



Jefferson County
Board of Zoning Appeals Agenda
Thursday, April 25, 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: 884 4951 7007
ZOOM Meeting Link: <https://us02web.zoom.us/j/88449517007>
Phone Option (Dial by Location): 301-715-8592

Note: *The County does not transcribe meeting proceedings. Any party desiring a meeting transcript is responsible for providing a stenographer at their own expense.*

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

Approval of Minutes: March 28, 2024

Public Hearing – Administer Oath

Item #1 **File #: 24-4-CUP – Postponed to May 23, 2024 (from March 28, 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

Item #2 **File #: 24-1-SE**

Request: Request for a Special Exception Permit to allow a second Accessory Dwelling Unit for a family member in accordance with Section 8.15.

Owner: Linda Shirley, Et Al, Property Owner

Parcel Info: 4529 Middleway Pike, Kearneysville WV
Parcel ID: 07001900160004; Size: 5.28 ac; Zoning District: Rural

Item #3 File #: 24-13-ZV

Request: Variance from Section 9.6C to allow an accessory structure (detached garage) within the required front yard; and Section 9.7 to reduce the front setback along the southern property line for a detached garage.

Parcel Info: Debra and Thomas Traywick, Property Owner
Avon Bend Subdivision, Sec. 23D, Lot 2331, 647 Avon Bend Rd, Charles Town, WV
Parcel ID: 06009H00110000; Size: .87 ac; Zoning District: Rural

Item #4 File #: 24-14-ZV

Request: Variance from Section 4.11 and Appendix B to eliminate the required landscape buffer for a proposed modular classroom to be located on an existing church property; and to reduce the required setback along the western property line.

Parcel Info: Grace Baptist Church, Property Owner
4272 Charles Town Rd, Kearneysville, WV
Parcel ID: 07000200020006; Size: 3.91 ac; Zoning District: Rural

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 (continued from 03/28/24 meeting).

Zoning Administrator Report

- a. Update from 04/09/24 Planning Commission Meeting RE: letter from BZA requesting PC review Section 5.7D.2 of the Zoning Ordinance (Cluster Subdivisions)
- 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: March 28, 2024

- 1. Variance request from Section 9.7. Owner: Jeffrey Black. File: 24-8-ZV.
- 2. Variance request from Section 5.7B. Owner: Joshua Madar. File: 24-9-ZV.
- 3. Variance request from Section 4.11A and Appendix B (File 24-10-ZV); and, Variance request from Appendix B (File 24-11-ZV). Owner: Beallair Community Conservancy, Inc. Applicant: Piedmont Design Group.