



**AGENDA**  
**PLANNING COMMISSION**  
**WEDNESDAY, MARCH 18, 2026**  
**7:00 PM**  
**THE BOARD ROOM**  
**FREDERICK COUNTY ADMINISTRATION BUILDING**  
**WINCHESTER, VIRGINIA**

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Adoption of Agenda** – Pursuant to established procedures, the Planning Commission should adopt the Agenda for the meeting.
5. **Meeting Minutes**
  - 5.A. January 7, 2026 Meeting Minutes  
[PC03-18-26MinutesJanuary7.pdf](#)
  - 5.B. January 21, 2026 Meeting Minutes  
[PC03-18-26MinutesJanuary21.pdf](#)
6. **Committee Reports**
7. **Citizen Comments**
8. **Public Hearings**
  - 8.A. **Rezoning #02-26 of Plasters HVAC - (Mr. Bittner)**

Submitted to rezone +/- 1.21-acres from B2 (General Business) Zoning District with proffers to B3 (Industrial Transition) Zoning District with proffers. The property is located at 161 Commonwealth Court, Winchester, and is identified by Property Identification Number 75-A-91E in the Back Creek Magisterial District.

[PC03-18-26REZ02-26\\_Redacted.pdf](#)
  - 8.B. **Revocation of Conditional Use Permit #03-24 for 172 Fire House LLC and**

**Barbara Singhas - (Mr. Cheran)**

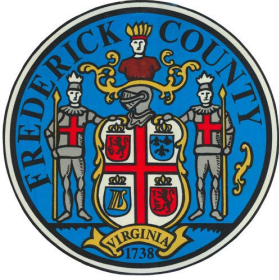
This Conditional Use Permit is proposed to be revoked due to a violation of Condition #4 from Conditional Use Permit #03-24 which pertains to a minor site plan. The property is located at 171 Old Firehouse Lane, Winchester, and is identified with Property Identification Number 52-A-287B in the Back Creek Magisterial District.

[PC03-18-26Revocation\\_CUP03-24\\_Redacted.pdf](#)

9. **Other**

9.A. [Current Planning Applications](#)

10. **Adjourn**



Planning Commission  
Agenda Item Detail  
Meeting Date: March 18, 2026  
Agenda Section: Meeting Minutes

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**Title:** January 7, 2026 Meeting Minutes

**Attachments:**

[PC03-18-26MinutesJanuary7.pdf](#)

**MEETING MINUTES**  
**OF THE**  
**FREDERICK COUNTY PLANNING COMMISSION**

Held in the Board Room of the Frederick County Administration Building at 107 North Kent Street in Winchester, Virginia on January 7, 2026.

**PRESENT:** Tim Stowe, Chairman/Red Bud District; Charles Markert, Red Bud District; Roger L. Thomas, Vice Chairman/Shawnee District; Elizabeth D. Kozel, Shawnee District; Kevin Sneddon, Opequon District; Thomas Bottorf, Opequon District; Justin Kerns, Stonewall District; Charles S. DeHaven III, Stonewall District; Betsy Brumback, Back Creek District; Jeff McKay, Back Creek District; Vaughn Whitacre, Gainesboro District; Joseph M. Crane, Gainesboro District; John J. Lamanna, Member at Large.

**ABSENT:** None

**STAFF PRESENT:** Wyatt G. Pearson, Director; John A. Bishop, Assistant Director; M. Tyler Klein, Senior Planner; Eric Bittner, Planner II; Shannon L. Conner, Administrative Guaranty Coordinator; Andrew R. Fox, County Attorney.

**CALL TO ORDER**

Chairman Stowe called the January 7, 2026 meeting of the Frederick County Planning Commission to order at 7:00 p.m.

**INVOCATION**

Ross Halbersma, Pastor, of New Hop Alliance Church delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Thomas led the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Upon a motion made by Commissioner Thomas and seconded by Commissioner Kozel the Planning Commission unanimously adopted the agenda for this evening's meeting.

**MINUTES**

Upon motion made by Commissioner Thomas and seconded by Commissioner Bottorf, the Planning Commission unanimously adopted the minutes from the November 5, 2025 meeting.

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## **ELECTION OF OFFICERS FOR 2026**

### **Election of Tim Stowe, Chairman for 2026**

Director, Wyatt G. Pearson, declared nominations open for Chairman for the 2026 calendar year. The nomination of Mr. Stowe for Chairman was made by Commissioner Thomas and seconded by Commissioner Markert.

BE IT RESOLVED, that by a unanimous vote, the Frederick County Planning Commission does hereby elect Mr. Tim Stowe as Chairman of the Planning Commission for calendar year 2026.

### **Election of Roger L. Thomas, Vice Chairman for 2026**

Director, Wyatt G. Pearson declared nominations open for Vice Chairman for the 2026 calendar year. The nomination of Mr. Thomas for Vice Chairman was made by Commissioner Bottorf and seconded by Commissioner Whitacre.

BE IT RESOLVED, that by a unanimous vote, the Frederick County Planning Commission does hereby elect Mr. Roger L. Thomas as Vice Chairman of the Planning Commission for calendar year 2026

### **Election of Wyatt G. Pearson, Secretary for 2026**

Vice Chairman Thomas declared nominations open for Secretary for the 2026 calendar year. The nomination of Mr. Pearson was made by Commissioner Thomas and seconded by Commissioner Whitacre.

BE IT RESOLVED, that by a unanimous vote, the Frederick County Planning Commission does hereby elect Mr. Wyatt G. Pearson as Secretary of the Planning Commission for calendar year 2026.

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## **COMMITTEES**

### **Development Review and Regulations Committee – 12/11/25**

Commissioner Kerns reported reviewed and discussed RP District Dimension Requirements and Public Utilities – Transmission and Distribution Facilities. These items were forwarded to the Planning Commission.

### **Comprehensive Plans and Programs Committee – 12/8/25**

Commissioner DeHaven reported the committee reviewed the 2026-2031 Capital Improvement Plan and sent this forward to the Planning Commission.

### **Frederick Water – 12/16/25**

Commissioner Bottorf reported the Board reviewed the fiscal 25 financial report; an audit was performed by Brown, Edwards, and Company and there were no findings issued by auditors and Frederick Water is on firm financial ground. The County continues to be in drought conditions. The Board approved a revised residential leak adjustment policy. He continued, Lake Frederick Well is nearly complete; testing and training to operate should come through in the next few weeks. The advanced metering system with turns on dates in January; antennas will send signals to Frederick Water offices and there will be an app of real time water usage in homes.

### **Board of Supervisors – 12/10/25**

Supervisor Orndorff, Board of Supervisor Liaison, reported the Board postponed and Ordinance Amendment to the Frederick County Code to modify Supplementary Use Regulations for Outdoor Lighting. The Board approved an Ordinance Amendment to the Code for modification to amend Design Requirements.

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### **CITIZEN COMMENTS**

Chairman Stowe called for citizen comments on any subject not currently on the Planning Commission's agenda or any item that is solely a discussion item for the Commission. The following individuals spoke in opposition to data centers being permitted in Frederick County:

|                     |                     |                    |                     |
|---------------------|---------------------|--------------------|---------------------|
| Willie Deutsch      | Opequon District    | John Taglamento    | Gainesville VA      |
| Ariel Agmon         | Shawnee District    | Kurt Creager       | Back Creek District |
| Darla Barrett       | Gainesboro District | Pete Zolkoski      | Back Creek District |
| Jan Van Haule       | Back Creek District | James Jennis       | Back Creek District |
| Jack Tensley        | Gainesville VA      | Scott Sturdivant   | Back Creek District |
| Dan Best            | Back Creek District | Neil Tedrow        | Back Creek District |
| Sheila Tilley       | Winchester VA       | David Dixon        | Stonewall District  |
| Gary Krause         | Shawnee District    | Wendy Warner       | Winchester VA       |
| John Randall        | Back Creek District | Casandra Nicholson | Winchester VA       |
| Jennifer Herring    | Gainesboro District | Leslie Spencer     | Gainesboro District |
| Debbie Stottlemeyer | Stonewall District  |                    |                     |

Blaine Dunn of the Red Bud District did not oppose and offered a different perspective. No one else came forward to speak and Chairman Stowe closed the public comments portion of the meeting.

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### **PUBLIC HEARING**

**Ordinance Amendment to the Frederick County Code – modifications to additional regulations for specific uses contained in §165-204.26 for public utilities and use permissions for the Rural Areas (RA) Zoning District.**

## Action – Recommend Approval

M. Tyler Klein, Senior Planner, reported this is a proposal to amend Chapter 165 Zoning Ordinance to further add performance standards for “Public Utilities – Transmission and Distribution Facilities” in the RA zoning district. This amendment was initiated by the Board of Supervisors at the request of the Planning Commission for inclusion of performance standards and consideration of modifying use permission from allowed use (permitted by-right) to a conditional use (requiring a CUP). He shared the current standard of the ordinance. Mr. Klein continued, Staff reviewed the regulations for substations in other Virginia localities. Most other jurisdictions require a “special exception” (i.e. a conditional use permit) or similar public process for electrical substations on properties primarily zoned for agricultural/residential uses in addition to the state code require 2232 review. Additionally, most if not all the other localities that were reviewed include performance standards to regulate setbacks, screenings, landscaping, and other elements of site design. He explained, typical performance standards included minimum setbacks (varying from 50 feet to 100 feet from residential uses), screening required (varying from 8 foot to 12 foot tall wall or fence), and buffers (with planting sizes of 6 foot tall trees and 42-48 inch tall shrubs). He noted that species for plantings need to be considered carefully as many typical screening trees can grow to mature heights that would be incompatible with overhead utility lines. Additionally, some localities require co-location studies and/or environmental noise impact assessments when considering electrical substation citing. Mr. Klein presented the Proposed Standards of the zoning ordinance.

Mr. Klein concluded the DRRC discussed this item on December 11, 2025, and expressed support for the proposed amendment. The DRRC did not support changing the use permission to require a Conditional Use Permit.

The primary discussion among the Planning Commission members was requiring a CUP for “Transmission Voltage Electrical Substations,” and the merits of such a change including opportunity for public input through the conditional use permit process and conditioning such facilities with standards in excess of what the zoning ordinance would otherwise require. Chairman Stowe called for anyone who wished to speak regarding the Public Hearing to come forward. Four (4) members of the public (Curt Creager, Leslie Spencer, Willie Deutch, and Jan Van Haute) spoke in regard to the proposed ordinance amendment and stated their support for the proposed changes but to further require a CUP for the regional/wholesale type facilities (Transmission Voltage Electrical Substations). No one else came forward and the Public Hearing was closed for the public comment portion.

Upon motion made by Commissioner DeHaven and seconded by Commissioner Whitacre to approve the proposed amendment with the use permission for “Public Utilities-Transmission Voltage Electrical Substations” be further amended to a conditional use

BE IT RESOLVED, the Frederick County Planning Commission does recommend approval of the Ordinance Amendment to the Frederick County Code – modifications to additional regulations for specific uses contained in §165-204.26 for public utilities and use permissions for the Rural Areas (RA) Zoning District.

Yes: Vaughn, Crane, Markert, Stowe, Bottorf, Kozel, DeHaven, Lamanna, Brumback, McKay, Sneddon, Kerns

No: Thomas

**Ordinance Amendment to the Frederick County Code – modifications to amend design requirements contained in §165-402.09 for the Residential Performance (RP) Zoning District.**

## Action – Recommend Approval

Eric Bittner, Planner II, reported this is a proposal to amend Chapter 165 – Zoning Ordinance to modify dimensional requirements for certain housing types in the Residential Performance (RP) Zoning District to allow for townhouses which are accessed through an alley in the back of the property, referred to herein as rear-loaded. This ordinance amendment was requested by Pennoni Associates, Inc. in a letter to the Planning and Zoning Department dated August 25, 2025. This ordinance amendment would allow for the townhouses that are accessed through the rear via an alley. The primary changes are in a reduction to the required rear setbacks if the townhouses are rear loaded.

Mr. Bittner continued, a concern noted by Staff is that the 18-foot driveway referenced in Pennoni's letter is not reflected in the proposed changes. Similarly, this distance is not included in the 6-foot rear setback that is proposed. The 60-foot setback is not likely to be utilized as the building would probably need to be a further distance from the alley to accommodate the required off-street parking. He noted, Frederick Water has expressed concern over underground utilities being provided via the alley easement and with sharing the utility easement with other uses which may affect or be affected by utility maintenance. The rear setback concern is not extended to the setbacks for unroofed decks, as these features are able to be elevated to still allow for parking. Several of the proposed changes should be better specified to apply rear loaded townhouses, namely the reduction of the side yard to 5 feet. Staff does not believe this change is necessary to adequately accommodate this use. He noted, the allowance for a reduced side setback reduction in sub-section B2 in the proposed standards and the setback reduction without a garage in sub-section C2 are not necessary to accommodate rear loaded townhouses.

Mr. Bittner reported, it should be considered that the required off-street parking of 2.5 spaces may be supplied through parking bays within a development and would likely not need to be fully captured on the individual lots. He noted, if approved, this amendment would become an administrative requirement, allowing rear-loaded townhouses as a by-right use in the RP district, no approval or waivers would be necessary from the Board of Supervisors. A cross-comparison of other Virginia localities was shared by Mr. Bittner. He presented the Proposed Standards for this zoning ordinance. Mr. Bittner concluded, this item was reviewed by the DRC on December 11, 2025; the committee generally supported the proposed changes for rear-loaded townhomes. There were concerns regarding green space and townhomes being located against major roadways. Both scenarios are addressed currently in the code, via minimum greenspace requirements and road efficiency buffers respectively. The Board of Supervisors discussed this ordinance amendment at their November 12, 2025 meeting and directed Planning Staff to take the ordinance amendment forward for further study and to authorize Staff to hold public hearings. In their discussion the Board expressed support for having additional options for more diverse housing types to meet changing market trends, as well as concerns regarding parking and overall affordability. The Planning Commission members raised question regarding reaction from Fire and Rescue and analysis for underground utilities, both of which will be addressed at the site plan phase.

Chairman Stowe called for anyone who wished to speak regarding the Public Hearing to come forward. Three members of the public (Curt Creager, Leslie Spencer, and David Frank) spoke on the proposed ordinance amendment. They expressed support for the amendment, and one voiced a desire for additional green space and landscaping. No one else came forward and the Public Hearing was closed for the public comment portion.

Upon motion made by Commissioner Thomas and seconded by Commissioner Kozel

BE IT RESOLVED, the Frederick County Planning Commission does recommend approval of the Ordinance Amendment to the Frederick County Code – modifications to amend design requirements contained in §165-402.09 for the Residential Performance (RP) Zoning District.

Yes: Vaughn, Crane, Markert, Stowe, Bottorf, Kozel, DeHaven, Lamanna, Brumback, McKay, Thomas, Kerns  
No: Sneddon

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## **OTHER**

### **Data Center Fact Sheet – report summarizing key characteristics, regulatory considerations, and potential impacts associated with data center development in Frederick County.**

Wyatt G. Pearson, Director, reported, at the direction of the Board of Supervisors, Planning and Development Staff conducted a high-level review of data centers as a principal land use. He said the report describes key characteristics, regulatory considerations, and potential impacts associated with data center development in Frederick County. Mr. Pearson stated data centers present both opportunities and challenges for the County, and their potential to contribute to fiscal balance and economic development must be weighed against infrastructure demands, environmental impacts, and community compatibility. He noted the County's updated ordinance provides a robust framework for evaluating future proposals, and Staff should continue to monitor state legislative changes and continue coordination with utility providers if data center project developers seek to locate in Frederick County.

The Planning Commission discussed the Data Center Fact Sheet and passed two motions to be sent to the Board of Supervisors as follows:

1. Request the Board of Supervisors direct Staff to create a data center policy that will establish strict guidelines to ensure data centers provide measures to protect the health, safety, and welfare for Frederick County citizens and provide information to developers and communities regarding the County's expectations when preparing an application for and for the siting of a data center project. (Whitacre only no)
  2. Request the Board of Supervisors direct Staff to amend the Comprehensive Land Use Map to show technology land use areas where data center projects are to be located; data center proposals should be considered only within these technology land use areas. (Whitacre only no)
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## **ADJOURNMENT**

No further business remained to be discussed, and a motion was made by Commissioner Thomas to adjourn the meeting. This motion was seconded by Commissioner Kozel and unanimously passed. The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

\_\_\_\_\_  
Tim Stowe, Chairman

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Wyatt G. Pearson, Secretary



Planning Commission  
Agenda Item Detail  
Meeting Date: March 18, 2026  
Agenda Section: Meeting Minutes

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**Title:** January 21, 2026 Meeting Minutes

**Attachments:**

[PC03-18-26MinutesJanuary21.pdf](#)

**MEETING MINUTES**  
**OF THE**  
**FREDERICK COUNTY PLANNING COMMISSION**

Held in the Board Room of the Frederick County Administration Building at 107 North Kent Street in Winchester, Virginia on January 21, 2026.

**PRESENT:** Tim Stowe, Chairman/Red Bud District; Charles Markert, Red Bud District; Roger L. Thomas, Vice Chairman/Shawnee District; Elizabeth D. Kozel, Shawnee District; Kevin Sneddon, Opequon District; Thomas Bottorf, Opequon District; Justin Kerns, Stonewall District; Charles S. DeHaven III, Stonewall District; Betsy Brumback, Back Creek District; Jeff McKay, Back Creek District; Vaughn Whitacre, Gainesboro District; Joseph M. Crane, Gainesboro District; John J. Lamanna, Member at Large.

**ABSENT:** None

**STAFF PRESENT:** Wyatt G. Pearson, Director; John A. Bishop, Assistant Director; M. Tyler Klein, Senior Planner; Shannon L. Conner, Administrative Guaranty Coordinator; Andrew R. Fox, County Attorney.

**CALL TO ORDER**

Chairman Stowe called the January 21, 2026 meeting of the Frederick County Planning Commission to order at 7:00 p.m.

**INVOCATION**

Pastor Mark Carey of Fellowship Bible Church delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Thomas led the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Upon a motion made by Commissioner Thomas and seconded by Commissioner Kozel the Planning Commission unanimously adopted the agenda for this evening's meeting.

**MINUTES**

Upon motion made by Commissioner Bottorf and seconded by Commissioner Bottorf, the Planning Commission unanimously adopted the minutes from the December 3, 2025 meeting.

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## **ADOPTION OF BYLAWS, ROLES & RESPONSIBILITIES AND MEETING SCHEDULE FOR 2026**

Chairman Stowe stated the Planning Commission's Bylaws, Roles and Responsibilities, and the Meeting Schedule have been reviewed by the Commission and are ready for the Planning Commission's consideration and adoption. The motion was made by Commissioner Thomas and seconded by Commissioner Markert.

BE IT RESOLVED the Frederick County Planning Commission does hereby unanimously adopt the Planning Commission's Bylaws, Roles and Responsibilities, and Meeting Schedule for the calendar year of 2026 as presented.

