CITY OF CHARLES TOWN

BOARD OF ZONING APPEALS
AGENDA • MAY 20, 2025

BZA Meeting **COUNCIL CHAMBERS** **7:00 PM**
101 E Washington Street, Charles Town, WV 25414

I. CALL TO ORDER

II. DETERMINATION OF QUORUM

III. APPROVAL OF MINUTES

III.1 : Draft minutes - April 23, 2205 - Special Meeting
Draft Minutes.pdf

IV. APPROVAL OF FINDINGS OF FACTS AND CONCLUSIONS OF LAW

IV.1 : BA2025-01 - 412 S. Lawrence St.
BA 2025-01.pdf

V. PUBLIC HEARINGS

V.1 : **SE2025-01**: Somerset Boulevard - Self-Storage Facility
1. Staff Report.pdf
2. Application.pdf
3. Sketch Plan.pdf

VI. CONTINUED CASES

VII. OTHER BUSINESS

VIII. ADJOURNMENT

IX. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at:

https://www.charlestownwv.us/government/agendas-and-minutes/

Board of Zoning Appeals
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/25
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Draft minutes - April 23, 2205 - Special Meeting

ATTACHMENTS:

- Draft Minutes.pdf

CITY OF CHARLES TOWN

BOARD OF ZONING APPEALS

MINUTES • APRIL 23, 2025

BZA Meeting **COUNCIL CHAMBERS** **7:00 PM**

101 East Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

Present: Locke Wysong, Chair
Christopher Cox
Jim Thomas
Anita Finkelstein

Staff: James Newman, Zoning Administrator
Stephanie Grove, Attorney

2. DETERMINATION OF QUORUM

3. APPROVAL OF MINUTES

3.1: Minutes – February 19, 2025

RESULT:	**Approved**
MOVER:	Cox
SECONDER:	Finkelstein
AYES:	Cox, Thomas, Finkelstein, Wysong

4. PUBLIC HEARINGS

4.1: BA2025-01: 412 S Lawrence St. – Mark Roper Variance Request

Staff presentation

Seth Rivard, applicant's representative, was sworn-in and spoke briefly about the request.

Motion to enter deliberation at 7:08 pm

RESULT:	**Approved**
MOVER:	Cox
SECONDER:	Thomas
AYES:	Cox, Thomas, Finkelstein, Wysong

DRAFT

Motion to resume at 7:13 pm

RESULT:	**Approved**
MOVER:	Cox
SECONDER:	Finkelstein
AYES:	Cox, Thomas, Finkelstein, Wysong

Motion to approve the variance request as presented:

RESULT:	**Approved**
MOVER:	Thomas
SECONDER:	Cox
AYES:	Cox, Thomas, Finkelstein, Wysong

5. CONTINUED CASES

None.

6. OTHER BUSINESS

None.

7. APPROVAL OF FINDINGS OF FACTS AND CONCLUSIONS OF LAW

7.1: BA2024-10 – 418 S Samuel St – Variance Request

Motion to approve the findings of facts and conclusions with technical corrections:

RESULT:	**Approved**
MOVER:	Cox
SECONDER:	Thomas
AYES:	Cox, Thomas, Finkelstein, Wysong

8. ADJOURNMENT

Adjournment at 7:15 pm

RESULT:	**Approved**
MOVER:	Finkelstein
SECONDER:	Thomas
AYES:	Cox, Thomas, Finkelstein, Wysong

DRAFT

Board of Zoning Appeals
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/25
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

BA2025-01 - 412 S. Lawrence St.

ATTACHMENTS:
- BA 2025-01.pdf

BEFORE THE BOARD OF ZONING APPEALS
OF THE CITY OF CHARLES TOWN, WEST VIRGINIA

In re: Docket No. BA 2025-01 – Application for Variance by Mark Roper

FINDINGS OF FACT, CONCLUSIONS OF LAW, & DECISION

This matter came before the Board of Zoning Appeals at a special meeting held on the 23rd day of April 2025, for public hearing upon the application for a Variance filed by Mark Roper (the "Applicant"), who also owns the property Board members present were Chairman C. Locke Wysong, Jr., James Thomas, Jr., Christopher Cox, and Anita Finkelstein, being a quorum. Also present were the City's Zoning/Subdivision Administrator, James Newman, and the City Attorney, Stephanie Grove.

From a review of the record and confirmation by staff upon request, the Board found that proper notice was given of this hearing by publication and posting of the subject real property in accord with the Charles Town Zoning Ordinance.

The Applicant came before the Board requesting a Variance pursuant to **Sections 1321.11 (E) and 1322.11 OT-R of the Zoning Ordinance** with respect to the minimum sideyard setback of 10 feet to 7.5 feet, specified in **Section 1322.11, Old Town Residential (OT-R) District**, and **Table 1322.11, OT-R District Bulk and Area Regulations, of the City of Charles Town Zoning Ordinance**. The subject real property consists of a vacant lot and is located in the Charles Town Corporation District on Tax Map 3, Parcel 28.

The Board first heard the presentation of the City's Zoning/Subdivision Administrator, James Newman, who reviewed the contents of the written report of the City's staff, a copy of which is contained in the Agenda Packet for the meeting and made part of the record in this

matter, and explained the basis of staff's determination that the Variance sought by the Applicant satisfies the requirements of Section 1322.11(E)(3) of the Zoning Ordinance. Mr. Newman noted that the Applicant requested a variance of 2.5 feet from the side yard setback requirements in order to construct a single family home. Mr. Newman also reviewed the purposes of the Old Town Residential District, noting that the purpose of the district is to recognize existing, older residential neighborhoods characterized by smaller lots and setbacks. Staff recommended approval of the requested variances.

The Board had no questions for Mr. Newman.

The Property Owner's representative, Seth Rivard, was next sworn in and testified. He provided an overview of the project indicating that the applicant wished to construct a single family residential structure on the vacant lot, which would permit a reasonable use of the property.

No members of the public or aggrieved parties submitted comment to staff or appeared to make public comment.

Upon completion of the taking of testimony and argument, the Board closed the public hearing and adjourned into executive session for deliberation.

