



Jefferson County
Board of Zoning Appeals
Thursday, July 16, 2015, 2:00 p.m.

Members
Tyler Quynn, Chair
Jeffrey Bannon, Vice Chair
Christy Huddle
Matt Knott
Ted Schiltz
Jeff Breese, Alternate

The Jefferson County Board of Zoning Appeals will meet in the Maintenance Conference Room located at 128 Industrial Boulevard in Kearneysville, West Virginia.

Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Approval of the minutes from the June 25, 2015 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. **Application withdrawn by Staff pending legal review.** Postponed from the May 28 & July 16, 2015 meetings. Variance request from Sections 9.6C & 9.7 to reduce the front setback from 25' to 0' and the side setback from 12' to 18" for an 8' tall fence. Owner: Lisa Gasque. Location: 5753 Charles Town Rd, Kearneysville, WV. District: Middleway-07; Map: 3C; Parcel: 3; Zone: Village; File: ZV15-11.
4. Acceptance of the Compatibility Assessment Meeting Staff Report for the Whistling Wind Farm Bed and Breakfast Conditional Use Permit Application (CP15-02). The meeting was held on May 22, 2015 at 10:00 a.m., which resulted in two (2) unresolved issues; therefore, an additional public hearing to discuss only the unresolved issues, is required. Details regarding the CUP application are listed in Item #5.
5. Discussion and action on the Whistling Wind Farm Bed and Breakfast Conditional Use Permit (CP15-02). The applicant is proposing a 3-unit (5 bedrooms) bed & breakfast with no changes to the existing structure. The proposal includes 5 parking spaces, which will utilize the existing driveway area. A dawn to dusk, lit sign will be located at entrance of property. Owners: David & Laura Humphreys Location: 290 Falling Springs Rd, Shepherdstown, WV 25443. District: Shepherdstown-09; Map: 13; Parcel: 29.41; Size: 20.21 ac; Zone: Residential Growth
6. Variance request from Section 4.11A.1 and Appendix B to waive the front, side and rear landscaping/buffer that is required for the addition of a Fellowship Hall and associated parking. Owner: Uvilla United Methodist Church. Applicant: Ted Schiltz. Location: 4179 Shepherdstown Pk., Shepherdstown, WV. District: Shepherdstown-09; Map: 20; Parcel: 13; Size: 2.023 ac; Zone: Rural; File: ZV15-15.
7. Variance request from Section 5.4B to reduce the side setback from 12' to 3' and the rear setback from 20' to 10' for a 12' x 20' accessory structure. Owner: Bryan & Kelli LaBombard. Location: 60 General Kershaw Ct., Harpers Ferry, WV. District: Harpers Ferry-04; Map: 5D; Parcel: 129; Zone: Rural; Size: .75 ac; File: ZV15-16.
8. Request by The Middleway Conservancy Association Inc., applicant, for a Seasonal Use Permit for 'The Battle of Smithfield Anniversary Re-enactment' to operate from August 28-30, 2015. The event is to consist of a re-enactment of civil war camp life, drills and other educational activities. Re-enactment Activities: Carmen Quinones, 7513 Queen St (D: 07/M: 22A/P: 18/Z: Village); William & Linda Chappell, 175 East St (D: 07/M: 22B/P: 28/Z: Rural & Village); Jeffrey & Dorothea Dehart, 207 East St, (D: 07/M: 22B/P: 29/Z: Rural & Village); **Withdrawn: Cecil White, et al, 99 Old Middleway Rd (D: 07/M: 22/P: 25);** Public Parking: Dan & Anne Bowers, 272 Mason Farm Dr (D: 07/M: 22/P: 12.9 Z: Rural); **Middleway United Methodist Church, Withdrawn: 328 King St (D: 07/22A/ P: 19)** Middleway United Methodist Church, 7437 Queen St (D: 07/M: 22A/P: 43, 44Z: Village); (Grace Church Parish Hall, 112 East St, (D: 07/22A/ P: 70Z: Village) **Withdrawn: Triluminar Masonic Hall, 105 East St (D: 07/M: 22A/P: 72); Cecil White, et al, 99 Old Middleway Rd (D: 07/M: 22/P: 25).**

9. Director's Report.

- a) Monthly Activity Report

10. Legal Update.

- a) All Good Music Festival Pending Litigation CA #14-C-390
- b) William Neufeld Pending Litigation CA #14-C-394
- c) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73
- d) Discussion of matters related to All Good Festival for possible litigation (possible executive session).

11. Discussion with possible deliberative session and signing of draft findings/decisions.

Meeting Date: June 25, 2015

- a) Variance request from Section 9.7 to reduce the side setback from 15' to 5' for an existing deck that was constructed without a building permit. Owner: Laurice Berry. Location: 155 Hollow Tree Ln, Kearneysville, WV. District: Kabletown 06; Map: 19A; Parcel: 1.1; Zone: Rural; File: ZV15-09.
- b) Variance request from Sections 4.11.B.2, 4.11.B.3, 4.11.E and Appendix B to remove the front, side and rear buffers/screening for an industrial development. Owner: Delaware Corp dba Kent Cartridge of America, Owners, Panhandle Builders & Excavating, Applicant. Location: 795 Hite Rd, Kearneysville, WV. District: Middleway 07; Map: 8; Parcel: 4; Zone: Rural; File: ZV15-12.
- c) Variance request from Table 5.4-1 to reduce the side setback from 12' to 8' and rear setback from 20' to 5' to allow for the installation of an irregularly shaped in-ground pool. Owner: Roy Jr. & Kristin Vella. Location: Breckenridge Subdivision, 47 Shire Ct, Charles Town, WV. District: Charles Town 02; Map: 4F; Parcel: 190; Zone: Residential Growth; File: ZV15-13.
- d) Variance request from Table 5.4-1 to reduce the side setback from 12' to 6' for the attached garage of a townhouse unit. Owner/Developer: Pete Kubic. PFK, LLC. Location: Locust Hill Subdivision, Lot TH73, Baltustrol Dr, Charles Town, WV. District: Charles Town 02; Map: 13A; Parcel: 555; Zone: Rural; File: ZV15-14.

Notice of Public Hearing
Jefferson County Board of Zoning Appeals

Please be advised that the regularly scheduled Jefferson County Board of Zoning Appeals Meeting for July 23, 2015 has been rescheduled and relocated as follows:

New Meeting Date: Thursday, July 16, 2015 at 2:00 p.m.

New Meeting Location: Maintenance Conference Room
128 Industrial Boulevard, Kearneysville, WV 25430

The legal advertisement for any items scheduled for this meeting will be posted in the July 1, 2015 edition of the Spirit of Jefferson. Any advertised item will have a green and white sign posted on the respective property no later than July 1, 2015. The agenda and packet will be available for public review on the County's website at www.jeffersoncountywv.org by July 10, 2015.

Please contact the Departments of Planning and Zoning with any questions at 304-728-3228 or email zoning@jeffersoncountywv.org.

Draft Minutes
Jefferson County Zoning Board of Appeals

- 1 Meeting Date: June 25, 2015
2 Meeting Location: Conference Room, Old Charles Town Library
3 200 East Washington Street, Charles Town, West Virginia
4
5 Board members present: Tyler Quynn, Chair; Christy Huddle, Ted Schiltz, Matt Knott and
6 Jeff Breese, Alternate
7 Board members absent: Jeffrey Bannon, Vice Chair (with notification)
8 Staff members present: David Simon, County Planner; Lydia Lehman, Assistant Prosecuting
9 Attorney; Jennilee Hartman, Zoning Clerk

10

11 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

12

13 As the Alternate Board Member, Mr. Breese filled Mr. Bannon's vacancy.

14

15 Mr. Knott moved to start the meeting at 2:02 p.m. Mr. Quynn called for a vote, which carried
16 unanimously.

17

18 Mr. Quynn explained how the meeting would be conducted to the public.

19

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

21

22 Mr. Quynn stated that he was going to reorder the Agenda by moving Item #7 to the beginning of
23 the Agenda to allow the applicant a prompt decision.

24

25 7) Variance request from Table 5.4-1 to reduce the side setback from 12' to 6' for the attached
26 garage of a townhouse unit. Owner/Developer: Pete Kubic. PFK, LLC. Location: Locust Hill
27 Subdivision, Lot TH73, Baltustrol Dr, Charles Town, WV. District: Charles Town 02;
28 Map: 13A; Parcel: 555; Zone: Rural; File: ZV15-14.

29

30 Kristen Stolipher, Consultant with Gordon, was present to address the Board. Ms. Stolipher
31 explained there was a miscommunication between the property owner/builder of the townhome
32 unit and the intended purchaser regarding the width of the garage, thus the need for another
33 variance request. Mr. Quynn opened the public hearing. There was no public comment.

34 Mr. Quynn closed the public hearing. Mr. Simon briefly addressed the Board noting that this
35 item was a modified application of which the Board had previously approved on May 28, 2015.

36

37 The Board determined a deliberative session was not necessary. Mr. Knott moved to approve
38 the variance as requested. Mr. Schiltz seconded the motion, which carried four (4) in support
39 and one (1) abstention (Mr. Breese, as he was not present at the May 28, 2015 meeting to hear
40 the full presentation on the previous application).

41

42 Mr. Quynn returned to Item #1 on the Agenda.

43

44 1) Approval of the minutes from the May, 28, 2015 meeting.

45

1 Mr. Quynn moved to approve the minutes with the following correction:

2
3 a) Page 1, line 21, change, *Quynn* to *Bannon*.

4
5 Mr. Quynn called for a vote, which carried three (3) in support and two (2) abstentions
6 (Ms. Huddle and Mr. Breese, as they were not in attendance).

7
8 2) Swearing in of members of the public intending to provide testimony.

9
10 Ms. Hartman swore in members of the public who indicated they would be providing testimony
11 at the beginning of the meeting

12
13 3) Postponed until July 16, 2015. Postponed from the May 28, 2015 meeting. Variance request
14 from Sections 9.6C & 9.7 to reduce the front setback from 25' to 0' and the side setback from
15 12' to 18" for an 8' tall fence. Owner: Lisa Gasque. Location: 5753 Charles Town Rd,
16 Kearneysville, WV. District: Middleway 07; Map: 3C; Parcel: 3; Zone: Village; File: ZV15-11.
17 This Item was postponed until the July 16, 2015 Board meeting.

18
19 4) Variance request from Section 9.7 to reduce the side setback from 15' to 5' for an existing
20 deck that was constructed without a building permit. Owner: Laurice Berry. Location:
21 155 Hollow Tree Ln, Kearneysville, WV. District: Kabletown 06; Map: 19A; Parcel: 1.1;
22 Zone: Rural; File: ZV15-09.

23
24 Mr. Simon presented his staff report to the Board, stating that Ms. Berry, the property owner,
25 has worked cooperatively with County staff to rectify the unintended violations on her property.
26 Laurice Berry, property owner, described the nature of her request and briefly explained the
27 history of the property. Ms. Berry stated that she spoke with Ms. Singhas, an adjacent property
28 owner, who had lived next door since the late 1960s, who had confirmed that the structures on
29 the subject parcel had existed prior to the adoption of the Zoning Ordinance [1988].

30
31 The Board agreed a deliberative session was not necessary. Mr. Bannon moved to approve the
32 variance as requested. Mr. Knott seconded the motion, which carried unanimously. There
33 were no members of the public present who wished to provide testimony.

34
35 5) Variance request from Sections 4.11.B.2, 4.11.B.3, 4.11.E and Appendix B to remove the
36 front, side and rear buffers/screening for an industrial development. Owner: Delaware Corp
37 dba Kent Cartridge of America, Owners, Panhandle Builders & Excavating, Applicant.
38 Location: 795 Hite Rd, Kearneysville, WV. District: Middleway 07; Map: 8; Parcel: 4;
39 Zone: Rural; File: ZV15-12.

40
41 Mr. Simon presented his staff report to the Board, confirming that the applicant had received
42 approval of their Concept Plan from the Planning Commission. Jason Gearhart, Consultant
43 with Gordon, explained the nature of the request stating that the property owner would be
44 retaining as much of the existing vegetation as possible.

45

1 The Board agreed a deliberative session was not necessary. Ms. Huddle moved to approve the
2 variance as requested with the following condition: that a 200 foot buffer around the perimeter
3 of the entire property, including any existing vegetation within that 200 feet, shall be retained in
4 an undisturbed manner other than maintenance for safety reasons; and, the applicant is bound by
5 their testimony. Mr. Quynn called for a vote, which carried unanimously. There were no
6 members of the public present who wished to provide testimony.

- 7
8 6) Variance request from Table 5.4-1 to reduce the side setback from 12' to 8' and rear setback
9 from 20' to 5' to allow for the installation of an irregularly shaped in-ground pool. Owner:
10 Roy Jr. & Kristin Vella. Location: Breckenridge Subdivision, 47 Shire Ct, Charles Town, WV.
11 District: Charles Town 02; Map: 4F; Parcel: 190; Zone: Residential Growth; File: ZV15-13.

12
13 Mr. Simon presented his staff report to the Board, stating that the property owners had
14 worked diligently with County staff to redesign their pool when the location of the platted
15 easements were discovered. Roy Jr. & Kristin Vella were present to address questions from
16 the Board. Ms. Huddle reiterated that the concrete surrounding the pool would not be
17 permitted within the easements.

18
19 The Board agreed a deliberative session was unnecessary. Mr. Schiltz moved to approve the
20 variance as requested stating that the variance is limited to this specific request. Mr. Quynn
21 called for a vote, which carried unanimously. There were no members of the public present
22 who wished to provide testimony.

- 23
24 7) Variance request from Table 5.4-1 to reduce the side setback from 12' to 6' for the attached
25 garage of a townhouse unit. Owner/Developer: Pete Kubic. PFK, LLC. Location: Locust
26 Hill Subdivision, Lot TH73, Baltustrol Dr, Charles Town, WV. District: Charles Town 02;
27 Map: 13A; Parcel: 555; Zone: Rural; File: ZV15-14.

28
29 This item was addressed at the beginning of the meeting and was approved.

- 30
31 8) Director's Report.

32
33 As Ms. Brockman was absent from the meeting, there was no information presented to the Board.

- 34
35 a) Monthly Activity Report. No action taken.

- 36
37 9) Legal Update.

38
39 Ms. Huddle moved to go into executive session at 2:37 p.m. to discuss pending litigation B & C
40 (below) with Attorney Lehman. Ms. Huddle moved to come out of deliberative session at 2:46 p.m.

- 41
42 a) All Good Music Festival Pending Litigation CA #14-C-390. None.
43 b) William Neufeld Pending Litigation CA #14-C-394.
44 c) Shenandoah Air Conditioning & Heating Inc. Pending Litigation CA #15-P-73

1 10) Signing of Findings of Fact and Conclusions of Law/written decisions from prior Board of
2 Zoning Appeals meetings.

3

4 Meeting Date: May 28, 2015

5

6 a) Variance request from Section 5.4-1 to reduce the side setback from 12' to 8' for a
7 garage attached to a townhouse unit. Owner/Developer: Pete Kubic. PFK, LLC.

