



Agenda

Jefferson County Planning Commission

Tuesday, April 9, 2024 at 7:00 PM

**By order of the President of the Jefferson County Planning Commission,
Public Participation is available in-person only.
The meeting will be broadcast live via ZOOM for viewing purposes only.**

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

ZOOM Broadcast Information*: Meeting ID: 827 0130 8811
Meeting Link: <https://us02web.zoom.us/j/82701308811>

**If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.*

1. **Approval of Meeting Minutes:** March 12, 2024
2. **Request for postponement.**
3. **Shepherd Village Presentation.**
4. **Public Workshop (Postponed from March 12, 2024):** Concept Plan for Hunter Valley Apartments; Approximately 138 1-2 bedroom apartments with associated parking. Property Owner / Applicant: ILA Properties, Inc.; Property Location: SW Side of RT 115, Kearneysville, WV; Parcel ID: 07000200020002; Size: 12.8 acres; Zoning District: Residential/Light Industrial/Commercial (File: 24-1-SP).
5. **Public Hearing:** Proposed Amendment to Division 24.300 of the Jefferson County Subdivision and Land Development Regulations, "Waivers" to add a Public Hearing requirement (STA24-01).

There is no public comment for the following items.

6. **Waiver Request** from Section 20.201 of the Subdivision Regulations to waive the width of the required 50' Access Easement and to be considered as a Minor Subdivision with more than 5 lots on the easement (for a total of 9 lots). Property Owner/Applicant: Timothy and Heather Runion; Property Location: Vacant Lot on Landon Way, Kearneysville, WV 25430; Parcel ID: 02000200050014; Size: 7.98 acres; Zoning District: Rural (File: 24-10-PCW).
7. **Discussion and Possible Action:** Letter from Zoning Administrator on behalf of the Board of Zoning Appeals: request to review Section 5.7D.2 of the Zoning Ordinance (Cluster Subdivisions)
8. **Reports from Legal Counsel**
 - a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (RE: PC File #21-2-Z – Jefferson Orchards Rezoning).
 - b. Review and discuss Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731 and Jefferson County Circuit Court Civil Action No. 2023-C-112 (RE: PC File #ZTA19-03 Solar Energy Facilities text amendment).

- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: PC File #ZTA22-01 Solar Energy Facilities text amendment).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).
- e. Update from Legal Counsel regarding County Commission actions on December 21, 2023 including obtaining ethics opinion regarding committee.

9. Discussion and Approval: Planning and Zoning 3rd Quarterly Report for FY 2023-2024 for the County Commission

10. Planner's Memo

- Planning Commission Self-Evaluation Questionnaire.

11. President's Report

12. Actionable Correspondence

13. Non-Actionable Correspondence

- Email from Jean C Zigler-Kotch dated March 18, 2024.
 - Email from Mary Gee dated April 2, 2024.
 - Email from Gillian Vickers dated April 2, 2024.
 - Email from Jacquelyn Milliron dated April 2, 2024.
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Draft Meeting Minutes

Jefferson County Planning Commission
March 12, 2024

The Jefferson County Planning Commission met on March 12, 2024 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Aaron Howell, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Jack Hefestay; Donnie Fisher. J. Ware was present via Zoom.

Matt Knott and Tim Smith were absent with notice.

Staff members present included Jennifer Brockman, Chief County Planner; Jonathan Saunders, County Engineer; Luke Seigfried, County Planner; and Michelle Evers, Planning Clerk.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed a quorum was present.

1. **Approval of Meeting Minutes:** February 20, 2024

Mr. Shepp stated the minutes stand approved without objection.

2. **Request for postponement.**

Mrs. Brockman stated that Agenda Item #3 was postponed to the April 9, 2024, PC meeting by the Applicant. Additionally, she stated that Agenda Item #6 was withdrawn by staff as unnecessary.

3. **Postponed by Applicant: Public Workshop:** Concept Plan for Hunter Valley Apartments; Approximately 138 1-2 bedroom apartments with associated parking. Property Owner/Applicant: ILA Properties, Inc.; Property Location: SW Side of RT 115, Kearneysville, WV; Parcel ID: 07000200020002; Size: 12.8 acres; Zoning District: Residential/Light Industrial/Commercial (File: 24-1-SP).

4. **Public Hearing:** Variance request from Section 11.2.e.1 of the 1979 Subdivision Ordinance to waive the required site plan screening and landscaping for the proposed pool and community center property located within the Beallair development to serve the residents. Property Owner: Beallair Homes, LLC; Applicant: Piedmont Design Group, LLC; Property Location: Vacant Lot on Beallair Manor Dr., Harpers Ferry, WV; Parcel ID: 04010ARESA0000; Size: 46.18 acres; Zoning District: Residential Growth (File: 24-2-PCV).

Mr. Howell recused himself from the meeting.

Mrs. Brockman provided an overview of the staff report and explained that the request is to waive the buffer requirement because the pool is intended to be an integral part of the neighborhood and needs to be incorporated into the community; and that abundant landscaping already exists on the site and will be retained and that the applicant intends to meet the required parking and access landscaping.

The applicant's representative, Mike Wiley, with Beallair Homes, LLC and Piedmont Design Group, LLC, explained the nature of the request to the Planning Commission.

Mr. Shepp opened the public hearing. There was no public comment. Mr. Shepp closed the public hearing.

Mr. Hefestay made a motion to approve the request, as presented. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Howell rejoined the meeting.

There is no public comment for the following items.

- 5. Waiver Request** from Section 20.201B2 of the Subdivision Regulations, pertaining to the 5-year Family Transfer requirement. Property Owner/Applicant: Richard and Melissa Boswell; Property Location: 149 Pleasant Acres Ct, Kearneysville, WV 25430; Parcel ID: 07000800010017; Size: 1 acre; Zoning District: Rural (File: 24-6-PCW).

Mrs. Brockman provided an overview of the staff report and explained that the applicants are requesting permission to be able to transfer or sell the property before the five-year “family transfer” restriction under which it was created, due to the unexpected death of one of the applicant’s sons and divorce of the other son.

The applicant’s Richard and Melissa Boswell, explained the nature of the request to the Planning Commission.

Mr. Stolipher made a motion to approve the request, as presented. Mr. Louthan seconded the motion, which carried unanimously.

- 6. WITHDRAWN by Staff: Waiver Request** from Section 24.108C to extend the maximum vesting period for a Concept Plan of two years (which expired 5/11/23). Property Owner: DLGA LLC; Applicant: Greenway Engineering Inc. / Zach Judy; Property Location: 2282 Summit Point Rd, Summit Point, WV 25446; Parcel ID: 06001600100000; Size: 25 acres; Zoning District: Rural (File: 24-7-PCW).

- 7. Waiver Request** from Section 20.203 of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. Property Owner: Rolling Ridge Foundation Inc.; Applicant: Opequon Quaker Camp at Rolling Ridge Conservancy / David Hunter; Property Location: 671 Floc Way, Harpers Ferry, WV 25425; Parcel ID: 06002400040001; Size: 296.72 acres; Zoning District: Rural (File: 24-8-PCW).

Mrs. Brockman provided an overview of the staff report and explained that the applicant is proposing to establish an Opequon Quaker Camp (the Baltimore Yearly Meeting Camping Program) on the site of the former For the Love of Children (FLOC) camp, including replacing all of the existing cabins, adding two tent platforms, and widening the gravel access driveway. The applicant is requesting a waiver of the required Site Plan based on the small scale of 15,000 additional sq. ft. of improvements and new impervious on a 256-acre portion of a 1,600+ acre property owned by Rolling Ridge Conservancy, which is largely forested and undisturbed.

The applicant David Hunter, camp property manager for Baltimore Yearly Meeting of the Religious Society and Friends; Sarah Gillooly, Executive Director; and Christian Mollitor, President of the Rolling Ridge Board of Trustees, explained the nature of the request to the Planning Commission.

Mr. Saunders asked clarifying questions and provided staff recommendations.

Mrs. Brockman added a statement that the Zoning Administrator has determined that this request is considered an extension of an existing non-conforming use that can change ownership or lessees without requiring special zoning approval.

Mr. Hefestay made a motion to approve the request, as presented. Mr. Louthan seconded the motion, which carried unanimously.

- 8. Waiver Request** from Section 20.201A.2, which requires all lots in Minor Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing to utilize an existing 30' access easement instead of the required 50' access easement. Property Owner/Applicant: Susquehanna Properties LLC; Property Location: 21 Bella CT, Charles Town, WV 25414; Parcel ID: 02001700190000; Size: 0.879 acres; Zoning District: Residential/Light Industrial/Commercial (File: 24-9-PCW).

Mrs. Brockman provided an overview of the staff report stating that the applicant is requesting to utilize an existing 30' access easement for a two lot subdivision, instead of the required 50' access easement.

The applicant Doug Porter, owner of Susquehanna Properties LLC, explained the nature of the request to the Planning Commission.

Mrs. Brockman provided staff recommendations.

Mr. Hefestay made a motion to approve the request, with staff recommendations. Mr. Stolipher seconded the motion, which carried unanimously.

- 9. Discussion and Possible Action:** Draft amendments to the Bylaws of the Jefferson County Planning Commission for discussion and possible action:
- a. Section 2.4 "Committees" related to public notice and records for Planning Commission Committee and Subcommittee meetings.
 - b. Section 5.1 "Voting" related to the use of a video conferencing program for regular and special meetings.

Mrs. Brockman discussed the Bylaws of the Jefferson County Planning Commission and provided the proposed changes related to opening Planning Commission committee meetings to members to the public and clarifying attendance to meetings held via video conferencing as requested by the Planning Commission.

Mr. Fisher made a motion to approve the proposed changes. Mr. Hefestay seconded the motion, which carried unanimously.

- 10. Discussion and Possible Action:** Draft amendment to Section 24.300 of the Subdivision Regulations related to allowing public comment on waiver applications under consideration by the Planning Commission.

Mrs. Brockman discussed the draft proposed amendment to Section 24.300 of the Subdivision Regulations regarding holding Public Hearings for waiver applications as requested by the Planning Commission. Mrs. Brockman also stated to the Planning Commission that they can schedule a public hearing on the Text Amendment at the next meeting.

Mr. Louthan made a motion to proceed with a Public Hearing on the proposed Subdivision Regulation Text Amendment at the April Planning Commission meeting.. Mr. Hefestay seconded the motion, which carried unanimously.

11. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (RE: PC File #21-2-Z – Jefferson Orchards Rezoning).
- b. Review and discuss Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV

Supreme Court No.'s 21-0727, 21-0728, and 21-0731 and Jefferson County Circuit Court Civil Action No. 2023-C-112 (RE: PC File #ZTA19-03 Solar Energy Facilities text amendment).

- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: PC File #ZTA22-01 Solar Energy Facilities text amendment).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).
- e. Update from Legal Counsel regarding County Commission actions on December 21, 2023 including obtaining ethics opinion regarding committee.

Mr. Shepp stated that he spoke to Mr. Cochran prior to the meeting and that he was unable to attend and would be postponing all discussion regarding legal matters till the next meeting.

12. Planner's Memo

Mr. Seigfried discussed the Planning Commission Training Sessions and a possible Self-Evaluation questionnaire. Commissioner Shepp asked staff to prepare a draft Self-Evaluation questionnaire for discussion at the next Planning Commission meeting.

13. President's Report

14. Actionable Correspondence

15. Non-Actionable Correspondence

- Email from Roberta N. Meade-Curry dated February 25, 2024 Re: Language for DarkSky-Light Pollution Initiative
- Email from Noah February 25, 2024 Re: Old Standard Quarry
- Email from Karen Twigg Sagisi dated March 1, 2024 Re: Training from DarkSky Bolivar-Harpers Ferry

Mr. Seigfried discussed the Non-Actionable Correspondence. Mr. Seigfried also stated to the Planning Commission that their first training session will be on the April meeting with representatives of the Shepherd Village development.

Mr. Shepp made a motion to go back into the 2045 Comprehensive Plan Work Session once the meeting was adjourned.

Mr. Stolipher made a motion to adjourn the meeting at 8:00 pm. Mr. Hefestay seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.

Development of a PUD in Shepherdstown

Overview: The project of 50 homes for seniors on 19.1 acres was submitted to Shepherdstown Planning Commission February 2016 for approval as a PUD (Planned Unit Development) to replace the original R-1 zoning. Approval was granted quickly, and detailed development plans were submitted in late August 2016 and approved in September 2016, contingent upon approvals from State Highway for entrance permit, Health Department for water and sewer, and WV DEP/EPA Region 9 for Storm Water Management. Construction began in May 2017 with initial unit completion in July 2018.

Hurdles:

- The site topography was difficult with two rocky ridges and two valleys running north-south, creating costly challenges for an accessible development.
- Protecting the natural terrain and tree canopy was challenging and more costly and difficult for the site development contractor.
- There was no safe alternative egress for the Community.
- The location of water and sewer connections and limited width of narrow alley access added costs and complexity.
- Site conditions necessitated pre-blasting surveys of historic properties in the area.

Planned Unit Development Zoning:

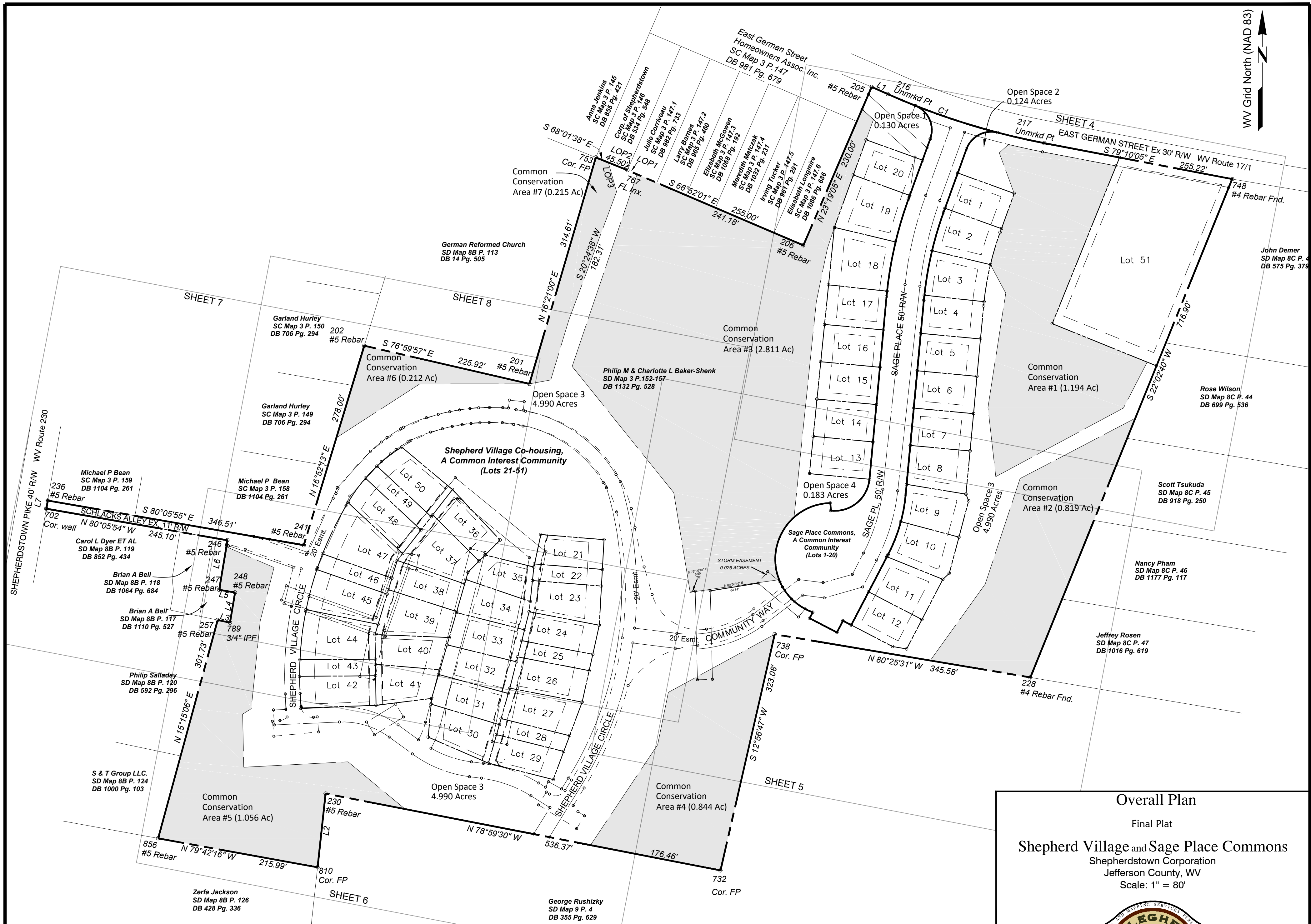
- The Town adopted a PUD ordinance in 2007 [Planned-Unit-Development.pdf \(shepherdstown.us\)](#) just prior to a previous Developer's advocacy for annexation of the Site and subsequent bankruptcy in the economic downturn of 2008.
- The PUD ordinance created a flexible zoning regimen permitting the site topography and "smart growth" development principles to govern the layout of the proposed housing.
- The ordinance's purposes are to
 - Serve to implement the goals, objectives, and strategies of The Shepherdstown Comprehensive Plan specific to the district or neighborhood in which the PUD is to be located;
 - Apply the design principles of new urbanism, neo-traditionalism, and other emerging smart growth principles, urban development patterns and best management practices, using Shepherdstown as a physical model;
 - Promote development patterns that maximize compatibility of differing adjacent land uses to avoid the necessity of extensive buffering;
 - Enhance the appearance of neighborhoods by conserving areas of special natural beauty, steep slopes, ecological importance, flood prone areas,

and natural green spaces where appropriate, while understanding that land within urban areas is best suited for urban densities and development patterns;

- Encourage good urban design and mitigate congestion on streets;
 - Promote architecture that is compatible with the Shepherdstown community vernacular, and/or the surroundings;
 - Promote design principles that allow differing types of land uses to coexist while preserving property values and minimizing potential negative consequences;
 - Promote appropriate urban densities that will help make alternative forms of transportation economically and socially feasible; and
 - Promote and protect the environmental integrity of the site and its surroundings by providing suitable design responses to the specific environmental constraints of the site and surrounding area.
- The PUD is specifically responsive to many goals of the Comprehensive Plan including –
 - Land Use Goals
 - Shepherdstown will grow in a manner that is complementary to the historic physical and aesthetic patterns of the community, while avoiding development that is generic or does not reflect the community's unique sense of place.
 - Growth and development will be balanced with the need to preserve open space and critical environmental and natural resources.
 - The Use of Low Impact Development Techniques is encouraged
 - Land use and development regulations will reflect best practices in current use and promote growth that is compatible with Shepherdstown's character.
 - Housing and Transportation Goals
 - Ensure Adequate Housing for Senior Citizens
 - Require Pedestrian and Bicycle Infrastructure
 - The project protects much of the site from development as shown on page 3 of the Final Plat [FINAL PLAT - Google Drive](#)
 - The Conservation areas (7.15 acres) and Open Space (5.4 acres) together were 65% of the site.
 - The road and traffic circle dedicated to the Town are 6% of the site.
 - And the lots of 50 private homes are 27 percent of the site.

Site Location Ideal: The 19-acre site on the eastern edge of Shepherdstown was ideal for our project in several ways:

- It is a walkable site into Town.
- It had already been annexed through the actions of the previous developer.
- The Town leadership, area civic groups and businesses welcomed the project.
- The Shepherdstown vernacular could be reflected in the building designs.
- Existing second growth forest could be protected and conserved.
- The topography and “smart growth” development approach enabled the protection of 65% of the 19.1 acres as Conservation area and Permanent Open Space.
- The topography encouraged the layout of two appropriately scaled neighborhoods: 20 duplex homes on Sage Place and 30 duplex and triplex homes in Shepherd Village.
- Buyers were attracted to the Town’s numerous cultural, natural and community assets including the Potomac River and Tow Path, numerous historic sites, Shepherd University’s Lifelong Learning Program, the American Conservation Film Festival, the Contemporary American Theater Festival, the Shepherdstown Community Club, Historic Shepherdstown, among many others.

