



Agenda
Jefferson County Planning Commission
Tuesday, April 14, 2026 at 7:00 PM

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

In-Person 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 North Lawrence Street, Charles Town, WV 25414

Live Broadcast Information*: YouTube Live Stream Link:
<https://www.youtube.com/@JeffCoWV>

1. **Approval of Meeting Minutes:** March 10, 2026 Joint Session meeting and March 10, 2026 meeting.

2. **Request for postponement**

The following items are open for public comment

3. **Public Hearing:** Variance from Section 8.2.a.23 of the 1979 Subdivision Ordinance to allow for a fence to be placed within the required vegetative buffer of Lot 8 in the Smith Mountain View Estates subdivision. Property Owner: McGaughey Trust (Joel, Shanna, Ryan, and Jacob). Property Location: 2138 Smith Road, Charles Town, WV. Parcel IDs: 06020A00080000. Size: 10 acres; Zoning District: Rural (File #26-2-PCV).
4. **Public Hearing:** Variance from Section 8.2.a.1 of the 1979 Subdivision Ordinance to allow for one additional point of access to be placed along the existing state road. Property Owner: McGaughey Trust (Joel, Shanna, Ryan, and Jacob). Property Location: 2138 Smith Road, Charles Town, WV. Parcel ID: 06020A00080000. Size: 10 acres; Zoning District: Rural (File #26-3-PCV).
5. **Public Hearing:** Waiver from Section 20.203 of the Subdivision Regulations to waive the requirement of a site plan for a proposed 3,000 square foot auto body shop and approximately 6,160 square feet of parking and drive aisle. Property Owner: Auto Depot of Charles Town, Attn: Jackson Kiley. Property Location: 107 Kerns Drive, Harpers Ferry, WV. Parcel ID: 04000900110000. Size: 2.25 acres; Zoning District: Industrial-Commercial (File #26-8-PCW).
6. **Public Hearing:** Waiver from Section 2.5 of Appendix B in the Subdivision Regulations to allow for Lot 17 in the Burr Industrial Park to construct a public parking lot with gravel opposed to bituminous asphalt or concrete paved materials. Property Owner: Maine Drilling & Blasting, Inc., Attn: Andriy Kovalyov. Property Location: Vacant Lot on the corner of McGarry Boulevard and Steeley Way, Kearneysville, WV. Parcel ID: 02000101170000. Size: 6.7 acres; Zoning District: Industrial-Commercial (File #26-9-PCW).

There is no public comment for the following items.

- 7. Discussion and Action on the Shepherdstown Profit Center (Office/Commercial Mixed-Use) Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the 2 acre Shepherdstown Profit Center, LLC property from Residential-Growth (RG) to Office/Commercial Mixed-Use (OC) is consistent with the *2045 Comprehensive Plan*. Property Owner: Shepherdstown Profit Center, LLC Attn: Tom Maiden. Property Location: 7866 Martinsburg Pike, Shepherdstown, WV. Parcel ID: 09000800100007. Size: 2 acres; Current Zoning District: Residential-Growth (File #26-1-Z)
 - 8. Discussion and Possible Action:** Staff update regarding a proposed text amendment to revise language on Solar Energy Facilities in the Zoning & Land Development Ordinance Section 2.2, Section 4.13, and Section 8.20 and add specific requirements for Solar Energy Facilities to the Subdivision & Land Development Regulations.
 - 9. Discussion and Possible Action:** Staff discussion regarding a proposed text amendment to Section 24.133, Section 24.122, and Division 26.200 of the Subdivision Regulations to further elaborate on establishing the necessary criteria regarding Historical Resource Protection.
 - 10. Discussion and Possible Action:** Draft amendment to the Zoning and Land Development Ordinance regarding the creation of the land use designations for Athletic Field Complex and Sportsplex.
 - 11. Discussion and Possible Action:** Discussion and Possible Action Regarding Zoning Determination Notice
 - 12. Discussion and Approval:** Planning & Zoning 3rd Quarterly Report for FY 2025-2026 for the County Commission. *(To be distributed at the meeting)*
 - 13. Reports from Legal Counsel**
 - a. Discussion of West Virginia Supreme Court of Appeals Case # 26-13 (RE: Sidewinder Enterprises, LLC v. Jefferson County Planning Commission).
 - 14. Planner's Memo**
 - a. Planning Commissioner Appointments
 - b. HEPMPO Long Range Plan Survey and Public Meeting
 - c. Update on Department Emails
 - d. Staffing Changes
 - 15. President's Report**
 - 16. Actionable Correspondence**
 - 17. Nonactionable Correspondence**
-

Draft Meeting Minutes

Jefferson County Planning Commission/Historic Landmarks Commission Joint Session
March 10, 2026

The Jefferson County Planning Commission and Historic Landmarks Commission met on March 10, 2026, at 6:00 pm. The following Planning Commission members were present: Tim Smith, President; Bruce Chrisman, Vice President; Wade Louthan, Secretary; Cara Keys, County Commission Liaison; Mike Shepp; Aaron Howell; Donnie Fisher; and J Ware were present in person. Daniel Hayes was absent with notice.

The following Historic Landmarks Commission members were present: Addison Reese, Chair; Jack Hefestay, County Commission Liaison; H.S. Leigh-Koontz, Secretary; and David Carroll. John-Henry Dale; and Lyle Wrush, Treasurer were both available via ZOOM.

Staff members present included Luke Seigfried, Chief County Planner; Elizabeth Nicholson, Director of Preservation Programs; Nathan Cochran, County Attorney; and Colin Uhry, County Planner.

Mr. Smith called the meeting to order at 6:04 pm and confirmed a quorum was present.

1. Discussion and Consideration: Planning Staff Presentation for the Historic Resources Text Amendment (STA25-01).

Mr. Seigfried provided a background as to the County Commission's direction to schedule a joint session meeting between the Planning Commission and Historic Landmarks Commission and notified all members of possible next steps.

All Planning and Historic Landmarks Commissioners introduced themselves to for the record.

2. Discussion and Consideration: Historic Landmarks Commission Staff Presentation for the Historic Resources Text Amendment (STA25-01).

- a. Addison Reese
- b. David Carroll

3. Discussion and Consideration: Question and Answer session between the Planning Commission and the Historic Landmarks Commission.

4. Discussion and Possible Action: Recommendation to the Jefferson County Commission regarding the Historic Resources Text Amendment (STA25-01).

Ms. Reese provided the Planning Commission with the concerns that the Historic Landmarks Commission felt with the proposed text amendment that went before the Jefferson County Commission, specifically citing the desire to enact subsurface testing when documenting findings and potential violations of state code. Mr. Smith, Mr. Chrisman, Mr. Ware, and Mr. Fisher all expressed concern regarding subsurface testing and cited belief that it would inhibit property rights, create an unnecessary hardship towards applicants, and slows development.

Ms. Keys expressed desire in determining what counties adjacent to Jefferson County process when maintaining historic resources. Mr. Dale noted that Loudoun County specifically has implemented Historic Overlay Districts, allowing for ease of tracking for resources.

The Planning Commission tasked Staff with researching both Historic Preservation practices between impervious and non-impervious areas from Washington County, Frederick County (VA), Frederick County (MD), Loudoun County, Berkeley County, Morgan County, and Clark County's planning staff to determine the next course of action. The Planning Commission also expressed the desire to review the material both made by Planning Staff and Historic Landmarks Commission's Staff before making a decision.

Planning Commission Minutes

March 10, 2026

Page 2 of 2

Mr. Chrisman motioned to table this Agenda Item until the next Planning Commission meeting, allowing for Staff to coordinate and reach out to the neighboring counties regarding Historic Resource Protection. Mr. Smith seconded the motion, which carried unanimously.

Mr. Chrisman motioned to adjourn the meeting at 7:00 pm. Mr. Smith seconded the motion, which carried unanimously.

These minutes were prepared by Colin Uhry, County Planner.

Draft Meeting Minutes

Jefferson County Planning Commission

March 10, 2026

The Jefferson County Planning Commission met on March 10, 2026, at 7:00 pm. The following Planning Commission members were present: Tim Smith, President; Bruce Chrisman, Vice President; Wade Louthan, Secretary; Cara Keys, County Commission Liaison; Mike Shepp; Aaron Howell; Donnie Fisher; and J Ware. Daniel Hayes was absent with notice.

Staff members present included Luke Seigfried, Chief County Planner; Colin Uhry, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney;

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

1. **Approval of Meeting Minutes:** January 13, 2026 meeting

Ms. Keys moved the minutes be approved as presented, Mr. Shepp seconded the motion, which carried unanimously.

2. **Request for postponement**

None.

3. **Public Hearing:** Waiver request from Section 21.102C of the Subdivision Regulations to allow more than 30 lots to have a single access point. The applicant is proposing to subdivide 32 lots from the 9 subject properties with a single access point. Property Owner: Sunnyside Investment LLC. Property Location: Vacant Lot on the corner of Wheatland Road and Kanawha Lane, Charles Town, WV. Parcel IDs: 06001200120000; 12.2, 12.3, 12.4, 12.5, 12.8, 12.9, 12.10, and 12.11. Size: 53 acres; Zoning District: Residential-Light Industrial-Commercial (File #26-2-PCW)

Mr. Smith introduced Agenda Item #3

Mr. Uhry provided an overview of the staff report for File #26-2-PCW.

Mr. Dirk Stansbury, from Civil Engineering, was present in person. Mr. Stansbury explained the nature of the request.

Mr. Smith opened the floor for public comment. The following members of the public were signed up to speak: Kelly Browne, Christine Marshall.

Mr. Smith closed the floor for public comment. Mr. Stansbury provided a rebuttal statement, specifically noting that as this area was developed as an Industrial Park, all roads are capable of allowing Fire and Emergency Service vehicles in the development.

Mr. Shepp motioned to approve the waiver to allow for more than 30 lots to have a single access point in a 32 lot subdivision. Mr. Chrisman seconded the motion, which carried unanimously.

4. **Public Hearing:** Waiver request from Section 20.201A and 20.201C of the Subdivision Regulations to allow for a 30' access easement to the property. Waiver request to also allow more than 5 lots to use an existing access easement to include the future subdivision of 1 lot. Property Owner: BDH Holding (Attn: Lawrence & Alana Flynn). Property Location: 4893 Charles Town Road, Kearneysville, WV. Parcel ID: 07000200090000; Sixe: 3.102 acres; Zoning District: Rural (File #26-3-PCW)

Mr. Smith introduced Agenda Item #4. Mr. Shepp recused himself for the remainder of the item.

Mr. Seigfried provided an overview of the staff report for File #26-3-PCW.

Mr. Lawrence Flynn, the property owner, was present in person. Mr. Flynn explained the nature of the request.

Mr. Smith opened the floor for public comment. The following members of the public were signed up to speak: Dana Hanes, Karla Hanes, Michael Lang.

Mr. Smith closed the floor for public comment. Mr. Flynn provided a rebuttal statement regarding the history of the property and improvements he has previously made to Logie Lane.

Mr. Fisher questioned whether or not the property has the right to use Ma and Pa Parkway, Staff noted that, according to deed research, the lot currently only has the right to use Logie Lane and State Route 115 (formally Route 9).

Mr. Howell motioned to approve the waiver to allow for one additional lot to access off of a 30' access easement and allow for more than 5 lots to use an existing access easement with the following conditions of approval:

- Pull-off areas are installed along Logie Lane
- A cul-de-sac turnaround is installed along Logie Lane
- The residential lot that is subdivided off the main parcel is delineated as accessing off of Logie Lane on the subdivision plat

Mr. Louthan seconded the motion, which carried unanimously.

- 5. Public Hearing:** Variance from Section 8.1b and Section 8.1c of the 1979 Subdivision Ordinance to allow for the elimination of a required culvert to process without a Redline Revision or Final Plat Amendment. Property Owner: Leslie and George Crabill, III. Property Location: 50 Mole Court, Shepherdstown, WV. Parcel ID: 09008C02570000. Size: 0.203 acres; Zoning: Residential-Light Industrial-Commercial (File #26-1-PCV).

Mr. Smith introduced Agenda Item #5

Mr. Uhry provided an overview of the staff report for File #26-1-PCV.

Ms. Leslie Crabill, the property owner, was present in person. Ms. Crabill explained the nature of the request.

Mr. Smith opened the floor for public comment. The following members of the public were signed up to speak: Nancy Huerta, Walter Logan.

Mr. Smith closed the floor for public comment. Ms. Crabill provided a rebuttal statement, referencing the engineering report that was conducted and included in the Agenda Packet.

Mr. Shepp motioned to approve the waiver request to allow for an elimination of the required culvert to process without a Redline Revision or Final Plat Amendment. Mr. Fisher seconded the motion, which carried unanimously.

- 6. Public Hearing:** Waiver from Section 20.203.B.1 of the Subdivision Regulations to allow a proposed 2,400 sf carport/pavilion structure to utilize the No Site Plan or Stormwater Management Plan process as opposed to the Limited Site Plan process. Property Owner: River and Trail Outfitters, Inc. (Attn: John Gonano). Property Location: 90 Millville Road, Harpers Ferry, WV. Parcel ID: 04001100390000. Size: 2.41 acres; Zoning: Rural (File #26-4-PCW).

Mr. Howell recused himself for Agenda Items #6 and #7, and left the room.

Mr. Smith introduced Agenda Item #6.

Mr. Seigfried provided an overview of the staff report for File #26-4-PCW.

Mr. John Gonano, the property owner, and Mr. Paul Raco, consultant, were present in person. Mr. Raco explained the nature of the request.

Mr. Smith opened the floor for public comment. The following members of the public were signed up to speak: Christine Marshall.

Mr. Smith closed the floor for public comment.

Mr. Saunders noted that the size of the structure is what brought this item into the Limited Site Plan category and the applicant would have to process both under FEMA for approval from the State as well as receive Building Permit approval through Jefferson County.

Ms. Keys motioned to approve the waiver request to allow a proposed 2,400 sq/ft carport structure to utilize the No Site Plan or Stormwater Management Plan process opposed to the Limited Site Plan process. Mr. Chrisman seconded the motion, which carried unanimously.

7. **Public Hearing:** Waiver from Section 8.1B of the Subdivision Regulations to waive the requirement of a site plan for a four-unit campground. Property Owners: Pamela Wagoner and Shannon Lepsic. Applicant: River and Trail Outfitters, Inc. (Attn: John Gonano). Property Location: 199 Bloomery Road, Charles Town, WV. Parcel ID: 02001900190000. Size: 1.92 acres; Zoning: Rural (File #26-5-PCW).

Mr. Smith introduced Agenda Item #7

Mr. Seigfried provided an overview of the staff report for File #26-5-PCW.

Mr. John Gonano, the property owner, and Mr. Paul Raco, consultant, were present in person. Mr. Raco explained the nature of the request.

Mr. Smith opened the floor for public comment. The following members of the public were signed up to speak: Bart Raguso, Christine Marshall.

Mr. Smith closed the floor for public comment.

Mr. Raco and Mr. Gonano further explained the projected layout of the proposed campground, Mr. Fisher clarified that there would be no restroom facilities installed on the property, only pads for RVs hooked up to septic systems approved by the West Virginia Health Department.

Mr. Chrisman motioned to approve the waiver request to allow for a four-unit campground to be constructed without a required site plan. Mr. Ware seconded the motion, which carried unanimously.

8. **Discussion and Approval:** Discussion and Possible Action Regarding Zoning Determination Notice

Mr. Smith introduced Agenda Item #8. Mr. Howell returned to the room.

Mr. Cochran noted that Legal Counsel preferred to discuss this Agenda Item in Executive Session.

Mr. Smith moved to bring the meeting into Executive Session at 8:38 pm. Mr. Shepp seconded the motion, which carried unanimously.

Mr. Fisher moved to bring the meeting out of Executive Session at 9:00 pm, Mr. Louthan seconded the motion, which carried unanimously.

9. **Reports from Legal Counsel:**

None

10. **Planner's Memo**

Mr. Seigfried gave an overview of the status of ongoing text amendments.

Mr. Uhry notified the Planning Commission of an upcoming rezoning request that will be held at the April 2026 Planning Commission meeting and upcoming Planning Commissioner term expirations.

Mr. Seigfried gave an overview of the status of staff's work on the Commercial Development Processing review project.

Mr. Uhry informed the Planning Commission of recent Staff changes within the department.

11. President's Report

Mr. Smith thanked Mr. Howell and Mr. Fisher for their service to the Planning Commission as they expressed desire to not seek reappointment.

Mr. Howell provided the Planning Commission with a verbal report regarding the Jefferson County Development Authority's February Meeting on Data Centers

12. Actionable Correspondence

None

13. Non-Actionable Correspondence

None.

