



## Agenda

Jefferson County Planning Commission

Tuesday, October 8, 2024 at 7:00 PM

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**By order of the President of the Jefferson County Planning Commission,  
Public Participation is available in-person only.  
The meeting will be broadcast live via ZOOM for viewing purposes only.**

**In-Person Meeting Location:** County Commission Meeting Room located in the lower level of the Charles Town Library (side entrance on Samuel Street)  
200 East Washington Street, Charles Town, WV 25414

**ZOOM Broadcast Information\*:** Meeting ID: 899 0668 6885  
Meeting Link: <https://us02web.zoom.us/j/89906686885>

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

1. **Approval of Meeting Minutes:** September 10, September 17, October 1, 2024 Meetings
2. **Request for postponement**

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

3. **Public Hearing:** Final Plat Amendment to lift the single family restriction for a detached accessory dwelling unit for a family member. See Note #9 on Final Plat PB 25 PG 85A for restriction. Applicant/Property Owners: Steve Lana & Maureen Smolke. Property Location: Potomac Ridge Subdivision, Lot 9, 415 Potomac Ridge Ln, Shepherdstown, WV. Parcel ID: 09001000090019; Size: 3 ac; Zoning District: Rural (File#24-5-FPA).
4. **Public Hearing:** Waiver request from Section 20.201B of the Subdivision Regulations to reduce the required access easement width of Doe Walk Lane from 50' to 40' and to allow more than five lots to access Doe Walk Lane for a proposed two lot minor subdivision. Applicant: Adam Crum. Property Owners: William Crum. Property Location: Vacant Lot on the eastern side of Doe Walk Lane, Kearneysville, WV. Parcel ID: 07002200210000; Size: 6.5 acres; Zoning District: Rural (File #24-26-PCW).
5. **Public Hearing:** Variance request from Section 2.1B of the 1979 Subdivision Ordinance (parent to child exemption) to lift the single family restriction to allow for a detached Accessory Dwelling Unit (In-Law Suite) pursuant to Section 8.15A of the Zoning Ordinance. See Page #2 in DB 821 / PG 156 for restriction. Applicant/Property Owners: Dawn White. Property Location: 49 Boyer Lane, Summit Point, WV. Parcel ID: 06001900030001; Size: 2.95 acres; Zoning District: Rural (File#24-3-PCV).

**There is no public comment for the following items.**

6. **Discussion and Possible Action Related to the Comprehensive Plan Update:** Review of the draft 2045 Comprehensive Plan
7. **Review and Approval:** Planning Commission Calendar Year 2025 Meeting and Submission Dates
8. **Reports from Legal Counsel**
9. **Planner's Memo**
  - a. Planning Commissioner Self Evaluation
10. **President's Report**

**11. Actionable Correspondence**

**12. Non-Actionable Correspondence**

- a. 09/16/24: Elizabeth Shockley
- b. 09/26/24: Jean Zigler
- c. 10/1/24: James Gatz



## Draft Meeting Minutes

Jefferson County Planning Commission

September 10, 2024

The Jefferson County Planning Commission met on September 10, 2024 at 7:00 pm with the following Planning Commission members present: Aaron Howell, Vice President; Wade Louthan, Secretary; Jack Hefestay, Cara Keys, Tim Smith, Donnie Fisher, and Steve Stolipher, County Commission Liaison were present in person. J Ware was present via ZOOM.

Mike Shepp, President, was absent with notification.

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

Mr. Howell presided over the meeting in Mr. Shepp's absence. Mr. Howell called the meeting to order at 7:00 pm and confirmed a quorum was present.

### 1. **Approval of Meeting Minutes:** August 13, 2024

Mr. Howell stated the minutes stand approved as presented with no objection.

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

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

### 3. **Public Workshop:** Solar Energy Facility Concept Plan for the Franklinton Farm Solar Project.

The proposal consists of constructing an 80-megawatt solar energy facility on 502 acres. The project consists of rows of solar modules, a new substation to connect the solar facility to the existing overhead electrical transmission line, and a 20MW Battery Energy Storage System (BESS). The Project also includes internal access roads, commercial entrance(s), security fencing, a buffer screen, and stormwater management. (File #24-2-SP).

Applicant: Franklinton 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 Franklinton Rd, Summit Point, WV 25446

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

Mr. Stolipher recused himself from this Item due to a conflict of interest.

Ms. Brockman explained the purpose of the Concept Plan Public Workshop process and the Planning Commission's role in evaluating the concept plan.

Ms. Brockman provided an overview of the staff report. Ms. Brockman explained that because the subject project is located entirely outside of the Urban Growth Area that the applicant was required to obtain a Conditional Use Permit from the Board of Zoning Appeals. Ms. Brockman confirmed

that the Board of Zoning Appeals approved the Franklinton Farm Solar Project Conditional Use Permit on August 22, 2024 [File #24-4-CUP]. Ms. Brockman noted that should the Planning Commission find the Concept Plan complete, the next step would be the submission of a stormwater management report or plan to the office, which would be administratively reviewed. The applicant would also be required to obtain an approved zoning certificate and building permit prior to the commencement of the project.

Ashley Smith with Enel North America, on behalf of Franklinton Farm LLC, Joe Knechtel with Potesta & Associates, and Paul Raco with P.J. Raco Consulting, LLC, Mr. Ryan Spray with Exponent, and Peter Berthelson with Conservation Blueprint, were present to address the Planning Commission. Ms. Smith and Mr. Raco provided an overview of the proposed land use and presented a PowerPoint presentation that outlined the scope of the project. A copy of the presentation was submitted for the record. Ms. Smith highlighted the fact that the proposed setbacks and landscape buffers exceed the setback and buffer requirements outlined in the Zoning Ordinance as they are measured from the fencing and not the panels. Ms. Smith noted that they would conduct ground penetrating radar (GPR) around the Locust Grove Cemetery prior to construction. The applicant referenced the following studies that were included in the Planning Commission's packet: Franklinton Farm Solar Project Glare Analysis, Franklinton Farm Solar Project Pre-Construction Acoustical Assessment, Franklinton Farm Solar Project Vegetation Management Plan, and an Appraisal Report from Kirkland Appraisals, LLC. A copy of these studies were included in the project file. Ms. Smith and Mr. Raco addressed questions from the Planning Commission.

Mr. Howell opened the public workshop. The following members of the public provided testimony:

Jacquelyn Milliron, Judy Wiles, Sharon Cogle, Barbara Milleson, Tammy Sokel, Mike Chapman, Susan Snyder, Jeffrey Albert, Richard Zigler, Laurice Berry, Karen Bailey, Rebecca Thompson, Rebecca Chason, Sarah Burdick, Bob Thompson, Christy Wimer, Billie Garde, and Marc Caminit.

Mr. Howell closed the public workshop.

Addressing the public's concerns regarding health and safety, Mr. Spray, a chemist who specializes in battery and electric chemistry, addressed the public's concerns regarding the potential hazards of fire safety as it relates to the battery units. Ms. Smith stated that they would develop an emergency response plan that would be shared with local first responders and that training would be provided to ensure the plan is implemented effectively. Mr. Berthelson provided a summary of the Vegetation Management Plan that was included in the packet. Ms. Smith addressed the Planning Commission's questions regarding the existing slope and grading for the project and landscaping installation/management.

The Planning Commission discussed the impacts of the proposed project. Mr. Cochran advised the Planning Commission of their role as it relates to the concept plan process.

Mr. Fisher moved to accept the Concept Plan as presented and to direct preparation of a stormwater management plan and zoning certificate to include the proffers made by the applicant. Mr. Smith seconded the motion, which carried six (6) in support and one in opposition (1) Hefestay.

Mr. Stolipher returned to the meeting room for the duration of the meeting.

- 4. Public Hearing:** Waiver from Section 24.118 of the Subdivision Regulations to extend the timeframe to bond and record the final plat for Phase 2 of the Rocky Ridge Subdivision to December 31, 2024. Applicant/Property Owners: Townhome Rentals LLC. Property Location:

Vacant Lot - Hospice Lane, Kearneysville, WV. Parcel ID: 070001001A0RES; Sizes: 7.6 acres; Zoning District: Residential-Light Industrial-Commercial (File #24-25-PCW).

Ms. Brockman provided an overview of the staff report.

Mr. Paul Raco with P.J. Raco Consulting, LLC, consultant, explained the nature of the request.

The Planning Commission members asked clarifying questions.

Mr. Howell opened the public hearing. No members of the public were signed up to speak.

Mr. Howell closed the public hearing.

Mr. Fisher moved to approve the request as presented. Mr. Louthan seconded the motion, which carried unanimously.

There is no public comment for the following items.

**5. Review and Approval:** Draft Planning Commission Submission Deadline Policy.

Mr. Seigfried explained the purpose of the proposed draft Policy. Ms. Brockman stated that the policy would apply only to applications related to the Subdivision Regulations and not related to the Zoning Ordinance, because the Board of Zoning Appeals sets their own policies and timelines for zoning applications. The Planning Commission members asked clarifying questions.

Ms. Keys moved to approve the request as presented. Mr. Louthan seconded the motion, which carried unanimously.

**6. Reports from Legal Counsel.** None.

**7. Planner's Memo**

Ms. Brockman and Mr. Seigfried provided an overview of the upcoming dates as they relate to the draft 2045 Comprehensive Plan. Staff confirmed that the Planning Commission's next meeting is scheduled for September 17, 2024 at 7:00 pm to review the public comments received. Ms. Brockman noted that an additional meeting may need to be scheduled in the future depending on the extent of revisions requested at the September 17<sup>th</sup> meeting.

**8. President's Report.** None.

**9. Actionable Correspondence.** None.

**10. Non-Actionable Correspondence.** None.

Mr. Hefestay moved to adjourn the meeting at 9:24 pm. Mr. Stolipher seconded the motion, which carried unanimously.

These minutes were prepared by Jennilee Hartman, Zoning Clerk.

**DRAFT Meeting Minutes**  
Jefferson County Planning Commission  
September 17, 2024

The Jefferson County Planning Commission met on September 17, 2024 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Jack Hefestay; Cara Keys; Tim Smith; and Donnie Fisher were present in person. Aaron Howell, Vice President; was present over conference call.

J Ware was absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Jennilee Hartman, Zoning Clerk; Colin Uhry, Planning & Zoning Clerk.

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

**1. Discussion of Written Comprehensive Plan Comments:**

Comments received pertaining to the 2045 Comprehensive Plan:

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| 1) 2024-07-11 Mary Gee               | 31) 2024-08-27 Anna Cook             |
| 2) 2024-07-15 Elizabeth Ricketts     | 32) 2024-08-27 Charlotte Baker-Shenk |
| 3) 2024-07-16 Briar Run Estates HOA  | 33) 2024-08-27 Christine Palank      |
| 4) 2024-07-16 Jacquelyn Milliron     | 34) 2024-08-27 Diana Mullis          |
| 5) 2024-07-16 Jacquelyn Milliron (2) | 35) 2024-08-27 E Temple              |
| 6) 2024-07-16 Wade Louthan           | 36) 2024-08-27 Elizabeth Goins       |
| 7) 2024-07-22 Christine Wimer        | 37) 2024-08-27 Gay Henderson         |
| 8) 2024-07-26 Jean Kotch             | 38) 2024-08-27 George Rutherford     |
| 9) 2024-08-05 Briar Run HOA          | 39) 2024-08-27 Jeffery Hertrick      |
| 10) 2024-08-18 Ali Printz            | 40) 2024-08-27 Joanne Bario          |
| 11) 2024-08-18 Doreen Voigt          | 41) 2024-08-27 K Temple              |
| 12) 2024-08-18 E Temple              | 42) 2024-08-27 Kathleen Lloyd        |
| 13) 2024-08-18 Laurie Allen          | 43) 2024-08-27 Kit McGinnis          |
| 14) 2024-08-18 Linda Roberts         | 44) 2024-08-27 L Temple              |
| 15) 2024-08-18 Stephen Berzinskaskas | 45) 2024-08-27 Mark Muse             |
| 16) 2024-08-19 B Temple              | 46) 2024-08-27 Rebecca Phipps        |
| 17) 2024-08-19 David Barrett         | 47) 2024-08-27 Robert Barrat         |
| 18) 2024-08-19 E Temple              | 48) 2024-08-27 Robin Huyett          |
| 19) 2024-08-19 L Temple              | 49) 2024-08-27 Steven Hula           |
| 20) 2024-08-19 Ruth Pritchard        | 50) 2024-08-27 Susan Lewis           |
| 21) 2024-08-19 Toby Degenhardt       | 51) 2024-08-27 Tristin Olsen         |
| 22) 2024-08-20 Tom Clark             | 52) 2024-08-27 Elisabeth Staro       |
| 23) 2024-08-21 Heather Kahsay        | 53) 2024-08-27 Danielle Staro        |
| 24) 2024-08-21 Laura Degenhardt      | 54) 2024-08-27 Troy Miller           |
| 25) 2024-08-25 Dennis Hatcher        | 55) 2024-08-27 Charlotte Fremaux     |
| 26) 2024-08-25 Ruth Hatcher          | 56) 2024-08-27 Lisa Payne            |
| 27) 2024-08-26 Christina Melocik     | 57) 2024-08-27 Anna Mary Walsh       |
| 28) 2024-08-26 Kristen Lee           | 58) 2024-08-27 Doug Rockwell         |
| 29) 2024-08-26 Louise McDonald       | 59) 2024-08-27 Mary Gee              |
| 30) 2024-08-27 A Temple              | 60) 2024-08-27 Maura Ross            |

