

TWENTY-SEVENTH ANNUAL REPORT  
JEFFERSON COUNTY PLANNING AND ZONING COMMISSION  
JANUARY 1, 1994 THROUGH DECEMBER 31, 1994

Twenty-seventh Annual Report  
Jefferson County Planning and Zoning Commission  
January 1, 1994 through December 31, 1994

I. OPERATION OF THE PLANNING AND ZONING COMMISSION

A. Planning and Zoning Commission Membership

1. Scott Coyle, President (Elected 4/94)
2. Ernest R. Benner, Secretary/Treasurer
3. Samuel J. Donley, Jr.
4. Carolyn Hoffman\*\*
5. Betty Roper
6. Lyle Campbell Tabb, III
7. Paul W. Griger
8. Gilbert Page Wright, Jr.
9. Rosella Kern
10. James G. Knode

\* (designated member from the County Commission)

\*\* Carolyn Hoffman died in August. She was replaced by Albert G. Hooper, Jr.

B. Planning and Zoning Commission Staff

Paul J. Raco, Director of Planning and Zoning\*  
Paula Coomler Markstrom, Permit Officer/Assistant  
Rebecca F. Burns, Executive Secretary  
John C. Laughland, County Engineer (employee of the County Commission)

\*Paul Raco is also the designated Zoning Administrator

Schedule of Regular Meetings

Regular meetings are held on the second and fourth Tuesday of each month at 7:30 p.m. in the Planning Commission meeting room located on the first floor at 108 East Washington Street, Charles Town, West Virginia 25414.

The Planning and Zoning Commission held twenty-one (21) Regular Meetings. In addition, one informational meeting was held on the Comprehensive Plan on February 1, 1994. Also, one special meeting (work session) was held on March 29, 1994, to review the proposed revisions to the Comprehensive Plan resulting from the public hearing and written comments on the draft received at the February 15, 1994 Planning Commission meeting. Two Neighborhood Compatibility Hearings were held on two (2) different projects. Two public hearings were held as a result of Neighborhood Compatibility Hearings on the following projects: Montclair (3/22/94) and Town Run Village (4/26/94) continued to May 24, 1994. Minutes and tapes of all meetings and work sessions are on record in the Planning Commission office and are available for public review during normal business hours, Monday through Friday, 9:00 a.m. to 5:00 p.m.

The Staff and Subdivision Review Panel conducted subdivision review work sessions, as necessary, on the first and third Friday of the month at 10:00 a.m. in the Planning Commission meeting room. During the 1994 calendar year covered by this report eighteen (18) subdivision review work sessions were held for the purpose of reviewing eleven (11) Community Impact Statements, nine (9) Preliminary subdivision plats, and twelve (12) site plan reviews.

C. Budget

The approved Planning and Zoning Commission budget totaled \$121,638.00 for the 1993/94 Fiscal Year.

The approved Planning and Zoning Commission budget totaled \$119,637.00 for the 1994/95 Fiscal Year.

D. Revenues

Total revenues during calendar year 1993 decreased by \$45,528.59 from calendar year 1992.

Total revenues during calendar year 1994 decreased by \$270.55 from calendar year 1993.

II. BUILDING CONSTRUCTION ACTIVITY

A. Improvement Location Permit Activity

The total number of Improvement Location Permits issued during the calendar year 1994, as shown on the table below, increased by 57 over the 1993 calendar year. A total of 974 permits were issued in 1994 versus 917 in 1993. The total value of construction increased from \$38 million in 1993 to \$76 million during 1994. This was due in part to permits issued to the U. S. Fish and Wildlife Service for a value of \$39 million.

IMPROVEMENT LOCATION PERMIT ACTIVITY  
 CALENDAR YEAR 1993 and CALENDAR YEAR 1994

	1993		1994	
	No.	Value	No.	Value
Apartment Buildings	2	\$1,370,000	0	0
Units	45	0	0	0
Single Family Homes				
Detached	283	\$24,932,965	284	\$27,922,137
Attached	13	1,172,000	17	1,211,000
Mobile Homes	68	1,053,117	49	693,300
Garages/Carports	92	715,140	107	814,376
Additions	201	1,373,783	231	2,128,326
Accessory Buildings	162	342,614	182	406,268
Farm Structures	30	367,400	24	235,600
Commercial/Industrial	45	5,425,350	39	3,206,802
Swimming Pools	17	212,100	19	283,203
Other	4	730,500	22	\$39,587,500
	<u>917</u>	<u>\$37,694,969</u>	<u>974</u>	<u>\$76,488,512</u>
Total dwelling units	409		350	
Average Construction Cost/ single family home (Excluding mobile homes and apartments)		\$88,192		\$96,788

The total number of new dwelling units created (apartment units, single family homes and mobile homes) decreased from 409 units to 350 units. The average value of residential construction increased from \$88,192 per dwelling unit in 1993, to \$96,788 in 1994, or an increase of \$8,596.00 per unit.

