



Agenda

Jefferson County Planning Commission

Tuesday, July 9, 2024 at **6:00 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: 890 0075 3530
Meeting Link: <https://us02web.zoom.us/j/89000753530>

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

- 1. Discussion and Possible Action:** Related to the Comprehensive Plan Update: Review Part 2 of 2 of the Draft 2045 Comprehensive Plan
- 2. Approval of Meeting Minutes:** June 11, 2024
- 3. Request for postponement.**

The following items are open for public comment.

- 4. Concept Plan Public Workshop:** A Concept Plan for a Minor Site Development that contains more than 5,000 square feet of gross floor area (GFA). The proposal includes construction of a new structure to be used as a brewpub, a pavilion, and associated parking. Applicant: BCL Properties, LLC. Property Owners: Nicholas Wilson, Karen Dowd Wilson, Katie Main, and Ryan Main. Property Location: 640 War Admiral Boulevard, Charles Town, WV. Parcel ID: 02000100270001; Size: 4.7 acres; Zoning District: Industrial Commercial (File #24-5-SP).
- 5. Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction to allow for the construction of an Accessory Dwelling Unit for use by a family member (see Final Plat Note #4 recorded in PB10/PG65). Applicant: Clare Grice. Property Owner: Dean Ott. Property Location: Sharp Minor Subdivision, Lot 3, 105 Cardinal Knoll Lane, Shenandoah Junction, WV. Parcel ID: 09002000060002; Size: 2.34 ac; Zoning District: Rural (File #24-1-FPA).
- 6. Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction to allow for the construction of an Accessory Dwelling Unit for use by a family member (see Final Plat Note #4 recorded in PB17/PG32). Applicant/Property Owner: Rebecca and Duane Dunn. Property Location: Hardesty Minor Subdivision, Lot 1, 230 Macoughtry Rd., Kearneysville, WV. Parcel ID: 07002400040002; Size: 6.10 ac; Zoning District: Rural (File #24-2-FPA).

There is no public comment for the following items.

- 7. Waiver Request:** Request for a waiver from Section 2.2K.3 of the Subdivision Regulations to allow a gravel walkway area, as opposed to concrete; and, to allow the walkway grade to be greater than 5% (but not more than 10%) for public use to allow for the expansion of the existing Devil's Due Distillery (File 24-21-PCW). Property Owner: Shenandoah Valley Holdings LLC / Applicant: Devil's Due Distillery; Property Location: 315 James Burr Blvd, Kearneysville, WV 25430; Parcel ID: 02000101330000; Size: 2.83 acres; Zoning District: Industrial Commercial (File #24-21-PCW).

8. Waiver Request: Waiver from Section 10.5 of the Subdivision Regulations to allow a gravel parking lot, as opposed to asphalt/concrete, for public use for a proposed brewpub. (Project Name: BCL Properties – File #24-5-SP). Applicant: BCL Properties, LLC. Property Owners: Nicholas Wilson, Karen Dowd Wilson, Katie Main, and Ryan Main. Property Location: 640 War Admiral Boulevard, Charles Town, WV. Parcel ID: 02000100270001; Size: 4.7 acres; Zoning District: Industrial Commercial (File #24-22-PCW).

9. 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.

10. Planner's Memo

11. Discussion and Approval: Planning and Zoning 4th Quarterly Report for FY 2023-2024 for the County Commission

12. President's Report

13. Comprehensive Plan Actionable Correspondence

- a. Ruth Pritchard 6.26.24
- b. Christie & Joe Martin 6.19.24
- c. Richard Zigler 6.23.24
- d. Adam Roob 7.2.24
- e. Susie Wimer 7.2.24
- f. Lynn Delles 7.2.24
- g. Lisa Payne 7.3.24

14. Actionable Correspondence

15. Non-Actionable Correspondence

- a. Debra Boyd 7.1.24
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Item #1

Discussion and Possible Action: Related to the Comprehensive Plan Update: Review Part 2 of 2 of the Draft 2045

Documents to be provided during the Planning Commission Meeting.

Draft Meeting Minutes

Jefferson County Planning Commission

June 11, 2024

The Jefferson County Planning Commission met on June 11, 2024 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Aaron Howell, Vice President Wade Louthan, Secretary; Jack Hefestay; Cara Keys and Tim Smith were present in person. Steve Stolipher, County Commission Liaison, was present online (ZOOM).

Donnie Fisher and J Ware were absent without notice.

Staff members present included Luke Seigfried, County Planner; Alexandra Beaulieu, Deputy Director and Zoning Administrator; Jonathan Saunders, County Engineer; Nathan Cochran, Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.

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

1. **Approval of Meeting Minutes:** May 7, 2024

Mr. Howell requested an edit to Page 2, Paragraph 10, stating that he had returned to the meeting room after Item #10. Mr. Shepp stated the minutes stand approved as edited.

2. **Request for postponement.** None.

3. **Presentation from the West Virginia Division of Highways.**

Mr. Ken Clohan, Traffic Engineer with the West Virginia Division of Highways, presented an overview of the Traffic Impact Study (TIS) requirements and process to the Planning Commission. A copy of the presentation was posted to the County's website.

There is no public comment for the following items.

4. **Waiver Request** from Section 20.201A of the Subdivision Regulations to reduce the required access easement width from 50' to 20' for a proposed two lot minor subdivision. Property Owner: Samuel J Donley Jr. / Applicant: Edwina (Lane) Donley. Property Location: 4368 Engle Molers Rd, Harpers Ferry, WV. Parcel ID: 09001900040000; Size: 97.3 acres; Zoning District: Rural (File: 24-17-PCW).

Mr. Seigfried provided an overview of the staff report.

Ms. Edwina Donley, applicant, explained the nature of the request.

The Planning Commission members asked clarifying questions.

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

5. **Waiver Request** from Section 20.201A of the Subdivision Regulations to reduce the required access easement width from 50' to 40' for a proposed three lot minor subdivision. Property Owner / Applicant: Michael Nick. Property Location: 1195 Summit Point Rd, Summit Point, WV. Parcel ID: 07002800090004; Size: 15 acres; Zoning District: Rural (File: 24-18-PCW).

Mr. Seigfried provided an overview of the staff report.

Michael Nick, property owner, explained the nature of the request and addressed the public comments that were included in the packet.

The Planning Commission members asked clarifying questions.

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

6. **Waiver Request** from Section 20.203 of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. The project consists of operating a food truck on the subject property. Applicant: Haulin Butts BBQ / Attn: Paul Wesner. Property Owner: CLG Enterprises, LLC / (dba Dead Rock Contracting / Attn: Chris Livingston). Property Location: 465 Shipley School Rd, Harpers Ferry, WV. Parcel ID: 04000900270000; Size: .88 acres; Zoning District: General Commercial (File: 24-19-PCW).

Mr. Seigfried provided an overview of the staff report.

Chris Livingston, property owner, and Paul Wesner, applicant, explained the nature of the request noting that the food truck would not be in operation during the regular office hours of the contractor business.

Mr. Saunders recommended denial of the request.

The Planning Commission members asked clarifying questions.

Mr. Livingston provided a rebuttal stating that he would be processing a site plan in the near future in order to expand the operations of the existing land use.

Mr. Shepp made a motion to approve the request conditioned upon the submission of a site plan within one year. Mr. Hefestay seconded the motion, which carried unanimously.

7. **Waiver Request** from Section 20.203B.2 of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. The project consists of the removal and replacement of two existing dams on the subject property. Applicant/Property Owner: Izaak Walton League of America / Attn: James Butler. Property Location: 10435 Leetown Rd, Kearneysville, WV. Parcel ID: 07001400050000; Size: 56.2 acres; Zoning District: Rural (File: 24-20-PCW).

Mr. Seigfried provided an overview of the staff report.

Brian Morgan with Site Studios Inc. explained the nature of the request.

Mr. Saunders recommended approval of the request as the proposed site work would ultimately be evaluated by the West Virginia Department of Environmental Protection and the Army Corp of Engineers. Mr. Saunders noted that because the State's requirements for reviewing the proposed removal and replacement of the dams exceeded the County's requirements that he believed the request was reasonable.

The Planning Commission members asked clarifying questions.

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

8. **Discussion and Possible Action:** Draft amendments to the Bylaws of the Jefferson County Planning Commission based on County Commission input for discussion and possible action: Related to Section 2.4 "Committees" related to public notice and records; Section 3.5; Section 4.1 and 4.2 related to remote meetings for Regular and/or Special Meetings; Section 4.4 "Agendas"; Section 4.8 "Training"; Section 4.9 "Attendance"; Section 5.1 "Voting".

Mr. Seigfried noted that the draft had been modified per the County Commission's recommendations. Mr. Seigfried made reference to spelling errors that would need to be corrected prior to sending the document to the County Commission.

Mr. Cochran stated that the Planning Commission must take action on the proposed changes, which will be forwarded back to the County Commission for review and approval.

Mr. Howell made a motion to accept the Draft with the referenced spelling errors being corrected. Mr. Louthan seconded the motion, which carried unanimously.

9. 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).
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- 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.

A legal update regarding these items was not provided.

10. Discussion and Possible Action related to meeting dates: Planner's Memo

Mr. Seigfried provided an overview of the Planner's Memorandum and requested that Mr. Shepp call a meeting for June 25th in order to review the first portion of the drafted text for the Comprehensive Plan. After discussing the Planning Commission's availability, Mr. Shepp scheduled a meeting for June 25, 2024 at 6:00 pm.

11. President's Report. None.

12. Actionable Correspondence. None.

13. Comprehensive Plan Update Actionable Correspondence

Continued from the May 7, 2024 meeting

- a) Email from Noah Mehrkam dated 2024-02-25
- b) Email from Karen Twigg Sagisi dated 2024-03-01
- c) Email from Roberta N. Meade Curry dated 2024-03-02
- d) Email from Jean C Zigler-Kotch dated 2024-03-18
- e) Email from Mary Gee dated 2024-04-02
- f) Email from Gillian Vickers dated 2024-04-02
- g) Email from Dave Lutman dated 2024-04-10
- h) Email from Kay Shultz dated 2024-04-10

Mr. Siegfried briefly discussed the information provided in the emails noted above.

New correspondence received after May 7, 2024

1. Email from Potomac Valley Audubon Society (PVAS) dated 2024-05-13
2. Email from Lizette Temple dated 2024-05-13
3. Email from Lori Simmons dated 2024-05-13
4. Email from Mark Muse dated 2024-05-13
5. Email from Philip Post dated 2024-05-13
6. Email from Rebecca Phipps dated 2024-05-13
7. Email from Susan Ford dated 2024-05-13
8. Email from Suzanne Patrick dated 2024-05-13
9. Email from Tracy Riordan dated 2024-05-13
10. Email from Jena Meredith dated 2024-05-16
11. Email from Marcy Bartlett dated 2024-05-16
12. Email from Martha Sullivan dated 2024-05-16
13. Email from Ralph Scorza dated 2024-05-16
14. Email from Cindy Powers dated 2024-05-23
15. Email from David Lutman dated 2024-05-16
16. Email from Jeff Hornbeck dated 2024-05-16
17. Email from Jim Surkamp dated 2024-05-16
18. Email from Michael Chalmers dated 2024-05-16
19. Email from Rose Marie dated 2024-05-16
20. Petition from Russo-Shepherdstown dated 2024-05-16
21. Email from Doug Rockwell dated 2024-05-17
22. Email from James Cain dated 2024-05-17
23. Email from D.W. Gregory dated 2024-05-18
24. Email from David Duh dated 2024-05-18
25. Email from Judy York dated 2024-05-18
26. Email from Cynthia Feeser dated 2024-05-19
27. Email from Elizabeth McGowen dated 2024-05-19
28. Email from Lois Butcher dated 2024-05-19
29. Email from Bill Rule dated 2024-05-20
30. Email from Evelyn Getty dated 2024-05-20
31. Email from Jane Tabb dated 2024-05-20
32. Email from Mary Beth Kilmer dated 2024-05-20
33. Email from Nancy Craun dated 2024-05-20
34. Email from Paul Kradel dated 2024-05-20
35. Email from Randall Tremba dated 2024-05-20
36. Email from Carrie Singer dated 2024-05-22
37. Email from Bobbi Blok dated 2024-05-24
38. Email from Bob Aitcheson dated 2024-05-26
39. Email from Charlotte Fremaux dated 2024-05-26
40. Email from Deborah Rochefort dated 2024-05-27
41. Email from Philip Baker-Shenk dated 2024-05-27
42. Email from Billy McLaughlin dated 2024-05-28
43. Email from Charlotte Fremaux dated 2024-05-28
44. Email from Sharon & Michael Helman dated 2024-05-28
45. Email from Teresa Purcell-Diehl dated 2024-05-29

46. Email from Jacquelyn Milliron dated 2024-05-31
47. Emails re: “Public Comment on Future Land Use Map and Comprehensive Plan Action Items” received between 05/19/2024 – 05/31/2024 from the following citizens:
Ali Printz, Amanda Wolfe, AnnaMary Walsh, B Temple, Barbara Humes, Beth-Rosenberg, Carolyn Rodis, Cecile Claude, Cheryl Pullen, Christina Melocik, Conrad Lotze, David Miljour, Dennis G Hatcher, Donna Wolfe, Dwight Wolfe, Eliza Temple, Elizabeth Shockley, Erin Reiney, EVE Lobner, Hilary Lo, Jeffrey Bannon, Jeffrey Feaga, Jennifer Jones, Jennifer King, Jessy Printz, Julia Yuhasz, Kate Temple, Kelly Campbell, Kirsten Martin, Kit McGinnis, Laura Levesque & Russell Fry, Linda Layne, Lindsay McLaughlin, Linus Bicker, Lisa Paynes, Liz Temple, Lizette Temple, Lizz Temple, Marie Tyler, Marie Uehling, Mary Fortuna, Meredith Adams, Nancy Knight, Nicole Gonzalez-Knowlton, Pamela Rowley, Paula Tremba, Rebecca Phipps, Ruth Hatcher, Sara Howle, Sarah Adams, Sharon Buck, Sherry Sturman, Sonny Lobner, Stephanie Pania, Stephen Berzinskas, Terry Thorson, Toby Degenhardt, and Tracy Lesky;
Emails received between 06/01/24 – 06/04/24 from the following citizens: Cristy Miller, Greg Welter, Kathleen Loftin, Paul Singh, and Sue Covello.

Mr. Seigfried briefly addressed some of the emails included in the packet. With regard to the comments received pertaining to the proposed Future Land Use Guide (FLUG), Mr. Seigfried reiterated that the Planning Commission had voted during the Comprehensive Plan Work Session earlier that evening to eliminate the proposed addition of the Shepherdstown South Preferred Growth Area.

Mr. Seigfried confirmed that Staff had corrected the error on the FLUG pertaining to the ‘McShane’s Landing boat ramp parcel’.