8 Location: Lot TH73, Locust Hill Subdivision, Baltustrol Dr, Charles Town, WV.

9 District: 02; Map: 13A; Parcel: 555; Zone: R; File: ZV15-10. *Mr. Quynn would*

10 *sign the Findings after a correction was to be made.*

11

12 Ms. Huddle moved to adjourn the meeting at 2:47 p.m. Mr. Quynn called for a vote, which carried
13 unanimously.

JEFFERSON COUNTY, WEST VIRGINIA
DEPARTMENTS OF PLANNING AND ZONING

COMPATIBILITY ASSESSMENT MEETING STAFF REPORT

WHISTLING WIND FARM BED & BREAKFAST, FILE #CP15-02

Project Name: Whistling Wind Farm Bed & Breakfast
 Property Owner: David and Laura Humphreys
 Mailing Address: P.O. Box 988, Shepherdstown, WV 25443
 Phone Number: 304-268-8017
 Property Address: 290 Falling Spring Road, Shepherdstown, West Virginia 25443
 Tax Reference: District: Shepherdstown (09); Map: 13; Parcel: 29.41
 Deed Reference: Deed Book: 623; Page: 443
 Zoning District: Residential Growth
 Parcel Size: 20.21 acres

Compatibility Assessment Meeting Information:

Date: May 22, 2015;
 Time: 10:00 a.m.
 Location: Old Charles Town Library Meeting Room, 200 East Washington Street in Charles Town, WV
 Attendance: Staff: Jennifer Brockman, Acting Zoning Administrator and Director of Planning and Zoning; David Simon, County Planner and Zoning Administrator; Jennilee Hartman, Zoning Clerk.
 Applicant: David and Laura Humphreys, Owners/Developer; Paul Raco, Consultant.
 Proposed Use: The proposal consists of a 3-unit (5 bedrooms) bed & breakfast. No changes to the existing are structure proposed. The proposal also includes 5 parking spaces, which will utilize the existing driveway area. A 16 sq. ft. sign will be located at entrance of property (additional details may be found in PC File #CP15-02).

Ms. Brockman opened the public hearing. Members of the public in attendance offered testimony. The following resolved conditions were agreed to by the public and Developer:

#	Issue	Citizen Comment	Applicant Response/ Agreed-Upon Condition	Staff Comment
1	Signage	The size & lighting of the sign	Agreed to reduce the sign from 16' to 8' sq. ft. (using a solar powered dawn to dusk light directed towards the sign)	Resolved*
2	Safety	Concern regarding potential future owners of the B&B if the property sold	Applicant requests that the CUP not run with the land but that the CUP be terminated if and when the Humphries sell the land	Resolved*
3	Increased traffic	Road maintenance will increase due to increased traffic	Agreed to pay double HOA dues to cover any additional impact on the HOA maintained road.	Resolved
4	Increased traffic	A curfew for B&B occupants	Agreed to advise clients that there is a 11:00 pm to 6:00 am curfew except for emergencies	Resolved


Resolved Conditions continued,

5	Increased traffic	Requested speed limit on Falling Springs Road to be enforced	Agreed to notify clients of low speed limit and to cooperate with HOA if this becomes as issue	Resolved
6	Increased traffic	The applicant install speed bumps or trenches to slow traffic	Agreed if approved by the HOA	Resolved
7	Impact on HOA Liability Insurance	The applicant's pay for additional liability insurance to cover costs of visitors in common areas including the road	Agrees to pay additional cost, if based solely on the addition of a 3 unit B&B, at the same level as currently held	Resolved

Issues raised by the public which were NOT resolved are as follows:

#	Issue	Citizen Comment	Applicant Response	Staff Comment
1	Increased traffic	Request for a 75 foot fast growing hedge row to be planted on 67 Falling Spring Rd (D: 09/ M: 8/ P: 31.2), along Falling Springs Road	No	NOT Resolved
2	Increased traffic	Requested that applicant widen the road (to 20 feet) the entire length without negatively impacting the historic oak trees	Applicant offered to erect sign near entry to subdivision state "Single lane road, pass with care"	NOT Resolved

Ms. Brockman closed the public hearing. As there were unresolved issues the Conditional Use Permit for Whistling Wind Farm Bed & Breakfast will be placed on July 16, 2015 Board of Zoning Appeal's meeting for action.


 Jennifer M. Brockman, AICP
 Acting Zoning Administrator
 Director of Planning and Zoning

July 2, 2015
 Date

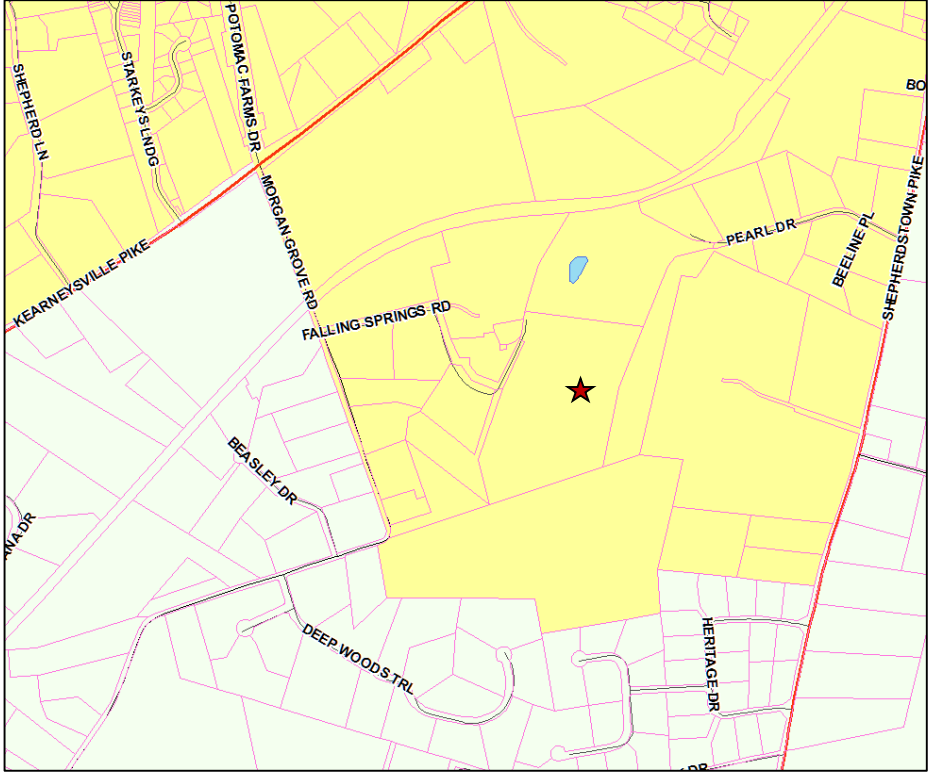


Departments of Planning and Zoning Seal

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 16, 2015

Whistling Wind Farm Bed & Breakfast Conditional Use Permit (#CP15-02)

Item #5 Discussion and action on the Whistling Wind Farm Bed & Breakfast Conditional Use Permit Application (CP15-02). The applicant is proposing a 3-unit (5 bedrooms) bed & breakfast with no changes to the existing structure. The proposal includes 5 parking spaces, which will utilize the existing driveway area. A dawn to dusk, lit sign will be located at entrance of property. This item is a public hearing; however, discussion is limited to the two unresolved issues referenced below.

APPLICANT:	Whistling Wind Farm Bed & Breakfast
OWNER :	David and Laura Humphreys
DEVELOPER:	Same as Owner/Applicant
CONSULTANT:	Paul Raco, P.J. Consulting
PROPERTY LOCATION:	290 Falling Spring Road, Shepherdstown, West Virginia 25443
LEGAL DESCRIPTION & ZONING DISTRICT:	District: Shepherdstown (09); Map: 13; Parcel: 29.41; Size: 20.21 ac; Zoning Map Designation: Residential Growth
	
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: RG South: RG</i> <i>East: RG West: RG</i>
APPROVED ACTIVITY:	Residential
PRIOR CASES:	See below
VARIANCES:	N/A

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

Whistling Wind Farm Bed & Breakfast Conditional Use Permit (#CP15-02)

RELEVANT INFORMATION:

A Compatibility Assessment Meeting (CAM) for the proposed Conditional Use Permit (CUP) for Whistling Wind Farm Bed & Breakfast was held on May 22, 2015, at 10:00 a.m. in the Old Charles Town Library meeting room located at 200 East Washington Street in Charles Town, West Virginia. Jennifer Brockman, Acting Zoning Administrator and Director of Planning and Zoning; David Simon, County Planner and Zoning Administrator; David and Laura Humphreys, Owners/Developer; Paul Raco, Consultant; and, Jennilee Hartman, Zoning Clerk were in attendance.

Members of the public expressed concerns regarding the proposal, most of which are considered “resolved” (see attached report). Two specific unresolved issues that arose at the CAM shall be the sole subject of this Public Hearing:

- Request for a 75 foot fast growing hedge row to be planted on 67 Falling Spring Rd along Falling Springs Road
- Request that applicant widen the road (to 20 feet) the entire length without negatively impacting the historic oak trees

It should be noted that there was considerable discussion by the citizens in attendance that the covenants state that no commercial activity is permitted. It was stated repeatedly that the County does not enforce covenants and private restrictions. It was further stated that a Bed and Breakfast is an owner occupied use in a single family home and considered an accessory use to the principal use of the structure as a single family dwelling.

1. Presentation of the Proposed Land Use

Description of Use

The applicant is proposing a 3-unit (5 bedrooms) bed & breakfast with no changes to the existing structure. The proposal includes 5 parking spaces, which will utilize the existing driveway area. A dawn to dusk, lit 8 square foot sign will be located at entrance of property.

Employees and Hours of Operation

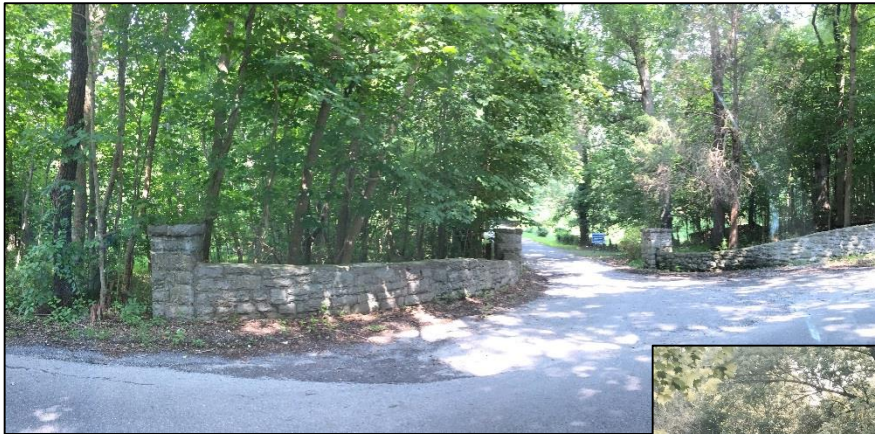
The applicant offered an 11 pm to 6 am curfew, except for emergencies in response to neighbors concern about traffic issues.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
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Whistling Wind Farm Bed & Breakfast Conditional Use Permit (#CP15-02)

Parking and Access

Access is along the HOA owned and maintained Falling Springs Road. The road is approximately 18 feet wide and has an HOA posted speed limit of 13 mph. The road is narrow and winding and serves nine homes in the neighborhood.



Entrance to Falling Springs Road
from Morgan's Grove Road



Traffic Control
Signage



Falling Springs Road

Adequate paved parking for five vehicles exists in front of the existing 6-bedroom single family home.



Whistling Wind Farm Home

Staff Report
Jefferson County Board of Zoning Appeals Meeting
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Whistling Wind Farm Bed & Breakfast Conditional Use Permit (#CP15-02)

Water and Sewer

The proposed B&B will use the existing well and septic facilities. The subject of water and sanitation were not raised at the compatibility meeting.

2. Signage & Lighting

The sketch plan depicts a proposed sign to be located at the entrance to the subject parcel, along the 40' right-of-way. The applicant has agreed to an 8 (eight) square foot sign to be lit by a dawn to dusk, solar powered light directed towards the sign.

Section 10.4E of the Zoning Ordinance states,

“All signs accessory to land use that must be evaluated by the Development Review System (DRS) shall be proposed within the DRS application and assessed at the Compatibility Assessment Meeting. Such signs shall be maintained at least one thousand (1,000) feet between signs. Consideration of the placement of such signs with less than one thousand (1,000) foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of three hundred (300) feet. The Planning Commission shall make this determination if the location cannot be agreed upon at the Compatibility Assessment Meeting.”^{2, 17, 21, 23}

3. Staff Comments

Land Evaluation and Soils Assessment (LESA)

Bed and Breakfasts are a Principal Permitted Use in the Rural Zoning District; however, in spite of the rural nature of this neighborhood, it is located in the Residential Growth Zoning District (RG). Bed and Breakfasts are not on the list of Principal Permitted Uses in the RG zoning district.

Due to the RG zoning designation of the subject parcel Section 6.3 of the Zoning Ordinance allowed the use to process without the Soils Assessment portion of the LESA point process.

Section 6.3B(1) of the Zoning Ordinance states,

“Section 6.3 The Soils Assessment

B. The Soils Assessment of a proposed development is not applicable when one or more of the following circumstances applies: ²⁷

1. The development proposal is located within the Residential Growth District or the Industrial-Commercial District; “

The staff evaluation of the LESA points, without the soils component, resulted in a LESA point score of 37, which permitted the proposal to advance to the Compatibility Assessment Meeting.

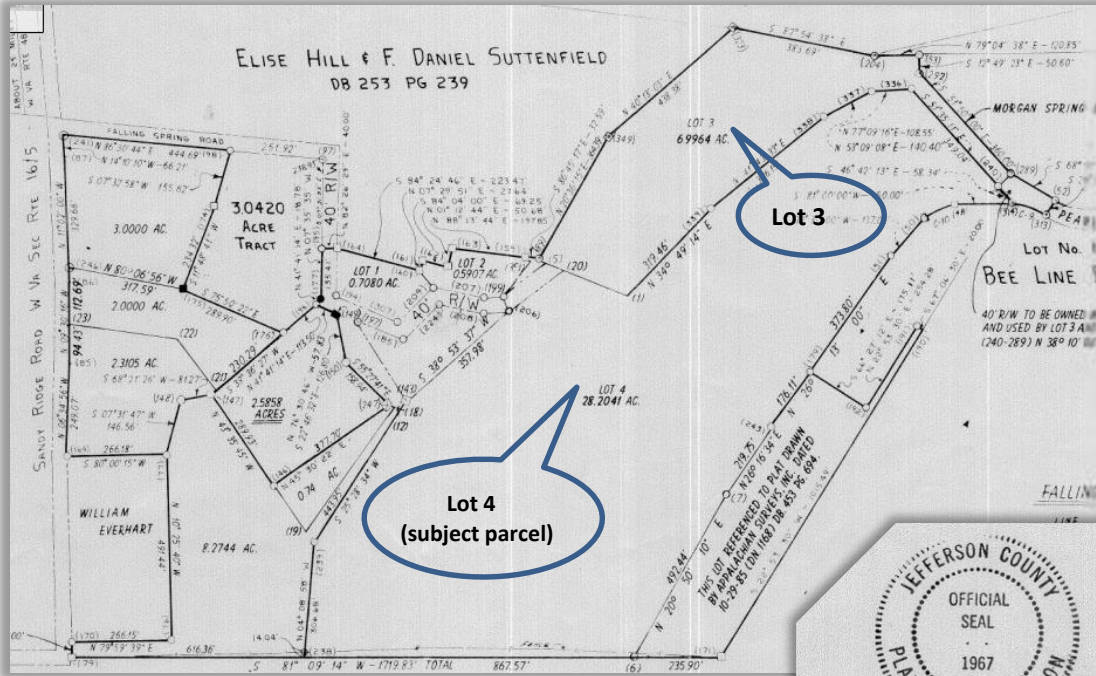
Location

The 20.2 acre Whistling Wind Farm parcel is the residue of a subdivision approved in 1986. A portion of the property was merged with an adjoining property in 1989, resulting in the 20.2 acres that exists today. The property is occupied by a 6 bedroom house and a five-stall barn and has 15 acres fenced.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 16, 2015

Whistling Wind Farm Bed & Breakfast Conditional Use Permit (#CP15-02)

Approved exemption parcels (Lots 3 and 4) by the Planning Director on December 12, 1986.



