



Jefferson County
Board of Zoning Appeals Agenda
Thursday, April 25, 2024 at 2:00 p.m.

Members
Tyler Quynn, Chair
Matthew McKinney, Vice Chair
Steven Guier, Secretary
David Wiegand
Jacob Harris
Mikala Shremshock, Alternate

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

Broadcast Information: ZOOM Meeting ID: 884 4951 7007
ZOOM Meeting Link: <https://us02web.zoom.us/j/88449517007>
Phone Option (Dial by Location): 301-715-8592

Note: *The County does not transcribe meeting proceedings. Any party desiring a meeting transcript is responsible for providing a stenographer at their own expense.*

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

Approval of Minutes: March 28, 2024

Public Hearing – Administer Oath

Item #1 File #: 24-4-CUP – Postponed to May 23, 2024 (from March 28, 2024)

Request: Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. Project Name: Franklinton Farm Solar Project. The proposal consists of constructing an 80-megawatt solar energy facility on 502 acres. The project consists of rows of solar modules, a new substation to connect the solar facility to the existing overhead electrical transmission line, and a 20MW Battery Energy Storage System (BESS). The Project also includes internal access roads, commercial entrance(s), security fencing, a buffer screen, and stormwater management.

Applicant: Franklinton Farm, LLC / Attn: Sam Judd

Parcel Info: Mark D. Stolipher, Property Owner
261 Berry Hill Farm Ln, Summit Point, WV 25446
Parcel ID: 06001900070000; Parcel/Project Size: 150.31 ac; Zoning District: Rural

Parcel Info: Mark D. Stolipher, Property Owner
2998 Withers Larue Rd, Summit Point, WV 25446
Parcel ID: 06001900080004; Parcel/Project Size: 146.84 ac; Zoning District: Rural

Parcel Info: Mark D. Stolipher, Property Owner
322 Scooter Ln, Charles Town, WV 25414
Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural

Parcel Info: Michael Paul Chapman, Trustees, Property Owner
651 & 653 Franklinton Rd, Summit Point, WV 25446
Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac; Zoning District: Rural

Item #2 File #: 24-1-SE

Request: Request for a Special Exception Permit to allow a second Accessory Dwelling Unit for a family member in accordance with Section 8.15.

Owner: Linda Shirley, Et Al, Property Owner

Parcel Info: 4529 Middleway Pike, Kearneysville WV
Parcel ID: 07001900160004; Size: 5.28 ac; Zoning District: Rural

Item #3 File #: 24-13-ZV

Request: Variance from Section 9.6C to allow an accessory structure (detached garage) within the required front yard; and Section 9.7 to reduce the front setback along the southern property line for a detached garage.

Parcel Info: Debra and Thomas Traywick, Property Owner
Avon Bend Subdivision, Sec. 23D, Lot 2331, 647 Avon Bend Rd, Charles Town, WV
Parcel ID: 06009H00110000; Size: .87 ac; Zoning District: Rural

Item #4 File #: 24-14-ZV

Request: Variance from Section 4.11 and Appendix B to eliminate the required landscape buffer for a proposed modular classroom to be located on an existing church property; and to reduce the required setback along the western property line.

Parcel Info: Grace Baptist Church, Property Owner
4272 Charles Town Rd, Kearneysville, WV
Parcel ID: 07000200020006; Size: 3.91 ac; Zoning District: Rural

Discussion and Possible Action: Request to include language from WV State Code 8A-8-9 and Section 3.4A of the Zoning Ordinance into the Agenda Packet (continued from 03/28/24 meeting).

Zoning Administrator Report

- a. Update from 04/09/24 Planning Commission Meeting RE: letter from BZA requesting PC review Section 5.7D.2 of the Zoning Ordinance (Cluster Subdivisions)
- b. Monthly Zoning Certificate Activity Report

Legal Update

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

Meeting: March 28, 2024

1. Variance request from Section 9.7. Owner: Jeffrey Black. File: 24-8-ZV.
2. Variance request from Section 5.7B. Owner: Joshua Madar. File: 24-9-ZV.
3. Variance request from Section 4.11A and Appendix B (File 24-10-ZV); and, Variance request from Appendix B (File 24-11-ZV). Owner: Beallair Community Conservancy, Inc. Applicant: Piedmont Design Group.

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: March 28, 2024
- 2 Meeting Location: County Commission Meeting Room located in the lower level
3 of the Charles Town Library (entrance on Samuel St.)
4 200 East Washington Street, Charles Town, WV 25414
- 5 Board Members Present: Matthew McKinney, Vice Chair; Jacob Harris, Secretary; Steve Guier,
6 and David Wiegand were present in person. Tyler Quynn, Chair, was
7 present virtually.
- 8 Board Members Absent: Mikala Shremshock, Alternate
- 9 Staff Members Present: Alexandra Beaulieu, Deputy Director & Zoning Administrator;
10 and Jennilee Hartman, Zoning Clerk
- 11 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.
- 12 Mr. McKinney presided over the meeting as Mr. Quynn was unable to attend the meeting in-person
13 and attended the meeting virtually.
- 14 Mr. Harris moved to call the meeting to order at 2:00 pm. Mr. McKinney called for a vote, which
15 carried unanimously.
- 16 Mr. McKinney reviewed meeting protocol for those in attendance.
- 17 Ms. Hartman swore in members of the public who indicated they would be providing testimony.
- 18 **Approval of Minutes: February 22, 2024**
- 19 Mr. Quynn requested that staff verify the information regarding property ownership related to
20 Line 34 on Page 1. Ms. Beaulieu noted that staff would review the record and if a change were
21 necessary that staff would bring the minutes back to the Board.
- 22 Mr. Harris moved to approve the minutes contingent upon staff reviewing the record as noted.
23 Mr. McKinney called for a vote, which carried unanimously.
- 24 **Item #1 File #: 24-8-ZV**
- 25 Request: Variance request from Section 9.7 to reduce the side setback along the eastern property
26 line for an accessory structure (shed).
- 27 Owner: Jeffrey Black
- 28 Parcel Info: Walnut Grove Subdivision, Section E, Lot 8, 353 Marie Drive, Charles Town, WV
29 Parcel ID: 02004C00790000; Size: .28 acres; Zoning District: Rural
- 30 Mr. Jeffrey Black, property owner, was present to address the Board. Ms. Beaulieu provided an
31 overview of her staff report to the Board.
- 32 Mr. Black provided a copy of the letter of support that was included in Board's agenda packet. Mr.
33 Black explained the nature of the request to the Board. Mr. Black verified that he would not be
34 operating a business from the structure.
- 35 Mr. McKinney opened the public comment portion of the hearing.
- 36 Ms. Christine Marshall, County resident, asked if the property owner had a survey in order to verify
37 the actual property line.
- 38 Mr. McKinney closed the public comment portion of the hearing.
- 39 In rebuttal, Mr. Black confirmed that the subject property line had been surveyed.
- 40 Mr. Guier moved to approve the variance request as presented with the condition that the applicant
41 is bound by their testimony. Mr. Harris seconded the motion, which carried unanimously.

1 **Item #2** **File #: 24-9-ZV**

2 Request: Variance request from Section 5.7B of the Zoning Ordinance (amended 05/01/03) to
3 reduce the rear setback along the eastern property line for an accessory structure
4 (shed).

5 Owner: Joshua and Amanda Madar

6 Parcel Info: Edwin & Stephanie Simpson Minor Subdivision, Lot 1, 74 Saddlebred Lane,
7 Kearneysville, WV

8 Parcel ID: 07000500120023; Size: 1.31 acres; Zoning District: Rural

9 Ms. Amanda Madar, property owner, was present to address the Board. Ms. Beaulieu provided an
10 overview of her staff report to the Board.

11 Ms. Madar explained the nature of the request to the Board. Ms. Madar verified that the structure
12 would be utilized for personal storage of lawn equipment and that they would not be operating a
13 business from the structure.

14 Mr. McKinney opened the public comment portion of the hearing. No members of the public
15 provided testimony. Mr. McKinney closed the public comment portion of the hearing.

16 Mr. Guier moved to approve the variance request as presented with the condition that the applicant
17 is bound by their testimony. Mr. Harris seconded the motion, which carried unanimously.

18 Mr. McKinney called for Item #4 to present.

19 **Item #4** **File #: 24-12-ZV**

20 Request: Variance request from Section 5.7B of the Zoning Ordinance (amended 05/01/03) to
21 reduce the front setback along the northern property line for a greenhouse; and Section
22 9.6C to allow an accessory structure within the required front yard.

23 Parcel Info: James and Julia Farrell, Property Owner

24 Potomac Ridge Subdivision, Lot 5, 312 Potomac Ridge Ln, Shepherdstown, WW

25 Parcel ID: 09001000090015; Size: 3.17 ac; Zoning District: Rural

26 Ms. Julia Farrell, property owner, was present to address the Board. Ms. Beaulieu provided an
27 overview of her staff report to the Board.

28 Ms. Farrell explained the nature of the request to the Board. Ms. Farrell verified that they would not
29 be operating a business from the structure.

30 Mr. McKinney opened the public comment portion of the hearing. No members of the public
31 provided testimony. Mr. McKinney closed the public comment portion of the hearing.

32 Mr. Harris moved to approve the variance request as presented with the condition that the applicant
33 is bound by their testimony. Mr. Guier seconded the motion, which carried unanimously.

34 Mr. McKinney called for Item #3 to present.

35 **Item #3** **File #: 24-10-ZV and 24-11-ZV**

36 Request 1: Variance request from Section 4.11A and Appendix B to eliminate the buffer and street
37 tree requirements for the installation of the community pool and clubhouse (24-10-ZV).

38 Request 2: Variance request from Appendix B to eliminate the required parking lot setback along
39 Plantation Lane for the installation of the community pool and clubhouse (24-11-ZV).