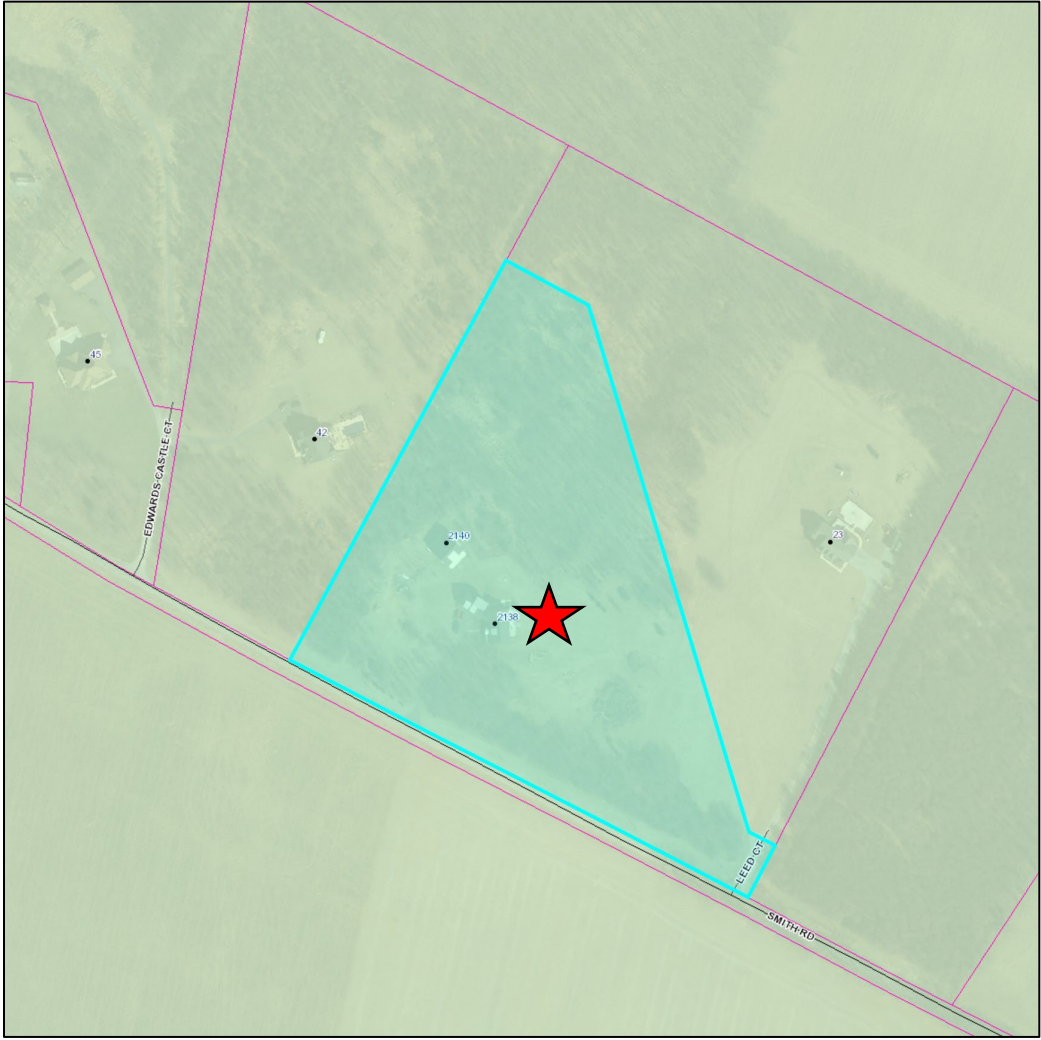
Mr. Shepp motioned to adjourn the meeting at 9:12 pm. Mr. Ware seconded the motion, which carried unanimously.

These minutes were prepared by Colin Uhry, County Planner.

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2026

McGaughey (Vegetative Buffer) Variance (File: 26-2-PCV)

Item #3: Variance from Section 8.2.a.23 of the 1979 Subdivision Ordinance to allow for a fence to be placed within the required vegetative buffer of Lot 8 in the Smith Mountain View Estates subdivision.

Applicant/Owner:	McGughey Trust (Joel, Shanna, Ryan, and Jacob)
Property Location & Information:	<p style="text-align: center;">2138 Smith Road, Charles Town, WV Parcel ID: 06020A00080000; Size: 10 acres; Zoning District: Rural</p> 
Surrounding Zoning:	<i>North, South, East, and West: Rural</i>
Proposed Activity:	Allow for Lot #8 the Smith Mountain View Estates Subdivision to place a four board Kentucky fence within the required vegetative buffer.
History:	<p>09/19/03: Approval of the Smith Mountain View Estates Final Plat, Recorded in PB20/PG38 (File #02-06)</p> <p>03/17/26: Submission of Variance request to allow for one additional point of access to be placed on the existing state road, CURRENTLY PENDING (File #26-3-PCV)</p>

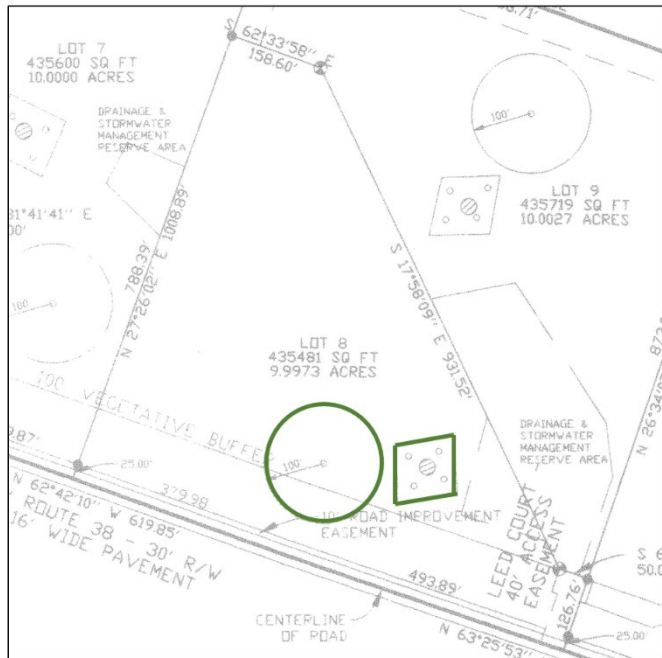
McGaughey (Vegetative Buffer) Variance (File: 26-2-PCV)

Summary of the Request:

The applicant is requesting a Variance from Section 8.2.a.23 of the 1979 Subdivision Ordinance to allow for a four board Kentucky fence to be placed along the frontage of Smith Road, placing the fence within the required vegetative buffer.



Drainage & Stormwater Management Area



Well & Septic Reserve Areas

The purpose of the vegetative buffer in the context of the 1979 Subdivision Ordinance is to preserve the green space and character on the property along the main access road of the subdivision. The applicant made note in the application that they would not be removing additional vegetation in the buffer area, only to install fencing in the area. With further correspondence, the applicant confirmed that they do not intend on placing fencing within the platted Drainage & Stormwater Management or Septic Reserve areas. Any proposed fencing placed within the areas would not require a Variance to be processed as the areas lie outside the required vegetative buffer, however a Final Plat Amendment would need to be processed to relocate as no fencing is permitted in the Drainage & Stormwater Management or Septic Reserve areas.

If the Variance is granted, the applicant would be permitted to place fencing within the vegetative buffer provided that they meet all Zoning and Building Permits regulations. Fencing requirements are found in Section 9.5 of the Zoning and Land Development Ordinance.

Variance Request Requirements (1979 Subdivision Ordinance):

The applicant provided a response to the requirements found in "Section 17.1 Variance" of the Subdivision Ordinance in the variance application. A variance request shall clearly specify the nature of the variance being requested and the reasons for the request.

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2026

McGaughey (Vegetative Buffer) Variance (File: 26-2-PCV)

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

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

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

Staff Discussion and Recommendation:

Staff recommends approving the Variance request from Section 8.2.a.23 of the 1979 Subdivision Ordinance to allow for a fence to be placed within the required vegetative buffer as approval will have minimal impact on the greenspace on the property. There are no conditions of approval Staff is requesting from the Planning Commission.



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planning@jeffcowv.gov

Email: zoning@jeffcowv.gov

Phone: (304) 728-3228

Zoning Administrator Determination

Planning Commission Meeting

April 14, 2026

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

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffcowv.gov

IMPACT FEES 304-728-3331 – michelle.m.mason@jeffcowv.gov

ENGINEERING 304-728-3257 - engineering@jeffcowv.gov

PLANNING & ZONING 304-728-3228 – planning@jeffcowv.gov / zoning@jeffcowv.gov

GIS & ADDRESSING 304-724-6759 - gis@jeffcowv.gov

2) McGaughey (Vegetative Buffer) Variance (File: 26-2-PCV)

Item #3: Variance from Section 8.2.a.23 of the 1979 Subdivision Ordinance to allow for a fence to be placed within the required vegetative buffer of Lot 8 in the Smith Mountain View Estates subdivision

Per Section 9.5(B) of the Zoning Ordinance:

Fences and walls over six feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.



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

File #: 26-2-PCV
 Mtg Date: 04-14-26
 Date Rec'd: 02-25-26
 Fees Paid: 150-
 Staff Int: gjt
 List of Adjoiners:

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Subdivision Ordinance Variance Request

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

Property Owner Information

Owner Name: M^cGaughy Trust (Joel, Shanna, Ryan, Jacob)
 Business Name: _____
 Mailing Address: 2138 Smith Rd Charles Town WV 25414
 Phone Number: 703 906 0616 Email: _____

Applicant Contact Information

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

Consultant Information

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

Physical Property Details

Physical Address: 2138 Smith Rd Charles Town WV 25414 Vacant Lot:
 Tax District: 06-gjt Map No: 20 Parcel No: 8
 Parcel Size: 9.9 acres Deed Book: 6191334gjt Page No: 310696at
 Zoning District: Kabletown - Rural gjt

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

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

Which Section of the Subdivision Ordinance are you requesting to vary? Lot 8

Briefly Describe the Nature of Your Variance Request:

We would like the vegetative Buffer removed back. We would like to install a four board Kentucky fence along the road frontage.

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

It is our intent not to clear any more vegetation. The power company has cleared the area several years ago.

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

We have vehicles turning around in driveway & dumping trash. Unwanted. Keep dogs on property.

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

The power company has already removed 60ft back all vegetation.

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

The vegetation area was cleared by the power company 7+ years ago. We are not clearing out additional areas. We would like to just add a fence.

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

Joel McLaughy 2/25/26 Sharon McLaughy 2/25/26
Property Owner Date Property Owner Date

Notification Requirements

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

04.14.26
Public Hearing Date

03.31.26
Date Placard Posted

03.31.26
Date Adjoiners Mailed

Planning Commission Determination

Approved

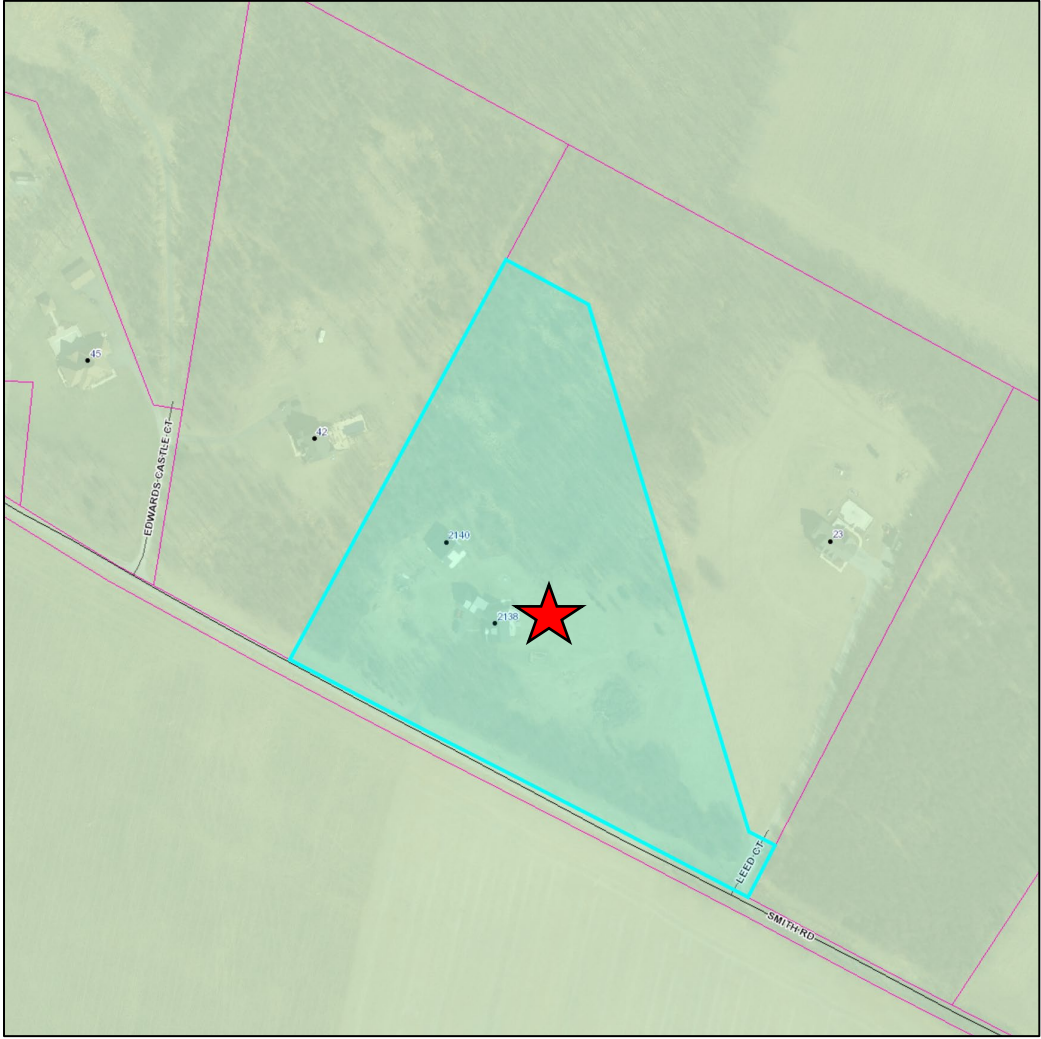
Denied

Date: ___/___/___

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2026

McGaughey (Driveway) Variance (File: 26-3-PCV)

Item #4: Variance from Section 8.2.a.1 of the 1979 Subdivision Ordinance to allow for one additional point of access to be placed along the existing state road.

Applicant/Owner:	McGaughey Trust (Joel, Shanna, Ryan, and Jacob)
Property Location & Information:	<p style="text-align: center;">2138 Smith Road, Charles Town, WV Parcel ID: 06020A00080000; Size: 10 acres; Zoning District: Rural</p> 
Surrounding Zoning:	<i>North, South, East, and West: Rural</i>
Proposed Activity:	Allow for Lot #8 the Smith Mountain View Estates Subdivision to establish a driveway that will access off of an existing State Route, opposed to an internal subdivision road.
History:	09/19/03: Approval of the Smith Mountain View Estates Final Plat, Recorded in PB20/PG38 (File #02-06) 02/25/26: Submission of Variance request to allow for a fence to be placed within the required vegetative buffer within the approved major subdivision, CURRENTLY PENDING (File #26-2-PCV)

McGaughey (Driveway) Variance (File: 26-3-PCV)

Summary of the Request:

The applicant is requesting a Variance from Section 8.2.a.1 of the 1979 Subdivision Ordinance to allow for one existing lot to access via Smith Road, designated as State Route 38.

The purpose of having roads access off of internal subdivision roads opposed to State Routes in the 1979 Subdivision Ordinance was to account for lack of congestion in the area. The Smith Mountain View Estates Subdivision, recorded at Plat Book 20, Page 38, platted three secondary roads that connect to Smith Road. Lot #8 is currently platted to establish driveway access off of Leed Court. Currently the driveway has direct access off of Smith Road and is already built, with approval incorrectly being granted under Building Permit #16-526. Building Permit #16-526 also contains approval from the Division of Highways, which states the entrance off Smith Road is compliant with the organization's guidelines.

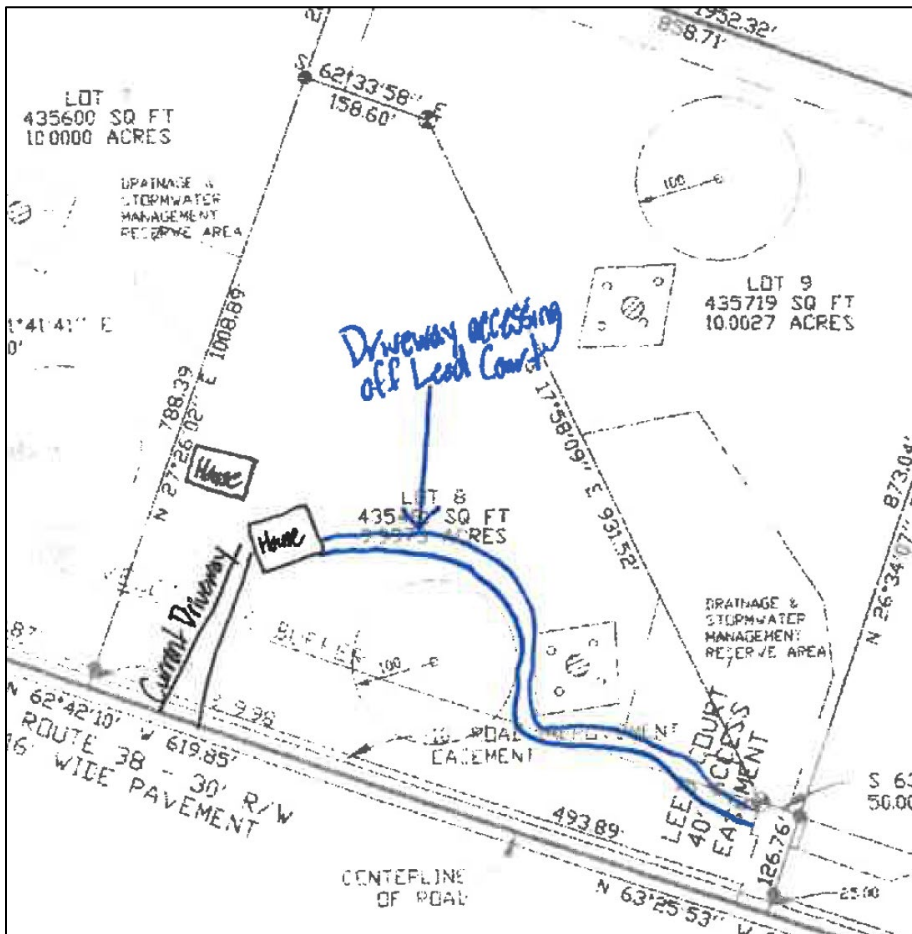


Figure 1

Establishment of the driveway to access off of Smith Road would require running the path of the driveway to not overlap with the Drainage & Stormwater Management, Well, or Septic Reserve areas. A potential path can be seen in *Figure 1* of the Staff Report.

