel ID: 02000200010007; Size: 2 acres; Zoning District: Industrial Commercial

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**Discussion with Possible Action re: Submission Deadline Policy (draft) – continued discussion from the January 25, 2024 meeting.**

**Discussion and Possible Action:** Clarification of Board's action on 07/27/2023 pertaining to hybrid (virtual and in-person) meeting options **(DW)**.

**Discussion and Possible Action:** Regarding Board's discussion to request that the Planning Commission review Section 5.7D.2 of the Zoning Ordinance (Cluster Subdivisions) **(DW)**.

**Zoning Administrator Report**

- a. Monthly Zoning Certificate Activity Report

**Legal Update**

- a. Discussion with possible deliberative session of the following pending lawsuits:
  1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy Facility / File 22-9-CUP) Rockwell v. JCBZA
  2. Jefferson County Circuit Court Case #CC-19-2023-C-131 (RE: Williamson Fence / 23-13-ZV) Gallagher c JCBZA and Timothy Williamson
  3. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of Zoning Appeals)

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

**Meeting: December 14, 2023**

1. Variance from Section 5.7.D.2.b.i(b). Owner: Debra Corbett. Applicant: Mark Stacpoole. Consultant: Josh Beall, Broker. File: 24-1-ZV.
2. Variance from Appendix A. Owner: Beallair Homes, LLC. File: 24-2-ZV.
3. Variance from Section 5.6B. Owner: Millville Quarry, Inc. Applicant: Diamond Concrete, LLC. File: 24-3-ZV.
4. Variance from Section 8.10. Owner: DR Acquisitions LLC. Applicant: DRB Group / Attn: Matt Monahan. File: 24-4-ZV.



**DRAFT - Minutes**

**Jefferson County Board of Zoning Appeals**

1 Meeting Date: January 25, 2024  
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; Jacob Harris,  
6 Secretary; Steve Guier, and, David Wiegand were present in person.  
7 Board Members Absent: Mikala Shremshock, Alternate, without notification  
8 Staff Members Present: Alexandra Beaulieu, Deputy Director & Zoning Administrator;  
9 Steve Groh, Assistant Prosecuting Attorney; and Jennilee Hartman,  
10 Zoning Clerk

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

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

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

**15 Election of Officers**

16 Mr. Harris nominated Mr. Quynn as Chair. Mr. Guier seconded the nomination, which carried  
17 unanimously.

18 Mr. Harris nominated Mr. McKinney as Vice Chair. Mr. Wiegand seconded the nomination, which  
19 carried unanimously.

20 Mr. Wiegand nominated Mr. Harris as Secretary. Mr. Guier seconded the nomination, which carried  
21 unanimously.

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

**23 Approval of Minutes: December 14, 2023**

24 Mr. Quynn suggested modifying all text pertaining to the public comment portion of the public  
25 hearing to read as follows:

26 Example (old): *Mr. McKinney opened the public hearing. No members of the public provided*  
27 *testimony. Mr. McKinney closed the public hearing.*

28 Example (proposed): *Mr. McKinney opened the public comment portion of the hearing. No members*  
29 *of the public provided testimony. Mr. McKinney closed the public comment portion of the hearing.*

30 The Board concurred with the revised text.

31 Mr. McKinney motioned to approve the minutes as amended, which carried unanimously.

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

**33 Agenda Item #1 File # 23-36-ZV – postponed to February 22, 2024 (from December 14, 2023)**

34 Request: Variance request from Section 9.7 to reduce the front setback along Mahoney Drive from  
35 20' to 4' and, to reduce the rear setback along the eastern property lien from 12' to 2' for  
36 an existing 12' tall fence.

37 Owner: Guy Chappuis

38 Parcel Info: 26 Benson Drive, Harpers Ferry, WV

39 Parcel ID: 04003A00370000; Size: .58 acres, Zoning District: Village

40 This item was postponed until February 22, 2024 to ensure public notice requirements were met.

**1 Agenda Item #3 File # 24-2-ZV**

2 Request: Variance request from Appendix A to reduce the rear setback from 20' to 18' for a 20'  
3 wide screened in porch.

4 Owner: Beallair Homes, LLC

5 Parcel Info: Beallair Subdivision, Lot 273, 101 Claymont Hill Street, Charles Town, WV

6 Parcel ID: 04010A02730000; Size: .209 ac; Zoning District: Residential Growth

7 Mr. Todd Abe with Beallair Homes was present to address the Board. Ms. Beaulieu provided an  
8 overview of her staff report to the Board.

9 Mr. Abe explained the nature of the request to the Board stating that the encroachment was due to  
10 an in-house miscommunication and apologized for the oversight.

11 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided  
12 testimony. Mr. Quynn closed the public comment portion of the hearing.

13 In response to Mr. Abe's presentation, Mr. Wiegand stated that he must recuse himself from this  
14 Item as his company had been employed by the owners of Beallair Homes in the past. Mr. Wiegand  
15 left the meeting room.

16 Mr. McKinney moved for a Summary Approval in accordance with Section 5.7(9) of the Boards'  
17 Rules of Procedure (as amended 01/26/23). Mr. Quynn called for a vote, which carried unanimously.

18 Mr. Wiegand returned to the meeting room.

**19 Agenda Item #4 File # 24-3-ZV**

20 Request: Variance request from Section 5.6B to reduce the distance requirement for an Industrial  
21 Use from 1,000' to 400' along the southern property line to allow for the construction  
22 of a concrete plant accessory to the quarry operation.

23 Owner: Millville Quarry, Inc.

24 Applicant: Diamond Concrete, LLC

25 Parcel Info: 165 Bradstone Lane, Harpers Ferry, WV

26 Parcel ID: 04001100220000; Size: 272+ ac; Zoning District: Industrial Commercial

27 Mr. Paul Raco with P.J. Raco Consulting was present on behalf of the applicant to address the  
28 Board. Ms. Beaulieu provided an overview of her staff report to the Board.

29 Mr. Raco provided a detailed history of the subject parcel and explained the nature of the request to  
30 the Board. In addressing the Boards' questions regarding the various approvals required by the  
31 State, Mr. Raco stated that the entire quarry had an existing NPDES Permit that was issued by the  
32 West Virginia Department of Environmental Protection (WVDEP). Mr. Raco clarified that any and  
33 all site work initiated by the property owner would be covered by the existing Permit.

34 Mr. Quynn opened the public comment portion of the hearing.

35 Ms. Nicola Bastian, neighboring property owner, and Ms. Christine Marshall, concerned resident,  
36 were opposed to the request.

37 Ms. Jackie Milliron approached the dais and was sworn in as she arrived after that occurred at the  
38 beginning of the meeting. Ms. Milliron asked questions pertaining to process.

39 Mr. Quynn closed the public comment portion of the hearing.

40 Mr. Raco provided a rebuttal in response to public comment. Mr. Raco confirmed that the new  
41 structures would adhere to all clean air and water provisions regulated by the State.

1 Mr. McKinney moved to approve the request with the following conditions:

2 1. The applicant is bound by their testimony.

3 2. The applicant shall maintain a 300' unscreened buffer yard. No structures, stored materials,  
4 or vehicular parking shall be permitted within the 300' buffer yard area. The required buffer  
5 screen shall be installed within the 300' unscreened buffer area, along the southern property  
6 line, in accordance with Appendix B and Standard Detail M-52.

7 Mr. Harris seconded the motion, which carried unanimously.

8 **Agenda Item #5 File # 24-4-ZV**

9 Request: Variance request from Section 8.10 to allow placement of a staffed model home sales  
10 office on Lot 174 and Townhome Lot 21 of the Kings Crossing Subdivision.  
11 (PC File #21-8-SD).

12 Owner: DR Acquisitions LLC

13 Applicant: DRB Group / Attn: Matt Monahan

14 Parcel Info: Kings Crossing Subdivision, Lot 174 and Townhome Lot 21

15 Vacant Lots located off Aragon Drive and Armistead Place, Charles Town, WV

16 Parcel ID: 02001700220000; Size: .219 ac. and .084 ac. (respectively);

17 Zoning District: Residential Growth

18 Ms. Brooke Perry with Integrity Federal Services was present on behalf of the property owner to  
19 address the Board. Ms. Beaulieu provided an overview of her staff report to the Board.

20 Ms. Perry explained the nature of the request to the Board stating that the proposed location of the  
21 model home sites would allow two unit types to be marketed and would facilitate a more fluid  
22 traffic pattern.

23 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided  
24 testimony. Mr. Quynn closed the public comment portion of the hearing.

25 Mr. Harris moved for a Summary Approval in accordance with Section 5.7(9) of the Boards' Rules  
26 of Procedure (as amended 01/26/23). Mr. Quynn called for a vote, which carried unanimously.

27 **Agenda Item #2 File # 24-1-ZV**

28 Request: Variance request from Section 5.7D.2.b.i(b) to allow the required 50% green space to  
29 be allocated on each of the individual lots within a proposed five lot cluster subdivision.

30 Owner: Debra Corbett

31 Applicant: Mark Stacpoole

32 Consultant: Josh Beall (real estate broker)

33 Parcel Info: Vacant parcel on the southeast corner of Huyett Rd & Summit Point Rd, Charles Town, WV

34 Parcel ID: 06001300050000; Size: 36 ac; Zoning District: Rural

35 Mr. Josh Beall, consultant, and Mr. Doug Lance, the new property owner (*as of 01/18/2024*), were  
36 present to address the Board. Ms. Beaulieu provided an overview of her staff report to the Board.

37 Ms. Beaulieu noted that under Section 5.7D.2.b the property could be subdivided into seven (7)  
38 total lots. She noted that the subject request would not allow for a greater density than would  
39 otherwise be permitted and noted that the applicant proffered in their application to not allow any  
40 further subdivisions to occur beyond the proposed five lots.

41 Mr. Beall and Mr. Lance explained the nature of the request to the Board stating that they believed  
42 the intent of the Ordinance would be upheld. Making reference to the proposed conditions of  
43 approval, the Board concurred that the intent to preserve greenspace would be upheld.

- 1 Mr. Quynn opened the public comment portion of the hearing.
- 2 Ms. Christine Marshall, concerned resident, stated that while she was not opposed to the request,
- 3 she questioned whether the request upheld the intent of the Cluster provisions.
- 4 Mr. Quynn closed the public comment portion of the hearing.
- 5 Discussion ensued regarding the intent of the greenspace provisions. The Board questioned if the
- 6 current interpretation could be changed to allow the greenspace to be allocated as requested.
- 7 Ms. Beaulieu stated that she stands by her original interpretation regarding the location of the
- 8 greenspace and that to date, no applicants had pursued an appeal of her decision. Mr. Wiegand
- 9 asked if they could send a letter to the Planning Commission requesting that they clarify the intent
- 10 of the greenspace provisions. Ms. Beaulieu explained that in order for the interpretation to be
- 11 modified, a member of the public would have to initiate an appeal of her determination; or petition
- 12 for a text amendment to the Zoning Ordinance to change the text. Ms. Beaulieu stated that in the
- 13 past when multiple variances that are similar in nature process before the Board, that the Board has
- 14 sent a letter to the Planning Commission requesting that they evaluate the text to determine if an
- 15 amendment is needed. Ms. Beaulieu stated she could draft a letter on behalf of the Board to the
- 16 Planning Commission requesting that this section of the Ordinance be re-evaluated to provide
- 17 clearer insight with regard to the greenspace provision. Ms. Beaulieu stated she could bring the
- 18 draft letter to the next meeting for the Board's review.
- 19 Ms. Beaulieu and Mr. Groh advised addressing the current request as presented.
- 20 Mr. McKinney moved to approve the request with the following conditions:
  - 21 1. The applicant seek all approvals during the development.
  - 22 2. The applicant is bound by their testimony.
- 23 Mr. Harris requested a friendly amendment to address the conditions of approval noted in the staff
- 24 report. The Board concurred with the request. Ms. Beaulieu summarized the following conditions of
- 25 approval as noted in the staff report and recommended by the Board:
  - 26 1. The applicant shall place a preservation easement on each of the proposed five lots, with the
  - 27 total greenspace area equal to or greater than the required 50%. The easement areas shall be
  - 28 delineated on the final plat in accordance with a design that is acceptable to the Zoning
  - 29 Administrator. A note shall be added to the final plat that stating that no driveways and no
  - 30 structures which require a building permit shall be placed within the delineated easement
  - 31 areas; and
  - 32 2. The applicant shall add a note on the plat that no further subdivision of the lots can occur; and
  - 33 3. The applicant is bound by their testimony.
- 34 Mr. McKinney agreed with the revised conditions.
- 35 Mr. Quynn called for a vote, which carried unanimously.
- 36 Mr. Wiegand requested that staff draft a letter to the appropriate party to determine the appropriate
- 37 process pertaining to the Boards' questions regarding greenspace. Mr. Quynn called for a vote,
- 38 which carried unanimously. Mr. McKinney clarified that the draft letter would be brought to the
- 39 Boards' February meeting for discussion and action.
- 40 Mr. Wiegand asked that the Board re-evaluate their July 2023 decision regarding member
- 41 participation via ZOOM. Ms. Beaulieu stated that she would bring all of the documents related to
- 42 the July 2023 decision to the February meeting for discussion and/or action.

**1 Discussion with possible action re: Submission Deadline Policy (draft)**

2 Ms. Beaulieu read the proposed Policy into the record. Ms. Beaulieu explained that the intent of the  
3 Policy was to provide clear direction regarding the submission of public comments. Mr. Wiegand  
4 requested that the Policy be revised to include text that prohibits the applicant and the public from  
5 submitting lengthy handouts at the meeting. Mr. Wiegand clarified that any material that could be  
6 verbally presented as part of the applicant/public testimony would be permitted.

7 Ms. Beaulieu suggested that the Board make a motion to request that staff do additional research  
8 related to submission deadlines and the Rules of Procedure and to include the item on the February  
9 agenda. Mr. Wiegand so moved. Mr. Harris seconded the motion, which carried unanimously.

**10 Discussion with possible action re: Meeting Protocol Preamble (draft)**

11 Mr. Quynn stated he did not believe the draft document needed to be accepted by the Board as it  
12 was it was only intended to be informational. The Board concurred.

**13 Zoning Administrator's Report**

14 Ms. Beaulieu addressed the following items noted in her report:

- 15 1. The next regular meeting is scheduled for February 22, 2024.
- 16 2. There are two alternate member positions open.
- 17 3. 2045 Comprehensive Plan Status Update: 3<sup>rd</sup> Public Input Meeting was held on  
18 January 23, 2024 at Jefferson High School
- 19 4. Ethics and Open Meetings Act Training – hosted by the WV Ethics Commission  
20 Ms. Beaulieu noted that the Interim County Administrator requested that each member  
21 confirm their attendance.
- 22 5. Zoning Certificate Activity report – included in the Packet.

**23 Legal Update**

24 a. Discussion with possible deliberative session of the following pending lawsuits:

- 25 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy  
26 Facility / File 22-9-CUP) Rockwell v. JCBZA
- 27 2. Jefferson County Circuit Court Case #CC-19-2023-C-131 (RE: Williamson Fence /  
28 23-13-ZV) Gallagher c JCBZA and Timothy Williamson
- 29 3. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany  
30 Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of  
31 Zoning Appeals)

32 Mr. Groh stated he did not have a legal update for Items 1 and 2. Mr. Groh recommended  
33 going into deliberation session to discuss Item #3.

34 Mr. Harris moved to go into deliberative session at 4:35 pm., Mr. Quynn called for a vote,  
35 which carried unanimously.

36 Mr. Guier moved to come out of deliberative session at 4:44 pm. Mr. Quynn called for a  
37 vote, which carried unanimously.

38 No action was taken.

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

2 **Meeting: December 14, 2023**

3 1. Variance from App. B. Owner: Stephen Patrick Snyder. File: 23-37-ZV.

4 2. Request by Songbird House Assisted Living Residence for a CUP to operate a Nursing  
5 or Retirement Home. Owner: Blue Iris LLC and Blue Tulip LLC / Attn: Sharon  
6 Hallinan, Manager. Applicant: Songbird House Assisted Living Residence / Attn:  
7 Beata Scott. File: 23-10-CUP.

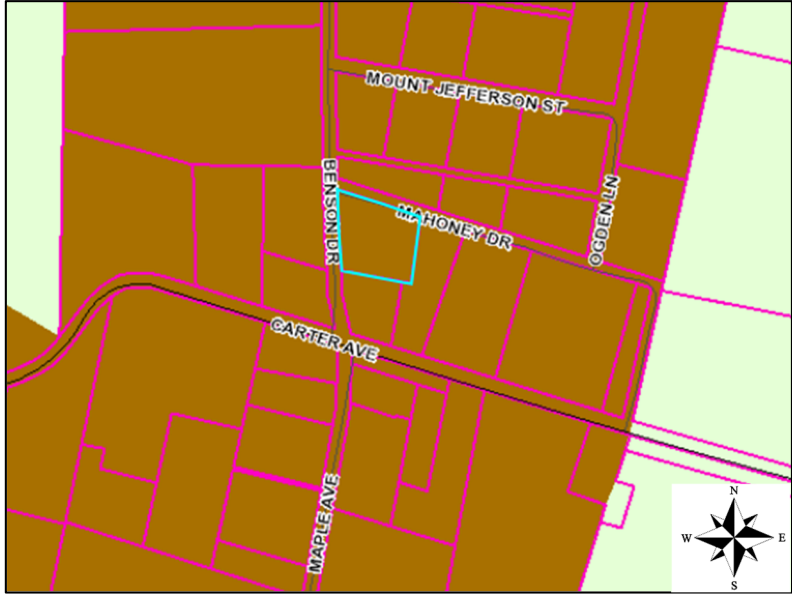
8 Mr. Quynn was provided a copy of the Findings for review.

9 Mr. McKinney moved to adjourn the meeting at 4:45 pm. Mr. Quynn called for a vote, which carried  
10 unanimously.

Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 22, 2024  
*Postponed from December 14, 2023*

**23-36-ZV Chappuis Variance Request**

Item #1 Variance request from Section 9.7 to reduce the front setback along Mahoney Drive from 20’ to 4’; and to reduce the rear setback along the eastern property line from 12’ to 2’ for an existing 12’ tall fence.

Owner Applicant:	Guy Chappuis
Parcel Information and Zoning District:	26 Benson Drive, Harpers Ferry WV Parcel ID: 04003A00370000; Size: .58 acres; Zoning District: Village
	
History:	07/16/1921: lots created via <a href="#">DB 120 / PG 289</a>
Waivers/Variations:	None
Approved Activity:	Single Family Dwelling
Site Visit Conducted:	Yes – 02/12/2024.

**Staff Overview**

The subject parcel was created in July 1921 prior to the adoption of the Zoning Ordinance (1988); therefore, it is considered a nonconforming lot because it does not conform to the residential site development standards in the Zoning Ordinance. As such, it is subject to the setback requirements established in Section 9.7 as follows: **20’ Front**, 8’ Side, and **12’ Rear**. The property fronts two state roads (Benson Dr. and Mahoney Dr.) and is considered a Corner Lot with two front yard designations.

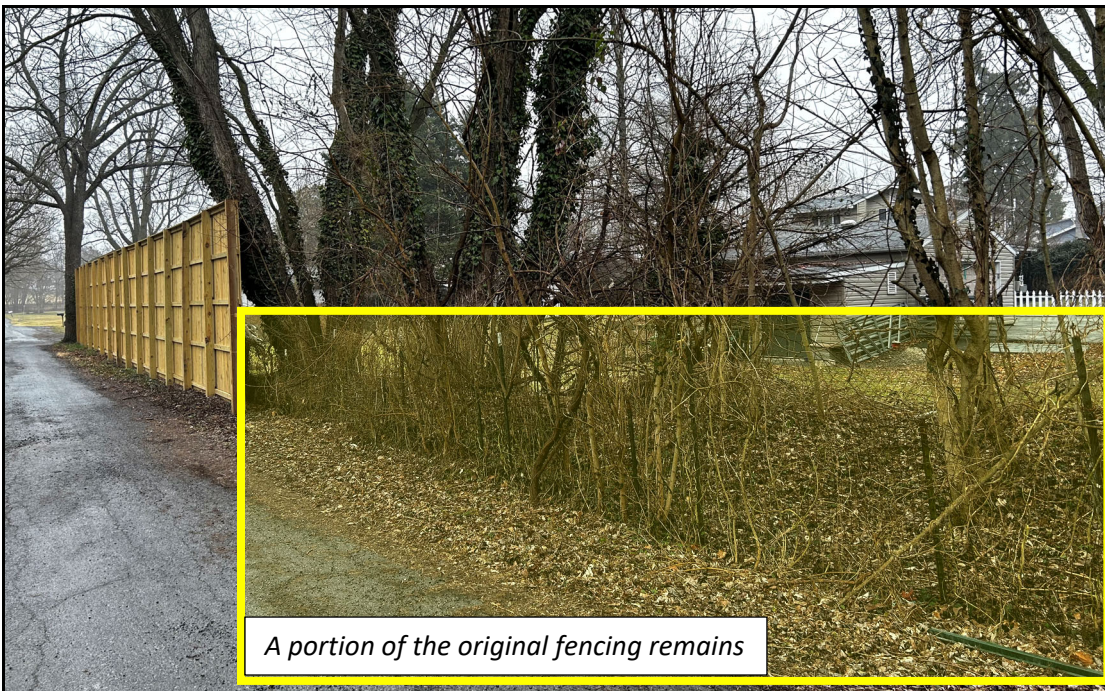
A key purpose of the front yard setback requirement is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that traffic visibility is not impaired for drivers along the right-of-way.

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  
February 22, 2024  
*Postponed from December 14, 2023*

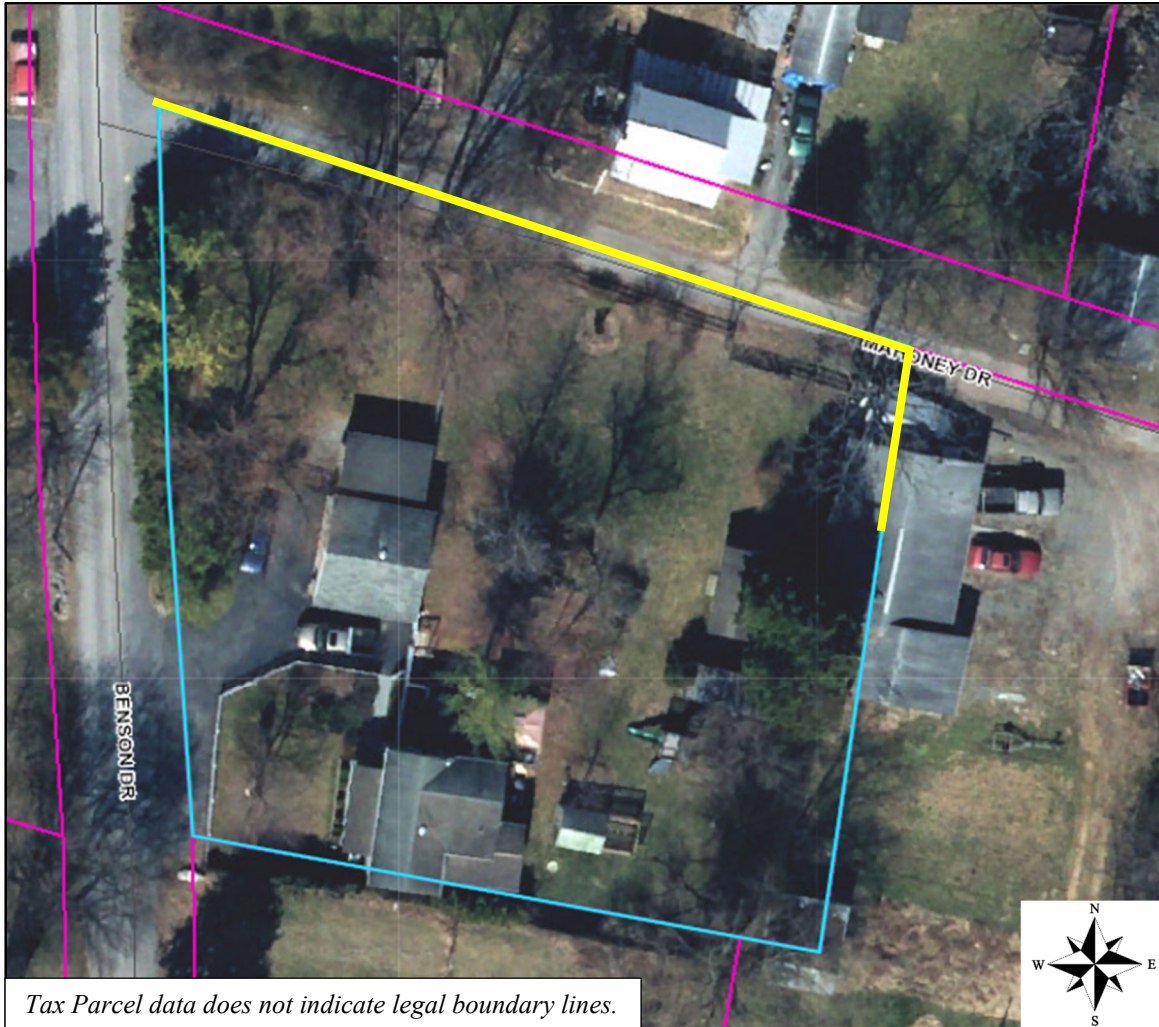
**23-36-ZV Chappuis Variance Request**

The applicant represented that they replaced the original fence (under 6' in height) with a 12' tall fence along a portion of the norther and eastern property lines (see photo below) to enhance the safety and security of the property. The applicant represented that the new fence is in the same location as the original fence; however, pursuant to Section 9.5B of the Zoning Ordinance, fences that are over six feet in height shall comply with setback requirements.



Staff Report  
Jefferson County Board of Zoning Appeals  
February 22, 2024  
*Postponed from December 14, 2023*

**23-36-ZV Chappuis 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 changing 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  
February 22, 2024  
*Postponed from December 14, 2023*

**23-36-ZV Chappuis Variance Request**

**Conditions of Approval**

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

1. Applicant shall obtain a building permit and comply with building code requirements.

**Section of Ordinance to be Considered:**

**Section 9.5 Projections Into Yards<sup>8</sup>**

- A. **Fences and walls over six feet in height shall meet building lines and yard requirements.** A building permit is required before construction. Fences and walls six feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.<sup>23</sup>

**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



**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: 23-36-ZV  
 Staff Initials: AB  
 Meeting Date: 12-14-23  
 Fees Paid (\$100 or \$150): \$150.00

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: Guy Philippe M. Chappuis  
 Mailing Address: 28 Benson Drive, Harers Ferry, WV 25425  
 Phone Number: 304-350-9751 Email: guychappuis@gmail.com

**Applicant Contact Information**

Name: Guy Philippe M. Chappuis  
 Mailing Address: 28 Benson Drive, Harpers Ferry, WV 25425  
 Phone Number: 304-350-9751 Email: guychappuis@gmail.com

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

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

**Physical Property Details**

Physical Address: 28 Benson Drive  
 City: Harpers Ferry State: WV Zip Code: 25425  
 Tax District: Harpers Ferry (04) AB Map No: 3A Parcel No: 37  
 Parcel Size: .6 acre Deed Book: 1272 Page No: 661

**Zoning District (please check one)**

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential-Light Industrial-Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input checked="" type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center"><b>RECEIVED</b></p> <p align="center">OCT 17 2023</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING &amp; ENGINEERING</p> <p align="center">Place Received Date Stamp Here</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:*  
The setback variance for the existing rear fence is necessary to address legitimate safety concerns in a neighborhood with issues. Granting a variance is reasonable, eliminates unnecessary hardship, and aligns with the intent of the zoning ordinance while ensuring substantial justice for my family.

*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 fence repair is intended to enhance the safety and security of the property, particularly for my wife and small children. By granting the variance, it would contribute to improved safety by preventing unauthorized access to the property and potential dangers associated with the neighborhood issues.

*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 existing fence's setback was original to the house. The fence was built to keep traffic off of the backyard, to protect the children and family that lived on the property.

*How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?*  
The unnecessary hardship is the fear and anxiety experienced by my wife and children due to the lack of a secure fence. Given the neighborhood's issues, it is reasonable to allow the variance to address legitimate security concerns and enable my family to use our land without undue stress or fear.

*How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?*  
The zoning ordinance's intent is to balance the needs of the property owners with the community's welfare. In this case, observing the ordinance strictly could lead to a situation where the family is exposed to potential safety risks, which would be unjust. Granting the variance ensures that the family can have a safe and secure living environment.

*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.

 10/17-2023  
Signature of Property Owner Date

\_\_\_\_\_  
Signature of Property Owner Date

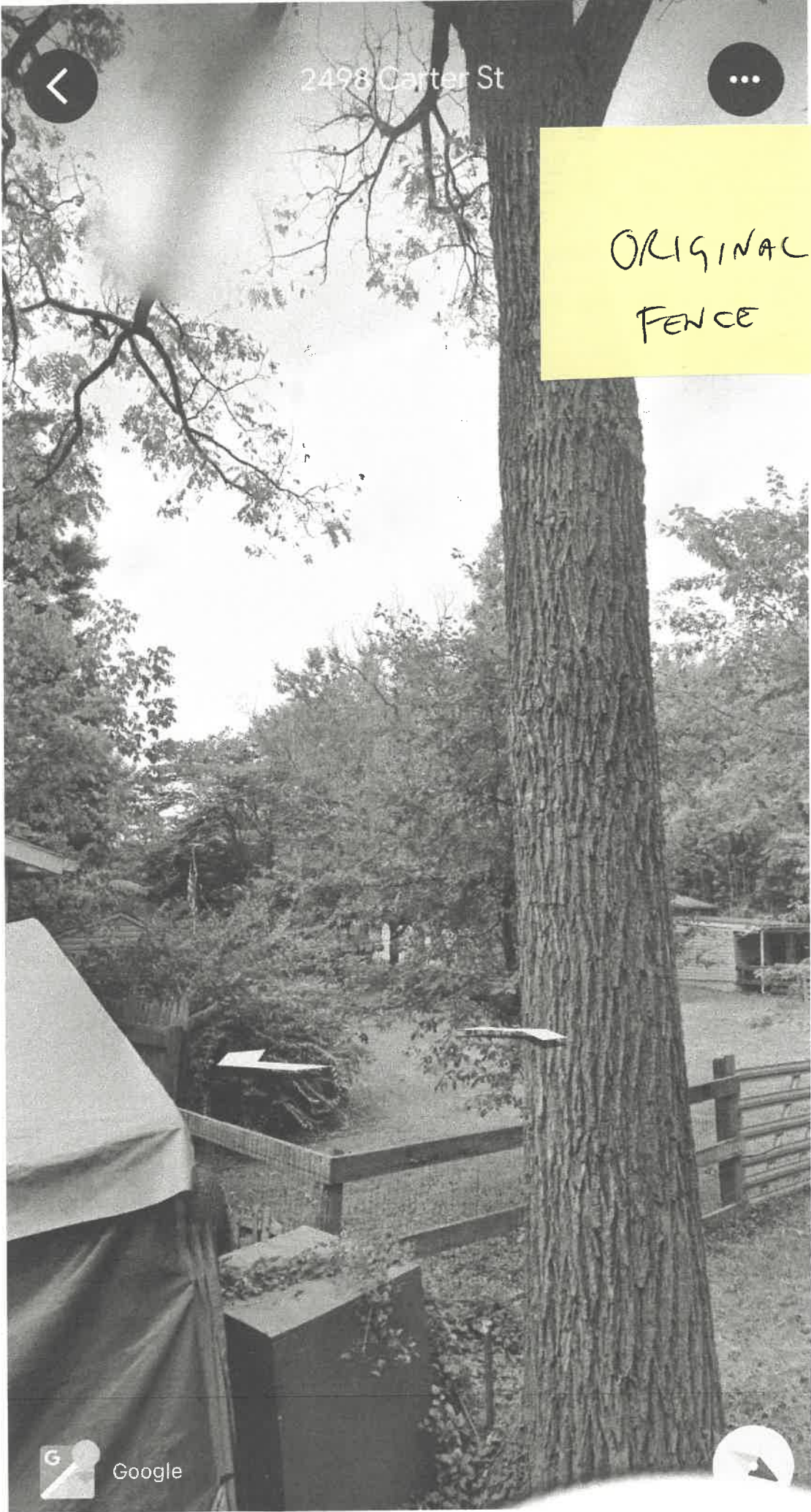
**Notification Requirements (to be completed by staff)**

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).

December 14, 2023  
Date of Public Hearing

November 29, 2023  
Advertising Date

November 29, 2023  
Placard Posting Date



2498 Carter St

ORIGINAL  
FENCE



2498 Carter St





2498 Carter St



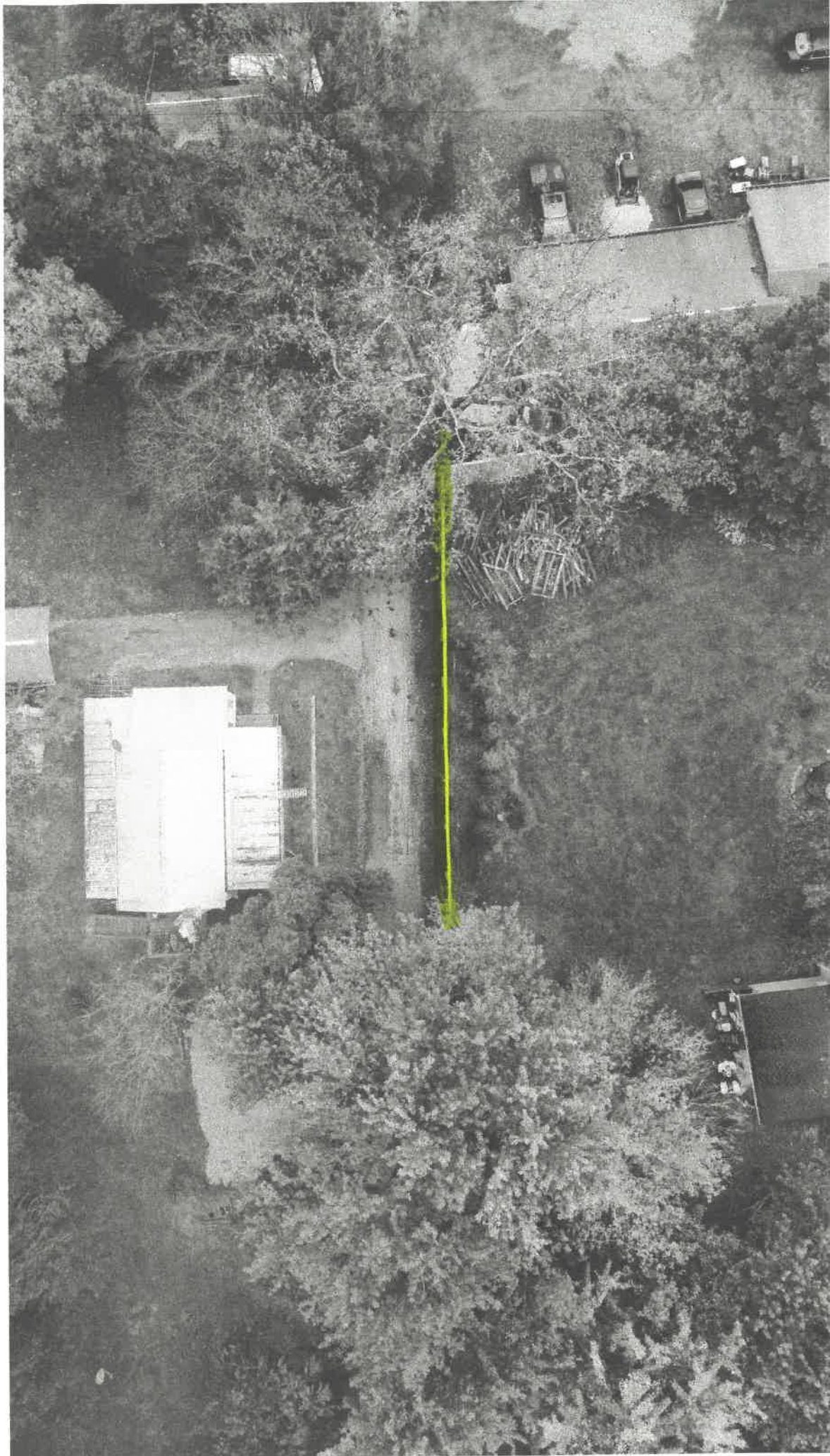
Google



Google

(39°21'49"N 77°45'46"W) 428 ft













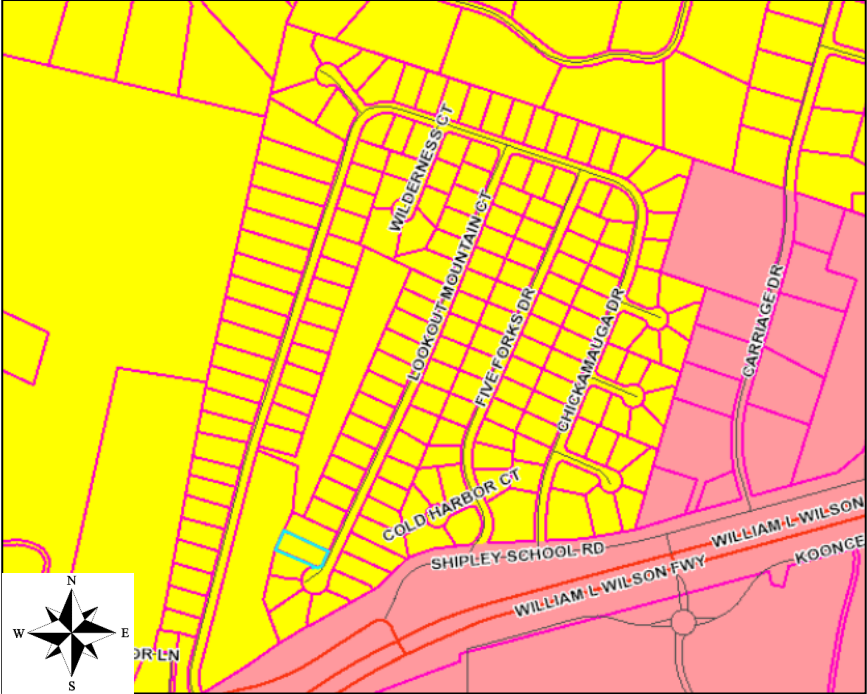




Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 February 22, 2024

**23-1-CUP Double Tap Arms (Retail Sales and Service, General)  
 Conditional Use Permit Request**

Item #2 Request for a Conditional Use Permit to establish a homebased federal firearms business from an existing dwelling unit. The proposed land use designation as listed in Appendix C is *Retail Sales and Service, General*. Applicant anticipates approximately 10-20 customers per month. No employees other than the residents of the property. No signs are proposed.

Owner:	William & Kristen McClain
Parcel Information & Zoning District:	<p style="text-align: center;">Sheridan Estates, Lot 135          374 Lookout Mountain Ct, Harpers Ferry, WV          Parcel ID: 04009D01350000; Size: 0.42 ac;          Zoning District: Residential Growth</p> 
History:	<p>09/23/03: Sheridan Subdivision, Phase I: Lots 1, 26, 38-78, 94, 109, 132, 159 &amp; Residues A-F (Plat Book 20, Page 39)          08/31/06: Sheridan Subdivision, Phase II: Lots 2-25, 27-37, 79-93, 95-108, 110-131, 133-158, 160-178 (Plat Book 23, Page 40)</p> <ul style="list-style-type: none"> <li>• Minor Plat Change (SWM #2): Plat Book 25, Page 248</li> <li>• Minor Plat Change (Lots 12-23): Plat Book 25, Page 539</li> <li>• Minor Plat Change (Lots 1-4): Plat Book 25, Page 571</li> </ul>
Waivers/Variances:	<p>PC granted the following variances (Phase I):          10/09/01: to allow lot dimensions to exceed 3:1.          09/24/02: a 6-month extension from CIS approval.          10/12/21: PC approval for Final Plat Amendment to allow the proposed pool in a drainage/utility easement.</p>
Approved Activity:	Single family dwelling
Site Visit Conducted:	Yes – 02/12/2024

**23-1-CUP Double Tap Arms (Retail Sales and Service, General)  
Conditional Use Permit Request**

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

The subject request is to operate a homebased federal firearms business from an existing dwelling. The applicant represented that the hours of operation will be from 6:00 p.m. to 8:00 p.m., Monday through Saturday, excluding holidays. The applicant/homeowner is the only employee and it is anticipated that there would be 10 to 20 customers per month. The proposed business will include a readily available inventory with no more than ten guns on hand, stored in a fireproof safe that is bolted to the floor of the garage and monitored by a security system.

The proposed land use designation as listed in Appendix C is Retail Sales and Service, General. Article 2 defines *Retail Sales and Service, General* as, “A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does not include any other use specifically classified in another definition herein.”

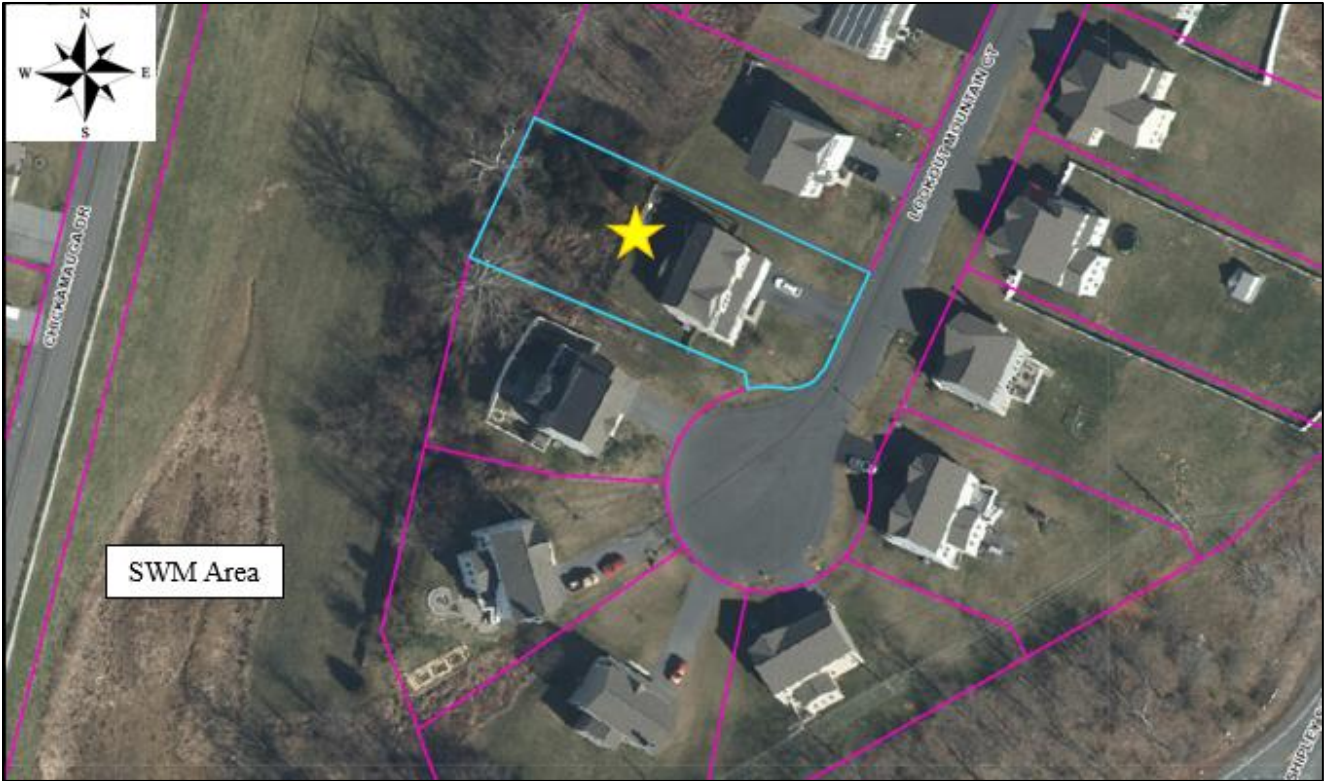
The Home Occupation and Cottage Industry Standards in Section 4A of the Zoning Ordinance states, “Any business which involves the storage of weapons such as firearms (other than residents’ hunting, protection, and leisure weapons)” cannot be established as a Home Occupation or Cottage Industry (Section 4A.1.E.4). 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). Staff has been advising that in order to operate a home based federal firearms business, a Conditional Use Permit is required due to the fact that firearms will be stored on premises for one or more days until the transfer is completed and the customer picks up the firearm(s).

**Property Description**



The subject parcel is lot 135 of the Sheridan Subdivision. It is approximately 4/10 of an acre in size and contains an existing dwelling unit with an attached garage. Lookout Mountain Court is a platted 50’ wide right-of-way owned and maintained by the Homeowners Association.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
February 22, 2024  
**23-1-CUP Double Tap Arms (Retail Sales and Service, General)  
Conditional Use Permit Request**



**23-1-CUP Double Tap Arms (Retail Sales and Service, General)  
Conditional Use Permit Request**

**Conditional Use Permit Process**

Section 6.3 of the Zoning Ordinance states:

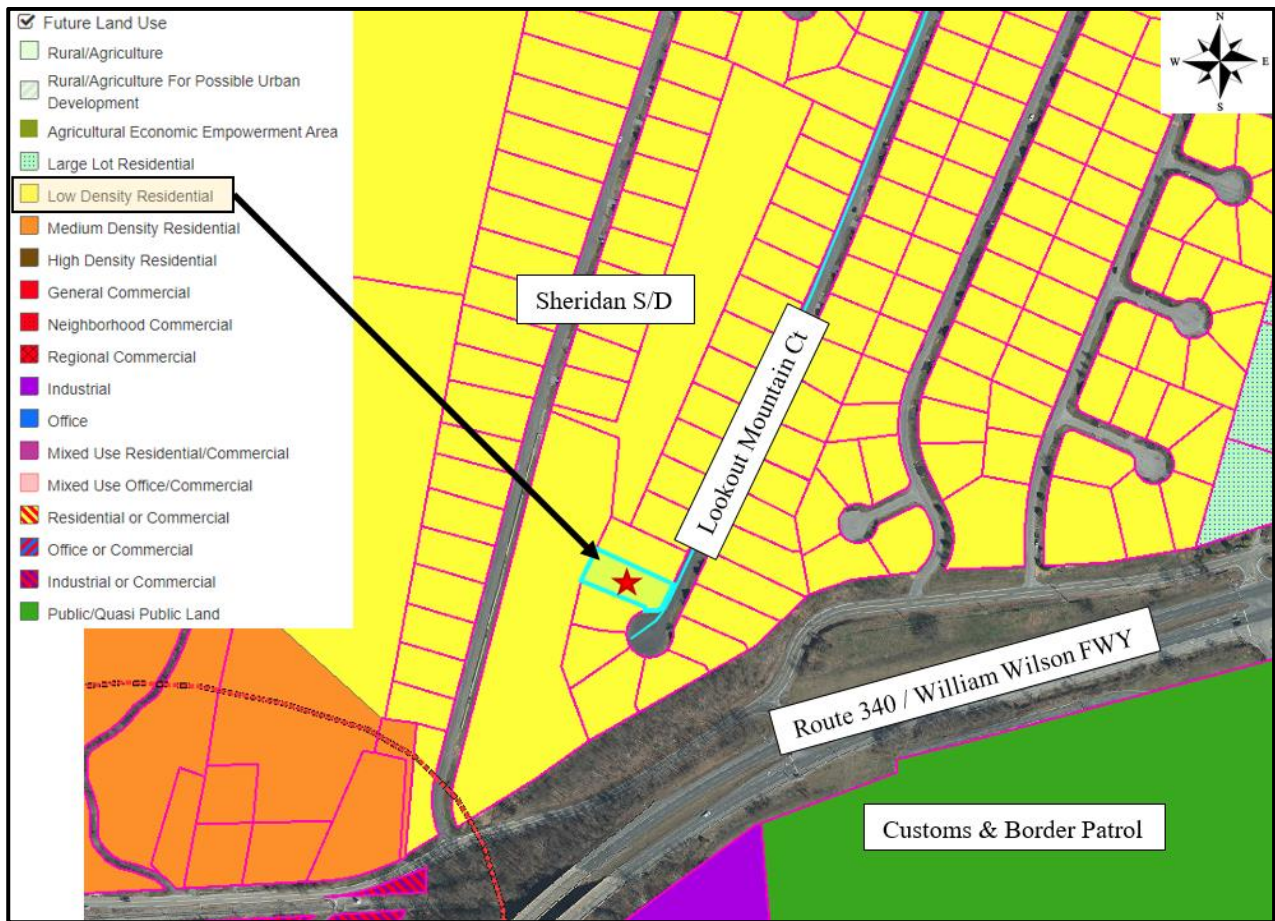
“The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental 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 applicant addressed this criteria on Page 3 of their application.

The subject parcel is shown as “Low Density Residential” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see exhibit on page 4) and is located outside of the County’s urban growth boundary and preferred growth area.



The Zoning Ordinance has historically included provisions to allow for a land use that is not listed as a Principal Permitted Use (i.e. by-right) in a zoning district to process as a Conditional Use using the Development Review System. In March 2017, in accordance with the goals and recommendations of the Comprehensive Plan, the County Commission amended the Conditional Use Permit requirements, which eliminated the Development Review System and the Land Evaluation Site Assessment (LESA) process and incorporated what was considered to be a more

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
February 22, 2024

**23-1-CUP Double Tap Arms (Retail Sales and Service, General)  
Conditional Use Permit Request**

traditional process for evaluating a Conditional Use. As part of the text amendment, Appendix C was also amended to specifically identify which non-residential land uses could process under the Conditional Use Permit requirements (*as opposed to a blanket provision to allow any use that was not listed in Appendix C or any use that was listed as not permitted to process under the LESA system – the new provisions state that only uses identified as a “Conditional Use” can process under the Conditional Use Permit provisions in Section 6.3*).

Below are a few excerpts from the Comprehensive Plan for the Board to consider when evaluating the subject request for compatibility with the goals of the adopted Comprehensive Plan:

Economic Development and Employment Recommendations (Goals 6 & 7) – Page 70:

Recommendation #5 – Create a business friendly environment in Jefferson County.

Recommendation #6 – Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.

Goal #1, Objective #5: “Allow areas outside of the UGBs or PGAs to develop as rural cluster subdivisions in accordance with existing land use rights; and/or as compatible non-residential development utilizing the Conditional Use Permit (CUP) process.” (Page 190)

Goal #6: Encourage the growth of Jefferson County’s economy and enable the creation of high quality jobs within the County. (Page 194)

Goal # 6, Objective #1: In coordination with the Jefferson County Development Authority (JCDA) and other agencies, work to build and expand existing local businesses and to enable the start-up of new businesses within Jefferson County. (Page 194)

**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 4 of their application.

The applicant is not proposing to construct any new buildings and will conduct the business from within the existing residential dwelling. No signs are proposed. The primary use of the property will remain residential. The business proposal includes limited hours of operation (6:00 p.m. – 8:00 p.m., Monday through Saturday *excluding holidays*) and low customer volume (10-20 customers per month\*). The proposed business will include a readily available inventory with no more than ten guns on hand, stored in a fireproof safe that is bolted to the floor of the garage and monitored by a security system. The business will not include any gunsmithing or custom build/modifications, nor will it include a shooting range or testing component.

*\* While the proposed land use does not comply with the home occupation or cottage industry provisions as noted on Page 2 of this report, it is worth noting that the Cottage Industry provisions allow up to 60 trips per week, with a maximum of 15 business related visits per day. A Cottage Industry land use would process administratively via a Zoning Certificate Application.*

**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)**

The applicant addressed this criteria on page 2 of their application. The business will be conducted entirely within the existing residential dwelling, utilizing a portion of the attached garage.

**23-1-CUP Double Tap Arms (Retail Sales and Service, General)  
Conditional Use Permit Request**

- 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 the Zoning Ordinance. (Sec. 6.3A.4)**

The applicant stated that they do not intend to install landscaping at this time.

The subject property is partially fenced. The rear/western property line contains existing vegetation and adjoins the Sheridan stormwater management area.

Based on the information presented, the proposed business will be contained within the existing attached garage, and the primary use of the dwelling will remain residential. Since no new structures are proposed and additional parking does not appear to be required at this time, the applicant will not be required to process a site plan. As such, the Ordinance will not require landscaping to be installed at this time.

As with other applications, should the Board grant the request, the Board has the authority to impose conditions of approval, including the requirement to install landscaping or fencing.

- 5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of the Zoning 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 of the Zoning Ordinance is attached to the staff report for reference.

Section 8.9 regulates noise, odor, smoke, ambient air quality, vibration, glare and heat, toxic matter, and fire hazards related to commercial and industrial land uses.

- 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 subject property is zoned Residential Growth; therefore, this criteria is not applicable.

- 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 is not applicable.

- 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)**

No signs are proposed as part of the request; therefore, this criteria is not applicable.

**Attachments:**

- 1. Section 6.3 of the Zoning Ordinance**
- 2. Section 8.9 of the Zoning Ordinance**
- 3. Appendix C of the Zoning Ordinance**
- 4. Excerpt of Envision Jefferson 2035 Comprehensive Plan – Future Land Use Guide**

## **Section 6.2 Variances<sup>32</sup>**

The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.<sup>23</sup>

- A. The Board shall approve a variance request if the Board finds that a 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.<sup>17, 21</sup>
- B. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board in the Office of Planning and Zoning.
- C. Notification for a variance must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.

## **Section 6.3 Conditional Use Permit<sup>32</sup>**

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.<sup>2, 32</sup>

- A. The Board shall consider each Conditional Use Permit request that is filed in accordance with this Ordinance and the procedural requirements of the Board of Zoning Appeals. The Board may require reasonable conditions or special requirements which allows for the proper integration of the proposed uses into the community and 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.
  - 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.
  - 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.
  - 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.
  - 5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.
  - 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 BZA to review

in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use.

7. For Historic Sites, the Historic Landmarks Commission, with the property owner's consent, may visit the property to review the proposed land development plan and use for sites designated as Category I or II. The Historic Landmarks Commission may make reasonable recommendation to the Board of Zoning Appeals on the suitability of a proposed multi-family dwelling or non-residential use for the building seeking a Conditional Use Permit. The Historic Landmarks Commission's recommendations may include the following findings:<sup>35</sup>
  - a. Compatibility of the proposed use with the historic structure;
  - b. Any modifications to the building's façade is consistent and compatible with the building's architecture, style, and massing; and
  - c. Proposed parking and other activities are suitably located so as to preserve the historic character.

The Board of Zoning Appeals may consider these findings and if determined appropriate, may require compliance with some or all of the Historic Landmarks Commission's recommendations as a condition of approval.

8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6.<sup>36</sup>
- B. The owner or authorized representative of the owner of the property for which the Conditional Use Permit is being requested shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The Conditional Use Permit request shall be filed with the Board at the Office of Planning and Zoning.
- C. Staff will notify the adjacent and confronting property owners of the date, time, and location of the Public Hearing by registered mail. Notification for a Conditional Use Permit must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.
- E. If there are no negative public comments received by the Board, the Board shall issue the Conditional Use Permit but may require reasonable conditions.

#### **Section 6.4 Seasonal Uses<sup>5, 7, 32</sup>**

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing according to the requirements of Section 6.1C. Newspaper notification requirements of Section 6.1B apply. Seasonal uses cannot be approved for longer than one year at a time.<sup>17, 21, 23</sup>

#### **Section 6.5 Special Exception Permit<sup>26, 32, 36</sup>**

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals subject to a public hearing in accordance with the following.
  1. The public hearing is subject to the notification requirements of Section 6.1B.
  2. The public hearing shall be conducted according to the requirements of Section 6.1C.
  3. Such hearing may be continued according to the requirements of Section 6.1D.

B. Standards for Hunting, Shooting and Fishing Clubs<sup>20</sup>

1. 75 foot setback for all structures and parking.
2. 150 yard setback for all shooting facilities.
3. Height
  - a. As is for conversion or reconstruction that does not exceed 135 percent of the original footprint of existing structures
  - b. 35 feet for new structures
4. Landscaping requirements of this Ordinance apply, with the following exception:
  - a. Perimeter landscaping shall be as approved by staff in order to preserve existing vegetation.
5. Minimum of 150 acres under common ownership.

C. Special Exceptions for Hunting, Shooting and Fishing Clubs<sup>20</sup>

1. Limits exceeding requirements outlined above can be increased with Board of Zoning Appeals approval provided that the Board of Zoning Appeals find that the increase is compatible with the neighborhood after taking into consideration neighborhood character, traffic, and buffering. Such decision shall be rendered after a public hearing as outlined in the Board of Zoning Appeals Rules of Procedure.

**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.

<u>Sound Measured In</u>	<u>DAY</u>	<u>NIGHT</u>
	<u>7 AM - 6 PM</u>	<u>6 PM - 7 AM</u>
<u>Adjoining Agricultural or Residential Growth District</u>	<u>60 dB(A)</u>	<u>50 dB(A)</u>
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.

**2. Odor**

No operation shall result in the creation of odors of such intensity and character as to be detrimental to the health and welfare or the public or which interferes with the comfort of the public. Odor thresholds shall be in accordance with ASTM d139-57 “Standard Method for Measurement of Odor in Atmospheres (Dilution Method)” or its equivalent.

Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the state line, measured either at ground level or habitable elevation.

**3. Smoke**

No smoke, dust, fumes, or particulate matter shall be perceptible at any lot line. Further, the regulations and standards governing the control of air pollution shall be the same as those adopted by the State of West Virginia.

For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used.

The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity except solid waste incinerators within the boundaries of any lot, will not exceed the levels set forth below.

Particulate matter emission from materials or products subject to becoming wind borne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles or bulk material such as coal, sand, cinders, slag, sulfur, etc.

**4. Ambient Air Quality Standard**

Particulate Matter

Suspended

Annual Arithmetic Mean ug/m	65
24-hour Maximum b, ug/m	140

Settleable

Annual Arithmetic Average, mg/cm/	/month 0.35
Monthly Maximum	0.7

**5. Vibration**

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration-measuring equipment.

**6. Glare and Heat**

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

**7. Toxic Matter**

The ambient air quality standards for the State of West Virginia shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists.

Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

The release of airborne toxic matter will not exceed one-thirteenth of the threshold limit value across lot lines.

Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry derivatives; pyrotechnics and fireworks such as acetylates, tetrazoles, and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is prohibited.

**8. Fire Hazards**

The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

The total capacity of flammable liquids and gasses shall not exceed those quantities permitted in the following Table for each of the industrial districts:

<u>CAPACITY</u>	<u>STORAGE</u>
Liquids	60,000 gallons
Gasses	
- Above ground	150,000 SCF
- Below ground	300,000 SCF

SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury.<sup>1</sup>

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

Water Capacity per Container (Gallons)	Containers		Between Above Ground Containers (Feet)
	Underground (Feet)	Above Ground Containers (Feet)	
0 to 2,000	25	25	3
2,000 to 30,000	50	50	5
30,000 to 60,000	50	75	
In excess of 60,000	75	100	¼ the sum of diameters of adjacent containers

**9. Frontage Road**

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

**10. Landscape Buffer**

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

**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37, 39, 43</sup>**

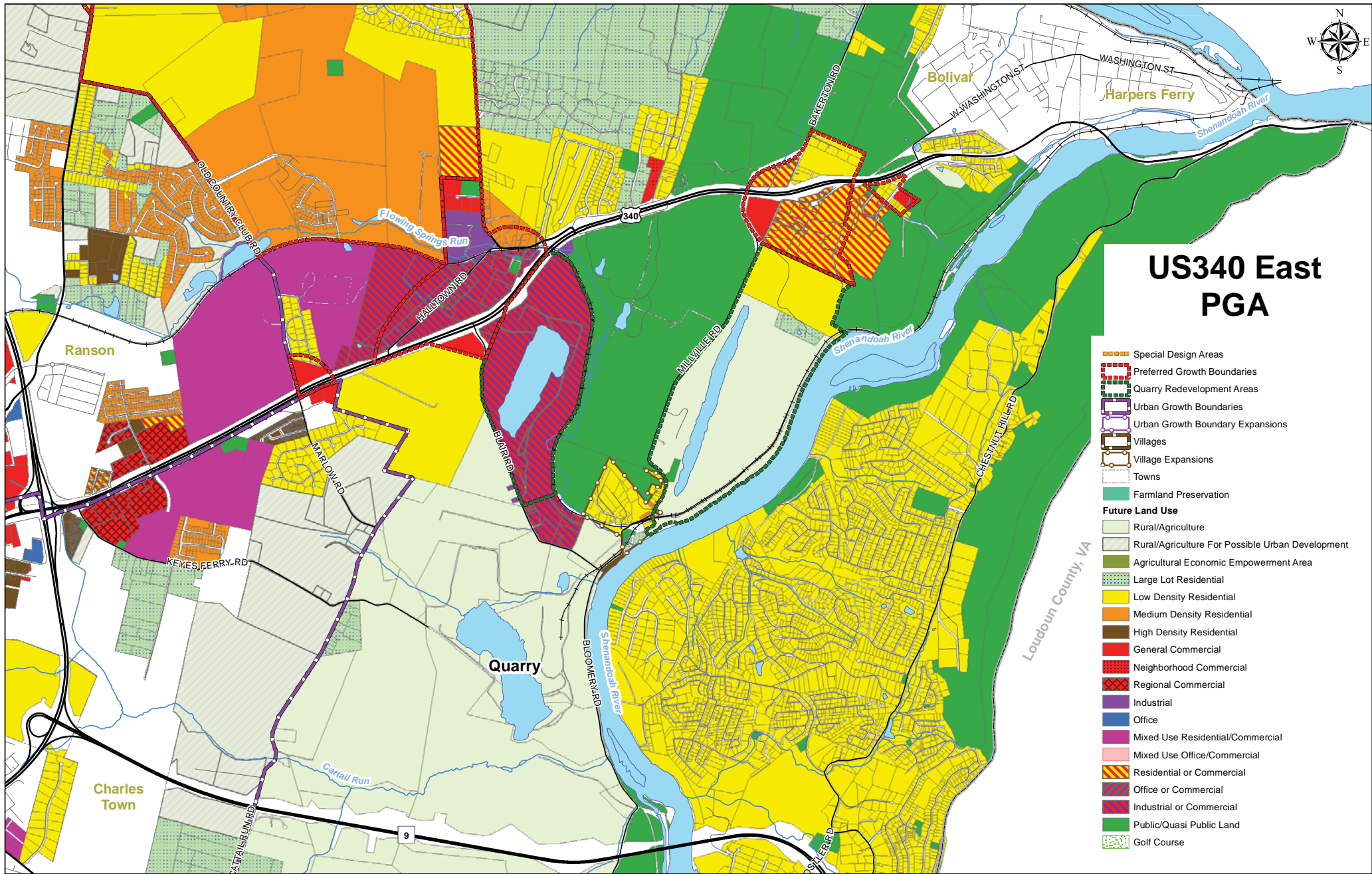
Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church <sup>38</sup>	P	P	P	P	CU	P	P	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Industrial</b>													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Short Term Rental <sup>41</sup>	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility <sup>43</sup>	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

- NC Neighborhood Commercial  
 GC General Commercial  
 HC Highway Commercial  
 LI Light Industrial  
 MI Major Industrial  
 PND Planned Neighborhood Development  
 P Permitted Uses  
 NP Not Permitted Uses  
 CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)  
 \*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU  
<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.  
<sup>2</sup> Approval process is per the Salvage Yard Ordinance.
- OC Office / Commercial Mixed-Use  
 R Rural  
 RG Residential Growth District  
 RLIC Residential-Light Industrial-Commercial District  
 IC Industrial-Commercial District  
 V Village District



# US340 East PGA

- Special Design Areas
- Preferred Growth Boundaries
- Quarry Redevelopment Areas
- Urban Growth Boundaries
- Urban Growth Boundary Expansions
- Villages
- Village Expansions
- Towns
- Farmland Preservation
- Future Land Use**
- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course

Loudoun County, VA



**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 #: 24-1-cup  
 Mtg. Date: 02/22/24  
 Fee Paid: \$ 300

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

**Application for a Conditional Use Permit**

**Project Name**

Double Tap Arms LLC

**Property Owner Information**

Name: William & Kristen McClain  
 Business Name: Double Tap Arms LLC  
 Mailing Address: 374 Lookout Mountain Ct. Harpers Ferry, WV 25425  
 Phone Number: 540-333-5660 Email: w.mcclain@doubletaparmwv.com

**Applicant Information**

Name: William McClain  
 Business Name: Double Tap Arms LLC  
 Mailing Address: 374 Lookout Mountain Ct. Harpers Ferry, WV 25425  
 Phone Number: 540-333-5660 Email: billjohn303@yahoo.com

**Consultant Information**

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

**Physical Property Details**

Physical Address: 374 Lookout Mountain Ct. Harpers Ferry, WV 25425 / Lot 135 Sheridan  
 Parcel ID: (Tax District / Map No. / Parcel No.) 04009D01350000  
 Parcel Size: .42 ac Project Size .42 ac Deed Book: 1200 Page No: 216

**Zoning District (please check one)**

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

**Provide the Land Use Designation (see Appendix C of the Zoning Ordinance).**

Retail Sales and Service, General

**For properties in the Rural Zoning District:**

Is property located on a primary or secondary road? N/A

Yes  No

Name of Road/Route Number: \_\_\_\_\_

**RECEIVED**

JAN 03 2024 *gjt*

JEFFERSON COUNTY PLANNING  
 ZONING & ENGINEERING

**Provide a detailed description of the proposed business (include information such as hours of operation, anticipated employee and/or customer visits, etc. A site sketch is required to be included with the application, delineating existing and proposed structures and parking areas, proposed signs, proposed landscaping, etc.**

Double Tap Arms LLC would be a startup firearms business operated out my home garage. Hours of operation would be from 6:00 P.M. to 8:00 P.M. Monday through Saturday, excluding holidays. I would be the only employee. I anticipate 10 to 20 customers a month. Parking would be in my personal driveway and, if needed, on the sholder of the cul-de-sac. No signs woould be placed on the property. No landscaping is intended at this time.

**Provide a detailed response to the following questions to show how the proposed business complies with the criteria in Section 6.3 of the Zoning Ordinance. Feel free to attach a separate sheet with responses.**

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 (Section 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).

No further site development is needed. Business will be conducted inside of the attached garage and should not hinder nor discourage development and use of adjacent land and buildings. The limited hours of operation and adequate parking available in the driveway and shoulder of the cul-de-sac should limit the traffic impact.

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 seek 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.

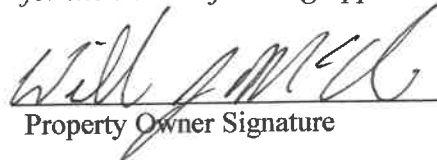
6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a primary or secondary road (as identified in the Comprehensive 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).

