



Jefferson County
Board of Zoning Appeals Agenda
Thursday, December 12, 2024 at 2:00 p.m.

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

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

Broadcast Information: ZOOM Meeting Link: <https://us02web.zoom.us/j/82100625912>
Phone Option (Dial by Location): 301-715-8592 / Meeting ID: 821 0062 5912

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

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

Approval of Minutes: Approval of the October 24, 2024 Minutes

Public Hearing – Administer Oath

Item #1 File #: 24-2-SE & 24-39-ZV

Request #1: Request for a Special Exception Permit for an 8' tall (24 square foot) Electronic Sign.
Request #2: Variance from Section 10.7H to reduce the distance requirement of a freestanding sign from the southern and northern property line.
Request #3: Variance from Section 10.4B to allow a freestanding sign to face a property that contains a residence to the north & south.
Parcel Info: Middleway Volunteer Fire Company Inc. / Attn: Mike Mood, Applicant
110 Dark Hill Road, Kearneysville, WV
Parcel ID: 07002400020000; Property Size: 6.11 ac; Zoning District: Rural

Item #2 File #: 24-3-SE

Request: Request for a Special Exception Permit to convert an existing Accessory Dwelling Unit for a family member into a rental unit.
Parcel Info: Julia Reynes, Property Owner
Potomac Ridge Subdivision, Lot 7, 386 Potomac Ridge Lane, Shepherdstown, WV
Parcel ID: 09001000090017; Property Size: 3.01 ac; Zoning District: Rural

Item #3 File #: 24-8-CUP, 24-40-ZV, & 24-41-ZV

Request #1: Request for a Conditional Use Permit to establish the following land use categories: Storage, Commercial (self-storage units); Retail Sales and Service, General (a private gym); Retail Sales, Limited; Convenience Store, Limited; Professional Office. The applicant is proposing to construct new building(s) and will be expanding the existing parking lot. All new signage will be in accordance with Article 10.
Request #2: Variance from Appendix B and Section 4.6 to reduce the setback and distance requirements for the proposed mixed-use project.
Request #3: Variance from Appendix B and Section 4.11 to reduce the landscaping and buffer requirements for the proposed mixed-use project.
Consultant: Seth Rivard
Parcel Info: Mark Roper, Property Owner
11065 Middleway Pike and 600 Eagle Ave, Charles Town, WV
Parcel IDs: 02001100130000, 02001100130001, 02001100140000, and 02001100120001
Project Size: ~2.2 acres; Zoning District: Residential Growth

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

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

Meeting: October 24, 2024

1. Request for a Conditional Use Permit to expand Executive Emergency Lighting's business operations. Property Owner: Executive Emergency Lighting LLC / Attn: Raymond Muth. File #24-7-CUP.
2. Variance from Section 4.6D & Section 8.2. Property Owner: Reiner Castilla Casillo & Lourdes Castillo Santana. File #24-32-ZV
3. Variance from Section 9.7. Property Owner: Mark Johnson. File #24-33-ZV & #24-34-ZV.
4. Variance from Section 9.7. Property Owner: Joseph Delauter. File #24-35-ZV & #24-36
5. Variance from Appendix B. Property Owner: MC2 Properties LLC / Mark Cerasi. File #24-37-ZV & #24-38-ZV **WITHDRAWN**.

DRAFT Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: October 24, 2024
2 Meeting Location: County Commission Meeting Room located in the lower level
3 of the Charles Town Library (entrance on Samuel St.)
4 200 East Washington Street, Charles Town, WV 25414
5 Board Members Present: Tyler Quynn, Chair; Steve Guier, Jacob Harris, and David Wiegand
6 were in attendance
7 Board Members Absent: Matthew McKinney, Vice Chair and Mikala Shremshock, Alternate
8 was absent with notice.
9 Staff Members Present: Jennifer Brockman, Acting Zoning Administrator; and Colin Uhry, Planning
10 & Zoning Clerk

11 Mr. Harris moved to call the meeting to order at 2:01 pm. Mr. Quynn called for a vote, which
12 carried unanimously.

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

14 Approval of Minutes: Reconsideration of the August 22, 2024 minutes

15 Ms. Brockman explained complications regarding Mr. Wiegand's edits to the August 22, 2024
16 minutes. Mr. Wiegand moved to discuss reconsideration at the end of the meeting, which carried
17 unanimously.

18 Approval of Minutes: Approval of the September 26, 2024 and October 4, 2024 Minutes

19 Dave Wiegand moved to approve the minutes as presented, which carried unanimously.

20 Mr. Uhry swore in members of the public who indicated they would be providing testimony.

21 Agenda Item #1: File #: 24-7-CUP

22 Request: Request for a Conditional Use Permit to expand Executive Emergency Lighting's
23 business operations. The applicant is proposing to expand an existing emergency
24 vehicle outfitting and retrofitting professional office, which is designated as a
25 Contractor with Outdoor Storage (see Article 2). The proposal consists of
26 constructing a new 1,200 square foot building to house vehicles and a workshop for
27 the outfitting work.

28 Parcel Info: Executive Emergency Lighting LLC / Attn: Raymond Muth, Property Owner
29 Wilmoth Construction Subdivision, Lot 1, 21 Southpaw Lane, Shepherdstown, WV
30 Parcel ID: 09014BWAT10000; Property Size: 2.4 ac; Project Size: 1.4 ac; Zoning
31 District: Rural

32 Mr. Raymond Muth, owner of the property, was present to address the Board.

33 Ms. Brockman provided an overview of her staff report to the Board stating that the request was to
34 establish a new independent structure to house vehicles currently parked along Southpaw Lane and a
35 new workshop for workers. Mr. Harris questioned whether there was input from the Deerfield Village
36 HOA.

37 Mr. Quynn opened the public comment portion of the hearing. Mr. Matthew Harvey was present to
38 provide testimony. Mr. Harvey commended Executive Emergency Lighting for communication with
39 surrounding neighbors and gave support of the proposed permit. Mr. Quynn closed the public
40 comment portion of the hearing.

41 Mr. Harris questioned parking on the property. Mr. Guier questioned parking lot layout. Mr. Muth
42 provided an overview responding to the Board's questions.

1 Mr. Harris moved for a Summary Approval in accordance with Section 5.7(9) of the Boards' Rules
2 of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their
3 testimony. Mr. Quynn called for a vote, which carried unanimously

4 **Agenda Item #2: File #: 24-32-ZV**

5 Request: Variance from Section 4.6D & Section 8.2 to reduce the distance requirement along
6 the eastern property line from 50' to 12'; and, the northern property line from 50' to
7 40' for a 24' x 30' barn.

8 Parcel Info: Reiner Castilla Casillo & Lourdes Castillo Santana, Property Owners
9 Duncan Minor Subdivision, Lot 2, 414 Kearneysville Pk., Kearneysville, WV
10 Parcel ID: 07000300290002; Size: 1 acres; Zoning District: Rural

11 Celia Lainez, friend and translator of the property owners, was present to address the Board.

12 Ms. Brockman provided an overview of her staff report to the Board stating the request was to reduce
13 the distance requirement along the eastern and northern property lines in order to receive approval for
14 their already established and built barn.

15 Ms. Lainez explained the barn was already built in this location as the property owners did not realize
16 they needed approval. They are just now trying to make sure everything is up to code. Ms. Brockman
17 explained the applicant has also provided three letters of support from the surround property owners.

18 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
19 testimony. My. Quynn closed the public comment portion of the hearing.

20 Mr. Harris moved for a Summary Approval in accordance with Section 5.7(9) of the Boards' Rules
21 of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their
22 testimony. Mr. Quynn called for a vote, which carried unanimously.

23 **Agenda Item #3: File #: 24-33-ZV and 24-34-ZV**

24 Request #1: Variance from Section 9.7 to reduce the rear setback from 12' to 6' for a 12' x 20'
25 accessory structure (Shed #1).

26 Request #2: Variance from Section 9.7 to reduce the rear setback from 12' to 6' for a 12' x 20'
27 accessory structure (Shed #2).

28 Parcel Info: Mark Johnson, Property Owner
29 3292 Old Leetown Pike, Ranson, WV
30 Parcel ID: 02000500050000; Size 1.4 acres; Zoning District: Rural

31 Jennifer Johnson, property owner, was present to address the board.

32 Ms. Brockman provided an overview of her staff report to the Board stating the request was to reduce
33 the distance requirement along the rear setback from 12' to 6' for two 12' x 20' accessory structures.

34 Ms. Johnson explained the need for two sheds in the specific locations specified to the Board.

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

37 Mr. Harris moved for a Summary Approval in accordance with Section 5.7(9) of the Boards' Rules
38 of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their
39 testimony. Mr. Quynn called for a vote, which carried unanimously.

40 **Agenda Item #4: File #: 24-35-ZV and 24-36-ZV**

41 Request #1: Variance from Section 9.7 to reduce the side setback from 15' to 6' for a 24' x 32'

1 accessory structure (Shed #1).
2 Request #2: Variance from Section 9.7 to reduce the side setback from 15' to 5' for a 12' x 30'
3 accessory structure (Shed #2).
4 Parcel Info: Joseph Delauter, Property Owner
5 58 Keala Dr., Charles Town, WV
6 Parcel ID: 06002100010006; Size 2.86 acres; Zoning District: Rural

7 Joseph Delauter, property owner, and Mike Meadows, friend of the property owner, were present to
8 address the board

9 Ms. Brockman provided an overview of her staff report to the Board stating the request was to reduce
10 the distance requirement along the side setback from 15' to 6' for a 24' x 32' accessory structure and
11 reduce the distance requirement along the side setback from 15' to 5' for an existing 12' x 30'
12 accessory structure.

13 Mr. Delauter explained the need for two sheds that require variances, with one already being built
14 and one planned on being built directly adjacent to the existing structure.

15 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
16 testimony. My. Quynn closed the public comment portion of the hearing.

17 Mr. Harris moved for a Summary Approval in accordance with Section 5.7(9) of the Boards' Rules of
18 Procedure (as amended 01/26/23) with the condition that the applicant is bound by their testimony.
19 Mr. Quynn called for a vote, which carried unanimously.

20 **Agenda Item #5: File 24-37-ZV and 24-38-ZV**

21 Request #1: Variance from Appendix B to reduce the side setbacks for Buildings #1 and #2 from
22 25' to 5' for a proposed interior property line of a boundary line adjustment with
23 Parcel 142.

24 Request #2: Variance from Appendix B to eliminate the site developments standards pertaining
25 to landscaping and parking & drive aisle setbacks for a proposed interior property
26 line of a boundary line adjustment with Parcel 142

27 Parcel Info: MC2 Properties LLC / Mark Cerasi, Property Owner
28 Building #1: 272 James Burr Blvd, Kearneysville, WV
29 Building #2: 65 Steeley Way, Kearneysville, WV
30 Parcel ID: 02000101410000; Size 1.29 acres; Zoning District: Industrial Commercial

31 Ms. Brockman explained to the Board that Mark Cerasi, the property owner, needed to postpone to
32 the December 12, 2024 meeting.

33 Mr. Guier moved to allow Mr. Cerasi to be added to the December 12, 2024 Agenda, which carried
34 unanimously.

35 **Approval of Minutes: Reconsideration of the August 22, 2024 minutes**

36 Mr. Wiegand moved to discuss reconsideration in a deliberative session, which began at 3:08 PM.

37 Mr. Guier moved to open the meeting back for discussion, which carried unanimously at 3:39 PM.

38 Mr. Quynn motioned to reconsider the August 22, 2024 meeting minutes, which was seconded by
39 Mr. Harris and carried unanimously.

40 Mr. Wiegand explained that the motion he was voting on was for a 6 foot fence, not an 8 foot, which
41 was not reflected in the minutes.

1 Mr. Guier, a member who was not present August 22, 2024, was able to give an outside perspective
2 regarding what he heard on the recording.

3 Mr. Wiegand motioned to edit the minutes from saying 8' to 6' as stated, seconded by Mr. Harris,
4 which carried unanimously.

5 **Zoning Administrator Report**

6 Ms. Brockman provided the Board with the following information:

7 1. Ms. Brockman provided the Board with a tentative calendar for the 2025 Board of Zoning
8 Appeals Meeting.

9
10 2. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.

11 **Legal Update**

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

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

15 2. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin,
16 Tiffany Martin and Earthworx General Contracting Services, LLC v. Jefferson
17 County Board of Zoning Appeals

18

19 Mr. Wiegand motioned to cancel the November 14, 2024 meeting due to lack of agenda items, which
20 carried unanimously.

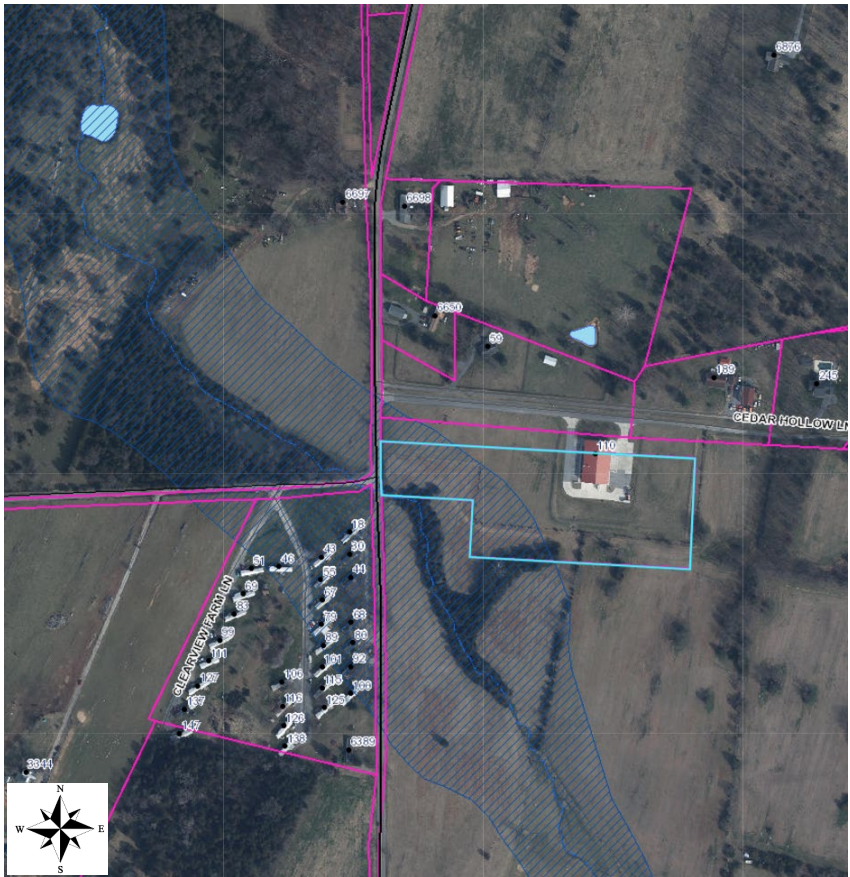
21 Ms. Brockman reminded Board members of the upcoming public hearing for the 2045
22 Comprehensive Plan on December 4, 2024.

23 Mr. Wiegand moved to adjourn the meeting at 3:53 pm. Mr. Quynn called for a vote, which carried
24 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 December 12, 2024

#24-2-SE and #24-39-ZV Middleway Volunteer Fire Company (Electronic Sign)

- Item #1** Request #1: Request for a Special Exception Permit for an 8’ tall (24 square foot) Electronic Sign.
 Request #2: Variance from Section 10.7H to reduce the distance requirement of a freestanding sign from 200’ to 110’ from the southern property line; and, 100’ to the northern property line.
 Request #3: Variance from Section 10.4B to allow a freestanding sign to face a property that contains a residence to the north & south.

Owner:	Middleway Volunteer Fire Company, Inc.
Parcel Information & Zoning District:	<p style="text-align: center;">110 Dark Hill Road, Kearneysville WV Parcel ID: 07002400020009; Size: 6.11 ac; Zoning District: Rural</p> 
Surrounding Zoning:	North, South, East, and West : Rural
History	10/05/11: Lot created and recorded 11/01/2011: Purchase of 5 ac. Property 12/07/2011: Merger of 1.11 ac. and 5 ac. Properties 12/27/2011: Building Permit Issued - 11-679 02/10/2014: Generator Permit Issued - 14-45 04/27/2014: Sign Installation Permit Issued – 14-180 10/22/15: BZA Approved Special Exception with Conditions – ZV15-25 12/09/2015: Renovations Permit Issued – 15-639
Waivers/Variations:	None
Approved Activity:	Public Safety Facility (Fire Station) and Nonconforming Land Use: Sign

Staff Report
Jefferson County Board of Zoning Appeals
December 12, 2024

#24-2-SE and #24-39-ZV Middleway Volunteer Fire Company (Electronic Sign)

Summary of Request

On May 17, 2018 the Jefferson County Commission adopted a text amendment to the Zoning Ordinance which created provisions to allow electronic signs in the County. The new provision requires parcels which are located within the Rural (R) zoning district to obtain a Special Exception Permit, subject to approval by the Board of Zoning Appeals.

The proposed electronic sign will replace the existing sign which does not meet front yard setbacks. As part of the request to install an electronic sign, the applicant is also requesting to allow a Freestanding Sign to face a property that contains a residence to the north & the south (Variance from Section 10.4B) and to reduce the distance requirement from 200' to 110' from the southern property line and, 100' to the northern property line (Variance from Section 10.7H).

Staff Evaluation of the Applicant's Request

Each of the following requests will require separate action by the Board of Zoning Appeals:

Request #1: Request for a Special Exception Permit for an 8' tall (24 square foot) Electronic Sign:

Section 6.5B of the Zoning Ordinance gives the Board the authority to approve a Special Exception permit for an Electronic Sign provided the sign conforms to existing State law and does not have a negative effect on the neighborhood or intent of the Ordinance.

