



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, May 28, 2015, 2:00 p.m.**

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

The Jefferson County Board of Zoning Appeals will meet in the Charles Town Library Conference Room located at 200 East Washington Street, at the side entrance on Samuel Street, in Charles Town, West Virginia. Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Approval of the minutes from the April 23, 2015 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Variance request from Section 5.4-1 to reduce the side setback from 12' to 8' for a garage attached to a townhouse unit. Owner/Developer: Pete Kubic. PFK, LLC. Location: Lot T73, Locust Hill Subdivision, Baltustrol Dr, Charles Town, WV. District: 02; Map: 13A; Parcel: 555; Zone: R; File: ZV15-10.
4. *Variance request postponed until June 25, 2015.* Variance request from Section 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/Developer: Lisa Gasque. Location: 5753 Charles Town Rd, Kearneysville, WV. District: 07; Map: 3C; Parcel: 3; Zone: V; File: ZV15-11.
5. Director's Report.
  - a) Monthly Activity Report
6. Legal Update.
  - a) All Good Music Festival Pending Litigation CA #14-C-390
  - b) William Neufeld Pending Litigation CA #14-C-394
7. Discussion with possible deliberative session and signing of draft findings/decisions.

Meeting Date: April 23, 2015

  - a) Variance request from Sections 9.6C and 9.7 to reduce the front setback from 20' to 17'6" for an unlawfully constructed 16' x 30' building. Owner: Matthew and Jennifer Welder. Location: Glen Haven Subdivision, 815 Mason Dr., Harpers Ferry WV. District: Harpers Ferry 04; Map: 3D; Parcel: 40; Zone: R; Size: .40 ac; File: ZV15-08.



Draft Minutes  
Jefferson County Zoning Board of Appeals

1 Meeting Date: April 23, 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; Jeffrey Bannon, Vice Chair, Ted Schiltz and  
6 Matt Knott  
7 Board members absent: Christy Huddle (with notification)  
8 Staff members present: Jennifer Brockman, Acting Zoning Administrator/Director of  
9 Planning and Zoning; Lydia Lehman, Assistant Prosecuting  
10 Attorney; Jennilee Hartman, Zoning Clerk  
11

12 All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.  
13

14 Mr. Schiltz moved to start the meeting at 2:10 p.m. Mr. Quynn called for a vote, which carried  
15 unanimously.  
16

17 1) Approval of the minutes from the March 26, 2015 meeting.  
18

19 Mr. Quynn suggested the following corrections:  
20

- 21 a) Page 1, line 44, change Blacker to Blackmer.
  - 22 b) Page 1, change all references to water and sewer to public water and public sewer.
  - 23 c) Page 3, line 29, change Signs to Sign
  - 24 d) Add page numbers to the minutes.
- 25

26 Mr. Schiltz moved to approve the minutes as amended. Mr. Bannon seconded the motion.  
27 Mr. Quynn and Mr. Knott abstained from voting as they were not present at the March 26, 2015  
28 meeting. Mr. Quynn called for a vote, which carried two in support (Bannon and Schiltz) and  
29 two abstentions (Quynn and Knott).  
30

31 2) Swearing in of members of the public intending to provide testimony.  
32

33 Ms. Hartman swore in members of the public who indicated they would be providing testimony.  
34

35 3) Variance request from Sections 9.6C and 9.7 to reduce the front setback from 20' to 17'6"  
36 for an unlawfully constructed 16' x 30' building. Owner: Matthew and Jennifer Welder.  
37 Location: Glen Haven Subdivision, 815 Mason Dr., Harpers Ferry WV. District: Harpers Ferry  
38 04; Map: 3D; Parcel: 40; Zone: R; Size: .40 ac; File: ZV15-08.  
39

40 Ms. Brockman presented her staff report to the Board explaining that the applicant owned two  
41 legally separate parcels and that the structure in question was located entirely on one parcel  
42 (40). Ms. Jennifer Welder, applicant, addressed the Board describing the nature of her request.  
43 Mr. Quynn called for public comment. There was no public comment. Mr. Quynn closed the  
44 public hearing.  
45

46 The Board agreed a deliberative session was not necessary. Mr. Schiltz moved to approve the  
47 variance request from Sections 9.6C and 9.7 to reduce the front setback from 20' to 17'6" for a

1 16' x 20' building and a 16' x 10' attached carport constructed without obtaining a building permit.  
2 The applicant has applied for a building permit, which is pending issuance, contingent upon the  
3 approval of the variance request. Mr. Quynn called for a vote, which carried unanimously.  
4

5 4) Director's Report.