Trip Generation Data Attached

Not Applicable

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

*By signing this application, I grant permission for County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.*

 01/02/24  
Property Owner Signature Date

Property Owner Signature

Date

**Q: Provide a detailed response to the following questions to show how the proposed business complies with the criteria in Section 6.3 of the Zoning Ordinance.**

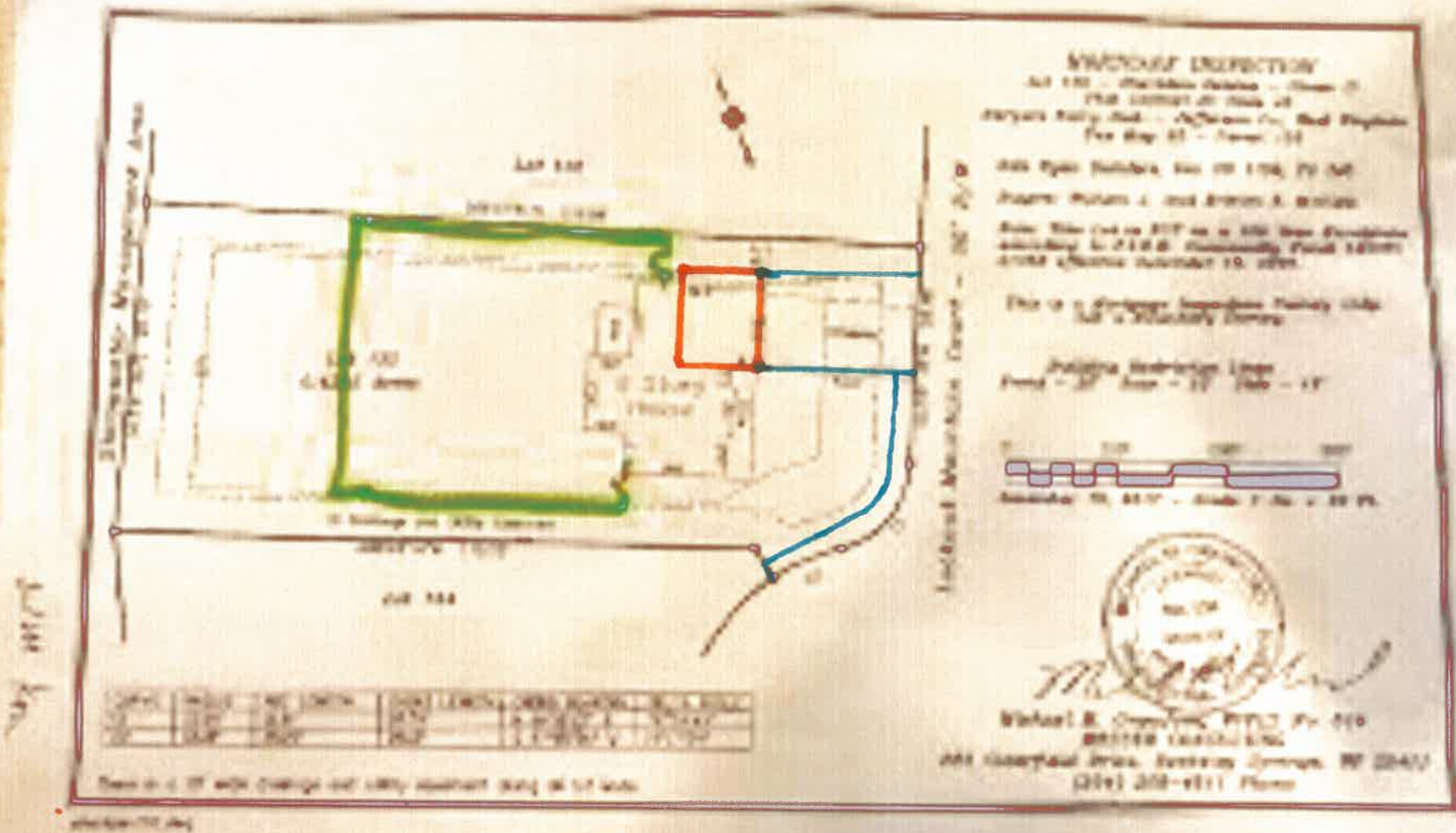
- 1) How is the proposed use compatible with the goals of the adopted comprehensive plan (Section 6.3A.1)?**

At 136 pages, section 6.3A.1 is a lengthy and voluminous section of the Zoning Ordinance that is difficult to address point-by-point. Allowing this request would not have a negative impact on the health, safety and general welfare of the population of Jefferson Co. because no chemical or manufacturing processes are planned. Selling firearms and ammunition out of my personal home is a short-term plan until such time Double Tap can become a brick-and-mortar business that would aide in the growth and development of the County.

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

Due to the limited hours of operation, no real impact on the existing and potential land use on surrounding properties will occur. The scale and intensity of operating the business outside of my home will be minimal and will be easily supported with the existing infrastructure.

Orange = Garage / Where business conducted  
Blue = Parking



## Zoning

---

**From:** William McClain <w.mcclain@doubletaparmwv.com>  
**Sent:** Wednesday, February 14, 2024 2:13 PM  
**To:** Zoning  
**Subject:** Re: Home based business

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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

I am planning on having a very limited amount of inventory ( no more then 10 guns ) on hand, consisting of a mix of handguns and long guns. They will be stored in a fireproof safe that is bolted to the floor of the garage, monitored by a security system.

Get [Outlook for iOS](#)

---

**From:** Zoning <Zoning@jeffersoncountywv.org>  
**Sent:** Wednesday, February 14, 2024 12:33:08 PM  
**To:** William McClain <w.mcclain@doubletaparmwv.com>  
**Subject:** RE: Home based business

Mr. McClain:

Can you clarify whether you will have inventory stored on site for walk-in customers?

Alex

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

---

**From:** Zoning  
**Sent:** Monday, January 29, 2024 3:23 PM  
**To:** 'William McClain' <w.mcclain@doubletaparmwv.com>  
**Subject:** RE: Home based business

OK – that is what I thought, but wanted to confirm before running the legal and mailing adjoiner letters.

Thank you!

Alex

**From:** William McClain <[w.mcclain@doubletaparmwv.com](mailto:w.mcclain@doubletaparmwv.com)>  
**Sent:** Monday, January 29, 2024 3:22 PM

To: Zoning <[Zoning@jeffersoncountywv.org](mailto:Zoning@jeffersoncountywv.org)>

Subject: Re: Home based business

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

There will not be any custom builds or gunsmith service while the business is ran out of the home. I am looking to just buy and sale guns and accessories.

William McClain  
Owner  
Double Tap Arms LLC

Get [Outlook for iOS](#)

---

**From:** Zoning <[Zoning@jeffersoncountywv.org](mailto:Zoning@jeffersoncountywv.org)>

**Sent:** Monday, January 29, 2024 2:46:43 PM

**To:** William McClain <[w.mcclain@doubletaparmwv.com](mailto:w.mcclain@doubletaparmwv.com)>

**Subject:** RE: Home based business

Good afternoon,

Can you please confirm whether there will be any type of custom build/gunsmithing component included in your FFL operation?

Thank you,

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

---

**From:** Zoning

**Sent:** Wednesday, December 20, 2023 9:39 AM

**To:** 'William McClain' <[w.mcclain@doubletaparmwv.com](mailto:w.mcclain@doubletaparmwv.com)>

**Subject:** RE: Home based business

Mr. McClain,

The subject property is zoned Residential Growth (RG). The County does not have a process in place to administratively approve this type of land use to operate from a residence; therefore, in order to establish the proposed land use at the subject location, a Conditional Use Permit is required. The Conditional Use Permit application requires a Public Hearing before the Board of Zoning Appeals. The Board's role is to evaluate the proposed land use for compatibility with the surrounding neighborhood. Based on your email description, the business operation would be for transfer/sale of firearms only and would not include any type of custom build/assembly or gunsmithing. If that is correct, then the land use designation to apply under would be "Retail Sales and Service, General", which is defined in Article 2 of the Zoning Ordinance as follows:

*A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet*

*supplies, hobby items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large and does not include any other use specifically classified in another definition herein.*

If the business will include any type of custom build/assembly or gunsmithing component, please let me know as the land use designation will be different (but the same process will apply).

As noted above, the Conditional Use Permit application process requires a Public Hearing before the Board of Zoning Appeals. The next submission deadline is Friday, December 29, 2023 in order for the Board to review during their next regular meeting on Thursday, January 25, 2024. The fee is \$250 + \$50/acre. The subject property contains approximately .42 ac; therefore, the fee for the subject property is \$300. Information to include in the application includes an overview of the proposed land use, anticipated number of customers per month, signage (if any), whether any additional employees will come to the property, location of any signs (if proposed), and where customer parking will occur on the property.

Additionally, a variance from Section 4.6B.2 is required to request that the 75' distance requirement for a non-residential use be waived, since the proposal will occur within an existing residential structure, which was built to residential setback requirements. The fee for a Variance request is \$100 and can be placed on the same meeting agenda as the Conditional Use Permit Application.

The public hearing process requires that a public notice placard be placed on the property, which our Office will prepare for you to pick up and post. Additionally, our Office will run a legal ad in the Spirit of Jefferson and send letters to adjoining property owners which information pertaining to the request and the hearing date/location.

Note: the information contained within this email is specific to the County's zoning requirements. The County does not enforce private covenants and restrictions; therefore, if any private covenants exist for the subdivision, that will need to be addressed by the HOA.

With regard to your second question, in order to establish an outdoor shooting range, you will need to find a property or contiguous properties comprised of 150 acres total in the Rural or the Industrial Commercial zoning districts. In order to establish an outdoor shooting range in the Rural or Industrial Commercial zoning district, a Conditional Use Permit is required to process. An indoor shooting range is permitted by right in the Industrial Commercial zoning district. An indoor shooting range requires a conditional use permit to be established in the Residential-Light Industrial-Commercial or Rural zoning districts. If you identify a property or properties that you may be interested in establishing an indoor and/or an outdoor shooting range, please feel free to send the property location information to our Office in order to determine what process is required to establish the proposed use.

Please let me know if you have additional questions.

Thank you,

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

**From:** William McClain <[w.mcclain@doubletaparmwv.com](mailto:w.mcclain@doubletaparmwv.com)>

**Sent:** Tuesday, December 19, 2023 7:11 PM

**To:** Zoning <[Zoning@jeffersoncountywv.org](mailto:Zoning@jeffersoncountywv.org)>

**Subject:** Home based business

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To Whom It May Concern:

My name is William McClain and I live at 374 Lookout Mountain Ct. Harpers Ferry WV 25425.

I am a federal Law Enforcement Officer with over 20 years of experience. I am also an avid firearms enthusiast. I enjoy sport shooting, hunting and target shooting.

I plan to retire in approximately five (5) years and aspire to turn my passion and hobby into a thriving business here in Jefferson County. In my search for places to shoot, I realized no indoor shooting ranges currently exist here in Jefferson County. I intend to change that by starting the business out of my home by ordering and transferring firearms, while at the same time getting my business name out there and building some equity.

I plan to operate out of my home for about two years while I find a suitable property to build the indoor range and gun shop. The goal is to have the range/shop up and running by the time I retire in 5 years.

The purpose of this email is twofold:

1. To obtain a permit to operate my firearms business out of my home and if granted.
2. Find a suitable location in Jefferson County to build an indoor range.

Respectfully,  
William McClain  
Owner, Double Tap Arms

## **24-1-CUP McClain-Double Tap Arms (Retail) Public Comment - Index**

1. Submitted 2024-02-14 by Sheridan Estates Homeowner's Association
2. Submitted 2024-02-14 by Carolina Moncada



# *Sheridan Estates HOA*

24-1-CUP

Rec'd on 02/14/24 for the 02/22/24 BZA Packet (jth)

Clagett Management WV, VA, LLC

115 North Queen Street, Martinsburg, WV 25401

304.596.6630 | Fax 304.596.6635

2/14/2024

Office of Planning & Zoning  
116 E. Washington St., 2nd Floor  
Charles Town, WV 25414

Attn: Alexandra Beaulieu

RE: William & Kristen McClain  
Double Tap Arms, LLC  
Sheridan Estates, Lot 135, 374 Lookout Mountain Ct., Harpers Ferry, WV  
Parcel ID: 04009D01350000; Size: .42 acres; Zoning District: Residential Growth  
Account #19502

Dear Alexandra,

The Sheridan Unit Owner's Association, Inc. Board of Directors rises in opposition to granting a Conditional Use Permit to operate a firearms business from an existing dwelling unit and granting a variance from Section 4.6B to eliminate the 75' distance requirement along the northern, eastern, and southern boundary lines to operate a home based federal firearms business from an existing dwelling unit.

The Board will not approve such commercial use in our residential community under the requirements of our Declaration, provided on the next page:

Please give this statement your utmost consideration.

Sincerely,

*Sheridan Estates Homeowners Association Board of Directors*

# *Sheridan Estates HOA*

---

Clagett Management WV, VA, LLC  
115 North Queen Street, Martinsburg, WV 25401  
304.596.6630 | Fax 304.596.6635

## ARTICLE VIII RESTRICTIONS AND PROTECTIVE COVENANTS

**Section 8.1** - Use restrictions. Subject to the Declarant Rights reserved under Article VII, the following use restrictions apply to all Units and to the Common Elements:

**8.1-1. Use.** Owners may use the property in general, and the units in particular, only for those purposes permitted under the Zoning Ordinance and any variances thereto, the project documents, any rules, regulations and policies applicable thereto established by the Executive Board.

Further and more specifically, the Lots shall be used for residential purposes exclusively, and no building shall be erected, altered, placed or permitted to remain on any such Lot other than one used as a dwelling, except that a professional home office may be maintained in a dwelling, provided that (i) such maintenance and use is limited to a person actually residing in the dwelling; (ii) no employees or staff other than a person actually residing in the dwelling are utilized; (iii) such maintenance and use is in strict conformity with the provisions of any applicable zoning law, ordinance or regulation; (iv) such maintenance and use does not involve any visitation of the Lot or dwelling unit whatsoever by clients, customers or suppliers, or door-to-door solicitation of the residents of the Property; and (v) such maintenance and use is consistent with the residential character of the Property and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the property as determined in the sole discretion of the Board of Directors. As used in this Section, the term "professional home office" shall mean rooms used for office purposes by a member of any recognized profession, including doctors, dentists, lawyers, architects and the like as defined by the Architectural Control Committee, but not including medical or dental clinics. Nothing contained in this Article, or elsewhere in this Declaration shall be construed to prohibit the Declarant from the use of any Lot or dwelling, or improvement thereon, for promotional or display purposes, or as "model homes" a sales and/or construction office, or for any other lawful purpose.

## Zoning

---

**From:** Zoning  
**Sent:** Wednesday, February 14, 2024 12:15 PM  
**To:** 'Piper Jenkins'  
**Subject:** RE: Use Restrictions

Good afternoon,

This email is to confirm receipt of the attached letter, which will also be included in the Board's packet for the upcoming February 22, 2024 Board of Zoning Appeals meeting.

As a reminder, the packet will be made available on the County's [webpage](#) by close of business on Friday, February 16, 2024.

Thank you,

Jennilee Hartman, Zoning Clerk  
Office of Planning and Zoning  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
304-728-3228

**From:** Piper Jenkins <pjenkins@Clagett.com>  
**Sent:** Wednesday, February 14, 2024 12:11 PM  
**To:** Zoning <Zoning@jeffersoncountywv.org>  
**Subject:** RE: Use Restrictions

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

Good morning,

Attached is a Letter from Sheridan Estates Board of Directors. Please add this to the package.

Owners: [William & Kristen McClain](#)  
Applicant: [Double Tap Arms, LLC](#)  
Property Location: [Sheridan Estates, Lot 135, 374 Lookout Mountain Ct., Harpers Ferry, WV](#)  
Parcel ID: [04009D01350000](#)      Size: [.42 acres](#)      Zoning District: [Residential Growth](#)

Best Regards,

**Piper**  
Community Association Manager  
Phone: 304-596-6630 ext. 1102  
Fax: 304-596-6635  
[pjenkins@clagett.com](mailto:pjenkins@clagett.com)



**Accredited Association Management Company® (AAMC®)**

*Confidentiality Notice:*

*This e-mail is only intended for the person(s) to whom it is addressed and may contain confidential information. Unless stated to the contrary, any opinion or comments are personal to the writer and do not represent the official view of the company. If you have received this e-mail in error, please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.*

---

**From:** Zoning <[Zoning@jeffersoncountywv.org](mailto:Zoning@jeffersoncountywv.org)>  
**Sent:** Tuesday, February 6, 2024 9:03 AM  
**To:** [willmcda@aol.com](mailto:willmcda@aol.com); Piper Jenkins <[pjenkins@Clagett.com](mailto:pjenkins@Clagett.com)>; Jesse Banks <[carrerasw@gmail.com](mailto:carrerasw@gmail.com)>  
**Subject:** RE: Use Restrictions

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's mailed packet for the upcoming February 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, February 16, 2024.

Please be advised that neither our Office or the Board have the authority to enforce private covenant and restrictions.

Thank you,

Jennilee Hartman, Zoning Clerk  
Office of Planning and Zoning  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
304-728-3228

**From:** [willmcda@aol.com](mailto:willmcda@aol.com) <[willmcda@aol.com](mailto:willmcda@aol.com)>  
**Sent:** Monday, February 5, 2024 8:11 PM  
**To:** Zoning <[Zoning@jeffersoncountywv.org](mailto:Zoning@jeffersoncountywv.org)>; [pjenkins@clagett.com](mailto:pjenkins@clagett.com); Jesse Banks <[carrerasw@gmail.com](mailto:carrerasw@gmail.com)>  
**Subject:** Use Restrictions

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## First Amendment of the Declaration of Sheridan

### Article VIII

### Restrictions And Protective Covenants

### Section 8.1 Use Restrictions

8-1-1

8-1-2

This is a formal Letter to inform you about the use of Sheridan Estates, Lot 135, 374 lookout Mountain Ct Harpers Ferry WV 25425, requesting for a conditional use Permit.

To operate a Firearms Business, which is against the Section 8.1 Use restrictions. which said that the lots shall be used for residential Purposes Exclusively.

Sincerely

Bill Mckda

## Zoning

---

**From:** Zoning  
**Sent:** Wednesday, February 14, 2024 10:21 AM  
**To:** 'Moncada, Carolina 007'  
**Subject:** RE: Request for Conditional Use Permit. Parcel ID: 04009D1350000

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's mailed packet for the upcoming February 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, February 16, 2024.

Please be advised that neither our Office or the Board have the authority to enforce private covenant and restrictions.

Thank you,

Jennilee Hartman, Zoning Clerk  
Office of Planning and Zoning  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
304-728-3228

**From:** Moncada, Carolina 007 <Carolina.Moncada@sysco.com>  
**Sent:** Tuesday, February 13, 2024 2:00 PM  
**To:** Zoning <Zoning@jeffersoncountywv.org>  
**Subject:** Request for Conditional Use Permit. Parcel ID: 04009D1350000

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

My name is Carolina A Moncada.

My property address is 390 Lookout Mountain ct. Harpers Ferry, WV 25425.

I am writing in response to the certified letter received from the Office of Zoning and Planning regarding the request for Conditional Use Permit by property address 374 Lookout Mountain Ct. Harpers Ferry, WV 25425, Lot #135, which resides directly to the left of my property. My response to this request is not in favor of commercializing the residential lot for the reasons listed below:

Safety:

I have a child that plays outside with other children and my concern is the increase of traffic this business claims it will bring to start of approximately 10-20 customers/month. This increase of unwanted traffic is a huge concern for me. I chose to live in a cul-de-sac for the piece-of-mind knowing my child will not have to dodge vehicles when playing in the yard.

Asset Protection:

When I purchased this home, I paid a lot premium of thousands of dollars solely for the privacy this location offers. To open this route to the public forfeits my investment. Should I decide to resell my home, this commercial zone may have an adverse effect on my property's value, to include the nature of the business and the hesitancy of potential buyers who may not want an arms dealer next to their home.

Legal:

This our lots are also governed by an HOA (Clagett Management) which has declarations against this type of zoning request.

Personal:

In my previous residence, my next-door neighbor fired his gun by accident towards my house and the bullet went in between my parents while they were asleep and I was nine months pregnant by that time. This situation was traumatic for me and I do not intend to relive that fear again by watching people in and out or near my property carrying or purchasing firearms.

Thank you for the opportunity to respond to the certified letter.

Best Regards,

**Carolina Moncada** | Sales Consultant  
c. 240-501-7512  
[carolina.moncada@sysco.com](mailto:carolina.moncada@sysco.com)

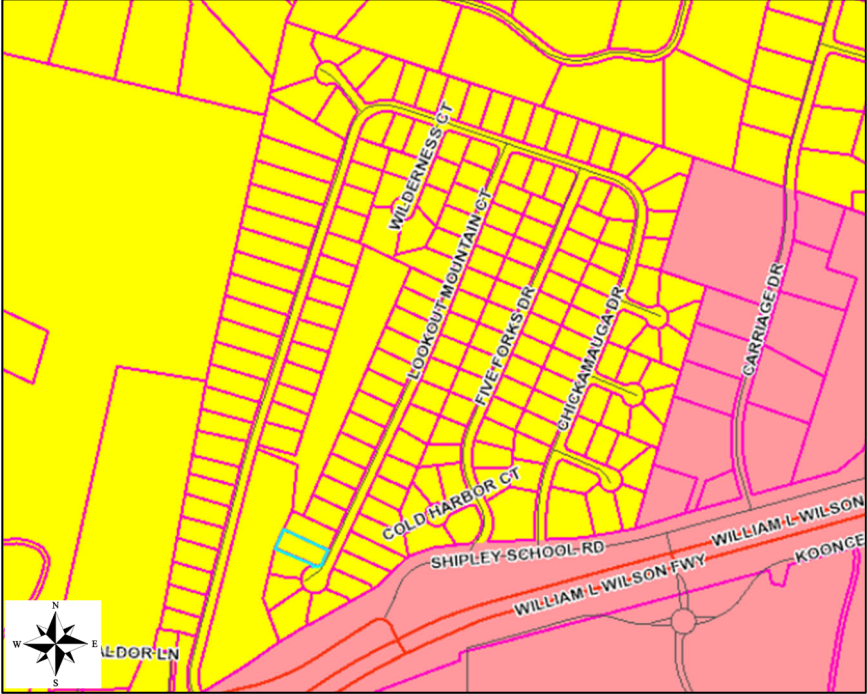
**Sysco | Capital Region**  
5081 South Valley Pike, Harrisonburg, VA 22801, USA

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Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 22, 2024

**24-5-ZV McClain – Double Tap Arms, LLC (Distance) Variance Request**

Item #2 Variance request from Section 4.6B to eliminate the 75’ distance requirement along the northern, southern, and eastern property lines to operate a homebased federal firearms business from the existing dwelling unit. See also Conditional Use Permit File #24-1-CUP.

Owner:	William & Kristen McClain
Parcel Information & Zoning District:	<p style="text-align: center;">Sheridan Subdivision, Lot 135          374 Lookout Mountain Ct, Harpers Ferry, WV          Parcel ID: 04009D01350000; Size: 0.83 ac;          Zoning District: Residential Growth</p> 
History:	<p>09/23/03: Sheridan Subdivision, Phase I: Lots 1, 26, 38-78, 94, 109, 132, 159 &amp; Residues A-F (Plat Book 20, Page 39)          08/31/06: Sheridan Subdivision, Phase II: Lots 2-25, 27-37, 79-93, 95-108, 110-131, 133-158, 160-178 (Plat Book 23, Page 40)</p> <ul style="list-style-type: none"> <li>• Minor Plat Change (SWM #2): Plat Book 25, Page 248</li> <li>• Minor Plat Change (Lots 12-23): Plat Book 25, Page 539</li> <li>• Minor Plat Change (Lots 1-4): Plat Book 25, Page 571</li> </ul>
Waivers/Variations:	<p>PC granted the following variances (Phase I):          10/09/01: to allow lot dimensions to exceed 3:1.          09/24/02: a 6-month extension from CIS approval.          10/12/21: PC approval for Final Plat Amendment to allow the proposed pool in a drainage/utility easement.</p>
Approved Activity:	Single family dwelling
Site Visit Conducted:	Yes – 02/12/2024

Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 22, 2024

**24-5-ZV McClain – Double Tap Arms, LLC (Distance) Variance Request**

**Staff Overview**

The subject parcel is Lot 135 of the Sheridan Subdivision, Phase II, which was recorded in August 2006. The property contains an existing residential dwelling unit with an attached garage and an asphalt paved driveway. The property is surrounded primarily by residential development.

The subject request is to eliminate the 75' distance requirement to allow for the operation of homebased federal firearms business from an existing dwelling unit. No new structures or additions are proposed as part of the business. No signs are proposed. The primary use of the property will remain residential.

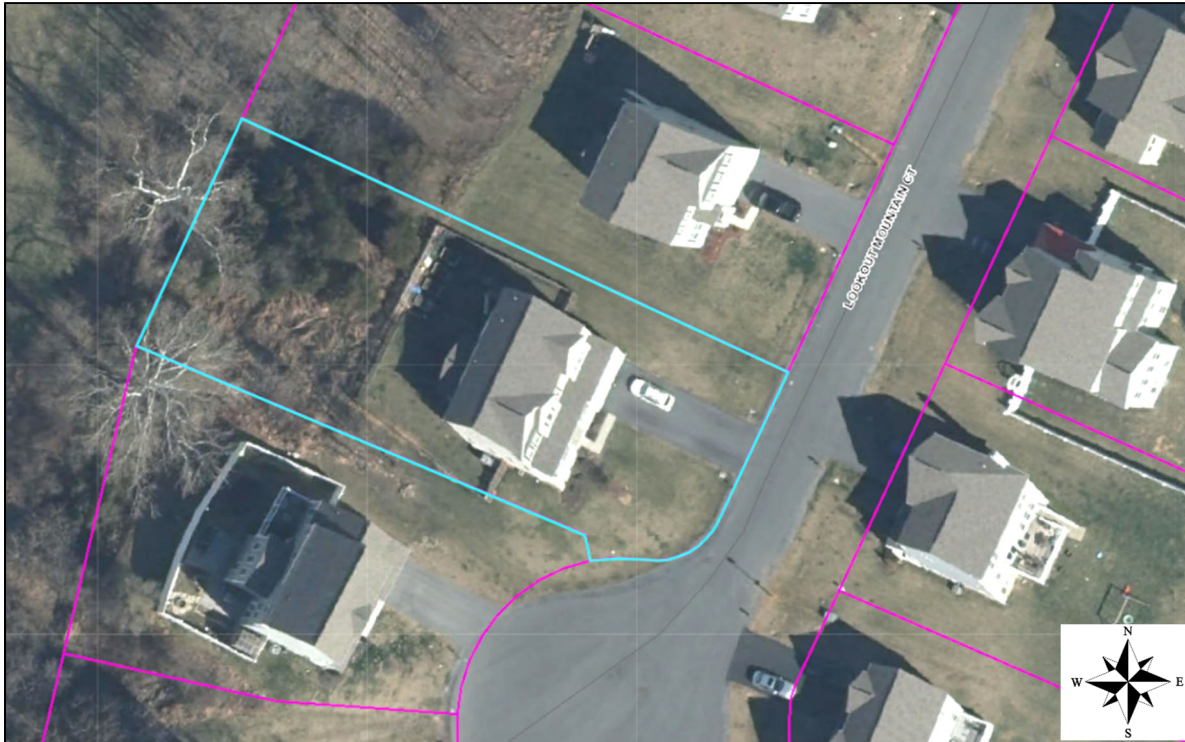
The purpose of the distance requirement is typically to lessen the impact of a non-residential use on a residential use, church, institution of human care, or historic site, including the visual impact created from the glare of exterior lights.



The existing dwelling unit was constructed in 2017. Pursuant to the building permit application sketch (File #17-486), the house is 19.6' from the southern (side) property line; 13.8' from the northern (side) property line; and 40'± from the eastern (front) property line. Based on the location of the existing home, it is not feasible to comply with the 75' distance requirement for commercial businesses.

**Note:** The proposed business cannot process under the Home Occupation/Cottage Industry provisions because Section 4A.1E(4) states that “any business which involves the storage of weapons such as firearms” cannot be established as a Home Occupation or Cottage Industry.

Staff Report  
Jefferson County Board of Zoning Appeals  
February 22, 2024  
**24-5-ZV McClain – Double Tap Arms, LLC (Distance) 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 changing 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. All parking shall occur on the subject property.

Staff Report  
Jefferson County Board of Zoning Appeals  
February 22, 2024  
**24-5-ZV McClain – Double Tap Arms, LLC (Distance) Variance Request**

**Section of Ordinance to be Considered:**

**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>



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

File Number: 23-5-ZV  
 Staff Initials: jth  
 Meeting Date: 02/22/24  
 Fees Paid (\$100 or \$150): 100.00

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

Phone: (304) 728-3228

**Zoning Variance Request**

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

**Property Owner Information**

Name: William McClain  
 Mailing Address: 374 Lookout Mountain Ct. Harpers Ferry, WV 25425  
 Phone Number: 540-333-5660 Email: billjohn303@yahoo.com

**Applicant Contact Information**

Name: William McClain  
 Mailing Address: 374 Lookout Mountain Ct. Harpers Ferry, WV 25425  
 Phone Number: 540-333-5660 Email: w.mcclain@doubletarmacwv.com

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

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

**Physical Property Details**

Physical Address: 374 Lookout Mountain Ct / Lot 135 Sheridan  
 City: Harpers Ferry State: WV Zip Code: 25425  
 Tax District: 04 (Harpers Ferry) Map No: 9D Parcel No: 135  
 Parcel Size: .42 ac Deed Book: 1200 Page No: 216

**Zoning District (please check one)**

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

**RECEIVED**

**JAN 03 2024 - JH**

Jefferson County  
 Planning, Zoning and Engineering

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 4.6B.2

**Briefly describe the nature of the variance request:**

Request to waive the 75' distance requirement for a non-residential use to occur in an existing residential dwelling that was built to residential setback requirements.

Front: 75' to 26' / North Side: 75' to 13' / South Side: 75' to 19'

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

Front Setback  Side Setback  Rear Setback  Reduction From 75' to See above.

**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:**

Sales will be taking place inside the garage out of sight of other homes. There is ample parking in the existing drive and along the property in the cul-de-sac.

**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 house was built to residential setback standards.

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

It will allow me to operate my business out of my home.

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

By granting the variance you will allow a new start up business to operate with minimal cost to the owner and minimal impact to surrounding residents.

**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 01/03/24  
Date

\_\_\_\_\_  
Signature of Property Owner Date

**Notification Requirements (to be completed by staff)**

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

02/22/24

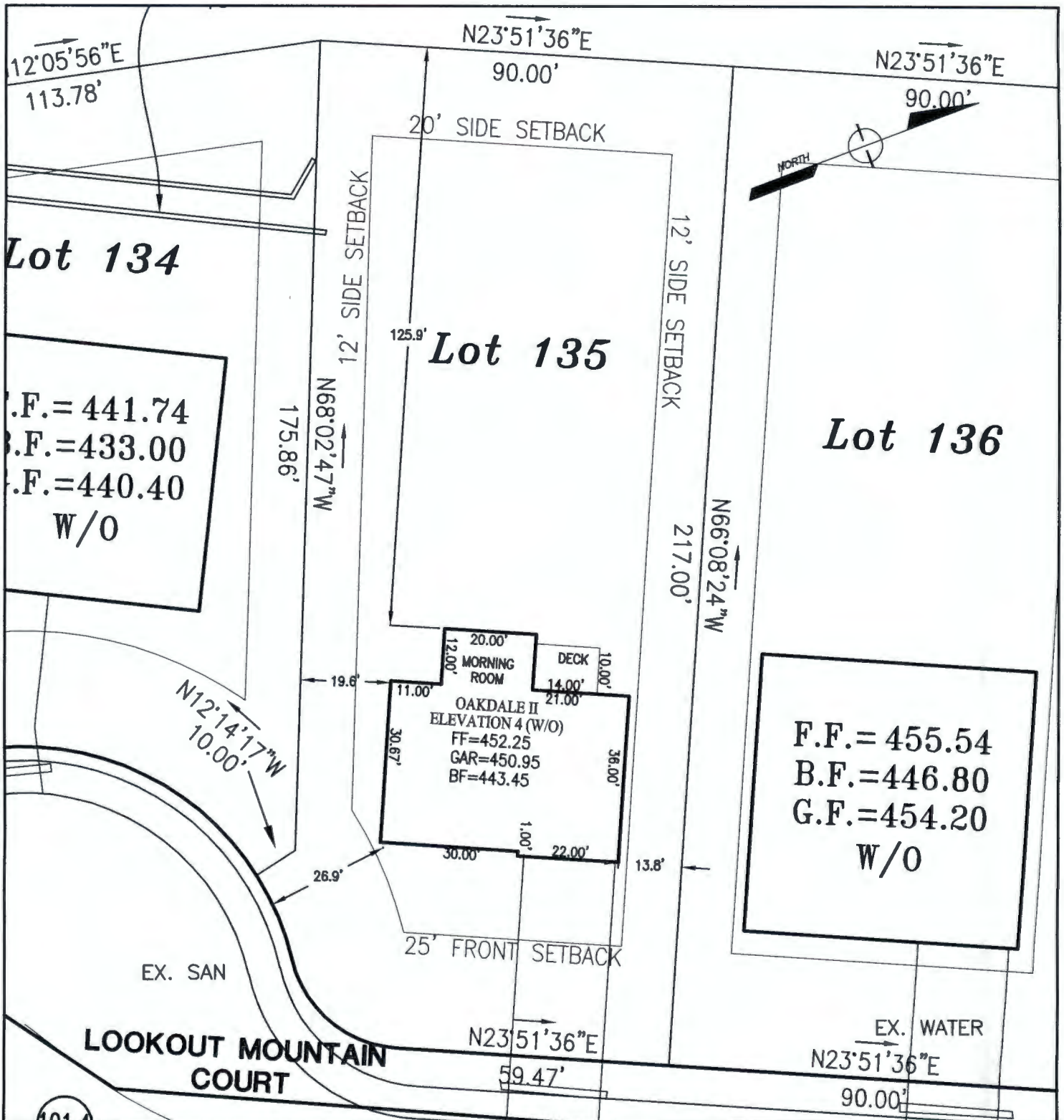
Date of Public Hearing

02/07/24

Advertising Date

02/07/24

Placard Posting Date



**OVERLOT GRADING PLAN  
 LOT 135  
 LOOKOUT MOUNTAIN COURT  
 SHERIDAN, PHASE II**

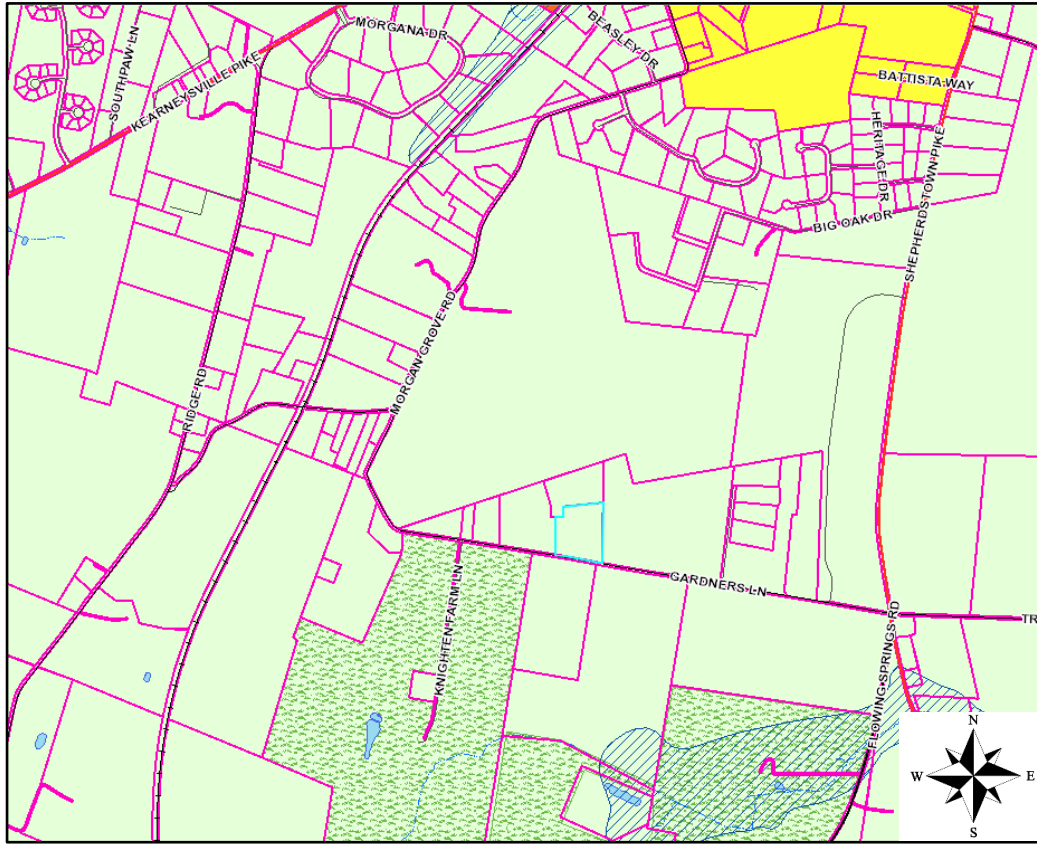
HARPER'S FERRY DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA  
 SCALE 1" = 30' JULY 11, 2017

**OPTIONS:**  
 OAKDALE 1 1/4, ELEVATION 2, GARAGE RIGHT,  
 MORNING ROOM, 14X10 DECK, 2 CAR SIDE ENTRY  
 GARAGE - WALKOUT BASEMENT



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
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**24-2-CUP Songbird House Assisted Living Facility  
 Conditional Use Permit Request**

Item #3 Request for a Conditional Use Permit to operate an assisted living facility from an existing dwelling unit. The proposed land use designation as listed in Appendix C of the Zoning Ordinance is Nursing or Retirement Home. The facility will provide homecare for up to 32 residents with up to 12 caregivers/employees. All parking will occur on site. No signs are proposed.

Owner:	Mark and Jennifer Baldwin
Applicant:	Blue Iris LLC / Attn: Sharon Hallinan, Manager Songbird House LLC / Attn: Beata Scott
Parcel Information and Zoning District:	<p style="text-align: center;">Kristie George Minor Subdivision, Lot B          1163 Gardners Lane, Shepherdstown, WV 25443          Parcel ID: 09001700090003; Size: 6.63 acres; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">Zoning Map Designation:          North, South, East, West: Rural</p>
History:	01/15/02: Kristie George Minor Subdivision; <a href="#">Plat Book: 19 @ Page: 15</a> (PC File: 01-36) 05/10/05: Minor Plat Change Approved; Deed Book 1008 @ Page 333
Approved Activity:	Single Family Residence
Site Visit Conducted:	Yes – 02/12/2024

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Conditional Use Permit Request**

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

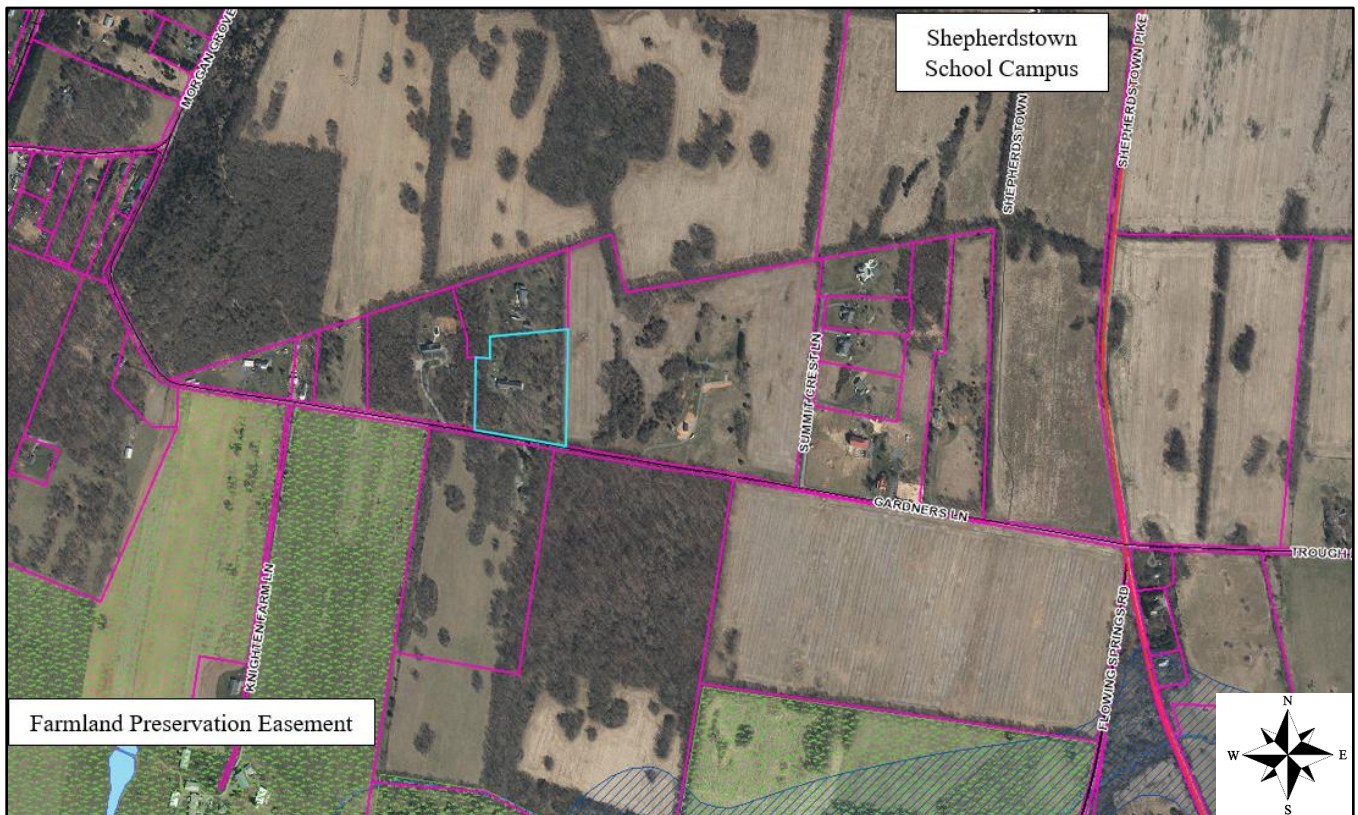
Request for a Conditional Use Permit to operate an assisted living facility under the land use designation Nursing or Retirement Home, as defined in Article 2 of the Zoning Ordinance. The proposal consists of providing homecare for up to 32 residents from an existing ~10,000 square foot residential dwelling. The facility will have up to twelve (12) caregivers/employees. All parking will occur on site. No signs are proposed

Article 2 defines Nursing or Retirement Home as:

This term includes rest homes, nursing homes, convalescent homes for children and homes providing chronic and convalescent care.

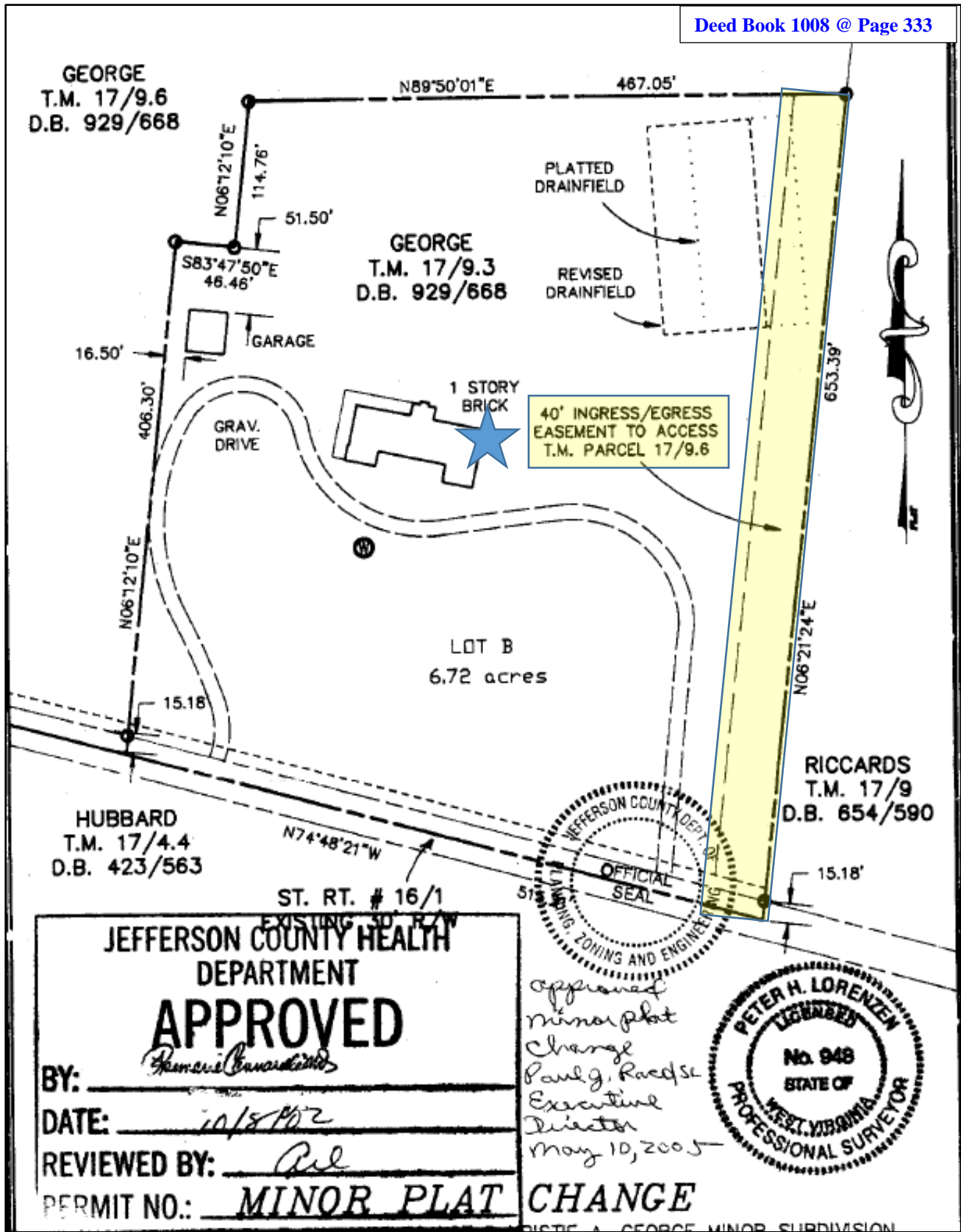
**Property Description**

The subject parcel is Lot B of the Kristie George Subdivision which processed in 2001 (PC File #01-36). The lot is approximately 6.63 acres in size and surrounded primarily by agricultural and residential development. The property is accessed off of Gardners Lane, which is a 30' wide state owned road right-of-way (State Route 16/1). There is a platted 40' wide access easement along the eastern property line.



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Deed Book 1008 @ Page 333



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**Conditional Use Permit Process**

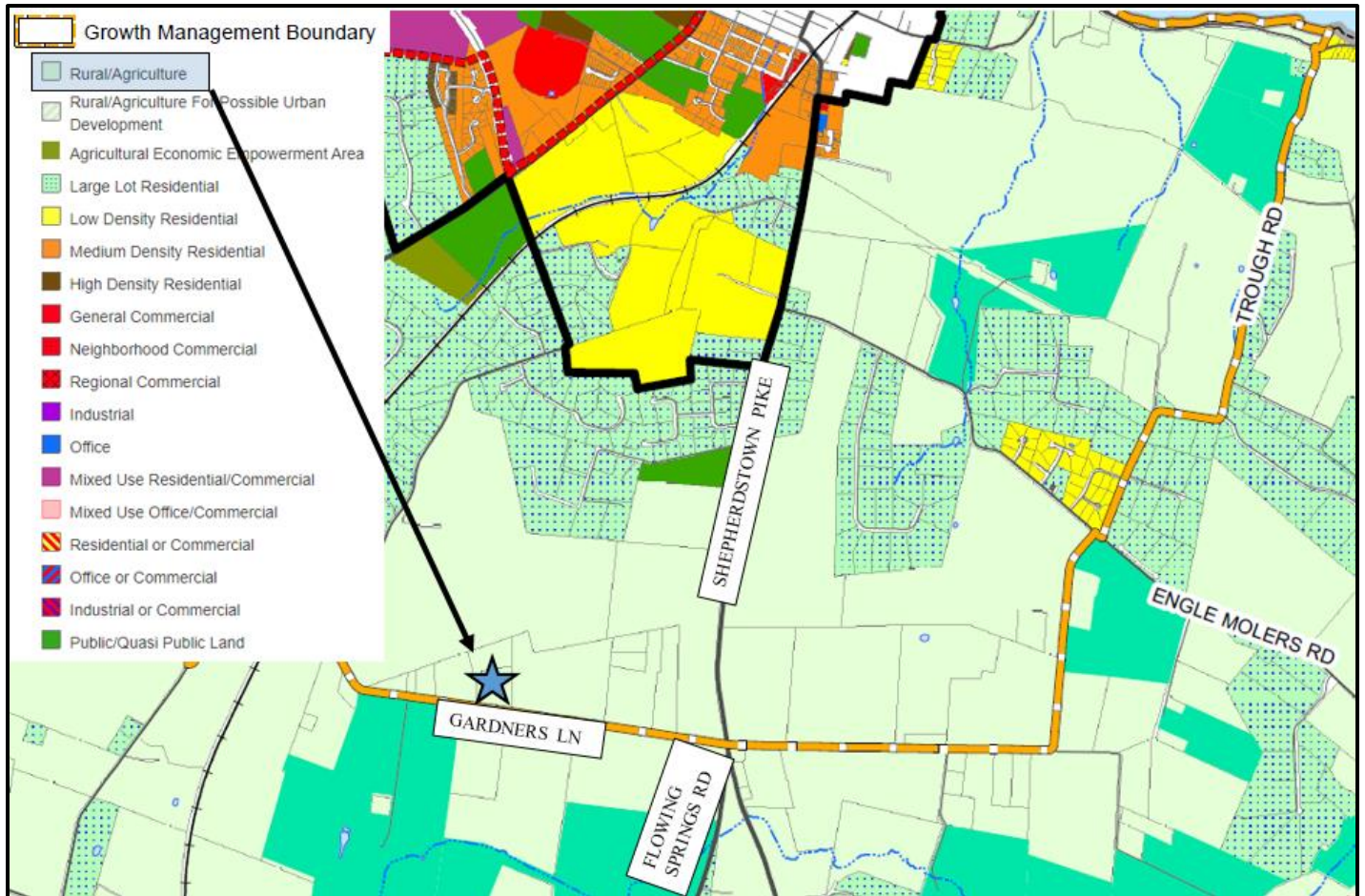
Section 6.3 of the Zoning Ordinance states:

“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 “Rural/Agriculture” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide. The property is located outside of the County’s preferred growth area but is located within the Shepherdstown Growth Management Boundary, which the Plan describes as follows: “...Shepherdstown created a boundary called the Growth Management Boundary (GMB) which falls under the state definition of a UGB and was formally approved by the County Commission. Shepherdstown’s adopted GMB allows the corporation to plan for future growth and annexations, but is not anticipated to have urban scale development if it remains in the unincorporated area.” (see Page 18 of Plan)



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The Plan supports allowing non-residential uses in the Rural zoning district to process via the Conditional Use Permit process. A central theme throughout the Plan is to support a Conditional Use process that allows for non-residential uses which are compatible in scale and intensity with the rural environment (see excerpts below).

In March 2017, the County Commission amended the Zoning Ordinance to modify the CUP process to align with the numerous goals and recommendations of the adopted Comprehensive Plan, which included eliminating the Land Evaluation and Soils Assessment (LESA) point system and incorporating a more traditional conditional use permit process. As part of the text amendment, the County Commission also updated Appendix C to include a list of non-residential land uses that were identified as appropriate land uses to process under the Conditional Use Permit provisions.

Pursuant to Appendix C of the Zoning Ordinance, the land use designation **Nursing or Retirement Home** is listed as an appropriate non-residential land use to process via the Conditional Use Permit process in the Rural zoning district.

“... 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))

Goal #1, Objective #5: “Allow areas outside of the UGBs or PGAs to develop as rural cluster subdivisions in accordance with existing land use rights; and/or as compatible non-residential development utilizing the Conditional Use Permit (CUP) process.” (Page 190)

Goal #5: “Encourage the development of a comprehensive range of housing options for residents of all incomes and at all lifecycle stages within Jefferson County. (Page 192)

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Goal #5, Objective #6: Encourage developers, contractors, and homeowners to build new homes and to renovate homes to accommodate residents across the entire lifecycle.

Goal #5, Objective #11: Encourage the development of communities that provide a variety of care for elderly and/or disabled residents within Jefferson County in close proximity to transportation corridors, medical facilities, and everyday needs.

**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)**

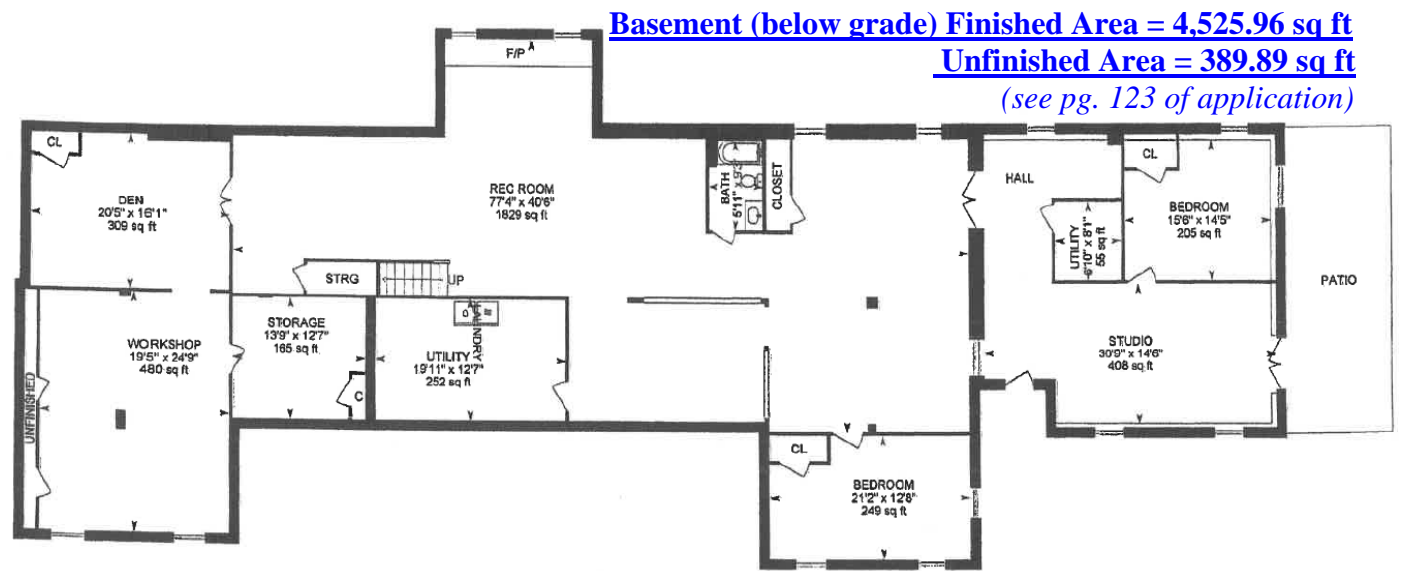
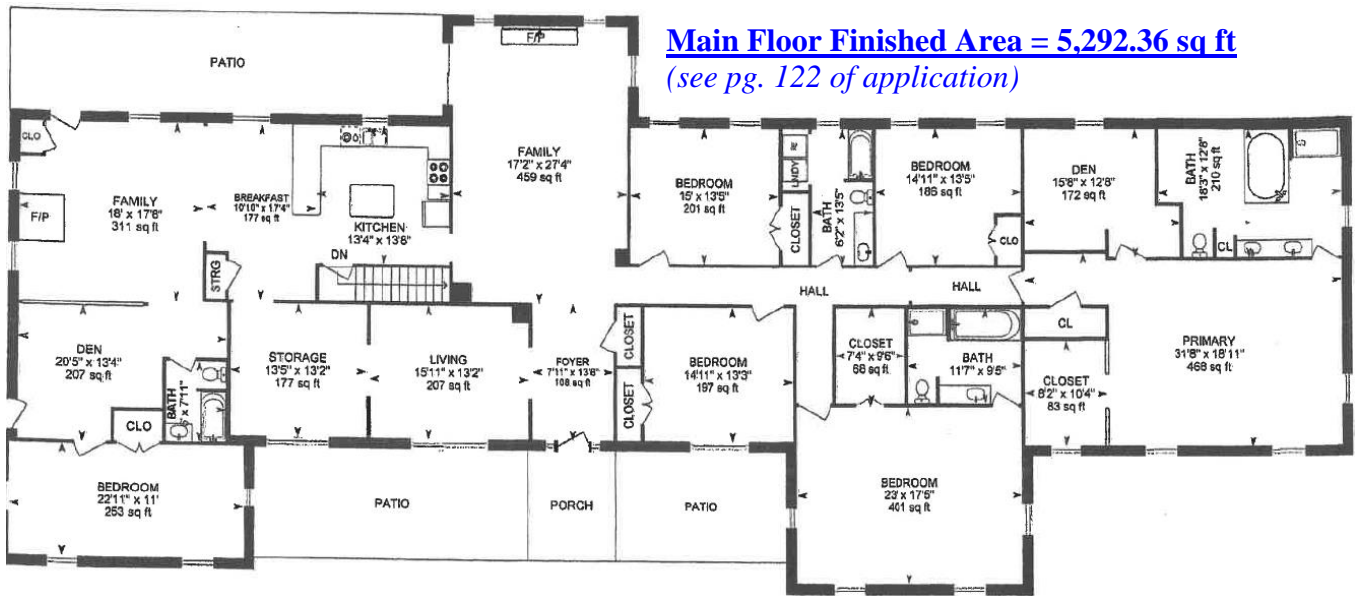
The properties to the north and west of the subject parcel are part of the Kristie George Minor Subdivision and have been developed for residential use. Nearby properties to the south are under farmland preservation easements. The Shepherdstown school complex is planned for the nearby large 100+ acre tract to the east of the subject lot.

The applicant provided a floorplan utilizing the footprint of the existing ~10,000 square foot single family dwelling unit. No additions or new structures were included in the proposal and no signs are proposed as part of the facility.

The applicant provided trip generation data on page 24 of their application and included an addendum dated 02/05/24. Based on the information submitted by the applicant, residents are not expected to have vehicles and the number of daily visitors permitted on site is limited by the company's visitation policy. As such, the applicant estimated that the average daily trips will be 30 total on weekdays (*accounts for 12 staff coming and going; and up to 3 visitors coming and going*) and 34 total on Sundays (*accounts for 12 staff coming and going; and up to 5 visitors coming and going*).



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**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)**

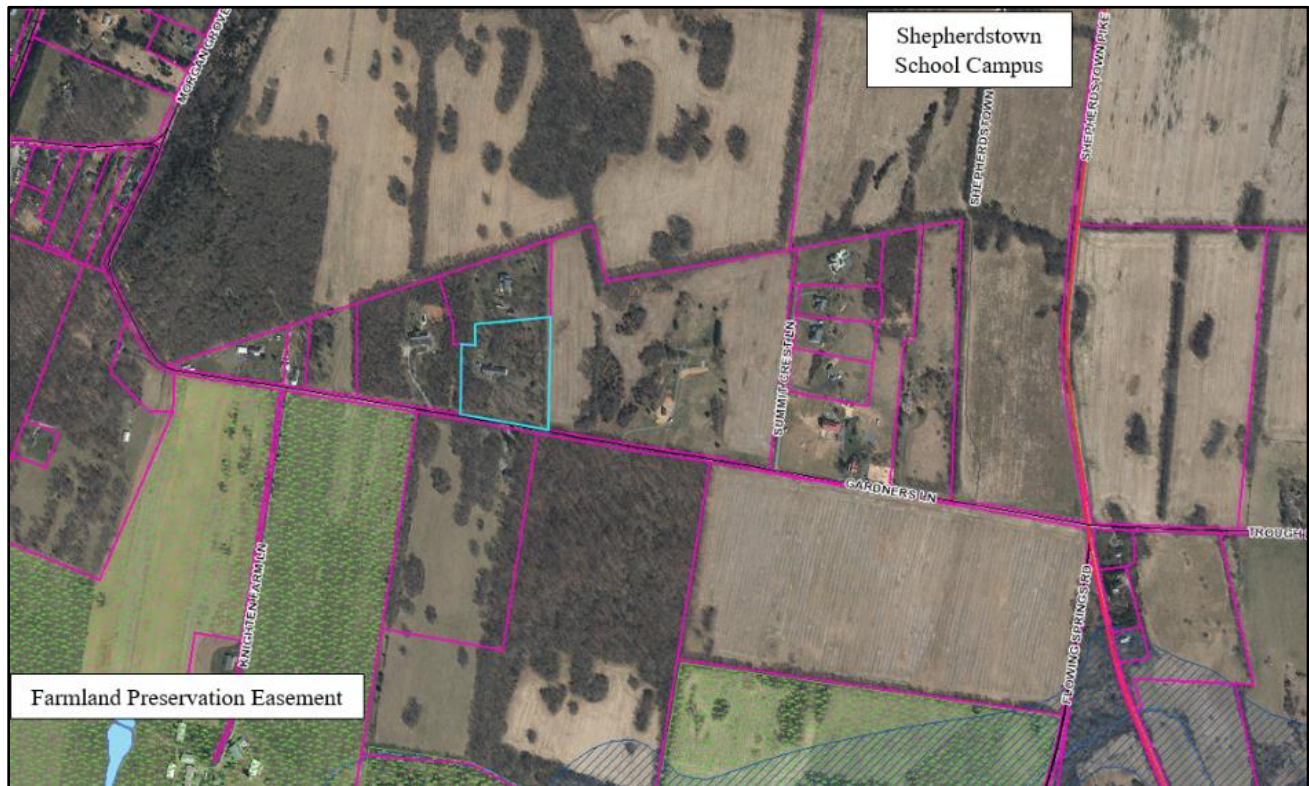
The applicant addressed this criteria on Page 21 of their application.

The properties to the north and south are primarily agricultural/vacant lots, with 230 ± acres to the south under farmland preservation easements, which do not allow for further development. The lots to the west and immediate north are residentially developed as part of the Kristie George minor subdivision. There is approximately 100 ± acres of land to the east that will be utilized for the Shepherdstown school complex.

The applicant represented in their application that the existing single family dwelling is ~10,000 square feet in size. The applicant stated that no new buildings are proposed and no expansions to the existing dwelling are proposed (page 22 of application).

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All parking for the proposed use (i.e. clients, employees, visitors, etc.) is required to be located on site. Pursuant to Article 11, Section 11.1A, the parking requirement for a Nursing Home is 1 parking space per 400 square feet floor space. Based on the approximate square footage, 25 parking spaces are required to be provided on site. The applicant stated within their application that would like a reduction in the number of required parking spaces (page 22 of application). Such request will need to process separately for the Board's evaluation at a future date pursuant to the variance requirements in Article 6, Section 6.2.



**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 acknowledged this criteria on page 22 of their application stating that there is existing dense foliage on the property.

During a site visit that was conducted on February 12, 2024, staff noted that the property contains existing vegetation, including mature trees, and appears to be adequately buffered from the adjoining properties.

A site plan is the mechanism in place for the county to ensure compliance with the landscaping standards. Staff was unable to determine whether or not a site plan will be required to process from the information that was submitted. If the number of required parking spaces is reduced at a future meeting, then it is possible that a site plan may not be required to process. In order to determine if a site plan is required, the applicant will need to submit a dimensioned site sketch depicting compliance with the county's parking requirements to the County Engineer for evaluation.

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If a site plan *is not* required, then the County does not require landscaping to be installed *unless* the Board requires landscaping, fencing, or other buffer screens to be installed as a condition of approval.

Compliance with the required 25' commercial building setback shall be satisfied (required along all property lines). It appears that the structure exceeds this requirement for all 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 of the Zoning Ordinance is attached for reference as part of the Staff Report.

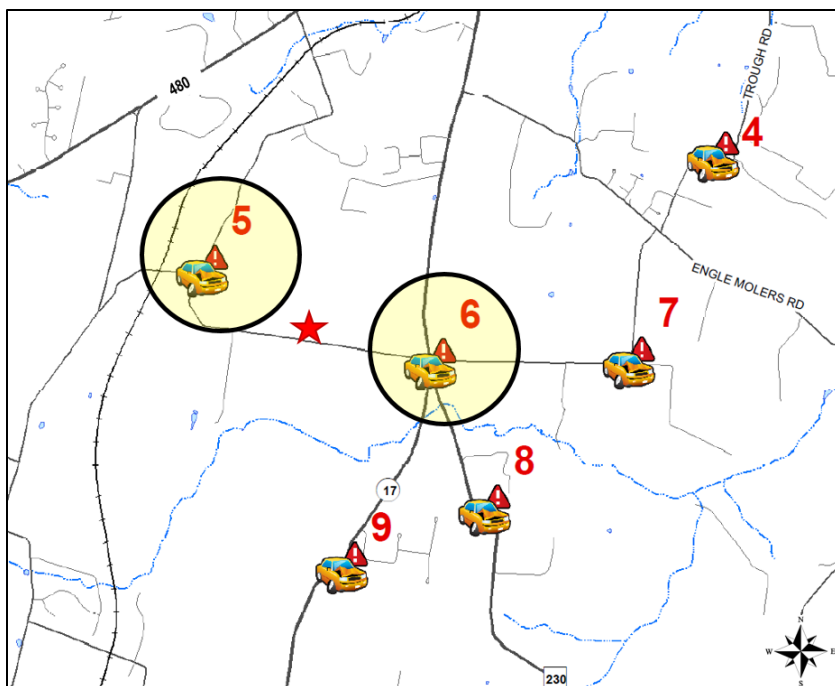
Section 8.9 regulates noise, odor, smoke, ambient air quality, vibration, glare and heat, toxic matter, and fire hazards related to commercial and industrial land uses.

**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)**

Gardners Lane is classified as a Local Road on the Highway Road Classification Map; therefore, this criteria is applicable.

The applicant provided a trip generation summary on page 24 of their application. Based on the data submitted, the average daily trips will be 24 trips, except on Monday, Wednesday, and Friday when the average daily trips is 30, and Sundays, 34. The residents are not expected to have their own cars and therefore, they were not included in the daily trip calculations submitted by the applicant.

Below is an excerpt from the Comprehensive Plan's Highway Problem Areas Map. It appears that the closest problem areas are labelled as #5 and #6 on the map.