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|-----------------------------------|--|
| 61) 2024-08-27 Sullen Myers       | 72) 2024-09-03 Christine Marshall          |
| 62) 2024-08-27 Victor Rushizky    | 73) 2024-09-05 Joe Bosco                   |
| 63) 2024-08-27 Windsong Bergman   | 74) 2024-09-06 Adam Roob                   |
| 64) 2024-08-28 Beverly Ryan       | 75) 2024-09-06 John Cline & Krista Edwards |
| 65) 2024-08-28 Elizabeth Shockley | 76) 2024-09-06 Kay Schultz                 |
| 66) 2024-08-28 Elizabeth Wheeler  | 77) 2024-09-06 Martin Burke                |
| 67) 2024-08-29 Olivia Welch       | 78) 2024-09-06 Jacquelyn Milliron          |
| 68) 2024-08-30 Liz Temple         | 79) 2024-09-06 Mary T. Sell                |
| 69) 2024-08-30 Renny T Smith      | 80) 2024-09-06 Phil Bakershenk             |
| 70) 2024-08-31 Murat Mayor        | 81) 2024-09-06 John Maxey                  |
| 71) 2024-09-02 Theresa Rush       |  |

## 2. Discussion of Public Hearing Comments:

Copies of the 2045 Comprehensive Plan were distributed to members of the Commission and copies of the agenda and public comments were made available to both the Commission and members of the public, as well as a matrix summarizing the comments received and staff's comments on the input received. Mr. Seigfried introduced the updated Comprehensive Plan document and briefly explained the structure and formatting changes since the July 23, 2024 meeting, and current state of the document.

Planning Commissioners and Staff reviewed the public comment matrix and attached comments received. The Planning Commission then provided staff with the following direction related to changes that need to be made the draft 2045 Comprehensive Plan based on the public comment received.

- Mike Shepp made a motion to leave the non-conforming parcels identified as Industrial Commercial in Summit Point and along Box Factory Road as shown on the draft map; Donnie Fisher seconded. Motion carried seven (7) in favor and one (1) opposed (J. Hefestay).
- Cara Keys made a motion to amend Goal 1 of the 2045 Comprehensive Plan to add the following language: "...support and balance the land rights of all landowners of all property types"; Mr. Hefestay seconded the motion. The motion carried with seven (7) in favor and one (1) in opposition (Mr. Shepp).
- Mike Shepp made a motion to add a portion of Flowing Springs Road to the Highway Problem Area Map and incorporate text regarding a connector road between Flowing Springs Road and Potomac Marketplace that alleviates traffic through residential neighborhoods; Jack Hefestay seconded the motion. The motion carried unanimously.
- Steve Stolipher made a motion to expand the US 340 South Preferred Growth area east of the new US 340 widened lanes and to change the Future Land Use designation of two parcels near the intersection with Smith Road (near the West Virginia/ Virginia state border) to Residential Commercial; Donnie Fisher seconded the motion. Ms. Keys proposed an amendment to the motion's proposed boundary to extend to a neighboring property line. The motion was approved unanimously.

- Mr. Shepp proposed changing from a formal vote to a commission consensus for the remainder of the night, with contentious topics being the only instance of motions being discussed. Members of the Planning Commission agreed to this change.
- The Commissioners discussed the meaning and implications of Objectives 1.3, 1.4, and 1.5 of the Comprehensive Plan. After deliberation, Planning Commission, by consensus, directed staff to reword aspects of Objectives 1.3 (change “streamline” to “make the land development processes consistent with the local ordinances”) and 1.5 (change “by right” to “principle permitted uses or conditional uses” and “commercial uses” to “land uses”). The Planning Commission directed staff to remove Objective 1.4 with an unanimous vote.
- Staff was also directed to add a greater explanation on the Zoning Map Amendment process.
- Discussions ensued regarding the comments that were most commonly brought up during the Public Input phase, with the Planning Commission primarily agreeing with the staff comments regarding action required.
- Staff was directed to add text to the solar energy facilities discussion under Goal 2 to include recommending revisiting all the requirements of the zoning ordinance related to approving solar energy projects to include improving the process, expanding the vegetative buffers and setbacks and adding discussion of the use of agrovoltatics with proposed solar energy facilities.
- Staff was directed to include recommending a 50’ buffer with planting/screening within a 10’ buffer and/or fence along adjoining farmland and properties with conservation easements as a part of all major subdivisions with the goal of moving the lot lines away from the rural properties.

Mr. Shepp proposed to pause the meeting at 8:40, carried with unanimous approval. Meeting resumed at 8:46.

- Staff was directed to modify Objective 8.1 to include reference to **local** land use regulations.
- The Planning Commission discussed the numerous requests for an updated groundwater study and staff reported that the County Commission has taken this recommendation under consideration and is collaborating with a groundwater study being undertaken by the USGS office. The County Commission will be determining funding needed for such a study.
- Staff was directed to change Objective 11.2 to include “and all residents” as it relates to park and recreational programming options.
- Planning Commission directed staff to add an item “3” under Objective 13.3 stating: “Encourage the JCDA to engage the public in creating an economic development strategy”.
- After describing a request to change the designation of a property east of the Shepherdstown border from Rural/Agricultural to Rural Residential and to expand the Shepherdstown Preferred Growth Area to include it, staff advised that a portion of the property remain Rural/Agricultural due to the surrounding historic significance. Mr. Stolipher made a motion to change the future land use designation of the full parcel from Rural/Agricultural to Rural Residential as requested but not to change the PGA boundary. After discussion the motion was amended to change a portion of the parcel located west of Teague’s Run from Rural/Agricultural to Rural Residential

but not to change the PGA boundary; Mr. Hefestay seconded the motion. The motion carried with seven (7) in favor and one (1) in opposition (Ms. Keys).

- The Commission directed staff to add the intersection of US 340 and Chestnut Hill Road to the Highway Problem Area Map.
- Alternative wording for Objective 11.3 related to park expansion and Master Plans was discussed.
- The Commission discussed the balance between broad nature of the long term goals for the County and identifying specific businesses and for that reason the Commissions recommended remove item “1” under Objective 2.1 related to the Hill Top House Hotel site.
- Staff was directed to add an additional action item to Objective 4.1 related to encouraging the documentation of Category 1 and 2 historic sited in the County.
- Staff was directed to add the Jefferson County Health Department to the list of Key Players and add them as a responsible party in relevant Action Items within Goal 9 and Goal 15 and add an action item to “support the Health Department efforts to provide health services to County residents”.
- Staff was asked to discuss the possibility of updating the Cellular Assets Map with the GIS staff as a resource on the county web site.
- Staff was directed to add an action item to Objective 3.2 related to encouraging on-going horse breeding and raising in Jefferson County.
- Staff was directed to correct the provisions related to cluster development on page 18 the reflect the language in the Zoning Ordinance: 1 lot per 5 acres requirement with 50% or more of the land as green space or preserving more than 50% of the land as green space by following the sliding scale.
- Staff was directed to add the proposed trail along Augustine Ave between Evitt’s Run Park and Washington High school and the proposed trail between Shepherdstown Middle School and Morgan Grove Park to the Parks and Trails Maps.

### **3. Discussion and Possible Action Related to the Comprehensive Plan Update:**

Mr. Seigfried and Ms. Brockman recommended calling a Special Meeting on October 1, 2024 for the purpose of reviewing the edits made to the text and maps and determining whether the Plan is ready to recommend to the County Commission for their consideration. Mr. Shepp made the motion to call the special meeting and the motion was carried unanimously.

Mr. Shepp motioned to adjourn the meeting at 10:19 pm. Mr. Stolipher seconded the motion, which carried unanimously.

These minutes were prepared by Colin Uhry, Planning & Zoning Clerk.

## DRAFT Meeting Minutes

### Jefferson County Planning Commission

October 1, 2024

The Jefferson County Planning Commission met on October 1, 2024 at 7:00 pm with the following Planning Commission members present in person: Mike Shepp, President; Aaron Howell, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Jack Hefestay, Cara Keys, and Donnie Fisher.

Tim Smith and J Ware was absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner & Acting Zoning Administrator, Luke Seigfried, County Planner; Jennilee Hartman, Zoning Clerk, and Colin Uhry, Planning & Zoning Clerk.

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

**1. Discussion and Possible Action Related to the Comprehensive Plan Update:** Review of full draft of 2045 Comprehensive Plan updates since 09-17-2024 meeting.

Mr. Seigfried explained public correspondence regarding including an updated Cell Mounted Assets map. Staff recommendation is changes are outside the scope of the Comprehensive Plan. Planning Commission asked staff to speak with the Office of GIS/Addressing about adding cellular asset information to the public research portal.

Staff provided Planning Commission with the following updates regarding edits that were made to the 2045 Comprehensive Plan based on the feedback received on the September 17, 2024 meeting.

- Goal 1 updated to include all land types, opposed to limiting to residential and non-residential (page 17).
- Language putting more emphasis on time frames being an estimate was included (page 7).
- Language regarding the differences between the Future Land use Guide and Zoning Map was expanded on for higher clarity and transparency on the Zoning Map Amendment process (page 12).
- Updates to cluster developments and discussions regarding solar properties were mentioned. Ms. Keys recommended discussing impervious surfaces in these locations. Mr. Shepp responded that those discussions happen in the site plan phase.
- Removal of “By Right” terminology, changed to “Principally Permitted” throughout the entire 2045 Comprehensive Plan. Staff noticed a mistake with the “Conditional Use” terminology and advised Planning Commission that they would be corrected for the next draft. More context regarding Subdivision & Land Development Regulations and the Zoning & Land Development Ordinance added into 2045 Comprehensive Plan (page 20).
- Removal of Objective 1.4, addition of “Principal Permitted” use added to new Objective 1.4, acknowledgement of County ordinances and regulations added to Objective 1.3.

- Removal of Hill Top House Hotel and privately owned operations from 2045 Comprehensive Plan.
- Added text of encouraging ongoing horse breeding and raising to Objective 3.2.
- Added text of documentation of Category 1 and 2 historic sites to Objective 4.1.
- Changed priorities from County Commission to Health Department in Objective 9.4 to better accommodate ongoing projects from the Health Department.
- Language to include all citizens of Jefferson County added to Objective 11.2.
- Language to the adoption of Master Plans in park lands to guide their growth added to Objective 11.3.
- Language added regarding the implementation of a state roadway connection between Route 9 and Flowing Springs Road to reduce the burden of undue through traffic.
- Emphasis on land use regulations added to Objective 8.1.
- Objective 13.3 added to 2045 Comprehensive Plan, encourages creating a unified economic development strategy.
- Objective 15.3 added to 2045 Comprehensive Plan, emphasis on supporting Health department services.
- Staff requested clarification on past vote regarding the Future Land Use Guide near the Route 340 South/ Rippon Preferred Growth Area. The Planning Commission clarified the vote to have the preferred growth area continue to the state line and directed staff to make the change.
- Mr. Seigfried opened discussions regarding the Rural Residential future land use designation of a property adjacent to Shepherdstown. The Planning Commission noted the adjacent parcel to the south also needed to be altered to reflect the change that was voted on. Mr. Shepp instructed staff to review the September 17, 2024 meeting to see the motion regarding what aspects of the property will change and what will remain the same zoning. Ms. Keys also made the stance on lack of transparency regarding expanding the Shepherdstown Preferred Growth Area, with Mr. Shepp also acknowledging her opposition vote for the September 17, 2024 meeting.

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

Mr. Seigfried and Ms. Brockman explained the next steps and potential complications to the timeline for the 2045 Comprehensive Plan approval. Staff also mentioned that County Commission must hold a public hearing regarding the Comprehensive Plan prior to the County Commission vote for approval. Planning Commission members discussed how to present the Comprehensive Plan to County Commission and agreed to have the Commission President and a member of staff prepare a twenty minute presentation on the key points and to leave ample time for questions. Commissioner's Stolipher and Commissioner Hefestay provided their thoughts on what should be included in the presentation.

Mr. Seigfried noted that he would be making edits on the 2045 Comprehensive Plan for approval on the October 8, 2024 meeting.

