

Minutes

Jefferson County Board of Zoning Appeals

1 Meeting Date: October 26, 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 David Wiegand were present in person.
7 Board Members Absent: Mikala Shremshock, Alternate, with notification
8 Staff Members Present: Alexandra Beaulieu, Deputy Director & Zoning Administrator;
9 Steve Groh, Assistant Prosecuting Attorney; and Jennilee Hartman,
10 Zoning Clerk

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 Due to technical difficulties, the ZOOM audio was unable to broadcast for a portion of the meeting.
15 The audio issue was resolved after Item#1. An audio-only recording of the complete meeting is
16 available upon request.

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

18 **AGENDA ITEM #1 FILE #: 23-33-ZV**

19 Request: Variance request from Section 5.4B of the Zoning Ordinance (as amended 11/07/02)
20 to reduce the rear setback along the eastern property line from 20' to 16' for an
21 18' x 8' deck.
22 Owner: David Cebulski
23 Applicant: Stoneridge Outdoor Living, LLC / Attn: Robert Warren
24 Parcel Info: Deerfield Village, Lot 43, 476 Deerfield Village Dr., Shepherdstown, WV
25 Parcel ID: 09014B00430000; Size: 0.26 ac; Zoning District: Rural

26 Mr. Robert Warren, representative with Stoneridge Outdoor Living, LLC, was present to address the
27 Board on behalf of the property owner. Ms. Beaulieu provided an overview of her staff report.

28 Mr. Warren explained the nature of the request to the Board stating that the deck, as proposed, would
29 be more aesthetically pleasing. Mr. Warren also noted that the property to the rear is open space
30 owned by the Deerfield Village homeowners association.

31 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn
32 closed the public hearing.

33 Mr. McKinney moved for a summary approval in accordance with Section 5.7 of the Boards'
34 Rules of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their
35 testimony. Mr. Quynn called for a vote, which carried unanimously.

36 **Approval of Minutes: September 28, 2023**

37 Mr. Guier moved to approve the minutes with the following edits:

- 38 1. Page 1, Lines 16 and 17: change the following sentence, "*Mr. Wiegand seconded the motion,*
39 *which carried unanimously.*" to "Mr. Wiegand seconded the motion. Mr. Quynn called for a
40 vote, which carried four (4) in support and one opposed (Mr. McKinney)."
- 41 2. Page 1, Line 9, change the word *Persecuting* to Prosecuting.

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

1 Mr. Quynn called for Item #3 to be heard next.

2 **AGENDA ITEM #3 FILE #: 22-5-CUP**

3 Request: Request by Wild Hill Solar Project for an extension of the previously issued
4 Conditional Use Permit for a Solar Energy Facility. Per Section 3.2G of the Zoning
5 Ordinance, the applicant is requesting an extension from March 30, 2024 to
6 September 30, 2025.

7 Applicant: Wild Hill Solar, LLC

8 Parcel Info: Clarence & Donna Hough, Owner

9 Vacant parcel north of the property located at 340 Old Shennandale Rd.,
10 Charles Town, WV

11 Parcel ID: 06000500060000; Lot Size: 49.04 ac / Project Size: 49.04 ac;
12 Zoning District: Rural

13 Parcel Info: T. Todd & Susan Hough, Trustees

14 340 Old Shennandale Rd, Charles Town, WV;

15 Parcel ID: 06000500010000; Lot Size: 206.84 ac / Project Size: 181.70 ac;

16 Zoning District: Rural

17 Parcel Info: Charles & Marie Hough (Life), Owner

18 620 Old Shennandale Rd, Charles Town, WV;

19 Parcel ID: 06001100080000; Lot Size: 118.05 ac / Project Size: 32.11 ac;

20 Zoning District: Rural

21 Mr. Paul Raco with P.J. Raco Consulting, LLC and Mr. Bob McLusky with Jackson Kelly PLLC

22 were present to address the Board on behalf of the property owners and the applicant. Ms. Beaulieu

23 provided an overview of her staff report, noting that the request was permitted in accordance with

24 Section 3.2G and that the request was limited to the expiration date of the CUP.

25 Mr. Raco and Mr. McLusky explained the nature of the request to the Board. Mr. Raco highlighted

26 the fact that as the subject parcels are currently used for farming, the property owners would like to

27 know if they should be planting seed for next year's harvest. Mr. McLusky provided an overview of

28 the project's history and an explanation pertaining to hardship for the Board's consideration.