- 6
- 7 a) Monthly Activity Report. No action taken.
  - 8 b) Ms. Brockman updated the Board on the following items:
    - 9 i) County Commission approved hiring Aaron David Simon as Zoning Administrator.  
10 Starting: May 4, 2015.
    - 11 ii) Old Standard Quarry was rezoned to Residential-Light Industrial-Commercial.
    - 12 iii) County Commission approved three text amendments to the Subdivision  
13 Regulations. Ms. Brockman agreed to forward future amendments to the Board.
    - 14 iv) Bolivar requested an Urban Growth Boundary. The County Commission  
15 forwarded the request to the Planning Commission to schedule a public hearing.  
16 Discussion ensued.
    - 17 v) No recent activity regarding the Mass Events text amendment.
    - 18 vi) The All Good Music Festival submitted their Concept Plan and has been working  
19 with the appropriate agencies.  
20

21 5) Legal Update.

- 22
- 23 a) All Good Music Festival Pending Litigation CA #14-C-390. Ms. Lehman stated there  
24 was an Order awaiting Judge Wilkes signature and that the All Good Music Festival was  
25 still on schedule to commence as a Stay was not issued by the Court.
  - 26 b) William Neufeld Pending Litigation CA #14-C-394. Ms. Lehman stated that they had  
27 been given a briefing schedule; therefore, they were waiting on Mr. Scales to file with  
28 the Court, and subsequently they would be filing.  
29

30 6) Signing of Findings of Fact and Conclusions of Law/written decisions from prior Board of  
31 Zoning Appeals meetings.

32  
33 Meeting Date: March 26, 2015  
34

- 35 a) Variance request by Peter Corum, applicant, from Sec. 3.2G for an eighteen (18) month  
36 extension for the Morgan's Grove Market Conditional Use Permit #CP12-01, which  
37 expires on June 28, 2015. The CUP was approved for an agricultural-based market.  
38 Intended uses are to consist of, but are not limited to, a Food Hub, General Merchandise  
39 (retail), Professional/Business Offices, Community Amenities, and other associated uses.  
40 Owner: Twin Oaks S/D, LLC. Location: 3988 Kearneysville Pk, Shepherdstown, WV.  
41 District: Shepherdstown 09; Map: 13; Parcels: 26.1, 26.2, 26.3, 26.4; Zone: R; Size: 13.68  
42 (combined total acres); File: ZV15-02. *The Findings were signed by the Vice President.*
- 43 b) Request for a change in nonconforming use by Carl Webster & Connie Kitts, applicants,  
44 per Sec. 4.3C to allow for the reconfiguration of an approved Outdoor Flea Market #ZC13-  
45 34. Owner: Gilbert Mobley. Location: 6468 Charles Town Rd, Kearneysville, WV.

- 1 District: Middleway 07; Map: 4; Parcel: 8; Zone: R; Size: 5 ac; File: ZV15-04.  
2 *The Findings were signed by the Vice President.*
- 3 c) An appeal of an Administrative Decision by Kenneth Barton, Jr. and Kelsey Swaim,  
4 attorneys with Steptoe & Johnson PLLC, regarding the interpretation of ‘Sign,  
5 Animated’ in Section 2.2 pertaining to the Shenandoah Air Conditioning & Heating,  
6 Inc Animated Sign Conditional Use Permit #CP15-01. Owner: James Young, Sr.  
7 Location: 351 Edmond Rd, Kearneysville, WV. District: Charles Town 02; Map: 1;  
8 Parcel: 79; Zone: IC; Size: 1.768 ac; File: AP15-01. *The Findings were signed by the*  
9 *Vice President.*
- 10
- 11 Mr. Knott moved to adjourn the meeting at 2:55 p.m. Mr. Quynn called for a vote, which  
12 carried unanimously.





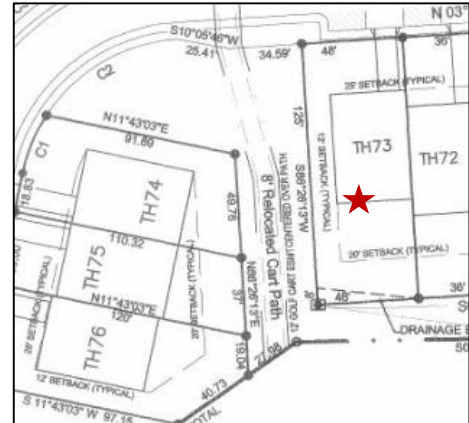
Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
May 28, 2015

**PFK, LLC Variance Request (#ZV15-10)**

**RELEVANT INFORMATION:**

1. Overview of Request

The variance request is from Table 5.4-1, *Residential Growth District – Height and Yard Requirements* located in Section 5.4B *Minimum Lot Area, Height and Yard Requirements*, to reduce the side setback from 12' to 8' for an attached garage on the south side of the property identified as TH73. The applicant is seeking relief from this requirement to allow for additional storage space in the property's garage.