If the Variance request is granted, this would also bring the property back into compliance, as Section 8.2.a.1 directly prohibits the lot to access off of the existing State Route. No further processing would need to be completed as the driveway is currently existing and has received approval from the Division of Highways in June of 2016.

Variance Request Requirements (1979 Subdivision Ordinance):

The applicant provided a response to the requirements found in "Section 17.1 Variance" of the Subdivision Ordinance in the variance application. A variance request shall clearly specify the nature of the variance being requested and the reasons for the request

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2026

McGaughey (Driveway) Variance (File: 26-3-PCV)

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

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

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

Staff Discussion and Recommendation:

Staff recommends approving the Variance request from Section 8.2.a.1 of the 1979 Subdivision Ordinance to allow for an additional point of access to be placed along Smith Road, allowing Lot #8 of the Smith Mountain View Estates to continue utilizing the existing driveway. Attached to the Staff Report is the approved permit from the Division of Highways, showing that the organization has also granted approval and approval of this Variance will allow for the property to be brought back into compliance without fully removing the driveway.

Attached:

DOH Permit #05-2016-0249

PERMIT TO ENTER UPON, UNDER, OVER OR ACROSS THE STATE ROADS OF THE STATE OF WEST VIRGINIA, AS PROVIDED FOR IN §§17-16-6, 17-16-9 and 17-4-8, WEST VIRGINIA CODE, 1931, AS AMENDED.

THIS PERMIT, Made this 23rd day of May 2016, between the

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, a statutory corporation hereinafter called DIVISION and

Name: MCGAUGHEY, JOEL
Address: 20559 MIDDLEBURY STREET
Address: ASHBURN, VA 20147 Phone No: (703) 906-0616
Email: hereinafter called APPLICANT.

WITNESSETH

In consideration of the hereinafter set out covenants and in accordance with §§17-16-6, 17-16-9 or 17-4-8, of the Official Code of West Virginia, 1931, as amended, and the rules and regulations promulgated thereunder, APPLICANT does hereby apply to enter:

Route Type & No.: SLS 38 DOH Project No.: (if applicable);
at north side of CR 38 (SLS), 0.49 mile east of US 340 Mile Post: 2.25
in 19 - Jefferson County, for the purposes hereinafter set forth and in accordance with the plans and specifications which are attached hereto and made a part hereof:

To maintain 1-20' existing residential approach stabilizing with a maximum size of 1 1/2" crusher run stone to a total depth of 6" compacted from the edge of the pavement to the right of way line per attached typical sheet. This work shall be constructed and maintained so that water and debris will not flow or be tracked onto the roadway. Should this parcel develop commercially, subdivide, or be located within a subdivision with internal access, this permit will be invalid. Applicant shall apply for a new permit to fit altered conditions.

APPLICANT further agrees to accept the conditions hereinafter set forth:

1. APPLICANT shall deposit with DIVISION the sum of \$ in the form of an official, certified or cashier's check, or executed bond with surety satisfactory to DIVISION to cover any damage and inspection costs DIVISION may sustain by reason of the granting of this permit, including any expense incurred in restoring said highway to its original condition or the proper repair of any and all damages that may result within one (1) year from the date of the completion of said work.

2. APPLICANT agrees to reimburse DIVISION for inspection costs as follows:

- A. For any inspection costs incurred under this permit.
B. At \$ per linear foot for feet of water line installed under this permit.
C. At \$ per linear foot for feet of sewer line installed under this permit.

3. APPLICANT shall notify DIVISION at least 48 hours in advance of the date the work will begin. Failure to comply will be cause for cancellation of this permit.

4. APPLICANT agrees to protect its employees, equipment and users of the highway at all times in accordance with the current Division of Highways manual "Traffic Control For Street and Highway Construction and Maintenance Operations".

5. APPLICANT agrees to comply with all applicable state and federal laws in the performance of work under this permit.

6. Supplementary conditions cited on the reverse side of this permit are understood and agreed to be part hereof.

7. The work authorized under this permit shall be completed on or before (Date); May 31, 2017

Applicant's signature on this permit affirms that all text herein is a verbatim reproduction of The West Virginia Division of Highways Encroachment Permit Form MM-109, revision date May 19, 2005. All attachments are inclusive to this permit.

RECOMMENDED: Permit / Utility Supervisor

APPLICANT: Signature and Title of Applicant

BOND REQUIREMENT:
BOND NO: DATE:
INSPECTION: Periodic - NoCost

APPROVED: District Engineer / District Manager
West Virginia Division of Highways

AUTHORIZATION NO.

PERMIT NO. 05-2016-0249

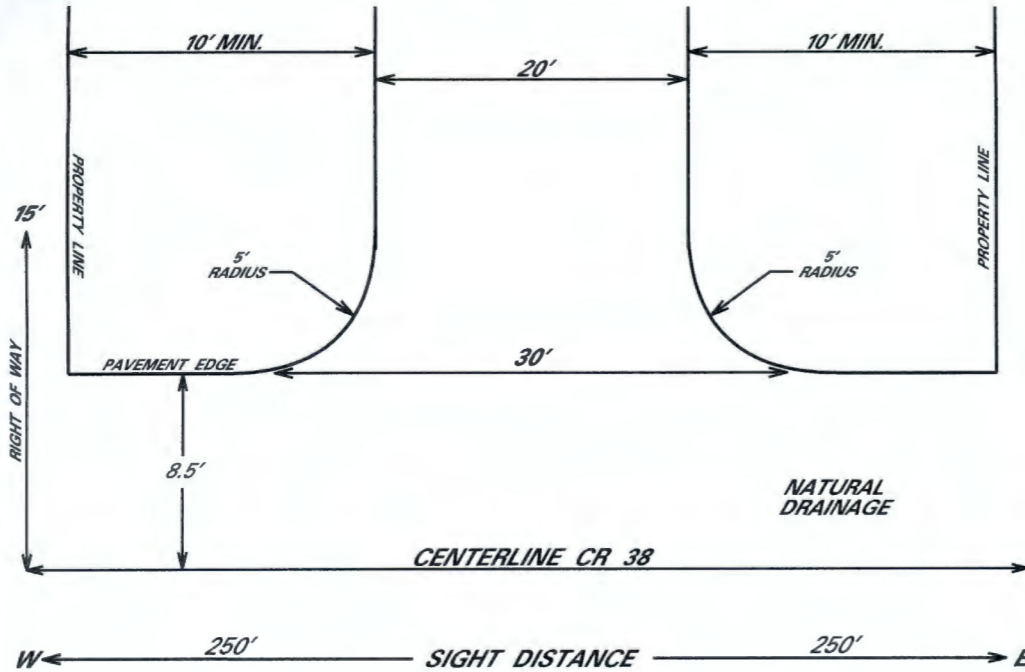
APPROVED

JUN 13 2016

WV DOT District 5

PROPOSED ENTRANCE

*** N.T.S. ***



*** NO OBSTRUCTION PERMITTED BETWEEN PAVEMENT EDGE AND RW LINE ***

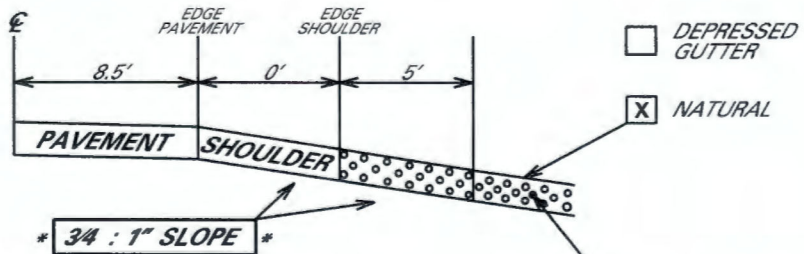
REMARKS:
Existing entrance. Owner is to ensure that no drainage from proposed driveway enters onto state maintained roadway.

PERMIT# 05-2016-0249

SPEED LIMIT: 35 MPH POSTED PRUDENT

SECTION

- NATURAL
- FILL
- CUT



G.P.S.

N39.20168°
W77.90866°

15" CMP

- 1.5" LIMESTONE (COMPACTED)
- 6" DEPTH (RESIDENTIAL)
- 8" DEPTH (COMMERCIAL)

MP 2.25

COUNTY: Jefferson

NAME: Joel McGaughey PH: 703-906-0616

ROUTE: CR 38

ADDRESS: 20559 Middlebury Street
Ashburn, VA. 20147

PHOTOS: (3)

DATE: 5-18-16

LOCATION: North side CR 38, 0.49 miles East of US 340.

REVIEW: G. T. Wilson

ADDENDUM

APPLICANT'S RESPONSIBILITY

1. Construct approach in conformance to permit and attached drawings.
2. Be sure that permit is in the possession of individual constructing approach and is followed.
3. Notify Division of Highways' County Office immediately upon completion of approach. If approach is not constructed in accordance to "Rules and Regulations for Constructing Driveways on State Highway Rights of Way", it will be the applicant's responsibility to correct.
4. The applicant shall maintain approach as follows:
 - A. If approach includes a culvert, it shall be kept clean as well as inlet and outlet end to the culvert.
 - B. If approach is on ascending (plus) grade, a depression shall be maintained over pipe to prevent water and debris from flowing into the highway.
 - C. If approach is constructed with a depressed gutter as specified on permit, it shall be maintained so as not to interfere with the purpose it was made.
 - D. Maintain the surface of the approach as specified on permit from edge of pavement to the right of way line.
 - E. Keep brush cut, tall grass cut and trees trimmed on both sides of the driveway for an unobstructed view of the roadway.
5. If this entrance is within a previously approved subdivision with internal access, this permit may be invalid.
6. This permit is for highway use only. Applicant is responsible for any permits required from other state and federal agencies (USACE, DNR, DEP, etc.).
7. The West Virginia Department of Transportation, Division of Highways Standard Specifications for Roads and Bridge, as adopted in 2010 and its 2011 Supplemental Specifications are to be the governing authority pertaining to materials and methods of construction within Division of Highways right of way. (This is to be used for any widening or major construction within Division of Highways Right of Way.)



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planning@jeffcowv.gov

Email: zoning@jeffcowv.gov

Phone: (304) 728-3228

Zoning Administrator Determination

Planning Commission Meeting

April 14, 2026

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

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffcowv.gov

IMPACT FEES 304-728-3331 – michelle.m.mason@jeffcowv.gov

ENGINEERING 304-728-3257 - engineering@jeffcowv.gov

PLANNING & ZONING 304-728-3228 – planning@jeffcowv.gov / zoning@jeffcowv.gov

GIS & ADDRESSING 304-724-6759 - gis@jeffcowv.gov

2) McGaughey (Driveway) Variance (File: 26-3-PCV)

Item #4: Variance from Section 8.2.a.1 of the 1979 Subdivision Ordinance to allow for one additional point of access to be placed along the existing state road.

Zoning standards are not applicable. Only Section 5.7(D)(2)(b)(iii)(b) under Rural Clustering specifies access standards.



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

File #: 26-3-PCV
 Mtg Date: 4-14-26
 Date Rec'd: 3-17-26
 Fees Paid: Waived
 Staff Int: CAU
 List of Adjoiners:

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Subdivision Ordinance Variance Request

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

Property Owner Information

Owner Name: Joel + Shanna McBaughy
 Business Name: _____
 Mailing Address: 2138 Smith Rd
 Phone Number: 703906 0616 Email: _____

Applicant Contact Information

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

Consultant Information

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

Physical Property Details

Physical Address: 2138 Smith Rd Charles Town Vacant Lot:
 Tax District: Kable town Map No: 20 Parcel No: Lot 8
 Parcel Size: 9.9973 Deed Book: 619 Page No: 310
 Zoning District: _____

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

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

Which Section of the Subdivision Ordinance are you requesting to vary? Driveway location
Section 8.2a.1

Briefly Describe the Nature of Your Variance Request: Driveway -
Driveway needed to be moved at time of construction
Driveway approved by state highway. Drainage storm water
area had been increased in size by original owner.

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

By allowing driveway to be placed where it currently is the land could be developed.

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

Where the driveway would have been no house could be built on the land

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

N/A

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

N/A

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

Shanna McNaughey 3/17/26
Property Owner Date

Paul McNaughey 3/17/26
Property Owner Date

Notification Requirements

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

04-14-26
Public Hearing Date

03/31/26
Date Placard Posted

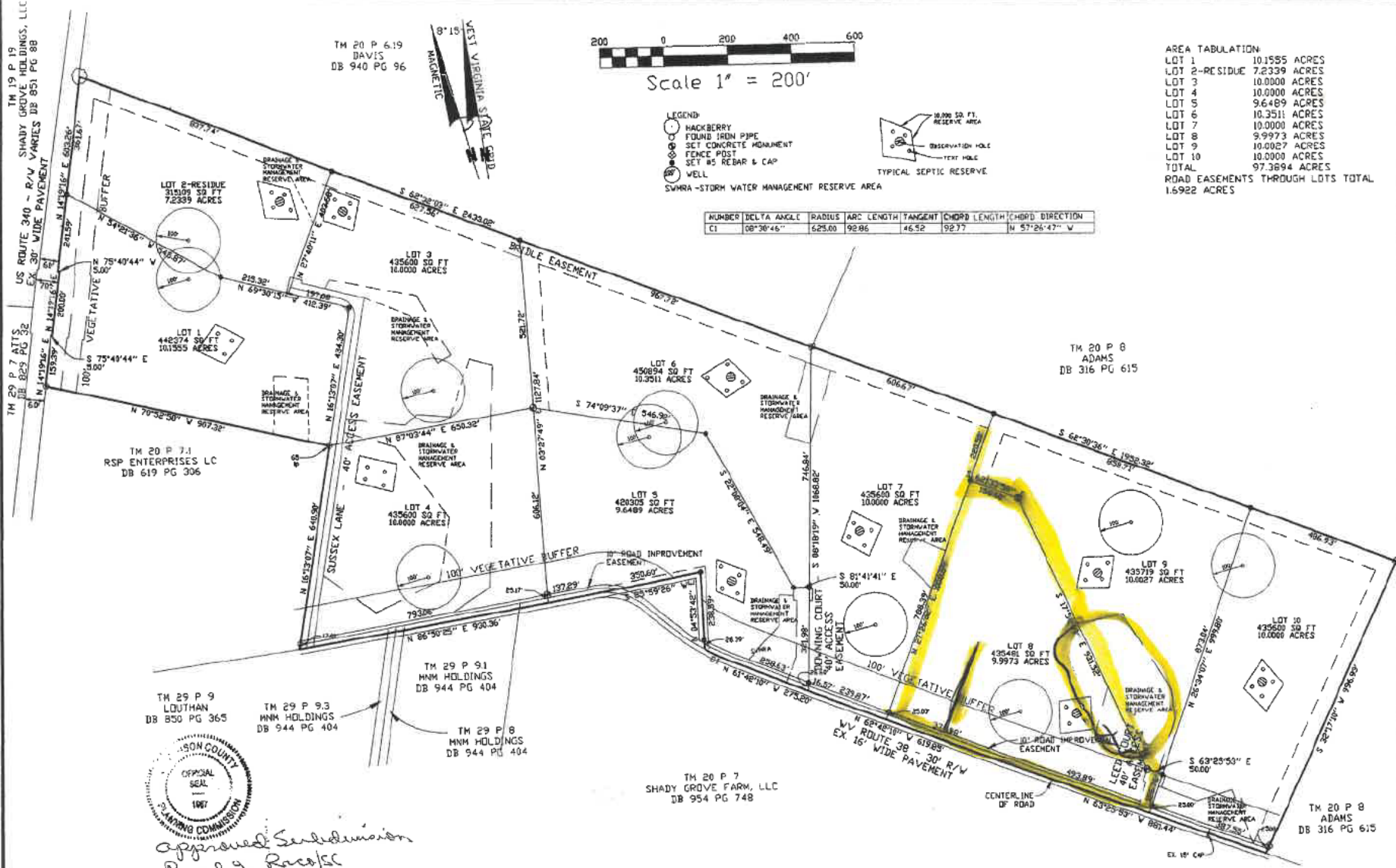
03/31/26
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___



Approved Subdivision
 Paul G. Rocco, Jr.
 Executive Director
 September 17, 2003
 SEE SHEET 3 OF 3 FOR EASEMENT DETAILS

PROPERTY IS IN THE RURAL DISTRICT
 TOTAL PARCEL AREA IS 97.3894 ACRES
 UNDER SECTION 5.7(d) - ONE THREE-ACRE LOT/10 ACRES
 MAXIMUM NUMBER OF LOTS IS 9 PLUS A RESIDUE = 10 LOTS
 THIS SUBDIVISION USES ALL OF THE DEVELOPMENT RIGHTS
 ALLOWED BY ORDINANCE.