After completing its deliberation and returning to open session, by motion duly made by Board member Thomas and seconded by Board member Cox, the Board determined, by a vote of four (4) in favor and zero (0) opposed, that, in accordance with Section 1321.11(E)(3) of the Zoning Ordinance, the requested Variance should be granted, as presented, for the reasons set forth below.

FINDINGS OF FACT

The Board hereby finds as follows:

1. The Variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents. The setback reduction will allow the property to be used for a purpose in conformity with the surrounding neighborhood and will not adversely affect the surrounding properties.

2. The Variance arises from special conditions or attributes which pertain to the subject real property and which were not created by the Applicant. The lot is 36 feet wide. If the required setbacks of 10 ft were used, only 16 ft. will be available for building width. The variance will allow a building width of 21 ft while still maintaining a respectable setback distance.

3. The Variance will eliminate an unnecessary hardship and permit a reasonable use of the land. The narrowness of the lot prohibits development to a home which is 16 feet wide. The livable space for such a dwelling would be less, considering this 16ft also includes wall, siding, and insulation.

4. The Variance will allow the intent of the Zoning Ordinance to be observed and substantial justice done. The OT-R district is designed to protect the character of older existing residential neighborhoods that already contain smaller lots and smaller setbacks. The proposed variance will maintain the character of the OT-R district while allowing a reasonable use of the land.

5. The written report of Staff methodically details precise reasons why the Variance should be granted in accord with the requirements of 1321.11(E)(3) of the Zoning Ordinance, which written report has been carefully reviewed and considered by the Board, and the Board hereby adopts such reasons in their entirety and incorporates the same herein.

CONCLUSIONS OF LAW

Based upon the foregoing findings and for the reasons stated herein and based upon staff's recommendations, testimony presented, information contained in the Agenda Packet, and the discussion on the record, the Board, by a vote of four (4) in favor and zero (0) opposed, determines that Applicant's requested Variance satisfies the requirements of Section 1321.11(E)(3) of the Zoning Ordinance and should be granted. The Board hereby certifies that the Variance granted is the minimum variance that will make possible the reasonable use of the subject real property.

WHEREFORE, the Board hereby GRANTS the requested Variance, as presented and contemplated in the application, the public hearing, and herein, to allow for a reduction of the side setback requirements from 10 feet to 7.5 feet.

This Decision is entered as of the date set forth below. Any person adversely affected by this Order may appeal same by Petition to the Circuit Court of Jefferson County within thirty (30) days of receipt hereof.

Entered

C. Locke Wysong, Jr., Chairman[1]

[1] In reviewing an application, the Board considers as true and accurate the representations of factual circumstances contained in the application and supporting documentation (the "Application Packet"). No action or decision of the Board shall be deemed its verification of any such representation or its approval of any conditions that actually exist but are not accurately represented in the Application Packet.

Except as expressly provided otherwise herein, the Board's actions and decision are (i) premised and conditioned upon the truth and accuracy of the representations contained in the Application Packet and (ii) strictly limited to the uses, structures, and undertakings proposed for the subject real property in the Application Packet.

The Applicant/Owner is responsible for ascertaining all relevant facts prior to undertaking activities upon the subject real property. In the event of uncertainty, the Applicant/Owner is advised to obtain an accurate survey of the subject real property, seek legal advice, or take other action, as appropriate, to resolve the uncertainty before undertaking activities upon the subject real property. Failure to do so is at the risk of the Applicant/Owner.

Board of Zoning Appeals
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/25
Department: Board of Zoning Appeals
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

SE2025-01: Somerset Boulevard - Self-Storage Facility

ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. Sketch Plan.pdf

Special Exception/Use Permit Request
SE-2025-01

Date: For the May 20, 2025 Board of Zoning Appeals Meeting
Applicant: Somerset LLC.
Property Owner: Somerset LLC.
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Location: Tax District 3/Map 16A/Parcels COM5 & 44



