



Jefferson County
Board of Zoning Appeals Agenda
Thursday, August 22, 2024 at 2:00 p.m.

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

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

Broadcast Information: ZOOM Meeting Link: <https://us02web.zoom.us/j/89286326099>
Phone Option (Dial by Location): 301-715-8592 / Meeting ID: 892 8632 6099

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

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

Approval of Minutes: July 25, 2024

Public Hearing – Administer Oath

Item #1 File #: 24-4-CUP

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

Applicant: Franklintown Farm, LLC / Attn: Ashley Smith, P.E., Enel North America, Inc

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

Parcel Info: Mark D. Stolipher, Property Owner
322 & 288 Scooter Ln, Charles Town, WV 25414
Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural

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

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

Item #2 File #: 24-26-ZV

Request: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed five (5) unit campground from 10 acres to 5.92 acres.

Parcel Info: Joseph & Shelby Herbert, Property Owners
1122 Duncan Rd, Harpers Ferry, WV
Parcel ID: 09001100100000; Size: 5.92 acres; Zoning District: Rural

Item #3 File #: 24-27-ZV

Request: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed four (4) unit campground from 10 acres to 3 acres.

Parcel Info: Joseph & Shelby Herbert, Property Owners
Vacant parcel located SE of 1122 Duncan Rd, Harpers Ferry, WV
Parcel ID: 09001100100002; Size: 3 acres; Zoning District: Rural

Item #4 File #: 24-28-ZV and 24-29-ZV

Request #1: Variance from Appendix B to reduce the 50' side setback & 50' unscreened buffer area to 20' along a portion of the eastern property line to allow for the construction of a 14' x 80' (1,120 sf) addition to an accessory structure; and to allow for a gravel drive to be installed for motor vehicle access to the building (File 24-28-ZV).

Request #2: Variance from Appendix B to reduce the 50' side setback & 50' unscreened buffer area to 20' along a portion of the eastern property line to allow a baseball field, including a chain link fence up to 8' in height, to be installed (File 24-29-ZV).

Parcel Info: Fellowship Bible Church Trustees, Property Owner / Attn: Richard Beddow
160 Daniel Rd, Shenandoah Junction, WV
Parcel ID: 02000300040005; Size: 50± ac; Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

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

Meeting: July 25, 2024

1. Variance request from Section 9.7. Owner: Nicholas Lowe. File: 24-23-ZV.
2. Request by Global Environmental & Remediation LLC for a Conditional Use Permit. Owner: Raymond Johnson. File: 24-5-CUP.
3. Variance request from Appendix B and Section 4.11E. Owner: Raymond Johnson. File: 24-24-ZV.
4. Request by Bakerton Central for a Conditional Use Permit. Owner: Carter & Maple Properties, LLC. File: 24-6-CUP.
5. Variance request from Section 8.14B. Owner: Carter & Maple Properties, LLC. File: 24-25-ZV.

DRAFT Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: July 25, 2024
- 2 Meeting Location: County Commission Meeting Room located in the lower level
- 3 of the Charles Town Library (entrance on Samuel St.)
- 4 200 East Washington Street, Charles Town, WV 25414
- 5 Board Members Present: Tyler Quynn, Chair; Steve Guier, Mikala Shremshock, Alternate were
- 6 present in person. Matthew McKinney, Vice Chair; and David Wiegand
- 7 were in attendance via ZOOM.
- 8 Board Members Absent: Jacob Harris, Secretary (absent with notice)
- 9 Staff Members Present: Alexandra Beaulieu, Deputy Director & Zoning Administrator; Steve Groh,
- 10 Assistant Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk

11 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.

12 Ms. Shremshock moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which

13 carried unanimously.

14 Mr. Quynn reviewed meeting protocol for those in attendance.

15 Ms. Hartman swore in members of the public who indicated they would be providing testimony.

16 Approval of Minutes: June 27, 2024

17 Mr. Guier moved to approve the minutes as presented, which carried unanimously.

18 Agenda Item #1 File #: 24-23-ZV

19 Request: Variance request from Section 9.7 to reduce the side setback along the northern

20 property line from 12' to 4' for an 8' x 16' deck.

21 Parcel Info: Nicholas Lowe, Property Owner

22 272 No Name Lane, Kearneysville, WV

23 Parcel ID: 07001900180003; Size: .46 acres; Zoning District: Rural

24 Deborah Lowe, property owner representative, was present to address the Board. Ms. Beaulieu

25 provided an overview of her staff report to the Board clarifying that the request was to reduce the

26 side setback along the northern property line from 8' as opposed to the 12' referenced in the agenda.

27 Ms. Lowe explained the nature of the request to the Board and confirmed that her family owned the

28 adjoining parcel that would be impacted by the request.

29 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided

30 testimony. Mr. Quynn closed the public comment portion of the hearing.

31 Mr. McKinney moved to approve the request with the condition that the applicant is bound by their

32 testimony. Mr. Quynn called for a vote, which carried unanimously.

33 Agenda Item #2 File #: 24-5-CUP and 24-24-ZV

34 Request #1: Request for a Conditional Use Permit to establish a construction company (proposed

35 land use designation as listed in Appendix C of the Zoning Ordinance: Contractor with

36 Outdoor Storage). The proposal consists of construction a 100' x 100' building,

37 employee parking, and outdoor equipment storage area. The business may employ up

38 to five (5) employees. On-site customer visits will be minimal. A freestanding business

39 sign in accordance with Article 10 is proposed. (File #24-5-CUP)

40 Request #2: Variance request from Appendix B and Section 4.11E to utilize existing vegetation in

41 lieu of a planted buffer along all property lines. (File #24-24-ZV)

1 Parcel Info: Global Environmental & Remediation LLC /
2 Contact: Raymond Johnson, Property Owner
3 Parcel located north of the Middleway Pike and Shirley Road intersection
4 formerly addressed as 7367 Middleway Pike, Charles Town, WV
5 Parcel ID: 07002000090001; Size: ~6 acres; Zoning District: Rural

6 Raymond Johnson, property owner, was present to address the Board. Ms. Beaulieu provided an
7 overview of her staff report to the Board and reviewed each of the criteria for a Conditional Use
8 Permit. Ms. Beaulieu stated that as the application did not include any information related to signage
9 that any proposed sign may require evaluation by the Board at a future meeting. Ms. Beaulieu also
10 provided a brief overview of her staff report related to the zoning variance. Ms. Beaulieu noted that a
11 separate motion would be required for each request.

12 Mr. Johnson provided an overview of the proposed land use and addressed the Boards' questions.
13 Mr. Johnson explained that he would like to place a sign with a brick base at the entrance of the
14 property. Mr. Johnson estimated that the proposed sign would be approximately 3' x 8' in size. Mr.
15 Johnson stated that he would be willing to work with the neighbors to address any of their concerns
16 regarding the land use or the variance.

17 Mr. Quynn opened the public comment portion of the hearing.

18 Mark and Jane Uhl, adjacent property owners, spoke in opposition to the request pertaining to the
19 variance request. Mr. Uhl stated that he did not want any of the existing vegetation to be removed and
20 requested that a row of white pine evergreen trees be planted in a staggering formation where the
21 existing vegetation is sparse along the northern property line.

22 Mr. Quynn closed the public comment portion of the hearing.

23 Mr. Johnson provided a rebuttal and addressed the neighbors' concerns stating that he would be
24 willing to plant the trees as requested by Mr. Uhl.

25 The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance
26 finding that the proposed use did meet the required criteria.

27 Mr. McKinney moved to approve the conditional use permit with the following conditions:

- 28 1. The applicant is bound by their testimony.
- 29 2. Any proposed signage related to the land use will require evaluation by the Board at a future
30 meeting.

31 Mr. Wiegand seconded the motion, which carried unanimously.

32 Mr. Guier moved to approve the zoning variance request as presented for the eastern, western, and
33 southern property lines; and granted the variance request for the northern property line with the
34 following conditions:

- 35 1. The applicant shall retain existing foliage along the northern property line and plant the
36 required 20' – 40' wide landscaping buffer along the northern property line in any location
37 that is lacking a sufficient buffer.
- 38 2. The applicant shall maintain existing vegetation along all other property lines.
- 39 3. The applicant is bound by their testimony.

40 Mr. Wiegand seconded the motion, which carried unanimously.

1 Agenda Item #3 File #: 24-6-CUP and 24-25-ZV

2 Request #1: Request for a Conditional Use Permit to establish a Special Event Facility in
3 conjunction with the existing Bakerton Market. The proposal consists of hosting a
4 variety of community events such as flea markets, car shows, movie nights, etc. on a
5 weekly, quarterly, and annual basis. The proposal also includes a picnic area and the
6 addition of alcohol sales for on-premises consumption. (File #24-6-CUP)

7 Request #2: Variance request from Section 8.14B to reduce the minimum lot size requirement for a
8 Special Event Facility from 5 acres to .65 acre; and to eliminate the buffer screen
9 requirement to accommodate the proposed parking area. (File #24-25-ZV)

10 Parcel Info: Carter & Maple Properties, LLC, Property Owner
11 Bakerton Central, LLC / Contact: Kevin Cuellar, Applicant
12 Vacant parcel located south of 834 Carter Ave, Harpers Ferry, WV
13 Parcel ID: 04003A00230000; Size: .65 acre; Zoning District: Village

14 Kevin Cuellar and Kathy Vocal, property owners, were present to address the Board. Ms. Beaulieu
15 informed the Board that due to the unique nature of the requests that the Conditional Use Permit
16 and the Zoning Variance to reduce the minimum lot size would need to be evaluated together as one
17 could not be approved without the other.

18 Ms. Beaulieu provided an overview of her staff report to the Board and reviewed each of the criteria
19 for a Conditional Use Permit. Ms. Beaulieu also provided a brief overview of her staff report related
20 to the zoning variance. Ms. Beaulieu reiterated that while the requests must be evaluated together
21 that a separate motion would be required for each request.

22 Mr. Cuellar gave an overview of the proposed land use and provided examples of the types of
23 events that would be hosted on the property, such as Halloween and Christmas community
24 gatherings. Mr. Cuellar explained that the portion of the request as it pertains to alcohol
25 consumption is meant to be secondary to the proposed land use. Mr. Cuellar clarified that the intent
26 of providing alcohol sales is to add to the customer's experience and is not meant to be the primary
27 use or focus of the events. Mr. Cuellar added that a community event calendar that would include
28 attendee restricted events, such as Paint Nights, will help keep the events organized. Mr. Cuellar
29 addressed the Boards' questions.

30 Mr. Quynn opened the public comment portion of the hearing.

31 Jacquelyn Milliron, resident, spoke in opposition to the request citing concerns regarding noise,
32 emergency service response times, and water pollutants.

33 Mr. Quynn closed the public comment portion of the hearing.

34 Mr. Cuellar provided a rebuttal. Mr. Cuellar stated that large festivals/events were not anticipated.
35 Mr. Cuellar explained that because the intent of the request is to facilitate a need for a community
36 space within Bakerton that they would be working directly with the neighboring residents to ensure
37 that the proposed events were compatible with the area. The Board discussed the number of potential
38 attendees during the events. Mr. Cuellar answered the Board's questions regarding Bakerton
39 Market's occupancy. Ms. Beaulieu explained that the Bakerton Market is a separate, legal
40 nonconforming use and clarified that the evaluation of the Conditional Use Permit should be limited
41 to the vacant parcel.

42 Mr. Guier moved to go into deliberative session at 3:54 pm. Mr. Guier moved to go back into
43 regular session at 4:23 pm.

1 The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance
2 and determined that the proposed use did not meet the required criteria to establish an event facility.

3 The Board stated that the request to reduce the minimum lot size was too significant and did not
4 meet the intent of the code.

5 Ms. Shremshock moved to deny the zoning variance request. Mr. Quynn called for a vote, which
6 carried unanimously.

7 Mr. Guier moved to deny the conditional use permit citing that there were alternative ways to
8 accomplish the proposal. Ms. Shremshock seconded the motion, which carried unanimously.

9 **Zoning Administrator Report**

10 Ms. Beaulieu provided the Board with the following information:

- 11 1. The next regularly scheduled meeting is August 22, 2024.
- 12 2. The 2045 Comprehensive Plan Update Public Hearing will be held on August 27, 2024 in the
13 Washington High School Auditorium.
- 14 3. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.

15 **Legal Update**

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

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

19 Mr. Groh stated that items 1 and 3 were pending motions and that he was waiting for a
20 ruling.

- 21 2. Jefferson County Circuit Court Case #CC-19-2023-C-131 (RE: Williamson Fence /
22 23-13-ZV) Gallagher c JCBZA and Timothy Williamson

23 Mr. Groh stated that the parties involved in this action have settled and that as a result he
24 expects this Item will be dismissed.

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

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

29 **Meeting: March 28, 2024**

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

35 No action was taken as the findings were not available.

36 Ms. Shremshock moved to adjourn the meeting at 4:43 pm. Mr. Quynn called for a vote, which
37 carried unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 August 22, 2024

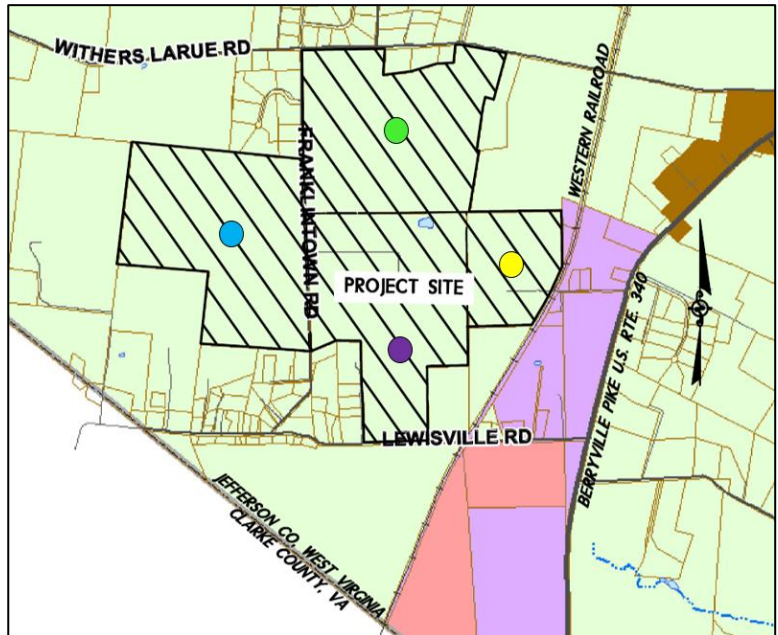
24-4-CUP Franklinton Farm Solar Project Conditional Use Permit Request

Item #1 Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. Project Name: Franklinton Farm Solar Project. The proposal consists of constructing an 80-megawatt solar energy facility on 502 acres. The project consists of row of solar modules, a new substation to connect the solar facility to the existing overhead electrical transmission line, and a 20MW Battery Energy Storage System (BESS). The Project also includes internal access roads, commercial entrance(s), security fencing, a buffer screen, and stormwater management.

Applicant:	Franklinton Farm LLC / Attn: Ashley Smith, P.E. Enel North America, Inc.	
Consultant	Potesta & Associates, Inc. / Attn: Joe Knechtel	
Property Owner	Property Location	Map Reference
Mark D. Stolipher	2998 Withers Larue Rd, Summit Point, WV Parcel ID: 06001900080004; Parcel/Project Size: 146.84 ac	●
	322 & 288 Scooter Ln, Charles Town, WV Parcel ID: 06001900160000; Parcel/Project Size: 50 ac	●
	261 Berry Hill Farm Ln, Summit Point, WV Parcel ID: 06001900070000; Parcel/Project Size: 150.31 ac	●
Michael Paul Chapman, Trustees	651 & 653 Franklinton Rd, Summit Point, WV Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac	●

All of the subject parcels are zoned Rural.

<input type="checkbox"/> Zoning District	<input checked="" type="checkbox"/> Zoning District
 Major Industrial	
 Light Industrial	
 Industrial/Commercial	
 Office/Commercial Mixed-Use	
 General Commercial	
 Highway Commercial	
 Neighborhood Commercial	
 Residential/Light Industrial/Commercial	
 Residential Growth	
 Planned Neighborhood Development	
 Rural	
 Village	
 Incorporated Town	



Current Applications:	08/22/24: Board of Zoning Appeals Meeting Conditional Use Permit Public Hearing 09/10/24: Planning Commission Meeting Concept Plan Workshop (File #24-2-SP)
Site Visit Conducted:	Site visit was not conducted.

24-4-CUP Franklinton Farm Solar Project Conditional Use Permit Request

Summary of Request and Purpose of Ordinance Requirements

Article 2 defines *Solar Energy Facility* as:

“A facility that generates electricity from sunlight by utilization of photovoltaic (PV) technology and distributes the generated electrical power. On-site components of the facility may include solar panels and other accessory components including, without limitation, Essential Utility Equipment, transformers, inverters, cabling, electrical lines, substations, and other improvements necessary to support generation, collection, storage, and transmission of electrical power.”

The entire project area is located outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA). As such, the proposal requires evaluation by the Board of Zoning Appeals for compliance with the Conditional Use Permit criteria outlined in Section 6.3, as well as the criteria listed in Section 8.20.

Property Description

The project area will occur over four separate contiguous parcels, comprised of a total of 502 acres. The properties are currently used for agricultural purposes.

The property designated as 261 Berry Hill Farm Lane contains a Category II Historic Structure – Berry Hill House. Pursuant to Section 3.4D of the Zoning Ordinance, Category II sites are classified as important by the Jefferson County Historic Landmarks Commission and include sites that may be National Register eligible. Sites in this category may have been altered or changed to such a degree that they no longer retain the same level of integrity as the original condition.



24-4-CUP Franklinton Farm Solar Project Conditional Use Permit Request

Conditional Use Permit Process

The applicant has provided information summarizing how the proposed project will comply with the criteria outlined in Sections 6.3 and 8.20 of the Zoning Ordinance. Per Section 8.20A.2.b, the project decommissioning plan and bond shall be in accordance with the WV Department of Environmental Protection, pursuant to WV State Code §22-32-1, et. sec. or its successor. The applicant acknowledged the decommissioning requirements in their application.

Section 6.3 of the Zoning Ordinance states:

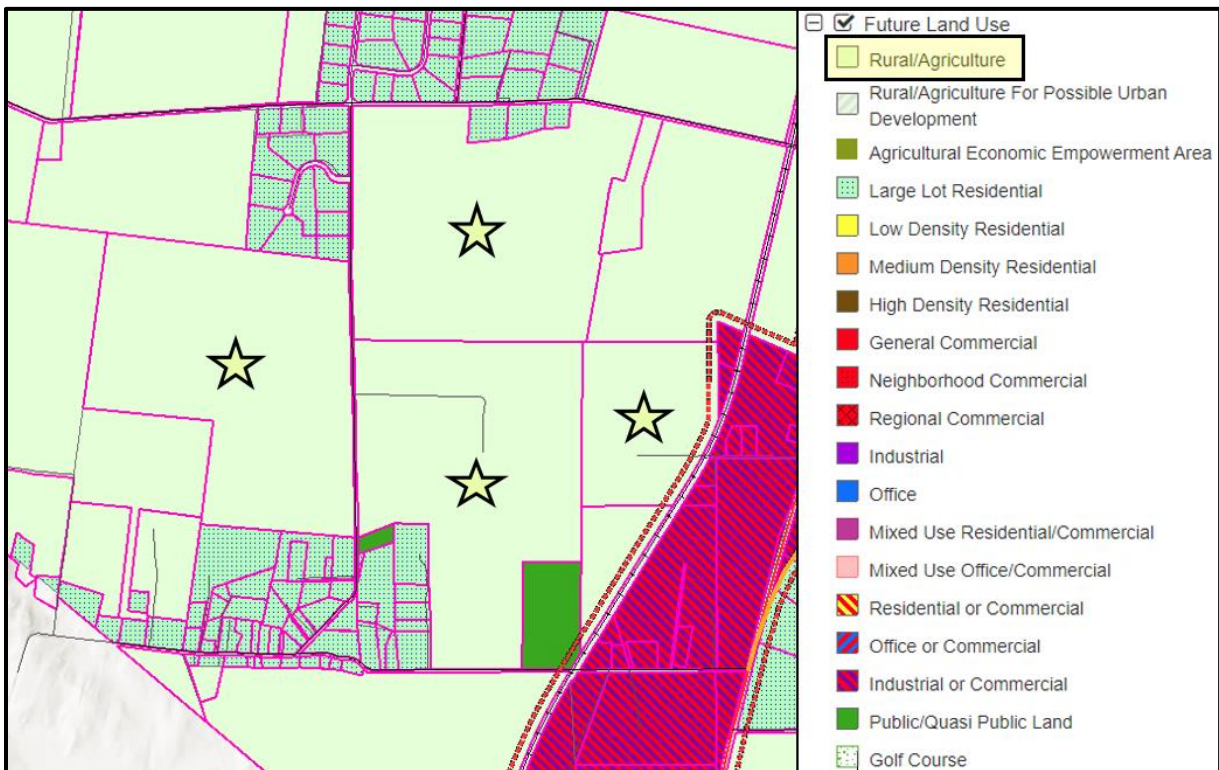
“The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit:

- A. The Board shall consider each Conditional Use Permit request that is filed in accordance with this Ordinance and the procedural requirements of the Board of Zoning Appeals. The Board may require reasonable conditions or special requirements which allows for the proper integration of the proposed uses into the community and are directly related to and incidental to the proposed conditional use permit. The following General Standards shall be considered by the Board in approving or denying the CUP:”

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan. (Sec. 6.3A.1)

The applicant has addressed this criteria on Page 4 of their application packet.

The subject parcels are shown as “Rural/Agricultural” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide (see exhibit below) and are located outside of the Charles Town Urban Growth Boundary.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 22, 2024

24-4-CUP Franklinton Farm Solar Project Conditional Use Permit Request

The Plan supports allowing non-residential uses in the Rural zoning district to process via the Conditional Use Permit process (see excerpts below). In March 2017, the Zoning Ordinance was amended to update the Conditional Use Permit process in accordance with the recommendations of the adopted Comprehensive Plan.

The Plan also includes several references to encourage the creation of and the use of renewable energy sources. In April 2022, the County Commission amended the Plan to clarify and state that solar energy facilities are allowed to process via the conditional use permit process when located in areas outside of an Urban Growth Boundary and Preferred Growth Area (see Infrastructure and Technology Recommendation 8 on Page 93 of the amended Plan – listed below). The Zoning Ordinance was subsequently amended on June 16, 2022 to adopt Section 8.20 with provisions to process Solar Energy Facilities.

Excerpts from the Envision Jefferson 2035 Comprehensive Plan

...This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and intensity with the rural environment and poses no threat to public health, safety, and welfare.” (Page 36, Rural Land Use)

Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.” (Page 39, Recommendation #4.b – Rural Land Use Planning Recommendations (Goal 2))

This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare.” (Page 74, Rural Economic Activities)

Recommendation 5: Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.

Recommendation 5b: Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations. (Page 77, Agricultural and Rural Economy Recommendations (Goal 8))”

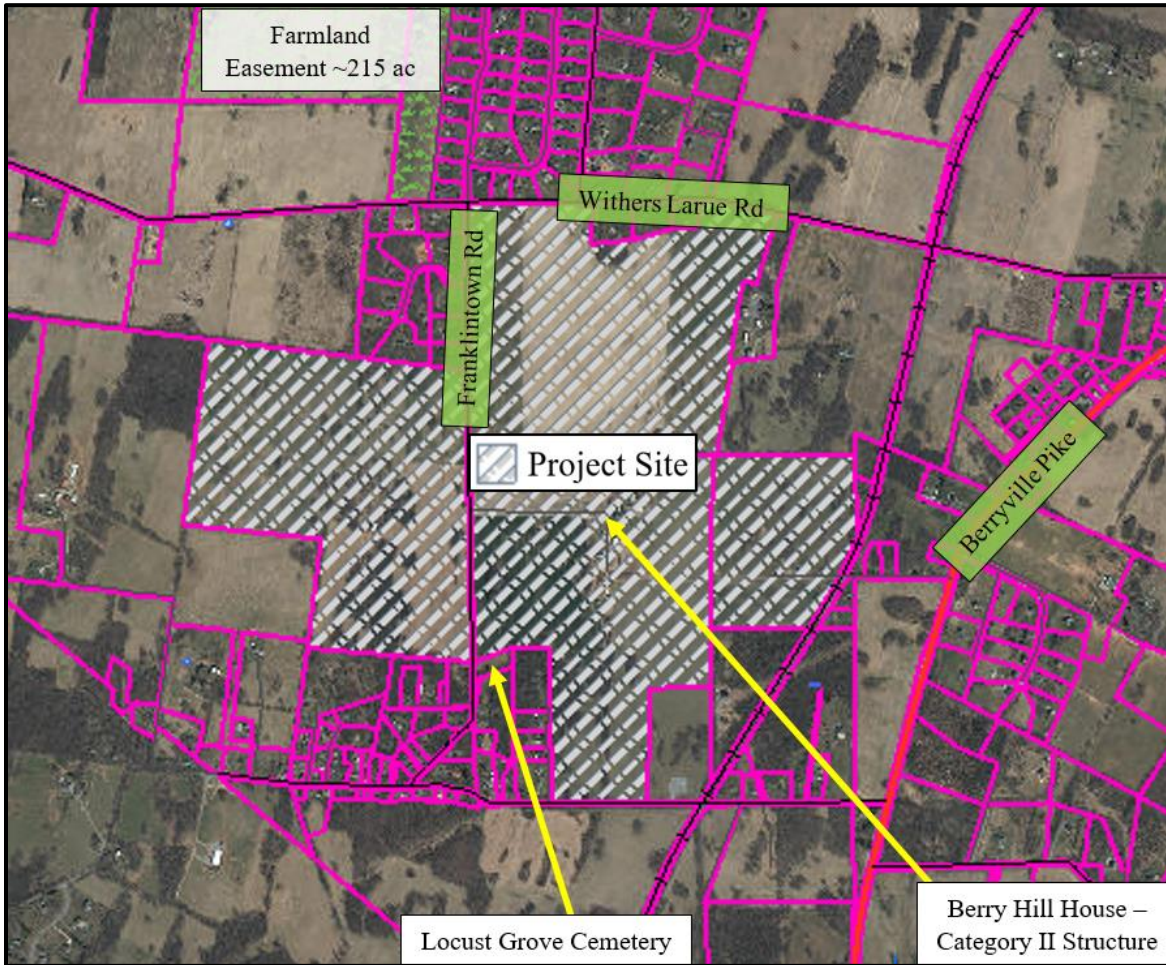
Recommendation 8: Encourage public entities to utilize alternative and renewable energy sources for a variety of needs, specifically Solar Energy Facilities in areas inside of the Urban Growth Boundary and the Preferred Growth Area as a Principal Permitted Use, and outside of the Urban Growth Boundary and the Preferred Growth Area, by the Conditional Use Process. *(amended by action of the County Commission 04-05-22 and affirmed by the Planning Commission on 04-12-22.)*

Recommendation 8.a Enable the construction of renewable energy generation facilities by residents and businesses.

24-4-CUP Franklinton Farm Solar Project Conditional Use Permit Request

- 2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare. (Sec. 6.3A.2)**

The applicant has addressed this criteria on Pages 5-7 of their application packet.



- 3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. (Sec. 6.3A.3)**

The applicant has addressed this criteria on page 7 of their application packet.

- 4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. (Sec. 6.3A.4)**

The applicant has addressed this criteria on Pages 7 & 8 of their application packet and within the Site Information notes on the Concept Plan.

The applicant shall comply with the buffer requirements established in Section 8.20 of the Zoning Ordinance. The Concept Plan exhibit reflects compliance with the landscape buffer requirements.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 August 22, 2024

24-4-CUP Franklinton Farm Solar Project Conditional Use Permit Request

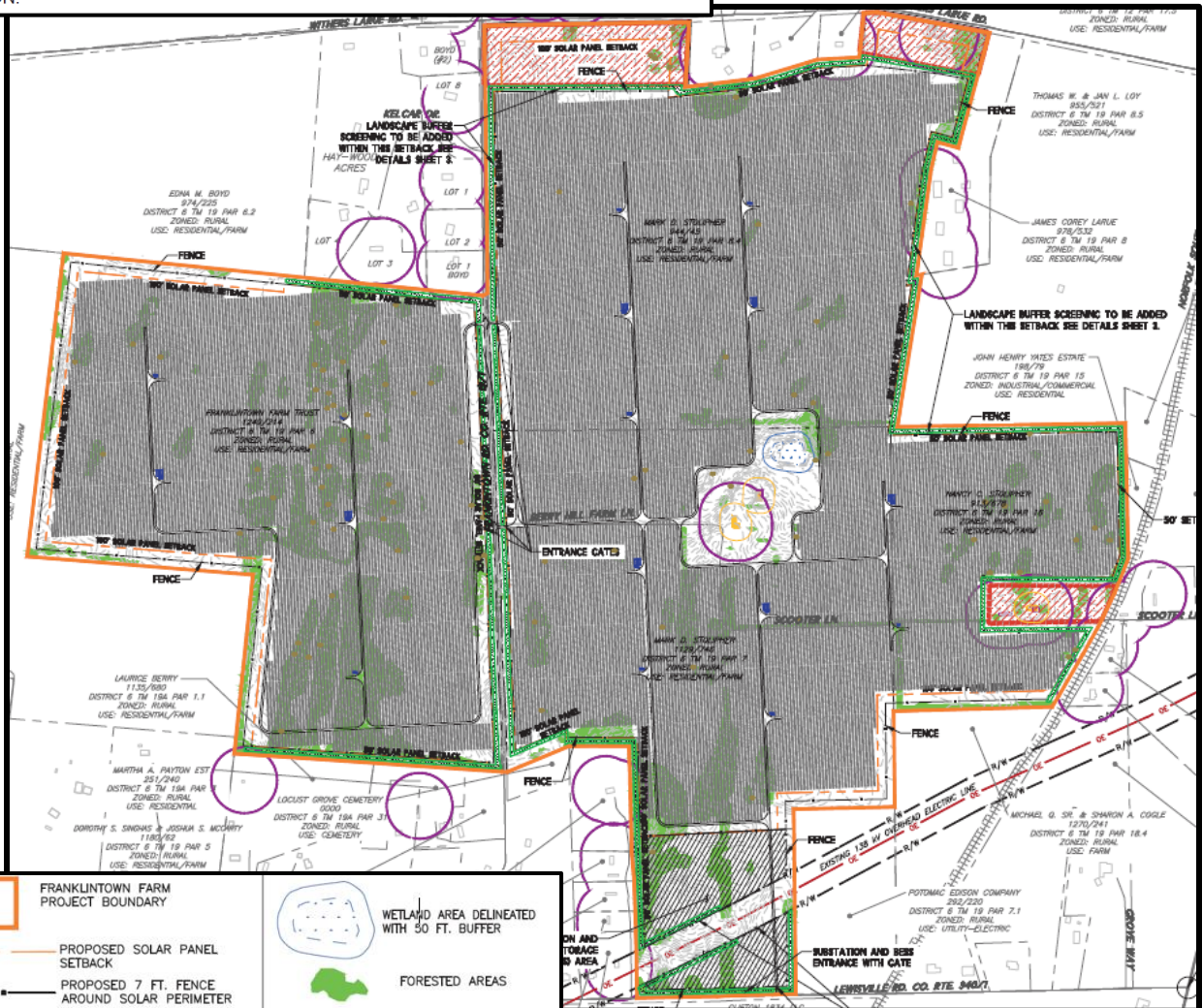
SETBACKS:

- (1) SOLAR PANELS ARE SETBACK A MINIMUM OF 50' FROM ALL PROPERTY LINES THAT ABUT A RESIDENTIAL USE AND INCLUDE A 20' PLANTED BUFFER WITHIN THE SETBACK.
- (2) SOLAR PANELS ARE SETBACK A MINIMUM OF 100' FROM ALL PROPERTY LINES THAT ABUT AN AGRICULTURAL USE AND DO NOT INCLUDE A PLANTED BUFFER.
- (3) THE FENCE LINE WILL BE SETBACK 100' FROM THE LOCUST GROVE CEMETERY AND WILL INCLUDE A PLANTED BUFFER. GPR WILL BE PERFORMED PRIOR TO CONSTRUCTION TO CONFIRM ANY UNMARKED GRAVES.
- (4) NO ACCESSORY COMPONENTS ARE LOCATED WITHIN 25 FEET OF THE FRONT, SIDE, REAR SETBACK FROM ALL EXTERNAL PROPERTY LINES.

BUFFERS

- (1) NO PROPOSED SOLAR OR ACCESSORY STRUCTURE WILL BE LOCATED WITHIN THE 100 FOOT SETBACK SHOWN HEREON, OR 200 FEET FROM NEIGHBORING RESIDENCE, CATEGORY 1 HISTORIC RESOURCE, INSTITUTION FOR HUMAN CARE, CHURCH, OR SIMILAR USE OR STRUCTURE, WITHOUT A LANDSCAPE BUFFER.
- (2) LANDSCAPE BUFFER SCREENING ARE PROPOSED WITHIN THE SETBACKS AS SHOWN HEREON.

**Excerpt from Concept Plan
 Site Information Notes (left)**



Excerpt from Concept Plan – Site Sketch (above)

Symbol Key (left)

	FRANKLINTOWN FARM PROJECT BOUNDARY		WETLAND AREA DELINEATED WITH 50 FT. BUFFER
	PROPOSED SOLAR PANEL SETBACK		FORESTED AREAS
	PROPOSED 7 FT. FENCE AROUND SOLAR PERIMETER		ROCK OUTCROPS
	PROPOSED 6 FT. FENCE WITH 1 FT. BARBED WIRE AROUND SUBSTATION AND SWITCH YARD		20 FT. LANDSCAPING BUFFER
	PROPOSED SUBSTATION AND BESS AREA		NON OPERATING AREA
	EXISTING 100 FT. R/W OVERHEAD 138KV ELECTRIC LINE		INVERTER
	CULTURAL HISTORICAL SITE WITH 75 FT. VOLUNTARY BUFFER		CO-LOCATED INVERTER/BATTERY
	OCCUPIED BUILDING WITH 200 FT. BUFFER		

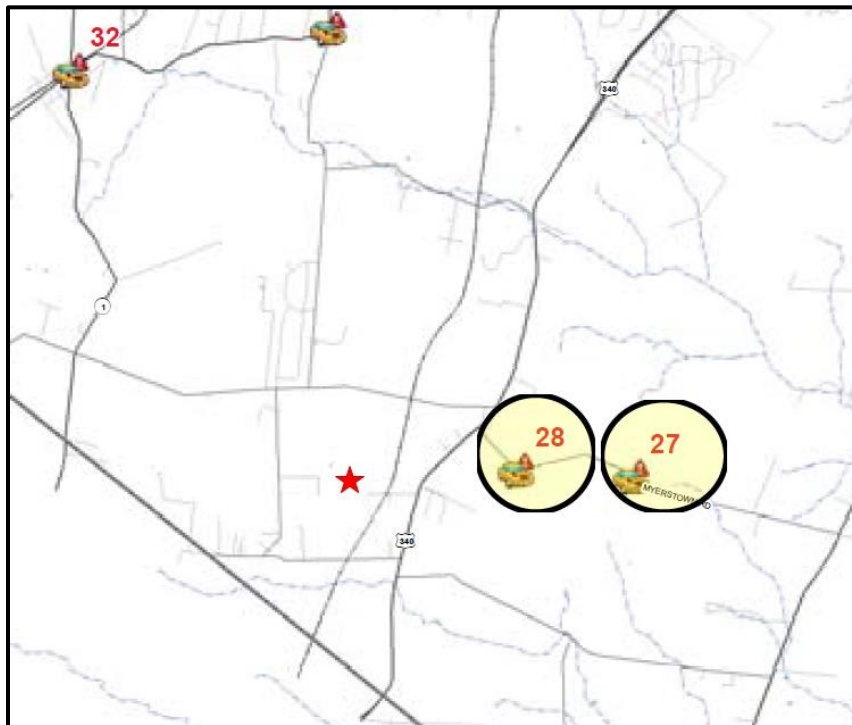
24-4-CUP Franklinton Farm Solar Project Conditional Use Permit Request

5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance. (Sec. 6.3A.5)

As part of the Conditional Use Permit application, the applicant was informed of this criteria and shall comply with this standard. The applicant acknowledged and stated they will comply with this requirement on page 8 of their application packet & Note #13 on the Concept Plan.

6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan’s Highway Road Classification Map. (Sec. 6.3A.6)

The applicant provided trip generation data on Pages 8 & 9 of their application packet. The facility, once operational, is anticipated to generate 2-3 vehicle trips per day.



The applicant represented that the closest highway problem area is within a one mile radius of the project (see Problem Area #28, noted on Highway Problem Areas Map exhibit below). The proposed access points for the project do not utilize the roadways identified as problem areas.

Problem Area #27 = Meyerstown Road – one mile east of US 340. Problem = two 90-degree turns.

Problem Area #28 =
Meyerstown Road – ½ mile east of US 340. Problem = 90 degree turn.

7. Historic Landmarks Commission’s Findings related to the proposed land use. (Sec. 6.3A.7)

The applicant addressed this criteria on Page 9 of their application packet.

The project site includes the property located at 261 Berry Hill Farm Lane. The County’s GIS data reflects that this house is a Category II Historic Structure identified by the Historic Landmarks Commission. The Concept Plan depicts a voluntary 75’ buffer around Berry Hill House / Category II structure, which is located within a 200’ occupied structure buffer. Setback Note #3 on the Concept Plan states “The fence line will be setback 100’ from the Locust Grove Cemetery and will include a planted buffer. GPR will be performed prior to construction to confirm any unmarked graves.”

*GPR = Ground Penetrating Radar

Section 3.4D.4.b of the Zoning Ordinance defines Category II resources as follows:

These sites are classified as important. This category includes Jefferson County Landmarks, historic sites that may have been altered or changed to such a degree that they no longer retain the same level of integrity as the original condition.

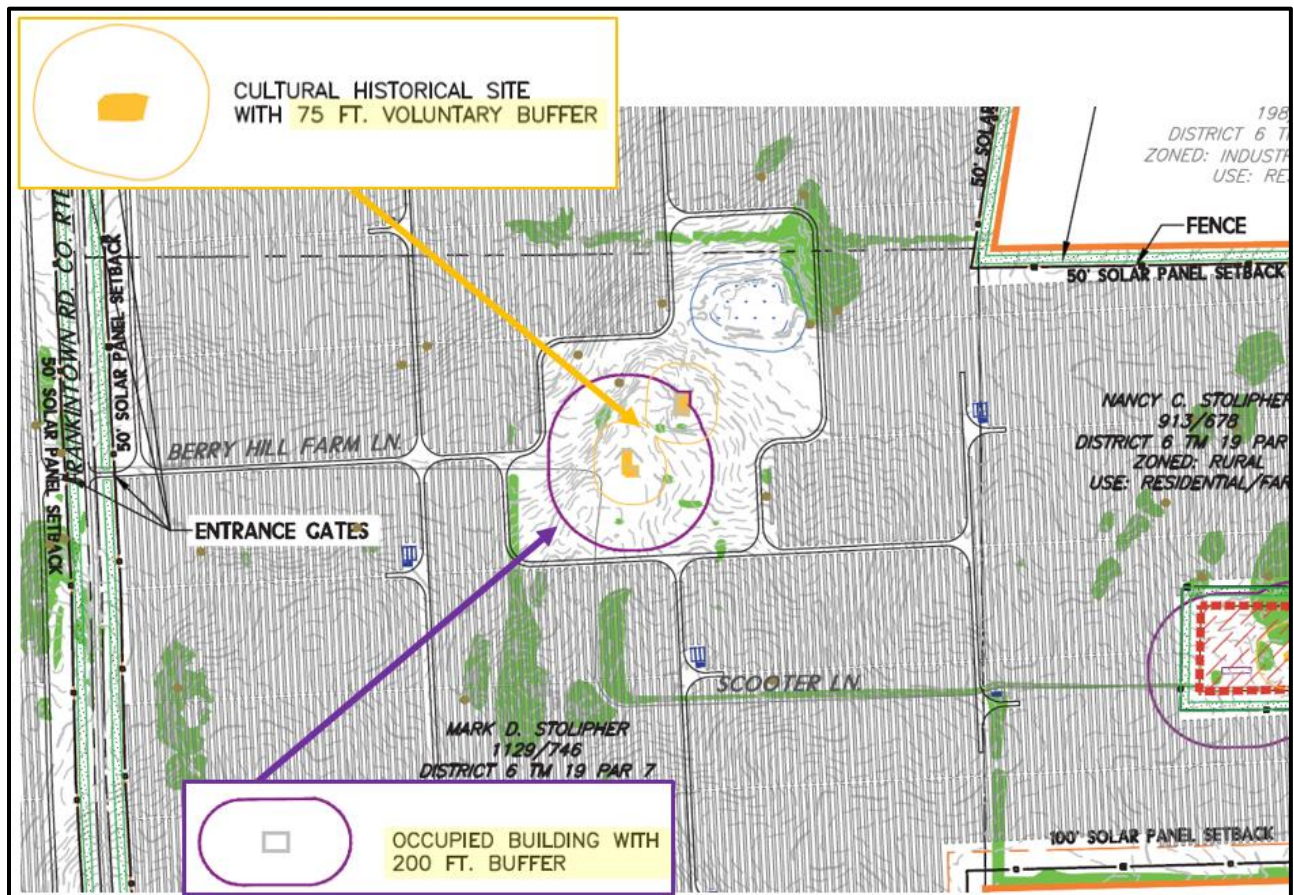
Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 22, 2024

24-4-CUP Franklinton Farm Solar Project Conditional Use Permit Request

The Ordinance states that the Historic Landmarks Commission may make reasonable recommendation to the Board of Zoning Appeals on the suitability of a proposed non-residential use for the building seeking a Conditional Use Permit and may include the following findings:

- a. Compatibility of the proposed use with the historic structure;
- b. Any modifications to the building's façade is consistent and compatible with the building's architecture, style, and massing; and
- c. Proposed parking and other activities are suitably located so as to preserve the historic character.

As part of the Concept Plan process, the Historic Landmarks Commission was notified of the proposed project. Staff also verbally confirmed with the HLC on 08/07/2024 that they received notice of the project and had been in contact with the applicant. The HLC verbally represented that they were satisfied with the buffer proposals for the Berry Hill House and efforts to ensure protection of the existing cemetery. To date, no written comments were received from the HLC.



8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6. (Sec. 6.3A.8)

Section 8.20 of the Zoning Ordinance states that no signage or advertising is permitted on the solar energy facility, other than an identifying sign at the entrance of the facility, which shall be approved administratively in accordance with Article 10.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 22, 2024
24-4-CUP Franklinton Farm Solar Project Conditional Use Permit Request

Attachments:

- 1. Section 6.3 of the Zoning Ordinance**
- 2. Section 8.9 of the Zoning Ordinance**
- 3. Section 8.20 of the Zoning Ordinance**
- 4. Appendix C of the Zoning Ordinance**

Section 6.2 Variances³²

The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.²³

- A. The Board shall approve a variance request if the Board finds that a variance:
 - 1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
 - 2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
 - 3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
 - 4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.^{17, 21}
- B. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board in the Office of Planning and Zoning.
- C. Notification for a variance must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.