Mr. Seigfried informed the Planning Commission of a request by Mr. Lutman that the draft FLUG be revised to reflect the parcel’s current zoning designation (see email #15 – property located on Route 340 South). Ms. Beaulieu provided an overview of the history of the referenced property, and pointed out that the 2035 FLUG reflects the parcel as Future Industrial or Commercial and noted that a Zoning Map Amendment (rezoning) occurred within the last few years to change the zoning district from Industrial Commercial to Residential-Light Industrial-Commercial. Ms. Beaulieu noted that Mr. Lutman’s request was in response to the draft FLUG reflecting the land use classification as Rural Residential and his intent to develop the property commercially.

Ms. Keys made a motion to revise the draft Future Land Use Guide to reflect the subject parcel’s current land use classification to one that better suits its current zoning designation. Ms. Beaulieu clarified that the land use classification would be Residential or Commercial. Ms. Keys concurred. Mr. Hefestay seconded the motion, which carried unanimously.

Ms. Keys requested that the Staff review the feasibility of adopting priority preservation areas as part of the FLUG or as an overlay to the County’s maps. Mr. Shepp requested that staff work with legal counsel to evaluate state code on this topic.

The Planning Commission addressed some of the concerns regarding the proposed edits to the FLUG. The Planning Commission requested that Ms. Beaulieu review the history of the property formerly known as Burch Box Factory and to evaluate its current land use(s) before editing these properties on the FLUG.

The Planning Commission requested that all of the correspondence be continued to the June 25, 2024 meeting in order to allow adequate time to review the emails.

14. Non-Actionable Correspondence

- a. Email from Thomas and Jane Loy dated 2024-05-20
- b. Email from Bob Aitcheson dated 2024-05-29

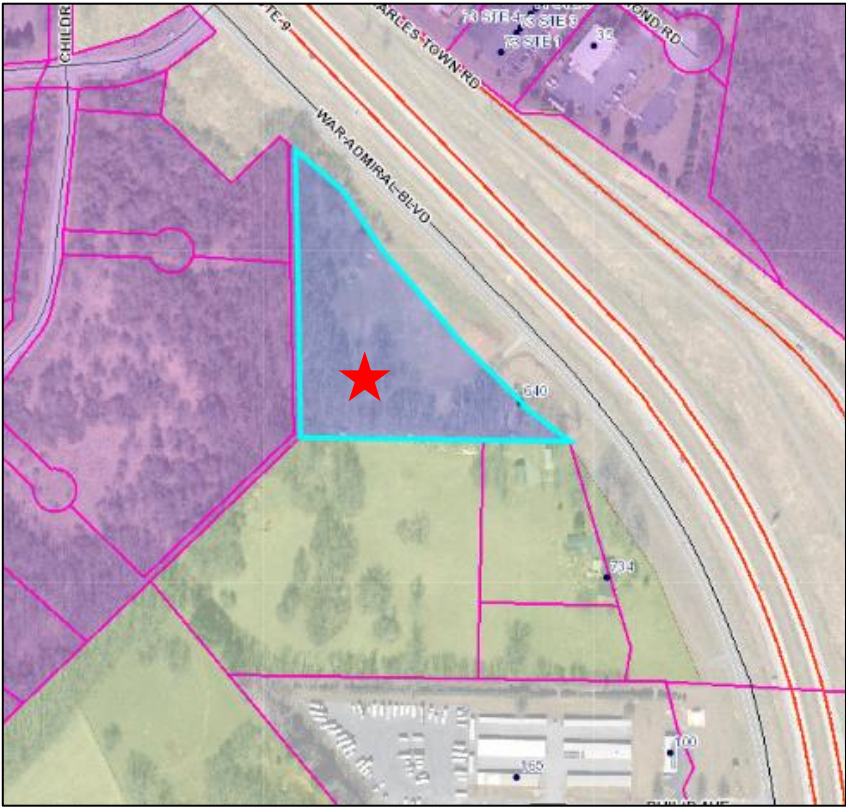
Mr. Howell made a motion to adjourn the meeting at 8:27 pm. Mr. Hefestay seconded the motion, which carried unanimously.

These minutes were prepared by Jennilee Hartman, Zoning Clerk.

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BCL Properties, LLC Concept Plan Public Workshop (PC File: 24-5-SP)

Item #4: Concept Plan Public Workshop: The proposal consists of a Minor Site Development that contains more than 5,000 square feet of gross floor area (GFA). The proposal includes construction of a new structure to be used as a brewpub, a pavilion, and associated parking.

Owners:	Nicholas Wilson, Karen Dowd Wilson, Katie Main, and Ryan Main
Applicant:	BCL Properties, LLC
Consultant:	Todd Heck, Morris & Ritchie Associates, Inc.
Property Location & Legal Description	<p>640 War Admiral Blvd, Charles Town, Parcel ID: 02000100270001; Size: 4.70 ac; Zoning District: Industrial-Commercial</p> 
Adjacent Zoning:	<i>North, East, & West:</i> Industrial-Commercial; <i>South:</i> Rural
Proposed Activity:	Brewpub with associated parking and site improvements
Concept Plan Status:	Submitted: 05/17/2024 Sufficiency Letter, with minor comments: 05/24/2024 Resubmitted: 06/04/2024 and 6/11/2024
Previous Approvals:	02-22-21: Staff Approval of phased Minor Site Plan (20-3-SP) 09-18-20: Staff Approval of Retail Sales (20-23-ZC) 04-01-22: Staff Approval of Retail Sales (22-09-ZC) 02-06-23: Staff Approval of Retail Sales (23-08-ZC)
Waivers/Variances:	05-17-22: PC approved a waiver of site plan for a temporary use until 05/17/24 (see File #20-3-SP).

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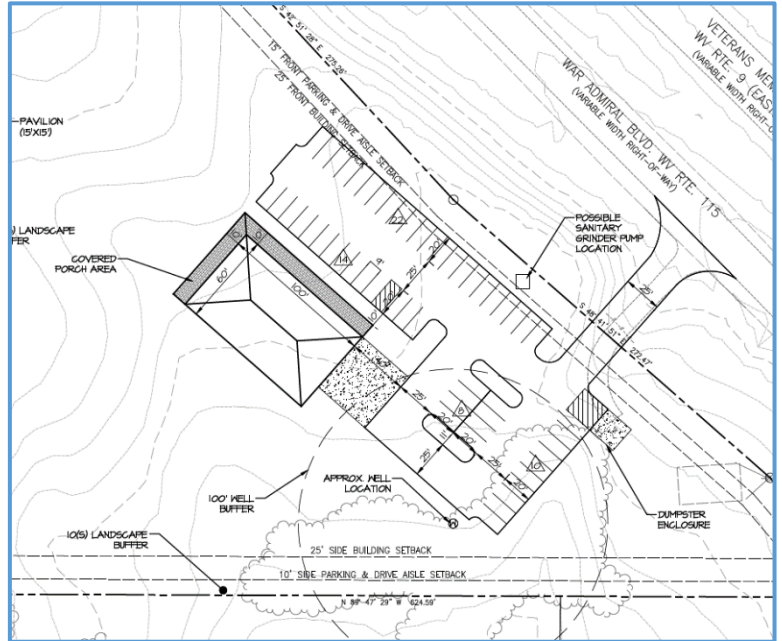
BCL Properties, LLC Concept Plan Public Workshop (PC File: 24-5-SP)

Introduction and Summary of Request

The Concept Plan for BCL Properties consists of the following:

- A new 7,700 square foot structure to house the proposed brewpub, including a 1,700 sq ft covered porch
- A 225 sq ft pavilion
- 54 parking spaces*
- Stormwater management facilities

**File 24-22-PCW is also on the 07-09-24 agenda requesting a waiver to allow a gravel parking lot.*



Site Plan Category

Section 20.203A.2 of the Subdivision Regulations requires any development consisting of “building(s), both new and additions to existing, where all new structures or new additions to structures located on the parcel total more than 5,000 and less than 250,000 square feet gross floor area (GFA) on any site shall process a Concept Plan with a Public Workshop and all remaining site plan review processes shall be administratively approved.”

Therefore, a Minor Site Plan, with a Concept Plan, will need to be processed that includes engineered stormwater improvements and proposed public water and wastewater facilities. The first step in processing this Site Plan is this Concept Plan and the required Public Workshop. The graphic above depicts the proposed brew pub facility.

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 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 BCL Properties Brew Pub application, are provided below:

	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

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BCL Properties, LLC Concept Plan Public Workshop (PC File: 24-5-SP)

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.	<u>ADT</u> is 3,946 for War Admiral Blvd (WV115); <u>Trip Generation:</u> Peak Hour Trips est. to be 20.47; Average Daily trips: 163; <u>Key intersection:</u> WV9 & WV115; Problem Area w/in one mile: Luther Jones and Charles Town Road
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.	Jefferson County defers to the WV DOH regarding whether a Traffic Impact Study (TIS) is 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 with a Concept Plan.
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 Impact Study (TIS) is needed, parameters shall be provided. The review shall indicate whether a TIS will be required based on analysis required in Section 24.106.B.5.	No response has been received from WV DOH at this time.

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BCL Properties, LLC Concept Plan Public Workshop (PC File: 24-5-SP)

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 water by an on-site well; and sanitary sewer by the Charles Town Utility Board (CTUB). 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 comments were received from the external agencies.

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 BCL Properties Brew Pub, located at 640 War Admiral Boulevard, to be “complete” based on the information provided related to the criteria above; however, the following standards will need to be addressed prior to approval of the Site Plan:

- a. WV DOH approval for the proposed entrance, and any Traffic Impact Study recommendations, if required, will be required in conjunction with the Site Plan.
- b. Wastewater utility permit from Charles Town Utility Board (CTUB) and Jefferson County Health Department approval of the on-site well will be required in conjunction with the Site Plan.

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

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BCL Properties, LLC Concept Plan Public Workshop (PC File: 24-5-SP)

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.

CONCEPT PLAN NOTES:

1. SEE ZONING MAP FOR ZONING DISTRICTS WITHIN 500' OF THE SUBJECT PROPERTY.
2. SEE SHEET 3 FOR THE LAYOUT OF BUILDING AND PARKING AREA.
3. ACTUAL BUILDING FOOTPRINTS MAY VARY WITH FINAL ARCHITECTURAL DESIGN.
4. ZONING INFORMATION: SEE TABS THIS SHEET
5. SEE SHEET 2 FOR THE PROPERTY'S EXISTING CONDITIONS.
6. ALL STATE, FEDERAL AND LOCAL REGULATIONS WILL BE OBSERVED IF ANY UNKNOWN SITE RESOURCES ARE DISCOVERED DURING CONSTRUCTION.
7. THERE ARE NO FLOOD PLAINS ON THE SUBJECT PROPERTY PER FEMA MAPS.
8. SEE SHEET 2 FOR ADJACENT PROPERTY INFORMATION.

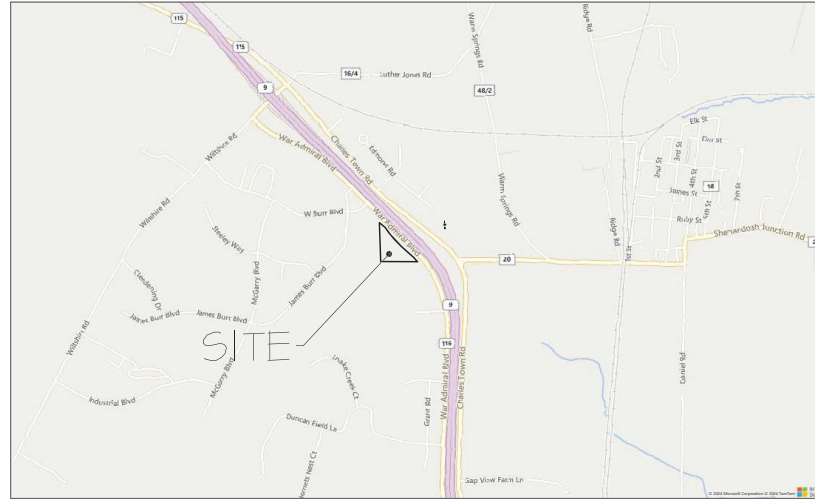
TRAFFIC IMPACT DATA

1. THE WVDOT ONLINE TRAFFIC COUNTS PROVIDE AVERAGE DAILY TRAFFIC COUNTS FOR THE FOLLOWING LOCATIONS: WAR ADMIRAL = 3,946 (AADT)
2. PROPOSED TRIP GENERATION FOR AVERAGE DAILY TRIPS AND PEAK HOUR TRIPS PROVIDED PURSUANT TO THE ITE TRIP GENERATION MANUAL, 11TH EDITION. TRIPS BASED ON ITE LAND USE CODE 411 (BREM/FBI).
PEAK HOUR TRIPS: 20.47 (2.645 / 1,000 = 2.645) X 0.78 = 20.47
AVERAGE DAILY TRIPS = 163
3. THE NEAREST KEY INTERSECTION AS DEFINED IN THE CONCEPT PLAN CHECKLIST IS ROUTE 4 / 93 N BURR BLVD.
4. AS DEFINED BY THE DIVISION, JEFFERSON 2035 COMPREHENSIVE PLAN, HIGHWAY PROBLEM AREA NUMBER (II) LUTHER JONES RD IS WITHIN ONE (1) MILE RADIUS OF THE PROPERTY. THE PROBLEM AREA IS LIMITED STACKING AREA AT LIGHT DUE TO TRACKS. DEVELOPMENT IS EXPECTED TO TAKE PLACE IN THIS AREA OVER NEXT TWO DECADES
5. A LIST OF ALL ADJOINING PROPERTIES AND OWNERS' ADDRESSES ARE INCLUDED AS PART OF THIS SUBMISSION. PROPERTY OWNERS INFORMATION IS PROVIDED PURSUANT TO JEFFERSON COUNTY ASSESSOR'S RECORDS.
6. WATER WILL BE PROVIDED VIA ON-SITE HILL AND SANITARY SEWER SERVICE WILL BE PROVIDED BY THE CITY OF CHARLES TOWN. PRELIMINARY DISCUSSION WITH THE CITY OF CHARLES TOWN INDICATES THERE IS CAPACITY TO SERVE THE PROPOSED DEVELOPMENT. EXACT CONNECTIONS WILL BE DETERMINED THROUGH COORDINATION WITH THE CITY OF CHARLES TOWN DURING SITE PLAN DEVELOPMENT
7. SEE SHEET 2 FOR EXISTING CONDITIONS WHICH HAS BEEN BASED ON A COMBINATION OF GIS INFORMATION, FIELD SURVEY DATA AND PLANS OF RECORD. THE TOPOGRAPHIC CONTOUR INTERVAL IS (2) FOOT. HORIZONTAL DATUM IS NAD83 WEST VIRGINIA STATE PLANE, NORTH ZONE. VERTICAL DATUM IS NAVD83.

