

Jefferson County
Board of
Zoning Appeals

Thursday,
October 10, 2013

JEFFERSON COUNTY, WEST VIRGINIA

Department of Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, West Virginia 25414

Phone: 304-728-3228

Fax: 304-728-8126

Email: zoning@jeffersoncountywv.org

MEMORANDUM

TO: Jefferson County Board of Zoning Appeals Members

FROM: Jennilee Hartman, Zoning Clerk

DATE: October 04, 2013

SUBJECT: October 10, 2013 Board of Zoning Appeals Meeting

Please find enclosed a copy of the Agenda for the upcoming Board of Zoning Appeals meeting to be held on Thursday, October 10, 2013 at 2:00 p.m. Also for your review, you will find corresponding information regarding said Meeting. When applicable, I will include copies submitted to this office that pertain to items of new business. If you have any questions, or will not be able to attend the upcoming meeting, please do not hesitate to contact me.

Please note, the draft minutes for the September 19, 2013 meeting will be emailed to you next week.

Thank you.

JEFFERSON COUNTY, WEST VIRGINIA

Department of Zoning

116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

Phone: (304) 728-3228

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Email: zoning@jeffersoncountywv.org

MEMORANDUM

TO: Board of Zoning Appeals Members
CC: Engineering & Building Permits Departments
FROM: Acting Zoning Administrator, Jennifer M. Brockman
DATE: October 4, 2013
SUBJECT: October Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

#ZC13-34 CAROLINE R. LITWACK – OWNER /
BELINDA LEWIS - APPLICANT

Issuance Date: September 24, 2013

Proposed Use: Thrift Shop.

Physical Location: 154 Wolfcraft Way; Harpers Ferry, West Virginia

Zone: Industrial-Commercial

#ZC13-36 JOHN OREM / OWNER
ERIC J. BURNELL - APPLICANT

Issuance Date: September 26, 2013

Proposed Use: Two Business Units. State Farm Insurance Agency in half of Building - Buy/Sell/Repair/Consultation/Diagnostics of Electronics; specializing in Computers/Cell Phones located in remaining subleased half of building. Building meets Article 11.1 parking: 20 (+) parking spaces.

Physical Location: 68 Jefferson Avenue; Charles Town, West Virginia

Zone: Residential-Light Industrial-Commercial

#ZC13-38 FRANK E. HARDY, SR. – OWNER /APPLICANT

Issuance Date: September 27, 2013

Proposed Use: Farmers Market to include local Farmers/Vendors selling goods. Property currently supports hay production.

Physical Location: 164 Tel Farm Lane; Kearneysville, West Virginia

Zone: Rural

PENDING ZONING CERTIFICATES

#ZC13-35 WEESE RENTALS, LLC / OWNER
RICHARD WEESE - APPLICANT

Issuance Date: TBD

Proposed Use: Cottage Industry. Full service nail salon operated by full-time resident. Vehicle trips will not exceed 15 trips per day or 60 trips per week.

Physical Location: 68 Jefferson Avenue; Charles Town, West Virginia

Zone: Residential-Light Industrial-Commercial

#ZC13-37 MICHAEL HAMPSHIRE / OWNER
MICHAEL HENSLEY - APPLICANT

Issuance Date: TBD

Proposed Use: Two Business Units. Existing Body Shop, established in 1974, to continue operating in half of building. Addition of mechanical automotive repair / maintenance to include State Inspections, will utilize remaining half of current Body Shop space.

Physical Location: 38 Tasker Lane; Kearneysville, West Virginia

Zone: Village



Jefferson County
Board of Zoning Appeals
Thursday, October 10, 2013, 2:00 p.m.

Members
Jeff Bresee, Chair
Christy Huddle, Vice Chair
Edwin Kelly
Tyler Quynn
Jeffrey Bannon

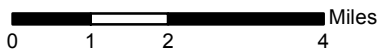
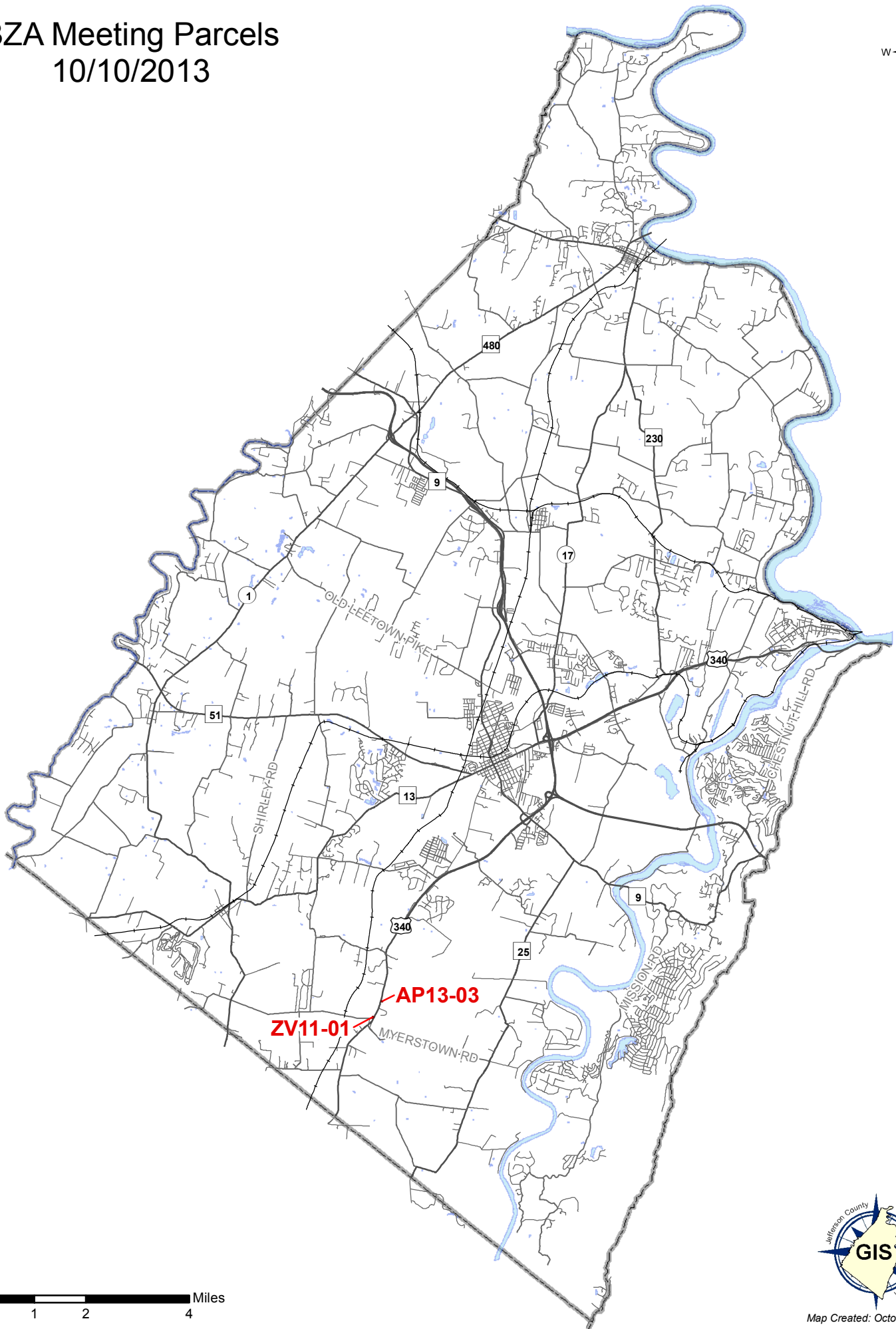
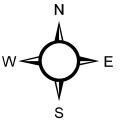
The Jefferson County Board of Zoning Appeals will meet in the Charles Town Library Conference Room located at 200 East Washington Street, at the side entrance on Samuel Street, in the City of Charles Town, WV.