40 Owner: Beallair Community Conservancy, Inc.

41 Parcel Info: Beallair Subdivision, Commercial Parcel 1, 480 Beallair Manor Drive, Charles Town, WV
42 Parcel ID: 04010ACOMM0000; Size: 3.31 ac; Zoning District: Residential Growth

1 Mr. Todd Abe, representative with Piedmont Design Group / Beallair Homes, LLC, was present to
2 address the Board. Ms. Beaulieu provided an overview of her staff report for each request to the
3 Board. Ms. Beaulieu noted that the current site development standards do not differentiate between
4 a private community pool versus a commercial/public pool. As such, some of the requirements
5 pertaining to landscaping and parking are not conducive to a community design.

6 Mr. Abe explained the nature of each request to the Board. Mr. Abe argued that as the overall
7 project is over 20-years old, that it is challenging to meet the current site development standards as
8 they are written today. Mr. Abe concurred with Ms. Beaulieu's assessment of the current
9 regulations.

10 Mr. McKinney opened the public comment portion of the hearing.

11 Ms. Jackie Milliron, County resident, stated that trees could be planted in a stormwater management
12 area.

13 Mr. McKinney closed the public comment portion of the hearing.

14 In rebuttal, Mr. Abe noted that the existing community garden and trees interior to the subject
15 parcel would be retained.

16 Mr. Harris moved to approve variance request #24-10-ZV as presented with the following conditions:

- 17 1. The applicant is bound by their testimony; and,
- 18 2. The applicant shall retain the existing gardens and proposed greenspace areas as shown on
19 the variance sketch and sheet 6 of the site plan (File #23-10-SP – Pending Review).

20 Mr. Guier seconded the motion, which carried unanimously.

21 Mr. Guier moved to approve variance request #24-11-ZV as presented with the following conditions:

- 22 1. The applicant is bound by their testimony; and,
- 23 2. The applicant shall process the site plan.

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

25 **Item #5 File #: 24-4-CUP – Postponed until April 25, 2024**

26 Request: Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in
27 Article 2 of the Zoning Ordinance. Project Name: Franklinton Farm Solar Project.
28 The proposal consists of constructing an 80-megawatt solar energy facility on 502
29 acres. The project consists of rows of solar modules, a new substation to connect the
30 solar facility to the existing overhead electrical transmission line, and a 20MW Battery
31 Energy Storage System (BESS). The Project also includes internal access roads,
32 commercial entrance(s), security fencing, a buffer screen, and stormwater management.

33 Applicant: Franklinton Farm, LLC / Attn: Sam Judd

34 Parcel Info: Mark D. Stolipher, Property Owner

35 261 Berry Hill Farm Ln, Summit Point, WV 25446

36 Parcel ID: 06001900070000; Parcel/Project Size: 150.31 ac; Zoning District: Rural

37 Parcel Info: Mark D. Stolipher, Property Owner

38 2998 Withers Larue Rd, Summit Point, WV 25446

39 Parcel ID: 06001900080004; Parcel/Project Size: 146.84 ac; Zoning District: Rural

1 Parcel Info: Mark D. Stolipher, Property Owner
2 322 Scooter Ln, Charles Town, WV 25414
3 Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural

4 Parcel Info: Michael Paul Chapman, Trustees, Property Owner
5 651 & 653 Franklinton Rd, Summit Point, WV 25446
6 Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac; Zoning District: Rural

7 Ms. Beaulieu noted that this item has been postponed until April 25, 2024.

8 **Review and Discuss:** DRAFT Letter to Planning Commission (PC) RE: Board's request for PC to
9 review Section 5.7D.2 of the Zoning Ordinance (Cluster Subdivisions).

10 Mr. Harris moved to accept the letter as drafted by staff and to forward it to the Planning
11 Commission for their consideration. Mr. Wiegand seconded the motion, which carried
12 unanimously.

13 **Discussion and Possible Action:** Request to include language from WV State Code 8A-8-9 and
14 Section 3.4A of the Zoning Ordinance into the Agenda Packet (JH).

15 Mr. Harris moved to table this Item until the next meeting in order to review it with legal counsel.
16 Mr. Wiegand seconded the motion, which carried unanimously.

17 **Zoning Administrator Report**

18 a. Final Draft of Submission Deadline Policy for Written Comments

19 Mr. Wiegand moved to approve the Policy as written. Mr. Harris seconded the motion,
20 which carried unanimously.

21 b. Monthly Zoning Certificate Activity Report

22 The Activity Report was included in the packet.

23 Ms. Beaulieu stated the next meeting is scheduled for April 25, 2024.

24 **Legal Update**

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

26 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy
27 Facility / File 22-9-CUP) Rockwell v. JCBZA

28 2. Jefferson County Circuit Court Case #CC-19-2023-C-131 (RE: Williamson Fence /
29 23-13-ZV) Gallagher c JCBZA and Timothy Williamson

30 3. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany
31 Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of
32 Zoning Appeals)

33 No action was taken as legal counsel was not present for this meeting.

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

35 **Meeting: February 22, 2024**

36 1. Variance request from Section 9.7. Owner: Guy Chappuis. File: 23-36-ZV.

Board of Zoning Appeals

March 28, 2024

Page 5 of 5

- 1 2. Request by Double Tap Arms, LLC for a Conditional Use Permit to operate a firearms
2 business from an existing dwelling unit (proposed land use designation as listed in
3 Appendix C of the Zoning Ordinance: Retail Sales and Service, General); and, a
4 variance request from Section 4.6B. Owner: William & Kristen McClain.
5 Files: 24-1-CUP and 24-5-ZV.

- 6 3. Request for a Conditional Use Permit to operate an assisted living facility from an
7 existing dwelling unit (proposed land use designation as listed in Appendix C of the
8 Zoning Ordinance: Nursing or Retirement Home). Owner: Mark and Jennifer Baldwin.
9 Applicant: Blue Iris LLC / Attn: Sharon Hallinan, Manager & Songbird House LLC /
10 Attn: Beata Scott. File: 24-2-CUP.

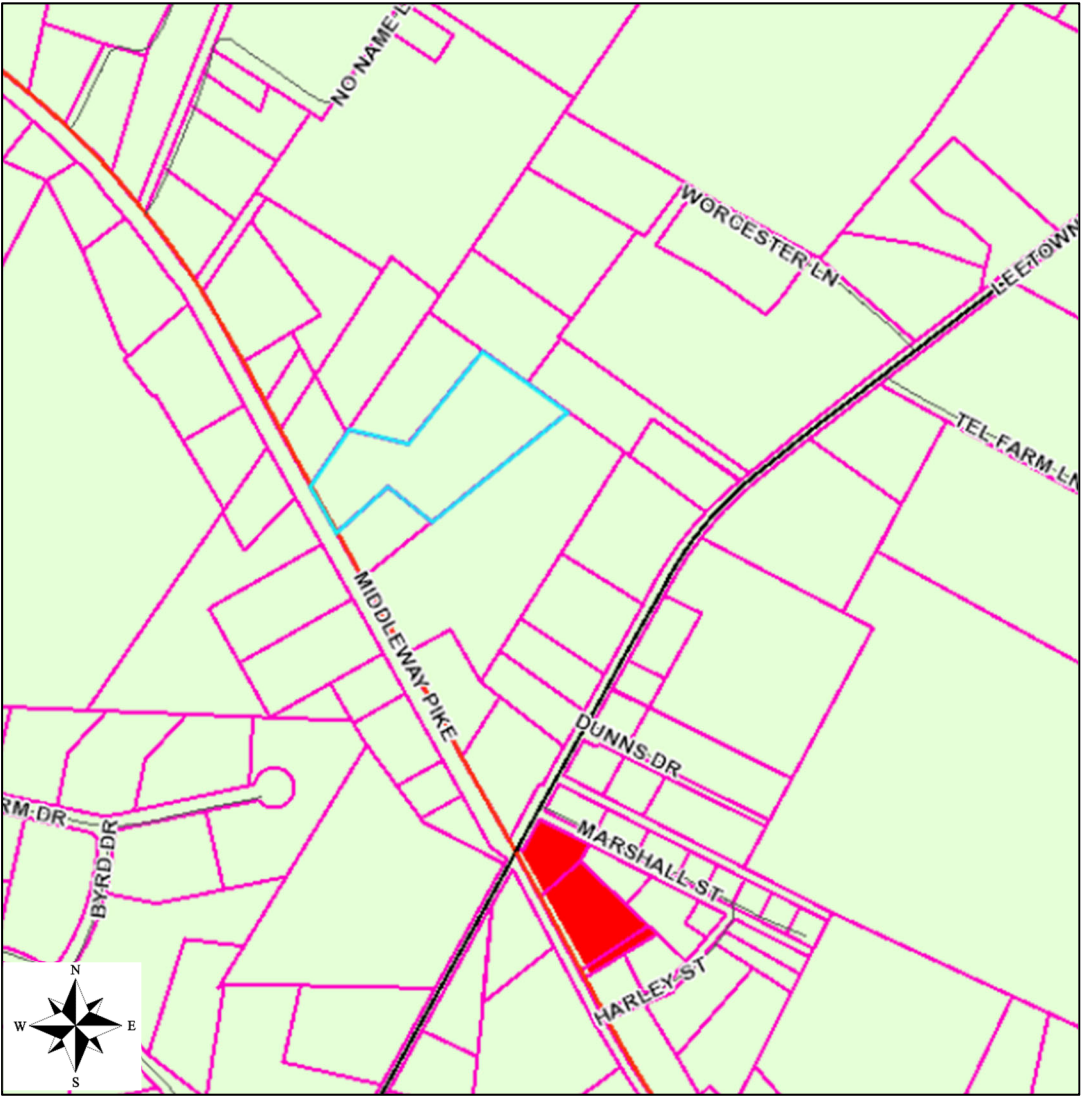
- 11 4. Variance request from App. B and Sec. 4.11. Owner: DALB, Inc. / Ken Steeley.
12 File: 24-7-ZV.

- 13 Ms. Beaulieu noted the Findings would be provided to the Chair for his review and
14 signature.

- 15 Mr. Harris moved to adjourn the meeting at 3:24 pm. Mr. McKinney called for a vote, which carried
16 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 April 25, 2024
#24-1-SE Shirley – Rose Special Exception

Item #2 Request for a Special Exception Permit to allow a second Accessory Dwelling Unit for a family member in accordance with Section 8.15.

