



**Jefferson County**  
**Board of Zoning Appeals Agenda**  
**Thursday, March 23, 2023 at 2:00 p.m.**

Members  
Tyler Quynn, Chair  
Matthew McKinney, Vice Chair  
Steven Guier, Secretary  
David Wiegand  
Jacob Harris  
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 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: 868 2133 2500  
Meeting Link: <https://us02web.zoom.us/j/86821332500>  
Phone Option (Dial by Location): 301-715-8592  
Find your local number: <https://us02web.zoom.us/u/k4tzuHb9V>

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: February 23, 2023**

**Public Hearing – Administer Oath**

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**ITEM #1 FILE #: 23-8-ZV**

Request: Variance from Section 5.7(b) of the Zoning Ordinance (as amended 09/28/06) to reduce the rear setback from 50' to 10' for a 30' x 40' accessory structure (detached garage).

Owner: Bernard and Pamela Kershes

Parcel Info: Lot 3 of a Family Transfer Subdivision, 294 Sisters Ln., Shepherdstown, WV  
Parcel ID: 09001100010007; Size: 2 acres; Zoning District: Rural

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**ITEM #2 FILE #: 23-9-ZV**

Request: Variance from Section 9.7 to reduce the side setback from 12' to 5' for a 20' x 28' attached garage.

Owner: Karen and Glenn Frail

Parcel Info: Tusawilla Hills Subdivision, Lot #354, 124 Fenway Drive, Charles Town, WV  
Parcel ID: 02011B01880000; Size: ~.3 acres; Zoning District: Residential Growth

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**ITEM #3 FILE #: 23-10-ZV**

Request: Variance from Appendix A to reduce the rear setback from 20' to 14' for a portion of a 10' x 20' deck.

Owner: Travis and Emily Warner

Parcel Info: Colonial Hills Subdivision, Lot #S51, 58 Branson Circle, Shepherdstown, WV  
Parcel ID: 09008D00D40000; Size: .28 acres; Zoning District: Residential Growth

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**ITEM #4 FILE #: 23-11-ZV and 23-12-ZV**

Request #1: Variance from Appendix A to reduce the side setback from 15' to 6' along the eastern property line to accommodate the concrete area surrounding an in-ground swimming pool. The edge of the concrete area is approximately 62' long. (23-11-ZV).

Request #2: Variance from Appendix A to reduce the side setback from 15' to 8' along the eastern property line for a 12' x 12' accessory structure (gazebo) (23-12-ZV).

Owner: Kanette Petry

Parcel Info: French Road, LLC MSD, Lot 4 (Residue), 245 Summerfield Way, Shenandoah Junction, WV  
Parcel ID: 09002000110004; Size: 5 ac; Zoning District: Rural

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**ITEM #5 FILE #: 23-2-CUP**

**Request:** Request for a Conditional Use Permit to establish a federal firearms business to include gunsmithing and retail sales. The proposal consists of utilizing a 10 acre portion of the 92 acre tract. The use will initially be conducted from the existing structures, with the option to construct new buildings/additions to existing buildings within the 10 acre area delineated in the application in the future. No signs are proposed. Proposed land use designations as listed in Appendix C are Custom Manufacturing and Retail Sales and Service, General, as defined in Article 2.

**Owner:** 375 Dorland LLC / Attn: Mark Lazar

**Parcel Info:** Daniel Zappe Minor Subdivision, Lot 2, 1195 Chestnut Hill, Harpers Ferry, WV  
Parcel ID: 04001300370000; Project Size: 10 acres; Parcel Size: 92.6 acres;  
Zoning District: Rural

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**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-141 (RE: Rippon Solar Energy Facility / File 22-9-CUP) Rockwell v. JCBZA
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

**Meeting: February 23, 2023**

- 1. Variances from Sec. 8.9A.9 and Section 11.1A. Owner: SUSO Alabama LP. File: 23-4-ZV & File 23-5-ZV.
- 2. Variance from Section 10.4B.2. Owner: Charles Town Burr Park Station, LLC. Applicant: Holtzman Oil. File: 23-6-ZV.
- 3. Variance from Section 9.6C. Owner: Douglas and Lenore Stroop File: 23-7-ZV.