



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, April 28, 2022 at 2:00 p.m.**

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

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This meeting will be held both in-person and virtually via ZOOM, which may be accessed from a desktop, laptop, iPad, or from a phone. You will be prompted to download the software or the ZOOM app, where applicable.

**In-person Meeting Location:** County Commission Meeting Room located in the lower level of the Charles Town Library (entrance on Samuel St.)  
200 East Washington Street, Charles Town, WV 25414

**ZOOM Meeting Information:** Meeting ID: 896 3131 6686  
Meeting Link: <https://us02web.zoom.us/j/89631316686>  
Phone Option (Dial by Location): 301-715-8592  
Find your local number: <https://us02web.zoom.us/u/kcH5EHtm9Z>

If you wish to participate virtually in public comment for one of the agenda items, please type your name and agenda item # in the chat function at the start of the meeting. Please mute yourself when you are not talking. When participating, please be mindful that your video is streaming to others.

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

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**Approval of Minutes: March 24, 2022**

**Public Hearing – Administer Oath**

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**ITEM #1 FILE #: 22-11-ZV**

**Request:** Variance from Section 9.6C to allow an accessory structure within the required front yard; and Section 9.7 to reduce the front setback from 20' to 5' for a proposed 36' x 26' detached three car garage.

**Owner:** Tommy & Kimberlin Staubs

**Parcel Info:** Cavalier Subdivision, Lot 5, 88 Cavalier Dr., Harpers Ferry, WV  
Parcel ID: 04007A00200000; Size: .41 ac; Zoning District: Rural

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**ITEM #2 FILE #: 22-12-ZV**

**Request:** Variance from Section 9.7 to reduce the front setback from 40' to 18' for a proposed 7' x 23' two-story addition to the front of an existing home.

**Owner:** Brian King

**Parcel Info:** 76 Brierly Spring Lane, Shepherdstown, WV  
Parcel ID: 09001000060000; Size: 4.07 ac; Zoning District: Rural

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**ITEM #3 FILE #: 22-13-ZV**

**Request:** Variance from Section 9.7 to reduce the side setback along the southern property line from 15' to 3' for a 12' long deck; and to reduce the side setback along the northern property line from 15' to 6-inches for a 12' long deck with 8' long stairs.

**Owner:** Potomac Cottage / Robert Starkey

**Parcel Info:** 1523 Knott Road, Shepherdstown, WV,  
Parcel ID: 09011A00360000; Size: .24 ac; Zoning District: Rural

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**ITEM #4 FILE #: 22-2-CUP**

**Request:** Request for a Conditional Use Permit to operate a *Restaurant, Fast Food, Limited* as defined in Article 2. The applicant is proposing to operate as a food vendor offering menu items such as ice cream, hotdogs, sandwiches, drinks, etc. The operation will be conducted from a stationary food truck and a 10' x 10' tent with a bench and two picnic tables will be provided for customer seating. Dates/Hours of Operation: April 1 through October 31: Wednesday through Sunday from 1:00 pm until dark. Plus Monday and/or Tuesday depending on various Holidays (ex: Memorial Day Weekend). Temporary signage as depicted in the application will be displayed.

**Owner:** John Staubs

**Applicant:** D and E Novelties / David and Evelyn Naille

**Parcel Info:** 3807 Chestnut Hill Road, Harpers Ferry, WV

Parcel ID: 04000800120000; Size: 1.9 ac; Zoning District: Rural

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**ITEM #5 FILE #: 22-3-CUP**

**Request:** Request for a Conditional Use Permit to operate a Day Care Center, Large, as defined in Article 2. The applicant is proposing to operate a daycare center from an existing residence to provide child-care for up to twelve (12) children. Hours of Operation: Monday through Friday from 6:00 am to 5:00 pm. Onsite parking and an attached business sign are proposed.

**Owner:** Tiffanie Fridley

**Applicant:** Tiff's Tiny Tots

**Parcel Info:** 2235 Old Cave Rd., Charles Town, WV

Parcel ID: 02001700030000; Size: 1.95 ac; Zoning District: Rural

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**ITEM #6 FILE #: 22-14-ZV**

**Request:** Variance from Section 9.7 to reduce the rear setback from 50' to 20' for a 40' x 100' accessory structure.

**Owner:** Clifford Ramey

**Parcel Info:** Hidden River Farm, Wide Horizon, Pt 1, Lots 9-11, 1079 Archer Road, Kearneysville, WV

Parcel ID: 07001300560000; Size: 3.3 ac (total); Zoning District: Rural

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**ITEM #7 FILE #: 22-15-ZV**

**Request:** Variance from Appendix A to reduce the front setback from 40' to 3'; the side setback from 15' to 3'; and the rear setback from 50' to 3' for an 8' tall block and stone fence/wall to be constructed along the eastern property line.

**Owner:** Kanette Petry

**Applicant:** John Petry

**Parcel Info:** French Road Minor Subdivision, Lot 4, 245 Summerfield Way, Shenandoah Junction, WV

Parcel ID: 09002000110004; Size: 5 ac; Zoning District: Rural

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**ITEM #8 FILE #: 22-16-ZV**

**Request:** Variance from Section 4.11E to allow a modified landscape buffer along the eastern property line 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, Charles Town, WV

Parcel ID: 02001600010000; Proposed Size: 4.4 ac; Zoning District: Highway Commercial

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**Zoning Administrator Report**

- a. Monthly Zoning Certificate Activity Report

**Legal Update**

- a. Discussion of the following pending lawsuits:
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions

**Meeting: March 24, 2022**

1. Variance from Section 5.7B. Owner: Palmer. File: 22-5-ZV.
2. Variance from Section 5.4B. Owner: Marc. Saccucci. File: 22-6-ZV.
3. Variance from Section 9.7. Owner: Cheryle Rapattoni. File: 22-7-ZV.
4. Variance from Section 9.7. Owner: Cheryle Rapattoni. File: 22-8-ZV.