Owner:	Linda Shirley, Amy Shirley Rose, and James Owen Rose
Parcel Information & Zoning District:	<p style="text-align: center;">4529 Middleway Pike, Kearneysville WV Parcel ID: 07001900160004; Size: 5.28 ac; Zoning District: Rural</p> 
History:	<p>07/20/1976: Family Transfer Lot (Shirley to Shirley) Deed Book 409 @ Page 562 03/22/1999: Residue of Family Transfer Division (Shirley to Shirley) Deed Book 924 @ Page 187 11/04/2019: Building Permit #19-722 issued for an addition to the existing home (mother-in-law suite)</p>
Waivers/Variances:	None
Approved Activity:	Residential
Site Visit:	Site visit not conducted

Staff Report
 Jefferson County Board of Zoning Appeals
 April 25, 2024
 #24-1-SE Shirley – Rose Special Exception

Staff Overview



The subject parcel is the residue lot of a parent to child (family transfer) division that processed in 1999. The property owner constructed a second dwelling unit attached to the existing single family home in 2019. The property owner is now requesting to construct a third dwelling unit as a detached in-law suite, pursuant to the provisions outlined in Section 8.15 of the Zoning Ordinance.

This is the first time a request of this nature has processed through the Office of Planning and Zoning. It is worth noting that a two-family dwelling unit is permitted by-right, regardless of who occupies either of the units (e.g. both units could be rented out; the property owner could occupy one unit and rent the second unit).

Typically, when a property owner requests to construct a second detached dwelling as an in-law suite, provided all of the criteria outlined in Section 8.15A is met, Staff processes these types of requests administratively.

As the subject request is for a third dwelling unit on the property, and the definition of Accessory Dwelling Unit includes both an attached and detached option, Staff advised that a Special Exception would be required to process.

Accessory Dwelling Unit is defined in Article 2 of the Zoning Ordinance as follows:

A secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the main home and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. An accessory dwelling unit shall meet the definition of an accessory agricultural dwelling unit or an in-law suite as provided in Section 8.15 of [the Zoning Ordinance].

In-Law Suite is defined in Article 2 of the Zoning Ordinance as follows:

An accessory dwelling unit that is incidental and subordinate to the principal dwelling unit for the purpose of housing a relative of the property owner.

Staff Report
Jefferson County Board of Zoning Appeals
April 25, 2024
#24-1-SE Shirley – Rose Special Exception

The applicant has represented that both the attached accessory dwelling (existing) and the detached accessory dwelling (proposed) units will be occupied by family members of the property owner. While there is technically no requirement that the attached accessory dwelling remain occupied by a family member, the proposed detached accessory dwelling will be limited to use by a relative of the property owner.



Conditions of Approval

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

1. The applicant shall obtain the required Zoning Certificate to demonstrate compliance with Section 8.15A.

Section of Ordinance to be Considered:

Section 8.15 Accessory Dwelling Unit

An Accessory Dwelling Unit is defined as a secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the principal dwelling unit and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy

Staff Report
Jefferson County Board of Zoning Appeals
April 25, 2024
#24-1-SE Shirley – Rose Special Exception

either the principal dwelling unit or the accessory dwelling unit. Such accessory dwelling unit is permitted only if it meets one of the following criteria:

- A. An “In-Law Suite” is an accessory dwelling unit for the purpose of housing a relative of the property owner and must be clearly subordinate to the principal dwelling unit and meet all of the following criteria:
 - (a) Secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area;
 - (b) For a detached accessory dwelling unit, must be located on a property of at least two acres;
 - (c) Limited to use by a relative*;
 - (d) Sufficient parking available; and
 - (e) Approved by the Health Department.

**Related by blood, marriage, or adoption. Should relative no longer require the use of the Accessory Dwelling Unit, the property owner may apply for a Special Exception before the Board of Zoning Appeals to allow for rental to non-relatives. The principal dwelling unit or accessory dwelling unit must be occupied by the property owner or immediate family member.*

- B. An “Accessory Agricultural Dwelling Unit” for agricultural purposes is defined as a dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and meets all of the following criteria:
 - (a) is secondary in size to the principal dwelling unit, limited in size to a maximum of 1,700 heated square feet, gross floor area;
 - (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance;
 - (c) is located on a property of at least ten acres in area;
 - (d) is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property; and
 - (e) is approved by the Health Department.

One of each type of Accessory Dwelling Unit as defined in this section may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exception in accordance with Section 6.5.

RVs are prohibited as Accessory Dwelling Units.

Section 6.5 Special Exception Permit

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



JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 East Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

24-1-SE
 File #: SE -
 Mtg. Date: 04/25/24
 Fee Paid: \$ 100
 Staff Int: JH

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Application for a Special Exception

The Special Exception process is outlined in Article 6 of the Zoning Ordinance. See Supplemental Handout for additional information.

Type of Special Exception

Accessory Dwelling Unit Off-Premises Sign Special Event Facility

Property Owner Information

Name: Linda M. Shirley Amy Shirley Rose James Owen Rose
 Business Name: N/A
 Mailing Address: 4529 Middleway Pike, Kearneysville, WV 25430 Mail Yes
 Phone Number: 304-246-4006 Email Address: asnyder@rocketmail.com Response: No

Applicant Information

Name: Amy Shirley Rose
 Business Name: N/A
 Mailing Address: 4529 Middleway Pike, Kearneysville, WV 25430 Mail Yes
 Phone Number: 304-246-4006 Email Address: asnyder@rocketmail.com Response: No

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

Name: N/A
 Business Name: _____
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Address: _____ Response: No

Physical Property Details

Physical Address: _____
 Tax District: 07 Map No: 19 Parcel No. 0016 0004 0000
 Parcel Size: 5.28 Deed Book: 1229 Page No: 320

Zoning District (please check one)

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

Sketch Plan (see Supplemental Handout for description)

Attached

The information given is correct to the best of my knowledge.

Linda M Shirley 3/19/2024
Amy Shirley Rose 3/19/2024
 Property Owner Date

James P. H. 3-19-24
 Property Owner Date

CROSSHORN
DB 665 PG 607

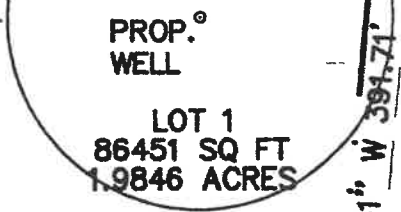
TM 19 P 17
LOWE
DB 786 PG 365

TM 19 P 17
LOWE
DB 786 PG 365

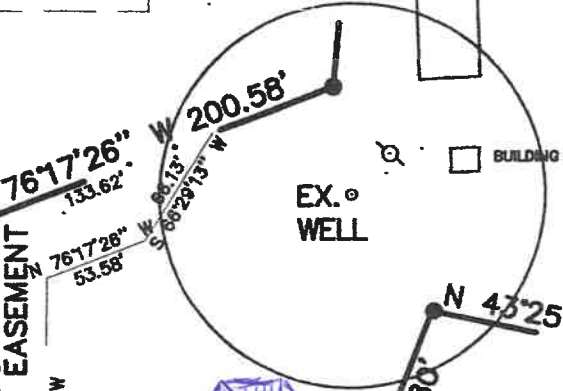
TM 19 P 16.3
J. SHIRLEY
DB 409 PG 558

TM 19 P 16.5
ROY'S GLASS
SERVICE, INC.
DB 532 PG 733

218.82' S 54°00'21" E 562.61' 343.79'



LOT 2
230051 SQ FT
5.2813 ACRES



585.68'

S 58°53'00" W 857.85'

- LEGEND:
- FOUND REBAR & CAP
 - SET TBAR & CAP
 - ▣ FENCE POST
 - ⊖ POWER POLE

TM 19 P 16.3
J. SHIRLEY
DB 409 PG 558

ACCESS EASEMENT
177.80'
S 34°54'30" W

W.V. ROUTE 51
60' R/W
N 29°21'56" W 175.45'
N 28°39'07" W 169.56'
S 56°09'05" W 225.80'
N 43°25'58" W 184.41'

272.17'



PLAT SHOWING A
PARENT TO CHILD CONVEYANCE
**RICHARD L. SHIRLEY &
LINDA M. SHIRLEY**
DEED BOOK 409 PAGE 562
TAX MAP 19 PARCEL 16.4
MIDDLEWAY DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1" = 100' JANUARY 19,1999

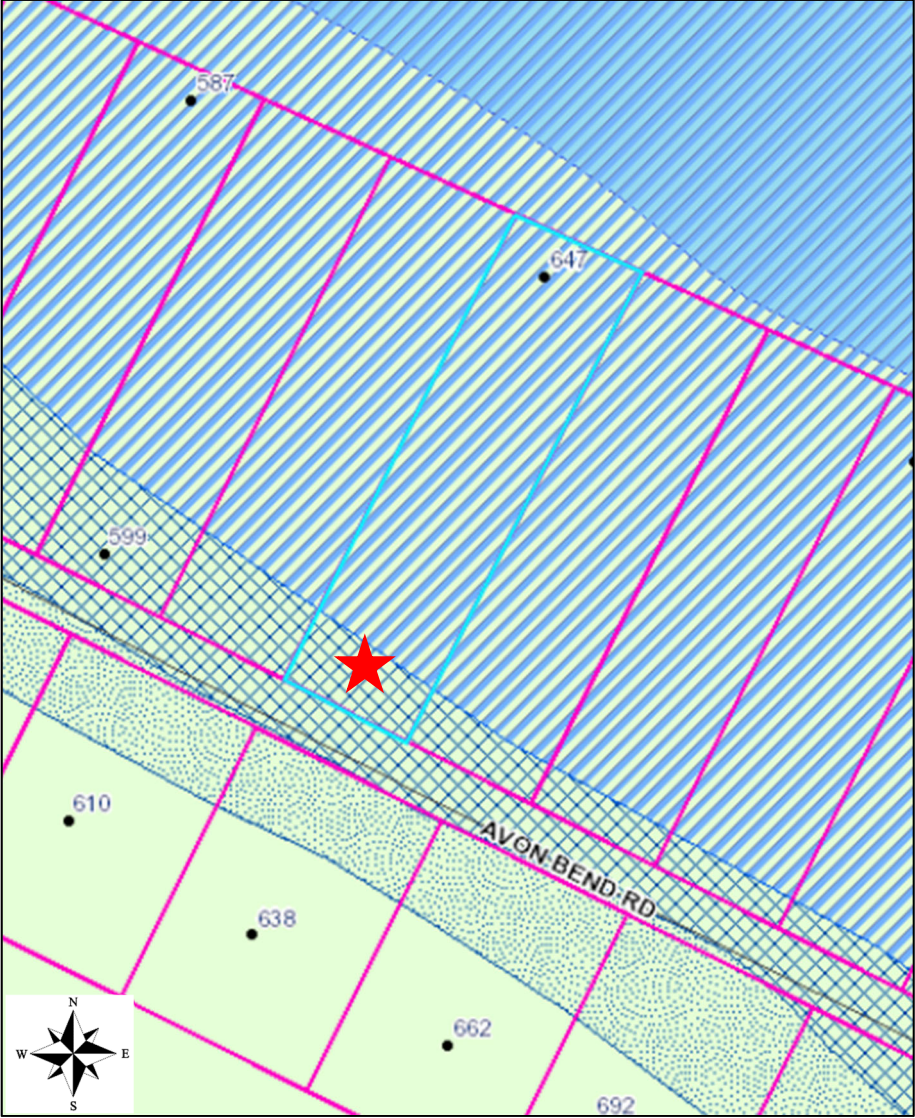
ED JOHNSON & ASSOCIATES, INC.
LAND SURVEYORS
331 NORTH GEORGE STREET
P.O. BOX 1277
CHARLES TOWN, WEST VIRGINIA 25414
(304)725-7764