29 Mr. Raco and Mr. McLusky addressed the Board's questions.

30 Mr. McKinney moved to approve the extension request as presented with the condition that the

31 applicants are bound by their testimony and that any future extension request must be processed as a

32 zoning variance. Mr. Quynn called for a vote, which carried four (4) in support and one (1) opposed

33 (Mr. Harris).

34 **AGENDA ITEM #2 FILE #: 23-8-CUP**

35 Request: Request by Tracy Dove dba Charles Town Car Storage for a Conditional Use Permit

36 to operate a Commercial Storage facility, as defined in Article 2 of the Zoning

37 Ordinance. The proposal consists of converting an existing storage building into a

38 nonresidential car storage facility for up to 28 vehicles. No expansion of the existing

39 structure is proposed. No employees beyond the property owners. One 3' x 4' sign to

40 be located at the entrance of the property.

41 Owner: Tracy and Marketa Dove

42 Parcel Info: Dove Minor Subdivision, Lot 1 (Residue), vacant parcel located immediately south of

43 428 Flowing Acres Road, Charles Town, WV

44 Parcel ID: 02004D00110000; Size: 4.65 acres; Zoning District: Rural

1 Mr. Tracy Dove, property owner, was present to address the Board. Ms. Beaulieu provided an
2 overview of her staff report to the Board and reviewed the required criteria for a Conditional Use
3 Permit. Ms. Beaulieu noted that the current proposal would not necessitate a site plan.

4 Mr. Dove provided an overview of the proposed land use and addressed the Board's questions.
5 Mr. Dove confirmed that there would be no outside storage related to the business. Mr. Dove
6 acknowledged that the proposed sign would adhere to the required setbacks.

7 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn
8 closed the public hearing.

9 The Board reviewed each of the General Standards outlined in Section 6.3A.1-8 of the Ordinance.

10 Mr. Guier moved to approve the conditional use permit with the condition that the applicant is
11 bound by their testimony.

12 Mr. McKinney requested a friendly amendment to include the following condition:

13 1. All vehicles related to the operation of this land use shall be brought indoors within 24-
14 hours of being dropped off at the subject parcel.

15 Mr. Quynn called for a vote on the friendly amendment, which carried unanimously.

16 Mr. Quynn called for a vote on the amended motion, which carried unanimously.

17 **Zoning Administrator Report**

18 a. Monthly Zoning Certificate Activity Report.

19 The Report was included in the mailed packet.

20 b. Approval of the 2023 Board of Zoning Appeals Meeting Schedule

21 Mr. Wiegand moved to approve the meeting schedule as presented. Mr. Harris seconded the
22 motion, which carried unanimously.

23 Ms. Beaulieu noted that the next regularly scheduled meeting is November 9, 2023.

24 **Legal Update**

25 a. Discussion of the following pending lawsuits.

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

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

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

32 Mr. Groh stated there had been no changes to the status of the pending lawsuits.

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

34 **Meeting: September 28, 2023**

35 1. Variance from Section 9.7. Owner: Sharon Tennant. File: 23-27-ZV.

36 2. Variance from Section 8.10. Owner: Flowing Springs Road, LLC. File: 23-28-ZV.

37 3. Variance from Section 5.7(b). Owner: Charles and Shelly Wolfe. File: 23-29-ZV.

- 1 4. Request for a Special Exception Permit for an Off-Premise Sign for Bakerton Market. Owner:
2 Barbara Sullivan. Applicant: Bakerton Market / Attn: Kevin Cueller and Katty Vocal. File:
3 23-2-SE.
- 4 5. Variance from Section 5.7(b). Owner: Barbara Sullivan. Applicant: Bakerton Market /
5 Attn: Kevin Cueller and Katty Vocal. File: 23-30-ZV.
- 6 6. Variance from Section 5.7D.2.b.i(b). Owner: Elevation Properties, LLC. Applicant: P.J.
7 Raco Consulting, LLC / Attn: Paul Raco. File: 23-31-ZV.
- 8 7. Variance from Section 10.4B.2. Owner: Charles Town Burr Park Station, LLC. Applicant:
9 Holtzman Oil Corp / Attn: Lindsay Racer. File: 23-32-ZV.
- 10 Mr. Quynn was provided a copy of the draft Findings for review.
- 11 Mr. Wiegand moved to adjourn the meeting at 3:06 pm. Mr. Quynn called for a vote, which carried
12 unanimously.