CONCEPT PLAN

BCL PROPERTIES

JEFFERSON COUNTY, WV



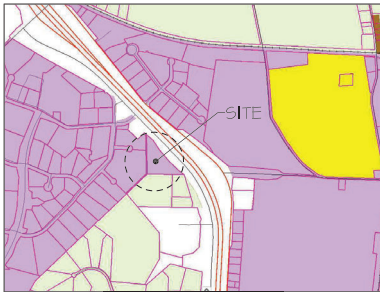
GENERAL LOCATION MAP
(SCALE: 1" = 1,000')

ZONING SUMMARY	
ZONING DISTRICT	INDUSTRIAL - COMMERCIAL (IC)
LAND USE	COMMERCIAL
LAND USE SUBTYPE	PUBLIC / CENTRAL WATER AND SEWER
MIN. LOT AREA	N/A SF
EXISTING LOT AREA	204,732 SF 4.7 AC
MAX BUILDING HEIGHT	75 FT (SUBJECT TO SECTION 9.2)
PROPOSED BUILDING HEIGHT	25 FT (FOR EXTERIOR ONLY)
BUILDING SETBACKS	FRONT 25 FT SIDE 25 FT REAR 25 FT
PARKING / DRIVE ASSE	FRONT 15 FT SIDE 10 FT REAR 10 FT
SCREENED BUFFERS	FRONT N/A FT SIDE 10(S) FT REAR 10(S) FT

IMPERVIOUS SURFACE LIMIT			
	SF	AC	%
*Max Allowed	163,785.60	3.76	80.0%
**Proposed Impervious Area	36,100.00	0.83	17.6%

NOTES:
SITE AREA = 4.7 AC / 204,732 SF
*PER APPENDIX B: NON-RESIDENTIAL SITE DEVELOPMENT STANDARDS
**THE PROPOSED IMPERVIOUS AREA IS SUBJECT TO FINAL ENGINEERING AND DESIGN AND MAY INCREASE PROVIDED IT DOESN'T EXCEED THE MAXIMUM ALLOWED PERCENTAGE.

ADJACENT ZONING DISTRICTS MAP
(SCALE: 1" = 1,000')



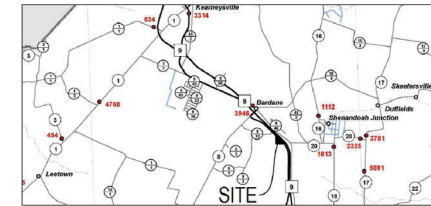
- Major Industrial
- Light Industrial
- Industrial/Commercial
- Office/Commercial Mixed-Use
- General Commercial
- Highway Commercial
- Neighborhood Commercial
- Residential Light Industrial/Commercial
- Residential Growth
- Planned Neighborhood Development
- Rural
- Village
- Incorporated Town

OWNER / APPLICANT
NICHOLAS WILSON et al
BCL PROPERTIES LLC
ATTENTION: NICHOLAS WILSON
301-788-4635
WILSONTC218@GMAIL.COM

PREPARED BY
MORRIS & RITCHE ASSOCIATES, INC.
205 E. HIRST ROAD, SUITE 108
PURCELLVILLE, VIRGINIA 20132
CONTACT: TODD HECK
703-844-4047
THECK@MRA-GA.COM

SUMMARY

- SITE AREA = 4.7 AC
- BUILDING AREA = 46,000 SF
- PAVILION AREA = 4225 SF
- REQUIRED PARKING = 525 SPACES
- PROPOSED PARKING = 154 SPACES
(1 SPACE PER 50 SF OF CUSTOMER OCCUPANCY (15,250 SF))



WVDOH MAP
(SCALE: 1" = 1 MILE)

CONCEPT PLAN NARRATIVE:

THE PURPOSE OF THIS PLAN IS TO REQUEST APPROVAL FOR A 6,000 SF BREM/FBI COMPRISED OF APPROXIMATELY 2,625 SF OF CUSTOMER OCCUPANCY AREA, ASSOCIATED PARKING AND SUPPORTING INFRASTRUCTURE.

A MAJOR OF SECTION 2.5 (10.5 (OFF-STREET PARKING STANDARDS) IS REQUEST TO ALLOW GRAVEL SURFACE FOR THE PARKING AREAS.

SEC. 2.5 OFF-STREET PARKING STANDARDS

M. "ALL PARKING AREAS SHALL BE BITUMINOUS ASPHALT OR CONCRETE PAVED. PAVING SECTIONS SHALL BE AS ESTABLISHED BY THE COUNTY ENGINEER."

Sheet List Table	
Sheet Number	Sheet Title
1	COVER SHEET & NOTES
2	EXISTING CONDITIONS & SITE RESOURCE MAP
3	CONCEPT PLAN

MRA

MORRIS & RITCHE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
205 E. HIRST ROAD, SUITE 108
PURCELLVILLE, VA 20132
(703) 994-4047
MRA-GA.COM

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CONCEPT PLAN - BCL PROPERTIES
COVER SHEET & NOTES

JEFFERSON COUNTY, WEST VIRGINIA
TAX DISTRICT: CHARLES TOWN DISTRICT
TAX MAP: 1 PARCELS 211-031919-10-255

DATE: 01/24/2024 REVISED: 02/05/24 4:01:24 PM
SHEET 1 OF 3

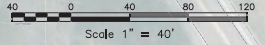
ADJACENT PROPERTY OWNER INFORMATION								
ID	PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP	DEED BOOK / PAGE	EXISTING USE
1	02 100710000000	GOFF LORRAINE K	PO BOX 116	KEARNEYSVILLE	WV	25430	389 / 647	RESIDENTIAL
2	02 100710000000	GOFF CHARLES T JR	57 ARABIAN PL	CHARLES TOWN	WV	25414	1104 / 707	VACANT RESIDENTIAL
3	02 101260000000	RTD PROPERTIES LLC	30 THATCHER CT	SHEPHERDSTOWN	WV	25443	1282 / 477	VACANT
4	02 100160000000	BLUE RIDGE TECHNOLOGY LIMITED PARTNERSHIP ONE	7076 GLANAMMAN VYAY	WARRENTON	VA	20187	607 / 706	COMMERCIAL
5	02 100160000000	CRG PROPERTIES LLC	PO BOX 103	SHEMANDOAH JUNCTION	WV	25442	969 / 326	COMMERCIAL



MRA
MORRIS & RITCHE ASSOCIATES, INC.
 ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 205 E. HIRST ROAD, SUITE 108
 PURCELLVILLE, VA 20132
 (703) 994-4047
 MRAGTA.COM
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CONCEPT PLAN - ECL PROPERTIES
 EXISTING CONDITIONS & SITE RESOURCE MAP

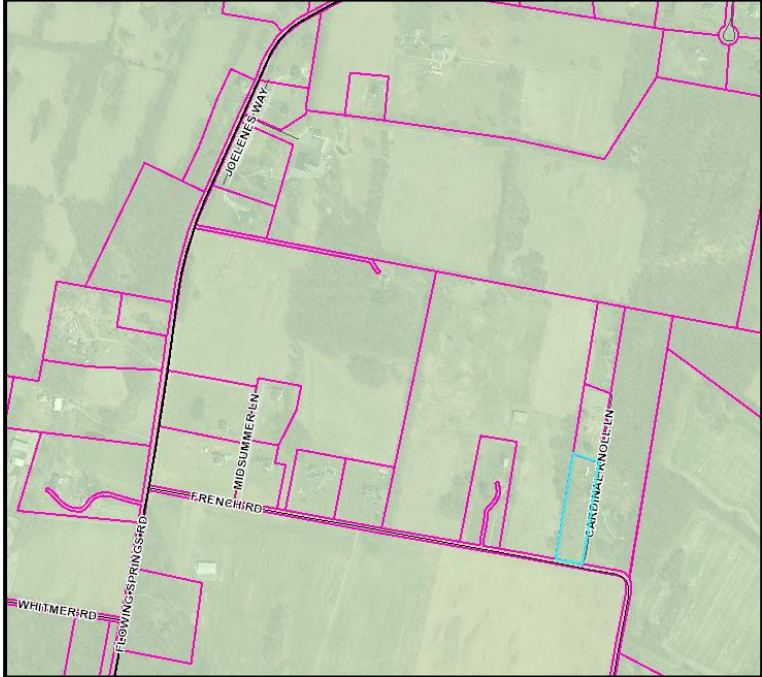
JEFFERSON COUNTY, WEST VIRGINIA
 TAX DISTRICT, CHARLES TOWN DISTRICT
 TAX MAP 1 PARCELS 211, 619, 619, 705, 255
 DATE: 01/24/2024 REV: 02/06/2024 & 6/18/24
 SHEET 2 OF 9



Staff Report
 Jefferson County Planning Commission Meeting
 July 9, 2024

Clare Grice Final Plat Amendment (File #24-1-FPA)

Item #5: Public Hearing: Request for a Final Plat Amendment to lift the single family restriction to allow for the construction of a detached Accessory Dwelling Unit for use by a family member (Plat Note #4, Sharp Minor Subdivision Final Plat recorded in Plat Book 10/Page 65).

Property Owner	Dean Ott
Applicant	Clare Grice
Property Location and Legal Information	<p style="text-align: center;">Sharp Minor Subdivision, Lot 3 Residue 105 Cardinal Knoll Lane, Shenandoah Junction Parcel ID: 09002000060002; Size: 2.34 ac; Zoning District: Rural</p> 
Surrounding Zoning	North, East, South, West: Rural
Approved Activity	Single Family Residence
Approvals	02/26/1992: Sharp Minor Subdivision (PC File #91-26) Recorded in Plat Book 10 @ Page 65

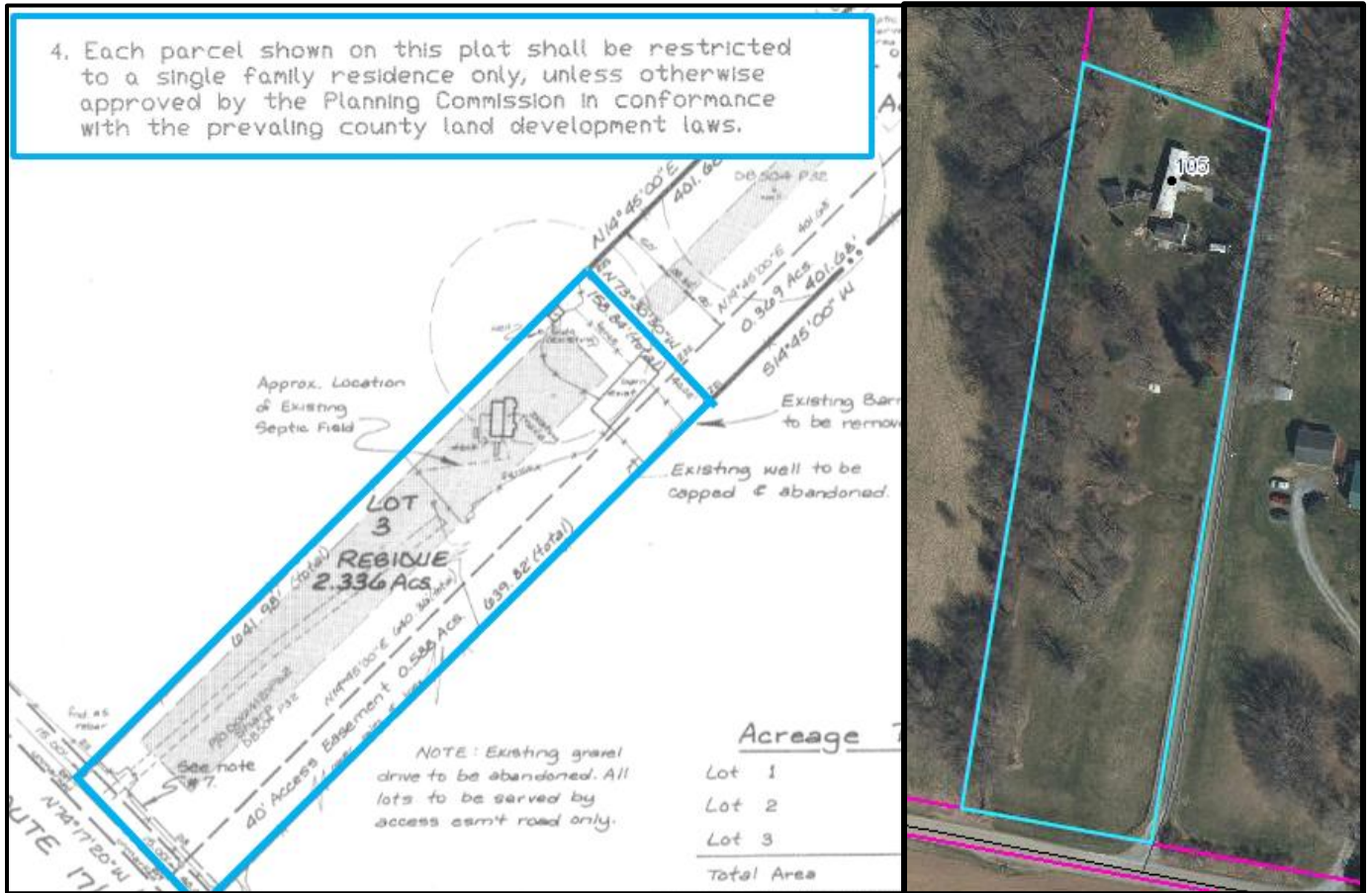
Overview of Request

The subject parcel is designated as Lot 3 Residue in the Sharp Minor Subdivision, which was recorded on February 26, 1992 in Plat Book 10 at Page 65. At the time the plat was approved, the Subdivision Ordinance required all subdivisions to include a note that restricted each lot to a single family residence only. This note is no longer required for subdivisions. This note is the subject of this Final Plat Amendment request.

The applicant would like to lift the single-family residence restriction to allow for the construction of a detached accessory dwelling unit (in-law suite) for a family member. An accessory dwelling unit for a family member is considered an “in-law suite” in the Zoning Ordinance. Detached in-law suites are permitted in the Rural Zoning District in accordance with Section 8.15A of the current Zoning Ordinance on properties of at least 2 acres in size.

Clare Grice Final Plat Amendment (File #24-1-FPA)

If the Planning Commission approves this Final Plat Amendment to lift the single-family restriction, the applicant may apply for a Zoning Certificate to process under the zoning requirements for an Accessory Dwelling Unit for a detached In-Law Suite. Section 8.15A of the Zoning Ordinance has various provisions that must be complied with, including but not limited to the requirement that the accessory dwelling unit must be secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area.



Plat Amendment Requirements

Section 24.202A of the Jefferson County Subdivision and Land Development Regulations, “Amendment, Modification, and the Vacating of Subdivision Plats”, states that the Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

1. All of the property that is affected by the amendment is under the ownership of the applicant;
2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

Staff Report
Jefferson County Planning Commission Meeting
July 9, 2024

Clare Grice Final Plat Amendment (File #24-1-FPA)

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment was required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the June 5, 2024 edition of the Spirit of Jefferson newspaper for the July 9, 2024 Planning Commission meeting.

Recommendation

Staff recommends approving the requested Final Plat Amendment to lift the single-family restriction for the sole purpose of constructing a detached Accessory Dwelling Unit for use by a family member.