I am submitting the attached application for a special exception for an accessory dwelling unit. The approval would allow for my mother-in-law to move closer to her family after the recent death of her husband. We have exhausted all other affordable options.

Amy Shirley Rose 3/19/2024

Staff Report
 Jefferson County Board of Zoning Appeals
 April 28, 2024
#24-13-ZV Traywick Variance Request

Item #3 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.

Owner:	Thomas Traywick
Parcel Information & Zoning District:	<p style="text-align: center;">Avon Bend Subdivision, Sec. 23D Lot 2331 647 Avon Bend Rd, Charles Town, WV Parcel ID: 06009H00110000; Size: .87 ac; Zoning District: Rural</p> 
History:	04/06/1971: Avon Bend Subdivision, Section 23D (recorded DB 326, PG 288)
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit:	Site visit not conducted.

Staff Report
Jefferson County Board of Zoning Appeals
April 28, 2024
#24-13-ZV Traywick Variance Request

Staff Overview

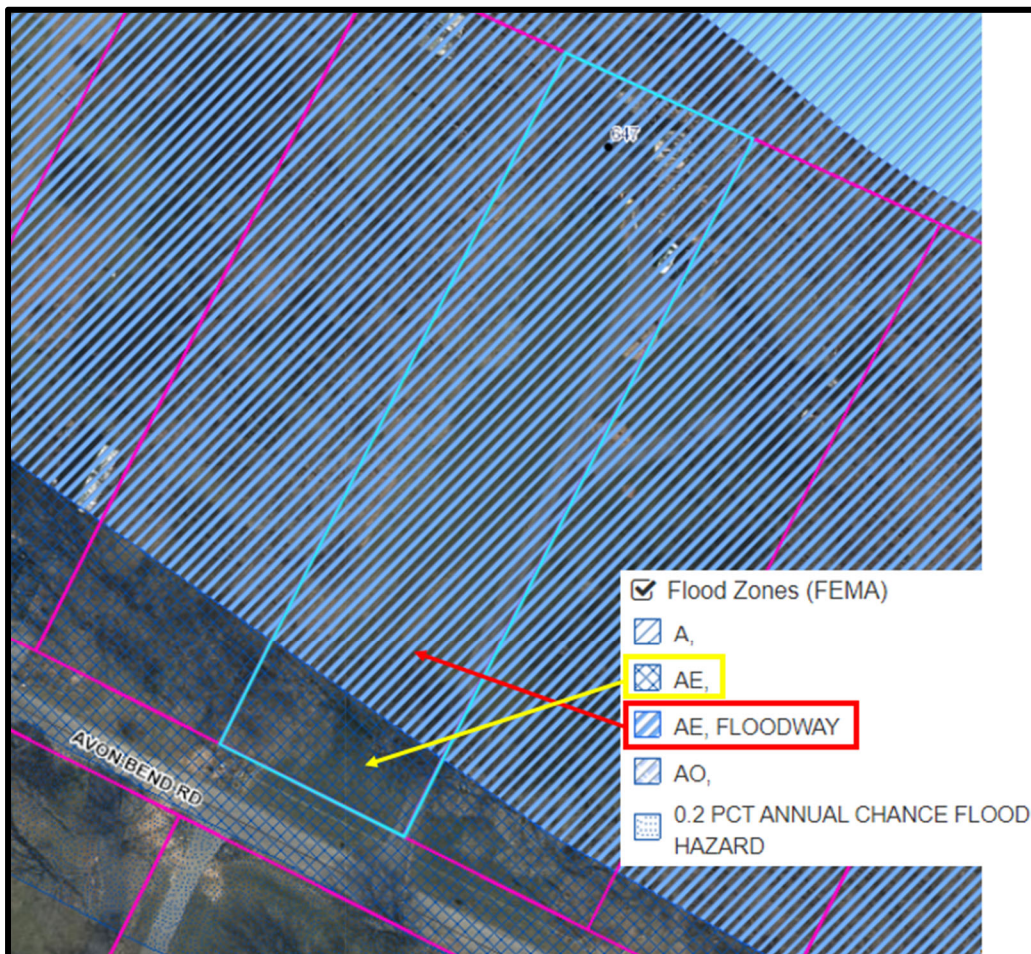
The subject parcel is Lot 2331 in Section 23D of the Avon Bend Subdivision. The lot was created in 1971, prior to the adoption of the Zoning Ordinance (1988); therefore, the lot considered a legal nonconforming lot, as it does not meet the residential site development standards in the current Zoning Ordinance.

Pursuant to Section 9.7 of the Zoning Ordinance, based on the acreage of the lot, the required setbacks are as **20' Front**, 10' Side, and 12' Rear. The applicant is requesting to reduce the front setback requirement along the southern property line (along Avon Bend Rd) from 20' down to 17' for a proposed 24' x 26' (624 sf) detached garage square foot.

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

As noted by the applicant, the intent of the request is locate the garage outside of the delineated Floodway area (see below aerial exhibit with flood zones).

**Note: the applicant owns the adjoining lot to the east (Lot 3330) which is also ~.87 ac in size. By zoning, the lots remain two legally separate lots that may be conveyed separately.*



Staff Report
Jefferson County Board of Zoning Appeals
April 28, 2024
#24-13-ZV Traywick Variance Request

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

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

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

Conditions of Approval

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

1. No business may be operated from this structure without further review from the Board.

Staff Report
Jefferson County Board of Zoning Appeals
April 28, 2024
#24-13-ZV Traywick Variance Request

Section of Ordinance to be Considered:

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

Section 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Residential Growth District²³

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear



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

File Number: 2413-ZV
 Staff Initials: gt
 Meeting Date: 04-25-24
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: THOMAS TRAYWICK
 Mailing Address: 647 AVON BEUD RD CHARLES TOWN 25414
 Phone Number: 571 221 4847 Email: TOMT904@GMAIL.COM

Applicant Contact Information

Name: SAA
 Mailing Address: _____
 Phone Number: _____ Email: _____

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

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

Physical Property Details

Physical Address: AVON BEUD RD
 City: CHARLES TOWN State: WV Zip Code: 25414
 Tax District: 6 Map No: 9H Parcel No: 1120
 Parcel Size: 0.87 Deed Book: 987/509 Page No: 509

Zoning District (please check one)

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

RECEIVED

MAR 27 2024

**JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING**

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 9.6C & 9.7 gH

Briefly describe the nature of the variance request:

FRONT OF STRUCTURE 8' CLOSER TO ROAD
*Proposed structure is a detached 24' x 26' garage. gH

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

Front Setback Side Setback Rear Setback Reduction From 25' to 17'

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

ALL ON MY PROPERTY

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

TO BE ABOVE FLOOD WAY

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

WOULD LIKE A GARAGE

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

Without approval, a garage cannot be built. gH

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

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

 3/20/24
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

04.25.24
Date of Public Hearing

04.10.24
Advertising Date

04.10.24
Placard Posting Date



Jefferson County WV My Government Online Map

Jefferson County GIS/Addressing Office

Structural Eng: A.F McCormick
304-876-1661
Help
Setback variance?