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

1. Approval of the minutes from the September 19, 2013 meeting.
2. Swearing in of members of the public intending to provide testimony.
3. Action on a proposed amendment to the approved Conditional Use Permit for Rippon Brewery, LLC. This project has been approved for a micro-brewery with a tasting room, a future pub/restaurant, a store, a country inn and an office to be situated on 2 acres. The applicant is requesting an amendment to the approved Conditional Use Permit to add a four unit residential dwelling. Location: 2153 Berryville Pike, Charles Town, WV. District: Kabletown (06); Map: 10A; Parcel: 24; Zoned: Village; Size: .69 acres; File: Z11-01
4. Appeal of an Administrative Decision made by Jennifer Brockman, Acting Zoning Administrator, to deny the use of the St. John's Episcopal Church's facility as an overnight cold-weather shelter in the Rural Zoning District. Appellants: The Rev. Georgia DuBose; The Episcopal Diocese of West Virginia / The Rt. Rev. W. Michie Klusmeyer and William F. Berry, Vice President of the Jefferson County Homeless Coalition. Location: St. John's Episcopal Church; 2518 Berryville Pike; Rippon, WV District: Kabletown (06); Map: 10; Parcel: 1; Zoned: Rural; Size 0.5 acres; File: #AP13-03.
5. Director's Report.
6. Legal Update.
7. Signing of written decisions from prior Board of Zoning Appeals meetings.
 - a) Appeal of an Administrative Decision made by Jennifer Brockman, Acting Zoning Administrator, of the interpretation of Section 5.7D(3) regarding *Maximum Number of Lots Allowed* in the Rural zoning district. Appellants: Katherine B. Dunn & Sara V. Lowery, c/o Stanley Dunn. Appellant's Representative: J. Michael Cassell, Esq., Cassell & Prinz, PLLC. Location: 1371 Myerstown Road, Charles Town, West Virginia. District: Middleway (07); Map: 17; Parcel: 4; Zoned: Rural; Size: 7.485 acres; File: #AP13-01.
 - b) Appeal of the Administrative Decision to issue Zoning Certificate #ZC13-23 for a Home Occupation Level 2 that allows a home-based asphalt repair business. The business includes a 16' trailer with seal coating and lawn equipment, to be enclosed in an outbuilding/garage, pending Building Permit approval. Appellants: R.K. and Marianne Hedrick; Wayne and Gloria Chastain; Scott and Alice Dillow; Mike and Pam Hinkle; and Chris and Christy Swisher. Property Owners: Robert and Donna Edwards. Location: Elk Run Subdivision, Lot 7, 235 Elk Branch Drive, Shenandoah Junction, West Virginia. District: Shepherdstown (09); Map: 22; Parcel: 30; Size: 1.93 acres; Zoned: Rural; File: #AP13-02.
8. Correspondence

BZA Meeting Parcels

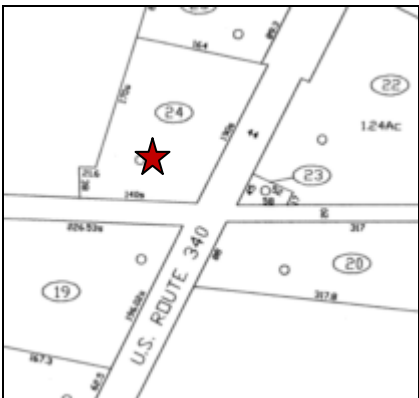
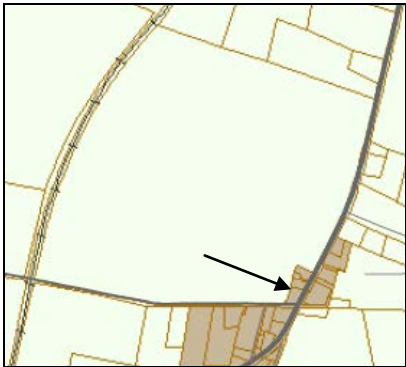
10/10/2013



Compatibility Assessment Meeting Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 September 27, 2013

Rippon Brewery, LLC Conditional Use Permit (#Z11-01)

Item #3 Action on a proposed amendment to the approved Conditional Use Permit for Rippon Brewery, LLC. This project has been approved for a micro-brewery with a tasting room, a future pub/restaurant, a store, a country inn and an office to be situated on 2 acres. The applicant is requesting an amendment to the approved Conditional Use Permit to add a four unit residential dwelling.

APPLICANT:	Jesse Morgan
OWNER :	Wheatlands Property Management LLC
DEVELOPER:	Rippon Brewery, LLC
SURVEYOR/ENGINEER:	n/a
PROPERTY LOCATION:	2153 Berryville Pike, Charles Town, WV Intersection of Route 340 & Withers Larue Rd, Rippon
LEGAL DESCRIPTION:	District: Kabletown; Map: 10A; Parcel 24 
ZONING DISTRICT:	Zoning Map Designation: Village and Rural 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North:</i> Rural/ Village <i>South:</i> Rural/Village <i>East:</i> Village <i>West:</i> Rural
LOT AREA:	2 acres
PRIOR CASES:	04-21-11: BZA approves CUP. 10-18-12: BZA approves 18-extension for the CUP to 06/01/14.
VARIANCE(S):	04-21-11: BZA approves reduction of front yard setback to 8' (ZV11-06).
APPROVED ACTIVITY:	CUP: Micro-brewery with a tasting room, future pub/restaurant, store, country inn and an office.

Compatibility Assessment Meeting Staff Report
Jefferson County Board of Zoning Appeals Meeting
September 27, 2013

Rippon Brewery, LLC Conditional Use Permit (#Z11-01)

RELEVANT INFORMATION:

Overview

A Compatibility Assessment Meeting regarding the proposed amendment to the approved Conditional Use Permit (CUP) for Rippon Brewery, LLC was held on September 27, 2013 at 10:00 a.m.

The original CUP was approved for a micro-brewery with a tasting room, a future pub/restaurant, a store, a country inn, and an office. Because both the Rural and Village zoning districts allow two-family dwellings, the Zoning Certificate also included this use. The applicant is seeking approval to include a four unit residential dwelling.

1. Presentation of the Proposed Land Use

The proposed use was presented by Jesse Morgan, property owner, who stated that the intent was to renovate the building to include two one-bedroom apartments in addition to the two existing two bedroom apartments in the house located at 2153 Berryville Pike in Rippon, West Virginia. Mr. Morgan stated his future goal is to convert the home into a Country Inn; however, he needs supplemental income in the short term.

2. Staff Comments

Staff was present as a mediator to the meeting and did not provide any comments.

3. Public Testimony

Randolph Anders, neighboring property owner, was in support of the project; however, had questions regarding the maximum number of people that could live in the structure. Mr. Morgan concurred with Mr. Anders' assessment of approximately 10 people.

4. Outcome

The meeting resulted in no unresolved issues.