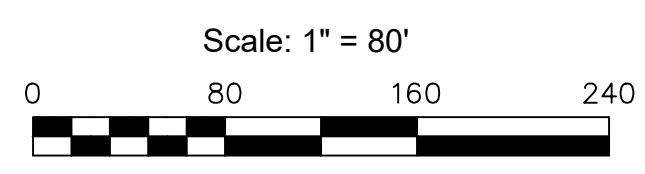


ACREAGE TABLE for SHEPHERD VILLAGE

| | |
|-------------------------------|--------------------|
| SAGE PLACE - 50' R/W | 1.069 ACS. |
| SHEPHERD VILLAGE LOTS (20-51) | 3.477 ACS. |
| COMMON CONSERVATION AREAS | 7.150 ACS. |
| OPEN SPACE | 5.426 ACS. |
| TOTAL ACREAGE | 17.122 ACS. |

ACREAGE TABLE for SAGE PLACE COMMONS

| | |
|--------------------------------|-------------------|
| SAGE PLACE COMMONS (LOTS 1-20) | 1.978 ACS. |
| TOTAL ACREAGE | 1.978 ACS. |



Overall Plan
Final Plat

Shepherd Village and Sage Place Commons
Shepherdstown Corporation
Jefferson County, WV
Scale: 1" = 80'

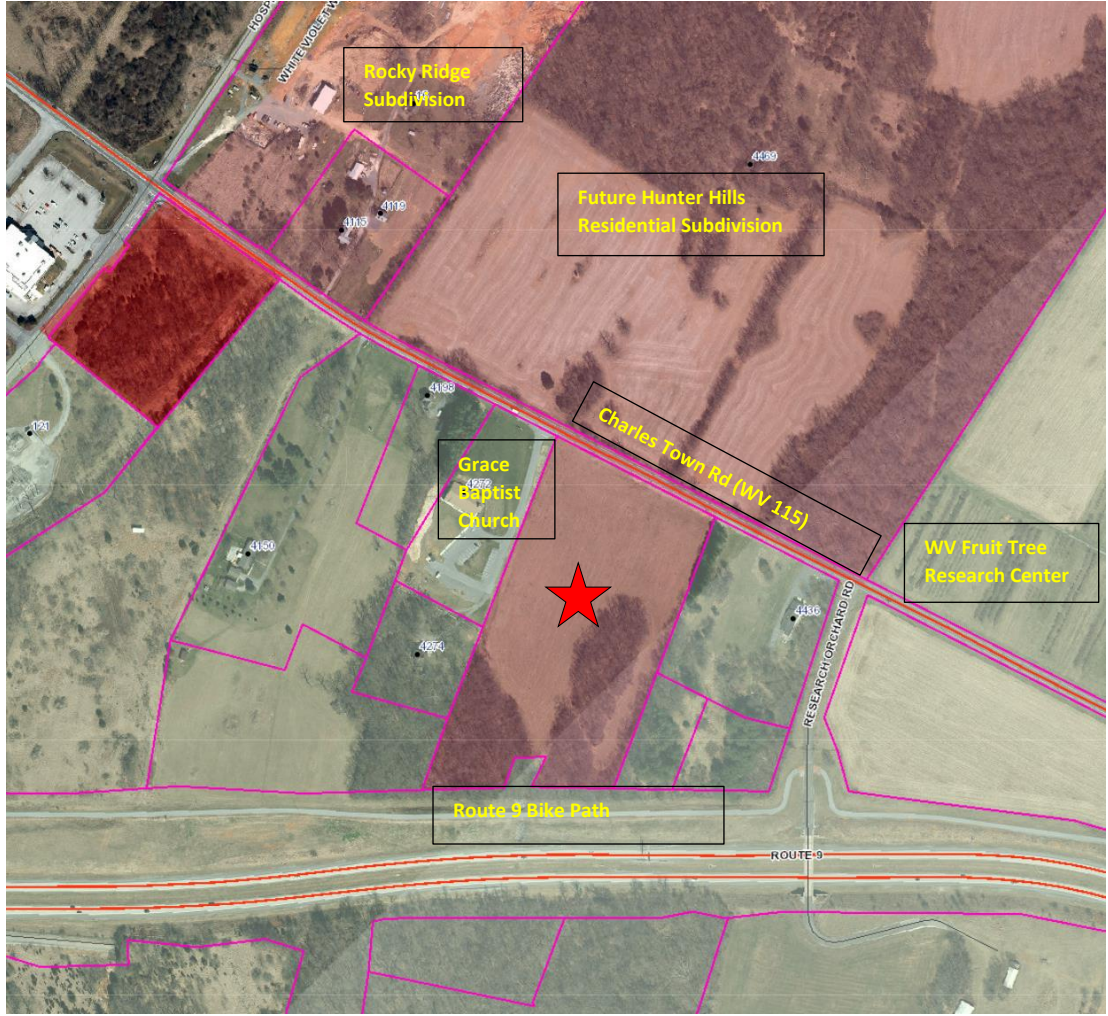
Martinsburg Office
Phone: (304) 901-2162
Fax: (304) 901-2182

25 Lights Addition Drive
Martinsburg, WV 25404

| | |
|---------------------|----------------------|
| PARTY CHIEF: CS | DRAWING NO: 3 OF 10 |
| RESEARCH: KKB | PROJECT NO: 12415 |
| SURVEYED: KKB | PREPARED: 11/18/2016 |
| FIELD CREW: MRJ/JCS | DRAWN BY: LDM |

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Hunter Valley Apartments Concept Plan Workshop

Item #4: Public Workshop: Concept Plan for Hunter Valley Apartments to include approximately 138 1-2 bedroom apartments with associated parking (File: 24-1-SP).

| | |
|--------------------------------------|---|
| Property Owner | ILA Properties, Inc. |
| Consultant | P.J. Raco Consulting LLC / Paul Raco |
| Parcel Information & Zoning District | <p>Vacant Parcel on the SW Side of RT 115, Kearneysville; Parcel ID: 07000200020002; Size: 12.8 acres; Zoning District: Residential-Light Industrial-Commercial</p>  |
| Adjacent Zoning | <i>North:</i> Residential-Light Industrial-Commercial; <i>East, South and West:</i> Rural |
| Proposed Activity | Approximately 138 1-2 bedroom apartments with associated parking. |
| Previous Approvals | None. |

Introduction and Summary of Request

This 12.8-acre property is located on the south side of Charles Town Road (WV 115) just east of Grace Baptist Church, near the Berkley County line, and backs to the Route 9 bike bath that runs along the north

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side of WV 9 from Currie Road in Ranson to Grapevine Road in Martinsburg, WV. The applicant is proposing an apartment complex consisting of a combination of 1 and 2 bedroom units totaling approximately 138 apartments in 21 buildings.

The property is zoned Residential-Light Industrial-Commercial. The proposed use falls under “Dwelling, Multi-Family” as defined in Article 2 of the Zoning Ordinance. Per Appendix C, a Multi-Family Dwelling is a Principal Permitted Use in the Residential-Light Industrial-Commercial zoning district.



Hunter Valley Concept Plan

The overall density for this development is 10.9 dwelling units per gross acre for the entire 12.65-acre property. In accordance with Section 4.12 of the Zoning Ordinance, the maximum impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed 50 percent of the gross land area. The Concept Plan documents that the proposed impervious land coverage does not exceed this requirement. All multi-family development is required to be served by a public water and sewer system. All multi-family developments proposing over 10 units require processing a Concept Plan as well as a Minor Site Development, which is administratively processed.

Access

The Hunter Valley Apartments Concept Plan proposes two access points to WV 115, allowing traffic to move through the development in a continuous manner.

Interconnectivity with adjoining properties

Sec. 21.201 of the Subdivision Regulations states that it is the purpose of these Regulations to encourage connectivity between adjoining uses along arterial and collector roads to reduce the need for traffic to go onto major roads to reach nearby uses. It further requires that the Department of Engineering, Planning, & Zoning review site plans to ensure that, where interconnections can be made or where adjoining properties

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have provided for interconnections, the site plan makes the connections. In this case, because the adjoining property to the rear is WV 9, the only connection could be made to the east and west, which are not currently proposed.

Pedestrian Circulation/Sidewalks/Bike paths

Sec. 21.204 of the Subdivision Regulations requires all proposed site plans to provide a safe, efficient, and attractive pedestrian environment including access to adjoining properties. This Section further requires crossings of roads or drives shall be clearly identified and signed to provide safe pedestrian crossings with traffic calming measures encouraged in any locations where pedestrian crossings are proposed. There is no connection to adjoining properties proposed nor sidewalks along the frontage of the property.

Sec. 22.208 of the Subdivision Regulations requires that sidewalks shall be provided along at least one side of streets in all zone districts. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential subdivisions and/or site plans. Sidewalks shall be located in the platted street right-of-way, a minimum of one foot from the property line. The Concept Plan shows sidewalks on in front of all proposed apartment buildings through the complex.

Open Space

Section 21.105 of the Subdivision Regulations requires that 15% of any development with a density of over ten (10) units per acre be reserved for open space or parkland. The Concept Plan currently proposes 11.7 acres of Open Space which exceeds this requirement. This Section also states that up to 60% of this requirement may be met with passive open space in the Residential-Light Industrial-Commercial Zoning District.

Section 4.12 of the Zoning Ordinance requires multi-family developments to includes a common open space oriented to the interior of the development, consisting of land suitable for passive and active recreational use, which is reflected on the Concept Plan

Waivers/Variances

The applicant is not currently requesting any waivers or variances.

Site Plan Category

The site development associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.203A(4) of the Subdivision Regulations states that apartment or multi-family development projects which propose 10 units or more require the applicant to process a Concept Plan with a public workshop and then finish processing as a Minor Site Plan which is administratively approved. It has been determined that this development shall process as a Minor Site Development, with a Concept Plan.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the current Subdivision Regulations, the Minor Site Plan Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon second submission and review of the applicant's Concept Plan, Staff found the submitted plan "sufficient" (i.e. meeting all requirements of Section 24.106 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed retail building application, are provided below:

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| | Description | Status |
|--------------------------------|---|---|
| 1. General Location | A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document. | Provided |
| 2. Concept Plan | In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> . | Provided |
| 3. Zoning Information | a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map d) Use designation for all adjoin and confronting parcels | Provided |
| 4. Proposal Description | A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential. | Provided on the Concept Plan |
| 5. Traffic Impact Data | a) Average Daily Trip (ADT) figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan. d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project. | Provided on Concept Plan: ADT WV 115: 5,046 <u>Trip Generation - 138 Apts:</u> ADT: 966 trips Peak Hour Trips: 82.8 VH |
| 6. Traffic Study | A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan. | Note on Concept Plan stating that the WV DOH has indicated that if all road improvements related to Hunter Hills are installed, no add'l improvements will be required. |
| 7. Agency Reviews | The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review. | Letters to required agencies provided. No responses have been received. |
| D. Department | The Department review shall include the following: 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal. 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan. | Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Minor Site Development. |

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| | | |
|----------------------------------|---|--|
| E./F. WVDOH | WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.106.B.5. | Note on Concept Plan indicates that the WV DOH stated that if all road improvements related to Hunter Hills are installed, no add'l improvements will be required. |
| G. Public Service | The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County. | This project is proposed to be served by Berkeley County Water and Sanitary Sewer Service Districts. Final design will occur with the Site Plan. |
| H. Recommended Conditions | All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied. | See below |

Concept Plan Review

1. External Agency Reviews

No external agency comments have been received.

2. Staff Recommendation related to Concept Plan

The Subdivision Regulations state that unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff is required to accept or deny the concept plan as complete. Upon accepting the application as complete, Planning staff is required to place it on the next possible Planning Commission agenda as a public workshop, which is advertised at least fourteen (14) days in advance of the meeting and posted on the property.

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Hunter Valley Apartments, to be located on the south side of WV 115 to be “complete” based on the information provided; however, the following standards will need to be addressed prior to approval of the Site Plan:

- a. Based on the Subdivision Regulations, as noted above, the site plan will process as a Minor Site Development. As a part of a Minor Site Plan, the following design requirements shall be addressed on the site plan:
 - i. Interconnectivity with adjoining properties for both pedestrian and roads needs to be addressed.
- b. WV DOH approval for the proposed entrance and written confirmation that no TIS is required in conjunction with the Site Plan.
- c. Water and sanitary sewer utility permits from the Berkeley County Water and Sanitary Sewer Districts and the WV DHHR state permit will be required in conjunction with the Site Plan.

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3. Planning Commission Direction

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before complete engineering design and cost are incurred. The Subdivision and Land Development Regulations outline the procedure:

1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan can meet the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant's presentation, staff's explanation, and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public workshop is closed.

Section 24.108 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Minor Site Plan Concept Plan review:

“The Planning Commission shall direct the preparation of a Site Plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.”

It should be noted that the direction provided to the applicant in the Minor Site Plan Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to the Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.



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

File #: 24-1-SP
 Fees Paid: N/A
 Staff Int.: ME
 Date Received: 1/26/2024

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Subdivision or Site Development Application

Application Type Concept Plan Final Plat (major/minor) Redline Revision
 Preliminary Plat Site Plan

Project Name: _____
 Description: _____

Primary Contact Phone Number (must be a direct line number) _____

Property Owner Information

Owner Name: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Applicant Information Same as Owner:

Applicant Name: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Registered WV Engineer or Surveyor or Consultant Information

Contact Name: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details Vacant Lot:

Physical Address: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____
 Zoning District: _____

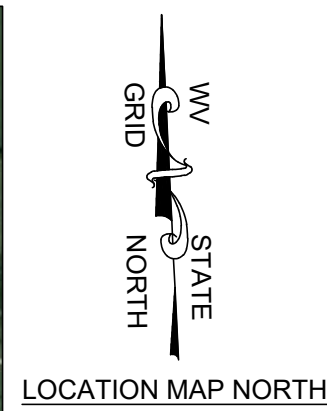
Additional Parcels (if any)

Physical Property Details Vacant Lot:

Physical Address: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____
 Zoning District: _____

Physical Property Details Vacant Lot:

Physical Address: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____
 Zoning District: _____



HUNTER VALLEY CONCEPT PLAN JEFFERSON COUNTY, WV

OWNER / APPLICANT
ILA PROPERTIES INC.
C/O JOSHBEEN GREWAL
4115 CHARLES TOWN RD.
KEARNEYSVILLE WV, 25430
571-438-3612
ADMIN@JGBUILDERS.COM

PREPARED BY
ILA PROPERTIES INC.
C/O TREVOR LLOYD
4115 CHARLES TOWN RD.
KEARNEYSVILLE WV, 25430
304-989-1723
TREVOR@JGBUILDERS.COM

CONCEPT PLAN GENERAL NOTES:

1. SEE EXISTING CONDITIONS SITE MAP THIS SHEET FOR ZONING DISTRICTS WITHIN 500' OF THE SUBJECT PROPERTY
2. SEE THIS SHEET FOR "SITE RESOURCES" FOR ADJACENT PROPERTY INFORMATION.
3. A PROPOSED LAYOUT PLAN CAN BE FOUND ON SHEET 2
4. ACTUAL BUILDING FOOTPRINTS MAY VARY WITH FINAL ARCHITECTURAL DESIGN.
5. SEE THIS SHEET FOR "SITE RESOURCES"
6. ALL STATE, FEDERAL AND LOCAL REGULATIONS WILL BE OBSERVED IF ANY UNKNOWN SITE RESOURCES ARE DISCOVERED DURING CONSTRUCTION.
7. PROPOSED CONCEPT INCLUDES 139 UNITS, OPEN SPACE, STORMWATER MANAGEMENT AREAS AND THE CONSTRUCTION OF ASSOCIATED UTILITIES. SIDEWALKS SHALL BE PROVIDED AS SHOWN. NO RESTRICTIVE COVENANTS/CONDITIONS/RESTRICTIONS ARE PROPOSED AT THIS TIME BUT MAY BE PROVIDED AT TIME OF FINAL PLAT.
8. WATER SERVICE WILL BE PROVIDED BY BERKELEY COUNTY WATER SERVICE DISTRICT.
9. SANITARY SEWER SERVICE WILL BE PROVIDED BY BERKELEY COUNTY SANITARY SERVICE DISTRICT.

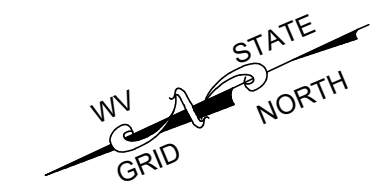
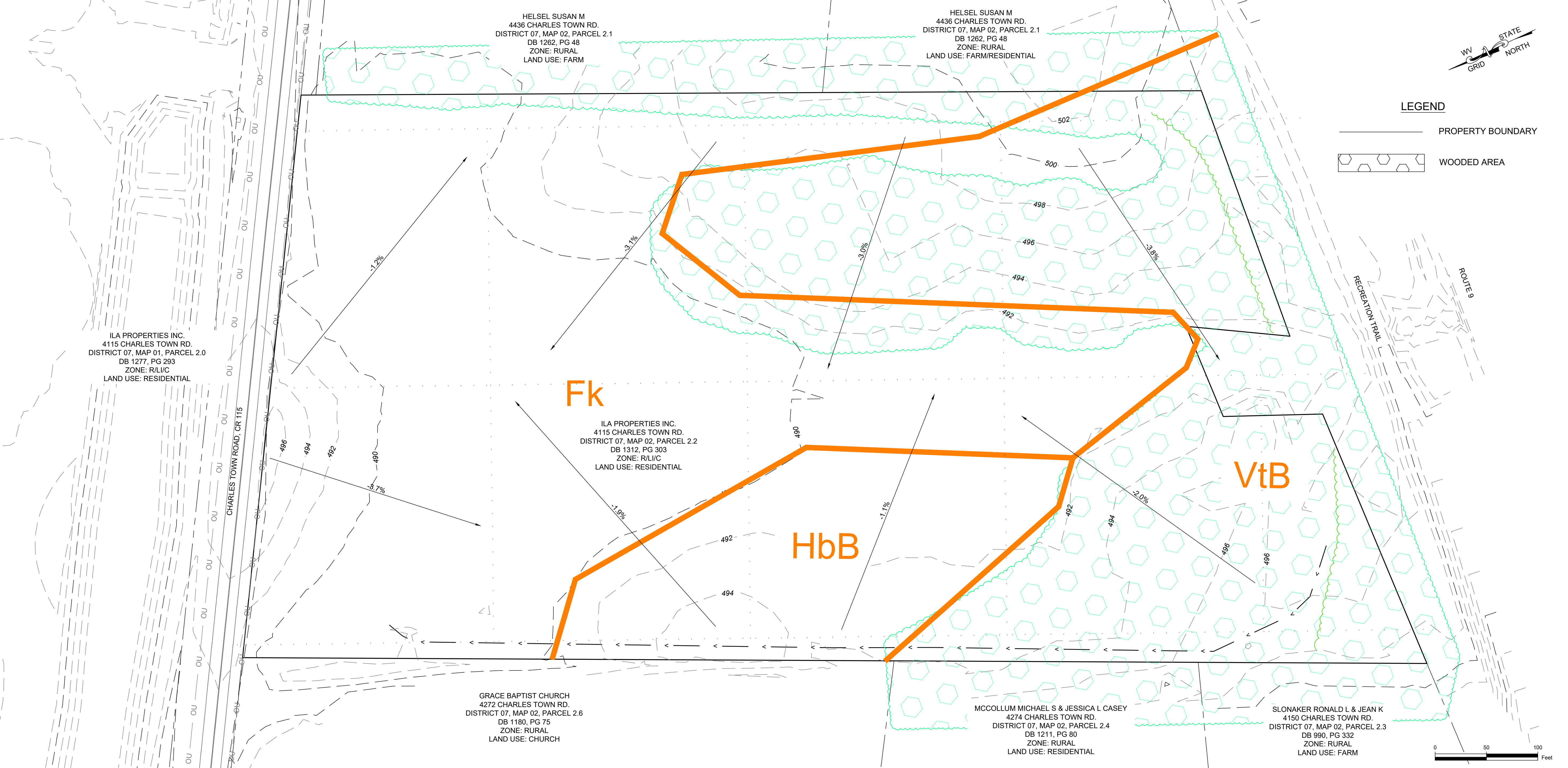
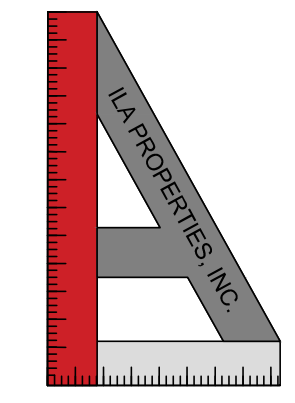
CONCEPT PLAN RESOURCE NOTES:

1. AVERAGE SLOPE: 2.5%
2. FLOODPLAIN - PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN AS PER F.I.R.M. FLOOD INSURANCE RATE MAP NUMBER 54037C0020E EFFECTIVE DATE 07/07/09.
3. HIGHWAY PROBLEM AREAS - THERE ARE NO KNOWN HIGHWAY PROBLEM AREAS WITHIN ONE MILE OF THE SITE.
4. SENSITIVE AREAS - THERE ARE NO KNOWN SENSITIVE AREAS INCLUDING SINKHOLES, WETLANDS, STREAMS, AND SEVERE SLOPES WITHIN THE SCOPE OF THE PROJECT. DEVELOPMENT OF THE SITE WILL COMPLY WITH ALL APPLICABLE GUIDELINES AND STANDARDS FOR THE REUSE AND REDEVELOPMENT OF ENVIRONMENTALLY COMPROMISED SITES, AS ESTABLISHED BY THE W.V.D.E.P. AND THE E.P.A.
5. HISTORICAL USE - FARM LAND/PASTURE. THERE ARE NO KNOWN EXISTING OR PROPOSED CEMETERIES OF HISTORIC STRUCTURES ON THE NATIONAL REGISTER WITHIN 100 FEET OF THE SITE.
6. EXISTING SOIL DATA - SOIL AND GEOLOGICAL DATA SOILS MAPPING HAS BEEN TAKEN FROM JEFFERSON COUNTY, WEST VIRGINIA SOIL SURVEY BY THE NATIONAL CARTOGRAPHY CENTER AND GEOSPATIAL CENTER FORT WORTH TEXAS.