2 features currently selected

< Previous

Next >

Parcel: 06009H00110000

TD: 6 / Map: 9H / Pcl: 11.0

Deeded Owner: TRAYWICK THOMAS E & DEBRA M

Owner Address: 647 AVON BEND RD

City: CHARLES TOWN

State: WV

Zip: 25414

Deed Book/Page: [987/509](#)

Description: SEC 23D #2331 AVON BEND

Lot Size: 0.87

Tax Class: 2

Living Unit: 1

Year Built: 1975

Stories: 1

First Floor Area: 804

Rooms: 8

Bedrooms: 2

Full Baths: 2

Half Baths: 0

Attic: None

Heat Type: Central with A/C

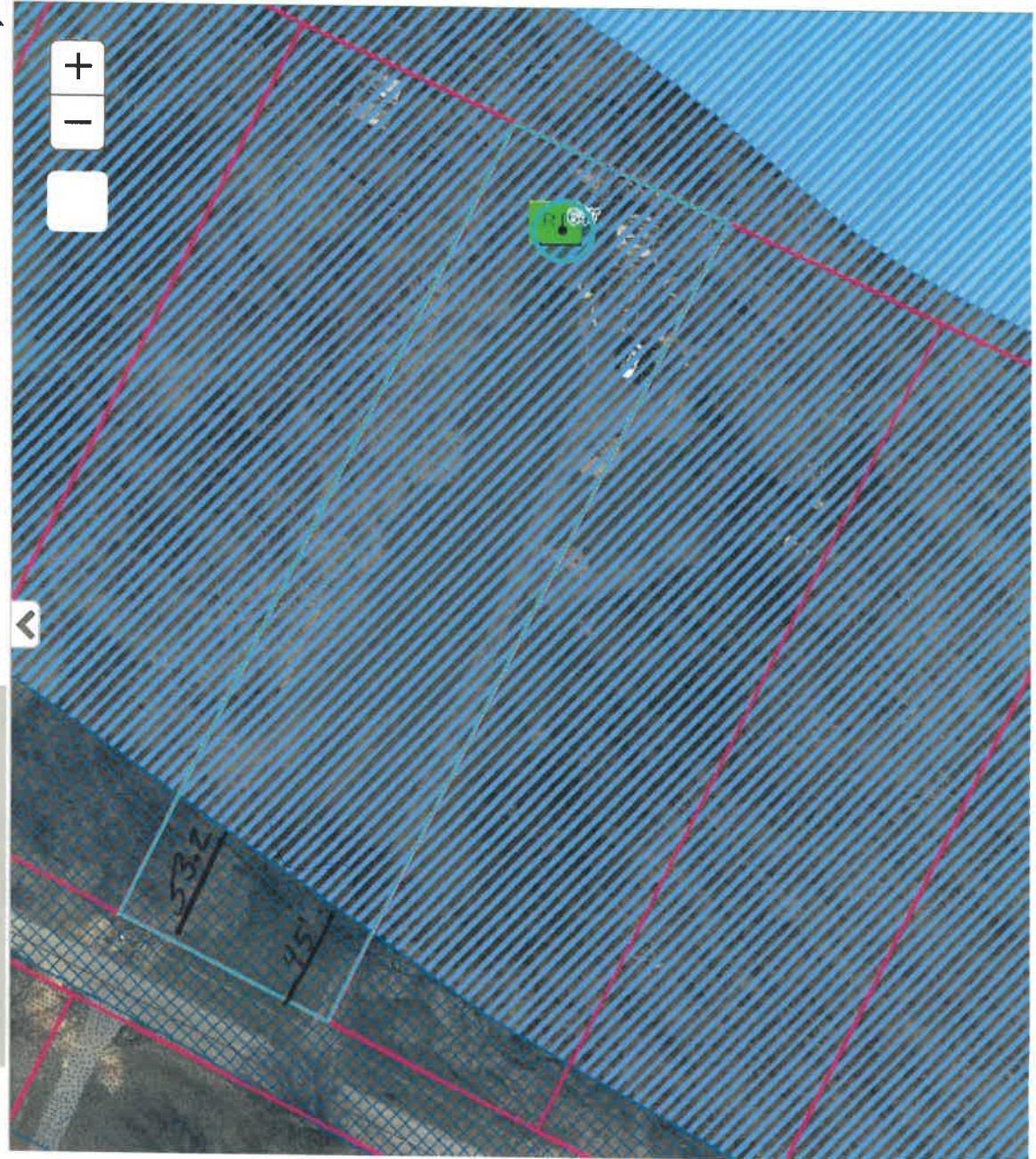
Fuel Type: Electric

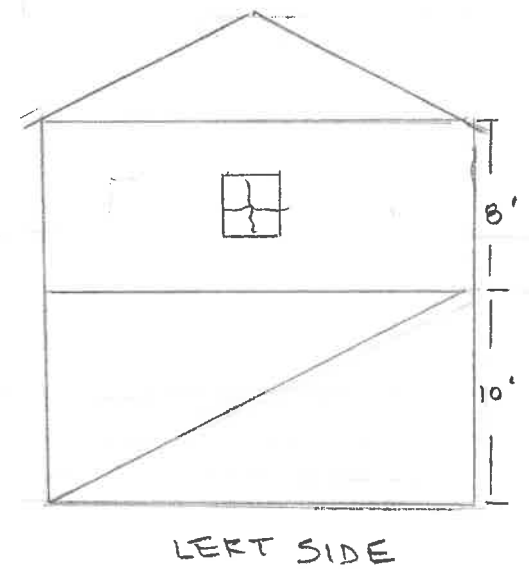
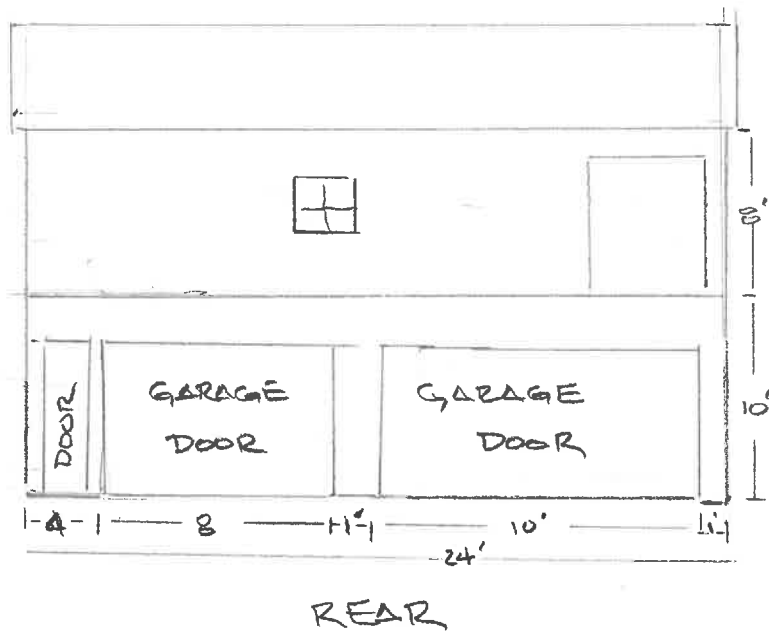
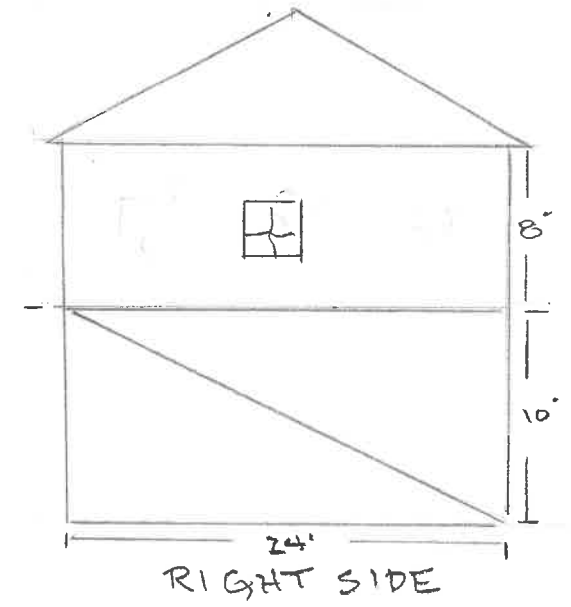
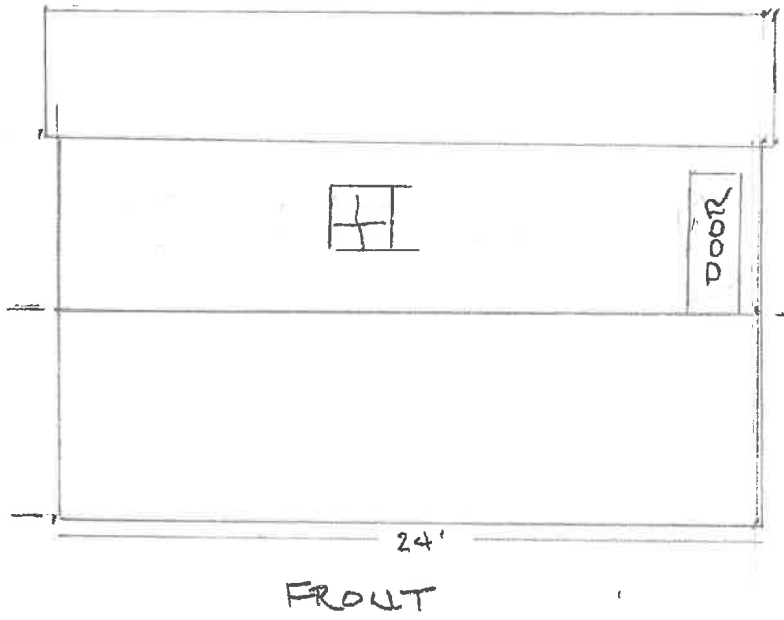
Heat System: Heat Pump

Last Sale Date: 1-May-96

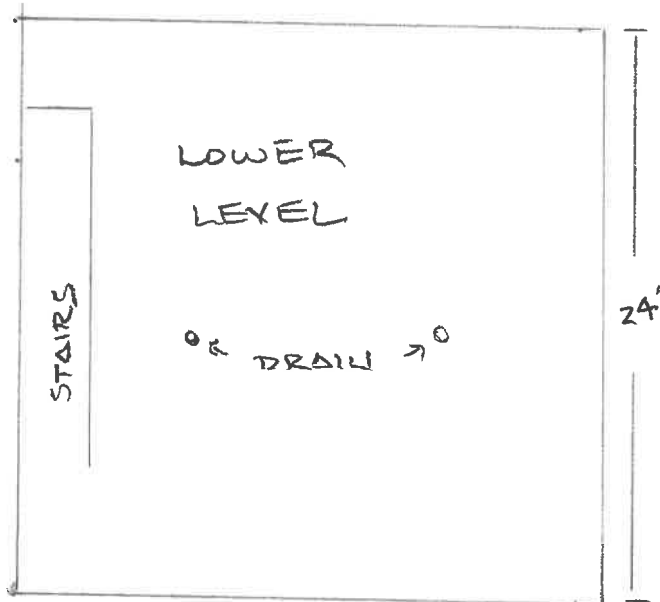
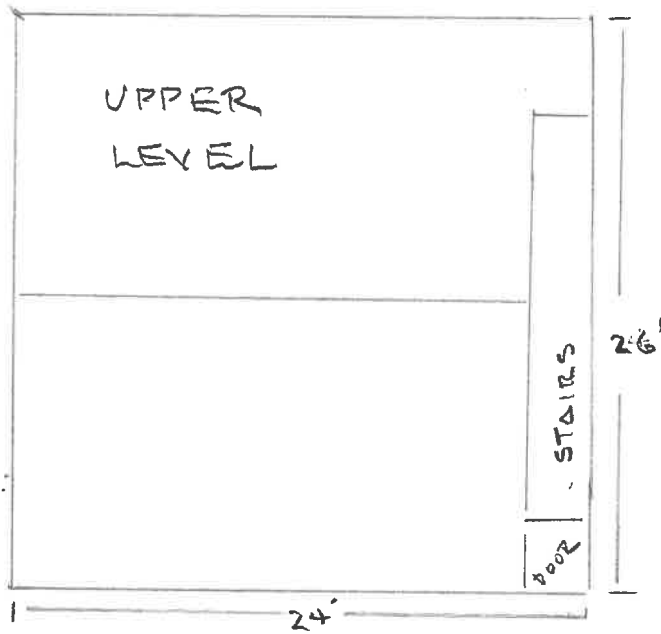
Last Sale Amount: 75000