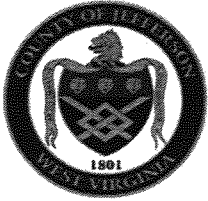
5. Board of Zoning Appeal Role

In accordance with Section 7.6 "Compatibility Assessment Meeting" of the Jefferson County Zoning Ordinance, because all the issues raised at the Compatibility Assessment Meeting were resolved at that meeting, no public hearing shall be required. At the next Board of Zoning Appeals meeting, the Board shall take action to issue, issue with conditions, or deny the conditional use permit.

The standards governing the issuance of the Conditional Use Permit 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.

In accordance with Section 3.2 of the Jefferson County Zoning Ordinance, a Conditional Use Permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced.



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: 711-01
Staff Initials: CLK
Fees Paid: \$ 300.00

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

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

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

Application for a Conditional Use Permit

A. Name of Project

2153 Berryville Pike Rippon Brewery, LLC

B. Applicant Contact Information

Applicant Name: Jesse Morgan
Mailing Address: 600 S Mildred St
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304-839-2263 Email: jmorgan@a-zoneenvironmental.com

C. Property Owner Information

Name of Property Owner: Wheatlands Property Management LLC
Mailing Address: 600 S Mildred St
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304-839-2263 Email: jmorgan@a-zoneenvironmental.com

D. Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s):
Mailing Address of Engineer(s) or Surveyor(s):
City: State: Zip Code:
Phone Number: Email:

E. Physical Property Details

Physical Property Address: 2153 Berryville Pike
City: Rippon State: WV Zip Code: 25414
Tax District: 6 Map No: 10A Parcel No: 24
Parcel Size: 0.69 Deed Book: 1127 Page No: 38

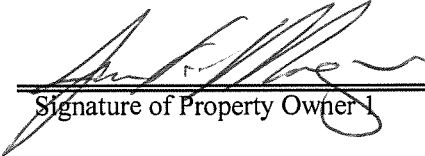
Zoning District: Rural (R-A) Residential Growth (R-G) Industrial Commerical (I-C) Residential-Light Industrial-Commercial (R-L-C) Village (V)

RECEIVED
JUL 24 2013
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

F. Please provide any information or known history regarding this property (e.g., zoning certificate, site plan, subdivision variance, etc.)

Property is currently assigned Zoning Certificate #ZC13-04. Current CUP proposed use category reads: Microbrewery with tasting room; pub-style restaurant serving no more than 200 seats; store; country inn; and office. This CUP application is intended to amend the previous CUP application (Z11-01). Proposed Use category to read: Microbrewery with tasting room; pub-style restaurant serving no more than 200 seats; store; country inn; office; and four-unit residential dwelling. The intent is to increase the viability of the structure by adding two additional one bedroom apartments over the permitted two family dwelling for a total of four-units.

G. Original signatures of all property owners are required. The information given is correct to the best of my knowledge.

 8/23/13
Signature of Property Owner 1 Date

Signature of Property Owner 2 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

09/27/13
Date

Notification

10/10/13
BZA mtg.
Date of public hearing

N/A
Advertising date

N/A
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).

JFM

a four-unit

Renovation of historic structure adding ~~two one-bedroom~~ residential dwellings to original CUP.

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).

Same as original CUP application.

6. Soil and drainage characteristics.

Same as original CUP application.

7. General location and description of any existing structures.

(See Sketch Plan)

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

(See Sketch Plan)

9. Existing covenants and restrictions on the land.

Same as original CUP application.

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

Same as original CUP with addition of ~~two one bedroom apartments~~ ^{a four unit residential dwelling. JFM}. Renovate existing structure to 4 residential apartments - upgrading electrical, plumbing, heating and cooling, new windows, new entrances, etc.

11. Intended land uses.

Same as original CUP with ~~two additional residential units~~ ^{a four unit dwelling JFM} in the existing structure.

12. Earth work that would alter topography.

Upgraded septic system (Installation Permit Attached)

13. Tentative development schedule.

Fall 2013

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

Same as original CUP

15. Affected wildlife populations.

None

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

Same as original CUP

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

Same as original CUP

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

~~Same as original CUP~~

HS 3.1 miles
MS 5.6 miles
ES 4.0 miles

JFM

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

Same as original CUP

20. Demand for school services created by this development.

Additional one bedroom apartments will not likely have any residing children of school age.

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

Property is historic and has been used as a multi-family dwelling, store, office, inn, post office, etc. Renovations will return the structure to a state of economic viability through an appropriate and previously intended use.

22. Proximity to recreational facilities.

Same as original CUP.

23. Relationship of the project to the Comprehensive Plan.

This project will revitalize a long neglected historic structure. The structure is a long enduring and central feature along Berryville Pike in the southern end of the county. The proposed use and renovations will aid in the return of the structure's economic viability by adding two additional residential units. The renovations will be tastefully completed in an attempt to preserve the historic characteristics of the building, but with enough modernization to provide comfort and safety to its occupants. The renovations will provide benefit to the community by revitalizing a blighted historic structure and by providing comfortable and safe residential living space. Additionally, the proposed ~~two~~ residential dwellings will not require any use or conversion of undeveloped land.

four unit


STATE OF WEST VIRGINIA
JEFFERSON COUNTY HEALTH DEPARTMENT
On-Site Sewage Disposal System

Permit to Install Septic

ST-19-1112-056

Owner: Wheatland Management

Certified Installer: Bruce Whitacre

You are hereby issued a permit to install a small sewage disposal system.

Location: Rippon Route 340 Tax Map 10A Parcel 24

Facility: Design Flow: Bedrooms 6 Lot Size: Sq. ft.\acres

Water Source: Drilled Well Perc: 44.67



BASED UPON REVIEW OF THE INFORMATION OF YOUR SUBMITTED APPLICATION, DATED 07/16/13, AND THE PROPER INSTALLATION OF THE DESCRIBED SYSTEM, THE SYSTEM SHALL BE IN COMPLIANCE WITH APPLICABLE WV SEWAGE SYSTEM RULES, DESIGN STANDARDS.

The sewage system shall consist of a: Septic Tank and Soil Absorption System.

(X) Septic Tank(s) -X Precast or Poly (1,500) Gallon

Soil absorption system shall have a minimum of square feet for residential use and LHD approval. Depth to the bottom of the trench bed installation shall be 24-36 inches from original ground surfaces.

Notes:

Gravel system: Total linear feet... 0 X 100 lines

Chamber System: # 120 of units 6' X 10' (length of lines) or equivalent.

Manufacturer of Chamber: ADS / RC 36 or other approved model 5' length

Bed System NO, E-Z-Flow Chambers YES Length: 5 feet, Width: 3 feet.

Other:

This permit is non-transferable and will automatically be voided 12 months after issue. This permit is null and void when official inspection reveals conditions different than those stipulated on the permit or facts are later found that would indicate non-compliance with applicable rules.

All systems must be inspected and approved prior to being covered with earth or placed into use. The applicant or his agent must notify this department: 72 hours or more prior to planned inspection time.