Section 10.5 Signs Requiring a Special Exception Permit states, "Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the Special Exception application." As part of the request, the application would like to deviate from the following two standards:

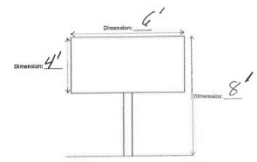
Request #2: Section 10.7H – Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure. This setback does not apply to mixed-use buildings or residential structures located on the same parcel as a commercial development. The request is to be located 100' from residential lots to the north and south.

Request #3: Section 10.4B.4 – Freestanding business signs shall not face an adjacent residence. The proposed sign will face adjacent residences to the north and the south.

Impact on adjacent properties

The impact on adjacent properties should be minimal given that a sign has always served the Middleway Fire Dept at this location. The surrounding properties are primarily rural residential properties along Dark Hill Road and Cedar Hollow Lane and a mobile home park across Leetown Road from the Fire Dept property.

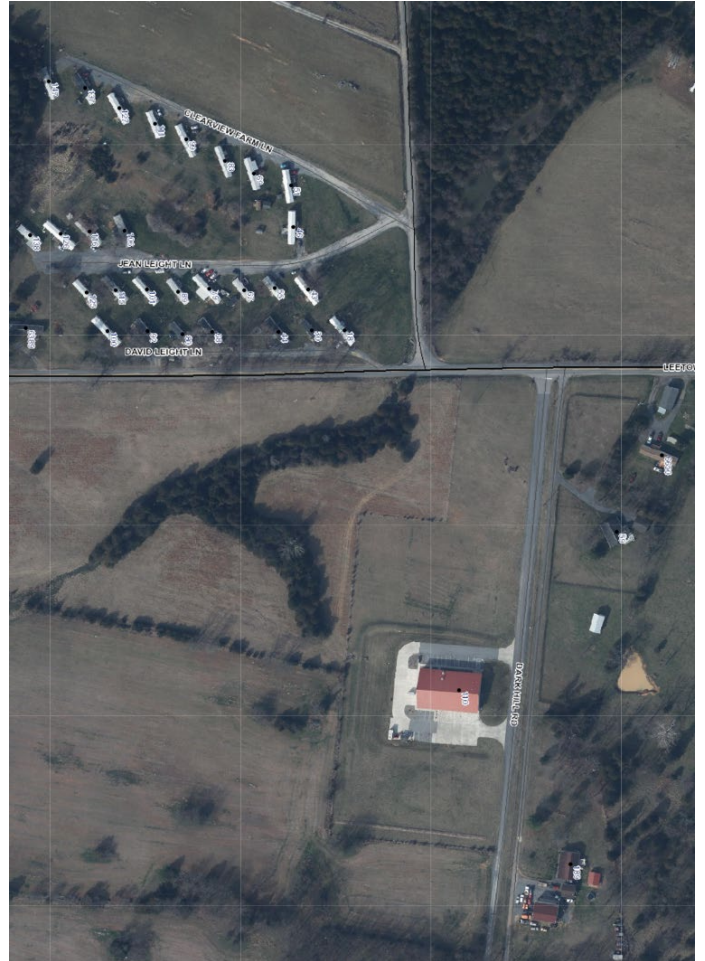
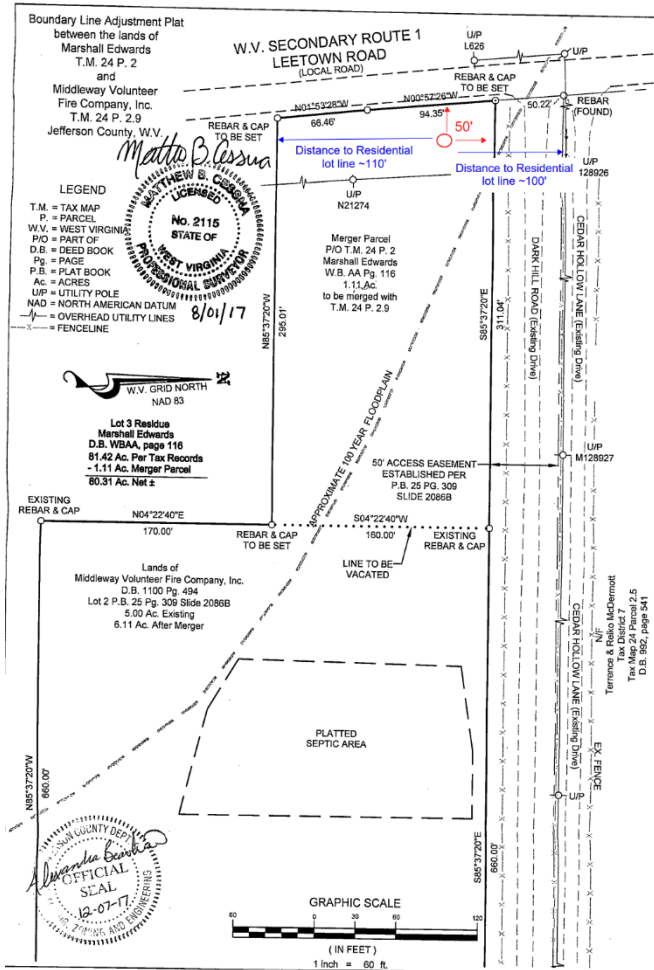
While the proposed sign sits further back from the road right-of-way than the current sign, there are two residential dwelling units along Cedar Hollow Lane adjacent to the proposed sign which would seem to be impacted most significantly by the sign.



Staff Report
Jefferson County Board of Zoning Appeals
December 12, 2024

#24-2-SE and #24-39-ZV Middleway Volunteer Fire Company (Electronic Sign)

The applicant has not indicated the proposed hours that the sign will be lit and, if approved, will be required to conform to all of the Section 10.7 Ordinance requirements attached to this report, other than if the requested variance to Section 10.7H is approved.



Compatibility with the Neighborhood

The Middleway Fire Department is located in a fairly rural agricultural area with a few rural residential homes sharing Dark Hill Road or along the parallel Cedar Hollow Lane. There is also a mobile home park located on the west side of Leetown Road across from the Fire Department property.

Conditions of Approval

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

1. No conditions of approval were identified.

#24-2-SE and #24-39-ZV Middleway Volunteer Fire Company (Electronic Sign)

SECTION OF ORDINANCE TO BE CONSIDERED:

ARTICLE 10

Section 10.4 Signs Requiring a Zoning Certificate

Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building. Sign types are defined in Section 2.2.

A. Attached Business Signs

1. The total area of the sign shall be no more than two square feet for each foot in length of the frontage of the building.
2. Attached business signs shall not be attached to the side of the building that faces an adjoining residence.
3. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.

B. Freestanding Business Signs

Freestanding business signs related to the subject land use are permitted, provided:

1. The lot frontage is at least 40 feet.
2. One freestanding sign per street frontage is permitted. The total area for any sign or signs on one supporting structure shall not exceed 100 square feet and the maximum height of the sign structure shall not exceed 35 feet.
3. Freestanding business signs shall be located in such a manner that no part of the supporting structure is less than 25 feet from the street right-of-way, and that no part of the sign is closer than five feet to the right-of-way.
4. Freestanding business signs shall not face an adjacent residence.
5. Properties which consist of more than one land use shall be required to use a pylon sign. One pylon sign is permitted on each street frontage.
6. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.

Section 10.7 Electronic Signs

Electronic Signs are permitted in any commercial and/or industrial district. Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall process as a Special Exception before the Board of Zoning Appeals per Section 6.5. Any electronic sign accessory to a Conditional Use Permit application shall comply with Section 10.6 and the criteria outlined in this section. When permitted, Electronic Signs shall conform to the following criteria:

- A. The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.
- B. The message or image change shall occur simultaneously for the entire electronic sign face without any special effects. The time to complete the change from one message to the next is a maximum of one second.
- C. Electronic signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if a malfunction occurs.
- D. An electronic sign may not be animated, play video or audio messages, or blink in any manner.

Staff Report
Jefferson County Board of Zoning Appeals
December 12, 2024

#24-2-SE and #24-39-ZV Middleway Volunteer Fire Company (Electronic Sign)

- E. Electronic signs shall not exceed a maximum illumination of 3,000 nits during daylight hours and a maximum of 100 nits for the time period between ½ hour before sunset and ½ hour after sunrise as measured from the sign's face at maximum brightness.
 - 1. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.
 - 2. The change from 3,000 nits to 100 nits shall be controlled by an automatic dimmer control system.
- F. There shall be only one electronic sign on each parcel of land. Off-premises electronic signs shall be subject to Section 10.5A.
 - 1. Community announcements, emergency alerts, weather, and time related messages are generally permitted and shall not be considered an off-premises sign.
- G. Electronic Signs shall not be located within 300 feet of a traffic light.
- H. Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure. This setback does not apply to mixed-use buildings or residential structures located on the same parcel as a commercial development.
- I. Electronic signs proposed to locate adjacent to a lot in the Rural, Residential Growth, or Village zoning districts, or adjacent to residential structures in any zoning district, shall be oriented perpendicular to residential frontages. Electronic signs shall not be parallel to any residential structures in any zoning district.
- J. Electronic signs adjacent to lots in the Rural, Residential Growth, and Village zoning districts shall automatically shut-off by 10:00 p.m. and shall not turn on until 6:00 a.m.

Electronic signs shall be FCC certified as required by Federal Law. A valid copy of the FCC Manufacturers Testing Certificate shall be submitted to the Office of Planning and Zoning as part of the Zoning Certificate application.



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

File #: SE 24-2
 Mtg. Date: 12/12/24
 Fee Paid: \$ 150
 Staff Int.: CAU

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Application for a Special Exception

The Special Exception process is outlined in Article 6 of the Zoning Ordinance. See Supplemental Handout for additional information.

Type of Special Exception

- Accessory Dwelling Unit Off-Premises Sign Special Event Facility

Property Owner Information

Name: Middleway Volunteer Fire Co Inc.
 Business Name: same
 Mailing Address: PO Box 1 Summit Pt Mail Yes
 Phone Number: 304-582-0204 Email Address: Middlewayvol@aol.com Response: No

Applicant Information

Name: same
 Business Name: _____
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Address: _____ Response: No

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

Name: _____
 Business Name: _____
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Address: _____ Response: No

Physical Property Details

Physical Address: 110 Dark Hill Rd Kearneysville
 Tax District: 19 Map No: 24 Parcel No: _____
 Parcel Size: 6.11 acs Deed Book: 1199 Page No: 353

Zoning District (please check one)

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

Sketch Plan (see Supplemental Handout for description)

Attached

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

[Signature]
 Property Owner

12/12/24
 Date

Property Owner _____ Date _____

Section 10.7 - Electronic Signs
Electronic Signs Supplemental Requirements
Jefferson County Zoning and Land Development Ordinance, as amended May 18, 2018

The requirements for Electronic Signs are established in Section 10.7 of the Zoning Ordinance. Electronic Signs are permitted in any commercial and/or industrial district. **Electronic Signs located in the Rural, Residential Growth, and Village zoning districts shall process as a Special Exception before the Board of Zoning Appeals per Section 6.5.** Any electronic sign accessory to a Conditional Use Permit application shall comply with Section 10.6 and the criteria outlined in this section. When permitted, Electronic Signs shall conform to the following criteria:

Property Owner(s) Name: Middleway Volunteer Fire Co Inc
Property's Physical Address: 110 Park Hill Rd Keokukville
Business Name: same
Tax District: 7 Tax Map #: 24 Parcel #: 2
Zoning District: _____

General Provisions

Please note the following provisions and requirements as outlined in Section 10.2 of the Zoning Ordinance:

- No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance.
- No signs, other than subdivision signs approved by the Planning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road within any stormwater, drainage, or utility easement.
- No sign shall be permitted which imitates or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines.
- No sign which implies the need or requirement of stopping or this existence of danger shall be displayed.
- No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.
- No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.
- Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.
- Animated signs, Inflatable signs, and Vehicle signs as defined by Section 2.2, are prohibited.

Electronic Signs – General Standards

An Electronic Sign is defined as, "A sign utilizing lights that change to form a static message or graphic wherein the sequence of messages and rate of change is electronically programmed."

The standards for Electronic Signs are outlined in Section 10.7 of the Zoning Ordinance.

- The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.

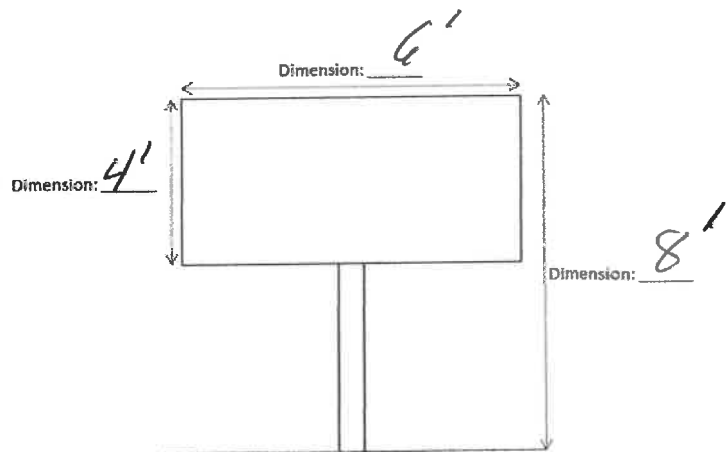
- The change shall occur simultaneously for the entire electronic sign face without any special effects. The time to complete the change from one message to the next is a maximum of one second.
- Shall contain a default mechanism to revert immediately to a black screen if a malfunction occurs.
- An electronic sign may not be animated, play video or audio messages, or blink in any manner.
- Maximum illumination: 3,000 nits during daylight hours and 100 nits for the time period between ½ hour before sunset and ½ hour after sunrise as measured from the sign's face at maximum brightness.
 1. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.
 2. The change from 3,000 nits to 100 nits shall be controlled by an automatic dimmer control system.
- There shall be only one electronic sign on each parcel of land. Off-premises are subject to Section 10.5A.
- Electronic signs shall not be located within 300 feet of a traffic light.
- Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure (excluding mixed-use buildings or mixed-use development).
- Electronic signs proposed to locate adjacent to a lot in the Rural, Residential Growth, and Village zoning districts shall automatically shut-off by 10:00 p.m. and shall not turn on until 6:00 a.m.

Electronic signs shall be FCC certified as required by Federal Law.

- Copy of Sign Manufacturer Certification
- Copy of FCC Manufacturers Testing Certificate

Location and Dimensions of Sign

Provide a sketch depicting the shape of the entire lot, adjacent roads, and existing structures. Show the location of the proposed sign and the distance to each property line. If known, include an image of the sign. Provide the following dimensions:



I certify that the sign shall adhere to the requirements of Sections 10.2 and 10.7 as outlined above.

Michael Moss

 Printed Name

[Handwritten Signature]

 Signature

10/21/24

 Date

Prepared for

Middleway Volunteer Fire Company

110 Dark Hill Rd.
 Kearneysville, WV 25430

Prepared by

Trudi Beardasley

tbeardasley@stewartsigns.com
 Office: 1.888.237.3928 x2320
 Cell: 630.414.9543

DESCRIPTION

PRICE

Double Sided Full Color TekStar Outdoor LED Sign

LED display integrated inside of an aluminum sign cabinet with solar-grade polycarbonate vandal cover to protect from impacts, vandalism and the sun.

~~\$21,558.00~~

Special Price: \$20,058.00

LED display

- 10.66mm full color at 60 pixels high by 150 pixels wide (9,000 total pixels per side)
- Active display area 2'1" x 5'3" (11.0 square feet per side)
- 1 to 7 rows of text and use your own images and video clips
- Entire sign UL Listed and FCC Part 15 compliant

[See full display capabilities](#)

Communication method

Communication provided by cellular modem and LIFETIME Cell Connect data plan.

[See full specifications](#)

Sign structure and faces

- Double sided 4' x 6' sign cabinet with 12" deep extruded aluminum
- TCI® industrial powder coat finish, color: Black
- Graphics digitally printed on 3M™ vinyl and adhered to inside of sign face
- Internal illumination with LED lamps
- TUFFAK® SL pan-formed faces removable via internal retainers
- Dual leg mount with cowling (creates pedestal appearance)
- Leg height: 4', Leg width: 2'8", Overall sign height: 8'
- Minimum wind load rating: 120mph, exposure B
- Lifetime warranty on structure & faces, including vandalism (see warranty for info)

Electrical specifications

- One 20 amp circuit, 120 volts; Max draw: 7.15 amps

Custom options

- Shipping included \$ 1100

Software

SignCommand.com Cloud-based LED Sign Software FREE for the lifetime of the product.

