



Agenda  
Jefferson County Planning Commission  
Tuesday, August 13, 2024 at 7:00 PM

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**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: 832 7458 4292  
Meeting Link: <https://us02web.zoom.us/j/83274584292>

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

1. **Planning Commissioner Training:** Presentation by Roberta N. Meade-Curry with DarkSky Bolivar-Harpers Ferry regarding DarkSky International.
2. **Approval of Meeting Minutes:** July 23, 2024 Meeting
3. **Request for postponement.**

**The following items are open for public comment.**

4. **Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction to allow for a second kitchen to be added onto the existing home to establish a two-family dwelling unit (see Plat Note #6 on Final Plat recorded in DB 633/PG 721). Applicant/Property Owner: Ian and Susan Brownsmith. Property Location: McDonald Minor Subdivision, Lot 2; 1139 Engle Molers Rd., Harpers Ferry, WV. Parcel ID: 04000300010004; Size: 3.55 ac; Zoning District: Rural (File #24-3-FPA).
5. **Waiver Request:** Waiver from the requirements of Section 21.401 and 21.402.D of the Subdivision Regulations to allow an existing fence within the required 50' access easement of a proposed minor subdivision. Applicant: Dalton Whitaker. Property Owners: Henry & Rachell Duvall and Stanley W Jr & Katherine B Dunn. Property Location: 2648 and 2646 Kabletown Rd, Charles Town, WV. Parcel ID: 06002100050001 and 06002100050000; Sizes: 1.42 acres and 174.64 acres; Zoning District: Rural (File #24-23-PCW).
6. **Waiver Request:** Waiver from the requirements of Section 20.203B of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. The project consists of the installation of a crane/bungee area affixed to a 400 sf slab, a 320 sf storage container, a 1,225 sf registration kiosk, a 75 sf floating dock, and a 216 sf staircase. The proposal will also include various walking paths, gravel drive aisles, grass & gravel parking, and signage. Applicant: Bungee Consultants International (Nick Steers). Property Owner: Standard Land Company LLC. Property Location: Northeast intersection of Peregrine Ln & Millville Rd, Harpers Ferry, WV. Parcel ID: 04001100240001; Size: 404 acres; Zoning District: Residential-Light Industrial-Commercial (File #24-24-PCW).

There is no public comment for the following items.

**7. Review and Approval:** Planning Commission's FY 2024 Annual Report to the County Commission per WV Code §8A-2-11. The Planning Commission is required by State Code to make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction.

**8. Reports from Legal Counsel**

**9. Planner's Memo**

- a) Approved Planning Commission Bylaws (as amended July 11, 2024) for signature

**10. President's Report**

**11. Comprehensive Plan Actionable Correspondence**

Comments received pertaining to the 2024 Comprehensive Plan:

- a) 2024-07-11 Mary Gee
- b) 2024-07-15 Elizabeth Ricketts
- c) 2024-07-16 Briar Run Estates HOA
- d) 2024-07-16 Jacquelyn Milliron
- e) 2024-07-16 Jacquelyn Milliron (2)
- f) 2024-07-16 Wade Louthan
- g) 2024-07-22 Christine Wimer
- h) 2024-07-26 Jean Kotch
- i) 2024-08-05 Briar Run HOA

**12. Actionable Correspondence**

**13. Non-Actionable Correspondence**

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**DRAFT**

Meeting Minutes

Jefferson County Planning Commission

July 23, 2024

The Jefferson County Planning Commission met on July 23, 2024 at 7:02 pm with the following Planning Commission members present in person: Mike Shepp, President; Aaron Howell, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Jack Hefestay, Cara Keys, and Tim Smith.

J Ware was absent with notice.

Donnie Fisher was absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner, Luke Seigfried, County Planner; and Shenandoah Olsen, Planning Staff Intern.

Mr. Shepp called the meeting to order at 7:02 pm and confirmed a quorum was present.

**1. Approval of Meeting Minutes:** June 25, 2024 and July 9, 2024

Mr. Shepp stated the minutes stand approved as presented.

**2. Discussion and Affirmation of 8/27/24 Public Hearing Date:** Review of full draft of 2045 Comprehensive Plan and approval of draft for 8/27/24 Public Hearing

Mr. Shepp began by reminding the Commission that the goal for this meeting was to confirm the current draft of the 2045 Comprehensive Plan was ready for a Public Hearing. Mr. Seigfried then gave an overview of the edits made to the Plan since the previous meeting, and then Planning Commission and staff reviewed the full draft of the 2045 Comprehensive Plan. Several formatting and grammar edits were identified, and the new Conservation Easements Map was reviewed. Planning Commission discussed the map and confirmed that it was ready to be incorporated into the next draft of the Plan following the August 27<sup>th</sup> Public Hearing. Mr. Seigfried pointed out several specific formatting changes for the next draft and Staff reminded the Commission that edits can be made following the Public Hearing. Staff further iterated that edits will not be made until after the Public Hearing. Planning Commission discussed the state of the draft, and individually confirmed that they believed it to be ready for a public hearing.

Mr. Louthan made a motion to approve the current draft of the 2045 Comprehensive Plan as reviewed for a Public Hearing at Washington High School Auditorium at 7:00 pm on August 27, 2024. Mr. Smith seconded the motion, which carried unanimously.

**3. Decisions about Upcoming 2045 Comprehensive Plan Public Hearing:**

- Draft Flyer Announcement for Public Hearing
- Open House with staff at 6pm, prior to 2045 Comprehensive Plan Public Hearing
- Determination regarding open period for written public comments
- Discussion of format regarding public comments received for Planning Commission review
- Set date for 2045 Comprehensive Plan Planning Commission Review and Final Direction to staff

- Discuss tentative date for submission of Plan to County Commission which requires presentation by the Planning Commission

Planning Commission reviewed the draft flyer announcement for the Public Hearing. Mr. Hefestay made a motion to approve the flyer as presented, which was seconded by Mr. Stolipher and carried unanimously.

The Commissioners and staff then discussed the proposed Open House prior to the Public Hearing. The Commissioners asked clarifying questions, and staff explained that the preferred set up is to use the foyer outside the auditorium to place the sign-up sheets for the Public Hearing and to ensure that staff is available to answer questions before the Public Hearing begins. Planning Commission and staff discussed the idea of bringing maps and flyers to help explain the process of the Public Hearing. Planning Commission confirmed that staff is approved to host an Open House at 6:00 pm before the Public Hearing, and that staff will provide informational handouts with the sign-in sheets for public comment.

Planning Commission discussed the open period for written comment and how far it should extend beyond the Public Hearing. Staff recommended that as there is a large agenda item scheduled for the regular September 10, 2024 meeting, the Commission should schedule a special meeting the following Tuesday (September 17, 2024) to review the verbal and written comments received at the Public Hearing and during the open period. The Planning Commission agreed with this suggestion, and Mr. Stolipher mentioned that closing the period for written comment on September 6<sup>th</sup> would allow time for staff to collect and format the comments. Mr. Hefestay made a motion to close the period for written comment at 5:00 pm on September 6, 2024. Mr. Louthan seconded the motion, which carried unanimously.

Mr. Seigfried then presented several ways that staff could format the written and verbal comments for Planning Commission's review. Mr. Stolipher made a motion to use the same tabular format that written and verbal comments were presented for the Planning Commission review for the previous Comprehensive Plan, which was seconded by Mr. Howell and carried unanimously.

The Commission discussed potential dates for the recommendation of the final draft 2045 Comprehensive Plan to the County Commission and the required joint meeting with County Commission. Staff recommended that no meeting be scheduled until edits based on the Public Hearing and written comments were received. Planning Commission agreed to staff's suggestion.

Mr. Seigfried confirmed that 25 printed copies of the 2045 Comprehensive Plan will be available at the Public Hearing, and that the document will be fully available online.


Mr. Louthan made a motion to adjourn the meeting at 7:58 pm. Mr. Stolipher seconded the motion, which carried unanimously.

These minutes were prepared by Shenandoah Olsen, Planning Staffer.

Staff Report  
 Jefferson County Planning Commission Meeting  
 August 13, 2024

**Brownsmith - Final Plat Amendment (File #24-3-FPA)**

**Item #4: Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction to allow for a second kitchen to be added onto the existing home to establish a two-family dwelling unit (see Plat Note #6 on Final Plat recorded in DB 633/PG 721).

Property Owner	Ian and Susan Brownsmith
Property Location and Legal Information	<p style="text-align: center;">McDonald Minor Subdivision, Lot 2          1139 Engle Molers Rd., Harpers Ferry, WV          Parcel ID: 04000300010004; Size: 3.55 ac; Zoning District: Rural</p> 
Surrounding Zoning	North, East, South, West: Rural
Approved Activity	Single Family Residence
Approvals	07/06/1989: McDonald Minor Subdivision (PC File #89-17) Recorded in <a href="#">Deed Book 633 @ Page 721</a>

**Overview of Request**

The subject parcel is designated as Lot 2 in the McDonald Minor Subdivision, which was recorded on July 6, 1989 in Deed Book 633/ Page 721. At the time the plat was approved, the Subdivision Ordinance required a note on the final plat that restricted each lot to a single family residence only. This note is no longer required under the current Subdivision Regulations. The single family restriction note is the subject of this request.

The applicant would like to lift the single-family residence restriction to allow for the construction of an attached second dwelling. The property contains a single family dwelling and the applicant is in the process of adding an addition to the existing dwelling for the purpose of housing a family member.

Staff Report  
 Jefferson County Planning Commission Meeting  
 August 13, 2024

**Brownsmith - Final Plat Amendment (File #24-3-FPA)**

The addition of a second kitchen changes the structure to a two-family dwelling, which is a Principal Permitted Use (permitted by right); however, the lot was created with a single family restriction and therefore, cannot proceed with the proposed expansion without consideration by the Planning Commission.

If the Planning Commission approves the Final Plat Amendment to lift the single-family restriction, the applicant may apply for a building permit to construct the proposed addition, which includes a second kitchen. The Zoning Ordinance does not require that the second dwelling be occupied by a family member, but presently, that is the purpose for seeking the request.



Staff Report  
Jefferson County Planning Commission Meeting  
August 13, 2024  
**Brownsmith - Final Plat Amendment (File #24-3-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 July 10, 2024 edition of the Spirit of Jefferson newspaper for the August 13, 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 second attached dwelling unit (two-family dwelling).





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

File #: 24-3-FPA  
 Date Rec'd: 06-25-24  
 Mtg Date: 08-13-24

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto: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: IAN + SUSAN C. BROWNSMITH  
 Business Name: \_\_\_\_\_  
 Mailing Address: 1139 ENGLE MOLEERS RD., HARPERS FERRY, WV 25425  
 Phone Number: (304) 839-2013 Email: IYGARDENS2@GMAIL.COM

**Applicant Information**

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

**Consultant Information**

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

**Physical Property Details**

Physical Address: 1139 ENGLE MOLEERS RD., HARPERS FERRY, WV  
 Parcel ID: 04 0003 0001 0004 Parcel Size: 3.55  
 Zoning District: Rural Deed Book: 635 Page No: 218

**Plat Information**

Plat Title: LOT #2 (3.55AC) MOLEER-McDONALD Note No: 6  
 Recordation Date: 07/06/1989 Plat Book: 633 Page No: 721

**Describe the nature of your proposed amendment.**

\*VARIANCE TO PUT A KITCHEN IN ACCESSORY DWELLING WHEN CONSTRUCTED

\*Final Plat Amendment to lift the single family residence restriction

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.

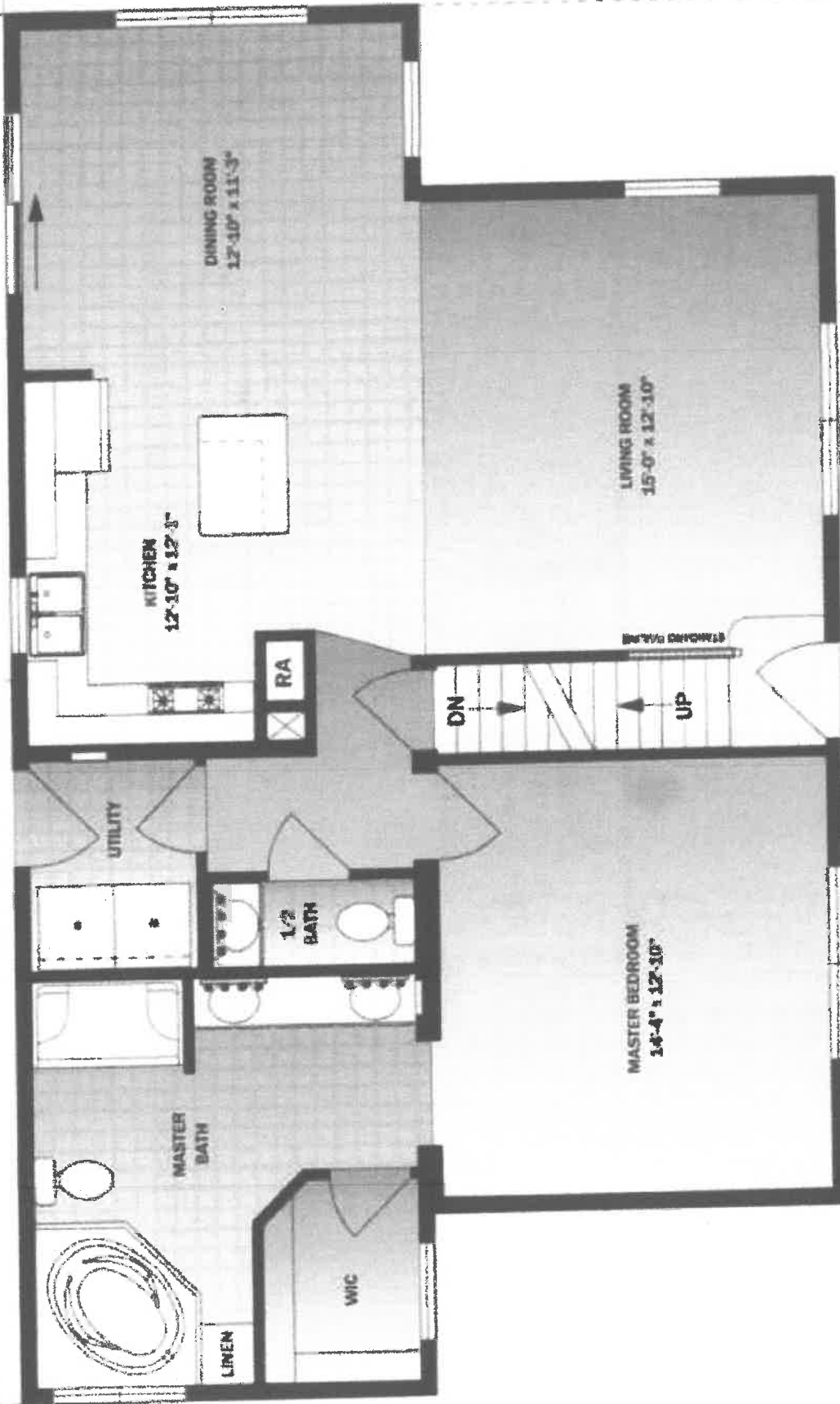
[Signature] 6/20/24  
 Property Owner/Applicant Signature Date

[Signature] 6/20/24  
 Property Owner/Applicant Signature Date

ft.)

SITE-BUILT GARAGE

SITE-BUILT GARAGE



ON-SITE PORCH

LOCATION INSET  
Scale: 1" = 2000'

N 69° 54' 54" N 454.93' (total)

N 16° 00' 25" E 287.00'

**Lot 2**  
P/0D09M03P1.4  
McDONALD  
DB 538 P219  
**3.549 Acs.**

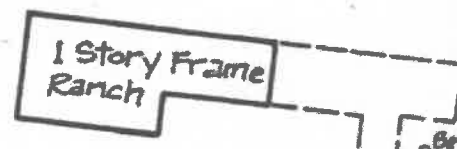
LC  
P/0D09  
McDONALD  
DB 538

**4.95**

119'

ACRE
Lot 1
Lot 2
<b>Total</b>

3P01  
JALD  
P534



25' NON-EXCLUSIVE R/W

Well

Gravel Drive

PROPOSED LOCATION

31'03"  
3.58'  
9.45'  
9.17'  
337°42'29"W  
.00'

3M03P05  
UNKET  
558P467

D09M03P2.2  
WILT  
DB476P429

**Rte. 31 (Exist.)**

D09M03P2.8  
WOLFE  
DB520P306



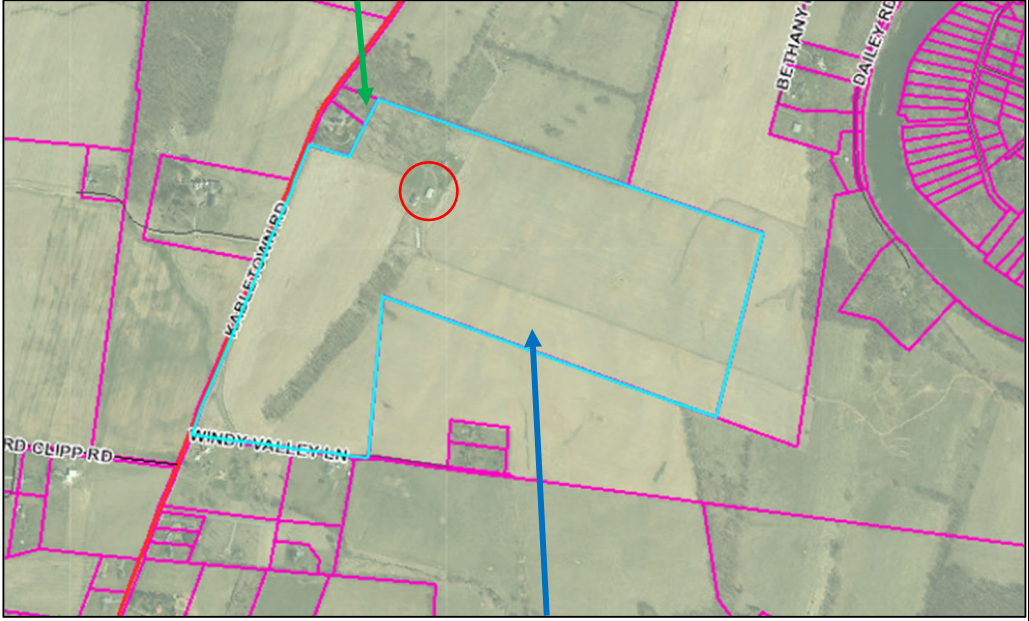
Scale in Feet



Staff Report  
 Jefferson County Planning Commission Meeting  
 August 13, 2024

**Duvall – Dunn Waiver Request (File #: 24-23-PCW)**

**Item # 5: Public Hearing:** Waiver from the requirements of Section 21.401 and 21.402.D of the Subdivision Regulations to allow an existing fence within the required 50’ access easement of a proposed minor subdivision.