July 16, 2013.....Expires: July 16, 2014

Bill Zaleski, RS, Environmental Supervisor (304-728-8416)

Comments: Apartment Building six bedroom

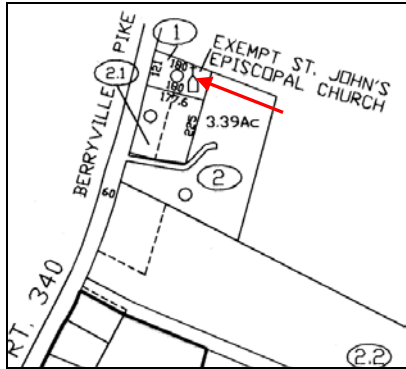

Reminder:

NOT TRANSFERABLE

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 October 10, 2013

St. John's Episcopal Church's Appeal (#AP13-03)

Item # 3 Appeal of an Administrative Decision made by Jennifer Brockman, Acting Zoning Administrator, to deny the use of the St. John's Episcopal Church's facility as an overnight cold-weather shelter in the Rural Zoning District. Appellants: The Rev. Georgia DuBose; The Episcopal Diocese of West Virginia / The Rt. Rev. W. Michie Klusmeyer and William F. Berry, Vice President of the Jefferson County Homeless Coalition.

APPLICANT:	St. John's Episcopal Church's				
APPELLANTS OWNER:	The Rev. Georgia DuBose; The Episcopal Diocese of West Virginia / The Rt. Rev. W. Michie Klusmeyer and William F. Berry, Vice President of the Jefferson County Homeless Coalition				
DEVELOPER:	N/A				
SURVEYOR/ENGINEER:	N/A				
PROPERTY LOCATION:	2518 Berryville Pike; Rippon, West Virginia				
LEGAL DESCRIPTION:	<p style="text-align: center;">Kabletown (06); Map: 10; Parcel: 1</p> 				
ZONING DISTRICT:	<p style="text-align: center;">Zoning Map Designation: Rural (R)</p> 				
SURROUNDING PROPERTIES:	<p>Zoning Map Designation:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">North: R</td> <td style="width: 50%;">South: R</td> </tr> <tr> <td>East: R</td> <td>West: R</td> </tr> </table>	North: R	South: R	East: R	West: R
North: R	South: R				
East: R	West: R				
LOT AREA:	0.5 acres				
VARIANCE(S):	None				
APPROVED ACTIVITY:	Church Facility (Inactive)				

Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 10, 2013

St. John's Episcopal Church's Appeal (#AP13-03)

RELEVANT INFORMATION:

1. Overview of Request:

The Appellants listed above have submitted an appeal of the Administrative Decision regarding the current use of the St. John's Episcopal Church and consequently their alleged right to operate a homeless shelter as an accessory use to the church.

2. Authority:

Section 3.2 Zoning Administrator

A. The Zoning Administrator shall administer and enforce the Zoning and Land Development Ordinance. This includes but is not limited to the following:²³

1. Make determinations that all applications required by the Ordinance are complete and that all fees are paid.
2. **Interpret the provisions of the Ordinance as required by law.**

3. Ordinance Requirements:

Section 5.7 Rural District²³

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not intended to be served with public water or sewer facilities, although in situations where the Development Review System is utilized, it may be. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7d. The Development Review System does allow for higher density by issuance of a Conditional Use Permit.^{8, 23}

A. Principal Permitted Uses²³

2. Church

Section 2.2 Terms Defined

Church²³

A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 10, 2013

St. John's Episcopal Church's Appeal (#AP13-03)

4. Documentation:

A letter to the Homeless Coalition, dated September 17, 2013, stated that a decision was made that the use of the St. John's Episcopal Church building as a Cold Weather Homeless Shelter is not permitted by the Jefferson County Zoning and Land Development Ordinance. The property is located in the Rural Zoning District. The following two alternatives within the Rural Zoning District Principal Permitted Uses were considered in the making of this decision:

- a) In the Rural Zoning district, churches are a Principal Permitted Use. Additionally, any Principal Permitted Use would be permitted to have accessory uses occurring in their structure. It would be reasonable to determine that a Cold Weather Homeless Shelter would be a legitimate accessory use to an established church if the congregation determined this to be a ministry or mission of their church body. The issue in this case was whether the structure, owned by the Episcopal Diocese, but no longer used for regular worship services, assembly, or having an established congregation at this location, could be considered to be a church under the Jefferson County Zoning Ordinance. The Zoning Ordinance's definition of a church is as follows (emphasis added):

“A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose....”

Because St. John's Episcopal Church building has no regular worship services in it, it has been determined that it cannot be considered an active church under the Jefferson County Zoning Ordinance for the purpose of establishing a Principal Permitted Use. While the church use is still permitted on site, since the structure is still maintained and controlled by a religious body, it cannot be considered an active church because there are no regular worship services on site. Therefore, if there is no regular worship or assembly, there is no principle use occurring on the property under the definition of a church as defined by the Zoning Ordinance. As such there can be no accessory use and the Cold Weather Homeless Shelter cannot be permitted under this provision of the Zoning Ordinance.

- b) The other option that was considered was the Principal Permitted Use of Group Residential Facility, which is also listed in the Rural Zoning District. The definition in the Zoning Ordinance for this use reads as follows:

“A facility which is owned, leased or operated by a behavioral health service provider and which: (1) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the Department of Health and Human Resources; and (4) complies with the State Fire Commission for residential facilities. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.”

Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 10, 2013

St. John's Episcopal Church's Appeal (#AP13-03)

While the Homeless Coalition does work with a behavioral health service provider to provide services to its clients, the Cold Weather Shelter is not owned, leased or operated by them, and is not licensed by the Department of Health and Human Resources. It was therefore determined, that this provision cannot be used to permit this use at this location.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
October 10, 2013

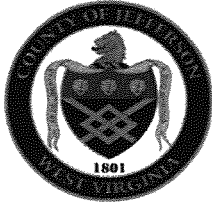
St. John's Episcopal Church's Appeal (#AP13-03)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 3.4 Boards and Commissions

A. Board of Zoning Appeals

3. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.
 - a. Filing an Appeal
 - i. An appeal to the Board may be taken by any person, board, associate, corporation or official allegedly aggrieved by any administrative decision based or claimed to be based, in whole or in part, upon the provisions of this Ordinance. The property owner of the subject appeal shall sign the application or an affidavit allowing an agent for the property owner to file the application which shall be submitted.
 - ii. Such appeal shall be filed with the Board within thirty (30) days from the decision appealed.
 - b. Notification
 - i. 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.
 - ii. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days before the hearing. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant. The Board, in its discretion, may otherwise visit the specific property prior to or after the hearing.
 - c. Public Hearing
 - i. The Board shall hold a hearing within forty-five (45) days of the date the appeal is received in the Departments of Planning and Zoning. At the hearing, any party may appear and be heard in person or by agent or attorney.
 - ii. The Board shall render its determination on the application no more than thirty (30) days following the public hearing by registered mail.
 - d. Continuance of Hearing
 - i. The Board may continue a hearing at another time and/or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session. Any hearing continued shall be held within thirty (30) days from the initial hearing.
6. In exercising its power and authority, the Board of Zoning Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as the Board deems appropriate.^{17, 21}



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

Charles Town, WV 25414

Appeal Number: AP13-03
Staff Initials: CFC
Fees Paid (\$100): \$ 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

Appeal Form - Board of Zoning Appeals

Pursuant to Section 3.4 of the Jefferson County Zoning and Land Development Ordinance, the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance or any ordinance adopted thereto. The property owner of the subject appeal shall sign the application or an affidavit allowing an agent for the property owner to file the application which shall be submitted. Such appeal shall be filed with the Board within thirty (30) days from the decision appealed.

