



**Jefferson County**  
**Board of Zoning Appeals Agenda**  
**Thursday, August 28, 2025 at 2:00 p.m.**

Members  
Tyler Quynn, Chair  
Matthew McKinney, Vice Chair  
Mikala Shremshock, Secretary  
David Wiegand  
Elliot Kletter, Alternate  
Keith Selmer, Alternate

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**Meeting Location:** County Commission Meeting Room  
Located in the main level of the Jefferson County Government Complex  
(entrance on East side of the building)  
393 N. Lawrence Street, Charles Town, WV 25414

**Broadcast Information:** ZOOM Meeting Link: <https://us02web.zoom.us/j/85136367949>  
Phone Option (Dial by Location): 301-715-8592 / Meeting ID: 851 3636 7949

**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.**

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**Approval of Minutes: July 24, 2025**

**Public Hearing – Administer Oath**

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**Agenda Item # 1 File #25-17-ZV, 25-18-ZV, 25-24-ZV, 25-25-ZV, and 25-26-ZV**

The applicant is requesting a variance from the following Sections in order to facilitate the redevelopment of the Charles Town Plaza. The redevelopment consists of demolishing an existing restaurant for the purpose of constructing a car wash.

- Request 1A: Variance from Section 11.1 to reduce the required number of parking spaces (25-17-ZV).  
Request 1B: Variance from Appendix B to reduce the building setbacks and to eliminate the parking/drive aisle setbacks (25-18-ZV).  
Request 1C: Variance from Section 4.11I to eliminate the requirement to install street trees (25-24-ZV).  
Request 1D: Variance from Section 8.9A.9 to eliminate the requirement of a frontage road; and, Section 8.9A.10 to reduce the landscape buffer along a limited access highway (Route 340) (25-25-ZV).  
Request 1E: Variance from Section 10.4A.1 to allow an Attached Business Sign to be located on the front, side, and rear of the proposed building; Section 10.4B.2 to allow a second Freestanding Business Sign to be located along Route 340; Section 10.4B.3 to reduce the front setback along Route 340; and, Section 10.4B.5 to allow a second Freestanding Sign for the proposed car wash as opposed to utilizing a Pylon Sign (25-26-ZV).

Applicant: WLR Automotive, Inc.  
Project Info: SUSO 2 Alabama LP, property owner  
Charles Town Plaza, 60 Patrick Henry Way, Charles Town, WV  
Parcel ID: 02000800290002; Size: 21.33 acres;  
Zoning District: Residential-Light Industrial-Commercial

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**Agenda Item # 2 File #25-20-ZV**

Request #1: Variance from Section 10.4B.2 to allow a second Freestanding Business Sign to be located on the subject parcel; and, Section 10.4B.4 to allow the proposed sign to face a residence.

Request #2: Variance from Appendix B to reduce the side setback for a proposed sign.

Applicant: Mannings Assembly of God Church  
Project Info: Pentecostal Full Gospel Church, property owner  
19176 Charles Town Rd, Harpers Ferry, WV  
Parcel ID: 02021C00160000; Size: 1 acre; Zoning District: Village

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**Agenda Item # 3      File #25-21-ZV**

Request: Variance from Section 9.7 to reduce the front setback from 40' to 15' for an accessory structure; and, Section 9.6C to allow an accessory structure within the required front yard.

Project Info: Brandon D & Charity Simon, property owner  
1738 Leetown Rd, Summit Point, WV  
Parcel ID: 06001400010001; Size: 4.43 acre; Zoning District: Rural

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**Agenda Item # 4      File #25-22-ZV and #25-23-ZV**

Request #1: **WITHDRAWN.** Variance from Section 4.6B to reduce the distance requirement from a proposed commercial land use (antique shop) to a residential lot to the north and to the south (25-22-ZV).

Request #2: Variance from Section 10.4A to allow two proposed Attached Business Signs to each face a residential lot (25-23-ZV).

Project Info: Christopher Tyler & Donna Hoffman, property owner  
2148 Berryville Pike, Charles Town, WV  
Parcel ID: 06010A00230000; Size: .04 acres; Zoning District: Village

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**THE FOLLOWING REQUEST IS NOT SUBJECT TO A PUBLIC HEARING**

**Agenda Item # 5      Extension Request File #24-4-CUP**

Request: Request for an eighteen month extension of the Franklinton Farm Solar Project's Conditional Use Permit to operate a Solar Energy Facility.

Applicant: Franklinton Farm, LLC

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

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

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

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

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**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: July 24, 2025**

1. Variance from Appendix A. Property Owner: Carolina Moncada. File #: 25-19-ZV
2. Request for a Special Exception Permit to allow an off-premises sign for Rumsey Place with a deviation from the following Sections: 10.2C, 10.4B.4, 10.5A.2 10.5A.4. Property Owner: Federal Group Inc. / Attn: Tripp Lowe, File #25-2-SE.



**DRAFT Meeting Minutes**  
**Jefferson County Board of Zoning Appeals**

- 1 Meeting Date: July 24, 2025  
2 Meeting Location: County Commission Meeting Room  
3 Located on the main level of the Jefferson County Government Complex  
4 393 N. Lawrence Street, Charles Town, WV 25414  
5 Board Members Present: Tyler Quynn, Chair; Matt McKinney, Vice Chair; Mikala Shremshock;  
6 and Keith Semler, Alternate, were in attendance in person. Elliott  
7 Kletter, Alternate was in attendance via ZOOM and did not participate  
8 in the voting.  
9 Board Members Absent: Dave Wiegand was absent with notice.  
10 Staff Members Present: Andy Beall, Zoning Administrator, Jennilee Hartman, Zoning Clerk, and  
11 Colin Uhry, Planning & Zoning Clerk

12 Mr. McKinney moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which  
13 carried unanimously.

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

15 **Approval of Minutes: June 26, 2025**

16 Mr. Quynn allowed the members of the Board to review the minutes throughout the meeting, which  
17 would be decided after Agenda Item #1.

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

19 **Agenda Item # 1 File #25-19-ZV**

- 20 Request: Variance from Appendix A to reduce the rear setback from 20' to 8' for a 12' x 40' deck.  
21 Project Info: Carolina Moncada, property owner  
22 152 Atkinson Street, Shenandoah Junction, WV  
23 Stonecrest Subdivision, Lot 39  
24 Parcel ID: 02003A00390000; Size: 0.16 acres; Zoning District: Residential Growth

25 Ms. Carolina Moncada was present to address the Board.

26 Mr. Beall provided an overview of the staff report to the Board.

27 Ms. Moncada explained the nature of the request to the Board.

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

30 Mr. Semler and Ms. Shremshock expressed concern on setting precedent by approving the proposed  
31 Zoning Variance, Mr. Quynn explained that approval would not lead to precedent.

32 Mr. McKinney moved to approve variance #25-19-ZV with the condition that the applicant is  
33 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

34 **CONTINUED: Approval of Minutes: June 26, 2025**

35 Ms. Shremshock moved to approve the minutes as presented, which carried unanimously.

36 **Agenda Item # 2 File #25-2-SE**

- 37 Request: Request for a Special Exception Permit to allow an off-premises sign for Rumsey Place.  
38 The applicant is requesting the following deviations:  
39 1. A deviation from Section 10.2C to allow the proposed sign to be located within a  
40 platted right-of-way.

- 1                   2. A deviation from Section 10.4B.4 to allow the proposed sign to face a residence.
- 2                   3. A deviation from Section 10.5A.2 to reduce the distance between signage from
- 3                   300' to 125'.
- 4                   4. A deviation from Section 10.5A.4 to reduce the front setback from 25' to 17' along
- 5                   Kearneysville Pike.
- 6 Project Info: Federal Group Inc. / Attn: Tripp Lowe
- 7                   Vacant Parcel (right-of-way to 233 Lowe Drive), Shepherdstown, WV
- 8                   Parcel ID: 09000800240003; Size: 1.02 acres;
- 9                   Zoning District: Residential – Light Industrial - Commercial

10 Mr. Paul Raco, with P.J. Raco Consulting, and Mr. Tripp Lowe, the property owner, were present in  
11 person to address the Board.

12 Mr. Beall provided an overview of the staff report to the Board, noting the owner of the right-of-way  
13 is also the property owner of 233 Lowe Drive.

14 Mr. Raco provided a brief history of the subject parcel and explained the nature of the request to the  
15 Board including a summary of requested deviations.

16 Mr. McKinney questioned whether or not the sign would be lit. Mr. Raco explained the sign would  
17 be lit through solar lights.

18 Mr. Quynn opened the public comment portion of the hearing. The following member of the public  
19 provided testimony: Chris Rankin. Mr. Quynn closed the public comment portion of the hearing.

20 Mr. McKinney moved to approve special exception #25-2-SE with the condition that the applicant  
21 is bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

## 22 **Zoning Administrator Report**

23 Mr. Beall provided the Board with the following information:

- 24       1. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.
- 25       2. Mr. Beall provided the Board with an update regarding a possible text amendment to the
- 26       Zoning Ordinance, which was further discussed at the July 8, 2025 Planning Commission
- 27       Meeting.

28 Mr. Semler questioned how approval of 25-19-ZV would not set precedent for other property owners  
29 of the Stonecrest Subdivision. In response to Mr. Quynn's inquiry, Ms. Hartman explained that a  
30 previous text amendment was approved to allow an applicant to utilize a modified setback as opposed  
31 to processing a variance. Mr. Semler expressed interest in additions to the previous text amendment.  
32 Mr. Quynn noted the Board and Staff should wait until further variances are proposed to the Board of  
33 Zoning Appeals.

## 34 **Legal Update**

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

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

38           No update was provided.

Board of Zoning Appeals

July 24, 2025

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

4           No update was provided.

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

6           **Meeting: April 24, 2025**

7           1. Variance from Section 9.7. Property Owners: Robert & Alice Hill-Murray.  
8           File #25-13-ZV.

9           2. Variance from Appendix A. Property Owners: Russell and Krishna Carroll.  
10          File #25-14-ZV.

11          No Findings were provided to the Board.

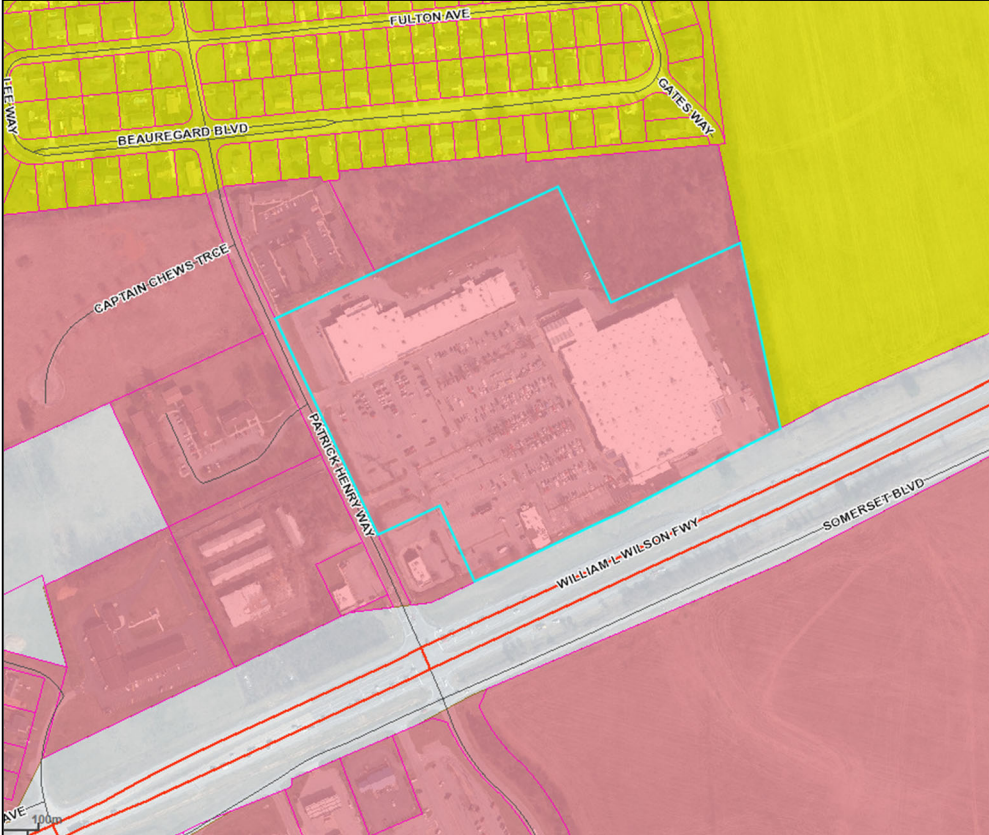
12 Mr. McKinney moved to adjourn the meeting at 2:52 pm. Mr. Quynn called for a vote, which carried  
13 unanimously.



Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 28, 2025

**25-17-ZV WLR Automotive (Parking) Variance Request**

Item #1A Variance from Section 11.1 to reduce the required number of parking spaces in order to facilitate the redevelopment of the Charles Town Plaza. The redevelopment consists of demolishing an existing restaurant for the purpose of constructing a car wash.

Owner:	SUSO 2 Alabama L.P. / Attn: Slate Asset Management, L.P.
Applicant:	WLR Automotive Group, Inc. / Attn: Thomas Moore Lawson, Esq.
Consultant:	Frederick, Siebert & Associates, Inc. / Attn: David Trostle
Parcel Information & Zoning District:	<p style="text-align: center;">60 Patrick Henry Way &amp; 32 Patrick Henry Way, Charles Town, WV 25414          Parcel IDs: 02000800290002 &amp; 02000800290010; Size: ~22.33 combined acres;          Zoning District: Residential/Light Industrial/Commercial</p> 
History:	Walmart Site Plan: a redevelopment of the existing commercial shopping center (File: 96-16-S)
Waivers/Variances:	<p>08/15/96: BZA approved the following variances:</p> <ul style="list-style-type: none"> <li>• Reduction of the side distance requirement from 75' to 45' (ZV96-49)</li> <li>• Reduction of the front parking setback from 15' to 10' (ZV96-50)</li> <li>• Reduction of the front setback from 25' to 5' for a retaining wall (ZV96-51)</li> <li>• Reduction of the landscape buffer from 50' to 30' (ZV96-52)</li> <li>• Reduction of the side setback from 50' to 30' for a retaining wall (ZV96-53)</li> <li>• Reduction of the rear setback from 50' to 10' for a retaining wall (ZV96-54)</li> <li>• Elimination of the frontage road requirement (ZV96-55)</li> <li>• Establish a Fast Food Restaurant within a commercial building (ZV96-56)</li> </ul>

Staff Report  
 Jefferson County Board of Zoning Appeals  
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**25-17-ZV WLR Automotive (Parking) Variance Request**

	06/19/97: BZA approved a variance to allow a freestanding sign along Route 340 (ZV97-18) 07/17/97: BZA approved a variance for placement of a temporary leasing sign (ZV97-31) 06/18/98: BZA approved a variance to utilize 80 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV98-09) 02/17/00: BZA approved a variance to utilize 89 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV00-01) 09/20/01: BZA approved a variance to allow the garden center seasonal use within the parking lot of shopping center (ZV01-22) 08/21/03: BZA approved a variance to reduce the number of parking spaces from 1238 to 1204 for the expansion of the garden center. Does not impact the seasonal use items in parking lot (cont'd from 07/17/03) (ZV03-21) 02/14/23: PC approved waiver of site plan for 2,420 square foot addition.
Approved Activity:	Shopping Center
Site Visit Conducted:	Placards posted

**Staff Overview**

The applicant is proposing to demolish an existing restaurant and construct a drive through car wash with detached covered vacuum bays. The proposed car wash will eliminate 29 (twenty-nine) existing parking spaces. That said, the required parking for the China Fortune restaurant is approximately 66 (sixty-six) spaces. As the restaurant will be demolished, these parking spaces will no longer be required at this location. There are no parking requirements for car washes per se but those for an auto service station without the service bays would seem appropriate. This would be 1 (one) space per employee. The existing Walmart retail store and shopping center site plan was approved in 1996 (Site Plan File #S96-16).

Article 11 establishes that permanent, off-street vehicular parking shall be provided for all nonresidential land uses. The purpose of nonresidential parking requirements is to ensure that parking is safe for users, e.g. having a solid, level surface, adequate drive aisles, suitable topography, etc. Part of ensuring that parking is safe for motorists is providing a sufficient number of spaces to prevent motorists from parking within drive aisles and creating safety hazards in navigating the parking lot. There is a balance between ensuring that an adequate number of parking spaces remain available to customers and not providing excess parking spaces, which creates additional stormwater runoff as a result of an increase in impervious area.

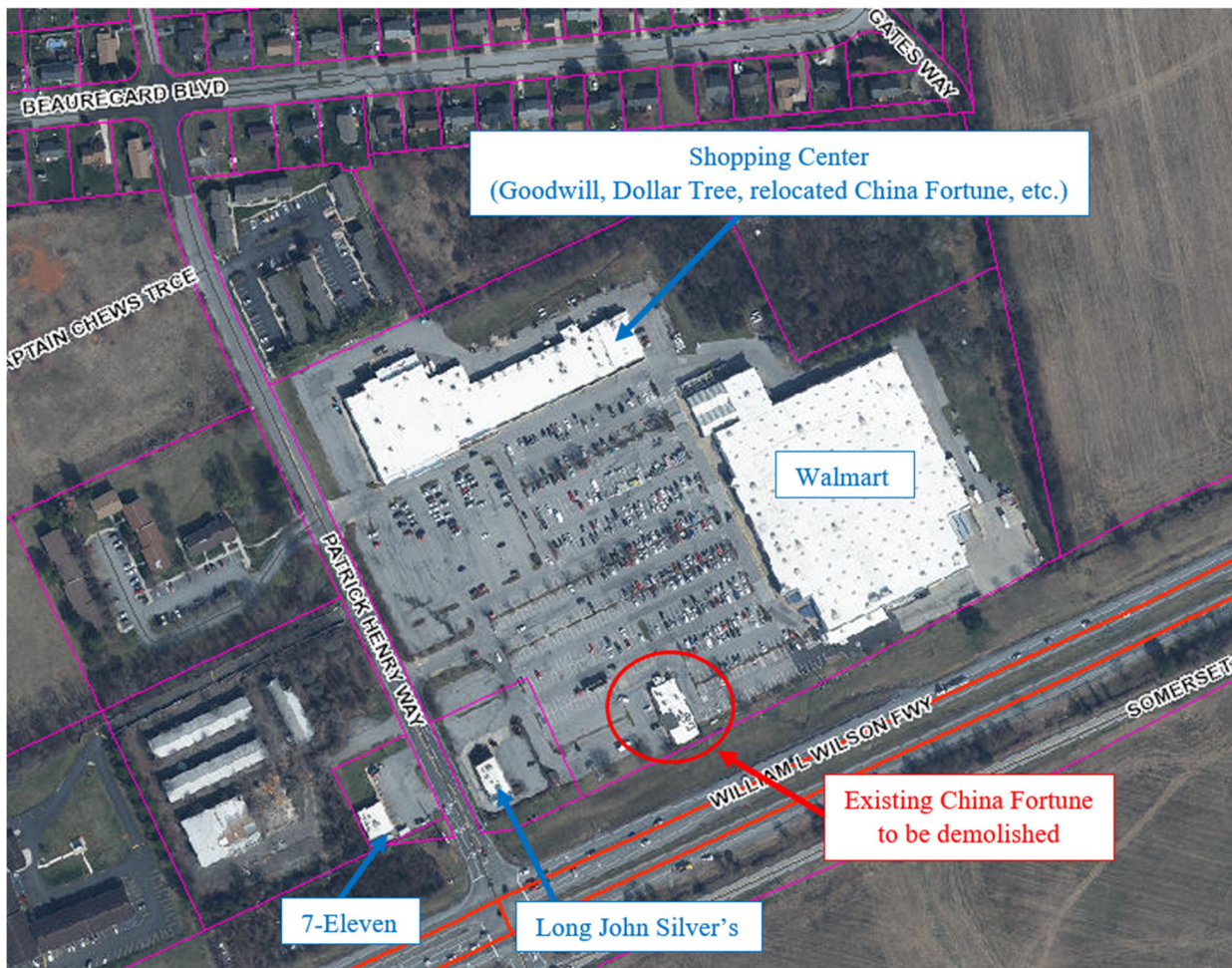
The applicant has stated that the proposed car wash will require minimal parking as customers will enter the car wash tunnel and exit the property promptly after the wash cycle is complete. The on-site use of the vacuum bays would not constitute permanent off-street automobile parking spaces.

The applicant is requesting to eliminate twenty-nine of the existing parking spaces where the car wash will be constructed and to reduce the number of required parking spaces from 1,217 to 1,135 (actual number of spaces on site, after construction of proposed car wash). The total reduction would be 29 parking spaces from the Walmart and Long John Silvers' parking lot area:

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**25-17-ZV WLR Automotive (Parking) Variance Request**

- 1996 Required Parking = 1,210 spaces for all retailers/restaurants on lot (Site Plan File #S96-16)
- 2003 Required Parking = 1,204 spaces (pursuant to Variance File #ZV03-21)
- 2023 expansion = **1,217 spaces required** (1,204 required + 13 required for addition)
- Actual Existing Spaces = 1,164 spaces (pursuant to applicant's survey)
- Car Wash will eliminate 29 spaces from what exists on site
- **Total Actual Spaces (after construction of car wash) = 1,135 spaces**
- 1,217 (required) – 1,135 (actual) = 82 spaces

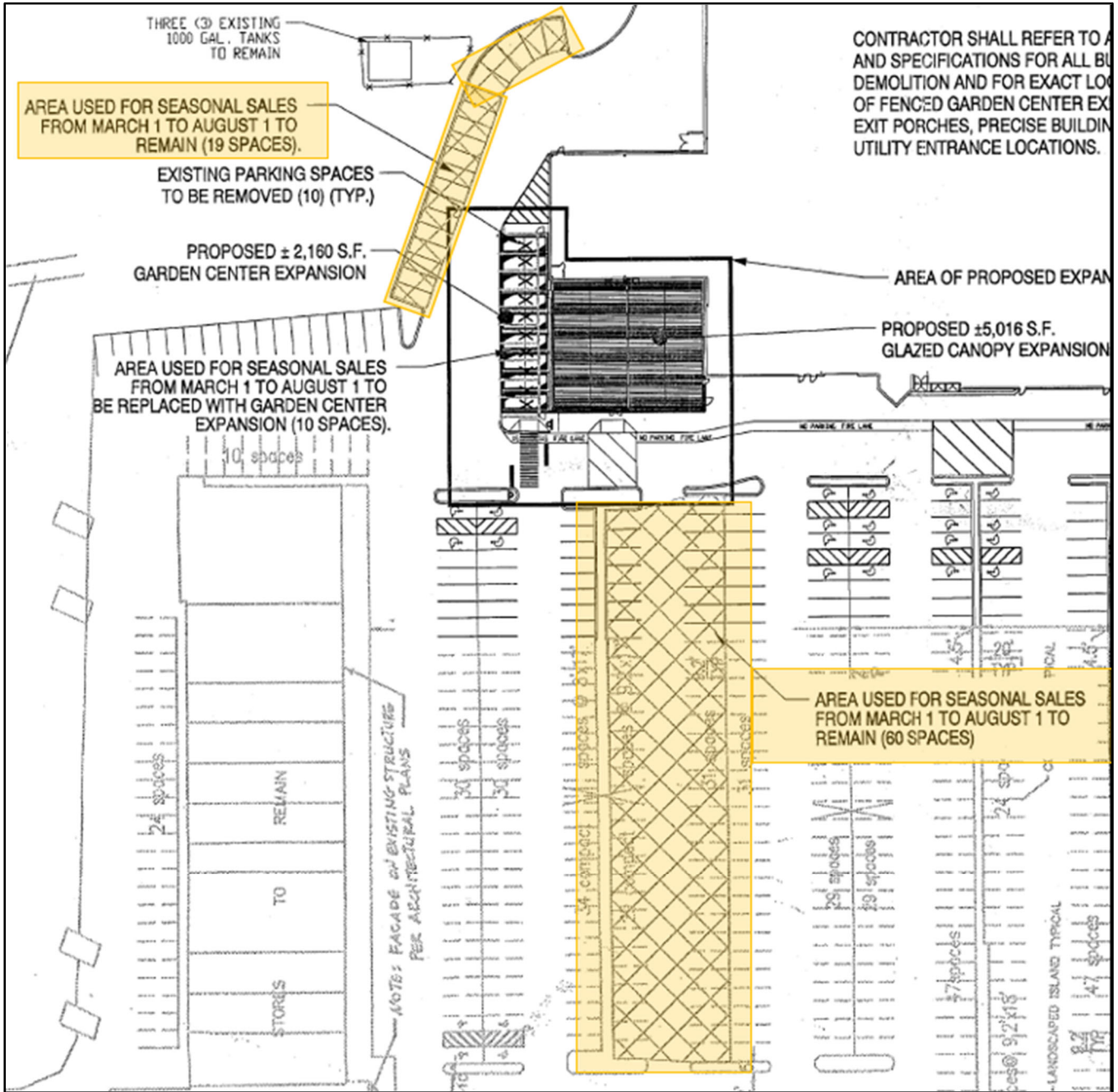


In researching the history of the property, Walmart has processed a number of variances over the years to utilize 89 parking spaces for an outdoor display of garden center/seasonal items. The 2003 variance request was similar in nature to the subject request in that Walmart was granted relief from installing the additional parking spaces required for the addition, as well as an elimination of ten of the existing parking spaces that had been used for outdoor display area to construct the garden center addition. Additionally, the request included maintaining use of the corralled area within the parking lot every March through August for the garden center, which alleviated the need to come back to the Board every year for the same request, and reduced the total number of parking spaces utilized for outdoor display garden center inventory items to 79.



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**25-17-ZV WLR Automotive (Parking) Variance Request**

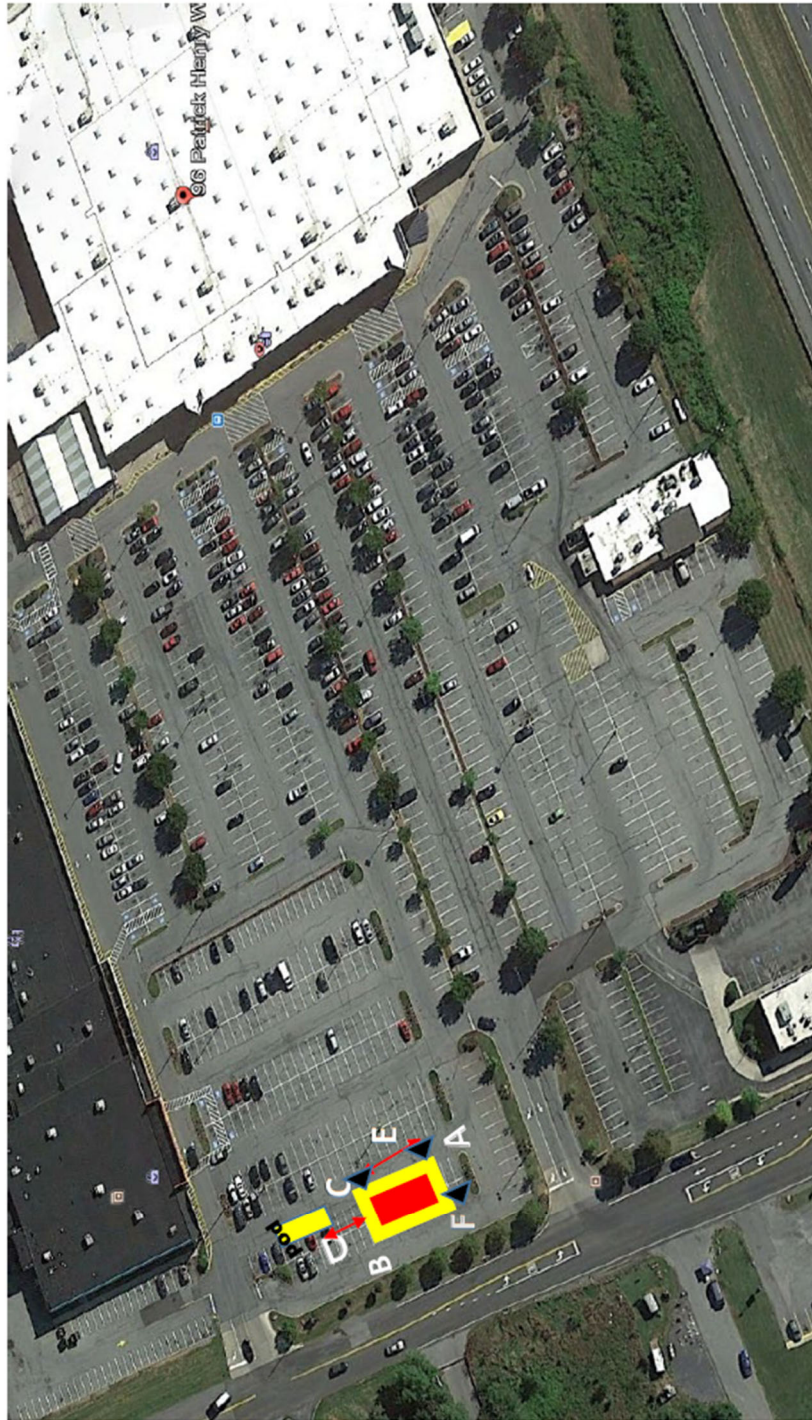
**Exhibit 1:** 2003 Variance Exhibit Delineating Parking Spaces Utilized for Outdoor Display of Seasonal Items March - August



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**25-17-ZV WLR Automotive (Parking) Variance Request**

**Exhibit 2:** 2022 Sketch delineating location of temporary sale of fireworks operation

Store: Charles town Plaza Address: 96 PATRICK HENRY WAY CHARLES TOWN, WV 25414 Location#: FWV0096