Section 6.3 Conditional Use Permit³²

The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as "Conditional Uses (CU)" in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit.^{2, 32}

- A. The Board shall consider each Conditional Use Permit request that is filed in accordance with this Ordinance and the procedural requirements of the Board of Zoning Appeals. The Board may require reasonable conditions or special requirements which allows for the proper integration of the proposed uses into the community and are directly related to and incidental to the proposed conditional use permit. The following General Standards shall be considered in approving or denying the CUP:
 - 1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.
 - 2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.
 - 3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.
 - 4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.
 - 5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.
 - 6. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the BZA to review

in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use.

7. For Historic Sites, the Historic Landmarks Commission, with the property owner's consent, may visit the property to review the proposed land development plan and use for sites designated as Category I or II. The Historic Landmarks Commission may make reasonable recommendation to the Board of Zoning Appeals on the suitability of a proposed multi-family dwelling or non-residential use for the building seeking a Conditional Use Permit. The Historic Landmarks Commission's recommendations may include the following findings:³⁵
 - a. Compatibility of the proposed use with the historic structure;
 - b. Any modifications to the building's façade is consistent and compatible with the building's architecture, style, and massing; and
 - c. Proposed parking and other activities are suitably located so as to preserve the historic character.

The Board of Zoning Appeals may consider these findings and if determined appropriate, may require compliance with some or all of the Historic Landmarks Commission's recommendations as a condition of approval.

8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6.³⁶
- B. The owner or authorized representative of the owner of the property for which the Conditional Use Permit is being requested shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The Conditional Use Permit request shall be filed with the Board at the Office of Planning and Zoning.
- C. Staff will notify the adjacent and confronting property owners of the date, time, and location of the Public Hearing by registered mail. Notification for a Conditional Use Permit must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.
- E. If there are no negative public comments received by the Board, the Board shall issue the Conditional Use Permit but may require reasonable conditions.

Section 6.4 Seasonal Uses^{5, 7, 32}

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing according to the requirements of Section 6.1C. Newspaper notification requirements of Section 6.1B apply. Seasonal uses cannot be approved for longer than one year at a time.^{17, 21, 23}

Section 6.5 Special Exception Permit^{26, 32, 36}

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

B. Standards for Hunting, Shooting and Fishing Clubs²⁰

1. 75 foot setback for all structures and parking.
2. 150 yard setback for all shooting facilities.
3. Height
 - a. As is for conversion or reconstruction that does not exceed 135 percent of the original footprint of existing structures
 - b. 35 feet for new structures
4. Landscaping requirements of this Ordinance apply, with the following exception:
 - a. Perimeter landscaping shall be as approved by staff in order to preserve existing vegetation.
5. Minimum of 150 acres under common ownership.

C. Special Exceptions for Hunting, Shooting and Fishing Clubs²⁰

1. Limits exceeding requirements outlined above can be increased with Board of Zoning Appeals approval provided that the Board of Zoning Appeals find that the increase is compatible with the neighborhood after taking into consideration neighborhood character, traffic, and buffering. Such decision shall be rendered after a public hearing as outlined in the Board of Zoning Appeals Rules of Procedure.

Section 8.9 Industrial and Commercial Uses²³

A. Industrial and commercial uses in all districts shall comply with the following standards:

1. Noise

All noise shall be muffled so as not to be objectionable due to intermitting, beat frequency, or shrillness. Noise levels shall not exceed the following sound levels dB(A). The sound-pressure level shall be measured at the property line with a sound level meter.

<u>Sound Measured In</u>	<u>DAY</u>	<u>NIGHT</u>
	<u>7 AM - 6 PM</u>	<u>6 PM - 7 AM</u>
Adjoining Agricultural or Residential Growth District	60 dB(A)	50 dB(A)
Residential Uses in R-LI-C District	65 dB(A)	55 dB(A)
Commercial Uses	70 dB(A)	60 dB(A)
Light Industrial Uses adjacent to noise source	85 dB(A)	80 dB(A)

The following sources of noise are exempt:

- a. Transportation vehicles not under the control of the industrial use.
- b. Occasionally used safety signals, warning devices and emergency pressure relief valves.
- c. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

2. Odor

No operation shall result in the creation of odors of such intensity and character as to be detrimental to the health and welfare or the public or which interferes with the comfort of the public. Odor thresholds shall be in accordance with ASTM d139-57 “Standard Method for Measurement of Odor in Atmospheres (Dilution Method)” or its equivalent.

Odororous material released from any operation or activity shall not exceed the odor threshold concentration beyond the state line, measured either at ground level or habitable elevation.

3. Smoke

No smoke, dust, fumes, or particulate matter shall be perceptible at any lot line. Further, the regulations and standards governing the control of air pollution shall be the same as those adopted by the State of West Virginia.

For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used.

The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity except solid waste incinerators within the boundaries of any lot, will not exceed the levels set forth below.

Particulate matter emission from materials or products subject to becoming wind borne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles or bulk material such as coal, sand, cinders, slag, sulfur, etc.

4. Ambient Air Quality Standard

Particulate Matter

Suspended

Annual Arithmetic Mean ug/m	65
24-hour Maximum b, ug/m	140

Settleable

Annual Arithmetic Average, mg/cm/	/month 0.35
Monthly Maximum	0.7

5. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration-measuring equipment.

6. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

7. Toxic Matter

The ambient air quality standards for the State of West Virginia shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists.

Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

The release of airborne toxic matter will not exceed one-thirteenth of the threshold limit value across lot lines.

Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry derivatives; pyrotechnics and fireworks such as acetylates, tetrazoles, and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is prohibited.

8. Fire Hazards

The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

The total capacity of flammable liquids and gasses shall not exceed those quantities permitted in the following Table for each of the industrial districts:

<u>CAPACITY</u>	<u>STORAGE</u>
Liquids	60,000 gallons
Gasses	
- Above ground	150,000 SCF
- Below ground	300,000 SCF

SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury.¹

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

Water Capacity per Container (Gallons)	Containers		Between Above Ground Containers (Feet)
	Underground (Feet)	Above Ground Containers (Feet)	
0 to 2,000	25	25	3
2,000 to 30,000	50	50	5
30,000 to 60,000	50	75	
In excess of 60,000	75	100	¼ the sum of diameters of adjacent containers

9. Frontage Road

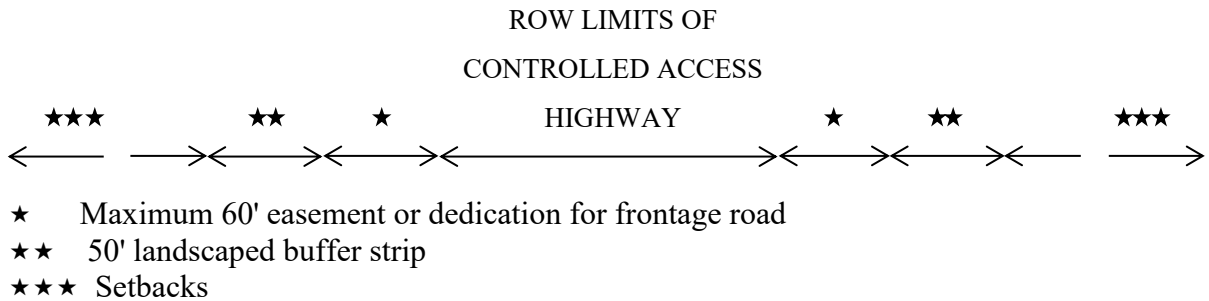
Easements or fee simple dedications will be provided along all limited access highways at the site plan or subdivision phases. Said easement/dedication shall not exceed 60 feet in width. The width may vary but must be adequate for extension, continuation or establishment of a minimum 20' wide paved frontage road.

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.²⁷

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)



This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.⁵

Section 8.10 Model Homes/Sales Offices²³

Model homes with a staffed sales office for sales exclusively within the residential subdivision in which they are located are permitted provided that they are contained on the first lot on either or both sides of any road/right-of-way that enters the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision must be approved or denied by the Board of Zoning Appeals after a public hearing advertised for 15 days.^{17, 21}

Model homes without staffed sales offices are permitted internally within the subdivision.¹²

Section 8.11 Petroleum Products Refining or Storage²³

Petroleum refining or storage (above ground in tanks) requires adherence to all state and federal laws, as well as National Fire Underwriters Codes.

Section 8.12 West Virginia Legal Fireworks²³

Sales of fireworks are permitted in the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.^{8, 27}

Section 8.13 Dormitory²³

A dormitory shall be located on the same property or campus as the use it is intended to serve. A dormitory shall not offer accommodations to the general public or to persons who are visiting the property or campus primarily for the purpose of being a spectator at a sporting event or other gathering held at the facility. A dormitory may include one common kitchen or dining facility and common gathering rooms for social purposes for use only by its temporary occupants.

Section 8.14 Special Event Facilities³⁹

The purpose of this sections is to create a process by which a property owner in the Rural, Residential Growth, and Village zoning districts may establish a Special Event Facility. A Special Event Facility in any other zoning district may process in accordance with Appendix C.

B. Setback Standards to operate a Nature Center and Preserve:

Enclosed structures over 250 square feet that are solely for the purpose of housing animals shall be setback 50 feet.

All structures and motorized trails shall meet commercial setbacks of 25 feet with the exception that accessory structures under 250 square feet that are associated with the maintenance of the land use shall be setback ten feet.

All non-motorized trails and non-amplified outdoor activity areas shall meet a minimum ten foot setback. Motorized vehicles associated with the maintenance of the land use are permitted within the non-motorized trails.

C. Landscaping Standards to operate a Nature Center and Preserve:

In lieu of this Ordinance's landscaping standards, a ten foot woodland preservation buffer shall be required along the perimeter of the land use. This ten foot buffer is not required along the interior property lines of the land use. There shall be no clearing or cutting within the buffer with the exception of removing dead, dying, and/or diseased trees. The woodland preservation buffer may be used for passive recreation such as pedestrian, bike, or equestrian trails provided that:

1. No trees, shrubs, hedges, or walls are removed.
2. Not more than 20% of the width of the buffer is impervious surface.
3. The total width of the buffer area is maintained.

D. Noise Standards to operate a Nature Center and Preserve:

This land use is restricted to the noise standards of Section 8.9A.1 of this Ordinance. The Residential Growth District measurement shall apply when the use is adjacent to a lot that contains a residence, or is zoned Rural or Residential Growth.

Section 8.19 Crematorium³⁷

A. Crematorium, Livestock

A Livestock Crematorium shall process as a Conditional Use Permit in all zoning districts other than Rural, unless such use is determined by the Zoning Administrator to be accessory to an active agricultural use.

B. Crematorium, Pet

A Pet Crematorium shall process as a Principal Permitted or Conditional Use in zones as designated in Appendix C. In the Rural Zoning District, a Pet Crematorium may process utilizing the Site Plan Exemption for the Rural District.

Section 8.20 Solar Energy Facilities⁴³

Solar Energy Facilities shall process as a Principal Permitted Use in areas inside of the Urban Growth Boundary and the Preferred Growth Area as delineated on the Future Land Use Guide in the Comprehensive Plan. **Solar Energy Facilities shall process as a Conditional Use in areas outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA).**

All projects shall process a Concept Plan in accordance with the requirements listed below under Subsection B. For projects that require processing a Conditional Use Permit, a Concept Plan shall process subsequent to the Board of Zoning Appeals approval.

For projects that will occur across parcels located both inside and outside the County’s UGB/PGA areas, an applicant may choose to process in two phases, with the first phase addressing the parcels located within the UGB/PGA areas as a Principal Permitted Use and the second phase processing a Conditional Use Permit to allow the Board to evaluate compatibility of the second the phase outside of the UGB/PGA areas. Should the Board issue a Conditional Use Permit, a Concept Plan shall process and shall include an exhibit depicting the full-buildout of the entire Solar Energy Facility project.

A Pre-Proposal Conference is recommended for all solar projects, pursuant to the Jefferson County Subdivision and Land Development Regulations.

A. Process for Solar Energy Facilities as a Conditional Use

1. Projects which will occur on properties located outside of the UGB/PGA areas as delineated on the Future Land Use Guide shall process a Conditional Use in accordance with Article 6.
2. In addition to the criteria established in Article 6, the following exhibits shall be included with the Conditional Use Permit application for the Board’s evaluation:
 - a. Submit a sketch depicting the location of the proposed project and delineate the distance of the panels from the external property lines.
 - b. Submit a brief description of the timeline of the lease or operating plan, and an overview of the plan for removal of the solar energy facility. The decommissioning plan and bond shall be in accordance with the West Virginia Department of Environmental Protection (WVDEP), pursuant to WV State Code §22-32-1, et. sec. or its successor.
3. Should the Board issue a Conditional Use Permit, the applicant shall proceed with application for a Concept Plan, pursuant to the criteria listed below under subsection B.

B. Process for Solar Energy Facilities as a Principal Permitted Use

1. A Concept Plan, pursuant to the Minor Site Development Concept Plan standards established in the Jefferson County Subdivision and Land Development Regulations is required; except that after the Planning Commission direction is given, the next steps are Application for a Zoning Certificate and Building Permit. In addition to the Concept Plan requirements outlined in the Subdivision Regulations, the Concept Plan shall also include the following criteria:
 - a. Property or Properties Location;
 - b. Access Points;
 - c. Anticipated location of all proposed components of the Solar Energy Facility. Each proposed solar panel is not required to be shown on the Concept Plan, if compliance with setbacks can be established by what is depicted on the Concept Plan; and
 - d. Landscaping, Buffering, Ground Cover Plan, and Fencing. The landscaping plan shall include a note stating, “It will be the responsibility of the landowner to replace any trees, shrubs, or vegetation that die.”

If the project is to be completed in phases, the Concept Plan shall reflect phasing of the project.

2. Decommissioning Outline
 - a. A narrative outlining the decommissioning of the Solar Energy Facility shall be included with the Concept Plan. This narrative shall include a description of the timeline of the lease or operating plan, and a general plan for removal of the Solar Energy Facility.

- b. The company shall provide to the Department of Engineering, Planning, and Zoning proof of application for a decommissioning plan and bond when such application is filed with the WVDEP as required by WV State Code §22-32-1, et. sec. or its successor.
- c. Staff shall be notified by certified mail at least 60 days in advance of the intended decommissioning of the Solar Energy Facility. Staff will place the notice on the next regularly scheduled Planning Commission meeting under “non-actionable correspondence”.
- d. Failure of the Lessee or Property Owner to meet and/or comply with the decommissioning plan as approved by the WVDEP may result in legal action pursuant to Article 3, Section 3.3 of this Ordinance and/or any applicable State Law.

C. Setbacks, Landscaping, and Buffer Standards for a Solar Energy Facility

- 1. Multiple adjacent properties under the same ownership or lease by the same company shall be considered one property for the purpose of these regulations. Internal boundary lines on adjacent properties under the same ownership or lease by the same company are not subject to the setbacks or buffer requirements provided below.
- 2. Setbacks
 - a. Solar Panels
 - i. Front, Side, and Rear Setbacks shall be 100 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.
 - ii. The above referenced setback may be decreased to 50 feet provided it includes a six foot high opaque buffer within the setback area comprised of two rows of evergreen trees that are six feet tall at the time of planting or a solid fence. Alternatively, a 50 foot strip of existing, mature woodlands may be allowed in lieu of a planted buffer or fence if documentation is submitted documenting how the existing mature woodlands complies with the required buffer standard.
 - iii. Solar panels and accessory components may be located on a common side or rear lot line of contiguous property owned by the same entity.
 - b. Accessory components, excluding solar panels and underground utilities.
 - i. Front, side, and rear setbacks shall be 25 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.
- 3. Landscaping and Buffer Standards
 - a. Solar Panels that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use or structure as determined by the Zoning Administrator, shall provide a 20 foot wide buffer along common property lines. The buffer shall be provided anywhere within the 200 foot radius from the structures/uses herein and is not required to be provided along the entire length of the common property line.
 - b. The buffer screen may be either vegetative or opaque fencing and may be placed anywhere within the buffer area. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers. Existing, natural vegetation may be used in lieu of a planted buffer if documentation is submitted to the Zoning Administrator verifying how the existing natural vegetation complies with the required buffer standard.
 - c. Accessory Components (excluding solar panels) that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use as determined by the Zoning Administrator, shall comply with the commercial provisions of

Section 4.11, with the exception that the Zoning Administrator can allow the use of existing, natural vegetation as appropriate to achieve the intent of the required buffering.

4. Security and Access

- a. A security fence with secured gates shall be erected around the operating areas of the Solar Energy Facility with a minimum height of six feet and a maximum height of ten feet.
 - i. Arrangements shall be made with the appropriate Fire Department for Access. A letter documenting approval of access from the Fire Department shall be provided with the Zoning Certificate application. The Fire Department shall respond within 15 days of the date of the letter. If no response is provided, the Fire Department shall be deemed by this Ordinance to have approved the access.
 - ii. Upon three business days' notice by the Department of Engineering, Planning, and Zoning, access shall be provided to Staff.

D. A Zoning Certificate based on an approved Concept Plan is required prior to initiating any use regarding Solar Energy Facilities.

In addition to the standards found in Section 8.20, any Zoning Certificate regarding Solar Energy Facilities shall be issued conditioned on all other State Regulations and approvals being granted, including, but not limited to, the WV Public Service Commission, WVDEP applicable NPDES Permits and Decommissioning Bonds, Fire Marshal approval, Building Permits through the Department of Engineering, Planning, and Zoning, and approval of the Stormwater Management Report pursuant to the Jefferson County Stormwater Management Ordinance.

E. Stormwater Management

Stormwater Management shall be required in accordance with the Jefferson County Stormwater Management Ordinance. Solar Energy Facilities may be exempt from providing stormwater management if the conditions for granting exemption under Article I.D.2.h of the Stormwater Management Ordinance are satisfied.

F. General Requirements

1. Design, construction, and installation of the Solar Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM) or other similar certifying organizations and shall comply with the West Virginia Fire and Building Codes, including compliance with the Jefferson County Building Code.
2. Prior to commencing the transmission of electricity, the Solar Energy Facility shall provide documentation evidencing an interconnection agreement or similar agreement with the applicable public utility or approved entity in accordance with applicable law.
3. Generation of electrical power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.
4. Solvents necessary for the cleaning of the Solar Panels shall be biodegradable.
5. Internal wiring, excluding that which is on or between the Solar Arrays, connected to substations or between Solar Panels, shall be located underground, except where necessary to mitigate impact to environmental and/or terrain features.
6. Onsite lighting shall be the minimum necessary for security and onsite management and maintenance and shall comply with the standards outlined in the Subdivision Regulations.

7. Photovoltaic Panels shall use antireflective glass that is designed to absorb rather than reflect light.
8. Ground Cover comprised of natural vegetation is required. Ground cover that uses native or naturalized perennial vegetation and that provides foraging habitat that is beneficial for songbirds, gamebirds, and pollinators is encouraged but not required.
9. Collocation of other agricultural activities such as small market hand-picked crops, grazing, and apiary activities are permitted and encouraged.
10. No signage or advertising is permitted on the Solar Energy Facility other than an identifying sign at the entrance of the Facility that shall be approved by the Zoning Administrator in accordance with Article 10. All other signage must be approved by Special Exception by the Board of Zoning Appeals.
11. Solar Energy Facilities shall comply with Article 8, Section 8.9 of this Ordinance.
12. The Solar Energy Facility Use is not considered abandoned until such time it is Decommissioned.
13. Damaged or unusable panels shall be repaired, replaced, or removed within 60 days from discovery of damage; provided, however, longer periods may be approved by the County Engineer due to extenuating circumstances.

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Restaurant, Fast Food, Drive-Through ⁴⁰	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Short Term Rental ⁴¹	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility⁴³	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

² Approval process is per the Salvage Yard Ordinance.

OC Office / Commercial Mixed-Use

R Rural

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District



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

File #: 24-4-CUP
 R'cvd Date: 03/01/24
 Mtg. Date: 03/28/24
 Fee Paid: \$ 25,350.00
 Staff Int.: jth

Email: zoning@jeffersoncountywv.org

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

Application for a Conditional Use Permit

Project Name

Franklinton Farm Solar Project

Property Owner Information

Name: Multiple Owners (See attached)
 Business Name: _____
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Response: _____ Response: No

Applicant Information

Name: Sam Judd
 Business Name: Franklinton Farm, LLC
 Mailing Address: 100 Brickstone Square, Suite 300, Andover, Massachusetts 01810 Mail Yes
 Phone Number: (978) 806-1138 Email Response: sam.judd@enel.com Response: No

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

Name: Joe Knechtel, P.E.
 Business Name: Potesta & Associates, Inc.
 Mailing Address: 15 South Braddock Street, Winchester Virginia 22601 Mail Yes
 Phone Number: (540) 450-0180 Email Response: kjknechtel@potesta.com Response: No

Physical Property Details

Physical Address: Multiple Addresses (See attached)
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____

Zoning District (please check one)

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

* For properties in the Rural Zoning District:
 Is property located on a primary or secondary road? Yes No

Name of Road and/or Route Number: _____

State the proposed land use as listed in Appendix C and provide a description of the proposed use.

Solar Energy Facility (per Draft Amendment Section 8.2 dated May 17, 2022). Proposed land use will consist of the construction of a Solar Energy Facility on approximately 502 acres of leased land on four parcels in the Kabletown Magisterial district, connecting to the existing 138kV overhead electric transmission line.

Please provide any information or known history regarding this property.

Zoned Rural. The subject properties have been historically used as agricultural land.

Please respond in detail to the following questions to show how the proposed project complies with the criteria located in Section 6.3 of the Zoning Ordinance:

1. How is the proposed use compatible with the goals of the adopted Comprehensive Plan? *Section 6.3A.1*

See Attached

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties? How will the proposed project mitigate potential threat to public health, safety, and welfare? *Sec. 6.3A.2*

See Attached

3. Describe how the proposed site development will be designed such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. *Section 6.3A.3*

See Attached

4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. *Section 6.3A.4*

I am aware of the landscaping buffer requirements and will adhere to them.

I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

5. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the Board of Zoning Appeals to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use. *Section 6.3A.6*

Applicable (Trip Generation Data attached)

Not Applicable

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



Property Owner

2/28/24

Date

Property Owner

Date

State the proposed land use as listed in Appendix C and provide a description of the proposed use.

Solar Energy Facility (per Draft Amendment Section 8.2 dated May 17, 2022). Proposed land use will consist of the construction of a Solar Energy Facility on approximately 502 acres of leased land on four parcels in the Kabletown Magisterial district, connecting to the existing 138kV overhead electric transmission line.

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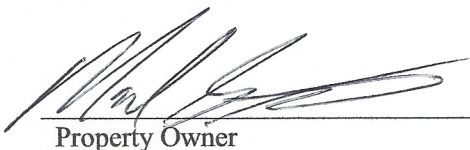
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5. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the Board of Zoning Appeals to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use. *Section 6.3A.6*

Applicable (Trip Generation Data attached)

Not Applicable

The information given is correct to the best of my knowledge. **Original Signature Required.**


Property Owner

2-27-24
Date

Property Owner

Date

**CONDITIONAL USE PERMIT
SUBMITTAL MATERIALS
Franklinton Farm, LLC
Franklinton Farm Solar Facility
Franklinton Road
Summit Point, West Virginia
June 14, 2024**

Reponses to Application Items

1. Compatibility of the Use with the Goals of the Comprehensive Plan:

- The Franklinton Farm Solar Project (the “Project”) is compatible with the goals of the comprehensive plan and will ensure the preservation and enhancement of the agricultural economy, rural land use, rural neighborhoods, and rural character of Jefferson County. Rather than permanently converting the property to a housing development or some other high-density use, the proposed use is temporary and subject to decommissioning requirements that will ensure its subsequent availability for agricultural use. In this way, the proposed use guarantees a predictable economic use of the property while effectively creating a “bank” of rural land available for future agricultural uses. With a vegetative buffer that exceeds the minimum standards required by the zoning ordinance, there is almost no use better suited as a means of increasing economic output and local tax revenue while preserving the land for “rural” and agricultural use. Upon completion, there will be very little traffic generated by the Project. There are no paved areas in and around the solar panel arrays. Furthermore, the Project will not require new sewer service, new water service, nor new public roads, and it will not add any burden to the school system. By mostly using the existing contours, stormwater will sheet flow and drain off the property as it has in the past. Deep-rooted, native or naturalized grasses will be planted to minimize erosion and to provide a natural filtration system for stormwater. Because no fuel is being consumed in the process of generating solar energy, the Project produces zero air pollution. Solar panels are designed to absorb (not reflect) light from the sun, so there is no glare created from the panels. A glare study will be procured to ensure this is the case. The Project would also not raise ambient noise levels in the way many other developments would. A noise study will also be procured to ensure noise levels remain below noise levels outlined in Section 8.9 of the Zoning Ordinance. While some residents would prefer that the land within the rural district remain in agricultural use to support a certain aesthetic, almost none of those people are farmers who depend on the land as a primary source of income. If this property is not utilized for the production of solar energy, then it will very likely be sold for conversion to some other use that will likely have greater and permanent adverse impacts to aesthetic values. The Project will be subject to state law requiring security to decommission the solar facility and restore the land after the life of the solar facility ends, in addition to any County requirements for decommissioning security.
- This Project would also have easy access to the grid since it is traversed by an existing overhead transmission line. Therefore, a proposed solar facility having its own access to

the grid is more compatible to the goals than a solar facility located further away, which would require construction of new and extensive infrastructure across rural areas to connect to the grid. By locating the Project adjacent to existing transmission infrastructure, the Project minimizes impacts on surrounding rural and agricultural uses.

2. Compatibility of Use in Intensity and Scale with the Existing and Potential Land Uses on the Enjoining and Confronting Properties and Without Posing Risks to Public Health and Welfare:

- The criteria found in Section 6.3 of the Zoning Ordinance for processing Conditional Use Permits are General Conditions for all Conditional Use Permits. However, the specific criteria for Solar Conditional Use Permits were written into Section 8.20 of the Zoning Ordinance, and these criteria have been discussed. In an opinion from May 2023 affirming a CUP issued for a different solar facility, Circuit Judge Hammer has noted that to the extent any of these criteria overlap or conflict with the language of Section 8.20 (authorizing development of solar energy in the rural zoning district), then the more recent and specific provisions of Section 8.20 control. *See Rockwell v. Jefferson County Board of Zoning Appeals*, No. 2022-C-141 (May 19, 2023) (appeal pending), pp. 14 & 19-22. Regarding the criteria of scale and intensity of the use, this standard was not specifically addressed in Section 8.20 of this Ordinance. Regardless, this point and the following points will address the topic.
- A fully operating agricultural operation is quite intense in scale from the standpoint of runoff, dust, noise, and pesticide use. Solar Facilities, once fully operational, do not exceed this level of intensity exhibited yearly by full-scale agricultural operations. Furthermore, this provision discusses the potential of scale and intensity of uses in the area. Many uses, some quite intense, are permitted in the Rural District in Jefferson County either as Principal Permitted Uses, or by Conditional Use Permits. These uses include Hospitals, Airports, Hotels, Convention Centers, Event Centers, and Solar Facilities, among many other uses. Since zoning was adopted in Jefferson County in 1988, the potential for all of these uses have been added over the years by the County Commission. Initially, the Rural District was labeled as the Agricultural District in the Zoning Ordinance when it was first developed. Because of Conditional Uses that were granted for other uses beyond agricultural, the name of the district was changed to Rural so that there were no expectations that the district would remain in farming. This change also recognized that this district would be an ever-changing zone that allowed other uses as found in Appendix C of the Zoning Ordinance. These uses include Solar Facilities, and the neighboring properties can likewise develop their land into the more flexible and/or intense uses found in Appendix C. All of these uses have been determined to be compatible with the Rural District based on the action of the County and County Agencies over the 35 plus years that zoning has been in effect in Jefferson County. The proposed solar project will not adversely affect the ability of owners of adjacent properties to engage in any of the activities permissible in the rural zoning district.
- Upon decommissioning of the Project, this land can be converted back to farmland, unlike other properties and farms that may be converted into housing developments or other more

intensive uses. As previously mentioned, financial security will be provided pursuant to State Law to guarantee proper decommissioning is achieved.

- The scale and intensity of the Project will also remain compatible with the surrounding land uses in terms of sound, traffic, dust, and other things typically involved in the farming of the surrounding areas. Upon completion, there will be very little traffic generated by the Project. There are no paved areas in and around the solar panel arrays. Furthermore, the Project will not require new sewer service, new water service, nor new public roads and it will not add any burden to the school system. By mostly using the existing contours, storm water will sheet flow and drain off the property as it has in the past. Native or naturalized grasses will be planted to minimize erosion and to provide a natural filtration system for stormwater. Because no fuel is being consumed, the Project produces zero air emissions. Solar panels are designed to absorb (not reflect) light from the sun, so there is little to no glare created from the panels, and a glare study will be procured to ensure this is the case. The Project would also not raise ambient noise levels in the way many other developments would. Importantly, this Project will be located immediately adjacent to existing electrical transmission infrastructure and thereby minimizes its impact on surrounding land uses. This is a frequently overlooked fact, and one that addresses concerns that the country will be overrun with solar panels - the economics of most solar projects demands that they be located close to existing transmission facilities. In this way, the location of the Project helps to preserve farmland and open space and to protect ongoing agriculture in areas not already impacted by electrical infrastructure.
- The Project will be less intrusive than the permitted residential development in the rural district which could develop into one house lot for every 5 acres of a farm. Potentially, all of the surrounding land could develop into 20 houses per 100 acres, which would be more intensive than the development of solar panels that need virtually no services and cause little noise and hardly any traffic.

Furthermore, the solar panels and supportive infrastructure will use industry approved material and will be installed utilizing the Public Service Commission, West Virginia Department of Environmental Protection (WVDEP), Department of Highways, and any Jefferson County standards to minimize risks to public health and welfare. We are aware of complaints that grading and site preparation work at another facility produced excessive amounts of sediment during some rainstorms, but such impacts are not an inevitable consequence of land preparation - it is an execution and enforcement issue. The WVDEP maintains a robust construction stormwater permit template which will be stringently followed, to prevent significant off-site impacts. And, as mentioned above, the Project will mostly use the existing contours, and native or naturalized grasses will be planted to minimize erosion and to provide a natural filtration system for stormwater.

- Photovoltaic solar cells are inherently passive in operation. Therefore, air, water, noise, and light pollution will be negligible. Low maintenance requirements will minimize site traffic.
- Solar panels undergo mandatory toxicity tests and are made of non-hazardous materials designed to withstand harsh weather conditions without leaching into the ground or air.

- The Project will consist of rows of solar modules with internal access roads, electrical substation, and a Battery Energy Storage System (BESS) to store power when it is not needed by the grid operator. Commercial entrances off of Lewisville Road and Franklinton Road will be surrounded by security fencing and required zoning buffer, screening and stormwater management. The site will be seeded with native or naturalized perennial vegetation to create a meadow condition. Existing vegetations and trees will be retained to the extent possible at outside property boundaries and buffer areas to assist in natural screening.

3. Use Will Not Hinder or Discourage the Appropriate Development and Use of Adjacent Land and Buildings:

- The development of the Project will be in compliance with both the Zoning and Concept Plan Standards that were written and approved by Jefferson County. Other permitted uses, existing, proposed, or possible, will still be able to be developed without adverse impacts. This includes potential rural housing developments or the continuation of farming on the adjacent and confronting lands.
- Furthermore, the development of the Project requires suitable vegetative buffers for the neighboring properties based on the various surrounding uses that will be installed and maintained by the Project owner.
- Upon decommissioning of the Project, the land can be converted back to farmland, unlike other properties and farms that may be converted into housing developments or other more intensive uses. As previously mentioned, financial security will be provided pursuant to State Law to guarantee proper decommissioning is achieved.
- The Project will consist of rows of solar modules with internal access roads, electrical substation, BESS, commercial entrance(s), and will be surrounded by security fencing and required zoning buffer, screening and stormwater management. The site will be seeded with deep-rooted, native or naturalized vegetation reducing soil erosion, dust, odor, and noise pollution that is currently generated by farming activities.
- Existing vegetation and trees will be retained to the extent possible at outside property boundaries and buffer areas to assist in natural screening. As mentioned above, the Project is inherently passive in operation. Daily vehicle trips for maintenance will be minimal and will not produce conditions that hinder growth on adjacent properties.

4. Neighborhood Character and Surrounding Property Values will be Safeguarded by the Implementation of the Buffering Requirements:

- This Project will follow the buffering requirements in the ordinance that were tailored just for solar facilities. These buffer requirements were developed with the first set of amendments to the ordinances and were kept in the second adopted set of standards. These standards were developed using public comment and staff and Planning Commission study

of many Solar Facility Ordinances around the country. These standards are greater than many other higher intensity commercial developments.

- Most of the Project is on and adjacent to agricultural lands that are already buffered from housing and roads. Two county requirements will minimize visual impacts. First, the county stormwater management requirements limit the lowest point of the panel to the ground at not more than 10 feet. Second, the Ordinance imposes a general setback of 100 feet from external property lines for all solar panels (absent compliance with additional criteria for a reduced setback) and requires a screening buffer for all panels that are within 200 feet of either a residence or certain other structures. The Project proposes to meet the 100-foot setback requirement along much of its perimeter, when abutting land in agricultural production. In locations where this setback is reduced to 50 feet, a dense two-row, staggered evergreen tree buffer will be planted within the 50-foot setback to obstruct views of the facility. Additionally, even though many of the panels will be located more than 200 feet from any residence (and therefore would not require a screening buffer), the Project proposes to install a landscape screening buffer along the project's perimeter anywhere the project abuts a residential use. To further reduce visual impacts, the maximum highest point of the proposed solar panels will meet the height restrictions set forth in the ordinance. Also, any existing or proposed plantings or fencing used for buffering shall be maintained or replaced by the Project owner.
- The future values will be protected by the fact that the developed areas within the Project can be returned to open land upon decommissioning of the Solar facility. The applicant commissioned an appraisal on whether the Project will have any impact on adjoining property values. The appraisal concluded that since criteria that typically correlate with downward adjustments on property values such as noise, odor, and traffic will not be generated by a solar facility, and therefore a solar facility is a compatible use for rural/residential transition areas and would not appreciably depress land values. In addition, the study confirmed that there are no impacts on home values due to abutting a solar farm when there are proper setbacks and screening.
- Applicant representatives met with the Jefferson County Engineering Staff to discuss their internal changes in their review and approval of Storm Water Management (SWM) design for Solar Facilities. The Project's SWM design submittal will include design aspects to meet the county's SWM ordinance and their updated review process.

5. Commercial and Industrial Development Shall be in Conformance with Article 8, Section 8.9:

- This CUP Plan and the Concept Plan process will be approved with this condition. The Applicant recognizes Section 8.9 (establishing standards for noise, odor, smoke, etc., for industrial and commercial uses) and will be in conformance.

6. Traffic

- Due to the limited personnel, the operations and maintenance of the Project will result in minimal vehicular traffic generation. Two to three utility-type maintenance vehicles would

be anticipated to support the site operations. These vehicles would be anticipated to generate an average of two trips per day with a maximum of four trips per day. The maintenance and operations work efforts would generally require vehicular trips to the site outside of the a.m. and p.m. peak traffic periods. Typical operation and maintenance procedures for the Project would include inspection of each of the solar panel sites on a frequency of at least once per week, informal site inspections and corrective maintenance for the Project occurring on an as-needed basis, conducting ground maintenance of the Project during growing season months (a couple times per year if mechanically mowing), or multiple times per week if managing alternate strategies such as sheep grazing.

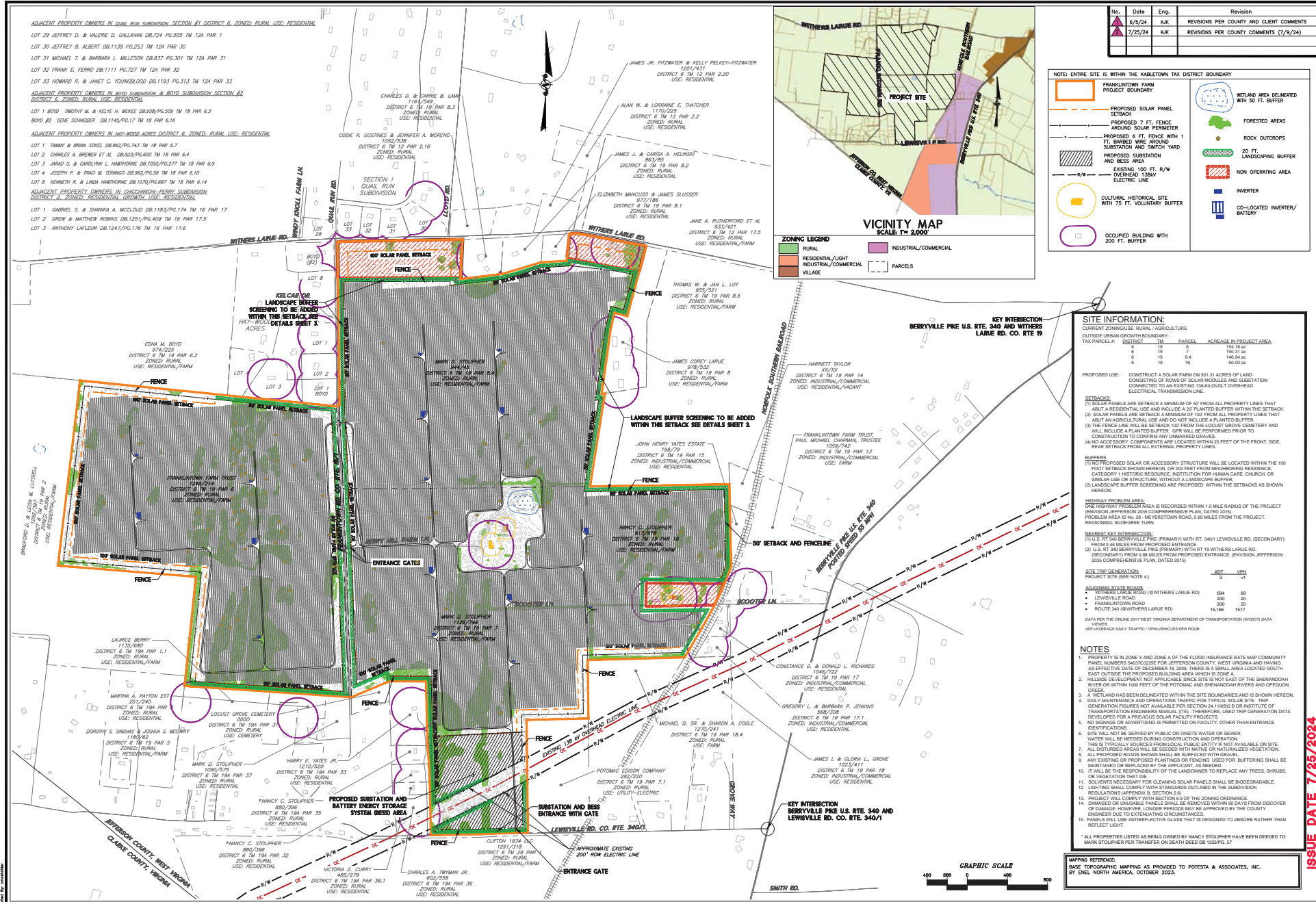
- **Trip Generation** – “Solar Facility” is not listed on table 24-119.B.5.b, nor is it included in the International Transportation Manual; therefore, trip generation data developed for a previously proposed Solar facility project located in Jefferson County, West Virginia will be presented for this project.

Trip Generation for Franklinton Solar Project

- Vehicles per Day = 2-3 vpd
- Maximum and Average Trips Per Day = Max-4 vpd / Ave-2 vpd
- Due to the minimal trips generated by the maintenance and operations of the Project, the existing low volume of traffic along the site access roadways, and the rural nature of the site (not an urbanized congested location), the traffic impacts on the roadway operating level of service will be negligible.
- **Highway Problem Areas** - One Highway Problem Area is recorded within a 1.0-mile radius of the Project. According to Envision Jefferson 2035 Comprehensive Plan, dated 2015, the problem area (ID No. 28) is a 90-degree turn on Meyerstown Road, 0.85 mile from the project.

7. **Historic Compliance**

- A cultural resources desktop study has been conducted for the Project, and the findings have been included in the constraints buffer shown on the concept plan. The study determined that there are no Category I Jefferson County Landmarks within the Project area.
- A Category II Historic Resource, the Berry Hill House is located within the project area and has a proposed buffering that that meets the ordinance amendment buffering for historic structures and areas. The Historic Landmarks Commission is welcome to comment on the plan.



No.	Date	Eng.	Revision
6/5/24	KJK		REVISIONS PER COUNTY AND CLIENT COMMENTS
7/25/24	KJK		REVISIONS PER COUNTY COMMENTS (7/25/24)

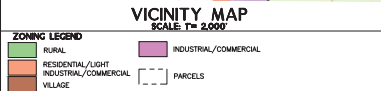
NOTE: ENTIRE SITE IS WITHIN THE KABLETOWN TAX DISTRICT BOUNDARY

FRANKLINTOWN FARM PROJECT BOUNDARY

- PROPOSED 7 FT. FENCE AROUND SOLAR PERIMETER
- PROPOSED 6 FT. FENCE WITH 1 FT. BARBED WIRE SUBSTATION AND SWITCH YARD AND BESS AREA
- EXISTING 100 FT. R/W OVERHEAD 138KV ELECTRIC LINE
- CULTURAL, HISTORICAL SITE WITH 75 FT. VOLUNTARY BUFFER
- OCCUPIED BUILDING WITH 300 FT. BUFFER

WETLAND AREA DELINEATED WITH 50 FT. BUFFER

- FORESTED AREAS
- ROCK OUTCROPS
- 20 FT. LANDSCAPING BUFFER
- NON OPERATING AREA
- INVERTER
- CO-LOCATED INVERTER/BATTERY



SITE INFORMATION:

CURRENT ZONING USE: RURAL, AGRICULTURE

OUTSIDE URBAN GROWTH BOUNDARY

TAX PARCEL #	DISTRICT	PARCEL	ACRES	PROJECT AREA
1	19	5	154.18	
2	19	6	152.17	
3	19	7	146.84	
4	19	8	146.84	
5	19	9	50.00	

PROPOSED USE: CONSTRUCT A SOLAR FARM ON 501.31 ACRES OF LAND CONSISTING OF ROWS OF SOLAR MODULES AND SUBSTATION CONNECTED TO AN EXISTING 138-KV OVERHEAD ELECTRICAL TRANSMISSION LINE.