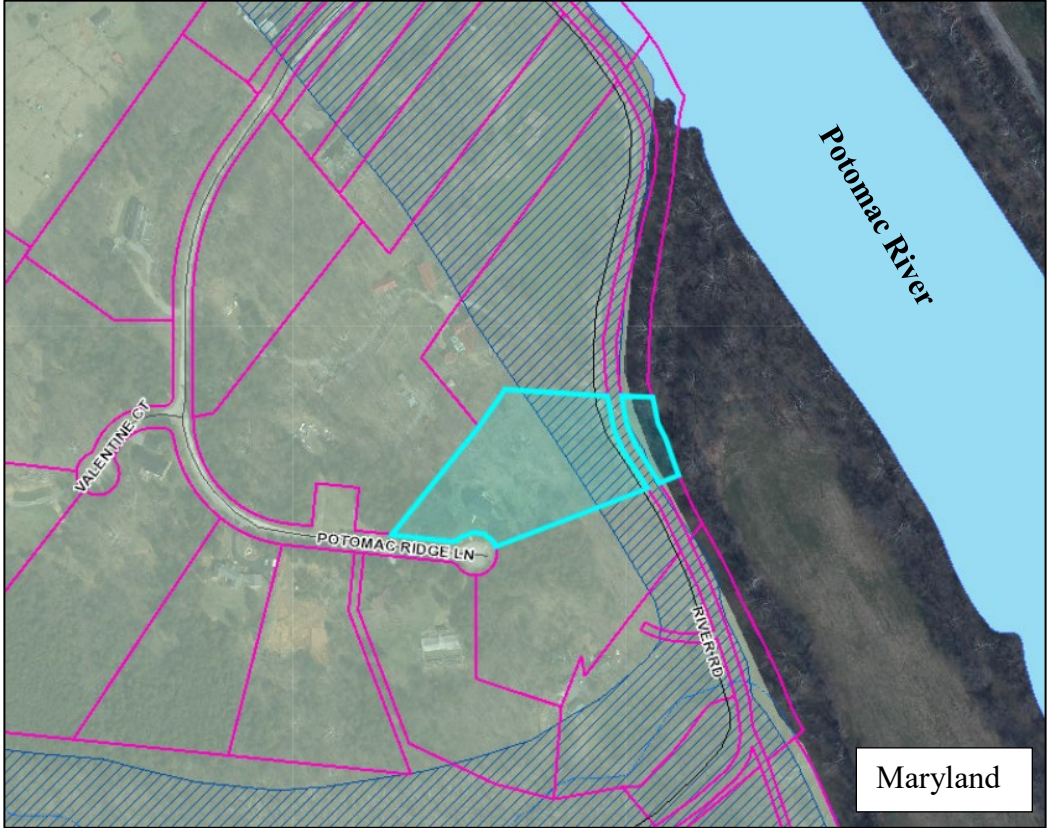
Mr. Howell made a motion to adjourn the meeting at 7:58 pm. Mr. Louthan seconded the motion, which carried unanimously.

These minutes were prepared by Colin Uhry, Planning & Zoning Clerk.

Staff Report  
 Jefferson County Planning Commission Meeting  
 October 8, 2024

**Lana - Smolke Final Plat Amendment (File #24-5-FPA)**

**Item #3: Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction for a detached accessory dwelling unit for a family member. See Note #9 on the Potomac Ridge Subdivision Final Plat (PB 25/PG 85A).

Property Owner	Steve Lana & Maureen Smolke
Property Location and Legal Information	<p style="text-align: center;">Potomac Ridge Subdivision, Lot 9          415 Potomac Ridge Ln, Shepherdstown, WV          Parcel ID: 09001000090019; Size: 3 ac; Zoning District: Rural</p> 
Surrounding Zoning	North, East, South, West: Rural
Approved Activity	Single Family Residence
Approvals	03/31/06: Rattlesnake Run Subdivision Final Plat (10 lot Major Subdivision); approved 3/31/06; recorded in <a href="#">PB 23/ PG 1</a> 11/25/08: Minor Plat Change to rename the subdivision to Potomac Ridge Subdivision; approved 11/25/08; recorded in <a href="#">PB 25/ PG 85</a>

**Overview of Request**

The subject parcel was created as Lot 9 in the Rattlesnake Run Subdivision, which was approved on March 31, 2006 on Plat Book 23/ Page 1. At the time the plat was approved, the Subdivision Ordinance required a note on the final plat that restricted each lot to a single family residence only. This note is no longer required under the current Subdivision Regulations. The single family restriction note is the subject of this request (Note #9). This Subdivision was renamed Potomac Ridge Subdivision in 2008 and Note #9 remained the same.

Staff Report  
Jefferson County Planning Commission Meeting  
October 8, 2024

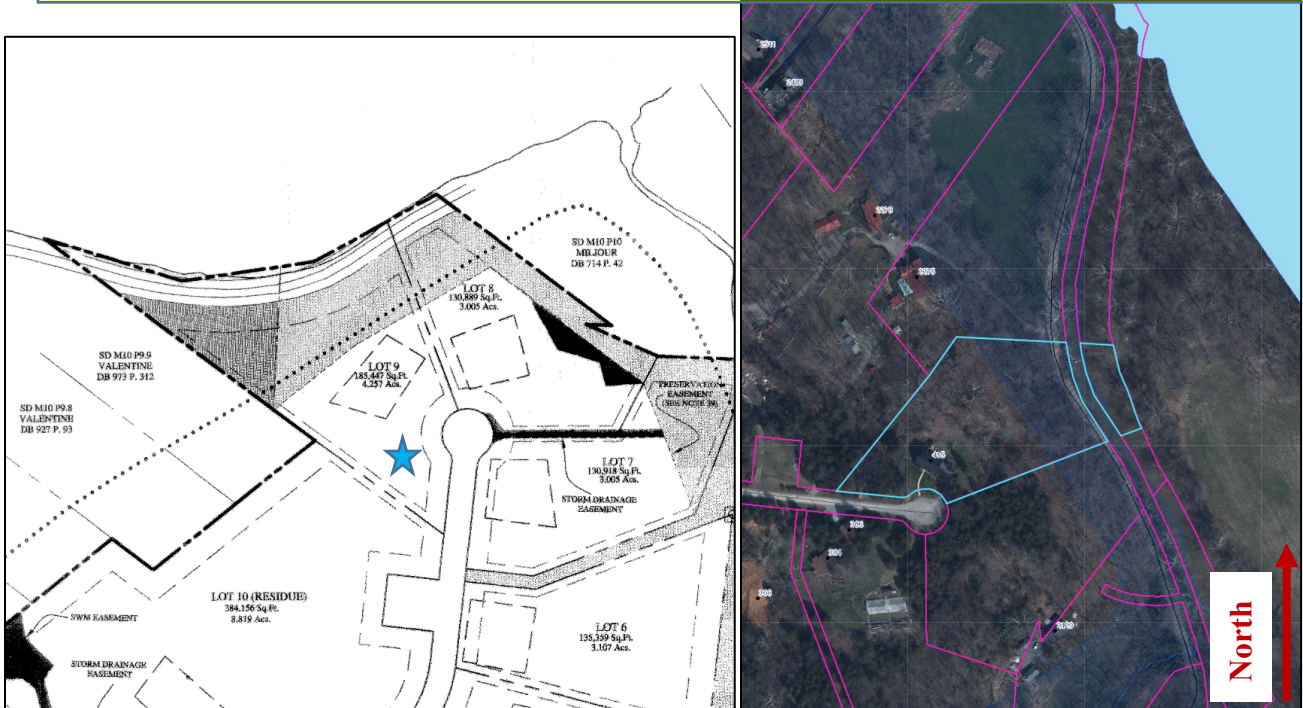
**Lana - Smolke Final Plat Amendment (File #24-5-FPA)**

The applicant would like to lift the single-family residence restriction to allow for the construction of a detached second dwelling. The property contains a single family dwelling and the applicant is interested in constructing a separate in-law suite for their parents on the property. An attached or detached in-law suite is a Principal Permitted Use (permitted by right) in the Rural Zoning District; however, the lot was created with a single family restriction and therefore, cannot proceed with the proposed construction without consideration by the Planning Commission.

Section 8.15A of the Zoning Ordinance has various provisions related to Accessory Dwelling Units that must be complied with, including, but not limited to, the requirement that the accessory unit must be secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet gross floor area; that the parcel be a minimum of 2 acres; and Health Department approval or well and septic is received

If the Planning Commission approves the Final Plat Amendment to lift the single-family restriction, the applicant will need to apply for a Zoning Certificate prior to obtaining a Building Permit to construct the proposed in-law suite.

9. AS PROVIDED IN THE ZONING ORDINANCE, 1 SINGLE-FAMILY DWELLING UNIT WILL BE PERMITTED ON EACH LOT.



**Plat Amendment Requirements**

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

1. All of the property that is affected by the amendment is under the ownership of the applicant;

Staff Report  
Jefferson County Planning Commission Meeting  
October 8, 2024

**Lana - Smolke Final Plat Amendment (File #24-5-FPA)**

2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment was required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the August 28, 2024 edition of the Spirit of Jefferson newspaper for the October 8, 2024 Planning Commission meeting.

**Recommendation**

Staff recommends approving the requested Final Plat Amendment to lift the single-family restriction for the sole purpose of constructing a detached in-law suite dwelling unit.





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

File #: 24.5.FPA  
 Date Rec'd: 08.21.24  
 Mtg Date: 10-08-24

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

Phone: (304) 728-3228

**Final Plat Amendment Application**

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

**Property Owner Information**

Owner Name: STEPHEN J. LANZA & MARLEEN SIMOLKE  
 Business Name: \_\_\_\_\_  
 Mailing Address: 415 POTOMAC RIDGE LANE SHEPHERDSTOWN, WV 25443  
 Phone Number: 304 839 7442 Email: STEPHEN.LANZA@YAHOO.COM

**Applicant Information**

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

**Consultant Information**

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

**Physical Property Details**

Physical Address: 415 POTOMAC RIDGE LANE, SHEPHERDSTOWN  
 Parcel ID: 9.0019 Parcel Size: 3.06  
 Zoning District: 100-SHEPHERDSTOWN Deed Book: 1119 Page No: 705

**Plat Information**

Plat Title: POTOMAC RIDGE Note No: 9  
 Recordation Date: 11/21/08 Plat Book: 25 Page No: 95

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

TO FOREGO THE RESTRICTION OF ONE FAMILY UNIT PER LOT.

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

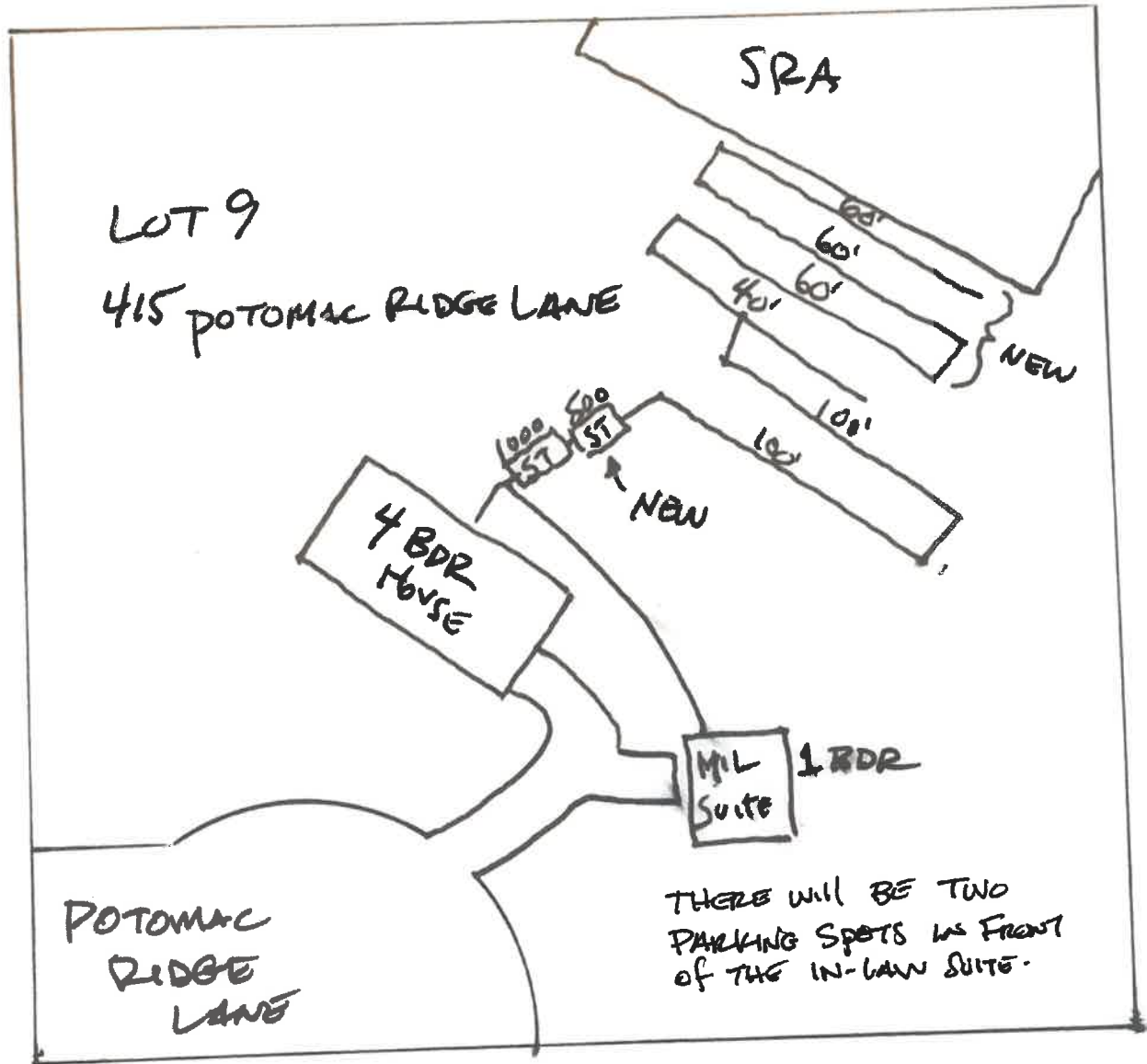
Included  Not applicable (include a vicinity map if a sketch is not applicable)