FINAL PLAT
 LOTS 1, 2 (RESIDUE) - 10
 SMITH MOUNTAIN VIEW ESTATES
 TAX MAP 20 PARCEL 7 DEED BOOK 619 PAGE 310
 KABLETOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA
 SCALE 1" = 200' JANUARY 17, 2003

RESOURCE
 INTERNATIONAL, LTD.
 ENGINEERS • SCIENTISTS • SURVEYORS • PLANNERS
 301 NORTH GEORGE STREET CHARLES TOWN, WV 25414
 (304) 725-7784 • FAX (304) 725-7846

SHEET 2 OF 3



Outlook

Re: Support of Waiver for McGaughey Trust

From Planning Department <planning@jeffcowv.gov>

Date Tue 4/7/2026 11:52 AM

To Aaron Howell <howell.aaron.j@gmail.com>

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Planning Commission packet for the upcoming April 14, 2026 Planning Commission meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, April 10, 2026.

Thank you,

Colin Uhry, County Planner
Office of Planning, & Zoning
Jefferson County, WV
304-728-3228

From: Aaron Howell <howell.aaron.j@gmail.com>

Sent: Tuesday, April 7, 2026 11:50 AM

To: Colin Uhry <cuhry@jeffersoncountywv.org>

Subject: Support of Waiver for McGaughey Trust

Colin

I am writing in support of items 3 and 4 on the April agenda in relation to the property located at 2138 Smith Rd, Charles Town. Below are the two variances:

Variance from Section 8.2.a.23 of the 1979 Subdivision Ordinance to allow for a fence to be placed within the required vegetative buffer of Lot 8 in the Smith Mountain View Estates subdivision. Property Owner: McGaughey Trust (Joel, Shanna, Ryan, and Jacob). Property Location: 2138 Smith Road, Charles Town, WV

Variance from Section 8.2.a.1 of the 1979 Subdivision Ordinance to allow for one additional point of access to be placed along the existing state road. Property Owner: McGaughey Trust (Joel, Shanna, Ryan, and Jacob). Property Location: 2138 Smith Road, Charles Town, WV

These are common sense waivers in a large lot subdivision in Jefferson County. As the neighboring property - LOT 9 - I see no issues with the variance that has been requested.

Please let me know if you have any questions or comments for me.

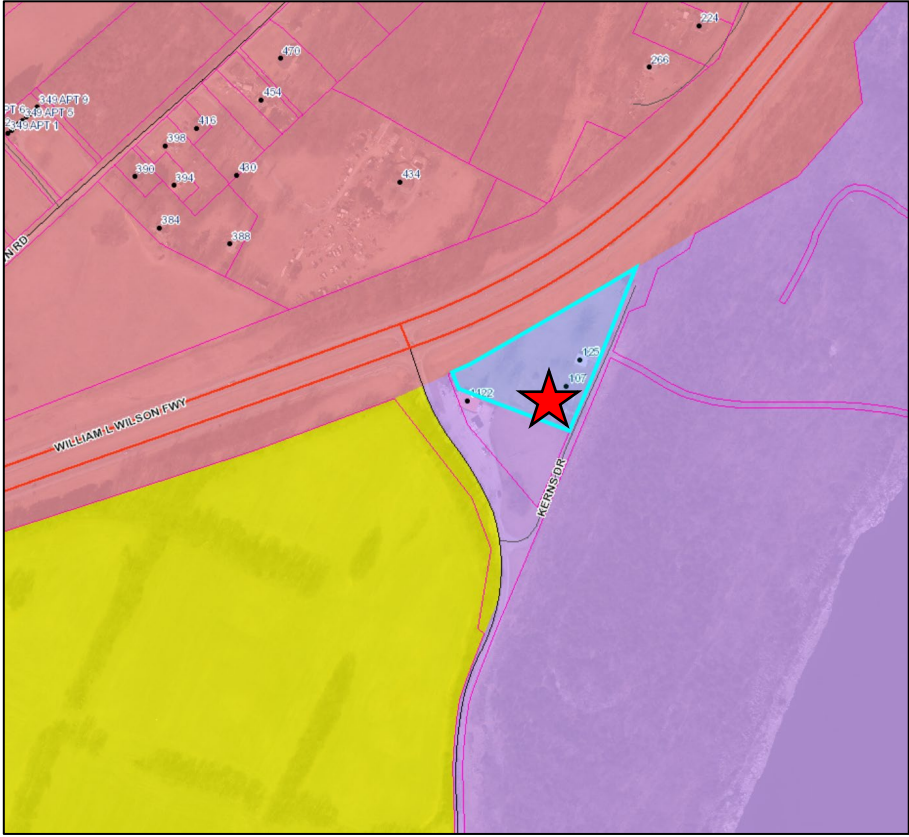
Thank you.

Aaron Howell
23 Leed Ct
Charles Town, WV

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2026

Kiley (Site Plan) Waiver File #26-8-PCW

Item # 5: Public Hearing: Waiver from Section 20.203 of the Subdivision Regulations to waive the requirement of a site plan for a proposed 3,000 square foot auto body shop and approximately 6,160 square feet of parking and drive aisle.

Owner	Auto Depot of Charles Town
Applicant	Jackson Kiley
Parcel Information and Zoning District:	<p style="text-align: center;">107 Kerns Drive, Harpers Ferry, WV; Parcel ID: 04000900110000 Size: 2.25 acres; Zoning District: Industrial-Commercial</p> 
Surrounding Zoning:	<p style="text-align: center;"><i>North:</i> Residential/Light-Industrial/Commercial <i>West:</i> Residential Growth <i>East and South:</i> Industrial/Commercial</p>
History:	<p>01/12/87: Revision of approved Building Permit for Billboard Sign (Permit #86-162). 04/27/23: Approval of a Special Exception Permit to allow a 100 sq/ft off-premises sign for Auto Depot of Charles Town. (File #23-1-SE)</p>
Waivers/Variances:	<p>04/27/23: Approval of a Zoning Variance request to increase the maximum side of an off-premises sign from 60 sq/ft to 100 sq/ft, allow an off-premises sign to be located closer than 300 ft to an existing sign, and allow an off-premise sign to be closer than 300 ft to an intersection on a dual highway (File #23-15-SE)</p>
Approved Activity:	Residential Home with Detached Garage on Nonconforming Residential lot

Kiley (Site Plan) Waiver File #26-8-PCW

Summary of the Request

The applicant is requesting to install a 3,000 square foot structure to operate an automotive repair shop through the No Site Plan process instead of the Limited Site Plan process. The proposed 50' x 60' structure is more than twice the size of the 1,200 sq ft allowed under the No Site Plan criteria. The applicant is proposing to install parking and drive aisles around the new structure that are approximately 9,000 square feet. This project would process as a Limited Site Plan if the requested waiver is not approved.

Subdivision Requirements

Section 20.203 Minor Site Development

Minor Site Developments are those proposals that do not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure.

B. Site Plan Classifications

All Minor Site Developments shall be processed utilizing one of the following Site Plan Classifications. Unless explicitly stated within this Section, all requirements of these Regulations apply to each of the classifications below, including the requirements of Appendix A and Appendix B. Minor Site Development may require Stormwater Management Plans and stormwater management activities per the Jefferson County Stormwater Management Ordinance.

1. **No Site Plan or Stormwater Management Plan.** No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:
 - a. The footprint of the addition or the new structure is less than 1,200 square feet; and
 - b. No additional parking is required per Zoning Ordinance standards; and
 - c. The disturbed area is no more than 5,000 square feet.

Note: Once the total of any additions or new structures processed under this provision since October 5, 1988 exceeds 1,200 square feet, it shall process as a Limited Site Plan or a Full Site Plan, as appropriate.

2. **Limited Site Plan**

A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management (quantity and quality) for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:

- a. An addition to an existing structure, or, ancillary to an existing use; and
- b. The footprint does not exceed 3,000 square feet or 35% of the existing structure, whichever is smaller.
- c. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.

Staff Discussion and Recommendation

The applicant is requesting to submit a No Site Plan submission in lieu of a Limited Site Plan submission for the 50' by 60' structure (3000 square feet). The reasoning is the structure and accompanying impervious surfaces for parking and drive aisles will not be greater than 6'200 square feet which is the

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2026

Kiley (Site Plan) Waiver File #26-8-PCW

calculated sum of impervious that a No Site Plan can process under. A development can process as a No Site Plan if a new structure or addition is less than 1,200 square feet and no more than 5,000 square feet of disturbance is added.

If the applicant can develop under 6,200 square feet of impervious which includes gravel parking and drive aisles, SWM calculation would not show any increase in runoff. No stormwater management is required if the waiver is approved. Approval of the waiver will also include the No Site Plan criteria regarding no new parking required under the Zoning Ordinance. A Concept Plan is not required as the proposed development does not exceed 5,000 square feet.

As submitted, the applicant is proposing around 9,000 square feet of impervious surface.

Therefore, Engineering would recommend denial of this waiver as presented as the increase in impervious surface does exceed 6,200 square feet. If the applicant can reduce the impervious surface to under 6,200 square feet, Engineering would recommend approval of the waiver. The applicant may need to reduce the building size to in turn reduce the required parking to meet this standard.

Waiver Requirements

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

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

Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planning@jeffcowv.gov

Email: zoning@jeffcowv.gov

Phone: (304) 728-3228

Zoning Administrator Determination

Planning Commission Meeting

April 14, 2026

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

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffcowv.gov

IMPACT FEES 304-728-3331 – michelle.m.mason@jeffcowv.gov

ENGINEERING 304-728-3257 - engineering@jeffcowv.gov

PLANNING & ZONING 304-728-3228 – planning@jeffcowv.gov / zoning@jeffcowv.gov

GIS & ADDRESSING 304-724-6759 - gis@jeffcowv.gov

2) Kiley (Site Plan) Waiver File #26-8-PCW

Item # 5: Public Hearing: Waiver from Section 20.203 of the Subdivision Regulations to waive the requirement of a site plan for a proposed 3,000 square foot auto body shop and approximately 6,160 square feet of parking and drive aisle.

Waivers of site plan are a sole function of the Subdivision and Land Development Regulations.

Note: Section 5.6(F)(1)(a) of the Zoning Ordinance states that:

Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.

It is the Zoning Administrator's determination that the proposal complies with this section.



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

File #: 26-8-PCW
 Mtg Date: 04-14-26
 Date Rec'd: 03-16-26
 Fees Paid: \$150
 Staff Int: JH
 List of Adjoiners:

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: JACKSON KILEY
 Business Name: AUTO Depot of Charles TOWN
 Mailing Address: PO BOX 107 Rippon WV 25441
 Phone Number: 304 725 7050 Email: [REDACTED]

Applicant Contact Information

Applicant Name: JACKSON Kiley Same as owner:
 Business Name: AUTO Depot
 Mailing Address: PO Box 107 Rippon WV 25441
 Phone Number: 304 725 7050 Email: [REDACTED]

Consultant Information

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

Physical Property Details

Physical Address: 107 Kern Dr Harpers Ferry WV 25425 Vacant Lot:
 Tax District: District 04 Map No: 9 Parcel No: 11
 Parcel Size: 2.25 ACRES Deed Book: 1294 Page No: 507
 Zoning District: Industrial Commercial - JH

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

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

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

Section 20.203 B

Briefly Describe the Nature of Your Waiver Request:

The parcel size is within the waiver limits. Request waiver for site plan

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

It will be contained within existing property and have no impact on communities

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

It will not affect any residential area nor the businesses.

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

There are no residential properties within 3/4 of a mile and all structures (1) will meet county codes. There are no adjacent properties that can be affected by runoff. Lighting and landscaping will be in accordance with county beauty standards.

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

The building will match existing structure on property and blend in well.

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

Property Owner Signature

Date

Property Owner Signature

Date

Notification Requirements

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

04.14.26
Public Hearing Date

03.31.26
Date Placard Posted

03.31.26
Date Adjoiners Mailed

Planning Commission Determination

Approved

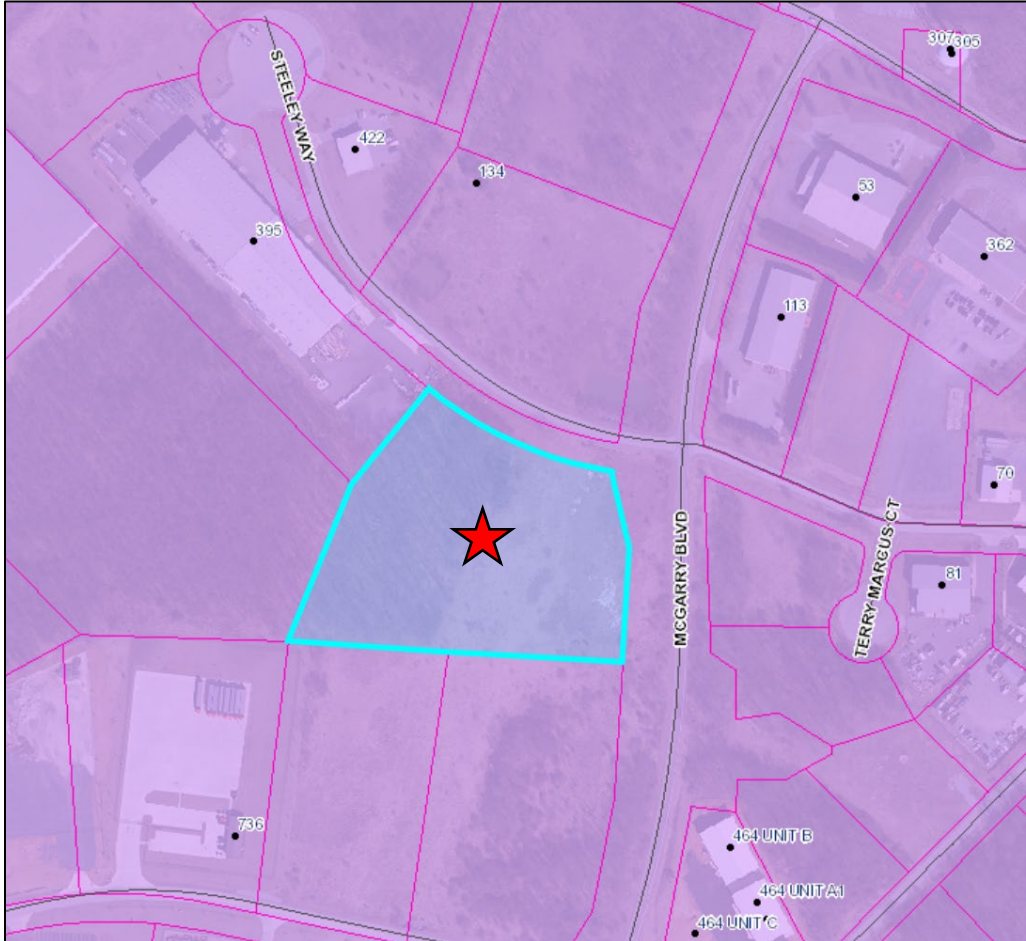
Denied

Date: ___ / ___ / ___

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2026

Maine Drilling – Kovalyov (Gravel Parking Lot) Waiver (File: 26-9-PCW)

Item #6: Waiver from Section 2.5 of Appendix B in the Subdivision Regulations to allow for Lot 17 in the Burr Industrial Park to construct a public parking lot with gravel opposed to bituminous asphalt or concrete paved materials

Owner	Maine Drilling & Blasting, Inc.
Applicant	Kovalyov Family Trust (Attn: Andriy Kovalyov)
Parcel Information and Zoning District:	<p style="text-align: center;">Burr Industrial Park Lot #17. Vacant Lot on the corner of McGarry Boulevard and Steeley Way, Kearneysville, WV. Parcel ID: 02000101170000 Size: 6.7 acres; Zoning District: Industrial-Commercial</p> 
Surrounding Zoning:	<i>North, South, East, and West:</i> Industrial/Commercial
History:	11/16/21: Site Plan approved for Maine Drilling & Blasting as Contractor with Outdoor Storage. (File #21-10-SP) 05/25/22: Redline Revision approved for approved Site Plan labeling structures as future development
Waivers/Variances:	07/28/16: Approval of a Zoning Variance request to reduce both the setback and landscaping standards for all vacant lots in the Burr Industrial Park (File #: ZV16-14)

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2026

Maine Drilling – Kovalyov (Gravel Parking Lot) Waiver (File: 26-9-PCW)

Site Background:

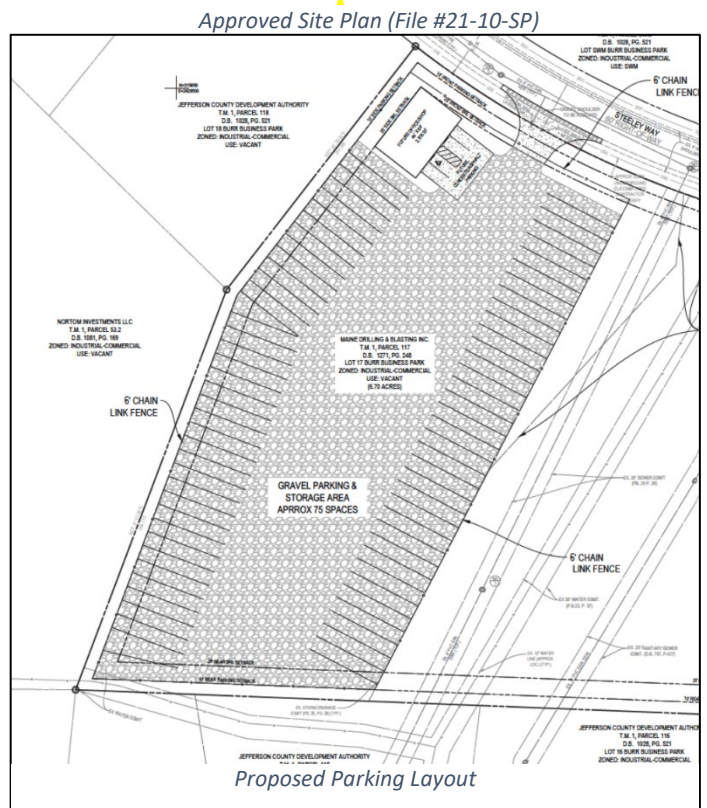
The site plan for Maine Drilling & Blasting, located on Lot 17 in Burr Business Park the corner of Steeley Way and McGarry Boulevard, was approved on November 16, 2021. This site plan included the construction of a manufacturing building and associated site improvements. The approved site plan layout showed the existing utility easements located on the property and the extent of the construction to the western portion of the property, adjacent to the property lines for Lots #1 and #18, 19, 20, 21, &21A. The property owner is no longer seeking to develop the approved site plan and is now leasing Lot #17 for development. The applicant has notified staff that all development will be placed within the existing approved limits of construction depicted in File #21-10-SP.