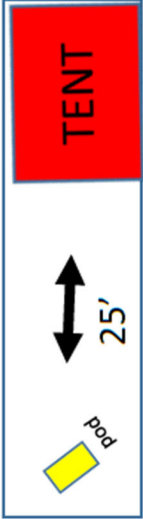
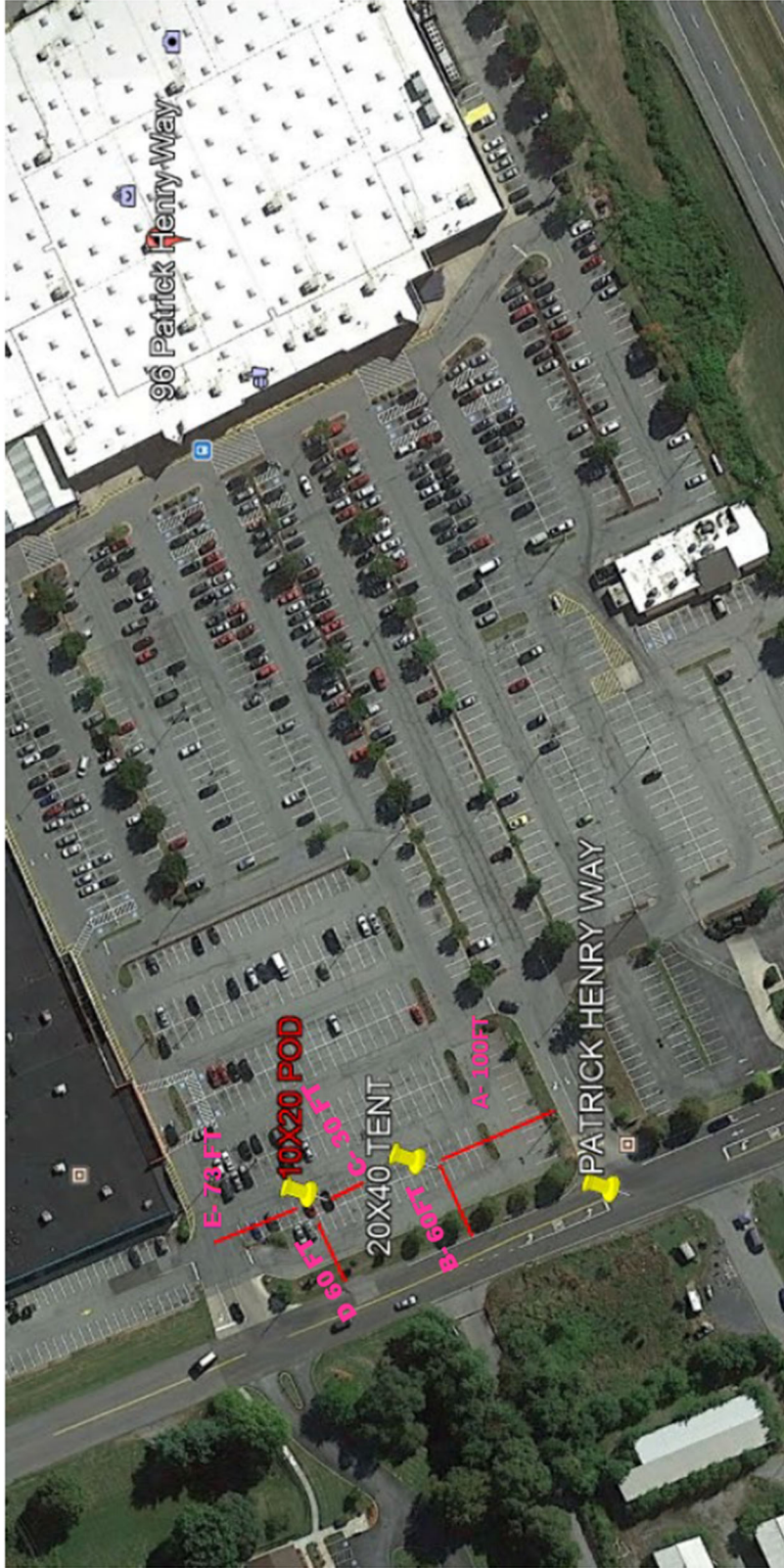


- A- Approximately but no less than 30' from curb to parking barricade
- B- Approximately but no less than 25' from curb to back side of tent -no public access from this side
- C- 10' barricade to pre vent parking next to tent = represented as a yellow solid line.
- D- Generator
- E- Approximately but no less than 70' along front side of tent plus barricade -2 public entrances/exits
- F- Public Entrance/Exit as indicated by ▲



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Jefferson County Board of Zoning Appeals  
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25-17-ZV WLR Automotive (Parking) Variance Request

Store: Charles town Plaza Address: 96 PATRICK HENRY WAY CHARLES TOWN, WV 25414 Location#: FWV0096







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

File #: 25-17-ZV  
 Mtg. Date: 07-24-25  
 Fee Paid: \$ 150

Email: [zoning@jeffersoncountywv.org](mailto: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: \_\_\_\_\_  
 Business Name: SUSO 2 Alabama LP, a Delaware limited partnership  
 Mailing Address: c/o Slate Asset Management, L.P., 121 King Street West, Suite 1600, Toronto, Ontario M5H 3T9 Canada  
 Phone Number: +1-416-583-1732 Email: stelios@slateteam.com

**Applicant Contact Information**

Applicant Name: \_\_\_\_\_ Same as owner:   
 Business Name: WLR Automotive Group, Inc.  
 Mailing Address: c/o Thomas Moore Lawson, Esq., Thomas Moore Lawson, P.C., P.O. Box 2740, Winchester, VA 22604  
 Phone Number: 540-665-0050 Email: tlawson@lspc.com

**Consultant Information**

Consultant Name: David S. Trostle  
 Business Name: Frederick, Siebert & Associates, Inc.  
 Mailing Address: 128 South Potomac St., Hagerstown, MD 21740  
 Phone Number: 301-791-3650 Email: DTrostle@fsa-inc.com

**Physical Property Details**

Vacant Lot:

Physical Address: Charles Town Plaza, 60 Patrick Henry Way, Charles Town, WV 25414/32 Patrick Henry Way, Charles Town, WV 25414  
 Parcel ID: (Tax District / Map No. / Parcel No.) Parcel ID: 02000800290002/02/002900100000  
 Parcel Size: 21.33 AC/44,162 SF Deed Book: 1170 Page No: 471

**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 type="checkbox"/> Rural (R)*  | <input type="checkbox"/> Light Industrial (LI)                  |
| <input checked="" 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

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: Section 11.1 Non-Residential Parking Standards, as amended June 16, 2022.

Applicant's proposed plan for the leased premises reduces/removes existing parking spaces. While the total number of parking spaces is less than the Zoning Ordinance requires, Property Owner/Landlord has confirmed the remaining number of spaces is satisfactory for its use.

**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?

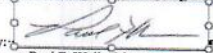
see attached

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*

SUSO-2-ALABAMA LP, a Delaware limited partnership\*  
By: SUSO-2-Alabama GP LLC, its general partner\*  
By: Slate U.S. Opportunity (No. 2) Holding L.P., its manager\*  
By: Slate U.S. Opportunity (No. 2) Holding (GP) L.P., its general partner\*  
By: Slate Holding (GP), LLC, its general partner\*

By:   
Paul F. Wells, Manager

05/27/2025

Property Owner Signature

Date

Property Owner Signature

Date

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

This variance request seeks a reduction to the required number of parking spaces under the Zoning Ordinance. Granting this variance will have no adverse effect on public health, safety, or welfare. The Property Owner/Landlord confirmed that the remaining number of parking spaces on both properties is satisfactory for its uses and are, therefore, not adversely affected by this variance request. Indeed, the commercial leases with the existing sophisticated commercial tenants require a number of parking spaces which is less than what is required by the Zoning Ordinance. Further, the Applicant's proposed use of the leased premises does not require the usual number of parking spaces because there is little to no parking necessary for the operation of the Applicant's business. Customers will enter the car wash tunnel and exit the property promptly after the wash cycle is complete. Any customers who desire to vacuum their cars while on the leased premises may use one of the designated bays to be constructed next to the car wash tunnel.

**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 zoning Ordinance does not provide a parking calculation requirement for Applicant's proposed use. It does require a ratio of parking for shopping centers and restaurants where the leased premises are located, which is slightly greater than the amount of remaining spaces upon construction of the Applicant's intended use. Additionally, customers of a car wash use do not generally require parking spaces because the customers enter the car wash tunnel and exit the property promptly after the wash cycle is complete. Any customers who desire to vacuum their cars while on the leased premises may use one of the designated bays to be constructed next to the car wash tunnel.

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

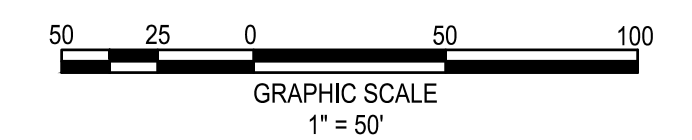
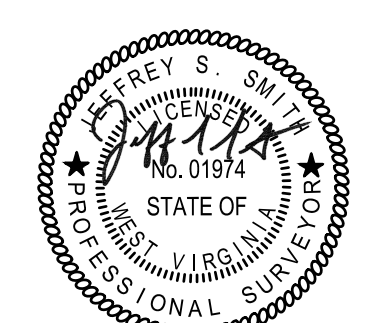
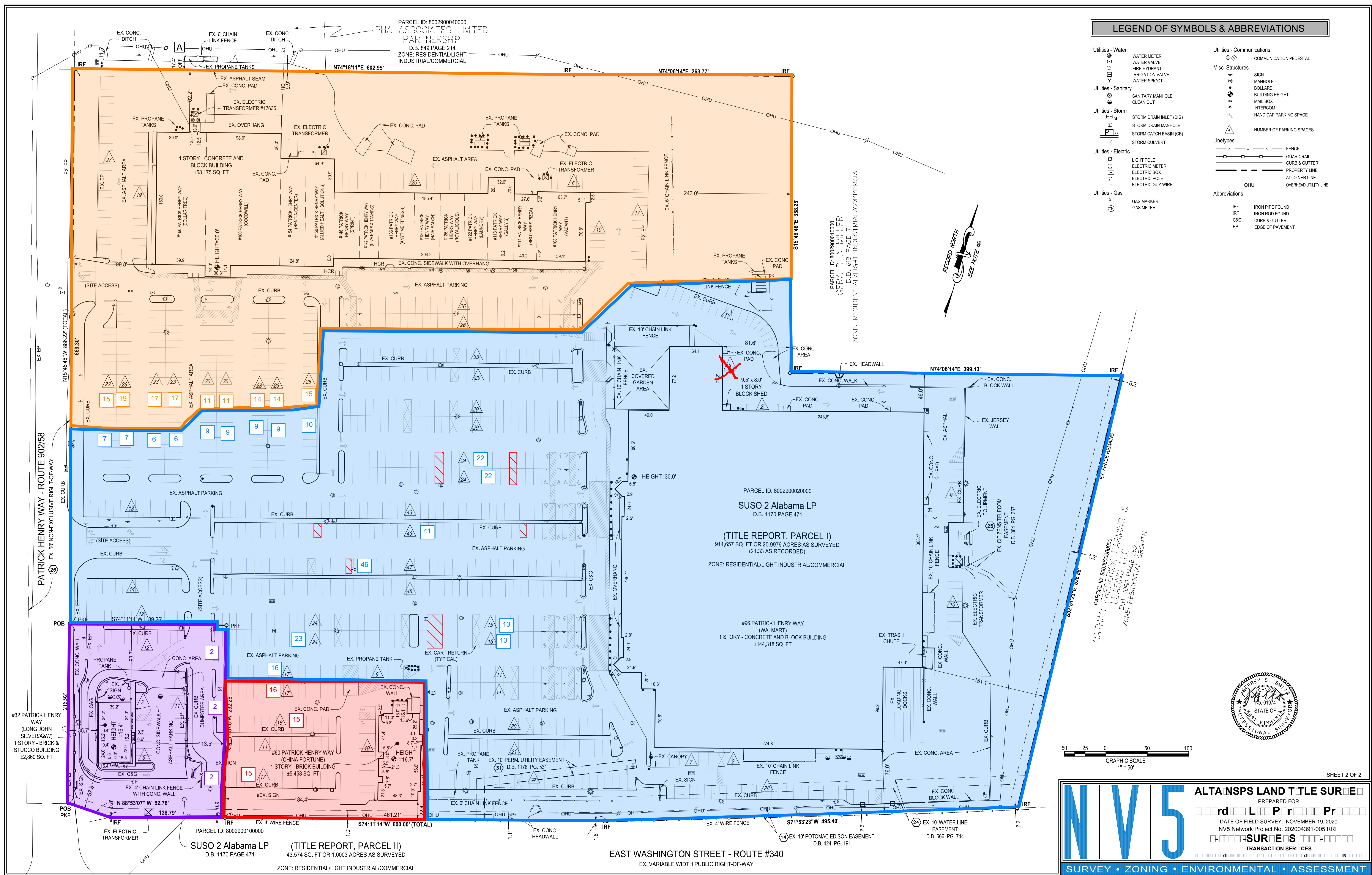
Approval of the variance would eliminate unnecessary hardship and permits a reasonable use of the property. Applicant has designed the project in such a way as to guide traffic throughout the site without impeding travel or access. Requiring conformance to the Zoning Ordinance would limit Applicant's ability to develop the site.

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

Applicant's proposed use is permitted pursuant to the Zoning Ordinance. Property Owner/Landlord has confirmed that construction of the same will not cause an adverse impact to its property because customers using the car wash will not park on the leased premises except in the designated bays with vacuums. Further, this project does not require the construction of additional impervious surfaces.

**LEGEND OF SYMBOLS & ABBREVIATIONS**

<p><b>Utilities - Water</b></p> <p>WATER METER WATER VALVE FIRE HYDRANT IRRIGATION VALVE WATER SPIGOT</p> <p><b>Utilities - Sanitary</b></p> <p>SANITARY MANHOLE CLEAN OUT</p> <p><b>Utilities - Storm</b></p> <p>STORM DRAIN INLET (DIG) STORM DRAIN MANHOLE STORM CATCH BASIN (CB) STORM CULVERT</p> <p><b>Utilities - Electric</b></p> <p>LIGHT POLE ELECTRIC METER ELECTRIC BOX ELECTRIC POLE ELECTRIC GUY WIRE</p> <p><b>Utilities - Gas</b></p> <p>GAS MARKER GAS METER</p>	<p><b>Utilities - Communications</b></p> <p>COMMUNICATION PEDESTAL</p> <p><b>Misc. Structures</b></p> <p>SIGN MANHOLE BOLLARD BUILDING HEIGHT MAIL BOX INTERCOM HANDICAP PARKING SPACE</p> <p><b>Linetypes</b></p> <p>FENCE CURB &amp; GUTTER PROPERTY LINE ADJOINER LINE OVERHEAD UTILITY LINE</p> <p><b>Abbreviations</b></p> <p>IRF IRON PIPE FOUND IRF IRON ROD FOUND C&amp;G CURB &amp; GUTTER EP EDGE OF PAVEMENT</p>
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SHEET 2 OF 2

**NV5** ALTA NSPS LAND TITLE SURVEY

PREPARED FOR

DATE OF FIELD SURVEY: NOVEMBER 19, 2020  
NV5 Network Project No. 202004391-005 RRF

**SURVEYS**

TRANSACTION SERVICES

SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT

PARCEL ID: 8002900040000 PHA ASSOCIATES LIMITED PARTNERSHIP D.B. 849 PAGE 214 ZONE: RESIDENTIAL/LIGHT INDUSTRIAL/COMMERCIAL

PARCEL ID: 8002900010000 GERALD A MILLER D.B. 613 PAGE 71 ZONE: RESIDENTIAL/LIGHT INDUSTRIAL/COMMERCIAL

PARCEL ID: 8002900020000 SUSO 2 Alabama LP D.B. 1170 PAGE 471 (TITLE REPORT, PARCEL I) 914,657 SQ. FT OR 20.9976 ACRES AS SURVEYED (21.33 AS RECORDED) ZONE: RESIDENTIAL/LIGHT INDUSTRIAL/COMMERCIAL

PARCEL ID: 8002900100000 #96 PATRICK HENRY WAY (WALMART) 1 STORY - CONCRETE AND BLOCK BUILDING ±144,318 SQ. FT.

PARCEL ID: 8002900100000 SUSO 2 Alabama LP D.B. 1170 PAGE 471 (TITLE REPORT, PARCEL II) 43,574 SQ. FT OR 1.0003 ACRES AS SURVEYED ZONE: RESIDENTIAL/LIGHT INDUSTRIAL/COMMERCIAL

PARCEL ID: 8002900100000 #32 PATRICK HENRY WAY (LONG JOHN SILVERMAN) 1 STORY - BRICK & STUCCO BUILDING ±2,860 SQ. FT.

PARCEL ID: 8002900100000 #60 PATRICK HENRY WAY (CHINA FORTUNE) 1 STORY - BRICK BUILDING ±5,458 SQ. FT.

EAST WASHINGTON STREET - ROUTE #340 EX. VARIABLE WIDTH PUBLIC RIGHT-OF-WAY

RECORD NORTH SEE NOTE #5

	A		B	C	$(A \div C) \times B$	D		$D \div (A \div C)$	E	F	$E \div (F \div C)$	
			Required			Existing			Proposed			
Tenant	Building Area (sf)	Use Category	No. of Spaces	Per X square feet <sup>1</sup>	Total Spaces <sup>2</sup>	No. of Spaces <sup>3</sup>	No. of ADA Spaces	Total Spaces	Ratio <sup>2</sup>	No. of Spaces	Building Area (sf)	Ratio <sup>2</sup>
Walmart	144,318	Shopping Center	5.50	1000	794	715	32	747	5.18	737	146,738	5.02
Existing Retail	58,175	Shopping Center	5.50	1000	320	284	12	296	5.09	296	58,175	5.09
Long John Silver's / A&W	2,860	Restaurant	1.00	50	35	36	2	38	1.11	38	2,860	1.11
China Fortune	5,458	Restaurant	1.00	50	66	70	2	72	1.10	72	5,458	1.10
<b>Totals</b>	<b>210,811</b>				<b>1215</b>	<b>1105</b>	<b>48</b>	<b>1153</b>		<b>1143</b>	<b>213,231</b>	

Information is derived from an ALTA / NSPS Land Title Survey dated January 13, 2021 prepared by Bock & Clark Corporation an NV5 Company.

<sup>1</sup> Restaurant requirement is 1 spaces per 50 square feet of customer floor space, as per the Jefferson County Zoning and Land Development Ordinance Article 11 Off-Street Parking Standards

<sup>2</sup> Calculations assume 60 percent of the gross floor area is customer floor space for restaurant uses.

<sup>3</sup> The calculations exclude 3 spaces on the east side of Walmart currently used for storage.



**To Whom It May Concern:**

Slate Grocery REIT is the upstream owner of Charles Town Plaza in Charles Town, West Virginia.

Upon review of the plans submitted by Chad Bohn at WLR Investment Group, we, as Landlord, confirm to the best of our knowledge that the removal of 29 parking spaces (23 attributed to Walmart and 6 to Long John Silver's) is well within the limits permitted under existing leases at the shopping center, and specifically Walmart and Long John Silver's.

For Walmart, based on the updated parking counts from the latest site plans, there will remain 1,114 parking spaces serving a total center square footage of 214,773 SF — resulting in a ratio of 5.18 spaces per 1,000 SF. Walmart's lease requires a minimum ratio of 5.0 spaces per 1,000 SF, so the revised count remains compliant.

As for Long John Silver's, the Landlord is permitted to make alterations to the common area, provided parking for the tenant is not materially impacted. The proposed plans by AutoSpa do not materially alter Long John Silver's parking. In fact, their immediate parking area remains entirely unaffected. The six spaces to be removed are located across the parking aisle from the Long John Silver's pad; while these technically fall within their tax parcel, they are not directly impacting their parking field that is practically utilized.

The Landlord is happy to participate in any future discussions with the city, as needed.

Regards,

Braden Lyons – VP, Asset Management  
Stelios Mourtzakis – VP, Construction

# THOMAS MOORE LAWSON, P.C.

\*OF COUNSEL - WILLIAMS MULLEN

120 EXETER DRIVE, SUITE 200  
POST OFFICE BOX 2740  
WINCHESTER, VA 22604  
TELEPHONE: (540) 665-0050  
FACSIMILE: (540) 722-4051

\*THOMAS MOORE LAWSON • [TLAWSON@LSPLC.COM](mailto:TLAWSON@LSPLC.COM)

July 25, 2025

Andy Beall, Zoning Administrator  
Jennilee Hartman, Zoning Clerk  
Office of Planning and Zoning  
Jefferson County, West Virginia  
116 East Washington, Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

Re: Charles Town Plaza  
60 Patrick Henry Way /32 Patrick Henry Way  
Parcel ID: 02000800290002/002900100000  
Our File No. 1452.002

VIA E-MAIL

Dear Jennilee and Andy:

It was a pleasure meeting with you earlier this week to discuss the variance applications for WLR Automotive Group, Inc.'s ("WLR") proposed car wash on the above-referenced property. Enclosed please find the following additional variance applications:

1. Zoning Variance Application requesting a variance of the frontage road standards;
2. Zoning Variance Application requesting a variance of the landscape buffer and street tree standards; and
3. Zoning Variance Application requesting a variance of the attached business sign and freestanding business sign standards.

The filing fee of \$150.00 for each Application will be made by calling your office with credit card information.

As a follow up to our discussion about the parking spaces that will remain within the shopping center after the approval of the variances, Walmart's 737 spaces will be reduced to 714 spaces, and Long John Silver's/A&W's 38 spaces will be reduced to 32 spaces. The property owner (landlord) has confirmed that it has communicated this to all of its tenants and confirmed that these reductions are acceptable, including Walmart which has confirmed that the slight

Office of Planning and Zoning

July 25, 2025

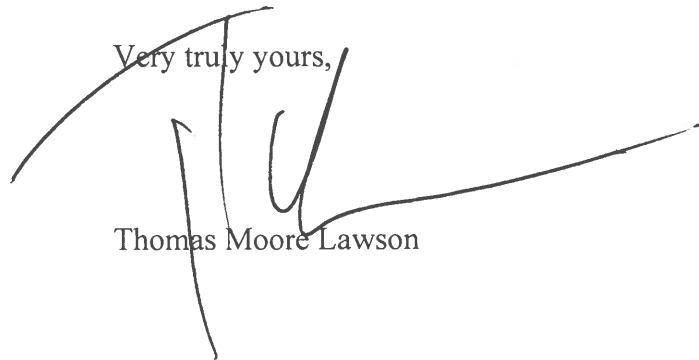
Page 2

reduction in parking spaces is acceptable. Please see the correspondence from the property owner (landlord) attached to our parking variance application previously submitted to your office.

Lastly, enclosed please find a draft Declaration between the landlord, the car wash tenant and the Long John Silver's/A&W tenant regarding the shared access on the property for your review.

Thank you for your assistance and cooperation in this matter. Should you have any questions or require anything further to file these Applications, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Moore Lawson', written over the typed name below.

Thomas Moore Lawson

TML:jk

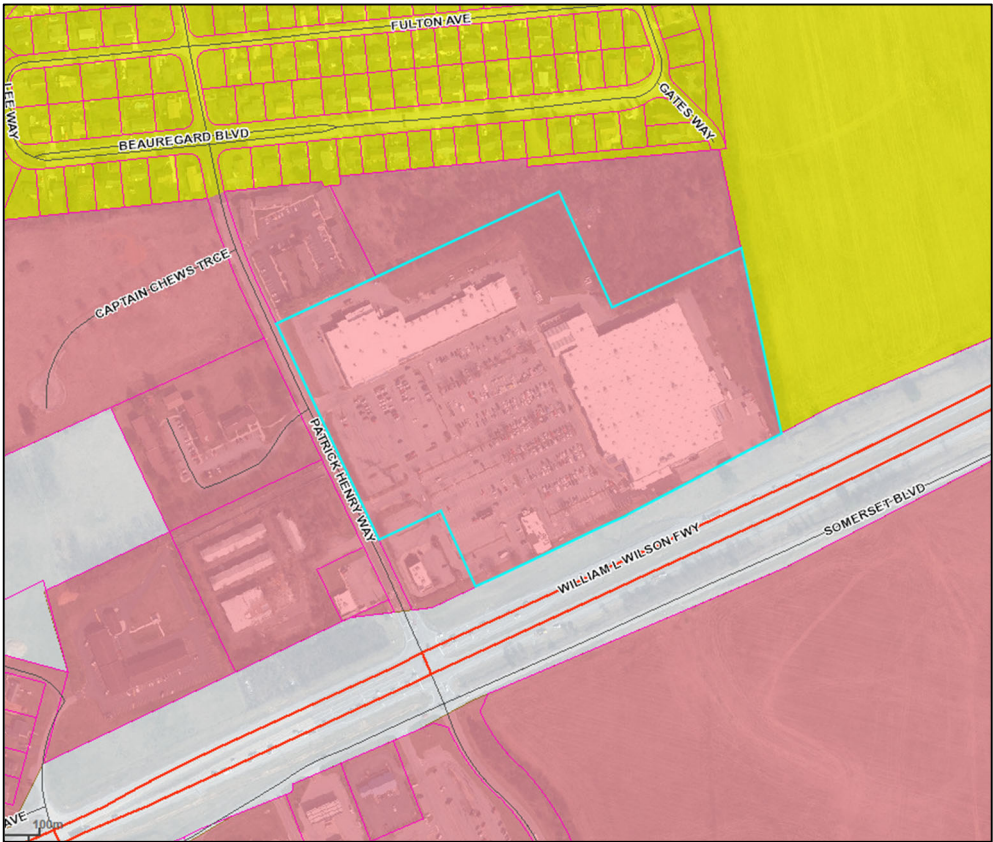
Enclosures

cc: WLR Automotive Group, Inc.  
Mr. David S. Trostle

Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 28, 2025

**25-18-ZV WLR Automotive (Building Setbacks and Parking Setbacks & Drive Aisle)  
 Variance Request**

Item #1B: Variance from Appendix B to reduce the building setbacks and to eliminate the parking/drive aisle setbacks in order to facilitate the redevelopment of the Charles Town Plaza. The redevelopment consists of demolishing an existing restaurant for the purpose of constructing a car wash.

Owner:	SUSO 2 Alabama L.P. / Attn: Slate Asset Management, L.P.
Applicant:	WLR Automotive Group, Inc. / Attn: Thomas Moore Lawson, Esq.
Consultant:	Frederick, Siebert & Associates, Inc. / Attn: David Trostle
Parcel Information & Zoning District:	<p style="text-align: center;">60 Patrick Henry Way &amp; 32 Patrick Henry Way, Charles Town, WV 25414          Parcel IDs: 02000800290002 &amp; 02000800290010; Size: ~22.33 combined acres;          Zoning District: Residential/Light Industrial/Commercial</p> 
History:	Walmart Site Plan: a redevelopment of the existing commercial shopping center (File: 96-16-S)
Waivers/Variances:	<p>08/15/96: BZA approved the following variances:</p> <ul style="list-style-type: none"> <li>• Reduction of the side distance requirement from 75' to 45' (ZV96-49)</li> <li>• Reduction of the front parking setback from 15' to 10' (ZV96-50)</li> <li>• Reduction of the front setback from 25' to 5' for a retaining wall (ZV96-51)</li> <li>• Reduction of the landscape buffer from 50' to 30' (ZV96-52)</li> <li>• Reduction of the side setback from 50' to 30' for a retaining wall (ZV96-53)</li> <li>• Reduction of the rear setback from 50' to 10' for a retaining wall (ZV96-54)</li> <li>• Elimination of the frontage road requirement (ZV96-55)</li> </ul>

Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 28, 2025

**25-18-ZV WLR Automotive (Building Setbacks and Parking Setbacks & Drive Aisle)  
 Variance Request**

	<ul style="list-style-type: none"> <li>• Establish a Fast Food Restaurant within a commercial building (ZV96-56)</li> </ul> <p>06/19/97: BZA approved a variance to allow a freestanding sign along Route 340 (ZV97-18)</p> <p>07/17/97: BZA approved a variance for placement of a temporary leasing sign (ZV97-31)</p> <p>06/18/98: BZA approved a variance to utilize 80 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV98-09)</p> <p>02/17/00: BZA approved a variance to utilize 89 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV00-01)</p> <p>09/20/01: BZA approved a variance to allow the garden center seasonal use within the parking lot of shopping center (ZV01-22)</p> <p>08/21/03: BZA approved a variance to reduce the number of parking spaces from 1238 to 1204 for the expansion of the garden center. Does not impact the seasonal use items in parking lot (cont'd from 07/17/03) (ZV03-21)</p> <p>02/14/23: PC approved waiver of site plan for 2,420 square foot addition.</p>
Approved Activity:	Shopping Center
Site Visit Conducted:	Placards posted

**Staff Overview**

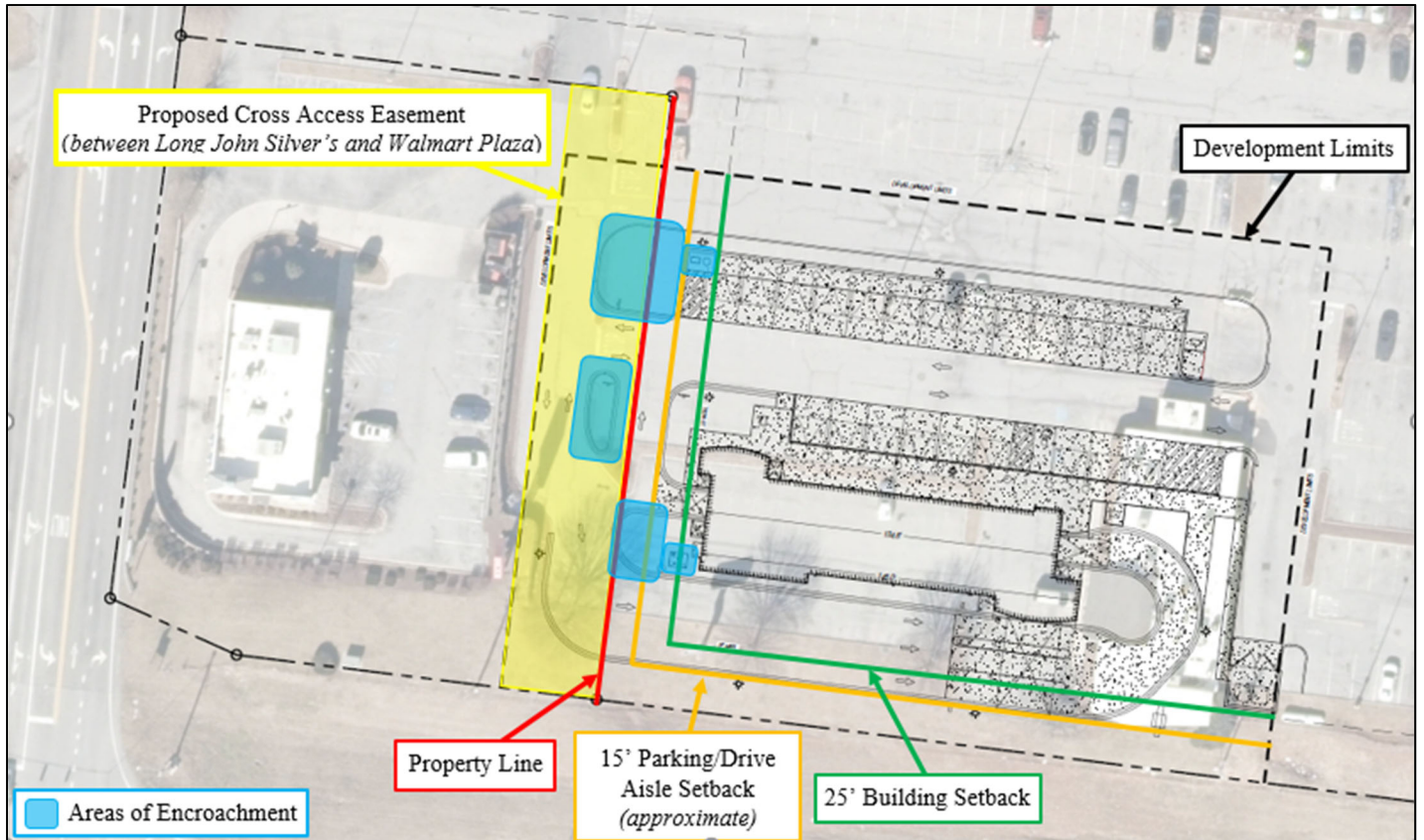
The applicant is proposing to demolish an existing restaurant and construct a drive through car wash with detached covered vacuum bays. Included in the site development plan is a point of sale canopy which encroaches into the required front building setback. The applicant has stated the intent of this request is to provide sufficient drive aisles to accommodate customers waiting to enter the car wash facility or using the vacuum spaces. Relocating the project further back from the front property line to accommodate the setback requirement would impede traffic flow and access. The applicant is also requesting to eliminate the parking/drive aisle setback requirements. The proposed car wash would be located in an existing shopping center parking lot with pre-established parking and drive aisles. The existing Walmart retail store and shopping center site plan was approved in 1996 (Site Plan File #S96-16).