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### **COMMITTEES**

#### **Frederick Water – 1/20/26**

Commissioner Bottorf reported that the Board held a work session prior to the scheduled monthly meeting and discussed: Strategic Planning, the Mission Statement, and Values, Goals and Objectives. At the regular meeting the Board approved the 2027-2036 CIP; Authorized tow construction projects (pipeline to support Sliwinski Plant and refurbishing of a sewer line in the Red Bud area). The meeting schedule was approved and will continue to be the 3<sup>rd</sup> Tuesday of each month at 4:00 p.m.

#### **Board of Supervisors – 1/14/26**

Supervisor Orndorff, Board of Supervisor Liaison, reported the Board re-appointed Tim Stowe and Justin Kerns to serve on the Planning Commission. The Board heard the Land Use Review on Data Centers.

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### **CITIZEN COMMENTS**

Chairman Stowe called for citizen comments on any subject not currently on the Planning Commission's agenda or any item that is solely a discussion item for the Commission. The following individuals spoke in opposition of Rezoning #07-25 for Madison 277 (Madison II, LLC):

|               |                  |                |                  |
|---------------|------------------|----------------|------------------|
| Scott McGeary | Opequon District | Marv Davis     | Opequon District |
| Steve Prader  | Opequon District | Bill Moore     | Opequon District |
| Robin Menefee | Opequon District | Ernest Buffalo | Opequon District |
| John Toliver  | Opequon District |                |                  |

No one else came forward to speak and Chairman Stowe closed the public comments portion of the meeting.

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## **PUBLIC HEARING**

### **Capital Improvement Plan (CIP) 2026-2031**

#### **Action – Recommend Approval**

Wyatt G. Pearson, Director, reported the Capital Improvement Plan (CIP) is a schedule of major capital expenditures for the County in the ensuing five-year period. It is intended as a tool to assist the Board of Supervisors in preparation of the County budget. He continued, in keeping with recently adopted procedures, departments were advised to ensure projects were achievable within the plan's horizon (FY 31). Adoption of the Capital Improvement Plan is intended to meet the requirements of Code of Virginia 15.2-2232 by adding it as an appendix to the Comprehensive Plan. He presented the tables associated with the CIP.

Mr. Pearson concluded, the Comprehensive Plan and Programs Committee (CPPC) discussed the application on December 8<sup>th</sup>, 2025. They expressed that amending the plan to be fiscally constrained would be beneficial, and recommended approval.

Chairman Stowe called for anyone who wished to speak regarding the Public Hearing to come forward. No one came forward and the Public Hearing was closed for the public comment portion.

Upon motion made by Commissioner Thomas and seconded by Commissioner Kerns

BE IT RESOLVED, the Frederick County Planning Commission does recommend approval of the Capital Improvement Plan (CIP) 2026-2031

Yes: Bottorf, Crane, Brumback, Kerns, Kozel, Thomas, Stowe, Markert, McKay, Lamanna, DeHaven, Sneddon

Abstain: Whitacre

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## **ACTION ITEM**

### **Rezoning #07-25 for Madison 277 (Madison II, LLC)**

#### **Action – Recommend Approval**

M. Tyler Klein, Senior Planner, reported this is a request to rezone one parcel totaling approximately 149.02+/- acres from Rural Areas (RA) Zoning District to the Residential Planned Community (R4) Zoning District with proffers to enable the development of up to 596 residential units and 30+/- acres of commercial development. He shared a zoning map and long range land use map of the area. Mr. Klein shared the revised proffer statement and GDP (01/13/2026):

- Removal of density and height design modifications
- Revision to land use matrix; LB 1 fully commercial with 50% being medical uses
- Decrease in the total number of units (596 total); removal of MF units from LB 1
- Revision to land use phasing and timing of development
- Inclusion of a 25' mature woodland buffer adjoining Lake Frederick community
- Commitment to off-site improvement construction at Hudson Hollow Road/White Oak Road/Route 277

- Revision to quality of construction proffer and exhibit for residential structures

Mr. Klein continued, a Comprehensive Policy Plan Amendment (CPPA #01-23) was approved by the Board of Supervisor on January 10, 2024. He noted, the CPPA was requested by the same owner seeking this rezoning. The CPPA created a new non-contiguous Urban Development Area (UDA) to encompass the subject property and Lake Frederick community and designated the subject property with a mixed-use commercial/office (MUCO) and neighborhood village land use designation. Mr. Klein concluded, the Planning Commission held a work session on this item on November 5, 2025; a Public Hearing was held on December 3, 2025 at which time it was tabled.

The Planning Commission's primary topic of discussion was changes to the proffer statement and generalized development plan and if and how those changes better addressed Comprehensive Plan policy. The Commission acknowledged the work done by the Applicant to better address concerns raised by the Planning Commission and the public to harmonize the proposed development with the adjoining Lake Frederick community. Specifically, the Planning Commission noted the value of commercial and medical uses in this area of the Couty as a counterbalance to additional residential development.

Upon motion made by Commissioner Bottorf and seconded by Commissioner Kozel to recommend approval with revised proffers dates January 13, 2026.

BE IT RESOLVED, the Frederick County Planning Commission does recommend approval the Rezoning #07-25 for Madison 277 (Madison II, LLC)

Yes: Bottorf, Crane, Brumback, Kerns, Kozel, Thomas, Stowe, Markert, McKay, Lamanna, DeHaven, Sneddon

No: Whitacre

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## **OTHER**

Wyatt G. Pearson, Director, shared the current items being worked on: Carmeuse, Middletown VA; Site Plan for AYR Wellness; a TDR on Eddys Lane; and Tasker Woods MDP.

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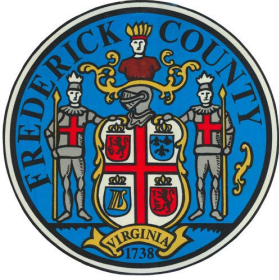
## **ADJOURNMENT**

No further business remained to be discussed, and a motion was made by Commissioner Thomas to adjourn the meeting. This motion was seconded by Commissioner Markert and unanimously passed. The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

\_\_\_\_\_  
Tim Stowe, Chairman

\_\_\_\_\_  
Wyatt G. Pearson, Secretary



Planning Commission  
Agenda Item Detail  
Meeting Date: March 18, 2026  
Agenda Section: Public Hearings

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**Title: Rezoning #02-26 of Plasters HVAC - (Mr. Bittner)**

**Attachments:**

[PC03-18-26REZ02-26\\_Redacted.pdf](#)



**REZONING #02-26**  
**Plasters HVAC**  
**Staff Report for the Planning Commission**  
**Prepared: March 3, 2026**  
**Staff Contact: Eric Bittner, Planner II**

| <b><u>Executive Summary:</u></b><br><b>Meeting Schedule</b>                                                                                                                                                                                                                                                                                                        |                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Planning Commission: March 18, 2026                                                                                                                                                                                                                                                                                                                                | Action: Pending                                                     |
| Board of Supervisors: April 8, 2026                                                                                                                                                                                                                                                                                                                                | Action: Pending                                                     |
| <b>Property Information</b>                                                                                                                                                                                                                                                                                                                                        |                                                                     |
| Property Identification Number (PIN)                                                                                                                                                                                                                                                                                                                               | 75-A-91E                                                            |
| Address                                                                                                                                                                                                                                                                                                                                                            | 161 Commonwealth Court, Winchester                                  |
| Magisterial District                                                                                                                                                                                                                                                                                                                                               | Back Creek                                                          |
| Acreage                                                                                                                                                                                                                                                                                                                                                            | +/- 1.21 acres                                                      |
| Zoning & Present Land Use                                                                                                                                                                                                                                                                                                                                          | Zoning: B2 (General Business) with proffers<br>Land Use: Commercial |
| Proposed Zoning                                                                                                                                                                                                                                                                                                                                                    | B3(Industrial Transition) with proffers                             |
| <b>Adjoining Property Zoning &amp; Present Land Use</b>                                                                                                                                                                                                                                                                                                            |                                                                     |
| North: M2 (General Industrial)/B2 (General District) Districts                                                                                                                                                                                                                                                                                                     | Land Use: Food manufacturing<br>Vacant                              |
| South: B3 (Industrial Transition) District                                                                                                                                                                                                                                                                                                                         | Land Use: Distribution                                              |
| East: B3 (Industrial Transition) District                                                                                                                                                                                                                                                                                                                          | Land Use: Office/manufacturing                                      |
| West: B3 (Industrial Transition) District                                                                                                                                                                                                                                                                                                                          | Land Use: Vacant                                                    |
| <b>Proposed Use</b>                                                                                                                                                                                                                                                                                                                                                |                                                                     |
| This is a request to rezone 1.21± acres from B2 (General Business) Zoning District with proffers to B3 (Industrial Transition) Zoning District with proffers. The proposed proffers include use restrictions barring gas stations, movie theaters, and parks, as well as a cash proffer for any new building square footage for impacts to County Fire and Rescue. |                                                                     |
| <b>Positives</b>                                                                                                                                                                                                                                                                                                                                                   | <b>Concerns</b>                                                     |
| <p>The proposed rezoning is conformance with the <u>Comprehensive Plan</u> and advances the <i>Kernstown Area Plan</i> of business.</p> <p>Proffer A.1 remove uses that would not advance the <u>Comprehensive Plan</u>.</p>                                                                                                                                       |                                                                     |

|                                                                                                      |  |
|------------------------------------------------------------------------------------------------------|--|
| Proffer A.2 would address the conforming status if the site was approved for the B3 zoning district. |  |
|------------------------------------------------------------------------------------------------------|--|

**Review Agency Comments:**

| <b>Review Agency</b>                         | <b>Comment Date</b> | <b>Comment Summary</b>                                                                                      | <b>Status</b> |
|----------------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------|---------------|
| Virginia Department of Transportation (VDOT) | 01/29/2026          | “VDOT has no comments on the rezoning.”                                                                     |               |
| Frederick Water                              | 2/18/2026           | No comment                                                                                                  |               |
| Frederick County Inspections                 | 2/3/2026            | “No comment.”                                                                                               |               |
| Frederick County Public Works                | 1/29/2026           | “No comments- no proposed changes to grading or stormwater infrastructure.”                                 |               |
| Frederick County Fire Marshal                | 1/30/2026           | “Approved, no existing fire department features to be removed without the permission of the Fire Official.” |               |
| Frederick County Attorney                    | 02/18/2026          | No comment.                                                                                                 | Legal form.   |

**Planning & Zoning Staff Analysis:****Site History:**

The existing structure was built in 2000 in conformance with an approved site plan, SP #57-99. A rezoning application (REZ #09-16) was approved by the Board of Supervisors on September 28, 2016, which rezoned the property from the B3 (Industrial Transition) Zoning District to B2 (General Business) Zoning District with proffers, restricting some uses and providing a cash proffer to mitigate Fire and Rescue impacts.

The subject property was subsequently developed under the development standards of the B2 (General Business) Zoning District, which requires less landscaped area than the B3 (Industrial Transition) Zoning District (15% vs 25% of the lot area, §165-601.02). If approved, the site would be non-conforming with the dimensional requirements for the B3 zoning district. However, to address this non-conformity, the applicant has proffered to bring the property into conformance before any change of use is approved. This would be done at time of site plan.

Comprehensive Plan Conformance:

The Comprehensive Plan (adopted November 2021) and the *Kernstown Area Plan* provides guidance on the future development of the subject property. The Plan identifies the subject properties with a “business” land use designation and as being within the limits of the Urban Development Area (UDA). The property is in the Interstate Commercial at 310 sub-area and adjoins the Northern Kernstown Industrial sub-area. The *Kernstown Area Plan* described the future environment envision for the exit 310 sub-area.

*“The improvements to the Exit 310 Interchange on Interstate 81 at Route 37 furthers the significant commercial opportunities by identifying these land uses in the Kernstown Interstate Commercial at Exit 310 area. Future improvements identified for this area are envisioned to continue to enhance this area’s major role for commercial and industrial development.”*

The intent of the B3 zoning district is described in §165-604.01 as “...[providing]for heavy commercial activities, involving larger scale marketing or wholesaling, in locations that are separate from but in the vicinity of business and industrial areas. In some cases, such areas may be transitional, located between business and industrial areas. In these areas, there will be a mixture of automobile and truck traffic. Some of the uses in this district will require large areas of land and may have outdoor storage and display. It is intended that the uses in this district shall not be sources of noise, dust, smoke or other nuisances. Such industrial transition areas shall be provided with safe and sufficient access...”

Given the intention to enhance industrial development and proximity to a designated industrial development site, the B3 district aligns with the future land use plan.

Transportation & Site Access:

Commonwealth Court is not identified in the Comprehensive Plan for improvement as part of the Eastern Road Plan. Commonwealth Court currently has a 50’ wide right-of-way (ROW). The property has no other road frontage.

Proffer Statement, Generalized Development Plan (GDP), & Impact Analysis:

| Proffers<br>(February 23, 2026)                                  | Staff Comment                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A) Land Use Restrictions</b>                                  | Removes several uses such as gas stations and convenience stores, movie theaters, and parks that are not consistent with the <i>Kernstown Area Plan's</i> guidance for the business land use designation in this area.<br><br>Would address the non-conforming status of the property if approved. |
| <b>B) Monetary Contributions to Offset Impact of Development</b> | The proffer statement fully implements the adopted Board of Supervisors policy on monetary proffers for commercial/industrial square footage.                                                                                                                                                      |

Below is the Generalized Development Plan (GDP) revised February 23, 2026, which depicts the proposed impervious area to be converted to landscaped area.

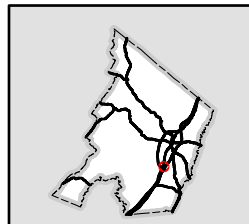
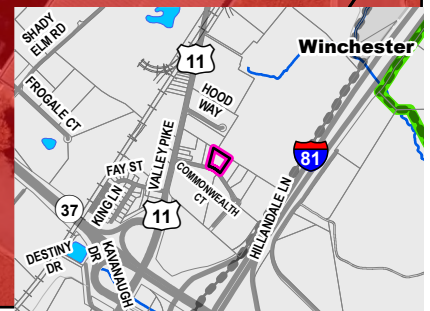
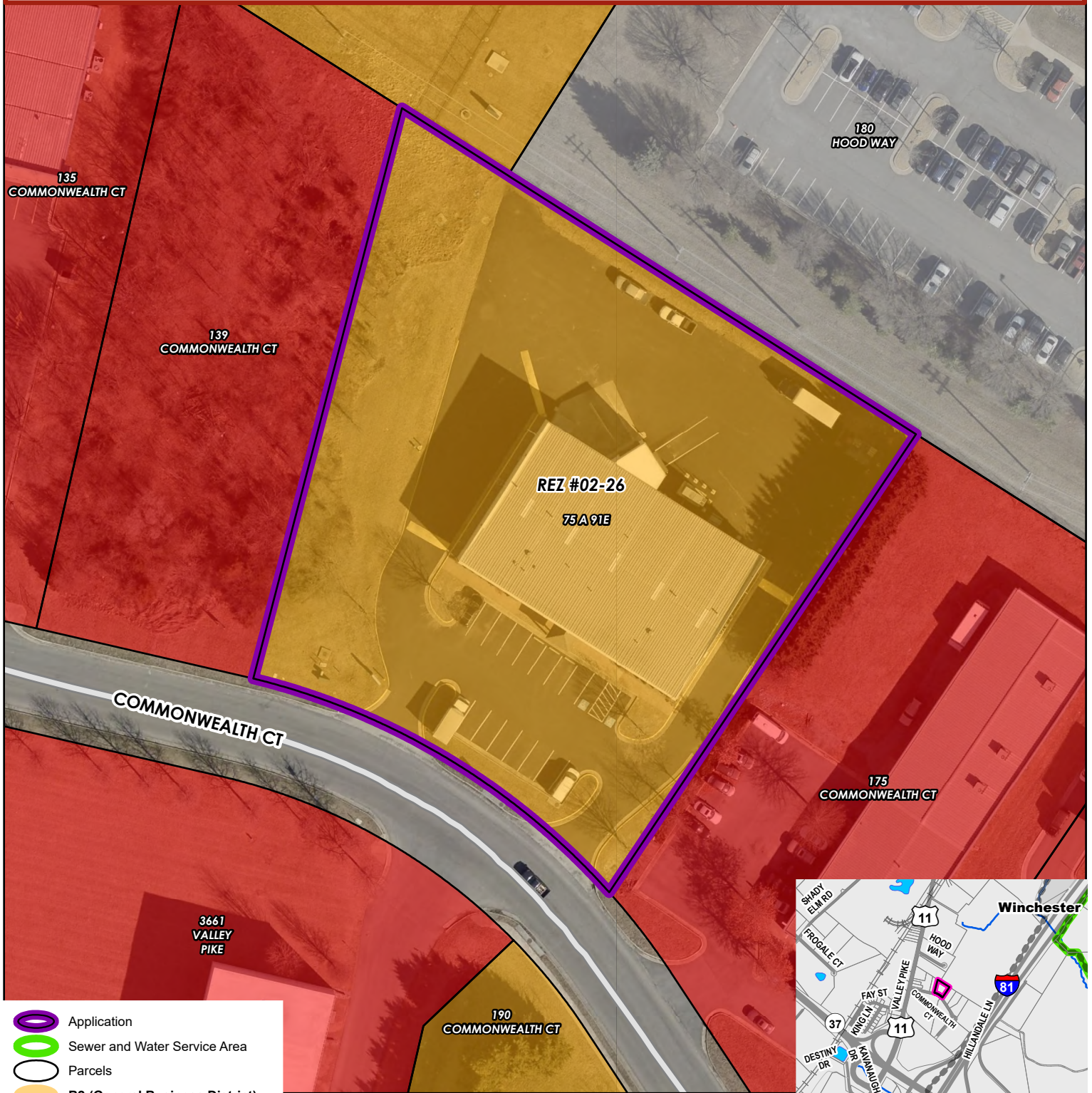
***Following a public hearing, staff is seeking a recommendation from the Planning Commission to forward to the Board of Supervisors on this rezoning application.***