TRAFFIC IMPACT NOTES:

1. INFORMAL CONSULTATION WITH WV DOH OFFICIALS FOR THIS PROJECT INDICATED NO DOH ROAD IMPROVEMENTS WOULD BE NECESSARY IF THE ROAD IMPROVEMENTS FOR THE HUNTER HILLS DEVELOPMENT ARE COMPLETED. REFERENCE DOH PERMIT 05-2023-0590 FOR FULL DETAILS OF PLANNED ROAD IMPROVEMENTS.
2. ADT: 138 TOWNHOMES X 7 (DAILY TRAFFIC MULTIPLIER) = 966
3. PEAK HOUR: 138 TOWNHOMES X 0.6 (PEAK HOUR TRAFFIC) = 82.8
4. ROUTE 115 ADT: 5046 (PER WVDOH AADT MAP, 2017)
5. TWO KEY INTERSECTIONS ARE NOTED ON THE VICINITY MAP. ROUTE 115/SHORT ROAD AND ROUTE 115/ROUTE 480.

| SOILS LEGEND | | | |
|-----------------|---|--------------|----------|
| MAP UNIT SYMBOL | MAP UNIT NAME | ACRES IN AOI | % OF AOI |
| Fk | FUNKSTOWN SILT LOAM | 8.2 | 49.9% |
| HbB | HAGERSTOWN SILT LOAM, 3% - 8% SLOPES | 2.4 | 14.7% |
| VtB | VERTREES-ROCK OUTCROP COMPLEX, 3% - 8% SLOPES | 5.8 | 35.4% |
| TOTAL AOI | | 16.3 | 100.0% |



| LEGEND | |
|--------|-------------------|
| | PROPERTY BOUNDARY |
| | WOODED AREA |

ILA PROPERTIES, INC
4115 CHARLES TOWN ROAD
KEARNEYSVILLE, WV 25430

HUNTER VALLEY SUBDIVISION
CONCEPT PLAN
DISTRICT 07, MAP 02, PARCEL 2.2
DB 1312, PG 303
CONCEPT SHEETS.DWG

DRAWN BY: G. SEPP
CHECKED BY: T. LLOYD
SCALE: AS SHOWN
DATE: December 28, 2023

EXISTING CONDITIONS
SHEET NUMBER:
1 OF 2

HUNTER VALLEY

CONCEPT PLAN

JEFFERSON COUNTY, WV

ZONING SUMMARY:

ZONING DISTRICT:
RESIDENTIAL-LIGHT INDUSTRIAL-COMMERCIAL (R-LI-C)
(ADMINISTERED UNDER RESIDENTIAL GROWTH (RG) DISTRICT)

LAND USE:
RESIDENTIAL

LAND USE SUBTYPE:
PUBLIC / CENTRAL WATER AND SEWER

LOT AREA:
MIN. LOT AREA 20,000 SF
EXISTING LOT AREA 551,314 SF 12.65 AC

BUILDING HEIGHT:
MAX BUILDING HEIGHT 40 FT

SETBACKS:

BUILDING FRONT 25 FT
BUILDING SIDE 12 FT (EXTERIOR)
STREET SIDE 15 FT
REAR 30 FT

PARKING/DRIVE AISLE FRONT 15 FT
PARKING/DRIVE AISLE SIDE 12 FT
PARKING/DRIVE AISLE REAR 15 FT

SCREENED BUFFERS FRONT 15 FT
SCREENED BUFFERS SIDE 12 FT
SCREENED BUFFERS REAR 15 FT

SECTION 4.12 DESIGN STANDARDS:

- COMMON OPEN SPACE SHALL BE ORIENTED TO THE INTERIOR OF THE DEVELOPMENT AND SHALL CONSIST OF LAND SUITABLE FOR PASSIVE AND ACTIVE RECREATIONAL USE. NO MORE THAN 50 PERCENT OF LAND DEDICATED TO RECREATIONAL USE SHALL BE WITHIN THE 100 YEAR FLOODPLAIN.
- IMPERVIOUS SURFACE COVERAGE FOR INTERIOR STREETS, PARKING AREAS, AND RESIDENTIAL STRUCTURES SHALL NOT EXCEED 50 PERCENT OF THE GROSS LAND AREA.
- TOT LOT OR PLAY AREAS SHALL BE VENTRALLY LOCATED IN AREAS CONVENIENT TO RESIDENTIAL BUILDINGS AND AT LEAST 25 FEET FROM ANY STREET RIGHT-OF-WAY.

SECTION 21.205 OF SUBDIVISION REGULATIONS:

15% OF THE LAND IS REQUIRED TO BE RESERVED FOR OPEN SPACE (10 ACRES X 15% = APPRX. 1.5 ACRES) UP TO 60% MAY BE MET WITH PASSIVE OPEN SPACE AND THE REST HAS TO BE ACTIVE RECREATION AND WILL BE DETAILED ON THE SITE PLAN.

DENSITY:

TOTAL LOT AREA 551,314 SF
PERMITTED AREA PER DWELLING UNIT 2,000 SF
MAX DWELLING UNITS 275 UNITS
PROPOSED DWELLING UNITS 138 UNITS

HUNTER VALLEY TABULATION

| APARTMENT UNIT / TYPE | PARKING PER UNIT | PARKING REQUIRED | PARKING PROVIDED |
|-----------------------|------------------|------------------|------------------|
| 138 UNITS 2 BEDROOM | 1.50 | 207.00 | 283.00 |

NOTES:

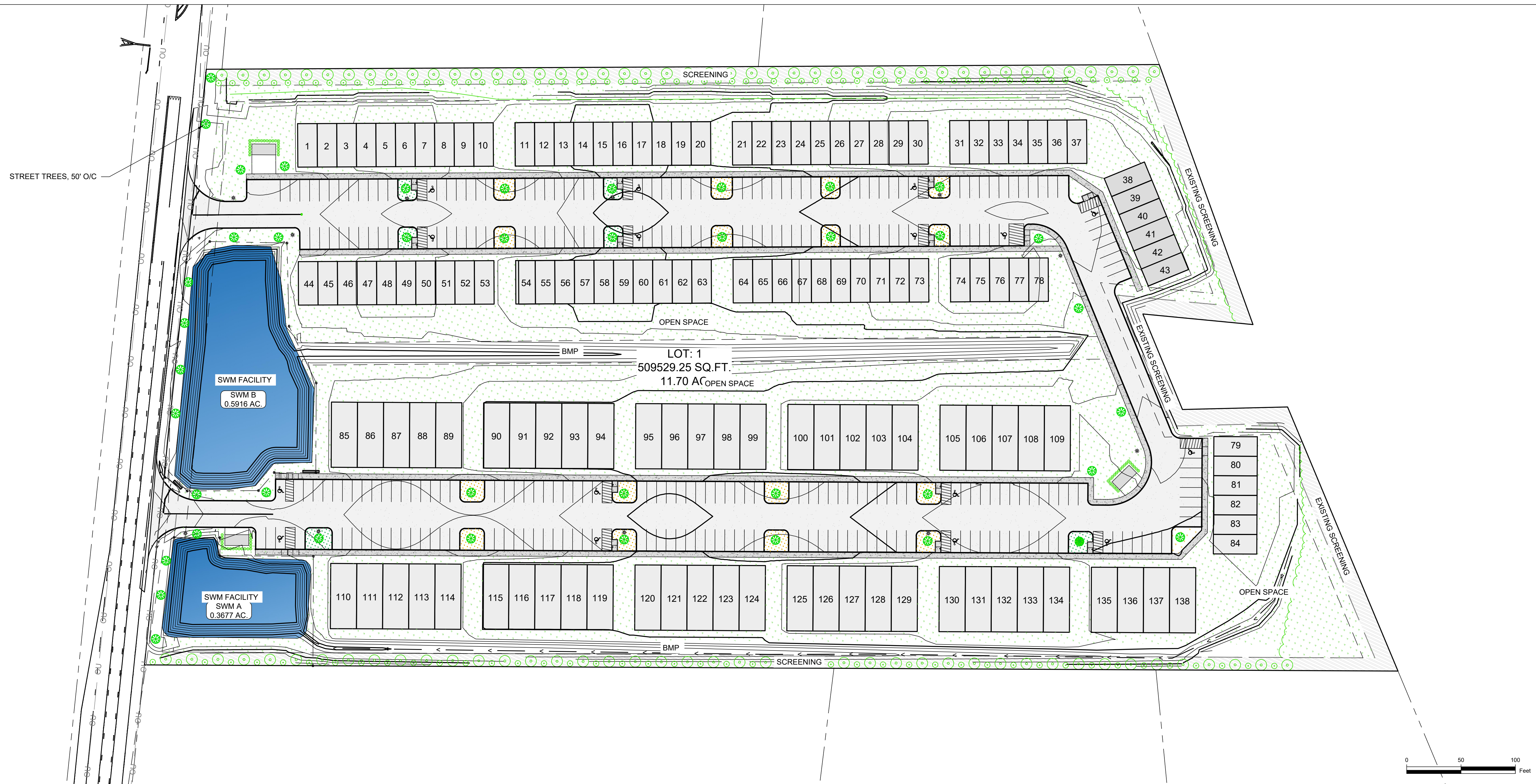
PROPOSED PARKING ISLAND LOCATIONS SUBJECT TO FINAL DESIGN

12 ADA PARKING SPACES SHOWN (SUBJECT TO FINAL DESIGN)

THE PROJECT MAY BE ALL 1 BR OR ALL 2 BR OR A MIX OF 1 AND 2 BR, BUT PARKING AND THE IMPACT HAVE BEEN PROVIDED FOR THE MAXIMUM OF ALL 2 BR.

| LAND COVERAGE | | | |
|---------------------------|--------|--------|----|
| | SF | AC | % |
| MAX LAND COVERAGE ALLOWED | 275735 | 6.3300 | 50 |
| PROPOSED LAND COVERAGE | 275299 | 6.3200 | 50 |

PER SECTION 4.12.B IMPERVIOUS SURFACES COVERAGE IS BASED ON RESIDENTIAL STRUCTURES, PARKING AREAS, AND INTERIOR STREETS.



ILA PROPERTIES, INC
4115 CHARLES TOWN ROAD
KEARNEYSVILLE, WV 25430

HUNTER VALLEY SUBDIVISION
CONCEPT PLAN
DISTRICT 07, MAP 02, PARCEL 2.2
DB 1312, PG 303
CONCEPT SHEETS.DWG

DRAWN BY: G. SEPP
CHECKED BY: T. LLOYD
SCALE: AS SHOWN
DATE: December 28, 2023

PROPOSED
CONDITIONS
SHEET NUMBER:
2 OF 2

BERKELEY COUNTY PUBLIC SERVICE WATER DISTRICT

251 Caperton Blvd.
Martinsburg, WV 25403
Telephone: 304.267.4600 & FAX: 304.267.3864

To Whom It May Concern:

INTENT TO SERVE PUBLIC WATER FOR SUBDIVISIONS AND/OR LAND DEVELOPMENTS

Property Owner: ILA Properties Inc.
c/o Joshbeen Grewal
4115 Charles Town Rd.
Kearneysville, WV 25430

Phone 571-438-3612

Property Location Mill Creek District Tax Map 2 Parcel 2.2
Property Address: TBD
Description of Proposed Project: Residential 138 Townhomes

Has public water service. Water main of adequate size exists in the public right-of-way adjoining the property. All lots must have frontage on public main in order to have water service. All lots of proposed subdivision/land development that do not have frontage on an existing water main will require a mainline extension for water service. As the details of the project are reviewed and hydraulic model evaluations are determined, additional infrastructure provisions, onsite and offsite, may be required to ensure adequate service to existing customers as well as the proposed development.

Requires a mainline extension for public water service to and/or within the proposed subdivision/land development. Interior of proposed subdivision/land development will require a mainline extension for water service. The Developer shall execute an alternate mainline extension agreement with the District for the above noted project which must be approved by the Public Service Commission of West Virginia. Location of main of adequate size to serve subdivision/ land development to be determined by District. All mainline extensions shall be completed in accordance with the Berkeley County Public Service District Developer Policy, Procedures and Standards for Water Systems.

A hydraulic analysis is required to ensure adequate fire flow is available for the type and spacing of the residential units proposed. The hydraulic analysis will be completed by the District's Consultant.

This Intent to Serve Public Water is only an intent to serve water. Water service is not guaranteed until a tap application (i.e., a formal request for immediate and continuous service) is approved for an individual lot(s). This Intent to Serve Public Water does not convey District acceptance or approval of the proposed project for permitting by State or other regulatory agencies.

This Intent to Serve Public Water expires one year from date of issue.

BERKELEY COUNTY PUBLIC SERVICE WATER DISTRICT

By: Robin Shade
Its: District Representative

Date: February 12, 2024

FOR PLAN REVIEW PURPOSES ONLY. NOT TO BE USED TO OBTAIN BUILDING PERMIT.



Charles Town Utility Board

661 S. George Street, Suite 101 Charles Town, WV 25414
Phone: (304) 725-2316 ♦ Fax: (304) 725-7150 ♦ Web: www.ctubwv.com

UTILITY BOARD

CHAIRMAN
*City of Charles
Town City Manager
John
Nissel*

VICE
CHAIRMAN
*City of Ranson
Mayor
Duke
Pierson*

TREASURER
*Thomas
Stocks*

SECRETARY
*Ashley
Stottlemeyer*

BOARD
MEMBER
*Jefferson
Whitten*

BOARD
MEMBER
*Heidi
Parker*

UTILITY
MANAGER
*Kristen
Stolipher*

March 5, 2024

ILA Properties, Inc
Attn: Joshbeen Grewal
4115 Charles Town Road
Kearneysville, WV 25430

Re: Water and Sewer Service for Hunter Valley Apartments

Dear Mr. Grewal:

Pursuant to the Charles Town Utility Board (CTUB) meeting on February 28, 2024, the Board consents to allow Berkeley County Public Water Service District (BCPSWD) and Berkeley County Public Sewer Service District (BCPSSD) to provide public water and sewer service to the above-mentioned property. An extension of CTUB public water and sewer would be extensive given that the closest point of connection is a couple miles away from the subject property.

Should you have any questions, please do not hesitate to contact me.

Regards,

Kristen Stolipher
Utility General Manager

BERKELEY COUNTY
PUBLIC SERVICE SEWER DISTRICT

P.O. Box 944
Martinsburg, WV 25402
Phone: (304) 263-8566
Fax: (304) 267-7478



Curtis B. Keller, General Manger

Board of Directors:
John Kunkle, Chairman
John E. Myers, Secretary
Gregory S. Rhoe, Treasurer

March 7, 2024

Via E-Mail

Trevor Lloyd
ILA Properties, Inc.
4115 Charles Town Road
Kearneysville, WV 25430

Re: Intent to Serve –Hunter Valley

Dear Mr. Lloyd:

This letter is to provide notice of the Berkeley County Public Service Sewer District's intention to serve the parcel of land, located in the Middleway District, Tax Map 2, Parcel 2.1. The proposed project will serve 138 Townhomes. All design and construction of on-site and off-site line extensions will be the responsibility of the property owner.

The District will provide sanitary sewer service to the project and may enter into a COVA Agreement with the developer for construction of the necessary improvements, which may include both on-site and off-site improvements. Individual applications will need to be completed and payment of the tap fee may be required before construction of the project on the lot(s) will be permitted.

This Intent to Serve Approval Letter is to be used by Berkeley County Building Department for Building Permit Application. Sewer service is not guaranteed until a formal request for immediate and continuous service is approved for each individual lot/building.

If you have any questions, please feel free to call my office at 304-263-8566.

Sincerely,

A handwritten signature in blue ink that reads "Rodney Hanes".

Rodney Hanes
Assistant General Manager

24-1-SP Hunter Valley Apartments Public Comment

- Submitted 2024-03-11 by Sean Fricketom

From: [Planning Department](#)
To: ["Sean Frickletom"](#)
Subject: RE: Charlestown Road Development
Date: Tuesday, March 12, 2024 9:05:00 AM

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Planning Commission packet for the upcoming April 9, 2024 Planning Commission meeting. The applicant's requested a postponement and will not be on tonight's meeting agenda. The packet will be made available on the County's [webpage](#) by close of business on Friday, April 5, 2024.

Thank you,

Michelle Evers, Planning Clerk
Department of Engineering, Planning, & Zoning
Jefferson County, WV
304-728-3228

From: Sean Frickletom <seanfrickleton@yahoo.com>
Sent: Monday, March 11, 2024 4:50 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Charlestown Road Development

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

Good Afternoon,

I'm sorry for sending this message so late. I used a link last week asking this same question and it went to the wrong office. They responded today and gave me this address.

I copied and pasted the original message.

We live adjacent to apartment complex proposed next to 4436 Charlestown Road and the Baptist Church.

We saw a sign and well, we are heart broken.

This project will definitely affect our quality of life and take the appeal of the property away from us. The building down the street not only has made terrible noise while demolishing rock our home was covered in a dusty film from the debris in the air.

The new project will be less than 50 yards from our front door and will greatly impact our property. We have a home built on a ridge with metal bracing supporting rocky ridges behind us. With a ground up construction project needed because the land was agricultural with no utilities or sewage... it's a major job. We fear the necessary demolition could compromise our home. We would like the developer to consider this as a possible issue and should pay for any inspections necessary before demolition.

We know we can't stop the project, we also can't sell due to the cost of property being sold for way less than we bought. We need to start preparing our property and would like information if possible.

I had a few other resident who wanted to attend who lost interest after learning what is happening.

"Nothing can be done" is the general consensus.

I could see a few nicer homes based on the surrounding properties, but 150 apartments.

I'm currently handicapped and need walking aids to get around. On behalf of my family and Ms. Helsel who is the owner of the property, they asked if I could come and attend the meeting to learn more about the project and the impact it's going to have on our currently peaceful property.

Below was the original email sent. A simple response to this email would be appreciated. Is the meeting room accessible to a person on crutches, am I allowed to attend and is this meeting virtual at all. If not am I allowed to record to share to other who live locally concerned?

Kind Regards,

Sean

Name

Sean Frickleton

Phone

+15718311905

Email

seanfrickleton@yahoo.com

Message

I am requesting information about the sign posted next to the property I am currently living and have been for 2.5 years. [4436 Charlestown Road](#), Kearneysville 25430.

Our property is adjacent to the lot which recently sold to a developer that seems to be buying and

developing many properties in this area.

The sign states there is a planning meeting on 3/12/24 at the Charlestown Library at 7pm.

A proposed 140ish apartment community is being planned very close to our property. I would like to know can myself and other members of our community allowed to attend this planning meeting.

Please let me know if we are allowed to attend. We feel if such a drastic change is going to happen 50ft from our property that we would like to know what. We have business plans that we planned starting this summer on our property that we have been planning for two years that will be compromised by 300 cars parked next to us.

Please email or call to leave a message. I'd like to know what time and if we are allowed to attend. A possible 5 -20 citizens might be able to attend.

Kind regards.

Sean



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor; P.O. Box 716

Charles Town, WV 25414

www.jeffersoncountywv.org

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

MEMO

TO: Planning Commission of Jefferson County
FROM: Jennifer M. Brockman, AICP, Chief County Planner
DATE: April 9, 2024
RE: PUBLIC HEARING for Proposed Amendment to Division 24.300 of the Subdivision Regulations (STA24-01)

At their March 12, 2024, the Planning Commission scheduled a Public Hearing on the following proposed amendment to the Subdivision Regulations to open up waiver applications to public comment. The Planning Commission will need to forward the final amendment language to the County Commission for their own Public Hearing and adoption.

Note that WV Code 8A-4-2(a)(13) only states “(13) The process for granting waivers from the minimum standards of the subdivision and land development ordinance;” and does not include the criteria or process noted below:

“Division 24.300 Waivers

Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- (4) that the waiver if granted will result in a project of better quality and/or character.

Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

- A. **Applicant.** An application for a waiver may be made by anyone with a financial interest in a property. The owner is responsible for providing all information and justification for the waiver request.
- B. **Application.** An application for a waiver shall be filed with the Planning Commission. An application for the waiver shall be submitted, along with the required fee, on the appropriate form. In addition to that basic information, the following information shall be submitted to support the application:

1. Plat or plan of the property depicting parcel information, proposed layout, and, where applicable, all proposed modifications;
2. A description of the physical features of the property, total acreage, present use, the use of the property at the time of the adoption of these Regulations, and any known prior uses;
3. A description of the specific portions of these Regulations for which relief is being sought;
4. A narrative describing how the proposed waiver will improve the public benefits; and
5. An accurate list of all properties and owners' addresses adjoining the subject property.

C. Public Notice. The applicant shall post the property fourteen (14) days prior to the scheduled ~~meeting~~**Public Hearing**. The adjoining property owners shall be noticed by staff via mailed letter fourteen (14) days prior to the scheduled ~~meeting~~**Public Hearing**.

D. On the date of the scheduled Public Hearing, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed waiver to the Subdivision Regulations. The scope of this public hearing shall be limited to whether the application meets the criteria to modify the requirements of these Regulations and may be approved with conditions.

E. Action. The Planning Commission shall make a decision within 30 days of the receipt of the request for waiver.

F. Conditions of Approval. In granting a waiver, the Planning Commission may prescribe any conditions and safeguards that it finds are appropriate and in conformity with these Regulations.

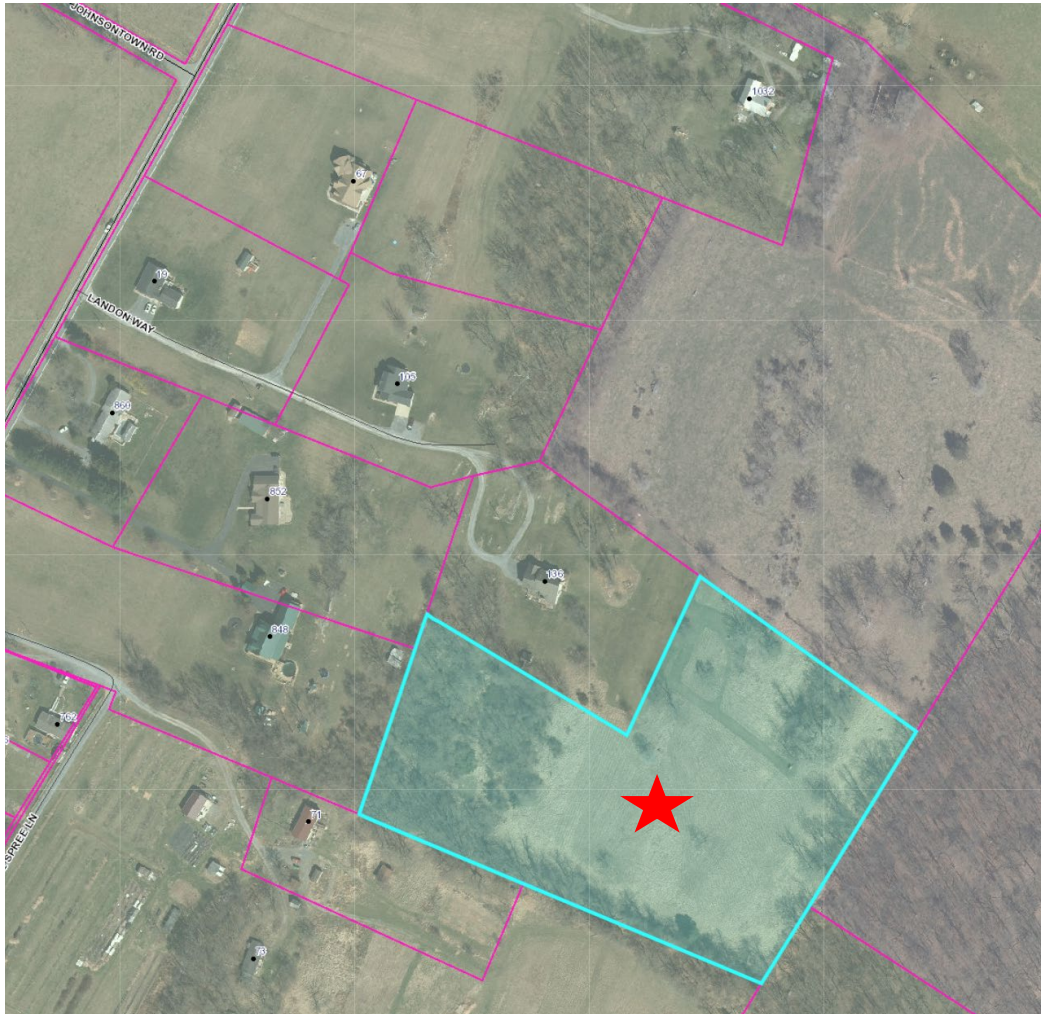
G. All waivers and/or conditions of approval associated with the waiver shall be documented on all subsequent plats or plans.”

If the Planning Commission chooses to move forward with this proposed text amendment, a Public Hearing will be required before both the Planning commission and the County Commission.

Staff Report
 Jefferson County Planning Commission Meeting
 April 9, 2024

Runion (Access) Waiver (File: 24-10-PCW)

Item #6: Waiver from Section 20.201 of the Subdivision Regulations to waive the width of the required 50' Access Easement and to be considered as a Minor Subdivision with more than 5 lots on the easement (for a total of 9 lots).

| | |
|----------------------------------|--|
| Applicant/Owner: | Timothy and Heather Runion |
| Consultant: | Paul Raco / P.J. Raco Consulting LLC |
| Property Location & Information: | <p style="text-align: center;">Vacant Lot on Landon Way, Kearneysville, WV 25430; Parcel ID: 02000200050014; Size: 7.98 acres; Zoning District: Rural</p>  |
| Surrounding Zoning: | <i>North, South, and West: Rural; East: City of Ranson</i> |
| Proposed Activity: | Request to divide the 7.98 acre into three parcels (one for their daughter; one for their niece; and the residue) utilizing the existing partially 40' and partially 30' access easement instead of the required 50' access easement. |
| History: | PB15/PG4: This Lot is Tract D (Residue) from Plat of Merger 7.98 acres (6/3/96) with 30' access easement. PB25/PG223: Mercer Minor Subdivision widened Landon Drive to 40' to Parcel 5.17 |

Runion (Access) Waiver (File: 24-10-PCW)

Summary of the Request:

The applicant is requesting a waiver from Section 20.201 of the Subdivision Regulations to waive the width of the required 50' Access Easement and to be considered as a Minor Subdivision with more than 5 lots on the easement (for a total of 9 lots).

The request to divide the 7.98 acre into three parcels (one for their daughter; one for their niece; and the residue) utilizing the existing partially 40' and partially 30' access easement instead of the required 50' access easement. The starred properties all currently utilize Landon Way and the proposed subdivision of the property with the red star will utilize both the 40' and 30' portions of this access easement.



Sections 20.201A.2 and 20.201B.2 of the 2008 Subdivision Regulations both require all lots in Minor Subdivisions, including Family Transfers, to have motor vehicle access via a 50' access easement. The applicant is proposing to divide the property into two lots and a residue and is requesting to utilize an existing 40' and 30' access easement.

While Section 20.201B.2 of the 2008 Subdivision Regulations allows up to 12 family transfer lots to process as a Family Transfer (on the required 50' access easement), the proposed minor subdivision does not completely meet the definition of Family Transfer and therefore this request is also to be considered as a Minor Subdivision with more than 5 lots on the easement (for a total of 9 lots).

Because the property is zoned Rural and has not been subdivided since October 5, 1988, the subject parcel has the right to create two lots through a Minor Subdivision process, provided it meets all Subdivision Regulation requirements or receives the requested waivers.

Waiver Requirements:

The applicant provided a response to the requirements found in "Division 24.300 Waivers" of the Subdivision Regulations in the waiver application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- 1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;

Staff Report
Jefferson County Planning Commission Meeting
April 9, 2024

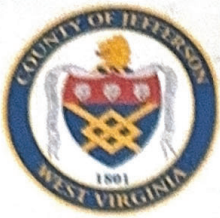
Runion (Access) Waiver (File: 24-10-PCW)

- 2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- 3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- 4) That the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

Staff Recommendation:

The application states that the request is to use the existing gravel road and easement that the Applicants already use to serve their house and their other properties. It also states that 5 of the existing 7 lots that currently use Landon Way are owned by the applicants and/or members of their immediate family and that the proposed new lots will also serve their extended family members. Staff agrees that it is reasonable to allow the creation of additional lots for extended family members on the existing driveway on an easement that is less than 50' in width.

If the Planning Commission determines to approve this waiver request, staff recommends that the motion limit the applicant to the two (and a residue) proposed Minor Subdivision lots on the existing 30- and 40-foot access easement.



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 24-10-PCW
 Mtg Date: 4/9/24
 Date Rec'd: 3/19/24
 Fees Paid: \$100
 Staff Int: ME
 List of Adjoiners:

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: Timothy and Heather Runion
 Business Name:
 Mailing Address: 136 Landon Way, Kearneysville, WV 25430
 Phone Number: c/o Paul 304/676-8256 Email: Paul pjraco.consultant@gmail.com

Applicant Contact Information

Applicant Name: Same as Owner Same as owner:
 Business Name:
 Mailing Address:
 Phone Number: Email:

Consultant Information

Name: Paul J Raco
 Business Name: P.J. Raco Consulting, LLC
 Mailing Address: P.O. Box 548, Charles Town, WV 25414
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: Landon Way, Kearneysville, WV 25430 Vacant Lot:
 Tax District: Charles Town Map No: 2 Parcel No: 5.14
 Parcel Size: 8 +- Acres Deed Book: 1066 Page No: 104
 Zoning District: Rural

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?

Section 20.201 To be Considered as a Minor Subdivision without 50' Easement
 Section 20.201 To be Considered as a Minor Subdivision with more than 5 Lots on the Easement
 Appears to be 7 Lots now and this will be a total of 9 Lots

Briefly Describe the Nature of Your Waiver Request:

See Attached

Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

See Attached

Explain how the waiver, if granted, will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents.

See Attached

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

See Attached

Explain how the waiver, if granted, will result in a project of better quality and/or character.

See Attached

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

James W. Reunion
Property Owner Signature

3/18/2024
Date

Heath R. Reunion
Property Owner Signature

3/18/2024
Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

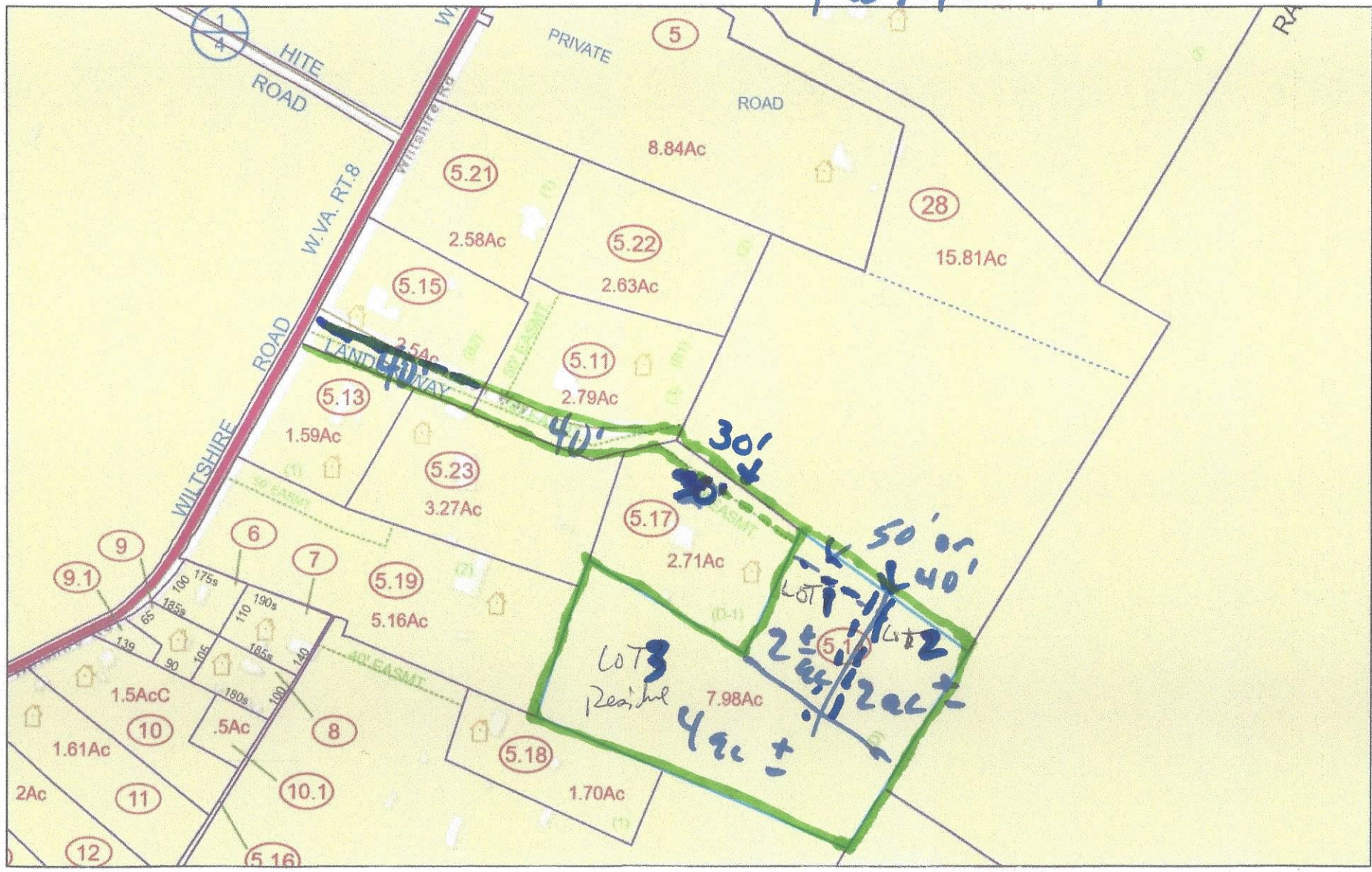
Planning Commission Determination

Approved

Denied

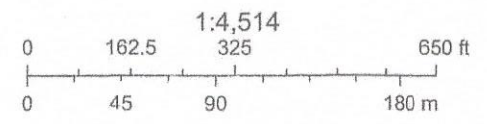
Date: ___ / ___ / ___

Viewer Map *Runion PPC*



February 23, 2024

PR 2/23/24



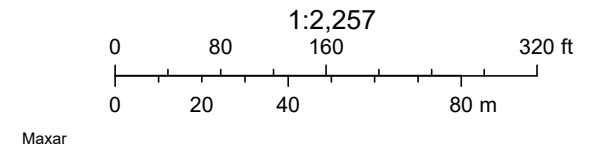
WashCo MD, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS

Me
Copyright 2014

Viewer Map



March 19, 2024



Timothy and Heather Runion
Waiver Request Upgrading Easement and Road for Two Additional Lots
Sections 20.201 and 20.201A.2
Jefferson County Subdivision and Site Development Ordinance
March 19, 2024

Brief Description

The Applicants are proposing to subdivide an approximately 8 acre parcel of land into two lots and a residue. One lot is intended for their daughter and the other lot is intended for their niece. Both lots are required to have a 50' Access Easement, but the one lot for the daughter qualifies to be a Minor Subdivision with the existing drive as is. Since the other lot is not for a child, that lot exceeds the maximum number of 5 lots permitted as a Minor Subdivision. Therefore, this request is for a waiver from 50' Access Easement to the existing platted easements of 40' and the rear portion of 30'. The portion that has 30' is only the portion that will actually serve the new two lots and residue. Accordingly, since the existing easement and road is very adequate to serve the additional two lots, the applicants request the waivers and the ability to be processed as a Minor Subdivision.

The Applicants are requesting a waiver from upgrading the Width of the Easement and road within an existing access easement for the two additional lots. The request is to use the existing gravel road and easement that the Applicants already use to serve their house and their other property. The existing access (Landon Way) serves 6 or 7 lots now and the proposal is to create 2 more lots for the family members. Currently, it appears that the Applicants and immediate family own 5 of the existing 7 lots on the road and access easement. Therefore, the request certainly meets the intent of a Minor Subdivision or a Minor Family Subdivision.

The application otherwise conforms to a Minor Subdivision, and it is permitted to be subdivided as requested with this waiver. The Planning Commission has granted many requests to allow additional lots to be served by the existing gravel drive in a Minor Subdivision, especially for a family type Minor Subdivision. Furthermore, the subject parcels will be required to continue to maintain the access easement and drive.

Based on the above, the Applicants respectfully request the Planning Commission to grant the waivers to allow the proposed new lots to utilize the existing Access Easement and existing drive which is a well maintained gravel lane.

Timothy and Heather Runion
Waiver Request Upgrading Road for Two Additional Lots
Sections 20.201 and 20.201A(2)b
Jefferson County Subdivision and Site Development Ordinance
March 19, 2024

Four Criteria:

1. *Explain how the design of the Project will provide public benefit in the form in the reduction of Public maintenance costs, greater open space, parkland consistent with the County Park Plans or benefits of a similar nature;*

This project will have no Public costs since the existing Access Easement and drive is a private access and is required to be maintained by the Applicant and the lots that are being created. There will be no public maintenance costs involved as the Easement and any driveway improvements within the easement will be maintained privately by the lots created in this subdivision. Furthermore, most of the lots on this easement are owned by the Applicant and other family members.

Also, the new lots will still need current DOH approval for the expanded use of the entrance to the State Road, as well as Health Department approval for the lots.

2. *Explain how the waiver, if granted, will not adversely affect the public health, safety and welfare or the rights of adjacent property owners or residents;*

If the waiver is granted, it will have absolutely no adverse effect on public health, safety or welfare since the project will still be required to meet every other standard and requirement of the Minor Subdivision standards of the Subdivision Ordinance. These approvals will include the Health Department and Highway Department Approval for the new lots.

Additionally, as stated previously, the waiver will not have any effect on the neighbors or public health since the development needs all other approvals and the applicant will need to maintain the driveway to the new lots. There are no other improvements that are necessary since the subdivision otherwise qualifies as a Minor Subdivision or a Minor Family Subdivision. Most of the lots are owned by family.

3. *Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance;*

The purpose of the driveway standard is to ensure that a proper road and drainage are adequate for the intended use. In this case, there is no road standard required for a Minor Family Subdivision and only the existing gravel driveway is needed within a proper Easement/ROW. This gravel drive is already in place and there are no drainage issues. These additional family lots will not cause a harmful impact on the existing gravel road. A county grade subdivision road would not be required if the waiver is granted, and it is a Minor Subdivision and the design and construction of such a road would be burdensome for the additional lots. This is especially true with the Applicants retaining ownership of the residue lot and other lots being owned by family along Landon Way. The driveway will be additionally maintained by the owners of the new lots, as will be required with a note on the plat. These existing lots are rural lots mostly owned by the family and are adequately served by the existing driveways. Currently, there appears to only be 4 driveways accessing the road.

Furthermore, the DOH will ensure that the entrance road and access will be adequate with regard to width, drainage, and proper site distance for the total number of lots including the new lots.

4. *Explain how the waiver, if granted, will result in a project of better quality and/or character;*

The granting of the Waiver will allow two additional lots on the platted easement and existing drive. This division otherwise qualifies as a Minor Subdivision if both lots were to children and the existing drive is a well maintained rural gravel road. Therefore, if the waivers are granted, there is no need to upgrade the road for the proposed Subdivision to be treated as a Minor. Additionally, the two new lots are currently intended for two family members including a child. A wide road for this small rural Minor Subdivision would actually harm the character of the rural area. Additionally, the new houses will contribute to increased property values in the neighboring community, as well as additional Impact Fees and taxes for the general County Budget and County School Budget and Bonds. The Applicant is a local family with the intent to have their family stay local in the proposed new lots.

Accordingly, the Applicants respectfully ask that the Planning Commission approve the waiver so that the Minor Subdivision process can continue. Thank you for your consideration.