A key purpose of the front yard setback requirement is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that traffic visibility is not impaired for drivers along the right-of-way. It should be noted the proposed point of sale canopy would be located no closer to the front property line than the south wall of the existing restaurant building to be demolished.

The purpose of parking and drive aisle setbacks is to reduce negative interactions between vehicles, as well as pedestrians, traveling on the roadway and using the parking area. Parking setbacks also serve to reduce the impact that a land use might have on an adjacent property, such as the bright lights from headlights and engine noise. It should be noted here that the proposed car wash would be located on a shared use parcel of approximately 22.33 acres owned by the applicant.

Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025

**25-18-ZV WLR Automotive (Building Setbacks and Parking Setbacks & Drive Aisle)  
Variance Request**



Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025

**25-18-ZV WLR Automotive (Building Setbacks and Parking Setbacks & Drive Aisle)  
Variance Request**

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

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

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

**Conditions of Approval**

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

1. No conditions of approval have been identified.

**Section of Ordinance to be Considered**

**ARTICLE 11: OFF-STREET PARKING STANDARDS<sup>23</sup>**

- **Appendix B: Nonresidential Site Development Standards Table (attached)**

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 35</sup>**

Zoning District	Development Type <sup>⊖</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
						Front	Side	Rear	Front	Side	Rear	A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use	
												Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A					
	Commercial or Industrial**	See IC District																
Village (V)	Commercial <sup>¥</sup>	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 <sup>£</sup>	10 <sup>⊖</sup>	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 <sup>£</sup>	10 <sup>⊖</sup>	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, 2<sup>nd</sup> Floor  
 Charles Town, West Virginia 25414

File #: 25-18-ZV  
 Mtg. Date: 07-24-25  
 Fee Paid: \$ 150

Email: [zoning@jeffersoncountywv.org](mailto: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: \_\_\_\_\_  
 Business Name: SUSO 2 Alabama LP, a Delaware limited partnership  
 Mailing Address: c/o Slate Asset Management, L.P., 121 King Street West, Suite 1600, Toronto, Ontario M5H 3T9 Canada  
 Phone Number: +1-416-583-1732 Email: stelios@slateteam.com

**Applicant Contact Information**

Applicant Name: \_\_\_\_\_ Same as owner:   
 Business Name: WLR Automotive Group, Inc.  
 Mailing Address: c/o Thomas Moore Lawson, Esq., Thomas Moore Lawson, P.C., P.O. Box 2740, Winchester, VA 22604  
 Phone Number: 540-665-0050 Email: tlawson@lspc.com

**Consultant Information**

Consultant Name: David S. Trostle  
 Business Name: Frederick, Siebert & Associates, Inc.  
 Mailing Address: 128 South Potomac St., Hagerstown, MD 21740  
 Phone Number: 301-791-3650 Email: DTrostle@fsa-inc.com

**Physical Property Details**

Physical Address: Charles Town Plaza, 60 Patrick Henry Way, Charles Town, WV 25414  
 Parcel ID: (Tax District / Map No. / Parcel No.) Parcel ID: 02000800290002  
 Parcel Size: 21.33 Deed Book: 1170 Page No: 471

Vacant Lot:

**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 type="checkbox"/> Rural (R)*  | <input type="checkbox"/> Light Industrial (LI)                  |
| <input checked="" 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

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: Appendix B: Non Residential Site Development, as amended June 16, 2022.

Applicant requests a variance to decrease the maximum front building setback to allow for Applicant's Point of Sale Canopy.

**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.

Applicant seeks a variance to allow for a point of sale canopy which encroaches into the required setback. The canopy will not be any closer to the property line than the existing building that will be demolished. Granting this variance will have no adverse effect on public health, safety or welfare or rights of adjacent property owners.

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?

Applicant's proposed layout utilizes the site and conforms to the Zoning Ordinance with the exception of this building setback. Moving the building so the canopy is within the current building setbacks would not provide sufficient drive aisles to accommodate customers waiting to enter the car wash facility or using the vacuum spaces.

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

Approval of the variance would eliminate unnecessary hardship and permit a reasonable use of the property. Applicant has designed the project in such a way as to guide traffic throughout the site without impeding travel/access. Requiring conformance to the Zoning Ordinance would frustrate this purpose and limit Applicant's ability to develop the site.

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

Applicant's proposed use is permitted pursuant to the Zoning Ordinance. As stated above, the canopy will not be any closer to the property line than the existing building. Granting of this variance will not hinder or discourage the use of adjacent land or buildings.

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*

SUSO 2-ALABAMA LP, a Delaware limited partnership  
By: SUSO 2-Alabama GP LLC, its general partner  
By: Slate U.S. Opportunity (No. 2) Holding L.P., its manager  
By: Slate U.S. Opportunity (No. 2) Holding (GP) L.P., its general partner  
By: Slate Holding (GP), LLC, its general partner

By:  → Paul F. Wells, Manager

May 27, 2025

Property Owner Signature

Date

Property Owner Signature

Date



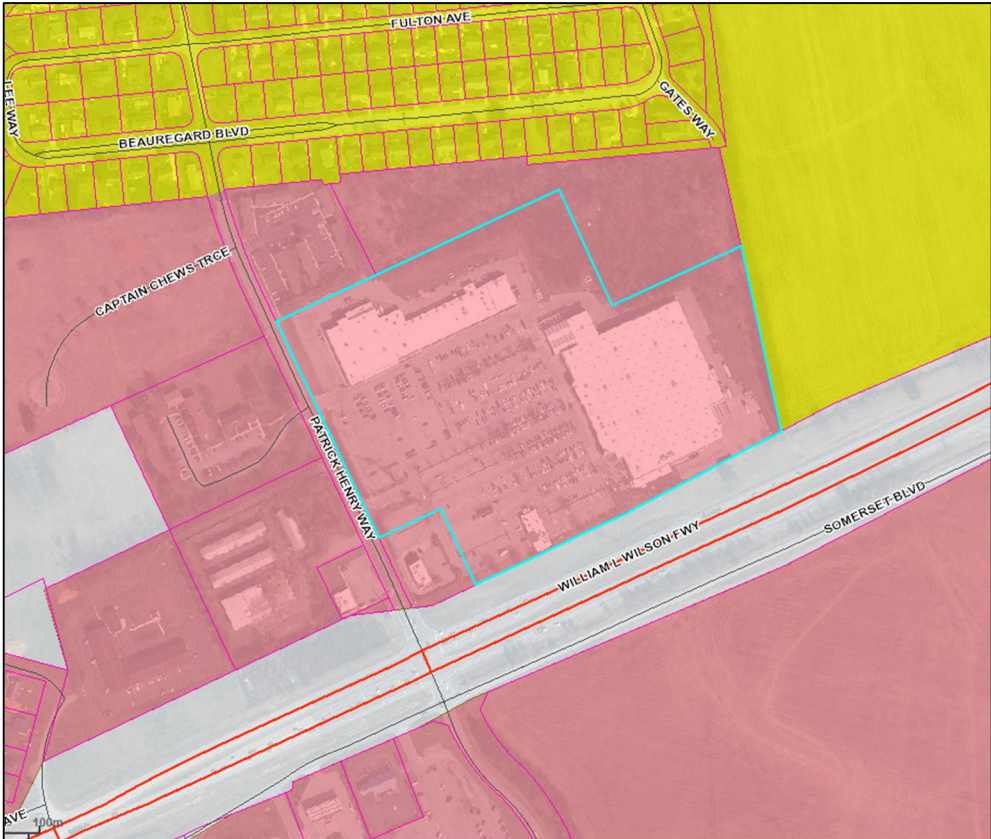


Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 28, 2025

**25-24-ZV WLR Automotive (Street Trees) Variance Request**  
**25-25-ZV WLR Automotive (Frontage Road) Variance Request**

Item #1C Variance from Section 4.11I to eliminate the requirement to install street trees along Route 340 (25-24-ZV); and,

Item #1D: Variance from Section 8.9A.9 to eliminate the requirement of a frontage road; and, Section 8.9A.10 to reduce the landscape buffer along a limited access highway (Route 340) in order to facilitate the redevelopment of the Charles Town Plaza. The redevelopment consists of demolishing an existing restaurant for the purpose of constructing a car wash (25-25-ZV).

Owner:	SUSO 2 Alabama L.P. / Attn: Slate Asset Management, L.P.
Applicant:	WLR Automotive Group, Inc. / Attn: Thomas Moore Lawson, Esq.
Consultant:	Frederick, Siebert & Associates, Inc. / Attn: David Trostle
Parcel Information & Zoning District:	<p>60 Patrick Henry Way &amp; 32 Patrick Henry Way, Charles Town, WV 25414          Parcel IDs: 02000800290002 &amp; 02000800290010; Size: ~22.33 combined acres;          Zoning District: Residential/Light Industrial/Commercial</p> 
History:	Walmart Site Plan: a redevelopment of the existing commercial shopping center (File: 96-16-S)
Waivers/Variances:	<p>08/15/96: BZA approved the following variances:</p> <ul style="list-style-type: none"> <li>• Reduction of the side distance requirement from 75' to 45' (ZV96-49)</li> <li>• Reduction of the front parking setback from 15' to 10' (ZV96-50)</li> <li>• Reduction of the front setback from 25' to 5' for a retaining wall (ZV96-51)</li> <li>• Reduction of the landscape buffer from 50' to 30' (ZV96-52)</li> <li>• Reduction of the side setback from 50' to 30' for a retaining wall (ZV96-53)</li> </ul>

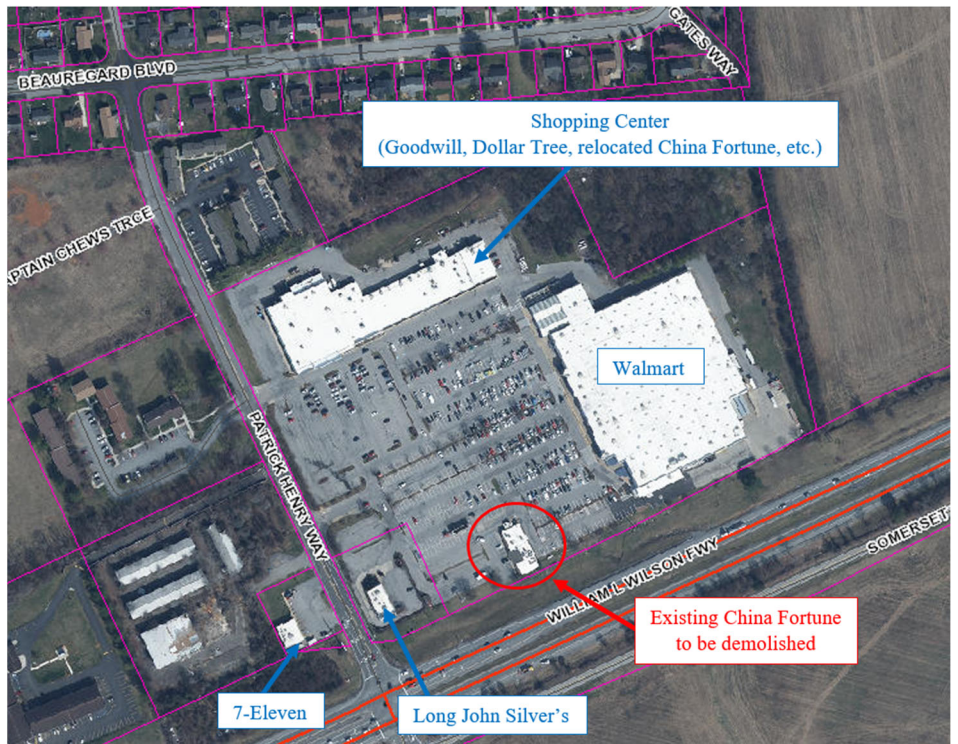
Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 28, 2025

**25-24-ZV WLR Automotive (Street Trees) Variance Request**  
**25-25-ZV WLR Automotive (Frontage Road) Variance Request**

	<ul style="list-style-type: none"> <li>• Reduction of the rear setback from 50' to 10' for a retaining wall (ZV96-54)</li> <li>• Elimination of the frontage road requirement (ZV96-55)</li> <li>• Establish a Fast Food Restaurant within a commercial building (ZV96-56)</li> </ul> <p>06/19/97: BZA approved a variance to allow a freestanding sign along Route 340 (ZV97-18)</p> <p>07/17/97: BZA approved a variance for placement of a temporary leasing sign (ZV97-31)</p> <p>06/18/98: BZA approved a variance to utilize 80 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV98-09)</p> <p>02/17/00: BZA approved a variance to utilize 89 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV00-01)</p> <p>09/20/01: BZA approved a variance to allow the garden center seasonal use within the parking lot of shopping center (ZV01-22)</p> <p>08/21/03: BZA approved a variance to reduce the number of parking spaces from 1238 to 1204 for the expansion of the garden center. Does not impact the seasonal use items in parking lot (cont'd from 07/17/03) (ZV03-21)</p> <p>02/14/23: PC approved waiver of site plan for 2,420 square foot addition.</p>
Approved Activity:	Shopping Center
Site Visit Conducted:	Placards posted

**Staff Overview**

The applicant is proposing to demolish an existing restaurant and construct a drive through car wash with detached covered vacuum bays. The applicant intends to lease a portion of the approximate 22.33 acre existing shared use shopping center and is requesting variances from the street tree, landscape buffer and frontage road requirements for the portion of the site in which they are proposing to develop. The existing Walmart retail store and shopping center site plan was approved in 1996 (Site Plan File #S96-16).



**25-24-ZV WLR Automotive (Street Trees) Variance Request**  
**25-25-ZV WLR Automotive (Frontage Road) Variance Request**

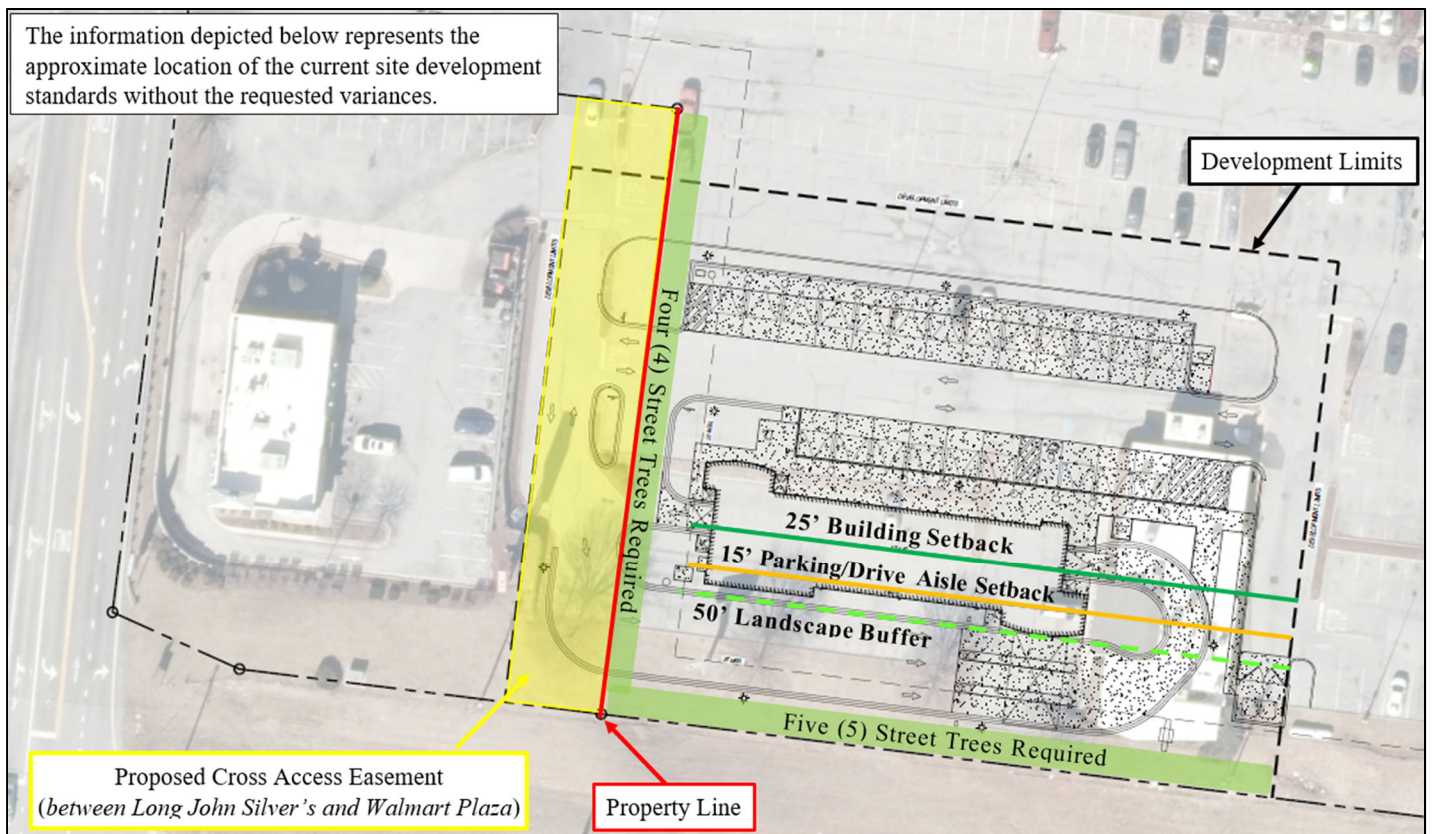
**Street Tree Requirement re: Section 4.11I (File # 25-24-ZV)**

In accordance with Section 4.11I.1.b of the Zoning Ordinance, the property line along William L. Wilson Freeway (Route 340) is considered a “front” and as such, street trees would be required. This section states the following: “Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet”. The total street frontage of the proposed project equals approximately 270 linear feet. As such, five (5) street trees would be required. There is also a proposed Cross Access Easement between the Long John Silvers and the Walmart Plaza which creates a second road frontage along Patrick Henry Way. That distance is approximately 230 linear feet and would require four (4) street trees. While it appears feasible to comply with this provision, the applicant is requesting to eliminate the street trees to allow for greater visibility to the subject parcel and proposed car wash.

**Frontage Road and Landscape Buffer Requirement re: Section 8.9A.9-10 (File # 25-25-ZV)**

The applicant is requesting a variance from Section 8.9A.9 to eliminate the required frontage road for projects located along a limited access highway (Route 340). The purpose of a frontage road is to ensure access is available to properties along a limited access highway and connect these properties to local roads that have direct access to the limited access highway. The applicant was granted a similar request in 1996 (File #ZV96-55) and in 2023 (File #23-4-ZV). Providing an easement for a frontage road on this property does not appear to be feasible, based on how the site was previously developed.

The applicant is also requesting a variance from Section 8.9A.10 to eliminate the required fifty (50) foot landscape buffer along US Route 340, which was reduced from 50’ to a varying width of approximately 21’-40’ (as depicted in site plan file S96-16). The distance between the existing improvements at the project location and the property line is approximately twenty-five (25) feet. Below is a diagram depicting the road frontage, buffer, and setback requirements for development along a controlled access highway.



Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025

**25-24-ZV WLR Automotive (Street Trees) Variance Request**  
**25-25-ZV WLR Automotive (Frontage Road) Variance Request**

While similar variances were granted related to the landscape buffer requirements, the proposed project necessitates additional evaluation of the standards. Staff does not have the administrative discretion to modify the site development standards.

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.

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

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

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

**Conditions of Approval**

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

1. No conditions of approval have been identified.

**Section of Ordinance to be Considered**

**Section 4.11 Landscaping, Screening and Buffer Yard Requirements**

I. All required landscape plans shall contain the following elements:<sup>7</sup>

1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:<sup>23</sup>
  - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
  - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet

**Section 8.9 Industrial and Commercial Uses<sup>23</sup>**

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

9. **Frontage Road**

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

10. **Landscape Buffer**

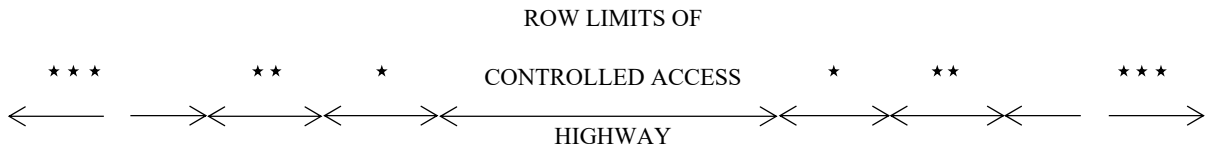
All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.<sup>27</sup>

Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025

**25-24-ZV WLR Automotive (Street Trees) Variance Request**  
**25-25-ZV WLR Automotive (Frontage Road) Variance Request**

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

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



- ★ Maximum 60' easement or dedication for frontage road
- ★★ 50' landscaped buffer strip
- ★★★ Setbacks

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





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 #: 25-24-ZV
Mtg. Date: 08-28-25
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:
Business Name: SUSO 2 Alabama LP, a Delaware limited partnership
Mailing Address: c/o Slate Asset Management, L.P., 121 King Street West, Suite 200, Toronto, Ontario M5H 3T9 Canada
Phone Number: +1-416-583-1732 Email: stelios@slateteam.com

Applicant Contact Information

Applicant Name: Same as owner: [ ]
Business Name: WLR Automotive Group, Inc.
Mailing Address: c/o Thomas Moore Lawson, Esq., Thomas Moore Lawson, P.C., P.O. Box 2740, Winchester, VA 22604
Phone Number: 540-665-0050 Email: tlawson@lspc.com

Consultant Information

Consultant Name: David S. Trostle
Business Name: Frederick, Siebert & Associates, Inc.
Mailing Address: 128 South Potomac St., Hagerstown, MD 21740
Phone Number: 301-791-3650 Email: DTrostle@fsa-inc.com

Physical Property Details

Physical Address: Walmart Plaza, 60 Patrick Henry Way, Charles Town, WV 25414
Parcel ID: (Tax District / Map No. / Parcel No.) Parcel ID: 02000800290002
Parcel Size: 21.33 Deed Book: 1170 Page No: 471

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)
General Commercial (GC)
Highway Commercial (HC)
Light Industrial (LI)
Major Industrial (MI)
Planned Neighborhood Development (PND)
Office/Commercial Mixed-Use (OC)

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

Date Received:





**PROPERTY OWNER:**

**SUSO 2 ALABAMA LP**, a Delaware limited partnership

By: SUSO 2 Alabama GP LLC, its general partner

By: Slate U.S. Opportunity (No. 2) Holding L.P., its manager

By: Slate U.S. Opportunity (No. 2) Holding (GP) L.P., its general partner

By: Slate Holding (GP), LLC, its general partner

By:  RRC  
Paul F. Wells, Manager

Date: July 30, 2025

**RECEIVED**

**JUL 31 2025**

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

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

Applicant seeks a variance to eliminate the required 50-foot-wide landscape buffer along the portion of the property adjacent to Route 340 and the required street trees within the landscape buffer. Granting these variances will have no adverse effect on public health, safety or welfare of the rights of adjacent property owners. The existing building is within the 50-foot landscape buffer. Applicant's proposal will set the main building further back from the property line than the existing building, and the closest drive aisle will be set back approximately 15 feet from the property line. Additionally, Applicant will install landscaping within the 15-foot buffer between the drive aisle and the property line adjacent to Route 340 and around the property as shown on the attached renderings.

**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?**

Applicant's proposed layout utilizes the site in conformity with the Zoning Ordinance with the exception of the landscape buffer and street tree requirements. Applicant is a tenant within the larger shopping center and is limited as to what improvements it can install on the property and outside of the leased area. Further, there is insufficient ground between the existing improvements and the property line to support the street trees or landscape buffer required by the Zoning Ordinance. Applicant proposes to install significant landscaping as shown on the attached renderings that will more than satisfy the intent of the street tree and landscape buffer requirements in the Zoning Ordinance.

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

Approval of the variance would eliminate unnecessary hardship and permits a reasonable use of the property. Applicant has designed the project so that the main building will be set further back from the property line than the existing building and will provide significant landscaping within the reduced buffer between the drive aisle and the property line. The proposed landscaping satisfies the intent of the Zoning Ordinance.

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

Applicant's proposed use is permitted pursuant to the Zoning Ordinance. Although Applicant seeks to eliminate the landscaping buffer and street tree requirements of the Zoning Ordinance, Applicant will install significant landscaping to match the intent of the Zoning Ordinance as shown on the attached renderings.

Granting these variances will not hinder or discourage the use of adjacent land or buildings.



STAPLES

STAPLES

THE AUTO SPA EXPRESS CAR WASH

THE AUTO SPA EXPRESS CAR WASH

1680

EXIT



U



THE  
**AUTO SPA**  
EXPRESS  
CAR WASH

7682

PASADENA  
SIGNS







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 #: 25-25-ZV
Mtg. Date: 08-28-25
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:
Business Name: SUSO 2 Alabama LP, a Delaware limited partnership
Mailing Address: c/o Slate Asset Management, L.P., 121 King Street West, Suite 200, Toronto, Ontario M5H 3T9 Canada
Phone Number: +1-416-583-1732 Email: stelios@slateteam.com

Applicant Contact Information

Applicant Name: Same as owner: [ ]
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Consultant Information

Consultant Name: David S. Trostle
Business Name: Frederick, Siebert & Associates, Inc.
Mailing Address: 128 South Potomac St., Hagerstown, MD 21740
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Physical Property Details

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Parcel ID: (Tax District / Map No. / Parcel No.) Parcel ID: 02000800290002
Parcel Size: 21.33 Deed Book: 1170 Page No: 471

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)
General Commercial (GC)
Highway Commercial (HC)
Light Industrial (LI)
Major Industrial (MI)
Planned Neighborhood Development (PND)
Office/Commercial Mixed-Use (OC)

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



Date Received:



**PROPERTY OWNER:**

**SUSO 2 ALABAMA LP**, a Delaware limited partnership

By: SUSO 2 Alabama GP LLC, its general partner

By: Slate U.S. Opportunity (No. 2) Holding L.P., its manager

By: Slate U.S. Opportunity (No. 2) Holding (GP) L.P., its general partner

By: Slate Holding (GP), LLC, its general partner

By:  RRC  
Paul F. Wells, Manager

Date: July 30, 2025

**RECEIVED**

**JUL 31 2025**

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

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

Applicant seeks a variance to eliminate the frontage road requirement of the Zoning Ordinance. Applicant is a tenant of the shopping center and has no authority to dedicate land for a frontage road. Additionally, there is insufficient right-of-way area on the property to install the required frontage road. It would be impractical to install a frontage road because no other sections of frontage road have been constructed on the property, and the property has sufficient access to Route 340 via Patrick Henry Way and the controlled intersection of Patrick Henry Way and Route 340. Lastly, the site is a portion of a larger shopping center which has already been approved for a similar variance eliminating the frontage road requirement along Route 340.

**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?**

Applicant's proposed layout utilizes the site in conformity with the Zoning Ordinance with the exception of the frontage road requirement. Additionally, Applicant is a tenant of the larger shopping center and does not have authority to dedicate land for a frontage road as required by the Zoning Ordinance. Further, it would be impractical to require compliance with the Zoning Ordinance because no other frontage road currently exists on the property. Applicant would essentially be building a standalone road section that leads to nowhere. Additionally, no other areas of the larger shopping center have been required to install a frontage road along Route 340 because the shopping center has sufficient access to Route 340 via Patrick Henry Way.

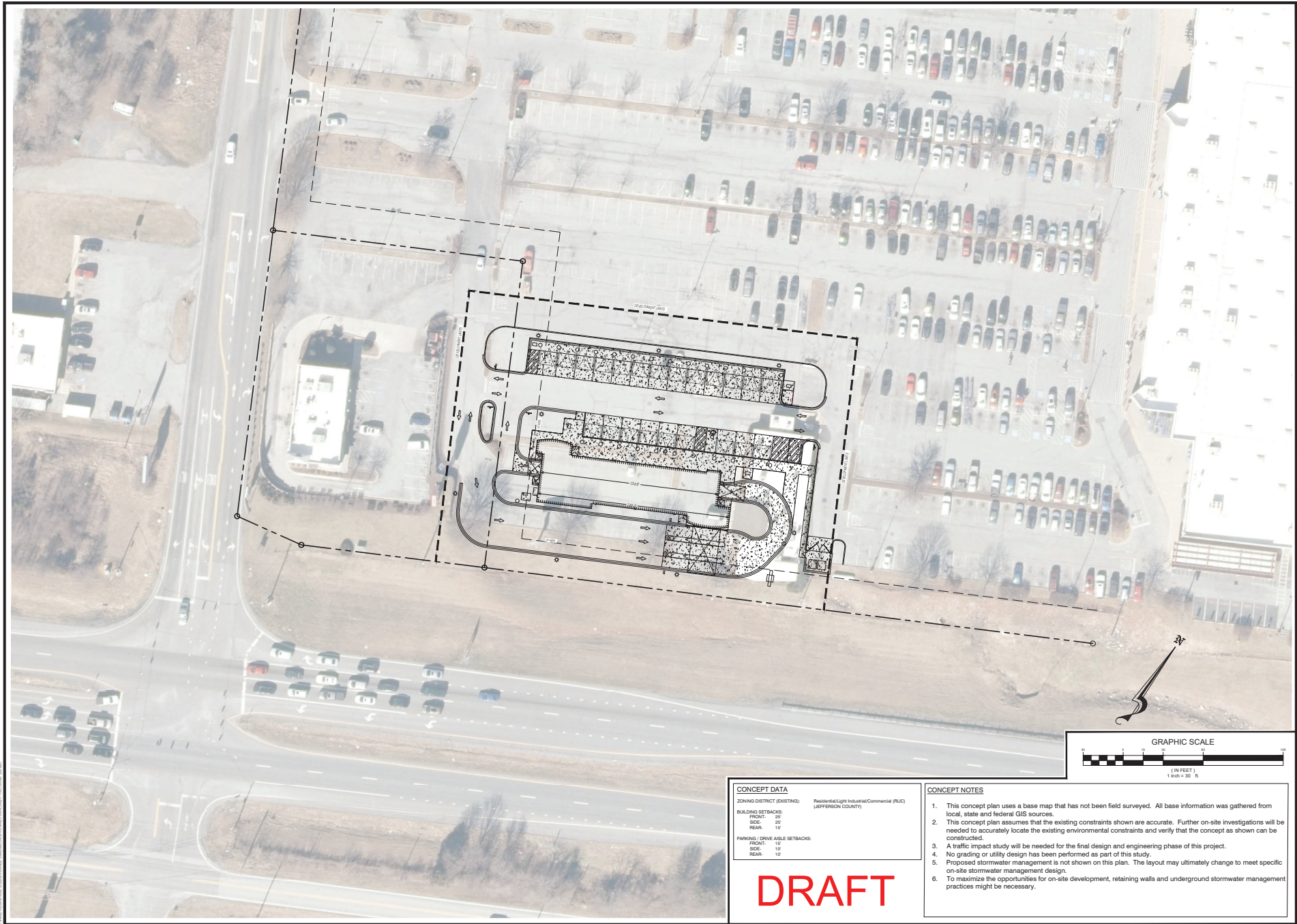
**How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?**

Approval of the variance would eliminate unnecessary hardship and permits a reasonable use of the property. It would be impractical for Applicant to install a frontage road that leads to nowhere on the leased portion of the property. There is insufficient land to dedicate for a frontage road, and Applicant is a tenant of the shopping center and has no authority to dedicate land for a frontage road. Lastly, the property has sufficient access to Route 340 via Patrick Henry Way and it would be impractical for Applicant to install a frontage road that leads to nowhere on the leased portion of the property.