JEFFERSON COUNTY
OFFICIAL SEAL
1967
PLANNING COMMISSION

247	S
150	N 55°
149	N 22° 46'
196	N 76° 30' 46"
177	N 41° 41' 14"
95	N 07° 35' 35"
164	N 82° 26' 29"
	0.9555 AC

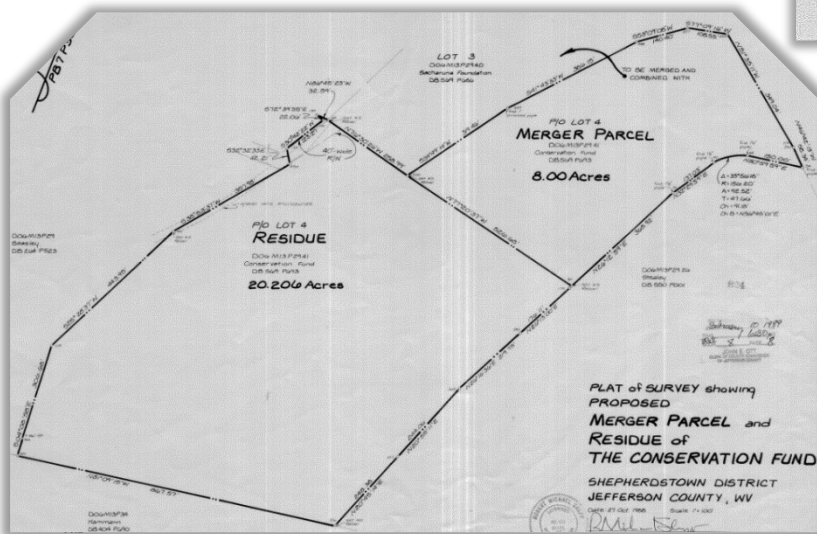
12/19/86

This plat is approved on the following basis:

- 1) Lot #3 is approved as a 2nd Outsale, Section 2.1c.
- 2) Lot #4 is approved pursuant to Section 2.1a, based on deed presented and approved.
- 3) The area bounded by points 197, 143, 206, 208, 224 and 185 shall be part of the 8.2744 parcel and shall not be considered a separate parcel.
- 4) All other lots are lots of record or parcels which have been merged with adjoining parcels

Jonathan W. Hittler
P C DIM

A merger was recorded on February 10, 1989 and is recorded in Plat Book 8 on Page 8. This approved merger reduced the acreage of the subject parcel from 28.206 to 20.206 (the present day acreage).



Conditions of approval for the exemption parcels above.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
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Whistling Wind Farm Bed & Breakfast Conditional Use Permit (#CP15-02)

4. Public Testimony

There were members of the public in attendance at the May 22, 2015 Compatibility Assessment Meeting (CAM) to offer testimony. The attached CAM Staff Report addresses both the resolved and unresolved issues that were raised by the public, and includes the Applicant's proposed resolution to each item. These proposed resolutions should be considered by the BZA as Conditions of Approval should the CUP be granted.

As there were unresolved issues, the Whistling Wind Farm Bed & Breakfast CUP was scheduled to be heard by the Board for a meeting that would meet the criteria found in the Ordinance. In order to meet this requirement, the Board scheduled a special meeting for July 16, 2015. The two specific unresolved issues that arose at the CAM shall be the sole subject of this Public Hearing:

- A. Request for a 75 foot fast growing hedge row to be planted along Falling Springs Road as a buffer for 67 Falling Spring Rd (District: 9; Map: 8; Parcel 31.2).



Suttenfield property line: current view

Suttenfield property line: spring aerial



Suttenfield property line: autumn aerial

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

Whistling Wind Farm Bed & Breakfast Conditional Use Permit (#CP15-02)

- B. Request that applicant widen the road (to 20 feet) the entire length without negatively impacting the historic oak trees



Section 7.6D of the Zoning Ordinance states,

“If not all issues raised at the Compatibility Assessment Meeting were resolved at that meeting, a public hearing of the Board of Zoning Appeals will be required. Staff shall prepare a report summarizing the developer’s proposal, the agreed upon conditions, and any other pertinent data and will advertise for the public hearing. A public hearing in conformance with this article will be conducted no fewer than 30 days but no more than 60 days from the date of the Compatibility Assessment Meeting. At the public hearing, the Board shall take action as described in Section 7.6F.^{1, 17, 21, 23}”

5. Outcome

The CAM meeting resulted in both resolved and unresolved issues; if approved, the resolved issues which were agreed upon between the members of the public and the applicant, should become conditions of approval, as well as any resolution to the unresolved issues that occurs as a result of the public hearing. Section 7.6F gives the Board the authority to approve, approve with conditions or deny a CUP application.

Section 7.6F of the Ordinance states,

“The Board of Zoning Appeals shall issue, issue with conditions, or deny the conditional use permit. The standards governing the issuance of the Conditional Use Permits shall be: successful LESA Point application, Board of Zoning Appeals resolution of unresolved issues; and, evidence offered by testimony and findings by the Board of Zoning Appeals that the proposed development is compatible with the neighborhood where it is proposed.^{2, 17, 21, 23}”

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

Whistling Wind Farm Bed & Breakfast Conditional Use Permit (#CP15-02)

6. Site Plan

If the CUP is approved, a Site Plan will not be required per Section 4.10 of the Zoning Ordinance as the primary use of the property is not changing.

7. Enforcement of Conditions

It is important that the conditions for an approved Conditional Use Permit be worded in a way that they are enforceable by County Staff and have appropriate time frames. The resolved issues provide guidance for the conditions but may need to be worded in a way that the BZA's intention is clear.

Whistling Wind Farm BtB

DEVELOPMENT REVIEW SYSTEM (DRS)
Jefferson County Zoning & Development Review Ordinance - Article 6
LAND EVALUATION SITE ASSESSMENT (LESA) WORK SHEET
PAGE 2 - AMENITIES ASSESSMENT - Max. 75 of 100 LESA POINTS

PROJECT NAME: TYPE: (R/NR)

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JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Staff comment:

Site is approximately 1.78 acres per GIS
Staff finds 31% of perimeter undeveloped (384 feet out of 1229 ft., appx.)
located within RG zoning

a. Size of Site (Acreage) (6 R / 10 NR) 20.21
Adjacent Development (10) 40 - 65 (0.5 - 40%)
c. Distance to Growth Corridor (12) 1.2
d. Comprehensive Plan Compatibility

Compatibility of Site Development with:
Proximity to Highway Problem Areas (6/12) 6
Affordable Housing (6) 1
Park/Historical/Recreational Areas (6 or N/A) N/A

e. Proximity to Schools (8 or N/A) N/A
f. Roadway Adequacy (6 R / 10 NR) 16
g. Emergency Services 1.9 miles

Fire Dept. (4.5) 11
Ambulance (4.5) 0

Total Amenities Assessment 27
Total Soils Assessment (Page 1) N/A
TOTAL DRS - LESA Score 27

Under 60? Pass for Development

Accessible to Martinsburg via new Alt 45 but has identified problem area at 4-way :

No housing proposed
Nonresidential project
Nonresidential project
secondary road

Approximately 1.4 miles to Shepherdstown Fire Company
Approximately 1.4 miles to Shepherdstown Fire Company (which houses an ambulance)

Proposal located in Residential Growth Zone and therefore Soils is not a factor.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Name: CP15-02
Staff Initials: c/c
Fees Paid: \$1300.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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

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

Application for a Conditional Use Permit

Name of Project:

Whistling Wind Farm Bed and Breakfast

Property Owner Information

Name: David and Laura Humphreys
Mailing Address: P.O. Box 988
City: Shepherdstown State: WV Zip Code: 25443
Phone Number: 304/268-8017 Email: dhumphreys14@yahoo.com

Applicant Contact Information

Name: Dave Humphreys and Paul J. Raco
Mailing Address: Contacts above and below
City: State: Zip Code:
Phone Number: Email:

Registered Engineer(s) or Surveyor(s) Information

Name: P.J. Raco Consulting, LLC Paul J. Raco
Mailing Address: P.O. Box 548
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: 290 Falling Springs Road
City: Shepherdstown State: WV Zip Code: 25443
Tax District: Shepherdstown Map No: 13 Parcel No: 29.41
Parcel Size: Approx 20.21 Acres Deed Book: 623 Page No: 443

Zoning District (please check one)

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JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

- Rural (R-A) Residential Growth (R-G) Industrial Commerical (I-C) Residential-Light Industrial-Commercial (R-L-C) Village (V)
[] [x] [] [] []

Please provide any information or known history regarding this property.

House was constructed under permit in 1990.

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

David Humphreys 4/24/15

Signature of Property Owner

Date

Laura Humphreys 4/24/15

Signature of Property Owner

Date

Do not write below this line

Sketch Plan (Pursuant to Section 7.4 (B)(C))

Support Data (Pursuant to Section 7.4(D))

List of adjacent and confronting (in front of) property owners, with addresses (Section 7.4 E)

Compatibility Assessment Meeting

Date

Location

Notification

Date of public hearing

Advertising date

Posting Requirements
(Number of days prior to
scheduled hearing)

To Be Completed By Staff

Conditional Use Permit Application
Support Data
(please attach additional pages if necessary)

1. Name and address of a contact person.

(Refer to Conditional Use Permit Application Section B)

2. Name and address of the owner/developer.

(Refer to Conditional Use Permit Application Section C)

3. Type of development proposed (provide as much detail as possible).

16 $\frac{1}{2}$ \rightarrow There is an existing 6 bedroom house that will be converted into a 3 unit Bed and Breakfast. There will be 1 single unit with a private bath and 2 family/companion units that each have 2 bedrooms with a shared bath, depending on the needs of the customers. Parking will be provided on the current driveway area of the dwelling unit. There will be no earth movement or modification of the property. A proposed sign, not to exceed 16 square feet will be provided at the entrance of the property with the name of the Bed and Breakfast and other pertinent information such as proprietor's name, address and phone number. The owner of the dwelling will be the proprietor and will continue to reside in the dwelling.

4. Acreage of original tract and property to be developed.

(Refer to Conditional Use Permit Application Section E)

5. General description of surface conditions (topography).

The property is generally clear of tree cover with several outcrops of rocks and trees. The topography is gently rolling with the dwelling/Bed and Breakfast sitting at the high point on the property at 480' per the attached Topography information. The topography ranges from approximately 440' to 480'.

6. Soil and drainage characteristics.

The property is large, with little percentage of impervious surface based on the size of the overall parcel. Accordingly, there are no adverse drainage issues and no evidence of erosion on or off site in the general area.

7. General location and description of any existing structures.

(See Sketch Plan)

16 58 ft Externally LIT sign
4/30/15 RSK

8. General location and description of existing easements or rights-of-way.

(See Sketch Plan)

9. Existing covenants and restrictions on the land.

According to a legal review, there are no covenants or restrictions imposed on the property that would prevent a Bed and Breakfast within the dwelling unit.

10. Intended improvements and proposed building locations including locations of signs (in addition to narrative, please also show locations on sketch plan).

There are no anticipated changes to the property, other than striping of intended parking areas on the existing driveway parking area and a sign that would not exceed 16 sq. ft. as previously described.

16 sq. ft. Externally Lit Sign

11. Intended land uses.

The single family dwelling will remain an owner occupied dwelling unit with the addition of 3 Bed and Breakfast Units that would occupy existing bedrooms. Breakfast will be served daily, when occupied by guests. Existing Falling Springs Road and Driveway will be utilized as access to Morgan Grove Road (Rt 16/5).

12. Earth work that would alter topography.

As explained, there will be no earthwork that would alter the topography.

13. Tentative development schedule.

The owners anticipate opening shortly after the Conditional Use Permit is issued, hopefully in June or July, 2015.

14. Extent of the conversion of farm land to urban uses.

There will be no conversion of farm land to urban use. The owner has horses and will continue to have horses when the Bed and Breakfast is opened. The property is zoned for residential growth, so the use of the existing dwelling unit for a small Bed and Breakfast, is a minor, compatible use compared to the urban uses permitted in the Residential Growth District.

15. Affected wildlife populations.

There will be no negative effect on the wildlife, since nothing will change on the property. The property and neighborhood enjoys the typical small wildlife found in a semi-rural setting, which includes: deer, fox, birds, squirrels, rabbits, fox, etc. Typically, patrons of Bed and Breakfasts retreat to enjoy the wildlife and natural habitat in the area.

16. Ground water and surface water and sewer lines within 1320 feet.

The local neighborhood is served by existing wells. There will be no effect on the groundwater because there will be no new wells or earthwork. There are no known sewer lines within the surrounding area. Surface water includes Town Run which meanders in the area just West of the Railroad track along Morgan Grove Road. Again, there will be no adverse effect on Town Run, since there will be no earthwork or additional impervious surface added.

17. Distance to fire and emergency services that would serve the site.

Shepherdstown Fire and Ambulance Department is 1.9 miles from the site and will be the primary responder to the site.

18. Distance to the appropriate elementary, middle, and high school.

Though not applicable due to the nature of the use, Shepherdstown Elementary and Middle Schools are located within 2 miles of the site (approximately 1.4 and 1.2 miles respectively). Jefferson High School is less than 7 miles from the site (approximately 6.8 miles).

19. Traffic characteristics - type and frequency of traffic; adequacy of existing transportation routes.

There will be limited additional traffic generated from the property. As a 6 bedroom house, the owner could have 5 bedrooms occupied by family or guests now. Accordingly, by utilizing these bedrooms for paid guests would have no more effect than unpaid guests. The closest ADT from the 2011 WVDOH study is on Route 16/5 nearly adjacent to this site. It lists the ADT at this location at 1043 trips per day. There is no anticipated negative effect on the adequacy of the transportation routes. The adjacent public road is used to access Morgan Grove Park which is utilized by the local youth soccer league.

20. Demand for school services created by this development.

There will be no demand for school services created by this Bed and Breakfast.

21. Proximity and relationship to historic structures or properties within two hundred (200) feet.

Attached is a map that shows the local neighborhood's historic resources. The area is rich in history and has been recognized as such because of the hard work of local owners and historians. A Bed and Breakfast that doesn't alter the landscape will fit in quite well in this great neighborhood. Although it appears that the Falling Spring Quarter and the Morgan Grove Historic District is within 200 feet of the subject property, there are others that are in the neighborhood. These include: Morgan's Spring House and Falling Springs. There should be no negative effect on these historic resources.

22. Proximity to recreational facilities.

The property is nearly adjacent (less than .5 miles) to the Morgan Grove Park. This park is owned by the Shepherdstown Men's Club and maintained and operated by the Jefferson County Parks and Recreation Commission. This is a well maintained, multi-faceted recreation area. The Shepherdstown Men's Club treats this park with great care and is a monument of pride in the community. The park contains soccer fields, multi-purpose fields, Town Run, Picnic Pavilions and a Kitchen, restroom facilities and walking, jogging and hiking areas. Many people enjoy this recreational area.

23. Relationship of the project to the Comprehensive Plan.

The new 2015 Jefferson County Comprehensive Plan supports projects like this. Although the property is located in the Residential Growth District, there is little interest in developing the area out as residential due to the great history of the neighborhood. This neighborhood is on the outskirts of the Residential Growth District and is more appropriately recognized as a rural or semi-rural area. The history of this neighborhood as recognized by the surrounding owners and the National Register is better served by low impact uses such as a Bed and Breakfast on 20 acres. The new Comprehensive Plan also recognizes the need to allow these types of proposals along with Home Occupations and Cottage Industries with much less regulatory control. The 3 unit Bed and Breakfast in this area is very much compatible with the new Comprehensive Plan.

