



Jefferson County
Board of Zoning Appeals Agenda
Thursday, September 26, 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/85986369674>
Phone Option (Dial by Location): 301-715-8592 / Meeting ID: 859 8636 9674

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: August 22, 2024

Public Hearing – Administer Oath

Item #1 File #: 24-30-ZV

Request: Variance request from Appendix A to reduce the rear setback from 50' to 4' along the southern property line for a 15' x 25' accessory structure (greenhouse).

Parcel Info: David Brown and Michelle Mitchell-Brown, Property Owner
229 Bethany Lane, Charles Town, WV
Parcel ID: 06002100070005; Size: 4.53 acres; Zoning District: Rural

Item #2 File #: 24-31-ZV

Request: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed ten (10) unit campground from 10 acres to 6.3 acres.

Applicant: David Schneider
Parcel Info: Jeanette M. Hawk, Property Owner
328 Harry Shirley Rd, Kearneysville, WV
Parcel ID: 07001800120002; Size: 6.31 acres; 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: August 22, 2024

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. Applicant: Franklinton Farm, LLC / Attn: Ashley Smith, P.E., Enel North America, Inc Owners: Mark D. Stolipher & Michael Paul Chapman. File: 24-4-CUP.
2. Variance request from Section 8.17B.1. Owner: Joseph & Shelby Herbert. File: 24-26-ZV.
3. Variance request from Section 8.17B.1. Owner: Joseph & Shelby Herbert. File: 24-27-ZV.
4. Variance request from Appendix B for an addition (File 24-28-ZV) and an 8' tall baseball fence (File 24-29-ZV). Owner: Fellowship Bible Church Trustees /Attn: Richard Beddow.

DRAFT Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: August 22, 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; Matthew McKinney, Vice Chair; Jacob Harris,
6 Secretary; Mikala Shremshock, Alternate; and David Wiegand were
7 present in person.
8 Board Members Absent: Steve Guier with notification
9 Staff Members Present: Alexandra Beaulieu, Deputy Director & Zoning Administrator; and
10 Jennilee Hartman, Zoning Clerk were present in person. Steve Groh,
11 Assistant Prosecuting Attorney, was present via phone conference.

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

13 Mr. McKinney moved to call the meeting to order at 2:02 pm. Mr. Quynn called for a vote, which
14 carried unanimously.

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

16 Approval of Minutes: July 25, 2024

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

18 Mr. Quynn called for Item #4 to be considered first.

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

20 Mr. Harris recused himself from this Item due to a conflict of interest and left the meeting room.

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

22 Request #1: Variance from Appendix B to reduce the side setback & unscreened buffer area along
23 the eastern property line for an addition to an accessory structure and the installation of
24 a driveway (File 24-28-ZV).

25 Request #2: Variance from Appendix B to allow a portion of a chain link fence up to 8' in height
26 and a portion of a baseball field to be located within the unscreened buffer area along
27 the eastern property line (File 24-29-ZV).

28 Parcel Info: Fellowship Bible Church Trustees, Property Owner / Attn: Richard Beddow
29 160 Daniel Rd, Shenandoah Junction, WV
30 Parcel ID: 02000300040005; Size: 50± ac; Zoning District: Rural

31 Richard Beddow, Trustee of Fellowship Bible Church, was present to address the Board.

32 Ms. Beaulieu provided an overview of the projects and presented each staff report to the Board.

33 Ms. Beaulieu noted that each request would request a separate motion.

34 Mr. Beddow explained the nature of each request and addressed questions from the Board.

35 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
36 testimony. Mr. Quynn closed the public comment portion of the hearing.

37 Mr. McKinney moved for a Summary Approval for File #24-28-ZV in accordance with Section
38 5.7(9) of the Boards' Rules of Procedure (as amended 01/26/23) with the condition that the applicant
39 is bound by their testimony. Mr. Wiegand seconded the motion, which carried unanimously.

1 Mr. McKinney moved for a Summary Approval for File #24-29-ZV in accordance with Section
2 5.7(9) of the Boards' Rules of Procedure (as amended 01/26/23) with the condition that the
3 applicant is bound by their testimony and that they will maintain the 20' buffer along the eastern
4 property line. Mr. Wiegand seconded the motion, which carried unanimously.

5 Mr. Harris returned to the meeting room for the duration of the meeting.

6 Mr. Quynn called for Items #2 & 3 to be considered together. Ms. Hartman swore in members of the
7 public who indicated they would be providing testimony.

8 **Agenda Item #2 File #: 24-26-ZV**

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

11 Parcel Info: Joseph & Shelby Herbert, Property Owners
12 1122 Duncan Rd, Harpers Ferry, WV
13 Parcel ID: 09001100100000; Size: 5.92 acres; Zoning District: Rural

14 **Agenda Item #3 File #: 24-27-ZV**

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

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

20 Joseph and Shelby Herbert, property owners, were present to address the Board. Ms. Beaulieu
21 provided an overview of the projects and presented each staff report to the Board. Ms. Beaulieu
22 noted that each request would require a separate motion.

23 Mr. Herbert explained the nature of each request and addressed questions from the Board.

24 Mr. Quynn opened the public comment portion of the hearing. The following members of the public
25 provided testimony: Shawn Paxton, Chris Marshall, Dana Neese-Paxton, Bill Seiders, Charles
26 Axline, Kathy Loftin, Michael Johnson, Lauren Diehl, and Bob Commisso.

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

28 Mr. Herbert and Ms. Herbert addressed the comments presented by the public during their rebuttal.

29 Mr. Wiegand moved to go into deliberative session at 3:49 pm. Mr. Quynn called for a vote, which
30 carried unanimously.

31 Mr. McKinney moved to go back into regular session at 4:10 pm. Mr. Quynn called for a vote,
32 which carried unanimously.

33 Mr. Harris moved to approve File #24-27-ZV with the following conditions:

- 34 1. The applicant shall provide a 30' vegetative setback.
- 35 2. Staff's recommended condition of approval. [Excerpt from Staff Report: *The applicant*
36 *shall submit documentation reflecting compliance with Section 8.17B of the Zoning*
37 *Ordinance and Appendix B, Division 2, Section 8.2B of the Subdivision Regulations to*
38 *ensure adequate buffering from adjacent properties is provided in order to protect and*
39 *encourage the health, safety, and general welfare of the neighbors.*]
- 40 3. The applicants are bound by their testimony.

1 Mr. Quynn offered a friendly amendment to include the requirement of a site plan. Mr. Harris
2 accepted the friendly amendment.

3 Mr. McKinney offered a friendly amendment to strike the condition requiring the 30' vegetative
4 buffer. Mr. Quynn called for a vote on this amendment, which failed two (2) in support of the
5 amendment (McKinney/Shremshock) and three (3) in opposition to the amendment (Quynn/
6 Wiegand/Harris).

7 Mr. Wiegand requested an amendment to the motion to require the installation of a 100' long by
8 8' tall privacy fence to be erected along the northern property line adjoining the Paxton property
9 [Parcel ID: 09011A00730005]. Mr. Quynn called for a vote on this amendment, which carried
10 three (3) in support of the amendment (Quynn/Wiegand/Harris) and two (2) in opposition to the
11 amendment (McKinney/Shremshock).

12 Ms. Beaulieu summarized the full motion to the Board. Mr. Wiegand clarified that the cited
13 buffer and fence would only apply to the northern property line that borders the residential lot.
14 Mr. Wiegand also noted that the fence should be appropriately placed to ensure sufficient
15 protection for the existing home on the adjacent lot.