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

Applicant's proposed use is permitted pursuant to the Zoning Ordinance. Additionally, no other portions of the shopping center along Route 340 have installed a frontage road. Requiring the frontage road would result in a section of roadway that leads to nowhere, and the property has sufficient access to Route 340 via Patrick Henry Way.

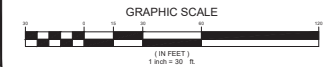
Granting these variances will not hinder or discourage the use of adjacent land or buildings.



CONCEPT DATA	
ZONING DISTRICT (EXISTING):	Residential Light Industrial/Commercial (RLIC) (JEFFERSON COUNTY)
BUILDING SETBACKS:	
FRONT:	25'
SIDE:	25'
REAR:	15'
PARKING / DRIVE AISLE SETBACKS:	
FRONT:	10'
SIDE:	10'
REAR:	10'

- CONCEPT NOTES**
1. This concept plan uses a base map that has not been field surveyed. All base information was gathered from local, state and federal GIS sources.
  2. This concept plan assumes that the existing constraints shown are accurate. Further on-site investigations will be needed to accurately locate the existing environmental constraints and verify that the concept as shown can be constructed.
  3. A traffic impact study will be needed for the final design and engineering phase of this project.
  4. No grading or utility design has been performed as part of this study.
  5. Proposed stormwater management is not shown on this plan. The layout may ultimately change to meet specific on-site stormwater management design.
  6. To maximize the opportunities for on-site development, retaining walls and underground stormwater management practices might be necessary.

**DRAFT**



NOT APPROVED FOR CONSTRUCTION

AUTO SPA EXPRESS - CHARLES TOWN

3711 LONDONWAY, CHARLES TOWN, WV 25801  
 3711 LONDONWAY, WEST VIRGINIA  
 3711 LONDONWAY, WEST VIRGINIA  
 ATTN: CAD/DRAWN/PROJECT/CKG/P103

PROJECT NO: 2024-0001  
 DRAWN BY: DATE: 06.21.2024  
 PROJECT MANAGER: DAVID WOODRUFF  
 (MAIL: drodruff@fsa-inc.com)  
 DOWNSHIP PROJECTS:  
 0000 - 0009 - 0002  
 SCALE: 1" = 30'  
 SHEET FILE:

CONCEPT LAYOUT 1

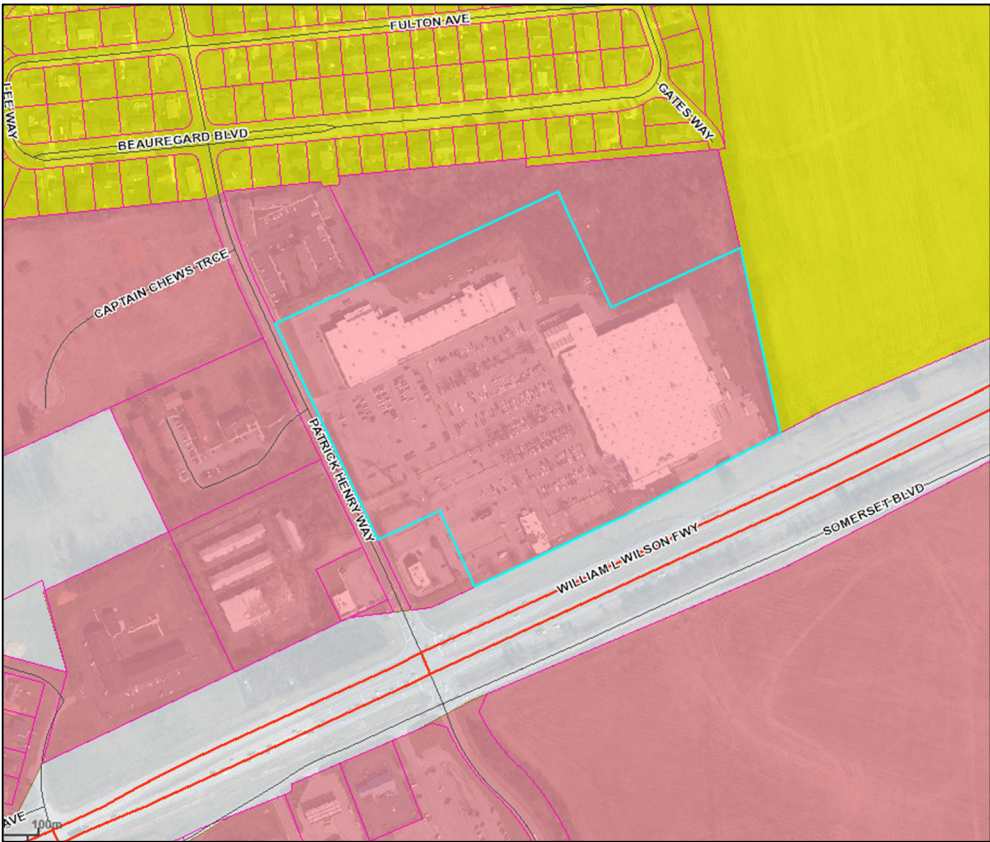
C-101  
 SHEET 01 OF 01



Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 28, 2025

**25-26-ZV WLR Automotive (Signage) Variance Request**

Item #1E Variance from Section 10.4A.1 to allow an Attached Business Sign to be located on the front, side, and rear of the proposed building; Section 10.4B.2 to allow a second Freestanding Business Sign to be located along Route 340; Section 10.4B.3 to reduce the front setback along Route 340; and, Section 10.4B.5 to allow a second Freestanding Sign for the proposed car wash as opposed to utilizing a Pylon Sign.

Owner:	SUSO 2 Alabama L.P. / Attn: Slate Asset Management, L.P.
Applicant:	WLR Automotive Group, Inc. / Attn: Thomas Moore Lawson, Esq.
Consultant:	Frederick, Siebert & Associates, Inc. / Attn: David Trostle
Parcel Information & Zoning District:	<p style="text-align: center;">60 Patrick Henry Way &amp; 32 Patrick Henry Way, Charles Town, WV 25414          Parcel IDs: 02000800290002 &amp; 02000800290010; Size: ~22.33 combined acres;          Zoning District: Residential/Light Industrial/Commercial</p> 
History:	Walmart Site Plan: a redevelopment of the existing commercial shopping center (File: 96-16-S)
Waivers/Variances:	<p>08/15/96: BZA approved the following variances:</p> <ul style="list-style-type: none"> <li>• Reduction of the side distance requirement from 75' to 45' (ZV96-49)</li> <li>• Reduction of the front parking setback from 15' to 10' (ZV96-50)</li> <li>• Reduction of the front setback from 25' to 5' for a retaining wall (ZV96-51)</li> <li>• Reduction of the landscape buffer from 50' to 30' (ZV96-52)</li> <li>• Reduction of the side setback from 50' to 30' for a retaining wall (ZV96-53)</li> <li>• Reduction of the rear setback from 50' to 10' for a retaining wall (ZV96-54)</li> <li>• Elimination of the frontage road requirement (ZV96-55)</li> </ul>

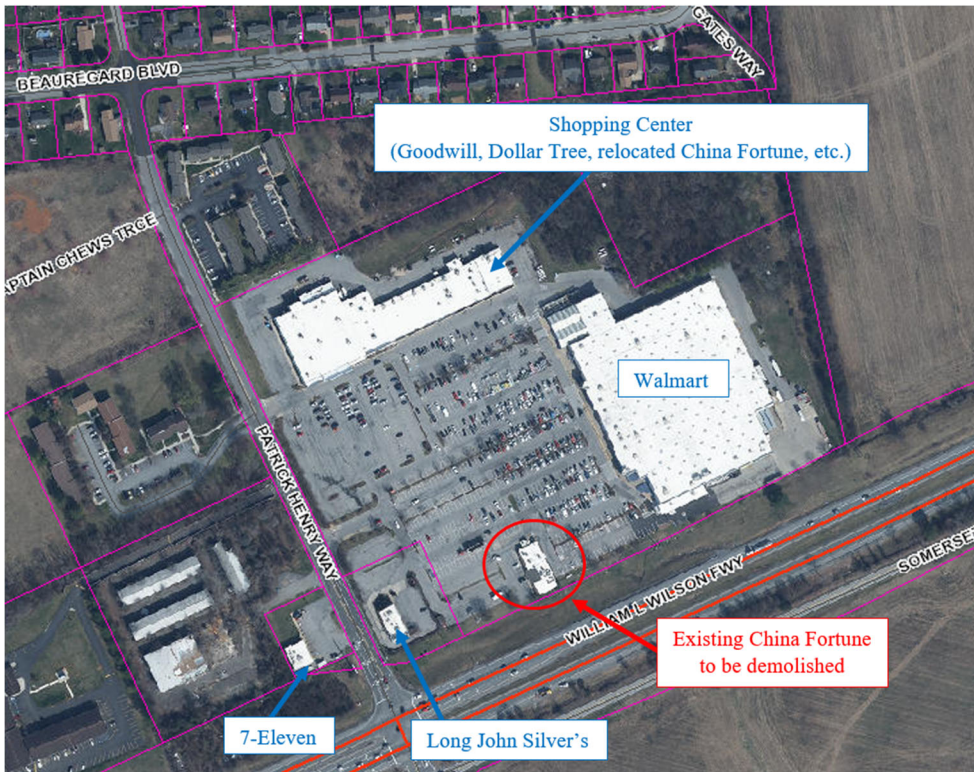
Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 28, 2025

**25-26-ZV WLR Automotive (Signage) Variance Request**

	<ul style="list-style-type: none"> <li>Establish a Fast Food Restaurant within a commercial building (ZV96-56)</li> </ul> <p>06/19/97: BZA approved a variance to allow a freestanding sign along Route 340 (ZV97-18)</p> <p>07/17/97: BZA approved a variance for placement of a temporary leasing sign (ZV97-31)</p> <p>06/18/98: BZA approved a variance to utilize 80 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV98-09)</p> <p>02/17/00: BZA approved a variance to utilize 89 parking spaces to store garden center materials from March 1 to August 1 of each year (ZV00-01)</p> <p>09/20/01: BZA approved a variance to allow the garden center seasonal use within the parking lot of shopping center (ZV01-22)</p> <p>08/21/03: BZA approved a variance to reduce the number of parking spaces from 1238 to 1204 for the expansion of the garden center. Does not impact the seasonal use items in parking lot (cont'd from 07/17/03) (ZV03-21)</p> <p>02/14/23: PC approved waiver of site plan for 2,420 square foot addition.</p>
Approved Activity:	Shopping Center
Site Visit Conducted:	Placards posted

**Staff Overview**

The applicant is proposing to demolish an existing restaurant and construct a drive through car wash with detached covered vacuum bays. The existing Walmart retail store and shopping center site plan was approved in 1996 (Site Plan File #S96-16).



Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025

**25-26-ZV WLR Automotive (Signage) Variance Request**

**Attached Business Signs (Section 10.4A)**

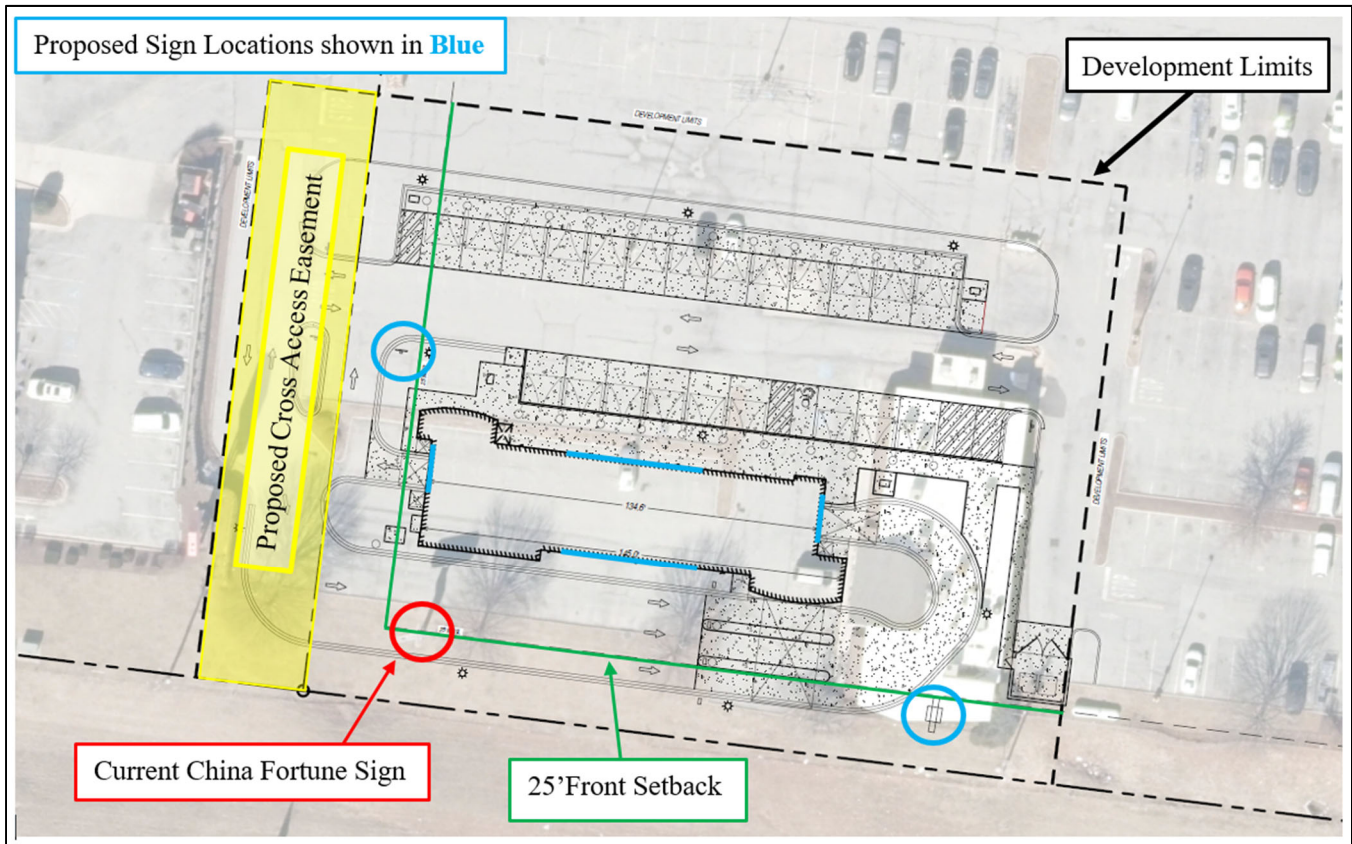
Variance from Section 10.4A.1 to allow an Attached Business Sign to be located on the front, sides, and rear of the proposed building;

The three proposed attached business signs equal a total square footage of 154. The length of the structure's frontage is 146 feet which would allow for 292 square feet of signage.

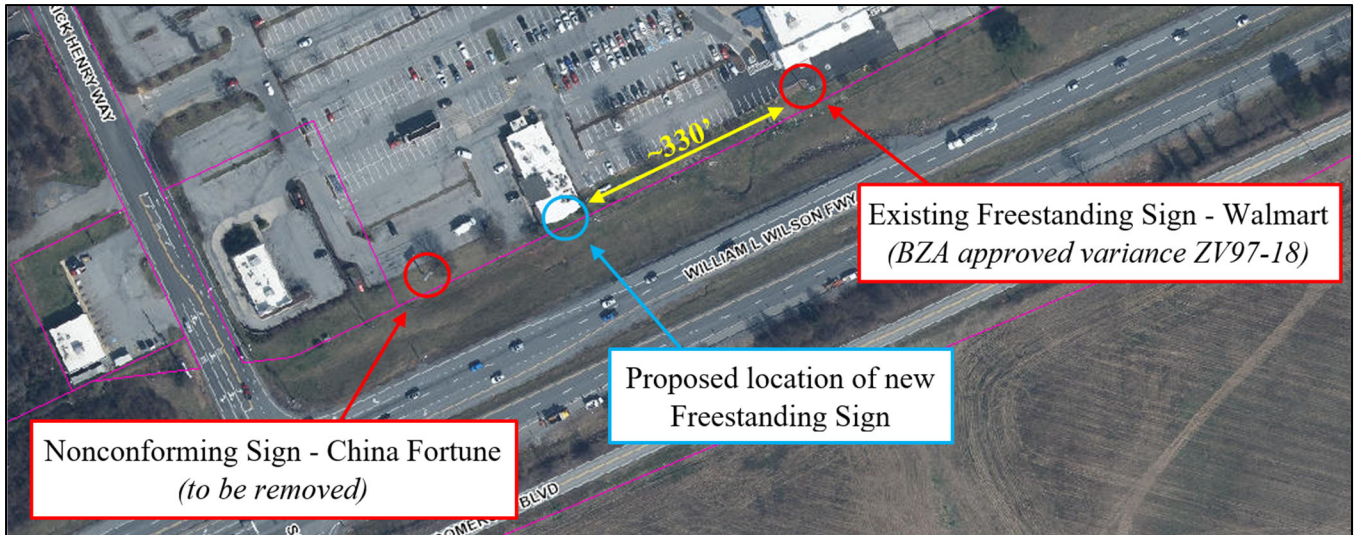
**Freestanding Business Signs (Section 10.4B)**

Variance from Section 10.4B.2 to allow a second Freestanding Business Sign to be located along Route 340 (there is an existing "Walmart" freestanding sign); Section 10.4B.3 to reduce the front setback for freestanding business signs along Route 340 and Patrick Henry Way from 25' to 15'; and, Section 10.4B.5 to allow a second Freestanding Sign for the proposed car wash as opposed to utilizing the existing shopping center Pylon Sign.

A key purpose of the front yard setback requirement is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that traffic visibility is not impaired for drivers along the right-of-way.



Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025  
**25-26-ZV WLR Automotive (Signage) Variance Request**



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

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

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

**Conditions of Approval**

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

1. No conditions of approval have been identified.

**Section of Ordinance to be Considered**

**ARTICLE 10**

**Section 10.4 Signs Requiring a Zoning Certificate<sup>36</sup>**

Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.<sup>2</sup> 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.<sup>36</sup>

Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025  
**25-26-ZV WLR Automotive (Signage) Variance Request**

2. Attached business signs shall not be attached to the side of the building that faces an adjoining residence. <sup>32, 35, 36</sup>
3. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.<sup>36</sup>

**B. Freestanding Business Signs<sup>36</sup>**

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.**<sup>8, 32, 35</sup>
6. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.





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 #: 25-26-ZV
Mtg. Date: 08-28-25
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:
Business Name: SUSO 2 Alabama LP, a Delaware limited partnership
Mailing Address: c/o Slate Asset Management, L.P., 121 King Street West, Suite 200, Toronto, Ontario M5H 3T9 Canada
Phone Number: +1-416-583-1732 Email: stelios@slateteam.com

Applicant Contact Information

Applicant Name: Same as owner: [ ]
Business Name: WLR Automotive Group, Inc.
Mailing Address: c/o Thomas Moore Lawson, Esq., Thomas Moore Lawson, P.C., P.O. Box 2740, Winchester, VA 22604
Phone Number: 540-665-0050 Email: tlawson@lspc.com

Consultant Information

Consultant Name: David S. Trostle
Business Name: Frederick, Siebert & Associates, Inc.
Mailing Address: 128 South Potomac St., Hagerstown, MD 21740
Phone Number: 301-791-3650 Email: DTrostle@fsa-inc.com

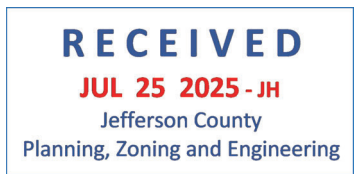
Physical Property Details

Physical Address: Walmart Plaza, 60 Patrick Henry Way, Charles Town, WV 25414
Parcel ID: (Tax District / Map No. / Parcel No.) Parcel ID: 02000800290002
Parcel Size: 21.33 Deed Book: 1170 Page No: 471

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)
General Commercial (GC)
Highway Commercial (HC)
Light Industrial (LI)
Major Industrial (MI)
Planned Neighborhood Development (PND)
Office/Commercial Mixed-Use (OC)

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



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: Sections 10.4A.1, 10.4B.2, 10.4B.3, and 10.4B.5

Applicant requests a variance to allow an attached business sign on the front, side, and back of the building; allow a second freestanding business sign adjacent to street frontage, and reduce the required front setback for freestanding business signs from 25' to 15'.

**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.*

See attached (jth)

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

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

**PROPERTY OWNER:**

**SUSO 2 ALABAMA LP**, a Delaware limited partnership

By: SUSO 2 Alabama GP LLC, its general partner

By: Slate U.S. Opportunity (No. 2) Holding L.P., its manager

By: Slate U.S. Opportunity (No. 2) Holding (GP) L.P., its general partner

By: Slate Holding (GP), LLC, its general partner

By:  RRC  
Paul F. Wells, Manager

Date: July 30, 2025

**RECEIVED**

**JUL 31 2025**

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING



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

Applicant seeks a variance (i) to permit, to the extent necessary, an attached business sign on the front of the building (Route 340 side) and on the back and on the side of the building (facing the Walmart parking lot); (ii) to eliminate the requirement that only one freestanding business sign per street frontage is permitted on the property, (iii) to reduce the front setback for freestanding business signs from 25 feet to 15 feet, and (iv) to eliminate, to the extent necessary, the requirement that Applicant is limited to only advertising on the existing pylon sign for the larger shopping center. There are already two freestanding business signs located on the property. Applicant proposes merely to relocate and redesign the existing freestanding business sign advertising the current user of this portion of the property to a new location as shown on the site plan. The front setback will need to be reduced; otherwise, the sign cannot be located along the street frontage. Granting the variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

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

Two freestanding business signs currently exist on the property adjacent to the street frontage, one for Walmart and one for the current user of this portion of the property. Both signs are adjacent to the street frontage. Applicant proposes to remove, redesign, and relocate the current user's freestanding business sign to the location shown on the site plan. This variance will not change the number of freestanding business signs which already exist on the whole property.

The existing pylon sign for the larger shopping center identifies the many uses located in the shopping center. Applicant will replace the existing logo advertising the restaurant with its own logo to advertise its business.

The request for the attached business signs is necessary due to the nature of the business and its location and orientation within the shopping center. Applicant will install one attached business sign on the front of the building which faces Route 340. Applicant will also install attached business signs on the back and the side of the building facing the Walmart parking lot so that its business is identifiable to customers traveling within the shopping center.

Attached are visual renderings of Applicant's freestanding business sign and attached business signs.

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

Approval of the variance would eliminate unnecessary hardship and permits a reasonable use of the property. Requiring conformance to the Zoning Ordinance would limit Applicant's ability to develop the site particularly as to the required setback for the freestanding business sign. The

existing freestanding business sign is located closer to the property line than 25 feet. Applicant desires to maintain that reduced setback.

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

Applicant's proposed use is permitted pursuant to the Zoning Ordinance. There are already two freestanding business signs on the property which are adjacent to street frontage. Substantial justice will be done by permitting Applicant to continue to have a freestanding business sign adjacent to street frontage.

Granting these variances will not hinder or discourage the use of adjacent land or buildings.



# Auto Spa Express

Charlestown, WV. Sign Package

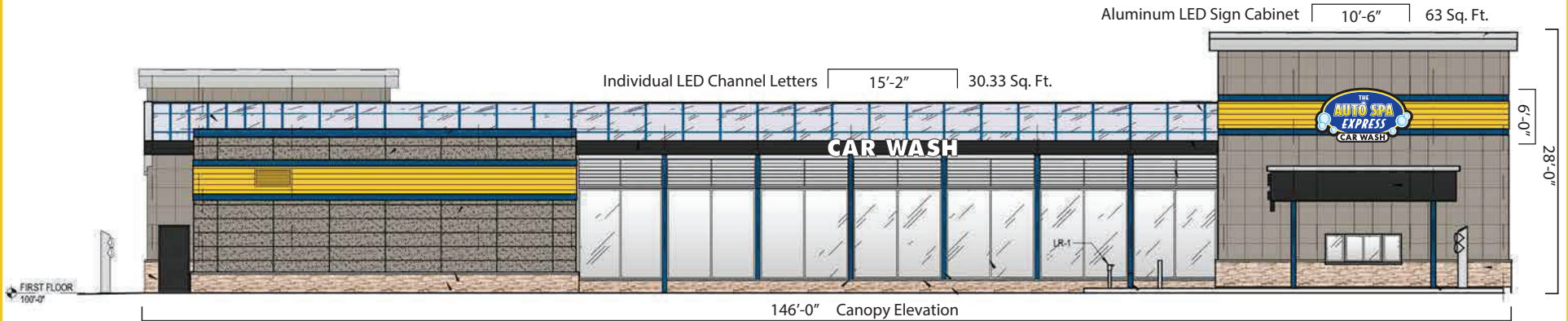
*Making the Sign Process Easy Since 1965.*

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. UL

**Auto Spa Express Charlestown, WV. Canopy Elevation**

Single  Double Sided

Total Canopy Elevation Signage = 93.33 Sq. Ft.



**Auto Spa Express**  
 60 Patrick Henry Way  
 Charles Town, WV 25414



*Making the Sign Process Easy Since 1965.*

client	Auto Spa Express	designer	Chris
sales exec.	Jerry Sterling	scale	nts
date	25 July 2025	revision	rev
file	Canopy Elevation .pdf	prod. time	wks



6300 Arundel Cove Ave. Baltimore, Maryland 21226      410-355-5400      www.pasadenasigns.com

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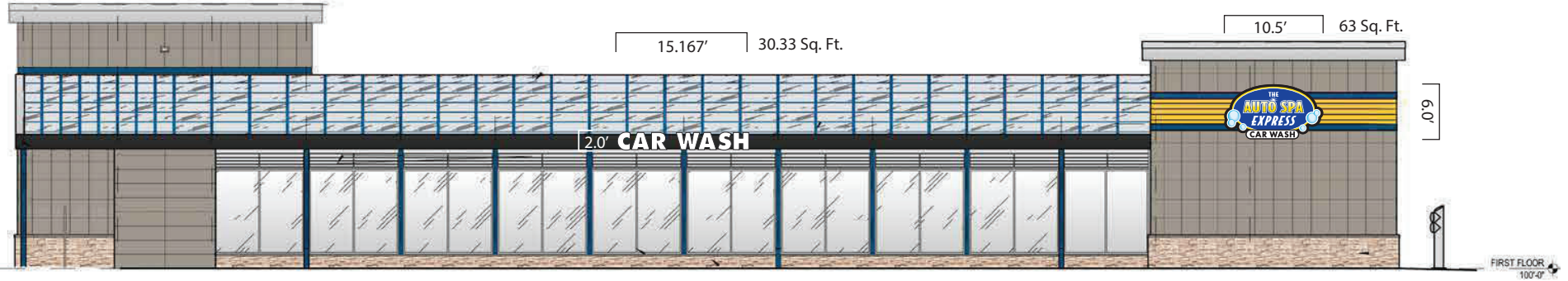
Due to the phys. limits of the print process, this sample drawing cannot provide an exact match between ink, vinyl, & paint.

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. UL

**Auto Spa Express Charlestown WV. Non Canopy Elevation**

Single  Double Sided

Total North Elevation Signage = 93.33 Sq. Ft.



**Auto Spa Express**  
 60 Patrick Henry Way  
 Charles Town, WV 25414



*Making the Sign Process Easy Since 1965.*

client	Auto Spa Express	designer	Chris
sales exec.	Jerry Sterling	scale	nts
date	25 July 2025	revision	rev
file	Non Canopy Elevation.pdf	prod. time	wks



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410-355-5400

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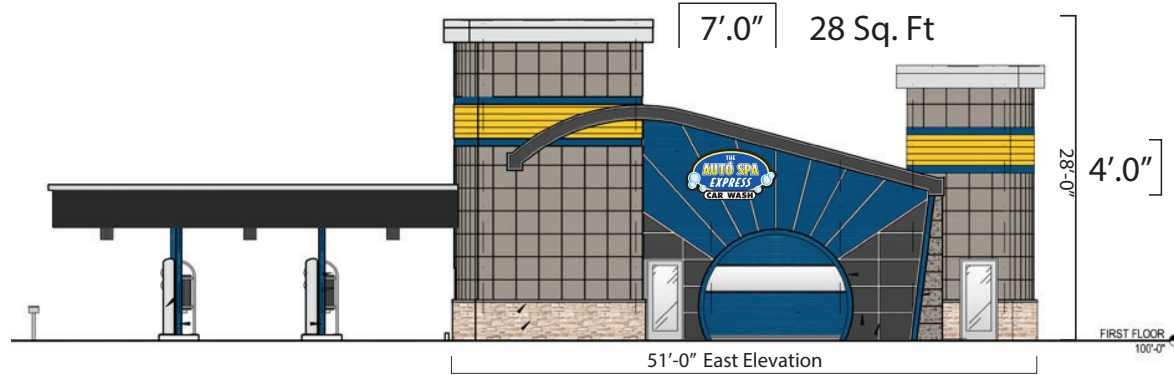
Due to the phys. limits of the print process, this sample drawing cannot provide an exact match between ink, vinyl, & paint.

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. UL

**Auto Spa Express Charlestown WV. Tunnel Entrance Elevation**

Single  Double Sided

Total West Elevation Signage = 28 Sq. Ft.



