



**Jefferson County**  
**Board of Zoning Appeals Agenda**  
**Thursday, July 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: 840 2003 6221  
Meeting Link: <https://us02web.zoom.us/j/84020036221>  
Phone Option (Dial by Location): 301-715-8592  
Find your local number: <https://us02web.zoom.us/u/kuHlcoDFK>

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: June 22, 2023**

**Public Hearing – Administer Oath**

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**ITEM #1 FILE #: 23-21-ZV**

**Request:** Variance request from Section 9.7 to reduce the rear setback from 50' to 5' along the western property line for an above ground pool.  
**Owner:** Leon and Andrew Upwright  
**Applicant:** Cheryl Middleton  
**Parcel Info:** 2253 S Childs Rd, Kearneysville, WV 25430  
Parcel ID: 07002100030001; Size: 2.23 ac; Zoning District: Rural

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**ITEM #2 FILE #: 23-6-CUP and 23-22-ZV**

**Request 1:** Request for a Conditional Use Permit to operate as a Contractor with Outdoor Storage, as defined in Article 2 of the Zoning Ordinance (Project Name: "Tree Nexus"). The proposal consists of parking employee vehicles and storing company vehicles and equipment related to a tree service business. No signs are proposed as part of the operation. No customers will visit the property (File #23-6-CUP)

**Request 2:** Variance request to from Appendix B, Sections 4.6 and 4.11 to eliminate the non-residential site development standards required for a tree service business (Tree Nexus). The request includes a reduction of the 25' commercial setback down to 0' along the interior property line; reduction of the 75' distance requirement to 25' along the western property line; and to eliminate the requirement to install a landscape buffer along the perimeter of the property and the interior property line. (File #23-22-ZV).

**Owner:** Carl Epstein / **Applicant:** Tree Nexus  
**Parcel Info:** Vacant Parcels; Section 7, Lots 713 & 714 of Riverside Subdivision, Marcum Ln, Harpers Ferry  
Parcel ID: 06002600980000 & 06002600990000; Combined Size: 2.39 ac;  
Zoning District: Rural

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**ITEM #3 FILE #: 23-7-CUP**

**Request:** Request for a Conditional Use Permit to operate a homebased federal firearms business, to include limited gunsmithing from an existing dwelling unit (proposed land use as listed in Appendix C: Custom Manufacturing). The business is primarily internet based. No employees other than the residents of the property. Business hours are by appointment only, with limited customer visits (approximately two per month). No signs are proposed.

**Owner:** Ryan Uhrich

**Applicant:** BRNDL Custom Works, LLC / Attn: Ryan Uhrich

**Parcel Info:** 412 Revenoor Rd, Harpers Ferry, WV 25425

Parcel ID: 06006K00260000; Size: .52 ac; Zoning District: Rural

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

**Request:** Variance from Section 4.12B to increase the maximum impervious surface limit from 50% to 60% for the proposed Canter Hollow Apartment complex (fka Miller Station Apartments).

**Owner:** Cantor Hollow, LLC

**Applicant:** Keane Enterprises

**Parcel Info:** Vacant lots located on Captain Chews Trace, Charles Town, WV

Parcel ID: Tax District: Charles Town (02); Tax Map: 8C; Parcels: 1 – 8.

Size: 10 acres (combined); Zoning District: Residential-Light Industrial-Commercial

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**Zoning Administrator Report**

- a. Monthly Zoning Certificate Activity Report

**Discussion regarding the continuation of hybrid meeting options (TQ)**

**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: June 22, 2023**

- 1. Variance from Section 9.7. Owner: Lori and Mario DiGiambattista. File: 23-19-ZV