Property Owner #1:	Henry & Rachell Duvall
Property Owner #2:	Stanley W Jr & Katherine B Dunn
Applicant:	Dalton Whitaker
Parcel Information & Zoning District:	<p style="text-align: center;"><u>Property #1</u>          2648 Kabletown Rd, Charles Town, WV          Parcel ID: 06002100050001; Size: 1.42 ac; Zoning District: Rural</p>  <p style="text-align: center;"><u>Property #2</u>          2646 Kabletown Rd, Charles Town, WV          Parcel ID: 06002100050000; Size: 174.64 ac; Zoning District: Rural</p>
Surrounding Zoning:	<i>North, South, East, &amp; West: Rural</i>
Proposed Activity	To allow an existing fence within the required 50’ access easement of a proposed minor subdivision.
Approvals:	Property #1: Residential Land Use Property #2: Solar Energy Facility (Rippon Energy Facility – File: 22-15-SP)

**Background and Summary of Request**

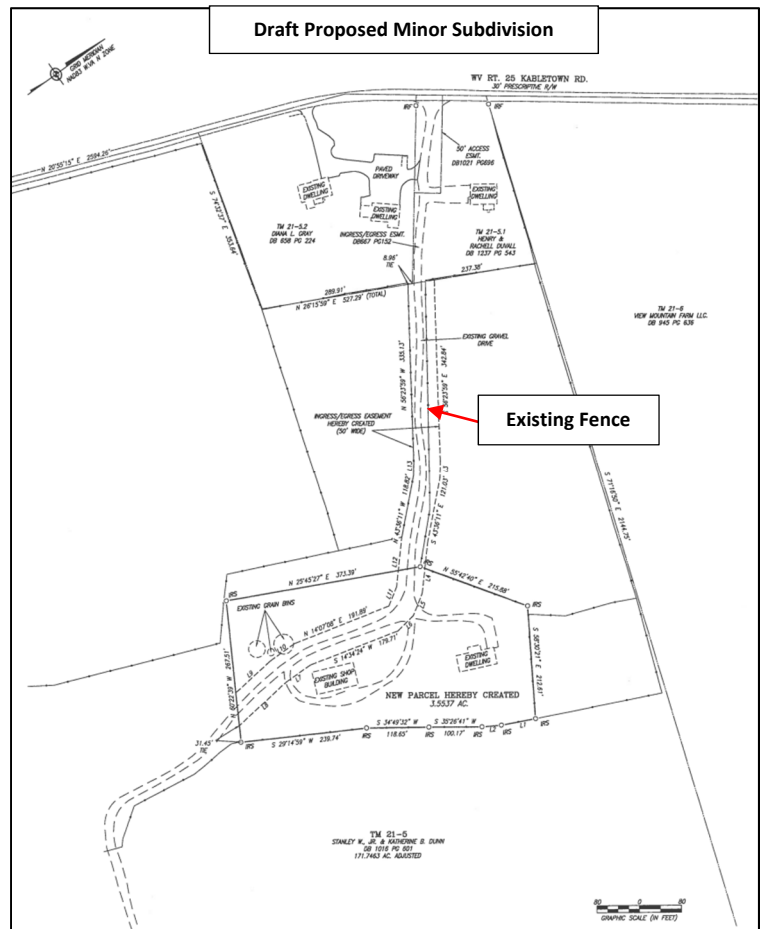
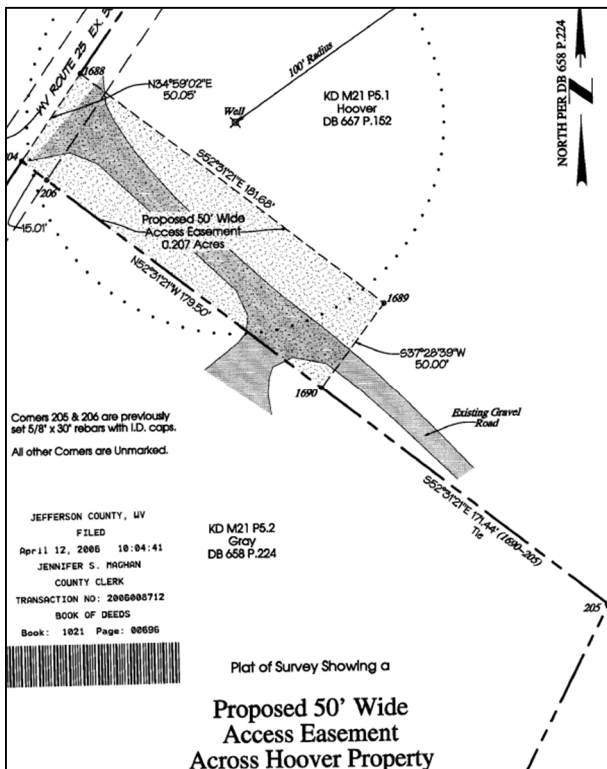
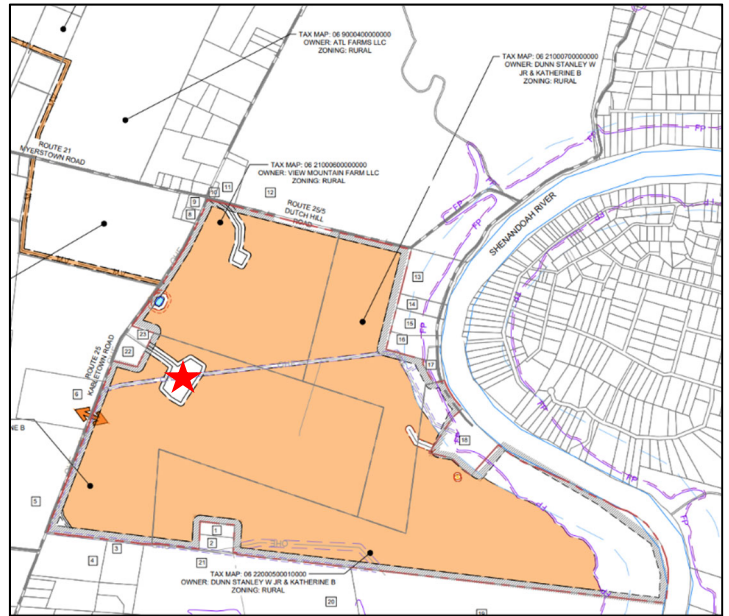
A deed dated September 28, 1923 included a 179 acre parcel identified as Witherspoon Farm. In 1986, two Parent to Child lots were divided off, leaving 174.64 acres. In 2006, a 50’ access easement was created across a portion of Parcel 5.1 to access Parcel 5.2; but the access easement does not continue to the proposed lot in question. An existing gravel drive is noted without an easement.

Staff Report  
 Jefferson County Planning Commission Meeting  
 August 13, 2024

**Duvall – Dunn Waiver Request (File #: 24-23-PCW)**

The 174+ acre parcel is a part of the approved Rippon Solar Project. The area in orange is identified as a “Project Buildable Area (Conditional Use Permit)” on the approved Concept Plan. The area identified with the red star is proposed to be subdivided from the larger lot to create a 3.5537 acre lot around the existing dwelling and outbuildings.

The proposed Minor Subdivision requires the creation of a 50’ access easement across the balance of the Duvall property and a portion of the Dunn property. Because these properties both include active agricultural operations, there are existing fences that will need to be retained within the proposed 50’ access easement. There will be sufficient room for the required driveway access through to 50’ access easement. The solar facility will not be utilizing this access easement.



**Duvall – Dunn Waiver Request (File #: 24-23-PCW)**

**Sections of Subdivision Regulations under Consideration:**

**Sec. 21.401 Private Restrictions and Easements**

Design, signage, use, management, maintenance, and cost sharing may be prescribed or limited by private covenants, conditions, or restrictions, provided that such restrictions are not in violation of County law. For any subdivision or development that involves a shared access easement, no obstruction of the full use of the easement shall be permitted. A note to this effect shall be placed on the plat or plan.

**Section 21.402 Public Easements**

General. All easements for all public (water, sewer, stormwater management or storm drainage facilities) or public service type facilities (telephone, electric, gas, cable) that serve the subdivision or site development shall be set forth on the plat or in the deed. Such easements shall be located in street right-of-ways, alleys, or side or rear yards as determined by the County in accordance with the particular plans and layout of the utility or other service providing company. All easements shall provide for access without notification to the property owner for the maintenance, repair, or other work needed in the easement or to the facility in the easement.

**D. Encroachments, Structures and Landscaping.** No permanent encroachments, structures, fences or landscaping shall be allowed to be located within any easement area. The homeowner’s association, business owner’s association and any of the public service providers shall have the right to remove any encroachment, structures, landscaping, fencing or any other improvements placed upon such public easements.

**Waiver Requirements**

The applicant provides a response to the requirements found in “Division 24.300 Waivers” of the Subdivision Regulations, which is attached to the 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.

**Staff Comments/Recommendation**

Typically, no structures or landscaping are permitted within any access easements so as not to impede the flow of traffic within the easement. The impact of the request is to, in effect, narrow the drivable area of the proposed access easement to a driveway width. As this access will only be serving one residential lot and will encompass an existing driveway, staff is supportive of this request.

If the Planning Commission is inclined to approve this request, staff recommends a condition that, if the fence needs to be replaced, that it be located along the edge of the access easement.





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

File #: 24-23-pcw  
 Mtg Date: 8.13.24  
 Date Rec'd: 07.15.24  
 Fees Paid: 150  
 Staff Int: JA  
 List of Adjoiners:

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto: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: Stanley Dunn ~~Proceeding with Duvall~~  
 Business Name: N/A  
 Mailing Address: 1371 Myerstown Road Charles Town, WV 25414  
 Phone Number: 304-261-3914 Email: stanleydunn40@gmail.com

**Applicant Contact Information**

Applicant Name: Dalton Whitaker Same as owner:   
 Business Name: N/A  
 Mailing Address: 2646 Kabletown Rd Charles Town, WV 25414  
 Phone Number: 904-806-4452 Email: dwhit96@hotmail.com

**Consultant Information Other Owners (Neighbor)**

Name: ~~N/A~~ Henry and Rachell Duvall  
 Business Name: N/A  
 Mailing Address: 2648 Kabletown Rd Charles Town, WV 25414  
 Phone Number: 850-694-1159 Email: henryduvall@live.com

**Physical Property Details**

Physical Address: 2646 Kabletown Rd Charles Town, WV 25414 Vacant Lot:   
 Tax District: 06 Map No: 21 Parcel No: 5 + 5.1\*  
 Parcel Size: 175.3 (proposed 3.5537) Deed Book: 1016 Page No: 601  
 Zoning District: Rural

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

Included <sup>see other sheet</sup>  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?  
Sect 20.201A Sect 21.402 D No permanent encroachments including fences within easements

**Briefly Describe the Nature of Your Waiver Request:**

Request of 50' access easement and approval/waiver of fence to be within 50' access easement. Existing fence that does not impact flow of traffic or impede otherwise.

( \* Duvall DB1237/PG543 size: 1.42Ac )

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.

N/A

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.

Adjacent Property Owners (Duvall's) will sign off / agree on 50' access easement w/ fence inside easement. Easement is for access to single home dwelling and we have no issues with current boundaries.

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

low impact proposal for access to 2646 Kabletown Road

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

If granted, we will gain 50' easement that is required, and Duvall's will not be impacted by their fence, which falls within 50' easement. Right now, Stanley Dunn can get very large tractors through existing gravel road without issue with Duvall's existing fence.

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.

Stanley Dunn - Stanley Dunn 07/07/24  
Katherine Dunn - Katherine B. Dunn 07/07/24

Henry Duvall - [Signature] 07/07/24  
Rachell Duvall - [Signature] 07/07/24

Property Owner Signature

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.

08/13/24

Public Hearing Date

07/30/24

Date Placard Posted

07/30/24

Date Adjoiners Mailed

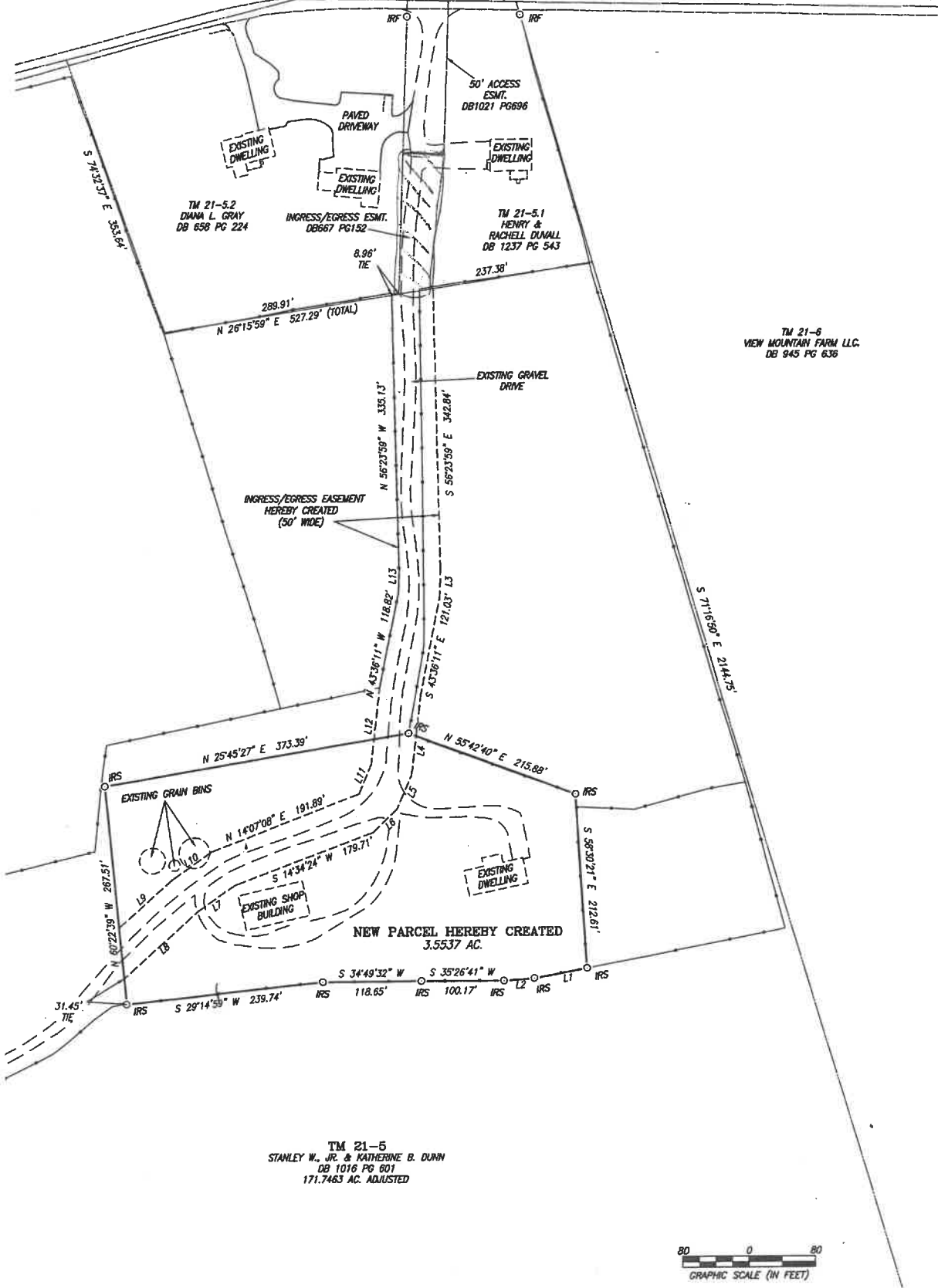
**Planning Commission Determination**

Approved

Denied

Date: \_\_\_ / \_\_\_ / \_\_\_

WV RT. 25 KABLETOWN RD.  
30' PRESCRIPTIVE R/W



TM 21-5  
STANLEY W., JR. & KATHERINE B. DUNN  
DB 1016 PG 601  
171.7463 AC. ADJUSTED



**GREENWAY ENGINEERING, INC.**  
151 Windy Hill Lane  
Winchester, Virginia 22602  
Telephone: (540) 662-4185  
FAX: (540) 722-9528  
www.greenwayeng.com



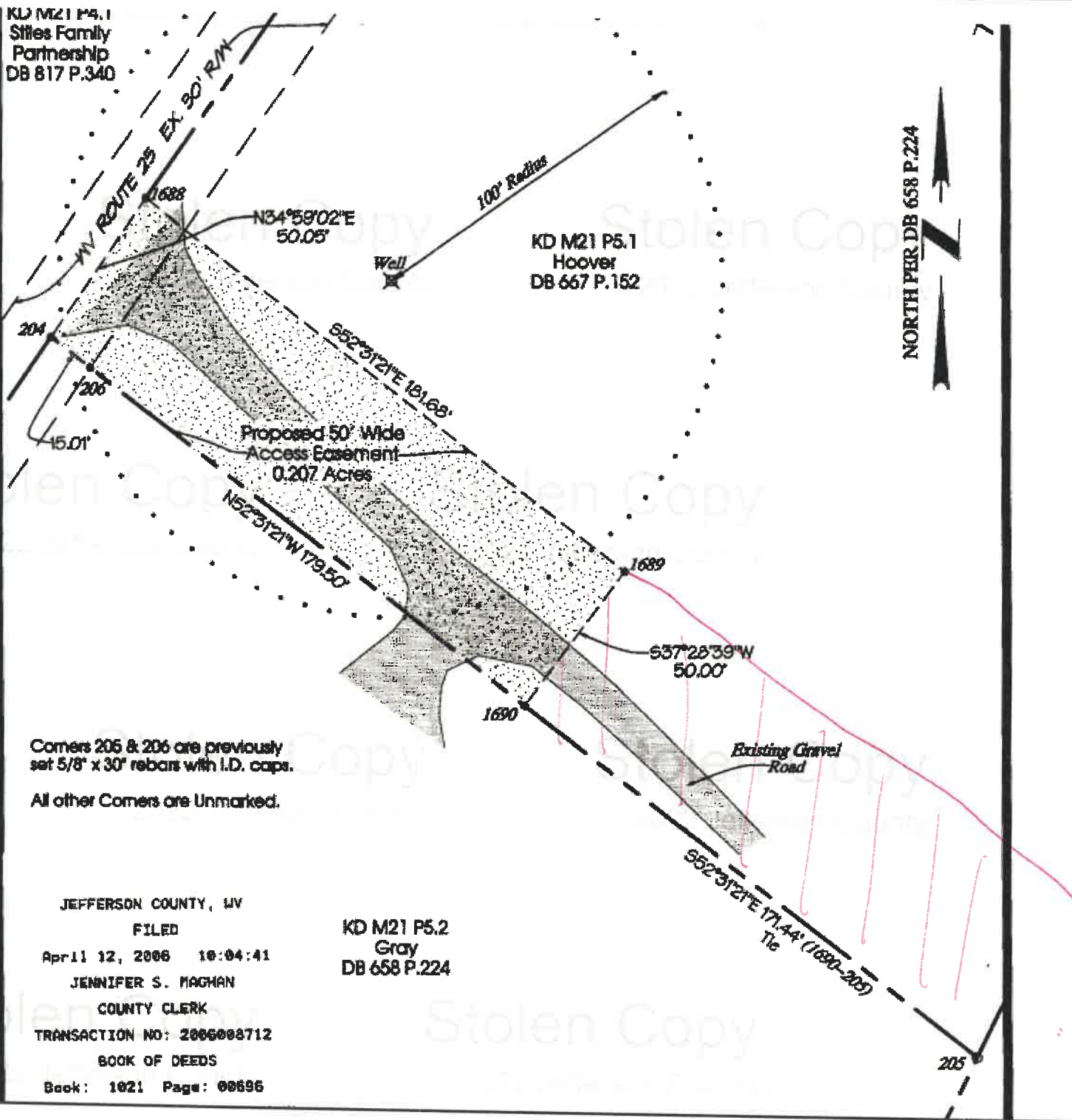
DATE: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_



PLAT FOR MINOR RURAL SUBDIVISION  
OF THE LAND OF  
**STANLEY W., JR. & KATHERINE B. DUNN**  
KABLETOWN DISTRICT - MAP 21 JEFFERSON COUNTY, WEST VIRGINIA

DATE: 12/21/2021  
SCALE: 1"=80'  
DESIGNED BY: CGP  
FILE NO. 7469  
SHEET 1 OF 1

KD M21 P5.1  
Stiles Family  
Partnership  
DB 817 P.340



NORTH PER DB 658 P.224

Corners 205 & 206 are previously set 5/8\" x 30\" rebar with I.D. caps.

All other Corners are Unmarked.

JEFFERSON COUNTY, WV

FILED

Apr 11 12, 2006 10:04:41

JENNIFER S. MAGHAN

COUNTY CLERK

TRANSACTION NO: 2006008712

BOOK OF DEEDS

Book: 1021 Page: 00696

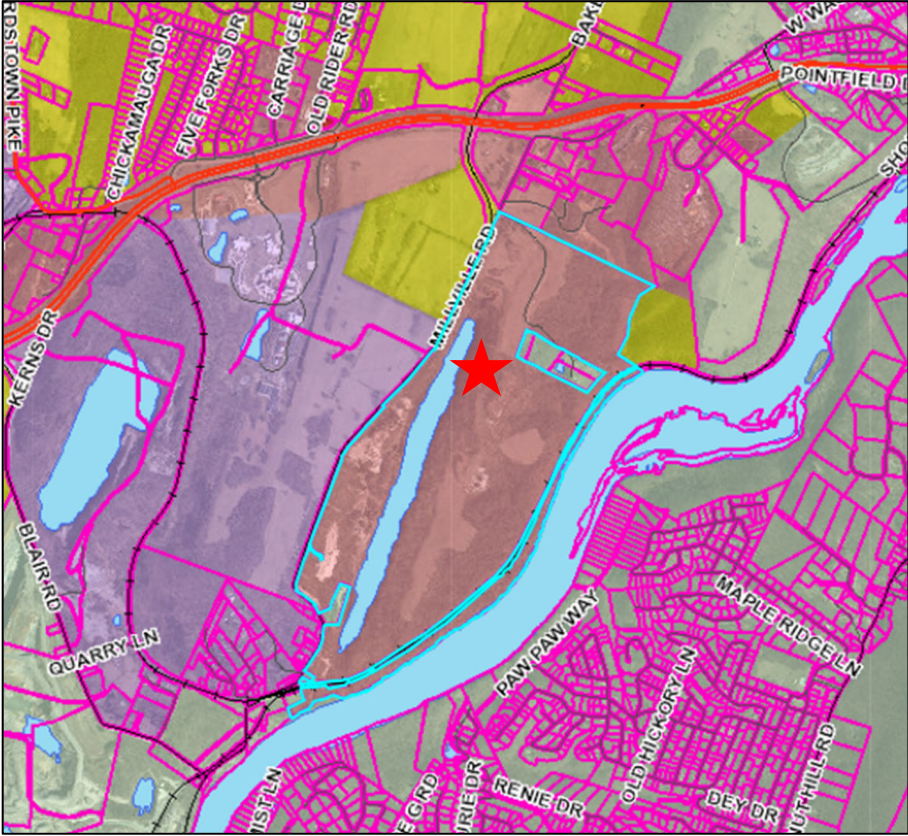
KD M21 P5.2  
Gray  
DB 658 P.224

552°31'21\" E 171.44'  
Tie (1689-205)

Staff Report  
 Jefferson County Planning Commission Meeting  
 August 13, 2024

**Standard Land Company Site Plan Waiver (File: 24-24-PCW)**

**Item #6:** Waiver from Section 20.203B of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. The project consists of the installation of a crane/bungee area affixed to a 400 sf slab, a 320 sf storage container, a 1,225 sf registration kiosk, a 75 sf floating dock, and a 216 sf staircase. The proposal will also include various walking paths, gravel drive aisles, grass & gravel parking, and signage.