Timothy and Heather Runion
Waiver Request Upgrading Easement and Road for Two Additional Lots
Sections 20.201 and 20.201A(2)
Jefferson County Subdivision and Site Development Ordinance
March 19, 2024

Adjoiners:

Parcel ID: 02 2000500080000
Tax Year: 2024
Deeded Owner: BLACKFORD TREVA S ET AL
C/O:
Owner Address: 71 HILL SPREE LN
City: KEARNEYSVILLE
State: WV
Zip: 25430

Parcel ID: 02 2000500180000
Tax Year: 2024
Deeded Owner: BLACKFORD JOHN A JR & TONI L
C/O:
Owner Address: 784 WILTSHIRE RD
City: KEARNEYSVILLE
State: WV
Zip: 25430

Parcel ID: 02 2000500190000
Tax Year: 2024
Deeded Owner: ISENHART BRANDON D & KATHERINE E
C/O:
Owner Address: 848 WILTSHIRE RD
City: KEARNEYSVILLE
State: WV
Zip: 25430

Parcel ID: 02 2000500230000
Tax Year: 2024
Deeded Owner: CARPER CASEY J & LAURYN N
C/O:
Owner Address: 852 WILTSHIRE RD
City: KEARNEYSVILLE
State: WV
Zip: 25430

Parcel ID: 02 2000500170000
Tax Year: 2024
Deeded Owner: RUNION TIMOTHY W & HEATHER R
C/O:
Owner Address: 136 LANDON WAY
City: KEARNEYSVILLE
State: WV
Zip: 25430

Parcel ID: 08 10002800000000
Tax Year: 2024
Deeded Owner: BANE FARM LLC
C/O:
Owner Address: 133 HEATH CT
City: CHARLES TOWN
State: WV
Zip: 25414

Parcel ID: 08 10001300000000
Tax Year: 2024
Deeded Owner: BANE FARM LLC
C/O:
Owner Address: 133 HEATH CT
City: CHARLES TOWN
State: WV
Zip: 25414

Parcel ID: 02 50010000000000
Tax Year: 2024
Deeded Owner: STEHR HANK A
C/O:
Owner Address: 1051 CURRIE RD
City: RANSON
State: WV
Zip: 25438



Jefferson County, West Virginia
Department of Engineering, Planning, and Zoning
Office of Planning & Zoning
116 East Washington Street; Suite 200, P.O. Box 716
Charles Town, West Virginia 25414

Phone: (304) 728-3228

Fax: (304) 728-8126

Email: planningdepartment@jeffersoncountywv.org

March 5, 2024

PRE-PROPOSAL CONFERENCE MEMORANDUM

PPC Meeting Date: February 28, 2024 at 2:00 PM
Applicant/Owner: Timothy and Heather Runion
Consultant: P.J. Raco Consulting, LLC
Proposed Project: Minor Subdivision
Parcel Information: 136 Landon Way, Kearneysville, WV
Parcel ID: 02000200050014; Size: 7.98 acres;
Zone: Rural; Deed Book: 1066/ Page 102
Meeting Attendees: Jennifer Brockman, Chief County Planner; Jonathan Saunders, County Engineer;
Luke Seigfried, County Planner; and Paul Raco, Consultant

Meeting Overview/Discussion:

- Overview: To divide 2 lots and a residue for a total of three lots.
- Research/Additional Relevant Information:
 - 7/22/97: PB15/PG4 BLA transferred 2.71 acres to P5.11, leaving 7.98 acres (DB869/PG149)
 - 1/13/77: 10.7 acres
- Tentative Site Capacity Calculations:

Under the Section 5.7D.3 of the Zoning Ordinance, the property has the right to process two lots and a residue (3 total lots) every 5 years utilizing the minor subdivision process outlined in Section 20.201A of the Subdivision Regulations.

The access easement that currently serves this property is partly 40' and partly 30' in width. This easement also serves 6 additional lots (for a total of 7 lots).

- Relevant Information:

A registered West Virginia Surveyor is required to stamp the Final Plat.

Permits are required from the following state agencies. Contact information for those agencies:

- West Virginia Division of Highways (entrance permit): 681-320-2039 (Burlington Office)
- Jefferson County Health Department (well & septic): 304-728-8416
- Office of Building Permits & Inspections: 304-725-2998
- Office of Impact Fees, Contact Michelle Mason: 304-728-3331

Comments:

Subdivision Regulations Options

1. Minor Subdivision per Section 20.201A
 - All lots created through the Minor Subdivision process shall have motor vehicle access via a 50' access easement, serving no more than 5 lots to either a WV DOH road right-of-way or easement; or a road in a major subdivision that meets county roadway design standards. Lots in the Rural

District having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement. A shared 50' access easement entrance can serve the two proposed lots.

2. Family Transfers per Section 20.201B

- All lots created through the Minor Subdivision process shall have motor vehicle access via a 50' access easement, serving no more than 5 lots or 12 Family Transfer lots to either a WV DOH road right-of-way or easement; or a road in a major subdivision that meets county roadway design standards. Lots in the Rural District having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement.
- A roadway improvement easement shall be shown on the Final Plat if the adjoining State Road has a right-of-way of less than 50 feet wide so create a ROW of a minimum of 25 feet wide measured from the existing centerline of the State road ROW.
- A Family Transfer Final Plat is required to include the Family Transfers language found in Section 20.201.B.2. This language is also required to be included in the deed, which shall also identify the relationship between the grantor and grantee and document that the recipient has not yet received a previous family transfer.

3. Waivers per Section 24.300

In order to process the proposed 3 lot subdivision as a Minor Subdivision, the following waivers are required to be requested of the Planning Commission:

- Section 20.201 requires Minor Subdivisions to have a 50' access easement; and
- Section 20.201 requires the access easement to serve no more than five (5) lots or no more than twelve (12) family transfer lots

Zoning Ordinance:

- Family Transfer Definition:
For the purpose of Family Transfers as permitted in Section 5.7 of this Ordinance and in Section 20.201 of the Subdivision and Land Development Regulations , family members shall be defined as persons related by birth, adoption or marriage and shall be limited to parent-to-child, child-to-parent, spouse to spouse, sibling to sibling, grandparent to grandchild and grandchild to grandparent. . . .
- Minimum lot size: 40,000 square feet
- Setbacks in the Rural Zoning District are as follows: 40'Front; 50'Rear; and 15'Side.
- Barns housing animals and feeding pens must be set back a minimum of 50' from a lot line.

Conclusion:

The applicant may proceed with either the proposed Family Transfer or a Minor Subdivision Plat provided the waivers are approved by the Planning Commission.

Be advised that the purpose of this memo is informational and is only intended to provide general guidance.

Sincerely,



Jennifer M. Brockman, AICP
Chief County Planner

From: [Paul Raco](#)
To: [Planning Department](#)
Subject: Runion Road Pictures for File and PC Packet
Date: Tuesday, March 26, 2024 4:20:47 PM
Attachments: [ATT00001.txt](#)
[ATT00002.txt](#)
[ATT00003.txt](#)
[ATT00004.txt](#)
[ATT00005.txt](#)

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

Michelle,

Please supplement my Runion Waiver Submission to include the attached Pictures of the road and entrance.

Thanks, Paul













JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV25414

www.jeffersoncountywv.org

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

MEMO

TO: Planning Commission

FROM: Alexandra Beaulieu, Deputy Director & Zoning Administrator

DATE: 03/28/24 for 04/09/24 Planning Commission Meeting

RE: Request from Board of Zoning Appeals for PC to review Cluster Provisions

On February 22, 2024 the Board of Zoning Appeals directed Staff to submit a letter to the Planning Commission requesting that they review the green space requirements for a Cluster Subdivision in Section 5.7D.2 of the Zoning Ordinance. The motion included a request to clarify whether the green space was required to be included on a single lot within the cluster subdivision or if the green space requirement can be satisfied by designating green space area on multiple lots within the subdivision.

The Board's request is in response to a number of variance requests that have processed over the last three-four years to allow the green space for a cluster subdivision to be dispersed across multiple lots, as opposed to one single lot.

The cluster provisions in Section 5.7D.2 of the Zoning Ordinance were amended in 2017 as a result of the Envision Jefferson 2035 Comprehensive Plan, which recommended eliminating the Land Evaluation Site Assessment (LESA) for residential subdivisions in the Rural zoning district and to modify the cluster provisions to allow for a higher density residential development while preserving farmland, open space, and/or forest woods.

Density for a cluster subdivision is calculated based on the acreage on record as of October 5, 1988. The Zoning Ordinance does not include a minimum or maximum acreage requirement for the parent parcel to utilize the cluster provisions.

The cluster provisions allow 1 lot per 5 acres to be subdivided, provided 50% of the acreage is retained in green space. For example, a 30 acre tract could be subdivided to create six lots total ($30 / 5 = 6$) provided 15 acres is retained in green space on one of the lots (50% of 30 acres = 15 acres).

Section 5.7D.2 of the Zoning Ordinance states that the purpose and intent of the cluster provisions is as follows:

- To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access, and location of lots on a tract while retaining a portion of the property as green space.

- To provide for a well planned development while minimizing the use of prime agricultural land.

The definition of Green Space is:

- Land required to be set aside under Section 5.7 Cluster Provisions, for the purpose of retaining active or passive farmland, wooded or forested areas, significant natural or environmentally sensitive features, historic structures and/or core battlefields, and parks.

Green space may include open space as defined herein.

Land indicated as green space in a cluster development shall be permitted to maintain one single family dwelling unit, and an accessory agricultural dwelling unit (if it meets the qualifications), and may be in private ownership or a homeowner's association.

Between 2020 and 2024, four variance requests have processed before the Board of Zoning Appeals to allow the required 50% acreage to be dispersed across multiple lots*, with the **proffer** that the green space will be allocated in the form of an easement with a note stating that no structures which require a building permit will be permitted within the green space area. This means that garden beds, fences under 6' in height, playground equipment, etc. would be permitted within the easement area, but sheds, garages, houses, pools, decks, etc. would not be permitted within the designated easement areas.

***Note:** All of the referenced variances were related to cluster subdivisions proposing four or five lot subdivisions on 20-35 acre size parcels.

Conclusion

As a result of the variance requests that have processed over the last few years, the BZA is requesting that the Planning Commission evaluate the cluster provision requirements to determine if a text amendment is needed to modify the green space requirement.

Attachments:

- Excerpt from the 02/22/2024 BZA Meeting Minutes
- Excerpts from the Envision Jefferson 2035 Comprehensive Plan
- Section 5.7D of the Zoning Ordinance
- Examples of Cluster Subdivision Proposals



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV25414

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Phone: (304) 728-3228

Index of Excerpts from Envision Jefferson 2035 Comprehensive Plan

- Rural Land Use Planning – Page 34
- Rural Land Use Planning Recommendations - Page 39 & 40
- Economic Development, Employment, and Infrastructure Element - Page 75 & 76
- Finance and Public Safety Element - Pages 147 & 148
- Appendix D – Goals and Objectives - Pages 190 & 191

1.B. Rural Land Use Planning

Between 1974 and 2007, nearly 14,000 acres of land were removed from agricultural production in the County. Approximately 78% of these acres were lands with prime soils or soils of statewide importance. It is important that viable existing farmlands are protected. By encouraging cluster residential development, a large portion of the property will be maintained for farming activities, which would allow Jefferson County's agricultural and rural character to be maintained. Below is a soils map of Jefferson County and a larger version can be found in Appendix F – Maps.

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> |

complex could serve as another means of selling the County's farm products and could include dining and/or commercial kitchen facilities.

While the farmers' markets have helped individual farm operators differentiate between their products, there is still a limited local or regional identity when it comes to agriculture in the Eastern Panhandle. In some cases, individual farms have addressed this concern through the creation of an identity for the farm and/or for the product being produced. It would be beneficial to the Jefferson County rural economy if a more unified effort occurred through a shared marketing mechanism, regional branding, or the creation of common distribution and marketing facilities.

An increasing movement toward smaller farming operations of less than 40 acres in size in the County should not be discounted, even though a number of farms in Jefferson County are located on large tracts of land. According to the 2012 U.S. Agricultural Census, over half of all farms in Jefferson County provide a limited income to farm operators; however, there are opportunities for expansion of smaller farming operations. The majority of the farms in Jefferson County have the opportunity to provide a viable range of income generating agricultural activities to an individual farm operator.

Enhance Farmland Protection Activities

In 2000, Jefferson County formed a Farmland Preservation Program that is funded by a portion of the transfer tax collected when a house or land is sold. To date, this program has purchased the development rights of 3,900 acres. As mentioned in the Land Use element, the funding that is available to support the County's farmland protection program is much less than the demand from farm operators to participate in it. Since the County's farmland protection program is funded by a portion of the transfer tax, the viability of the program is subject to a widely fluctuating real estate marketplace. In times when there is a great deal of real estate activity, revenue generated for the program is strong, enhancing the ability to purchase development rights and protect farmlands. Conversely, in times when the real estate market is slow, the amount of money available for protection efforts is limited. Therefore, it is important to establish reliable funding sources to support farmland protection activities. One option to protect farmland is to coordinate with the American Battlefield Protection program to make the most efficient use of funding resources.

To reduce the conversion of farmland, the Plan recommends that clustering should be the preferred method of any rural residential development. This would allow land owners to group lots in a traditional rural community pattern, while retaining a majority of the land for agricultural and rural economic uses. Even when the development of a residential cluster results in the loss of some farm land, the goal of the regulations related to cluster developments is to retain as much farmland as possible by adjusting the number and size of the lots in the cluster and requiring the balance of the farm (the residue) to be retained as a permanent agricultural use. Cluster developments on a property should minimize the use of high quality soils and maximize the use of less

productive agricultural land. In order to retain the maximum amount of land in farm use and rural economic activity, the open space requirement for residential cluster development shall be met by the residue which will retain no development rights.

Transportation in the Rural Environment

The County's rural road network originally evolved serving the needs of the farming community and is not intended to serve the needs associated with the higher traffic volumes and speeds required for large residential subdivisions. At certain seasons of the year conflict can be created between residential traffic and large pieces of slow moving farm equipment. The LESA/CUP system has not effectively protected the rural road network from this type of development pressure. As such, this Plan recommends utilizing cluster developments as the preferred form of residential development within the rural areas. Limiting suburban development in the rural area helps protect agricultural land use activities.

Most of the roads in the County's rural area are paved, but tend to have narrow widths, excessive horizontal and vertical curvatures, bridge and drainage problems, and poor intersection alignments. These conditions contribute to the safety concerns associated with increasing motor vehicle traffic on the rural roads. The increased residential densities that have occurred in the rural area in the past are producing additional traffic volume and requiring more maintenance of the rural road network of predominantly narrow, two-lane paved roads with existing design issues.

Agriculture Tourism

The rural areas of the County contribute to the local tourism economy in a variety of ways. Not least of these is the maintenance of attractive viewsheds to enhance the experience of visitors to battlefields, historic sites and villages. Tourism is addressed later in this Element on page 81.

The following recommendations provide action steps to foster and expand the diverse rural economy through a variety of policy, regulatory, incentive-based, and programmatic approaches that will protect the rural land, structures, and character necessary to advance the rural economy.

7. Guiding consistent communication and coordination between the local governmental entities and the regional and state transportation planning authorities;
8. Establishing effective public/private partnerships to implement the community's Vision and the Plan's recommendations;
9. Facilitating urban level activity within the Urban Growth Boundaries and Preferred Growth Areas as designated on the Future Land Use Guide;
10. Providing infrastructure improvements through mutual cooperation and support;
11. Locating public facilities and amenities either in advance of or concurrent with, the development in the designated growth areas;
12. Developing pedestrian and bikeway linkages in coordination with quality of life and recreation goals;
13. Facilitating opportunities in the Rural/Agricultural areas to encourage a robust agricultural economy, including on-site production and marketing of goods and reduced site plan standards;
14. Revitalizing and enhancing the viability of the County's villages.

Implementation Tools

Zoning, Zoning Districts, and Zoning Text Amendments

Zoning Ordinances are established to ensure orderly and compatible land use development. Jefferson County has zoning districts that are designated and illustrated on the County Zoning Map. The official Zoning Map divides the County into a series of zoning districts and the zoning text describes the regulations for the use of land within those specified districts. Zoning is typically the primary tool used by local governments to implement various planning policies and recommendations. The Zoning Ordinance should be effective at addressing subjects such as permitted uses within specific zoning districts, lot sizes allowed, appropriate setback distances, density standards, and design controls. Zoning also conserves and protects property values by prohibiting objectionable land uses in certain districts. Modern applications of zoning have broadened to provide orderly community growth, enhance and diversify a community's tax base, maintain or achieve beauty and variety in the physical environment, accommodate complex and unique land uses and, in sum, make a community livable.

This Plan recommends zoning text amendments to provide opportunities to create or amend existing zoning districts that would better facilitate the types of activity outlined.

- An overlay district or similar mechanism could be used on a section or area to ensure development patterns are in keeping with the Plan. Such a district, if created, could include elements specific to the area that ensure it fits with the intended goals.

- Another land use tool would be the adoption of a district that requires a mixture of uses. Such a district would provide the applicant an opportunity to create a project that could result in a better development and greater flexibility in design with less regulatory barriers and the community could gain a unique development that is appropriate for its particular setting. Mixed use developments that provide dense walkable communities with New Urbanism/Smart Growth design principles should be encouraged in locations delineated on the Future Land Use Guide (see Appendix E – Design Guidelines Images).
- The Zoning Ordinance could provide incentives or density/intensity bonus for development plans that preserve key natural or historic features.
- The cluster provisions in the Zoning Ordinance should be amended to permit a greater density, while preserving a minimum of 50% of the agricultural land, instead of allowing for residential rural development to occur using the LESA/CUP system.

A key component of this Plan is that any zoning map amendments (rezoning requests) that are requested would have to be in conformance with all the recommendations created as part of this Plan. As noted in the Land Use and Growth Management Element of this Plan, the areas zoned Rural within the Urban Growth Boundaries (UGB) of Charles Town and Ranson do not have specific future land use classifications. This was done with the understanding these areas are anticipated for growth and the properties could either be annexed into the applicable municipality or rezoned using the County's zoning map amendment process. The Future Land Use Guide was created to provide an understanding of the types of activity that would be within those locations and provide other agencies, such as the WVDOH and the local water and sewer providers an ability to plan for where their limited resources need to be programmed.

Subdivision Regulations

Subdivision Regulations are adopted to provide quality control for public improvements constructed by private development. Subdivision Regulations also let a local government require minimum or maximum thresholds for improvements in a subdivision and site plans, such as roads, sidewalks, bike paths, stormwater systems, sanitary sewers and open space. While zoning addresses the types and locations of various land use activities, the Subdivision Regulations address the process for receiving development approval.

This Plan encourages efficient layout and design of new and redeveloped sites. This permits greater and more intense use of the land. In some instances, standards should be established for design guidelines for new development which are discussed below.

The Subdivision Regulations should promote road, trail, and sidewalk interconnectivity between and among developments and recreation areas and parks. Active and

Appendix D – Goals and Objectives

Land Use and Growth Management Element (includes Housing and Intergovernmental Coordination)

Goal #1: Require Urban Intensity Residential and Non-Residential Development to Occur within Existing Urbanized Areas, Approved Urban Growth Boundaries, Villages, and/or the County's Identified Preferred Growth Areas.

- Objective #1:** Recognize the existing vested rights, development entitlements, and permitted density levels on properties in Jefferson County.
- Objective #2:** Require that any rezoning of properties adhere to all of the recommendations created as part of the Comprehensive Plan.
- Objective #3:** Establish a broader variety of commercial, residential, and mixed-use zoning categories appropriate to the County's needs.
- Objective #4:** Permit the creation of urban level uses (particularly residential development) within approved Urban Growth Boundaries (UGBs), Villages, or in the Preferred Growth Areas (PGAs) through rezoning that is consistent with the recommendations of this Plan.
- 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.
- Objective #6:** Encourage the location of new community facilities (such as schools, libraries, parks and other county facilities) and infrastructure within municipalities, UGBs, PGAs, and Villages.
- Objective #7:** Establish that new development adjacent to municipal boundaries, Villages, or within UGBs is designed and built in a way that enables connectivity to the existing street and infrastructure network or for future connectivity as development is extended to these areas.
- Objective #8:** Encourage the adaptive reuse of existing buildings and previously used sites within Jefferson County, paying particular attention to brownfield and greyfield sites.
- Objective #9:** Establish a plan to provide incentives to encourage residential developments to locate in designated growth areas (within the municipalities, UGBs, PGAs, and Villages where water and sewer services are available).

Goal #2: Maintain and Enhance the Agricultural and Artisan Economy, Rural Land Uses, Rural Neighborhoods, and Rural Character of the Areas of the County Outside the Preferred Growth Areas.

- Objective #1:** Review and revise the existing Jefferson County Subdivision and Land Use Regulations and site plan standards to reduce regulatory barriers to agricultural and/or artisan operations.
- Objective #2:** Review and revise local regulations to ensure that production and marketing of artisan or agricultural products can occur on-site in the Rural district; based on the size and scale of the operation and the property.
- Objective #3:** Enhance the viability of existing farmlands within Jefferson County by allowing a greater range of agricultural and/or artisan uses within existing rural areas.
- Objective #4:** Provide a variety of mechanisms to protect existing farmlands, key farm buildings, and scenic corridors within Jefferson County.
- Objective #5:** Identify methods to involve members of the agricultural community in planning and land use decisions related to rural lands within Jefferson County.
- Objective #6:** Recognize the vested rights that are present on existing properties in Jefferson County.
- Objective #7:** 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
- Objective #8:** Recognize the rights and viability of existing rural residential neighborhoods.