Included

Control your sign from anywhere using any device. No monthly fees. [Learn more.](#)

Special instructions

Shipping included

Liftgate included

Total: \$20,058.00
 + any applicable sales tax and freight
 Payment terms: Net 30 Days

Special Tekstar discount -\$1500

special ends Nov 29, 2023

Weight of sign when shipped 890 pounds
 After you uncrate the sign the weight is 602 pounds

Footer detail, footer template and anchor bolts will be shipped out before the sign so you can get footer prepared

Sign Command- Will need to know who gets the 1st login email with tutorials



Quote #1026647-2
Customer #3103887
Quoted 11/22/2023
Valid until 12/22/2023*

Prepared for: Middleway Volunteer Fire Company • Kearneysville, WV
Prepared by: Trudi Beardsley • tbeardsley@stewartsigns.com • 1.888.237.3928 x2320

**** We can set up additional training on sign command when sign comes in- Let me know if that will be needed

Quote #1026647-2
Customer #3103887
Quoted 11/22/2023
Valid until 12/22/2023*

Prepared for: Middleway Volunteer Fire Company • Kearneysville, WV
Prepared by: Trudi Beardsley • tbeardsley@stewartsigns.com • 1.888.237.3928 x2320

SHIPPING INFORMATION

Invoices

Steve Chamblin
PO Box 1
Summit Point, WV 25416

All items not specified here will be shipped to:
Middleway Volunteer Fire Company
110 Dark Hill Rd.
Kearneysville, WV 25430

Shipping terms: FOB Origin. Storage and other freight services may be added to your invoice should they be required. Unless managed installation services are included, customer is responsible for unloading of sign upon delivery. Signs greater than 6 feet wide are not eligible for lift gate services.

TERMS & CONDITIONS (*unless noted elsewhere in this quote)

TAX: Any applicable sales tax will be added to your invoice. Organizations exempt from sales tax must include exemption certificate with order.

PERMITS: Permits and zoning are the responsibilities of the buyer. Check with your city or county zoning office for proper permitting procedures in your area. Sealed engineer drawings available at additional cost.

INSTALLATION: Installation of footers, erection, electrical service to sign site, electrical hook-up, removal and/or disposal of any existing signage, and any decorative masonry are the responsibilities of the buyer. Managed installation services are available at additional cost. [Watch a typical freestanding sign installation.](#)

CANCELLATION: Any cancellation may be subject to cancellation, return, and/or restocking fees. A late fee of 1.5% per month will be charged on any overdue balances. In the event of a payment default, customer will be responsible for all of Stewart Signs' costs of collection, including but not limited to court costs, filing fees and attorney fees.

SUPPORT: US-based phone and internet support are provided FREE for the lifetime of the product. A premier service warranty is available at additional cost.

SOFTWARE: By purchasing the SignCommand.com software product, you are agreeing with the Website Terms of Use (<https://www.signcommand.com/terms>) and Software End User License Agreement (<https://www.signcommand.com/eula>).

COMMUNICATION: Connectivity requires cell service at sign site. Must be within the United States (including Puerto Rico) with 4G LTE coverage shown on the Verizon Coverage Map (<https://www.stewartsigns.com/verizon-map>).

DATA PLAN: By purchasing the Cell Connect Data Plan, you are agreeing with the Data Plan Terms and Conditions (<https://www.signcommand.com/data-plan>).

I have read and understand the Terms & Conditions above.

INITIALS 

ORDERING INSTRUCTIONS

1. Review this quote for accuracy. Initial the Terms & Conditions box. Sign and date the quote here.
2. Review any corresponding artwork provided with this quote. Check all spelling and colors. Sign and date the artwork.
3. Submit both documents along with your deposit payment to your sign consultant. Speak with your consultant about payment method options.

Customer's authorized signature for quote #1026647-2

 SIGNATURE 

 PRINT NAME

 DATE

Trudi Beardsley

11/22/2023

Trudi Beardsley, Sign Consultant

Prepared for: Middleway Volunteer Fire Company • Kearneysville, WV
Prepared by: Trudi Beardsley • tbeardsley@stewartsigns.com • 1.888.237.3928 x2320

Limited Product Warranty ("Limited Warranty")

Definition of Warranty Coverage:

- 1) Stewart Signs (the "Company") expressly warrants to the original purchaser ("You" or "Buyer" or "Owner" or "Customer") that, for a period of five (5) years from the date of shipment (the "Warranty Period"), the electronic displays and the associated Company products (the "Product") will be reasonably free of material defects in materials and workmanship impacting Product fit, form and/or function. During the Warranty Period, the Company will, at its discretion, repair or replace any defective covered Product. The Owner will be responsible for removing and reinstalling any and all repaired or replacement parts. This Limited Warranty only applies to the Company's Product if installed, used, and maintained in the manner recommended by Company, and this Limited Warranty is conditioned upon compliance with all such instructions. Lifetime telephone support for the Product is provided, as needed.
- 2) In the event the Product is damaged during shipping, it is the responsibility of the Buyer to refuse delivery, causing the Product to be returned to the manufacturer for repair. Title to the Product passes to the Buyer upon the Company's delivery to the freight carrier. The Company assumes no liability for damage caused by careless handling or poor installation, except for work completed by employees of the Company. Loss or damage to the Product when in possession of the freight carrier is the responsibility of the Customer and is not covered by this Limited Warranty.
- 3) Any information or suggestion by the Company with respect to the Product concerning applications, specifications or compliance with zoning, codes and standards is provided solely for your convenience and without any representation as to accuracy or suitability. You must verify and test the suitability of any information with respect to the Product for your specific application.
- 4) Sign Structure and Sign Face: In the event the sign structure or identification/changeable copy portion of the sign malfunctions under normal use and service thereof DURING THE LIFE OF THE SIGN due to material defects in workmanship or materials, the Company will, at its option, repair or replace any defective materials. Excludes Cornerstone monument signs and other Cornerstone components.
- 5) Vandalism to Sign Faces: This Limited Warranty covers polycarbonate faces against breakage due to vandalism DURING THE LIFE OF THE SIGN. Warranty protection does not extend to these surfaces if damaged by gunshots, or when damaged coincident with damage to the sign cabinet in which the faces are installed. Excludes Cornerstone monument signs and other Cornerstone components.
- 6) Failed electronic parts or assemblies, with the exception of lamps, will be repaired or replaced, at the sole discretion of the Company. Owner bears the expense and responsibility of shipping Product to Company's Repair Center. Replacement or repaired parts are warranted to be free from material defects in material or workmanship for ninety (90) days, or for the remainder of the Warranty Period of the Product they are replacing or in which they are installed, whichever is longer.
- 7) The Company will repair failed LED pixels if greater than one half of one percent (0.5%) of the total number of pixels in the sign have failed in one (1) calendar year, provided the sign is installed with the recommended ventilation system for its location. The definition of pixel failure is when all LED's in the pixel will no longer emit light. Pixel repair is performed at the Company Repair Center. It is common knowledge within the sign industry that all LEDs degrade and produce less light as they age. Eventually the LEDs will require replacement even though the LEDs will still emit light. This Limited Warranty does not cover normal LED degradation.
- 8) Customer Obligations:
Failure by the Customer to properly maintain the Product, including but not limited to filters and the ventilation/air conditioning systems, will void coverage for affected components. The Customer shall notify the Company immediately of equipment failure and allow the Company full and free access to the Product when required. Waiver of liability or other restriction shall not be imposed as a site access requirement. The Customer is responsible for all costs and management oversight associated with providing the Company access to the Product, providing the necessary machines, communication facilities and other equipment, inclusive of but not limited to lifting equipment. Should on-site repair be required, Customer is required to have a responsible individual on-site to provide access to the Product as well as sign off on a completed work order.
- 9) Exclusions and Restrictions:
The Company reserves the right to restrict service, limit replacement parts, or invalidate this Limited Warranty to Customers whose account balance is past due.
This Limited Warranty specifically excludes any on-site labor required to service the covered Product, including diagnosis, removal, and installation of parts and/or products. Any on-site service required by the Customer of Company technicians or a local Company-authorized service provider is billable to the Customer based on an agreed-upon written quote.
This Limited Warranty does not apply to software. Software is covered by a separate agreement, which appears in the Company's software license agreement.
Ballasts are covered for three (3) years.
ID cabinet LED illumination and power supply are covered for two (2) years, when purchased as a system.
- 10) This Limited Warranty specifically does not cover the following:
 - a) Third-party communication devices such as wireless devices and modems, which are covered by a separate electronic communication warranty.
 - b) Damage to Product that has been moved from its original installation location or is mounted in a mobile structure.
 - c) Cosmetic damage to the Product (including but not limited to scratches and dents that do not otherwise affect the fit, form or functionality of the Product or materially impair its use).
 - d) Temperature sensor results: temperature sensors will register variable results, given local environmental factors such as direct sunlight, distance from concrete or asphalt, etc.; results are not guaranteed or covered under this Limited Warranty.
 - e) Recovery or transfer of any data or software stored on the Product not originally installed on the Product by the Company.
 - f) Light bulbs or lamps.

Prepared for: Middleway Volunteer Fire Company • Kearneysville, WV
Prepared by: Trudi Beardsley • tbeardsley@stewartsigns.com • 1.888.237.3928 x2320

- 11) This Limited Warranty specifically does not cover conditions, defects or damage caused by or resulting from the following:
- Defects caused by: unreasonable or unintended use of Product; improper or unauthorized handling; accident; omission; neglect; vandalism (unless otherwise noted in this Limited Warranty); misuse; physical abuse; installation, use and/or fabrication, and maintenance of the Product by any party other than the Company.
 - Damage (not resulting from manufacturing defects) that occurs while the Product is in the Owner's control and/or possession, unless otherwise noted in this Limited Warranty.
 - Extreme physical or electrical stress or interference; environmental conditions beyond the Company's control, such as man-made or naturally occurring electrochemical oxidation or corrosion and/or metallic pollutants; normal wear and tear; inadequate, improper, or surges of electrical power; lightning, floods, fire, acts of God, war, terrorism, or other external causes, including Force Majeure.
 - Unauthorized modification, including installation of third-party software on the Product.
 - Product modification or service by anyone other than: (a) the Company, (b) a Company-authorized service provider, or (c) Customer's own installation of Company approved parts with instruction from the Company. Service to damaged or malfunctioning Product which has not been ordered or authorized by the Company's Customer Satisfaction Department is not covered under this Limited Warranty and will automatically invalidate this Limited Warranty.
 - Computer viruses, Trojan horses, worms, self-replicating code or like destructive code which was not included in the Product by the Company.
 - Products installed with known or visible manufacturing defects at the time of installation.
- 12) All items returned to the Company must have a Return Materials Authorization ("RMA") number, available by using the contact information below. Items received without an RMA number will not be processed and will be returned to the Customer at their expense. The Customer is responsible for sending a defective part to the Company, after which the Company will send a repaired or replacement part to the Customer.
- 13) The Company will provide and be responsible for the cost of shipping parts from the Company to the Customer, with the exception of sign faces replaced due to vandalism. Standard shipping via the United States Postal Service or other commercial parcel delivery company is the default method of delivery. Expedited delivery is available to the Customer at his or her expense. The Customer will provide and be responsible for the cost of shipping parts to the Company.
- 14) Warranty claims must be registered with the Company within thirty (30) days of damage or malfunction. To register a claim, the Customer must contact the Company at the location specified below and provide (a) his or her name and any other required contact information, (b) Product and purchase descriptions, and (c) the nature of the defect. The Company reserves the right (at its sole discretion) to require proof of original purchase (e.g. paid invoice, receipt) and to visit the site of the installation or to require documentation of the claim before assuming any responsibility under the provisions of this Limited Warranty.
- 15) THE LIMITED WARRANTIES SET FORTH HEREIN ARE THE ONLY WARRANTIES MADE BY THE COMPANY IN CONNECTION WITH THE PRODUCT. THE COMPANY CANNOT AND DOES NOT MAKE ANY IMPLIED OR EXPRESS WARRANTIES WITH RESPECT TO THE PRODUCT, AND DISCLAIMS ALL OTHER WARRANTIES, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE COMPANY'S SOLE OBLIGATION UNDER THIS LIMITED WARRANTY SHALL BE TO REPAIR OR REPLACE MALFUNCTIONING OR DEFECTIVE PARTS OF THE PRODUCT. BUYER ASSUMES ALL RISK WHATSOEVER AS TO THE RESULT OF THE USE OF THE PRODUCT PURCHASED, WHETHER USED SINGULARLY OR IN COMBINATION WITH ANY OTHER PRODUCTS OR SUBSTANCES.
- 16) NO CLAIM BY BUYER OF ANY KIND, INCLUDING CLAIMS FOR INDEMNIFICATION, SHALL BE GREATER IN AMOUNT THAN THE PURCHASE PRICE OF THE PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. IN NO EVENT SHALL COMPANY BE LIABLE TO BUYER IN TORT, CONTRACT OR OTHERWISE, FOR ANY SPECIAL, INDIRECT, INCIDENTAL, CONSEQUENTIAL, RELIANCE, PUNITIVE OR EXEMPLARY DAMAGES, OR FOR LOSS OF PROFIT, REVENUE OR USE, IN CONNECTION WITH, ARISING OUT OF, OR AS A RESULT OF, THE SALE, DELIVERY, SERVICING, USE OR LOSS OF USE OF THE PRODUCT SOLD HEREUNDER, OR FOR ANY LIABILITY THAT BUYER HAS TO ANY THIRD PARTY WITH RESPECT THERETO.

Contact Information:

Stewart Signs Customer Satisfaction
2201 Cantu Court, Suite 215
Sarasota, FL 34232
Phone: 855-841-4624
Web: www.stewartsigns.com/support/
Email: support@stewartsigns.com



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

File #: 24-39-2V
 Mtg. Date: 12/12/24
 Fee Paid: \$ 150

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Application

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

Property Owner Information

Owner Name: Middleway Volunteer Fire Company Inc.
 Business Name: Middleway Volunteer Fire Company INC.
 Mailing Address: PO Box 1 Summit Point WV 25446
 Phone Number: 304-582-0204 Email: middlewayvfc@aol.com

Applicant Contact 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: 110 Dark Hill Rd Kearneysville WV 25430 Vacant Lot:
 Parcel ID: (Tax District / Map No. / Parcel No.) 7/24/2
 Parcel Size: 6.11 Acres Deed Book: 1199 Page No: 353

Zoning District (please check one)

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

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

RECEIVED

OCT 21 2024

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

Date Received:

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

Section of the Zoning Ordinance pertaining to this request:

Electronic Sign

10.7 H 200' set back
10.7 F Face Residential lot

*Section 10.7H: to reduce the distance requirement from 200' to 110' from the southern property line; and, 100' to the northern property line (jth)

Section 10.4B: to allow a Freestanding Sign to face a property that contains a residence to the north & the south (jth)

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

Front Setback

Side Setback

Rear Setback

Reduction from _____ to _____

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

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

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

The installation of this sign has no adverse affects on public health and is not located facing any occupied neighboring lots

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

The subject property is not wide enough to accommodate the distance requirements of the Zoning Ordinance.

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

Granting this variance will allow the sign to be placed in the requested location while still meeting the required building setbacks.

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

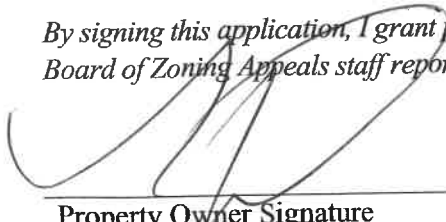
Granting this variance will allow the Fire Company to erect a sign that will provide useful information to the community.

The sign will adhere to all of the lighting restrictions of the Zoning Ordinance.

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

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

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



Property Owner Signature

10/1/24
Date

Date

Property Owner Signature

Date

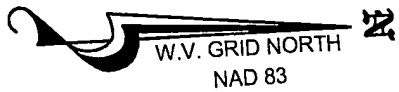
Boundary Line Adjustment Plat
 between the lands of
 Marshall Edwards
 T.M. 24 P. 2
 and
 Middleway Volunteer
 Fire Company, Inc.
 T.M. 24 P. 2.9
 Jefferson County, W.V.

W.V. SECONDARY ROUTE 1
 LEETOWN ROAD
 (LOCAL ROAD)

Matthew B. Cessna
 MATTHEW B. CESSNA
 LICENSED
 No. 2115
 STATE OF
 WEST VIRGINIA
 PROFESSIONAL SURVEYOR
 8/01/17

LEGEND

- T.M. = TAX MAP
- P. = PARCEL
- W.V. = WEST VIRGINIA
- P/O = PART OF
- D.B. = DEED BOOK
- Pg. = PAGE
- P.B. = PLAT BOOK
- Ac. = ACRES
- U/P = UTILITY POLE
- NAD = NORTH AMERICAN DATUM
- = OVERHEAD UTILITY LINES
- X — = FENCELINE



Lot 3 Residue
 Marshall Edwards
 D.B. WBAA, page 116
 81.42 Ac. Per Tax Records
 - 1.11 Ac. Merger Parcel
 80.31 Ac. Net ±

EXISTING
 REBAR & CAP

N04°22'40"E

170.00'

REBAR & CAP
 TO BE SET

S04°22'40"W

160.00'

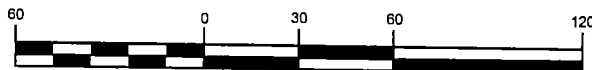
EXISTING
 REBAR & CAP

Lands of
 Middleway Volunteer Fire Company, Inc.
 D.B. 1100 Pg. 494
 Lot 2 P.B. 25 Pg. 309 Slide 2086B
 5.00 Ac. Existing
 6.11 Ac. After Merger

LINE TO BE
 VACATED

PLATTED
 SEPTIC AREA

GRAPHIC SCALE



(IN FEET)

1 inch = 60 ft.

