



Jefferson County
Board of Zoning Appeals
Thursday, May 27, 2021 at 2:00 p.m.

Members
Tyler Quynn, Chair
Deirdre Catterton, Vice Chair
Matthew McKinney
Leeds Corbin
Steven Guier
Mikala Shremshock, Alternate

By order of Tyler Quynn, Chair of the Jefferson County Board of Zoning Appeals, this meeting will be held both in-person and virtually. This meeting will NOT be a LIVE broadcast on our website. Instead, it will be accessible live through ZOOM Meeting.

Physical (In-person) Location: Charles Town Library Conference Room (entrance on Samuel St.)
200 East Washington Street, Charles Town, WV 25414.

Virtual Meeting Information: The virtual meeting will be conducted via ZOOM. Please use the following information to join the ZOOM Meeting:

<https://us02web.zoom.us/j/85908129320>

Meeting ID: 859 0812 9320

Dial by your location: +1 301 715 8592 US

Find your local number: <https://us02web.zoom.us/u/kb65f6MrBt>

If you wish to virtually participate in public comment for one of the agenda items, please type your name, address, and agenda item # in the chat function at the start of the meeting.

Please mute yourself when you are not talking. When participating, remember that your video is streaming to others.

Access from desktop, laptop, iPad, or from a phone. You will be prompted to download the software. If accessing from a phone, you must have the ZOOM app.

All requests are pursuant to the Zoning & Land Development Ordinance.

Approval of Minutes: April 22, 2021

Public Hearing – Administer Oath

ITEM #1 FILE #: 21-8-ZV – POSTPONED FROM 03/25/21 AND 04/22/21.

SITE NOT POSTED WITH PUBLIC NOTICE PLACARD ON TIME; THEREFORE, STAFF ADVISED APPLICANT THAT THE REQUEST WOULD BE POSTPONED UNTIL SUCH A TIME THAT THE APPLICANT PROVIDES THE REQUESTED DOCUMENTATION AS REQUIRED BY SECTION 10.7.

Request: Variance request from Section 10.4B.3 to reduce the front setback from 25' to 1' for an 8.5' x 3' (25.5 square feet) Freestanding Electronic Business Sign; and Section 10.7G to reduce the distance requirement of an Electronic Sign from a traffic light from 300' to approximately 190'.

Owner: Steve Petropouleas

Applicant: Mountain View Diner

Parcel Info: 811 Willow Spring Drive, Charles Town, WV

Parcel ID: 02001000090004; Size: 1.21 ac;

Zoning District: Residential-Light Industrial-Commercial

ITEM #2 FILE #: 21-16-ZV POSTPONED UNTIL 06/24/21

Request: Variance request from Section 9.6C to allow an accessory structure in the required front yard; and Section 9.7 to reduce the front setback from 25' to 2' for a 10' x 20' accessory structure (shed).

Owner: Chad and Kimberly McGarrah

Parcel Info: Stone Brook Subdivision, Lot 16, 711 Apple Cross Dr., Harpers Ferry, WV
Parcel ID: 04005A00160000; Size: 1.04 ac; Zoning District: Rural

ITEM #3 FILE #: 21-17-ZV

Request: Variance request from Appendix A to reduce the minimum lot size from 40,000 sf to 16,800 sf to allow for the creation of a lot to be donated to the Mission Tabernacle Holiness Church for the purpose of creating an overflow parking area.

Owner: Charlotte Beahm

Applicant: Mission Tabernacle Holiness Church

Parcel Info: 382 Mission Rd., Harpers Ferry, WV
Parcel ID: 02021A00140000; Size: 1.37 ac; Zoning District: Rural

ITEM #4 FILE #: 21-18-ZV

Request: Variance request from Section 5.4B of the Zoning Ordinance, as amended 07/15/93 to reduce the rear setback from 20' to 10' for a 12' x 16' accessory structure (shed).

Owner: Francis Sutton

Parcel Info: Eastland Subdivision, Lot 59, 178 Devonshire Dr., Charles Town, WV
Parcel ID: 02001600810000; Size: 1 ac; Zoning District: Residential Growth

ITEM #5 FILE #: 21-19-ZV

Request: Variance request from Section 5.4B of the Zoning Ordinance, as amended on May 1, 2003, to reduce the rear setback from 20' to 5' for a 12' x 24' in-ground pool.