Name and/or File Number of Project

Name of Project: Rippon Cold Weather Shelter File Number: _____

Appellant Information

Appellant Name: Tichev Georgia Dubose
Mailing Address: PO Box 999
City: Harpers Ferry WV State: WV Zip Code: 25425
Phone Number: 1 304 535 2009 Email: gdubose@gmail.com

Appellant Representative(s) Information

Company Name: Episcopal Diocese of West Virginia
Representative Name(s): Right Rev. W. Michie Klasmeyer, Bishop
Mailing Address: 1608 Virginia St, E
City: Charleston State: WV Zip Code: 25311
Phone Number: 304-344-3697 Email: _____

Appellee or Respondent Information

Appellee or Respondent: William F Berry, V.P. of Jefferson County Homeless Coalition
Mailing Address: 238 W. Washington St
City: Charles Town State: WV Zip Code: 25414
Phone: 304-919-0146 Email: _____

Appellee or Respondent Physical Property Details

Physical Address: St John's Episcopal Church, 2518 Berryville Pike
City: Rippon State: WV Zip Code: _____
Tax District: Kabletown-06 Map No: 10 Parcel No: 1
Size: 0.5 Acres, 0.536541 Deed Book: C Page No: 271
(G.S Acres)

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

RECEIVED

SEP 23 2013

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Only if applicable to your request, provide a sketch showing the shape and location of the lot indicating all roads, rights of ways, 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 and submit with this form.

Decision Being Appealed

Type of Appeal

Administrative Decision

LESA Point Score

Other

If other, please describe: _____

Please explain reasons/justifications for appeal and desired action by Board, in numerical order. Use a separate sheet of paper if necessary.

See Attached

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

The Rev. Georgia C. DuBose⁺

Signature of Appellant

Date

William L. Berry 9/20/2013

Signature of Appellant

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 twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

10/10/13

Date of Public Hearing

09/25/13

Advertising Date

09/25/13

Placard Posting Date

Reasons/Justifications for appeal and desired action by Board.

1. The decision to deny the use of the Episcopal Church's facility as a shelter is contrary to West Virginia law. The church building in Rippon, owned by the Episcopal Diocese of West Virginia, is a church building under all Federal and State laws. Each building owned by a legally recognized church does not have to hold formal services each Sunday in order to be considered a church. The Jefferson County Homeless Coalition, which will staff the shelter, is a faith based organization. Volunteers regularly pray and study scripture with those who stay in the shelter.
2. According to the interpretation of the Zoning Administrator, Jefferson County's rural zoning laws have no provision to shelter those without homes. If this is so, it is a serious omission in the law. On any given night, during the last three years, between 70% and 90% of the persons served in the Cold Weather Shelter were born in Jefferson County or were long term residents. They continue to be citizens of this county. Where do they find warmth and protection from the elements?
3. The closest currently operating shelters are in Martinsburg. Few of the working poor we have sheltered have private vehicles. Public transportation is expensive, and the time schedule does not always accommodate the hours people are required to work. In addition, many of those without homes are constantly looking for, at least, temporary jobs. Their contacts and support network are in Jefferson County. Requiring them to go elsewhere for shelter inhibits their ability to continue efforts in becoming self-sustaining members of the community.
4. Over the last three years, a significant number of those requiring shelter were classified as Disabled by the Social Security Administration. To deny them shelter in the county where they access their health care and support is discriminatory. Currently, nine such persons, who previously stayed in our shelter, are in their own apartments because of the services provided by the Coalition.
5. We do not deny that a number of those requiring shelter have substance abuse and mental health issues. Available services and laws governing their care are limited. If people are out on a freezing night, with nowhere to go, their efforts to find warmth and shelter may cause harm to the community. Incarceration for those performing illegal acts is costly for the community. Our shelters have been and will be carefully supervised by trained volunteers. Our track record with law enforcement is good. Our shelter eases the burden on tax payers.
6. Despite vocalized fears, locating the shelter in Rippon will have little or no impact on the community. All persons staying there will agree to a list of rules and violation will result in expulsion and transporting back to Charles Town. The Shelter will not open until after the dinner hour and will be vacated at 7 a.m. each day. Alternate provisions will be made for inclement weather.

Desired Action by Board

Amend the Decision by the Acting Zoning Administrator in order to allow the use of the Episcopal Church building in Rippon to be used as an overnight Cold-Weather Shelter.

EPISCOPAL DIOCESE OF WEST VIRGINIA

Diocesan House: 1608 Virginia Street, East

Charleston, West Virginia 25311

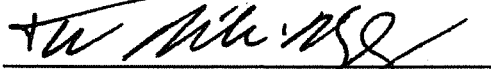
Mailing Address: PO Box 5400

Charleston, West Virginia 25361

Telephone: 304-344-3597 or Toll-free 866-549-8346

Fax: 304-343-3295

This is to certify that I appoint the Rev. Georgia DuBose to represent the Episcopal Diocese of West Virginia in the matter of the Zoning issue concerning St. John's Episcopal Church in Rippon, West Virginia.



The Rt. Rev. W. Michie Klusmeyer
Episcopal Bishop of West Virginia

Date: 9/21/2013



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

September 17, 2013

Ms Carol Beattie
c/o Community Ministries
238 W. Washington Street
Charles Town, WV 25414

Attn: Jason Reifer, President

RECEIVED

SEP 25 2013

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Dear Ms. Beattie:

Thank you for meeting with me and my staff last week on behalf of Rev. Georgia Du Bose regarding the proposed use of the Saint John's Episcopal Church structure in Rippon, WV for a cold weather homeless shelter. Unfortunately, after careful review of the Zoning Ordinance, it does not appear that the use of the church building as a homeless shelter is permitted by the Jefferson County Zoning and Land Development Ordinance.

The property is located in the Rural Zoning District. In that Zoning district, churches are a Principal Permitted Use and would be permitted to have accessory uses occurring in their structure. However, the Zoning Ordinance's definition of a church is "A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose...." As this structure has no regular worship services in it, it cannot be considered a church for these purposes.

The other option that I considered was the Principal Permitted Use of Group Residential Facility. The definition in the Zoning Ordinance for this use reads as follows:

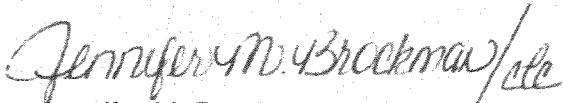
"A facility which is owned, leased or operated by a behavioral health service provider and which: (1) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the Department of Health and Human Resources; and (4) complies with the State Fire Commission for residential facilities. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts."

While you work with a behavioral health service provider, you are not owned, leased or operated by them, nor are you licensed by the Department of Health and Human Resources.

Please be advised that if you disagree with this finding, the decision of the Zoning Administrator can be appealed to the Board of Zoning Appeals for their consideration at a Public Hearing pursuant to Section 3.4 of the Zoning Ordinance. The next available meeting will be on October 17, 2013. Any applications or appeals must be submitted by this Friday, September 20, 2013, to be heard on that meeting. The application for an appeal is attached for your convenience as well as a copy of Section 3.4 with the applicable excerpts highlighted.

If you have any questions feel free to contact our office at 304-728-3228.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer M. Brockman / etc".

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

RESPONSE TO THE APPEAL
OF THE JEFFERSON COUNTY COALITION FOR THE HOMELESS
TO PERMIT THE USE OF ST. JOHN'S EPISCOPAL CHURCH,
RIPPON, WV, AS A HOMELESS SHELTER

The deed of 1873 from Caleb Burns to the Episcopal Church permits the church to use the property as an Episcopal Church and no other. In the event the church “has been abandoned altogether by its Episcopal congregation”, the property reverts to Caleb Burns or his heirs.