Property Owner:	Standard Land Company LLC
Applicant:	Bungee Consultants International / Nick Steers
Consultant:	P.J. Raco Consulting / Attn: Paul Raco
Parcel Information & Zoning District:	<p>Northeast intersection of Peregrine Ln &amp; Millville Rd, Harpers Ferry, WV          Parcel ID: 04001100240001; Size: ~404 acres          Zoning District: Residential-Light Industrial-Commercial</p> 
Surrounding Zoning:	<p>North: Residential-Light Industrial-Commercial (River Riders);          East: Residential Growth/Rural (US National Park Service); South: Shenandoah River          West: Industrial Commercial (US Customs &amp; Border Protection) &amp; Residential Growth (US National Park Service); internal properties: Rural</p>
Proposed Activity	Establishment of a Bungee Jump Facility from a Crane affixed to a concrete slab
Approvals:	04/05/15: County Commission approved a Zoning Map Amendment from Rural & Residential Growth to Residential-Light Industrial-Commercial (Z14-03).



**Standard Land Company Site Plan Waiver (File: 24-24-PCW)**

Because the total footprint of the various components of the proposed development exceed 1,200 sq ft and the Zoning Ordinance requires parking, the proposal does not meet the “No Site Plan” criteria that for administrative approval; as such, the applicant is seeking a waiver of site plan, which requires approval from the Planning Commission.

The application states that the applicant would like to establish this facility with minimal impact and land disturbance on the 400+ acre site. For this reason, they propose a minimal widening of the existing gravel drive (up to 20’ wide) and a gravel or grass parking area for approximately 25 cars. The applicant further states that the total footprint of the proposed structures is quite small compared to the size of the entire property (400± acres).



Example of Proposed Crane

It should be noted that the applicant will still be required to apply for a Building Permit, including certification from a structural engineer; have approval from the Health Department and Division of Highways; and comply with all the requirements of WV Code 21-12 and related legislative rules which regulate all bungee jumping facilities in the state of WV.

**Summary of Subdivision Regulation Requirements**

“Sec. 20.203 Minor Site Development

**B. Site Plan Classifications**

All Minor Site Developments shall be processed utilizing one of the following Site Plan Classifications. Unless explicitly stated within this Section, all requirements of these Regulations apply to each of the classifications below, including the requirements of Appendix A and Appendix B. Minor Site Development may require Stormwater Management Plans and Stormwater Management activities per the Jefferson County Stormwater Management Ordinance.

1. No Site Plan or Stormwater Management Plan. No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:
  - a. The footprint of the addition or the new structure is less than 1,200 square feet; and
  - b. No additional parking is required per Zoning Ordinance standards; and
  - c. The disturbed area is no more than 5,000 square feet.

Note: Once the total of any additions or new structures processed under this provision since October 5, 1988 exceeds 1,200 square feet, it shall process as a Limited Site Plan or a Full Site Plan, as appropriate.

**Standard Land Company Site Plan Waiver (File: 24-24-PCW)**

2. Limited Site Plan

A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) Stormwater management (quantity and quality) for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:

- a. An addition to an existing structure, or, ancillary to an existing use; and
- b. The footprint does not exceed 3,000 square feet or 35% of the existing structure, whichever is smaller.
- c. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.

3. Full Site Plan

Any development which does not meet all of the criteria for a limited site plan shall meet all the requirements of these Regulations.”

**Waiver Requirements**

Division 24.300 of the Jefferson County Subdivision and Land Development Regulations states that waivers from the minimum standards in these Regulations, as well as process and procedural waivers, 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.

**Staff Comments/Recommendation**

The purpose of a site plan is to ensure that a site is developed in a manner that protects the health, safety, and welfare of the public. The Zoning Ordinance and Subdivision Regulations require that the following elements are reflected in a site plan:

- Stormwater Management
- Buffering and landscaping
- Adequate parking is installed (number of parking spaces, dimensions, etc.)
- Setbacks from property lines and roads

A site plan also requires that a construction bond be posted for all site improvements (e.g. Stormwater management, landscaping, parking, roads, etc.). In the event that a developer is unable to complete a project, the bond is available to the County to either complete the site improvements or return the site to its original condition.

Staff Report  
Jefferson County Planning Commission Meeting  
August 13, 2024

**Standard Land Company Site Plan Waiver (File: 24-24-PCW)**

While the proposed impervious components of this bungee jumping facility do trigger the requirement for a Limited Site Plan due to the proposed buildings and layout, it does seem reasonable to allow the development of this facility within the larger relatively undeveloped quarry property to occur without processing a site plan because the site will be utilized as it exists, provided that they meet all Building Permit, Health Department, WV DOH, and State requirements. The applicant has proffered to provide any necessary Erosion and Sediment Control for any clearing or grading and, if the Planning Commission is inclined to approve this waiver request, the provision of necessary Erosion and Sediment Control with any Building Permit applications should be a condition of the waiver approval. Under these conditions, this waiver does seem like a reasonable request.

If the Planning Commission is inclined to deny this waiver application, please note that the applicant includes “Division 10, Appendix B Sidewalks along the State Road” and “Division 10 Appendix B Width of the Access Road and Pavement of Access Road and Size and Pavement of Parking Lot” in addition to the request to waive the full Site Plan. If the waiver of the Full Site Plan is not approved, the waiver of these two Sections of the Subdivision Regulations should also be considered.





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

File #: 24-24-PCW  
 Mtg Date: 08/13/24  
 Date Rec'd: 07/23/24  
 Fees Paid: \$150  
 Staff Int: jth  
 List of Adjainers:

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto: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: Noah Mehrkam  
 Business Name: Standard Land Company LLC  
 Mailing Address: P.O. Box 25523, Washington, D.C. 20027  
 Phone Number: 202/441-6156 Email: noah@arc.land

**Applicant Contact Information**

Applicant Name: Nick Steers Same as owner:   
 Business Name: Bungee Consultants International  
 Mailing Address: Ottawa Canada  
 Phone Number: 1-616/266-9747 Email: nick@bungee.ca

**Consultant Information**

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

**Physical Property Details**

Physical Address: Old Standard Quarry Vacant Lot:   
 Tax District: Harpers Ferry Map No: 11 Parcel No: 24.1  
 Parcel Size: 404.68+- Acres Deed Book: 1149 Page No: 328  
 Zoning District: Residential/Light 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?**

Section 20.203 - Site Plan Full  
Division 10, Appendix B Sidewalks along State Road  
Division 10, Appendix B Width of Access Road and Pavement of Access Road and Size and Pavement of Parking Lot

**Briefly Describe the Nature of Your Waiver Request:**

The Proposal is to provide a gravel access road between 12 and 20 feet that is gravel instead of paved with a gravel or grass parking area for approx 25 cars. The Request is to allow the development of this access road, parking area, and Crane/Bungee area with slab and other accessor items without an Engineered Site Plan. If required, the Applicant will provide WVDOH approval/Jefferson County Health Department Approval/WV DEP approval, and the submission of a Building Permit with plans as required by the Building Department. See Sketch which will replace the Site Plan. The project will provide Erosion & Sediment Control

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

See Attached The project will require no public cost as it is a private project on privately owned property. The project will enhance the tax payment of the property, as well as provide for a recreational and tourism based development. Additionally, the project provides for the redevelopment of a Quarry which is strongly supported by the Envision Jefferson 2035 Comprehensive Plan.

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

See Attached The project will have no adverse affect on public health, safety, or welfare, or the rights of the adjacent property owners. The project is complementary of the neighboring recreational based operation of River Riders including Outfitters, Zip Lines, Snow Tube Facility. Many of the folks that visit River Riders, will also be the demographic to use the Bungee Facility. Likewise, this area of the County is the most logical place for tourist activities. The project will need to obtain a updated Entrance Permit from the Highway Dept and will need to comply with all State and Federal provisions with the application of a Building Permit.

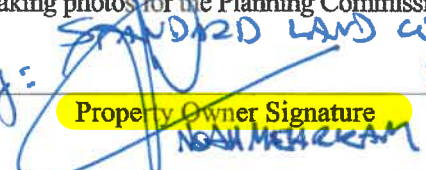
**Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.**

See Attached The Envision Jefferson 2035 Comprehensive Plan specifically calls out this quarry as a Quarry Redevelopment Area (QRA). The Plan calls for special treatment for redevelopment that preserves the hillsides and wooded areas. Accordingly, the minimal amount of disturbance as requested in this waiver is warranted. Furthermore, the development is internal to the property which is over 400 acres.

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

See Attached As mentioned above, as a QRA, redevelopment of the property with minimal amount of grading, clearing, and disturbance is recommended in the Plan. The idea is to provide for an often requested tourist based development in an area that already supports tourism, without a lot of clearing and pavement.

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.

By: STANDARD LAND COMPANY LLC  
  
Date: 7.23.24

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

~~Property Owner Signature~~ \_\_\_\_\_ Date \_\_\_\_\_  
Applicant

**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.

08/13/24  
Public Hearing Date

07/30/24  
Date Placard Posted

07/30/24  
Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

Date: \_\_\_ / \_\_\_ / \_\_\_

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

See Attached The project will require no public cost as it is a private project on privately owned property. The project will enhance the tax payment of the property, as well as provide for a recreational and tourism based development. Additionally, the project provides for the redevelopment of a Quarry which is strongly supported by the Envision Jefferson 2035 Comprehensive Plan.

**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.**

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

See Attached The Envision Jefferson 2035 Comprehensive Plan specifically calls out this quarry as a Quarry Redevelopment Area (QRA). The Plan calls for special treatment for redevelopment that preserves the hillsides and wooded areas. Accordingly, the minimal amount of disturbance as requested in this waiver is warranted. Furthermore, the development is internal to the property which is over 400 acres.

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

See Attached As mentioned above, as a QRA, redevelopment of the property with minimal amount of grading, clearing, and disturbance is recommended in the Plan. The idea is to provide for an often requested tourist based development in an area that already supports tourism, without a lot of clearing and pavement.

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	Date		07-23-2024
		<del>Property Owner Signature</del> Applicant	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.

08/13/24	07/30/24	07/30/24
Public Hearing Date	Date Placard Posted	Date Adjoiners Mailed

**Planning Commission Determination**

Approved  Denied  Date: \_\_\_ / \_\_\_ / \_\_\_



Standard Land Company LLC  
Bungee Consultants International  
Waiver Request from Requiring a Site Plan  
Waiver Request Requiring Paved Road and Parking Lot  
Section 20.203 Site Plan  
Appendix B for Road and Parking if Needed  
Jefferson County Subdivision and Site Development Ordinance  
July 23, 2024

## Brief Description

The proposal is to ask for a Waiver from the Site Plan (Site Development) provisions of the Subdivision and Site Development Ordinance. Currently, there is an access road (Peregrine Lane) that enters the Old Standard Quarry property and forks off to the right (South) that goes to the quarry lake. At this point, the access road is a variable width gravel road that will be utilized to access the quarry lake for a small parking area and a platform slab with a Crane mounted on the slab to provide the operation of a Bungee jumping facility. Sketches and video of a typical operation has been provided. The operation of the facility is estimated to allow 8 to 10 people per hour to bungee jump.

The request is to allow the development of the bungee, crane, slab, widened access drive, small parking area and storage container without a Site Plan. The use is permitted since the County Commission Rezoned the property to Residential, Light Industrial, Commercial. Therefore, this area of the property could develop into high intensity residential development, other commercial uses, and industrial uses. This recreational use will be low impact and the waiver from site plan would allow the development of the tourist/recreational use with a smaller footprint, as well as less permanent construction.

In order to do the operation without major land and visual disturbance, the applicant and owner want to just provide a minimum width (between 12 and 20 feet) of gravel access lane which would go into a small area that will allow approximately 25 cars to park without paving the area. This will allow the parking area and access road to remain gravel.

The Applicant will provide Erosion and Sediment Control where needed including the area around the slab, crane, and storage container when being installed. The request is to provide this tourism and recreational based operation with minimum disturbance to the property. If required, a Site Plan would necessitate pavement for the parking and access drive and much more area around the slab to be cleared, graded, and improved. The request for no site plan will allow the development of the widened access road and parking area to remain gravel (possibly grass for the parking area), the addition of a slab, crane, storage container, stairs, walkways, and other accessory facilities as shown on the sketches and support information without providing an Engineered Site Plan. If needed, the Applicant will provide an upgraded Highway Entrance Permit, and Health Department approval while applying for Building Permits for each of the structures. The Applicant will also seek DEP approval if the graded and cleared areas meet the minimum requirement for an NPDES Permit. Finally, the Applicant will apply for the necessary Building Permits with the appropriate building plans as required by the Building Code Department.

Based on the above, the Applicants respectfully request the Planning Commission to grant the waiver from site plan to provide for minimal disturbance and improvements to allow this tourist and recreation based facility that will be complimentary to River Riders' variety of tourism and recreational based facilities.

Standard Land Company LLC  
Bungee Consultants International  
Waiver Request from Requiring a Site Plan  
Waiver Request Requiring Paved Road and Parking Lot  
Section 20.203 Site Plan  
Appendix B for Road and Parking if Needed.  
Jefferson County Subdivision and Site Development Ordinance  
July 23, 2024

**Four Criteria:**

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

This project will have no Public costs since the property and access is privately owned. The project will provide for additional tourism based development that is recommended in the Comprehensive Plan and is often the basis of testimony for nearly any other type of development in the County. The property is zoned for Residential/Light Industrial/Commercial development. This small footprint of an access road that already exists, plus a small parking area, slab for the bungee crane, and storage shed will provide for minimal disturbance, while enhancing both the tax base and the availability of recreational and tourism opportunities.

This area of the County provides for the most logical location of additional recreational opportunities since it is adjacent to River Riders. Many of the same people will use both facilities, which will enhance the tourist visitor experience.

The Envision Jefferson 2035 Comprehensive Plan recommends the development and protection of tourism opportunities, along with the protection of property rights. This minimal impact development as allowed by the waiver will meet that goal.

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

If the waiver is granted, it will have absolutely no adverse effect on public health, safety or welfare since the project will still be required to provide for Erosion and Sediment Control for any clearing or grading. Building Permits will also be required, as well as compliance with State and Federal laws regarding the Bungee Jumping facility. The Building Permit process will also require compliance with the 2018 IBC including a

structural engineer or architect certification of the slab and crane. These approvals will include the Health Department and Highway Department Approval for facility.

The property is adjacent to River Riders and the operation of the bungee facility will be complementary with the variety of recreational and tourist based uses that River Riders offers. Both of these areas are zoned for Residential, Light Industrial, and Commercial Uses. These tourism based uses seem to have negligible impact compared to the other possible uses permitted in the Residential/Light Industrial/Commercial Zoning District.

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

As mentioned, the Envision Jefferson 2035 Comprehensive Plan supports the redevelopment of this property with minimal disturbance. This area is in the Quarry Redevelopment Area. This area is described as the following in the Comprehensive Plan at Page 21:

“Quarry Redevelopment Areas (QRA) within the US 340 Corridor There are two QRAs along US 340 and they consist of Old Standard Quarry (Millville Road) and Shenandoah Quarry (US 340 and Blair Road). These quarries have unique site features that provide for different redevelopment opportunities. Both sites have a large reservoir of water from quarries that are no longer actively used (please note that while there is an active quarry on Blair Road, the Shenandoah Quarry is inactive). Both quarries could be used for mixed used developments, office and commercial uses, technology companies that have a need for water, and recreational activities. Since each of these potential uses has a different future land use classification, it was determined to show the existing areas as “Quarry Redevelopment Areas”. [Old Standard Quarry, which is zoned Rural, would be appropriate for tourist friendly recreational or commercial redevelopment under the QRA. Redevelopment should consider site development that incorporates the design of the structures with the topography and other natural features. Redevelopment of Old Standard Quarry should occur in a manner that protects the hillside and steep slopes while allowing recreational development near the quarry.](#) If the active quarry ceases operation, a redevelopment plan needs to be prepared.” (Highlighting Added)

This proposed project and requested waiver meets this section of the Comprehensive Plan exactly. The only difference is that the property has been rezoned to an even higher intensity zone. The highlighted portion is exactly what is being proposed, which is a minimally improved site in order to preserve the property, while allowing for recreational development near the quarry.

The other provisions normally required for a site plan such as State, DOH, DEP, Building Code, and Health Department approvals will be submitted, if deemed necessary, during the Building Permit process.

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

The granting of the Waiver will allow a tourist based operation that is compatible with the large recreational tourism based development on the adjacent property without excessive clearing, grading, and paving as would be required with a site plan. If a site plan is required, then the property would have to be developed with much more disturbance to the property. The intent of the QRA provisions in the Comprehensive Plan is to allow this property to develop with minimal disturbance, especially for recreational uses around the Quarry Lake. The property is over 400 acres, and this project is proposed to be internally located within those 400 acres on an exceedingly small footprint if the waiver is granted.

There is a State Agency that governs Bungee Jumping, and those requirements will separately be met if required. The other health and safety requirements will be met at the Building Permit stage including the State Agency approvals and the IBC and Local Building Code provisions.

The use is complementary and compatible with the neighborhood which has become the recreational hub of the County.

Accordingly, the Applicants respectfully ask that the Planning Commission approve the waiver so that the Bungee Jumping operation can continue. Thank you for your consideration.