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

Property Owner/Applicant Signature: \_\_\_\_\_ Date: 8.20.24  
 Property Owner/Applicant Signature: M Simolke Date: 8-20-24

**This request is being submitted for the approval of adding an accessory dwelling unit for my aging parents. My motivation is to provide a safe home for my parents to live in while being within a close proximity to me so that they can be cared for at home when that time arises. And that time is coming sooner rather than later. Their safety and comfort are the priorities. We feel that the in-law sweet being built separate from our house will provide everyone involved with the necessary privacy needed and give my parents a sense of independence which I believe is important to them. We hope you have a good understanding of why we would like approval. If you do not, could you please provide the necessary documentation that was needed for our neighbor to build their accessory dwelling years ago.**





SS-183  
Rev 3/11

West Virginia Department of Health & Human Resources  
Jefferson County Department of Health

Permit #: ST-19-24-138  
Tax Map Name: 09  
Map # 10 Parcel # 9.0019  
County Potomac Ridge  
Road: Ln.  
Coordinates:  
N \_\_\_\_\_  
v \_\_\_\_\_

PERMIT  
ONSITE SEWAGE DISPOSAL SYSTEM

Owner: Stephen Lana & Maureen Smolke Installer: David McGill  
Address: 415 Potomac Ridge Ln. Address: 475 Pitzers Chapel Rd.  
Shepherdstown, WV 25443 Martinsburg, WV 25403

You are hereby issued a permit to:  install  modify an onsite sewage disposal system located  
Potomac Ridge Lot 9 (419 Potomac Ridge Ln.)

Facility: Residence + MIL Suite Design Flow: 5 BDR Lot Size (ft<sup>2</sup>/acres): 3.06 Water Source: Private Well

Based upon review of the information on your submitted application, dated 01/18/2024, 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 (existing) + 500 gallons or more. Constructed of: Poly.
- Soil disposal system with a minimum equivalency of 2000 square feet of conventional gravel trench area.

Depth to the bottom of the trench or bed installation shall be 18-20" inches from original ground surface.

- Gravel system: Lengths of lines:     ,     ,     ,     ,      feet. Width: 36 inches.
- Chamber system: Number of units: Lengths of lines: 60', 60', 60',     ,     ,      units.

Manufacturer of chamber:     

- Bed system:  Gravel  Chamber Length:      feet. Width      feet.

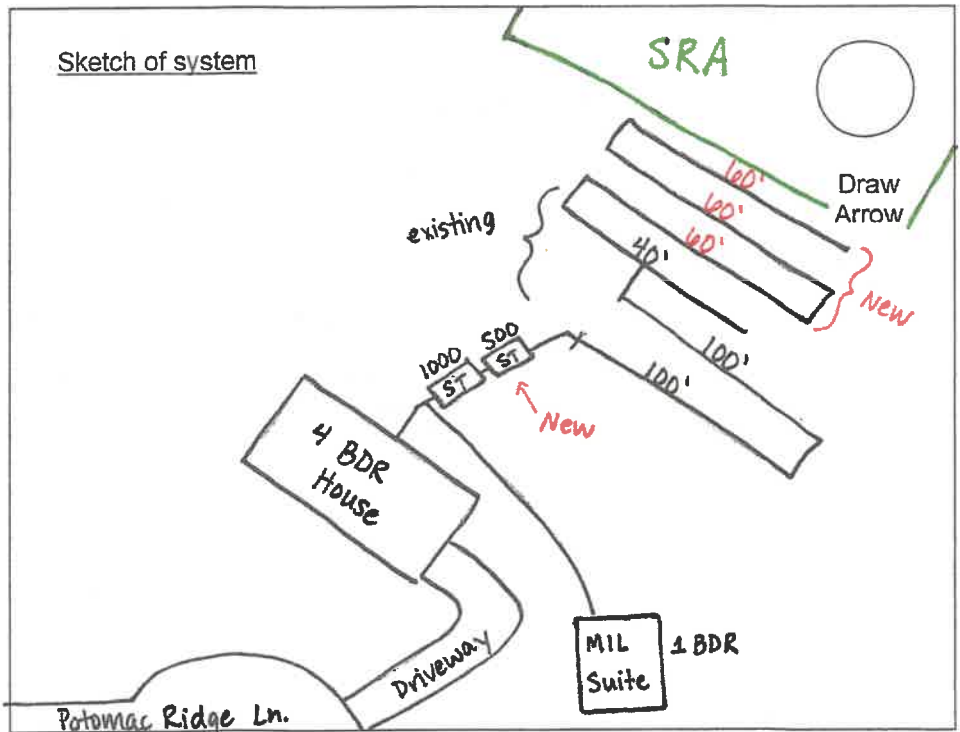
Other: Upgrading 4 BDR to 5 BDR System. Add 500 gallon tank to bring up to code. Using chambers (40% reduction), the total square footage required is 1200 ft<sup>2</sup>. Sizing = 720 ft<sup>2</sup> (existing) + 540 ft<sup>2</sup> (new) = 1260 ft<sup>2</sup>. Install on contour.

This permit is nontransferable 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 noncompliance 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: 01/22/2024

Health Officer or Sanitarian: Alex Stoller

**PERMIT SUPPLEMENT  
 ON-SITE SEWAGE DISPOSAL SYSTEM**

The following specifications are presented as a summary of common minimum design requirements applicable to the installation and approval of an on-site sewage disposal system. This form is intended to be a general supplement to a permit, and does not include all conditions relevant to a specific site. Should the owner or certified installer have any concerns, you are encouraged to phone the sanitarian who issued the permit.

1. Conventional on-site sewage disposal systems may be installed by a West Virginia Certified Class I Installer. Conventional systems, including privies, are limited to gravel, chamber or gravelless pipe soil absorption systems, installed no shallower than eighteen (18) inches in the ground, and relying upon gravity flow for distribution. All other systems are to be installed by a Certified Class II Installer.
2. The installation inspection shall be made prior to cover and landscaping. Adequate notification for the final inspection shall be given to the local health department. It is recommended that the final cover and landscaping with seeding be done as soon as possible.
3. No part of the system shall be located within 25 feet of a public water supply line, or within 10 feet of a private water supply line, unless protected by a method approved in advance by the health department.
4. A septic tank, vault privy or other sewage tank shall be located a minimum of 50 feet from a private well or ground water source. A minimum of 100 feet is required if water source is downhill of such units.
5. Absorption fields, serial distribution systems, absorption beds, mound systems and other soil absorption systems shall be located to comply with the following distances:

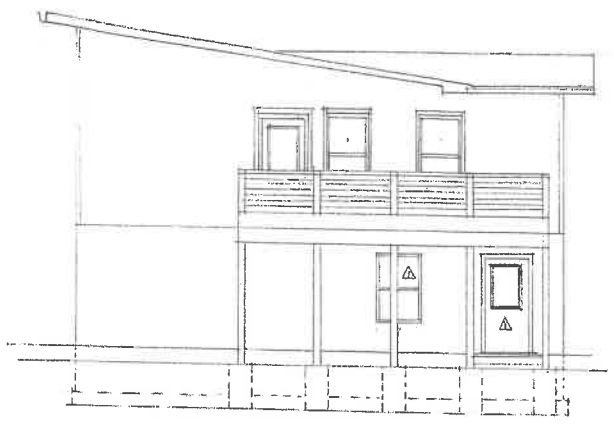
Minimum Distance	FEATURE
10 feet	Building, foundation, or property line
10 feet	Foundation drain upslope from disposal area
20 feet	Stream banks and other open drainage features, whether manmade or natural
20 feet	Manmade cuts in soil and curtain drains
20 feet	Foundation drains down-slope from the disposal area
50 feet	Manmade cuts which intersect rock or shale
50 feet	Water supply cistern
100 feet	Water supply springs and water supply wells

6. The slope of the piping from the facility to the tank shall be 1/8 inch per foot, or greater. The piping from the tank to the soil absorption field shall have a minimum drop of 6 inches to a level ground system and a minimum of 10 inches to a sloping ground system. The bottom in each trench or bed and the soil absorption field piping or chambers in each trench or bed shall be level, with zero (0) degree slope.
7. Gravel or aggregate, if used, shall fall within a sizing of 1/2 - 2 1/2 inches in diameter. Such media shall not be less than 6 inches under the 4 inch distribution piping, and not less than 2 inches covering the piping. Hay, straw or untreated paper shall be used to cover the gravel or aggregate prior to inspection by the sanitarian.
8. In chamber systems, the sides are to be "walked in," but the ends are not to be backfilled for the inspection. The chambers shall be installed in accordance with the manufacturer's specifications, or equivalent, including appropriate splash blocks, screws to secure sections and ends and similar requirements.
9. Absorption trenches shall approximate the ground surface contour to minimize depth variation.
10. All mechanical sewer systems with surface discharge and all mechanical sewer systems where additional treatment is required for subsurface discharge shall have a perpetual maintenance program approved by the director.
11. \_\_\_\_\_

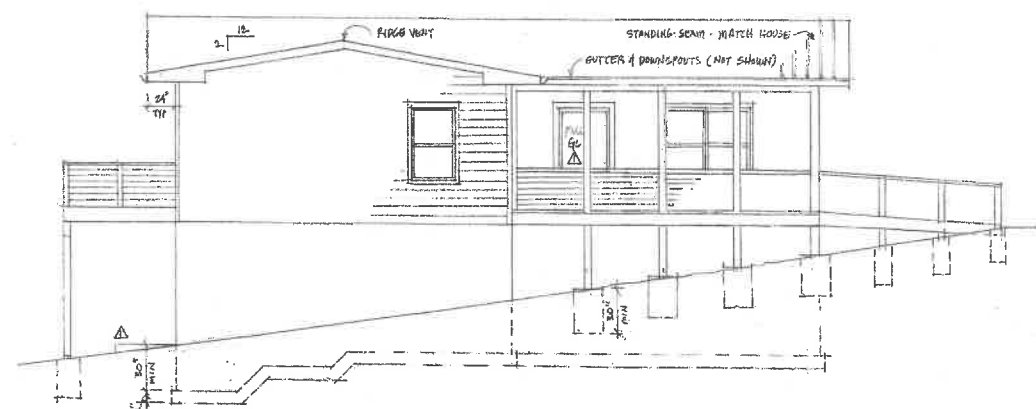


ROBERT D. WELSH  
 PROFESSIONAL ENGINEER  
 LICENSE NO. 54162  
 STATE OF VIRGINIA  
 EXPIRES 12/31/2024  
 P.O. BOX 10000, CHARLOTTE, NC 28210

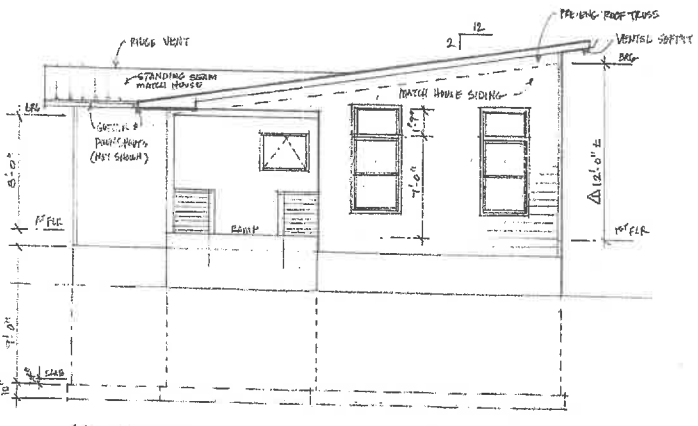
REVISIONS  
 Δ ADDS DETAILS  
 6/12/24



LEFT SIDE ELEVATION  
 SCALE: 1/4" = 1'-0"