- SETBACKS:**
- 1) SOLAR PANELS ARE SETBACK A MINIMUM OF 50' FROM ALL PROPERTY LINES THAT ADJUT A RESIDENTIAL USE AND INCLUDE A 20' PLANTED BUFFER WITHIN THE SETBACK.
 - 2) SOLAR PANELS ARE SETBACK A MINIMUM OF 100' FROM ALL PROPERTY LINES THAT ADJUT AN AGRICULTURAL USE AND DO NOT INCLUDE A PLANTED BUFFER.
 - 3) THE FENCE LINE WILL BE SETBACK 100' FROM THE LOCUST GROVE CEMETERY AND WILL INCLUDE A PLANTED BUFFER. GPR WILL BE PERFORMED PRIOR TO CONSTRUCTION TO CONFIRM ANY UNMARKED GRAVES.
 - 4) NO ACCESSORY COMPONENTS ARE LOCATED WITHIN 25 FEET OF THE FRONT SIDE, REAR SETBACK FROM AN EXTERNAL PROPERTY LINE.
- BUFFERS:**
- 1) NO PROPOSED SOLAR OR ACCESSORY STRUCTURE WILL BE LOCATED WITHIN THE 100 FOOT SETBACK SHOWN HEREON, OR 20 FEET FROM NEIGHBORING RESIDENCE.
 - 2) CATEGORY 1 HISTORIC RESOURCE, INSTITUTION FOR HUMAN CARE, CHURCH OR SIMILAR USE OR STRUCTURE, WITHOUT A LANDSCAPE BUFFER.
 - 3) LANDSCAPE BUFFER SCREENING ARE PROPOSED WITHIN THE SETBACKS AS SHOWN HEREON.
- HIGHWAY PROBLEM AREA:**
- ONE HIGHWAY PROBLEM AREA IS RECORDED WITHIN 1/4 MILE RADIUS OF THE PROJECT (ENVIRONMENTAL PROTECTION 2006 COMPREHENSIVE PLAN, DATED 2016).
 PROBLEM AREA 2: NB-28 - NEYERSTOWN ROAD, 0.8 MILES FROM THE PROJECT.
 REASONING: ROADWAY TURN.
- NEAREST KEY INTERSECTION:**
- 1) U.S. RT 340 BERRYVILLE PIKE PRIMARY WITH RT 340/1 LEWISVILLE RD. (SECONDARY) DISTRICT 6 TM 19 PAR 13 ZONED: INDUSTRIAL/COMMERCIAL USE: FARM
 - 2) TOWN OF BERRYVILLE FIRE PRIMARY WITH RT 19 WITHERS LARUE RD. (SECONDARY) FROM 0.8 MILES FROM PROPOSED ENTRANCE. ENVIRONMENTAL PROTECTION 2006 COMPREHENSIVE PLAN, DATED 2016)

ADJOINING STATE ROADS

ROAD	694	69
WITHERS LARUE ROAD	694	69
LEWISVILLE ROAD	200	20
FRANKLINTOWN ROAD	200	20
ROUTE 340 (BETHESDA LARUE RD)	15,166	1517

DATA FROM THE ONLINE 2017 WEST VIRGINIA DEPARTMENT OF TRANSPORTATION (WVDOT) DATA WEBER.
 A/DI= AVERAGE DAILY TRAFFIC VEHICLES PER HOUR

- NOTES**
1. PROPERTY IS IN ZONE X AND ZONE A OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 540230020E FOR JEFFERSON COUNTY, WEST VIRGINIA AND HAVING AN EFFECTIVE DATE OF DECEMBER 18, 2008. THERE IS A SMALL AREA LOCATED SOUTH EAST OUTSIDE THE PROPOSED BUILDING AREA WHICH IS ZONE A.
 2. THE LAND DEVELOPMENT NOT FULLY COMPLIANT SINCE SITE IS NOT EAST OF THE SHENANDOAH RIVER OR WITHIN 1000 FEET OF THE POTOMAC AND SHENANDOAH RIVERS AND OPELOON CREEK.
 3. A WETLAND HAS BEEN DELINEATED WITHIN THE SITE BOUNDARY AND IS SHOWN HEREON. DAILY MAINTENANCE AND OPERATIONS TRAFFIC FOR TYPICAL SOLAR SITE. THESE GENERATION FIGURES NOT AVAILABLE PER SECTION 24.119(B) 8 OR INSTITUTE OF TRANSPORTATION ENGINEERS MANUAL (ITE). THEREFORE, USED TRIP GENERATION DATA DEVELOPED FOR A PREVIOUS SOLAR FACILITY PROJECTS.
 4. NO SIGNAGE OR ADVERTISING IS PERMITTED ON FACILITY, OTHER THAN ENTRANCE IDENTIFICATION.
 5. SITE WILL BE SERVED BY PUBLIC OR ON-SITE WATER OR SEWER WATER WILL BE NEEDED DURING CONSTRUCTION AND OPERATION.
 6. THIS IS TYPICALLY A SOLAR FACILITY FROM LOCAL PUBLIC UTILITY AVAILABLE ON SITE.
 7. ALL DISTURBED AREAS WILL BE SEEDED WITH NATIVE OR NATURALIZED VEGETATION. MAINTENANCE OF ROADS SHALL BE PROVIDED BY THE APPLICANT FOR BUFFERING SHALL BE MAINTAINED OR REPAIRED BY THE APPLICANT.
 8. ANY EXISTING OR PROPOSED PLANTINGS OR FENCING USED FOR BUFFERING SHALL BE MAINTAINED OR REPAIRED BY THE APPLICANT.
 9. IT WILL BE THE RESPONSIBILITY OF THE LANDOWNER TO REPLACE ANY TREES, SHRUBS, OR VEGETATION THAT DIE.
 10. SOLVENTS NECESSARY FOR CLEANING SOLAR PANELS SHALL BE BIODEGRADABLE.
 11. LIGHTING SHALL COMPLY WITH STANDARDS OUTLINED IN THE SUBDIVISION REGULATIONS APPENDIX B, SECTION 24.8.
 12. PROJECT WILL COMPLY WITH SECTION 6.3 OF THE ZONING ORDINANCE.
 13. DAMAGED OR UNUSABLE PANELS SHALL BE REMOVED WITHIN 90 DAYS FROM DISCOVERY OF DAMAGE. HOWEVER, LONGER PERIODS MAY BE APPROVED BY THE COUNTY ENGINEER DUE TO EXTENUATING CIRCUMSTANCES.
 14. PANELS WILL USE ANTI-REFLECTIVE GLASS THAT IS DESIGNED TO ABSORB RATHER THAN REFLECT LIGHT.
 15. ALL PROPERTIES LISTED AS BENEVOLED BY NANCY STOLPHER HAVE BEEN DEEDED TO NANCY STOLPHER PER TRANSFER ON DEATH USED IN DEEDS 1535/17.

MAPPING REFERENCE:
 BASE TOPOGRAPHIC MAPPING AS PROVIDED TO POTESTA & ASSOCIATES, INC. BY ENEL NORTH AMERICA, OCTOBER 2023.

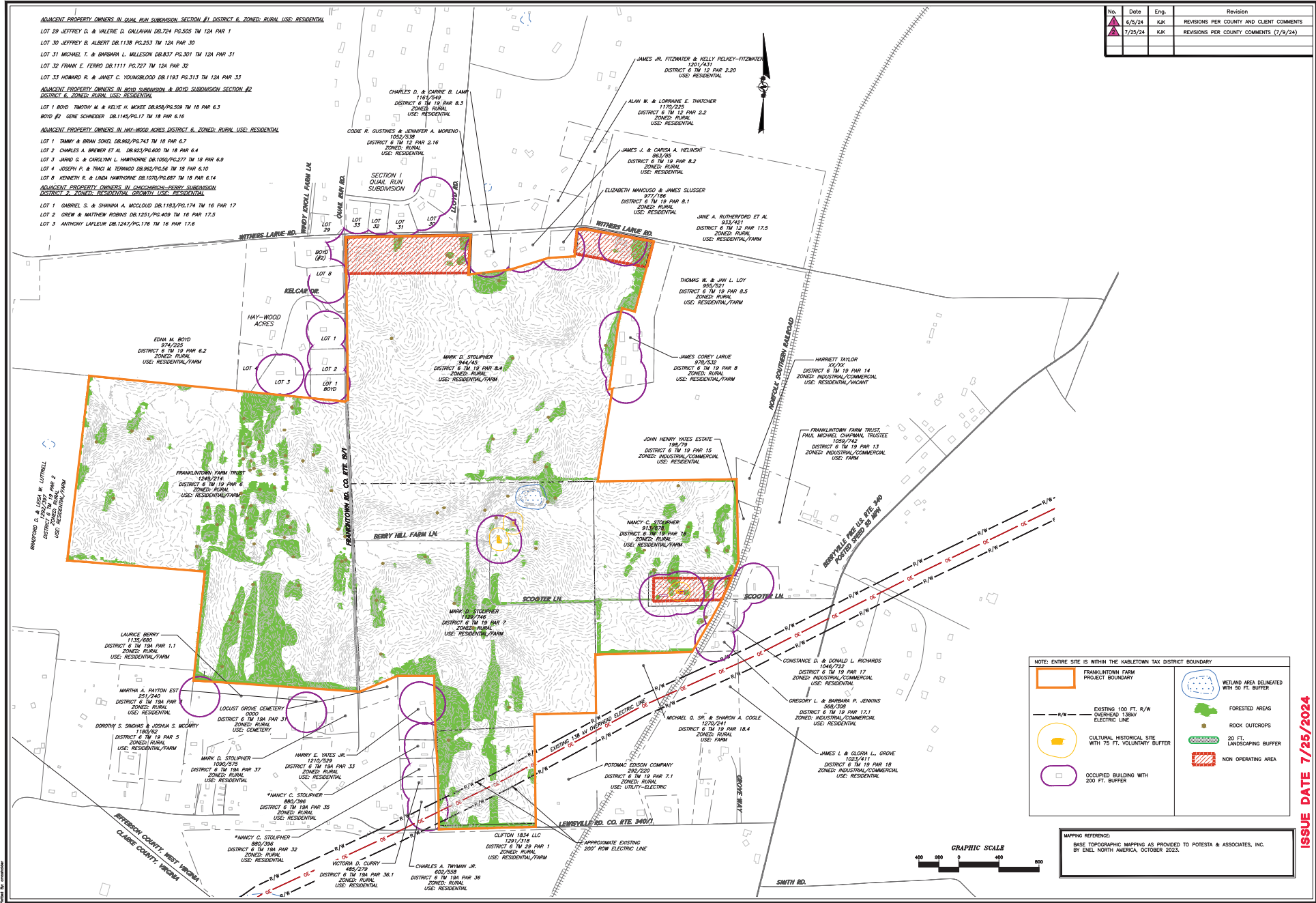
POTESTA & ASSOCIATES, INC.
 16 South Brookside St., Winchester, VA 22601
 TEL: 540-338-9999 FAX: 540-338-9999

FRANKLINTOWN FARM, LLC
 100 BRICKSTONE SQUARE, SUITE 300
 ANDOVER, MASSACHUSETTS 01810

ISSUE DATE 7/25/2024

CONCEPT PLAN (FILE # 24-2-581)
 FRANKLINTOWN FARM SOLAR PROJECT
 KABLETOWN TAX DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

1 of 3
 Drawing No.



No.	Date	Eng.	Revision
▲	6/5/24	KJK	REVISIONS PER COUNTY AND CLIENT COMMENTS
▲	7/25/24	KJK	REVISIONS PER COUNTY COMMENTS (7/9/24)

-CONCEPT-2
 CAD File No.
 Drawn
 KJK
 Checked
 KJK
 Approved
 Score
 NOTED
 DATE
 JUNE 2024
 DATE
 23-0005
 Project No.

POTESTA & ASSOCIATES, INC.
 16 South Broadhead St., Westborough, MA 01581
 TEL: 508-853-8888
 FAX: 508-853-8889
 www.potesta.com



ENEL NORTH AMERICA, INC
 100 BRICKSTONE SQUARE, SUITE 300
 ANDOVER, MASSACHUSETTS 01810

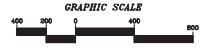
Client
ISSUE DATE 7/25/2024
 CONCEPT PLAN (FILE # 24-2-SF)
 EXISTING CONDITIONS
 FRANKLINTOWN FARM SOLAR FARM
 FRANKLINTOWN DISTRICT
 JEFFERSON CO., WEST VIRGINIA

Title
2 of 3
 Drawing No.

NOTE: ENTIRE SITE IS WITHIN THE KABLETOWN TAX DISTRICT BOUNDARY

	FRANKLINTOWN FARM PROJECT BOUNDARY		WETLAND AREA DELINEATED WITH 50 FT. BUFFER
	EXISTING 100 FT. R/W OVERHEAD 138KV ELECTRIC LINE		FORESTED AREAS
	CULTURAL HISTORICAL SITE WITH 75 FT. VOLUNTARY BUFFER		20 FT. LANDSCAPING BUFFER
	OCCUPIED BUILDING WITH 200 FT. BUFFER		NON OPERATING AREA

MAPPING REFERENCE:
 BASE TOPOGRAPHIC MAPPING AS PROVIDED TO POTESTA & ASSOCIATES, INC. BY ENEL NORTH AMERICA, OCTOBER 2023.

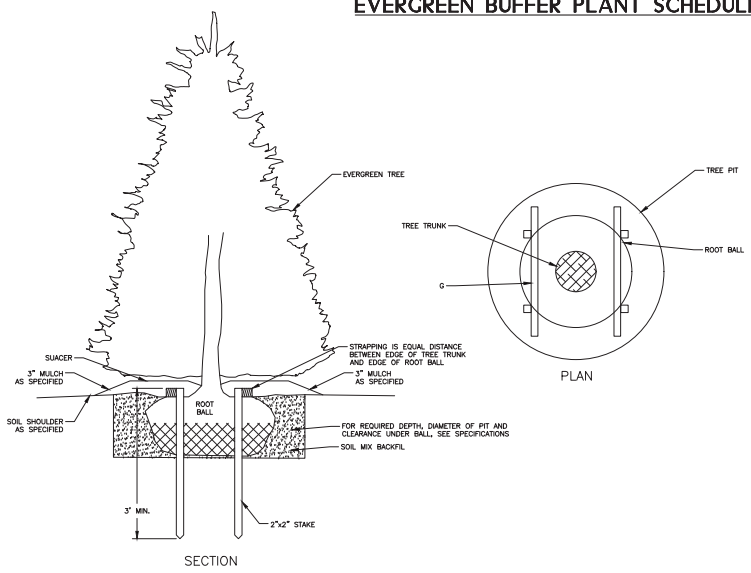


No.	Date	Eng.	Revision
▲	6/5/24	KJK	REVISIONS PER COUNTY AND CLIENT COMMENTS

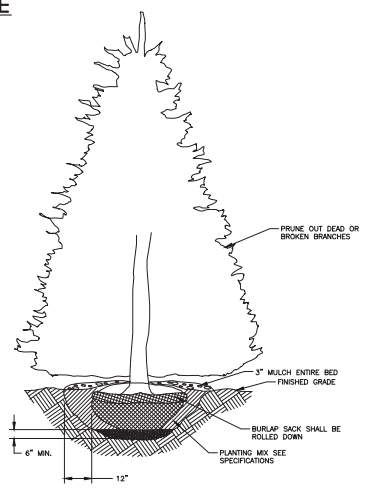
-CONCEPT-2
 CDM
 Drawn
 KJK
 Checked
 KJK
 Approved
 NOTED
 Scale:
 JUNE 2024
 DWG#
 23-0005
 Project No.

Botanical Name	Common Name	Height at Planting	Growth Rate (in/year)	Estimated Height and Spread at Maturity	Spacing	Root	Quantity (Approx)
EVERGREEN TREES							
Ilex opaca	American Holly	6'	12-24"	30' x 20'	10' O.C.	B&B	1000
Liriodendron virginiana	Eastern Red Cedar	6'	12-18"	50' x 25'	10' O.C.	B&B	1000
Ilex opaca 'Dan Fenton'	Dan Fenton American Holly	6'	12-24"	40' x 25'	10' O.C.	B&B	1000
Cryptomeria japonica 'Sakikan Sug'	Japanese Cedar	6'	12-14"	30' x 25'	10' O.C.	B&B	1000
Thuja x 'Green Giant'	Green Giant Arborvitae	6'	36-60"	50' x 20'	10' O.C.	B&B	1000

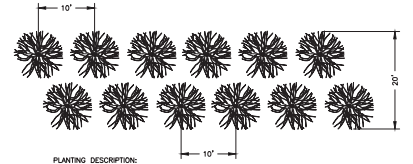
EVERGREEN BUFFER PLANT SCHEDULE



TREE STAKING DETAIL
NO SCALE



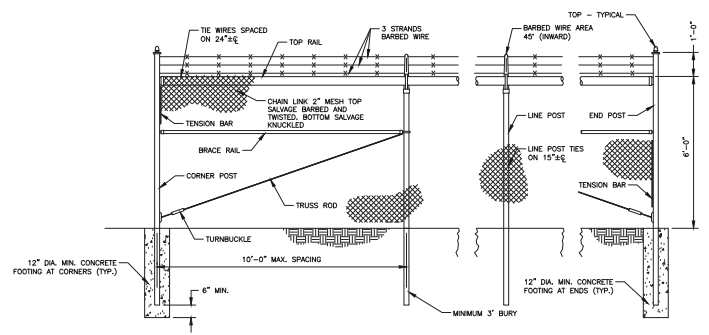
PLANTING DETAIL
NO SCALE



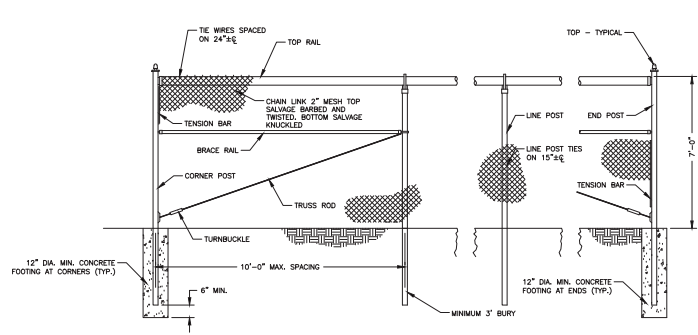
PROPOSED LANDSCAPE BUFFER LAYOUT
NO SCALE

GENERAL LANDSCAPE NOTES

1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
2. CONTRACTOR SHALL BE REQUIRED TO GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND FINAL ACCEPTANCE OF SITE WORK HAS BEEN GIVEN. ALL PLANT MATERIAL WHICH IS DEAD OR DYING WITHIN THE ONE YEAR WARRANTY PERIOD, AS SOLELY DETERMINED BY THE SITE MANAGER, SHALL BE PROMPTLY REPLACED AT THE CONTRACTOR'S EXPENSE AS ORIGINALLY SPECIFIED.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
4. PLANTS SHOULD BE CHOSEN BASED ON AVAILABILITY AND MATERIAL SPECIFICATIONS. COPIES OF PLANT ORDERS SHALL BE SUBMITTED IN WRITING TO THE SITE MANAGER A MINIMUM OF FOUR MONTHS IN ADVANCE OF PLANTING. SUBSTITUTIONS WILL BE FINISHED TO THE OWNER IN WRITING FOR APPROVAL OF THE OWNER.
5. ALL AREAS NOT STABILIZED IN PAVED OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED.
6. EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES, FREE OF DISEASE AND MEETING THE SIZE REQUIREMENTS. PLANT MATERIAL NOT MEETING THE REQUIREMENTS, AS SOLELY DETERMINED BY THE OWNER'S REPRESENTATIVE, SHALL BE REMOVED FROM THE SITE AND REPLACED AT THE CONTRACTOR'S EXPENSE.
7. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN. THE SPRING PLANTING WINDOW FOR TREES AND SHRUBS IS BETWEEN MARCH 15th AND MAY 15th, AND THE FALL PLANTING WINDOW IS BETWEEN SEPTEMBER 15th AND DECEMBER 15th.
8. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.
9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
10. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.
12. REQUIRED LANDSCAPING AND BUFFERS WILL BE MAINTAINED IN ACCORDANCE WITH THE APPROVED MAINTENANCE PLAN AND LANDSCAPE MAINTENANCE AGREEMENT.
13. ONE YEAR AFTER INSTALLATION IS COMPLETE, IT WILL BE THE RESPONSIBILITY OF THE LANDOWNER TO REPLACE ANY TREES, SHRUBS, OR VEGETATION THAT DIE.
14. DISTURBED AREAS WILL BE SEEDED WITH COMMERCIALY AVAILABLE, NATIVE OR NATURAL VEGETATION. THE PVS MODULES WILL BE ARRANGED TO ALLOW THE GROWTH OF VEGETATION BENEATH AND BETWEEN THE ROWS OF PVS MODULES. VEGETAL COVER SHALL HAVE A MINIMUM OF 80 PERCENT OR BETTER UNIFORM COVERAGE.
15. ALL PROPOSED ROADS SHOWN SHALL BE SURFACED WITH GRAVEL.
16. SOLAR PANELS THAT ARE LOCATED WITHIN 200' OF ANY RESIDENCE, CATEGORY I HISTORIC RESOURCE, INSTITUTION FOR HUMAN CARE, CHURCH, ETC. SHALL PROVIDE A 20' WIDE BUFFER ALONG COMMON PROPERTY LINES.
17. ACCESSORY COMPONENTS WITHIN 200' OF ANY RESIDENCE, CATEGORY I HISTORIC RESOURCE, INSTITUTION FOR HUMAN CARE, CHURCH, ETC. SHALL COMPLY WITH SEC. 4.11A.
18. EXISTING VEGETATION AND TREES WILL BE RETAINED TO THE GREATEST EXTENT POSSIBLE AT OUTSIDE PROPERTY BOUNDARIES AND BUFFER AREAS TO ASSIST IN NATURAL SCREENING. EXISTING VEGETATION MAY BE UTILIZED, IN LIEU OF A PLANTED BUFFER, AS APPROVED BY THE ZONING ADMINISTRATOR. DOCUMENTATION MUST BE SUBMITTED ILLUSTRATING HOW THE EXISTING VEGETATION SATISFIES THE INTENT OF THE ORDINANCE.



TYPICAL SUBSTATION FENCE DETAIL
NO SCALE



TYPICAL FENCE DETAIL
NO SCALE

POTESTA & ASSOCIATES, INC.
 LANDSCAPE ARCHITECTURE
 15 South Prudhomme Rd., Westborough, MA 01581
 TEL: 508-853-1111 FAX: 508-853-1118
 WWW.POTESTAANDASSOCIATES.COM

POTESTA

FRANKTOWN FARM, LLC
 100 BRICKSTONE SQUARE, SUITE 300
 ANDOVER, MASSACHUSETTS 01810

CONCEPT PLAN (FILE # 24-2-SF)
 DETAILS
 FRANKTOWN FARM SOLAR PROJECT
 FRANKTOWN DISTRICT
 JEFFERSON CO., WEST VIRGINIA

ISSUE DATE: 7/25/2024

3 of 3
 Drawing No.

PHYSICAL PROPERTY DETAILS

Property Owner	Mark D. Stolipher	Mark D. Stolipher	Nancy Stolipher*	Franklinton Farm Trust
Physical Address	261 Berry Hill Farm Ln., Summit Point, WV 25446	2998 Withers Larue Rd. Summit Point, WV 25446	322 Scooter Ln. Charles Town, WV 25414	651 & 653 Franklinton Rd., Summit Point, WV 25446
Deed Book	1129	944	913	1249
Page	746	45	678	214
Parcel ID	District 6, TM#19, Parcel 7	District 6, TM#19, Parcel 8.4	District 6, TM#19, Parcel 16	District 6, TM#19, Parcel 6
Zoning District	Rural	Rural	Rural	Rural
Total Parcel Size	150.31 Acres	146.84 Acres	50.0 Acres	154.16 Acres
Project Area	150.31 Acres	146.84 Acres	50.0 Acres	154.16 Acres

**All properties listed as being owned by Nancy Stolipher have been deeded to Mark Stolipher per Transfer on Death Deed (DB 1253 pg 57).*

ADJOINING PROPERTY INFORMATION

1. Electrical Substation TM 19 PAR 7.1
Owner: Potomac Edison Co.
Address: 10435 Downsville Pike
Hagerstown, MD 21740
Zoned: Rural
2. TM 19 PAR 18.4
Owner: Michael Q. Cogle Sr. & Sharron A. Cogle
Address: 108 Childs Farm Ln.
Kearneysville, WV 25430
Zoned: Rural
3. TM 19 PAR 17.1
Owner: Gregory L. & Barbara P. Jenkins
Address: PO Box 94
Rippon, WV 25441
Zoned: Industrial/Commercial
4. TM 19 PAR 17
Owner: Constance D. & Donald L. Richards
Address: PO Box 136
Rippon, WV 25441
Zoned: Industrial/Commercial
5. TM 19 PAR 13
Owner: Paul Michael Chapman
Address: PO 184
Rippon, WV 25441
Zoned: Industrial/Commercial
6. TM 19 PAR 15
Owner: John Henry Yates Estate
Address: 132 Hidden Hollow Dr.
Kearneysville, WV 25430
Zoned: Industrial/Commercial
7. TM 19 PAR 14
Owner: Harriett Taylor
Address: PO Box 81
Rippon, WV 25441
Zoned: Industrial/Commercial
8. TM 19 PAR 18
Owner: James L. & Gloria L. Grove
Address: 130 Grove Way
Summit Point, WV 25446
Zoned: Industrial/Commercial
9. TM 19 PAR 8.5
Owner: Thomas W. & Jan L. Loy
Address: PO Box 43
Rippon, WV 25441
Zoned: Rural
10. TM 19 PAR 8
Owner: James Corey Larue
Address: PO Box 291
Rippon, WV 25441
Zoned: Rural
11. TM 19 PAR 8.1
Owner: Elizabeth & James Slusser Mancuso
Address: 2882 Withers Larue Rd.
Rippon, WV 25441
Zoned: Rural
12. TM 19 PAR 8.2
Owner: James J. & Carisa A. Helinski
Address: PO Box 204
Rippon, WV 25441
Zoned: Rural
13. TM 19 PAR 8.3
Owner: Charles D. and Carrie B. Lamp
Address: PO Box 25
Rippon, WV 25441
Zoned: Rural
14. TM 18 PAR 6.16
Owner: Gene Schneider
Address: 1113 Franklintown Rd.
Summit Point, WV 25446
Zoned: Rural

15. TM 18 PAR 6.14
 Owner: Kenneth R. & Linda Hawthorne
 Address: 58 Kelcar Dr.
 Summit Point, WV 25446
 Zoned: Rural
16. TM 18 PAR 6.7
 Owner: Tammy & Brian Sokel
 Address: 45 Kelcar Dr.
 Summit Point, WV 25446
 Zoned: Rural
17. TM 18 PAR 6.4
 Owner: Charles A. Brewer et al.
 Address: 887 Franklinton Rd.
 Summit, WV 25446
 Zoned: Rural
18. TM 18 PAR 6.3
 Owner: Timothy M. & Kelye H. McKee
 Address: Franklinton Rd.
 Summit Point, WV 25446
 Zoned: Rural
19. TM 18 PAR 6.9
 Owner: Jarad G. & Carolynn L.
 Hawthorne
 Address: 199 Kelcar Dr.
 Summit Point, WV 25446
 Zoned: Rural
20. TM 18 PAR 6.10
 Owner: Joseph P. & Traci M. Terango
 Address: 198 Kelcar Dr.
 Summit Point, WV 25446
 Zoned: Rural
21. TM 18 PAR 6.2
 Owner: Edna M. Boyd
 Address: PO Box 39
 Rippon, WV 25441
 Zoned: Rural
22. TM 19 PAR 2
 Owner: Bradford D. & Leisa W. Luttrell
 Address: 585 Boyer Ln.
 Summit Point, WV 25446
 Zoned: Rural
23. TM 19A PAR 5
 Owner: Joshue S. McCarthy & Dorothy
 Singhas
 Address: 235 Singhas Ln.
 Summit Point, WV 25446
 Zoned: Rural
24. TM 19A PAR 1.1
 Owner: Laurice Berry
 Address: PO 73
 Rippon, WV 25441
 Zoned: Rural
25. TM 19A PAR 3
 Owner: Martha A. Payton -EST
 Address: 64 Payton Way
 Summit Point, WV 25446
 Zoned: Rural
26. TM 19A PAR 37
 Owner: Mark Stolipher
 Address: PO Box 190
 Rippon, WV 25441
 Zoned: Rural
27. TM 19A PAR 31
 Owner: Locust Grove Cemetery
 Address: N / A
 Zoned: Rural
28. TM 19A PAR 33
 Owner: Harry E. Yates Jr.
 Address: PO Box 103
 Rippon, WV 25441
 Zoned: Rural

29. TM 19A PAR 35
 Owner: Nancy C. Stolipher*
 Address: 1599 Roper North Fork Rd.
 Charles Town, WV 25414
 Zoned: Rural
30. TM 19A PAR 32
 Owner: Nancy C. Stolipher*
 Address: 1599 Roper North Fork Rd.
 Charles Town, WV 25414
 Zoned: Rural
31. TM 19A PAR 36
 Owner: Victoria D. Curry
 Address: 93 Woods Ln.
 Summit Point, WV 25446
 Zoned: Rural
32. TM 19A PAR 36
 Owner: Charles A. Twyman Jr.
 Address: 2507 Lewisville Rd.
 Summit Point, WV 25446
 Zoned: Rural
33. TM 12A PAR 1
 Owner: Jeffery D. & Valerie D.
 Gallahan
 Address: 29 Quail Run Rd.
 Summit Point, WV 25446
 Zoned: Rural
34. TM 12A PAR 33
 Owner: Howard R. & Janet C.
 Youngblood
 Address: 44 Quail Run Rd.
 Summit Point, WV 25446
 Zoned: Rural
35. TM 12A PAR 32
 Owner: Frank E. Ferro
 Address: 64 Pheasant Hill Rd.
 Summit Point, WV 25446
 Zoned: Rural
36. TM 12A PAR 31
 Owner: Michael T. & Barbara L.
 Milleson
 Address: 94 Pheasant Hill Rd.
 Summit Point, WV 25446
 Zoned: Rural
37. TM 12A PAR 30
 Owner: Jefferey B. Albert
 Address: 126 Pheasant Hill Rd.
 Summit Point, WV 25446
 Zoned: Rural
38. TM 12 PAR 2.16
 Owner: Codie R. Gustines & Jenifer A.
 Moreno
 Address: 48 Carnegie Links Dr.
 Summit Point, WV 25446
 Zoned: Rural
39. TM 12 PAR 2.13
 Owner: Cara L. McCormick
 Address: 2789 Wither Larue Rd.
 Martinsburg, WV 25405
 Zoned: Rural
40. TM 12 PAR 2.20
 Owner: James Fitzwater Jr. & Kelly
 Pelkey-Fitzwater
 Address: 83 Webber Springs Dr.
 Inwood, WV 25428
 Zoned: Rural
41. TM 12 PAR 2.2
 Owner: Allan W. & Lorraine E. Thatcher
 Address: 2921 Withers Larue Rd.
 Summit Point, WV 25446
 Zoned: Rural
42. TM 12 PAR 17.5
 Owner: Jane A. Rutherford Et al.
 Address: 3578 Bakerton Rd.
 Harpers Ferry, WV 25425
 Zoned: Rural

43. TM 29 PAR 1

Owner: Clifton 1834 LLC

Address: 1625 K St., Ste. 1025

Washington, D.C. 20006-1604

Zoned: Rural

** All properties listed as being owned by Nancy Stolipher have been deeded to Mark Stolipher per Transfer on Death Deed (DB 1253 pg 57).*

24-4-CUP Franklinton Farm Solar Public Comment - Index

1. Submitted 2024-03-13 by Jeffrey Albert
2. Submitted 2024-03-28 by Susan Snyder
3. Submitted 2024-04-18 by Lane Burdick
4. Submitted 2024-04-18 by Rebecca Thompson
5. Submitted 2024-04-18 by Judy Wiles
6. Submitted 2024-05-20 by Tom & Jan Loy
7. Submitted 2024-08-09 by Barbara Milleson
8. Submitted 2024-08-13 by Laura Tyler

To: Office of Planning & Zoning
From: Property owner, Jeffrey Albert
Subject: Franklinton Farm Solar Project.

Jeffrey Albert, I have lived at 126 Pheasant Hill Road, Summit Point, WV 25446 within the Quail Run Subdivision since construction of my home, January 2002. Construction and operation of a solar farm next to my property takes away the scenic, mountain view on mine and other owners in Quail Run. Study lists significant home value reductions and resale surrounding the immediate vicinity of solar panel farms. Please reconsider your board approval on this important decision taking into consideration the Jefferson County residents, not just the solar panel company and land owner profit on this transaction.

Respectfully,

Jeffrey B. Albert


126 Pheasant Hill Road

Summit Point, WV. 25446

571-210-8186(H), 240-291-7799(C)

RECEIVED

MAR 13 2024

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Written comments received 03/28/24 via mail
for inclusion in 04/25/24 the BZA packet.

Franklinton Farm Solar Project

susan snyders.us <susan@snyders.us>

Wed 3/20/2024 11:17 PM

To: zoning@jeffersoncounty-wv.org <zoning@jeffersoncounty-wv.org>

Cc: susan snyders.us <susan@snyders.us>

Hello,

This letter is to try and stop the destruction of the land/environment in Jefferson County and hopefully allow future generations to not have to try and make up for mistakes that are made today by Jefferson County local government. I am not sure how or why Jefferson County suddenly wants to put acres and acres of Solar Panel Farms. There is absolutely no real benefit for Jefferson County or the residents. I am shocked that the county commissioners have allowed this- I am wondering if we need to elect new ones that will take care of the land and the residents and represent them better. The following are points that need to be considered before agreeing to any solar panel Farm.

- 1) The solar panel farm will benefit NO ONE in Jefferson County except the one person who owns the farm land. We, the residents, will not receive any financial benefits. The energy will go to the highest bidder.
- 2) It will make Jefferson County less attractive, taking away from the beauty of the area. People will not want to reside or buy houses in Jefferson County. Jefferson County will become a waste land of metal and radiation.
- 3) It will take away precious farm land. Land that is fertile for crops and food- will be scraped of its vital top soil and concrete will be poured over areas - the land will never again be used for agriculture again- this will have a domino effect from earth worms to birds to larger animal life and eventually human populations. History will look back and wonder who made such disastrous decisions.
- 4) decrease property value - people will no longer be able to increase equity instead it will decrease - making Jefferson County a poor county
- 5) Possible negative health issues living next to solar panel farm. Possible radiation and electromagnetic fields from a substation and battery energy storage system that will accompany a solar farm.
- 6) Solar Panels have a limited life span and will have to be disposed of properly- if disposed of improperly could have serious consequences on Jefferson County Residents and environment.
- 7) Solar Panels are not even manufactured in the USA instead they are manufactured by China- fueling more dependency on China and more money going out of the USA.
- 8) Solar Panel Farms are not environmentally friendly- an individual having solar panels on their home to save on electricity is totally different from a farm of solar panels- the bigger picture needs to be looked at.
- 9) Killing wild life that gets too close to the radiation and destroying habitats- precious balance of life. Look at the river and all the mud etc after they put Solar Panels Farms by St James Church- It has already started, but it can be stopped before further damage is done- who knows what this will do to the aquatic life in the river.
- 10) Noise- humming sound from the inverter that converts the solar power to usable electricity

In summary- Solar Panel Farms are absolutely terrible for the environment- there is little benefit to the County or the residents from solar panel farms. I would hope the logical and educated people that represent Jefferson County will realize the error of allowing solar panel farms and vote against putting solar panels on Franklinton Farm and any future farm. As a taxpayer and resident of Jefferson County I hope you will do the right thing!

Sincerely,

Susan Snyder
394 Quail Run Road
Summit Point WV 25446



RECEIVED

MAR 28 2024

JEFFERSON COUNTY
ENGINEERING, PLANNING & ZONING

Zoning

From: Laine Burdick <laine.burdick@gmail.com>
Sent: Thursday, April 18, 2024 12:09 PM
To: Planning Department; Zoning
Subject: PLEASE SAY NO to the Franklinton Solar Field

Follow Up Flag: Follow up

Flag Status: Flagged

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

To Whom It May Concern,

I am a resident of Summit Point, WV, and I am strongly against the Franklinton Solar Field. Not only will our real estate values drop anywhere from 5 - 25%, but the proven potential health hazards to the local community, to the children, is terrifying.

Let's be honest, a lot of us in this community aren't wealthy. A lot of our hard earned money is tied into our real estate. So for us to take any kind of hit to our housing market value is detrimental to the generational wealth our families have fought hard to build. 50,000 - 300,000 may not be worth much to the people looking to sell their land to solar power companies for profit, or those in Loudoun County, but it is LIFE CHANGING for those of us who live in Summit Point. We are a community of hard workers, and we don't have the unlimited funds of our neighboring counties to fight this. So to sell us out for profit is quite honestly sickening and exploitative. This is exactly the kind of corruption we need to fight.

Beyond the loss we will take to our property value, what about the dangers to our well water? The actual construction of the solar farm can disrupt the water supply to our wells. The materials they use to build the panels are known to contain lead and other carcinogenic materials. Even if the panels last 10 - 20 years before they break down, the materials they use to clean the solar panels on a regular basis have known carcinogens that will seep into our well supply. As someone who has had lead poisoning before from water, this is absolutely unacceptable --not only for myself but for the children in the community. I've read solar companies claiming that solar farms won't affect the local water supply, but I've also read other counter arguments that have proven it does. And, even though this isn't solar related, we've seen when governments make for-profit decisions and subsequently lie to the community at large. We all now know what unfolded in Flint Michigan. Please don't let that happen to us. We deserve to know we can safely drink our own water. We deserve to know we are safe, and building a solar farm so close to our homes is a violation of our safety.

Furthermore, by allowing the Franklinton Solar Field to move forward, we are limiting any kind of growth for our community. People won't want to move out this way when they won't feel safe drinking the water. People won't be able to build new homes when farms have sold off all their land to solar companies. People won't want to move out this way when instead of having a beautiful view of the country, they only see miles of solar panels. And when people stop moving out this way, we stop any potential of new businesses, and as soon as a community stops growing and people move away, it's the beginning of the end. If the Franklinton Solar Field is allowed to move forward, it's the first step towards the downfall of the community we take so much pride in and that has seen steady growth in the past ten years.

The Franklinton Solar Field project isn't a project that will benefit our community --we won't even be on the receiving end of reduced energy bills. Instead our wealthy neighboring counties, who already shut down similar solar field projects because they know the harm they bring will, will benefit from lower energy bills. So no, the

Franklinton Solar Field isn't for the people of Summit Point, it's to make a select few people richer without regard for us Americans who are struggling right now to even pay for groceries.

Be a local government that we can put our trust in. Please fight for us. Fight for our futures.

Sincerely,

Sarah Elaine Burdick

Zoning

From: Rebecca Thompson <beccatmail@gmail.com>
Sent: Thursday, April 18, 2024 9:49 AM
To: Zoning
Subject: Franklinton Farm Solar Project

Follow Up Flag: Follow up

Flag Status: Flagged

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

Planning and Zoning Board

I am writing to you about the proposed Franklinton Farm Solar Project. I found out about the project about a month ago and then quickly learned about the other solar projects in Jefferson County. After doing some research on solar farms, I find it absolutely appalling that you would allow these "farms" to operate here. Clearly, we need to elect new county commissioners and replace any of you that vote in favor of having another solar farm in Jefferson County. The solar farms are not an asset to Jefferson County at all! My husband and I moved here 25 years ago because it was a beautiful place to live and a less congested area. Now, with all the solar farms that you have approved going in, the entire dynamics of Jefferson County will be forever changed. Jefferson County won't benefit at all and we will be stuck with the immense negative impacts the solar farms will cause. We need officials who have Jefferson County's best interests in mind. Officials who will protect us and the county's natural resources, not people who will give it away or sell it to the highest bidder.

The more I learn about solar farms, the less and less "green" they are. I find it highly disturbing that they pose numerous health risks to the public. The large amounts of lithium ion batteries that are used on solar farms pose a significant fire hazard. If the battery stations on the farms catch fire, there is literally no way of putting them out and the fire department will be unable to do anything at all. The fire can easily last for several days, continuously releasing extremely hazardous toxins into the air, ground, and water. Once it reaches the groundwater, there is no way to remove it. It will be in people's wells, the same water they use to bathe in, cook with, and drink. Several solar farm fires have already occurred like the one last year in Lyme, NY.

The solar panels are also a major concern. The panels very often contain cadmium telluride, which is a toxic substance that if humans come in contact with by air, soil, or water, can cause kidney, lung, gastrointestinal, heart, and skin problems, according to the National Institute of Health. It is also listed as an "Environmental Hazard" by the NIH.

If the solar panels are damaged by hail or in any other way, several different toxins can be released into the air, soil, and water, again, leading to negative health effects. Several hail storms around the country have already destroyed solar farms. Like the one just last month in Texas that completely destroyed the 3,300 acre solar farm. It was only two years old. Since solar farms are relatively new and have only recently become more common, as time goes by, the more problems will result from them and it will become extremely clear that solar power is not a good alternative energy at all. It is absolutely horrible for the environment and people's health.

And since the panels have a limited life span, they must be removed and dealt with properly when they are no longer usable or if they become damaged. Improper disposal could also pose serious risks for people and the environment. Anyone who has dealt with serious health issues in their life knows that if you or a family member doesn't have their health, then absolutely nothing else matters. Please don't take away our right to clean air and clean water and a healthy place to live. Please don't take away our health.

I urge you to not allow Franklinton Farm Solar Project to be built !!!

We are counting on you to protect us and we expect you to look out for the best interest of Jefferson County. Please do not turn it into a wasteland and a horrible place to live! Everyone is accountable for their actions, and that most certainly includes all of you!

Rebecca Thompson

From: [Judy Wiles](#)
To: [Zoning](#)
Subject: Franklin Town Farm Solar Project
Date: Thursday, April 18, 2024 9:43:29 AM

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

My husband and I are very concerned about the proposal to put a large solar field behind our Quail Run neighborhood. We just bought here 2 years ago, and came because of the open land. The solar field closer to town is so ugly. We don't want that here. We also have environmental concerns as to it's effect on our ground water and potential toxic issues if a panel is broken by hail.

We hate to see Jefferson County turn into an ugly county. The money gained for the county in taxes will not redeem the cost of these unsightly panels. Jefferson County will lose it's allure.

I also believe it's not right for the board member on the panel who's brother is selling this farm to be able to vote objectively on this. There's a conflict of interest there

Thank you for helping us stop this project.

Sincerely Against The Franklin Town Farm Solar Project

Judy Wiles

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MAY 20 2024

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Date: 04-15-24

To: Jefferson County Planning Commission and Jefferson County Commission

From: Thomas and Jan Loy, Rippon, WV

Re: Franklinton Industrial-scale Solar Project

Commissioners,

Our family, our community and in fact all of Jefferson County will most certainly be adversely affected by the Franklinton Commercial/Industrial Solar Complex! We oppose this and all other industrial-scale solar projects in this county and we do not want them in our community!

We do, however, recognize that these farms are owned by someone else, they are private farms and there is very little we can do to block the construction of this or any other industrial-scale solar project in this county. The Jefferson County Commission is the only group with the power and responsibility to help direct thoughtful growth and development for all Jefferson County citizens.

With the above in the record, and before this project is approved, we ask that the Jefferson County Planning Commission and the Jefferson County Commission impose on the developers the additional requirements regarding landscape buffering and lighting stated below.

Because the Franklinton Commercial/Industrial Solar Complex (this is NOT a “farm”!) is proposed to operate for 30+ years, the current and future impact on the residents must be considered for that entire period and beyond for all possible scenarios.

In the future, it is possible that all properties surrounding the Franklinton Commercial/Industrial Solar Complex will contain one or more homes for every five acres. Because of this eventuality, the owners/developers and the planning commission should prepare for this from the beginning.

Claiming that this project is somehow “compatible” with agriculture is laughable. These false claims must be acknowledged by requiring proper and complete landscape barriers/screens along every boundary of the complex. The planning and design of these “barriers” should include a requirement that the affected neighboring landowners have significant input and approval rights. And the construction of these “barriers” should be fully completed before any other sitework begins.

Additionally, the developers should be required to adhere to the “Five Principles for Responsible Outdoor Lighting” as defined by DarkSky International found at the below link.

<https://darksky.org/resources/guides-and-how-tos/lighting-principles/>

These requests are not burdensome and granting them would perhaps help to soothe the sting everyone feels with this unwelcome addition to the Rippon Community.