# Full Site

- Existing Driveway  
1200 ft x 20ft
- Existing Parking  
60x250= 15 000 s/f
- Registration Kiosk on  
blocks  
35 x35= 1225 s/f
- Staircase: 72x3= 216 s/f
- Power A
- Floating Dock: 5x15=  
75 s/f
- Tower: 220x 5=  
1100 s/f
- Foundation:  
20x20= 400 s/f



Existing Driveway  
1200 ft x 20ft

Existing Parking  
60x250= 15 000 s/f

Registration Kiosk on  
blocks  
35 x35= 1225 s/f

Staircase: 72x3= 216 s/f

Dock: 5x15= 75 s/f

Tower: 220x 5=  
1100 s/f

Foundation:  
20x20= 400 s/f

Close Up



Dock:  $5 \times 15 = 75$  s/f

Tower:  $220 \times 5 = 1100$  s/f

Tower Swing radius 160 ft

## Tower and Swing Radius

## Improving Existing

Existing Driveway: 1200 x 20

Existing Parking: 60x250= 15 000 s/f

## Adding Removable

Registration Kiosk on blocks: 35x35= 1225s/f

Dock: 5x15= 75 s/f

Tower: 220x 5= 1100 s/f

Storage 40x8

## New Permanent

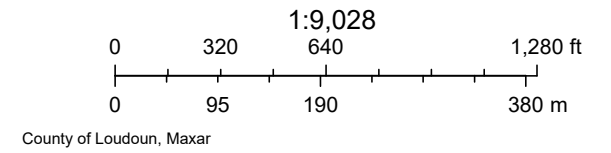
Staircase: 72x3= 216 s/f

Foundation: 20x20= 400 s/f

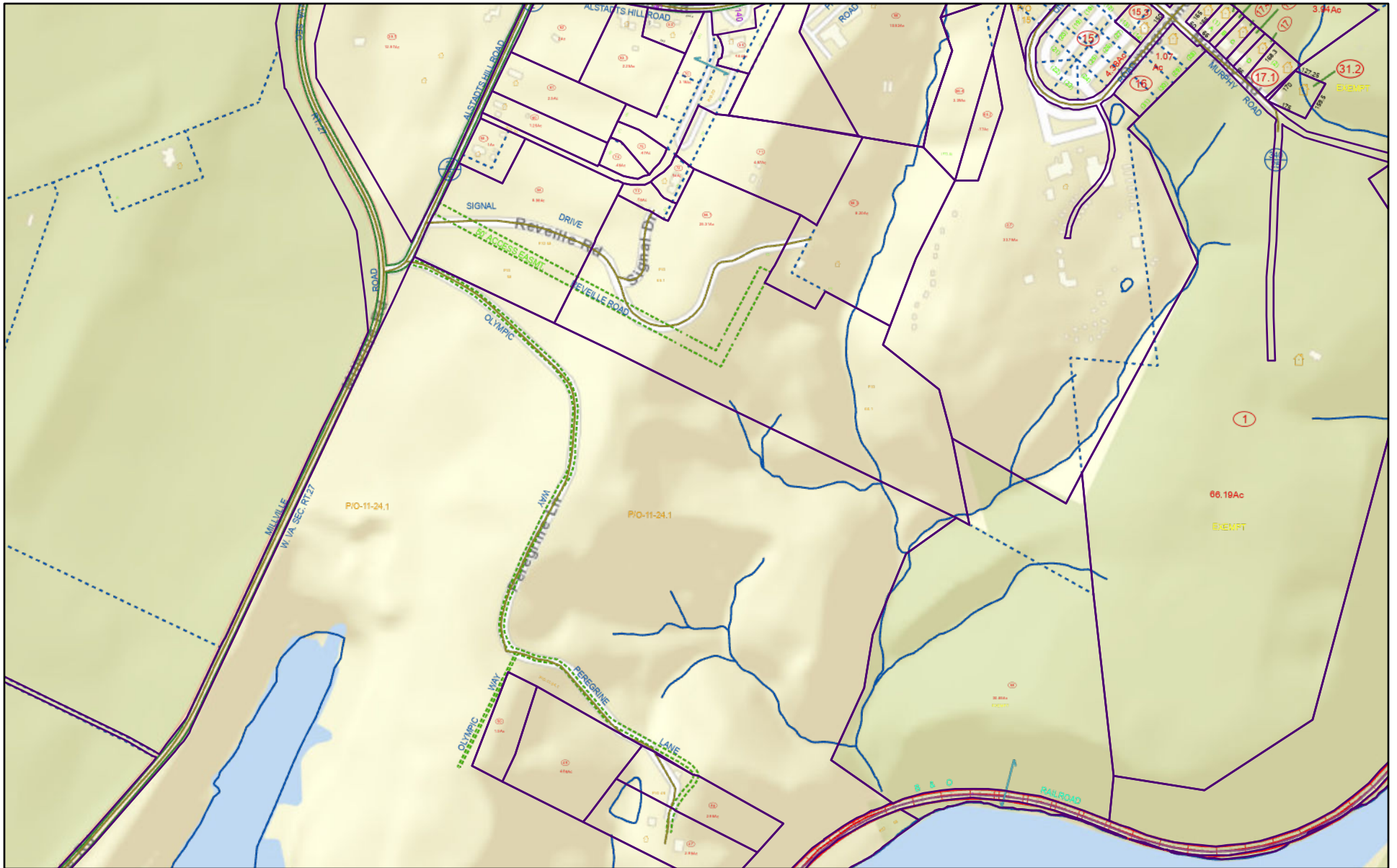
# Viewer Map



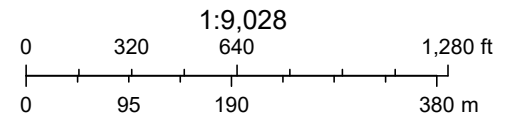
June 21, 2024



# Viewer Map



June 21, 2024



County of Loudoun, VITA, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

**Harpers Ferry Bolivar Ranson Charles Town Shepherdstown**

August 5, 2024

To: Jefferson County Planning Commission  
Re: Great American Bungee

We are very excited at the prospect of the new bungee jumping attraction in Jefferson County that will be situated in the Old Standard Quarry.

The team at Great American Bungee are not only uniquely qualified as some of the foremost bungee industry experts in the world but have 33 years' experience running the operation of another quarry-based tourist attraction and bungee site in Canada in an identical fashion. This positions them well to be the perfect team to bring an incredibly unique and invigorating project to a property in Jefferson County that has sat unused for years.

A bungee site of this nature does not exist in the United States, and it will quickly become a notable day-trip destination for adventure enthusiasts from around the East due to uniqueness of the experience offered. This will certainly bring a new demographic to the region who will carry with them a healthy appetite for more local adventure activities due to thrilling, yet relatively short, overall nature of the bungee jump experience. The addition of this amenity in our county will help us cross promote all our assets and hopefully the visitor length of stay. I am confident, this will make a positive economic impact in our county and the entire state.

It is evident by looking at the success of Great Canadian Bungee in the Morrison Quarry in Canada and the track record of the team at Great American Bungee that this operation will be professionally run, safe and poised for success and we can't wait to see it here in Jefferson County.

Sincerely,

Annette Gavin Bates, CEO  
Jefferson County CVB  
Annette.Gavin@jccvb.com



## Planning Department

---

**From:** Planning Department  
**Sent:** Wednesday, August 7, 2024 1:15 PM  
**To:** 'Annette Gavin Bates'  
**Cc:** Jessica Carroll  
**Subject:** RE: letter of support

Good afternoon,

Please note that our office is in receipt of your email and your comments will be included in the Planning Commission packet for the upcoming August 13, 2024 Planning Commission meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 9, 2024.

Thank you,

Jennilee Hartman, Zoning Clerk  
Office of Planning, & Zoning  
304-728-3228

**From:** Annette Gavin Bates <annette.gavin@jccvb.com>  
**Sent:** Wednesday, August 7, 2024 10:28 AM  
**To:** Planning Department <PlanningDepartment@jeffersoncountywv.org>  
**Cc:** Jessica James <jjames@jeffersoncountywv.org>  
**Subject:** letter of support

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

Please forward the attached letter of support to the Planning Commission for the agenda item below:

Waiver Request: Waiver from the requirements of Section 20.203B of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. The project consists of the installation of a crane/bungee area affixed to a 400 sf slab, a 320 sf storage container, a 1,225 sf registration kiosk, a 75 sf floating dock, and a 216 sf staircase. The proposal will also include various walking paths, gravel drive aisles, grass & gravel parking, and signage. Applicant: Bungee Consultants International (Nick Steers). Property Owner: Standard Land Company LLC. Property Location: Northeast intersection of Peregrine Ln & Millville Rd, Harpers Ferry, WV. Parcel ID: 04001100240001; Size: 404 acres; Zoning District: Residential-Light Industrial-Commercial (File #24-24-PCW).

If you have any questions, please feel free to reach out to me.

Respectfully,  
Annette

*Annette Gavin Bates*  
CEO, Jefferson County CVB  
37 Washington Court  
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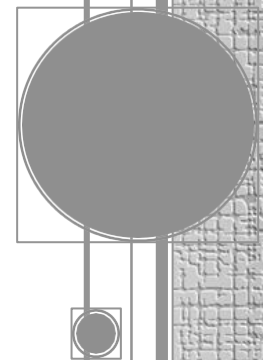


# ANNUAL REPORT FOR PLANNING AND ZONING

*FY 2024 (July 1, 2023 – June 30, 2024)*

West Virginia Code §8A-2-11, “Planning Commission's Powers and Duties” states that a planning commission is required to “make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction”.

To that end, the following is an overview of the major activities undertaken over the past fiscal year by the Jefferson County Office of Planning and Zoning, Planning Commission, and Board of Zoning Appeals, prepared by the Office of Planning and Zoning and approved to be forwarded to the County Commission of Jefferson County by the Planning Commission on **August 13, 2024**.



## FY 2024 Annual Report for Planning and Zoning (July 1, 2023 – June 30, 2024)

Attached is an electronically generated report of all applications submitted and reviewed within FY2024. This data is being provided as a part of the Annual Report from the Planning Commission and Offices of Planning and Zoning to the County Commission as required by State Law. 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:** **17 Meetings**

**Comprehensive Plan Work Sessions:** **15 Work Sessions**

**Comprehensive Plan Public Input Meetings:** **4 Public Meetings**

**Subdivision Regulations Text Amendments** **1**

**#STA24-01** Proposed Amendment to Division 24.300 of the Jefferson County Subdivision and Land Development Regulations, “Waivers” to add a Public Hearing requirement.  
*PC PH held 4/09/24; referred to County Commission; CC Public Hearing 6/27/24.*

**Zoning Ordinance Text Amendments** **None**

**Zoning Map Amendments/Rezoning** **2**

**#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.*

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

**Concept Plan Public Workshop** **6**

**#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;

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.*

- #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; 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].*
- #22-3-SP** Concept Plan for the Church of the Ascension for a Minor Site Development proposal consisting of four phases, including a 12,000 sq ft proposed Church and 6,000 sq ft proposed Fellowship Hall.  
Property Owner/Applicant: Church Of The Ascension;  
Property Location: SE corner of Border Road and Bunkhouse Rd, Kearneysville;  
Size: 20.49 acres; Zoning District: Rural.  
*Public Workshop 09/12/23; PC approved a motion to approve the Concept Plan as presented.*
- #23-8-SP** Concept Plan for Valley Storage Shepherdstown Expansion for the expansion of the existing self-storage facility.  
Owner/Applicant: Todd Snook; Property Location: 1744 Shepherd Grade Road, Shepherdstown; Size: 10.07 acres; Zoning District: Rural  
*Public Workshop 08/08/23; the PC approved a motion to approve the Concept Plan with the proffers related to added landscaping and slats in fencing.*
- #22-6-SP** Amended Concept Plan for Canter Hollow Apartments (fka Miller Station Apartments); redesign of previously approved project (08-09-22) to consist of approximately 20 multi-family (apartment) buildings with approximately 150 units, associated parking, stormwater management facilities, and signage.  
Applicant/Property Owner: Cantor Hollow, LLC;  
Property Location: Captain Chews Trace;  
Combined Size: 10 acres; Zoning District: Residential/Light Industrial/Commercial  
*Public Workshop 07/25/23; the PC approved a motion to accept the Amended Concept Plan as presented with the previous conditions.*
- #23-14-SD** Concept Plan for the Orchard Springs Major Residential Subdivision consisting of approximately 146 single-family homes and 122 townhouses.  
Applicant/Property Owner: Alharmoosh Development Group LLC;  
Property Location: 257 and 263 Ridge Road, Shenandoah Junction  
Size: 75.17 and 1.05; Zoning District: Residential Growth.

*Public Workshop 07/11/23; the PC approved a motion made a motion to approve the Concept Plan as presented with the condition of the applicant speaking with the DOH regarding a walking path across Warm Springs Road to T.A. Lowry Elementary School.*

**BOARD OF ZONING APPEALS (BZA) ITEMS**

**Board of Zoning Appeals Meetings:** **11 meetings**

**Zoning Appeal of Administrative Decision:** **1 (withdrawn)**

**PLANNING & ZONING STAFF ITEMS**

**Pre-Proposal Conference (PPC) Meetings:** 69 Total (31 Subdivision & 38 Site Plan)

**Information Request Forms (IRFs) -- general inquiries from the public:** 149 Total

**Zoning and Land Development Fees Collected:** \$ 136,171

**PLANNING COMMISSION MEMBERS – FY 2024**

1. Mike Shepp, President (term expires 03/31/27)
2. Aaron Howell, Vice President (term expires 3/31/26)
3. Wade Louthan, Secretary (term expires 03/31/25)
4. Steve Stolipher (County Commission Liaison, 2021 - 2024)
5. Donnie Fisher (term expires 03/31/26)
6. Jack Hefestay (term expires 03/31/25)
7. J Ware (term expires 03/31/25)
8. Tim Smith (term expires 3/31/26)
9. Cara Keys (term expires 3/31/27)
10. Matt Knott (term expired 03/31/24)

**BOARD OF ZONING APPEALS MEMBERS – FY 2024**

1. J. Tyler Quynn, Chair (term expires 01/01/26)
2. Matt McKinney, Vice Chair (term expires 01/01/27)
3. Jacob Harris, Secretary (term expires 01/01/27)
4. David Wiegand (term expires 01/01/26)
5. Steven Guier (term expires 1/1/25)
6. Mikala Shremshock (through 01/01/26), alternate
7. Two vacant alternate positions, one expires January 1, 2025 and one expires 2027

**DEPARTMENTS OF PLANNING & ZONING STAFF – FY 2022**

1. Alexandra Beaulieu, Zoning Administrator/Deputy Director
2. Jennifer M. Brockman, AICP, Chief County Planner
3. Luke Seigfried, County Planner
4. Jennilee Hartman, Zoning Clerk
5. Michelle Evers, Planning Clerk (March 2023 – May 2024)
6. Shenandoah Olsen, Summer Intern (Summer 2023 and 2024)
7. Joe Guttman, Summer Intern (Summer 2023)

<b>Regional Transportation Planning Meetings</b>	
Eastern Panhandle Transit Authority (EPTA) Board Meetings	7/17/23; 8/21/23; 9/18/23; 10/16/23; 11/20/23; 12/28/23; 1/29/24; 2/12/24; 3/18/24; 4/15/24; 5/20/24; 6/17/24
EPTA Committee Meetings	8/10/23; 8/15/23; 10/24/23; 12/15/23
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	08/16/23; 10/18/23; 01/17/24; 03/20/24; 05/15/24
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Congestion Management Plan (CMP)	11/7/23; 02/21/24; 05/08/24
WV DOH/Regional Planners Roundtable	05/01/24
WVDOT EV public meeting (HEPMPO Region)	02/29/24
WV Ethics Commission Ethics & Open Meetings Act Training	2/13/24 & 2/15/24

<b>Local/Regional/State Planning Related Meetings</b>	
WV APA Chapter Meeting	9/12/23; 11/2/23
WV APA Legislative Committee Meetings (ZOOM)	8/4/23; 9/15/23; 10/6/23; 12/1/23; 2/2/24; 5/3/24; 6/7/24
WV APA Professional Development/Membership Committee	1/30/24
Jefferson County CVB Tourism Summit	4/17/24
6th Mountain State Land Use Academy/WV APA Annual Meeting	5/21/24 & 5/22/24
Safe Water Harpers Ferry/ Elks Run Watershed Meeting (WV Rivers)	7/26/23; 12/12/23; 3/3/24
Moulton Park Ribbon Cutting	8/22/23
Aquatic Feasibility Study Stakeholder Group	8/30/23
Eastern Panhandle GIS Users Meeting	9/28/23
Jefferson Co. Dev. Authority (JCDA) Tour of Meat Processing Facility	11/13/23
On-line webinar (Interstate Commission on the Potomac River Basin)	1/19/24
Planning Webcast Series (Community Resilience & Trails as Resilient Infrastructure)	3/21/24; 3/22/24

<b><i>2045 Comprehensive Plan Update Meetings</i></b>	
Presentation to AACAJC	07/05/23
Existing Land Use Map Review with Ranson Staff	07/10/23
Existing Land Use Map Review with Harpers Ferry Staff	07/52/23
Existing Land Use Map Review with Bolivar Staff	07/13/23
Existing Land Use Map Review with Charles Town Staff	07/14/23
Existing Land Use Map Review with Shepherdstown Staff	07/17/23
29 <sup>th</sup> African American Cultural & Heritage Festival	08/19/23
70 <sup>th</sup> County Fair <i>2045 Comprehensive Plan</i> Booth	08/21-8/25/23
<i>2045 Comprehensive Plan</i> Agricultural Public Input Meeting	09/13/23
<i>2045 Comprehensive Plan Update</i> 2 <sup>nd</sup> Public Input Meeting	09/18/23
Mapping the Future of Jefferson County <i>2045 Comprehensive Plan</i> 3 <sup>rd</sup> Public Input Meeting	01/23/24
Jefferson County <i>2045 Comprehensive Plan</i> 4 <sup>th</sup> Public Input Meeting	05/13/24

**Planning and Zoning DFY 2024 Annual Report**  
**07/01/2023 - 06/30/2024**

Type	Project Number	Creation Date	Owner Name	Location	Status	Description	Plat Book	Page
	23-8-CUP	9/29/2023	DOVE TRACY J & MARKETA	Flowing Acres Drive, Charles Town	Closed	Request by Tracy Dove dba Charles Town Car Storage for a CUP to operate a Commercial Storage facility for a nonresidential car storage facility for up to 28 vehicles.	26	594
	23-9-CUP	10/6/2023	Jeremy and Tiffany Martin	104 WINEBRENNER RD, SHEPHERDSTOWN	Closed	Request by Earthworx General Contracting Services, LLC for a CUP to operate a Contractor with Outdoor Storage business to allow storing construction equipment on an outdoor gravel pad.		
	23-10-CUP	11/15/2023	BLUE IRIS LLC & BLUE TULIP LLC - Sharon Hallinan	217 DEER TRL, SHEPHERDSTOWN	Closed	Request by Songbird House Assisted Living Residence for a CUP to operate a Nursing or Retirement Home for up to 16 residents with up to four (4) caregivers/employees.		
	24-1-CUP	1/2/2024	MCCLAIN WILLIAM J & KRISTEN E	374 LOOKOUT MOUNTAIN CT, HARPERS FERRY	Closed	Request for a CUP to operate a firearms business from an existing dwelling unit; applicant anticipates approximately 10-20 customers/month; no employees other than the residents of the property.		
	24-2-CUP	1/24/2024	BALDWIN MARK R & JENNIFER A	1163 GARDNERS LN, SHEPHERDSTOWN	Closed	Request by Songbird House Assisted Living Residence for a CUP to operate a Nursing or Retirement Home; providing homecare in an existing dwelling unit for up to 32 residents; with up to four (4) caregivers/employees; no new structures are proposed.		
	24-3-CUP	1/24/2024	BERNDT ERIK W & CHERYL A	River Rd, Shepherdstown, WV	Withdrawn	Request for a CUP to operate a tree service business (Contractor with Outdoor Storage); proposing a 40' x 60' pole building on a 125' x 150' gravel pad to be used for employee parking/equipment storage; up to 10 employees; no customers to the property.		
	24-4-CUP	3/1/2024	Mark D. Stolipher and Paul Michael Chapman Trust	261 BERRY HILL FARM LN, and 2998 WITHERS LARUE RD; and 653 FRANKLINTOWN RD; and 322 SCOOTER LN; SUMMIT POINT	Open	Request for a Conditional Use Permit to operate the Franklinton Farm Solar Project; consisting of an 80-megawatt solar energy facility on 502 acres, including solar modules, a new substation, and a 20MW Battery Energy Storage System (BESS) to connect with the existing 138-kilovolt overhead electrical transmission line in the SE corner of the Project area.		
	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.		
					<b>Category Total:</b>	<b>9</b>		
<b>Easements</b>	23-2-E	8/2/2023	BROWN CINDY M	2765 TROUGH RD, SHEPHERDSTOWN	Closed	Brown (Conservation Easement) Amendment		
	23-3-E	9/19/2023	WILLIS GARY W & GLORIA E	599 N CHILDS RD, KEARNEYSVILLE	Open	Willis (Conservation Easement)		
	23-4-E	9/25/2023	Cavalier Farm, LLC.	2095 SHEPHERDSTOWN PK HARPERS FERRY	Open	Cavalier Farm (Vacating Easement)		
	23-5-E	10/5/2023	ASPEN POOL FARM LLC	1378 TROUGH RD, SHEPHERDSTOWN	Open	Farmland Conservation Easement		