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 #: 24-1-FPA
 Date Rec'd: 05-10-2024
 Mtg Date: 07-09-2024

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

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

Final Plat Amendment Application

A request to amend, modify and/or vacate an approved plat must comply with Section 24.202 of the Jefferson County 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: Dean Ott
 Business Name: _____
 Mailing Address: 105 Cardinal Knoll Ln, Shenandoah Junction, WV 25403
 Phone Number: 304.279.9576 Email: deanott51@gmail.com

Applicant Information

Applicant Name: Clare Grice Same as owner:
 Business Name: _____
 Mailing Address: 10 Thornberry Dr Martinsburg, WV 25403
 Phone Number: 304-702-5424 Email: waggyc@yahoo.com

Consultant Information

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

Physical Property Details

Physical Address 105 Cardinal Knoll Ln Shenandoah Junction, WV 25442
 Parcel ID: 20 / 0006 0002 0000 Parcel Size 2.34 acres
 Zoning District: _____ Deed Book: 998 Page No: 704

Plat Information

Plat Title: Lots 1, 2, and 3 "Residue" SHARP SUBDIVISION Note No: _____
 Recordation Date Feb. 26, 1992 Plat Book: 10 Page No: 65

Describe the nature of your proposed amendment.

Construction of one additional accessory dwelling unit located on the subject parcel. Dwelling would be a tiny home, less than 1000 sq ft. The applicant (who will be the new property owner after completion of sale) would occupy the accessory dwelling unit and an immediate family member would occupy the primary dwelling.

Sketch the shape and location of the lot. Show the location of the proposed construction/land use. Include building setbacks, size, and height. Identify existing easements, roads, buildings/structures, or land uses on the property. Note: septic or well relocations require a survey plat and approval by the Health Department.

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

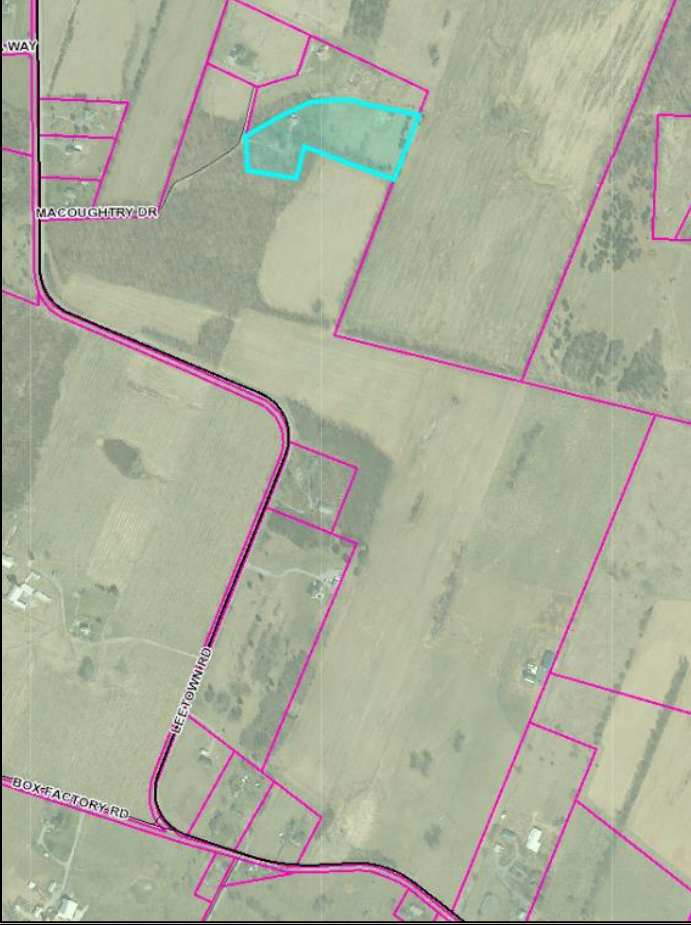
By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

Dean M. Ott 5-6-24 [Signature] 5/10/2024
 Property Owner/Applicant Signature Date Property Owner/Applicant Signature Date

Staff Report
 Jefferson County Planning Commission Meeting
 July 9, 2024

Dunn - Final Plat Amendment (File #24-2-FPA)

Item #6: Public Hearing: Request for a Final Plat Amendment to lift the single family restriction to allow for the construction of a detached Accessory Dwelling Unit for use by a family member (See Plat Note #4 on Hardesty Minor Subdivision Final Plat recorded in PB17/PG32).

Property Owner	Rebecca and Duane Dunn
Property Location and Legal Information	<p style="text-align: center;">Hardesty Minor Subdivision, Lot 1 230 Macoughtry Rd., Kearneysville, WV Parcel ID: 07002400040002; Size: 6.10 ac; Zoning District: Rural</p> 
Surrounding Zoning	North, East, South, West: Rural
Approved Activity	Single Family Residence
Approvals	02/26/1992: Hardesty Minor Subdivision (PC File #99-30) Recorded in Plat Book 17 @ Page 32

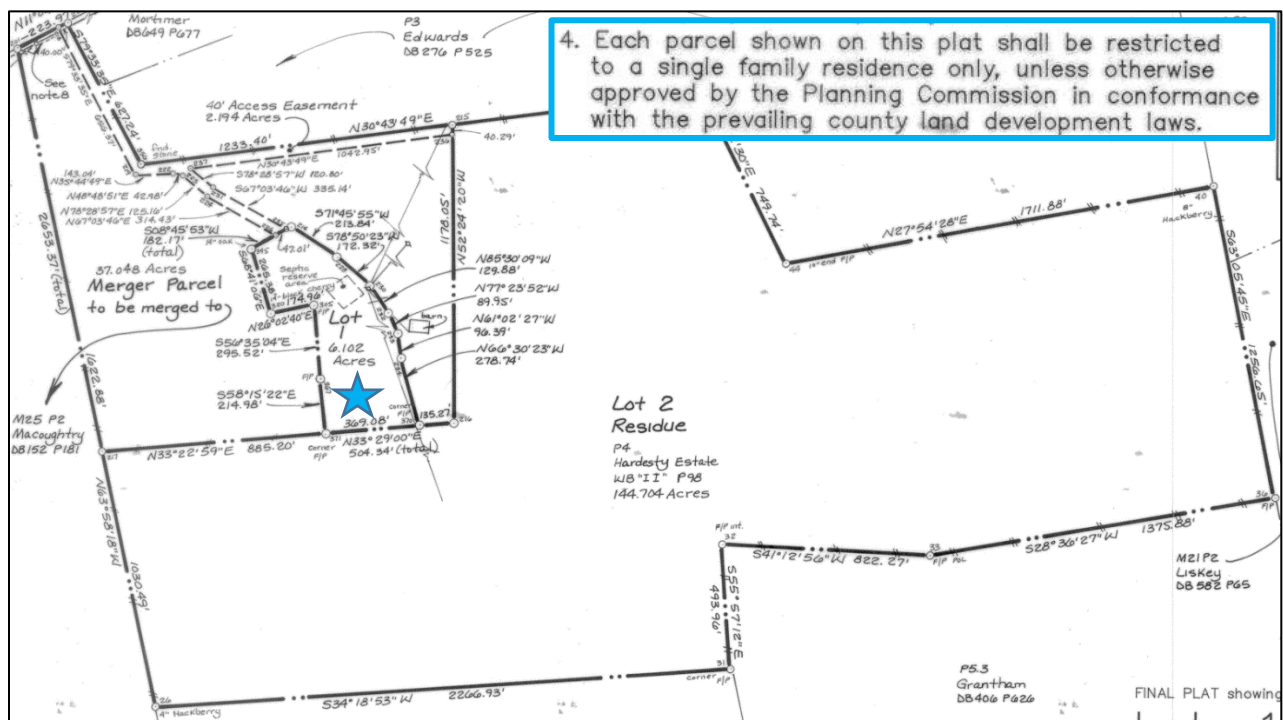
Overview of Request

The subject parcel is designated as Lot 1 in the Hardesty Minor Subdivision, which was recorded on December 27, 1999 in Plat Book 17 at Page 32. At the time the plat was approved, the Subdivision Ordinance required all subdivisions to include a note that restricted each lot to a single family residence only. This note is no longer required for subdivisions. This note is the subject of this Final Plat Amendment request.

Dunn - Final Plat Amendment (File #24-2-FPA)

The applicant would like to lift the single-family residence restriction to allow for the construction of a detached accessory dwelling unit (in-law suite) for a family member. An accessory dwelling unit for a family member is considered an “in-law suite” in the Zoning Ordinance. Detached in-law suites are permitted in the Rural Zoning District in accordance with Section 8.15A of the current Zoning Ordinance on properties of at least 2 acres in size.

If the Planning Commission approves this Final Plat Amendment to lift the single-family restriction, the applicant may apply for a Zoning Certificate to process under the zoning requirements for an Accessory Dwelling Unit for a detached In-Law Suite. Section 8.15A of the Zoning Ordinance has various provisions that must be complied with, including, but not limited, to the requirement that the accessory dwelling unit must be secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area.



Staff Report
Jefferson County Planning Commission Meeting
July 9, 2024

Dunn - Final Plat Amendment (File #24-2-FPA)

Plat Amendment Requirements

Section 24.202A of the Jefferson County Subdivision and Land Development Regulations, “Amendment, Modification, and the Vacating of Subdivision Plats”, states that the Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

1. All of the property that is affected by the amendment is under the ownership of the applicant;
2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment was required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the June 5, 2024 edition of the Spirit of Jefferson newspaper for the July 9, 2024 Planning Commission meeting.

Recommendation

Staff recommends approving the requested Final Plat Amendment to lift the single-family restriction for the sole purpose of constructing a detached Accessory Dwelling Unit for use by a family member.



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 #: 24-2-FPA
 Date Rec'd: 05.17.24
 Mtg Date: 07.09.24

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

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

Final Plat Amendment Application

A request to amend, modify and/or vacate an approved plat must comply with Section 24.202 of the Jefferson County 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: Duane C. & Rebecca L. Dunn
 Business Name: NONE
 Mailing Address: 230 MacCoughtry Dr, Kearneysville, WV 25430
 Phone Number: D/304-261-6500 R/304-261-5520 Email: thedunnranch@frontiernet.net

Applicant Information

Applicant Name: Duane C. Dunn Same as owner:
 Business Name: NONE
 Mailing Address: SAME
 Phone Number: 304-261-6500 Email: thedunnranch@frontiernet.net

Consultant Information

Consultant Name: N/A
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 230 MaCoughtry Rd, Kearneysville, WV 25430
 Parcel ID: 07002400040002 Parcel Size: 6 acres
 Zoning District: Rural Deed Book: 1086 Page No: 59

Plat Information

Plat Title: Hardesty Minor Subdivision Note No: _____
 Recordation Date: 12/27/1999 Plat Book: 17 Page No: 32

Describe the nature of your proposed amendment.

Request to lift the single family restriction for the purpose of constructing a second, detached dwelling for a family member (in-law suite).

*See Note #4 on Final Plat / see also PC File #99-30

Sketch the shape and location of the lot. Show the location of the proposed construction/land use. Include building setbacks, size, and height. Identify existing easements, roads, buildings/structures, or land uses on the property. Note: septic or well relocations require a survey plat and approval by the Health Department.

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

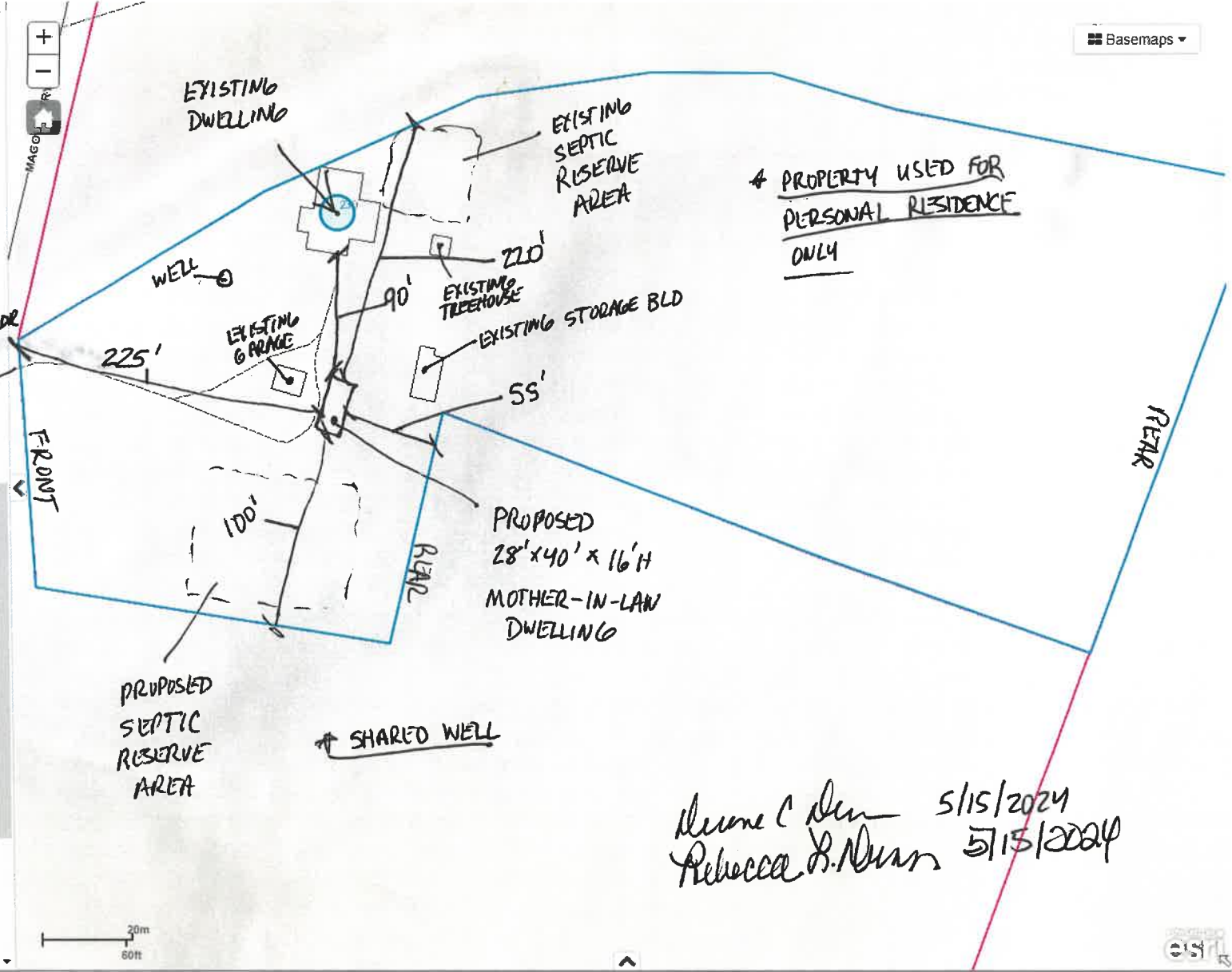
By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

Duane C. Dunn 5/15/2024
 Property Owner/Applicant Signature Date

Rebecca L. Dunn 5/15/2024
 Property Owner/Applicant Signature Date

Identify Filter
 Identify Results
 1 features currently selected

Parcel: 07002400040002
 TD: 7 / Map: 24 / Pct: 4.2
 Deeded Owner: DUNN DUANE C & REBECCA
 Owner Address: 5534 LEETOWN RD / 230 MACCOUNTRY DR
 City: KEARNEYSVILLE
 State: WV
 Zip: 25430
 Deed Book/Page: 1086/59
 Description: LT 1 (6.10 AC) MACCOUNTRY
 Lot Size: 6.1
 Tax Class: 2
 Living Unit: 1
 Year Built: 1800
 Stories: 2
 First Floor Area: 1595
 Rooms: 10
 Bedrooms: 3
 Full Baths: 2
 Half Baths: 0
 Attic: UnFin
 Heat Type: Central
 Fuel Type: Oil
 Heat System: Warm Air
 Last Sale Date: 29 Oct-10
 Last Sale Amount: 146000
 Tax Year: 2024
 Bldg Appraisal: 206700
 Land Appraisal: 99100
 Total Appraisal: 307800
 Bldg Assessed: 125200
 Land Assessed: 59500
 Total Assessed: 184700
 Map Card: [Map Card](#)



Duane C. Dunn 5/15/2024
 Rebecca B. Dunn 5/15/2024

24-2-FPA

5/16/2024

RE: Adjacent Lot Second Dwelling

To Whom it may concern,

I, Wes Jenkins, take no opposition to Duane and Rebecca Dunn installing an in-law dwelling on the adjacent property to the one that I own.