2. Previous Case History

The Locust Hill Subdivision was approved as a Conditional Use Permit in 1992 for 387 single family residences, 200 townhomes and 60 duplexes. The final plat for Phase III of the Locust Hill Subdivision, consisting of Lots 56-95, was recorded on December 28, 2004.

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.*

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

The property is located in the Rural Zoning District. Typically the setbacks for a parcel located in a subdivision in the rural zone would be 40' in the front, 15' on the side and 50' in the rear. However, the Locust Hill Subdivision was processed as a Conditional Use Permit. Jefferson County Zoning and Land Development Ordinance Section 5.7B.2 states that '*for any residential use that complies with the Development Review System (approved CUP), the setbacks and lot size shall be as outline in Article 5.4.*' Table 5.4-1 permits townhouse dwellings to have a 25' front, 15' side (exterior only) and 12' rear setback.

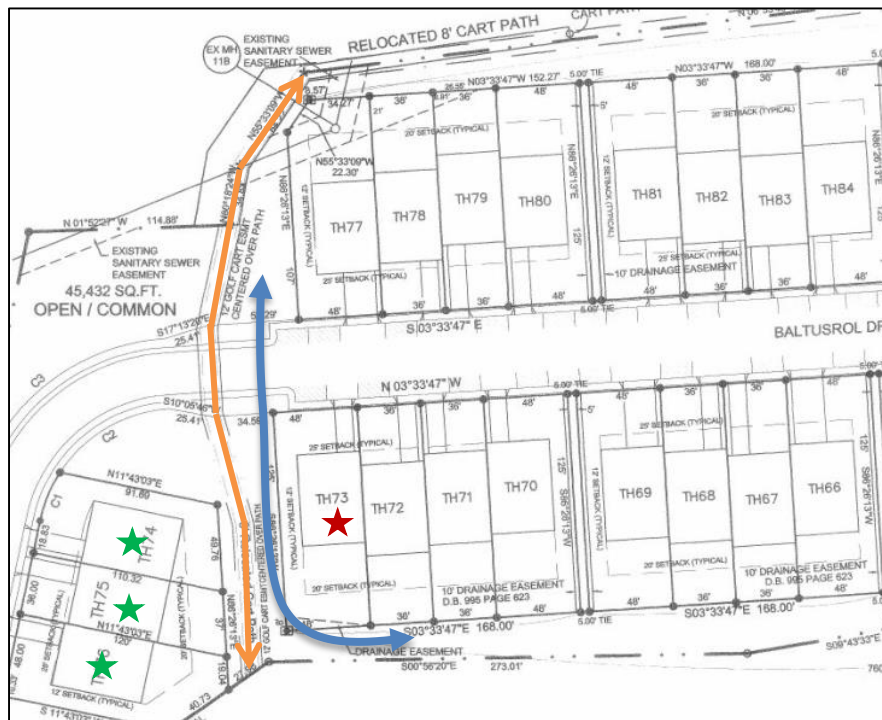
The purpose of side and rear yard setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements. In this particular instance, an open space area and an 8' wide trail used for golf carts and walking is adjacent and runs parallel to the subject parcel. These amenities provide a buffer between the subject parcel and the lots that could be potentially be adversely impacted by approval of this variance request.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
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**PFK, LLC Variance Request (#ZV15-10)**

b. Unique characteristics of property

The Locust Hills subdivision was constructed to have the Locust Hill Golf Course nestled between the residential streets of this community. The lot in question is at the anchor of a row of attached residential structures soon to be developed. The lot is situated near the golf cart path that loops through the neighborhood, which also serves as a walking trail for residents. It should be noted that there is a drainage easement that abuts the rear and side of this lot. With this proximity comes the exposure to potential flooding in the case of adverse climatic events. The golf cart path is indicated below with an orange arrowed line; the drainage easement path is indicated by a blue arrowed line.



c. Character of area

The Locust Hills subdivision consists of a variety of residential structures including single family homes, duplexes, and townhomes, as well as the Locust Hill Golf Course. The neighborhood is well integrated into the golf course greens. The community has seen a phased development pattern being implemented on undeveloped lots in the subdivision over the past two decades. With this final phase of development being proposed, Locust Hills will have completed their build-out of the subdivision.

Staff Report  
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**PFK, LLC Variance Request (#ZV15-10)**

d. Impact on adjacent properties.

The applicant owns Lot TH73 (red star above), as well as the attached and surrounding planned units (lots TH70-TH73). Lots TH74-TH76 (green stars above) have been developed and sold.



e. Feasibility of complying with the ordinance by other means

Should the Board not grant the variance request, the applicant would have to reduce the size of the proposed structure and building within the required building restriction lines.