MOVING FORWARD:

Jefferson County is at a very significant and precarious crossroad in our history. Do we want to allow industrial-scale solar to be what defines our county, or do we want to take steps right now to consider the “Franklintown Farm Solar Project” to be the last industrial-scale solar project allowed here?

Perhaps the best plan for Jefferson County is to protect our diverse population, our very rich history and our awesome scenic vistas rather than “carpeting” open farmland with thousands of acres of solar panels?

It is utterly ludicrous to assert that any of these projects are “compatible with the goals of the comprehensive plan to ensure the preservation and enhancement of the agricultural economy, rural land use, rural neighborhoods, and rural character of Jefferson County”.

Why is our county government working to destroy the rural character of Jefferson County so that nobody will want to visit or live here? Shouldn't our commissioners work to preserve and enhance the qualities that make this county a desirable place to live and work?

INDUSTRIAL SCALE SOLAR COMPLEXES ARE WRONG FOR JEFFERSON COUNTY:

Despite claims of thoughtful decommissioning sometime in the future, if allowed to proceed unchecked, we should expect this rich “rural farmland” to be lost forever to Industrial-scale solar.

The landowners seem to favor selling their land to the industrial solar developers so that any “local” control will be lost when “the deal is done”. I find it interesting that these land sales only take place after all of the “local hurdles” are cleared.

Why is that?

In the final accounting, after all of the current players are long gone from Jefferson County, the taxpayers will be left with the problems and excessive costs associated with “decommissioning” industrial solar regardless of what “they” say today.

Industrial solar creates a wasteland that is only good for the developer. Current and future homes are lost, people will move, history is erased, and jobs are lost rather than created.

Industrial-scale solar projects require the complete removal of all trees and brush (including root balls and topsoil) before construction can begin and one look at the corner of Kabletown Road and old Rt.9 is all the evidence needed to show what really happens to this once “rural” farmland.

How can the County guarantee that the developer be held to account if they overuse herbicides or pesticides? How will the Planning Commission protect the karst topography indicative of Jefferson County? How will we all be assured that the “owner” be responsible for the upkeep of the landscape barrier screen 10/20 years from now? Who will that “owner” be in twenty years? How will they be held responsible/accountable? What recourse will neighbors have that will not involve expensive and time-consuming lawsuits?

Perhaps the County Commission could require that the company be incorporated in the state of West Virginia! If this is impossible, the county should require that all future legal action be governed by and adjudicated in the state of West Virginia instead of Delaware or Massachusetts...or Italy or Spain or other country(s) from which any new owner hails.

We are dealing with companies that have no connection to our community (or the United States for that matter), that operate on impossibly thin margins, rely on “unreliable” economic factors such as government monetary “gifts” and ever decreasing tax incentives. The current state of solar technology is constantly changing, is wildly volatile, is a very inefficient “use of land to create power” and perhaps most importantly, it only works half of the time when operating at 100% capacity!

At some point in the near future, on-demand electricity generation will win this battle because it is the only version that really makes sense. Like electrical vehicles (EVs), wind and solar rely on a false market created by politicians to benefit a few very large investors.

Is it possible that in 10 years, solar will simply not be viable and all of these companies will abandon these sites?

Is it possible that technology will be developed that makes industrial solar too expensive to deploy and maintain?

Is it possible that the proliferation of massive, industrial datacenters in the DC metro region will be replaced by better, smaller, faster....and less energy-hungry technology?

One need only to look at how Personal Computer technology has been revolutionized and how home and automobile lighting has changed over the past 10 or so years.

One thing seems clear; our Planning Commission and County Commission are not equipped to see the future and as far as I can tell, have been blindly marching down the solar path and all else be damned.

Maybe it is time to “pump the brakes on solar”, hire a credible and unbiased consultant to figure out if we should simply allow this to happen in a haphazard, uncontrolled fashion or perhaps more thoughtfully and deliberately...if at all.

If Jefferson County is going to allow this or any other industrial scale solar installations to go forward, you must pause, take a long breath and consider when the county will have “enough” solar or when it has too much.

If “industrial solar” really makes sense for Jefferson County and not just a few large landowners and some large, foreign companies, maybe it is an important enough question to be answered by all Jefferson County citizens on a future ballot.

I do believe that the local landowners are entitled to sell or develop their farmland, but not without some well-considered guidelines. Afterall, there is much more at stake for the future of Jefferson County than just the “viewshed.”

Jefferson County is a beautiful and desirable place to live because of the open farmland. If you want to see the future of “solar Jefferson County”, simply look at an arial view (Google it!) of the “Fawn Lake Solar Complex” outside of Fredericksburg, Virginia to see just how truly offensive this will be for anyone left living in this county.

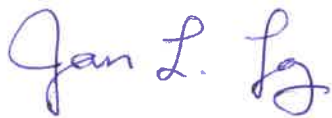
Something significant is happening in Jefferson County that I don’t completely understand. What was once a county that was concerned about unfettered growth seems to be heading in the opposite direction and I am not sure it will continue to offer a high quality of life. For our part, we would like to

stay and continue to a part of this community but only if the County Commission and Planning Commission can demonstrate some minimal restraint.

Most respectfully,

A handwritten signature in blue ink, appearing to be 'Tom Loy', written in a cursive style.

Tom and Jan Loy

A handwritten signature in blue ink, appearing to be 'Jan L. Loy', written in a cursive style.

August 7, 2024

Dear Jefferson County Office of Planning and Zoning,

I am writing this letter to express my strong **opposition** to the proposed Franklinton Farm Solar Project. In addition to a conflict of interest issue, I have many concerns about this project and the negative impacts it will have on our community and environment.

Impact on Conserving Farm Land and Property Values: Our county is known for its natural beauty, open spaces and sprawling farm land. The installation of a large solar farm would significantly alter the visual landscape, detracting from the rural charm that many residents move to this area in search of. We moved to Jefferson County almost 30 years ago because we wanted a rural country life. Putting a solar farm on 500 acres ruins the beauty and appeal of this wonderful area. This change will negatively impact property values, as the solar panels and associated infrastructure will be perceived as undesirable by potential buyers.

Environmental Concerns: The installation and maintenance of a solar farm can have many adverse environmental effects. These include potential disruption to local wildlife habitats and alterations in land use that affect the area's extensive ecosystem. We have eagles along with a variety of wildlife that call this area home. Chemicals used to clean solar panels can seep into our groundwater and contaminate our wells and be a health hazard to residents and wildlife.

There will be a battery storage facility on the solar farm that will include large amounts of lithium ion batteries. Lithium ion batteries are a serious fire hazard. If they catch on fire, as lithium ion batteries tend to do from time to time, like cell phones, e-bikes, etc., there is no way of putting the fire out, the fire department can do nothing. A solar farm battery facility caught fire last year in New York and it burned for three days straight due to the fact that there was no way to put that kind of fire out. The entire time it was burning, it released hazardous fumes into the air, which got into the land as well as the groundwater.

Solar panels become less and less effective each year, losing approximately 10-15% of their productivity per year. The panels only last for about 10-15 years at most and then they must be properly disposed of. If not, the old panels will leak hazardous chemicals into the air, land and groundwater. In addition, if at any time, a panel is damaged in any way, it must be removed and properly disposed of quickly. Earlier this year, a hail storm destroyed all the solar panels on a solar farm in Texas. This led to a massive amount of hazardous material being released into the air, soil, and water.

I do not think these environmental impacts have been thoroughly evaluated for this project.

Local Infrastructure Strain: The project could strain local infrastructure, including roads, drainage systems, and utilities. These potential impacts have not been adequately addressed, raising concerns about possible disruptions and the need for costly infrastructure improvements.

Traffic and Safety Issues: The construction phase is expected to increase traffic on local roads, posing safety risks for residents, especially children and pedestrians. The ongoing presence of maintenance vehicles could also contribute to traffic congestion and wear on our roadways.

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AUG 09 2024

Noise and Light Pollution: The construction and operation of a solar farm will likely introduce noise pollution from machinery and equipment, which could disrupt the peaceful nature of our county. Additionally, once installed, the reflective properties of solar panels may cause light pollution, glare and excessive heat, negatively impacting the environment.

Conflict of Interest: The landowner of the proposed solar farm is a relative of a member of the county commission who is expected to vote on the approval of this project. This connection raises serious concerns about a conflict of interest and ethical implications regarding the decision-making process. Such a conflict must be illegal and unethical. One family member should not be permitted to vote or advocate for a project that would increase the wealth of another family member, at the community's cost.

Given these concerns, I respectfully urge the Planning and Zoning Department to reject the proposal for the Franklinton Farm Solar Project for the preservation of our community's character and well-being.

Thank you for considering my concerns.

Sincerely,



Barbara Milleson

Jefferson County resident since 1996

Planning Department

From: Planning Department
Sent: Tuesday, August 13, 2024 4:42 PM
To: 'Laura Tyler'
Subject: RE: File 24-4-CUP - Solar Energy Facility

Good afternoon,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Laura Tyler <milo11464@gmail.com>
Sent: Tuesday, August 13, 2024 4:39 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: File 24-4-CUP - Solar Energy Facility

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

I am against the application of a proposed solar energy facility (file #24-4-CUP) for the following reasons.

Clearing large areas of land for solar facilities can harm native vegetation and wildlife by destroying their habitats, interfering with rainfall and drainage, and causing direct injury or death.

Solar facilities may require large amounts of water for cleaning collectors and cooling turbine generators that could put a strain on the groundwater in the area. Chemical spills from these facilities could contaminate groundwater or the ground surface.

Solar panels are not biodegradable and contain heavy metals that are harmful to the soil and groundwater. Solar panels have a life expectancy of 25-30 years. If these panels aren't recycled, what is the impact of these solar panels in landfills?

Solar energy facilities decrease the property value of homes and land nearby. Would you want this in your backyard? In case you haven't seen one of these solar panel facilities, go to the intersection of Charles Town Road and Kabletown Road for a closer look.

This area is so beautiful with our farms, rolling hills, mountains, rivers, and wildlife. It is bad enough that there are so many large housing developments and warehouses already. Let's not add another solar farm to the list.

We need to be more concerned with preservation of our land and wildlife. Please vote no to this proposed solar energy facility!


Sincerely,

Laura Tyler

Summit Point, WV 25446

Staff Report
 Jefferson County Board of Zoning Appeals
 August 22, 2024
24-26-ZV Herbert Campground Variance Request

Item #2 Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed five (5) unit campground from 10 acres to 5.92 acres.

Owner:	Joseph & Shelby Herbert
Applicant:	Same
Parcel Information & Zoning District:	<p style="text-align: center;">1122 Duncan Rd, Harpers Ferry, WV Parcel ID: 09001100100000; Size: 5.9 acres; Zoning District: Rural</p> 
History:	Johnson Parent to Child Transfer (recorded on 09/19/1994 in PB 13, PG 17)
Approvals:	<p><u>Conditional Use Permit:</u> 01/13/2021: Special Event Facility - River Chase Wedding Venue (20-8-CUP)</p> <p><u>Zoning Certificates:</u> 10/06/2017: Bed and Breakfast Operation (17-34-ZC) 01/28/2022: Farm Vacation Enterprise (22-1-ZC) 04/14/2023: Bed and Breakfast - owner occupied short term rental (23-20-ZC) 07/29/2024: Short Term Rental: The Moler Cottage on the Potomac (24-29-ZC)</p>
Waivers/Variations:	None
Approved Activity:	Single Family Residence Bed and Breakfast Wedding Venue
Site Visit Conducted:	No

Staff Overview

The subject parcel is the residue parcel of the Johnson Parent to Child Subdivision, which was recorded in December of 1994 in Plat Book 13 at Page 17. The lot is approximately 5.92 acres in size and surrounded primarily by residential development and undeveloped, wooded land.

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2024
24-26-ZV Herbert Campground Variance Request

The applicant is requesting a variance from Section 8.17B.1 to reduce the required acreage for a five site campground from ten acres to 5.92 acres.

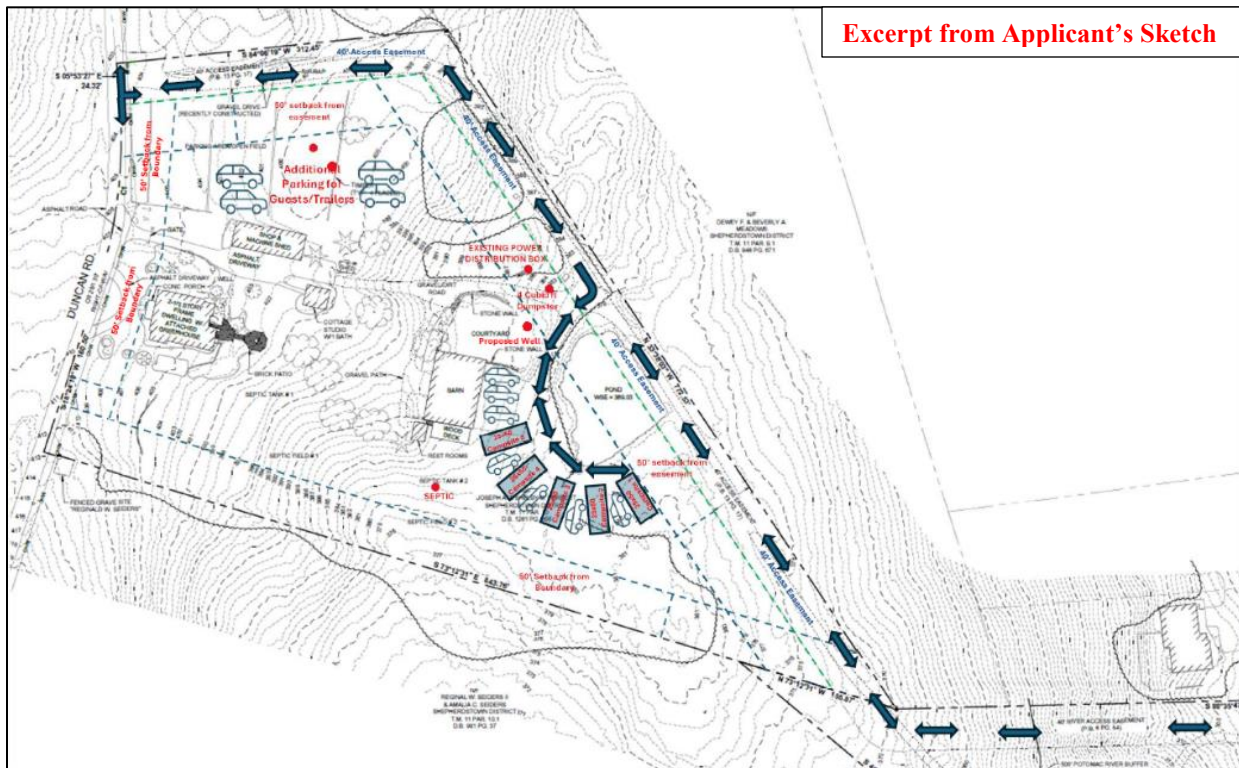
The purpose of a minimum acreage requirement is typically to ensure that adequate buffering between uses can be provided and that sufficient space exists to accommodate infrastructure and amenities related to the land use. As part of the design standards for campgrounds, the Ordinance requires a minimum setback of 50-feet from existing property lines and a ten foot vegetative buffer (existing or planted) be provided.

Pursuant to Appendix C of the Zoning Ordinance, a Campground is a Principal Permitted Use (the use is allowed by right) in the Rural Zoning District.

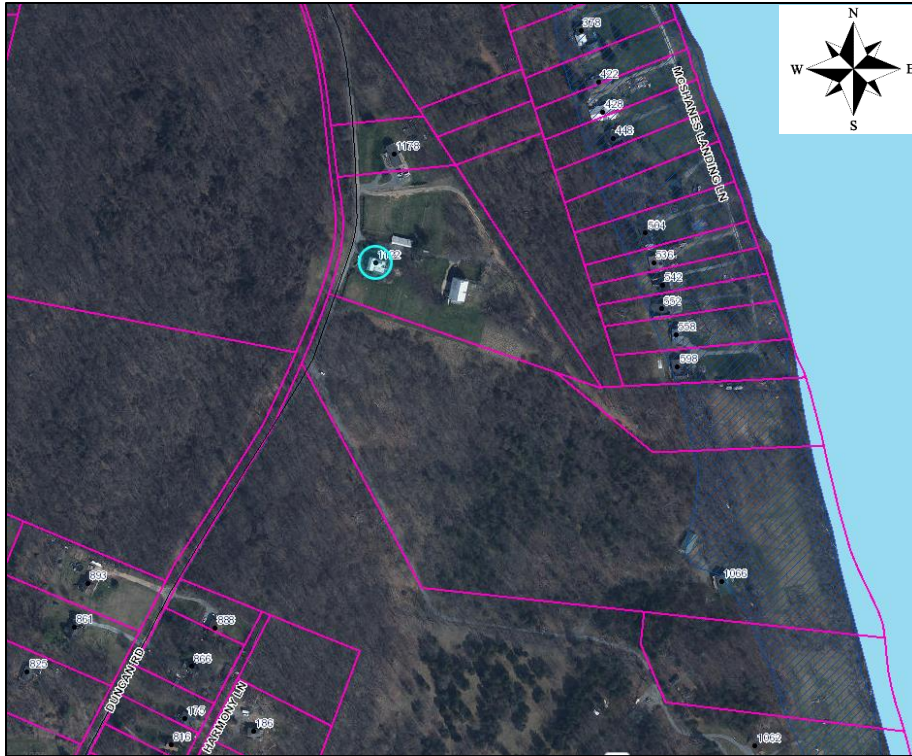
Section 8.17 of the Zoning Ordinance states that campground facilities provide tourism related accommodations for visitors to Jefferson County. The campground provisions include design guidelines that protect adjacent property owners while allowing the property owner to develop their land.

Note: In 2016 when the campground regulations were being drafted, both the Planning Commission and the County Commission intended to include a provision stating that a variance to the minimum acreage requirement for a campground could be granted by the Board of Zoning Appeals (see exhibit A). The provision was removed at Staff’s recommendation due to the fact that any standard in the Zoning Ordinance may be modified by the Board of Zoning Appeals via the variance process.

Pursuant to Appendix B, Division 8 of the Subdivision Regulations, “no more than 15 campsites per acre are permitted”. As such, a ten acre lot could have up to 150 campsites. The subject request is to reduce the minimum acreage requirement from ten acres to 5.92 acres to allow a five site campground to be established. It appears that a five site campground on 5.92 acres could accommodate the Development Guidelines listed in Section 8.17B of the Zoning Ordinance and the Dimensional Requirements listed in Appendix B, Division 8, Section 8.2B of the Subdivision Regulations.



Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2024
24-26-ZV Herbert Campground Variance Request



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

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

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

Conditions of Approval

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

1. The applicant shall submit documentation reflecting compliance with Section 8.17B of the Zoning Ordinance and Appendix B, Division 2, Section 8.2B of the Subdivision Regulations to ensure adequate buffering from adjacent properties is provided in order to protect and encourage the health, safety, and general welfare of the neighbors.
2. Zoning Certificate File #22-1-ZC issued for five lodging units under the Farm Vacation Enterprise land use designation shall become null and void upon commencement of the Campground Operation.

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2024
24-26-ZV Herbert Campground Variance Request

Section of Ordinance to be Considered:

Section 8.17 Campgrounds³¹

Campground facilities provide tourism related accommodations for visitors of Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC), and Rural (R) zoning districts.

A. The following uses are identified as permitted uses within a campground:

1. Campsites, cabins, campers, and recreational vehicle sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be temporary, limited to 180 days per calendar year.
3. Caretaker residence.
4. Shelters, gathering halls, bathhouses, pools, recreational areas, and other amenities related to the campground.
5. Such campground amenities may be rented out to the general public without the rental of a campsite; however, the primary use of the amenity must be for the use and enjoyment of campers. River access shall be restricted to use by the campers and their guests unless otherwise authorized by the campground management.

Any campground wishing to host an event or activity open to the public at the campground shall process a Zoning Certificate application prior to commencement. If the facility and parking for such event was included on the Site Plan and previously included in the Zoning Certificate, such separate Zoning Certificate shall not be required.

6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of ten acres in size and shall meet all of the following setbacks.
2. When campsites or amenities are within 1,000 feet of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers, or other methods to prevent unintentional trespass.
3. All campgrounds shall have direct access from WV state roads or roads that meet the Jefferson County Subdivision Regulations standards.
4. All campsites shall be located a minimum setback of 50 feet from existing property lines.
5. All campsites and amenities shall be screened by a ten foot vegetative buffer utilizing the Narrow Standard Detail; provided that if the campground abuts the river or has a mountain view, no vegetative screen is required in this area. A ten foot buffer of natural vegetation (evergreen or hardwood) may be administratively approved in place of a planted buffer.
6. Section 4.13 does not apply to campgrounds, which may be located within 500 feet of the Potomac and Shenandoah Rivers.

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2024
24-26-ZV Herbert Campground Variance Request

7. Campsites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
8. Campgrounds may be served by well and drain fields.

C. Regulatory Approval

1. Campground uses must submit a Concept Plan and be approved by the Planning Commission pursuant to a public hearing in accordance with the Jefferson County Subdivision Regulations.
2. Upon approval of the Concept Plan, if required, a Site Plan must be processed in accordance with the Jefferson County Subdivision Regulations.
3. All state regulations pertaining to the operation and licensing of a campground must be followed.

Additional Information Relevant to the Request

Article 2 of the Zoning Ordinance includes the following definitions:

Campground: An area or premises located on a single lot, operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers occupying camping units. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.17 of this Ordinance and relevant sections of the Subdivision Regulations.

Camping Units: Individual units designed for temporary occupancy within an approved campground and may include shelters, pavilions, gathering halls, bathhouses, pools, recreation areas, trails, fire pits, retail stores, laundry facilities, food service, amphitheaters, ponds, lakes, and other uses related to the needs of the campers.

Campsite: Generally means an area where an individual, family, or group can pitch or place a camping unit; a campground may contain many campsites.

Attachments

1. ZTA15-02 – DRAFT Campground Regulations Amendment – May 5, 2016 County Commission input with Staff Recommendations for the July 21 2016 County Commission Meeting (which was postponed until September 13, 2016).
2. While the Board of Zoning Appeals does not have any jurisdiction over the Subdivision Regulations, Division 8, Section 8.2 of the Subdivision Regulations is attached for reference.
3. Standard Detail M-54
4. Excerpts from the Envision Jefferson 2035 Comprehensive Plan

**Proposed Amendments (ZTA 15-02) to
Jefferson County Zoning and Land Development Ordinance
Amendments adopted by the County Commission, June 1, 2014**

ARTICLE 2: DEFINITIONS

Section 2.2 Terms Defined

Campground²⁷ An area or premises located on a single lot operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers ~~tourists~~ occupying camping units ~~such as trailers, self-propelled campers, tents, cabins and/or lodges~~. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.17 of this Ordinance and relevant sections of the Subdivision Regulations.

**** See attached for additional definitions recommended to be included in either the Zoning Ordinance or Sub Regs by staff.**

ARTICLE 8: SUPPLEMENTAL USE REGULATIONS²³

Section 8.17 Campgrounds

Campground facilities provide tourism related accommodations for visitors to Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC) and Rural (R) zoning districts.

A. The following uses are identified as Permitted Uses within a campground:

1. Campsites, cabins, campers and recreational vehicles sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be temporary, limited to a 180 days per calendar year. ~~Campground residency shall be limited to 14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year.~~
3. Caretaker residence
4. Shelters, gathering halls, bathhouses, pools, recreational areas and other ~~uses~~ amenities related to the campground.
5. ~~Such~~ campground amenities may be rented out to the general public without the rental of a campsite, however the primary use of the amenity must be for the use and enjoyment of campers. ~~River access shall be restricted to use by the campers and their guests.~~
Any campground wishing to host an event or activity open to the public at the campground shall process a Zoning Certificate application prior to commencement.

6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet all of the following setbacks.

2. A variance to the minimum campground size may be granted by the Board of Zoning Appeals.

3. When campsites or amenities are within 1,000' of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.

4. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards. A variance to this standard may be granted by the Board of Zoning Appeals.

5. All camp sites shall be located a minimum setback of 50 200' from existing residential dwellings property lines.

6. All camp sites shall be visually screened from existing residential dwellings within 500'. All campsites and amenities shall be screened by a 10 foot vegetative buffer utilizing the Narrow Standard Detail; provided that if the campground abuts the river or has a mountain view, no vegetative screen is required in this area. A 10 foot buffer of natural vegetation (evergreen or hardwood) may be administratively approved in place of a planted buffer.

7. Camp sites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.

8. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.

9. Camp sites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.

10. Campgrounds may be served by well and drain fields.

C. Regulatory Approval

1. Campgrounds uses must submit a Concept Plan and be approved by the Board of Zoning Appeals-Planning Commission pursuant to a public hearing.

2. Upon approval of the Concept Plan a site plan must be processed in accordance with Jefferson County regulations.

3. All state regulations pertaining to the operation and licensing of a campground must be followed.

Commented [JB1]: This statement is not required as all standards in the zoning ordinance may be varied by the BZA

Commented [JB2]: This statement is not required as all standards in the zoning ordinance may be varied by the BZA.

Commented [JB3]: Reflects CC input 5/5/16 – please confirm buffer is what was agreed to

APPENDIX C: PRINCIPAL PERMITTED USES TABLE^{23,27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Bail Bond Services	NP	P	P	P	PC	NP	NP	NP	NP	PC	P	NP	
Bank	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Bank with Drive-Through Facility	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC	Sec. 8.3
Business Equipment Sales and Service	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Building Maintenance Services	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Campground	NP PG	P	NP	NP	NP	NP P	NP	P NP	NP	P	P	NP	Sec. 8.16
Car Wash	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	PC	PC	NP	NP	PC	P	NP	
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	NP	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Custom Manufacturing	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Exterminating Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Florist	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Food Preparation	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Hotel/Motel	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Gambling Facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	PC	P	P	PC	PC	PC	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Grocery Store	P	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	NP	NP	P	P	NP	
Kennel	NP	P	P	P	PC	P	P	P	NP	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	PC	P	P	NP	NP	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	PC	P	NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	PC	P	NP	P	NP	P	P	NP	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	

Commented [JB4]: Staff comment: Note that the Ordinance currently permits campgrounds in NC (conditionally), GC, PND, RLIC and IC. The Committee was not specific to what zones they recommend that campgrounds should be permitted in but did state verbally that they would like for campgrounds to occur in the Rural zone. Staff has added it as "P" in Rural and changed it to "NP" in NC and PND. It is still listed as "P" in GC, RLIC, and IC.



- E. Not more than one mobile/manufactured home unit shall be placed on or above a mobile/manufactured home site. The mobile/manufactured home structure shall be set on the site in accordance with the requirements of the Jefferson County Building Code Enforcement Ordinance and applicable State Codes. The more stringent requirement shall prevail.
- F. All mobile/manufactured homes not set on permanent masonry or concrete foundation walls shall be skirted. Mobile homes shall be skirted with a uniform material; and an access door a minimum size of two feet by two feet shall be constructed in the skirting of each mobile home.
- G. Mobile/manufactured homes and accessory buildings shall be set back a minimum of 20 feet from the front mobile/manufactured home-site lines and 10 feet from rear and side mobile/manufactured home-site lines. No mobile/manufactured home shall be located within a FEMA flood-hazard area.
- H. Mobile homes, structures, and storage buildings, in a mobile/manufactured home park, shall be kept 25 feet back from all exterior property lines and right-of-way lines.
- I. Convenient off-street parking (on each mobile home site or in designated parking areas) shall be provided at the rate of two spaces per mobile home site. Each space shall have a minimum dimension of 9 feet by 20 feet.⁴
- J. Each mobile home stand shall be served by an individual sidewalk a minimum 2 feet in width. All walkways shall be constructed in accordance with Appendix B, Section 2.2.K.3, *Sidewalks & Paths*. Individual sidewalks shall connect with the common sidewalks in the mobile home park, or, to paved off-street parking spaces, or, to paved streets.
- K. Each mobile home site shall provide serviceable connections for water supply, sewage disposal and electricity. Water and sewer connections shall comply with the minimum standards of the West Virginia Department of Health. Electrical connections shall comply with service provider requirements.
- L. Each mobile home park shall be served by a central water supply system.
- M. Each mobile home park shall be served by a central sewerage system. Septic systems are prohibited.

Division 8.0 Campgrounds⁷

Section 8.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Campgrounds are developments with special requirements of their own. All campgrounds shall process as a Minor Site Plan. Campgrounds proposing more than ten (10) sites shall also process a Concept Plan. The provisions of Division 8.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 8.0, then the requirement of Division 8.0 shall apply.



Section 8.2 Campground Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards:

1. Safe access and egress to state roads (WVDOH, Jefferson County Engineering)
2. Stormwater quality and quantity control (Jefferson County Engineering)
3. Erosion and sediment control (WVDEP, Jefferson County Engineering)
4. Zoning Ordinance compliance (Jefferson County Planning and Engineering)
5. Wells and drain fields (Jefferson County Health Department)
6. Public water and sewer (Jefferson County Engineering, Jefferson County Public Service District, WV Health Department)

If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply. West Virginia Regulations pertaining to Campgrounds apply to all facilities.

- B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.17 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of 1,200 square feet not to include road rights-of-way or road easements.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road easement, unless such sites are only accessible by foot.
4. No more than 15 campsites per acre are permitted.
5. All campsite pads shall be a minimum of 20 feet apart.
6. Each campsite shall provide an adequate pad for the placement of a camping unit. A campsite pad shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a three percent slope in any direction. This requirement does not apply to cabins.
7. No more than one camping unit shall be placed on or above a campsite.

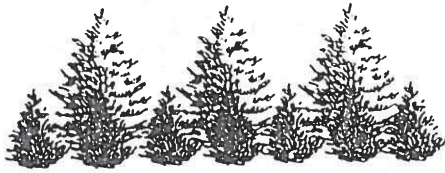
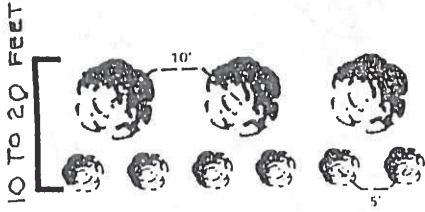
- C. Road and Access Requirements

1. Campground roads that serve less than 100 campsites shall meet the following standards:
 - a. Existing roads may be used to access campsites without meeting road standards.
 - b. May have asphalt or gravel surface.
 - c. 12 foot width with three foot pull-off areas that allow larger vehicles to pass.
 - d. Maximum slope 15%.



- e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively, the applicant may choose to use standard Jefferson County sections.
 - f. No ditches are required. All drainage from campground roads must be managed to prevent erosion.
 2. Campground roads that serve more than 100 campsites shall meet the following standards:
 - a. May have asphalt or gravel surface.
 - b. 15 foot minimum width.
 - c. Maximum slope 15%.
 - d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively, the applicant may choose to use standard Jefferson County sections.
 - e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
 - D. Parking Requirements
 1. Campsites accessed by vehicles shall provide one level parking area at each site.
 2. If parking is not provided at the campsite, one space per campsite shall be provided in a common parking area.
 3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.
 - E. Sanitation
 1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
 2. A campsite may contain any combination of water, sewerage, or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations within 500 feet of all campsites.
 3. Each campsite shall be provided with a sanitary, covered garbage can.
 4. A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station, and one solid waste disposal collection facility.
 5. As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed, plus capacity to accommodate any public buildings.
 - F. All powerlines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.
 - G. Fire pits (if provided) for campsite must be shown on the Site Plan. A detail of the fire pit must also be provided.
 - H. Camping associated with short term, temporary uses, approved by Jefferson County, are not subject to these regulations.
-

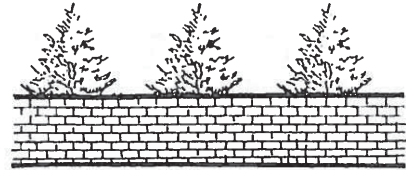
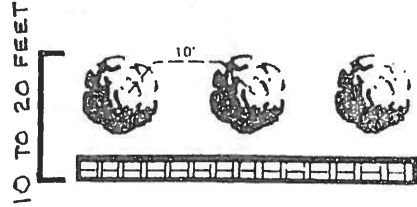
TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION F

TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

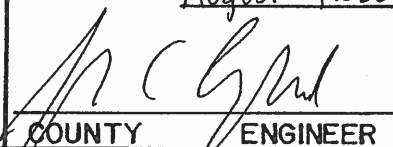
OPTION G

OPTION F

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

OPTION G

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

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

Tourism Recommendations (Goal 9)

1.	Create a unique “brand” for the County for all promotional and marketing materials.
	a. Increase awareness of public and private recreational opportunities that are available to visitors and residents of Jefferson County.
	b. Coordinate with the Jefferson County Convention and Visitors Bureau (CVB) to maintain and promote a community calendar.
2.	Develop a robust arts and culture program in Jefferson County by identifying and utilizing a range of public and private funding sources.
3.	Create additional opportunities for arts, cultural, and heritage tourism programs and facilities in Jefferson County.
4.	Establish plans and funding strategies for a county cultural arts center that will incorporate a variety of facilities including studios, galleries, multiple performance spaces, educational and training facilities, and gathering areas.
5.	Use historic and agricultural structures to support tourism for traditional and non-traditional functions that promote preservation of cultural landscapes.
6.	Create a public art program that would encourage the installation of locally produced art in publicly owned facilities and sites.
7.	Coordinate with various local and regional heritage tourism entities to create a trail that connects historic and battlefield sites located in the County and neighboring counties and states.
	a. Collaborate with the Journey Through Hallowed Ground or the Canal Towns Partnership’s efforts.
8.	Coordinate with riverside property owners and river tourism service providers to identify and implement methods that would enhance recreation options along the County’s waterways, including public river access.
	a. When considering additional river recreation activities, rural landowners’ property rights and the quality of life of the individuals and families living along the waterways should be factored into proposed development plans.
	b. Encourage all river recreation activities to occur in a manner which supports the Chesapeake Bay Initiative.
9.	Support and promote rural and recreational tourism to help achieve the County’s economic goals.
10.	Use multi-media technologies to promote tourism, including tourist businesses and the tourism efforts of the incorporated Towns.
11.	Continue to support the Jefferson County Fair and encourage the continued upgrading of fair facilities.

Objective #3: Amend development requirements and reduce regulatory barriers to encourage economic development within the UGBs, PGAs, or Villages.

Objective #4: Ensure that sufficient land area is available within the UGBs, PGAs, or Villages to accommodate a variety of economic development opportunities.

Goal #8: Retain, Strengthen, and Enable the Growth of Jefferson County's Rural, Cultural and Artisan Economies.

Objective #1: Encourage diverse economic activity and agricultural production in the County's rural areas.

Objective #2: Update existing land use regulations to allow for diverse compatible and complementary uses on agricultural properties and within rural areas of Jefferson County.

Objective #3: Enhance farmland protection activities within Jefferson County.

Objective #4: Encourage the creation of agricultural service facilities within Jefferson County, preferably within areas in close proximity to agricultural activities.

Objective #5: Enhance local and regional distribution and marketing of the County's agricultural products.

Objective #6: Provide tools for the education of and resources for the creation and viability of new generations of farmers.

Objective #7: Encourage farm operators to collaborate with county officials in identifying potential economic development opportunities related to agriculture in Jefferson County.

Goal #9: Preserve, Promote and Enhance Components of Jefferson County's Natural, Cultural, Built, Historic, Recreational, and Rural Environments which Encourage Tourism.

Objective #1: Collaborate with the Jefferson Arts Council (JAC), Historic Landmarks Commission (HLC), Jefferson County Convention and Visitors Bureau (JCCVB), and other organizations in the creation of a long-range cultural tourism and management plan.

Objective #2: Encourage the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.

Objective #3: Protect and enhance the viability of natural, cultural, and built environments within Jefferson County while allowing recreational and tourism opportunities.

Goal #21: Balance the Use of Jefferson County's Natural Resources for Recreational and Tourism Purposes with Conservation Practices that Ensure the Resources will be Available for Future Generations.

- Objective #1:** Ensure that public and privately owned parks and recreation facilities within Jefferson County are designed in a way that respects the natural features of the properties where the facilities are located.
- Objective #2:** Develop methods to integrate community gardens and related facilities with parks and recreational activities.
- Objective #3:** Encourage the provision of a variety of public and private camping facilities located in appropriate areas of Jefferson County.
- Objective #4:** Provide improved public access to the Potomac and Shenandoah Rivers for residents and tourists in a manner that is compatible with existing neighborhoods and rural areas, for all water sports and related activities.

Education Element

Goal #22: Collaborate with the Jefferson County School Board to Assess Locations for new School Facilities and/or Potential Enhancement of Existing School Sites Based on the Rate and Location of New Development within Jefferson County.

- Objective #1:** Work with the Jefferson County School Board to identify areas of existing and future facility needs related to the student population in Jefferson County.
- Objective #2:** Encourage the construction of new school facilities inside of the UGBs, PGAs, or Villages whenever possible.
- Objective #3:** Identify ways to protect and enhance the viability of existing school facilities within Jefferson County, particularly those located within UGBs, PGAs, or Villages.
- Objective #4:** Identify opportunities for the shared use of school facilities with other area agencies.
- Objective #5:** Review the School Impact Fee to determine if the existing fees are appropriate or need to be adjusted
- Objective #6:** Jefferson County, in combination with its representation at the state level, should work with state agencies to identify a more equitable funding method for financing operating costs for schools within West Virginia.
- Objective #7:** Continue to encourage the adaptive reuse of school buildings for community and non-profit uses.



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

File Number: 24-26-ZV

Staff Initials: jth

Meeting Date: 08/22/24

Fees Paid (~~\$100 or \$150~~): 150.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Joseph Herbert & Shelby Herbert

Mailing Address: 1122 Duncan Rd Harpers Ferry, WV 25425

Phone Number: 703-930-1993 Email: joeaherbert@gmail.com

Applicant Contact Information

Name: "Same as Owner"

Mailing Address: _____

Phone Number: _____ Email: _____

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

Name: _____

Mailing Address: _____

Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 1122 Duncan Rd

City: Harpers Ferry State: WV Zip Code: 25425

Tax District: 9 Map No: 11 Parcel No: 09001100100000

Parcel Size: 5.98 acres Deed Book: 1261 Page No: 356

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Received via email 07/26/24 (jth)

Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 8.17 subsection B.1

Briefly describe the nature of the variance request:

Request to reduce the requirement from 10 acres to 5.98 acres to accomodate 5 camping units. We'd like to develop this property to help meet the county's comprehensive plan goals to identify and implement methods that would enhance recreation options along the County's waterways and promote rural and recreational tourism."

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

Our 5.98 acre parcel is located in a heavily wooded area. The closest adjacent neighbor's home is ~500 ft from the planned campsite area screened on all sides by natural and manmade buffers. No access to/from McShanes Landing. Negligible traffic impact. Only requesting 0.84:1 camping units/acre (vs 15:1 allowable). Served by well/septic.

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

This parcel is only 5.98 acres located on a residue parcel of a historic farmstead originally owned by the Moler family. The lot size does not meet the minimum lot size of 10 acres required by the zoning ordinance.

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

Campground is a principal permitted use of the land in the Rural District. A variance will allow us to achieve Goal #9 of the Comprehensive Plan "coordinate with riverside property owners to identify and implement methods that would enhance recreation options along the County's waterways." "Support and promote rural and recreational tourism."

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

Campground is a principal permitted use of the land. By reducing the ratio of camping units to acres from 15:1 as allowed in the zoning ordinance to 0.84:1, the use can help Jefferson County meet its comprehensive plan goals, promoting more opportunities for recreational tourism with a minimal impact on the adjacent property owners.

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

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

DocuSigned by: Joseph Herbert 7/25/2024
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

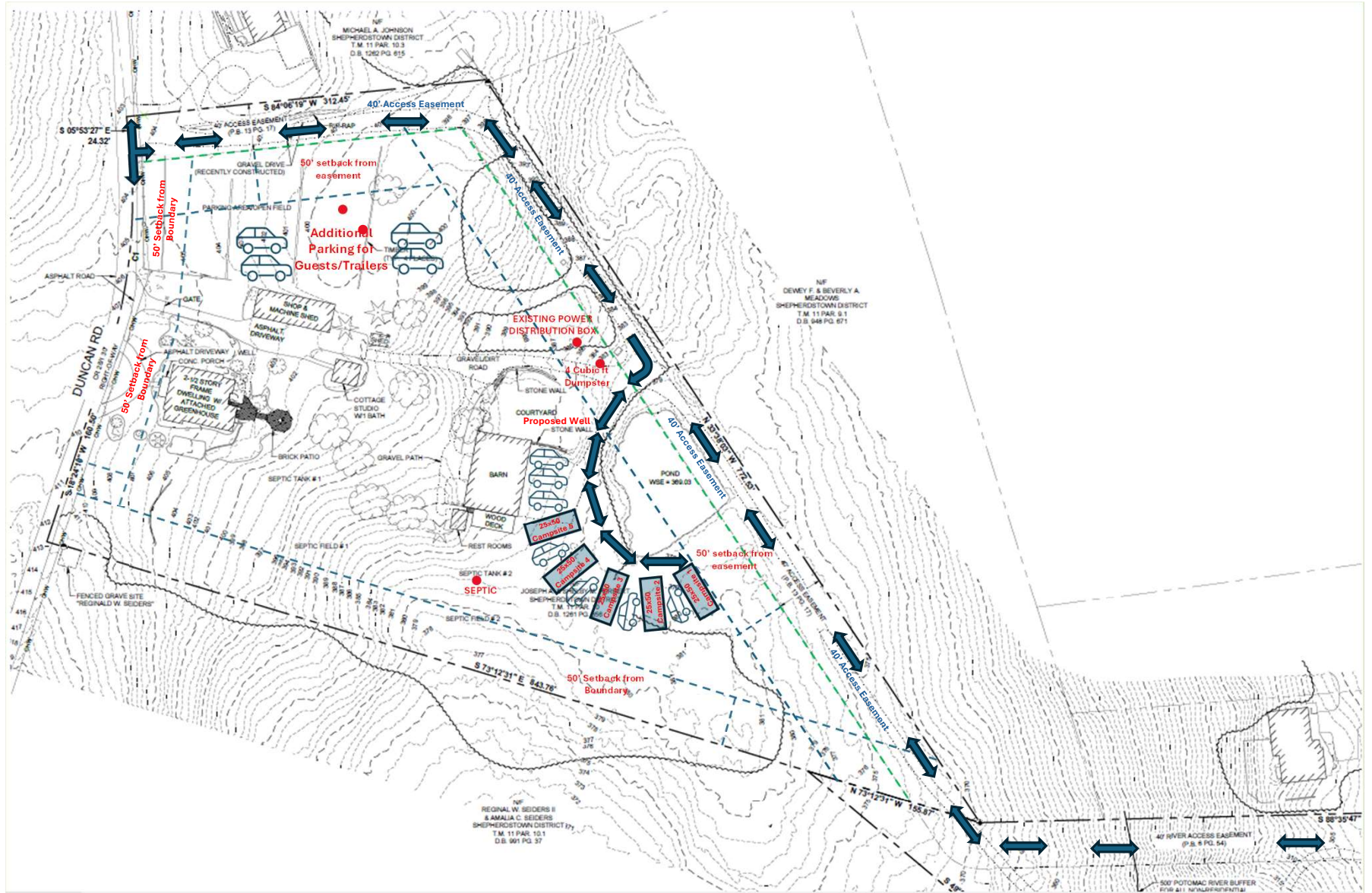
08/22/24
Date of Public Hearing

08/07/24
Advertising Date

08/07/24
Placard Posting Date

5 Campsite Proposal on 5.98 acres on Parcel 10

- Natural vegetative buffer on southern boundary; Planted buffer 10+ ft on western boundary Natural vegetative buffer on western boundary
- **Need ~ 75 ft of planted buffer on northern boundary *If the buffer from the barn and wooded areas do not suffice***
- Platted 40' access easement in existence from Duncan Rd to the Potomac River across Parcels 10 and 10.2
- Neighbor to the north has deeded access “non-exclusive” for “ingress and egress”. Proposed use will not interfere with his ability to ingress and egress from Duncan Rd to the Potomac River.
- Boat ramp to be installed in easement area at the River Front to service Campground Gusts only (and easement holder)
- Proposed campground road off easement to be 12' to access campsites
- Parking will be available at each campsite, with additional behind the barn and in the open field indicated on the sketch
- Well/septic proposed in the areas indicated
- Existing power distribution box in area indicated
- Existing 4 cubic ft dumpster in area indicated
- Each campsite is 25X50'
- Each campsite is ~ 20 ft apart.
- All campsite pads will be 15x 25 ft
- All campsites will have a small fire pit/solo stove





24-26-ZV Herbert (6-ac campground) Public Comment Index

1. Submitted 2024-08-12 by C. Rife
2. Submitted 2024-08-13 by J. Nimetz
3. Submitted 2024-08-14 by S. Paxton
4. Submitted 2024-08-15 by C. Axline
5. Submitted 2024-08-15 by R. Commisso
6. Submitted 2024-08-15 by W. Kanwisher
7. Submitted 2024-08-15 by WW. Lochner
8. Submitted 2024-08-15 by L. McInnes
9. Submitted 2024-08-15 by B. Meadows
10. Submitted 2024-08-15 by P. Milcetic
11. Submitted 2024-08-15 by C. Pennington
12. Submitted 2024-08-15 by M. Johnson

Zoning

From: Zoning
Sent: Monday, August 12, 2024 1:07 PM
To: 'Rife, Chris'
Cc: Chris Rife
Subject: RE: Comments on File # 24-26-ZV and File #24-27-ZV

Good afternoon,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Rife, Chris <christina.rife@cardinalhealth.com>
Sent: Monday, August 12, 2024 12:30 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Cc: Chris Rife <clrife08@yahoo.com>
Subject: Comments on File # 24-26-ZV and File #24-27-ZV

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Dear Zoning Board,

I am opposed to both requests for variance.