The number of permits issued for commercial/industrial buildings decreased from 45 in 1993 to 39 in 1994. The value of the construction in this category also decreased from \$5,425,350 in 1993 to \$3,206,802 in 1994. Overall, the number of permits increased by 57 over the previous calendar year and the total construction value increased by \$38,793,543. This large increase in construction value was partially due to 15 permits issued to the U.S. Fish and Wildlife with a value of \$39,222,000.

B. Enforcement of Flood Plain Management Ordinance

The Planning Commission staff issued eight (8) Improvement Location Permits for construction on lots within flood prone areas. Two of these permits were for construction that is to be located at or above the 100 year flood plain, one for a home and one for a mobile home. Two permits were issued for construction within the flood plain since the value of the addition was less than 50% of the value of the existing structure. Three permits were initially denied because of improper filing without certification. Two of these were later issued outside of the flood plain. Four permits were issued for structures, with no living space, with engineering certification that they would withstand the 100 year storm. These structures included a garage, a shed, a deck and a barn.

In addition, the Staff received numerous inquiries as to location of flood prone areas, and prepared a number of parcel maps indicating the regulated flood plain.

III. LAND DEVELOPMENT ACTIVITY

A. Subdivision Ordinance Activity

During the calendar year covered by this report 158 new lots, sites or units were approved by the Planning Commission under the Subdivision Ordinance. In addition, the number of lots created through the subdivision exemptions in this period is 23. The number of lots, sites or units pending completion of subdivision processing at the end of the 1994 calendar year is 909. However, the number of pending lots has never been an accurate count of what actually is approved.

A listing of the specific subdivision proposals which have been approved, those currently pending further processing and approval, and Community Impact Statements (concept plans) submitted and accepted as of January 1, 1995, can be found in Appendix 1.

In addition to the subdivision activity described above, the Planning Commission received and approved one (1) variance request to permit two or more principal buildings on a single lot.

In the 1994 calendar year covered by this report, whereas 181 lots were created, 350 permits were issued. Therefore, the surplus of lots went down by approximately 169.

B. Construction Inspections and Bonding

Once a project is approved by the Planning Commission, the Planning Commission Staff, and primarily, the County Engineer, inspect the subdivision improvements to insure that they conform with the approved plans.

In addition to the inspections, the Planning Commission Staff administers construction bonds provided by developers to insure completion of improvements. As of January 1, 1995, the total value of the bonds held by the County was \$1,991,863.84. The subdivisions currently bonded and the amount and form of security are listed in Appendix II.

C. Salvage Yard Ordinance Activity

The Jefferson County Salvage Yard Ordinance, adopted in August, 1984, established regulations for salvage yards not previously permitted by the State Department of Highways. The ordinance applies to the collection of three or more "junked" motor vehicles (unable to pass State inspection) or other certain accumulations of ferrous and non-ferrous material. Requirements include setbacks, fencing and other site design standards intended to minimize adverse impacts of a salvage yard.

Between January 1, 1994 and December 31, 1994, the Planning Commission Staff investigated approximately twenty-five (25) complaints at various locations around the County. Some of the complaints were determined not to constitute a salvage yard by the definition of "junked" motor vehicles. However, efforts have been made by a number of property owners who were investigated, to clean up their property and alleviate the cause for the complaints. Three (3) locations were determined to contain salvage yards in violation of the Salvage Yard Ordinance and were pursued. All three of these violations are awaiting trial and disposition in Magistrate Court.

III. STATUS OF PLANNING

Four (4) projects were submitted to process through the zoning procedure and the Land Evaluation/Site Assessment (LESA) system.