Staff Report  
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May 28, 2015

**PFK, LLC Variance Request (#ZV15-10)**

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 8' for the requested garage as described in the application.

SECTION OF ORDINANCE TO BE CONSIDERED:

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) Area per Dwelling Unit (ADU)</u>	<u>Required Yards</u>	<u>Maximum Building Height*</u>
3. Townhouse Public/Central water and sewer	1,400 sq. ft. MLA 3,500 sq. ft. ADU	25 ft. front 12 ft. side (exterior only) 20 ft. rear	40 ft.





JEFFERSON COUNTY, WEST VIRGINIA

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

File Number: ZV15-10
Staff Initials: CH
Fees Paid (\$100 or \$150): 1100.00

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: PFK, LLC.
Mailing Address: 241 Edmond Road, Kearneysville, WV 25430
Phone Number: 304-886-9408 Email: kubicconst@aol.com

Applicant Contact Information

Name: Pete Kubic
Mailing Address: 241 Edmond Road, Kearneysville, WV 25430
Phone Number: 304-886-9408 Email: kubicconst@aol.com

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

Name: Gordon, c/o Kristen Stolipher
Mailing Address: 391 North Mildred Street, Charles Town, WV 25414
Phone Number: 304-930-5780 Email: kstolipher@gordon.us.com

Physical Property Details

Physical Address: Baltustrol Drive, Lot T73
City: Charles Town State: WV Zip Code: 25414
Tax District: Charles Town Map No: 13A Parcel No: 555
Parcel Size: 0.14 Deed Book: 962 Page No: 349

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
MAY 19 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: Table 5.4-1

**Briefly describe the nature of the variance request:**

This request is for a variance of the required 12' side yard setback on Lot T 73 of the Locust Hill Subdivision from 12' down to 8' so that the purchaser of this unit may expand his garage to the side by 4' in order to allow for additional storage within the townhome units garage area.

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

Front Setback  Side Setback  Rear Setback  Reduction From 12' to 8'

**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:**

Since Lot T73 is an end unit which is adjacent to the Locust Hill Golf Course cart part, we do not feel that there will be any impact of this addition to the garage to the public health, safety of welfare, or the rights of adjacent property owners. There is approximately 30' between Lot T73 and T 74 for the golf course cart path and open space area.

**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?**

We are requesting this variance since this particular lot is unique given the significant setback from adjacent properties and the existence of the golf course open space and cart path. We feel that this open area allows for a minor 4' reduction of the allowable side yard buffer.

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

The granting of this variance will allow for the future homeowner to have additional storage within their home with negligible impacts to any adjacent uses.

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

The granting of this variance will be in conformance with the Zoning Ordinance since there are many provisions throughout the ordinance that allow for modifications of setbacks given unique and reasonable circumstances.