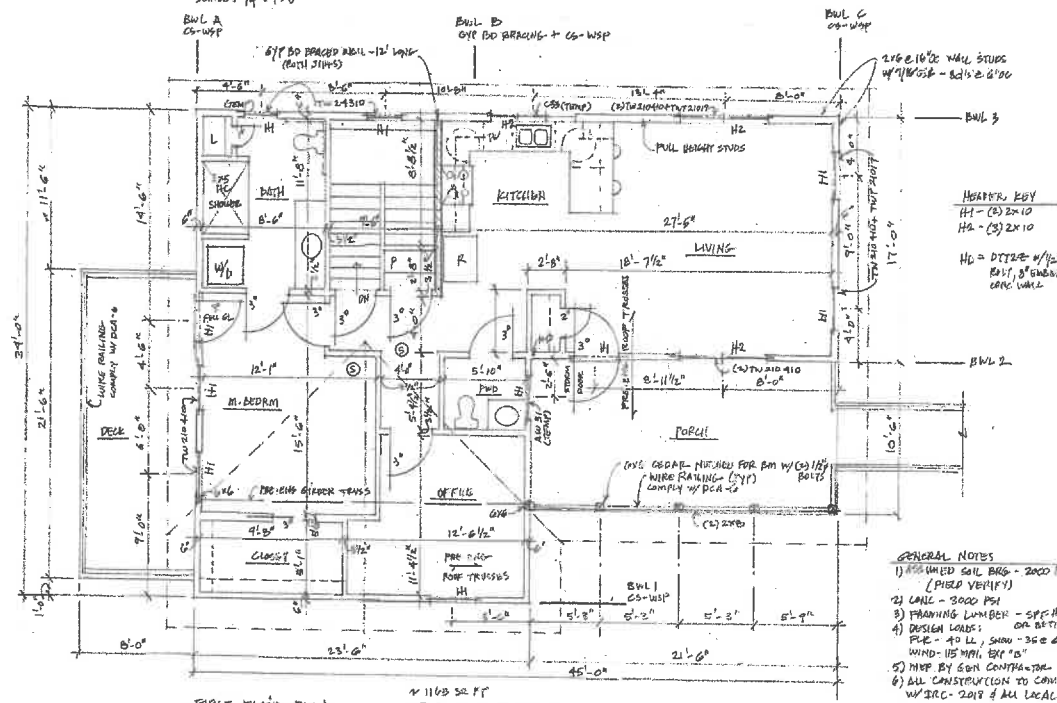


FRONT ELEVATION  
 SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION  
 SCALE: 1/4" = 1'-0"

WINDOW KEY - ANDERSON OR EQUAL 4'-0"  
 TW 241040 - RO = 3'-0 1/2" x 5'-0 1/2"  
 (1) TW 241040 - RO = 6'-0 3/4" x 5'-0 1/2"  
 TW 24310 - RO = 2'-5 3/4" x 4'-0 1/2"  
 CS 30 - RO = 5'-11 1/2" x 2'-11 1/2"  
 AW 31 - RO = 2'-11 1/2" x 2'-1 3/8"



FIRST FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

- GENERAL NOTES
- 1) ASSUMED SOIL BPS - 2000 PSF (PIED VERIFY)
  - 2) GOLF - 3000 PSF
  - 3) FRAMING LUMBER - SPEC #2
  - 4) DESIGN LOADS:  
 DECK - 40 LL, SHW - 350 GRAVE  
 WIND - 115 MPH, EX 15"
  - 5) MEP BY GEN CONTRACTOR
  - 6) ALL CONSTRUCTION TO COMPLY W/IRC - 2018 & ALL LOCAL CODES

IN LAW ASSUMPTIONS FOR MR. S. LARVA  
 416 1234567890  
 5678901234567890

AI

5/22/24



# DOMINIC VALENTINE

2275 River Road \* Shepherdstown WV 25443 \* Dominic@dominicval.com\* 304.671.8822

Potomac Ridge Lot 9  
Zoning Appeal

**Dear Recipient:**

I, Dominic Valentine owner of 2275 River Road which is adjacent to lot 9 in the Potomac Ridge Subdivision fully support the inclusion of an accessory dwelling for Steve & Maureen Lana, owners of lot 9.

Sincerely,

A handwritten signature in black ink, appearing to be 'D. Valentine', written over a circular stamp or seal.

Dominic Valentine

# JOSEPH VALENTINE

2279 River Road \* Shepherdstown WV 25443 \* [Joepval@gmail.com](mailto:Joepval@gmail.com) \* 304.876.3843

Potomac Ridge Lot 9  
Zoning Appeal

Dear Recipient:

I, Joseph Valentine, owner of lot 10 adjacent to lot 9 in the Potomac Ridge Subdivision fully support the inclusion of an accessory dwelling for Steve & Maureen Lana, owners of lot 9.

Sincerely,



Joseph Valentine

Received August 26, 2024 via Email RE File #24-4-FPA

## Planning Department

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**From:** Stephen Lana <stephen.lana@yahoo.com>  
**Sent:** Monday, September 2, 2024 1:31 PM  
**To:** Planning Department  
**Subject:** Fw: Potomac Ridge Subdivision Lot 9 Zoning Hearing

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

Please add this to my project file 24-4-FPA.

Thank you

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Sunday, September 1, 2024, 9:53 AM, Anthony Tedesco <ajtedesco@msn.com> wrote:

### **Potomac Ridge Subdivision Lot 9 Zoning Hearing**

Shepherdstown, WV

**Dear Recipient,**

I, Anthony Tedesco, resident 384 Potomac Ridge Lane, Shepherdstown, i.e. Lot 7 in Potomac Ridge Subdivision, fully support Steve Lana's and Maureen Smolke's construction of an accessory dwelling on their property, Lot 9 Potomac Ridge Subdivision. My residence is across the cul de sac from the Lana's and Smolke's property, and I believe the accessory dwelling will enhance the cul de sac and I hope is approved.

Sincerely,

**Anthony Tedesco**

*Anthony Tedesco*

384 Potomac Ridge Lane

Sheperdstown, WV 25443

912-484-6626

[ajtedesco@msn.com](mailto:ajtedesco@msn.com)

## Planning Department

---

**From:** Stephen Lana <stephen.lana@yahoo.com>  
**Sent:** Monday, September 2, 2024 1:35 PM  
**To:** Planning Department  
**Subject:** Fw: Support Letter - 24-4-FPA

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

Please add this support letter to my file as well.

Thank you

Stephen J Lana

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Saturday, August 31, 2024, 3:13 PM, Julie Reynes <juliereynes59@gmail.com> wrote:

I, Julia E Reynes, owner of Lot 7 in Potomac Ridge Subdivision, Inc, am supportive of Steve Lana and Maureen Smolke's construction of an accessory dwelling unit on their property. Lot 7 is across the cul de sac from the Lana's and Smolke's property.

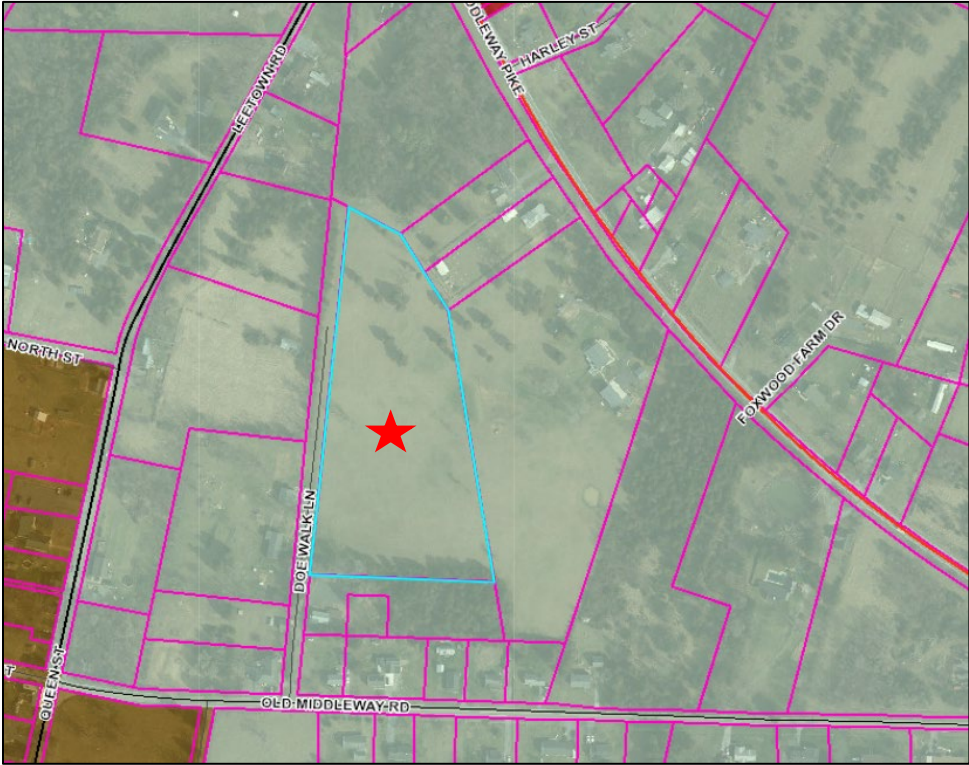
Sincerely,  
Julia E Reynes



Staff Report  
 Jefferson County Planning Commission Meeting  
 October 8, 2024

**Crum Access Waiver (File: 24-26-PCW)**

**Item #4:** Waiver request from Section 20.201B of the Subdivision Regulations to reduce the required access easement width of Doe Walk Lane from 50' to 40' and to allow more than five lots to access Doe Walk Lane for a proposed two lot minor subdivision.

Owner:	William Crum
Applicant:	Adam Crum
Property Location & Information:	<p style="text-align: center;">Vacant Lot on the eastern side of Doe Walk Lane, Kearneysville, WV          Parcel ID: 07002200210000; Size: 6.5 acres;          Zoning District: Rural</p> 
Surrounding Zoning:	<i>North, East, South, and West: Rural</i>
Proposed Activity:	Two Residential Lots
History:	1960/06/28: Plat of 6.5 acre parcel (DB 239 / PG 488)

**Summary of the Request:**

The applicant is requesting a waiver from Section 20.201B of the Subdivision Regulations to reduce the required access easement width of Doe Walk Lane from 50' to 40' and to allow more than five lots to access Doe Walk Lane for a proposed two lot minor subdivision.

Because the property is zoned Rural and has not been subdivided since October 5, 1988, the subject parcel has the right to create two lots and a Residue through a Minor Subdivision process, provided it meets all Subdivision Regulation requirements or receives the requested waivers.

Staff Report  
Jefferson County Planning Commission Meeting  
October 8, 2024

**Crum Access Waiver (File: 24-26-PCW)**

The request is to divide the 6.5-acre property into two parcels (one lot and a residue) that will utilize the existing 40' access easement instead of the required 50' access easement.

It is not clear the number of additional lots that utilizes the 40' access easement. Therefore this request is to allow more than five lots to access Doe Walk Lane for a proposed two lot minor subdivision.

**Staff Recommendation:**

Staff believes that it is reasonable to allow the creation of one additional lot on the existing 40' access easement. If the Planning Commission is inclined to grant the waiver request, staff recommends placing, as a condition of approval, that no additional lots may utilize this access easement without further consideration by staff and/or the Planning Commission.



**Waiver Requirements:**

The applicant provided a response to the requirements found in “Division 24.300 Waivers” of the Subdivision Regulations in the waiver application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- 1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- 2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- 3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- 4) That the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.



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

File #: 24-26-PCW  
 Mtg Date: 10-08-24  
 Date Rec'd: 08-21-24  
 Fees Paid: \$150  
 Staff Int: gk  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

**Property Owner Information**

Owner Name: William and Vicky Crum  
 Business Name: \_\_\_\_\_  
 Mailing Address: 5036 Middleway Pike, Kearneysville, WV 25430  
 Phone Number: 304-261-2466 Email: billcrum5036@comcast.net

**Applicant Contact Information**

Applicant Name: Adam Crum Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: 69 Billau Place, Bunker Hill, WV 25413  
 Phone Number: 304-268-8864 Email: adamcrum1@hotmail.com

**Consultant Information**

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

**Physical Property Details**

Physical Address: 5036 Middleway Pike, Kearneysville, WV 25430 Vacant Lot:   
 Tax District: 7 Map No: 22 Parcel No: 21.0  
 Parcel Size: 6.5 Acres Deed Book: WB10 Page No: 202  
 Zoning District: Rural

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

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

**What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?**

I am seeking to waive the 50' access easement standard (Section 20.201A.2). I am also potentially seeking to waive the "no more than 5 lots" provision, depending on the number of lots that have the right to Doe Walk Lane.

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

I am looking to subdivide a part of my parents land to build a house on. I am seeking a waiver to be able to use Doe Walk Lane as access to my driveway and home.

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

Not Applicable

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

Both the current land owner and the adjacent property owner are okay with the construction of a residential home. The home will meet all safety protocols.

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

The request for this waiver is for the use of Doe Walk Lane to access my primary residence home once constructed. The road is already in use by other neighbor and a church.

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

This waiver will allow me to build a new construction home that will help bring up the value of surrounding properties.