Town Run Village	76 townhouse units & 2 detached single family units	11.69 Acres	Shepherdstown
Frank's Auto Restoration & Auto Repair	Auto Repair and Restoration Business	1.00 Acre	Charles Town
Taco Bell	Restaurant	1.50 Acres	Charles Town
Shenandoah Pas- toral Counseling Services	Counseling Service Office Site	0.62 Acre	Shepherdstown

B. Site Plan Reviews

With the institution of zoning, a site plan review process was instituted for any projects other than single family residential. The following projects were submitted for site plan review:

<u>Project</u>	<u>Type Development</u>	<u>District</u>	<u>Status</u>	<u>Acres</u>
Locust Hill Club House Complex	Commercial	Charles Town	Approved	50.908
DALB, Inc.	Industrial	Charles Town	Approved	2.00
3M Cryolite Building	Industrial	Middleway	Approved	276.24
Rockwell's Moving & Mini- Storage	Commercial	Middleway	Approved	3.006
Mission Taber- nacle Church	Religious	Charles Town	Withdrawn	5.00
Sleepy Hollow Substation	Utility	Harpers Ferry	Pending	1.67

<u>Project</u>	<u>Type Development</u>	<u>District</u>	<u>Status</u>	<u>Acres</u>
Whale of a Wash/Car Wash	Commercial	Shepherdstown	Approved	0.725
South Jefferson Park	Recreational	Middleway	Pending	20.90
Harpers Ferry Enterprises	Commercial	Harpers Ferry	Approved	5.81
Summit Point Raceway	Commercial	Kabletown	Approved	211.937
Summit Point Raceway Training Academy	Educational	Kabletown	Approved	97.434

C. Intergovernmental Cooperation

The Planning Commission has established an open working relationship with other governmental agencies to ensure cooperation and coordination of programs and planning activities affecting Jefferson County. Examples of agencies the Planning Commission communicates with on a regular basis include: the Jefferson County Commission, Board of Education, Health Department, Development Authority, Solid Waste Authority, Emergency Services, Public Service District and the offices of the Assessor, County Clerk and Prosecuting Attorney; the State Departments of Health, Highways, and Natural Resources; and the U. S. Departments of Agriculture and Interior.

D. Miscellaneous Meetings and Activities

In addition to the regular and special meetings of the Planning Commission and the Zoning Board of Appeals, and individual project Neighborhood Compatibility Meetings, the Planning Commission Staff has attended numerous meetings, conferences and work sessions on such topics as groundwater protection, environment, crime, zoning, subdivision ordinance, stormwater management, water resources, education, natural resources, and regional concerns.

Neighborhood Compatibility Meetings were held as follows:

<u>Date</u>	<u>Project</u>
February 16, 1994	Montclair Village
March 23, 1994	Town Run Village
June 28, 1994	Shannondale, Section 25-J (2nd Compatibility Meeting)

The Planning Commission and Staff prepared an up-date of the County Comprehensive Plan which was approved by the County Commission on July 28, 1994, following the Planning Commission's acceptance of the amendments offered by the County Commission on July 7, 1994.

The Planning Commission also defended several lawsuits, concerning zoning and subdivision decisions. All of these files can be found in the Planning Commission offices.

E. Miscellaneous Information Requests

As with previous fiscal years, a large portion of Staff time is devoted to responding to inquiries received in person and by telephone. A large portion of these inquiries are directly related to building and subdivision activity. However, the Planning Commission also receives numerous requests for census information, demographic and building permit data, aerial photographs, flood plain information, and general information related to appraisals and marketing studies. In addition, since the zoning effort has been under way and is now effective, numerous inquiries are directed along this line. The Staff keeps a daily log of in-coming and out-going telephone calls and visits in person.

