



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

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

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 may be prompted to download the software or the ZOOM app.

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: 849 5228 8295
Meeting Link: <https://us02web.zoom.us/j/84952288295>
Phone Option (Dial by Location): 301-715-8592
Find your local number: <https://us02web.zoom.us/u/kbbSZVqKEu>

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.

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

Approval of Minutes: June 23, 2022

Public Hearing – Administer Oath

ITEM #1 FILE #: 22-4-CUP

Request: Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. Project Name: Blake Solar Project. The subject request is for the 270 acre portion of the proposed 516 acre project, which is located outside of the Charles Town Urban Growth Boundary, on the east side of Kabletown Road. The Blake Solar Project capacity at point of interconnection is 80MWac and consists of single-axis trackers, 535W modules, and 3.38MW inverters. The project site contains existing high voltage power lines running through the property and a new substation will be constructed to connect the solar facility with the electric grid.

Applicant: Horus West Virginia 1

Parcel Info: Thorn Hill LLC, Owner

Vacant parcel on east side of Kabletown Road, located .1 mile south from the intersection of Charles Town Road and Kabletown Road, Charles Town, WV;
Parcel ID: 02001900140000; Lot Size: 171.59; Zoning District: Rural

Parcel Info: Peel Properties WVA LLC, Owner

Vacant parcels on the south side of Charles Town Road, located .2 miles east from the intersection of Charles Town and Kabletown Road, Charles Town, WV.;;
Parcel ID: 02001900150003; Lot Size: 51.19; and, Parcel ID: 02001900150002; Lot Size: 46.24;
Zoning District: Rural

ITEM #2 FILE #: 22-23-ZV and 22-24-ZV

Request 1: Variance from Section 4.12B to increase the maximum impervious surface limit from 50% to 60% for the proposed Miller Station Apartment complex.

Request 2: Variance from Section 4.11C to eliminate a portion of the required landscape buffer along the southern property line (approximately 475 feet) for the proposed Miller Station Apartment complex.

Applicant: Keane Enterprises

ITEM #2 FILE #: 22-23-ZV and 22-24-ZV - continued

Parcel Info: Miller Gerald A Estate, Owner
Miller Station Nonresidential Subdivision, Lots 1 – 8,
Vacant lots located on Captain Chews Trace, Charles Town, WV
Parcel ID: Tax District: 02, Map: 8C, Parcels: 1 – 8. Size: 10 acres (combined);
Zoning District: Residential-Light Industrial-Commercial

ITEM #3 FILE #: 22-25-ZV

Request: Variance from Section 5.7B of the Zoning Ordinance (as amended 06/28/06) to reduce the rear setback from 50' to 15' for a 20' x 30' accessory structure (detached garage).

Parcel Info: Chad Dinges, Owner
Michael & Malisa Pindell Pindell MSD, Lot 1, 87 Broadview Ct., Charles Town, WV
Parcel ID: 06000900040005; Size: 3 acres; Zoning District: Rural

ITEM #4 FILE #: 22-26-ZV

Request: Variance from Section 5.7B of the Zoning Ordinance (as amended 0/15/93) to reduce the side setback from 15' to 5' and the rear setback from 50' to 5' for a 30' x 24' accessory structure.

Parcel Info: Brian and Vanessa McGuigan, Owner
William Martin MSD, Lot 2, 59 Flat Earth Ln, Harpers Ferry, WV
Parcel ID: 04000300010011; Size: 1 acres; Zoning District: Rural

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

- a. Discussion of the following pending lawsuits:
 - 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities)
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions

Meeting: June 23, 2022

- 1. Variance from Section 4B.7(J)(2)(a). Owner: Michael Owens. Applicant: SmartLink Group / Bijan Olexo File: 22-21-ZV.
- 2. Variance from Section 5.4B.1. Owner: Beallair Homes, LLC. File: 22-22-ZV.