# REZ # 02 - 26: Plasters HVAC

PIN: 75 - A - 91E

Rezoning from B2 to B3 with Proffers  
Zoning Map



0 40 80 160 Feet



# REZ # 02 - 26: Plasters HVAC

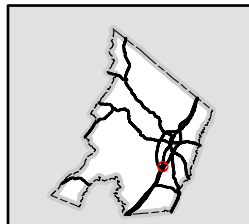
PIN: 75 - A - 91E

Rezoning from B2 to B3 with Proffers

Location Map



-  Application
-  Sewer and Water Service Area
-  Parcels

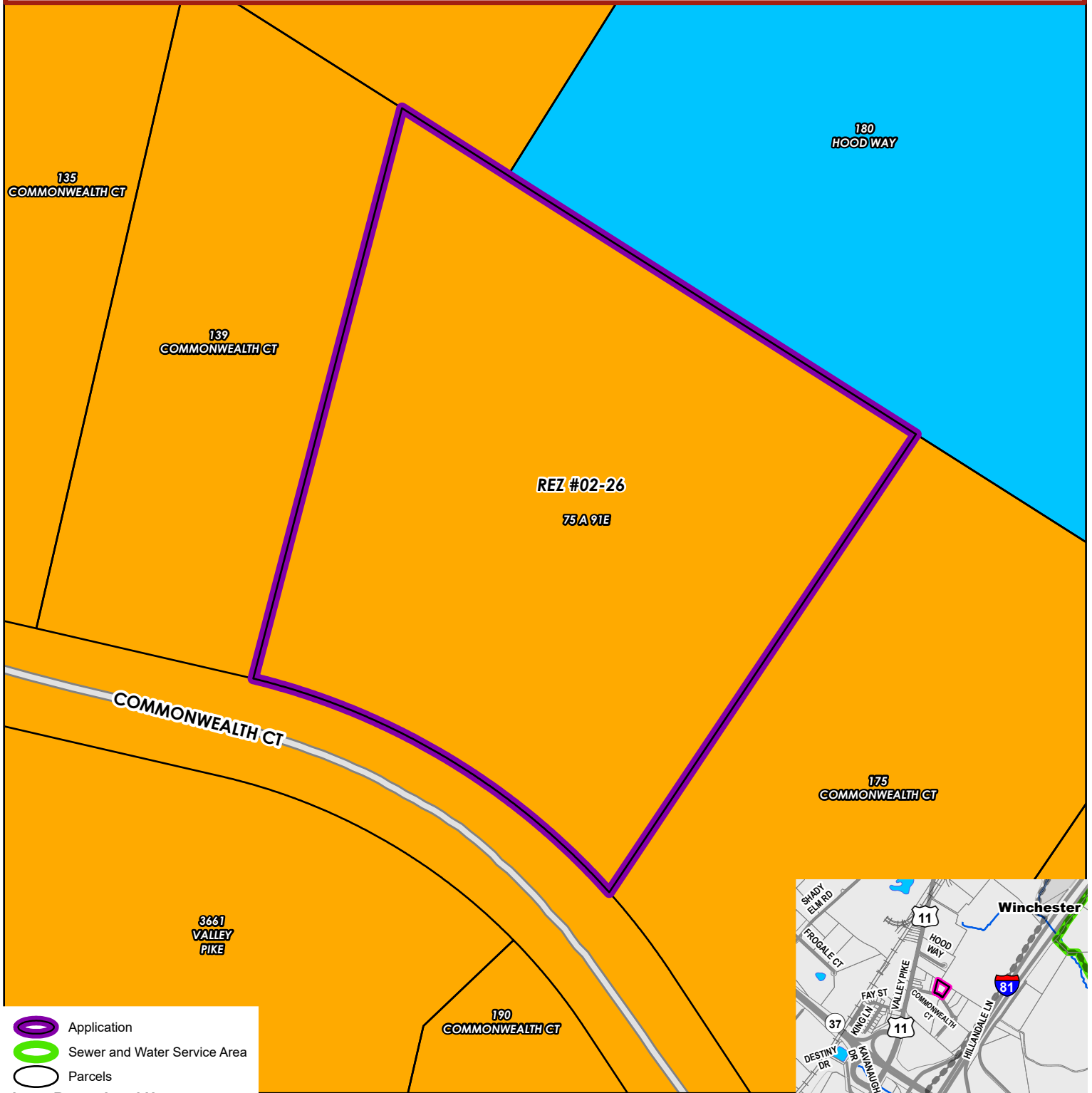


0 40 80 160 Feet

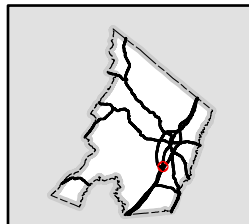
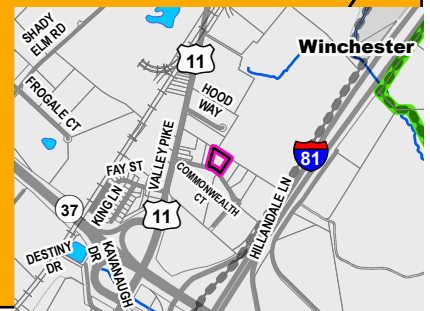
# REZ # 02 - 26: Plasters HVAC

PIN: 75 - A - 91E

Rezoning from B2 to B3 with Proffers  
Long Range Land Use Map



- Application
  - Sewer and Water Service Area
  - Parcels
- Long Range Land Use**
- Business
  - Industrial



0 40 80 160 Feet



**COMMONWELATH BUSINESS CENTER – LOT 5  
PROFFER STATEMENT**

REZONING: RZ # \_\_\_\_\_  
B-2 Business General District to B-3, Industrial Transition District  
with proffers

PROPERTY: 1.21± acres  
Tax Map Parcel 75-A-91E (here-in after the “**Property**”)

RECORD OWNER: Winchester Real Estate, LLC (here-in after the “**Owner**”)

APPLICANT: Get Plastered, LLC (here-in after the “**Applicant**”)

PROJECT NAME: Plasters HVAC Rezoning

ORIGINAL DATE  
OF PROFFERS: January 16, 2026

REVISIONS: February 23, 2026

Preliminary Matters

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned Owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application #\_\_\_\_\_ for the rezoning of a 1.21±-acre parcel from the B-2, Business General District to B-3, Industrial Transition District to establish 1.21±-acres of the property with proffers, development of the 1.21±-acre subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Owner and such be approved by the Frederick County Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon this Owner and their legal successors, heirs, or assigns.

The Property, more particularly described as the land owned by Winchester Real Estate, LLC, being all of Tax Map Parcel 75-A-91E, as evident by Special Warranty Deed recorded as Instrument #120008859/0339 and further described by Boundary Line Adjustment Survey Plat prepared by Marsh & Legge, Land Surveyors, P.L.C. dated September 29, 1999 (see attached Survey Plat).

**A.) Land Use Restrictions**

1. The Owner hereby proffers to prohibit the following land uses on the Property:
  - Gasoline Stations, with or without Convenience Store excluding Fuel Dealers
  - Movie Theaters, including Drive-In Theater
  - Parks
2. The Owner hereby proffers to comply with Section §165-601.02 of County Code Requirement for B-3, Industrial Transition District Minimum Landscape Area (percentage of lot area). Any site improvements to meet the requirement for landscape area shall be shown on Site Plan and performed prior to the issuance of the Change of Use Permit for the use.

**B.) Monetary Contribution to Offset Impact of Development**

The Applicant hereby proffers to provide a monetary contribution of \$0.10 per square foot for any new building square footage for County Fire and Rescue services. The monetary contribution shall be made payable to Frederick County at the time of Change of Use Permit.

OWNER SIGNATURE ON FOLLOWING PAGE

**Owner Signature**

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the Owner. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

Winchester Real Estate, LLC

By: \_\_\_\_\_

01/19/2026  
Date

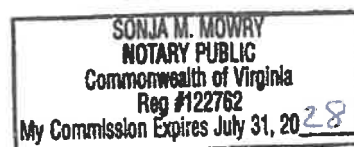
Commonwealth of Virginia,

City/County of Fairfax To Wit:

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of January  
2026 by Wayne Stillwagon

\_\_\_\_\_  
Notary Public

My Commission Expires 7/31/2028



**Applicant Signature**

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the Owner. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

Get Plastered, LLC

By: \_\_\_\_\_

Authorized Agent

1/20/2026

\_\_\_\_\_  
Date

Commonwealth of Virginia,

City/County of Winchester To Wit:

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of January  
2026

2026 by E \_\_\_\_\_

# 00336091

\_\_\_\_\_  
Notary Public

My Commission Expires 12/31/2028





## AMENDMENT

---

**Action:**

PLANNING COMMISSION: September 7, 2016 - Recommended Approval

BOARD OF SUPERVISORS: September 28, 2016 - ☒ APPROVED ☐ DENIED

---

### AN ORDINANCE AMENDING

### THE ZONING DISTRICT MAP

### REZONING #09-16 COMMONWEALTH BUSINESS CENTER LOT 5

**WHEREAS, Rezoning #09-16 of Commonwealth Business Center Lot 5**, submitted by Greenway Engineering, Inc., to rezone 1.21 acres from B3 (Industrial Transition) District to the B2 (General Business) District with proffers, final revision date of August 10, 2016 was considered. The Property is located on the north side of Commonwealth Court (Route 1167) approximately 500' east of the intersection with Valley Pike (US Route 11 South). The Property is further identified with PIN 75-A-91E in the Back Creek District; and

**WHEREAS**, the Planning Commission held a public hearing on this rezoning on September 7, 2016 and recommended approval; and

**WHEREAS**, the Board of Supervisors held a public hearing on this rezoning on September 28, 2016; and

**WHEREAS**, the Frederick County Board of Supervisors finds the approval of this rezoning to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to rezone 1.21 acres from B3 (Industrial Transition) District to the B2 (General Business) District with proffers, final revision date of August 10, 2016. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

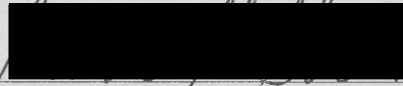


This ordinance shall be in effect on the date of adoption.

Passed this 28th day of September, 2016 by the following recorded vote:

|                                   |            |                         |            |
|-----------------------------------|------------|-------------------------|------------|
| Charles S. DeHaven, Jr., Chairman | <u>Aye</u> | Gary A. Lofton          | <u>Aye</u> |
| Robert A. Hess                    | <u>Aye</u> | Robert W. Wells         | <u>Aye</u> |
| Gene E. Fisher                    | <u>Aye</u> | Judith McCann-Slaughter | <u>Aye</u> |
| Blaine P. Dunn                    | <u>Aye</u> |                         |            |

**A COPY ATTEST**

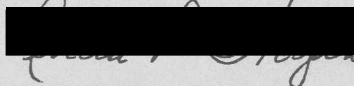
  
Brenda G. Garton  
Frederick County Administrator

VIRGINIA: FREDERICK COUNTY, SC1.

This instrument of writing was produced to me on

10-5-16 at 3:02 P.M.  
and with certificate acknowledgement thereto annexed  
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$ N/A, and 58.1-801 have been paid, if assessable.

, Clerk

160009890

**COMMONWELATH BUSINESS CENTER – LOT 5  
PROFFER STATEMENT**

REZONING: RZ # \_\_\_\_\_  
B-3, Industrial Transition District to B-2 Business General District  
with proffers

PROPERTY: 1.21± acres  
Tax Map Parcel 75-A-91E (here-in after the **“Property”**)

RECORD OWNER: Executive Protection Systems, LLC (here-in after the **“Owner”**)

APPLICANT: Greenway Engineering, Inc. (here-in after the **“Applicant”**)

PROJECT NAME: Mosaic Bible Church Rezoning

ORIGINAL DATE  
OF PROFFERS: June 24, 2016

REVISION DATE: August 10, 2016

Preliminary Matters

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned Owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application #\_\_\_\_\_ for the rezoning of a 1.21±-acre parcel from the B-3, Industrial Transition District to establish 1.21±-acres of B-2, Business General District with proffers, development of the 1.21±-acre subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Owner and such be approved by the Frederick County Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon this Owner and their legal successors, heirs, or assigns.

The Property, more particularly described as the land owned by Executive Protection Systems, LLC, being all of Tax Map Parcel 75-A-91E, as evident by Special Warranty Deed recorded as Instrument #120008859/0339, and further described by Boundary Line Adjustment Survey Plat prepared by Marsh & Legge, Land Surveyors, P.L.C. dated September 29, 1999 (see attached Survey Plat).

**A.) Land Use Restrictions**

1. The Owner hereby proffers to prohibit the following land uses on the Property:

|                               |                  |
|-------------------------------|------------------|
| General Merchandise Stores    | SIC 53           |
| Commercial Daycare Facilities | No SIC Indicated |
| Adult Retail                  | No SIC Indicated |

2. The Owner hereby proffers to restrict church facilities from providing daycare service and private school service on the Property.

**B.) Site Development**

1. The Owner hereby proffers prepare a conceptual sketch plan and associated information for the adaptive reuse of the property as a church facility without daycare or private school service to the Planning Department.

**C.) Monetary Contribution to Offset Impact of Development**

The Applicant hereby proffers to provide a monetary contribution of \$500.00 for County Fire and Rescue services. The monetary contribution shall be made payable to Frederick County at the time of issuance of the Certificate of Occupancy Permit for the Property.

OWNER SIGNATURE ON FOLLOWING PAGE

**Owner Signature**

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the Owner. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

Executive Protection Systems, LLC

By:

  
Authorized Agent8/15/16  
Date

Commonwealth of Virginia,

City/County of Fairfax To Wit:

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of August  
2016 by Matthew Jesinsky, President (EPS)



Notary Public

My Commission Expires Oct 31, 2019



# PLASTERS HVAC

## GENERALIZED DEVELOPMENT PLAN

BACK CREEK MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VA

| Plan Revisions |            |                   |
|----------------|------------|-------------------|
| Rev. No        | Rev. Date  | Comment           |
| 01             | 02/23/2026 | Planning Comments |
|                |            |                   |
|                |            |                   |
|                |            |                   |

| Sheet List Table |                              |             |               |
|------------------|------------------------------|-------------|---------------|
| Sheet Number     | Sheet Title                  | Revision No | Revision Date |
| 1                | Cover Sheet                  | 01          | 02/23/2026    |
| 2                | Rezoning Boundary Exhibit    |             |               |
| 3                | Existing Conditions          |             |               |
| 4                | Generalized Development Plan | 01          | 02/23/2026    |



**CALL "MISS UTILITY"**

VIRGINIA UTILITY PROTECTION SERVICE (VUPS) AT 811 OR 1-800-552-7001, 48 HOURS PRIOR TO THE START OF WORK. EXCAVATORS MUST NOTIFY ALL PUBLIC UTILITY OPERATORS WHO MAINTAIN UNDERGROUND UTILITY LINES IN THE AREA OF PROPOSED EXCAVATING OR BLASTING AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL COUNTY REQUIREMENTS, VIRGINIA CODE AND REGULATIONS.

**UTILITY NOTICE REQUIRED**

Contractors shall notify all public utility operators who maintain underground utility lines in the area of proposed excavating or blasting at least two (2) working days, but not more than ten (10) working days, prior to commencement of excavation or demolition. Names and telephone numbers of the operators of underground utility lines appear below. These numbers shall also be used to serve in an emergency condition.

Water/Sewer:

Frederick Water  
P.O. Box 1877  
Winchester, VA 22604  
(540) 868-1061

Power:

Shenandoah Valley Electric Coop  
3463 Valley Pike  
Winchester, VA 22602  
(540) 450-2051

Telecom:

Verizon  
P.O. Box 17398  
Baltimore, MD 21297  
(301) 954-6282

Gas:

Washington Gas Co.  
P.O. Box 2400  
Winchester, VA 22604  
(540) 869-1111

OWNER  
WINCHESTER REAL ESTATE, LLC  
PO BOX 1173  
NEWINGTON, VA 22122  
(703) 644-2200  
WSTILLWAGON@MILLERSOFFICE.COM

VICINITY MAP  
SCALE: 1" = 1000'

DEVELOPER  
CASSIE PLASTERS GET PLASTERED, LLC  
3473 N FREDERICK PIKE  
WINCHESTER, VA 22603  
(540) 664-3943  
cassie.plastershvac@gmail.com

APPROVAL

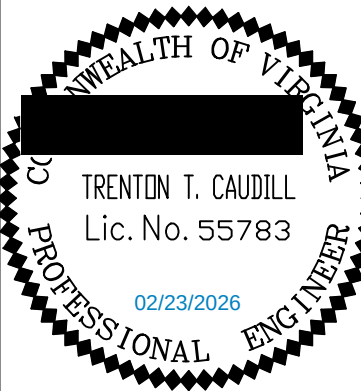
ZONING ADMINISTRATOR

DATE

\* SITE PLAN VALID FOR (5) FIVE YEARS FROM DATE OF APPROVAL

COVER SHEET

PLASTERS HVAC  
BACK CREEK MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VA



|              |            |
|--------------|------------|
| DATE:        | 11/20/2025 |
| SCALE:       | AS SHOWN   |
| DESIGNED BY: | TTC        |
| FILE NO.     | 2530MR     |
| SHEET 1 OF 4 | --         |