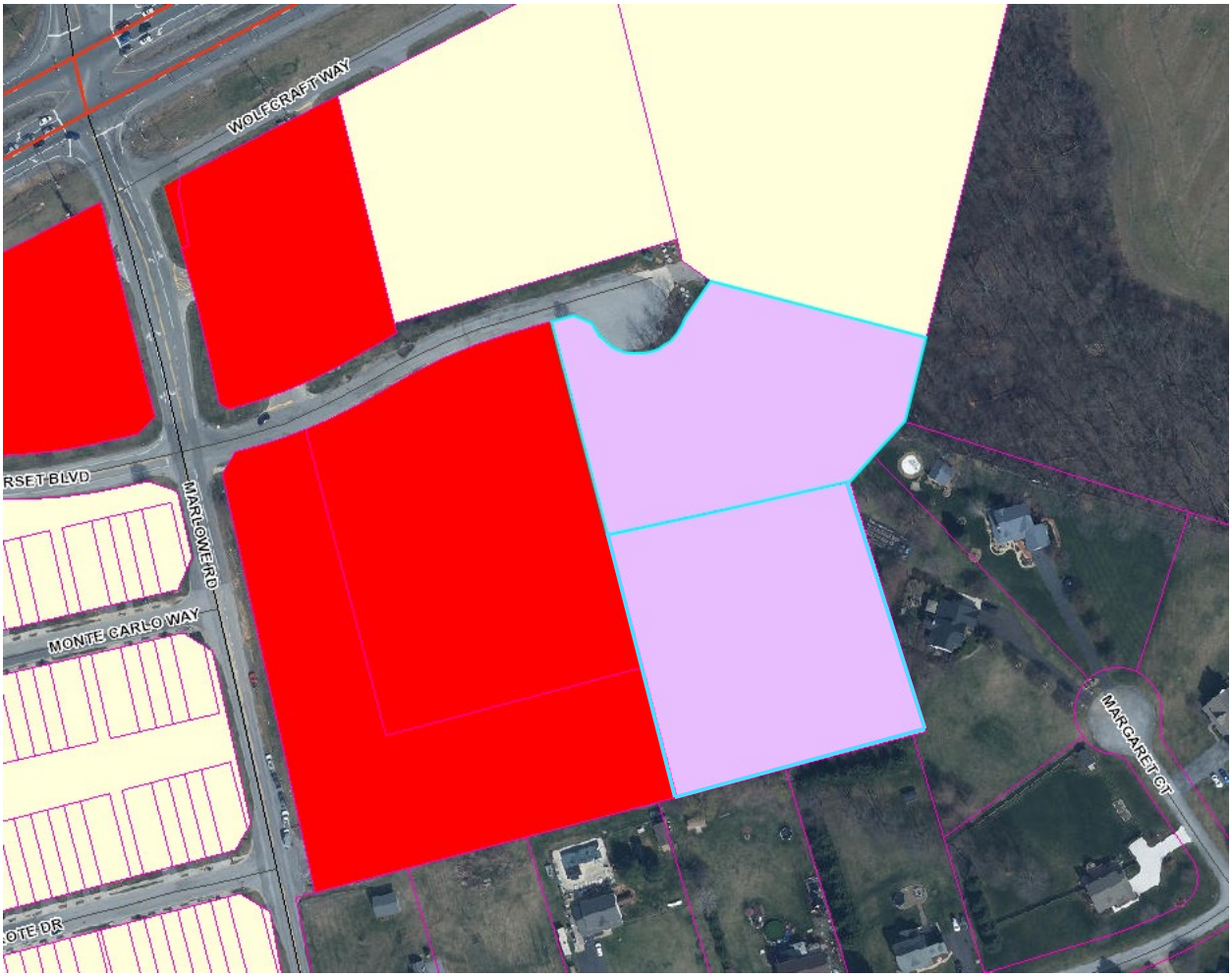
OVERVIEW

The applicant is requesting a special use permit for a self-storage facility.

ZONING

The property is zoned Neighborhood Commercial. See map on next page:

ZONING MAP



Key
Red – General Commercial
Lavender – Neighborhood Commercial
Tan/Not colored – Jefferson County

NEIGHBORHOOD COMMERCIAL ZONING DISTRICT

The Zoning Ordinance describes the Neighborhood Commercial (NC) District as:

The purpose of the NC District is to provide for necessary ***Commercial Uses of a convenient nature*** *within residential areas. The regulations which apply within the NC District are designed to encourage the formation and continuance of a* ***stable, healthy and compatible environment*** *for Uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce traffic congestion and avoid the development of "strip" business. The residential character of the area surrounding NC District shall be of primary consideration.*

Development objectives of the NC District include:
1. Attractive, tree-lined Streets, which emphasize and encourage walking and bicycling as well as efficient automobile transit, to serve the commercial developments. In such neighborhoods, the Sidewalk will be setback from the Street aligning with any existing sidewalks; and

2. Commercial Buildings designed in a manner which encourages pedestrian-scale activity on the Street, by placing main entrances facing the Street, and reducing the dominance of parking facilities as a prominent visual street feature. Where possible, parking lots should be placed to the rear or to the side of Buildings. Article 1333, Site Planning and Design Specifications, of the Charles Town Subdivision and Land Development Ordinance provides further Site design standards

Table 1322.09, NC District Bulk and Area Regulations

Minimum Lot Size	6,000 square feet
Minimum Front Yard Setback	5 feet
Minimum Side Yard Setback	10 feet (20 feet when commercial uses are adjoining a residential use or district)
Minimum Rear Yard Setback	15 feet
Maximum Lot Coverage, Permitted Residential	80 percent
Maximum Lot Coverage, Permitted Commercial	90 percent
Maximum Stories	3 stories
Open Space Requirement	Commerical: None Residential/Mixed-Use: 10%

ZONING HISTORY

2007: Property annexed into the City. The front lot was zoned to General Commercial to support office uses, with the rear lot zoned Residential Multifamily to support condominiums.

April 4, 2011: As part of revisions to the site's conditions of annexation, the rear parcel was rezoned from Residential Multi-Family to General Commercial.

November 6, 2017: Both parcels were rezoned from General Commercial to Neighborhood Commercial; the applicant proposed at that time to build apartments, which required a rezoning.

USE

Self-Storage facility is not defined in the Zoning Ordinance. The use is permitted with a Special Use Permit in the Neighborhood Commercial Zoning District. There are no applicable use standards.

DETAILS

4.17 acres of land to be developed into a self storage facility, consisting of an access road and five buildings, surrounded by a fence with gate controls, and screened with a 10' wide landscaping buffer.

Proposed structure sizes:

1 building at 10,950 sq. ft.

1 building at 12,400 sq. ft.

1 building at 12, 600 sq. ft.

1 building at 14,000 sq. ft.

1 building a 14, 400 sq. ft.

All structures will be used for storage, no office is proposed on-site. Potential impacts include:

Parking

There is no minimum off-street parking requirement for this use.

Landscaping

A landscaping buffer between 10-20 feet in width is required between commercial and residential uses.

Lighting

Lighting is required to be shielded and downcast so as to reduce glare and light pollution.

PROPOSED LAYOUT



SPECIAL EXCEPTION USES

Special Exception Uses are Uses that are conditionally permitted in a particular Zoning District… The Board of Zoning Appeals shall issue a Special Use Permit (granting the special exception) if the required findings…are made or deny issuance of a permit if all required findings cannot be made. The Board of Zoning Appeals may attach reasonable conditions to the issuance of a Special Use Permit to ensure the Special Exception Use's compatibility with other Uses permitted in the Zoning District…A Special Use Permit shall be valid for two (2) years in the event that the use is not acted upon, or a Subdivision and/or Land Development Plan has not received approval.

REVIEW CRITERIA

In order to issue a Special Use Permit, the Board must make the following written findings regarding the Special Exception Use sought:

a. *The Use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved;*

   The proposed use will not materially endanger the public health or safety or constitute a public nuisance; the use is allow-impact one. Storage units are generally a quiet use with a low traffic impact. The City requires buffers and has lighting standards to mitigate the visual impact of the development.

b. *The Use will not substantially diminish the value of Adjacent Property unless the Use is a public necessity;*

   This use will not substantially diminish the value of Adjacent Property. Adjacent uses are: billiards hall/restaurant to the north, landscape supply company to the east, residential units to the south-east and south, a home improvement store to eth west and a gas station to the north-west.

c. *The location and character of the Use, if developed according to the plans and information approved, will be in harmony with proximate land Uses, and consistent with the purposes of the Zoning District.*

   This proposed use is surrounded by a mix of residential and commercial uses, and with proper buffering and lighting standards, can fit in nicely with the neighborhood. The use is a low-impact, low traffic one, especially compared to the adjacent gas station and home improvement store uses.