16 Mr. Quynn called for a vote on the amended motion to grant the request with the following
17 conditions of approval:

- 18 1. The applicant shall provide a 30' vegetative buffer;
- 19 2. Staff's recommended condition of approval: *The applicant shall submit documentation*
20 *reflecting compliance with Section 8.17 of the Zoning Ordinance and Appendix B, Division*
21 *2, Section 8.2B of the Subdivision Regulations to ensure adequate buffering from adjacent*
22 *properties is provided in order to protect and encourage the health, safety, and general*
23 *welfare of the neighbors;*
- 24 3. The applicant shall process a site plan;
- 25 4. The applicant shall install a 100' long, 8' tall fence along the northern property line
26 adjoining the Paxton property [Parcel ID: 09011A00730005]; and
- 27 5. The applicant is bound by their testimony.

28 The motion carried three (3) in support (Quynn/Harris/Shremshock) and two (2) in opposition
29 (Wiegand/McKinney).

30 Mr. McKinney moved to approve File #24-26-ZV with the following conditions:

- 31 1. The applicant shall obtain site plan approval.
- 32 2. The applicant shall relinquish the previously issued Farm Vacation Enterprise Zoning
33 Certificate (File #22-1-ZC).

34 Ms. Shremshock offered a friendly amendment to nullify the previously issued Conditional Use
35 Permit for the Special Event Facility. Mr. Quynn called for a vote, which carried three (3) in
36 support (Quynn/Harris/Shremshock) and two (2) in opposition (Wiegand/McKinney).

37 Mr. Quynn offered a friendly amendment to include that the applicants are bound by their testimony.
38 The friendly amendment was accepted.

39 Mr. Quynn called for a vote, which carried three (3) in support (Quynn/Harris/Shremshock) and
40 two (2) in opposition (Wiegand/McKinney).

1 In response to Mr. Harris' inquiry, Ms. Beaulieu stated that the vegetative buffer and the fence
2 would not be permitted within the existing [access] easement.

3 Mr. Harris moved to take a five (5) minute break at 4:36 pm. Mr. Quynn called for a vote, which
4 carried unanimously.

5 Mr. Harris moved to go back into regular session at 4:47 pm. Mr. Quynn called for a vote, which
6 carried unanimously.

7 Mr. Quynn called for Item #1 to be considered. Ms. Hartman swore in members of the public who
8 indicated they would be providing testimony.

9 **Agenda Item #1 File #: 24-4-CUP**

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

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

18 Parcel Info: Mark D. Stolipher, Property Owner

19 261 Berry Hill Farm Ln, Summit Point, WV 25446

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

21 Parcel Info: Mark D. Stolipher, Property Owner

22 2998 Withers Larue Rd, Summit Point, WV 25446

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

24 Parcel Info: Mark D. Stolipher, Property Owner

25 322 & 288 Scooter Ln, Charles Town, WV 25414

26 Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural

27 Parcel Info: Michael Paul Chapman, Trustees, Property Owner

28 651 & 653 Franklinton Rd, Summit Point, WV 25446

29 Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac; Zoning District: Rural

30 Ashley Smith with Enel North America, on behalf of Franklinton Farm LLC, Joe Knechtel with
31 Potesta & Associates, and Paul Raco with P.J. Raco Consulting were present to address the Board.

32 Ms. Beaulieu provided an overview of her staff report to the Board and reviewed each of the criteria
33 for a Conditional Use Permit.

34 Ms. Smith and Mr. Raco provided an overview of the proposed land use and presented a PowerPoint
35 presentation that outlined the scope of the project. A copy of the presentation will be included in the
36 project file. Ms. Smith and Mr. Raco addressed the Boards' questions. Ms. Smith and Mr. Raco
37 highlighted the fact that the proposed setbacks and landscape buffers exceed the setback and buffer
38 requirements outlined in the Zoning Ordinance. The applicant submitted a copy of the following
39 studies, which were referenced during their presentation, for inclusion in the project file:

40 Franklinton Farm Solar Project Glare Analysis, Franklinton Farm Solar Project Pre-Construction

41 Acoustical Assessment, Franklinton Farm Solar Project Vegetation Management Plan, an

42 Appraisal Report from Kirkland Appraisals, LLC, and a copy of the Circuit Court's Ruling affirming

1 the Board's decision regarding the Rippon Solar Project. The Board stated they would not have time
2 to evaluate the submitted materials.

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

4 The following members of the public provided testimony concerning the project:

5 Jeffery Albert, Chris Marshall, Rebecca Thompson, Bob Aitcheson, Brian Sokel, Mike Chapman,
6 Greg Jenkins, Karen Bailey [submitted a Petition and Letters of Support for the project file],
7 Christine Wimer on behalf of the Jefferson County Foundation, and Kelly Brown.

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

9 Addressing the public's concerns regarding health and safety, Ms. Smith stated that they would
10 develop an emergency response plan that would be shared with local first responders and that training
11 would be provided to ensure the plan is implemented effectively. Ms. Smith deferred to the following
12 health, safety, and environmental experts to provide testimony relevant to their fields of study.

13 Mr. Bill Goodfellow, an environmental toxicologist, a principle scientist, and Practice Director at
14 Exponent, addressed the public's concerns regarding damaged solar panels, the potential for leaching
15 chemicals related to the damaged solar panels, and biodegradable cleaning solvents. Mr. Ryan Spray,
16 a chemist with Exponent who specializes in battery and electric chemistry, addressed the public's
17 concerns regarding the potential hazards of leaching and fire safety as it relates to the battery units.

18 Ms. Smith explained how the proposed project would protect farmland compared to a residential
19 housing development. Ms. Smith also addressed the Boards' questions regarding the existing slope
20 and grading for the project. Richard Kirkland, a licensed appraiser, provided an overview of his
21 findings noting that there was no significant decrease in home values for properties that are adjacent
22 to a solar farm/facility. Mr. Raco addressed the public's concerns regarding setbacks, stormwater
23 management, and landscaping installation/management. Bob McClusky, attorney, spoke to the
24 compatibility of the project as it relates to the Comprehensive Plan and Judge Hammer's ruling in a
25 previous Circuit Court decision regarding a local solar energy facility.

26 Mr. Wiegand moved to go into deliberative session at 7:13 pm. Mr. Harris seconded the motion,
27 which carried four (4) in support and one in opposition (McKinney).

28 Mr. McKinney moved to go back into regular session at 7:24 pm. Mr. Quynn called for a vote,
29 which carried unanimously.

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

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

- 33 1. The applicants are bound by their testimony.
- 34 2. The applicant shall obtain all necessary approvals and licensing.

35 Mr. Quynn called for a vote, which carried unanimously.

36 **Zoning Administrator Report**

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

- 38 1. The next regularly scheduled meeting is September 26, 2024.
- 39 2. A reminder that the 2045 Comprehensive Plan Update Public Hearing will be held on
40 August 27, 2024 in the Washington High School Auditorium.

- 1 3. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.
2 Ms. Beaulieu stated that this would be her last meeting as the Zoning Administrator. The Board
3 thanked Ms. Beaulieu for her service and dedication to the Board.

4 **Legal Update**

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

6 1. Jefferson County Circuit Court Case #CC-19-2023-C-131 (RE: Williamson Fence /
7 23-13-ZV) Gallagher c JCBZA and Timothy Williamson.

8 None.

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

10 **Meeting: July 25, 2024**

11 1. Variance request from Section 9.7. Owner: Nicholas Lowe. File: 24-23-ZV.

12 2. Request by Global Environmental & Remediation LLC for a Conditional Use Permit.
13 Owner: Raymond Johnson. File: 24-5-CUP.

14 3. Variance request from Appendix B and Section 4.11E. Owner: Raymond Johnson.
15 File: 24-24-ZV.