	23-6-E	12/19/2023	AMERICAN BATTLEFIELD TRUST	1901 TROUGH RD, SHEPHERDSTOWN	Open	Far Away Farm (Conservation Easement)		
	24-1-E	3/19/2024	Adam Link III	Flowing Springs Road, Shenandoah Junction, WV	Open	The proposed Farmland Protection Easement tract is 127.15 acres.		
	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
					<b>Category Total:</b>	<b>7</b>		
<b>Merger or Boundary Line Adjustment</b>	23-17-M	7/19/2023	Clifton 1834 LLC	2088 LEWISVILLE RD, SUMMIT POINT	Closed	BLA of 2.1815 to be merged from parcel 1 to parcel 20	26	619
	23-18-M	7/20/2023	Lutman Land Development - David Lutman	Regent Rd, Charles Town, WV	Closed	BLA of 1.54 acres from Parcel 19.31 to parcel 19.30	26	628
	23-19-M	8/2/2023	CLAWSON BARRY L ET UX	649 SYCAMORE RD, HARPERS FERRY	Closed		26	623
	23-20-M	8/3/2023	REDDINGTON QUINTINA B & MATTHEW S	414 KIDWILER RD, HARPERS FERRY	Closed	Merger of 22.8768 from parcel 2 to 2.3	26	673
	23-21-M	8/9/2023	SHADY GROVE HOLDINGS II LLC	562 BERRYVILLE PIKE, CHARLES TOWN	Open	BLA of .709 ac from Parcel 9 to Parcel 5		
	23-22-M	9/22/2023	BEARUP CHRISTOPHER & HEATHER	6740 KABLETOWN RD, CHARLES TOWN	Open	BLA of 1.1899 acres from parcel 14 to parcel 14.3		
	23-23-M	9/26/2023	Lutman Land Development - David Lutman	8706 LEETOWN RD, KEARNEYSVILLE	Closed	BLA of 8.66 ac from Parcel 20 to Parcel 21	26	678
	23-24-M	10/10/2023	Barbara Bell	JOHN RISSLER RD, CHARLES TOWN	Closed	BLA of 1.046 ac from Lot M to Lot N		
	23-25-M	10/20/2023	DEAL RICHARD B JR & YOCENCIA L	3685 RIVER RD, SHEPHERDSTOWN	Closed	BLA of three merger areas: 1) .07 ac from Lot 2B to Lot 2C 2) .03 ac from Lot 2C to Parcel 18 3) .43 from Lot 2B to Parcel 18	26	667
	23-26-M	10/25/2023	Linda Faye Gibson	Border Road, Kearneysville	Open	BLA of 0.4143 ac from Lot 12.15 to 12.4 and BLA of 0.7061 ac from Lot 12.4 to 12.15		
	23-27-M	11/7/2023	Horus West Virginia 1, LLC - Braden Houston	6740 KABLETOWN RD/ 15750 CHARLES TOWN RD, CHARLES TOWN	Open	BLA of ~240 acres from Parcel 14 to Parcel 1. The BLA will result in the creation of a 2.3028 acre lot for the new substation.	27	89
	23-28-M	11/13/2023	HOFFMAN CHRIS M ET AL	622 ANN LEWIS RD, CHARLES TOWN	Open	BLA of 1.9973 acres from Parcel 7 to Parcel 7.8		
	23-28-M	11/13/2023	HOFFMAN CHRIS M ET AL	508 ANN LEWIS RD, CHARLES TOWN	Open	BLA of 1.9973 acres from Parcel 7 to Parcel 7.8		
	23-29-M	11/15/2023	SLUSHER DANIEL K & JUDY	280 N CHILDS RD, KEARNEYSVILLE	Open	Boundary Line Adjustment between Parcel 1.7 (Lot A) and Parcel 1.4 (Lot B)		
	23-30-M	11/15/2023	CANTOR HOLLOW LLC Andy Shuckra	CAPTAIN CHEWS TRCE, CHARLES TOWN	Closed	Consolidation of the Miller Station Nonresidential Subdivision into a single parcel.	26	736
	23-31-M	12/4/2023	CYNTHIA L PIFER ET AL CYNTHIA L PIFER	Pifer Lane, Charles Town	Closed	BLA of .0553 ac from Lot 10B to Lot 10A; and, to relocate a portion of the platted septic reserve area.	26	711
	23-32-M	12/12/2023	SUSANNE & JAMES KOENIG	247 LAKEVIEW DR, HARPERS FERRY	Closed	SEC 32 Lot# 8-9 KEYES FERRY ACRES Consolidating		
23-33-M	12/14/2023	MUSSI ELIZABETH A	403 RIVERSIDE DR, HARPERS FERRY	Open	BLA of .0231 ac from Lot 722 to Lot 721	27	97	
23-34-M	12/27/2023	WHITE DAWN	49 BOYER LN, SUMMIT POINT	Closed	BLA of 0.950 ac from Parcel 3 to Parcel 3.1	26	726	

	24-1-M	1/5/2024	BOWERS WALTER W ET AL	266 HENKLE MOORE RD, HARPERS FERRY	Open	BLA of .06237 ac from parcel 25 to parcel 26	27	95
	24-2-M	1/12/2024	Johnnie Parkin	Steamboat Run Rd, SHEPHERDSTOWN	Open	LT #1A-2A STEAMBOAT RUN		
	24-3-M	1/25/2024	KEARNS AMEE	14806 LEETOWN RD, KEARNEYSVILLE	Open	BLA of 0.8215 ac from parcel 20 to parcel 18		
	24-4-M	2/16/2024	JEFFERSON GROUP LLC	1508 CLOVERDALE RD STE 100, CHARLES TOWN	Open	BLA of 3.1460 from parcel 07 to parcel 10	27	86
	24-5-M	2/28/2024	JANSSEN KEITH B-TR	6864 ENGLE MOLERS RD, SHEPHERDSTOWN	Open	BLA of .26 acres from Parcel 6.1 to Parcel 6.4	27	42
	24-6-M	3/6/2024	CHITTAL DANIEL R & SARAH M	4464 LEETOWN RD SUMMIT POINT	Open	BLA of 3 acres from Parcel Lot 5 (residue) to Lot 6		
	24-7-M	3/19/2024	MARY JEAN LIGHT	237 STEPTOE ST, SUMMIT POINT	Open	BLA of .3701 acres from Parcel 36 to Parcel 35	27	94
	24-8-M	3/27/2024	OWENS DONALD C	3032 SUMMIT POINT RD, SUMMIT POINT	Open	BLA of 0.0833 ac from Parcel 26 to Parcel 24	27	84
	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	Open	Boundary Line Adj. 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 & a BLA of 1.6462 acres from Parcel 5.6 to Parcel 120.		
					<b>Category Total:</b>	<b>34</b>		
<b>Planning Commission Variance (1979 ZO)</b>	23-3-PCV	7/18/2023	RODERICK PLANES LLC - Maurice Gladhill	Aspen Green Subdivision, Charles Town	Open	Request by applicant Roderick Planes, LLC. for a variance from Article 6; Section 6.3 of the 1979 Subdivision Ordinance for an extension to January 11, 2026.		
	24-1-PCV	1/22/2024	Beallair Homes, LLC - Robert Wormald	BEALLAIR MANOR DR, Harpers Ferry	Open	Variance request from Section 8.1d of the 1979 Subdivision Ordinance to extend the requirement to bond & record the final plat for Beallair, Phase 4B from 3-11-24 to 6-9-24.		
	24-2-PCV	2/16/2024	BEALLAIR COMMUNITY CONSERVANCY INC - Robert Wormald	480 BEALLAIR MANOR DR, CHARLES TOWN	Open	Variance request from Section 11.2.e.1 of the 1979 Subdivision Ordinance to waive the required screening and landscaping for the proposed pool and community center property located within the Beallair development to serve the residents.		
					<b>Category Total:</b>	<b>3</b>		
	23-20-PCW	7/11/2023	SIDEWINDER ENTERPRISES LLC	1 GRACE ST, KEARNEYSVILLE	Open	Waiver from Section 20.20 to allow a proposed 4-lot subdivision to process as a minor.		
	23-21-PCW	7/25/2023	CHURCH OF THE ASCENSION ANGLICAN TR	Border Road, Keanersville	Open	Waiver request from section 10.7, App B / Section 2.2.K to remove the requirement of a sidewalk along the front of the property at this time. A easement for a future sidewalk will be provided on the site plan		
	23-22-PCW	9/18/2023	Jack Payne	247 SABER DR, CHARLES TOWN	Open	Waiver request from Section 21.402 to allow a six (6) foot tall privacy fence to remain within a platted drainage easement.		
	23-23-PCW	10/3/2023	KE Colonial, LLC - Rick Fink	South of Higbee Lane, Shepherdstown	Open	Waiver from Section 24.112.C to allow a 1-year extension to prepare a Preliminary Plat for Colonial Hills Phase 3B based on Concept Plan approval on October 12, 2021.		

**Planning  
Commission  
Waiver**

23-25-PCW	10/24/2023	DONNA BENT	1332 BILLMYER MILL RD, SHEPHERDSTOWN	Open	Waiver from Section 20.201 A.2 to allow the applicant to utilize an existing 40' access easement instead of the required 50' access easement for the creation of 2 lots.		
23-4-FPA	10/2/2023	TODD D BANKS & TAYLOR BISHOP	5994 FLOWING SPRINGS RD, SHENANDOAH JUNCTION	Open	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 (Note DB632/PG363).		
24-1-PCW	12/19/2023	MILLVILLE QUARRY INC	165 BRADSTONE LN, HARPERS FERRY	Open	Waiver from 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Asphalt Plant.		
24-2-PCW	1/23/2024	MILLVILLE QUARRY INC	165 BRADSTONE LN, HARPERS FERRY	Open	Waiver from 20.203A.2a of the Sub. Regs to waive the requirement of a Concept Plan for a proposed Concrete Plant; and, from Section 20.203B to allow the proposed Plant to process as a modified Site Plan.		
24-3-PCW	1/23/2024	MILLVILLE QUARRY INC	165 BRADSTONE LN, HARPERS FERRY	Open	Waiver from Section 20.203B of the Subdivision Regulations to allow the proposed Asphalt Plant to process as a modified Site Plan.		
24-5-PCW	1/23/2024	DALB INC - Kevin Steeley	73 INDUSTRIAL BLVD, KEARNEYSVILLE	Open	Waiver request from Section 22.208 and Appendix B Section 10.6 to remove the requirement of a sidewalk along the frontages of the property.		
24-6-PCW	1/24/2024	BOSWELL RICHARD III & MELISSA A	149 PLEASANT ACRES CT, KEARNEYSVILLE	Open	Request for waiver from Section 20.201B2 of the Subdivision Regulations, pertaining to the 5-year Family Transfer requirement		
24-7-PCW	2/9/2024	DLGA LLC - David Butcher	2282 SUMMIT POINT RD, SUMMIT POINT	Withdrawn	Waiver request from Section 24.108C to extend the maximum vesting period for a Concept Plan of two years.		
24-8-PCW	2/20/2024	ROLLING RIDGE FOUNDATION INC	671 FLOC WAY, HARPERS FERRY	Open	Waiver from Section 20.203 of the Sub. Regs that requires the proposed project to process as a Minor Site Development.		
24-9-PCW	2/20/2024	SUSQUEHANNA PROPERTIES LLC - Doug Porter	21 BELLA CT, CHARLES TOWN	Open	Waiver from Section 20.201 A.2, which requires all lots in Minor Subdivision to have motor vehicle access via a 50' access easement; to permit using an existing 30' access easement.		
24-10-PCW	3/19/2024	Timothy and Heather Runion	LANDON WAY, Kearneysville	Closed	Waiver from Section 20.201 of the Sub. Regs. to waive the width of the required 50' Access Easement and to be considered as a Minor Subdivision with more than 5 lots on the easement (for a total of 9 lots).		
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 20.201B.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.		

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.		
24-16-PCW	4/16/2024	JEFFERSON ORCHARDS INC.	Kearneysville Pike, KEARNEYSVILLE, WV 25430	Withdrawn	Waiver from Section Article 24, Section 24.113.B.10 of the Subdivision Regulations, to request to waive the Phase I Archaeological Survey requirement for Preliminary Plats.		
24-17-PCW	4/25/2024	DONLEY SAMUEL J JR	4368 ENGLE MOLERS RD, HARPERS FERRY, WV 25425	Closed	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	Closed	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	Closed	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	Closed	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	Closed	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	Dalton Whitaker	2648 KABLETOWN RD	Open	Waiver of Section 21.402D of the Subdivision Regulations to allow an existing fence within a proposed 50' wide access easement.		
				<b>Category Total:</b>	<b>28</b>		
23-5-SP	7/24/2023	LANDIS TIMOTHY R & MARLA B	248 HARVEST CT, HARPERS FERRY, WV 25425	Withdrawn	New Telecommunications Tower consisting of a 100' wireless telecommunications tower with a 50' x 50' compound.		
23-9-SP	8/11/2023	FONTANA PARK HOLDINGS, LLC	209 EASTLAND DRIVE, CHARLES TOWN, WV 25414	Open	The proposed use of the site is an indoor/outdoor recreational facility with sports fields, indoor courts, and indoor high-school sized lap pool.		
23-10-SP	8/28/2023	BEALLAIR COMMUNITY CONSERVANCY INC - Ed Wormald	480 BEALLAIR MANOR DR, CHARLES TOWN, WV 25414	Open	Beallair Pool and Club House		
23-11-SP	11/29/2023	HF HILLTOP LLC & SWAN HILL TOP OPERATING PARTNERS LLC	400 E RIDGE ST, HARPERS FERRY, WV 25425	Open	Hotel Project - Historic Harpers Ferry Reviewed by Jefferson County DEPZ in accordance with agreement with State Economic Development Authority		
23-12-SP	12/19/2023	DALB INC - Kevein Steeley	73 INDUSTRIAL BLVD, KEARNEYSVILLE	Bonding	The project consists of an 11,940 sq ft expansion to the existing facility.		

Site Plan	24-1-SP	1/29/2024	ILA Properties, Inc - Joshbeen Grewal	SW Side of RT 115, Kearneysville, WV	Open	Concept Plan for Hunter Valley Apartments; Approximately 138 1-2 bedroom apartments with associated parking.		
	24-2-SP	3/4/2024	Mark D. Stolipher and Paul Michael Chapman Trust	261 BERRY HILL FARM LN, and 2998 WITHERS LARUE RD; and 653 FRANKLINTOWN RD; and 322 SCOOTER LN; SUMMIT POINT	Open	The proposal is to operate the Franklinton Farm Solar Project; consisting of an 80-megawatt solar energy facility on 502 acres, including solar modules, a new substation, and a 20MW Battery Energy Storage System (BESS) to connect with the existing 138-kilovolt overhead electrical transmission line in the SE corner of the Project area.		
	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.		
	500-10	6/17/2024	340 RAINBOW LLC	3557 BERRYVILLE PIKE, CHARLES TOWN, WV 25414	Closed	Automotive Repair Business		
	23-3-EGP	8/31/2023	JEFFERSON COUNTY COMMISSION	235 SAM MICHAELS LN, SHENANDOAH JUNCTION	Open	Early Grading		
	S96-10	9/11/2023	FIRST BAPTIST CHURCH OF RANSON TRUSTEES	614 LONE OAK RD, RANSON	Closed	Site Plan for expansion to church building: Phase 1 = 3,200 SF classrooms Phase 2 = 6,500 SF sanctuary		
	23-4-NSP	9/21/2023	FIRST BAPTIST CHURCH OF RANSON TRUSTEES	614 LONE OAK RD, RANSON, WV 25438	Closed	The addition of two ramps to the existing sanctuary. Ramp #1 = 80 sf, Ramp #2 = 56 sf		
	23-5-NSP	10/10/2023	CORUM PETER S	3988 KEARNEYSVILLE PIKE, SHEPHERDSTOWN	Closed	No Site Plan Sketch re: parking lot		
	24-1-NSP	1/9/2024	340 RAINBOW LLC - Robert Forgale	3511 BERRYVILLE PIKE, CHARLES TOWN	Closed	No Site Plan review for a proposed deck		
	24-2-NSP	3/15/2024	MILLVILLE QUARRY INC	165 BRADSTONE LN, HARPERS FERRY	Open	No Site Plan Sketch submitted pursuant to PC approval (24-2-PCW) for proposed concrete plant.		
	24-3-NSP	3/15/2024	MILLVILLE QUARRY INC	165 BRADSTONE LN, HARPERS FERRY	Open	Waiver from 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Asphalt Plant.		
	24-4-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 CAMPGROUNDS 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.		
					<b>Category Total:</b>	<b>20</b>		
	Special	23-2-SE	8/28/2023	SULLIVAN BARBARA B	Bakerton Road, Harpers Ferry	Closed	Request for a Special Exception Permit for an Off-Premise Sign for Bakerton Market	

Special Exception Permit	24-1-SE	3/19/2024	SHIRLEY LINDA M ET AL	4529 MIDDLEWAY PIKE, KEARNEYSVILLE	Open	Request for a Special Exception Permit to allow a second Accessory Dwelling Unit for a family member in accordance with Section 8.15 of the Zoning Ord.		
					<b>Category Total:</b>	<b>2</b>		
Minor Plat Change	23-9-MPC	8/30/2023	Beallair Homes, LLC - Ed Wormald	Beallair Manor Dr, Charles Town	Closed	Beallair Subdivision Phase 2 - Minor Plat Change to remove the trails/walkways.	26	669
	23-10-MPC	9/21/2023	D.R. Horton, Inc. - Brian Georg	Centergate Dr, Charles Town	Closed	Minor Plat to revise storm easements and dedicate a water easement on Lots 165-169 and Open Space Parcel C	26	661
	23-11-MPC	10/10/2023	OLSON KENNETH J - Kenneth Olson	205 STONE CHIMNEY RD, HARPERS FERRY	Closed	Relocate the existing septic reserve area.		
	23-13-MPC	11/30/2023	FLOWING SPRINGS ROAD LLC	Flowing Springs Road, Charles Town	Closed	Revising the SWM Pond #1 outlet structure, adding model home notes based on BZA approval and associated temporary parking lot, adding the new property line and owner from the minor subdivision of the land.	26	601
	24-2-MPC	2/12/2024	SUTPHIN LINCOLN	3809 KABLETOWN RD, CHARLES TOWN	Closed	Rissler-Alvarez Lot 3 Septic Relocation		
					<b>Category Total:</b>	<b>5</b>		
	23-21-SD	7/10/2023	KENNETH L & GLENVILLE L SHADE	Sulphur Springs Rd, Middleway, WV	Open	Proposed 1 lot Family Transfer and Residue	26	692
	23-22-SD	7/31/2023	Donna C Bent	1326 Billmyer Mill Rd, Shepherdstown	Open	BLA from Parcel 5.6 to 5.7; creation of Lots 1-Residue, 2, & 3 under 5.7D.3 of the Zoning Ordinance		
	23-23-SD	8/9/2023	STOLIPHER NANCY C	225 STRAITHMORE FARM LN, CHARLES TOWN	Open	proposing 4 lots and a Residue		
	23-24-SD	8/25/2023	NEWKIRK SANDRA L & SUSAN P MCGRAW TR	849 SHADE TREE LN, SHENANDOAH JUNCTION	Open	1 Lot and a residue		
	23-25-SD	8/28/2023	LOWE ANDREW D W	7620 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN	Open	Resubdivision of North Thirty, Lot 1 into Lots 1A and 1B (residue)	26	665
	23-26-SD	8/28/2023	LOWE ANDREW D W	7766 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN	Open	Resubdivision of North Thirty, Lot 3 into Lots 3A and 3B (residue) and an easement deed	26	664
	23-27-SD	9/7/2023	Eric & Michele Stewart	BOWERS RD, KEARNEYSVILLE	Open	Family Transfer MSD creating 2 lots and a residue		
	23-28-SD	9/22/2023	Lutman Land Development - Dave Lutman	Regent Road, Charles Town	Closed	2 lots and a residue	26	660
	23-29-SD	10/16/2023	MARCUS RONALD E	6997 KABLETOWN RD, CHARLES TOWN	Open	Minor Subdivision to create lots 1, 2 & 3-Residue		
	23-30-SD	10/31/2023	ELMWOOD FIELDS & FORESTS LLC	Flowing Springs Road, SHENANDOAH JUNCTION	Open	Lot 1 and Lot 2 (residue)		
	23-31-SD	12/13/2023	Townhome Rental, LLC	Charles Town Road, Kearneysville	Open	Rocky Ridge Phase 2 Subdivision - 54 Townhome Lots		
	23-32-SD	12/21/2023	LUTMAN PROPERTIES LLC	8464 LEETOWN RD, KEARNEYSVILLE	Open	Leetown 1: 4-lot minor subdivision / Cluster Subdivision (Section 5.7D.2 of the Zoning Ordinance)	26	690
	23-33-SD	12/21/2023	LUTMAN PROPERTIES LLC	8554 LEETOWN RD, KEARNEYSVILLE	Open	Leetown 2: 4-lot minor subdivision / Cluster Subdivision (Section 5.7D.2 of the Zoning Ordinance)	26	691
	24-1-SD	1/10/2024	LUTMAN DAVID W - David Lutman	155 SUNNYSIDE LN, SHENANDOAH JUNCTION	Closed	2 lots and a residue	27	43
24-2-SD	1/10/2024	Lutman Land Development	Lewisville Rd, Summit Point	Open	1 lot and residue	27	88	

Subdivision	24-3-SD	1/10/2024	Lutman Land Development	Lewisville Rd, Summit Point	Closed	1 lot and residue	27	85
	24-4-SD	1/23/2024	MCCREERY DEVIN P ET AL	TURNER RD, SHEPHERDSTOWN	Open	Creation of Lots 1 - 3 per Section 5.7D.1.		
	24-5-SD	1/26/2024	BOHON TINA & DANIEL	274 WILLINGHAM RD, CHARLES TOWN	Closed	2 lots and a residue	26	709
	24-6-SD	2/9/2024	SUSQUEHANNA PROPERTIES LLC - Douglas Porter	45 BELLA CT, CHARLES TOWN	Open	1 lot and a residue		
	24-7-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	27	99
	24-8-SD	2/26/2024	BRADY ROBERT L & LOUISE M	RIDGE RD, SHEPHERDSTOWN	Open	MSD to create one lot and a residue	27	17
	24-9-SD	3/5/2024	Michael & Paula Roll	Southerly Lane, Charles Town	Open	Creation of Lots 2A & 2B as a family transfer.		
	24-10-SD	3/13/2024	HARDY FRANK E & DIANE L	77 AMERICAN PRIDE LN, KEARNEYSVILLE	Open	Creation of Lot B1 and B2-Residue		
	24-11-SD	3/18/2024	THOMPSON ALTHA R & MINDY L-TRS	WHITMER RD, SHENANDOAH JUNCTION	Open	Thompson Family Transfer, Lot 2-Residue and Lot 3		
	24-12-SD	3/25/2024	JEFFERSON ORCHARDS INC.	Kearneysville Pike, KEARNEYSVILLE	Open	The Concept Plan proposes 720 residential single-family lots (324 single-family detached and 396 single-family attached of varying widths).		
	24-13-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.		
						<b>32</b>		
	Redline Revision	23-8-RR	10/10/2023	FLOWING SPRINGS ROAD LLC	Flowing Springs Road, Charles Town	Open	Revising the SWM Pond #1 outlet structure, adding model home notes based on BZA approval and associated temporary parking lot, adding the new property line and owner from the minor subdivision of the land.	
24-3-RR		2/1/2024	DR Acquisitions, LLC - Matt Stare	Charles Town Road, Charles Town	Open	Revised Model Home lots to add 174 and TH 21, modified storm structures, E&S revisions per Jefferson County.		
24-4-RR		3/27/2024	D.R. Horton Capital Division - Keegan Waters	GUMSPRING DR, CHARLES TOWN	Open	Modified grading plans to adjust grades for Bioswales 7 and 8.		
					<b>Category Total:</b>	<b>3</b>		
	23-3-FPA	8/3/2023	New Hope Farm Inc	187 BRUCETOWN RD, KEARNEYSVILLE, WV 25430	Closed	New Hope Farm, Lot 4 (amendment to access)		