CONCLUSION

The applicant is seeking a Special Use Permit for a self-storage facility. The use is commercial, and is directly adjacent to a mix of commercial and residential uses.

RECOMMENDATION

Approval, subject to conditions:

1. All structures will be painted with earth tones to blend into the natural landscaping.
2. The buffer adjacent to residential uses shall be at least 20 ft in width, and shall have evergreen vegetation and a minimum 6ft tall opaque fence.
3. Shall be developed in substantial conformance with the associated sketch plan, subject to any required changes approved by the Planning Commission.

BZA Special Exception No. _____

Board of Zoning Appeals

Application for Special Exception

Fee: $410

1. SIGNATURES

   This application must be signed by **all owners** of the real estate which is the subject of the application. The owners may designate one or more professional agents to represent them in the application process using the spaces provided on this form.

2. MATERIALS

   A. A plat/building location survey of the subject property drawn to scale.

   B. As applicable: Site Plan, Building Permit, Zoning Permit, Sign Permit Applications.

3. PERMITS
   Approval of a special exception by the BZA does not relieve the applicant from other requirements including, but not limited to, sign(s), building, zoning and use permits or site plans.

4. SKETCH PLAN
   Issuance of a Special Use Permit will bind the Use in accordance with that reflected in the submitted Sketch Plan. Therefore, should a change in the Sketch Plan be required as part of the approval of the Use, the applicant shall revise the Sketch Plan prior to the issuance of the Special Use Permit. Any subsequent change to the Special Use aspects having an effect on the originally approved Sketch Plan shall require the obtainment of another Zoning Permit or Special Use Permit, as the case may be.

5. PUBLIC HEARING
   A special use permit requires a public hearing before the Board.

BZA Special Exception No. _____

Definition of a Special Exception Use

A Use conditionally permitted in a particular Zoning District under this Ordinance that may be undertaken only following the issuance of a Special Use Permit by the Board of Zoning Appeals pursuant to standards and criteria established in this Ordinance.

Criteria

In order to issue a Special Use Permit, the Board must make the following written findings regarding the Special Exception Use:

1. The Use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved;

2. The Use will not substantially diminish the value of Adjacent Property unless the Use is a public necessity; **and**

3. The location and character of the Use, if developed according to the plans and information approved, will be in harmony with proximate land Uses, and consistent with the purposes of the Zoning District.

Site/Plat Requirements

A plat or building location survey must contain the following information in order for the property to be thoroughly evaluated for a Special Exception:

1. Plat must be drawn to scale (Can be hand drawn).
   a. Existing conditions/structures on the site
   b. Location/arrangement of proposed uses, *as applicable*.
2. Name of Engineer, Surveyor, or Architect who prepared plat*, if applicable*.
3. Signature and Seal of Engineer, Surveyor, or Architect, *if applicable*.
4. Date of plat and dates of any revisions.
5. Legend/Table on plat listing the following:
   a. Name of Proposed Project.
   b. Zoning of Subject Parcel.
   c. Tax Map and Parcel Number.
   d. Parcel Address.
   e. Owner/Applicant's name and address.
   f. Scale.
6. North arrow.
7. Size of parcel.
8. Names of adjacent streets.
9. Site/Development layout, *as applicable*:
   a. Maximum and proposed density.
   b. Location of proposed Street layout, including connections to adjoining streets or vacant lots.
   c. The location of sidewalks, trails and crosswalks.
   d. General layout of any proposed number of Lots, average Lot sizes and any proposed commercial uses, including any associated parking. Include proposed height of structures.
   e. Proposed open space and/or recreation areas, including notes on the plan describing the proposed use, activity area and/or improvement.
   f. Parking spaces/parking lots with calculations showing what is required and proposed.
   g. Landscaping as required in the Zoning Ordinance.
10. Site/Development utilities, *as applicable*:
    a. Available utilities.
    b. All existing sanitary sewer facilities and combined sewer facilities.
    c. Depict location or statement of proposed water and sewer supply and other utility improvements.
11. Existing covenants, *if applicable*.
12. List with any documentation of any previously approved variances, special exceptions, appeals, court decisions, conditions, proffers, or waivers granted for the subject property.
13. Any other information requested by the Subdivision Administrator in order for the Subdivision Administrator to make an accurate determination.

BZA Special Exception No. _____

1. DATE 03/17/2025

2. APPLICANT'S NAME* Somerset LLC

   Address: 175 John J Thomas Way

   Telephone Number (304) 725-2539

   Email Address johnthomas1602@comcast.net

3. PROPERTY OWNER'S NAME Somerset LLC

   Address: 175 John J Thomas Way

   Telephone Number (304) 725-2539

   Email Address johnthomas1602@comcast.net

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (List all parcels that apply)

   Property Address: Somerset Boulevard

   Tax Map # and Parcel(s): Tax Map 16A, Parcels COM5 & 44

   Property Area in Square Feet or Acres: COM5 - 1.97 ac.; 44 - 2.20 ac.;

5. DESCRIPTION OF THE EXISTING (OR FORMER) USE(S) OF THE PROPERTY AND CURRENT ZONING:

   The existing property is vacant and was formerly used to handle spoils from excavation within the Wind Mill Crossing Business Community. The property is currently zoned Neighborhood Commercial

6. DESCRIPTION OF THE PROPOSED USE(S) OF THE PROPERTY: (Include the hours of operation and the activities to be conducted on the site. Be as specific about your proposed use as possible.)

   The proposed use of the property is to be different sized storage units that can be accessed from both outside and inside. No office is proposed as a part of this project. There will be proposed screening along the residential properties and a fence to secure the proposed improvements.