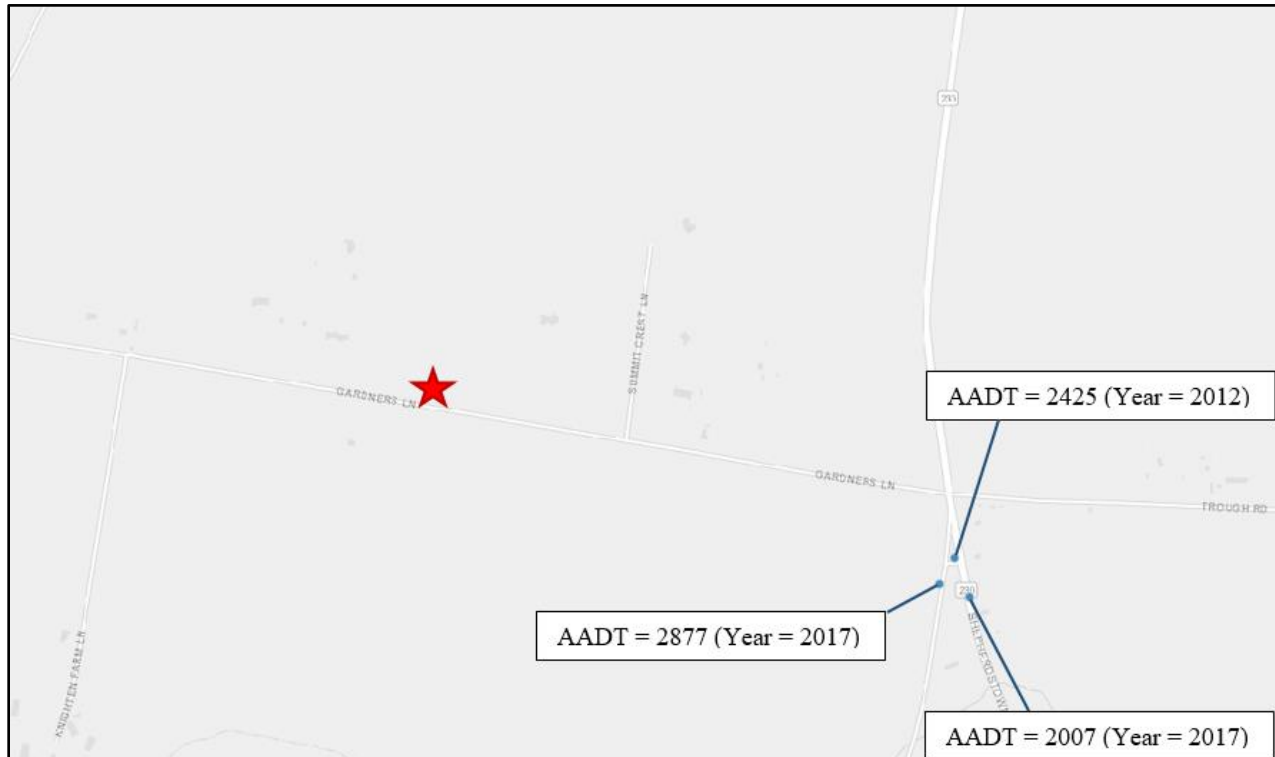


Problem Area #5 is located approximately ½ a mile west of the subject property at the intersection of Ridge Road and Gardners Lane and described as “poor intersection angle causing poor visibility.”

Problem Area #6 is located approximately 6/10 of a mile east of the subject property, at the intersection of WV 230, Flowing Springs Road, Gardners Lane, and Trough Road. This problem area is described as “high number of access and turning movements, visibility constraints”.

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A traffic county study was conducted by the [WV Department of Transportation](#) in 2012 and 2017 at the intersection of Route 230 (Shepherdstown Pike) and Flowing Springs Road (locations identified with blue dots on the map exhibit below).



The Jefferson County Engineer provided the following summary on trip generation data obtained from the ITE Trip Generation's "Data Plots and Equation" for Nursing Homes (excerpts attached to staff report).

A 10,000 square foot nursing home would produce the following traffic:

- Average Daily Traffic (ADT) =  $10,000 / 1,000 \times 7.60 = 76$  trips per day
- Peak Hour AM =  $10,000 / 1,000 \times .55 = 5.5$  trips per day
- Peak Hour PM =  $10,000 / 1,000 \times .74 = 7.4$  trips per day

**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 did not include any details related to proposed signs. Any future signs may necessitate review and approval by the Board of Zoning Appeals.

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**Attachments:**

- 1. Site Visit Photos from 02/12/2024**
- 2. Section 6.3 of the Zoning Ordinance**
- 3. Section 8.9 of the Zoning Ordinance**
- 4. Appendix C of the Zoning Ordinance**
- 5. Excerpt of Envision Jefferson 2035 Comprehensive Plan – Future Land Use Guide**
- 6. Pages 18 & 19 of the Land Use and Growth Management Element – Envision Jefferson 2035 Comprehensive Plan**
- 7. Envision Jefferson 2035 Comprehensive Plan’s Highway Problem Areas Map and Key**
- 8. Excerpts from the ITE Trip Generation’s “Data Plots and Equation” for Nursing Homes, provided by Jefferson County Engineer**

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## **Section 6.2 Variances<sup>32</sup>**

The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.<sup>23</sup>

- A. The Board shall approve a variance request if the Board finds that a 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.<sup>17, 21</sup>
- B. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board in the Office of Planning and Zoning.
- C. Notification for a variance must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.

## **Section 6.3 Conditional Use Permit<sup>32</sup>**

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.<sup>2, 32</sup>

- A. The Board shall consider each Conditional Use Permit request that is filed in accordance with this Ordinance and the procedural requirements of the Board of Zoning Appeals. The Board may require reasonable conditions or special requirements which allows for the proper integration of the proposed uses into the community and 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.
  - 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.
  - 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.
  - 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.
  - 5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.
  - 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 BZA to review

in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use.

7. For Historic Sites, the Historic Landmarks Commission, with the property owner's consent, may visit the property to review the proposed land development plan and use for sites designated as Category I or II. The Historic Landmarks Commission may make reasonable recommendation to the Board of Zoning Appeals on the suitability of a proposed multi-family dwelling or non-residential use for the building seeking a Conditional Use Permit. The Historic Landmarks Commission's recommendations may include the following findings:<sup>35</sup>
  - a. Compatibility of the proposed use with the historic structure;
  - b. Any modifications to the building's façade is consistent and compatible with the building's architecture, style, and massing; and
  - c. Proposed parking and other activities are suitably located so as to preserve the historic character.

The Board of Zoning Appeals may consider these findings and if determined appropriate, may require compliance with some or all of the Historic Landmarks Commission's recommendations as a condition of approval.

8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6.<sup>36</sup>
- B. The owner or authorized representative of the owner of the property for which the Conditional Use Permit is being requested shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The Conditional Use Permit request shall be filed with the Board at the Office of Planning and Zoning.
- C. Staff will notify the adjacent and confronting property owners of the date, time, and location of the Public Hearing by registered mail. Notification for a Conditional Use Permit must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.
- E. If there are no negative public comments received by the Board, the Board shall issue the Conditional Use Permit but may require reasonable conditions.

#### **Section 6.4 Seasonal Uses<sup>5, 7, 32</sup>**

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing according to the requirements of Section 6.1C. Newspaper notification requirements of Section 6.1B apply. Seasonal uses cannot be approved for longer than one year at a time.<sup>17, 21, 23</sup>

#### **Section 6.5 Special Exception Permit<sup>26, 32, 36</sup>**

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals subject to a public hearing in accordance with the following.
  1. The public hearing is subject to the notification requirements of Section 6.1B.
  2. The public hearing shall be conducted according to the requirements of Section 6.1C.
  3. Such hearing may be continued according to the requirements of Section 6.1D.

B. Standards for Hunting, Shooting and Fishing Clubs<sup>20</sup>

1. 75 foot setback for all structures and parking.
2. 150 yard setback for all shooting facilities.
3. Height
  - a. As is for conversion or reconstruction that does not exceed 135 percent of the original footprint of existing structures
  - b. 35 feet for new structures
4. Landscaping requirements of this Ordinance apply, with the following exception:
  - a. Perimeter landscaping shall be as approved by staff in order to preserve existing vegetation.
5. Minimum of 150 acres under common ownership.

C. Special Exceptions for Hunting, Shooting and Fishing Clubs<sup>20</sup>

1. Limits exceeding requirements outlined above can be increased with Board of Zoning Appeals approval provided that the Board of Zoning Appeals find that the increase is compatible with the neighborhood after taking into consideration neighborhood character, traffic, and buffering. Such decision shall be rendered after a public hearing as outlined in the Board of Zoning Appeals Rules of Procedure.

**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.

<u>Sound Measured In</u>	<u>DAY</u>	<u>NIGHT</u>
	<u>7 AM - 6 PM</u>	<u>6 PM - 7 AM</u>
<u>Adjoining Agricultural or Residential Growth District</u>	<u>60 dB(A)</u>	<u>50 dB(A)</u>
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.

**2. Odor**

No operation shall result in the creation of odors of such intensity and character as to be detrimental to the health and welfare or the public or which interferes with the comfort of the public. Odor thresholds shall be in accordance with ASTM d139-57 “Standard Method for Measurement of Odor in Atmospheres (Dilution Method)” or its equivalent.

Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the state line, measured either at ground level or habitable elevation.

**3. Smoke**

No smoke, dust, fumes, or particulate matter shall be perceptible at any lot line. Further, the regulations and standards governing the control of air pollution shall be the same as those adopted by the State of West Virginia.

For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used.

The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity except solid waste incinerators within the boundaries of any lot, will not exceed the levels set forth below.

Particulate matter emission from materials or products subject to becoming wind borne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles or bulk material such as coal, sand, cinders, slag, sulfur, etc.

**4. Ambient Air Quality Standard**

Particulate Matter

Suspended

Annual Arithmetic Mean ug/m	65
24-hour Maximum b, ug/m	140

Settleable

Annual Arithmetic Average, mg/cm/	/month 0.35
Monthly Maximum	0.7

**5. Vibration**

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration-measuring equipment.

**6. Glare and Heat**

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

**7. Toxic Matter**

The ambient air quality standards for the State of West Virginia shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists.

Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

The release of airborne toxic matter will not exceed one-thirteenth of the threshold limit value across lot lines.

Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry derivatives; pyrotechnics and fireworks such as acetylates, tetrazoles, and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is prohibited.

**8. Fire Hazards**

The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

The total capacity of flammable liquids and gasses shall not exceed those quantities permitted in the following Table for each of the industrial districts:

<u>CAPACITY</u>	<u>STORAGE</u>
Liquids	60,000 gallons
Gasses	
- Above ground	150,000 SCF
- Below ground	300,000 SCF

SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury.<sup>1</sup>

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

Water Capacity per Container (Gallons)	Containers		Between Above Ground Containers (Feet)
	Underground (Feet)	Above Ground Containers (Feet)	
0 to 2,000	25	25	3
2,000 to 30,000	50	50	5
30,000 to 60,000	50	75	
In excess of 60,000	75	100	¼ the sum of diameters of adjacent containers

**9. Frontage Road**

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

**10. Landscape Buffer**

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

**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37, 39, 43</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church <sup>38</sup>	P	P	P	P	CU	P	P	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Industrial</b>													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Short Term Rental <sup>41</sup>	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility <sup>43</sup>	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial  
GC General Commercial  
HC Highway Commercial  
LI Light Industrial  
MI Major Industrial  
PND Planned Neighborhood Development

OC Office / Commercial Mixed-Use  
**R Rural**  
RG Residential Growth District  
RLIC Residential-Light Industrial-Commercial District  
IC Industrial-Commercial District  
V Village District

P Permitted Uses  
NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)


\*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

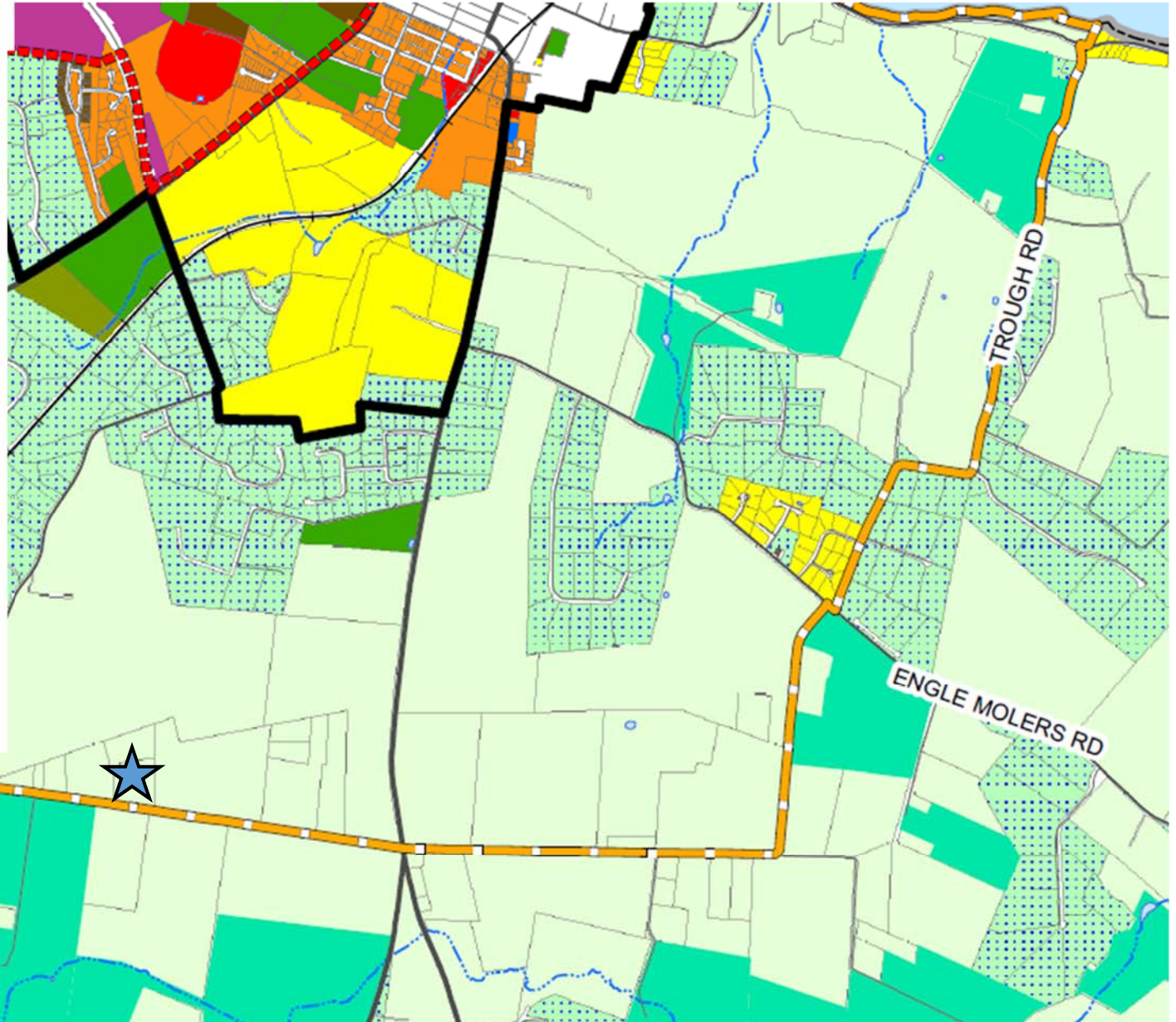
<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

# Excerpt of Future Land Use Guide

## Envision Jefferson 2035 Comprehensive Plan

 Growth Management Boundary

-  Rural/Agriculture
-  Rural/Agriculture For Possible Urban Development
-  Agricultural Economic Empowerment Area
-  Large Lot Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  General Commercial
-  Neighborhood Commercial
-  Regional Commercial
-  Industrial
-  Office
-  Mixed Use Residential/Commercial
-  Mixed Use Office/Commercial
-  Residential or Commercial
-  Office or Commercial
-  Industrial or Commercial
-  Public/Quasi Public Land



### Urban Growth Boundary (UGB)

According to §8-6-4a of the West Virginia Code, Urban Growth Boundaries (UGBs) are...“an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area.”

UGBs are, according to state law, established by the County Commission in conjunction with the municipality looking to identify a boundary and are reflected on the County Zoning Map. In West Virginia, UGBs are used to acknowledge the extent to which a municipality can expand.<sup>1</sup>

While all municipalities have the ability to create UGBs with the approval of the County Commission, at present, only three of the five municipalities in Jefferson County have planning boundaries that meet the definition of §8-6-4a of the West Virginia Code. In 2009, Charles Town and Ranson had their UGBs formally approved by the County Commission. In 2014, Shepherdstown created a boundary called the Growth Management Boundary (GMB) which falls under the state definition of a UGB and was formally approved by the County Commission. Shepherdstown’s adopted GMB allows the Corporation to plan for future growth and annexations, but is not anticipated to have urban scale development if it remains in the unincorporated area. If Bolivar or Harpers Ferry chooses to create a UGB in the future that is different than the Preferred Growth Areas (PGAs) depicted, the recommendations in this Plan related to UGBs may be extended to the newly created UGBs based on the town’s planning goals. The use of the term UGB throughout this document refers to the Charles Town and Ranson UGBs only.

This Plan expects that properties within the UGB may be annexed into the adjoining municipality which has created the UGB. However, an entity with property located within the UGB could choose not to annex their land into a municipality and could then develop the land under the County’s land development standards instead. In such circumstances, the UGB acts as a Preferred Growth Area for the County and urban level development is still anticipated in these areas.

Within the UGB, an intentional decision was made to depict property as it is either zoned or used. As such, there are large tracts of land designated rural. This Plan does not anticipate those areas to remain rural into the future. Since the properties in the UGB can either develop within the municipalities through annexation or in the County, there is some uncertainty as to the future use. Therefore, it was determined best to

<sup>1</sup> While in West Virginia, the concept of a UGB is tied to annexation exclusively. In other parts of the United States, the concept of an urban growth boundary is tied in with the provision of “a full range of urban services” such as sewer, water, broadband internet, quick response police, rescue/ambulance, and fire services; and a wide range of community facilities. In most areas, the provision of services is predicated on the presence of an urban growth boundary tied into an urban service area, with limited fire, rescue, and police services being provided to areas outside of the urban growth boundary.

show the existing land uses or zoning designation, including rural zoning, on the Future Land Use Guide within the UGB. It is not the intention of the Future Land Use Guide or this Plan for these areas to remain rural; the designation is temporary until the property owner determines if they desire to develop in either the municipality or the County.

A map of the Charles Town and Ranson UGB areas can be found in Appendix F – Maps.

a. Shepherdstown Growth Management Boundary (GMB)

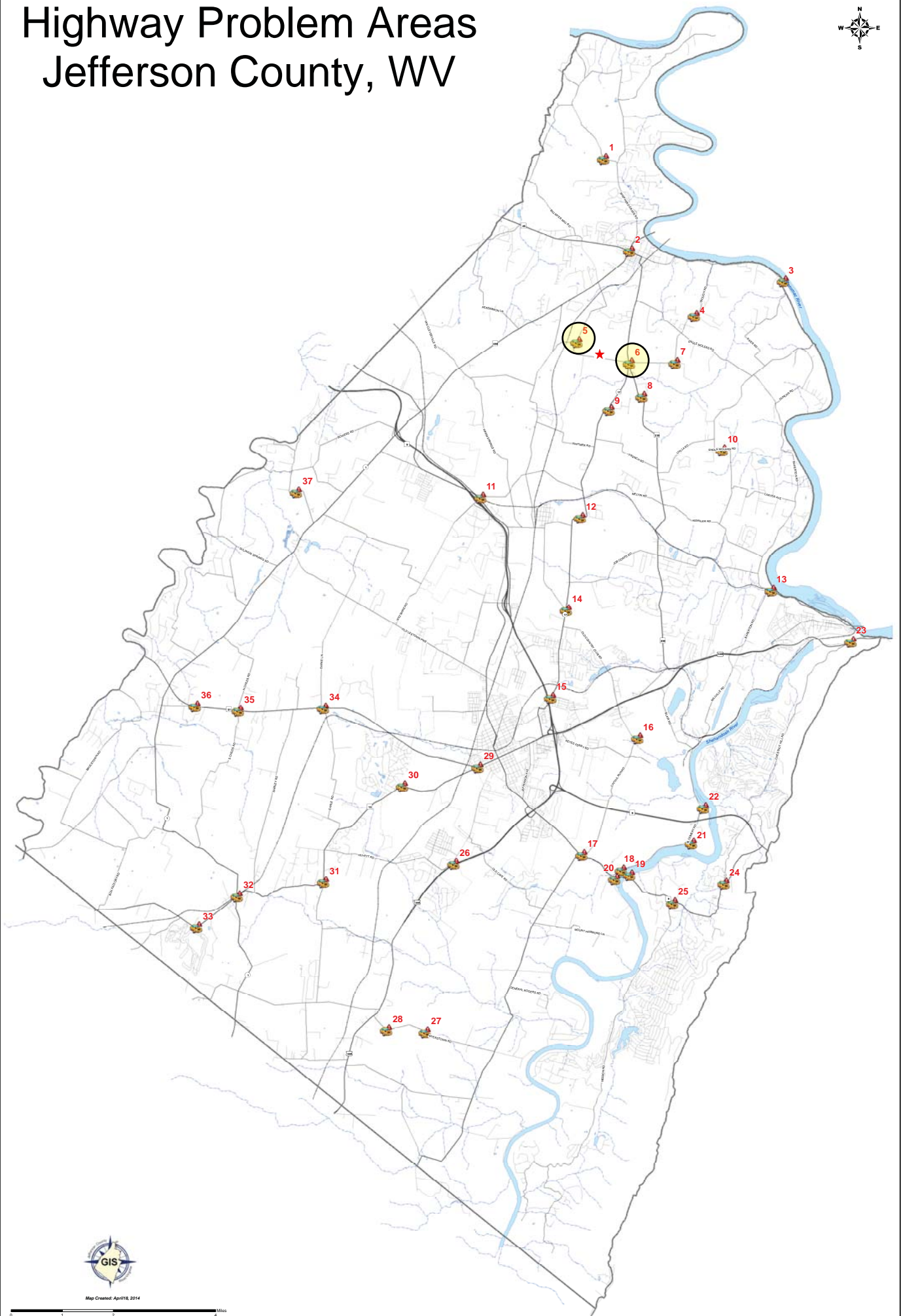
In 2014, Shepherdstown adopted a Growth Management Boundary (GMB) which is planned to have growth around the existing core of Shepherdstown and less intense development at the edges of the GMB. The full GMB is shown on the Future Land Use Guide. In Shepherdstown's 2014 Comprehensive Plan, within the GMB, Shepherdstown has also designated three phases of a Municipal Growth Area which are anticipated to allow phased expansion and urbanized growth within Shepherdstown. While this larger growth and annexation area is recommended in the Shepherdstown 2014 Comprehensive Plan, the *Envision Jefferson 2035 Comprehensive Plan* recognizes a smaller Preferred Growth Area to the west of the Shepherdstown core and the existing County zoning if it remains in the unincorporated area. The Future Land Use Guide of this Plan depicts the GMB and the proposed land uses if it remains unincorporated. The Shepherdstown GMB is treated differently from the Charles Town and Ranson UGBs due to the difference in Shepherdstown's growth management planning recommendations. If the land is annexed by Shepherdstown, the Shepherdstown Growth Management recommendations and Comprehensive Plan shall apply.

b. Ranson Urban Growth Boundary (UGB)

During the development of the 2008 Zoning Ordinance (which subsequently was not approved), the County and the Corporation of Ranson worked jointly to develop a land use planning tool referred to as the County Townscape Boundary which was reflected on the draft Zoning Map. When the state law was amended in 2009 to allow the creation of Urban Growth Boundaries, Ranson formally requested that the County Commission approve this draft boundary as their Urban Growth Boundary and reflect it on the County Zoning Map.

As part of *Envision Jefferson 2035*, it is proposed that the Ranson UGB be expanded to encompass the areas that are located outside of the existing UGB (Tackley Farm and Jefferson Orchards) but within the municipality boundary, as well as the unincorporated area northeast of the intersection of WV 9 and Luther Jones Road. This expansion area would allow the development of this area to occur in conjunction with the transit oriented development proposed for the Jefferson Orchard property known as Northport Station.

# 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

DRAFT

## Nursing Home (620)

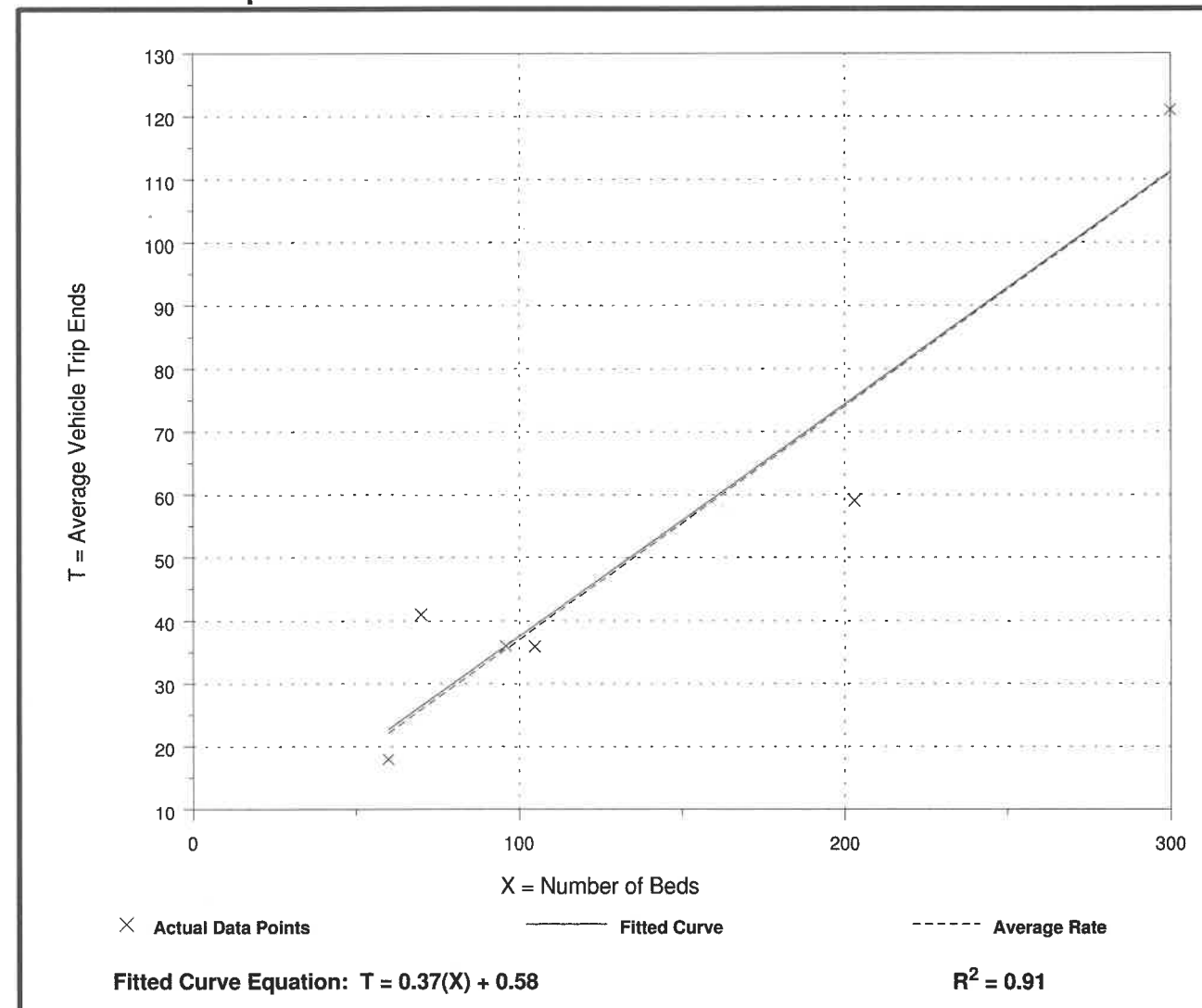
**Average Vehicle Trip Ends vs: Beds**  
**On a: Sunday,**  
**Peak Hour of Generator**

Number of Studies: 6  
 Average Number of Beds: 139  
 Directional Distribution: 57% entering, 43% exiting

### Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
0.37	0.29 - 0.59	0.61

### Data Plot and Equation



## Nursing Home (620)

**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area**  
**On a: Weekday**

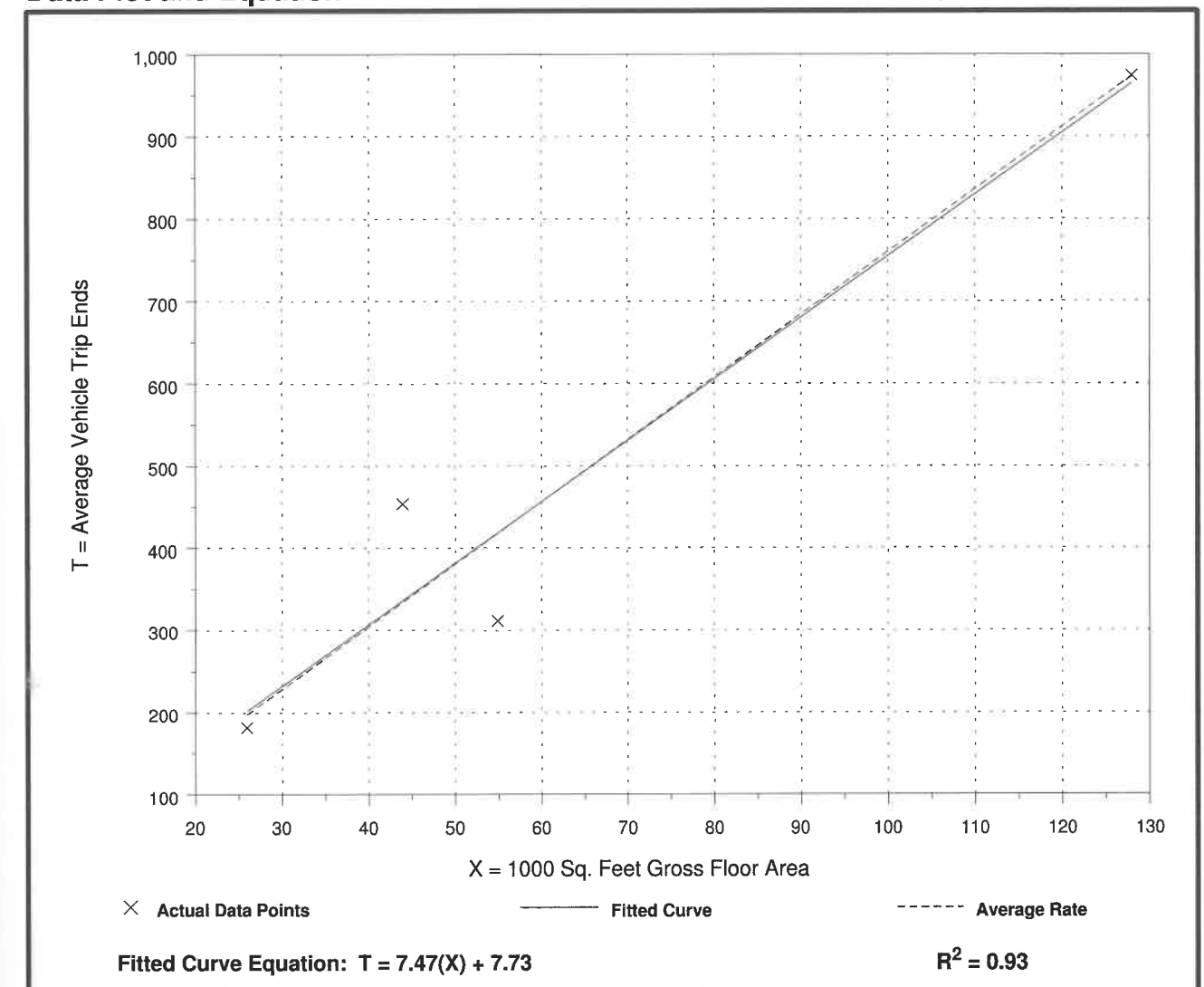
Number of Studies: 4  
 Average 1000 Sq. Feet GFA: 63  
 Directional Distribution: 50% entering, 50% exiting

### Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
7.60	5.67 - 10.31	3.10

### Data Plot and Equation

*Caution - Use Carefully - Small Sample Size*



## Nursing Home (620)

**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**

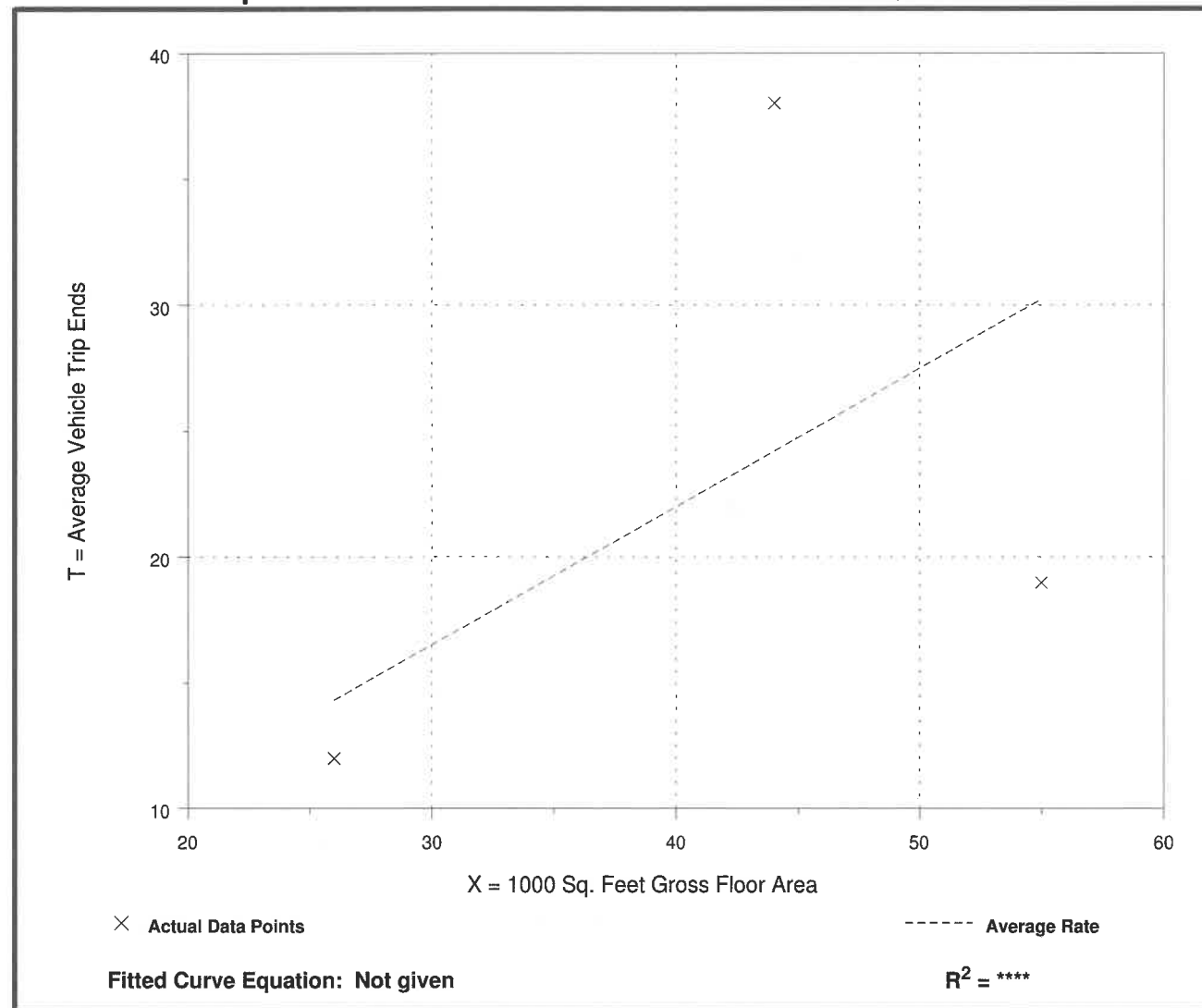
Number of Studies: 3  
 Average 1000 Sq. Feet GFA: 42  
 Directional Distribution: 71% entering, 29% exiting

### Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.55	0.35 - 0.86	0.77

### Data Plot and Equation

*Caution - Use Carefully - Small Sample Size*



## Nursing Home (620)

**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**

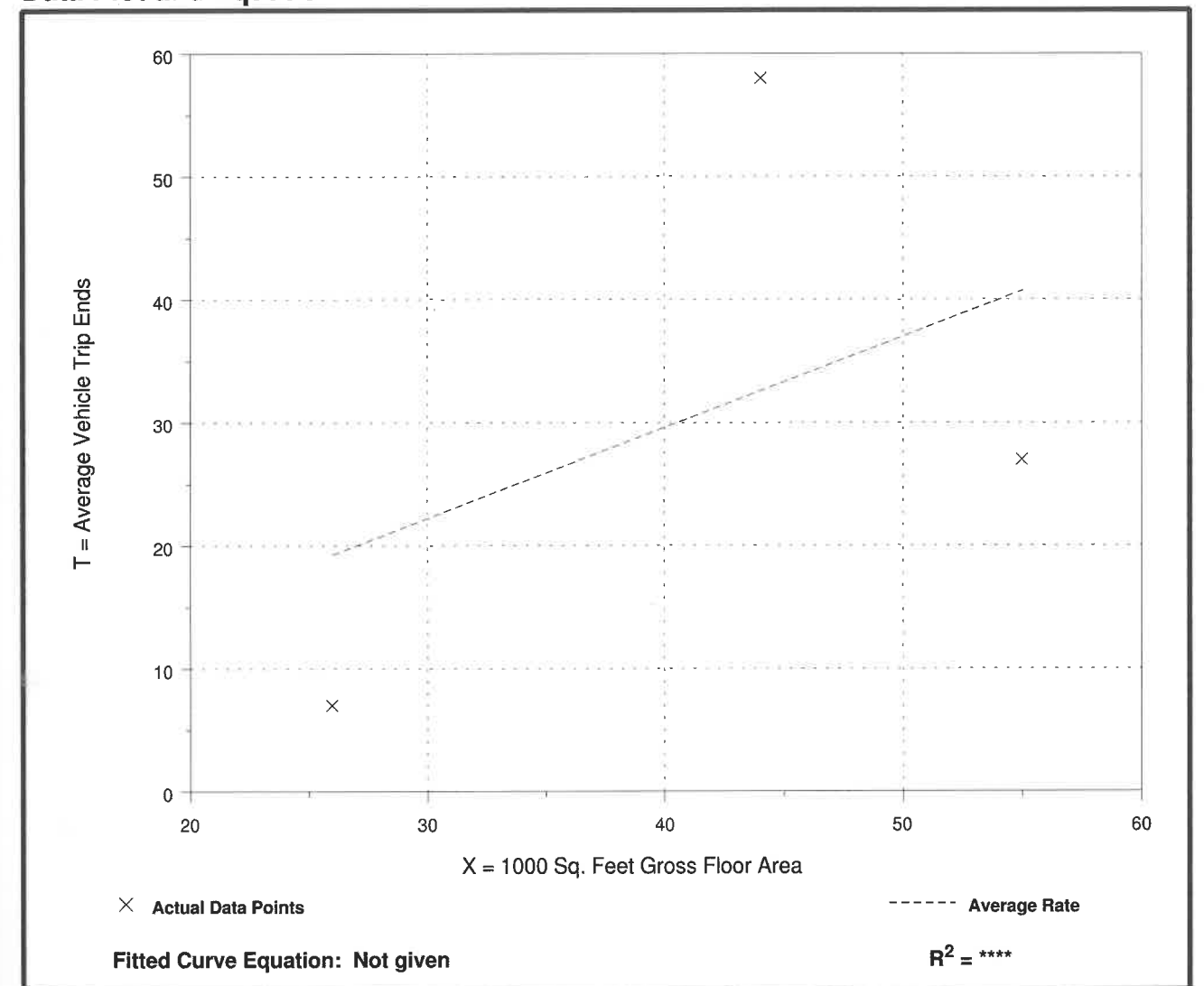
Number of Studies: 3  
 Average 1000 Sq. Feet GFA: 42  
 Directional Distribution: 52% entering, 48% exiting

### Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.74	0.27 - 1.32	0.96

### Data Plot and Equation

*Caution - Use Carefully - Small Sample Size*





**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 #: 24-2-CUP  
 R'cvd Date: 01 / 24 / 24  
 Mtg. Date: 02 / 22 / 24  
 Fee Paid: \$ 600.00  
 Staff Int.: jth

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

Phone: (304) 728-3228

**Application for a Conditional Use Permit**

**Project Name**  
Songbird House Assisted Living Residence

**Property Owner Information** **Property Owner (jth)**  
 Name: Sharon Hallinan, Manager MARK R & JENNIFER A BALDWIN  
 Business Name: Blue Iris LLC 1163 GARDNERS LN  
 Mailing Address: 20383 Middlebury St, Ashburn VA 20147 SHEPHERDSTOWN, WV 25443  
 Phone Number: 703-401-5884 Email Response: ladyslipperproperties@gmail.com Mail  Yes  
 Response:  No

**Applicant Information**  
 Name: Beata Scott  
 Business Name: Songbird House LLC  
 Mailing Address: 20383 Middlebury St Ashburn VA 20147 Mail  Yes  
 Phone Number: 703-867-1193 Email Response: beata.scott.idb@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** **Parcel ID: 09001700090003 (jth)**  
 Physical Address: \_\_\_\_\_, Shepherdstown, WV 25443 1163 Gardners Lane  
 Tax District: Shepherdstown (09) Map No: 0017 Parcel No. 0009  
 Parcel Size: 6.6 acres Deed Book: 1123 Page No: 428

**Zoning District (please check one)**

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

\* For properties in the Rural Zoning District:  
 Is property located on a primary or secondary road?

Yes  No

Name of Road and/or Route Number:

Gardners Lane Rt 116/1

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

Residential Care Home. Maintain residential purpose for an assisted living residence for up to 32 people.

Please provide any information or known history regarding this property.

Property was previously occupied by original owner, single family.

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

Goal 5 Encourage the development of a comprehensive range of housing options for residents of all incomes and at all lifecycle stages. Objectives 6,8,9, and 11 are specifically applicable.

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

Fully compatible as intended uses remains as a residence. There is no threat to public health, safety, or welfare or to the adjacent/nearby eight residential properties.

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

N/A. There is no development on any adjacent land/buildings. No new construction of the property bldg. Parking area will be added. See attached plat sketch and photos.

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.

John Hallin  
Property Owner  
Date: ~~December 20, 2023~~ Jan 12, 2024

[Signature]  
Property Owner  
Date: 1/24/2024

## Conditional Use Permit Application

The requirements for a Conditional Use Permit are outlined in Article 6, Section 6.3 of the Jefferson County Zoning and Land Development Ordinance.

While not required, all applicants are encouraged to schedule a Pre-Proposal Conference with the Office prior to the submission of a Conditional Use Permit application.

### Please submit the following documents:

Conditional Use Permit Application Form (attached) with application fee

- Application Fee: \$250 + \$50/acre *Check # 1026*

Site Sketch

- Show location of proposed building(s) / additions to existing buildings *None*
- Show location of proposed parking area → *Attached*
- Show location of proposed access → *No changes*
- Show location of proposed sign(s) → *None*
- Show topography, natural features, etc. *N/A*
- Show existing vegetation and/or location of proposed landscaping → *photos attached*

Narrative (optional) *Attached*

- Description of the proposed land use. May include information pertaining to hours of operation, number of employees, number of customers, etc.
- Traffic characteristics – type and frequency of traffic (i.e. both existing traffic and level of traffic that would be generated by proposed land use.
- Any other relevant information.

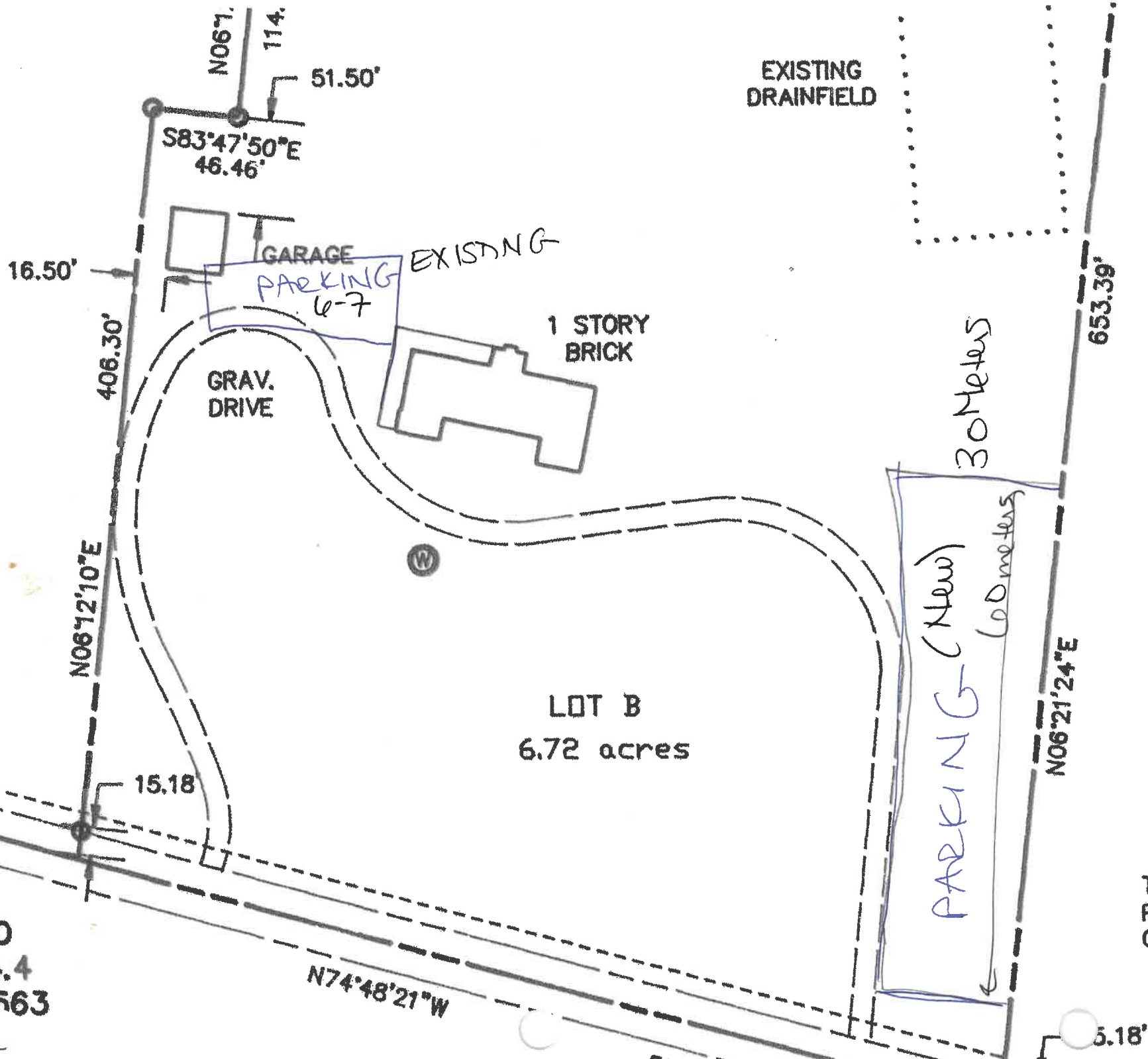
List of adjoining property owners and mailing addresses

- This includes the properties located across any road, right-of-way, or easement. *Attached*  
The Jefferson County Court House is the source for property owner information.

**Note:** Approval of a Conditional Use Permit, with or without conditions, allows the proposed land use only. Further processing may be required prior to commencement (i.e. site plan).

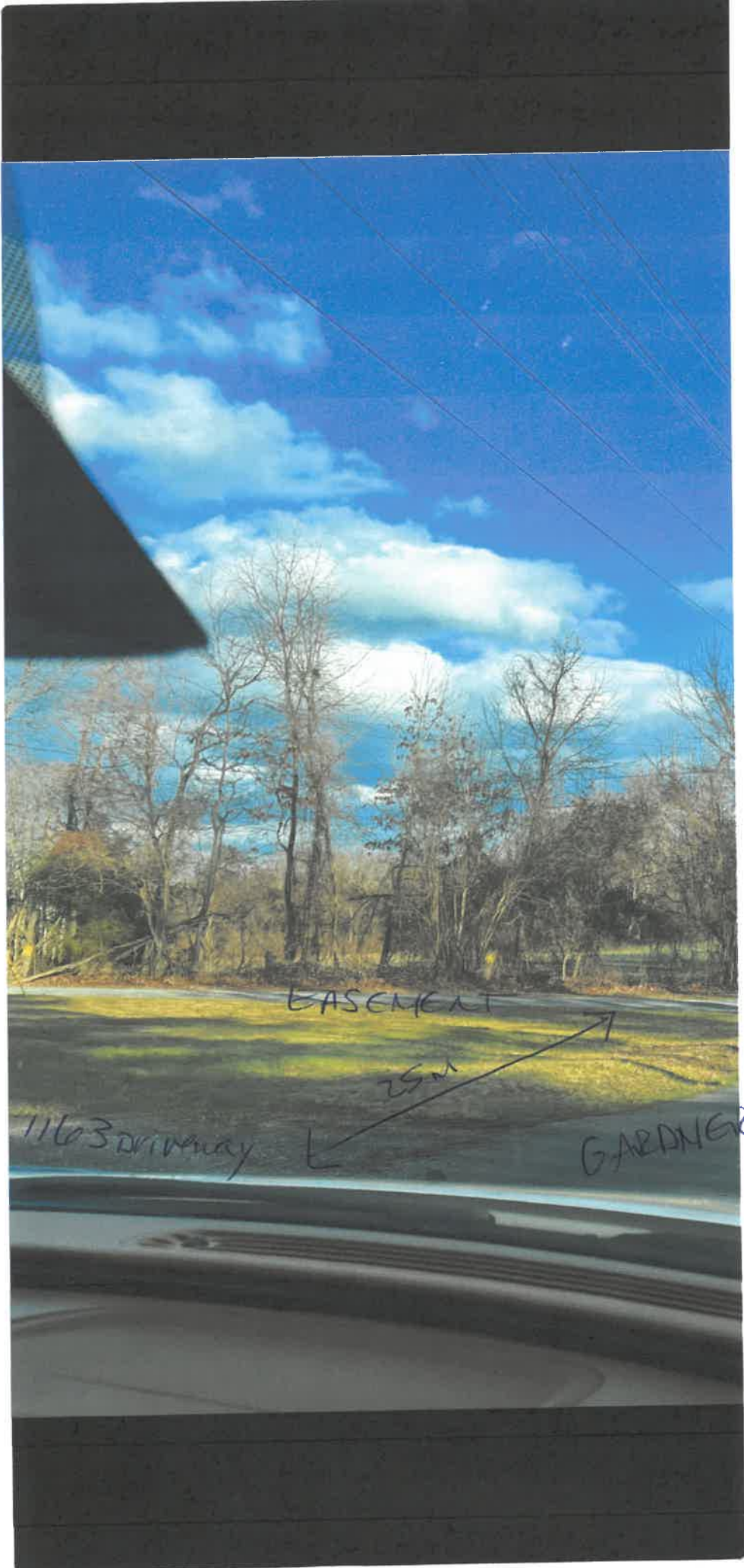
A Conditional Use Permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. (Section 3.2G)

HUBBARD  
T.M. 17/4.4  
.B. 423/563



TH  
ALL

THIS IS  
PLAT  
OF CLC

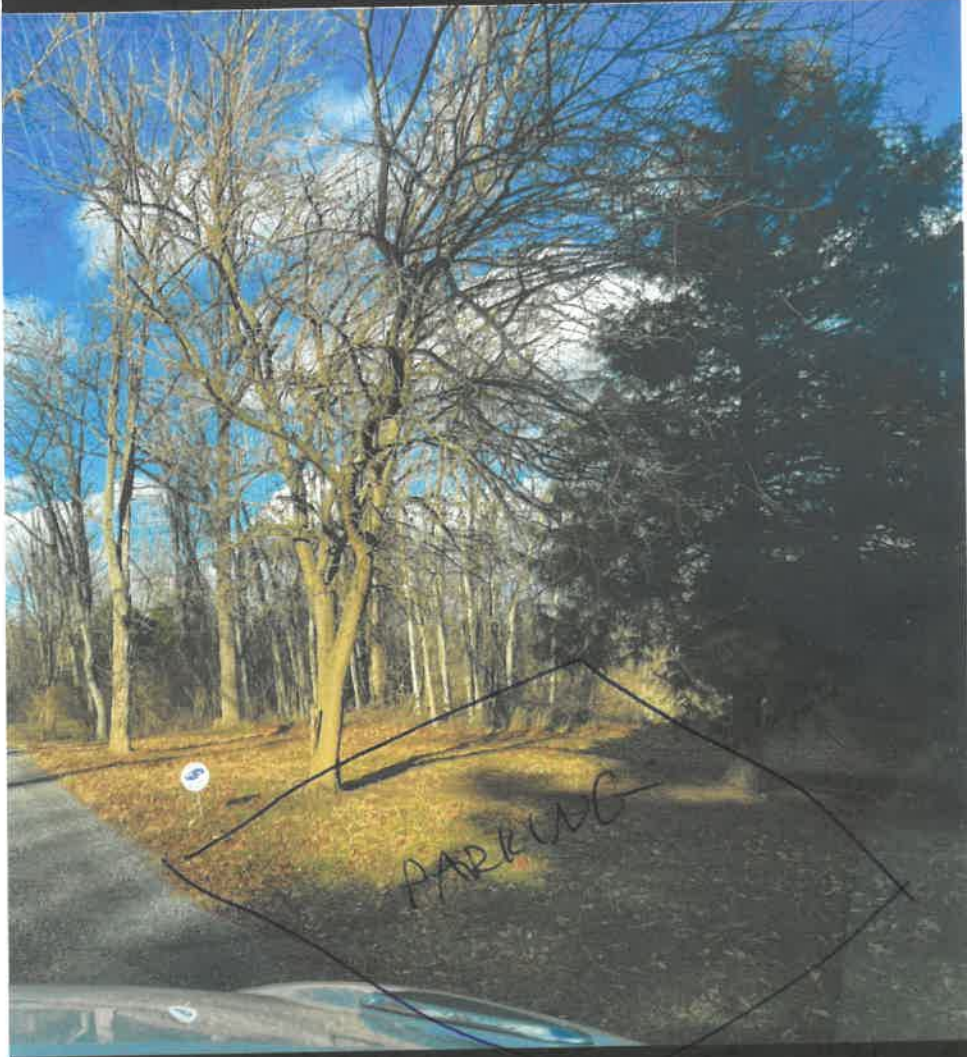


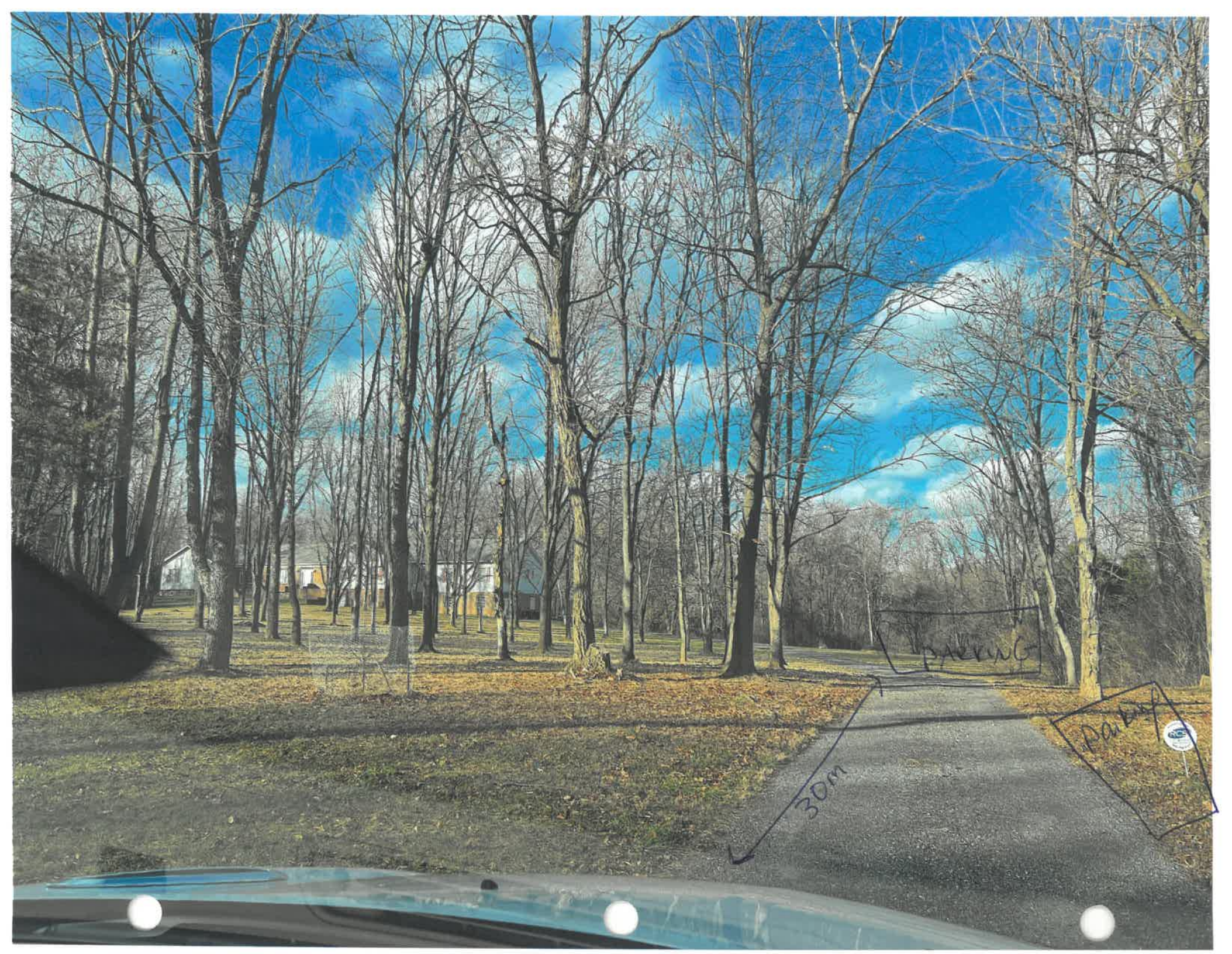
1163 driveway

BASEMENT

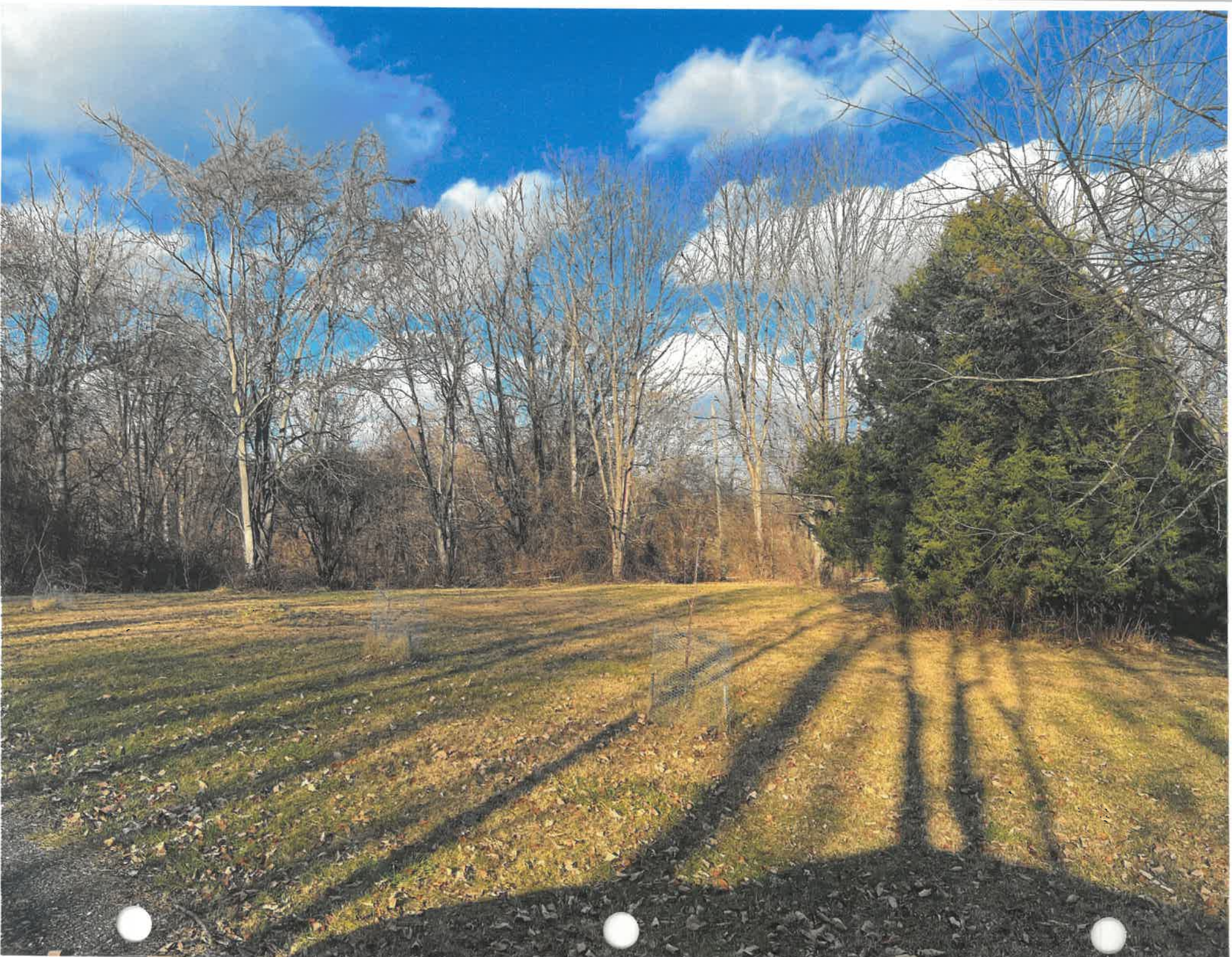
25m

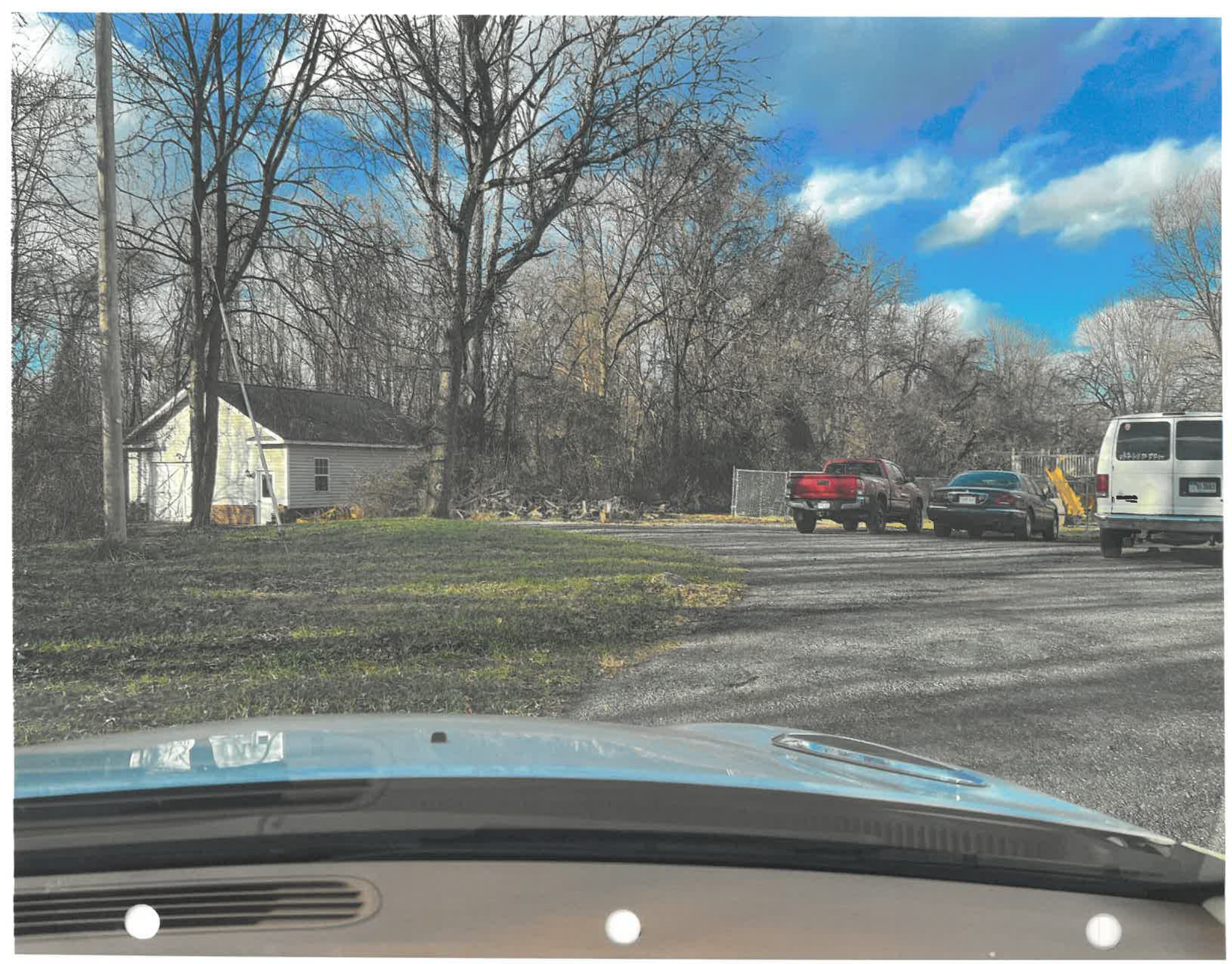
GARDNERS LANE

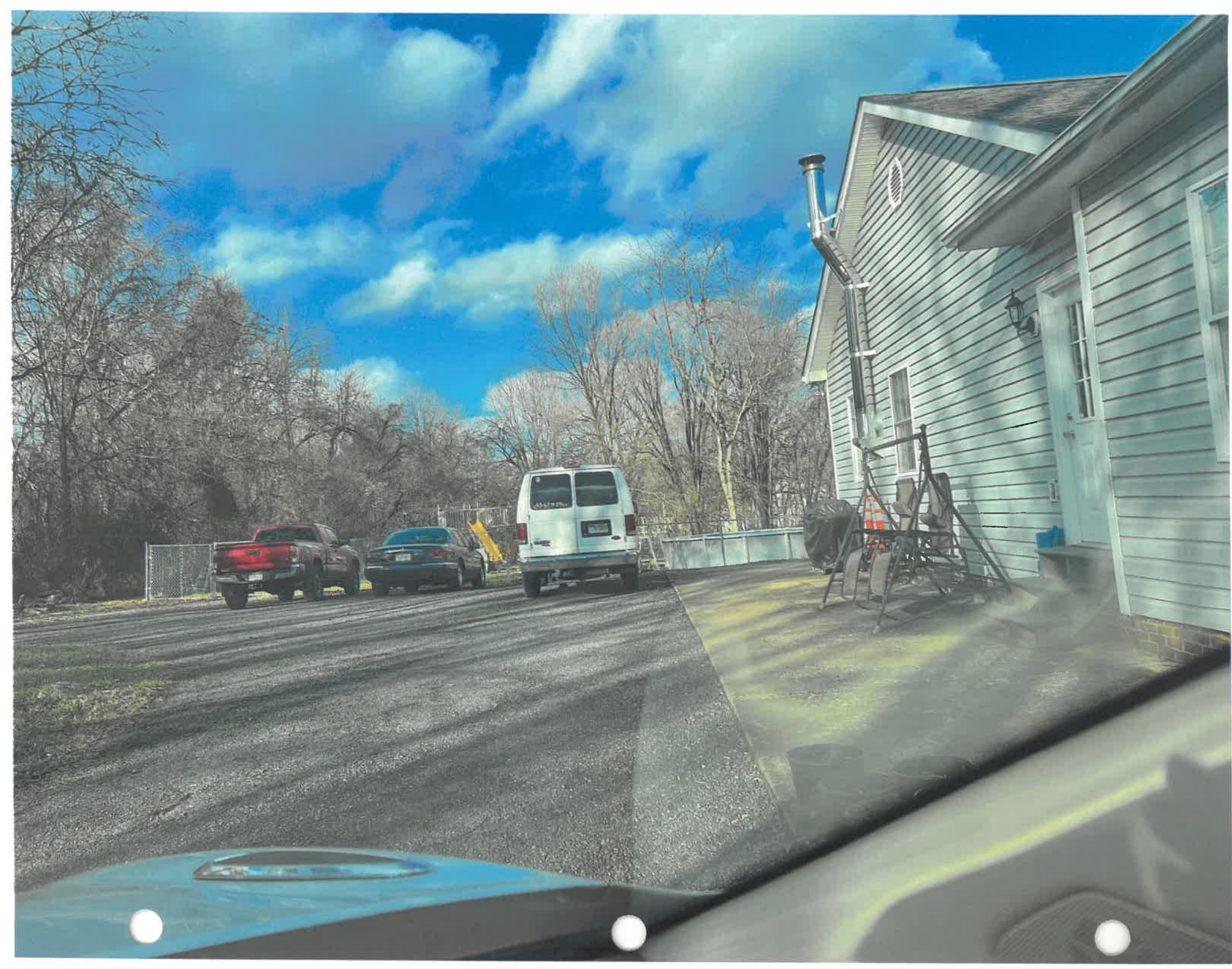
















## 1163 Gardners Lane, Shepherdstown WV 25443

**I. Purpose:** Request to lift the single family restriction and permit the use for a residential assisted living home through a conditional use permit. Blue Iris LLC currently has this property under contract with the sale contingent upon this conditional use permit being granted.

