

SHEPHERDSTOWN PLANNING COMMISSION AGENDA
REGULAR MEETING AND PUBLIC HEARING

Monday, October 21, 2024
6:00 p.m.
TOWN HALL
104 NORTH KING STREET, SHEPHERDSTOWN

1. Call to Order

2. Approval of Previous Months' Minutes: September 16, 2024

3. Visitors

4. Conflicts of Interest

5. Applications

24-28 115 E. German Street

Display of (3) identical business signs, one of which is a hanging sign and two window decals.

24-30 205 E. Washington & 200 S. Mill Streets

Request for a boundary line adjustment of (2) parcels owned by the Estate of Garland J. Hurley. Parcels 109 and 109.1 contain the O'Hurley's Store parcel and the adjoining parcel to the north.

6. Continuing Business

- a. Purpose Statement
- b. Commission's Strategic Goals for FY2025
- c. Comprehensive Planning – Goal Review Cont'd

7. New Business

8. Mayor's Report

9. Staff Report

10. Adjournment



Application Number 24 - 28

Application for Certificate of Appropriateness & Project Permit

Corporation of Shepherdstown, West Virginia

Should you have any questions regarding this application, please contact:
Andy Beall (Phone 304-876-6858, E-Mail abeall@shepherdstown.us)

PLEASE PRINT OR TYPE CLEARLY

Applicant's Name: Lindsey and Emmanuel Spanos
(Must be Property Owner)

Mailing Address: 268 Mission Rd
Harpers Ferry WV 25425

Day Time Telephone Number: 304.839.6616

E-Mail Address: LetsEat@panagiotas.com

Street Address of Proposed Work: 115 East German St. Shepherdstown WV 25443

Lot Number/Legal Description: _____
(If no address exists)

Current Zoning: Commercial Current Land Use: Commercial

Note: See zoning maps at Town Hall for correct zoning classification

Description of Work: Full service Restaurant; Bar; Take out
will be Open 7 days a week with a full menu of
Greek and American Dishes.

Cost Estimate: 300- Project Category (Descriptions on Next Page): I

Contractor performing work: Vital Signs

Contractor's Business License #: N/A

A copy of the contractor's Shepherdstown business license or license application MUST be attached. The applicant is responsible for making sure all contractors working on this project have a Shepherdstown business license (which can be applied for at town hall). Work started without a business license could result in a stop work order on the project.



Application Number _____ - _____

Application for Project Permit
(Checklist of Required Information for Applications)

Provide information required for appropriate category of work. Staff will ensure completion of checklist material prior to applications' inclusion on meeting agenda.

Category I- Minor Projects such as awnings, porch railings, window boxes, satellite dishes, solar panels, signs, fences, non-permanent storage sheds and other minor changes.

PHOTOGRAPHS OR DRAWN ELEVATION VIEWS OF THE PROPOSED WORK SITES (clearly labeled), at reasonable scales, of the parts of the structure to be altered (again, clearly labeled in terms of which side of the structure, etc.) are needed.

MATERIAL AND COLOR SAMPLES for exterior finishes

Category II- Driveways, decks, carports, porch enclosures and window, roof or siding replacement.

Category III- New construction of and/or additions to residential, commercial, and industrial structures.

Category IV- Demolition or Relocation of a Structure

(Categories II and III):

SITE PLAN is required at common engineering (1" = 10' or 1" = 20', etc.) or architectural scales (1/4" = 1' or 1/8" = 1'). Specifically, these drawings shall include: North point, scale, date, property boundaries (lot lines), existing trees and/or significant planting (if work will disturb surroundings), street & parking lighting. (SAMPLE ATTACHED)

Gross & net land area of property

Setback from property boundaries

Existing & proposed topography (only if regrading of the property is required)

Existing & proposed accessory structures.

Existing & proposed street right-of-way & entrance

Sidewalk, handicap access, Category IV only

MATERIAL AND COLOR SAMPLES for exterior finishes

ELEVATIONS, drawings indicating height of proposed structures, materials, and window and door arrangements

ZONING INFORMATION shall be defined in the application as required:

Dwelling density- net (residential application only)

Flood plain designation if any (mapping available in Town Hall)

Cost estimates and property appraisals for applications seeking exemptions from Chapter 12- Floodplain provisions

Category IV- Demolitions:

Historic designation of structures to be demolished (documents available in Town Hall)

Complete description of structure(s) or part(s) of structure(s) to be demolished.

At least one (1) structural report by a certified structural engineer. Applies to demolition requests for structures fifty (50) years or older.



