

Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: June 22, 2023
2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
3 in-person in the County Commission Meeting Room located in the
4 lower level of the Charles Town Library and virtually via ZOOM.
5 Board Members Present: Tyler Quynn, Chair; Matthew McKinney, Vice Chair; Steve Guier,
6 Secretary; and Mikala Shremshock, Alternate were present in person.
7 Mr. Dave Wiegand was present via ZOOM.
8 Board Members Absent: Jacob Harris
9 Staff Members Present: Alexandra Beaulieu, Deputy Director and Zoning Administrator;
10 Steve Groh, Assistant Prosecuting Attorney

11 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.
12 Mr. Guier moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which
13 carried unanimously.

14 **Approval of Minutes: May 25, 2023**

15 Mr. McKinney moved to approve the minutes as presented. Mr. Quynn called for a vote, which
16 carried unanimously.

17 Ms. Beaulieu swore in members of the public who indicated they would be providing testimony.

18 **ITEM #1 FILE #: 23-19-ZV**

- 19 Request: Variance request from Section 9.7 to reduce the side setback from 6' to 4' along
20 the northern property line for a 14' x 32' detached garage.
21 Owner: Lori and Mario DiGiambattista
22 Parcel Info: Avon Bend Subdivision, Section 23H, Lot 2359
23 974 Avon Bend Rd, Charles Town, WV
24 Parcel ID: 06009G00250000; Size: .76 ac; Zoning District: Rural

25 Mr. Mario DiGiambattista and Ms. Lori DiGiambattista, property owners, were present to address
26 the Board. Ms. Beaulieu provided an overview of her staff report. Ms. Beaulieu suggested that a
27 possible condition of approval be that no business could be operated from the structure without
28 review from the Board.

29 Mr. DiGiambattista explained the nature of the request to the Board noting that only a portion of the
30 proposed structure would be encroaching into the setback. Mr. DiGiambattista stated that the
31 subject location was selected because it is a generally flat area and close to the home and out of the
32 septic reserve area.

33 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn
34 closed the public hearing.

35 Mr. Guier moved to approve zoning variance request #23-19-ZV with the condition that the
36 applicants are bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

37 **Zoning Administrator Report**

38 a. Monthly Zoning Certificate Activity Report.

39 The Report was included in the mailed packet.

40 Ms. Beaulieu noted the next meeting date was July 27, 2023.

1 **Legal Update**

2 a. Discussion of the following pending lawsuits. Mr. Groh stated that he would forward a
3 recent appeal that was filed with Intermediate Court.

4 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy
5 Facilities) Rockwell v. JCPC, JCBZA and JCCC

6 2. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy
7 Facility / File 22-9-CUP) Rockwell v. JCBZA

8 b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

9 **Meeting: May 25, 2023**

10 1. Request for a Conditional Use Permit to operate a Special Event Facility (Project
11 Name: Colonial Estate). Applicant: Potomac Adventure, LLC / Attn: Cathy Gray.
12 File: 23-3-CUP.

13 2. Variance from Appendix A. Applicant: TriState Investments / Attn: Chris Hill.
14 File: 23-16-ZV.

15 3. Variance from Section 5.7B. Property Owner: Jason Duncan. File: 23-17-ZV.

16 4. Variance from Appendix A. Owner: David Brown & Michelle Mitchell-Brown.
17 File: 23-18-ZV

18 5. Request for a Conditional Use Permit to operate a Commercial Storage Facility.
19 Property Owner: Valley Storage Shepherdstown / Attn: Todd Snook. File: 23-5-CUP.

20 Mr. Quynn was provided a copy of the draft Findings for review.

21 Mr. Wiegand moved to adjourn the meeting at 2:18 pm. Mr. Quynn called for a vote, which carried
22 unanimously.