N85°37'20"W
 660.00'

N85°37'20"W
 295.01'

APPROXIMATE 100 YEAR FLOODPLAIN

50' ACCESS EASEMENT
 ESTABLISHED PER
 P.B. 25 PG. 309
 SLIDE 2086B

S85°37'20"E
 311.04'

DARK HILL ROAD (Existing Drive)

CEDAR HOLLOW LANE (Existing Drive)

CEDAR HOLLOW LANE (Existing Drive)

EX. FENCE

U/P
 L626

U/P

REBAR & CAP
 TO BE SET

REBAR
 (FOUND)

N01°53'28"W
 66.46'

N00°57'26"W
 94.35'

50.22'

Distance to Residential
 lot line ~110'

Distance to Residential
 lot line ~100'

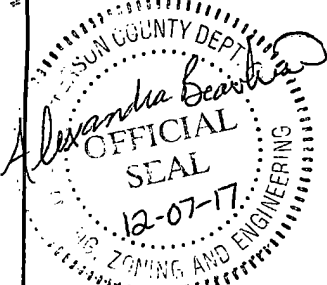
U/P
 N21274

U/P
 128926

Merger Parcel
 P/O T.M. 24 P. 2
 Marshall Edwards
 W.B. AA Pg. 116
 1.11 Ac.
 to be merged with
 T.M. 24 P. 2.9

U/P
 M128927

Terrence & Reiko McDermott
 Tax District 7
 Tax Map 24 Parcel 2.5
 D.B. 992, page 541



TAX MAP: 24	DISTRICT: Middleway
DRAWING NUMBER 1 OF 1	
DRAWN BY: M. Cessna	DATE: 8/01/17
CHECKED BY:	DATE:
SCALE: 1" = 50'	

**FREDERICK
 SEIBERT &
 ASSOCIATES, INC.** © 2017



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 101 NORTH HANOVER STREET, CARLISLE, PENNSYLVANIA 17013

(301) 791-3850

(301) 418-7478

www.fsa-mc.com

(717) 697-1007

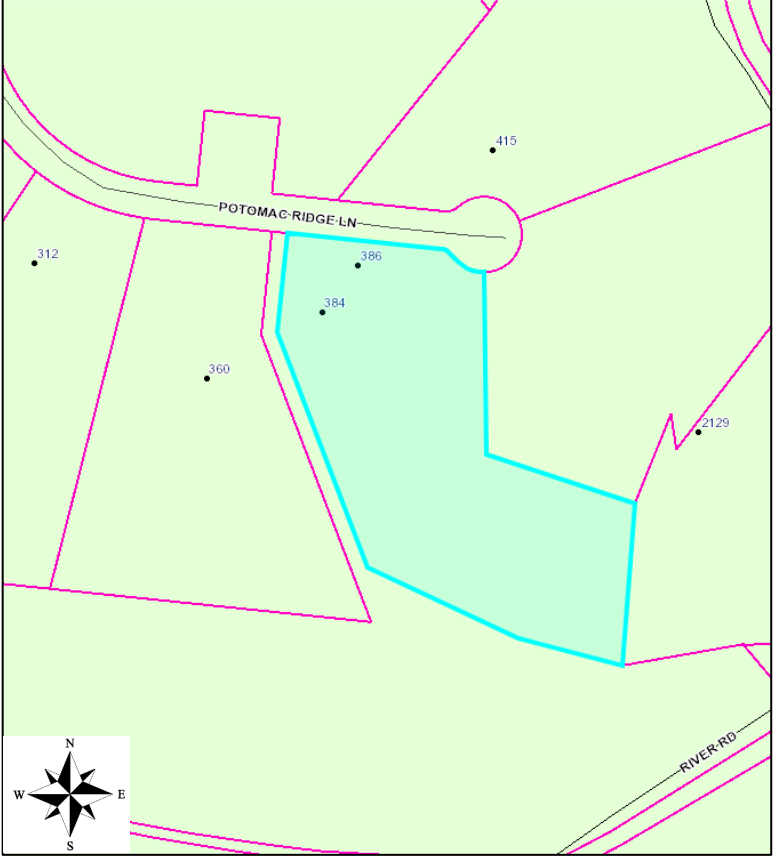
(717) 701-8111

P:\Archive\5838\DWG\5838 Lot Adjustment.dwg, Layout1, 8/1/2017 11:58:25 AM

JOB NUMBER: 5838

Staff Report
 Jefferson County Board of Zoning Appeals
 December 12, 2024
#24-3-SE Reynes (ADU Renters)

Item #2 Request for a Special Exception Permit to convert an existing Accessory Dwelling Unit originally created for a family member into a rental unit.

Owner:	Julia Reynes
Parcel Information & Zoning District:	<p style="text-align: center;">Potomac Ridge Subdivision, Lot 7 386 Potomac Ridge Lane, Shepherdstown WV Parcel ID: 09001000090017; Size: 3.01 ac; Zoning District: Rural</p> 
History:	<ul style="list-style-type: none"> • 03/31/06: Rattlesnake Run Subdivision Final Plat (10 lot Major Subdivision); approved 3/31/06; recorded in PB 23/ PG 1 • 11/25/08: Minor Plat Change to rename the subdivision to Potomac Ridge Subdivision; approved 11/25/08; recorded in PB 25/ PG 85 • 08/27/15: BZA approved variance to reduce front setback from 40' to 14' for a detached garage (ZV15-19) • 11/10/22: BZA approval of a variance from Sect. 5.7B of the Zoning Ordinance to reduce the front setback from 40' to 14' in order to convert an existing garage into an Accessory Dwelling Unit for a family member (22-37-ZV) • 12/13/22: PC approval to lift the single family restriction to allow for the conversion of an existing garage into an Accessory Dwelling Unit for a family member (22-7-FPA) • 01/27/23: Zoning Certificate issued (22-70-ZC)
Approved Activity:	"In-Law Suite"

Staff Report
Jefferson County Board of Zoning Appeals
December 12, 2024
#24-3-SE Reynes (ADU Renters)

Staff Overview

The subject parcel is designated as Lot 7 of the Potomac Ridge Subdivision. Potomac Ridge Subdivision was created when the single family restriction note was required on each lot.

In 2022, the applicant received Planning Commission approval to lift the single family restriction and Board of Zoning Appeals approval for a setback variance in order to convert an existing garage into an Accessory Dwelling Unit for a family member. Based on these approvals, staff issued a zoning certificate approving the Accessory Dwelling Unit with the condition that it be limited to use by a relative. The applicant would now like to be able to use this unit as a rental unit rather than for a family member.

In 2017, when the Zoning Ordinance was amended to develop provisions for “In-Law Suite” Accessory Dwelling Unit, it was anticipated that there may come a time that an applicant’s relative no longer requires the use of the Accessory Dwelling Unit, so a provision was included in Section 8.15A of the Zoning Ordinance that states that under those circumstances, the property owner may apply for a Special Exception before the Board of Zoning Appeals to allow for rental to non-relatives. The provision still states that the principal dwelling unit or accessory dwelling unit must be occupied by the property owner or immediate family member.

This request is for approval of a Special Exception Permit to allow an existing Accessory Dwelling Unit to be used as a rental property.



Conditions of Approval

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

1. The Accessory Dwelling Unit may not be utilized as a Short term Rental, as defined in the Zoning Ordinance.

Section of Ordinance to be Considered:

Section 8.15 Accessory Dwelling Unit

An Accessory Dwelling Unit is defined as a secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the principal dwelling unit and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. Such accessory dwelling unit is permitted only if it meets one of the following criteria:

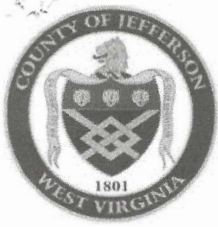
Staff Report
Jefferson County Board of Zoning Appeals
December 12, 2024
#24-3-SE Reynes (ADU Renters)

- A. An “In-Law Suite” is an accessory dwelling unit for the purpose of housing a relative of the property owner and must be clearly subordinate to the principal dwelling unit and meet all of the following criteria:
- (a) Secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area;
 - (b) For a detached accessory dwelling unit, must be located on a property of at least two acres;
 - (c) Limited to use by a relative*;
 - (d) Sufficient parking available; and
 - (e) Approved by the Health Department.

**Related by blood, marriage, or adoption. Should relative no longer require the use of the Accessory Dwelling Unit, the property owner may apply for a Special Exception before the Board of Zoning Appeals to allow for rental to non-relatives. The principal dwelling unit or accessory dwelling unit must be occupied by the property owner or immediate family member.*

Section 6.5 Special Exception Permit

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



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

File #: SE 24 - 3
 Mtg. Date: 12/12 /24
 Fee Paid: \$ 150
 Staff Int.: CAU

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Application for a Special Exception

The Special Exception process is outlined in Article 6 of the Zoning Ordinance. See Supplemental Handout for additional information.

Type of Special Exception

Accessory Dwelling Unit Off-Premises Sign Special Event Facility

Property Owner Information

Name: Julia E Roynes
 Business Name: N/A
 Mailing Address: 384 Potomac R. Dr Ln, Shepherdstown Mail Yes
 Phone Number: 304-285-0350 Email Address: ulcermass9@town Response: No
gmail.com WV, 25443

Applicant Information

Name: same as above
 Business Name: _____
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Address: _____ Response: No

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

Name: None
 Business Name: _____
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Address: _____ Response: No

Physical Property Details

Physical Address: 384 Potomac R. Dr Lane, Shepherdstown WV 25443
 Tax District: Shepherdstown Map No: 10 Parcel No: 917
 Parcel Size: 13.005 acres Deed Book: 1114 Page No: 129

Zoning District (please check one)

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

Sketch Plan (see Supplemental Handout for description)

Attached

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

Julia E Roynes 11-6-24
 Property Owner Date

Property Owner Date

Office of Planning and Zoning
Special Exception Request by Julia E Reynes
384 Potomac Ridge Lane
Shepherdstown, WV 25443
202.285.0350
Juliereynes59@gmail.com

In October of 2021 I started renovating my garage into an accessory dwelling unit (ADU). This projected six-month ADU completion turned into three years for multiple reasons. My original intent was to use the ADU to house my son's and daughter's families when they visited and/or lived here. Given both families are military this will no longer work. These families have now changed locations and made other living arrangements.

Subsequently we hoped my partner's son would be able to inhabit the ADU. This did not work out either.

Thus, I would like a special exception to use this space as a rental to non-relatives to provide inexpensive housing to other county residents.

Thank you,


Julia E. Reynes

From: [Zoning](#)
To: "Julie Reynes"
Subject: RE: Special Exception ADU
Date: Friday, December 6, 2024 10:34:00 AM

Hi Julie,

This email is to confirm receipt of your submission. We will include the letter of support in the BZA packet for 12/12/24. We will have the packet posted by end of business day today.

Thanks!

Colin Uhry
Planning/Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Julie Reynes <juliereynes59@gmail.com>
Sent: Friday, December 6, 2024 10:31 AM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Fwd: Special Exception ADU

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

Here is a letter of support for our Adu special exception.
Thank you!

Begin forwarded message:

From: Stephen Lana <stephen.lana@yahoo.com>
Date: December 3, 2024 at 5:45:33 PM EST
To: Julie Reynes <juliereynes59@gmail.com>
Subject: Special Exception ADU

Recipient,

We enthusiastically support Julie Reynes's Special Exception ADU application at 384 Potomac Ridge Lane. As neighbors at 415 Potomac Ridge Lane, we believe her plan aligns perfectly with our community's needs, especially her commitment to affordable housing. Her responsible design respects our neighborhood's character. Approving this application would benefit our community greatly. We urge you to grant the Special Exception.

Sincerely,

Stephen J Lana and Maureen Smolke
415 Potomac Ridge Lane
Shepherdstown

[Sent from Yahoo Mail for iPhone](#)

From: [Zoning](#)
To: ["Stephanie Hazelton"](#)
Subject: RE: 24-3-SE
Date: Thursday, December 5, 2024 9:48:00 AM

Good morning Stephanie,

This email is to confirm receipt of your submission, we'll include it in the packet for the 12/12/24 BZA meeting which will be posted by the end of business day tomorrow.

Thanks!

Colin Uhry
Planning/Zoning Clerk
Office of Planning and Zoning
304-728-3228

From: Stephanie Hazelton <stephaniehazelton20@gmail.com>
Sent: Wednesday, December 4, 2024 11:36 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: 24-3-SE

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

Jefferson County West Virginia Zoning and Planning Commission

Board of Zoning Appeals

File: 24-3-SE

To Whom it May Concern:

I am writing regarding the special exception to convert an in-law suite to a rental unit as it pertains to lot 7, Potomac Ridge Subdivision, Shepherdstown West Virginia. As a homeowner within this subdivision and a member of the HOA, I have a few concerns:

- 1) Since 2018 there have been 3 off and on renters, including the current renters.
- 2) There is no parking available that is on Lot 7 for either homeowner or renters. They are currently using the road easement for parking area.
- 3) If this conversion is approved, then that will set a precedence for the other lots to do the same and will take away from the rural setting of this neighborhood and add undue burden on our private road systems and community areas.

I humbly request this exception be denied as it will set precedence (allowing for up to a total of 10 rental units) and potentially create an unsafe neighborhood. One of the restrictions on the plat states, 1 single family dwelling, to prevent business' from being established, at what point does renting become a business? If approved, I request a contingency be placed on approval until suitable parking is available.

Stephanie L. Hazelton

Lot 3

Potomac Ridge Subdivision

JOSEPH VALENTINE

2279 River Road * Shepherdstown WV 25443 * 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,

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a long horizontal line extending to the right.

Joseph Valentine

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.

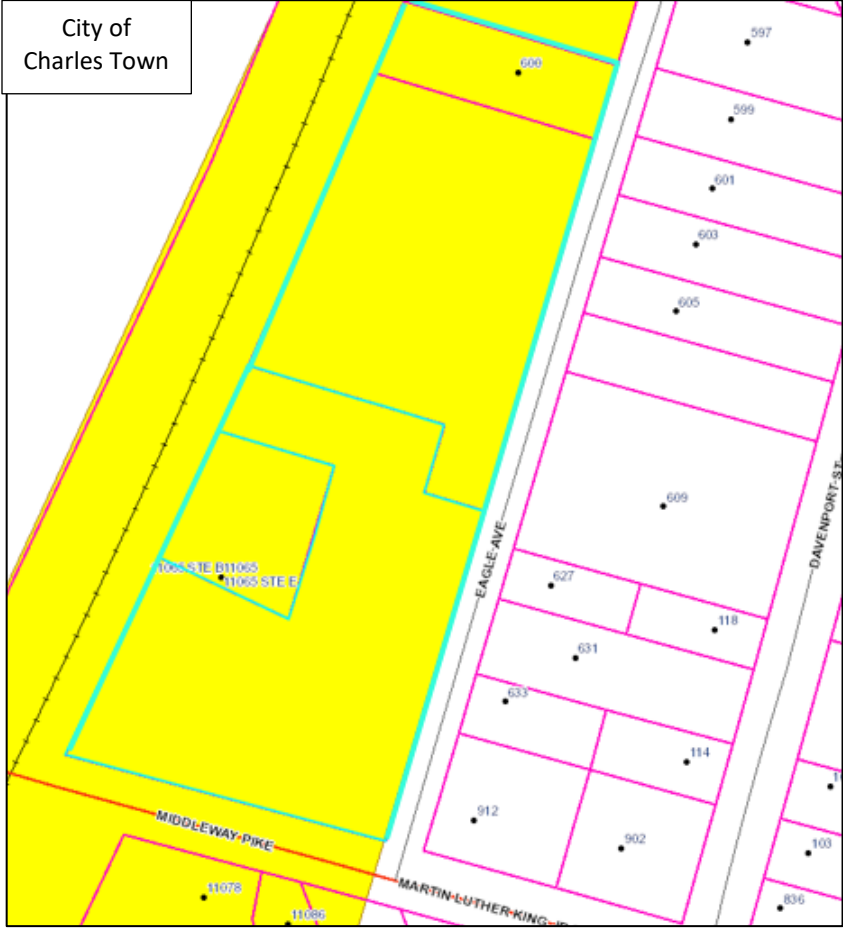
Sincerely,

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

Dominic Valentine

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 12, 2024
Roper (Mixed-Use) Conditional Use Permit (File #24-8-CUP)

Item #3 Request #1: Request for a Conditional Use Permit to establish the following land use categories: Storage, Commercial (self-storage units); Retail Sales and Service, General (a private gym); Retail Sales, Limited; Convenience Store, Limited; Professional Office. The applicant is proposing to construct new buildings and will be expanding the existing parking lot. All new signage will be in accordance with Article 10.

Applicant:	Mark Roper, Property Owner
Consultant:	Seth Rivard
Parcel Information and Zoning District:	<p style="text-align: center;">11065 Middleway Pike & 600 Eagle Avenue Charles Town, WV Parcel ID: 02001100130000, 02001100130001, 02001100140000, and 02001100120001; Size: ~2.2 ac; Zoning District: Residential Growth</p> 
Surrounding Zoning:	North, South: Residential Growth; West, East: City of Charles Town
Approvals:	N/A
Site Visit Conducted:	No

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 12, 2024
Roper (Mixed-Use) Conditional Use Permit (File #24-8-CUP)

Summary of Request and Purpose of Ordinance Requirements

This request for a Conditional Use Permit is to allow the expansion and redevelopment of four of Mark Roper's properties located west of Eagle Ave along the Charles Town corporate limits. These properties are zoned Residential Growth. The applicant is proposing to maintain the existing office building and existing indoor storage that is used by the applicant for his rental and construction business. The proposed new uses on the site include self-storage units, a private gym, and the option for a retail space or climate-controlled storage in the front portion of the existing building (currently containing the applicant's storage), all of which require approval of a Conditional Use Permit. The properties will have access from both Martin Luther King Jr. Ave. (MLK)/Route 51 and Eagle Avenue.

The uses the applicant is proposing fall under the following land use categories as defined in the Zoning Ordinance and described below: Storage, Commercial (self-storage units); Retail Sales and Service, General (a private gym); Retail Sales, Limited; Convenience Store, Limited; Professional Office. Each of these uses require processing this Conditional Use Permit. The applicant is proposing to construct new buildings and will be expanding the existing parking lot.