**Auto Spa Express**  
 60 Patrick Henry Way  
 Charles Town, WV 25414



*Making the Sign Process Easy Since 1965.*

client	Auto Spa Express	designer	Chris
sales exec.	Jerry Sterling	scale	nts
date	25 July 2025	revision	rev
file	Tunnel Entrance Elevation .pdf	prod. time	wks



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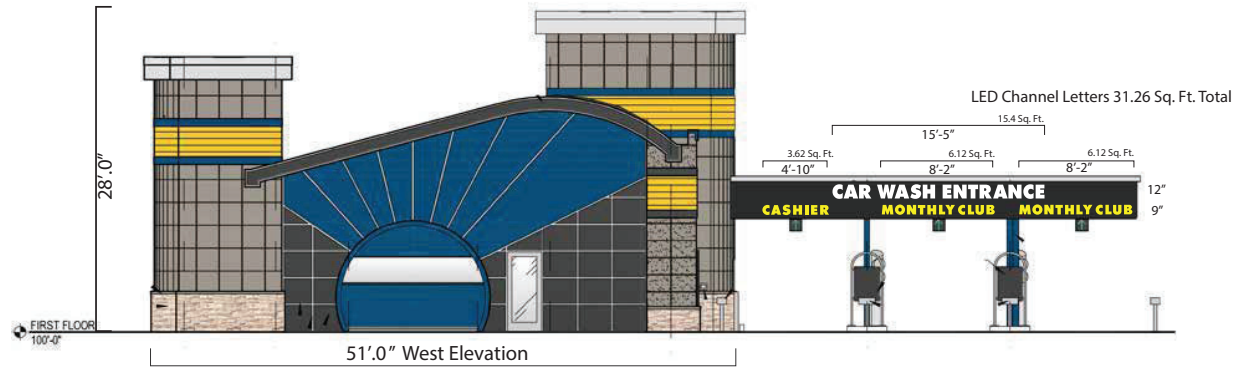
Due to the phys. limits of the print process, this sample drawing cannot provide an exact match between ink, vinyl, & paint.

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. UL

**Auto Spa Express Charlestown WV. Tunnel Exit Elevation**

Single  Double Sided

Tunnel Exit Elevation Signage = 31.26 Sq. Ft.



**Auto Spa Express**  
 60 Patrick Henry Way  
 Charles Town, WV 25414



*Making the Sign Process Easy Since 1965.*

client	Auto Spa Express	designer	Chris
sales exec.	Jerry Sterling	scale	nts
date	25 July 2025	revision	rev
file	Tunnel Exit Elevation .pdf	prod. time	wks



6300 Arundel Cove Ave. Baltimore, Maryland 21226

410-355-5400

www.pasadenasigns.com

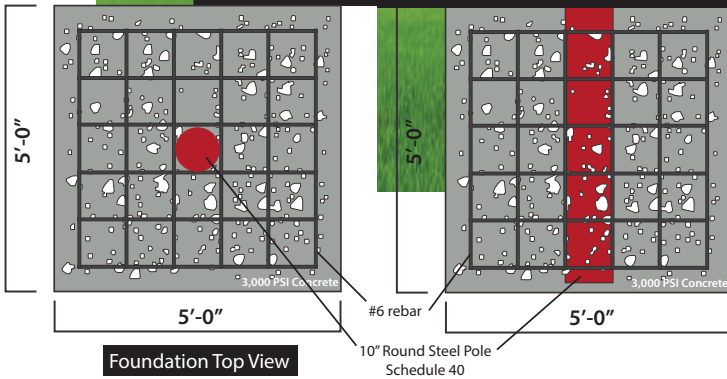
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Due to the phys. limits of the print process, this sample drawing cannot provide an exact match between ink, vinyl, & paint.

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. UL

Due to the physical limits of the print process, this sample drawing cannot provide an exact match between ink, vinyl, & paint.



**Auto Spa Express**  
 60 Patrick Henry Way  
 Charles Town, WV 25414

*Making the Sign Process Easy Since 1965.*



client	Auto Spa Express	designer	Chris
sales exec.	Jerry Sterling	scale	nts
date	25 July 2025	revision	rev
file	Pylon Elevation	prod. time	wks

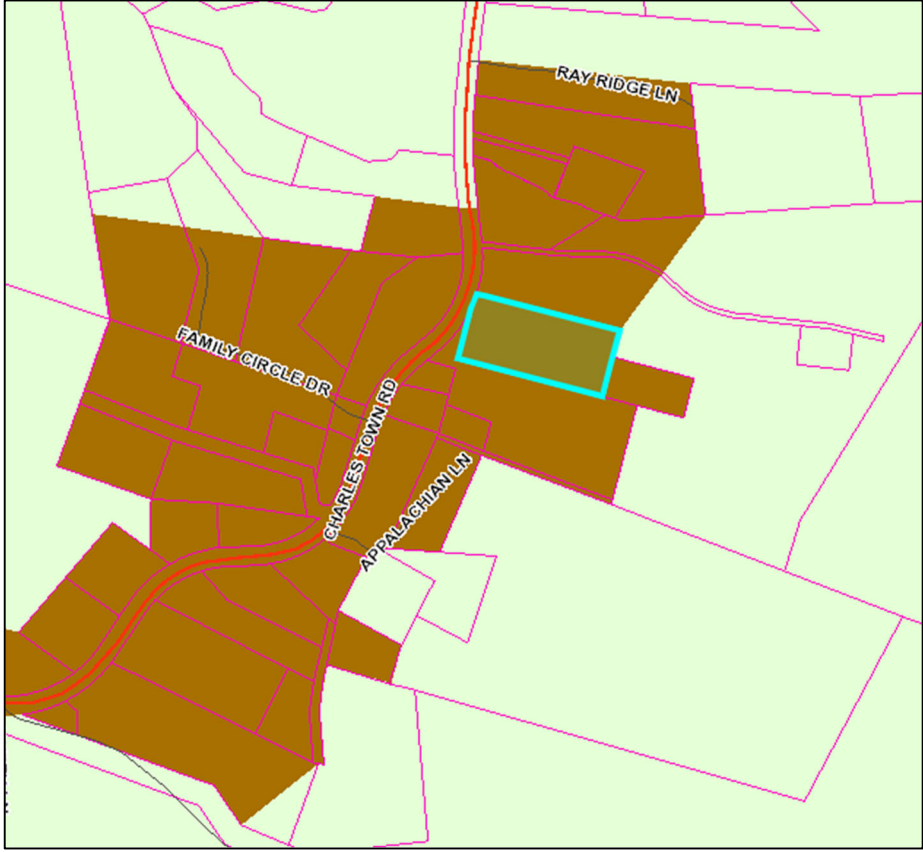


Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 28, 2025

**25-20-ZV Mannings Assembly of God Church Variance Request**

Item #2 Variance from Section 10.4B.2 to allow a second Freestanding Business Sign to be located on the subject parcel; and, Section 10.4B.4 to allow the proposed sign to face a residence.

Variance from Appendix B to reduce the side setback requirement from 50’ to 3’ for a proposed Freestanding Business Sign.

Owner:	Pentecostal Full Gospel Church
Applicant:	Mannings Assembly of God Church
Parcel Information & Zoning District:	<p style="text-align: center;">19176 Charles Town Rd, Harpers Ferry, WV          Parcel ID: 02021C00160000; Size: 1 acres; Zoning District: Village</p> 
History:	Pentecostal Full Gospel Church has owned the property since 1942.
Waivers/Variations:	None
Approved Activity:	Church
Site Visit:	Site visit not conducted

**Staff Overview**

The subject parcel is comprised of approximately 1 acre, and as such, is considered a nonconforming lot as it does not meet the minimum lot size of two acres for Churches. In accordance with Appendix B of the Zoning Ordinance, the setbacks for a Church (in any district) are 25’ front, 50’ side, and 50’ rear. As freestanding business signs are considered a permanent structure, they too must meet the required building setbacks.

Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025

**25-20-ZV Mannings Assembly of God Church Variance Request**

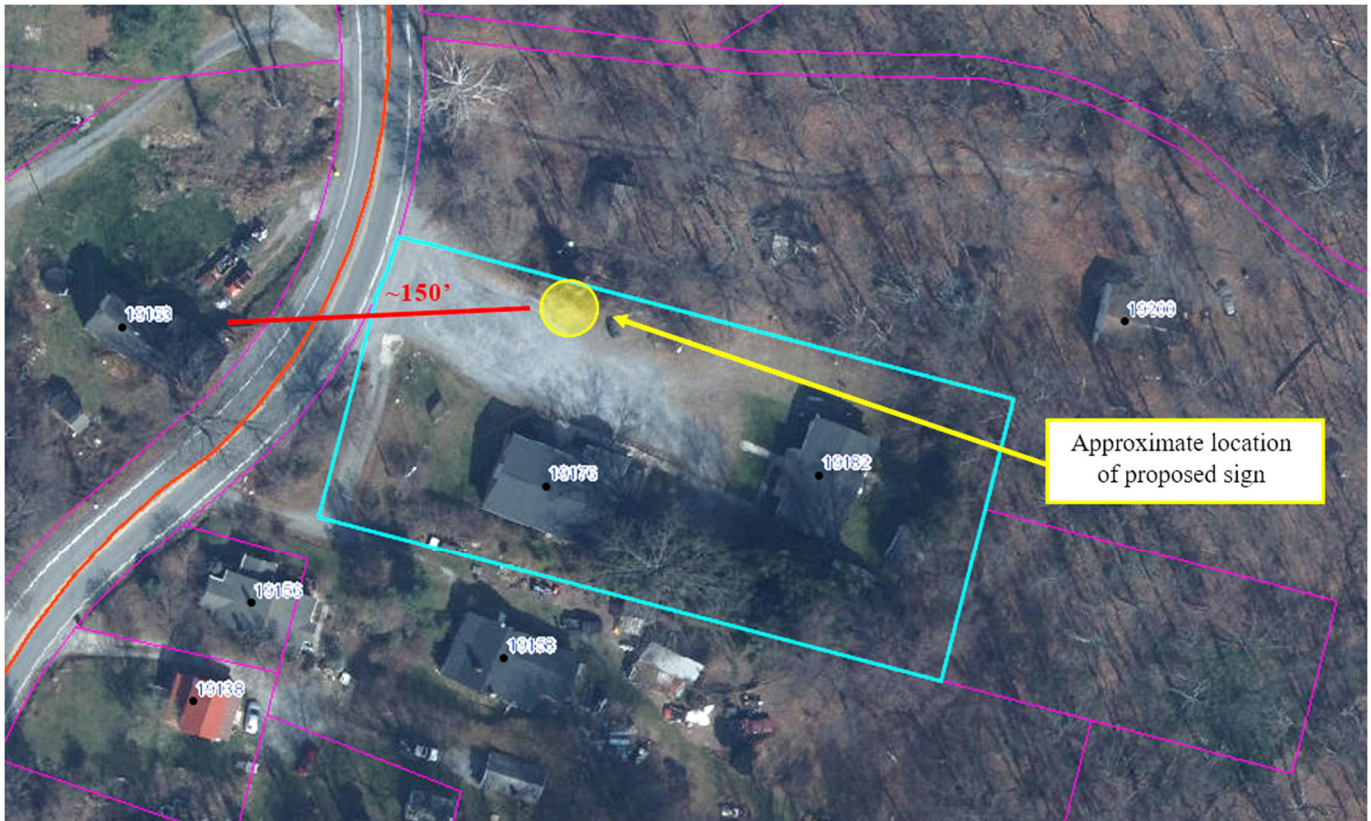
The applicant intends to construct a second freestanding sign along Charles Town Road to allow for better visibility to northbound traffic. To accommodate the second sign, the applicant is requesting a north lot line setback reduction from 50' to 3'.

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

The purpose of Article 10 is to "...regulate all exterior signs and interior signs placed for exterior observance so as to protect property values and the character of the County. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building, or use."

Per Section 10.4(B)(2), only one freestanding sign is permitted per street frontage. To accommodate the desired increase in visibility, the applicant is requesting a variance from this section to allow for the second sign.

Per Section 10.4(B)(4), freestanding business signs shall not face an adjacent residence. The dwelling on the adjoining parcel to the west (across Charles Town Road) is approximately 150' from the proposed sign location.



Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025  
**25-20-ZV Mannings Assembly of God Church Variance Request**



*Charles Town Road (northbound)*



*Charles Town Road (southbound)*

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.

Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025  
**25-20-ZV Mannings Assembly of God Church Variance Request**

**Conditions of Approval**

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

1. No conditions of approval have been identified.

**Sections of Ordinance to be Considered:**

**ARTICLE 10**

**Section 10.4 Signs Requiring a Zoning Certificate<sup>36</sup>**

Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.<sup>2</sup> 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.<sup>36</sup>
2. Attached business signs shall not be attached to the side of the building that faces an adjoining residence.<sup>32, 35, 36</sup>
3. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.<sup>36</sup>

**B. Freestanding Business Signs<sup>36</sup>**

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.<sup>8, 32, 35</sup>
6. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.

**Attachment:** Appendix B Non Residential Site Development Standards Table

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 35</sup>**

Zoning District	Development Type <sup>⊖</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imperious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use						
						Front	Side	Rear	Front	Side	Rear	A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)		Commercial Use		Industrial Use	
												Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25		15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25		15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use		25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District											
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50				N/A	50(U) or 15 (S)	N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100		See IC District for commercial sites			N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100					N/A	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 <sup>‡</sup>	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 <sup>£</sup>	10 <sup>⊖</sup>	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 <sup>£</sup>	10 <sup>⊖</sup>									
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, 2<sup>nd</sup> Floor  
 Charles Town, West Virginia 25414

File #: 25-20-21  
 Mtg. Date: 8-24-25  
 Fee Paid: \$ 150

Email: [zoning@jeffersoncountywv.org](mailto: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: Reverend Harold L. Sundy II  
 Business Name: Mannings Assembly of God  
 Mailing Address: 19176 Charlestown Road, Harpers Ferry, WV 25425  
 Phone Number: (218)256-2174 Email: manningsag@gmail.com

**Applicant Contact Information**

Applicant Name: Reverend Harold L. Sundy II Same as owner:   
 Business Name: Mannings Assembly of God  
 Mailing Address: 19176 Charlestown Road, Harpers Ferry, WV 25425  
 Phone Number: (218)256-2174 Email: harold.sundy@gmail.com

**Consultant Information**

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

**Physical Property Details**

Vacant Lot:

Physical Address: 19176 Charlestown Road, Harpers Ferry, WV 25425  
 Parcel ID: (Tax District / Map No. / Parcel No.) 02021C00160000  
 Parcel Size: 1 acre Deed Book: 158 Page No: 1

**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 checked="" type="checkbox"/> Village (V)                           | <input type="checkbox"/> Planned Neighborhood Development (PND) |
| <input type="checkbox"/> Neighborhood Commercial (NC)                     | <input type="checkbox"/> Office/Commercial Mixed-Use (OC)       |

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

**RECEIVED**

Date Received:

**JUL 08 2025**

JEFFERSON COUNTY PLANNING  
 ZONING & ENGINEERING

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

Section 10.4B.2

Section of the Zoning Ordinance pertaining to this request:

Addition of 2'X3' sign at NE corner of entrance to property

[Section 10.4B.4 to allow the proposed sign to face a residence.](#)

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

Front Setback

Side Setback

Rear Setback

Reduction from 50' to 3'

**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.

Sign will be placed on edge of plot approximately 30'-35' from roadway

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

This will be a second, smaller sign assigned to the property on the opposite site of the parking lot entry.

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

This adds signage safely placed back from the roadway for northbound traffic coming out of the S turns

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

The placement of signage does not adversely affect safety for highway traffic or in any way diminish appearance of the property.

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.*



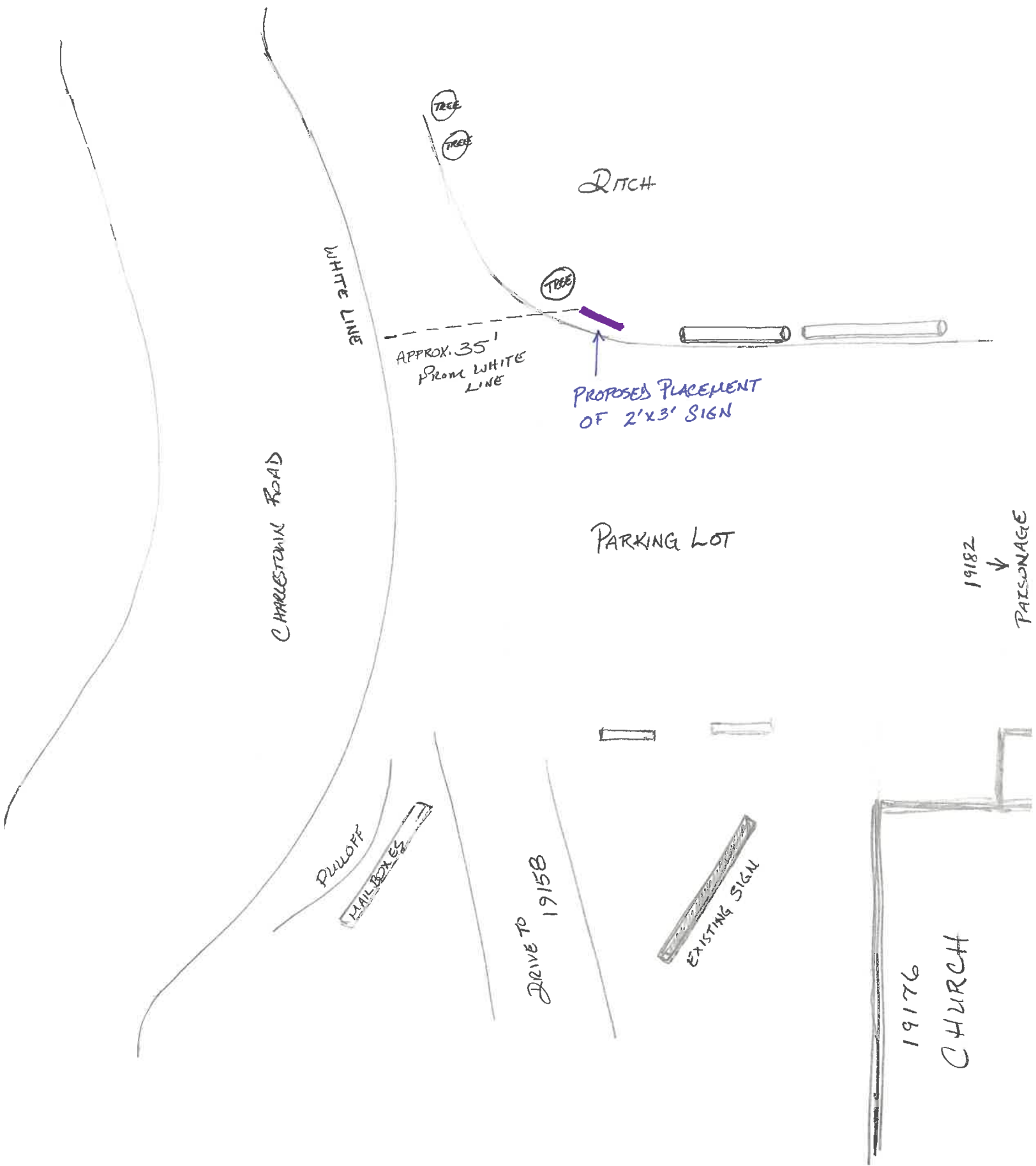
7/1/2025

Property Owner Signature

Date

Property Owner Signature

Date



CHARLESTON ROAD

WHITE LINE

DITCH

APPROX. 35'  
FROM WHITE  
LINE

PROPOSED PLACEMENT  
OF 2'x3' SIGN

PARKING LOT

19182  
↓  
PASSAGE

PULLOFF  
MAILBOXES

DRIVE TO  
1915B

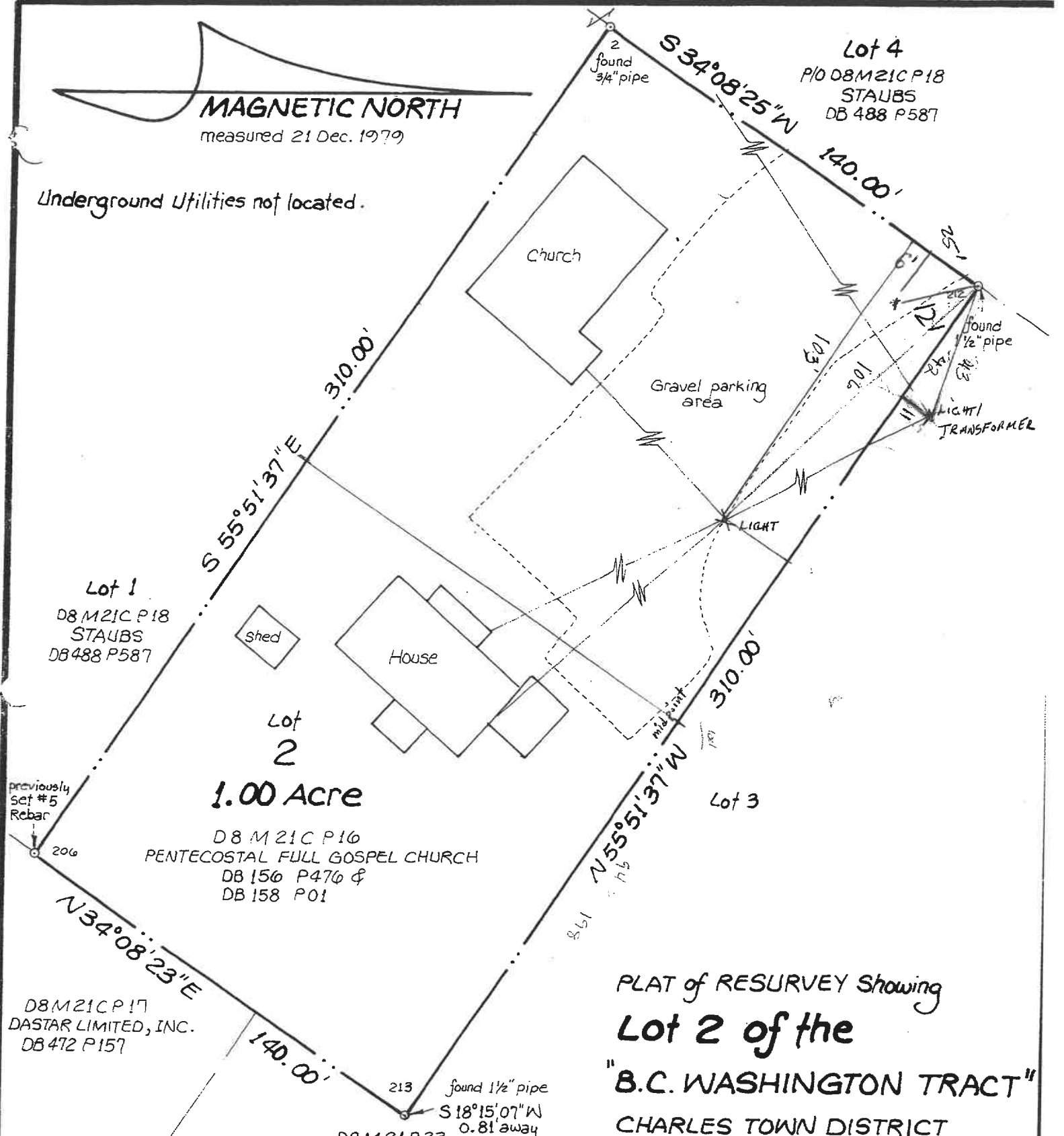
EXISTING SIGN

19176  
CHURCH

**MAGNETIC NORTH**

measured 21 Dec. 1979

Underground Utilities not located.

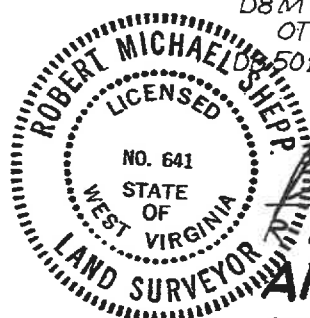


previously set #5 Rebar

D8 M 21 C P 17  
DASTAR LIMITED, INC.  
DB 472 P 157

1.00 Acre  
D8 M 21 C P 16  
PENTECOSTAL FULL GOSPEL CHURCH  
DB 156 P 476 &  
DB 158 P 01

PLAT of RESURVEY Showing  
**Lot 2 of the**  
**"B.C. WASHINGTON TRACT"**  
CHARLES TOWN DISTRICT  
JEFFERSON COUNTY, W.V.  
SCALE: 1" = 40'  
SURVEYED: 19 Nov. 1985



*Robert Michael Shepp*  
Michael Shepp, LLS

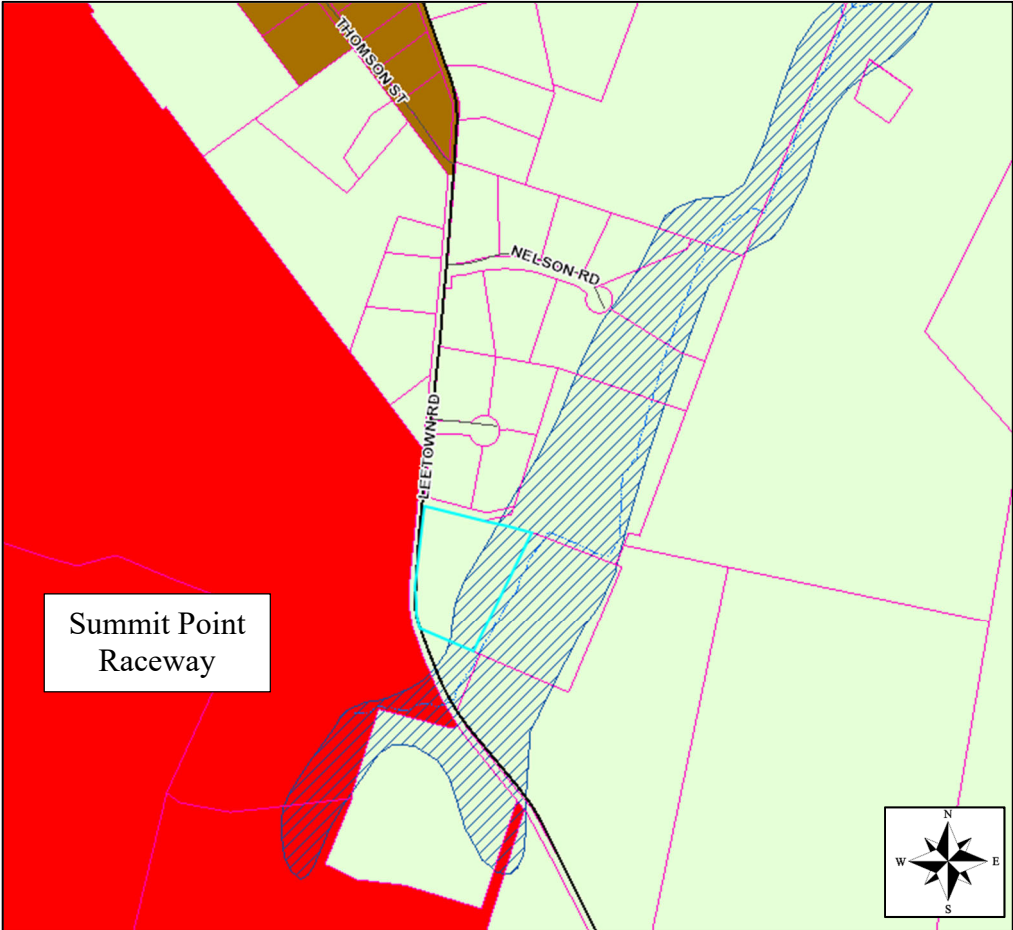
**APPALACHIAN SURVEYS, INC.**  
P.O. Box 35 CHARLES TOWN, W.V.





Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 28, 2025  
**25-21-ZV Simon Variance Request**

Item #3 Variance from Section 9.7 to reduce the front setback from 40’ to 15’ for an accessory structure (detached garage); and, Section 9.6C to allow an accessory structure within the required front yard.

Owner:	Brandon D & Charity Simon
Parcel Information & Zoning District:	<p style="text-align: center;">1738 Leetown Rd, Summit Point, WV          Parcel ID: 06001400010001; Size: 4.43 acres; Zoning District: Rural</p> 
History:	02/16/83: Tract A & Tract B created via Deed Book 508 / Page 190
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit:	Site visit not conducted.

**Staff Overview**

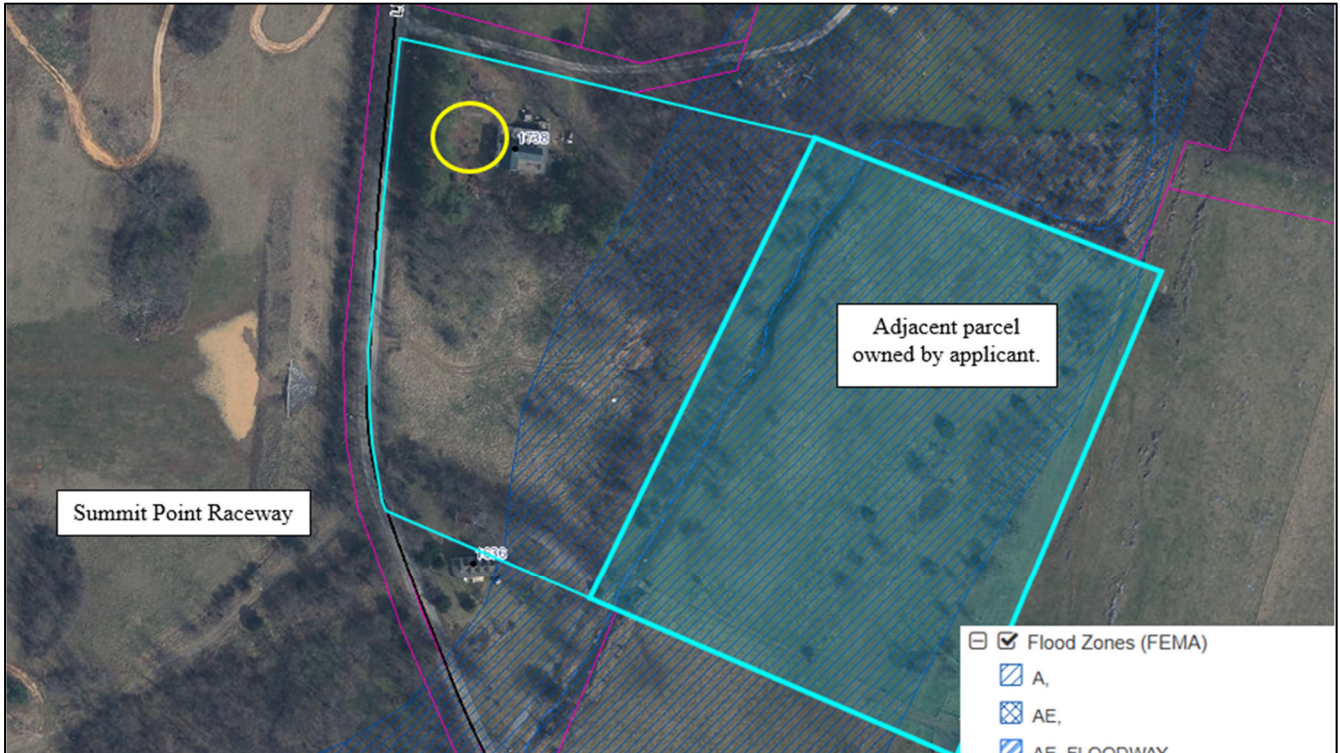
The subject parcel was created in 1983, prior to the adoption of the Zoning Ordinance (1988). As such, the setback requirements for single-family dwellings on lots over 2 acres with setbacks not previously stipulated by the Planning Commission are **40’ Front**, 15’ Side and 50’ Rear

The applicant is requesting to reduce the front setback requirement along the eastern property line (adjacent to Leetown Road) from 40’ down to 15’ to allow for the construction of a 30’ x 40’ detached garage with a 10’ x 40’ lean-to running along the rear of the building.