This use is compatible within the residential zoning area as it being used as a place where people live. This use is also consistent with the Comprehensive Plan 2035 "Envision Jefferson" as amended April 12, 2022 which "provides a vision and map for the long term future of Jefferson County" (P.6) "intended to reach beyond current physical, political and institutional constraints" (P. 12). **TAB A**

Throughout this document and noted with green highlight we address each area of the CUP application and the applicability to the Comprehensive Plan.

### **II. Compatibility with the Envision Jefferson Comprehensive Plan**

A. One of the five broad elements of the Envision Jefferson Comprehensive Plan is Land Use and Growth Management, with goals, objectives, and recommendations addressing housing and land use. The proposed use of our property as an assisted living residence is consistent with the following:

#### **CUP Application Section 6.3.A.1 Proposed plan is consistent with the goals of the Comprehensive Plan**

Several goals, objectives and recommendations, particularly Goal 5, are relevant:

**Goal 1:** Require urban intensity residential and non-residential development to occur within exiting urbanized areas, approved urban growth boundaries, villages and/or the County's preferred and identified growth areas.

**Objective #3:** Establish a broader variety of commercial, residential, and mixed use zoning categories appropriate to the County's needs.

#### **Goal 2: Rural Land Use Planning Recommendations (P.39)**

1. Recognize the rights and viability of existing rural residential neighborhoods
  - a. Balance artisan, home occupation and cottage industry rights with the maintenance and character of rural neighborhoods by considering the size and scope of all activities within designated rural neighborhoods.
2. Allow and promote a greater range of agricultural and/or artisan uses within the rural areas ...
3. Revise existing Jefferson County land use requirements and site plan standards to reduce regulatory barriers related to ...artisan (cottage industry P. 242) operations.

**Goal 3:** Encourage renewal, redevelopment, and limited expansion of villages to allow village-scale residential development and compatible neighborhood commercial activities of village-scaled businesses, residential uses including small scale multi-family housing and applicable community facilities within designated village areas and in potential village expansion areas

**Goal 5:** Encourage the development of a comprehensive range of housing options for residents of all incomes and at all lifecycle stages within Jefferson County.

- i. **Objective 6:** Encourage developers, contractors and homeowners to build new homes and to renovate homes to accommodate residents across the entire lifecycle.
- ii. **Objective 8:** Encourage the adaptive reuse (renovation and utilization) of existing structures for housing, even including non-residential structures.
- iii. **Objective 11:** Encourage the development of communities that provide a variety of care for elderly and/or disabled residents within Jefferson County in close proximity to transportation corridors, medical facilities and everyday needs.

The location of 1163 Gardners Lane is within 2 miles of downtown Shepherdstown where everyday needs, and basic medical care are readily available. Jefferson Medical Center and WVU Medicine Berkely Medical Center are both just 11 miles away.

#### **Housing Recommendations (Goal 5) P. 60**

1. Actively support and enable the development of a wide range of affordable, workforce, senior and disabled housing units.

11. Work with state legislators to address housing, building codes, and aging related issues.

- a. Review and amend as necessary the assisted living and nursing homes West Virginia permitting process which may impact the feasibility of age-in-place or transitional housing communities in Jefferson County,

B. These goals and objectives clearly support Jefferson County's assessment of its aging population and their needs, specifically cited in the Comprehensive Plan cited below:

In Section 1.E. Housing, p. 51, it is noted that Jefferson County experienced significant housing growth since the 1970's (p.51), the changing demographics of Jefferson County have indicated a need for a wide range of housing options. This would be a change from the existing development pattern in Jefferson County and would encourage developers, neighborhoods, and residents to be more creative and open to alternative housing concepts and designs. (P.55)

The changing demographics of Jefferson County are further noted by the US Census Bureau data (P.161-162) showing that Jefferson County's "baby boomer" population has increased more than any other age demographic. It is expected that Jefferson County will continue to grow in the coming decades. ( P. 163).

#### **"Lifecycle and Accessible Housing, P. 59**

As the baby boomer generation ages over the next several decades, there will be an increased demand for housing options that will allow seniors and the disabled to live within their communities and lessen the need for these groups to live in age-segregated

and/or institutional settings. A significant amount of input was received during the Envision Jefferson 2035 process that indicated that Jefferson County must prepare for its aging population and provide options to allow successful aging-in-place residential opportunities.

As Jefferson County becomes a community more largely made up of older residents, there is concern that a large portion of current county residents may not be able to continue to reside in the County. This is due to a variety of factors, including the following:

- a. The lack of existing housing or neighborhoods built to accommodate handicapped living requirements;
- b. The lack of transitional elder housing/communities which allow a resident to transition from an independent living (with/without supportive medical and maintenance services), to assisted living support, and ultimately to skilled nursing care.

The County can advocate for a greater quality of life for aging and handicapped residents by encouraging a range of housing options which will support and promote a greater well-being and quality of life.”

### III. West Virginia State Policy

Beyond Jefferson County, the state of West Virginia has actually made state policy addressing these very same issues.

#### WV Code Article 5D    TAB B

##### **§16-5D-1. Purpose.**

(a) It is the policy of this state to encourage and promote the development and utilization of resources to ensure the effective care and treatment of persons who are dependent upon the services of others by reason of physical or mental impairment who may require limited and intermittent nursing care, including those individuals who qualify for and are receiving services coordinated by a licensed hospice. Such care and treatment requires a living environment for such persons which, to the extent practicable, will approximate a normal home environment. To this end, the guiding principle for administration of the laws of the state is that such persons shall be encouraged and assisted in securing necessary care and treatment in noninstitutional surroundings.

(b) In recognition that for many such persons effective care and treatment can only be secured from proprietary, voluntary and governmental assisted living residences, it is the policy of this state to encourage, promote and require the maintenance of assisted living residences so as to ensure protection of the rights and dignity of those using the services of assisted living residences.

West Virginia Code at §16-5D-2. Definitions.

(1) "Assisted living residence" means any living facility, residence, or place of accommodation, however named, available for four or more residents, in this state which is advertised, offered, maintained, or operated by the ownership or management, whether for a consideration or not, for the express or implied purpose of having personal assistance or supervision, or both, provided to any residents therein who are dependent upon the services of others by reason of physical or mental impairment and who may also require nursing care at a level that is not greater than limited and intermittent nursing care; Provided, That the care or treatment in a household, whether for compensation or not, of any person related by blood or marriage, within the degree of consanguinity of second cousin to the head of the household, or his or her spouse, may not be deemed to constitute an assisted living residence within the meaning of this article. Nothing contained in this article applies to hospitals, as defined under §16-5B-1 of this code; or state institutions, as defined under §25-1-3 or §27-1-6 of this code; or residential care homes operated by the federal government or the state; or institutions operated for the treatment and care of alcoholic patients; or offices of physicians; or hotels, boarding homes, or other similar places that furnish to their guests only room and board; or to homes or asylums operated by fraternal orders pursuant to §35-3-1 et seq. of this code; **TAB A**

(6) "Limited and intermittent nursing care" means direct hands-on nursing care of an individual who needs no more than two hours of nursing care per day for a period of time no longer than 90 consecutive days per episode; Provided, That such time limitations shall not apply to an individual who, after having established a residence in an assisted living residence, subsequently qualifies for and receives services coordinated by a licensed hospice and such time limitations shall not apply to home health services provided by a Medicare-certified home health agency. Limited and intermittent nursing care may only be provided by or under the supervision of a registered professional nurse and in accordance with rules proposed by the secretary for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code."

Individuals whose needs exceed the limits of intermittent nursing care must be placed in other than assisted living residences, such as skilled nursing facilities, formerly known as nursing homes.

By definition, The WV Office of Health Facility Licensure and Certification defines an assisted living residence as "a housing alternative for older adults who may need help with dressing, bathing, eating and toileting, but do not require the intensive medical and nursing care provided in nursing homes". **TAB C**

#### IV. Elder Care Service Types and Shortages of Care

A. To fully understand our request, it is important for us to explain and define some terms. Assisted living facilities, nursing homes, skilled nursing and other similar terms are not interchangeable. They are in fact very different services delivered in very different environments to populations with very different conditions and needs. **TAB Mc**

Generally, senior living communities fall into 1 of 4 categories: independent living, assisted living, memory care and skilled nursing, once referred to as a "nursing home", seen today as an antiquated term. Assisted living services are delivered in a non-clinical environment, offering help with activities of daily living (ADLs) such as eating, grooming, bathing, toileting, mobility and transferring; diet and nutritional services, and medication support. Activities are planned, such as holiday celebrations, and other amenities within the residence are offered for social enjoyment. Elderly people can often feel

isolated or alone and find great companionship in assisted living residences. The vast majority of residents eventually need higher levels of care and transition to nursing homes, now known as skilled nursing facilities.

A nursing home, or skilled nursing facility, offers the highest level of care possible outside of a hospital. Nursing homes deliver 24 hour care to people with complex medical conditions and need hands-on monitoring assistance. These residents are often confined to a bed and are there long-term to receive comprehensive healthcare interventions, such as medication injections, feeding tubes, IV's and infection care. Physicians and nurses are on the premises as well as other medical professionals such as occupational therapists, speech therapists, and medical equipment, such as Xray machines, are typical. The extensive medical services within a nursing home are why the cost of this care is significantly higher than assisted living.

Songbird House is not seeking licensure within WV for a nursing home, and we do recognize the Jefferson County Zoning Ordinance simply does not have a category for assisted living residence and thus has categorized Songbird House as a nursing home. The distinction is important to understand that our residents are not severely ill, are not receiving medical care beyond basic medications, but just cannot live independently.

B. Whether one is seeking assisted living or skilled nursing, there are great shortages in the availability of care nationwide as well as in West Virginia and Jefferson County. It is not surprising that it is the policy of WV to promote assisted living residences in a normal home environment in noninstitutional surroundings especially considering these national issues, and even here in Jefferson County, of shortages for senior care. For example:

- Forbes Magazine, October 2022 article stated TAB E
  - "The assisted living industry is in crisis. There simply aren't enough communities to house the rising number of seniors who need them."
  - "Researchers say the number of people age 85+ will triple by 2060. The solution for ensuring they have access to comfortable housing they can afford is not simple, but it presents an unprecedented opportunity for the business community building more facilities to meet this demand."
- A May 2023 survey of 425 nursing home providers by the American Health Care Association showed 48 % of nursing homes have a wait list for prospective patients/residents. **TAB F**
- A shortage of beds has forced hospitals to keep patients longer, cited by National Public Radio interview in October 2022 with health care professionals in Vermont. **TAB G**
- In April 2023, Relias Media interviewed officials at the Veterans Administration about the shortage of nursing home beds and the need for creative solutions. **TAB G**
  - "The nursing home crisis of too few beds...is expected to continue for the foreseeable future. Case managers....and care leaders need to find alternative solutions that will keep patients safe and avoid unnecessary hospitalizations."
- The American Health Care Association and National Center for Assisted Living (AHCA/NCAL), which represents more than 14,000 nursing homes and long term care facilities released a report in August 2023 stating economic reasons "are forcing nursing homes to limit admissions, down size or even close entirely, leaving tens of thousands of

vulnerable residents displaced, and countless prospective residents and families in desperate search of care.” **TAB H**

- The shortage of beds in Minnesota is forcing residents to stay in hospitals longer, as cited in “Skilled Nursing News” April 2023. **TAB I**
- All of this has risen to national attention as the Biden Administration is taking action as outlined in the State of the Union address earlier this year to “protect seniors lives” and “enhance access to home and community based-services”, among many other initiatives. **TAB J**

**V. Population and Capacity of Beds for Elder Care**

Our application/presentation includes additional data on the aging population and availability of beds and care within assisted living residences in WV and Jefferson County. According to the US Census Bureau, as of July 2022, the population of WV is 1,775,156 with 21.2% over the age of 65, equating to 376,333 elderly persons. **TAB K**

1. Jefferson County, the 8<sup>th</sup> most populous of WV 55 counties, with a total population of 58,979 residents, 17.6% over the age of 65, which is 10,380 elderly residents. **TAB L**
2. Using data from the WV Office of Health Facility Licensure and Certification, **TAB M**

WV Total State Small Assisted Living Residences	27	334 beds
Large ALRs	60	3,215 beds
Legally Unlicensed Home (<3 beds)	42	126 beds
<b>TOTAL</b>	<b>129</b>	<b>3,675 beds</b>

The top 7 most populous counties of WV combined provide 1,669 of the state total 3,215 assisted living beds.

Eleven counties, all less populated than Jefferson, combined provide the remaining 1,546 beds across the state.

Jefferson County has 0 small residences, 0 large residences and only 1 LUH for a total of 3 beds.

3. There are 122 nursing homes in WV with a total of 10,744 beds, and only 3 nursing homes are in Jefferson County with 244 beds.

	<u># Nursing Homes</u>	<u># Beds</u>
WV	122	10,744
Jefferson	3	244

## VI. Cost Comparisons of Assisted Living vs. Nursing Homes

According to Genworth Financial, a major long term care insurance company, the monthly cost for a nursing homes is almost double that of assisted living residences, largely because they are medical facilities and assisted living residences are not. **TAB N.**

Genworth Financial also reports that in 2021, the median cost for in-home care with a home health aide was \$61,776, with the average hourly rate from \$19 in West Virginia to \$36 in Minnesota, a national average of \$27. There is no expectation that costs will reduce in the future. Elderly populations have few choices due limited and reduced numbers of beds in nursing homes, waiting lists for beds, unaffordable in home care with home health aides. Assisted living residences offer more affordability than nursing homes, provide home-like environments, and non-institutional surroundings (yet are controlled and regulated by the state **TAB O**

## VII. Songbird House LLC Specifics regarding 1163 Gardners Lane, Shepherdstown WV

The following is a brief description of the property facts and operational notions of Songbird House.

### 1. Property Characteristics

- a. Residence to maintain its residential purpose as alternative housing for up to 32 elderly occupants who cannot live independently. This is compatible for its current use as a residence and does not change the residential or neighborhood character.
- b. The property is under contract contingent upon approval of this CUP. This ranch house has 9800 sq ft, 17 rooms, 3 fireplaces, exterior patios, garden, pool and playset for visiting children/grandchildren. There is a detached garage for parking as well as the 2 entrance driveway that circles the front of the property. The property has a fenced in pool and mature trees on a 6.6 acre lot. **TAB S**

### 2. Why this property well suited for an Assisted Living Residence?

- c. Features that make this property ideal include more than 9,800 ft<sup>2</sup> across 5 social spaces of a living room, dining room, and great room, and huge recreation room. An established garden for farm to table organic produce is a truly unique feature for the ALR purpose.
- d. Peaceful, natural surroundings are a stress free environment.
- e. Over 6 acres of beautifully landscaped property, with mature trees, a pool, patios and playsets for young ones coming to visit.

### 2. CUP Section 6.3.A.2 Compatible in Intensity and Scale with existing potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare:

There is already a good deal of travelling activity along Gardners Lane for current business purposes and future development plans, some of which is already underway. The

assisted living residence is compatible with the scale and intensity of land uses on the adjoining and nearby properties. For example:

- Already approved are the new Elementary and Middle Schools to be built at the end of Gardner's Lane on the end that hits Route 230.
- A large development is already underway on the other end of Morgan Grove near the park.
- One neighbor ran a roofing business from their property.
- Another neighbor ran daycare/childcare activities from the property.
- Across the street from us, the Zoning board approved for the Developers who recently acquired it to break the 20 acre piece into four to add three more potential home sites.
- On the other side of one neighbor's is a longstanding Small Engine repair shop.

Further, we offer the following to address the additional elements of this criteria:

1. No damage to public interests at all.
  - a. There is benefit to the public interests
    - i. There is profound need for senior care
    - ii. WV policy recognizes this as well, encouraging care delivered in a normal home environment in non-institutional surroundings
    - iii. The surplus from our garden and fruit trees will be shared with the community through food bank donations, partnering with local groups such as the boy scouts to help harvest and donate. **TAB T**
2. No damage to any public property at all as there is no public property adjacent to or touching our property boundaries.
3. There will be no exterior signage or advertising visible from the exterior.

**CUP Section 6.3A.3 Proposed development shall be such that the use will not hinder Nor discourage the appropriate development and use of the adjacent land and buildings**

4. No nuisance concerns
  - b. Residents are quiet
  - c. No commercial or excessive traffic
    - i. No food delivery/suppliers as we shop ourselves, grow in our garden, and the onsite Executive Chef prepares all meals fresh every day in the residence.
    - ii. No laundry service trucks as we do our own laundry in house
    - iii. No commercial trash as we compost, recycle, repurpose, and will use Apple Valley Waste in the same fashion as the neighborhood
    - iv. State review staff are scheduled to inspect only once per year
    - v. No moving trucks with resident belongings/furnishings as we are a fully furnished turned key residence, a unique business model for assisted living.
    - vi. The only vehicles accessing the property are normal passenger cars.

- vii. No traffic from “customers” as we have none. Visiting hours are limited, brief, not every day, and do not extend into any time of day generally considered as “quiet hours”

**CUP Section 6.3A.6 For properties in the rural zoning district, roadway adequacy shall be assessed**

We have already made contact with the Department of Highways for the entrance permit, but note, there is no construction necessary to access this property from Gardners Lane. **TAB XYZ**

**Trip Generation Data**

Parking: Caregivers are 4-6 per day (**TAB U**) , and the property has sufficient parking in its expansive driveway and garage for caregivers and visitors. In addition, for benchmarking purposes only, if we compared our property use to a cottage industry as shown at TAB U, our projected trip data is less. The property is not within a neighborhood and is accessed directly from the main road, Gardners Lane, Rt 16/1.

- d. With 9,800 ft<sup>2</sup> and 1 parking space per 400 ft<sup>2</sup>, we do have ample space on the 6.6 acre lot, expansive driveway and garage for 25 parking spaces. However, as we are not a retail store with customers or deliveries, and 25 parking spaces exceeds the licensing requirements for parking. With parking of 1:5 for residents (although highly unlikely residents will have vehicles) and 6-7 staff, licensing only requires 14 spaces. We do recognize the need for visitor parking and intend to provide ample visitor parking, but 25 spaces is excessive for our particular purpose. We do respectfully request some relaxation of the parking requirement to a level more suitable for our purpose and not a general standard.
- e. Property picture, description, floorplan (Tab S) , and septic system information is provided showing the useable drainfield area is 10,000 sq ft, ten times greater than the current system designed for the property. There is sufficient area to expand the septic system. We have contracted with a Jefferson County certified septic installer and begun to assess the property for a system expansion.
- f. This tab also includes Google earth photos to show surrounding property uses nearby along Gardners Lane. **TAB V**

**CUP Section 6.3A.4 Neighborhood character and surrounding property values shall be safeguarded by requiring the implementation of landscaping buffer requirements.**

There is already very dense foliage and wooded area, at least 20 meters, between the property and the nearest neighbor. We are not adding any buildings to the lot nor any expansions to the property. If additional landscape buffering is deemed necessary, we will add to the existing landscaping.

**CUP Section 6.3A.5 Commercial Uses shall be in conformance with Section 8.9 of this ordinance**

- g. Nothing about elderly residents or the lifestyle within the residence will produce offensive odors, noise, dirt, gases, pollution, debris, vibrations, bright exterior lights to impact neighbors.
  - h. No nuisance objects have been or will be added to the property, such as satellite dishes or cell towers nor fixed installation of any equipment or machinery will occur at the property.
  - i. There is no construction noise from backing up trucks or machinery, no industrial pollution.
  - j. Our septic installer has already confirmed our property size is sufficient to expand the septic system to meet our purpose as well as sufficient space for a reserve or replacement system of the same size. We intend to follow all the guidance and protocols for proper use and maintenance of our septic system, and intend to exceed the recommended standards for frequency of emptying the septic tank.
1. Songbird House is abiding by all WV regulations for licensing as an Assisted Living Residence.

**Trip Data; Songbird House Assisted Living Residence at 1163 Gardners Lane Shepherdstown**

<u>Time of Day</u>	<u># Cars Leave/Arrive</u>	<u>Purpose</u>	<u>Day of Week</u>
7am	4	Caregiver Staff	Mon-Sun
3pm	4	Caregiver Staff	Mon-Sun
11pm	4	Caregiver Staff	Mon-Sun
Noon-3pm	3	Visitors	Mon, Wed, Fri
Noon-6pm	5	Visitors	Sunday

Visitation schedules may be coordinated with families such that the residence is not overwhelmed with visitors or the quality of visiting is less than desired. Visitation for compassionate care will increase this schedule depending on residents needs and circumstances.

Note: For benchmarking purposes only, a cottage industry IAW Section 4A.5 Zoning Ordinance

A. Can have up to 4 non-resident employees working at the property

E. Excluding employee commuting, 15 business related vehicle visits per day with no more than 60 visits per week are allowed.

Compared to a cottage industry:

	<u>Employees Commuting</u>	<u>Visits Per Day</u>	<u>Visits Per Week</u>
Songbird House	12	1-3	1-8
Cottage Industry	4	15	60

# ADDENDUM

## Trip Data; Songbird House Assisted Living Residence at 1163 Gardners Lane Shepherdstown

<u>Time of Day</u>	<u># Cars Leave/Arrive</u>	<u>Purpose</u>	<u>Day of Week</u>
7am	4 arrive and 4 leave	Caregiver Staff	Mon-Sun
3pm	4 arrive and 4 leave	Caregiver Staff	Mon-Sun
11pm	4 arrive and 4 leave	Caregiver Staff	Mon-Sun
Noon-3pm	3	Visitors	Mon, Wed, Fri
Noon-6pm	5	Visitors	Sunday

There are 4 caregivers on duty for 3 8 hr shifts in a 24 hr period. As the shift changes, 4 cars leave, and 4 cars arrive. There are 12 staff members in total, 4 per shift.

Visitation schedules may be coordinated with families such that the residence is not overwhelmed with visitors or the quality of visiting is less than desired. Visitation for compassionate care will increase this schedule depending on residents needs and circumstances.

Note: For benchmarking purposes only, a cottage industry IAW Section 4A.5 Zoning Ordinance

- A. Can have up to 4 non-resident employees working at the property
- E. Excluding employee commuting, 15 business related vehicle visits per day with no more than 60 visits per week are allowed.

Compared to a cottage industry:

	<u>Employees Commuting</u>	<u>Visits Per Day</u>	<u>Visits Per Week</u>
Songbird House	12	1-3	1-8
Cottage Industry	4	15	60

# WV Real Estate Assessment Data



[About](#)
[New Search](#)
[Structure Drawing](#)

Parcel ID 19-09-0013-0021-0008 Tax Year 2023 County Jefferson Date 1/11/2024  
 Root PID 19090013002100080000

## Property Owner and Mailing Address

Owner(s) REMEMBRANCE BIBLES INC  
 Mailing Address PO BOX 2021, MARTINSBURG, WV 25402

## Property Location

Physical Address 442 GARDNERS LANE  
 E-911 Address 442 GARDNERS LN Shenandoah Junction WV 25443  
 Parcel ID 19-09-0013-0021-0008  
 County 19 - Jefferson  
 District 9 - Shepherdstown District  
 Map [0013](#) (Click for PDF tax map)  
 Parcel No. 0021  
 Parcel Suffix 0008  
 Map View Link <https://mapwv.gov/parcel/?pid=19-09-0013-0021-0008>

## General Information

Tax Class	Book / Page	<u>Deeded</u> Acres	<u>Calculated</u> Acres	Legal Description
3	1121 / 727	1.030	0.94	RESIDUE,FOUTZ & LT A-1 DOMER (1.03 AC)
			0.94	

## Cost Value

Dwelling Value \$22,900  
 Other Bldg/Yard Values \$29,860  
 Commercial Value ---

## Appraisal Value

Land Appraisal \$72,300  
 Building Appraisal \$52,800  
 Total Appraisal \$125,100

## Building Information

Property Class R - Residential  
 Land Use 108 - Mobile Home  
 Sum of Structure Areas 384

# WV Real Estate Assessment Data



[About](#) | 
 [New Search](#) | 
 [Structure Drawing](#)

Parcel ID 19-09-0013-0022-0005 Tax Year 2023 County Jefferson Date 1/11/2024  
 Root PID 19090013002200050000

## Property Owner and Mailing Address

Owner(s) MAY CRYSTAL M  
 Mailing Address 341 GARDNERS LN, SHEPHERDSTOWN, WV 25443

## Property Location

Physical Address 341 GARDNERS LANE  
 E-911 Address 341 GARDNERS LN Shepherdstown WV 25443  
 Parcel ID 19-09-0013-0022-0005  
 County 19 - Jefferson  
 District 9 - Shepherdstown District  
 Map [0013](#) (Click for PDF tax map)  
 Parcel No. 0022  
 Parcel Suffix 0005  
 Map View Link <https://mapwv.gov/parcel/?pid=19-09-0013-0022-0005>

## General Information

Tax Class	Book / Page	<u>Deeded Acres</u>	<u>Calculated Acres</u>	Legal Description
2	954 / 72	1.330	1.38	1 1/3 AC MORGAN, JONES
			1.38	

## Cost Value

Dwelling Value \$103,300  
 Other Bldg/Yard Values \$1,240  
 Commercial Value ---

## Appraisal Value

Land Appraisal \$101,100  
 Building Appraisal \$104,500  
 Total Appraisal \$205,600

## Building Information

Property Class R - Residential  
 Land Use 101 - Residential 1 Family  
 Sum of Structure Areas 1,056

# WV Real Estate Assessment Data



[About](#) | 
 [New Search](#) | 
 [Structure Drawing](#)

**Parcel ID** 19-09-0013-0021-0006    **Tax Year** 2023    **County** Jefferson    **Date** 1/11/2024  
**Root PID** 19090013002100060000

## Property Owner and Mailing Address

**Owner(s)** CROUSE ANTHONY W & SANDRA L  
**Mailing Address** 614 GARDNER LN, SHEPHERDSTOWN, WV 25443

## Property Location

**Physical Address** 614 GARDNERS LANE  
**E-911 Address** See end of report for listing of multiple E-911 addresses for this parcel  
**Parcel ID** 19-09-0013-0021-0006  
**County** 19 - Jefferson  
**District** 9 - Shepherdstown District  
**Map** [0013](#) (Click for PDF tax map)  
**Parcel No.** 0021  
**Parcel Suffix** 0006  
**Map View Link** <https://mapwv.gov/parcel/?pid=19-09-0013-0021-0006>

## General Information

Tax Class	Book / Page	<u>Deeded Acres</u>	<u>Calculated Acres</u>	Legal Description
2	973 / 607	0.930	1.02	RESIDUE (.93 AC) CROUSE-WENG #7077
			1.02	

## Cost Value

**Dwelling Value** \$86,700  
**Other Bldg/Yard Values** \$68,210  
**Commercial Value** ---

## Appraisal Value

**Land Appraisal** \$69,200  
**Building Appraisal** \$155,200  
**Total Appraisal** \$224,400

## Building Information

**Property Class** R - Residential  
**Land Use** 101 - Residential 1 Family  
**Sum of Structure Areas** 1,792

# WV Real Estate Assessment Data



[About](#) [New Search](#) [Structure Drawing](#)

Parcel ID 19-09-0017-0009-0009 Tax Year 2023 County Jefferson Date 1/11/2024  
Root PID 19090017000900090000

## Property Owner and Mailing Address

Owner(s) GEORGE KRISTIE A  
Mailing Address PO BOX 1895, SHEPHERDSTOWN, WV 25443

## Property Location

Physical Address 1243 GARDNERS LANE  
E-911 Address 1243 GARDNERS LN Shepherdstown WV 25443  
Parcel ID 19-09-0017-0009-0009  
County 19 - Jefferson  
District 9 - Shepherdstown District  
Map [0017](#) (Click for PDF tax map)  
Parcel No. 0009  
Parcel Suffix 0009  
Map View Link <https://mapwv.gov/parcel/?pid=19-09-0017-0009-0009>

## General Information

Tax Class	Book / Page	<a href="#">Deeded Acres</a>	<a href="#">Calculated Acres</a>	Legal Description
2	1011 / 14	5.570	<u>5.58</u> 5.58	5.57 AC GEORGE

## Cost Value

Dwelling Value \$453,000  
Other Bldg/Yard Values \$33,920  
Commercial Value ---

## Appraisal Value

Land Appraisal \$159,000  
Building Appraisal \$486,900  
Total Appraisal \$645,900

## Building Information

Property Class R - Residential  
Land Use 101 - Residential 1 Family  
Sum of Structure Areas 4,768



***ENVISION JEFFERSON 2035***  
***Comprehensive Plan***



**Jefferson County, West Virginia**

*Adopted: January 14, 2015*

*Amended: April 12, 2022*

The Plan would not be as complete and forward thinking as it is were it not for the 2 ½ years of dedicated hours by citizen volunteers and staff efforts as well as considerable public input into the process. The Plan includes numerous recommendations and implementation strategies which will need to be pursued over the coming years. By adopting this Plan, the County Commission demonstrates the County's commitment to the implementation of the Plan. Adoption of the Plan does not begin the implementation of any item nor does it legally obligate the County to implement any particular recommendation. The implementation will require specific actions by the County Commission, the Planning Commission, the County's Departments and contingency agencies, non-profit associations, community organizations, and the residents of Jefferson County. *The Envision Jefferson 2035 Comprehensive Plan provides a vision and map for the long-term future of Jefferson County and implementation of its recommendations will be a critical next step.*

### History of Planning in Jefferson County

During the 1950s and early 1960s, citizens in the County saw the Federal Government acquire Harpers Ferry's historic structures and express interest in using the banks of the Shenandoah and Potomac Rivers for a national parkway. Fifty miles to the east, the Washington, D.C. and Baltimore, MD Metropolitan Areas were growing rapidly, as were most major urban areas on the eastern seaboard, and projections showed that eventually growth would move into Jefferson County. With the development of Dulles International Airport, citizens recognized this as a magnet for growth that could affect the County.

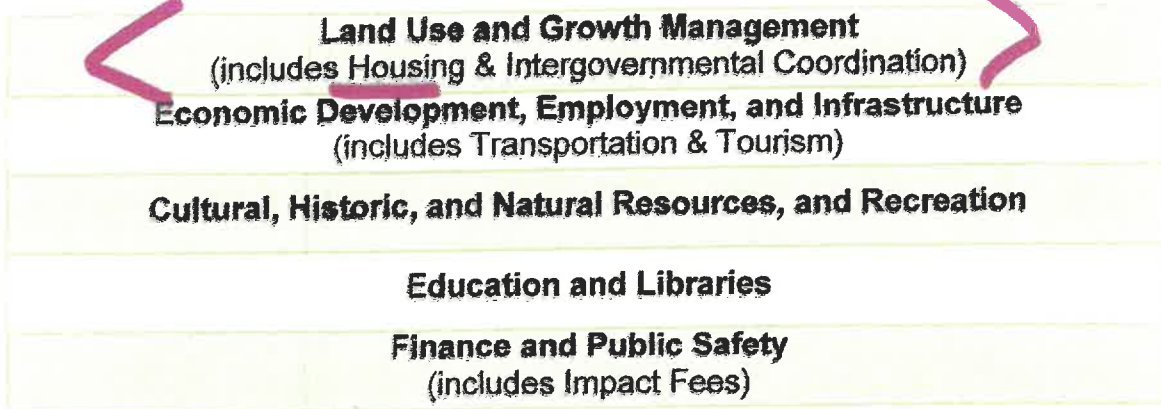
Citizen groups petitioned the Jefferson County Commission to appoint a Planning Commission and in March 1967 the first Planning Commission was selected. With the assistance of Federal funds, the Planning Commission hired a consultant to prepare a Comprehensive Plan in 1968 as a blueprint for future growth in the County. The Comprehensive Plan was formally adopted in June 1972, along with the County's first Subdivision Ordinance. This Ordinance was substantially revised, first in 1973 and again in 1979.

In July 1985, the Planning Commission appointed a Citizen Advisory Committee to help update the 1968 Comprehensive Plan. Working independently with the help of State and County staff, the Committee completed that task at the end of 1986, and the document was approved by the County Commission in December 1986.

Both the 1968 and 1986 Comprehensive Plans called for zoning to be implemented. In 1973, the Planning Commission began preparing a Zoning Plan for the County. In May 1976, the Zoning Plan was placed on the ballot for public referendum and was defeated. In implementing the 1986 Comprehensive Plan, a flexible zoning system was proposed. In 1988, zoning was adopted in Jefferson County which included the Land Evaluation and Site Assessment (LESA) point system which permitted denser developments in rural areas if urban level amenities were within a certain distance.

## GOALS AND OBJECTIVES

A key element of any land use planning document is the development of a statement of realistic Goals and Objectives which lay the groundwork for the recommendations and implementation strategies of the vision. As the planning process progressed, the Steering Committee grouped goals and recommendations into the following five broad elements which provide the framework for the Plan.



The Goals and Objectives of the *Envision Jefferson 2035 Comprehensive Plan* can be found in Appendix D. The Goals and Objectives were developed after the existing conditions (data and trends analysis) and issues analysis were completed and were agreed upon by the County Commission to provide direction to the Steering Committee as they continued the public input process for the purpose of developing the Recommendations of this Plan. As the Recommendations were developed, occasionally a strategy identified in the Goals and Objectives may have been determined by the County Commission to require a modification and the Recommendations may appear in conflict with the Goals and Objectives. If such conflict exists, the Recommendations are the final product of the Plan and are to be relied upon to provide guidance to the Planning Commission and County Commission in their land use and development decision making process. As such, the Goals and Objectives are a resource that reflects the evolution of the thought processes throughout the development of this Plan, but the Recommendations specify the end goal.

The five elements incorporate the components that are required and/or recommended by WV Code 8A. The components are:

**Required:** Land Use, Housing, Transportation, Infrastructure, Public Services, Rural, Recreation, Economic Development, Community Design, Preferred Development Areas, Renewal and/or Redevelopment, Financing, and Historic Preservation.

**Recommended:** History, Environmental, Tourism, Conservation, Safety, and Natural Resource(s).

A comprehensive planning document generally covers a twenty year planning horizon and is intended to reach beyond current physical, political, and institutional

constraints. The process of developing goals begins with an examination of existing conditions related to each of the categories listed above and the analysis of issues and opportunities throughout the County. The most important sources for the draft Goals and Objectives were public input from four public meetings conducted in 2013, results of an online survey available countywide, and discussion and submitted comments from the Steering Committee. For additional information related to the Existing Conditions and Public Involvement and Outreach, see Appendices B and C.

The previous four Comprehensive Plans for Jefferson County were policy based planning efforts. The *Envision Jefferson 2035 Comprehensive Plan* includes the creation of recommendations and related maps, including land use maps, which are the fundamental elements and are based on future needs and projected actions. The Future Land Use Guide will need to be viewed in conjunction with the recommendations found in the Plan when reviewing a variety of land use decisions. Foldout versions of all the maps are found in Appendix F.

One of the key concepts that a Comprehensive Plan addresses through its Future Land Use Map or Guide is the location of new development within the County. As the cost of maintaining and providing services and utilities increases, there is a need to target infrastructure and community service investments in these areas that will support new growth. The Future Land Development Map (as shown on page 15) provides a broad overview of these concepts. In Jefferson County, there are four broad types of land use activity which are identified and discussed in this Plan:

- Urban Growth Boundaries (UGBs), Charles Town and Ranson, which are locations within Jefferson County where urban scale development is anticipated over the planning horizon of Envision Jefferson 2035. Shepherdstown's adopted Growth Management Boundary (GMB) is not anticipated to have urban scale development if it remains in the unincorporated area. Therefore, the use of the term UGB throughout this document refers to the Charles Town and Ranson UGBs only.
- Six identified Preferred Growth Areas (PGAs) which are also locations within Jefferson County where urban scale development is to be targeted over the planning horizon of this Plan and a seventh PGA identified for Residential Areas identified for low and medium density residential detached housing.
- Rural/Agricultural Areas, where the Plan recommends that non-urban scale development occur and where the rural/agricultural economy is to be enhanced and promoted.
- Eight Village communities that can host increased growth, planned commercial services, and infrastructure development.

A larger version of the Future Land Development Map is available in Appendix F – Maps.

The remaining roadways are privately owned and are maintained by the residents of a community, by owners of properties adjoining a roadway, or by members of a Homeowners Association (HOA).

Since West Virginia county governments have little control over the roadways in their jurisdiction, planning for interconnectivity of developments requires creative solutions. HOAs are reluctant to allow automobile traffic that is not generated by the subdivision to utilize their road system because they are not contributing to the maintenance costs. When an accident occurs where there is not interconnectivity, drivers are unable to be rerouted away from the main roads/entrances and rescue vehicles are forced to work through the stalled traffic to get to the accident site. Conversely, in a more connected development, the side streets would serve as a valve to the main roadway while also being used as a way for rescue vehicles to get to an accident site.

With this in mind, it is important for Jefferson County to work with the West Virginia Division of Highways, land developers, and homeowners associations in order to be in a position to better connect neighborhoods via an enhanced street network including walking, biking, or trail paths and to provide for a more efficient public utility system. Additional information regarding transportation can be found in the "Economic Development, Employment, and Infrastructure Element (includes Transportation)" on page 64.

### **Redevelopment**

There are numerous examples, both locally and nationally, of existing buildings that have been repurposed and retrofitted to meet modern needs. Examples range from large barns that have been repurposed for small local business or into apartment buildings to factories that have been reutilized as mixed-use facilities incorporating housing, offices and retail. More modern buildings have been repurposed as churches, schools, or public libraries with the ability for adaptive reuses presenting many applications.

In many cases, the repurposing of a building not only benefits the community by redefining the fabric of a neighborhood, but tends to be less costly than new construction once financial incentives are factored into the total cost. The reuse of older buildings also benefits the environment by retaining a building that might otherwise end in a landfill, saving the use of new building materials, and not developing on existing farmland or open space. With abandoned or underutilized structures, the concept of reutilization and revitalization is something that should be explored; however, at times the State Building Code makes rehabilitation of existing structures difficult.

In some areas of Jefferson County there are buildings that may avail themselves to be converted into residential structures. While some, like the upper levels of stores in the municipalities and villages are available, other buildings, such as former warehouses and other such structures and barns, require additional creativity to recognize as potential dwellings. By providing guidance and directing potential developers to

### **Rural/Agricultural Areas**

Rural/Agricultural properties outside the UGBs and PGAs are allowed to develop using the "by right" standard of one lot per 15 acres and a cluster development of one lot per ten acres. Over the past number of years, the Zoning Ordinance has been amended to allow many additional uses in the Rural District to promote more rural agricultural uses and value added operations. The 2008 Subdivision and Land Development Regulations have been amended to reduce the site improvement standards for rural business. This Plan proposes that a holistic review of Rural zoned properties should occur that would allow for greater scope and variety of agriculture related activities and rural recreation. It should be noted that regardless of location, whether in an UGB, GMB, or PGA, all Rural zoned properties shall be permitted to undertake the activities noted above. Additionally, this Plan proposes that the Zoning Ordinance be reviewed and amended to consider a higher density for rural/agricultural lots utilizing the cluster provision instead of allowing rural residential developments via the Condition Use Permit process.

***Land Evaluation Site Assessment (LESA)  
also known as the  
Conditional Use Permit (CUP) process  
outside the UGB or PGA***

Currently, any land use not listed as a Principal Permitted Use in the Zoning Ordinance may be proposed on any property utilizing the LESA/CUP process. 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.

It is expected that urban level residential and non-residential development (and redevelopment efforts) will focus in the UGBs and identified PGAs in the next two decades. In addition, it is anticipated that the bulk of new investment by public entities will take place in these areas over the 20-year timeframe of this Plan.

### **Retention of Existing Zoning Map Classifications**

As part of the Envision Jefferson 2035 process, there are no zoning map amendments (rezoning requests) or reductions in existing zoning rights proposed by the County. The existing zoning on any property in the County will not be affected by this process. This Plan, including the Future Land Use Guide, does not propose to reduce the rights of any property owner. The Plan and the Future Land Use Guide propose to retain vested property rights which are reflected by the Future Land Use designations. The Future Land Use Guide includes a depiction of the Growth Area Boundary that was included on the Study Area Map of the *2004 Comprehensive Plan*.

operations where the public is invited to the site and should reflect scale and intensity of use. It should be noted that there are a variety of state and national regulatory agencies that review the safety and quality of products and consumable goods created on the farm. As such, there are limits to local ability to address certain agricultural issues.

Prevalent in discussions with Jefferson County's agricultural communities was the desire to have more flexibility in the types of uses and activities that take place on their properties. While there has been an increase in the number of farms in Jefferson County in recent years, many of the farms provide a limited income from farming activities. In 2007, 28% of all farm operators reported an income of more than \$10,000 from agricultural activities; however, in 2012 that number improved with 42% of all farm operators reporting an income of more than \$10,000 from agricultural activities, according to the U.S. Agricultural Census. As a result, many farm operators are in the position of working the equivalent of multiple full time jobs (the job that pays for the farm, as well as the work needed to continue operations of the farm). By having additional flexibility in uses and operations, farm operators might be able to continue to have a viable business while devoting more time and resources to on-site needs, instead of having to work off-site to pay for the farm.

### **The Artisan Community**

Numerous artisans have discovered the natural beauty and rural qualities of Jefferson County. These artisans have established studios or cottages in the rural areas of the County, drawing visitors to their workshops, festivals, and other events where the artists are able to show and sell their work.

In comparison to farm operators, artisans operating studios on rural properties have a different set of concerns and typically function as small or limited cottage industries. However, the ability for artisans to expand their businesses on their home sites, to offer complementary businesses, or to manage larger scale temporary events may not be permitted under existing zoning and land use regulations. When amendments to these regulations are considered, scale and intensity should be taken into consideration. Since some of these operations take place in or adjacent to residential developments, special attention should be paid to the neighbors' concerns and environmental issues. Additional information regarding the artisan community can be found in the Economic Development, Employment, and Infrastructure Element.

### **Existing Neighborhoods in the Rural Environment**

While most of the land outside of the Urban Growth Boundaries and/or Preferred Growth Area is zoned as Rural, several pockets of large lot development and rural residential subdivisions coexist within the County's rural agricultural areas. Home sites in these subdivisions typically have larger lot sizes than in subdivisions in the existing Residential Growth (RG) Zoning District or subdivisions served by water and sewer, but are of a smaller scale than the farms that surround them. Homes in the large lot developments and rural residential subdivisions are typically served by private well

and septic systems, with a limited probability that public services will be extended to these properties in the future. The preservation of the quality of life and rural lifestyle for existing and future residents is of great importance for property owners in these communities.

The following recommendations address the needs of the agricultural community, artisan community and the rural environment.

**Rural Land Use Planning Recommendations (Goal 2)**

1.	Recognize the rights and viability of existing rural residential neighborhoods.
	a. Balance artisan, home occupation, and cottage industry rights with the maintenance of the character of rural neighborhoods by considering the size and scope of all activities within designated rural neighborhoods.
2.	Allow and promote a greater range of agricultural and/or artisan uses within the rural areas on existing farmlands to incentivize the expansion of the rural economy within Jefferson County.
	a. Collaborate with key stakeholders in the agricultural community to update the County's zoning and land use recommendations to broaden the range of permitted complementary and accessory on-farm uses.
	b. Identify types of farm activities that may be successful based on the soils on individual properties and the proximity of Jefferson County to relevant markets.
3.	Revise existing Jefferson County land use requirements and site plan standards to reduce regulatory barriers related to agricultural and/or artisan operations.
	a. Revise local regulations to balance production and marketing of artisan or agricultural products on-site, considering the individual use, size, and scale of the operation as appropriate to the property site.
	b. Waive or modify the roads, parking, and stormwater regulations on farms for on-site production and marketing enterprises, to the extent possible.
4.	Protect the viability of agricultural lands and wildlife corridors by encouraging the utilization of cluster subdivisions as the preferred form of residential development within rural areas.
	a. Allow residential development outside of the Urban Growth Boundaries or Preferred Growth Areas to develop only as rural cluster subdivisions, in accordance with existing land use rights.
	b. 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.

	<p>c. Amend the Zoning Ordinance density provisions related to Cluster Developments to utilize a higher density such as one unit per five acres, with provisions for a maximum lot size and a mandatory retention of a set percentage of the original tract in agricultural uses, open space, and/or forest/woods, instead of allowing for rural residential development to occur using the LESA/CUP system.</p>
	<p>d. Amend the Subdivision Regulations to permit a Cluster Development of any size to process as a minor subdivision, provided that the subdivision standards shall apply.</p>
	<p>e. Encourage the creation of subdivisions that incorporate working farmland or community gardens in Development Supported Agriculture programs.</p>
	<p>f. Consider amending the provision in the Jefferson County Zoning and Land Development Ordinance related to the transfer of land between parent and child to include other family members, such as sibling to sibling.</p>
5.	<p>Encourage a variety of mechanisms to protect existing farmlands, key farm buildings, and scenic corridors within Jefferson County.</p>
	<p>a. Identify funding sources for farmland protection which could come from local, state and federal sources in addition to fundraising opportunities.</p>
6.	<p>Involve members of the agricultural community in planning and land use decisions related to rural lands within Jefferson County.</p>
	<p>a. Establish collaborative and interactive mechanisms for the Planning and Zoning staff and economic development officials to coordinate with the agriculture community that will enable the farming community's input in the planning and zoning process.</p>
7.	<p>Explore policies in concert with the Public Service District (PSD) and municipalities regarding rural water and sewer infrastructure.</p>
	<p>a. Explore legislative options that would allow equitable distribution of cost sharing with entire development community along with rate paying base (i.e. Capital Improvement Fees).</p>

## 1.E. Housing

A significant amount of data related to the state of housing in Jefferson County can be found in the separate document titled *Existing Conditions of the Envision Jefferson 2035 Comprehensive Plan*. An abbreviated summary of the Existing Conditions can be found in Appendix B – Existing Conditions.

Jefferson County experienced significant housing growth in the 1970's (55% increase in housing units) resulting in the creation of a Planning Commission and implementation of Subdivision Regulations. Since 1980, the County's number of housing units has grown at a rate of 20-26% per decade. Below is a map of minor and major (conventional) subdivisions in Jefferson County. A larger version of this map can be found in Appendix F – Maps, along with a subdivision map showing housing developments by each decade. A minor subdivision is defined as any subdivision with two lots and a Residue or less prior to October 2008 and any subdivision with four lots and a Residue or less after October 2008. A major (conventional) subdivision is defined as any subdivision with three lots and a Residue prior to October 2008 and five lots and a residue after October 2008.

This section provides an overview on the available buildable lots in the County, the impact that location has on housing demand and prices, the affordability of housing, issues related to lifecycle housing and home maintenance, as well as delineating recommendations and implementation strategies to support the Goals and Objectives.

**Washington D.C. Area Housing Affordability  
2013 Median Home Sales Price (by County)**

Washington, D.C.	\$475,000
<b>Inner Ring Counties</b>	
Montgomery County, MD	\$400,000
Alexandria, VA	\$485,000
Arlington County, VA	\$525,000
Prince George's County, MD	\$197,000
<b>Outer Ring Counties</b>	
Howard County, MD	\$385,000
Fairfax County, VA	\$455,000
Loudoun County, VA	\$419,000
Prince William County VA	\$309,900
Frederick County, MD	\$268,500
<b>Outlying Areas</b>	
Clarke County, VA	\$319,000
Frederick County, VA	\$204,750
<b>Berkeley and Jefferson Counties, West Virginia</b>	
Jefferson County, WV	\$192,750
Berkeley County, WV	\$140,000

Source: Real Estate Business Intelligence from MLS data

While Jefferson County has seen growth in the number of detached single family homes over the decades, the changing demographics of Jefferson County have indicated a need for a wide range of housing options. This would be a change from the existing development pattern in Jefferson County and would encourage developers, neighborhoods, and residents to be more creative and open to alternative housing concepts and designs.

**Housing Affordability**

In Jefferson County, an in-migration pattern has served to increase home prices while limiting affordable housing options for long-time and current residents employed in Jefferson County. Over 90% of all housing units in Jefferson County are single family detached units which also affects the ability to provide affordable housing options.

Affordable Housing can generally be defined as decent, safe and sanitary shelter, of adequate size so as to not cause overcrowding, and does not require any more than 30% of a household's annual gross income.

transportation impacts from additional residents in a neighborhood. Accessory dwellings should be built to blend into the neighborhood, allowing homeowners to have additional flexibility to house family members that might need to live in their home for a long-term period.

### **Lifecycle and Accessible Housing**

As the baby boomer generation ages over the next several decades, there will be an increased demand for housing options that will allow seniors and the disabled to live within their communities and lessen the need for these groups to live in age-segregated and/or institutional settings. A significant amount of input was received during the Envision Jefferson 2035 process that indicated that Jefferson County must prepare for its aging population and provide options to allow successful aging-in-place residential opportunities. As Jefferson County becomes a community more largely made up of older residents, there is concern that a large portion of current county residents may not be able to continue to reside in the County. This is due to a variety of factors, including the following:

- a. The lack of existing housing or neighborhoods built to accommodate handicapped living requirements;
- b. The lack of transitional elder housing/communities which allow a resident to transition from an independent living (with/without supportive medical and maintenance services), to assisted living support, and ultimately to skilled nursing care;
- c. The lack of adaptable public transportation services that would enable the elder/aging population to continue economic and community participation without relying on personal automobiles.

The County can advocate for a greater quality of life for aging and handicapped residents by encouraging a range of housing options which will support and promote a greater well-being and quality of life, including viable employment opportunities. This can be done through the incorporation of universal design features into homes such as lower lighting switches, wide hallways that can accommodate a walker or wheelchair, and handholds along walls and in bathtubs or by incorporating a second, separate dwelling space within the same footprint of a home. It can also provide options for extended families to live under one roof while retaining a sense of freedom for younger or older residents.

By taking these steps, it is possible to lower living costs for the elderly or disabled individuals. The high costs of nursing or full-time assisted care facilities can quickly strip away the life savings of a family. Many of the issues that might arise from a change in surroundings and a loss of independence can quickly destroy the mental and physical state of an individual.





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## FACILITY TYPE INFORMATION

### ASSISTED LIVING RESIDENCE

A housing alternative for older adults who may need help with dressing, bathing, eating, and toileting, but do not require the intensive medical and nursing care provided in nursing homes.




Click here for a detailed classification of assisted living residences.

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**Rules & Regulations****Code of Federal Regulations**

Name	Title Part
No federal regulations related to selection.	

**West Virginia Code of State Rules**

Name	Title-Series
Assisted Living Residences	64-14

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FORBES + SMALL BUSINESS

# The Crisis And Opportunity In The Assisted Living Shortage

Paul Griffin Forbes Councils Member  
Forbes Business Council COUNCIL POST | Membership (Fee-Based)

Oct 14, 2022, 09:30am EST

*Paul Griffin III, CEO at Griffin Living, an award-winning real estate development firm specializing in innovative senior living communities.*



GETTY

The assisted living industry is in *crisis*. There simply aren't enough communities to house the rising number of seniors who need them. And just like any other business, when demand outpaces supply, prices *skyrocket*, which has left millions of American families making tough choices about caring for their elder loved ones.

Our seniors deserve better than an uncertain future, and the problem is only expected to get worse as the Baby Boomer generation continues to age. Researchers say the number of people 85+ will triple by 2060. The solution for ensuring they have access to comfortable housing they can afford is not simple, but it presents an unprecedented opportunity for the business community — building more facilities to meet this demand.

## The Roots Of The Assisted Living Shortage

The assisted living shortage is a many-faceted problem that has only been exacerbated by the Covid-19 pandemic. During the pandemic, our economy effectively ground to a halt, with labor shortages, supply chain issues, and the general economic slump slowing development projects. However, people didn't stop aging.

Now, the economy has opened up, but assisted living developers are still dealing with residual supply chain issues and labor shortages. Facilities aren't being constructed fast enough to meet demand — there are about a million units on the market right now for about 70 million Baby Boomers. The number of people in that demographic who require two or more daily care tasks (medication management, cleaning, etc) and qualify for assisted living is constantly growing. With inflation at a 40-year high, builders and managers of assisted living facilities are absorbing enormous costs for everything from borrowing money to buying supplies. Those extra costs are rolling downhill, passing to regular families whose wages have stagnated.

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In short, it costs more than ever to house a person in assisted living, but families have less than ever to pay those costs.

### Regular Americans Are Getting Pummeled

One of the most commonly asked questions when prospective residents tour one of our assisted living facilities is "What happens if I run out of money?"

Right now, the average cost of senior living facilities in the United States stands at \$44,880 per year. Compare this figure with the 2020 median household income of \$67,521, and it's easy to see why families struggle to afford assisted living for their parents or grandparents. Seniors have mostly fixed incomes (even if social security adjusts with inflation), which means it's even more difficult to pay for their own costs, and some may carry guilt over putting this undue burden on their children. Long-term care insurance usually does not cover assisted living, so most people pay for assisted living care with private funds.

In their fear of running out of money, many seniors are making the dangerous decision to live at home longer without the care and daily oversight they need. They view assisted living as more of a last resort, something to put off as long as possible because it costs so much.

Some seniors opt to move straight into nursing homes, which are generally partially funded by health insurance or Medicare. While this may be a solution, it forces people who would be content with the freedom and comfort of assisted living into a nursing facility with more restrictions, sicker neighbors and fewer freedoms. When the question becomes trading quality of life for elder care, especially for our grandparents and elders who have contributed so much to the world, something needs to change.

### Solving The Assisted Living Crisis Is An Opportunity For Developers

The crisis in the assisted living industry presents an incredible opportunity for developers and investors willing to step in and deal with the headaches required to build and manage more facilities. With projections that the number of people over age 85 will triple by 2060, assisted living investors, developers, and operators may have the potential to see significant profits by building more facilities now.

With more facilities available, the equilibrium in supply and demand will bring down prices for assisted living care to more digestible levels for families with average incomes. Senior living development and management present a golden opportunity in business — to do well by doing good by building the kind of housing for our seniors that we would want for ourselves and our loved ones.

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Paul Griffin III, CEO at [Griffin Living](#), an award-winning real estate development firm specializing in innovative senior living communities. [Read Paul Griffin's...](#) [Read More](#)

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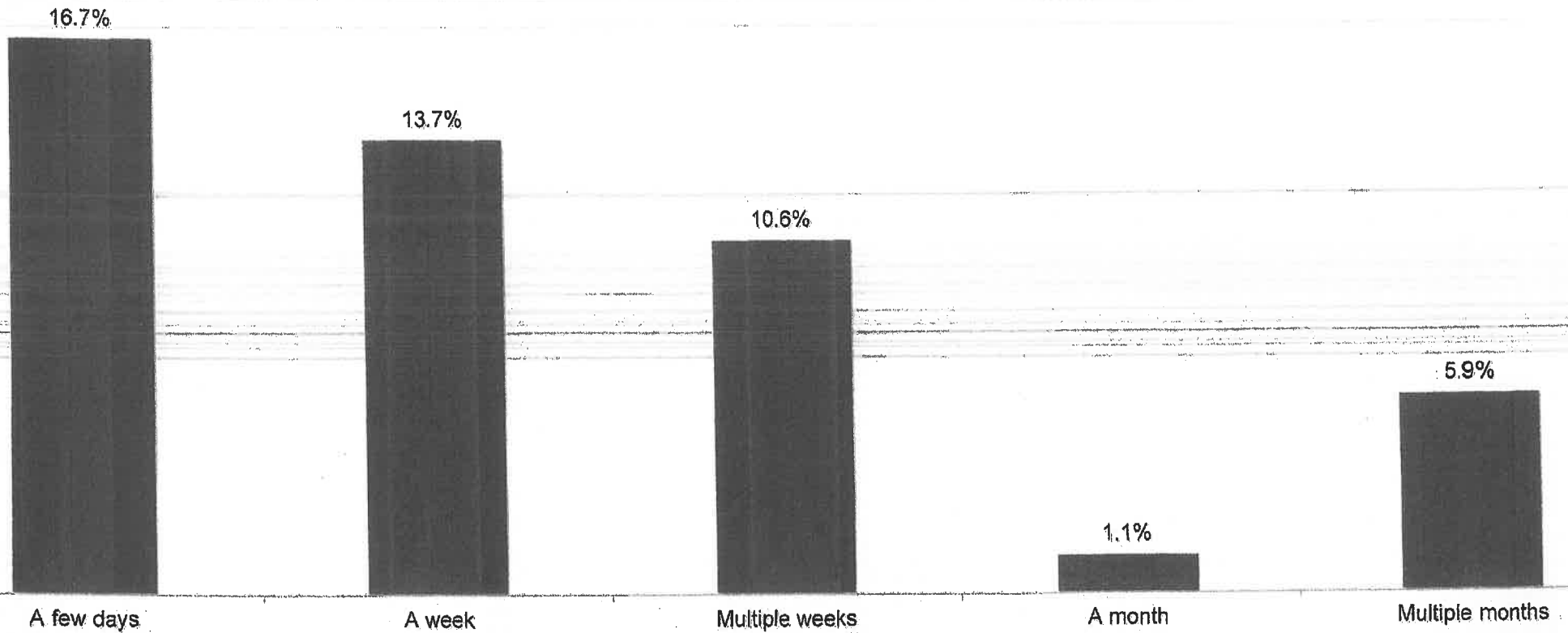
# State of the Nursing Home Industry

Survey of 425 nursing home providers highlights  
persistent staffing and economic crisis

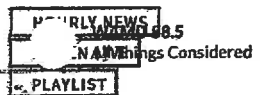
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## 48% of nursing homes have a waiting list for prospective residents/patients of at least a few days

On average, how long is your waiting list for prospective residents/patients?







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# < Limited nursing home beds force hospitals to keep patients longer

December 7, 2022 · 5:00 AM ET

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STEVE INSKEEP, HOST:

The nationwide shortage of nursing home staff also means a shortage of care. Nursing homes cannot take on as many residents, and that means many people who should be moving into nursing homes instead spend more time stuck in hospitals. Vermont Public's Nina Keck reports.

NINA KECK, BYLINE: Kathy Dick is a retired nurse who lives in Sudbury, Vt. She remembers when she first began to worry about a close friend.

KATHY DICK: She was taking a couple of us out for lunch, and she couldn't figure out how to pay the bill.

KECK: Her friend was in her mid-70s, had no children and lived alone. Signs of dementia became more frequent, and Dick worried because her friend also had diabetes and hypertension.

DICK: And it became obvious to me that she was not functioning well and just was deteriorating before my eyes.

KECK: Her friend ended up in the emergency department multiple times, and long-term care became the only option. But finding an available bed took months. Meanwhile, her friend stayed in the hospital. Kathleen Boyd says this is not a new problem. Boyd directs care management at Rutland Regional Medical Center.

KATHLEEN BOYD: This is a growing concern not just in Vermont but all over the country because people are living longer.

KECK: She says on any given day, they have five to 10 patients waiting in the hospital for long-term care. Not all have dementia; some have serious psychiatric disorders or are impaired because of substance abuse or traumatic brain injury. Some may have been homeless, incarcerated or violent. Boyd says they come to the emergency department for valid reasons, but once they're stabilized, she says insurance won't pay for their care anymore, and long-term care is hard to find.

BOYD: Because the facilities will look at the documentation, and they will say, we don't have the staff to be able to monitor and manage this potentially agitated individual.

KECK: While nursing homes can say no, hospitals can't. Many end up caring for patients like this for weeks, months, sometimes even years. With little to no reimbursement, it's costing hospitals millions and pushing up health care prices for everyone.

STEPHEN LEFFLER: It's a huge, huge issue.

KECK: Dr. Stephen Leffler is president of the University of Vermont Medical Center.

LEFFLER: I was on one of our floors on Friday rounding, and more than 40% of the patients on one floor were all waiting for nursing home placement.

KECK: That means fewer beds are available for others needing hospital care.

LEFFLER: I'm an ER doctor by training. Nothing bothers me more than people who - their doctors said, you need to go to the academic medical center. And we've said, yes, you do, but we can't take you right now. For most of my career, that almost never happened. It happens every single day now.

KECK: And it's happening at hospitals all over the country. More than 30 medical organizations, including the American Medical Association, wrote an impassioned letter to President Biden last month, calling the situation a public health emergency. Low wages and workforce shortages exacerbated by the pandemic are at the heart of this problem. Many skilled long-term care facilities have had to hire more costly traveling nurses, straining already tight budgets. That's forced many nursing homes to take beds offline. Medicaid pays for the majority of nursing home patients in the U.S., and a number of states have increased reimbursement rates and provided additional funding. But so far, it's not enough.

For NPR News, I'm Nina Keck in Chittenden, Vt.

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# Shortage of Nursing Home Beds Prompts Creative Solutions

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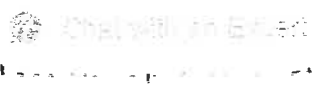
Aberrant Conduction?

By **Melinda Young**

The nursing home crises of too few beds and not enough staff is expected to continue for the foreseeable future. Case managers, discharge planners, and transition of care leaders need to find alternative solutions that will keep patients safe and avoid unnecessary hospitalizations.

The results of recent research into a population of veterans shows what can work when a nursing home bed is not an option or when the patient does not want to go there — which has occurred more often since the COVID-19 crisis began in 2020.

Researchers found a stark decline in VA patients transitioned to nursing homes during the pandemic, partly due to fewer beds and patients' fear of COVID-19.<sup>1</sup>

"What we've heard from our case managers is veterans were stating a clear preference for staying in a nursing home," says **Portia Y. Cornell, PhD, MSPH**, lead study author and an associate professor at the University of Michigan. 

health services, policy, and practice at Brown University. "At that point, a case manager has to figure out where the veteran is going to get care."

## Alternate Options

Alternative options include a home care program and telehealth. "What a case manager needs to do is pool all of those resources. It can be a little more complicated than finding a nursing home bed," Cornell says.

The following are Cornell's suggestions for how case managers can find the best alternative post-discharge resources for patients:

- **Caregiver support services.** The VA offers a home care program that provides caregiver support and training. Some caregivers are even eligible for cash benefits, depending on the veteran's service record and disability.

A monthly stipend for caregivers can help them afford to stay home with the patient, since they often give up a job to do so. A caregiver support program can provide training, mentoring, phone follow-up, and emotional support for patients' caregivers.

The idea is to support patients by also supporting the well-being of the people who are taking care of them. "It's complicated to take care of someone who has dementia, or to learn how to transport someone out of bed," Cornell says.

A caregiver program could provide one-on-one coaching, online educational programs, video health, and phone support. Some states provide caregiver support services and cash benefits through Medicaid, but they are not as comprehensive or generous as the VA's program.

- **Phone support.** "The VA has an ongoing initiative to expand access to telehealth for veterans," Cornell says. "That includes telehealth from home with a tablet or computer."

Another telehealth option is to visit a local outpatient clinic and meet with specialists via a phone/video connection at the clinic.

"Before the 2020 pandemic took off, the VA was already doing a lot of things to expand access to telehealth," Cornell explains.

 Chat with an Expert

In March 2020, the VA issued a nationwide directive, canceling all non-urgent in-person appointments. This forced providers to pivot quickly to telehealth services. "If anyone had not figured out how to use the new system and how to use telehealth, they had to learn very quickly," Cornell says. "Whatever they needed to do, they did it."

Telehealth encounters expanded to all disciplines and have become more broadly available. If patients cannot access a computer or tablet for video calls, then health systems can provide one.

"Even if a veteran doesn't have a smartphone, tablet, or computer, the VA can help with that as well. It's part of bridging the digital divide," Cornell says. Since patients may live in remote and rural areas without high-speed internet access, it also is important to maintain phone support as a tool, she adds.

- **Home care services.** Patients living at home also may need medical and non-medical assistance, such as housekeeping services, wheelchair ramp installation, and other home modifications. These may require community resources or finding a home care agency that also can provide help with cooking, cleaning, bathing, and dressing.

"The VA has funds for both skilled home care and homemaker services," Cornell says. Other payers may not provide much assistance for these.

There also are capacity and access barriers to home care services in the pandemic era.

"Anecdotally, the need went up for home health services, but the capacity didn't go up," Cornell says. "The VA programs that offer those supports saw a lot of interest and did what they could, but in the short term they could only do so much. The VA is investing more and more into home-based care."