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

William Crum 8/21/24 Vicky A Crum 8/21/24  
Property Owner Signature Date Property Owner Signature Date

**Notification Requirements**

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

10-08-24  
Public Hearing Date

09-24-24  
Date Placard Posted

09-24-24  
Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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

**Parcel: 07002200210000**

TD: 7 / Map: 22 / Pcl: 21.0

Owner: CRUM WILLIAM EUGENE

Address: VACANT MIDDLEWAY PIKE, KEARNEYSVILLE

Deed Book/Page: [WB10/202](#)

Description: 6 1/2 AC JENNINGS

Lot Size: 6.5

Map Card: [Map Card](#)

Zone: Rural

Original Deed: DB

**Parcel: 07002200220000**

TD: 7 / Map: 22 / Pcl: 22.0

Owner: CRUM WILLIAM E & VICKY R

Address: 5036 MIDDLEWAY PIKE, KEARNEYSVILLE

Deed Book/Page: [852/608](#)

Description: 8 AC-JENNINGS

Lot Size: 8.04

Map Card: [Map Card](#)

Zone: Rural

05/1953 Original Deed: DB 194 / PG 58

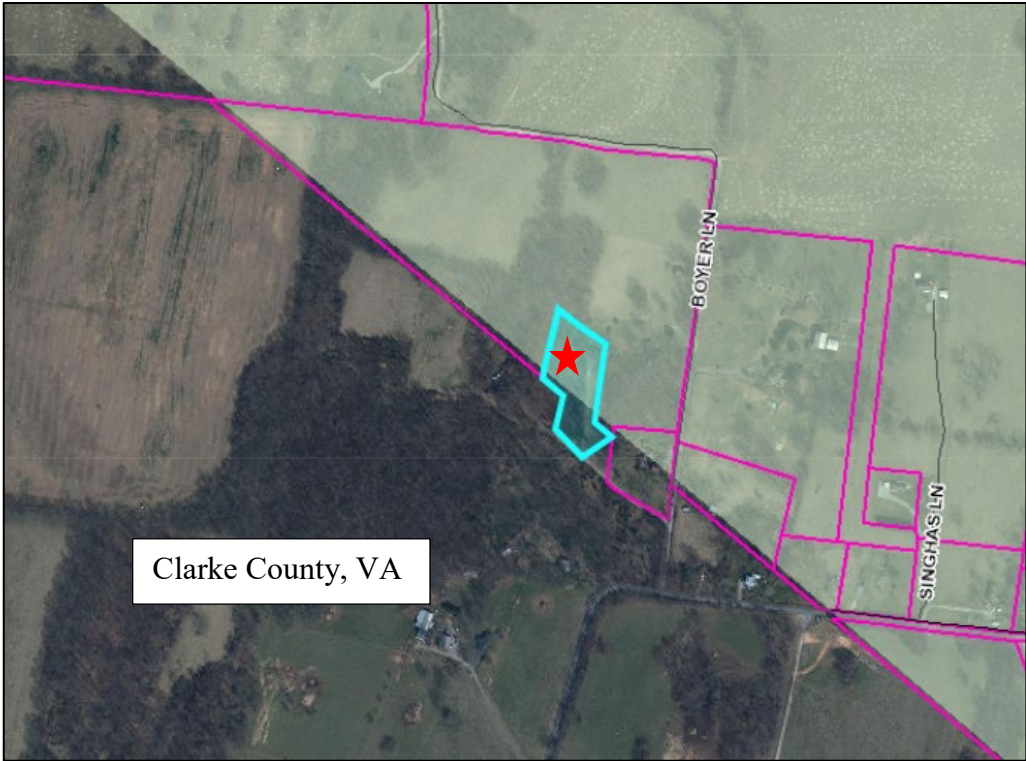




Staff Report  
 Jefferson County Planning Commission Meeting  
 October 8, 2024

**White Variance Request (File #24-3-PCV)**

**Item #5: Public Hearing:** Variance from Section 2.1B of the 1979 Subdivision Ordinance (parent to child exemption) to lift the single family restriction to allow for a detached Accessory Dwelling Unit (In-Law Suite) pursuant to Section 8.15A of the Zoning Ordinance. See Page #2 in DB 821 / PG 156 for restriction.

Owner/Applicant:	Dawn White
Parcel Information & Zoning District:	49 Boyer Lane, Summit Point, WV Parcel ID: 06001900030001; Size: 2.95 acres; Zoning District: Rural
	
Surrounding Zoning:	North, East and West: Rural South: Clarke County, VA
Proposed Activity:	A detached accessory dwelling unit for a family member (In-Law Suite) on a lot created through the Parent to Child Exemption
History:	12/18/1995: Created through a Parent to Child Exemption ( <a href="#">DB 821 / PG 156</a> ) 02/27/2024: Boundary Line Adjustment modifying the lot size from 2 to 2.95 acres ( <a href="#">PB 26 / PG 726A</a> , <a href="#">DB 1318 / PG 300</a> )

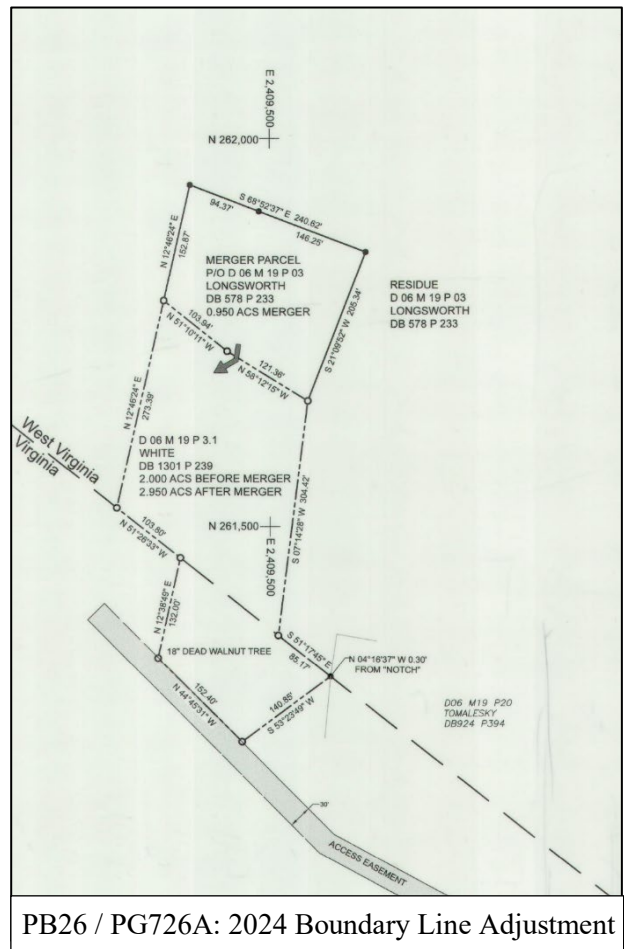
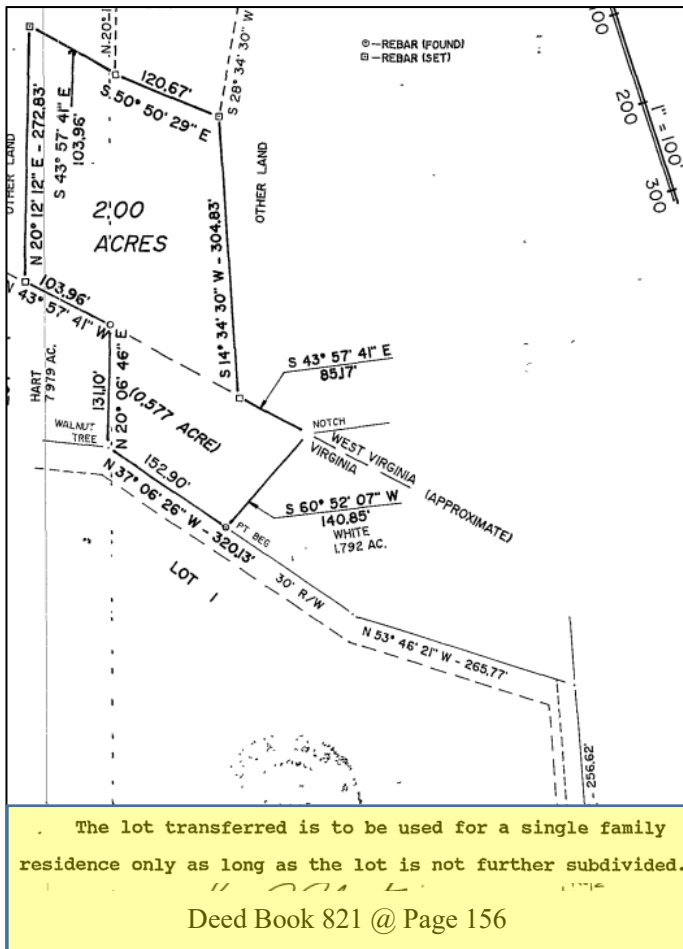
**Summary of Request:**

The applicant is requesting to lift the required single-family restriction for the purpose of constructing a detached garage with an accessory dwelling unit for a family member, in accordance with Section 8.15A of the Zoning Ordinance. The subject parcel was approved on November 21, 1995 through the Parent to Child exemption process outlined in Section 2.1B of the 1979 Subdivision Ordinance, which required a deed only. At the time that the lot was created, a note was required in the deed that restricted the exempt lot to a single-family residence (see excerpt below).

Staff Report  
 Jefferson County Planning Commission Meeting  
 October 8, 2024  
 White Variance Request (File #24-3-PCV)

**Zoning Ordinance Requirements**

If the Planning Commission approves lifting the single-family restriction, which was required by the Subdivision Ordinance at the time the lot was created, then the applicant can process under Section 8.15A of the Zoning Ordinance for a detached accessory dwelling unit / In-Law Suite in the Rural Zoning District. Section 8.15A has various provisions that must be complied with, including, but not limited to, the requirement that the accessory unit must be secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet gross floor area; that the parcel be a minimum of 2 acres; and Health Department approval or well and septic is received.



**Relevant Section(s) of Ordinance/Regulations:**

**2008 Subdivision Regulations (as amended):**

**Section 24.202 Amendment, Modification, and the Vacating of Subdivision Plats**

**A. Amendment.** The Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

1. All of the property that is affected by the amendment is under the ownership of the applicant;
2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and

Staff Report  
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**White Variance Request (File #24-3-PCV)**

3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

Under the 1979 Subdivision Ordinance, this type of a request was typically heard through the Planning Commission Variance process.

***1979 Subdivision Ordinance:***

**Section 2.1 Subdivision Exemptions**

This Ordinance shall apply to all land subdivision projects within the unincorporated areas of Jefferson County, West Virginia, with the exception of the following:

- b. The formation of one lot provided such lot is transferred by deed to a parent or a child of the land owner of record and does not create more than one residue. The deed shall:
  1. Identify the relationship between the grantor and the grantee, and;
  2. Shall state that “the lot transferred 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 dissolve the single family restriction and will place development of the lot under the County land development laws in effect at that time. This lot cannot be transferred again for at least five (5) years; except as another parent to child or child to parent transfer of land. Any transfer of this lot within the five year period shall place this lot in violation of the Jefferson County Subdivision Ordinance”. [AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE SEPTEMBER 14, 1989]

**Section 17.1 Variance**

Any request for a variance from the provisions of this Ordinance shall be made in written form and shall be submitted to the Planning Commission by the Subdivider. A variance request shall clearly specify the nature of the variance being requested and the reasons for the request.

A variance request may be granted by the Planning Commission only when it is determined that:

- a) The request is not contrary to the public interest.
- b) A literal enforcement of this Ordinance will result in an unnecessary hardship.
- c) The request is not the result of a self-imposed hardship.
- d) The spirit of this Ordinance will be observed and substantial justice done.

Note: The Variance Policy in effect requires that the property be posted with a placard and that letters are sent to adjacent and confronting property owners one week prior to the meeting.

**Recommendation**

Staff recommends approving the Variance request from Section 2.1B of the 1979 Subdivision Ordinance (Parent to Child exemption) to lift the single family restriction to allow for a detached accessory dwelling unit (in-law suite), which is permitted by the current Zoning Ordinance. Approval of this variance would allow the applicant to process an attached in-law suite (two-family dwelling) or a detached in-law suite contrary to the language found in the original deed. If approved, the applicant will need to apply for a Zoning Certificate for a detached accessory dwelling unit prior to applying for a Building Permit.





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

File #: 24.3.PCV  
 Mtg Date: 10.08.24  
 Date Rec'd: 08.30.24  
 Fees Paid:   
 Staff Int: gtt  
 List of Adjoiners:

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

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

**Subdivision Ordinance Variance Request**

Variations must comply with Article 17 of the 1979 Subdivision Ordinance, as amended.

**Property Owner Information**

Owner Name: Dawn White  
 Business Name: \_\_\_\_\_  
 Mailing Address: 49 Boyer Ln Berryville, VA 22611  
 Phone Number: 540-327-6064 Email: JEWDLW92300@MSN.COM

**Applicant Contact Information**

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

**Consultant Information**

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

**Physical Property Details**

Physical Address: 49 BOYER LN Summit Point WV, 25446 Vacant Lot:   
 Tax District: Kabletown District Map No: 19 Parcel No: 3.1  
 Parcel Size: 2.950 ACS Deed Book: 130T 1318gn Page No: 239 300gn  
 Zoning District: Jefferson County

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

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

**Which Section of the Subdivision Ordinance are you requesting to vary?**

Variance to lift the single family restriction in order to proceed with constructing a second dwelling unit on this property

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

We are building a 2 car Garage (detached) with a ADU for our daughter to live in. Structure will be within 100' of primary house.