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

7. LIST THE APPLICABLE SECTION(S) OF THE CITY OF CHARLES TOWN ZONING ORDINANCE FOR WHICH THE SPECIAL EXCEPTION USE IS BEING REQUESTED:

The proposed use of the property would fall under "Self-Storage Facility" and, due to the current zoning of "Neighborhood Commercial," requires a special exception per the Zoning Ordinance of the City of Charles Town ,WV, Section 1322.04, Zoning District Use Table

8. IS THIS REQUEST CONSISTENT WITH THE PURPOSES AND INTENT OF THE CITY OF CHARLES TOWN ZONING ORDINANCE?

Yes, the proposed project is consistent with the purpose and intent of the ordinance/zoning as the subject parcels adjoin both commercial uses (Tractor Supply and Cornerstone Landscape) and a residential use (single-family subdivision off New Thomas Drive).

9. CRITERIA REVIEW:

A) The Use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved;

The proposed use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed as screening and fencing are proposed as part of the improvements. Also, no significant increase of vehicular or foot traffic is expected due to the proposed use.

B) The Use will not substantially diminish the value of Adjacent Property unless the Use is a public necessity; and

The use will not substantially diminish the value of the adjacent properties as the proposed improvements with include screening and fencing that complies with the Codified Ordinances

C) The location and character of the Use, if developed according to the plans and information approved, will be in harmony with proximate land Uses, and consistent with the purposes of the Zoning District.

The location of the property currently sits on the edge of an existing "commercial to residential boundary." It is adjoined on the North by Somerset Boulevard and a landscaping company, on the East and South by single-family residential, and on the West by Tractor Supply.

10. DESCRIBE ANY PROPOSED WORK TO BE DONE TO THE PROPERTY: (i.e. – new structures/additions, ADA compliance, etc.)

The proposed work would consist of approximately 5 storage buildings and associated infrastructure (roads, stormwater management, etc.) that will be processed through the Major Land Development process.

11. HOW WOULD GRANTING THE SPECIAL EXCEPTION AFFECT THE FOLLOWING?

a. The number of people residing or working in the immediate area and the orderly growth of the community?

As no office is currently proposed as part of the plan, no additional people will be residing or working in the immediate area as a result of this project.

b. The peaceful enjoyment of people in their homes and the conservation of property values?

The single-family residential subdivision to the South and East of the property will be screened and fenced in such a way that, at minimum, complies with Appendix C, Screening and Buffering Standards.

c. The use of surrounding property and property values caused by the existence of odors, dust, gas, smoke, fumes, vibrations, glare, and noise?

During construction, appropriate erosion and sediment controls measures will be installed in order to prevent any adverse affects from the disturbance. Once stabilized and constructed, the site is not anticipated to increase any of the above mentioned factors.

12. HAS THE PROPERTY BEEN THE SUBJECT OF ANY COURT ACTION?

☑ No

☐ Yes (Please specify nature of all proceedings and current status and attach any documents showing court decisions, etc.)

_____

_____

_____

13. PARCEL HISTORY (List all pending or previously approved applications on the subject parcels inventoried above, including previous site plan applications if this application is a site plan amendment)

Application No.	Project Name and Phase	Status	Approval Date
DOC-2017-238	Rezoned to NC	Approved	11-6-2017

It is our understanding that the property has a previous plan (The Windmill Crossings Business Community, JC 03-01) through Jefferson County. We are also of the understanding that the property was previously rezoned from General Commercial to Neighborhood Commercial.

BZA Special Exception No. _____

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Article 1321 and relevant provisions of the Charles Town Zoning Ordinance outlining the City's Board of Zoning Appeals application and approval procedures.

Signature of Applicant

_____ Date _____

Signature of Owner(s) (If different than Applicant)

_____ Date _____

Please submit an original completed application to the following:

At City Hall:	Or	Via Mail:
Zoning Administrator City of Charles Town 101 E. Washington Street Charles Town, WV 25414		Zoning Administrator City of Charles Town PO BOX 14 Charles Town, WV 25414

FOR CITY USE ONLY

Application Number:_____ Date Application Received:_____

Zoning District: _____

Fee: $_____ Check No._____ Receipt No._____

BZA Hearing Date:_____ Decision:_____

Comments:_____

_____

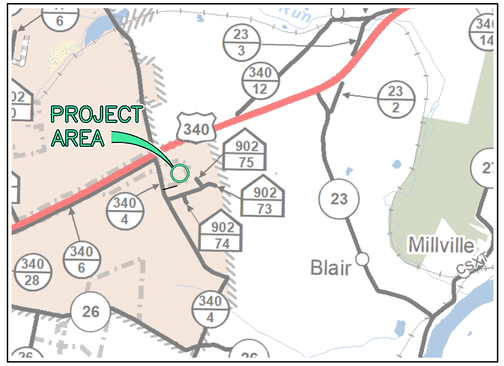
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THOMFAIR STORAGE UNITS
SKETCH PLAN - SPECIAL EXCEPTION

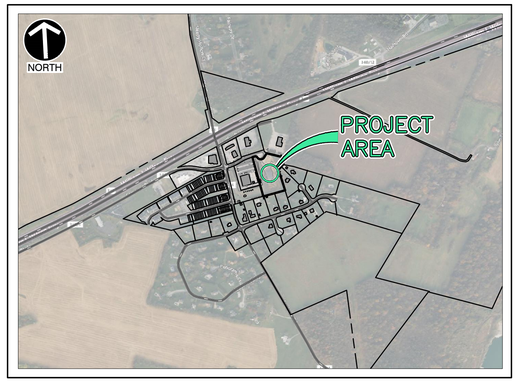
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WV
MARCH 2025

LAT./LONG: 39°18'08.7" N 77°48'48.8" W
(APPROXIMATE CENTER OF PROJECT)



NORTH

SITE LOCATION MAP
WVDOH HIGHWAY MAPS, MORGAN SHEETS 2 &
BERKELEY SHEETS 2, WEST VIRGINIA, NSRS 2011.
SCALE IN FEET
0 2000 4000



VICINITY MAP
SCALE IN FEET
0 1000 2000

GENERAL INFORMATION:

1. NAME & ADDRESS OF OWNER/ DEVELOPER:
   MICHAEL THOMAS
   170 JOHN J THOMAS WAY,
   CHARLES TOWN, WEST VIRGINIA 25414

2. PURPOSE OF DEVELOPMENT:
   THE PURPOSE OF THE DEVELOPMENT IS TO DEVELOP THE VACANT SITE INTO A STORAGE UNIT FACILITY. THE PROPOSED SITE LAYOUT CONSISTS OF ONE ACCESS LOOP ROAD, 5 STORAGE BUILDINGS, AND THROUGH ROADS ALL CONNECTING TO SOMERSET BLVD (W.V COUNTY ROUTE 1550).