Application Number _____ - _____

Checklist of Required Information for Applications Continued

All Categories:

_____ Copy of general contractor's Shepherdstown business license or license application.

Section 9-905 Remedies and penalties

The owner or agent of a building or premises in or upon which a violation of any provision of the Planning and Zoning Title has been committed or shall exist, or the leasee or tenant of an entire building or entire premise in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred (100) dollars. Each and every day that such violation continues may constitute a separate offense.

Please read the following paragraph carefully and sign.

Attach documents specified in the checklist on the back of this application. I hereby certify that all information herein provided is true and accurate. I hereby authorize the inspection of the above premises by authorized agents of the Shepherdstown Planning Commission at any reasonable time in order to determine compliance with the Commission's approval. **I understand that my presence at the assigned application review meeting is required.** Application must be signed by owner or his/her agent.

Date: 9/12/24

Owner's Signature: Lily Spanos

Print Name: Lindsay Spanos

Fees shall be paid to the Town Treasurer/Clerk and must accompany the application. If work begins without the required permit, double the cost of said permit will be applied.

Zoning Officer Comments:

Fee Paid \$100 - 50.00
Date Paid 9/13/24



Application Number _____ - _____

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Section 9-902 of Chapter 8 paragraph XIV be amended as follows:

Please check all boxes that may apply (Application Fees Due Upon Submittal):

<input checked="" type="checkbox"/>	<p><u>Category I:</u></p> <p>Minor projects such as murals, awnings, porch railings, window boxes, satellite dishes, solar panels, gutters & downspouts, patios, sidewalks, hardscaping, signs, fences, storage sheds (not attached to the ground) and other minor changes and permit extensions.</p> <p style="text-align: right;">\$50.00</p>
	<p><u>Category II:</u></p> <p>Window replacement, roof replacement, siding replacement, porch enclosure, driveways, carports, and decks.</p> <p style="text-align: right;">\$100.00</p>
	<p><u>Category III:</u></p> <p>New construction of and/or additions to residential, commercial, and industrial structures.</p> <p style="text-align: right;">\$300 + \$0.50 per sq. ft.</p> <p>New construction of garages & other accessory buildings (permanently attached to the ground).</p> <p style="text-align: right;">\$50 + \$0.10 per sq. ft.</p>
	<p><u>Category IV:</u></p> <p>Demolition or Relocation of a Structure: Removal of any building feature(s) or razing of any structure(s) or relocation of a structure to new location. For either project, the applicant must submit the following in writing (in addition to an application):</p> <ol style="list-style-type: none"> 1. Reason for the demolition/relocation (including historic documentation). 2. Describe the structure's condition in detail. 3. Describe the proposed reuse of the site, including full drawings of new structure & landscaping. 4. Evidence of relevant funding or financial concerns. 5. Timeframe for project <p>\$50.00 Accessory Buildings \$150.00 Non-Contributing Structures (< 50 years old) \$500.00 Contributing Structures (≥ 50 years old)</p>
<p>Certificate of Appropriateness Advertisement Fee: \$15</p>	

