



**Jefferson County**  
**Board of Zoning Appeals Agenda**  
**Thursday, April 27, 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: 823 8804 3945  
Meeting Link: <https://us02web.zoom.us/j/82388043945>  
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: March 23, 2023**

**Public Hearing – Administer Oath**

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**ITEM #1 FILE #: 23-1-AP**

**Request:** Appeal of the Zoning Administrator’s determination that any nonconforming use that may have existed on the subject parcel when the Zoning Ordinance became effective has been abandoned by virtue of the recordation of the final plat for the Beacon Hill / Waterside Reserve Subdivision.

**Owner:** Whisper Ridge LLC / Attn: Patricia Sanderson

**Applicant:** Panhandle Legal / Attn: Christopher Stroeck, Esq.

**Parcel Info:** Waterside Reserve Subdivision, Open Space Parcel  
Vacant parcel located off Wilt Rd., Charles Town, WV  
Parcel ID: 02020B0OS10000; Size: 6 acres; Zoning District: Rural

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**ITEM #2 FILE #: 23-1-SE and 23-15-ZV**

**Request 1:** Request for a Special Exception Permit to allow a 100 square foot Off-Premise sign for Auto Depot (File 23-1-SE).

**Request 2:** Variance from Section 10.5A.1 to increase the maximum size of an Off-Premise Sign from 60 sq ft to 100 sq ft.; Section 10.5A.2 to allow an Off-Premise Sign to be located closer than 300’ to an existing sign; and Section 10.5A.5 to allow an Off-Premise Sign to be located closer than 300’ to an intersection on a dual highway (File 23-15-ZV).

**Owner:** Jackson Kiley

**Parcel Info:** 107 Kerns Drive, Harpers Ferry, WV 25425  
Parcel ID: 04000900110000; Size: 2.25 acres; Zoning District: Industrial Commercial

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**ITEM #3 FILE #: 23-3-CUP - ~~WITHDRAWN~~**

**Request 1:** Request for a Conditional Use Permit to operate a homebased federal firearms business from a portion of a new 40’ x 80’ detached residential storage structure (currently under construction). The use will be primarily conducted online and does not include a readily available inventory. Business hours are by appointment only, with occasional customer visits (1-2 per month) to

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**ITEM #3 FILE #: 23-3-CUP (continued) – WITHDRAWN**

complete the firearm transfer. No employees other than the property owner. No signs are proposed. The proposed land use designation as listed in Appendix C is Retail Sales and Service, General, as defined in Article 2.

Owner: Patrick Kiser

Parcel Info: Shirley Estates, Lot 6, 135 Breeze Knoll Way, Charles Town, WV

Parcel ID: 06000100010006; Parcel Size: 3 acres; Project Size: 1 acre; Zoning District: Rural

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**ITEM #4 FILE #: 23-13-ZV**

Request: Variance from Section 9.7 to reduce the side setback along the northern property line from 12' to 2' for an opaque fence varying in height from 20' to 30'.

Owner: Tim Williamson

Parcel Info: Shannondale, Section 21J, Lots 29, 30, 76, 525 Wren Lane, Harpers Ferry, WV

Parcel ID: 02023L00070000; Size: 1.6 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: March 23, 2023**

1. Variances from Section. 5.7B. Owner: Bernard and Pamela Kershes. File 23-8-ZV.
2. Variance from Section 9.7. Owner: Karen and Glenn Frail. File: 23-9-ZV.
3. Variance from Appendix A. Owner: Travis and Emily Warner. File: 23-10-ZV.
4. Variance from Appendix A. Owner: Kanette Petry. File: 23-11-ZV and 23-12-ZV
5. Request for a Conditional Use Permit to establish a federal firearms business. Owner: 375 Dorland LLC / Attn: Mark Lazar. File: 23-2-CUP.