151 Windy Hill Lane  
Winchester, Virginia 22602  
Telephone: (540) 662-4185  
Fax: (540) 722-9628  
www.greenwayeng.com

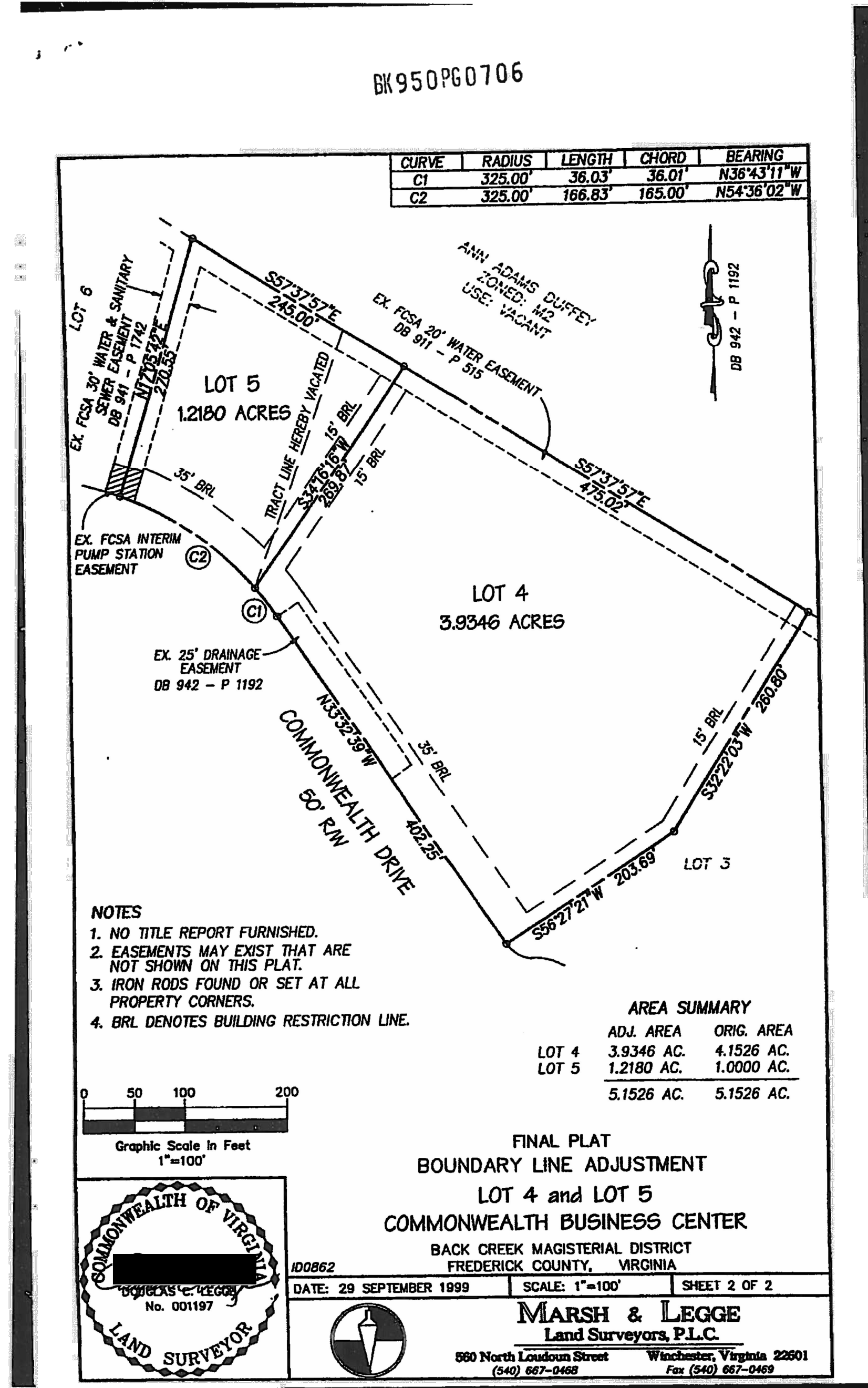
1971

GREENWAY

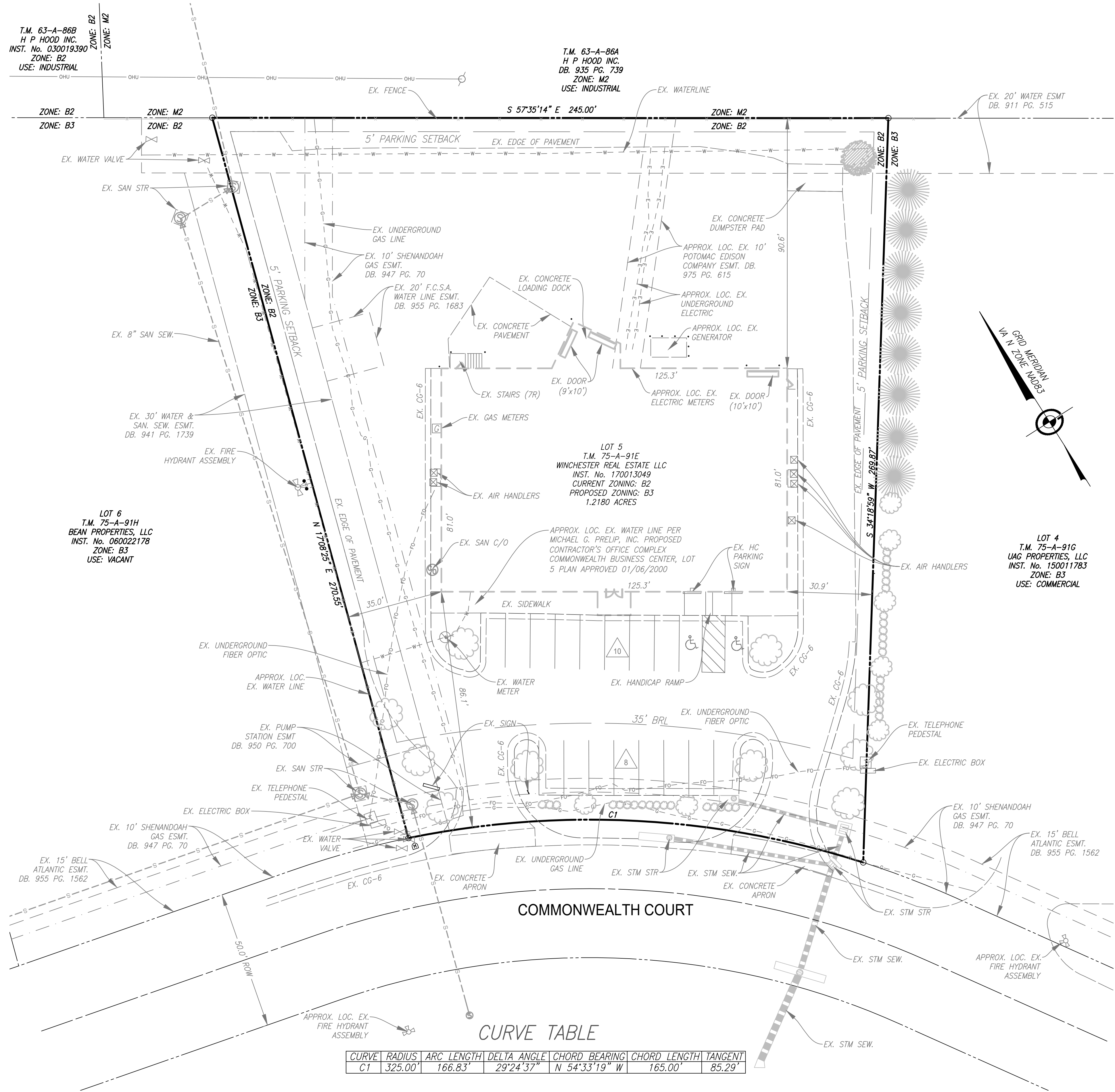
ENGINEERING

PROUDLY SERVING VIRGINIA & WEST VIRGINIA  
OFFICES IN WINCHESTER, VA | ASHBURN, VA | MARTINSBURG, WV

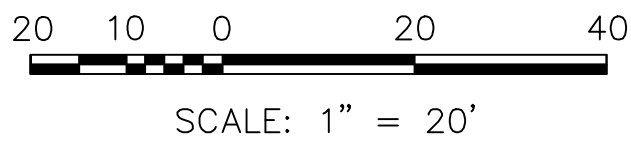








| CURVE | RADIUS  | ARC LENGTH | DELTA ANGLE | CHORD BEARING | CHORD LENGTH | TANGENT |
|-------|---------|------------|-------------|---------------|--------------|---------|
| C1    | 325.00' | 166.83'    | 29°24'37"   | N 54°33'19" W | 165.00'      | 85.29'  |



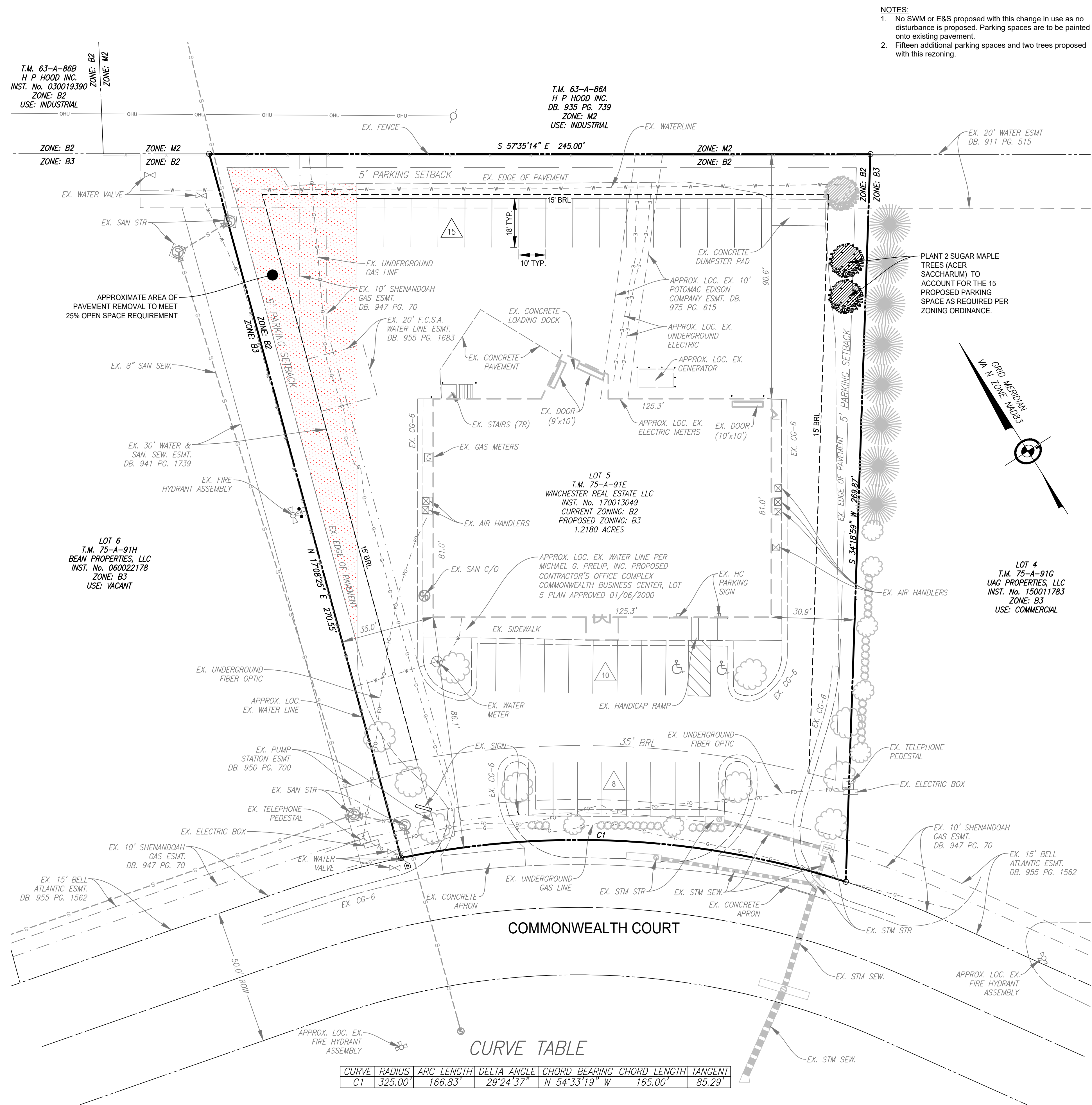
EXISTING CONDITIONS

# PLASTERS HVAC

BACK CREEK MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VA

|                                                                                                                                                                     |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Rev. No.                                                                                                                                                            | Date       |
| <div><div>SEAL</div><div>PLASTER OF THE YEAR</div><div>TRENTON T. CAUDILL</div><div>Lic. No. 55783</div><div>02/23/2025</div><div>PROFESSIONAL ENGINEER</div></div> |            |
| DATE:                                                                                                                                                               | 11/20/2025 |
| SCALE:                                                                                                                                                              | 1" = 20'   |
| DESIGNED BY:                                                                                                                                                        | TTC        |
| FILE NO.                                                                                                                                                            | 2530MR     |
| SHEET                                                                                                                                                               | 3 OF 4     |





**NOTES:**

1. No SWM and E&S proposed with this change in use as no disturbance is proposed. Parking spaces are to be painted onto existing pavement.
2. Fifteen additional parking spaces and two trees proposed with this rezoning.

COMMISSION ON HEALTH OF VIRGINIA  
TRENTON T. CAUDILL  
Lic. No. 55783  
02/23/2026  
PROFESSIONAL ENGINEER

# **IMPACT ANALYSIS STATEMENT**

## **PLASTERS HVAC COMMONWEALTH BUSINESS CENTER – LOT 5**

**Back Creek Magisterial District  
Frederick County, Virginia  
TM 75-A-91E**



**January 16, 2026**

**Current Owner: Winchester Real Estate, LLC**

**Contact Person: Marisa Whitacre, Planning Manager  
Greenway Engineering, Inc.  
151 Windy Hill Lane  
Winchester, VA 22602  
540-662-4185**

## **PLASTRS HVAC IMPACT ANALYSIS STATEMENT**

### **INTRODUCTION**

This report has been prepared for the purpose of assessing the impact on Fredrick County by the proffered rezoning of a 1.21±-acre subject property currently owned by Winchester Real Estate, LLC, and identified as Tax Map Parcel 75-A-91E. The subject property is located in the Commonwealth Business Center (Lot 5) on the north side of Commonwealth Court (Rt. 1167). Tax Map Parcel 75-A-91E is currently zoned B-2, Business General District and is developed as an office facility with showroom and construction contractor storage area. Get Plastered, LLC (the Applicant) proposes to rezone the 1.21±-acre subject property to B-3, Industrial Transition District with proffers to utilize the existing facility as HVAC Repair use.

#### Basic information

|                       |                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------|
| Location:             | Fronting on the north side of Commonwealth Court (Rt. 1167), approximately 500' east of Valley Pike (US Route 11 South). |
| Magisterial District: | Back Creek District                                                                                                      |
| Property ID Numbers:  | 75-A-91E                                                                                                                 |
| Current Zoning:       | B-2, Business General District with Proffers                                                                             |
| Current Use:          | Office and Construction Contractor Storage Facility                                                                      |
| Proposed Zoning:      | B-3, Industrial Transition District                                                                                      |
| Proposed Use:         | HVAC Repair                                                                                                              |
| Total Rezoning Area:  | 1.21±-acres with Proffers for the Subject Property                                                                       |



## **COMPREHENSIVE POLICY PLAN**

### Urban Development Area

The Urban Development Area (UDA) defines the general area in which residential, commercial, industrial and institutional land use development is encouraged in the County. The 1.21±-acre subject property is currently located within the UDA; therefore, expansion of the UDA boundary to accommodate the proposed development of the HVAC Repair facility use is not required for this rezoning application.

### Sewer and Water Service Area

The Sewer and Water Service Area (SWSA) is generally consistent with the UDA but also extends outside of the UDA to accommodate areas of the County in which commercial and industrial land use development is only desired. The 1.21±-acre subject property is currently located within the SWSA; therefore, expansion of the SWSA boundary to accommodate the proposed development of HVAC Repair use is not required for this rezoning application.

### Comprehensive Plan Conformity

The 1.21±-acre subject property is located in the UDA and the SWSA and is within the study area boundary of the Southern Frederick Land Use Plan, which was adopted by the Board of Supervisors on January 10, 2024. The Southern Frederick Land Use Plan is a large-area plan that identifies land uses, transportation networks, and other matters that are recommended for consideration for future land use and development within this geographic area of the County. The 1.21±-acre subject property is identified for business land use; therefore, the proposed B-3, Industrial Transition District rezoning is in conformance with the Comprehensive Policy Plan.

## **SUITABILITY OF THE SITE**

### Access

The 1.21±-acre subject property is located on the north side of Commonwealth Court (Rt. 1167), approximately 500 feet east of Valley Pike (U.S. Route 11 South). Access to the subject property is accommodated from existing commercial entrances along Commonwealth Court. Therefore, the proposed development of the HVAC Repair facility use will not require new entrances to be constructed for access to the subject property.

### Flood Plains

The 1.21±-acre subject property does not contain areas of floodplain as demonstrated on FEMA NFIP Map #51069C0214D, Effective Date January 29, 2021; as well as information from the Frederick County GIS Database.

### Wetlands

The 1.21±-acre subject property does not contain wetland areas as demonstrated on the National Wetlands Inventory (NWI) Map information from the Frederick County GIS Database.

### Soil Types

The 1.21±-acre subject property contains one soil type as demonstrated by the Soil Survey of Frederick County, Virginia and the Frederick County GIS Database. The following soil type is present on site:

6C Carbo-Oaklet Silt Loams, Very Rocky 2-15% slope

The Carbo-Oaklet Silt Loam is not identified as a prime agricultural soil and has high shrink/swell properties. The subject property is currently developed as an office facility with construction contractor storage area and will not require expansion to accommodate the HVAC Repair use.

### Other Environmental Features

The 1.21±-acre subject property does not contain areas of steep slope, lakes or ponds or natural stormwater retention areas as defined by the Frederick County Zoning Ordinance. The subject property is located in the geographic portion of the County that is underlain by karst geology. However, the subject property is currently developed as an office facility with construction contractor storage area and will not require expansion to accommodate the HVAC Repair use.

## **SURROUNDING PROPERTIES**

### Adjoining property zoning and present use:

|        |                                                                       |      |                                         |
|--------|-----------------------------------------------------------------------|------|-----------------------------------------|
| North: | M-2, Industrial General District<br>B-2, Business General District    | Use: | H.P. Hood                               |
| South: | B-2, Business General District<br>B-3, Industrial Transition District | Use: | Camping World<br>Car Quest Distribution |
| East:  | B-3, Industrial Transition District                                   | Use: | Ultimate Automotive Group               |
| West:  | B-3, Industrial Transition District                                   | Use: | Unimproved                              |

## **TRANSPORTATION**



The 1.21±-acre subject property is currently improved as an office, showroom and storage facility with existing commercial entrance access from Commonwealth Court (Rt. 1167). The rezoning of the subject property from the B-2, Business General District to the B-3, Industrial Transition District, is intended to allow for the existing facility to be utilized as a HVAC Repair use.

The Applicant (Get Plastered, LLC) will utilize the property for HVAC Repair services, hours of operation are from 8am to 5 pm, Monday through Saturday.

Greenway Engineering met with the County Transportation Planning Director to discuss the intended use of the property; as well as other potential land uses that could occur within the B-3, Industrial Transition District. Greenway Engineering has conducted a comparative analysis of land uses within the B-3 District that are otherwise not permitted in the B-2 District and does not believe that these land uses would impact the existing transportation network. The property was originally zoned B-3 and was rezone to B-2 in 2016, the property will be returning to the original zoning and should not have cause additional traffic impacts.

Commonwealth Court (Rt. 1167) is a state maintained road with separated right and left turn lanes at a signalized intersection with Valley Pike (US Route 11). The existing transportation network provides adequate storage capacity at the intersection and allows for protected left turn movements for traffic on Valley Pike and Commonwealth Court.

## **SEWAGE CONVEYANCE AND TREATMENT**

As previously stated, the subject property is located wholly within the Sewer and Water Service Area (SWSA) and is therefore entitled to be served by public sewer based on County Policy. Frederick Water is the provider of public sewer service within this area of the County. Sewage flow generated by commercial development of the 1.21± acre site is projected to total 1,190 gallons per day.

## **WATER SUPPLY**

As previously stated, the subject property is located wholly within the Sewer and Water Service Area (SWSA) and is therefore entitled to be served by public water based on County Policy. Frederick Water is the provider of public water service within this area of the County. Water demand generated by commercial development of the 1.21± acre site is projected to total 1,190 gallons per day.

## **SITE DRAINAGE**

The topographic relief on the 1.21±-acre subject property generally follows a south to north pattern, which directs drainage from the front of the rear. The approved site development plan for the subject site was designed to direct stormwater to the west and then drain to a facility in the northwest corner of the subject property. The subject property is currently developed as an office facility with showroom and construction contractor storage area and will not require expansion of the stormwater management facility to accommodate the

HVAC Repair use. Therefore, site drainage and stormwater management impacts to adjoining properties and the community have been mitigated.

### **HISTORICAL SITES AND STRUCTURES**

The Frederick County Rural Landmarks Survey does not identify structures deemed to be historically significant on the 1.21±-acre subject property, nor does the survey identify properties within proximity of this site that are deemed potentially significant. The National Park Service Study of Civil War Sites in the Shenandoah Valley identifies the 1.21±-acre subject property as being located within the proximity of the Second Kernstown study area boundary; however, the subject property is located outside of the defined core battlefield area and is also defined as having lost integrity due to existing development patterns. Therefore, the proposed HVAC Repair use will not create negative impacts associated with historic resources.