Goal #3: Encourage Renewal, Redevelopment, and Limited Expansion of Villages to Allow Village-Scale Residential Development and Compatible Neighborhood Commercial Activities.

- Objective #1:** Identify resources to enable the rehabilitation of key structures within the village areas.
- Objective #2:** Provide land use tools to encourage expansions to the village areas and to provide a continuation of village scale and design into these areas.
- Objective #3:** Utilize shared public infrastructure to allow the construction 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.

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.²⁷
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.²³
3. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6A.²³

C. Height Regulations

No structure shall exceed 45 feet in height except as provided in Section 9.2.³²

D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7D.1, 5.7D.2 or 5.7D.3 below.

A property owner may use a combination of these Subsections, provided that the number of lots are prorated by density. The density rights for any rural development shall be based on the parcel of record as of October 5, 1988 utilizing the following alternatives:^{8, 32}

1. A property owner may create one (1) lot for every 15 acres with a minimum lot size of three (3) acres.^{17, 21}
 - a. Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.³²
 - b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}

2. Clustering

a. Purpose and Intent

- i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space³².
- ii. To provide for a well planned development while minimizing the use of prime agricultural land.

b. Requirements

- i. One (1) lot may be subdivided for every five (5) acres.^{17, 21, 23, 32}
 - (a) Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.³²
 - (b) A minimum of 50% of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance. A note to this effect shall be placed on all cluster subdivision plats.³²

(c) For every additional 5% green space preservation, the following sliding scale may be utilized:³²

| | |
|-----------------|---------------------|
| 55% green space | 1 lot per 4.5 acres |
| 60% green space | 1 lot per 4 acres |
| 65% green space | 1 lot per 3.5 acres |
| 70% green space | 1 lot per 3 acres |
| 75% green space | 1 lot per 2.5 acres |

- ii. The residue of a lot divided utilizing either 5.7D.1 or 5.7D.2 prior to the date of adoption of this amendment on March 16, 2017, shall have additional rights based on the provisions of this Subsection, provided that the total lots developed shall not exceed one lot per five acres based on the parent parcel on October 5, 1988 and all other provisions of this Subsection are complied with.³²
- iii. Minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.^{17, 21, 32}
 - (a) Setbacks shall be 25' front, 12' sides, and 20' rear.
 - (b) All clusters of three (3) or more lots shall be served by an internal road; provided that all clusters utilizing the sliding scale in 5.7D.2.b shall have an internal road with direct access to a public road identified as a Major Collector or a Minor or Principal Arterial on the Envision Jefferson 2035 Comprehensive Plan Roadway Classification Map.²³
 - (c) Clusters of three (3) or more lots shall not be along an existing public road.
 - (d) A property owner may transfer rights to adjacent parcels which are owned by the same entity.^{17, 21}
- iv. Procedures²³
 - (a) Concept Plan. For the subdivision of tracts eligible for cluster lots, a concept plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations. All cluster developments must be processed as a Major Subdivision.^{17, 21, 23}
 - (b) The Concept Plan for a proposed Cluster Development can be combined with the required submittal and process requirements for a Concept Plan for a Major Subdivision as outlined in the Subdivision Regulations, provided that the Concept Plan includes all requirements of the Concept Plan in the Subdivision Regulations and includes the necessary soils and topographic data, together with a written narrative, required for the analysis listed below.³²
 - (c) The Staff shall review and make a recommendation to the Planning Commission regarding the proposed design and layout of the proposed Cluster Development. Staff shall consider the following when reviewing the Cluster Concept Plan.³²
 - (1) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.

- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
 - (d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.²³
3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.³²
 4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.³²
 5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
 6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.³⁴

Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District¹

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.²³

A. Principal Permitted and Conditional Uses^{23, 27, 32}

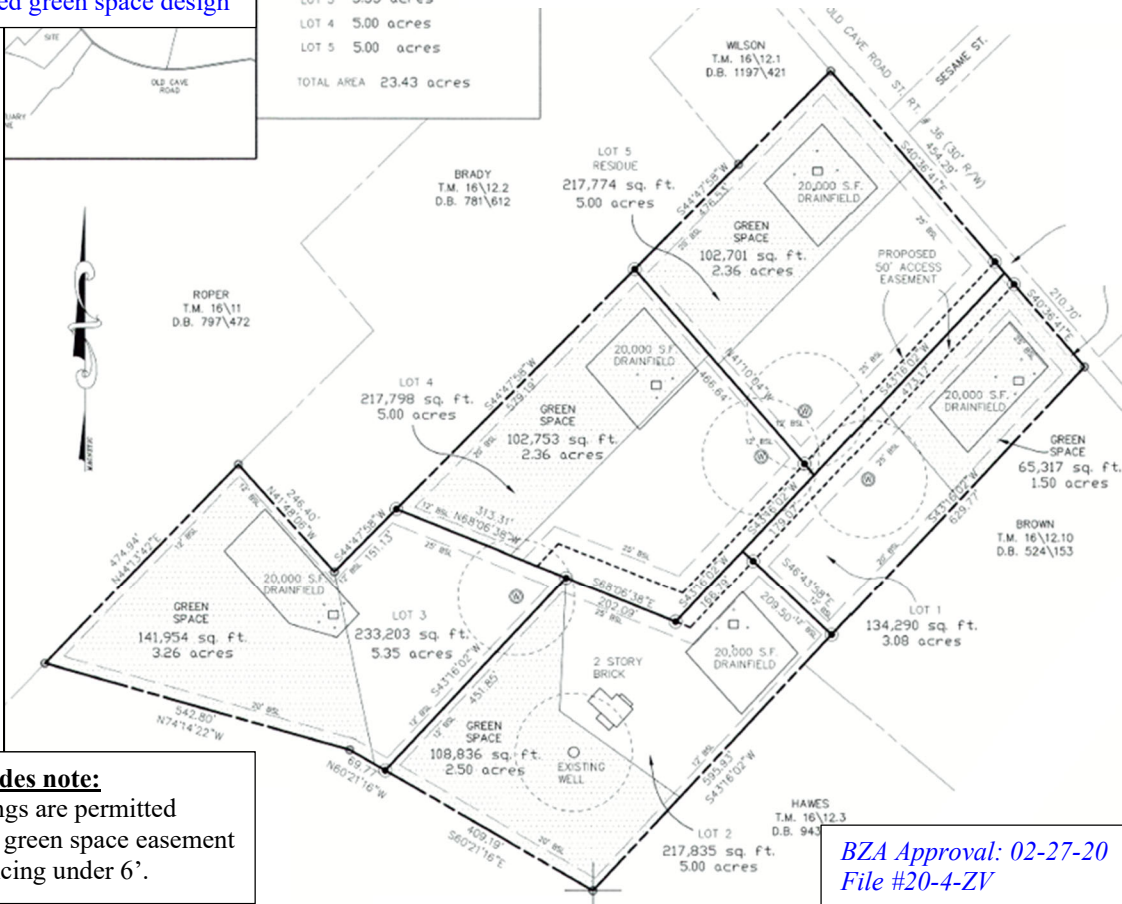
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.^{27, 32}
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.^{27, 32}

Staff Report
 Jefferson County Board of Zoning Appeals
 January 25, 2024
24-1-ZV Corbett (Green Space) Variance Request

**Exhibit 1 –
 modified green space design**

LOT 1 3.08 acres
 LOT 2 5.00 acres
 LOT 3 5.35 acres
 LOT 4 5.00 acres
 LOT 5 5.00 acres
 TOTAL AREA 23.43 acres

PC File #20-8-SD / Plat Book 26 @ Page 105



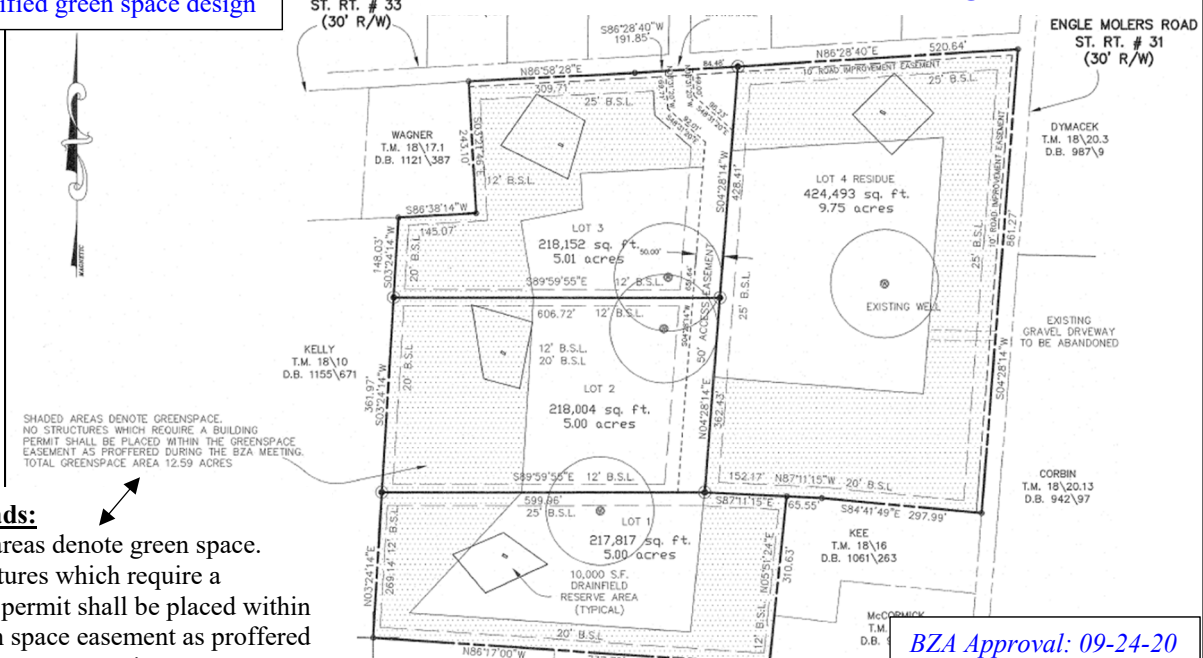
Plat includes note:

No buildings are permitted within the green space easement except fencing under 6'.

*BZA Approval: 02-27-20
 File #20-4-ZV*

**Exhibit 2 –
 modified green space design**

PC File #20-23-SD / Plat Book 26 @ Page 185



SHADED AREAS DENOTE GREENSPACE. NO STRUCTURES WHICH REQUIRE A BUILDING PERMIT SHALL BE PLACED WITHIN THE GREENSPACE EASEMENT AS PROFFERED DURING THE BZA MEETING. TOTAL GREENSPACE AREA 12.59 ACRES

Note reads:

Shaded areas denote green space. No structures which require a building permit shall be placed within the green space easement as proffered during the BZA meeting. Total green space area 12.59 acres.

*BZA Approval: 09-24-20
 File #20-31-ZV*

Staff Report
Jefferson County Board of Zoning Appeals
January 25, 2024
24-1-ZV Corbett (Green Space) Variance Request

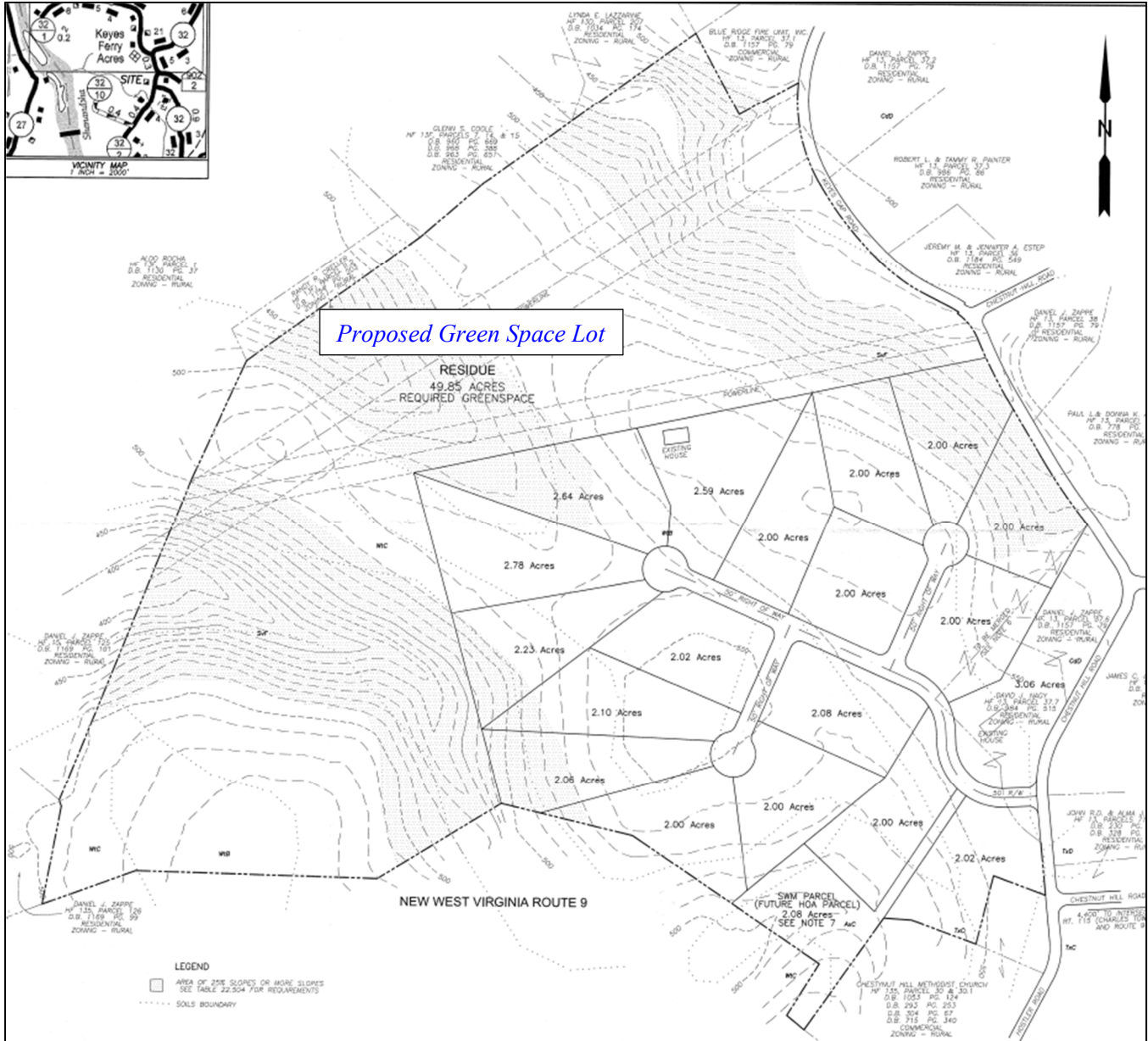


Exhibit 3: 18-Lot Cluster Development with 49.85 acre green space lot. Conceptual Design Only. Subdivision was never platted/recorded.



Jefferson County, West Virginia
Department of Engineering, Planning, and Zoning
Office of Planning and Zoning
116 East Washington Street, 2nd Floor
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3rd Quarter Report for Planning and Zoning
FY 2024 (January 1, 2024 – March 31, 2024)

Attached is an electronically generated report of all applications submitted and reviewed within the 3rd Quarter of FY 2024. This data is being provided as a part of the 3rd Quarter Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

PLANNING COMMISSION ITEMS

Planning Commission Meetings: **3 cancelled due to weather; 3 meetings held**

Comprehensive Plan Work Sessions: **2 Work Sessions**

Comprehensive Plan Public Input Meetings: **1 Public Meetings**

Subdivision Regulations Text Amendments **1**

#STA24-01 Proposed Amendment to Division 24.300 of the Jefferson County Subdivision and Land Development Regulations, “Waivers” to add a Public Hearing requirement.
Public Hearing scheduled for 4/09/24.

Zoning Ordinance Text Amendments **none this quarter**

Zoning Map Amendments/Rezoning **1**

#23-5-Z Petition for a Zoning Map Amendment to rezone the subject parcels from Rural to Residential Growth (RG); Owner: Arcadia Land Inc.; Property Location: Vacant parcels, which are a part of the Harvest Hills Subdivision, located east of the intersection of Flowing Springs Rd and Brass Harness Drive. Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13; comprised of 94.63 acres (P12) and 257.62 acres (P13).
Zoning District: Rural.
PC Discussion and Recommendation that that the requested Zoning Map Amendment for the Harvest Hills/Arcadia properties to Residential Growth is not consistent with the Envision Jefferson 2035 Comprehensive Plan. Request withdrawn prior to CC Public Hearing.

Concept Plan Public Workshops **1 (postponed to 4-9-24 Mtg)**

#24-1-SP Concept Plan for Hunter Valley Apartments for approximately 138 1-2 bedroom apartments with associated parking.
Property Owner/Applicant: ILA Properties, Inc.;
Property Location: SW Side of RT 115, Kearneysville, WV; Parcel ID: 07000200020002;
Size: 12.8 acres; Zoning District: Residential/Light Industrial/Commercial.
Public Workshop rescheduled to 4/09/24.

BOARD OF ZONING APPEALS (BZA) ITEMS

Board of Zoning Appeals Meetings:

3 meetings

Zoning Appeal of Administrative Application:

1 (withdrawn)

PLANNING & ZONING STAFF ITEMS

Pre-Proposal Conference (PPC) Meetings:

15 Total (4 Subdivision & 11 Site Plan)

Information Request Forms (IRFs) -- general inquiries from the public:

51 Total

Zoning and Land Development Fees Collected:

\$43,385

| Regional Transportation Planning Meetings (some remote/some in person) | |
|--|------------------------------|
| Eastern Panhandle Transit Authority (EPTA) Board Meetings | 1/29/24; 2/12/24; 3/18/24 |
| Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings | 01/17/24; 03/20/24 |
| HEPMPO Congestion Management Plan (CMP) Meeting | 02/21/24 |
| WVDOT EV public meeting (HEPMPO Region) | 02/29/24 |

| Local and Regional Planning Meetings (remote unless otherwise noted) | |
|---|------------------|
| Tour of Shepherd Village (Field Trip) | 01/29/24 |
| Tour of Blake Solar (Field Trip) | 03/19/24 |
| WV APA Professional Development/Membership Committee | 1/30/24 |
| WV APA Legislative Committee | 2/2/24 |
| Safe Water Harpers Ferry and Elks Run Watershed Committee | 3/3/24 |
| On-line webinar (Interstate Commission on the Potomac River Basin) | 1/19/24 |
| Planning Webcast Series (Community Resilience & Trails as Resilient Infrastructure) | 3/21/24; 3/22/24 |

| 2045 Comprehensive Plan Update Meetings | |
|---|----------|
| Mapping the Future of Jefferson County Public Input Meeting | 01/23/24 |
| Employee Ethics Training | 02/13/24 |
| Employee Ethics Training | 02/15/24 |