16 4. Request by Bakerton Central for a Conditional Use Permit. Owner: Carter & Maple
17 Properties, LLC. File: 24-6-CUP.

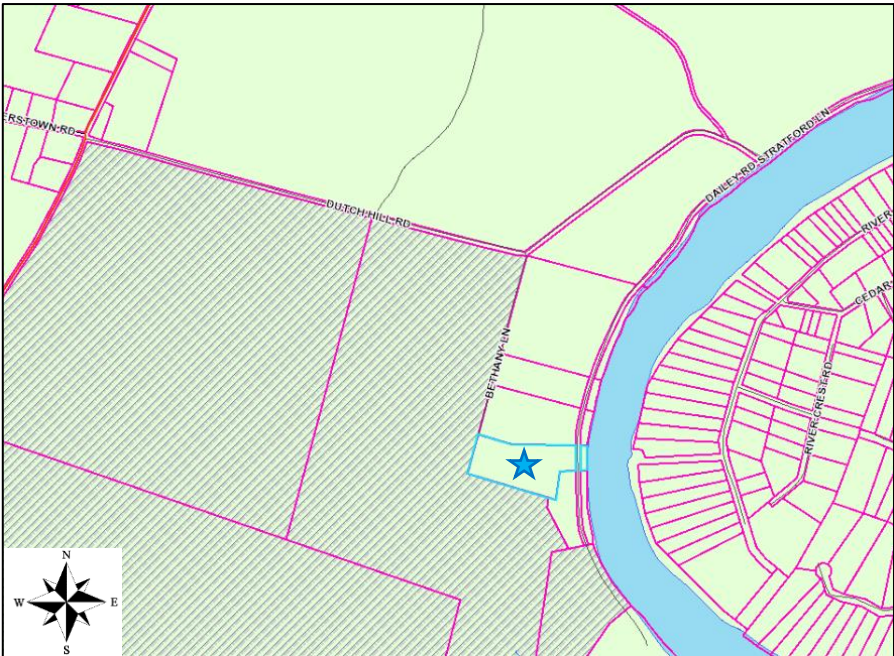
18 5. Variance request from Section 8.14B. Owner: Carter & Maple Properties, LLC.
19 File: 24-25-ZV.

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

21 Mr. Wiegand moved to adjourn the meeting at 7.38 pm. Mr. Harris seconded the motion, which
22 carried unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 September 26, 2024
24-30-ZV Mitchell-Brown Variance Request

Item #1 Variance request from Appendix A to reduce the rear setback from 50' to 4' along the southern property line for a 15' x 25' accessory structure (greenhouse).

Owner/Applicant:	David Brown and Michelle Mitchell-Brown
Parcel Information and Zoning District:	<p style="text-align: center;">229 Bethany Lane, Charles Town, WV Parcel ID: 06002100070005; Size: 4.53 acres; Zoning District: Rural</p> 
History:	05/01/00: Diane Gray & Hugh Hoover Subdivision (PB18/PG39) 10/10/19: Aiman Jalil Family Transfer; File #19-9-SD (PB26/PG21) 03/16/20: Existing barn structure converted to a Single Family Dwelling
Waivers/Variiances:	06/14/22: PC approved a waiver from Section 20.201B2 pertaining to the 5-year Family Transfer requirement (File: 22-12-PCW). 05/25/23: BZA approved variance from Appendix A to reduce the rear setback from 50' to 4' for a 160 sf storage shed (File #23-18-ZV)
Approved Activity:	Single Family Residence
Site Visit Conducted:	No.

Staff Overview

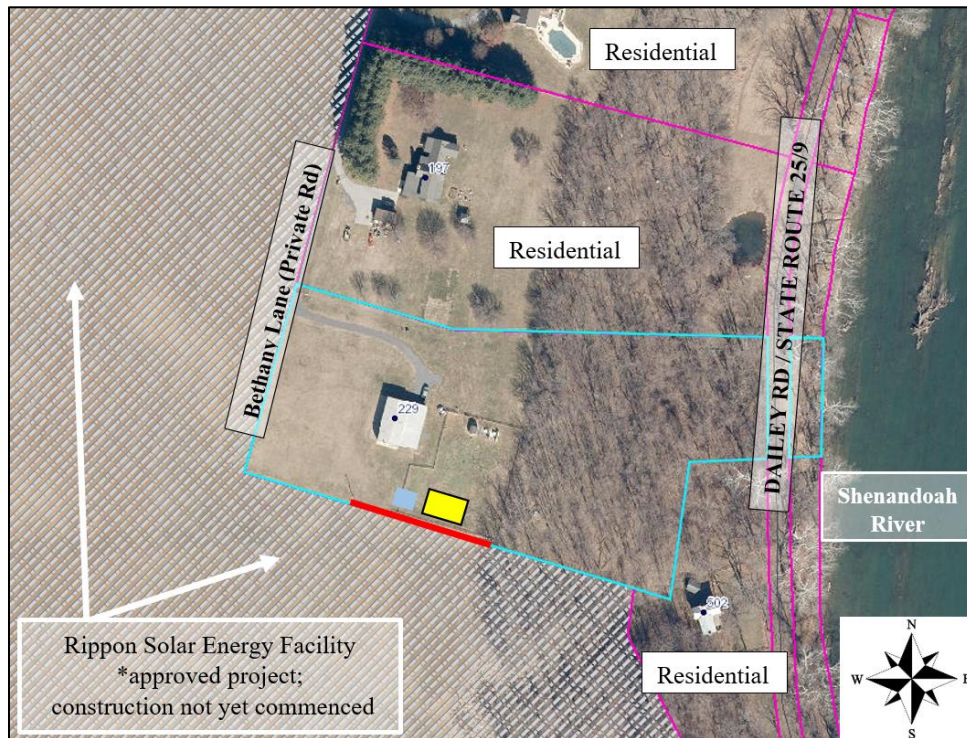
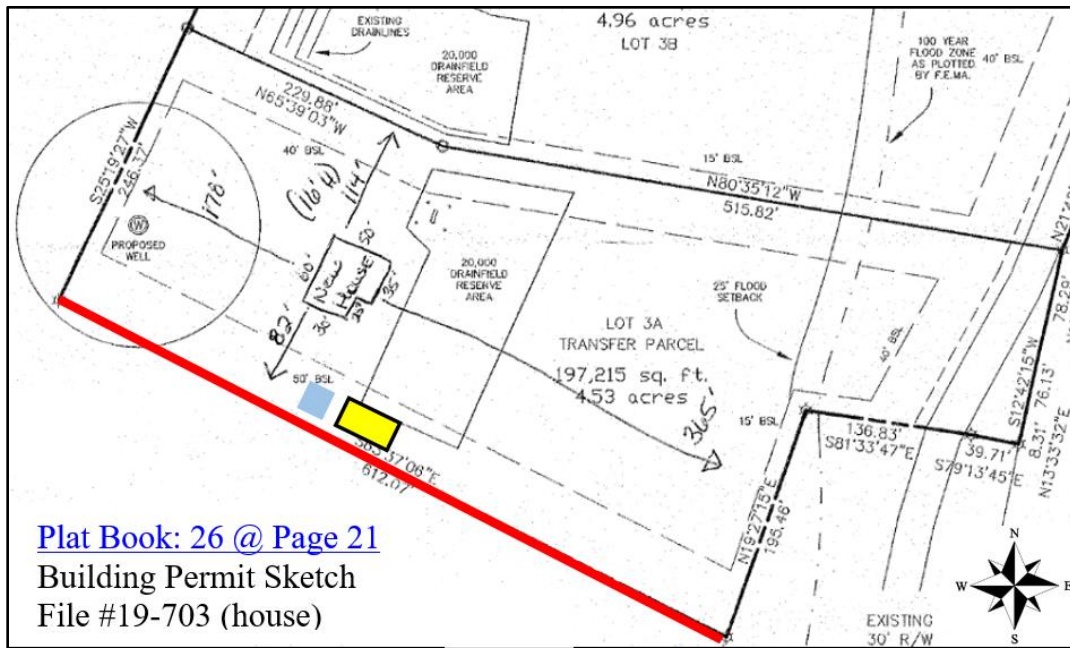
The subject parcel is designated as Lot 3A of a Family Transfer subdivision, which was recorded in October 2019. In accordance with Note #4 of the final plat and Appendix A of the Zoning Ordinance, the required setbacks are 40' Front, 15' Side, and **50' Rear**.