Wes Jenkins

484-663-1536

289 Macoughtry Dr.

Kearneysville, WV 25430

RECEIVED

MAY 28 2024

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

2517 South Childs Rd.
Kearneysville, WV 25430
5/20/2024

Duane and Becky Dunn
230 Macoughtry Drive
Kearneysville, WV 25430

RE: Adjacent Lot Second Dwelling

To Whom it may concern,

James Amon and Peggy Grantham, who are adjacent property owners to Duane and Rebecca Dunn, take no opposition to the construction of an in-law dwelling. The dwelling will be built on Duane and Rebecca's property at Macoughtry Drive.

Sincerely,



James Amon and Peggy Grantham

RECEIVED

MAY 28 2024

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

5/17/2024

RE: Adjacent Lot Second Dwelling

To Whom it may concern,

I, Daniel Chittal, take no opposition to Duane and Rebecca Dunn installing an in-law dwelling on the adjacent property to the one that I own.

A handwritten signature in black ink, appearing to read 'D. Chittal', with a long, sweeping underline.

Daniel Chittal
304-620-2735
4464 Leetown Road
Summit Point, WV 25446

RECEIVED

MAY 28 2024

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

May 17, 2024

To Whom It May Concern:

We own the property located at 282 Macoughtry Drive Kearneysville, WV. This letter is to inform you that there are no objections to Duane and Rebecca Dunn constructing a second dwelling on their property, which is adjacent to ours. If you have any questions, please contact us.

Sincerely,

Beth and Eric Laisure



540-377-0928

Bnl0220@gmail.com

RECEIVED

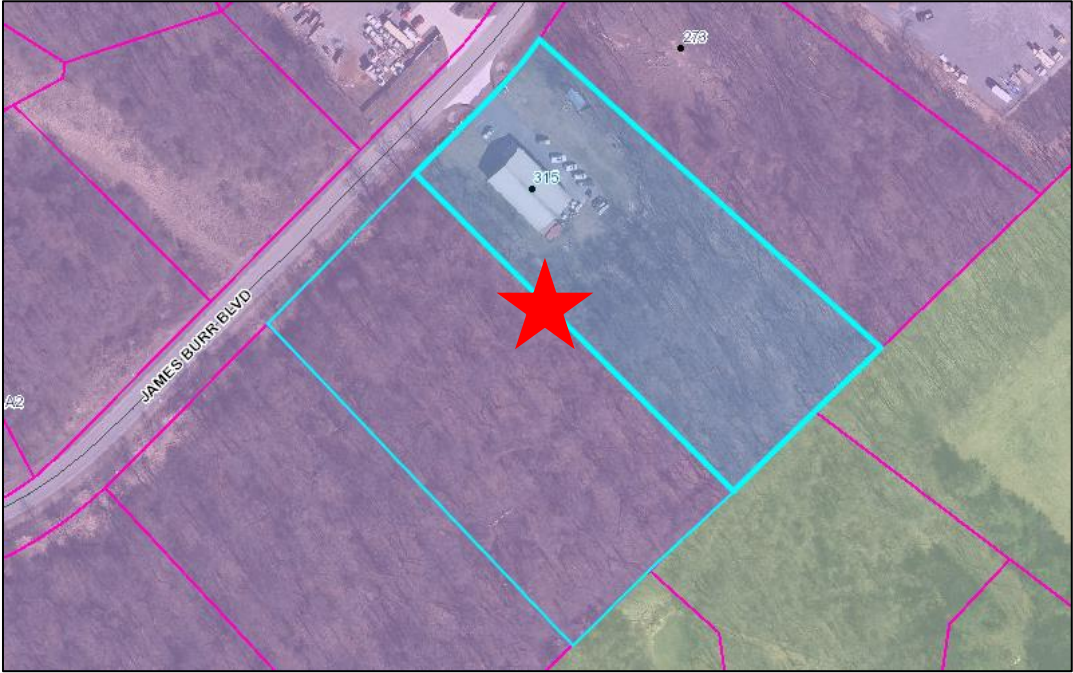
MAY 28 2024

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Staff Report
 Jefferson County Planning Commission Meeting
 July 9, 2024

Devil’s Due Distillery Waiver Requests (24-21-PCW)

Items #7: Waiver from Section 2.2K.3 of the Subdivision Regulations to allow a gravel walkway area, as opposed to concrete; and to allow the pedestrian walkway grade to be greater than 5% (but not more than 10%) to allow for the expansion of the existing Devil’s Due Distillery.

Owner:	Shenandoah Valley Holdings LLC
Applicant:	Devil's Due Distillery
Consultant:	Civil & Environmental Consultants, Inc. / Marcus Spina
Property Location & Information:	<p style="text-align: center;">Burr Business Park, 315 James Burr Blvd, Kearneysville, WV 25430 Lot # 32 - Parcel ID: 02000101320000; Size: 2.7 acres; and, Lots #33 - Parcel ID 02000101330000; Size: 2.83 acres; Zoning District: Industrial Commercial</p> 
Surrounding Zoning:	<i>North, East and West: Industrial/Commercial; Southeast: Rural</i>
Proposed Activity:	Proposed expansion of an existing distillery (File #20-2-SP) to include additional parking areas, an event venue space, and expansion of the production facility.
History:	File #20-2-SP, “Devil’s Due Distillery Burr Park Lot 32” Site Plan approved 2020.
Waivers/Variances:	<p>2024/06/27: BZA approved variance from Section 4.11 and Appendix B to eliminate the landscaping requirements, the parking/drive aisle setbacks, and the building setbacks for the internal lot line (24-19-ZV).</p> <p>2024/05/07: PC approved the following waivers for the Devil’s Due expansion:</p> <ul style="list-style-type: none"> • Section 10.5A to allow a gravel parking area as opposed to an asphalt/concrete (paved) parking lot for public use (24-11-PCW). • Section 2.3B.5 to allow an asphalt apron entrance as opposed to the required concrete apron (24-12-PCW).

Staff Report
Jefferson County Planning Commission Meeting
July 9, 2024

Devil's Due Distillery Waiver Requests (24-21-PCW)

- 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 applicant states the desire to create the pedestrian connection from the gravel parking lot in a manner that appears more natural and blends in with the surrounding wooded area on Lot 133 and reduces the amount of concrete required for the construction of the path.

Section 2.2K.3 of the Subdivision Regulations requires sidewalks to be constructed of Portland cement concrete with a minimum depth of four inches, except under driveways a minimum depth of 6 inches shall be used. Sidewalks shall be four feet wide and placed on a suitable base approved by the County Engineer. It also requires grades on sidewalks to not exceed (20:1) 20' horizontal to 1' vertical. The applicant is requesting a waiver to allow a gravel walkway area (as opposed to concrete) from the gravel parking lot; and to allow the pedestrian walkway grade to be greater than 5% (but not more than 10%) to allow for the expansion of the existing Devil's Due Distillery on the adjoining Lot.

Sidewalk are typically sloped to meet a 5% slope for ADA access and ADA ramps can be a maximum 8.33%. Since there is ADA access near the main building, a maximum of 10% is a reasonable request. Typically, all sidewalks should be made of a binder material such as cement or asphalt concrete for the general public. In this case, the walking path will be from a parking lot utilizing gravel pavement that was previously approved by the planning commission. While Engineering prefers the sidewalk to be a cement or asphalt concrete but since the parking area will be gravel, Engineering does understand that continuing a gravel walking path from the parking area to the main building is a reasonable request. Therefore, Engineering would recommend approval of this waiver.



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 #: 24.21.PCW
 Mtg Date: 07.09.24
 Date Rec'd: 05.24.24
 Fees Paid: 100-
 Staff Int: gt
 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: Wylie McDade
 Business Name: Devil's Due Distillery
 Mailing Address: 315 James Burr Boulevard Kearneysville, WV 25430
 Phone Number: (681) 252-1246 Email: wylie.mcdade@gmail.com

Applicant Contact Information

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

Consultant Information

Name: Marcus Spina
 Business Name: Civil & Environmental Consultants, Inc.
 Mailing Address: 786 Foxcroft Ave Martinsburg, WV 25401
 Phone Number: (304) 620-2319 Email: mspina@cecinc.com

Physical Property Details

Physical Address: 315 James Burr Blvd, Kearneysville, WV 25430 Vacant Lot:
 Tax District: Charles Town Map No: 1 Parcel No: 133
 Parcel Size: 2.83 Acres Deed Book: 1301 Page No: 204
 Zoning District: Industrial/Commercial

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?

Subdivision & Land Development Regulations | Adopted: October 9, 2008 | Amended: February 1, 2018
 Section 2.2.K.3

Briefly Describe the Nature of Your Waiver Request:

The waiver is to construct a gravel path with grades greater than 5% but no more than 10%. The intent of this waiver is to forgo the material requirement of Portland Concrete and the maximum allowable grade of 20:1.

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.

The project site is on a private parcel, not a county owned parcel.

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.

If granted, the waiver will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents as ADA parking has been provided closer to the entrance of the existing business and the proposed parking lot will have a safe, internal connection.

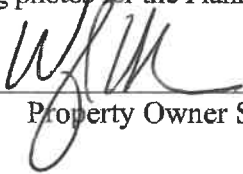
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

If granted, the waiver will allow the property owner to still provide a connection between the proposed parking lot (previously approved to be gravel) and existing business without putting the public in the right-of-way of James Burr Boulevard.

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

If granted, the waiver will allow for the owner to propose a gravel path that appears more natural and aesthetically pleasing that blends into the surrounding wooded area, while providing a safe path of travel between the proposed gravel parking and the existing entrance.

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.



Property Owner Signature

5/24/24

Date

Property Owner Signature

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.

07.09.24

Public Hearing Date

06.25.24

Date Placard Posted

06.25.24

Date Adjoiners Mailed

Planning Commission Determination

Approved

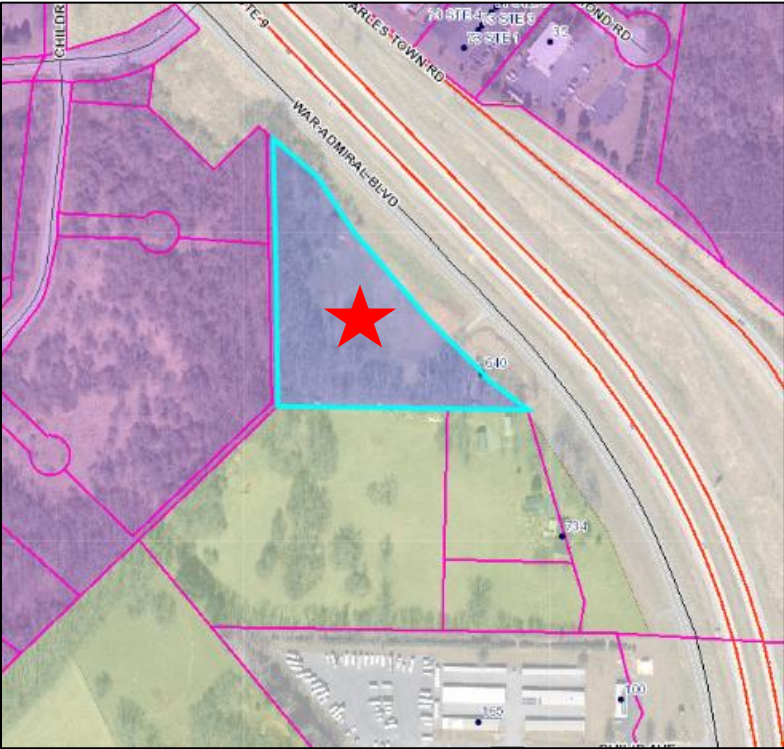
Denied

Date: ___ / ___ / ___

Staff Report
 Jefferson County Planning Commission Meeting
 July 9, 2024

BCL Properties, LLC Waiver Requests (File: 24-22-PCW)

Items #8: Waiver from Section 10.5 of the Subdivision Regulations to allow a gravel parking lot, as opposed to asphalt/concrete, for public use for a proposed brewpub.
 (Project Name: BCL Properties – File #24-5-SP).

/Owner:	Nicholas Wilson, Karen Dowd Wilson, Katie Main, and Ryan Main
Applicant	BCL Properties, LLC
Consultant:	Todd Heck, Morris & Ritchie Associates, Inc.
Property Location & Information:	<p style="text-align: center;">640 War Admiral Blvd, Charles Town, WV Parcel ID: 02000100270001; Size: 4.70 ac; Zoning District: Industrial-Commercial</p> 
Surrounding Zoning:	<i>North, East, & West: Industrial-Commercial; South: Rural</i>
Proposed Activity:	Brewpub with associated parking and site improvements (Site Plan File #24-5-SP)
Previous Approvals:	02-06-23: Staff Approval of Retail Sales (23-08-ZC) 04-01-22: Staff Approval of Retail Sales (22-09-ZC) 02-22-21: Staff Approval of phased Minor Site Plan (20-3-SP) 09-18-20: Staff Approval of Retail Sales (20-23-ZC)
Waivers/Variances:	05-17-22: PC approved a waiver of site plan for a temporary use until 05/17/24 (see File #20-3-SP).