Tax Year: 2024





THOMAS TRAYWICK
647 AVON BEND RD



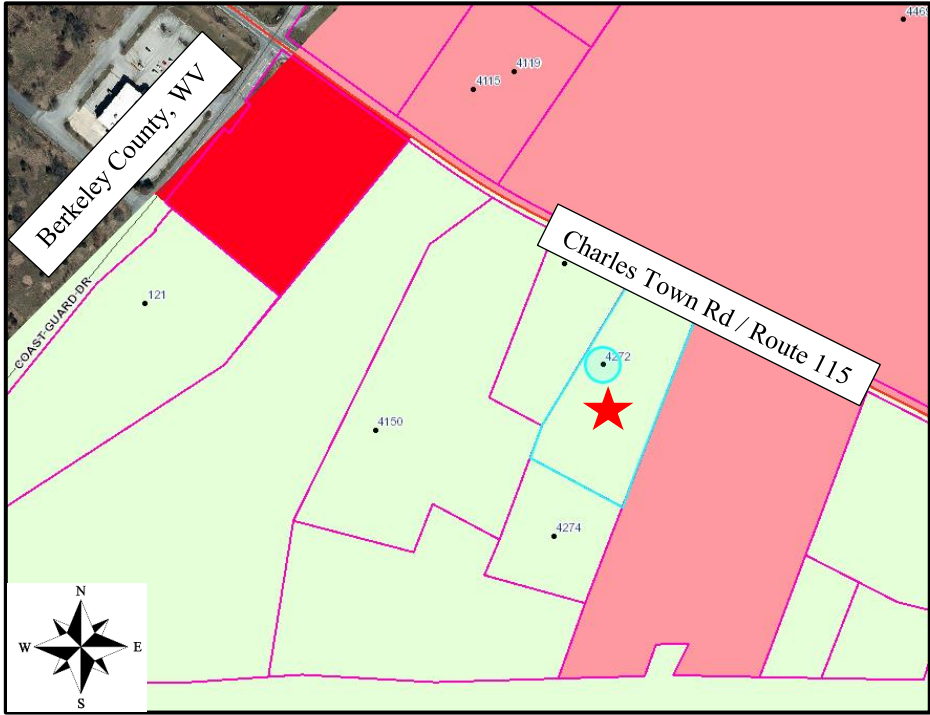
THOMAS TRAYWICK
647 AYON BEND RD

Staff Report
 Jefferson County Board of Zoning Appeals
 April 25, 2024

24-14-ZV Grace Baptist Church (Landscaping) Variance Request

Item #4 Variance request from the following requirements to allow for the placement of a modular classroom:

- A) Section 4.11A(1) and Appendix B to eliminate the buffer requirements along the western property line.
- B) Appendix B to reduce the side setback along the western property line from 50' to 15'.

Owner:	Grace Baptist Church
Applicant:	Grace Baptists Church
Parcel Information & Zoning District:	<p style="text-align: center;">4272 Charles Town Rd, Kearneysville, WV 25430 Parcel ID: 07000200020006; Size: 3.91 ac; Zoning District: Rural</p> 
History:	12/14/2004: Walls Nursery Site Plan (File #S04-16) 08/02/2016: Grace Baptist Church Site Plan (File #S17-03) 08/03/2018: Grace Baptist Church Site Plan – Redline Revision (File #S17-03)
Waivers/Variations:	02/19/2010: PC approved a variance to decrease length of the deceleration lane for Wall Nursery. 05/19/2011: BZA approved variance to reduce landscaping for Wall Nursery (File #ZV11-14). 06/22/2017: BZA approved variance to reduce landscaping along the <u>eastern</u> property line; and to reduce the setback along the <u>western</u> property line (File #ZV17-10).
Approved Activity:	Church
Site Visit:	Site visit conducted on 04/17/2024.

Staff Report
Jefferson County Board of Zoning Appeals
April 25, 2024
24-14-ZV Grace Baptist Church (Landscaping) Variance Request

Staff Overview

The subject request is to eliminate the landscaping buffer requirement and to reduce the setback requirement along the western property line to allow for placement of a modular classroom.

The purpose of the landscape buffer requirement is to reduce the impact that a land use might cause to an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise.

Pursuant to Appendix B and Section 4.11A(1) of the Zoning Ordinance, a Church shall have either a 50-foot or greater unscreened green space buffer or a 15-foot screened green space buffer. No structures, materials, or parking is permitted within the buffer yard area.

In 2017, Grace Baptist Church requested to reduce the required building setback from 50' down to 15' along the western property line to construct two 6,000 square foot buildings. At the time, the applicant represented that a 15-foot wide screened buffer would be installed along the western property line, and the Board granted the request to reduce the building setback.

The approved site plan reflects a 15-foot wide screened buffer along the western property line and reflects that the site will be developed in two phases (see Exhibit A – Approved Landscape Plan).

A portion of Phase 1 appears to have been completed, which includes one 6,000 square foot church building and associated parking. During a site visit, staff noted that it appears a portion of the landscape buffer has been installed (approximately 20 trees – see image below) and that mature vegetation is currently located on the adjoining property.



The subject request is to allow placement of a modular classroom 15-feet from the western property line, without having to install the full buffer screen. Staff originally advised that the modular classroom could be placed 15-feet from the property line without a variance; however, since the buffer screen has not

Staff Report
Jefferson County Board of Zoning Appeals
April 25, 2024

24-14-ZV Grace Baptist Church (Landscaping) Variance Request

been installed as presented in 2017 the setback variance application, staff advised that another variance would be required.

The subject request, if granted, will allow use of a modular classroom until such a time that the second building can be constructed. The applicant represented that installing the buffer prior to construction may result in a loss of trees during construction of the phase II building and infrastructure.

Variance Criteria

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

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

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

Conditions of Approval

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

1. The applicant shall install the buffer screen as depicted on the approved site plan with the commencement of Phase 2, unless further evaluated by the Board.

Section of Ordinance to be Considered

Section 4.11 Landscaping, Screening and Buffer Yard Requirements (attached)

- **Standard Detail M-54 attached for reference per Section 4.11E**

Appendix B: Non Residential Site Development Standards Table (attached)

2. Uses permitted within the Protection Radius include Residential Uses as listed in Appendix C, barns, and residential accessory structures as defined by this Ordinance. Existing structures (which existed prior to the adoption of this text amendment) within the protection radius may be converted to a non-residential use in accordance with Appendices B & C and shall comply with applicable district regulations as required by Article 5.

Section 4.7 Essential Utility Equipment

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this Ordinance. Wireless telecommunication towers, however, shall conform to the requirements of Article 4B.^{7, 22}

Section 4.8 Buildable Lot

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this Ordinance.

Section 4.9 Traffic Visibility Across Corner Lots

On any corner in all districts, there shall be no obstruction to traffic visibility within 35 feet of the intersection of the two street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.²³

Section 4.10 Site Plan Requirements³⁹

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.^{23, 26}
- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. Site Plan submittal is not required for any Agricultural Use defined in Article 2. Agricultural Uses which are open to the public (Agricultural Special Event Facility, Farm Market, etc.) established on parcels of less than 20 acres shall process a Concept Plan in accordance with the Subdivision and Land Development Regulations.
- D. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.²³
- E. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.^{10, 17, 21, 23}

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

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

A. Commercial Development²⁷

1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 50 foot or greater unscreened green space buffer or a 15 foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

2. All commercial development adjacent to all other uses must maintain ten foot side and rear yard landscape buffers.⁵

B. Industrial Development²⁷

1. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have an unscreened buffer yard of no less than 200 feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard.
2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (½) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.^{5, 7}
3. All industrial development adjacent to any use shall have 20 foot screened side and rear landscape buffers.

C. Multi-family Development²⁷

1. All multi-family adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have, along common property lines, screened green space buffers as follows:
 - a. Front and rear: a minimum of 15 feet
 - b. Side: a minimum of 12 feet

- D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.

E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7, 23, 27, 28}

However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:^{27, 28}

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of 20 feet or more at maturity, planted every 50 linear feet; at least every other tree shall be an evergreen;
 - b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every 50 linear feet; and
 - c. Three (3) shrubs per each 25 feet along the property line, round upward.
 - d. These requirements shall be required on both sides of a property line for adjoining properties.
 - e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.^{7, 23, 26}
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.

3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
 4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.
- F. In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.²³
- G. All buffer yards shall be maintained by the property owner.
- H. All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 8.9A, 1 through 7, will apply. The buffer shall meet the current Federal standard except as required in Table 4.11 -1 below:²³

Table 4.11 -1 Wetland Size in Acres^{5, 8, 23}

Greater Than	Less Than	Buffer Width in Feet
0.05	0.10	30
0.10	0.16	35
0.15	0.21	40
0.20	0.26	50
0.25	0.31	55
0.30	0.36	60
0.35	0.41	65
0.40	0.46	70
0.45	0.51	75
0.50	0.66	80
0.65	0.81	85
0.80	0.96	90
0.95	1.21	95
1.20	--	100

- I. All required landscape plans shall contain the following elements:⁷
1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:²³
 - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
 - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet.
 2. Evergreen buffer planting, as required, for full screening.
 3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.
 4. Structure plants for aesthetics and limited shade.
 5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.
- J. Required landscape buffers for a non-residential use are indicated in Appendix B.²⁷**

Section 4.12 Design Standards for Multi-Family Developments²³

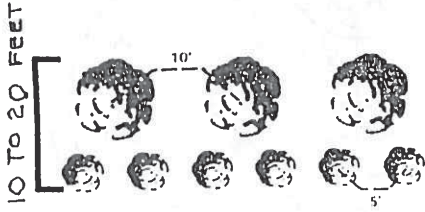
- A. Common open space shall be oriented to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational use shall be within the 100 year Floodplain.