Summary of the Request:

The applicant is requesting a waiver to process the parking lot as gravel opposed to the required asphalt for a public parking lot in a proposed tractor trailer parking area.

The current site plan depicts the rear portion of the property as gravel storage area and the front portion of the property as paved asphalt, as required by the Subdivision Regulations, within the limits of construction. The applicant’s proposed sketch shows they are staying within the limits of construction that has already been approved.

The applicant is requesting that the proposed parking of the lot, which will be designated as Parking, Commercial Offsite Accessory, be constructed with gravel opposed to asphalt. Attached to the applicant is a full scope of the proposed plan. Please note that what was included in the application has not been reviewed by our office and the extent/amount of spaces may change during processing. The hearing is only to discuss whether or not the material of the offsite parking can be constructed with gravel.



Staff Report
Jefferson County Planning Commission Meeting
April 14, 2026

Maine Drilling – Kovalyov (Gravel Parking Lot) Waiver (File: 26-9-PCW)

Waiver Requirements:

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

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

Staff Recommendation:

Planning Staff recommends approval of the waiver request, provided the applicant knows that to process the changes to the lot they must process a Redline Revision to remove the future buildings and reformat the parking lot. If the applicant wishes to expand further beyond the approved limits of construction and towards the eastern portion of the property, a new Site Plan will be required to reroute the utility easements located on the property.

As for Stormwater Management SWM, the site plan SWM calculation would not change due to asphalt/concrete pavement and gravel pavement are both considered impervious surfaces. This allows the applicant to pave with asphalt or concrete later without having to process another site plan. Therefore, engineering recommends approval of this waiver.



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planning@jeffcowv.gov

Email: zoning@jeffcowv.gov

Phone: (304) 728-3228

Zoning Administrator Determination

Planning Commission Meeting

April 14, 2026

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

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffcowv.gov

IMPACT FEES 304-728-3331 – michelle.m.mason@jeffcowv.gov

ENGINEERING 304-728-3257 - engineering@jeffcowv.gov

PLANNING & ZONING 304-728-3228 – planning@jeffcowv.gov / zoning@jeffcowv.gov

GIS & ADDRESSING 304-724-6759 - gis@jeffcowv.gov

2) Maine Drilling – Kovalyov (Gravel Parking Lot) Waiver (File: 26-9-PCW)

Item #6: Waiver from Section 2.5 of Appendix B in the Subdivision Regulations to allow for Lot 17 in the Burr Industrial Park to construct a public parking lot with gravel opposed to bituminous asphalt or concrete paved materials.

Section 5.6(D)(1), Industrial – Commercial (IC) District states:

Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.

Therefore, Zoning Ordinance standards are not applicable.



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

File #: 26-9-PCW
 Mtg Date: 04-14-26
 Date Rec'd: 03-24-26
 Fees Paid: 150
 Staff Int: jth
 List of Adjoiners:

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: MAINE DRILLING & BLASTING INC
 Business Name: MAINE DRILLING & BLASTING INC
 Mailing Address: 542 Brunswick Avenue, Gardiner, ME 04345
 Phone Number: (207) 582-2338 Email: [REDACTED]

Applicant Contact Information

Applicant Name: Andriy Kovalyov Same as owner:
 Business Name: The Kovalyov Family Trust
 Mailing Address: 1002 Park Ridge Drive, Mount Airy, MD 21771
 Phone Number: (650)7728216 Email: [REDACTED]

Consultant Information

Name: Mark McDonald
 Business Name: Integrity Federal Services, Inc.
 Mailing Address: 148 S Queen St Suite 201, Martinsburg, WV 25401
 Phone Number: (304) 725-8456 Email: [REDACTED]

Physical Property Details

Physical Address: Lot No. 17, Burr Business Park Kearneysville, WV 25430 Vacant Lot:
 Tax District: (02) Charles Town Map No: 1 Parcel No: 0117.0000.0000
 Parcel Size: 6.70 acres Deed Book: 1271 Page No: 248
 Zoning District: Industrial Commercial

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

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

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

Subsection M, Appendix B, Section 2.5, Off-Street Parking Standards of Subdivision and Land Development Regulations Jefferson County, West Virginia

Briefly Describe the Nature of Your Waiver Request:

[See attached separate sheet with explanation]

"Waiver request from Appendix B, Section 2.5.M of the Subdivision Regulations to allow a gravel parking area in lieu of an asphalt or concrete parking area for a proposed tractor trailer parking lot."

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

[See attached separate sheet with explanation]

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

[See attached separate sheet with explanation]


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

[See attached separate sheet with explanation]

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

[See attached separate sheet with explanation]

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

 Meghan McNamara, General Counsel 3/25/26
Property Owner Signature Date

Property Owner Signature Date

Notification Requirements

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

04-14-26
Public Hearing Date

03-31-26
Date Placard Posted

03-31-26
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ____ / ____ / ____

Planning Commission Waiver Request

[attached sheet with detailed explanations]

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

Subsection M, Appendix B, Section 2.5, Off-Street Parking Standards of Subdivision and Land Development Regulations Jefferson County, West Virginia

Briefly Describe the Nature of Your Waiver Request:

Request is to waive the Subsection M, Appendix B, Section 2.5, Off-Street Parking Standards of Subdivision and Land Development Regulations, Jefferson County, West Virginia which indicates that “... *all parking areas shall be bituminous asphalt or concrete paved. Paving sections shall be as established by the County Engineer...*”. The proposed development of Lot 17, Burr Business Park (6.7 AC) is for a Regional Logistics Staging and Service Facility. The applicant proposes a high-density, compacted-aggregate (gravel) surface. The facility is not intended for "Public" use in a conventional sense and shall be restricted to a limited number of long-term commercial tenants under 6-12 month lease agreements. There will be no daily drive-up access, no public turnover, and significantly lower 'in-and-out' traffic frequencies than a standard public facility. In view of that, high-density aggregate (gravel) surface for private-contract logistics staging facility allows for better natural filtration in a limestone-heavy area compared to the high-velocity runoff of solid asphalt. The facility is for Logistics Staging, the low-speed, high-weight nature of the vehicles is better served by a compacted base that can be maintained/graded rather than thin asphalt that may crack under pivot turns.

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

The proposed design provides a significant public benefit by reducing the long-term infrastructure and maintenance burden on County resources. By utilizing a high-density, engineered aggregate surface instead of traditional asphalt, the project mitigates the high-velocity runoff, thereby reducing the strain on the public stormwater network and minimizing the risk of thermal pollution in local watersheds.

Furthermore, the design prioritizes greater open space by preserving the site's natural 3.7-acre topographical buffer as a permanent, non-disturbed green zone. This preservation of natural terrain is consistent with the Jefferson County Comprehensive Plan's goals for groundwater protection and natural resource conservation. Unlike traditional 'public' lots that require extensive County-monitored drainage infrastructure, this private-contract facility maintains a lower impervious footprint, ensuring that the development remains a low-impact industrial use that does not require future public maintenance or expansion of County-managed utilities.

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

The requested waiver is consistent with the intent and purpose of the Ordinance - specifically to promote the health, safety, and welfare of the County by prioritizing environmental stewardship and site-specific safety over a generalized surfacing standard.

The Ordinance's intent is to ensure development is compatible with the County's natural resources. On Lot 17, the mandated asphalt paving would create a 3-acre impervious surface, increasing the risk of high-velocity runoff and concentrated sinkhole activation. Asphalt carries oils and heavy metals directly into storm drains whereas the requested waiver is consistent with the intent and purpose of the Ordinance by preventing the concentrated runoff from entering the limestone aquifer. By utilizing an engineered, high-density aggregate, the project fulfills the Ordinance's purpose of 'protecting the land, environment, and natural resources' by allowing for superior groundwater recharge and natural filtration. A paved "public-style" lot on a private-lease facility appears not to be in accordance with orderly development per Ordinance because it applies a retail-standard (like a "Target" parking lot) to a heavy-equipment staging area.

Furthermore, the purpose of the Off-Street Parking Standards is to ensure safe and functional vehicle movement. Because this facility is a private-contract staging area with low-frequency turnover, the design provides a stabilized base, dust-free, and safe operational environment that meets the Ordinance's functional goals, complying with the intent and purpose of the environmental protections by choosing a surface that is less damaging to the terrain and without the negative environmental externalities of unnecessary massive-scale paving.

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

The requested waiver, if granted, will result in a project of higher environmental quality by replacing a monolithic, heat-absorbing impervious surface with a managed low-impact development system.

1. Environmental Integrity & Character: Unlike traditional asphalt, which creates heat islands and high-velocity runoff, the proposed high-density engineered aggregate surface preserves the site's natural hydrological character. This allows for superior groundwater recharge into the local aquifer.

2. Site Quality & Longevity: For a heavy-vehicle staging facility, a flexible aggregate base offers better long-term structural quality than thin-lift asphalt, which is prone to rutting and cracking under the loads. The waiver, if granted, allows for a surface that can be perpetually maintained and leveled without the unsightly decay and patchwork repairs typical of aging industrial asphalt lots.

Lot 17 Logistics Staging & Service Facility

I. Project Overview

The proposed development of **Lot 17, Burr Business Park (6.7 AC)** is for a **Regional Logistics Staging and Service Facility**.

The project aims to provide the operational infrastructure for the county's growing supply chain. The site will feature a professional-grade operational support building with a high-capacity staging yard for commercial transport units.

II. Key Operational Components

- **Phase 1:** Approximately 3.0 acres of heavy-duty, engineered impervious surface designed specifically for the low-impact staging of commercial transport units.
- **Phase 2:** A permanent, professional-grade masonry or steel structure (approx. 3000-4000 sq. ft.) to serve as the facility's administrative and service hub. This building will house a service facility, site management, and security monitoring.

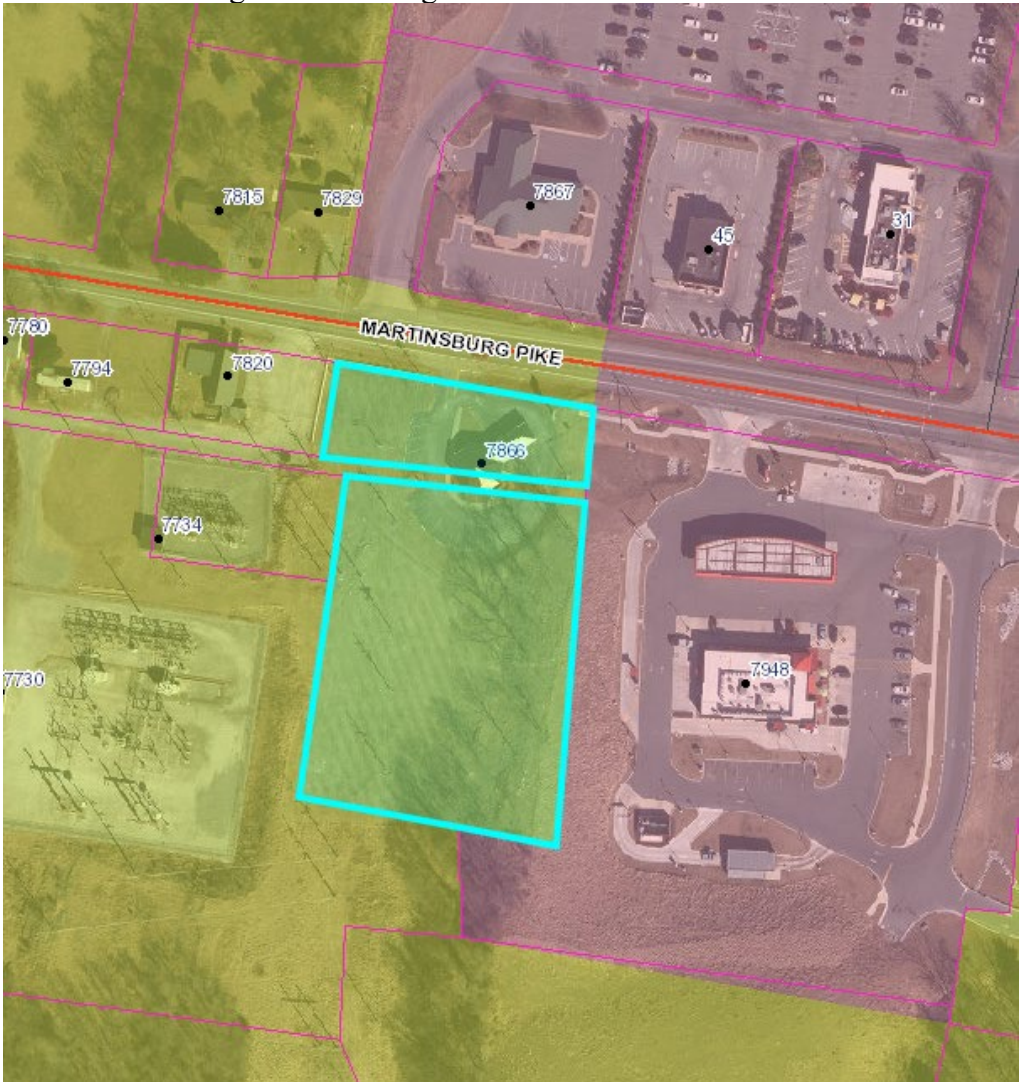
III. Economic & Community Impact

- **Business Support:** Provides essential "last-mile" staging for existing industrial tenants in Burr Business Park and the surrounding I-81 corridor.
- **Tax Base Contribution:** the facility is expected to operate as an active commercial entity contributing to local Business & Occupation tax and personal property tax on equipment.
- **Traffic Mitigation:** By providing a designated staging area, the facility reduces illegal "shoulder parking" and unauthorized idling on public roads like Route 9 and Kearneysville Pike.
- **Synergy with Neighbors:** This facility provides a direct "Force Multiplier" for existing manufacturing and distribution tenants in the park who require nearby technical staging and safety-check services for their outbound logistics.
- **Infrastructure Investment:** This project represents a significant capital investment in heavy-duty surfacing and permanent structures, significantly increasing the lot's taxable value compared to its current unimproved state.

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2026

Shepherdstown Profit Center (Office/Commercial Mixed-Use) Rezoning Request (26-1-Z)

Item # 7: Discussion and Action on the Shepherdstown Profit Center (Office/Commercial Mixed-Use) Zoning Map Amendment Request: Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the 2 acre Shepherdstown Profit Center, LLC Property from Residential Growth(RG) to Office/Commercial Mixed-Use(OC) is consistent with the *2045 Comprehensive Plan*.

Property Owner:	Shepherdstown Profit Center, LLC
Applicant:	Tom Maiden
Consultant:	N/A
Parcel Information:	<p style="text-align: center;">7866 Martinsburg Pike, Shepherdstown, WV 25443 Parcel ID: 08001000070000 Acreage: 2 ac. Zoning District: Residential Commercial</p> 
Surrounding Properties:	<p style="text-align: center;"><i>North and East:</i> Residential-Light Industrial-Commercial <i>West and South:</i> Residential Growth</p>
Current Use:	Commercial offices

Staff Report
 Jefferson County Planning Commission Meeting
 April 14, 2026

Shepherdstown Profit Center (Office/Commercial Mixed-Use) Rezoning Request (26-1-Z)

Proposed Request	To rezone the total 2 acres from Residential Growth (RG) to Office/Commercial Mixed-Use (OC)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>2045 Comprehensive Plan</i>
Staff Finding:	Staff finds that request is consistent with the <i>2045 Comprehensive Plan</i> Future Land Use Guide

Applicant’s Request

The applicant is requesting to rezone approximately 2 acres from Residential Growth (RG) to Office/Commercial Mixed-Use (OC).