February 23, 2026

Eric Bittner  
Frederick County Planning  
107 N. Kent Street  
Winchester, VA 22601

**RE: Plasters HVAC Rezoning**

Dear Eric,

I offer the following responses to your comments:

- **General Development Plan.** The general development plan (GDP) and proffer A.2 conflict. The proffer reads that the site will be brought into compliance of §165-601.02, however the GDP does not identify any potential areas that would be potentially removed. Areas should be identified as potential locations for greenspace conversion or the GDP should be removed.  
*The GDP has been updated to show the proposed area where pavement will be removed for greenspace conversion.*
- **Proffer Statement.** The following revisions are offered for consideration as they relate to the proffer statement dated November 26, 2025: Proffer A.2: Proffer A.2 should be revised to be required as part of the site plan approval.  
*Acknowledged, proffer has been updated*
- Proffer A.2: See General Development Plan comment.  
*Acknowledged*
- Proffer C: Proffer C should be revised to be \$0.10 per square foot for any new building square footage.  
*Acknowledged, proffer has been updated*
- Proffer C: A new occupancy permit would not be required as it is in the same use category. The proffer should be triggered by the change of use permit.  
*Acknowledged, proffer has been updated*
- Proffer B: Proffer B is not an acceptable proffer as the general development plan does not meet code requirements. See General Development Plan comment.  
*Acknowledged, proffer has been removed*
- **Other Application Materials & Fee.**
  - Provide documentation that property taxes for the site are paid and no delinquent charges are due.  
*Paid Tax receipt has been provided.*

- Based on the fees adopted by the Board of Supervisors, the rezoning fee for this rezoning application would be \$5,121.

*The application fee has been provided.*

Please do not hesitate to reach out to me with any questions or concerns regarding the application. I can be reached at 540-662-4185 or by email at [mawhitacre@greenwayeng.com](mailto:mawhitacre@greenwayeng.com).

Sincerely,

A black rectangular redaction box covering the signature of Marisa Whitacre.

Marisa Whitacre, Planning Manager  
Greenway Engineering, Inc.



## COUNTY of FREDERICK

Department of Planning and Development

540/ 665-5651

Fax: 540/ 665-6395

Feb 9, 2026

Marisa Whitacre  
Greenway Engineering  
151 Windy Hill Ln.,  
Winchester, VA 22602

**RE: Proposed Rezoning for Plasters HVAC  
Property Identification Numbers (PIN):75-A-91E**

Dear Ms. Whitacre:

Planning and Development staff had the opportunity to review the draft rezoning application (REZ). This application seeks to rezone approximately +/-1.21 acres from the B2 (General Business) Zoning District with proffers to the B3(industrial transition) Zoning District with proffers. The subject property is located at 161 Commonwealth Ct. in the Back Creek Magisterial District. Prior to formal submission to the County, please ensure that these comments and all review agency comments are adequately addressed. At a minimum, a letter describing how each of the agencies and their comments have been addressed should be included as part of the submission.

- **Comprehensive Plan Conformance.** The Comprehensive Plan (adopted November 2021) and the *Kernstown Area Plan* provides guidance on the future development of the subject property. The Plan identifies the subject properties with a “business” land use designation and as being within the limits of the Urban Development Area (UDA). The property is in the Interstate Commercial at 310 sub-area and adjoins the Northern Kernstown Industrial sub-area. The *Kernstown Area Plan* described the future environment envision for the exit 310 sub-area.

*“The improvements to the Exit 310 Interchange on interstate 81 at Route 37 furthers the significant commercial opportunities by identifying these land uses in the Kernstown Interstate Commercial at Exit 310 area. Future improvements identified for this area are envisioned to continue to enhance this area’s major role for commercial and industrial development.”*

The intent of the B3 zoning district is described in §165-604.01 as “...[providing]for heavy commercial activities, involving larger scale marketing or wholesaling, in locations that are separate from but in the vicinity of business and industrial areas. In some cases, such areas may be transitional, located between business and industrial areas. In these areas, there will be a mixture of automobile and truck traffic. Some of the uses in this district will require large areas of land and may have outdoor storage and display. It is intended that the uses in this district shall not be sources of noise, dust, smoke or other nuisances. Such industrial transition areas shall be provided with safe and sufficient access...”

Given the intention to enhance industrial development and proximity to a designated industrial development site, the B3 district aligns with the future land use plan.



- **General Development Plan.** The general development plan (GDP) and proffer A.2 conflict. The proffer reads that the site will be brought into compliance of §165-601.02, however the GDP does not identify any potential areas that would be potentially removed. Areas should be identified as potential locations for greenspace conversion or the GDP should be removed.
- **Proffer Statement.** The following revisions are offered for consideration as they relate to the proffer statement dated November 26, 2025:
  - Proffer A.2: Proffer A.2 should be revised to be required as part of the site plan approval.
  - Proffer A.2: See General Development Plan comment.
  - Proffer C: Proffer C should be revised to be \$0.10 per square foot for any new building square footage.
  - Proffer C: A new occupancy permit would not be required as it is in the same use category. The proffer should be triggered by the change of use permit.
  - Proffer B: Proffer B is not an acceptable proffer as the general development plan does not meet code requirements. See General Development Plan comment.
- **Other Application Materials & Fee.**
  - Provide documentation that property taxes for the site are paid and no delinquent charges are due.
  - Based on the fees adopted by the Board of Supervisors, the rezoning fee for this rezoning application would be \$5,121.

All the above comments and reviewing agency comments should be appropriately addressed before staff can accept this rezoning application for a public hearing. The Applicant should verify with Planning & Development staff application completeness prior to final submission.

Please feel free to contact me with questions regarding this application.

Sincerely,



Eric Bittner,  
Planner II

Cc: Ben and Cassie Plaster, Get Plastered, LLC ([cassie.plastershvac@gmail.com](mailto:cassie.plastershvac@gmail.com))  
Wayne Stillwagon, Winchester Real Estate, LLC ([wstillwagon@millersoffice.com](mailto:wstillwagon@millersoffice.com))

## REQUEST FOR REZONING COMMENTS



Project Name: Plasters HVAC

Acreage: 1.21

PIN(s): 75-A-91E

Address (or general location):

161 Commonwealth Ct.

Existing Zoning District: B2(with proffers)

Proposed Zoning District: B3(with Proffers)

Staff Name (Email Address): eric.bittner@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☒ FC County Attorney
- ☐ Other (Specify): \_\_\_\_\_

Reviewer Name (Email Address): Andrew Fox (andrew.fox@fcva.us)

Review Agency Comments:

*\*Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

No comments at this time.

Resubmission to address comments requested? Y ☐ or N ☒



# Frederick County Fire and Rescue Department

Office of the Fire Marshal

1080 Coverstone Drive

Winchester, VA 22602

Phone: 540-665-6350 Fax: 540-678-4739

fmo@fcva.us

## Plan Review

Rezoning

Status: Approved

### Business Name

Plasters HVAC

161 Commonwealth Ct

Winchester, Virginia 22602

### Engineering Firm :

Greenway Engineering

Printed Date: 01/30/2026

### General Information

Received Date: 01/29/2026

Review Begin Date: 01/30/2026

Review End Date: 01/30/2026

Hours: 0.5000

Occupancy Type:

Business, mercantile

Property Use:

Specialty shop

Activity Number:

I0110225

Review Cause:

Application

### Activity Details

Project Name

HVAC Repair Shop

### Comments:

Approved, no existing fire department features to be removed without the permission of the Fire Official

A handwritten signature in black ink, which appears to read "Justin Laidler", is written over a black rectangular redaction box.

Justin Laidler

Assistant Fire Marshal

# REQUEST FOR REZONING COMMENTS



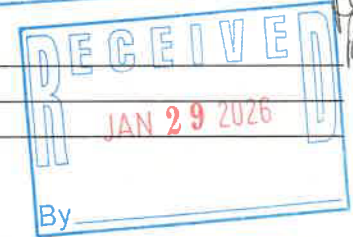
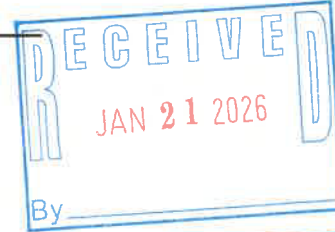
Project Name: Plasters HVAC

Acreage: 1.21

PIN(s): 75-A-91E

Address (or general location):

161 Commonwealth Ct.



*Plans received*

Existing Zoning District: B2(with proffers)

Proposed Zoning District: B3(with Proffers)

Staff Name (Email Address): eric.bittner@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☒ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): \_\_\_\_\_

**PLANS APPROVED**  
**FIRE MARSHAL, FREDERICK COUNTY**  
*1/30/2026*

Reviewer Name (Email Address): FMD@FCVA.US

Review Agency Comments:

*\*Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

SEE ATTACHED CODEPAC REPORT

Resubmission to address comments requested? Y ☐ or N ☐

## REQUEST FOR REZONING COMMENTS



Project Name: Plasters HVAC

Acreage: 1.21

PIN(s): 75-A-91E

Address (or general location):

161 Commonwealth Ct.

Existing Zoning District: B2(with proffers)

Proposed Zoning District: B3(with Proffers)

Staff Name (Email Address): eric.bittner@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☒ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): \_\_\_\_\_

Reviewer Name (Email Address): bwhitlock@fcva.us

Review Agency Comments:

*\*Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

No comments- no proposed changes to grading or stormwater infrastructure.

Resubmission to address comments requested? Y ☐ or N ☒



## REQUEST FOR REZONING COMMENTS



Project Name: Plasters HVAC

Acreage: 1.21

PIN(s): 75-A-91E

Address (or general location):

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- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): \_\_\_\_\_

Reviewer Name (Email Address): joseph.spielman@vdot.virginia.gov

Review Agency Comments:

*\*Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

VDOT has no comments on the rezoning.

Resubmission to address comments requested? Y ☐ or N ☒

## REQUEST FOR REZONING COMMENTS



Project Name: Plasters HVAC

Acreage: 1.21

PIN(s): 75-A-91E

Address (or general location):

161 Commonwealth Ct.

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- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☒ FC County Attorney
- ☐ Other (Specify): \_\_\_\_\_

Reviewer Name (Email Address): Andrew Fox (andrew.fox@fcva.us)

Review Agency Comments:

*\*Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

No comments at this time.

Resubmission to address comments requested? Y ☐ or N ☒



REZONING APPLICATION  
FREDERICK COUNTY, VIRGINIA

|                    |       |
|--------------------|-------|
| Submittal Deadline | _____ |
| P/C Meeting        | _____ |
| BOS Meeting        | _____ |

1. Property Owner(s) (please attach additional page(s) if more than two owners):

Name: Winchester Real Estate, LLC

Specific Contact Person if Other than Above: Wayne Stillwagon

Address: PO Box 1173, Newington, VA 22122

Telephone: [REDACTED] Email: [REDACTED]e.com

Name: \_\_\_\_\_

Specific Contact Person if Other than Above: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

2. Other Interested Parties (such as a contract purchaser) (please attach additional page(s) if necessary):

Name: Get Plastered, LLC

Specific Contact Person if Other than Above: Ben and Cassie Plasters

Address: 3473 N. Frederick Pike, Winchester, VA 22603

Telephone: 540-664-3943 Email: cassie.plastershvac@gmail.com

3. Law firm, engineering firm, or other person, if any, serving as the primary contact person for this application:

Firm Name: Greenway Engineering

Specific Contact Person at Firm: Marisa Whitacre

Address: 151 Windy Hill Ln., Winchester, VA 22602

Telephone: 540-662-4185

Email: mawhitacre@greenwayeng.com

*\*Please note that, if a law firm, engineering firm, or other person, other than the owner of the property, will be acting on behalf of the owner and/or executing papers on behalf of the owner in connection with the rezoning, the owner will need to execute a power of attorney form granting the firm or person such authority.*

4. Project Name: Plasters HVAC

5. Property Information:

|                                                                    |                   |
|--------------------------------------------------------------------|-------------------|
| Property Identification Number(s):                                 | <b>75-A-91E</b>   |
| Total acreage of the parcel(s):                                    | <b>1.21</b>       |
| Total acreage of the parcel(s) to-be-rezoned:                      | <b>1.21</b>       |
| Current zoning designation(s) and acreage(s) in each designation:  | <b>B2</b>         |
| Proposed zoning designation(s) and acreage(s) in each designation: | <b>B3</b>         |
| Magisterial District(s):                                           | <b>Back Creek</b> |

Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

161 Commonwealth Ct.

Is this property within ½ miles of the Town of Stephens City, the Town of Middletown, the City of Winchester, Clarke County, or Shenandoah County (specify which):

Yes, City of Winchester

Adjoining Properties:

|        | Zoning: | Use:               |
|--------|---------|--------------------|
| North: | M2      | HP Hood            |
| South: | B3      | Parts Distribution |
| East:  | B3      | Office/Commercial  |
| West:  | B3      | Vacant             |

6. Disclosure of real parties in interest.

Virginia Code § 15.2-2289 provides that localities may by ordinance require any applicant for a zoning amendment to make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers, and directors, and in any case the names and addresses of all real parties of interest. Frederick County has, by County Code § 165-101.09, adopted such an ordinance.

For each business entity that is an owner or contract purchaser of the property, **please list the name and address of each person owning an interest in, or who is an officer or director of, any entity that is an owner or contract purchaser of the property** (you need not indicate the amount or extent of the ownership interest). Please note that this requirement does not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.

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Please attach additional page(s) if necessary.

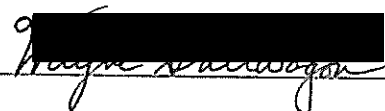
7. Signature(s):

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.



I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Owner:  Date 01/19/2026

If signing on behalf of an entity, please state name of entity and your title:

WINCHESTER REAL ESTATE, LLC, MEMBER/OWNER

Owner: \_\_\_\_\_ Date \_\_\_\_\_

If signing on behalf of an entity, please state name of entity and your title:

\_\_\_\_\_

Other Applicant Party (if any): \_\_\_\_\_ Date \_\_\_\_\_

If signing on behalf of an entity, please state name of entity and your title:

\_\_\_\_\_

If additional signature lines are necessary, such as if more than two people are owners, please use additional copies of this page.

*\*A signed Power of Attorney form is required if someone is signing on the owner(s) behalf.*

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Owner: \_\_\_\_\_ Date \_\_\_\_\_

If signing on behalf of an entity, please state name of entity and your title:

\_\_\_\_\_

Owner: \_\_\_\_\_ Date \_\_\_\_\_

If signing on behalf of an entity, please state name of entity and your title:

\_\_\_\_\_

Other Applicant Party (if any): B [REDACTED] Date 1/20/2026

If signing on behalf of an entity, please state name of entity and your title:

Get Plaster LLC, Registered Agent

If additional signature lines are necessary, such as if more than two people are owners, please use additional copies of this page.

*\*A signed Power of Attorney form is required if someone is signing on the owner(s) behalf.*

## Adjoining Property Owners

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For this application, adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, a private right-of-way, or a watercourse from the requested property. The applicant is required to obtain the following information on each adjoining property including the parcel identification number. These can be obtained from Frederick County's GIS Interactive Maps.

*\*The Town of Stephens City, Middletown, the City of Winchester, Clarke County, or Shenandoah County shall be notified if the proposal is within ½ mile of their boundary.*

| Name and Property Identification Number         | Address                                                       |
|-------------------------------------------------|---------------------------------------------------------------|
| Name <b>H P Hood, Inc</b>                       | 6 Kimball Ln., Suite 400<br>Lynnfield, MA 01940               |
| Property # <b>63-A-86A</b>                      |                                                               |
| Name <b>H P Hood, Inc</b>                       | 6 Kimball Ln., Suite 400<br>Lynnfield, MA 01940               |
| Property # <b>63-A-86B</b>                      |                                                               |
| Name <b>Bean Properties, LLC</b>                | PO Box 3625<br>Winchester, VA 22604                           |
| Property # <b>75-A-91H</b>                      |                                                               |
| Name <b>UAG Properties, LLC</b>                 | 185 Commonwealth Ct<br>Winchester, VA 22602                   |
| Property # <b>75-A-91G</b>                      |                                                               |
| Name <b>CQ Landlord Multi, LLC</b>              | 2635 E Millbrook Rd<br>Raleigh, NC 27604(C/O Leslie Shanahan) |
| Property # <b>63-A-85</b>                       |                                                               |
| Name <b>Pacific Capital Investment Partners</b> | Honey Car - 190 Commonwealth Ct<br>Winchester, VA 22602       |
| Property # <b>75-A-91J</b>                      |                                                               |
| Name                                            |                                                               |
| Property #                                      |                                                               |
| Name                                            |                                                               |
| Property #                                      |                                                               |
| Name                                            |                                                               |
|                                                 |                                                               |



**Special Limited Power of Attorney  
County of Frederick, Virginia  
Frederick Planning Website: [www.fcva.us](http://www.fcva.us)**

**Department of Planning & Development, County of Frederick, Virginia  
107 North Kent Street, Winchester, Virginia 22601  
Phone (540) 665-5651 Facsimile (540) 665-6395**

**Know All Men By These Presents That:**

Winchester Real Estate, LLC

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.

If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

PO Box 1173, Newington, VA 22122

703-644-2200

Mailing Address of Property Owner/Applicant

Telephone Number

**as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:**

70-A-91E

**do hereby make, constitute, and appoint:**

Greenway Engineering, Inc

Name of Attorney-In-Fact

151 Windy Hill Lane, Winchester, VA 22602

540-662-4185

Mailing Address of Attorney-In-Fact

Telephone Number

**to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:**

☒  
☐  
☐  
☐

**Rezoning**

**Conditional Use Permit**

**Master Development Plan (prelim. or final)**

**Subdivision Appeal or Waiver/Exception**

☐  
☐  
☐

**Subdivision**

**Site Plan**

**Variance or Zoning Appeal**

**and, further, my attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:**

**This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.**

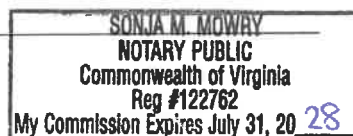
Signature

Title (if signing on behalf of an entity) MEMBER

State of Virginia, County/City of Fairfax, To wit:

I, Sonja M. Mowry, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 15th day of January 2026

Notary Public



My Commission Expires: 7/31/2028  
Registration Number: 122762



**Special Limited Power of Attorney  
County of Frederick, Virginia  
Frederick Planning Website: [www.fcva.us](http://www.fcva.us)**

**Department of Planning & Development, County of Frederick, Virginia  
107 North Kent Street, Winchester, Virginia 22601  
Phone (540) 665-5651 Facsimile (540) 665-6395**

**Know All Men By These Presents That:**

Get Plastered, LLC

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.

If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

3473 N. Frederick Pike, Winchester, VA 22603

540-664-3943

Mailing Address of Property Owner/Applicant

Telephone Number

**as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:**

70-A-91E

**do hereby make, constitute, and appoint:**

Greenway Engineering, Inc

Name of Attorney-In-Fact

151 Windy Hill Lane, Winchester, VA 22602

540-662-4185

Mailing Address of Attorney-In-Fact

Telephone Number

**to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:**

☒  
☐  
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Rezoning

Conditional Use Permit

Master Development Plan (prelim. or final)

Subdivision Appeal or Waiver/Exception

☐  
☐  
☐

Subdivision

Site Plan

Variance or Zoning Appeal

**and, further, my attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:**

**This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.**

Signature

Title (if signing on behalf of an entity)

*Registered Agent*

State of Virginia, County/City of Winchester, To wit:

I, Elizabeth Ann Haggerty a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 16<sup>th</sup> day of Jan, 2026



My Commission Expires: 5/31/2028

Registration Number: 00336091



**COUNTY OF FREDERICK**  
P.O. BOX 225

WINCHESTER, VA 22604-0225  
C. WILLIAM ORNDOFF, JR

## Real Estate Taxes Paid for Tax Year 2025

Map Number: 75 A 91E Account#: 8038734

| Dept#  | Ticket# | Seq# | Owner Name                       | Bill Date | Description                                  | Tax Paid   |
|--------|---------|------|----------------------------------|-----------|----------------------------------------------|------------|
| RE2025 | 47180   | 1    | WINCHESTER<br>REAL ESTATE<br>LLC | 4/15/2025 | LOT5 COMMONWEALTH BUSINESS CTR 1.21<br>ACRES | \$3,839.76 |
| RE2025 | 47180   | 2    | WINCHESTER<br>REAL ESTATE<br>LLC | 4/15/2025 | LOT5 COMMONWEALTH BUSINESS CTR 1.21<br>ACRES | \$3,839.76 |

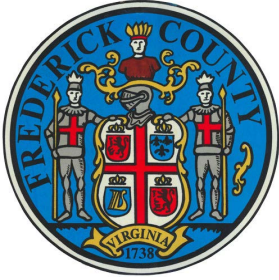
Total Paid: \$7,679.52

This amount represents payments applied during calendar year 2025 and does not include Penalty, Interest or Credit Card Fees.