APPENDIX I

Subdivisions Approved Between January 1, 1994 and December 31, 1994

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Locust Hills, Lots J1 and J2	Charles Town	* 142.44	2
Marshall R. Edwards Minor Subdivision	Middleway	* 103.190	2
Whitcher Subdivision	Shepherdstown	* 61.791	2
James and Patricia Gibbs Minor Subdivision	Shepherdstown	9.249	2
John M. Orndorff Minor Subdivision	Shepherdstown	* 146.95	3
Charles W. Barton Estate Minor Subdivision	Kabletown	4.294	2
Eugene Capriotti Minor Subdivision	Charles Town	* 43.612	2
Bon Aire Village	Shepherdstown	3.4487	13
Locust Hill, Lots 65-95 & Lots 127-148	Charles Town	40.71813	54
Huntfield Subdivision, Lots 1-4	Charles Town	** 517.416	4
Fairview Place Subdivision	Charles Town	24.132	18
John A. & Karen R. Stefano, Lots 4A & 4B Minor Subdivision	Kabletown	10.519	2
Donald Walker, Lots 9A & 9B, Minor Subdivision	Middleway	2.06	2
Albert J. Kelley, Lots 1, 2 & 3 Minor Subdivision	Kabletown	* 49.677	3
Daniel Duncan Minor Subdivision	Middleway	4.43	3
C. Lee Ridgely Minor Subdivision	Charles Town	3.21	3
Raleigh A. Donley Minor Subdivision	Shepherdstown	* 83.667	2
Maddex Farm, Phase IV, Tracts 1, 2 and Residue, Subdivision	Shepherdstown	* 92.071	3
John H. Witt Minor Subdivision	Shepherdstown	* 151.63	3
Richard Flaherty Minor Subdivision	Harpers Ferry	2.162	2
Samuel L. Staley Subdivision	Shepherdstown	* 98.069	4
Willow Brook Village Subdivision, Section IV	Charles Town	0.859	9
Jefferson Crossing, Lots 1-5	Charles Town	* 47.856	5
			Commercial
Ray M. and Elfreida Trussell, Lots 1 & 2, Minor Subdivision	Charles Town	* 72.5	2
Eugene P. Capriotti, Lots 1 & 2 Minor Subdivision	Charles Town	* 46.279	2
Whisper Knoll Subdivision	Shepherdstown	* 74.63	6
Burch Manufacturing Co., Inc. Subdivision	Middleway	12.00	2
		<u>1,848.856</u>	<u>158</u>

NOTE: \* The acreages shown on the denoted subdivisions above are distorted because they include a large residue of property which, at a later date may be further subdivided. The total residue acreage on these denoted subdivisions is 894.100 acres. Therefore, the total acreage actually subdivided into lots is 954.756 acres, which includes the 517 acres identified in the following note.

\*\* Four large lots created to explore development potentials on each one.

APPENDIX II  
Outstanding Construction Bonds As Of December 31, 1994

<u>Subdivision</u>	<u>Security</u>	<u>Amount</u>
Cave Quarter Estates, Section A	Cash-in-Escrow	\$3,565.00
Patrick Henry Estates, Section B	Cash-in-Escrow	1,500.00
Stonebrook	Deed of Trust	21,275.00
Patrick Henry Estates, Section C	Deed of Trust	11,500.00
Schaeffer's Crossroads, Section II	Deed of Trust	19,935.00
Glenn Woods	Letter of Credit	228,183.00
Shannondale, Section 24-J	Deed of Trust	248,400.00
Maddex Farm, Phase II	Deed of Trust	160,425.00
	(still in full force and effect per County Commission requirement)	
	Plus - Cash-in-Escrow	64,000.00
Locust Hill (PCFiles 90-37, 90-46 and 92-5)	Letter of Credit	26,450.00
Oakland United Methodist Church	Cash-in-Escrow	50,255.00
FCT Corporation	Cash-in-Escrow	61,243.00
Tuscawilla Hills	Letter of Credit	10,000.00
Howard Farms	Cash-in-Escrow	3,000.00
Tuscawilla Hills, Duplex Lots 430-453	Letter of Credit	66,000.00
Snyder Environmental Services, Inc.	Letter of Credit	2,875.00
Images Night Club	Cash-in-Escrow	12,910.00
Carriage Park	Letter of Credit	9,430.00
Tuscawilla Hills, Lots 454-486	Surety Bond	181,096.00
Secrist 5-Unit Multi-Family	Letter of Credit	9,783.12
McDonald's Corporation	Cash-in-Escrow	2,390.00
Charles Town Baptist Church Mission	Letter of Credit	13,285.00
Willow Spring Farm, Section V	Deed of Trust	68,453.00
Lowe Products, Inc.	Letter of Credit	8,305.00
Sheetz, Inc.	Cash-in-Escrow	14,000.00
Royal Vendors, Inc.	Letter of Credit	34,210.00
Maddex Farm, Section I, Phase III Lots, 1-11, Lots 19-21 & Res. A	Cash-in-Escrow	63,882.00
Seven Springs Corporation	Cash-in-Escrow	18,243.00
Fellowship Baptist Church	Letter of Credit	18,055.00
3M Cryolite Building Addition	Letter of Credit	1,610.00
Rockwell's Moving & Mini-Storage	Letter of Credit	6,267.33
Norm Thompson	Letter of Credit	30,625.00
Fairview Place, Section I	Letter of Credit	79,200.00
DALB, Inc.	Cash-in-Escrow	8,367.00
Encore Catering	Letter of Credit	4,978.00
Locust Hill, Lots 65-95, 127-148 and Parcel A	Letter of Credit	414,610.00
Williams Memorial United Methodist Chapel	Cash-in-Escrow	2,948.00
Whale of a Wash/Car Wash	Letter of Credit	<u>10,601.39</u>
TOTAL		\$1,991,863.84