The Herberts are trying to get around the 10-acre minimum as even with both properties combined, they abut each other, they do not make up the 10 acres needed to safely create a campground.

- File #24-26-ZV
 - The property already has 5-6 structures and a parking lot on the property. Which means the units would not be on 5.92 acres but on a much smaller plot of land.
 - This property is also zoned as a wedding venue and primary residence. Is the wedding venue and primary residence going to be taken out?
 - They seem to be wanting to have lodging on their wedding venue property for guests. That makes it a totally different type of property request.
 - The current septic system would not be able to handle 5 additional units on a small 5.92 ac lot.
 - The health department says you need at least 10 acres to have another septic system. This would not be possible.
- File #24-27-ZV
 - This parcel was granted a farm license for Christmas trees. How is this going to happen along with a campground.
 - There is no road or parking for this property currently and would have to cross the File #24-26-ZV to get there. This clearly shows they are trying to just get away with setting up more campsites without meeting the current requirements

- There is no septic on this land either.
- Most of this land is in the flood zone which means any units, utilities, etc. would have to be put in about a 1 ac plot of land that is not in the flood zone.
- They do not have enough acreage to put in a septic system for 4 units that is far enough away from the river and neighbors.
- The neighbor next to the Herbert's (Mr. Johnson) is in a battle with the Herbert's over the easement to the river which puts even more concern on these requests as it could impact the neighbor even more adversely.
- The area has been zoned rural residential, not commercial. Putting 2 campgrounds in a small rural area clearly makes is commercial.
- These requests are just another way to create public access to the river across private land and rural residential zoning.

Thank you.

Chris Rife
Knott Road Shepherdstown, WV

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Dansk - Deutsch - Espanol - Francais - Italiano - Japanese - Nederlands - Norsk - Portuguese - Chinese
Svenska: <http://www.cardinalhealth.com/en/support/terms-and-conditions-english.html>

Zoning

From: Zoning
Sent: Tuesday, August 13, 2024 10:59 AM
To: 'Josh Nimetz'
Subject: RE: Opposed to Variance Requests File #24-26-ZV and File #24-27-ZV

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Josh Nimetz <joshnimetz@yahoo.com>
Sent: Tuesday, August 13, 2024 10:55 AM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Opposed to Variance Requests File #24-26-ZV and File #24-27-ZV

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

Dear Zoning Board,

I am opposed to both requests for variance.

The 10-acre minimum is there for the safety of the people around the campground and the people attending the campground. The people on the 5.92 lot will have to cross over the 3-acre lot to get to the river. This creates a public access to the river that was shot down just recently. I also know the Herberts have already received permission to zone these properties as a primary residence, a wedding venue, and a Christmas tree farm. How is all of this going to happen on less than 10 acres with part of it in the flood zone.

Please deny these requests.

Zoning

From: Shawn Paxton <cj8drummer@gmail.com>
Sent: Tuesday, August 13, 2024 7:55 PM
To: Zoning
Cc: Dana Neese-Paxton
Subject: Written Comments submission - File #: 24-26-ZV and File #: 24-27-ZV

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

**Written Comments submission from Shawn Paxton and Dana Neese-Paxton
598 McShanes Landing Lane, Shepherdstown, WV 25443**

RE:
File #: 24-26-ZV
File #: 24-27-ZV

Our property at 598 McShanes Landing Lane is adjacent to the 3-acre parcel ID# 09001100100002 owned by Joseph and Shelby Herbert.

Our property is the last house accessible via the private drive, McShanes Landing Lane.

We are opposed to a variance to allow numerous cabins and a campground next door to our property. We believe granting these variances will have a tremendous adverse effect on our rights as the adjacent property residents.

- The acreage on the lower lot is less than one third of the required 10 acres to zone for this type of use and the upper lot only slightly more than half of the required 10 acres.
- The 10-acre minimum requirement and barrier requirements for campgrounds is written into the Jefferson County zoning ordinance to protect residents from the adverse impact of living next to the noise and other non-residential disturbances of a campground.
- Access to the lower river lot would require an access easement that is literally right up against our property line. This access easement would be what all campers and guests would use to drive down to lower cabins and the proposed boat ramp right next to our home bringing road dust and noise, with virtually no buffer between it and our property, especially where our house resides.
- The lower 3-acre parcel is only approximately 200 feet wide which means cabins and/or campgrounds will be most certainly no more than 100-125 feet from our home.
- Guests would also likely unknowingly attempt to enter the property via the end of McShanes Landing Lane, trespassing through our yard. We experienced this when this parcel was last marketed for sale, as prospective buyers attempted to tour the listed parcel by parking on and walking across our property. Per section 8.17 B.3. All campgrounds shall have direct access from WV state roads, which is not possible in this case.
- Per section 8.16 of the zoning ordinance, a short-term rental shall have no more effect on adjacent properties than a typical residential use. The allowance of up to 9 cabins on the two lots seeking variances would certainly have a much greater effect on us as neighbors compared to that of typical residential use.
- Per section 8.17 approving a campground variance would allow the owners to construct shelters, gathering halls, bathhouses, pools, recreational areas, and other amenities related to the campground and

these amenities would then be available to rent to the general public per section 8.17 A.5. This would result in even more traffic beyond all the overnight guests using the cabins.

Please submit this written objection to the granting of these variance requests to the meeting agenda. We plan to attend the hearing and would like our concerns to be heard in person as well.

Sincerely,

Shawn Paxton and Dana Neese-Paxton
598 McShanes Landing Lane Shepherdstown, WV 25443
703-973-8804 or 703-772-1468

--

Shawn Paxton
703-973-8804

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 10:05 AM
To: 'Chuck Axline'
Subject: RE: Opposing any kind of variances for the Herbert property at 1122 Duncan Road

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Chuck Axline <chuckaxline@gmail.com>
Sent: Wednesday, August 14, 2024 9:47 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Opposing any kind of variances for the Herbert property at 1122 Duncan Road

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

1st the property is down in a flood zone between two family homes and it is not suitable for traffic, noise, septic ,water ,electricity, Etc.

2nd our friends and neighbors have had very little to no notice on the posting of this possible change which should automatically disqualify the possibility.

3rd the Herbert Family lied to the neighbors and told us and approximately 10 others that they were going to build their forever home. Ever since then they Attempted to commercialize everything about the property. They have rented their Barn for wedding events. They have rented their house. They have turned a chicken coop into a rental property. They have made several attempts to build cabins or create a campground on the rest of the property. The property does not meet the space requirements and or any other requirements to allow such variances to take place. The property is not a farm or has it produced any type of sellable product . My understanding permits were made at one time under a C.U.P . My understanding is the county has not enforced any infractions and they continue to exploit the property and ignore the county codes.

I am unsure if the Herbert's are part of Harpers Ferry holdings. It is terribly unfair that a group of money and power hungry folks like this can continually badger the good citizens of this County. They seem to go unchecked and play by their own set of rules. I urge you to protect our citizens and decline any variance now and for the future.

Thank You.

Sincerely, Charles Axline and multiple family members.

Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural
Parcel Info: Michael Paul Chapman, Trustees, Property Owner
651 & 653 Franklinton Rd, Summit Point, WV 25446
Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac; Zoning District: Rural

File #: 24-26-ZV

Request: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed five (5) unit campground from 10 acres to 5.92 acres.
Parcel Info: Joseph & Shelby Herbert, Property Owners
1122 Duncan Rd, Harpers Ferry, WV
Parcel ID: 09001100100000; Size: 5.92 acres; Zoning District: Rural

File #: 24-27-ZV

Request: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed four (4) unit campground from 10 acres to 3 acres.
Parcel Info: Joseph & Shelby Herbert, Property Owners
Vacant parcel located SE of 1122 Duncan Rd, Harpers Ferry, WV
Parcel ID: 09001100100002; Size: 3 acres; Zoning District: Rural

File #: 24-28-ZV and 24-29-ZV

Request #1: Variance from Appendix B to reduce the side setback & unscreened buffer area along the eastern property line for an addition to an accessory structure and the installation of a driveway

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 10:05 AM
To: 'Robert Commisso'
Subject: RE: opposition to variances numbers 24-26-ZV and 24-27-ZV at 1122 Duncan Rd.

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Robert Commisso <bobby.commisso@gmail.com>
Sent: Thursday, August 15, 2024 8:18 AM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: opposition to variances numbers 24-26-ZV and 24-27-ZV at 1122 Duncan Rd.

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

My name is Robert Commisso and I live at 185 Rabbits Rest La. I previously served as President of the Rabbits Rest Homeowners' Association and in the past have written the Board of Zoning Appeals (BZA) opposing the Conditional Use Permit 20-8-CUP Wedding Venue at 1122 Duncan Rd. I write now to express my opposition to the BZA granting variances number 24-26-ZV and 24-27-ZV for camping units on parcels located at 1122 Duncan Rd.

Approval requires that the variance "Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents." Using this metric, I see several serious problems.

1. The ingress and egress on the north end and part of the east side of the 5.98- and 3-acre parcels has the potential to interfere with the use of an existing easement and associated access to the river. Any such issues should be de-conflicted before the variances are even considered. There is no discussion of the easement or river access in the variance application. In addition, the issue of the easement and associated river access is currently the subject of a court action. At the very least, the requested variance should not be considered by the BZA until the easement and river access issues are settled in court.
2. The proximity of these units to the river brings into question the environmental impact of the requested variances. What are the environmental issues? Before these variances are considered, an environmental impact study should be carried out and the results made public.
3. Are the septic systems and wells already in place or are they planned? The proximity to the river strongly suggests that there will be an issue with the ability of the ground to perk. Tests should be performed and reports made public before the variances are considered.

4. These camping units will increase the traffic on our local roads that are narrow, have no shoulders, and are not lit, making them dangerous both for out-of-town drivers and local residents dealing with out-of-town drivers. This is especially true if the campers have been consuming alcohol.

5. If the requested variances are approved, the campsites will provide local commercial entities a natural convergence location for river riding. This brings buses into play, providing additional traffic and wear and tear on the local roads. The parcel is zoned rural, not commercial. Granting the variances opens the door to a commercial enterprise, with associated negative effects on the rural nature of the area, as well as adversely affecting the public health, safety, and the rights of adjacent property owners and residents.

Thank you for your attention.

Robert J. Commisso

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 10:45 AM
To: 'WILLIAM KANWISHER'
Subject: RE: Opposition to Variances 24-26-ZV and 24-27-ZV (1122 Duncan Rd)

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: WILLIAM KANWISHER <wkanwisher@comcast.net>
Sent: Thursday, August 15, 2024 9:12 AM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Opposition to Variances 24-26-ZV and 24-27-ZV (1122 Duncan Rd)

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

To Whom it May Concern;

I am writing to oppose the granting of the zoning variances #24-26-ZV and #24-27-ZV that apply to the lot(s) located at 1122 Duncan Road.

I set forth these reasons:

1. The surrounding area has been zoned Rural Residential.
2. To date, Jefferson County has given permission to operate multiple businesses at this site, including:
 - a. bed and breakfast
 - b. an event venue
 - c. a Farm Vacation Enterprise of either 5 or 10 cabins
3. The 2035 Jefferson County Comprehensive Plan (which is still in effect) sets as a goal "Recognize the rights and viability of rural residential neighborhoods."
4. Adding yet another business (commercial campground and boat ramp) to the already existing businesses on this site is a substantial impingement of the rights of the neighborhoods that surround 1122 Duncan Rd.

5. Jefferson County Zoning Ordinances require the Board of Zoning Appeals: to find that the proposed variances "will not adversely affect the public health safety and welfare, or the rights of adjacent property owners and residents"

6. The very nature of a campground invites transient people into a very safe and secure neighborhood.

7. The campground will devalue the properties of the adjacent properties.

8. By driving down values of the adjacent properties, other property values in the neighborhood will be driven down.

9. The campground will impair the owners of the adjacent properties rights to use and enjoy their properties.

10. The campground will further endanger drivers and pedestrians on the very narrow and twisting access roads.

11. The campsites will create trash and debris that could make its way to the Potomac River.

12. The campsite and boat ramp will create congestion and dangerous conditions on the Potomac River.

13. The summer holiday weekends (Memorial Day, July 4th and Labor Day), become less festive and more tense.

14. Potential conflicts between the campsites could create chaos.

15. Guests of those using the campsites will use the private road McShane's Landing Lane to access the campsites.

It is not clear why the proponents of the variances are pursuing this change of zoning when they already have been given the Farm Vacation Enterprise certificates that allow for the building of cabins on the same lots. This seems to be duplicative.

It is a fair observation that Jefferson County has been extraordinarily generous towards the owners/operators of the business entities operating at 1122 Duncan Rd. There is no question that the resources of the county government (and therefore taxpayer funds) have been spent processing the series of requests that have emanated from these business entities. The stacking of business uses, on a lot in a rural residential area, is a burden to the community that will continue long into the future. It begs the question: Is there a limit?

It is not clear that the proponents have informed the BZA that there is ongoing litigation in the Circuit Court for Jefferson County regarding the proper uses of an easement that runs across the lots in question from Duncan Road to the Potomac River, The easement was created for the adjacent lots now owned by Michael Johnson, by Johnson's parents, who once owned 1122 Duncan Rd. From the diagrams provided in the application, it appears that a boat ramp is proposed that will lie within the easement. This may be sufficient cause to defer judgment on these variances until this dispute is resolved.

There is no guarantee that the current owner/operators of 1122 Duncan Rd and their multiple commercial businesses will always be the owners (the owner/operators were trying to sell the properties a year ago).

Whatever personal assurances they may give regarding how they will operate these multiple businesses have no effect when the property is sold.

Consider this hypothetical: a motorcycle gang, hiding their true identity, books an event for Labor Day weekend. They book all available campsites. Labor Day comes.

Chaos.

The Board of Zoning Appeals may say "that will never happen" or "that's an acceptable risk".

Would it be an acceptable risk if you lived next door?

Thank you for your attention to this matter,

William Kanwisher

504 McShane's Landing Lane
Shepherdstown, WV 25443

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 10:04 AM
To: 'WW Lochner'
Subject: RE: Petition Opposing Herbert Property (Duncan Rd.) Variance Requests

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: WW Lochner <wwlochner@gmail.com>
Sent: Wednesday, August 14, 2024 9:47 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Petition Opposing Herbert Property (Duncan Rd.) Variance Requests

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

On behalf of neighbors in the rural residential neighborhoods (Happy Hollow, McShane's Landing, Rabbits Rest) located adjacent and surrounding the Herbert Property (Duncan Rd.), requesting variances File#24-26-ZV & File#24-27-ZV, we respectfully submit the following petition to oppose these requests as they will create a heightened burden on the rural residential area. Petitioners will be providing personal written statements and/or attending the upcoming meeting.

Should you need any further documentation, please advise.

Thank You,
Wendy Lochner

Copy of Petition provided to the surrounding rural residential neighborhoods (Happy Hollow, McShane's Landing; and Rabbits Rest located near variance requests and opposing the variance requests for File #24-26-ZV & File#24-27-ZV. Copy of electronic petition and petition respondents listing are respectfully submitted for your consideration.

Section 1 of 2

Petition Opposing Variances to Reduce Minimum Lot Sizes for **Proposed** **Campground** (Duncan Rd. Shepherdstown, WV)



We the undersigned, do hereby object to the substance of, and process related to, the proposed variances:

File# 24-26-ZV: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed four (4) unit campground from 10 acres to 3 acres. Parcel info: Joseph & Shelby Herbert, Property Owners, 1122 Duncan Rd. Harpers Ferry, WV Parcel ID: 09001100100000; Size: 5.92 acres; Zoning District: Rural

File# 24-27-ZV: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed five (5) unit campground from 10 acres to 5.92. Parcel info: Joseph & Shelby Herbert, Property Owners, 1122 Duncan Rd. Harpers Ferry, WV Parcel ID: 09001100100002; Size: 3 acres; Zoning District: Rural

First Name:

Short answer text

Last Name:

Short answer text



Zip Code:

Short answer text

Email:

Short answer text

Please type your **Full Name** as a documented signature affirming your information above and petition confirmation:

Short answer text

After section 1 Continue to next section



Section 2 of 2

Meeting Notice: August 22, 2024 at 2:00 pm



These variances will be voted on at the August 22, 2024 Zoning Meeting Located in the lower level of the Charles Town Library (entrance on Samuel Street) 200 East Washington Street, Charles Town, WV 25414.

Timestamp	First Name:	Last Name:	Zip Code:	Email:	Please type your Full Name as a documented signature affirming your information above and petition confirmation:
8/12/2024 12:21:36	Lauren	Diehl	25443	laurenmdiehl@costar.com	
8/12/2024 15:09:37	Julie	Pearson-weese	25425	Pearson_julie@msn.com	Julie Pearson-Weese
8/12/2024 22:10:51	Kristi	Holler	25443	Krisholler12@gmail.com	Krista G Holler
8/12/2024 22:11:49	Bryan	Holler	25443	Krisholler12@gmail.com	Bryan L Holler
8/13/2024 14:34:12	Jordan	Shultz	25404	Jordan.eve.shultz@gmail.com	Jordan Shultz
8/13/2024 15:41:54	Ray	Axline	25443	riverrnb@frontiernet.net	Ray Axline
8/13/2024 15:42:59	Brigid	Pohl		riverrnb@frontiernet.net	Brigid Pohl
8/13/2024 16:14:35	PATRICIA	MAUCK	25443	Patricia.Mauck89@gmail.com	Patricia Mauck
8/13/2024 17:11:04	Melissa	Axline	25443	Maxline9@yahoo.com	Melissa Axline
8/13/2024 17:11:19	Jerry	Mauck	25443	Scott.Mauck69@gmail.com	Jerry Mauck
8/13/2024 17:22:54	Beverly	Meadows	25443	meadowsonriver@aol.com	Beverly A Meadows
8/13/2024 17:25:22	Wendy	Lochner	25443	wwlochner@gmail.com	Wendy G. Lochner
8/13/2024 17:38:02	Catherine	Pennington	25443	Cathy.pennington1957@gmail.com	Catherine J Pennington
8/13/2024 17:52:12	Kevin	Lochner	25443	kevin_lochner@cartermachinery.com	Kevin L. Lochner
8/13/2024 17:54:57	Adam	Brastow	25443	judy.mosher@frontier.com	Adam C. Brastow
8/13/2024 18:47:26	Steven	Reid	17340	sreid691@yahoo.com	Steven Carter Reid
8/13/2024 18:50:55	Michael	Johnson	25425	mikejrc2011@gmail.com	Michael Johnson
8/13/2024 19:19:02	Taylor	Gillenwater	25443	Taylorgillenwater7@gmail.com	Taylor Gillenwater
8/13/2024 19:19:51	David	Slosman	25443	dslosman@aol.com	David A. Slosman
8/13/2024 19:24:38	Dana	Neese-Paxton	25443	dana.leigh73@gmail.com	Dana L. Neese-Paxton
8/13/2024 19:54:41	Gregory	Pennington	25443	Greg.Pennington@me.com	Gregory Pennington
8/13/2024 20:18:18	Gerald	Weese	25425	rng361.mw@gmail.com	Gerald Weese
8/13/2024 20:36:42	Kirk	Meadows	25443	Kdmeadows324@gmail.com	Kirk D Meadows
8/13/2024 21:07:49	Ashley	Reynolds	25443	Ashleymichaelwilson@gmail.com	Ashley Reynolds
8/13/2024 21:42:37	Charles	Axline	25443	Chuckaxline@gmail.com	Charles R. Axline
8/14/2024 6:56:18	Phillip	Larsen	25425	PLarsen0369@yahoo.com	Phillip P. Larsen
8/14/2024 7:40:29	Wendy	Gillenwater	25428	Flymama304@gmail.com	Wendy Gillenwater
8/14/2024 7:40:41	Billy	Gillenwater	25428-3619	Cmsgt130@gmail.com	Billy Eugene Gillenwater II

8/14/2024 10:03:09	Neil	Gentile	25443	nbgen12@gmail.com	Neil Gentile
8/14/2024 15:21:23	Tammy	de Nobel	25443	wvcrazy1@yahoo.com	Tammy S. de Nobel
8/14/2024 16:54:29	Sandra	King	25443	sking25443@frontiernet.net	Sandra Kay King
8/14/2024 17:32:30	Robert	Commisso	25443	bobby.commisso@gmail.com	Robert J. Commisso
8/15/2024 10:42:23	Matthew	Johnson	25425	mjohnson30101@gmail.com	Matthew Michael Johnson
8/15/2024 10:57:24	Chris	Rife	25443	clrife08@yahoo.com	Christina L. Rife
8/15/2024 11:02:18	Sam	Nimetz	25443	samnimetz@gmail.com	Samantha Nimetz
8/15/2024 11:31:31	Jamie	Wilkie	25443	jamie.conlon418@gmail.com	Jamie N Wilkie
8/15/2024 14:10:15	Kathy	Loftin	25425	Kathyloftin@yahoo.com	Kathleen Loftin
8/15/2024 15:57:24	Darryl	Ring	25446	Drylring@gmail.com	Darryl Ring
8/15/2024 16:27:53	Darren	Mccauslin	25443	Dmccauslin@gmail.com	Darren mccauslin
8/15/2024 17:19:42	Wesley	Johnson	25425	wesleynorrjohnson@gmail.com	Wesley Norris Johnson

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 1:45 PM
To: 'Lauren McInnes'
Subject: RE: Opposition to Variances 24-26-ZV and 24-27-ZV (1122 Duncan Rd)

Good afternoon,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Lauren McInnes <laurenmdiehl@gmail.com>
Sent: Thursday, August 15, 2024 1:33 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Opposition to Variances 24-26-ZV and 24-27-ZV (1122 Duncan Rd)

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

To Whom this may Concern:

I am writing to oppose the Variance requests at 1122 Duncan road for the following reasons:

- There are already several businesses operated out of these properties to include an event venue, an airbnb/short term rental and there is also a primary residence that has been used on and off as an airbnb.
- These properties are located around several other residential properties and would result in negative impacts in addition to the noise, people trespassing through their properties, and issues we have had with people not being familiar with/struggling navigating our narrow country roads.
- This campground would be literally sandwiched between current fulltime residences.
- Having regular traffic of campers on these narrow roads would make it almost impossible for two cars to pass at each other. Many of these roads do not even have a center line.
- The current septic system is only approved for 1,000 gallons which is only enough for a single 4 bedroom home not a campground of 4 potentially 8 person campsites. The septic would also be in a flood zone
- Jefferson County stipulates that each site can be potentially 8 person per approved site. This would have a substantial impact on residents already on wells in the area.
- This section of river is extremely shallow in places you would expect it to be deep with several rock ledges which can be very dangerous for people who put in a motor boat. This section of river also is very slow moving since it is

cut off by two different rock ledges. In many cases people think that they can float to harpers ferry/glen haven quickly but in many cases it takes hours just to float from Shepherdstown etc and it can take up to 5 hours.

Thank you for your consideration. I would also like the opportunity to speak at next Thursdays meeting.

Lauren & Jordan Diehl
98 McShanes Landing Lane
Shepherdstown, WV 25443

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 2:45 PM
To: 'Beverly Meadows'
Subject: RE: /files 24-26-ZV and 24-27-ZVw written comments

Good afternoon,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Beverly Meadows <meadowsonriver@aol.com>
Sent: Thursday, August 15, 2024 2:31 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: /files 24-26-ZV and 24-27-ZVw written comments

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Written Comments Submission

File No. 24-26-ZV and File No. 24-27-ZV

From Beverly A. Meadows

448 McShanes Landing Lane, Shepherdstown, WV 25443

My property, identified as Map/Parcel 11 0009 0001 0000 Jefferson County is adjacent (west and south boundaries)to 1122 Duncan Road, Harpers Ferry WV 25425, owned by Joseph and Shelby Herbert.

My property was purchased for use in building a retirement home. In other words, my husband I wanted security for our future as senior citizens and for our children.

I am vehemently opposed to a variance to allow numerous cabins and a campground adjoining my property. I believe granting these variances will have a tremendous affect on my rights and privileges of land use.

The acreage of the proposed campground is less than the 10-acre minimum requirements and barrier requirements written into the Jefferson County zoning ordinance to protect residents from the adverse impact of noise and non-residential disturbances. Consequently, the area is too small for the improvements and use requested in the variance -- there was a reason why 10 acres was originally decided upon. Such use would not conform with the character and current use of the surrounding properties

According to Section 8.17 approving a campground variance would allow the Herberts to construct shelters, gathering halls, pools, recreational areas and other amenities which would then be available to the public.

A campground with noise, traffic, etc., along with a public dumpster just over the boundary line between my property and the Herberts , would certainly impose on the safety and serenity of my retirement home. The section of easement from Duncan Road to the proposed campground runs right along my property line, no less than 800 feet. There is no buffer, as the gravel easement aligns with the property line by what appears to be about two inches.

Should the campground be approved, we will be overcome by a transient population leading to potential increased threats to health and safety to our community. An increase to vehicle, pedestrian and watercraft traffic presents safety concerns. Anticipated increases in noise, lighting, waste and litter are negative to the proposed use, not to mention disruption of wildlife and potential increase of fire and smoke damage from campsites.

Please submit this written objection to the granting of the subject variances requests to the meeting agenda,

Respectfully,

Beverly A. Meadows

448 McShanes Landing Lane

304-876-2149

Shepherdstown, WV 25443

meadowsonriver@aol.com

According to Section 8.17 approving a campground variance would allow the Herberts to construct shelters, gathering halls, pools, recreational areas and other amenities which would then be available to the public.

A campground with noise, traffic, etc., along with a public dumpster just over the boundary line between my property and the Herberts , would certainly impose on the safety and serenity of my retirement home. The section of easement from Duncan Road to the proposed campground runs right along my property line, no less than 800 feet. There is no buffer, as the gravel easement aligns with the property line by what appears to be about two inches.

Should the campground be approved, we will be overcome by a transient population leading to potential increased threats to health and safety to our community. An increase to vehicle, pedestrian and watercraft traffic presents safety concerns. Anticipated increases in noise, lighting, waste and litter are negative to the proposed use, not to mention disruption of wildlife and potential increase of fire and smoke damage from campsites.

Please submit this written objection to the granting of the subject variances requests to the meeting agenda,

Respectfully,

Beverly A. Meadows

448 McShanes Landing Lane

304-876-2149

Shepherdstown, WV 25443

meadowsonriver@aol.com

Re: Variances 24-26-ZV and 24-27-ZV (1122 Duncan Rd)

To the Board Members of the Jefferson County WV Zoning Board of Appeals:

My name is Peter Milcetic. I am the homeowner and resident of the property located at 17 Cedar Ridge Lane in Jefferson County. My property is approximately a five to ten minute drive from the two lots located at 1122 Duncan Road. I am writing to you today to express my concerns about the above two variance requests as a resident and neighbor in this community.

My understanding is that the two lots have already been granted permission to be used as a bed and breakfast, a wedding and event center, and a farm enterprise entity which could include 5-10 cabins on the two lots. It is not apparent to me that the aforementioned permissions include the right to use the property as a commercial campground with the additional amenity of a boat run with access to the river. It would appear to me that this request is going above and beyond the permissions that have already been granted to the property and its owners.

I would ask the board to carefully consider the adverse effect that granting these variances would have on the adjacent property owners. The two lots located at 1122 Duncan Road are naturally zoned as a rural land used primarily for agricultural purposes, along with mainly low density single family homes. The adjacent property owners have already had to bear the changes and effects that came along with all the previous land use permissions that have already been granted to the property. Enabling the commercial use of a campground and boat run will further impinge upon the fair use and enjoyment of the adjacent owners properties for various reasons that have already been mentioned in previous hearings, and are likely to be brought up again at the current hearing.

Furthermore, it appears to me that the right to build a boat run in an adjacent neighbors easement right of way is being requested. I am not aware of the technicalities involved with this matter. However, it seems reasonable to me to state that granting the variances enabling commercial campground use and associated amenities (boat run access, parking, road use, etc.) will have a very adverse effect on the adjacent property owner who already enjoys the existing right of way. That owner's ability to access the river, to use the river, and to enjoy the river will be greatly impinged upon if these changes were allowed to occur.

For the reasons stated above I do not think it would be a good idea to grant these variances and would urge you to consider this in making your decision. Thank you.

Sincerely,

Peter Milcetic

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 10:04 AM
To: 'cpenning804@icloud.com'
Cc: Cathy Pennington; greg.pennington@me.com
Subject: RE: Comments on File # 24-26-ZV and File #24-27-ZV

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: cpenning804@icloud.com <cpenning804@icloud.com>
Sent: Wednesday, August 14, 2024 6:28 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Cc: Cathy Pennington <cathy.pennington1957@gmail.com>; greg.pennington@me.com
Subject: Comments on File # 24-26-ZV and File #24-27-ZV

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

To: Zoning Board
Re: File# 24-26-ZV and File #24-27-ZV

We are opposed to both requests for variance.

These requests are asking to build a campground in a rural residential area, and to create public access to the river across private land. The property already has multiple structures, a parking lot, a wedding venue, and a primary residence. The property size of the combined requests will not meet the minimum required to support additional infrastructure needed (septic, parking), most of the land is in a flood zone, and its current commercial use is already adversely affecting neighbors.

We respectfully request the board deny these requests for variance.

Greg and Cathy Pennington
558 McShanes Landing Lane
Shepherdstown WV 25443

Zoning

From: mike johnson <mikejrc2011@gmail.com>
Sent: Thursday, August 15, 2024 4:36 PM
To: Zoning
Subject: 1122 variance requests

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

To whom this may concern,

I very strongly oppose the variance request at 1122 Duncan Road. I am the immediate next door neighbor at 1178 Duncan Road. My 2 properties have a 40 easement access across 1122 Duncan Road running from Duncan Road to the Potomac River that was granted by my parents who owned the 1122 Duncan Road property at that time.

I have already had significant negative impacts from their current event Venue. Such as the current business owners violating the sound ordinances dictated in their CUP, event lights and vehicles headlights blaring towards my home at night because there is no buffer as well as the destruction of my access road. Additionally, because their parking lot can get muddy, specially with large commercial vehicle traffic, weekly trash trucks, buses and large vehicles leaving deep rutts and parking in my access easement for the events. I have also had event guests try to park in my driveway and pull on my front lawn from the main road on several occasions and issues with buses using my driveway to turn around nearly wiping out my mailbox then parking in my access.

There is current and active litigation between myself and the Herberts over the easement and the uses. It is premature to grant variances regarding these properties when there is ongoing litigation surrounding the easement which does have a court date until July of 2025. My parents deeded me this river access easement and I have used it respectfully for over 20 years and it had never been an issue until the Herberts purchased the property. Prior to their purchase, I had constructed stairs that are the only access on the 200ft of river front that I have maintained throughout the seasons.

Adding a campground so close to my property lines would dramatically decrease the value of my properties as well as my ability to enjoy my property even more significantly than the perils I am already experiencing. I also own a 1.41 ac investment property next to my home with the deeded river access easement from Duncan to the Potomac River. This campground will discourage future building of a single family home on this property as well as impeding access for new tenants in the future.

One very major concern I have for this proposed variance is the amount of people for these campsites that will require potable water and septic. I as well as other close proximity neighbors have struggled with well water capacity issues. I get 5 gallons per minute and have run out of water on multiple occasions throughout the 2 decades I've resided here. I have burned up 3 well pumps in the past 20 years due to lack of water. Very costly to replace a deep well pump systems! Another well or 2,3 or 4 or whatever it takes for almost 80 people for a campground is hit or miss when it's drilled. Will it tap into the same aquifer I'm on? What happens when I'm without water and I have to try and drill another well? The cost will be astronomically impossible for me. As well as it's a health and safety concern for myself as well the rest of the neighborhood that struggles with water capacity. Will the safety, health and well being of the surrounding community be protected for its water resources if this variance is granted?

Also what about septic for this many people so close to the natural resources of the Potomac River? What type of septic is required for almost 80 people? My father owned this property in question and tried to get a perk test decades ago so he could build a house in this proposed campground area. It failed. What type of system is proposed for this many people?

Additionally, it is my personal belief the current survey in the Herbert's variance applications does not match the actual property boundary survey. In some cases I believe the lines are skewed in Herbert's favor to have these variance requests granted. The previous owners, the Stevens submitted survey sketches with as much as 40 feet variance for the cup permit that the Herbert's now hold. I ask that before a variance is considered, a current survey by a licensed surveyor should be completed and confirmed. As well as the grade being checked for less than 15 degrees as required for this proposal. I have traveled this easement for decades and it's very steep.

I have been emotionally and financially burdened by the Herbert's utilization of this rural property with its increased commercial use and now requesting variance for more. It is my utmost concern is that a campground and boat ramp in my access will exacerbate this exponentially. The time and money I would have loved to pass on to my family has already been squandered by the Herbert's unwillingness to act as respectful neighbors to preserve the use of my easement. I am a single father and have enjoyed raising my children in this area until this point. It saddens me there continues to be several different commercial businesses granted to these landowners in a rural district and seeing the impact they have had on our beautiful rural community.

Lastly, the requirements for placards for these requests were not even viewable or legible up until they were replaced and put in a new location just days ago. I'm sure the emails you're receiving now would have been done when the placards were first issued.

Michael Johnson.


1178 Duncan road

Harpers Ferry, wv

Sent from my iPhone

Staff Report
 Jefferson County Board of Zoning Appeals
 August 22, 2024
24-27-ZV Herbert Campground Variance Request

Item #3 Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed four (4) unit campground from 10 acres to 3 acres.

Owner:	Joseph & Shelby Herbert
Applicant:	Same
Parcel Information & Zoning District:	<p>Vacant parcel located SE of 1122 Duncan Rd, Harpers Ferry, WV Parcel ID: 09001100100002; Size: 3 acres; Zoning District: Rural</p> 
History:	08/10/1983: Survey & Subdivision Plat (PB 6 @ PG 54)
Approvals:	01/28/2022: Farm Vacation Enterprise (22-1-ZC)
Waivers/Variations:	None
Site Visit Conducted:	No

Staff Overview

The subject parcel is approximately three acres in size. The Assessor’s Office reflects that this parcel has remained a separate lot of record since prior to the adoption of zoning (1988). The lot is surrounded primarily by residential development and undeveloped, wooded land.

The applicant is requesting a variance from Section 8.17B.1 to reduce the required acreage for a four site campground from ten acres to 3 acres.

The purpose of a minimum acreage requirement is typically to ensure that adequate buffering between uses can be provided and that sufficient space exists to accommodate infrastructure and amenities related to the land use. As part of the design standards for campgrounds, the Ordinance requires a minimum setback of 50-feet from existing property lines and a ten foot vegetative buffer (existing or planted) be provided.

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2024

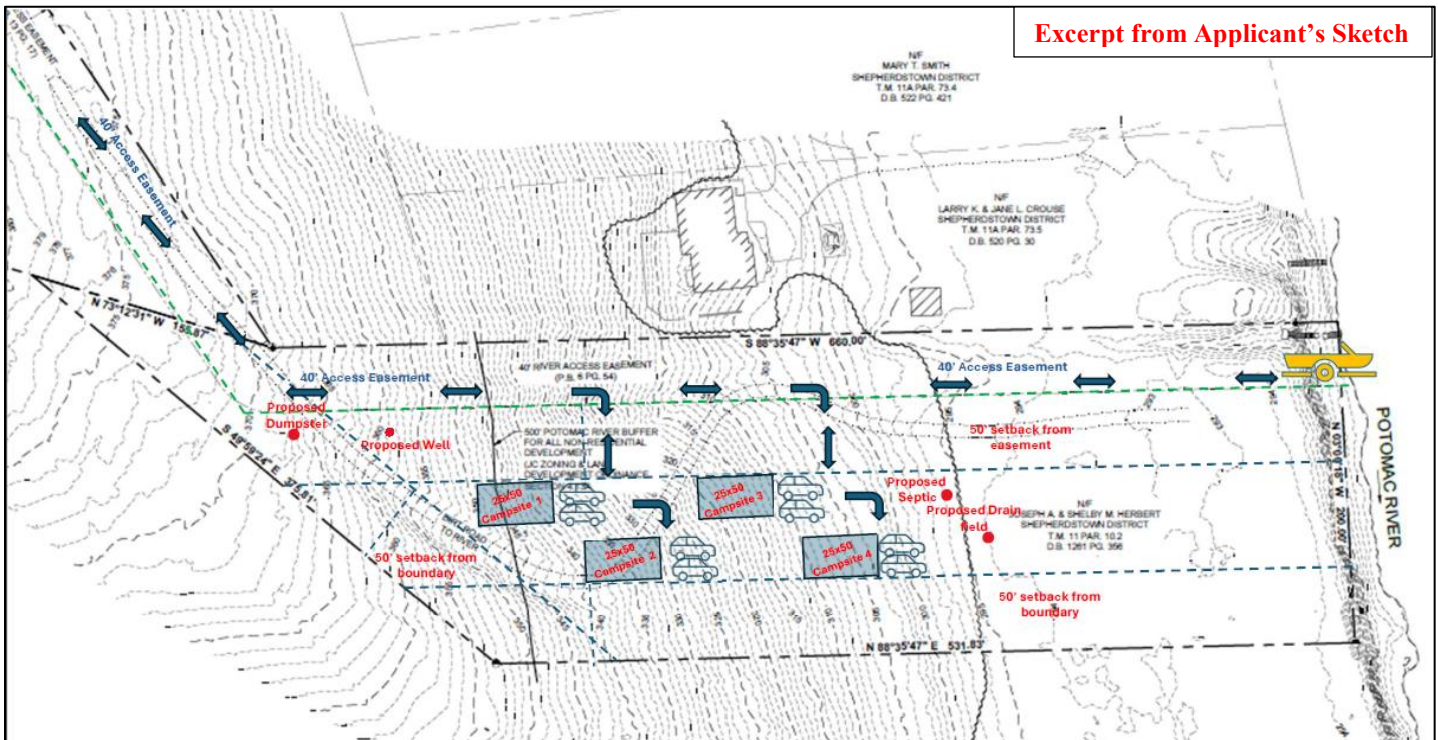
24-27-ZV Herbert Campground Variance Request

Pursuant to Appendix C of the Zoning Ordinance, a Campground is a Principal Permitted Use (the use is allowed by right) in the Rural Zoning District.

Section 8.17 of the Zoning Ordinance states that campground facilities provide tourism related accommodations for visitors to Jefferson County. The campground provisions include design guidelines that protect adjacent property owners while allowing the property owner to develop their land.

Note: In 2016 when the campground regulations were being drafted, both the Planning Commission and the County Commission intended to include a provision stating that a variance to the minimum acreage requirement for a campground could be granted by the Board of Zoning Appeals (see exhibit A). The provision was removed at Staff’s recommendation due to the fact that any standard in the Zoning Ordinance may be modified by the Board of Zoning Appeals via the variance process.

Pursuant to Appendix B, Division 8 of the Subdivision Regulations, “no more than 15 campsites per acre are permitted”. As such, a ten acre lot could have up to 150 campsites. The subject request is to reduce the minimum acreage requirement from ten acres to three acres to allow a four site campground to be established. It appears that a four site campground on three acres could accommodate the Development Guidelines listed in Section 8.17B of the Zoning Ordinance and the Dimensional Requirements listed in Appendix B, Division 8, Section 8.2B of the Subdivision Regulations.



Excerpt from Applicant’s Sketch

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2024
24-27-ZV Herbert Campground Variance Request



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

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

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

Conditions of Approval

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

1. The applicant shall submit documentation reflecting compliance with Section 8.17B of the Zoning Ordinance and Appendix B, Division 2, Section 8.2B of the Subdivision Regulations to ensure adequate buffering from adjacent properties is provided in order to protect and encourage the health, safety, and general welfare of the neighbors.

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2024
24-27-ZV Herbert Campground Variance Request

Section of Ordinance to be Considered:

Section 8.17 Campgrounds³¹

Campground facilities provide tourism related accommodations for visitors of Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC), and Rural (R) zoning districts.

A. The following uses are identified as permitted uses within a campground:

1. Campsites, cabins, campers, and recreational vehicle sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be temporary, limited to 180 days per calendar year.
3. Caretaker residence.
4. Shelters, gathering halls, bathhouses, pools, recreational areas, and other amenities related to the campground.
5. Such campground amenities may be rented out to the general public without the rental of a campsite; however, the primary use of the amenity must be for the use and enjoyment of campers. River access shall be restricted to use by the campers and their guests unless otherwise authorized by the campground management.

Any campground wishing to host an event or activity open to the public at the campground shall process a Zoning Certificate application prior to commencement. If the facility and parking for such event was included on the Site Plan and previously included in the Zoning Certificate, such separate Zoning Certificate shall not be required.