**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.

Revised application per County comments 5/19/15

Signature of Property Owner

Date

Signature of Property Owner

Date

**Notification Requirements (to be completed by staff)**

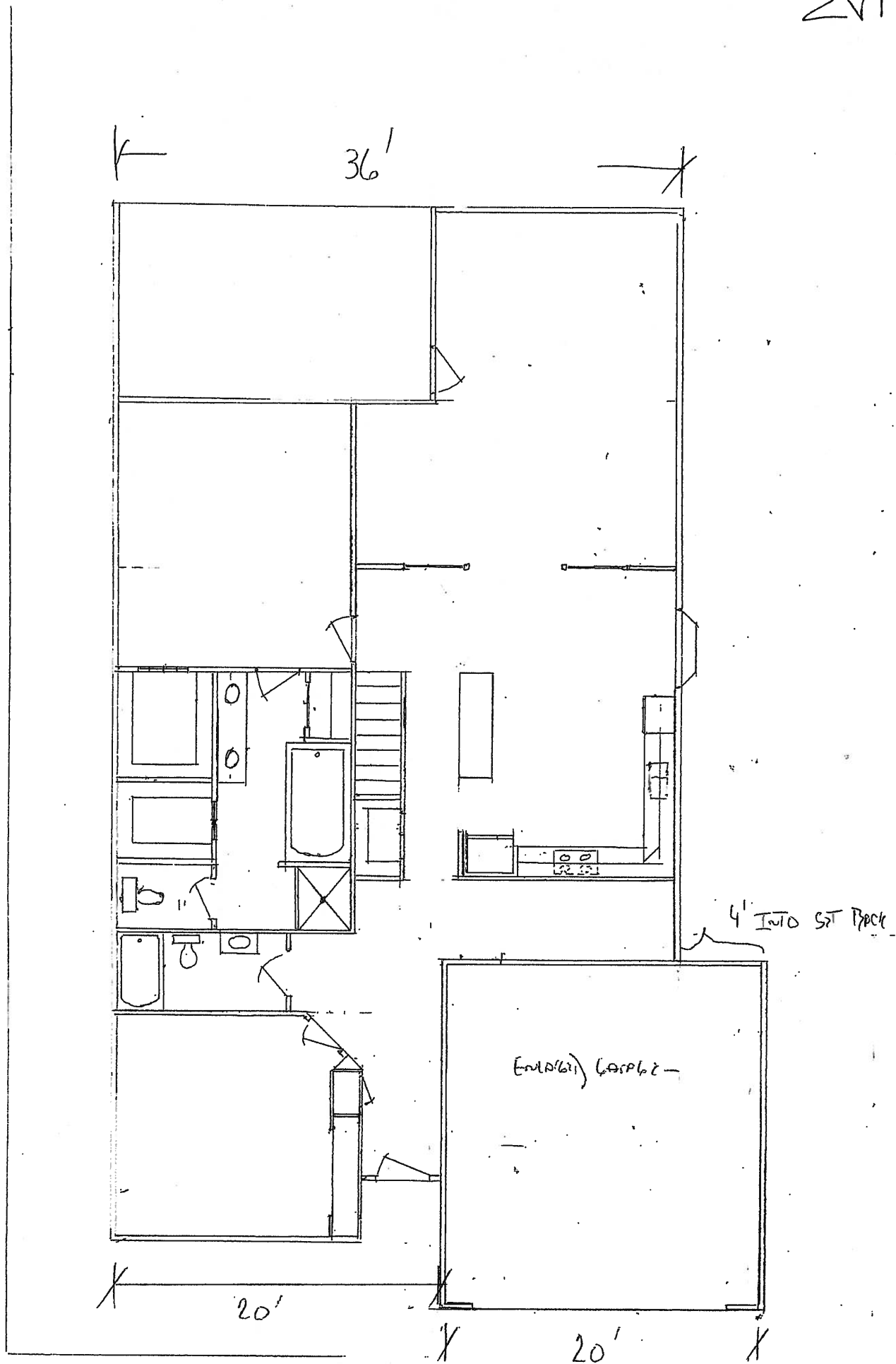
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