~~Post 4/24/15~~
1

16" ext. LIT sign
sign PSH

House
B4B

±70'
10' 10'
±40'
Garage
Porch 66'
8' 8' 3'

Porch 10' 10' 10'



NOTE

Contours 179,265,367,577,500,239 and 385 are shown as dashed lines. All contours are to be set as shown unless otherwise noted

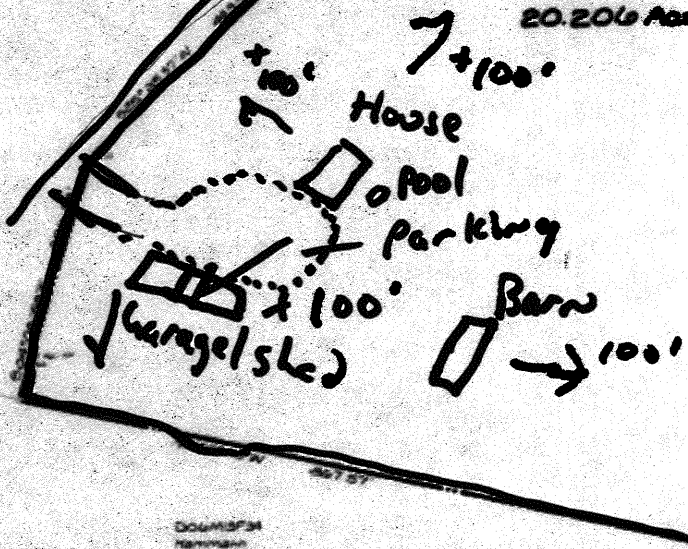
P87P36 NORTH

Down 3724
Bearing
DB 204 P123

P10 LOT 4
RESIDUE

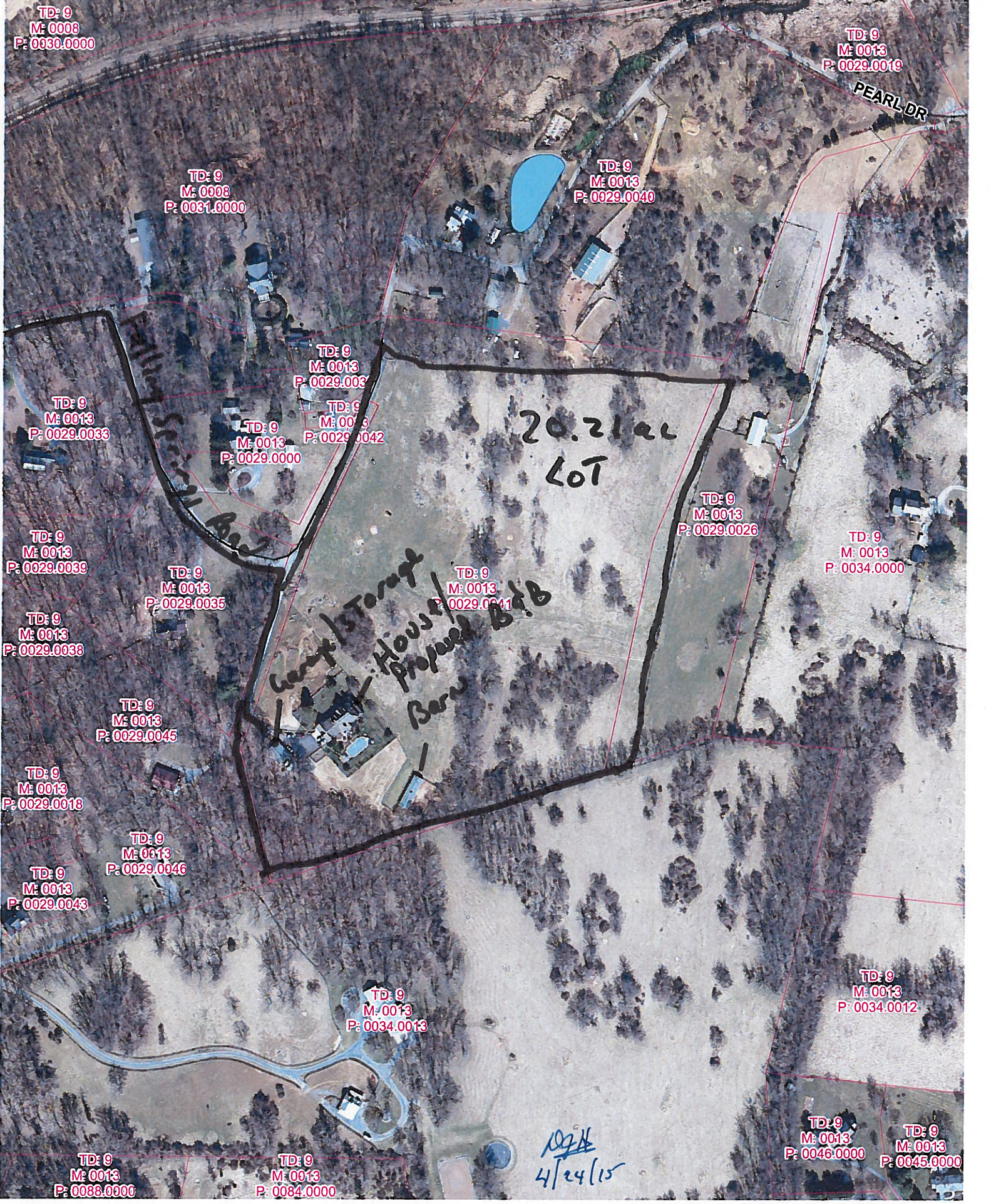
Down 113 P291
Conservation Fund
DB 548 P123

20.206 Acres



Down 113 P291
Conservation Fund
DB 548 P123

4/24/15



TD: 9
M: 0008
P: 0030.0000

TD: 9
M: 0013
P: 0029.0019

TD: 9
M: 0008
P: 0031.0000

TD: 9
M: 0013
P: 0029.0040

TD: 9
M: 0013
P: 0029.003

TD: 9
M: 0013
P: 0029.0042

TD: 9
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TD: 9
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10/21
4/24/15

Cp15.02

Whistling Wind Farm Bed and Breakfast
David and Laura Humphreys
Conditional Use Permit
Adjoining Property Owners Information
April 24, 2015

Shepherdstown District

Map 13:

Parcel 29:
Danielle Polen
453 Park Road
Washington, DC 20010

Parcel 29.26:
John, III and Patricia Stealey
P.O. Box 572
Shepherdstown, WV 25443

Parcel 29.36:
Michael and Susan McKee
P.O. Box 811
Shepherdstown, WV 25443

Parcel 29.40
Robert Michael Shepp and Dr. Janet Olcott
P.O. Box 1162
Shepherdstown, WV 25443

Parcel 29.45
Jan Hafer
286 Falling Springs Road
Shepherdstown, WV 25443

Parcel 34.13
Mary Ann Hammann
984 Morgan Grove Road
Shepherdstown, WV 25443

Map 8:

Parcel 31:
Edward and Lorrie Schwartz
293 Duncan Field Lane
Charles Town, WV 25414

Cp 15.02

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JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 16, 2015

Uvilla United Methodist Church Variance Request (#ZV15-15)

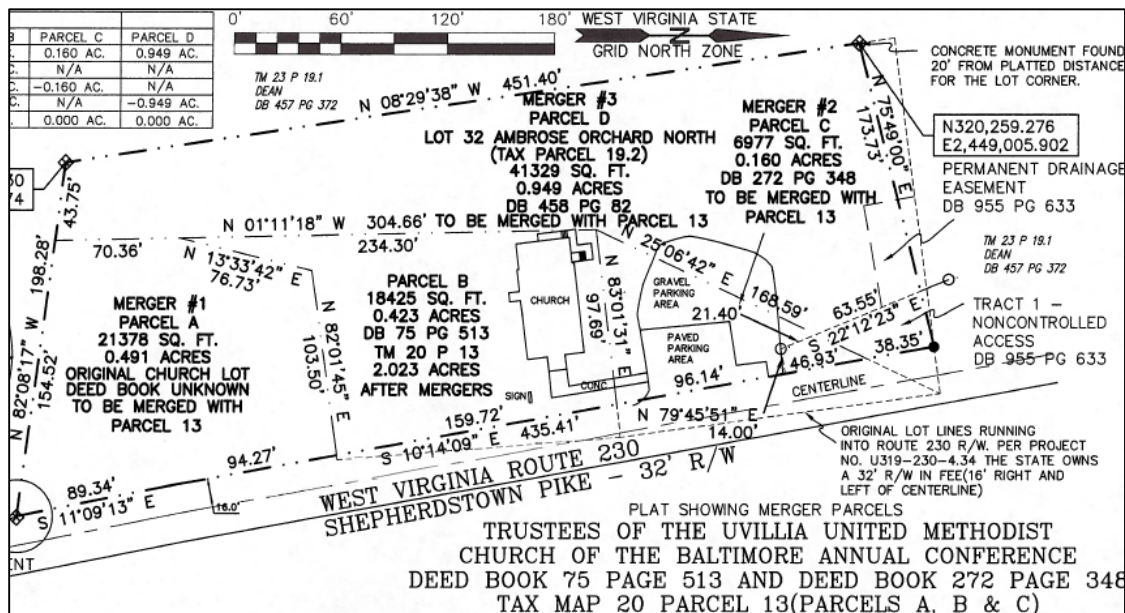
RELEVANT INFORMATION:

1. Overview of Request

Variance request from Section 4.11A.1 and Appendix B to waive the front, side and rear landscaping/buffer that is required for the addition of a Fellowship Hall and associated parking. The applicant is currently processing a Minor Site Plan (without a concept plan) for a proposed 40' x 60' Fellowship Hall; including a kitchen; and an 18' x 21' enclosed passageway, for a total of 2,778 additional square foot gross floor area. The existing structure is 2,157 square feet, creating a 4,935 square foot structure. The site plan also includes the required 30 parking spaces. During the first review of the site plan the applicant became aware of the change to the landscaping requirements within the Zoning Ordinance and determined that they would be unable to meet the revised standards found in Section 4.11 and Appendix B.

2. Previous Case History

A site plan for the Trustees of Uvilla United Methodist Church of the Baltimore Annual Conference was submitted on April 2, 2015 (PC File #S15-01). In the pre-application review of the proposed addition, it was determined that it would be necessary to merge their parcels, as non-residential uses are not permitted to straddle property lines without first seeking a variance for a number of setback and buffer requirements. The applicant processed the merger on August 12, 2014.



3. Applicant's Justification of Request

In the attached application submitted for the variance request the applicant provided a response to the following four criteria for a variance:

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

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

Uvilla United Methodist Church Variance Request (#ZV15-15)

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

Landscape buffers are typically included as a land development requirement in local Zoning Ordinances or Subdivision Regulations to absorb, lessen or neutralize the impacts of one land use from another, reducing the impact that a land use might cause to an adjacent property by serving as a barrier to visibility, air borne particles, glare or noise. Ordinances may differentiate between buffers which are screened or buffers which are unscreened based on the types of uses involved.

The text of Section 4.11 of the Jefferson County Zoning and Land Development Ordinance refers to a provision that allows applicants to choose between larger unscreened buffers and narrower screened buffers meeting standard landscape detail. In May, 2014, amendments were made to the Zoning Ordinance creating Appendices A and B, which also include landscape buffer requirements and which state that where there is a conflict between the text and the tables in the Appendices, the table prevails. In June, 2014, while considering an amendment related to landscaping between like commercial uses, the County Commission made a decision to change the table in Appendix B to refer to the standard details for ease of use by applicants. Unfortunately, this change (perhaps inadvertently) also deleted the provision for the larger unscreened buffers to be utilized. Therefore, currently, the use of an unscreened buffer is not a “by right” option.

b. Unique characteristics of property

The Uvilla United Methodist Church directly fronts onto Shepherdstown Pike/Route 230 in the unincorporated community of Uvilla in Eastern Central Jefferson County. The Church property consists of two parcels, which have been merged, upon which the building is situated. The southern area of the site has a historic cemetery that extends to the southern-most boundary of the parcel. The church has a parking lot, which is part asphalt, part gravel, north of the sanctuary. The church has a historic sanctuary, with a structural addition constructed on the rear (facing west).

The church is centrally located on a 2 acre parcel in a rural area of the County. The proposed addition is a Fellowship Hall which will be constructed behind the sanctuary and connected via an enclosed passageway. The proposed addition will sit 67 feet from the rear property line and 104 feet from the north property line. Previously, this would have met the requirements of the unscreened buffer provision of the Ordinance.



View from Shepherdstown Pike/Route 230

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

Uvilla United Methodist Church Variance Request (#ZV15-15)

c. Character of area

The character of the area surrounding Uvilla United Methodist Church is one of low-density rural development, surrounded by agricultural land uses and large-lot residential dwellings. The undeveloped land behind the Church (west of the sanctuary) is farm land and the property across the street is an agricultural use including a peach orchard with a farm market. The historic church (one of two on this short stretch of Route 230) acts as a landmark for the area.

Looking south on US 230 along the road frontage in front of the existing church sanctuary



Looking West



Looking south along the rear property line toward the cemetery from a point behind the existing church sanctuary

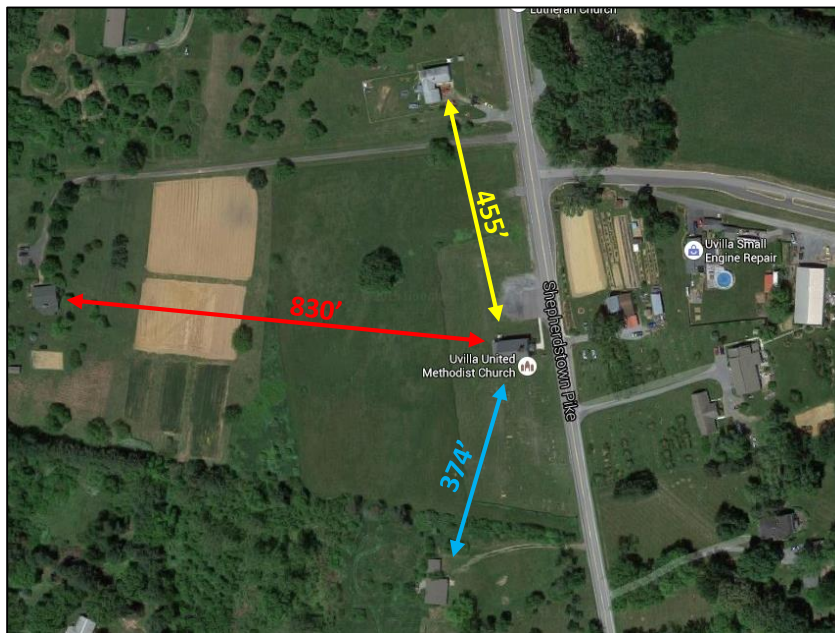


Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

Uvilla United Methodist Church Variance Request (#ZV15-15)

d. Impact on adjacent properties

The proposed waiving of buffer requirements would have limited impact on neighbors of the Church. To the west of the Church property, there is a large undeveloped field. Across Route 230 is a small peach orchard, and beyond that is a small-engine repair business. The Church already has a large parking lot to accommodate the needs of parishioners. As the Church already fronts directly onto Route 230/Shepherdstown Pike, most immediate neighbors interact with the traffic that is generated by the Church's activities and would not be greatly inconvenienced by the waiving of the buffer requirements. The Church's future plans for the construction of a Fellowship Hall on their property would result in occasional events that would generate a temporary increase in vehicular traffic.



e. Feasibility of complying with the ordinance by other means

Should the Board not grant the variance request, the applicant would be required to invest in a significant landscaping around the perimeter of the 2 acre site which would impact their fundraising for the Fellowship Hall itself.