3. SOIL TYPES:
   0.4% FUNKSTOWN SILT LOAM
   91.5% POPLIMENTO SILT LOAM, 3 TO 8 PERCENT SLOPES
   8.2% POPLIMENTO SILT LOAM 8 TO 15 PERCENT SLOPES

4. GEOLOGICAL INFORMATION:
   THE CITY OF CHARLES TOWN IS LOCATED IN AN AREA KNOWN TO HAVE KARST GEOLOGY.
   THE SITE IS NOT LOCATED WITHIN ANY KNOWN WETLAND, HISTORIC OR HISTORIC REGION.
   THE SITE DOES NOT CONTAIN SEVERE SLOPES.

5. DENSITY:
   5 STRUCTURES
   64,350 SQ. FT.

6. AVAILABLE UTILITIES:
   PUBLIC SEWER AND PUBLIC WATER ARE AVAILABLE BUT THERE IS NO PROPOSED CONNECTION TO UTILITIES AT THIS TIME.

7. PARKING CALCULATION (REQUIRED & PROVIDED):
   REQUIRED:
   NONE

   PROVIDED:
   NONE

8. TOTAL ACREAGE OF SITE:
   16A–COM5 ACREAGE (DEED): 85,813 SQ. FT. (1.97 AC.)
   16A–44 ACREAGE (DEED): 95,832 SQ. FT. (2.20 AC.)
   TOTAL ACREAGE (DEED): 181,645 SQ. FT. (4.17 AC.)

   THE TOTAL ACREAGE OF 4.17 AC. (181,645 SQ. FT.) IS EXPECTED TO BE DEVELOPED.

9. HISTORIC USE OF SITE:
   RESIDENTIAL & FARM

10. CURRENT ZONING OF SITE:
    NEIGHBORHOOD COMMERCIAL

11. IMPERVIOUS/PERVIOUS AREA COVERAGE (EXISTING & PROPOSED);
    EXISTING:
    168,577.00 SQ. FT. (3.87 AC.) PERVIOUS – 92.81%
    13,068.00 SQ. FT. (0.30 AC.) IMPERVIOUS – 7.19%

    PROPOSED
    62,835.00 SQ. FT. (1.44 AC.) PERVIOUS – 34.43%
    118,810.00 SQ. FT. (2.73 AC.) IMPERVIOUS – 65.57%

12. THE SUBJECT PARCELS' STORMWATER MANAGEMENT AND DRAINAGE ARE ACCOUNTED FOR IN THE WINDMILL CROSSING'S STORMWATER MANAGEMENT POND THAT RESIDES SOUTH OF TRACTOR SUPPLY ON LOT "16A-SWM". PER THE "STORM WATER MANAGEMENT REPORT – WINDMILL CROSSING BASIN B REVISION" PREPARED BY WILLIAM H. GORDON ASSOCIATES, INC. IN APRIL OF 2011, THE EXISTING POND ACCOUNTS FOR UP TO 90% OF IMPERVIOUS AREA ON THE SUBJECT PARCELS. THE PLANS AND REPORT ARE SHOWN IN SD–03–01 IN JEFFERSON COUNTY'S RECORDS.

13. FLOODPLAIN INFORMATION:
    THE SITE IS NOT LOCATED WITHIN THE 100–YEAR FLOODPLAIN, OTHERWISE KNOWN AS ZONE "X". (FIRM MAP PANEL 135 OF 245, NUMBER 54037C0137E, DATED 12/18/2009)

14. THE PROPOSED IMPROVEMENTS WILL INCLUDE LANDSCAPING ALONG THE PROPERTY LINES THAT ADJOIN THE SINGLE–FAMILY RESIDENTIAL THAT, AT MINIMUM, COMPLIES WITH THE CODIFIED ORDINANCES OF THE CITY OF CHARLES TOWN. FENCING WILL ALSO BE PROVIDED SEPARATELY FOR THE SAFETY OF CUSTOMER AND THE PUBLIC.

15. THE SUBJECT PARCELS ARE UNDER THE COVENANTS OF THE WIND MILL CROSSING BUSINESS COMMUNITY AS RECORDED IN DEED BOOK 1020, PAGE 178.

OWNER/DEVELOPER:
MICHEAL THOMAS
170 JOHN J THOMAS WAY
CHARLES TOWN, WV 25414
OFFICE: (304) 725-2539

ENGINEER/SURVEYOR:
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
786 FOXCROFT AVENUE
MARTINSBURG, WV 25401
MARC MEZZANOTTE
PROJECT MANAGER
OFFICE: (304) 848-7525
LUCAS GARDNER, P.E.
OFFICE: (304) 848-7164

CITY OF CHARLES TOWN SIGNATURE BLOCK

THIS PRELIMINARY PLAN AND PLAT WAS APPROVED BY THE CITY OF CHARLES TOWN, ON THE _____ DAY OF 20 , SUBJECT TO ANY CONDITIONS SPECIFIED HEREON.

ALL EXPENSES INCURRED WITH RESPECT TO IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AND NOT THE CITY.

_____
SECRETARY OF THE PLANNING COMMISSION *DATE*

OWNER/DEVELOPER CERTIFICATION

THE DEVELOPER, IN SIGNING THIS PLAT/PLAN, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON, AND TO COMPLETE ALL THE IMPROVEMENTS REQUIRED BY THE PRELIMINARY PLAT AND PLAN OR SITE PLAN.

_____

ENGINEERS CERTIFICATION

THE ENGINEER AND/OR SURVEYOR, IN SIGNING THIS PLAT/PLAN, ATTESTS TO THE BEST OF HIS OR HER KNOWLEDGE, IS PLAN IS COMPLETE AND ACCURATE.

_____

PLAN REPRODUCTION WARNING

THE PLANS HAVE BEEN CREATED ON ARCH D (24" X 36") SHEETS. FOR REDUCTIONS, REFER TO GRAPHIC SCALE.