**Planning and Zoning Quarterly Report
01/01/2024 - 03/31/2024**

| Type | Project Number | Creation Date | Owner Name | Location | Status | Description | Plat Book | Page |
|------------------------------------|----------------|---------------|--|--|------------------------|---|-----------|------|
| Conditional Use Permit | 24-1-CUP | 1/2/2024 | MCCLAIN WILLIAM J & KRISTEN E | 374 LOOKOUT MOUNTAIN CT, HARPERS FERRY | Open | Request for a CUP to operate a firearms business from an existing dwelling unit; applicant anticipates approximately 10-20 customers/month; no employees other than the residents of the property. | | |
| | 24-2-CUP | 1/24/2024 | BALDWIN MARK R & JENNIFER A | 1163 GARDNERS LN, SHEPHERDSTOWN | Open | Request by Songbird House Assisted Living Residence for a CUP to operate a Nursing or Retirement Home; providing homecare in an existing dwelling unit for up to 32 residents; with up to four (4) caregivers/employees; no new structures are proposed. | | |
| | 24-3-CUP | 1/24/2024 | BERNDT ERIK W & CHERYL A | River Rd, Shepherdstown, WV | Withdrawn | Request for a CUP to operate a tree service business (Contractor with Outdoor Storage); proposing a 40' x 60' pole building on a 125' x 150' gravel pad to be used for employee parking and equipment storage; up to 10 employees; no customers will come to the property. | | |
| | 24-4-CUP | 3/1/2024 | Mark D. Stolipher and Paul Michael Chapman Trust | 261 BERRY HILL FARM LN, and 2998 WITHERS LARUE RD; and 653 FRANKLINTOWN RD; and 322 SCOOTER LN; SUMMIT POINT | Open | Request for a Conditional Use Permit to operate the Franklinton Farm Solar Project; consisting of an 80-megawatt solar energy facility on 502 acres. The project consists of solar modules and a new substation to connect the solar facility with the existing 138-kilovolt overhead electrical transmission line passing through the southeast corner of the Project area. This substation and 20MW Battery Energy Storage System (BESS) will be situated on the southern portion of the Project adjacent to Lewisville Road. | | |
| | | | | | Category Total: | 4 | | |
| Easements | 24-1-E | 3/19/2024 | Adam Link III | Flowing Springs Road, Shenandoah Junction, WV | Open | The proposed Farmland Protection Easement tract is 127.15 acres. | | |
| | | | | | Category Total: | 1 | | |
| Merger or Boundary Line Adjustment | 24-1-M | 1/5/2024 | BOWERS WALTER W ET AL | 266 HENKLE MOORE RD, HARPERS FERRY | Open | BLA of .06237 ac from parcel 25 to parcel 26 | | |
| | 24-2-M | 1/12/2024 | Johnnie Parkin | Steamboat Run Rd, SHEPHERDSTOWN | Open | LT #1A-2A STEAMBOAT RUN | | |
| | 24-3-M | 1/25/2024 | KEARNS AMEE | 14806 LEETOWN RD, KEARNEYSVILLE | Open | BLA of 0.8215 ac from parcel 20 to parcel 18 | | |
| | 24-4-M | 2/16/2024 | JEFFERSON GROUP LLC | 1508 CLOVERDALE RD STE 100, CHARLES TOWN | Open | BLA of 3.1460 from parcel 07 to parcel 10 | | |
| | 24-5-M | 2/28/2024 | JANSSEN KEITH B-TR | 6864 ENGLE MOLERS RD, SHEPHERDSTOWN | Open | BLA of .26 acres from Parcel 6.1 to Parcel 6.4 | | |
| | 24-6-M | 3/6/2024 | CHITTAL DANIEL R & SARAH M | 4464 LEETOWN RD SUMMIT POINT | Open | BLA of 3 acres from Parcel Lot 5 (residue) to Lot 6 | | |
| | 24-7-M | 3/19/2024 | MARY JEAN LIGHT | 237 STEPTOE ST, SUMMIT POINT | Open | BLA of .3701 acres from Parcel 36 to Parcel 35 | | |
| | | | | | Category Total: | 8 | | |
| Planning | 24-1-PCV | 1/22/2024 | Beallair Homes, LLC - Robert Wormald | BEALLAIR MANOR DR, Harpers Ferry | Open | Variance request from Section 8.1d of the 1979 Subdivision Ordinance to extend the requirement to bond & record the final plat for Beallair, Phase 4B from 3-11-24 to 6-9-24. | | |

| | | | | | | | | |
|--------------------------------------|-----------|-----------|---|--|------------------------|---|--|--|
| Commission Variance (1979 ZO) | 24-2-PCV | 2/16/2024 | BEALLAIR COMMUNITY CONSERVANCY INC - Robert Wormald | 480 BEALLAIR MANOR DR, CHARLES TOWN | Open | Variance request from Section 11.2.e.1 of the 1979 Subdivision Ordinance to waive the required screening and landscaping for the proposed pool and community center property located within the Beallair development to serve the residents. | | |
| | | | | | Category Total: | 2 | | |
| Planning Commission Waiver | 24-2-PCW | 1/23/2024 | MILLVILLE QUARRY INC | 165 BRADSTONE LN, HARPERS FERRY | Open | Waiver from 20.203A.2a of the Sub. Regs to waive the requirement of a Concept Plan for a proposed Concrete Plant; and, from Section 20.203B to allow the proposed Plant to process as a modified Site Plan. | | |
| | 24-3-PCW | 1/23/2024 | MILLVILLE QUARRY INC | 165 BRADSTONE LN, HARPERS FERRY | Open | Waiver from Section 20.203B of the Subdivision Regulations to allow the proposed Asphalt Plant to process as a modified Site Plan. | | |
| | 24-5-PCW | 1/23/2024 | DALB INC - Kevin Steeley | 73 INDUSTRIAL BLVD, KEARNEYSVILLE | Open | Waiver request from Section 22.208 and Appendix B Section 10.6 to remove the requirement of a sidewalk along the frontages of the property. | | |
| | 24-6-PCW | 1/24/2024 | BOSWELL RICHARD III & MELISSA A | 149 PLEASANT ACRES CT, KEARNEYSVILLE | Open | Request for waiver from Section 20.201B2 of the Subdivision Regulations, pertaining to the 5-year Family Transfer requirement | | |
| | 24-7-PCW | 2/9/2024 | DLGA LLC - David Butcher | 2282 SUMMIT POINT RD, SUMMIT POINT | Withdrawn | Waiver request from Section 24.108C to extend the maximum vesting period for a Concept Plan of two years. | | |
| | 24-8-PCW | 2/20/2024 | ROLLING RIDGE FOUNDATION INC | 671 FLOC WAY, HARPERS FERRY | Open | Waiver from Section 20.203 of the Sub. Regs that requires the proposed project to process as a Minor Site Development. | | |
| | 24-9-PCW | 2/20/2024 | SUSQUEHANNA PROPERTIES LLC - Doug Porter | 21 BELLA CT, CHARLES TOWN | Open | Waiver from Section 20.201 A.2, which requires all lots in Minor Subdivision to have motor vehicle access via a 50' access easement; to permit using an existing 30' access easement. | | |
| | 24-10-PCW | 3/19/2024 | Timothy and Heather Runion | LANDON WAY, Kearneysville | Open | Waiver from Section 20.201 of the Sub. Regs. to waive the width of the required 50' Access Easement and to be considered as a Minor Subdivision with more than 5 lots on the easement (for a total of 9 lots). | | |
| | | | | | Category Total: | 8 | | |
| Site Plan | 24-1-NSP | 1/9/2024 | 340 RAINBOW LLC - Robert Forgale | 3511 BERRYVILLE PIKE, CHARLES TOWN | Closed | No Site Plan review for a proposed deck | | |
| | 24-2-NSP | 3/15/2024 | MILLVILLE QUARRY INC | 165 BRADSTONE LN, HARPERS FERRY | Open | No Site Plan Sketch submitted pursuant to PC approval (24-2-PCW) for proposed concrete plant. | | |
| | 24-3-NSP | 3/15/2024 | MILLVILLE QUARRY INC | 165 BRADSTONE LN, HARPERS FERRY | Open | Waiver from 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Asphalt Plant. | | |
| | 24-1-RR | 1/25/2024 | CARPE DIEM PROPERTIES LLC | JAMES BURR BLVD, KEARNEYSVILLE | Open | Burr Park Lot 30 - Contractor with Outdoor Storage: Redline Revision | | |
| | 24-2-RR | 1/30/2024 | TeMa North America, LLC - Lorenzo Spagna | 395 STEELEY WAY, KEARNEYSVILLE | Open | Redline Revision: revise the tank location in the parking lot. | | |
| | 24-1-SP | 1/29/2024 | ILA Properties, Inc - Joshbeen Grewal | SW Side of RT 115, Kearneysville, WV | Open | Concept Plan for Hunter Valley Apartments; Approximately 138 1-2 bedroom apartments with associated parking. | | |
| | 24-2-SP | 3/4/2024 | Mark D. Stolipher and Paul Michael Chapman Trust | 261 BERRY HILL FARM LN, and 2998 WITHERS LARUE RD; and 653 FRANKLINTOWN RD; and 322 SCOOTER LN; SUMMIT POINT | Open | The proposal is to allow the operation of the Franklinton Farm Solar Project; consisting of an 80-megawatt solar energy facility on 502 acres. The project consists of solar modules and a new substation to connect the solar facility with the existing 138-kilovolt overhead electrical transmission line passing through the southeast corner of the Project area. This substation and 20MW Battery Energy Storage System (BESS) will be situated on the southern portion of the Project adjacent to Lewisville Rd. | | |

| | | | | | | | | |
|---------------------------------|-----------|--|--|--|--|--|----|-----|
| | | | | | Category Total: | 7 | | |
| Special Exception Permit | 24-1-SE | 3/19/2024 | SHIRLEY LINDA M ET AL | 4529 MIDDLEWAY PIKE, KEARNEYSVILLE | Open | Request for a Special Exception Permit to allow a second Accessory Dwelling Unit for a family member in accordance with Section 8.15 of the Zoning Ord. | | |
| | | | | | Category Total: | 1 | | |
| Subdivision | 24-1-SD | 1/10/2024 | LUTMAN DAVID W - David Lutman | 155 SUNNYSIDE LN, SHENANDOAH JUNCTION | Open | 2 lots and a residue | | |
| | 24-2-SD | 1/10/2024 | N/A | Lewisville Rd, Summit Point | Open | 1 lot and residue | | |
| | 24-3-SD | 1/10/2024 | N/A | Lewisville Rd, Summit Point | Open | 1 lot and residue | | |
| | 24-4-SD | 1/23/2024 | MCCREERY DEVIN P ET AL | TURNER RD, SHEPHERDSTOWN | Open | Creation of Lots 1 - 3 per Section 5.7D.1. | | |
| | 24-5-SD | 1/26/2024 | BOHON TINA & DANIEL | 274 WILLINGHAM RD, CHARLES TOWN | Open | 2 lots and a residue | 26 | 709 |
| | 24-6-SD | 2/9/2024 | SUSQUEHANNA PROPERTIES LLC - Douglas Porter | 45 BELLA CT, CHARLES TOWN | Open | 1 lot and a residue | | |
| | 24-8-SD | 2/26/2024 | BRADY ROBERT L & LOUISE M | RIDGE RD, SHEPHERDSTOWN | Open | MSD to create one lot and a residue | | |
| | 24-9-SD | 3/5/2024 | Michael & Paula Roll | Southerly Lane, Charles Town | Open | Creation of Lots 2A & 2B as a family transfer. | | |
| | 24-10-SD | 3/13/2024 | HARDY FRANK E & DIANE L | 77 AMERICAN PRIDE LN, KEARNEYSVILLE | Open | Creation of Lot B1 and B2-Residue | | |
| | 24-11-SD | 3/18/2024 | THOMPSON ALTHA R & MINDY L-TRS | WHITMER RD, SHENANDOAH JUNCTION | Open | Thompson Family Transfer, Lot 2-Residue and Lot 3 | | |
| | 24-12-SD | 3/25/2024 | JEFFERSON ORCHARDS INC. | Kearneysville Pike, KEARNEYSVILLE | Open | The Concept Plan proposes 720 residential single-family lots (324 single-family detached and 396 single-family attached of varying widths). | | |
| | 24-2-MPC | 2/12/2024 | SUTPHIN LINCOLN | 3809 KABLETOWN RD, CHARLES TOWN | Closed | Rissler-Alvarez Lot 3 Septic Relocation | | |
| 24-3-RR | 2/1/2024 | DR Acquisitions, LLC - Matt Stare | Charles Town Road, Charles Town | Open | Revised Model Home lots to add 174 and TH 21, modified storm structures, E&S revisions per Jefferson County. | | | |
| 24-4-RR | 3/27/2024 | D.R. Horton Capital Division - Keegan Waters | GUMSPRING DR, CHARLES TOWN | Open | Modified grading plans to adjust grades for Bioswales 7 and 8. | | | |
| | | | | | Category Total: | 14 | | |
| Zoning Certificate | 24-1-ZC | 1/22/2024 | SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC - Chris Otto | 103 GASOLINE ALY UNIT 27, SUMMIT POINT | Closed | Accessory Use: Classroom and Office Space *Change in use Units #27 & 28 (classroom); Unit #29 (office); Unit #30-31 (mat room) | | |
| | 24-2-ZC | 1/26/2024 | BANKS T NEILL & KENNA | 3343 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION | Closed | Telecommunication Tower Modification: Generator w/ 4' x 10' concrete pad. | | |
| | 24-3-ZC | 1/30/2024 | MADDEX SQUARE HOSPITALITY LLC - Nik Mody | 70 MADDEX SQUARE DR, SHEPHERDSTOWN | Open | Hotel with 51 guest rooms and limited breakfast; 12 to 15 employees; 58 parking spaces, including 3 ADA. | | |
| | 24-4-ZC | 1/30/2024 | 499 HALLTOWN LLC - Brittany Newman | 499 HALLTOWN RD, HARPERS FERRY | Closed | Nonconforming Use: Change in Owner & Land Use (real estate office) | | |
| | 24-5-ZC | 2/8/2024 | SUMMIT POINT AUTOMOTIVE RESEARCH CETNER LLC | 770 HARDESTY RD, SUMMIT POINT | Closed | Existing Telecommunications Tower: Verizon remove (6) RRHs and ancillary equipment; and, to install (3) antennas and ancillary equipment and groundwork. | | |
| | 24-6-ZC | 2/15/2024 | KITA LLC | 43 RULAND RD STE A, KEARNEYSVILLE | Open | Two Rivers Army, Too: Change in Tenant - Manufacturing, Limited & Retail Limited Sale of Federal Firearms & gunsmithing | | |
| | 24-7-ZC | 2/22/2024 | MELLOTT PAMELA J | 147 POSSUM TROT LN, KEARNEYSVILLE | Closed | Accessory Dwelling Unit: Family Member | | |
| | 24-8-ZC | 2/26/2024 | SBABA LLC | 15 TUSCAWILLA DR, CHARLES TOWN | Closed | Change in Tenant: Dream Driven Properties *Nonconforming Use / Section 4.3 | | |
| | 24-9-ZC | 2/26/2024 | MADDEX SQUARE INVESTORS LLC | 91 MADDEX SQUARE DR, SHEPHERDSTOWN | Closed | Maddex Square Shopping Center Change in Tenant: Rose Nails | | |
| | 24-10-ZC | 3/13/2024 | WEEREN R SCOTT & ELLEN K - Ellen Weeren | 20 RIVER FOREST LN, HARPERS FERRY | Open | Bed & Breakfast: Owner Occupied | | |
| | 24-2-ABC | 3/15/2024 | SHENANDOAH VALLEY HOLDINGS LLC - Wylie McDade | 315 JAMES BURR BLVD, KEARNEYSVILLE | Closed | Devil's Due Distillery | | |

| | | | | | | | | |
|------------------------|----------|-----------|---|--|------------------------|--|--|--|
| | 24-11-ZC | 3/19/2024 | ROLLING RIDGE FOUNDATION INC | 671 FLOC WAY, HARPERS FERRY | Open | Waiver from Section 20.203 of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. | | |
| | | | | | Category Total: | 12 | | |
| Zoning Variance | 24-3-ZV | 1/2/2024 | MILLVILLE QUARRY INC | 165 BRADSTONE LN, HARPERS FERRY | Closed | Variance request from Section 5.6B to reduce the distance requirement for Industrial Uses from 1,000' to 400' to allow for the construction of a concrete plant accessory to the quarry operation. | | |
| | 24-4-ZV | 1/2/2024 | DR ACQUISITIONS LLC | Charles Town Road, Charles Town | Open | Variance request from Section 8.10 to allow placement of a staffed model home sales office on Lot 174 and Townhome Lot 21 of the Kings Crossing Subdivision. | | |
| | 24-5-ZV | 1/3/2024 | MCCLAIN WILLIAM J & KRISTEN E | 374 LOOKOUT MOUNTAIN CT, HARPERS FERRY | Open | Variance request from Section 4.6B to eliminate the 75' distance requirement along the north, east, and south boundary lines to operate a homebased federal firearms business from an existing dwelling unit. | | |
| | 24-6-ZV | 1/24/2024 | BERNDT ERIK W & CHERYL A | River Rd, Shepherdstown | Withdrawn | Variance request from the following: 1. Appendix B and Section 4.11E to utilize existing vegetation in lieu of a planted buffer along the front, side, and rear 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). | | |
| | 24-7-ZV | 1/29/2024 | DALB INC - Kevin Steeley | 73 INDUSTRIAL BLVD, KEARNEYSVILLE | Open | 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. | | |
| | 24-8-ZV | 2/9/2024 | BLACK JEFFREY K | 353 MARIE DR, CHARLES TOWN | Open | Request to reduce the side setback from 8' down to 3' for a 12' x 35' storage shed. | | |
| | 24-9-ZV | 2/14/2024 | Joshua Madar | 74 SADDLEBRED LN, KEARNEYSVILLE | Open | Variance request from Section 5.7B of the Zoning Ordinance (amended 05/01/03) to reduce the rear setback from 50' to 5' for a 12' x 24' (288 sf) accessory structure. | | |
| | 24-10-ZV | 2/16/2024 | BEALLAIR COMMUNITY CONSERVANCY INC - Mike Wiley | 494 BEALLAIR MANOR DR, CHARLES TOWN | Open | Variance request from Section 4.11A and App. B to eliminate the required street trees along Plantation Lane & Beallair Manor Dr. | | |
| | 24-12-ZV | 2/28/2024 | FARRELL JULIA & JAMES D | 312 POTOMAC RIDGE LN, SHEPHERDSTOWN | Open | Variance from Section 5.7B of the Zoning Ordinance (amended 05/01/03) to reduce the front setback from 40' to 20'; and, Section 9.6C to allow an accessory structure within the required front yard. | | |
| | 24-11-ZV | 2/29/2024 | BEALLAIR COMMUNITY CONSERVANCY INC - Mike Wiley | 494 BEALLAIR MANOR DR, CHARLES TOWN | Open | Variance request from Appendix B to eliminate the required parking lot setbacks along Plantation Lane and Beallair Manor Drive. | | |
| | 24-8-ZV | 3/27/2024 | TRAYWICK THOMAS E & DEBRA M | 647 AVON BEND RD, CHARLES TOWN | Open | Variance from Section 9.6C to allow an accessory structure within the required front yard; and, Section 9.7 to reduce the front setback along the southern property line for a detached garage. | | |
| | 24-14-ZV | 3/29/2024 | GRACE BAPTIST CHURCH - Christine Barnes | 4272 CHARLES TOWN RD, KEARNEYSVILLE | Open | Landscaping | | |
| | | | | | Category Total: | 12 | | |
| | | | | | Grand Total: | 69 | | |



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting April 9, 2024

1) Engineering, Planning and Zoning County Offices Contact Information

The Department of Engineering, Planning and Zoning Mason Building is open to the public.

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffersoncountywv.org

IMPACT FEES 304-728-3331 - mmason@jeffersoncountywv.org

ENGINEERING 304-728-3257 - engineering@jeffersoncountywv.org

PLANNING & ZONING 304-728-3228 - planningdepartment@jeffersoncountywv.org, zoning@jeffersoncountywv.org

GIS & ADDRESSING 304-724-6759 - gis@jeffersoncountywv.org

2) Status Report on proposed Bylaw Revisions

3) Discussion and Review of Possible Self-Evaluation Process (attached)

4) Report on House and Senate Bills related to Planning, Zoning, or Subdivision Regulations passed in the 2024 Legislative Session (attached)

- ❖ Some may require future discussion with Legal regarding possible amendments require to local ordinances

5) Upcoming PC meetings

- ❖ Next Regular meeting date: **May 7, 2024** *** *date changed due to Primary Election* ***
 - 5:30 pm Comprehensive Plan Work Session
 - 7:00 pm Planning Commission Meeting
- ❖ Next 2045 Comprehensive Plan Public Input: **Monday, May 13, 2024**, 7:00 pm
Jefferson High School

Draft Planning Commissioner Self Evaluation

Date:

Question 1: Our Planning Commissioners share a commitment to the county's planning goals.

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly disagree

Question 2: Our Regular Meetings flow well with good discussion of issues and understandable motions.

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly disagree

Question 3: Our Engineering, Planning, and Zoning staff provide the information we need and are responsive to questions and requests.

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly disagree

Question 4: Our Planning Commission trainings are informative and focused on relevant topics.

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree

5. Strongly disagree

Question 5: Our Planning Commissioners regularly attend important meetings.

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly disagree

Question 6: Our Planning Commissioners behaviors align with established norms and operating procedures.

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly disagree

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Senate Bill 782

By Senators Swope, Jefferies, and Plymale

[Passed March 4, 2024; in effect 90 days from
passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §8A-13-1, §8A-13-2, §8A-13-3, and §8A-13-4, all relating to local permitting
3 deadlines and extensions for applications for a permit, license, variance, or any other type
4 of prior approval from a governing body or planning commission of a municipality or county
5 for an action related to the development or improvement of property.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. LOCAL PERMITTING DEADLINES.

§8A-13-1. Definition.

1 For purposes of this article, "request" means an application for a permit, license, variance,
2 or any other type of prior approval from a governing body or planning commission of a municipality
3 or county for an action related to the development or improvement of property.

§8A-13-2. Deadline.

1 (a) If an applicant submits a request to a governing body or planning commission of a
2 municipality or county, then the governing body or planning commission of the municipality or
3 county must approve or deny the applicant's request within 60 days. The following applies if:

4 (1) The governing body or planning commission fails to approve or deny the applicant's
5 request within 60 days, then the request is approved.

6 (2) The time limit in this section begins upon the governing body or planning commission's
7 receipt of a request from an applicant.

8 (3) The governing body or planning commission approves the request, then the governing
9 body or planning commission may not impose on the applicant additional requirements related to
10 the request.