Neighboring Uses

The properties under consideration for this Zoning Map Amendment are adjacent to commercial and residential uses.

- Potomac Edison operates to the west.
- Sheetz is located to the east.

Scope of this Assessment

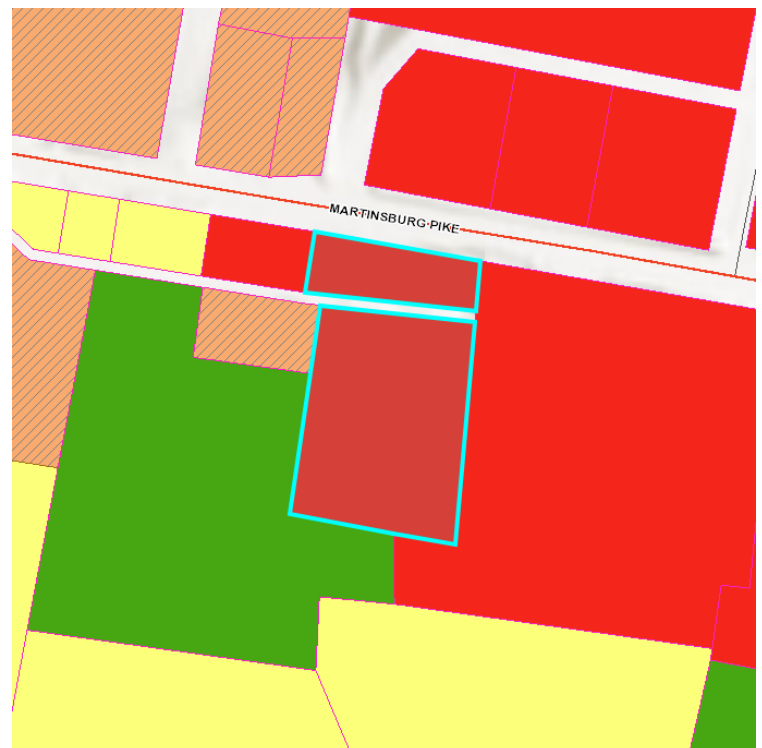
This report focuses on whether or not the Zoning Map Amendment application is consistent with the *2045 Comprehensive Plan* and provides a staff recommendation for the Planning Commission’s consideration based on relevant sections and elements of the *Plan*.

Staff’s professional recommendation is that the request is **consistent** with the *2045 Plan* because it is designated “General Commercial” on the Future Land Use Guide. The subject property is located in the Shepherdstown Preferred Growth Area (PGA) which is identified as an area ideal for high intensity development. The owner-initiated rezoning to Office/Commercial Mixed-Use (OC) would allow for additional commercial uses and buildings to operate commercial and residential uses such as, multi-family housing, office space, or other commercial businesses that expect regular vehicular traffic.

It should be noted that Staff has no statutory authority to make decisions in this regard. The Planning Commission is required to provide the County Commission with their advice as to whether the request is consistent with the *Comprehensive Plan* prior to the County Commission’s Public Hearing. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

Zoning Map Amendment Public Hearing Process

Article 12 of the Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West



Staff Report
Jefferson County Planning Commission Meeting
April 14, 2026

Shepherdstown Profit Center (Office/Commercial Mixed-Use) Rezoning Request (26-1-Z)

Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.” [See WVC 8A-7-9(c)].

Relevant 2045 Comprehensive Plan Elements and Commentary

The 2045 Comprehensive Plan consists of both goals and recommendations in text format, as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the 2045 Comprehensive Plan.

1. Land Use and Growth Management Element / Future Land Use Guide

One of the themes of the 2045 Comprehensive Plan is Quality Land Use and Growth Management for Jefferson County. This theme identifies seven Preferred Growth Areas (PGA) and two Urban Growth Boundaries (UGB) in text and on the *Future Land Use Guide* as areas considered viable for higher intensity development. The theme also identifies the Growth Management Boundary (GMB) around Shepherdstown as separate from the PGAs and UGBs as not anticipating urban scale development. A Preferred Growth Areas is identified west of Shepherdstown as an exception within the Shepherdstown Growth Management Boundary to allow higher intensity development developing under County requirements. Preferred Growth Areas, Urban Growth Boundaries, and Growth Management Boundary were first identified in the *Envision Jefferson 2035 Plan* and are now part of the current 2045 Comprehensive Plan.


The subject parcel is within the Shepherdstown Preferred Growth Area that was identified for higher intensity development.

2. Land Use Map Classifications

The “General Commercial” classification is for commercial zoning districts to operate businesses or office spaces. Water and sewer are expected to be available at the location.

The subject parcel has access to water and sewer service.

3. Proposed Zoning District – Residential Growth (RG)

<p>General Commercial</p> <p>Primary Uses: The General Commercial category is for general destination business uses including a broad range of commercial products, services, and structure size.</p> <p>Intensity: Commercial uses are served by public water and sewer system.</p> <p>Mobility: Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments. Access to public transit is encouraged.</p>	 <p style="text-align: right; font-size: small;">Courtesy: JC Office of Planning and Zoning</p>
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The purpose of the General Commercial (GC) District (Section 5.12 of the Zoning Ordinance) is “to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions.” (complete description attached).

As noted previously, the subject parcel is designated as Office or Commercial on the Future Land Use Guide of the 2045 Comprehensive Plan.

Staff Discussion and Recommendation

This property has been zoned Residential Growth since zoning went into to effect in 1988. The applicant has stated that the subject parcel has operated as a bank or as an insurance agency since 1985. The parcel currently has an existing building and parking lot for office space. There are no historical sites, floodplains, or conservation easements located on the site.

The 2045 Comprehensive Plan includes a Future Land Use Guide, which is intended to be a tool to provide a visual definition of future growth and areas where potential owner initiated zoning map amendments (rezoning requests) might occur within the timeframe of the Plan. The 2045 Comprehensive Plan states that “land use

Staff Report
Jefferson County Planning Commission Meeting
April 14, 2026

Shepherdstown Profit Center (Office/Commercial Mixed-Use) Rezoning Request (26-1-Z)

classifications, utilized on the Existing Land Use Map and Future Land Use Guide, are intended to provide guidance to the Planning and County Commission when considering owner-initiated zoning map amendments (rezoning requests).” (pg. 11). The *Plan* further states, “Use of the Future Land Use Guide is to be in combination with the recommendations of this Plan when considering owner initiated zoning map amendments.” (pg. 10). The *Plan* does not initiate any zoning map amendments and only provides recommendations to guide development including identifying Preferred Growth Areas.

Based on these recommendations of the *2045 Comprehensive Plan* related to the Future Land Use Guide and text, staff finds that the proposed Office/Commercial Mixed-Use(OC) zoning category for the 2 acres included in this application is **consistent** with the *2045 Comprehensive Plan*.

Planning Commission Action Required

Article 12 of the Zoning Ordinance and the relevant sections of WV State Code requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted Comprehensive Plan. Such recommendation is required to be sent to the County Commission prior to the County Commission’s public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on March 5, 2026 and the required Public Hearing has been scheduled for April 16, 2026 at a time to be determined. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this Hearing.

Attachments:

- Section 5.17 of the Zoning Ordinance – Office/Commercial Mixed-Use(OC)
- Appendix B of the Zoning Ordinance
- Appendix C of the Zoning Ordinance
- 2045 Comprehensive Plan Excerpts
- 2045 Comprehensive Plan FLU Guide Shepherdstown Preferred Growth Area
- 2045 Comprehensive Plan 2024 Highway Problem Areas Map
- 2045 Comprehensive Plan Water & Sewer Service Areas Map

Jefferson County Zoning and Land Development Ordinance

Jefferson County,
West Virginia

Prepared By
The Jefferson County
Planning Commission

Adopted July 7, 1988, As Amended
Amendments adopted by the County Commission, June 16, 2022

- iii. Approval of any modifications to the Subdivision and Land Development Regulations and the Zoning Ordinance; such modifications being associated with the Preliminary PND Plan; and
 - iv. Establishment of any conditions of approval applied by the County Commission.
- 4. If a request to amend the zoning map designation of a tract to a PND district is approved, the applicant may submit applications for the development of the property as a PND development.
 - a. Compliance with Other Ordinances. With the exception of any modifications granted by the County Commission, all applicable requirements of the Zoning Ordinance, the Subdivision and Land Development Regulations, and all other County ordinances must be met, including but not limited to any applicable site plan and subdivision requirements.
 - b. Consistency with Preliminary PND Plan. All applications submitted for the site must be consistent with the requirements of the approved Preliminary PND Plan and shall clearly state any modifications granted.
 - c. Any modifications to the Zoning Ordinance or the Subdivision and Land Development Regulations approved by the County Commission are associated with and indivisible from the approved Preliminary PND Plan.
- 5. Amendment. Minor changes to a Preliminary PND Plan may be reviewed and approved administratively if the Office of Planning and Zoning determines that such changes are consistent with the purpose and general character of the Preliminary PND Plan. An applicant's request for revisions determined substantive by Staff shall follow the approval process for a Preliminary PND Plan as described in this Article. Substantive changes include but not are limited to changes that would exceed one or more of the percentages noted in a-c below.
 - a. A change in total square footage of the development by $\pm 10\%$
 - b. A change in the area of any land use by $\pm 10\%$
 - c. A change in the residential density by $\pm 5\%$

Section 5.17 Office / Commercial (OC) Mixed-Use District^{27, 32, 46}

- A. Purpose. The purpose of the OC district is to allow for well-designed employment in conjunction with providing multiple options for dense residential uses and some commercial uses. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for and prioritize pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.⁴⁶
- B. Location. This zoning category is intended for use on properties:
 - 1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 - 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
 - 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.

2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.³²

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
2. For a non-residential use abutting a commercial or industrial use at a side lot line:
 - a. No side yard building setback is required, unless required by the Building Code or other law or regulation.
 - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
 - a. A rear yard building setback may be reduced to 10 feet.
 - b. Section 4.11.A-B does not apply to the rear property line.
4. Section 4.11.A-C does not apply to the front lot property line.
5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this Ordinance.
6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this Ordinance.

E. Additional Requirements

1. Of the gross floor area of land uses in a development in this district, at least 65% shall be non-residential uses, and at least 35% shall be office uses.⁴⁶
2. Buildings fronting a principal street must be at least 2 stories in height.
3. For buildings containing a non-residential use, a minimum of 75% of the total gross floor area located on the ground floor of buildings in a development in this district shall be composed of non-residential space.⁴⁶
4. Where mixed-use buildings are planned, appropriate measures should be taken to prioritize resident security and comfort, which may include isolating residential areas from areas like commercial loading docks.⁴⁶
5. Any off-street parking shall be located in the rear or on the side of buildings and may not be located between a street and the front façade of a building.
6. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail may be installed.
7. One bicycle parking space shall be provided for each ten vehicular parking spaces. Said bicycle spaces shall not be located within the required sidewalk or in a manner that impedes pedestrian access to the building and may be located within the landscape buffer area provided that it occupies

less than 10% of the length of the required buffer, or may be located at the side or rear of the building.

8. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
9. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35, 44, 45}

Zoning District	Development Type [⊖]	Min Lot Area (MLA)	Min Lot Width	Max Building Height [*]	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
											A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use		
											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																
Rural Residential (RR)	Commercial or Industrial**	See NC District																
Village (V)	Commercial [¥]	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District			35	See IC District												
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District												
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 [£]	10 [⊖]	See I-C District	25	See IC District							
Residential Commercial (RC)	Commercial	N/A	N/A	45	70%	15 min 25 max	10 [£]	10 [⊖]	See I-C District	50	See I-C District							
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District									
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25										
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25										
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50										
	Industrial	3 ac***	N/A	75	90%	25	50	50										
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 [£]	10 [⊖]										
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															

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

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

* Maximum building height is subject to Sec. 9.2.

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

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

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

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

‡ Setback may be reduced if adjacent to industrial use.

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

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

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

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

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37, 39, 43, 44, 45, 46}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RC	RR	RG	RLIC	IC	V	Additional Standards
Residential Uses															
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	P	P	NP	P	
Dwelling, Triplex	CU	NP	NP	NP	NP	P	CU	NP	P	P	P	P	NP	CU	
Dwelling, Quadplex	CU	NP	NP	NP	NP	P	CU	NP	P	P	P	P	NP	CU	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	CU	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	CU	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	NP	CU	P	P	NP	NP	Sec. 8.10
Home Uses															
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	P	P	Art. 4A
Institutional Uses															
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	NP	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	NP	CU	CU	NP	
Church ³⁸	P	P	P	P	CU	P	P	P	P	CU	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	NP	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	NP	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	NP	CU	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	CU	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	NP	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RC	RR	RG	RLIC	IC	V	Additional Standards
Industrial															Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	NP	NP	NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU ²	NP	NP	NP	NP	NP	NP	NP	CU ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	NP	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	NP	NP	P	P	NP	
Industrial Manufacturing & Processing															Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
Adult Uses															
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses															
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	NP	NP	Sec. 8.8
Commercial Uses															Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	P	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	P	NP	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	CU	CU	P	P	CU	
Bar	P	P	P	P	NP	P	P	NP	CU	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	P	P	CU	P	NP	P	Sec. 8.3

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RC	RR	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued															Sec. 8.9
Brewpub	P	P	P	P	NP	P	P	CU	CU	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	NP	NP	CU	P	P	CU	
Campground ³¹	CU	P	NP	NP	NP	P	NP	P	NP	CU	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	NP	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	P	CU	CU	P	P	P	
Crematorium, Pet ³⁷	NP	P	NP	P	NP	NP	NP	P	NP	NP	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	NP	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	CU	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	NP	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	P	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	P	CU	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	NP	NP	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	CU	CU	CU	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	NP	CU	CU	P	P	CU	
Non-Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	CU	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	CU	CU	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through ⁴⁰	NP	P	P	P	CU	CU	CU	CU	CU	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	CU	CU	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	P	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	NP	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RC	RR	RG	RLIC	IC	V	Additional Standards	
Commercial Uses continued															Sec. 8.9	
Short Term Rental ⁴¹	CU	NP	NP	NP	NP	P	NP	P	P	P	P	P	NP	P	Sec. 8.16	
Solar Energy Facility ⁴³	NP	See Section 8.20				NP	NP	See Section 8.20								Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	CU	CU	P	P	CU	Sec. 8.14	
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	NP	CU	P	P	CU		
Veterinary Services	P	P	P	P	CU	P	P	P	P	CU	CU	P	P	CU		
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B	
Agricultural Uses*																
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Agricultural Repair Center	NP	P	P	P	P	P	P	P	NP	NP	CU	P	P	NP		
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	CU	CU	Sec. 8.19	
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5	
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5	
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6	
Farmer's Market	P	P	P	NP	NP	P	NP	P	P	CU	CU	P	NP	CU	Sec. 8.6	
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	NP	CU	P	P	NP		
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	P	NP	CU	P	P	NP		
Landscaping Business	P	P	P	P	P	P	P	P	P	NP	CU	P	P	NP		
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	NP	CU	CU	P	P	NP		
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14	
Accessory Uses																
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

- | | | | |
|-----|----------------------------------|------|--|
| NC | Neighborhood Commercial | OC | Office / Commercial Mixed-Use |
| GC | General Commercial | R | Rural |
| HC | Highway Commercial | RR | Rural Residential |
| RC | Residential Commercial | RG | Residential Growth District |
| LI | Light Industrial | RLIC | Residential-Light Industrial-Commercial District |
| MI | Major Industrial | IC | Industrial-Commercial District |
| PND | Planned Neighborhood Development | V | Village District |

P Permitted Uses

NP Not Permitted Uses

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

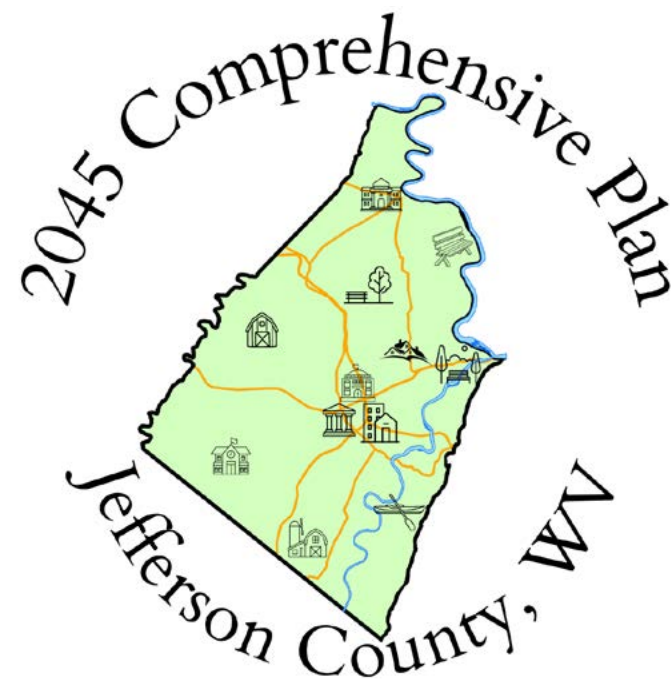
** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

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

² Approval process is per the Salvage Yard Ordinance.