Date of Public Hearing

Advertising Date

Placard Posting Date

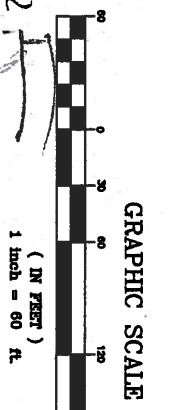
ZV15-10



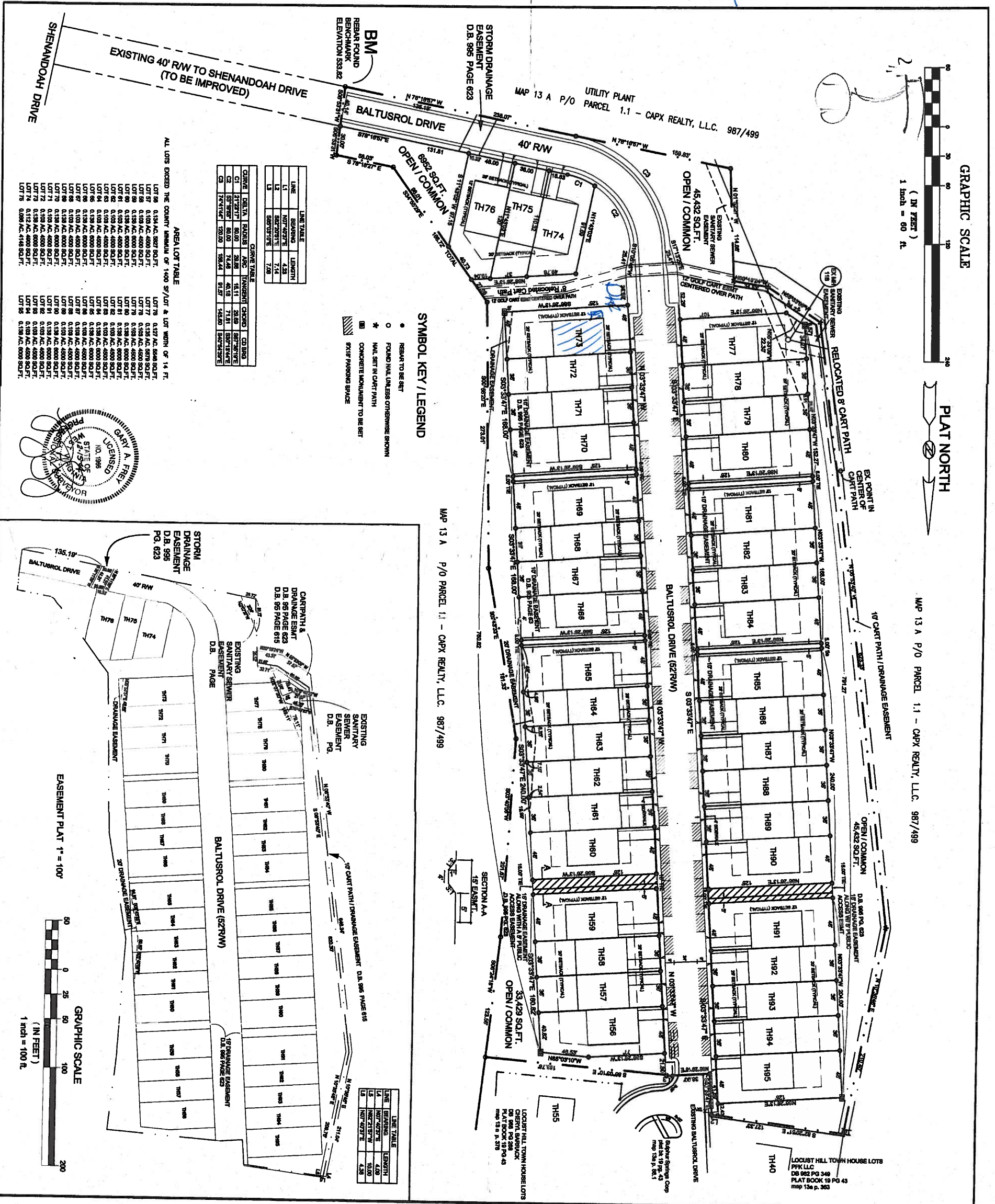


Lot 73  
Side yard  
Setback variance  
request.  
Kitt Johnson  
4/24/15

RECEIVED  
APR 24 2015  
JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING



MAP 13 A P/O PARCEL 1.1 - CAPX REALTY, L.L.C. 987/499



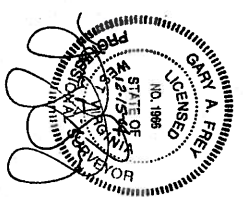
SYMBOL KEY / LEGEND

- REBAR TO BE SET
- FOUND WALL LINKS OTHERWISE SHOWN
- \* WALL SET IN CART PATH
- CONCRETE MONUMENT TO BE SET
- ▨ EXIST. PARKING SPACE

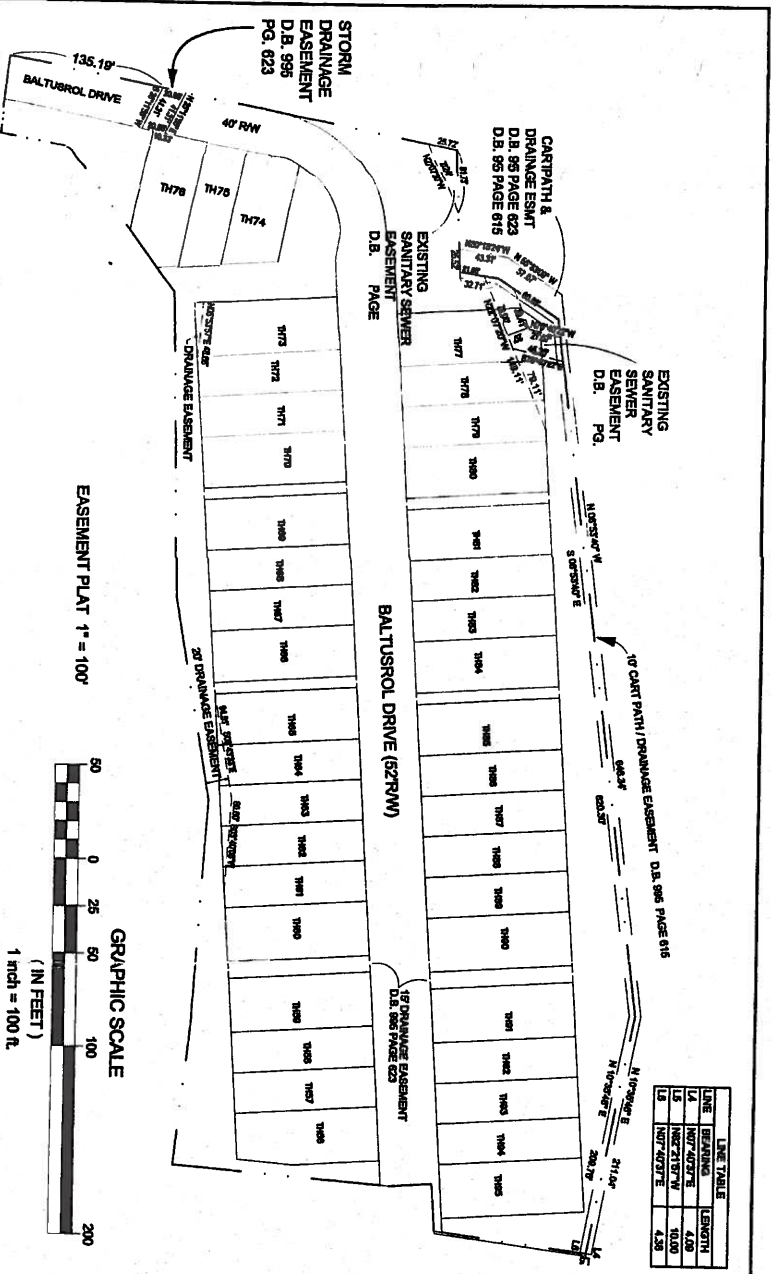
LINE	BEARING	LENGTH
L1	N 76° 19' 37" W	4.30
L2	S 76° 19' 37" E	7.14
L3	S 89° 52' 15" E	7.28

