



**Jefferson County**  
**Board of Zoning Appeals Agenda**  
**Thursday, May 25, 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: 842 4393 2122  
Meeting Link: <https://us02web.zoom.us/j/84243932122>  
Phone Option (Dial by Location): 301-715-8592  
Find your local number: <https://us02web.zoom.us/u/kbV2n7NGUY>

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: April 27, 2023**

**Public Hearing – Administer Oath**

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**ITEM #1 FILE #: 23-3-CUP**

**Request:** Request for a Conditional Use Permit to operate a Special Event Facility, as defined in Article 2 of the Zoning Ordinance (Project Name: “Colonial Estate”). The proposal consists of hosting up to 5 events per year with a maximum capacity of 100 guests. The applicant is proposing a maximum of 30 grass parking spaces. No signs are proposed.

**Owner:** K5 Investments / Attn: Keith and Kelly LaGala

**Applicant:** Potomac Adventure, LLC / Attn: Cathy Gray

**Parcel Info:** 350 Bakerton Road, Harpers Ferry, WV 25425

Parcel ID: 04000700060000; Parcel Size: 13.4 acres; Project Size: 1 acre;

Zoning District: Residential Growth

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**ITEM #2 FILE #: 23-16-ZV**

**Request:** Variance from Appendix A to reduce the minimum lot size requirement from 20,000 square feet to 19,088 square feet to allow a six (6) unit apartment complex to be constructed (Aspen Hill Apartments File 23-2-SP).

**Owner:** L & C Horning LLC

**Applicant:** TriState Investments / Attn: Chris Hill

**Parcel Info:** Vacant lot on the northeastern corner of Martinsburg Pike and Maddex Drive, Shepherdstown, WV

Parcel ID: 09000800170001; Parcel Size: .43 acres; Zoning District: Residential Growth

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**ITEM #3 FILE #: 23-17-ZV**

**Request:** Variance from Section 5.7B of the Zoning Ordinance (as amended 07/15/93) to reduce the rear setback from 50’ to 15’ for a 30’ x 80’ accessory structure (2,400 sf detached garage).

**Owner:** Jason Duncan

**Parcel Info:** 111 Bitner Lane, Kearneysville, WV

Parcel ID: 07000300010003; Parcel Size: 2.73 acres; Zoning District: Rural

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**ITEM #4 FILE #: 23-18-ZV**

Request: Variance from Appendix A to reduce the rear setback from 50' to 4' along the southern property line for a 10' x 16' accessory structure (160 sf storage shed).

Owner: David Brown and Michelle Mitchell-Brown

Parcel Info: 229 Bethany Lane, Charles Town, WV

Parcel ID: 06002100070005; Parcel Size: 4.53 acres; Zoning District: Rural

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

Request: Request for a Conditional Use Permit to operate a Commercial Storage facility, as defined in Article 2 of the Zoning Ordinance. The proposal includes expansion of an existing legal nonconforming self-storage facility, Valley Storage Shepherdstown.

Owner: Valley Storage Shepherdstown / Attn: Todd Snook

Parcel Info: 1744 Shepherd Grade Road, Shepherdstown, WV

Parcel ID: 09000300200001; Parcel Size: 10 acres; Zoning District: Rural

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**Zoning Administrator Report**

- a. Revised 2023 Board of Zoning Appeals Meeting Schedule
- b. Memorandum re: Finalized Rules of Procedure that were amended October 27, 2022
- c. Discussion related to various zoning application types and the Board's role/authority.
- d. 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: April 27, 2023**

1. Appeal of the Zoning Administrator's determination. Applicant: Panhandle Legal / Attn: Christopher Stroeck, Esq. Owner: Whisper Ridge LLC / Attn: Patricia Sanderson. File 23-1-AP.
2. Request for a Special Exception Permit for an off-premise sign for Auto Depot (23-1-SE); and, Variance from Section 10.5. Owner: Jackson Kiley.
3. Variance from Section 9.7. Owner: Tim Williamson. File: 23-13-ZV.