



Jefferson County
Board of Zoning Appeals Agenda
Thursday, March 28, 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: 873 3332 7489
ZOOM Meeting Link: <https://us02web.zoom.us/j/87333327489>
Phone Option (Dial by Location): 301-715-8592

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

Approval of Minutes: February 22, 2024

Public Hearing – Administer Oath

Item #1 File #: 24-8-ZV

Request: Variance request from Section 9.7 to reduce the side setback along the eastern property line for an accessory structure (shed).

Owner: Jeffrey Black

Parcel Info: Walnut Grove Subdivision, Section E, Lot 8, 353 Marie Drive, Charles Town, WV
Parcel ID: 02004C00790000; Size: .28 acres; Zoning District: Rural

Item #2 File #: 24-9-ZV

Request: Variance request from Section 5.7B of the Zoning Ordinance (amended 05/01/03) to reduce the rear setback along the eastern property line for an accessory structure (shed).

Owner: Joshua Madar

Parcel Info: Edwin & Stephanie Simpson Minor Subdivision, Lot 1, 74 Saddlebred Lane, Kearneysville, WV
Parcel ID: 07000500120023; Size: 1.31 acres; Zoning District: Rural

Item #3 File #: 24-10-ZV and 24-11-ZV

Request 1: Variance request from Section 4.11A and Appendix B to eliminate the buffer and street tree requirements for the installation of the community pool and clubhouse (24-10-ZV).

Request 2: Variance request from Appendix B to eliminate the required parking lot setback along Plantation Lane for the installation of the community pool and clubhouse (24-11-ZV).

Owner: Beallair Community Conservancy, Inc.

Parcel Info: Beallair Subdivision, Commercial Parcel 1, 480 Beallair Manor Drive, Charles Town, WV
Parcel ID: 04010ACOMM0000; Size: 3.31 ac; Zoning District: Residential Growth

Item #4 File #: 24-12-ZV

Request: Variance from Section 5.7B of the Zoning Ordinance (amended 05/01/03) to reduce the front setback along the northern property line for a greenhouse; and Section 9.6C to allow an accessory structure within the required front yard.

Parcel Info: James and Julia Farrell, Property Owner
Potomac Ridge Subdivision, Lot 5, 312 Potomac Ridge Ln, Shepherdstown, WV
Parcel ID: 09001000090015; Size: 3.17 ac; Zoning District: Rural

Item #5 File #: 24-4-CUP – Postponed until April 25, 2024

Request: Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. Project Name: Franklinton Farm Solar Project. The proposal consists of constructing an 80-megawatt solar energy facility on 502 acres. The project consists of rows of solar modules, a new substation to connect the solar facility to the existing overhead electrical transmission line, and a 20MW Battery Energy Storage System (BESS). The Project also includes internal access roads, commercial entrance(s), security fencing, a buffer screen, and stormwater management.

Applicant: Franklinton Farm, LLC / Attn: Sam Judd

Parcel Info: Mark D. Stolipher, Property Owner
261 Berry Hill Farm Ln, Summit Point, WV 25446
Parcel ID: 06001900070000; Parcel/Project Size: 150.31 ac; Zoning District: Rural

Parcel Info: Mark D. Stolipher, Property Owner
2998 Withers Larue Rd, Summit Point, WV 25446
Parcel ID: 06001900080004; Parcel/Project Size: 146.84 ac; Zoning District: Rural

Parcel Info: Mark D. Stolipher, Property Owner
322 Scooter Ln, Charles Town, WV 25414
Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural

Parcel Info: Michael Paul Chapman, Trustees, Property Owner
651 & 653 Franklinton Rd, Summit Point, WV 25446
Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac; Zoning District: Rural

Review and Discuss: DRAFT Letter to Planning Commission (PC) RE: Board’s request for PC to review Section 5.7D.2 of the Zoning Ordinance (Cluster Subdivisions)

Discussion and Possible Action: Request to include language from WV State Code 8A-8-9 and Section 3.4A of the Zoning Ordinance into the Agenda Packet (JH).

Zoning Administrator Report

- a. Final Draft of Submission Deadline Policy for Written Comments
- b. 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: February 22, 2024

1. Variance request from Section 9.7. Owner: Guy Chappuis. File: 23-36-ZV.
2. Request by Double Tap Arms, LLC for a Conditional Use Permit to operate a 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); and, a variance request from Section 4.6B. Owner: William & Kristen McClain. Files: 24-1-CUP and 24-5-ZV.
3. 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). Owner: Mark and Jennifer Baldwin. Applicant: Blue Iris LLC / Attn: Sharon Hallinan, Manager & Songbird House LLC / Attn: Beata Scott. File: 24-2-CUP.
4. Variance request from App. B and Sec. 4.11. Owner: DALB, Inc. / Ken Steeley. File: 24-7-ZV.