AREA LOT TABLE

LOT	AREA	ACRES
LOT 74	0.134	0.307
LOT 75	0.134	0.307
LOT 76	0.134	0.307
LOT 77	0.134	0.307
LOT 78	0.134	0.307
LOT 79	0.134	0.307
LOT 80	0.134	0.307
LOT 81	0.134	0.307
LOT 82	0.134	0.307
LOT 83	0.134	0.307
LOT 84	0.134	0.307
LOT 85	0.134	0.307
LOT 86	0.134	0.307
LOT 87	0.134	0.307
LOT 88	0.134	0.307
LOT 89	0.134	0.307
LOT 90	0.134	0.307
LOT 91	0.134	0.307
LOT 92	0.134	0.307
LOT 93	0.134	0.307
LOT 94	0.134	0.307
LOT 95	0.134	0.307



MAP 13 A P/O PARCEL 1.1 - CAPX REALTY, L.L.C. 987/499



LINE	BEARING	LENGTH
L1	N 76° 19' 37" W	4.30
L2	S 76° 19' 37" E	7.14
L3	S 89° 52' 15" E	7.28

OWNER DEVELOPER  
PFK LLC  
103 EDMOND WAY  
KEARNEYSVILLE, W.VA. 25430  
304-728-4384

SCALE: AS SHOWN  
DATE: 11/17/04  
DRAWN BY: CS  
CHECKED BY: CS  
RESPONSE: 12/27/04  
SPEC. COMMENTS:

**FINAL PLAT**  
SHOWING LOCUST HILLS, PHASE III TOWNHOUSE LOTS 58-95  
PROPERTY OF: PFK LLC  
CHARLES TOWN DISTRICT      JEFFERSON COUNTY, W.VA.  
REF: D.B. 962 PAGE 348      MAP 13A PARCEL 06

**Huntley, Nyce & Associates, Ltd.**  
SURVEYING - CIVIL ENGINEERING - LAND PLANNING  
MARTINSBURG OFFICE:  
397-1 MID ATLANTIC PARKWAY  
MARTINSBURG, WEST VIRGINIA 25401  
TEL: 304.260.1290  
FAX: 304.260.1295





# Jefferson County, West Virginia

## Departments of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

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## Director's Report Board of Zoning Appeals Meeting May 28, 2015

### 1) Introduction of Zoning Administrator

On April 2, 2015, County Commission approved the hiring of A. David Simon as the County Zoning Administrator with a start date of May 4, 2015.

### 2) Recent/Upcoming CC Actions relevant to Planning:

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 (*Public Hearing vote postponed until June 9, 2015 PC Meeting*)

b) County Commission discussion/action on proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) (Workshop held 5/7/15 – referred back to PC)

### 3) Upcoming BZA meetings

a) Next Regular Meeting: **June 25, 2015**



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Zoning**

116 East Washington Street  
P.O. Box 338  
Charles Town, West Virginia 25414

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

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

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MEMORANDUM

TO: Board of Zoning Appeals Members

CC: Engineering & Building Permits Departments

FROM: Acting Zoning Administrator, Jennifer M. Brockman

DATE: May 22, 2015

SUBJECT: May Monthly Report of Department Activities

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**ISSUED ZONING CERTIFICATES**

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#ZC15-17 SUNNYSIDE LIMITED PARTNERSHIP – OWNER  
PATRIOT TOWERS, INC. - APPLICANT

*Issuance Date:* April 24, 2015

*Proposed Use:* Property contains existing self-support Telecommunications Tower. Patriot Towers, Inc. to install new replacement diagonals, between 101' and 121.2', on existing 197'8" tower. No ground disturbance or electrical work is required.