- B. Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed 50 percent of the gross land area.
- C. Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least 25 feet from any street right-of-way.

Section 4.13 Development Adjacent to the Potomac and Shenandoah Rivers²³

- A. Any development, other than residential development, that takes place after the adoption of this Ordinance must maintain a 500 foot buffer strip from the existing banks of the Potomac and Shenandoah Rivers.

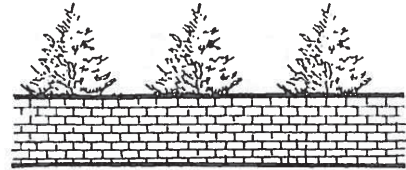
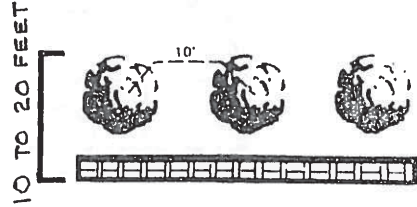
TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION F

TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

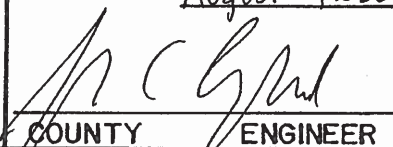
OPTION G

OPTION F

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

OPTION G

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

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: August 8, 1990	screen planting narrow buffer	REVISIONS:	DETAIL No.	
			COUNTY ENGINEER	_____	M
			_____	_____	-54
			_____	_____	_____

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

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

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

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

- * Maximum building height is subject to Sec. 9.2.
- ** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.
- *** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]
- **** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.
- ¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.
- ‡ Setback may be reduced if adjacent to industrial use.
- ⊕ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
- ⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line
- ⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.
- £ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.



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

File Number: 24-14-ZV
 Staff Initials: gsl
 Meeting Date: 04-25-24
 Fees Paid (\$100 or \$150): 100-

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Grace Baptist Church
 Mailing Address: 4272 Charles Town Road, Kearneysville, WV 25430
 Phone Number: 304-620-7025 Email: cbarnes@gracebaptistwv.com

Applicant Contact Information

Name: Grace Baptist Church
 Mailing Address: 4272 Charles Town Road, Kearneysville, WV 25430
 Phone Number: 304-620-7025 Email: cbarnes@gracebaptistwv.com

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

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

Physical Property Details

Physical Address: 4272 Charles Town Road
 City: Kearneysville State: WV Zip Code: 25430
 Tax District: Middleway District (07) Map No: 2 Parcel No: 206
 Parcel Size: 3.917 Deed Book: 1180 Page No: 75

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p align="center">RECEIVED</p> <p align="center">MAR 29 2024</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING & ENGINEERING <small>Place Received Date Stamp Here</small></p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: 4.11A(1)

Briefly describe the nature of the variance request:

This request is to add a modular classroom to the pre-approved variance granted for the current building and proposed building of same size to be constructed in the future and to allow the preexisting planted evergreen buffer to fulfill the buffer requirement.

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

Front Setback Side Setback Rear Setback Reduction From 50' to 15'

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

There is already a buffer planted between the properties. The modular classroom will be placed in the location of the proposed Phase 2 building which is already covered by a variance and will be removed before construction of Phase 2.

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

Due to limited property development area and separating construction into 2 phases, we seek to include a modular classroom in the existing variance. The modular classroom is to be placed on the location of the proposed second building and will be removed before construction in that area.

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

Including the proposed modular classroom in the existing variance will allow us to move forward without the additional time and expense of a redline revision. Appendix B of the current Jefferson County Zoning Code already allows for a 15' planted buffer without a variance for churches.

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

Allowing this variance is within the guidelines in Appendix B of the zoning code. Because Phase 2 of construction and the grading required to plant the indicated plants on the site plan has not begun, and because we have already planted a fast growing evergreen screen to act as a buffer, the intent of the code is carried out.

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

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

 3-29-24
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

04-25-24
Date of Public Hearing

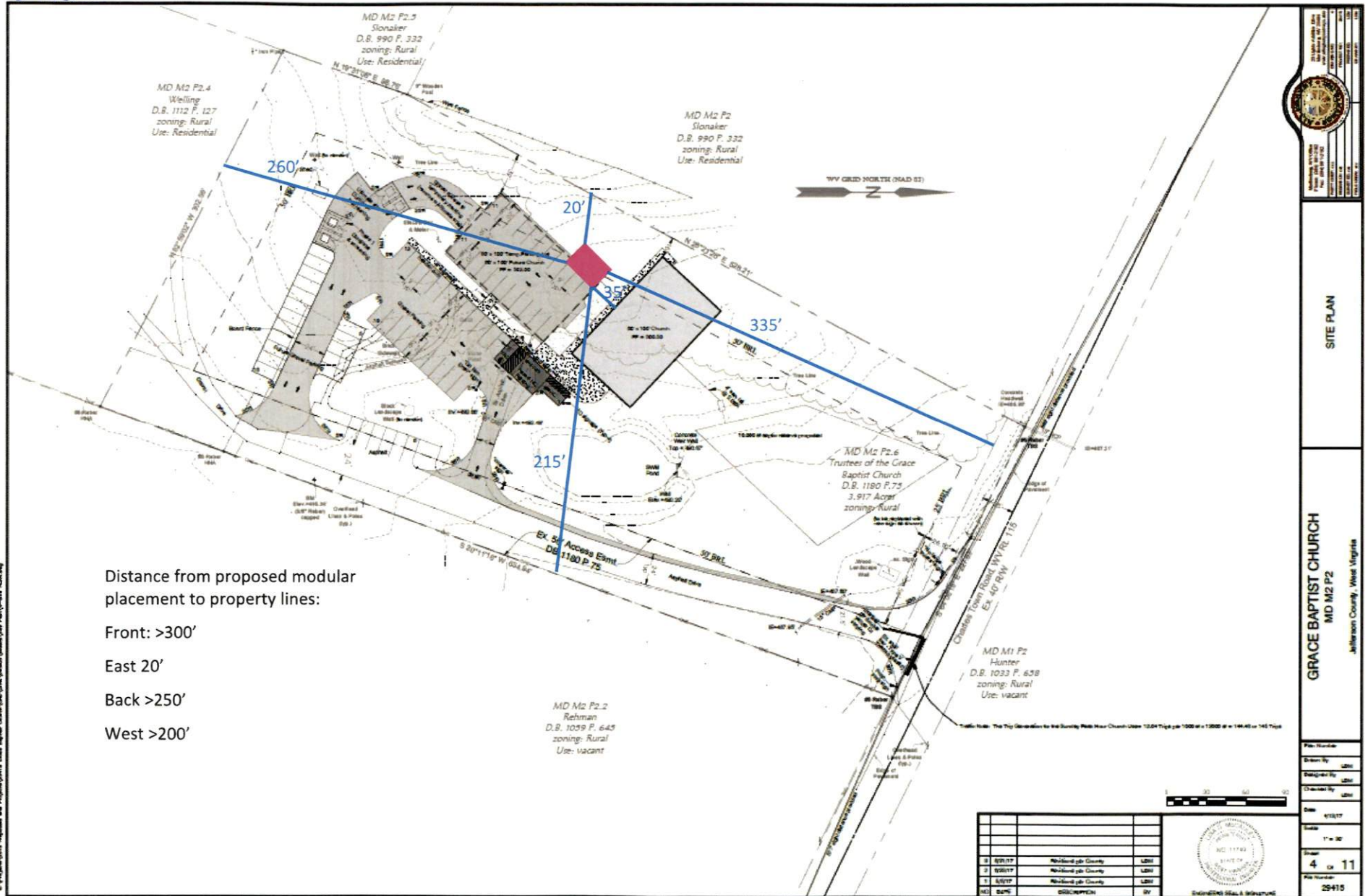
04-10-24
Advertising Date

04-10-24
Placard Posting Date

Sign Mustard Bauhaus 23-901

Date 3/25/24

Size 24x34 x 20' tall



S17-03

Discussion and Possible Action: Request to include language from WV State Code 8A-8-9 and Section 3.4A of the Zoning Ordinance into the Agenda Packet (JH)

- G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. Pursuant to Chapter 8A of the West Virginia Code as amended, a Zoning Certificate or Conditional Use Permit associated with a subdivision or land development plan - whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010 - shall remain valid until July 1, 2012, provided that the land development plan or plat received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.^{17, 21, 23}
- H. A filing fee, in accordance with the County fee structure, shall be charged for all zoning certification.

Section 3.3 Enforcement

- A. The Zoning Administrator or Staff shall promptly investigate any written complaint alleging a violation of this Ordinance and determine if a violation has occurred.^{17, 21}
- B. As provided in §8A-1-1 et seq of the West Virginia Code, as amended, any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty (\$50.00) or more than five hundred dollars (\$500.00) per day. Each day during which any violation of this Ordinance continues shall constitute a separate offense.^{5, 17, 21}
- C. When it appears to the Board of Zoning Appeals or the Zoning Administrator or Staff that a violation of this Ordinance has occurred, the County shall notify the responsible person by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 15 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Board of Zoning Appeals or the Zoning Administrator or Staff pursuant to §8A-10-1, 2 and 3 of the West Virginia Code, as amended, to:^{17, 21, 23}
 - 1. Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved; or,
 - 2. Issue a warrant for the arrest of the person responsible for the violation and seek a conviction in the Circuit Court of Jefferson County.