2045 Comprehensive Plan

Jefferson County, West Virginia



Preferred Growth Areas (PGA)

In addition to the defined UGBs, a series of additional Preferred Growth Areas (PGAs) were identified in the Envision Jefferson 2035 plan and have been incorporated into the *2045 Comprehensive Plan*. These areas are outside the UGBs where water and sewer services are either currently available or could be made available, and are generally intended to develop using the County's development standards. Individual PGAs may also have other community services and facilities that are currently available or could be made available in the next two decades. The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another.

The proposed PGAs are (in no particular order):

A. Shepherdstown PGA

This PGA is located south and west of Shepherdstown and defined predominately by existing zoning, residential and commercial development, and access to water and sewer services. It encompasses an area on either side of WV 45 past the west end of Old Martinsburg Road to Venice Way and to the south along the west side of WV 480. This area is included within Shepherdstown's Growth Management Boundary (GMB) and is the primary area outside of Shepherdstown that this Plan anticipates developing at an urban level even if it remains in the unincorporated area.

B. US 340 East PGA

Much of this area between Charles Town, Ranson, Harpers Ferry and Bolivar is already zoned for a wide range of commercial and residential uses. Water and sewer facilities exist along several segments of this corridor, particularly within the nodes where development is proposed to take place. The easternmost segment of the PGA could eventually be included as part of a Bolivar UGB.

Land Use Guide Classifications

Golf Course

Primary Uses: The golf course land use classification depicts two existing locations. The classification is distinguished as they both exist in residential neighborhoods but cannot be further developed as residential or commercial. There are no future sites for this land use type depicted on the Future Land Use Guide.

Intensity: Commercial uses on golf courses are primarily served by on-site well and septic systems.

Mobility: Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments.



Courtesy: JC Office of Planning and Zoning

Public/Quasi Public Land

Primary Uses: This land use classification is for locations occupied by non-profits and governmental agencies. It includes churches, cemeteries, water towers, utility substations, city, county, state and federal lands, parks, and schools.

Intensity: Public or quasi-public uses are served by on-site well and septic systems or public water and/or sewer system. Municipal, state, and federal entities are exempt from processing through local land use regulations.

Mobility: Pedestrian, bicycle, and auto orientated access are prioritized along.



Courtesy: JC Office of Planning and Zoning

Industrial or Commercial

Primary Uses: The industrial or commercial classification is intended for industrial uses and destination businesses uses. It includes light and heavy industrial applications, automotive repair shops, warehousing that requires frequent truck traffic, and shooting ranges.

Intensity: Industrial or commercial uses are served by public water and sewer system.

Mobility: Truck auto orientated access are prioritized. Access to public transit and bike paths is encouraged.



Courtesy: Jefferson County Development Authority

General Commercial

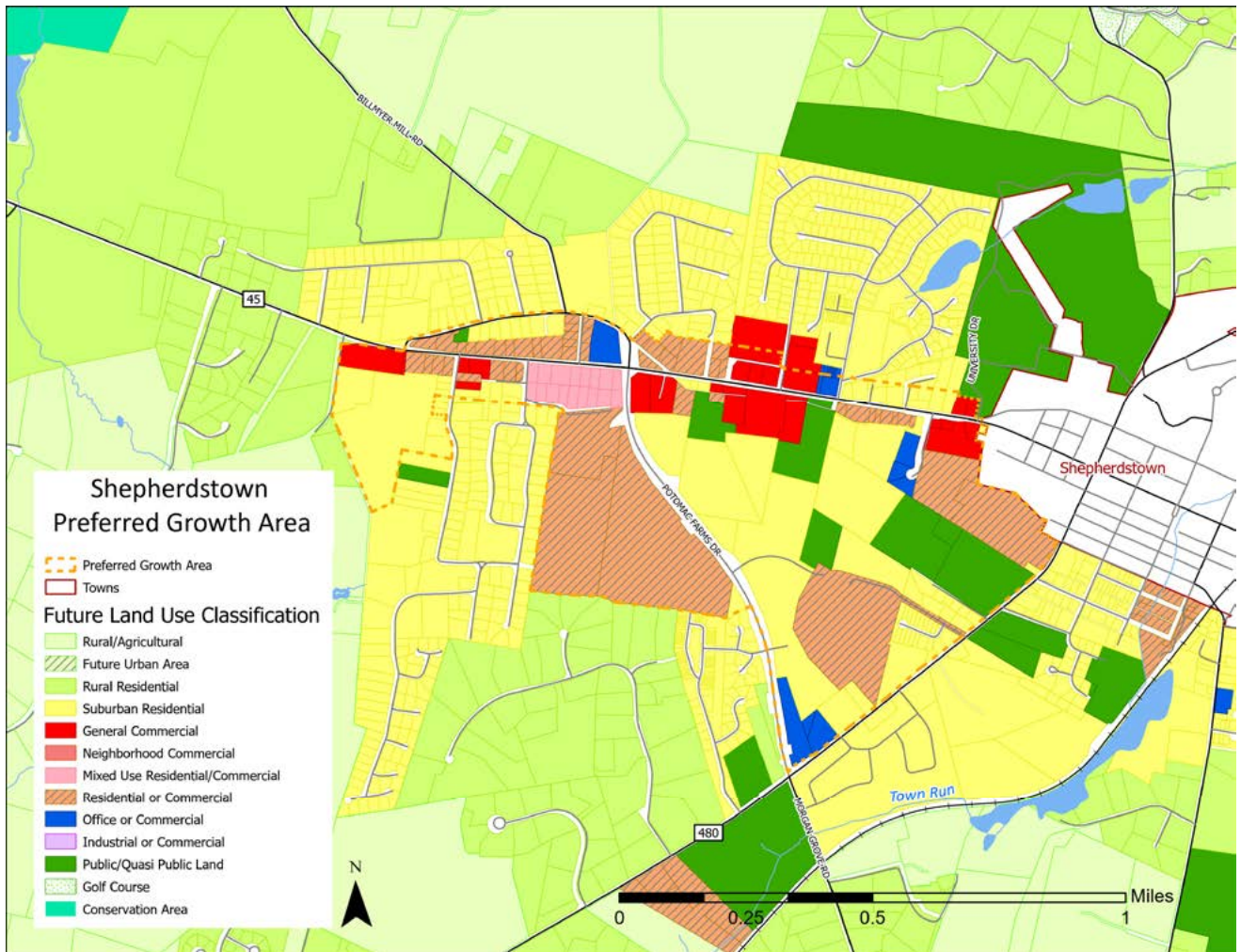
Primary Uses: The General Commercial category is for general destination business uses including a broad range of commercial products, services, and structure size.

Intensity: Commercial uses are served by public water and sewer system.

Mobility: Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments. Access to public transit is encouraged.



Courtesy: JC Office of Planning and Zoning

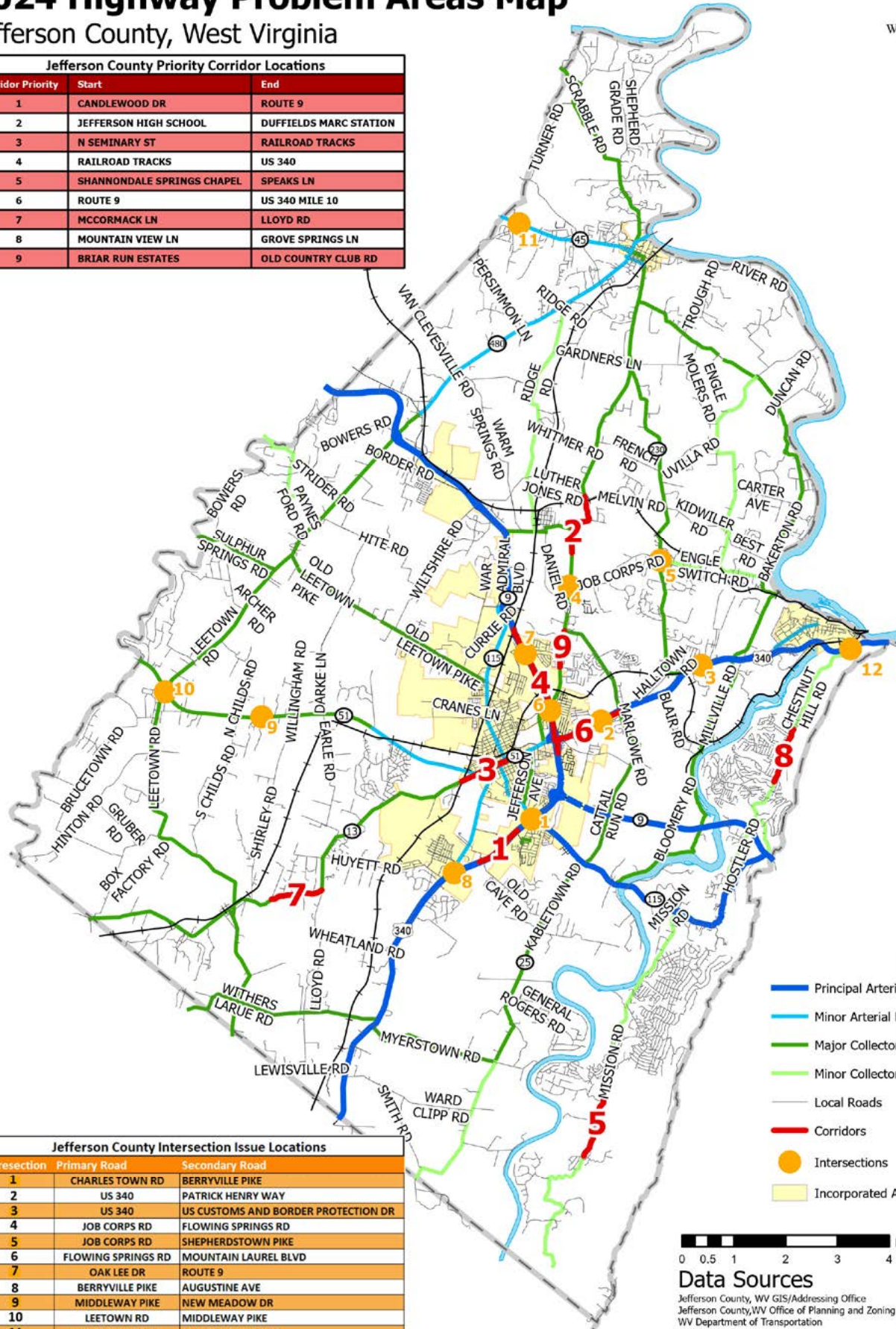


2024 Highway Problem Areas Map

Jefferson County, West Virginia



Jefferson County Priority Corridor Locations		
Corridor Priority	Start	End
1	CANDLEWOOD DR	ROUTE 9
2	JEFFERSON HIGH SCHOOL	DUFFIELDS MARC STATION
3	N SEMINARY ST	RAILROAD TRACKS
4	RAILROAD TRACKS	US 340
5	SHANNONDALE SPRINGS CHAPEL	SPEAKS LN
6	ROUTE 9	US 340 MILE 10
7	MCCORMACK LN	LLOYD RD
8	MOUNTAIN VIEW LN	GROVE SPRINGS LN
9	BRIAR RUN ESTATES	OLD COUNTRY CLUB RD



Jefferson County Intersection Issue Locations		
Intersection	Primary Road	Secondary Road
1	CHARLES TOWN RD	BERRYVILLE PIKE
2	US 340	PATRICK HENRY WAY
3	US 340	US CUSTOMS AND BORDER PROTECTION DR
4	JOB CORPS RD	FLOWING SPRINGS RD
5	JOB CORPS RD	SHEPHERDSTOWN PIKE
6	FLOWING SPRINGS RD	MOUNTAIN LAUREL BLVD
7	OAK LEE DR	ROUTE 9
8	BERRYVILLE PIKE	AUGUSTINE AVE
9	MIDDLEWAY PIKE	NEW MEADOW DR
10	LEETOWN RD	MIDDLEWAY PIKE
11	WINEBRENNER RD	MARTINSBURG PIKE
12	US 340	CHESTNUT HILL RD



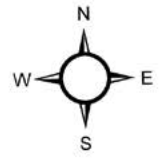
Data Sources

Jefferson County, WV GIS/Addressing Office
 Jefferson County, WV Office of Planning and Zoning
 WV Department of Transportation
 WV Department of Highways
 HEPMP0 Map Created: September 2024



Water & Sewer Service Areas

Jefferson County, WV



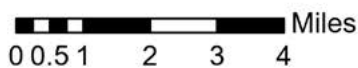
Disclaimer: All service areas are approximate, based on the area maps provided by the Utility Companies shown. Areas are current as of map publication; all service areas may be extended at any time. For detailed boundaries, please contact the Utility Company that provides service for that area.



Service Areas

Company, Type

- Berkeley County Water, Water & Sewer
- Charles Town Utility Board, Sewer Only
- Charles Town Utility Board, Water Only
- Charles Town Utility Board, Water & Sewer
- Harpers Ferry Water Works, Water & Sewer
- American Water, Water Only
- American Water, Water & Sewer
- Shepherdstown Water Department, Water Only
- Shepherdstown Water Department, Water & Sewer
- Preferred Growth Area (EJ2035)
- Municipality Growth Boundary



Map created by Office of GIS and Addressing
 Jefferson County, West Virginia, July 2024
 Data Sources:
 Jefferson County, WV GIS/Addressing Office
 Jefferson County, WV Office of Planning and Zoning
 Jefferson County, WV Assessor's Office



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

File #: 26-1-2
 Fees Paid: \$ 1650.-

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Map Amendment (Rezoning)

A Zoning Map Amendment shall process in accordance with Article 12 of the Zoning Ordinance.*

A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.

Property Owner Information

Owner Name: Shepherdstown Profit Center LLC
 Business Name: _____
 Mailing Address: 7866 Martinsburg Pike, Shepherdstown WV 25443-4791
 Phone Number: 304-876-0822 Email: [REDACTED]

Applicant Contact Information

Applicant Name: Tom Maiden Same as owner:
 Business Name: Shepherdstown Profit Center LLC
 Mailing Address: 7866 Martinsburg Pike, Shepherdstown WV 25443-4791
 Phone Number: 304-876-0822 Email: [REDACTED]

Consultant Information

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

Physical Property Details

Physical Address: 7866 Martinsburg Pike, Shepherdstown WV 25443-4791 Vacant Lot:
 Parcel ID: (Tax District / Map No. / Parcel No.) 8 / 0010 0007 0000
 Parcel Size: 2 acres Deed Book: Book 1042 Page No: Page 38

Current Zoning District (please check one)

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

Proposed Zoning District: Office/Commercial Mixed-Use (OC)

*Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code.

Substantiation for the Request

For a Zoning Map Amendment (rezoning) request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

Describe your proposed use/project and describe why this Zoning Map Amendment is necessary for the proposed use (and/or project) described.

The property has been used for commercial use since 1985. From 1985 to 2007, it was used by a bank. From 2007 to present it has been used by an insurance agency. It will continue to be used as Office/Commercial Mixed-Use (OC) for the foreseeable future.

Describe how this Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

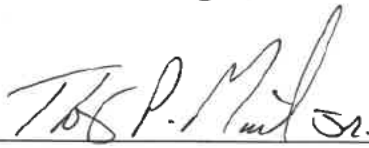
This property is part of the Shepherdstown Preferred Growth Area and is designated as General Commercial on the Future Land Use Guide. Because the property is within a Preferred Growth Area, the County considers this property to be a good location for higher intensity uses, such as Commercial projects.

Discuss any change(s) of transportation characteristics (i.e. type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original Ordinance was adopted.

No changes in current transportation & neighborhood characteristics are anticipated.

A plat or sketch shall include the entire original parcel as it appeared on the date the Zoning Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

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

	<u>2/19/2026</u>		
Property Owner Signature	Date	Property Owner Signature	Date



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor; P.O. Box 716

Charles Town, WV 25414

www.jeffersoncountywv.org

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

MEMO

TO: Planning Commission of Jefferson County
FROM: Luke Seigfried, Chief County Planner
DATE: April 10, 2026
RE: Proposed Amendment to Section 24.113.B.10, Section 24.122, and Division 26.200 of the Subdivision & Land Development Regulations.

At their September 23, 2025 meeting, Planning Commission held a Public Hearing on the proposed text amendment to the Subdivision Regulations regarding Historic Resource Preservation requirements for Major Subdivisions and Major Site Plans. At the October 2, 2025 meeting, the County Commission scheduled a Public Hearing on the text amendment for December 4, 2025. At the December 4, 2025 Public Hearing, County Commission rescheduled the Public Hearing to January 22nd by request of the Historic Landmarks Commission. Following the January 22nd Public Hearing, County Commission directed the Planning Commission and Historic Landmarks Commission to meet and discuss the proposed text amendment prior to making a recommendation to the County Commission.

The proposed amendments clarifies the existing requirement for a Phase I Archaeological Study in relation to the West Virginia Historical State Historical Preservation Organization guidelines. Subsurface studies are specifically noted as not a requirement for the required Phase I Archaeological study requirements. The text amendment also adds the requirement to Major Site Plans and adds the definition of a Phase I Archaeological Study to the Definition of Terms.

Note that Subdivision & Land Development Regulations Section 24.113.B.10 currently states:

“(10) A Phase I archaeological study is required. A historic resources impact study shall also be included.”