**Explain why this request is NOT contrary to the public interest:**

This Request would not affect the public in any way. Structure is being built on 3 Acre lot which is private and would not affect anyone.

**Explain how enforcement of this Ordinance will result in an unnecessary hardship:**

Not unnecessary hardship, But does make thing difficult. Our daughter would like to have her own space as she is an adult that is studying for a Professional trade.

**Explain how this request is NOT the result of a self-imposed hardship:**

This is Not a result of self-imposed hardship. Its to Enhance our property and overall quality of life.

**Explain how the spirit of this Ordinance will be observed and substantial justice will be done:**

We Ensure that development is planned in a matter that considers environmental impact, traffic flow, and Public amenities

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

Dawn White  
Property Owner

8/29/2024  
Date

Property Owner

Date

**Notification Requirements**

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared and posted by the Staff. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

10.08.24  
Public Hearing Date

09.24.24  
Date Placard Posted

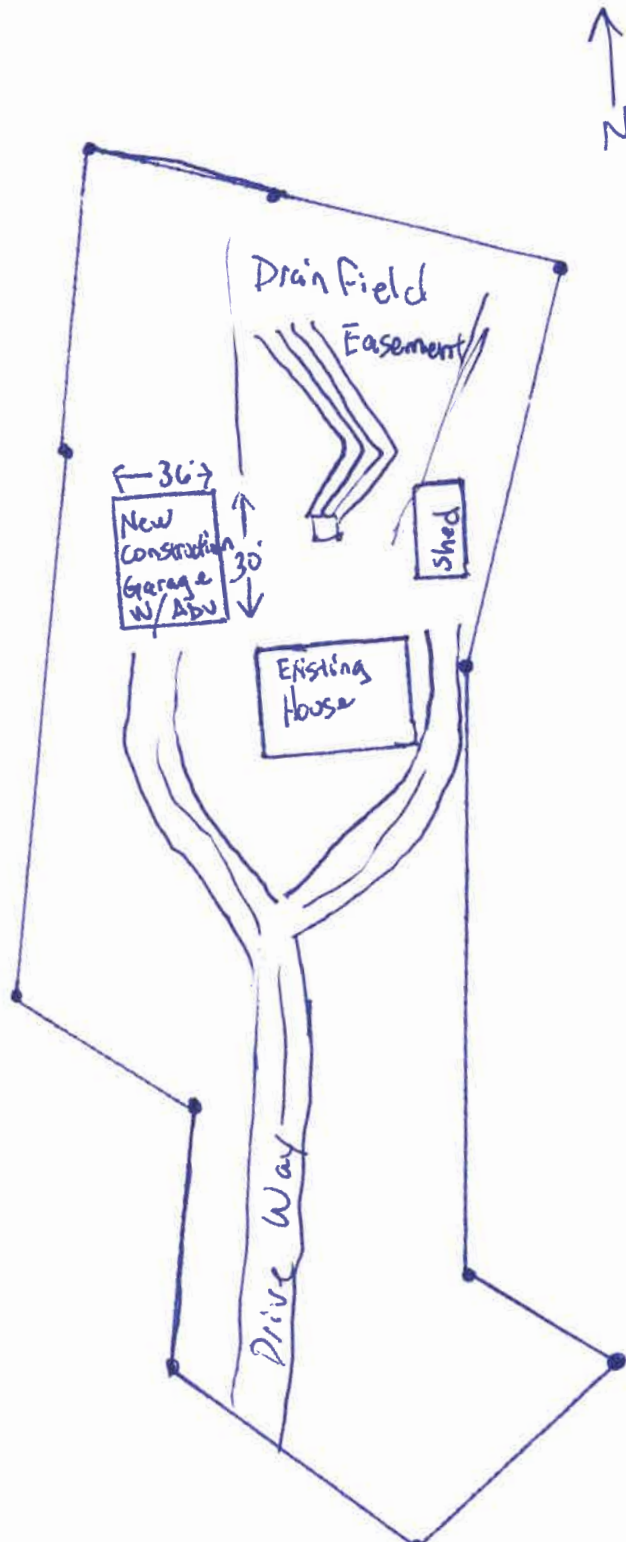
09.24.24  
Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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



Set backs  
15' sides  
40' Front  
50' Rear

Dawn White

8/29/2024



Discussion and  
Possible Action  
Related to the  
Comprehensive  
Plan Update



Regulations and the Zoning & Land Development Ordinance. Such an amendment should contemplate the addition of some land uses as principal permitted uses or conditional uses in additional zoning districts if the use benefits the surrounding area and would not negatively impact any surrounding area in the County. During the public input process, residents reported a concern about the access to medical services and other essential institutional services in Jefferson County. Increasing the number of zoning districts that allow medical facilities to develop as principal permitted uses in the County could help medical facilities expand where access to health care is needed.

Institutional refers to a publicly accessible facility or nonprofit, or in the context of medical facilities, it describes the necessary and standard uses or practices that are aligned with medical facilities and personnel

Land uses that are Principally Permitted are allowed on all lots in a certain zoning district if a property owner follows the adopted subdivision and zoning ordinances and land use process. This may include filing a permit, site plan, or plat; meeting setbacks, or including landscaping. A Conditional Use is a land use that requires approval from the Board of Zoning Appeals and follows the adopted subdivision and zoning ordinances and land use process.

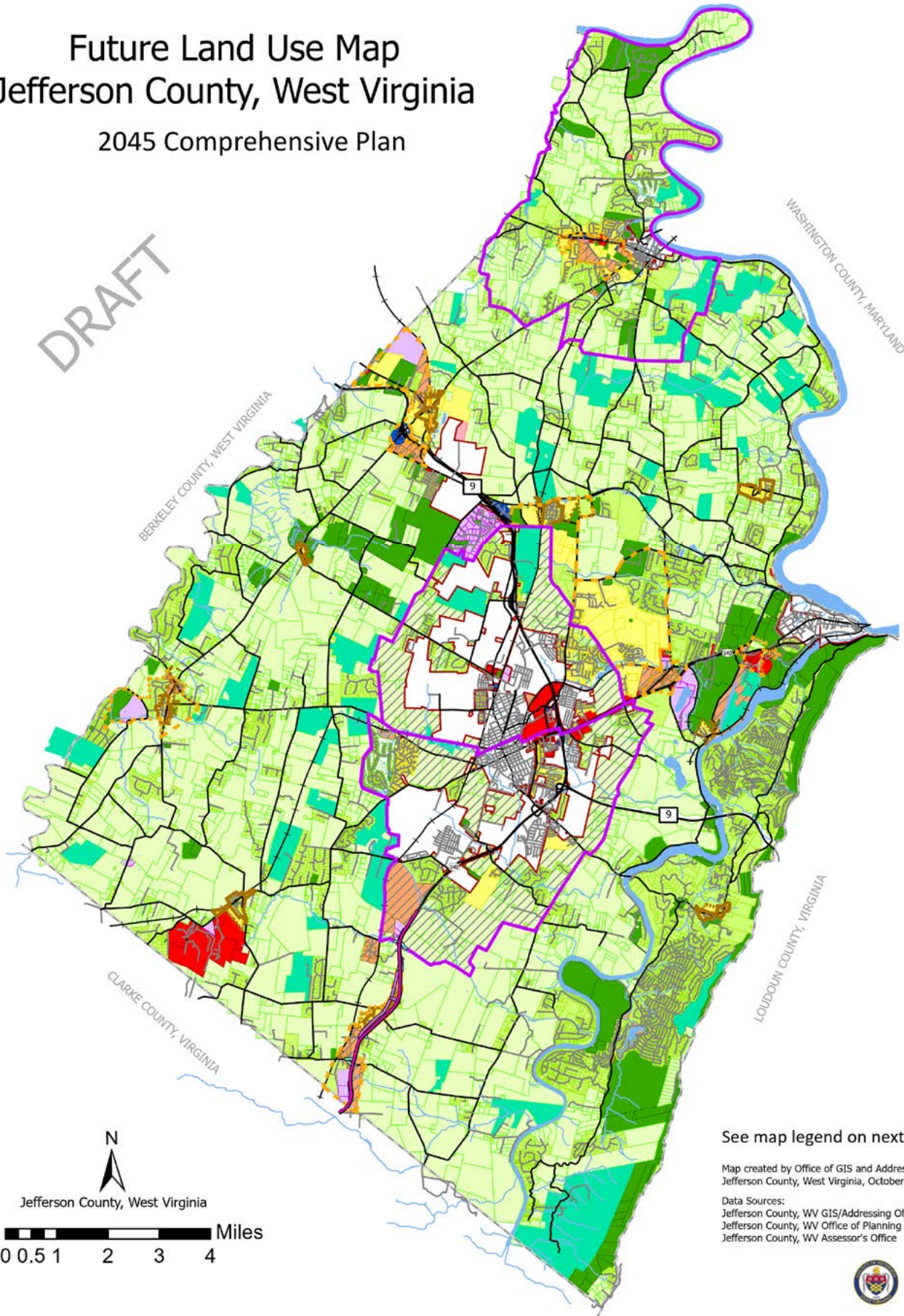
When the Subdivision & Land Development Regulations are updated, additional measures need to be taken to mitigate the impact of development on farms and lands under conservation easements. Specifically, major subdivision should include a 50 foot buffer along rural zoned properties and properties with an active conservation easement in place. This buffer area should be owned by the Homeowners Association of the subdivision and contain a fence and vegetative buffer within 10 feet of the property line.

# Terms & Definitions

Term	Definition
JCDA	Jefferson County Development Authority, which works to encourage and assist the development and growth of businesses and industry in the County.
JCPR	Jefferson County Parks and Recreation, a commission responsible for creating, operating, and maintaining parks and recreational opportunities within the County.
JCBOE	Jefferson County Board of Education, an organization which builds, maintains, and operates the schools within the County and their needs.
Key Players	County affiliated organizations that are responsible for undertaking an Action Item.
Land Use Classification	A system for classifying and designating the appropriate future use of different properties
Future Land Use Guide	A map contained in the Comprehensive Plan that depicts proposed future land use patterns in the County as Land Use Classifications . This map is used as a guide alongside the Comprehensive Plan text by Planning Commission, County Commission, and Board of Zoning Appeals to make land use decisions.
MARC	Maryland Area Rail Commuter, a rail transit system for commuters going to and from the Washington DC Metropolitan Area, including locations in Maryland and Jefferson County.
Open Space	Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provision of the Subdivision Regulations. Open space excludes areas in lots, street rights-of-way, or parking. Private open space is designed and intended for common use and the enjoyment of the residents. Public open space is designed and intended for common use and the enjoyment of the residents of Jefferson County.
Parcels	A piece of property that is recorded and defined in legal tax records.
PC	Jefferson County Planning Commission, a branch of County government appointed by the CC which prepares and oversees the adoption and implementation of a Comprehensive plan, as well as the review of subdivisions and site development.
PGA	Preferred Growth Area, an unincorporated area which has been identified suitable for development including residential and commercial land uses in accordance with the County land development ordinances.
PFAS	Per- and poly-fluoroalkyl chemicals found in many industrial and consumer products that break down extremely slowly and are being detected in the environment.
Principal Permitted Use	Referring to the land uses that can be established in a particular Zoning district in accordance with the zoning, subdivision, and land use regulations that does not require approval by the Board of Zoning Appeals.

# Future Land Use Map Jefferson County, West Virginia 2045 Comprehensive Plan

DRAFT



See map legend on next page.

Map created by Office of GIS and Addressing  
Jefferson County, West Virginia, October 2024

Data Sources:  
Jefferson County, WV GIS/Addressing Office  
Jefferson County, WV Office of Planning and Zoning  
Jefferson County, WV Assessor's Office



0 0.5 1 2 3 4 Miles





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

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

Phone: 304-728-3228

**2025 MEETING SCHEDULE - DRAFT**  
**JEFFERSON COUNTY PLANNING COMMISSION**

Unless otherwise posted, Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street at 7:00 p.m.

**Submission Deadlines**

**Waiver/Variance\***

**Concept Plan\*\***

**Regularly Scheduled Meeting<sup>^</sup>**

Monday, December 23, 2024	Wednesday, November 27, 2024	Tuesday, January 14, 2025
Tuesday, January 21, 2025	Friday, December 27, 2024	Tuesday, February 11, 2025
Tuesday, February 18, 2025	Friday, January 24, 2025	Tuesday, March 11, 2025
Tuesday, March 18, 2025	Friday, February 21, 2025	Tuesday, April 8, 2025
Tuesday, April 22, 2025	Friday, March 28, 2025	Tuesday, May 13, 2025
Tuesday, May 20, 2025	Friday, April 25, 2025	Tuesday, June 10, 2025
Tuesday, June 17, 2025	Friday, May 23, 2025	Tuesday, July 8, 2025
Tuesday, July 22, 2025	Friday, June 27, 2025	Tuesday, August 12, 2025
Tuesday, August 19, 2025	Friday, July 25, 2025	Tuesday, September 9, 2025
Tuesday, September 23, 2025	Friday, August 29, 2025	Tuesday, October 14, 2025
Tuesday, October 14, 2025; <b>OR,</b>	Friday, September 19, 2025; <b>OR,</b>	Tuesday, November 4, 2025; <b>OR,</b>
Tuesday, October 28, 2025	Friday, October 3, 2025	Tuesday, November 18, 2025 <sup>+</sup>
Tuesday, November 18, 2025	Friday, October 24, 2025	Tuesday, December 9, 2025

<sup>+</sup>Meeting dates have been modified in observance of the Veterans Day.

