

Meeting Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: December 12, 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; Steve Guier, and Matthew McKinney, Vice Chair
6 were in attendance in person. David Wiegand was present via ZOOM.
7 Board Members Absent: Jacob Harris and Mikala Shremshock, Alternate were absent with
8 notice.
9 Staff Members Present: Mason Carter, Acting Zoning Administrator; and Colin Uhry, Planning &
10 Zoning Clerk

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: Approval of the October 24, 2024 Minutes**

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

16 Mr. Uhry swore in members of the public who indicated they would be providing testimony.

17 **Agenda Item #1: File #: 24-2-SE & 24-39-ZV**

18 Request #1: Request for a Special Exception Permit for an 8' tall (24 square foot) Electronic Sign.

19 Request #2: Variance from Section 10.7H to reduce the distance requirement of a freestanding
20 sign from the southern and northern property line.

21 Request #3: Variance from Section 10.4B to allow a freestanding sign to face a property that
22 contains a residence to the north & south.

23 Parcel Info: Middleway Volunteer Fire Company Inc. / Attn: Mike Mood, Applicant
24 110 Dark Hill Road, Kearneysville, WV Parcel ID: 07002400020000;
25 Property Size: 6.11 ac; Zoning District: Rural

26 Mr. Mike Mood, representative with the Middleway Volunteer Fire Company Inc, was present to
27 address the Board.

28 Mr. Carter provided an overview of his staff report to the Board stating that the request was to
29 establish an electronic sign outside the local firehouse that faced in the direction of properties to the
30 north and south. The request also asked for variances to reduce the distance requirement along the
31 northern and southern property line.

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. Wiegand joined the meeting at 2:14 pm.

35 Mr. Guier questioned the placement of the electronic sign in relation to the already established
36 freestanding sign currently on the property. Mr. Mood provided an overview regarding the location of
37 the electronic sign and community input regarding the applications.

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

41 Mr. Wiegand left the meeting at 2:27 pm.

1 Agenda Item #2: File #: 24-3-SE

2 Request: Request for a Special Exception Permit to convert an existing Accessory Dwelling
3 Unit for a family member into a rental unit.

4 Parcel Info: Julia Reynes, Property Owners
5 Potomac Ridge Subdivision, Lot 7, 386 Potomac Ridge Lane, Shepherdstown, WV
6 Parcel ID: 09001000090017; Size: 3.01 acres; Zoning District: Rural

7 Ms. Julia Reynes, property owner, and Mr. Anthony Tedesco, partner of the property owner, were
8 present to address the Board.

9 Mr. Carter provided an overview of his staff report to the Board stating the request was to convert an
10 existing Accessory Dwelling Unit already constructed for a family member into a rental unit.

11 Ms. Reynes explained the accessory dwelling unit was already built in this location as the property
12 owners planned on letting their children live in this space. Ms. Reynes explained that her children no
13 longer needed the accessory dwelling unit since joining the military. As such, Ms. Reynes stated she
14 would like to use the structure as a rental unit. Mr. Carter noted that the applicant has provided four
15 letters of support from members of the community.

16 Mr. McKinney made note regarding the November 10, 2022 Board of Zoning Appeals and the
17 conditions of approval that the accessory dwelling unit was specifically approved with the knowledge
18 the applicant would not be allowed to rent out the building.

19 Mr. Wiegand joined the meeting at 2:30pm.

20 Mr. Quynn opened the public comment portion of the hearing. The following member of the public
21 provided testimony: Mr. Dominic Valentine, Joseph Valentine, Mr. David Miljour, Mrs. DoreAnn
22 Miljour, Mr. Jeremiah Pulmon, and Mr. Dave Milshore. Mr. Quynn closed the public comment
23 portion of the hearing.

24 In rebuttal, Ms. Reynes provided pictures documenting that the driveway/parking area for the
25 accessory dwelling unit was located outside of the subdivision road right-of-way.

26 Mr. Harris moved moved to approve the request (24-3-SE), noting this property will not be used as a
27 short term rental and there will be no parking in the access easement outside the property, with the
28 condition that the applicant is bound by their testimony. Mr. Quynn called for a vote, which carried
29 unanimously.

30 Agenda Item #3: File #: 24-8-CUP, 24-40-ZV, & 24-41-ZV

31 Request #1: Request for a Conditional Use Permit to establish the following land use categories:
32 Storage, Commercial (self-storage units); Retail Sales and Service, General (a private
33 gym); Retail Sales, Limited; Convenience Store, Limited; Professional Office. The
34 applicant is proposing to construct new building(s) and will be expanding the existing
35 parking lot. All new signage will be in accordance with Article 10.

36 Request #2: Variance from Appendix B and Section 4.6 to reduce the setback and distance
37 requirements for the proposed mixed-use project.

38 Request #3: Variance from Appendix B and Section 4.11 to reduce the landscaping and buffer
39 requirements for the proposed mixed-use project.

40 Consultant: Seth Rivard

41 Parcel Info: Mark Roper, Property Owner
42 11065 Middleway Pike and 600 Eagle Ave, Charles Town, WV

1 Parcel IDs: 02001100130000, 02001100130001, 02001100140000, and
2 02001100120001; Project Size: ~2.2 acres; Zoning District: Residential Growth

3 Mr. Seth Rivard, consultant, was present to address the board.

4 Mr. Carter provided an overview of his staff report to the Board stating the request was to establish a
5 storage unit, a private gym, a convenience store, and a professional office in this location. The
6 applicant was also requesting a reduction of setback and distance requirements and landscaping and
7 buffer requirements for these proposals.

8 Mr. Rivard gave a presentation regarding specifics of the project to the Board. When discussing the
9 long term impact Mr. Mark Roper has had on the surrounding area and what impacts will be affected
10 going forward, Mr. Rivard noted that Mr. Roper built homes in the neighborhood, took into account
11 parking for his property, was willing to not operate heavy machinery and limit himself to pickup
12 trucks and cargo vans, and was willing to establish a sidewalk along Eagle Avenue. Mr. McKinney
13 questioned whether or not the Conditional Use Permit could be possible without the Variances. Mr.
14 Rivard explained that due to zoning, setbacks, and age this project would require the proposed
15 Variances.

16 Mr. Quynn opened the public comment portion of the hearing. The following member of the public
17 provided testimony: Ms. Linda Ballard and Mr. Jeremiah Pullman..Mr. Wiegand tried directing
18 attention to Ms. Arthena Roper, a participant via ZOOM. The Board reminded Mr. Wiegand that
19 public comments are only available in person the day of the meeting. Ms. Roper sent her comment
20 via chat, allowing for Mr. Wiegand to read it out loud for other Board members to hear. Mr. Quynn
21 closed the public comment portion of the hearing.

22 Mr. Harris moved to approve the request (24-8-CUP, 24-40-ZV, & 24-41-ZV) with the condition
23 that the applicant is bound by their testimony. Mr. Quynn called for a vote, which carried
24 unanimously.

25 **Zoning Administrator Report**

26 Mr. Carter provided the Board with the following information:

27 1. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.

28 **Legal Update**

- 29 a. Discussion with possible deliberative session of the following pending lawsuits:
30 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar
31 Energy Facility / File 22-9-CUP) Rockwell v. JCBZA
32 2. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin,
33 Tiffany Martin and Earthworx General Contracting Services, LLC v. Jefferson
34 County Board of Zoning Appeals

35
36 Mr. Guier reminded Board members that he is stepping down from the Board of Zoning Appeals.

37 Mr. McKinney moved to adjourn the meeting at 4:17 pm. Mr. Quynn called for a vote, which carried
38 unanimously.