

**Minutes**  
**Jefferson County Board of Zoning Appeals**

1 Meeting Date: August 24, 2023  
2 Meeting Location: County Commission Meeting Room located in the lower level  
3 of the Charles Town Library (entrance on Samuel St.)  
4 200 East Washington Street, Charles Town, WV 25414  
5 Board Members Present: Tyler Quynn, Chair; Matthew McKinney, Vice Chair; Steve Guier,  
6 Secretary; Jacob Harris, and Mikala Shremshock, Alternate, were  
7 present in person.  
8 Board Members Absent: David Wiegand with notification  
9 Staff Members Present: Alexandra Beaulieu, Deputy Director & Zoning Administrator;  
10 Nathan Cochran, Assistant Prosecuting Attorney; and  
11 Jennilee Hartman, Zoning Clerk

12 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.

13 Mr. Guier moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which  
14 carried unanimously.

15 Ms. Hartman swore in members of the public who indicated they would be providing testimony.

16 **Approval of Minutes: July 27, 2023**

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

19 **ITEM #1 FILE #: 23-24-ZV**

20 Request: Variance request from Section 10.4.A.2 to allow an attached business sign to be  
21 installed in a location that faces an adjoining residential property.  
22 Owner: Wall Street Partners WV1 LLC  
23 Applicant: Mid-Atlantic Permitting Services, Inc. / Attn: Ken Padgett  
24 Parcel Info: Kramer Nonresidential Subdivision, Lot 1, 45 Amanda Court, Harpers Ferry, WV  
25 Parcel ID: 04001000110005; Size: 2.19 ac;  
26 Zoning District: Residential-Light Industrial-Commercial

27 Mr. Ken Padgett with Mid-Atlantic Permitting Services, Inc. was present on behalf of the property  
28 owner to address the Board. Ms. Beaulieu provided an overview of her staff report and referenced  
29 the suggested condition of approval that all exterior lights facing Shepherdstown Pike shall be  
30 turned off at closing, including any lighting placed to illuminate the subject sign.

31 Mr. Padgett explained the nature of the request to the Board and stated that the property owner is  
32 agreeable to staff's suggested condition.

33 Mr. Quynn opened the public hearing. Donnie Sine, resident, spoke in opposition to the request.  
34 Mr. Quynn closed the public hearing.

35 In rebuttal, Mr. Padgett reiterated that the sign meets the size criteria of the zoning ordinance.

36 Mr. McKinney moved to approve zoning variance #23-24-ZV with the following conditions:

- 37 1. The sign will be turned off at the close of business each day; and  
38 2. The applicant is bound by their testimony.

39 Mr. Quynn called for a vote, which carried three (3) in support and two (2) in opposition (Mr. Guier  
40 and Ms. Shremshock).

1 **ITEM #2 FILE #: 23-25-ZV**

2 Request: Variance request from Section 9.7 to reduce the side setback from 12' to 8' along the  
3 southern property line for a proposed 28' x 35' detached garage.

4 Owner: Adranetta Sine (Weimer)

5 Parcel Info: John Brown Farm Subdivision, River Section, Lot 145A

6 50 Wild Dogwood Lane, Harpers Ferry, WV

7 Parcel ID: 06008E00080009; Size: 1.02 ac; Zoning District: Rural

8 Mr. Donnie Sine, applicant, was present to address the Board. Ms. Beaulieu provided an overview  
9 of her staff report and referenced the suggested condition of approval that no business could be  
10 operated from the proposed garage. Ms. Beaulieu noted that while Ms. Sine, the property owner,  
11 had verbally indicated that the adjoining neighbor to the south was in support of the request, a  
12 written letter of support had not been submitted for the record.

13 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn  
14 closed the public hearing.

15 Mr. Guier moved to approve zoning variance #23-25-ZV for a 28' x 35' detached garage to be  
16 placed 8' from the subject property line, with the condition that the applicant is bound by their  
17 testimony.

18 Mr. Quynn called for a vote, which carried unanimously.

19 **ITEM #3 FILE #: 23-26-ZV**

20 Request: Variance request from Section 5.4(b) of the Zoning Ordinance, as amended 07/15/93,  
21 to reduce the rear setback from 20' to 15' along the northern property line for a  
22 proposed deck and screened-in porch (325 sq ft total).

23 Owner: Daniel Shelton

24 Parcel Info: Bon Aire Village, Lot 13, 25 Bon Aire Drive, Shepherdstown, WV 25443

25 Parcel ID: 09008B01500000; Size: ~0.11 ac; Zoning District: Rural

26 Mr. Daniel Shelton, property owner, was present to address the Board. Ms. Beaulieu provided an  
27 overview of her staff report noting that the proposed deck and screened-in porch would be replacing  
28 and expanding the footprint of an existing deck. Ms. Beaulieu stated that the applicant provided a  
29 letter of support signed by both property owners to the north and the east of the subject parcel.

30 Mr. Shelton explained the nature of the request to the Board. Mr. Shelton confirmed that there had  
31 never been any standing water within the stormwater management area with the existing deck and  
32 stated that he did not believe the proposed deck would impact the flow of water.

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

35 Mr. McKinney moved to approve zoning variance #23-26-ZV with the condition that the applicant is  
36 bound by their testimony.

37 Mr. Quynn called for a vote, which carried unanimously.

38 **Zoning Administrator Report**

39 a. Monthly Zoning Certificate Activity Report.

40 The Report was included in the mailed packet.

1 Ms. Beaulieu informed the Board that the Comprehensive Plan Update is underway and that staff is  
2 currently operating a booth at the fair for public outreach. Ms. Beaulieu encouraged Board members  
3 to share information related to the Agricultural Input meeting scheduled for September 13, 2023.

#### 4 **Legal Update**

5 a. Discussion of the following pending lawsuits.

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

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

10 3. Jefferson County Circuit Court Case #CC-19-2023-C-131 f/k/a CC-19-2023-P-95 (RE:  
11 Williamson Fence / 23-13-ZV) Gallagher v. JCBZA and Timothy Williamson

12 Mr. Cochran stated he did not have anything to report to the Board.

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

#### 14 **Meeting: July 27, 2023**

15 1. Variance from Section 9.7. Owner: L. & A. Upwright. Applicant: C. Middleton.  
16 File: 23-21-ZV.

17 2. Request for a Conditional Use Permit to operate a homebased federal firearms business,  
18 to include limited gunsmithing (proposed land use as listed in Appendix C: Custom  
19 Manufacturing). Owner: R. Uhrich. Applicant: BRNDL Custom Works, LLC.  
20 File: 23-7-CUP-ZV.

21 3. Variance from Section 4.12B for Canter Hollow Apartments. Owner: Cantor Hollow, LLC.  
22 Applicant: Keane Enterprises File: 23-23-ZV.

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

24 Mr. McKinney moved to adjourn the meeting at 2:51 pm. Mr. Quynn called for a vote, which carried  
25 unanimously.