



Jefferson County
Board of Zoning Appeals
Thursday, October 27, 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: 858 0777 8683
Meeting Link: <https://us02web.zoom.us/j/85807778683>
Phone Option (Dial by Location): 301-715-8592
Find your local number: <https://us02web.zoom.us/u/klWts5Iwy>

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: September 22, 2022

Public Hearing – Administer Oath

ITEM #1 FILE #: 22-32-ZV, 22-33-ZV, and 22-34-ZV

The following three requests pertain to a proposed 10,542 square foot retail store (Dollar General) and associated parking lot.

Request 1: Variance from Section 4.11E to eliminate a portion of the landscape buffer along the southern and western property lines; and Section 4.11I.1 to eliminate the streets trees along Amanda Court and Shepherdstown Pike.

Request 2: Variance from Section 11.1A to reduce the number of required parking spaces from 47 to 31; and Appendix B to reduce the front parking setback along Amanda Court from 15' to 8'.

Request 3: Variance from Section 10.4B to reduce the front setback along Amanda Court from 25' to 19' and along Shepherdstown Pike from 25' to 17' for a freestanding sign.

Applicant: A & R Development (Dollar General)

Parcel Info: Iris Wood, Property Owner

Mark Kramer Subdivision, Lot 2, Vacant parcel on the southwest corner of Amanda Ct. and Shepherdstown Pk., Harpers Ferry, WV; Parcel ID: 04001000110005; Size: 2.26 acres;
Zoning District: Residential-Light Industrial-Commercial

ITEM #2 FILE #: 22-35-ZV

Request 1: Variance from Section 9.7 to reduce the side setback along the northern property line from 15' to 6' for a 12' x 32' deck.

Parcel Info: Potomac Cottages, LLC / Attn: Robert and Julie Starkey, Property Owner

1523 Knott Road, Shepherdstown, WV;

Parcel ID: 09011A00360000; Size: 2.3 ac; Zoning District: Rural

ITEM #3 FILE #: 22-36-ZV

Request 1: Variance from Appendix B to reduce the front setback from 25' to 0' along a platted interior access easement for a proposed fueling island and canopy.

Parcel Info: Sheetz, Inc., Property Owner

Vacant parcel at the intersection of Route 340 and Augustine Avenue

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

ITEM #4 FILE #: 22-38-ZV

Request 1: Variance from Section 4.3D to expand a nonconforming use (auto repair shop) beyond 35% of the existing square footage of its operation. The request includes construction of a 2,400 sq. ft. storage building to store vehicles for an auto repair business that specializes in repairing vintage sports cars.

Parcel Info: Performance Auto Works, LLC / Attn: Billy Ring, Property Owner

8063 Leetown Rd, Kearneysville, WV,

Parcel ID: 07001900190018; Size: 2.11 ac; Zoning District: Rural

ITEM #5 FILE #: 22-8-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 convert an existing residence into a day care center to provide care for up to 32 children (maximum). Hours of Operation: Monday through Friday from 6:00 am to 5:30 pm. Proposal includes a fenced play area, onsite parking, and a business sign.

Applicant: Pathway Childcare Center

Parcel Info: Alice Chapman, Owner

15943 Charles Town Rd., Charles Town, WV

Parcel ID: 02019A00020004; Lot Size: 1.7 ac; Zoning District: Rural

ITEM #6 FILE #: 22-9-CUP

Request: Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. This application pertains to approximately 737 acres of the 878-acre Rippon Energy Facility, a 99 MWac solar electric generating facility. The project consists of solar modules and a new substation to connect the solar facility with the electric grid. The project site has existing high voltage power lines running through the property.

Applicant: Rippon Energy Facility, LLC

Parcel Info: Bullskin LLC, Property Owner

673 Old Shennandale Rd, Charles Town WV

Parcel ID: 06001100090000; Lot Size: 133.75 / Project Size: 106.52 ac; Zoning District: Rural

Parcel Info: Clarence E Hough Et Al, Property Owner

Vacant parcel located west of the property addressed as 957 Myerstown Rd, Charles Town, WV;

Parcel ID: 06001000030001; Lot Size: 108.66 ac / Project Size: 99.84 ac; Zoning District: Rural

Parcel Info: View Mountain Farm LLC, Property Owner

28 Dutch Hill Rd, Charles Town, WV;

Parcel ID: 06002100060000; Lot Size: 101.6 ac / Project Size: 97.01 ac; Zoning District: Rural

Parcel Info: Stanley W Jr & Katherine B Dunn, Property Owner

2646 Kabletown Rd, Charles Town, WV;

Parcel ID: 06002100050000; Lot Size: 174.6 ac / Project Size: 165.52 ac; Zoning District: Rural

Parcel Info: Stanley W Jr & Katherine B Dunn, Property Owner

Vacant parcel located east of the property addressed as 28 Dutch Hill Rd, Charles Town, WV;
Parcel ID: 06002100070000; Lot Size: 89.39 ac / Project Size: 86.07 ac; Zoning District: Rural

Parcel Info: Stanley W Jr & Katherine B Dunn, Property Owner

Vacant parcel located east of the property addressed as 2646 Kabletown Rd, Charles Town, WV;
Parcel ID: 06002200050001; Lot Size: 232 ac / Project Size: 169.15 ac; Zoning District: Rural

Parcel Info: Stanley W Jr & Katherine B Dunn, Property Owner

1371 Myerstown Rd, Charles Town, WV;
Parcel ID: 06001000050000; Lot Size: 366 ac / Project Size: 12.27 ac; 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) Rockwell v. JCPC, JCBZA and JCCC
 2. Jefferson County Circuit Court Case #CC-19-2022-C-103 (RE: ZTA22-01 Solar Energy Facilities) Stone v. JCBZA
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions

Meeting: September 22, 2022

1. Request for a Conditional Use Permit to operate a Retail Sales and Service, General business. Applicant: Mission Critical Defense Solutions, LLC. Owners: Elliott Kletter, Jan Kletter, and Marguerite Kletter. File: 22-6-CUP.
2. Request for a Conditional Use Permit to operate a Medical/Dental/Optical Office business. Applicant: Dr. Kolawale Oshiyoye, Kingdom Ventures, LLC. Owners: Crossroads Church Trustees, File: 22-7-CUP.
3. Variance from Section 5.7B. Owner: Stephanie Hazelton & Dale Sanauskas. File: 22-30-ZV.