Staff Report
Jefferson County Planning Commission Meeting
July 9, 2024

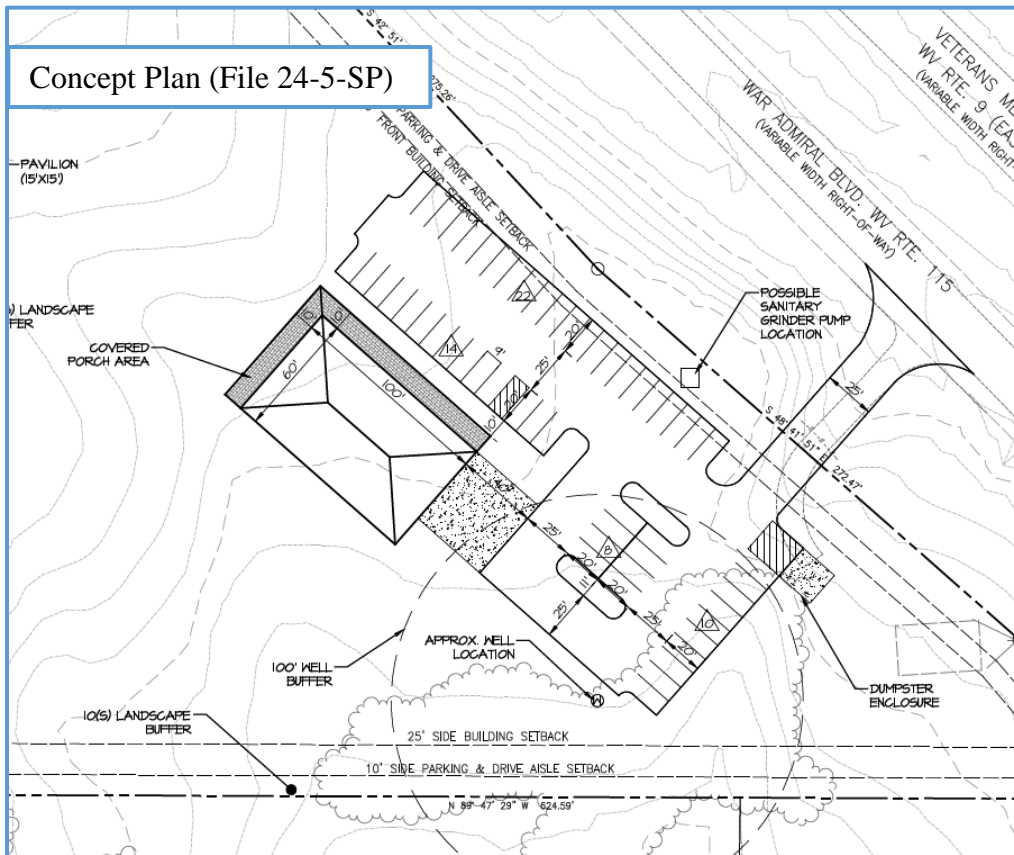
BCL Properties, LLC Waiver Requests (File: 24-22-PCW)

Site Background:

This property had a previously approved phased site plan for the construction of a store, playground and congregation area (File # 20-3-SP) and has been used for a variety of retail purposes, seasonal sales and outdoor recreational uses and a number of Zoning Certificate were approved for these uses.

Currently, there is a new proposed Concept Plan for the new owners, BCL Properties, under consideration on the 07-09-24 Planning Commission agenda for the development of the following uses (see graphic below):

- A new 7,700 sq ft structure to house the proposed brewpub including a 1,700 sq ft covered porch
- A 225 sq ft pavilion
- 54 parking spaces
- Stormwater management facilities



Summary of the Request:

In conjunction with this Concept Plan, the applicant is requesting a waiver from Section 10.5 of the Subdivision Regulations to allow a gravel parking lot, as opposed to asphalt/concrete, for public use for a proposed brewpub. The concept plan includes approximately 54 parking spaces.

The applicant is requesting that the customer parking be permitted to be gravel, with a paved ADA accessible space provided. This requires a waiver from Appendix B, Section 10.5A of the Subdivision

Staff Report
Jefferson County Planning Commission Meeting
July 9, 2024

BCL Properties, LLC Waiver Requests (File: 24-22-PCW)

Regulations which requires that “Site Development parking lots, entrances and internal driveways for use by the public shall be bituminous asphalt or concrete paved”.

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;
- 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:

Appendix B, Section 10.5A requires parking area to be asphalt or concrete pavement for public use in the Industrial/Commercial zones; however, in the rural district, gravel pavement can be utilized for public parking in a county setting. Being in an Industrial/Commercial zone, the public would expected parking for the general public to be a hard flat surface typically asphalt of concrete paved. If the applicant looks to install the asphalt pavement at a later date, engineering would suggest that a separate bond be required for the applicant to install the asphalt pavement with a set time limit. However, engineer would require asphalt or concrete pavement for all parking area for the general public. Therefore, engineering recommends denial of the waiver as presented.



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 #: 24-22-PCW
 Mtg Date: 07/09/24
 Date Rec'd: 06/06/24
 Fees Paid: \$100
 Staff Int: jth
 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: Nicholas Wilson
 Business Name: BCL Properties LLC
 Mailing Address: _____
 Phone Number: 301-788-4635 Email: wilsontc81@gmail.com

Applicant Contact Information

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

Consultant Information

Name: Todd Heck, Principal
 Business Name: Morris & Ritchie Associates, Inc.
 Mailing Address: 205 E. Hirst Road Suite 106 Purcellville, VA 20132
 Phone Number: 703-994-4047 Email: theck@mragta.com

Physical Property Details

Physical Address: 640 War Admiral BLVD Vacant Lot:
 Tax District: Charles Town Map No: 1 Parcel No: 27.1
 Parcel Size: 4.7 AC Deed Book: 1318 Page No: 255
 Zoning District: Industrial Commercial (IC)

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?

Subdivision Regulation (amended through February 1, 2018) Section 10.5 - Parking Area, Entrance and Internal Driveway Paving. Site Development parking lots, entrances and internal driveways for use by the public shall be bituminous asphalt or concrete paved.

Briefly Describe the Nature of Your Waiver Request:

A waiver is requested to allow gravel to be used as an alternative surface for the parking lot and access to the site.

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.

The request to change the surface type of the parking lot has no impacts to County related to maintenance cost, open space or parkland. The amount of imperviousness would remain unchanged base on the inherent nature of the surface materials.

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.

Access to the proposed facility would still fulfill all County regulations and the proposed request to change the surface material has no impact on the public's health and safety. The provision of handicapped parking spaces will be paved with asphalt or concrete and a similar paved surface accessing the front of the structure from the parking pad thereby not adversely affecting the general public.

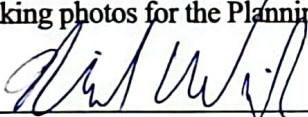
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

The Rural District allows gravel to be used for non-residential uses. While the site is not in a Rural District, it is directly adjacent to one and therefore should not be considered as an unreasonable request since it is in keeping with the intent and purpose of the Ordinance.

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

Being able to use gravel will be a significant cost savings thereby helping to offset the initial start up costs to get this project off the ground. The return to the County will in the for a new commercial tax revenue generating business.

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.



Property Owner Signature

6/3/2024

Date

Property Owner Signature

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.

07/09/24

Public Hearing Date

06/25/24

Date Placard Posted

06/25/24

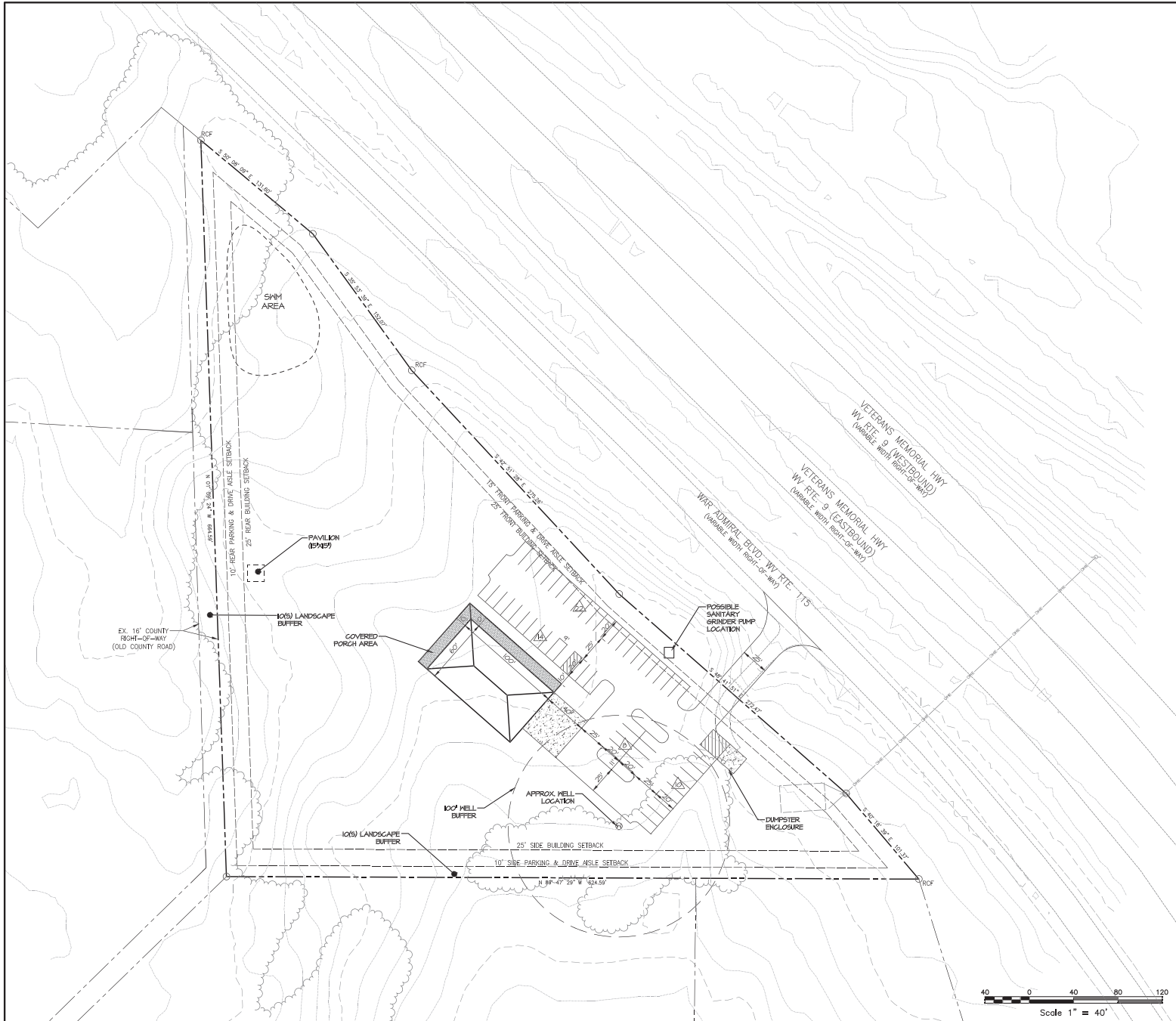
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

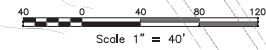
Date: ___ / ___ / ___



MRA
MORRIS & RITCHE ASSOCIATES, INC.
 ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 205 E. HIRST ROAD, SUITE 108
 PURCELLVILLE, VA 20132
 (703) 994-4047
 MRAGTA.COM
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CONCEPT PLAN - BCT PROPERTIES
 CONCEPT PLAN

JEFFERSON COUNTY, WEST VIRGINIA
 TAX DISTRICT, CHARLES TOWN DISTRICT
 TAX MAP 1 PARCELS 211,030,020, PLS 366
 DATE: 5/10/20 (REVISED 6/9/24)
 SHEET 3 OF 3





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

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting July 9, 2024

1) Department of Engineering, Planning and Zoning County Offices Contact Information

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) County Commission Public Hearing Updates

a) June 27, 2024, 7 pm: Text Amendment to Div. 24.300 of Subdivision Regulations (File #STA24-01);
Public Hearing closed, Action to be placed on July 11, 2024 County Commission Meeting

b) June 27, 2024, Discussion of proposed Planning Commission Bylaw Amendment
Action to be placed on be July 11, 2024 County Commission Meeting

4) Upcoming PC meetings -- ****POSSIBLE ACTION****

❖ Next Regular meeting date: **August 13, 2024**

○ 7:00 pm Planning Commission Meeting

The following meetings need to be called as Special Meetings:

❖ Tentative *2045 Comprehensive Plan* Planning Commission Meeting/Workshop: _____

❖ Tentative *2045 Comprehensive Plan* Planning Commission Public Hearing: _____
(requires 30 day publication in the Spirit of Jefferson) ****Need to discuss****

❖ Tentative *2045 Comprehensive Plan* Planning Commission Review and Final Direction to staff:
_____ ****Two weeks after the Public Hearing***



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

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

4th Quarter Report for Planning and Zoning

FY 2024 (April 1, 2024 – June 30, 2024)

Attached is an electronically generated report of all applications submitted and reviewed within the 4th Quarter of FY 2024. This data is being provided as a part of the 4th 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

Comprehensive Plan Work Sessions: 3 Work Sessions and 1 special PC meeting

Comprehensive Plan Public Input Meetings: 1 Public Input Meeting (5/13/24)

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.
PC PH held 4/09/24; referred to County Commission; CC Public Hearing 6/27/24.

Zoning Ordinance Text Amendments none this quarter

Zoning Map Amendments/Rezoning 1

#24-1-Z Petition for a to rezone a 20.2-acre portion of the Sunnyside Industrial Park from Industrial-Commercial to Residential-Light Industrial-Commercial is consistent with the 2035 Comprehensive Plan. Owner/Applicant: Cochran Mill Road, LLC (Lots 6 and 7). Property Location: two vacant lots located off Kanawha Lane within Sunnyside Industrial Park, south of Wheatland Road, west of the Norfolk Southern railroad tracks; Parcel ID: 06001200120006 and 06001200120007; Combined acreage: approximately 20.2 acres; Zoning District: Industrial-Commercial.
PC Discussion and Recommendation that that the requested Zoning Map Amendment for these two parcels of Sunnyside Industrial Park to Residential-Light Industrial-Commercial is consistent with the Envision Jefferson 2035 Comprehensive Plan. CC Public Hearing held 06-06-24; ZMA File #24-1-Z approved unanimously.

Concept Plan Public Workshops 2

#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 4/09/24; PC approved a motion (6 for/1 opposed) to authorize the

applicant to proceed with their Site Plan with stipulations discussed [related to the single boulevard entrance redesign required by the WV DOH; acknowledging that they will not be providing vehicular interconnectivity; and the option of a pedestrian connection to the church property].

#24-12-SD A Concept Plan for the Birdhill Subdivision consisting of a Major Residential Subdivision with 720 lots (324 single family detached and 396 attached townhome lots) and associated infrastructure.
Property Owner/Applicant: Jefferson Orchards Inc.;
Property Location: Vacant parcel located .35 miles northeast of the intersection of Charles Town Road and Kearneysville Pike, Kearneysville, WV; Parcel ID: 07000300290000;
Size: 195.52 acres; Zoning District: Residential Growth
Public Workshop 5/07/24: PC approved a motion (6 for/1 opposed) to approve the request as presented, conditioned upon the proffers made by the applicant including fencing, additional access to the common open space area, and that the recreational areas will be detailed on the Preliminary Plat for Phase I. .