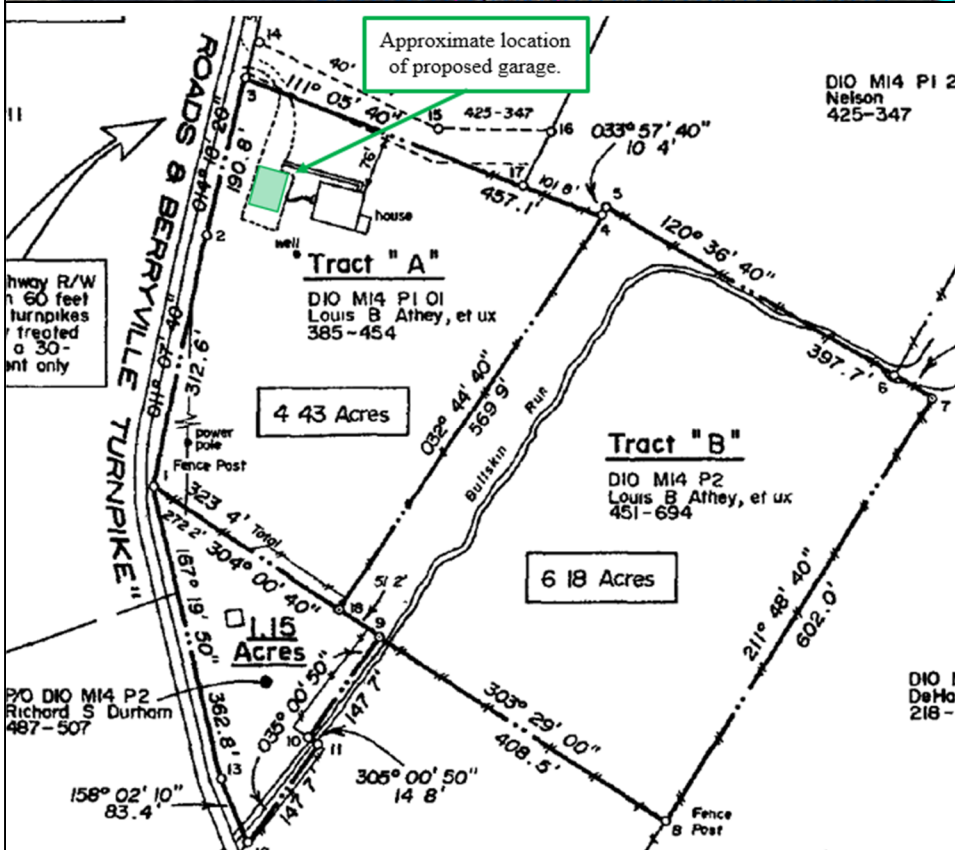
It should be noted that due to conflicting information regarding the right-of-way width of Leetown Road at this location, the applicant is opting on the side of caution with the setback reduction request.

Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 28, 2025  
**25-21-ZV Simon Variance Request**

A key purpose of the front yard setback requirement is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that traffic visibility is not impaired for drivers along the right-of-way.



- Flood Zones (FEMA)
- A,
- AE,
- AE, FLOODWAY
- AO,
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025

**25-21-ZV Simon Variance Request**

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

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

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

**Conditions of Approval**

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

1. No conditions of approval have been identified.

**Section of Ordinance to be Considered:**

**Section 9.6 Accessory Structures**

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

**Section 9.7 Other Exceptions<sup>3</sup>**

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:<sup>23</sup>

**Rural Agricultural and Industrial Commercial**

**Single Family Residences**

<b>Over 2 acres --</b>	<b>40' front,</b>	<b>15' side</b>	<b>and</b>	<b>50' rear</b>
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.





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

File #: 25-21-ZV  
 Mtg. Date: 08-28-2V  
 Fee Paid: \$ 150-

Email: [zoning@jeffersoncountywv.org](mailto: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: Brandon Simon  
 Business Name: N/A  
 Mailing Address: 1738 Leetown Rd., Summit Point, WV 25446  
 Phone Number: 717-331-5055 Email: bsimon2169@yahoo.com

**Applicant Contact Information**

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

**Consultant Information**

Consultant Name: N/A  
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Parcel #: 06001400610001 gnt Vacant Lot:   
 Physical Address: 1738 Leetown Rd., Summit Point, WV, 25446  
 Parcel ID: (Tax District / Map No. / Parcel No.) Tract A = 1.1 Tract B = 2  
 Parcel Size: Tract A = 4.43 ACRES, Tract B = 6.18 ACRES Deed Book: 1334 Page No: 548

**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**

JUL 21 2025

Date Received:

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: I am requesting a variance in order to build a detached garage building within the front setback parameters. The building will measure 30' x 40' with 12' walls. The back of the building will have a lean-to measuring 10' x 40' running the length of the entire back of building, with a 9' open wall. If this request is for a setback variance, please check the following: \* Sec. 9.6C & Sec. 9.7 ght  
 Front Setback       Side Setback       Rear Setback      Reduction from 40' to 20'

**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 building will be far enough away from any adjacent property owner's homes. The building would be hidden behind pine trees in between itself and the road. The public will hardly know that it is there. The building would not be an inconvenience to anyone.

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 request is arising from the need to follow setback rules and easement distances. I was told by the Highway Dept. Leetown Rd. has a 30' from centerline easement and told by the county that the building needs to be 40' additionally from that line. So in total the building needs to be at least 70' from centerline of the road. I will not meet that. How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

It will allow our family the ability to have a garage. Our home currently does not have a garage. The location we are requesting to put it at is right on our existing driveway. There is no other feasible location to put the garage.

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

We are not infringing on the road, we are trying to adhere to setback requirements. We are attempting to put the building as far back as feasible.

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.

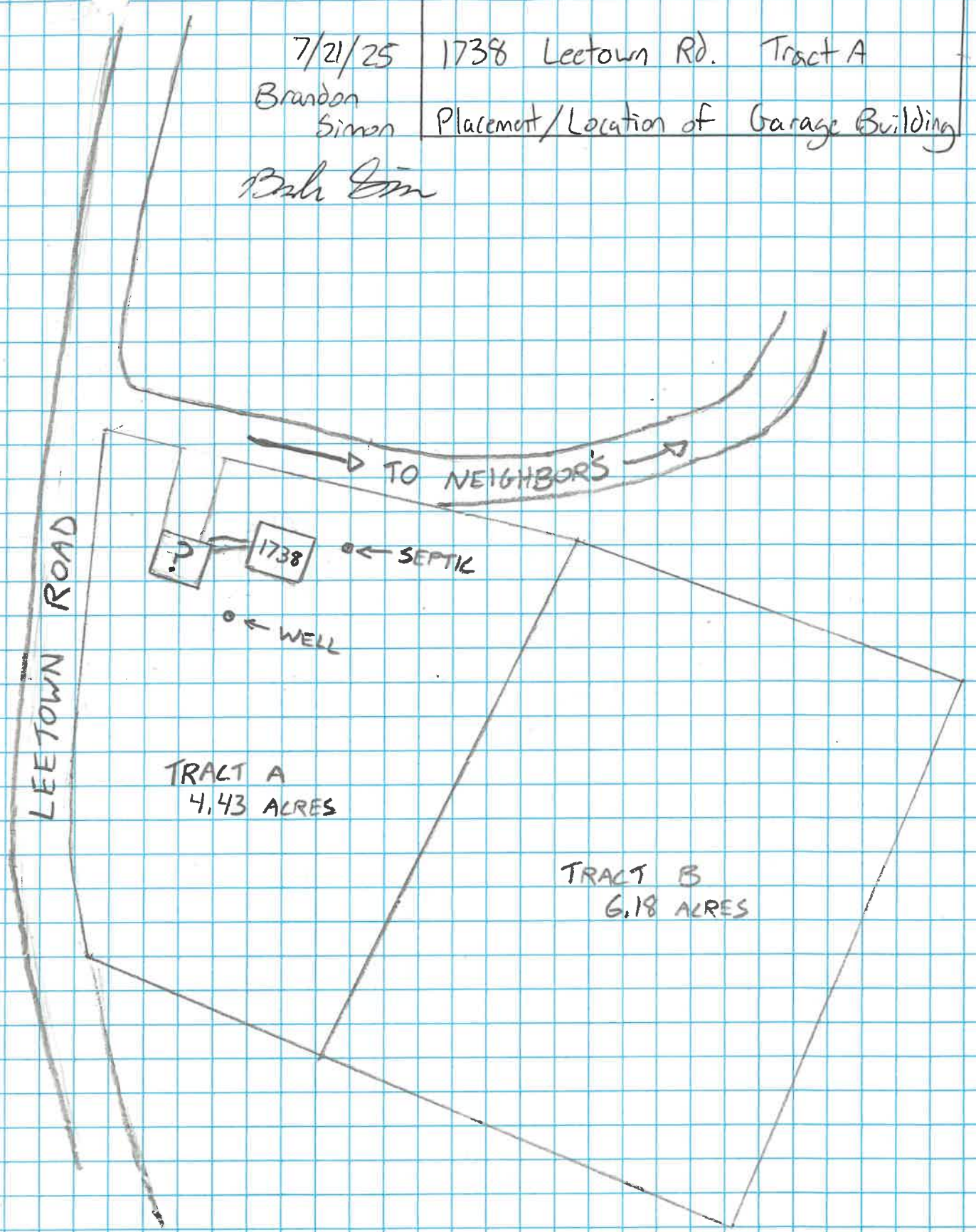
**The information given is correct to the best of my knowledge. Property Owner Signature Required.**

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.

Bob [Signature]      7/21/25  
Property Owner Signature      Date

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

7/21/25 1738 Leetown Rd. Tract A  
Brandon  
Simon Placement/Location of Garage Building  
Brahm Sim



? = 30' x 40' Garage Building with 10' x 40' Lean To

7/21/25

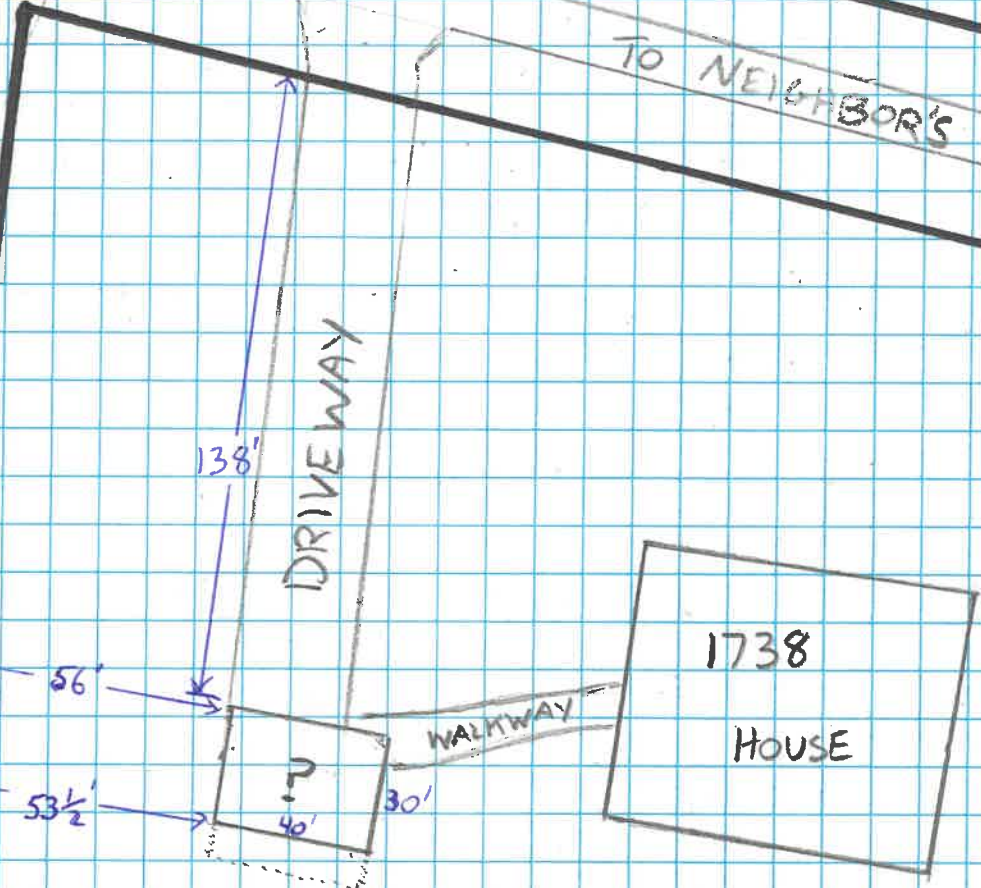
1738 Leetown Rd. Tract A

Brandon Simon  
Bela Sim

Placement/Location of Garage Building

30' x 40' x 12' wall height

LEETOWN ROAD



- = PROPERTY LINES
- ? = 30' x 40' Garage Building
- ..... = 10' x 40' Lean To

The garage building will have a 56' setback from the center line of Leetown Rd. at the North West Corner and a 53 1/2' setback from the centerline of Leetown Rd. at the South West Corner.

Setback

## ABOUT THE BUILDING

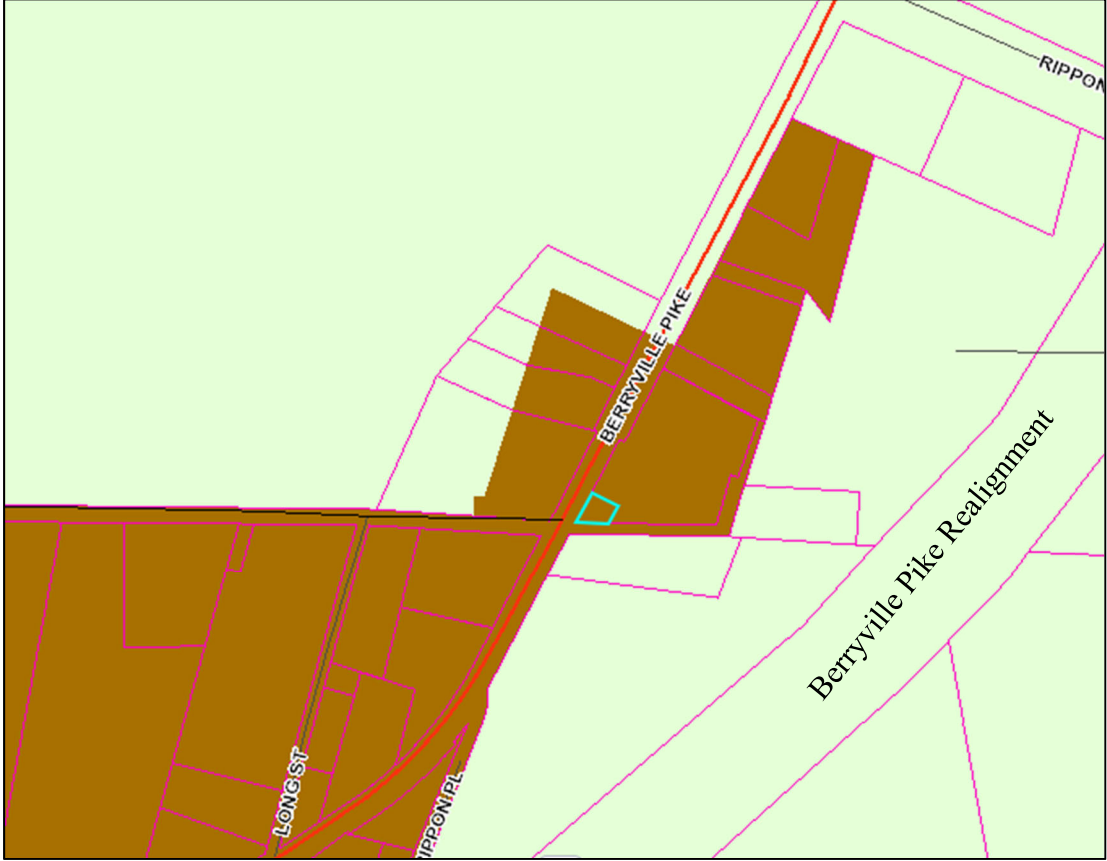
The detached garage building will be made out of metal. It will be metal framed and have metal siding and a metal roof. It will measure 30' deep x 40' long and have a 12' wall height, with a roof peak roughly around 15'. The (2) 10' x 10' garage doors will be accessible from right off our existing driveway. The building will have two windows and two man doors. The back of the garage building will have an open Lean-To measuring 10' deep x 40' long with an open wall height of 9'. All sides of the Lean-To will be open, it will just have a roof and supporting columns along the 40' span. The building will sit on a concrete pad. The building will comply with Jefferson Counties Building Code.



Staff Report  
 Jefferson County Board of Zoning Appeals  
 August 28, 2025

**25-23-ZV Tyler-Hoffman Antique Shop Variance Request**

Item #4 Variance from Section 10.4A to allow two proposed Attached Business Signs to each face a residential lot.

Owner:	Christopher Tyler & Donna Hoffman
Parcel Information & Zoning District:	2148 Berryville Pike, Charles Town, WV Parcel ID: 06010A00230000; Size: .04 acres; Zoning District: Village
	
History:	Formerly the Rippon Store
Waivers/Variations:	None
Site Visit:	Site visit not conducted

**Staff Overview**

The applicant intends to display two (2) business signs which are both attached to the building and both facing residential lots. A hanging sign on the front of the building will face residential lots to the west and one attached to the side of the building will face residential lots to the south.

The purpose of Article 10 is to "...regulate all exterior signs and interior signs placed for exterior observance so as to protect property values and the character of the County. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building, or use."

Per Section 10.4(A)(2), attached business signs shall not be attached to the side of the building that faces an adjoining residence. To accommodate the desired signage, the applicant is requesting a variance from this section to allow for two residential lot-facing business signs.

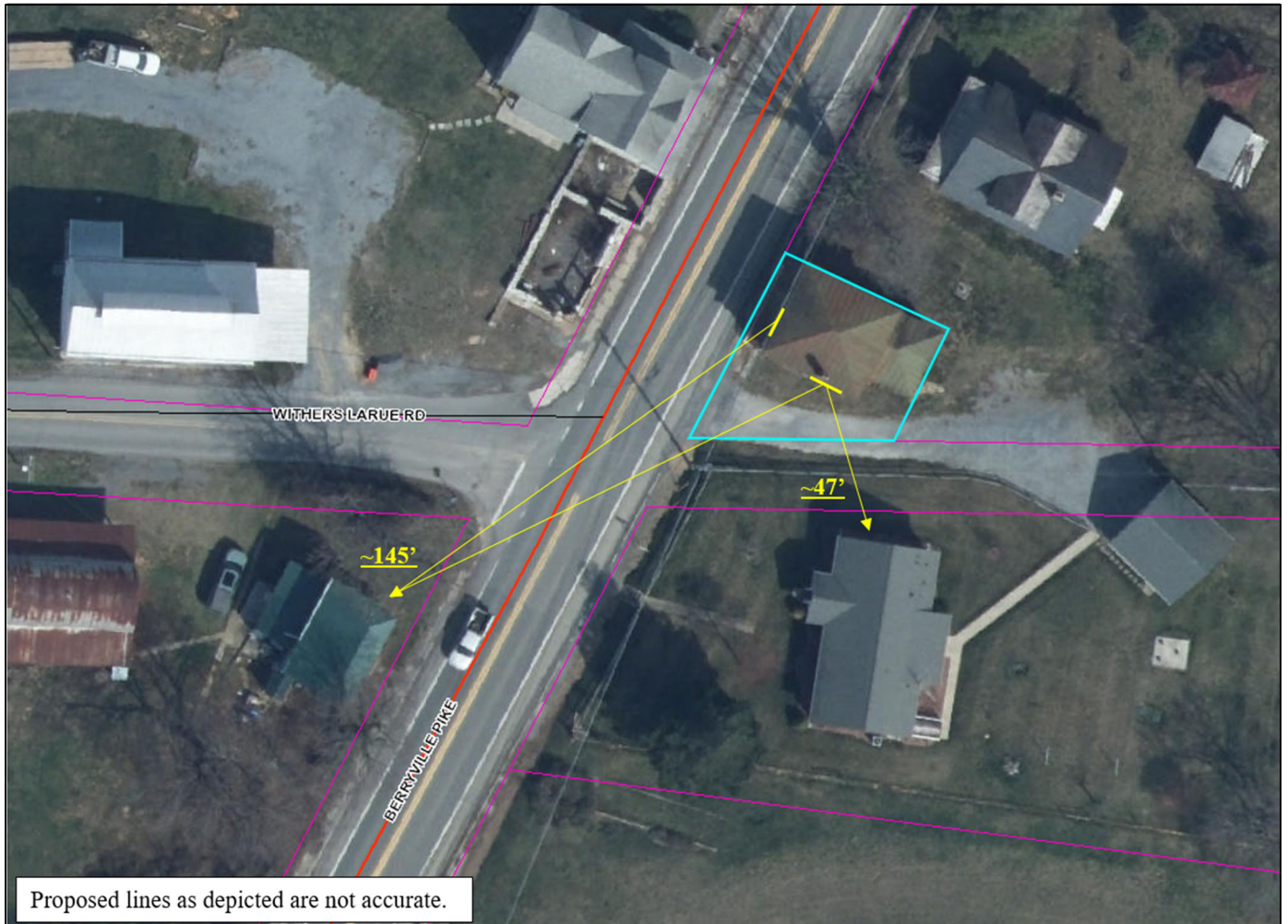
Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025  
**25-23-ZV Tyler-Hoffman Antique Shop Variance Request**



Proposed location of each sign.  
The size of the proposed signage will adhere to Article 10 of the Zoning Ordinance.



Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025  
**25-23-ZV Tyler-Hoffman Antique Shop Variance Request**



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

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

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

Staff Report  
Jefferson County Board of Zoning Appeals  
August 28, 2025  
**25-23-ZV Tyler-Hoffman Antique Shop Variance Request**

**Conditions of Approval**

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

1. No conditions of approval have been identified.

**Sections of Ordinance to be Considered:**

**ARTICLE 10**

**Section 10.4 Signs Requiring a Zoning Certificate<sup>36</sup>**

Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.<sup>2</sup> 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.<sup>36</sup>
2. Attached business signs shall not be attached to the side of the building that faces an adjoining residence.<sup>32, 35, 36</sup>
3. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.<sup>36</sup>



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

File #: 25 23-2V  
 Mtg. Date: 08.28.25  
 Fee Paid: \$ 150

Email: [zoning@jeffersoncountywv.org](mailto: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: Christopher Tyler and Donna Hoffman  
 Business Name: \_\_\_\_\_  
 Mailing Address: 320 Braddock St, Charles Town, WV 25414  
 Phone Number: 240-498-6912 Email: tylerchris118@gmail.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: 2148 Berryville Pike, Charles Town, WV 25414 Vacant Lot:   
 Parcel ID: (Tax District / Map No. / Parcel No.) Kabletown (06); 10A; 23  
 Parcel Size: 0.04 ac Deed Book: 1324; 493 Page No: 683; 75 and 1007

**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 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 checked="" type="checkbox"/> Village (V)                           | <input type="checkbox"/> Planned Neighborhood Development (PND) |
| <input type="checkbox"/> Neighborhood Commercial (NC)                     | <input type="checkbox"/> Office/Commercial Mixed-Use (OC)       |

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

**RECEIVED**

Date Received:

**JUL 24 2025**

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:

Article 10

We are asking to attach a sign to the south side of the building, which faces the neighboring residence. The neighbor has given written permission for the signage, as she feels it will not affect her view from her property.

**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.

This signage does not obstruct any view of any neighboring residences.

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 building was constructed with a large flat side facing the south. This visual space could be very useful in advertising the business to oncoming traffic. As of now, the vast unused space is a bit of an eyesore.

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

This variance will hopefully promote the business within the building and allow for more customers visiting their shop.

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

It allows a successful use of signage that does not negatively impact the view of any neighboring residences. It respects the requirements of size, as the sign is 32 sq. ft. and the front of the building( 28.5') allows for up to 56 sq. ft.

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

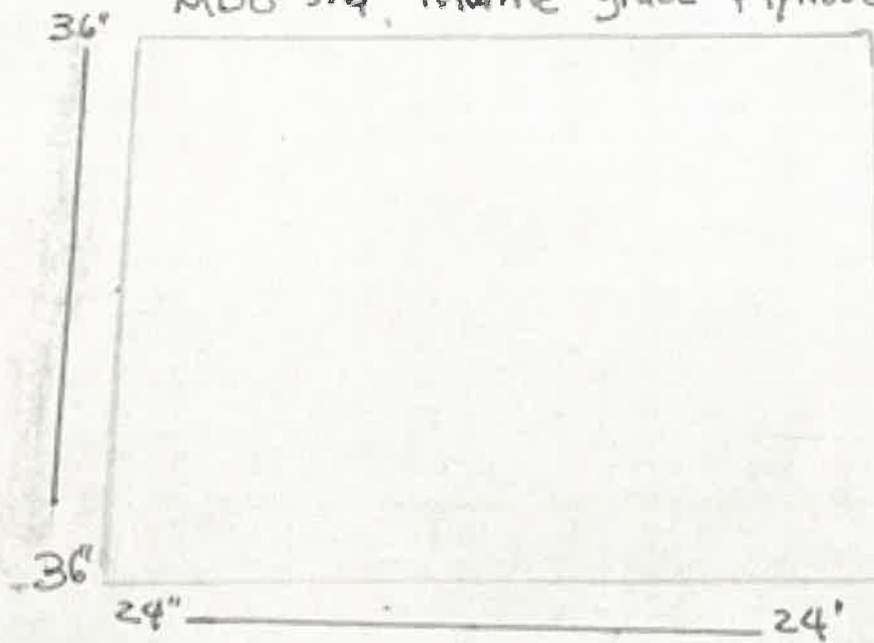
7/23/25  
Date

  
Property Owner Signature

7/23/25  
Date

# Hanging Sign-Front-Port

MDO 3/4 marine grade Plywood



W: 24.00"

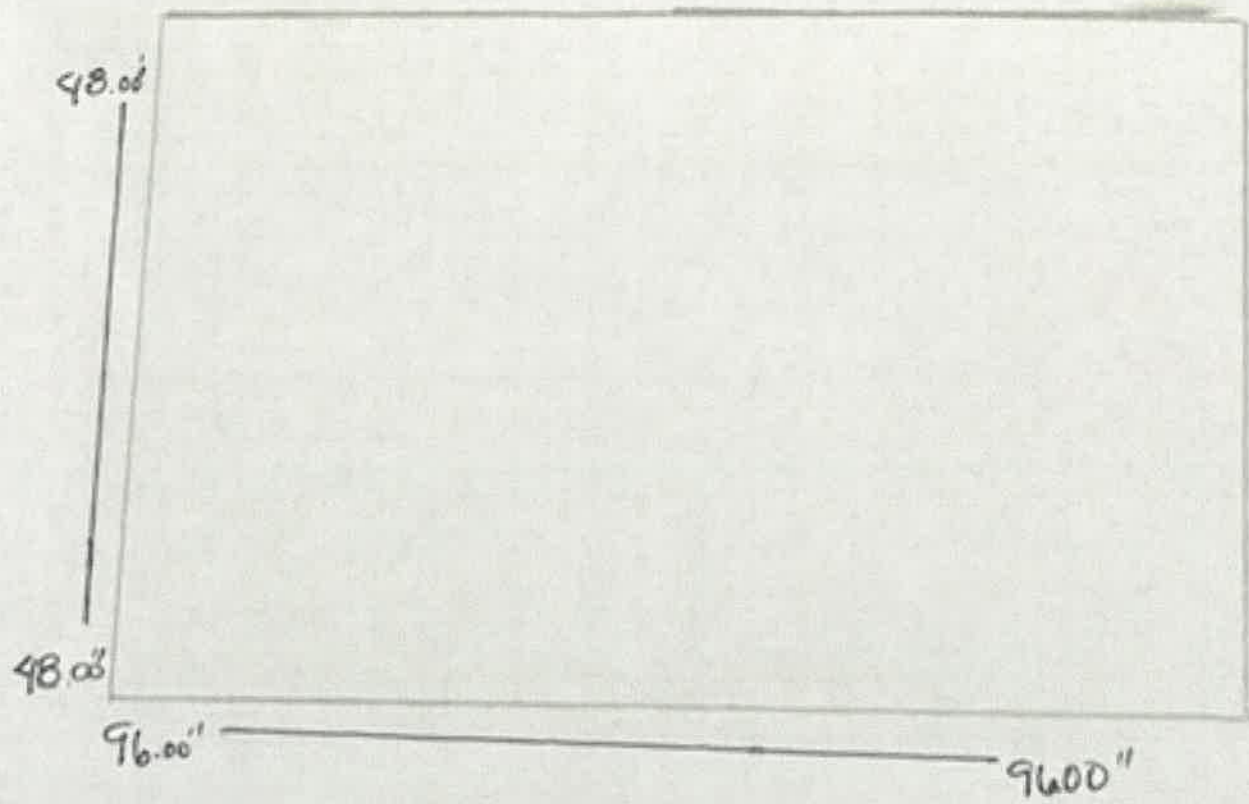
H: 36.00"

Sides: 2

Vertical orientation

# SOUTH-FACING facade of the building

Dibond 3mm, aluminum panel with Pvc.



W: 96.00"

H: 48.00"

Side: 1

Front of building is 28.5'



# TIMELESS TALES INTERIOR DECOR





EVERY PIECE TELLS A STORY OF ELEGANCE



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 August 28, 2025

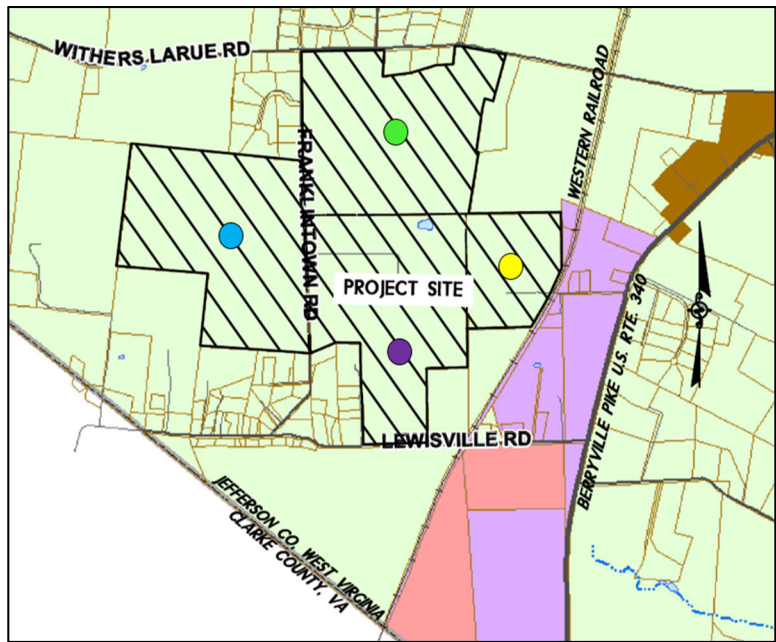
**#24-4-CUP Franklinton Farm Solar Project Extension Request**

Item #5 Request for an eighteen month extension of the Franklinton Farm Solar Project’s Conditional Use Permit to operate a Solar Energy Facility.