The applicant is requesting to construct a 14'-9" x 24'-11.5" greenhouse approximately 4' from the rear (southern) property line.

The purpose of a rear setback requirement is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements.

Staff Report
 Jefferson County Board of Zoning Appeals
 September 26, 2024
24-30-ZV Mitchell-Brown Variance Request

In 2023 when the applicant sought a variance for a storage shed, the applicant represented that the location was selected to allow sufficient area to construct a greenhouse in the future, as well as to preserve the view in the front of the house and accommodate the septic reserve area. At the time, the applicant was uncertain of the size/type of greenhouse, and so it was not included in the 2023 variance, which is why the subject request is back before the Board for evaluation.



To the north of the subject property is a residential lot, to the east is a wooded area and the Shenandoah River; the west and the south are currently vacant fields, which have been approved for a large scale solar facility (Rippon Solar Project – File #22-9-CUP and File #22-15-SP).

Staff Report
 Jefferson County Board of Zoning Appeals
 September 26, 2024
24-30-ZV Mitchell-Brown 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 change the zoning classifications of a parcel of land."

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

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

Conditions of Approval

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

1. No conditions of approval have been identified.

SECTION OF ORDINANCE TO BE CONSIDERED:

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 42}

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks			
							Front	Side	Street Side	Rear
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20
	Duplex Dwelling Unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"
	Townhouse Dwelling ⁴²	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	†	12
		30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	†	12
Under 30,000 sq. ft.		N/A	N/A	N/A	40	20	8	†	12	
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	†	50
		Over 2 acres	N/A	N/A	N/A	45	40	15	†	50
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	†	12
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	†	12
	Cluster Subdivision		N/A	N/A	N/A	45	20	8	†	12



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

File #: 24-30-ZV
 Mtg. Date: Sept. 26, 2024
 Fee Paid: \$ 150.00
 Chk# 3015

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Application

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 parcel's zoning classification.

Property Owner Information

Owner Name: DAVID BROWN AND MICHAEL MITCHELL-BROWN
 Business Name: ~~229 BETHANY LANE~~
 Mailing Address: 229 BETHANY LANE, CHARLES TOWN, WV 25414
 Phone Number: 304-283-5117 Email: michelle.k@comcast.net

Applicant Contact Information

Applicant Name: MICHAEL MITCHELL-BROWN Same as owner:
 Business Name: _____
 Mailing Address: SAME
 Phone Number: _____ Email: _____

Consultant Information

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

Physical Property Details

Vacant Lot:

Physical Address: 229 BETHANY LANE, CHARLES TOWN, WV 25414
 Parcel ID: (Tax District / Map No. / Parcel No.) 06 / 21 / 7.5
 Parcel Size: 4.53 AC Deed Book: 1294 Page No: 667

Zoning District (please check one)

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

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

RECEIVED

Date Received: **AUG 23 2024**

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

Briefly describe the nature of the request (include the dimensions of the proposed structure, if applicable):

Section of the Zoning Ordinance pertaining to this request: REQUEST VARIANCE FOR 14'9" x 24'-11 1/2" GREENHOUSE TO BE WITHIN 4' (FEET) OF THE PROPERTY LINE.

**Variance from Appendix A (jth)

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

Front Setback Side Setback Rear Setback Reduction from 50' to 4'

Required Sketch: 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.

Required Responses: Each of the following questions must be answered in detail. The Board will evaluate your request based on the answers provided (attach a separate sheet of paper if necessary).

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

THE GREENHOUSE IS LOCATED OUTSIDE OF THE DRAINAGE RESERVE (15' OUTSIDE OF THE RESERVE AREA) AND DOES NOT AFFECT ADJACENT PROPERTY OWNERS WHERE THE GREENHOUSE WILL BE LOCATED. THE SURROUNDING IS OPEN FIELDS AND WOODS.

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?

THE GREENHOUSE LOCATION IS IN A SPOT TO NOT OBSTRUCT THE VIEWS IN THE FRONT OR SIDES OF THE RESIDENCE AND WITHIN AN OLD HOUSE Paddock BEING USED AS A GARDEN AREA. THERE IS CURRENTLY A SHED LOCATED WITHIN THE Paddock WITH AN APPROVED VARIANCE (23-18-ZU). THE GREENHOUSE WILL BE ALONG THIS SAME FENCE LINE.

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

GRANTING THIS VARIANCE WILL HELP PROCEED WITH THE BUILDING OF THE PLANNED GREENHOUSE TO BE CO-LOCATED WITH THE EXISTING SHED. ALL OTHER HARDSHIPS ARE EITHER IN THE DRAINAGE RESERVE, STEEP SLOPES, OR WOULD OBSTRUCT VIEWS.

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

THE APPROVAL WILL ALLOW PLACEMENT/BUILD OF THE GREENHOUSE TO NOT NEGATIVELY AFFECT NEIGHBORING PROPERTIES.

I authorize the Planning and Zoning staff to revise the application/sketch on my behalf. I understand that said revisions will be discussed with me prior to revising the application/sketch.

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

By signing this application, I grant permission to County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.

Michelle K. Hill-Brown 8/23/24
Property Owner Signature Date

Property Owner Signature Date



DIAGRAM 1 Abdullahi & Abdullahi-Born 5/30/2024

DUNN
T.M. 21\7
D.B. 1016\801

WITH INFORMATION APPLICABLE TO LAND DEVELOPMENT ORDINANCE, ADOPTED 7/28/80 AMENDED 10/18/88 AND LAND DEVELOPMENT REGULATIONS, ADOPTED 10/9/08, AMENDED 2/1/18

NOTES:

1. AND 30' ARE CONSIDERED A MINOR VARIANCE AND ARE CREATED FOR THIS PLAN.

2. ALL DRAINAGE SHALL BE MINIMUM 1% SLOPE, UNLESS OTHERWISE NOTED.

3. THERE ARE NO DELINEATED WETLANDS OR OTHER SENSITIVE AREAS ON THIS SITE.

4. S.F.W.S. NATIONAL WETLANDS INVENTORY - www.fws.gov/Wetlands/Data/Mapper.html

5. SETBACK LINES SHALL BE 40' FRONT, 10' AND 50' REAR.

6. PROTECTION OF ANY NEW DRAINFIELD MUST BE PERFORMED BY A CERTIFIED ENGINEER AND APPROVED BY THE JEFFERSON COUNTY HEALTH DEPARTMENT.

7. SERVICE DISTRICT MAY REQUIRE IN THE FUTURE EACH PROPERTY OWNER TO ABANDON EXISTING WELL, AND CONNECT TO A CENTRALIZED SYSTEM WHEN AND IF IT BECOMES AVAILABLE.