BOARD OF ZONING APPEALS (BZA) ITEMS

Board of Zoning Appeals Meetings: **2 meetings**
Zoning Appeal of Administrative Application: **0**

PLANNING & ZONING STAFF ITEMS

Pre-Proposal Conference (PPC) Meetings: 23 Total (11 Subdivision & 12 Site Plan)
Information Request Forms (IRFs) -- general inquiries from the public: 32 Total
Zoning and Land Development Fees Collected: \$31,862.24

Regional Transportation Planning Meetings (some remote/some in person)	
Eastern Panhandle Transit Authority (EPTA) Board Meetings	4/15/24; 5/20/24; 6/17/24
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	05/15/24
HEPMPO Congestion Management Plan (CMP) Stakeholder Meeting #3	05/08/24
WVDOH/Regional Planners Roundtable	05/01/24

Local and Regional Planning Meetings (remote unless otherwise noted)	
WV APA Legislative Committee	5/3/24; 6/7/24
Jefferson County CVB Tourism Summit	4/17/24
6th Mountain State Land Use Academy/WV APA Spring Annual Meeting	5/21/24 & 5/22/24

2045 Comprehensive Plan Update Meetings	
Jefferson County <i>2045 Comprehensive Plan</i> Public Input Meeting	05/13/24

**Planning and Zoning Quarterly Report
04/01/2024 - 06/30/2024**

Type	Project Number	Creation Date	Owner Name	Location	Status	Description	Decision	Plat Book	Page
Conditional Use Permit	24-5-CUP	6/24/2024	GLOBAL ENVIRONMENTAL & REMEDIATION LLC - Raymond Johnson	Middleway Pike, Charles Town, WV 25414	Open	Conditional Use Permit application - Contractor with Outdoor Storage			
	24-6-CUP	6/28/2024	Carter & Maple Properties, LLC - Kevin Cueller	Carter Ave, Harpers Ferry, WV 25425	Open	Request to establish a special event facility on the adjoining lot to the existing Bakerton Market.			
					Category Total:	2			
Easements	24-2-E	4/29/2024	CANTOR HOLLOW LLC - Andy Shuckra	CAPTAIN CHEWS TRACE, CHARLES TOWN, WV 25414	Open	Easement Plat for Utilities		26	736
					Category Total:	1			
Merger or Boundary Line Adjustment	24-9-M	5/21/2024	BAIRD JAMES N & DEBRA J	6474 MIDDLEWAY PIKE, KEARNEYSVILLE, WV 25430	Open	Merging 0.3071 acres from Parcel 3.3 to Parcel 3.1			
	24-10-M	6/6/2024	MOORES BILLY KAYE II - TR	108 LIBBY LN, KEARNEYSVILLE, WV 25430	Open	Adjusting the boundary lines of Parcels 5 and Parcel 15 while retaining the density rights of the existing 199 acre tract (currently parcel 5).			
	24-11-M	6/7/2024	DUNCAN HOMES LLC	64 RUBY ST LOT 1, SHENANDOAH JUNCTION, WV 25442	Open	Boundary Line Adjustment between Lots 1 & 2			
	24-12-M	6/10/2024	HORTON MARTIN C	66 ROCK LN, HARPERS FERRY, WV 25425	Open	Consolidation of Lots 44 & 45 (Parcel 120) & a BLA of 1.6462 acres from Parcel 5.6 to Parcel 120.			
					Category Total:	4			
ABC Permits	24-3-ABC	4/29/2024	JEFFERSON REALITY LLC - Antonio Colandrea	4843 MIDDLEWAY PIKE STE 100, KEARNEYSVILLE, WV	Closed	Jefferson Reality, LLC dba Middleway Market			
	24-4-ABC	5/3/2024	SBABA LLC - Praveen Khurana	21 TUSCAWILLA DR, CHARLES TOWN, WV 25414	Closed	Handi Stop Retail - Gas Station Zoning Verification Letter - WVABCA (alcohol sales for off-premises consumption)			
	24-5-ABC	5/10/2024	KOSKO EMIL M JR	5071 MIDDLEWAY PIKE, KEARNEYSVILLE, WV 25430	Closed	WVABCA Zoning Verification Letter			
					Category Total:	3			
Final Plat Amendment	24-1-FPA	5/10/2024	OTT DEAN & DONNA	105 CARDINAL KNOLL LN, SHENANDOAH JUNCTION, WV 25442	Open	Request to lift the single family restriction for Lot 3 for the purpose of construction a detached in-law suite.			
	24-2-FPA	5/17/2024	DUNN DUANE C & REBECCA - DUANE DUNN	230 MACOUGHTRY DR, KEARNEYSVILLE, WV 25430	Open	Final Plat Amendment to lift the single family restriction to construct an Accessory Dwelling Unit for a family member (detached in-law suite).			
	24-3-FPA	6/25/2024	BROWNSMITH IAN & SUSAN C	1139 ENGLE MOLERS RD, HARPERS FERRY, WV 25425	Open	Request to lift the single family restriction from Lot 2 of the McDonald Minor Subdivision for the purpose of establishing a two-family dwelling on the property.			
					Category Total:	3			
Minor Plat Change	24-3-MPC	4/1/2024	DR Acquisitions, LLC - Matt Stare	Charles Town Road, Charles Town, WV 25414	Open	Revised Model Home lots to add 174 and TH 21 re: zoning variance.			
	24-4-MPC	4/30/2024	KUZMA DUSTIN D & LAUREN M	91 EQUESTRIAN CIR, SHENANDOAH JUNCTION, WV 25442	Closed	Kuzma, Dustin & Lauren			
	24-5-MPC	5/30/2024	Lutman Land Development - Dave Lutman	50 TALIESEN WAY, KEARNEYSVILLE, WV 25430	Closed	Lot 2 - Septic Relocation			
	24-6-MPC	6/26/2024	JOHAN ANTHONY F & ANITA	83 EAGLE LANDING RD, HARPERS FERRY, WV 25425	Open	Minor Plat Change: Septic relocation for a proposed house.			
					Category Total:	4			
	24-11-PCW	4/2/2024	Devil's Due Distillery - Wylie McDade	315 JAMES BURR BLVD, KEARNEYSVILLE, WV 25430	Closed	Waiver from Section 10.5A of the Subdivision Regulations to allow a gravel parking area as opposed to an asphalt/concrete (paved) parking lot for public use to allow for the expansion of the existing Devil's Due Distillery.			
	24-12-PCW	4/2/2024	Devil's Due Distillery - Wylie McDade	315 JAMES BURR BLVD, KEARNEYSVILLE, WV 25430	Closed	Waiver from Section 2.3B.6 of the Subdivision Regulations to allow a concrete apron entrance as opposed to the required asphalt apron to allow for the expansion of the existing Devil's Due Distillery.			
	24-13-PCW	4/12/2024	P F K LLC - Peter Kubic	Stone Pillar Lane, , WV	Closed	Waiver from Section 20.2018.3 of the Subdivision Regulations to reduce the required access width of Stone Pillar Lane from 50' to 30' for a proposed three lot Family Transfer Subdivision.			
	24-14-PCW	4/16/2024	JEFFERSON ORCHARDS INC.	Kearneysville Pike, KEARNEYSVILLE, WV 25430	Open	Request for a Waiver from Article 21, Section 21.101A, which requires the blocks shall not, in most instances, exceed six lots in length on one side of the street.			

Planning Commission Waiver	24-15-PCW	4/16/2024	JEFFERSON ORCHARDS INC.	Kearneysville Pike, KEARNEYSVILLE, WV 25430	Closed	Request for a Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less.			
	24-17-PCW	4/25/2024	DONLEY SAMUEL J JR	4368 ENGLE MOLERS RD, HARPERS FERRY, WV 25425	Open	Waiver request from Sect. 20.201A2 which requires a 50' access easement, to be allowed to use existing 20' access.			
	24-18-PCW	5/17/2024	Michael Nick	1195 SUMMIT POINT RD, SUMMIT POINT, WV 25446	Open	Waiver Request from Section 20.201A of the Subdivision Regs to reduce the required access width from 50' to 40' for a proposed 3-lot minor subdivision.			
	24-19-PCW	5/21/2024	CLG ENTERPRISES LLC - Chris Livingston	465 SHIPLEY SCHOOL RD, HARPERS FERRY, WV 25425	Open	Waiver from Section 20.203B.2 of the Subdivision Regs that requires the proposed project to process as a Minor Site Development. The project consists of operating a food truck on the subject property.			
	24-20-PCW	5/21/2024	ISAAC WALTON LEAGUE - James Butler	10435 LEETOWN RD, KEARNEYSVILLE, WV 25430	Open	Waiver from Section 20.203B.2 of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. The project consists of the removal and replacement of the existing dams on the subject property.			
	24-21-PCW	5/24/2024	Devil's Due Distillery - Wylie McDade	315 JAMES BURR BLVD, KEARNEYSVILLE, WV 25430	Open	Waiver from Section 2.2K.3 of the Subdivision Regulations to allow a gravel walkway area, as opposed to concrete; and, to allow the walkway grade to be greater than 5% (but not more than 10%) for public use to allow for the expansion of the existing Devil's Due Distillery.			
	24-22-PCW	6/6/2024	NICHOLAS WILSON ET AL	640 WAR ADMIRAL BLVD, CHARLES TOWN, WV 25414	Open	Waiver from Section 10.5 of the Subdivision Regulations to allow a gravel parking lot (vs asphalt/concrete), for public use for a proposed brewpub. (BCL Properties – File #24-5-SP).			
	24-23-PCW	6/14/2024	ALHARMOOSH DEVELOPMENT GROUP LLC	257 & 263 RIDGE RD, SHENANDOAH JUNCTION, WV	Open	pending			
					Category Total:	12			
Site Plan	24-4-NSP	4/4/2024	NATIONAL HUMANE EDUCATION SOCIETY - Frank Fox	3731 BERRYVILLE PIKE STE 100, CHARLES TOWN, WV 25414	Closed	(2) 8'x40' shipping containers for temporary storage			
	24-5-NSP	5/8/2024	DALB INC - Kevin Steeley	73 INDUSTRIAL BLVD, KEARNEYSVILLE, WV 25430	Open	NSP evaluation: the project consists of expanding an existing loading area and a parking lot to accommodate 19 new parking spaces.			
	24-6-NSP	5/17/2024	RECREATIONAL ADVENTURES CAMP- GROUNDS LLC	343 CAMPGROUND RD, HARPERS FERRY, WV 25425	Closed	To install a roof over an existing deck.			
	24-7-NSP	5/22/2024	SUMMIT POINT AUTOMOTIVE RESEARCH CETNER LLC	10 JEFFERSON CIRCUIT RD, SUMMIT POINT, WV 25446	Closed	Deck Replacement: Remove 960 sf deck; replace 813 sf deck.			
	24-3-SP	4/2/2024	Devil's Due Distillery - Wylie McDade	315 JAMES BURR BLVD, KEARNEYSVILLE, WV 25430	Open	Expansion of the Devil's Due Distillery			
	24-5-SP	5/17/2024	NICHOLAS WILSON ET AL (BCL Properties)	640 WAR ADMIRAL BLVD, CHARLES TOWN, WV 25414	Open	A Concept Plan for a Minor Site Development for the construction of a new structure to be used as a brewpub, a pavilion, and associated parking.			
	S00-10	6/17/2024	340 RAINBOW LLC	3557 BERRYVILLE PIKE, CHARLES TOWN, WV 25414	Closed	Automotive Repair Business			
				Category Total:	7				
Subdivision	24-7-SD	4/1/2024	DR Acquisitions, LLC - Matt Stare	Charles Town Road, Charles Town, WV 25414	Open	Final Plat - Phase 1B includes: Townhome Lots 49 thru 72; Detached SF Lots: 15-32 and 167-173 Open Space Parcels P & Q; SWM Lot 3			
	24-13-SD	5/6/2024	CAVALIER FARM LLC - Trish Sanderson	2043 SHEPHERDSTOWN PIKE, HARPERS FERRY, WV 25425	Open	Creation of Lots 1-3 (Residue)			
	24-14-SD	5/8/2024	Huyett Road Development LLC - Doug Lance	Huyett Road, Charles Town, WV 25414	Open	Creation of 5 total lots plus a BLA to Parcel 20			
	24-15-SD	5/16/2024	ELEVATION PROPERTIES, LLC	1208 GARDNERS LN, SHEPHERDSTOWN, WV 25443	Open	Create 2 lots and a residue per 5.7D.3			
	24-16-SD	5/20/2024	Lutman Land Development, LLC	80 HYDE PARK LN, CHARLES TOWN, WV 25414	Open	Lots 1, 2, & 3 (Residue)			
	24-17-SD	5/30/2024	LUTMAN DAVID W	157 SUNNYSIDE LN, SHENANDOAH JUNCTION, WV 25442	Open	Creation of two lots, an FT lots and a residue			
	24-18-SD	6/7/2024	MICKEY G WARREN	276 ROPER NORTH FORK RD, CHARLES TOWN, WV 25414	Open	Creation of a two lot minor subdivision.			
	24-19-SD	6/24/2024	ATKINSON WILLIAM G & LAURIE J	1212 RIVER RD, SHEPHERDSTOWN, WV 25443	Open	Final Plat showing a resubdivision of Tract No. 2, Whitcher Subdivision; to create FT Lots 4, 5, and 6 -Residue.			
					Category Total:	8			