5. Conditions of Approval

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

1. The waiver of the landscape buffer shall apply to this addition only and shall be revisited if future expansions to the Church are proposed.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 16, 2015

Uvilla United Methodist Church Variance Request (#ZV15-15)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.²⁷

A. Industrial Development²⁷

1. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (1/2) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.^{5, 7}
2. All industrial development adjacent to any use shall have 20' screened side and rear landscape buffers.

B. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.^{7, 23, 27, 28}

However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:^{27, 28}

- a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every fifty (50) linear feet; at least every other tree shall be an evergreen;
- b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every fifty (50) linear feet; and
- c. Three (3) shrubs per each twenty five (25) feet along the property line, round upward.
- d. These requirements shall be required on both sides of a property line for adjoining properties.
- e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.^{7, 23, 26}

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE²⁷

Zoning District	Development Type ⁹	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks*			Distance if Sec. 4.6 applies	Buffers (Sec. 4.11) (Screened / Unscreened)								
						Front	Side	Rear	Front	Side	Rear		Front, Side, Rear	Commercial Use			Industrial Use				
Industrial - Commercial**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Narrow Buffer Detail No. M-54	N/A	10(S)	10(S)	N/A	10(S)	10(S)		
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25	50 (or 25 if adjacent to industrial use)		15	10	10	75	Medium Buffer Detail No. M-53	N/A	10(S)	10(S)	N/A	10(S)	10(S)		
	Industrial	3 acres***	N/A	75	90%	50 (or 25 if adjacent to industrial use)			25 (or 20 if adjacent to industrial use)			200	Wide Buffer Detail No. M-52	25(S)	20(S)	20(S)	N/A	20(S)	20(S)		
Rural	Churches	2 acres	200	35	N/A	25	50	50	See Parking / Drive Aisle Setbacks for commercial sites (greater or less than 1.5 acres, based on lot size) in the Industrial-Commercial District.			N/A	50(U) or 15(S)			N/A	10(S)	10(S)	N/A	10(S)	10(S)
	Schools, Grades K-12	Grades K- 4: 10 acres+ Grades 5-8: 20 acres+ Grades 9-12: 30 acres+	500	35	N/A	100						N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
	Hospitals	10 acres	500	35	N/A	100						N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
	Other Rural principal permitted uses	40,000 sq. ft.	100	35	N/A	40	50	50				N/A	If a commercial or industrial use, see Industrial - Commercial District; otherwise N/A								
	Commercial or Industrial**											See Industrial - Commercial District									

*In the event of a conflict with the Ordinance the text of this Table shall prevail.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning
116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

File Number: #ZV15-15
Staff Initials: etc
Fees Paid (\$100 or \$150): 100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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

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

Zoning Variance Request

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

Property Owner Information

Name: Uvilla United Methodist Church
Mailing Address:
Phone Number: Email:

Applicant Contact Information

Name: Ted Schiltz
Mailing Address: 38 River Cliff Dr, Harpers Ferry WV 25425
Phone Number: 304-870-4155 Email: tischiltz1@comcast.net

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

Name: Kimberly Petrucci
Mailing Address: 59 Collins Dr, Martinsburg WV
Phone Number: 240-527-7530 Email: petrucciengr@gmail.com

Physical Property Details

Physical Address: 4179 Shepherdstown Pike
City: Shenandoah Junction State: WV Zip Code: 25442
Tax District: Shepherdstown Map No: 20 Parcel No: 13
Parcel Size: 2.023 Deed Book: 28 1144 Page No: 192 548

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural (R) is checked.

RECEIVED JUN 05 2015 JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Section 4.11 A.1, App B.

Briefly describe the nature of the variance request:
The buffer requirement of 50' unscreened or 15' screened is impossible to obtain due to the limited site area available.

Requesting waiver of buffer requirements

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

Front Setback Side Setback Rear Setback Reduction From _____ to _____

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

Property across the road is a commercial apple orchard, the property to the rear is farm land and the property to the side is an easement for WVDOT stormwater management.

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

None Lot size and shape in relation to property lines Existing cemetery located where parking can be established

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

Not granting the variance will not enable the church to build the Fellowship Hall and the lot would remain an open area that is not used.

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

Granting the variance will allow the Fellowship Hall and required parking spaces to be built and the church will have an adjoining Hall for Wedding Receptions, family reunions, church dinners ect.

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.

H. Schiltz (Trustee) 4 June 2015
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 3.4A(3)(b)).

JULY 16, 2015 @ 2:00pm
Date of Public Hearing

JULY 01, 2015
Advertising Date

JULY 01, 2015
Placard Posting Date

RECEIVED

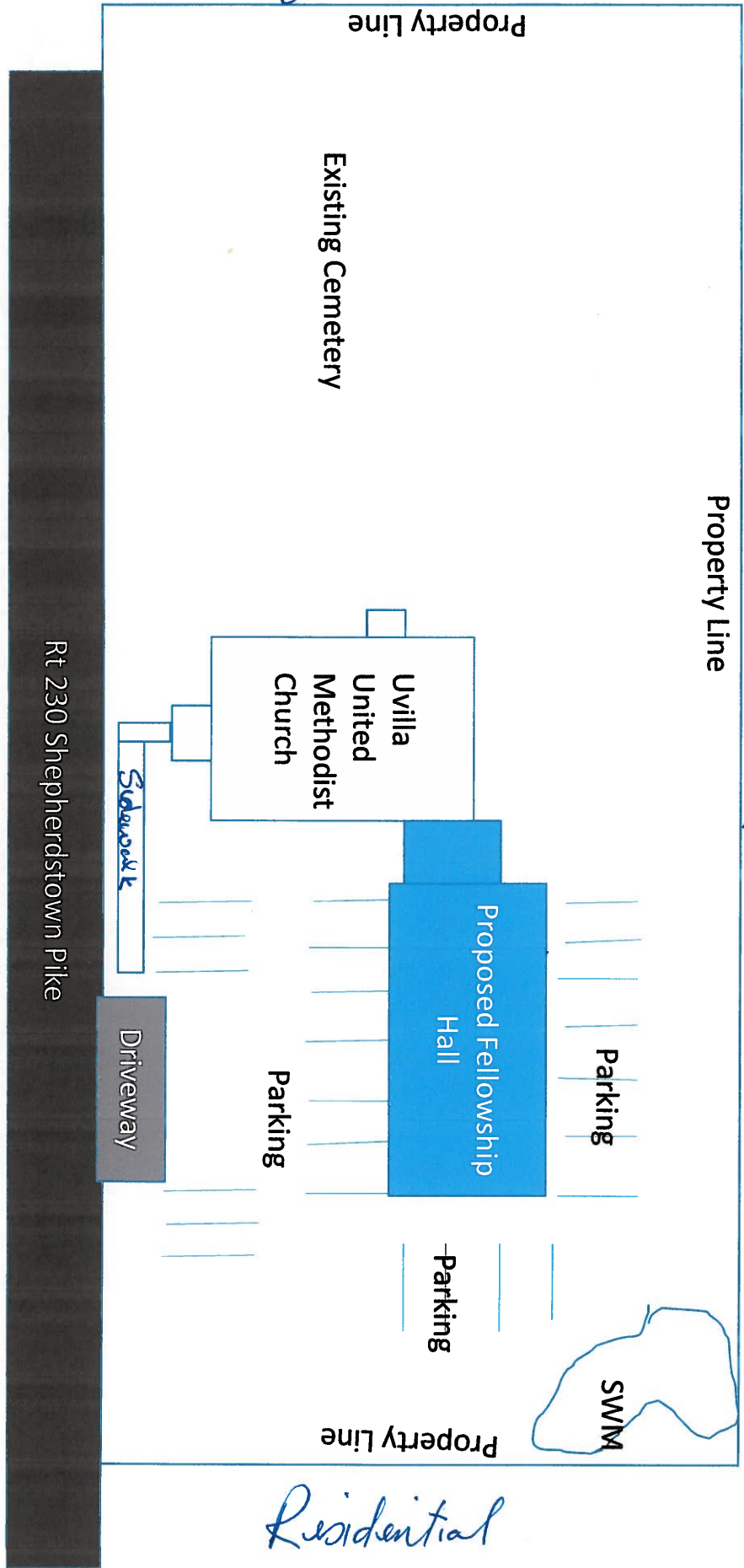
JUN 05 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

ZV15-15

Farm land

Existing Buffer

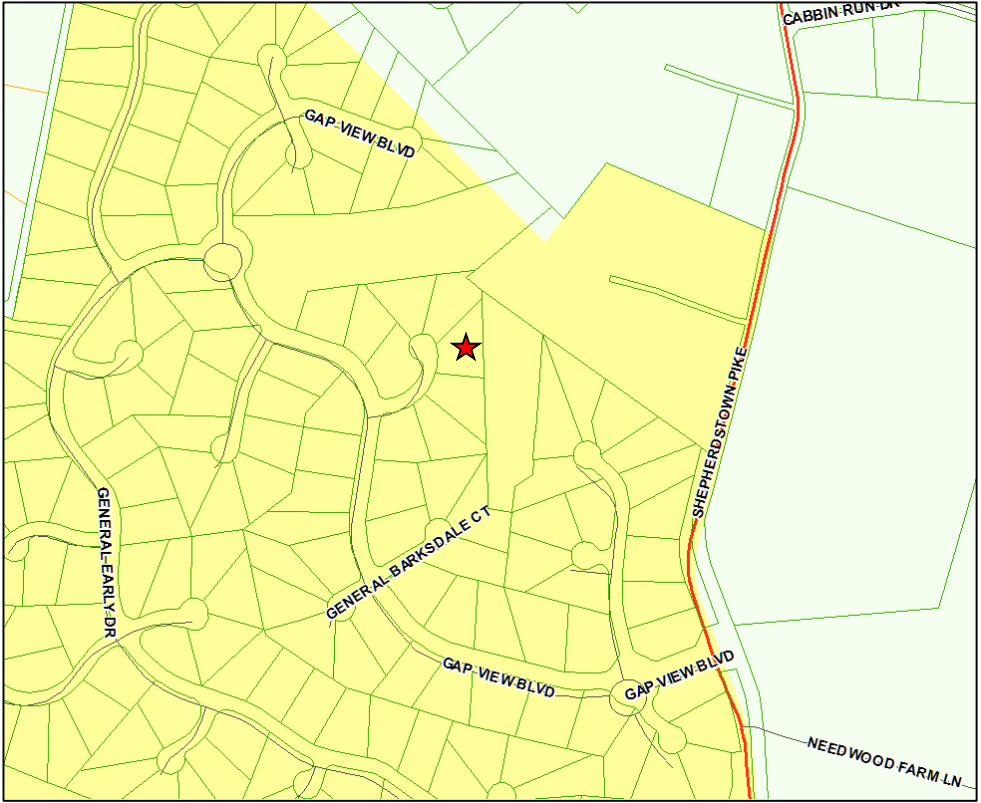


village Orchard

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 16, 2015

Bryan & Kelli LaBombard Variance Request (#ZV15-16)

Item #7 Variance request from Section 5.4B to reduce the side setback from 12' to 3' and the rear setback from 20' to 10' for a 12' x 20' accessory structure.

APPLICANT:	Bryan & Kelli LaBombard
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Same as above
PROPERTY LOCATION:	Gap View Subdivision, Lot 129 60 General Kershaw Ct., Harpers Ferry
LEGAL DESCRIPTION & ZONING DESIGNATION:	<p style="text-align: center;">District: Harpers Ferry-04; Map: 5D; Parcel: 129; Size: .75 ac Zone: Residential Growth</p> 
SURROUNDING PROPERTIES:	<p style="text-align: center;">Zoning Map Designation:</p> <p style="text-align: center;">North: RG South: RG East: RG West: RG</p>
HISTORY	See history below
VARIANCE(S):	None
APPROVED ACTIVITY:	Single Family Dwelling

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

Bryan & Kelli LaBombard Variance Request (#ZV15-16)

RELEVANT INFORMATION:

1. Overview of Request

Variance request from Section 5.4B of the 1988 Jefferson County Zoning and Land Development Review Ordinance, as amended, to reduce the side setback from 12' to 3' and the rear setback from 20' to 10' for a 12' x 20' accessory structure (shed).

2. Previous Case History

Gap View Village, Phase I, Lots 1 – 25 & 26 Residue (PC File #98-20)

- Community Impact Statement: Planning Commission approved on 09/22/98
- Preliminary Plat: Staff approved on 03/31/99
- Final Plat: Planning Commission approved on 08/10/99
- Minor Plat Change
 - Septic reserve relocation: Lot 4 (10/23/02), Lot 8 (07/18/02), Lot 12 (12/01/00)
 - Hiker/biker easement relocation/abandonment: Lot 14 (10/23/02)

Gap View Village, Phase II, Lots 26 – 93 & 94 Residue [Excepting Lot 80] (PC File #00-09)

- Community Impact Statement: Planning Commission approved on 05/23/00
- Preliminary Plat: Staff approved on 10/20/00
- Final Plat: Planning Commission approved on 11/28/00
- Minor Plat Change
 - Septic reserve relocation: Lot 29 (04/16/03), Lot 65 (08/19/05), Lot 71 (07/22/02), Lot 76 (05/07/02)

Gap View Village, Phase III, Lots 94 - 178 (PC File #01-19)

- Community Impact Statement: Planning Commission approved on 05/22/01
- Preliminary Plat: Staff approved on 04/30/02
- Final Plat: Planning Commission approved on 06/11/02
- Minor Plat Change
 - Septic reserve relocation: Lot 96 (09/27/02), Lot 108 (10/11/02), Lot 117 (01/20/04), Lot 118 (01/20/04), Lot 120 (11/17/03), Lot 126 (10/30/02), Lot 127 (04/19/04), Lot 129 (10/11/02), Lot 135 (09/16/03), Lot 136 (02/25/03), Lot 164 (11/17/03), Lot 177 (03/22/06)

Gap View Village, Phase Lot 80 (PC File #02-33)

- Final Plat: Planning Commission approved on 11/26/02

3. Applicant's Justification of Request

In the attached application submitted for the variance request the applicant provided a response to the following four criteria for a variance:

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

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

Bryan & Kelli LaBombard Variance Request (#ZV15-16)

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

The property is located in the Residential Growth Zoning District. Because this subdivision was developed under the 1988 Jefferson County Zoning and Land Development Review Ordinance, as amended October 14, 1999, the standards from this Ordinance apply to this development. The required setbacks for a parcel located in a subdivision in the Residential Growth zone under this Ordinance are 25' in the front, 12' on the side, and 20' in the rear.

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



(Site location in backyard for shed; Boundaries skewed due to panoramic photo,)

b. Unique characteristics of property

The applicant's property is in the Gap View Subdivision. The rear border of the property abuts directly to an expansive storm water management area for the community. A large portion of the rear yard is occupied by the 10,400 square foot septic reserve area, which is 400 feet larger than required. The property's rear lot line is bounded by a four-foot tall wooden fence. There is currently an above ground pool that would be the closest rear yard feature to the proposed site of the storage shed. The shape and size of this property is constrained by its location on a cul-de-sac in this community.

This creates trapezoid shaped lots which make creative use of rear yards necessary to be able to include any personalized features homeowner might desire to include on their property.