Article 2 of the Zoning Ordinance defines the proposed land uses as follows:

Storage, Commercial (self-storage)

An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.

Retail Sales and Services, General (private gym)

A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does not include any other use specifically classified in another definition herein.

Retail Sales, Limited

Establishments of up to 10,000 square feet of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, boutiques, and book stores. This use does not include

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 12, 2024
Roper (Mixed-Use) Conditional Use Permit (File #24-8-CUP)

Convenience Store, and does not include any other use specifically classified in another definition herein.

Convenience Store, Limited

A convenience store not exceeding 1,500 square feet of retail floor, with hours of operation limited to the period between 6:00 A.M. and 11:00 P.M.

Note, a Convenience Store is defined as follows: An establishment, not exceeding 10,000 square feet of gross floor area, engaged in the retail sale, from the premises, of food, beverages and other frequently or recurrently needed items for household use. This land use does not include a gas station.

Professional Office

A building used primarily for offices for administrative, executive, professional, research, or similar organizations; and for real estate, advertising, and insurance agencies and similar firms. No merchandise is sold on the premises. An office building may include ancillary services for employees, such as a restaurant or coffee shop. This land use does not include a Medical/Dental/Optical Office.

Property Description

The total of the four subject parcels is approximately 2.142 acres. The properties are surrounded primarily by residential development on the north, east and south; bounded on the west by active railroad tracks and farmland. Most of the residential development is within the city limits of Charles Town.

The existing office building is used for the applicant’s rental business and his office, which consists of approximately 2,800 square feet. An additional 3,500 square feet portion of the building will be maintained as the applicant’s indoor storage area for his rental and construction business. In the future it could be used for either retail space, another office, or climate-controlled storage. On the second level there are two rental units that are roughed out for construction that may be completed in the future. These two rentals could both have three bedrooms and two bathrooms. The properties also consist of some outdoor storage for the applicant’s business.

Note: other blue outlines are also owned by the applicant.

Impact on adjacent properties

The subject properties have always included a non-residential land use and been adjacent to a primarily residential neighborhood. The proposed expansion



Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 12, 2024
Roper (Mixed-Use) Conditional Use Permit (File #24-8-CUP)

would provide a variety of opportunities to support the neighboring properties and do not appear to be the types of uses that would greatly impact the local traffic patterns.

Conditional Use Permit Process

Section 6.3 of the Zoning Ordinance states:

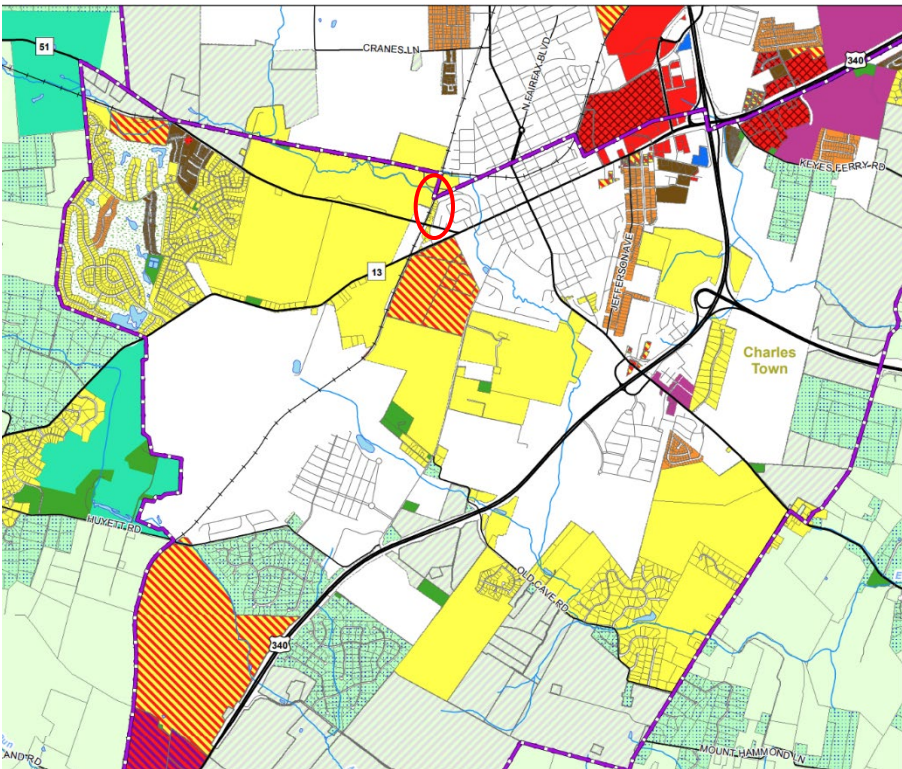
“The Board of Zoning Appeals shall have the authority over the issuance of or denial of a Conditional Use Permit (CUP) for uses listed as “Conditional Uses” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and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

The following General Standards shall be considered by the Board in approving or denying the requested CUP in the Residential Growth Zoning District:

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

The subject parcels are shown as “Low Density Residential” on the Envision Jefferson 2035 Comprehensive Plan’s Future Land Use Guide. The property is located within the Charles Town Urban Growth Boundary (UGB), which is a preferred location for a variety of urban land uses.

While the Future Land Use Guide does not recommend the subject parcels be developed for future commercial/office uses, the subject properties have historically served as a non-residential lot and is recognized as having a mixture of office, commercial and residential uses on the Existing Land Use Map below.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 12, 2024
Roper (Mixed-Use) Conditional Use Permit (File #24-8-CUP)

The four parcels subject to this CUP application are located within Charles Town’s Urban Growth Boundary and the development is compatible with the *Envision 2035 Plan’s* goals. The project is located where there is existing water, sewer and street infrastructure as recommended by the Plan. The Plan further encourages improvement and redevelopment of existing sites which is the intention of this proposed project. This is a site that is currently non-conforming due to the variety of non-residential uses with non-conforming setbacks. Approval of the requested Conditional Use Permit and the improvements proposed will bring this site into compliance. The proposed uses and improvements in the site will achieve the desired goals and objectives of the *Envision 2035 Comprehensive Plan*.

Land Use and Growth Management Element

1.A. Urban Level Development Area (pg. 26)

“This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan.” (p.27)

Redevelopment (pg. 28)

“The reuse of older buildings also benefits the environment by retaining a building that might otherwise end in a landfill, saving the use of new building materials, and not developing on existing farmland or open space. With abandoned or underutilized structures, the concept of reutilization and revitalization is something that should be explored . . .”

Urban Level Development Recommendations (Goal 1) (p.30)

5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.

a. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.

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

The site is currently occupied by the applicant’s office, indoor storage and outdoor storage related to the construction and rental business. As noted in the application, the proposed uses are office, self-storage, gym, and possible retail use. The redevelopment of this site as proposed by the Conditional Use Permit will allow the removal of the outdoor storage which will make the site more compatible with the adjoining residential uses.

The applicant indicates that the existing building will remain and that other new structures will consist of one story structures which will be compatible with the neighboring one and two story residential homes. The properties are bordered on the east and south by a city and state road and by the railroad tracks to the west.

The applicant has also indicated that the project will include improvements in the form of sidewalks, landscaping, parking, stormwater management, and other aspects. The proposed sidewalks, particularly along Eagle Ave., and street trees, will provide improvements to the surrounding neighborhood. These improvements will result in greater compatibility and will not pose a threat to

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 12, 2024
Roper (Mixed-Use) Conditional Use Permit (File #24-8-CUP)

installed along the applicant's property which will provide a safe walkable path that does not exist today. These improvements will greatly enhance the neighborhood character, surrounding properties, and property values.

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

As part of the Conditional Use Permit application, the applicant was informed of this criteria and shall comply with this standard.

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

N/A due to Residential Growth zoning.

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

The subject property does not contain any Category I or II historic sites as defined by the Zoning Ordinance; therefore, this criteria does not apply.

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

Signs accessory to a Conditional Use are subject to Section 10.6 of the Zoning Ordinance, which requires that as part of the application, signage shall be addressed for review and consideration by the Board at the required Public Hearing.

The application indicates that the following signage is proposed:

Current Signage

The applicant is proposing to retain existing signage on the site.

Future Signage

The following tenant signs below will be provided for in three locations:

1. Over the door of the gym building
2. Over the door on the front of the existing building
3. Over the door on the side of the existing building

Future Freestanding Sign

The proposed sign area to be 8 feet across and 6 feet tall. Total height not to exceed 12 feet.

If approved by the BZA, any signage will require a Building Permit and Zoning Certificate documenting it meets the requirements of Article 10 of the Zoning Ordinance.



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

File #: 24-8-CUP
 Mtg. Date: 12/12/24
 Fee Paid: \$ 875

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Application for a Conditional Use Permit

Project Name

11065 Middle Way Pike

Property Owner Information

Name: Mark E. Roper
 Business Name: _____
 Mailing Address: 418 Samuel St. Charles Town, WV 25414
 Phone Number: 304-671-5262 Email: mrconstructionwv@gmail.com

Applicant Information

Name: Same as above
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

Name: Seth Rivard
 Business Name: _____
 Mailing Address: PO Box 92 Charles Town, WV 25414
 Phone Number: 615-735-7097 Email: seaari@yahoo.com

Physical Property Details

Physical Address: 11065 Middleway Pike, Charles Town, WV 25414
 Parcel ID: (Tax District / Map No. / Parcel No.) TD 2, Map 11, Parcels 13, 13.01, 14 and 12.01
 Parcel Size: 2.142 Project Size 2.142 Deed Book: See attach. Page No: See attach.

Zoning District (please check one)

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

Provide the Land Use Designation (see Appendix C of the Zoning Ordinance).

See attached supplemental information. Page 2.

For properties in the Rural Zoning District:

Is property located on a primary or secondary road?

Yes No

Name of Road/Route Number: Route 51

Provide a detailed description of the proposed business (include information such as hours of operation, anticipated employee and/or customer visits, etc. A site sketch is required to be included with the application, delineating existing and proposed structures and parking areas, proposed signs, proposed landscaping, etc.

See attached.

Provide a detailed response to the following questions to show how the proposed business complies with the criteria in Section 6.3 of the Zoning Ordinance. Feel free to attach a separate sheet with responses.

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

See attached.

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

See attached.

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

See attached.

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

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

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

5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of the Zoning Ordinance.

I am aware of the standards outlined in Section 8.9 of the Zoning Ordinance and will be in compliance.

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

Trip Generation Data Attached

Not Applicable

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

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

 11-12-24
Property Owner Signature Date

Property Owner Signature Date

Overall Proposed Activity

The applicant is proposing to maintain the existing office building and existing indoor storage that is used by the applicant for his rental and construction business. The proposed new uses to the site is self-storage units, a private gym, and the option for a retail space or climate-controlled storage in the front of the existing building (currently that is the applicants storage). Property will have access from Martin Luther King JR. Ave.(MLK)/Route 51 and Eagle Avenue.

The Site

Consists of the following parcels:

- TD 2, Map 11, Parcel 13 – Deed Book 1278/698
- TD 2, Map 11, Parcel 13.01 – Deed Book 1161/267
- TD 2, Map 11, Parcel 14 – Deed Book 1278/698
- TD 2, Map 11, Parcel 12.01 – Deed Book 1328/395
- All are under ownership of the applicant.

Parcel Size:

- 2.142 acres

Zoning:

- All parcels are zoned as Residential Growth District.

Surrounding the Property/Uses:

- South – state-maintained road and across that street are residential homes
- North – an abandoned residence
- West – railroad tracks and farmland
- East – city-maintained street and across that street are residential homes

Existing Building and Property

The existing office building is used for the applicant's rental business and his office, which is approximately 2,800 square feet. There is a front area of the building which is approximately an additional 3,500 square feet that is currently and will be maintained as the applicant's indoor storage area for his rental and construction business. In the future it could be used for either retail space, another office, or climate-controlled storage. On the second level there are two rental units that are roughed out for construction that need to be completed in the future. These two rentals will both have three bedrooms and two bathrooms. Property also consists of some outdoor storage for the applicant's business.

Proposed Uses on the Site

Provide the Land Use Designation (see Appendix C of the Zoning Ordinance).

- Storage, Commercial
- Retail Sales and Services, General
- Retail Sales, Limited
- Convenience Store, Limited
- Professional Office
- Private Gym (Recreational Use) (See Retail Sales and Services, General)

Self-Storage Units

There will be four self-storage buildings. The self-storage units will comprise of a mix of 5'x10' units, 10'x10' units, and 10'x20' units. About 9,000 square feet of self-storage is proposed.

This use is listed as "Storage, Commercial" as a conditional use in the Residential Growth District.

Retail Space

These uses are being requested as the definitions of each use are very specific. To allow for future flexibility these uses are being requested and will allow for activities that are compatible with the site.

Uses requested:

- Retail Sales and Services, General (listed as a conditional use in the Residential Growth District)
 - This use is also applicable to the gym use, which is discussed below.
 - "...recreational services..." are included in the definition of this use.
- Retail Sales, Limited (listed as a conditional use in the Residential Growth District)
- Convenience Store, Limited (listed as a conditional use in the Residential Growth District)

Professional Office

To maintain the existing office and potentially allow for additional office spaces, the use of professional office, which is listed as a conditional use in the Residential Growth District, is being requested.

Private Gym

In evaluating this use, it is important to note that this is *not* a private gym with memberships. **This is a private basketball gym training facility and is not a gym that has private memberships.** This is mainly for young people to learn and practice basketball. This use should be viewed similarly as a private dance school for youth. As this relates to

parking below, most of this involves parents dropping off and picking up students. While the structure may be large, the use is not as intensive as the building may indicate.

The proposed private gym consists of 13,600 square feet. Within the gym there is a full-size regulation basketball court that is 94 ft long by 50 ft wide. There is an area for some small bleachers for parents to watch their children, an area for a workout room, an office, and accessory storage.

Gym Use in Jefferson County Zoning Ordinance

- The use for a gym is not specifically listed in the Jefferson County Zoning Ordinance.

Where/how gyms are permitted today

- As part of a shopping plaza under the use of “Mixed Use Building.” This is also listed as conditional use in the Residential Growth District.

Applicants requested use of the gym as permitted in the Jefferson County Zoning Ordinance:

- Retail Sales and Services, General (listed as a conditional use in the Residential Growth District)
 - This is the applicant’s preferred land use designation to achieve the desired outcome for a private gym.
 - This both fulfills the applicants requested use under retail, noted above, and the gym use, discussed here.
 - The definition of this use includes “...recreational services...”
- **Or**
- Convention Center (listed as a conditional use)
 - This is the applicants second choice for the land use designation to achieve the desired outcome for a private gym
 - The applicant would agree to the following limitations to the convention center use:
 - Accommodate no more than 100 people for private gym trainings and occasional seminars at a time.
 - None of the other aspects listed under the definition of this use are being requested.

Similar uses to a gym/training facility in the Residential Growth District

- The following uses (including the definition from the Jefferson County Zoning Ordinance) are either permitted or are conditional use in the Residential Growth District in the Jefferson County Zoning Ordinance and have some aspects of gym or recreational use.
- The outlined uses below establish that it could be reasonably expected that such uses as gym or recreational uses were anticipated in the Residential Growth District.

- Some of the outlined uses below are *much more intensive* than the proposed use of a private gym. However, there are aspects of each of the listed uses below that are related to the applicants requested use for a gym.
- *Retail Sales and Services, General* (listed as a conditional use) (applicants preferred choice)
 - A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and **recreational services** or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does not include any other use specifically classified in another definition herein.
- *Convention Center* (listed as a conditional use)
 - “A facility designed to accommodate 500 or more persons and used for conventions, conferences, **seminars**, product displays, **recreation activities**, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.”
- *Church* (listed as a permitted use)
 - “A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with **all accessory buildings and uses** customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.”
- *School, College or University* (listed as a conditional use)
 - This use requires accreditation.
 - “An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and

is authorized to confer various degrees such as the bachelor's degree. Education uses may include a variety of uses such as classroom buildings, administrative offices, **sports facilities**, student housing, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining lots. The land use category "School, Vocational or Professional" is not included within this definition."

- *School, Vocational, or Professional* (listed as a conditional use)
 - This use requires accreditation.
 - "A specialized or accredited instructional establishment that provides **on-site training or education** in business, commercial, and/or trade skills. This use includes a community college that primarily provides daytime services to commuter students."
- *Vocational and Training Facility for Adults* (listed as permitted use)
 - This use requires accreditation.
 - "A specialized or accredited instructional establishment that provides **on-site training or education** in business, commercial, and/or trade skills. The land use is conducted in a campus setting, and may include classroom buildings, dormitories, cafeterias, **gymnasiums** (whose use is limited to the students, participants and instructors at said school or training facility), and administrative buildings. Incidental instructional services in conjunction with another primary use shall not be considered a Vocational and/or Training Facility for Adults. This use does not include School, University or College. In the Rural District, the use must be conducted in a campus setting."
- *Elementary or Secondary School* (listed as a permitted use)
 - No definition.

Sidewalks

On both Martin Luther King/Route 51 and Eagle Avenue, sidewalks are shown on both streets. Regarding Martin Luther King/Route 51, the sidewalk is shown in the DOH right-of-way. The DOH may be in the very initial stages of a study along MLK. If that is the case, they may be proposing sidewalks in the right-of-way. If approval from the DOH is not secured prior to site plan submission for leaving the sidewalk in the right-of-way, the sidewalk will go on the applicant's property. Eagle Ave. is a city street, and the sidewalk is shown along the length of the applicant's property.