Attached is the deed of 1873 as verification. Also attached are sworn affidavits from the three Trustees of the church, a former member, and a retired missionary of the church verifying that St. John's Episcopal Church, Rippon, WV **“has been abandoned altogether by its Episcopal congregation.”**

In addition the affidavits swear that a service to dissolve the congregation was held in February of 2012 and all were in attendance.

Therefore the Episcopal church *has no standing* to make the property available to anyone. The property reverts to the heirs of Caleb burns.

Based on this information alone and documentation, the original decision of the Acting Zoning Administrator must stand.

Jeanne Morton
P.O. Box 58
Rippon, WV 25441

304-268-4046

RECEIVED

SEP 30 2013

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

AFFIDAVIT

I, Douglas L. Stolipher, reside at 1599 Roper North Fork Rd., Charles Town, WV.

I am a trustee of St. John's Episcopal Church, Rippon, WV.

The St. John's Episcopal Church in Rippon, WV has been abandoned altogether by its Episcopal congregation.

The last service conducted at St. John's Episcopal Church, Rippon, WV was February, 2012.

The service of dissolution was conducted by Rt. Rev. Michie Klusmeyer and I was in attendance at the service.

Douglas L. Stolipher 9-30-13
Douglas L. Stolipher

Statutory short form for an individual acting in his or her own right (from W.Va Code 39-1A-6):

STATE OF WEST VIRGINIA
COUNTY OF JEFFERSON.

The foregoing instrument was acknowledged before me this 30th day of September, 2013 by Carolyn S Smith
My commission expires: JULY 23, 2023.

Carolyn S Smith
Notary Public



AFFIDAVIT

W. LaRue
I, James E. LaRue, reside at 3622 Withers-LaRue Rd.,
Rippon, WV

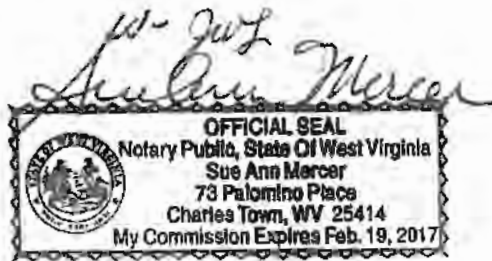
I am a trustee of St. John's Episcopal Church, Rippon, WV.

The St. John's Episcopal Church in Rippon, WV has been abandoned
altogether by its Episcopal congregation.

The last service conducted at St. John's Episcopal Church, Rippon, WV
was February, 2012.

The service of dissolution was conducted by Rt. Rev. Michie Klusmeyer
and I was in attendance at the service.

James E. LaRue 9-27-13
James E. LaRue



AFFIDAVIT

I, Edward Boyd, reside at 1079 Leetown Rd.,
Charles Town, WV.

I am a trustee of St. John's Episcopal Church, Rippon, WV.

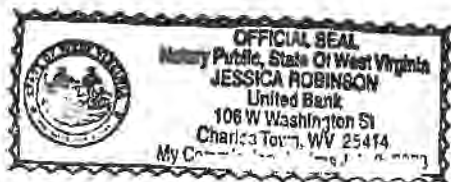
The St. John's Episcopal Church in Rippon, WV has been abandoned
altogether by its Episcopal congregation.

The last service conducted at St. John's Episcopal Church, Rippon, WV
was February, 2012.

The service of dissolution was conducted by Rt. Rev. Michie Klusmeyer
and I was in attendance at the service.

Edward Boyd
Edward Boyd

9/26/13



Jessica Robinson

AFFIDAVIT

I, Ann H. LaRue, reside at 3622 Withers LaRue Rd.,
Rippon, WV.

I am a former member of St. John's Episcopal Church, Rippon, WV.

The St. John's Episcopal Church in Rippon, WV has been abandoned
altogether by its Episcopal congregation.

The last service conducted at St. John's Episcopal Church, Rippon, WV
was February, 2012.

The service of dissolution was conducted by Rt. Rev. Michie Klusmeyer
and I was in attendance at the service.

Ann H. LaRue
Ann H. LaRue

9-27-13

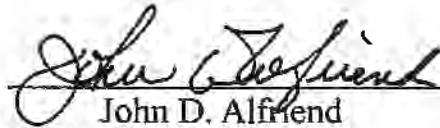


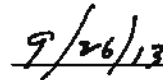
AFFIDAVIT

I, John D. Alfriend, reside at 224 Muirfield Ct, Charles Town, WV
25414. I am a retired missionary of the Nelson Cluster of the Episcopal
Diocese of West Virginia. The Nelson Cluster includes St. John's
Episcopal Church, Rippon, WV.

After being abandoned altogether by the Episcopal congregation, the last
service conducted at St. John's Episcopal Church, Rippon, WV was
February, 2012.

The service of dissolution was conducted by Rt. Rev. Michie Klusmeyer
and I was in attendance at the service.


John D. Alfriend



county of Jefferson
state of West Virginia

Karen R. Maher notary
Karen R. Maher 9/26/13



State of West Va. } Clerk's Office of the County Court
 Jefferson County Va. } On the 27th day of August 1875, the fore-
 going Deed of Trust was rec^d in the Clerk's Office of the County Court
 of Jefferson County W. Va. certified according to Law, and admitted
 to record.

Teste
 J. A. Moore
 Clerk.

316

This Deed made the 23rd day of December Eighteen hundred and seventy
 three, between Caleb Burns of Jefferson County West Virginia of the one
 part, and Dr. Abram Ostrum, Jacob W. Buckley, Lewis G. Kessig, Daniel
 Heplerover Henry Snuffer, John T. Herrigbill, A. L. Ketchum, Wm D.
 Smith, and Philip M. Davis, Trustees as hereinafter mentioned
 of the second part, Witnesses: that the said Caleb Burns, for and in
 consideration of five dollars to him in hand paid at and before the making
 and delivery hereof, doth grant and convey to the said parties of the
 second part and their successors in Office, the following described
 Lot of Land, situated in what is known as the "Hopper Woods" on
 the Turnpike, leading from Charleston town to Berryville, being part of
 the tract of two hundred and twelve and a fractional acres of land
 which was conveyed to the said Caleb Burns on the 28 day of Augt
 1860, by the Decedent of John Locke, by deed duly recorded in the
 Clerk's Office of the County Court of Jefferson. The lot hereby con-
 veyed, begins at the South West corner of the Locke farm, on the
 Turnpike aforesaid, and running S. E. with said line, one hun-
 dred and eighty feet, to a stake, thence through the woods, and
 parallel with the turnpike, one hundred and twenty one feet
 to a stake, thence at right angles to the turnpike one hundred
 and eighty feet, to the line of the Turnpike, and parallel
 with the first line; thence with the turnpike, one hundred and
 twenty one feet, to a stake, the beginning point, containing one
 half an acre of land. To have and to hold the said
 land unto the said parties of the second part, and their
 successors, in Office. In trust, however, for the use and bene-
 fit of the congregation, now being organized at the town of Rippon
 in said County, as a place of public worship, in connection
 with the Protestant Episcopal Church in the State, and to be
 held for such use and purpose and no more other. But upon
 the condition, that should said lot of land cease to be used,
 as aforesaid, or to be used by some other denomination of
 Christians, after being abandoned altogether by the Episcopal

Congregation aforesaid, then said Lot is to revert to, and become a property again of the said Caleb Burns and his heirs.