(Right, Location in Gap View, outlined in red)

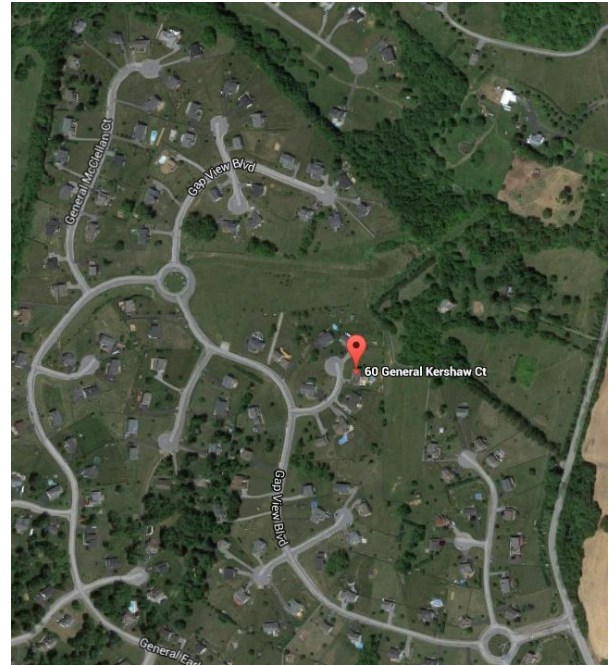


Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

Bryan & Kelli LaBombard Variance Request (#ZV15-16)

c. Character of area

The Gap View Subdivision is like many of the residential subdivisions in Jefferson County. Winding circulator roads lead to numerous cul-de-sacs throughout the community. This neighborhood carries the historic character of the region through the naming convention of several of the internal subdivision streets after Civil War Generals. To the rear of the applicant's property is an expansive storm water management area that services this area of the subdivision. The applicant's northern and southern neighbors both have similarly shaped lots with no rear boundary fences. The northern neighbor has a shed in their rear yard that is setback from their property line. The southern neighbor's septic reserve area abuts the LaBombard's property line.



d. Impact on adjacent properties

As the storage shed that the applicant wishes to construct is wholly in the confines of his backyard, and the structure will only be a storage unit for their personal property, there is no significant impact on the abutting neighbor's property. The immediate neighboring lots to the north and south do not have rear fence boundaries. The applicant's neighbor to the north of his property has a structure/outbuilding in their rear yard. Mr. LaBombard has spoken with his neighbor to the south and the neighbor has expressed approval of the location of the shed. This neighbor, who directly abuts the proposed shed location and who gave their approval, has no sheds or structure on their rear yard. The neighbor's email letter of support is in the packet.

(Below, Proposed location of shed in Applicant's backyard, facing storm water management area and abutting neighbor's property)



Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 July 16, 2015

Bryan & Kelli LaBombard Variance Request (#ZV15-16)

e. Feasibility of complying with the ordinance by other means

The applicant requested this variance to site the shed in this location so that they may maximize the use of their yard due to spatial limitations as a result of septic reserve, an existing above ground pool and deck, and the house dimensions occupying the vast majority of their lot. While the applicant has the spatial flexibility in the siting of this storage shed in a different location in their backyard, it would not be their preferred location due to these limitations. The applicant's rationale as to why they are requesting the reductions in setbacks are valid, as there are spatial constraints in the backyard's footprint which limit the area in which the shed can be sited on the property to still allow for free flow of backyard activities.

5. Conditions of Approval

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

- a) This variance shall be limited to the reduction of the side setback from 12' to 3' and rear setback from 20' to 10' to allow for the installation of storage shed as described in the application.

SECTION OF ORDINANCE TO BE CONSIDERED:

**1988 Jefferson County Zoning and Land Development Review Ordinance,
 as amended October 14, 1999**

SECTION 5.4b RESIDENTIAL GROWTH DISTRICT
 HEIGHT AND YARD REQUIREMENTS

[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE SEPTEMBER 13, 1999]

<u>Development Type</u>	<u>Minimum Lot Area (MLA)</u>		<u>Maximum Building</u>	
	<u>Area per Dwelling Unit (ADU)</u>		<u>Required Yards</u>	<u>Height*</u>
1. Single family detached dwelling	6,000 sq. ft. MLA**			
Public/Central water and sewer	10,000 sq. ft. ADU		25 ft. front	40 ft.
Public/Central water or sewer	20,000 sq. ft. MLA		12 ft. side	
No Public/Central water or sewer	40,000. Sq. ft. MLA		20 ft. rear	



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning
116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

File Number: ZV15-16
Staff Initials: CLK
Fees Paid (\$100 or \$150): \$100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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

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

Zoning Variance Request

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

Property Owner Information

Name: BRYAN LABOMBARD
Mailing Address: 60 General Kershaw Ct, Harpers Ferry, WV 25425
Phone Number: 304 724-1893/cell: 304 261-6194 Email: b_labombard@yahoo.com

Applicant Contact Information

Name: SAME AS ABOVE
Mailing Address:
Phone Number: Email:

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

Name: SELF (N/A)
Mailing Address:
Phone Number: Email:

Physical Property Details

Physical Address: 60 General Kershaw Ct
City: Harpers Ferry State: WV Zip Code: 25425
Tax District: 4 Map No: 5D Parcel No: 129
Parcel Size: .75 Acre Deed Book: 1018 Page No: 00131

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). RG is checked.

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Place Received Date Stamp Here

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

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

Reference the section of the Zoning Ordinance pertaining to this request: Sec. 5.4B gH

Briefly describe the nature of the variance request:

Reduce side + rear setbacks for a 12' x 20' shed. gH 6/23/14

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

Front Setback Side Setback Rear Setback Reduction From side 12' to 3'
Rear 20' to 10'

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

- 1. The shed will Reside inside an already existing fence.
- 2. The Rear setback is adjacent to a very large SWM and will NOT impact anyone
- 3. The side setback is adjacent to our neighbor's Septic Reserve where they can not build - Neighbor is ok with Shed Placement.

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

- 1. Lot 129's house and septic Reserve occupy Approximately 75% of the .75 acre lot (see Attachment)
- 2. An already Approved and built aboveground pool and deck occupy another 10% of the lot
- 3. Of the remaining area, without Approval, the shed would need to take up pathways where we walk, play or want a house deck

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

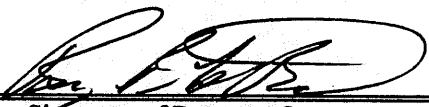
- 1. It will eliminate the hardship of finding a place to store our lawn mowers, bikes, gardening equipment. A car could then go in the garage
- 2. The request permits a very Reasonable use of the land's perimeter while preserving limited space to move around the lot
- 3. Eliminates the hardship of having to transplant 4 or more maple trees to fit the shed in a different limit location

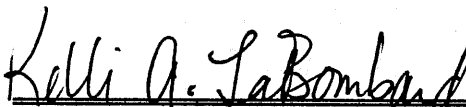
How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

- 1. It is inside an existing fence line and will maintain the existing intended use of the land as is
- 2. The shed is going to be built on skids so in the event of need in the future it could be moved
- 3. Justice will be done by allowing us to preserve pathways and utilize perimeter space the house placement & septic limit us to

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.


Signature of Property Owner 6/16/2015
Date


Signature of Property Owner 6/16/15
Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 3.4A(3)(b).

JULY 16, 2015 AT 2:00 P.M.
Date of Public Hearing

JULY 01, 2015
Advertising Date

JULY 01, 2015
Placard Posting Date

60 General Kershaw Ct. Harpers Ferry, WV - Zoning Variance Request

Orange areas are septic reserves

Red is the requested area for shed approval and variance change approval.

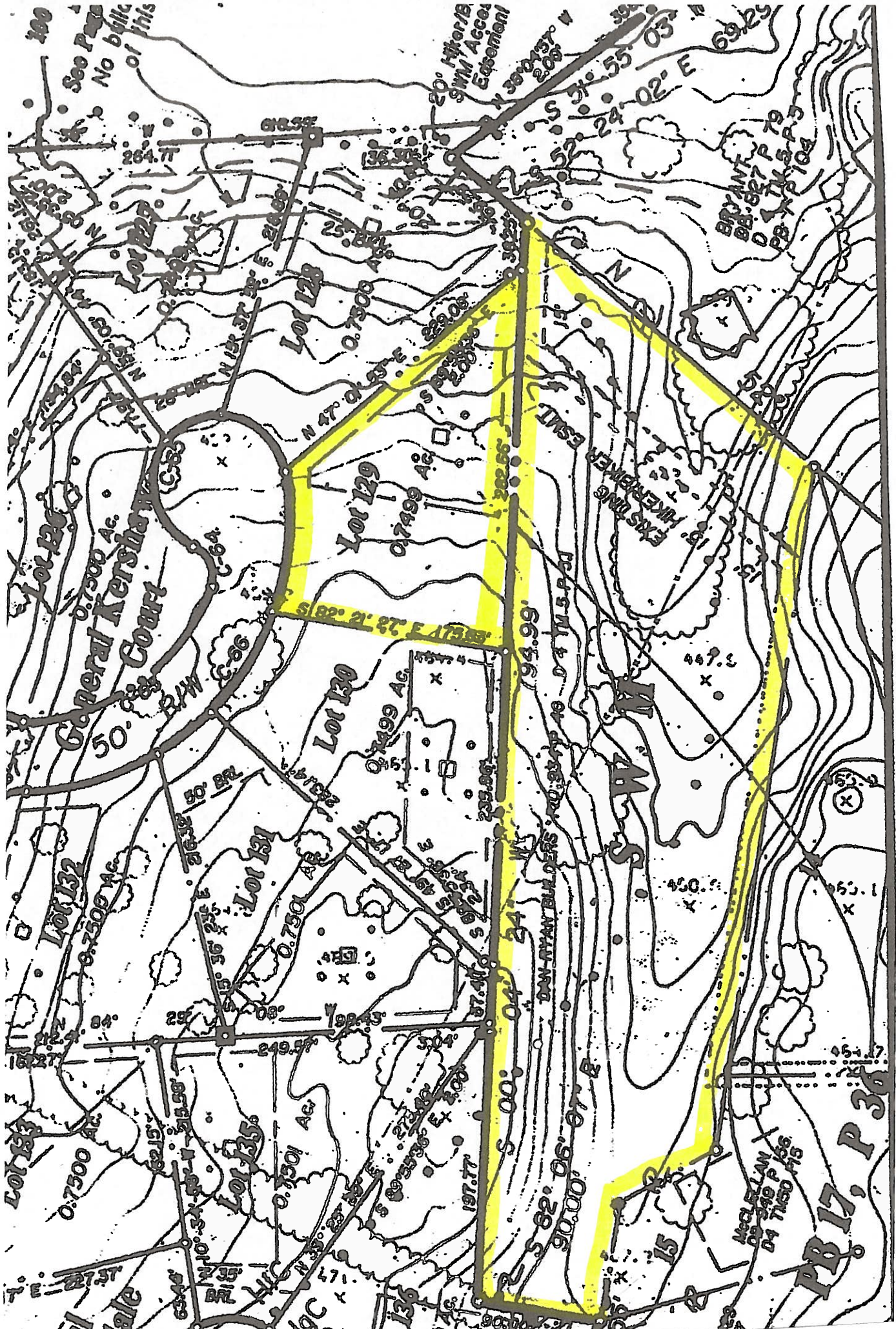
Yellow is the approximate current setback (12' on side and 20' on rear)

Ben B. [Signature]

6/16/2015

ZV15-16





II5-16

Zoning

From: Jerry Carmichael <carmichaelhomes@mris.com>
Sent: Tuesday, July 07, 2015 7:42 PM
To: Zoning@jeffersoncountywv.org
Cc: b_labombard@yahoo.com
Subject: LaBombard Variance Request - Shed

We are Jerry & Lucy Carmichael, owners of 44 General Kershaw Ct. and Mr. LaBombard's neighbor. We give our approval for the location of the shed as stated to us by Mr. LaBombard and it will not be an inconvenience.

Regards,
Jerry & Lucy Carmichael

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

The Battle of Smithfield Anniversary Re-enactment Seasonal Use Permit (#ZV15-17)

RELEVANT INFORMATION:

1. **Overview of Request**

Request for a Seasonal Use Permit for the Battle of Smithfield Anniversary Re-enactment beginning at 4:00 pm on August 28 and ending at 4:00 pm on August 30, 2015. The event is to consist of a re-enactment of civil war camp life, drills and other educational activities on various parcels within the Middleway Historic District.

2. **Previous Case History**

There have been a number of variances requested in the Village of Middleway, most relating to setbacks. There have been no Seasonal Use Permits sought for the Village.

3. **Applicant's Explanation of the Request**

In the attached application submitted for the Seasonal Use Permit request, the Middleway Conservancy stated the following proposed uses would be occurring at the following locations:

Re-enactment Activities:

Carmen Quinones, 7513 Queen St (D: 07/M: 22A/P: 18/Z: Village);
William & Linda Chappell, 175 East St (D: 07/M: 22B/P: 28/Z: Rural & Village);
Jeffrey & Dorothea Dehart, 207 East St, (D: 07/M: 22B/P: 29/Z: Rural & Village);
Withdrawn: Cecil White, et al, 99 Old Middleway Rd (D: 07/M: 22/P: 25).

The re-enactors camp will be on the 3 acre lot at 7513 Queen Street. This lot is bordered by Queen, King and North Streets. The two acre open field on the west side, bordered by King Street, will be used for camping, drills and interpretive activities. Port-a-potties and fresh water tanks will be provided for the use of the campers. The one-acre fenced pasture on the east side, bordered by Queen Street, will be used as pasture for the re-enactors' horses.

Drills and other daytime activities will be held on the open lots facing East and Grace Streets owned by 175 East Street and 207 East Street. Re-enactment activities may be held on the field owned by Dr. White at the southeast corner of the junction of East Street and Old Middleway Road.

Public Parking:

Dan & Anne Bowers, 272 Mason Farm Dr (D: 07/M: 22/P: 12.9 Z: Rural);
Middleway United Methodist Church, 7437 Queen St (D: 07/M: 22A/P: 43, 44Z: Village);
Grace Church Parish Hall, 112 East St, (D: 07/22A/ P: 70Z: Village);
Withdrawn: Middleway United Methodist Church, 328 King St (D: 07/22A/ P: 19)
Withdrawn: Triluminar Masonic Hall, 105 East St (D: 07/M: 22A/P: 72);
Withdrawn: Cecil White, et al, 99 Old Middleway Rd (D: 07/M: 22/P: 25).

Parking for re-enactors' vehicles will be on the Mason Farm, 272 Mason Farm Drive. Pedestrian access to this site will be via North Street; vehicular traffic will enter via Mason Farm Drive.

Public parking is proposed on the lot of Middleway United Methodist Church (Saturday only) at 7437 Queen Street; at Grace Church Parish Hall, 112 East Street; and the Triluminar Masonic Hall, 105 East Street (Saturday and Sunday).