6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of ten acres in size and shall meet all of the following setbacks.
2. When campsites or amenities are within 1,000 feet of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers, or other methods to prevent unintentional trespass.
3. All campgrounds shall have direct access from WV state roads or roads that meet the Jefferson County Subdivision Regulations standards.
4. All campsites shall be located a minimum setback of 50 feet from existing property lines.
5. All campsites and amenities shall be screened by a ten foot vegetative buffer utilizing the Narrow Standard Detail; provided that if the campground abuts the river or has a mountain view, no vegetative screen is required in this area. A ten foot buffer of natural vegetation (evergreen or hardwood) may be administratively approved in place of a planted buffer.
6. Section 4.13 does not apply to campgrounds, which may be located within 500 feet of the Potomac and Shenandoah Rivers.

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2024
24-27-ZV Herbert Campground Variance Request

7. Campsites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
8. Campgrounds may be served by well and drain fields.

C. Regulatory Approval

1. Campground uses must submit a Concept Plan and be approved by the Planning Commission pursuant to a public hearing in accordance with the Jefferson County Subdivision Regulations.
2. Upon approval of the Concept Plan, if required, a Site Plan must be processed in accordance with the Jefferson County Subdivision Regulations.
3. All state regulations pertaining to the operation and licensing of a campground must be followed.

Additional Information Relevant to the Request

Article 2 of the Zoning Ordinance includes the following definitions:

Campground: An area or premises located on a single lot, operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers occupying camping units. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.17 of this Ordinance and relevant sections of the Subdivision Regulations.

Camping Units: Individual units designed for temporary occupancy within an approved campground and may include shelters, pavilions, gathering halls, bathhouses, pools, recreation areas, trails, fire pits, retail stores, laundry facilities, food service, amphitheaters, ponds, lakes, and other uses related to the needs of the campers.

Campsite: Generally means an area where an individual, family, or group can pitch or place a camping unit; a campground may contain many campsites.

Attachments

1. ZTA15-02 – DRAFT Campground Regulations Amendment – May 5, 2016 County Commission input with Staff Recommendations for the July 21 2016 County Commission Meeting (which was postponed until September 13, 2016).
2. While the Board of Zoning Appeals does not have any jurisdiction over the Subdivision Regulations, Division 8, Section 8.2 of the Subdivision Regulations is attached for reference.
3. Standard Detail M-54
4. Excerpts from the Envision Jefferson 2035 Comprehensive Plan

**Proposed Amendments (ZTA 15-02) to
Jefferson County Zoning and Land Development Ordinance
Amendments adopted by the County Commission, June 1, 2014**

ARTICLE 2: DEFINITIONS

Section 2.2 Terms Defined

Campground²⁷ An area or premises located on a single lot operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers ~~tourists~~ occupying camping units ~~such as trailers, self-propelled campers, tents, cabins and/or lodges~~. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.17 of this Ordinance and relevant sections of the Subdivision Regulations.

**** See attached for additional definitions recommended to be included in either the Zoning Ordinance or Sub Regs by staff.**

ARTICLE 8: SUPPLEMENTAL USE REGULATIONS²³

Section 8.17 Campgrounds

Campground facilities provide tourism related accommodations for visitors to Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC) and Rural (R) zoning districts.

A. The following uses are identified as Permitted Uses within a campground:

1. Campsites, cabins, campers and recreational vehicles sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be temporary, limited to a 180 days per calendar year. ~~Campground residency shall be limited to 14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year.~~
3. Caretaker residence
4. Shelters, gathering halls, bathhouses, pools, recreational areas and other ~~uses~~ amenities related to the campground.
5. ~~Such~~ campground amenities may be rented out to the general public without the rental of a campsite, however the primary use of the amenity must be for the use and enjoyment of campers. ~~River access shall be restricted to use by the campers and their guests.~~
Any campground wishing to host an event or activity open to the public at the campground shall process a Zoning Certificate application prior to commencement.

6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet all of the following setbacks.

2. A variance to the minimum campground size may be granted by the Board of Zoning Appeals.

3. When campsites or amenities are within 1,000' of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.

4. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards. A variance to this standard may be granted by the Board of Zoning Appeals.

5. All camp sites shall be located a minimum setback of 50 200' from existing residential dwellings property lines.

6. All camp sites shall be visually screened from existing residential dwellings within 500'. All campsites and amenities shall be screened by a 10 foot vegetative buffer utilizing the Narrow Standard Detail; provided that if the campground abuts the river or has a mountain view, no vegetative screen is required in this area. A 10 foot buffer of natural vegetation (evergreen or hardwood) may be administratively approved in place of a planted buffer.

7. Camp sites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.

8. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.

9. Camp sites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.

10. Campgrounds may be served by well and drain fields.

C. Regulatory Approval

1. Campgrounds uses must submit a Concept Plan and be approved by the Board of Zoning Appeals-Planning Commission pursuant to a public hearing.

2. Upon approval of the Concept Plan a site plan must be processed in accordance with Jefferson County regulations.

3. All state regulations pertaining to the operation and licensing of a campground must be followed.

Commented [JB1]: This statement is not required as all standards in the zoning ordinance may be varied by the BZA

Commented [JB2]: This statement is not required as all standards in the zoning ordinance may be varied by the BZA.

Commented [JB3]: Reflects CC input 5/5/16 – please confirm buffer is what was agreed to

APPENDIX C: PRINCIPAL PERMITTED USES TABLE^{23,27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Bail Bond Services	NP	P	P	P	PC	NP	NP	NP	NP	PC	P	NP	
Bank	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Bank with Drive-Through Facility	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC	Sec. 8.3
Business Equipment Sales and Service	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Building Maintenance Services	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Campground	NP PG	P	NP	NP	NP	NP P	NP	P NP	NP	P	P	NP	Sec. 8.16
Car Wash	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	PC	PC	NP	NP	PC	P	NP	
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	NP	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Custom Manufacturing	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Exterminating Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Florist	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Food Preparation	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Hotel/Motel	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Gambling Facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	PC	P	P	PC	PC	PC	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Grocery Store	P	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	NP	NP	P	P	NP	
Kennel	NP	P	P	P	PC	P	P	P	NP	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	PC	P	P	NP	NP	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	PC	P	NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	PC	P	NP	P	NP	P	P	NP	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	

Commented [JB4]: Staff comment: Note that the Ordinance currently permits campgrounds in NC (conditionally), GC, PND, RLIC and IC. The Committee was not specific to what zones they recommend that campgrounds should be permitted in but did state verbally that they would like for campgrounds to occur in the Rural zone. Staff has added it as "P" in Rural and changed it to "NP" in NC and PND. It is still listed as "P" in GC, RLIC, and IC.



- E. Not more than one mobile/manufactured home unit shall be placed on or above a mobile/manufactured home site. The mobile/manufactured home structure shall be set on the site in accordance with the requirements of the Jefferson County Building Code Enforcement Ordinance and applicable State Codes. The more stringent requirement shall prevail.
- F. All mobile/manufactured homes not set on permanent masonry or concrete foundation walls shall be skirted. Mobile homes shall be skirted with a uniform material; and an access door a minimum size of two feet by two feet shall be constructed in the skirting of each mobile home.
- G. Mobile/manufactured homes and accessory buildings shall be set back a minimum of 20 feet from the front mobile/manufactured home-site lines and 10 feet from rear and side mobile/manufactured home-site lines. No mobile/manufactured home shall be located within a FEMA flood-hazard area.
- H. Mobile homes, structures, and storage buildings, in a mobile/manufactured home park, shall be kept 25 feet back from all exterior property lines and right-of-way lines.
- I. Convenient off-street parking (on each mobile home site or in designated parking areas) shall be provided at the rate of two spaces per mobile home site. Each space shall have a minimum dimension of 9 feet by 20 feet.⁴
- J. Each mobile home stand shall be served by an individual sidewalk a minimum 2 feet in width. All walkways shall be constructed in accordance with Appendix B, Section 2.2.K.3, *Sidewalks & Paths*. Individual sidewalks shall connect with the common sidewalks in the mobile home park, or, to paved off-street parking spaces, or, to paved streets.
- K. Each mobile home site shall provide serviceable connections for water supply, sewage disposal and electricity. Water and sewer connections shall comply with the minimum standards of the West Virginia Department of Health. Electrical connections shall comply with service provider requirements.
- L. Each mobile home park shall be served by a central water supply system.
- M. Each mobile home park shall be served by a central sewerage system. Septic systems are prohibited.

Division 8.0 Campgrounds⁷

Section 8.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Campgrounds are developments with special requirements of their own. All campgrounds shall process as a Minor Site Plan. Campgrounds proposing more than ten (10) sites shall also process a Concept Plan. The provisions of Division 8.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 8.0, then the requirement of Division 8.0 shall apply.



Section 8.2 Campground Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards:

1. Safe access and egress to state roads (WVDOH, Jefferson County Engineering)
2. Stormwater quality and quantity control (Jefferson County Engineering)
3. Erosion and sediment control (WVDEP, Jefferson County Engineering)
4. Zoning Ordinance compliance (Jefferson County Planning and Engineering)
5. Wells and drain fields (Jefferson County Health Department)
6. Public water and sewer (Jefferson County Engineering, Jefferson County Public Service District, WV Health Department)

If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply. West Virginia Regulations pertaining to Campgrounds apply to all facilities.

- B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.17 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of 1,200 square feet not to include road rights-of-way or road easements.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road easement, unless such sites are only accessible by foot.
4. No more than 15 campsites per acre are permitted.
5. All campsite pads shall be a minimum of 20 feet apart.
6. Each campsite shall provide an adequate pad for the placement of a camping unit. A campsite pad shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a three percent slope in any direction. This requirement does not apply to cabins.
7. No more than one camping unit shall be placed on or above a campsite.

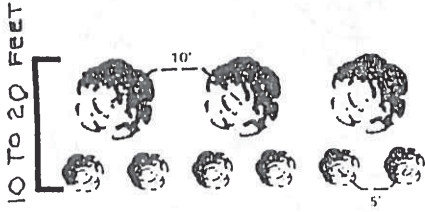
- C. Road and Access Requirements

1. Campground roads that serve less than 100 campsites shall meet the following standards:
 - a. Existing roads may be used to access campsites without meeting road standards.
 - b. May have asphalt or gravel surface.
 - c. 12 foot width with three foot pull-off areas that allow larger vehicles to pass.
 - d. Maximum slope 15%.



- e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively, the applicant may choose to use standard Jefferson County sections.
 - f. No ditches are required. All drainage from campground roads must be managed to prevent erosion.
2. Campground roads that serve more than 100 campsites shall meet the following standards:
 - a. May have asphalt or gravel surface.
 - b. 15 foot minimum width.
 - c. Maximum slope 15%.
 - d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively, the applicant may choose to use standard Jefferson County sections.
 - e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
- D. Parking Requirements
1. Campsites accessed by vehicles shall provide one level parking area at each site.
 2. If parking is not provided at the campsite, one space per campsite shall be provided in a common parking area.
 3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.
- E. Sanitation
1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
 2. A campsite may contain any combination of water, sewerage, or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations within 500 feet of all campsites.
 3. Each campsite shall be provided with a sanitary, covered garbage can.
 4. A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station, and one solid waste disposal collection facility.
 5. As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed, plus capacity to accommodate any public buildings.
- F. All powerlines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.
- G. Fire pits (if provided) for campsite must be shown on the Site Plan. A detail of the fire pit must also be provided.
- H. Camping associated with short term, temporary uses, approved by Jefferson County, are not subject to these regulations.

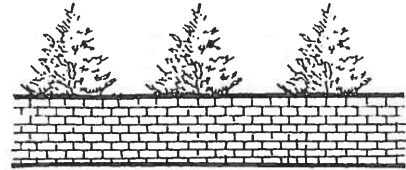
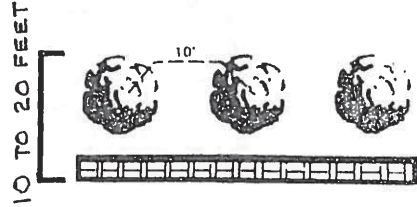
TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION F

TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

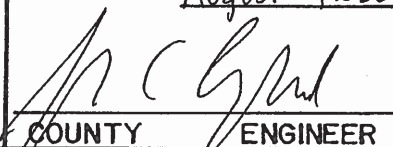
OPTION G

OPTION F

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

OPTION G

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

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

Tourism Recommendations (Goal 9)

1.	Create a unique “brand” for the County for all promotional and marketing materials.
	a. Increase awareness of public and private recreational opportunities that are available to visitors and residents of Jefferson County.
	b. Coordinate with the Jefferson County Convention and Visitors Bureau (CVB) to maintain and promote a community calendar.
2.	Develop a robust arts and culture program in Jefferson County by identifying and utilizing a range of public and private funding sources.
3.	Create additional opportunities for arts, cultural, and heritage tourism programs and facilities in Jefferson County.
4.	Establish plans and funding strategies for a county cultural arts center that will incorporate a variety of facilities including studios, galleries, multiple performance spaces, educational and training facilities, and gathering areas.
5.	Use historic and agricultural structures to support tourism for traditional and non-traditional functions that promote preservation of cultural landscapes.
6.	Create a public art program that would encourage the installation of locally produced art in publicly owned facilities and sites.
7.	Coordinate with various local and regional heritage tourism entities to create a trail that connects historic and battlefield sites located in the County and neighboring counties and states.
	a. Collaborate with the Journey Through Hallowed Ground or the Canal Towns Partnership’s efforts.
8.	Coordinate with riverside property owners and river tourism service providers to identify and implement methods that would enhance recreation options along the County’s waterways, including public river access.
	a. When considering additional river recreation activities, rural landowners’ property rights and the quality of life of the individuals and families living along the waterways should be factored into proposed development plans.
	b. Encourage all river recreation activities to occur in a manner which supports the Chesapeake Bay Initiative.
9.	Support and promote rural and recreational tourism to help achieve the County’s economic goals.
10.	Use multi-media technologies to promote tourism, including tourist businesses and the tourism efforts of the incorporated Towns.
11.	Continue to support the Jefferson County Fair and encourage the continued upgrading of fair facilities.

Objective #3: Amend development requirements and reduce regulatory barriers to encourage economic development within the UGBs, PGAs, or Villages.

Objective #4: Ensure that sufficient land area is available within the UGBs, PGAs, or Villages to accommodate a variety of economic development opportunities.

Goal #8: Retain, Strengthen, and Enable the Growth of Jefferson County's Rural, Cultural and Artisan Economies.

Objective #1: Encourage diverse economic activity and agricultural production in the County's rural areas.

Objective #2: Update existing land use regulations to allow for diverse compatible and complementary uses on agricultural properties and within rural areas of Jefferson County.

Objective #3: Enhance farmland protection activities within Jefferson County.

Objective #4: Encourage the creation of agricultural service facilities within Jefferson County, preferably within areas in close proximity to agricultural activities.

Objective #5: Enhance local and regional distribution and marketing of the County's agricultural products.

Objective #6: Provide tools for the education of and resources for the creation and viability of new generations of farmers.

Objective #7: Encourage farm operators to collaborate with county officials in identifying potential economic development opportunities related to agriculture in Jefferson County.

Goal #9: Preserve, Promote and Enhance Components of Jefferson County's Natural, Cultural, Built, Historic, Recreational, and Rural Environments which Encourage Tourism.

Objective #1: Collaborate with the Jefferson Arts Council (JAC), Historic Landmarks Commission (HLC), Jefferson County Convention and Visitors Bureau (JCCVB), and other organizations in the creation of a long-range cultural tourism and management plan.

Objective #2: Encourage the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.

Objective #3: Protect and enhance the viability of natural, cultural, and built environments within Jefferson County while allowing recreational and tourism opportunities.

Goal #21: Balance the Use of Jefferson County's Natural Resources for Recreational and Tourism Purposes with Conservation Practices that Ensure the Resources will be Available for Future Generations.

- Objective #1:** Ensure that public and privately owned parks and recreation facilities within Jefferson County are designed in a way that respects the natural features of the properties where the facilities are located.
- Objective #2:** Develop methods to integrate community gardens and related facilities with parks and recreational activities.
- Objective #3:** Encourage the provision of a variety of public and private camping facilities located in appropriate areas of Jefferson County.
- Objective #4:** Provide improved public access to the Potomac and Shenandoah Rivers for residents and tourists in a manner that is compatible with existing neighborhoods and rural areas, for all water sports and related activities.

Education Element

Goal #22: Collaborate with the Jefferson County School Board to Assess Locations for new School Facilities and/or Potential Enhancement of Existing School Sites Based on the Rate and Location of New Development within Jefferson County.

- Objective #1:** Work with the Jefferson County School Board to identify areas of existing and future facility needs related to the student population in Jefferson County.
- Objective #2:** Encourage the construction of new school facilities inside of the UGBs, PGAs, or Villages whenever possible.
- Objective #3:** Identify ways to protect and enhance the viability of existing school facilities within Jefferson County, particularly those located within UGBs, PGAs, or Villages.
- Objective #4:** Identify opportunities for the shared use of school facilities with other area agencies.
- Objective #5:** Review the School Impact Fee to determine if the existing fees are appropriate or need to be adjusted
- Objective #6:** Jefferson County, in combination with its representation at the state level, should work with state agencies to identify a more equitable funding method for financing operating costs for schools within West Virginia.
- Objective #7:** Continue to encourage the adaptive reuse of school buildings for community and non-profit uses.



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

File Number: 24-27-ZV
Staff Initials: jth
Meeting Date: 08/22/24
Fees Paid (\$100 or \$150): \$150

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: Joseph Herbert & Shelby Herbert
Mailing Address: 1122 Duncan Rd Harpers Ferry, WV 25425
Phone Number: 703-930-1993 Email: joeaherbert@gmail.com

Applicant Contact Information

Name: "Same as Owner"
Mailing Address:
Phone Number: Email:

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

Name:
Mailing Address:
Phone Number: Email:

Physical Property Details

Physical Address: 1122 Duncan Rd
City: Harpers Ferry State: WV Zip Code: 25425
Tax District: 9 Map No: 11 Parcel No: 09001100100002
Parcel Size: 3 acres Deed Book: 1261 Page No: 356

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Includes a date stamp: Received via email 07/26/24 (jth).

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 8.17 subsection B.1

Briefly describe the nature of the variance request: We request to reduce the requirement from 10 acres to 3 acres to accomodate 4 camping units. We'd like to develop this vacant waterfront parcel to help meet the county's comprehensive plan goals to identify and implement methods that would enhance recreation options along the County's waterways and promote rural and recreational tourism."

If this request is for a setback variance, please check one of the following: Front Setback Side Setback Rear Setback Reduction From _____ to _____

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents: Our 3 acre parcel is located in a heavily wooded area. The closest adjacent neighbor's home is 200+ ft from the planned campsite area, across a natural gully and treeline. No access from McShanes Landing. No traffic impact. Only requesting 1.33 camping units/acre (vs 15:1 allowable). Served by well/septic.

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance? This parcel is only 3 acres located on a residue parcel of a historic farmstead originally owned by the Moler family. Therefore the lot size does not meet the minimum lot size of 10 acres required by the zoning ordinance.

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land? Campground is a principal permitted use of the land in the Rural District. A variance will allow us to achieve Goal #9 of the Comprehensive Plan "coordinate with riverside property owners to identify and implement methods that would enhance recreation options along the County's waterways." "Support and promote rural and recreational tourism."

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done? Campground is a principal permitted use of the land. By reducing the ratio of camping units to acres from 15:1 as allowed in the zoning ordinance to 1.33:1, the use can help Jefferson County meet its comprehensive plan goals, promoting more opportunities for recreational tourism with a minimal impact on the adjacent property owners.

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper. By signing this application, I give permission for the Office of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

DocuSigned by: Joseph Herbert 7/25/2024 Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

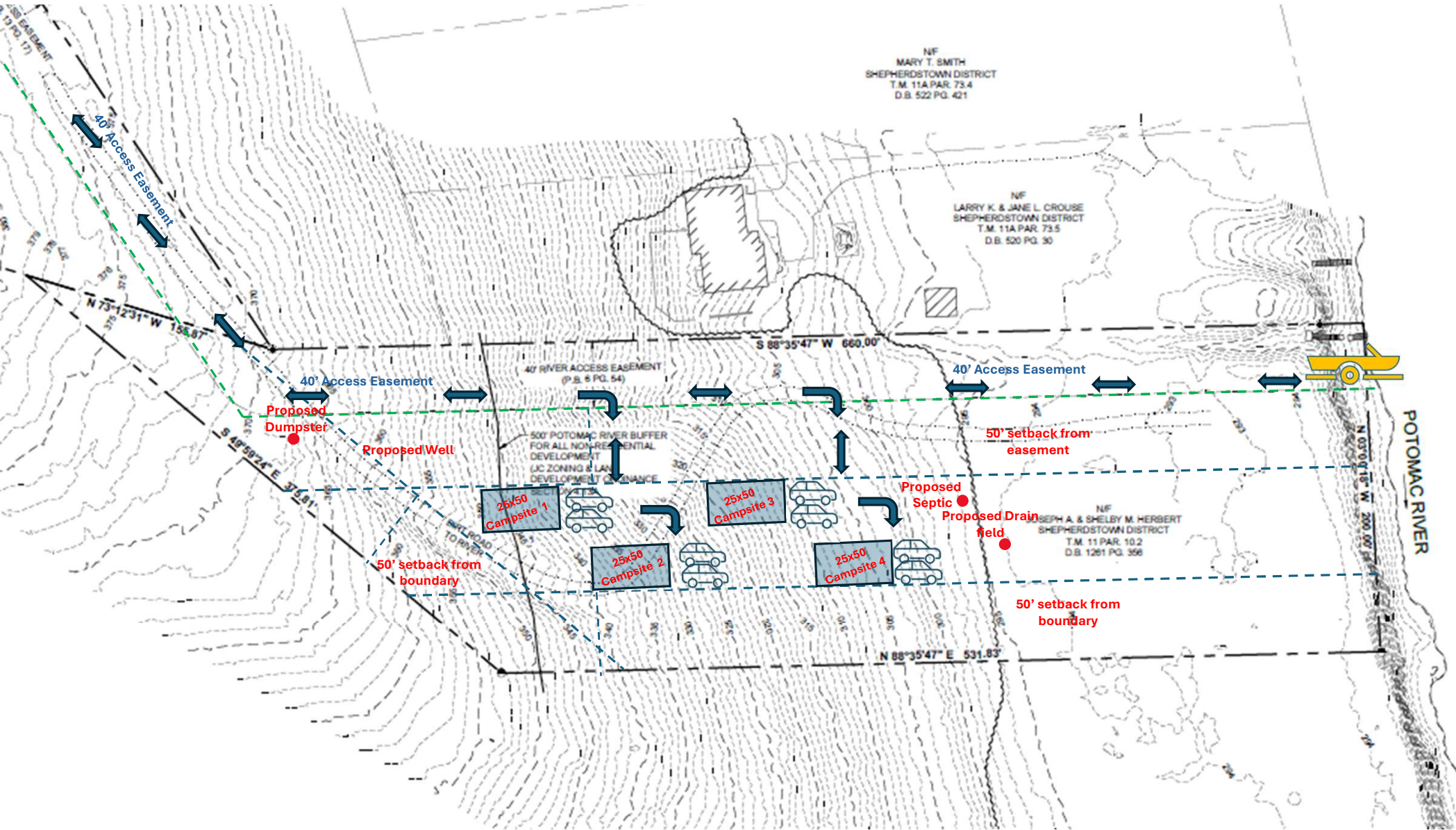
08/22/24 Date of Public Hearing

08/07/24 Advertising Date

08/07/24 Placard Posting Date

4 Campsite Proposal on 3 acres on Parcel 10.2

- Natural vegetative buffer on ALL boundaries. Boundary with adjacent neighbor is also separated by a Gully and seasonal stream.
- Platted 40' access easement in existence from Duncan Rd to the Potomac River across Parcels 10 and 10.2
- Neighbor to the north has deeded access “non-exclusive” for “ingress and egress”. Proposed use will not interfere with his ability to ingress and egress from Duncan Rd to the Potomac River.
- Boat ramp to be installed in easement area at the River Front to service Campground Gusts only (and easement holder)
- Proposed campground road off easement to be 12' to access campsites
- Parking will be available at each campsite
- Well/septic proposed in the areas indicated (informed by 2020 Septic Permit)
- Existing power distribution box in area indicated on Parcel 10.
- 4 cubic ft dumpster in area indicated
- Each campsite is 25X50'
- Each campsite is greater than 20 ft apart.
- All campsite pads will be 15x 25 ft
- All campsites will have a small fire pit/solo stove





PERMIT
ON-SITE SEWAGE DISPOSAL SYSTEM

Owner: Charles & Nancy Stevens Installer: Kenneth Williams
Address: 1122 Duncan Rd Address: 67 Pine Tree Ln
Harpers Ferry WV, 25425 Harpers Ferry WV, 25425

You are hereby issued a permit to: install modify an on-site sewage disposal system located:
Same as owners address. (Parcel 10.2)

Facility: Residence Design Flow: 4 Bdr. Lot Size (ft²/acres): 3.0 Ac. Water Source: Well

Based upon review of the information on your submitted application, dated 12/31/19, and the proper installation of the herein described system, the system shall be in compliance with applicable West Virginia Sewage System Rules and Design Standards.

The sewage system shall consist of a:

- Septic tank - Capacity: 1000 gallons or more **+500 gal pump chamber**. Constructed of: concrete.
- Soil disposal system with a minimum equivalency of 1579 square feet of conventional gravel trench area.
Depth to the bottom of the trench or bed installation shall be 12 inches from original ground surface.
 - Gravel system: Lengths of lines: , , , , , feet. Width: 12 inches.
 - Chamber system: Number of units: . Lengths of lines: , , , , , units.
Manufacturer of chamber: .
 - Bed system: Gravel Chamber Length: feet. Width feet.
 - Other: Class II, LPP design consisting of an absorption area of 1579 sq. ft. with 5 laterals, 64' long each.

This permit is non-transferable and automatically expires 12 months after issue date.

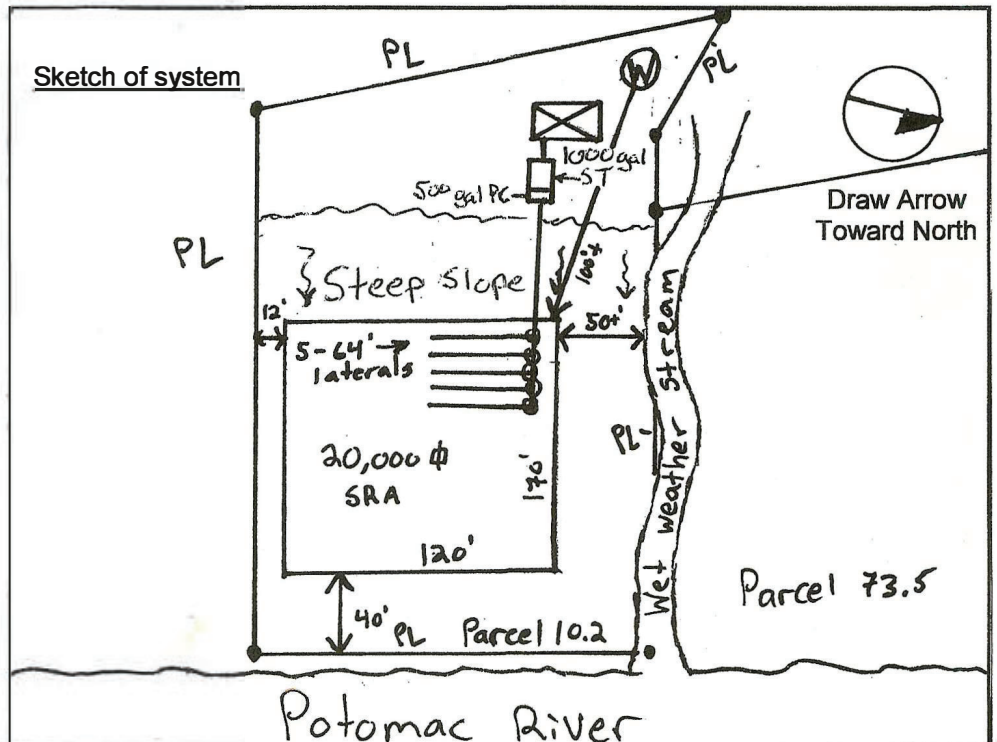
This permit is NULL and VOID when official inspection reveals conditions different than those stipulated on the permit or facts are later found that would indicate non-compliance with applicable rules.

All systems must be inspected and approved prior to being covered with earth or placed into use.

The applicant or his agent must notify this department 72 hours or more prior to planned inspection time.
Health Department Phone Number: 304-728-8416

**Additional Specifications
on Reverse.**

Issue Date: 1/7/2020



Health Officer or Sanitarian: Josh Guiffi CPO-I

24-27-ZV Herbert (3-ac campground) Public Comment Index

1. Submitted 2024-08-12 by C. Rife
2. Submitted 2024-08-13 by J. Nimetz
3. Submitted 2024-08-14 by S. Paxton
4. Submitted 2024-08-15 by C. Axline
5. Submitted 2024-08-15 by R. Commisso
6. Submitted 2024-08-15 by W. Kanwisher
7. Submitted 2024-08-15 by WW. Lochner
8. Submitted 2024-08-15 by L. McInnes
9. Submitted 2024-08-15 by B. Meadows
10. Submitted 2024-08-15 by P. Milcetic
11. Submitted 2024-08-15 by C. Pennington
12. Submitted 2024-08-15 by M. Johnson

Zoning

From: Zoning
Sent: Monday, August 12, 2024 1:07 PM
To: 'Rife, Chris'
Cc: Chris Rife
Subject: RE: Comments on File # 24-26-ZV and File #24-27-ZV

Good afternoon,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Rife, Chris <christina.rife@cardinalhealth.com>
Sent: Monday, August 12, 2024 12:30 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Cc: Chris Rife <clrife08@yahoo.com>
Subject: Comments on File # 24-26-ZV and File #24-27-ZV

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

Dear Zoning Board,

I am opposed to both requests for variance.

The Herberts are trying to get around the 10-acre minimum as even with both properties combined, they abut each other, they do not make up the 10 acres needed to safely create a campground.

- File #24-26-ZV
 - The property already has 5-6 structures and a parking lot on the property. Which means the units would not be on 5.92 acres but on a much smaller plot of land.
 - This property is also zoned as a wedding venue and primary residence. Is the wedding venue and primary residence going to be taken out?
 - They seem to be wanting to have lodging on their wedding venue property for guests. That makes it a totally different type of property request.
 - The current septic system would not be able to handle 5 additional units on a small 5.92 ac lot.
 - The health department says you need at least 10 acres to have another septic system. This would not be possible.
- File #24-27-ZV
 - This parcel was granted a farm license for Christmas trees. How is this going to happen along with a campground.
 - There is no road or parking for this property currently and would have to cross the File #24-26-ZV to get there. This clearly shows they are trying to just get away with setting up more campsites without meeting the current requirements

- There is no septic on this land either.
- Most of this land is in the flood zone which means any units, utilities, etc. would have to be put in about a 1 ac plot of land that is not in the flood zone.
- They do not have enough acreage to put in a septic system for 4 units that is far enough away from the river and neighbors.
- The neighbor next to the Herbert's (Mr. Johnson) is in a battle with the Herbert's over the easement to the river which puts even more concern on these requests as it could impact the neighbor even more adversely.
- The area has been zoned rural residential, not commercial. Putting 2 campgrounds in a small rural area clearly makes is commercial.
- These requests are just another way to create public access to the river across private land and rural residential zoning.

Thank you.

Chris Rife
Knott Road Shepherdstown, WV

This message is for the designated recipient only and may contain privileged, proprietary or otherwise private information. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited.

Dansk - Deutsch - Espanol - Francais - Italiano - Japanese - Nederlands - Norsk - Portuguese - Chinese
Svenska: <http://www.cardinalhealth.com/en/support/terms-and-conditions-english.html>

Zoning

From: Zoning
Sent: Tuesday, August 13, 2024 10:59 AM
To: 'Josh Nimetz'
Subject: RE: Opposed to Variance Requests File #24-26-ZV and File #24-27-ZV

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Josh Nimetz <joshnimetz@yahoo.com>
Sent: Tuesday, August 13, 2024 10:55 AM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Opposed to Variance Requests File #24-26-ZV and File #24-27-ZV

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

Dear Zoning Board,

I am opposed to both requests for variance.

The 10-acre minimum is there for the safety of the people around the campground and the people attending the campground. The people on the 5.92 lot will have to cross over the 3-acre lot to get to the river. This creates a public access to the river that was shot down just recently. I also know the Herberts have already received permission to zone these properties as a primary residence, a wedding venue, and a Christmas tree farm. How is all of this going to happen on less than 10 acres with part of it in the flood zone.

Please deny these requests.

Zoning

From: Shawn Paxton <cj8drummer@gmail.com>
Sent: Tuesday, August 13, 2024 7:55 PM
To: Zoning
Cc: Dana Neese-Paxton
Subject: Written Comments submission - File #: 24-26-ZV and File #: 24-27-ZV

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

**Written Comments submission from Shawn Paxton and Dana Neese-Paxton
598 McShanes Landing Lane, Shepherdstown, WV 25443**

RE:
File #: 24-26-ZV
File #: 24-27-ZV

Our property at 598 McShanes Landing Lane is adjacent to the 3-acre parcel ID# 09001100100002 owned by Joseph and Shelby Herbert.

Our property is the last house accessible via the private drive, McShanes Landing Lane.

We are opposed to a variance to allow numerous cabins and a campground next door to our property. We believe granting these variances will have a tremendous adverse effect on our rights as the adjacent property residents.

- The acreage on the lower lot is less than one third of the required 10 acres to zone for this type of use and the upper lot only slightly more than half of the required 10 acres.
- The 10-acre minimum requirement and barrier requirements for campgrounds is written into the Jefferson County zoning ordinance to protect residents from the adverse impact of living next to the noise and other non-residential disturbances of a campground.
- Access to the lower river lot would require an access easement that is literally right up against our property line. This access easement would be what all campers and guests would use to drive down to lower cabins and the proposed boat ramp right next to our home bringing road dust and noise, with virtually no buffer between it and our property, especially where our house resides.
- The lower 3-acre parcel is only approximately 200 feet wide which means cabins and/or campgrounds will be most certainly no more than 100-125 feet from our home.
- Guests would also likely unknowingly attempt to enter the property via the end of McShanes Landing Lane, trespassing through our yard. We experienced this when this parcel was last marketed for sale, as prospective buyers attempted to tour the listed parcel by parking on and walking across our property. Per section 8.17 B.3. All campgrounds shall have direct access from WV state roads, which is not possible in this case.
- Per section 8.16 of the zoning ordinance, a short-term rental shall have no more effect on adjacent properties than a typical residential use. The allowance of up to 9 cabins on the two lots seeking variances would certainly have a much greater effect on us as neighbors compared to that of typical residential use.
- Per section 8.17 approving a campground variance would allow the owners to construct shelters, gathering halls, bathhouses, pools, recreational areas, and other amenities related to the campground and

these amenities would then be available to rent to the general public per section 8.17 A.5. This would result in even more traffic beyond all the overnight guests using the cabins.

Please submit this written objection to the granting of these variance requests to the meeting agenda. We plan to attend the hearing and would like our concerns to be heard in person as well.

Sincerely,

Shawn Paxton and Dana Neese-Paxton
598 McShanes Landing Lane Shepherdstown, WV 25443
703-973-8804 or 703-772-1468

--

Shawn Paxton
703-973-8804

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 10:05 AM
To: 'Chuck Axline'
Subject: RE: Opposing any kind of variances for the Herbert property at 1122 Duncan Road

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Chuck Axline <chuckaxline@gmail.com>
Sent: Wednesday, August 14, 2024 9:47 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Opposing any kind of variances for the Herbert property at 1122 Duncan Road

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

1st the property is down in a flood zone between two family homes and it is not suitable for traffic, noise, septic ,water ,electricity, Etc.

2nd our friends and neighbors have had very little to no notice on the posting of this possible change which should automatically disqualify the possibility.

3rd the Herbert Family lied to the neighbors and told us and approximately 10 others that they were going to build their forever home. Ever since then they Attempted to commercialize everything about the property. They have rented their Barn for wedding events. They have rented their house. They have turned a chicken coop into a rental property. They have made several attempts to build cabins or create a campground on the rest of the property. The property does not meet the space requirements and or any other requirements to allow such variances to take place. The property is not a farm or has it produced any type of sellable product . My understanding permits were made at one time under a C.U.P . My understanding is the county has not enforced any infractions and they continue to exploit the property and ignore the county codes.

I am unsure if the Herbert's are part of Harpers Ferry holdings. It is terribly unfair that a group of money and power hungry folks like this can continually badger the good citizens of this County. They seem to go unchecked and play by their own set of rules. I urge you to protect our citizens and decline any variance now and for the future.

Thank You.

Sincerely, Charles Axline and multiple family members.

Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural
Parcel Info: Michael Paul Chapman, Trustees, Property Owner
651 & 653 Franklinton Rd, Summit Point, WV 25446
Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac; Zoning District: Rural

File #: 24-26-ZV

Request: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed five (5) unit campground from 10 acres to 5.92 acres.
Parcel Info: Joseph & Shelby Herbert, Property Owners
1122 Duncan Rd, Harpers Ferry, WV
Parcel ID: 09001100100000; Size: 5.92 acres; Zoning District: Rural

File #: 24-27-ZV

Request: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed four (4) unit campground from 10 acres to 3 acres.
Parcel Info: Joseph & Shelby Herbert, Property Owners
Vacant parcel located SE of 1122 Duncan Rd, Harpers Ferry, WV
Parcel ID: 09001100100002; Size: 3 acres; Zoning District: Rural

File #: 24-28-ZV and 24-29-ZV

Request #1: Variance from Appendix B to reduce the side setback & unscreened buffer area along the eastern property line for an addition to an accessory structure and the installation of a driveway

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 10:05 AM
To: 'Robert Commisso'
Subject: RE: opposition to variances numbers 24-26-ZV and 24-27-ZV at 1122 Duncan Rd.

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Robert Commisso <bobby.commisso@gmail.com>
Sent: Thursday, August 15, 2024 8:18 AM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: opposition to variances numbers 24-26-ZV and 24-27-ZV at 1122 Duncan Rd.

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My name is Robert Commisso and I live at 185 Rabbits Rest La. I previously served as President of the Rabbits Rest Homeowners' Association and in the past have written the Board of Zoning Appeals (BZA) opposing the Conditional Use Permit 20-8-CUP Wedding Venue at 1122 Duncan Rd. I write now to express my opposition to the BZA granting variances number 24-26-ZV and 24-27-ZV for camping units on parcels located at 1122 Duncan Rd.

Approval requires that the variance "Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents." Using this metric, I see several serious problems.

1. The ingress and egress on the north end and part of the east side of the 5.98- and 3-acre parcels has the potential to interfere with the use of an existing easement and associated access to the river. Any such issues should be de-conflicted before the variances are even considered. There is no discussion of the easement or river access in the variance application. In addition, the issue of the easement and associated river access is currently the subject of a court action. At the very least, the requested variance should not be considered by the BZA until the easement and river access issues are settled in court.
2. The proximity of these units to the river brings into question the environmental impact of the requested variances. What are the environmental issues? Before these variances are considered, an environmental impact study should be carried out and the results made public.
3. Are the septic systems and wells already in place or are they planned? The proximity to the river strongly suggests that there will be an issue with the ability of the ground to perk. Tests should be performed and reports made public before the variances are considered.

4. These camping units will increase the traffic on our local roads that are narrow, have no shoulders, and are not lit, making them dangerous both for out-of-town drivers and local residents dealing with out-of-town drivers. This is especially true if the campers have been consuming alcohol.

5. If the requested variances are approved, the campsites will provide local commercial entities a natural convergence location for river riding. This brings buses into play, providing additional traffic and wear and tear on the local roads. The parcel is zoned rural, not commercial. Granting the variances opens the door to a commercial enterprise, with associated negative effects on the rural nature of the area, as well as adversely affecting the public health, safety, and the rights of adjacent property owners and residents.

Thank you for your attention.

Robert J. Commisso

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 10:45 AM
To: 'WILLIAM KANWISHER'
Subject: RE: Opposition to Variances 24-26-ZV and 24-27-ZV (1122 Duncan Rd)

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: WILLIAM KANWISHER <wkanwisher@comcast.net>
Sent: Thursday, August 15, 2024 9:12 AM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Opposition to Variances 24-26-ZV and 24-27-ZV (1122 Duncan Rd)

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

To Whom it May Concern;

I am writing to oppose the granting of the zoning variances #24-26-ZV and #24-27-ZV that apply to the lot(s) located at 1122 Duncan Road.

I set forth these reasons:

1. The surrounding area has been zoned Rural Residential.
2. To date, Jefferson County has given permission to operate multiple businesses at this site, including:
 - a. bed and breakfast
 - b. an event venue
 - c. a Farm Vacation Enterprise of either 5 or 10 cabins
3. The 2035 Jefferson County Comprehensive Plan (which is still in effect) sets as a goal "Recognize the rights and viability of rural residential neighborhoods."
4. Adding yet another business (commercial campground and boat ramp) to the already existing businesses on this site is a substantial impingement of the rights of the neighborhoods that surround 1122 Duncan Rd.

5. Jefferson County Zoning Ordinances require the Board of Zoning Appeals: to find that the proposed variances "will not adversely affect the public health safety and welfare, or the rights of adjacent property owners and residents"

6. The very nature of a campground invites transient people into a very safe and secure neighborhood.

7. The campground will devalue the properties of the adjacent properties.

8. By driving down values of the adjacent properties, other property values in the neighborhood will be driven down.

9. The campground will impair the owners of the adjacent properties rights to use and enjoy their properties.

10. The campground will further endanger drivers and pedestrians on the very narrow and twisting access roads.

11. The campsites will create trash and debris that could make its way to the Potomac River.

12. The campsite and boat ramp will create congestion and dangerous conditions on the Potomac River.

13. The summer holiday weekends (Memorial Day, July 4th and Labor Day), become less festive and more tense.

14. Potential conflicts between the campsites could create chaos.

15. Guests of those using the campsites will use the private road McShane's Landing Lane to access the campsites.

It is not clear why the proponents of the variances are pursuing this change of zoning when they already have been given the Farm Vacation Enterprise certificates that allow for the building of cabins on the same lots. This seems to be duplicative.

It is a fair observation that Jefferson County has been extraordinarily generous towards the owners/operators of the business entities operating at 1122 Duncan Rd. There is no question that the resources of the county government (and therefore taxpayer funds) have been spent processing the series of requests that have emanated from these business entities. The stacking of business uses, on a lot in a rural residential area, is a burden to the community that will continue long into the future. It begs the question: Is there a limit?

It is not clear that the proponents have informed the BZA that there is ongoing litigation in the Circuit Court for Jefferson County regarding the proper uses of an easement that runs across the lots in question from Duncan Road to the Potomac River, The easement was created for the adjacent lots now owned by Michael Johnson, by Johnson's parents, who once owned 1122 Duncan Rd. From the diagrams provided in the application, it appears that a boat ramp is proposed that will lie within the easement. This may be sufficient cause to defer judgment on these variances until this dispute is resolved.

There is no guarantee that the current owner/operators of 1122 Duncan Rd and their multiple commercial businesses will always be the owners (the owner/operators were trying to sell the properties a year ago).

Whatever personal assurances they may give regarding how they will operate these multiple businesses have no effect when the property is sold.

Consider this hypothetical: a motorcycle gang, hiding their true identity, books an event for Labor Day weekend. They book all available campsites. Labor Day comes.

Chaos.

The Board of Zoning Appeals may say "that will never happen" or "that's an acceptable risk".

Would it be an acceptable risk if you lived next door?