Project Name:	Franklinton Farm Solar Project (see full project description below)	
Owner:	Multiple Owners / See Exhibit Below	
Applicant:	Franklinton Farm LLC	
Consultant:	Jackson Kelly PLLC / Attn: Robert McLusky, Attorney	
<b>Property Owner</b>	<b>Property Location</b>	<b>Map Reference</b>
Mark D. Stolipher	2998 Withers Larue Rd, Summit Point, WV Parcel ID: 06001900080004; Parcel/Project Size: 146.84 ac	
	322 & 288 Scooter Ln, Charles Town, WV Parcel ID: 06001900160000; Parcel/Project Size: 50 ac	
	261 Berry Hill Farm Ln, Summit Point, WV Parcel ID: 06001900070000; Parcel/Project Size: 150.31 ac	
Michael Paul Chapman, Trustees	651 & 653 Franklinton Rd, Summit Point, WV Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac	

All of the subject parcels are zoned Rural.

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



Full Project Description:	The proposal consists of constructing an 80-megawatt solar energy facility on 502 acres. The project consists of rows of solar modules, a new substation to connect the solar facility to the existing overhead electrical transmission line, and a 20MW Battery Energy Storage System (BESS). The Project also includes internal access roads, commercial entrance(s), security fencing, a buffer screen, and stormwater management.
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Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
August 28, 2025

**#24-4-CUP Franklinton Farm Solar Project Extension Request**

**Summary of Request and Purpose of Ordinance Requirements**

The subject request by Franklinton Farm Solar Project is for an eighteen month extension of their Conditional Use Permit which was issued on September 12, 2024 with an expiration date of March 12, 2026 (issued CUP attached).

The expiration date for a Conditional Use Permit is established in Section 3.2G of the Zoning Ordinance which states that a "...conditional use permit shall become void eighteen months after the date of issuance if the construction or use for which the permit was issued has not commenced."

The process for an eighteen month extension is initiated with a written request to the Board. Any extensions beyond the eighteen months would necessitate a variance, subject to the process outlined in Article 6.

The construction for this project has not yet commenced. Staff has reviewed the construction plans for this project. Staff's second review comments were returned to the applicant on July 28, 2025.

Section 3.2G authorizes the Board of Zoning Appeals to grant a one-time extension after evaluating the hardship involved with noncompliance of the initial expiration date and further states, "The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen months."

Pursuant to Section 3.2G, the current expiration date of #24-4-CUP is March 12, 2026 which is eighteen (18) months from issuance on September 12, 2024. An eighteen (18) month extension would expire on September 12, 2027.

The applicant is requesting the extension be based upon the eighteen (18) month expiration of the date in which the Findings were signed on November 25, 2024. That date would currently be set at May 25, 2026. An eighteen (18) month extension would therefore expire on November 25, 2027.

Note: the subject request includes no new proposals or modifications beyond what was previously approved and is limited only to the expiration date.

**Project History/Status**

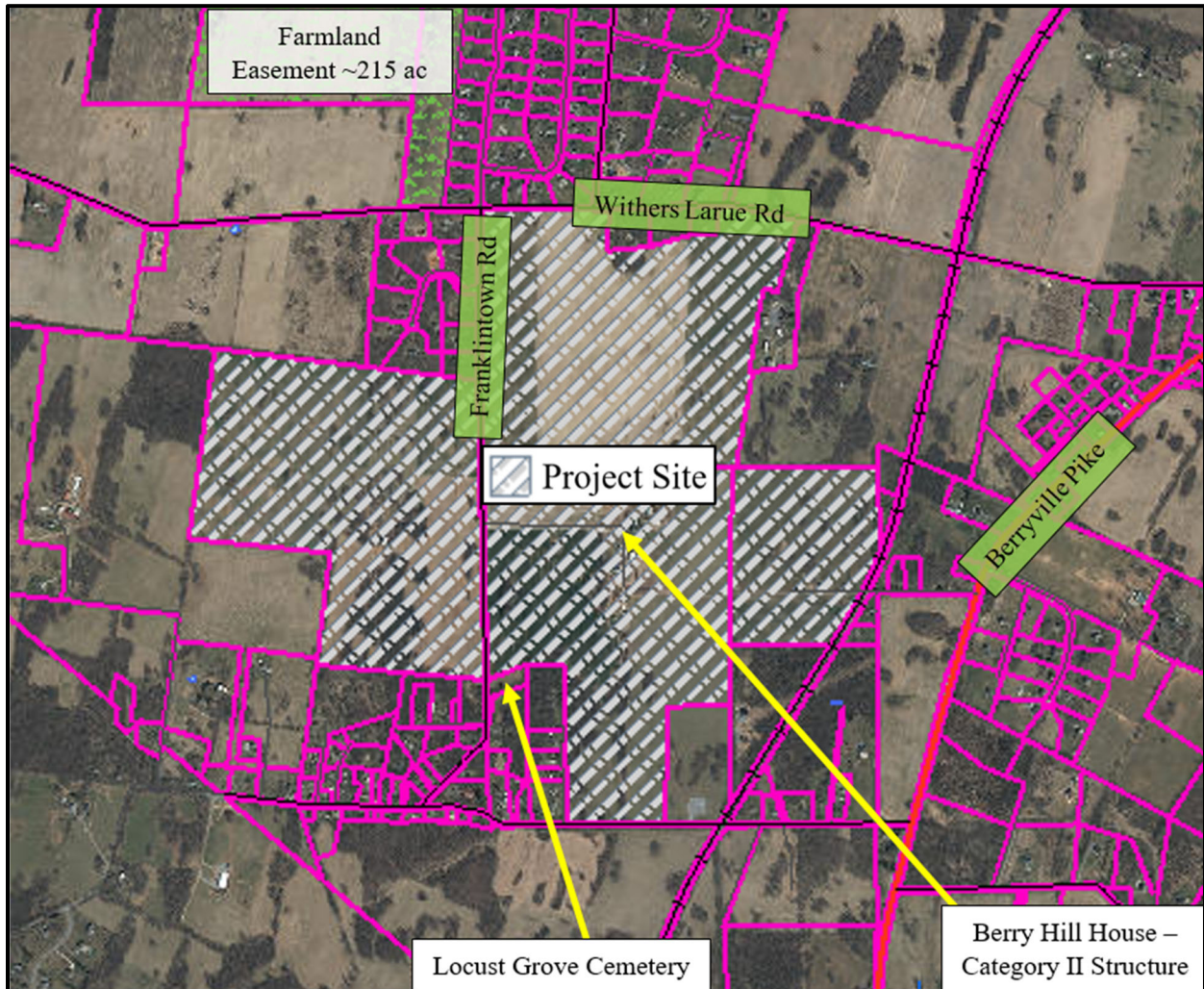
- 08/22/2024: Conditional Use Permit for a Solar Energy Facility Site granted by the Board of Zoning Appeals
- 09/10/2024: Concept Plan Approved by the Planning Commission on— approval is vested for two years (expiration date: 09/10/2026)
- 09/12/2024: Conditional Use Permit #24-4-CUP was Issued (expiration date: 03/12/2026)
- 12/13/2024: Zoning Certificate Issued (administrative process)

**Project Description**

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

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

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
August 28, 2025  
**#24-4-CUP Franklinton Farm Solar Project Extension Request**



**Attachments:**

- Approved Conditional Use Permit (PC File #24-4-CUP)
- Signed Findings of Fact and Conclusions of Law (PC File #24-4-CUP)
- Approved Concept Plan (PC File #24-2-SP)
- Approved Zoning Certificate (PC File #24-55-ZC)
- Article 3 – Administration and Enforcement
- Memo RE: Commencement of a Land Use – Conditional Use Permits and Zoning Certificates, dated June 17, 2013





# JEFFERSON COUNTY, WEST VIRGINIA

## OFFICE OF PLANNING AND ZONING

116 EAST WASHINGTON STREET  
CHARLES TOWN, WV 25414

### CONDITIONAL USE PERMIT #24-4-CUP

#### FRANKLINTOWN FARM SOLAR PROJECT

This is to certify that effective **September 12, 2024**, a Conditional Use Permit has been issued for the following:

**Project Name:** Franklintown Farm Solar Project  
**Project Applicant:** Franklintown Farm LLC / Attn: Ashley Smith, P.E. Enel North America, Inc.  
**Applicant Contact:** ashley.smith3@enel.com / (976) 681-1900  
**Parcel Information:** Attached  
**Approved Use:** Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. The proposal consists of constructing an 80-megawatt solar energy facility on 502 acres. The project consists of rows of solar modules, a new substation to connect the solar facility to the existing overhead electrical transmission line, and a 20MW Battery Energy Storage System (BESS). The Project also includes internal access roads, commercial entrance(s), security fencing, a buffer screen, and stormwater management.

Pursuant to Article 6 of the Jefferson County Zoning Ordinance, the Board of Zoning Appeals held a public hearing on August 22, 2024 for the purpose of determining if the Conditional Use (Solar Energy Facility) met the criteria outlined in Section 6.3A.1-8 and Section 8.20A. Finding that the Conditional Use met all of the criteria, the Board voted to **Grant** the requested Conditional Use Permit as presented, with the following conditions of approval:

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

In the event that the operation of this land use has not commenced by **March 12, 2026**, this Permit will expire. Prior to the expiration date, an extension request must be submitted to the Office for consideration by the Board of Zoning Appeals. See Section 3.2G of the Jefferson County Zoning and Land Development Ordinance, as amended June 16, 2022.

This Permit in no way relieves the Owner or Applicant from any requirements of Jefferson County Ordinances or Regulations unless the appropriate waivers/variances are granted by the appropriate County authority.

Alexandra Beaulieu  
Deputy Director & Zoning Administrator

September 12, 2024

Date



Franklinton Farm Solar Project (File #24-4-CUP )  
 September 12, 2024

Property Owner	Property Location
Mark D. Stolipher	2998 Withers Larue Rd, Summit Point, WV 25446 Parcel ID: 06001900080004; Parcel/Project Size: 146.84 ac; Zoning District: Rural
	322 & 288 Scooter Ln, Charles Town, WV 25414 Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural
	261 Berry Hill Farm Ln, Summit Point, WV 25446 Parcel ID: 06001900070000; Parcel/Project Size: 150.31 ac; Zoning District: Rural
Michael Paul Chapman, Trustee	651 & 653 Franklinton Rd, Summit Point, WV 25446 Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac; Zoning District: Rural

## The Board of Zoning Appeals for Jefferson County, West Virginia

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

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

**Owner(s):** Mark D. Stolipher and Michael Paul Chapman, Trustees

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

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

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

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

**FILE #:** 24-4-CUP

On the 22<sup>nd</sup> day of August, 2024, before the Board of Zoning Appeals (hereinafter “BZA”) came the applicant with request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. Project Name: Franklinton Farm Solar Project. The proposal consists of constructing an 80-megawatt solar energy facility on 502 acres. The project consists of rows of solar modules, a new substation to connect the solar facility to the

existing overhead electrical transmission line, and a 20MW Battery Energy Storage System (BESS). The Project also includes internal access roads, commercial entrance(s), security fencing, a buffer screen, and stormwater management.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Board members; Tyler Quynn (Chair), Matthew McKinney (Vice Chair), Jacob Harris (Secretary), Steve Guier, David Wiegand and Mikala Shremshock, were present in person, and heard a presentation by the Zoning Administrator. Ms. Ashley Smith with Enel North America, on behalf of Franklinton Farm LLC, Mr. Joe Knechtel with Potesta & Associates, and Mr. Paul Raco with P.J. Raco Consulting were present to address the Board.
2. Ms. Beaulieu provided an overview of her staff report to the Board and reviewed each of the criteria for a Conditional Use Permit.
3. Ms. Smith and Mr. Raco provided an overview of the proposed land use and presented a PowerPoint presentation that outlined the scope of the project. A copy of the presentation will be included in the project file. Ms. Smith and Mr. Raco addressed the Boards' questions. Ms. Smith and Mr. Raco highlighted the fact that the proposed setbacks and landscape buffers exceed the setback and buffer requirements outlined in the Zoning Ordinance. The applicant submitted a copy of the following studies, which were referenced during their presentation, for inclusion in the project file: Franklinton Farm Solar Project Glare Analysis, Franklinton Farm Solar Project Pre-Construction Acoustical Assessment, Franklinton Farm Solar Project Vegetation Management Plan, an Appraisal Report from Kirkland Appraisals, LLC, and a copy of the Circuit Court's Ruling affirming the Board's decision regarding the Rippon Solar Project. The Board stated they would not have time to

evaluate the submitted materials.

4. Mr. Quynn opened the public comment portion of the hearing.
5. The following members of the public provided testimony concerning the project: Jeffery Albert, Chris Marshall, Rebecca Thompson, Bob Aitcheson, Brian Sokel, Mike Chapman, Greg Jenkins, Karen Bailey [submitted a Petition and Letters of Support for the project file], Christine Wimer on behalf of the Jefferson County Foundation, and Kelly Brown.
6. Mr. Quynn closed the public comment portion of the hearing.
7. Addressing the public's concerns regarding health and safety, Ms. Smith stated that they would develop an emergency response plan that would be shared with local first responders and that training would be provided to ensure the plan is implemented effectively. Ms. Smith deferred to the following health, safety, and environmental experts to provide testimony relevant to their fields of study. Mr. Bill Goodfellow, an environmental toxicologist, a principle scientist, and Practice Director at Exponent, addressed the public's concerns regarding damaged solar panels, the potential for leaching chemicals related to the damaged solar panels, and biodegradable cleaning solvents. Mr. Ryan Spray, a chemist with Exponent who specializes in battery and electric chemistry, addressed the public's concerns regarding the potential hazards of leaching and fire safety as it relates to the battery units. Ms. Smith explained how the proposed project would protect farmland compared to a residential housing development. Ms. Smith also addressed the Boards' questions regarding the existing slope and grading for the project. Richard Kirkland, a licensed appraiser, provided an overview of his findings noting that there was no significant decrease in home values for properties that are adjacent to a solar farm/facility. Mr. Raco addressed the public's concerns regarding setbacks, stormwater management, and landscaping

installation/management. Bob McClusky, attorney, spoke to the compatibility of the project as it relates to the Comprehensive Plan and Judge Hammer's ruling in a previous Circuit Court decision regarding a local solar energy facility.

8. Mr. Wiegand moved to go into deliberative session at 7:13 pm. Mr. Harris seconded the motion, which carried four (4) in support and one in opposition (McKinney).
9. Mr. McKinney moved to go back into regular session at 7:24 pm. Mr. Quynn called for a vote, which carried unanimously.
10. The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance finding that the proposed use did meet the required criteria based on the testimony and other evidence presented. The Comprehensive Plan was amended to include solar facilities to be allowed by the Conditional Use Process. No evidence was heard that the project was a threat to public health safety or welfare. Traffic was testified by the applicants to be minimal. There will be no impact to water, sewer, school, EMS or police. In fact, there is less impact than a farm. Only 20% of the property will be solar, 80% will remain as farmland. Setbacks and vegetative barrier are all appropriate. There will be no impact to development of the adjoining properties. There will be no significant increase in traffic after the construction phase. The Historic Society signed off on the plans for a 75 ft buffer around the Berry House. Ground Penetrating Radar will be used prior to any construction to confirm any unmarked graves in the areas around Locust Grove Cemetery. The portion of the meeting discussing Section 6.3A/1-8 is fully incorporated herein by reference.
11. Mr. McKinney moved to approve the conditional use permit with the following conditions:
  - a. The applicants are bound by their testimony.
  - b. The applicant shall obtain all necessary approvals and licensing.

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


Based upon the testimony received, the BZA finds that the CUP requested should be GRANTED subject to the conditions herein.

WHEREFORE, for the reasons set forth herein, the applicant's request for a CUP is hereby GRANTED subject with the following conditions:

- a. The applicants are bound by their testimony.
- b. The applicant shall obtain all necessary approvals and licensing.

JEFFERSON COUNTY BOARD OF ZONING APPEALS,

By:   
Tyler Quynn, Chair

  
Date



ADJACENT PROPERTY OWNERS IN QUAIL RUN SUBDIVISION SECTION #1 DISTRICT 6, ZONED: RURAL USE: RESIDENTIAL

LOT 29 JEFFREY D. & VALERIE D. GALLAGHER DB.724 PG.505 TM 12A PAR 1  
 LOT 30 JEFFREY B. ALBERT DB.1138 PG.253 TM 12A PAR 1  
 LOT 31 MICHAEL T. & BARBARA L. MULLESON DB.837 PG.301 TM 12A PAR 31  
 LOT 32 FRANK E. FERRO DB.1111 PG.727 TM 12A PAR 32  
 LOT 33 HOWARD R. & JANET C. YOUNGBLOOD DB.1183 PG.313 TM 12A PAR 33

ADJACENT PROPERTY OWNERS IN BOYD SUBDIVISION & BOYD SUBDIVISION SECTION #2 DISTRICT 6, ZONED: RURAL USE: RESIDENTIAL

LOT 1 BOYD WRIGHT W. & KELIE R. MOORE DB.268 PG.559 TM 18 PAR 6.3  
 BOYD #2 GENE SCHNEIDER DB.1145 PG.17 TM 18 PAR 6.18

ADJACENT PROPERTY OWNERS IN HAY-WOOD ACRES DISTRICT 6, ZONED: RURAL USE: RESIDENTIAL

LOT 1 TAMMY & BRIAN SCHULZ DB.962 PG.743 TM 18 PAR 6.7  
 LOT 2 CHARLES A. BROWN ET AL. DB.202 PG.600 TM 19 PAR 6.4  
 LOT 3 JIMMY C. & CAROLYN L. HARTDORPE DB.1020 PG.272 TM 18 PAR 6.9  
 LOT 4 JOSEPH P. & TRACY M. TERNAND DB.962 PG.56 TM 18 PAR 6.10  
 LOT 5 KENNETH R. & LINDA HARTDORPE DB.1070 PG.687 TM 18 PAR 6.14

ADJACENT PROPERTY OWNERS IN QUAIL RUN SUBDIVISION DISTRICT 7, ZONED: RESIDENTIAL GROWTH USE: RESIDENTIAL

LOT 1 SHARREL S. & SHANNA A. MCCLOUD DB.1183 PG.174 TM 18 PAR 17  
 LOT 2 GREG & MATTHEW ROBINS DB.125 PG.408 TM 16 PAR 17.5  
 LOT 3 ANTHONY LAUREL DB.124 PG.176 TM 16 PAR 17.6

ADJACENT PROPERTY OWNERS IN QUAIL RUN SUBDIVISION DISTRICT 7, ZONED: RESIDENTIAL GROWTH USE: RESIDENTIAL

LOT 1 EDNA M. BOYD 874/225 DISTRICT 6 TM 19 PAR 6.2 USE: RESIDENTIAL/FARM  
 LOT 2 HARRY C. STOLPHER 844/42 DISTRICT 6 TM 19 PAR 6.4 ZONED: RURAL USE: RESIDENTIAL/FARM  
 LOT 3 HARRY C. STOLPHER 813/978 DISTRICT 6 TM 19 PAR 19 ZONED: RURAL USE: RESIDENTIAL/FARM  
 LOT 4 HARRY C. STOLPHER 292/200 DISTRICT 6 TM 19 PAR 17 ZONED: INDUSTRIAL/COMMERCIAL USE: FARM  
 LOT 5 HARRY C. STOLPHER 129/241 DISTRICT 6 TM 19 PAR 18.4 ZONED: RURAL USE: FARM  
 LOT 6 HARRY C. STOLPHER 100/272 DISTRICT 6 TM 19 PAR 33 ZONED: RURAL USE: RESIDENTIAL

ADJACENT PROPERTY OWNERS IN QUAIL RUN SUBDIVISION DISTRICT 6, ZONED: RURAL USE: RESIDENTIAL

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ADJACENT PROPERTY OWNERS IN QUAIL RUN SUBDIVISION DISTRICT 6, ZONED: RURAL USE: RESIDENTIAL

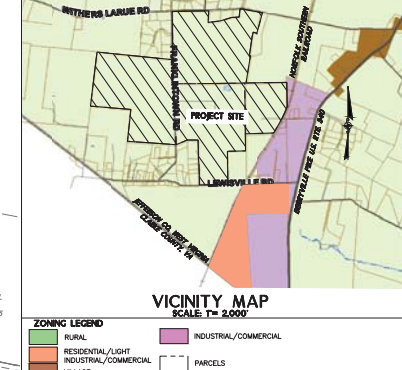
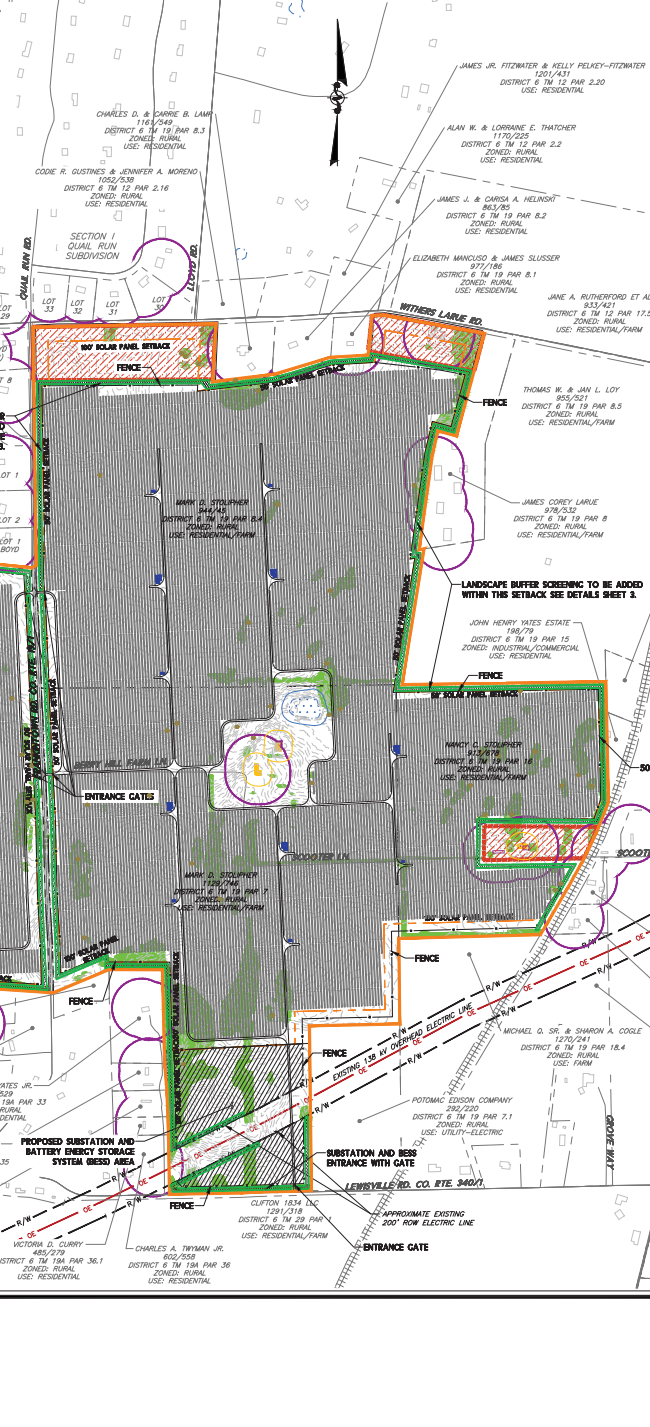
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ADJACENT PROPERTY OWNERS IN QUAIL RUN SUBDIVISION DISTRICT 6, ZONED: RURAL USE: RESIDENTIAL

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ADJACENT PROPERTY OWNERS IN QUAIL RUN SUBDIVISION DISTRICT 6, ZONED: RURAL USE: RESIDENTIAL

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**NOTE: ENTIRE SITE IS WITHIN THE KABLETOWN TAX DISTRICT BOUNDARY**

**FRANKLINTOWN FARM PROJECT BOUNDARY**

PROPOSED 7 FT. FENCE AROUND SOLAR PERIMETER

PROPOSED 6 FT. FENCE WITH 1 FT. BARBED WIRE SUBSTATION AND SWITCH YARD AND BESS AREA

EXISTING 100 FT. R/W OVERHEAD 138KV ELECTRIC LINE

CULTURAL, HISTORICAL SITE WITH 75 FT. VOLUNTARY BUFFER

OCCUPIED BUILDING WITH 200 FT. BUFFER

WETLAND AREA DELINEATED WITH 50 FT. BUFFER

FORESTED AREAS

ROCK OUTCROPS

20 FT. LANDSCAPING BUFFER

NON OPERATING AREA

INVERTER

CO-LOCATED INVERTER/BATTERY

**REVISIONS**

No.	Date	Eng.	Revision
4/5/24	KJK		REVISIONS PER COUNTY AND CLIENT COMMENTS
7/25/24	KJK		REVISIONS PER COUNTY COMMENTS (7/25/24)

**SITE INFORMATION:**

CURRENT ZONING USE: RURAL, AGRICULTURE

OUTSIDE URBAN GROWTH BOUNDARY

TAX PARCEL #	DISTRICT	PARCEL	ACRES	PROJECT AREA
1	19	5	154.18	
2	19	6	152.19	
3	19	7	148.84	
4	19	8	148.84	
5	19	9	50.00	

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

- SETBACKS:**
- (1) SOLAR PANELS ARE SETBACK A MINIMUM OF 50' FROM ALL PROPERTY LINES THAT ADJUT A RESIDENTIAL USE AND INCLUDE A 20' PLANTED BUFFER WITHIN THE SETBACK.
  - (2) SOLAR PANELS ARE SETBACK A MINIMUM OF 100' FROM ALL PROPERTY LINES THAT ADJUT AN AGRICULTURAL USE AND DO NOT INCLUDE A PLANTED BUFFER.
  - (3) THE FENCE LINE WILL BE SETBACK 100' FROM THE LOCUST GROVE CEMETERY AND WILL INCLUDE A PLANTED BUFFER. GPR WILL BE PERFORMED PRIOR TO CONSTRUCTION TO CONFIRM ANY UNMARKED GRAVES.
  - (4) NO ACCESSORY COMPONENTS ARE LOCATED WITHIN 25 FEET OF THE FRONT SIDE, REAR SETBACK FROM AN EXTERNAL PROPERTY LINE.
- BUFFER SETBACKS:**
- (1) NO PROPOSED SOLAR OR ACCESSORY STRUCTURE WILL BE LOCATED WITHIN THE 100 FOOT SETBACK SHOWN HEREON, OR 200 FEET FROM NEIGHBORING RESIDENCE, CATEGORY 1 HISTORIC RESOURCE, INSTITUTION FOR HUMAN CARE, CHURCH OR SIMILAR USE OR STRUCTURE, WITHOUT A LANDSCAPE BUFFER.

**LANDSCAPE BUFFER SCREENING ARE PROPOSED WITHIN THE SETBACKS AS SHOWN HEREON.**

- NEAREST KEY INTERSECTION:**
- (1) U.S. RT 340 BERRYVILLE PIKE PRIMARY WITH RT 340/1 LEWISVILLE RD. (SECONDARY)
  - (2) TRUCKS 4 MILES FROM PROPOSED ENTRANCE
  - (3) WEST BERRYVILLE PIKE PRIMARY WITH RT 19 WITHERS LARUE RD. (SECONDARY) FROM 0.8 MILES FROM PROPOSED ENTRANCE. ENVISION JEFFERSON 3035 COMPREHENSIVE PLAN, DATED 2015)

**ADJACENT STATE ROADS**

ROAD	694	693
WITHERS LARUE ROAD	200	20
LEWISVILLE ROAD	200	20
FRANKLINTOWN ROAD	200	20
ROUTE 340 (WITHERS LARUE RD)	15,166	1517

**DATA FROM THE ONLINE 2017 WEST VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) DATA REVIEW:**

ADT= AVERAGE DAILY TRAFFIC VEHICLES PER HOUR

- NOTES**
1. PROPERTY IS IN ZONE X AND ZONE A OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 540300202E FOR JEFFERSON COUNTY, WEST VIRGINIA AND HAVING AN EFFECTIVE DATE OF DECEMBER 18, 2008. THERE IS A SMALL AREA LOCATED SOUTH EAST OUTSIDE THE PROPOSED BUILDING AREA WHICH IS ZONE A.
  2. ALL DEVELOPMENT MUST BE MAINTAINED SINCE THIS SITE IS NOT EAST OF THE SHENANDOAH RIVER OR WITHIN 1000 FEET OF THE POTOMAC AND SHENANDOAH RIVERS AND OPELOUSAN CREEK.
  3. A WETLAND HAS BEEN DELINEATED WITHIN THE SITE BOUNDARY AND IS SHOWN HEREON. DAILY MAINTENANCE AND OPERATIONS TRAFFIC FOR TYPICAL SOLAR SITE. THIS GENERATION FIGURES NOT AVAILABLE PER SECTION 24.119(B) 8 OR INSTITUTE OF TRANSPORTATION ENGINEERS MANUAL (ITE). THEREFORE, USED TRIP GENERATION DATA DEVELOPED FOR A PREVIOUS SOLAR FACILITY PROJECTS.
  4. NO SIGNAGE OR ADVERTISING IS PERMITTED ON FACILITY, OTHER THAN ENTRANCE IDENTIFICATION.
  5. SITE MUST BE SERVED BY PUBLIC OR ON-SITE WATER OR SEWER WATER WILL BE NEEDED DURING CONSTRUCTION AND OPERATION.
  6. THERE IS TYPICALLY 1 SOLAR PANEL PER 1000 SQ. FT. OF AVAILABLE AREA ON SITE.
  7. ALL DISTURBED AREAS WILL BE SEEDED WITH NATIVE OR NATURALIZED VEGETATION. ALL UNDISTURBED AREAS SHALL BE MAINTAINED OR RESTORED TO ORIGINAL CONDITION.
  8. ANY EXISTING OR PROPOSED PLANTINGS OR FENCING USED FOR BUFFERING SHALL BE MAINTAINED OR REPLACED BY THE APPLICANT WITHIN 90 DAYS OF COMPLETION OF CONSTRUCTION.
  9. IT WILL BE THE RESPONSIBILITY OF THE LANDOWNER TO REPLACE ANY TREES, SHRUBS, OR VEGETATION THAT DIE.
  10. SOLEVENTS NECESSARY FOR CLEANING SOLAR PANELS SHALL BE BIODEGRADABLE.
  11. LIGHTING SHALL COMPLY WITH SECTION 8.03 OF THE SUBDIVISION REGULATIONS APPENDIX B, SECTION 24.8.
  12. PROJECT WILL COMPLY WITH SECTION 8.03 OF THE ZONING ORDINANCE.
  13. DAMAGED OR UNUSABLE PANELS SHALL BE REMOVED WITHIN 90 DAYS FROM DISCOVERY OF DAMAGE. HOWEVER, LONGER PERIODS MAY BE APPROVED BY THE COUNTY ENGINEER DUE TO EXTENUATING CIRCUMSTANCES.
  14. PANELS WILL USE ANTI-REFLECTIVE GLASS THAT IS DESIGNED TO ABSORB RATHER THAN REFLECT LIGHT.
  15. ALL PROPERTIES LISTED AS BENEVOLED BY NANCY STOLPHER HAVE BEEN DEEDED TO NANCY STOLPHER'S TRUST ON DEATH USED DEED 15035/17.