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

The Battle of Smithfield Anniversary Re-enactment Seasonal Use Permit (#ZV15-17)

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

i. Section 9.8 of the Zoning Ordinance requires that all Seasonal Uses be approved by the Board of Zoning Appeals pursuant to a public hearing and limits the approval to one year at a time. This requirement allows for short term (not more than three days), occasional (no more than once each solar season) uses to be proposed and reviewed by the neighborhood in which it will be located. It also allows the Board of Zoning Appeals to outline conditions of approval based on the public input in order to reduce the impact on the area in which it is located; however the Ordinance does not provide much guidance to the Board of Zoning Appeals regarding criteria for approval.

ii. On August 1, 2005, the Jefferson County Commission adopted a Noise Ordinance that is separate from local land use regulations. This ordinance falls under the purview of the County Sheriff. The proposed event may cause brief periods of disturbance to local residence while the re-enactment of civil war living is being conducted. These types of activities, and the noise generated by them, are to be anticipated.

iii. Board of Health Requirements for Mass Events

The County Board of Health has Legislative Regulations related to Mass Event promulgated under Section 16-1 of the West Virginia Code. They define a Mass Event as 250 people assembled for a meeting, festival, concert, social gathering, or similar purpose. The applicant has provided an email from the BoH Department Head stating that a Mass Events Permit will not be required as the attendance for this event will not exceed 250 people.

iv. Division of Highways

The Division of Highways has a process for approving Special Events that require traffic control plans. It is unlikely an event of this size will require a traffic control plan; however, the applicant is encouraged to contact the WVDOH to see what requirements may be in effect.

v. Sheriff's Department

The Sheriff's Department should be notified of the proposed event to determine if additional staff will be needed during the date of the Re-enactment.

b. Unique characteristics of property

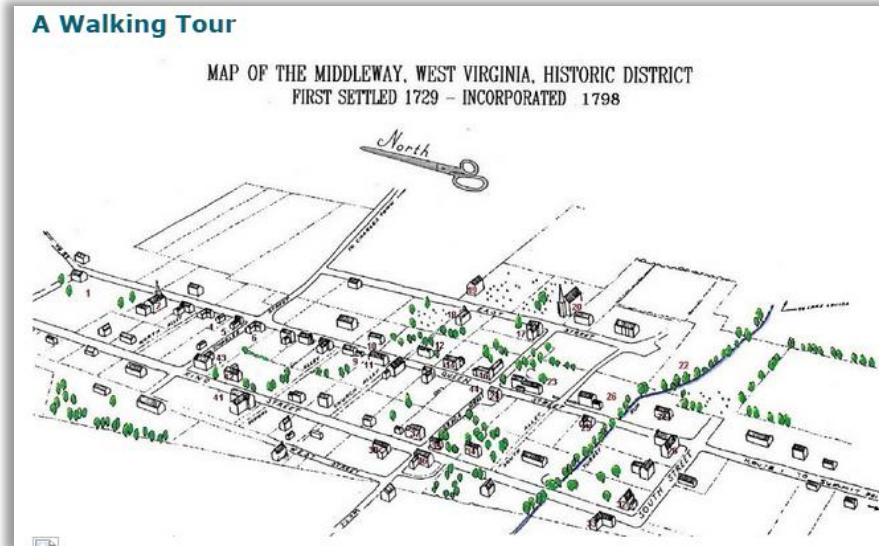
The village of Middleway and its environs was the site of the Civil War "Battle of Smithfield" which occurred over a two day period in 1864 (151 years ago). The battle included a cavalry fight between Confederate and Union forces down the Leetown Road through Middleway and then west on the Bunker Hill Road and across Opequon Creek as well as a battle involving a Union cavalry which encountered two divisions of Confederate infantry beyond the Opequon which drove the Federal troopers back through Middleway to Childs Crossroads. A Union infantry division joined the cavalry at Childs Crossroads, and the Confederate units retired back through Middleway to their original positions near Bunker Hill.

The proposed event is to provide a re-enactment of the events of these two days to act as a living history of what occurred in this area in 1864. In addition to the activities of the re-enactors, an exhibition of Civil War artifacts found in and around Middleway will be in the Grace Church

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

The Battle of Smithfield Anniversary Re-enactment Seasonal Use Permit (#ZV15-17)

Parish Hall, 112 East Street and self-guided tour maps of the battlefield area and the village will be available.



c. Character of area

Middleway is a village that was established as Smithfield by John Smith in 1734. It is located at the intersection of two trails used by Native Americans and was a good location because it was served by Turkey Run which comes from a large underground spring which forms Lake Louise about one mile east of the village, providing pure water for the area. The Smith family had the town surveyed in 1794 and began selling town lots in 1795. The town of Smithfield was incorporated in 1798. In 1807, a post office under the name of Middleway was established. This name was used to avoid confusion with the other Smithfield in Tidewater, Virginia. It operated until 1905, when it was closed due to the inception of Rural Free Delivery.



In 1980, the Middleway Historic District was added to the National Register of Historic Places. In 1982, the Middleway Conservancy, a non-profit, tax-exempt organization, was formed to preserve, acquire, restore, and revitalize, when and where possible, the Historic District, surrounding rural areas, and the areas adjacent to the Historic district. The historic nature of the village is an integral part of the character of the area. The Middleway Conservancy is the applicant and host of this proposed event.

d. Impact on adjacent properties

While there will be limited impact on the residents of the village of Middleway throughout the event, the applicant submitted letters of support from the following neighboring property owners:

- W. Thompson: 391 King St;
- L. Dunlap, 405 King St;
- K. Ring, 321 King St;

Staff Report
Jefferson County Board of Zoning Appeals Meeting
July 16, 2015

The Battle of Smithfield Anniversary Re-enactment Seasonal Use Permit (#ZV15-17)

C. Deeds, 401 King St,
B. Smith, 369 King St

5. Possible Conditions of Approval

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

- a. Contact the Division of Highways and comply with any requirements related to the hosting of this event (submit documentation to the Department of Zoning)
- b. Notify the Sheriff's Department regarding the proposed event to determine if additional staff will be needed during the date of the Re-enactment (submit documentation to the Department of Zoning)
- c. Submit documentation of event liability insurance held by the Middleway Conservancy

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 9.8 Seasonal Uses

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4A(3)(b) apply. Seasonal uses cannot be approved for longer than one year at a time.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Number: AV1517
Staff Initials: CJC
Fees Paid: \$ 100.00

<http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html>

Email: zoningdepartment@jeffersoncountywv.org
planningdepartment@jeffersoncountywv.org

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

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use:

Special Exception:

Property Owner Information

Name: CARMEN A. QUINONES
Mailing Address: 7513 QUEEN STREET
City: MIDDLEWAY, WV State: WV Zip Code: 25430
Phone Number: 703 350 3743 Email: CARMENCARMEN002@AOL.COM

Applicant Contact Information

Applicant Name: MIDDLEWAY CONSERVANCY ASSOCIATION, INC
Mailing Address: 154 EAST STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Phone Number: 304 728 6400 Email: PETERFRICKE01@GMAIL.COM

Registered Engineer(s) or Surveyor(s) Information

Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Email: _____

Physical property details

Physical Address: 7513 QUEEN STREET
City: MIDDLEWAY State: WV Zip Code: 25430
Tax District: 07 Map No.: 22A Parcel No.: 42, 43, 44, 45, 46
Parcel Size: 2.45 ACRES Deed Book: 1115 Page No.: 731

Zoning District (please check one)

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JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

	Residential	Industrial	Residential-	
	Growth	Commerical	Light Industrial-	
Rural	(R-G)	(I-C)	Commercial	Village
(R-A)	(R-G)	(I-C)	(R-L-C)	(V)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Name of Temporary Business or Event

BATTLE OF SMITHFIELD ANNIVERSARY RE-ENACTMENT

Description of Seasonal Use

RE-ENACTMENT OF CIVIL WAR CAMP LIFE, DRILLS AND OTHER EDUCATIONAL ACTIVITIES

Name of Primary Contact/Responsible Party During Business Hours

WILLIAM CHAPPELL

Primary Contact Telephone Number

304 724 2242

Duration of Temporary Use/Window of Authorization

Start Date: 28 AUGUST 2015

End Date: 30 AUGUST 2015

Total Number of Days: 3 DAYS

Hours of Operation of Seasonal Use

4 PM, 28 AUGUST THRU 4 PM 30 AUGUST, 2015

How is the Property Currently Used?

HAY FIELD

What is the Proposed Use of the Property?

CAMP GROUNDS (CIVIL-WAR-STYLE), CIVIL-WAR MILITARY REENACTMENT

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property.

Please specify the number and location of the existing/proposed parking spaces (if necessary).

Original signature is required of all property owners (attach additional signature page if needed).

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

William A. Chappell 06-22-15

Signature of Property Owner 1

Date

Signature of Property Owner 2

Date

Notification Requirements

07/16/15

Date of Public Hearing

07/01/15

Advertising Date

07/01/15

Posting Requirements (number of days prior to scheduled hearing)

Official Action of Board

Official Signature and Seal

President's Signature *Date*

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#ZV15-17

25 June, 2015

Proposed Re-enactment on the Anniversary of the Battle of Smithfield, August 28-30, 2015

Middleway Conservancy Association has invited re-enactors to help celebrate the 151st anniversary of the Battle of Smithfield on August 28-30. The battle occurred over two days in 1864 – the first day being a cavalry fight between Confederate and Union forces down the Leetown Road through Middleway and then west on the Bunker Hill Road and across the Smithfield bridge over the Opequon Creek. On the second day, Union cavalry probed westwards beyond the Opequon and encountered two divisions of Confederate infantry which drove the Federal troopers back through Middleway to Childs Crossroads. A Union infantry division joined the cavalry at Childs Crossroads, and the Confederate units retired back through Middleway to their original positions near Bunker Hill.

The re-enactment is seen as a “living history” event involving as many as 100 re-enactors (troops and camp followers). The re-enactors will gather in a camp on Friday night, August 28, and then on Saturday, August 29, conduct drills and provide interpretative activities. On Sunday, August 30, there will be additional interpretative activities and camp will be broken about 4pm in the afternoon.

In addition to the activities of the re-enactors, Middleway Conservancy will be mounting an exhibition of Civil War artifacts found in and around Middleway in the Grace Church Parish Hall, 112 East Street. Self-guided tour maps of the battlefield area and the village will be provided to the public.

Proposed locations of activities will be as follows:

The re-enactors camp will be on 2 acres of the 2.45 acre lot at 7513 Queen Street. This lot is bordered by Queen, King and North Streets. The open field on the west side, bordered by King Street, will be used for camping, drills and interpretive activities. Port-a-potties and fresh water tanks will be provided for the use of the campers. The fenced pasture on the east side, bordered by Queen Street, will be used as pasture for the re-enactors horses.

Parking for re-enactors vehicles will be on the Mason Farm, 272 Mason Farm Drive. Pedestrian access to this site will be via North Street; vehicular traffic will enter via Mason Farm Drive.

Drills and other daytime activities will be held on the open lots facing East and Grace Streets owned by 175 East Street and 207 East Street. Re-enactment activities may be held on the field owned by Dr. White at the southeast corner of the junction of East Street and Old Middleway Road.

Public parking is proposed on the lot of Middleway United Methodist Church (Saturday and the afternoon of Sunday) at 7437 Queen Street, and at Grace Church Parish Hall, 112 East Street, and the Triluminar Masonic Hall, 105 East Street (Saturday and Sunday). Alternative parking may be available in the field at 99 Old Middleway Road.

The Middleway Conservancy will be responsible for event infrastructure and for event liability insurance

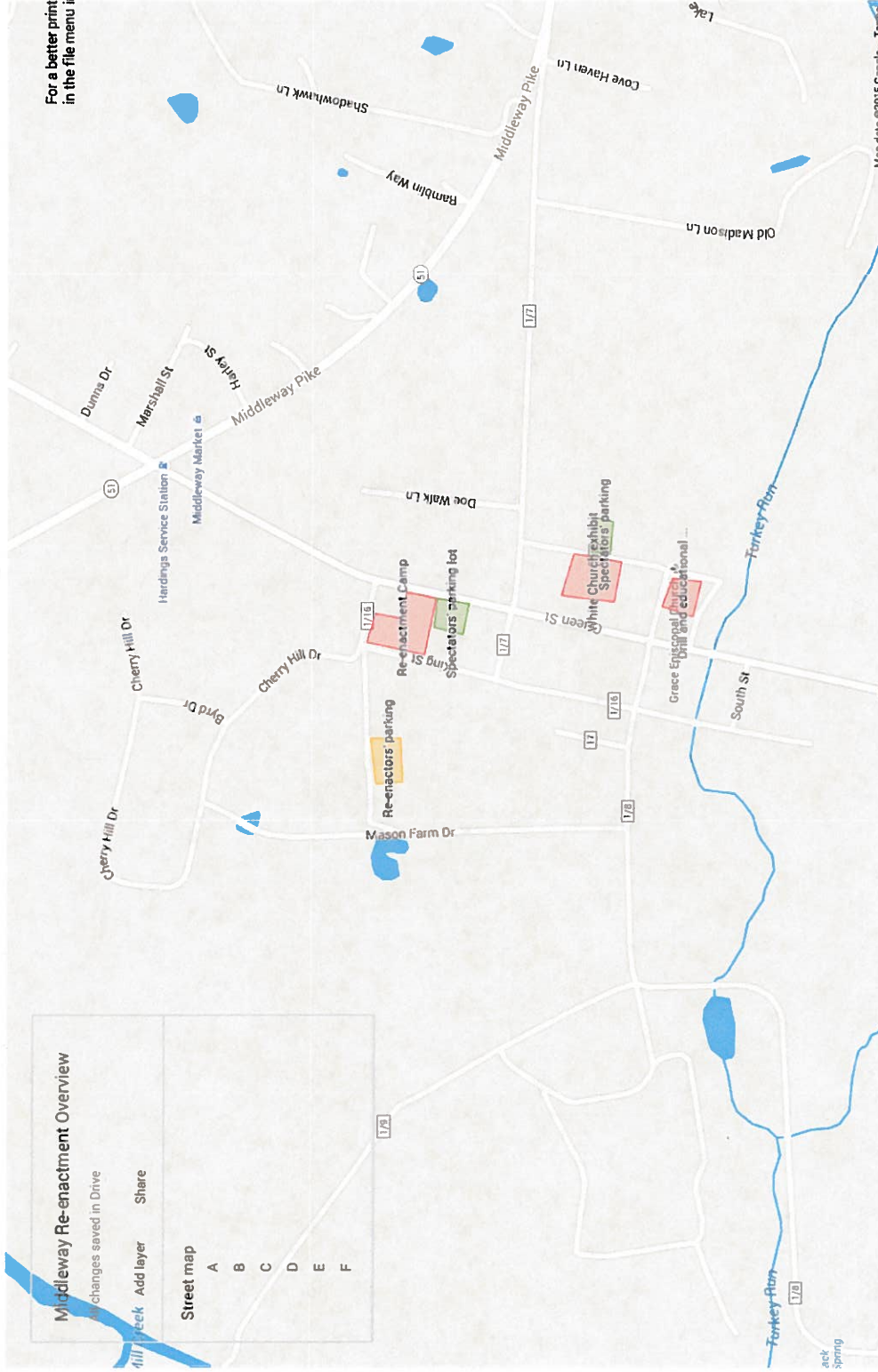
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JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

#7/15/17

For a better printing experience, select "Print map" in the file menu in the left panel.



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JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

#ZV15-17

For a better printing experience, select "Print map" in the file menu in the left panel.



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JEFFERSON COUNTY PLANNING,
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Middleway Conservancy Association
154 East Street
Middleway, WV 25430

To whom it may concern:

We, being the owners of 175 East Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy for a "living history" re-enactment of the Battle of Smithfield to be held on August 28-30, 2015. It is understood that a Civil War-style encampment is proposed for the property known as 7513 Queen Street.

The Conservancy has also requested the use of the lawn in front of our house for re-enactments of military drills on Saturday, August 29th, thru Sunday, August 30th.