And the said Caleb Burns hereby covenant to warrant generally the Lot of ground here by conveyed.

As witness the following signature and seal.

Caleb Burns

Seal

West Virginia }
Jefferson County } Set:

I, Minus O'Bannon, a Justice of the Peace for the County of Jefferson, in the State of West Virginia, do certify that Caleb Burns, whose name is signed to the writing hereto annexed, bearing date the twenty third day of December 1872 has acknowledged the same before me in my County and State aforesaid. Given under my hand this 23rd day of December 1873.

Minus O'Bannon J.P.

State of West Va. }
Jefferson County } Set:

Recorder's Office of the County Court

On the 30th day of August 1873, the foregoing Recd of Bargain and Sale, was received in said Office, certified a writing to Law, and admitted to Record.

Teste,
J. B. Mowbray
clerk

317

This indenture, made this 5 day of July 1873, between Wm Scarlett of the one part, and John Scarlett, of the other part Witnesseth that the said William Scarlett, for and in consideration of the sum of one hundred and fifty dollars unto him in hand paid by the said John Scarlett, at and before the sealing and delivery of the same hereof, the receipt whereof is hereby acknowledged, hath granted and sold,

Wm Scarlett
and wife

To The Rt. Rev. W. Michie Klusmeyer

We, the undersigned, petition the Rt. Rev. W. Michie Klusmeyer to withdraw approval of St. John's Episcopal Church, Rippon, WV as the site of a homeless shelter. The location is not suitable for the homeless due to the lack of safe traffic patterns, thoroughbred horses in adjacent fields, and lack of services for treatment of mental illness and addiction. It will disrupt the safety and quiet enjoyment of the homes of the residents of the community. We propose the church be used as a community center with activities for all ages.

	NAME	Address	Date
1.	Robert D. Aitchison	654 Ward Clapp Rd Charles Town, WV 25414	7/28/13
2.	Howard Zeller	Rippon, WV 25441	
3.	S. Smith	42 [unclear] of Charles Town, WV 25414	7-25-13
4.	Patricia [unclear]	Rippon WV	7-26-13 7-26-13
5.	Charles Sikes		7-26-13
6.	Allen Wilson [unclear]	Charles Town Ryan Blvd	7-26-13
7.	Charles F. [unclear]	P.O. Box 1011	7-26-13
8.	Elizabeth Adams		7-26-13
9.	Kenneth A. [unclear]	BENNING VA 22611 3676 Shep Mill Rd	7/26/13
10.	Jenna A. [unclear]	6413 Carter Run Rd. Marshall, VA 20115	7-26-13
11.	Wade K. [unclear]	95 Walnut + Kinross	7-27-13
12.	Earl [unclear]	Rippon	7-28-13
13.	Adrian [unclear]	[unclear] WV P.O. Box 54	7-26-13
14.	[unclear]	Rippon, WV	7-29-13
15.	Warren [unclear]	Rippon WV	7-29-13


To The Rt. Rev. W. Michie Klusmeyer

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NAME	Address	Date
1. Sue Gloyd	P.O. Box 51 2785 Withersburg Rd.	Rippon WV 25441 July 24, 2013
2. P.P. Moore	Summit Point, WV	7-24-13
3. deKropf	Charles Town WV	7-24-13
4. E.N. Sauer	94 SPANOS CT WV 25414	7-24-13
5. JUNE O. Adams	P.O. Box 99	Rippon WV 25441 7-24-13
6. Mary Webster	P.O. Box 181	WV 25441 7-25-13
7. Franklin W. Adams	PO Box 99	Rippon WV 25441 7-25-13
8. Linda H Anders	PO Box 1	Rippon WV 25441 7/2/13
9. James L Burns	215 Vermont Ln	Charles Town WV 25414
10. Ronnie C. Calkins	P.O. Box 14	Rippon WV 25414 7-25-13
11. Wayne S Hall	P.O. Box 206	Rippon WV 25441
12. Sindy A. Hall	P.O. Box	Rippon WV 25441
13. Tom Harrison	PO Box 222	Rippon WV 25441
14. Meli Jorman	50 Keith	Charles Town WV
15. Cynthia Barron	RD. Box 164	Rippon WV 25441

To The Rt. Rev. W. Michie Klusmeyer

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- | NAME | Address | Date |
|---|--|---------|
| 1. Richard Lloyd | P.O. Box 51 Rippon | 7-25-13 |
| 2. Martha E. Burns | 121 Vermont Lane Charles Town | 7/25/13 |
| 3. Jason & Burns | 108 Birdland way Charles Town | 7-25-13 |
| 4. Katharine V. Burns | 108 Birdland Way Charles Town | 7-25-13 |
| 5. Charles F. Milburn | 27 Birdland way Charles Town | 7/25/13 |
| 6. Dora M. Milburn | 27 Birdland way Charles Town | 7/25/13 |
| 7. John Lee Ballinger | 1098 Wheatland Rd. C.T. W.Va. 25414 | |
| 8. Barbara A. Long | 31 Birdland way Charles Town WV 25414 | |
| 9. Earl H. Long | 31 Birdland way Charles Town WV 25414 | |
| 10. Earl H. Long | 1237 Lloyd Road Charles Town, WV 25414 | |
| 11.  | 1642 Lloyd rd Charles Town, WV 25414 | |
| 12. Greg Harrison | 117 Mt. Vernon Dr. Charles Town, WV. 25414 | |
| 13. | | |
| 14. | | |
| 15. | | |

To The Rt. Rev. W. Michie Klusmeyer

We, the undersigned, petition the Rt. Rev. W. Michie Klusmeyer to withdraw approval of St. John's Episcopal Church, Rippon, WV as the site of a homeless shelter. The location is not suitable for the homeless due to the lack of safe traffic patterns, thoroughbred horses in adjacent fields, and lack of services for treatment of mental illness and addiction. It will disrupt the safety and quiet enjoyment of the homes of the residents of the community. We propose the church be used as a community center with activities for all ages.

NAME	Address	Date
1. <u>Jimmie Danner</u>	^{RIPPO} P.O. Box 67	7-22- 13 13
2. <u>Jeanne Morton</u>	PO Box 58 Rippon, WV	7-22-13
3. <u>Wayne Trauger</u>	P.O. Box 4 Rippon WV 25441	7-22-13
4. <u>Freddie Culbidge</u>	Rippon WVA	7/23/13
5. <u>Edward & Boyd</u>	PO Box 39 Rippon WVA	7/23/13
6. <u>Carl A Haig</u>	PO Box 127 WV RIPPON	7-23-13
7. <u>Elizabeth Luffen</u>	PO Box 28 Rippon	7-23-13
8. <u>Marian Ann Gardner</u>	PO Box 114, Rippon WV 25441	7-23-13
9. <u>Mark T. Litchner</u>	P.O. Box 188, Rippon, WV 25441	7/23/13
10. <u>David Monahan</u>	PO Box 130 Rippon WV 25441	7-23-13
11. <u>Lynn Hildreth</u>	92 SILVERLEAF DA CHARLESTON 25444	7-23-13
12. <u>Jude Elliott</u>	250 Rippon Glen Drive Charlestown 25444	7-23-13
13. <u>Sam C Park</u>	PO Box 10 Rippon WVA 25441	
14. _____		
15. _____		

To The Rt. Rev. W. Michie Klusmeyer

We, the undersigned petition the Rt. Rev. W. Michie Klusmeyer to withdraw approval of St. John's Episcopal Church, Rippon, WV as the site of a homeless shelter. The location is not suitable for the homeless due to the lack of safe traffic patterns, thoroughbred horses in adjacent fields, and lack of services for treatment of mental illness and addiction. It will disrupt the safety and quiet enjoyment of the homes of the residents of the community. We propose the church be used as a community center with activities for all ages.