Close this Window

Print This Page





Planning Commission  
Agenda Item Detail  
Meeting Date: March 18, 2026  
Agenda Section: Public Hearings

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**Title: Revocation of Conditional Use Permit #03-24 for 172 Fire House LLC and Barbara Singhas - (Mr. Cheran)**

**Attachments:**

[PC03-18-26Revocation\\_CUP03-24\\_Redacted.pdf](#)



**Revocation of CONDITIONAL USE PERMIT #03-24**  
**172 Fire House LLC and Barbara Singhas**  
**Landscape Contracting Business**  
**Staff Report for the Planning Commission**  
**Prepared: March 4, 2026**  
Staff Contact: Mark Cheran, Zoning Administrator

**Executive Summary:**

| <b>Meeting Schedule</b>                                                                                       |                                                                                 |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Planning Commission: March 18, 2025                                                                           | Action: Pending                                                                 |
| Board of Supervisors: April 8, 2026                                                                           | Action: Pending                                                                 |
| <b>Property Information</b>                                                                                   |                                                                                 |
| Property Identification Number (PIN)                                                                          | 52-A-287B                                                                       |
| Address                                                                                                       | 171 Old Firehouse Lane                                                          |
| Magisterial District                                                                                          | Back Creek                                                                      |
| Acreage                                                                                                       | 5.0 +/- acres                                                                   |
| Zoning & Present Land Use                                                                                     | Zoning: RA (Rural Areas) District<br>Land Use: Landscaping Contracting Business |
| <b>Adjoining Property Zoning &amp; Present Land Use</b>                                                       |                                                                                 |
| North: RA (Rural Areas) District                                                                              | Land Use: Residential                                                           |
| South: RA (Rural Areas) District                                                                              | Land Use: Residential                                                           |
| East: RA (Rural Areas) District                                                                               | Land Use: Agricultural/Residential                                              |
| West: RA (Rural Areas) District                                                                               | Land Use: Residential                                                           |
| <b>Revocation of Conditional Use Permit #03-24 (CUP#03-24) of the Frederick County Zoning Ordinance</b>       |                                                                                 |
| The property is in violation of the conditions of CUP #03-24 approved by Frederick County on August 18, 2024. |                                                                                 |

**Review Agency Comments:**

| <b>Review Agency</b>                         | <b>Comment Date</b> | <b>Comment Summary</b> |
|----------------------------------------------|---------------------|------------------------|
| Virginia Department of Transportation (VDOT) | N/A                 |                        |
| Frederick-Winchester Health Department       | N/A                 |                        |

|                                             |     |  |
|---------------------------------------------|-----|--|
| Frederick County (FC)<br>Public Works       | N/A |  |
| FC Inspections                              | N/A |  |
| FC Fire Marshal                             | N/A |  |
| Winchester Regional<br>Airport              | N/A |  |
| Frederick Water                             | N/A |  |
| City of Winchester                          | N/A |  |
| Historic Resources<br>Advisory Board (HRAB) | N/A |  |

**Planning & Zoning:** This property was cited on June 9, 2023, for operation of a landscape contracting business (A Cut Above Landscaping) without an approved Conditional Use Permit (CUP). The owner of the property applied for a CUP for a landscape contracting business on June 13, 2024. The Board of Supervisors approved CUP #03-24 on August 14, 2024, with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. Hours of operation for the site shall be limited to 6:00 AM to 8:00 PM daily with the exception for emergency inclement weather services (snow removal and storm damage remediation). Customer visits shall be limited to 8:00 AM to 5:00 PM daily.
3. No more than 60 employee vehicles on the property at any time.
4. A minor site plan shall be approved by Frederick County, and the improvements shown on the site plan shall be completed prior to the establishment of this use.
5. Any expansion or change of use shall require a new Condition Use Permit.

**Violation of Condition:** The business has been operating for two (2) years in violation of *Condition 4. A minor site plan shall be approved by Frederick County, and the improvements shown on the site plan shall be completed prior to the establishment of this use.* A minor site plan has not been approved by Frederick County for this use.

The owner applied for and submitted minor site plan on July 21, 2025, for staff to review. Staff reviewed the site plan on July 29, 2025, and could not grant approval of the plan. The owner needed to address issues of the plan that staff identified for approval. The owner has not addressed any of the issues to allow staff to approve this site plan.

#### **165-103.08 Revocation:**

The Board of Supervisors may, by resolution, initiate the revocation of any active conditional use permit. The consideration of the revocation shall proceed following the procedure set forth for approving a new conditional use permit. Following recommendation by the Planning Commission, the Board may revoke an active conditional use permit for the following reasons:

- A. Failure to establish or discontinuance of the approved conditional use. If the approved conditional use has not been established within two years of approval or if it has been discontinued for two years, the conditional use permit may be revoked.
- B. Repeated or continuing violations of this chapter, including violations of the conditions placed on the permit.
- C. Fraudulent, false or misleading information supplied by the applicant for the conditional use permit.

**Recommendation:** The property is in violation of approved CUP #03-24., Condition 4

***A minor site plan shall be approved by Frederick County, and the improvements shown on the site plan shall be completed prior to the establishment of this use.***

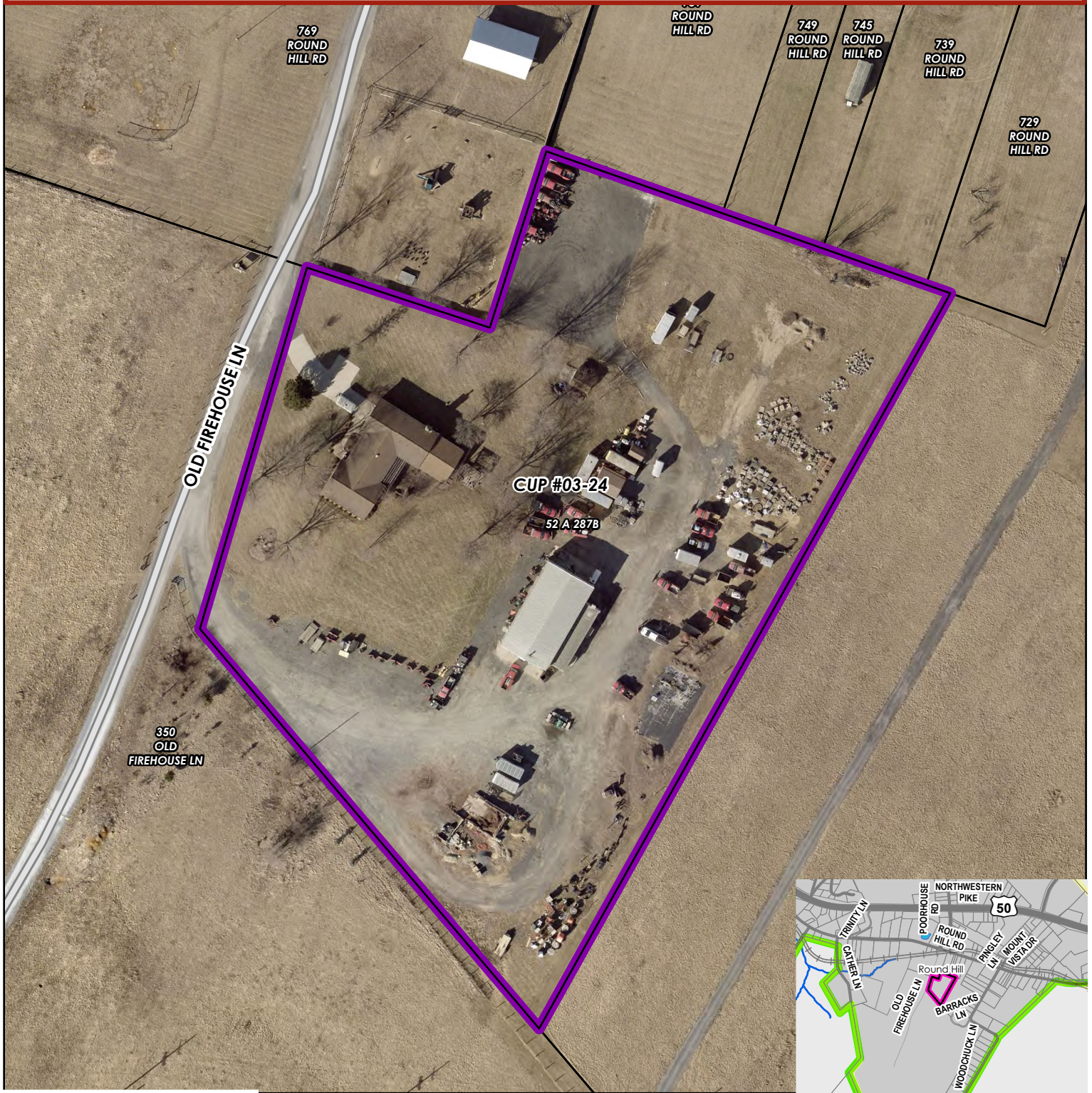
The business has been operating without an approved site plan since 2024, in violation of the above-referenced condition. Staff is seeking action on this revocation of CUP #03-24.

***Following a public hearing, staff is seeking a recommendation from the Planning Commission to forward to the Board of Supervisors on this CUP application.***

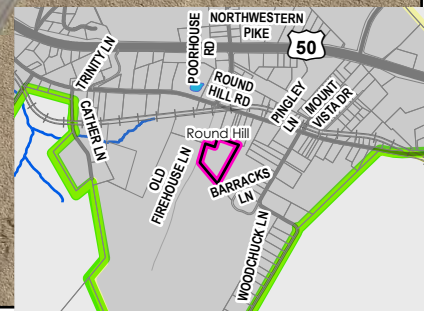
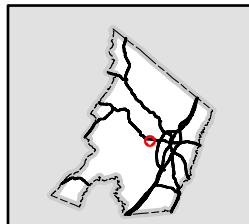


# CUP # 03 - 24: 172 Fire House LLC and Barbara Singhas

PIN: 52 - A - 287B  
Revocation of CUP  
Zoning Map



- Application
- Sewer and Water Service Area
- Parcels

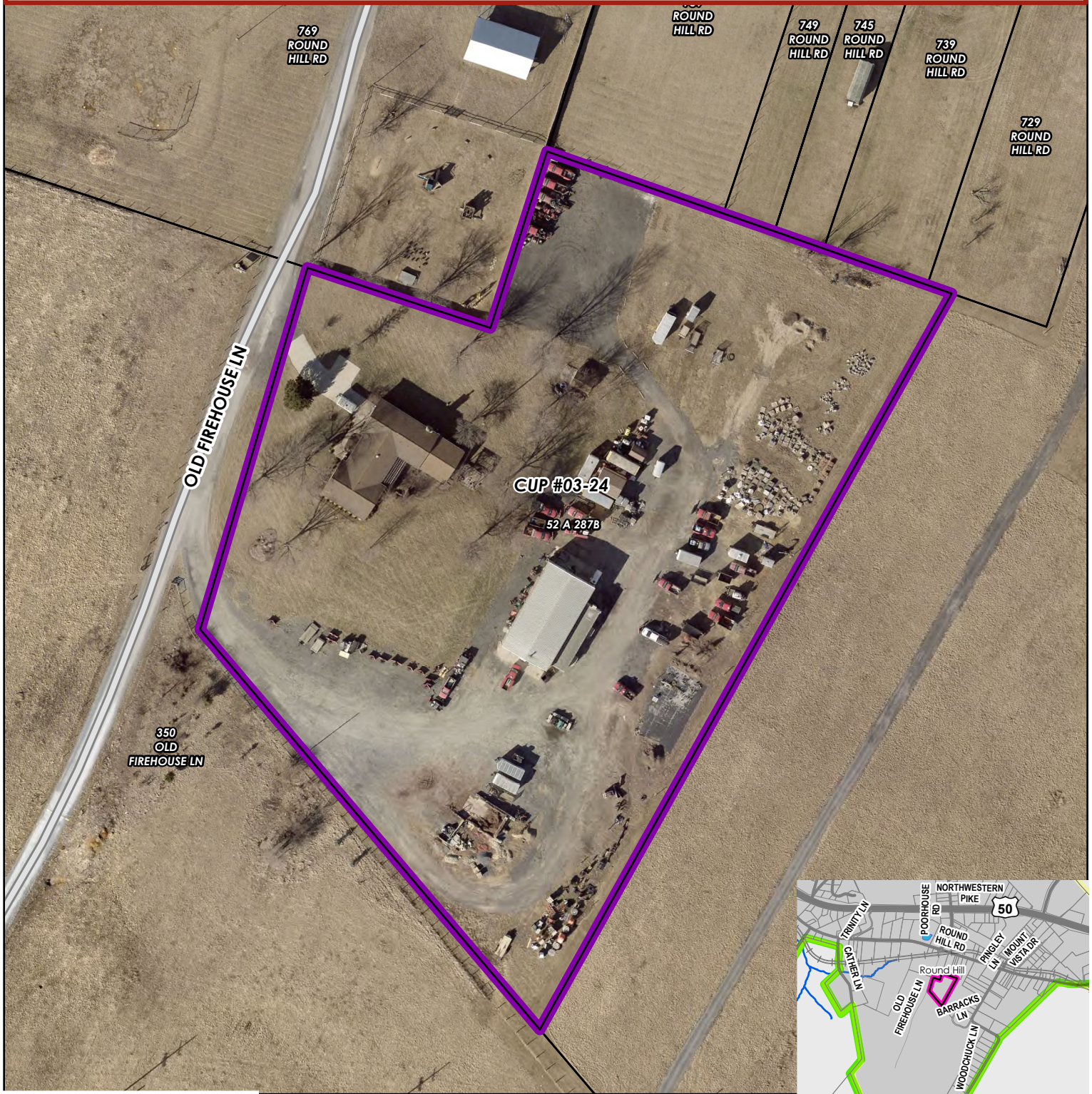


0 65 130 260 Feet

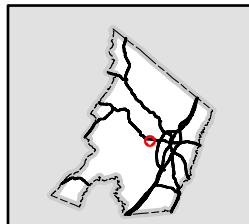


# CUP # 03 - 24: 172 Fire House LLC and Barbara Singhas

PIN: 52 - A - 287B  
Revocation of CUP  
Location Map



- Application
- Sewer and Water Service Area
- Parcels



0 65 130 260 Feet





## County of Frederick

C. WILLIAM ORNDOFF, JR

P.O BOX 225

WINCHESTER, VA 22604

Voice: 540-665-5607

Fax: 540-662-5838

Date: 3/11/2026

Penalty & Interest Date: 3/11/2026

# STATEMENT OF ACCOUNT BALANCE

**SINGHAS BARBARA C & 172 FIRE HOUSE LLC**

**393 SADDLEBACK LN**

**WINCHESTER VA**

**22602-2889**

**Map Number: 52 A 287B**

| Tax Year | Account # | Ticket Number | Description | Tax Due    | Penalty  | Interest | Total Due  |
|----------|-----------|---------------|-------------|------------|----------|----------|------------|
| RE2025   | 8013765   | 39771-0001    | 5.00 ACRES  | \$1,402.56 | \$140.26 | \$128.56 | \$1,671.38 |
| RE2025   | 8013765   | 39771-0002    | 5.00 ACRES  | \$1,402.56 | \$140.26 | \$51.43  | \$1,594.25 |

**REAL ESTATE TAXES ON THE PROPERTY ARE CURRENTLY DELINQUENT**

|         |            |          |          |            |
|---------|------------|----------|----------|------------|
| Totals: | \$2,805.12 | \$280.52 | \$179.99 | \$3,265.63 |
|---------|------------|----------|----------|------------|

**Make check Payable to:** County of Frederick

**Mailing Address:** P.O. Box 225 Winchester, VA 22604

**Email:** [Bornndoff@fcva.us](mailto:Bornndoff@fcva.us)

**Pay online at:** [www.fredtax.com](http://www.fredtax.com)



C4P 03-24

|                    |         |
|--------------------|---------|
| Submittal Deadline |         |
| P/C Meeting        | 7-3-24  |
| BOS Meeting        | 8-14-24 |

APPLICATION FOR CONDITIONAL USE PERMIT  
FREDERICK COUNTY, VIRGINIA

1. Applicant (check one): Property Owner ☒ Other ☐

NAME: 172 Fire House LLC

ADDRESS: P.O. Box 4296 Winchester, VA 22604

TELEPHONE AND EMAIL ADDRESS:

[REDACTED] a [REDACTED]

2. Please list all owners, occupants, or parties in interest of the property:

172 Fire House LLC

Barbara C. Singhas

3. The property is located at: (please give exact directions and include the route number of your road or street)

171 Old Firehouse Lane, Winchester, VA 22602

4. The property has a road frontage of 300 feet and a depth of feet and consists of 5 acres. (Please be exact)

5. The property is owned by 172 Fire House LLC & Barbara C. Singhas as evidenced by deed from Richard Singhas (previous owner) recorded in deed book no. 100003603 on page 0257, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 52-A-287B  
Magisterial District Opequon Back Creek  
Current Zoning Round Hill

7. Adjoining Property:

|       | <u>USE</u>       | <u>ZONING</u> |
|-------|------------------|---------------|
| North | Fox Meadow Farms | RA            |
| East  | Farmland         | AG            |
| South | Housing          | RA            |
| West  | Farmland         | AG            |

8. The type of use proposed is (consult with the Planning Dept. before completing):  
landscape contractor use/ contractor

9. Describe, if applicable, any new buildings to-be-constructed associated with this use:  
Proposed future plan may include free standing garage and/or free standing pole building structure  
for dry storage of materials

10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.)  
These people will be notified by mail of this application:

| Name and Property Identification Number    | Address              |
|--------------------------------------------|----------------------|
| Name Regalo LLC                            | 350 Old Firehouse Ln |
| Property #52-A-261                         | Winchester, VA 22602 |
| Name Kelrock LLC                           | 218 Woodchuck Ln     |
| Property #52-A-280                         | Winchester, VA 22602 |
| Name Independent School of Winchester, Inc | 769 Round Hill Rd    |
| Property #52-9-A                           | Winchester, VA 22602 |
| Name Ricky Hummer                          | 759 Round Hill Rd    |
| Property #52-A-285                         | Winchester, VA 22602 |
| Name Janet Ludwig                          | 749 Round Hill Rd    |
| Property #52-A-284                         | Winchester, VA 22602 |
| Name Thomas Adams                          | 739 Round Hill Rd    |
| Property #52-A-282                         | Winchester, VA 22602 |
| Name Johnnie Brewer                        | 729 Round Hill Rd    |
| Property #52-A-281                         | Winchester, VA 22602 |

| Name and Property Identification Number |                  | Address                                    |
|-----------------------------------------|------------------|--------------------------------------------|
| Name                                    | William Moreland | 1800 Sol Shanholtz Rd<br>Augusta, WV 26704 |
| Property #                              | 52-A-283         |                                            |
| Name                                    |                  |                                            |
| Property #                              |                  |                                            |
| Name                                    |                  |                                            |
| Property #                              |                  |                                            |
| Name                                    |                  |                                            |
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| Name                                    |                  |                                            |
| Property #                              |                  |                                            |
| Name                                    |                  |                                            |
| Property #                              |                  |                                            |

11. Please attach a sketch of the property. Show proposed and/or existing structures on the property, including measurements to all property lines, site access, public and private roads, and any other pertinent information specific to the desired use (such as parking). A recorded plat is the best thing to use for this if available.
12. Please attach a written description of the proposed use including (as appropriate): hours of operation, number of employees, number of customers anticipated, outdoor storage, and any other pertinent information to address additional regulation for specific uses contained in §165-204 of the Frederick County Zoning Ordinance.