(Signature)

(Date)

William D. Chappell
Linda A. Chappell

June 22, 2015
June 22, 2015

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Middleway Conservancy Association
154 East Street
Middleway, WV 25430

JEFFERSON COUNTY PLANNING,
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To whom it may concern:

The Middleway United Methodist Church, being the owner of 328 King Street and 7435 Queen Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy for a "living history" re-enactment of the Battle of Smithfield to be held on August 28-30, 2015. It is understood that a Civil War-style encampment is proposed for the property known as 7513 Queen Street.

The Conservancy has also requested the use of the Church parking lot for spectator parking on Saturday, August 29th, and the afternoon of Sunday, August 30th.

Bessie B. Nodemus
(Signature)

6-22-15
(Date)

The Church will be having our regular services on Sunday, Aug. 30th, so the parking lot will not be available until 12:00 p.m.

Church mailing address:

P.O. Box 580
Kearneysville
WV
25430

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Middleway Conservancy Association
154 East Street
Middleway, WV 25430

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

To whom it may concern:

We, being the owners of 272 Mason Farm Drive, Middleway, WV, have no objection to the proposal of the Middleway Conservancy for a "living history" re-enactment of the Battle of Smithfield to be held on August 28-30, 2015. It is understood that a Civil War-style encampment is proposed for the property known as 7513 Queen Street.

The Conservancy has also requested the use of part of one of our fields for re-enactor parking on Friday, August 28th, thru Sunday, August 30th.

(Signature)

(Date)

Dan & Anne Gowers

6-24-15

ZV15-17

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

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JEFFERSON COUNTY PLANNING,
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To whom it may concern:

We, being the owners of 391 King Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 28-30, 2015. We understand that a Civil War-style encampment is proposed for the property known as 7513 Queen Street, Middleway.

(Signature)

William D. Thompson

(Date)

6-25-2015

#ZV15-17

Middleway Conservancy Association
154 East Street
Middleway, WV 25430


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JEFFERSON COUNTY PLANNING,
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To whom it may concern:

I, being the owner of 405 King Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy for a "living history" re-enactment of the Battle of Smithfield to be held on August 28-30, 2015. I understand that a Civil War-style encampment is proposed for the property known as 7513 Queen Street.


(Signature)

6-23-15
(Date)

ZV15-17

Middleway Conservancy Association
154 East Street
Middleway, WV 25430

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JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

To whom it may concern:

We, being the owners of 321 King Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy for a "living history" re-enactment of the Battle of Smithfield to be held on August 28-30, 2015. We understand that a Civil War-style encampment is proposed for the property known as 7513 Queen Street which abuts King Street.

(Signature)

Kenneth Ring

(Date)

6-22-15

ZV15-17

Middleway Conservancy Association
154 East Street
Middleway, WV 25430

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JEFFERSON COUNTY PLANNING,
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To whom it may concern:

We, being the owners of 401 King Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy for a "living history" re-enactment of the Battle of Smithfield to be held on August 28-30, 2015. We understand that a Civil War-style encampment is proposed for the property known as 7513 Queen Street.

(Signature) *Charles Deeds*

(Date) *6/22/2014*

#ZV15-17

Middleway Conservancy Association
154 East Street
Middleway, WV 25430

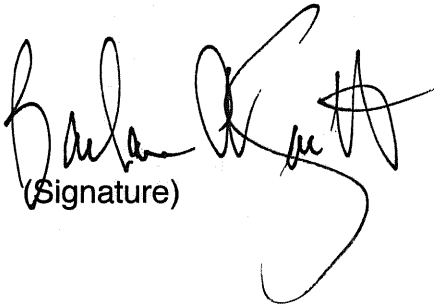
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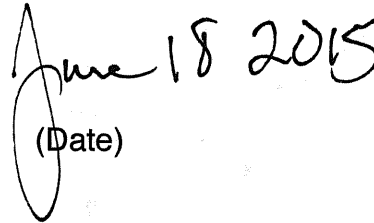
JUN 25 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

To whom it may concern:

I, being the owner of 369 King Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy for a "living history" re-enactment of the Battle of Smithfield to be held on August 28-30, 2015. I understand that a Civil War-style encampment is proposed for the property known as 7513 Queen Street which abuts King Street.


(Signature)


(Date)

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

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JUN 30 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

To whom it may concern:

I, being the owner of 207 East Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 28-30, 2015. I understand that a Civil War-style encampment is proposed for the property known as 7513 Queen Street, Middleway.

I also have no objection to the use of the lawn in front of my house as a site for demonstrations of military drills and other Civil War educational activities.



Dorothea B. DeHart

06-29-2015

Middleway Conservancy Association, Inc.
154 East Street
Middleway, WV 25430

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JUN 30 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

To whom it may concern:

I, being the owner of 154 East Street, Middleway, WV, have no objection to the proposal of the Middleway Conservancy Association for a "living history" re-enactment of the Battle of Smithfield to be held on August 28-30, 2015.

I understand that a Civil War-style encampment is proposed for the property known as 7513 Queen Street, Middleway. I also understand that military drills and other Civil War educational activities are proposed to be held at 175 and 207 East Street and an exhibit in Grace Church Parish Hall, 112 East Street.


(Signature)

6/25/2015
(Date)

Middleway Conservancy Association
154 East Street
Middleway, WV 25430

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JUN 30 2015

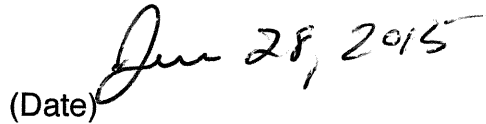
JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

To whom it may concern:

Grace Episcopal Church, being the owner of 112 and 157 East Street, Middleway, WV, has no objection to the proposal of the Middleway Conservancy for a "living history" re-enactment of the Battle of Smithfield to be held on August 28-30, 2015. It is understood that a Civil War-style encampment is proposed for the property known as 7513 Queen Street, and that military drills will take place at 175 and 207 East Street.

The Conservancy has also requested the use of our Parish Hall, 112 East Street, on Saturday, August 29th, thru Sunday, August 30th to display exhibits related to the Civil War in Middleway.


(Signature)


(Date)

Peter Fricke

From: Zaleski, Bill H <Bill.H.Zaleski@wv.gov>
Sent: Tuesday, June 23, 2015 8:59 AM
To: Peter Fricke
Cc: Jennifer Brockman (jbrockman@jeffersoncountywv.org)
Subject: RE: A re-enactment encampment -- what do we need to do to meet BoH requirements?

You only need a mass gathering permit when you exceed 250 people

Looks like you are ok with about 100.

Thanks

billz

From: Peter Fricke [mailto:peterfricke01@gmail.com]
Sent: Monday, June 22, 2015 10:32 AM
To: Zaleski, Bill H
Subject: A re-enactment encampment -- what do we need to do to meet BoH requirements?

Bill,

Middleway Conservancy is planning a re-enactment camp to commemorate the anniversary of the Battle of Smithfield at the end of August. In addition to a seasonal-use permit from the BZA, are there any Health Department requirements we need to meet? We plan to provide porta-potties and a hand-wash station. A summary of our plans is attached.

Peter



Jefferson County, West Virginia

Departments 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

Director's Report Board of Zoning Appeals Meeting July 16, 2015

1) Recent/Upcoming PC/CC Actions relevant to Planning and Zoning:

- a) The Corporation of Bolivar has requested the establishment of an Urban Growth Boundary under the provision of WV State Code 8-6-4a. Legal staff recommended that the Planning Commission hold a Public Hearing to make a recommendation regarding adding this Boundary line to the County Zoning Map to the County Commission (*PC moved to inform the CC that the proposed bolivar UGB is not in conformance with the Envision Jefferson 2035 Plan 6/9/15 – CC action TBD*)
- b) Planning Commission discussion/action on proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) (*PC to initiate discussion with relevant county agencies when All Good Festival 2015 after-action report is complete for input into the draft ordinance*)
- c) Joint PC/CC Public Hearing for Zoning Map Amendment for Morgan Grove Market properties (8/11/15 7 pm)

3) Upcoming BZA meetings

- a) Next Regular Meeting: **August 27, 2015**

JEFFERSON COUNTY, WEST VIRGINIA
Department of Zoning
116 East Washington Street
P.O. Box 338
Charles Town, West Virginia 25414

Email: zoning@jeffersoncountywv.org

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

MEMORANDUM

TO: Board of Zoning Appeals Members

CC: Engineering & Building Permits Departments

FROM: Acting Zoning Administrator, Jennifer M. Brockman

DATE: July 09, 2015

SUBJECT: July Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

#ZC15-32 PERMELYNN OF WESTCHESTER, INC. c/o KIMCO REALTY CORP - OWNER
AMERICAN PROMOTIONAL EVENTS dba TNT FIREWORKS - APPLICANT

Issuance Date: June 18, 2015
Proposed Use: Temporary sale of legal fireworks in a 20' x 40' tent.
Dates of operation: June 22 – July 5, 2015.
Physical Location: 96 Patrick Henry Way; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

#ZC15-33 PERMELYNN OF WESTCHESTER, INC. c/o KIMCO REALTY CORP - OWNER
SOUTHERN COMFORT FIREWORKS dba ACME FIREWORKS - APPLICANT

Issuance Date: June 18, 2015
Proposed Use: Temporary sale of legal fireworks conducted from a 30' x 50' tent.
Dates of operation: June 27th to July 4, 2015 from 9:00 a.m.-
10:00 p.m. Time-frame for tent set up: between June 20th –
June 26, 2015. Time-frame for tent removal: no later than
July 10, 2015.
Physical Location: 96 Patrick Henry Way; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

ISSUED ZONING CERTIFICATES

#ZC15-25 SUNNYSIDE LIMITED PARTNERSHIP – OWNER
VERIZON - APPLICANT (CONTACT: PHIL STETLER)

Issuance Date: June 24, 2015
Proposed Use: Property contains existing 196.0' self-support tower. Verizon to install three (3) remote radio heads (RRH), one (1) at each sector, three (3) distribution boxes, one (1) at each sector, and three (3) hybriflex cables to follow existing cable routing. No ground disturbance or electrical work is required.
Physical Location: 844 Wheatland Road; Charles Town, West Virginia 25414
Zone: Rural

#ZC15-34 MARK D. STOLIPHER / DOUGLAS & NANCY STOLIPHER - OWNERS
ALL GOOD FESTIVAL AND CAMP OUT- APPLICANT

Issuance Date: June 26, 2015
Proposed Use: To comply with approved (08-28-14) Seasonal Use Permit #ZV14-5, as follows: Per Section 9.8, of the Jefferson County Zoning and Land Development Ordinance, the applicant is requesting to host a three day music festival and camp-out during the 2015 summer season in the Rural District. This permit is only valid for this event as advertised (July 9th – July 12, 2015) and permits set-up and tear-down.
Physical Location: 261 Berry Hill Farm Lane; Summit Point, West Virginia 25446
Zone: Rural

#ZC15-28 JOHN DARNALL ET AL TRUSTEES, c/o SANDRA FEIZOLLAHI - OWNER
AT&T MOBILITY / CONTACT: ADAM KNUBEL – APPLICANT

Issuance Date: June 30, 2015
Proposed Use: Property contains existing self-support Telecommunications Tower. AT&T Wireless to remove/relocate/install wireless communications antennas, RRH's, and associated support equipment on existing antenna mount; install associated support equipment at ground level and on existing LTE rack in existing equipment room; and remove/re-route/install all necessary coaxial cables, jumpers, fiber and DC cables routed from equipment room at ground level to tower tip. The antennas will be mounted at the height of 175' on the existing 197' telecommunications tower. No additional height increase to tower. No ground disturbance.
Physical Location: 3343 Shepherdstown Pike; Shenandoah Junction, WV 25442
Zone: Rural

ISSUED ZONING CERTIFICATES

#ZC15-30 STEVEN H. LASHLEY- OWNER/APPLICANT

Issuance Date: July 06, 2015
Proposed Use: Accessory Agricultural Dwelling Unit.
Physical Location: 273 Job Corps Road; Shenandoah Junction, WV 25442
Zone: Rural

#ZC15-24 SHENANDOAH PROFESSIONAL CENTER, INC. – OWNER/
DAND E. NOVELTIES – APPLICANT

Issuance Date: July 06, 2015
Proposed Use: Ice Cream Sales from truck parked on property.
Physical Location: 36 Bakerton Road; Harpers Ferry, West Virginia 25425
Zone: Residential-Light Industrial-Commercial

#ZC15-36 GILBERT A. MOBLEY, SR. / OWNER
CARL C. WEBSTER & CONNIE D. KITTS / APPLICANTS

Issuance Date: July 09, 2015
Proposed Use: Antiques//Crafts/Collectables Shop with retail sales/indoor storage of household merchandise, clothing, books, antiques, collectibles, furniture, etc. (operating in an existing building with public restrooms). Additionally, an Open-Air Flea Market consisting of thirty-six (36) rental spaces, located in the rear of the building, and a 2,000 sq. ft. exterior retail space, retained for future use. Front and sides of building to be designated as parking areas.
Physical Location: 6468 Charles Town Road; Kearneysville, West Virginia 25430
Zone: Rural

PENDING ZONING CERTIFICATES

#ZC15-07 CHARLES J. BROWN – OWNER
SHERYL GRAY - APPLICANT

Issuance Date: TBD
Proposed Use: Change in Tenant. Current owner turning over operation of existing business to daughter. Said business, established in 1988, consists of general retail sale of clothing, groceries, sporting goods, tobacco/tobacco products, smoking accessories, guns/ammunition and beer.
Physical Location: 15949 Charles Town Road; Charles Town, West Virginia 25414
Zone: Rural

PENDING ZONING CERTIFICATES

#ZC15-23 SHENANDOAH PROFESSIONAL CENTER, INC. – OWNER/
WILT’S FRUIT STAND – APPLICANT

Issuance Date: TBD
Proposed Use: Outdoor Fruit Stand
Physical Location: 36 Bakerton Road; Harpers Ferry, West Virginia 25425
Zone: Residential-Light Industrial-Commercial

#ZC15-27 WVV GENERAL PARTNERSHIP BY MICHAEL R. SKIGEN, CPA - OWNER
DAN ALLER & MARK GRUNER / D&M ENTERPRISES – APPLICANT

Issuance Date: TBD
Proposed Use: Expand number of outdoor table spaces for existing Halltown Flea
Market from currently approved 21 spaces to 70 total spaces.
Additional parking is already available allowing for 190(+) vehicles.
Physical Location: Jefferson Business Center; 197 Halltown Road
Zone: Residential-Light Industrial-Commercial

#ZC15-29 CSX TRANSPORTATION / OWNER
CONTACT: HDR – CONTACT: AMANDA MEADE, ADMIN ASSISTANT -
APPLICANT

Issuance Date: TBD
Proposed Use: The proposed CSX Transportation project consists of the
construction of a 60' PTC tower with a 10" communication antenna
within the CSX right-of-way within Jefferson County, WV. CXS
PTC towers are 70' single pole structures with a similar visual
impact to a telephone pole. The FCC permit application process
requires contact with a local government as part of their
responsibilities under a Nationwide Programmatic Agreement for
Review of Effects on Historic Properties for Certain Undertakings
approved by the Federal Communications Commission.
Physical Location: TBD - Jefferson County, WV
Zone: TBD

PENDING ZONING CERTIFICATES

#ZC15-35 RAI PROPERTIES, LLC / CONTACT: JAMES RULAND - OWNER
SPECTRUM / CONTACT SETH & RAY MILLER / APPLICANTS

Issuance Date: TBD
Proposed Use: Karate Classes.
 Daily Operation: Monday-Friday, 10:00 a.m. – 10:00 p.m.
Physical Location: 59 Unit A Ruland Road; Kearneysville, WV 25430
Zone: Industrial-Commercial