The goal for every case manager is to ensure any care transition is good for patients. "That can only happen if home support and caregiver support are adequate," Cornell notes. "They need equipment, and to understand infection control."

There always will be patients who need 24-hour skilled nursing care, and they need access to nursing home services. But alternatives can work for many patients. "The VA is looking at how they can support home-based programs and community-based programs like assisted living," Cornell says.

- Patients should receive care in the most home-like setting possible, where they can preserve their independence, she adds.

## REFERENCE

- Cornell PY, Magid KH, Corneau E, et al. Decline in veterans' admissions to nursing homes during COVID-19: Fewer beds, more fear, and finding alternative care settings. *J Am Med Dir Assoc* 2023;S1525-8610(22)00999-9.



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# New Report Finds Access To Nursing Home Care A Growing Crisis

## Nearly 450,000 Residents At Risk Of Displacement Under Federal Staffing Mandate

RESEARCH AND DATA    WORKFORCE

Released: August 23, 2023

[AHCAPressOffice@ahca.org](mailto:AHCAPressOffice@ahca.org)

**WASHINGTON, D.C.** — The American Health Care Association and National Center for Assisted Living (AHCA/NCAL), representing more than 14,000 nursing homes and other long term care facilities across the country that provide care to approximately five million people each year, released a data-backed report today that illustrates the growing access to care crisis within the nursing home sector.

Nationwide labor shortages, coupled with inflation and chronic government underfunding, have forced nursing homes to limit admissions, downsize or even close entirely – leaving tens of thousands of vulnerable residents displaced, and countless prospective residents and families in desperate search of care.

**The report reveals that during the pandemic, an overall decline in the number of nursing homes accelerated by nearly four times. Specifically, from 2020 to present:**

- 579 nursing homes closed.
- More than 21,000 residents have been displaced by closures.
- 30 more U.S. counties became nursing home deserts.
- Two out of five closures had four- or five-star ratings.
- Only three new nursing homes have opened in 2023, compared to an average of 64 each year between 2020 and 2022.

**Additionally, the report highlights a survey of nursing home providers from June 2023, which found that due to ongoing labor shortages:**

- Fifty-five percent of nursing homes are turning away prospective residents and patients.
- Forty-eight percent of nursing homes have waitlists spanning at least a few days.
- Twenty-one percent of nursing homes are downsizing beds or units, and 24 percent have closed a wing, unit or floor because of labor shortages.

During the pandemic, nursing homes lost more of their workforce than any other health care sector—approximately 15 percent or 250,000 workers. While most other health care sectors have largely rebounded, nursing homes are not projected to return to pre-pandemic workforce levels until 2026.

“Too many of our nation’s seniors are having to look farther and wait longer for the long term and post-acute care they need. These are sobering numbers and should serve as a wake-up call to policymakers to help nursing homes rebuild,” said **Mark Parkinson, president and CEO of AHCA/NCAL**.

As nursing homes struggle to overcome labor shortages and stay afloat, the Biden Administration is expected to propose a federal staffing mandate, currently without corresponding funding or workforce development programs. The report notes a December 2022 analysis by CLA, which found that **nearly 450,000 nursing home residents are at risk of displacement** if facilities cannot increase their workforce and must reduce their census to comply with an arbitrary staffing ratio.

“With a growing elderly population, federal policymakers are at a crossroads in terms of how we address this access to care crisis,” **continued Parkinson**. “If they proceed with unfunded staffing mandates, this situation will only get worse. Instead, we need comprehensive policies and meaningful investments that will address the caregiver shortage and protect access to high-quality nursing home care.”

AHCA has long advocated for common-sense solutions and laid out several in its Care for Our Seniors Act. Among them are proper Medicaid funding, as well as numerous programs that will attract and retain caregivers and build a strong workforce.

View the full Access to Care Report [HERE](#).

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# Shortage of Skilled Nursing Beds, Best Buy Effect, Managed Care Growth Accelerate SNF-at-Home

By Tim McInerney | October 27, 2023

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Like many markets across the country, the Twin Cities in Minnesota are confronting a reduction in skilled nursing beds, which is forcing patients to remain in hospitals for longer periods of time — with skilled nursing-at-home gaining momentum as a solution to these discharge pressures.

“The average length-of-stay on the hospital side is eight days for patients waiting for a SNF bed, whereas those with SNF-at-home go home in three days — that tells you that this is solving a problem we have in Minnesota, where there are not enough SNF

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programs, and has enabled Twin Cities health system Allina Health to conduct more than 5,000 home-based acute care episodes, according to a press release issued last week. The "majority" of those are SNF-at-home episodes, Crist told SNN, with about 30% of Inbound's patients avoiding a hospitalization and the remainder avoiding a SNF stay.

Inbound is poised to expand in new markets, while another significant hospital-at-home player — Contessa Health — is likewise seeing growth.

Contessa, which is part of home health giant Amedisys (Nasdaq: AMED), does not have hard data on how hospital length-of-stay correlates with SNF-at-home episodes. But Amedisys is hearing anecdotally of discharge pressures that are increasing length of stay, Chairman and outgoing CEO Paul Kusserow and Contessa Health Vice President, Strategy & Development Kendall Hagood told SNN.

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## FACT SHEET: Biden-Harris Administration Takes Steps to Crack Down on Nursing Homes that Endanger Resident Safety

*Biden Administration Delivers on the President's State of the Union Promise with Proposed Federal Minimum Staffing Requirements, Tougher Enforcement Initiatives, and Efforts to Expand Nursing Workforce*

The nursing home industry receives nearly \$100 billion annually from American taxpayers, yet too many nursing homes chronically understaff their facilities—resulting in poor, substandard care that endangers residents. When nursing homes stretch workers too thin, residents may be forced to go without basic necessities like hot meals and regular baths, or even forced to lie in wet and soiled diapers for hours.

Residents also suffer avoidable injuries like falls and bedsores. Workers become burnt out from the daily struggle to deliver the quality care they know their residents deserve. During the pandemic, over 200,000 nursing home residents and workers died—around one-fifth of all COVID-19 deaths in the United States.

President Biden is committed to building a long-term care system where all seniors can age with dignity, where people with disabilities can receive high-quality services and supports in the setting of their choice, and where there is a pipeline of direct care workers into good-paying jobs with the free and fair choice to join a union. In his State of the Union address, President Biden pledged that his Administration would “protect seniors’ lives and life savings by cracking down on nursing homes that commit fraud, endanger patient safety, or prescribe drugs they don’t need.”

In April, President Biden signed an Executive Order on Increasing Access to High-Quality Care and Supporting Caregivers, a first of its kind, government-wide commitment to support caregivers, direct care workers, and families

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caring for children, people with disabilities, and aging loved ones. The Executive Order carries forward Department of Health and Human Services (HHS) actions to enhance access to home and community-based services, raise wages for and retain direct care workers, help residents smoothly transition back home from nursing homes, and advance a government-wide strategy to lift up family caregivers. It also builds on the President's 2024 budget request for a \$150 billion transformative investment in home care.

Today, the Biden-Harris Administration is following through on the President's commitment to nursing home residents and their families. HHS is announcing important new steps to crack down on nursing homes that endanger resident safety:

- **The Centers for Medicare & Medicaid Services (CMS) is proposing a rule to set a federal floor for staffing levels, so that nursing home owners could not slash staffing to unsafe levels.** If finalized, the proposal would require every facility to have a Registered Nurse on site 24/7, to have a certain minimum number of registered nurses and nurse aides to help provide routine care, and to staff according to resident needs based on a robust assessment of the facility's residents. To ensure affected nursing homes have ample time to hire necessary staff, CMS is proposing that the minimum staffing requirements go into effect in phases.
- To improve nursing home safety in the short-term, **CMS is also announcing new efforts to improve enforcement of existing staffing standards, which currently require nursing homes to provide "sufficient" staffing and eight hours per day of Registered Nurse care.** These actions will help address substandard care and strengthen accountability even before the new minimum staffing requirements come into effect.
- **The HHS Office of the Inspector General (HHS-OIG) is also undertaking important oversight of nursing home performance,** examining nursing home spending of taxpayer funds, inappropriate prescribing of antipsychotic medications, and emergency preparedness planning by facilities.

In addition, HHS is announcing new steps to help expand the nursing workforce:

- **CMS, in partnership with the Health Resources and Services Administration (HRSA), is announcing a national nursing career pathways campaign.** The campaign will help recruit, train, retain, and transition workers into nursing home careers as nursing staff. **This plan will invest over \$75 million in scholarships and tuition reimbursement.**

Today's announcement builds on steps taken by the Administration over the past few years to support nursing home residents and workers. These efforts also align with the Administration's continued support for care at home, including significant investments in home and community-based services.

### **Setting a Minimum Federal Floor for Safe Levels of Nursing Home Staffing**

Staffing levels at nursing homes are closely linked to quality of care. For instance, a study of one state's nursing facilities showed that even a 20-minute increase in staffing per resident day from a Registered Nurse was associated with 22% fewer cases of COVID-19 and 26% fewer COVID-related deaths in nursing homes. Other studies similarly find that higher staffing is associated with better quality of patient care and patient health outcomes. Chronic understaffing disproportionately affects facilities serving a higher share of residents from certain racial and ethnic groups. In recent years, there has been a disturbing trend towards private equity firms and other large corporate owners purchasing nursing homes and slashing levels of staff as a way to maximize profits.

Research suggests the result is more illness and more deaths in those homes. For example, a working paper examining 18,000 nursing home facilities between 2000 and 2017 found that private equity ownership increased excess mortality for residents by 10%, increased prescription of antipsychotic drugs for residents by 50%, decreased hours of frontline nursing staffing by 3%, and increased taxpayer spending per resident by 11%. The study implies an additional 20,150 lives lost as a result of private equity ownership.

Based on a multi-faceted approach aimed at determining the minimum level and type of staffing needed to ensure long-term care facilities have a workforce sufficient for resident safety and well-being, **CMS is proposing a rule to set a federal floor for staffing levels.** Under the proposed rule, if finalized:

- Nursing facilities must have a Registered Nurse on site around-the-clock. The academic literature has repeatedly found that having a trained professional on site 24/7 is important for improving nursing home safety. Under the proposal, 22% of nursing homes would have to hire Registered Nurses to meet this requirement.
- In addition to having at least one Registered Nurse full-time, nursing homes must provide at least .55 hours (33 minutes) per resident day of care from a Registered Nurse, exceeding standards in nearly all states. Staffing hours per resident per day are the total number of hours worked by each type of staff divided by the total number of residents. This means that a facility with 100 residents would be required to provide a total of 55 Registered Nurse hours over the course of a day. If broken out into 8-hour shifts, this would mean having two Registered Nurses on staff for each 8-hour shift, and a third Registered Nurse for one shift during the day. Under the proposal, 36% of nursing homes would have to hire Registered Nurses to meet the hours per resident day standard after accounting for Registered Nurses hired for the 24/7 requirement.
- Nurse aides are especially critical to safe, quality care. These workers help residents with basic tasks of daily living, like eating, bathing, and going to the bathroom. Under the proposal, nursing homes must provide 2.45 hours (2 hours and 27 minutes) per resident day of care from nurse aides, exceeding standards in all states. This means a nursing home would need roughly ten nurse aides per each 8-hour shift in a facility with 100 residents. Under the proposal, 68% of nursing homes would have to hire nurse aides to meet this requirement.

When accounting for average hours currently worked by other types of workers that are not covered by these standards, this translates to expected nurse staffing of about 3.9 hours per resident per day.

The proposal also makes clear that the numerical staffing levels are a floor—not a ceiling—for safe staffing. Under the proposal, nursing homes would have to undertake a robust assessment of their particular facility, including consulting with workers and their representatives, to determine whether higher levels of staffing and what staff competencies are needed to meet the needs of their particular resident population. Nursing homes caring for residents with more acute needs may well have to hire more workers than the minimum standards in order to provide a safe environment. In addition, state laws with higher staffing requirements would not be preempted.

The federal minimum staffing standards proposed by CMS are robust yet achievable. For example, non-profit nursing homes are about three times as likely as for-profit homes to already provide staffing at or above the proposed levels. We recognize that nursing homes in rural areas may face greater challenges and require greater time to hire additional workforce. To ensure that affected nursing homes have ample time to identify and hire the necessary workers, the proposed rule would give most nursing homes three years to meet the new standard for nurses and nurse aides, and nursing homes located in rural areas would have five years to meet the new standards. To meet the requirement for a Registered Nurse on site 24/7, rural facilities would have three years and all other facilities would have two years.

The proposal includes possible hardship exemptions from the minimum staffing requirements. The need for an exemption must be proven with documentation that demonstrates meaningful efforts to hire workers at prevailing wages, as well as demonstrated financial investments in staffing.

The proposal also increases transparency about how taxpayer dollars are being spent. If finalized as proposed, state Medicaid agencies would need to publicly report the percent of payments for Medicaid-covered services that are spent on compensation for direct care workers and support staff in nursing facilities and intermediate care facilities for individuals with intellectual disabilities.

### **Increasing Nursing Home Accountability**

As the Administration works to implement the new proposed minimum federal floor for staffing, it is also committed to improving nursing home

safety in the immediate-term. That's why today HHS is announcing new efforts to improve enforcement of existing standards. HHS is taking action to:

- **Increase Audits of Nursing Homes' Staffing:** CMS is expanding audits of the direct care staffing data that nursing homes must report to make sure that federal and state inspectors, as well as residents and their families, have accurate information, including through Nursing Home Care Compare, CMS' informational website that families and prospective residents use to learn about facilities.
- **Ensure Taxpayer Dollars Go Toward Safe, High-Quality Care:** HHS-OIG is performing new oversight work to follow the money on how nursing homes spend the taxpayer funds they receive. This will include analysis of how nursing homes may profit at the expense of taxpayers and residents by using services, suppliers, or facilities controlled by parties they own or are otherwise connected to, rather than from vendors who might charge a more competitive price. These "related-party transactions," have not only obscured how taxpayer funds are being used by nursing homes, but also obscure whether profits and payouts to shareholders are prioritized above investments in resident safety and fair wages for workers.
- **Improve Nursing Home Inspections:** CMS will undertake new analyses of state inspection findings to ensure cited deficiencies receive the appropriate consequence, particularly in incidences involving resident harm. These analyses will ensure citations are applied more consistently and reflect the seriousness of the deficiency, permitting appropriate follow-through and enforcement.
- **Crack Down on Inappropriate Antipsychotic Prescribing Practices and Risks:** Grave concerns persist that nursing homes are overprescribing dangerous antipsychotic drugs to residents. To support efforts to reduce the misuse of these powerful medications, HHS-OIG is examining risks at nursing homes that have concerning prescribing practices. This builds on recent actions by CMS to increase oversight of inappropriate use of antipsychotic medication.
- **Enhance Resident Safety During Emergencies:** Nursing home residents are often among the most vulnerable to public health emergencies, and recent emergencies have exposed weaknesses in

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nursing home emergency planning and harm to residents who suffered from inadequate care. The HHS-OIG is undertaking a new effort to improve resident safety during emergencies, including launching a national study of nursing home preparedness and key challenges, and identifying practices to strengthen protections for residents.

The Administration is committed to using its existing authorities to enhance the safety, quality, and accountability of nursing facilities. But Congress also needs to act. **For over eight years, funding for survey and certification programs to conduct health and safety inspections hasn't changed, even as the volume of complaints about nursing homes has risen. That's why the President's 2024 budget called on Congress to adequately fund nursing home inspections.**

### **Growing the Nursing Workforce and Supporting Job Quality**

CMS, in partnership with HRSA, is launching a new nursing home staffing campaign to help workers pursue careers in nursing homes. To bolster recruitment, training, and retention among nursing home workers, CMS will invest over \$75 million in scholarships and tuition reimbursement for nursing workers through the Civil Money Penalty Reinvestment Program. CMS will also work to streamline entry to and raise awareness of rewarding career opportunities in nursing homes.

These new investments are on top of the hundreds of millions of dollars the Administration has made available to invest in training and recruiting nurses and other caregivers. For example:

- The Department of Labor's Nursing Expansion Grant program made nearly \$80 million in grants available to address barriers to training in the nursing workforce and expand our national pipeline of qualified nursing professionals. These funds have been allocated to programs across the country to train healthcare professionals and paraprofessionals, including direct care workers, to advance in their careers and to increase the number of clinical and vocational nursing instructors and educators.
- HRSA has also provided grant funding to increase the number of nursing preceptors—those who supervise nursing students in clinical rotations—

to help support nursing schools in expanding admissions to train more students and providing those students with clinical exposure.

- The American Rescue Plan also supported HRSA's Nurse Corps scholarship and loan repayment program with \$200 million in funding.

Tying together these critical investments, HHS is strengthening the health workforce through its Health Workforce Initiative by connecting skilled health care providers to communities in need through grants, loan repayment, and scholarship programs and helping to build the pipeline of health workers in the most underserved communities.

### **Building on Other Nursing Home Reform Progress**

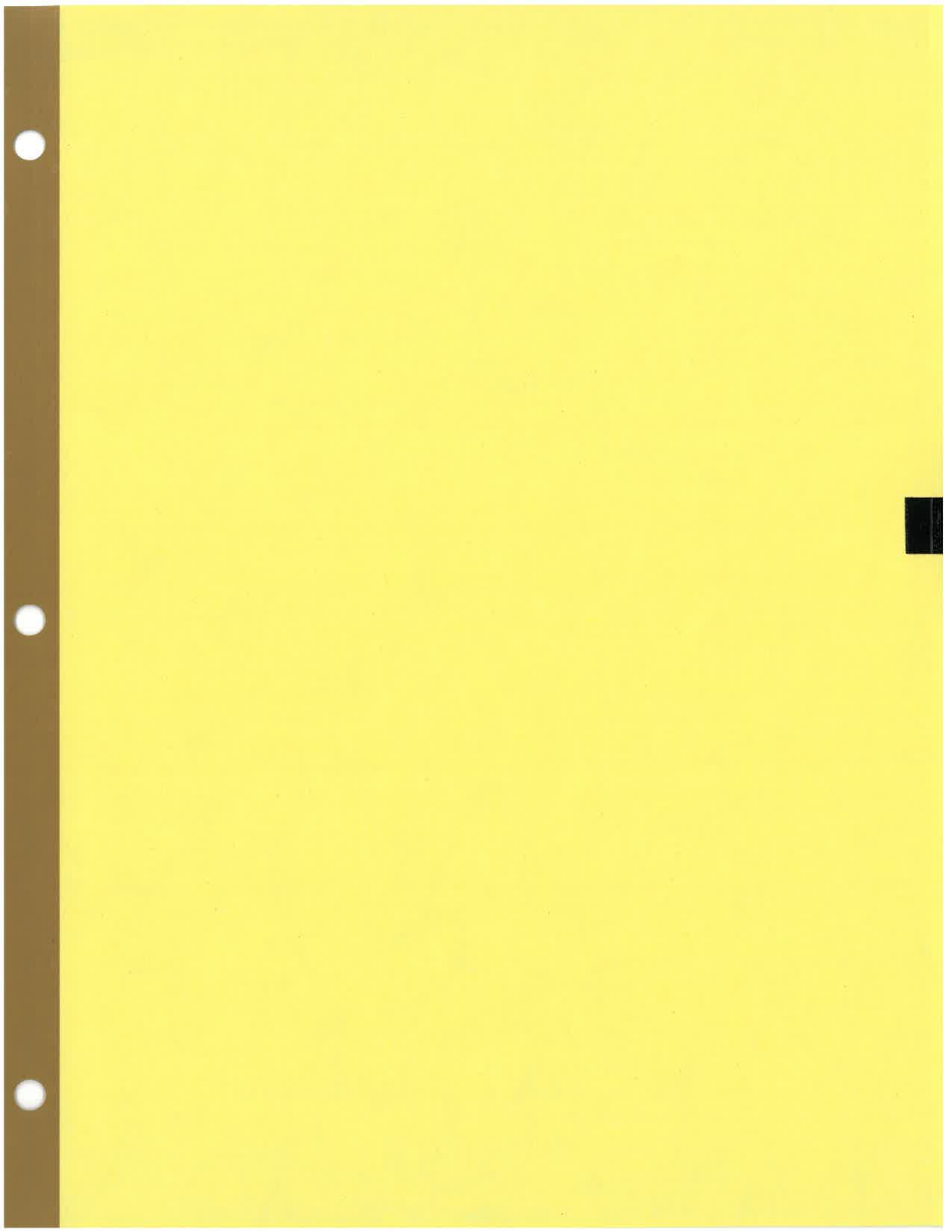
Today's announcement builds on steps taken by the Administration to support nursing home residents and workers in furtherance of the President's Action Plan. These include:

- **Shedding light on ownership and management.** CMS issued a proposed rule requiring nursing homes to disclose additional information about their owners and management, and sets the stage for the disclosure of whether these entities are private equity investors or real estate investment trusts. For the first time, CMS also released data on mergers, acquisitions, ownership changes, and consolidations of Medicare-enrolled hospitals and nursing homes, and data identifying common ownership across facilities.
- **Incentivizing quality performance through Medicare and Medicaid funding.** CMS issued a final rule updating Medicare payment policies and rates for FY 2024, including an over \$1 billion payment increase under the Skilled Nursing Facility (SNF) Prospective Payment System and updates to the Skilled Nursing Facility ("SNF") Quality Reporting Program and the SNF Value-Based Purchasing Program to encourage high-quality care. CMS has also issued a bulletin encouraging states to use their Medicaid authorities to drive better health outcomes for residents and improve staff pay, training, and retention.
- **Strengthening oversight of the worst-performing nursing homes.** CMS implemented escalating penalties and raised the safety standards for homes in the Special Focus Facility program, which provides

oversight for the worst-performing nursing homes. It also enhanced technical assistance to help such facilities improve.

- **Addressing misdiagnosis and overprescribing.** CMS is giving the public more access to information on misdiagnosis of schizophrenia, which can lead to overprescribing of dangerous antipsychotics. CMS is conducting audits of schizophrenia coding by nursing homes and adjusting Care Compare quality ratings based on audit findings involving inaccurate schizophrenia diagnoses.
- **Preventing abuse and Medicare fraud.** CMS issued a final rule requiring nursing home owners to be fingerprinted for federal background checks.
- **Cracking down on illegal debt collection.** CMS and the Consumer Financial Protection Bureau are reinforcing regulations banning facilities from illegally holding families responsible for their loved ones' nursing home debt.
- **Improving pandemic preparedness.** CMS updated guidance to require an infection control specialist be on site at least part-time in nursing homes to improve response to pandemics—not just an off-site consultant as the prior Administration allowed.
- **Improving families' ability to comparison shop.** Caregivers and prospective residents can better choose between facilities based on improvements to the Nursing Home Five-Star Quality Rating System and Care Compare, including new data on turnover, weekend staffing, and charges of violations, as well as owners, affiliated entities, and chains.
- **Increasing vaccination access.** HHS is working to increase COVID-19 vaccination rates for long-term care residents. CMS finalized the adoption of quality measures intended to encourage nursing homes to ensure all residents and workers are up-to-date on their COVID-19 vaccinations. Additionally, CMS recently finalized requirements for nursing homes and other long-term care facilities to offer COVID-19 vaccines to residents and workers and provide education on their benefits.

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## QuickFacts

### West Virginia; Jefferson County, West Virginia

QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

All Topics	West Virginia	Jefferson County, West Virginia
Population Estimates, July 1, 2022, (V2022)	1,775,156	58,979
PEOPLE		
<b>Population</b>		
Population Estimates, July 1, 2022, (V2022)	1,775,156	58,979
Population estimates base, April 1, 2020, (V2022)	1,793,755	57,707
Population, percent change - April 1, 2020 (estimates base) to July 1, 2022, (V2022)	-1.0%	2.2%
Population, Census, April 1, 2020	1,793,716	57,701
Population, Census, April 1, 2010	1,852,994	53,498
<b>Age and Sex</b>		
Persons under 5 years, percent	5.0%	5.0%
Persons under 18 years, percent	19.8%	21.0%
Persons 65 years and over, percent	21.2%	17.6%
Female persons, percent	50.1%	50.0%
<b>Race and Hispanic Origin</b>		
White alone, percent	92.8%	88.0%
Black or African American alone, percent (a)	3.7%	6.4%
American Indian and Alaska Native alone, percent (a)	0.3%	0.4%
Asian alone, percent (b)	0.9%	1.8%
Native Hawaiian and Other Pacific Islander alone, percent (a)	7	0.1%
Two or More Races, percent	2.2%	3.3%
Hispanic or Latino, percent (b)	2.1%	7.0%
White alone, not Hispanic or Latino, percent	91.2%	81.9%
<b>Population Characteristics</b>		
Veterans, 2017-2021	118,598	4,795
Foreign born persons, percent, 2017-2021	1.6%	4.7%


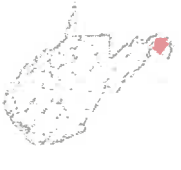




















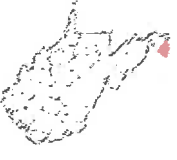















Randolph County is the largest by area at 1,040 square miles (2,694 km<sup>2</sup>), and Hancock County is the smallest at 83 square miles (215 km<sup>2</sup>).<sup>[8]</sup> Kanawha County contributed land to the founding of 12 West Virginia counties<sup>[12]</sup> and has the largest population (175,515 in 2022). Wirt County has the smallest population (5,091 in 2022).<sup>[8]</sup> The oldest county is Hampshire, established in 1754, and the newest is Mingo, established in 1895.<sup>[1]</sup> Spruce Knob, located in Pendleton County, is the state's highest point at 4,863 feet (1,482 m).<sup>[13]</sup> Federal Information Processing Standard (FIPS) codes, which are used by the United States government to identify counties uniquely, are five-digit numbers. For West Virginia, they start with 54 and end with the three-digit county code (for example, Barbour County has FIPS code 54001). Each county's code is provided in the table below, linked to census data for that county.<sup>[14]</sup>

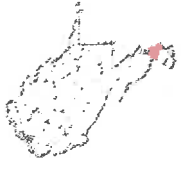


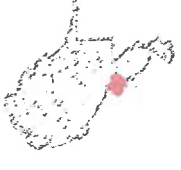



# Counties



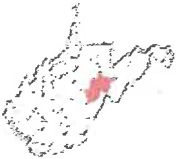
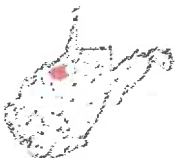




County	FIPS code <sup>[14]</sup>	County seat <sup>[7]</sup>	Est. <sup>[11]</sup>	Origin <sup>[1][12]</sup>	Etymology <sup>[1][12]</sup>	Population <sup>[15]</sup>	Area <sup>[7]</sup>	Map
<b>Barbour County</b>	001 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54001,00">http://www.census.gov/quickfacts/table/PST04521/5/54001,00</a> )	<u>Philippi</u>	<b>1843</b>	Harrison, Lewis, and Randolph counties	Philip P. Barbour (1783–1841) United States Speaker of the House (1821–23)	15,414	341 sq mi (883 km <sup>2</sup> )	
<b>Berkeley County</b>	003 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54003,00">http://www.census.gov/quickfacts/table/PST04521/5/54003,00</a> )	<u>Martinsburg</u>	<b>1772</b>	Frederick County (Virginia)	Norborne Berkeley (1717–70) Royal Governor of Virginia (1768–70)	129,490	321 sq mi (831 km <sup>2</sup> )	
<b>Boone County</b>	005 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54005,00">http://www.census.gov/quickfacts/table/PST04521/5/54005,00</a> )	<u>Madison</u>	<b>1847</b>	Cabell, Kanawha, and Logan counties	Daniel Boone (1734–1820) American frontiersman	20,968	503 sq mi (1,303 km <sup>2</sup> )	
<b>Braxton County</b>	007 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54007,00">http://www.census.gov/quickfacts/table/PST04521/5/54007,00</a> )	<u>Sutton</u>	<b>1838</b>	Kanawha, Lewis, and Nicholas counties	Carter Braxton (1736–97) Signer of the Declaration of Independence	12,185	514 sq mi (1,331 km <sup>2</sup> )	
<b>Brooke County</b>	009 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54009,00">http://www.census.gov/quickfacts/table/PST04521/5/54009,00</a> )	<u>Wellsburg</u>	<b>1796</b>	Ohio County	Robert Brooke (1761–1800) Governor of Virginia (1794–96)	21,733	89 sq mi (231 km <sup>2</sup> )	
<b>Cabell County</b>	011 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54011,00">http://www.census.gov/quickfacts/table/PST04521/5/54011,00</a> )	<u>Huntington</u>	<b>1809</b>	Kanawha County	William H. Cabell (1772–1853) Governor of Virginia (1805–08)	92,730	282 sq mi (730 km <sup>2</sup> )	
<b>Calhoun County</b>	013 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54013,00">http://www.census.gov/quickfacts/table/PST04521/5/54013,00</a> )	<u>Grantsville</u>	<b>1858</b>	Gilmer County	John C. Calhoun (1782–1850) United States Vice President (1825–32)	6,068	281 sq mi (728 km <sup>2</sup> )	
<b>Clay County</b>	015 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54015,00">http://www.census.gov/quickfacts/table/PST04521/5/54015,00</a> )	<u>Clay</u>	<b>1858</b>	Braxton and Nicholas counties	Henry Clay (1777–1852) United States Senator Kentucky (1823–25) United States Speaker of the	7,814	342 sq mi (886 km <sup>2</sup> )	

County	FIPS code <sup>[14]</sup>	County seat <sup>[7]</sup>	Est. <sup>[1]</sup>	Origin <sup>[1][12]</sup>	Etymology <sup>[1][12]</sup>	Population <sup>[15]</sup>	Area <sup>[7]</sup>	Map
<b>Doddridge County</b>	017 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54017,00">http://www.census.gov/quickfacts/table/PST045215/54017,00</a> )	West Union	1845	Harrison, Lewis, Ritchie, and Tyler counties	House (1849–52)	7,898	320 sq mi (829 km <sup>2</sup> )	
<b>Fayette County</b>	019 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54019,00">http://www.census.gov/quickfacts/table/PST045215/54019,00</a> )	Fayetteville	1831	Kanawha, Greenbrier, Logan, and Nicholas counties	Marquis de Lafayette (1757–1834) French-born American Revolutionary War General	39,487	664 sq mi (1,720 km <sup>2</sup> )	
<b>Gilmer County</b>	021 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54021,00">http://www.census.gov/quickfacts/table/PST045215/54021,00</a> )	Glenville	1845	Kanawha and Lewis counties	Thomas Walker Gilmer (1802–44) United States Secretary of the Navy (1844) Governor of Virginia (1840–41)	7,325	340 sq mi (881 km <sup>2</sup> )	
<b>Grant County</b>	023 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54023,00">http://www.census.gov/quickfacts/table/PST045215/54023,00</a> )	Petersburg	1863	Hardy County	Ulysses S. Grant (1822–85) United States President (1869–77)	10,968	477 sq mi (1,235 km <sup>2</sup> )	
<b>Greenbrier County</b>	025 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54025,00">http://www.census.gov/quickfacts/table/PST045215/54025,00</a> )	Lewisburg	1778	Montgomery County (Virginia) and Botetourt County (Virginia)	Greenbrier River	32,435	1,021 sq mi (2,644 km <sup>2</sup> )	
<b>Hampshire County</b>	027 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54027,00">http://www.census.gov/quickfacts/table/PST045215/54027,00</a> )	Romney	1754	Augusta County (Virginia) and Frederick County (Virginia)	County of Hampshire in England	23,468	642 sq mi (1,663 km <sup>2</sup> )	
<b>Hancock County</b>	029 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54029,00">http://www.census.gov/quickfacts/table/PST045215/54029,00</a> )	New Cumberland	1843	Brooke County	John Hancock (1737–93) One of the Signers of the Declaration of Independence Governor of Massachusetts (1780–85) and (1787–93)	28,172	83 sq mi (215 km <sup>2</sup> )	
<b>Hardy County</b>	031 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54031,00">http://www.census.gov/quickfacts/table/PST045215/54031,00</a> )	Moorefield	1798	Hampshire County	Samuel Hardy (1758–85) Virginia delegate to the Continental	14,192	583 sq mi (1,510 km <sup>2</sup> )	








County	FIPS code <sup>[14]</sup>	County seat <sup>[7]</sup>	Est. <sup>[1]</sup>	Origin <sup>[1][12]</sup>	Etymology <sup>[1][12]</sup>	Population <sup>[15]</sup>	Area <sup>[7]</sup>	Map
	5/54031,00)				Congress (1783–85)			
<b>Harrison County</b>	033 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54033,00">http://www.census.gov/quickfacts/table/PST04521/5/54033,00</a> )	Clarksburg	1784	Monongalia County	Benjamin Harrison V (1728–91) Governor of Virginia (1781–84)	84,915	416 sq mi (1,077 km <sup>2</sup> )	
<b>Jackson County</b>	035 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54035,00">http://www.census.gov/quickfacts/table/PST04521/5/54035,00</a> )	Ripley	1831	Kanawha, Mason, and Wood counties	Andrew Jackson (1767–1845) United States President (1829–37)	27,716	466 sq mi (1,207 km <sup>2</sup> )	
<b>Jefferson County</b>	037 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54037,00">http://www.census.gov/quickfacts/table/PST04521/5/54037,00</a> )	Charles Town	1801	Berkeley County	Thomas Jefferson (1743–1826) United States President (1801–09)	58,979	210 sq mi (544 km <sup>2</sup> )	
<b>Kanawha County</b>	039 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54039,00">http://www.census.gov/quickfacts/table/PST04521/5/54039,00</a> )	Charleston	1789	Greenbrier and Montgomery County (Virginia)	Kanawha River	175,515	903 sq mi (2,339 km <sup>2</sup> )	
<b>Lewis County</b>	041 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54041,00">http://www.census.gov/quickfacts/table/PST04521/5/54041,00</a> )	Weston	1816	Harrison County	Charles Lewis (1736–74) American Colonel killed at the Battle of Point Pleasant <sup>[18]</sup>	16,767	389 sq mi (1,008 km <sup>2</sup> )	
<b>Lincoln County</b>	043 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54043,00">http://www.census.gov/quickfacts/table/PST04521/5/54043,00</a> )	Hamlin	1867	Boone, Cabell, Kanawha, and Putnam counties	Abraham Lincoln (1809–65) United States President (1861–65)	19,901	438 sq mi (1,134 km <sup>2</sup> )	
<b>Logan County</b>	045 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54045,00">http://www.census.gov/quickfacts/table/PST04521/5/54045,00</a> )	Logan	1824	Cabell and Kanawha counties, Giles County (Virginia), and Tazewell County (Virginia)	Chief Logan (c. 1723–80) Mingo leader	31,316	454 sq mi (1,176 km <sup>2</sup> )	
<b>Marion County</b>	049 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54049,00">http://www.census.gov/quickfacts/table/PST04521/5/54049,00</a> )	Fairmont	1842	Harrison and Monongalia counties	Francis Marion (1732–95) American Revolutionary War General (1757–82)	55,952	310 sq mi (803 km <sup>2</sup> )	


County	FIPS code <sup>[14]</sup>	County seat <sup>[7]</sup>	Est. <sup>[1]</sup>	Origin <sup>[1][12]</sup>	Etymology <sup>[1][12]</sup>	Population <sup>[15]</sup>	Area <sup>[7]</sup>	Map
<b>Marshall County</b>	051 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54051,0">http://www.census.gov/quickfacts/table/PST04521/5/54051,0</a> )	Moundsville	1835	Ghio County	John Marshall (1755–1835) United States Secretary of State (1800–01) Chief Justice of the United States (1801–35)	29,752	307 sq mi (795 km <sup>2</sup> )	
<b>Mason County</b>	053 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54053,0">http://www.census.gov/quickfacts/table/PST04521/5/54053,0</a> )	Point Pleasant	1804	Kanawha County	George Mason (1725–92) United States Constitutional Convention "Father of the Bill of Rights"	25,000	432 sq mi (1,119 km <sup>2</sup> )	
<b>McDowell County</b>	047 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54047,0">http://www.census.gov/quickfacts/table/PST04521/5/54047,0</a> )	Welch	1858	Tazewell County (Virginia)	James McDowell (1795–1851) Governor of Virginia (1843–46)	17,850	535 sq mi (1,386 km <sup>2</sup> )	
<del><b>Mercer County</b></del>	055 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54055,0">http://www.census.gov/quickfacts/table/PST04521/5/54055,0</a> )	Princeton	1837	Giles County (Virginia) and Tazewell County (Virginia)	Hugh Mercer (1726–77) American Revolutionary War General (1775–76)	<i>very close</i> <del>58,700</del> <i>no</i>	420 sq mi (1,088 km <sup>2</sup> )	
<b>Mineral County</b>	057 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54057,0">http://www.census.gov/quickfacts/table/PST04521/5/54057,0</a> )	Keyser	1866	Hampshire County	abundant mineral resources	26,855	328 sq mi (850 km <sup>2</sup> )	
<b>Mingo County</b>	059 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54059,0">http://www.census.gov/quickfacts/table/PST04521/5/54059,0</a> )	Williamson	1896	Logan County	Mingo Native Americans	22,573	423 sq mi (1,096 km <sup>2</sup> )	
<b>Monongalia County</b>	061 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54061,0">http://www.census.gov/quickfacts/table/PST04521/5/54061,0</a> )	Morgantown	1778	Augusta County (Virginia)	Latin derivation for Monongahela River	106,869	361 sq mi (935 km <sup>2</sup> )	
<b>Monroe County</b>	063 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54063,0">http://www.census.gov/quickfacts/table/PST04521/5/54063,0</a> )	Union	1799	Greenbrier County	James Monroe (1758–1831) United States Senator (Virginia) (1790–94) Governor of Virginia (1799–1802) and (1811)	12,296	473 sq mi (1,225 km <sup>2</sup> )	

County	FIPS code <sup>[14]</sup>	County seat <sup>[7]</sup>	Est. <sup>[1]</sup>	Origin <sup>[1][12]</sup>	Etymology <sup>[1][12]</sup>	Population <sup>[15]</sup>	Area <sup>[7]</sup>	Map
					United States President (1817–25)			
<b>Morgan County</b>	065 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54065.0">http://www.census.gov/quickfacts/table/PST045215/54065.0</a> )	Berkeley Springs	1820	Berkeley and Hampshire counties	Daniel Morgan (1736–1802) United States Congressman (Virginia) (1797–99)	17,430	229 sq mi (593 km <sup>2</sup> )	
<b>Nicholas County</b>	067 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54067.0">http://www.census.gov/quickfacts/table/PST045215/54067.0</a> )	Summersville	1818	Greenbrier, Kanawha, and Randolph counties	Wilson Cary Nicholas (1761–1820) United States Senator (Virginia) (1799–1804) Governor of Virginia (1814–16)	24,335	649 sq mi (1,681 km <sup>2</sup> )	
<b>Ohio County</b>	069 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54069.0">http://www.census.gov/quickfacts/table/PST045215/54069.0</a> )	Wheeling	1776	Augusta County (Virginia)	Ohio River	41,447	106 sq mi (275 km <sup>2</sup> )	
<b>Pendleton County</b>	071 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54071.0">http://www.census.gov/quickfacts/table/PST045215/54071.0</a> )	Franklin	1788	Augusta County (Virginia), Rockingham County (Virginia), and Hardy	Edmund Pendleton (1721–1803) First Continental Congress (1774)	6,011	698 sq mi (1,808 km <sup>2</sup> )	
<b>Pleasants County</b>	073 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54073.0">http://www.census.gov/quickfacts/table/PST045215/54073.0</a> )	Saint Marys	1851	Ritchie, Tyler, and Wood counties	James Pleasants, Jr. (1769–1836) United States Senator (Virginia) (1819–22) Governor of Virginia (1822–25)	7,586	131 sq mi (339 km <sup>2</sup> )	
<b>Pocahontas County</b>	075 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54075.0">http://www.census.gov/quickfacts/table/PST045215/54075.0</a> )	Marlinton	1821	Bath County (Virginia), Pendleton, and Randolph	Pocahontas (c. 1595–1617) Powhatan Native American slave of early English settlers	7,819	940 sq mi (2,435 km <sup>2</sup> )	
<b>Preston County</b>	077 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54077.0">http://www.census.gov/quickfacts/table/PST045215/54077.0</a> )	Kingwood	1818	Monongalia County	James Patton Preston (1774–1843) Governor of Virginia (1816–19)	34,172	648 sq mi (1,678 km <sup>2</sup> )	

County	FIPS code <sup>[14]</sup>	County seat <sup>[7]</sup>	Est.	Origin <sup>[1][12]</sup>	Etymology <sup>[1][12]</sup>	Population <sup>[15]</sup>	Area <sup>[7]</sup>	Map
<b>Putnam County</b>	079 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54079,0">http://www.census.gov/quickfacts/table/PST04521/5/54079,0</a> )	Winfield	1848	Cabell, Kanawha, and Mason counties	Israel Putnam (1718–90) American Revolutionary War General	57,015	346 sq mi (896 km <sup>2</sup> )	
<b>Raleigh County</b>	081 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54081,0">http://www.census.gov/quickfacts/table/PST04521/5/54081,0</a> )	Beckley	1850	Fayette County	Sir Walter Raleigh (1554–1618) English explorer and poet	72,882	607 sq mi (1,572 km <sup>2</sup> )	
<b>Randolph County</b>	083 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54083,0">http://www.census.gov/quickfacts/table/PST04521/5/54083,0</a> )	Elkins	1787	Harrison County	Edmund Jennings Randolph (1753–1813) Governor of Virginia (1786–88) First United States Attorney General (1789–94)	27,600	1,040 sq mi (2,694 km <sup>2</sup> )	
<b>Ritchie County</b>	085 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54085,0">http://www.census.gov/quickfacts/table/PST04521/5/54085,0</a> )	Harrisville	1843	Harrison, Lewis, and Wood counties	Thomas Ritchie (1778–1854) nationally influential Virginia newspaper publisher	8,207	454 sq mi (1,176 km <sup>2</sup> )	
<b>Roane County</b>	087 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54087,0">http://www.census.gov/quickfacts/table/PST04521/5/54087,0</a> )	Spencer	1863	Gilmer, Jackson, and Kanawha counties	Spencer Roane (1762–1822) Virginia Supreme Court Justice (1794–1822)	13,834	484 sq mi (1,254 km <sup>2</sup> )	
<b>Summers County</b>	089 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54089,0">http://www.census.gov/quickfacts/table/PST04521/5/54089,0</a> )	Hinton	1871	Fayette, Greenbrier, Mercer, and Monroe counties	George W. Summers (1804–68) United States Congressman (Virginia) (1843)	11,762	361 sq mi (935 km <sup>2</sup> )	
<b>Taylor County</b>	091 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54091,0">http://www.census.gov/quickfacts/table/PST04521/5/54091,0</a> )	Grafton	1844	Barbour, Harrison, Marion counties	John Taylor of Caroline (1753–1824) United States Senator (Virginia) (1792–84) and (1803) and (1822–24)	16,342	173 sq mi (448 km <sup>2</sup> )	
<b>Tucker County</b>	093 ( <a href="http://www.census.gov/quickfacts/table/PST04521/5/54093,0">http://www.census.gov/quickfacts/table/PST04521/5/54093,0</a> )	Parsons	1866	Randolph County	Henry St. George Tucker (1780–1848) United States Congressman (Virginia) (1815–19) Virginia	6,568	419 sq mi (1,085 km <sup>2</sup> )	

*no  
but way  
close*

County	FIPS code <sup>[14]</sup>	County seat <sup>[7]</sup>	Est. <sup>[1]</sup>	Origin <sup>[1][12]</sup>	Etymology <sup>[1][12]</sup>	Population <sup>[15]</sup>	Area <sup>[7]</sup>	Map
					Supreme Court (1831–41)			
<u>Tyler County</u>	095 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54095,0">http://www.census.gov/quickfacts/table/PST045215/54095,0</a> )	Middlebourne	1814	Ohio County	John Tyler, Sr. (1747–1813) Governor of Virginia (1808–11)	8,183	258 sq mi (668 km <sup>2</sup> )	
<u>Upshur County</u>	097 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54097,0">http://www.census.gov/quickfacts/table/PST045215/54097,0</a> )	Buckhannon	1851	Barbour, Lewis, and Randolph counties	Abel Parker Upshur (1790–1844) United States Secretary of the Navy (1841–43) United States Secretary of State (1843–44)	23,712	355 sq mi (919 km <sup>2</sup> )	
<u>Wayne County</u>	099 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54099,0">http://www.census.gov/quickfacts/table/PST045215/54099,0</a> )	Wayne	1842	Cabell County	"Mad" Anthony Wayne Major General (1745–96) American Revolutionary War (1775–83) and (1792–96) United States Congressman Georgia (1791)	37,998	506 sq mi (1,311 km <sup>2</sup> )	
<u>Webster County</u>	101 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54101,0">http://www.census.gov/quickfacts/table/PST045215/54101,0</a> )	Webster Springs	1860	Braxton, Nicholas, and Randolph counties	Daniel Webster (1782–1852) United States Senator Massachusetts (1827–41) and (1845–50) United States Secretary of State (1841–53) and (1850–52)	8,167	556 sq mi (1,440 km <sup>2</sup> )	
<u>Wetzel County</u>	103 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54103,0">http://www.census.gov/quickfacts/table/PST045215/54103,0</a> )	New Martinsville	1846	Tyler County	Lewis Wetzel (1763–1808) noted frontiersman	14,025	359 sq mi (930 km <sup>2</sup> )	
<u>Wirt County</u>	105 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54105,0">http://www.census.gov/quickfacts/table/PST045215/54105,0</a> )	Elizabeth	1848	Jackson and Wood counties	William Wirt (1772–1834) United States Attorney General (1817–29)	5,091	233 sq mi (603 km <sup>2</sup> )	
<u>Wood County</u>	107 ( <a href="http://www.census.gov/quickfacts/table/PST045215/54107,0">http://www.census.gov/quickfacts/table/PST045215/54107,0</a> )	Parkersburg	1798	Harrison County	James Wood (1741–1813) Governor of Virginia (1796–99)	83,340	367 sq mi (951 km <sup>2</sup> )	

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	5/54107,00)							
<b>Wyoming County</b>	109 (http://www.census.gov/quickfacts/table/PST04521/5/54109,00)	Pineville	1850	Logan County	derived from Lenape Native American term for "wide plain"	20,527	501 sq mi (1,298 km <sup>2</sup> )	

## See also

- List of governors of West Virginia
- List of National Historic Landmarks in West Virginia
- List of West Virginia counties by socioeconomic factors

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	Small ALRs		Large ALRs		Nursing Homes		Legally Unlicensed		Population >65
	# Facilities	Beds	# Facilities	Beds	# Facilities	Beds	# Facilities	Beds	
<b>All West Virginia</b>	<b>27</b>	<b>334</b>	<b>60</b>	<b>3,215</b>	<b>122</b>	<b>10,774</b>	<b>42</b>	<b>126</b>	
<b>More Populated</b>									
Jefferson	0	0	0	0	3	244	1	3	10,380
Berkeley	2	28	2	237	2	188			
Cabell	2	14	5	351	5	496			
Harrison	2	28	2	166	7	383			
Kanawha	5	40	5	446	11	840			
Monongalia			3	210	4	282			
Raleigh			1	70	4	387			
Wood			4	189	5	292			
<b>TOTAL</b>			<b>22</b>	<b>1,669</b>					
<b>11 Lesser Populated</b>		224							
Putnam									
Logan									
Marion									
Fayette									
Randolph									
Boone									
Wyoming									
Jackson									
Mercer									
Lincoln									
Wirt					1	36			
<b>Add'l 16 Less Pop.</b>				<b>1,546</b>					





# Office of Health Facility Licensure & Certification

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Home > Facility Lookup > Search Results > MARTINSBURG HEALTHCARE CENTER Details

## FACILITY LOOKUP

### MARTINSBURG HEALTHCARE CENTER DETAILS

- Home
- Health Investigations
- Life Safety Inspections
- Location

#### General Information

Legal Name:  
Four Leaf Clover Leasing Co., LLC

Facility Type:  
NURSING HOME (NH) - SNF/NF DUAL CERT

Health Facility/Provider Search

Facility Name	Legal Name	Administrator	Opened	Closed	Physical Address	City	Zip	County	Phone Number	FAK	Abbreviation	Total Beds
VALEY CARE HOMES, INC 111 (AIR/AI2)	BRALEY CARE HOMES, INC. 111 (AIR/AI2)		2008/11/17		16192 US 60	Hurricane	25526	Putnam	(304)201-3677	(304)201-3678	SALR	16
CENTRAL AVE ASSISTED LIVING	CENTRAL AVE ASSISTED LIVING		2006/04/11		1046 CENTRAL AVE	Charleston	25902	Kanawha	(304)414-0135	(304)414-0136	SALR	8
CLARK'S CHRISTIAN CARE, INC	CLARK'S CHRISTIAN CARE, Inc.		1999/09/16		145 WALNUT STREET	EAST BANK	25067	Kanawha	(304)595-4171	(304)595-4171	SALR	12
CONCORD I	PRESTERA CENTER FOR MENTAL HEALTH SERVICES, INC.		2004/10/04		2218 WASHINGTON ST E	Charleston	25901	Kanawha	(304)342-8042	No Phone	SALR	8
CONCORD II	Prestera Center for Mental Health Services, Inc. dba Concord II		2004/11/30		5511 NOYES AVENUE	Charleston	25304	Kanawha	(304)925-7728	(304)925-8489	SALR	8
COUNTRY VILLA CARE INC	COUNTRY VILLA CARE INC		2001/12/19		78 HIGH STREET	BUFFALO	25033	Putnam	(304)937-4110	No Phone	SALR	13
CRESS MANOR ASSISTED LIVING	PRESTERA CENTER FOR MENTAL HEALTH SERVICES, INC.		2011/08/27		1436 7TH AVENUE	HUNTINGTON	25703	Cabell	(304)399-1275	(304)399-1077	SALR	8
DIGNITY ASSISTED LIVING	DIGNITY ASSISTED LIVING		2011/03/04		657 MAIN STREET	Chapmanville	25508	Logan	No Phone	No Phone	SALR	16
FITZWATER ASSISTED LIVING THE STERLING PLACE	FITZWATER ASSISTED LIVING THE STERLING PLACE		2012/08/17		213 LOCUST AVENUE	FAIRMONT	26554	Marion	No Phone	(304)363-8353	SALR	13
GAULEY RIVER ASSISTED LIVING	GAULEY RIVER ASSISTED LIVING, LLC		2012/12/03		4947 GAULEY RIVER ROAD	Gauley Bridge	25085	Fayette	No Phone	(304)632-1634	SALR	16
GREENICH CARE HOME INC	GREENICH CARE HOME INC		1997/04/23		67 GREENICH AVENUE	Bunker Hill	25413	Berkeley	(304)229-3624	No Phone	SALR	12
LAVENDER FIELDS ASSISTED LIVING	LAVENDER FIELDS ASSISTED LIVING, LLC DBA LAVENDER FIELDS ASSISTED LIVING		2007/06/20		150 WATER STREET	Beverly	26253	Randolph	(304)630-1108	(304)630-2072	SALR	16
MAGNOLIA ASSISTED LIVING, INC	Magnolia Assisted Living, Inc		2021/04/20		1708 THISTLEWOOD DR	Hurricane	25526	Putnam	No Phone	No Phone	SALR	12
MANCHIN ASSISTED LIVING, LLC	Manchin Assisted Living, LLC		2018/03/26		140 PROFESSIONAL PLACE	Bridgeport	26330	Harrison	(304)946-9270	(304)946-9272	SALR	20
MARY WOELFEL ASSISTED LIVING	PRESTERA CENTER FOR MENTAL HEALTH SERVICES, INC.		2011/10/18		921 23RD STREET	Huntington	25701	Cabell	(304)697-1270	(304)399-1077	SALR	6
MEADOW BROOK ASSISTANCE WITH LIVING	MEADOW BROOK ASSISTANCE WITH LIVING, INC.		2007/10/26		5700 CAMP CREEK ROAD	JULIAN	25529	Boone	(304)369-0038	(304)369-0039	SALR	16
MONARCH RAL LLC/DBA COUNTRYSIDE ASSISTED LIVING	MONARCH RAL LLC/DBA COUNTRYSIDE ASSISTED LIVING		2008/11/19		1228 BERKELEY STATION ROAD	MARTINSBURG	25404	Berkeley	(304)596-6227	(304)596-6226	SALR	16
MULLENS MANOR ASSISTED LIVING, INC	MULLENS MANOR, INC		2015/06/18		1238 GUYANDOTTE AVE	Mullens	25882	Wyoming	(304)294-2591	No Phone	SALR	12
PLEASANT ACRES	PLEASANT ACRES CHRISTIAN HAVEN ASSOCIATION		1997/05/14		41 PLEASANT ACRES DRIVE	Fairmont	26554	Marton	(304)366-0816	(304)366-0816	SALR	14
PRIDE CARE, LLC	RIDGE CARE, LLC		2001/09/09		135 ANTELOPE LANE	Pineconetown	24739	Mercer	(304)487-1278	(304)487-5650	SALR	16
ROCKIN CHAIR RESIDENTIAL CARE INC	ROCKIN CHAIR RESIDENTIAL CARE INC		2006/12/27		2103 PINEGROVE ROAD	Laroca	25971	Mercer	(304)384-4293	(304)384-4300	SALR	16
ROSE MANOR	Mullens Manor, Inc DBA Rose Manor		2018/02/05		27 MAIN STREET	Pineville	24874	Wyoming	No Phone	No Phone	SALR	16
STERS ELDER CARE LLC	Sisters Elder Care		2023/06/14		2520 HOOD AVE	SHINNSTON	26431	Harrison	No Phone	No Phone	SALR	8
VIRGINIA MANOR	VIRGINIA MANOR				1112 VIRGINIA STREET	RAVENSWOOD	26164	Jackson	(304)273-9482	(304)273-9236	SALR	10
WALNUT PLACE	Prestera Center for Mental Health Services, Inc. dba Walnut Place		2011/03/04		2603 KNOX AVENUE	St Albans	25177	Kanawha	(304)721-8915	(304)721-8959	SALR	4
WHITMAN ADULT LIVING	WHITMAN ADULT LIVING		2005/12/19		2375 WHITMAN CREEK ROAD	WHITMAN	25652	Logan	(304)233-2004	(304)233-2004	SALR	16
WODDSIDE MANOR	PRESTERA CENTER FOR MENTAL HEALTH SERVICES, INC.		2004/09/29		8134 SCITES STREET	WEST HAMLIN	25971	Lincoln	(304)824-7015	(304)824-7015	SALR	6

Facility Name	Legal Name	Administrator	Operated	Physical Address	City	Zip	County	Phone Number	FAX	Total B.
WINN'S COURT (RETREAT)	WINN'S COURT RETREAT, INC.		2001/03/28	1435 WASHINGTON PIKE	Wellburg	26070	Bronx	(304)227-0941	(304)227-1194	005
ARTHUR & HOODES CENTER AT EDGEWOOD SUMMIT (ALR/ALZ)	EDGEWOOD SUMMIT, INC. DBA ARTHUR & HOODES CENTER AT EDGEWOOD SUMMIT (ALR/ALZ)		2013/12/05	808 BAKER LANE	Charleston	25302	Marion	No Phone	No Phone	22
ASSISTED LIVING AT EVERGREEN	PERSONAL CARE AT EVERGREEN, INC. DBA ASSISTED LIVING AT EVERGREEN, INC.		2002/04/26	3105 COLLINS PERRY ROAD	Morgantown	26502	Monongalia	(304)298-8401	(304)298-8402	18
ALTYMOR WALK ASSISTED LIVING HOME	ALTYMOR WALK, INC.		2002/04/25	413 MCDOUGLAS STREET	Puffert	25884	Greenbrier	(304)234-5596	(304)234-5505	48
SULCLAND	BEULCLAND		1991/11/01	4208 ROCKY MOUNTAIN RD	Grifton	28354	Taylor	(910)285-2874	(910)285-2862	24
COCKDALE CHARLESTON GARDENS (ALR/ALZ)	Emeritus Operation Tradename Brookdale Charleston Gardens (ALR/ALZ)		2001/04/01	845 ASSOCIATION DRIVE	Charleston	25311	Kanawha	(304)343-6000	(304)343-5875	26
DAR GROVE ASSISTED LIVING	GREENVIEW HOMES/STARS CEDAR GROVE OPERATOR, LLC TRADENAME CEDAR GROVE ASSISTED LI		1999/03/22	110 NICHELLETTE ROAD	HARRISBURG	26104	Wood	(304)234-8023	No Phone	21
CELEBRATION VILLA OF TRAYS VALLEY (ALR/ALZ)	EC OP CO TRAYS VALLEY, LLC TRADENAME CELEBRATION VILLA OF TRAYS VALLEY		2007/10/04	4009 OUTLOOK DRIVE	Shoreline	25526	Fayette	(304)267-4749	No Phone	85
CELEBRATION VILLA OF MARTINSBURG	EC OP CO MARTINSBURG, LLC TRADENAME CELEBRATION VILLA OF MARTINSBURG		2004/06/19	216 GLOUCESTER DRIVE	Martinsburg	25401	Berkeley	(304)227-5890	No Phone	27
COUNTRY VIEW ASSISTED LIVING, INC.	COUNTRY VIEW ASSISTED LIVING, INC.		2018/07/17	2818 SERUCA TRAIL SOUTH	Farmington	24943	Marshall	(304)233-4300	(304)233-6331	97
BISHOP MARLEWOOD USSEE LLC TRADENAME BLMCROFT OF MARLEWOOD	BISHOP MARLEWOOD USSEE LLC TRADENAME BLMCROFT OF MARLEWOOD		2018/10/01	1402 MARLEWOOD DRIVE	BRIDGEPORT	26110	Harrison	(304)248-0202	(304)248-0205	42
FUMMURST, THE HOUSE OF FRIENDSHIP, INC.	FUMMURST, THE HOUSE OF FRIENDSHIP, INC.		1998/09/03	1228 NATIONAL ROAD	Wheeling	26003	Ohio	(304)242-0446	(304)242-0445	56
CHARLESTON OPERATIONS, LLC DBA Grand Meadows (ALR/ALZ)	CHARLESTON OPERATIONS, LLC DBA Grand Meadows (ALR/ALZ)		2013/02/13	5 DEWEY DRIVE	Scott Depot	25549	Putnam	(304)760-5200	(304)757-1294	48
PARO'S ELDER CARE LLC	PARO'S ELDER CARE LLC		2008/04/28	1156 STONEY LONESOME ROAD	Farmington	24954	Marion	(304)534-1139	(304)534-1139	002
Mullens Manor Inc DBA Glen Ridge Manor	Mullens Manor Inc DBA Glen Ridge Manor	REBECCA LOVEJOY BUZZO	2008/03/24	10544 POLAR GAP RD	GLYE ROGERS	25904	Waynes	(304)284-7002	(304)284-7002	57
Glenwood Park Leasing Co. LLC	Glenwood Park Leasing Co. LLC		1998/04/30	1924 GLENWOOD PARK RD	Brickton	24739	Marion	(304)425-8128	No Phone	18
GOLDEN OAKS RESIDENTIAL BOARD AND CARE INC	GOLDEN OAKS RESIDENTIAL BOARD AND CARE INC		1998/07/14	108 LEE ROAD	HOLLANDSBEE	26027	Brooke	(304)227-2496	(304)227-2467	33
Meredith Operations, Inc Tradename Harmony at Martinsburg (ALR/ALZ)	Meredith Operations, Inc Tradename Harmony at Martinsburg (ALR/ALZ)		2012/05/08	1357 APPLE HARVEST DRIVE	MARTINSBURG	25405/195	Berkeley	(304)298-6783	No Phone	19
MORGAN HARMONY OPERATIONS LLC TRADENAME HARMONY AT MORGANTOWN	MORGAN HARMONY OPERATIONS LLC TRADENAME HARMONY AT MORGANTOWN		2018/06/25	54 Merrimack Drive	MORGANTOWN	26502	Monongalia	(304)222-6930	No Phone	40
HARMONY AT SOUTHWEST	HARMONY AT SOUTHWEST		2020/12/05	801 WENTON WAY	CHARLESTON	25309	Kanawha	No Phone	No Phone	1
BRIDGEPORT OPERATIONS, LLC DBA HARMONY AT WHITE OAKS	BRIDGEPORT OPERATIONS, LLC DBA HARMONY AT WHITE OAKS		2019/12/16	2025 WHITE OAKS BOULEVARD	BRIDGEPORT	26130	Waynes	No Phone	No Phone	18
THE HAVENS AT PRINCETON, LLC	THE HAVENS AT PRINCETON, LLC		2003/12/12	2208 NEW HORN ROAD	PRINCETON	24740	Marion	(304)431-3594	(304)431-3405	10
THE HERITAGE AT ST MARYS, INC.	THE HERITAGE AT ST MARYS, INC.		2003/02/27	1808 NORTH PILGRIMS HIGHWAY	St. Marys	26170	Pleasants	(304)686-3100	(304)686-3104	63
JOHN MANCHINI SR ASSISTED LIVING	JOHN MANCHINI SR ASSISTED LIVING		2013/04/11	3408 HICKORY HIGHWAY	Farmington	24971	Marion	(304)624-2900	No Phone	29
CHARLESTON Aged Care DBA Harvella Place	CHARLESTON Aged Care DBA Harvella Place		2008/10/06	849 SOUTH PARK ROAD	Charleston	25304	Kanawha	(304)225-4863	(304)225-4863	38
LOVING ARMS LLC (Nile's Place)	LOVING ARMS LLC (Nile's Place)		2012/10/15	113 HERMITE STREET	Oak Hill	25901	Fayette	No Phone	No Phone	68
LOVE AND CARE, LLC	LOVE AND CARE, LLC		1998/07/14	5208 QUORON ROAD	Parkersburg	26102	Wayne	(304)622-6939	(304)622-6938	20
FAIRHAVEN OPQR, LLC DBA MADISON PARK HEALTH CARE	FAIRHAVEN OPQR, LLC DBA MADISON PARK HEALTH CARE		2003/03/10	700 MADISON AVENUE	Huntington	25701	Cabell	(304)522-0782	(304)522-2461	15
MARPLES HEALTH CARE, INC.	MARPLES HEALTH CARE, INC.		1998/08/19	1002 GRAND STREET	Blainville	24701	Marion	(304)227-2495	(304)227-4183	26
MILESTONES SENIOR LIVING, LLC	MILESTONES SENIOR LIVING, LLC		2016/10/12	2816 RENDEZVOUS AVE	HARRISBURG	26102	Wayne	(304)235-4545	No Phone	18
MOUNTAIN LIVING COMMUNITY, INC.	MOUNTAIN LIVING COMMUNITY, INC.		2022/02/20	1012 SOUTH CROWN AVENUE	KEWINGTON	26136	Barboer	No Phone	No Phone	24
Mountain Meadows Assisted Living and Retirement Center LLC (ALR/ALZ)	Mountain Meadows Assisted Living and Retirement Center LLC (ALR/ALZ)		2013/05/27	301 WILSON LANE	Union	25201	Barboer	(304)230-8800	(304)230-8872	24
OAK HILL AID IT QID DBA OAK HILL PLACE	OAK HILL AID IT QID DBA OAK HILL PLACE		2008/10/28	438 29th STREET	Oak Hill	25944	Fayette	(304)285-9407	(304)285-9407	88
PARAMOUNT HEALTH Holdings Group, Inc. Paramount Senior Living at Cabell Midland	PARAMOUNT HEALTH Holdings Group, Inc. Paramount Senior Living at Cabell Midland		2007/09/28	100 WILSON HILL DR	Ona	25945	Cabell	No Phone	(304)745-9500	1
PATTY'S HOME AWAY FROM HOME	PATTY'S HOME AWAY FROM HOME		2009/04/28	5333 WHITEHORN CREEK ROAD	METTSBURG	25433	Wayne	(304)228-2882	(304)228-2882	18
FOX REST INC, DBA PERSIMMON SUITES	FOX REST INC, DBA PERSIMMON SUITES	MACTHOM MURRAY	1998/03/06	144 FOX LANE	Chester	26034	Lincoln	(304)367-4101	(304)367-4073	19
Mullens Manor, Inc DBA Heritage Manor	Mullens Manor, Inc DBA Heritage Manor	REBECCA LOVEJOY BUZZO	2018/06/26	156 PARK STREET	HINEMILLE	24826	Waynes	(304)228-6282	(304)228-6282	35
NAVENWOOD CARE CENTER	NAVENWOOD CARE CENTER		2003/12/21	1113 HARRINGTON STREET	Paramount	26164	Waynes	(304)228-6282	(304)228-6282	35
SCOTT GARDEN AID IT QID LLC TRADENAME ROLLINS MEADOWS PLACE	SCOTT GARDEN AID IT QID LLC TRADENAME ROLLINS MEADOWS PLACE		2008/12/08	5 ROLLINS MEADOWS	Scott Depot	25549	Putnam	(304)227-3194	(304)227-3194	72
LEWISBURG AID IT QID LLC DBA SEASONS PLACE	LEWISBURG AID IT QID LLC DBA SEASONS PLACE		2008/10/01	1875 Hill Circle	Lewisburg	24921	Greenbrier	No Phone	(304)225-0888	98
SERENITY CARE HOMES, LLC	SERENITY CARE HOMES, LLC		2006/04/28	3880 UTILE SAND RUN ROAD	Lebanon	26024	Wayne	(304)222-6109	(304)222-6178	58
Some Senior Care Some Senior Home Care	Some Senior Care Some Senior Home Care		1998/01/14	1411 BERRY DRIVE	Marion	26042	Marion	(304)222-8800	(304)222-8800	60
SWANSON SENIOR LIVING, LLC	SWANSON SENIOR LIVING, LLC		1998/01/28	1000 CHALKSTONE DRIVE	Beaver	25890	Waynes	(304)222-8800	(304)222-8800	107
SWANSON SENIOR LIVING, LLC	SWANSON SENIOR LIVING, LLC		2001/07/27	5510 DUNBAR	HARRISBURG	26102	Wayne	No Phone	No Phone	13
BASSWOODVILLE HEALTH PARTNERS, LTD DBA THE HILL AT WINGATE	BASSWOODVILLE HEALTH PARTNERS, LTD DBA THE HILL AT WINGATE		1999/11/01	7801 WINGATE STREET	Waynesville	26104	Cabell	(304)228-6282	(304)228-6282	19
THE VILLAGE AT RIVERVIEW, INC.	THE VILLAGE AT RIVERVIEW, INC.		1999/10/12	1400 WINGATE AVENUE	Waynesville	26104	Cabell	(304)228-6282	(304)228-6282	60
MICHAEL'S SERVICES DBA THE SUMMIT AT HERITAGE POINT	MICHAEL'S SERVICES DBA THE SUMMIT AT HERITAGE POINT	WILLIAM STRUTHILL	1999/10/12	1400 WINGATE AVENUE	Morgantown	26502	Monongalia	(304)228-6282	(304)228-6282	28
THE VILLAGE AT RIVERVIEW, INC.	THE VILLAGE AT RIVERVIEW, INC.		2018/11/14	1338 RIVERVIEW DRIVE	Beaumontville	25504	Cabell	(304)228-3113	No Phone	44
VALENTINE ASSISTED LIVING, INC.	VALENTINE ASSISTED LIVING, INC.		1997/10/23	821 BURNS AVENUE	Blaine	26341	Putnam	(304)236-8900	(304)236-7998	64
BECKLEY HEALTH PARTNERS, LTD DBA VILLAGES AT GREYSTONE INN	BECKLEY HEALTH PARTNERS, LTD DBA VILLAGES AT GREYSTONE INN		1998/11/19	200 GREYSTONE DRIVE	Beaver	25812	Wayne	(304)258-1179	(304)258-0888	26
THE WEDDY HOME, LLC	THE WEDDY HOME, LLC		2008/11/08	21 WASHINGTON AVENUE	Wheeling	26003	Ohio	(304)242-8233	(304)242-1133	70
WINDY HILL VILLAGE	WINDY HILL VILLAGE		1998/10/22	17614 VETERANS MEMORIAL HIGHWAY	BRIDGEPORT	26137	Waynes	(304)222-1741	(304)222-1740	52
WINDY HILL MANOR UNITED PARTNERSHIP TRADENAME WINDY HILL VILLAGE	WINDY HILL MANOR UNITED PARTNERSHIP TRADENAME WINDY HILL VILLAGE		1998/10/22	17614 VETERANS MEMORIAL HIGHWAY	BRIDGEPORT	26137	Waynes	(304)222-1741	(304)222-1740	52
1543 COUNTRY CLUB ROAD ALE OPERATIONS LLC DBA WISHING WELL ASSISTED LIVING COMMU	1543 COUNTRY CLUB ROAD ALE OPERATIONS LLC DBA WISHING WELL ASSISTED LIVING COMMU		2009/07/26	1543 COUNTRY CLUB ROAD	Farmington	24934	Marion	No Phone	No Phone	90
JAYVIEW, LLC DBA WOODLAND HILLS ASSISTED LIVING	JAYVIEW, LLC DBA WOODLAND HILLS ASSISTED LIVING		2013/10/17	606 NORTH 10TH STREET	Welton	26002	Marshall	(304)746-2843	(304)746-3941	52
WOODLAND'S ASSISTED LIVING FACILITY, INC. Building II	WOODLAND'S ASSISTED LIVING FACILITY, INC. Building II		2004/11/02	21 CAME STREET	Northway	26993	Marion	(304)387-1130	(304)387-1130	25
WOODLAND'S ASSISTED LIVING FACILITY, INC. Building I	WOODLAND'S ASSISTED LIVING FACILITY, INC. Building I		2004/11/02	22 CAME STREET	Northway	26993	Marion	(304)387-1130	No Phone	23
FOSTER FOUNDATION DBA WOODLANDS RETIREMENT COMMUNITY	FOSTER FOUNDATION DBA WOODLANDS RETIREMENT COMMUNITY		1997/01/26	ONE BRADLEY POSTER DR	HUNTINGTON	25701	Cabell	(304)627-1030	(304)627-1823	23
WYNGATE (WAT) PARTNERS, LLC	WYNGATE (WAT) PARTNERS, LLC		2001/11/26	100 WYNGATE DRIVE	Farmington	24962	Marion	(304)222-8800	(304)222-8800	91
PARKERSBURG HEALTH PARTNERS, LLC DBA WYNGATE SENIOR LIVING COMMUNITY OF PARKERSB	PARKERSBURG HEALTH PARTNERS, LLC DBA WYNGATE SENIOR LIVING COMMUNITY OF PARKERSB		2002/08/21	100 WYNGATE DRIVE	Parkersburg	26105	Wayne	(304)248-3024	(304)248-4121	89
YOUNG'S CARE HOME I	YOUNG'S CARE HOME I		1997/04/16	102 HICKORY AVENUE	MOUNDSVILLE	26041	Marshall	(304)445-5226	(304)445-2894	85