8. PROPERTY IS MAPPED ON F.E.M.A. PANEL # 54037C 0230E ZONES A & X.

9. FLOOD ZONE IS MAPPED IN A FLOOD ZONE.

10. THERE ARE NO AREAS OF GREATER THAN 20% SLOPE.

11. JEFFERSON COUNTY HEALTH DEPT. SEPTIC PERMIT IS SDA-1918-19028.

12. ACCESS FOR ALL LOTS SHALL BE RESTRICTED TO THE BETHANY LANE.

13. THE OWNER OF ANY LOT WITHIN THIS SUBDIVISION SHALL PROVIDE THE BUYER WITH A WRITABLE OPPORTUNITY, BEFORE SETTLEMENT, TO DETERMINE THAT THE LOT IS SUITABLE FOR THE CONSTRUCTION OF A SEPTIC DISPOSAL SYSTEM. IF, BEFORE SETTLEMENT THE BUYER IS DENIED A SEPTIC CONSTRUCTION PERMIT BY THE JEFFERSON COUNTY HEALTH DEPARTMENT, THE BUYER MAY REFUSE TO PURCHASE THE LOT WITHOUT PENALTY.

14. PROVISION OF PUBLIC WATER OR SEWER SERVICE ARE REQUIRED FOR THIS SUBDIVISION IN THOSE AREAS OR R/W CREATED FOR SAID SERVICES.

15. EASEMENT SHALL BE GIVEN TO THE APPROPRIATE PUBLIC SERVICE DISTRICT FOR THE PROVISION OF WATER AND / OR SEWER LINES AND FACILITIES.

16. NECESSARY EASEMENTS ARE PROVIDED; PER SECTION 21-402 A.

17. THERE ARE NO OTHER EXISTING, PROPOSED, OR FUTURE EASEMENTS ON LOTS 3A AND 3B OTHER THAN SHOWN ON PLAN.

18. THERE ARE NO RESTRICTIVE COVENANTS PROPOSED ON THESE LOTS.

19. PROVISION FROM A WELL DRILLER THAT A PRESSURE CROUTED WELL HAS BEEN DRILLED AND IS PRODUCING WATER AT A QUANTITY APPROVED BY THE LOCAL OR STATE HEALTH DEPARTMENT PRIOR TO THE ISSUANCE OF AN EASEMENT LOCATION PERMIT CERTIFICATION THAT THIS WATER IS POTABLE MUST BE SUBMITTED TO THE PLANNING AND ZONING OFFICE WITHIN 6 MONTHS OF THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT.

20. STRUCTURES, FENCES, OR LANDSCAPING SHALL BE LOCATED IN ANY RIGHT OF WAY, OR EASEMENTS WRITTEN HERETO STATE AND ACKNOWLEDGE THAT THE ACCESS EASEMENT IS PRIVATE AND ITS MAINTENANCE, REPAIR, OR REMOVAL IS NOT A PUBLIC RESPONSIBILITY OR THE RESPONSIBILITY OF JEFFERSON COUNTY, WV.

21. VIRGINIA HIGHWAY ENTRANCE PERMIT IS NOT REQUIRED AS PER LETTER DATED 7-29-2019.

22. STRUCTURES SHALL BE PLACED WITHIN 10' OF ANY SEPTIC DRAINFIELD RESERVE AREA.

23. RESIDENTIAL AND NON-RESIDENTIAL BUILDING LOTS SHALL HAVE A STABILIZED ENTRANCE INSTALLED PRIOR TO BEGINNING CONSTRUCTION ON THE LOT.

24. PRIVATE WELLS AND/OR PRIVATE SEPTIC SYSTEMS FOR DOMESTIC USE ARE PROHIBITED WHEN PUBLIC WATER AND/OR SANITARY SEWER IS AVAILABLE.

25. JEFFERSON COUNTY EBI: ADDRESSING ORDINANCE STATES THAT ANY EASEMENT OR RIGHT-OF-WAY ACCESSIBLE BY 3 OR MORE ADDRESSABLE STRUCTURES (NOT LOTS) SHALL BE NAMED.

26. ADDRESSING OFFICE SHALL COORDINATE AND OVERSEE THE NAMING OF THE COMMON EASEMENT OR RIGHT-OF-WAY UPON CONSTRUCTION OF THE 3RD ADDRESSABLE STRUCTURE THAT ACCESSES THE PREVIOUSLY UNNAMED EASEMENT OR RIGHT-OF-WAY.

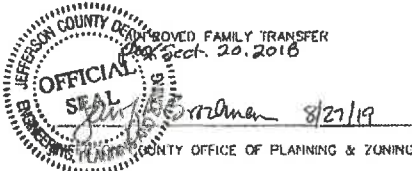
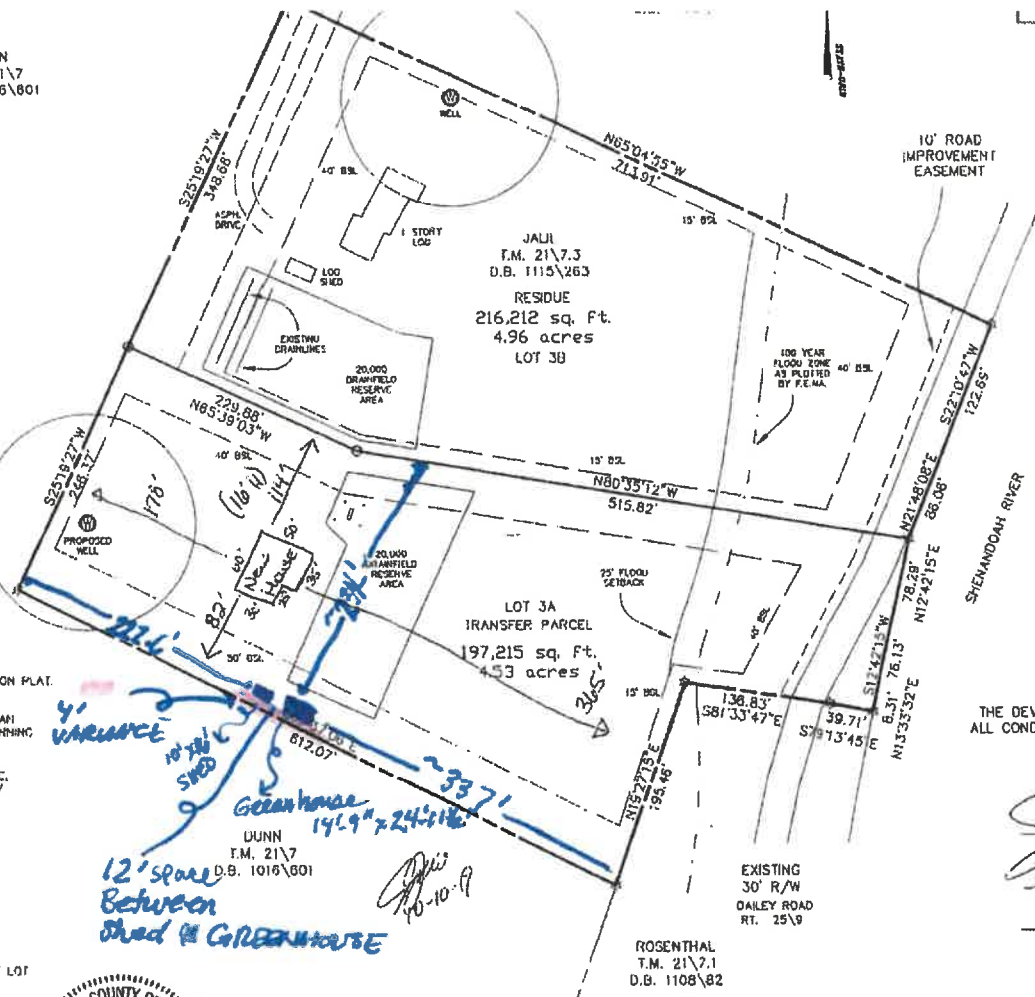
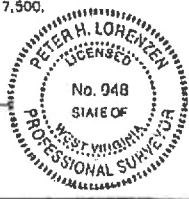
27. COST AND EXPENSE OF MAINTAINING THE PRIVATE ROAD EASEMENT SHALL BE DIVIDED EQUALLY AMONG THE LOTS IN THE SUBDIVISION AND PAID BY THE LOT OWNERS OR HEIRS, ASSIGNS AND SUCCESSORS IN INTEREST.