Final Plat Amendment	23-5-FPA	10/19/2023	TOWNHOMES RENTAL LLC	4115 CHARLES TOWN RD, KEARNEYSVILLE	Open	Rocky Ridge - change to the County line.		
					Category Total:	2		
	23-35-ZC	7/7/2023	CHERNOV ROMAN B	451 SHENANWOOD DR, HARPERS FERRY	Closed	Bed and Breakfast (owner-occupied short term rental)		
	23-36-ZC	8/2/2023	COLLIER MARTIN P & KIBONG LEE	133 WATERSIDE DR, HARPERS FERRY	Closed	Accessory Dwelling Unit: In-law Suite		
	23-37-ZC	7/19/2023	B33 JEFFERSON CROSSING II LLC	186 FLOWING SPRINGS RD, CHARLES TOWN	Closed	Change in Tenant		
	23-38-ZC	7/27/2023	SUSO 2 ALABAMA LP - Stelios Mourtzakis	108 PATRICK HENRY WAY, CHARLES TOWN	Closed	Shopping Center: Change in Tenant (Adagio Academy of Performing Arts) Dance studio		
	23-39-ZC	8/11/2023	REDDINGTON QUINTINA B & MATTHEW S	414 KIDWILER RD, HARPERS FERRY	Closed	Agricultural Use: Farm Distillery, Agricultural Event Facility, and Pick Your Own Farm Products		
	23-40-ZC	8/11/2023	Nicholas Russo and Alice Davenport	1899 TROUGH RD, SHEPHERDSTOWN	Closed	QRF Solutions K9; Kennel - Dog Training Operation to include basic obedience training and scent detection training.		
	23-41-ZC	8/15/2023	PG CAPPELLA LLC - Pasquale Colandrea	130 E BURR BLVD, KEARNEYSVILLE	Closed	Change in tenant		
	23-42-ZC	8/16/2023	ADCOCK PROPERTIES LLP	25 TROY DR STE 100, CHARLES TOWN	Closed	Change in Tenant: Drive Pros to Charles Town Auto		
	23-43-ZC	8/18/2023	LOWELL KATHRYN AMY & SUSAN ANNE MADISON	18 MOONRIDGE LN, HARPERS FERRY	Closed	Bed and Breakfast: owner occupied short term rental		
	23-44-ZC	8/28/2023	SCHNITZIUS SUZAN	50 MOSBY DR, HARPERS FERRY	Closed	Bed and Breakfast: Owner occupied short term rental		
	23-45-ZC	8/30/2023	BELKOT HOLLY & DAVID F PHELAN JR	79 FEATHERBED LN, HARPERS FERRY	Closed	Short Term Rental		
	23-46-ZC	9/20/2023	CORUM PETER S	3988 KEARNEYSVILLE PIKE, SHEPHERDSTOWN	Closed	Day Care Facility, Large: Hours of Operation 8 am to 8 pm; Number of Children: 30; Number of Employees: 5; Number of Parking Spaces: 10		
	23-47-ZC	10/5/2023	MCKEE JOHN D & CYNTHIA E	237 TEL FARM LN, KEARNEYSVILLE	Closed	Add standby generator, associated concrete pad, and utility equipment to existing AT&T Equipment area. There will be no change in the size or height of the tower or antennas.		
	23-48-ZC	10/12/2023	West Virginia American Water Company - Tony Witt	150 E BURR BLVD STE 200, KEARNEYSVILLE	Closed	Change in Ownership/Tenant: Professional Office		
	23-49-ZC	10/19/2023	Skyview Property Management, LLC	1086 TUSCAWILLA DR, CHARLES TOWN	Open	The Paddock - Short term Rental		
	23-50-ZC	10/20/2023	VIEW MOUNTAIN FARM LLC	673 OLD SHENNANDALE RD; 1371 MYERSTOWN RD; 2646 KABLETOWN RD; 28 DUTCH HILL RD; CHARLES TOWN	Closed	Solar Energy Facility Concept Plan for the Rippon Energy Facility on approximately 878-acres consisting of solar modules, a new substation to connect the solar facility with the electric grid, and underground utilities.		
	23-51-ZC	11/9/2023	DSP Shepherdstown Tavern LLC aka Rumsey Tavern	233 LOWE DR, SHEPHERDSTOWN	Closed	DSP Shepherdstown Tavern LLC dba Rumsey Tavern		
	23-52-ZC	11/16/2023	Tianxia, LLC - Tain Feng Zhou	91 SARATOGA DR STE B, CHARLES TOWN	Closed	Jefferson Crossing, Lot 3, Shopping Center. Change in Tenant: Indoor Play Facility with arcade game machines.		
23-53-ZC	11/30/2023	Summit Point Raceway Associates, Inc. - Chris Otto	155 Gasoline Alley Units 1 & 2, Summit Point	Closed	Accessory Use: Fitness Center *change in use / change in tenant in Units 1 and 2			

**Zoning Certificate**

23-55-ZC	12/7/2023	SUMMIT POINT VENTURES LLC - Jim Bradury	500 MOTORSPORTS PARK CIR, SUMMIT POINT	Closed	Change in Land Use: Kennel: K-9 training to include Explosive Detector Dogs (EDD's) Storage of Firearms Permitted as an Accessory Use		
23-56-ZC	12/8/2023	BAIHLI EUNSOOK K	47 MORNING CALM LN, HARPERS FERRY	Open	ADU		
23-57-ZC	12/12/2023	Katherine Wong	1447 LAKESIDE DR, HARPERS FERRY	Closed	Short Term Rental		
23-58-ZC	12/20/2023	WEBB CAPRICE	35 WESTRIDGE LAKE LN, HARPERS FERRY	Open	Wild and Wonderful Silos Short Term Rental (STR)		
24-1-ZC	1/22/2024	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC - Chris Otto	103 GASOLINE ALY UNIT 27, SUMMIT POINT	Closed	Accessory Use: Classroom and Office Space *Change in use Units #27 & 28 (classroom); Unit #29 (office); Unit #30-31 (mat room)		
24-2-ZC	1/26/2024	BANKS T NEILL & KENNA	3343 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION	Closed	Telecommunication Tower Modification: Generator w/ 4' x 10' concrete pad.		
24-3-ZC	1/30/2024	MADDEX SQUARE HOSPITALITY LLC - Nik Mody	70 MADDEX SQUARE DR, SHEPHERDSTOWN	Open	Hotel with 51 guest rooms and limited breakfast; 12 to 15 employees; 58 parking spaces, including 3 ADA.		
24-4-ZC	1/30/2024	499 HALLTOWN LLC - Brittany Newman	499 HALLTOWN RD, HARPERS FERRY	Closed	Nonconforming Use: Change in Owner & Land Use (real estate office)		
24-5-ZC	2/8/2024	SUMMIT POINT AUTOMOTIVE RESEARCH CETNER LLC	770 HARDESTY RD, SUMMIT POINT	Closed	Existing Telecommunications Tower: Verizon remove (6) RRHs and ancillary equipment; and, to install (3) antennas and ancillary equipment and groundwork.		
24-6-ZC	2/15/2024	KITA LLC	43 RULAND RD STE A, KEARNEYSVILLE	Open	Two Rivers Armory, Too: Change in Tenant - Manufacturing, Limited & Retail Limited Sale of Federal Firearms & gunsmithing		
24-7-ZC	2/22/2024	MELLOTT PAMELA J	147 POSSUM TROT LN, KEARNEYSVILLE	Closed	Accessory Dwelling Unit: Family Member		
24-8-ZC	2/26/2024	SBABA LLC	15 TUSCAWILLA DR, CHARLES TOWN	Closed	Change in Tenant: Dream Driven Properties *Nonconforming Use / Section 4.3		
24-9-ZC	2/26/2024	MADDEX SQUARE INVESTORS LLC	91 MADDEX SQUARE DR, SHEPHERDSTOWN	Closed	Maddex Square Shopping Center Change in Tenant: Rose Nails		
24-10-ZC	3/13/2024	WEEREN R SCOTT & ELLEN K - Ellen Weeren	20 RIVER FOREST LN, HARPERS FERRY	Open	Bed & Breakfast: Owner Occupied		
24-2-ABC	3/15/2024	SHENANDOAH VALLEY HOLDINGS LLC - Wylie McDade	315 JAMES BURR BLVD, KEARNEYSVILLE	Closed	Devil's Due Distillery		
24-11-ZC	3/19/2024	ROLLING RIDGE FOUNDATION INC	671 FLOC WAY, HARPERS FERRY	Open	Waiver from Section 20.203 of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development.		
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.		
24-13-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.		
24-14-ZC	4/9/2024	MCKEE CYNTHIA E	237 TEL FARM LN, KEARNEYSVILLE, WV 25430	Closed	Equipment Modifications to an existing telecommunication tower.		

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)		
24-16-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		
				<b>Category Total:</b>	<b>48</b>		
23-24-ZV	7/7/2023	WALL STREET PARTNERS WV1 LLC - Timothy Haymaker	45 AMANDA CT, HARPERS FERRY, WV 25425	Closed	Variance request from Section 104.A.2 to allow an attached business sign to be installed in a location that faces an adjoining residential property.		
23-25-ZV	7/26/2023	WEIMER ADRANETTA I	50 WILD DOGWOOD LN, HARPERS FERRY	Closed	Variance request from Section 9.7 to reduce the side setback from 12' to 8' along the southern property line for a proposed 28' x 35' detached garage.		
23-26-ZV	7/27/2023	Daniel Shelton	25 BON AIRE DR, SHEPHERDSTOWN	Closed	Variance request from Section 5.4(b) (Zoning Ordinance as amended 07/15/93) to reduce the rear setback from 20' to 15' along the northern property line for a proposed deck and screened in porch (325 sq ft total).		
23-27-ZV	8/14/2023	TENNANT SHARON M - Sharon Tennant	323 WOODCOCK AVE, SHEPHERDSTOWN	Closed	Variance request from Section 9.7 to reduce the side setback along the northern property line from 6' to 4' and the rear setback along the eastern property line from 6' to 4' for a proposed 160 sf shed.		
23-28-ZV	8/21/2023	FLOWING SPRINGS ROAD, LLC - WILLIAM REILLY	Flowing Springs Rd, Shenandoah Junction	Closed	Variance request from Section 8.10 to allow placement of a staffed model home sales office on Lots 36 & 37 of the Stonecrest Subdivision.		
23-29-ZV	8/21/2023	WOLFE CHARLES G JR & SHELLY J	1223 N CHILDS RD, KEARNEYSVILLE	Closed	Variance request from Section 5.7B of the Zoning Ordinance (amended 09/28/06) to reduce the front setback along the eastern property line from 40' to 17' for a 30' x 30' detached garage; and Section 9.6C to allow an accessory structure in the required front yard.		
23-30-ZV	8/28/2023	SULLIVAN BARBARA B	Bakerton Road, Harpers Ferry	Closed	Variance request from Section 10.5A.4 to reduce the front setback from 25' to 8' for an Off-Premise Sign; and Section 10.5A.5 to allow an Off-Premise Sign to be located closer than 100' to an intersection.		

**Zoning  
Variance**

23-31-ZV	8/30/2023	Elevation Properties LLC	1208 GARDNERS LN, SHEPHERDSTOWN	Closed	Variance request from Section 5.7D.2.b.i(b) to allow the required 50% green space to be allocated on each of the individual lots within the cluster subdivision (applicant is proposing a maximum of four 5-acre lots).		
23-32-ZV	9/5/2023	CHARLES TOWN BURR PARK STATION LLC	60 WAR ADMIRAL BLVD, KEARNEYSVILLE, WV 25430	Closed	Variance request from Section 10.4B.2 to increase the permitted freestanding business sign height from 35' to 65'. The subject request is to allow an existing freestanding sign that was previously approved at the increased height of 65' to be relocated on the subject parcel for the Liberty/Circle K gas station.		
23-33-ZV	9/28/2023	CEBULSKI DAVID M	476 DEERFIELD VILLAGE DR, SHEPHERDSTOWN, WV 25443	Closed	Variance request from Section 5.4B of the Zoning Ord. (as amended 11/07/02) to reduce the rear setback along the eastern property line from 20' to 16' for an 18' x 8' deck.		
23-34-ZV	10/3/2023	Nicholas Russo and Alice Davenport	1899 TROUGH RD, SHEPHERDSTOWN, WV 25443	Closed	Variance from Section 8.4 to reduce the distance requirement from 300' to 150' for a proposed kennel that includes an outdoor training area.		
23-35-ZV	10/10/2023	CORUM PETER S	3988 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV 25443	Closed	Variance request from Section 10.4.B.4 to allow a Freestanding Business Sign to be installed in a location that faces an adjoining residential property.		
23-36-ZV	10/23/2023	CHAPPUIS GUY P M	28 BENSON DR, HARPERS FERRY, WV 25425	Open	Variance request from Section 9.7 to reduce the front setback along Mahoney Drive from 20' to 2'; and, to reduce the rear setback along the eastern property line from 12' to 2' for a 12' tall fence.		
23-37-ZV	10/30/2023	SNYDER STEPHEN P & KATIE MCELROY- WOODRUM - STEPHEN SNYDER	38 MARCUM LN, HARPERS FERRY, WV 25425	Open	Variance request from Appendix B to reduce the non-residential side setback requirement from 50' to 8' along the northern property line for a 12' x 28' shed to be used for equipment storage related to an existing landscaping business (Snyder's Property Squad, LLC).		
23-38-ZV	11/17/2023	MILLVILLE QUARRY INC	165 BRADSTONE LN, HARPERS FERRY, WV 25425	Open	Variance request from Section 5.6B to reduce the distance requirement for Industrial Uses from 1,000' to 300' along the southern property line to allow for the construction of an asphalt plant accessory to the quarry operation.		
24-1-ZV	12/27/2023	CORBETT DEBRA R	HUYETT RD, CHARLES TOWN, WV 25414	Open	Variance request from Section 5.7D.2.b.i(b) to allow the required 50% green space to be allocated on each of the individual lots within the cluster subdivision (applicant is proposing a maximum of five lots).		
24-2-ZV	12/28/2023	BEALLAIR HOMES LLC	101 CLAYMONT HILL ST, CHARLES TOWN, WV 25414	Open	Variance request from Appendix A to reduce the rear setback from 20' to 18' for an existing 20' wide screened in porch.		
24-3-ZV	1/2/2024	MILLVILLE QUARRY INC	165 BRADSTONE LN, HARPERS FERRY	Closed	Variance request from Section 5.6B to reduce the distance requirement for Industrial Uses from 1,000' to 400' to allow for the construction of an concrete plant accessory to the quarry operation.		
24-4-ZV	1/2/2024	DR ACQUISITIONS LLC	Charles Town Road, Charles Town	Open	Variance request from Section 8.10 to allow placement of a staffed model home sales office on Lot 174 and Townhome Lot 21 of the Kings Crossing Subdivision.		
24-5-ZV	1/3/2024	MCCLAIN WILLIAM J & KRISTEN E	374 LOOKOUT MOUNTAIN CT, HARPERS FERRY	Open	Variance request from Section 4.6B to eliminate the 75' distance requirement along the north, east, and south boundary lines to operate a homebased federal firearms business from an existing dwelling unit.		

24-6-ZV	1/24/2024	BERNDT ERIK W & CHERYL A	River Rd, Shepherdstown	Withdrawn	Variance request from the following: 1. Appendix B and Section 4.11E to utilize existing vegetation in lieu of a planted buffer along the front, side, and rear property lines. 2. Appendix B to eliminate the building setbacks and landscaping requirements along the internal property line between Parcels 7 & 7.1 (common ownership).		
24-7-ZV	1/29/2024	DALB INC - Kevin Steeley	73 INDUSTRIAL BLVD, KEARNEYSVILLE	Open	Variance request from Appendix B and Section 4.11 to eliminate the required street tree and landscaping buffer to allow for the expansion of an existing commercial facility.		
24-8-ZV	2/9/2024	BLACK JEFFREY K	353 MARIE DR, CHARLES TOWN	Open	Request to reduce the side setback from 8' down to 3' for a 12' x 35' storage shed.		
24-9-ZV	2/14/2024	Joshua Madar	74 SADDLEBRED LN, KEARNEYSVILLE	Open	Variance request from Section 5.7B of the Zoning Ordinance (amended 05/01/03) to reduce the rear setback from 50' to 5' for a 12' x 24' (288 sf) accessory structure.		
24-10-ZV	2/16/2024	BEALLAIR COMMUNITY CONSERVANCY INC - Mike Wiley	494 BEALLAIR MANOR DR, CHARLES TOWN	Open	Variance request from Section 4.11A and App. B to eliminate the required street trees along Plantation Lane & Beallair Manor Dr.		
24-11-ZV	2/29/2024	BEALLAIR COMMUNITY CONSERVANCY INC - Mike Wiley	494 BEALLAIR MANOR DR, CHARLES TOWN	Open	Variance request from Appendix B to eliminate the required parking lot setbacks along Plantation Lane and Beallair Manor Drive.		
24-12-ZV	2/28/2024	FARRELL JULIA & JAMES D	312 POTOMAC RIDGE LN, SHEPHERDSTOWN	Open	Variance from Section 5.7B of the Zoning Ordinance (amended 05/01/03) to reduce the front setback from 40' to 20'; and, Section 9.6C to allow an accessory structure within the required front yard.		
24-13-ZV	3/27/2024	TRAYWICK THOMAS E & DEBRA M	647 AVON BEND RD, CHARLES TOWN	Open	Variance from Section 9.6C to allow an accessory structure within the required front yard; and, Section 9.7 to reduce the front setback along the southern property line for a detached garage.		
24-14-ZV	3/29/2024	GRACE BAPTIST CHURCH - Christine Barnes	4272 CHARLES TOWN RD, KEARNEYSVILLE	Open	Landscaping		
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.		
					<b>Category Total:</b>	<b>39</b>		
<b>Zoning Map Amendment</b>	24-1-Z	4/25/2024	COCHRAN MILL ROAD LLC - Matt Cochran	KANAWHA LN, CHARLES TOWN, WV 25414	closed	Rezoned 20.2 acres from Industrial-Commercial to Residential-Light Industrial-Commerical		
					<b>Category Total:</b>	<b>1</b>		
					<b>Grand Total:</b>	<b>233</b>		



# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

Charles Town, WV 25414

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

Phone: (304) 728-3228

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## Planner's Memorandum Planning Commission Meeting August 13, 2024

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

BUILDING PERMITS & INSPECTIONS 304-725-2998 [permits@jeffersoncountywv.org](mailto:permits@jeffersoncountywv.org)

IMPACT FEES 304-728-3331 - [mmason@jeffersoncountywv.org](mailto:mmason@jeffersoncountywv.org)

ENGINEERING 304-728-3257 - [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

PLANNING & ZONING 304-728-3228 - [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org), [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

GIS & ADDRESSING 304-724-6759 - [gis@jeffersoncountywv.org](mailto:gis@jeffersoncountywv.org)

### 2) County Commission Public Hearing Updates

- a) Text Amendment to Div. 24.300 of Subdivision Regulations (File #STA24-01);  
Approved by County Commission on July 11, 2024 ; Recorded and posted on County Website
- b) Amendment to Planning Commission Bylaws  
Approved by County Commission on July 11, 2024 (approved version attached)

### 4) Upcoming PC meetings

- ❖ Next Regular meeting date: **September 10, 2024**
  - 7:00 pm Planning Commission Meeting

The following dates relate to the adoption of the *2045 Comprehensive Plan*:

- ❖ *2045 Comprehensive Plan* **Planning Commission Public Hearing: August 27, 2024 7:00 pm;**  
**Washington High School Auditorium;** Open House Q & A 6 – 7 pm
- ❖ **Written public comment** for the draft *2045 Comprehensive Plan* open until Friday,  
**September 6, 2024 at 5:00 pm.**
- ❖ *2045 Comprehensive Plan* Planning Commission Review and Final Direction to staff:  
September 17, 2024
- ❖ After the *2045 Comprehensive Plan* is recommended to the County Commission for consideration and adoption, the Planning Commission is required to present the recommended Comprehensive Plan to the County Commission at the first meeting of the County Commission following the submission of the recommended comprehensive plan (per WV Code 8A-3-7b).
- ❖ After the presentation of the recommended *2045 Comprehensive Plan* by the Planning Commission to the governing body and prior to adoption, the governing body shall hold a public hearing after giving notice (WV Code 8A-3-7c). Within the latter of ninety days or three scheduled meetings after the submission of the recommended comprehensive plan to the County Commission, the County Commission must act by either adopting, rejecting or amending the *2045 Comprehensive Plan* (WV Code 8A-3-8).