Health Facility/Provider Search

EHLER, MILDRED M	Beheler, Mildred M	2015/02/03	1059 CEDAR CREST DRIVE	Huntington	25705	Cabell	(304)733-0470	LUHC	3
ERLIN, WANDA SUE	BERLIN, WANDA SUE	2012/04/09	520 S WASHINGTON STREET	Berkeley Springs	25411	Morgan	(304)258-1222	LUHC	3
IAS, LISA	BIAS, LISA	2011/10/31	2375 WHITMAN ROAD	WHITMAN	25652	Logan	(304)239-2006	LUHC	3
ARR, SIBYL (DBA PRIVATE HOME)	CARR, SIBYL (dba Private Home)	1998/02/20	885 OTTERLICK ROAD	IVYDALE	25113	Clay	(304)286-2653	LUHC	3
ATHERINE VEST	Catherine Vest	2007/03/23	4775 OLD ELLIENS ROAD	BUCKHANNON	26201	Upshur	No Phone	LUHC	3
CHRISTIAN, KAREN	CHRISTIAN, KAREN	2013/03/25	186 WINFREY LANE	Oakdale	24739	Mercer	No Phone	LUHC	3
LARK, JESSIE	CLARK, JESSIE	2010/12/09	6780 BIG GRAVE CREEK ROAD	MOUNDSVILLE	26041	Marshall	(304)845-0773	LUHC	3
LARK'S CHRISTIAN CARE 2	Clark's Christian Care, Inc 2	2010/05/10	1923 1ST AVENUE	East Bank	25067	Kanawha	(304)595-1580	LUHC	3
COLEMAN, LILLIAN D	Coleman, Lillian D dba Coleman House	2014/01/08	107 FIRST STREET EAST	SAINT ALBANS	25177	Kanawha	(304)727-2782	LUHC	3
AWSON, KATHY (DBA KATHY'S ADULT FAMILY HOME CARE)	DAWSON, KATHY (dba Kathy's Adult Family Home Care)	2000/08/21	1415 PURDY AVENUE	MOUNDSVILLE	26041	Marshall	(304)843-2196	LUHC	3
OWNEY, LESLIE DBA MARTHA MANOR	Downy, Leslie dba Martha's Manor	2017/06/22	830 HALLBECK ROAD	Morgantown	26508	Monongalia	(304)291-2945	LUHC	3
JBANK, MARIANNA (DBA EUBANK HOME CARE)	EUBANK, MARIANNA (dba Eubank Home Care)	2000/12/26	370 Sycamore Street	Clarksburg	26301	Harrison	(304)622-8834	LUHC	3
FITZWATER, DON (DBA FITZWATER'S GRACIOUS LIVING)	FITZWATER, DON (dba Fitzwater's Gracious Living, Inc)	2004/04/13	613 MORGANTOWN AVENUE	FAIRMONT	26534	Marion	(304)363-8430	LUHC	3
ILMORE, ANNA CHRISTINE	Gilmore, Anna Christine (dba Home Sweet Home)	2017/07/12	88 BROGG DRIVE	RIDGELEY	26753	Mineral	(814)494-2231	LUHC	3
ARRIS, STEPHON C	Harris, Stephen C	2015/05/18	612 RANDOLPH ST	CHARLESTON	25302	Kanawha	(304)768-1365	LUHC	3
ENDERSON, PATRICIA	HENDERSON, PATRICIA	2007/07/26	3720 NORTHWEST TURNPIKE	PENNSBORO	26415	Ritchie	No Phone	LUHC	3
HILL TOP MANOR	CHRISTNER, PATRICIA (dba Hill Top Manor)	2003/05/27	5792 RIPLEY ROAD	POINT PLEASANT	25550	Mason	(304)675-6183	LUHC	3
UNTER, KOREELA	Hunter, Koreela dba Koki's Home	2018/03/02	1745 ROLLING HILLS ROAD	Charleston	25314	Kanawha	(304)345-9654	LUHC	3
QUINTA TONI (DBA CONCHETTA'S HEALTH HOME CARE)	IAQUINTA, TONI (dba Conchetta's Health Home Care)	2001/01/13	2150 DAVIS STREET	FAIRMONT	26554	Marion	(304)366-3636	LUHC	3
JARRETT, PAM	Jarrett, Pam dba Angel's Touch Personal Care Home	2015/05/04	617 1/2 HIGH ST	St Albans	25177	Kanawha	(304)721-8867	LUHC	3
JONES, TINA	JONES, TINA	2009/03/24	1401 HACKER CREEK RD	PHILIPPI	26416	Barbour	(304)457-2515	LUHC	3
LEWIS, DELLA	LEWIS, DELLA	1998/03/09	37 ROBINSON STREET	Oak Hill	25901	Fayette	(304)469-8086	LUHC	3
ARKLEY, THERESA LYNN	MARKLEY, THERESA LYNN (dba Tender Mercies Health Care Hom	2023/05/01	1206 MARION AVE	FAIRMONT	26554	Marion	(304)612-4544	LUHC	3
AVES, LINDA	Mayes, Linda	2015/06/12	1648 JEFFERSON AVE	Huntington	25704	Cabell	(304)412-2310	LUHC	3
MCNURLEN, AIMEE D/BA TENDER HEART HOME CARE)	McNurten, Aimee D/BA Tender Heart Home Care	2018/03/06	4438 CHESTNUT ROAD	South Charleston	25309	Kanawha	No Phone	LUHC	3
MILLS, SHELBY (DBA SHELBY MILLS BOARD & CARE)	MILLS, SHELBY	1998/02/18	62 MAYORS ROAD	POWELLTON	25161	Fayette	(304)442-4072	LUHC	3
NELSON, SHELBY (DBA NELSON'S BOARD & CARE)	NELSON, SHELBY (dba Nelson's Board & Care)	2001/09/18	151 ROBBIE COURT	Princeton	24740	Mercer	(304)487-2612	LUHC	3
NORMAN, TONYA KAY (DBA SWEET BLESSINGS CARE HOME)	NORMAN, TONYA KAY (dba Sweet Blessings Care Home)	2012/08/01	2603 ROOSEVELT AVE	St Albans	25177	Kanawha	No Phone	LUHC	3
PALMER, SANDRA DBA PALMER BOARD AND CARE	PALMER, SANDRA	2004/12/28	808 SHENANDOAH JCT ROAD	SHENANDOAH JUN	25442	Jefferson	(304)725-7992	LUHC	3
POORE, DEBBIE (DBA PERSONALLY YOURS)	POORE, DEBBIE (dba Personally Yours)	2000/10/10	57 MONUMENT DR	PAW PAW	25434	Morgan	(304)496-8410	LUHC	3
RITCHIE, PHYLLIS (DBA RITCHIE'S ROOM AND BOARD)	RITCHIE, PHYLLIS (dba Ritchie's Room and Board)	1996/02/27	207 RUSSELL AVE	SISTERSVILLE	26175	Tyler	(304)652-2531	LUHC	3
ROSIEK, NELLIE IANE	ROSIEK, NELLIE IANE	2007/11/15	830 STEELE HOLLOW ROAD	Spencer	25276	Roane	(304)927-3385	LUHC	3
SAYILLA, KERRI (DBA SHINING STARR)	SAYILLA, KERRI (dba Shining Starr)	2012/05/23	3044 MOUNT VERNON ROAD	HURRICANE	25526	Putnam	(304)964-2266	LUHC	3
SELLERS, KERRI A	SELLERS, KERRI A	2004/07/23	2708 BESSENER ROAD	JANE LEWIS	26378	Lewis	(304)881-8141	LUHC	3
SIMS, MANNY (DBA SIMS BOARDING CARE)	SIMS, MANNY (dba Sims Boarding Care)	1996/11/23	54 OWENS AVE	PURSGLOVE	26548	Monongalia	(304)595-3503	LUHC	3
SIRS, MANNY (DBA CARING HOUSE)	SIRS, MANNY (dba Caring House)	1998/01/18	704 BENONI AVENUE	Fairmont	26354	Marion	(304)363-0758	LUHC	3
SNIDER, KRISTIE D	SNIDER, KRISTIE D	2011/10/14	34 WOLF RUN ROAD	ORMA	25268	Calhoun	No Phone	LUHC	3
VISHER, CHASTITY DBA JANET'S HEAVENLY HOME	Swisher, Chastity dba Janet's Heavenly Home	2019/01/08	1444 SOUTH PRESTON HIGHWAY	Tunnelton	26444	Preston	(304)892-7036	LUHC	3
THOMAS-BALDWIN, CONNIE (DBA ALMOST HOME)	THOMAS-BALDWIN, CONNIE	2006/05/19	760 TACKETTS BRANCH	HURRICANE	25526	Putnam	No Phone	LUHC	3
VERTON, REKA	VERTON, REKA	2009/02/09	57 HILL RIDGE ROAD	HEATERS	26627	Brauxton	(304)765-7916	LUHC	3
WEERLEY, RADA (DBA RADA'S CARE HOME)	WEERLEY, RADA (dba Rada's Care Home)	1996/03/20	2453 WILLOW FORK ROAD	SISTERSVILLE	26175	Tyler	(304)653-1422	LUHC	3
WOTRING, AMY (DBA AMY'S SPECIAL TOUCH)	WOTRING, AMY (dba Amy's Special Touch)	2010/02/26	167 ASH POLE ROAD	TERRA ALTA	26764	Preston	(304)789-6654	LUHC	3

Facility Name	Legal Name	Physical Address	City	Zip	County	Phone Number	Facility Type	Total Beds
INSTED CENTER	106 Tyree Street Operations, LLC	96 TYREE STREET	Ansted	25812	Fayette	(304)658-5771	NURSING HOME (NH)	60
ARTHUR B. HODGES CENTER, THE	Arthur B. Hodges Center at Edgewood Summit	300 BAKER LANE	Charleston	25302	Kanawha	(304)720-2740	NURSING HOME (NH)	20
AUTUMN LAKE HEALTHCARE AT CRYSTAL SPRINGS	200 Whitman Avenue OPCO LLC	200 WHITMAN AVENUE	ELKINS	26241	Randolph	(304)636-2033	NURSING HOME (NH)	84
ECKLEY HEALTHCARE CENTER	Heartland Leasing Co., LLC	100 HEARTLAND DRIVE	Beckley	25801	Raleigh	(304)256-1650	NURSING HOME (NH)	201
ELMONT HEALTHCARE CENTER	Riverview Leasing Co., LLC	506 RIVERVIEW ROAD	BELMONT	26134	Pleasants	(304)665-2065	NURSING HOME (NH)	68
ERKELEY SPRINGS HEALTHCARE CENTER	Autumn Leasing Co., LLC	456 AUTUMN ACRES ROAD	BERKELEY SPRINGS	25411	Morgan	(304)258-3673	NURSING HOME (NH)	120
RAXTON HEALTHCARE CENTER	Days Leasing Co., LLC	859 DAYS DRIVE	SUTTON	26603	Braxton	(304)265-2861	NURSING HOME (NH)	65
RIDGEPORT HEALTHCARE CENTER	Crestview Terrace Leasing Co., LLC	41 CRESTVIEW TERRACE	Bridgeport	26330	Harrison	(304)842-7101	NURSING HOME (NH)	60
RIGHTWOOD CENTER	840 Lee Road Operations, LLC	840 LEE ROAD	FOLLANSBEE	26037	Brooke	(304)527-1100	NURSING HOME (NH)	115
ABELL HEALTHCARE CENTER	Hidden Brook Leasing Co., LLC	30 HIDDEN BROOK WAY	CULLODEN	25510	Cabell	(304)390-5709	NURSING HOME (NH)	90
AMERON HEALTHCARE CENTER	Wilson Leasing Co., LLC	ROUTE 4, BOX 20	CAMERON	26093	Marshall	(304)686-3318	NURSING HOME (NH)	60
ANTERBURY CENTER	80 Maddex Drive Operations, LLC	80 MADDEX DRIVE	SHEPHERDSTOWN	25443	Jefferson	(304)876-9422	NURSING HOME (NH)	62
ARE HAVEN CENTER	2720 CHARLES TOWN ROAD OPERATIONS, LLC	2720 CHARLES TOWN ROAD	MARTINSBURG	25401	Berkeley	(304)263-0933	NURSING HOME (NH)	68
EDAR RIDGE CENTER	302 Cedar Ridge Road Operations, LLC	302 CEDAR RIDGE ROAD	Sissonville	25320	Kanawha	(304)884-0046	NURSING HOME (NH)	119
HARLESTON HEALTHCARE CENTER	Chesterfield Leasing Co., LLC	3819 CHESTERFIELD AVENUE	CHARLESTON	25304	Kanawha	(304)835-4771	NURSING HOME (NH)	150
LARKSBURG HEALTHCARE CENTER	Dawson Run Leasing Co., LLC	2096 DAWSON RUN ROAD	CLARKSBURG	26301	Harrison	(304)624-6500	NURSING HOME (NH)	98
LAY HEALTHCARE CENTER	Clinic Leasing Co., LLC	1053 CLINIC DRIVE	IVYDALE	25113	Clay	(304)286-4204	NURSING HOME (NH)	60
COLUMBIA ST. FRANCIS HOSPITAL	Columbia St. Francis Hospital	333 LAIDLEY STREET	Charleston	25322	Kanawha	(304)347-6500	NURSING HOME (NH)	29
COMPLETE CARE AT DAWNVIEW LLC	Complete Care at Dawnview LLC	1 DIANE DRIVE	FORT ASHBY	26719	Mineral	(304)298-3602	NURSING HOME (NH)	66
COMPLETE CARE AT OAK RIDGE LLC	Complete Care AT Oak Ridge LLC	1000 ASSOCIATION DRIVE	CHARLESTON	25311	Kanawha	(304)347-4372	NURSING HOME (NH)	74
CONTINUOUS CARE CENTER WHEELING HOSPITAL	Continous Care Center Wheeling Hospital	236 HULLIEM PLACE	WHEELING	26003	Ohio	(304)243-3800	NURSING HOME (NH)	144
CORTLAND ACRES NURSING HOME	Cortland Acres Association, Inc.	39 CORTLAND ACRES LANE	Thomas	26292	Tucker	(304)463-4181	NURSING HOME (NH)	94
WESTVIEW MANOR HEALTHCARE CENTER	Court Leasing Co., LLC	199 COURT STREET	JANE LEW	26326	Lewis	(304)884-7811	NURSING HOME (NH)	72
DUNBAR CENTER	Dunbar Center	501 CALDWELL LANE	DUNBAR	25064	Kanawha	(304)744-4761	NURSING HOME (NH)	120
A. HAWSE HEALTHCARE CENTER	Route 55 Leasing Co., LLC	18086 STATE ROUTE 55	BAKER	26801	Hardy	(304)897-5903	NURSING HOME (NH)	60
AGLE POINTE HEALTHCARE CENTER	27th Street Leasing Co., LLC	1600 27TH STREET	Parterburg	26101	Wood	(304)485-6476	NURSING HOME (NH)	160
ELIZABETH CARE CENTER	Elizabeth Care Center	83 Little Kanawha Pkwy	ELIZABETH	26143	Wirt	No Phone	NURSING HOME (NH)	36
KING'S REHABILITATION & CARE CENTER	Elkins Regional Convalescent Center, Inc.	2533 BEVERLY PIKE	ELKINS	26243-901	Randolph	(304)696-1391	NURSING HOME (NH)	111
IRIMONT HEALTHCARE AND REHABILITATION CENTER	Guardian Elder Care at Fairmont, LLC	130 KAUFMAN DRIVE	Fairmont	26554	Marion	(304)363-5633	NURSING HOME (NH)	120
YETTEVILLE HEALTHCARE CENTER	Hresan Leasing Co., LLC	100 HRESAN BOULEVARD	FAYETTEVILLE	25840	Fayette	(304)574-0170	NURSING HOME (NH)	60
ASGOWN HEALTH AND REHABILITATION	Glasgow Health And Rehabilitation	120 MELROSS DRIVE, BOX 350	GLASGOW	25096	Kanawha	(304)595-1155	NURSING HOME (NH)	108
ENVILLE CENTER	Sunbridge Glenville Health Care, LLC	111 FAIRGROUND ROAD	GLENVILLE	26351	Gilmer	(304)462-5218	NURSING HOME (NH)	65
ENWOOD HEALTHCARE CENTER	Glenwood Park Leasing Co., LLC	1924 GLEN WOOD PARK ROAD	PRINCETON	24239	Mason	(304)425-8128	NURSING HOME (NH)	80
300 SAMMARTIN SOCIETY BARBOUR COUNTY	Belington SMC Operations LLC	216 SAMMARTIN CIRCLE	BELINGTON	26250	Barbour	(304)823-2555	NURSING HOME (NH)	57
300 SHEPHERD NURSING HOME	Good Shepherd Nursing Home, LC	158 BOYSTON LANE	Wheeling	26083	Ohio	(304)242-1083	NURSING HOME (NH)	192
LANIT REHABILITATION AND CARE CENTER	Grant Rehabilitation and Care Center	127 EARLY AVENUE	Petersburg	26947	Grant	(304)257-4233	NURSING HOME (NH)	110
JARDAN ELDER CARE AT WHEELING	Guardian Elder Care at Wheeling, LLC	20 BOWNESTRADE AVENUE	Wheeling	26003	Ohio	(304)234-0500	NURSING HOME (NH)	150
IMPISHIRE CENTER	Hampshire Center	260 SUNRISE BOULEVARD	ROMNEY	26757	Hampshire	(304)822-2527	NURSING HOME (NH)	62
IMPISHIRE MEMORIAL HOSPITAL	Valley Health Hampshire Memorial Hospital, Inc.	363 SUNRISE BLVD	ROMNEY	26757	Hampshire	(304)822-4561	NURSING HOME (NH)	30
IRITAGE CENTER	Heritage Center	101 13TH STREET	HUNTINGTON	25701	Cabell	(304)525-7622	NURSING HOME (NH)	160
ODEN VALLEY CENTER	422 23rd Street Operations, LLC	422 23RD STREET	GAR HILL	25901	Fayette	(304)465-1803	NURSING HOME (NH)	80
LLCREST HEALTHCARE CENTER	Kenmore Leasing Co., LLC	462 KENMORE DRIVE	DANVILLE	25053	B Boone	(304)369-0966	NURSING HOME (NH)	90
LITTOP CENTER	Saddle Shop Road Operations, LLC	152 SADDLESHOP ROAD	HILLTOP	25855	Fayette	(304)468-2966	NURSING HOME (NH)	120
LBROOK HEALTHCARE CENTER	Holbrook Leasing Co., LLC	183 HOLBROOK ROAD	Buckhannon	26201	Upshur	(304)472-3280	NURSING HOME (NH)	110
PEMONT HOSPITAL	Hopemont Hospital	150 HOPEMONT DRIVE	Terra Alta	26764	Preston	(304)789-2411	NURSING HOME (NH)	98
INTINGTON HEALTH AND REHABILITATION CENTER	Seventeenth Street Associates, LLC	1720 17TH STREET	HUNTINGTON	25701	Cabell	(304)529-6031	NURSING HOME (NH)	186
CKIE WITHROW HOSPITAL	Jackie Withrow Hospital	105 SOUTH EISENHOWER DRIVE	BECKLEY	25801	Raleigh	(304)256-6600	NURSING HOME (NH)	199
HN MANCHIN SR HEALTH CARE CENTER	John Manchin Sr Health Care Center	401 GUFFEY STREET	Fairmont	26554	Marion	(304)343-2300	NURSING HOME (NH)	41
YSER HEALTHCARE CENTER	Southern Leasing Co., LLC	135 SOUTHERN DRIVE	KEYSER	26726	Mineral	(304)788-3415	NURSING HOME (NH)	122
IGWOOD HEALTHCARE CENTER	Miller Leasing Co., LLC	300 MILLER ROAD	KINGWOOD	26537	Preston	(304)329-3195	NURSING HOME (NH)	120
CIN HOSPITAL	Lakin Hospital	11522 Ohio River Road	WEST COLUMBIA	25287	Mason	(304)675-0880	NURSING HOME (NH)	114
VISBURG HEALTHCARE CENTER	Rocky Hill Leasing Co., LLC	979 ROCKY HILL ROAD	RONCVERTE	24970	Greensbrier	(304)645-7770	NURSING HOME (NH)	90
COLIN HEALTHCARE CENTER	Monday Leasing Co., LLC	200 MONDAY DRIVE	HAMLIN	25523	Lincoln	(304)824-3133	NURSING HOME (NH)	60
DSIDE HEALTHCARE CENTER	Springfield Center LLC	10797 SENECA TRAIL SOUTH	LINDSIDE	24951	Monroe	(304)753-4332	NURSING HOME (NH)	60
SAN CENTER	Three Mile Curve Operations, LLC	55 LOGAN MINGO MENTAL HEA	LOGAN	25601	Logan	(304)752-2273	NURSING HOME (NH)	66
DISON PARK HEALTHCARE	Fairhaven Op Co., LLC	700 MADISON AVENUE	Huntington	25704	Cabell	(304)533-0032	NURSING HOME (NH)	41
DISON, THE	The Madison	161 BAKERS ROAD	MORGANTOWN	26508	Monongalia	(304)285-0692	NURSING HOME (NH)	62
IN STREET CARE	Main Street Hinton	115 SUMMER	HINTON	25951	Summers	(304)466-6080	NURSING HOME (NH)	34
NSFIELD PLACE	Broadus Hospital dba Mansfield Place	95 HEALTHCARE	PHILIPPI	26416	Barbour	(304)457-1260	NURSING HOME (NH)	60

MAPLES NURSING HOME	Maples Nursing Home	1600 BLAND STREET	Bluefield	24701	Mercer	(304)327-2485	NURSING HOME (NH)	60
MAPLEWOOD HEALTHCARE CENTER	BP WV Maplewood Leasing Co., LLC	1081 MAPLEWOOD DRIVE	BRIDGEPORT	26330	Harrison	(304)842-4135	NURSING HOME (NH)	77
MARMET CENTER	1 Sulphur Drive Operations LLC	ONE SULPHUR DRIVE	MARMET	25315	Kanawha	(304)949-1580	NURSING HOME (NH)	90
MARTINSBURG HEALTHCARE CENTER	Four Leaf Clover Leasing Co., LLC	209 CLOVER STREET	MARTINSBURG	25404	Berkeley	(304)263-8921	NURSING HOME (NH)	120
MCDOWELL HEALTHCARE CENTER	Venus Leasing Co., LLC	150 VENUS ROAD	GARY	24836	McDowell	(304)448-2121	NURSING HOME (NH)	100
Meadowbrook Acres	Harrel Memorial Nursing Center	2149 GREENBRIER STREET	CHARLESTON	25311	Kanawha	(304)944-4268	NURSING HOME (NH)	60
MERCER HEALTHCARE CENTER	Southview Leasing Co., LLC	1275 SOUTHVIEW DRIVE	BLUEFIELD	24701	Mercer	(304)375-5448	NURSING HOME (NH)	123
MILETREE CENTER	825 Summit Street Operations, LLC	825 SUMMIT STREET	SPENCER	25276	Roane	(304)927-1007	NURSING HOME (NH)	62
Minnie Hamilton Health Care	Minnie Hamilton Health Care Center	186 HOSPITAL DRIVE	Graentsville	26147	Calhoun	(304)354-9244	NURSING HOME (NH)	24
MONTGOMERY GENERAL ELDERLY CARE	Montgomery General Elderly Care	501 ADAMS STREET	MONTGOMERY	25136	Fayette	No Phone	NURSING HOME (NH)	60
MONTGOMERY GENERAL HOSPITAL	Montgomery General Hospital, Distinct Part	401 6TH AVENUE	Montgomery	25136	Fayette	(304)442-5151	NURSING HOME (NH)	44
MORGANTOWN HEALTH AND REHABILITATION, LLC	MORGANTOWN HEALTH AND REHABILITATION, LLC	1379 VAN VOORHIS RD	MORGANTOWN	26505	Monongalia	(304)599-9480	NURSING HOME (NH)	100
MORGANTOWN HEALTHCARE CENTER	Mon General Leasing Co., LLC	30 MON GENERAL DRIVE	Morgantown	26505	Monongalia	(304)285-2720	NURSING HOME (NH)	120
MOUNDSVILLE HEALTHCARE CENTER	Floral Leasing Co., LLC	2200 FLORAL STREET	Moundsville	26041	Marshall	(304)865-1035	NURSING HOME (NH)	129
MOUNTAIN VIEW CARE CENTER	Eldercare of Jackson County, LLC	107 MILLER DRIVE	RIPLEY	25271	Jackson	(304)372-5115	NURSING HOME (NH)	120
ELLA'S AT AUTUMN LAKE HEALTHCARE	499 Ferguson Road OPCO LLC	499 Ferguson road	ELKINS	26241	Randolph	(304)636-1008	NURSING HOME (NH)	100
EW MARTINSVILLE CENTER	Sunbridge Mountain Care Management, LLC	225 RUSSELL AVENUE	NEW MARTINSVILLE	26195	Wetzel	(304)455-2600	NURSING HOME (NH)	100
HIO VALLEY HEALTH CARE	Ohio Valley Health Care	222 NICOLETTE ROAD	PARKERSBURG	26104	Wood	(304)485-5137	NURSING HOME (NH)	66
PARKERSBURG CENTER	Parkersburg Center	1716 GIRON ROAD	PARKERSBURG	26101	Wood	(304)485-5511	NURSING HOME (NH)	66
PENDELTON MANOR	Pendleton Manor	68 GOOD SAMARITAN DRIVE	FRANKLIN	26807	Pendleton	(304)338-1321	NURSING HOME (NH)	91
ERPONT CENTER AT FAIRMONT CAMPUS	1543 Country Club Road Manor Operations, LLC	1543 COUNTRY CLUB ROAD	Fairmont	26554	Marion	(304)363-2273	NURSING HOME (NH)	120
NE LODGE	Pine Lodge	405 STANFORD ROAD	Beckley	25801	Raleigh	(304)252-6517	NURSING HOME (NH)	120
NE VIEW NURSING AND REHABILITATION CENTER	Pine View Nursing and Convalescent Home, Inc.	400 MCKINLEY AVENUE	HARRISVILLE	26362	Nichols	(304)643-2712	NURSING HOME (NH)	56
NEASANT VALLEY HEALTHCARE CENTER	Sandhill Leasing Co., LLC	640 SAND HILL ROAD	POINT PLEASANT	25550	Mason	No Phone	NURSING HOME (NH)	100
NECAHONTAS CENTER	Stillwell Road Operations LLC	5 EVERETT TIBBS ROAD	MARLINTON	24954	Pocahontas	(304)799-7375	NURSING HOME (NH)	68
NETCON HEALTH CARE CENTER	Princeton Health Care Center	315 COURTHOUSE RD.	PRINCETON	24740	Mercer	(304)447-2458	NURSING HOME (NH)	120
NETNAM CENTER	Putnam Center	300 SEVILLE ROAD	HURRICANE	25526	Putnam	(304)757-5805	NURSING HOME (NH)	120
NETELLE HEALTHCARE CENTER	Pennsylvania Leasing Co., LLC	276 Pennsylvania Avenue	RAINFELLE	25963	Greenbrier	(304)438-6127	NURSING HOME (NH)	60
NETLEIGH CENTER	Raleigh Center	1691 RITTER DRIVE	DANIELS	25832	Raleigh	(304)763-3051	NURSING HOME (NH)	68
NETERSWOOD VILLAGE	200 Ritchie Avenue Operations, LLC	200 RITCHIE AVENUE	RAVENSWOOD	26184	Jackson	(304)273-9385	NURSING HOME (NH)	62
NETVER OAKS HEALTHCARE CENTER	100 Parkway Leasing Co., LLC	100 PARKWAY DRIVE	Clarksburg	26301	Harrison	(304)754-6401	NURSING HOME (NH)	120
NETVERSIDE HEALTH AND REHABILITATION CENTER	Beverly Enterprises - West Virginia, Inc.	6500 MACCORRLE AVENUE SW	SANIT ALBANS	25172	Kanawha	(304)769-0002	NURSING HOME (NH)	90
NETVANE GENERAL HOSPITAL	Roane General Hospital, Distinct Part	200 HOSPITAL DRIVE	Spencer	25278	Roane	(304)527-4414	NURSING HOME (NH)	65
NETVASEWOOD CENTER	8 Rose Street Operations, LLC	8 ROSE STREET	GRAFTON	26354	Taylor	(304)265-0095	NURSING HOME (NH)	69
NETVSALEM CENTER	Salem Center	255 SUNBRIDGE DRIVE	SALEM	26476	Harrison	(304)782-3000	NURSING HOME (NH)	88
NETVSHENANDOAH CENTER	GB WV Maplewood Leasing Co., LLC	1115 MAPLEWOOD AVENUE	Lewistown	24901	Greenbrier	(304)645-3076	NURSING HOME (NH)	80
NETVSHENANDOAH CENTER	Shenandoah Center	50 MULBERRY TREE STREET	CHARLES TOWN	25414	Jefferson	(304)734-1101	NURSING HOME (NH)	78
NETVSHENANDOAH CENTER	Sistersville Center	204 WOOD STREET	SISTERSVILLE	26175	Tyler	(304)592-1022	NURSING HOME (NH)	68
NETVSHENANDOAH CENTER	St. Barbara's Memorial Nursing Home	134 ST BARBARAS ROAD	MCDONOUGH	26594	Marion	(304)594-5120	NURSING HOME (NH)	57
NETVSHENANDOAH CENTER	St. Joseph's Hospital, Distinct Part	AMALIA DRIVE #2	Buckhannon	26201	Upshur	(304)473-3000	NURSING HOME (NH)	26
NETVSHENANDOAH CENTER	St. Mary's Hospital, Distinct Part	2900 FIRST STREET	Huntington	25702	Cabell	(304)526-8983	NURSING HOME (NH)	19
NETVSHENANDOAH CENTER	Fox Nursing Home, Inc.	125 FOX LANE	Chester	26034	Hancock	(304)387-0101	NURSING HOME (NH)	60
NETVSHENANDOAH CENTER	John Cook Leasing Co., LLC	198 JOHN COOK NURSING HOM	HINTON	25951	Summers	(304)466-0332	NURSING HOME (NH)	120
NETVSHENANDOAH CENTER	Professional Park Leasing Co., LLC	712 PROFESSIONAL PARK DRIVE	SUMMERSVILLE	26851	Nicholas	No Phone	NURSING HOME (NH)	90
NETVSHENANDOAH CENTER	Sundale Nursing Home	800 J.C. ANDERSON DRIVE	MORGANTOWN	26505	Monongalia	(304)599-0497	NURSING HOME (NH)	100
NETVSHENANDOAH CENTER	Hospital Leasing Co., LLC	2 HOSPITAL PLAZA	GRAFTON	26354	Taylor	No Phone	NURSING HOME (NH)	60
NETVSHENANDOAH CENTER	Teays Valley Center	1390 NORTH POPLAR FORK ROAD	HURRICANE	25526	Putnam	(304)757-7829	NURSING HOME (NH)	124
NETVSHENANDOAH CENTER	Trinity Health Care Services, Inc.	1000 WEST PARK AVENUE	LOGAN	25601	Logan	(304)752-8729	NURSING HOME (NH)	120
NETVSHENANDOAH CENTER	Trinity Health Care Services, Inc.	100 HILLCREST DRIVE	WILLIAMSON	25661	Mingo	(304)735-7005	NURSING HOME (NH)	90
NETVSHENANDOAH CENTER	1538 Country Club Road Operations, LLC	1538 COUNTRY CLUB ROAD	FAIRMONT	26554	Marion	(304)366-9100	NURSING HOME (NH)	119
NETVSHENANDOAH CENTER	United Transitional Care Center	327 MEDICAL PARK DRIVE	Bridgeport	26330	Harrison	(681)342-5174	NURSING HOME (NH)	32
NETVSHENANDOAH CENTER	1000 Lincoln Drive Operations, LLC	1000 LINCOLN DRIVE	CHARLESTON	25309	Kanawha	(304)768-4400	NURSING HOME (NH)	130
NETVSHENANDOAH CENTER	War Memorial Hospital, Distinct Part	1 HEALTHY WAY	Berkeley Springs	25411	Morgan	(304)258-6502	NURSING HOME (NH)	16
NETVSHENANDOAH CENTER	Route 152 Leasing Co., LLC	6999 ROUTE 152	WAYNE	25570	Wayne	(304)697-7007	NURSING HOME (NH)	60
NETVSHENANDOAH CENTER	Erbacon Leasing Co., LLC	411 ERBACON ROAD	COWEN	26206	Webster	(304)226-5301	NURSING HOME (NH)	60
NETVSHENANDOAH CENTER	Welton Geriatric Center	2525 PENNSYLVANIA AVENUE	WEIRTON	26082	Hancock	(304)723-4300	NURSING HOME (NH)	137
NETVSHENANDOAH CENTER	Welton Medical Center, Distinct Part	601 COLLIER'S WAY	Welton	26062	Hancock	(304)797-6000	NURSING HOME (NH)	33
NETVSHENANDOAH CENTER	Valley Haven Leasing Co., LLC	70 VALLEY HAVEN DR	Wellburg	26070	Brooke	(304)394-5322	NURSING HOME (NH)	60
NETVSHENANDOAH CENTER	WV Veterans Nursing Facility	ONE FREEDOM	Cheraburg	26301	Harrison	(304)626-1800	NURSING HOME (NH)	120
NETVSHENANDOAH CENTER	Route 92 Operations, LLC	345 POCAHONTAS	White Sulphur Springs	24986	Greenbrier	(304)536-4661	NURSING HOME (NH)	68
NETVSHENANDOAH CENTER	Blue Ridge Nursing, LLC	1263 SOUTH GREEN	CHARLES TOWN	25414	Jefferson	(304)725-6575	NURSING HOME (NH)	104

VILLOWS CENTER	723 Summers Street Operations, LLC	723 SUMMERS STREET	PARKERSBURG	26101	Wood	(304)428-5573	NURSING HOME (NH)	97
VORTHINGTON HEALTHCARE CENTER	Thirty Six Leasing Co., LLC	2675 36TH STREET	Parkersburg	26104	Wood	(304)485-7447	NURSING HOME (NH)	105
WYOMING HEALTHCARE CENTER	Warrior Leasing Co., LLC	236 WARRIOR WAY	NEW RICHMOND	24867	Wyoming	(304)294-7586	NURSING HOME (NH)	60
								10744



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## Our Promise

For over 145 years, we have been focused on helping our customers navigate caregiving options, protect and grow their retirement income, and prepare for the financial challenges that come as we age. We're here to be a trusted ally for everybody who needs care as they age and anybody who loves them.



West Virginia - State

**Monthly Cost**

2021

**Home Health Care****Homemaker Services**

\$3,527

**Homemaker Health Aide**

\$3,575

*Based on annual rate divided by 12 months (assumes 44 hours per week).***Adult Day Health Care****Adult Day Health Care**

\$1,083

*Based on annual rate divided by 12 months.***Assisted Living Facility****Private, One Bedroom**

\$4,180

*As reported, monthly rate, private, one bedroom.***Nursing Home Care****Semi-Private Room**

\$11,619

**Private Room**

\$12,212

*Based on annual rate divided by 12 months.*

The information shown above is based on a specific scenario generated by the [Genworth 2021 Cost of Care](#). Future years are calculated by assuming an annual 3% growth rate. For more information and location comparison, visit [genworth.com/costofcare](https://genworth.com/costofcare).

Virginia - State

## Monthly Cost

2021

### Home Health Care

Homemaker Services

\$4,767

Homemaker Health Aide

\$4,954

*Based on annual rate divided by 12 months (assumes 44 hours per week).*

### Adult Day Health Care

Adult Day Health Care

\$1,690

*Based on annual rate divided by 12 months.*

### Assisted Living Facility

Private, One Bedroom

\$5,250

*As reported, monthly rate, private, one bedroom.*

### Nursing Home Care

Semi-Private Room

\$8,213

Private Room

\$9,155

*Based on annual rate divided by 12 months.*

The information shown above is based on a specific scenario generated by the [Genworth 2021 Cost of Care](#). Future years are calculated by assuming an annual 3% growth rate. For more information and location comparison, visit [genworth.com/costofcare](https://genworth.com/costofcare).

**Maryland - State****Monthly Cost**

2021

**Home Health Care****Homemaker Services****\$5,148****Homemaker Health Aide****\$5,148***Based on annual rate divided by 12 months (assumes 44 hours per week).***Adult Day Health Care****Adult Day Health Care****\$1,928***Based on annual rate divided by 12 months.***Assisted Living Facility****Private, One Bedroom****\$4,900***As reported, monthly rate, private, one bedroom.***Nursing Home Care****Semi-Private Room****\$10,342****Private Room****\$12,167***Based on annual rate divided by 12 months.*

The information shown above is based on a specific scenario generated by the [Genworth 2021 Cost of Care](#). Future years are calculated by assuming an annual 3% growth rate. For more information and location comparison, visit [genworth.com/costofcare](https://genworth.com/costofcare).

## Pennsylvania - State

### Monthly Cost

2021

#### Home Health Care

Homemaker Services

\$4,957

Homemaker Health Aide

\$4,957

*Based on annual rate divided by 12 months (assumes 44 hours per week).*

#### Adult Day Health Care

Adult Day Health Care

\$1,625

*Based on annual rate divided by 12 months.*

#### Assisted Living Facility

Private, One Bedroom

\$4,100

*As reported, monthly rate, private, one bedroom.*

#### Nursing Home Care

Semi-Private Room

\$10,403

Private Room

\$11,157

*Based on annual rate divided by 12 months.*

The information shown above is based on a specific scenario generated by the [Genworth 2021 Cost of Care](#). Future years are calculated by assuming an annual 3% growth rate. For more information and location comparison, visit [genworth.com/costofcare](https://genworth.com/costofcare).

District of Columbia - State

## Monthly Cost

2021

### Home Health Care

Homemaker Services

\$5,577

Homemaker Health Aide

\$5,577

*Based on annual rate divided by 12 months (assumes 44 hours per week).*

### Adult Day Health Care

Adult Day Health Care

n/a

*Based on annual rate divided by 12 months.*

### Assisted Living Facility

Private, One Bedroom

\$6,978

*As reported, monthly rate, private, one bedroom.*

### Nursing Home Care

Semi-Private Room

\$10,494

Private Room

\$10,494

*Based on annual rate divided by 12 months.*

The information shown above is based on a specific scenario generated by the [Genworth 2021 Cost of Care](#). Future years are calculated by assuming an annual 3% growth rate. For more information and location comparison, visit [genworth.com/costofcare](https://www.genworth.com/costofcare).



## Cost of Care Trends & Insights

Genworth: Financial Solutions for Long Term Care / Aging & You / Aging & Your Finances / Cost of Care / Cost of Care Trends & Insights

### Since 2004, families across America have counted on us to help them understand the cost of care.

Our research in 435 cities and towns across all 50 states has not only helped individuals plan for their own care but helped policymakers with forecasting and legislative reform. In 2021, the 18th year of the survey, the United States continued to grapple with the COVID-19 pandemic and the national median costs associated with all long-term care service providers increased compared to 2020 data.

Type of Service	Rate Type	2021 National Median Values	2020 National Median Values	Year-Over-Year Increase
Homemaker	Hourly	\$26	\$24	10.64%
Home Health Aide	Hourly	\$27	\$24	12.50%

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Facility Type	Frequency	2020 Rate	2021 Rate	% Change
<b>Assisted Living Facility</b>	Monthly	\$4,500	\$4,300	4.65%
<b>Nursing Home Semi-Private Room</b>	Monthly	\$7,800	\$7,650	1.96%
<b>Nursing Home Private Room</b>				

Source: Genworth Cost of Care Surveys 2017-2021; Conducted by Carescout®

## Why Cost of Care is Increasing

Since we started tracking the cost of care in 2004, long term care services have been on the rise. Certainly, though, the last two years have brought new challenges to a challenging landscape. While already experts in caring for vulnerable populations, in response to COVID-19 care providers increased their use of personal protective equipment (PPE) and enhanced their trainings and protocols to meet the health and safety concerns of their clientele. Costs associated with those measures, as well as compliance with guidelines and regulations, contribute to increases in rates seen this year. These COVID-19-related costs, though, are expected to dissipate over time and represent a small proportion of the overall increase in the 2021 rates.

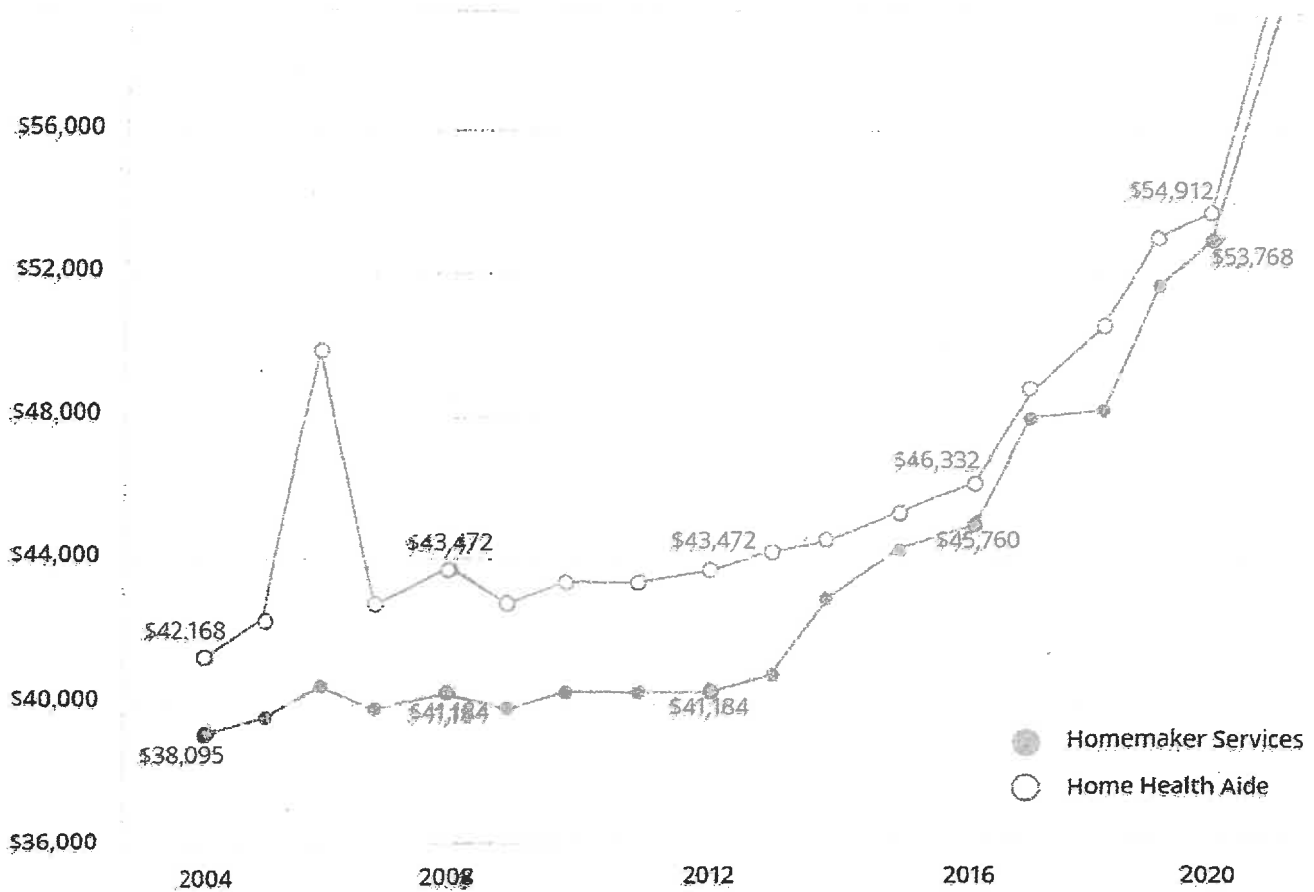
The core driver of increases in the cost of care services remains supply and demand. Every day until 2030, 10,000 Baby Boomers will turn 65<sup>1</sup> and seven out of ten of them will require long-term care services at some point<sup>2</sup>. The level of care needed by this rapidly aging population has itself increased over the years<sup>3</sup>. The high turnover rate and insufficient supply of professionals to meet this growing demand pre-date the COVID-19 pandemic<sup>4</sup>, but are now amplified as those providing care on the frontline must consider their own risk of exposure against increasing opportunities for competitive salaries in alternative lines of work.

## Genworth Cost of Care 2004 - 2021

### In-Home Care Costs<sup>5</sup>

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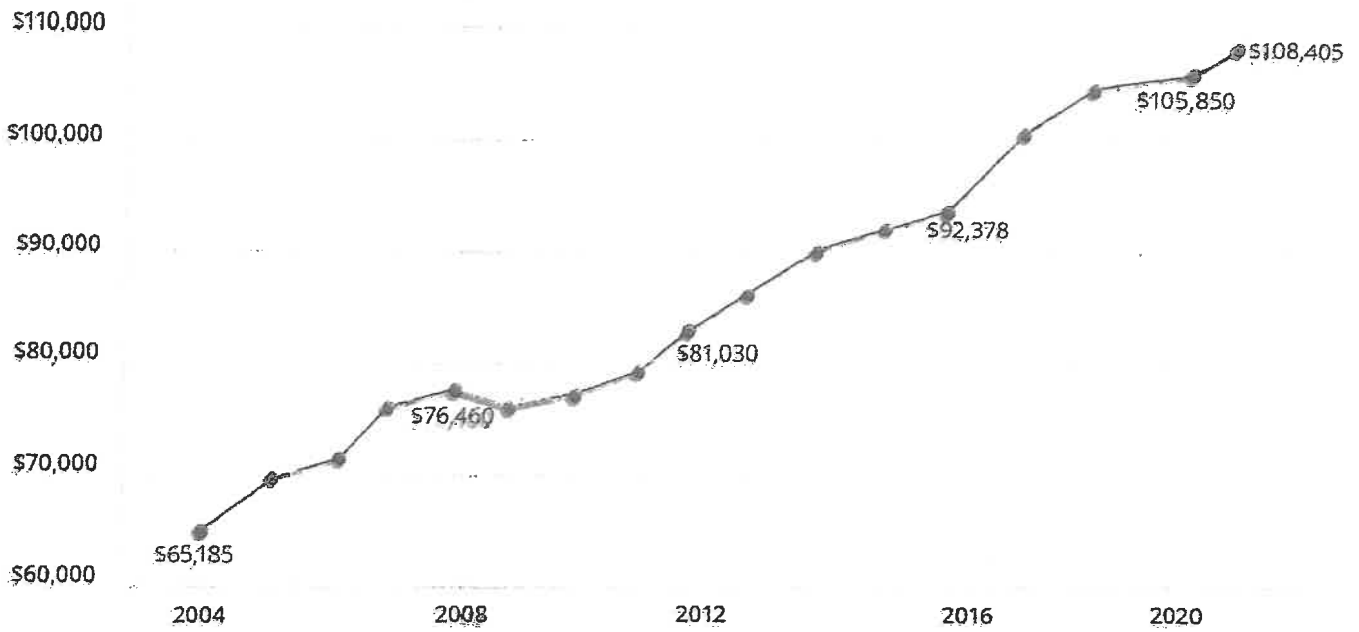


# \$27.00

## National hourly cost for a Home Health Aide in 2021<sup>6</sup>

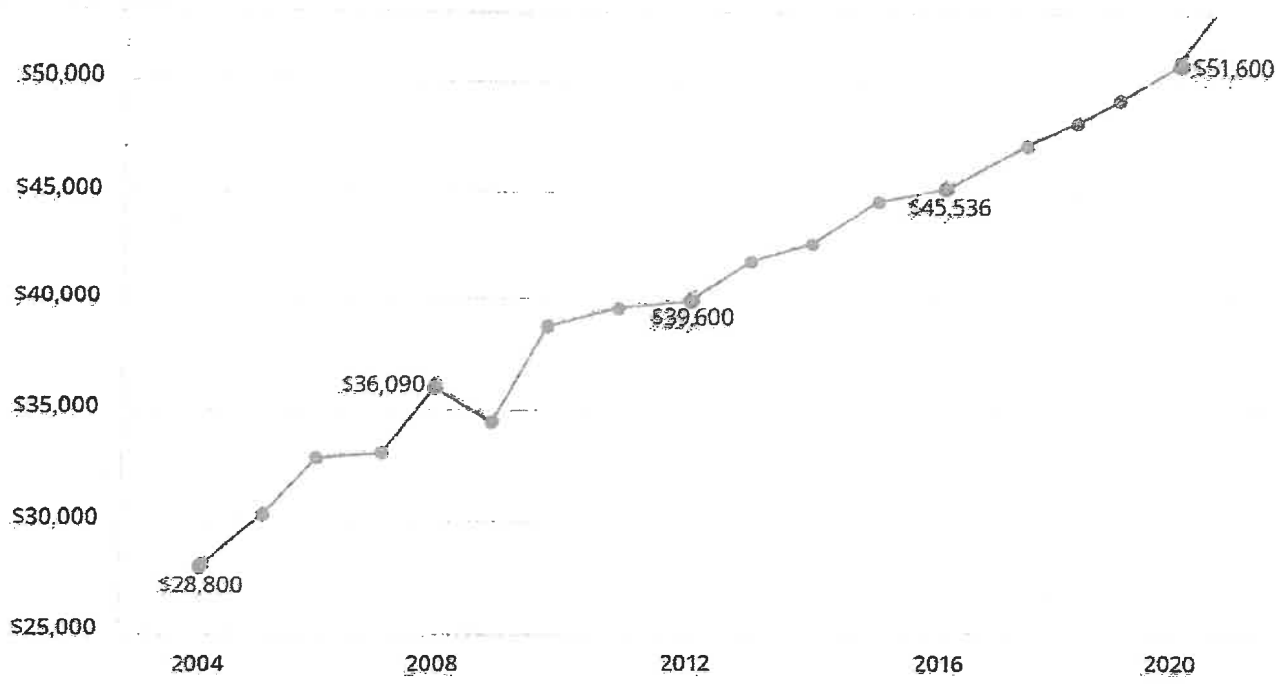
The median yearly cost of in-home care in the United States in 2021 was \$61,776 for a Home Health Aide and \$59,488 for Homemaker services. The hourly rate for a Home Health Aide ranged from \$19 in West Virginia to \$36 in Minnesota.

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## Assisted Living Facility Costs<sup>8</sup>

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## Cost of Care Supporting Insights



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TITLE 64  
LEGISLATIVE RULE  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 13  
NURSING HOME LICENSURE

**§64-13-1. General.**

1.1. Scope. It is the purpose of this rule to implement state and federal law governing the licensing, operation, and standard of care in nursing homes located in the State of West Virginia. Compliance with this rule will help each resident attain or maintain the highest practicable physical, mental and psychosocial well-being in accordance with a comprehensive assessment and plan of care and prevailing standards of care, and will promote a standard of care that assures that the ability of each resident to perform activities of daily living does not diminish unless the resident's ability is diminished solely as a result of a change in the resident's clinical condition.

1.2. Authority. W. Va. Code §16-1-4, §16-5C-5, and §16-5C-21(b).

1.3. Filing Date. April 29, 2021.

1.4. Effective Date. July 1, 2021.

1.5. Sunset Provision. This rule will terminate and have no further force or effect upon August 1, 2026.

1.6. Application. This rule applies to nursing home residents and their legal representatives as well as every individual and every form of organization, whether incorporated or unincorporated, including any partnership, corporation, trust, association, or political subdivision of the state that operates or applies to operate a nursing home as defined in this rule and W. Va. Code §§16-5C-1, *et seq.*

1.7. Variances From This Rule.

1.7.1. The department may grant a variance from any provision of this rule if it determines that:

1.7.1.a. Strict compliance would impose a substantial hardship on the licensee;

1.7.1.b. The licensee will otherwise meet the goal of the rule; and

1.7.1.c. A variance will not result in less protection of the health, safety and welfare of the residents.

1.7.2. A variance shall not be granted from a provision pertaining to residents' rights.

1.7.2.a. Separate federal variance procedures may apply for provisions of this rule and are contained in the federal nursing home regulations.

1.7.2.b. Requests for variances from West Virginia fire safety and building construction requirements shall be addressed to the appropriate authorities.



TITLE 64  
LEGISLATIVE RULE  
BUREAU FOR PUBLIC HEALTH

SERIES 14  
ASSISTED LIVING RESIDENCES

**§64-14-1. General.**

1.1. Scope. -- This legislative rule establishes specific standards and procedures to provide for the health, safety, and the protection of the rights and dignity of residents of assisted living residences. This rule should be read in conjunction with W. Va. Code §§16-5D-1, *et seq.* The West Virginia Code is available in public libraries and on the Legislature's web page, <http://wvlegislature.gov/>.

1.2. Authority. -- W. Va. Code §16-5D-5 and §16-1-4.

1.3. Filing Date. -- May 1, 2019.

1.4. Effective Date. -- July 30, 2019.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on July 30, 2024.

1.6. Application. -- This rule applies to any individual person and any organization, incorporated or unincorporated, including a partnership, corporation, trust, association or political subdivision of the State establishing, maintaining or operating an assisted living residence as defined in W. Va. Code §16-5D-2 and this rule. This rule does not apply to homes or asylums operated by fraternal orders pursuant to W. Va. Code §§35-3-1, *et seq.*, or to health care facilities subject to other applicable licensure rules, such as nursing homes, residential care communities, and behavioral health centers.

1.7. Enforcement. -- This rule is enforced by the Secretary of the Department of Health and Human Resources, or his or her designee.

**§64-14-2. Definitions.**

2.1. Definitions incorporated by reference. -- Those terms defined in W. Va. Code §§16-5D-1, *et seq.*, are incorporated herein by reference.

2.2. Abuse. -- The willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods and services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain, or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology. Willful, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.



# Agent Full

1163 Gardners Ln, Shepherdstown, WV 25443

Active

Residential

\$950,000



16/3

16/1



Shepherdstown Pike

16/1

17/1

Google

Map data ©2023

MLS #: WVJF2008904  
 Tax ID #: 09 17000900030000  
 Ownership Interest: Fee Simple  
 Structure Type: Detached  
 Levels/Stories: 2  
 Waterfront: No  
 Garage: Yes

Beds: 6  
 Baths: 5  
 Above Grade Fin SQFT: 5,292 / Estimated  
 Assessor AbvGrd Fin SQFT: 5,972  
 Price / Sq Ft: 179.52  
 Year Built: 2000  
 Style: Ranch/Rambler  
 Central Air: Yes  
 Basement: Yes

### Location

County: Jefferson, WV  
 In City Limits: No  
 Municipality: Shepherdstown  
 Subdiv / Neigh: WILLOW SPRINGS

School District: Jefferson County Schools  
 Election District: 1

### Taxes and Assessment

Tax Annual Amt / Year: \$3,200 / 2022  
 School Tax: \$1,828  
 County Tax: \$1,371 / Annually  
 City/Town Tax: Annually  
 Clean Green Assess: No  
 Zoning: 101

Tax Assessed Value: \$785,400 / 2022  
 Imprv. Assessed Value: \$623,300  
 Land Assessed Value: \$162,100  
 Land Use Code: 004  
 Block/Lot: #B

### Rooms

	Bed	Bath
Main	6	4 Full
Lower 1		1 Full

### Building Info

Above Grade Fin SQFT: 5,292 / Estimated  
 Below Grade Fin SQFT: 4,526 / Estimated  
 Total Below Grade SQFT: 4,916 / Estimated  
 Total Fin SQFT: 9,818 / Estimated  
 Tax Total Fin SQFT: 9,572  
 Total SQFT: 10,208 / Estimated  
 Foundation Details: Block  
 Basement Type: Partially Finished

Construction Materials: Brick, Vinyl Siding  
 Below Grade Unfin SQFT: 390 / Estimated

### Lot

Lot Acres / SQFT: 6.72a / 292723.2sf / Estimated  
 Fencing: Chain Link

### Parking

Detached Garage - # of Spaces: 1  
 Total Parking Spaces: 1

Features: Detached Garage, Driveway, Garage - Front Entry

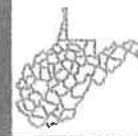
### Interior Features

Interior Features: Fireplace(s): 2, Wood; Accessibility Features: None

### Exterior Features

Exterior Features: Pool: Yes - Personal; Personal Pool Features: Above Ground Pool

# WV Real Estate Assessment Data



[About](#)   
 [New Search](#)   
 [Structure Drawing](#)

Parcel ID 19-09-0017-0009-0003    Tax Year 2023    County Jefferson    Date 12/3/2023  
 Root PID 19090017000900030000

## Property Owner and Mailing Address

Owner(s) BALDWIN MARK R & JENNIFER A  
 Mailing Address 1163 GARDNERS LN, SHEPHERDSTOWN, WV 25443

## Property Location

Physical Address 1163 GARDNERS LN  
 E-911 Address 1163 GARDNERS LN Shepherdstown WV 25443  
 Parcel ID 19-09-0017-0009-0003  
 County 19 - Jefferson  
 District 9 - Shepherdstown District  
 Map [0017](#) (Click for PDF tax map)  
 Parcel No. 0009  
 Parcel Suffix 0003  
 Map View Link <https://mapwv.gov/parcel/?pid=19-09-0017-0009-0003>

## General Information

Tax Class	Book / Page	Deeded Acres	Calculated Acres	Legal Description
2	1123 / 428	6.630	6.60	LT #B WEAVER (6.63AC)
			6.60	

## Cost Value

Dwelling Value \$645,400  
 Other Bldg/Yard Values \$13,080  
 Commercial Value ---

## Appraisal Value

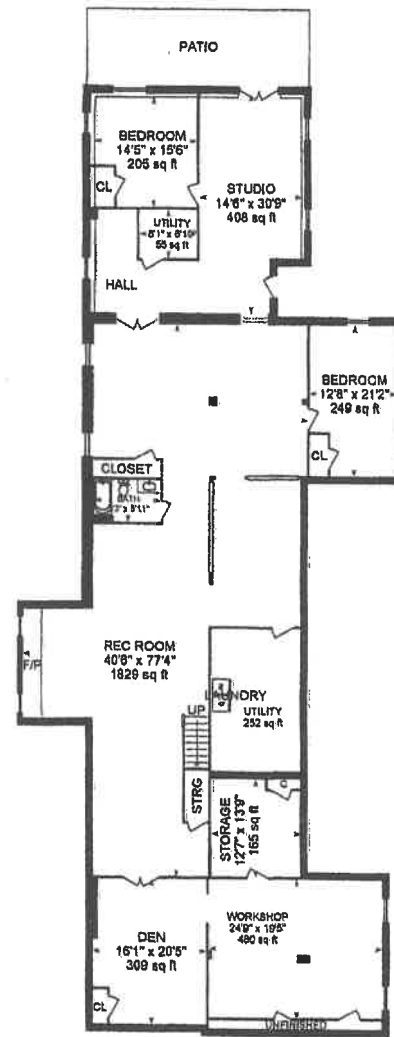
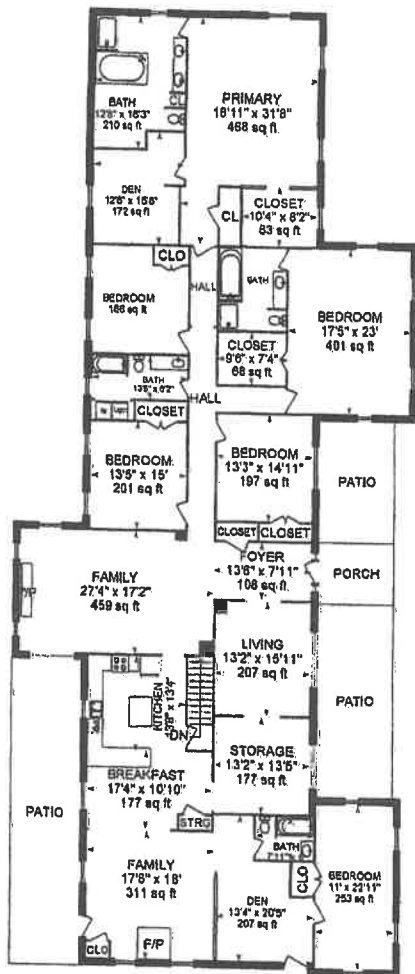
Land Appraisal \$201,300  
 Building Appraisal \$658,500  
 Total Appraisal \$859,800

## Building Information

Property Class R - Residential  
 Land Use 101 - Residential 1 Family  
 Sum of Struct Areas 8,548

# 1163 Gardners Ln, Shepherdstown, WV

Main Building: Above Grade Finished Area 5292.36 sq ft

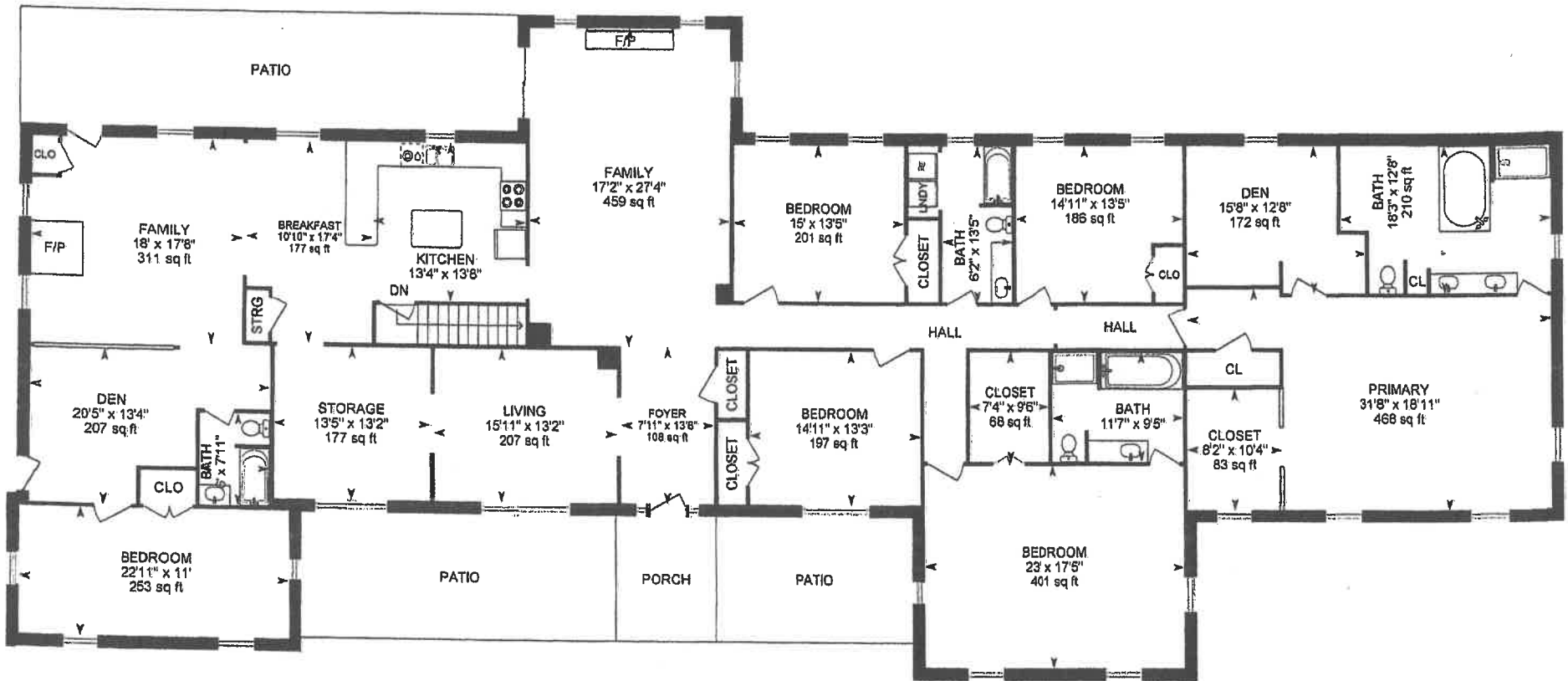


White regions are excluded from total floor area in IGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

PREPARED: 2023/08/19

# 1163 Gardners Ln, Shepherdstown, WV

Main Floor Finished Area 5292.36 sq ft

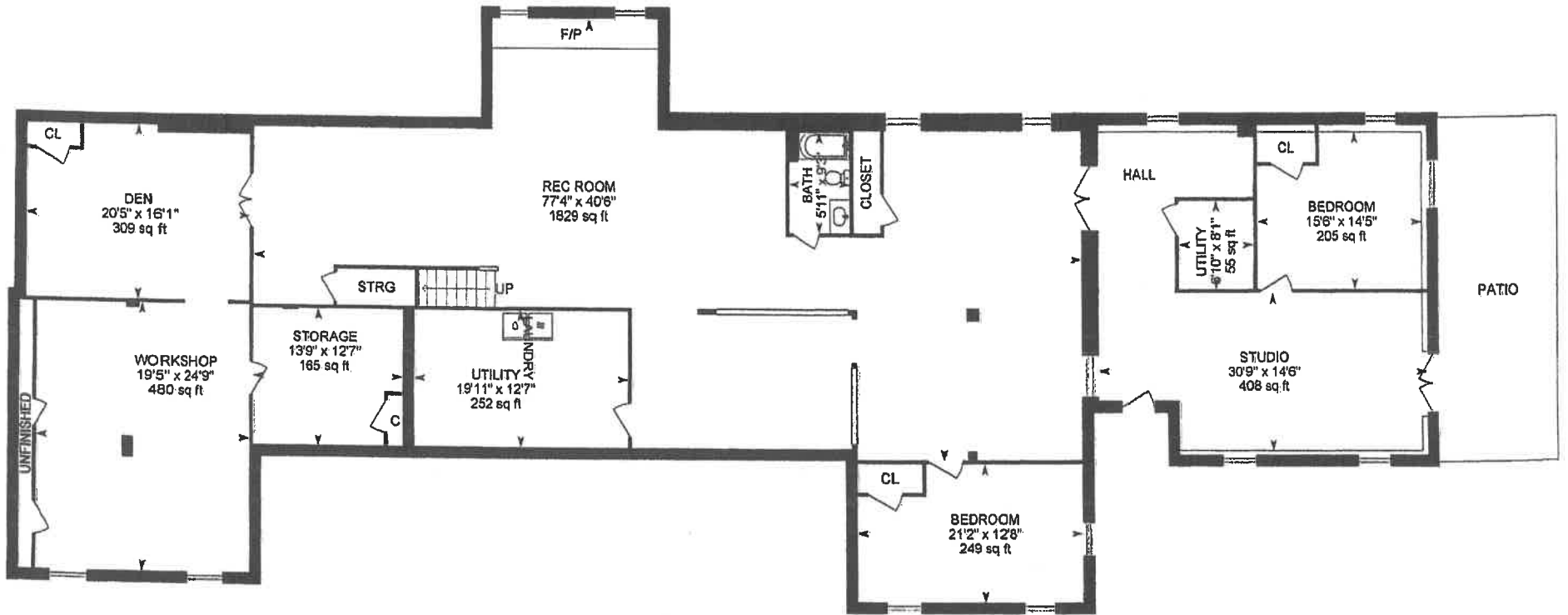


PREPARED: 2023/08/19

White regions are excluded from total floor area in IGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

# 1163 Gardners Ln, Shepherdstown, WV

Basement (Below Grade) Finished Area 4525.96 sq ft  
Unfinished Area 389.89 sq ft



PREPARED: 2023/08/19



White regions are excluded from total floor area in iGUIDE floor plans. All room dimensions and floor areas must be considered approximate and are subject to independent verification.