28. THIS LOT IS TO BE USED FOR A SINGLE FAMILY RESIDENCE ONLY AS LONG AS THE LOT IS NOT FURTHER SUBDIVIDED. ANY FURTHER SUBDIVISION OF THE LOT SHALL DISCLOSE THE SINGLE FAMILY RESIDENCE AND WILL PLACE DEVELOPMENT OF THIS LOT UNDER THE COUNTY LAND DEVELOPMENT LAWS IN EFFECT AT THAT TIME. THIS LOT CANNOT BE TRANSFERRED AGAIN FOR AT LEAST 5 YEARS, EXCEPT AS PROVIDED FOR IN A FAMILY TRANSFER OF LAND. ANY TRANSFER OF THIS LOT WITHIN THE 5 YEAR PERIOD SHALL BE IN VIOLATION OF THE JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

SURVEYOR'S CERTIFICATE

IT IS TO CERTIFY THAT ALL THE MONUMENTATION AS SHOWN ON THIS PLAN HAS BEEN FOUND OR SET BY ME AND THAT IT HAS AN ACCURACY LOSSURE THAT IS EQUAL TO OR GREATER THAN 1 PART IN 7,500.

Peter H. Lorenzen
PETER H. LORENZEN P.S.



GRAPHIC SCALE



5/30/2019
JALIL

STATEMENT OF ACCEPTANCE
THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ALL CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON.

Jeanine Jalil
JEANINE JALIL

Aiman S. Jalil
AIMAN S. JALIL

AIMAN JALIL FAMILY TRANSFER

LOTS 3A AND 3B(RESIDUE)

T.M. 21 PARCEL 7.3 DEED BOOK 1115 PAGE 263
KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

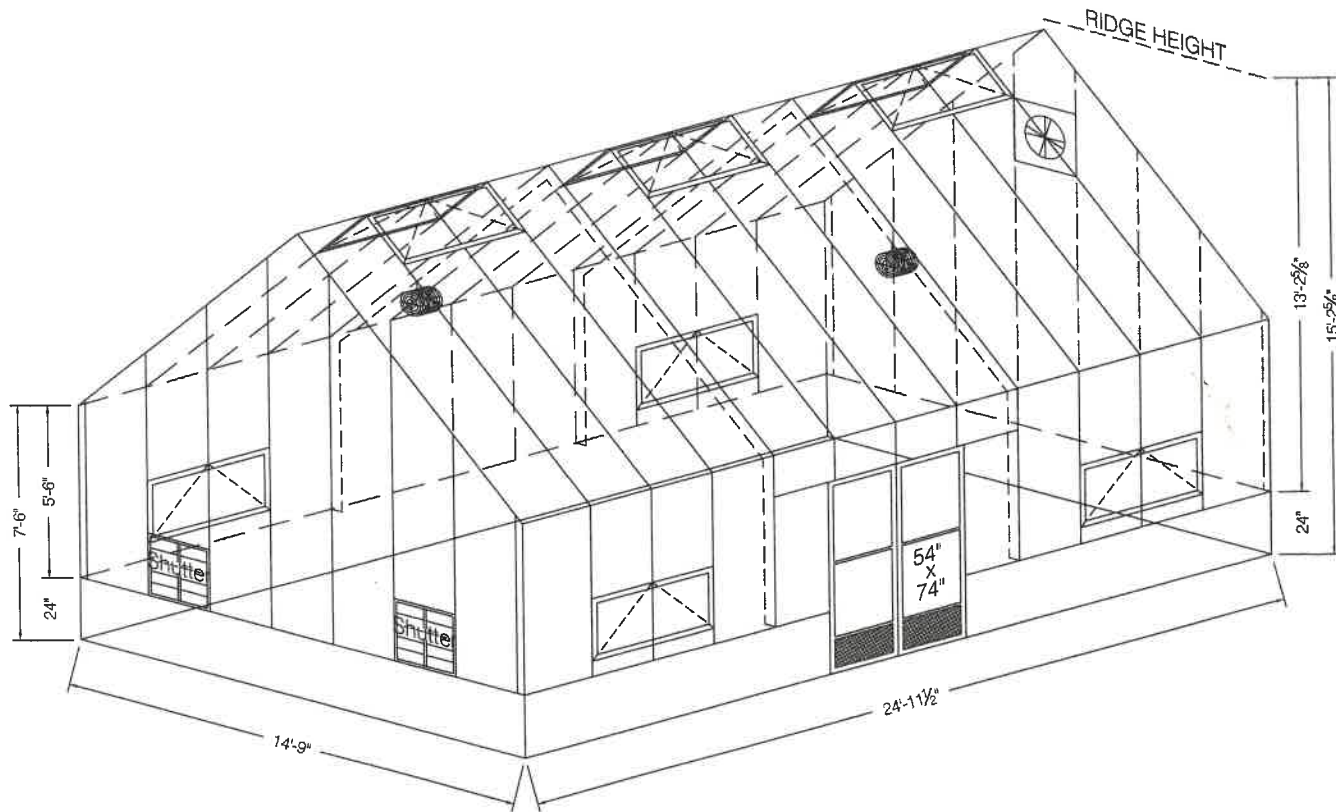
PROPERTY STANDING IN THE NAME OF AIMAN S. & JEANINE JALIL AS RECORDED 1115\263

SURVEYOR: PETER H. LORENZEN - P.O. BOX 316, SUMMIT POINT, WV. 25446.
(304) 728-4043

OWNER/DEVELOPER AIMAN JALIL 197 BETHANY LANE, CHARLES TOWN, WV. 25414
(703) 597-4201

DWG # JALIL DATE 4-18-19

IMPORTANT NOTES: All dimensions are to the outside of greenhouse frame
 For layout purposes only, drawing does not show all infrastructure included
 Some accessories may need to shift position depending on infrastructure design
 Roof Slope: 12/12
 Door Drop: 24"



Customer:
 Mitchell-Brown, Michelle

Date Created: Revised:

M. Liddle & Mitchell-Brown

Model:
 CC1424FW+

Drawn By:
 JI

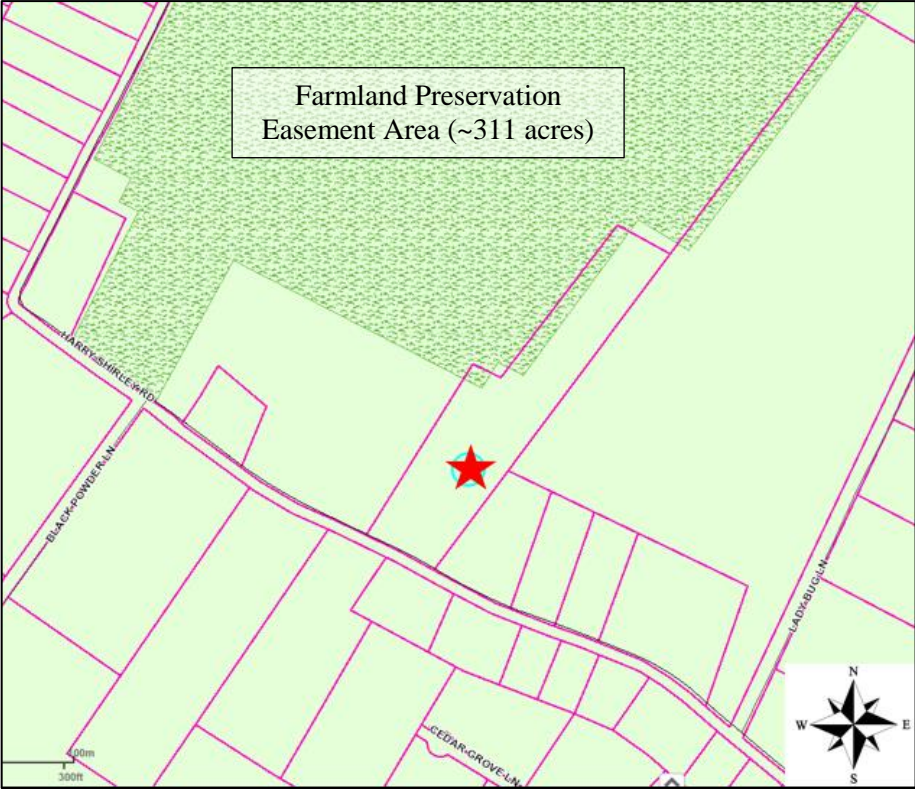
Scale: 1/4" = 1'-0" Sheet Name: Layout Large

Page:
 1

DIAGRAM 3

Staff Report
 Jefferson County Board of Zoning Appeals
 September 26, 2024
24-31-ZV Schneider Campground Variance Request

Item #2 Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed ten (10) unit campground from 10 acres to 6.3 acres.

Owner:	Jeanette M. Hawk
Applicant:	David Schneider
Parcel Information & Zoning District:	<p style="text-align: center;">328 Harry Shirley Rd, Kearneysville, WV Parcel ID: 07001800120002; Size: 6.31 acres; Zoning District: Rural</p> 
History:	Outsale Parcel (recorded 09/30/1985 via Deed Book 546 @ Page 157)
Waivers/Variations:	None
Approved Activity:	Single Family Residence
Site Visit Conducted:	No

Staff Overview

The subject parcel the residue parcel was created in 1985 as an outsale parcel. The lot is approximately 6.3 acres in size and surrounded by agricultural land to the west and north; and residential development and undeveloped, wooded land to the east and south.

The applicant is requesting a variance from Section 8.17B.1 to reduce the required acreage for a ten (10) site campground from ten acres to 6.3 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.

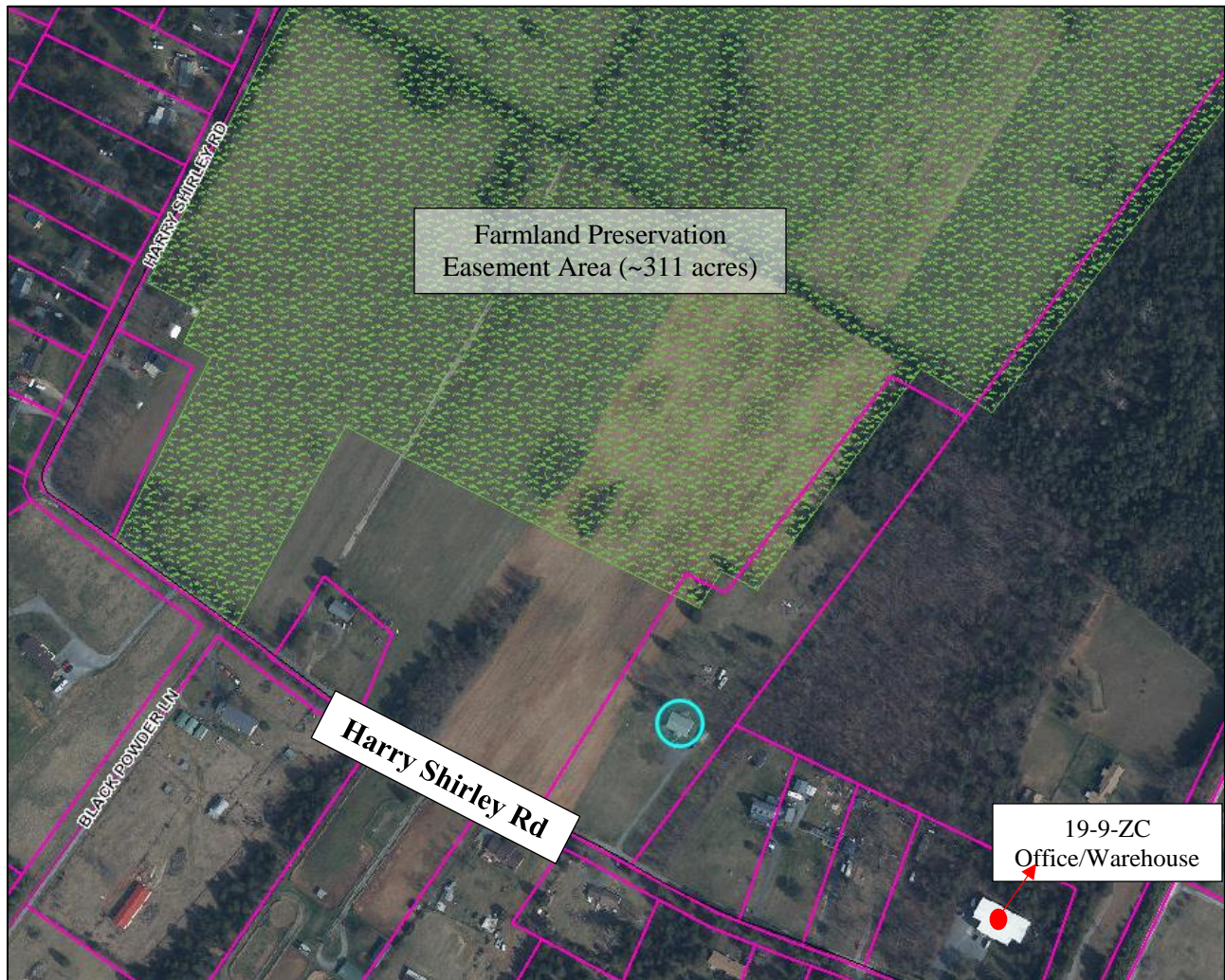
Staff Report
Jefferson County Board of Zoning Appeals
September 26, 2024
24-31-ZV Schneider Campground Variance Request

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 ~6.3 acres to allow a ten site campground to be established. It appears that a ten site campground on 6.3 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
September 26, 2024
24-31-ZV Schneider 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.

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.

Staff Report
Jefferson County Board of Zoning Appeals
September 26, 2024
24-31-ZV Schneider Campground Variance Request

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.
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

Staff Report
Jefferson County Board of Zoning Appeals
September 26, 2024
24-31-ZV Schneider Campground Variance Request

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

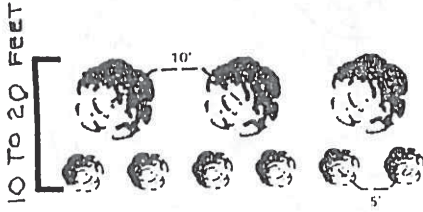
- 1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
- 2. A campsite may contain any combination of water, sewerage, or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient 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.