**MAPPING REFERENCE:**

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

**GRAPHIC SCALE**

0 200 400 600

**POTESTA & ASSOCIATES, INC.**

16 South Broadhead St., Winchester, VA 22601  
 TEL: 540-338-9999 FAX: 540-338-9998

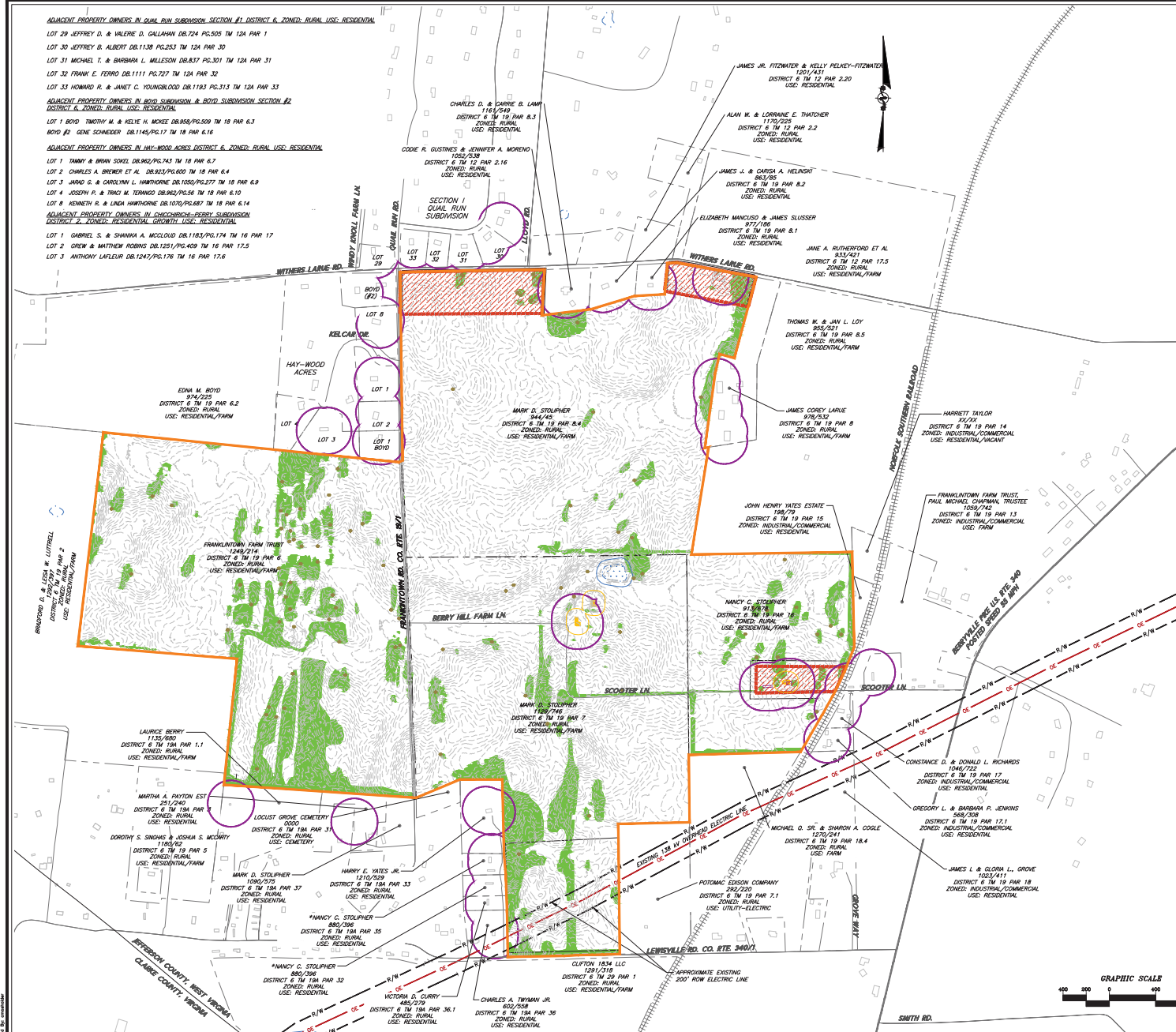
**FRANKLINTOWN FARM, LLC**  
 100 BRICKSTONE SQUARE, SUITE 300  
 ANDOVER, MASSACHUSETTS 01810

**ISSUE DATE 7/25/2024**

**CONCEPT PLAN (FILE # 24-2-89)**  
 FRANKLINTOWN FARM SOLAR PROJECT  
 KABLETOWN DISTRICT  
 JEFFERSON CO., WEST VIRGINIA

**1 of 3**

Drawing No.



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

-CONCEPT-2  
 CAD File No.  
 Drawn  
 Checked  
 KJK  
 Approved  
 Scored  
 KJK  
 NOTED  
 Date:  
**JUNE 2024**  
 Project No.  
 23-0005  
 Project Name

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

**POTESTA**

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

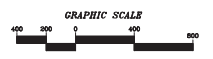
Client  
**ISSUE DATE 7/25/2024**  
 CONCEPT PLAN (FILE # 24-2-SF)  
 EXISTING CONDITIONS  
 FRANKLINTON FARM SOLAR FARM  
 FRANKLINTON DISTRICT  
 JEFFERSON CO., WEST VIRGINIA

Title  
**2 of 3**  
 Drawing No.

NOTE: ENTIRE SITE IS WITHIN THE KABLETOWN TAX DISTRICT BOUNDARY

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

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









# JEFFERSON COUNTY, WEST VIRGINIA

## OFFICE OF PLANNING AND ZONING

116 EAST WASHINGTON STREET  
CHARLES TOWN, WV 25414

### ZONING CERTIFICATE - FILE #24-52-ZC

#### FRANKLINTOWN FARM SOLAR ENERGY FACILITY

This is to certify that the intended land use is permitted as it is proposed in the submitted application. Approval is subject to the conditions listed below.

**Project Name:** Franklinton Farm Solar Project  
**Property Contact:** Franklinton Farm LLC / Attn: David Capparelli  
561-301-9257 / david.capparelli2@enel.com  
**Project Consultant:** Potesta and Associates, Inc / Attn: K. Joe Knechtel, P.E.  
540-450-0180 / [kjknechtel@potesta.com](mailto:kjknechtel@potesta.com)  
**Property Owners/Locations:** See Page #2 for list of property owners and locations.

#### APPROVED USE

##### Solar Energy Facility

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

#### RESTRICTIONS/CONDITIONS:

- The land use shall comply with Section 8.20 of the Zoning Ordinance.
- Applicant is bound by their testimony as presented to the Board of Zoning Appeals on August 22, 2024 (File #24-4-CUP); and, as presented to the Planning Commission on September 10, 2024 (File #24-2-SP).
- Shall install Knox Boxes at all access locations, pursuant to a letter dated 11/15/24 from Joe Knechtel to Citizens Fire Company; and, the confirmation letter from Larry Herbst, Fire Chief with Citizens Fire Company dated 11/25/24.

Any future change in use or expansion will require processing through the Jefferson County Department of Engineering, Planning, and Zoning to ensure compliance with County Regulations.

12/13/24

Mason Carter  
Acting Zoning Administrator

Date





Zoning Certificate **#24-52-ZC**  
 Solar Energy Facility – Franklinton Farm Solar Project  
 December 6, 2024

**Article 2 of the Zoning Ordinance defines Solar Energy Facility as follows:**

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

Property Owner	Property Location
Mark D. Stolipher	322 & 288 Scooter Ln, Charles Town, WV Parcel ID: 06001900160000; Parcel/Project Size: 50 ac Zoning District: Rural Deed Book: 913, Page 678
	261 Berry Hill Farm Ln, Summit Point, WV Parcel ID: 06001900070000; Parcel/Project Size: 150.31 ac Zoning District: Rural Deed Book: 1129, Page: 746* *All properties listed as being owned by Nancy Stolipher have been deeded to Mark Stolipher per Transfer on Death Deed (DB 1253 / PG 57)
Franklinton Farm Trust / Paul Michael Chapman, Trustee	651 & 653 Franklinton Rd, Summit Point, WV Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac Zoning District: Rural Deed Book: 1249, Page 214

## **ARTICLE 3: ADMINISTRATION AND ENFORCEMENT**

### **Section 3.1 Administration**

- A. The provisions of this Ordinance will be governed by the County Commission or the Zoning Administrator and Staff in accordance with §8A-1-1 et seq of the West Virginia State Code, as amended. With enactment of the Ordinance, the County Commission shall designate a Zoning Administrator for the day to day administration of the ordinance.<sup>5,17,21</sup>
- B. An appeal to this Ordinance, however, may be made to the Jefferson County Board of Zoning Appeals subject to the provisions of §8A-1-1 et seq of the West Virginia Code, as amended.<sup>17, 21</sup>
- C. The Jefferson County Board of Zoning Appeals shall evaluate all conditional use applications and approve or deny issuance of a conditional use permit.<sup>2, 17, 21, 32</sup>
- D. All departments, officials, and public employees of Jefferson County which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this Ordinance.

### **Section 3.2 Zoning Administrator**

- A. The Zoning Administrator shall administer and enforce the Zoning and Land Development Ordinance. This includes but is not limited to the following:<sup>23</sup>
  - 1. Make determinations that all applications required by the Ordinance are complete and that all fees are paid.
  - 2. Interpret the provisions of the Ordinance as required by law.
  - 3. Issue Zoning Certificates as permitted by the Ordinance.
  - 4. Determine sufficiency and completeness of applications for a Conditional Use Permit.<sup>32</sup>
  - 5. Issue all permits and Certificates as permitted by the Ordinance.
  - 6. Prepare and submit reports as required by the Ordinance or the Board of Zoning Appeals or Planning Commission.
  - 7. Conduct meetings and conferences pursuant to the Zoning and Land Development Ordinance.<sup>17, 21, 23</sup>
- B. Any decision or action by the Zoning Administrator based on Section 3.2A above is subject to appeal to the Board of Zoning Appeals.<sup>17, 21</sup>
- C. It shall be unlawful to develop, construct, alter, or reconstruct any structure or to change the use of any structure or property without first obtaining a zoning certificate from the Zoning Administrator. This provision may not apply to the general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.<sup>17, 21, 23</sup>
- D. Each application for a zoning certificate shall be accompanied by a copy of an approved site plan, if applicable, or by a legible drawing either drawn to scale or accurately indicating dimensions which show property boundaries and existing and proposed structures and other proposed changes or land development. The plans shall be retained in the Office of Planning and Zoning.<sup>17, 21, 23</sup>
- E. Use of any property, developmental arrangement, or construction on any property other than that authorized in the zoning certificate is a violation of this Ordinance. All provisions of this Ordinance and amendments shall be maintained perpetually.
- F. The Zoning Administrator shall approve or disapprove issuance of a zoning certificate within sixty (60) days of the initial filing date providing the application is complete and fees are paid when filed and the request is in compliance of the provisions of this Ordinance.<sup>17, 21</sup>

- G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. Pursuant to Chapter 8A of the West Virginia Code as amended, a Zoning Certificate or Conditional Use Permit associated with a subdivision or land development plan - whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010 - shall remain valid until July 1, 2012, provided that the land development plan or plat received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.<sup>17, 21, 23</sup>
- H. A filing fee, in accordance with the County fee structure, shall be charged for all zoning certification.

**Section 3.3 Enforcement**

- A. The Zoning Administrator or Staff shall promptly investigate any written complaint alleging a violation of this Ordinance and determine if a violation has occurred.<sup>17, 21</sup>
- B. As provided in §8A-1-1 et seq of the West Virginia Code, as amended, any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty (\$50.00) or more than five hundred dollars (\$500.00) per day. Each day during which any violation of this Ordinance continues shall constitute a separate offense.<sup>5, 17, 21</sup>
- C. When it appears to the Board of Zoning Appeals or the Zoning Administrator or Staff that a violation of this Ordinance has occurred, the County shall notify the responsible person by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 15 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Board of Zoning Appeals or the Zoning Administrator or Staff pursuant to §8A-10-1, 2 and 3 of the West Virginia Code, as amended, to:<sup>17, 21, 23</sup>
  - 1. Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved; or,
  - 2. Issue a warrant for the arrest of the person responsible for the violation and seek a conviction in the Circuit Court of Jefferson County.

**Section 3.4 Boards and Commissions<sup>23, 32</sup>**

- A. Board of Zoning Appeals
  - 1. The Board of Zoning Appeals will consist of five members to be appointed by the County Commission. Their terms of office, succession, removal, filing of vacancies, and their powers and duties shall be provided in Chapter 8A of the West Virginia Code, as amended.
  - 2. Meetings of the Board of Zoning Appeals shall be conducted according to the Rules of Procedure adopted by the Board of Zoning Appeals. In the event of a conflict between this Ordinance and the Rules of Procedure, the Rules of Procedure shall prevail.<sup>2</sup>
  - 3. The powers and duties of the Board of Zoning Appeals include but are not limited to the following:
    - a. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.<sup>32</sup>

- b. The Board of Zoning Appeals shall consider requests for variances, seasonal use permits, and special exceptions from the terms of this Ordinance.<sup>32</sup>
- c. The Board of Zoning Appeals shall have authority over the issuance or denial of a Conditional Use Permit.<sup>32</sup>

B. Planning Commission<sup>23</sup>

1. Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Planning Commission and Chapter 8A of the West Virginia Code, as amended.
2. The powers and duties of the Jefferson County Planning Commission include but are not limited to the following:
  - a. Review applications for major site plans, major subdivisions, and waivers from minimum standards, pursuant to the Subdivision and Land Development Regulations;
  - b. Review requests for amendments to the County zoning map and Zoning and Land Development Ordinance;
  - c. Research and recommend to the County Commission improvements to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations;
  - d. Make recommendations to the County Commission concerning planning and zoning issues;
  - e. Make an annual report to the County Commission concerning the operation of the Planning Commission and the status of planning within its jurisdiction;
  - f. Prepare the Jefferson County Comprehensive Plan and recommend to the County Commission for adoption or amendment.

C. County Commission<sup>23</sup>

1. General. The County Commission shall have all powers conferred upon it by the Constitution, the laws of the State of West Virginia, and the County Charter. With respect to development approval and amendments to this Ordinance and the County's Comprehensive Plan, the powers that the County Commission retains and shall exercise include but are not limited to the powers set out in this Section.
2. Approvals. Following a public hearing and the submittal of recommendations by Staff and the Planning Commission, the County Commission may take action on the proposed adoption of, or amendments to, the following, including text, maps, and other elements:
  - a. Comprehensive Plan
  - b. Zoning and Land Development Ordinance
  - c. Subdivision and Land Development Regulations
  - d. The Jefferson County Zoning Map
  - e. An Urban Growth Boundary in accordance with Chapter 8 of the West Virginia Code, as amended:
    - i. A boundary shall be established by the County Commission in agreement with each individual municipality regarding that municipality's boundary.
    - ii. If the County Commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court.

- iii. Once the county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality.
  - iv. The County Commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.
3. Hiring. The County Commission shall hire staff of the Office of Planning and Zoning.
  4. Appointments. The County Commission shall appoint the members of the Planning Commission and the Board of Zoning Appeals.
  5. Fees. The County Commission shall adopt a fee schedule for processing applications pursuant to this Ordinance. The fee schedule may be amended from time to time as determined appropriate by the County Commission.

D. Historic Landmarks Commission<sup>35</sup>

1. A five member commission, appointed by the Jefferson County Commission. Powers, membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Historic Landmarks Commission and Chapter 8 Article 26A of the West Virginia Code.
2. The Jefferson County Historic Landmarks Commission does not have the authority to nominate or designate a historic site for inclusion on the National Register without the property owner's consent and does not have the authority to create a Historic District due to the restrictions in WV State Code §8-26A-3 and related statutes.
3. Historic Preservation is not to infringe on the property owner's rights. The Jefferson County Historic Landmarks Commission is encouraged to protect historic sites in Jefferson County by raising capital to purchase historic sites and battlefields at fair market value.
4. This Ordinance encourages the preservation of historic buildings and historic sites by working with the landowner on a voluntary basis. All historic sites in Jefferson County are classified by their Category of Importance, used to determine the level of protection afforded that site. The categories are as follows:
  - a. **Category I.** These are the most important historic sites in Jefferson County. This category includes individually listed National Register structures and properties; Historic Districts including their contributing structures; and Federally recognized Civil War Battlefields. These properties retain a high level of original condition and integrity.
  - b. **Category II.** These sites are classified as important. This category includes Jefferson County Landmarks, historic sites that may be National Register eligible, and other Civil War battle sites. Sites in this Category may have been altered or changed to such a degree that they no longer retain the same level of integrity as the original condition.
  - c. **Category III.** These sites have moderate importance.
  - d. **Category IV.** These are sites that are at least 50 years old, have little or no significance, but are listed on the Landmarks Commission's inventory.

Refer to Section 4.6 for distance requirements and protection radius standards.

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Planning & Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 338  
Charles Town, West Virginia 25414

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

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

---

**MEMO**

**TO:** Planning, Zoning, and Engineering Departments  
**FROM:** Steve Barney, Zoning Administrator, Planning and Zoning Department  
**DATE:** June 17, 2013  
**RE:** Determination: Commencement of a Land Use – Conditional Use Permits and Zoning Certificates

---

**Background**

The validity period for Conditional Use Permits (CUPs) and Zoning Certificates is established in Section 3.2G of the Jefferson County Zoning and Land Development Ordinance, which states:

*A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced.*

Because the ordinance does not define what is meant by commencement of a land use, I am issuing a determination to interpret this provision of the ordinance.

**Determination of Commencement of Land Use**

Commencement of a land use for site plan developments, residential subdivision developments, and other developments associated with Conditional Use Permits and Zoning Certificates shall be as follows:

1. Site Plan

A Conditional Use Permit or Zoning Certificate associated with a site plan development (industrial, commercial, multi-family, etc.) shall be considered to have commenced following:

- a. Approval of a site plan for the land use by the appropriate approving entity designated in the Jefferson County Subdivision and Land Development Regulations<sup>1</sup>; and
- b. Issuance of a building permit application for the use, following site plan approval, subject to the following:
  - i. If construction lawfully begins for work shown on the approved building permit, then the construction/commencement of the use shall be considered valid, and the CUP or Zoning Certificate is no longer subject to expiration per Section 3.2G.

- ii. If no construction work lawfully begins for work shown on the approved building permit associated with a CUP or Zoning Certificate, the CUP or Zoning Certificate shall be valid until the later of:
  - (a) The expiration date of the CUP or Zoning Certificate, whichever is applicable (as amended by any extensions approved by the Board of Zoning Appeals); or
  - (b) The expiration date of the building permit.

## 2. Residential Subdivision Development

A Conditional Use Permit for a residential subdivision shall be considered to have been commenced after approval of a final plat by the appropriate approving entity designated in the Jefferson County Subdivision and Land Development Regulations.<sup>i</sup>

## 3. Other Developments

For land uses that do not require approval of a site plan or a residential subdivision plat prior to initiation, the use shall be considered to have commenced following:

- a. Lawful occupancy of the site by the land use (i.e. establishment of the business or other land use type for which the Conditional Use Permit or Zoning Certificate was issued, on the subject property, in compliance with all county requirements); or
- b. Issuance of a building permit application for the use, subject to the following:
  - i. If construction lawfully begins for work shown on the approved building permit, then the construction/commencement of the use shall be considered valid, and the CUP or Zoning Certificate is no longer subject to expiration per Section 3.2G.
  - ii. If no construction work lawfully begins for work shown on the approved building permit, the CUP or Zoning Certificate shall be valid until the later of:
    - (a) The expiration date of the CUP or Zoning Certificate, whichever is applicable (as amended by any extensions approved by the Board of Zoning Appeals); or
    - (b) The expiration date of the building permit

Please let me know if you need additional information.

---

<sup>i</sup> For site plans and final plats that require Planning Commission approval: In the event that a request to approve a site plan or final plat is scheduled on a Planning Commission agenda for a date prior to the expiration of the CUP or Zoning Certificate, and the meeting is postponed or the agenda item is postponed (by the behest of the Planning Commission rather than by request of the applicant) to a subsequent meeting, then the CUP or Zoning Certificate shall continue to be considered valid until the meeting at which the Planning Commission votes on the request.

July 15, 2025

**Re: Franklinton Farm, LLC Conditional Use Permit File #24-4-CUP:  
Extension Request**

Dear: Chairman Quynn and Members of the Jefferson County Board of Zoning Appeals:

Pursuant to Section 3.2G of the Jefferson County Zoning and Development Review Ordinance, please accept this letter as a formal request for an extension of Conditional Use Permit # 24-4-CUP for the Franklinton Farm Solar Project as outlined in the attached letter from Franklinton Farm, LLC.

If you have any questions, please contact Paul J Raco.

Sincerely,

*Mike Chapman*

Firmato da Mike  
Chapman  
Data: 22/07/2025  
15:35:03 CEST

Mike Chapman, Trustee

Date

*Mark Stolipher*

Firmato da Mark  
Stolipher  
Data: 22/07/2025  
15:55:54 CEST

Mark Stolipher, Owner

Date

**RECEIVED**

**JUL 24 2025**

**JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING**

# JACKSONKELLY<sup>PLLC</sup>

500 LEE STREET EAST • SUITE 1600 • P.O. BOX 553 • CHARLESTON, WEST VIRGINIA 25322 • TELEPHONE: 304.340.1000 • FAX: 304.340.1130  
[www.jacksonkelly.com](http://www.jacksonkelly.com)

E-mail Address: [rmclusky@jacksonkelly.com](mailto:rmclusky@jacksonkelly.com)  
Writer's Fax No.: 304-340-1272  
Direct Dial No.: 304-340-1381

July 21, 2025

## **VIA HAND DELIVERY**

J. Tyler Quynn, Chair,  
and Members of the Jefferson County Board of Zoning Appeals  
Andy Beall, Zoning Administrator  
Jennilee Hartman, Zoning Clerk  
116 East Washington Street, Suite 200  
Charles Town, WV 25414

Re: Franklinton Farm, LLC Conditional Use Permit File #24-42-5-CUP

Dear Chair Quynn and Members of the Board of Zoning Appeals:

We submit this request on behalf of our client, Franklinton Farm, LLC ("Franklinton"). In accordance with Section 3.2 G of the County's Zoning and Land Development Ordinance, Franklinton hereby requests that the Board of Zoning Appeals extend Franklinton's Conditional Use Permit ("CUP") for a period of 18 months. The CUP was approved by voice vote of the Board on August 22, 2024<sup>1</sup> and granted upon the issuance of written findings of fact and conclusions of law on November 25, 2024. Franklinton submits, as described more fully below, that an extension is appropriate because:

- 1) Franklinton could not prudently proceed with the expenditure of significant capital on the project until it held a final and unappealable CUP. That did not occur until December 25, 2024, a full four months

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<sup>1</sup> See Minutes of Jefferson County Board of Zoning Appeals, p.4 (Aug. 22, 2024): <https://www.jeffersoncountywv.org/Home/ShowDocument?id=26426>

after the August 22, 2024 voice vote.<sup>2</sup> It represents the passage of a 30-day appeal period commencing with the issuance of findings of fact and conclusions of law on November 25, 2024.

- 2) Since the expiration of the CUP appeal period, Franklinton has diligently pursued the submission of a Stormwater Management Plan as directed by the Planning Commission in its workshop of September 22, 2024 on Franklinton's concept plan. Franklinton has recently responded to comments by the County Engineer on a proposed Stormwater Management Plan and continues to work with the Engineering Office to ensure that the necessary controls are in place to prevent a recurrence of unfortunate incidents that occurred with the construction of another solar facility in September 2023.
- 3) Based on the body of work between Franklinton and the County Engineer on the Stormwater Management Plan, the County Planning and Zoning Office advised in January 2025 that it considered Franklinton's Concept Plan to be "vested" and that "the review of the construction/swm plans is considered approved with conditions." See Attachment No. 1. Because Franklinton's plans are now "vested" pursuant to W.Va. Code §8A-5-12 (providing that a vested right is a right to undertake and complete a project and that vested rights last for five years) it is entitled to a full five years from January 2025 to commence construction of the project, and is therefore entitled to an extension of its CUP in order to exercise those rights.<sup>3</sup> This recognition of vested rights is consistent with the approach recently recognized in a recommendation by the Zoning Administrator to the Planning Commission that previously approved solar project be grandfathered

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<sup>2</sup> The Findings of Fact and Conclusions of Law were dated November 25, 2024 and accompanied by a notice to the public dated December 3, 2024 that "any party may appeal any decision of the [BZA] to the Circuit Court of Jefferson County," thereby suggesting that the final effective date was November 25, 2024.

<sup>3</sup> The time restrictions on CUPs in Section 3.2.G of the Zoning Ordinance (18 months plus an additional 18 months) appear to have been adopted prior to 2004, the year in which the State Legislature adopted the five- year vesting period in W.Va. Code § 8A-5-12. See Senate Bill 454 (effective 90 day from passage date of March 13, 2004) (available at [https://www.wvlegislature.gov/Bill\\_Text\\_HTML/2004\\_SESSIONS/RS/signed\\_bills/senate/SB454%20SUB2%20ENR\\_signed.pdf](https://www.wvlegislature.gov/Bill_Text_HTML/2004_SESSIONS/RS/signed_bills/senate/SB454%20SUB2%20ENR_signed.pdf) ). Accordingly, the County ordinance restrictions on CUPs should yield to the subsequent vesting period adopted by the Legislature.

from any changes to the current Zoning Ordinance.<sup>4</sup> Denial of a CUP extension would divest Franklinton of its approved vested rights, thereby causing both the Owners and the Applicant severe hardship.

Accordingly, Franklinton requests that its CUP be extended a full 18 months from the November 25, 2024 date on which the Board issued its findings of fact and conclusions of law. If you have specific questions, please feel free to contact me or Paul J. Raco of P. J. Raco Consulting, LLC at 304 676-8256.

Respectfully submitted,

JACKSON KELLY PLLC



Robert G. McLusky, Esq.

RGM/vmp

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<sup>4</sup> See Memo of June 26, 2025 from Zoning Administrator to Planning Commission, “Staff Report and Recommended Options,” Agenda Packet 3 of 3 for meeting of July 8, 2025, pdf pp. 92, 93 (available at <https://www.jeffersoncountywv.org/Home/ShowDocument?id=28055>) (“it should be noted that solar projects that have already obtained approvals under the current regulations would be grandfathered....Any new regulations or standards adopted in the future would apply only to new proposals.”).

**From:** Jennilee Hartman  
**Date:** Thu, Jan 30, 2025 at 12:12 PM  
**Subject:** RE: Project 24-2-SP - Revisions/Documents Required Notification  
**To:** Paul Raco, Mason Carter

Hi Paul,

In consulting with staff, they determined that the Concept Plan is considered vested. The review of the construction/swm plans is considered "Approved with Conditions".

Thank you very much for following up.

Have a great day!

Jennilee Hartman, Zoning Clerk

Office of Planning and Zoning

304-728-3228

**From:** Paul Raco  
**Sent:** Monday, January 13, 2025 2:43 PM  
**To:** Jennilee Hartman; Mason Carter  
**Subject:** Fwd: Project 24-2-SP - Revisions/Documents Required Notification

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

Hi, Jennilee and Mason.

After reviewing the Review 1 comments for Franklinton Farm Solar, they are indeed a complete review as we discussed. Accordingly, please confirm that Concept Plan File 24-2-SP is now considered Vested per the current County Policy. We will continue to respond to the comments until the Comments are resolved.

Thanks, Paul

----- Forwarded message -----

From: <[no-reply@mygovernmentonline.org](mailto:no-reply@mygovernmentonline.org)>

Date: Wed, Jan 8, 2025 at 3:51 PM

Subject: Project 24-2-SP - Revisions/Documents Required Notification

To: <[pjraco.consulting@gmail.com](mailto:pjraco.consulting@gmail.com)>

Please find attached Franklinton Farm Solar Project Review 1 comments. The comments are also available through the [MGO](#) Customer Portal.

**Note:** some of the attachments may be embedded in the body of the email (or at the bottom of the email) as hyperlink(s). Please download upon receipt as the link(s) will expire within 21 days.

Please DO NOT Reply to this email. Contact our office directly if you have any questions or concerns: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) or 304-728-3228.

Thank you,

Jennilee Hartman, Zoning Clerk

Office of Planning and Zoning

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**External Attachments:**

[24-2-SP Franklinton Farm Solar Project SWM Report Rev 1.pdf](#)

[24-2-SP Franklinton Farm Solar Project Construction Plans Rev 1.pdf](#)

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Paul J. Raco  
P. J. Raco Consulting, LLC  
PO Box 548  
Charles Town, WV 25414  
304/676-8256

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# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

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**Zoning Administrator's Report**  
**August 28, 2025 Board of Zoning Appeals Meeting**

**Date of Memo: August 20, 2025**

- 1) Next regular meeting scheduled for **Thursday, September 25, 2025**
  - Deadline for submission was Friday, August 22, 2025.
- 2) Zoning Certificate Activity Report – attached
- 3) Staff is still drafting the solar energy facility text amendment with direction to process as a major site plan concept plan principally permitted in the industrial districts, permitted by CUP in the rural district, and not permitted in all other zoning districts.
- 4) We are pleased to announce Colin Uhry has been promoted to County Planner.



Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 E. Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**August 2025**  
**Zoning Certificate Activity Report**

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**File #**                    **25-33-ZC**  
Request:                    Telecommunications Equipment Modification  
Property Owner:        West Virginia American Water Company  
Applicant:                Smartlink Group / Attn: Kaylee Alascio  
Parcel Information:    307 W. Burr Boulevard, Kearneysville, WV 25430  
                                  Parcel ID: 02000100950000; Size: .38 acres;  
                                  Zoning District: Industrial Commercial;  
                                  Deed Book: 1319; Page: 250; Plat Book: 12; Page: 21F  
Date of Issuance:      08/11/2025

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**File #**                    **25-35-ZC**  
Request:                    Change in Tenant –Restaurant  
Property Owner:        SUSO 2 Alabama, LP / Attn: Stelios Mourtzakis  
Parcel Information:    130 Patrick Henry Way, Charles Town, WV 25414  
                                  Parcel ID: 02000800290002; Size: 21.33 acres;  
                                  Zoning District: Residential-Light Industrial-Commercial;  
                                  Deed Book: 1170; Page: 471  
Date of Issuance:      08/15/2025

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