



**Jefferson County**  
**Board of Zoning Appeals Agenda**  
**Thursday, June 27, 2024 at 2:00 p.m.**

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

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**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: 830 1313 0733  
ZOOM Meeting Link: <https://us02web.zoom.us/j/83013130733>  
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.**

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**Approval of Minutes: April 25, 2024**

**Public Hearing – Administer Oath**

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**Item #1      File #: 24-16-ZV**  
Request: Variance from Section 5.4B of the Zoning Ordinance, amended 05/01/03 to reduce the rear setback along the western property line for a deck.

Parcel Info: Frank and Elizabeth Casaleno, Property Owners  
Demory Farm Subdivision, Lot 30, 214 Killian Lane, Charles Town, WV  
Parcel ID: 02009B00300000; Size: .32 acres; Zoning District: Residential Growth

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**Item #2      File #: 24-17-ZV**  
Request: Variance from Appendix A to reduce the side setback along the eastern property line for a deck.

Parcel Info: Thomas and Ann Morgan, Property Owner  
Beallair Subdivision, Lot 303, 20 Shenandoah Crossing Drive, Charles Town, WV  
Parcel ID: 04010A03030000; Size: .10 acres; Zoning District: Residential Growth

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**Item #3      File #: 24-18-ZV**  
Request: Variance from Section 9.7 to reduce the front setback along Natalie Lane for a porch/deck.

Parcel Info: Jeffrey & Alita Kite, Property Owner  
Glen Haven Subdivision, Lot 16, 655 Mason Drive, Harpers Ferry, WV  
Parcel ID: 04003D00610000; Size: .30 acres; Zoning District: Rural

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**Item #4      File #: 24-19-ZV**  
Request: Variance from Section 4.11 and Appendix B to eliminate the landscaping requirements, the parking/drive aisle setbacks, and the building setbacks along the internal lot line to allow for the expansion of the existing Devil's Due Distillery facility without having to consolidate into a single lot.

Applicant: Devil's Due Distillery / Attn: Wylie McDade  
Parcel Info: Shenandoah Valley Holdings LLC, Property Owner  
Burr Business Park, 315 James Burr Blvd, Kearneysville, WV 25430  
Lot # 32 - Parcel ID: 02000101320000; Size: 2.7 acres; and  
Lot #33 - Parcel ID 02000101330000; Size: 2.83 acres;  
Zoning District: Industrial Commercial

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**Item #5 File #: 24-20-ZV**

Request: Variance from Appendix A to reduce the front setback along a proposed access easement along the southern property line for an existing detached accessory structure; and Section 9.6C to allow an accessory structure within the required front yard.

Parcel Info: Frank and Diane Hardy, Property Owner  
Katherine Chesbro Minor Subdivision, Lot A, 43 American Pride Lane, Kearneysville, WV  
Parcel ID: 07001300030014; Size: 5 ac; Zoning District: Rural

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**Item #6 File #: 24-21-ZV**

Request: Variance from Appendix A to reduce the front setback along a platted access easement along the western property line for an existing shed and lean-to, and a proposed pool; and Section 9.6C to allow an accessory structure within the required front yard.

Parcel Info: Westley Jenkins & Rebekah Walsh-Jenkins, Property Owner  
William MaCoughtry Minor Subdivision, Lot 6, 289 MaCoughtry Dr., Kearneysville, WV  
Parcel ID: 07002400040001; Size: 3.77 Ac; Zoning District: Rural

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**Item #7 File #: 24-22-ZV**

Request: Variance from Appendix A to reduce the required setbacks in order to allow three existing accessory structures to remain in their current locations for a proposed minor subdivision.

Applicant: Lane Donley

Parcel Info: Samuel J Donley Jr, Property Owner  
4368 Engle Molers Rd, Harpers Ferry, WV 25425  
Parcel ID: 09001900040000; Size: 97.3 acres; Zoning District: Rural

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**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. 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.

**Meeting: April 25, 2024**

1. 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. File: 24-1-SE.
2. Variance from Section 9.6C. Owners: Debra and Thomas Traywick. File: 24-13-ZV.
3. Variance from Section 4.11 and Appendix B. Owner: Grace Baptist Church. File: 24-14-ZV.