



Jefferson County
Board of Zoning Appeals Agenda
Thursday, February 22, 2024 at 2:00 p.m.

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

Meeting Location: County Commission Meeting Room
Located in the lower level of the Charles Town Library (entrance on Samuel Street)
200 East Washington Street, Charles Town, WV 25414

Broadcast Information: ZOOM Meeting ID: 813 9740 3372
ZOOM Meeting Link: <https://us02web.zoom.us/j/81397403372>
Phone Option (Dial by Location): 301-715-8592

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

Approval of Minutes: January 25, 2024

Public Hearing – Administer Oath

Item #1 File # 23-36-ZV – postponed from December 14, 2023 and January 25, 2024

Request: Variance request from Section 9.7 to reduce the front setback along Mahoney Drive from 20' to 4' and, to reduce the rear setback along the eastern property line from 12' to 2' for an existing 12' tall fence.

Owner: Guy Chappuis

Parcel Info: 26 Benson Drive, Harpers Ferry, WV

Parcel ID: 04003A00370000; Size: .58 acres, Zoning District: Village

Item #2 File # 24-1-CUP and 24-5-ZV

Request 1: Request for a Conditional Use Permit to operate a homebased federal firearms business from an existing dwelling unit (proposed land use designation as listed in Appendix C of the Zoning Ordinance: Retail Sales and Service, General). The applicant anticipates approximately 10-20 customers per month. No employees other than the residents of the property. No signs are proposed (File #24-1-CUP).

Request 2: Variance request from Section 4.6B to eliminate the 75' distance requirement along the northern, southern, and eastern property lines to operate a homebased federal firearms business from an existing dwelling unit. (File #24-5-ZV).

Owner: William & Kristen McClain

Applicant: Double Tap Arms, LLC

Parcel Info: Sheridan Estates, Lot 135, 374 Lookout Mountain Ct., Harpers Ferry, WV

Parcel ID: 04009D01350000; Size: .42 acres; Zoning District: Residential Growth

Item #3 File # 24-2-CUP

Request: Request for a Conditional Use Permit to operate an assisted living facility from an existing dwelling unit (proposed land use designation as listed in Appendix C of the Zoning Ordinance: Nursing or Retirement Home). The facility will provide homecare for up to 32 residents with up to 12 caregivers/employees. All parking will occur on site. No signs are proposed.

Owner: Mark and Jennifer Baldwin

Applicants: Blue Iris LLC / Attn: Sharon Hallinan, Manager

Songbird House LLC / Attn: Beata Scott

Parcel Info: Kristie George Minor Subdivision, Lot B, 1163 Gardners Ln, Shepherdstown, WV

Parcel ID: 09001700090003; Size: 6.63 acres; Zoning District: Rural

Item #4 **File # 24-3-CUP and 24-6-ZV WITHDRAWN BY APPLICANT**

Request 1: Request for a Conditional Use Permit to operate a tree service business (proposed land use designation as listed in Appendix C of the Zoning Ordinance: Contractor with Outdoor Storage). The proposal consists of constructing a 40' x 60' pole building on a 125' x 150' gravel pad to be used for employee parking and equipment storage, as well as maintenance of company vehicles and equipment. The business would employ up to 10 employees. No customers will come to the property. No signs are proposed. (File #24-3-CUP).

Request 2: Variance request from the following provisions: (File #24-6-ZV)

1. Appendix B and Section 4.11E to utilize existing vegetation in lieu of a planted buffer along the front (southern), side (eastern), and rear (northern) property lines.
2. Appendix B to eliminate the building setbacks and landscaping requirements along the internal property line between Parcels 7 & 7.1 (common ownership).

Owner: Erik and Cheryl Berndt

Applicant: Viking Tree Service, LLC

Parcel Info: Vacant parcel located northeast of 1227 River Road, Shepherdstown, WV
Parcel ID: 09001000070000; Size: 6 acres; Zoning District: Rural

Item #5 **File # 24-7-ZV**

Request: Variance request from Appendix B and Section 4.11 to eliminate the required street tree and landscaping buffer to allow for the expansion of an existing commercial facility (DALB Inc.).

Owner: DALB, Inc. / Ken Steeley

Parcel Info: Burr Industrial Park, Lots 1 & 2, 73 Industrial Blvd., Kearneysville, WV
Parcel ID: 02000200010007; Size: 2 acres; Zoning District: Industrial Commercial

Discussion with Possible Action re: Submission Deadline Policy (draft) – continued discussion from the January 25, 2024 meeting.

Discussion and Possible Action: Clarification of Board's action on 07/27/2023 pertaining to hybrid (virtual and in-person) meeting options **(DW)**.

Discussion and Possible Action: Regarding Board's discussion to request that the Planning Commission review Section 5.7D.2 of the Zoning Ordinance (Cluster Subdivisions) **(DW)**.

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

- a. Discussion with possible deliberative session 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 c JCBZA and Timothy Williamson
 3. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of Zoning Appeals)

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

Meeting: December 14, 2023

1. Variance from Section 5.7.D.2.b.i(b). Owner: Debra Corbett. Applicant: Mark Stacpoole. Consultant: Josh Beall, Broker. File: 24-1-ZV.
2. Variance from Appendix A. Owner: Beallair Homes, LLC. File: 24-2-ZV.
3. Variance from Section 5.6B. Owner: Millville Quarry, Inc. Applicant: Diamond Concrete, LLC. File: 24-3-ZV.
4. Variance from Section 8.10. Owner: DR Acquisitions LLC. Applicant: DRB Group / Attn: Matt Monahan. File: 24-4-ZV.