Thank you for your attention to this matter,

William Kanwisher

504 McShane's Landing Lane
Shepherdstown, WV 25443

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 10:04 AM
To: 'WW Lochner'
Subject: RE: Petition Opposing Herbert Property (Duncan Rd.) Variance Requests

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: WW Lochner <wwlochner@gmail.com>
Sent: Wednesday, August 14, 2024 9:47 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Petition Opposing Herbert Property (Duncan Rd.) Variance Requests

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

On behalf of neighbors in the rural residential neighborhoods (Happy Hollow, McShane's Landing, Rabbits Rest) located adjacent and surrounding the Herbert Property (Duncan Rd.), requesting variances File#24-26-ZV & File#24-27-ZV, we respectfully submit the following petition to oppose these requests as they will create a heightened burden on the rural residential area. Petitioners will be providing personal written statements and/or attending the upcoming meeting.

Should you need any further documentation, please advise.

Thank You,
Wendy Lochner

Copy of Petition provided to the surrounding rural residential neighborhoods (Happy Hollow, McShane's Landing; and Rabbits Rest located near variance requests and opposing the variance requests for File #24-26-ZV & File#24-27-ZV. Copy of electronic petition and petition respondents listing are respectfully submitted for your consideration.

Section 1 of 2

Petition Opposing Variances to Reduce Minimum Lot Sizes for **Proposed Campground** (Duncan Rd. Shepherdstown, WV)



We the undersigned, do hereby object to the substance of, and process related to, the proposed variances:

File# 24-26-ZV: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed four (4) unit campground from 10 acres to 3 acres. Parcel info: Joseph & Shelby Herbert, Property Owners, 1122 Duncan Rd. Harpers Ferry, WV Parcel ID: 09001100100000; Size: 5.92 acres; Zoning District: Rural

File# 24-27-ZV: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed five (5) unit campground from 10 acres to 5.92. Parcel info: Joseph & Shelby Herbert, Property Owners, 1122 Duncan Rd. Harpers Ferry, WV Parcel ID: 09001100100002; Size: 3 acres; Zoning District: Rural

First Name:

Short answer text

Last Name:

Short answer text



Zip Code:

Short answer text

Email:

Short answer text

Please type your **Full Name** as a documented signature affirming your information above and petition confirmation:

Short answer text

After section 1 Continue to next section



Section 2 of 2

Meeting Notice: August 22, 2024 at 2:00 pm



These variances will be voted on at the August 22, 2024 Zoning Meeting Located in the lower level of the Charles Town Library (entrance on Samuel Street) 200 East Washington Street, Charles Town, WV 25414.

Timestamp	First Name:	Last Name:	Zip Code:	Email:	Please type your Full Name as a documented signature affirming your information above and petition confirmation:
8/12/2024 12:21:36	Lauren	Diehl	25443	laurenmdiehl@costar.com	
8/12/2024 15:09:37	Julie	Pearson-weese	25425	Pearson_julie@msn.com	Julie Pearson-Weese
8/12/2024 22:10:51	Kristi	Holler	25443	Krisholler12@gmail.com	Krista G Holler
8/12/2024 22:11:49	Bryan	Holler	25443	Krisholler12@gmail.com	Bryan L Holler
8/13/2024 14:34:12	Jordan	Shultz	25404	Jordan.eve.shultz@gmail.com	Jordan Shultz
8/13/2024 15:41:54	Ray	Axline	25443	riverrnb@frontiernet.net	Ray Axline
8/13/2024 15:42:59	Brigid	Pohl		riverrnb@frontiernet.net	Brigid Pohl
8/13/2024 16:14:35	PATRICIA	MAUCK	25443	Patricia.Mauck89@gmail.com	Patricia Mauck
8/13/2024 17:11:04	Melissa	Axline	25443	Maxline9@yahoo.com	Melissa Axline
8/13/2024 17:11:19	Jerry	Mauck	25443	Scott.Mauck69@gmail.com	Jerry Mauck
8/13/2024 17:22:54	Beverly	Meadows	25443	meadowsonriver@aol.com	Beverly A Meadows
8/13/2024 17:25:22	Wendy	Lochner	25443	wwlochner@gmail.com	Wendy G. Lochner
8/13/2024 17:38:02	Catherine	Pennington	25443	Cathy.pennington1957@gmail.com	Catherine J Pennington
8/13/2024 17:52:12	Kevin	Lochner	25443	kevin_lochner@cartermachinery.com	Kevin L. Lochner
8/13/2024 17:54:57	Adam	Brastow	25443	judy.mosher@frontier.com	Adam C. Brastow
8/13/2024 18:47:26	Steven	Reid	17340	sreid691@yahoo.com	Steven Carter Reid
8/13/2024 18:50:55	Michael	Johnson	25425	mikejrc2011@gmail.com	Michael Johnson
8/13/2024 19:19:02	Taylor	Gillenwater	25443	Taylorgillenwater7@gmail.com	Taylor Gillenwater
8/13/2024 19:19:51	David	Slosman	25443	dslosman@aol.com	David A. Slosman
8/13/2024 19:24:38	Dana	Neese-Paxton	25443	dana.leigh73@gmail.com	Dana L. Neese-Paxton
8/13/2024 19:54:41	Gregory	Pennington	25443	Greg.Pennington@me.com	Gregory Pennington
8/13/2024 20:18:18	Gerald	Weese	25425	rng361.mw@gmail.com	Gerald Weese
8/13/2024 20:36:42	Kirk	Meadows	25443	Kdmeadows324@gmail.com	Kirk D Meadows
8/13/2024 21:07:49	Ashley	Reynolds	25443	Ashleymichaelwilson@gmail.com	Ashley Reynolds
8/13/2024 21:42:37	Charles	Axline	25443	Chuckaxline@gmail.com	Charles R. Axline
8/14/2024 6:56:18	Phillip	Larsen	25425	PLarsen0369@yahoo.com	Phillip P. Larsen
8/14/2024 7:40:29	Wendy	Gillenwater	25428	Flymama304@gmail.com	Wendy Gillenwater
8/14/2024 7:40:41	Billy	Gillenwater	25428-3619	Cmsgt130@gmail.com	Billy Eugene Gillenwater II

8/14/2024 10:03:09	Neil	Gentile	25443	nbgen12@gmail.com	Neil Gentile
8/14/2024 15:21:23	Tammy	de Nobel	25443	wvcrazy1@yahoo.com	Tammy S. de Nobel
8/14/2024 16:54:29	Sandra	King	25443	sking25443@frontiernet.net	Sandra Kay King
8/14/2024 17:32:30	Robert	Commisso	25443	bobby.commisso@gmail.com	Robert J. Commisso
8/15/2024 10:42:23	Matthew	Johnson	25425	mjohnson30101@gmail.com	Matthew Michael Johnson
8/15/2024 10:57:24	Chris	Rife	25443	clrife08@yahoo.com	Christina L. Rife
8/15/2024 11:02:18	Sam	Nimetz	25443	samnimetz@gmail.com	Samantha Nimetz
8/15/2024 11:31:31	Jamie	Wilkie	25443	jamie.conlon418@gmail.com	Jamie N Wilkie
8/15/2024 14:10:15	Kathy	Loftin	25425	Kathyloftin@yahoo.com	Kathleen Loftin
8/15/2024 15:57:24	Darryl	Ring	25446	Drylring@gmail.com	Darryl Ring
8/15/2024 16:27:53	Darren	Mccauslin	25443	Dmccauslin@gmail.com	Darren mccauslin
8/15/2024 17:19:42	Wesley	Johnson	25425	wesleynorrjohnson@gmail.com	Wesley Norris Johnson

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 1:45 PM
To: 'Lauren McInnes'
Subject: RE: Opposition to Variances 24-26-ZV and 24-27-ZV (1122 Duncan Rd)

Good afternoon,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Lauren McInnes <laurenmdiehl@gmail.com>
Sent: Thursday, August 15, 2024 1:33 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Opposition to Variances 24-26-ZV and 24-27-ZV (1122 Duncan Rd)

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

To Whom this may Concern:

I am writing to oppose the Variance requests at 1122 Duncan road for the following reasons:

- There are already several businesses operated out of these properties to include an event venue, an airbnb/short term rental and there is also a primary residence that has been used on and off as an airbnb.
- These properties are located around several other residential properties and would result in negative impacts in addition to the noise, people trespassing through their properties, and issues we have had with people not being familiar with/struggling navigating our narrow country roads.
- This campground would be literally sandwiched between current fulltime residences.
- Having regular traffic of campers on these narrow roads would make it almost impossible for two cars to pass at each other. Many of these roads do not even have a center line.
- The current septic system is only approved for 1,000 gallons which is only enough for a single 4 bedroom home not a campground of 4 potentially 8 person campsites. The septic would also be in a flood zone
- Jefferson County stipulates that each site can be potentially 8 person per approved site. This would have a substantial impact on residents already on wells in the area.
- This section of river is extremely shallow in places you would expect it to be deep with several rock ledges which can be very dangerous for people who put in a motor boat. This section of river also is very slow moving since it is

cut off by two different rock ledges. In many cases people think that they can float to harpers ferry/glen haven quickly but in many cases it takes hours just to float from Shepherdstown etc and it can take up to 5 hours.

Thank you for your consideration. I would also like the opportunity to speak at next Thursdays meeting.

Lauren & Jordan Diehl
98 McShanes Landing Lane
Shepherdstown, WV 25443

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 2:45 PM
To: 'Beverly Meadows'
Subject: RE: /files 24-26-ZV and 24-27-ZVw written comments

Good afternoon,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: Beverly Meadows <meadowsonriver@aol.com>
Sent: Thursday, August 15, 2024 2:31 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: /files 24-26-ZV and 24-27-ZVw written comments

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Written Comments Submission

File No. 24-26-ZV and File No. 24-27-ZV

From Beverly A. Meadows

448 McShanes Landing Lane, Shepherdstown, WV 25443

My property, identified as Map/Parcel 11 0009 0001 0000 Jefferson County is adjacent (west and south boundaries) to 1122 Duncan Road, Harpers Ferry WV 25425, owned by Joseph and Shelby Herbert.

My property was purchased for use in building a retirement home. In other words, my husband I wanted security for our future as senior citizens and for our children.

I am vehemently opposed to a variance to allow numerous cabins and a campground adjoining my property. I believe granting these variances will have a tremendous affect on my rights and privileges of land use.

The acreage of the proposed campground is less than the 10-acre minimum requirements and barrier requirements written into the Jefferson County zoning ordinance to protect residents from the adverse impact of noise and non-residential disturbances. Consequently, the area is too small for the improvements and use requested in the variance -- there was a reason why 10 acres was originally decided upon. Such use would not conform with the character and current use of the surrounding properties

According to Section 8.17 approving a campground variance would allow the Herberts to construct shelters, gathering halls, pools, recreational areas and other amenities which would then be available to the public.

A campground with noise, traffic, etc., along with a public dumpster just over the boundary line between my property and the Herberts , would certainly impose on the safety and serenity of my retirement home. The section of easement from Duncan Road to the proposed campground runs right along my property line, no less than 800 feet. There is no buffer, as the gravel easement aligns with the property line by what appears to be about two inches.

Should the campground be approved, we will be overcome by a transient population leading to potential increased threats to health and safety to our community. An increase to vehicle, pedestrian and watercraft traffic presents safety concerns. Anticipated increases in noise, lighting, waste and litter are negative to the proposed use, not to mention disruption of wildlife and potential increase of fire and smoke damage from campsites.

Please submit this written objection to the granting of the subject variances requests to the meeting agenda,

Respectfully,

Beverly A. Meadows

448 McShanes Landing Lane

304-876-2149

Shepherdstown, WV 25443

meadowsonriver@aol.com

According to Section 8.17 approving a campground variance would allow the Herberts to construct shelters, gathering halls, pools, recreational areas and other amenities which would then be available to the public.

A campground with noise, traffic, etc., along with a public dumpster just over the boundary line between my property and the Herberts , would certainly impose on the safety and serenity of my retirement home. The section of easement from Duncan Road to the proposed campground runs right along my property line, no less than 800 feet. There is no buffer, as the gravel easement aligns with the property line by what appears to be about two inches.

Should the campground be approved, we will be overcome by a transient population leading to potential increased threats to health and safety to our community. An increase to vehicle, pedestrian and watercraft traffic presents safety concerns. Anticipated increases in noise, lighting, waste and litter are negative to the proposed use, not to mention disruption of wildlife and potential increase of fire and smoke damage from campsites.

Please submit this written objection to the granting of the subject variances requests to the meeting agenda,

Respectfully,

Beverly A. Meadows

448 McShanes Landing Lane

304-876-2149

Shepherdstown, WV 25443

meadowsonriver@aol.com

Re: Variances 24-26-ZV and 24-27-ZV (1122 Duncan Rd)

To the Board Members of the Jefferson County WV Zoning Board of Appeals:

My name is Peter Milcetic. I am the homeowner and resident of the property located at 17 Cedar Ridge Lane in Jefferson County. My property is approximately a five to ten minute drive from the two lots located at 1122 Duncan Road. I am writing to you today to express my concerns about the above two variance requests as a resident and neighbor in this community.

My understanding is that the two lots have already been granted permission to be used as a bed and breakfast, a wedding and event center, and a farm enterprise entity which could include 5-10 cabins on the two lots. It is not apparent to me that the aforementioned permissions include the right to use the property as a commercial campground with the additional amenity of a boat run with access to the river. It would appear to me that this request is going above and beyond the permissions that have already been granted to the property and its owners.

I would ask the board to carefully consider the adverse effect that granting these variances would have on the adjacent property owners. The two lots located at 1122 Duncan Road are naturally zoned as a rural land used primarily for agricultural purposes, along with mainly low density single family homes. The adjacent property owners have already had to bear the changes and effects that came along with all the previous land use permissions that have already been granted to the property. Enabling the commercial use of a campground and boat run will further impinge upon the fair use and enjoyment of the adjacent owners properties for various reasons that have already been mentioned in previous hearings, and are likely to be brought up again at the current hearing.

Furthermore, it appears to me that the right to build a boat run in an adjacent neighbors easement right of way is being requested. I am not aware of the technicalities involved with this matter. However, it seems reasonable to me to state that granting the variances enabling commercial campground use and associated amenities (boat run access, parking, road use, etc.) will have a very adverse effect on the adjacent property owner who already enjoys the existing right of way. That owner's ability to access the river, to use the river, and to enjoy the river will be greatly impinged upon if these changes were allowed to occur.

For the reasons stated above I do not think it would be a good idea to grant these variances and would urge you to consider this in making your decision. Thank you.

Sincerely,

Peter Milcetic

Zoning

From: Zoning
Sent: Thursday, August 15, 2024 10:04 AM
To: 'cpenning804@icloud.com'
Cc: Cathy Pennington; greg.pennington@me.com
Subject: RE: Comments on File # 24-26-ZV and File #24-27-ZV

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Board's agenda packet for the upcoming August 22, 2024 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, August 16, 2024.

Thank you,

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

From: cpenning804@icloud.com <cpenning804@icloud.com>
Sent: Wednesday, August 14, 2024 6:28 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Cc: Cathy Pennington <cathy.pennington1957@gmail.com>; greg.pennington@me.com
Subject: Comments on File # 24-26-ZV and File #24-27-ZV

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

To: Zoning Board
Re: File# 24-26-ZV and File #24-27-ZV

We are opposed to both requests for variance.

These requests are asking to build a campground in a rural residential area, and to create public access to the river across private land. The property already has multiple structures, a parking lot, a wedding venue, and a primary residence. The property size of the combined requests will not meet the minimum required to support additional infrastructure needed (septic, parking), most of the land is in a flood zone, and its current commercial use is already adversely affecting neighbors.

We respectfully request the board deny these requests for variance.

Greg and Cathy Pennington
558 McShanes Landing Lane
Shepherdstown WV 25443

Zoning

From: mike johnson <mikejrc2011@gmail.com>
Sent: Thursday, August 15, 2024 4:36 PM
To: Zoning
Subject: 1122 variance requests

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

To whom this may concern,

I very strongly oppose the variance request at 1122 Duncan Road. I am the immediate next door neighbor at 1178 Duncan Road. My 2 properties have a 40 easement access across 1122 Duncan Road running from Duncan Road to the Potomac River that was granted by my parents who owned the 1122 Duncan Road property at that time.

I have already had significant negative impacts from their current event Venue. Such as the current business owners violating the sound ordinances dictated in their CUP, event lights and vehicles headlights blaring towards my home at night because there is no buffer as well as the destruction of my access road. Additionally, because their parking lot can get muddy, specially with large commercial vehicle traffic, weekly trash trucks, buses and large vehicles leaving deep rutts and parking in my access easement for the events. I have also had event guests try to park in my driveway and pull on my front lawn from the main road on several occasions and issues with buses using my driveway to turn around nearly wiping out my mailbox then parking in my access.

There is current and active litigation between myself and the Herberts over the easement and the uses. It is premature to grant variances regarding these properties when there is ongoing litigation surrounding the easement which does have a court date until July of 2025. My parents deeded me this river access easement and I have used it respectfully for over 20 years and it had never been an issue until the Herberts purchased the property. Prior to their purchase, I had constructed stairs that are the only access on the 200ft of river front that I have maintained throughout the seasons.

Adding a campground so close to my property lines would dramatically decrease the value of my properties as well as my ability to enjoy my property even more significantly than the perils I am already experiencing. I also own a 1.41 ac investment property next to my home with the deeded river access easement from Duncan to the Potomac River. This campground will discourage future building of a single family home on this property as well as impeding access for new tenants in the future.

One very major concern I have for this proposed variance is the amount of people for these campsites that will require potable water and septic. I as well as other close proximity neighbors have struggled with well water capacity issues. I get 5 gallons per minute and have run out of water on multiple occasions throughout the 2 decades I've resided here. I have burned up 3 well pumps in the past 20 years due to lack of water. Very costly to replace a deep well pump systems! Another well or 2,3 or 4 or whatever it takes for almost 80 people for a campground is hit or miss when it's drilled. Will it tap into the same aquifer I'm on? What happens when I'm without water and I have to try and drill another well? The cost will be astronomically impossible for me. As well as it's a health and safety concern for myself as well the rest of the neighborhood that struggles with water capacity. Will the safety, health and well being of the surrounding community be protected for its water resources if this variance is granted?

Also what about septic for this many people so close to the natural resources of the Potomac River? What type of septic is required for almost 80 people? My father owned this property in question and tried to get a perk test decades ago so he could build a house in this proposed campground area. It failed. What type of system is proposed for this many people?

Additionally, it is my personal belief the current survey in the Herbert's variance applications does not match the actual property boundary survey. In some cases I believe the lines are skewed in Herbert's favor to have these variance requests granted. The previous owners, the Stevens submitted survey sketches with as much as 40 feet variance for the cup permit that the Herbert's now hold. I ask that before a variance is considered, a current survey by a licensed surveyor should be completed and confirmed. As well as the grade being checked for less than 15 degrees as required for this proposal. I have traveled this easement for decades and it's very steep.

I have been emotionally and financially burdened by the Herbert's utilization of this rural property with its increased commercial use and now requesting variance for more. It is my utmost concern is that a campground and boat ramp in my access will exacerbate this exponentially. The time and money I would have loved to pass on to my family has already been squandered by the Herbert's unwillingness to act as respectful neighbors to preserve the use of my easement. I am a single father and have enjoyed raising my children in this area until this point. It saddens me there continues to be several different commercial businesses granted to these landowners in a rural district and seeing the impact they have had on our beautiful rural community.

Lastly, the requirements for placards for these requests were not even viewable or legible up until they were replaced and put in a new location just days ago. I'm sure the emails you're receiving now would have been done when the placards were first issued.

Michael Johnson.

1178 Duncan road

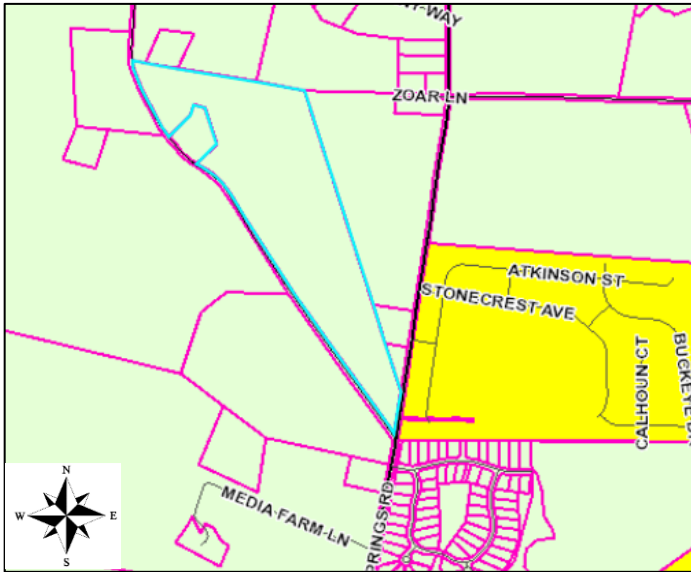
Harpers Ferry, wv

Sent from my iPhone

Staff Report
 Jefferson County Board of Zoning Appeals
 August 22, 2024

24-28-ZV Fellowship Bible Church (Setback & Buffer) Variance Request

Item #3 Request #1: The subject request is to reduce the 50’ side setback & 50’ wide unscreened buffer area to 20’ along a portion of the eastern property line to allow for the construction of a 14’ x 80’ (1,120 sf) addition to an existing equipment storage building; and to allow for a gravel drive to be installed for motor vehicle access to the building.

Owner:	Fellowship Bible Church
Applicant:	Richard Beddow, Trustee
Parcel Information & Zoning District:	<p style="text-align: center;">160 Daniel Rd, Shenandoah Junction, WV Parcel ID: 02000300040005; Size: 50 ac; Zone: Rural</p> 
History:	01/04/99: Hockensmith Property – Merger Plat (Plat Book 16, Page 32) 06/14/00: Fellowship Bible Church S/D – Lots 1 & 2 Residue (PB 17 @ PG 64)
Site Plan Approvals for Fellowship Bible Church:	05/23/00: PC approval of the Final Plat (#00-10) 09/25/01: PC approval of the Site Plan (#S01-08) 06/30/05: PC approval of the Community Impact Statement (#05-20) 09/27/05: PC approval of the Site Plan (#S04-20) 01/13/15: PC Approval of Concept Plan Phase 1, 2, & 3 (S14-03) 09/02/16: Phase 1A Site Plan - <i>Approved</i> (S14-03) 12/09/20: Phase 1B Site Plan – <i>Withdrawn</i> (S17-06) 10/27/21: Phases 1B & 1D – <i>Approved</i> (19-6-S) 04/21/23: Redline Revision – <i>Tentatively Approved</i> (22-10-RR) 08/02/23: Phase 1C – <i>Approved</i> (22-5-SP) 07/07/23: Phase 1E – <i>Pending</i> (23-6-SP)
Waivers/Variations:	BZA approved the following zoning variances: 09/16/10: Waiver of a site plan for 2 modular classrooms (ZV10-18). 08/18/11: Waiver of a site plan for modular classrooms (ZV11-22). 04/19/12: Waiver of a site plan for 1 modular classroom and to extend the removal date for the existing modular (ZV12-13).

Staff Report
 Jefferson County Board of Zoning Appeals
 August 22, 2024

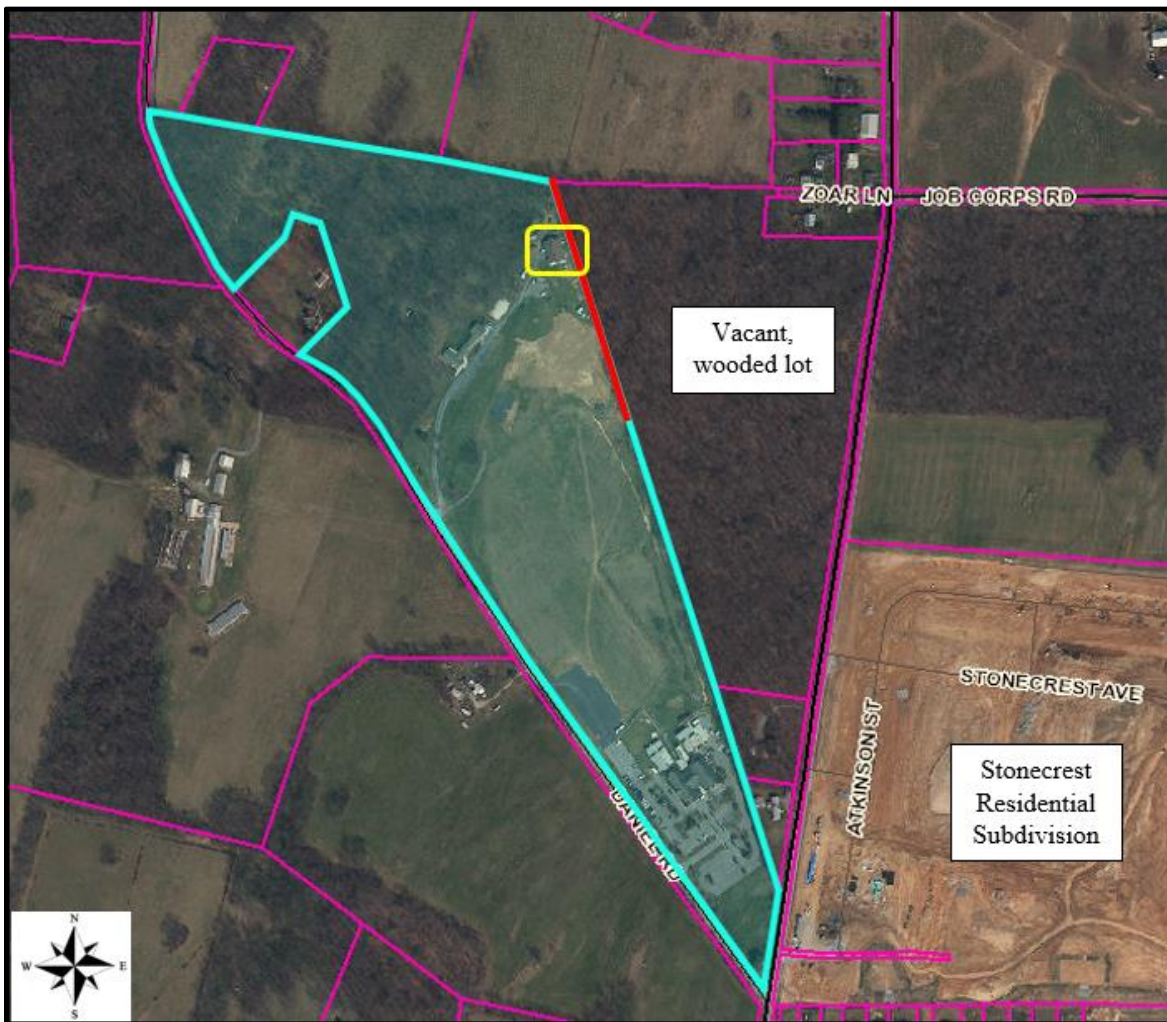
24-28-ZV Fellowship Bible Church (Setback & Buffer) Variance Request

	06/26/14: Waiver of a site plan for 4 modular classrooms and the extension of time for the approved variance (ZV14-07). 09/27/18: To reduce side setback from 50' to 34' for a proposed addition (ZV18-15). 06/26/19: To reduce the landscape buffer from 20' to 10' for a portion of a drive aisle (19-13-ZV).
Approved Activity:	Church
Site Visit Conducted:	No

Staff Overview

The subject request is to reduce the 50' side setback & 50' wide unscreened buffer area to 20' along a portion of the eastern property line to allow for the construction of a 14' x 80' (1,120 sf) addition to an existing equipment storage building; and to allow for a gravel drive to be installed for motor vehicle access to the building.

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



*Aerial view of Fellowship Bible Church Property (highlighted in blue).
 Property line subject to request is highlighted in red.
 Yellow square identifies structure subject to the request.*

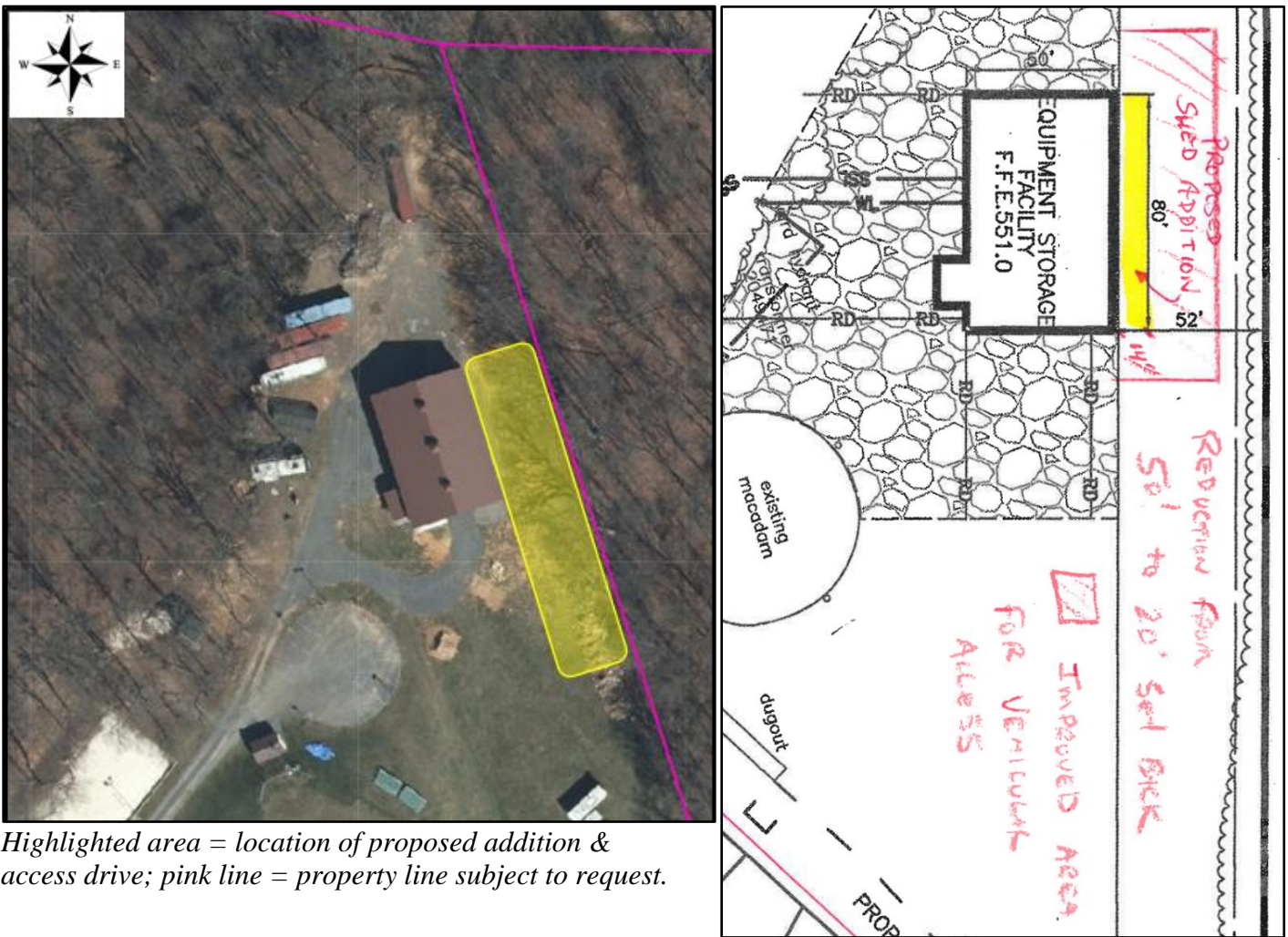
Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2024

24-28-ZV Fellowship Bible Church (Setback & Buffer) Variance Request

Pursuant to Appendix B of the Zoning Ordinance, Churches are required to comply with a 50' side & rear setback and shall provide either a 50' unscreened buffer or a 15' planted buffer screen. No structures, materials, or parking is permitted within the buffer area.

Fellowship Bible Church is a multi-phase project. The approved site plan reflects a 50'-wide unscreened buffer along the eastern property line. The adjoining property to the east is a vacant, wooded lot.

The applicant would like to expand an existing storage facility (4,000 sf) that is located 50' from the subject property line; as such, the addition, as proposed, would encroach within the setback and buffer area by 30'. The applicant represented that the subject location was selected as the most logical and cost effective location for the expansion.



Highlighted area = location of proposed addition & access drive; pink line = property line subject to request.

Applicant's Sketch (above)

Note: The setback and buffer area was previously reduced along the front portion of the property for the main church building. Each request is evaluated on a case by case basis and limited to scope of work presented at that time. As such, the subject variance is required for the proposed projects, which were not previously contemplated by the Board.

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2024

24-28-ZV Fellowship Bible Church (Setback & Buffer) Variance Request

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

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

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

Conditions of Approval

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

1. Existing vegetation within the reduced 20’ buffer screen area shall be maintained by the property owner. No structures, materials, or vehicular parking shall be permitted within the buffer screen area.

Sections of Ordinance to be Considered:

- Appendix B – Non Residential Site Development Standards Table (attached)
- Excerpt from approved site plan for Fellowship Bible Church, Phases 1B & 1D (PC File #19-6-S)

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

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

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

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

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

**** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

‡ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⊖ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.




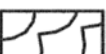
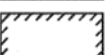
Gregory A. Cortez, Jr.
DB 1203-50
PB 1B-100, Lot 3
Tax ID 02 3000400080000
USE: Agricultural

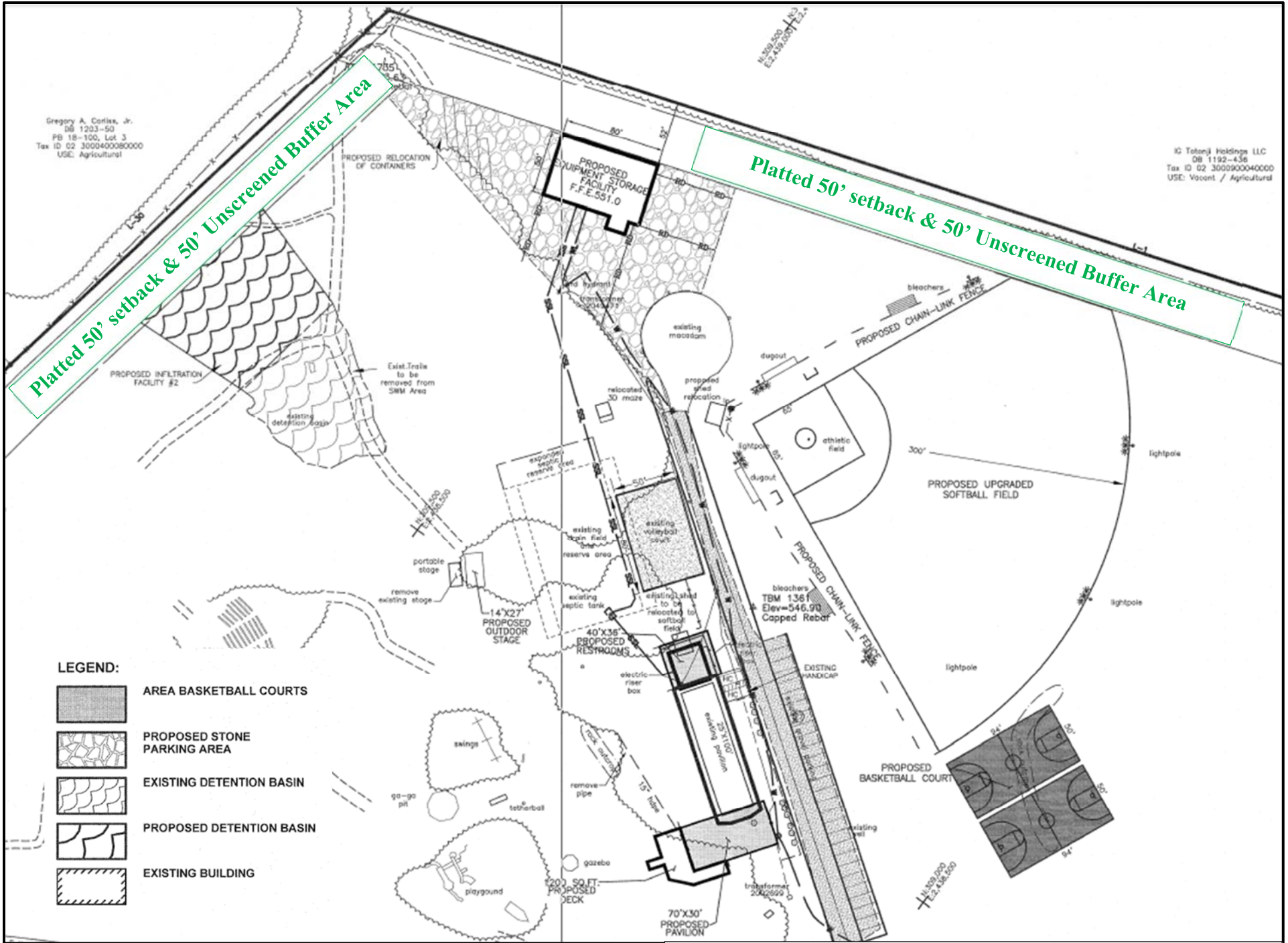
TD Tolonj Holdings LLC
DB 1192-436
Tax ID 02 3000900040000
USE: Vacant / Agricultural

Platted 50' setback & 50' Unscreened Buffer Area

Platted 50' setback & 50' Unscreened Buffer Area

LEGEND:

-  AREA BASKETBALL COURTS
-  PROPOSED STONE PARKING AREA
-  EXISTING DETENTION BASIN
-  PROPOSED DETENTION BASIN
-  EXISTING BUILDING



Excerpt of Approved Site Plan for Phase 1B & 1D (File #19-6-S)



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

File Number: 24-28-ZV
 Staff Initials: gnt
 Meeting Date: 08-22-24
 Fees Paid (\$100 or \$150): 150.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: FELLOWSHIP BIBLE CHURCH
 Mailing Address: 160 DANIEL ROAD, SHENANDOAH JUNCTION, WV 25442
 Phone Number: 304-728-3700 Email: fberich@fellowshipwv.org

Applicant Contact Information

Name: RICHARD BEDDOW - PROPERTY SUPERVISOR FOR FBC
 Mailing Address: 160 DANIEL ROAD - SHENANDOAH JUNCTION, WV 25442
 Phone Number: 304-702-4117 Email: fberich@fellowshipwv.org

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

Name: GARY FREY - SURVEYOR
 Mailing Address: PO BOX 1218, HARPERS FERRY
 Phone Number: 304-728-3869 Email: gfrey.surveyor@frontier.com

Physical Property Details

Physical Address: 160 DANIEL ROAD
 City: SHENANDOAH JUNCTION State: WV Zip Code: 25442
 Tax District: 02 Map No: 3 Parcel No: 4.5
 Parcel Size: 50 ACRES Deed Book: 992 Page No: 338

Zoning District (please check one)

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

RECEIVED

JUL 26 2024

**JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING**

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

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

Reference the section of the Zoning Ordinance pertaining to this request: App B

Briefly describe the nature of the variance request:

FELLOWSHIP BIBLE CHURCH IS REQUESTING A VARIANCE FROM THE SETBACK ORDINANCE TO ALLOW CONSTRUCTION OF 14'x80' ADDITION ON THE EXISTING EQUIPMENT STORAGE FACILITY.

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

Front Setback Side Setback Rear Setback Reduction From 50' to 20'

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

GRANTING THIS VARIANCE WILL NOT ADVERSELY AFFECT ADJACENT PROPERTY OWNERS. THE PROPERTY LINE IS FULL OF MATURE TREES AND THE ADJACENT PROPERTY IS WOODED WITH NO RESIDENTS.

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

THIS REQUEST WILL ALLOW FOR THE MOST LOGICAL AND EFFICIENT EXPANSION TO THE EXISTING STORAGE FACILITY

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

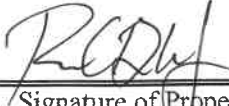
GRANTING THIS VARIANCE WILL ALLOW FOR THE MOST COST EFFECTIVE EXPANSION TO THE EXISTING STORAGE FACILITY

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

GRANTING THIS WILL STILL ALLOW THE ORDINANCE TO BE OBSERVED

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

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

 7-24-24
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

08.22.24
Date of Public Hearing

08.07.24
Advertising Date

08.07.24
Placard Posting Date

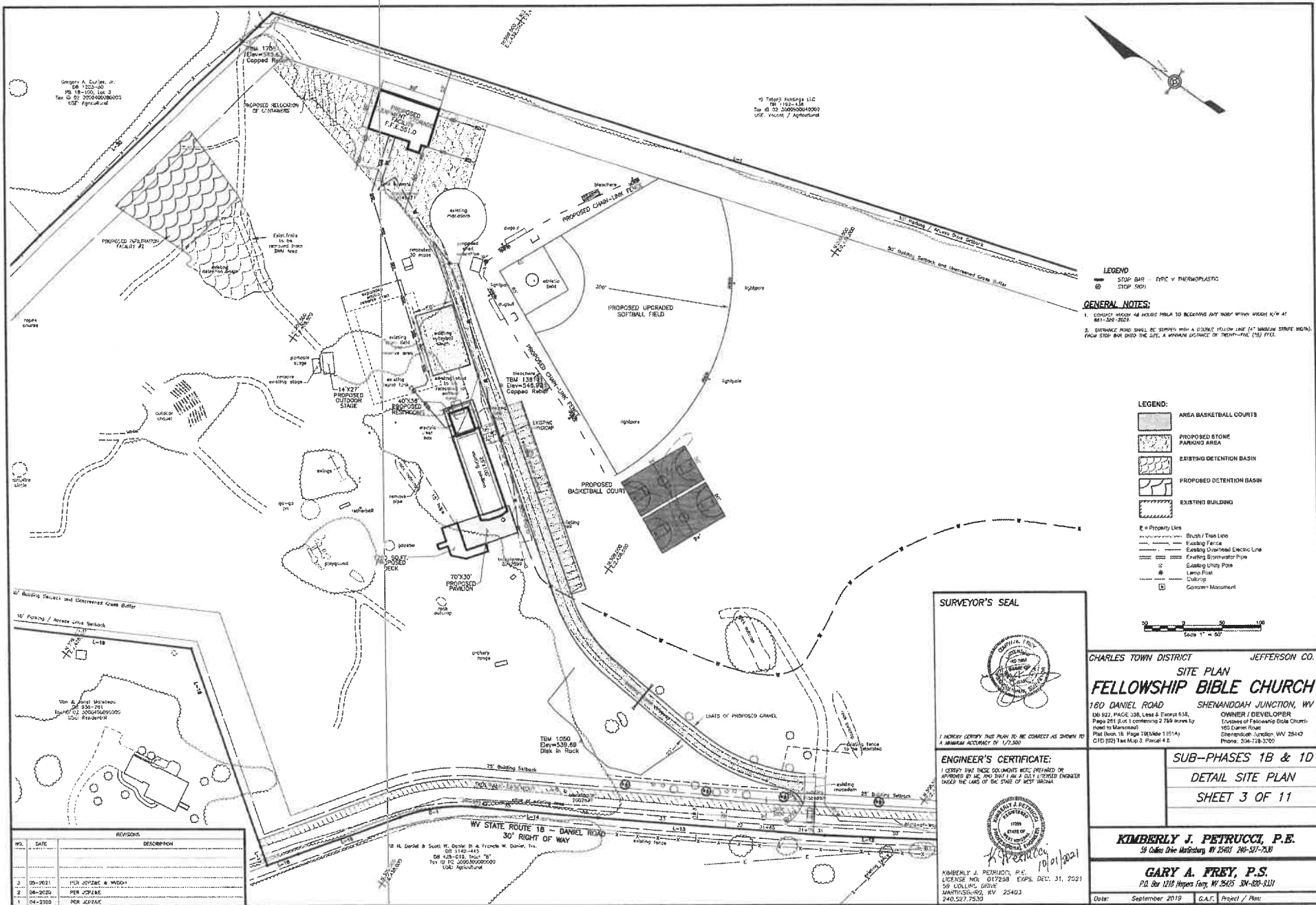
APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

Zoning District	Development Type [⊖]	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use									
						Front	Side	Rear	Front	Side	Rear	A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use			
												Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear		
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25		15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)			
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25		15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)			
	Industrial	3 ac***	N/A	75	90%	50 or 25 if adjacent to Industrial Use		25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)			
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District														
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50				N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)		
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100					See IC District for commercial sites	N/A	N/A		N/A	N/A	N/A	N/A		
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A		
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A							
	Commercial or Industrial**	See IC District																		
Village (V)	Commercial [⚠]	N/A	N/A	35	N/A	25	10	40										See IC District		
	Industrial**	See IC District			35	See IC District														
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District														
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 [£]	10 ⁰	See I-C District			25	See IC District							
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District											
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25												
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25												
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50												
	Industrial	3 ac***	N/A	75	90%	25	50	50												
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 [£]	10 ⁰												
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).																	