# **BYLAWS OF THE JEFFERSON COUNTY PLANNING COMMISSION**

## **Article I - General**

### **Section 1.1 – References**

As used throughout these Bylaws, “Planning Commission” shall refer to the Jefferson County Planning Commission, and “County Commission” shall refer to the County Commission of Jefferson County, both of Jefferson County, West Virginia. The term “item” as used herein shall refer to any matter before the Planning Commission for consideration or discussion, and shall be construed broadly.

### **Section 1.2 – Authority**

These bylaws and its provisions are authorized by W.Va. Code § 8A-2-11, which empowers the Planning Commission, among other things, to “(2) Prescribe rules and regulations pertaining to administration, investigations and hearings[,]” provided that the same are adopted by the County Commission.

### **Section 1.3 – Severability**

The invalidation of any provision or section of these Bylaws shall not invalidate any other provision or section of these Bylaws.

### **Section 1.4 – Amendments**

These Bylaws may be amended at any regular meeting of the Planning Commission by a majority vote of the Planning Commission, and shall take effect upon adoption by the County Commission or at a date certain thereafter.

## **Article II - Organization**

### **Section 2.1 – Membership**

The Planning Commission, by ordinance previously adopted by the County Commission, shall be comprised of nine (9) members appointed by the County Commission pursuant to W.Va. Code § 8A-2-4.

### **Section 2.2 – Term of office**

Upon appointment to the Planning Commission, a member shall serve a term of three years pursuant to W.Va. Code § 8A-2-4(g).

### **Section 2.3 – Powers and Duties**

In addition to the powers and duties provided in these Bylaws, the Planning Commission shall have such other powers and duties as provided by law, including but not limited to W.Va. Code § 8A-2-11.

### **Section 2.4 – Committees**

The Planning Commission may establish one or more committees to which, pursuant to W.Va. Code § 8A-2-11 (15), it may delegate limited powers. Committees shall consist of no less than three (3) members nor more than four (4) members of the Planning Commission, and shall not consist of a quorum of the Planning Commission. Appointments to committees shall be made by a majority vote of the Planning Commission. The purpose of the Committees is to act as a fact finding body for the use of the Planning Commission and no action is to be taken by the Committees.

Notice for all Committee meetings shall be in writing, will include the date, time, and place of the Committee meeting as well as the purpose of the meeting. The notice shall be sent to all Committee members and publicly posted at least three days before the Committee meeting. A Committee meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

On occasion, the Planning Commission President may call a Committee meeting to be a video conference only meeting, in which case Planning Commission members, staff, and members of the public can attend via video conference.

The Committee meetings are open to the public. Such Committee meetings shall be recorded, and such recordings and minutes shall be maintained and made available, upon request and in accordance with the procedures of the Planning Commission and/or its staff, to the public.

### **Article III - Officers**

#### **Section 3.1– Elections**

At its first regular meeting each January, the Planning Commission shall elect a President, Vice President, and Secretary.

#### **Section 3.2 – President**

The President shall preside at all public hearings and meetings held by the Planning Commission. The President may call special meetings of the Planning Commission as necessary, and is empowered to certify by signature or otherwise any official and valid action of the Planning Commission. The President shall also perform such duties and functions as may from time to time be required by the Planning Commission.

#### **Section 3.3 – Vice President**

During any absence of the President, the Vice President shall assume the duties and functions of President. The Vice President shall also perform such duties and functions as may from time to time be required by the Planning Commission.

#### **Section 3.4 – Secretary**

The Secretary shall perform such duties and functions as may from time to time be required by the Planning Commission.

#### **Section 3.5 – Absence of President and Vice President**

In the absence of both the President and Vice President, any present member may call to order a regular or special meeting of the Planning Commission, if a quorum is present, which shall thereupon immediately empower one or more of its present members to fulfill the duties and functions of President and/or Vice President during said absence.

#### **Section 3.6 – Replacing Officers**

In the event of the death, resignation, or removal of an officer of the Planning Commission, the Planning Commission shall thereupon elect one of its members to complete the unexpired term. A three-fifths majority of the total membership of the Planning Commission may, at any regular meeting, remove the President and/or the Vice President from office, provided that a new election to fill the remaining term(s) of office is immediately held.

### **Article IV - Meetings**

#### **Section 4.1 – Regular Meetings**

The Planning Commission shall hold regular meetings on the second Tuesdays of each month at 7:00 p.m. in the ground floor meeting room of the Old Charles Town Library, at 200 East Washington Street, Charles Town, West Virginia. Prior notice shall be provided in the event that any regular meeting is held at a different location.

An additional regular meeting may be called by the President or by two or more members of the Planning

Commission for a specific agenda item on the fourth Tuesday of each month at 7:00 p.m. at the location noted in this section. Such regular meeting shall be called at least seven (7) days prior to the fourth Tuesday to allow for posting of the agenda.

A regular meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

On occasion, the Planning Commission President may call a regular meeting to be a video conference only meeting, in which case applicants, members of the public, Planning Commission members and staff can attend via video conference.

#### Section 4.2 – Special Meetings

A special meeting may be called by the President or by two or more members of the Planning Commission to be held on a different day and/or a different time than regular meetings.

Pursuant to W.Va. Code § 8A-2-7, notice for all special meetings shall be in writing, include the date, time and place of the special meeting as well as the purpose of the meeting, and be sent to all members and publicly posted at least two days before the special meeting. A special meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

On occasion, the Planning Commission President may call a special meeting to be a video conference only meeting, in which case applicants, members of the public, Planning Commission members and staff can attend via video conference.

#### Section 4.3 – Recording of Meetings

All meetings of the Planning Commission shall be recorded, and such recordings shall be maintained and made available, upon request and in accordance with the procedures of the Planning Commission and/or its staff, to the public.

#### Section 4.4 – Agendas

An agenda shall be made available at least seven (7) days prior to the start of all regular meetings. Items shall be listed on the agenda in such a manner as to sufficiently identify the substance of the item and allow for a vote on the item by the Planning Commission if necessary. The Planning Commission may deviate from an agenda's order if necessary.

#### Section 4.5 – Quorum

In order to conduct a regular or special meeting, a quorum of the members must be present. A majority of the members of the Planning Commission shall constitute a quorum. No action of the Planning Commission shall be official or valid unless authorized by a majority of members present at a regular or special meeting.

An individual confined to home due to serious illness or injury may attend the Planning Commission meeting via telephone or other electronic media with prior approval of the President and will count towards a quorum.

#### Section 4.6 – Procedures for Conducting Meetings

In the absence of state law or of other procedures of the Planning Commission, Roberts Rules of Order, current edition, shall be the parliamentary authority of Planning Commission meetings.

#### Section 4.7 – Open Governmental Proceedings

All meetings and actions of the Planning Commission shall comply with the requirements of West Virginia's open meetings laws, codified at W.Va. Code § 6-9A-1, et seq.

#### Section 4.8 – Training

All newly appointed Planning Commission members shall attend two hours of training within 90 days of their appointment to the Planning Commission. Such training may be provided by the County staff, by an APA approved or recommended organization and/or through a webinar provided by APA or another authorized organization. The focus of this initial training will be to provide an orientation to the roles, responsibilities and duties of a Planning Commission member.

Annually, all PC members shall attend two hours of training provided by County staff, by an APA approved or recommended organization and/or through a webinar provided by APA or another organization. Staff shall make the Commissions members aware of local training opportunities and/or shall provide access to webinars to provide the Planning Commission members with a variety of training opportunities.

Planning Commission members shall be encouraged to attend local, regional, and/or national on-site or webinar planning training sessions. As the Planning and Zoning budget allows, assistance may be provided for registration for such training.

#### Section 4.9 - Attendance at Regular Meetings

Regular attendance of all Planning Commission members is critical to the effective functioning of the Planning Commission. Planning Commissioners shall strive to attend all Regular Meetings, either in person or via video conference, with notice. Accordingly, if a Commissioner, over any six month period, misses three Regular Meetings with notice, or two Regular Meetings without notice, the Planning Commission may forward this information to the County Commission with the request that the County Commission consider removal from the Planning Commission due to a lack of interest.

### **Article V – Consideration of Items**

#### Section 5.1 – Voting

A member must be or have been physically present at a meeting to vote on any item considered at said meeting. However, on occasion Planning Commission members may attend any meeting via video conference with notice to the Planning staff. The individual will count towards a quorum and will have full voting privileges.

As noted in Section 4.1 and 4.2, on occasion, the Planning Commission President may also call a regular or special meeting to be a video conference only meeting in which case applicants, members of the public, Planning Commission members and staff can attend via video conference.

Voting via proxy is not permitted. Abstention shall not be permitted by a member who is otherwise entitled to vote on an item.

#### Section 5.2 – Recusal

A member may recuse himself/herself in relation to an item for the reasons set forth herein, in which case such member shall not participate in discussion, consideration or vote on said item. Valid reasons for recusal include (1) having a personal interest in an item, (2) having a contractual, employment, or other relationship with a party involved with an item, (3) being unable to impartially consider an item, or (4) having been absent from part or all of the discussion or consideration of an item. A member recusing himself or herself shall thereupon state the reason for such recusal and leave the meeting, remaining absent for the duration of consideration and/or discussion of the item.

#### Section 5.3 – Ex Parte Communications

For purposes of these Bylaws, ex parte communications consist of communications regarding the substance of an item that is or will be before the Planning Commission for consideration and/or discussion, when such

communications are between one or more members of the Planning Commission and one or more individuals involved with the item. No member of the Planning Commission shall voluntarily and knowingly engage in ex parte communications without the authority of the Planning Commission. In the event that a member of the Planning Commission has engaged in or receives any ex parte communication, said member shall bring the same to the attention of the Planning Commission. Communications with third parties regarding procedural aspects of items do not constitute ex parte communications in the context of these Bylaws.

Section 5.4 – Ex-Officio Member Voting

A member who is also a member of the County Commission is a full voting member of the Planning Commission. However, any such ex-officio member may elect not to vote as a member of the Planning Commission on items which will subsequently require action or consideration by the County Commission.

An ex-officio member may remain at the meeting and participate in discussion on an item on which they elected not to vote under this section.

ADOPTED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY ON THE 11<sup>TH</sup> DAY OF JULY, 2024, UPON REFERRAL FROM THE JEFFERSON COUNTY PLANNING COMMISSION:

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Mike Shepp, Planning Commission President

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Steve Stolipher, County Commission President



Actionable

Correspondence



**From:** [Mary Gee](#)  
**To:** [ComPlan2045](#)  
**Subject:** Public Comment on Future Land Use Map and Comprehensive Plan Action Items  
**Date:** Thursday, July 11, 2024 3:06:15 PM

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

Dear Planning Commission and Staff,

Please accept these comments for the Future Land Use Guide and the Comprehensive Plan Action Items:

Comments on the Future Land Use Guide (formerly map):

1. Please remove the Industrial designation in Summit Point. This is not an appropriate location for industrial uses. The rural zones do not have the infrastructure to support industrial development, and industrial development negatively impacts surrounding agricultural uses. The Comprehensive Plan states that the major industrial zone will be removed so we should not designate more land for that purpose. Please either leave this land zoned rural or change the designation to general commercial.
2. Please remove the preferred growth area expansion to the southwest of Kearneysville. This area is served by American Water which uses groundwater to supply its utility until a groundwater availability study is performed further development in this area should not be considered "preferred".

Comments on Comprehensive Plan Action items:

Goal 1: Objective 1: add an action item 5: Establish in the Subdivision ordinance required buffers in development plans at the junction of dissimilar zones. When two dissimilar land uses abut one another, then open space buffers need to be required to protect the land rights of all land owners.

Goal 1: Objective 3: add an action item 2: Work to maintain and improve public engagement in the land development process.

Goal 1: Objective 4: Better define "other institutional uses." Alternatively, remove the phrase and refer only to "medical facilities" in this objective and action item.

Goal 1: Objective 5: Action item 1. This objective is overly broad and does not consider the vast differences across the zones and the land characteristics. This should be refined to include only commercial activities associated with agriculture and rural activities or it should be removed.

Goal 2: Objective 3: Action item 1: Natural gas is a legacy utility that is soon to be replaced by more environmentally friendly substitutions, and therefore the infrastructure should not be extended. Please remove this.

Goal 2: Objective 3: Please add that groundwater-based utilities should be limited to those serving existing housing developments to preserve groundwater availability for agricultural and animal husbandry uses.

Goal 9: Objective 1: Please add an action item to amend the appropriate ordinances to require that developments follow the "Chesapeake Stormwater Network Technical Bulletin No. 1, Stormwater Design Guidelines For Karst Terrain In The Chesapeake Bay Watershed, Version 2.0" and the "West Virginia Stormwater Management and Design Guidance Manual, West Virginia Department of Environmental Protection, Appendix C, Stormwater Management Design in Karst Areas" in the design and operation of their stormwater systems.

Goal 11: Objective 2: Action item 1. This should include adults of all ages. People of all ages need places to enjoy nature and the outdoors not only the age groups listed. We need to have outdoor spaces that meet the needs of these older adult groups as well.

Goal 13: Objective 3: Action item 1. Please add “with engagement of the public.”

Goal 13: Objective 4: Action item 1 should be removed. We should not be expanding natural gas infrastructure because it will be soon replaced with more environmentally responsible energy sources.

Goal 13: Objective 4: Should consider environmental impact of utility expansion including but not limited to groundwater abundance and impact on groundwater quality due to the karst hydrogeology.

Thank you for your consideration.

--

Mary Gee  
Mgeeturtle@gmail.com

**From:** [Elizabeth Ricketts](#)  
**To:** [Planning Department](#)  
**Subject:** Draft Comp Plan 2045 comments  
**Date:** Monday, July 15, 2024 11:09:42 AM

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Comments on The DRAFT 2045 Comprehensive Plan

The comprehensive plan process should be started over from scratch at day one with the inclusion of a committee of members of the public. What I have seen evolve throughout the process of the comp plan is a blatant power grab by development-minded individuals focused on stripping away zoning and regulations deemed unfriendly to business and developers. The previous Comp Plan mentioned, “beauty” and made an effort to preserve open space, historically significant sites, and the natural environment. Those elements of the plan have been stripped away by the current planning commissioners who seek to profit off every usable inch of land in our community. The public of Jefferson County has made it very clear where they stand on the issues. From packed houses at public comment sessions, to op-eds in the newspaper, to petitions being circulated by hundreds of residents, the people of Jefferson County do not agree with the process or the outcome of this Comprehensive Plan as it stands. As a Charles Town City Council member I have seen the county disregard our requests regarding our urban growth area. I have sat in on planning, commission meetings where commissioner Steve Stolipher has chosen to carefully change wording in the objectives of the plan in order to benefit developers. Jefferson county and its residents, present and future, deserve better. We deserve a plan that has public participation as the foundational principle. If implemented, this comprehensive plan will render Jefferson county unrecognizable by 2045, if not sooner.

Elizabeth Ricketts  
309 W Washington St  
Charles Town, WV  
25414

**From:** [Jennifer Brockman](#)  
**To:** [Planning Department](#); [ComPlan2045](#)  
**Subject:** FW: New Roadway Planning to Redress Unfair Through-Traffic Burden  
**Date:** Tuesday, July 16, 2024 4:49:15 PM

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Luke

FYI – not sure if this was considered or addressed in the current comp plan recommendations.

Jennie

**From:** Joe <joe.bosco.nd@gmail.com>  
**Sent:** Tuesday, July 16, 2024 4:43 PM  
**To:** 'Clohan, Kenneth L' <kenneth.l.clohan@wv.gov>  
**Cc:** 'Mullenax, Matt' <mmullenax@washco-md.net>; Jennifer Brockman <jbrockman@jeffersoncountywv.org>; 'Barbara Sobol - Secretary/Treasurer' <42barbara@comcast.net>; 'Judy Ott - Vice President' <wackotts@yahoo.com>; 'Teresa Forsyth' <teresa.forsyth@gmail.com>; 'J Lee Thorne' <lee.j.thorne@wv.gov>  
**Subject:** RE: New Roadway Planning to Redress Unfair Through-Traffic Burden

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Director Clohan,

It is indeed good news that this option for improving access to WV 9 will be considered. We think it would significantly decrease the through-traffic burden on Briar Run Estates and be the proper response to the increasing traffic from development in the north and east portions of Jefferson County to the Potomac Marketplace and WV 9.

However, time is a very critical factor in resolving this problem. We have reached out to Jefferson County Planning, HEPMPO and WV DOH in an effort to get this needed connector roadway into the revisions to the Jefferson County Land Use Plan and the WV DOH's 5 to 10 year plans for highway improvement. Roadway planning, especially in this case, will not be effective if it comes after properties have been sold and development plans have been engineered. Developers need to be informed that such a connector is planned and, in the public interest, must be included in the proposed land development. Jefferson County Planning could consider allowing denser residential development in order to justify the roadway costs.

We would now turn this discussion back to Ms. Brockman of Jefferson County Planning to respond to the following questions:

1. Is Director Clohan's response that this connector roadway will be considered by WV DOH sufficient to require (or indicate a pending requirement) for a connector roadway

in the upcoming revision to the Jefferson County Master Plan?

2. If not, what action by WV DOH is needed by Jefferson County Planning to support the inclusion of the roadway?

We thank you, again, for your response and the continued involvement of this group to resolve our unfair through-traffic burden.

Respectfully,

Briar Run Estates Owners Association – Board of Directors

Joe Bosco, President	140 McGregor Drive	<a href="mailto:joe.bosco.nd@gmail.com">joe.bosco.nd@gmail.com</a>
Judy Ott, Vice President	89 Cottontail Drive	<a href="mailto:wackotts@yahoo.com">wackotts@yahoo.com</a>
Barbara Sobol, Secretary	42 Bugs Court	<a href="mailto:42barbara@comcast.net">42barbara@comcast.net</a>

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**From:** Clohan, Kenneth L <[kenneth.l.clohan@wv.gov](mailto:kenneth.l.clohan@wv.gov)>

**Sent:** Friday, June 28, 2024 4:02 PM

**To:** Joe <[joe.bosco.nd@gmail.com](mailto:joe.bosco.nd@gmail.com)>

**Cc:** Mullenax, Matt <[mmullenax@washco-md.net](mailto:mmullenax@washco-md.net)>; Jennie Brockman <[jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)>; Barbara Sobol - Secretary/Treasurer <[42barbara@comcast.net](mailto:42barbara@comcast.net)>; Judy Ott - Vice President <[wackotts@yahoo.com](mailto:wackotts@yahoo.com)>; Teresa Forsyth <[teresa.forsyth@gmail.com](mailto:teresa.forsyth@gmail.com)>; J Lee Thorne <[lee.j.thorne@wv.gov](mailto:lee.j.thorne@wv.gov)>

**Subject:** Re: New Roadway Planning to Redress Unfair Through-Traffic Burden

Dear Mr. Bosco,

Thank you for contacting the West Virginia Division of Highways (WVDOH) regarding alternate connections between WV 9 and Flowing Springs Road in Jefferson County.

A design study is planned for this segment of WV 9 to improve access and this option will be considered, but there is currently no timeframe for the study.

Again, thank you for your email and sharing your concerns. Should you require additional information and/or assistance regarding traffic matters, please do not hesitate to contact this office.

Kenneth Clohan  
District Five Traffic Engineer  
304-260-4392

On Thu, Jun 13, 2024 at 4:57 PM Joe <[joe.bosco.nd@gmail.com](mailto:joe.bosco.nd@gmail.com)> wrote:

Director Clohan,

We have been in contact with you over the past two years concerning the through-traffic burden on our Briar Run Estates community; and we appreciate the responses you have made. Quoted below, for your information, is a meeting request we have emailed to HEPMPO, as recommended by Jefferson County Planning. You were copied on the response from HEPMPO.

Our planning concept to alleviate our traffic burden involves the planning and construction of a new roadway connecting the intersection of Flowing Springs Road and Old Country Club Road with the Potomac Marketplace. We think it is a very appropriate design to conduct the increasing traffic flows due to land development underway and in planning for northeast Jefferson County. A conceptual plan and photos of a similar roadway are attached.

The property under consideration, as we understand it, is owned by the Angus McDonald Revocable Trust, and has no covenants which would prevent development at some future time. Our intent is to include this concept in the Jefferson County Comprehensive plan with the same planning and support from WVDOH to inform and direct developers before they have completed their own concepts.

We would appreciate your feedback on this concept.