Building



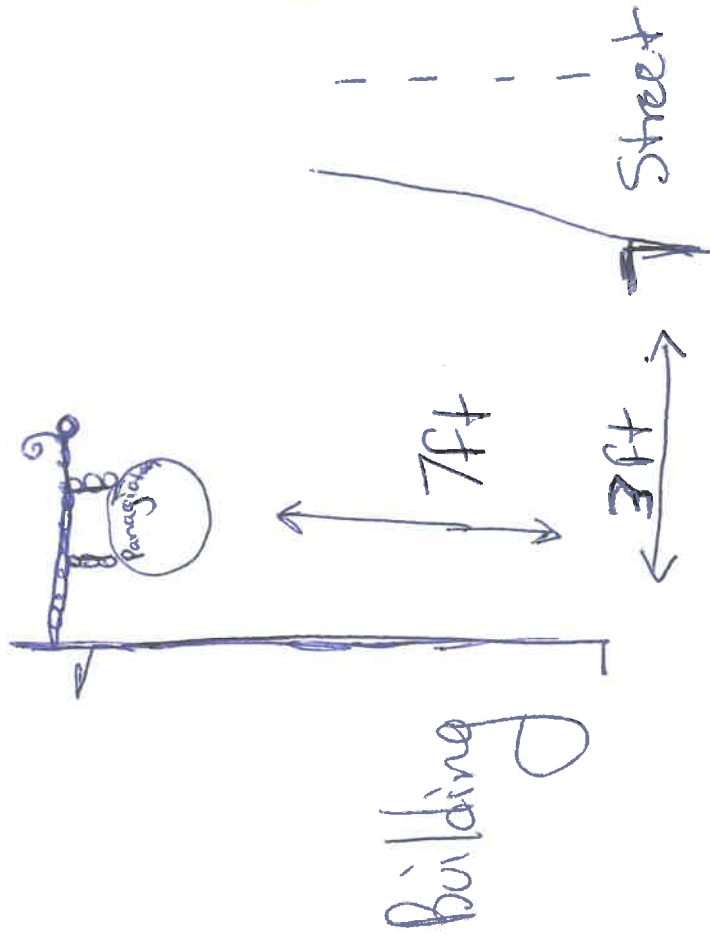
3' from
- street

7, need space

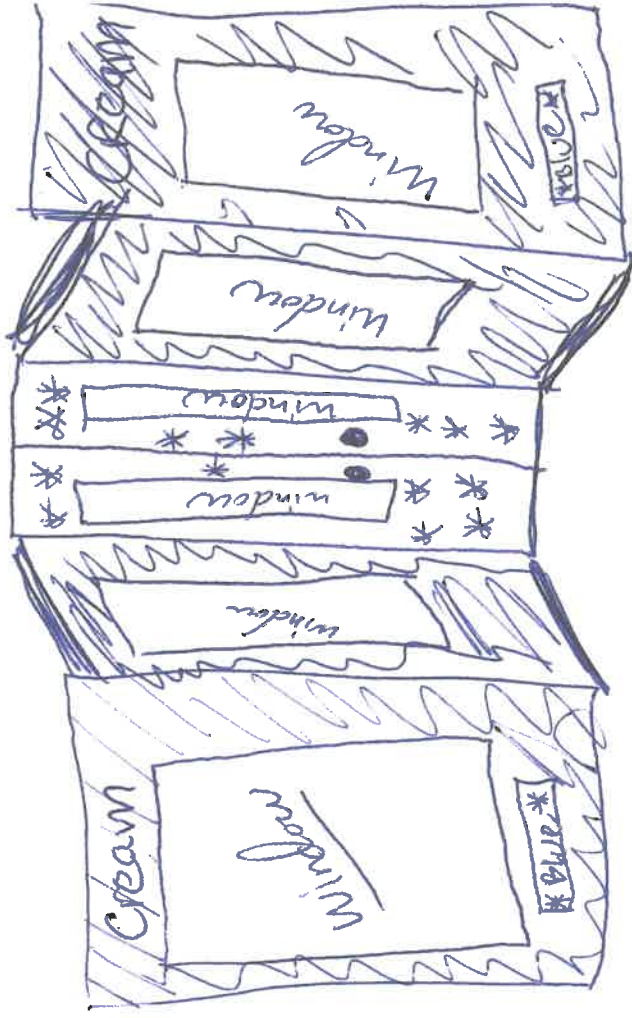
Sign

30 in x 30 in

Circle in Shape.



front of building



* Blue - Mayan Treasure by Behr

* Nice Cream by Behr



115 E German St. Panajiotas - Taste of Greece

9/12/24



Application Number 24 - 30

Application for Project Permit

Corporation of Shepherdstown, West Virginia

Should you have any questions regarding this application, please contact:
Andy Beall (Phone 304-876-6858, E-Mail abeall@shepherdstown.us)

PLEASE PRINT OR TYPE CLEARLY

Applicant's Name: Estate of Garland J. Hurley

(Must be Property Owner) C/o D. Frank Hill, III
P.O. Box A

Mailing Address: Shepherdstown WV 25443

Day Time Telephone Number: 304-876-9333

E-Mail Address: _____

Street Address of Proposed Work: 205 E. Washington Street / 200 S. Mill Street
No lot numbers. 2 parcels, at above addresses.

Lot Number/Legal Description: Tax Map 3, parcels 109 and 109.1
(If no address exists)

Current Zoning: C **Current Land Use:** commercial / residential

Note: See zoning maps at Town Hall for correct zoning classification

Description of Work: Adjust boundary lines of each parcel.
No change of use as to either parcel.

(see Attachment for additional information)

Cost Estimate: n/a **Project Category** (Descriptions on Next Page): none provided

Contractor performing work: Edward L. Johnson, Jr., Surveyor

Contractor's Business License #: _____

A copy of the contractor's Shepherdstown business license or license application **MUST** be attached. The applicant is responsible for making sure all contractors working on this project have a Shepherdstown business license (which can be applied for at town hall). Work started without a business license could result in a stop order on the project.



Application Number _____ - _____

Application for Project Permit
(Checklist of Required Information for Applications)

Provide information required for appropriate category of work. Staff will ensure completion of checklist material prior to applications' inclusion on meeting agenda.

Category I- Minor Projects such as awnings, porch railings, window boxes, satellite dishes, propane tanks, solar panels, signs or other minor changes.