Street Trees

Street trees will be provided in accordance with the Zoning Ordinance requirements along both MLK and Eagle Ave.

Buffering

Buffers are required along the property to the north, an abandoned residential use and to the railroad tracks to the west.

Applicant will request a variance (see “Variances” below) to buffering along the railroad tracks. The applicant will install buffering to the north consisting of a fence and pine trees planted one tree every 20 feet at a height of 6 feet at the time of planting. This does not meet the strict requirements of buffering at this location and a variance will be requested for modification of the requirement.

Dumpster Enclosure

A dumpster enclosure will be built of masonry material with gates.

Entrances

The existing entrance will be retained on MLK/Route 51 and a new entrance onto Eagle Ave will be created.

Stormwater Management

In the concept plan, stormwater management is proposed along the railroad tracks on the applicant’s property. A long linear swale is proposed beyond the sidewalk on Eagle Ave. The applicant will comply with the County’s stormwater management requirements.

Parking Spaces

Jefferson County Parking Requirement	
Use and Square Footage	Parking Ratio
Office	1 space per 300 sq. ft.
Office	1 space per 300 sq. ft.
Private Gym	No calculation in Zoning Ordinance
Retail	See Justification below
Self-Storage	No calculation in Zoning Ordinance
Apartment	No calculation in Zoning Ordinance

Retail Parking Justification

- None of the retail parking requirements adequately addresses the applicant's proposed possible uses.
- Below is a proposed average of parking standards found in the Jefferson County Zoning Ordinance that would be applicable to the applicants' parking needs.

Retail Parking Justification	
Categories Below are from the Jefferson County Zoning Ordinance	
<i>Parking Category</i>	<i>Parking Space Requirement</i>
Commercial retail sales (Less than 2,000 sq. ft. floor space)	1 space per 150 sq. ft. of retail floor space
Commercial Retail Low customer turn over, large indoor display, e.g. carpet, furniture or appliance sales	1 space per 500 sq. ft.
Shopping Center Retail greater than 2,000 square feet of floor space	5.5 space per 1,000 sq. ft. (or 1 space per 181 sq. ft)
Average of the parking space requirements	150 + 500 + 181 = 831 sq.ft. divided by 3 spaces = 277 sq. ft. 1 space per 277 sq. ft.

Gym Parking

This use is currently operating next to Fisherman's Hall on S. West Street. There is limited parking spaces in that location and all parking spaces are on street. There are no significant parking issues in that location. It is not anticipated that this use will become more active or intensive at the new location.

One of the more difficult parking calculations to account for is the private gym, again with no memberships and is a low intensive training facility. In review of other jurisdictions, there were no jurisdictions that had parking calculations for a private gym such as this, which **focuses on training**. When parking requirements were found, nearly all were under the heading of "recreational", "bowling alleys", "recreational community center",

“basketball courts” and the like. It’s apparent that none of these parking calculations match the intent of the applicant’s use of this facility. Under the title of “Other Jurisdictions Parking Requirements” is a parking ratio that could be found.

It didn’t seem reasonable to use Berkeley County’s parking standard of “basketball court – 5 for each court. (On-street parking on local streets can qualify for required parking.)” While the uses are clearly similar, basketball court to basketball court, the use on the applicant’s property includes training of basketball. However, since most of the children will be dropped off and most parents will not stay and park on site, other parking calculations are too high. While Charles Town’s parking ratio of “Recreational Community Center – 3.0 spaces per 1,000 sq. ft. GFA” trends towards a more reasonable calculation, which is also like Martinsburg’s “Recreational Community Center – 2.7 spaces per 1,000 sq. ft. GFA.”, they still don’t represent an accurate parking ratio to the proposed use.

The proposed use is not a “Recreational Community Center.” The proposed use is not a general recreational facility, and it is not a community center. To strike a more reasonable, but yet plenty of parking standards for this use, it would be appropriate to have a parking ratio of 3 spaces per 1,200 square feet. This would result in a total number of parking spaces of 34.

Shared Parking, Parking Times, and Uses

It is unlikely that all these uses will overlap at the same time. The office use and the potential retail use would most likely overlap at the same time, which is during the day. The gym is more of an evening and weekend activity. Most people come to a self-storage facility on the evenings and weekends and very rarely park in parking spaces. They park in front of their storage unit. Most of the parking spaces for the apartment are used in the evening.

Proposed Number of Parking Spaces for the Uses on the Site

The following is based on analysis of parking requirements based on Jefferson County requirements and those of “Other Jurisdictions as noted below.

Use and Square Footage	Parking Ratio	Total Number of Spaces Required
Office – 2,800 sq. ft.	1 space per 300 sq. ft.	9 spaces
Office – 3,500 sq. ft.	1 space per 300 sq. ft.	11 spaces
Private Gym – 13,600 sq. ft.	3 spaces per 1,200 sq. ft (see section above – “Gym Parking”)*	34
Retail – 3,500 sq. ft.	1 space per 277 sq. ft. **	12 spaces
Self-Storage – 9,000 sq. ft	3 at the office plus 1 per employee ***	4 spaces
Apartment	1.5 spaces per unit****	4 spaces
Total Spaces Required for All Uses		63 spaces
Total Spaces Provided		55 spaces

* The basis of this calculation is based on Charles Town’s parking requirements. As noted above in the “Gym Parking” discussion, it is requested to be modified for this use. See “Other Jurisdictions Parking Requirements below.”

**This is based on an average of Jefferson County parking requirements – see explanation above.

*** Calculation is based on Frederick County, VA parking requirements. See “Other Jurisdictions Parking Requirements below.”

****Calculation is based on Ranson parking requirements. See “Other Jurisdictions Parking Requirements below.”

These uses occupy the same area of the building. Only one of the uses can occur at a time. Adding both numbers into the total spaces required would amount to double counting.

Other Jurisdictions Parking Requirements

- Martinsburg – Recreational Community Center – 2.7 spaces per 1,000 sq. ft. GFA
- Martinsburg – Multi-Family Housing (Low-Rise) – 1.2 spaces per dwelling unit
- Martinsburg – No comparable use for self-storage.

- Berkeley County – basketball court – 5 for each court. (On-street parking on local streets can qualify for required parking.)
- Berkeley County – Multi-family Dwelling/Apartments – 2.1 per dwelling, plus 1 per employee, plus 10% for guests
- Berkely County – No comparable use for self-storage.

- Chales Town – Apartment – 1.20 spaces per dwelling unit
- *Chales Town – Recreational Community Center – 3.0 spaces per 1,000 sq. ft. GFA
- Charles Town – No comparable use for self-storage.

- ****Ranson – Apartments and multi-family dwellings – 1.5 spaces per dwelling unit.
- Ranson – No comparable for recreational use or the like.
- Ranson – No comparable use for self-storage.
- ***Frederick County, VA – self-service storage - 3 at the office plus 1 per employee
- City of Fredrick, MD – self storage – 1 space per 1,000 sq. ft.

Parking Adjustment to the Site Plan

The proposed number of parking spaces does not meet the calculations presented above. The applicant will reduce the size of the proposed self-storage facilities to provide an additional 8 parking spaces.

Signage

Current Signage

- The applicant is proposing to retain existing signage on the site.

Future Signage

- The following tenant signs below will be provided for in three locations:
 1. Over the door of the gym building
 2. Over the door on the front of the existing building
 3. Over the door on the side of the existing building
- Freestanding Sign – see details below.

Future Tenant Sign 2x6 foot sign



Future Freestanding Sign

The proposed sign area to be 8 feet across and 6 feet tall. Total height not to exceed 12 feet.



For future potential retail or office space

Advertise for apartment rentals

Variances

The following variances are requested in separate applications.

Distance Requirement		
<i>Direction</i>	<i>Required Distance (ft)</i>	<i>Provided Distance (ft)</i>
South (MLK/Route 51)	75	112
East (Eagle Avenue)	75	49*
North (Abandoned house)	75	40**
West (Railroad tracks)	75	76

*Requested relief is 26 feet

**Requested relief is 35 feet

Setback Requirement		
<i>Direction</i>	<i>Required Distance (ft)</i>	<i>Provided Distance (ft)</i>
South (MLK/Route 51)	25	25
East (Eagle Avenue)	25	15*
North (Abandoned house)	25	20**
West (Railroad tracks)	25	10***

*Requested relief is 10 feet

**Requested relief 5 feet

***Requested relief is 15 feet

Buffer Requirement		
<i>Direction</i>	<i>Required Buffer</i>	<i>Provided Buffer</i>
North (Abandoned house)	20-40 buffer consisting of: <ul style="list-style-type: none"> • 1 row of evergreens planted every 10 feet with a minimum height of 6 feet • Solid fence with a height of 6 feet • 1 row of evergreen trees planted every 20 feet with a minimum height of 6 feet 	20-foot buffer consisting of: <ul style="list-style-type: none"> • Solid fence with a height of 6 feet • One row of pine trees every 20 feet
West (Railroad tracks)	10-foot-wide screened buffer of: <ul style="list-style-type: none"> • 1 pine or deciduous tree planted every 50 feet with a minimum height of 6 feet • 1 ornamental tree planted every 50 with a minimum height of 4 feet • 3 shrubs per every 25 feet. 	None provided along railroad tracks.

Compliance with Section 6.3 Conditional Use Permit of the Jefferson County Zoning Ordinance.

1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.

Below are several excerpts from the Envision 2035 Comprehensive Plan. The emphasis added in the form of an underline focuses on this project's compatibility with the Jefferson County Envision 2035 Comprehensive Plan. For this project and the site, many selections from the Plan focus on development that should be encouraged in the urban growth areas and near adequate infrastructure. The Plan urges good planning where there are existing urban level activities, such as residential and commercial uses, and necessary infrastructure, such as water, sewer, roads and the like.

This project is located within the Charles Town's Urban Growth Boundary and the development is in keeping with the Plans stated intentions. The project is also located where there is existing water, sewer and street infrastructure. The Plan also encourages improvement and redevelopment of existing sites. This proposed project will do exactly that. Parts of this site will be redeveloped into new uses and the existing uses and structures will be reused. This is a site that is currently non-conforming in multiple different ways. The improvements proposed will bring this site into compliance. The proposed uses and improvements in the site will achieve the desired goals and objectives of the Envision 2035 Comprehensive Plan.

1. Land Use and Growth Management Element

1.A. Urban Level Development Area – pg 26

“As communities have looked more closely at the cost of extending services to developments constructed further from existing fire, police, water and sewer facilities, many communities have recognized the need to rethink their land use plans and planning processes to favor residential and commercial development in closer proximity to these services.”

“This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan.”

Redevelopment – page 28

“The reuse of older buildings also benefits the environment by retaining a building that might otherwise end in a landfill, saving the use of new building materials, and not developing on existing farmland or open space. With abandoned or underutilized structures, the concept of reutilization and revitalization is something that should be explored;”

Urban Level Development Recommendations (Goal 1)

5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.

a. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.

2. Economic Development, Employment, and Infrastructure Element

Target Industries page 66

“Jefferson County will encourage a diversity of business types to locate within its borders. As part of these efforts, the Jefferson County Development Authority (JCDA) has identified several industries and other sectors of employment towards which incentives and programming should be targeted (in no particular order):

Jefferson County Development Authority Identified Industry Sectors

- Agriculture Development
- Manufacturing Government
- Small Business
- Information Technology
- Tourism”

Growing the Economy page 67

“One of the strengths of Jefferson County is that the residents have a strong entrepreneurial spirit. There is a need for local and regional technical and financial resources to be made available to these entrepreneurs and to publicize these resources. There are existing programs in Jefferson County which currently work to support smaller companies and start-ups. The Eastern Panhandle Entrepreneur Forum and the JCDA’s agricultural development program and small business coaching efforts focus on cultivating the talent that resides in Jefferson County and are examples to be followed. While the potential success of numerous small businesses will have a positive effect on the County as a whole, the attraction of larger employers often results in much greater attention to the economic development efforts of a community. It is important to continue to look at approaches that aid all types of companies and to provide awareness of these efforts to both existing businesses and to potential businesses looking to locate in Jefferson County.”

Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas – page 69

“Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses.”

Economic Development and Employment Recommendations (Goals 6 & 7)

5. Create a business friendly environment in Jefferson County.

2.D. Infrastructure – pg 85

“Water and Sewer Systems Urban level development, which requires the provision of water and sewer systems, is defined as where more intense levels of residential, commercial, and industrial development activity occur.”

“In order to take a pro-active role, it is the recommendation of this Plan to encourage the provision of infrastructure that allows for a higher level of development inside of the following areas: municipalities, Urban Growth Boundaries, Preferred Growth Areas, and Villages. In the rural area, it is anticipated that on-site private well and septic systems are to be utilized. In order for Jefferson County to retain its rural character and agricultural base, the expansion of water and sewer service into rural areas not designated as growth areas should not occur.”

Sidewalks and Trails – page 109

“Jefferson County road corridors should be designed to include sidewalks and trails as a part of new developments and along state roadways.”

“Creating pedestrian/bike paths will allow people without a motor vehicle safer commuter options.”

“Where pedestrian and bike trails do not exist along the roadways, pedestrians and bicyclists are obliged to use small shoulder areas or the grass. Many roads in the County do not have paved or graveled shoulders. This limits the desirability of walking or biking in these locations. Creating bike and pedestrian interconnectivity between subdivisions and/or commercial developments enhances mobility and accessibility. This type of improvement increases the ability for someone without access to a private automobile to access their homes, school, employment, medical appointments, shops, and services.”

“The Increased availability of sidewalks and trails would encourage:

- greater transportation options;
- health, wellness and safety of residents;
- reduced transportation costs for both communities and for residents; and
- a greater sense of community.”

“By working to create a more balanced approach to transportation and by better connecting neighborhoods together, there will be a positive impact to the physical and mental health of residents and visitors.”

IMPLEMENTATION STRATEGIES

“The Plan outlines recommendations for growth opportunities and challenges facing the County. The growth opportunities and challenges that are particularly relevant to the County include, but are not limited to:

3. Using land use strategies such as zoning, subdivision regulations, land conservation, design guidelines, and access management consistent with the Vision statement and the Goals of this Plan and continuing interaction with affected property owners;

4. Promoting the growth concepts in this Plan to effectively manage the County’s future development;

9. Facilitating urban level activity within the Urban Growth Boundaries and Preferred Growth Areas as designated on the Future Land Use Guide;

10. Providing infrastructure improvements through mutual cooperation and support;

12. Developing pedestrian and bikeway linkages in coordination with quality of life and recreation goals;”

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

The site today is currently occupied by the applicant’s office, indoor storage and outdoor storage for his construction and rental business. As noted above, the proposed uses are office, self-storage, gym, and possible retail use. Half of these uses exist currently on the property and will be retained. The outdoor storage will go away with improvements on this site.

The uses will be compatible in terms of intensity and scale. The existing building will remain. All other structures built will be one story tall while surrounding uses are residential homes that are both one story and two-story. Except for an abandoned property to the north, all the other residential uses are separated by a transportation corridor. In one direction, residential uses are located across a busy state road, in another direction a city street, and finally, vacant farmland across a busy railroad tracks. This project will bring the site that is currently non-conforming in terms of site improvements into compliance. This

compliance will be improvements in sidewalks, landscaping, parking, stormwater management, and other aspects.

With the installation of sidewalks, particularly along Eagle Ave., and street trees along that street, there will be greater enhancements that provide improvements to the surrounding neighborhood. These improvements will result in greater compatibility and will not pose a threat to public health, safety and welfare. There will not be outdoor storage of material as there is today. While there is no stormwater management issue on the site today, since so much of the site is pervious area, all stormwater management will address the improvements on the site.

The lighting on the site will be cast downward to reduce and eliminate light glare and pollution. If retail is ever provided on the site, there will be the opportunity for a small store that is in walking distance to residential uses providing appropriate compatibility and mixed-use activity with the surrounding neighborhood.

3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.

While more uses and activities will occur on the site, the improvements outlined above will not hinder nor discourage the appropriate development and use of adjacent land and buildings. In fact, it could encourage greater investment and improvements in the surrounding properties. With the proposed improvements, it will make the site look much better. Unfortunately, there is an abandoned home to the north and hopefully with the proposed fence and pine trees located between this use and that abandoned property, it will encourage investment to that property.

With the proposed improvements, there will be a sidewalk that will benefit residents on Eagle Ave. This will provide citizens a safer walking option by not having to walk in the street. The street trees will also provide a greater amount of shade trees along the street. The proposed uses on the site will actually provide a greater buffer from the railroad, both visually and by noise.

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

This has been discussed to some extent above. To the north there is an abandoned house and a fence and pine trees that will be planted between this site and that home. To the west is a railroad tracks and there is no functional reason to buffer commercial uses from that industrial corridor. No buffer is required to the south and east. However, that area will have a retrofit of urban level amenities that do not exist today. Street trees will be planted along

MLK/Route 51 and Eagle Avenue in accordance with the county requirements. Additionally, a new sidewalk will be installed along the applicant's property which will provide a safe walkable path that does not exist today. These improvements will greatly enhance the neighborhood character, surrounding properties, and property values.

5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.

This site will be in conformance or exceed the requirements of Section 8.9.

1. There will be no meaningful noise from the site. This is a low intensity site. It is mainly office use, a indoor gym, and self-storage.
2. There is nothing from the site that will create or manifest an odor.
3. There is nothing from the site that will create or manifest smoke.
4. The ambient air quality will not be impacted with the associated improvements on this site.
5. There is nothing from the site that will create or manifest vibration.
6. There will be no glare or heat from the site. There is no use on the property that will cause such a situation. As noted above, downlighting will be provided at the site to eliminate glare. The site will meet the landscaping standards on the site, such as new trees, shrubs, etc., which will eliminate any heat or glare affects from the simple construction of new buildings and parking lots.
7. There is nothing from the site that will create or manifest toxic matter.
8. There is no storage, utilization or manufacture of solid materials which would create or manifest any fire hazards.