Here is the email to HEPMPO:

We request a meeting with HEPMPO on a long-standing and increasing through-traffic burden on our private roads. We have been directed to your organization by the Jefferson County Planning Department's Chief County Planner. In a meeting with her and staff, they agreed that our traffic burden was unfair and our planning solution was a desirable remedy, but could not act on it because Jefferson County does not have authority over the planning, operation and maintenance of the roadways in Jefferson County.

We are Briar Run Estates, an HOA of 134 homes built from approximately 1998 to 2004. Our road system has two entrances to Flowing Springs Road. Subsequent phases of Briar Run were planned by the developer and approved by Jefferson County to connect our roads to the Potomac Marketplace and Route 9. This has placed an ever-increasing through-traffic burden on our residential roads. We now experience between 3,000 to 4,000 vehicle trips per day through our private subdivision. We are the only route to/from these business from homes in the north and east area of Jefferson County. We are very concerned about the hundreds of

proposed new homes being approved by the Jefferson County Commission in that area and the lack of planning by the County to control or direct the growth for the general benefit of the people of Jefferson County.

We would like to present to you the details of our situation and the planning ideas we have for alleviating the increasing burden.

Please contact us via the information provided. Thank you for your attention.

Respectfully,

Briar Run Estates Owners Association – Board of Directors

Joe Bosco, President	140 McGregor Drive	<a href="mailto:joe.bosco.nd@gmail.com">joe.bosco.nd@gmail.com</a>
Judy Ott, Vice President	89 Cottontail Drive	<a href="mailto:wackotts@yahoo.com">wackotts@yahoo.com</a>
Barbara Sobol, Secretary	42 Bugs Court	<a href="mailto:42barbara@comcast.net">42barbara@comcast.net</a>

**From:** [tjmilliron@comcast.net](mailto:tjmilliron@comcast.net)  
**To:** [Planning Department](#); [ComPlan2045](#)  
**Cc:** [tjmilliron@comcast.net](mailto:tjmilliron@comcast.net)  
**Subject:** Goal language change  
**Date:** Tuesday, July 16, 2024 4:58:08 PM

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Good Evening,

Please accept this as an additional comment regarding the DRAFT 2045 Comprehensive Plan.

Goal 1:

"Ensure that future land use regulations and policies support the development rights of residential and non-residential properties."

Change:

"Encourage that future responsible and compatible land use regulations and policies to support the development rights of residential and non-residential properties."

Objectives should be changed to reflect this.

Thank you for your consideration in this matter.

Sincerely  
Jacquelyn Milliron  
Harpers Ferry District

**From:** [tjmilliron@comcast.net](mailto:tjmilliron@comcast.net)  
**To:** [Planning Department](#)  
**Cc:** [ComPlan2045](#); [tjmilliron@comcast.net](mailto:tjmilliron@comcast.net)  
**Subject:** DRAFT 2045 COMP PLAN RESIDENT CONCERNS (REVISED-USE THIS PLEASE)  
**Date:** Tuesday, July 16, 2024 12:47:46 PM

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Good Afternoon,

I want to point out that near the village of Bakerton there are several homes that were previously listed as large lot residential in the Land Use Guide.

The DRAFT 2045 Comprehensive Plan labels only some of these lots as Rural Residential and many were converted to Rural/Agriculture from the previous 2035 Guide. This presents a problem or conflict due to the fact that many of these lots are within rural subdivisions and neighborhoods with the often times the same covenants and restrictions that convey with the land. Recategorizing these subdivisions to anything rural/agriculture instead of rural residential would unnecessarily set up legal issues for existing residents and land owners who relied upon the conveyed property restrictions to land use.

Please consider reviewing this and learning the different restrictions that legally convey with land purchase and tax records. An example is Potomac Farms subdivision which has covenants clearly stating no commercial business. Another is Bakerton and Fike covenants which do not allow goats etc...there are many more examples throughout the county showing clearly that the categorized rural/agriculture on rural subdivision parcels is not an accurate perception whereas the Envision 2035 expressed those distinctions clearly as large lot residential.

I do not believe that the county government would or should implement a land use guide and accompanying ordinances that would purposely be inconsistent with legal definition of neighborhoods which are compatible with large lot residential and rural residential. Portraying these neighborhoods as rural/agriculture given the current zoning ordinances, would likely impose unfair burdens on citizens who would be left to defend what property rights they already own, including those restrictions that do not align with agriculture zoning.

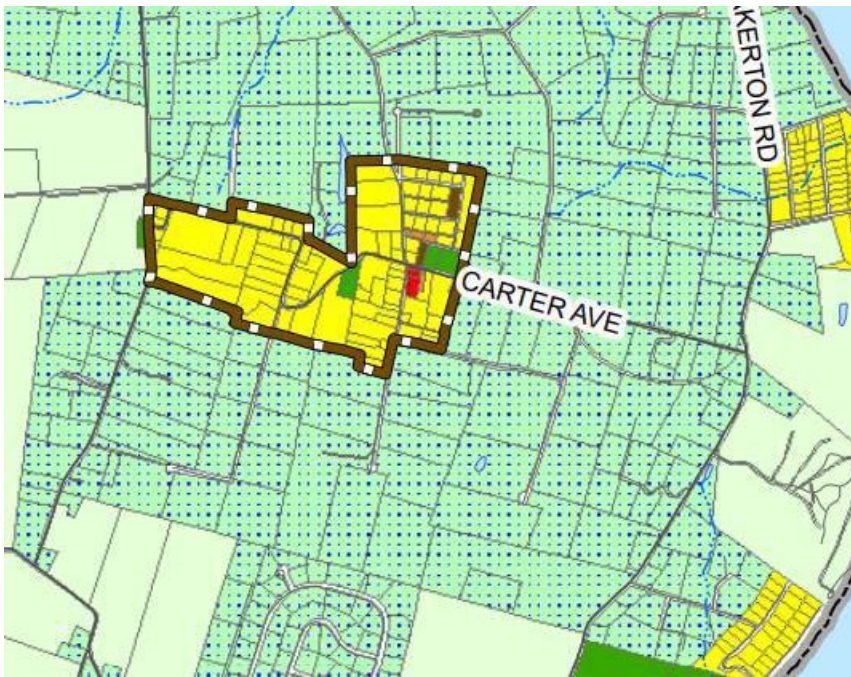
Thank you for your consideration to make the land Use Guide more friendly with respect to compatibility and legal description of existing properties. Please note that this issue is important enough for me to request this accommodation multiple times in the past.

Sincerely,

Jacquelyn Milliron  
Harpers Ferry District

Envision 2035 large lot residential:

<https://www.jeffersoncountywv.org/home/showpublisheddocument/73/635707357962670000>

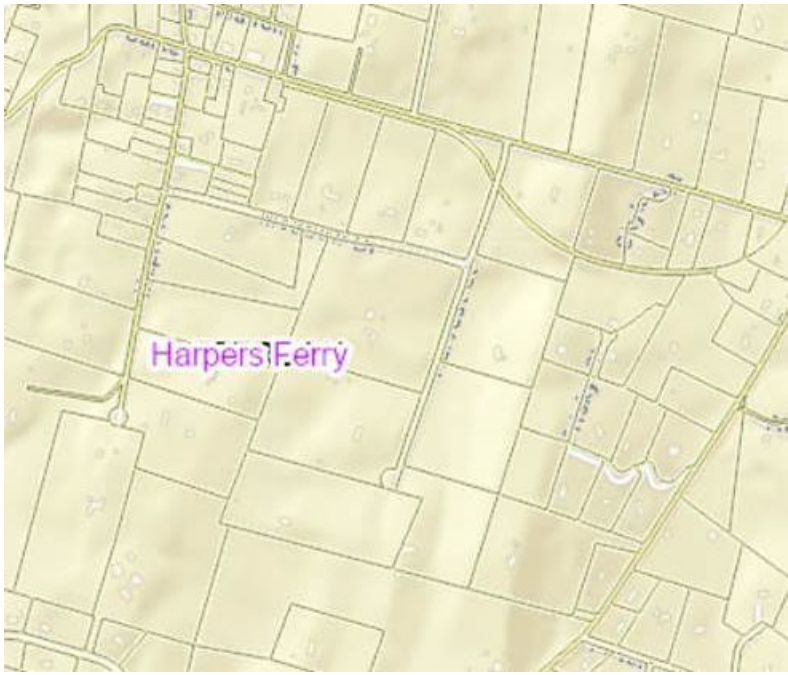


Draft 2045 Land Use Guide:

<https://www.jeffersoncountywv.org/home/showpublisheddocument/25880/638537943304730000>



WV Assessor map : <https://www.mapwv.gov/parcel/>



July 12, 2024

Jefferson County, West Virginia  
Office of Planning and Zoning  
116 E Washington St.  
Charles Town, WV 25414

To Whom It May Concern:

As a resident of Jefferson County, and with regard to the Comprehensive Plan process, this is to formally request that the land on the east side of Route 340 from the Clarke County line to Smith Road should be considered and designated as a preferred growth area with uses similar to those that exist and are proposed on the opposite side of the street (west side of Route 340). It seems only logical and, therefore, prudent planning that real property which lies contiguous to a major high-traffic artery (Route 340) ought to be made available to be used and served by commercial, industrial and high-density residential uses. By placing these higher density uses in closer proximity to the major arterial roads, it allows for a concentration of density and uses and, conversely, a preservation of lower density uses in areas that are not fronting on the high traffic arterial roads.

Thank you for your consideration of this request.

Sincerely,



**RECEIVED**

**JUL 16 2024**

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

**From:** [Luke Seigfried](#)  
**To:** [Planning Department](#)  
**Subject:** FW: Continued Concerns Regarding Goal 1 - Well based concerns not confusion.  
**Date:** Wednesday, July 24, 2024 9:23:09 AM

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Jennilee,

Please add the email below as Comp Plan Actionable correspondence for the August 13<sup>th</sup> meeting.

Best,  
Luke

Luke Seigfried (He, Him, His)  
County Planner  
Department of Engineering, Planning, & Zoning  
Jefferson County, WV

**From:** Cara keys <carolineakeys@gmail.com>  
**Sent:** Tuesday, July 23, 2024 7:36 PM  
**To:** Luke Seigfried <lseigfried@jeffersoncountywv.org>  
**Subject:** Fwd: Continued Concerns Regarding Goal 1 - Well based concerns not confusion.

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

Kind Regards,  
Cara Keys  
Mobile: 240.367.5152

Begin forwarded message:

**From:** Chrissy Wimer <[clwimer1@yahoo.com](mailto:clwimer1@yahoo.com)>  
**Date:** July 22, 2024 at 5:58:56 PM EDT  
**To:** [cara@pughrealestategroup.com](mailto:cara@pughrealestategroup.com)  
**Subject:** Continued Concerns Regarding Goal 1 - Well based concerns not confusion.

Dear Commissioner Keys,

I hope you are well.

We cannot find any other way to contact you.

We sent public comment on July 2 to the Planning Commission, but -- as you likely recall -- you indicated in our after-meeting discussion that you had not received our comments. I had hoped to meet with you prior to the meeting tomorrow but have not been able to contact you. It is frustrating you represent us on the planning commission, and yet we do not seem to be able to contact you.

Thank you for the discussion after the last planning commission meeting. I wanted to reiterate our biggest concerns with the draft plan. We hope you choose to address these issues during the meeting tomorrow evening. We were deeply disappointed that the commissions go to response is that if people disagree with the planning commission the people must be confused. Please understand we are long term followers of the county and municipal planning processes and our attorneys have helped us understand the relevant WV code. We are not confused. But, we do believe there are several major shortcomings of the comprehensive plan.

### 1. **Goal 1 of the draft Comprehensive Plan**

We strongly urge you to edit Goal 1 of the draft comprehensive plan to protect all land rights.

As the Goal is currently written "Ensure that future land use regulations and policies support the development rights of residential and non-residential properties." It only protects the land rights of those land owners who are interested in developing their land, and thereby forsakes the land rights of neighboring land owners, land owners in conservation, and farmers.

We advocate for editing Goal 1 to protect equally all land rights of all property owners, and suggest the following edits to achieve this.

**Goal 1: Ensure that future land use regulations and policies support and balance the land rights of all land owners of all property types.**

This edit would still serve the purpose of the current language and serve to provide protections and support to all land owners not just those looking to develop their land.

## **2. Goal 1 Objective 3 of the draft Comprehensive Plan**

We 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. We are 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.

## **3. Goal 1 Objective 5 of the draft Comprehensive Plan**

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.

We 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 an should not be allowed.

We 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."

To be clear we are not confused by what "by right in all zones" means. We understand that it means that these uses will go through the full concept plan process, unless of course it is waived, or a variance is given. We also understand that a by right in all zones use is allowed everywhere period. So a developer as long as they meet the requirements of the concept plan process or get it waived, can develop this use in all zones. There is no stopping it! It does not matter how much it infringes on the property rights of the surrounding property owners.

#### 4. **Goal 1 Objective 4** of the draft Comprehensive Plan

Please edit Goal 1 Objective 4 of the draft comprehensive plan to be more specific and 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 is overly broad and would allow inappropriate development in zones that do not have the appropriate infrastructure (water/sewer) or services (easy access for EMS) and may make farming and agriculture more difficult. It is not clear what is included in institutional uses and this may lead to incompatible uses in some zones. We understand that WVU has asked the Planning Commission to put this in the plan so they may more easily develop their new facility. But the PC must consider the all implications of this change not just those that benefit WVU. As written currently, this could and will likely lead to unintended consequences.

One example of this may be long-term care facilities. These facilities may be considered institutional uses, and if built in rural zones have the potential to stretch our EMS services thin. Also, most areas in the rural

zone do not have appropriate sewer, water, or road infrastructure for such facilities.

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

Again, to be clear we are not confused by what "by right in all zones" means. We understand that it means that these uses will go through the full concept plan process, unless of course it is waived, or a variance is given. We also understand that a by right in all zones use is allowed everywhere period. So a developer as long as they meet the requirements of the concept plan process or get it waived, can develop this use in all zones. There is no stopping it! It does not matter how much it infringes on the property rights of the surrounding property owners.

Thank you for your consideration of these comments and your work on the planning commission. You told us after the last meeting "don't worry we will fix this." This is the last meeting for changes to be made. We hope you work to get these issues addressed.

Best regards,  
Chrissy

**From:** [Jean Zigler](#)  
**To:** [ComPlan2045](#)  
**Subject:** Please provide this revised letter as public input.  
**Date:** Friday, July 26, 2024 10:06:21 AM

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

Hello,

I am trying to streamline my areas of concern, no aggressive tone intended.

Rural properties outside the UGBs, PGAs, or GMBs are allowed to develop using the standard of one lot per 15 acres and a cluster development of one lot per ten acres.

Acreage in the amount of 10 to 15 acres is considered a farmette or ranchette, therefore defeats the purpose of allowing a farmer not within a growth area to maximize the right to income and homeowners can use their property for horses, pig, chicken, cattle or crop production. Therefore allowing the spreading of cattle, pig or horse export, even a small chicken farming. Example: 8 houses but 2 of 8 with horse, cattle, pigs or chicken enhanced air. The 15 acre lots that have been suggested are too large and unfair to the landowners.

Jefferson County must confirm that its land use regulations are oriented with WV State Code and consider how to preserve the rights of neighboring people, properties, and the natural environment while still allowing property owners to progress with development.

The above needs to be clarified because if not two things shall happen, lawsuits to stop growth such as farms developing and wanting to rezone for high density and lawsuits for the 2024 Energy Reform Act which specifically states :

**Streamlines environmental reviews for low-disturbance renewable , electric grid and storage projects.**

*Please consider adding permitted by-right. I understand the text amendment but over the last 5 years, a few people have pulled different portions/areas of the Comp Plan to suit individual desires.*

The Comp Plan needs to follow Federal and State code or Federal Lawsuits will occur.

Multiple times I am reading the phrase "to preserve the rights of neighboring people, properties, and the natural environment". The verbiage needs to be changed. This is prejudice and causes harm to the land owner. It calls for neighboring people to apply a bias to any project that does not meet their idea of development.

The verbiage needs to be revised to include actual data, surveys, and clarify any "like or similar" reference regarding the inclusion of the clause "be careful consideration of potential adverse effects to surrounding land uses." Opinion bases or professional opinion bases are not sustainable while zoning can be considered trying to deny or limit the right of income. Please pull West Virginia law.

Promote the importance of extending natural gas services and alternative energy sources into Jefferson County and encourage the extension of these services into new subdivisions. This is the perfect statement to introduce a developer to installing solar powered lights around green spaces/park areas of a housing development, lights around the mailbox hub or entrance lights for name plates of the housing developments and natural gas fireplaces and furnaces. This is

powerful.

Objective 3, in addition to Farmers' Markets, farm to table products, etc. please include the verbiage of Agrivoltaics. This allows the farmer to use solar panels for personal use and sell any power generated to FirstEnergy or any power company, lease land for a solar facility, and allow a modern combination of solar and honeybees, livestock and crops. Allow tours of modern farming showing solar with agriculture and include events like Halloween and Christmas mazes on farms.

Yes, short term rentals are increasing in neighborhoods. Across the nation there is a trend of home owners not removing the HomeStead Exemption on the rental property. The County may need to put some type of clause regarding this issue. In addition there should be verbiage around number of cars, behavior and number of occupants in regards to neighborhood short term rentals. Listing a dwelling on AirBnB does not screen the renters. There will be a need to help HomeOwners Associations (HOA) with monitoring certain activities such as vehicles. Example: Renting a home to 3 couples with a boat or multiple atvs , very easy to have 4 plus vehicles in driveway and grass, incorrect usage of common green space(riding across parks). The short term rentals can also be for house parties. The trend on the east coast is noise, a large group of people and sometimes, out of control or negative behavior like drugs or shots fired.

Increase the dollar amount paid to Farmers for joining Farmland Preservation or provide an additional tax break because the Farmer has to maintain the easement at his/hers expense. The County needs to stabilize that cost. The idea is to preserve the land, not make the Farmer live in poverty.

To truly have collective thinking or collaboration , one person from the Agricultural Community should be placed on the Planning and Zoning Board from each township. This will keep the input pure and not cater to one specific township. This could be a future sub-committee.

The walking paths are a nice idea but I caution based on the bicycle path and the only certain areas are well used vs. areas less used at taxpayer monies. Include some type of attractive barrier or fencing to prevent falls/dives in the quarry, etc.

Gray areas of the Plan are needed to be a working document but unfortunately there will always be someone claiming to have knowledge of why the plan was written this way or it was meant to prevent or save this objective. Therefore, I would suggest when explaining the Plan stay away from the thought behind this verbiage or this is how the people intended when created. Needs change from year to year and as new and modern changes happen in the county, it is best to have a working tool in place instead of something being stagnant and causong the county to lose out on needed income.

Thank you,  
Jean Zigler Kotch

**From:** [Joe](#)  
**To:** [ComPlan2045](#)  
**Cc:** ["Mullenax, Matt"](#); [Jennifer Brockman](#); ["Barbara Sobol - Secretary/Treasurer"](#); ["Judy Ott - Vice President"](#); ["Teresa Forsyth"](#); ["J Lee Thorne"](#)  
**Subject:** Concept Plan for New Major Connector Roadway  
**Date:** Monday, August 5, 2024 1:44:44 PM  
**Attachments:** [Orchard Lodge Bypass\\_24-06-12.pdf](#)

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Specific to Goal 7.2 and the 2023 Highway Problems Plan in the current draft of the 2045 Comprehensive Plan, the Board of Directors of the Briar Run HOA submit the following comments and design concept for inclusion in the Plan.

This concept has been discussed with and is under consideration by the WVDOH and has been forwarded to you by the Chief County Planner for inclusion in your August 13<sup>th</sup> meeting agenda.

Our concept addresses the steady and significant growth of residential development in the northeast quadrant of Jefferson County over the past 20 years and into the next 20 years. Recent residential development approved by the County between Flowing Springs Road and Route 230 that is either constructed, under construction or proposed will add thousands of vehicles per day to trips between those houses and businesses in the Potomac Marketplace. The privately owned and maintained roadways of Briar Run Estates (principally, Thumper Drive, Cottontail Drive and Oak Lee Drive) have experienced an ever increasing through-traffic burden due to that growth.

A major collector roadway is needed and under consideration by the WVDOH between the intersection of Flowing Springs Road and Old Country Club Road and Potomac Marketplace, also connecting with Route 9. This should be added to the 2023 Highway Problems Plan as Intersection Issue Location #12; and the County Land Use Master Plan. This roadway would allow through-traffic to flow directly to Potomac Marketplace and Route 9.

Attached are a concept plan titled Orchard Lodge Bypass and three photos of a similar condition in Frederick MD, which illustrate the type of roadway that passes through residential development, but has limited access from those residential areas to the roadway.

It is our strong recommendation that this concept be added to notify land developers of a requirement of such a connector before properties are sold for development and engineering designs are done which are counter to the public need.

Respectfully,

Briar Run Estates Owners Association – Board of Directors

Joe Bosco, President  
Judy Ott, Vice President  
Barbara Sobol, Secretary

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