THE PLANS HAVE BEEN CREATED FOR FULL COLOR PLOTTING. ANY SET OF THE PLANS THAT IS NOT PLOTTED IN FULL COLOR SHALL NOT BE CONSIDERED ADEQUATE FOR CONSTRUCTION PURPOSES.

WARNING: INFORMATION MAY BE LOST IN COPYING AND/OR GRAY SCALE PLOTTING.

WEST VIRGINIA 811 CALL BEFORE YOU DIG!

WEST VIRGINIA STATE LAW REQUIRES THAT YOU CALL TWO BUSINESS DAYS BEFORE YOU DIG IN THE STATE OF WEST VIRGINIA. IT'S THE LAW!

SITE NAME:	THOMFAIR STORAGE
DEVELOPER/OWNER:	MICHAEL THOMAS
AUTHORITY:	CITY OF CHARLES TOWN, WEST VIRGINIA
ZONING:	NEIGHBORHOOD COMMERCIAL
PROPERTY:	PARCEL ID: 19-03-016A-COM5-0000 19-03-016A-0044-0000
TAX MAP:	16A PARCEL COM5 & 44 DEED BOOK 1130 PAGE 249 DEED BOOK 1130 PAGE 249

DRAFT

REVISION RECORD

NO	DATE	DESCRIPTION

786 Foxcroft Ave.
Martinsburg, WV 25401
Ph: 304.808.7600
www.cecinc.com
Civil & Environmental Consultants, Inc.

THOMFAIR STORAGE UNITS
SOMERSET BLVD, CHARLES TOWN, WV
PARCEL ID: 19-03-016A-COM5-0000 &
19-03-016A-0044-0000
DEED BOOK/PAGE:1130/249

COVERSHEET

DATE:	JANUARY 2025
DRAWN BY:	MSI
CHECKED BY:	CLW
DWG SCALE:	AS SHOWN
PROJECT NO.	347-909
APPROVED BY:	DRAFT

DRAWING NO.:
C000
SHEET 1 OF 2

P:\340-000\347-909\--CADD\Dwg\CV01\347909-CV01-C000-COVERSHEET.dwg[11 LS](3/26/2025 - tlusby) - LP: 3/26/2025 10:24 AM

NORTH

J D C ENTERPRISES LLC
PARCEL ID: 19-04-0011-0044-0002
TAX MAP/PARCEL: 11-44
DEED BOOK/PAGE:974/376
USE: COMMERCIAL (JEFFERSON COUNTY)

A & R CHARLESTOWN LLC
PARCEL ID: 19-03-016A-COM1-0000
TAX MAP/PARCEL: 16A-COM1
DEED BOOK/PAGE:1157/45
USE: COMMERCIAL (CITY OF CHARLES TOWN)

MCLUCKY LLC
PARCEL ID: 19-04-0011-0044-0003
TAX MAP/PARCEL: 11-44
DEED BOOK/PAGE:1045/722
USE: COMMERCIAL (JEFFERSON COUNTY)

LEGEND

- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- 385 EXISTING INDEX (MAJOR) CONTOUR
- 387 EXISTING INTERMEDIATE (MINOR) CONTOUR
- EXISTING ROADWAY CENTERLINE
- EXISTING EDGE OF PAVEMENT
- EXISTING STRUCTURE
- EXISTING PAVEMENT MARKING
- EXISTING DETENTION POND
- EXISTING DITCH

SOMERSET BOULEVARD
(COUNTY ROUTE 1550)

5' FRONT SETBACK

EXISTING 50' ACCESS EASEMENT TO BE ABANDONED

EXISTING 20' STORM DRAINAGE EASEMENT

EXISTING 20' STORM DRAINAGE EASEMENT

10' SIDE SETBACK

20' SIDE SETBACK

MARLOWE ROAD
(COUNTY ROAD 340/4)

CENTURY PROPERTIES XXIV LIMITED PARTNERSHIP
PARCEL ID: 19-03-016A-COM2-0000
TAX MAP/PARCEL: 16A-COM2
DEED BOOK/PAGE:1115/656
USE: COMMERCIAL (CITY OF CHARLES TOWN)

SOMERSET LLC
PARCEL ID: 19-03-016A-COM5-0000
TAX MAP/PARCEL: 16A-COM5
DEED BOOK/PAGE:1130/249
USE: COMMERCIAL (CITY OF CHARLES TOWN)

RION HALL FARM LLC
PARCEL ID: 19-04-0011-0021-0000
TAX MAP/PARCEL: 4-11
DEED BOOK/PAGE:1229/403
USE: FARM (JEFFERSON COUNTY)

EXISTING GRAVEL AND EXCESS MILLING/DEBRIS

QUINN CLARK W
PARCEL ID: 19-04-011C-0008-0000
TAX MAP/PARCEL: 11C-8
DEED BOOK/PAGE:775/657
USE: RESIDENTIAL

EXISTING PAVED DRIVE

10' SIDE SETBACK

ENCROACHMENT OF FENCE AND SHED ONTO SUBJECT PARCEL

SOMERSET LLC
PARCEL ID: 19-03-016A-0044-0000
TAX MAP/PARCEL: 16A-44
DEED BOOK/PAGE:1130/249
USE: COMMERCIAL (CITY OF CHARLES TOWN)

EXISTING 32' INGRESS/ EGRESS EASEMENT

WINDMILL CROSSING BUSINESS COMMUNITY ASSOCIATION INC
PARCEL ID: 19-03-016A-OSWM-0000
TAX MAP/PARCEL: 16A-SWM
DEED BOOK/PAGE:1120/316
USE: RESIDENTIAL (CITY OF CHARLES TOWN)

EXISTING REGIONAL SWM FACILITY

LOTT JEFFREY A & JACQUELINE E
PARCEL ID: 19-04-011C-0007-0000
TAX MAP/PARCEL: 4-11C
DEED BOOK/PAGE:849/699
USE: RESIDENTIAL (JEFFERSON COUNTY)