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

\*All owners listed on the property record shall sign the application.

Signature of Applicant

Signature of Owner(s)

Owners' Mailing Address

P.O. Box 4296, Winchester, VA 22604

Owners' Telephone No.

540-827-0717

**TO BE COMPLETED BY THE ZONING ADMINISTRATOR:**

**USE CODE:** \_\_\_\_\_

**RENEWAL DATE:** \_\_\_\_\_



11. Please attach a sketch of the property. Show proposed and/or existing structures on the property, including measurements to all property lines, site access, public and private roads, and any other pertinent information specific to the desired use (such as parking). A recorded plat is the best thing to use for this if available.
12. Please attach a written description of the proposed use including (as appropriate): hours of operation, number of employees, number of customers anticipated, outdoor storage, and any other pertinent information to address additional regulation for specific uses contained in §165-204 of the Frederick County Zoning Ordinance.

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

\*All owners listed on the property record shall sign the application.

Signature of Applicant \_\_\_\_\_

Signature of Owner(s) \_\_\_\_\_

Owners' Mailing Address \_\_\_\_\_

Owners' Telephone No. \_\_\_\_\_

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:

**USE CODE:** \_\_\_\_\_

**RENEWAL DATE:** \_\_\_\_\_



FILE COPY



**Special Limited Power of Attorney**  
**County of Frederick, Virginia**  
**Frederick Planning Website: [www.fcva.us](http://www.fcva.us)**

**Department of Planning & Development, County of Frederick, Virginia**  
**107 North Kent Street, Winchester, Virginia 22601**  
**Phone (540) 665-5651 Facsimile (540) 665-6395**

**Know All Men By These Presents That:**

172 Firehouse LLC

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.

If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

P.O. Box 4296, Winchester, Virginia

Mailing Address of Property Owner/Applicant

Telephone Number

**as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:**

52 A 287B

**do hereby make, constitute, and appoint:**

Stephen L. Pettler, Jr. and Robert J. Sproul

Name of Attorney-In-Fact

21 S Loudoun Street, Winchester, Virginia 22601

540-667-1266

Mailing Address of Attorney-In-Fact

Telephone Number

**to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:**

☐  
☒  
☐
**Rezoning****Conditional Use Permit****Master Development Plan (prelim. or final)**
☐  
☐  
☐
**Subdivision****Site Plan****Variance or Zoning Appeal**

**and, further, my attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:**

**This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.**

Signature

Title (if signing on behalf of an entity)

TYLER STINE, MEMBERState of virginia, County/City of winchester, To wit:

I, Madeleine Crane Asero, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 2nd day of May, 2024.

Notary Public

My Commission Expires: 01/31/2025Registration Number: 7956257

Madeleine Crane Asero

Commonwealth of Virginia

Notary Public

Registration No. 7956257

My Commission Expires 01/31/2025



STEPHEN L. PETTLER, JR.  
MEMBER

ROBERT J. SPROUL  
COUNSEL

21 S. Loudoun Street  
Winchester, VA 22601  
(540) 667-1266  
(540) 667-1312 fax  
[pettler@harrison-johnston.com](mailto:pettler@harrison-johnston.com)  
[sproul@harrison-johnston.com](mailto:sproul@harrison-johnston.com)

[www.harrison-johnston.com](http://www.harrison-johnston.com)

June 3, 2024

**VIA HAND DELIVERY**

Department of Planning and Development  
Frederick County, Virginia  
107 North Kent Street, Suite 202  
Winchester, Virginia 22601

**Re: Application for Conditional Use Permit for 171 Old Firehouse Lane, PIN 52-A-287B**

To whom it may concern:

Enclosed herein is an Application for a Conditional Use Permit (the "Application") for the property found at 171 Old Firehouse Lane in Winchester, Virginia, PIN 52-A-287B (the "Property"). The Application has been submitted to and considered by the requisite agencies and departments. The comments received in response to those submissions are included with the Application. Also included is proof that the Property's taxes are current.

The Property is zoned Rural Areas ("RA"). The Application seeks a Conditional Use Permit ("CUP") to operate a landscape contracting business - a conditional use as allowed in RA zoning per § 165-401.03(L) of the Frederick County Zoning Ordinance. 172 Fire House LLC (the "Applicant") submits that the applied for conditional use meets the standards for a CUP found in § 165-103.02 of the Zoning Ordinance, as explained below and as will be presented to the Planning Commission and the Board of Supervisors.

First, the requested conditional use does not change the character and established pattern of development of the area of the proposed use. The conditional use will not change and is in line with the character and pattern of current uses in the area surrounding the parcel, which have been that of mainly residential with a few small businesses, a school and an events center. Should the Application be approved, there will be only minor "development" (as that word is used in the Zoning Ordinance) on the Property. The Applicant may install a garage or pole building if allowed by the CUP and after acquiring all necessary permits and approvals. Otherwise, the Applicant's only development activities would be for the purpose of preserving the character of the Property while also protecting the surrounding properties from any potential adverse effects of the conditional use. Such development would include installing aesthetically pleasing landscaping and fencing, which would only change the character of the Property and the area for the better, if at all.

The conditional use is in harmony with and will not adversely affect the use and enjoyment of surrounding properties. In full transparency, it is worth noting that the conditional use has already been occurring on the Property; any adverse effects on surrounding properties would have already been realized. With that in mind, the Applicant submits that an approval of the Application would provide for a level of permanency that would actually allow the Applicant to improve the use and enjoyment of surrounding properties. Should the Application be approved, as described in the paragraph above, the Applicant intends to make minor improvements to the Property to minimize the effects that the conditional use would have, or has had, on



Re: Conditional Use Permit for 171 Old Firehouse Lane  
June 3, 2024  
Page 2 of 3

surrounding properties. Currently, the Applicant submits enjoys positive relationships with the owners of the surrounding properties, and has not been made aware of any adverse impacts of the conditional use. One of the adjoining properties is the Independent School of Winchester. As evidence of the commitment the Application has to ensuring there are no adverse effects of the conditional use, the Applicant frequently wets the gravel road shared by the Property and the school so as to prevent dust from leaving the road and accumulating on the playground. The Applicant has every intention of continuing to foster the relationships with the surrounding properties and is willing to work with those owners to ensure that the conditional use is not adverse to their use or enjoyment.

The conditional use is in accord with the policies expressed in the Comprehensive Plan of the County and with the intent of the Zoning Ordinance. The conditional use is in accord with the Comprehensive Plan and specifically the Round Hill Community Land Use Plan, which designates this parcel as part of a rural community center. Both the Comprehensive Plan and the Round Hill Community Use Plan seek to protect and enhance the character of an established rural community center, while encouraging appropriate mixes of residential, commercial and business uses within those rural community centers. As there will be no major development associated with the conditional use, there will be no changes to the character of the property, and any development would only serve to protect and enhance the natural landscaping of the property while mitigating adverse effects to the surrounding properties. An approval of the conditional use would ensure that the character of the Property and those surrounding it will be protected and enhanced, in accord with the Comprehensive Plan and the Zoning Ordinance.

The conditional use shall not adversely affect the natural character and environment of the County. Should the conditional use be approved, there will be no adverse effects to the natural character and environment of the Property or to the County. There will be no major development and the Applicant intends to takes steps to preserve the character and environment of the Property and the surrounding properties, and therefore the County.

There are adequate facilities, roads, safe access and drainage for the requested conditional use. While there was no general objection, in submitting the application for review to the necessary agencies and departments, the applicant received two comments regarding the facilities, roads, safe access and drainage. The first was the Department of Transportation's request for a turn lane warrant analysis and the Department of Health's request for a Safe, Adequate and Proper Evaluation. The applicant submits that as the requested conditional use is already in place and that the properties surrounding the Property cause more traffic than the conditional use, that a turn lane warrant analysis is not necessary. Second, the Department of Health requested the Application complete a "Safe, Adequate and Proper Evaluation" of the onsite septic system. The Applicant will complete the requested study and have the results ready for the Planning Commission and Board of Supervisors to consider. Of course, the applicant would initiate an analysis or install additional septic facilities should the Planning Commission or Board of Supervisors so require as a condition of the CUP.



Re: Conditional Use Permit for 171 Old Firehouse Lane  
June 3, 2024  
Page 3 of 3

Finally, the requested conditional use conforms with all applicable regulations of the district in which it is located – which is Rural Areas (RA). Landscape contracting businesses are an allowed conditional use per § 165-401.03(L), and the conditional use otherwise complies with the requirements of RA zoning, such as setbacks and height restrictions.

The Applicant does wish to note that some minor revisions to the Application are needed, although those revisions do not change the essence of the requested conditional use. First, as to part 6 of the Application, the property is in the Back Creek Magisterial District and has a current zoning of RA. Additionally, per part 7 of the Application, all of the adjoining properties also carry an “RA” zoning (and not “AG” as noted).

The Application also requires all owners listed on the property record to sign the application. In addition to Barbara Singhas, the property is also owned by 172 Fire House LLC, who is the Applicant. A signature page for 172 Fire House LLC, signed by its Member Tyler Stine, has been appended to the Application. We have also included a copy of the Power of Attorney that designates our firm to act on behalf of 172 Fire House LLC. The original was filed with the Historic Resources Advisory Board.

It is our understanding that the Planning Commission’s schedule for the summer is in flux and that some meetings have already been cancelled. It is our hope that the Application can be heard by the Board of Supervisors at its September 11<sup>th</sup> meeting, or earlier. We would appreciate if the Application could be scheduled to be heard by the Planning Commission at its earliest available meeting.

Please do not hesitate to contact me should you have any questions about the Application. I remain,

Very truly yours,

A black rectangular redaction box covering the signature of Robert J. Sproul.

Robert J. Sproul

cc (via email): Austin Cano  
Stephen L. Pettler, Jr.  
Tyler Stine





STEPHEN L. PETTLER, JR.  
MEMBER

ROBERT J. SPROUL  
COUNSEL

21 S. Loudoun Street  
Winchester, VA 22601  
(540) 667-1266  
(540) 667-1312 fax  
[pettler@harrison-johnston.com](mailto:pettler@harrison-johnston.com)  
[sproul@harrison-johnston.com](mailto:sproul@harrison-johnston.com)

[www.harrison-johnston.com](http://www.harrison-johnston.com)

June 12, 2024

Kayla Peloquin  
Department of Planning and Development  
Frederick County, Virginia  
107 North Kent Street, Suite 202  
Winchester, Virginia 22601

*via e-mail: [kayla.peloquin@fcva.us](mailto:kayla.peloquin@fcva.us)*

**Re: CUP #03-24 Application for Conditional Use Permit  
171 Old Firehouse Lane, PIN 52-A-287B**

Good morning Kayla,  
I am writing in response to the questions in your e-mail from yesterday, June 11, 2024.

First, the house is currently not being used at all – not as a residence nor as an office. The plan is for the house to become an office, and an office only. There will be 7 employees that use the office as a “home base,” however, 5 of the employees will be out at job sites for the overwhelming majority of everyday. There will be 2 full-time administrative staff members at the office.

To your second question, there are approximately 30 employees that currently meet at this site each morning. The parking lot can accommodate 30 vehicles comfortably and is screened from neighboring properties by a privacy fence at least 6 feet tall. The majority of the employees do carpool and the lot is not at capacity even during peak seasons. While it is possible that 75-100 employees will eventually meet at this site in the future, that is not the case now. That estimate was provided out of an abundance of caution as a high-end estimate by Mr. Stine so that he was not violating the CUP, or we were not having to come back and ask to modify the CUP, if the business ends up expanding and there becomes more employees on-site than there are currently.

With regards to your fourth question, we are currently waiting to hear back from an onsite soil evaluator about scheduling a meeting and having that evaluation completed. There has been some delay in this because no one (even the Health Department) has been able to locate the septic records for this property. We submit that the proposed use of an office (with only 2 employees there for 8 hours a day, 5 days a week) would necessitate lesser system requirements than a single-family home with 4 bedrooms where its occupants were showering, cooking, etc. Employees will not be permitted into the office to use the facilities and they use a restroom in the shop on the property. All that is to say that we don’t anticipate any issue with the onsite soil evaluation.

As to the last paragraph of your email, a screening buffer was already part of Mr. Stine’s plans and we shared more details on the screening with the HRAB at our meeting. His outdoor storage areas are already (and will continue to be) on stone or concrete. There won’t be any issues with compliance on either of those issues.



Re: CUP #03-24

June 12, 2024

Page 2 of 2

We don't foresee an issue with coming into compliance with accessibility issues, either. However, much like his estimate with regards to the number of employees meeting on-site, Mr. Stine cautiously and optimistically included the information about potential customer visits on the application so that there was not an issue with compliance in the future should the business expand. Currently, there are no customers coming to this site, by appointment or otherwise, and any future customer visits would be extremely rare and very brief - nearly all of the interaction and communication with customers is done on the job sites. I share this information only in case it changes your position on any of the accessibility requirements, or in case accessibility becomes a sticking point where we need modify the requests for customer visits. Again, we don't foresee any issues in this area but we want to be sure we are in compliance in all aspects of the CUP (if granted).

I have intentionally saved our response to your question about the VDOT turn lane analysis for last. As you may gather, this requirement has been the most time-consuming part of this process and is what has held up this application for so long. Mr. Stine has been trying to get in touch with VDOT for nearly a year and a half now. I won't recite the history with VDOT, but I will tell you that we are asking VDOT to reconsider their position as, first, to our knowledge, neither the school nor the event center that share the same road were required to have a turn lane analysis done. Each of those facilities requires significantly more traffic volume and/or frequency than the proposed use at this site does or will. If we are incorrect and there was a turn lane analysis required for either of those uses, please let us know and we can review that information as we continue to try to reach out to VDOT to get this resolved. Second, as you all are aware, this use has been in place for some time, and we haven't been made aware of any traffic issues to date. The company's employees are there before school starts, and leave after school is out, so the comings and goings never conflict with the school's drop-off and pick-up traffic. I share this with you so that you are aware of our intent ahead of time, but we will continue to reach out to VDOT on the issue as the application moves forward.

I hope this letter addresses fully answers your questions, but if there is anything else that you might need from us or would like to see, we are happy to continue the dialogue via e-mail, or to discuss the matter over the phone or at a site visit.

Thank you again for your time and consideration. I am

Very truly yours,

A black rectangular redaction box covering the signature of Robert J. Sproul.

Robert J. Sproul

cc (via email): Tyler Stine

**172 Fire House LLC**  
**PO Box 4296, Winchester, VA 22604**  
Business# - 540-327-0747

---

July 14, 2023

To Whom It May Concern,

172 Fire House, LLC is seeking a conditional use permit for the property at 171 Old Firehouse Lane, Winchester, VA 22602. The businesses operating under 172 Fire House LLC conditional use permit would consists of but not limited to landscaping, landscape design, landscape maintenance, hardscapes, snow removal, turf management, construction, excavation, communications, and administrative. The businesses will be open between the hours of 6:00am to 6:00pm (seasonal dependent based upon inclement weather) with very limited customer interactions. Customers will only be visiting the property on an appointment basis to review contracts, review potential landscaping designs, or to make payments. Customers will only be permitted to visit the property during the hours of 8:00am to 5:00pm. The property is not intended to be used as a retail location.

The company currently employs between 75-100 employees during the peak season, which typically ranges from March to October. Employees will have a designated area on the property where they will park during the day. Numerous employees already carpool at this present time, which we will continue to support the efforts to reduce the amount of traffic from vehicles.

There will be outdoor storage areas that will contain various materials needed to complete work. These storage areas may have flowers and plants, mulch, stone, or other materials needed for contracted work and customer projects. There will also be designated areas for extra vehicles and equipment that may not be in use. We propose to install a landscaping and mesh green net fencing along the residential property boundaries to help block or suppress the potential of any debris blowing off property and the visual aesthetics of the property.

Should you have any questions or concerns, please feel free to contact me at the telephone number or email address below.

Thank you.

Sincerely,

172 Fire House LLC

5 [REDACTED]  
[REDACTED]





Existing Privacy Fence

Proposed Parking & Overflow Lot

Proposed 6-7' Green Giant Screen / Green Mesh Net

Proposed Hardscape Material Area

Office

Proposed Holding Area Plant Material

Proposed Future Building 40x60

Proposed Bulk Material Storage Area



**REQUEST FOR CONDITIONAL USE PERMIT COMMENTS**



**Virginia Department of Transportation**

**Mail to:**

Virginia Department of Transportation  
Attn: Resident Engineer  
14031 Old Valley Pike  
Edinburg, Virginia 22824

**Hand deliver to:**

Virginia Department of Transportation  
Attn: Resident Engineer  
14031 Old Valley Pike  
Edinburg, Virginia 22824

**Applicant:** It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: 172 Fire House LLC

Telephone: 540-327-0747

Email Address: ac [REDACTED]

Name of development and/or description of the request:

contractor/landscaping business - no landscape retail/contractor operations onsite

\*customers may visit office to review contracts or designs and make payment

Location of Property:

171 Old Firehouse Lane, Winchester, VA 22602

**Virginia Department of Transportation Comments:**

Please see email dated 8/4/2023.

VDOT Signature & Date: [REDACTED]

8/4/2023

**Notice to VDOT - Please Return Form to Applicant**



**DEPARTMENT OF TRANSPORTATION**

Staunton/Edinburg Land Development

14031 Old Valley Pike

Edinburg, VA 22824

172 Firehouse LLC,

A VDOT review has been conducted on the 172 Firehouse, LLC Conditional Use Permit Application for a business of, but not limited to, landscaping, landscape design, landscape maintenance, hardscapes, snow removal, turf management, construction, excavation, communications and administrative, at 171 Old Firehouse Lane-Winchester. The parcel is identified as TM # 52 A 287B. While we have no general objection to this proposal, we request you have a turn lane warrant analysis conducted for all users of Firehouse Lane at the connection to Rte. 803, Round Hill Road. If the warrant analysis advises turn lanes are warranted from Rte. 803 onto Firehouse Lane, we would recommend the County have the construction of the turn lanes included as part of the Conditional Use Permit. If they are not warranted, we would not object to the application as presented. Should you have any questions, please feel free to contact me.