11 (4) The governing body or planning commission denies the request, then the governing
12 body or planning commission must provide the applicant a statement in writing of the reasons for
13 the denial.

14 (5) A governing body or planning commission denies a request for being incomplete, then

15 the governing body or planning commission must provide the applicant a statement in writing of
16 the reasons the request is incomplete. The request is incomplete if the request fails to contain all
17 information required by law or by a previously adopted rule, ordinance, or policy.

§8A-13-3. Extension.

1 The time limit in §8A-13-2 of this code may be extended. The following applies:

2 The time limit in §8A-13-2 of this code is extended if a request requires prior approval of a
3 state or federal agency. The time limit is extended to 60 days after the required prior approval is
4 granted. The extension may not exceed 60 days, unless approved by the applicant.

5 An applicant may request an extension in writing.

§8A-13-4. Applicability.

1 The time limit in §8A-13-2 of this code does not apply to state agencies.

There are 2575 bills listed as of 9:30am 3/29/24

First Day Jan 10, 2024/Last Day Mar 9, 2024 – Adjournment at midnight.

Red Text = Bill is Dead; Green Text = Bill has Passed; Grey Box = Directly affects WV8A

Senate Bills:

| SB | ID | Type | Basics | How affected/Notations | Result |
|----|-----|-------------------------|--|---|---|
| SB | 149 | Amend 7-12-3 | Relating to municipalities required to be represented on county authority boards | Makes the municipality number for those with 1,000 residents or more | Completed Legislation Effective from passage March 8, 2024 |
| SB | 171 | Amend 7-1-3 and 7-1-3ff | Prohibiting county commissions from adopting authorization that exceeds state law regarding agriculture operations | County commissions may not adopt or enact any authorization that contravenes or is stricter than any state law, rule, or regulation relating 34 to agricultural operations, as defined in §19-19-2 and same for pesticides. Also revokes previous authorizations. <i>Could cause issues with zoning?</i> | Completed Legislation Effective 90 days from passage May 13, 2024 |
| SB | 530 | Amend 7-20-6 | Removing requirement for counties to draft and adopt zoning ordinances | remove the requirement for a county to draft and adopt comprehensive zoning ordinances for enactment of impact fees see HB 4779 | Completed Legislation Effective 90 days from passage June 5, 2024 |
| SB | 540 | Amend 1-1-5 | Updating surveying coordinate system | Strike the use of a north and south zone for the WV coordinate system committee substitute | Completed Legislation Effective 90 days from passage June 4, 2024 |
| SB | 551 | Amend 8-13a-12 | Modifying requirements related to levy of service fees | Relates to business improvement districts. Strikes “Any surplus in the fund in a fiscal year shall be applied to reduce the amount of service fees required for the next fiscal year” from the language | Completed Legislation Effective 90 days from passage June 6, 2024 |
| SB | 782 | New 8a-13-1 to 4 | Defining deadlines for local permits | Creates local permitting deadlines for any request for a permit, license, variance, etc: The governing body or planning commission have 60 days to approve/deny | Completed Legislation |

| | | | | | |
|----|------------|---------------|--|--|--|
| | | | and extensions for property development or improvement | request. If not approved/denied within 60 days, then the request is approved. Time limit begins upon receipt of a request. May not impose on the applicant additional requirements related to the request once approved. If denies the request, then must provide the applicant a statement in writing of the reasons for the denial. If denies for being incomplete, then must provide the applicant a statement in writing of the reasons the request is incomplete. The request is incomplete if the request fails to contain all information required by law or by a previously adopted rule, ordinance, or policy. The time limit may be extended but the following applies: The time limit is extended if a request requires prior approval of a state or federal agency. The time limit is extended to 60 days after the required prior approval is granted. The extension may not exceed 60 days, unless approved by the applicant. An applicant may request an extension in writing. The time limit does not apply to state agencies. See HB 4949 | Effective 90 days from passage June 2, 2024 |
| SB | 872 | Amend 8-17-12 | Relating to county fire service fees | County commission may reject resolution of county fire board amendment to fire fees. | Completed Legislation Effective from passage March 9, 2024 |
| | 877 | | | | |

House Bills:

| HB | ID | Type | Basics | How affected/Notations | Result |
|----|------|---------------|---|---|---|
| HB | 4782 | Amend 8-12-5a | Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses. | prevent municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses. The bill shall be known as the Second Amendment Business Protection Act. Engrossed committee Sub: Muni can enact or enforce generally applicable zoning or business ordinances that apply to firearms businesses to the same degree as other businesses except as follows: (A) Any provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, repair, or display of firearms, ammunition, firearms accessories or components as that term is defined in §31A-2B-3 of this code, or personal defense tools or products other than firearms which are otherwise lawful under the laws of this state is void. (B) A municipality may not use its planning or zoning powers solely to prohibit the | Completed Legislation Effective 90 days from passage May 30, 2024 |

| | | | | | |
|----|-------------|----------------|---|---|--|
| | | | | <p>sale of firearms, ammunition, firearms accessories or components as that term is defined in §31A-2B-3 of this code, or personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.</p> <p>See SB 321</p> | |
| HB | 5294 | Amend 60- | Revising state law regulating farm wineries | <p>"Farm winery" means an establishment or cooperative located in the State of West Virginia on land zoned agricultural that has a vineyard, orchard, or similar growing area that produces fruits or other agricultural products used to manufacture the wine of such farm winery, subject to the production volume and other requirements set forth in §60-1-5a of this code.</p> <p>Committee amendment: gives classes of farm winery</p> | <p>Completed Legislation</p> <p>Effective May 1, 2024</p> |
| HB | 5696 | Amend 20-17b-2 | Relating to the upper Ohio Valley Trail Network | Makes Wood County not the Mon Co of the Mountaineer Trail Network Rec authority as the lead member of the Upper Ohio Valley Trail Network Rec Authority to establish the trail network. | <p>Completed Legislation</p> <p>Effective 90 days from passage June 6, 2024</p> |
| | 5699 | | | | |

Non-Actionable Correspondence

From: [CompPlan2045](#)
To: [Michelle Evers](#)
Subject: FW: CompPlan
Date: Tuesday, March 19, 2024 1:10:32 PM

Hi Michelle, Please add the following email string from Jean Zigler as nonactionable correspondence in the 4/9/24 PC packet.

Best,
Luke

Luke Seigfried (He, Him, His)
County Planner
Department of Engineering, Planning, & Zoning
Jefferson County, WV
(304) 728-3228
complan2045@jeffersoncountywv.org

From: Jean Zigler <zigboyswv@gmail.com>
Sent: Monday, March 18, 2024 5:38 PM
To: CompPlan2045 <complan2045@jeffersoncountywv.org>
Subject: Re: CompPlan

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

Luke,

Yes, you may include my email and any correspondence I have with you or your office.

In 1982 I left for college and since then I have only lived in WV for part of the year. Jefferson County is growing in houses but not in heavy 6 figure salaries. During my career, I have seen so many rural areas suffer at the hands of limited growth. Things like hospitals closing, housing developments drilling too close and tapping agricultural wells, etc.

Sincerely,
Jean Zigler

On Mon, Mar 18, 2024 at 4:46 PM CompPlan2045 <complan2045@jeffersoncountywv.org> wrote:

Good afternoon,
I am sorry to hear you will be unable to attend but I wanted to thank you for reaching out.
Can I include your email below as correspondence to the Planning Commission?

Best,
Luke

Luke Seigfried (He, Him, His)
County Planner
Department of Engineering, Planning, & Zoning
Jefferson County, WV
(304) 728-3228
complan2045@jeffersoncountywv.org

From: Jean Zigler <zigboyswv@gmail.com>
Sent: Monday, March 18, 2024 3:27 PM
To: CompPlan2045 <complan2045@jeffersoncountywv.org>
Subject: CompPlan

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

Dear Luke,

I will not be able to attend the meeting, but I have a few thoughts and I understand the delicate balance that is needed.

However, I hope you will share my unusual or some may say outrageous idea with the Commissioners and the Planning Board Members, even the citizens of Jefferson County.

Jefferson County is a growing suburb of Washington DC and Baltimore MD and the residents moving in need to see beyond their personal desires regarding viewsheds.

I have read every code for builders, permit process, etc., but I have not located one process or regulation that mandates any landowner or Farmer **MUST** maintain the viewshed for the new arrivals to Jefferson County or to any resident purchasing a home in a new development. Nor do I see any verbiage stating the homeowner or HOA is to pay the adjacent landowner or Farmer per field a \$35,000.00 to \$40,000.00 plus built in ICP to maintain the viewshed on an annual basis.

This may sound ridiculous, but we all know it costs money to farm or maintain large amounts of property. Plus, it covers the crop and herd costs.

I propose if the CompPlan is not used as a living and changing document on a as needed basis or stop being used as a suppression of landowners' rights then the verbiage needs to be added so the viewshed can be maintained.

This will limit the growth, farmers will not have their rights suppressed and there will be no increase in road traffic, larger schools, larger population, medical needs etc., needed.

Jefferson County needs to grow but just building houses is not enough.

It sounds unrealistic but the best compromises are when everyone's eyes are open.

Thank you for your time
Jean C Zigler-Kotch

April 2, 2024

VIA ELECTRONIC MAIL

County Commissioners
124 E. Washington Street
PO Box 250
Charles Town WV 25414

RE: Future Land Use Map, 2045 Comprehensive Plan, Jefferson County WV

Dear Board Members,

The Future Land Use Map for 2045 is missing strategic information that makes it impossible for residents of Jefferson County to make fully informed decisions. It is imperative for residents to understand exactly what the Commission has planned for the county. Hiding those plans behind generic titles is an obvious tactic to blow over residents with meaningless uses. For example, the 2045 map has ambiguously marked areas of “general commercial,” “neighborhood commercial,” “mixed use residential/commercial,” and “residential or commercial” (see Figure 1). This map does not show any solar farms at all, current or planned. This is a glaring oversight that will hide solar farms and mislead the public.

The 2023 Zoning Map for Jefferson County clearly shows several areas for solar farms (see Figure 2). I also reference the Major Transmission Lines map provided by the WV Independent Observer (see Figure 3), which shows solar projects going in where the 2045 has “residential or commercial” zones. It appears that the 2045 planning map is hiding the solar farms, which are highly controversial in Jefferson County. More people would comment on this map if they were aware of the solar farms alone. The entire 2045 Comprehensive Plan should not be voted on until 2025.

I vehemently disagree with the placement of the “residential or commercial” zone that is going in behind the development across from Washington High School. My children have gone trick-or-treating in that development for the past twelve years. No one who lives in that development wants commercial projects going in. I do not agree with the large “general commercial” piece off of Summit Point Road just outside of Charles Town proper. We are a country town, we do not have or want the infrastructure to support mass building on the scale that is being suggested. Where are the environmental impact studies this kind of urban development requires? I as a resident do not want this county to be made into an industrial park. When my husband bought our little farm back in 1999, he did so because this county had beautiful pastures, farmland, and wild nature. This county is becoming unrecognizable with this out of control building that does nothing to further the Appalachian culture and integrity of our community. We have enough gas stations. We don't want any more solar farms. We don't want

our nature turned into commercial and industrial parks. Listen to your constituents, stop this horrific citified version of our beautiful Jefferson County.

Sincerely,

Mary H. Gee
2345 Lloyd Rd
Charles Town, WV 25414

Figure 1. Legend for the Future Land Use Map Jefferson County WV 2045

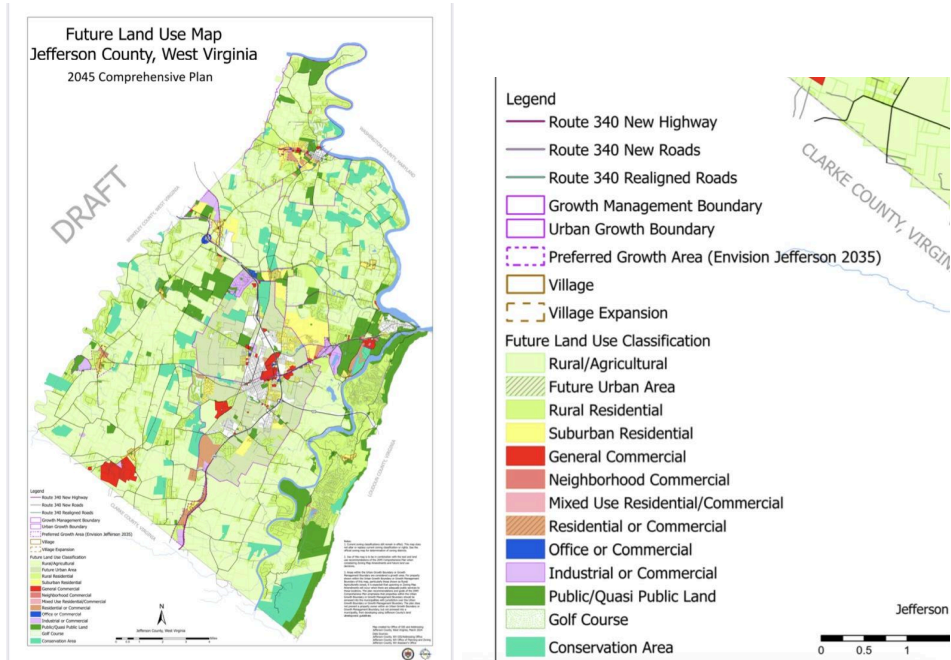


Figure 2. 2023 Zoning Map Jefferson County, WV and Legend

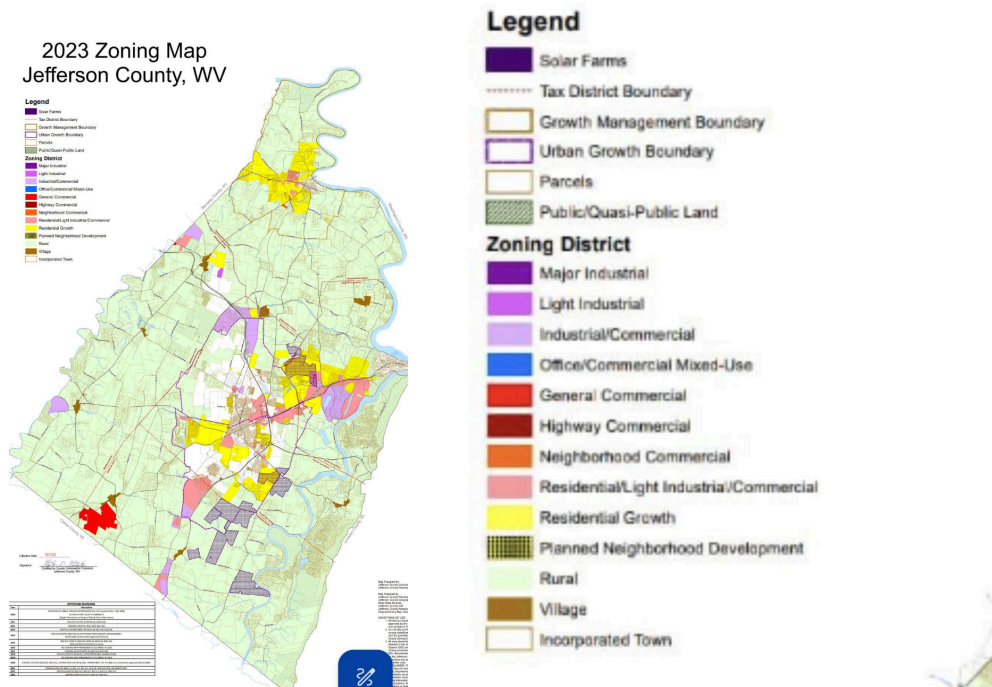
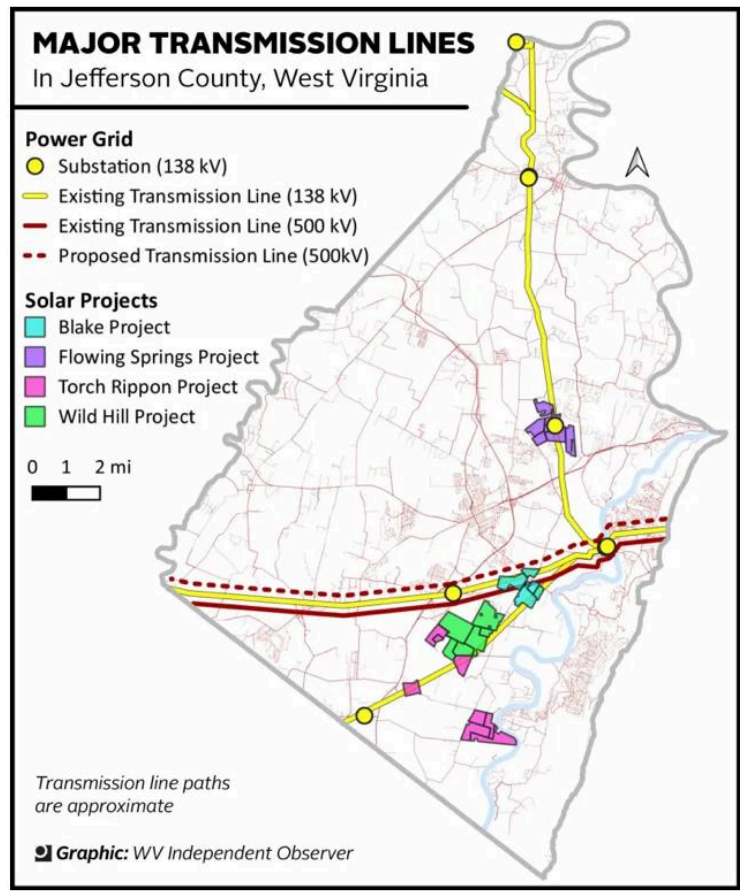


Figure 3. Major Transmission Lines Jefferson County WV



From: [Gillian Vickers](#)
To: [CompPlan2045](#)
Subject: Luke Siegfried : Comments for April 9th meeting
Date: Tuesday, April 2, 2024 10:00:30 PM

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I would like to ask the commission about what plans are being considered for increasing public use areas. The more urban areas of Charles Town, Sheperdstown and Harpers Ferry need Walking/bike paths to connect neighborhoods to each other; to connect neighborhoods to local schools; to connect to shopping areas; to parks; and to connect one pedestrian friendly area to another.

West Virginia is known as a place to enjoy the great outdoors and attracts residents who want to partake in all the outdoor activities that West Virginia has to offer. Adding comprehensive walking and bicycling paths just complements the message that West Virginia is the place to be to enjoy the outdoors. Whether you're climbing a mountain, river rafting, going to school, or just going to the local bar or grocery store, if you live close to these destinations you should be able to get there, safely, without getting in your car (at least 9 months out of the year anyway).

Currently it seems many neighborhoods in Charles Town (where I live) are designed to be closed units. There is often no way to get from one neighborhood to another without getting on the busiest streets, many of which don't even have sidewalks. I'm specifically talking about walkers and bike riders. Not everyone has a car and making it easier and SAFER to get from one end of "town" to the other would help immensely those who rely on bikes for transportation to their jobs as well as those who would like to walk or safely ride their bikes to run local errands thereby improving their own health and that of the local environment. Winchester VA did something like this when they built out the Green Circle trail.

Additionally, a bike / walking path from Charles Town to Harpers Ferry National Historical Park would be really nice and would expand the tourism area out from Harpers Ferry. The draft plan shows 'future residential or commercial' in a key area for a future path, and there is a railway line that might accommodate a path alongside for part of it. It doesn't need to be a dedicated path (although that would be ideal) it could just be an existing road that is widened with a protected division marked out for walkers and bicyclists. Lastly, while I'm asking, why not connect all three main towns with a circular path? Shepherdstown to Harpers Ferry to Charles Town back to Shepherdstown. People would come from afar to do that loop.

For car traffic, I understand no one wants to live on a thru street, but it's at times like this - the planning stage - that thought can be given to how people move around and how connections can be made; for car drivers as well as pedestrian and bike traffic.

I look forward to hearing from the Planning Commission.

From: tjmilliron@comcast.net
To: [Planning Department](#)
Cc: tjmilliron@comcast.net
Subject: Current Concerns Regarding the Future Land Use Map
Date: Tuesday, April 2, 2024 4:09:40 PM

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Good Afternoon,

In viewing the Future Land Use Map 2045, there are several lots over in the Bakerton area which have not been identified as Rural Residential and should be. They are only a few actual agricultural lots. The lot at the end of Frisky Court is residential. These need to be fixed in order to show that there are people living on these lots and that they are not appropriate to be a surrogate to industrial or commercial use. Many in these areas have binding covenants and restrictions conveyed with the land and referred to as cluster subdivisions.

Removing the low, medium and high density population areas that the county should be adhering to will permit expensive urban sprawl likely to be shouldered by the existing citizens. Those should be restored and renewed.

Suburban Residential is a misnomer where industrial solar zones are anticipated or permitted. It is misleading.

Regards,
Jacquelyn Milliron