Owner: Herman and Robin Bounds

Parcel Info: Demory Farm Subdivision, Lot 16, 43 Killian Ln., Charles Town, WV
Parcel ID: 02009B00160000; Size: .24 ac; Zoning District: Residential Growth

ITEM #6 FILE #: 21-20-ZV

Request: Variance request from Section 9.6C to allow an accessory structure (barn) in the required front yard; Section 8.2 to reduce the distance requirement from 50' to 10'; and Appendix A to reduce the front setback from 40' to 10' for a 64' x 40' barn.

Owner: Canton Whisner

Parcel Info: Elizabeth Stagner Minor Subdivision, Lot 3, 1491 Shirley Rd., Summit Point, WV
Parcel ID: 06001500030043; Size: 20 ac; Zoning District: Rural

ITEM #7 FILE #: 21-21-ZV

Request: Variance request from Section 9.6C to allow an accessory structure in the required front yard; and Section 9.7 to reduce the front setback from 20' to 10' for a 30' x 50' accessory structure.

Owner: Randolph and Melinda Davis

Parcel Info: Blue Ridge Acres Subdivision, Lot 604, vacant parcel on Sydney Cir., Harpers Ferry, WV
Parcel ID: 04012A01900000; Size: .23 ac; Zoning District: Rural

ITEM #8 FILE #: 21-22-ZV

Request: Variance request from Section 8.9A.9 to eliminate the requirement to provide a 60' easement along a limited access highway; and, Section 8.9A.10 to eliminate the landscape buffer requirement along a limited access highway for a proposed Large Gas Station (Sheetz).

Owner: Guy Chicchirichi

Applicant: Sheetz Inc. / c/o Bob Franks

Parcel Info: Vacant parcel at the intersection of Route 340 and Augustine Avenue

Parcel ID: 02001600010000; Proposed Size: 2.5 ac; Zoning District: Highway Commercial

ITEM #9 FILE #: 21-23-ZV

Request: Variance request from Section 9.7 to reduce the side setback from 6' to 2' for a 12' x 16' accessory structure.

Owner: Doreen Schaffner

Applicant: Earl Wilk

Parcel Info: Opeqoun Forest Park, Lot 20, vacant parcel on the north side of Bowers Road, Kearneysville, WV

Parcel ID: 07007A00360000; Size: .51 acre; Zoning District: Rural

ITEM #10 FILE #: 21-24-ZV

Request: Variance request from Appendix A to reduce the side setback from 12' to 10' for all single family lots in the proposed King's Crossing subdivision (approximately 175 single family lots).

Owner: DR Acquisitions LLC

Parcel Info: Vacant lot adjacent to the St. James church on Charles Town Road (Rt. 115)

Parcel ID: 02001700220000; Size: 86 ac; Zoning District: Residential Growth

ITEM #11 FILE #: 21-25-ZV

Request: Variance request from Section 9.7 to reduce the side setback from 6' to 1' for a 12' x 32' accessory structure.

Owner: Tyler and Bobbi Phelps

Parcel Info: Security Hills, Lot 32, 109 Johns Court, Charles Town, WV

Parcel ID: 02004D00430000; Size: .32 ac; Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

- a. Discussion of the following pending lawsuits:
 1. Discussion/Action: Neighbors Against River Chase Event Center v. BZA re: 20-8-CUP (Civil Action No.: CC-19-2021-C-22)
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions

Meeting: April 22, 2021

1. Variance from Sec. 5.7D.2.b.iii(b). Owner: Norman and Lora Corbin. File: 21-10-ZV.
2. Variance from Sec. 9.7 Owner: William Jenkins. File: 21-12-ZV.
3. Variance from Appendix A. Owner: DR Acquisitions. File: 21-13-ZV.
4. Variance from Sec. 4.11.E.1 and App. B. Owner: James Van Evera, et al. Applicant: Sheetz, Inc. File: 21-14-ZV.
5. Variance from Sec. 4.11 and App. B. Owner: St. James Lutheran Church at Uvilla. File: 21-15-ZV.