# 1163 Gardners Ln, Shepherdstown, WV

## Property Details

### Room Measurements

Only major rooms are listed. Some listed rooms may be excluded from total interior floor area (e.g. garage). Room dimensions are largest length and width; parts of room may be smaller. Room area is not always equal to product of length and width.

#### Main Building

##### MAIN FLOOR

Bath: 12'8" x 18'3" | 210 sq ft  
Bath: 9'5" x 11'7" | 107 sq ft  
Bath: 13'5" x 6'2" | 81 sq ft  
Bath: 7'11" x 6' | 47 sq ft  
Bedroom: 13'5" x 14'11" | 186 sq ft  
Bedroom: 11' x 22'11" | 253 sq ft  
Bedroom: 13'5" x 15' | 201 sq ft  
Bedroom: 13'3" x 14'11" | 197 sq ft  
Bedroom: 17'5" x 23' | 401 sq ft  
Breakfast: 17'4" x 10'10" | 177 sq ft  
Closet: 9'6" x 7'4" | 68 sq ft  
Closet: 10'4" x 8'2" | 83 sq ft  
Den: 12'8" x 15'8" | 172 sq ft  
Den: 13'4" x 20'5" | 207 sq ft  
Family: 17'8" x 18' | 311 sq ft  
Family: 27'4" x 17'2" | 459 sq ft  
Foyer: 13'6" x 7'11" | 108 sq ft  
Kitchen: 13'8" x 13'4"  
Living: 13'2" x 15'11" | 207 sq ft  
Primary: 18'11" x 31'8" | 468 sq ft  
Storage: 13'2" x 13'5" | 177 sq ft

##### BASEMENT

Bath: 9'3" x 5'11" | 52 sq ft  
Bedroom: 12'8" x 21'2" | 249 sq ft  
Bedroom: 14'5" x 15'6" | 205 sq ft

### Floor Area Information

Floor areas include footprint area of interior walls. All displayed floor areas are rounded to two decimal places. Total area is computed before rounding and may not equal to sum of displayed floor areas.

#### Main Building

##### MAIN FLOOR

Finished Area: 5292.36 sq ft  
Unfinished Area: N/A

##### BASEMENT (Below Grade)

Finished Area: 4525.96 sq ft  
Unfinished Area: 389.89 sq ft

#### ANSI Z765-2021, Main Building

Above Grade Finished Area: 5292.36 sq ft  
Above Grade Unfinished Area: N/A  
Below Grade Finished Area: 4525.96 sq ft  
Below Grade Unfinished Area: 389.89 sq ft

# 1163 Gardners Ln, Shepherdstown, WV

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## Property Details

### Room Measurements

Den: 16'1" x 20'5" | 309 sq ft

Rec Room: 40'6" x 77'4" | 1829 sq ft

Storage: 12'7" x 13'9" | 165 sq ft

Studio: 14'6" x 30'9" | 408 sq ft

Utility: 12'7" x 19'11" | 252 sq ft

Utility: 8'1" x 6'10" | 55 sq ft

Workshop: 24'9" x 19'5" | 480 sq ft

### Floor Area Information

# 1163 Gardners Ln, Shepherdstown, WV

## iGUIDE Method of Measurement

### Definitions

**Interior Area** is a per floor calculation, made by measuring to the inside surface of the exterior walls. The footprint of all interior walls and staircases is typically included.

**Excluded Area** is a sum of the area of all rooms (measured to the inside surface of room walls) that are excluded from the Interior Area for a floor and the footprint of corresponding walls. Prescribed area exclusions can vary from region to region. Examples of exclusions are spaces open to below, garages, cold cellars, crawl and reduced height spaces.

**Exterior Wall Footprint** is the sum of the estimated area of the perimeter wall segments bounding both Interior and Excluded Areas.

**Exterior Area** is a per floor calculation, made by measuring to the outside surface of the exterior walls and is represented by the sum of the Interior Area and the Exterior Wall Footprint.

**Grade** is the ground level at the perimeter of the exterior finished surface of a house. A floor is considered to be above grade if its floor level is everywhere above grade.

**Total Interior Area** is the sum of all Interior Areas.

**Total Excluded Area** is the sum of all Excluded Areas.

**Total Exterior Area** is the sum of all Exterior Areas.

**Finished Area** is a per floor calculation made by adding all enclosed areas in a house that are suitable for year-round use based upon their location, embodying walls, floors, and ceilings and which are similar to the rest of the house. Footprint of walls is attributed to finished area only when the walls are bounding finished areas.

**Unfinished Area** is a per floor calculation made by adding all enclosed areas that do not meet the criteria for Finished Area. Exceptions are outdoor and non-walkable areas, for example porches or areas open to below. Footprint of walls is attributed to unfinished area only when the walls are exclusively bounding unfinished areas.

### Notes

For exterior walls that are adjacent to the outside of the property, where typically only the interior side has measurement data, an estimation of the exterior wall thickness (as directly measured at the property) is used to calculate its footprint. Considerations are not made for varying wall thickness along the perimeter.

### Disclaimer

All dimensions and floor areas must be considered approximate and are subject to independent verification.

### PDF Floor Plans

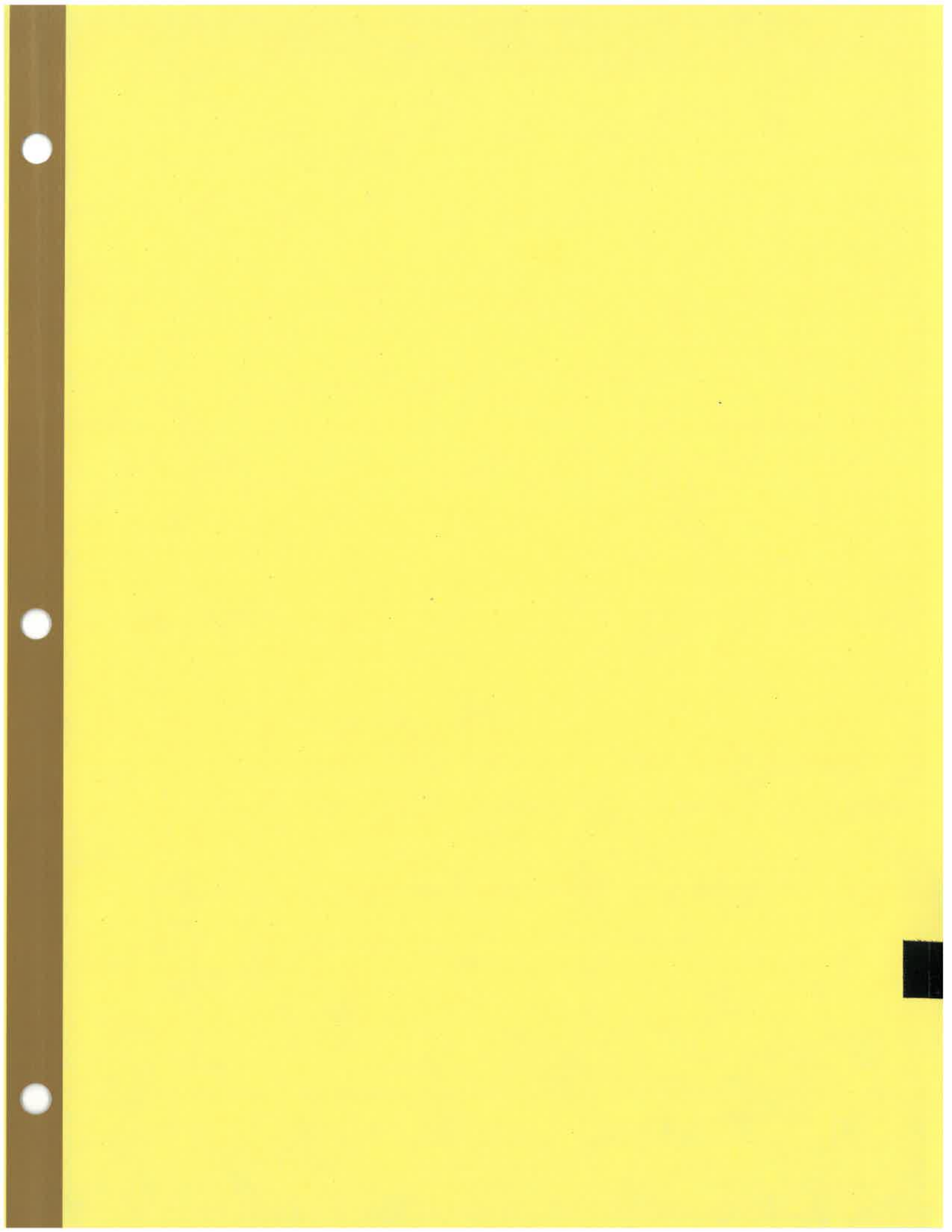
**A. RECA RMS 2017:** Color is used to indicate all included areas. Excluded and not reported areas are shown in white. Walls are always shown in black.

**B. ANSI Z765 2021:** Color is used to indicate all finished areas. Unfinished and not reported areas are shown in white. Walls are always shown in black.

### More Information About the Standards

**A. RECA RMS 2017:** <https://www.reca.ca/licensees-learners/tools-resources/residential-measurement-standard>

**B. ANSI Z765 2021:** <https://www.homeinnovation.com/z765>



# Food Pantry

Shepherdstown Shares has opened a free pantry!

If you are struggling with unemployment or under-employment, please let us help you.

The pantry is available to anyone living in the greater Shepherdstown area.

CHAPEL OF TRINITY EPISCOPAL, 200 W. GERMAN ST.

## HOURS:

MONDAYS 4:30pm - 6:30pm

THURSDAYS 4:30pm - 6:30pm

SATURDAYS 2:00pm - 5:00pm

If you and your family are struggling, contact us at [Shepshares@gmail.com](mailto:Shepshares@gmail.com) to fill out a client information form and start using our pantry.

Shares is grateful to Trinity Episcopal for their donation of the space, and to JCCM, Food Lion, Martin's, and the people of Shepherdstown for their support. Contact [shepshares@gmail.com](mailto:shepshares@gmail.com) to volunteer. Drop donations at the pantry. The vestibule is always open. Please GIVE HERE.

## YOUR PRIVACY

Shares is a group of volunteers who value your trust. We are not connected to any government or church and will *never* share your personal information. We use the information to discover what you need, and use the totals of who we serve (never the names) to inform our donors and ask for grant support.

# Donate

Shares is a 501 (c)(3) tax-exempt organization, Tax ID #85-0893689. We are powered by volunteers.

PayPal donations may be made by clicking the button below or directly to [shepshares@gmail.com](mailto:shepshares@gmail.com). Please use the Friends & Family function to save us the fee.



Each Sunday, Shares conducts our Spare Your Change program on S. King St. during the Farmers Market. Come and empty those piggy banks - your change can change lives in your community.

Checks may be mailed to:  
 Shepherdstown Shares  
 Post Office Box 1780  
 Shepherdstown, WV 25443

Donations of groceries should be dropped at our pantry at 200 W. German St. The vestibule is always open. We can arrange to have a volunteer there if you would prefer.

If you would like to volunteer, drop by the pantry during open hours or contact us at [shepshares@gmail.com](mailto:shepshares@gmail.com).

#### Shepherdstown Shares

is a 501(c)(3) charitable organization, Tax ID #85-0893689, and a West Virginia registered non-profit organization addressing the needs of our community as they arise. Contact us via [Shepshares@gmail.com](mailto:Shepshares@gmail.com) Find us on socials:

**HOME**

# **BERKELEY COUNTY CCAP/LOAVES & FISHES**

**NEED ASSISTANCE? ([/NEED-ASSISTANCE/](#))**

## **OUR MISSION**

provides emergency food and financial assistance to low income and underserved residents of

**[CLICK HERE TO LEARN MORE \(/about-us/\)](#)**

check local TV, radio or schools' website for school closure announcements

549 N. Queen St. Martinsburg

<https://ccaploavesandfishes.com>



**Trip Data; Songbird House Assisted Living Residence at 1163 Gardners Lane Shepherdstown**

<u>Time of Day</u>	<u># Cars Leave/Arrive</u>	<u>Purpose</u>	<u>Day of Week</u>
7am	4	Caregiver Staff	Mon-Sun
3pm	4	Caregiver Staff	Mon-Sun
11pm	4	Caregiver Staff	Mon-Sun
Noon-3pm	3	Visitors	Mon, Wed, Fri
Noon-6pm	5	Visitors	Sunday

Visitation schedules may be coordinated with families such that the residence is not overwhelmed with visitors or the quality of visiting is less than desired. Visitation for compassionate care will increase this schedule depending on residents needs and circumstances.

Note: For benchmarking purposes only, a cottage industry IAW Section 4A.5 Zoning Ordinance

- A. Can have up to 4 non-resident employees working at the property
- E. Excluding employee commuting, 15 business related vehicle visits per day with no more than 60 visits per week are allowed.

Compared to a cottage industry:

	<u>Employees Commuting</u>	<u>Visits Per Day</u>	<u>Visits Per Week</u>
Songbird House	12	1-3	1-8
Cottage Industry	4	15	60



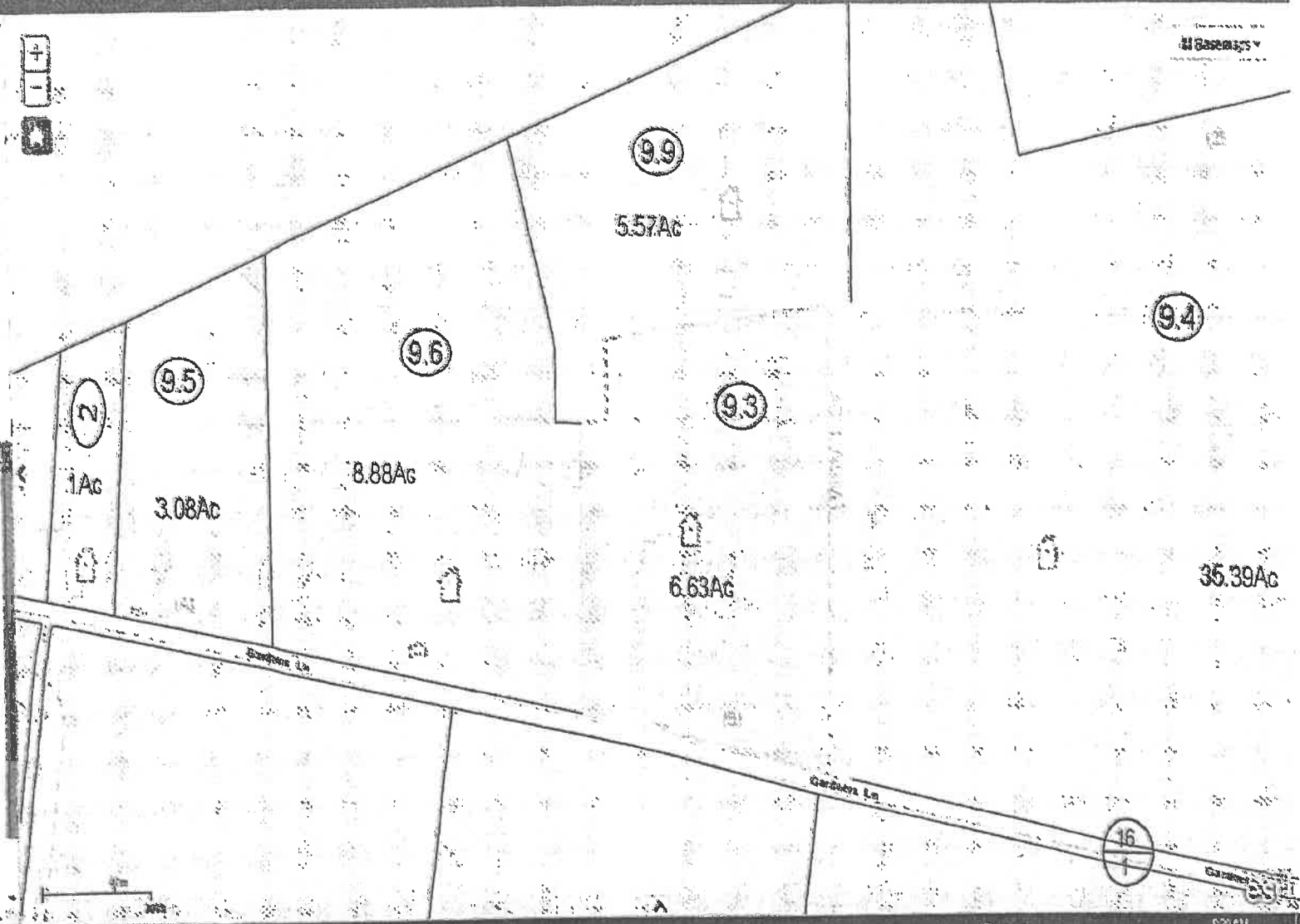


# Jefferson County West Virginia Tax Map Viewer

Tax Year: 2023  
 Parcel ID: 05 17600500030000  
 Deeded Owner: BALDWIN MARK R & JENNIFER A  

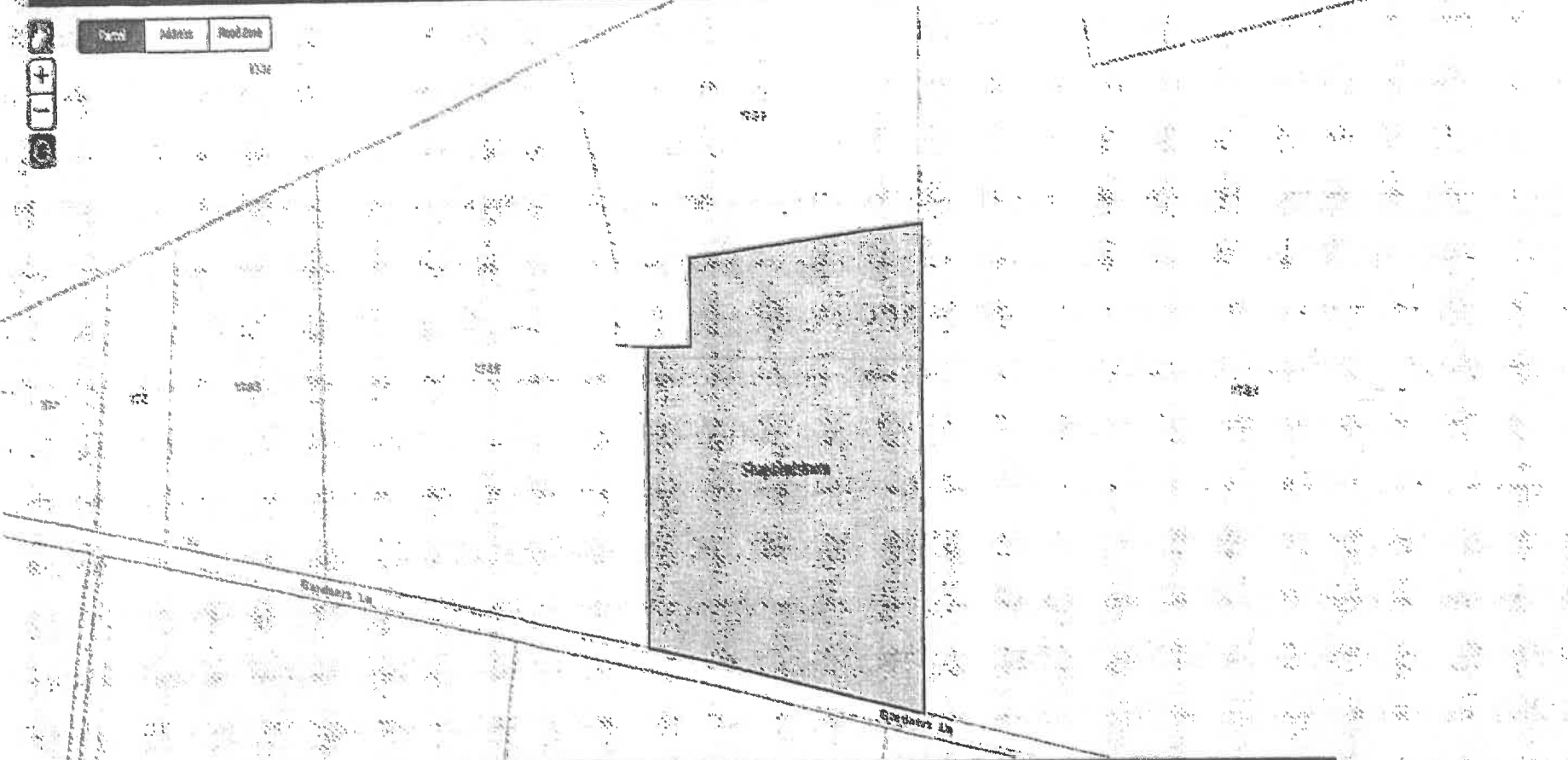

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 Parcel ID: 05 17600500030000  
 Tax Year: 2023  
 Deeded Owner: BALDWIN MARK R & JENNIFER A  
 C/O:  
 Owner Address: 1363 GARDNERS LN  
 LA:  
 City: SHEPHERDSTOWN  
 State: WV  
 Zip: 25443  
 Deed Book Page: 1023428  
 Description: LT #5 MEAVER  
 TO 63AC  
 Year Built: 2020  
 # Stories: 1  
 Square Foot Living Area: 6548  
 # Rooms: 17  
 # Bedrooms: 6  
 # Full Baths: 5  
 # Half Baths: 0  
 Heat Type: Central with AC  
 Fuel Type: Gas  
 Heat System: Warm Air  
 Land Appraised (100%): 291300  
 Building Appraised (100%): 638500  
 Total Appraised (100%): 859800  
 Last Sale Date: 4/30/2013  
 Last Sale Amount: 260900  
 Legal Area: 0  
 Calculated Parcel Area (SF): 267853  
 County Tax Information: County Tax Info  
 Map Card Viewer: Map Card Print: Print



# West Virginia Property Viewer

Parcel Address Road/Zone



Toggle Highlight: ON | Copy URL | Parcel ID: 19-09-0017-0009-0003 | Details | Zoom | Close X

Owner(s):	BALDWIN MARK R JENNIFER A	Community:	JEFFERSON
Address:	1163 GARBERS LN	E-911 Address:	1163 GARBERS LN, Shepherdstown, WV, 25443
Class Type:	Residential	External Links:	
Legal Description:	LT 9 WEAVER (6.61AC)	Flood Info:	This parcel appears to be in a LOW RISK flood hazard zone. Learn more at WV Flood Tool

[Click here for parcel assessment report](#) | [Having questions about a property?](#)

Scale: 1:2,157  
 (Click on map to expand)

STATE OF WEST VIRGINIA

Permit No.: ST-199900-67

INSPECTION TO BE  
PRINTED OR TYPED

Jefferson Co HEALTH DEPARTMENT

Tax Map: \_\_\_\_\_ Parcel #: \_\_\_\_\_

County: Jefferson ON-SITE SEWAGE DISPOSAL SYSTEM  
INSPECTION FORM

County Road: \_\_\_\_\_

Name of Owner: Kristie George Installer: Gerold Robinson

Address: P.O. Box 89 Gore VA 22367

Property Location: RT 1611

Type of Facility: Home Facility is: New  Existing ( ) Lot Size: 24,176 Sq. Ft. (Acres)

Design Loading in gpd/No. Bedrooms: 4 Source of Water Supply: well

SEWAGE TANK COMPONENT

Capacity in Gallons: 1500 Material: concrete Manufacturer: Mantinslans

Distances (in feet) of Tank to: Dwelling: 100' Private  Public ( ) Water Source: 150' Property Line: 30'

ON-SITE DISPOSAL SYSTEM

Class I Systems: Standard Soil Absorption Trenches  or Bed ( ) Gravelless Pipe ( ), Diameter: \_\_\_\_\_ inches  
Chamber Soil Absorption Trenches ( ) or Bed ( )

Class II Systems: Pumped/Dosed Soil Absorption Trenches ( ) or Bed ( ) Evapotranspiration Trenches ( ) or Bed ( )  
Shallow Soil Absorption Trenches ( ) or Bed ( ) Other: \_\_\_\_\_

No. of Lines: 4 Length (in feet) of Each: 87, 87, 87, 87

Width of Trenches: 36 inches/foot Depth to Bottom of Field: 30 inches

If Bed, Dimensions (in Feet): \_\_\_\_\_ If Chamber System, Name: \_\_\_\_\_ No. of Units: \_\_\_\_\_

Approved and Adequate Materials Used? Yes  No ( ) Size Equates to: 1044 Square Feet of Standard Gravel Field.

Distances (in feet) of System to: Dwelling: 200 Private ( )/Public ( ) Water Source: 100' Property Line: 30

Remarks: \_\_\_\_\_


An inspection indicates that the sewage disposal system described above **DOES MEET**  **DOES NOT MEET** ( ), **CANNOT BE DETERMINED TO MEET** ( ) the minimum standards established by the West Virginia Bureau of Public Health.

To correct a health hazard, modifications to existing systems may be done to improve part of a system. Such modifications may not be able to be designated as a does meet system since inadequate information is known.

Although many factors contribute to the successful functioning of a sewage disposal system, this office recommends water conservation and maintaining an even usage of water throughout the week.

Sketch of Installation with Triangulation or Distance to Specific Landmarks:

Sketch  
on  
BACK



Draw Arrow toward North

Visit Date(s): 9/13/99

Final Inspection Date: 9/13/99

Sanitarian: [Signature]

Road

Proposed Home Site

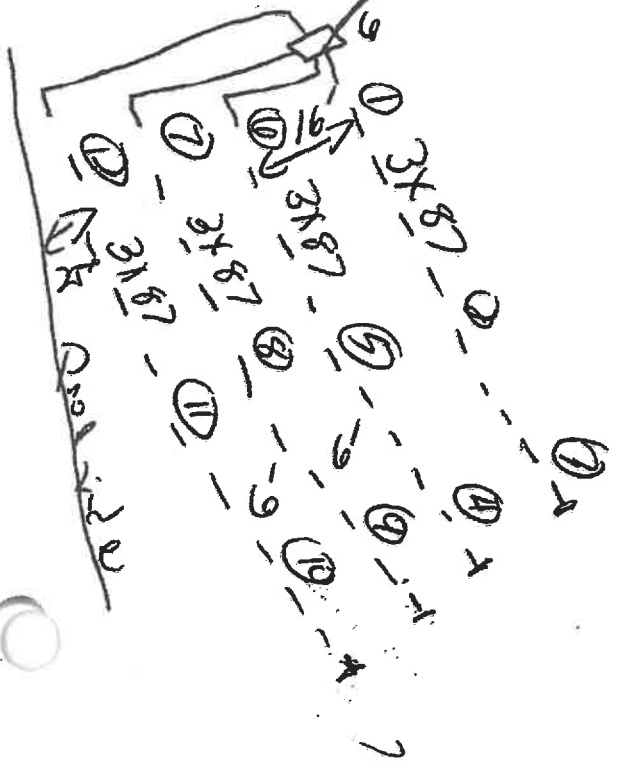
150'

100'



41'

- 1 3 4 1/2
- 2 3 4 1/4
- 3 3 4
- 4 5 1 1/4
- 5 5 1 1/2
- 6 5 1 1/2
- 7 5 8 3/4
- 8 5 8
- 9 5 7 3/4
- 10 6 3/4
- 11 6 1
- 12 6 3/4



**WV STATE DEPARTMENT OF HEALTH**  
**Office of Environmental Health Services**  
**ENVIRONMENTAL ENGINEERING DIVISION**

SW258



**WELL COMPLETION REPORT**

Date(s) 12/15/99 County Jefferson Permit #: DW-19-9900-52  
 Town: \_\_\_\_\_ Area Name/Location Rte 16/1  
 Well Owner: Kristie George Address: P.O. Box 89  
 Telephone Number: 540/662-7250 Gore, VA 22637  
 Well Driller: High Point Drilling, Inc Address: P.O. Box 190  
 Telephone Number: 725-1644 Charles Town WV 25414

**WELL LOG**

DEPTH IN FEET	FORMATIONS: KIND, THICKNESS, AND IF WATER BEARING	REMARKS:
0-3	Loose dirt & stone	Type of Well: <u>Limestone</u> Drilling Method: <u>Rotary</u>
4	Bedrock	Well Diameter: <u>6 1/8"</u> Casing O.D.: <u>6 5/8"</u>
4-618	Solid limestone. Had 1 GPM @ 585' and 2 GPM @ 618' Couldn't tell where we picked up water.	Well Depth: <u>618</u> Date Completed: <u>9/13/99</u>
		CASING: Length <u>21</u> Feet Height above ground <u>1 1/2</u> Feet
		<input checked="" type="checkbox"/> Steel <input type="checkbox"/> Plastic <input type="checkbox"/> Cast Iron
		Other _____ Type _____
		<b>SCREEN</b>
		<input checked="" type="checkbox"/> None Installed
		Type _____ Diameter _____
		Slot/Gauge _____ Length _____
		Set Between _____ Ft. and _____ Ft.

**PUMPING OR BAILING TEST**

DETAILS	#1	#2	#3
Static Water Level (Ft. Below Grade)	<u>63</u>		
Pumping Rate (GPM)	<u>2</u>		
Pumping Level (Ft Below Grade)	<u>600</u>		
Duration of Test (In Hours)	<u>2 hrs</u>		
Recovery Time to Static Level (In Hours)	<u>12 hrs</u>		

**WELL HEAD**

Pitless Adapter: Type, Make, Etc. \_\_\_\_\_  
 Well Cap: Type, Make, Etc. Royer Casting  
 Well Seal: Type, Make, Etc. \_\_\_\_\_  
 Well Platform:  
 Length \_\_\_\_\_ Width \_\_\_\_\_ Thickness \_\_\_\_\_  
 Grouting:  Yes  No  
 All Public Water Supplies must be grouted.

I hereby certify that this well was drilled and constructed under my supervision, in compliance with all requirements of the referenced permit, and that this record is true to the best of my knowledge and belief.

Donald R. Giardino 502  
 Name Certification No.  
High Point Drilling, Inc.  
 Registered Business Name  
Donald R. Giardino 12/15/99  
 Signed Date

SS-183 7/96

PERMIT TO BE PRINTED OR TYPED

STATE OF WEST VIRGINIA  
Jefferson County HEALTH DEPARTMENT  
ON-SITE SEWAGE DISPOSAL SYSTEM PERMIT

Permit No.: ST-19-9900-62NH

Tax Map \_\_\_\_\_ Parcel # \_\_\_\_\_

County Road No.: \_\_\_\_\_

Owner: Kristie George  
Address: Po Box 89  
Gore Virginia 22637

Certified Installer: Gerald Robinson  
Address: Po Box 1249  
Harpers Ferry WV 25425

You are hereby issued a permit to:  install, or  modify an on-site sewage disposal system located:  
Rt 1611

Facility: house Design Flow: 4 Bdrm Lot Size: 24.176 Sq. Ft./Acres Water Source: well

BASED UPON REVIEW OF THE INFORMATION OF YOUR SUBMITTED APPLICATION DATED 8-12-99, AND THE PROPER INSTALLATION OF THE HEREIN DESCRIBED SYSTEM, THE SYSTEM SHALL BE IN COMPLIANCE WITH APPLICABLE WEST VIRGINIA SEWAGE SYSTEM RULES AND DESIGN STANDARDS.

The sewage system shall consist of a:

- Septic tank - Capacity: 1000 gallons or more, Constructed of: Precast Concrete
  - Soil disposal system with a minimum equivalency of 1020 square feet of conventional gravel trench area.
- Depth to the bottom of the trench or bed installation shall be: 36 inches from original ground surface,
- Gravel system: Lengths of lines: 85, 85, 85, 85, \_\_\_\_\_, \_\_\_\_\_ feet, Width: \_\_\_\_\_ inches.
  - Chamber system: Number of units: \_\_\_\_\_, Length of lines: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ units, Manufacturer of chamber: \_\_\_\_\_
  - Bed system:  Gravel,  Chamber; Length: \_\_\_\_\_ feet, Width: \_\_\_\_\_ feet.
  - Other: \_\_\_\_\_

This permit is non-transferable and automatically expires 12 months after issue date.

This permit is **NULL and VOID** when official inspection reveals conditions different than those stipulated on the permit or facts are later found that would indicate non-compliance with applicable rules.


All systems must be inspected and approved prior to being covered with earth or placed into use.

The applicant or his agent must notify this department: 72 hours or more prior to planned inspection time.

August 17, 1999  
Issue Date  
Jefferson / 728-8415  
County Office / Phone Number

Sketch of system:

See Attached



Draw Arrow  
Toward North

Additional specifications See D. Allaway, m.d.  
on reverse: \_\_\_\_\_  
Health Officer or Sanitarian



WEST VIRGINIA DEPARTMENT OF HEALTH



PERMIT

OWNER: Kristhe George and DRILLER: Don Giardina

are hereby issued a permit to Construct a well located  
(Construct, Modify or Abandon)  
at Rt 16/1

in accordance with Chapter 16, Article 1, Section 9 of the Code of West Virginia.

Date Issued August 17, 1999

Joe D. Allura

Expires August 17, 2000

Issuing Officer Jefferson County Title \_\_\_\_\_  
County Health Department

Permit No. DW-19-9900-52

This permit is not transferable and any change of information submitted in application dated \_\_\_\_\_ will automatically render this permit invalid.

THIS PERMIT IS NOT APPLICABLE TO PUBLIC WATER SUPPLIES

ST-19-9900-62NH

SS-182  
Rev. 12/88

# State of West Virginia

DW-19-9900-52-

Jefferson Co

HEALTH DEPARTMENT

**FOR HEALTH DEPARTMENT USE ONLY**

Date Recv'd. 8/12/99 Permit #: WW \_\_\_\_\_ ST \_\_\_\_\_ Coordinates: N \_\_\_\_\_ W \_\_\_\_\_  
Date Site Evaluated: \_\_\_\_\_ Reviewed By: \_\_\_\_\_

## PART I APPLICATION FOR PERMIT TO CONSTRUCT, MODIFY OR ABANDON A WATER WELL OR INSTALL OR MODIFY A SMALL SEWAGE DISPOSAL SYSTEM

Instructions: Part I of this application is to be completed by the owner. State and county health department regulations require that water wells and sewage disposal systems be located, designed and constructed in accordance with published standards.

Property Owner: Kristie Ann George  
(please print)

Address: P.O. Box 99 Gore, VA 22637 CELL 540 539 8887

Date: 8-12-99 Telephone: (home) 540-662-7250 (business) 540-662-6415

Water Well  Sewage Disposal System

LOCATION OF PROPERTY (be specific) RT 230 TO ~~RT~~ GARNER LANE RT 16/1  
APP 1/2 MILE ON RIGHT SEE SIGN LOT I

Name of Subdivision: \_\_\_\_\_ Section: \_\_\_\_\_ Lot: 1

Size of Lot: 24,176 sq.ft./acres  Residence; No. of Bedrooms 4 No. of individuals served: 5  
 Other \_\_\_\_\_

Property Deed Recorded in Book No.: 550-633 Page: 359-497 Date Recorded: \_\_\_\_\_

To the best of my knowledge, the information provided on this application is true and I understand that I am responsible for informing the well driller and sewage system installer of the existing or proposed locations of sewage systems and well. I further understand that it is my responsibility to consult the sanitarian for assistance as necessary and to determine the location of the existing sewage system or well if said location is presently unknown to me.

Kristie Ann George  
(signature of owner)

\*\*\*\*\*  
PLEASE PROCEED TO COMPLETE PARTS II AND III, IF NECESSARY  
\*\*\*\*\*

### PART II WATER WELL INFORMATION

Water well will be  constructed \_\_\_\_\_ modified and will be used for  potable water, \_\_\_\_\_ water exploration, \_\_\_\_\_ abandoned or other purposes: \_\_\_\_\_

Well Driller: High Point Drilling, Inc. Phone No.: 304/725-644

Business Address: P.O. Box 190 Charles Town, WV 25414

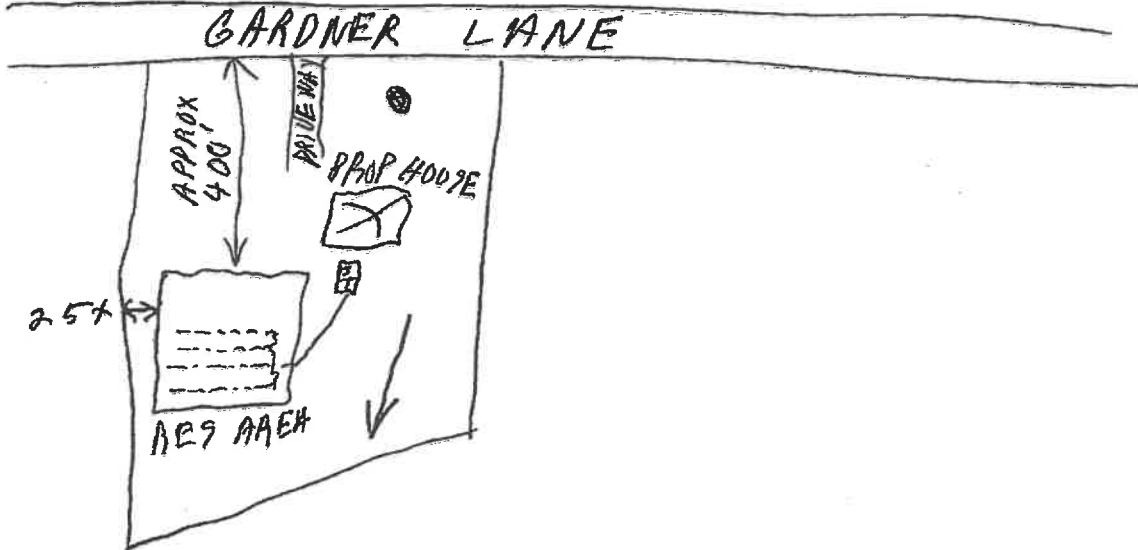
Type of Casing: Steel - 18"

Distance of Well from Potential Sources of Contamination:  
Streams, Rivers & Impoundments \_\_\_\_\_ Sewers & Drains (non-watertight) \_\_\_\_\_ Privies (vault) \_\_\_\_\_  
Sewage Absorption Fields 100' Sewers & Drains (hydrostat. tested) \_\_\_\_\_ Barnyard/Feeding \_\_\_\_\_  
Septic Tank 50' Sewage Holding Tank \_\_\_\_\_ Water Areas \_\_\_\_\_  
Other: \_\_\_\_\_

SIGNATURE of DRILLER Walt R. ... CERTIFICATION # 502 DATE 8/16/99

Please draw a sketch of the property showing existing or proposed well location, location of structures, existing or proposed sewage systems within 200 feet of well location, slope of site and lot dimensions. Locate animal pens, barnyards or any other factors which can be a possible source of contamination for the water supply.

<input checked="" type="checkbox"/> House	<input checked="" type="checkbox"/> Water Supply	<input checked="" type="checkbox"/> Percolation Test Site
--- Soil Absorption Line	→ Dir. of Ground Slope	— Property Line
Trees	<input checked="" type="checkbox"/> ST Septic Tank	<input checked="" type="checkbox"/> MH Mobilehome



PART III  
SEWAGE DISPOSAL SYSTEM INFORMATION

Install       Modify  
 Septic Tank       Absorption Field       Holding Tank       Pit Privy       Vault Privy  
 Chemical/Composting Toilet       Alternate System (attach detailed plans)  
 Other \_\_\_\_\_

DESCRIPTION OF PROPOSED SYSTEM:

Septic Tank: Capacity 1500      Material CONCRETE      Nearest Prop. Line 25'  
 Absorption Field: 1020 Sq. ft. with 4 lines and 85' long  
 Pipe ASTM No. 2729      Nearest Property Line 25'  
 Type of Water Supply: WELL      Area Suitable for Absorption Field: 10,000 Sq. ft.  
 Six-foot hole free of water or solid rock?  Yes       No

PERCOLATION TEST:

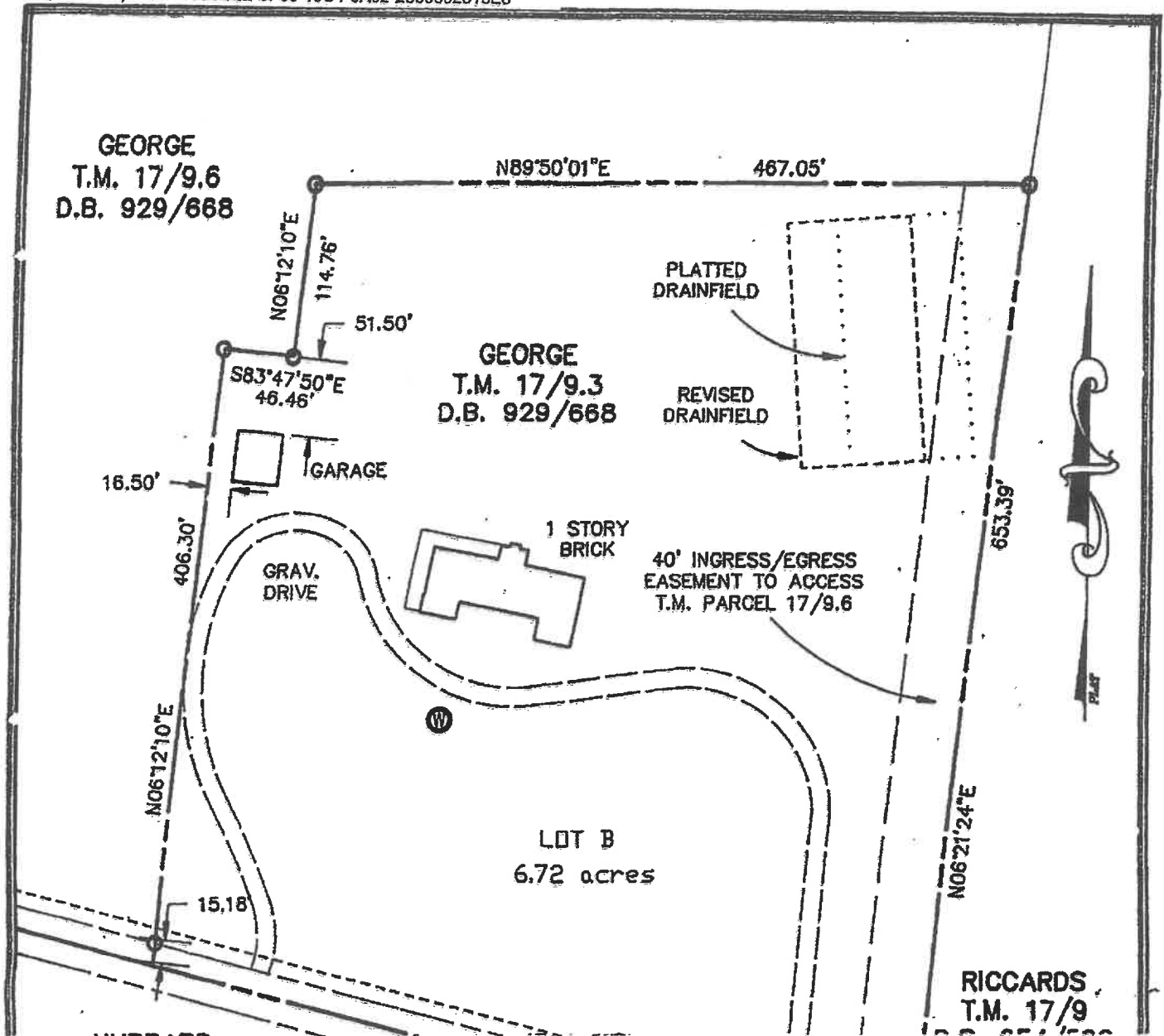
TEST HOLE:	<u>#1</u>	<u>#2</u>	<u>#3</u>	<u>#4</u>
	<u>120</u> minutes	<u>180</u> minutes	<u>180</u> minutes	<u>240</u> minutes

Total minutes 720, divided by 24 = 30 average time for water to fall one inch.

Test done on 8-12-99 (date) using approved procedures outlined in the Design Standards.  
 Signed: Gerald Rolando

WU 029560  
RS EXCAVATING  
Gerald Rolando  
 Signature of Installer

54-91-A-0207      8-12-99  
 Certification No.      Date




# Usage around 1163 Gardners Lane

## Legend

 1163 Gardners Ln

 Roofing buisness run from here

 Has been a daycare at different times with both the current and former owners

 Small Engine Repair Shop

 BURACKERS REPAIR

1163 Gardners Ln 

 Fields being leased for farming

 Recently approved to subdivide this 20acre property to add potential for 3 more houses



# Usage around 1163 Gardners Lane

**Legend**  
📍 1163 Gardners Ln

g leased for farming

1163 Gardners Ln

Equestrian Business and Apartment Rentals

Equestrian Dynamics

Location of new Elementary and Middle Sch

16/1

16/1

230

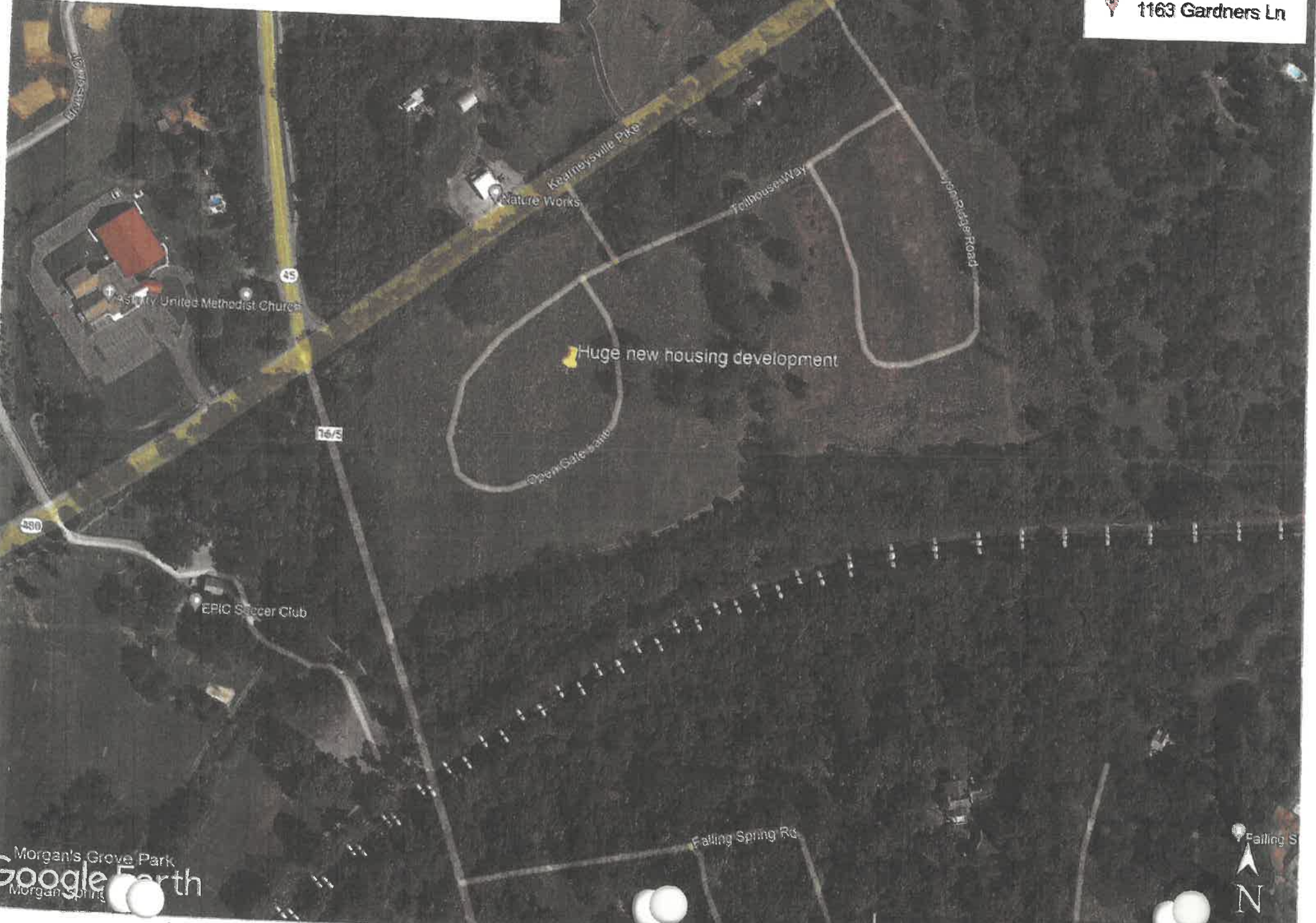
16/1

N

# Usage around 1163 Gardners Lane

## Legend

 1163 Gardners Ln



Huge new housing development

Nature Works

Assembly United Methodist Church

EPIC Soccer Club

Falling Spring Rd

Falling S

N

900 ft



This section is blank



Sharon Hallinan <ladyflipperproperties@gmail.com>

**Fwd: New Case - Sharon Hallinan - NLT 12/28/23**

essages

**McDonald, Kevin A** <kevin.a.mcdonald@wv.gov>

Tue, Dec 19, 2023 at 9:19 AM

To: ladyflipperproperties@gmail.com

Cc: Lisa R Kisamore <lisa.r.kisamore@wv.gov>, Joshua L Leatherman <joshua.l.leatherman@wv.gov>, Jason L Arnold <jason.l.arnold@wv.gov>

Good morning. Thank you for submitting your question to the West Virginia Division of Highways. Any change in use to an existing property would typically require a new entrance permit, in this case it would require a commercial permit. I attached a commercial permit checklist that provides an idea on the requirements and included a link to our driveway manual. The permit reviewer for Jefferson County is Josh Leatherman (cc'd), 681-320-2039, he'll be able to help with any questions.

<https://transportation.wv.gov/highways/engineering/Manuals/Traffic/Driveway.pdf>

Thanks,  
Kevin McDonald  
D-5 Design  
681-320-2026

H: 1 (703) 401-5884  
ladyflipperproperties@gmail.com

**Date Received:** 12/18/2023    **Source:** SWAT    **Method Received:** Email    **Gov IQ #:**    **Complete Date:**

**County:** Jefferson    **Route Type:** N/A    **Route #:**    **Road Name:** 1163 Gardners Lane  
**Landmark:**    **Lat/Long:**    **Bridge Name:**    **Time Frame:** Active - 7 Business Days or Less

**Problem Description:**

I am contemplating purchasing the subject property, a 9800 square foot single family residence on 6.6 acres, for use as assisted living. This use may accommodate up to 32 residents and associated staff of 6. I am working with the health department on a septic system upgrade, the zoning board for a conditional use permit, and understand there is engagement with the Dept of Highways for this purpose as well.

There is no construction needed, and the lengthy driveway is a circle with 2 entrance/exits from the property. I reviewed the encroachment permit but am uncertain of its applicability. Please advise what is needed from your office to use this home as I have indicated.

Thank you,

—  
Sharon Hallinan, President  
Lady Slipper Properties, Inc.  
703 401-5884  
ladyflipperproperties@gmail.com

**Issue:** Miscellaneous

**Department:** District 5    **Assigned To:** Carver, Christy

**Document Date:** 12/18/2023    **Due Date:** 12/28/2023    **Response Date:**

 Christy Carver

SWAT Operations Assist 1

**West Virginia Department of Transportation**

**Building 5, Room A-148**

**1900 Kanawha Boulevard, East | Charleston, WV 25305**

**WV DOT/DOH Office: 304-414-6605**

[.dps://transportation.wv.gov](https://transportation.wv.gov)



**2 attachments**

 **Entrance Permit Application.pdf**  
568K

 **Commercial Permit Checklist.pdf**  
286K

# Entrance Permit Application

PLEASE PRINT LEGIBLY

DATE APPLIED FOR: \_\_\_\_\_

COUNTY: \_\_\_\_\_

OWNER/DEVELOPER NAME: \_\_\_\_\_

ROUTE NO: \_\_\_\_\_

PHONE NO: \_\_\_\_\_

ADDRESS OF APPLICANT: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

EXACT LOCATION OF APPROACH (Please be specific. Example: East side of John Doe Road, 1.25 miles north of Jane Doe Road): \_\_\_\_\_

Contractor or Engineer (If applicable)	
NAME:	_____
PHONE NO:	_____
ADDRESS:	_____
EMAIL:	_____

NOTE: Property owner must stake location of approach or approaches out in field with blue and gold ribbon.

## TYPE OF APPROACH:

	(Please mark)	WIDTH (16' - 20')
Private	_____	_____
Commercial	_____	_____
Minor Subdivision	_____	_____
Major Subdivision	_____	_____
Heavy Equipment	_____	_____
Miscellaneous (state purpose)	_____	_____

## REQUIRED DOCUMENTATION

PRIVATE APPROACH (See A for required documentation)

COMMERCIAL APPROACH (See B for required documentation)

SUBDIVISION (Minor - See C for required documentation, Major - See D for required documentation)

HEAVY EQUIPMENT (See E for required documentation)

MISCELLANEOUS (See F for required documentation)

- A) PRIVATE – One single lot already with a recorded deed. Must provide a deed in the applicant's name and/or a surveyor's signed plat of the entire property in applicant's name. For one single family dwelling.
- B) COMMERCIAL – This also includes churches.  
Please include:
- 1) Plan view of entire project (50 scale max)
  - 2) Plan view of entrance (20 scale)
    - a) Show width, radii, and drainage structures
    - b) Signage striping
    - c) Traffic control
  - 3) Provide drainage calculation according to WVDOT Drainage Manual
  - 4) Show any road improvements
  - 5) Provide paving typical
  - 6) Profile of entrance starting at centerline of state road and include edge line, width of pavement, drainage structures, and right of way. Must go a minimum of 50' into entrance (10 scale).
  - 7) Will require a bond
- C) MINOR SUBDIVISION – Four lots or less, including the residue. Must provide a plat signed and stamped by a licensed surveyor. This includes parent to child transfers.
- D) MAJOR SUBDIVISION – Five lots or more, including the residue. This also includes subdividing that has occurred within the last five years.  
Please include:
- 1) Plan view of entire subdivision (50 scale max)
  - 2) Plan view of entrance (20 scale)
    - a) Show width, radii, and drainage structures
    - b) Signage striping
    - c) Traffic control
  - 3) Provide drainage calculation according to WVDOT Drainage Manual
  - 4) Show any road improvements
  - 5) Provide paving typical
  - 6) Profile of entrance starting at centerline of state road and include edge line, width of pavement, drainage structures, and right of way. Must go a minimum of 50' into entrance (10 scale).
  - 7) Will require a bond
- E) HEAVY-EQUIPMENT – This is for a temporary entrance. Must provide what it will be used for and for how long it will be used for (must have an end date). May require a bond. Includes logging operations.
- F) MISCELLANEOUS – Includes fuel spills, tree plantings and removals, and other work within WVDOT rights of way. Fill out application and contact entrance permit section in Burlington for required documentation.

The above information is general in nature and may require additional information after review.

## COMMERCIAL PERMIT

<https://transportation.wv.gov/highways/engineering/Manuals/1-14-14/Driveway.pdf>

*Provide copy of Deed and/or Plat (Entrance should be min. 10' from adjacent property line)*

*Include General Layout, Location Map, Route Name & Number (20 Scale)*

*Show & Label Right-of-Way & Property Lines*

*Show & Dimension existing travel lanes, turn lanes, shoulders, curbs, culverts, etc.*

*Include Speed Limit & Sight Distance*

*Show existing & proposed entrances/exits*

*Paving Typical should extend to existing edgeline (sawcut @ edgeline)*

*Show existing & proposed drainage structures w/ flow directions & elevations*

*Driveway Width = 30' preferred (25' minimum - 50' maximum)*

*Include Paving Typical = Stabilization Fabric, 12" agg. Base course, 4.5" asphalt base, 1.5" asphalt wearing course*

*Driveway Slope = 6 % preferred (4% if paved shoulder) for the first 5' away from roadway.*

*Sight Distance Requirements (Table on Page 3)*

*Driveway Radius = 10' minimum - 50' maximum*

*Include note to call DOH prior to starting work on DOH Right-of-Way*

*If major development it may require traffic impact study or turn lanes*

*Include trip generation for new construction*

*Include business type and square footage of any proposed buildings.*

### **STORMWATER MANAGEMENT**

*Policy - If increased flows are generated by development, they are the responsibility of developer*

*Include Stormwater Management Plan (Control=25-YR. PRE vs. POST) (Interstate/Expressway = 50-YR. PRE vs. POST)*

*Include Analysis & design in accordance with WVDOH Drainage Manual*

<https://transportation.wv.gov/highways/engineering/Manuals/1-14-14/Driveway.pdf>

### **TRAFFIC & PAVEMENT MARKINGS**

*Include Traffic Control Plans - Typically CASE A6 or CASE A3*

*Include Proposed Pavement Markings*

*Include WVDOH Standard Detail for Pavement Markings*

**ENTRANCE/EXIT:**

*Include TY V Stop Bar (Typically 5' from edgeline)*

*Include Stop Sign (30"x30")*

*Include 4" Double Yellow Striping*

**EXIT ONLY:**

*Include TY V Stop Bar (Typically 5' from edgeline)*

*Include STOP, & ONE WAY w/ARROW signs*

**DUAL EXIT ONLY:**

*Include TY V Stop Bar (Typically 5' from edgeline)*

*Include Stop Sign (30"x30")*

*(Left & Right)*

*Include 8" Solid White*

Table 20. Safe Stopping Sight Distances Required at Different Operating Speeds on Upgrades

Design Speed (mph)	Stopping Sight Distance (ft)			
	Upgrades			
	0%	3%	6%	9%
15	80	75	70	73
20	113	109	107	104
25	153	147	143	140
30	200	196	182	178
35	250	227	226	223
40	305	289	278	269
45	360	321	311	303
50	425	405	388	375
55	495	469	450	433
60	570	533	515	495
65	645	612	582	561
70	730	699	658	631
75	820	772	730	704
80	910	854	817	782

Table 21. Safe Stopping Sight Distances Required at Different Operating Speeds on Downgrades

Design Speed (mph)	Stopping Sight Distance (ft)			
	Downgrades			
	0%	3%	6%	9%
15	83	80	82	85
20	115	116	120	126
25	155	158	165	173
30	200	205	215	227
35	250	257	271	287
40	305	315	333	354
45	360	375	400	427
50	425	446	474	507
55	495	520	553	593
60	570	605	638	686
65	645	687	725	786
70	730	771	825	897
75	820	869	927	1008
80	910	965	1035	1120

Table 5. Driveaway Width

Driveaway Type	DRIVEAWAY WIDTH (FEET)				
	Curb Max.		Edge Max.		
	Minimum	Maximum	Minimum	Desirable	Maximum
Residential	12	20	12	20	25
Commercial	15	25	15	30	30
Industrial	15	25	30	35	50

Table 7. Radius of Curvature

Driveaway Type	RADIUS OF CURVATURE (FEET)			
	Rural		Urban	
	Minimum	Maximum	Minimum	Maximum
Residential	5	20	5	15
Commercial / Industrial	10	50*	10	30

- Notes: (a) The desirable values shown in the above table should be used whenever possible. If variation from these values is required because of site conditions, the width and right selected should be as close as possible to the desired values.
- (b) The use of both a small width and a small curb return radius should be avoided. If the width must be reduced, then the curb return radius should be increased and vice versa.

\* Requires special approval from the District Traffic Engineer.

Note: A special design can be developed in accordance with AASHTO design policies if approved by the DOT District Engineer.

## STORMWATER REPORT GUIDELINE

- Narrative:
  - Describe existing site (soils, slopes, vegetative cover, discharge points)
  - Overall site plan (proposed improvements, how is runoff being controlled?)
  - Include details about uncontrolled or bypass areas of the site
- Drainage Area Maps
  - Pre-development & Post-Development
- Curve Number Calculations
- Time of concentration calculations
  - Pre-Development & Post-Development
  - Show segmented flow paths
- Peak flows, volume calculations, and rainfall total for each storm event
- Routing Diagram
- Pond calculations ~ (weir/orifice/spillway details, bonding elevations)
- Summary of all pre, post, and pond outfall:

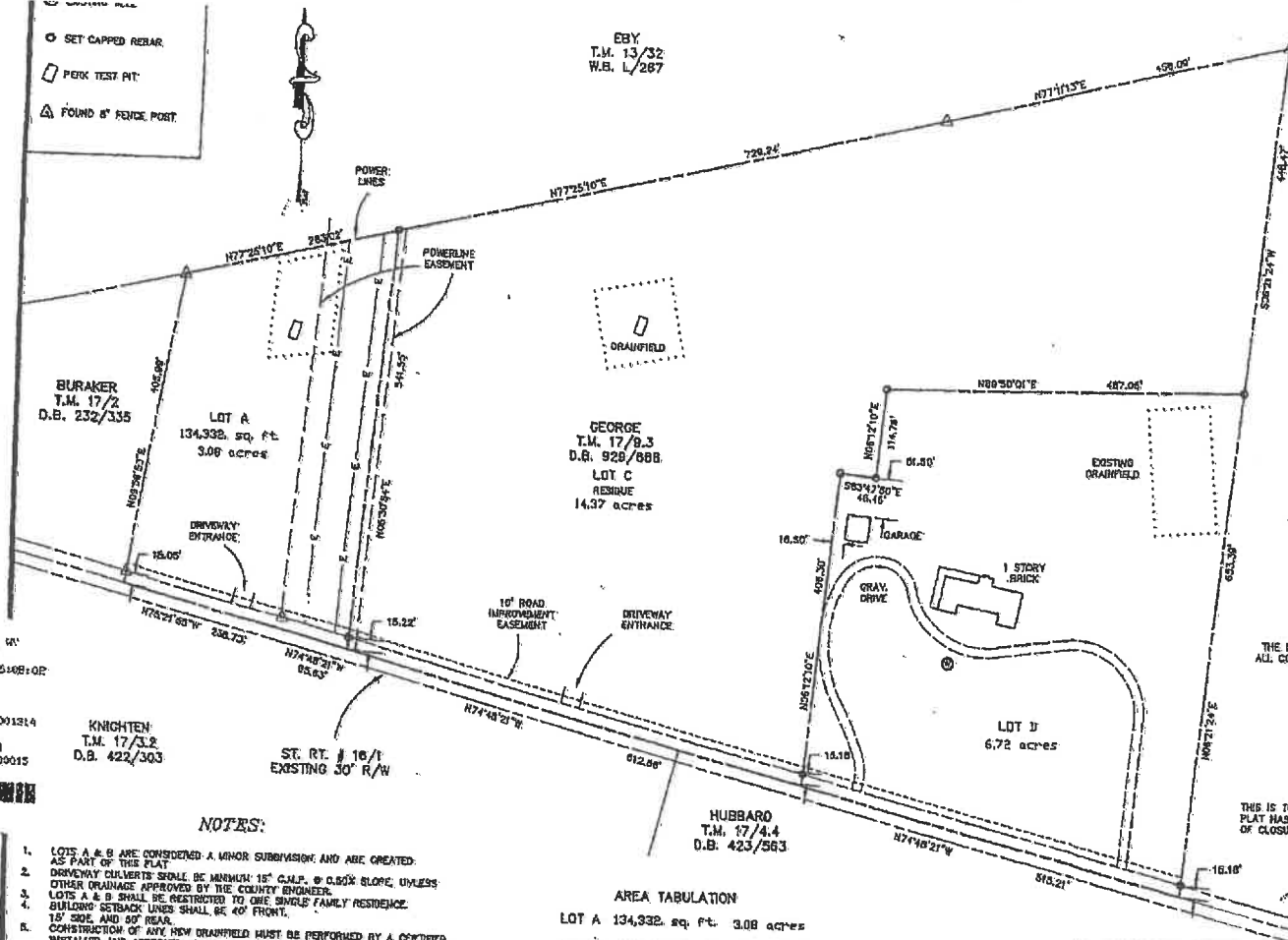
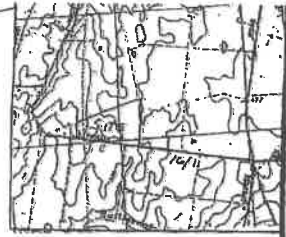
*example*

<u>Frequency</u>	<u>Pre-Development</u>	<u>Post-Development</u>	<u>Ponding Elevation</u>	<u>Inference</u>
2-year	10 cfs	8 cfs	100 FT	+8 cfs
10-year	10 cfs	10 cfs	102 FT	+10 cfs
25-year	10 cfs	10 cfs	104 FT	+10 cfs

- Water Quality Calculations (if M&A are req)
- Phasing details if part of a larger plan:
  - Detailed explanation of overall plan and how stormwater will be controlled during each phase.