*Physical Location:* 844 Wheatland Road; Charles Town, West Virginia 25414  
*Zone:* Industrial-Commercial

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#ZC15-18 THOMAS LaFEVRE – OWNER  
HARDY CELLULAR TELEPHONE CO - APPLICANT (CONTACT: TOM HODGES)

*Issuance Date:* April 24, 2015

*Proposed Use:* Property contains existing 198' self-support Telecommunications Tower. Hardy Cellular Telephone Company to add, for US Cellular, three (3) "LTE" antennas, six (6) coax cables and three (3) RRU's on the existing tower. No height increase to tower, no ground disturbance, no electrical work.

*Physical Location:* 237 Tel Farm Lane; Kearneysville, West Virginia 25430  
*Zone:* Rural

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## ISSUED ZONING CERTIFICATES

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#ZC15-19 THE JOHN W. DARNELL TRUST c/o SANDRA FEIZOLLAHI - OWNER  
LEGACY TOWER SERVICE, LLC - APPLICANT

*Issuance Date:* April 24, 2015  
*Proposed Use:* Property contains existing 195.0' self-support Telecommunications Tower. Legacy Tower Service to add galvanized steel horizontal Braces to existing Cell Tower at approximately 147.5' elevation. No height increase to tower / no ground disturbance.  
*Physical Location:* 3343 Shepherdstown Pike; Shenandoah Junction, WV 25442  
*Zone:* Rural

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#ZC15-20 SUNNYSIDE LIMITED PARTNERSHIP – OWNER  
AT&T MOBILITY - APPLICANT (CONTACT: JESSICA BINGHAM)

*Issuance Date:* April 24, 2015  
*Proposed Use:* Property contains existing 197'10" self-support tower. AT&T Mobility to install (1) new 1900 MHz BCEM Card (by others) in an existing LTE rack; replace (3) existing LTE antennas with (3) new Commscope Hexport antennas, between 166' and 170' on the existing tower; and install (3) new 1900 MHz RRH's with associated support equipment on an existing shelter. No ground work.  
*Physical Location:* 844 Wheatland Road; Charles Town, WV 25414  
*Zone:* Rural

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#ZC15-21 RAI PROPERTIES, LLC – OWNER  
JOLENE CARROLL - APPLICANT

*Issuance Date:* April 24, 2015  
*Proposed Use:* Bakery – (established in 2012)  
*Physical Location:* 43 Ruland Road, Suite J; Kearnyesville, West Virginia 25414  
*Zone:* Industrial-Commercial

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#ZC15-22 BANK OF CHARLES TOWN C/O SEBBAHI REAL ESTATE, LLC  
(CONTACT: RAJIA SEBBAHI) – OWNER  
ROBERT FOSTER - APPLICANT

*Issuance Date:* May 11, 2015  
*Proposed Use:* Outdoor Flea Market to include up to 50 sales tables/booths, as depicted on Sketch Plan. Open annually: April - November.  
*Physical Location:* 99 Cary Lu Circle; Harpers Ferry, West Virginia 25425  
*Zone:* Residential- Light Industrial-Commercial

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**ISSUED ZONING CERTIFICATES**

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#ZC15-16 JOSE F. OSORIO – OWNERS/APPLICANTS

*Issuance Date:* May 15, 2015  
*Proposed Use:* Rodeo/ Calf Roping/ Bull Wrestling Event with approved parking for up to 100 spectator vehicles (not including horse trailers/work vehicles). Permitted as "Agricultural Tourism". Monthly event to be hosted from May to November (annually).  
*Physical Location:* 1196 Van Clevesville Road; Kearneysville, West Virginia 25430  
*Zone:* Rural

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**PENDING ZONING CERTIFICATES**

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#ZC14-49 WESLEY SMOOT – OWNER / APPLICANT

*Issuance Date:* TBD  
*Proposed Use:* Office area for designing and storage of material for projects; storage and retail sales of nursery products (mulch, gravel, plants, etc.).  
*Physical Location:* 164 Tel Farm Lane; Kearneysville, West Virginia 25430  
*Zone:* Rural

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#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

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#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

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**PENDING ZONING CERTIFICATES**

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

*Issuance Date:*            TBD  
*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

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

*Issuance Date:*            TBD  
*Proposed Use:*            Property contains existing 196.0' self-support tower. Verizon to install three (3) remote radio heads (RRH), one (1) at each sector, install three (3) distribution boxes, one (1) at each sector, and install three (3) hybridflex 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

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#ZC15-26      WVA 340 LLC – OWNER  
LIZ WARD - APPLICANT

*Issuance Date:*            TBD  
*Proposed Use:*            Change of Tenant. Yoga Studio.  
*Physical Location:*      Jefferson Crossing Shopping Center –  
91 Saratoga Drive, #D; Charles Town, West Virginia 25414  
*Zone:*                        Residential-Light Industrial-Commercial

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