Staff Reports and Comments

A Phase I archaeological study is not defined in the Subdivision Regulations but the West Virginia State Historic Preservation Office (SHPO) has Guidelines for preparing the *Phase I, II, III Archaeological Investigations and Technical Report Preparation*. These *Guidelines* are for ensuring a project's compliance with Section 106 of the National Historic Preservation Act (NHPA). SHPO reviews state and federal projects for compliance with NHPA.

A historic resources impact study is not defined in the Subdivision Regulations and was added to the Subdivision Regulations in 2010.

The 2045 Comprehensive Plan does not speculate specifically on this requirement for Preliminary Plats. Objective 4.1 (see attached) “*Encourages the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.*” The requirement is not included for Minor or Major Site Plans. Staff has proposed changing the requirement for Major Subdivisions, adding the requirement for Major Site Plans, and adding a definition to the Subdivision Regulations.

Planning Commission Recommended Text Amendment

“Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The **staff Department** shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the **staff Department** shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
 3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.⁶
 5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
 6. **Transportation Impact Study.** If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
 7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
 8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer’s engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
 9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection

standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.

10. **Historic Resource Preservation.** ~~A Phase I archaeological study is required. A historic resources impact study shall also be included.~~ Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
 11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, **phasing**, and development option selected if the development is residential.
 12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.⁴
 13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
 14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
 15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
 16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department Review.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
 2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat

and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.

Effect. After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

“Sec. 24.122 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. ~~The staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
 3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
 5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
 6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.
 7. **Water and Sewer Services.** This shall include a declaration of Public Service District’s approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.

8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.
 9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
 10. **Historic Resource Preservation.** Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
 11. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
 12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.⁴
 13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
 14. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
 15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
 16. **Additional Information.** The Department shall:
 - a. Review and approve all matters under its jurisdiction.
 - b. Issue a zoning compliance letter.
 - c. Certify that all proffers have been satisfied.
- C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:
1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
 2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
 3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.
- D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.
- E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a

public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Division 26.200 Definitions of Terms

Phase I Archaeological Study. A study designed to identify and document historical and cultural resources within the entirety of the project area. The study is performed by a principal investigator who meets or exceeds the minimum requirements in accordance with the Secretary of Interior's Professional Qualifications, 36 CFR Part 61 and includes a pedestrian survey. *(Source West Virginia State Historic Preservation Office)*



MEMO

TO: Jefferson County Commission

FROM: Jefferson County Historic Landmarks Commission

DATE: January 12, 2026

RE: Proposed Amendment to Section 24.113.B.10 of the Subdivision & Land Development Regulations.

At its April 29, 2025 meeting, the Planning Commission proposed revisions to the Subdivision Regulations to further elaborate on criteria related to Historical Resource Protection. On May 13, 2025, County Staff submitted a proposed amendment to the Planning Commission. The Historic Landmarks Commission finds that the proposed amendment does not provide sufficient clarification and would remove existing protections for historic resources. Accordingly, the Historic Landmarks Commission proposes the alternative amendment changes outlined below.

Note that Subdivision & Land Development Regulations currently states “(10) A Phase I archaeological study is required. A historic resources impact study shall also be included.”

“Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The ~~Staff Department~~ shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the ~~Staff Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.



1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.⁶
5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
6. **Transportation Impact Study.** If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** ~~A Phase I archaeological study is required. A historic resources impact study shall also be included.~~ Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of development. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning,



phasing, and development option selected if the development is residential.

12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.⁴
 13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
 14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
 15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
 16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department Review.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
 2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.
- Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next



regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

“Sec. 24.122 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. ~~The staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
 3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
 5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
 6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.



7. **Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
10. **Historic Resource Preservation.** Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of development. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
11. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.⁴
13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
14. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
16. **Additional Information.** The Department shall:
 - a. Review and approve all matters under its jurisdiction.
 - b. Issue a zoning compliance letter.



c. Certify that all proffers have been satisfied.

C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:

1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.

D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Division 26.200 Definitions of Terms

Phase IA Archaeological Study. A non-invasive research phase designed to identify archaeological sensitivity across the entire parent parcel through archival research, documentary review, WV State Historic Preservation Office (SHPO) site file searches, environmental and cultural context analysis, and predictive modeling, prepared in accordance with WV SHPO Guidelines and performed by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).

Phase IB Archaeological Field Survey. A field investigation phase following Phase IA that includes systematic pedestrian survey and subsurface shovel test pit investigations conducted in accordance with WV SHPO Guidelines to identify, evaluate, and document archaeological resources across the proposed area of development.

Staff Recommended Edits to
Historic Landmarks
Commission Text Amendment



MEMO

TO: Jefferson County Commission

FROM: Jefferson County Historic Landmarks Commission

DATE: January 12, 2026

RE: Proposed Amendment to Section 24.113.B.10 of the Subdivision & Land Development Regulations.

At its April 29, 2025 meeting, the Planning Commission proposed revisions to the Subdivision Regulations to further elaborate on criteria related to Historical Resource Protection. On May 13, 2025, County Staff submitted a proposed amendment to the Planning Commission. The Historic Landmarks Commission finds that the proposed amendment does not provide sufficient clarification and would remove existing protections for historic resources. Accordingly, the Historic Landmarks Commission proposes the alternative amendment changes outlined below.

Note that Subdivision & Land Development Regulations currently states “(10) A Phase I archaeological study is required. A historic resources impact study shall also be included.”

“Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The ~~Staff Department~~ shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the ~~Staff Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.



1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.⁶
5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
6. **Transportation Impact Study.** If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** ~~A Phase I archaeological study is required. A historic resources impact study shall also be included.~~ Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of development disturbance. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning,



phasing, and development option selected if the development is residential.

12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.⁴
 13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
 14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
 15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
 16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department Review.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
 2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.
- Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next



regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

“Sec. 24.122 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. ~~The staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
 3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
 5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
 6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.



7. **Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
10. **Historic Resource Preservation.** Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of development disturbance. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
11. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.⁴
13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
14. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
16. **Additional Information.** The Department shall:
 - a. Review and approve all matters under its jurisdiction.
 - b. Issue a zoning compliance letter.



c. Certify that all proffers have been satisfied.

C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:

1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.

D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Division 26.200 Definitions of Terms

Phase IA Archaeological Study. A non-invasive research phase designed to identify archaeological sensitivity across the entire parent parcel through archival research, documentary review, WV State Historic Preservation Office (SHPO) site file searches, environmental and cultural context analysis, and predictive modeling, prepared in accordance with WV SHPO Guidelines and performed by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).

Phase IB Archaeological Field Survey. A field investigation phase following Phase IA that includes systematic pedestrian survey and subsurface shovel test pit investigations conducted in accordance with WV SHPO Guidelines to identify, evaluate, and document archaeological resources across the proposed area of development.

Predictive Sensitivity Modeling. A spatial GIS based analytical method used to estimate the relative likelihood of encountering cultural or archaeological resources across a landscape by analyzing the relationship between known site locations and environmental, cultural, or land-use variables, and classifying areas into levels of resource sensitivity.



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Administrator's Memorandum Planning Commission Meeting April 14, 2026

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

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffersoncountywv.org

IMPACT FEES 304-728-3331 - mmason@jeffersoncountywv.org

ENGINEERING 304-728-3257 - engineering@jeffersoncountywv.org

PLANNING & ZONING 304-728-3228 - planningdepartment@jeffersoncountywv.org, zoning@jeffersoncountywv.org

GIS & ADDRESSING 304-724-6759 - gis@jeffersoncountywv.org

2) Text Amendment Directive Request

“§8A-7-9 Petition”

Staff requests the Planning Commission give directive to pursue the addition of (2) new land uses to the Zoning and Land Development Ordinance. They are:

1. Athletic Field Complex (Multiple outdoor mixed use athletic fields)
2. Sportsplex (A large multipurpose sports facility featuring both indoor and outdoor fields, courts, and amenities).

Per Section 12.4(D) of the Zoning Ordinance, Text Amendments by the Planning Commission by Petition:

The Planning Commission may alternatively submit a text amendment by petition to the County Commission. The procedure for processing a formal text amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a text amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. Such petitions for a text amendment shall be clearly labeled as “§8A-7-9 Petition” in the heading and contain the following information:

1. *Substantiation for the request;*
2. *Notation that said text amendment applies county-wide;*
3. *Discussion on why such proposal is consistent with the adopted Comprehensive Plan.*

The County Commission is required to set a public hearing on the proposed Zoning Text amendment within 60 days of the date upon which the petition is presented to the County Commission at a County Commission meeting. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

1. *Substantiation for the request:*

The Office of Planning, Zoning, and Engineering has been approached by an owner wishing to develop their property into a outdoor multi-field complex comprised mainly of multiple baseball fields, bleachers, concessions, and other amenities. The proposed use is not listed in the Zoning Ordinance and would therefore not be permitted.

As the County continues to grow and diversify, such a use seems reasonable. Surrounding counties are seeing similar projects.

2. *Notation that said text amendment applies county-wide:*

The text amendments to add “Athletic Field Complex” and “Sportsplex” would be applicable county-wide in accordance with zoning requirements and restrictions.

3. *Discussion on why such proposal is consistent with the adopted Comprehensive Plan:*

Goals’ 6 and 11 of the 2045 Comprehensive Plan aim to promote outdoor recreational facilities which encourages tourism and overall public health. Having facilities and programs for teens and young adults fosters community involvement and is of particular interest to County residents. When safe places to meet, play, and exercise are provided, children, teens, and young adults can have recreation facilities and activities close to their homes. These recreational facilities can also be used to encourage public wellness programs for residents of all ages, improving physical and mental wellbeing in the County



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

Email: planning@jeffcowv.gov

Email: zoning@jeffcowv.gov

Phone: (304) 728-3228

3rd Quarter Report for Planning and Zoning
FY 2025-26 (January 1, 2026 – March 31, 2026)

Attached is an electronically generated report of all applications submitted and reviewed within the 3rd Quarter of FY2025-26. This data is being provided as a part of the 3rd Quarter Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

PLANNING COMMISSION ITEMS

Planning Commission Meetings:	3 Meetings
Subdivision Regulations Text Amendments	0
Zoning Ordinance Text Amendments	0
Zoning Map Amendments/Rezoning	0
Concept Plan Public Workshops	0

BOARD OF ZONING APPEALS (BZA) ITEMS

Board of Zoning Appeals Meetings:	2 meetings
Zoning Appeal of Administrative Application:	none this quarter

PLANNING & ZONING STAFF ITEMS

Pre-Proposal Conference (PPC) Meetings:	17 Total (8 Subdivision, 9 Site Plan)
Information Request Forms (IRFs) -- general inquiries from the public:	35 Total
Zoning and Land Development Fees Collected:	\$70,865.00

Regional Transportation Planning Meetings	
Eastern Panhandle Transit Authority (EPTA) Board Meetings	none
EPTA Committee Meetings	none
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Long Range Transportation Plan	01/21/26, 03/18/26
Division of Highways (DOH) Roundtable Meeting	04/01/2026

WV HEPMPO Bike Trails Connect	03/25/26
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Local and Regional Planning Meetings (all remote)	
WV APA Legislative Committee	01/08/2026, 01/22/2026
WV APA Biannual Chapter Meeting	none
WV APA Professional Development Committee	02/24/26, 03/24/26
WV APA Special Meeting	none

Outside Agency Meetings	
NWS 2026 Hydrological Summit	03/26/26
Historic Landmarks Commission Meeting	02/11/2026



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planning@jeffcowv.gov

Email: zoning@jeffcowv.gov

Phone: (304) 728-3228

Planner's Memorandum Planning Commission Meeting April 14, 2026

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

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffcowv.gov

IMPACT FEES 304-728-3331 – michelle.m.mason@jeffcowv.gov

ENGINEERING 304-728-3257 - engineering@jeffcowv.gov

PLANNING & ZONING 304-728-3228 – planning@jeffcowv.gov / zoning@jeffcowv.gov

GIS & ADDRESSING 304-724-6759 - gis@jeffcowv.gov

2) Planning Commissioner Appointment

3) HEPMPO Long Range Plan Survey and Public Meeting

4) Update on Department Emails

- Effectively immediately, all Jefferson County emails now follow the .gov format. The new emails for the department are planning@jeffcowv.gov and zoning@jeffcowv.gov.

5) Staffing Changes

- Colin Uhry submitted his resignation and his upcoming final day will be on May 1, 2026.
- The Planning & Zoning Office is currently hiring for the Planning Clerk position and the job listing expired on March 5, 2026.
- The Planning & Zoning Office is currently hiring both a Planning and a Digitization Intern, the job listings has expired on March 18, 2026.

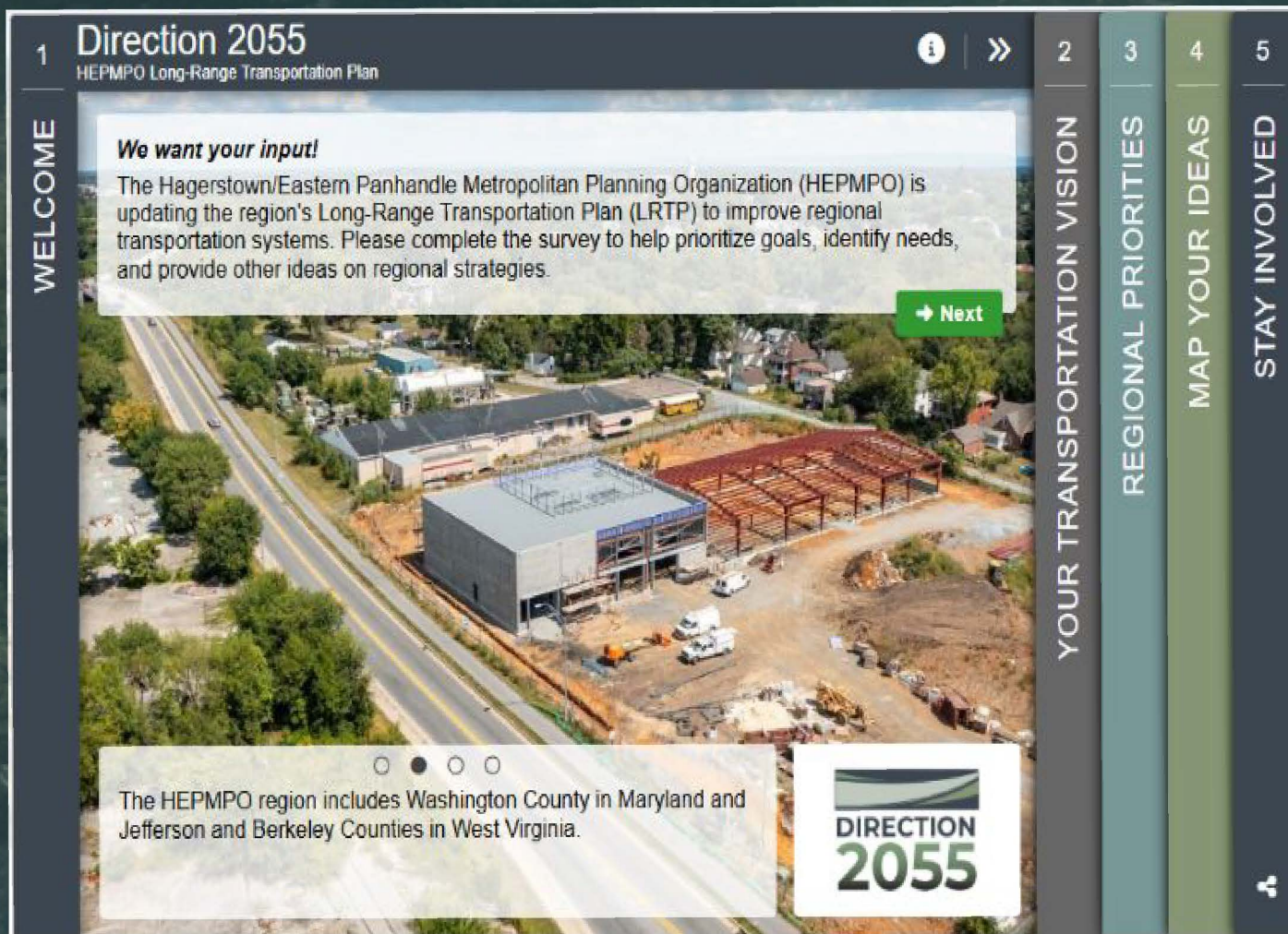
6) Upcoming PC meetings

- Next Regular meeting date: **May 5, 2026**
 - 7:00 pm Planning Commission Meeting



DIRECTION 2055

Take the HEPMPO LRTP Survey!



1 Direction 2055
HEPMPO Long-Range Transportation Plan

WELCOME

We want your input!
The Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) is updating the region's Long-Range Transportation Plan (LRTP) to improve regional transportation systems. Please complete the survey to help prioritize goals, identify needs, and provide other ideas on regional strategies.

Next

2 YOUR TRANSPORTATION VISION
3 REGIONAL PRIORITIES
4 MAP YOUR IDEAS
5 STAY INVOLVED

The HEPMPO region includes Washington County in Maryland and Jefferson and Berkeley Counties in West Virginia.

DIRECTION 2055



*Help shape the future of
transportation in our community!*

**CLICK OR SCAN
THE QR CODE
TO BEGIN**