

## Jefferson County Board of Zoning Appeals

- 1 Meeting Date: April 25, 2024  
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; Jacob Harris,  
6 Secretary; and Steve Guier were present in person.  
7 Board Members Absent: David Wiegand, and Mikala Shremshock, Alternate  
8 Staff Members Present: Alexandra Beaulieu, Deputy Director & Zoning Administrator;  
9 and Jennilee Hartman, Zoning Clerk

10 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.

11 Mr. McKinney moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which  
12 carried unanimously.

13 Mr. Quynn reviewed meeting protocol for those in attendance.

### 14 **Approval of Minutes: March 28, 2024**

15 Mr. McKinney moved to approve the minutes as presented, which carried unanimously.

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

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

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

25 Applicant: Franklinton Farm, LLC / Attn: Sam Judd

26 Parcel Info: Mark D. Stolipher, Property Owner  
27 261 Berry Hill Farm Ln, Summit Point, WV 25446  
28 Parcel ID: 06001900070000; Parcel/Project Size: 150.31 ac; Zoning District: Rural

29 Parcel Info: Mark D. Stolipher, Property Owner  
30 2998 Withers Larue Rd, Summit Point, WV 25446  
31 Parcel ID: 06001900080004; Parcel/Project Size: 146.84 ac; Zoning District: Rural

32 Parcel Info: Mark D. Stolipher, Property Owner  
33 322 Scooter Ln, Charles Town, WV 25414  
34 Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural

35 Parcel Info: Michael Paul Chapman, Trustees, Property Owner  
36 651 & 653 Franklinton Rd, Summit Point, WV 25446  
37 Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac; Zoning District: Rural

38 Mr. Quynn noted that this item had been postponed.

39 Mr. Quynn called for the applicant listed for Item #4 to present first.

**1 Item #4 File #: 24-14-ZV**

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

5 Parcel Info: Grace Baptist Church, Property Owner  
6 4272 Charles Town Rd, Kearneysville, WV  
7 Parcel ID: 07000200020006; Size: 3.91 ac; Zoning District: Rural

8 Mr. Craig Bush, Pastor for Grace Baptist Church, was present to address the Board. Ms. Beaulieu  
9 provided a brief history of the subject parcel and an overview of her staff report to the Board.

10 Pastor Bush explained the nature of the request to the Board noting that the required landscaping  
11 would be installed at the completion of Phase II of the approved Grace Baptist Church [File S17-03].

12 Pastor Bush provided a letter of support from the neighboring property owner, Ronald Slonaker.

13 Mr. Quynn opened the public comment portion of the hearing.

14 Mr. Anthony Aaron and Ms. Jackie Shadle, church members, spoke in favor of the request.

15 Ms. Christine Marshall, county resident, asked a question about the application.

16 Mr. Quynn closed the public comment portion of the hearing.

17 Mr. Harris moved to approve variance request #24-14-ZV with the condition that the applicant is  
18 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

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

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

22 Parcel Info: Linda Shirley, Et Al, Property Owners  
23 4529 Middleway Pike, Kearneysville WV  
24 Parcel ID: 07001900160004; Size: 5.28 ac; Zoning District: Rural

25 Ms. Amy Rose, property owner, was present to address the Board. Ms. Beaulieu provided an  
26 overview of her staff report to the Board.

27 Ms. Rose explained the nature of the request to the Board and confirmed that the property had been  
28 posted. Ms. Rose stated that she has been working with the Jefferson County Health Department  
29 and is aware of their processing requirements.

30 Mr. Quynn opened the public comment portion of the hearing.

31 Mr. Thomas Traywick, county resident, spoke in favor of the request.

32 Mr. Quynn closed the public comment portion of the hearing.

33 Mr. McKinney moved to approve the request (#24-1-SE) with the condition that the applicant is  
34 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

**35 Item #3 File #: 24-13-ZV**

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

39 Owner: Debra and Thomas Traywick

1 Parcel Info: Avon Bend Subdivision, Sec. 23D, Lot 2331, 647 Avon Bend Rd, Charles Town, WV  
2 Parcel ID: 06009H00110000; Size: .87 ac; Zoning District: Rural

3 Mr. Thomas Traywick, property owner, was present to address the Board. Ms. Beaulieu provided an  
4 overview of her staff report to the Board.

5 Mr. Traywick stated that he hoped to erect the proposed garage on his adjoining lot (Parcel 12).

6 Mr. Traywick explained the purpose of the request is to keep the proposed garage out of the delineated  
7 floodway.

8 Mr. Quynn opened the public comment portion of the hearing.

9 Ms. Christine Marshall, county resident, had a question about the floodplain regulations. Ms. Beaulieu  
10 advised that any questions pertaining to the floodplain ordinance should be directed to the Floodplain  
11 Ordinance Manager and that the Board's action would not supersede floodplain requirements.

12 Mr. Quynn closed the public comment portion of the hearing.

13 Mr. McKinney moved to approve variance request #24-13-ZV as presented with the following  
14 conditions:

15 1. The applicant shall obtain the necessary permits; and

16 2. The applicant is bound by their testimony.

17 Mr. Quynn added that the request meets all of the criteria for a variance. Mr. Quynn called for a  
18 vote, which carried unanimously.

19 **Discussion and Possible Action:** Request to include language from WV State Code 8A-8-9 and  
20 Section 3.4A of the Zoning Ordinance into the Agenda Packet (continued from 03/28/24 meeting).

21 Mr. Harris stated that he believed including the text from WV State Code and the Zoning Ordinance  
22 as it relates to the Board's duties would help the public better understand their role in government.

23 Mr. McKinney moved to include the relevant language from WV State Code and the Zoning  
24 Ordinance into each Agenda Packet with the condition that it is evaluated by the Board's legal  
25 counsel.

## 26 **Zoning Administrator Report**

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

29 Ms. Beaulieu provided the Board with an update on this item noting the Planning  
30 Commission stated that no changes should be made to the Zoning Ordinance until after the  
31 Comprehensive Plan has been updated.

32 b. Ms. Beaulieu stated that the next Public Input meeting related to the Comprehensive Plan  
33 update is May 13, 2024 at 7:00 pm

34 c. Monthly Zoning Certificate Activity Report.

35 The Report was included in the Agenda packet.

## 36 **Legal Update**

37 a. Discussion with possible deliberative session of the following pending lawsuits:

- 1 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy  
2 Facility / File 22-9-CUP) Rockwell v. JCBZA
- 3 2. Jefferson County Circuit Court Case #CC-19-2023-C-131 (RE: Williamson Fence /  
4 23-13-ZV) Gallagher c JCBZA and Timothy Williamson
- 5 3. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany  
6 Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of  
7 Zoning Appeals).

8 No action was taken as legal counsel was not present for this meeting.

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

10 **Meeting: March 28, 2024**

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

16 Ms. Beaulieu stated she did not have a copy of the draft Findings for the Chair's review.

17 Mr. Guier moved to adjourn the meeting at 3:02 pm. Mr. Quynn called for a vote, which carried  
18 unanimously.