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

N/A

7. For Historic Sites, the Historic Landmarks Commission, with the property owner's consent, may visit the property to review the proposed land development plan and use for sites designated as Category I or II. The Historic Landmarks Commission may make reasonable recommendation to the Board of Zoning Appeals on the suitability of a

proposed multi-family dwelling or non-residential use for the building seeking a Conditional Use Permit. The Historic Landmarks Commission's recommendations may include the following findings:

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

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

N/A

8. Any signs associated with the proposed Conditional Use shall be reviewed by the Board in accordance with Section 10.6.36

Signs will be in compliance with this standard. See section above regarding signs.

Marting Luther King Jr. Blvd Adjoiners for CUP Application

Owner	# and Street	City, State, Zip
JOHNSON CURTIS	1009 ARCHER RD	KEARNEYSVILLE, WV 25430
BALLARD LINDA D ET AL	72 LOUISA BEALL LN	CHARLES TOWN, WV 25414
MAO JOHN	1207S GEORGE ST UNIT B	CHARLES TOWN, WV 25414
DOWNING JULIA M	605 EAGLE AVE	CHARLES TOWN, WV 25414
PEREZ CARLOS J J	609 EAGLE AVE	CHARLES TOWN, WV 25414
R & D INVESTMENTS LLC	605 BALTIMORE ST	MARTINSBURG, WV 25401
MAO SHUK FAN	1207S GEORGE ST UNIT B	CHARLES TOWN, WV 25414
SMITH HENRY	338S ORANGE AVE	BREA, CA 92821
BERRY JOHN E IV	213W 7TH AVE	RANSON, WV 25438
CORDING ROBERT G & MEAGAN L SUDICKY	11078 MIDDLEWAY PIKE	CHARLES TOWN, WV 25414
DAVENPORT HENRY B III	PO BOX 27	CHARLES TOWN, WV 25414

December 4, 2024

From: Linda D. Ballard, et al.
72 Louisa Beall Lane
Charles Town, WV 25414

RECEIVED

DEC 04 2024

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

To: Jefferson County Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
Charles Town, West Virginia 25414

Subject: Mark Roper
11065 Middleway Pike
Charles Town, WV 25414

Project Name: 24-8-CUP Roper (Retail Mixed Use)

Dear Ms. Jennifer M. Brockman, AICP, Acting Zone Administrator,

This correspondence is written on behalf of the heirs of Julia Downing's Estate which includes Lots 10 and 13, Block 64, Charles Town. The addresses for these properties are 605 Eagle Avenue and 599 Eagle Avenue, respectively.

We received a certified letter in the regular mail concerning a zoning request for project 24-8-CUP Roper (Retail Mixed Use) advising us of a public hearing that will be held on December 12, 2024, at 2 p.m.

We are uncertain of which 2.2-acre property the parcel IDs in the attached letter are associated with. If the listed parcel IDs pertain to the former Eagle Avenue School lot, we have concerns. The lot in question is directly in front of our family residence on Lot 10. Eagle Avenue is a neighborhood instead of a business corridor.

After the Eagle Avenue School burned down in 1966, the City/County maintained the lot well for a few years. The lot was later sold to the Roper family. After the Ropers became proprietors, what was once a playground for the neighborhood children and a pillar in the African American community because of its historical significance, became an overgrown jungle for deer, foxes, and rodents decreasing the value of properties in the neighborhood, while increasing the stigma attached to Black neighborhoods. An abandoned trailer was placed and remained in the thicket of overgrown trees and weeds until a removal order prevailed.

A few years ago, a tree on the Roper property adjacent to our mother's property fell over into her yard and knocked down her fence. I honestly could not believe the size of the tree, the length of time it was left in our mother's yard, and the struggle it took to get Mark Roper to remove the tree.

This may come across as if we have a vendetta against Mark Roper, but that is not the case. Simply stated, we do not trust that he will take care of any construction he builds nearby.

He has demonstrated that he has no regard for the residents in the neighborhood or the neighborhood itself.

Our hope is that efforts will continue to restore the neighborhood. Several new homes have been constructed on Eagle Avenue and Dr. King Blvd. The area, Potato Hill, has been a neighborhood since the Reconstruction Era began in the 1860s following the end of the Civil War.

Generations of African American students were educated at the Eagle Avenue School, including Mark's father. His mother taught there. To overlook and dismiss the historical relevance of that site is unfathomable when so much of our Black History has been erased. It would seem much more befitting and meaningful to develop a mini park on that site to honor his parents and to preserve Black History in Jefferson County. It could be named Russell and Betty Roper Park. Interpretive signage could detail the historical nature of that location.

Lastly, this location is the west entrance gate to Charles Town which should also be of concern to the City of Charles Town.

Final question: would anyone present in this meeting today want what Mark Roper is proposing to be built in front of their property?

We are completely opposed to this request.

If the hearing pertains to the former Eagle Avenue School lot, we request that this letter be read at the public hearing on December 12, 2024, at 2 p.m.

Sincerely,



Linda Downing Ballard, et al.



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

24-8-CUP

Email: zoning@jeffersoncountywv.org

Phone: 304-728-3228

Certified Mail #7015 0640 0004 5288 7535

December 12, 2024

Linda D Ballard Et Al
72 Louisa Beall Ln
Charles Town, WV 25414

Linda D Ballard Et Al:

The Board of Zoning Appeals will hold a public hearing on **December 12, 2024 at 2:00 p.m.** to consider the following request.

Meeting Location: County Commission Meeting Room
Lower level of Charles Town Library (entrance on Samuel St).
200 East Washington St, Charles Town, WV 25414

Property Owner: Mark Roper

Parcel Info: 11065 Middleway Pike, Charles Town, WV 25414
Parcel IDs: 02001100130000, 02001100130001, 02001100140000, & 02001100120001;
Property/Project Size: ~2.2 ac; Zoning District: Residential Growth

Project Name: 24-8-CUP Roper (Retail Mixed Use)

Nature of Request: Request for a Conditional Use Permit to establish the following land use categories: Storage, Commercial (self-storage units); Retail Sales and Service, General (a private gym); Retail Sales, Limited; Convenience Store, Limited; Professional Office. The applicant is proposing to construct new building(s) and will be expanding the existing parking lot. All new signage will be in accordance with Article 10.

Variance from Appendix B and Section 4.6 to reduce the setback and distance requirements for the proposed mixed-use project.

Variance from Appendix B and Section 4.11 to reduce the landscaping and buffer requirements for the proposed mixed-use project.

This file is available for review during normal business hours. The online packet will be made available (www.jeffersoncountywv.org) on the Friday prior to the scheduled meeting date.

Pursuant to Section 6.3 of the Zoning Ordinance, the site will be posted with a green and white placard, a legal ad will appear in the November 21, 2024 edition of the Spirit of Jefferson, and all adjoining property owners will be notified of this meeting by certified mail.

Written comments must be submitted no later than one week prior to the meeting to be included in the Board's mailed packet (see County contact information provided in the letterhead). For additional submission options, please contact Staff at 304-728-3228.

Sincerely,

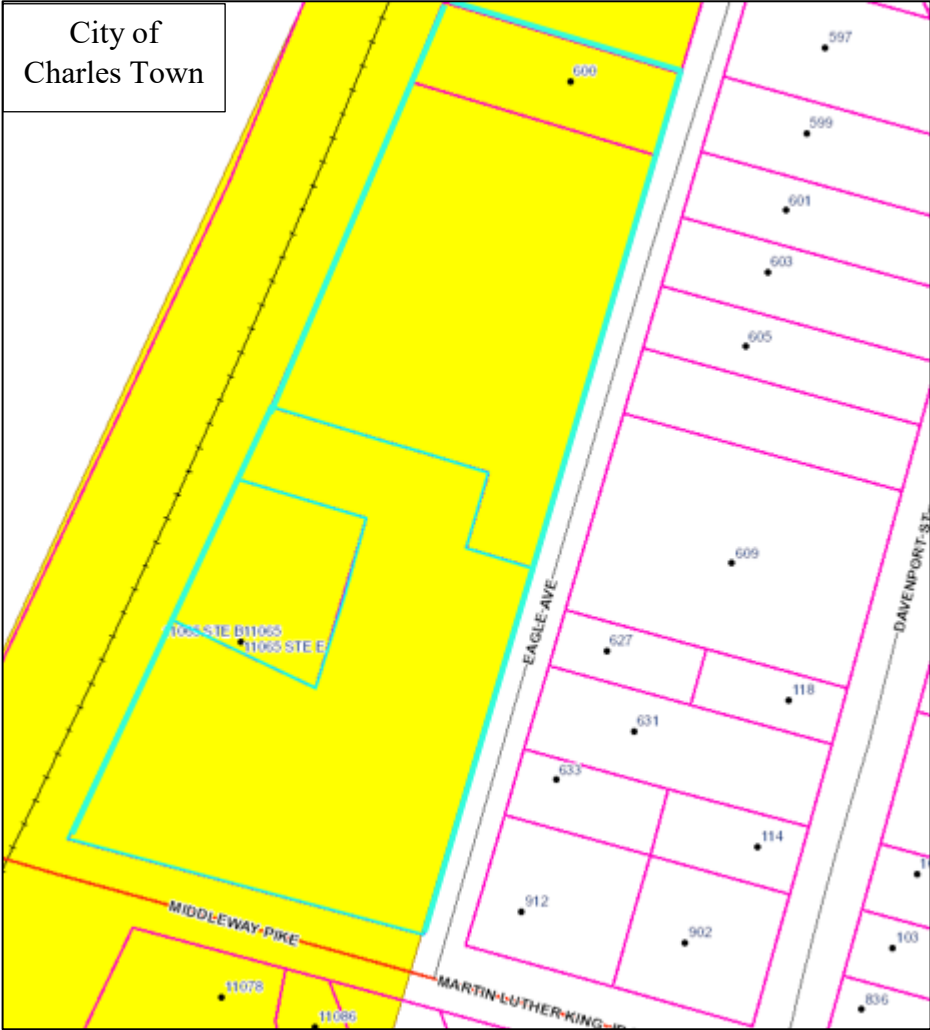
Jennifer M. Brockman, AICP,
Acting Zoning Administrator

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 12, 2024

Variance Request #1: Setback and Distance Requirements (File #24-40-ZV)
Variance Request #2: Landscaping and Buffer requirements (File #24-41-ZV)

Item #3 Request #2: Variance from Appendix B and Section 4.6 to reduce the setback and distance requirements for the proposed mixed-use project (#24-40-ZV).

Request #3: Variance from Appendix B and Section 4.11 to reduce the landscaping and buffer requirements for the proposed mixed-use project (#24-41-ZV).

Owner/ Applicant:	Mark Roper, Property Owner
Consultant	Seth Rivard
Parcel Information & Zoning District:	<p style="text-align: center;">11065 Middleway Pike & 600 Eagle Avenue Charles Town, WV Parcel ID: 02001100130000, 02001100130001, 02001100140000, and 02001100120001; Size: ~2.2 ac; Zoning District: Residential Growth</p> 
History:	None
Waivers/Variations:	N/A
Site Visit Conducted:	Site Visit Not Conducted

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 December 12, 2024

Variance Request #1: Setback and Distance Requirements (File #24-40-ZV)
Variance Request #2: Landscaping and Buffer requirements (File #24-41-ZV)

Staff Overview

The four subject parcels, totaling approximately 2.142 acres, are located west of Eagle Ave along the Charles Town corporate limits and are zoned Residential Growth. The Conditional Use Permit (File # 24-8-CUP) request, also being considered today, is to allow the expansion and redevelopment of these properties while maintaining the existing office building and existing indoor storage used by the applicant for his rental and construction business. The CUP proposes to establish a mixed use development including self-storage units, private gym, retail sales, possible convenience store and professional office. The applicant is proposing to construct new single story buildings and will be expanding the existing parking lot. The properties are surrounded primarily by residential development on the north, east and south; bounded on the west by active railroad tracks and farmland. Most of the residential development is within the city limits of Charles Town.

Due to the proposed mixture of non-residential uses adjoining existing residential neighborhoods, greater setbacks and distance requirements will apply. For this reason, the applicant is requesting the following variances from Appendix B and Section 4.6 to reduce the setback and distance requirements and from Appendix B and Section 4.11 to reduce the landscaping and buffer requirements for the proposed mixed-use project.

Variances

The following variances are requested in separate applications.

Distance Requirement		
<i>Direction</i>	<i>Required Distance (ft)</i>	<i>Provided Distance (ft)</i>
South (MLK/Route 51)	75	112
East (Eagle Avenue)	75	49*
North (Abandoned house)	75	40**
West (Railroad tracks)	75	76

*Requested relief is 26 feet
 **Requested relief is 35 feet

Setback Requirement		
<i>Direction</i>	<i>Required Distance (ft)</i>	<i>Provided Distance (ft)</i>
South (MLK/Route 51)	25	25
East (Eagle Avenue)	25	15*
North (Abandoned house)	25	20**
West (Railroad tracks)	25	10***

*Requested relief is 10 feet
 **Requested relief 5 feet
 ***Requested relief is 15 feet

Buffer Requirement		
<i>Direction</i>	<i>Required Buffer</i>	<i>Provided Buffer</i>
North (Abandoned house)	20-40 buffer consisting of: <ul style="list-style-type: none"> • 1 row of evergreens planted every 10 feet with a minimum height of 6 feet • Solid fence with a height of 6 feet • 1 row of evergreen trees planted every 20 feet with a minimum height of 6 feet 	20-foot buffer consisting of: <ul style="list-style-type: none"> • Solid fence with a height of 6 feet • One row of pine trees every 20 feet
West (Railroad tracks)	10-foot-wide screened buffer of: <ul style="list-style-type: none"> • 1 pine or deciduous tree planted ever 50 feet with a minimum height of 6 feet • 1 ornamental tree planted every 50 with a minimum height of 4 feet • 3 shrubs per every 25 feet. 	None provided along railroad tracks.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
December 12, 2024

Variance Request #1: Setback and Distance Requirements (File #24-40-ZV)
Variance Request #2: Landscaping and Buffer requirements (File #24-41-ZV)

Each of the following requests will require separate action by the Board of Zoning Appeals:

Variance Request #1: Setback and Distance Requirements (File #24-40-ZV)

It should be noted that the subject properties have always included a non-residential land use and been adjacent to a primarily residential neighborhood. The requested setback and distance requirement variance (#24-40-ZV) reflects an effort to fully utilize the properties while setting the new structures as far away from the residential properties as possible. The table above provides the detailed distance and setback variances requested.

Variance Request #2: Landscaping and Buffer requirements (File #24-41-ZV)

The purpose of the landscape buffer requirement is to reduce the impact that a land use might cause to an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise. The subject request is to reduce the required buffer along the northern property line to include a fence and pine tree every 20 feet; and to eliminate the required buffer along the railroad tracks. The required street trees along both Eagle Ave and MLK will be provided.

Zoning Variance Criteria

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

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

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

Conditions of Approval

Staff has no recommended conditions should the Board choose to approve this request.

Section of Ordinance to be Considered

Appendix B – Non Residential Site Development Standards Table (See Attached)

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

Zoning District	Development Type [⊖]	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use						
											A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use	
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25		15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25		15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use		25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District											
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)	N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A	N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A	N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A				
	Commercial or Industrial**	See IC District															
Village (V)	Commercial [¥]	N/A	N/A	35	N/A	25	10	40	See IC District								
	Industrial**	See IC District			35	See IC District											
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District											
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 [£]	10 [⊖]	See I-C District		25	See IC District					
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District								
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25									
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25									
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50									
	Industrial	3 ac ***	N/A	75	90%	25	50	50									
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 [£]	10 [⊖]	See IC District								
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).														

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by “ac” (acres).

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

**** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⊕ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.



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

File #: 24-40-2V
 Mtg. Date: 12-12-24
 Fee Paid: \$ 150

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Application

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

Property Owner Information

Owner Name: Mark E. Roper
 Business Name: _____
 Mailing Address: 418 Samuel St. Charles Town, WV 25414
 Phone Number: 304-671-5262 Email: mrconstructionwv@gmail.com

Applicant Contact Information

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

Consultant Information

Consultant Name: Seth Rivard
 Business Name: _____
 Mailing Address: PO Box 92 Charles Town, WV 25414
 Phone Number: 615-735-7097 Email: seaari@yahoo.com

Physical Property Details

Physical Address: 11065 Middleway Pike, Charles Town, WV 25414
 Parcel ID: (Tax District / Map No. / Parcel No.) TD 2, Map 11, Parcels 13, 13.01, 14 and 12.01
 Parcel Size: 2.142 Deed Book: 1278/1161/1329 Page No: 698/267/395

Zoning District (please check one)

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

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

RECEIVED

NOV 12 2024

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

Date Received:

Variance Reduction Request of Setback and Distance Requirements

Distance Requirement		
<i>Direction</i>	<i>Required Distance (ft)</i>	<i>Provided Distance (ft)</i>
South (MLK/Route 51)	75	112
East (Eagle Avenue)	75	49*
North (Abandoned house)	75	40**
West (Railroad tracks)	75	76

*Requested relief is 26 feet

**Requested relief is 35 feet

Setback Requirement		
<i>Direction</i>	<i>Required Distance (ft)</i>	<i>Provided Distance (ft)</i>
South (MLK/Route 51)	25	25
East (Eagle Avenue)	25	15*
North (Abandoned house)	25	20**
West (Railroad tracks)	25	10***

*Requested relief is 10 feet

**Requested relief 5 feet

***Requested relief is 15 feet

In reviewing the following variance and requested relief from the strict standards of the zoning ordinance, it's important to keep in mind that this site has a unique setting.