Thank You,

**Timothy Rhodes**

*Land Development Engineer/ Edinburg*

Virginia Department of Transportation

540-534-3206

**Fw: '[External]'Fw: Conditional Use Permit for 171 Old Firehouse Lane**

Tyler Klein &lt;tklein@fcva.us&gt;

Wed 6/26/2024 1:59 PM

To: Kayla Peloquin &lt;kayla.peloquin@fcva.us&gt;

---

**From:** Spielman, Joseph (VDOT) <Joseph.Spielman@vdot.virginia.gov>  
**Sent:** Wednesday, June 26, 2024 1:57 PM  
**To:** Wyatt Pearson <wyatt.pearson@fcva.us>; Tyler Klein <tklein@fcva.us>  
**Cc:** Johnson, Joseph (VDOT) <JosephW.Johnson@vdot.virginia.gov>  
**Subject:** '[External]'Fw: Conditional Use Permit for 171 Old Firehouse Lane

Tyler, Wyatt,

Based on our evaluation a left turn lane does not appear to be warranted and no analysis is needed at this time.

We can reevaluate the need for a left turn lane during final site plan review.

Ryan

**Joseph Ryan Spielman***Land Development Engineer / Edinburg Residency*

Virginia Department of Transportation

540-535-1829

[joseph.spielman@vdot.virginia.gov](mailto:joseph.spielman@vdot.virginia.gov)

---

**From:** Robert Sproul <sproul@harrison-johnston.com>  
**Sent:** Friday, June 14, 2024 11:54 AM  
**To:** Spielman, Joseph (VDOT) <joseph.spielman@vdot.virginia.gov>; joseph.johnson@vdot.virginia.gov <joseph.johnson@vdot.virginia.gov>  
**Cc:** Tyler Stine [REDACTED]  
**Subject:** Conditional Use Permit for 171 Old Firehouse Lane

Good morning Ryan,

Thanks for taking the time to speak with Tyler this morning. I am sorry I was not able to be there for the conversation.

Attached is the application for the Conditional Use Permit that you all spoke about. The VDOT portion and response are on pages 18 and 19 of the .pdf. The previous VDOT response requested a turn lane study and we would like to determine what precipitated that request, and if there is anything we can do to have that request reconsidered (e.g. no customer visits, limitation on the number of employees, etc.).

Please feel free to reach out should you have any questions at all or wish to discuss further. Tyler and I would also be available to meet with you or anyone else from VDOT, at the site if that's helpful, to discuss these matters.

Thanks again and I look forward to hearing from you.



ROBERT J. SPROUL  
**COUNSEL**

21 S. Loudoun Street  
Winchester, VA 22601  
(540) 667-1266  
(540) 667-1312 fax  
(571) 510-0577 cell

[www.harrison-johnston.com](http://www.harrison-johnston.com)



**Harrison & Johnston, PLC does not request or accept wire instructions by e-mail. Please call our office to verify all wire instructions.**

If you have any difficulty, or if the transmission was incomplete, please advise. This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone or e-mail, and delete the electronic version of the message from your system. Thank you.





## Lord Fairfax Health District

Frederick / Winchester Environmental Health  
107 North Kent Street - Suite # 201  
Winchester, Virginia 22601  
Tel. (540) 722-3480 ~ Fax (540) 722-3479  
[www.vdh.virginia.gov](http://www.vdh.virginia.gov)



July 20, 2023

172 Fire House LLC  
171 Old Firehouse Ln.  
Winchester, VA 22602

RE: Request for Comments for a Conditional Use Permit

Dear 172 Fire House LLC:

I have reviewed your request and I have not been able to locate a record for the existing onsite sewage system serving the dwelling designated as 171 Old Firehouse Ln Winchester, VA 22602 (TM# 52 A 287B). If you have information that may be of assistance in locating a record, please let me know

On your site plan, the existing dwelling is labeled as "office". Is the property also used or going to be used for residential purposes? Are there any bathroom facilities in any accessory buildings currently located on the parcel? These are questions that need to be answered.

If the property will be used primarily as residence, the existing septic tank and drainfield can't be considered to accommodate additional flows from an office, employees, and customers of a commercial establishment. You will need a separate onsite sewage system to accommodate your business operation

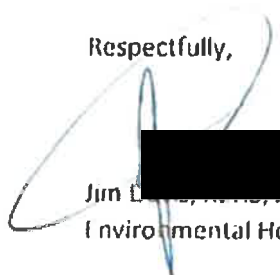
If the dwelling is not going to be used as a residence and will be used solely as a commercial establishment, you will need to hire a private Onsite Soil Evaluator (OSE) to perform a Safe, Adequate and Proper (SAP) Evaluation to determine if the existing onsite sewage system is capable of accommodating flows expected from the number of proposed employees that will use the facilities as well as the expected number of customers on a daily basis. The system must be able to handle peak flow per 8-hour shift.

It is understood given the nature of your operation that most of the proposed number of employees may not be on site for an entire 8-hour shift. You can discuss how this might impact peak flow estimates with the OSE when they are determining if the existing onsite sewage system is Safe, Adequate and Proper or how that could affect the design of a separate onsite sewage system.

If 25 or more of the same persons will have access to drinking water from the existing private well for at least 60 days out of a year, you will need to consult with the Virginia Department of Health Office of Drinking Water Culpeper Field Office to determine if your proposed operation will need to be served by a public water well. They can be reached at (540) 829-7340.

If you have any questions or can provide additional details of the proposed operation, please do not hesitate to contact me at (540) 722-3480.

Respectfully,



Jim [Redacted]  
Environmental Health Manager

RECEIVED JUL 19 2023

REQUEST FOR CONDITIONAL USE PERMIT COMMENTS



Frederick County Fire Marshal

**Mail to:**

Frederick County Fire Marshal  
1080 Coverstone Drive  
Winchester, Virginia 22602  
(540) 665-6350

**Hand deliver to:**

Frederick County Fire & Rescue Dept.  
Attn: Fire Marshal  
Public Safety Building  
1080 Coverstone Drive  
Winchester, Virginia

**Applicant:** It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: 172 Fire House LLC

Telephone: 540-327-0747

Email Address:

Name of development and/or description of the request:

contractor/landscaping business - no landscape retail/contractor operations onsite

\*customers may visit office to review contracts or designs and make payment

Location of Property:

171 Old Firehouse Lane, Winchester, VA 22602

Fire Marshal's Comments:

SEE Attached

Fire Marshal's Signature & Date:

8-12-23

Notice to Fire Marshal - Please Return This Form to the Applicant





## Frederick County Fire and Rescue Department

Office of the Fire Marshal

1080 Coverstone Drive

Winchester, VA 22602

Phone: 540-665-6350 Fax: 540-678-4739

fmo@fcva.us

### Plan Review

Conditional Use

**Status: Approved with Conditions**

#### Business Name

172 Fire House LLC

171 Old Firehouse Lane

Winchester, Virginia 22602

#### **Business Name:**

172 Fire House LLC

Printed Date: 08/12/2023

#### General Information

Received Date: 07/19/2023  
Review Begin Date: 08/12/2023  
Review End Date: 08/12/2023  
Hours: 1.0000

Occupancy Type:  
Property Use:  
Activity Number: I0710004  
Review Cause: Application

#### Activity Details

Project Name

Landscaping Business

#### Comments:

1. Any occupied structures for the purposes of the business shall have portable fire extinguishers as outlined in the Frederick County Fire Prevention Code.
2. Any storage of wood chips or other hogged materials (mulch) shall comply with the requirements of Chapter 28 of the Frederick County Fire Prevention Code.

  
Adam Hounshell  
Lieutenant/Assistant Fire Marshal

**REQUEST FOR CONDITIONAL USE PERMIT COMMENTS**



**Frederick County Inspections Department**

**Mail to:**

Frederick County Inspections Department  
107 North Kent Street, 2<sup>nd</sup> Floor  
Winchester, Virginia 22601  
(540) 665-5650

**Hand deliver to:**

Frederick County Inspections Department  
Attn: Building Official  
107 North Kent Street, 2<sup>nd</sup> Floor  
Winchester, Virginia

**Applicant:** It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: 172 Fire House LLC

Telephone: 540-327-0747

Email Address: a [REDACTED]

**RECEIVED**

Name of development and/or description of the request:

contractor/landscaping business - no landscape retail/contractor operations onsite

JUL 19 2013 *HL*

\*customers may visit office to review contracts or designs and make payment

Frederick County  
Public Works & Inspections

Location of Property:

171 Old Firehouse Lane, Winchester, VA 22602

**Building Official's Comments:**

Comments Attached

Building Official's Signature & Date: [Signature] [REDACTED]

**Notice to Inspections Department - Please Return This Form to the Applicant**

Conditional use permit comments  
171 Old Firehouse Lane.

Building will require a change of use from residential to B use group. Building may need to comply with the 2018 Existing Building Code. Other codes that apply are the 2018 Virginia Construction Code, ICC/ ANSI A117.1-2009 Accessible and Usable Buildings and Facilities, International Fire Code 2018, Virginia Energy Code 2018, Virginia Mechanical Code 2018, and the Virginia Plumbing Code 2018.

All required exits may need to meet ANSI A117.1-09. Exits shall terminate at a public way. A detailed fire exiting plan shall be provided with the building plans to identify the location and travel distance to the accessible exits. New exits may need to meet ANSI A117.1-09.

An accessible route shall be provided to the facility and to the main entrance. Handicap parking shall comply with ANSI A117.1-09. Van accessible parking shall have a minimum of 11' width with 5' unloading area or a minimum of 8' unloading area with an 8' width. Maximum 2% slope required for parking and unloading.

Maximum threshold at door shall not exceed  $\frac{1}{2}$ ". Walkways shall not exceed 5% slope. Slopes exceeding 5% shall be designed as ramps.

*Accessible parking and unloading area shall have a striped area leading to entrance when traveling over vehicular.*





## COUNTY of FREDERICK

Department of Planning and Development  
540/ 665-5651  
Fax: 540/ 665-6395

May 20, 2024

Rob Sproul  
21 S. Loudoun Street  
Winchester, VA 22601

**RE: Request for Historic Resources Advisory Board (HRAB) Comments**  
**172 Fire House LLC Conditional Use Permit (CUP) Application**  
**Property Identification Number (PIN): 52-A-287B**  
**Magisterial District: Back Creek**

Dear Mr. Sproul:

The Frederick County Historic Resources Advisory Board (HRAB) considered the above referenced Conditional Use Permit (CUP) application during their meeting on May 17, 2024. This application proposes a landscaping contracting business with outdoor storage on a +/-5.00 acre property (Property Identification Number: 52-A-287B). The property is zoned RA (Rural Areas) and is located two miles west of the City of Winchester and south of Round Hill Road (Route 803).

Following their review of this application, the HRAB recommended approval and that the applicants create a mixture of planting types when screening the property.

Thank you for the opportunity to comment on this application. Please call if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, which appears to be "Amy Feltner", is written over a black rectangular redaction box.

Amy Feltner, Planner  
Planning & Development

cc: Lucas Cook, HRAB Chairman  
Tyler Stine, P.O. Box 4296, Winchester, VA 22604

220011372

52-A-287B

Tax ID ~~52A-287B~~

Property Address: 171 Old Fire House Lane, Winchester, VA 22602

Grantee's Address: 393 Saddleback Lane, Winchester, VA 22602

THIS DEED OF GIFT, pursuant to Section 58.1-811(D), made and dated this 1st day of September, 2022, by and between **BARBARA C. SINGHAS**, party of the first part, hereinafter called the Grantor; and **BARBARA C. SINGHAS and 172 FIRE HOUSE LLC**, a Virginia limited liability company, party of the second part, hereinafter called the Grantee.

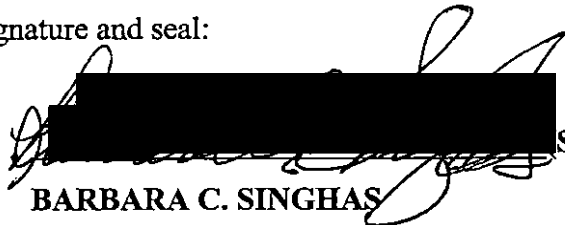
WITNESSETH: That for and in consideration of the sum of One Dollars (\$1.00), the Grantor does hereby quitclaim, release and convey unto the Grantees, as tenants in common, any and all right, title and interest she may possess in and to the following described real estate, to-wit:

All of that certain tract or parcel of land, together with all rights, rights of way, privileges, improvements thereon and appurtenances thereunto belonging, lying and being situate in Back Creek Magisterial District, Frederick County, Virginia, containing 5.00 acres, more or less, as shown on the **BOUNDARY LINE ADJUSTMENT OF TWO PARCELS** prepared by Michael M. Artz, L.S., dated June 21, 2002, attached to that certain Deed recorded in the Clerk's Office of the Circuit Court of Frederick County, Virginia, as Instrument No. 020011872, and by this reference made a part hereof as if set out in full; **AND BEING** the same property conveyed to Barbara C. Singhas by Deed dated March 10, 2009, from Richard S. Singhas and Barbara C. Singhas, said Deed of record in the aforesaid Clerk's Office as Instrument No. 100003603.

Reference is here made to the aforesaid instruments and the references therein contained for a further and more particular description of the property hereby conveyed.

This conveyance is made subject to all legally enforceable restrictive covenants and easements, and conditions, if any, of record in the aforesaid Clerk's Office, pertaining to or affecting the real estate herein conveyed.

WITNESS the following signature and seal:

  
[REDACTED] (SEAL)  
BARBARA C. SINGHAS

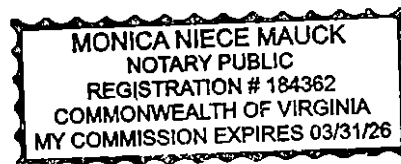
STATE OF VIRGINIA  
CITY OF WINCHESTER, to-wit:

I, Monica Niece Mauck, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that BARBARA C. SINGHAS, whose name is signed to the foregoing Deed of Gift, bearing date of the 1st day of September, 2022, has this day personally appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

Given under my hand this 1st day of September, 2022.

  
Notary Public

Notary Registration #184362  
My commission expires March 31, 2026.



This Deed was prepared by George W. R. Glass, Esquire  
Scully & Glass, 20 South Kent Street, Winchester, Virginia 22601  
without the benefit of a title examination.  
Virginia State Bar No. 05491

2 INSTRUMENT 220011372  
RECORDED IN THE CLERK'S OFFICE OF  
FREDERICK CIRCUIT COURT ON  
SEPTEMBER 9, 2022 AT 02:44 PM  
REBECCA P. HOGAN, CLERK  
RECORDED BY: HEM



FREDERICK COUNTY  
C. WILLIAM ORNDOFF, JR  
P.O. BOX 225

WINCHESTER VA 22604-0225

Date : 4/30/2024  
Register: WEB/\$\$  
Trans. #: 97512  
Dept # : RE202401  
ACCT# : 8013765

2024 REAL ESTATE  
5.00 ACRES

52 A 287B  
Acres: 5.00

Previous  
Balance \$ 1256.39

Land: 88500

Imp: 404200

Principal Being Paid \$ 1256.39

Penalty \$ .00

Interest \$ .00

SINGHAS BARBARA C  
172 FIRE HOUSE LLC  
393 SADDLEBACK LN  
WINCHESTER VA 22602

Amount Paid \$ 1256.39

\*Balance Due

as of 4/30/2024 \$ .00

T A X R E C E I P T - Y E A R 2 0 2 4 - 2nd H A Ticket #:00392130002 @@

FREDERICK COUNTY  
C. WILLIAM ORNDOFF, JR  
P.O. BOX 225

WINCHESTER VA 22604-0225

Date : 4/30/2024  
Register: WEB/\$\$  
Trans. #: 97512  
Dept # : RE202402  
ACCT# : 8013765

2024 REAL ESTATE  
5.00 ACRES

52 A 287B  
Acres: 5.00

Previous  
Balance \$ 1256.38

Land: 88500

Imp: 404200

Principal Being Paid \$ 1256.38

Penalty \$ .00

Interest \$ .00

SINGHAS BARBARA C  
172 FIRE HOUSE LLC  
393 SADDLEBACK LN  
WINCHESTER VA 22602

Amount Paid \$ 1256.38

\*Balance Due

as of 4/30/2024 \$ .00



## ORDINANCE

---

**Action:**

|                       |                 |                      |
|-----------------------|-----------------|----------------------|
| PLANNING COMMISSION:  | July 3, 2024    | Recommended Approval |
| BOARD OF SUPERVISORS: | August 14, 2024 | Approved             |

---

**CONDITIONAL USE PERMIT 03-24  
172 FIRE HOUSE LLC & BARBARA SINGHAS**

**WHEREAS, CONDITIONAL USE PERMIT 03-24** was submitted by 172 Fire House LLC and Barbara Singhas for a landscape contracting business at 171 Old Firehouse Lane Winchester, Virginia, identified with Property Identification Number (52-A-287B) in the Back Creek Magisterial District; and

**WHEREAS,** the Frederick County Planning Commission held a public hearing on this Conditional Use Permit on July 3, 2024 and recommended approval; and

**WHEREAS,** the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit on August 14, 2024; and

**WHEREAS,** the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, and welfare, and in conformance with the Comprehensive Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors, that in accordance with Chapter 165 of the Frederick County Code, Zoning, Conditional Use Permit 03-24 for a landscape contracting business on the parcel identified with Property Identification Number (52-A-287B) is approved with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. Hours of operation for the site shall be limited to 6:00 AM to 8:00 PM daily with exceptions for emergency inclement weather services (snow removal and storm damage remediation). Customer visits shall be limited to 8:00 AM to 5:00 PM daily.
3. No more than 60 employee vehicles on the property at any one time.
4. A minor site plan shall be approved by Frederick County, and the improvements shown on the site plan shall be completed prior to the establishment of this use.

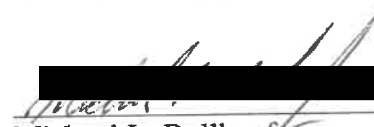
5. Any expansion or change of use shall require a new Conditional Use Permit.

This ordinance shall be in effect on the date of adoption.

Passed this 14<sup>th</sup> day of August, 2024 by the following recorded vote:

|                         |     |                 |     |
|-------------------------|-----|-----------------|-----|
| Josh Ludwig, Chairman   | Aye | John Jewell     | Aye |
| Heather H. Lockridge    | Aye | Robert W. Wells | No  |
| Blaine P. Dunn          | No  | Robert Liero    | No  |
| Judith McCann-Slaughter | Aye |                 |     |

**A COPY ATTEST**

  
[Redacted Signature]  
Michael L. Bollhoefer  
Frederick County Administrator



Planning Commission  
Agenda Item Detail  
Meeting Date: March 18, 2026  
Agenda Section: Other

---

**Title:** [Current Planning Applications](#)

**Attachments:**