Section 3.4 Boards and Commissions^{23, 32}

- A. Board of Zoning Appeals
 - 1. The Board of Zoning Appeals will consist of five members to be appointed by the County Commission. Their terms of office, succession, removal, filing of vacancies, and their powers and duties shall be provided in Chapter 8A of the West Virginia Code, as amended.
 - 2. Meetings of the Board of Zoning Appeals shall be conducted according to the Rules of Procedure adopted by the Board of Zoning Appeals. In the event of a conflict between this Ordinance and the Rules of Procedure, the Rules of Procedure shall prevail.²
 - 3. The powers and duties of the Board of Zoning Appeals include but are not limited to the following:
 - a. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.³²

- b. The Board of Zoning Appeals shall consider requests for variances, seasonal use permits, and special exceptions from the terms of this Ordinance.³²
- c. The Board of Zoning Appeals shall have authority over the issuance or denial of a Conditional Use Permit.³²

B. Planning Commission²³

1. Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Planning Commission and Chapter 8A of the West Virginia Code, as amended.
2. The powers and duties of the Jefferson County Planning Commission include but are not limited to the following:
 - a. Review applications for major site plans, major subdivisions, and waivers from minimum standards, pursuant to the Subdivision and Land Development Regulations;
 - b. Review requests for amendments to the County zoning map and Zoning and Land Development Ordinance;
 - c. Research and recommend to the County Commission improvements to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations;
 - d. Make recommendations to the County Commission concerning planning and zoning issues;
 - e. Make an annual report to the County Commission concerning the operation of the Planning Commission and the status of planning within its jurisdiction;
 - f. Prepare the Jefferson County Comprehensive Plan and recommend to the County Commission for adoption or amendment.

C. County Commission²³

1. General. The County Commission shall have all powers conferred upon it by the Constitution, the laws of the State of West Virginia, and the County Charter. With respect to development approval and amendments to this Ordinance and the County's Comprehensive Plan, the powers that the County Commission retains and shall exercise include but are not limited to the powers set out in this Section.
2. Approvals. Following a public hearing and the submittal of recommendations by Staff and the Planning Commission, the County Commission may take action on the proposed adoption of, or amendments to, the following, including text, maps, and other elements:
 - a. Comprehensive Plan
 - b. Zoning and Land Development Ordinance
 - c. Subdivision and Land Development Regulations
 - d. The Jefferson County Zoning Map
 - e. An Urban Growth Boundary in accordance with Chapter 8 of the West Virginia Code, as amended:
 - i. A boundary shall be established by the County Commission in agreement with each individual municipality regarding that municipality's boundary.
 - ii. If the County Commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court.

At its first regular meeting each year, a board of zoning appeals shall elect a chairperson and vice chairperson from its membership. The vice chairperson shall have the power and authority to act as chairperson during the absence or disability of the chairperson.

§8A-8-8. Governing body's duties.

The county commission in the case of a county board of zoning appeals, and the governing body of the municipality in the case of a municipal board of zoning appeals, shall provide the board of zoning appeals with:

- (1) Suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts; and
- (2) Appropriate money to defray the reasonable expenses of the board.

§8A-8-9. Powers and duties of board of zoning appeals.

A board of zoning appeals has the following powers and duties:

- (1) Hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official or board charged with the enforcement of a zoning ordinance or rule and regulation adopted pursuant thereto;
- (2) Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in the zoning ordinance;
- (3) Hear and decide conditional uses of the zoning ordinance upon which the board is required to act under the zoning ordinance;
- (4) Authorize, upon appeal in specific cases, a variance to the zoning ordinance;
- (5) Reverse, affirm or modify the order, requirement, decision or determination appealed from and have all the powers and authority of the official or board from which the appeal was taken;
- (6) Adopt rules and regulations concerning:
 - (A) The filing of appeals, including the process and forms for the appeal;
 - (B) Applications for variances and conditional uses;
 - (C) The giving of notice; and
 - (D) The conduct of hearings necessary to carry out the board's duties under the terms of this article;
- (7) Keep minutes of its proceedings;
- (8) Keep an accurate and complete audio record of all the board's proceedings and official actions and keep the audio record in a safe manner, which audio record is accessible within twenty-four hours of demand, for three years;
- (9) Record the vote on all actions taken;
- (10) Take responsibility for the custody and preservation of all papers and documents of the board. All minutes and records shall be filed in the office of the board and shall be public records;
- (11) With consent from the governing body, hire employees necessary to carry out the duties and responsibilities of the board: Provided, That the governing body sets the salaries; and
- (12) Supervise the fiscal affairs and responsibilities of the board.

PART II. APPEAL PROCESS TO BOARD OF ZONING APPEALS.

§8A-8-10. Appeal to board of zoning appeals.

- (a) An appeal from any order, requirement, decision or determination made by an administrative official or board charged with the enforcement of a zoning ordinance, or rule and regulation adopted pursuant to a zoning ordinance, shall be filed with the board of zoning appeals.
- (b) The appeal shall:



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: zoning@jeffersoncountyv.wv.org

Phone: (304) 728-3228

Zoning Administrator's Report April 25, 2024 Board of Zoning Appeals Meeting

Date of Memo: April 18, 2024

- 1) The next regular meeting is scheduled for **May 23, 2024**
 - Deadline for submission is Friday, April 26, 2024.
- 2) Update RE: BZA request to PC to review Section 5.7D.2 of the Zoning Ordinance
- 3) 2045 Comprehensive Plan Status Update
 - Final Public Input Meeting = Monday, May 13, 2024 @ 7:00 PM
Location = Jefferson High School
- 4) Two alternate member positions remain open. One term ending 01/01/25 and the other term ending 01/01/27.
 - Persons interested in serving on the Board of Zoning Appeals should contact the County Commission Office at 304-728-3284 / jjames@jeffersoncountyv.wv.org.
- 5) Zoning Certificate Activity Report



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
www.jeffersoncountywv.org

April 2024

Zoning Certificate Activity Report

File #	24-10-ZC
Request:	Bed and Breakfast
Property Owner:	Ellen Weeren
Parcel Information:	Robins Boldso Subdivision, Lot 3, 20 River Forest Lane, Harpers Ferry, WV 25425 Parcel ID: 02002300050003; Size: ~9 acres; Zoning District: Rural; Deed Book: 1267; Page: 439; Plat Book: 10 @ Page 71
Date of Issuance:	04/09/2024
File #	24-11-ZC
Request:	Nonconforming Use: Outdoor Education / Summer Camp Program (Change in Tenant)
Property Owner:	Rolling Ridge Foundation Inc.
Applicant:	Baltimore Yearly Meeting (Quakers)
Parcel Information:	671 Floc Way, Harpers Ferry, WV 25425 Parcel ID: 06002400040001; Size: ~297 acres; Zoning District: Rural; Deed Book: 400; Page: 184
Date of Issuance:	04/09/2024
File #	24-12-ZC
Request:	Hunting, Shooting, & Fishing Club / Accessory Use = Sale of Firearms
Property Owner:	New Hope Farm
Applicant:	Prospect Hall / Attn: James Brill
Parcel Information:	187 Brucetown Road, Kearneysville, WV 25430 Parcel ID: 07002600050000; Size: ~177 acres; Zoning District: Rural; Deed Book: 793; Page: 334
Date of Issuance:	04/09/2024
File #	24-13-ZC
Request:	Agricultural Use: Equestrian Use, Polo practice 3x/week from June - August. 6 - 12 participants per 1-2 hour session. Private Lessons Tuesday – Sunday, June through August during daylight hours.
Property Owner:	Laura Goddard
Applicant:	Mountain View Polo, LLC
Parcel Information:	Falcon Ridge Subdivision, Common Area (vacant lot) Falcon Ridge Drive, Charles Town, WV Parcel ID: 02001900180011; Size: ~21.5 acres; Zoning District: Rural; Deed Book: 1194; Page: 21; Plat Book: 25 @ Page 45 <i>See also WV Supreme Court Decision RE Common Area (Case No. 20-0863)</i>
Date of Issuance:	04/09/2024
File #	24-14-ZC
Request:	Modifications to an Existing Nonconforming 199' Telecommunications Tower Site - Generator
Property Owner:	Cynthia McKee
Applicant:	SBA Network Services LLC / Attn: Chris Blackburn
Parcel Information:	237 Tel Farm Lane, Kearneysville, WV 25430 Parcel ID: 07001900240000; Size: ~107.5 acres; Zoning District: Rural; Deed Book: 1264 @ Page: 180; PC File #01-18
Date of Issuance:	04/09/2024

Zoning Certificate Activity Report

April 2024

Page 2 of 2

File #	24-15-ZC
Request:	Retail Sales and Services, General / Retail Sales, Limited
Property Owner:	8332 Martinsburg Pike, LLC / Attn: Brad Fulton
Applicant:	University Vape & Tobacco / Attn: Ameen Almadhrhi
Parcel Information:	8332 Martinsburg Pike, Shepherdstown, WV 25443 Parcel ID: 09008A00220000; Size: .48 acres; Zoning District: Residential - Light Industrial - Commercial; Deed Book: 1087; Page: 574; Site Plan File #S93-10
Date of Issuance:	04/10/2024

File #	24-16-ZC
Request:	Equipment Modifications to an Existing 120' Telecommunications Tower (Silo)
Property Owner:	Michael K. Owens, et al
Applicant:	Verizon c/o NB+C / Attn: Nicole Bennett
Parcel Information:	11945 Leetown Road, Kearneysville, WV 25430 Parcel ID: 07000700060000; Size: ~404.6 acres; Zoning District: Rural; Will Book: 21; Page: 720; PC File #S11-13
Date of Issuance:	04/12/2024

File #	24-17-ZC
Request:	Accessory Dwelling Unit: In-Law Suite
Property Owner:	Matt Fisher and Rowan Castrodalf
Parcel Information:	Elk Run Estates, Lot 3, 402 Elk Run Estates Drive, Harpers Ferry, WV 25425 Parcel ID: 04000600080000; Size: 8.3 acres; Zoning District: Rural; Deed Book: 1252; Page: 625; Deed Book 417, Page 663 (outsale); Plat Book: 24, Page: 37 (BLA Plat)
Date of Issuance:	04/18/2024