_____ PHOTOGRAPHS OR DRAWN ELEVATION VIEWS OF THE PROPOSED WORK SITES (clearly labeled), at reasonable scales, of the parts of the structure to be altered (again, clearly labeled in terms of which side of the structure, etc.) are needed.

_____ MATERIAL AND COLOR SAMPLES for exterior finishes

Category II- Accessory Buildings, sidewalks, driveways, decks, garages, storage buildings, or carports.

Category III- Major changes including roof, window or siding changes but excluding additions.

Category IV- New Construction Commercial/Industrial, Residential and/or additions.

(Categories II thru IV):

_____ SITE PLAN is required at common engineering (1" = 10' or 1" = 20', etc.) or architectural scales (1/4" = 1' or 1/8" = 1'). Specifically, these drawing shall include: North point, scale, date, property boundaries (lot lines), existing trees and/or significant planting (if work will disturb surroundings), street & parking lighting. (SAMPLE ATTACHED)

_____ Gross & net land area of property

_____ Setback from property boundaries

_____ Existing & proposed topography (only if regrading of the property is required)

_____ Existing & proposed accessory structures

_____ Existing & proposed street right-of-way & entrance

_____ Sidewalk, handicap access, Category IV only

_____ MATERIAL AND COLOR SAMPLES for exterior finishes

_____ ELEVATIONS, drawings indicating height of proposed structures, materials, and window and door arrangements

_____ ZONING INFORMATION shall be defined in the application as required:

_____ Dwelling density- net (residential application only)

_____ Flood plain designation if any (mapping available in Town Hall)

_____ Cost estimates and property appraisals for applications seeking exemptions from Chapter 12- Floodplain provisions

Category V- Demolitions:

_____ Historic designation of structures to be demolished (documents available in Town Hall)

_____ Complete description of structure(s) or part(s) of structure(s) to be demolished.

_____ At least one (1) structural report by a certified structural engineer. Applies to demolition requests for structures fifty (50) years or older.



Application Number _____ - _____

Checklist of Required Information for Applications Continued

All Categories:

_____ Copy of general contractor's Shepherdstown business license or license application.

Section 9-905 Remedies and penalties

The owner or agent of a building or premises in or upon which a violation of any provision of the Planning and Zoning Title has been committed or shall exist, or the leasee or tenant of an entire building or entire premise in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred (100) dollars. Each and every day that such violation continues may constitute a separate offense.

Please read the following paragraph carefully and sign.

Attach documents specified in the checklist on the back of this application. I hereby certify that all information herein provided is true and accurate. I hereby authorize the inspection of the above premises by authorized agents of the Shepherdstown Planning Commission at any reasonable time in order to determine compliance with the Commission's approval. Application must be signed by owner or his/her agent.

Garland J. Hurley Estate

Date: 10-2-24

Owner's Signature: By:

Genevieve A. O'Loughlin
Genevieve A. O'Loughlin
Executrix

Print Name:

Genevieve A. O'Loughlin

Date: October 2, 2024

W. Frank Hill, III
D. Frank Hill, III
Its attorney
West Virginia Bar No. 1725

Zoning Officer Comments:

Fee Paid \$100.00
Date Paid 10/7/24



Application Number _____ - _____

AN ORDINANCE AMENDING CHAPTER 8 OF TITLE 9 OF THE CODE OF SHEPHERDSTOWN
RELATING TO BUILDING PERMIT FEE SCHEDULE

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Section 9-902 of Chapter 8 paragraph XIV be amended as follows:

Category I: Minor projects such as awnings, porch railings, window boxes, satellite dishes, solar panels, window replacement (with same as existing), signs, or other minor changes and permit extensions

\$35.00

Category II: Accessory buildings, sidewalks, decks, fences, driveways, garages, storage buildings, carports

\$50.00

Category III: Major changes including roof, window or siding replacement but excluding additions.

\$150.00

(Plus \$1.50 per \$1,000.00 value over \$50,000.00)

Category IV: New Construction of Commercial/Industrial, Residential and/or additions.

\$400.00

(Plus \$1.50 per \$1,000.00 value over \$50,000.00)

Category V: Demolition

\$50.00	Accessory Buildings
\$150.00	Non-Contributing Structures
\$500.00	Contributing Structures

The Planning Commission shall categorize any request not specifically listed in the above categories.

Fees shall be paid to the Town Treasurer/Clerk and must accompany the application. If work begins without the required permit, double the cost of said permit will be applied.

ATTACHMENT TO HURLEY APPLICATION

CODE PROVISIONS

This Application is submitted pursuant to the requirements of Code Section 9-904A.

The parcel to be "moved" (from the House parcel to the Store parcel) contains 0.0965 acre.

The Store parcel and the House parcel (109 and 109.1) are in the Commercial District.