Zoning Certificate	24-13-ZC	4/3/2024	GODDARD LAURA	Falcon Ridge Drive, Charles Town, WV 25414	Closed	Mountain View Polo: hosting practices 3x/week from June - August; 6 - 12 students per session (1-2 hours). Private Lessons, Tuesday - Sunday, June through August, daylight hours.			
	24-15-ZC	4/9/2024	8332 MARTINSBURG PIKE LLC - Brad Fulton	8332 MARTINSBURG PIKE, SHEPHERDSTOWN, WV 25443	Closed	Change In Use / Change in Ownership Former Shepherdstown Sheetz (Gas Station) change in use to University Vape & Tobacco (Retail)			
	24-12-ZC	4/9/2024	NEW HOPE FARM INC	187 BRUCETOWN RD, KEARNEYSVILLE, WV 25430	Closed	Accessory Use to existing Hunting Club - sale of firearms to club members and guests.			
	24-14-ZC	4/9/2024	MCKEE CYNTHIA E	237 TEL FARM LN, KEARNEYSVILLE, WV 25430	Closed	Equipment Modifications to an existing telecommunication tower.			
	24-16-ZC	4/11/2024	OWENS MICHAEL K ET AL	11945 LEETOWN RD, KEARNEYSVILLE, WV 25430	Closed	Cell Tower Modifications: Remove 12 existing antennas and install 9 new antennas.			
	24-17-ZC	4/15/2024	FISHER MATTHEW D-TR & ROWAN CASTRODALE-TR	402 ELK RUN ESTATES DR, HARPERS FERRY, WV 25425	Closed	Accessory Dwelling Unit : In-law Suite			
	24-18-ZC	4/19/2024	WHITAKER CARRIE	364 STARKEYS LNDG, SHEPHERDSTOWN, WV 25443	Closed	Home Occupation, Level 1: ApotheCarrie Herbal			
	24-20-ZC	4/29/2024	SBABA LLC - Praveen Khurana	9 TUSCAWILLA DR, CHARLES TOWN, WV 25414	Closed	Growing Tree Learning Center (Day Care Center, Large); Providing childcare for up to 24 kids with 9 employees.			
	24-21-ZC	5/2/2024	SUSO 2 ALABAMA LP	96 PATRICK HENRY WAY, CHARLES TOWN, WV 25414	Closed	Temporary sale of state legal fireworks from a 20' x 40' tent. A 10' x 20' storage container/pod will be provided for overstock.			
	24-22-ZC	5/2/2024	B33 JEFFERSON CROSSING II LLC	188 FLOWING SPRINGS RD, CHARLES TOWN, WV 25414	Closed	Temporary sale of state legal fireworks from a 20' x 40' tent.			
	24-24-ZC	6/4/2024	WALKER SARAH E ET AL	67 GRANNY SMITH LN, KEARNEYSVILLE, WV 25430	Closed	Modifications to an existing cell tower to include the removal and replacement of antennas, etc.			
	24-25-ZC	6/10/2024	KOSKO EMIL M JR	5071 MIDDLEWAY PIKE, KEARNEYSVILLE, WV 25430	Closed	Wine Down Vineyard: Farm Winery to grow and process wine. Sales will be open to the general public.			
	24-26-ZC	6/11/2024	STILES FAMILY PARTNERSHIP #2	1234 MYERSTOWN RD, CHARLES TOWN, WV 25414	Open	Farm Vacation Enterprise: five lodging units			
				Category Total:	13				
Zoning Map Amendment	24-1-Z	4/25/2024	COCHRAN MILL ROAD LLC - Matt Cochran	KANAWHA LN, CHARLES TOWN, WV 25414	Open				
					Category Total:	1			
Zoning Variance	24-16-ZV	5/16/2024	Frank and Elizabeth Casaleno	214 KILLIAN LN, CHARLES TOWN, WV 25414	Open	Variance request from Section 5.4B of the Zoning Ord., to reduce the rear setback from 20' to 15' for a 12' x 16' deck.			
	24-17-ZV	5/16/2024	Thomas and Ann Morgan	20 SHENANDOAH CROSSING DR, CHARLES TOWN, WV 25414	Open	Variance from Appendix A to reduce the side setback along the eastern property line from 5' to 3' for a deck.			
	24-18-ZV	5/20/2024	KITE JEFFREY D & ALITA R	655 MASON DR, HARPERS FERRY, WV 25425	Open	Request from Section 9.7 to reduce the front setback from 20' to 8' along the southern property line (Natalie Lane) to construct a covered porch.			
	24-19-ZV	5/24/2024	Devil's Due Distillery - Wylie McDade	315 JAMES BURR BLVD, KEARNEYSVILLE, WV 25430	Open	Variance from Section 4.11/ Appendix B to eliminate the landscaping requirements, the parking/drive aisle setbacks, and the building setbacks for the internal lot line to allow for the expansion of the Devil's Due Distillery facility.			
	24-20-ZV	5/30/2024	HARDY FRANK & DIANE	43 AMERICAN PRIDE LN, KEARNEYSVILLE, WV 25430	Open	Variance from Appendix A to reduce the front setback along the southern property line for an existing detached access structure; and, Section 9.6C to allow an accessory structure within the required front yard.			
	24-21-ZV	5/30/2024	JENKINS WESTLEY A & REBEKAH N WALSH-JENKINS	289 MACOUGHTRY DR, KEARNEYSVILLE, WV 25430	Open	Variance from Appendix A to reduce the front setback along the western property line for an existing shed and lean-to, and a proposed pool; and, Section 9.6C to allow an accessory structure within the required front yard.			
	24-22-ZV	5/31/2024	DONLEY SAMUEL J JR	4368 ENGLE MOLERS RD, HARPERS FERRY, WV 25425	Open	Variance from Appendix A to reduce the required setbacks in order to allow the existing structures (two sheds) for a proposed minor subdivision.			
	24-23-ZV	6/14/2024	LOWE NICHOLAS P	272 NO NAME LN, KEARNEYSVILLE, WV 25430	Open	From Section 9.7 to reduce the side setback from 12' to 4' for a 16' x 8' deck.			
	24-24-ZV	6/24/2024	Global Environmental & Remediation LLC (Raymond Johnson) - Raymond Johnson	Middleway Pike, Charles Town , WV 25414	Open	Variance request to modify the landscaping requirements for a contractor's office.			
					Category Total:	9			
				Grand Total:	67				

Actionable

Correspondence

Luke Siegfried, County Planner
Department of Engineering, Planning & Zoning
Jefferson County, WV 25414
June 4, 2024

Dear Mr. Siegfried,

Regarding the 17 acre property on the northeast corner of Smith Road and US 340 currently zoned rural, of which approximately 3 acres of the frontage are being taken for the road expansion:

We appreciate your earlier recommendation to consider a smaller portion than the entire remaining 14 acres to be zoned commercial. We feel that your recommendation is in our best interest. However, until the final boundaries are determined, we are unable at this time to choose the actual size and configuration to be reclassified as Neighborhood Commercial. Based on the future land use classification, we ask that we be on record that we are requesting a portion of the remaining acreage bordering US340 be rezoned Neighborhood Commercial.

Thank you for your consideration.

Sincerely yours,



Ruth Pritchard for RSP Enterprises, LLC
Elizabeth Beamer
Glen Hetzel
568 Smithfield Lane
Berryville, VA 22611

From: [Christie and Joe Martin](#)
To: [ComPlan2045](#)
Subject: Comprehensive plan and Future Land Use comments
Date: Wednesday, June 19, 2024 4:34:39 PM

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

I am writing to express my opinion and concern regarding a few areas of note as you continue to deliberate and eventually create the 2045 plan/update existing plan, to wit:

- I am concerned with water resources across the entire county; specifically, the potential to deplete the groundwater aquifers in the entire area. I live off of Summit Point Road close to Summit Point proper. There is a spring on my property. The flow has become less and less over the past 6 years. While my personal well is not tied to this spring, it is clear to the naked eye water coming from underground is being depleted. As there are many high-density residential areas being designated under the 2045 plan, and many of these same developments will be served by American Water who have stated they plan on using underground water sources, I am concerned about capacity. In addition, in Summit Point, there appears to be a major industrial area to be designated under the 2045 plan. That area will also use groundwater, putting additional strain on the aquifer.
- In addition to the water concern regarding this future major industrial area designated for Summit Point, I am concerned with traffic. The racetrack area is currently served by a series of one-lane in each direction roads. Heavy duty dump trucks, tractor trailers, and transport vehicles will put significant strain on these roads. Already the speedway weekend traffic on Summit Point Road exceeds posted speed limits—almost as if the drivers who will race are practicing their skills before getting to the track. Should heavy industry trucks and equipment also traverse this main artery in the future, the table is set for accidents, hopefully not also the loss of lives. Widening any of these roads is not likely an option either; in my case, historical structures on the National Register would have to have accommodations or prevent such widening.
- Shepherdstown Elementary School: this is controversial as it appears to have been added late in your review process. The site depicted on maps does indicate the area will need water and sewer infrastructure to be installed. Circling back to point one above, this will put even more strain on the aquifer.

I respectfully request you revisit some of these issues and concerns. I support growth in concept, but without underlying considerations for basics such as water and roads which can accommodate such growth; growth will come at a steep cost.

Sincerely

Joseph Martin
3735 Summit Point Road
Charles Town

From: [Richard Zigler](#)
To: [Planning Department](#)
Subject: Comprehensive plan
Date: Sunday, June 23, 2024 12:34:54 PM

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Our family has been trying to get a commercial solar facility on our farm for nearly six years. All the pros and cons aside, this is a "Property Rights" issue of who we can lease our land to. We have suffered unnecessarily from the slings and arrows of frivolous lawsuits, as has the county. To lose the opportunity to have the financial boon that commercial solar facilities offer to the county, would be horrendous. With the almost exponential growth rate of residential housing we are currently having, there has to be a commercial taxbase to support the consequences. Residential housing does not pay for schools. It does not pay for the mandatory water and sanitary waste facilities that will be required to service them. Even those new housing projects that are on well and septic threaten the aquifer by both depletion and contamination, and will eventually require new infrastructure.

Sites for solar facilities are self regulating because of the need for close proximity to high voltage lines. Yes, farmland will be used, but in our case, and hopefully others, the landowners are not selling the land to be scraped and marred, like the project on Kabletown Road. That facility owns that land and has no accountability to other landowners for the condition the land is to be left in upon completion of a lease.

As to the loss of farmland, there doesn't seem to be much opposition to the same farmland being used for residential housing. Also, as farmers retire, or expire, the properties in question will no longer be farmland. Solar facilities will protect the land from housing for at least the thirty to thirty-five year term of the leases, easing the need for immediate new infrastructure, and helping to pay for upgrades of current needs. This would include not just the new schools under, or slated for construction, but those that will be required in the near future.

When Wild Hill Solar received their Site Certification from the WVPSC, Chairwoman Charlotte Lane said that after reviewing Jefferson County's Comprehensive Plan, as it is written, there is no need for new rules, or regulations, to permit solar facilities in Jefferson County. This means that a higher authority, the State of West Virginia, approved of such facilities, and declared that such projects should move forward, according to the existing Comprehensive Plan of Jefferson County. Those projects that have already been through the permitting phase of development have to be allowed to come to fruition.

The list of complaints and opposition to solar facilities is long and erroneous. The streams won't boil. Migratory animals will not starve because they were fenced inside the security fences. The panels will not adversely affect the weather, locally or nationally.

Most people, after explaining the silliness of most claims, prefer the idea of not having screaming kids and barking dogs as neighbors and welcome the idea of solar. It has yet to be proven that such facilities will automatically ruin property values.

All this being said, the corridors for such development are limited. Said corridors that could be used for such Essential Utilities, need to be dedicated, but not exclusive to, allowing such facilities to be constructed. Solar facilities are compatible with any other land use, as they will be fenced and screened for the safety and aesthetic appearance of any neighboring properties. Therefore, any and all amendments for the allowance and support for construction of solar facilities, needs to be incorporated into the Comprehensive Plan.

From: [Adam Roob](#)
To: [ComPlan2045](#)
Subject: Comprehensive Plan Input/Public Comment
Date: Tuesday, July 2, 2024 6:54:09 AM

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Good morning,

As a newer resident of Jefferson County, I am dismayed by the aggressive expansion of development in the County at the expense of our natural resources and heritage. Please consider removing Goal #1 of the Comprehensive Plan update ("Ensure that future land use regulations and policies support the development rights of residential and non-residential properties"), which suggests a strong bias to development, and replace it with a goal of maintaining farmland/land for agricultural or conservation purposes. Our #1 priority should be to keep farms in Jefferson County and protect natural resources, especially water, for the existing population, without expanding further.

Thank you.

Adam Roob

July 2, 2024

Jefferson County Planning Commission
116 E Washington St
Charles Town, WV 25414
Sent by Email

Regarding: Goal 1 Objective 5 of the draft JC Comprehensive Plan

Dear Planning Commissioners,

Please edit Goal 1 Objective 5 of the draft comprehensive plan to provide clarity and protect the integrity of the rural zone.

Goal 1 objective 5 currently reads “Research and review prospective additional commercial uses in all zoning districts by right.” This is overly broad and may hinder agricultural uses in the rural zone and may encourage inappropriate development in zones that do not have the appropriate infrastructure (water/sewer) or services.

I agree that some commercial uses that directly pertain to and support agriculture may be appropriate in all zones, but these are the only commercial uses that should be allowed by right in all zones. Commercial uses that should require utilities such as sewer and water or would increase traffic are inappropriate for rural zones and should not be allowed.

I suggest that this objective be removed or edited to add clarity. An example of such a clarification is, “Research and review prospective additional commercial uses that directly pertain to and support agriculture in all zoning districts by right.”

The action item under this objective also needs to be edited. Please edit this action item to say, “Propose text amendments, as deemed appropriate, to permit additional commercial uses that directly pertain to and support agriculture by right in all zoning districts, after careful consideration of potential adverse effects to surrounding land uses.”

Thank you for your consideration of these comments as you continue to work on the comprehensive plan.

Sincerely,

Susie Wimer
Rural Landowner in Shepherdstown District

July 2, 2024

Jefferson County Planning Commission
116 E Washington St
Charles Town, WV 25414

Via Email

Re: Goal 1 Objective 3 of the draft Comprehensive Plan

Dear Jefferson County Planning Commission Members,

I strongly urge you to edit Goal 1 Objective 3 of the draft comprehensive plan to be more specific and protect the transparent and accountable development approval process.

This objective currently states “Align existing land use regulations with West Virginia State code and streamline land development process.” The first phrase “Align existing land use regulations with West Virginia State code” is understandable. However, the second phrase “and streamline land development process” is less clear. I am concerned that this will lead to less transparency, less opportunity for public review and input, and therefore less accountability.

Please remove the second phrase of this objective so that it simply reads, “Align existing land use regulation with West Virginia Sate code.” This will made the objective clearer and protect the public process.

Thank you for your consideration of these comments as you continue to work on the comprehensive plan.

Best Regards,

Lynn Delles
Ranson, WV

July 2, 2024

Jefferson County Planning Commission
116 E Washington St
Charles Town, WV 25414
Sent by Email

Regarding: **Goal 1 Objective 4** of the Draft JC Comprehensive Plan

Dear Jefferson County Planning Commissioners,

Please edit Goal 1, Objective 4 of the Draft Comprehensive Plan to be more specific and to protect the integrity of the rural zone.

Objective 4 of Goal 1 currently reads: "Allow institutional uses in all zoning districts by right including medical facilities." This language is overly broad and would allow inappropriate development in zones that do not have the appropriate infrastructure, (water/sewer) or necessary access for EMS (easy access for EMS) and may make farming and agriculture more difficult. It is not clear what is included in "the institutional uses", and this may lead to incompatible uses in some zones. As written, this proposed language could lead to unintended consequences.

One example of this may be long-term care facilities. These facilities may be considered institutional uses. If built in rural zones such institutions have the potential to stretch our EMS services thin. Also, most areas in the rural zones do not have appropriate infrastructure, including sewer, water, or roads for such facilities.

I suggest that this objective be removed or edited to add clarity. An example of such a clarification, might read: "Allow outpatient medical facilities by right in all zoning districts."

Thank you for your consideration of my comments as you continue to work on the Comprehensive Plan.

Respectfully,

Lisa G. Payne

*372 Apple Jack Lane
Harpers Ferry, WV 25425*

Non-Actionable Correspondence

From: [DEBORA BOYD](#)
To: [ComPlan2045](#)
Subject: New Growth
Date: Monday, July 1, 2024 9:46:04 AM

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

I am 56 yrs old I have lived in Jefferson County for all of my life, this is the 1st time I have ever sent any comments in, please note this is only my option. The Growth throughout the entire County in the past 25 years has with building of new housing and housing developments it increase 20 times over BUT our schools have not. You only have so much land you can work with.

I attended school in 70/80's we had: (7) elementary schools, (3) middle schools & (1) high school; now 38 years later we have: (8) elementary schools (4) middle schools & (2) high Schools. I know they will say the Ranson Complex and Shepherdstown Elementary are new builds and they are new but they are replacement schools for the original schools. Jefferson HS did get renovated but they still have trailers. I don't see the logical in all of this.....

Thank you for taking the time to listening to my concerns.

Debi Boyd