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

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

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



Gregory A. Lutz, Jr.
 PE 1102-00
 PG 18-100, Lot 3
 Tax ID 2000460000
 USE: Forest/Land

7) Tread Holdings LLC
 PO 1192-426
 Tax ID 2000000000
 USE: Vacant / Agricultural



LEGEND
 STOP BAR - PVC V. THERMOPLASTIC
 STOP SIGN

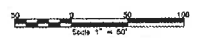
GENERAL NOTES:
 1. CONTACT USHER 48 HOURS PRIOR TO BEGINNING ANY WORK WITHIN WEDS 4:30 PM AT 861-520-3023.
 2. SURVEYOR MUST BE PRESENT WITH A GROUND STATION LINE (1" HORIZONTAL STRIKE WIDTH) FROM STOP BAR ONTO THE SITE, A MINIMUM DISTANCE OF 100'-0" (100' FEET).

LEGEND:

- AREA BASKETBALL COURTS
- PROPOSED STONE PARKING AREA
- EXISTING DETENTION BASIN
- PROPOSED DETENTION BASIN
- EXISTING BUILDING

E & Property Lines

- Blush / Tree Line
- Existing Fence
- Existing Overhead Electric Line
- Existing Stormwater Pipe
- Existing Utility Pipe
- Lump Rock
- Coloring
- Corner Monument



SURVEYOR'S SEAL

CHARLES TOWN DISTRICT JEFFERSON CO.
SITE PLAN
FELLOWSHIP BIBLE CHURCH
 160 DANIEL ROAD SHEWANDCAH JUNCTION, WV
 186 922 PACIFIC COIL LINES & SERVICES, INC. OWNER / DEVELOPER
 Page 211 of 1 containing 2.766 acres by (Trustees of Fellowship Bible Church) 160 Daniel Road
 Plat Book 18, Page 18 (Sub 1151A) Shenandoah Junction, WV 25847
 CTD (02) Tax Map 3 Parcel 42 Phone: 304-738-3700

ENGINEER'S CERTIFICATE:
 I HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN TO A MINIMUM ACCURACY OF 1/2"=50'
 I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF WEST VIRGINIA

SURVEYOR'S SEAL

10/01/2021

KIMBERLY J. PETRUCCI, P.E.
 LICENSE NO. 017258 EXPIR. DEC. 31, 2021
 56 COLLINS DRIVE
 MARTINSBURG, WV 25403
 240.527.2630

SUB-PHASES 1B & 1D
DETAIL SITE PLAN
SHEET 3 OF 11

KIMBERLY J. PETRUCCI, P.E.
 56 Collins Drive Martinsburg, WV 25403 240-527-2630

GARY A. FREY, P.S.
 P.O. Box 1218 Hoppers Ferry, WV 26435 304-829-3311

Date: September 2019 C.A.T. Project / Plan:

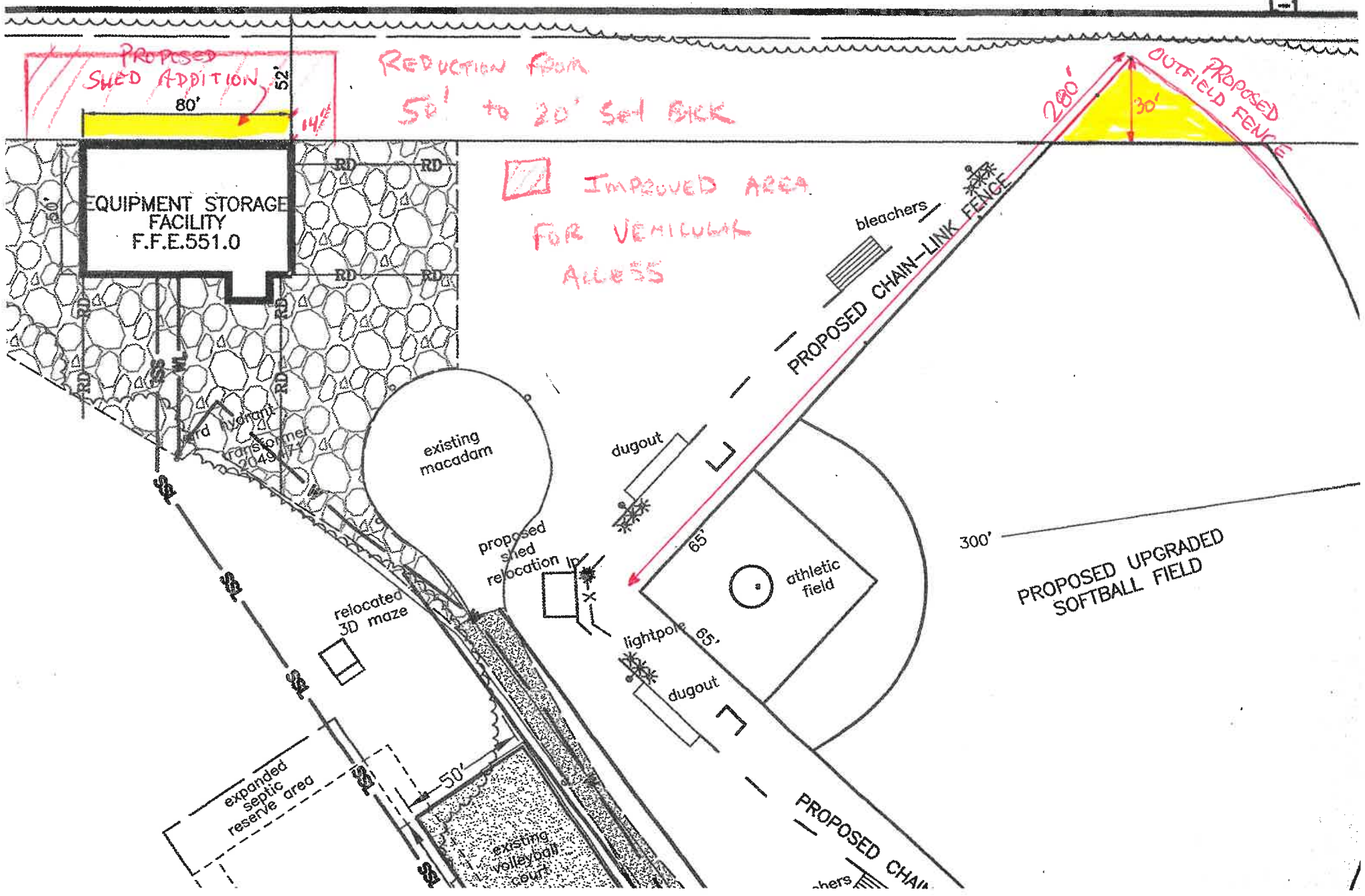
NO.	DATE	REVISIONS	DESCRIPTION
2	09-2021	FOR JOYKAC & WOOD	
3	08-2020	FOR JOYKAC	
1	04-2020	FOR JOYKAC	

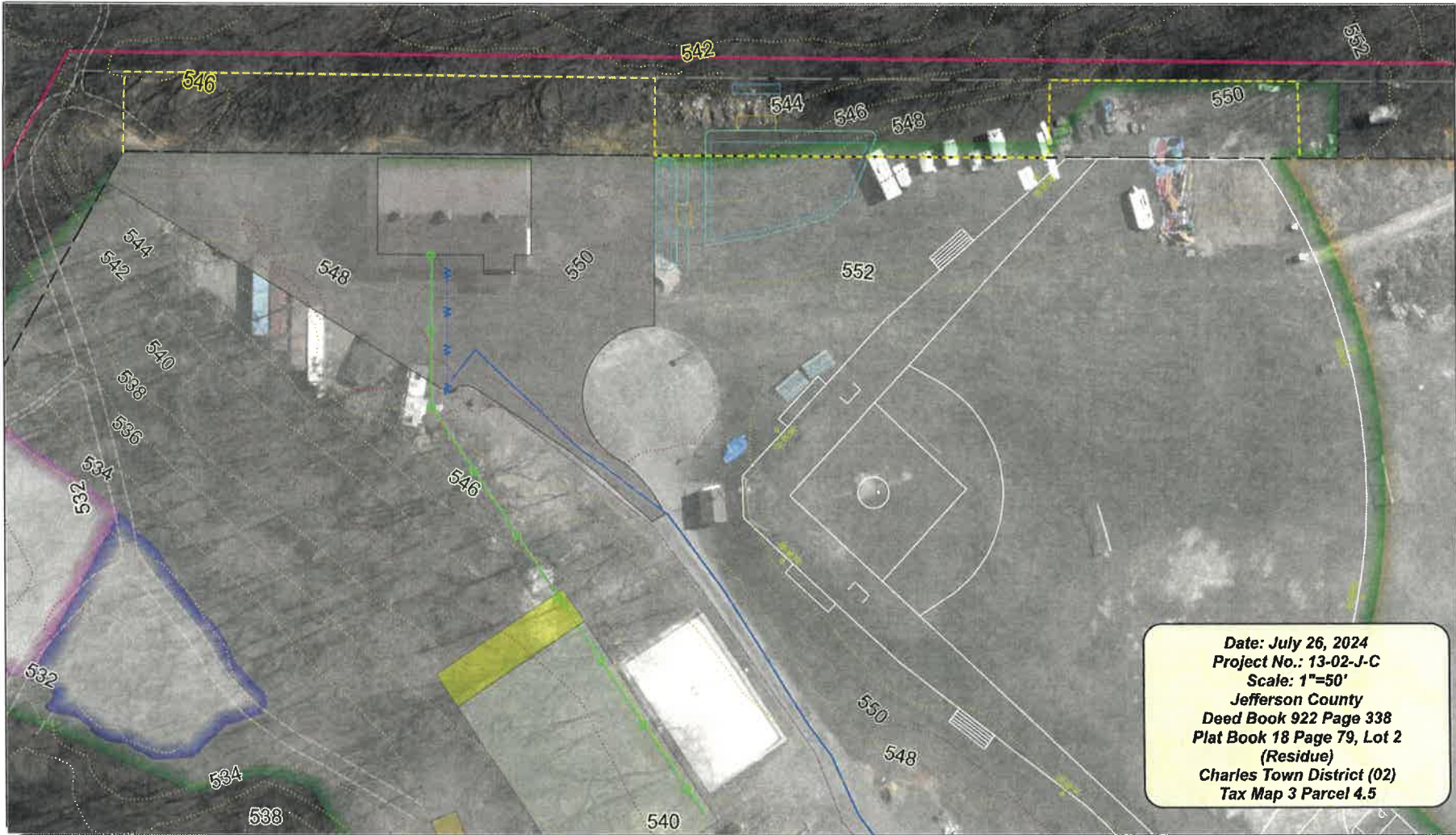
N:30
E:2.4

FELLOWSHIP BIBLE CHURCH

1-26-2014

PROPOSED SETBACK VARIANCE REQUEST





Date: July 26, 2024
 Project No.: 13-02-J-C
 Scale: 1"=50'
 Jefferson County
 Deed Book 922 Page 338
 Plat Book 18 Page 79, Lot 2
 (Residue)
 Charles Town District (02)
 Tax Map 3 Parcel 4.5

Legend

- Boundary
- - - Building Setback
- - - Parking & Aisle Setback
- - - Proposed Setback Variance
- w PHS1B Maintenance Water Line
- PHS1B Maintenance Bldg Sewer
- Ex. FBC Water Line
- Ex. Pavilion Elec UG
- - - 5 Ft. Contour
- - - 2 Ft. Contour
- Phase1B
- Ex. SWM
- Ex. Septic Drain Field
- Proposed SWM

Fellowship Bible Church
PHS 1B Maintenance / Softball Field
Proposed Setback Variance Request

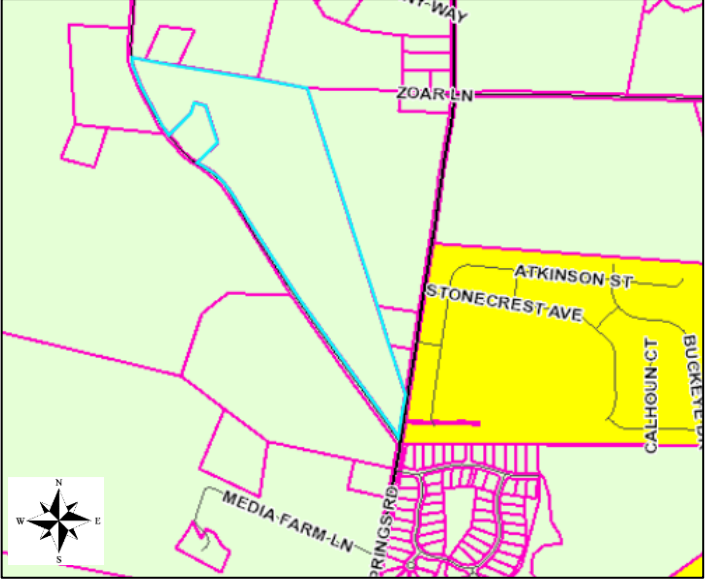


Prepared By:
Gary A. Frey, P.S.
 P.O. Box 1218 Harpers Ferry, WV 25425
 304-820-9331

Staff Report
 Jefferson County Board of Zoning Appeals
 August 22, 2024

24-29-ZV Fellowship Bible Church (Setback & Buffer) Variance Request

Item #3 Request #2: Variance from Appendix B to reduce the 50’ side setback & 50’ unscreened buffer area to 20’ along the eastern property line to allow for a portion of a softball field, including a portion of a chain link fence up to 8’ in height, to be installed.

Owner:	Fellowship Bible Church
Applicant:	Richard Beddow, Trustee
Parcel Information & Zoning District:	<p style="text-align: center;">160 Daniel Rd, Shenandoah Junction, WV Parcel ID: 02000300040005; Size: 50 ac; Zone: Rural</p> 
History:	01/04/1999: Hockensmith Property – Merger Plat (Plat Book 16, Page 32) 06/14/2000: Fellowship Bible Church S/D – Lots 1 & 2 Residue (Plat Book 17, Page 64)
Site Plan Approvals for Fellowship Bible Church:	05/23/00: PC approval of the Final Plat (#00-10) 09/25/01: PC approval of the Site Plan (#S01-08) 06/30/05: PC approval of the Community Impact Statement (#05-20) 09/27/05: PC approval of the Site Plan (#S04-20) 01/13/15: PC Approval of Concept Plan Phase 1, 2, & 3 (S14-03) 09/02/16: Phase 1A Site Plan - <i>Approved</i> (S14-03) 12/09/20: Phase 1B Site Plan – <i>Withdrawn</i> (S17-06) 10/27/21: Phases 1B & 1D – <i>Approved</i> (19-6-S) 04/21/23: Redline Revision – <i>Tentatively Approved</i> (22-10-RR) 08/02/23: Phase 1C – <i>Approved</i> (22-5-SP) 07/07/23: Phase 1E – <i>Pending</i> (23-6-SP)
Waivers/Variations:	BZA approved the following zoning variances: 09/16/10: Waiver of a site plan for 2 modular classrooms (ZV10-18). 08/18/11: Waiver of a site plan for modular classrooms (ZV11-22). 04/19/12: Waiver of a site plan for 1 modular classroom and to extend the removal date for the existing modular (ZV12-13).

Staff Report
 Jefferson County Board of Zoning Appeals
 August 22, 2024

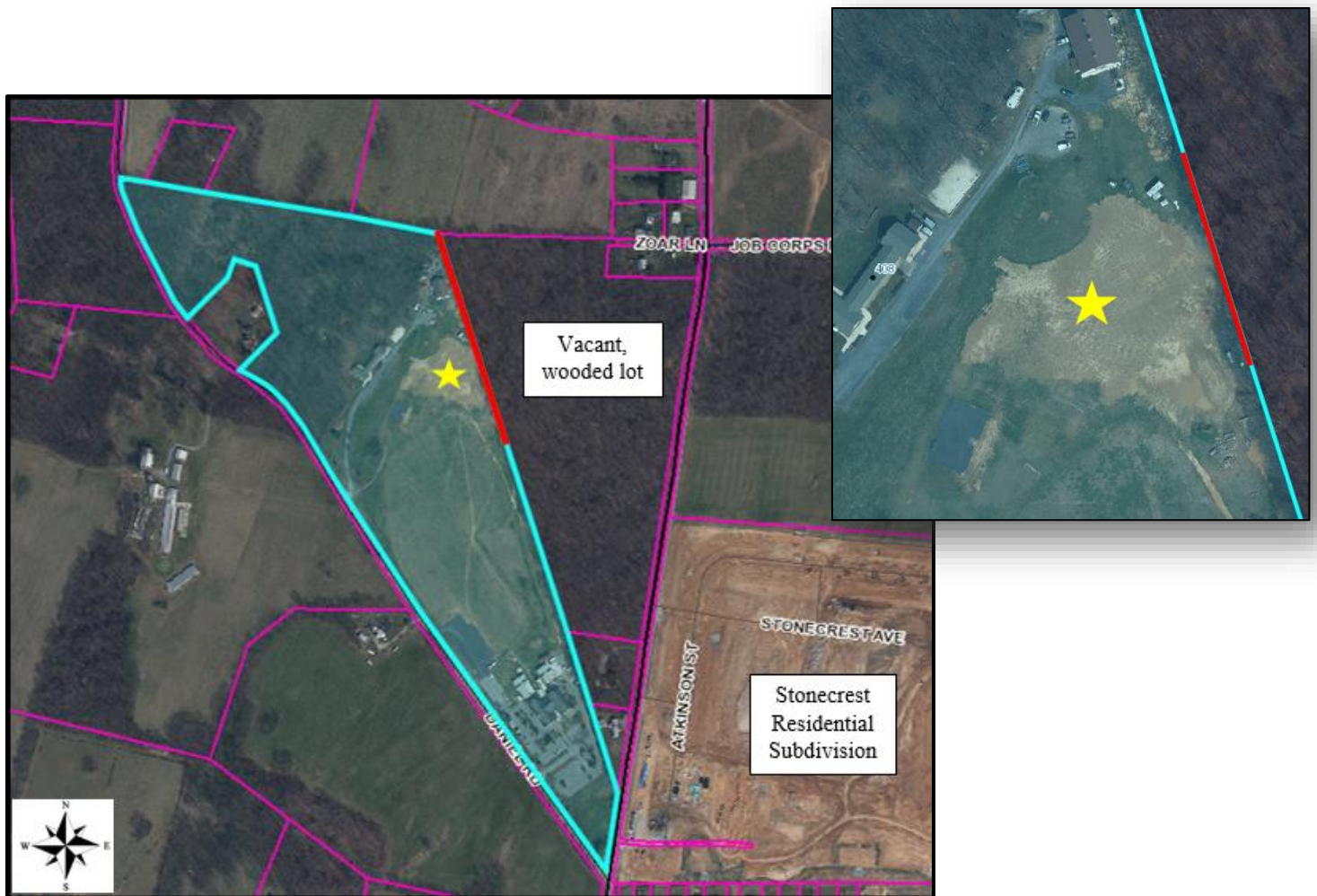
24-29-ZV Fellowship Bible Church (Setback & Buffer) Variance Request

	06/26/14: Waiver of a site plan for 4 modular classrooms and the extension of time for the approved variance (ZV14-07). 09/27/18: To reduce side setback from 50' to 34' for a proposed addition (ZV18-15). 06/26/19: To reduce the landscape buffer from 20' to 10' for a portion of a drive aisle (19-13-ZV).
Approved Activity:	Church
Site Visit Conducted:	No.

Staff Overview

The subject request is to reduce the 50' side setback & 50' wide unscreened buffer area to 20' along a portion of the eastern property line to allow for a portion of a softball field, including a portion of a chain link fence up to 8' in height, to be installed.

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



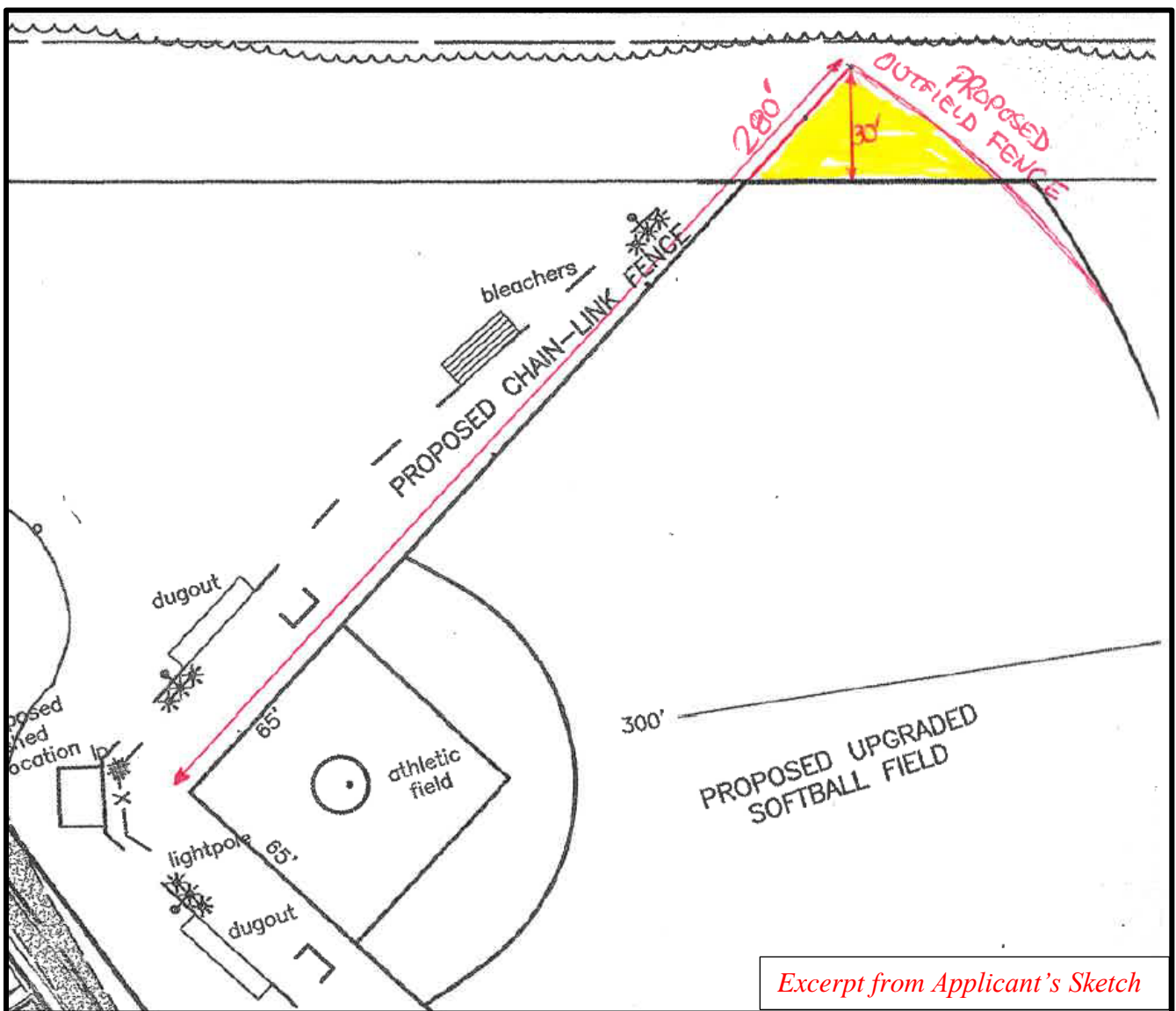
*Aerial view of Fellowship Bible Church Property (highlighted in blue).
 Property line subject to request is highlighted in red.
 Yellow star identifies area of proposed baseball field.*

24-29-ZV Fellowship Bible Church (Setback & Buffer) Variance Request

Pursuant to Appendix B of the Zoning Ordinance, Churches are required to comply with a 50' side & rear setback and shall provide either a 50' unscreened buffer or a 15' planted buffer screen. No structures, materials, or parking is permitted within the buffer area.

Fellowship Bible Church is a multi-phase project. The approved site plan reflects a 50' wide unscreened buffer along the eastern property line. The adjoining property to the east is a vacant, wooded lot.

The applicant would like to improve an existing softball field in the subject location to include expanding the field and installing an 8' tall chain link fence (maximum height), a portion of which will encroach into the 50' setback and buffer area by 30'. As such, the request is to reduce the 50' setback and unscreened buffer area to 20'.



Note: The setback and buffer area was previously reduced along the front portion of the property for the main church building. Each request is evaluated on a case by case basis and limited to scope of work presented at that time. As such, the subject variance is required for the proposed projects, which were not previously contemplated by the Board.

Staff Report
Jefferson County Board of Zoning Appeals
August 22, 2024

24-29-ZV Fellowship Bible Church (Setback & Buffer) Variance Request

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

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

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

Conditions of Approval

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

1. Existing vegetation within the reduced 20’ buffer screen area shall be maintained by the property owner. No structures, materials, or vehicular parking shall be permitted within the buffer screen area.

Sections of Ordinance to be Considered:

- Section 4.11 Landscaping, Screening, and Buffer Yard Requirements (attached)
- Appendix B – Non Residential Site Development Standards Table (attached)

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

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

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

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

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

**** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

‡ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⊖ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.



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

File Number: 24.29.ZV
 Staff Initials: gm
 Meeting Date: 08.22.24
 Fees Paid (~~\$100 or \$150~~): 150.00

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

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

Property Owner Information

Name: FELLOWSHIP BIBLE CHURCH
 Mailing Address: 160 DANIEL ROAD, SHENANDOAH JUNCTION, WV 25442
 Phone Number: 304-728-3700 Email: fberich@fellowshipwv.org

Applicant Contact Information

Name: RICHARD BEDDOW - PROPERTY SUPERVISOR FOR FBC
 Mailing Address: 160 DANIEL ROAD - SHENANDOAH JUNCTION, WV 25442
 Phone Number: 304-702-4117 Email: fberich@fellowshipwv.org

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

Name: GARY FREY - SURVEYOR
 Mailing Address: PO BOX 1218, HARRERS FERRY
 Phone Number: 304-728-3869 Email: gfrey.surveyor@frontier.com

Physical Property Details

Physical Address: 160 DANIEL ROAD
 City: SHENANDOAH JUNCTION State: WV Zip Code: 25442
 Tax District: 02 Map No: 3 Parcel No: 4.5
 Parcel Size: 50 ACRES Deed Book: 992 Page No: 338

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p align="center">RECEIVED</p> <p align="center">JUL 26 2024</p> <p align="center">JEFFERSON COUNTY PLANNING ZONING & ENGINEERING</p> <p align="center"><small>Place Received Date Stamp Here</small></p>			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

Reference the section of the Zoning Ordinance pertaining to this request: APP B

Briefly describe the nature of the variance request:
FELLOWSHIP BIBLE CHURCH IS REQUESTING A VARIANCE FROM THE SETBACK ORDINANCE TO ALLOW FOR A PROPOSED CHAIN LINK FENCE FOR THE EXISTING SOFTBALL FIELD. REQUEST UP TO AN 8' FENCE

If this request is for a setback variance, please check one of the following:
Front Setback Side Setback Rear Setback Reduction From 50' to 20'

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

GRANTING THIS VARIANCE WILL NOT ADVERSELY AFFECT ADJACENT PROPERTY OWNERS. THE PROPERTY LINE IS FULL OF MATURE TREES AND THE ADJACENT PROPERTY IS WOODED WITH NO RESIDENTS

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

THIS REQUEST WILL ALLOW FOR THE MOST LOGICAL AND EFFICIENT CONSTRUCTION OF THE OUTFIELD FENCE FOR THE EXISTING SOFTBALL FIELD.

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

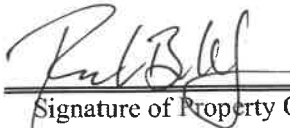
GRANTING THIS VARIANCE WILL ELIMINATE THE NEED TO REDUCE THE DISTANCE OF THE LEFT FIELD FENCE AND IMPROVE THE OVERALL QUALITY OF THE EXISTING SOFTBALL FIELD.

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

GRANTING THIS VARIANCE WILL STILL ALLOW THE ORDINANCE TO BE OBSERVED

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

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

 7-24-24
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

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

08.22.24
Date of Public Hearing

08.07.24
Advertising Date

08.07.24
Placard Posting Date

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

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

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

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

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

**** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

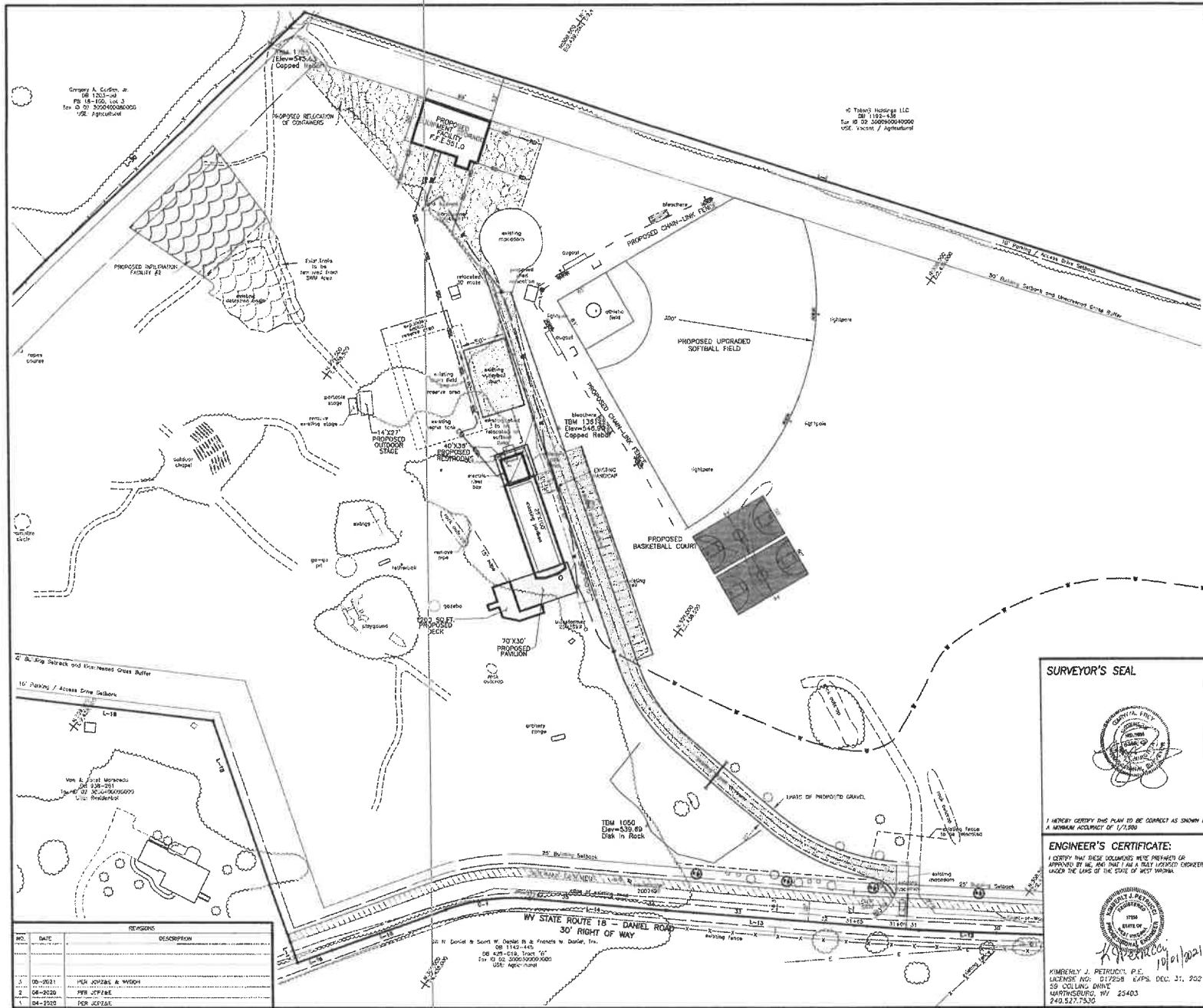
‡ Setback may be reduced if adjacent to industrial use.

⊕ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.



LEGEND

STOP BAR - TYPE V THERMOPLASTIC
STOP SIGN

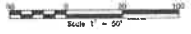
GENERAL NOTES:

1. CONSULT WITH US BEFORE PRIOR TO BEGINNING ANY WORK WITHIN ANY OF THE AREAS SHOWN ON THIS PLAN.
2. ENTRANCE ROAD SHALL BE SURFED WITH A CONCRETE YELLOW LINE (4" MINIMUM CURVE RADIUS) FROM STOP BAR ONCE THE SITE IS APPROXIMATELY TWENTY-FIVE (25) FEET.

LEGEND:

- AREA BASKETBALL COURTS
- PROPOSED STONE PARKING AREA
- EXISTING DETENTION BASIN
- PROPOSED DETENTION BASIN
- EXISTING BUILDING

- - - - - Property Line
 --- Brush / Tree Line
 --- Existing Fence
 --- Existing Overhead Electric Lines
 --- Existing Stormwater Pipe
 --- Existing Utility Pipe
 * Lamp Post
 □ Concrete Monument



SURVEYOR'S SEAL

ENGINEER'S CERTIFICATE:

I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF WEST VIRGINIA.

GARY A. FREY, P.E.
 50 COLLING DRIVE
 MARTINSBURG, WV 25403
 240.527.7630

CHARLES TOWN DISTRICT JEFFERSON CO.

SITE PLAN

FELLOWSHIP BIBLE CHURCH

160 DANIEL ROAD SHENANDOAH JUNCTION, WV
 CD 102, PAGE 333, LOTS 8 & 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

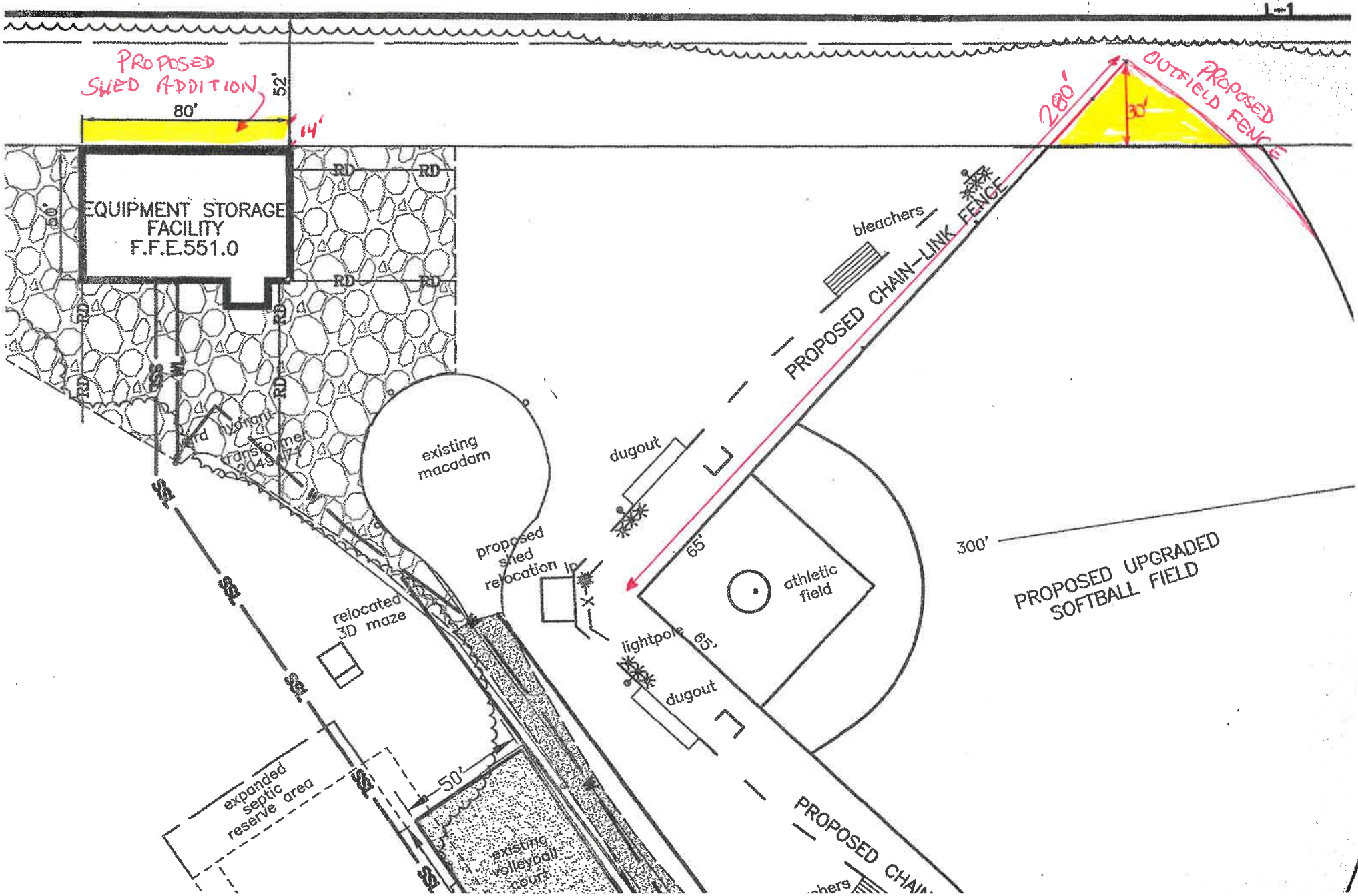
NO.	DATE	REVISION	DESCRIPTION
1.	05-2021	FOR JOHNS & WYSON	
2.	06-2021	FOR JCF/FAE	
3.	04-2022	FOR JCF/FAE	

N:30
E:24

FELLOWSHIP BIBLE CHURCH

1-26-2011

PROPOSED SETBACK VARIANCE REQUEST





Date: July 26, 2024
 Project No.: 13-02-J-C
 Scale: 1"=50'
 Jefferson County
 Deed Book 922 Page 338
 Plat Book 18 Page 79, Lot 2
 (Residue)
 Charles Town District (02)
 Tax Map 3 Parcel 4.5

Legend

- Boundary
- - - Building Setback
- - - Parking & Aisle Setback
- - - Proposed Setback Variance
- w PHS1B Maintenance Water Line
- s PHS1B Maintenance Bldg Sewer
- Ex. FBC Water Line
- - - Ex. Pavilion Elec UG
- · - · - 5 Ft. Contour
- · - · - 2 Ft. Contour
- Phase1B
- Ex. SWM
- Ex. Septic Drain Field
- Proposed SWM

Fellowship Bible Church
PHS 1B Maintenance / Softball Field
Proposed Setback Variance Request



Prepared By:
Gary A. Frey, P.S.
 P.O. Box 1218 Harpers Ferry, WV 25425
 304-820-9331



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report August 22, 2024 Board of Zoning Appeals Meeting

Date of Memo: August 12, 2024

1) The next regular meeting is scheduled for **September 26, 2024**

- Deadline for submission is Friday, August 30, 2024.

2) 2045 Comprehensive Plan Status Update

The DRAFT 2045 Comprehensive Plan is available on the County's website:

<https://www.jeffersoncountywv.org/county-government/departments/engineering-planning-and-zoning/2024-comprehensive-plan-update>

The Planning Commission will hold a Public Hearing to receive public input on the DRAFT Plan on **Tuesday, August 27 at 7:00 PM** in the **Washington High School Auditorium** (flyer attached)

3) The County is currently [accepting applications](#) for the Zoning Administrator position. Interested persons should contact Ms. Jessica James, Assistant Deputy County Administrator: jjames@jeffersoncountywv.org – please note “Zoning Administrator” in the subject line.

4) Two alternate member positions remain open. One term ending 01/01/25 and the other term ending 01/01/27.

- Persons interested in serving on the Board of Zoning Appeals should contact the County Commission Office at 304-728-3284 / jjames@jeffersoncountywv.org.

5) Zoning Certificate Activity Report

**JEFFERSON COUNTY
PLANNING COMMISSION'S
2045 COMPREHENSIVE PLAN
PUBLIC HEARING**

**WASHINGTON HIGH
SCHOOL AUDITORIUM
AUGUST 27, 2024
7:00 PM**

300 Washington Patriots Dr,
Charles Town, WV, 25414

Join our Public Hearing and
let your voice be heard!

*Open House for Q&A
begins at 6:00 PM and
ends at 7:00 PM*

At our Open
House, Staff will be
available to
answer questions
about the 2045
Comprehensive
Plan.



**At our Public Hearing, you'll
have the opportunity to speak
for three minutes about the
proposed Comprehensive Plan
or provide your thoughts in
written comment. Come out to
Washington High School, where
there will be space for everyone
to share their thoughts on the
future of Jefferson County!**

CONTACT US



(304) 728-3228



complan2045@jeffersoncountywv.org



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
Charles Town, West Virginia 25414
www.jeffersoncountywv.org

August 2024

Zoning Certificate Activity Report

File # 24-19-ZC

Request: Short Term Rental

Property Owner: Denny Ward

Parcel Information: 950 Wild Turkey Rd, Harpers Ferry, WV 25425

Parcel ID: 02023K00780000; Size: 1.12 acres;

Zoning District: Rural; Deed Book: 1312; Page: 747

Date of Issuance: 08/08/2024

File # 24-29-ZC

Request: Short Term Rental – The Molar Cottage on the Potomac

Property Owner: Joseph and Shelby Herbert

Applicant: Potomac Ridge, LLC

Parcel Information: 1122 Duncan Road, Harpers Ferry, WV 25425

Parcel ID: 09001100100000; Size: 5.92 acres;

Zoning District: Rural; Deed Book: 1261; Page: 356

Date of Issuance: 07/29/2024

File # 24-30-ZC

Request: Modifications to an Existing Telecommunications Tower

Property Owner: Sunnyside Limited Partnership / Attn: Barbara Huyett

Applicant: SBA Network Services, LLC / Attn: Christopher Blackburn

Parcel Information: 844 Wheatland Rd, Charles Town, WV 25414

Parcel ID: 06001200120001; Size: 4.65 acres;

Zoning District: Industrial Commercial; Deed Book: 1001; Page: 681;

PC File: 01-07 (new telecommunication facility)

Date of Issuance: 07/29/2024