Section 9-703 (Required lot area, etc., in the Commercial District) provides the following:

Minimum lot area	12,000 square feet
Minimum lot width	100 feet
"One" front yard depth	15 feet (or equal to average depth of setback of existing buildings on adjacent lots)
Each side yard	1/3 height of the structure, but no closer than 10 feet (See below)
"One" rear yard	20 feet

All requirements of Section 9-703 have been met.

Section 9-802 (Exceptions to yard requirements), paragraph (b) provides that "Side yards shall not be required for residential dwellings erected above commercial structures." This is the present use of the Store parcel.

STORE
205 E. WASHINGTON STREET

The Store fronts on Washington Street.

The width of the Store parcel is more than 100 feet.

The 'front yard depth' of the Store parcel is unchanged by this plat.

Each 'side yard' of the Store parcel is unchanged by this plat.

The 'rear yard' of the Store parcel, the closest point of the barn to the frame house (the House parcel), has a setback of 20.5 feet.

The Store parcel contains 17,774 square feet (after merger/adjustment).

HOUSE
200 S. MILL STREET

The House fronts on Rumsey Avenue (Mill Street).

The width of the House parcel is more than 100 feet.

The 'front yard depth' of the House parcel is unchanged by this plat.

The northern side yard of the House parcel is unchanged by this plat.

The rear yard setback of the House parcel is unchanged by this plat.

The south side yard setback of the House parcel will be 10.8 feet from the new property line (intersection of L1 and L2).

The House parcel contains 12,053 square feet (after merger/adjustment).

NEW DIVISION LINE

As shown on Exhibit D (enlarged plat), the new division line is shown as L1, L2, and L3, moving in a west to east direction.

EXHIBITS

Attached are the following in support of this Application:

Exhibit A - Zoning Districts Map showing:

"Zone Changed To C From R-2 3-9-82".

Exhibit B - Tax Map 3, showing parcel 109 (House) and
parcel 109.1 (Store)

Exhibit C - Plat Of Resurvey (reduced full copy), showing the
subject property in top, left area.

Exhibit D - Plat Of Resurvey (enlarged, showing the subject
property.

SHEPHERDSTOWN, JEFFERSON COUNTY, WEST VIRGINIA.

SOURCE: JEFFERSON CO. TAX MAPS, 1963
Kovatsky, 1970



ZONES QUANTIFIED
TO C FROM R-2
3-9-B2

ZONING DISTRICTS

- C/D/S [diagonal lines /] CONSERVATION/OPEN SPAC
- P/R [diagonal lines \] PARK/RESIDENTIAL
- R-1 [dots] LOW DENSITY RESIDENTIAL
- R-2 [cross-hatch] MED. DENSITY RESIDENTIAL
- R/C [horizontal lines] RESIDENTIAL/COMMERCIAL
- C [vertical lines] COMMERCIAL
- S.C. [stippled] SHEPHERD COLLEGE
- PSD [solid black] PUBLIC SERVICE BUILDING

EXHIBIT
A



Jefferson County West Virginia Tax Map Viewer

Tax Year: 2023

Parcel: 10 3010900000000

Deeded Owner: HURLEY G JAY

Parcel ID: 10 3010900000000

Tax Year: 2023

Deeded Owner: HURLEY G JAY

C/O:

Owner Address: 205E

WASHINGTON ST

City: SHEPHERDSTOWN

State: WV

Zip: 254434741

Deed Book/Page: 926/463

Description: PARCEL 1-MILL ST

Year Built: 1962

Stories: 1

Square Foot Living Area: 1364

Rooms: 7

Bedrooms: 4

Full Baths: 2

Half Baths: 0

Heat Type: Central

Fuel Type: Gas

Heat System: Warm Air

Land Appraised (100%): 163200

Building Appraised (100%): 98500

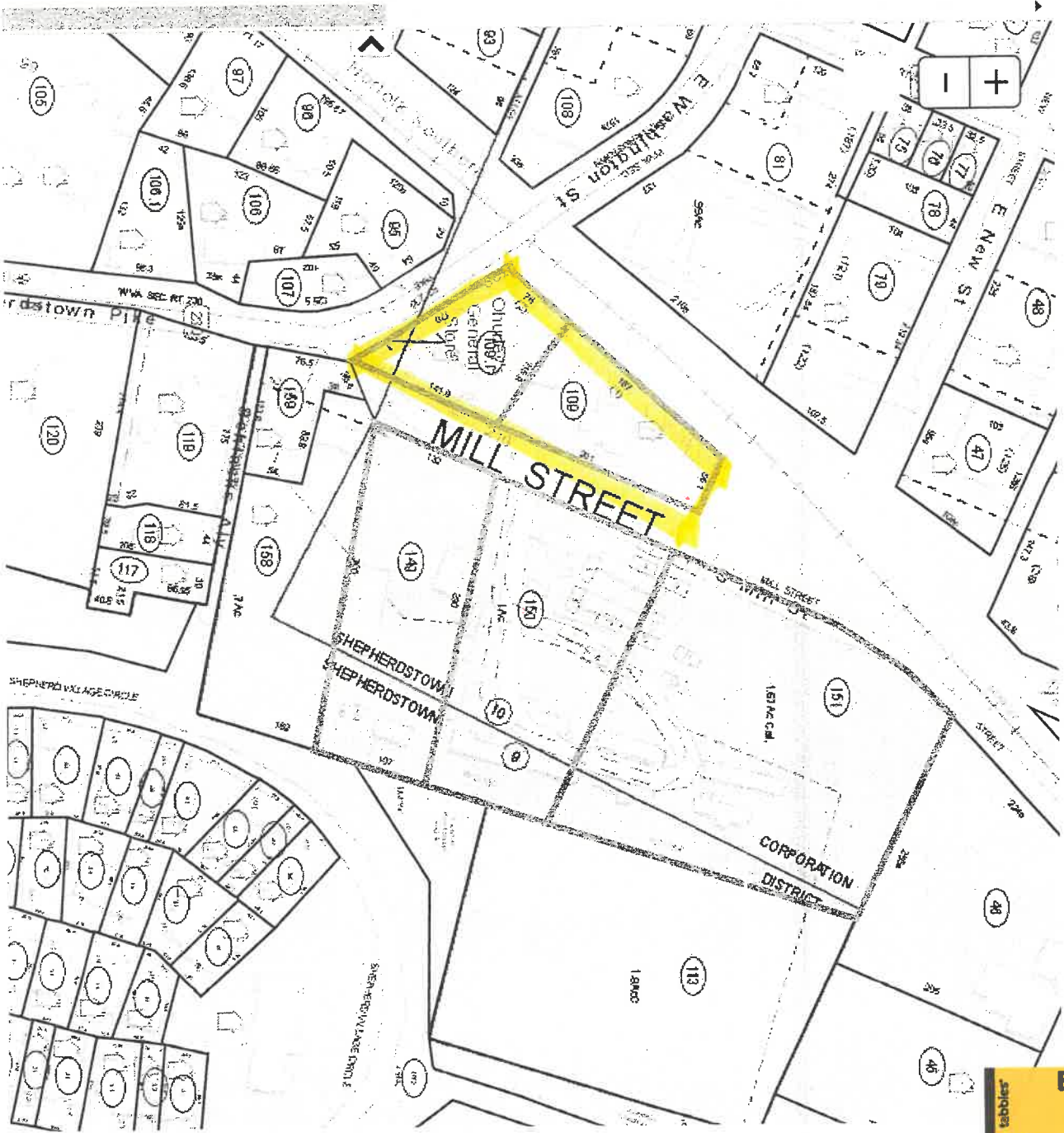
Total Appraised (100%): 261700

Last Sale Date: 5/1/1999

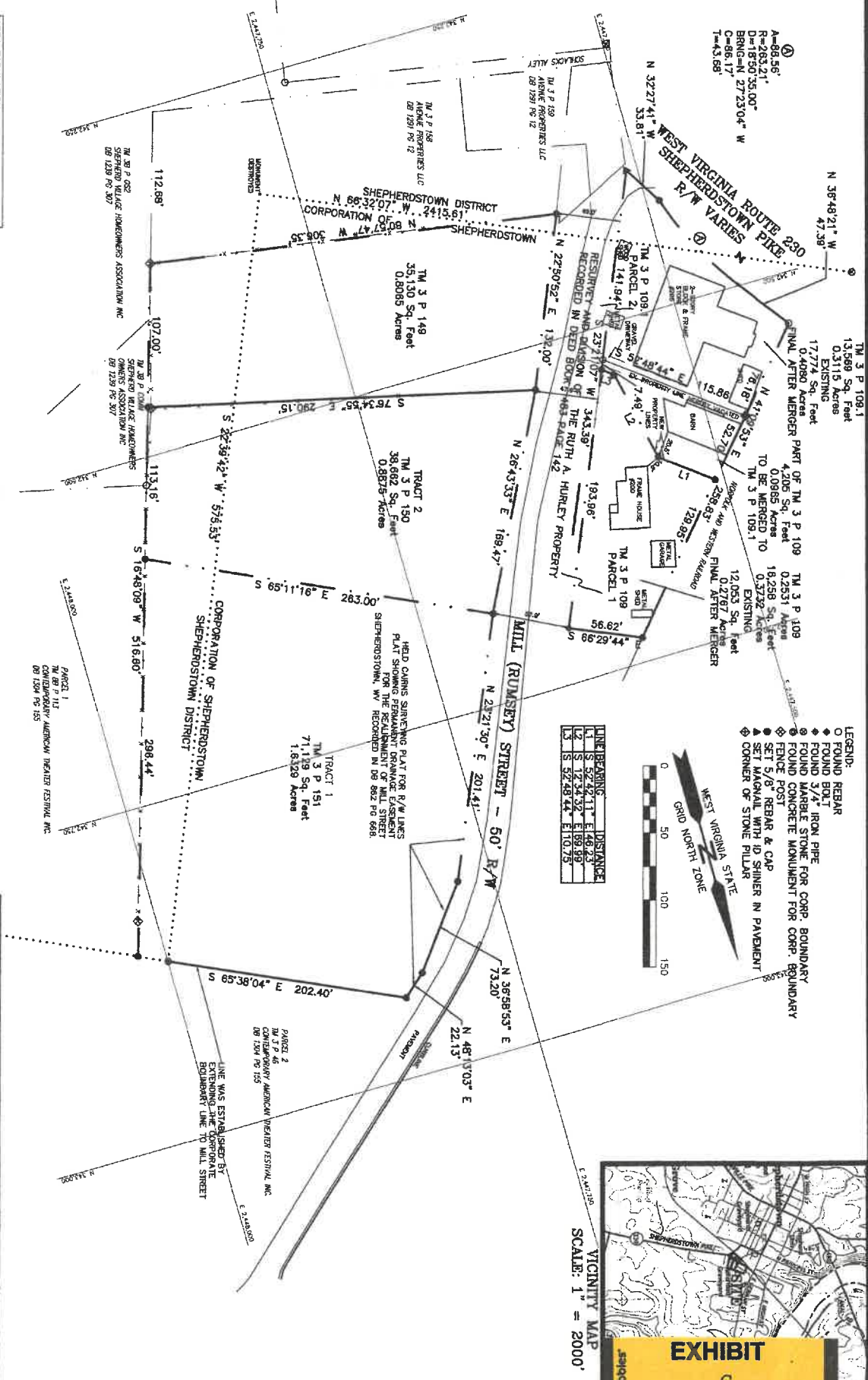
Last Sale Amount: 80000

Legal Area: 0

Calculated Parcel Area (SF): 17090

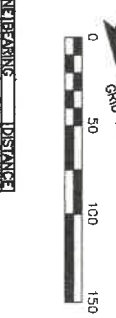


AREA TABULATION:	
EXISTING	PARCEL 109 PARCEL 109.1
WERRER	0.3732 AC. 0.3115 AC.
FINAL AREA	0.2787 AC. 0.4080 AC.



- LEGEND:**
- FOUND REBAR
 - ◆ FOUND BOLT
 - ⊕ FOUND 3/4" IRON PIPE
 - ⊕ FOUND MARBLE STONE FOR CORP. BOUNDARY
 - ⊕ FOUND CONCRETE MONUMENT FOR CORP. BOUNDARY
 - ⊕ FENCE POST
 - ⊕ SET 5/8" REBAR & CAP
 - ▲ SET MAGNAIL WITH ID SHINER IN PAVEMENT CORNER OF STONE FILLAR