NAME	Address	Date
1. Laura Allen	P.O. Box 115, Rippon, WV	7/25/13
2. Elizabeth Peirce	PO Box 153 Rippon WV	7/26/13
3. Lewis Allen	P.O. Box 115 Rippon WV	8/3/13
4. Michael J. Clark,	P.O. Box 111, Rippon, WV	8/04/13
5. Anita A. Clark,	P.O. Box 111, Rippon, WV	8/04/13
6. William C. Allen,	P.O. Box 115, Rippon, WV	8/04/13
7. Chelsea E. Pierce,	P.O. Box 153, Rippon WV	8/04/13
8. Maria K. Allen,	P.O. Box 115, Rippon, WV	8/04/13
9. Anna V. Allen,	P.O. Box 115, Rippon, WV	8/04/13
10. Wayne G. Hall,	Rippon, WV	8/04/13
11. Linda A Hall,	Rippon, WV	8/04/13
12. William T. Allen,	Rippon, WV	8/04/13
13. Cheryl W. Allen	Rippon, WV	8/04/13
14. Jeffrey Scott Allen	P.O. Box 115 Rippon WV	8/04/13
15. Evan H. Allen	P.O. Box 115, Rippon, WV	08/04/13
16. Jeffrey Duane Allen,	P.O. Box 115, Rippon, WV	08/04/13
17. Kyle J. Pierce	P.O. Box 153, Rippon, WV	08/05/13

To The Rt. Rev. W. Michie Klusmeyer

We, the undersigned, petition the Rt. Rev. W. Michie Klusmeyer to withdraw approval of St. John's Episcopal Church, Rippon, WV as the site of a homeless shelter. The location is not suitable for the homeless due to the lack of safe traffic patterns, thoroughbred horses in adjacent fields, and lack of services for treatment of mental illness and addiction. It will disrupt the safety and quiet enjoyment of the homes of the residents of the community. We propose the church be used as a community center with activities for all ages.

NAME	Address	Date
1. Jonathan E. Burns DANIEL P. LUTZ JR	558 Lloyd Rd Summit Point WV 25446 175 WHEATLAND RD	07/26/13
2. [Signature]	CHARLES TOWN WV 25414	26 July 2013
3. Lou E Lovel	370 Wheatland R. d	
4. Rulys Covert DORIS CRAVALLO	370 Wheatland Rd	
5. Don Carrolls	1411 LLOYD RD.	7-26-13
6. Barbara J Cravalo	1411 Lloyd Rd. Charles Town, WV	
7. Gary Bawn	1841 Wheatland R.D.	
8. Ella Dolman	26 Wheatland Rd.	
9. [Signature]	1326 Wheatland Rd.	
10. w o Carrolls	1326 Wheatland Rd	
11. Betty Mason	Summit Point	
12. [Signature]	65 Villa Lane Charles Town	
13. B Hyatt	635 Wheatland Rd, CT 25414	
14. James Hyatt	635 Wheatland Rd, CT 25414	
15. Robert E. Mongold	447 Wheatland Rd, CT	7/31/13

To The Rt. Rev. W. Michie Klusmeyer

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NAME	Address	Date
1. Victoria Cunny	P.O. Box 146	7/25/2013
2. Kenneth D. Cunny	P.O. Box 146	7/25/2013
3. Wanda Guff	2054 KATHLEEN DR CHARLESTOWN WV 25414	7/30/13
4. Heidi Sanford	P.O. Box 201 25441	7/31/13
5. Traci Teveng	198 Cedar Dr Summit Pt. 25446	7/31/13
6. Amy Shepherd	Po box 190, Rippon, WV 25441	7/31/13
7. Cheryl M. Cannell	PO Box 95 Rippon WV 25414	8/1/13
8. CHERYL L CLIFTON	202 SAMUEL ST APT A6 CHARLESTOWN WV 25414	
9. Debbie Wilson	317 Ryans Glen Dr CHARLES TOWN WV 25414	8/31/13
10. Pamela Lourey	PO Box 236 Charlestown West VA 25414	8/2/13
11. Franklin W Adams	PO Box 899 Rippon WV 25441	8-2-13
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To The Rt. Rev. W. Michie Klusmeyer

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NAME	Address	Date
1. Cheryl Allen	P.O. Box 143 Rippon	8-8-2013
2. William Allen	SAME	8-8-2013
3. David LeRoy	58 Earl Elizabeth Dr Rippon	8-8-13
4. Roger T Shea	PO Box 157 Rippon W.V. 25441	8/13/13
5. Jeanne A Cooper	PO Box 157 Rippon W.V. 25441	8/13/13

2

To The Rt. Rev. W. Michie Klusmeyer

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NAME	Address	Date
1. Kiana White	95 Rippon Commons Ct	8/13/13
2. Stanley White	95 Rippon Commons Ct, Charleston	8/13/13
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To The Rt. Rev. W. Michie Klusmeyer

We, the undersigned, petition the Rt. Rev. W. Michie Klusmeyer to withdraw approval of St. John's Episcopal Church, Rippon, WV as the site of a homeless shelter. The location is not suitable for the homeless due to the lack of safe traffic patterns, thoroughbred horses in adjacent fields, and lack of services for treatment of mental illness and addiction. It will disrupt the safety and quiet enjoyment of the homes of the residents of the community. We propose the church be used as a community center with activities for all ages.

NAME	Address	Date
1. <u>Richard Raymond</u>	<u>17 Brookline Dr. Charles Town</u>	<u>7-25-2013</u>
2. <u>Nancy McCormick</u>	<u>426 S. George St. Charles Town</u>	<u>7-26-2013</u>
3. <u>Marshall McCormick</u>	<u>426 S. George St. CT</u>	<u>8/8/2013</u>

4

To The Rt. Rev. W. Michie Klusmeyer

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NAME	Address	Date
1. <u>Jesse Morgan</u>	<u>2153 Berryville Pike Rippon WV</u>	<u>7/26/13</u>
2. <u>Jesse Morgan</u>	<u>2181 Berryville Pike Rippon WV</u>	<u>7/26/13</u>
3. <u>Jesse Morgan</u>	<u>2211 Berryville Pike Rippon WV</u>	<u>7/26/13</u>
4. <u>Jesse Morgan</u>	<u>2213 Berryville Pike, Rippon WV</u>	<u>7/26/13</u>
5. _____		
6. _____		
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8. _____		
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To The Rt. Rev. W. Michie Klusmeyer

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NAME	Address	Date
1. Barbara Taylor	19 Long St Rippon, W.VA	7-30-13
2. Tana Phouen	526 New Meadow #5441 Kearneyville W 25430	8.17.13
3. Karla Miller	337 Wood End Ct Charles Town WV 25414	8/17/13
4. Kylie Miller	337 Wood End Ct Charles Town WV 25414	8/17/13
5. Barbara Kelsey Miller	337 Wood End Ct. Charles Town, WV 25414	8-17-13
6. Loretta McDonald	498 Camino Pl, Charles Town, WV 25414	8-18-13
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