15' REAR SETBACK

SIRBAUGH DEBORAH K - LIFE
PARCEL ID: 19-04-011C-0003-0000
TAX MAP/PARCEL: 4-11C
DEED BOOK/PAGE:1239/128
USE: RESIDENTIAL (JEFFERSON COUNTY)

FISH CLAUDIA
PARCEL ID: 19-04-011C-0004-0000
TAX MAP/PARCEL: 4-11C
DEED BOOK/PAGE:1170/496
USE: RESIDENTIAL (JEFFERSON COUNTY)

STEVENS MICHAEL R & CATHERINE M
PARCEL ID: 19-04-011C-0005-0000
TAX MAP/PARCEL: 4-11C
DEED BOOK/PAGE:979/187
USE: RESIDENTIAL (JEFFERSON COUNTY)

SCALE IN FEET
0 40 80

DRAFT

REFERENCE NOTE

1. ALL EXISTING FEATURES SHOWN WERE OBTAINED FROM PUBLICLY AVAILABLE SOURCES ON JANUARY 13, 2025 AND AN UNMANNED AERIAL DRONE SURVEY CONDUCTED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. IN FEBRUARY 2025. NO FIELD OR BOUNDARY SURVEYS HAVE BEEN CONDUCTED BY CEC AT THIS TIME.
2. THIS CONCEPT MAKES NO CLAIM TO REPRESENT ALL UTILITIES OR EASEMENTS. FURTHER RESEARCH AND COORDINATION WILL BE REQUIRED.

REVISION RECORD

NO	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
786 Foxcroft Ave.
Martinsburg, WV 25401
Ph: 304.808.7600
www.cecinc.com

THOMFAIR STORAGE UNITS
SOMERSET BLVD, CHARLES TOWN, WV
PARCEL ID: 19-03-016A-COM5-0000 &
19-03-016A-0044-0000
DEED BOOK/PAGE:1130/249

EXISTING CONDITIONS

DATE:	JANUARY 2025
DWG SCALE:	AS SHOWN
PROJECT NO:	347-909
APPROVED BY:	DRAFT
DRAWN BY:	MSI
CHECKED BY:	CLW

DRAWING NO.: C100
SHEET 1 OF 2

P:\340-001\347-909\-CAD\Dwg\C101\347909-C101-EXISTING.dwg[1:1](3/26/2025 - Wade) - LP: 3/26/2025 10:24 AM

NORTH

J D C ENTERPRISES LLC
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USE: COMMERCIAL (CITY OF CHARLES TOWN)

MCLUCKY LLC
PARCEL ID: 19-04-0011-0044-0003
TAX MAP/PARCEL: 11-44
DEED BOOK/PAGE:1045/722
USE: COMMERCIAL (JEFFERSON COUNTY)

MAPLE LANE ROAD
(COUNTY ROAD 340/4)

SOMERSET BOULEVARD
(COUNTY ROUTE 1550)

30' AUTOMATIC EXIT GATE

30' SLIDING ENTRANCE GATE WITH KEYPADS

PROPOSED 5' SIDEWALK (TYP)

5' FRONT SETBACK

10' SIDE SETBACK

20' SIDE SETBACK

20' REAR SETBACK

PROPOSED STORAGE BUILDING
12,400 SQ. FT.

PROPOSED STORAGE BUILDING
10,950 SQ. FT.

PROPOSED STORAGE BUILDING
12,600 SQ. FT.

PROPOSED STORAGE BUILDING
14,400 SQ. FT.

PROPOSED STORAGE BUILDING
14,000 SQ. FT.

24.00'

CENTURY PROPERTIES XXIV LIMITED PARTNERSHIP
PARCEL ID: 19-03-016A-COM2-0000
TAX MAP/PARCEL: 16A-COM2
DEED BOOK/PAGE:1115/656
USE: COMMERCIAL (CITY OF CHARLES TOWN)

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DEED BOOK/PAGE:1130/249
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PARCEL ID: 19-03-016A-OSWM-0000
TAX MAP/PARCEL: 16A-SWM
DEED BOOK/PAGE:1120/316
USE: RESIDENTIAL (CITY OF CHARLES TOWN)

EXISTING DETENTION POND

EXISTING PAVED DRIVE

PERIMETER SECURITY FENCE

10' LANDSCAPING SCREENING BUFFER

SIRBAUGH DEBORAH K ~ LIFE
PARCEL ID: 19-04-011C-0003-0000
TAX MAP/PARCEL: 4-11C
DEED BOOK/PAGE:1239/128
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TAX MAP/PARCEL: 4-11C
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USE: RESIDENTIAL (JEFFERSON COUNTY)

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- EXISTING STRUCTURE
- EXISTING PAVEMENT MARKING
- EXISTING DETENTION POND
- EXISTING DITCH
- PROPOSED ROADWAY CENTERLINE
- PROPOSED ROAD AND PARKING AREA
- PROPOSED DITCH
- PROPOSED STORAGE BUILDING

SCALE IN FEET
0 40 80

REFERENCE NOTE

1. ALL EXISTING FEATURES SHOWN WERE OBTAINED FROM PUBLICLY AVAILABLE SOURCES ON JANUARY 13, 2025. NO SURVEYS HAVE BEEN CONDUCTED BY CEC AT THIS TIME.
2. THIS CONCEPT MAKES NO EFFORT TO REPRESENT ANY UTILITIES OR EASEMENTS. FURTHER RESEARCH AND COORDINATION WILL BE REQUIRED.

DRAFT

REVISION RECORD

NO	DATE	DESCRIPTION

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Civil & Environmental Consultants, Inc.

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SOMERSET BLVD, CHARLES TOWN, WV
PARCEL ID: 19-03-016A-COM5-0000 &
19-03-016A-0044-0000
DEED BOOK/PAGE:1130/249

SITE PLAN

DATE:	JANUARY 2025	DRAWN BY:	MSI
DWG SCALE:	AS SHOWN	CHECKED BY:	CLW
PROJECT NO:			347-909
APPROVED BY:			DRAFT

DRAWING NO.: C200

SHEET 2 OF 2

P:\340-0001\347-909\~CAD\Dwg\C901\347909-CV01-C200-SITE LAYOUT.dwg[A1 LS](3/26/2025 - mslo) - LP: 3/26/2025 10:24 AM