LINE BEARING	DISTANCE
N 11° 11' E	11.11
S 74° 43' E	180.80
S 52° 59' 44" E	110.75

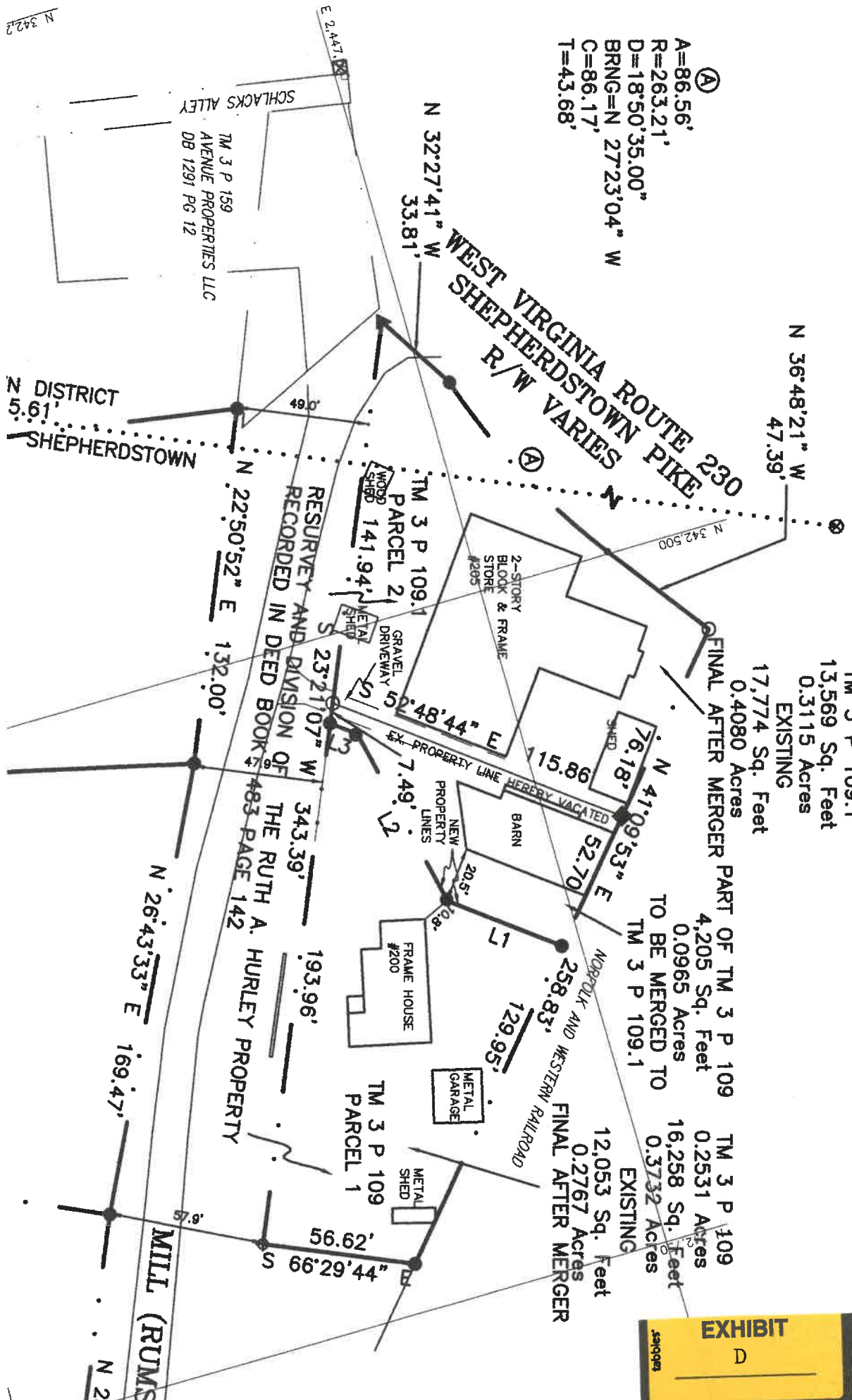


VICINITY MAP
SCALE: 1" = 2000'

EXHIBIT C

PLAT OF RESURVEY AND BOUNDARY LINE ADJUSTMENT ON PARCELS 109 & 109.1
THE PROPERTY OF
GARLAND JAY HURLEY ESTATE
WILL BOOK 39 PAGE 159 TAX MAP 3 PARCELS 109, 109.1 & 149
AND
CORPORATION OF SHEPHERDSTOWN
DEED BOOK 1326 PAGE 430 TAX MAP 3 PARCELS 150 & 151
CORPORATION OF SHEPHERDSTOWN & SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1" = 50' AUGUST 6, 2024

ED JOHNSON AND ASSOCIATES, INC.
LAND SURVEYORS
674 AODRIN CIRCLE
HARRERS FERRY, WEST VIRGINIA 25425
(304) 725-6060



A=86.56'
 R=263.21'
 D=18°50'35.00"
 BRNG=N 27°23'04" W
 C=86.17'
 T=43.68'

N 36°48'21" W
 47.39'

TM 3 P 109.1
 13,569 Sq. Feet
 0.3115 Acres
 EXISTING
 17,774 Sq. Feet
 0.4080 Acres

FINAL AFTER MERGER PART OF TM 3 P 109
 4.205 Sq. Feet
 0.0965 Acres
 TO BE MERGED TO
 TM 3 P 109.1

TM 3 P 109
 16,258 Sq. Feet
 0.3732 Acres
 EXISTING

12,053 Sq. Feet
 0.2767 Acres
 FINAL AFTER MERGER

RESURVEY AND DIVISION OF
 THE RUTH A. HURLEY PROPERTY
 RECORDED IN DEED BOOK
 #483 PAGE 142

TM 3 P 159
 AVENUE PROPERTIES LLC
 DB 1291 PG 12

N DISTRICT
 5.61'
 SHEPHERDSTOWN

N 22°50'52" E 132.00'
 N 26°43'33" E 169.47'

MILL (RUMSE)