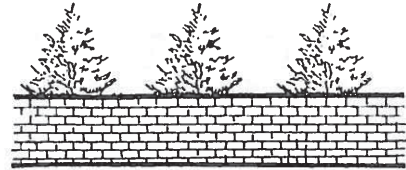
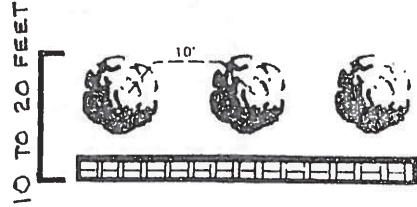
TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

OPTION F

TOP VIEW OF PLANTINGS



FRONT VIEW OF ULTIMATE GROWTH

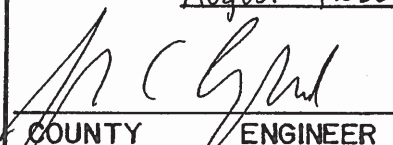
OPTION G

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

24-31-2V
 File Number: ~~24-73-1~~
 Staff Initials: gjt
 Meeting Date: 09-26-24
 Fees Paid (\$100 or \$150): 100-

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: JEANETTE M. HAWK
 Mailing Address: 328 HARRY SHIRLEY ROAD KEARNEYSVILLE WV 25430
 Phone Number: 304-725-0868 Email: CNTROL4U@YAHOO.COM

Applicant Contact Information

Name: DAVID C SCHNEIDER
 Mailing Address: 16001 CAVALRY DRIVE CHURCH ROAD VA 23833
 Phone Number: 240-412-1697 Email: CNTROL4U@YAHOO.COM

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

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

Physical Property Details

Physical Address: 328 HARRY SHIRLEY ROAD
 City: KEARNEYSVILLE State: WV Zip Code: 25430
 Tax District: 07- MIDDLEWAY DIST Map No: 18 Parcel No: 07001800120002
 Parcel Size: 6.31 Deed Book: 1014 (jth) Page No: 589 (jth)

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"/>	
RECEIVED			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"/>
AUG 28 2024							
JEFFERSON COUNTY PLANNING ZONING & ENGINEERING							
<small>Place Received Date Stamp Here</small>							

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: CAMPGROUNDS SECTION 8.2.B.1
SECTION 8.17.B.2

Briefly describe the nature of the variance request:

TO ALLOW A MINIMUM 6.3 ACRES TO BUILD A MAXIMUM OF (10) TEN FULL HOOK UP CAMPSITES. NO AMENITIES IE - BATHHOUSE, SWIMMING POOL, STORE

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:

THE PROPERTY IS WELL SECLUDED FROM SURROUNDING HOME SITES AND WILL THE CAMPSITES WILL HARDLY BE VISIBLE FROM THE STATE ROAD.

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?

THE PROPERTY IS RESTRICTED TO A MAXIMUM OF 6.3 ACRES

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

ALLOWING TOURISM FOR VISITORS OF JEFFERSON COUNTY.

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

THE PROPERTY WILL ONLY HAVE A MAXIMUM OF (10) TEN CAMPSITES OPEN CONCEPT WITHOUT STRUCTURES NOR AMENITY BUILDINGS.

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.

Jeanette M. Hawk Aug 28, 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).

09-26-24
Date of Public Hearing

09-11-24
Advertising Date

09-11-24
Placard Posting Date



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 September 26, 2024 Board of Zoning Appeals Meeting

Date of Memo: September 20, 2024

1) The next regular meeting is scheduled for **October 24, 2024**

- Deadline for submission is Friday, September 27, 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 held a Public Hearing on the DRAFT Plan on **August 27, 2024** and met to make revisions to the Plan based on public input on September 17, 2024.

The Planning Commission will meet again on **October 1, 2024** to review the revised version of the Plan prior to recommending it to the County Commission for adoption.

After the *2045 Comprehensive Plan* is recommended to the County Commission for consideration and adoption, the Planning Commission is required to present the recommended Comprehensive Plan to the County Commission at the first meeting of the County Commission following the submission of the recommended comprehensive plan (per WV Code 8A-3-7b).

After the presentation of the recommended *2045 Comprehensive Plan* by the Planning Commission to the governing body and prior to adoption, the governing body shall hold a public hearing after giving notice (WV Code 8A-3-7c). Within the latter of ninety days or three scheduled meetings after the submission of the recommended comprehensive plan to the County Commission, the County Commission must act by either adopting, rejecting or amending the *2045 Comprehensive Plan* (WV Code 8A-3-8).

3) 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.

4) Zoning Certificate Activity Report



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
Charles Town, West Virginia 25414
www.jeffersoncountywv.org

September 2024
Zoning Certificate Activity Report

File #	24-31-ZC
Request:	Modifications to an Existing Telecommunications Tower
Property Owner:	T. Neil Banks and Kenna Banks
Applicant:	SBA Network Services, LLC / Attn: Christopher Blackburn
Parcel Information:	3343 Shepherdstown Pike, Shenandoah Junction, WV 25442 Parcel ID: 09002300220000; Size: ~105 acres; Zoning District: Rural; Deed Book: 1173; Page: 233; PC File #01-39 (new telecommunications facility)
Date of Issuance:	08/16/2024
File #	24-33-ZC
Request:	Short Term Rental
Property Owner:	Christopher and Andrea Wells
Applicant:	Andrea Gail LLC
Parcel Information:	304 Wren Ln, Harpers Ferry, WV 25425 Parcel ID: 02023H00050000; Size: .51 acre; Zoning District: Rural; Deed Book: 1321; Page: 396
Date of Issuance:	08/16/2024
File #	24-34-ZC
Request:	Short Term Rental – Blu Serenity Cabin
Property Owner:	J+B Management Group / Attn: Heraida (Herry) Cordoba
Parcel Information:	1675 Johnnycake Ln, Harpers Ferry, WV 25425 Parcel ID: 02023E01070000; Size: .34 acre; Zoning District: Rural; Deed Book: 1320; Page: 4
Date of Issuance:	08/20/2024
File #	24-35-ZC
Request:	Modifications to an Existing Telecommunications Tower
Property Owner:	American Towers LLC
Applicant:	T-Mobile Northeast, LLC
Parcel Information:	17340 Poppy Road, Bluemont, VA 20135 Parcel ID: 06002500080003; Size: 2.01 acres; Zoning District: Rural; Deed Book: 988; Page: 186; Improvement Location Permit# 83-196
Date of Issuance:	08/21/2024
File #	24-36-ZC
Request:	Agricultural Use: Agricultural Tourism – Fall Event (Pumpkin Patch)
Property Owner:	Todd Banks & Taylor Bishop
Applicant:	Cottage Hall, LLC / Attn: Taylor Bishop
Parcel Information:	1675 Johnnycake Ln, Harpers Ferry, WV 25425 Parcel ID: 02023E01070000; Size: .34 acre; Zoning District: Rural; Deed Book: 1320; Page: 4
Date of Issuance:	09/06/2024

Zoning Certificate Activity Report

September 2024

Page 2 of 2

File # **24-37-ZC**
Request: Short Term Rental
Property Owner: Michelle Moriarty
Applicant: Liberty Chalets WV LLC / Attn: Michelle Moriarty
Parcel Information: 417 Hostler Road, Harpers Ferry, WV 25425
 Parcel ID: 02002000090004; Size: 1 acre;
 Zoning District: Rural; Deed Book: 1320; Page: 242
Date of Issuance: 09/09/2024

File # **24-38-ZC**
Request: Agricultural Use: Farm Brewery & Brewpub / Agricultural Special Event Facility
Property Owner: Stiles Family Partnership LLC / Attn: Chris Stiles
Consultant: P.J. Raco Consulting, LLC/ Attn: Paul Raco
Parcel Information: 1370 Roper North Fork Rd., 1400 Roper North Fork Rd., Charles
 Charles Town, WV Town, WV
 Parcel ID: 06001100060000 Parcel ID: 06001100060001
 Size: ~115 acres Size: ~25 acres;
 Zoning District: Rural; DB: 1293; PG: 335; PB: 26; PG 466
Date of Issuance: 09/12/2024