<sup>^</sup>Regularly scheduled Planning Commission Meetings are held on the second Tuesday of each month. The Planning Commission may choose to schedule a Tentative Meeting (as needed) on the fourth Tuesday of every month to conduct Commission business or to meet required deadlines that are in accordance with the Planning Commission’s 4<sup>th</sup> Tuesday Meeting policy (approved 11/14/17). Please check with office Staff for a list of Tentative Meeting dates.

The required application, supporting documentation and applicable fees must be submitted to the office in accordance the Application Submission Deadline Policy, which establishes a 4:00 pm deadline for any application submitted on a Friday.

\*The Waiver and Variance deadline is 21 calendar days prior to the meeting to allow for Staff review the applications, and to accommodate the 14-day notice requirements for the placard/sign and mailings to adjacent property owners.

\*\*The Concept Plan deadline is 45 calendar days prior to the meeting to allow for Staff review of the Plan, and to accommodate the 21-day legal advertisement requirement, and the 14-day notice requirements for the placard/sign and mailings to adjacent property owners. **All documents & fees must be submitted no later than 4:00 pm.**

Changes in the time or location of the meeting shall be noticed on the County’s website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). **Note:** if the President of the County Commission or the Planning Commission determines that weather conditions make travel unsafe for the public, County offices may close and/or the meeting may be cancelled. Please check the County’s website for possible meeting updates during inclement weather.

Agenda items that have been deferred due to a meeting cancellation will be rescheduled. No additional public notice shall be given. All signs must remain posted on the respective properties until the rescheduled meeting date. Please call the office or check the County’s website for the rescheduled meeting date.



# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

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## Planner's Memorandum Planning Commission Meeting October 8, 2024

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

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

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

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

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

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

### 2) Planning Commissioner Self Evaluation

Form to be distributed at meeting for completion at the meeting

### 3) Upcoming PC meetings

❖ Next Regular meeting date: **November 12, 2024**

○ 7:00 pm Planning Commission Meeting

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

❖ 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). **Tentative Date: October 17, 2024; Public Hearing Date to be set by County Commission at this meeting**

❖ 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).

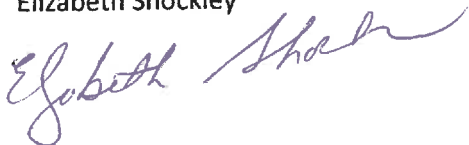
# Non-Actionable Correspondence

I attended the COMPREHENSIVE PLAN 2045 hearing on August the 27<sup>th</sup>. At that time I came to hear what the planning department and planning commission had to say about the plan. Several things surprised and disappointed me.

1. The question & answer period was a one on one time in the hall with one man rather than a format where all in attendance could hear the questions and answers.
2. There was a board of 9 people sitting on the stage. They were never introduced and never spoke other than to announce who the next citizen to speak would be. I could only assume they were the Planning Commission. The planning department sat to the side and never commented to the group either.
3. It appeared from the audience that no one on the stage or at the table was taking notes. If this was truly a hearing shouldn't there have been some recording? Shouldn't the public comments have been documented for reference when amending/finalizing this plan?
4. There was no discussion of expected population growth as part of this plan. How can you plan if you have no idea what the population will look like?
5. There appears to have been no collaboration between the planning part and other departments, organizations and agencies locally or at the state level. How can you build a plan if you haven't discussed with those responsible for development, water and other utilities, traffic planning, public parks, education and libraries etc. **According to the dictionary COMPREHENSIVE means Complete including all or nearly all elements or aspects of something.** In my mind, to be a comprehensive plan would have required meaningful discussion with other departments and entities that are key players in how our county looks in the coming years. Shouldn't this process have included the highway department, park authority, school board, library board, water conservation board etc? I was told point blank, that many of my questions couldn't be answered by planning because they were the responsibility of other agencies/boards.
6. This county is rich in history and natural resources yet very little was discussed about how to protect them. The bigger focus seemed to be on how to protect the developer.
7. In general, the "plan" looks more like you took the sticky notes from prior public meetings and stuck them together. There doesn't seem to be anything cohesive about this plan.
8. There are many things that have happened in this county over the past 15 years I've lived here which were NOT the will of the people. Time and time again, the county government has ignored the will of the people and made short sighted greedy choices. Some appear to be to the benefit of the very people who are expected to protect its citizens.
9. I strongly believe this "plan" should not be implemented in any way until serious discussion has taken place between individuals, agencies, municipalities and organizations that have a vested interest in this process and protection of the citizens of this county and its resources for the future.

Sincerely,

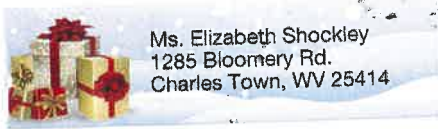
Elizabeth Shockley



RECEIVED

SEP 16 2024

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING



Ms. Elizabeth Shockley  
1285 Bloomery Rd.  
Charles Town, WV 25414

HARRISBURG PA 171

12 SEP 2024 PM 2:11



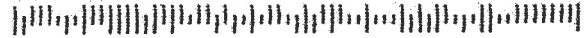
RECEIVED

SEP 16 2024

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Jeff. Co. Planning Dept  
116 E Washington St  
PO Box 716  
Charles Town WV 25414

25414-011616



Dear Board,

I do not ask the following harsh questions because I question your ability, concern for the county or your vision. However, you are given the task to visualize what the county will need not what the county may need. While my comments may seem harsh and disrespectful, that is not the intent. I am here to awaken what the future does hold.

As the new homeowners age average 41 to 42 years old, in Jefferson County, think about 20 years from now and the citizens are now 61 or 62, medical needs change. That means the hospital needs to expand, more medical offices will be needed, adult daycare becomes a need, Hospice will need to grow and rehab centers will need to be enlarged. Senior Living will be needed.

Now, think about removing the phrase “by property right”, a neighborhood or a group of people that can offered private nurses or nursing assistants can **prevent** a 5 or 6 story medical building for doctor’s offices, rehab centers, or a senior assisted living facility. Because they will claim it effects their view shed or property value. The reason will be no one in their 30’s or 40’s wants to leave beside an assisted living facility. At that point do citizens move to Maryland for Homewood Senior Living, or do they move to Martinsburg? Now think about the process a landowner must go through to build one of these facilities. Need to obtain permission from the county, permitting, county workshops, delays by a group of people that can afford private services or are only thinking about life as it is now. At what point do you start thinking about how long I can keep mowing this lawn? How much longer can I climb stairs? Why do I have to drive to Martinsburg or Winchester for medical test? My elderly parent is having memory issues and can’t be alone during the day, where is a there a safe place for them? Here is the big question, why didn’t the county plan for or include this type of growth or need?

When roadblocks are built into a Comprehensive Plan, it only makes it easy for a person or group of persons to prevent anything they do not want in the county but these same people will move because taxes become too high, services are needed but not provided, tired of having to drive for medical needs.

Consider how shopping has changed, Amazon, Walmart, Macy's, Home Shopping channel and other major retailers have and are replacing brick and mortar stores. What happens to that tax dollar as business go online and needs warehouses closer to multiple types of transportation? Even Tractor Supply and NAPA ship products. No one thought Amazon would grow in the 1990's but a few people with vision did.

We don't know what is needed 8 years from now, so why limit the options for landowners.

A Farmer/Rancher could break down the operating cost and show how much money is being lost and the amount of debit that is incurred and there will always be someone that will make a claim and not think past themselves. Things like:

- 1) Farmers need to pivot
  - a. 70-year-old pivot to what occupation?
- 2) My property will be devalued
  - a. Exactly what type of development/building can prevent this claim?
- 3) My viewshed, I want to see the cows and the green pasture
  - a. Why didn't you buy a farm or larger lot?
  - b. Does your 2 or 3 story house now block the view of the prior single family, 1 story home?
  - c. Why is your view more important than mine?

A comprehensive plan is supposed to:

- Identify issues: A comprehensive plan can help communities identify issues **before** they arise and **anticipate changes** in **population** and **land use**.
- Preserve resources: A comprehensive plan can help preserve **natural resources, agricultural land, for future needs**.
- Foster economic development: A comprehensive plan can help foster sustainable economic development by considering the types of jobs needed in the community.
- Ensure efficient infrastructure: A comprehensive plan can help ensure more efficient and cost-effective infrastructure and public services.
- Protect property rights: **A comprehensive plan can help protect property rights**.

- Guide decision-making: A comprehensive plan can help county decision-making, local regulations, and **capital improvement projects**.
- Open funding opportunities: A comprehensive plan can help open new funding opportunities and grants.

A comprehensive plan is often an ongoing process that may need to be amended over time as demographics, market conditions, and other factors change.

Please do not let pressure from a portion of the county, a group of persons, or officials limit your power and vision. Farmers do not work 9:00 AM to 5:00 PM, so organizing neighbors is time consuming. That is time Farmers do not have. Do not shut down their voices. I often wonder if the opposing groups would protest if they wanted to subdivide their property and were told "NO". Interesting question that needs to be asked. But, most of all do not let Planning and Zoning become a weapon.

The Fourteenth Amendment of the United States Constitution provides for landowners.:

This amendment states that no state can deprive a person of life, liberty, or property without due process of law.

The Framers of the Constitution believed that property was a **fundamental right** and a guarantee of personal independence. They believed that liberty and property were inseparable.

This vision took courage, and so does yours.

As a child, I watched my friends cry in school because one or both parents lost their jobs when Dixie Narco and Badger Powhatan closed. I watched rural children cry because JP Penny closed, and their mothers worked at night to help with farm or family income. Dollar General closed; Newberry's is gone. Yes, we now have Home Depot, but we still have vacant buildings that were not revitalized, Beautiful old houses owned by the Washington families have all been torn down except Happy Retreat but we have housing developments not land that can be returned to agriculture.

We need business for tax revenue and business needs to have an opportunity to grow and engage within the county.

In closing the second hardest task you have is defending the document you have written and why the verbiage was used. Just as our Founding Fathers of the United States of America but also of Jefferson County, it takes courage for the vision of the unknown.

Thank you for your time,  
Jean Zigler Kotch



## **CORPORATION OF SHEPHERDSTOWN**

104 NORTH KING STREET  
P.O. BOX 248  
SHEPHERDSTOWN, WEST VIRGINIA 25443-0248  
TEL: (304)876-2312  
FAX: (304) 876-1473

October 1, 2024

Mike Shepp, President  
Jefferson County Planning Commission  
116 E. Washington Street  
Charles Town, WV 25414

Dear President Shepp:

Greetings from Shepherdstown! Thank you for the Commission's efforts over these past many months to produce the draft Jefferson County 2045 Comprehensive Plan.

Many thanks for making a change earlier this year to the draft plan so that Land Use Objective 2.4 (p. 29) would recommend that the County adopt a text amendment so that Shepherdstown staff and Planning Commission are treated as an agency that must be notified as a courtesy by an applicant when it submits to the County a concept plan for development within the Shepherdstown Growth Management Boundary. The change was responsive to our request, and we truly appreciate the spirit of collaboration, cooperation, and transparency that it evidenced.

In that same spirit, I wish to convey that we were surprised that the County Planning Commission quickly moved at its meeting on September 17, 2024, to alter the draft 2045 Comprehensive Plan Future Land Use Map guide on agricultural land contiguous to the Shepherdstown boundary in response to a comment letter dated August 27, 2024, from Victor Rushizky. Mr. Rushizky's rationale for requesting the Commission to change the designation from "Rural/Agriculture" to "Rural Residential" included inaccurate references to what the letter stated are the Town of Shepherdstown's "hope[s]" and "desire[s]." That letter was first made public in the September 17, 2024 meeting packet; Shepherdstown received no advance notice of it. We were disappointed that the County Planning Commission approved the request on September 17, 2024, without an opportunity for public review and comment.

In the future we respectfully ask that you accord Shepherdstown an opportunity to weigh in before changes like this are made by the Planning Commission, especially when a change is premised on a characterization of the Town of Shepherdstown's policies and plans. We recognize that the overall draft Plan will be set for a public hearing by the County Commission in the near future, and we look forward to offering our comments on this and other matters at that time.

Sincerely,

A handwritten signature in black ink, appearing to read "James Gatz". The signature is fluid and cursive, with the first name "James" being more prominent than the last name "Gatz".

James Gatz

Mayor

Corporation of Shepherdstown

Via email to: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)