

**Meeting Minutes**  
**Jefferson County Board of Zoning Appeals**

1 Meeting Date: September 26, 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; David Wiegand, and Steve Guier were present in person.  
7 Board Members Absent: Mikala Shremshock, Alternate  
8 Staff Members Present: Jennifer Brockman, AICP, Chief County Planner & Acting Zoning  
9 Administrator; Jennilee Hartman, Zoning Clerk; and Colin Uhry,  
10 Planning & Zoning Clerk

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

12 Mr. McKinney moved to call the meeting to order at 2:02 pm. Mr. Quynn called for a vote, which  
13 carried unanimously.

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

15 **Approval of Minutes: August 22, 2024**

16 Mr. Wiegand requested an edit to Page 3, Item #25 (Item #4), to change the height of the fence from  
17 8' to 6'. Mr. Wiegand recalled revising the height of the fence based on advice from the Zoning  
18 Administrator.

19 Mr. McKinney moved to approve the minutes as amended, which carried unanimously.

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

21 **Agenda Item #1 File #: 24-30-ZV**

22 Request: Variance request from Appendix A to reduce the rear setback from 50' to 4' along the  
23 southern property line for a 15' x 25' accessory structure (greenhouse).  
24 Parcel Info: David Brown and Michelle Mitchell-Brown, Property Owner  
25 229 Bethany Lane, Charles Town, WV  
26 Parcel ID: 06002100070005; Size: 4.53 acres; Zoning District: Rural

27 Ms. Michelle Mitchell-Brown, owner of the property, was present to address the Board.

28 Ms. Brockman provided an overview of her staff report to the Board stating that the request was to  
29 establish a greenhouse structure 4' along the property line, opposed to 50'. It was noted that the  
30 property adjacent to the parcel is under development with a solar company.

31 Ms. Mitchell-Brown explained the nature of the request to the Board.

32 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided  
33 testimony. Mr. Quynn closed the public comment portion of the hearing.

34 Mr. McKinney moved for a Summary Approval in accordance with Section 5.7(9) of the Boards'  
35 Rules of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their  
36 testimony. Mr. Quynn called for a vote, which carried unanimously.

37 **Agenda Item #2 File #: 24-31-ZV**

38 Request: Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed ten  
39 (10) unit campground from 10 acres to 6.3 acres.  
40 Applicant: David Schneider

1 Parcel Info: Jeanette M. Hawk, Property Owner  
2 328 Harry Shirley Rd, Kearneysville, WV  
3 Parcel ID: 07001800120002; Size: 6.31 acres; Zoning District: Rural

4 Mr. David Schneider, applicant and son of the property owner, was present to address the Board.

5 Ms. Brockman provided an overview of her staff report to the Board stating that the request was to  
6 reduce the minimum lot size for a campground development.

7 Mr. Schneider explained the nature of the request to the Board.

8 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided  
9 testimony. Mr. Quynn closed the public comment portion of the hearing.

10 Mr. McKinney moved for a Summary Approval in accordance with Section 5.7(9) of the Boards'  
11 Rules of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their  
12 testimony. Mr. Quynn called for a vote, which carried unanimously.

### 13 **Zoning Administrator Report**

14 Ms. Brockman provided the Board with the following information:

- 15 1. Ms. Brockman made the Board aware of possible publication issues regarding the Spirit of  
16 Jefferson and possibility of having to postpone the October 24, 2024 meeting. The Board  
17 took this under advisement and stated they'll be ready for adjustments.
- 18 2. Ms. Brockman provided an update regarding the status of the 2045 Comprehensive Plan.
- 19 3. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.

### 20 **Legal Update**

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

- 22 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy  
23 Facility / File 22-9-CUP) Rockwell v. JCBZA

24 Mr. Groh stated the case is still ongoing.

- 25 2. Jefferson County Circuit Court Case #CC-19-2023-C-131 (RE: Williamson Fence /  
26 23-13-ZV) Gallagher c JCBZA and Timothy Williamson

27 Mr. Groh stated the case has been resolved independently and the case has been closed.

- 28 3. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany  
29 Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of  
30 Zoning Appeals).

31 Mr. Groh stated the case is still ongoing.

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

### 33 **Meeting: August 22, 2024**

- 34 1. Request for a Conditional Use Permit to operate a Solar Energy Facility, as defined in  
35 Article 2 of the Zoning Ordinance. Project Name: Franklinton Farm Solar Project.  
36 Applicant: Franklinton Farm, LLC / Attn: Ashley Smith, P.E., Enel North America,  
37 Inc Owners: Mark D. Stolipher & Michael Paul Chapman. File: 24-4-CUP.

- 38 2. Variance request from Sec. 8.17B.1. Owner: Joseph & Shelby Herbert. File: 24-26-ZV.

- 1           3. Variance request from Sec. 8.17B.1. Owner: Joseph & Shelby Herbert. File: 24-27-ZV.
- 2           4. Variance request from App. B for an addition (File 24-28-ZV) and an 8' tall baseball
- 3           fence (File 24-29-ZV). Owner: Fellowship Bible Church Trustees/Attn: Richard Beddow.
- 4           No action was taken as the findings were not available.
- 5 Mr. Brockman introduced Colin Uhry, the new Planning and Zoning Clerk.
- 6 Mr. McKinney moved to adjourn the meeting at 2:28 pm. Mr. Quynn called for a vote, which carried
- 7 unanimously.