- First, the site is bound on three (3) sides by transportation corridors and one of the three sides, the busy railroad corridor functions as an industrial use in its intensity.
- Second, the property is cut in at an angle and non-rectangle, not a situation the applicant created. In trying to make new improvements on the site, the lot shape needs to be taken into account and also pre-existing improvements that also need to be worked around.

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

Distance

- East (Eagle Avenue) From 75 feet to 49 feet
- North (abandoned house) From 75 feet to 40 feet

The distance variance will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

East

To the east, the road right-of-way functionally acts as a separation of the proposed use and the residential uses. The distance separation that cannot be met is from the self-storage building to the residential uses on Eagle Avenue. The self-storage is a low intensity use and will not generate odors, noise, glare, heat, smoke or other undesirable manifestations. The distance use is a one-size fits all approach. This is not a use like a gas station with lots of traffic, activity, noise from an air compressor for filling tires, or the smell of gas in the air. Nor is it a auto repair facility with is associated noises. Since the proposed use is quiet and has no manifestation that requires a 75-foot separation, the 50 feet separation that is proposed is more than adequate. As such the adjacent rights of property owners have been protected.

North

To the north is an abandoned house. The distance separation would be 40 feet. The gym may have one or two windows along the northern side and no pedestrian access. The wall of the gym in itself acts as a barrier and/or separation. While the necessary distance requirement is not proposed to be met, there is going to be a 6-foot-tall fence and pine trees planted every 20 feet between the uses. This buffer acts as a greater separation than just an open distance requirement. It is the applicant's belief the buffering offsets the lack of distance requirement that is not met. All activity is to be indoors and like the self-storage, there will be no external odors, noise, glare, heat, smoke or other undesirable manifestations. Again, the rights of the property owners have been maintained.

Setback

- East (Eagle Avenue) From 25 feet to 15 feet
- North (abandoned house) From 25 feet to 20 feet
- West (railroad tracks) From 25 to 10 feet

The setback variance will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

East

Regarding the setback to the east, along Eagle Avenue, the requested reduction of the setback is 10 feet. The required setback is 25 feet, and the applicant is requesting a 15 foot setback from Eagle Ave. The development is in an urban setting where it is expected that uses may be located closer to the street. The purpose and intent of setbacks is to provide reasonable separation of uses and buildings in the event of fire and adequate air and light between buildings. Since there is a street between the proposed use and the adjacent structures, there is sufficient separation of uses and adequate air and light between buildings. The spirit and intent of the need for setbacks are met in this location.

North

For the north, the setback reduction requested is 5 feet from 25 feet to 20 feet. As noted above, there is a proposed buffer of a 6-foot-tall fence and pine trees planted every 20 feet between the gym and abandoned house. While the strict setback is not met, there is adequate separation between the two uses without creating a condition of overcrowding buildings next to each other. Additionally, with the buffer along this property line, that buffer provides a greater sense of separation than if the strict setback were met.

West

The setback reduction requested is from 25 feet to 10 feet. The setback is to a railroad which is like a highway or industrial use. By its very nature, there is no functional need for a setback from an open space area and a use that is intensive when a train does come by. Providing the additional 15 feet of setback for separation is not going to make a meaningful and material difference, one of the key principles of having setbacks. The existing structure is located approximately 10 feet from the property line and there has been no adverse impact.

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

Distance

East

To the east, if the homes had met the setbacks of the Charles Town Zoning Ordinance, which is a 20-foot setback, the request might be for a much smaller relief of 5 or 6 feet. However, there are non-conformities that exist around the site and were not created by the applicant. As detailed above, there is a street that functions as a reasonable separation of the uses.

North

With the existing building location and the property, which is cut in at an angle and non-rectangle, not a situation the applicant created, accounting for these existing conditions

results in difficulty in meeting the strict distance requirement. Since the property is sliced at an angle, the building has to be adjusted and angled to match this diagonal property line.

Setback

East

There are existing conditions of the site, as noted above, the angled property line, and an existing structure that must be navigated around with the new uses that are incorporated on the site.

North

As noted above, with the property being at an angle, it then pushes the back corner of the building closer to the adjoining property line. This results in a situation where the back corner of the building will not be able to meet the side setback.

West

The railroad is preexisting and as noted above acts as a practical separation of uses. While the applicant is requesting a reduction of the setback from 25 feet to 10 feet, the railroad right-of-way is 75 feet. This will provide more than enough setback from buildings that might be built across the railroad right-of-way in the future.

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

The variance would eliminate an unnecessary hardship and allow for reasonable use of the land.

Distance

As detailed above, the proposed uses are not intensive, the property cuts in at an angle and there existing conditions that need to accounted for on the site. Also, as noted above, the distance requirement is a one size fits all approach. The requested variance is why variances are permitted to be requested. Granting the variance from a one size fits all standard eliminates an unnecessary hardship for a use that will not have negative adverse impacts to adjacent properties, which is the main reason to have distance requirements.

Setback

As discussed in this application, for the setbacks in two directions, east and west, there are transportation corridors that act as a separation of uses and buildings to prevent overcrowding of structures. In these instances, strict adherence to the setback standards is not necessary. To the north, a buffer of a fence and pine trees will be provided. This will provide a greater sense of separation than providing the 5 feet of setback that the applicant is seeking relief from.

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

Distance and Setback

The purpose and intent of the zoning ordinance is to have reasonable separation of uses and activity. The granting of the variances will maintain and achieve that purpose and intent. A reduction of both the distance and setbacks will have no impact on adjacent property owners.

Substantial justice would be achieved since, as noted multiple times in this application, in three directions there is a transportation corridor that functions as a separation of activities, both for the purposes of distance and setback requirements. In the remaining direction of the property, there is a physical buffer of a fence and pine trees, which results in a separation of buildings and uses. Substantial justice would also be achieved since the applicant's requested variance is the minimum possible. The redevelopment and improvements on the site fulfill the objectives and strategies detailed in the Comprehensive Plan as outlined in the CUP application. This would result in the county's goal to encourage development where there is urban level amenities, such as water and sewer. This request addresses multiple public policy goals.



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

File #: 24-41-2V
 Mtg. Date: 12-12-24
 Fee Paid: \$ 150

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Application

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

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

Consultant Information

Consultant Name: Seth Rivard
 Business Name: _____
 Mailing Address: PO Box 92 Charles Town, WV 25414
 Phone Number: 615-735-7097 Email: seaari@yahoo.com

Physical Property Details

Vacant Lot:

Physical Address: 11065 Middleway Pike, Charles Town, WV 25414
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- | | |
|---|---|
| <input checked="" type="checkbox"/> Residential Growth (RG) | <input type="checkbox"/> General Commercial (GC) |
| <input type="checkbox"/> Industrial Commercial (I-C) | <input type="checkbox"/> Highway Commercial (HC) |
| <input type="checkbox"/> Rural (R)* | <input type="checkbox"/> Light Industrial (LI) |
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| <input type="checkbox"/> Village (V) | <input type="checkbox"/> Planned Neighborhood Development (PND) |
| <input type="checkbox"/> Neighborhood Commercial (NC) | <input type="checkbox"/> Office/Commercial Mixed-Use (OC) |

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

Date Received:

RECEIVED

NOV 12 2024

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

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

Section of the Zoning Ordinance pertaining to this request:

Buffer Variance

Section 4.11E and Standard Detail M-52

Section 4.11E & Standard Detail M-53.

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

Front Setback

Side Setback

Rear Setback

Reduction from _____ to _____

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

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

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

See attached.

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

See attached.

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

See attached.

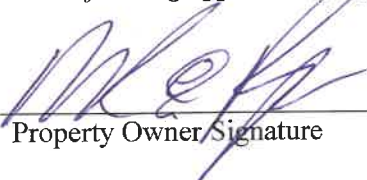
How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice done?

See attached.

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

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

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


Property Owner Signature

11-12-24
Date

Property Owner Signature

Date

Variance Reduction Request of Buffer Requirements

- A variance to the west, along the railroad tracks, of no buffering.
- A variance to the north, the abandoned home, a reduction of the one row of evergreens planted every 10 feet with a minimum height of 6 feet.

Buffer Requirement		
<i>Direction</i>	<i>Required Buffer</i>	<i>Provided Buffer</i>
North (Abandoned house)	20-40 buffer consisting of: <ul style="list-style-type: none"> • 1 row of evergreens planted every 10 feet with a minimum height of 6 feet* • Solid fence with a height of 6 feet • 1 row of evergreen trees planted every 20 feet with a minimum height of 6 feet 	20-foot buffer consisting of: <ul style="list-style-type: none"> • Solid fence with a height of 6 feet • One row of pine trees every 20 feet
West (Railroad tracks)	10-foot-wide screened buffer of:** <ul style="list-style-type: none"> • 1 pine or deciduous tree planted every 50 feet with a minimum height of 6 feet • 1 ornamental tree planted every 50 with a minimum height of 4 feet • 3 shrubs per every 25 feet. 	None provided along railroad tracks.

*Variance is a request for a reduction of the one row of evergreens planted every 10 feet with a minimum height of 6 feet.

**Variance is a request for an elimination of all buffering in this location.

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

- West (Railroad) Elimination of all buffering
- North (abandoned house) Removal of the 1 row of evergreens planted every 10 feet with a minimum height of 6 feet

The distance variance will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

West

Buffering would provide little improvement between this use and the adjacent property to the west, which is currently farmland. First, the railroad right-of-way is 75 feet, providing its own form of both separation of uses and buffering. Second, the railroad right-of-way is functionally an industrial commercial corridor. The buffering of a commercial use from an industrial use is not the intent of the ordinance.

If the farmland to the west were to develop, the use on the farmland would be buffering from the intensive and noisy railroad right-of-way, not the applicant's proposed use. In essence, any proposed future use on that farmland would provide its own form of buffering from the railroad, not the applicants proposed uses. Based on the types of land uses that currently exists, the variance will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

North

To the north is an abandoned house. A distance separation of 40 feet between the uses is proposed and the applicant is proposing to install a 6-foot-tall fence and pine trees planted every 20 feet. The applicant is requesting relief of one row of evergreens planted every 10 feet with a minimum height of 6 feet. Currently, there is no buffer between the existing use on the site and the residential structure to the north. After the site is redeveloped, there will be a buffer installed. The modest relief sought by the applicant will not negatively impact the buffering that is proposed. This modest relief will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

All activity is to be indoors and there will be no external odors, noise, glare, heat, smoke or other undesirable manifestations. Again, the rights of the property owner will be maintained.

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

West

The applicant is functionally adjacent to an industrial use and the applicant did not create that use. Requiring the less extensive use to buffer from a more intensive use is not typical. As such, relief from this requirement is reasonable.

North

To the north is an abandoned house. A distance separation of 40 feet is going to be provided. The proposed buffer of a 6-foot-tall fence and pine trees planted every 20 feet is in addition to that 40-foot separation. The property is cut in at an angle and non-rectangle, not a situation the applicant created. This makes the placement of new structures on the site around existing structures on the lot difficult to work with for new improvements. The applicant is proposing to bring a non-conforming site into conformity. In bringing this site into conformance, there are some strict standards the applicant cannot meet due to the shape of the lot. The applicant is proposing a buffer in this location and is seeking modest relief of the buffering standard. This modest relief will result in a much greater improvement than exists today on the property. Currently there is no buffer and once this is finished there will be a buffer. This modest relief will not impact the public health, safety, welfare or the rights of adjacent property owners and residents.

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

The variance would eliminate an unnecessary hardship and allow for reasonable use of the land.

North and West

As noted above, the shape of the lot and the industrial corridor is not a result of the applicant's actions. The applicant is proposing to take a site that currently is non-conforming regarding site improvements and bring it into conformity. For those improvements to occur, the applicant is seeking relief from the strict standards of the zoning ordinance. The requested relief sought by the applicant would eliminate an unnecessary hardship and permit reasonable use of the land. Where it matters most, along a residential use, the applicant is proposing a buffer.

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

North and West

The purpose and intent of the zoning ordinance is to have reasonable separation of uses and activity. To the north where there is a residential use there is currently no buffer. The proposed improvements will result in a buffer being installed. The granting of the variances will maintain and achieve that purpose and intent of the zoning ordinance. An elimination of the buffer along the railroad tracks still provides for separation of uses, and as noted elsewhere, it's not typical for a less intensive use, the proposed development, to buffer from a more intensive use, the railroad tracks. Granting the variance will allow for reasonable use and activity on an existing lot of record.

Substantial justice would also be achieved since the applicant's requested variance is the minimum possible and will result in a site that is in conformance with the current land development standards. The redevelopment and improvements, detailed here and in the CUP application, on the site fulfill the objectives and strategies detailed in the Comprehensive Plan. This would result in the county's goal to encourage development where there is urban level amenities, such as water and sewer. This request addresses multiple public policy goals.



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report December 12, 2024 Board of Zoning Appeals Meeting

Date of Memo: December 6, 2024

1) Next regular meeting scheduled for **January 23, 2025**

- Deadline for submission is Friday, December 20, 2024.

2) **2045 Comprehensive Plan Status Update**

The RECOMMENDED *2045 Comprehensive Plan* is available on the County's website:

<https://www.jeffersoncountywv.org/county-government/departments/engineering-planning-and-zoning/2024-comprehensive-plan-update>

The County Commission held a public hearing regarding the 2045 Comprehensive Plan on Wednesday, December 4, 2024.

Per WV Code 8A-3-7b, after the *2045 Comprehensive Plan* was recommended to the County Commission for consideration and adoption, the Planning Commission presented the recommended Comprehensive Plan to the County Commission at their October 17, 2024 meeting.

Per WV Code 8A-3-7c, 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. At the October 17, 2024 County Commission meeting, the County Commission scheduled a Public Hearing to be held on December 4, 2024 at 6 pm at Jefferson High School Auditorium, with an Open House with staff from 5 pm to 6 pm.

Per WV Code 8A-3-8, 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*. The 90 days ends on January 14, 2025.

3) **Two alternate member positions remain open.** One term ending 01/01/25 and the other term ending 01/01/27.

- Persons interested in serving on the Board of Zoning Appeals should contact the County Commission Office at 304-728-3284 / jjames@jeffersoncountywv.org.

4) **Zoning Certificate Activity Report - attached**



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

December 2024
Zoning Certificate Activity Report

File #	24-44-ZC
Request:	Shopping Center - Change in Tenant
Property Owner:	B33 Jefferson Crossing II, LLC / Attn: Matt Millon, Harbor Freight Tools
Parcel Information:	Jefferson Crossing Shopping Center 186 Flowing Springs Blvd, Charles Town, WV 25414 Parcel ID: 02000800240004; Size: 15.16 acres; Zoning District: Residential-Light Industrial-Commercial; Deed Book: 1317; Page: 500
Date of Issuance:	10/22/2024
File #	24-47-ZC
Request:	Change in Signage for Sherwin Williams
Property Owner:	Bridge 33 Capital, LLC / Attn: Ken Adams
Applicant:	C.P. Leopold, Sign Graphx
Parcel Information:	Jefferson Crossing Shopping Center 182 Flowing Springs Blvd, Charles Town, WV 25414 Parcel ID: 02000800240004; Size: 15.16 acres; Zoning District: Residential-Light Industrial-Commercial; Deed Book: 1317; Page: 500
Date of Issuance:	10/31/2024
File #	24-48-ZC
Request:	Institutional Use - Park
Property Owner:	Jefferson County Parks and Recreation Commission / Attn: Jennifer Myers
Consultant:	Matt Pennington / Downstream Strategies
Parcel Information:	1123 Bloomery Road, Charles Town, WV 25414 Parcel ID: 02002000020000; Size: 82 acres; Zoning District: Rural; Deed Book: 1303; Page: 327
Date of Issuance:	11/26/2024
File #	24-49-ZC
Request:	Golf Course: Accessory Use –Driving Range and Teaching Facility
Property Owner:	Love 4 Golf Inc. / Attn: Wayne Clark
Applicant:	On The Path Gold Academy, LLC / Joel Pyron
Parcel Information:	Locust Hill Subdivision and Golf Course 278 Saint Andrews Drive, Charles Town, WV 25414 Parcel ID: 02013A00010001; Size: ~163.8 acres; Zoning District: Rural; Deed Book: 1142; Page: 654; PC File:Z92-07
Date of Issuance:	12/06/2024
File #	24-50-ZC
Request:	Short Term Rental
Property Owner:	Ann-Sofie Jespersen and Nicole Barden
Applicant:	Barden-Jespersen / Attn: Nicole Barden
Parcel Information:	126 Marcum Lane, Harpers Ferry, WV 25425 Parcel ID: 06002601440000; Size: 1 acres; Zoning District: Rural; Deed Book: 1320; Page: 364
Date of Issuance:	11/18/2024

Zoning Certificate Activity Report

December 2024

Page 2 of 2

File # **24-53-ZC**
Request: Modifications to an existing Telecommunications Tower site: Installation of Generator
Property Owner: Kenneth Wilt
Applicant: T-Mobile Northeast, LLC / Site Link Wireless, LLC
Consultant: Site Link Wireless Agent: James Marquez
Parcel Information: 543 Mission Road N., Harpers Ferry, WV 25425
 Parcel ID: 02002000310000; Size: ~53.13 acres;
 Zoning District: Rural; Deed Book: 1045; Page: 445; PC File #S99-07
Date of Issuance: 12/02/2024