



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

Members
Tyler Quynn, Chair
Matthew McKinney, Vice Chair
Jacob Harris, Secretary
David Wiegand
Stephen Guier
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 Link: <https://us02web.zoom.us/j/89286326099>
Phone Option (Dial by Location): 301-715-8592 / Meeting ID: 892 8632 6099

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: July 25, 2024

Public Hearing – Administer Oath

Item #1 File #: 24-4-CUP

Request: Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in Article 2 of the Zoning Ordinance. Project Name: Franklintown 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: Franklintown Farm, LLC / Attn: Ashley Smith, P.E., Enel North America, Inc

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 & 288 Scooter Ln, Charles Town, WV 25414
Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural

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

Item #2 File #: 24-26-ZV

Request: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed five (5) unit campground from 10 acres to 5.92 acres.

Parcel Info: Joseph & Shelby Herbert, Property Owners
1122 Duncan Rd, Harpers Ferry, WV
Parcel ID: 09001100100000; Size: 5.92 acres; Zoning District: Rural

Item #3 File #: 24-27-ZV

Request: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed four (4) unit campground from 10 acres to 3 acres.

Parcel Info: Joseph & Shelby Herbert, Property Owners
Vacant parcel located SE of 1122 Duncan Rd, Harpers Ferry, WV
Parcel ID: 09001100100002; Size: 3 acres; Zoning District: Rural

Item #4 File #: 24-28-ZV and 24-29-ZV

Request #1: Variance from Appendix B to reduce the 50' side setback & 50' unscreened buffer area to 20' along a portion of the eastern property line to allow for the construction of a 14' x 80' (1,120 sf) addition to an accessory structure; and to allow for a gravel drive to be installed for motor vehicle access to the building (File 24-28-ZV).

Request #2: Variance from Appendix B to reduce the 50' side setback & 50' unscreened buffer area to 20' along a portion of the eastern property line to allow a baseball field, including a chain link fence up to 8' in height, to be installed (File 24-29-ZV).

Parcel Info: Fellowship Bible Church Trustees, Property Owner / Attn: Richard Beddow
160 Daniel Rd, Shenandoah Junction, WV
Parcel ID: 02000300040005; Size: 50± ac; Zoning District: Rural

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: July 25, 2024

1. Variance request from Section 9.7. Owner: Nicholas Lowe. File: 24-23-ZV.
2. Request by Global Environmental & Remediation LLC for a Conditional Use Permit. Owner: Raymond Johnson. File: 24-5-CUP.
3. Variance request from Appendix B and Section 4.11E. Owner: Raymond Johnson. File: 24-24-ZV.
4. Request by Bakerton Central for a Conditional Use Permit. Owner: Carter & Maple Properties, LLC. File: 24-6-CUP.
5. Variance request from Section 8.14B. Owner: Carter & Maple Properties, LLC. File: 24-25-ZV.