- SET CAPPED REBAR
- PERK TEST PIT
- △ FOUND 8" FENCE POST

EBY  
T.M. 13/32  
W.B. L/287



RICCARDS  
T.M. 17/9  
O.S. 654/580

APPROVED BY THE JEFFERSON COUNTY  
PLANNING & ZONING COMMISSION



*Stephen H. Rockmiller*  
STEPHEN H. ROCKMILLER  
CHIEF PLANNER  
JEFFERSON COUNTY DEPARTMENT OF  
PLANNING, ZONING, & ENGINEERING

STATEMENT OF ACCEPTANCE  
THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY  
ALL CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON.

*Kristie A. George*  
KRISTIE A. GEORGE

SURVEYOR'S CERTIFICATE:  
THIS IS TO CERTIFY THAT ALL THE MONUMENTATION AS SHOWN ON THIS  
PLAT HAS BEEN FOUND OR SET BY ME AND THAT IT HAS AN ACCURACY  
OF CLOSURE THAT IS EQUAL TO OR GREATER THAN 1 PART IN 7,500.

*Peter H. Lorenzen*  
PETER H. LORENZEN P.E.

JEFFERSON COUNTY, WA  
FILED:  
January 13, 2002 16:48:10P  
JOHN C. GITT  
COUNTY CLERK  
TRANSACTION NO: 2002001214  
PLAT: 129 2 181  
Book: 00010 Page: 00015

KNIGHTEN  
T.M. 17/3.2  
D.B. 422/303

ST. RT. # 16/1  
EXISTING 30' R/W

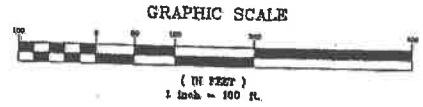
HUBBARD  
T.M. 17/4.4  
D.B. 423/563

NOTES:

1. LOTS A & B ARE CONSIDERED A MINOR SUBDIVISION AND ARE CREATED AS PART OF THIS PLAT.
2. DRIVEWAY CULVERTS SHALL BE MINIMUM 15" C.I.P. @ 0.50% SLOPE, UNLESS OTHER DRAINAGE APPROVED BY THE COUNTY ENGINEER.
3. LOTS A & B SHALL BE RESTRICTED TO ONE SINGLE FAMILY RESIDENCE. BUILDING SETBACK LINES SHALL BE 40' FRONT, 15' SIDE, AND 50' REAR.
4. CONSTRUCTION OF ANY NEW DRAINFIELD MUST BE PERFORMED BY A CERTIFIED INSTALLER AND APPROVED BY THE JEFFERSON COUNTY HEALTH DEPARTMENT. PUBLIC SERVICE DISTRICT MAY REQUIRE HOODING UP TO A CENTRALIZED SYSTEM WHEN AND IF IT BECOMES AVAILABLE.
5. THIS PROPERTY IS MAPPED ON F.E.C.A. PARCEL # 840885 0020 B ZONE Q. IT IS NOT MAPPED IN A FLOOD ZONE.
6. ALL WATER WELLS SHALL BE PRESSURE CROUDED.
7. HIGHWAY ENTRANCE PERMIT IS # 8-01-0264 & 0265.
8. 72 HOURS PRIOR TO EXCAVATION IN PUBLIC RIGHT-OF-WAY, OR IN AREAS SERVED BY PUBLIC UTILITIES, CALL WRS UTILITY 1-800-245-1848.
9. JEFFERSON COUNTY HEALTH DEPT. SEPTIC PERMIT IS # ST-0001-81081 & 81101.
10. ENTRANCE FOR LOTS A, B & C SHALL BE RESTRICTED TO ST. RT. # 16/1.
11. THE SELLER OF ANY LOT WITHIN THIS SUBDIVISION SHALL PROVIDE THE BUYER WITH REASONABLE OPPORTUNITY, BEFORE SETTLEMENT, TO DETERMINE THAT THE LOT IS SUITABLE FOR THE CONSTRUCTION OF A SEPTIC DISPOSAL SYSTEM. IF, BEFORE SETTLEMENT THE BUYER IS ORDERED A SEPTIC CONSTRUCTION PERMIT BY THE JEFFERSON COUNTY HEALTH DEPARTMENT, THE BUYER MAY REFUSE TO PURCHASE THE LOT WITHOUT PENALTY.

AREA TABULATION

LOT A	134,332 sq. ft.	3.08 acres
LOT B	825,962 sq. ft.	6.72 acres
LOT C	625,962 sq. ft.	14.37 acres
<b>TOTAL AREA</b>	<b>1,086,256 sq. ft.</b>	<b>24.17 acres</b>



**FINAL PLAT**

**LOTS A, B, & C (RESIDUE)**  
**KRISTIE A. GEORGE MINOR SUBDIVISION**

T.M. 17/9.3 SHEPHERDSTOWN  
JEFFERSON COUNTY, WEST VIRGINIA

PROPERTY STATIONED IN THE NAME OF KRISTIE A. GEORGE, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 828/808. OWNER: KRISTIE A. GEORGE - P.O. BOX 1693 SHEPHERDSTOWN, 26443 (304) 676-3034. SURVEYOR: PETER H. LORENZEN - P.O. BOX 376, SUMMIT POINT, WY 26446. 728-6083

DATE: 11/7/2001 DRAWING # 3082

T.M. 17/4.4  
D.B. 423/563

ST. RT. # 16/1  
EXISTING 30' R/W

515.21'

15.18'

JEFFERSON COUNTY HEALTH  
DEPARTMENT  
**APPROVED**



BY: \_\_\_\_\_

DATE: 10/8/02

REVIEWED BY: MINOR PLAT CHANGE

PLAT SHOWING MINOR PLAT CHANGES TO LOT B KRISTIE A. GEORGE MINOR SUBDIVISION  
STANDING IN THE NAME OF KRISTIE A. GEORGE, AS RECORDED IN THE OFFICE OF THE  
COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 929/668 LOCATED IN SHEPHERDSTOWN  
DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

DWG # 3562

DATE-10/2/02

GRAPHIC SCALE



SURVEYED BY:

( IN FEET )  
1 inch = 100 ft.

PETER H. LORENZEN P.S.  
SUMMIT POINT, W.V. 728-8093

ST-19-9900-62

IMPROVEMENT LOCATION PERMIT  
APPLICATION/ZONING CERTIFICATE  
Jefferson County, West Virginia

PAID 170.00

Jefferson County Planning Commission, 104 East Washington Street  
P. O. Box 338, Charles Town, WV 25414 TEL: (304)-728-3228

A. COVERED ACTIVITIES

This application must be completed and submitted to the Jefferson County Planning Commission if you intend to do one or more of the following activities in Jefferson County, outside of a municipality.

1. Erect, locate, or relocate a structure or mobile home.
2. Alter a building or structure in a way which enlarges the exterior or interior dimensions of the building or structure.
3. Engage in land-altering activities in a flood-prone area.

FOR OFFICIAL USE ONLY

Aerial Number

Flood-Prone

YES

NO

Floodway

YES

NO

B. IDENTIFICATION OF PROPERTY OWNER AND BUILDER

1. Property Owner(s)

Name:

KRISTIE A GEORGE

Address P.O. BOX 1895

SHEPHERDS TOWN W VA

Telephone #: ZIP 25443

304 262 9774

2. Builder or Contractor

Name:

Address:

Telephone #:

Application Number

99-865

Completed Application Received

9-22-99

Application Approved Placard Issued

9-27-99

Permit and Placard Expire

3-27-00

Signature of Land Development Coordinator

C. IDENTIFICATION OF PROPERTY

1. Location:

GARDNER LANE 1/2 MILE OFF RT

2. Tract Size: 24.21

3. Deed Book Reference:

Book# 929 Page# 668

4. Tax Map Reference:

District SHEPHERDS TOWN

Tax Map# 17 Parcel# 9-3

5. What Existing Buildings or Uses are on the Property? NONE

6. Subdivision Name: LOT 1 KNODE MSD



Handwritten signature: Judy Lewis Madison

D. IDENTIFICATION OF INTENDED CONSTRUCTION OR LAND USE

FOR OFFICIAL USE ONLY

- 1. Briefly describe the intended construction or land use: SINGLE FAMILY HOME
- 2. Sketch on the blank side of sheet two (2) the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structure or land uses on the property. \*Sign and date sketch.
- 3. Estimated value of building or structure: \$100,000
- 4. Estimated completion date: 6 TO 9 MO. July 2000

Subdivision Ordinance

Complies

Does Not Comply

Flood Plain Management Ordinance

Complies

Does Not Comply

Zoning Ordinance

Complies

Does Not Comply

Certification of Potable Water

YES

Deadline for Submittal

3-23-00

Special Conditions of Approval

Entrance drainage to comply with WVDOT standards. J 9/27/99

ZONING ADMINISTRATOR

E. NOTES:

- 1. The information on this application is true and accurate to the knowledge of the applicant. Y.S
- 2. The intended construction or land use identified on this application must be started no later than six (6) months from the date the application is approved.
- 3. In signing this application it is understood that the Land Development Coordinator or his representative may inspect the property and/or activities identified on this application.
- 4. If the intended construction or land use identified on this application requires Health Department, Highway Department, Public Service District or Town approval, evidence of such approval(s) from the county and/or State must be submitted to the Planning Commission in order to complete the application.

Septic Tank Permit No. 17 9900 62 NH

Highway Entrance Permit No. 5-99 0631

Well Permit No. pw-17-9900-52

5. Duplicates of this application will be transmitted to:

Jefferson County Assessor's Office  
Jefferson County Health Department

GEORGE  
T.M. 17/9.6  
D.B. 929/668

GEORGE  
T.M. 17/9.3  
D.B. 929/668

RICCARDS  
T.M. 17/9

T.M. 17/4.4  
D.B. 423/563

ST. RT. # 16/1  
EXISTING 30' R/W

LOT B  
6.72 acres

JEFFERSON COUNTY HEALTH  
DEPARTMENT  
**APPROVED**



BY: \_\_\_\_\_

DATE: 10/8/02

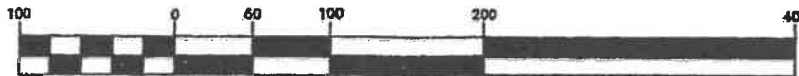
REVIEWED BY: MINOR PLAT CHANGE

PLAT SHOWING MINOR PLAT CHANGES TO LOT B KRISTIE A. GEORGE MINOR SUBDIVISION  
STANDING IN THE NAME OF KRISTIE A. GEORGE AS RECORDED IN THE OFFICE OF THE  
COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 929/668 LOCATED IN SHEPHERDSTOWN  
DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

DWG # 3562

DATE-10/2/02

GRAPHIC SCALE



SURVEYED BY:

( IN FEET )  
1 inch = 100 ft.

PETER H. LORENZEN P.S.  
SUMMIT POINT, W.V. 728-8093





# Assisted Living vs. Nursing Homes: Costs, Amenities, and How to Choose

11 minute read

Last updated May 19, 2023

**FACT CHECKED** on May 19, 2023



Written by **Claire Samuels**

[Learn more](#) about the author



**Reviewed by Saul Chapnick, MSW**

Assisted living executive Saul Chapnick has extensive experience revitalizing distressed facilities and ensuring new ones start strong.

[More info](#)

**A**ssisted living communities and nursing homes differ in many ways, though many people think of them as the same. Over the past few decades, these two types of senior living have grown distinctly different. “Nursing home” is no longer the senior care catchall term it used to be. So what’s the main difference between care types? Assisted living communities provide a more social lifestyle for seniors who are generally active but need some help with everyday tasks. Nursing homes provide long-term medical care for adults with serious health issues. Nursing homes usually cost more than assisted living due to the higher level of care.



# Let our care assessment guide you

Our free tool provides options, advice, and next steps based on your unique situation.

Take our free care quiz

## In this Article

- 01 What is assisted living?
- 02 What is a nursing home?
- 03 How do services in assisted living and nursing homes compare?
- 04 Will my loved one benefit from assisted living or a nursing home?
- 05 How do entry criteria for nursing homes and assisted living differ?
- 06 Assisted living vs. nursing home costs
- 07 How do you decide which type of senior living is best?

## What is assisted living?

Assisted living is an ideal option for seniors who can no longer live alone but want to remain relatively independent and maintain a social lifestyle. Assisted living communities provide long-term housing for older adults who are generally active but need

support with activities of daily living (ADLs), which could include bathing, dressing, using the toilet, and managing medications.

Additionally, assisted living cultivates a strong sense of community. Some religious assisted living communities, such as Presbyterian assisted living, feature a robust faith community. While residents can find privacy in their apartments, they'll usually eat together in the dining room and mingle in comfortable common spaces. Throughout the month, staff members typically organize activities, entertainment, and outings for residents. When touring a facility, it's important to learn about their staff-to-resident ratio in assisted living as this can affect the amount of interaction between residents and staff.

**Read more:** [Understanding Assisted Living Levels of Care](#)

## What is a nursing home?

Nursing homes serve seniors and others who require full-time monitoring and medical assistance. These facilities offer the highest level of care for individuals who don't require hospitalization.

Elderly adults who need long-term care at a nursing home often have severe physical or cognitive health conditions that require 24-hour nursing care. They may be incontinent, unable to eat independently, or unable to transfer from bed to a wheelchair without the assistance of a staff member.

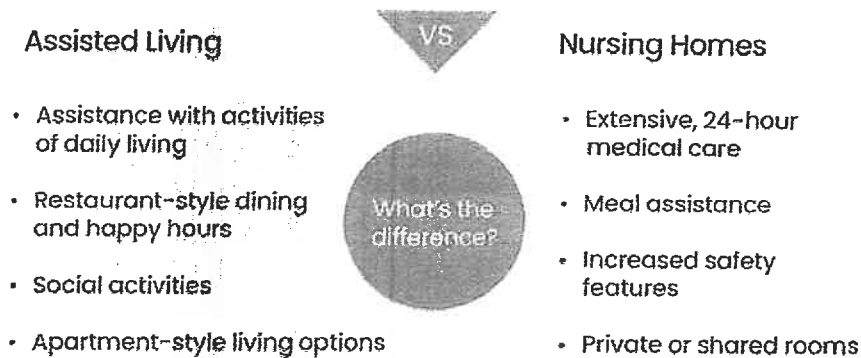
**Read more:** [How Much Do Nursing Homes Cost?](#)



**Let our care assessment guide you**

Our free tool provides options, advice, and next steps based on your unique situation.

## How do services in assisted living and nursing homes compare?



Assisted living communities offer services and amenities to keep residents as healthy, socially engaged, and independent as possible. While nursing homes also focus on these areas and offer similar amenities, they also provide around-the-clock medical care to treat more serious health issues.

Skilled nursing care is a key feature of many nursing homes. That means trained medical professionals are available at all times to assist your loved one. If your family member has a serious medical condition, they likely need specialized care from licensed health care professionals at a skilled nursing facility. Assisted living senior care aides are highly trained but may not be medically certified.

“Assisted living services are geared toward those who may need some support from staff along with meals and socialization. Therefore, these facilities focus on many different types of activities and entertainment,” says Carol Bradley Bursack, a senior living expert, longtime primary caregiver, and author

nursing homes try to offer activities that nourish their residents, but due to their focus on providing actual health care to often severely ill or compromised people, they are, by nature, more medical in their approach.”

Assisted living services and amenities could include:

- Restaurant-style dining and happy hours
- Transportation and outings
- Social activities tailored to residents' interests
- Pet-friendly accommodations
- Laundry, housekeeping, and maintenance
- Assistance with activities of daily living (personal care) and medication management
- Apartments with mini-kitchens and bathrooms

Nursing homes may offer services such as:

- Ongoing palliative and preventative long-term care
- Prescription medication administration, including injections
- Specialized rehabilitative services, such as speech, occupational, physical, respiratory, cognitive, and vocational therapy
- Emergency and routine dental services
- Meal options that must meet the daily nutritional requirements and the unique dietary needs of each resident, including pureed and liquid diets
- Increased safety features and security benefits

Much of the time, these services are offered at the community by external companies contracted by the nursing home. For example, it's unlikely the facility will have a dentist or dialysis provider on-site all the time — those providers are brought in when necessary. When that isn't an option, the nursing home will likely offer transportation to the necessary locations.

# Will my loved one benefit from assisted living or a nursing home?

## Assisted Living

Ideal for active seniors looking for a more social lifestyle, but who need help with everyday tasks



## Nursing Homes

Ideal for seniors in need of a higher level of care who require full-time monitoring and medical assistance



Assisted living communities benefit seniors who are generally active but need some assistance with daily tasks. If an elderly loved one develops chronic or severe health problems, then nursing homes may be a better option. The advanced level of care offered in a nursing home versus an assisted living community makes it an ideal choice by providing medical care in addition to companionship, help with ADLs, and on-site amenities.

Which care type will your loved one benefit from the most? For families needing to choose between assisted living and nursing home care, Bursack offers the following advice.

“If the older adult is relatively self-sufficient but needs extra support for safety and possibly more socialization, then assisted living is likely the right choice. However, if [your loved one] has significant challenges with activities of daily living, such as dressing or feeding themselves, or has a severe or chronic illness, it’s good to work with a doctor to see what care is best for them.”

Assisted living may be a good option for someone who:

- Requires minor nursing assistance but doesn’t need full-time medical care
- Needs help with daily activities like dressing and

bathing

- Is interested in a maintenance-free lifestyle without lawn care or home repairs
- Desires an active lifestyle but doesn't have access to transportation
- Is looking for new friends or social activities
- Is currently in good health but knows they may need more help soon

A nursing home is an ideal choice for seniors who may:

- Require constant care due to chronic conditions or deteriorating health
- Be unable to feed themselves independently
- Have significant mobility concerns
- Have experienced an injury or fall and need significant rehabilitation
- Have progressive conditions, like Parkinson's disease or multiple sclerosis
- Require regular injections for diabetes or other conditions



## Talk with a Senior Living Advisor

Our advisors help 300,000 families each year find the right senior care for their loved ones.

## How do entry criteria for nursing homes and assisted living differ?

Nursing homes and assisted living have different criteria. While assisted living communities could require residents to meet certain health standards and abilities, nursing homes usually have entry requirements to confirm that the patient requires a higher level of care.

For instance, assisted living communities may require that your loved one is able to eat independently or can transfer between a bed and a wheelchair without extensive assistance. They also might not accept residents with severe cognitive impairment or behavioral issues.

However, for someone to qualify for nursing home care, an assessment typically must be completed, and at least one physician should sign off on the recommendation, says Bursack. Seniors need to meet the state's criteria to enter a nursing home. This might involve getting a physical assessment and a physician's order.

"A typical assisted living resident is someone who needs some extra assistance along with meals and socializing," says Bursack. "Depending on the facility, extra services can be added to the package so that those who need more care can remain there longer. Alternatively, people who need significant medical care from nurses and physicians may qualify for a nursing home. This could include someone who has had a major stroke, a disabling fall, or a chronic disease."

## Assisted living vs. nursing home costs

The median monthly cost of assisted living was \$4,640 in 2022, according to A Place for Mom's most recent partner community data.<sup>[01]</sup>

While comprehensive statistics on nursing home costs haven't yet been published for 2022, the median monthly cost of a semi-private room in a nursing home was \$7,908 in 2021, while a private room was \$9,034.<sup>[01]</sup> Considering past cost trends, we can assume nursing home pricing increased slightly in 2022.

“Other than for memory care in an assisted living facility, nursing homes are nearly always more expensive than assisted living due to their need to provide ongoing medical care,” Bursack says. “They have significantly more medically trained staff available as well as a need for more staff in general.”

That said, nursing home and assisted living costs vary by community, location, and services offered. The difference in cost between assisted living and nursing homes is significant because assisted living communities don't offer full-time medical care.

There are a variety of sources families can use to pay for each care type. Seniors may rely on private funds, savings, and personal assets to cover the majority of assisted living costs, while government assistance may be available to help lower-income residents pay for nursing home care.

**Read more:** [How Much Does Assisted Living Cost? A State-by-State Guide](#)

## **How do you decide which type of senior living is best?**

In the past several decades, senior living choices have expanded as the needs and expectations of older adults have changed. Finding the option that best meets your loved one's needs is an important part of keeping them healthy, active, and safe.

If you're unsure which care type fits your parent's needs, reach out to one of A Place for Mom's Senior Living Advisors. They can answer your questions about senior living options and connect you with local communities, all at no cost to your family.

Assisted living communities generally cost more than independent senior apartments but much less than nursing homes.



## Financial Resources to Pay for Senior Living

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**FREE WEBINAR**  
Dec 13 | 5 p.m. (EST)

## What Is A Skilled Nursing Facility?

More commonly known as a skilled nursing facility, a nursing home provides the highest level of care possible outside of a hospital. Many seniors move to a nursing home following a hospital stay, surgery, or procedure. Nursing homes deliver 24-hour care to seniors who have complex medical conditions and need hands-on assistance and monitoring.

Residents receive skilled care and may even be confined to bed, be totally incontinent, rely on G-tube feeding for nutrition. In many cases, residents are there short-term to recover from a hospital stay or procedure. In other cases, residents are there long-term to receive comprehensive healthcare interventions 24 hours a day.

A licensed physician supervises each patient's care, a nurse is always on the premises, and other medical professionals — such as occupational, physical, or speech therapists — are also on hand. Many nursing homes have medical equipment that is normally found in hospitals, such as X-ray machines or electric beds. In addition, these facilities often offer short-term rehabilitation services for adults of any age who can then return home.

## Determining if It Is Time for a Skilled Nursing Facility

Transition from home or an assisted living community to a nursing home is a personal decision but may occur after a senior is facing ongoing medical care needs. A skilled nursing facility is designed to meet particular medical needs, whether those needs are

simple pain management, more complex rehabilitation, or something in between. Residents in skilled nursing facilities typically need assistance with tasks that go beyond ADLs.

## Who Can Benefit From a Skilled Nursing Facility?

A nursing home can be the right choice for someone who, because of their medical needs, requires full-time care and access to services that are more similar to a hospital than a home. Some families choose to transition a senior loved one to a nursing home after a serious infection or when the senior is continually in and out of the hospital.

Because skilled nursing facilities offer extensive care, they can provide more stability to seniors who might otherwise spend extended time in the hospital. Some nursing homes also deliver hospice services, providing palliative care to seniors who are nearing the end of their senior living journey.

However, if a senior's needs are more minimal — such as assistance with ADLs including bathing, dressing, or toileting — or if a senior needs simple care — such as physical therapy and medication management — a nursing home may be too restrictive and needlessly add costs.

## Cost of Skilled Nursing Facilities

Skilled nursing facilities typically are more expensive than assisted living communities because of the type of care offered. However, it is important to keep in mind that nearly all nursing homes are certified to participate in Medicare or Medicaid financial assistance programs. Medicare covers most skilled nursing stays as long as there is a qualifying hospital stay beforehand at 100 percent for the first 20 days and then 80 percent for days 21-100.

## What Is the Difference Between Assisted Living and Skilled Nursing Facility?

When it comes down to it, assisted living communities are designed to be more similar to home, whereas a skilled nursing facility is designed to be a more clinical environment. Both of these senior living solutions are necessary within the senior living continuum, and you might find that you or your loved one needs a short-term stay at a nursing home to recover from hospitalization before returning to assisted living.

	<b>Assisted Living</b>	<b>Skilled Nursing</b>
<b>Type of Care Offered</b>	Caregiver assistance with activities of daily living such as showering, grooming, mobility, and medication management.	Support and assistance with activities of daily living as well as skilled care services such as wound care, chronic disease management, IV management, and physical, occupational, and speech therapy.
<b>Cost</b>	About \$4,500 per month, which includes your home, utilities, meals, and access to amenities and events.	About \$9,000 per month for a private room if you are paying out of pocket. However, Medicare does cover skilled nursing care if the senior has met their three-night qualifying hospital stay.
<b>Services and Amenities</b>	Amenities can include outdoor spaces, a fitness center, an on-site salon and spa, a post office, and a dining room. Services can include on-site outpatient therapy, a vibrant event calendar, clinician visits, and more.	Amenities are similar to those offered in assisted living but typically are not as luxurious as an AL community. Services include an event calendar, clinician visits, and nursing oversight.
<b>Homes and Floor Plans</b>	Residents often choose between multiple floor plan options that include	Residents typically have rooms, and private rooms typically cost more than

	studio, one-bedroom, and two-bedroom options. Each home has its own bathroom and kitchenette.	semi-private rooms. Depending on the community, residents might share their bathroom with one or more people.
<b>Friends and Family</b>	Friends and family are welcome to visit and attend events with their loved one.	Friends and family are welcome to visit and attend events with their loved one.

## Choosing the Right Care for Your Loved One

If your loved one is not in the hospital and facing a quick discharge right now, you and your family have time to thoughtfully research and plan your senior living options. Knowing the differences between the types of communities out there can expedite the process because you can narrow down your list quickly based on the care your loved one needs.

If you aren't sure what type of support or care your loved one needs, talk to their physician. Also, be sure to include your loved one in the discussion so that they can have autonomy over what comes next as well as share what they are struggling with so that you can work through those challenges together.

Learn more about assisted living, a very popular type of senior living thanks to its focus on enhanced independence and peace of mind, by downloading our free resource, "The Complete Guide to Assisted Living." You'll learn more about this type of senior living solution including costs, touring advice, and transitioning to a community.

## Frequently Asked Questions

What's the difference between assisted living and a nursing home?

A "nursing home," which is better known as a skilled nursing facility (SNF) or a healthcare community, offers around-the-clock skilled nursing care. Skilled nursing

care is care that can only be provided by licensed medical professionals such as nurses or therapists. This care can include wound management, IV management, physical therapy, occupational therapy, and speech therapy. Assisted living communities do not offer these skilled nursing services.

**Is assisted living a nursing home?**

No. The term “nursing home” is an antiquated term used to describe skilled nursing facilities, sometimes called SNFs or healthcare communities. A skilled nursing facility provides skilled nursing services. Assisted living communities offer around-the-clock caregiver support but do not offer skilled services like wound management or IV management.

**What’s the difference between assisted living and skilled nursing?**

The main difference between assisted living and skilled nursing is the type of care provided. Skilled nursing facilities, or SNFs, provide skilled nursing care, which are services that can only be performed by licensed medical professionals like nurses or therapists. Assisted living communities often have nurses on staff or provide outpatient therapy services at the community, but they do not provide around-the-clock skilled care.

[Download our comprehensive guide to assisted living communities living today!](#)

*This post was updated in October 2022.*

### **Mary Campbell Jenkins**

Over the last 20 years Mary Campbell has focused on a wide range of initiatives within the Arbor Company and brought innovative programs into the Arbor world. Her current passions are people, culture and strategic planning. As the senior living industry moves into its next season of growth, Mary Campbell is committed to ensuring that The Arbor Company is the company of choice for the very best senior living professionals at every level of the organization.

# Between Senior Living Options

By Mary  
Campbell Jenkins

Finding the right assistance can make a huge difference as we get older. Having someone drop off meals weekly, for example, can give a senior healthy food that is easy to reheat and save them the mental and physical energy of creating a meal plan, chopping, dicing, and cooking. Similarly, a senior who is frustrated and exhausted after their morning dressing and grooming routine can benefit from the extra energy they get when someone is there to offer a helping hand with those tasks.

Senior living communities are often the solution for adults who are looking for some additional support with household tasks, personal care tasks, or medical management.

However, how can you know which senior living community is the right one for you or your loved one? It begins by understanding your options. Senior living communities generally fall into one of four categories: independent living, assisted living, memory care, and skilled nursing. Assisted living and skilled nursing can sometimes seem like the same thing to family members, but the differences are there, and they matter.

The major difference assisted living has as a nursing home alternative is the type of care provided at the community. Assisted living is a great option for seniors who need extra support or assistance with day-to-day tasks. A skilled nursing or healthcare

community, once referred to as a nursing home, offers more comprehensive support to seniors with extensive medical needs.

Here's what you need to know about these two senior living solutions.

## What Is Assisted Living?

Assisted living communities offer community living in a non-clinical environment. They can also offer some medical support services, help with diet and nutrition issues, and assist with incontinence. In most assisted living communities, a licensed nurse completes a comprehensive individualized assessment for each resident, and caregiving staff is on-site or accessible 24 hours a day.

Geriatricians and other healthcare professionals, such as dentists or chiropractors, will often see clients on-site. Some assisted living communities have even started offering physical and occupational therapy or wellness rooms supervised by licensed nurses.

Additionally, some assisted living communities offer specialized memory care units for those living with cognitive decline. A memory care solution is ideal for someone who has been diagnosed with Alzheimer's disease or another type of dementia because staff members are trained in best practices of care and family members can get additional support and education.

It's important to ask about the types of care the community offers, especially if your loved one has a chronic or progressive medical condition. Some assisted living communities provide different levels of care and support based on what each resident needs, and they many offer a continuum of care by contracting with skilled nursing companies or offering an on-site nursing home for residents whose support needs change.

Similar to skilled nursing or healthcare communities, assisted living communities deliver personal care, light housekeeping, and laundry. They also offer on-site restaurants that serve three meals a day, including special meals for those with medical conditions such as diabetes. In addition, both types of residential alternatives are equipped with safety systems, such as emergency pull cords.

For a more detailed explanation of what assisted living is, read our [What is Assisted Living](#) guide.

# Determining if It Is Time for Assisted Living

An assisted living community is a good choice for a senior who needs additional support with their activities of daily living (ADLs). These activities may include dressing, showering, grooming, and toileting. Assisted living communities also provide socialization opportunities through events, programs, and excursions that make it easy to connect with neighbors and explore the greater community.

It might be time to explore assisted living if you or your loved one:

- Has fallen in the past six months.
- Lives with chronic pain or a complex medication condition.
- Struggles with medication management.
- Feels lonely, isolated, depressed, or anxious.
- Struggles with nutritional needs, such as grocery shopping, meal preparation, or healthy eating.
- Needs a helping hand when it comes to daily personal care or household upkeep.

## Who Can Benefit From Assisted Living?

An assisted living community is a terrific match for someone who has some health problems or needs help with tasks such as bathing and dressing. Many seniors who choose assisted living remain independent aside from a few daily tasks. In fact, some assisted living residents drive their own cars, cook some of their own meals, and come and go on their own schedules.

Thanks to personalized care plans, residents of assisted living communities experience enhanced independence and a newfound peace of mind. Residents all have unique needs and preferences, making communities diverse and vibrant.

## Cost of Assisted Living Communities

Assisted living communities vary in cost depending on location, amenities, and services. Typically, communities charge a monthly fee that covers nearly all services, including meal plans, activities, transportation, and a spacious apartment.



(<https://www.harrogatelifecare.org/>)

 **732-719-0455 (tel:732-719-0455)**

**Contact Us (<https://www.harrogatelifecare.org/contact/>)**

## Skilled Nursing Care: What Is It?

### **What Is Skilled Nursing Care, Assisted Living and a Nursing Home?**

People typically use the words "skilled nursing," "assisted living" and "nursing home" interchangeably, but they're actually all different terms.

Nursing home is a term used to describe the physical building where residents receive assisted living or skilled nursing care.

Assisted living is for seniors who don't need around-the-clock nursing care but who could use help with activities of daily living (ADL). ADLs include assistance with eating, medication reminders, bathing, dressing and getting out of bed.

Skilled nursing care refers to a patient's need for care or treatment that can only be performed by licensed nurses. This type of care is usually offered in hospitals, assisted living communities, Life Plan Communities, nursing

homes and other certified locations. Skilled nursing is mostly regulated by the U.S. Department of Health and Centers for Medicare & Medicaid Services (CMS). To be certified by CMS, skilled nursing communities must meet strict criteria and are subject to periodic inspections to ensure quality standards are being met.

### **Types of skilled nursing care**

If you or a loved one has had a stroke, surgery or extensive treatment for kidney, heart or respiratory conditions, they may still require rehabilitation at a skilled nursing community following their release from the hospital. Medicare will pay for skilled nursing services if a physician prescribes specialized therapies – physical and occupational therapy (<https://www.harrogatelifecare.org/news/the-benefits-of-physical-therapy-for-seniors/>) – medications, medical equipment and supplies, and social services, to help your loved one meet their health goals. However, to qualify, you must go to a Medicare-certified skilled nursing community.

**Physical therapy:** After an illness, surgery or hospitalization, a rehab care team will create a personalized plan for the most optimal outcome.

**Occupational therapy:** Help adapting to social and physical environments through specialized therapies for getting dressed, memory training and coordination exercises.

**Speech therapy:** Addresses communication issues and swallowing dysfunction. Speech and language pathologists design a treatment plan to help with language ability, provide alternate communication strategies and give appropriate diet recommendations.

Skilled nursing communities can offer a wide range of services and medical care: physical therapy, occupational therapy, speech-language pathology, wound care, intravenous (IV) therapy, injections and monitoring of vital signs and medical equipment.

Skilled nursing staff includes:

- Registered nurses
- Licensed practical nurses
- Speech/Language pathologists
- Licensed vocational nurses
- Audiologists
- Medical directors

They also must have a transfer agreement with a hospital in case a resident requires emergency care.

### **Helpful tips and question to ask**

As you evaluate all the possible care options, here are some helpful tips to get you started and important questions to ask before you decide.

Getting started:

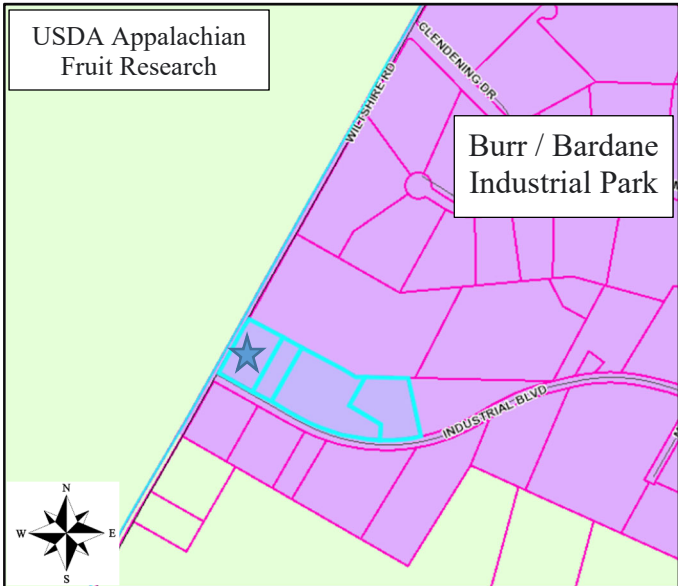
- Reach out to people you trust to be unbiased – consultants, friends, family or a physicians – for their candid advice and recommendations.
- Once you have a list of care options, the state of New Jersey Report Card for Health Facilities has been replaced by the CMS-Five Star Quality Rating System. To compare your options, visit [Nursing Home Compare webpage](#)



Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 22, 2024

**24-7-ZV DALB, Inc. (Landscaping) Variance Request**

Item #5 Variance request from Appendix B and Section 4.11 to eliminate the required street tree and landscaping buffer to allow for the expansion of an existing commercial facility.  
 (DALB Western Building Expansion Project File # 23-12-SP)

Owner/ Applicant:	DALB, Inc. / Ken Steeley
Consultant	Integrity Federal Services (IFS) / Contact: Brooke Perry
Parcel Information & Zoning District:	<p style="text-align: center;">Burr Industrial Park, Lots 1 &amp; 2, 73 Industrial Blvd., Kearneysville, WV          Parcel ID: 02000200010007; Size: 2 acres; Zoning District: Industrial Commercial</p> 
History:	<p><b>Subdivision</b>          03/23/78: JEDCO Subdivision recorded in <a href="#">PB 4 at PG 85A-2</a></p> <p><b>Building Permits (no site plan)</b>          1983 Manufacturing Plant (original structure) and parking lot on Lot 3 - Permit #83-70          1983-1990: Expansion of existing facility</p> <ul style="list-style-type: none"> <li>• Expansion of existing facility on Lot 3 – Permit #85-181</li> <li>• Expansion of existing facility on Lot 3 – Permit #87-56</li> <li>• Expansion of existing facility on Lot 3 – Permit #88-152</li> <li>• Expansion of existing facility on Lot 2 &amp; 3 – Permit #91-307*</li> </ul> <p style="padding-left: 20px;">*04/23/1991: PC approved a request to waive a site plan for a 240 sf addition (lunchroom).</p> <p><b>Site Plans</b>          S92-07: Expansion of existing facility and parking lot on Lot 3 &amp; 4 - Permit #92-862          S94-02: Expansion of existing facility and parking lot on Lot 3 &amp; 4 - Permit #94-588          S95-08: Expansion of existing parking lot on Lots 2 &amp; 3 - Permit #95-696          S96-01: Expansion of existing facility on Lot 2 &amp; 3 - Permit #96-72          S96-20: Expansion of existing facility on Lot 2- Permit #97-89          S98-06: Expansion of existing facility on Lot 5 - Permit #98-640          S09-05: Expansion of existing facility (26,400 sf) on Lots 5 &amp; 6* - Permit #10-11  <i>*The property owner processed a Boundary Line Adjustment to limit placement of the proposed expansion from Lot 7.</i>          02/08/12: Expansion of existing facility on Lot 4 - Permit #12-26 (no site plan required)          23-12-SP: Western building expansion of 11,940 sf to the existing facility (pending)</p>

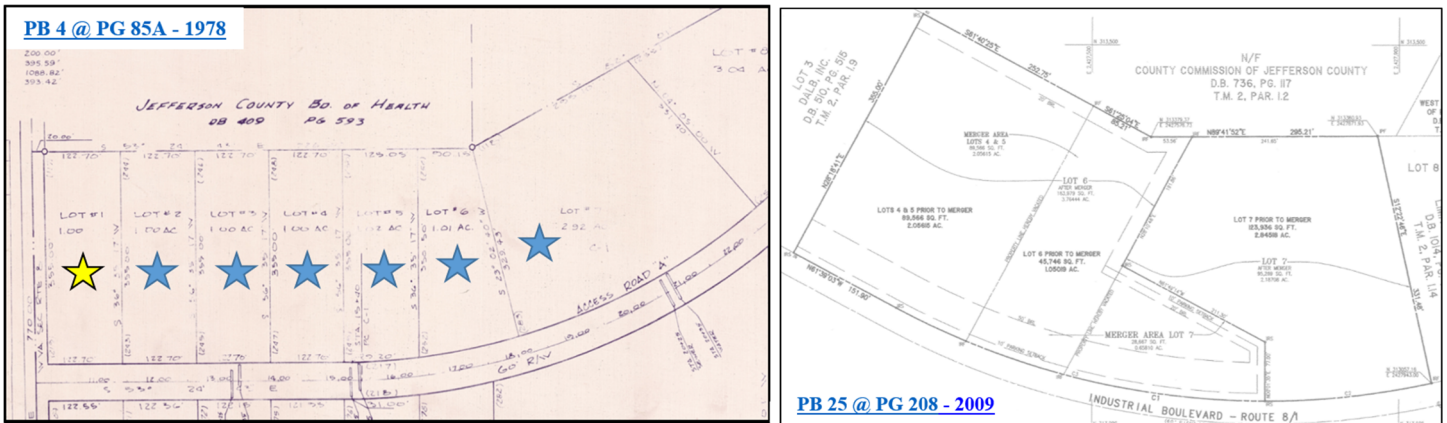
Staff Report  
 Jefferson County Board of Zoning Appeals  
 February 22, 2024

**24-7-ZV DALB, Inc. (Landscaping) Variance Request**

Waivers/Variations:	04/12/94: PC approved a variance from Sec. 11.2e.3 to reduce the required 5% greenspace in the parking lot with the condition that the previous landscaping plan be implemented (See S94-02).  02/20/24: PC Waiver to request to eliminate the sidewalks (File #24-5-PCW – Pending).
Site Visit Conducted:	Site Visit Not Conducted

**Staff Overview**

The subject property is designated as Lot 1 of Bardane Industrial Park (commonly referred to as Burr Park). DALB Inc. owns Lots 1-7 (see plat below with blue stars; yellow star is Lot 1, subject to the request). In 2009, DALB processed a merger to consolidate Lots 4, 5, 6, and part of 7 which resulted in the current configuration of the lots.



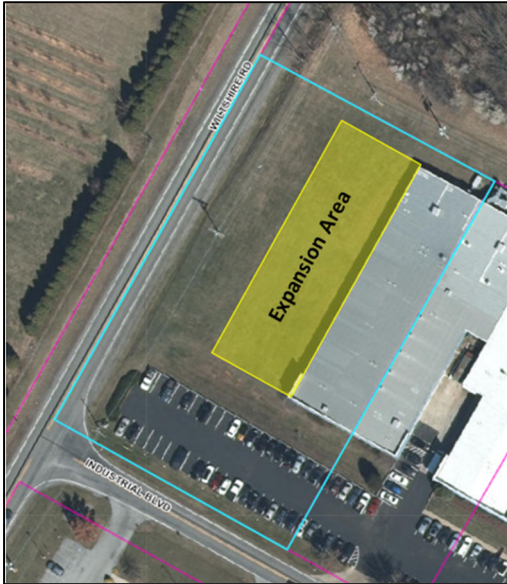
The current manufacturing land use has been in operation since the early 1980s. A number of expansions occurred over the years and now the building exists over four separate lots (see aerial photos documenting building expansions over the years). Note that Staff was unable to determine why the lots were not required to be consolidated into a single lot prior to expanding (as is typical) and was unable to locate any variances or waivers related to building across lot lines (*there is a note on File #S09-05 that states “No Waivers Granted”*).

The subject request is to eliminate the required street tree and landscaping buffer requirements that would be required as part of the proposed 12,000 square foot expansion to the west of the existing facility (PC File #23-12-SP). The applicant represented that the variance request, if granted, would support continuity with the existing site.

The purpose of the landscape buffer requirement is to reduce the impact that a land use might cause to an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise.

Staff Report  
Jefferson County Board of Zoning Appeals  
February 22, 2024

**24-7-ZV DALB, Inc. (Landscaping) Variance Request**



Staff Report  
Jefferson County Board of Zoning Appeals  
February 22, 2024

**24-7-ZV DALB, Inc. (Landscaping) Variance Request**



The Site Plan that processed in 1992 (File S92-07) notes that existing landscaping consists of a single row of pine trees, spaced 20' – 25' apart around the perimeter of lots 1-4. Using Google Earth aerial imagery, it appears that most of the referenced trees were maintained up through 2003 and that sometime between 2003-2011, the trees were removed. It appears that overhead utility lines run along the western and northern property lines, which *may* explain why the referenced trees were removed.

Section 5.6F.2 of the Zoning Ordinance states that “Impervious site coverage (parking areas, building areas, and other paved surfaces) shall not be greater than 90% of the gross area of the site.” The applicant will be required to show compliance with this provision on the site plan for the proposed expansion, as well as addressing stormwater management requirement.

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 changing the zoning classifications of a parcel of land.”

Staff Report  
Jefferson County Board of Zoning Appeals  
February 22, 2024

**24-7-ZV DALB, Inc. (Landscaping) Variance Request**

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 of the developed lots for Dalb Inc. shall be consolidated into a single lot of record; *-or-*2
2. A variance shall be submitted to retroactively request approval to eliminate the site development standards for interior lot lines (setbacks, landscaping, etc.).

**Section of Ordinance to be Considered**

**Appendix B – Non Residential Site Development Standards Table (See Attached)**

**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						
						Front	Side	Rear	Front	Side	Rear	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	
												Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear
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	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.



**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: 24-7-ZV  
 Staff Initials: jth  
 Meeting Date: 02/22/24  
 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: DALB INC.  
 Mailing Address: 105 INDUSTRIAL BLVD, KEARNEYSVILLE, WV 25430  
 Phone Number: 304-725-1910 Email: K.STEELEY@DALB.COM

**Applicant Contact Information**

Name: SAME AS OWNER  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

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

Name: INTEGRITY FEDERAL SERVICES  
 Mailing Address: 148 S. QUEEN STREET, SUITE 201, MARTINSBURG, WV 25401  
 Phone Number: O: 304-725-8456 C:304-676-1395 Email: BPERRY@IFS-AE.COM

**Physical Property Details**

Physical Address: 105 INDUSTRIAL BLVD 73 Industrial Blvd., Kearneysville, WV (jth)  
 City: KEARNEYSVILLE State: WV Zip Code: 25430  
 Tax District: (2) CHARLES TOWN Map No: 2 Parcel No: 1.7, 1.9, 1.10, 1.13  
 Parcel Size: 2 AC, 1AC, 3.13 AC, & 2.19 AC Deed Book: 594, 510, 1075, 1071 Page No: 456, 515, 413, 520

**Zoning District (please check one)**

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

Received via email 01/26/24 (jth)

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 4.11B.2 & 3, Section 4.11E.1(a-d), Section 4.11J & Appendix B

Briefly describe the nature of the variance request:

SEE ATTACHED

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:

SEE ATTACHED

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?

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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.

1/25/2024

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).

02/22/24

Date of Public Hearing

02/07/24

Advertising Date

02/07/24

Placard Posting Date



# INTEGRITY FEDERAL SERVICES

January 26, 2024

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

RE: DALB – Landscape Variance Request

Board Members and Staff:

On behalf of the Property Owner, I am writing to you today requesting a Variance to the 1988 Zoning and Land Development Ordinance of Jefferson County, WV, Amended in 2022. The subject properties are identified as District 2, Tax Map 2, Parcel(s) 1.7, 1.9, 1.10 & 1.13; Deed Book 594 Page 456, DB 510 Page 515, DB 1075 Page 413, and DB 1071 Page 520, respectively. The parcels are approximately 2 ac, 1 ac, 3.13 ac, & 2.19 ac, respectively, totaling 8.32 acres combined. All parcels are located in the Industrial Commercial Zoning District. The subject properties are part of the Bardane Industrial Park (circ. 1980), identified as Lots 1 -7, located at 105 Industrial Boulevard, Kearneysville WV. The property is directly adjacent to the intersection of Wiltshire Road (CR 8) and Industrial Boulevard (CR 8/1).

It was determined that a variance to the following sections of the 1988 Zoning and Land Development Ordinance would be required to attain compliance:

**Section 4.11B.2 & 3, Section 4.11E.1(a-d), Section 4.11J & Appendix B**, as follows.

***“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.*

*B. Industrial Development*

- 2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (½) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.5, 7*
- 3. All industrial development adjacent to any use shall have 20’ screened side and rear landscape buffers.*



**Civil Engineering | Landscape Architecture | Planning**  
**148 South Queen Street, Suite 201, Martinsburg, WV 25401 • 304-725-8456**  
**Service-Disabled Veteran-Owned Small Business**

*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.*

*However, any development where a 10-foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:*

*a. One (1) deciduous or evergreen tree 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 fifty (50) linear feet; at least every other tree shall be an evergreen;*

*b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every fifty (50) linear feet; and*

*c. Three (3) shrubs per each twenty five (25) feet along the property line, round upward.*

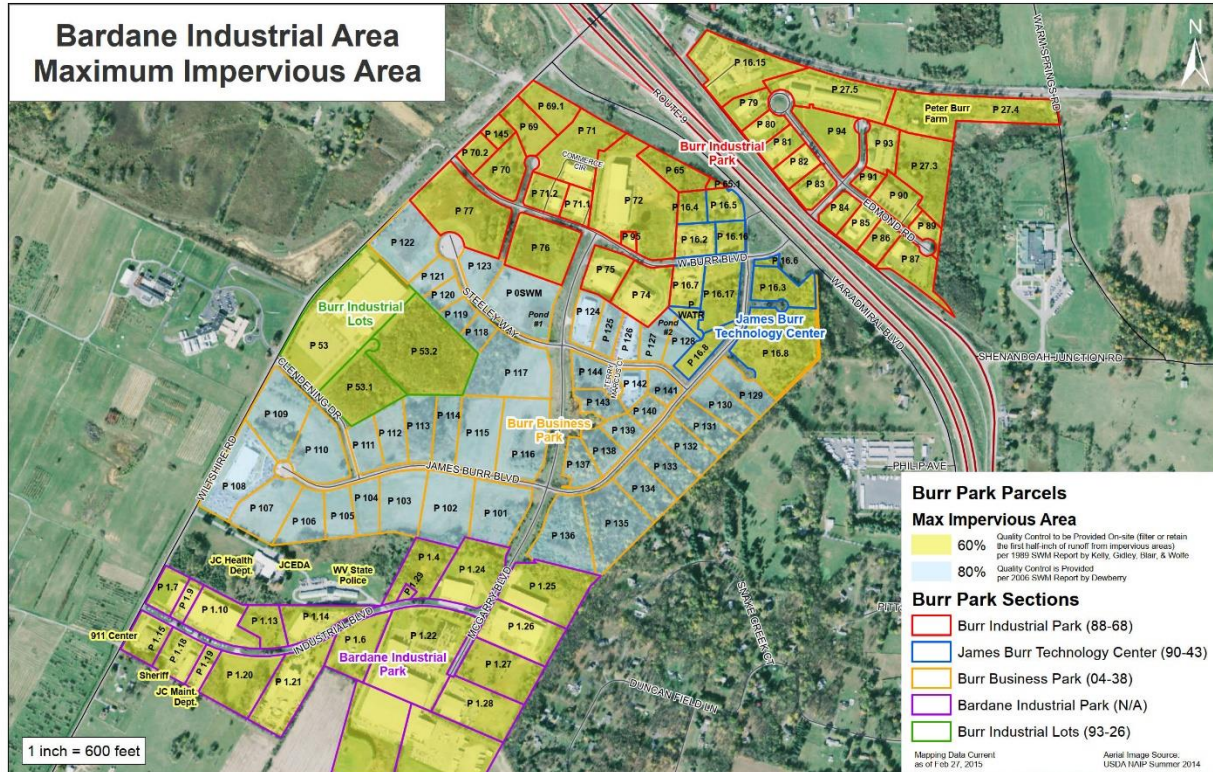
*d. These requirements shall be required on both sides of a property line for adjoining properties.*

*J. Required landscape buffers for a non-residential use are indicated in Appendix B.”*

Zoning District	Development Type*	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	ImperVIOUS Surface Limit	Building Setbacks		Parking/Drive Aisle Setbacks*			Distance if Sec. 4.6 applies	Buffers (Sec. 4.11) (Screened / Unscreened)								
						Front	Side	Rear	Front	Side		Rear	a Residential district, or any lot with a residence, school, church, or institution of human care							
													Commercial Use			Industrial Use				
<b>Industrial - Commercial**</b>	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25		15	4	4	75	Narrow Buffer Detail No. M-54			N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25	50 (or 25 if adjacent to industrial use)	15	10	10	75	Medium Buffer Detail No. M-53			N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Industrial	3 acres***	N/A	75	90%	50 (or 25 if adjacent to industrial use)		25 (or 20 if adjacent to industrial use)			200	Wide Buffer Detail No. M-52			25(S)	20(S)	20(S)	N/A	20(S)	20(S)

IFS hereby requests that the subject properties are granted a variance to the above noted Landscaping requirements of the 1988 Zoning and Land Development Ordinance of Jefferson County, WV. IFS proposes that the subject properties are allowed to be developed in conformance with the exiting site conditions, to retain continuity with the rest of the surrounding Industrial and Commercial Business Park. The subject properties are part of the larger Burr Park development, which includes Burr Industrial Park, James Burr Technology Center, Burr Business Park, Bardane Industrial Park, and the Burr Industrial Lots. For the

purpose of this report, they will be referred to collectively as Burr Park. To retain continuity with the rest of Burr Park we believe these lots should be allowed to exist in their current condition. See image below for identification of the sections that comprise Burr Park.



For your consideration, and to provide the Jefferson County Board of Zoning Appeals with the most thorough and comprehensive variance application possible, I have included the following information: DALB Variance Request - Dated January 2023 and prepared by Integrity Federal Services, and the DALB Variance Exhibit - Dated December 2023 and prepared by Integrity Federal Services.

On behalf of the property owner, I respectfully request your consideration of the documentation and justification presented as you consider this variance request. I will be glad to answer any questions you may have. I look forward to additional discussions at the Board of Zoning Appeals meeting.

Sincerely,

Brooke Perry  
Planning Manager  
Integrity Federal Services

**Bardane Industrial Park Lots 1-7**

Parcels: 2-1.7, 2-1.9, 2-1.10 & 2-1.14

DALB, INC - Variance Request (**Landscape**)

January 26, 2024

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

Section 4.11B.2 & 3, Section 4.11E.1(a-d), Section 4.11J & Appendix B

**Briefly describe the nature of the variance request:**

It is requested that the parcels are not required to provide a landscape buffer per the 1988 Zoning and Land Development Ordinance of Jefferson County, WV.



The development of these parcels predates the 1988 Ordinance, and the potential for future development along Industrial Boulevard is extremely limited due to the existing development of the parcels along both sides of the road, much of which also predates the ordinance. Providing a landscape buffer will provide no benefit to the adjoining property owners as is the intent of the ordinance, and will create additional maintenance costs for the property owner and Jefferson County.

**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:**

A variance to the landscape buffer requirement will have no adverse effect on public health, safety or welfare. The rights of the current or future adjacent property owners will be preserved as they currently exist. The property is located in the larger Burr Park, which is designated for commercial/industrial uses. Companies often choose to locate in Burr Park to be surrounded by similar uses and anticipate that future development will be of a complimentary use. The Jefferson County Development Authority (JCDA) reviews and approves all development proposed within Burr Business Park and therefore the current/future owners have been well informed of the existing adjacent uses.

The site has been maintained in this condition since its original development in 1980 and subsequent expansions, and all adjoining properties have been developed for decades. Five (5) out of (6) of the adjoining properties are very unlikely to change hands due to their use as institutional facilities for Jefferson County. These properties include: Jefferson County Emergency Services Center and Jefferson

County Sheriff Office across Industrial Boulevard (CR 8/1), USDA Appalachian Fruit Research across Wiltshire Road (CR 8), and Jefferson County Health Department behind the parcel. These are all identified as Public/Quasi-Public Land by the 2023 Zoning Map. The eastern adjoiner is a Commercial Use that has been in place since 1990, and the land is Zoned Industrial/commercial.

If constructed, the landscape buffer will require unnecessary maintenance from the property owner and continued inspection from the County to ensure it is maintained in accordance with County Code. Thereby increasing overall county maintenance cost that could be better allocated to serve the community. It is also important to note that the Burr Business Park was granted a blanket variance (#ZV16-14) providing relief from the landscaping requirements as well as other requirements included in the non-residential site development standards required in Appendix B of the 1988 Zoning and Land development Ordinance. There is historical precedent set, that this landscaping requirement is out of place in Burr Park.

**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 property is located in a business park which was designed to attract light industrial and commercial businesses that need convenient access to local and regional transportation networks. Burr Park is different from other areas within Jefferson County, in that it is a master planned nonresidential subdivision owned and developed by the Jefferson County Development Authority (JCDA). The JCDA monitors and approves proposed development within the Park. Businesses locate to the park with the understanding that they are locating to a development with similar uses. Additional setbacks and landscape buffers within the park do not appear to provide an added benefit to the property owners.

Additionally, the development of the subject parcels predates the 1988 Ordinance, and the potential for future development along Industrial Boulevard is extremely limited due to the existing development of all parcels along both sides of the road, much of which also predates the ordinance. The subject property is bounded on all sides by Federal or County level Institutional Uses, excluding a single Commercial Use to the east that has been in place within Burr Park since 1990.

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

The intended use of land within Burr Park is for commercial and industrial use. It is reasonable to assume that any future use of adjacent lots will be similar. As stated above, the development of these parcels predates the 1988 Ordinance, and the potential for future development along Industrial Boulevard is extremely limited. Providing a landscape buffer will provide no benefit to the adjoining property owners, as is the intent of the ordinance, and will create additional maintenance costs for the property owner and Jefferson County.

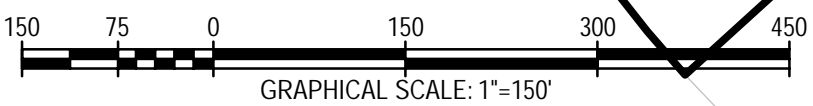
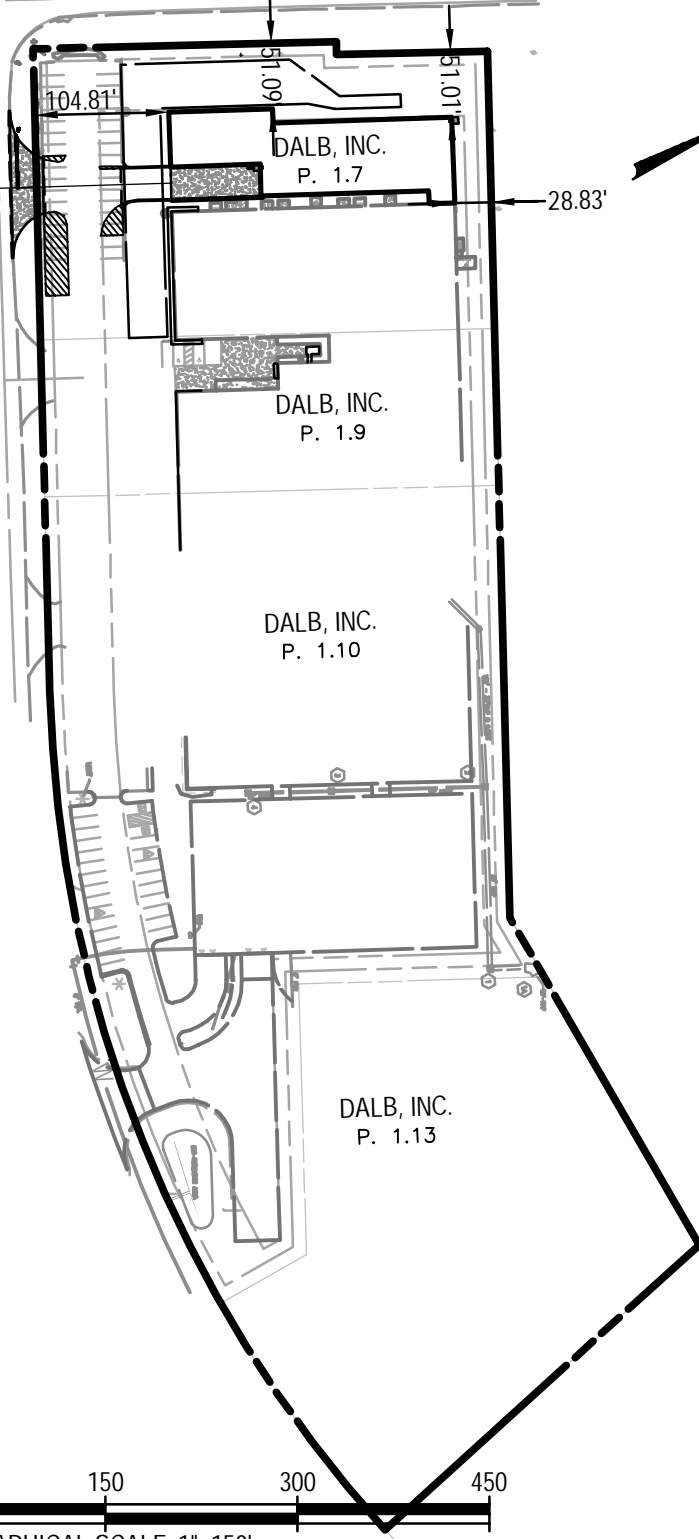
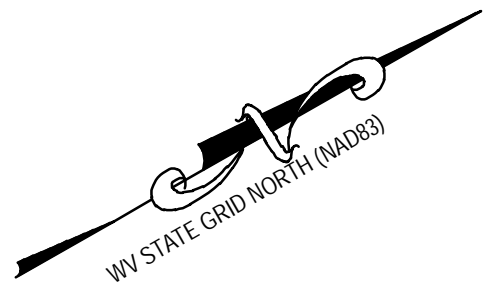
**How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?**

The intent of the Ordinance is to guide safe and logical development within Jefferson County. The installation of a landscape buffer between previously developed properties within the same business/Industrial Park is not logical or beneficial to the community. Burr Park is intended for commercial and industrial development. The need to distinguish complimentary uses from one another in this setting is an unintended consequence of the Zoning Ordinance regulations.

It should be noted that several of the developed lots within Burr Park have received variances between 2013-2016 pertaining to reduced building and parking setbacks, reduced landscape buffers and modified planting standards, and a blanket variance for the lots remaining vacant as of 2016. The Board of Zoning Appeals approved the following variances within Burr Park: (#ZV13-10), (#ZV13-25), (#ZV13-37), (#ZV13-38), (#ZV15-23), (#ZV16-02), (#ZV16-07), (#ZV16-14).

WV SECONDARY ROUTE 8  
WILTSHIRE ROAD

INDUSTRIAL BOULEVARD  
ROUTE 8/1



# DALB BUILDING EXPANSION

## LANDSCAPE VARIANCE EXHIBIT



**INTEGRITY**  
FEDERAL SERVICES

CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING  
148 S. Queen Street, Suite 201 • Phone: 304-725-8456  
Martinsburg, WV 25401 • www.ifs-ae.com

SCALE: 1"=150'
DATE: JANUARY 2024
JOB: 2813-0201
DRAWN: TME
CADD: DALB - LS VAR EXHIBIT.DWG
SHEET:





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

**DRAFT**

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

Phone: 304-728-3228

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January 00, 2024

**Board of Zoning Appeals**

**Submission Deadline Policy for Written Comment**

Electronic and/or hard copy written comments regarding a specific item on the Board of Zoning Appeals Agenda must be submitted to the Office of Planning and Zoning no later than 5:00 pm, one week prior to the meeting for inclusion in their Packet.

Any written comments submitted after 5:00 pm will be provided to the Board at the corresponding meeting and a copy will be included in the relevant project file. Any written comments submitted after 5:00 pm which are greater than five pages in length will require that the individual submitting bring seven copies to the meeting – one for each Board member, one for legal counsel, and one for the project file. Note: late submissions may not receive the Board's full attention.

Written comments may be mailed or hand delivered during regular business hours to:

116 E. Washington St., Charles Town, WV 25414; or may be emailed to [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org).

By Order of the Board of Zoning Appeals

\_\_\_\_\_, Chair





# 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 February 22, 2024 Board of Zoning Appeals Meeting

**Date of Memo: February 14, 2024**

- 1) The next regular meeting is scheduled for **March 28, 2024**
  - Deadline for submission is Friday, March 1, 2024.
- 2) Two alternate member positions remain open. One term ending 01/01/25 and the other term ending 01/01/27.
  - 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
- 4) Ethics and Open Meetings Act Training – hosted by the WV Ethics Commission
- 5) Zoning Certificate Activity Report



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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**February 2024**  
**Zoning Certificate Activity Report**

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<b>File #</b>	<b>23-58-ZC</b>
Request:	Short Term Rental - Wild and Wonderful Silos, LLC
Property Owner:	Caprice Webb
Parcel Information:	35 Westridge Lake Lane, Harpers Ferry, WV 25425 Parcel ID: 04013H0010; Size: .87+ ac; Zoning District: Rural; Deed Book: 1284, Page: 468
Date of Issuance:	02/02/2024
<b>File #</b>	<b>24-1-ZC</b>
Request 1:	Change in Use/Tenant - Accessory Use: Classroom in Units #27 & 28
Request 2:	Change in Use/Tenant - Accessory Use: Office Space in Units #29
Request 3:	Change in Use/Tenant - Accessory Use: Mat Room/Fitness Center in Units #30 & 31
Applicant:	SPBSR / Attn: Jeff Johnson
Property Owner:	Summit Point Automotive Research Center LLC
Parcel Information:	103 Gasoline Alley, Summit Point WV 25446 Parcel ID: 06001700020000; Size: 415.32 acres; Zoning District: General Commercial; Deed Book: 1096; Page: 472 Zoning Map Amendment approved 07/21/22 (File #22-3-Z)
Date of Issuance:	02/01/2024
<b>File #</b>	<b>24-2-ZC</b>
Request:	Modifications to an existing Telecommunications Tower site: Addition of a Generator and 4' x 10' pad site
Applicant:	General Dynamics Information Technology, Inc / AT&T Agent: Catherine Conklin
Property Owner:	T. Neil Banks and Kenna Banks
Parcel Information:	3343 Shepherdstown Pike, Shenandoah Junction, WV 25442 Parcel ID: 09002300220000; Size: ~105 acres; Zoning District: Rural; Deed Book: 1173; Page: 233; PC File #01-39 (new telecommunications facility)
Date of Issuance:	02/01/2024
<b>File #</b>	<b>24-3-ZC</b>
Request:	Change in Owner and Use: Hotel / Motel
Property Owner:	Maddex Square Hospitality LLC / Attn: Bob Russell & Nik Mody
Parcel Information:	70 Maddex Square Drive, Shepherdstown, WV 25443 Parcel ID: 09000800150008; Size: 1.75 acres; Zoning District: Residential-Light Industrial-Commercial Deed Book: 1310; Page: 176; Site Plan File #S96-11
Date of Issuance:	02/01/2024
<b>File #</b>	<b>24-4-ZC</b>
Request:	Professional Office - Real Estate Office
Property Owner:	499 Halltown LLC / Attn: Brittany Newman
Parcel Information:	499 Halltown, Harpers Ferry, WV 25425 Parcel ID: 04009A00060000; Size: .74 acres; Zoning District: Residential-Light Industrial-Commercial Deed Book: 1301; Page: 171
Date of Issuance:	02/07/2024

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