



Jefferson County
Board of Zoning Appeals Agenda
Thursday, September 28, 2023 at 2:00 p.m.

Members
Tyler Quynn, Chair
Matthew McKinney, Vice Chair
Steven Guier, Secretary
David Wiegand
Jacob Harris
Mikala Shremshock, Alternate

Effective July 27, 2023, Public Participation is available in-person only. The meeting will be broadcast live for viewing purposes only.

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

Broadcast Information: Meeting ID: 893 4814 7396
Meeting Link: <https://us02web.zoom.us/j/89348147396>
Phone Option (Dial by Location): 301-715-8592
Find your local number: <https://us02web.zoom.us/u/kc9f7e0HWY>

**If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.*

All requests are pursuant to the Zoning & Land Development Ordinance.

Approval of Minutes: August 24, 2023

Public Hearing – Administer Oath

ITEM #1 FILE #: 23-27-ZV

Request: Variance request from Section 9.7 to reduce the side setback along the northern property line from 6' to 4' and the rear setback along the eastern property line from 6' to 4' for a proposed 160 sf shed.
Owner: Sharon Tennant
Parcel Info: Mecklenburg Heights, Lot 72, 323 Woodcock Ave., Shepherdstown, WV
Parcel ID: 09007C00070000; Size: .48 ac; Zoning District: Residential Growth

ITEM #2 FILE #: 23-28-ZV

Request: Variance request from Section 8.10 to allow placement of a staffed model home sales office on Lots 36 & 37 of the Stonecrest Subdivision to increase visibility for incoming visitors.
Owner: Flowing Springs Road, LLC
Parcel Info: Stonecrest Subdivision, Lots 36 & 37, Vacant parcel off Flowing Springs Road (just north of the Aspen Greens S/D), Charles Town, WV
Parcel ID: 02000300090000; Size: .24 and .16 ac (respectively); Zoning District: Residential Growth

ITEM #3 FILE #: 23-29-ZV

Request: Variance request from Section 5.7B of the Zoning Ordinance (amended 09/28/06) to reduce the front setback along the eastern property line from 40' to 17' for a 30' x 30' detached garage; and Section 9.6C to allow an accessory structure in the required front yard.
Owner: Charles and Shelly Wolfe
Parcel Info: Carlos McDaniel Minor Subdivision, Lot 1, 1223 N. Childs Road, Kearneysville, WV
Parcel ID: 07001700100014; Size: 1.18 ac; Zoning District: Rural

ITEM #4 FILE #: 23-2-SE and 23-30-ZV

Request #1: Request for a Special Exception Permit for an Off-Premise Sign for Bakerton Market (File #23-2-SE).
Request #2: Variance request from Section 10.5A.4 to reduce the front setback from 25' to 8' for an Off-Premise Sign; and Section 10.5A.5 to allow an Off-Premise Sign to be located closer than 100' to an intersection. (File #23-30-ZV).

ITEM #4 FILE #: 23-2-SE and 23-30-ZV (continued)

Owner: Barbara Sullivan

Applicant: Bakerton Market / Attn: Kevin Cueller and Katty Vocal

Parcel Info: Vacant parcel adjacent to 3658 Bakerton Rd, Harpers Ferry, WV
Parcel ID: 04000300230001; Size: 1.17 ac; Zoning District: Rural

ITEM #5 FILE #: 23-32-ZV

Request: Variance request from Section 10.4B.2 to increase the permitted freestanding business sign height from 35' to 65'. The subject request is to allow an existing freestanding sign that was previously approved at the increased height of 65' to be relocated on the subject parcel for the Liberty/Circle K gas station.

Owner: Charles Town Burr Park Station, LLC

Applicant: Holtzman Oil Corp / Attn: Lindsay Racer

Parcel Info: Burr Business Park, Lot 16A, 60 War Admiral Blvd., Kearneysville, WV
Parcel ID: 02000100690000; Size: ~5; Zoning District: Industrial Commercial

ITEM #6 FILE #: 23-31-ZV

Request: Variance request from Section 5.7D.2.b.i(b) to allow the required 50% green space to be allocated on each of the individual lots within the cluster subdivision (applicant is proposing a maximum of four, five acre lots).

Owner: Elevation Properties, LLC

Applicant: P.J. Raco Consulting, LLC / Attn: Paul Raco

Parcel Info: 1208 Gardners Lane, Shepherdstown, WV
Parcel ID: 09001700040004; Size: 20 ac; Zoning District: Rural

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-141 (RE: Rippon Solar Energy Facility / File 22-9-CUP) Rockwell v. JCBZA
 - 2. Jefferson County Circuit Court Case #CC-19-2023-C-131 (RE: Williamson Fence / 23-13-ZV) Gallagher v. JCBZA and Timothy Williamson
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

Meeting: August 24, 2023

- 1. Variance request from Section 10.4.A.2. Owner: Wall Street Partners WV1 LLC. Applicant: Mid-Atlantic Permitting Services, Inc. / Attn: Ken Padgett. File: 23-24-ZV.
- 2. Variance request from Section 9.7. Owner: Adranetta Sine (Weimer). File: 23-25-ZV.
- 3. Variance request from Section 5.4(b). Owner: Daniel Shelton. File: 23-26-ZV.