Appendix I  
 Subdivision Pending at the End of 1994  
 Page Two

Subdivisions Pending At The End of 1994

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Spring Hill	Charles Town	130.56	237 s.f. 155 t.h.
Locust Hill, Town House Lots 11-106	Charles Town	13.24	96 t.h.
Gunnell's Run Farm	Shepherdstown	20.00	10
Locust Hill Villa, Lots 9-60	Charles Town	10.50	52 d.u
Tom Lipscomb	Kabletown	128.36	3
Locust Hill, Single Family 65-148	Charles Town	40.753	83
Hunt Field, Section II	Charles Town	61.00	47 + 2 Residues
Locust Hill, Single Family Lots 149-167 & 217-238	Charles Town	21.17	41
Crosswinds	Charles Town	20.00	66
Joseph Thompson Minor Subdivision	Shepherdstown	16.336	2
Robelei Subdivision	Charles Town	9.00	40
Scotia Run	Charles Town	32.320	20
Shannondale, Section 25-J	Kabletown	19.00	15
Bittinger Subdivision	Charles Town	4.181	2
Charles S. and James B. Jenkins Subdivision	Kabletown	<u>130.05</u>	<u>3</u>
TOTALS		660.970	909

NOTE: The number of lots in subdivisions pending at the end of Calendar Year 1993 was 711. (See Planning Commission 26th Annual Report.) However, only 158 lots were actually approved during the calendar year covered by this report (See Appendix I, Page 1)

Appendix I  
 Community Impact Statements Accepted  
 Page Three

Community Impact Statements Accepted by the  
Planning Commission Between January 1, 1994 and December 31, 1994  
 (Concept Plans)

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Whisper Knoll (formerly John Ella Acres)	Shepherdstown	20.00	9
Fairview Place	Charles Town	24.00	18
Hunt Field	Charles Town	60.00	48
Jefferson Crossing, Lots 1-5	Charles Town	47.856	5 Commercial
Byrd Park	Charles Town	61.00	47
Crosswinds	Charles Town	12.90	66
Maddex Farm Commercial	Shepherdstown	92.071	3 Commercial
Robelei Subdivision	Charles Town	9.00	40
Scotia Run	Charles Town	<u>32.32</u>	<u>20</u>
TOTALS		359.147	248 d.u. 8 Commercial

TABLE 1

Calendar Year Initiated	Proposed Lots	Approved Lots ***	Accumulative	
			Proposed	Approved
1972	806	594	808	594
1973	1135	415	1941	1009
1974	523	313	2464	1322
1975	491	277	2955	1599
1976	815	191	3770	1790
1977	193	127	3963	1917
1978	367	267	4330	2184
1979	459	87	4789	2271
1980	102	46	4891	2317
1981	53	22	4944	2339
1982	94 (88 Apts.)	93	5038	2432
1983	232	216	5270	2648
1984	115	102	5385	2750
1985	295	216	5680	2966
1986	134	133	5814	3099
1987	1275	430	7089	3529
1988	1705	723	8794	4252
1989	5457	648	14251	4900
1990	2353	404	16604	5304
1991	88 (+132 Apts)	90	16692	5394
1992 through 10/27/92	-86*	97	16606	5491
10/28/92 through 1993	298**	98 (+40 apts.)	16904	5589
1994	241	128*	17145	5717

\*This reflects the difference between 548 new proposed lots and 634 proposed lots on projects that were closed out before final plat approval.

\*\* 332 proposed - 34 closed = 298

\*\*\* These figures do not include lots created by parent to child exemptions or lots created for commercial purposes.